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PROCEEDINGS AND DEBATES OF THE 102d CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, September 29, 1992*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 29, 1992.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray for all Your blessings upon us, O God, and we pray that Your goodness and mercy will be with all Your people. As You have made us in Your image, we pray that You would show us the way to express that unity with others in our communities, in our Nation, and in our world. May our words and actions, our thoughts and deeds, demonstrate the bond and covenant between people that is Your gift to us, and may we be faithful to that heritage in word and deed. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Wyoming [Mr. THOMAS] please come forward and lead the House in the Pledge of Allegiance.

Mr. THOMAS of Wyoming led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO THE WORLD OF THE RICH

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, whenever a politician needs money for some pet project, he will say, "We'll just tax the rich."

That is what Mr. Clinton says he will do to raise $150 billion for his new programs.

But, just who are these rich people?

Mr. Clinton claims that they are the top 2 percent of all taxpayers—those making more than $200,000.

But, according to the Treasury Department, the top 2 percent includes individual taxpayers with taxable incomes over $64,800.

And, even that will not be enough.

To raise $150 billion, Mr. Clinton would have to raise taxes on all individuals with taxable incomes above $36,600.

So, if you are making $36,600, the good news is that you are now considered rich. The bad news is that Mr. Clinton wants more of your money.

UNDER THE BUSH ADMINISTRATION, WORKING AMERICANS GET THE SHAFT

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, since the beginning of the Reagan-Bush monarcy, hardworking coal miners are getting the shaft. Coal miners, after years of breathing coal dust in the mines, have found it almost impossible to get black lung benefits. In fact, there are only 5 percent who apply who are able to get it, and many of them are dying.

The promise also was that coal miners who retire would get health benefits. That is a promise that has been broken and will continue to be, unless we pass legislation here, but the Bush veto pen is ready to strike again if legislation reaches his desk. This is to protect the oil companies and the coal companies who own the coal.

What we need is a President of the United States who cares for America's working men and women. We need Bill Clinton.

CONGRESS CAN LIMIT SPENDING AND REDUCE THE DEFICIT NOW

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, as usual, I have spent 3 days in Wyoming in little towns like Hulett and Upton and Newcastle, and I found, as usual, that most voters are most concerned about the deficit. They think Congress is totally irresponsible in having a deficit of $330 billion, and really not making any progress to do anything about it; more concerned about jobs and the deficit than any other matter.

We need to do something about it, rather than complaining about what somebody else is doing, rather than rising every day to complain about the President or Clinton. We need to do it ourselves. We can do something about the deficit here in the Congress.

Not long ago we talked about a balanced-budget amendment and the leadership said, "We don't need that." Thirty years of evidence is that we do need it, and we can do something about it, starting today, with the kinds of things we are working on in appropriations. We need to limit spending so that we can balance the budget.

ELIMINATING THE DEFICIT AND CREATING NEW JOBS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. DERRICK. Mr. Speaker, when Bill Clinton is elected President in November, the new Commander in Chief's No. 1 priority will be to eliminate the deficit and to create new jobs. The Congress should work with President Clinton to achieve this goal.

For fiscal year 1992, the deficit will soar to $333.5 billion. The deficit has sapped the United States of its competitiveness. It has robbed our children and restricted their opportunities. The creation of jobs will fuel the economy to make Americans less dependent on Government spending.

The job of deficit reduction and economic expansion, however, will not be accomplished without leadership from the President and the Congress.

The American people will be making choices. Do we want to move ahead or to stand still?

Do we want the recession to continue or do we want an expanded economy and new jobs?

Mr. Speaker, the Bush administration has stifled our economic growth and it has handcuffed job creation.

The Clinton administration will not make the same mistake.

URGING MEMBERS TO SHARE IN CELEBRATION HONORING AMERICA'S OLYMPIANS

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, just last month we were glued to our TV to watch our Olympic athletes in action. The summer games in Barcelona and the winter games in Albertville were teriffic. To celebrate the U.S. excellent performance, the Olympic Committee is holding its second annual Olympic dinner tomorrow night at the Washington Hilton Hotel. Members of this House and the Senate have been invited as honored guests. This is an important evening for our athletes. I know they would appreciate it if the Members could take a few minutes, come to the dinner, and help them celebrate their achievements.

I know the schedule is busy and there is much to be done. We are all anxious to finish up business and head home, but I would encourage everyone to take a part of tomorrow evening to attend the dinner, let our athletes know how much we appreciate their hard work and dedication. They made America proud.

THE ADMINISTRATION ROADBLOCKS ANTICRIME BILLS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, every poll in America shows that the American people are fed up with the gridlock between the President and Congress, but the President just does not get it. There he went again yesterday on the crime issue. It was as if he had not been in Washington for the last few years.

There is a tough crime bill on the floor of the Senate, a bill that would go a long way to reducing the crime that Americans throughout America fear. The President ignores it.

On autojacking, the President again does not even pay attention to what is going on. We have a tough bill, a bill I wrote, that will hit the floor of the House this week. The bill is supported by all law enforcement, it is supported by the AAA, the Automobile Club of America, and by just about every group that has looked at it, consumer groups. It is opposed by the big three auto companies.

□ 1210

And where is the President on this issue? Nowhere. He goes to St. Louis and talks about a totally inane proposal that will not help us move the auto theft bill, a bill that the gentleman from Wisconsin, Mr. JIM SENSENBRENNER, and I are sponsoring.

Where is the President on my auto theft bill? He is behind the roadblock, that is where he is.

HEALTH FREEDOM ACT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, recently I introduced the Health Freedom Act, a companion piece of legislation to that of Senator HATCH in the Senate.

This legislation simply states that there are alternative health care styles that involve dietary supplements, herbs, vitamins.

Unfortunately, the FDA and the drug companies want to corner the market on knowledge and what is positive health care for the American people. Many Americans practice alternative health care, using dietary supplements, herbs, and vitamins, and unfortunately the drug companies and the FDA have taken after many of these new emerging industries that are new, that are clean, that have been proven effective, and that right now simply want the ability and chance to compete.

Mr. Speaker, there is no stronger grassroots movement for alternative health care, preventive, positive, than the Health Freedom Act, and I urge all my colleagues to take a look at this piece of legislation as we look at health care in the 1990's and national health care legislation.

PERMISSION FOR EACH SUBCOMMITTEE OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT DURING 5-MINUTE RULE ON WEDNESDAY, SEPTEMBER 30, 1992

Mr. THORNTON. Mr. Speaker, I ask unanimous consent that each subcommittee of the Committee on Government Operations be permitted to sit during proceedings under the 5-minute rule on Wednesday, September 30, 1992.

This request has been cleared with the minority.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO SIT DURING 5-MINUTE RULE ON THURSDAY, OCTOBER 1, 1992

Mr. THORNTON. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be permitted to sit during proceedings under the 5-minute rule on Thursday, October 1, 1992.

This request has also been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

CONFERENCE REPORT ON H.R. 3508, HEALTH PROFESSIONS EDUCATION EXTENSION AMENDMENTS OF 1992

Mr. RICHARDSON submitted the following conference report and statement on the bill (H.R. 3508) to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes:

CONFERENCE REPORT (H. REPT. 102–925)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3508) to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Professions Education Extension Amendments of 1992".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH PROFESSIONS EDUCATION

Sec. 101. Table of contents regarding revised title VII of Public Health Service Act.
Sec. 102. Revision of title VII of Public Health Service Act.
Sec. 103. Effective date.

TITLE II—NURSE EDUCATION

Sec. 201. Short title.
Sec. 202. Special project grants and contracts.
Sec. 203. Advanced nurse education.
Sec. 204. Nurse practitioner and nurse midwife programs.
Sec. 205. Special projects regarding disadvantaged individuals.
Sec. 206. Traineeships for advanced education of professional nurses.
Sec. 207. Nurse anesthetists.
Sec. 208. Student loans.
Sec. 209. Certain generally applicable provisions.
Sec. 210. Demonstration program regarding service in certain health care facilities.
Sec. 211. Transfer of loan repayment program.
Sec. 212. Advisory council on nurses education; review committee.
Sec. 213. Evaluations.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Advisory Council on Graduate Medical Education.
Sec. 302. Commission on allied health.
Sec. 303. Study regarding clinical laboratory technologists for medically underserved and rural communities.
Sec. 304. Residency training programs in emergency medicine.
Sec. 305. Certain clinical traineeships.
Sec. 306. Special consolidated loan program.
Sec. 307. National Advisory Council on Medical Licensure.
Sec. 308. Required assurances regarding bloodborne diseases.
Sec. 309. Study on effectiveness of health professions programs.
Sec. 310. Delayed applicability of certain provisions.
Sec. 311. Certain application procedures.
Sec. 312. Certain projects.

TITLE I—HEALTH PROFESSIONS EDUCATION

SEC. 101. TABLE OF CONTENTS REGARDING REVISED TITLE VII OF PUBLIC HEALTH SERVICE ACT.

A table describing the contents of title VII of the Public Health Service Act, as amended by section 102 of this Act, is as follows:

TITLE VII—HEALTH PROFESSIONS EDUCATION

PART A—STUDENT LOANS

SUBPART I—INSURED HEALTH EDUCATION ASSISTANCE LOANS TO GRADUATE STUDENTS

Sec. 701. Statement of purpose.
Sec. 702. Scope and duration of loan insurance program.
Sec. 703. Limitations on individual insured loans and on loan insurance.
Sec. 704. Sources of funds.
Sec. 705. Eligibility of borrowers and terms of insured loans.
Sec. 706. Certificate of loan insurance; effective date of insurance.
Sec. 707. Default of borrower.
Sec. 708. Risk-based premiums.
Sec. 709. Office for Health Education Assistance Loan Default Reduction.
Sec. 710. Insurance account.
Sec. 711. Powers and responsibilities of Secretary.
Sec. 712. Participation by Federal credit unions in Federal, state, and private student loan insurance programs.
Sec. 713. Determination of eligible students.
Sec. 714. Repayment by Secretary of loans of deceased or disabled borrowers.
Sec. 715. Additional requirements for institutions and lenders.
Sec. 719. Definitions.
Sec. 720. Authorization of appropriations.

SUBPART II—FEDERALLY SUPPORTED STUDENT LOAN FUNDS

Sec. 721. Agreements for operation of school loan funds.
Sec. 722. Loan provisions.
Sec. 723. Medical schools and primary health care.
Sec. 724. Individuals from disadvantaged backgrounds.
Sec. 725. Administrative provisions.
Sec. 726. Provision by schools of information to students.
Sec. 727. Procedures for appeal of termination of agreements.
Sec. 728. Distribution of assets from loan funds.
Sec. 735. Authorization of appropriations; certain other funding issues.

PART B—STUDENTS FROM DISADVANTAGED BACKGROUNDS

Sec. 736. Scholarships for students of exceptional financial need.
Sec. 737. Scholarships generally; certain other purposes.
Sec. 738. Loan repayments and fellowships regarding faculty positions.
Sec. 739. Centers of excellence.
Sec. 740. Educational assistance regarding undergraduates.

PART C—TRAINING IN PRIMARY HEALTH CARE

Sec. 746. Area health education center programs.
Sec. 747. Family medicine.
Sec. 748. General internal medicine and general pediatrics.
Sec. 749. General practice of dentistry.
Sec. 750. Physician assistants.
Sec. 751. Podiatric medicine.
Sec. 752. General provisions for certain programs.

PART D—TRAINING IN CERTAIN HEALTH PROFESSIONS

SUBPART I—PUBLIC HEALTH AND PREVENTIVE MEDICINE

Sec. 761. Public health traineeships.
Sec. 762. Public health special projects.
Sec. 763. Preventive medicine; dental public health.
Sec. 765. Authorization of appropriations.

SUBPART II—ALLIED HEALTH PROFESSIONS

Sec. 766. Traineeships.
Sec. 767. Project grants and contracts.

SUBPART III—HEALTH ADMINISTRATION

Sec. 771. Traineeships and special projects.

PART E—SPECIAL TRAINING PROJECTS

Sec. 776. Acquired immune deficiency syndrome.
Sec. 777. Geriatrics.
Sec. 778. Rural areas.

PART F—MISCELLANEOUS PROGRAMS

Sec. 781. Research on certain health professions issues.
Sec. 782. Chiropractic demonstration projects.

PART G—GENERAL PROVISIONS

Sec. 791. Preferences and required information in certain programs.
Sec. 792. Health professions data.
Sec. 793. Statistics; annual report.
Sec. 794. Prohibition against discrimination on basis of sex.
Sec. 795. Obligated service regarding certain programs.
Sec. 798. Certain general provisions.
Sec. 799. Definitions.

SEC. 102. REVISION OF TITLE VII OF PUBLIC HEALTH SERVICE ACT.

Title VII of the Public Health Service Act (42 U.S.C. 292a et seq.) is amended to read as follows:

"TITLE VII—HEALTH PROFESSIONS EDUCATION

"PART A—STUDENT LOANS

"Subpart I—Insured Health Education Assistance Loans to Graduate Students

"SEC. 701. STATEMENT OF PURPOSE.

"The purpose of this subpart is to enable the Secretary to provide a Federal program of student loan insurance for students in (and certain former students of) eligible institutions (as defined in section 719).

"SEC. 702. SCOPE AND DURATION OF LOAN INSURANCE PROGRAM.

"(a) IN GENERAL.—The total principal amount of new loans made and installments paid pursuant to lines of credit (as defined in section 719) to borrowers covered by Federal loan insurance under this subpart shall not exceed $350,000,000 for fiscal year 1993, $375,000,000 for fiscal year 1994, and $425,000,000 for fiscal year 1995. If the total amount of new loans made and installments paid pursuant to lines of credit in any fiscal year is less than the ceiling established for such year, the difference between the loans made and installments paid and the ceiling shall be carried over to the next fiscal year and added to the ceiling applicable to that fiscal year, and if in any fiscal year no ceiling has been established, any difference carried over shall constitute the ceiling for making new loans (including loans to new borrowers) and paying installments for such fiscal year. Thereafter, Federal loan insurance pursuant to this subpart may be granted only for loans made (or for loan installments paid pursuant to lines of credit) to enable students, who have obtained prior loans insured under this subpart, to continue or complete their educational program or to obtain a loan under section 705(a)(1)(B) to pay interest on such prior loans; but no insurance may be granted for any loan made or installment paid after September 30, 1998. The total principal amount of Federal loan insurance available under this subsection shall be granted by the Secretary without regard to any apportionment for the purpose of chapter 15 of title 31, United States Code, and without regard to any similar limitation.

"(b) CERTAIN LIMITATIONS AND PRIORITIES.—

"(1) LIMITATIONS REGARDING LENDERS, STATES, OR AREAS.—The Secretary may, if necessary to assure an equitable distribution of the benefits of this subpart, assign, within the maximum amounts specified in subsection (a), Federal loan insurance quotas applicable to eligible lenders, or to States or areas, and may from time to time reassign unused portions of these quotas.

"(2) PRIORITY FOR CERTAIN LENDERS.—In providing certificates of insurance under section 706 through comprehensive contracts, the Secretary shall give priority to eligible lenders that agree—

"(A) to make loans to students at interest rates below the rates prevailing, during the period involved, for loans covered by Federal loan insurance pursuant to this subpart; or

"(B) to make such loans under terms that are otherwise favorable to the student relative to the terms under which eligible lenders are generally making such loans during such period.

"(c) AUTHORITY OF STUDENT LOAN MARKETING ASSOCIATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the Student Loan Marketing Association, established under part B of title IV of the Higher Education Act of 1965, is authorized to make advances on the security of, purchase, service, sell, consolidate, or otherwise deal in loans which are insured by the Secretary under this subpart, except that if any loan made under this subpart is included in a consolidated loan pursuant to the authority of the Association under part B of title IV of the Higher Education Act of 1965, the interest rate on such consolidated loan shall be *set at the weighted average interest rate of all such loans offered for consolidation and the resultant per centum shall be rounded downward to the nearest one-eighth of 1 per centum, except that the interest rate shall be no less than the applicable interest rate of the guaranteed student loan program established under part B of title IV of the Higher Education Act of 1965. In the case of such a consolidated loan, the borrower shall be responsible for any interest which accrues prior to the beginning of the repayment period of the loan, or which accrues during a period in which principal need not be paid (whether or not such principal is in fact paid) by reason of any provision of the Higher Education Act of 1965.*

"(2) APPLICABILITY OF CERTAIN FEDERAL REGULATIONS.—With respect to Federal regulations for lenders, this subpart may not be construed to preclude the applicability of such regulations to the Student Loan Marketing Association or to any other entity in the business of purchasing student loans, including such regulations with respect to applications, contracts, and due diligence.

"SEC. 703. LIMITATIONS ON INDIVIDUAL INSURED LOANS AND ON LOAN INSURANCE.

"(a) IN GENERAL.—The total of the loans made to a student in any academic year or its equivalent (as determined by the Secretary) which may be covered by Federal loan insurance under this subpart may not exceed $20,000 in the case of a student enrolled in a school of medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, or podiatric medicine, and $12,500 in the case of a student enrolled in a school of pharmacy, public health, allied health, or chiropractic, or a graduate program in health administration or clinical psychology. The aggregate insured unpaid principal amount for all such insured loans made to any borrower shall not at any time exceed $80,000 in the case of a borrower who is or was a student enrolled in a school of medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, or podiatric medicine, and $50,000 in the case of a borrower who is or was a student enrolled in a school of pharmacy, public health, allied health, or chiropractic, or a graduate program in health administration or clinical psychology. The annual insurable limit per student shall not be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any year in excess of the annual limit.

"(b) EXTENT OF INSURANCE LIABILITY.—The insurance liability on any loan insured by the Secretary under this subpart shall be 100 percent of the unpaid balance of the principal amount of the loan plus interest. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under the provisions of section 707 or 714.

"SEC. 704. SOURCES OF FUNDS.

"Loans made by eligible lenders in accordance with this subpart shall be insurable by the Secretary whether made from funds fully owned by the lender or from funds held by the lender in a trust or similar capacity and available for such loans.

"SEC. 705. ELIGIBILITY OF BORROWERS AND TERMS OF INSURED LOANS.

"(a) IN GENERAL.—A loan by an eligible lender shall be insurable by the Secretary under the provisions of this subpart only if—

"(1) made to—

"(A) a student who—

"(i)(I) has been accepted for enrollment at an eligible institution, or (II) in the case of a student attending an eligible institution, is in good standing at that institution, as determined by the institution;

"(ii) is or will be a full-time student at the eligible institution;

"(iii) has agreed that all funds received under such loan shall be used solely for tuition, other reasonable educational expenses, including fees, books, and laboratory expenses, and reasonable living expenses, incurred by such students;

"(iv) if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section; and

"(v) in the case of a pharmacy student, has satisfactorily completed three years of training; or

"(B) an individual who—

"(i) has previously had a loan insured under this subpart when the individual was a full-time student at an eligible institution;

"(ii) is in a period during which, pursuant to paragraph (2), the principal amount of such previous loan need not be paid;

"(iii) has agreed that all funds received under the proposed loan shall be used solely for repayment of interest due on previous loans made under this subpart; and

"(iv) if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section;

"(2) evidenced by a note or other written agreement which—

"(A) is made without security and without endorsement, except that if the borrower is a minor and such note or other written agreement executed by him would not, under the applicable law, create a binding obligation, an endorsement may be required;

"(B) provides for repayment of the principal amount of the loan in installments over a period of not less than 10 years (unless sooner repaid) nor more than 25 years beginning not earlier than 9 months nor later than 12 months after the date of—

"(i) the date on which—

"(I) the borrower ceases to be a participant in an accredited internship or residency program of not more than four years in duration;

"(II) the borrower completes the fourth year of an accredited internship or residency program of more than four years in duration; or

"(III) the borrower, if not a participant in a program described in subclause (I) or (II), ceases to carry, at an eligible institution, the normal full-time academic workload as determined by the institution; or

"(ii) the date on which a borrower who is a graduate of an eligible institution ceases to be a participant in a fellowship training program not in excess of two years or a participant in a full-time educational activity not in excess of two years, which—

"(I) is directly related to the health profession for which the borrower prepared at an eligible institution, as determined by the Secretary; and

"(II) may be engaged in by the borrower during such a two-year period which begins within twelve months after the completion of the borrower's participation in a program described in subclause (I) or (II) of clause (i) or prior to the completion of the borrower's participation in such program,

except as provided in subparagraph (C), except that the period of the loan may not exceed 33 years from the date of execution of the note or written agreement evidencing it, and except that the note or other written instrument may contain such provisions relating to repayment in the event of default in the payment of interest or in the payment of the costs of insurance premiums, or other default by the borrower, as may be authorized by regulations of the Secretary in effect at the time the loan is made;

"(C) provides that periodic installments of principal and interest need not be paid, but interest shall accrue, during any period (i) during which the borrower is pursuing a full-time course of study at an eligible institution (or at an institution defined by section 481(a) of the Higher Education Act of 1965); (ii) not in excess of four years during which the borrower is a participant in an accredited internship or residency program, (including any period in such a program described in subclause (I) or subclause (II) of subparagraph (B)(i)); (iii) not in excess of three years, during which the borrower is a member of the Armed Forces of the United States; (iv) not in excess of three years during which the borrower is in service as a volunteer under the Peace Corps Act; (v) not in excess of three years during which the borrower is a member of the National Health Service Corps; (vi) not in excess of three years during which the borrower is in service as a full-time volunteer under title I of the Domestic Volunteer Service Act of 1973; (vii) not in excess of 3 years, for a borrower who has completed an accredited internship or residency training program in osteopathic general practice, family medicine, general internal medicine, preventive medicine, or general pediatrics and who is practicing primary care; (viii) not in excess of 1 year, for borrowers who are graduates of schools of chiropractic; (ix) any period not in excess of two years which is described in subparagraph (B)(ii); and (x) in addition to all other deferments for which the borrower is eligible under clauses (i) through (ix), any period during which the borrower is a member of the Armed Forces on active duty during the Persian Gulf conflict, and any period described in clauses (i) through (x) shall not be included in determining the 25-year period described in subparagraph (B);

"(D) provides for interest on the unpaid principal balance of the loan at a yearly rate, not exceeding the applicable maximum rate prescribed and defined by the Secretary (within the limits set forth in subsection (b)) on a national, regional, or other appropriate basis, which interest shall be compounded not more frequently than annually and payable in installments over the period of the loan except as provided in subparagraph (C), except that the note or other written agreement may provide that payment of any interest may be deferred until not later than the date upon which repayment of the first installment of principal falls due or the date repayment of principal is required to resume (whichever is applicable) and may further provide that, on such date, the amount of the interest which has so accrued may be added to the principal for the purposes of calculating a repayment schedule;

"(E) offers, in accordance with criteria prescribed by regulation by the Secretary, a schedule for repayment of principal and interest under which payment of a portion of the principal and interest otherwise payable at the beginning of the repayment period (as defined in such regulations) is deferred until a later time in the period;

"(F) entitles the borrower to accelerate without penalty repayment of the whole or any part of the loan;

"(G) provides that the check for the proceeds of the loan shall be made payable jointly to the borrower and the eligible institution in which the borrower is enrolled;

"(H) notwithstanding the provisions of the Fair Debt Collection Practices Act, authorizes an institution or postgraduate training program attended by the borrower to assist in the collection of any loan that becomes delinquent, including providing information concerning the borrower to the Secretary and to past and present lenders and holders of the borrower's loans; and

"(I) contains such other terms and conditions consistent with the provisions of this subpart

and with the regulations issued by the Secretary pursuant to this subpart, as may be agreed upon by the parties to such loan, including, if agreed upon, a provision requiring the borrower to pay to the lender, in addition to principal and interest, amounts equal to the insurance premiums payable by the lender to the Secretary with respect to such loan; and

"(3) subject to the consent of the student and subject to applicable law, the eligible lender has obtained from the student appropriate demographic information regarding the student, including racial or ethnic background.

"(b) LIMITATION ON RATE OF INTEREST.—The rate of interest prescribed and defined by the Secretary for the purpose of subsection (a)(2)(D) may not exceed the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the previous quarter plus 3 percentage points, rounded to the next higher one-eighth of 1 percent.

"(c) MINIMUM ANNUAL PAYMENT BY BORROWER.—The total of the payments by a borrower during any year or any repayment period with respect to the aggregate amount of all loans to that borrower which are insured under this subpart shall not be less than the annual interest on the outstanding principal, except as provided in subsection (a)(2)(C), unless the borrower, in the written agreement described in subsection (a)(2), agrees to make payments during any year or any repayment period in a lesser amount.

"(d) APPLICABILITY OF CERTAIN LAWS ON RATE OR AMOUNT OF INTEREST.—No provision of any law of the United States (other than subsections (a)(2)(D) and (b)) or of any State that limits the rate or amount of interest payable on loans shall apply to a loan insured under this subpart.

"(e) DETERMINATION REGARDING FORBEARANCE.—Any period of time granted to a borrower under this subpart in the form of forbearance on the loan shall not be included in the 25-year total loan repayment period under subsection (a)(2)(C).

"(f) LOAN REPAYMENT SCHEDULE.—Lenders and holders under this subpart shall offer borrowers graduated loan repayment schedules that, during the first 5 years of loan repayment, are based on the borrower's debt-to-income ratio.

"(g) RULE OF CONSTRUCTION REGARDING DETERMINATION OF NEED OF STUDENTS.—With respect to any determination of the financial need of a student for a loan covered by Federal loan insurance under this subpart, this subpart may not be construed to limit the authority of any school to make such allowances for students with special circumstances as the school determines appropriate.

"(h) DEFINITIONS.—For purposes of this section:

"(1) The term 'active duty' has the meaning given such term in section 101(18) of title 37, United States Code, except that such term does not include active duty for training.

"(2) The term 'Persian Gulf conflict' means the period beginning on August 2, 1990, and ending on the date thereafter prescribed by Presidential proclamation or by law.

"SEC. 706. CERTIFICATE OF LOAN INSURANCE; EFFECTIVE DATE OF INSURANCE.

"(a) IN GENERAL.—

"(1) AUTHORITY FOR ISSUANCE OF CERTIFICATE.—If, upon application by an eligible lender, made upon such form, containing such information, and supported by such evidence as the Secretary may require, and otherwise in conformity with this section, the Secretary finds that the applicant has made a loan to an eligible borrower which is insurable under the provisions of this subpart, he may issue to the applicant a certificate of insurance covering the loan and setting forth the amount and terms of the insurance.

"(2) EFFECTIVE DATE OF INSURANCE.—Insurance evidenced by a certificate of insurance pursuant to subsection (a)(1) shall become effective upon the date of issuance of the certificate, except that the Secretary is authorized, in accordance with regulations, to issue commitments with respect to proposed loans, or with respect to lines (or proposed lines) of credit, submitted by eligible lenders, and in that event, upon compliance with subsection (a)(1) by the lender, the certificate of insurance may be issued effective as of the date when any loan, or any payment by the lender pursuant to a line of credit, to be covered by such insurance is made to a student described in section 705(a)(1). Such insurance shall cease to be effective upon 60 days' default by the lender in the payment of any installment of the premiums payable pursuant to section 708.

"(3) CERTAIN AGREEMENTS FOR LENDERS.—An application submitted pursuant to subsection (a)(1) shall contain—

"(A) an agreement by the applicant to pay, in accordance with regulations, the premiums fixed by the Secretary pursuant to section 708; and

"(B) an agreement by the applicant that if the loan is covered by insurance the applicant will submit such supplementary reports and statements during the effective period of the loan agreement, upon such forms, at such times, and containing such information as the Secretary may prescribe by or pursuant to regulation.

"(b) AUTHORITY REGARDING COMPREHENSIVE INSURANCE COVERAGE.—

"(1) IN GENERAL.—In lieu of requiring a separate insurance application and issuing a separate certificate of insurance for each loan made by an eligible lender as provided in subsection (a), the Secretary may, in accordance with regulations consistent with section 702, issue to any eligible lender applying therefor a certificate of comprehensive insurance coverage which shall, without further action by the Secretary, insure all insurable loans made by that lender, on or after the date of the certificate and before a specified cutoff date, within the limits of an aggregate maximum amount stated in the certificate. Such regulations may provide for conditioning such insurance, with respect to any loan, upon compliance by the lender with such requirements (to be stated or incorporated by reference in the certificate) as in the Secretary's judgment will best achieve the purpose of this subsection while protecting the financial interest of the United States and promoting the objectives of this subpart, including (but not limited to) provisions as to the reporting of such loans and information relevant thereto to the Secretary and as to the payment of initial and other premiums and the effect of default therein, and including provision for confirmation by the Secretary from time to time (through endorsement of the certificate) of the coverage of specific new loans by such certificate, which confirmation shall be incontestable by the Secretary in the absence of fraud or misrepresentation of fact or patent error.

"(2) LINES OF CREDIT BEYOND CUTOFF DATE.—If the holder of a certificate of comprehensive insurance coverage issued under this subsection grants to a borrower a line of credit extending beyond the cutoff date specified in that certificate, loans or payments thereon made by the holder after that date pursuant to the line of credit shall not be deemed to be included in the coverage of that certificate except as may be specifically provided therein; but, subject to the limitations of section 702, the Secretary may, in accordance with regulations, make commitments to insure such future loans or payments, and such commitments may be honored either as provided in subsection (a) or by inclusion of such insurance in comprehensive coverage under this subsection for the period or periods in which such future loans or payments are made.

"(c) ASSIGNMENT OF INSURANCE RIGHTS.—The rights of an eligible lender arising under insurance evidenced by a certificate of insurance issued to it under this section may be assigned by such lender, subject to regulation by the Secretary, only to—

"(1) another eligible lender (including a public entity in the business of purchasing student loans); or

"(2) the Student Loan Marketing Association.

"(d) EFFECT OF CONSOLIDATION OF OBLIGATIONS.—The consolidation of the obligations of two or more federally insured loans obtained by a borrower in any fiscal year into a single obligation evidenced by a single instrument of indebtedness shall not affect the insurance by the United States. If the loans thus consolidated are covered by separate certificates of insurance issued under subsection (a), the Secretary may upon surrender of the original certificates issue a new certificate of insurance in accordance with that subsection upon the consolidated obligation. If the loans thus consolidated are covered by a single comprehensive certificate issued under subsection (b), the Secretary may amend that certificate accordingly.

"(e) RULE OF CONSTRUCTION REGARDING CONSOLIDATION OF DEBTS.—Nothing in this section shall be construed to preclude the lender and the borrower, by mutual agreement, from consolidating all of the borrower's debts into a single instrument under the terms applicable to an insured loan made at the same time as the consolidation. The lender or loan holder should provide full information to the borrower concerning the advantages and disadvantages of loan consolidation. Nothing in this section shall be construed to preclude the consolidation of the borrower's loans insured under this subpart under section 428C of the Higher Education Act of 1965. Any loans insured pursuant to this subpart that are consolidated under section 428C of such Act shall not be eligible for special allowance payments under section 438 of such Act.

"SEC. 707. DEFAULT OF BORROWER.

"(a) CONDITIONS FOR PAYMENT TO BENEFICIARY.—Upon default by the borrower on any loan covered by Federal loan insurance pursuant to this subpart, and after a substantial collection effort (including, subject to subsection (h), commencement and prosecution of an action) as determined under regulations of the Secretary, the insurance beneficiary shall promptly notify the Secretary and the Secretary shall, if requested (at that time or after further collection efforts) by the beneficiary, or may on his own motion, if the insurance is still in effect, pay to the beneficiary the amount of the loss sustained by the insured upon that loan as soon as that amount has been determined. Not later than one year after the date of the enactment of the Health Professions Education Extension Amendments of 1992, the Secretary shall establish performance standards for lenders and holders of loans under this subpart, including fees to be imposed for failing to meet such standards.

"(b) SUBROGATION.—Upon payment by the Secretary of the amount of the loss pursuant to subsection (a), the United States shall be subrogated for all of the rights of the holder of the obligation upon the insured loan and shall be entitled to an assignment of the note or other evidence of the insured loan by the insurance beneficiary. If the net recovery made by the Secretary on a loan after deduction of the cost of that recovery (including reasonable administrative costs) exceeds the amount of the loss, the excess shall be paid over to the insured. The Secretary may sell without recourse to eligible lenders (or other entities that the Secretary de-

termines are capable of dealing in such loans) notes or other evidence of loans received through assignment under the first sentence.

"(c) FORBEARANCE.—Nothing in this section or in this subpart shall be construed to preclude any forbearance for the benefit of the borrower which may be agreed upon by the parties to the insured loan and approved by the Secretary or to preclude forbearance by the Secretary in the enforcement of the insured obligation after payment on that insurance.

"(d) REASONABLE CARE AND DILIGENCE REGARDING LOANS.—Nothing in this section or in this subpart shall be construed to excuse the eligible lender or holder of a federally insured loan from exercising reasonable care and diligence in the making of loans under the provisions of this subpart and from exercising a substantial effort in the collection of loans under the provisions of this subpart. If the Secretary, after reasonable notice and opportunity for hearing to an eligible lender, finds that the lender has failed to exercise such care and diligence, to exercise such substantial efforts, to make the reports and statements required under section 706(a)(3), or to pay the required Federal loan insurance premiums, he shall disqualify that lender from obtaining further Federal insurance on loans granted pursuant to this subpart until he is satisfied that its failure has ceased and finds that there is reasonable assurance that the lender will in the future exercise necessary care and diligence, exercise substantial effort, or comply with such requirements, as the case may be.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'insurance beneficiary' means the insured or its authorized assignee in accordance with section 706(c).

"(2) The term 'amount of the loss' means, with respect to a loan, unpaid balance of the principal amount and interest on such loan, less the amount of any judgment collected pursuant to default proceedings commenced by the eligible lender or holder involved.

"(3) The term 'default' includes only such defaults as have existed for 120 days.

"(f) REDUCTIONS IN FEDERAL REIMBURSEMENTS OR PAYMENTS FOR DEFAULTING BORROWERS.—The Secretary shall, after notice and opportunity for a hearing, cause to be reduced Federal reimbursements or payments for health services under any Federal law to borrowers who are practicing their professions and have defaulted on their loans insured under this subpart in amounts up to the remaining balance of such loans. Procedures for reduction of payments under the medicare program are provided under section 1892 of the Social Security Act. Notwithstanding such section 1892, any funds recovered under this subsection shall be deposited in the insurance fund established under section 710.

"(g) CONDITIONS FOR DISCHARGE OF DEBT IN BANKRUPTCY.—A debt which is a loan insured under the authority of this subpart may be released by a discharge in bankruptcy under any chapter of title 11, United States Code, only if such discharge is granted—

"(1) after the expiration of the five-year period beginning on the first date, as specified in subparagraphs (B) and (C) of section 705(a)(2), when repayment of such loan is required;

"(2) upon a finding by the Bankruptcy Court that the nondischarge of such debt would be unconscionable; and

"(3) upon the condition that the Secretary shall not have waived the Secretary's rights to apply subsection (f) to the borrower and the discharged debt.

"(h) REQUIREMENT REGARDING ACTIONS FOR DEFAULT.—

"(1) IN GENERAL.—With respect to the default by a borrower on any loan covered by Federal loan insurance under this subpart, the Secretary shall, under subsection (a), require an eligible lender or holder to commence and prosecute an action for such default unless—

"(A) in the determination of the Secretary—

"(i) the eligible lender or holder has made reasonable efforts to serve process on the borrower involved and has been unsuccessful with respect to such efforts, or

"(ii) prosecution of such an action would be fruitless because of the financial or other circumstances of the borrower;

"(B) for such loans made before the date of the enactment of the Health Professions Reauthorization Act of 1988, the loan involved was made in an amount of less than $5,000; or

"(C) for such loans made after such date, the loan involved was made in an amount of less than $2,500.

"(2) RELATIONSHIP TO CLAIM FOR PAYMENT.—With respect to an eligible lender or holder that has commenced an action pursuant to subsection (a), the Secretary shall make the payment required in such subsection, or deny the claim for such payment, not later than 60 days after the date on which the Secretary determines that the lender or holder has made reasonable efforts to secure a judgment and collect on the judgment entered into pursuant to this subsection.

"(3) STATE COURT JUDGMENTS.—With respect to any State court judgment that is obtained by a lender or holder against a borrower for default on a loan insured under this subpart and that is subrogated to the United States under subsection (b), any United States attorney may register such judgment with the Federal courts for enforcement.

"(i) INAPPLICABILITY OF FEDERAL AND STATE STATUTE OF LIMITATIONS ON ACTIONS FOR LOAN COLLECTION.—Notwithstanding any other provision of Federal or State law, there shall be no limitation on the period within which suit may be filed, a judgment may be enforced, or an offset, garnishment, or other action may be initiated or taken by the Secretary, the Attorney General, or other administrative head of another Federal agency, as the case may be, for the repayment of the amount due from a borrower on a loan made under this subpart that has been assigned to the Secretary under subsection (b).

"SEC. 708. RISK-BASED PREMIUMS.

"(a) AUTHORITY.—With respect to a loan made under this subpart on or after January 1, 1993, the Secretary, in accordance with subsection (b), shall assess a risk-based premium on an eligible borrower and, if required under this section, an eligible institution that is based on the default rate of the eligible institution involved (as defined in section 719).

"(b) ASSESSMENT OF PREMIUM.—Except as provided in subsection (d)(2), the risk-based premium to be assessed under subsection (a) shall be as follows:

"(1) LOW-RISK RATE.—With respect to an eligible borrower seeking to obtain a loan for attendance at an eligible institution that has a default rate of not to exceed five percent, such borrower shall be assessed a risk-based premium in an amount equal to 6 percent of the principal amount of the loan.

"(2) MEDIUM-RISK RATE.—

"(A) IN GENERAL.—With respect to an eligible borrower seeking to obtain a loan for attendance at an eligible institution that has a default rate of in excess of five percent but not to exceed 10 percent—

"(i) such borrower shall be assessed a risk-based premium in an amount equal to 8 percent of the principal amount of the loan; and

"(ii) such institution shall be assessed a risk-based premium in an amount equal to 5 percent of the principal amount of the loan.

"(B) DEFAULT MANAGEMENT PLAN.—An institution of the type described in subparagraph (A) shall prepare and submit to the Secretary for approval, an annual default management plan, that shall specify the detailed short-term and long-term procedures that such institution will have in place to minimize defaults on loans to borrowers under this subpart. Under such plan the institution shall, among other measures, provide an exit interview to all borrowers that includes information concerning repayment schedules, loan deferments, forbearance, and the consequences of default.

"(3) HIGH-RISK RATE.—

"(A) IN GENERAL.—With respect to an eligible borrower seeking to obtain a loan for attendance at an eligible institution that has a default rate of in excess of 10 percent but not to exceed 20 percent—

"(i) such borrower shall be assessed a risk-based premium in an amount equal to 8 percent of the principal amount of the loan; and

"(ii) such institution shall be assessed a risk-based premium in an amount equal to 10 percent of the principal amount of the loan.

"(B) DEFAULT MANAGEMENT PLAN.—An institution of the type described in subparagraph (A) shall prepare and submit to the Secretary for approval a plan that meets the requirements of paragraph (2)(B).

"(4) INELIGIBILITY.—An individual shall not be eligible to obtain a loan under this subpart for attendance at an institution that has a default rate in excess of 20 percent.

"(c) REDUCTION OF RISK-BASED PREMIUM.—Lenders shall reduce by 50 percent the risk-based premium to eligible borrowers if a credit worthy parent or other responsible party co-signs the loan note.

"(d) ADMINISTRATIVE WAIVERS.—

"(1) HEARING.—The Secretary shall afford an institution not less than one hearing, and may consider mitigating circumstances, prior to making such institution ineligible for participation in the program under this subpart.

"(2) EXCEPTIONS.—In carrying out this section with respect to an institution, the Secretary may grant an institution a waiver of requirements of paragraphs (2) through (4) of subsection (b) if the Secretary determines that the default rate for such institution is not an accurate indicator because the volume of the loans under this subpart made by such institution has been insufficient.

"(3) TRANSITION FOR CERTAIN INSTITUTIONS.—During the 3-year period beginning on the effective date of the Health Professions Education Extension Amendments of 1992—

"(A) subsection (b)(4) shall not apply with respect to any eligible institution that is a Historically Black College or University; and

"(B) any such institution that has a default rate in excess of 20 percent, and any eligible borrower seeking a loan for attendance at the institution, shall be subject to subsection (b)(3) to the same extent and in the same manner as eligible institutions and borrowers described in such subsection.

"(e) PAYOFF TO REDUCE RISK CATEGORY.—An institution may pay off the outstanding principal and interest owed by the borrowers of such institution who have defaulted on loans made under this subpart in order to reduce the risk category of the institution.

"SEC. 709. OFFICE FOR HEALTH EDUCATION ASSISTANCE LOAN DEFAULT REDUCTION.

"(a) ESTABLISHMENT.—The Secretary shall establish, within the Division of Student Assistance of the Bureau of Health Professions, an office to be known as the Office for Health Education Assistance Loan Default Reduction (in this section referred to as the 'Office').

"(b) PURPOSE AND FUNCTIONS.—It shall be the purpose of the Office to achieve a reduction in

the number and amounts of defaults on loans guaranteed under this subpart. In carrying out such purpose the Office shall—

“(1) conduct analytical and evaluative studies concerning loans and loan defaults;

“(2) carry out activities designed to reduce loan defaults;

“(3) respond to special circumstances that may exist in the financial lending environment that may lead to loan defaults;

“(4) coordinate with other Federal entities that are involved with student loan programs, including—

“(A) with respect to the Department of Education, in the development of a single student loan application form, a single student loan deferment form, a single disability form, and a central student loan database; and

“(B) with respect to the Department of Justice, in the recovery of payments from health professionals who have defaulted on loans guaranteed under this subpart;

“(5) provide technical assistance to borrowers, lenders, holders, and institutions concerning deferments and collection activities; and

“(6) prepare and submit a report not later than March 31, 1993, and annually, thereafter, to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives concerning—

“(A) the default rates for each—

“(i) institution described in section 719(1) that is participating in the loan programs under this subpart;

“(ii) lender participating in the loan program under this subpart; and

“(iii) loan holder under this subpart;

“(B) the total amounts recovered pursuant to section 707(b) during the preceding fiscal year; and

“(C) a plan for improving the extent of such recoveries during the current fiscal year.

“(c) Additional Duties.—In conjunction with the report submitted under subsection (b), the Office shall—

“(1) compile, and publish in the Federal Register, a list of the borrowers who are in default under this subpart; and

“(2) send the report and notices of default with respect to these borrowers to relevant Federal agencies and to schools, school associations, professional and specialty associations, State licensing boards, hospitals with which such borrowers may be associated, and any other relevant organizations.

“(d) Allocation of Funds for Office.—In the case of amounts reserved under section 710(a)(2)(B) for obligation under this subsection, the Secretary may obligate the amounts for the purpose of administering the Office, including 7 full-time equivalent employment positions for such Office. With respect to such purpose, amounts made available under the preceding sentence are in addition to amounts made available to the Health Resources and Services Administration for program management for the fiscal year involved. With respect to such employment positions, the positions are in addition to the number of full-time equivalent employment positions that otherwise is authorized for the Department of Health and Human Services for the fiscal year involved.

“SEC. 710. INSURANCE ACCOUNT.

“(a) In General.—

“(1) Establishment.—There is hereby established a student loan insurance account (in this section referred to as the ‘Account’) which shall be available without fiscal year limitation to the Secretary for making payments in connection with the collection and default of loans insured under this subpart by the Secretary.

“(2) Funding.—

“(A) Except as provided in subparagraph (B), all amounts received by the Secretary as premium charges for insurance and as receipts, earnings, or proceeds derived from any claim or other assets acquired by the Secretary in connection with his operations under this subpart, and any other moneys, property, or assets derived by the Secretary from the operations of the Secretary in connection with this section, shall be deposited in the Account.

“(B) With respect to amounts described in subparagraph (A) that are received by the Secretary for any of the fiscal years 1993 through 1996, the Secretary may, before depositing such amounts in the Account, reserve from the amounts each such fiscal year not more than $1,000,000 for obligation under section 709(d).

“(3) Expenditures.—All payments in connection with the default of loans insured by the Secretary under this subpart shall be paid from the Account.

“(b) Contingent Authority for Issuance of Notes or Other Obligations.—If at any time the moneys in the Account are insufficient to make payments in connection with the collection or default of any loan insured by the Secretary under this subpart, the Secretary of the Treasury may lend the Account such amounts as may be necessary to make the payments involved, subject to the Federal Credit Reform Act of 1990.

“SEC. 711. POWERS AND RESPONSIBILITIES OF SECRETARY.

“(a) In General.—In the performance of, and with respect to, the functions, powers, and duties vested in the Secretary by this subpart, the Secretary is authorized as follows:

“(1) To prescribe such regulations as may be necessary to carry out the purposes of this subpart.

“(2) To sue and be sued in any district court of the United States. Such district courts shall have jurisdiction of civil actions arising under this subpart without regard to the amount in controversy, and any action instituted under this subsection by or against the Secretary shall survive notwithstanding any change in the person occupying the office of Secretary or any vacancy in that office. No attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Secretary or property under the control of the Secretary. Nothing herein shall be constructed to except litigation arising out of activities under this subpart from the application of sections 517 and 547 of title 28 of the United States Code.

“(3) To include in any contract for Federal loan insurance such terms, conditions, and covenants relating to repayment of principal and payments of interest, relating to his obligations and rights and to those of eligible lenders, and borrowers in case of default, and relating to such other matters as the Secretary determines to be necessary to assure that the purposes of this subpart will be achieved. Any term, condition, and covenant made pursuant to this paragraph or any other provisions of this subpart may be modified by the Secretary if the Secretary determines that modification is necessary to protect the financial interest of the United States.

“(4) Subject to the specific limitations in the subpart, to consent to the modification of any note or other instrument evidencing a loan which has been insured by him under this subpart (including modifications with respect to the rate of interest, time of payment of any installment of principal and interest or any portion thereof, or any other provision).

“(5) To enforce, pay, compromise, waive, or release any right, title, claim, lien, or demand, however acquired, including any equity or any right or redemption.

“(b) Annual Budget; Accounts.—The Secretary shall, with respect to the financial operations arising by reason of this subpart—

“(1) prepare annually and submit a budget program as provided for wholly owned Government corporations by the Government Corporation Control Act; and

“(2) maintain with respect to insurance under this subpart an integral set of accounts.

“SEC. 712. PARTICIPATION BY FEDERAL CREDIT UNIONS IN FEDERAL, STATE, AND PRIVATE STUDENT LOAN INSURANCE PROGRAMS.

“Notwithstanding any other provision of law, Federal credit unions shall, pursuant to regulations of the Administrator of the National Credit Union Administration, have power to make insured loans to eligible students in accordance with the provisions of this subpart relating to Federal insured loans.

“SEC. 713. DETERMINATION OF ELIGIBLE STUDENTS.

“For purposes of determining eligible students under this part, in the case of a public school in a State that offers an accelerated, integrated program of study combining undergraduate premedical education and medical education leading to advanced entry, by contractual agreement, into an accredited four-year school of medicine which provides the remaining training leading to a degree of doctor of medicine, whenever in this part a provision refers to a student at a school of medicine, such reference shall include only a student enrolled in any of the last four years of such accelerated, integrated program of study.

“SEC. 714. REPAYMENT BY SECRETARY OF LOANS OF DECEASED OR DISABLED BORROWERS.

“If a borrower who has received a loan dies or becomes permanently and totally disabled (as determined in accordance with regulations of the Secretary), the Secretary shall discharge the borrower's liability on the loan by repaying the amount owed on the loan from the account established under section 710.

“SEC. 715. ADDITIONAL REQUIREMENTS FOR INSTITUTIONS AND LENDERS.

“(a) In General.—Notwithstanding any other provision of this subpart, the Secretary is authorized to prescribe such regulations as may be necessary to provide for—

“(1) a fiscal audit of an eligible institution with regard to any funds obtained from a borrower who has received a loan insured under this subpart;

“(2) the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration by an eligible institution of a program of student financial aid with respect to funds obtained from a student who has received a loan insured under this subpart;

“(3) the limitation, suspension, or termination of the eligibility under this subpart of any otherwise eligible institution, whenever the Secretary has determined, after notice and affording an opportunity for hearing, that such institution has violated or failed to carry out any regulation prescribed under this subpart;

“(4) the collection of information from the borrower, lender, or eligible institution to assure compliance with the provisions of section 705;

“(5) the assessing of tuition or fees to borrowers in amounts that are the same or less than the amount of tuition and fees assessed to nonborrowers;

“(6) the submission, by the institution or the lender to the Office of Health Education Assistance Loan Default Reduction, of information concerning each loan made under this subpart, including the date when each such loan was originated, the date when each such loan is sold, the identity of the loan holder and information concerning a change in the borrower's status;

“(7) the withholding of services, including academic transcripts, financial aid transcripts,

and alumni services, by an institution from a borrower upon the default of such borrower of a loan under this subpart, except in case of a borrower who has filed for bankruptcy; and

“(8) the offering, by the lender to the borrower, of a variety of repayment options, including fixed-rate, graduated repayment with negative amortization permitted, and income dependent payments for a limited period followed by level monthly payments.

“(b) RECORDING BY INSTITUTION OF INFORMATION ON STUDENTS.—The Secretary shall require an eligible institution to record, and make available to the lender and to the Secretary upon request, the name, address, postgraduate destination, and other reasonable identifying information for each student of such institution who has a loan insured under this subpart.

“(c) WORKSHOP FOR STUDENT BORROWERS.—Each participating eligible institution must have, at the beginning of each academic year, a workshop concerning the provisions of this subpart that all student borrowers shall be required to attend.

“SEC. 719. DEFINITIONS.

“For purposes of this subpart:

“(1) The term ‘eligible institution’ means, with respect to a fiscal year, a school of medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatric medicine, pharmacy, public health, allied health, or chiropractic, or a graduate program in health administration or clinical psychology.

“(2) The term ‘eligible lender’ means an eligible institution that became a lender under this subpart prior to September 15, 1992, an agency or instrumentality of a State, a financial or credit institution (including an insurance company) which is subject to examination and supervision by an agency of the United States or of any State, a pension fund approved by the Secretary for this purpose, or a nonprofit private entity designated by the State, regulated by the State, and approved by the Secretary.

“(3) The term ‘line of credit’ means an arrangement or agreement between the lender and the borrower whereby a loan is paid out by the lender to the borrower in annual installments, or whereby the lender agrees to make, in addition to the initial loan, additional loans in subsequent years.

“(4) The term ‘school of allied health’ means a program in a school of allied health (as defined in section 799) which leads to a masters' degree or a doctoral degree.

“(5)(A) The term ‘default rate’, in the case of an eligible entity, means the percentage constituted by the ratio of—

“(i) the principal amount of loans insured under this subpart—

“(I) that are made with respect to the entity and that enter repayment status after April 7, 1987; and

“(II) for which amounts have been paid under section 707(a) to insurance beneficiaries, exclusive of any loan for which amounts have been so paid as a result of the death or total and permanent disability of the borrower; exclusive of any loan for which the borrower begins payments to the Secretary on the loan pursuant to section 707(b) and maintains payments for 12 consecutive months in accordance with the agreement involved (with the loan subsequently being included or excluded, as the case may be, as amounts paid under section 707(a) according to whether further defaults occur and whether with respect to the default involved compliance with such requirement regarding 12 consecutive months occurs); and exclusive of any loan on which payments may not be recovered by reason of the obligation under the loan being discharged in bankruptcy under title 11, United States Code; to

“(ii) the total principal amount of loans insured under this subpart that are made with respect to the entity and that enter repayment status after April 7, 1987.

“(B) For purposes of subparagraph (A), a loan insured under this subpart shall be considered to have entered repayment status if the applicable period described in subparagraph (B) of section 705(a)(2) regarding the loan has expired (without regard to whether any period described in subparagraph (C) of such section is applicable regarding the loan).

“(C) For purposes of subparagraph (A), the term ‘eligible entity’ means an eligible institution, an eligible lender, or a holder, as the case may be.

“(D) For purposes of subparagraph (A), a loan is made with respect to an eligible entity if—

“(i) in the case of an eligible institution, the loan was made to students of the institution;

“(ii) in the case of an eligible lender, the loan was made by the lender; and

“(iii) in the case of a holder, the loan was purchased by the holder.

“SEC. 720. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—For fiscal year 1993 and subsequent fiscal years, there are authorized to be appropriated such sums as may be necessary for the adequacy of the student loan insurance account under this subpart and for the purpose of administering this subpart.

“(b) AVAILABILITY OF SUMS.—Sums appropriated under subsection (a) shall remain available until expended.

“Subpart II—Federally-Supported Student Loan Funds

“SEC. 721. AGREEMENTS FOR OPERATION OF SCHOOL LOAN FUNDS.

“(a) FUND AGREEMENTS.—The Secretary is authorized to enter into an agreement for the establishment and operation of a student loan fund in accordance with this subpart with any public or other nonprofit school of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, or veterinary medicine.

“(b) REQUIREMENTS.—Each agreement entered into under this section shall—

“(1) provide for establishment of a student loan fund by the school;

“(2) provide for deposit in the fund of—

“(A) the Federal capital contributions to the fund;

“(B) an amount equal to not less than one-ninth of such Federal capital contributions, contributed by such institution;

“(C) collections of principal and interest on loans made from the fund;

“(D) collections pursuant to section 722(j); and

“(E) any other earnings of the fund;

“(3) provide that the fund shall be used only for loans to students of the school in accordance with the agreement and for costs of collection of such loans and interest thereon;

“(4) provide that loans may be made from such funds only to students pursuing a full-time course of study at the school leading to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy or an equivalent degree, doctor of pharmacy or an equivalent degree, doctor of podiatric medicine or an equivalent degree, doctor of optometry or an equivalent degree, or doctor of veterinary medicine or an equivalent degree;

“(5) provide that the school shall advise, in writing, each applicant for a loan from the student loan fund of the provisions of section 722 under which outstanding loans from the student loan fund may be paid (in whole or in part) by the Secretary; and

“(6) contain such other provisions as are necessary to protect the financial interests of the United States.

“(c) FAILURE OF SCHOOL TO COLLECT LOANS.—

“(1) IN GENERAL.—Any standard established by the Secretary by regulation for the collection by schools of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, or veterinary medicine of loans made pursuant to loan agreements under this subpart shall provide that the failure of any such school to collect such loans shall be measured in accordance with this subsection. This subsection may not be construed to require such schools to reimburse the student loan fund under this subpart for loans that became uncollectible prior to August 1985 or to penalize such schools with respect to such loans.

“(2) EXTENT OF FAILURE.—The measurement of a school's failure to collect loans made under this subpart shall be the ratio (stated as a percentage) that the defaulted principal amount outstanding of such school bears to the matured loans of such school.

“(3) DEFINITIONS.—For purposes of this subsection:

“(A) The term ‘default’ means the failure of a borrower of a loan made under this subpart to—

“(i) make an installment payment when due; or

“(ii) comply with any other term of the promissory note for such loan,

except that a loan made under this subpart shall not be considered to be in default if the loan is discharged in bankruptcy or if the school reasonably concludes from written contracts with the borrower that the borrower intends to repay the loan.

“(B) The term ‘defaulted principal amount outstanding’ means the total amount borrowed from the loan fund of a school that has reached the repayment stage (minus any principal amount repaid or canceled) on loans—

“(i) repayable monthly and in default for at least 120 days; and

“(ii) repayable less frequently than monthly and in default for at least 180 days;.

“(C) The term ‘grace period’ means the period of one year beginning on the date on which the borrower ceases to pursue a full-time course of study at a school of medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, or veterinary medicine; and

“(D) The term ‘matured loans’ means the total principal amount of all loans made by a school under this subpart minus the total principal amount of loans made by such school to students who are—

“(i) enrolled in a full-time course of study at such school; or

“(ii) in their grace period.

“SEC. 722. LOAN PROVISIONS.

“(a) LIMITATION ON AMOUNT.—Loans from a student loan fund (established under an agreement with a school under section 721) may not exceed for any student for each school year (or its equivalent) the sum of—

“(1) the cost of tuition for such year at such school, and

“(2) $2,500.

“(b) TERMS AND CONDITIONS.—Subject to section 723, any such loans shall be made on such terms and conditions as the school may determine, but may is be made only to a student—

“(1) who is in need of the amount thereof to pursue a full-time course of study at the school leading to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, doctor of osteopathy, bachelor of science in pharmacy or an equivalent degree, doctor of pharmacy or an equivalent degree, doctor of podiatric medicine or an equivalent degree, doctor of optometry or an equivalent degree, or doctor of veterinary medicine or an equivalent degree;

“(2) who, if pursuing a full-time course of study at the school leading to a degree of doctor

of medicine or doctor of osteopathy, is of exceptional financial need (as defined by regulations of the Secretary); and

"(3) who, if required under section 3 of the Military Selective Service Act to present himself for and submit to registration under such section, has presented himself and submitted to registration under such section.

"(c) Repayment; Exclusions From Ten-Year Period.—Such loans shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the ten-year period which begins one year after the student ceases to pursue a full-time course of study at a school of medicine, osteopathic medicine, dentistry, pharmacy, podiatry, optometry, or veterinary medicine, excluding from such ten-year period—

"(1) all periods—

"(A) not in excess of three years of active duty performed by the borrower as a member of a uniformed service;

"(B) not in excess of three years during which the borrower serves as a volunteer under the Peace Corps Act;

"(C) during which the borrower participates in advanced professional training, including internships and residencies; and

"(D) during which the borrower is pursuing a full-time course of study at such a school; and

"(2) a period—

"(A) not in excess of two years during which a borrower who is a full-time student in such a school leaves the school, with the intent to return to such school as a full-time student, in order to engage in a full-time educational activity which is directly related to the health profession for which the borrower is preparing, as determined by the Secretary; or

"(B) not in excess of two years during which a borrower who is a graduate of such a school is a participant in a fellowship training program or a full-time educational activity which—

"(i) is directly related to the health profession for which such borrower prepared at such school, as determined by the Secretary; and

"(ii) may be engaged in by the borrower during such a two-year period which begins within twelve months after the completion of the borrower's participation in advanced professional training described in paragraph (1)(C) or prior to the completion of such borrower's participation in such training.

"(d) Cancellation of Liability.—The liability to repay the unpaid balance of such a loan and accrued interest thereon shall be canceled upon the death of the borrower, or if the Secretary determines that he has become permanently, and totally disabled.

"(e) Rate of Interest.—Such loans shall bear interest, on the unpaid balance of the loan, computed only for periods for which the loan is repayable, at the rate of 5 percent per year.

"(f) Security or Endorsement.—Loans shall be made under this subpart without security or endorsement, except that if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required.

"(g) Transferring and Assigning Loans.—No note or other evidence of a loan made under this subpart may be transferred or assigned by the school making the loan except that, if the borrowers transfer to another school participating in the program under this subpart, such note or other evidence of a loan may be transferred to such other school.

"(h) Charge With Respect to Insurance for Certain Cancellations.—Subject to regulations of the Secretary, a school may assess a charge with respect to loans made under this subpart to cover the costs of insuring against cancellation of liability under subsection (d).

"(i) Charge With Respect to Late Payments.—Subject to regulations of the Secretary, and in accordance with this section, a school shall assess a charge with respect to a loan made under this subpart for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under subsection (c), for any failure to file timely and satisfactory evidence of such entitlement. No such charge may be made if the payment of such installment or the filing of such evidence is made within 60 days after the date on which such installment or filing is due. The amount of any such charge may not exceed an amount equal to 6 percent of the amount of such installment. The school may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the school not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(j) Authority of Schools Regarding Rate of Payment.—A school may provide, in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this subpart payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than $15 per month.

"(k) Authority Regarding Repayments by Secretary.—Upon application by a person who received, and is under an obligation to repay, any loan made to such person as a health professions student to enable him to study medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, or podiatry, the Secretary may undertake to repay (without liability to the applicant) all or any part of such loan, and any interest or portion thereof outstanding thereon, upon his determination, pursuant to regulations establishing criteria therefor, that the applicant—

"(1) failed to complete such studies leading to his first professional degree;

"(2) is in exceptionally needy circumstances;

"(3) is from a low-income or disadvantaged family as those terms may be defined by such regulations; and

"(4) has not resumed, or cannot reasonably be expected to resume, the study of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, or podiatric medicine, within two years following the date upon which he terminated such studies.

"(l) Collection Efforts by Secretary.—The Secretary is authorized to attempt to collect any loan which was made under this subpart, which is in default, and which was referred to the Secretary by a school with which the Secretary has an agreement under this subpart, on behalf of that school under such terms and conditions as the Secretary may prescribe (including reimbursement from the school's student loan fund for expenses the Secretary may reasonably incur in attempting collection), but only if the school has complied with such requirements as the Secretary may specify by regulation with respect to the collection of loans under this subpart. A loan so referred shall be treated as a debt subject to section 5514 of title 5, United States Code. Amounts collected shall be deposited in the school's student loan fund. Whenever the Secretary desires the institution of a civil action regarding any such loan, the Secretary shall refer the matter to the Attorney General for appropriate action.

"SEC. 723. MEDICAL SCHOOLS AND PRIMARY HEALTH CARE.

"(a) Requirements for Students.—

"(1) In General.—Subject to the provisions of this subsection, in the case of student loan funds established under section 721 by schools of medicine or osteopathic medicine, each agreement entered into under such section with such a school shall provide (in addition to the provisions required in subsection (b) of such section) that the school will make a loan from such fund to a student only if the student agrees—

"(A) to enter and complete a residency training program in primary health care not later than 4 years after the date on which the student graduates from such school; and

"(B) to practice in such care through the date on which the loan is repaid in full.

"(2) Inapplicability to Certain Students.—

"(A) The requirement established in paragraph (1) regarding the student loan fund of a school does not apply to a student if—

"(i) the first loan to the student from such fund is made before July 1, 1993; or

"(ii) the loan is made from—

"(I) a Federal capital contribution under section 721 that is made from amounts appropriated under section 724(f) (in this section referred to as an 'exempt Federal capital contribution'); or

"(II) a school contribution made under section 721 pursuant to such a Federal capital contribution (in this section referred to as an 'exempt school contribution').

"(B) A Federal capital contribution under section 721 may not be construed as being an exempt Federal capital contribution if the contribution was made from amounts appropriated before October 1, 1990. A school contribution under section 721 may not be construed as being an exempt school contribution if the contribution was made pursuant to a Federal capital contribution under such section that was made from amounts appropriated before such date.

"(3) Noncompliance by Student.—Each agreement entered into with a student pursuant to paragraph (1) shall provide that, if the student fails to comply with the agreement—

"(A) the balance due on the loan involved will be immediately recomputed from the date of issuance at an interest rate of 12 percent per year, compounded annually; and

"(B) the recomputed balance will be paid not later than the expiration of the 3-year period beginning on the date on which the student fails to comply with the agreement.

"(b) Requirements for Schools.—

"(1) In General.—Subject to the provisions of this subsection, in the case of student loan funds established under section 721 by schools of medicine or osteopathic medicine, each agreement entered into under such section with such a school shall provide (in addition to the provisions required in subsection (b) of such section) that, for the 1-year period ending on June 30, 1994, and for the 1-year period ending on June 30 of each subsequent fiscal year, the school will meet not less than 1 of the conditions described in paragraph (2) with respect to graduates of the school whose date of graduation from the school occurred approximately 4 years before the end of the 1-year period involved.

"(2) Description of Conditions.—With respect to graduates described in paragraph (1) (in this paragraph referred to as 'designated graduates'), the conditions referred to in such paragraph for a school for a 1-year period are as follows:

"(A) Not less than 50 percent of designated graduates of the school meet the criterion of either being in a residency training program in primary health care, or being engaged in a practice in such care (having completed such a program).

"(B) Not less than 15 percent of the designated graduates of the school meet such criterion, and such percentage is not less than 5 percentage points above the percentage of such

graduates meeting such criterion for the preceding 1-year period.

"(C) In the case of schools of medicine or osteopathic medicine with student loans funds under section 721, the school involved is at or above the 75th percentile of such schools whose designated graduates meet such criterion.

"(3) DETERMINATIONS BY SECRETARY.—Not later than 90 days after the close of each 1-year period described in paragraph (1), the Secretary shall make a determination of whether the school involved has for such period complied with such paragraph and shall in writing inform the school of the determination. Such determination shall be made only after consideration of the report submitted to the Secretary by the school under paragraph (6).

"(4) NONCOMPLIANCE BY SCHOOL.—

"(A)(i) Subject to subparagraph (C), each agreement under section 721 with a school of medicine or osteopathic medicine shall provide that, if the school fails to comply with paragraph (1) for a 1-year period under such paragraph, the school—

"(I) will pay to the Secretary the amount applicable under subparagraph (B) for the period; and

"(II) will pay such amount not later than 90 days after the school is informed under paragraph (3) of the determination of the Secretary regarding such period.

"(ii) Any amount that a school is required to pay under clause (i) may be paid from the student loan fund of the school under section 721.

"(B) For purposes of subparagraph (A), the amount applicable for a school, subject to subparagraph (C), is—

"(i) for the 1-year period ending June 30, 1994, an amount equal to 10 percent of the income received during such period by the student loan fund of the school under section 721;

"(ii) for the 1-year period ending June 30, 1995, an amount equal to 20 percent of the income received during such period by the student loan fund; and

"(iii) for any subsequent 1-year period under paragraph (1), an amount equal to 30 percent of the income received during such period by the student loan fund.

"(C) In determining the amount of income that a student loan fund has received for purposes of subparagraph (B), the Secretary shall exclude any income derived from exempt contributions. Payments made to the Secretary under subparagraph (A) may not be made with such contributions or with income derived from such contributions.

"(5) EXPENDITURE OF PAYMENTS.—

"(A) Amounts paid to the Secretary under paragraph (4) shall be expended to make Federal capital contributions to student loan funds under section 721 of schools that are in compliance with paragraph (1).

"(B) A Federal capital contribution under section 721 may not be construed as being an exempt Federal capital contribution if the contribution is made from payments under subparagraph (A). A school contribution under such section may not be construed as being an exempt school contribution if the contribution is made pursuant to a Federal capital contribution from such payments.

"(6) REPORTS BY SCHOOLS.—Each agreement under section 721 with a school of medicine or osteopathic medicine shall provide that the school will submit to the Secretary a report for each 1-year period under paragraph (1) that provides such information as the Secretary determines to be necessary for carrying out this subsection. Each such report shall include statistics concerning the current training or practice status of all graduates of such school whose date of graduation from the school occurred approximately 4 years before the end of the 1-year period involved.

"(c) REPORTS BY SECRETARY.—The Secretary shall each fiscal year submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report regarding the administration of this section, including the extent of compliance with the requirements of this section, during the preceding fiscal year.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'exempt contributions' means exempt Federal capital contributions and exempt school contributions.

"(2) The term 'exempt Federal capital contribution' means a Federal capital contribution described in subclause (I) of subsection (a)(2)(A)(ii).

"(3) The term 'exempt school contribution' means a school contribution described in subclause (II) of subsection (a)(2)(A)(ii).

"(4) The term 'income', with respect to a student fund under section 721, means payments of principal and interest on any loan made from the fund, and any other earnings of the fund.

"(5) The term 'primary health care' means family medicine, general internal medicine, general pediatrics, preventive medicine, or osteopathic general practice.

SEC. 724. INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

"(a) FUND AGREEMENTS REGARDING CERTAIN AMOUNTS.—With respect to amounts appropriated under subsection (f), each agreement entered into under section 721 with a school shall provide (in addition to the provisions required in subsection (b) of such section) that—

"(1) any Federal capital contribution made to the student loan fund of the school from such amounts, together with the school contribution appropriate under subsection (b)(2)(B) of such section to the amount of the Federal capital contribution, will be utilized only for the purpose of—

"(A) making loans to individuals from disadvantaged backgrounds; and

"(B) the costs of the collection of the loans and interest on the loans; and

"(2) collections of principal and interest on loans made pursuant to paragraph (1), and any other earnings of the student loan fund attributable to amounts that are in the fund pursuant to such paragraph, will be utilized only for the purpose described in such paragraph.

"(b) MINIMUM QUALIFICATIONS FOR SCHOOLS.—The Secretary may not make a Federal capital contribution for purposes of subsection (a) for a fiscal year unless the health professions school involved—

"(1) is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including racial and ethnic minorities; and

"(2) is carrying out a program for recruiting and retaining minority faculty.

"(c) CERTAIN AGREEMENTS REGARDING EDUCATION OF STUDENTS; DATE CERTAIN FOR COMPLIANCE.—The Secretary may not make a Federal capital contribution for purposes of subsection (a) for a fiscal year unless the health professions school involved agrees—

"(1) to ensure that adequate instruction regarding minority health issues is provided for in the curricula of the school;

"(2) with respect to health clinics providing services to a significant number of individuals who are from disadvantaged backgrounds, including members of minority groups, to enter into arrangements with 1 or more such clinics for the purpose of providing students of the school with experience in providing clinical services to such individuals;

"(3) with respect to public or nonprofit private secondary educational institutions and undergraduate institutions of higher education, to enter into arrangements with 1 or more such institutions for the purpose of carrying out programs regarding the educational preparation of disadvantaged students, including minority students, to enter the health professions and regarding the recruitment of such individuals into the health professions;

"(4) to establish a mentor program for assisting disadvantaged students, including minority students, regarding the completion of the educational requirements for degrees from the school;

"(5) to be carrying out each of the activities specified in any of paragraphs (1) through (4) by not later than 1 year after the date on which the first Federal capital contribution is made to the school for purposes of subsection (a); and

"(6) to continue carrying out such activities, and the activities specified in paragraphs (1) and (2) of subsection (b), throughout the period during which the student loan fund established pursuant to section 721(b) is in operation.

"(d) AVAILABILITY OF OTHER AMOUNTS.—With respect to Federal capital contributions to student loan funds under agreements under section 721(b), any such contributions made before October 1, 1990, together with the school contributions appropriate under paragraph (2)(B) of such section to the amount of the Federal capital contributions, may be utilized for the purpose of making loans to individuals from disadvantaged backgrounds, subject to section 723(a)(2)(B).

"(e) DEFINITION.—For purposes of this section, the term 'disadvantaged', with respect to an individual, shall be defined by the Secretary.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—With respect to making Federal capital contributions to student loan funds for purposes of subsection (a), there is authorized to be appropriated for such contributions $15,000,000 for fiscal year 1993.

"(2) SPECIAL CONSIDERATION FOR CERTAIN SCHOOLS.—In making Federal capital contributions to student loan funds for purposes of subsection (a), the Secretary shall give special consideration to health professions schools that have enrollments of underrepresented minorities above the national average for health professions schools.

"SEC. 725. ADMINISTRATIVE PROVISIONS.

"The Secretary may agree to modifications of agreements or loans made under this subpart, and may compromise, waive, or release any right, title, claim, or demand of the United States arising or acquired under this subpart.

"SEC. 726. PROVISION BY SCHOOLS OF INFORMATION TO STUDENTS.

"(a) IN GENERAL.—With respect to loans made by a school under this subpart after June 30, 1986, each school, in order to carry out the provisions of sections 721 and 722, shall, at any time such school makes such a loan to a student under this subpart, provide thorough and adequate loan information on loans made under this subpart to the student. The loan information required to be provided to the student by this subsection shall include—

"(1) the yearly and cumulative maximum amounts that may be borrowed by the student;

"(2) the terms under which repayment of the loan will begin;

"(3) the maximum number of years in which the loan must be repaid;

"(4) the interest rate that will be paid by the borrower and the minimum amount of the required monthly payment.

"(5) the amount of any other fees charged to the borrower by the lender;

"(6) any options the borrower may have for deferral, cancellation, prepayment, consolidation, or other refinancing of the loan;

"(7) a definition of default on the loan and a specification of the consequences which will re-

sult to the borrower if the borrower defaults, including a description of any arrangements which may be made with credit bureau organizations;

''(8) to the extent practicable, the effect of accepting the loan on the eligibility of the borrower for other forms of student assistance; and

''(9) a description of the actions that may be taken by the Federal Government to collect the loan, including a description of the type of information concerning the borrower that the Federal Government may disclose to (A) officers, employees, or agents of the Department of Health and Human Services, (B) officers, employees, or agents of schools with which the Secretary has an agreement under this subpart, or (C) any other person involved in the collection of a loan under this subpart.

''(b) STATEMENT REGARDING LOAN.—Each school shall, immediately prior to the graduation from such school of a student who receives a loan under this subpart after June 30, 1986, provide such student with a statement specifying—

''(1) each amount borrowed by the student under this subpart;

''(2) the total amount borrowed by the student under this subpart; and

''(3) a schedule for the repayment of the amounts borrowed under this subpart, including the number, amount, and frequency of payments to be made.

"SEC. 727. PROCEDURES FOR APPEAL OF TERMINATION OF AGREEMENTS.

''In any case in which the Secretary intends to terminate an agreement with a school under this subpart, the Secretary shall provide the school with a written notice specifying such intention and stating that the school may request a formal hearing with respect to such termination. If the school requests such a hearing within 30 days after the receipt of such notice, the Secretary shall provide such school with a hearing conducted by an administrative law judge.

"SEC. 728. DISTRIBUTION OF ASSETS FROM LOAN FUNDS.

''(a) DISTRIBUTION AFTER TERMINATION OF FUND.—If a school terminates a loan fund established under an agreement pursuant to section 721(b), or if the Secretary for good cause terminates the agreement with the school, there shall be a capital distribution as follows:

''(1) The Secretary shall first be paid an amount which bears the same ratio to such balance in such fund on the date of termination of the fund as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to section 721(b)(2)(A) bears to the total amount in such fund derived from such Federal capital contributions and from funds deposited therein pursuant to section 721(b)(2)(B).

''(2) The remainder of such balance shall be paid to the school.

''(b) PAYMENT OF PROPORTIONATE SHARE TO SECRETARY.—If a capital distribution is made under subsection (a), the school involved shall, after the capital distribution, pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school in payment of principal or interest on loans made from the loan fund established pursuant to section 721(b) as was determined by the Secretary under subsection (a).

"SEC. 735. GENERAL PROVISIONS.

''(a) DATE CERTAIN FOR APPLICATIONS.—The Secretary shall from time to time set dates by which schools must file applications for Federal capital contributions.

''(b) CONTINGENT REDUCTION IN ALLOTMENTS.—If the total of the amounts requested for any fiscal year in such applications exceeds the amounts appropriated under this section for that fiscal year, the allotment to the loan fund of each such school shall be reduced to whichever of the following is the smaller: the amount requested in its application; or an amount which bears the same ratio to the amounts appropriated as the number of students estimated by the Secretary to be enrolled in such school during such fiscal year bears to the estimated total number of students in all such schools during such year. Amounts remaining after allotment under the preceding sentence shall be reallotted in accordance with clause (B) of such sentence among schools whose applications requested more than the amounts so allotted to their loan funds, but with such adjustments as may be necessary to prevent the total allotted to any such school's loan fund from exceeding the total so requested by it.

''(c) ALLOTMENT OF EXCESS FUNDS.—Funds available in any fiscal year for payment to schools under this subpart which are in excess of the amount appropriated pursuant to this section for that year shall be allotted among schools in such manner as the Secretary determines will best carry out the purposes of this subpart.

''(d) PAYMENT OF INSTALLMENTS TO SCHOOLS.—Allotments to a loan fund of a school shall be paid to it from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in the loan fund at such school.

''(e) DISPOSITION OF FUNDS RETURNED TO SECRETARY.—

''(1) EXPENDITURE FOR FEDERAL CAPITAL CONTRIBUTIONS.—Subject to section 723(b)(5), any amounts from student loan funds under section 721 that are returned to the Secretary by health professions schools shall be expended to make Federal capital contributions to such funds.

''(2) DATE CERTAIN FOR CONTRIBUTIONS.—Amounts described in paragraph (1) that are returned to the Secretary before the fourth quarter of a fiscal year shall be obligated before the end of such fiscal year, and may not be obligated before the fourth quarter. For purposes of the preceding sentence, amounts returned to the Secretary during the last quarter of a fiscal year are deemed to have been returned during the first three quarters of the succeeding fiscal year.

''(3) PREFERENCE IN MAKING CONTRIBUTIONS.—In making Federal capital contributions to student loans funds under section 721 for a fiscal year from amounts described in paragraph (1), the Secretary shall give preference to health professions schools of the same disciplines as the health professions schools returning such amounts for the period during which the amounts expended for such contributions were received by the Secretary. Any such amounts that, prior to being so returned, were available only for the purpose of loans under this subpart to individuals from disadvantaged backgrounds shall be available only for such purpose.

"PART B—STUDENTS FROM DISADVANTAGED BACKGROUNDS

"SEC. 736. SCHOLARSHIPS FOR STUDENTS OF EXCEPTIONAL FINANCIAL NEED.

''(a) IN GENERAL.—The Secretary shall make grants to public and nonprofit private schools of medicine, osteopathic medicine, and dentistry for scholarships to be awarded by the schools to full-time students thereof who are of exceptional financial need, subject to section 795 (relating to residency training and practice in primary health care).

''(b) REQUIREMENTS REGARDING SCHOLARSHIPS.—

''(1) ACCEPTANCE FOR FULL-TIME ENROLLMENT.—Scholarships may be awarded by a school from a grant under subsection (a) only to individuals who have been accepted by it for enrollment as full-time students.

''(2) AUTHORIZED EXPENDITURES.—A scholarship provided to a student for a school year under a grant under subsection (a) shall consist of payment to, or (in accordance with paragraph (4)) on behalf of, the student of an amount (except as provided in section 798(c)) equivalent to the amount of—

''(A) the tuition of the student in such school year; and

''(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the student in such year.

''(3) AUTHORITY REGARDING PAYMENTS TO EDUCATIONAL INSTITUTION.—The Secretary may contract with an educational institution in which is enrolled a student who has received a scholarship with a grant under subsection (a) for the payment to the educational institution of the amounts of tuition and other reasonable educational expenses described in paragraph (2). Payment to such an educational institution may be made without regard to section 3324 of title 31, United States Code.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there is authorized to be appropriated $11,000,000 for fiscal year 1993.

"SEC. 737. SCHOLARSHIPS GENERALLY; CERTAIN OTHER PURPOSES.

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) IN GENERAL.—Subject to subsection (e), the Secretary may make grants to health professions schools for the purpose of assisting such schools in providing scholarships to individuals described in paragraph (2).

''(2) ELIGIBLE INDIVIDUALS.—The individuals referred to in paragraph (1) are individuals who—

''(A) are from disadvantaged backgrounds; and

''(B) are enrolled (or accepted for enrollment) as full-time students in such schools.

''(2) HEALTH PROFESSIONS SCHOOLS.—For purposes of this section, the term 'health professions schools' means schools of medicine, nursing (as schools of nursing are defined in section 853), osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health, or schools offering graduate programs in clinical psychology.

''(b) MINIMUM QUALIFICATIONS OF GRANTEES.—The Secretary may not make a grant under subsection (a) unless the health professions school—

''(1) is carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including racial and ethnic minorities; and

''(2) is carrying out a program for recruiting and retaining minority faculty.

''(c) PREFERENCES IN PROVIDING SCHOLARSHIPS.—The Secretary may not make a grant under subsection (a) unless the health professions school involved agrees that, in providing scholarships pursuant to the grant, the school will give preference to students—

''(1) who are from disadvantaged backgrounds; and

''(2) for whom the costs of attending the school would constitute a severe financial hardship.

''(d) USE OF SCHOLARSHIP.—A scholarship provided pursuant to subsection (a) for attendance at a health professions school—

''(1) may be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses incurred in such attendance; and

''(2) may not, for any year of such attendance for which the scholarship is provided, provide an amount exceeding the total amount required for the year for the expenses specified in paragraph (1).

''(e) PROVISIONS REGARDING PURPOSES OTHER THAN SCHOLARSHIPS.—

"(1) AUTHORITY REGARDING ASSISTANCE FOR UNDERGRADUATES.—With respect to undergraduates who have demonstrated a commitment to pursuing a career in the health professions, a health professions school may expend not more than 25 percent of a grant under subsection (a) for the purpose of providing financial assistance to such undergraduates in order to facilitate the completion of the educational requirements for such careers.

"(2) REQUIRED ACTIVITIES OF SCHOOL.—The Secretary may not make a grant under subsection (a) unless the health professions school involved agrees—

"(A) to ensure that adequate instruction regarding minority health issues is provided for in the curricula of the school;

"(B) with respect to health clinics providing services to a significant number of individuals who are from disadvantaged backgrounds, including members of minority groups, to enter into arrangements with 1 or more such clinics for the purpose of providing students of the school with experience in providing clinical services to such individuals;

"(C) with respect to public or nonprofit secondary educational institutions and undergraduate institutions of higher education, to enter into arrangements with 1 or more such institutions for the purpose of carrying out programs regarding the educational preparation of disadvantaged students, including minority students, to enter the health professions and regarding the recruitment of such students into the health professions;

"(D) to establish a mentor program for assisting disadvantaged students, including minority students, regarding the completion of the educational requirements for degrees from the school;

"(E) to be carrying out the activities specified in subparagraphs (A) through (D) by not later than 1 year after the date on which a grant under subsection (a) is first made to the school; and

"(F) to continue carrying out such activities, and the activities specified in paragraphs (1) and (2) of subsection (b), throughout the period during which the school is receiving a grant under subsection (a).

"(3) RESTRICTIONS ON USE OF GRANT.—The Secretary may not make a grant under subsection (a) for a fiscal year unless the health professions school involved agrees that the grant will not be expended to carry out the activities specified in paragraph (1) or (2) of subsection (b), or in any of subparagraphs (A) through (D) of paragraph (2) of this subsection.

"(f) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(g) DEFINITION.—For purposes of this section, the term 'school of nursing' has the meaning given such term in section 853.

"(h) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 1993.

"(2) ALLOCATIONS BY SECRETARY.—In making grants under subsection (a), the Secretary—

"(A) shall, of the amounts appropriated under paragraph (1), make available 30 percent for such grants to schools of nursing; and

"(B) shall give special consideration to health professions schools that have enrollments of underrepresented minorities above the national average for health professions schools.

"SEC. 738. LOAN REPAYMENTS AND FELLOWSHIPS REGARDING FACULTY POSITIONS.

"(a) LOAN REPAYMENTS.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program of entering into contracts with individuals described in subsection (b) under which the individuals agree to serve as members of the faculties of schools described in paragraph (3) in consideration of the Federal Government agreeing to pay, for each year of such service, not more than $20,000 of the principal and interest of the educational loans of such individuals.

"(2) ELIGIBLE INDIVIDUALS.—The individuals referred to in paragraph (1) are individuals from disadvantaged backgrounds who—

"(A) have a degree in medicine, osteopathic medicine, dentistry, or another health profession;

"(B) are enrolled in an approved graduate training program in medicine, osteopathic medicine, dentistry, or other health profession; or

"(C) are enrolled as a full-time student—

"(i) in an accredited (as determined by the Secretary) school described in paragraph (3); and

"(ii) in the final year of a course of a study or program, offered by such institution and approved by the Secretary, leading to a degree from such a school.

"(3) ELIGIBLE HEALTH PROFESSIONS SCHOOLS.—The schools described in this paragraph are schools of medicine, nursing (as schools of nursing are defined in section 853), osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, or public health, or schools offering graduate programs in clinical psychology.

"(4) ADDITIONAL LIMITATION ON AMOUNT OF REPAYMENTS.—Payments made under this subsection regarding the educational loans of an individual may not, for any year for which the payments are made, exceed an amount equal to 20 percent of the outstanding principal and interest on the loans.

"(5) REQUIREMENTS REGARDING FACULTY POSITIONS.—The Secretary may not enter into a contract under paragraph (1) unless—

"(A) the individual involved has entered into a contract with a school described in paragraph (3) to serve as a member of the faculty of the school for not less than 2 years, and the individual has not been a member of the faculty of any school at any time during the 18-month period preceding the date on which the Secretary receives the request of the individual for a contract under paragraph (1); and

"(B) the contract referred to in subparagraph (A) provides that—

"(i) the school will, for each year for which the individual will serve as a member of the faculty under the contract with the school, make payments of the principal and interest due on the educational loans of the individual for such year in an amount equal to the amount of such payments made by the Secretary for the year; and

"(ii) the payments made by the school pursuant to clause (i) on behalf of the individual will be in addition to the pay that the individual would otherwise receive for serving as a member of such faculty.

"(6) WAIVER REGARDING SCHOOL CONTRIBUTIONS.—The Secretary may waive the requirement established in paragraph (5)(B) if the Secretary determines that the requirement will impose an undue financial hardship on the school involved. If the Secretary grants such a waiver, paragraph (4) shall not apply with respect to the individual involved.

"(7) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338B, 338C, and 338E shall apply to the program established in paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, including the applicability of provisions regarding reimbursements for increased tax liability and regarding bankruptcy.

"(b) FELLOWSHIPS.—

"(1) IN GENERAL.—The Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatric medicine, pharmacy, public health, health administration, clinical psychology, and other public or private nonprofit health or educational entities of the type described in section 799, to assist such schools in increasing the number of underrepresented minority faculty members at such schools.

"(2) APPLICATIONS.—To be eligible to receive a grant or contract under this subsection, a school shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that—

"(A) amounts received under such a grant or contract will be used to award a fellowship to an individual only if—

"(i) the individual has not been a member of the faculty of any school at any time during the 18-month period preceding the date on which the individual submits a request for the fellowship; and

"(ii) the individual meets the requirements of paragraphs (3) and (4); and

"(B) each fellowship awarded pursuant to the grant or contract will include a stipend in an amount not exceeding 50 percent of the regular salary of a similar faculty member, or $30,000, whichever is less.

"(3) ELIGIBILITY.—To be eligible to receive a grant or contract under paragraph (1), an applicant shall demonstrate to the Secretary that such applicant has or will have the ability to—

"(A) identify, recruit and select individuals from underrepresented minorities in health professions who have the potential for teaching, administration, or conducting research at a health professions institution;

"(B) provide such individuals with the skills necessary to enable them to secure a tenured faculty position at such institution, which may include training with respect to pedagogical skills, program administration, the design and conduct of research, grants writing, and the preparation of articles suitable for publication in peer reviewed journals;

"(C) provide services designed to assist such individuals in their preparation for an academic career, including the provision of mentors; and

"(D) provide health services to rural or medically underserved populations.

"(4) REQUIREMENTS.—To be eligible to receive a grant or contract under paragraph (1) an applicant shall—

"(A) provide an assurance that such applicant will make available (directly through cash donations) $1 for every $1 of Federal funds received under this section for the fellowship;

"(B) provide an assurance that institutional support will be provided for the individual for a second year at a level that is not less than the total amount of Federal and institutional funds provided in the year in which the grant or contract was awarded;

"(C) provide an assurance that the individual that will receive the fellowship will be a member of the faculty of the applicant school; and

"(D) provide an assurance that the individual that will receive the fellowship will have, at a minimum, appropriate advanced preparation (such as a master's or doctoral degree) and special skills necessary to enable such individual to teach and practice.

"(5) DEFINITION.—For purposes of this subsection, the term 'minority' means an individual from a racial or ethnic group that is underrepresented in the health professions.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $4,000,000 for fiscal year 1993.

"SEC. 739. CENTERS OF EXCELLENCE.

"(a) IN GENERAL.—The Secretary shall make grants to health professions schools described in subsection (c) for the purpose of assisting the schools in supporting programs of excellence in health professions education for minority individuals.

"(b) REQUIRED USE OF FUNDS.—The Secretary may not make a grant under subsection (a) unless the health professions school involved agrees to expend the grant—

"(1) to establish, strengthen, or expand programs to enhance the academic performance of minority students attending the school;

"(2) to establish, strengthen, or expand programs to increase the number and quality of minority applicants to the school;

"(3) to improve the capacity of such school to train, recruit, and retain minority faculty;

"(4) with respect to minority health issues, to carry out activities to improve the information resources and curricula of the school and clinical education at the school; and

"(5) to facilitate faculty and student research on health issues particularly affecting minority groups.

"(c) CENTERS OF EXCELLENCE.—

"(1) IN GENERAL.—

"(A) The health professions schools referred to in subsection (a) are such schools that meet each of the conditions specified in subparagraph (B), and that—

"(i) meet each of the conditions specified in paragraph (2)(A);

"(ii) meet each of the conditions specified in paragraph (3);

"(iii) meet each of the conditions specified in paragraph (4); or

"(iv) meet each of the conditions specified in paragraph (5).

"(B) The conditions specified in this subparagraph are that a health professions school—

"(i) has a significant number of minority individuals enrolled in the school, including individuals accepted for enrollment in the school;

"(ii) has been effective in assisting minority students of the school to complete the program of education and receive the degree involved;

"(iii) has been effective in recruiting minority individuals to attend the school, including providing scholarships and other financial assistance to such individuals and encouraging minority students of secondary educational institutions to attend the health professions school; and

"(iv) has made significant recruitment efforts to increase the number of minority individuals serving in faculty or administrative positions at the school.

"(C) In the case of any criteria established by the Secretary for purposes of determining whether schools meet the conditions described in subparagraph (B), this section may not, with respect to racial and ethnic minorities, be construed to authorize, require, or prohibit the use of such criteria in any program other than the program established in this section.

"(2) CENTERS OF EXCELLENCE AT CERTAIN HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—

"(A) The conditions specified in this subparagraph are that a health professions school—

"(i) is a school described in section 799(1); and

"(ii) received a contract under section 788B for fiscal year 1987, as such section was in effect for such fiscal year.

"(B) In addition to the purposes described in subsection (b), a grant under subsection (a) to a health professions school meeting the conditions described in subparagraph (A) may be expended—

"(i) to develop a plan to achieve institutional improvements, including financial independence, to enable the school to support programs of excellence in health professions education for minority individuals; and

"(ii) to provide improved access to the library and informational resources of the school.

"(3) HISPANIC CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are that—

"(A) with respect to Hispanic individuals, each of clauses (i) through (iv) of paragraph (1)(B) applies to the health professions school involved; and

"(B) the health professions school agree, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Hispanic individuals.

"(4) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Subject to subsection (e), the conditions specified in this paragraph are that—

"(A) with respect to Native Americans, each of clauses (i) through (iv) of paragraph (1)(B) applies to the health professions school involved;

"(B) the health professions school agree, as a condition of receiving a grant under subsection (a), that the school will, in carrying out the duties described in subsection (b), give priority to carrying out the duties with respect to Native Americans; and

"(C) the health professions school agree, as a condition of receiving a grant under subsection (a), that—

"(i) the school will establish an arrangement with 1 or more public or nonprofit private institutions of higher education whose enrollment of students has traditionally included a significant number of Native Americans, the purpose of which arrangement will be to carry out a program—

"(I) to identify Native American students of the institution who are interested in a career in the health profession or professions involved; and

"(II) to facilitate the educational preparation of such students to enter the health professions school; and

"(ii) the health professions school will make efforts to recruit Native American students, including students who have participated in the undergraduate program carried out under arrangements established by the school pursuant to clause (i) and will assist Native American students regarding the completion of the educational requirements for a degree from the health professions school.

"(5) OTHER CENTERS OF EXCELLENCE.—The conditions specified in this paragraph are that a health professions school has an enrollment of underrepresented minorities above the national average for such enrollments of health professions schools.

"(d) DESIGNATION AS CENTER OF EXCELLENCE.—

"(1) IN GENERAL.—Any health professions school receiving a grant under subsection (a) and meeting the conditions described in paragraph (2) or (5) of subsection (c) shall, for purposes of this section, be designated by the Secretary as a Center of Excellence in Minority Health Professions Education.

"(2) HISPANIC CENTERS OF EXCELLENCE.—Any health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(3) shall, for purposes of this section, be designated by the Secretary as a Hispanic Center of Excellence in Health Professions Education.

"(3) NATIVE AMERICAN CENTERS OF EXCELLENCE.—Any health professions school receiving a grant under subsection (a) and meeting the conditions described in subsection (c)(4) shall, for purposes of this section, be designated by the Secretary as a Native American Center of Excellence in Health Professions Education. Any consortium receiving such a grant pursuant to subsection (e) shall, for purposes of this section, be so designated.

"(e) AUTHORITY REGARDING NATIVE AMERICAN CENTERS OF EXCELLENCE.—

"(1) AUTHORITY FOR COLLECTIVELY MEETING RELEVANT REQUIREMENTS.—With respect to meeting the conditions specified in subsection (c)(4), the Secretary may make a grant under subsection (a) to any school of medicine, osteopathic medicine, dentistry, or pharmacy that has in accordance with paragraph (2) formed a consortium of schools that meets such conditions (without regard to whether the schools of the consortium individually meet such conditions).

"(2) REQUIREMENTS REGARDING CONSORTIUM.—A consortium of schools has been formed in accordance with this paragraph if—

"(A) the consortium consists of a school seeking a grant pursuant to paragraph (1) and 1 or more schools of medicine, osteopathic medicine, dentistry, pharmacy, nursing, allied health, or public health;

"(B) the schools of the consortium have entered into an agreement for the allocation of such grant among the schools;

"(C) each of the schools agrees to expend the grant in accordance with this section; and

"(D) each of the schools of the consortium—

"(i) is part of the same institution of higher education as the school seeking the grant; or

"(ii) is located not farther than 50 miles from the school seeking the grant.

"(f) DURATION AND AMOUNT OF GRANT.—

"(1) DURATION.—The period during which payments are made under a grant under subsection (a) may not exceed 3 years. Such payments shall be subject to annual approval by the Secretary and to the availability of appropriations for the fiscal year involved to make the payments.

"(2) AMOUNT.—A grant under subsection (a) for a fiscal year may not be made in an amount that is less than $500,000.

"(g) MAINTENANCE OF EFFORT.—

"(1) IN GENERAL.—With respect to activities for which a grant under subsection (a) is authorized to be expended, the Secretary may not make such a grant to a health professions school for any fiscal year unless the school agrees to maintain expenditures of non-Federal amounts for such activities at a level that is not less than the level of such expenditures maintained by the school for the fiscal year preceding the fiscal year for which the school receives such a grant.

"(2) USE OF FEDERAL FUNDS.—With respect to any Federal amounts received by a health professions school and available for carrying out activities for which a grant under subsection (a) is authorized to be expended, the Secretary may not make such a grant to the school for any fiscal year unless the school agrees that the school will, before expending the grant, expend the Federal amounts obtained from sources other than the grant.

"(h) DEFINITIONS.—For purposes of this section:

"(1)(A) The term 'health professions school' means, except as provided in subparagraph (B), a school of medicine, a school of osteopathic medicine, a school of dentistry, or a school of pharmacy.

"(B) The definition established in subparagraph (A) shall not apply to the use of the term 'health professions school' for purposes of subsection (c)(2).

"(2) The term 'program of excellence' means any program carried out by a health professions school with a grant made under subsection (a), if the program is for purposes for which the

school involved is authorized in subsection (b) or (c) to expend the grant.

“(3) The term 'Native Americans' means American Indians, Alaskan Natives, Aleuts, and Native Hawaiians.

“(i) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under subsection (a), there are authorized to be appropriated such sums as may be necessary for fiscal year 1993.

“(2) ALLOCATIONS BY SECRETARY.—

“(A) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available $12,000,000 for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (2)(A) of subsection (c).

“(B) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A), the Secretary shall make available 60 percent for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (3) or (4) of subsection (c) (including meeting conditions pursuant to subsection (e)).

“(C) Of the amounts appropriated under paragraph (1) for a fiscal year and available after compliance with subparagraph (A), the Secretary shall make available 40 percent for grants under subsection (a) to health professions schools that are eligible for such grants pursuant to meeting the conditions described in paragraph (5) of subsection (c).

“SEC. 740. EDUCATIONAL ASSISTANCE REGARDING UNDERGRADUATES.

“(a) IN GENERAL.—

“(1) AUTHORITY FOR GRANTS.—For the purpose of assisting individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, to undertake education to enter a health profession, the Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, and podiatric medicine, public and nonprofit private schools which offer graduate programs in clinical psychology, and other public or private nonprofit health or educational entities to assist in meeting the costs described in paragraph (2).

“(2) AUTHORIZED EXPENDITURES.—A grant or contract under paragraph (1) may be used by the health or educational entity to meet the cost of—

“(A) identifying, recruiting, and selecting individuals from disadvantaged backgrounds, as so determined, for education and training in a health profession,

“(B) facilitating the entry of such individuals into such a school,

“(C) providing counseling or other services designed to assist such individuals to complete successfully their education at such a school,

“(D) providing, for a period prior to the entry of such individuals into the regular course of education of such a school, preliminary education designed to assist them to complete successfully such regular course of education at such a school, or referring such individuals to institutions providing such preliminary education,

“(E) publicizing existing sources of financial aid available to students in the education program of such a school or who are undertaking training necessary to qualify them to enroll in such a program,

“(F) paying such scholarships as the Secretary may determine for such individuals for any period of health professions education at a school of medicine, osteopathic medicine, or dentistry,

“(G) paying such stipends as the Secretary may approve for such individuals for any period of education in student-enhancement programs (other than regular courses) at any school described in subsection (a)(1), except that such a stipend may not be provided to an individual for more than 12 months, and such a stipend shall be in an amount of $40 per day (notwithstanding any other provision of law regarding the amount of stipends).

The term 'regular course of education of such a school' as used in subparagraph (D) includes a graduate program in clinical psychology.

“(b) REQUIREMENTS REGARDING ENROLLMENT; PRIORITY IN MAKING GRANTS.—

“(1) INCREASED ENROLLMENT OF INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—Schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, chiropractic, podiatric medicine and public and nonprofit schools that offer graduate programs in clinical psychology that receive a grant under subsection (a) shall, during a period of 3 years commencing on the date of the award of the grant, increase their first year enrollments of individuals from disadvantaged backgrounds by at least 20 percent over enrollments in the base year 1987.

“(2) CONDITIONS FOR SCHOOLS TO RECEIVE PRIORITY.—The Secretary shall give priority for funding, in years subsequent to the expiration of the 3-year period described in paragraph (1)—

“(A) to schools that attain such increase in their first year enrollment by the end of such 3-year period, and

“(B) to schools that attain a 20 percent increase over such base year enrollment.

“(3) APPLICABILITY OF CERTAIN CONDITION FOR PRIORITY.—The requirement for at least a 20 percent increase in such enrollment shall apply only to those schools referred to in paragraph (1) that have a proportionate enrollment of such individuals from disadvantaged backgrounds that is less than 200 percent of the national average percentage of such individuals in all schools of each health professions discipline.

“(4) DETERMINATION OF ENROLLMENT.—Determination of both first year and total enrollment of such individuals shall be made by the Secretary in accordance with section 792.

“(c) EQUITABLE ALLOCATION OF FINANCIAL ASSISTANCE.—The Secretary shall ensure that services and activities under subsection (a) are equitably allocated among the various racial and ethnic populations.

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of grants and contracts under subsection (a)(1), there is authorized to be appropriated $31,500,000 for fiscal year 1993.

“(2) ALLOCATIONS.—Of the amounts appropriated under paragraph (1) for any fiscal year, the Secretary shall obligate amounts in accordance with the following:

“(A) 70 percent shall be obligated for grants or contracts to institutions of higher education.

“(B) 20 percent shall be obligated for scholarships under subsection (a)(2)(F) to individuals of exceptional financial need (as defined by the Secretary under section 736) who are students at schools of medicine, osteopathic medicine, or dentistry. The provision of such scholarships to such individuals shall be subject to section 795 (relating to residency training and practice in primary health care). Such scholarships shall be administered and awarded in the same manner and subject to the same requirements as scholarships under section 736.

“(C) 10 percent shall be obligated for community-based programs.

“(D) Not more than 5 percent may be obligated for grants and contracts having the primary purpose of informing individuals about the existence and general nature of health careers.

“PART C—TRAINING IN PRIMARY HEALTH CARE

“SEC. 746. AREA HEALTH EDUCATION CENTER PROGRAMS.

“(a) AUTHORITY FOR PROVISION OF FINANCIAL ASSISTANCE.—

“(1) ASSISTANCE FOR PLANNING, DEVELOPMENT, AND OPERATION OF PROGRAMS.—

“(A) The Secretary shall provide financial assistance to schools of medicine and osteopathic medicine for the planning, development, and operation of area health education center programs.

“(B)(i) Subject to clause (ii), the period during which payments are made from an award under subparagraph (A) may not exceed 12 years. The provision of the payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. The preceding sentence may not be construed as establishing a limitation on the number of awards under such subparagraph that may be made to the school involved.

“(ii) In the case of an area health education center planned, developed, or operated with an award under subparagraph (A), the period during which the award is expended for the center may not exceed 6 years.

“(2) ASSISTANCE FOR CERTAIN PROJECTS OF EXISTING PROGRAMS.—

“(A) The Secretary shall provide financial assistance to schools of medicine and osteopathic medicine—

“(i) which have previously received Federal financial assistance for an area health education center program under section 802 of the Health Professionals Educational Assistance Act of 1976 in fiscal year 1979 or under paragraph (1), or

“(ii) which are receiving assistance under paragraph (1),

to carry out projects described in subparagraph (B) through area health education centers for which Federal financial assistance was provided under paragraph (1) and which are no longer eligible to receive such assistance.

“(B) Projects for which assistance may be provided under subparagraph (A) are—

“(i) projects to improve the distribution, supply, quality, utilization, and efficiency of health personnel in the health services delivery system;

“(ii) projects to encourage the regionalization of educational responsibilities of the health professions schools; and

“(iii) projects designed to prepare, through preceptorships and other programs, individuals subject to a service obligation under the National Health Service Corps Scholarship Program to effectively provide health services in health professional shortage areas.

“(C) In the case of the requirement established in section 3804(e)(1) of part 57 of title 42, Code of Federal Regulations (42 CFR 57.3804(e)(1)) (relating to the location of area health education centers), the Secretary shall waive such requirement with respect to an area health education center having, at the time of initial application for financial assistance under this section or under a previous authorizing law, an operating program supported by both appropriations of a State legislature and local resources.

“(3) ASSISTANCE FOR OPERATION OF MODEL PROGRAMS.—

“(A) In the case of any school of medicine or osteopathic medicine that is operating an area health education center program and that is not receiving financial assistance under paragraph (1), the Secretary may provide financial assistance to the school for the costs of operating the program, and for carrying out activities described in subparagraph (E), if the school makes the agreements described in subparagraphs (B) through (D).

"(B)(i) For purposes of subparagraph (A), the agreement described in this subparagraph for a school is that, with respect to the costs of operating the area health education center program of the school, the school will make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount that is not less than 50 percent of such costs.

"(ii) Amounts provided by the Federal Government may not be included in determining the amount of non-Federal contributions in cash made for purposes of the requirement established in clause (i).

"(C) For purposes of subparagraph (A), the agreement described in this subparagraph for a school is that, in operating the area health education program of the school, the school will—

"(i) coordinate the activities of the program with the activities of any office of rural health established by the State or States in which the program is operating;

"(ii) conduct health professions education and training activities consistent with national and State priorities in the area served by the program in coordination with the National Health Service Corps, entities receiving funds under section 329 or 330, and public health departments; and

"(iii) cooperate with any entities that are in operation in the area served by the program and that receive Federal or State funds to carry out activities regarding the recruitment and retention of health care providers.

"(D) For purposes of subparagraph (A), the agreement described in this subparagraph for a school is that, with respect to the costs of operating the area health education center program of the school, the school will maintain expenditures of non-Federal amounts for such costs at a level that is not less than the level of such expenditures maintained by the school for the fiscal year preceding the first fiscal year for which the school receives an award under subparagraph (A).

"(E) A school may expend not more than 10 percent of an award under subparagraph (A) for demonstration projects for any or all of the following purposes:

"(i) The establishment of computer-based information programs or telecommunication networks that will link health science centers and service delivery sites.

"(ii) The provision of disease specific educational programs for health providers and students in areas of concern to the United States.

"(iii) The development of information dissemination models to make available new information and technologies emerging from biological research centers to the practicing medical community.

"(iv) The institution of new minority recruitment and retention programs, targeted to improved service delivery in areas the program determines to be medically underserved.

"(v) The establishment of programs to place physicians from health manpower shortage areas into similar areas to encourage retention of physicians and to provide flexibility to States in filling positions in health professional shortage areas.

"(vi) The establishment or improvement of education and training programs for State emergency medical systems.

"(vii) The establishment of programs to train health care providers in the identification and referral of cases of domestic violence.

"(F) The aggregate amount of awards provided under subparagraph (A) to schools in a State for a fiscal year may not exceed the lesser of—

"(i) $2,000,000; and

"(ii) an amount equal to the product of $250,000 and the aggregate number of area health education centers operated in the State by the schools.

*"(b) S*TRUCTURE OF *P*ROGRAMS*.—*

*"(1) I*N GENERAL*.—An area health education center program shall be a cooperative program of one or more medical (M.D. and D.O.) schools and one or more nonprofit private or public area health education centers.*

*"(2) C*ERTAIN REQUIREMENTS*.—With respect to an area health education center program, a school may not receive an award under paragraph (1) of subsection (a) for operational expenses, or an award under paragraph (2) or (3) of such subsection, unless the program—*

"(A) maintains preceptorship educational experiences for health science students;

"(B) maintains community-based primary care residency programs or is affiliated with such programs;

"(C) maintains continuing education programs for health professionals or coordinates with such programs;

"(D) maintains learning resource and dissemination systems for information identification and retrieval;

"(E) has agreements with community-based organizations for the delivery of education and training in the health professions;

"(F) is involved in the training of health professionals (including nurses and allied health professionals), except to the extent inconsistent with the law of the State in which the training is conducted; and

"(G) carries out recruitment programs for the health science professions, or programs for health-career awareness, among minority and other elementary or secondary students from areas the program has determined to be medically underserved.

*"(c) R*EQUIREMENTS FOR *S*CHOOLS*.—Each medical (M.D. and D.O.) school participating in an area health education center program shall—*

"(1) provide for the active participation in such program by individuals who are associated with the administration of the school and each of the departments (or specialties if the school has no such departments) of internal medicine, pediatrics, obstetrics and gynecology, surgery, psychiatry, and family medicine;

"(2) provide that no less than 10 percent of all undergraduate medical (M.D. and D.O.) clinical education of the school will be conducted in an area health education center and at locations under the sponsorship of such center;

"(3) be responsible for, or conduct, a program for the training of physician assistants (as defined in section 799) or nurse practitioners (as defined under section 822) which gives special consideration to the enrollment of individuals from, or intending to practice in, the area served by the area health education center of the program; and

"(4) provide for the active participation of at least 2 schools or programs of other health professions (including a school of dentistry and a graduate program of mental health practice if there are ones affiliated with the university with which the school of medicine or osteopathic medicine is affiliated) in the educational program conducted in the area served by the area health education center.

The requirement of paragraph (3) shall not apply to a medical (M.D. and D.O.) school participating in an area health education center program if another such school participating in the same program meets the requirement of that paragraph.

*"(d) R*EQUIREMENTS FOR *C*ENTERS*.—*

*"(1) S*ERVICE AREA*.—Each area health education center shall specifically designate a geographic area in which it will serve, or shall specifically designate a medically underserved population it will serve (such area or population with respect to such center in this section referred to as 'the area served by the center'), which area or population is in a location remote from the main site of the teaching facilities of the school or schools which participate in the program with such center.*

*"(2) O*THER REQUIREMENTS*.—Each area health education center shall—*

"(A) provide for or conduct training in health education services, including education in nutrition evaluation and counseling, in the area served by the center;

"(B) assess the health manpower needs of the area served by the center and assist in the planning and development of training programs to meet such needs;

"(C) provide for or conduct a rotating osteopathic internship or a medical residency training program in family medicine, general internal medicine, or general pediatrics in which no fewer than four individuals are enrolled in first-year positions in such program;

"(D) provide opportunities for continuing medical education (including education in disease prevention) to all physicians and other health professionals (including allied health personnel) practicing within the area served by the center;

"(E) provide continuing medical education and other educational support services to the National Health Service Corps members serving within the area served by the center;

"(F) conduct interdisciplinary training and practice involving physicians and other health personnel including, where practicable, physician assistants, nurse practitioners, and nurse midwives;

"(G) arrange and support educational opportunities for medical and other students at health facilities, ambulatory care centers, and health agencies throughout the area served by the center; and

"(H) have an advisory board of which at least 75 percent of the members shall be individuals, including both health service providers and consumers, from the area served by the center.

Any area health education center which is participating in an area health education center program in which another center has a medical residency training program described in subparagraph (C) need not provide for or conduct such a medical residency training program.

*"(e) C*ERTAIN *P*ROVISIONS *R*EGARDING *F*UNDING*.—*

*"(1) P*ROGRAMS*.—Subject to paragraph (2), in providing financial assistance under this section to a school, the Secretary shall assure that—*

"(A) at least 75 percent of the total funds provided to the school are expended by an area health education center program in the area health education centers, and that the school enters into an agreement with each of such centers for purposes of specifying the allocation of such 75 percent;

"(B) with respect to the operating costs of the area health education program of the school, non-Federal contributions for such costs are made in an amount that is not less than 25 percent of such costs; and

"(C) no award provides funds solely for the planning or development of such a program for a period exceeding two years.

The Secretary may vest in entities which have received financial assistance under section 802 of the Health Professions Educational Assistance Act of 1976, section 774 as in effect before October 1, 1977, or under subsection (a) of this section for area health education centers programs title to any property acquired on behalf of the United States by that entity (or furnished to that entity by the United States) under that award.

*"(2) C*ENTERS*.—With respect to the period during which an area health education center is*

planned, developed or operated pursuant to an award under subsection (a)(1), not more than 55 percent of the total amounts expended for the center in any fifth or sixth year of such period may be provided by the Secretary, subject to paragraph (3).

"(3) APPLICABILITY OF PROVISION REGARDING CENTERS.—Paragraph (2) shall apply only in the case of an area health education center program for which the initial award under subsection (a)(1) is provided on or after the date of the enactment of the Health Professions Education Extension Amendments of 1992.

"(f) HEALTH EDUCATION AND TRAINING CENTERS.—

"(1) IN GENERAL.—The Secretary shall provide financial assistance to schools of medicine and osteopathic medicine for the purpose of planning, developing, establishing, maintaining, and operating health education and training centers—

"(A) to improve the supply, distribution, quality, and efficiency of personnel providing health services in the State of Florida or (in the United States) along the border between the United States and Mexico;

"(B) to improve the supply, distribution, quality, and efficiency of personnel providing, in other urban and rural areas (including frontier areas) of the United States, health services to any population group, including Hispanic individuals, that has demonstrated serious unmet health care needs; and

"(C) to encourage health promotion and disease prevention through public education in the areas described.

"(2) ARRANGEMENTS WITH OTHER ENTITIES.—The Secretary may not provide financial assistance under paragraph (1) unless the applicant for such assistance agrees, in carrying out the purpose described in such paragraph, to enter into arrangements with one or more public or nonprofit private entities in the State that have expertise in providing health education to the public.

"(3) SERVICE AREA.—The Secretary shall, after consultation with health education and training centers, designate the geographic area in which each such center will carry out the purpose described in paragraph (1). The service area of such a center shall be located entirely within the State in which the center is located. Each border health education and training center shall be located in a county (or other political subdivision) of the State in close proximity to the border between the United States and Mexico.

"(4) ADVISORY GROUP; OPERATIONAL PLAN.—The Secretary may not provide financial assistance under paragraph (1) unless the applicant for such assistance agrees—

"(A) to establish an advisory group comprised of health service providers, educators and consumers from the service area and of faculty from participating schools;

"(B) after consultation with such advisory group, to develop a plan for carrying out the purpose described in paragraph (1) in the service area;

"(C) to enter into contracts, as needed, with other institutions or entities to carry out such plan; and

"(D) to be responsible for the evaluation of the program.

"(5) CERTAIN ACTIVITIES.—The Secretary may not provide financial assistance under paragraph (1) unless the applicant for such assistance agrees—

"(A) to evaluate the specific service needs for health care personnel in the service area;

"(B) to assist in the planning, development, and conduct of training programs to meet the needs identified pursuant to subparagraph (A);

"(C) to conduct or support not less than one training and education program for physicians and one program for nurses for at least a portion of the clinical training of such students;

"(D) to conduct or support training in health education services, including training to prepare community health workers to implement health education programs in communities, health departments, health clinics, and public schools that are located in the service area;

"(E) to conduct or support continuing medical education programs for physicians and other health professionals (including allied health personnel) practicing in the service area;

"(F) to support health career educational opportunities designed to provide students residing in the service area with counseling, education, and training in the health professions;

"(G) with respect to border health education and training centers, to assist in coordinating its activities and programs carried out pursuant to paragraph (1)(A) with any similar programs and activities carried out in Mexico along the border between the United States and Mexico;

"(H) to make available technical assistance in the service area in the aspects of health care organization, financing and delivery; and

"(I) in the case of any school of public health located in the service area of the health education and training center operated with the assistance, to permit any such school to participate in the program of the center if the school makes a request to so participate.

"(6) ALLOCATION OF FUNDS BY CENTERS.—In carrying out this subsection, the Secretary shall ensure that—

"(A) not less than 75 percent of the total funds provided to a school or schools of medicine or osteopathic medicine will be expended in the development and operation of the health education and training center in the service area of such program;

"(B) to the maximum extent feasible, the school of medicine or osteopathic medicine will obtain from nongovernmental sources the amount of the total operating funds for such program which are not provided by the Secretary;

"(C) no award shall provide funds solely for the planning or development of a health education and training center program for a period in excess of two years;

"(D) not more than 10 percent of the annual budget of each program may be utilized for the renovation and equipping of clinical teaching sites; and

"(E) no award shall provide funds to be used outside the United States except as the Secretary may prescribe for travel and communications purposes related to the conduct of a border health education and training center.

"(7) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'border health education and training center' means an entity that is a recipient of an award under paragraph (1) and that is carrying out (or will carry out) the purpose described in subparagraph (A) of such paragraph.

"(B) The term 'health education and training center' means an entity that is a recipient of an award under paragraph (1).

"(C) The term 'service area' means, with respect to a health education and training center, the geographic area designated for the center under paragraph (3).

"(8) ALLOCATION OF FUNDS BY SECRETARY.—

"(A) Of the amounts appropriated pursuant to subsection (i)(2) for a fiscal year, the Secretary shall make available 50 percent for allocations each fiscal year for applications approved by the Secretary for border health education and training centers. The amount of the allocation for each such center shall be determined in accordance with subparagraph (B).

"(B) The amount of an allocation under subparagraph (A) for a fiscal year shall be determined in accordance with a formula prescribed by the Secretary, which formula shall be based—

"(i) with respect to the service area of the border health education and training center involved, on the low-income population, including Hispanic individuals, in the State of Florida and along the border between the United States and Mexico, and the growth rate of such population;

"(ii) on the need of such population for additional personnel to provide health care services along such border; and

"(iii) on the most current information concerning mortality and morbidity and other indicators of health status for such population.

"(g) DEFINITIONS.—For purposes of this section:

"(1) The term 'area health education center program' means a program which is organized as provided in subsection (b) and under which the participating medical (M.D. and D.O.) schools and the area health education centers meet the requirements of subsections (c) and (d).

"(2) The term 'award' means an award of financial assistance.

"(3) The term 'financial assistance' means a grant, cooperative agreement, or contract.

"(h) CRITERIA AND STANDARDS.—The Secretary shall establish standards and criteria for the requirements of this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) AREA HEALTH EDUCATION CENTER PROGRAMS.—

"(A) For the purpose of carrying out this section other than subsection (f), there is authorized to be appropriated $25,000,000 for each of the fiscal years 1993 through 1995.

"(B) Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than 20 percent for awards under subsection (a)(2).

"(C) Of the amounts appropriated under paragraph (1) for fiscal year 1993, the Secretary shall obligate for awards under subsection (a)(3) such amounts as are appropriated in excess of $19,200,000. Of the amounts appropriated under paragraph (1) for each of the fiscal years 1994 and 1995, the Secretary shall obligate for such awards such amounts as are appropriated in excess of $18,700,000.

"(2) HEALTH EDUCATION AND TRAINING CENTERS.—For the purpose of carrying out subsection (f), there is authorized to be appropriated $5,000,000 for each of the fiscal years 1993 through 1995.

"SEC. 747. FAMILY MEDICINE.

"(a) TRAINING GENERALLY.—The Secretary may make grants to, or enter into contracts with, any public or nonprofit private hospital, school of medicine or osteopathic medicine, or to or with a public or private nonprofit entity (which the Secretary has determined is capable of carrying out such grant or contract)—

"(1) to plan, develop, and operate, or participate in, an approved professional training program (including an approved residency or internship program) in the field of family medicine for medical (M.D. and D.O.) students, interns (including interns in internships in osteopathic medicine), residents, or practicing physicians;

"(2) to provide financial assistance (in the form of traineeships and fellowships) to medical (M.D. and D.O.) students, interns (including interns in internships in osteopathic medicine), residents, practicing physicians, or other medical personnel, who are in need thereof, who are participants in any such program, and who plan to specialize or work in the practice of family medicine;

"(3) to plan, develop, and operate a program for the training of physicians who plan to teach in family medicine training programs; and

"(4) to provide financial assistance (in the form of traineeships and fellowships) to physi-

cians who are participants in any such program and who plan to teach in a family medicine training program.

"(b) ACADEMIC ADMINISTRATIVE UNITS.—

"(1) IN GENERAL.—The Secretary may make grants to or enter into contracts with schools of medicine or osteopathic medicine to meet the costs of projects to establish, maintain, or improve academic administrative units (which may be departments, divisions, or other units) to provide clinical instruction in family medicine.

"(2) PREFERENCE IN MAKING AWARDS.—In making awards of grants and contracts under paragraph (1), the Secretary shall give preference to any qualified applicant for such an award that agrees to expend the award for the purpose of—

"(A) establishing an academic administrative unit for programs in family medicine; or

"(B) substantially expanding the programs of such a unit.

"(c) DURATION OF AWARD.—The period during which payments are made to an entity from an award of a grant or contract under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $54,000,000 for each of the fiscal years 1993 through 1995.

"(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 20 percent for awards of grants and contracts under subsection (b).

"SEC. 748. GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS.

"(a) IN GENERAL.—The Secretary may make grants to and enter into contracts with schools of medicine and osteopathic medicine, public or private nonprofit hospital, or any other public or private nonprofit entity to meet the costs of projects—

"(1) to plan, develop, and operate, or participate in, an approved professional training program (including an approved residency or internship program) in the field of internal medicine or pediatrics for medical (M.D. and D.O.) students, interns (including interns in internships in osteopathic medicine), residents, or practicing physicians, which training program emphasizes training for the practice of general internal medicine or general pediatrics (as defined by the Secretary in regulations);

"(2) to provide financial assistance (in the form of traineeships and fellowships) to medical (M.D. and D.O.) students, interns (including interns in internships in osteopathic medicine), residents, practicing physicians, or other medical personnel, who are in need thereof, who are participants in any such training program, and who plan to specialize in or work in the practice of general internal medicine or general pediatrics;

"(3) to plan, develop, and operate a program for the training of physicians who will teach in a general internal medicine or general pediatrics training program; and

"(4) which provide financial assistance (in the form of traineeships and fellowships) to physicians who are participants in any such program and who plan to teach in a general internal medicine or general pediatrics training program.

"(b) DURATION OF AWARD.—The period during which payments are made to an entity from an award of a grant or contract under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $25,000,000 for each of the fiscal years 1993 through 1995.

"SEC. 749. GENERAL PRACTICE OF DENTISTRY.

"(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, any public or nonprofit private school of dentistry or accredited postgraduate dental training institution—

"(1) to plan, develop, and operate an approved residency program in the general practice of dentistry or an approved advanced educational program in the general practice of dentistry;

"(2) to provide financial assistance (in the form of traineeships and fellowships) to participants in such a program who are in need of financial assistance and who plan to specialize in the practice of general dentistry; and

"(3) to fund innovative, nontraditional models for the provision of postdoctoral General Dentistry training.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $6,000,000 for each of the fiscal years 1993 through 1995.

"SEC. 750. PHYSICIAN ASSISTANTS.

"(a) IN GENERAL.—The Secretary may make grants to and enter into contracts with public or nonprofit private schools of medicine and osteopathic medicine and other public or nonprofit private entities to meet the costs of projects to plan, develop, and operate or maintain programs—

"(1) for the training of physician assistants (as defined in section 799); and

"(2) for the training of individuals who will teach programs of such training.

"(b) REGULATIONS.—After consultation with appropriate organizations, the Secretary shall prescribe regulations for programs receiving assistance under subsection (a) for the training of physician assistants. Such regulations shall, as a minimum, require that such a program—

"(1) extend for at least one academic year and consist of—

"(A) supervised clinical practice; and

"(B) at least four months (in the aggregate) of classroom instruction, directed toward preparing students to deliver health care;

"(2) have an enrollment of not less than eight students; and

"(3) train students in primary care, disease prevention, health promotion, geriatric medicine, and home health care.

"(c) PLACEMENT OF GRADUATES.—No grant or contract may be made under subsection (a) unless the school or other entity involved provides assurances satisfactory to the Secretary that the school or entity has appropriate mechanisms for placing graduates of the training program with respect to which the application is submitted in positions for which they have been trained.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $9,000,000 for each of the fiscal years 1993 through 1995.

"(2) LIMITATION.—Not more than 10 percent of the amounts appropriated under paragraph (1) may be expended for carrying out subsection (a)(2).

"SEC. 751. PODIATRIC MEDICINE.

"(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, public and nonprofit private hospitals and schools of podiatric medicine for the purpose of planning and implementing projects in primary care training for podiatric physicians in approved or provisionally approved residency programs which shall provide financial assistance in the form of traineeships to residents who participate in such projects and who plan to specialize in primary care.

"(b) PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to qualified applicants that provide clinical training in podiatric medicine in a variety of medically underserved communities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $1,000,000 for each of the fiscal years 1993 through 1995.

"SEC. 752. GENERAL PROVISIONS.

"(a) TRAINEESHIPS AND FELLOWSHIPS.—

"(1) TRAINEESHIPS.—Payments by recipients of grants or contracts under this part for traineeships shall be limited to such amounts as the Secretary finds necessary to cover the cost of tuition and fees of, and stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees.

"(2) FELLOWSHIPS.—Payments by recipients of grants or contracts under this part for fellowships shall be limited to such amounts as the Secretary finds necessary to cover the cost of advanced study by, and stipends and allowances (including travel and subsistence expenses and dependency allowances) for, the fellows.

"(b) AMOUNT OF GRANT.—The amount of any grant or contract under this part shall be determined by the Secretary.

"PART D—TRAINING IN CERTAIN HEALTH PROFESSIONS

"Subpart I—Public Health and Preventive Medicine

"SEC. 761. PUBLIC HEALTH TRAINEESHIPS.

"(a) IN GENERAL.—The Secretary may make grants to accredited schools of public health, and to other public or nonprofit private institutions accredited for the provision of graduate or specialized training in public health, for the purpose of assisting such schools and institutions in providing traineeships to individuals described in subsection (b)(3).

"(b) CERTAIN REQUIREMENTS.—

"(1) APPLICATION FOR GRANT.—No grant for traineeships may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, be submitted in such manner, and contain such information, as the Secretary by regulation may prescribe. Traineeships under such a grant shall be awarded in accordance with such regulations as the Secretary shall prescribe. The amount of any such grant shall be determined by the Secretary.

"(2) USE OF GRANT.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

"(3) ELIGIBLE INDIVIDUALS.—The individuals referred to in subsection (a) are individuals who are pursuing a course of study in a health professions field in which there is a severe shortage of health professionals (which fields include the fields of epidemiology, environmental health, biostatistics, toxicology, and nutrition).

"SEC. 762. PUBLIC HEALTH SPECIAL PROJECTS.

"(a) IN GENERAL.—The Secretary may make grants to and enter into contracts with accredited schools of public health for the costs of planning, developing, demonstrating, operating, and evaluating projects that are in furtherance of the goals established by the Secretary for the year 2000 in the area of—

"(1) preventive medicine;

"(2) health promotion and disease prevention;

"(3) improving access to and quality of health services in medically underserved communities; or

"(4) reducing the incidence of domestic violence.

"(b) Preferences in Making Awards.—In making awards of grants and contracts under subsection (a), the Secretary shall give preference to qualified schools agreeing that the project for which the award is made—

"(1) will establish or strengthen field placements for students in public or nonprofit private health agencies or organizations; and

"(2) will involve faculty members and students in collaborative projects to enhance public health services to medically underserved communities.

"(c) Participation and Training of Students.—The Secretary may make an award of a grant or contract under subsection (a) only if the school involved agrees that the students of the school will, through participation in the project for which the award is made, receive training in the activities carried out by the project.

"(d) Application for Award.—The Secretary may make an award of a grant or contract under subsection (a) only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(e) Establishment of Goals; Related Reports.—

"(1) Goals.—

"(A) The Secretary shall establish goals for projects under subsection (a) (including goals regarding the training of students), and shall require that, as a condition of the receipt of grants and contracts under such subsection, schools carry out activities in furtherance of meeting the goals.

"(B) The Secretary shall establish and implement a methodology for measuring the extent of progress that has been made toward the goals established under subparagraph (A) by schools receiving grants or contracts under subsection (a).

"(2) Reports.—Not later than February 1, 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Labor and Human Resources of the Senate, a report describing the progress made by projects under subsection (a) during the preceding fiscal years toward the goals established under paragraph (1). For purposes of the report, the extent of such progress shall be measured through the methodology established under subparagraph (B) of such paragraph.

"SEC. 763. PREVENTIVE MEDICINE; DENTAL PUBLIC HEALTH.

"(a) In general.—The Secretary may make grants to and enter into contracts with schools of medicine, osteopathic medicine, public health, and dentistry to meet the costs of projects—

"(1) to plan and develop new residency training programs and to maintain or improve existing residency training programs in preventive medicine and dental public health; and

"(2) to provide financial assistance to residency trainees enrolled in such programs.

"(b) Administration.—

"(1) Amount.—The amount of any grant under subsection (a) shall be determined by the Secretary.

"(2) Application.—No grant may be made under subsection (a) unless an application therefor is submitted to and approved by the Secretary. Such an application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(3) Eligibilty.—To be eligible for a grant under subsection (a), the applicant must demonstrate to the Secretary that it has or will have available full-time faculty members with training and experience in the fields of preventive medicine or dental public health and support from other faculty members trained in public health and other relevant specialties and disciplines.

"(4) Other funds.—Schools of medicine, osteopathic medicine, dentistry, and public health may use funds committed by State, local, or county public health officers as matching amounts for Federal grant funds for residency training programs in preventive medicine.

"SEC. 765. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—For the purpose of carrying out this subpart, there is authorized to be appropriated $15,500,000 for each of the fiscal years 1993 through 1995.

"(b) Limitation Regarding Certain Program.—In obligating amounts appropriated under subsection (a), the Secretary may not obligate more than 40 percent for carrying out section 762.

"Subpart II—Allied Health Professions

"SEC. 766. ADVANCED TRAINING.

(a) In General.—The Secretary may award grants to and enter into contracts with eligible entities to assist such entities in meeting the costs associated with projects designed to—

(1) plan, develop, establish or expand postbaccalaureate programs for the advanced training of allied health professionals; and

(2) provide financial assistance, in the form of traineeships or fellowships, to postbaccalaureate students who are participants in any such program and who commit to teaching in the allied health profession involved.

(b) Preference.—In awarding grants under subsection (a), the Secretary shall give preference to qualified projects demonstrating that not less than 50 percent of the graduates of such schools or programs during the preceding 2-year period are engaged as full-time teaching faculty in an allied health shortage specialty.

(c) Limitation.—The Secretary shall limit grants and contracts awarded or entered into under subsection (a) to those allied health fields or specialties as the Secretary shall, from time to time, determine to have—

(1) the most significant national or regional shortages of practitioners;

(2) insufficient numbers of qualified faculty in entry level or advanced educational programs; or

(3) a significant role in the care and rehabilitation of patients who are elderly or disabled including physical therapists and occupational therapists.

"(d) Eligible Entities.—For purposes of this section, the term 'eligible entities' means entities that are—

"(1) public or private nonprofit schools, universities, or other educational entities that provide for education and training in the allied health professions and that meet such standards as the Secretary may by regulation prescribe; or

"(2) public or nonprofit private entities capable, as determined by the Secretary, of carrying out projects described in subsection (a).

(e) Authorization of Appropriations.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1993 through 1995.

"SEC. 767. PROJECT GRANTS AND CONTRACTS.

"(a) Projects Related to Strengthening Training and Increasing Enrollment in the Allied Health Professions.—The Secretary may make grants to and enter into contracts with eligible entities to assist such entities in meeting the costs associated with expanding or establishing programs that will increase the number of individuals trained in allied health professions. Programs and activities funded under this section may include—

"(1) those that expand enrollments in allied health professions with the greatest shortages or whose services are most needed by the elderly;

"(2) those that provide rapid transition training programs in allied health fields to individuals who have baccalaureate degrees in health-related sciences;

"(3) those that establish community-based allied health training programs that link academic centers to rural clinical settings;

"(4) those that provide career advancement training for practicing allied health professionals;

"(5) those that expand or establish clinical training sites for allied health professionals in medically underserved or rural communities in order to increase the number of individuals trained;

"(6) those that develop curriculum that will emphasize knowledge and practice in the areas of prevention and health promotion, geriatrics, long-term care, home health and hospice care, and ethics;

"(7) those that expand or establish interdisciplinary training programs that promote the effectiveness of allied health practitioners in geriatric assessment and the rehabilitation of the elderly;

"(8) those that expand or establish demonstration centers to emphasize innovative models to link allied health clinical practice, education, and research; and

"(9) those that provide financial assistance (in the form of traineeships) to students who are participants in any such program, and

"(A) who plan to pursue a career in an allied health field that has a demonstrated personnel shortage; and

"(B) who agree upon completion of the training program to practice in a medically underserved community;

that shall be utilized to assist in the payment of all or part of the costs associated with tuition, fees and such other stipends as the Secretary may consider necessary.

"(b) Application.—

"(1) Requirement.—No grant may be awarded or contract entered into under this section unless an application therefore has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(2) Preference.—In considering an application submitted for a grant under this section, the Secretary shall give preference to qualified applicants that—

"(A) expand and maintain first-year enrollment by not less than 10 percent over enrollments in base year 1992; or

"(B) demonstrate that not less than 20 percent of the graduates of such training programs during the preceding 2-year period are working in medically underserved communities.

"(c) Eligible Entities.—For purposes of this section, the term 'eligible entities' has the meaning given such term in section 766.

"(d) Authorization of Appropriation.—For the purpose of carrying out this section, there is authorized to be appropriated $5,000,000 for each of the fiscal years 1993 through 1995.

"Subpart III—Health Administration

"SEC. 771. TRAINEESHIPS AND SPECIAL PROJECTS.

"(a) In General.—The Secretary may make grants to public or nonprofit private educational entities (including graduate schools of social work but excluding accredited schools of public health) that offer a program described in subsection (b)—

"(1) to provide traineeships for students enrolled in such a program; and

"(2) to assist programs of health administration in the development or improvement of programs to prepare students for employment with public or nonprofit private entities.

"(b) Relevant Programs.—The program referred to in subsection (a) is a program in health administration, hospital administration, or health policy analysis and planning, which program is accredited by a body or bodies approved for such purpose by the Secretary of Education and which meets such other quality standards as the Secretary of Health and Human Services by regulation may prescribe.

"(c) Preference in Making Grants.—In making grants under subsection (a), the Secretary shall give preference to qualified applicants that meet the following conditions:

"(1) Not less than 25 percent of the graduates of the applicant are engaged in full-time practice settings in medically underserved communities.

"(2) The applicant recruits and admits students from medically underserved communities.

"(3) For the purpose of training students, the applicant has established relationships with public and nonprofit providers of health care in the community involved.

"(4) In training students, the applicant emphasizes employment with public or nonprofit private entities.

"(d) Certain Provisions Regarding Traineeships.—

"(1) Use of grant.—Traineeships awarded under grants made under subsection (a) shall provide for tuition and fees and such stipends and allowances (including travel and subsistence expenses and dependency allowances) for the trainees as the Secretary may deem necessary.

"(2) Preference for certain students.—Each entity applying for a grant under subsection (a) for traineeships shall assure to the satisfaction of the Secretary that the entity will give priority to awarding the traineeships to students who demonstrate a commitment to employment with public or nonprofit private entities in the fields with respect to which the traineeships are awarded.

"(e) Application for Grant.—No grant may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, be submitted in such manner, and contain such information, as the Secretary may prescribe. Traineeships under such a grant shall be awarded in accordance with such requirements as the Secretary shall prescribe. The amount of any such grant shall be determined by the Secretary.

"(f) Funding.—

"(1) Authorization of appropriations.—For payments under grants under subsection (a), there is authorized to be appropriated $2,500,000 for each of the fiscal years 1993 through 1995.

"(2) Limitation.—In obligating amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than 30 percent for grants under subsection (a)(2).

"PART E—SPECIAL TRAINING PROJECTS

"SEC. 776. ACQUIRED IMMUNE DEFICIENCY SYNDROME.

"(a) Schools; Centers.—

"(1) In general.—The Secretary may make grants and enter into contracts to assist public and nonprofit private entities and schools and academic health science centers in meeting the costs of projects—

"(A) to train the faculty of schools of, and graduate departments or programs of, medicine, nursing, osteopathic medicine, dentistry, public health, allied health, and mental health practice to teach health professions students to provide for the health care needs of individuals with HIV disease;

"(B) to train practitioners to provide for the health care needs of such individuals;

"(C) with respect to improving clinical skills in the diagnosis, treatment, and prevention of such disease, to educate and train the health professionals and clinical staff of schools of medicine, osteopathic medicine, and dentistry; and

"(D) to develop and disseminate curricula and resource materials relating to the care and treatment of individuals with such disease and the prevention of the disease among individuals who are at risk of contracting the disease.

"(2) Preference in making grants.—In making grants under paragraph (1), the Secretary shall give preference to qualified projects which will—

"(A) train, or result in the training of, health professionals who will provide treatment for minority individuals with HIV disease and other individuals who are at high risk of contracting such disease; and

"(B) train, or result in the training of, minority health professionals and minority allied health professionals to provide treatment for individuals with such disease.

"(3) Application.—No grant or contract may be made under paragraph (1) unless an application is submitted to the Secretary in such form, at such time, and containing such information, as the Secretary may prescribe.

"(b) Dental Schools.—

"(1) In general.—The Secretary may make grants to assist dental schools and programs described in section 777(b)(4)(B) with respect to oral health care to patients with HIV disease.

"(2) Application.—Each dental school or program described in section 777(b)(4)(B) may annually submit an application documenting the unreimbursed costs of oral health care provided to patients with HIV disease by that school or hospital during the prior year.

"(3) Distribution.—The Secretary shall distribute the available funds among all eligible applicants, taking into account the number of patients with HIV disease served and the unreimbursed oral health care costs incurred by each institution as compared with the total number of patients served and costs incurred by all eligible applicants.

"(4) Maintenance of effort.—The Secretary shall not make a grant under this subsection if doing so would result in any reduction in State funding allotted for such purposes.

"(c) Definition.—For purposes of this section:

"(1) The term 'HIV disease' means infection with the human immunodeficiency virus, and includes any condition arising from such infection.

"(2) The term 'human immunodeficiency virus' means the etiologic agent for acquired immune deficiency syndrome.

"(d) Authorization of Appropriations.—

"(1) Schools; centers.—For the purpose of grants under subsection (a), there is authorized to be appropriated $23,000,000 for each of the fiscal years 1993 through 1995.

"(2) Dental schools.—For the purpose of grants under subsection (b), there is authorized to be appropriated $7,000,000 for each of the fiscal years 1993 through 1995.

"SEC. 777. GERIATRICS.

"(a) Geriatric Education Centers.—The Secretary may make grants to and enter into contracts with accredited health professions schools or programs described in paragraph (1), (3), or (4) of section 799 or in section 853(2) to assist in meeting the costs of such schools or programs of projects to—

"(1) improve the training of health professionals in geriatrics;

"(2) develop and disseminate curricula relating to the treatment of the health problems of elderly individuals;

"(3) expand and strengthen instruction in methods of such treatment;

"(4) support the training and retraining of faculty to provide such instruction;

"(5) support continuing education of health professionals and allied health professionals who provide such treatment; and

"(6) establish new affiliations with nursing homes, chronic and acute disease hospitals, ambulatory care centers, and senior centers in order to provide students with clinical training in geriatric medicine.

"(b) Geriatric Training Regarding Physicians and Dentists.—

"(1) In general.—The Secretary may make grants to, and enter into contracts with, schools of medicine, schools of osteopathic medicine, teaching hospitals, and graduate medical education programs, for the purpose of providing support (including residencies, traineeships, and fellowships) for geriatric training projects to train physicians and dentists who plan to teach geriatric medicine, geriatric psychiatry, or geriatric dentistry.

"(2) Requirements.—Each project for which a grant or contract is made under this subsection shall—

"(A) be staffed by full-time teaching physicians who have experience or training in geriatric medicine or geriatric psychiatry;

"(B) be staffed, or enter into an agreement with an institution staffed by full-time or part-time teaching dentists who have experience or training in geriatric dentistry;

"(C) be based in a graduate medical education program in internal medicine or family medicine or in a department of geriatrics or psychiatry;

"(D) provide training in geriatrics and exposure to the physical and mental disabilities of elderly individuals through a variety of service rotations, such as geriatric consultation services, acute care services, dental services, geriatric psychiatry units, day and home care programs, rehabilitation services, extended care facilities, geriatric ambulatory care and comprehensive evaluation units, and community care programs for elderly mentally retarded individuals; and

"(E) provide training in geriatrics through one or both of the training options described in subparagraphs (A) and (B) of paragraph (3).

"(3) Training options.—The training options referred to in subparagraph (F) of paragraph (2) shall be as follows:

"(A) A 1-year retraining program in geriatrics for—

"(i) physicians who are faculty members in departments of internal medicine, family medicine, gynecology, geriatrics, and psychiatry at schools of medicine and osteopathic medicine; and

"(ii) dentists who are faculty members at schools of dentistry or at hospital departments of dentistry.

"(B) A 2-year internal medicine or family medicine fellowship program providing emphasis in geriatrics, which shall be designed to provide training in clinical geriatrics and geriatrics research for—

"(i) physicians who have completed graduate medical education programs in internal medicine, family medicine, psychiatry, neurology, gynecology, or rehabilitation medicine; and

"(ii) dentists who have demonstrated a commitment to an academic career and who have completed postdoctoral dental training, including postdoctoral dental education programs or who have relevant advanced training or experience.

"(4) Definitions.—For purposes of this subsection:

"(A) The term 'graduate medical education program' means a program sponsored by a school of medicine, a school of osteopathic medi-

cine, a hospital, or a public or private institution that—

"(i) offers postgraduate medical training in the specialties and subspecialties of medicine; and

"(ii) has been accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association through its Committee on Postdoctoral Training.

"(B) The term 'post-doctoral dental education program' means a program sponsored by a school of dentistry, a hospital, or a public or private institution that—

"(i) offers post-doctoral training in the specialties of dentistry, advanced education in general dentistry, or a dental general practice residency; and

"(ii) has been accredited by the Commission on Dental Accreditation.

"(c) GERIATRIC TRAINING REGARDING OPTOMETRISTS.—The Secretary may make grants to, and enter into contracts with, schools and colleges of optometry for the purpose of providing support for projects—

"(1) to plan, develop, and operate projects in postgraduate geriatric care training for optometrists who will teach geriatric optometry;

"(2) to provide financial assistance (in the form of residencies, traineeships, and fellowships) to participants in such projects; and

"(3) to establish new affiliations with nursing homes, ambulatory care centers, senior centers, and other public or nonprofit private entities.

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) EDUCATION CENTERS; TRAINING.—For grants and contracts under subsections (a) and (b), there is authorized to be appropriated $17,000,000 for each of the fiscal years 1993 through 1995.

"(2) OPTOMETRY.—For grants and contracts under subsection (c), there is authorized to be appropriated $400,000 for each of the fiscal years 1993 through 1995.

"SEC. 778. RURAL AREAS.

"(a) GRANTS.—The Secretary may make grants to, or enter into contracts with, any eligible applicant to help such applicant fund authorized activities under an application approved under subsection (d).

"(b) USE OF AMOUNTS.—

"(1) IN GENERAL.—Amounts provided under subsection (a) shall be used by the recipients to fund interdisciplinary training projects designed to—

"(A) use new and innovative methods to train health care practitioners to provide services in rural areas;

"(B) demonstrate and evaluate innovative interdisciplinary methods and models designed to provide access to cost-effective comprehensive health care;

"(C) deliver health care services to individuals residing in rural areas;

"(D) enhance the amount of relevant research conducted concerning health care issues in rural areas; and

"(E) increase the recruitment and retention of health care practitioners in rural areas and make rural practice a more attractive career choice for health care practitioners.

"(2) METHODS.—A recipient of funds under subsection (a) may use various methods in carrying out the projects described in paragraph (1), including—

"(A) the distribution of stipends to students of eligible applicants;

"(B) the establishment of a post-doctoral fellowship program;

"(C) the training of faculty in the economic and logistical problems confronting rural health care delivery systems; or

"(D) the purchase or rental of transportation and telecommunication equipment where the need for such equipment due to unique characteristics of the rural area is demonstrated by the recipient.

"(3) ADMINISTRATION.—

"(A) IN GENERAL.—An applicant shall not use more than 10 percent of the funds made available to such applicant under subsection (a) for administrative expenses.

"(B) TRAINING.—Not more than 10 percent of the individuals receiving training with funds made available to an applicant under subsection (a) shall be trained as doctors of medicine or doctors of osteopathy.

"(C) LIMITATION.—An institution that receives a grant under this section shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (b)(1) in the fiscal year preceding the year for which the grant is received.

"(c) ELIGIBLE APPLICANTS.—Applicants eligible to obtain funds under subsection (a) shall include local health departments, nonprofit organizations and public or nonprofit colleges, universities, or schools of, or programs that specialize in, nursing, mental health practice, optometry, public health, dentistry, osteopathy, physicians assistants, pharmacy, podiatry, medicine, chiropractic, and allied health professions if such applicants submit applications approved by the Secretary under subsection (d). Applicants eligible to obtain funds under subsection (a) shall not include for-profit entities, either directly or through a subcontract or subgrant.

"(d) APPLICATIONS.—

"(1) SUBMISSION.—In order to receive a grant under subsection (a) an entity shall submit an application to the Secretary.

"(2) FORMS.—An application submitted under this subsection shall be in such form, be submitted by such date, and contain such information as the Secretary shall require.

"(3) APPLICATIONS.—Applications submitted under this subsection shall—

"(A) be jointly submitted by at least two eligible applicants with the express purpose of assisting individuals in academic institutions in establishing long-term collaborative relationships with health care providers in rural areas;

"(B) designate a rural health care agency or agencies for clinical treatment or training, including hospitals, community health centers, migrant health centers, rural health clinics, community mental health centers, long-term care facilities, Native Hawaiian Health centers, or facilities operated by the Indian Health Service or an Indian tribe or tribal organization or Indian organization under a contract with the Indian Health Service under the Indian Self-Determination Act; and

"(C) provide any additional information required by the Secretary.

"(e) DEFINITIONS.—For the purposes of this section, the term 'rural' means geographic areas that are located outside of standard metropolitan statistical areas.

"(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $7,000,000 for each of the fiscal years 1993 through 1995.

"PART F—MISCELLANEOUS PROGRAMS

"SEC. 781. RESEARCH ON CERTAIN HEALTH PROFESSIONS ISSUES.

"(a) EDUCATIONAL INDEBTEDNESS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary may make grants to and enter into contracts with public and nonprofit private entities for the purpose of conducting research on the extent to which the debt incurred by medical students for attendance at educational institutions has had a detrimental effect on the decisions made by the students on entering primary care specialities.

"(2) EVALUATION OF RATE OF INCREASE.—In carrying out paragraph (1), the Secretary shall provide for a determination of the reasons underlying the rate of increase occurring since January 1, 1981, in tuition and fees for attending health professions schools. The Secretary shall ensure that the determination includes the justifications of such schools for such rate.

"(b) EFFECT OF PROGRAMS FOR MINORITY AND DISADVANTAGED INDIVIDUALS.—

"(1) IN GENERAL.—The Secretary may make grants to and enter into contracts with public and nonprofit private entities for the purpose of conducting research on the effects that Federally-funded educational programs or policies for minority or disadvantaged individuals have on—

"(A) the number of such individuals attending health professions school;

"(B) the number of such individuals completing the programs of education involved; and

"(C) the decisions made by such individuals on which of the health professions specialities to enter.

"(2) SEPARATE SPECIFICATIONS FOR CERTAIN CATEGORIES OF SCHOOLS.—The Secretary may provide a grant or contract under paragraph (1) only if the applicant involved agrees that in conducting research under such paragraph the applicant will make findings specific to the following categories of health professions schools:

"(A) Health professions schools of historically black colleges and universities.

"(B) Other health professions schools attended by a substantial number of minority individuals.

"(C) Health professions schools generally.

"(c) EXTENT OF INVESTIGATIONS AND DISCIPLINARY ACTIONS BY STATE LICENSING AUTHORITIES.—The Secretary may make grants to and enter into contracts with public and nonprofit private entities for the purpose of conducting research on the effectiveness of the States in protecting the public health through—

"(1) identifying health care providers with respect to whom investigations of professional qualifications are warranted;

"(2) conducting such investigations; and

"(3) taking disciplinary actions against health care providers determined through such investigations to have engaged in conduct inconsistent with protecting the public health.

"(d) PRIMARY HEALTH CARE.—

"(1) IN GENERAL.—The Secretary may make grants to and enter into contracts with public and nonprofit private entities for the purpose of conducting research—

"(A) to determine the extent to which Federal programs and related financial incentives influence the percentage of medical school graduates selecting a primary care career;

"(B) to determine the extent to which Federal programs and related financial incentives adequately support the training of mid-level primary care providers relative to other health professions education receiving Federal assistance;

"(C) to assess the impact that direct and indirect payments for graduate medical education (including the appropriateness of payments for independent, ambulatory training sites) have on increasing the percentage of physicians graduating from medical school who enter primary care careers;

"(D) to assess the impact of medical school admission policies on specialty selection and recommend ways admission policies can better facilitate and promote the selection of primary care as a medical career;

"(E) to assess the impact that Federal funding for biomedical research influences the design of medical school curriculum and the availability of primary care educational opportunities;

"(F) to assess the impact of medical school curriculum, including the availability of clinical training in ambulatory care settings, influences the percentage of physicians selecting primary

care residencies and selecting primary care as a medical career; and

"(G) to assess the extent to which current physician payment policies under resource based relative value scale are sufficient to encourage physicians graduating from medical school to enter and remain in primary care careers.

"(2) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'primary care careers', with respect to medicine, means family practice, general internal medicine and general pediatrics.

"(B) The term 'mid-level primary care health professions' means physician assistants, nurse practitioners, and nurse midwives.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $4,000,000 for each of the fiscal years 1993 through 1995.

"SEC. 782. CHIROPRACTIC DEMONSTRATION PROJECTS.

"(a) IN GENERAL.—The Secretary may make grants to and enter into contracts with schools, colleges, and universities of chiropractic for the purpose of carrying out demonstration projects in which chiropractors and physicians collaborate to identify and provide effective treatment for spinal and lower-back conditions.

"(b) PARTICIPATION OF MEDICAL SCHOOLS.—The Secretary may make an award of a grant or contract under subsection (a) only if the applicant involved has entered into such agreements as may be necessary to ensure that in the project under such subsection a school of medicine or osteopathic medicine will participate in the project.

"(c) PEER REVIEW.—Each peer review group under section 798(a) reviewing proposals for grants or contracts under subsection (a) shall include no fewer than two, and no more than three, chiropractors.

"(d) REPORT TO CONGRESS.—

"(1) IN GENERAL.—The Secretary shall prepare a report that—

"(A) summarizes the applications submitted to the Secretary for grants or contracts under subsection (a);

"(B) specifies the identity of entities receiving the grants or contracts; and

"(C) evaluates the effectiveness of the programs operated with the grants and contracts.

"(2) DATE CERTAIN FOR SUBMISSION.—Not later than February 10, 1995, the Secretary shall complete the report required in paragraph (1) and submit the report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $1,000,000 for each of the fiscal years 1993 through 1995.

"PART G—GENERAL PROVISIONS

"SEC. 791. PREFERENCES AND REQUIRED INFORMATION IN CERTAIN PROGRAMS.

"(a) PREFERENCES IN MAKING AWARDS.—

"(1) IN GENERAL.—Subject to paragraph (2), in making awards of grants or contracts under any of sections 747 through 751, under section 763, or under section 766 or 767, the Secretary shall give preference to any qualified applicant that—

"(A) has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or

"(B) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings.

"(2) LIMITATION REGARDING PEER REVIEW.—For purposes of paragraph (1), the Secretary may not give an applicant preference if the proposal of the applicant is ranked at or below the 20th percentile of proposals that have been recommended for approval by peer review groups under section 798(a).

"(b) REQUIRED SUBMISSION OF INFORMATION.—The Secretary may make an award of a grant or contract under any of sections 747 through 751 or under section 763 only if the applicant for the award submits to the Secretary (through the application required in section 752(a)) the following information regarding the programs of the applicant:

"(1) A description of rotations or preceptorships for students, or clinical training programs for residents, that have the principal focus of providing health care to medically underserved communities.

"(2) The number of faculty on admissions committees who have a clinical practice in community-based ambulatory settings in medically underserved communities.

"(3) With respect to individuals who are from disadvantaged backgrounds or from medically underserved communities, the number of such individuals who are recruited for academic programs of the applicant, the number of such individuals who are admitted to such programs, and the number of such individuals who graduate from such programs.

"(4) If applicable, the number of recent graduates who have chosen careers in primary health care.

"(5) The number of recent graduates whose practices are serving medically underserved communities.

"(6) A description of whether and to what extent the applicant is able to operate without Federal assistance under this title.

"(c) DEFINITION.—For purposes of this section, the term 'graduate' means, unless otherwise specified, an individual who has successfully completed all training and residency requirements necessary for full certification in the health profession selected by the individual.

"SEC. 792. HEALTH PROFESSIONS DATA.

"(a) IN GENERAL.—The Secretary shall establish a program, including a uniform health professions data reporting system, to collect, compile, and analyze data on health professions personnel which program shall initially include data respecting all physicians and dentists in the States. The Secretary is authorized to expand the program to include, whenever he determines it necessary, the collection, compilation, and analysis of data respecting pharmacists, optometrists, podiatrists, veterinarians, public health personnel, audiologists, speech pathologists, health care administration personnel, nurses, allied health personnel, medical technologists, chiropractors, clinical psychologists, and any other health personnel in States designated by the Secretary to be included in the program. Such data shall include data respecting the training, licensure status (including permanent, temporary, partial, limited, or institutional), place or places of practice, professional specialty, practice characteristics, place and date of birth, sex, and socio-economic background of health professions personnel and such other demographic information regarding health professions personnel as the Secretary may require.

"(b) CERTAIN AUTHORITIES AND REQUIREMENTS.—

"(1) SOURCES OF INFORMATION.—In carrying out subsection (a), the Secretary shall collect available information from appropriate local, State, and Federal agencies and other appropriate sources.

"(2) CONTRACTS FOR STUDIES OF HEALTH PROFESSIONS.—The Secretary shall conduct or enter into contracts for the conduct of analytic and descriptive studies of the health professions, including evaluations and projections of the supply of, and requirements for, the health professions by specialty and geographic location. Such studies shall include studies determining by specialty and geographic location the number of health professionals (including allied health professionals and health care administration personnel) who are members of minority groups, including Hispanics, and studies providing by specialty and geographic location evaluations and projections of the supply of, and requirements for, health professionals (including allied health professionals and health care administration personnel) to serve minority groups, including Hispanics.

"(3) GRANTS AND CONTRACTS REGARDING STATES.—The Secretary is authorized to make grants and to enter into contracts with States (or an appropriate nonprofit private entity in any State) for the purpose of participating in the program established under subsection (a). The Secretary shall determine the amount and scope of any such grant or contract. To be eligible for a grant or contract under this paragraph a State or entity shall submit an application in such form and manner and containing such information as the Secretary shall require. Such application shall include reasonable assurance, satisfactory to the Secretary, that—

"(A) such State (or nonprofit entity within a State) will establish a program of mandatory annual registration of the health professions personnel described in subsection (a) who reside or practice in such State and of health institutions licensed by such State, which registration shall include such information as the Secretary shall determine to be appropriate;

"(B) such State or entity shall collect such information and report it to the Secretary in such form and manner as the Secretary shall prescribe; and

"(C) such State or entity shall comply with the requirements of subsection (e).

"(d) REPORTS TO CONGRESS.—The Secretary shall submit to the Congress on October 1, 1993, and biennially thereafter, the following reports:

"(1) A comprehensive report regarding the status of health personnel according to profession, including a report regarding the analytic and descriptive studies conducted under this section.

"(2) A comprehensive report regarding applicants to, and students enrolled in, programs and institutions for the training of health personnel, including descriptions and analyses of student indebtedness, student need for financial assistance, financial resources to meet the needs of students, student career choices such as practice specialty and geographic location and the relationship, if any, between student indebtedness and career choices.

"(e) REQUIREMENTS REGARDING PERSONAL DATA.—

"(1) IN GENERAL.—The Secretary and each program entity shall in securing and maintaining any record of individually identifiable personal data (hereinafter in this subsection referred to as 'personal data') for purposes of this section—

"(A) inform any individual who is asked to supply personal data whether he is legally required, or may refuse, to supply such data and inform him of any specific consequences, known to the Secretary or program entity, as the case may be, of providing or not providing such data;

"(B) upon request, inform any individual if he is the subject of personal data secured or maintained by the Secretary or program entity, as the case may be, and make the data available to him in a form comprehensible to him;

"(C) assure that no use is made of personal data which use is not within the purposes of this section unless an informed consent has been obtained from the individual who is the subject of such data; and

"(D) upon request, inform any individual of the use being made of personal data respecting

such individual and of the identity of the individuals and entities which will use the data and their relationship to the programs under this section.

"(2) CONSENT AS PRECONDITION TO DISCLOSURE.—Any entity which maintains a record of personal data and which receives a request from the Secretary or a program entity for such data for purposes of this section shall not transfer any such data to the Secretary or to a program entity unless the individual whose personal data is to be so transferred gives an informed consent for such transfer.

"(3) DISCLOSURE BY SECRETARY.—

"(A) Notwithstanding any other provision of law, personal data collected by the Secretary or any program entity under this section may not be made available or disclosed by the Secretary or any program entity to any person other than the individual who is the subject of such data unless (i) such person requires such data for purposes of this section, or (ii) in response to a demand for such data made by means of compulsory legal process. Any individual who is the subject of personal data made available or disclosed under clause (ii) shall be notified of the demand for such data.

"(B) Subject to all applicable laws regarding confidentiality, only the data collected by the Secretary under this section which is not personal data shall be made available to bona fide researchers and policy analysts (including the Congress) for the purposes of assisting in the conduct of studies respecting health professions personnel.

"(4) DEFINITION.—For purposes of this subsection, the term 'program entity' means any public or private entity which collects, compiles, or analyzes health professions data under a grant, contract, or other arrangement with the Secretary under this section.

"(g) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States and political subdivisions thereof in the development of systems (including model laws) concerning confidentiality and comparability of data collected pursuant to this section.

"(h) GRANTS AND CONTRACTS REGARDING NONPROFIT ENTITIES.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary may make grants, or enter into contracts and cooperative agreements with, and provide technical assistance to, any nonprofit entity in order to establish a uniform allied health professions data reporting system to collect, compile, and analyze data on the allied health professions personnel.

"(2) REPORTS.—With respect to reports required in subsection (d), each such report made on or after October 1, 1991, shall include a description and analysis of data collected pursuant to paragraph (1).

"SEC. 793. STATISTICS; ANNUAL REPORT.

"(a) STATISTICS AND OTHER INFORMATION.—The Secretary shall, in coordination with the National Center for Health Statistics (established under section 306), continuously develop, publish, and disseminate on a nationwide basis statistics and other information respecting public and community health personnel, including—

"(1) detailed descriptions of the various types of activities in which public and community health personnel are engaged,

"(2) the current and anticipated needs for the various types of public and community health personnel, and

"(3) the number, employment, geographic locations, salaries, and surpluses and shortages of public and community health personnel, the educational and licensure requirements for the various types of such personnel, and the cost of training such personnel.

"(b) REQUIREMENTS REGARDING PERSONAL DATA.—

"(1) IN GENERAL.—The Secretary and each program entity shall in securing and maintaining any record of individually identifiable personal data (in this subsection referred to as 'personal data') for purposes of this section—

"(A) inform any individual who is asked to supply personal data whether he is legally required, or may refuse, to supply such data and inform him of any specific consequences, known to the Secretary or program entity as the case may be, of providing or not providing such data;

"(B) upon request, inform any individual if he is the subject of personal data secured or maintained by the Secretary or program entity, as the case may be, and make the data available to him in a form comprehensible to him;

"(C) assure that no use is made of personal data which is not within the purposes of this section unless an informed consent has been obtained from the individual who is the subject of such data; and

"(D) upon request, inform any individual of the use being made of personal data respecting such individual and of the identity of the individuals and entities which will use the data and their relationship to the activities conducted under this section.

"(2) CONSENT AS PRECONDITION TO TRANSFER OF INFORMATION.—Any entity which maintains a record of personal data and which receives a request from the Secretary or a program entity to use such data for purposes of this section shall not transfer any such data to the Secretary or to a program entity unless the individual whose personal data is to be so transferred gives an informed consent for such transfer.

"(3) DISCLOSURE BY SECRETARY.—

"(A) Notwithstanding any other provision of law, personal data collected by the Secretary or any program entity for purposes of this section may not be made available or disclosed by the Secretary or any program entity to any person other than the individual who is the subject of such data unless (i) such person requires such data for purposes of this section, or (ii) in response to a demand for such data made by means of compulsory legal process. Any individual who is the subject of personal data made available or disclosed under clause (ii) shall be notified of the demand for such data.

"(B) Subject to all applicable laws regarding confidentiality, only the data collected by the Secretary under this section which is not personal data shall be made available to bona fide researchers and policy analysts (including the Congress) for the purposes of assisting in the conduct of studies respecting health professions personnel.

"(4) DEFINITIONS.—For purposes of this subsection, the term 'program entity' means any public or private entity which collects, compiles, or analyzes health professions data under an arrangement with the Secretary for purposes of this section.

"(c) REPORT.—The Secretary shall submit biennially to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate a report on—

"(1) the statistics and other information developed pursuant to subsection (a); and

"(2) the activities conducted under subparts I and II of part D, including an evaluation of such activities.

Such report shall contain such recommendations for legislation as the Secretary determines are needed to improve the programs authorized under such subparts. The Office of Management and Budget may review such report before its submission to such Committees, but the Office may not revise the report or delay its submission beyond the date prescribed for its submission and may submit to such Committees its comments respecting such report.

"(d) DEFINITIONS.—For purposes of this section, the term 'public and community health personnel' means individuals who are engaged in—

"(1) the planning, development, monitoring, or management of health care or health care institutions, organizations, or systems,

"(2) research on health care development and the collection and analysis of health statistics, data on the health of population groups, and any other health data,

"(3) the development and improvement of individual and community knowledge of health (including environmental health and preventive medicine) and the health care system, or

"(4) the planning and development of a healthful environment and control of environmental health hazards.

"SEC. 794. PROHIBITION AGAINST DISCRIMINATION ON BASIS OF SEX.

"The Secretary may not make a grant, loan guarantee, or interest subsidy payment under this title to, or for the benefit of, any school of medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, pharmacy, podiatric medicine, or public health or any training center for allied health personnel, or graduate program in clinical psychology, unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the school or training center will not discriminate on the basis of sex in the admission of individuals to its training programs. The Secretary may not enter into a contract under this title with any such school or training center unless the school, training center, or graduate program furnishes assurances satisfactory to the Secretary that it will not discriminate on the basis of sex in the admission of individuals to its training programs. In the case of a school of medicine which—

"(1) on the date of the enactment of this sentence is in the process of changing its status as an institution which admits only female students to that of an institution which admits students without regard to their sex, and

"(2) is carrying out such change in accordance with a plan approved by the Secretary,

the provisions of the preceding sentences of this section shall apply only with respect to a grant, contract, loan guarantee, or interest subsidy to, or for the benefit of such a school for a fiscal year beginning after June 30, 1979.

"SEC. 795. OBLIGATED SERVICE REGARDING CERTAIN PROGRAMS.

"(a) IN GENERAL.—In the case of any program under this title under which a scholarship, stipend, or other financial assistance is provided to an individual with respect to education as a health professional (including a program that provides for the repayment of loans), if the program provides that the provision of the financial assistance involved is subject to this section, then the assistance may be provided only if the individual makes agreements as follows:

"(1) The individual will complete the program of education with respect to which such assistance is provided (in the case of assistance provided for purposes other than the repayment of loans).

"(2) In the case of an individual who receives such assistance with respect to attendance at a school of medicine or osteopathic medicine, the individual will—

"(A) enter and complete a residency training program in a specialty in primary health care not later than 4 years after completing the program of education described in paragraph (1); and

"(B) practice in the specialty for 5 years after completing the residency training program.

"(3) in the case of an individual who receives such assistance with respect to attendance at a

school of dentistry, the individual will practice in general dentistry for 5 years (exclusive of any period during which the individual is attending a residency training program in general dentistry).

"(4) Subsection (b) applies with respect to the breach of agreements made under any of paragraphs (1) through (3).

"(b) BREACH OF AGREEMENTS.—

"(1) IN GENERAL.—For purposes of subsection (a)(4), the following applies:

"(A) In the case of a program under this title that provides financial assistance for attendance at a program of education in a health profession, the individual is liable to the Federal Government for the amount of the award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the program of education (as indicated by such program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the program for disciplinary reasons; or

"(iii) voluntarily terminates the program.

"(B) The individual is liable to the Federal Government for the amount of the award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to comply with the agreement made under subsection (a)(2).

"(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual making agreements under subsection (a), the Secretary shall provide for the waiver or suspension of liability under paragraph (1) if compliance by the individual with the agreements involved is impossible, or would involve extreme hardship to the individual, and if enforcement of the agreements with respect to the individual would be unconscionable.

"(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the three-year period beginning on the date the United States becomes so entitled.

"SEC. 798. CERTAIN GENERAL PROVISIONS.

"(a) PEER REVIEW.—Each application for a grant or contract under this title shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"(b) DELEGATION OF AUTHORITY OF SECRETARY.—The Secretary may delegate the authority to administer any program authorized by this title to the administrator of a central or regional office or offices of the Department, except that the authority to make such a grant, enter into such a contract, continue such a grant or contract, or modify such a contract, shall not be delegated to any administrator of, or officer in, a regional office or offices of the Department.

"(c) DIFFERENTIAL TUITION AND FEES.—The Secretary may not enter into a contract with, or make a grant, loan guarantee, or interest subsidy payment under this title or title VIII, to or for the benefit of, any school, program, or training center if the tuition levels or educational fees at such school, program, or training center are higher for certain students solely on the basis that such students are the recipients of traineeships, loans, loan guarantees, service scholarships, or interest subsidies from the Federal Government.

"(d) APPLICABILITY OF CERTAIN PROVISIONS ON CONTRACTS.—Contracts authorized by this title may be entered into without regard to section 3324 of title 31, United States Code, or section 3709 of the Revised Statutes (41 U.S.C. 5).

"(e) RECORDS AND AUDITS.—

"(1) MAINTENANCE OF RECORDS.—

"(A) Each entity which receives a grant, loan, loan guarantee, or interest subsidy or which enters into a contract with the Secretary under this title, shall establish and maintain such records as the Secretary shall by regulation or order require.

"(B) The Secretary may specify, by regulation, the form and manner in which such records, required by subparagraph (A), shall be established and maintained.

"(2) BIENNIAL AUDITS.— Each entity which received a grant or entered into a contract under this title shall provide for a biennial financial audit of any books, accounts, financial records, files, and other papers and property which relate to the disposition or use of the funds received under such grant or contract and such other funds received by or allocated to the project or undertaking for which such grant or contract was made. For purposes of assuring accurate, current, and complete disclosure of the disposition or use of the funds received, each such audit shall be conducted in accordance with such requirements concerning the individual or agency which conducts the audit, and such standards applicable to the performance of the audit, as the Secretary may by regulation provide. A report of each such audit shall be filed with the Secretary at such time and in such manner as he may require.

"(3) APPLICABILITY TO STUDENTS.—A student recipient of a scholarship, traineeship, loan, or loan guarantee under this title shall not be required to establish or maintain the records required in paragraph (1) or provide for an audit required in paragraph (2).

"(4) AVAILABILITY OF DOCUMENTS, ETC..—

"(A) Each entity which is required to establish and maintain records or to provide for an audit under this subsection shall make such books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of such entity upon a reasonable request therefor.

"(B) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have the authority to carry out the purposes of this paragraph.

"(f) MISCELLANEOUS PROVISIONS.—

"(1) PAYMENTS UNDER GRANTS.—Grants made under this title may be paid (A) in advance or by way of reimbursement, (B) at such intervals and on such conditions as the Secretary may find necessary, and (C) with appropriate adjustments on account of overpayments or underpayments previously made.

"(2) APPLICATIONS FOR GRANTS AND CONTRACTS.—No grant may be made or contract entered into under this title unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(3) ASSURANCES.—Whenever in this title an applicant is required to provide assurances to the Secretary, or an application is required to contain assurances or be supported by assurances, the Secretary shall determine before approving the application that the assurances provided are made in good faith.

"(4) TECHNICAL ASSISTANCE.—Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.

"(5) GRADUATES OF FOREIGN MEDICAL SCHOOLS.—The Secretary may make an award of a grant, cooperative agreement, or contract under this title to an entity (including a school) that provides graduate training in the health professions only if the entity agrees that, in considering applications for admissions to a program of such training, the entity will not refuse to consider an application solely on the basis that the application is submitted by a graduate of a foreign medical school. This paragraph may not be construed as establishing any private right of action.

"SEC. 799. DEFINITIONS.

"For purposes of this title:

"(1)(A) The terms 'school of medicine', 'school of dentistry', 'school of osteopathic medicine', 'school of pharmacy', 'school of optometry', 'school of podiatric medicine', 'school of veterinary medicine', 'school of public health', and 'school of chiropractic' mean an accredited public or nonprofit private school in a State that provides training leading, respectively, to a degree of doctor of medicine, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of osteopathy, a degree of bachelor of science in pharmacy or an equivalent degree or a degree of doctor of pharmacy or an equivalent degree, a degree of doctor of optometry or an equivalent degree, a degree of doctor of podiatric medicine or an equivalent degree, a degree of doctor of veterinary medicine or an equivalent degree, a graduate degree in public health or an equivalent degree, and a degree of doctor of chiropractic or an equivalent degree, and including advanced training related to such training provided by any such school.

"(B) The terms 'graduate program in health administration' and 'graduate program in clinical psychology' mean an accredited graduate program in a public or nonprofit private institution in a State that provides training leading, respectively, to a graduate degree in health administration or an equivalent degree and a doctoral degree in clinical psychology or an equivalent degree.

"(C) The terms 'graduate program in clinical social work' and 'graduate program in marriage and family therapy' mean an accredited graduate program in a public or nonprofit private institution in a State that provides training, respectively, in a concentration in health or mental health care leading to a graduate degree in social work and a concentration leading to a graduate degree in marriage and family therapy.

"(D) The term 'graduate program in mental health practice' means a graduate program in clinical psychology, clinical social work, or marriage and family therapy.

"(E) The term 'accredited', when applied to a school of medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, podiatry, pharmacy, public health, or chiropractic, or a graduate program in health administration, clinical psychology, clinical social work, or marriage and family therapy, means a school or program that is accredited by a recognized body or bodies approved for such purpose by the Secretary of Education, except that a new school or program that, by reason of an insufficient period of operation, is not, at the time of application for a grant or contract under this title, eligible for accreditation by such a recognized body or bodies, shall be deemed accredited for purposes of this title, if the Secretary of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school or program will meet the accreditation standards of such

body or bodies prior to the beginning of the academic year following the normal graduation date of the first entering class in such school or program.

"(2) The term 'teaching facilities' means areas dedicated for use by students, faculty, or administrative or maintenance personnel for clinical purposes, research activities, libraries, classrooms, offices, auditoriums, dining areas, student activities, or other related purposes necessary for, and appropriate to, the conduct of comprehensive programs of education. Such term includes interim facilities but does not include off-site improvements or living quarters.

"(3) The term 'program for the training of physician assistants' means an educational program that—

"(A) has as its objective the education of individuals who will, upon completion of their studies in the program, be qualified to provide primary health care under the supervision of a physician; and

"(B) meets regulations prescribed by the Secretary in accordance with section 750(b).

"(4) The term 'school of allied health' means a public or nonprofit private college, junior college, or university or hospital-based educational entity that—

"(A) provides, or can provide, programs of education to enable individuals to become allied health professionals or to provide additional training for allied health professionals;

"(B) provides training for not less than a total of twenty persons in the allied health curricula (except that this subparagraph shall not apply to any hospital-based educational entity);

"(C) includes or is affiliated with a teaching hospital; and

"(D) is accredited by a recognized body or bodies approved for such purposes by the Secretary of Education, or which provides to the Secretary satisfactory assurance by such accrediting body or bodies that reasonable progress is being made toward accreditation.

"(5) The term 'allied health professionals' means a health professional (other than a registered nurse or physician assistant)—

"(A) who has received a certificate, an associate's degree, a bachelor's degree, a master's degree, a doctoral degree, or postbaccalaureate training, in a science relating to health care;

"(B) who shares in the responsibility for the delivery of health care services or related services, including—

"(i) services relating to the identification, evaluation, and prevention of disease and disorders;

"(ii) dietary and nutrition services;

"(iii) health promotion services;

"(iv) rehabilitation services; or

"(v) health systems management services; and

"(C) who has not received a degree of doctor of medicine, a degree of doctor of osteopathy, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of veterinary medicine or an equivalent degree, a degree of doctor of optometry or an equivalent degree, a degree of doctor of podiatric medicine or an equivalent degree, a degree of bachelor of science in pharmacy or an equivalent degree, a degree of doctor of pharmacy or an equivalent degree, a graduate degree in public health or an equivalent degree, a degree of doctor of chiropractic or an equivalent degree, a graduate degree in health administration or an equivalent degree, a doctoral degree in clinical psychology or an equivalent degree, or a degree in social work or an equivalent degree.

"(6) The term 'medically underserved community' means an urban or rural area or population that—

"(A) is eligible for designation under section 332 as a health professional shortage area;

"(B) is eligible to be served by a migrant health center under section 329, a community health center under section 330, a grantee under section 340 (relating to homeless individuals, or a grantee under section 340A (relating to residents of public housing); or

"(C) has a shortage of personal health services, as determined under criteria issued by the Secretary under section 1861(aa)(2) of the Social Security Act (relating to rural health clinics).

"(7) The term 'Department' means the Department of Health and Human Services.

"(8) The term 'nonprofit' refers to the status of an entity owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(9) The term 'State' includes, in addition to the several States, only the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(10)(A) Subject to subparagraph (B), the term 'underrepresented minorities' means, with respect to a health profession, racial and ethnic populations that are underrepresented in the health profession relative to the number of individuals who are members of the population involved.

"(B) For purposes of subparagraph (A), Asian individuals shall be considered by the various subpopulations of such individuals.".

SEC. 103. EFFECTIVE DATE.

The amendment made by section 102 takes effect on the date of the enactment of this Act, except that section 708 of the Public Health Service Act, as added by section 102 of this Act, takes effect January 1, 1993. Until such date, section 732(c) of the Public Health Service Act, as in effect on the day before the date of the enactment of this Act, continues in effect in lieu of such section 708.

TITLE II—NURSE EDUCATION

SEC. 201. SHORT TITLE.

This title may be referred to as the Nurse Education and Practice Improvement Amendments of 1992.

SEC. 202. SPECIAL PROJECT GRANTS AND CONTRACTS.

(a) In General.—Section 820 of the Public Health Service Act (42 U.S.C. 296k) is amended to read as follows:

"SPECIAL PROJECT GRANTS AND CONTRACTS

"Sec. 820. (a) Expansion of Enrollment in Professional Nursing Programs.—

"(1) In general.—The Secretary may make grants to and enter into contracts with public and nonprofit private schools of nursing with programs of education in professional nursing for the purpose of assisting the schools in increasing the number of students enrolled in such programs. Such a grant or contract may be made only with respect to such programs that are in operation on the date of the enactment of the Health Professions Education Extension Amendments of 1992.

"(2) Preference.—In making awards of grants and contracts under paragraph (1), the Secretary shall give preference to any qualified school that provides students of the school with clinical training in the provision of primary health care in publicly-funded—

"(A) urban or rural outpatient facilities, home health agencies, or public health agencies; or

"(B) rural hospitals.

"(3) Matching funds.—

"(A) With respect to the costs of the program to be carried out by a school pursuant to paragraph (1), the Secretary may provide an award of a grant or contract under such paragraph only if the school agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

"(i) for the first fiscal year for which the school receives such an award, is not less than $1 for each $9 of Federal funds provided through the award (10 percent of such costs);

"(ii) for any second such fiscal year, is not less than $1 for each $3 of Federal funds provided through the award (25 percent of such costs);

"(iii) for any third such fiscal year, is not less than $1 for each $1 of Federal funds provided through the award (50 percent of such costs); and

"(iv) for any fourth or fifth such fiscal year, is not less than $3 for each $1 of Federal funds provided through the award (75 percent of such costs).

"(B) Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(b) Primary Health Care in Noninstitutional Settings.—

"(1) In general.—The Secretary may make grants to and enter into contracts with public and nonprofit private schools of nursing for the establishment or expansion of nursing practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in medically underserved communities.

"(2) Operation and staffing of programs.—The Secretary may make an award of a grant or contract under paragraph (1) only if the school involved agrees that the program carried out with the award will be operated and staffed by the faculty and students of the school.

"(3) Design.—The Secretary may make an award of a grant or contract under paragraph (1) only if the program to be carried out under such paragraph by the school involved is designed to provide at least 25 percent of the students of the school with a structured clinical experience in primary health care.

"(c) Continuing Education for Nurses in Medically Underserved Communities.—The Secretary may make grants to and enter into contracts with public and nonprofit private entities for the purpose of providing continuing education for nurses serving in medically underserved communities.

"(d) Long-term Care Fellowships for Certain Paraprofessionals.—

"(1) In general.—The Secretary may make grants to and enter into contracts with public and nonprofit private entities that operate accredited programs of education in professional nursing, or State-board approved programs of practical or vocational nursing, for the purpose of providing fellowships to individuals described in paragraph (2) for attendance in such programs.

"(2) Eligible individuals.—The individuals referred to in paragraph (1) are individuals who are employed by nursing facilities or home health agencies as nursing paraprofessionals.

"(3) Preference for schools with rapid transition programs.—In making awards of grants and contracts under paragraph (1), the Secretary shall give preference to any qualified applicant operating an accredited program of education in professional nursing that provides for the rapid transition to status as a professional nurse from status as a nursing paraprofessional.

"(4) Preference in award of fellowships.—The Secretary may make an award of a grant or contract under paragraph (1) only if the applicant involved agrees that, in providing fellowships under the award, the applicant will

give preference to individuals described in paragraph (2) who—

"(A) are economically disadvantaged individuals, particularly such individuals who are members of a minority group that is underrepresented among registered nurses; or

"(B) are employed by a nursing facility that will assist in paying the costs or expenses described in paragraph (5)(A) with respect to the individuals.

"(5) USE OF AWARD.—The Secretary may make an award of a grant or contract under paragraph (1) only if the applicant involved agrees that fellowships provided with the award will pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of nursing respect to which the fellowship is provided; and

"(B) reasonable living expenses of the individual during the period for which the fellowship is provided.

"(6) DEFINITION.—For purposes of this section:

"(A) The term 'home health agency' has the meaning given such term in section 1861 of the Social Security Act.

"(B) The term 'nursing facility' has the meaning given such term in section 1919 of the Social Security Act.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $10,500,000 for each of the fiscal years 1993 and 1994.".

(b) DEFINITION OF MEDICALLY UNDERSERVED COMMUNITIES.—Section 853 of the Public Health Service Act (42 U.S.C. 298b) is amended by adding at the end the following new paragraph:

"(11) The term 'medically underserved community' has the meaning given such term in section 799.".

(c) SAVINGS PROVISION FOR CURRENT PROJECTS.—In the case of any authority for making awards of grants or contracts that is terminated by the amendment made by subsection (a), the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

SEC. 203. ADVANCED NURSE EDUCATION.

Section 821 of the Public Health Service Act (42 U.S.C. 296l) is amended to read as follows:

"ADVANCED NURSE EDUCATION

"SEC. 821. (a) IN GENERAL.—The Secretary may make grants to and enter into contracts with public and nonprofit private collegiate schools of nursing to meet the costs of projects that, in the case of programs described in susbsection (b)—

"(1) plan, develop, and operate new such programs; or

"(2) significantly expand existing such programs.

"(b) AUTHORIZED PROGRAMS.—The programs referred to in subsection (a) are programs leading to advanced degrees that prepare nurses to serve as nurse educators or public health nurses, or in other clinical nurse specialties determined by the Secretary to require advanced education.

"(c) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $12,000,000 for each of the fiscal years 1993 and 1994.

"(2) LIMITATION.—Of the amounts appropriated under paragraph (1), the Secretary may not obligate more than 10 percent for providing grants or contracts under subsection (a) for programs leading to doctoral degrees.".

SEC. 204. NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS.

Section 822 of the Public Health Service Act (42 U.S.C. 296m) is amended to read as follows:

"NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS

"SEC. 822. (a) IN GENERAL.—The Secretary may make grants to and enter into contracts with public and nonprofit private schools of nursing or other public and nonprofit private entities to meet the costs of projects that, with respect to programs described in subsection (b)—

"(1) plan, develop, and operate new such programs; or

"(2) maintain or significantly expand existing such programs.

"(b) AUTHORIZED PROGRAMS.—

"(1) IN GENERAL.—The programs referred to in subsection (a) are educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) that—

"(A) meet guidelines prescribed by the Secretary in accordance with paragraph (2); and

"(B) have as their objective the education of nurses who will, upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities and other health care institutions.

"(2) GUIDELINES.—After consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for programs described in paragraph (1). Such guidelines shall, as a minimum, require that such a program—

"(A) extend for at least one academic year and consist of—

"(i) supervised clinical practice directed toward preparing nurses to deliver primary health care; and

"(ii) at least four months (in the aggregate) of classroom instruction that is so directed; and

"(B) have an enrollment of not less than six full-time equivalent students.

"(c) CERTAIN CONSIDERATIONS IN MAKING AWARDS.—

"(1) PREFERENCE.—In making awards of grants and contracts under subsection (a), the Secretary shall give preference to any qualified applicant that, with respect to programs described in subsection (b), agree to expend the award to plan, develop, and operate new such programs or to significantly expand existing such programs.

"(2) SPECIAL CONSIDERATION.—In making awards of grants and contracts under subsection (a), the Secretary shall give special consideration to qualified applicants that agree to expend the award to train individuals as nurse practitioners and nurse midwives who will practice in health professional shortage areas designated under section 332.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $20,000,000 for each of the fiscal years 1993 and 1994.".

SEC. 205. SPECIAL PROJECTS REGARDING DISADVANTAGED INDIVIDUALS.

Section 827(c) of the Public Health Service Act (42 U.S.C. 296r(c)) is amended

(1) by striking "and" after "1990,"; and

(2) by inserting before the period the following: ", $5,000,000 for fiscal year 1993, and $6,000,000 for fiscal year 1994".

SEC. 206. TRAINEESHIPS FOR ADVANCED EDUCATION OF PROFESSIONAL NURSES.

Section 830 of the Public Health Service Act (42 U.S.C. 297) is amended to read as follows:

"TRAINEESHIPS FOR ADVANCED EDUCATION OF PROFESSIONAL NURSES

"SEC. 830. (a) IN GENERAL.—The Secretary may make grants to public and nonprofit private entities to meet the cost of traineeships for individuals in advanced-degree programs in order to educate the individuals to serve in and prepare for practice as nurse practitioners, nurse midwives, nurse educators, public health nurses, or in other clinical nursing specialties determined by the Secretary to require advanced education.

"(b) SPECIAL CONSIDERATION IN MAKING GRANTS.—In making grants for traineeships under subsection (a), the Secretary shall give special consideration to applications for traineeship programs that conform to guidelines established by the Secretary under section 822(b)(2).

"(c) PREFERENCE IN PROVISION OF TRAINEESHIPS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that, in providing traineeships under such subsection, the applicant will give preference to individuals who are residents of health professional shortage areas designated under section 332.

"(d) ELIGIBILITY OF INDIVIDUALS IN MASTER'S DEGREE PROGRAMS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that the applicant will not provide a traineeship under such subsection to an individual enrolled in a masters of nursing program unless the individual has completed basic nursing preparation, as determined by the applicant.

"(e) USE OF GRANT.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that traineeships provided with the grant will pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of nursing with respect to which the traineeship is provided; and

"(B) reasonable living expenses of the individual during the period for which the traineeship is provided.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $20,000,000 for each of the fiscal years 1993 and 1994.

"(2) LIMITATION REGARDING CERTAIN TRAINEESHIPS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary may not obligate more than 10 percent for providing traineeships under subsection (a) for individuals in doctoral degree programs.".

SEC. 207. NURSE ANESTHETISTS.

(a) PREFERENCES REGARDING GRANTS AND TRAINEESHIPS; USE OF GRANT.—Section 831(a) of the Public Health Service Act (42 U.S.C. 297–1(a)) is amended—

(1) by striking paragraph (2); and

(2) by inserting after paragraph (1) the following paragraphs:

"(2)(A) In making grants under paragraph (1), the Secretary shall give preference to qualified applicants carrying out traineeship programs whose participants gain significant experience in providing health services at rural health facilities.

"(B) The Secretary may make a grant under paragraph (1) only if the institution involved agrees that, in providing traineeships under such paragraph, the institution will give preference to individuals who are residents of health professional shortage areas designated under section 332.

"(3) The Secretary may make a grant under paragraph (1) only if the applicant involved agrees that traineeships provided with the grant will pay all or part of the costs of—

"(A) the tuition, books, and fees of the program of nursing with respect to which the traineeship is provided; and

"(B) reasonable living expenses of the individual during the period for which the traineeship is provided.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 831(c) of the Public Health Service Act (42 U.S.C. 297–1(c)) is amended in the first sentence by inserting before the period the following: ", $3,000,000 for fiscal year 1993, and $4,000,000 for fiscal year 1994".

SEC. 208. STUDENT LOANS.

(a) ALLOTMENTS AND PAYMENTS OF FEDERAL CAPITAL CONTRIBUTIONS.—Section 838(a)(3) of the Public Health Service Act (42 U.S.C. 297d(a)(3)) is amended—

(1) by striking subparagraph (B); and

(2) in subparagraph (A)—

(A) in the first sentence, by striking "available for allotment" and all that follows and inserting the following: "available for allotment until expended.";

(B) in the second sentence, by striking "this subpart, except" and all that follows and inserting "this subpart."; and

(C) by striking the subparagraph designation.

(b) DISTRIBUTION OF ASSETS FROM LOAN FUNDS.—Section 839 of the Public Health Service Act (42 U.S.C. 297e) is amended—

(1) in subsection (a), by striking out "1991" and inserting in lieu thereof "1996"; and

(2) in subsections (a) and (b), by striking "1994" each place such term appears and inserting "1999".

SEC. 209. CERTAIN GENERALLY APPLICABLE PROVISIONS.

Title VIII of the Public Health Service Act (42 U.S.C. 296k et seq.) is amended by adding at the end the following section:

"CERTAIN GENERALLY APPLICABLE PROVISIONS

"SEC. 860. (a) APPLICATION FOR GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—The Secretary may make an award of a grant, cooperative agreement, or contract under this title only if an application for the award is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out the program authorizing the award.

"(b) DURATION OF ASSISTANCE.—

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an award to an entity of a grant, cooperative agreement, or contract under this title, the period during which payments are made to the entity under the award may not exceed 5 years. The provision of payments under the award shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This paragraph may not be construed as limiting the number of awards under the program involved that may be made to the entity.

"(2) LIMITATION.—In the case of an award to an entity of a grant, cooperative agreement, or contract under this title, paragraph (1) shall apply only to the extent not inconsistent with any other provision of this title that relates to the period during which payments may be made under the award.

"(c) BREACH OF AGREEMENTS FOR OBLIGATED SERVICE.—

"(1) IN GENERAL.—In the case of any program under this title under which an individual makes an agreement to provide health services for a period of time in accordance with such program in consideration of receiving an award of Federal funds regarding education as a nurse (including an award for the repayment of loans), the following applies if the agreement provides that this subsection is applicable:

"(A) In the case of a program under this title that makes an award of Federal funds for attending an accredited program of nursing (in this subsection referred to as 'nursing program'), the individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual—

"(i) fails to maintain an acceptable level of academic standing in the nursing program (as indicated by the program in accordance with requirements established by the Secretary);

"(ii) is dismissed from the nursing program for disciplinary reasons; or

"(iii) voluntarily terminates the nursing program.

"(B) The individual is liable to the Federal Government for the amount of such award (including amounts provided for expenses related to such attendance), and for interest on such amount at the maximum legal prevailing rate, if the individual fails to provide health services in accordance with the program under this title for the period of time applicable under the program.

"(2) WAIVER OR SUSPENSION OF LIABILITY.—In the case of an individual or health facility making an agreement for purposes of paragraph (1), the Secretary shall provide for the waiver or suspension of liability under such paragraph if compliance by the individual or the health facility, as the case may be, with the agreements involved is impossible, or would involve extreme hardship to the individual or facility, and if enforcement of the agreements with respect to the individual or facility would be unconscionable.

"(3) DATE CERTAIN FOR RECOVERY.—Subject to paragraph (2), any amount that the Federal Government is entitled to recover under paragraph (1) shall be paid to the United States not later than the expiration of the three-year period beginning on the date the United States becomes so entitled.

"(4) AVAILABILITY.—Amounts recovered under paragraph (1) with respect to a program under this title shall be available for the purposes of such program, and shall remain available for such purposes until expended.

"(d) PEER REVIEW REGARDING CERTAIN PROGRAMS.—Each application for a grant or contract under any of sections 821, 822, 830, and 831 shall be submitted to a peer review group for an evaluation of the merits of the proposals made in the application. The Secretary may not approve such an application unless a peer review group has recommended the application for approval. Each peer review group under this subsection shall be composed principally of individuals who are not officers or employees of the Federal Government. This subsection shall be carried out by the Secretary acting through the Administrator of the Health Resources and Services Administration.

"(e) PREFERENCES AND REQUIRED INFORMATION IN CERTAIN PROGRAMS.—

"(1) PREFERENCES IN MAKING AWARDS.—

"(A) Subject to subparagraph (B), in awarding grants or contracts under any of sections 821, 822, 830, and 831, the Secretary shall give preference to any qualified applicant that—

"(i) has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or

"(ii) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings.

"(B) For purposes of subparagraph (A), the Secretary may not give an applicant preference if the proposal of the applicant is ranked at or below the 20th percentile of proposals that have been recommended for approval by peer review groups under subsection (d).

"(2) REQUIRED SUBMISSION OF INFORMATION.—The Secretary may make an award of a grant or contract under any of sections 821, 822, 830, and 831 only if the applicant for the award submits to the Secretary (through the application for the award) the following information regarding the programs of the applicant:

"(A) A description of rotations or preceptorships for students that have the principal focus of providing health care to medically underserved communities.

"(B) The number of faculty on admissions committees who have a clinical practice in community-based ambulatory settings in medically underserved or rural communities.

"(C) With respect to individuals who are from disadvantaged backgrounds or from medically underserved communities, the number of such individuals who are recruited for academic programs of the applicant, the number of such individuals who are admitted to such programs, and the number of such individuals who graduate from such programs.

"(D) If applicable to the applicant, the number of recent graduates who have chosen careers in primary health care.

"(E) The number of recent graduates whose practices are serving medically underserved communities.

"(F) A description of whether and to what extent the applicant is able to operate without Federal assistance under this title.

"(3) DEFINITION.—For purposes of this subsection, the term 'graduate' means, unless otherwise specified, an individual who has successfully completed all training requirements necessary for full certification in the health profession selected by the individual.".

SEC. 210. DEMONSTRATION PROGRAM REGARDING SERVICE IN CERTAIN HEALTH CARE FACILITIES.

Part B of title VIII of the Public Health Service Act (42 U.S.C. 297 et seq.) is amended by striking subpart IV.

SEC. 211. TRANSFER OF LOAN REPAYMENT PROGRAM.

(a) IN GENERAL.—Part B of title VIII of the Public Health Service Act, as amended by section 210 of this Act, is amended—

(1) in section 836—

(A) by striking subsection (h); and

(B) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively;

(2) by striking section 837A; and

(3) by adding at the end the following subpart:

"Subpart IV—Loan Repayment Program

"LOAN REPAYMENT PROGRAM

"SEC. 846. (a) IN GENERAL.—In the case of any individual—

"(1) who has received a baccalaureate or associate degree in nursing (or an equivalent degree), a diploma in nursing, or a graduate degree in nursing;

"(2) who obtained (A) one or more loans from a loan fund established under subpart II, or (B) any other educational loan for nurse training costs; and

"(3) who enters into an agreement with the Secretary to serve as nurse for a period of not less than two years in an Indian Health Service health center, in a Native Hawaiian health center, in a public hospital, in a migrant health center, in a community health center, in a rural health clinic, or in a public or nonprofit private health facility determined by the Secretary to have a critical shortage of nurses;

the Secretary shall make payments in accordance with subsection (b), for and on behalf of that individual, on the principal of and interest on any loan of that individual described in paragraph (2) of this subsection which is outstanding on the date the individual begins the service specified in the agreement described in paragraph (3) of this subsection.

"(b) Manner of Payments.—The payments described in subsection (a) shall be made by the Secretary as follows:

"(1) Upon completion by the individual for whom the payments are to be made of the first year of the service specified in the agreement entered into with the Secretary under subsection (a), the Secretary shall pay 30 percent of the principal of, and the interest on each loan of such individual described in subsection (a)(2) which is outstanding on the date he began such practice.

"(2) Upon completion by that individual of the second year of such service, the Secretary shall pay another 30 percent of the principal of, and the interest on each such loan.

"(3) Upon completion by that individual of a third year of such service, the Secretary shall pay another 25 percent of the principal of, and the interest on each such loan.

"(c) Payment by Due Date.—Notwithstanding the requirement of completion of practice specified in subsection (b), the Secretary shall, on or before the due date thereof, pay any loan or loan installment which may fall due within the period of service for which the borrower may receive payments under this subsection, upon the declaration of such borrower, at such times and in such manner as the Secretary may prescribe (and supported by such other evidence as the Secretary may reasonably require), that the borrower is then serving as described by subsection (a)(3), and that the borrower will continue to so serve for the period required (in the absence of this subsection) to entitle the borrower to have made the payments provided by this subsection for such period; except that not more than 85 percent of the principal of any such loan shall be paid pursuant to this subsection.

"(d) Breach of Agreement.—The Secretary may make payments under subsection (a) on behalf of an individual only if the agreement under such subsection provides that section 860(c) is applicable to the individual.

"(e) Preferences Regarding Participants.—In entering into agreements under subsection (a), the Secretary shall give preference—

"(1) to qualified applicants with the greatest financial need; and

"(2) to qualified applicants that, with respect to health facilities described in such subsection, agree to serve in such health facilities located in geographic areas with a shortage of and need for nurses, as determined by the Secretary.

"(f) Definitions.—For purposes of this section:

"(1) The term "community health center" has the meaning given such term in section 330(a).

"(2) The term "migrant health center" has the meaning given such term in section 329(a)(1).

"(3) The term "rural health clinic" has the meaning given such term in section 1861(aa)(2) of the Social Security Act.

"(g) Authorization of Appropriations.—For the purpose of payments under agreements entered into under subsection (a), there are authorized to be appropriated $5,000,000 for fiscal year 1993, and $6,000,000 for fiscal year 1994.".

(b) Rule of Construction.—With respect to section 836(h) of the Public Health Service Act, as in effect prior to the date of the enactment of this Act, any agreement entered into under such section that is in effect on the day before such date remains in effect in accordance with the terms of the agreement, notwithstanding the amendment made by subsection (a) of this section.

SEC. 212. ADVISORY COUNCIL ON NURSES EDUCATION; REVIEW COMMITTEE.

Section 851 of the Public Health Service Act (42 U.S.C. 298) is amended—

(1) in subsection (a), in the first sentence, by striking "Advisory" and all that follows through "consisting" and inserting the following: "National Advisory Council on Nurse Education and Practice (in this section referred to as the 'Council'), consisting"; and

(2) in the heading for the section, by striking "NURSES EDUCATION;" and inserting "NURSE EDUCATION AND PRACTICE;".

SEC. 213. EVALUATIONS.

Section 859(b) of the Public Health Service Act (42 U.S.C. 298b–6(b)) is amended—

(1) by striking subsection (1); and

(2) in paragraph (2)—

(A) by striking "(2)"; and

(B) by striking "not later than" and all that follows through "submit" and inserting the following: "not later than January 10, 1994, and every 2 years thereafter, submit".

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. ADVISORY COUNCIL ON GRADUATE MEDICAL EDUCATION.

(a) Establishment; Duties.—There is established the Council on Graduate Medical Education (in this section referred to as the "Council"). The Council shall—

(1) make recommendations to the Secretary of Health and Human Services (in this section referred to as the "Secretary"), and to the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with respect to—

(A) the supply and distribution of physicians in the United States;

(B) current and future shortages or excesses of physicians in medical and surgical specialties and subspecialties;

(C) issues relating to foreign medical school graduates;

(D) appropriate Federal policies with respect to the matters specified in subparagraphs (A), (B), and (C), including policies concerning changes in the financing of undergraduate and graduate medical education programs and changes in the types of medical education training in graduate medical education programs;

(E) appropriate efforts to be carried out by hospitals, schools of medicine, schools of osteopathic medicine, and accrediting bodies with respect to the matters specified in subparagraphs (A), (B), and (C), including efforts for changes in undergraduate and graduate medical education programs; and

(F) deficiencies in, and needs for improvements in, existing data bases concerning the supply and distribution of, and post-graduate training programs for, physicians in the United States and steps that should be taken to eliminate those deficiencies; and

(2) encourage entities providing graduate medical education to conduct activities to voluntary achieve the recommendations of the Council under paragraph (1)(E).

(b) Composition.—The Council shall be composed of—

(1) the Assistant Secretary for Health or the designee of the Assistant Secretary;

(2) the Administrator of the Health Care Financing Administration;

(3) the Chief Medical Director of the Department of Veterans Affairs;

(4) 6 members appointed by the Secretary to include representatives of practicing primary care physicians, national and specialty physician organizations, foreign medical graduates, and medical student and house staff associations;

(5) 4 members appointed by the Secretary to include representatives of schools of medicine and osteopathic medicine and public and private teaching hospitals; and

(6) 4 members appointed by the Secretary to include representatives of health insurers, business, and labor.

(c) Terms of Appointed Members.—

(1) In General; Staggered Rotation.—Members of the Council appointed under paragraphs (4), (5), and (6) of subsection (b) shall be appointed for a term of 4 years, except that the term of office of the members first appointed shall expire, as designated by the Secretary at the time of appointment, 4 at the end of 1 year, 4 at the end of 2 years, 3 at the end of 3 years, and 3 at the end of 4 years.

(2) Date Certain for Appointment.—The Secretary shall appoint the first members to the Council under paragraphs (4), (5), and (6) of subsection (b) within 60 days after the date of enactment of this section.

(d) Chair.—The Council shall elect one of its members as Chairman of the Council.

(e) Quorum.—Nine members of the Council shall constitute a quorum, but a lesser number may hold hearings.

(f) Vacancies.—Any vacancy in the Council shall not affect its power to function.

(g) Compensation.—Each member of the Council who is not otherwise employed by the United States Government shall receive compensation at a rate equal to the daily rate prescribed for GS–18 under the General Schedule under section 5332 of title 5, United States Code, for each day, including traveltime, such member is engaged in the actual performance of duties as a member of the Council. A member of the Council who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Council shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(h) Certain Authorities and Duties.—

(1) Authorities.—In order to carry out the provisions of this section, the Council is authorized to—

(A) collect such information, hold such hearings, and sit and act at such times and places, either as a whole or by subcommittee, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Council or such subcommittee may consider available; and

(B) request the cooperation and assistance of Federal departments, agencies, and instrumentalities, and such departments, agencies, and instrumentalities are authorized to provide such cooperation and assistance.

(2) Coordination of Activities.—The Council shall coordinate its activities with the activities of the Secretary under section 792 of the Public Health Service Act. The Secretary shall, in cooperation with the Council and pursuant to the recommendations of the Council, take such steps as are practicable to eliminate deficiencies in the data base established under such section 792 and shall make available in its reports such comprehensive data sets as are developed pursuant to this section.

(i) Requirement Regarding Reports.—In the reports required under subsection (a), the Council shall specify its activities during the period for which the report is made.

(j) Final Report.—Not later than April 1, 1995, the Council shall submit a final report under subsection (a).

(k) Termination.—The Council shall terminate September 30, 1995.

SEC. 302. COMMISSION ON ALLIED HEALTH.

(a) Establishment.—There is established an advisory council to be known as the National Commission on Allied Health (in this section referred to as the "Commission"), which shall *meet at least twice annually until such time as the final report is submitted under subsection (e).*

(b) DUTIES.—The Commission shall—

(1) make recommendations to the Secretary of Health and Human Services (in this section referred to as the "Secretary"), the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with respect to—

(A) the supply and distribution of allied health personnel throughout the United States;

(B) current and future shortages or excesses of allied health personnel, particularly in medically underserved and rural communities;

(C) priority research needs within the allied health professions;

(D) appropriate Federal policies relating to the matters described in subparagraphs (A) through (C), including policies concerning changes in the financing of undergraduate and graduate allied health programs, changes in the types of allied health education, and the appropriate Federal role in the development of a research base in the allied health professions;

(E) appropriate efforts to be carried out by health care facilities, schools and programs of allied health, and professional associations with respect to the matter referred to in subparagraph (A), including efforts for changes in undergraduate and graduate allied health education programs, and private support for research initiatives;

(F) deficiencies and needs for improvements in existing data bases concerning the supply and distribution of training programs for allied health in the United States and steps that should be taken to eliminate such deficiencies; and

(G) problems, and recommendations for the resolution of such problems, relating to the roles and functions of professionals within the allied health fields and other fields such as medicine and dentistry; and

(2) encourage entities providing allied health education to conduct activities to voluntarily achieve the recommendations of the Commission.

(c) COMPOSITION.—The Commission shall be composed of—

(1) the Assistant Secretary for Health;

(2) the Administrator of the Health Care Financing Administration;

(3) the Assistant Secretary for Defense for Health Affairs;

(4) the Chief Medical Director of the Department of Veterans Affairs;

(5) the Commissioner of the Bureau of Labor Statistics of the Department of Labor;

(6) a representative of the National Center for Education Statistics of the Department of Education;

(7) a representative of the Bureau of Health Professions, Health Resources and Services Administration to be appointed by the Secretary;

(8) five individuals appointed by the Secretary to represent allied health professionals, of which—

(A) two such individuals shall be representatives of allied health professionals who provide occupational, speech, respiratory or physical therapy services;

(B) two such individuals shall be health professionals who provide services in underserved areas or to underserved populations; and

(C) one such individual shall be a health professional who provides services to the elderly;

(9) five individuals appointed by the Secretary, including representatives of schools and programs of allied health, health care facility employers of allied health personnel, health insurers, and professional organizations representing the allied health professions;

(10) a professional knowledgeable about health occupations and professions and data policy to be appointed by the Secretary; and

(11) a representative of the general public to be appointed by the Secretary.

(d) DATE CERTAIN FOR APPOINTMENTS.—Not later than 90 days after the date of the enactment of the Health Professions Education Extension Amendments of 1992, the Secretary shall appoint the members of the Commission in accordance with subsection (c).

(e) REPORTS.—Not later than October 1, 1993, the Commission shall prepare and submit to the individual and entities described in subsection (b)(1) a progress report concerning the activities of the Commission. Not later than April 1, 1994, the Commission shall prepare and submit to such individuals and entities a final report.

(f) RESOURCES FOR COUNCIL.—The Secretary shall ensure that necessary resources are made available to implement the provisions of this section.

(g) TERMINATION.—The Commission shall terminate 60 days after the submission of the final report required under subsection (e).

SEC. 303. STUDY REGARDING CLINICAL LABORATORY TECHNOLOGISTS FOR MEDICALLY UNDERSERVED AND RURAL COMMUNITIES.

(a) IN GENERAL.—With respect to the shortage of clinical laboratory technologists, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct a study for the purpose of—

(1) determining whether there are special or unique factors affecting the supply of clinical laboratory technologists in medically underserved and rural communities; and

(2) assessing alternative routes for certification of the competence of individuals to serve as such technologists, with consideration of the role of entities providing such certifications.

(b) DATE CERTAIN FOR REPORT.—Not later than October 1, 1993, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as result of the study.

SEC. 304. RESIDENCY TRAINING PROGRAMS IN EMERGENCY MEDICINE.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as amended by title VI of Public Law 102-321, is amended by adding at the end the following part:

"PART E—MISCELLANEOUS PROGRAMS

"SEC. 1251. RESIDENCY TRAINING PROGRAMS IN EMERGENCY MEDICINE.

"(a) IN GENERAL.—The Secretary may make grants to public and nonprofit private entities for the purpose of planning and developing approved residency training programs in emergency medicine.

"(b) IDENTIFICATION AND REFERRAL OF DOMESTIC VIOLENCE.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that training programs under subsection (a) will provide education and training in identifying and referring cases of domestic violence.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $400,000 for each of the fiscal years 1993 through 1995.".

SEC. 305. CERTAIN CLINICAL TRAINEESHIPS.

Section 303(d)(2) of the Public Health Service Act (42 U.S.C. 242a(d)(2)) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by inserting "or" after the comma at the end of subparagraph (C); and

(3) by inserting after subparagraph (C) the following subparagraph:

"(D) in a Federal or State correctional facility,".

SEC. 306. SPECIAL CONSOLIDATED LOAN PROGRAM.

(a) IN GENERAL.—Section 428C of the Higher Education Act of 1965 (20 U.S.C. 1078-3) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) SPECIAL PROGRAM AUTHORIZED.—

"(1) GENERAL RULE AND DEFINITION OF ELIGIBLE STUDENT LOAN.—

"(A) IN GENERAL.—Subject to the provisions of this subsection, the Secretary or a guaranty agency shall enter into agreements with eligible lenders described in subparagraphs (A), (B), and (C) of subsection (a)(1) for the consolidation of eligible student loans.

"(B) APPLICABILITY RULE.—Unless otherwise provided in this subsection, the agreements entered into under subparagraph (A) and the loans made under such agreements for the consolidation of eligible student loans under this subsection shall have the same terms, conditions, and benefits as all other agreements and loans made under this section.

"(C) DEFINITION.—For the purpose of this subsection, the term 'eligible student loans' means loans—

"(i) of the type described in subparagraphs (A), (B), and (C) of subsection (a)(4); and

"(ii) made under subpart I of part A of title VII of the Public Health Service Act.

"(2) INTEREST RATE RULE.—

"(A) IN GENERAL.—The portion of each consolidated loan that is attributable to an eligible student loan described in paragraph (1)(C)(ii) shall bear interest at a rate not to exceed the rate determined under subparagraph (B).

"(B) DETERMINATION OF THE MAXIMUM INTEREST RATE.—For the 12-month period beginning after July 1, 1992, and for each 12-month period thereafter, beginning on July 1 and ending on June 30, the interest rate applicable under subparagraph (A) shall be equal to the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the quarter prior to July 1, for each 12-month period for which the determination is made, plus 3 percent.

"(C) PUBLICATION OF MAXIMUM INTEREST RATE.—The Secretary shall determine the applicable rate of interest under subparagraph (B) after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of such determination.

"(3) SPECIAL RULES.—

"(A) NO SPECIAL ALLOWANCE RULE.—No special allowance under section 438 shall be paid with respect to the portion of any consolidated loan under this subsection that is attributable to any loan described in paragraph (1)(C)(ii).

"(B) NO INTEREST SUBSIDY RULE.—No interest subsidy under section 428(a) shall be paid on behalf of any eligible borrower for any portion of a consolidated loan under this subsection that is attributable to any loan described in paragraph (1)(C)(ii).

"(C) ADDITIONAL RESERVE RULE.—Notwithstanding any other provision of this Act, additional reserves shall not be required for any guaranty agency with respect to a loan made under this subsection.

"(D) INSURANCE RULE.—Any insurance premium paid by the borrower under subpart I of part A of title VII of the Public Health Service Act with respect to a loan made under that subpart and consolidated under this subsection shall be retained by the student loan insurance fund established under section 710 of the Public Health Service Act.

"(4) REGULATIONS.—The Secretary is authorized to promulgate such regulations as may be necessary to facilitate carrying out the provisions of this subsection.".

(b) TECHNICAL AMENDMENT.—Section 428(e) of the Higher Education Act of 1965 (as redesignated by subsection (a)) is amended by striking "1992" and inserting "1997".

(c) EFFECTIVE DATE.—The amendments made by this section take effect 60 days after the date of enactment of this Act.

SEC. 307. NATIONAL ADVISORY COUNCIL ON MEDICAL LICENSURE.

(a) ADVISORY COUNCIL.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall establish an advisory council to be known as the "National Advisory Council on Medical Licensure".

(2) DUTIES.—

(A) ADVICE.—The Council shall provide advice to the Secretary regarding the operation of the system established by the American Medical Association for the purpose of verifying and maintaining information regarding the qualifications of individuals to practice medicine, and advice regarding the establishment and operation of any similar system.

(B) ACTIVITIES.—In carrying out subparagraph (A), the Council shall—

(i) monitor and review the operation of the private credentials verification system and develop recommendations regarding methods by which the system can be improved, and make recommendations for the establishment of nondiscriminatory policies and practices for the operation of the system;

(ii) determine to what extent the system has expedited and otherwise improved the efficiency and equitable operation of the process in the States for licensing individuals to practice medicine who previously have been licensed by another State (commonly known as licensure by endorsement); and

(iii) review the policies and practices of the States (including any relevant laws) in licensing international medical graduates and in licensing domestic medical graduates, and determine the effects of the policies.

(3) COMPOSITION.—

(A) IN GENERAL.—The Council shall be composed of 15 voting members selected in accordance with subparagraphs (B) and (C).

(B) HEALTH RESOURCES AND SERVICES ADMINISTRATION.—The Secretary shall designate one official or employee of the Health Resources and Services Administration to serve as a member of the Council. The official or employee so designated shall be a graduate of a medical school located in the United States.

(C) APPOINTMENTS.—From among individuals who are not officers or employees of the Federal Government, the Secretary shall, subject to subparagraph (D), make appointments to the Council as follows:

(i) One individual from an organization representing State authorities that license individuals to practice medicine.

(ii) One individual representing a national organization that represents practicing physicians in the United States.

(iii) One individual representing an organization in the United States that tests international medical graduates regarding medical knowledge.

(iv) One individual representing an organization in the United States that tests individuals who are graduates of medical schools located in the United States regarding medical knowledge.

(v) One physician representing one or more medical schools located in the United States.

(vi) One individual who is a representative of the private credentials verification system.

(vii) One individual who is a graduate of a medical school located in the United States, who has been licensed to practice medicine by a State and has been so licensed by such State for a continuous period of at least 20 years, and who has applied for and received licensure by endorsement during the 5-year period ending on the date of the enactment of this Act.

(viii) One individual who is a graduate of a medical school located in the United States and who represents a State authority that licenses individuals to practice medicine, which State either has a significant number of practicing physicians who are international medical graduates or has a significant shortage of physicians.

(ix) One individual who is an international medical graduate and who represents a coalition representing such graduates.

(x) One individual who is an international medical graduate and who is a native of the United States.

(xi) One individual who is a native of a country located in southern or eastern Asia (including southern or eastern Asian islands) and who is an international medical graduate by virtue of being a graduate of a medical school located in such a country.

(xii) One individual who is a native of a European country or of Australia or New Zealand and who is an international medical graduate by virtue of being a graduate of a medical school located in such a country.

(xiii) One individual who is a native of a Latin American or Caribbean country and who is an international medical graduate by virtue of being a graduate of a medical school located in such a country.

(xiv) One individual who is a native of a country located in sub-Saharan Africa and who is an international medical graduate by virtue of being a graduate of a medical school located in such a country.

At least one member appointed by the Secretary under this subparagraph shall be a physician who is practicing in a medically underserved community, as defined in section 799 of the Public Health Service Act. A physician may serve on the Council only if the physician is licensed by one or more States to practice medicine.

(D) CONSULTATION.—The Secretary shall make the appointments described in subparagraph (C) only after consultation with relevant organizations and coalitions.

(4) CHAIR.—From among the members appointed under paragraph (3)(C), the Council shall designate an individual to serve as the chair of the Council.

(5) DURATION.—The Council shall continue in existence until the submission of the report required under paragraph (7), or not later than September 30, 1995, whichever is earlier.

(6) INTERIM REPORT.—Not later than September 30, 1993, the Council shall submit to the Secretary, the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, an interim report describing the findings and recommendations of the Council pursuant to the duties established in paragraph (2). The Secretary shall provide a copy of the report to the private credentials verification system.

(7) FINAL REPORT.—

(A) IN GENERAL.—Not later than September 30, 1995, the Council shall prepare and submit to the Secretary, the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a final report that shall include recommendations regarding activities conducted pursuant to paragraph (2), that shall include a determination as to whether the private credentials verification system is operating with a reasonable degree of efficiency and whether the policies and practices of the system are nondiscriminatory.

(B) RECOMMENDATIONS.—If the Secretary determines that the private credentials verification system fails to meet either of the criteria with respect to the determination described in subparagraph (A), the Secretary, in consultation with the Council and relevant organizations, shall make a recommendation concerning the establishment of an alternative private system and concerning the specifications for such a system as described in paragraph (2)(B).

(b) STUDY OF STATE LICENSURE PROCESS.—

(1) IN GENERAL.—With respect to the licensure by the States of individuals to practice medicine, the Secretary, in consultation with the Council, shall conduct a study of not less than 10 States for the purpose of determining—

(A) the average length of time required for the States involved to process the licensure applications of domestic medical graduates and the average length of time required for the States to process the licensure applications of international medical graduates, and the reasons underlying any significant differences in such times; and

(B) the percentage of licensure applications from domestic medical graduates that are approved and the percentage of licensure applications from graduates of international medical schools that are approved, and the reasons underlying any significant differences in such percentages.

(2) REPORT.—Not later than September 30, 1994, the Secretary shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the findings made as a result of the study required in paragraph (1) for the fiscal year.

(c) DEFINITIONS.—For purposes of this section:

(1) COUNCIL.—The term "Council" means the National Advisory Council on Medical Licensure established in subsection (a)(1).

(2) DOMESTIC MEDICAL GRADUATE.—The term "domestic medical graduate" means an individual who is a graduate of a medical school located in the United States or Canada.

(3) INTERNATIONAL MEDICAL GRADUATE.—The term "international medical graduate" means an individual who is a graduate of a medical school located in a country other than the United States or Canada.

(4) MEDICAL SCHOOL.—The term "medical school" means a school of medicine or a school of osteopathic medicine, as such terms are defined in section 799 of the Public Health Service Act.

(5) NONDISCRIMINATORY.—The term "nondiscriminatory", with respect to policies and practices, means that such policies and practices do not discriminate on the basis of race, color, religion, gender, national origin, age, disability, marital status, or educational affiliation.

(6) PRIVATE CREDENTIALS VERIFICATION SYSTEM.—The term "private credentials verification system" means the system described in subsection (a)(2)(A) and established by the American Medical Association.

(7) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(8) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(d) NECESSARY RESOURCES.—The Secretary shall ensure that necessary resources are made available to implement the provisions of this section.

SEC. 308. REQUIRED ASSURANCES REGARDING BLOODBORNE DISEASES.

With respect to awards of grants or contracts under title VII or VIII of the Public Health Service Act, the Secretary of Health and Human Services may make such an award for the provision of traineeships only if the applicant for the award provides assurances satisfactory to the Secretary that all trainees will, as appropriate, receive instruction in the utilization of universal precautions and infection control procedures for the prevention of the transmission of bloodborne diseases.

SEC. 309. STUDY ON EFFECTIVENESS OF HEALTH PROFESSIONS PROGRAMS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the programs carried out under titles VII and VIII of the Public Health Service Act (as amended by this Act) for the purpose of determining the effectiveness of such programs in—

(1) increasing the number of primary care providers (physicians, physician assistants, nurse midwives, nurse practitioners and general dentists), nurses and allied health personnel;

(2) improving the geographic distribution of health professionals in medically underserved and rural areas; and

(3) recruiting and retaining as students in health professions schools individuals who are members of a minority group.

(b) CERTAIN REQUIREMENTS.—The study conducted under subsection (a) shall determine—

(1) whether funding under title VII of the Public Health Service Act has increased the number of primary care practitioners (family medicine, general internal medicine, general pediatrics, general dentistry, and physician assistants) in medically underserved communities (as defined in section 799 of such Act);

(2) whether or not funding under such title VII has increased the number of allied health professionals in medically underserved or rural communities;

(3) whether or not funding under title VIII of such Act has increased the number of nurses in medically underserved or rural communities;

(4) whether or not the various mechanisms under such titles VII and VIII (such as scholarships, fellowships, traineeships, loan repayment programs, project grants, and education centers) have been effective in producing health care professionals who work or practice in medically underserved and rural communities and the relative impact or effectiveness of each mechanism;

(5) the duration of service in medically underserved communities (as defined in section 799 of such Act) of health professionals whose training was funded by such titles or who received financial incentives under such titles to practice in such communities;

(6) the geographic distribution of former trainees under such titles who are practicing in medically underserved communities (as so defined);

(7) with respect to the programs of such titles whose purpose is improving the health of individuals who are members of minority groups, whether such programs have had a significant impact on the number of such individuals entering the health professions; and

(8) such other such factors as may be relevant to the reauthorization of such title VII or VIII.

(c) REPORT.—Not later than January 1, 1994, the Comptroller General of the United States shall complete the study required in subsection (a) and submit to the Committee on Labor and Human Resources of the Senate, and the Committee on Energy and Commerce of the House of Representatives, a report describing the findings made as a result of the study and making such recommendations regarding the programs carried out under titles VII and VIII of the Public Health Service Act as the Comptroller General determines to be appropriate.

SEC. 310. DELAYED APPLICABILITY OF CERTAIN PROVISIONS.

Notwithstanding any other provision of law, section 403A(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343-1(a)(1)) shall not apply with respect to any requirement of any State or political subdivision regarding maple syrup until September 1, 1994.

SEC. 311. CERTAIN APPLICATION PROCEDURES.

Section 633 of Public Law 100-607 (42 U.S.C. 295g-10a) is repealed.

SEC. 312. CERTAIN PROJECTS.

(a) IN GENERAL.—Section 205(a)(2)(B) of Public Law 102-321 is amended by adding at the end the following clause:

"(iii) In the case of amounts reserved under this subparagraph for programs of services in the city of San Francisco, California, the Secretary shall ensure that such amounts are administered by such city and shall authorize the city to select providers for such programs and determine the allocation of such payments among the providers.".

(b) CONFORMING AMENDMENT.—Section 205(a)(2)(B)(i) of Public Law 102-321 is amended—

(1) in subclause (I), by striking "clause (ii)" and inserting "clauses (ii) and (iii)"; and

(2) in subclause (II), by inserting ", subject to clause (iii)" before the period.

And the Senate agree to the same.

JOHN D. DINGELL,
HENRY A. WAXMAN,
BILL RICHARDSON,
NORMAN LENT,
TOM BLILEY,
Managers on the Part of the House.

EDWARD M. KENNEDY,
HOWARD M. METZENBAUM,
PAUL SIMON,
ORRIN HATCH,
NANCY LANDON KASSEBAUM,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3508) to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

INTRODUCTION TO STATEMENT OF MANAGERS

The Conference agreement provides for the reauthorization of health professions programs authorized by titles VII and VIII of the Public Health Service Act. In contrast with previous reauthorization periods, the Conferees have restructured these programs and related authorization levels to place greatest emphasis upon activities that will improve health care access and delivery by increasing the training of health care providers most important to the provision of primary care services, particularly in medically underserved areas.

The Conference agreement represents the first comprehensive reform of the Federal health professions and nursing education authorities since their inception. The agreement reflects the consensus of the Conferees that especially at a time when Federal funding for these programs is frozen or declining, steps must be taken to prioritize the allocation of Federal funds. Therefore, the authorization levels have been constrained and program priorities specified.

The Conferees note that while Federal funding for programs under titles VII and VIII has sharply declined in both real and constant dollars since the 1970's, the program priorities have remained relatively unfocused. In an era of declining Federal resources available to health professions training, Congress must establish clearer priorities for the distribution of limited funding. The Conference agreement directs the Secretary to give preference to those health professions training programs that have demonstrated success in the placement of graduates in medically underserved areas or to individuals who are committed to pursuing careers in primary care.

The Conferees believe Federal support for health professions training, with renewed emphasis on setting priorities that reflect important health care needs, continues to play an important role in the overall goal of expanding the numbers of mid-level health professionals and in increasing the percentage of medical and dental school graduates pursuing careers in primary care medicine and general dentistry.

Most physicians continue to select specialty careers. This trend has accelerated with declining match rates for primary care residencies in recent years. The Conferees have singled out programs in family medicine, general internal medicine, and general pediatrics, and training of physician assistants, nurse practitioners, and nurse midwives for priority in the allocation of federal assistance because these professions will play a pivotal role in reaching the national goal of making access to primary health care more widely available and of reducing unnecessary health care costs.

The Conference agreement restructures the Health Professions Student Loan program to give priority to osteopathic and allopathic medical students who will enter postgraduate residency training programs that lead to careers in family practice, general internal medicine or general pediatrics.

The Conference agreement restructures the Health Education Assistance Loan Program (HEAL). Increasing numbers of health professions students are dependent on the federal government for assistance to finance their education. In 1976, the Health Education Assistance Loan Program was created to provide insurance so that loan funds could be made available to graduate students in high-tuition health professions schools. The program was extended to assure that any American, regardless of his or her economic status, could have access to a health professions education. Since its inception, HEAL has insured more than 300,000 loans totaling over $2.7 billion in loan principal to students in 11 health professions.

Unfortunately, problems have existed in the HEAL program that must be addressed. Default rates have continued to rise. The program was intended to be self-financing through an up-front loan origination fee charged to borrowers. However, the fee is now insufficient to cover the costs of the yearly defaults, and Congress has appropriated funds for this purpose in the last two fiscal years ($25 million in fiscal year 1991 and $48 million in fiscal year 1992). The Conference agreement makes significant changes in the HEAL authority that place greater responsibility on health professions schools, lenders, holders and on borrowers; requires payments of premiums, by both schools and borrowers, that are based on default rates; and authorize the Secretary to bar participation in the HEAL program by schools that continue to have excessive default rates. The Conferees believe that these and other reforms will reduce the student default rate and restore credibility to the program.

For each of the sections of title VII of the Public Health Service Act, as amended by section 102 of the Conference agreement, the following table indicates the former section number of the provision involved, if any:

Revised section No.	Former section No.
701	727(a).
702	728.
703	729.
704	730.
705	731.
706	732.
707	733.
708	None.
709	None.
710	734.
711	735.
712	736.
713	737A.
714	738.
715	739.
719	737.
720	727(b)
721	740.
722	741.
723	None.
724	740(c); 742(c).
725	744.
726	745.
727	746.
728	743.
735	742(b).
736	758.
737	760.
738	761.
739	782.
740	787.
746	781.
747	786.
748	784.
749	785.
750	788(d).
751	788(e).
752	790.
761	792.
762	790A.
763	788(c); 793.
765	None.
766	797.
767	796.
771	791A.
776	788A.
777	789.
778	799A.
781	None.
782	None.
791	None.
792	708.
793	794.
794	704.
795	None.
798(a)	None.
798(b)	707.
798(c)	710.
798(d)	706.
798(e)	705.
798(f)	709.
799	701.

TITLE I—HEALTH PROFESSIONS EDUCATION

HEALTH EDUCATION ASSISTANCE LOANS

Congress is increasingly concerned about the default rates under the Health Education Assistance Loans program (HEAL) exceeding the capacity of the student loan insurance fund to cover the costs of defaults. In fiscal year 1992, the House and Senate Appropriations Committees provided $48 million to cover losses on federally guaranteed HEAL loans. In providing these funds, the Appropriations Committees expressed their continuing concern about the high rate of defaults in the HEAL program and called upon the authorizing committees to develop legislation to replace or substantially modify the HEAL program to reduce the number of defaults.

The Conferees find the current level of loan defaults unacceptable. The Conference agreement responds to the call for substantive reform of the HEAL program and includes new provisions which will enhance the solvency of the student loan insurance fund and reduce student default rates.

For example, in an effort to reduce the number of defaults by chiropractic borrowers, the Conference agreement in Section 705 provides one year of deferment for borrowers who have graduated from a college, school, or university of chiropractic. The Conferees are hopeful that by extending the period of forbearance, chiropractic borrowers will have sufficient time to become licensed and establish practices and therefore avoid default within the first year.

SCOPE AND DURATION OF THE LOAN INSURANCE PROGRAM

Section 702 authorizes that the Federal loan insurance program will not exceed $350 million for fiscal year 1993, $375 million for fiscal year 1994 and $425 million for fiscal year 1995.

RISK-BASED PREMIUMS

The Conferees are aware that HEAL default rates, whether measured on an aggregated or annual cohort basis, have tended to vary by health profession and by institution. For example, the cumulative default rate for students at allopathic medical schools is 4.9%, while that for students at chiropractic schools is 10%. For the cohort of loans originated in 1984, the estimated default rate for osteopathic students is 7.9%, while that for chiropractic students is 18.9%. Under current law, all HEAL borrowers pay an 8% default insurance premium regardless of their relative risk of default. As a result, students at low risk of default (those attending schools with default rates less than 5%) are subsidizing those at higher risk of default. Under the provisions of this Conference agreement, each institution's default record will be used to determine the level of the student's premium and for levying an institution default penalty fee.

Section 708 provides that HEAL loans made on or after January 1, 1993, be assessed a risk-based premium based on the default rate of the eligible institution. There are four categories: low-risk, medium risk, high-risk, and ineligible for the program.

The low-risk category includes institutions whose default rates do not exceed 5 percent. Borrowers would be required to pay a risk premium of 6 percent.

The medium-risk category includes institutions whose default rates exceed 5 percent but are less than 10 percent. Borrowers attending these institutions will be required to pay a risk premium of 8 percent and the institution would be required to pay a risk premium of 5 percent.

The high-risk category includes institutions whose default rate is in excess of 10 percent but not exceeding 20 percent. Borrowers attending these institutions will be required to pay a risk premium of 8 percent and the institution will be required to pay a risk premium of 10 percent.

In addition, institutions in the medium- and high-risk categories are required to develop a default reduction management plan. The purpose of this planning provision is to ensure that higher risk schools make a good faith effort and have in place a set of procedures to minimize student defaults. The requirements for a default management plan would be developed by the Secretary.

Institutions with default rates exceeding 20 percent will be ineligible to participate in the program, except as outlined in section 708(d). Historically black colleges or universities will be exempt from the ineligibility requirement for a 3-year period beginning with the effective date of this section. Borrowers at those institutions will be required to comply with all guidelines applicable to institutions in the high-risk default category.

The Conference agreement also prohibits institutions required to pay risk premiums from charging different tuition or fees to HEAL borrowers than to non-HEAL borrowers.

Section 708(c) requires lenders to reduce the risk premium by 50 percent for eligible borrowers who have a credit worthy parent or other responsible party co-sign the loan note.

Section 708(d) authorizes administrative waivers. The Secretary will grant an institution a hearing to consider mitigating circumstances prior to making that institution ineligible to participate in the program. The Secretary may grant an institution a waiver of the requirements of the risk categories only if the Secretary determines that the default rate is not an accurate indicator because the volume of loans has been insufficient. for example, some schools of public health may have default rates that exceed 30%. However, since these default rates are based on a small number of loans (in some cases, only two to five loans) they may be a misleading measure of the institution's ability to control defaults.

Section 708(e) allows institutions to reduce their risk category by paying off the outstanding principal and interest owed by their students.

EASING BURDEN ON BORROWERS

The Conferees are sensitive to the fact that HEAL is an expensive way to finance an education and the conference agreement contains changes aimed at easing the burden on the students and reducing the chances that borrowers will default on their loans. Currently, students pay an 8% up-front fee and are charged an interest rate that may not exceed 3 percent over the Treasury bill rate. The interest rate is compounded semi-annually. The following is a possible scenario: a medical student borrows $80,000 in principal at an average interest rate of 12 percent and repays it over the entire 25-year repayment period. The student would repay $642,000 ($80,000 of the original principal and $562,000 in interest).

The Conference agreement includes a number of provisions intended to alleviate such situations. Section 705(b) requires that the interest rate on HEAL loans be compounded annually, rather than semi-annually. Section 705(e) provides that extensions of time prior to the beginning of loan repayment for purposes of forbearance not be included in the 25-year total loan repayment period. Section 705(f) requires that lenders and holders offer borrowers graduated loan repayment schedules during the first 5 years of loan repayment, based on the borrower's debt-to-income ratio.

Section 706 is revised to authorize loan consolidation but prohibits federal subsidy of interest rates on the HEAL portions of any consolidated loan. The Conference agreement also requires that lenders or loan holders provide full disclosure to the borrower concerning the advantages and disadvantages of loan consolidation.

MINIMIZING HEAL DEFAULTS

The Conferees expect that schools, lenders, and holders to assume and share the responsibility for minimizing HEAL defaults. Consistent with reforms recently enacted in the Guaranteed Student Loan program, Section 707 requires the Secretary to establish performance standards for lenders and holders of loans including fees to be imposed for failing to meet such standards. Section 705(a) authorizes lenders to obtain appropriate demographic information from borrowers including racial or ethnic background and provide this information to the Secretary. Section 705 (a)(2)(H) authorizes institutions or training programs attended by HEAL borrowers to assist in the collection of loans that become delinquent.

The Conferees note that current law already provides two methods to collect from defaulters. The first authorizes the Secretary to offset Medicare reimbursement for services rendered by HEAL defaulters. The Conferees urge the Secretary to take immediate action to ensure that this authority is used to increase HEAL collections. The second permits the Federal government to pursue a claim against a defaulter.

Section 707 authorizes any United States attorney to register any State court judgment obtained by a lender or holder with the Federal Courts for enforcement and provides that obligations to repay HEAL loans will be enforceable without regard to any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced. Section 707(f) provides that any amounts recovered from HEAL defaulters be deposited into the student loan insurance fund.

Section 715 includes additional requirements on institutions and lenders: (1) tuition and fees charged to HEAL borrowers may not exceed the tuition and fees for non-HEAL borrowers; (2) institutions are required to provide detailed information on borrowers; (3) institutions are required to withhold all services including academic transcripts, financial aid transcripts, and alumni services from borrowers who have defaulted except, in the case of bankruptcy; and (4) lenders are required to offer borrowers a variety of prepayment options including fixed-rate, graduated repayment with negative amortization, and income-dependent payments for 5 years followed by level monthly payments. This section also provides that at the beginning of each academic year, each participating institution is required to conduct a workshop for all HEAL borrowers.

OFFICE FOR HEALTH EDUCATION ASSISTANCE LOAN DEFAULT REDUCTION

Section 709 establishes an Office for Health Education Assistance Loan Default Reduction within the Division of Student Assistance of the Bureau of Health Professions of the Health Resources and Services Administration (HRSA). The Conferees recognize that many of the HEAL loan tracking and debt collection functions are dispersed within HRSA and the Department of Health and Human Services and believe that consolidation of these existing functions into a single office will improve the management of and return on HEAL debt collection activities.

The Conferees expect that the new Office will undertake a thorough review of current collection requirements and recommend additional steps to improve loan servicing and collection where warranted. The Office will carry out activities designed to reduce loan defaults. The functions of the Office are specified in the Conference agreement. Starting March 31, 1993, the Office is required to submit each year a report to Congress detailed activities of the Office, including information on institution-specific default rates and default rates of lenders and holders participating in the program.

The Office will also compile and publish in the Federal Register a list of borrowers who have defaulted on their HEAL loans. In addition, the Office will send notices that the borrower has defaulted to Federal agencies, schools, professional and specialty associations, State licensing boards, hospitals and other relevant organizations which the borrowers may be associated.

Section 709 authorizes the allocation of up to $1 million annually for the Office from funds in the student loan insurance fund for the functions and activities of the Office. This source of additional funding will facilitate the addition of seven full-time equivalent positions to improve debt collection and reduce the number of defaults. The funds allocated from the insurance fund are to be used to expand program activities and not to supplant funds appropriated for current activities.

DEFINITIONS

Section 719 is amended by the Conference agreement to include definitions for "eligible lender" and "default rate." The "default rate" would be calculated on loans entering repayment status after April 7, 1987, for which insurance claims have been paid, excluding claims paid as a result of death or disability, loans that have been brought into repayment for a period of not fewer than 12 consecutive months or the equivalent, or amounts not recoverable because of bankruptcy. The Conference agreement defines an academic institution as an eligible lender if the institution became a lender under this subpart prior to September 15, 1992. This action is required by the escalating number of defaults and the need to impose greater accountability on academic institutions that are lenders.

PRIMARY CARE LOAN PROGRAM

Section 723 of the conference agreement establishes a primary care loan program, as a component of the health professions student loan program, under which schools of allopathic and osteopathic medicine may make loans to students who commit themselves to careers in family medicine, general internal medicine, general pediatrics, preventive medicine, or osteopathic general practice. If the borrower fails to enter and complete a primary care residency and to practice in a primary care field, the loan balance will be recomputed from the date of issuance at an interest rate of 12 percent per year, compounded annually. The conference agreement also establishes performance standards for schools regarding the proportion of graduates in primary care, with specific penalties assessed if schools fail to maintain such standards. The Conference agreement also requires participating schools to prepare annual reports concerning the operation of the program and include data concerning current training and practice status of graduates who were in their fourth postgraduate year at that time.

The health professions student loan program provides the single largest source of Federal low interest loan funds for students attending allopathic and osteopathic schools. The Conferees believe that here, as with other Title VII programs, Federal support of medical education should be targeted in a manner that will provide consistent incentives to encourage more young men and women to pursue careers in primary care. The success of health care reform requires that the number of medical students pursuing a primary care career increase. Particularly, in light of fiscal constraints on Federal support for health professions education it is no longer appropriate to provide Federal funds for the subsidy of medical specialties education. Although the Conference agreement is just one small step in achieving needed reform in the production of primary care providers, it represents an important beginning.

PROGRAMS FOR STUDENTS FROM DISADVANTAGED BACKGROUND

The Conference agreement extends through fiscal year 1993 the authorization of appropriations for the scholarship program for exceptionally financially needy students and the Health Careers Opportunity Program. The authorization is limited to permit Congress time to consider a long reauthorization in the context of reauthorizing other health professions programs for disadvantaged students which expire at the end of fiscal year 1993.

SCHOLARSHIPS FOR STUDENTS OF EXCEPTIONAL FINANCIAL NEED

Section 736 is renamed Scholarships for Students with Exceptional Financial Need to reflect the working title of these scholarships. The substantive changes made to the program in the conference agreement include limiting scholarship grants only to schools of allopathic and osteopathic medicine, and dentistry and adding a new requirement that students who receive scholarship assistance under this program enter into obligation for service as outlined in section 795, a new section dealing with repayment. The authorization for this program is extended through fiscal year 1993. The Conferees intend that schools of pharmacy, optometry, veterinary medicine, and podiatric medicine continue to receive assistance under the disadvantaged student assistance program authorized in section 740. The Conference agreement authorizes $11 million for fiscal year 1993.

SCHOLARSHIPS FOR DISADVANTAGED STUDENTS

The Conference agreement requires that schools give preference for scholarships to students who are from disadvantaged backgrounds and for whom the costs of attending the school would constitute a severe financial hardship.

LOAN REPAYMENT AND DISADVANTAGED FACULTY DEVELOPMENT

Section 738 of the Conference agreement clarifies who is eligible to participate in the loan repayment program and the amount of payments made to the individual. In addition, this provision establishes a Disadvantaged Faculty Development Fellowship program. The intent of this program is to increase the number of faculty members of disadvantaged backgrounds, including racial and ethnic minorities, in the health professions. The program requires matching funds from the institution to ensure that the institution has a commitment to identify, recruit, and retain individuals from disadvantaged backgrounds who have the potential for teaching, administering programs, or conducting research as faculty members. The authorization level for this program is $4 million for fiscal year 1993.

CENTERS OF EXCELLENCE

Section 739 of the Conference agreement clarifies that schools of osteopathic medicine are eligible grantees for this program.

Given the availability of a large increase in funding for this section that was unforeseen at the time of the last authorization, the Conference agreement includes a number of revisions that preserve the original intent of the program. The allocation of funds language is amended to clarify that the first $12 million appropriated shall go to the four original recipients under this section: Meharry Medical College Schools of Medicine and Dentistry, Xavier University College of Pharmacy, and the Tuskegee University School of Veterinary Medicine.

Of the amounts available after compliance with the above requirement, the Secretary is directed to make available 60 percent of funds for Hispanic and Native American Centers of Excellence and 40 percent to "Other" Centers of Excellence. The Conference agreement clarifies that it was not the intent of the original legislation to create dozens of centers around the country funded at levels not much higher than the average Health Careers Opportunity Program award. The very name of the program, Centers of Excellence, implies a few well-funded centers that will attract and focus resources and expertise and serve as models to other academic institutions. The Conferees have set the minimum award amount for new and continuing centers under this section at $500,000 starting in FY93. Authorization levels remain the same as under current law.

EDUCATIONAL ASSISTANCE TO STUDENTS FROM DISADVANTAGED BACKGROUNDS

Section 740 of the Conference agreement requires the Secretary to ensure that Health Careers Opportunity Program (HCOP) grants and contracts are equitably distributed to reflect the changing demographics and geographic location of individuals from disadvantaged backgrounds, and that services and activities are equitably allocated among various racial and ethnic populations. The Conferees support the language in the House Committee report for H.R. 3508 describing the current distribution of participation among different racial and ethnic groups and the recommendations made to ameliorate this inequity. The Conferees offer as guidance to the Secretary a definition of an individual from a disadvantaged background as a U.S. citizen who (1) comes from a family with an annual income at or below the poverty level according to family size as defined by the United States Bureau of the Census; or (2) comes from a social or educational background that has inhibited such individual from obtaining the knowledge, skills, and abilities necessary to enroll in and graduate from a health career training program. The Conference agreement authorizes $31.5 million for fiscal year 1993.

AREA HEALTH EDUCATION CENTERS

Section 746 of the Conference agreement makes substantive changes to the Area Health Education Centers (AHEC) and Health Education Training Centers (HETC) programs, incorporating both House- and Senate-passed amendments with some technical modifications. The matching requirement for State-supported AHEC's is changed to require a non-Federal contribution of 50 percent starting in the first year. The existing requirement for participation of a dental school, if there is one affiliated with the medical school's university, is modified to provide also for the participation of a program in clinical psychology, clinical social work, or marriage and family therapy, if there is one affiliated.

For the HETC program, the agreement broadens the current authority to address health personnel needs in "other high-impact urban and rural areas," including establishing HETCs in those areas, and adds Florida to the list of eligible border areas.

The Conference agreement authorizes $25 million for the AHEC program in each of fiscal years 1993–1995. Of this amount, not more than 20 percent could be obligated to special AHEC initiatives undertaken by the original AHEC programs. In fiscal year 1993, any funds appropriated in excess of $19.2 million ($18.7 million in fiscal year 1994) are to be used for the State-supported AHEC program, and of these amounts, no more than 10 percent is to be used to fund demonstration projects described in section 746 under the new program. The Conference agreement authorizes $5 million for the HETC program in each of fiscal years 1993–1995.

FAMILY MEDICINE

Section 747 of the Conference agreement consolidates the funding authorization for department and residency training programs and makes substantive changes to give the Secretary greater discretion in allocating funds between Department and Residency program. The Conferees note that U.S. medical school graduates are entering residency training programs in the primary care specialties in decreasing numbers; over the last seven years, there has been a significant downturn in the number of medical school graduates entering family practice residencies; and since 1986 there has been a 29% reduction in the number of fourth year medical students choosing family practice programs through the National Resident Matching Program (NRMP). The failure of medical students to choose residency training programs in primary care specialities is not based on the unavailability of residency slots in these specialities. Data from the 1992 NRMP "match" show that only 56 percent of the first-year residency positions offered in family practice were filled by U.S. graduates. When graduates of foreign medical schools are included, the percentage of filled positions was 68 percent.

The Conferees believe that all schools of allopathic and osteopathic medicine should have departments of family medicine. The Conference agreement reflects the Conferees' strong support for increasing efforts to establish new or significantly expanded departments of family medicine. It is increasingly clear that only through the establishment of such administrative entities within medical schools will the number of providers increase to meet the needs both of medically underserved communities and national health care reform. In this regard, the Conferees specify that not less than 20 percent of annual appropriations under the consolidated family medicine authority be allocated to departments which propose to establish new departments or significantly expand existing departments. This policy also reflects a relative redirection of funding priorities to programs that increase the number of students entering family medicine. The Conference agreement authorizes $54 million for each of the fiscal years 1993–1995.

GENERAL INTERNAL MEDICINE AND GENERAL PEDIATRICS

Section 748 of the conference agreement makes substantive changes to the programs for training, traineeships, and fellowships in General Internal Medicine and General Pediatrics. The Conference agreement adds a provision to support training of undergraduate medical students and practicing physicians in the specialties of general internal medicine and general pediatrics. The Conferees believe that exposure of students to primary care role models in community or ambulatory settings, and clerkships or rotations in primary care will have a positive impact on their career choice, and selection of primary care residencies and, subsequently, on primary care specialty practice. In addition, the Conferees recognize need for primary care faculty development programs, like the program at the Massachusetts General Hospital, that produce our future primary care teachers and role models. The Conference agreement authorizes $25 million for each of fiscal years 1993–95.

DENTISTRY

Section 749 includes only one substantive change by including an authorization for inclusion of innovative, non-traditional models in the general practice of dentistry. The program is authorized for $6 million for each of fiscal years 1993–95.

PHYSICIAN ASSISTANTS

Section 750 has been modified by the Conference agreement to authorize 10% of appropriated funds to be used for a faculty development program. The program is authorized for $9 million for each of fiscal years 1993–1995.

PODIATRISTS

Section 751 of the Conference agreement amends the program for primary care podiatric medical training to direct the Secretary to give preference to programs that provide training in a variety of community settings, including community-based clinics and long-term care facilities, and to programs that prepare students for practice in rural or underserved areas by training students in those settings. The program is authorized at $1 million for each of fiscal years 1993–1995.

PUBLIC HEALTH

This new subpart consolidates the three existing programs (Public Health Special Projects, Public Health Traineeships and Preventive Medicine Residencies) and a new program (Dental Public Health Residencies) under a single authorization of appropriations. The Conferees emphasize the equal importance of public health traineeships and the preventive medicine tracks in promoting the Healthy People 2000 Objectives and expect that at least 60 percent of the funds appropriated will be allocated for these activities. The program is authorized at $15.5 million for each of fiscal years 1993–1995.

Public health traineeships

Section 761 of the conference agreement makes substantive changes to the program of public health traineeships as follows. Individuals eligible for traineeships are individuals who are pursuing a course of study in which there is a severe shortage of health professionals, including the fields of epidemiology, environmental health, toxicology, nutrition, and biostatistics.

Public health special projects

Section 762 makes substantive changes to the program of Public Health Special Projects. Grants may be awarded to schools of public health to meet the costs of planning, developing, demonstrating, operating, and evaluating projects that further the goals established by Healthy People 2000 in the areas of preventive medicine, health promotion and disease prevention, to improve access and quality of public health services to medically underserved communities or to reduce cases of domestic violence.

The Conference agreement gives preference to schools that will establish or strengthen field placement for students in state, local and other public or nonprofit private health agencies or involve faculty and students in collaborative projects to enhance public health services to medically underserved communities. The Conferees are aware of several programs that have developed linkages to public or nonprofit private health agencies. For example, the Columbia University School of Public Health has strengthened their ties with the New York City

Health Department to improve the capacity of both entities to meet the objectives set forth in "Healthy People 2000". The University of Washington project forged significant linkages to the State Health Department and Portland Area Indian Health Service. These projects have been successful in providing students with an understanding of, and the ability to assess the strengths/weaknesses of the organizational structure, functions, and plans of local, state and regional public health agencies.

The Conferees considered expanding eligibility to include accredited graduate programs in public health. Most of the accredited graduate programs in public health are new and small, and they were established specifically to fill a geographic void where there was no school of public health. In many cases they serve disadvantaged population and concentrate on addressing the needs of medically underserved communities. Collectively they offer the same range of degrees and are equally committed to "Healthy People 2000 Objectives" in the areas of preventive medicine, health promotion and disease prevention, and improving access to quality of health care services in medically underserved communities. Notwithstanding strong argument in favor of broadening the applicant pool, the Conferees agreed to defer expanding eligibility until the next reauthorization.

Training in preventive medicine and dental public health

Section 763 makes substantive changes to the program of grants for training in preventive medicine by adding authority to found a dental public health program. The Secretary may make grants to and enter into contracts with schools of allopathic and osteopathic medicine, public health, and dentistry to plan and develop new residency training programs, maintain or improve existing residency training programs, or provide financial assistance to residency trainees enrolled in such programs. Eligible schools must make available full-time faculty members with the appropriate training, and provide additional support from faculty trained in public health or other relevant specialties.

Authorization of appropriations

Section 765 is a new section that provides a single authorization of appropriations for carrying out sections 761, 762, and 763 in Subpart I of Part D. For these activities, there is appropriated $15.5 million in each of fiscal years 1993 through 1995. Not more than 40 percent of total appropriations shall go to Public Health Special Projects authorized in section 762.

ALLIED HEALTH TRAINEESHIPS AND SPECIAL PROJECTS

Sections 766 and 767 revise and extend the authorization of appropriations for allied health traineeships and special projects. Although historically only the special projects authority has received appropriations, the Conferees believe the provision of traineeships and other assistance designed to increase enrollment in allied health fields with critical shortages is an appropriate investment of limited health professions funding. The contribution of allied health professions to health reform becomes increasingly important with the growing sophistication of medical technology and the effect that an aging population has on demand for skilled health providers who are not physicians, nurses, or dentists.

In addition, the agreement lifts the restriction of current law which limited traineeship support to doctoral programs. The Conferees believe that individuals trained at the master's level can be effective educators. In view of the need to establish new or significantly expand training programs in such critical professions as physical and occupational therapy, the limited funds made available during this reauthorization period should be channeled into programs that will expand the number of educational opportunities available to students desiring to enter these professions.

The Conference agreement authorizes $5 million for each of the fiscal years 1993–1995 for the Traineeship program, and $5 million for each of the fiscal years 1993–1995 for the Special Projects program.

HEALTH ADMINISTRATION

Section 771 of the Conference agreement consolidates and makes substantive changes to programs for training health professionals in the field of health administration. The traineeships program has been modified to give preference to students who are committed to careers with public or nonprofit private entities requiring the skills of graduates of health administration programs.

The Conference agreement further requires that the Secretary give preference for Special Projects grants to applicants that demonstrate that not less than 25 percent of their graduates are working in medically underserved communities. Such grantees must demonstrate success in the recruitment and admission of students from medically underserved communities, that establish student training sites with public or nonprofit community-based providers of health care including community health centers, and emphasize employment with public or nonprofit private organizations. The Conference agreement further requires that all grants be peer reviewed. The intent of the Conferees is to ensure that grants are awarded to educational entities that develop or improve programs to prepare students for employment with public or nonprofit private health organizations.

The Conference agreement authorizes $2.5 million for health administration activities for each of fiscal years 1993 through 1995. Of the appropriated amounts in any fiscal year, not more than 30 percent shall be obligated for grants to programs of health administration to assist them in development or improvement of programs that prepare students for employment with the kinds of public or nonprofit entities described previously by training them in such settings.

HUMAN IMMUNODEFICIENCY VIRUS TRAINING

Section 776 includes the following substantive changes with respect to the program of HIV training for health professionals. In general, wherever references are made in current law to "acquired immune deficiency syndrome", these references are changed to "human immunodeficiency virus". The list of entities eligible to apply for grants is expanded to include "other public or private nonprofit health or educational entities" and in the new subsection (a)(1), the reference to "graduate programs of psychology" is replaced with "graduate programs in mental health practice", which includes clinical psychology, clinical social work, and marriage and family therapy. In addition, the Conferees make clear that training of clinical practitioners is an eligible use of funds under this program. The program is authorized for $25 million for each of fiscal years 1993–1995.

Section 776(b) authorizes $7 million for each of the fiscal years 1993–1995 for the dental AIDS health services program. While funds provided for this program fall short of meeting the unreimbursed costs of these dental education institutions, this authority serves as a type of "matching fund" that recognizes the expenditures incurred by dental programs in providing clinical training to students or general dentistry residents who are providing dental care to AIDS/HIV patients.

GERIATRICS

Section 777 includes substantive changes to the program of grants for geriatric education centers and geriatric training. The Conference agreement expands the list of eligible entities to include schools of nursing. The agreement allows for the full participation of geriatric psychiatry programs in the geriatric training program. The addition of authority to train geriatric psychiatrists and to base projects in a department of geriatric psychiatry reflects the reality that comprehensive geriatric care requires the involvement of the psychiatric profession, in particular those in the profession who specialize in geriatrics. Geriatric psychiatrists serve multi-faceted roles of consultant, diagnostician, and clinician to elderly patients suffering from organic as well as mental disorders.

The Conference agreement requires that dentists receiving assistance be committed to academic careers in geriatrics.

The Conference agreement authorizes the Secretary to make grants to schools and colleges of optometry for the purpose of providing support for projects to plan, develop and operate postgraduate geriatric training for optometrists, providing financial assistance to program participants, and establishing training affiliations with nursing homes, ambulatory care centers, senior centers, and other settings where elderly individuals live.

It is the intent of the Conferees that in awarding funds for geriatric education and training that special consideration be given to programs that provide training and continuing education to health care professionals (including allied health professionals) in the delivery of health and long-term care services to persons with Alzheimer's disease.

The geriatric programs of education centers and training are authorized at $17 million for each of fiscal years 1993–1995. The geriatric optometry program is authorized at $400,000 for each of fiscal years 1993–1995.

RURAL AREA PROJECTS

Section 778 extends the authorization of appropriations for the health care for rural areas program. The reference in subsection (c) to "programs of psychology" is replaced with a reference to "mental health practices", which includes graduate departments and programs of clinical psychology, clinical social work, and marriage and family therapy. The rules regarding administration of grants are expanded to include a limitation that precludes a grantee from supplanting existing program funds with other Federal funds awarded under this section. The program is authorized at $7 million for each of the fiscal years 1993–1995.

RESEARCH OF CERTAIN HEALTH PROFESSIONS ISSUES

Section 781 authorizes the Secretary to support research in the following areas: (1) the impact of student indebtedness on specialty choice and practice location and the reasons for the rising cost of medical education; (2) the impact of minority health professions programs on recruitment, retention, and practice choices of minority health personnel; (3) the effectiveness of investigations and disciplinary actions by State licensing authorities; and (4) the specific actions that are necessary to increase the percentage of primary care physicians, and the number of mid-level primary care providers, graduating from health professions schools. In carrying out this section, the Secretary shall ensure that the project is focussed and the evaluation and findings are relevant to the charge outlined in the Conference agreement. The program is authorized at $4 million for each of the fiscal years 1993–1995.

CHIROPRACTIC DEMONSTRATION PROJECTS

Section 782 provides new authority for grants and contracts with accredited colleges, schools, and universities of chiropractic to develop training programs in which chiropractic providers and physicians collaborate to identify and provide effective treatment for spinal and lower-back conditions. Each application for an award under this new authority is required to be submitted to a peer review group for an evaluation of the merits of the proposal. At least two members of the peer review group must be chiropractors. The Conferees expect that existing peer groups, supplemented if necessary with new members who are chiropractors, would be used for these evaluations. The Secretary should not establish new peer review groups for evaluations of those projects. Not later than February 10, 1995, the Secretary is required to submit to the Senate Labor and Human Resources Committee and the House Committee on Energy and Commerce a comprehensive report summarizing the applications submitted, grants and contracts awarded, and the effectiveness of this program. The program is authorized at $1 million for each of the fiscal years 1993–1995.

PREFERENCES AND REQUIRED INFORMATION

Section 791 establishes funding preferences for qualified applicants who demonstrate a high placement rate of their graduates into practice settings that provide health services to residents of medically underserved communities or who demonstrate a significant increase in the placement of graduates into such settings. The intent of this provision is to provide an incentive for the development of programs that will train health professionals to meet the health service needs of medically underserved communities. The goals of this reauthorization are to increase the number of primary care providers and to provide the access to health services to residents of medically underserved communities. The Conferees encourage the Secretary to develop selection criteria that will insure that only the applicants with quality proposals would be approved.

To ensure that only quality proposals are funded, the Conference agreement specifies that preference not be given to applicants that score in the bottom twenty percent of approved applications.

The Conferees are aware of several programs that have outstanding records of training primary care providers and placing them in rural or medically underserved communities. For example, University of Minnesota School of Medicine at Duluth has achieved a great deal of success in training rural family physicians. At this institution more than 50 percent of all graduates have selected careers in family practice and more than 41 percent have chosen practice sites with a population fewer than 20,000. The Conferees expect that the Secretary will encourage other institutions to demonstrate a similar commitment.

The Conferees wish to emphasize that the definition of medically underserved community encompasses not only currently designated health professions shortage areas (HPSA) and populations served by existing community (CHC), migrant (MHC) or homeless health center but also communities and practice sites which may fit the standards for either of these designations, but which are not, in fact, so designated. One example of a situation in which such flexibility would apply would be a rural or urban community that meets the objective criteria necessary for designation as a HPSA, but which has not sought or received official designation as such from the Department. Another instance might be a church- or locally-run community primary care clinic which is not officially designated as a CHC or MHC, but which nevertheless has as its primary purpose the care of disadvantaged populations whose characteristics are equivalent to those served by CHCs or MHCs.

OBLIGATED SERVICE REGARDING CERTAIN PROGRAMS

Section 795 contains new language regarding service obligations for a number of student assistance programs, including scholarships for exceptionally financially needy students (section 736) and the scholarship program described in section 740.

Given the Conferees' concern that despite substantial Federal support for health professions education, many health needs go unaddressed due to the lack of primary care providers particularly in underserved areas, the Conferees have tied receipt of Federal scholarship funds to the completion of primary care training programs and the practice of primary care.

Under the terms of the service provisions, students eligible for financial assistance under one of the designated programs will receive the costs of tuition, books and fees of the program. After graduation from allopathic or osteopathic school of medicine or dental school, the individual must enter general dentistry practice, or will have five years to complete a residency program in either family medicine, general pediatrics, general internal medicine, or general dentistry.

CERTAIN GENERAL PROVISIONS

Section 798 contains new language regarding international medical graduates applying for graduate medical education training (internships and residencies). As a condition of receiving funds under this title, eligible institutions must assure the Secretary that applications from graduates of foreign medical schools for postgraduate residency training programs at their institutions will be considered. The Conferees note, however, this provision is not intended to affect criteria used by the institutions to evaluate applicants including criteria relating to domestic or foreign medical school attended. Furthermore, nothing in this provision may be construed as establishing any private right of action.

TWO-YEAR SCHOOLS OF MEDICINE OR OSTEOPATHIC MEDICINE

The Conference agreement repeals section 788(a) of the Public Health Service Act. The original purpose of this grant program for two-year schools of allopathic or osteopathic medicine was to provide assistance in maintaining and improving programs at those institutions. The program was created at a time when it was projected that there would be a shortage of physicians. The Conferees have placed an emphasis on training programs designed to increase the number of primary care physicians and to improve the geographic maldistribution problem rather than programs designed simply to increase the number of physicians.

Two-year schools of allopathic and osteopathic medicine are eligible to apply for funds under the Area Health Education Center program (section 746), Family Medicine program (section 747), General Internal Medicine and General Pediatrics program (748), Acquired Immune Deficiency Syndrome program (section 776), and Rural Health program (778).

TITLE II—NURSE EDUCATION ACT

When the Congress last reauthorized the Nursing Education Act in 1988, it called for an evaluation of projects funded under title VIII of the Public Health Service Act. In May 1991, the Secretary issued a final report to Congress on the evaluation of these projects. The report provided an overview of how and to what extent the grants carried out under each of the title VIII sections had met their legislative objectives. A major conclusion from the evaluation study was that Federal funds provided to schools of nursing were an important source of development and start-up funds for graduate nursing education, and served as an incentive for innovation in nursing practice.

The Conferees recognize that many steps have been taken to address the current shortage of registered nurses and that the Nursing Education Act has helped to address this critical shortage. The goals of this reauthorization are to train more nurse practitioners, nurse midwives, and nurse anesthetists, and to improve access to health care in medically underserved and rural areas.

AUTHORIZATION PERIOD

The Conference agreement extends for two fiscal years the authorization of appropriations for expiring nurse education programs. This will ensure that when Congress considers the reauthorization of title VIII programs, neither the disadvantaged student assistance programs nor other title VII programs are being reauthorized. Maintaining the discrete focus of Federal assistance on nursing education underscores the continued importance that Congress places on the contribution of nursing to the provision of health care generally and health care reform in particular.

SPECIAL PROJECT GRANTS AND CONTRACTS

Section 202 of the Conference agreement streamlines the nursing special projects authority to place greater emphasis on a smaller number of categorical areas. The Conferees were concerned about the growing diversity of special projects at a time of declining resources. Accordingly, the Conference agreement sharpens the focus of the special projects statute by limiting assistance to four specific categories. These categories include: (1) expanding enrollment in professional nursing programs; (2) promoting career mobility programs which upgrade the skills of licensed vocational or practical nurses, nursing assistants, other paraprofessional nursing personnel; (3) supporting programs that provide continuing education for nurses providing care in medical underserved or rural communities; and (4) developing or expanding programs that improve access to primary care in noninstitutional settings in medically underserved or rural communities. By specifying only a limited number of eligible project categories, the Conferees intend to focus resources on activities that will make the most important contribution to expanding the number of educational opportunities available to individuals desiring to pursue a nursing career.

One of the four priority projects is education and training programs for nursing assistants and other paraprofessional nursing personnel to become licensed vocational or practical nurses or, potentially, registered nurses. The Conferees intend that this demonstration be coordinated with similar special projects to provide a comprehensive career development ladder for all categories of nursing personnel. The proposal is modeled in many respects after reports of the successful New York City Project "Ladders in Nursing Careers" (LINC), which provides counseling services as well as tuition assistance to nursing students. The Conferees believe that nursing providers and the professional nursing profession generally should look toward entry level nursing personnel as viable candidates to pursue educational opportunities to become professional nurses. With respect to LPN-LVN programs, the Conferees intend that funding be awarded solely to schools whose educational curriculum is approved, certified, or otherwise endorsed by the applicable State board as meeting the requirements for such programs.

The Conference agreement modestly reduces the authorization level below the comparable fiscal year 1992 appropriations, consistent with the Conferees' beliefs that additional funds are necessary to expand support for the training of nurse midwives and nurse practitioners. The Conferees recommend that funds no longer necessary to maintain the fiscal year 1992 level of special projects program activity be allocated to nurse practitioner and nurse midwife training activities under section 822. The program is authorized for $10.5 million for each of the fiscal years 1993–1994.

The Conferees recognize that a number of grants originally awarded under the old special projects authority involve multi-year project periods. Subject to the Secretary's discretion, the Conference agreement contains a provision to permit continued support of such projects through the originally agreed upon project period.

ADVANCED NURSE EDUCATION

Section 203 of the Conference agreement makes substantive changes to the program of grants for Advanced Nurse Education (section 821). The Conference agreement continues the Congress' commitment to support the education of nurses who are pursuing advanced education, especially in clinical specialities and public health nursing. The Conference agreement eliminates grants or contracts for programs training nurse researchers and nurse administrators and requires that not more than 10 percent of the appropriation in any fiscal year be used for providing grants or contracts for programs leading to doctoral degrees. The Conferees are aware of the need for nurse researchers. The National Center for Nursing Research (NCNR) was established in 1986 at the National Institutes of Health to foster, conduct, administer, and support research training programs directed at promoting the growth and quality of research related to nursing and patient care. The fiscal year 1992 appropriation for the NCNR is $45 million, and the Conferees note there are funds available through the recently designated National Institute of Nursing Research (NINR) to support training. NINR supports nursing research through research grants, cooperative agreements, and research and development contracts. The Conferees believe that the NINR provides an appropriate source of funds for training nurse researchers. In addition, nurses interested in pursuing careers in administration can receive support on a case by case basis in traineeships in public health and health administration. There is authorized to be appropriated $12 million for fiscal year 1993 and 1994 for section 821.

NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS

Section 204 of the Conference agreement makes changes to the program of grants and contracts for Nurse Practitioner and Nurse Midwife training. Nurse practitioner and nurse midwifery programs have contributed to improving the quality of care by expanding the nurse's role in assessment and case management and in increasing access to primary health care, particularly in medically underserved or rural communities. The Conference agreement emphasizes the need for recipients of funds to work in medically underserved or rural communities. The Conference agreement expands funding for nurse practitioner programs that train providers to treat adolescents and children by removing the special consideration previously provided for geriatric and gerontological nursing applications. There is authorized to be appropriated $20 million for fiscal years 1993 and 1994.

NURSING EDUCATION OPPORTUNITIES FOR INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS

Section 205 makes no changes to the program of grants for Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds. This program assists students from disadvantaged backgrounds to overcome financial, education, or cultural barriers that prevent entry into nursing schools and interfere with successful completion of their studies. The Conferees emphasize that students who may have an associate degree in nursing would be eligible to receive funding under this section if they are financially, educationally or culturally disadvantaged. There is authorized to be appropriated $5 million for fiscal year 1993 and $6 million for fiscal year 1994.

TRAINEESHIPS FOR ADVANCED EDUCATION OF PROFESSIONAL NURSES

Section 206 of the Conference agreement includes substantive changes to the Traineeships for Advanced Education of Professional Nurses. The Conference agreement allows all individuals interested in pursuing graduate level training as nurse clinicians the opportunity to become registered nurses. This will also allow students in graduate-level nursing programs to participate in traineeships when they have completed their basic nursing preparation, as defined by their schools. No longer will licensure as a registered nurse be a prerequisite for recipients of these stipends. The Conference agreement emphasizes preference for clinicians but authorizes traineeships for public health nurses and nurse educators. The Conference agreement eliminates the post-baccalaureate faculty fellowship and requires that not more than 10 percent of funds appropriated under this section in any fiscal year be used for providing traineeships to individuals pursuing doctoral degrees. To support traineeships for the advanced education of nurses, the Conference agreement authorizes $20 million for each of the fiscal years 1993 and 1994.

NURSE ANESTHETISTS

Section 207 makes changes to the program of grants and contracts for training nurse anesthetists. Recognizing the important role that nurse anesthetists fill in medically underserved and rural communities, the Conference agreement supports additional funding to maintain, expand, or establish new programs for training nurse anesthetists and to provide additional traineeships to the students. The Secretary will give preference to applicants that provide their students with clinical training in rural health settings. Grant recipients must give preference in awarding traineeships to individuals who are residents of medical underserved areas. The Conference agreement authorizes $3 million for fiscal year 1993 and $4 million for fiscal year 1994.

STUDENT LOANS

Section 208 of the Conference agreement makes changes to the program of Allotment and Payment of Federal Capital Contributions to schools of nursing. The Conference agreement amends section 838 (a)(3)(A) to require that funds remain in the Nursing Student Loan Program until expended, rather than only for the current two year period, after which time they could have been spent for other Department of Health and Human Services' purposes. The Conference agreement ensures that nursing student loan money will be used only for nursing loan programs and will not be diverted to other purposes in the Department.

PREFERENCES AND REQUIRED INFORMATION

Section 209 establishes funding preferences for qualified applicants who demonstrate a high placement rate of their graduates into practice settings that provide health services to residents of medically underserved communities or who demonstrate a significant increase in the placement of their graduates into such settings. The intent of this provision is to provide an incentive for the development of programs that will train health professionals to meet the health service needs of medically underserved communities. These preferences are substantively identical to the preferences applied to title VII programs under section 791 of this Act.

TRANSFER OF LOAN REPAYMENT PROGRAM

Section 211 of the Conference agreement includes substantive changes to the loan repayment program. Subsection (h) and section 837A have been deleted and the authority for the Loan Repayment Program is transferred to a new subpart. Section 846 facilitates the employment of nurses in medically underserved or rural areas by providing federal funds to repay student loans for those agreeing to serve in such areas. The Conference agreement supports the implementation of the loan repayment program as a method of reducing or eliminating financial barriers to nursing education. The Conference agreement authorizes $5 million for fiscal year 1993 and $6 million for fiscal year 1994.

ADVISORY COUNCIL ON NURSES EDUCATION AND PRACTICE

Section 212 of the Conference agreement redesignates the National Advisory Council on Nurses Education as the National Advisory Council on Nursing Education and Practice.

TITLE III—MISCELLANEOUS PROVISIONS

ADVISORY COUNCIL ON GRADUATE MEDICAL EDUCATION

Section 301 of the Conference agreement makes substantial changes to the provisions for the Advisory Council on Graduate Medical Education. The Conference agreement deletes the separate authorization of appropriations for the Council on Graduate Medical Education (COGME). The Conferees expect that funding for COGME's activities will continue to be provided by the Health Resources and Services Administration from general administrative sources. In addition, the Conference agreement revises the statutory authority of COGME to reflect the temporary nature of its mandate and specifies that a final report will be presented to the Secretary and to the Congress no later than April 1, 1995. Under the Conference agreement, the COGME will expire on September 30, 1995. It is anticipated that the final report of COGME will be thoroughly considered by the Congress during the scheduled reauthorization for health professions programs under title VII of the Public Health Service Act that will occur during fiscal year 1995.

The Conferees believe that in its final 3 years, the COGME should play an increasingly active role in analyzing and making policy recommendations concerning such issues as supply of critical health professionals to serve in shortage areas and the effect of funding and reimbursement policies as potential disincentives to the choice of primary care training and service in underserved areas.

COMMISSION ON ALLIED HEALTH

Section 302 of the Conference agreement establishes a national commission to make recommendations to the Secretary and appropriate Committees of Congress on issues such as the supply and distribution of allied health personnel, and current and future shortages of allied health personnel.

STUDY REGARDING CLINICAL LABORATORY TECHNOLOGISTS FOR MEDICALLY UNDERSERVED AND RURAL COMMUNITIES

Section 303 of the Conference agreement provides authority for the Secretary to conduct a study on the shortage of clinical laboratory technologists. The Conferees are concerned about the reports of a nationwide shortage of clinical laboratory technologists and the adverse impact such a shortage could have on rural and other underserved areas. The Conferees expect the Secretary to consider, in carrying out this study, the need for and appropriateness of alternative mechanisms for increasing the supply of clinical laboratory technologists including certification through a competency-based examination and recognition of private certifying organizations.

RESIDENCY TRAINING PROGRAMS IN EMERGENCY MEDICINE

Section 304 of the Conference agreement authorizes the Secretary to make grants for planning and developing residency training programs in emergency medicine (section 1251) if the training programs will provide education and training in identification and appropriate referral of cases of domestic violence. The program is authorized at $400,000 for each of the fiscal years 1993 through 1995.

CERTAIN CLINICAL TRAINEESHIPS

Section 305 of the Conference agreement amends Section 303(d)(2) of the Public Health Service Act to expand the locations that fulfill required service obligation by including the provision of mental health services in local or federal prisons or correctional facilities for individuals receiving clinical traineeship in psychology, psychiatry, nursing, marriage and family therapy, or social work.

SPECIAL CONSOLIDATION LOAN PROGRAM

Section 306 of the Conference agreement amends Section 428C of the Higher Education Act of 1965 to allow Health Education Assistance Loans (HEAL) to be made part of a consolidated loan without a Federal subsidy. HEAL loans are authorized under Subpart I of Part A of Title VII of the Public Health Service Act.

NATIONAL ADVISORY COUNCIL ON MEDICAL LICENSURE

Section 307 of the Conference agreement provides authority for the establishment of a National Advisory Council on Medical Licensure ("The Council"). The Council will provide advice to the Secretary regarding the operation of the system established by the American Medical Association for the purpose of verifying and maintaining information regarding the qualifications of individuals to practice medicine regarding the establishment and operation of any similar system. The Council will also determine the extent to which the verification system has expedited or otherwise improved the efficiency and equitable operation of the process of licensure by endorsement. In addition, the Council will also review policies, practices, and laws of States in licensing international and domestic medical graduates, determine the effects of these policies, and consult with State authorities that license individuals to practice medicine to recommend non-discriminatory practices in licensure and licensure by endorsement.

The Conferees expect that the deliberations of the Council, will be conducted in an objective setting, will promote constructive dialogue between concerned organizations, and will systematically review all facets of State policies and practices affecting licensure and licensure by endorsement for graduates of both U.S. and international medical schools.

The Council will continue in existence until the submission of its final report or not later than September 30, 1995, whichever is earlier. The Council is required to prepare and submit a report to the Secretary, the Senate Committee on Labor and Human Resources, and the House Committee on Energy and Commerce on its findings and recommendations.

INSTRUCTION ON PREVENTION OF TRANSMISSION OF BLOODBORNE DISEASES

Section 308 of the Conference agreement requires assurances by applicants that all trainees, as appropriate, will receive instruction in the utilization of universal precautions and infection control procedures for the prevention of transmission of bloodborne diseases. The Conferees believe that it is critical that all health professions trainees receive instruction in universal precautions and infection control procedures for the prevention of transmission of bloodborne diseases.

STUDY ON THE EFFECTIVENESS OF HEALTH PROFESSIONS PROGRAMS

Section 309 of the Conference agreement provides for a study by the General Accounting Office (GAO) of the effectiveness of programs funded under titles VII and VIII. Six months prior to the next reauthorization of Titles VII and VIII, the Conferees expect to be able to be guided by findings from a comprehensive GAO assessment of the effectiveness of the programs to achieve stated goals, including alleviating shortages and encouraging practice in underserved and rural communities; and of the relative effectiveness of the various funding mechanisms, the duration of service of former program participants in medically underserved or rural communities, and the geographic distribution of former program participants. In this context, the conferees request that the GAO include in its study a review of the continued fragmentation of funding to categorical groups of health professionals, and recommend alternative models of funding the training of health professionals.

DELAYED APPLICABILITY OF CERTAIN PROVISIONS

Section 310 of the Conference agreement amends section 403A(a)(1) of the Federal Food, Drug, and Cosmetic Act to allow states with their own maple syrup regulatory programs to continue to enforce existing state standards until September 1, 1994 without being preempted by federal regulations. During this time it is expected that the Food and Drug Administration will act on petitions for exemption from preemption filed by any interested state under the Nutrition Labeling and Education Act of 1990 (NLEA).

Passage of the NLEA had the effect of preempting any state standard of identity for maple syrup which is more stringent than the federal standard established under regulation. A number of states, such as Vermont, Maine and New York, have established standards for maple syrup which are stricter than federal requirements.

NATIONAL ADVISORY COUNCIL ON HEALTH PROFESSIONS

The Conference agreement provides for the repeal of the National Advisory Council on Health Professions effective October 1, 1992. The Conferees believe that the function and the priority of the health professions programs under title VII has changed sufficiently as a result of the Conference agreement and the Disadvantaged Minority Health Improvement Act of 1990 that a single advisory council is no longer an appropriate vehicle for providing guidance to the Secretary on the appropriate direction of health manpower policy in areas as diverse as veterinary medicine, pharmacy, podiatric medicine, allied health, clinical psychology, allopathic and osteopathic medicine, and dentistry.

JOHN D. DINGELL,
HENRY A. WAXMAN,
BILL RICHARDSON,
NORMAN LENT,
TOM BLILEY,
Managers on the Part of the House.

EDWARD M. KENNEDY,
HOWARD M. METZENBAUM,
PAUL SIMON,
ORRIN HATCH,
NANCY LANDON KASSEBAUM,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such roll votes, if postponed, will be taken on Wednesday, September 30, 1992.

PRINTING OF "THOMAS JEFFERSON'S MANUAL OF PARLIAMENTARY PRACTICE"

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con.

Res. 112) to authorize printing of "Thomas Jefferson's Manual of Parliamentary Practice," as prepared by the Office of the Secretary of the Senate.

The Clerk read as follows:

S. CON. RES. 112

Whereas parliamentary bodies require written rules of order for their proceedings to be conducted fairly and efficiently;

Whereas the Senate's first code of rules provided that "every question of order shall be decided by the presiding officer, without debate";

Whereas Thomas Jefferson, serving as the Senate's second president from 1797 to 1801, prepared for his own guidance a manual of legislative practice that included, under 53 topical headings, precedents from major authorities on parliamentary conduct;

Whereas "Jefferson's Manual" set the framework for the evolution of the Senate's rules and procedures, served to inspire respect for parliamentary law in the new Nation, and stands as one of Jefferson's most enduring intellectual ventures;

Whereas "Jefferson's Manual" was first printed for the use of the Senate in 1801 and was subsequently published by the Senate on a regular basis from 1828, 1975;

Whereas the House of Representatives in 1837 provided by rule, which still exists, that the provisions of "Jefferson's Manual" should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House"; and

Whereas April 13, 1993, marks the 250th anniversary of the birth of Thomas Jefferson and it is fitting on this occasion to honor Jefferson and the continued development of parliamentary law: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document, the book entitled "A Manual of Parliamentary Practice for the Use of the Senate of the United States" by Thomas Jefferson (with the editorial assistance of the Senate Historical Office under the supervision of the Secretary of the Senate).

SEC. 2. Such document shall include illustrations, and shall be in such style, form, manner, and binding as directed by the Joint Committee on Printing after consultation with the Secretary of the Senate.

SEC. 3. In addition to the usual number of copies, there shall be printed with suitable binding 10,000 copies for the use of the Senate and House of Representatives, to be allocated as determined jointly by the Secretary of the Senate and the Clerk of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes and the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 112 is sponsored by the Honorable WENDELL FORD, chairman of the Senate Rules and Administration Committee. The resolution calls for the printing of a new edition of "Thomas Jefferson's Manual of Parliamentary Practice," as a Senate document. Jefferson's manual, the first volume of parliamentary procedure ever compiled in the United States, was written while Thomas Jefferson served as Vice President of the United States from 1797 to 1801. Jefferson wrote the manual to instruct Members of Congress on proper legislative procedure. Drawing on the precedents of the British Parliament and the precepts of the Constitution, he sought to establish for future presiding officers "some known system of rules."

Jefferson's "Manual of Parliamentary Practice," known more simply as "Jefferson's Manual" was first published in 1801, the year that Jefferson was inaugurated President of the United States. A second edition, with some minor revisions appeared in 1812. In 1837, the House of Representatives adopted a rule that the practices comprised in "Jefferson's Manual" "shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House." That rule remains in effect today.

From 1801 to the mid-1970's, various editors updated and perfected Jefferson's style in successive versions of the House and Senate editions, changing punctuation and inserting text embodying procedural developments agreed to long after Jefferson's time. In the continued development of parliamentary law, the Senate Historical Office has proposed a new and complete edition true to Jefferson's original version. The new edition of "Jefferson's Manual" will be available to Members of Congress as we commemorate the upcoming 250th anniversary of Thomas Jefferson's birth in 1993.

Mr. Speaker I reserve the balance of my time.

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a reauthorization for the printing of "Jefferson's Manual of Procedures." There are to be 10,000 copies printed, 5,000 for the Senate and 5,000 for the House, which seems appropriate, because with 100 Members in the Senate and 435 Members in the House, they have three office buildings and we have three office buildings.

I hope Members will read their copies that are given to them. As the gentleman from Illinois indicated, Jefferson originally created the manual so that some known system of rules would be available.

It is not just the rules, it is the precedents that are determined from those rules that really govern us in our daily behavior here. And I hope as the majority reads the book they understand that precedents are rules for the long term, not for the exigencies of the moment. We will keep an eye on the parliamentary procedure of this House as though Jefferson were here.

I support Senate Concurrent Resolution 112.

Mr. Speaker, I yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ANNUNZIO] that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 112).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 112, the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISTRICT OF COLUMBIA JUSTICE REFORM ACT OF 1992

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4096) to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the small claims and conciliation branch of the Superior Court of the District of Columbia, and to authorize the corporation counsel for the District of Columbia to conduct criminal prosecutions of certain juvenile defendants, as amended.

The Clerk read as follows:

H.R. 4096

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Justice Reform Act of 1992".

SEC. 2. INCREASE IN MAXIMUM AMOUNT IN CONTROVERSY PERMITTED FOR CASES UNDER JURISDICTION OF SMALL CLAIMS AND CONCILIATION BRANCH OF SUPERIOR COURT.

(a) IN GENERAL.—Section 11–1321, D.C. Code, is amended by striking "$2,000" and inserting "$5,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cases filed with the Superior Court of the District of Columbia on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

□ 1220

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this legislation, as amended, is to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia.

Mr. Speaker, I would first like to note that a bipartisan compromise was reached and agreed to which had the effect of dispensing with one of the provisions of H.R. 4096 as reported. Both majority and minority members of the Committee on the District of Columbia agreed to strike from the bill section 3, which would have authorized the Corporation Counsel for the District of Columbia to conduct criminal prosecutions of certain juvenile defendants, except in those cases where an individual would otherwise be a codefendant with another person who was to be tried as an adult by the U.S. attorney for a crime with a common set of facts. In such cases, the U.S. attorney would have notified the Corporation Counsel of such facts and conducted any subsequent prosecution of the transferred individual.

After having agreed to strike this section of the bill, the only remaining provision of the legislation amends title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the District of Columbia from the existing maximum of $2,000 to $5,000.

This legislation was introduced at the request of the Mayor and Corporation Counsel of the District of Columbia. The need for this legislation and its expected positive benefits are unquestioned. The Mayor, Corporation Counsel, the chief judge of the D.C. Superior Court, and this Member are all in agreement that this legislation will enhance and increase the capability of D.C. courts to deal more effectively with the overwhelming caseload in criminal matters and other areas of the court's docket. Presently, it has been estimated that 5,000 of the 15,000 cases now on the court's civil docket would be removed by this legislation. That represents a 35-percent reduction in the court's caseload.

Mr. Speaker, H.R. 4096 as amended, was passed by a voice vote of the District of Columbia Committee and favorably reported on August 11, 1992. As I indicated earlier, one section of the bill over which there was disagreement, was struck with the mutual consent of both the majority and the minority. The present form of the bill, as amended, enjoys the support of both sides of our committee. For this support, I would like to thank each of our members, especially Mr. BILL LOWERY, the ranking member of the Judiciary and Education Subcommittee, who agreed to have the bill considered directly by the full committee; and, of course, my colleague from Virginia, Mr. THOMAS J. BLILEY, the ranking minority member of our full committee, who has offered his support for that section of H.R. 4096 which we are urging the passage of today.

I would also like to thank both the majority and minority staff members of the committee for their diligence and long-term hard work which produced this legislation as it was brought before the full committee and, finally, the compromise which allowed us to agree on an important section of the bill.

Mr. Speaker, I very much appreciate the willingness of Chairman DELLUMS to author this legislation at the request of Mayor Sharon Pratt Kelly. This bill raises the jurisdictional limit on cases which may be brought to the District of Columbia's Small Claims Court from $2,000 to $5,000. This will enable our trial court to handle criminal matters much more quickly by shifting judicial resources from the civil to the criminal dockets.

H.R. 4096 represents just one of several elements of Mayor Kelly's youth and crime initiative. Chairman DELLUMS agreed to introduce it because, regrettably, the District's Mayor and the city council have no authority under the District of Columbia Self-Government and Governmental Reorganization Act to amend title 11 of the D.C. Code which deals with judicial matters. Mayor Kelly's initiative, particularly its focus on the pipeline that leads to crime, has won praise from criminologists and other experts who have investigated the effectiveness of various approaches to crime. I also deeply regret the fact that the Congress could not follow through on its initial commitment to provide $30 million for the Mayor's initiative because of the President's threat to veto appropriations bills which exceeded his own spending request. The funding could have provided District residents and visitors real relief from violent crime, unlike the death penalty which has brought no relief to those jurisdictions which employ it.

Violent crime is a problem confronting the District of Columbia and many other large cities today. A vicious, high crime rate hovers over other issues because it is feeding them all. Efforts at decent housing, improved health, high quality education and productive social welfare practices are often short-circuited by the atmosphere and events produced by suffocating criminal activity. The District has been diligently seeking solutions. No jurisdiction in the United States can yet claim the success most seek. Exclusive reliance on increasingly more severe sanctions, including the death penalty and mandatory sentences, with little attention to and funding for prevention, have not so much as even slowed the crime and murder rate here or elsewhere.

Finally, Mr. Speaker, I regret that circumstances will not permit this House to also consider before adjournment legislation creating a Supreme Court for the District. The crime rate in the District has made a D.C. Supreme Court especially urgent this year. The District courts are clogged both at the bottom and the top. That bill, H.R. 5811, would have brought relief at both ends. Today, many inappropriate cases linger in the trial court, although they involve questions of law which could be certified to and disposed of in a Supreme Court, making room for urgent criminal matters. This single improvement insuring swift and sure justice is one of the few known to have a direct affect on crime rates. Yet while it has been twice reported by the District Committee and passed once by this House, we are forced to wait even longer to implement a system which is found in 38 other states.

Mr. Speaker, again, I appreciate the hard work of Chairman DELLUMS on the bill before us, and urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to join my colleague, the chairman of the D.C. Committee, Mr. DELLUMS, in support of the amended District of Columbia Justice Reform Act of 1992. As amended, the bill will increase the jurisdictional maximum amount in controversy in small claims proceedings from $2,000 to $5,000.

Under home rule, the judicial system in the District of Columbia remains a Federal institution. The courts are article 1 Federal courts whose judges are appointed by the President and confirmed by the Senate. Under the Home Rule Act, any change in the jurisdiction of either the D.C. Court of Appeals or the D.C. Superior Court require congressional action.

Congress last amended the jurisdictional maximum amount for D.C. small claims in 1984.

Mr. Speaker, even though President Bush, and President Reagan before him, enjoyed enormous success in controlling inflation, it should be clear that $2,000 is an antiquated maximum amount for small claims. And, indeed, since 1986 there has been a study decline in small claims filings as the dollar amount in controversy either forced simple cases into more expensive and complex proceedings or discouraged litigants from entering the courthouse at all.

Last year, the D.C. Superior Court had almost a quarter of a million cases before it that were available for disposition. H.R. 4096 will allow more of those cases to be resolved through informal small claims procedures and allow the court's resources to be more efficiently employed.

Mr. Speaker, I urge my colleagues to support H.R. 4096.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 4096, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4096, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

DISTRICT OF COLUMBIA SPOUSE EQUITY ACT OF 1988 AMENDMENTS

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1880) to amend the District of Columbia Spouse Equity Act of 1988.

The Clerk read as follows:

S. 1880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Spouse Equity Act of 1988, effective March 16, 1988 (D.C. Law 7-214; D.C. Code, section 1-3001 et seq.) is amended—

(1) in section 2 (section 1-3001) by striking the period at the end thereof and inserting ", or an officer, member, or retiree of the United States Park Police Force, or an officer, member, or retiree of the United States Secret Service to whom the District of Columbia Policemen and Firemen's Retirement and Disability Act (sections 4-607 et seq. of the D.C. Code) applies.";

(2) in section 3(1) (section 1-3002(a)) by striking "a District" and inserting "an"; and

(3) in section 3(2) (section 1-3002(b)) by striking the period at the end thereof and inserting "or an officer, member, or retiree of the United States Park Police Force or an officer, member, or retiree of the United States Secret Service to whom the District of Columbia Policemen and Firemen's Retirement and Disability Act (sections 4-607 et seq. of the D.C. Code) applies.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of S. 1880 is to amend the District of Columbia Spouse Equity Act of 1988 to include under its coverage certain employees of the U.S. Secret Service and U.S. Park Police hired prior to 1984, who participate in a retirement system of the District of Columbia and who are not currently covered by the provisions of either the D.C. Spouse Equity Act or its Federal counterpart.

Both the Federal Government and the District have enacted laws which currently afford former spouses of Federal civil service and District employees, respectively, legal rights with regard to the receipt of annuity benefits. These rights are afforded to former spouses, because Congress and the District have determined that spouses are entitled to a share of the annuity benefits earned during the course of a marriage.

The District of Columbia Corporation Counsel and the Office of Personnel Management [OPM], when contacted by the Secret Service regarding this issue in 1990, were in agreement that there was, in fact, a gap in coverage for these individuals and that an amendment to the Federal or District Spouse Equity Acts would be an appropriate remedy. OPM recommended that the amendment be made to the D.C. Spouse Equity Act due to the fact that, although the Federal Treasury was funding the annuities of Federal employees who are covered by the District's retirement system, the District performs the administrative function of sending out annuity and survivor benefits for these individuals.

There are no significant costs associated with this legislation. I ask that my colleagues join me in support of this small but needed change to close this inadvertent gap and provide rightful legal protections to those entitled employees and their spouses.

On Friday, September 25, 1992, the Senate passed S. 1880 without amendment by voice vote. I recommend that the House agree to S. 1880 and that it do pass.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1880, a bill to amend the District of Columbia Spouse Equity Act of 1988. The Senate passed this legislation last week and sent it to the House for immediate consideration.

The Spouse Equity Act simply brings a small number of Federal employees under the same personnel retirement system rules as other Federal and District employees. Both the Federal Government and the District government already provide certain rights to former spouses to nearly all of their employees. But there is a gap in the law in regards to members and retirees of the U.S. Secret Service and the U.S. Park Police. S. 1880 brings this small group of people, perhaps no more than 20 individuals, into conformity with the vast majority.

There should be no cost to the Federal Government as S. 1880 does not increase the amount of benefits, but merely addresses how benefits are distributed. It simply requires the Mayor of the District of Columbia to recognize an annuity or benefits award which is the subject of a qualifying court order. Any additional paperwork burden on the District government should be minimal.

Mr. Speaker, I understand that S. 1880 is consistent with the administration's personnel policies. I am not aware of any opposition to this legislation. I commend the chairman of the Committee on the District of Columbia, Mr. DELLUMS, and the Delegate from the District, Ms. NORTON, for bringing this legislation to the floor for immediate consideration as it corrects an apparent flaw in the convoluted and often confusing retirement system.

I urge all of my colleagues to support S. 1880 and I yield back the balance of my time.

☐ 1230

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the Senate bill, S. 1880.

The question was taken and (two-thirds having voted in favor thereof), the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1880, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

COLUMBIA HOSPITAL FOR WOMEN LAND PURCHASE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3703) to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LAND.

(a) ADMINISTRATOR OF GENERAL SERVICES.—Subject to sections 2 and 4, the Administrator of General Services (hereinafter in this Act referred to as the "Administrator") shall convey, for $12,800,000 to be paid in accordance with the terms set forth in subsection (d)(2) and other consideration required by this Act, to the Columbia Hospital for Women (formerly Columbia Hospital for Women and Lying-in Asylum; hereinafter in this Act referred to as "Columbia Hospital"), located in Washington, District of Columbia, all right, title, and interest of the United States in and to those pieces or parcels of land in the District of Columbia, described in subsection (b), together with all improvements thereon and appurtenances thereto. The purpose of the conveyance is to provide a site for the construction by Columbia Hospital of a facility to house the National Women's Health Resource Center (hereinafter in this Act referred to as the "Resource Center"), as described in the Certificate of Need issued for the Resource Center in conformance with District of Columbia law and in effect on the date of conveyance.

(b) PROPERTY DESCRIPTION.—The land referred to in subsection (a) was conveyed to the United States of America by deed dated May 2, 1888, from David Fergusson, widower, recorded in liber 1314, folio 102, of the land records of the District of Columbia, and is that portion of square numbered 25 in the city of Washington in the District of Columbia which was not previously conveyed to such hospital by the Act of June 28, 1952 (Public Law 82-423). Such property is more particularly described as square 25, lot 803, or as follows: all that piece or parcel of land situated and lying in the city of Washington in the District of Columbia and known as part of square numbered 25, as laid down and distinguished on the plat or plan of said city as follows: beginning for the same at the northeast corner of the square being the corner formed by the intersection of the west line of Twenty-fourth Street Northwest, with the south line of north M Street Northwest and running thence south with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches, thence running west and parallel with said M Street Northwest for the distance of two hundred and thirty feet six inches and running thence north and parallel with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches to the line of said M Street Northwest and running thence east with the line of said M Street Northwest to the place of beginning two hundred and thirty feet and six inches together with all the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging or in anywise appertaining.

(c) DATE OF CONVEYANCE.—

(1) DATE.—The date of the conveyance of property required under subsection (a) shall be the date which is 1 year after the date of receipt by the Administrator of written notification from Columbia Hospital that the hospital needs such property for use as a site to provide housing for the Resource Center.

(2) DEADLINE FOR SUBMISSION OF NOTIFICATION.—A written notification of need from Columbia Hospital shall not be effective for purposes of subsection (a) and paragraph (1) unless the notification is received by the Administrator before the date which is 1 year after the date of the enactment of this Act.

(d) CONVEYANCE TERMS.—

(1) IN GENERAL.—The conveyance of property required under subsection (a) shall be subject to such terms and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States. Such terms and conditions shall be consistent with the terms and conditions set forth in this Act.

(2) PAYMENT OF PURCHASE PRICE.—Columbia Hospital shall pay the $12,800,000 purchase price in full by not later than the date of conveyance under subsection (c).

(3) QUITCLAIM DEED.—Any conveyance of property to Columbia Hospital under this Act shall be by quitclaim deed.

(e) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States as payment under this Act shall be paid into, administered, and expended as part of the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

SEC. 2. LIMITATION ON CONVEYANCE.

No part of any land conveyed under section 1 may be used, during the 30-year period beginning on the date of conveyance under section 1(c)(1), for any purpose other than to provide a site for a facility to house the Resource Center and any necessary related appurtenances to that facility.

SEC. 3. SATELLITE HEALTH CENTERS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Not later than 4 years after the date of the conveyance under section 1, Columbia Hospital, after consultation with the District of Columbia Commission of Public Health and the District of Columbia State Health Planning and Development Agency, shall establish, maintain, and operate 3 satellite health centers.

(2) PERSONS TO BE SERVED.—One of the satellite health centers shall provide comprehensive health and counseling services exclusively for teenage women and their children. The other 2 satellite health centers shall provide comprehensive health and counseling services for women (including teenage women) and their children.

(3) LOCATION.—The satellite health centers shall be located in areas of the District of Columbia in which the District of Columbia Department of Public Health has determined that the need for comprehensive health and counseling services provided by the centers is the greatest. In locating such centers, special consideration shall be given to the areas of the District with the highest rates of infant death and births by teenagers.

(b) COMPREHENSIVE HEALTH AND COUNSELING SERVICES.—In subsection (a), comprehensive health and counseling services include—

(1) examination of women;

(2) medical treatment and counseling of women, including prenatal and postnatal services;

(3) treatment and counseling of substance abusers and those who are at risk of substance abuse;

(4) health promotion and disease prevention services;

(5) physician and hospital referral services; and

(6) extended and flexible hours of service.

(c) REQUIRED CONSIDERATION.—The establishment, operation, and maintenance of satellite health centers by Columbia Hospital in accordance with this section shall be part of the consideration required by this Act for the conveyance under section 1.

SEC. 4. REVERSIONARY INTEREST.

(a) IN GENERAL.—The property conveyed under section 1 shall revert to the United States—

(1) on the date which is 4 years after the date of such conveyance if Columbia Hospital is not operating the Resource Center on such property; and

(2) on any date in the 30-year period beginning on the date of such conveyance, on which the property is used for a purpose other than that referred to in section 2.

(b) REPAYMENT.—If property reverts to the United States under subsection (a), the Administrator shall pay to Columbia Hospital, from amounts otherwise appropriated from the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), an amount equal to all sums received by the United States as payments for the conveyance under section 1, without interest on such amount.

(c) ENFORCING REVERSION.—The Administrator shall perform all acts necessary to enforce any reversion of property to the United States under this section.

(d) INVENTORY OF PUBLIC BUILDINGS SERVICE.—Property that reverts to the United States under this section—

(1) shall be under the control of the General Services Administration; and

(2) shall be assigned by the Administrator to the inventory of the Public Buildings Service.

SEC. 5. DAMAGES.

(a) DAMAGES.—Subject to subsection (b), for each year in the 26-year period beginning on the date which is 4 years after the date of conveyance under section 1(c)(1), in which Columbia Hospital does not operate 3 satellite health centers in accordance with section 3 for a period of more than 60 days, the Columbia Hospital shall be liable to the United States for damages in an amount equal to $200,000, except that this subsection shall not apply after the date of any reversion of property under section 4.

(b) LIMITATION IN DAMAGES.—The maximum amount of damages for which Columbia Hospital may be liable under this section shall be $3,000,000.

(c) ADJUSTMENTS FOR INFLATION.—The amount of damages specified in subsection (a) and the maximum amount of damages specified in subsection (b) shall be adjusted biennially to reflect changes in the consumer price index that have occurred since the date of the enactment of this Act.

(d) ASSESSMENT AND WAIVER.—For any failure by Columbia Hospital to operate a satellite health center in accordance with section 3, the Administrator may—

(1) seek to recover damages under this section; or

(2) waive all or any part of damages recoverable under this section for that failure, if the Administrator—

(A) determines the failure is caused by exceptional circumstances; and

(B) submits a statement to the District of Columbia Commission of Public Health and the Congress, that sets forth the reasons for the determination;

(e) CONVEYANCE DOCUMENTS.—The Administrator shall include in the documents for any conveyance under this Act appropriate provisions to—

(1) ensure that payment of damages under this section is a contractual obligation of Columbia Hospital; and

(2) require the Administrator to provide to Columbia Hospital notice and an opportunity to respond before the Administrator seeks to recover such damages.

SEC. 6. REPORTS.

During the 5-year period beginning one year after the date of the conveyance under section 1, Columbia Hospital shall submit to the Administrator, the appropriate committees of the Congress, and the Comptroller General of the United States annual reports on the establishment, maintenance, and operation of the Resource Center and the satellite health centers.

The SPEAKER pro tempore. Pursuant to the rules, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes and the gentleman from California [Mr. COX] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3703, as amended, authorizes GSA to sell land to the Columbia Hospital for Women that is adjacent to the hospital.

The hospital intends to build a facility to house its Women's Health Resource Center on this land. The resource center will make major contributions to the health care of women.

As further compensation to the Government for the land, the amendment provides that the hospital will establish, operate, and pay for three satellite health care centers. The health care centers will be located in this district where the need for health care for women and children is the greatest. This legislation will benefit many deserving people and at no Federal cost.

I urge adoption of H.R. 3703, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. COX of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3703 which provides for the sale of Federal land to the Columbia Hospital for Women to establish a national women's health resource center.

I want to commend Chairman SAVAGE for his work in perfecting this bill. The changes that the chairman proposed have contributed significantly to protecting the taxpayer's interests, and expanding the public benefit.

As amended by the Committee on Public Works and Transportation, the bill stipulates that the hospital will also establish three satellite health centers. These three centers, together with the main location, will provide comprehensive health and counseling services for women, and their children. In addition, the bill specifies that if the Women's Health Resource Center is not operational within 4 years of conveyance of the property, the property will revert back to the Federal Government.

The mission of Columbia Hospital for Women is to "improve the health and well-being of women and infants in the Washington metropolitan area and throughout the Nation." Accordingly, Columbia has established itself as a premiere health institution for women and children. In fact, it is the only women's hospital chartered by Congress to meet the specific health needs of women.

Columbia has many accomplishments in women's health. We owe to their efforts increased national awareness of the benefits from the use of mammography and ultra sound equipment. They've been leaders in the fields of obstetrics, gynecology and neonatology. In addition, Columbia is the leading birthing center in the Washington metropolitan area. There are approximately 5,500 births at Columbia each year.

The National Women's Health Resource Center will build on Columbia's leadership in women's health issues. In fact, the center, which was incorporated in 1988, has already devoted much of its energies to education for professional health care providers and health care consumers. Once the center is built and fully operational, it will provide clinical services, clinical investigation, education, and public awareness programs. And while the center is not intended for primary care, patients of the center's clinic will be able to take full advantage of Columbia Hospital's primary care facility as needed.

Mr. Speaker, in addition to the $12.8 million that Columbia will be paying to the taxpayers—to the public building fund—for the property, the American public will benefit greatly over the long term as a result of this transaction. Specific attention to women's health care issues is long overdue. This bill, H.R. 3703 is a major step in correcting this oversight. I support H.R. 3703 and urge my colleagues to do the same.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. BLILEY] a member of the Committee on the District of Columbia.

Mr. BLILEY. I thank the gentleman for yielding time to me.

Mr. Speaker, under the terms of H.R. 3703, the General Services Administration will be directed to sell 1.2 acres of Federal property in Northwest District of Columbia to the Columbia Hospital for Women for $12.8 million. If passed and signed into law, H.R. 3703 will end a long running feud between Columbia Hospital, GSA, and the surrounding neighborhood over the development of this valuable property. Those Members who know the area around 24th and M Streets Northwest as I do will understand why this property has been so coveted. As one of the last parcels of land owned by the Federal Government in that part of the District, it would have been grossly unfair to agree to Columbia Hospital's original terms. But I can assure my colleagues that the work done by the Committee on the District of Columbia and the Committee on Public Works and Transportation have improved the terms in favor of the Federal Government.

The purchase price has been increased and the hospital must pay the entire cost at the time of conveyance. Furthermore, if Columbia Hospital fails to live up to the conditions of this legislation, the property will revert to the Federal Government. Some of our initial objections to this legislation have been satisfied. All of the improvements made in H.R. 3703 result in a better deal for the American taxpayer.

Mr. COX of California. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from the State of Washington [Mr. MCDERMOTT], a member of the Committee on the District of Columbia.

Mr. MCDERMOTT. Mr. Speaker, I thank the gentlewoman from the District of Columbia for yielding time to me.

Mr. Speaker, the purpose of H.R. 3703, as amended, is to authorize the Columbia Hospital for Women to purchase adjacent Federal land. H.R. 3703 as amended will allow the nonprofit hospital to purchase for $12.8 million the 1.2 acres of adjoining land. The hospital occupies the remainder of the square block bordered by L, M, 25th, and 24th Streets. The hospital proposes to house its National Women's Health Resource Center in a building to be constructed on this site with private funds. The new center will become a major source of medical knowledge, information, and research in the critical health care needs of women, prenatal, and infant care. In addition, the Columbia Hospital will establish and operate three satellite health centers to provide health services in areas where the incidence of infant deaths and teenage pregnancy are the greatest.

The full committee on the District of Columbia voted to report H.R. 3703 on November 7, 1991, by majority voice vote. Bills similar to this bill were first introduced over 6 years ago. Bills similar to H.R. 3703 have been favorably reported by the House District of Columbia Committee in the 100th and the 101st Congress. H.R. 3703 was referred to three House committees: The Committee on the District of Columbia, Government Operations, and Public Works and Transportation. I want to thank the chairman of each of the other committees, Chairman ROE of the House Public Works Committee and Chairman CONYERS of House Government Operations, for their support of this matter and the chair of the three subcommittees who considered this bill in all of its drafts. I especially want to thank Congressman GUS SAVAGE, chair of the Subcommittee on Public Buildings and Grounds, who, this Congress, held extensive hearings on the H.R. 3703 and drafted the final amended version of the bill that all three committees could support. Finally, I want to thank Congresswoman NORTON who saw the importance of this measure for women's health issues nationally and for local women in areas where the needs are the greatest. My thanks to the staffs of all the committees for their diligent work.

The amended version of H.R. 3703, unanimously approved by the House Public Works Committee, requires that the Columbia Hospital for Women pay $12.8 million in total on the date of conveyance of the land instead of purchasing the land over a 10-year period. The amended version establishes damages of $200,000 if the hospital fails to operate any or all of the three satellite health centers. The amended version requires that for the next 30 years, the land conveyed must be used to house the National Women's Health Resource Center.

With these amendments and assurances, there is agreement that H.R. 3703 as amended pass.

I note that the second from the last paragraph in the additional views of our committee Report 102–912, part I, has dropped a line that is important to understanding the legislative history of the bill. The line should read:

> All three Committees have either in the 101st or 102nd Congress fully considered through hearings bills similar to H.R. 3703. On September 24, 1992, the House Public Works Committee unanimously approved H.R. 3703 with an amendment in the nature of a substitute.

Mrs. SCHROEDER. Mr. Speaker, today I rise in strong support of H.R. 3703 to purchase land for the Columbia Hospital for Women.

H.R. 3703 is a simple proposal. It authorizes the sale of a plot of land next to the Columbia Hospital for Women to be privately developed as the new headquarters for the National Women's Health Resource Center [NWHRC]. No Federal funds would be used in this transaction, as Columbia Hospital for Women is in fact a private not-for-profit medical center for women, and the National Women's Health Resource Center is a subsidiary of the hospital. The land in question is now occupied by a dilapidated General Services Administration building, and if the NWHRC cannot develop the land within 4 years, the plot will be given back to the Federal Government.

The District of Columbia has twice the national average of infant mortality and low-birth weight babies. The Columbia Hospital for Women provides critical services for these women and is the largest birthing center in the District. The NWHRC provides a novel combination of referral, counseling, and outreach services. It also works directly with clinics to create unique health care programs serving low income and other underserviced women. Giving the NWHRC a permanent home at the Columbia Hospital for Women allows the NWHRC to concentrate on what they do best—caring for women.

☐ 1240

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 3703, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GOVERNMENT PRINTING OFFICE ELECTRONIC INFORMATION ACCESS ENHANCEMENT ACT OF 1992

Mr. ROSE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5983) to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information, as amended.

The Clerk read as follows:

H.R. 5983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Printing Office Electronic Information Access Enhancement Act of 1992".

SEC. 2. AMENDMENTS TO TITLE 44, UNITED STATES CODE.

(a) IN GENERAL.—Title 44, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 41—ACCESS TO FEDERAL ELECTRONIC INFORMATION

"Sec.
"4101. Electronic directory of Federal electronic information; online access to the Congressional Record and the Federal Register.
"4102. Fees.

"§ 4101. Electronic directory of Federal electronic information; online access to the Congressional Record and the Federal Register

"(a) IN GENERAL.—The Superintendent of Documents, under the direction of the Public Printer, shall—

"(1) maintain an electronic directory of Federal public information stored electronically; and

"(2) provide a system of online access to the Congressional Record, the Federal Register, and, as determined by the Superintendent of Documents, other appropriate publications distributed by the Superintendent of Documents.

"(b) DEPARTMENTAL REQUESTS.—To the extent practicable, the Superintendent of Documents shall accommodate any request by the head of a department or agency to include in the system of access referred to in subsection (a)(2) information that is under the control of the department or agency involved.

"(c) CONSULTATION.—In carrying out this section, the Superintendent of Documents shall consult—

"(1) users of the directory and the system of access provided for under subsection (a); and

"(2) other providers of similar information services.

The purpose of such consultation shall be to assess the quality and value of the directory and the system, in light of user needs.

"§ 4102. Fees

"(a) IN GENERAL.—The Superintendent of Documents, under the direction of the Public Printer, may charge reasonable fees for use of the directory and the system of access provided for under section 4101, except that use of the directory and the system shall be made available to depository libraries without charge. The fees received shall be treated in the same manner as moneys received from sale of documents under section 1702 of this title.

"(b) COST RECOVERY.—The fees charged under this section should be set so as to recover the incremental cost of dissemination of the information involved, with the cost to be computed without regard to section 1708 of this title.".

(b) CLERICAL AMENDMENT.—The table of chapters for title 44, United States Code, is amended by adding at the end the following new item:

"41. Access to Federal Electronic Information .... 4101".

(c) SPECIAL RULE.—The directory and the system of access referred to in section 4101 of title 44, United States Code, as added by subsection (a), shall be operational not later than one year after the date of the enactment of this Act.

SEC. 3. FEASIBILITY STUDY BY THE SUPERINTENDENT OF DOCUMENTS.

(a) IN GENERAL.—The Superintendent of Documents, under the direction of the Public Printer, shall conduct a study of the feasibility of enhancing public access to Federal electronic information. In conducting the study, the Superintendent of Documents shall—

(1) consult the heads of departments and agencies of the Government, other users of Federal electronic information, and other persons likely to be affected by such enhanced public access;

(2) assess the maximum use feasible of computer systems, data storage systems, and retrieval software that are maintained by the departments and agencies of the Government to enhance access to Federal electronic information;

(3) determine the feasibility of providing access to Federal electronic information through a wide range of electronic networks, including the Internet and the National Research and Education Network;

(4) in consultation with the National Institute of Standards and Technology and other appropriate persons, study the development of compatible standards for *dissemination of Federal electronic information* throughout the Government.

(5) specify the development and maintenance costs of the directory and the system of access provided for under chapter 41 of title 44, United States Code;

(6) analyze the cost savings to be derived from the directory and the system of access; and

(7) obtain, *from the Comptroller General*, an independent evaluation of the utility and efficiency of the directory and the system of access.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Superintendent of Documents shall submit a report of the study to the Congress. The report shall include, as a separate part, the evaluation referred to in subsection (a)(7).

(c) DEFINITION.—As used in this section, the term "Federal electronic information" means Federal public information stored electronically.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina [Mr. ROSE] will be recognized for 20 minutes, and the gentleman from California [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, this is another historic moment in the House. We are about to consider a bill which will require the Government Printing Office to make the CONGRESSIONAL RECORD and the Federal Register available electronically to millions of Americans who use depository libraries throughout the country. The timing and the technology are just right for this initiative. It will test GPO's ability to use technology efficiently;

It will test the utility of electronic products for use by depository libraries; and it will provide important and necessary public access. Our committee, and the Senate Rules Committee, held a joint hearing on July 23d. We have testimony from dozens of witnesses—from the printing and information industries, to the library community and academic institutions, to the research and technology community, and the administration. The committee worked with all of these interests, and this bill has made an effort to accommodate everyone.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at a time when taxpayers can file their taxes electronically and access numerous information bases, both public and private, for their computers at home, it is time for us to increase the access of the public to information of the Federal Government in electronic form; so I rise today to support H.R. 5983, which is a giant step in that direction.

Mr. THOMAS of California. Mr. Speaker, I yield back the balance of my time.

Mr. ROSE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. ROSE] that the House suspend the rules and pass the bill, H.R. 5983, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 5983, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REPORT ON RESOLUTION PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY TASK FORCE ON THE HOLDING OF AMERICANS AS HOSTAGES IN IRAN IN 1980

Mr. ROSE, from the Committee on House Administration, submitted a privileged report (Rept. No. 102-930) on the resolution (H. Res. 512) providing amounts from the contingent fund of the House for expenses of investigations and studies by the Task Force to Investigate Certain Allegations Concerning the Holding of Americans as Hostages in Iran in 1980 in the second session of the One Hundred Second Congress, which was referred to the House Calendar and ordered to be printed.

NATIONAL AIR AND SPACE MUSEUM EXPANSION SITE SELECTION ACT OF 1992

Mr. FROST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3281), to establish the National Air and Space Museum Expansion Site Advisory Panel for the purpose of developing a national competition for the evaluation of possible expansion sites for the National Air and Space Museum, and to authorize the Board of Regents of the Smithsonian Institution to select, plan, and design such site as amended.

The Clerk read as follows:

H.R. 3281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Air and Space Museum Expansion Site Selection Act of 1992".

SEC. 2. NATIONAL AIR AND SPACE MUSEUM EXPANSION SITE ADVISORY PANEL.

(a) ESTABLISHMENT AND DEADLINE.—There is established a panel to recommend to the Board of Regents of the Smithsonian Institution an expansion site for the National Air and Space Museum. The panel shall—

(1) be known as the "National Air and Space Museum Expansion Site Advisory Panel"; and

(2) complete its work not later than one year after the date of the enactment of this Act.

(b) SITE PROPOSALS AND CRITERIA.—

(1) IN GENERAL.—As part of the recommendation process, the Panel shall—

(A) in a nationwide competition, obtain proposals for expansion sites; and

(B) develop and promulgate criteria for site evaluation.

(2) CRITERIA.—The criteria referred to in paragraph (1)(B) shall include—

(A) long-term costs, including capital, operational, and administrative costs;

(B) access to operational runway facilities;

(C) ready accessibility to the public; and

(D) other administrative and curatorial factors related to the storage, management, and display of the Smithsonian Institution's collection of aircraft and spacecraft.

The criteria may not include the proximity to the District of Columbia, except that administrative and curatorial advantages of a site in the District of Columbia region may be included.

(c) REPORT.—Not later than the deadline specified in subsection (a), the Panel shall submit to the Congress and the Board of Regents a report that—

(1) evaluates each proposal submitted to the panel under subsection (b) in light of the criteria promulgated under that subsection; and

(2) contains a single recommendation of an expansion site for the National Air and Space Museum.

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Panel shall be composed of 9 members, who shall be appointed not more than 2 months after the date of the enactment of this Act as follows:

(A) 4 individuals from private life appointed by the Speaker of the House of Representatives, the minority leader of the House of Representatives, the President pro tempore of the Senate, and the minority leader of the Senate, acting jointly;

(B) one Member of the House of Representatives appointed by the Speaker of the House of Representatives and one Member of the House of Representatives appointed by the minority leader of the House of Representatives;

(C) one Senator appointed by the President pro tempore of the Senate and one Senator appointed by the minority leader of the Senate; and

(D) one individual appointed by the Secretary of the Smithsonian Institution from among the officers and employees of the Smithsonian Institution.

(2) GEOGRAPHIC DIVERSITY.—Two of the members appointed under paragraph (1)(A) shall be individuals who reside and work in States with territory that is west of the Mississippi River.

(3) CONTINUATION OF MEMBERSHIP.—A member appointed under paragraph (1)(B), (1)(C), or (1)(D) who ceases to hold the position on which membership is based may continue as a member for not longer than 60 days after the date on which the member ceases to hold the position.

(4) TERMS AND VACANCIES.—Members shall be appointed for the life of the Panel and any vacancy shall be filled in the manner in which the original appointment is made.

(5) PAY AND TRAVEL.—Members from private life shall serve without pay and the other members shall not receive additional pay by reason of service on the panel. Members shall be entitled to receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) QUORUM AND PROCEDURES.—A majority of the members shall constitute a quorum, but a lesser number may hold hearings. The panel shall be responsible for selecting its officers and otherwise establishing procedures for the conduct of its business.

(f) EXPERTS AND CONSULTANTS; DETAILS.—The Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the maximum annual rate of basic pay payable for grade GS–18 of the General Schedule. Upon request of the Panel, the head of any department or agency of the United States may,

on a reimbursable basis, detail personnel to assist the Panel in carrying out its duties under this Act.

(g) HEARINGS AND RELATED MATTERS.—The Panel may—

(1) hold hearings, sit and act at appropriate times and places, take testimony, and receive evidence;

(2) administer oaths and affirmations to witnesses; and

(3) authorize any member or agent of the Panel to take any action which the Panel is authorized to take under this section.

(h) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as departments of the United States.

(i) OFFICIAL INFORMATION AND ADMINISTRATIVE SUPPORT.—Upon the request of the Panel—

(1) the heads of departments and agencies of the Government shall furnish information to the Panel; and

(2) on a reimbursable basis, the Administrator of General Services shall provide to the Panel administrative support services and office space necessary for the Panel to carry out its responsibilities.

(j) CONTRACT AUTHORITY.—The Panel may enter into contracts for research, surveys, and other services.

(k) TERMINATION.—The Panel shall cease to exist 30 days after the date on which the Board of Regents of the Smithsonian Institution selects the expansion site under section 4.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Amounts shall be available to carry out section 2 only to the extent such amounts are made available in advance in appropriations Acts.

SEC. 4. SELECTION OF THE NATIONAL AIR AND SPACE MUSEUM EXPANSION SITE.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution shall select an expansion site for the National Air and Space Museum in accordance with subsection (b). The Board may conduct planning and design activities with respect to such expansion site only to the extent that amounts for such activities are made available in appropriations Acts enacted after the date of the enactment of this Act.

(b) SELECTION REQUIREMENTS.—In selecting an expansion site, the Board of Regents shall consider—

(1) the criteria developed by the Panel pursuant to section 2(b); and

(2) the recommendation of the expansion site submitted by the Panel pursuant to section 2(c).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. FROST] will be recognized for 20 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3281 establishes an advisory panel for the purpose of developing a national competition to select a site for the National Air and Space Museum expansion.

This legislation was introduced in response to the concerns raised regarding the process employed by the Smithsonian Institution in its selection of a site for the National Air and Space Museum expansion.

After reviewing the report of the onsite visit made by the staffs of both the committee and of the subcommittee, it became apparent that an urgent need exists for additional storage, preservation and exhibition space in order to ensure that the historic aircraft and artifacts of the National Air and Space Museum are adequately housed and properly protected.

But at the same time, it also became apparent that grave concern had surfaced about the equitability of the Smithsonian's processes for selecting one site over competing sites.

Consequently, the investigation was expanded by visiting one of the proposed alternate sites for the expansion and by conducting additional interviews with the Smithsonian and other interested parties.

At the hearing on H.R. 3281, compelling testimony was presented regarding the monetary benefits to the Smithsonian of conducting an open competition; at that time, it also was revealed that the timetable for completing the site evaluation process would not necessarily delay the construction of the expansion.

The concept of the Smithsonian Institution operating a museum or an expansion outside of Washington is not new. In fact, the Institution already operates the Cooper-Hewitt Museum in New York, and plans an off-the-Mall expansion of the National Museum of the American Indians in the next 3 years.

Since the H.R. 3281 hearing, certain significant concerns regarding this legislation have been raised, among which are:

First, there is some questions as to whether H.R. 3281 encroaches upon the decisionmaking authority of the Board of Regents of the Smithsonian Institution;

Second, the site selection process has already run its course, and may not need to be repeated in toto; and,

Third, the entire project, the formation and operating costs of conducting the competition may be far too costly relative to the benefits it would yield.

First, the bill does not encroach on the Board of Regents' decisionmaking authority. In fact, this bill sets up a new site selection process to make nonbinding recommendations to the Smithsonian Board of Regents.

Second, this process is not redundant. Rather, it offers to all our States and localities the first fair and equitable opportunity to compete for the site of the expansion of the National Air and Space Museum.

And finally, as to the costs; the fact that the Smithsonian had chosen research methods previously which have resulted in costs in excess of $450,000 to analyze three sites, is no indication that the advisory panel cannot establish an equally fruitful method at one-half or one-quarter of that cost.

Estimates of $5 to $7 million have been forwarded for this project, but to estimate the cost of operating this panel based on an extrapolation of the way the Smithsonian does business, forecloses the exploration of more economic measures.

Furthermore, much of the responsibility for preparing proposals will in the end devolve to the individual States and localities competing for the expansion site, where most of the information has already been compiled and collated.

Like the Smithsonian, which spent its own money and had an interest in the direction results would take, each of the competing States and localities will spend their money and will have accomplished the lion's share of the research and analysis. This distribution of the efforts of research and analyses over a so much broader spectrum would afford the States and localities an opportunity equal to that enjoyed by the Smithsonian to highlight the advantages of the sites each would bring to the table. This distribution of effort would also result in each State or locality spending far less to research and analyze than the Smithsonian would have had to spend.

Therefore, since we will not have to rely on independent contractors to research and analyze the sites, I reject the argument that this project is too costly based simply on the Smithsonian's estimates.

I urge my colleagues to support and adopt H.R. 3281, as amended.

☐ 1250

Mr. Speaker, I reserve the balance of my time.

Mr. DICKINSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say that I am in a unique position here in that some of my friends are for this bill and some of my friends are opposed to it, and I am for my friends.

Now I am accustomed to North-South conflicts, but this really is an East-West conflict. There is a very good reason and rationale for putting the Smithsonian exhibit here in Virginia, and there have been very compelling arguments for putting it elsewhere, someplace other than had been originally proposed.

But, as I said, I am for my friends.

Mr. Speaker, I yield 7 minutes to the gentleman from Virginia [Mr. WOLF], one of my friends.

Mr. WOLF. Mr. Speaker, this bill is a disgrace.

This bill, the American people should know, is a pork barrel bill. The Board of Regents have on five different occasions, beginning in 1983, selected with the responsibility to site this extension at Dulles Airport. Five different occasions.

Now who are the Board of Regents? The gentleman from Mississippi [Mr. WHITTEN], the chairman of the Committee on Appropriations, and I do not think my colleagues are going to question Mr. WHITTEN's integrity, the gentleman from California [Mr. MINETA], the new chairman of the House Committee on Public Works and Transportation, the gentleman from Pennsylvania [Mr. MCDADE], the ranking member of the committee, Mr. MOYNIHAN, Mr. SASSER, and Mr. GARN. This issue has been debated over and over and over.

The Congress made a mistake when they helped Denver with regard to the new airport. Now Denver does not know what to do with Stapleton. They have hired a lobbyist, and my colleagues should know that if they vote for this bill, they are voting with a lobbyist who has manipulated and changed this whole process.

I will say to my colleagues that the people in Denver listening today ought to ask, "Why did your Government have to hire lobbyists to come and pervert the process that this Congress is going through, to distort what's been going on. Thirty-eight thousand to influence this disgraceful pork barrel bill."

Second, Mr. Speaker, let me tell the Members: "If you vote for this bill, don't go home on Sunday night or Monday night and tell your constituents, whether you be from Denver or whether you be from somewhere else, that you care about the deficit, and you're a big budget cutter, and you want to do what's right."

This bill adds $5 to $7½ million additional to duplicate a process that has already been completed.

I also want my colleagues to know that if passed, this bill is going to be vetoed. This bill will be vetoed. Let me read from a letter from the nonpartisan Board of Regents from the Smithsonian.

> The Smithsonian Institution is opposed to the bill because it is inconsistent with the authority and the objectives of the Institution's Board of Regents, redundant of a carefully considered site selection process that has already taken place and very costly.

Second, what the Smithsonian has said is:

> The Smithsonian has spent almost $450,000, in addition to staff time, to analyze sites in Virginia, Maryland, and Colorado. Because many communities are interested in economic development, benefits perceived to be associated with the Institution, 40 or 50 proposals could well be received if the bill is enacted.

The sponsor of the bill and his "Dear Colleague" letter gives my colleagues the impression that if they support this bill, they may get a museum in their region. In fact, as the "Dear Colleague" headline says, "Here's your chance to get a Smithsonian Museum in your district."

The Smithsonian continues:

> To assure the same level of analysis utilized in the initial reviews, the proposed site selection panel, which would appear to be established within the legislative branch, would require $6 to 7½ million in addition to funding for staffing, cost, travel per diem in lieu of subsistence, which could range from 2 to 2.5.

So, we are talking about a minimum $7, maybe $9½ million additional.

Then the Smithsonian letter goes on to say its management has been given to a Board of Regents which includes three Members of the House: Mr. WHITTEN, Mr. MINETA, and Mr. MCDADE, and three Members of the Senate, Mr. MOYNIHAN, Mr. SASSER, and Mr. GARN, as well as the Chief Justice, the Vice President, and nine citizens. The Board of Regents is not an advisory group. It bears full responsibility as trustees for carrying out the Smithsonian trust.

The letter continues that in September 1983 the Regents first considered a proposal to replace the inadequate, outmoded structures near Suitland, MD, that currently house the restoration laboratory, exhibition production and maintenance services, archives and collections storage functions of the National Air and Space Museum. In the years since, the Institution has conducted a number of described studies of various options, as well as the analysis.

And the letter closes: "It would be inappropriate to use Smithsonian resources to engage in an expensive site selection process and to raise public expectations,"—and that is what is happening. We are raising public expectations on something that we know is not going to happen. We ought to be candid about it and say it—"to raise public expectations about museum expansion for what there is neither justification nor the prospect, of the substantially increased levels of Federal program and operating funds that it will require."

In closing, this is one of the reasons why this body is beginning to be held in such low regard. This is a pure political raid, to be able to take something home to demonstrate that my colleagues were able to manipulate the Congress.

□ 1300

I ask every Member, do not vote for this bill. Do not vote for this bill and then go back home and say that you care about the deficit or support a line-item veto or a balanced budget. This bill wastes taxpayer dollars and politicizes a process that has never been politicized for as long as the Smithsonian has been in existence.

SMITHSONIAN INSTITUTION,
Washington, DC, September 25, 1992.

Hon. CHARLES ROSE,
Chairman, Committee on House Administration, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I note that on September 23rd the Committee ordered reported H.R. 3281, as amended, which would provide for the selection of an expansion site for the National Air and Space Museum. The Smithsonian Institution is opposed to the bill because it is inconsistent with the authority and the objectives of the Institution's Board of Regents; redundant of a carefully considered site selection process that already has taken place; and very costly. If H.R. 3281 were presented to the President, I would recommend that he veto the bill.

The Smithsonian has spent almost $450,000, in addition to staff time, to analyze sites in Virginia, Maryland, and Colorado. Because many communities are interested in economic development benefits perceived to be associated with the Institution, forty or fifty proposals could well be received if the bill is enacted. Thus, to assure the same level of analysis utilized in the initial reviews, the proposed site selection panel, which would appear to be established within the Legislative Branch, would require $6,000,000 to $7,500,000 in addition to funding for staffing costs, travel, and per diem in lieu of subsistence which could range from $2.0 to $2.5 million.

The Smithsonian is a trust instrumentality of the United States. The origins of the Institution are in the Act of July 1, 1836 (5 Stat. 64) in which Congress accepted the trust created by the Will of James Smithson, an English scientist who died in 1829, and pledged the faith of the United States that all monies involved in the trust would be received and applied to the establishment of the Institution ". . . for the increase and diffusion of knowledge" as set forth by Mr. Smithson.

The Act of August 10, 1846 (9 Stat. 102) chartered the Smithsonian in its present form and entrusted its management to a Board of Regents which includes three Members of the House (Mr. WHITTEN, Mr. MINETA, and Mr. MCDADE) and three Members of the Senate (Mr. MOYNIHAN, Mr. SASSER, and Mr. GARN), as well as the Chief Justice, the Vice President, and nine citizens. The Board of Regents is not an advisory group; it bears full responsibility as trustee for carrying out the Smithson trust. It sets Institution policy and oversees the management of Smithsonian assets and activities. This independent authority, however, is exercised subject to the obligations imposed by law on all trustees: the obligation to exercise good judgement in carrying out trust purposes; to be faithful to the trust; to exercise prudent oversight of trust activities; to maintain strict records of trust assets; and to be prepared to justify their stewardship to all proper authorities.

The Regents, as public trustees, over the years have made a series of decisions about activities of the Institution that assist in the fulfillment of its mandate "for the increase and diffusion of knowledge. . ." Since the 1960s they have recognized the need for an extension to the National Air and Space Museum because in planning for the Museum's building on the Mall it became clear that it would not have the capacity to accommodate the entire collection of the Museum, allow for additions to it, or provide adequate support services.

The Regents anticipated that another structure at a nearby location ultimately would be required if the Museum was to honor its mandate to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance." Such a structure always has been viewed as extending the on-going activities of the Museum on the Mall, rather than providing for any programmatic expansion of them.

In September, 1983 the Regents first considered a proposal to replace the inadequate and outmoded structures near Suitland, Maryland that currently house the restoration laboratory, exhibition production and maintenance services, archives, and collections storage functions of the National Air and Space Museum on the Mall. In the years since, the Institution has conducted a number of studies of various options, as well as the analyses previously described.

In February of 1991 the Smithsonian and the General Accounting Office (GAO) began a series of discussions about the extension project which centered on the manner in which the Institution had conducted its site selection process and the assumptions on which its needs were based. In a statement prepared for the Subcommittee on Libraries and Memorials in July, 1991, the GAO summarized those discussions which resulted in a more careful definition of the Institution's proposal; clarified the need for the nearby location; and provided a discounted, thirty-year life-cycle analysis which demonstrated that the costs of implementing the project at Washington Dulles International Airport would be substantially less than those at other locations. The GAO concluded that "the Smithsonian's choice of Dulles can now be objectively defended. . ."

Inasmuch as the Fiscal Year 1993 appropriation for Smithsonian operations is not sufficient to maintain its activities at current levels, we are engaged in a comprehensive organization realignment that will include staff and program reductions, the streamlining or combining of various programs, and certain alterations in public services. It would be inappropriate to use Smithsonian resources to engage in an expensive site selection process and to raise public expectations about museum expansion for which there is neither justification nor the prospect of the substantially increased levels of Federal program and operating funds that it would require.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT MCC. ADAMS,
Secretary.

Mr. Speaker, H.R. 3281, the national museum sweepstakes bill, exemplifies what is wrong with Congress in the eyes of the American people.

H.R. 3281, takes a purely educational program and throws it into that huge pork barrel that is helping drive our national deficit up at the rate of $1.9 billion every day.

This bill takes a decision made by the nonpartisan Smithsonian Board of Regents and throws it in the trash. In its place, this bill would mandate a costly nationwide competition that would cost a minimum of $5 million. It comes as no surprise that the bill does not specify where that money will come from.

Because of crowded Mall facilities, the Board of Regents, acting under its vested authority, has been trying for the last decade to build an extension to the Air and Space Museum to properly house and exhibit such artifacts as the *Enola Gay*, the S.R. 72 spy plane, and the space shuttle *Enterprise*. No less than five times, the Smithsonian board has voted to locate this extension at Washington Dulles International Airport. In fact, the space shuttle is already housed there in a temporary warehouse.

It is common sense that such an extension of the Mall facility should be in close proximity for two reasons. Number 1, it holds down expenses because the extension of the main Mall can be supervised by and staffed with personnel from the main Mall facility. In terms of overhead and personnel costs, locating this museum extension far away from the main Mall facility will cost the American taxpayer twice as much annually as an extension in the Washington region.

Second, most of the families that come to the Nation's capital from all over the Nation have the Air and Space Museum at the top of their sightseeing list. These families ought to have the opportunity to also see some of history's most important contributions to modern aviation, many of which are too large to be housed on the Mall.

In addition to cost. H.R. 3281 means more delay, on top of the 10 years that already have passed while Congress has been haggling over this decision and micromanaging the deliberations of the Smithsonian Regents. During that decade, scores of American children have grown up and gone off to college without the privilege of viewing some of these historic artifacts. And remember, while Congress is standing in the way of this program, these artifacts are deteriorating and housing spiders in various warehouse facilities.

Is it any wonder that the public holds the Congress in such low esteem?

I urge my colleagues to say "no" to micromanagement and higher costs. Vote "no" on H.R. 3281. Save the American taxpayers millions of dollars. And, for our children, unlock the door to some of our Nation's history.

Mr. FROST. Mr. Speaker, may I inquire, how much time do I have remaining?

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from Texas [Mr. FROST] has 15 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Colorado [Mr. SKAGGS], the author of the legislation.

Mr. SKAGGS. Mr. Speaker, as the prime sponsor of H.R. 3281, the National Air and Space Museum Expansion Site Selection Act, I urge my colleagues to join me, a bipartisan coalition of more than 40 cosponsors, and the House Administration Committee in supporting this important legislation.

H.R. 3281 will set up a national competition to select the location of the Smithsonian Institution's National Air and Space Museum [NASM] extension—a facility that will house aviation treasures like the space shuttle *Enterprise*, a Concorde jet, and the *Enola Gay*. This legislation has the potential to save the Federal Government $100 or $200 million or more.

As some of my colleagues may know, the Smithsonian wants to locate the extension at Dulles Airport. However, many of us feel that the process used to pick that site was not fiscally prudent, fair, or comprehensive. That's the way the General Accounting Office sees it, too.

By way of example, over 2 years ago, the city of Denver, along with community and business leaders, put together a plan to build the NASM extension at no capital cost to the Federal Government—a plan that could save the Federal Government as much as $160 million in capital and operating costs. Given the budget climate around here, any proposal that has the potential for saving that kind of money is worthy of serious consideration. But that didn't happen. The Smithsonian rejected it out of hand.

And there may be even better proposals out there that haven't yet surfaced. The problem is, the current site-selection process would shut them out, too. That's just not the way we should do business. And that's why I'm convinced we need to do something.

And I might add, it's a little ironic to see such a misleading "Dear Colleague" from my friend and colleague from Virginia, declaring that this bill would cost $5 million. That's a number the Smithsonian pulled from thin air—when in fact there is documentation that this bill could save over $100 million.

Those of us who don't believe the Smithsonian's site-selection process has been fair are in good company. As I mentioned, the GAO concluded in a 1991 report that the Smithsonian's selection process:

> * * * Cannot be relied upon to objectively defend the selection of Dulles. A fair and reasonable way to assure it has selected the best site and maximized the incentives received from localities would be for the Smithsonian to use a more formal, systematic, and cost-conscious process.

The bill before the House today would set up just such a process.

Our approach would not only end up saving the Federal Government money, but would also give more States the chance to compete for the museum. And that's important. Beyond questions of cost and good process, there are philosophical issues concerning the national equity and the national interest in having the Smithsonian's facilities located almost exclusively in the Washington, DC, area.

The Smithsonian admits it will have to address the issue of geographic diversification in the future, but refuses to do so on the NASM extension facility. I believe it's time to begin the future now.

It's hard to quantify fairness. Still, statistics show that though most of the Nation's population lives west of the Mississippi, proportionately few of them ever are able to visit the Smithsonian's museums. Western citizens pay their fair share of taxes to support the Smithsonian, yet too often are unable to share in its National treasures. Western States should have the opportunity—at the very least—to compete for the NASM facility.

The bill we're considering today provides only for a fair shot for interested sites outside the Washington, DC area, with an objective process to determine what's in the National interest. Our bill would, first, set up a panel to develop fair criteria to judge proposals, second, invite States and cities to compete for the facility, and third, provide for an objective review of the proposals and for a final site selection.

Mr. Speaker, the Smithsonian Institution receives approximately 85 percent of its funds from U.S. taxpayers. I believe, therefore, that we in Congress have the responsibility to insist on an open site-selection process that permits fair consideration of all legitimate, competitive options.

Finally, I want to express my sincere thanks to Chairman BILL CLAY and CHARLIE ROSE, and the gentleman from Texas [Mr. FROST] for their hard work and interest in this important issue. Chairman CLAY held a series of comprehensive hearings on this legislation before determining that the approach incorporated in H.R. 3281 was the best course to pursue. I'm grateful for his thoughtful consideration. I also appreciate the consistent support of Interior Appropriations Chairman SID YATES.

Based both on the potential for significant savings in scarce federal dollars, and a need to strike a better regional balance in the distribution of national resources, I urge my colleagues to join me in supporting the National Air and Space Museum Expansion Site Selection Act of 1991.

Mr. DICKINSON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, Let me say that here we are involved with the politics of sour grapes. We as a House are asked to come down here and overturn this very extensive process because Denver did not get the Air and Space Museum.

Denver got itself in a big bind. They wanted to build a new airport, one just a little bit bigger than their present airport, and it cost them tons of money to operate the new airport and they are going to leave Stapleton Airport like a ghost town. We went through this whole process, and in fact the gentleman from Colorado asked the GAO to look at the site selection process and do a study, and in a letter to the chairman of the Interior Subcommittee, the gentleman from Illinois [Mr. YATES], they said:

> We now believe the choice of Dulles International Airport as the preferred site can be objectively defended by the Smithsonian.

So I do not know which study of the GAO the gentleman is quoting. Maybe it is one that was done a long time ago.

But let us talk about what the gentleman said, that it is going to cost us $100 million to extend the Air and Space Museum to a facility out at Dulles Airport. Let me look at the figure, the real figures. It is true that the one-time cost out at Dulles is going to be about $167 million versus Denver's $152 million, but what the gentleman did not tell us is that $50 million of that $167 million is coming from the State of Virginia, so that Federal taxpayers are only going to have to spend about $117 million versus $152 million by the Federal Government taxpayers.

□ 1310

But the most important part is the annual cost. The annual cost is going to be $9.5 million a year at Dulles, versus $16.5 million a year at Denver, annually. It is almost double the cost to run it in Denver.

Then in the study done for Denver's cost of operation, where they very conveniently got it down below what it would cost to build the same facility at Dulles, they put in there a renovation cost at Stapleton of $4 a square foot.

Now, if one believes they can renovate anything in this country for $4 a square foot, then they ought to vote for this bill, because it costs anywhere from $15 to $20 a square foot to renovate any building in this country.

Mr. SKAGGS. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I would be glad to yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Speaker, as the gentleman knows, this legislation does not put this museum at Denver. It creates a national competition.

Mr. DELAY. Mr. Speaker, reclaiming my time, I understand that, and that is not the point I was making that the gentleman from Colorado [Mr. SKAGGS] rose on. The point was that the gentleman said this is going to cost the Federal taxpayer $100 million more to build it in Dulles. So the gentleman is just totally wrong and uses figures that have been skewed to make it look like it is going to be cheaper to build it in Denver than it is going to be to build it outside of Washington at Dulles.

The Smithsonian does not want to build a brand new facility for the Smithsonian. The Smithsonian, as has been said, has gone through an extensive bipartisan process to pick this new site. The Smithsonian only requires a Washington location for a new facility, like Suitland out there, which would be an extension of the existing museum, rather than to duplicate it out in Denver.

With the nearby entity the collection, which is the museum's core, could be consolidated, documented, preserved, and exhibited as a whole. It will cost less money to put it at Dulles than it will to bail out Denver.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I want to begin by complimenting the gentleman from Colorado [Mr. SKAGGS] for his hard work on this.

Mr. Speaker, I want to go right immediately to where the last speaker, the gentleman from Texas [Mr. DELAY], left off. This does not have anything to do with bailing out Denver. This is about a very important issue. Is the Smithsonian, which is funded by taxpayers from all America, is it allowed to let the rest of America to compete, or is it kept here as a private club for people who can then afford to visit? After they have sent their tax money here, will they have enough money left to get on an airplane and fly here to visit it?

I have to remind Members over and over again this is not a country, it is a continent. It is a very, very large continent. I realize how painful it is for people to see those of us in other parts saying "Let us at least be able to have a competition on this."

There is absolutely no one who is saying who is going to win the competition. My guess is very many cities will apply, because the prestige of having an air and space museum run by the Smithsonian would be very great.

Mr. Speaker, the tremendous opportunity to spread some of these national treasures out and to spread them out at the lowest possible cost to the taxpayers and also make them available to the average person by having them more geographically diverse is very, very hard to quarrel with, unless you live here and have been used to having all this culture nicely locked into this corridor. I think it is nice for the people who live here and have access to it. But for the average person to come here or bring their family here, these are some of the highest cost hotels, the highest cost tickets to get in here, and the highest cost eating expenses, and so forth. Members have all seen statistics showing that the average family cannot get here and spend very many days. It is very costly.

Mr. Speaker, if one realizes that this tremendous collection of items at the Air and Space Museum came from all over the country, that they did not just come from this area, why do we have to keep them all in this area and have them available only for those who can afford to come here?

This bill is an excellent bill. The Government Accounting Office is saying this is the way we ought to do it. Why not have a national competition? It is just like open bidding. We are supposed to have that on all Government contracts. Where is it written that the Government cultural events can only be in Washington, DC, or their immediate environs? I do not think it is written anywhere, and I think it is time we realize how this country has grown, how the population has shifted, and how other parts of the population have contributed very much to the history of aviation and also would like to be able to share in that.

Mr. Speaker, I salute the gentleman and urge an aye vote on the bill.

Mr. DICKINSON. Mr. Speaker, how much time does each side have remaining?

The SPEAKER pro tempore (Mr. McDERMOTT). The gentleman from Alabama [Mr. DICKINSON] has 8 minutes remaining, and the gentleman from Texas [Mr. FROST] has 6 minutes remaining.

Mr. DICKINSON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I rise today in opposition to H.R. 3281, the National Air and Space Museum Expansion Site Selection Act.

In July 1836, more than 150 years ago, Congress accepted a trust from Mr. James Smithson, an English scientist, "to establish an institution in Washington for the increase and diffusion of knowledge by man." The Government received this money in return for accepting its provisions, one of which was clear and unequivocal that the institution be established in the Washington area.

This trust has given this Nation one of its most treasured assets, the Smithsonian Institution.

Few visitors come to the Nation's Capital without visiting this great institution.

Its collections are as impressive as they are extensive.

And in 1976, when the Smithsonian opened the doors of the National Air and Space Museum, it began to chronicle America's historic leadership in human flight and space achievement.

Today, the National Air and Space Museum is the most popular museum in the Nation and perhaps the world.

Unfortunately, this proposal to create a national site selection contest, divorced from the judgment of their Board of Regents, will undermine efforts to house this collection's larger artifacts and exhibits.

Visitors who come to Washington to see the Wright brothers plane will be told they will have to book a flight somewhere else to see the space shuttle and the *Enola Gay*.

Mr. Speaker, this is wrong.

The proposal before you today sells itself as an economic development opportunity.

It demeans the intent of James Smithson's trust and subverts the authority of the Smithsonian Board of Regents, six of whom are members of Congress, that has already completed its own site selection process.

This sets a dangerous precedent.

Should we dismantle the current Smithsonian collections and disperse them across the Nation for the sake of a municipality's bid to spur its economy?

I would hope not.

Enactment of this legislation would also add costly delays to a process that has already denied a generation the opportunity to see this important collection.

There are also additional tax expenditures to consider.

The competition the legislation envisions could cost up to $5 million, although the legislation does not specify where the funds will come from.

Moving the collection from its present warehoused locations around the Metropolitan DC region will cost millions more.

And, staffing the operations of two separate facilities will cost more millions.

At a time of tight budget constraints, this proposal doesn't make good fiscal sense.

Throughout the Smithsonian's site selection process it recognized the strong interests of numerous communities across the United States which would like to have an extension of the Air and Space Museum in their communities.

Many of these communities were visited by the Smithsonian Regents and their staff.

In January 1990, the Regents voted and reaffirmed Dulles Washington International Airport as the most appropriate site.

The logic behind this selection was obvious: Such a site was within a short drive, and before too long will be linked by light rail, to the Smithsonian Museum on The Mall.

The location, adjacent to the Washington Dulles International Airport, is on Federal property, making it site neutral.

And, the Commonwealth of Virginia has offered significant economic assistance to meet the Smithsonian's infrastructure and transportation needs.

The problem with the proposal before us today is that it would reopen the bidding on a process that already has been reviewed by the Smithsonian Board of Regents—a board made up of three of our esteemed colleagues of the House, Mr. WHITTEN, Mr. MINETA, and Mr. McDADE, three Members of the Senate, Mr. MOYNIHAN, Mr. SASSER, and Mr. GARN, the Vice President, the Chief Justice of the Supreme Court, and nine private citizens from across the country.

This Board was not governed by bias in choosing the Dulles site but by responsible fiscal, logistical, and managerial considerations.

Please reaffirm their decision and do not reopen this site selection process.

□ 1320

Mr. DICKINSON. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS], just to show that I am yielding to friends on both sides.

Mr. THOMAS of Wyoming. Mr. Speaker, I am on the other side. I come from a different part of the country where I think maybe we ought to share a little bit in some of the activities that go on here.

I am a little confused. I would say to my friend from Virginia [Mr. WOLF] that I thought the Smithsonian was a national treasure. I sort of thought it was financed by the taxpayers from throughout the country. It is not something that is exclusively for northern Virginia. I did not realize that the funds that supported it came only from one part of the country. It seemed to me that they come from all over.

Mr. Speaker, it would seem to me that a process that might bring a little bit more diversity into it might not be a bad idea. Forty percent of the people live west of the Mississippi. Only 3 percent of them visit Washington. Tourism numbers are declining here. They are increasing in the West. I do not think it would be a bad idea to take a look at something else.

That is what I think we ought to do, put in a process that takes a look at some other areas, and takes a look at the West. We have some things to offer there. It would be kind of nice if folks were able to look at some of their national treasures without coming across the country.

Mr. FROST. Mr. Speaker, I yield 2 additional minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for yielding time to me.

Before we close on this, Mr. Speaker, I just think it is important to clarify some very important points in this. If there is a pork barrel aspect to this, it is the status quo, which would just ratify the Regents' single decision, repeated several times, that this ought to go conveniently into the northern Virginia area, represented by my friends from northern Virginia.

The question about Denver's interest in this is clearly conceded. What we are doing, however, is not proposing siting this facility anywhere, but opening up a competition so that there can be a fair and objective site selection, and if the merits of the Dulles site are as overwhelming as these gentlemen suggest that they are, I would expect that Dulles will do quite well in that open and objective competition.

However, to invoke the Regents, as if they are tantamount to the Holy Grail in this process, also ignores at least the questions that have been raised about conflict of interest within the Board of Regents, not the congressional Members, in making this decision.

We are not divorcing the process from the Regents' ultimate authority. In fact, the nature of this bill is to offer a final recommendation to the Regents, but it is their decision. It would not split any existing collections but merely take advantage of the unique opportunity we have now, with a new museum being proposed, to put it perhaps somewhere other than in the Washington area.

Finally, we need to realize that this is not going to delay anything. There are simply no moneys available in the current budget circumstance to begin this project unless we can find someplace much less expensive than the Dulles site at which to site it. Otherwise, we are going to be facing years and years of delay before the deficit is brought into a position where we can afford this kind of major capital expense for the Smithsonian.

Mr. DICKINSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, let me say that nobody is saying what should or should not go wherever. This was bid on and competitively bid on five times. People have looked at this carefully, not discriminating against Wyoming or the West, but in a fair, objective way.

Second, I think the Congress ought to know that Denver has hired a lobbyist on this issue for $38,000. Virginia did not hire a lobbyist. The Board of Regents did not hire a lobbyist. We did not get involved in the process. We let the Regents do their job without influence. No one from Virginia got involved.

The gentleman from Mississippi [Mr. WHITTEN] is not from Washington, DC. The gentleman from California [Mr. MINETA] is not from Washington, DC. The gentleman from Pennsylvania [Mr. MCDADE] is not from Washington, DC. The Board of Regents has carefully considered this.

This bill, H.R. 3281, has politicized the process as we get close to the election. I would tell my colleagues on both sides, this is not a partisan issue. But to pretend that it is not a battle by Denver to fill up an empty airport, Stapleton Airport, and put something there so the citizens of Denver can say, "Look, at least we got something." I would say to the gentleman from Wyoming [Mr. THOMAS], the site for the museum extension was voted on five different occasions. It was done in a fair way.

The State of Virginia did not hire any lobbyists, and Denver did. We say, "Let it go, and wherever it goes, it goes." Once the decision is made, then I think this body ought not to come in and interfere.

Mr. DICKINSON. Mr. Speaker, I yield myself the 1 remaining minute to close debate.

Mr. Speaker, I really have no dog in this fight as far as a regional area being concerned, but I am concerned about the process. I do not care whether we have it in Colorado or whether we have it in San Diego or here in Virginia or in Maryland, but I am concerned about the process.

We have set up a Board of Regents. They have made an objective, as far as I can tell, study. The people on there are certainly not biased toward Virginia, I do not think. I think what we are doing is subverting a process that has been put in place. For that reason I will oppose the bill and support the decision of the Regents.

I think that is what the ultimate decision should be, not whether we are for the West or for Colorado over Virginia, but are we going to support the decision of the Board of Regents, which is fair and objective. I think they have done the best they could for all concerned.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman again for yielding time to me.

Mr. Speaker, I just want to set the record straight on a couple of issues. Yes, the city of Denver did hire a lobbyist. The gentleman from Virginia [Mr. WOLF] is absolutely correct. Actually, it was a controversial decision in Denver as to why they would hire a lobbyist for an open competition. That is really rather startling. Very few cities hire a lobbyist to have an open competition so that all cities in America could compete.

If this bill were to pass, it says there will be a national competition. Second, they had no choice, because let me say that the other side was being lobbied with Federal money. They were not called lobbyists, but it is called the Smithsonian congressional relations.

There was an idea that all of these wonderful facilities that are here in Washington, DC belonged to the people here, and it is like a goose that lays golden eggs for this region. I understand that, but I am only saying there are a lot of people who cannot get here to share in the things that they are funding here.

We are not talking about dispersing things or transporting things. We are talking about where should the expansion of this be. I think where the expansion of the population has gone ought to be able to bid and say, "We ought to have a piece of the expansion," because this great Nation has expanded since the trust was created. There was not even any such thing as aviation when the trust was created. If we went back to the original Thirteen Colonies and what the original everything was, believe me, this country would be a lot different.

I am just saying, this is a new Nation. I come from the West, where people really believe the Federal Government should have competition. If the State of Virginia has such a great idea, they can bid like everyone else. This was a bid in-house. We are now saying let us have it open. Government is not a fungus. It can thrive in sunshine, even the Smithsonian.

Mr. FROST. Mr. Speaker, in conclusion, Mr. McC. Adams, in the Smithsonian magazine, stated the view recently that it was time for the Smithsonian to start considering dispersing some of its collection; specifically, to areas distant from Washington, DC.

□ 1330

All this legislation does is permit a serious consideration to the proposition first put forward by the Secretary of the Smithsonian himself.

Mr. DORNAN of California. Mr. Speaker, I rise in strong support of H.R. 3281, which would establish an advisory board to conduct a nationwide search and competition to select a site for expansion of the Smithsonian's National Air and Space Museum.

For those not familiar with this issue, the Air and Space Museum here in Washington, DC, is too small to display all of the many outstanding aircraft within the Smithsonian's collection. In order to allow the public access to these additional aircraft, the Smithsonian would like to open another museum site. However, rather than allowing the entire Nation to compete for this new location, museum officials have sought to keep the new site here in the Washington, DC, area without even looking at any other deserving areas around the country.

Although the Air and Space Museum has thrilled millions of visitors from around the world, many in our districts are unable to travel to Washington to view these displays of our truly unique American aviation heritage. By limiting a new museum to the Washington area, we will also limit the number of Americans who can view these magnificent displays of man's ingenuity and courage in the design and flight of aircraft. However, this bill, H.R. 3281, would open up a nationwide competition for the new Air and Space Museum site. Just think of the millions of more people that could enjoy the riches of the museum collection if a new site was located on our west coast or in the Midwest.

Perhaps the advisory board created by this bill will end up choosing a location here in the Washington area. However, if we do not pass this legislation, we may never know the benefits of considering hundreds of other deserving locations around the country, locations that could increase the chance of every citizen in our great Nation experiencing the rich aviation heritage that has helped make the United States a world military and economic superpower.

I urge all of my colleagues and all the citizens of this country to join me in supporting DAVE SKAGGS of Colorado and H.R. 3281, the National Air and Space Museum Expansion Site Advisory Panel.

Mr. BARRETT. Mr. Speaker, in 1981 the Smithsonian Museum staff began the search for a location for an annex for the popular Air and Space Museum. The extension is needed to replace the inadequate and out-of-date structures near Suitland, MD, that house the staff and facilities critical to the efficient operations of the museum on The Mall. The most urgent need was to provide permanent storage for the largest airplanes and spacecraft that were too big for the museum on The Mall.

Since the investigation of possible sites began, the Smithsonian Board of Regents has reaffirmed Dulles as the preferred site on five occasions. Now, 11 years later, we are considering a bill that will begin the entire selection process over again.

There are 535 Members of Congress who could probably build a great case as to why their district and State would make a great place for a Smithsonian Museum. So, this bill proposes to make a contest out of the site selection. And, my colleagues, as you dream about bringing home the grand prize, you'll have to just overlook the fact that the Smithsonian only needs a storage facility, not an entirely new museum to maintain. Never mind that the Smithsonian has estimated that this competition itself will cost over $5 million. Never mind the fact that by passing this legislation, Congress will micromanage the decisions of the Smithsonian Board of Regents, which is duly vested by law to make site determinations. Just forget that nearly $450,000 has already been spent to evaluate possible sites. But, as we wake up to the reality of an out-of-control deficit and wasteful Government spending, I ask how can my colleagues close their eyes to these facts, and still claim to be responsible lawmakers?

Proponents of this competition claim that reopening the site selection will ultimately save taxpayer money because the contest will supposedly generate offers from certain communities who will be willing to foot the bill to build the facility. However, keeping this presumptuous argument in mind, let's consider the cost of the legislation at hand.

The Smithsonian estimated cost of this competition keeps growing and growing. In a September 25, 1992, letter to House Administration Committee Chairman, Mr. ROSE, Secretary Robert McC. Adams states, "the proposed site selection panel, which would appear to be established within the legislative branch, would require $6,000,000 to $7,500,000 in addition to funding for staffing costs, travel, and per diem in lieu of subsistence which could range from $2.0 to $2.5 million." That's a pretty hefty wager to place on an assumption.

I have tried to keep an open mind when considering this legislation—and personally I can certainly see the merits of bringing an expansion to the Midwest. However, this is not about spreading the Smithsonian's treasures throughout the country. The Smithsonian has plans for the geographical diversification of their collections, and this does not fit within their budget constraints. Unfortunately, as with most of the legislation we consider, it all comes back to money, and this is not a responsible way to spend it.

The bottom line is that this competition is being set up to help Members bring home a big piece of pork at the Smithsonian's expense. Whatever support various communities can produce to build their case for the selection process would be quickly outweighed by the long-term operating costs which would cause a burden on the Smithsonian's other programs and museums.

I cannot justify taking more taxpayer dollars to complete a job that has already been done. Our goal should be to protect our national treasures, and instead the politics plaguing our decisionmaking process has allowed those treasures to sit rotting at the run-down building where they have been stored for the past 11 years. The passage of this legislation would delay construction on this extension for at least 2 years. Looking at our past track record, the decision of this panel could very likely be contested again, further delaying proper storage. By the time Congress finally authorizes a site, we may not have any historic artifacts left to display. I urge my colleagues to defeat H.R. 3281.

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McDERMOTT). The question is on the motion offered by the gentleman from Texas [Mr. FROST] that the House suspend the rules and pass the bill, H.R. 3281, as amended.

The question was taken.

Mr. DICKINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONSUMER PROTECTION TELEMARKETING ACT

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3203) to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Protection Telemarketing Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Telemarketing differs from other sales activities in that it can be carried out by sellers across State lines without direct contact. Telemarketers can also be very mobile, easily moving from State to State.

(2) Interstate telemarketing fraud has become a problem of such magnitude that the resources of the Federal Trade Commission are not sufficient to insure adequate consumer protection from such fraud.

(3) Consumers and others are estimated to lose $1 billion a year in telemarketing fraud.

(4) Consumers are victimized by other forms of telemarketing deception and abuse.

(5) Consequently, Congress should enact legislation that will offer consumers necessary protection from telemarketing deception (including fraud) and abuse.

SEC. 3. TELEMARKETING RULES.

(a) IN GENERAL.—

(1) The Commission shall prescribe rules prohibiting deceptive (including fraudulent) telemarketing activities and other abusive telemarketing activities.

(2) The Commission shall include in such rules respecting deceptive telemarketing activities—

(A) a definition of deceptive telemarketing activities, and

(B) criteria that are symptomatic of deceptive telemarketing as distinguished from ordinary telemarketing business practices.

(3) The Commission shall include in such rules respecting other abusive telemarketing activities a requirement that telemarketers may not undertake a pattern of unsolicited telephone calls which the reasonable consumer would consider coercive or abusive of such consumer's right to privacy. In prescribing the rules described in this paragraph, the Commission shall consider—

(A) including a requirement that goods or services offered by telemarketing be shipped or provided within a specified period and that if the goods or services are not shipped or provided with such period, a refund be required, and

(B) including, where practicable, authority for a person who orders a good or service through telemarketing to cancel the order within a specified period.

(b) RULEMAKING.—

(1) The Commission shall prescribe the rules under subsection (a) within 270 days after the date of enactment of this Act. Such rules shall be prescribed in accordance with section 553 of title 5, United States Code.

(2) A rule issued under subsection (a) shall be considered a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act.

(c) ENFORCEMENT.—Any violation of any rule prescribed under subsection (a) shall be treated as a violation of a rule under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) regarding unfair or deceptive acts or practices.

(d) SECURITIES AND EXCHANGE COMMISSION RULES.—

(1) PROMULGATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 6 months after the effective date of rules promulgated by the Federal Trade Commission under subsection (a), the Securities and Exchange Commission shall promulgate rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing activities by persons described in paragraph (2).

(B) EXCEPTION.—The Securities and Exchange Commission is not required to promulgate a rule under subparagraph (A) if it determines that—

(i) Federal securities laws or rules adopted by the Securities and Exchange Commission thereunder provide protection from deceptive and other abusive telemarketing by persons described in paragraph (2) substantially similar to that provided by rules promulgated by the Federal Trade Commission under subsection (a); or

(ii) such a rule promulgated by the Securities and Exchange Commission is not necessary or appropriate in the public interest, or for the protection of investors, or would be inconsistent with the maintenance of fair and orderly markets.

If the Securities and Exchange Commission determines that an exception described in clause (i) or (ii) applies, the Commission shall publish in the Federal Register its determination with the reasons for it.

(2) APPLICATION.—

(A) IN GENERAL.—The rules promulgated by the Securities and Exchange Commission under paragraph (1)(A) shall apply to a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company, or any individual associated with a broker, dealer, transfer agent, municipal securities dealer, municipal securities broker, government securities broker, government securities dealer, investment adviser or investment company. The rules promulgated by the Federal Trade Commission under subsection (a) shall not apply to persons described in the preceding sentence.

(B) DEFINITIONS.—For purposes of subparagraph (A)—

(i) the terms "broker", "dealer", "transfer agent", "municipal securities dealer", "municipal securities broker", "government securities broker", and "government securities dealer" have the meanings given such terms by paragraphs (4), (5), (25), (30), (31), (43), and (44) of section 3(a) of the Securities and Exchange Act of 1934 (15 U.S.C. 78c(a)(4), (5), (25), (30), (31), (43), and (44));

(ii) the term "investment adviser" has the meaning given such term by section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(11)); and

(iii) the term "investment company" has the meaning given such term by section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(a)).

(e) COMMODITY FUTURES TRADING COMMISSION RULES.—

(1) APPLICATION.—The rules promulgated by the Federal Trade Commission under subsection (a) shall not apply to persons described in subsection (f)(1) of section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a).

(2) PROMULGATION.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a) is amended by adding at the end the following new subsection:

"(f)(1) Except as provided in paragraph (2), not later than 6 months after the effective date of rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act, the Commission shall promulgate rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing activities by any person registered or exempt from registration under this Act in connection with such person's business as a futures commission merchant, introducing broker, commodity trading advisory, commodity pool operator, leverage transaction merchant, floor broker, or floor trader, or a person associated with any such person.

"(2) The Commission is not required to promulgate rules under paragraph (1) if it determines that—

"(A) rules adopted by the Commission under this Act provide protection from deceptive and abusive telemarketing by persons described under paragraph (1) substantially similar to that provided by rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act; or

"(B) such a rule promulgated by the Commission is not necessary or appropriate in the public interest, or for the protection of customers in the futures and options markets, or would be inconsistent with the maintenance of fair and orderly markets.

If the Commission determines that an exception described in subparagraph (A) or (B) applies, the Commission shall publish in the Federal Register its determination with the reasons for it.".

SEC. 4. ACTIONS BY STATES.

(a) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice of telemarketing which violates any rule of the Commission under section 3, the State may bring a civil action on behalf of its residents in an appropriate district court of the United States to enjoin such telemarketing, to enforce compliance with such rule of the Commission, to obtain damages, restitution, or other compensation on behalf of residents of such State, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The State shall serve prior written notice of any civil action under subsection (a) upon the Commission and provide the Commission with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Commission shall have the right (1) to intervene in such action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall prevent an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—Whenever the Commission has instituted a civil action for violation of any rule prescribed under section 3, no State may, during the pendency of such action instituted by the Commission, institute a civil action under subsection (a) against any defendant named in the Commission's complaint for acts or omissions alleged in the complaint for violation of any rule as alleged in the Commission's complaint.

(e) ACTIONS BY OTHER STATE OFFICIALS.—

(1) Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

(2) In addition to actions brought by an attorney general of a State under subsection (a), such an action may be brought by officers of such State who are authorized by the State to bring actions in such State for protection of consumers and who are designated by the Commission to bring an action under subsection (a) against persons that the Commission has determined have or are engaged in a pattern or practice of telemarketing which violates a rule of the Commission under section 3.

SEC. 5. ACTIONS BY PRIVATE PERSONS.

(a) IN GENERAL.—Any person adversely affected by any pattern or practice of telemarketing which violates any rule of the Commission under section 3 or an authorized person acting on such person's behalf may, within 3 years after discovery of the violation, bring a civil action in an appropriate district court of the United States against a person who has engaged or is engaging in such pattern or practice of telemarketing if the amount in controversy exceeds the sum or value of $50,000 in actual damages for each person adversely affected by such telemarketing. Such an action may be brought to enjoin such telemarketing, to enforce compliance with any rule of the Commission under section 3, to obtain damages, or to obtain such further and other relief as the court may deem appropriate.

(b) NOTICE.—The plaintiff shall serve prior written notice of the action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the person shall serve such notice immediately upon instituting such action. The Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(c) ACTIONS BY THE COMMISSION.—Whenever the Commission has instituted a civil action for violation of any rule prescribed under section 3, no person may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

(d) COSTS AND FEES.—The court, in issuing any final order in any action brought under subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses to the prevailing party.

(e) CONSTRUCTION.—Nothing in this section shall restrict any right which any person may have under any statute or common law.

SEC. 6. CLEARINGHOUSE.

(a) IN GENERAL.—The Commission shall establish a clearinghouse for inquiries made to Federal agencies concerning telemarketing. The clearinghouse will provide information (other than information which may not be disclosed under section 552(b) of title 5, United States Code, or under regulations prescribed by the Commission to implement such section) to anyone making inquiries respecting persons engaged in telemarketing or direct such inquiries to the appropriate Federal or State agency.

(b) LIABILITY FOR PROVIDING INFORMATION.—No person who provides information to the clearinghouse established under subsection (a) shall be liable for damages for the provision of such information unless such person provided such information knowing it to be false.

SEC. 7. ADMINISTRATION AND APPLICABILITY OF ACT.

(a) IN GENERAL.—Except as otherwise provided in sections 4 and 5, this Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Consequently, no activity which is outside the jurisdiction of that Act shall be affected by this Act.

(b) ACTIONS BY THE COMMISSION.—The Commission shall prevent any person from violating a rule of the Commission under section 3 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such rule shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) The term "attorney general" means the chief legal officer of a State.

(2) The term "Commission" means the Federal Trade Commission.

(3) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States.

(4) The term "telemarketing" means a plan, program, or campaign which is conducted to induce purchases of goods or services by significant use of one or more telephones and which involves more than one interstate telephone call. The term does not include the solicitation of sales through the mailing of a catalog which—

(A) contains a written description or illustration of the goods or services offered for sale,

(B) includes the business address of the seller,

(C) includes multiple pages of written material or illustrations, and

(D) has been issued not less frequently than once a year,

where the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders only without further solicitation.

SEC. 9. REVIEW.

Upon the expiration of 5 years following the date of the enactment of this Act, the Federal Trade Commission shall review the implementation of this Act and its effect on deceptive telemarketing activities and report the results of the review to the Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from North Carolina [Mr. MCMILLAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the sale of goods and services over the telephone has proven to be a cost-effective way for many legitimate businesses to reach potential customers. These legitimate telemarketing activities provide useful service to both business operations and their customers. Regulating legitimate, mutually beneficial activities is not the purpose of this legislation. What this legislation goes after are those unscrupulous telemarketing activities where no one benefits but the perpetrator.

The telephone has become a powerful weapon in the hands of those with a persuasive message and a desire to steal. From a boiler room operation perhaps thousands of miles away, a long hand can reach out and into a consumer's pocket. Fraudulent telemarketers have already gotten past the consumer's front door and into their homes every time they make a phone call. When the day of reckoning comes, and consumers discover they have been ripped off, all too often the fraudulent telemarketer has left behind a rented room, a few phone lines, and no forwarding address.

And it is not only consumers, but businesses and financial institutions that suffer loss. At a hearing before my subcommittee, MasterCard and VISA in a joint statement outlined the problem:

> MasterCard and VISA believe that telemarketing fraud losses will continue to mount without an effective federal legislative response to this national problem. State and local enforcement agencies * * * have initiated actions against fraudulent telemarketers only to be frustrated by state law jurisdictional limits. These jurisdictional limits make it difficult to prosecute or obtain relief from fraudulent telemarketers who locate their operations outside the states in which their victims are located or move frequently to avoid detection and prosecution under state law.

The National Consumer's League—which administers a telemarketing coalition of over 80 industry associations and law enforcement agencies—states that reported losses due to telemarketing fraud now amount to $15 billion per year. The Federal Trade Commission estimates that actual losses may run as high as $40 billion per year. The National Consumers League has sent a letter to every Member urging support of this legislation. The National Association of Attorneys General have also written every Member stating the unanimous support of all 50 State attorneys general in support of this bill.

This legislation reflects these concerns of law enforcement agencies, consumer groups, and affected financial institutions. H.R. 3203 directs the FTC to undertake a rulemaking to prohibit fraudulent, deceptive, and abusive telemarketing activities. It will also allow State attorneys general and other State consumer agencies to use the powers of this act to target fly-by-night telemarketers who make deceptive long distance telemarketing calls and then skip across State lines before State authorities are able to stop them under State law. The bill also allows private rights of action in limited circumstances, and directs the FTC to establish a clearinghouse of information so that consumers can better protect themselves.

This is good legislation for consumers who lose billions every year to telemarketing fraud; for the Federal Trade Commission and our State legal officers who need the tools in this bill to ferret out these telemarketing boiler rooms; and for legitimate businesses who are being exploited by fraudulent and deceptive telemarketers. I strongly urge my colleagues to pass this necessary consumer legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I rise in strong support of this legislation and urge my colleagues to support it.

I commend the gentleman from the State of Washington, the distinguished chairman of the Subcommittee on Transportation and Hazardous Materials, for his strong and able leadership in bringing this legislation to the floor of the House today. As the author of the bill, Chairman SWIFT has taken an active interest in protecting the rights of consumers from unscrupulous telemarketing fraud artists. I also commend the ranking Republican of our full committee, Mr. LENT, and the ranking Republican of the Subcommittee on Transportation and Hazardous Materials, Mr. RITTER for their significant contributions to this needed legislation.

This bill is the product of many years of bipartisan efforts. Numerous hearings in our committee, a multitude of analyses and reports from Federal and State investigators, enforcement agencies, and consumer protection bureaus, as well as scores of media investigations and reports, have underscored the need for this overdue legislation.

The problem, quite simply, is the greed of scam artists who use the telephone to peddle phony and deceptive schemes to unwary and vulnerable consumers. Numerous examples of these schemes were described in a report released last summer that was sponsored by the National Consumers League, along with the active support of MasterCard, VISA, Citibank's credit card subsidiary, and MCI. According to the report, 9 out of 10 Americans have been approached by telephone scam artists, and 3 out of 10 have responded at some time to these fraudulent and deceptive offers. These schemes range from postcards or phone calls that promise consumers they already have won a big prize to telephone calls that promise help for parents to recover child support payments from deadbeat ex-spouses to solicitations for dirt-cheap land where bogus deeds are provided to the unfortunate consumer. These fraudulent schemes prey on the vulnerable and the unsuspecting, including the elderly, the poor, children, and those with a poor command of the English language, and provide direct access at all times of the day and night to anyone who has a telephone.

The costs of the problem are enormous. The Alliance Against Fraud in Telemarketing—a coalition of more than 80 industry associations and law enforcement agencies—reports that annual losses due to telemarketing fraud exceed $15 billion. The Federal Trade Commission [FTC] has estimated that actual consumer losses may run as high as $40 billion per year. Other estimates put the figure at $70–$80 billion per year. Because of the embarrassment of admitting that one has been bilked, it is clear that most estimates of telemarketing fraud are understated. It is also clear, from the committee's numerous investigations and hearings, the problem continues to proliferate.

In general, there are three classes of victims of telemarketing fraud: First, actual consumers and purchasers; second, credit card companies, that often must absorb the credit charge when the purchaser discovers the fraud and refuses to pay the charge; and third, legitimate telemarketing companies, that not only lose sales to fraudulent firms but also suffer generally from the disrepute that such fraudulent firms bring to legitimate telemarketing practices. The legislation seeks to address unfair and deceptive telemarketing practices to help all three classes of victims.

The FTC has taken the lead in attempting to combat telemarketing fraud. As of May 1, 1991, as stated in testimony before the Subcommittee on Transportation and Hazardous Materials, the FTC had brought over 66 telemarketing fraud cases in Federal district court, "halting fraud by companies with sales of over $912 million." These actions were brought under current FTC authority that prohibits unfair and deceptive acts or practices in or affecting commerce under section 5 of the FTC Act. But these actions may involve expensive and time-consuming court battles as to whether a firm's telemarketing practices in fact should be deemed "unfair or deceptive" and require the Commission only to pursue such actions in Federal district court. H.R. 3203 will give the FTC the additional authority it needs to protect the interests of consumers and others who are affected by telemarketing fraud, as well as creating a partnership of enforcement efforts with the States. The bill directs the Commission to promulgate rules prohibiting deceptive—including fraudulent—and other abusive telemarketing practices. In developing these rules, the Commission is directed to include requirements to prohibit unsolicited telephone calls that a reasonable consumer would consider to be coercive or abusive of privacy rights. The bill gives State's attorneys general authority to enforce the Commission's rules and to obtain damages, restitution, and other appropriate relief, as well as allowing private parties to bring cases in Federal district court in certain situations.

I also wish to express my appreciation to Mr. DE LA GARZA and Mr. ENGLISH, the chairman of the Committee on Agriculture and the chairman of the Subcommittee on Conservation, Credit, and Rural Development, respectively, for their cooperation in ensuring that persons involved in commodities and futures trading are covered by substantially similar requirements developed by the FTC under the terms of the legislation. The amended version of the bill today includes a provision developed by the Committee on Agriculture that is based on section 18 of the FTC Act and that is the functional equivalent of a provision, section 3(d) of the bill, that our committee developed that covers the securities industry. I ask unanimous consent that the letters exchanged between our two committees that indicate the understanding we have reached be inserted into the RECORD following this statement. Finally, I also would note that section 3(d) of the bill requires the Securities and Exchange Commission [SEC] to promulgate "substantially similar" rules to those promulgated by the FTC. This does not mean that the SEC rules must be exactly the same as the FTC rules, but that the SEC rules should offer investors and consumers a comparable level of protection to that provided by the FTC rules, taking into account the specific circumstances of the securities industry.

This bill is supported by a wide range of interests, from the National Association of Attorneys General to the National Consumers League and other consumer associations, and from the American Association of Retired Persons to MasterCard and VISA.

In summary, Mr. Speaker, this legislation will ensure that the full range of enforcement and regulatory tools will be available to Federal, State, and private parties in fighting telemarketing fraud and abuse. I strongly urge my colleagues to support this needed legislation and look forward to working with Mr. HOLLINGS, chairman of the Senate Committee on Commerce, Science, and Transportation, and Mr. BRYAN, chairman of the Senate Consumer Subcommittee, to enact consensus telemarketing legislation prior to the adjournment of this Congress.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 25, 1992.

Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Committee on Energy and Commerce reported H.R. 3203, relating to telemarketing, on November 20, 1991, and filed a report thereon on July 22, 1992 (H. Rpt. 102-688). We have asked that the bill be listed for consideration on the suspension calendar early next week.

Since filing our report, our Committee has been developing an amendment to the bill that will treat persons subject to the jurisdiction of the Securities and Exchange Commission in a substantially similar manner that banks and financial institutions are treated under section 18 of the Federal Trade Commission Act. My staff has provided a copy of the proposed amendment to your staff, and our staffs have commenced informal discussions with an eye toward allowing the Committee on Agriculture to craft a similar amendment to cover persons subject to the Commodities Futures Trading Commission (CFTC).

If you wish, we would be pleased to include such a CFTC amendment in the suspension vehicle we bring to the floor next week so that commodities transactions will be treated no less favorably or more favorably than securities transactions. We recognize, of course, that the Committee on Agriculture would have jurisdiction over such a CFTC amendment.

I trust this process will allow our Committees to bring the bill, as amended, to the floor next week and hopefully will give our Committees the opportunity to complete discussions with the Senate Committee on Commerce, Science, and Transportation on a final bill prior to the end of this Congress.

Your assistance in this matter is greatly appreciated.

With best wishes.

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON AGRICULTURE,
Washington, DC, September 29, 1992.

Hon. JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: This is with reference to your letter regarding H.R. 3203, the Consumer Protection Telemarketing Act, and the inclusion in that bill of an amendment regarding the regulation of telemarketing in the commodity markets when the bill is considered under a motion to suspend the rules. As you know, clause 1(a) (18) of Rule X of the Rules of the House of Representatives provides that the Committee on Agriculture has sole jurisdiction over commodity exchanges. The Committee believes that the amendment enclosed herewith—developed through consultations between our Committees—will serve as a valuable addition to the important legislation reported by the Committee on Energy and Commerce.

Section 3 of H.R. 3203, as reported, requires that the Federal Trade Commission (FTC) prescibe rules prohibiting deceptive (including fraudulent) telemarketing activities and other abusive telemarketing activities. As you know, section 2(a)(1)(A) of the Commodity Exchange Act (CEA) provides that the Commodity Futures Trading Commission (Commission) has exclusive jurisdiction with respect to transactions involving contracts of sale of a commodity for future delivery.

The Committee on Agriculture will support including the enclosed amendment in H.R. 3203 to ensure that customers targeted by entities registered under the CEA will be afforded similar regulatory protections from deceptive and abusive telemarketing activities as will be provided to other consumers under the bill reported from the Committee on Energy and Commerce. The amendment also provides protections for commodities customers parallel to those provided to investors in securities markets by the proposed modification to the bill that requires the Securities and Exchange Commission to regulate the telemarketing activities of individuals registered under the securities laws.

Specifically, the amendment provides that rules promulgated by the FTC under the bill are not to apply to persons who are futures market participants registered or exempt from registration under the CEA. In addition, it adds a new section 6(f) to the CEA to require that not later than 6 months after the promulgation of telemarketing rules by the FTC, the Commission is required to promulgate rules that prohibit deceptive and abusive telemarketing activities by any entity acting in his or her capacity as a registrant subject to regulation under the CEA. The rules promulgated by the Commission are required to be substantially similar to the rules promulgated by the FTC. An exception is included to provide that the Commission is not required to promulgate a new rule if it determines that rules already adopted by the Commission provide sufficient protection, or that such a rule is not necessary or appropriate in the public interest or for the protection of customers in the futures and options markets.

The Committee on Agriculture supports the inclusion of the enclosed amendment in H.R. 3203 and will support your request that the bill, as modified, be eligible for consideration under a motion to suspend the rules. Of course, it would be our expectation that members of the Committee on Agriculture would be appointed to serve as conferees regarding this provision and any provision passed by the Senate which relates to the regulation of commodity exchanges. In the event that amendments between the Houses are addressed without the appointment of a conference committee, I would expect our Committee to be included in discussions regarding the process of disposing of such amendments, as has been the practice between our committees in the past.

I am grateful for your cooperation and assistance in this matter and commend you and your Committee for your efforts on this important legislation.

Sincerely,

E (KIKA) DE LA GARZA,
Chairman.

AN AMENDMENT TO H.R. 3203 OFFERED BY MR. DE LA GARZA

At the end of section 3 of the bill (page 4, after line 16) add the following new subsection:

(e) COMMODITY FUTURES TRADING COMMISSION RULES.—

(1) APPLICATION.—The rules promulgated by the Federal Trade Commission under subsection (a) shall not apply to persons described in subsection (f)(1) of section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a).

(2) PROMULGATION.—Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 15, 13b, 9a) is amended by adding a new subsection (f) to read as follows:

"(f)(1) Except as provided in paragraph (2), not later than 6 months after the effective date of rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act, the Commission shall promulgate, or require each registered futures association to promulgate, rules substantially similar to such rules to prohibit deceptive and other abusive telemarketing activities by any person registered or exempt from registration under this Act in connection with such person's business as a futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator, leverage transaction merchant, floor broker, or floor trader, or a person associated with any such person.

"(2) The Commission is not required to promulgate rules under paragraph (1) if it determines that—

"(A) rules adopted by the Commission under this Act provide protection from deceptive and abusive telemarketing by persons described under paragraph (1) substantially similar to that provided by rules promulgated by the Federal Trade Commission under section 3(a) of the Consumer Protection Telemarketing Act; or

"(B) such a rule promulgated by the Commission is not necessary or appropriate in the public interest, or for the protection of customers in the futures and options markets, or would be inconsistent with the maintenance of fair and orderly markets.

If the Commission determines that an exception described in subparagraph (A) or (B) applies, the Commission shall publish in the Federal Register its determination with the reasons for it.".

Mr. McMILLAN of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3203. I want to commend our committee leadership for the diligent effort that produced this bipartisan legislation. I especially want to compliment our chairman, Mr. DINGELL; our ranking Republican member, Mr. LENT; the Transportation Subcommittee chairman, Mr. SWIFT; and our ranking subcommittee member, Mr. RITTER.

Telemarketing fraud is currently inflicting a $40 billion a year toll on American consumers and businesses, according to Federal Trade Commission estimates. This is an outrageous and unacceptable burden on our economy. Those harmed are not merely the consumers who are taken in by deceptive practices, but also legitimate businesses who lose sales and prospective customers due to the bad experiences of telemarketing fraud victims.

Among those often caught in the middle are the credit card companies, who through no fault of their own, are left holding the bag when charge-backs from fraudulent transactions cannot be collected. And we all know that when this kind of uncollectible and fraudulent cost is inflicted on a business, both the business and its customers must ultimately bear that burden.

This legislation is constructed around a core concept of State-Federal cooperation. The Federal Trade Commission is directed to adopt antifraud rules to combat deceptive telemarketing practices. At the same time, both the FTC and State attorneys general are given new and much-needed enforcement tools to apprehend and prosecute telemarketing fraud operations before they can flee the long arm of the law. The FTC will also maintain a central information clearinghouse to enable consumers and law enforcement officials to check up more easily on any past offenses by fraudulent and deceptive telemarketers. Besides providing useful information, this clearinghouse will be able to draw upon the extensive data that can voluntarily be made available by the national credit card operations, who are among the principal victims of fraudulent telemarketing practices.

Finally, this legislation specifically directs the FTC to include in its rules a profile of fraudulent telemarketing—the characteristics or symptoms of deceptive operations that will help consumer and law enforcement official alike to recognize more easily the hallmarks of a telemarketing scam.

This is carefully targeted, constructive, bipartisan legislation, unanimously approved by the Energy and Commerce Committee. I strongly urge its approval.

Mr. RITTER. Mr. Speaker, I want to commend the leadership of the Energy and Commerce Committee—our chairman, Mr. DINGELL; our ranking Republican, Mr. LENT; and our Transportation Subcommittee chairman, Mr. SWIFT—for their diligent efforts to fashion this constructive, bipartisan legislation.

It sometimes seems that Federal legislation is an answer in search of a problem. But not in this case. Almost everyone has encountered—or knows someone who has encountered—some of the shady boiler room operators who use the telephone to deceive and defraud Americans in their homes. The most recent estimate of the Federal Trade Commission is that this kind of nefarious activity cost Americans $40 billion every year. And all too often, the victims include those least able to fend for themselves—the young, the elderly, and the disabled.

Federal legislation is needed, because one of the recurring problems in this area has been the ability of fraudulent telemarketing operations to flee across State lines and avoid prosecution. This bill will help correct the situation by strengthening the partnership between Federal enforcement by the Federal Trade Commission and State prosecutions of fraudulent telemarketers. It will also allow victims of fraudulent telemarketing actions to pursue the wrongdoers through civil actions in the Federal courts.

The FTC will also adopt rules to help identify fraudulent telemarketing practices, and to aid in antifraud enforcement efforts at both the State and Federal levels.

While conferring these much-needed enforcement tools on the Nation's consumer-protection officials, we should not lose sight that we are not only protecting American consumers: We are also protecting legitimate American businesses who responsibly use telemarketing as a modern business tool.

After all, the telephone has made it possible to conduct business virtually without regard to the location of the buyer and the seller. Telemarketing allows a business to make much better use of its personnel and other resources, and to respond quickly to consumer demands and interests.

But it only takes a few bad apples to endanger the reputation of a growing and vibrant industry. By helping our State and Federal officials root out fraudulent practices, we will help preserve the integrity and reputation that are so vital to any competitive, consumer-oriented industry. In this respect, the legislation we are considering today fits hand-in-glove with our efforts—of which I am strong supporter—to use modern telecommunications technology to enhance and improve the productivity and competitiveness of American industry.

I strongly support this legislation and urge its prompt approval.

Mr. LENT. Mr. Speaker, I wish to commend my colleagues on the Energy and Commerce Committee, particularly chairman, Mr. DINGELL, Transportation Subcommittee chairman, Mr. SWIFT, and ranking subcommittee member, Mr. RITTER, for their constructive, cooperative efforts to fashion this important bipartisan legislation.

Telemarketing fraud is a menace to the American consumer, and the integrity of legitimate American businesses. At present, the Federal Trade Commission estimates the take of crooked telemarketers at approximately $40 billion a year. This is an outrageous and unacceptable financial injury to Americans—especially to the elderly and the disabled, who are among the leading victims of such practices.

This legislation seeks to leverage the resources of Federal and State enforcement efforts in order to improve efforts to combat telemarketing fraud. At the Federal level, the Federal Trade Commission will be directed to adopt basic rules helping to identify and profile deceptive telemarketing practices. These rules will be the foundation for a cooperative State-Federal enforcement effort, which should help prevent what happens all too often today—the flight of telemarketing scam operations across a State line before it can be successfully prosecuted.

In most instances, the victims of telemarketing are individual consumers. But we should not overlook what our committee has learned in its hearings on telemarketing fraud in recent years—that many of the victims are businesses, often small- and medium-sized companies who can ill afford the loss. These firms may be targeted by phony office supply operators or others who seek to rely upon the good faith of the American business man to extract crooked profits. Similarly, fraudulent credit card sales by phone harm not only the credit card companies and the consumer victim, but also the very integrity of our credit and retailing system. Bad experiences with fraudulent operations merely make it that much harder for legitimate businesses to incorporate good faith telephone sales into their normal sales operations.

Many times, legislative actions at the Federal level have the effect of adding additional burdens for the American consumer and the American businessperson. But in this bill, we are confident that we are helping to remove the dead weight of fraud and deception from an increasingly important sector of our economy—telephone sales.

I strongly support this legislation, Mr. Speaker, and urge its prompt approval.

Mr. McMILLAN of North Carolina. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. SWIFT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 3203, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1392) to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Telemarketing and Consumer Fraud and Abuse Prevention Act".

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "attorney general" means the chief legal officer of a State;

(2) "Commission" means the Federal Trade Commission;

(3) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, and any territory or possession of the United States;

(4) "telemarketing" means a plan, program, or campaign which is conducted to induce purchases of goods or services by significant use of one or more telephones and which has involved interstate telephone calls; the term does not include other use of a telephone in connection with business or personal transactions, nor does the term include the solicitation of sales through the mailing of a catalog which—

(A) contains a written description or illustration of the goods or services offered for sale;

(B) includes the business address of the seller;

(C) includes multiple pages of written material or illustrations;

(D) is issued not less frequently than once a year; and

(E) is at least the third catalog satisfying the requirements of subparagraphs (A) through (D) that has been issued by the seller within the last five years,

where the seller does not place calls to customers but only receives calls initiated by customers in response to the catalog and during those calls takes orders only without further solicitation; and

(5) "credit card laundering" means—

(A) the act or practice by a person engaged in telemarketing (other than an act or practice permitted in a valid agreement with a member of a credit card system or the member's agent) of transferring to another person to be presented to a member of a credit card system or the member's agent, for payment, one or more evidences or records of transactions involving goods or services offered by telemarketing and paid for by credit card;

(B) the act or practice by a person acting on behalf of a person engaged in telemarketing (other than an act or practice permitted in a valid agreement with a member of a credit card system or the member's agent) of causing or arranging for a third person to present to a member of a credit card system or the member's agent, for payment, one or more evidences or records of transactions involving goods or services offered by telemarketing and paid for by credit card;

(C) the act or practice by a person (other than an act or practice permitted in a valid agreement with a member of a credit card system or the member's agent) of knowingly presenting to a member of a credit card system or the member's agent, for payment, one or more evidences or records received from another person of transactions involving goods or services offered by telemarketing and paid for by credit card; or

(D) such other acts or practices defined in the rules of the Commission as credit card laundering.

TELEMARKETING RULES

SEC. 3. (a) RULES ON TELEMARKETING ACTIVITIES.—The Commission shall prescribe rules regarding telemarketing activities. In prescribing such rules, the Commission shall consider the inclusion of—

(1) a requirement that goods or services offered by telemarketing be shipped or provided within a specified period and that if the goods or services are not shipped or provided within such period a refund be required;

(2) authority for a person who orders a good or service through telemarketing to cancel the order within a specified period;

(3) restrictions on the hours of the day when unsolicited telephone calls can be made to consumers;

(4) a prohibition of telemarketing generated by computers on equipment that does not permit the individual called to terminate the telephone call; and

(5) recordkeeping requirements.

(b) PROHIBITION OF FRAUDULENT TELEMARKETING ACTS OR PRACTICES.—The Commission also shall prescribe rules prohibiting fraudulent telemarketing acts or practices and shall include in such rules a definition of the term "fraudulent telemarketing acts or practices". Credit card laundering shall be a fraudulent telemarketing act or practice.

(c) DEADLINE; ADMINISTRATIVE PROCEDURE.—The Commission shall prescribe the rules under subsections (a) and (b) of this section within 180 days after the date of enactment of this Act. Such rules shall be prescribed in accordance with section 553 of title 5, United States Code.

(d) TREATMENT OF RULE VIOLATIONS.—Any violation of any rule prescribed under subsection (a) or (b) of this section shall be treated as a violation of a rule under section 5 of the Federal Trade Commission Act (15 U.S.C. 45) regarding unfair or deceptive acts or practices (subject to any remedy or penalty applicable to any violation thereof).

(e) EFFECT ON STATE LAW.—The rules promulgated under this section shall not be construed as preempting State law.

ACTIONS BY STATE ATTORNEYS GENERAL

SEC. 4. (a) AUTHORITY OF STATES.—Whenever the attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or adversely affected because any person has engaged or is engaging in a pattern or practice of telemarketing which violates any rule, regulation, or order of the Commission under this Act, the State may bring a civil action on behalf of its residents to enjoin such telemarketing, to enforce compliance with any rule, regulation, or order of the Commission under this Act, to obtain damages on behalf of their residents, or to obtain such further and other relief as the court may deem appropriate.

(b) COURT JURISDICTION.—The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this section to enforce any liability or duty created by any rule, regulation, or order of the Commission under this Act, or to obtain damages or other relief with respect thereto. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of any rule, regulation, or order of the Commission under this Act, including the requirement that the defendant take such action as is necessary to remove the danger of violation of any such rule, regulation, or order. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(c) RIGHTS OF COMMISSION.—The State shall serve prior written notice of any such civil action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Commission shall have the right (1) to intervene in the action, (2) upon so intervening, to be heard on all matters arising therein, and (3) to file petitions for appeal.

(d) VENUE; SERVICE OF PROCESS.—Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the telemarketing occurred or is occurring, and process in such cases may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

(e) EFFECT ON STATE POWERS OF ATTORNEYS GENERAL.—For purposes of bringing any civil action under this section, nothing in this Act shall prevent the attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(f) EFFECT ON ACTIONS UNDER STATE STATUTE.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State.

(g) CIVIL ACTION BY COMMISSION.—Whenever the Commission has instituted a civil action for violation of any rule prescribed under this Act, no State may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

ACTIONS BROUGHT BY PRIVATE PERSONS

SEC. 5. (a) DEFINITION.—As used in this section, the term "person adversely affected by telemarketing" means—

(1) any person who has incurred loss or damage in connection with telemarketing and who actually purchased goods or services through telemarketing, or paid or is obligated to pay for goods or services purchased through telemarketing;

(2) any financial institution that has incurred loss or damage in connection with telemarketing; or

(3) any member organization comprised of financial institution members, or any parent organization of such member organization, if one or more of the financial institution members is eligible to bring a civil action under this subsection.

Such term does not include a governmental entity.

(b) PRIVATE RIGHT OF ACTION.—(1) Any person adversely affected by any pattern or practice of telemarketing which violates any rule, regulation, or order of the Commission under this Act may, within 3 years after discovery of the violation, bring a civil action against a person who has engaged or is engaging in such pattern or practice of telemarketing if the amount in controversy exceeds the sum or value of $50,000 in actual damages for each person adversely affected by such telemarketing. Such an action may be brought to enjoin such telemarketing, to enforce compliance with any rule, regulation, or order of the Commission under this Act, to obtain damages, or to obtain such further and other relief as the court may deem appropriate.

(2) The district courts of the United States, the United States courts of any territory, and the District Court of the United States for the District of Columbia shall have exclusive jurisdiction over all civil actions brought under this section to enforce any liability or duty created by any rule, regulation, or order of the Commission under this Act, or to obtain damages or other relief with respect thereto. Upon proper application, such courts shall also have jurisdiction to issue writs of mandamus, or orders affording like relief, commanding the defendant to comply with the provisions of any rule, regulation, or order of the Commission under this Act, including the requirement that the defendant take such action as is necessary to remove the danger of violation or of any such rule, regulation, or order. Upon a proper showing, a permanent or temporary injunction or restraining order shall be granted without bond.

(3) The plaintiff shall serve prior written notice of the action upon the Commission and provide the Commission with a copy of its complaint, except in any case where such prior notice is not feasible, in which case the person shall serve such notice immediately upon instituting such action. The Commission shall have the right (A) to intervene in the action, (B) upon so intervening, to be heard on all matters arising therein, and (C) to file petitions for appeal.

(4) Whenever the Commission has instituted a civil action for violation of any rule prescribed under this Act, no person may, during the pendency of such action instituted by the Commission, subsequently institute a civil action against any defendant named in the Commission's complaint for violation of any rule as alleged in the Commission's complaint.

(5) Any civil action brought under this section in a district court of the United States may be brought in the district wherein the defendant is found or is an inhabitant or transacts business or wherein the telemarketing occurred or is occurring and process in such case may be served in any district in which the defendant is an inhabitant or wherever the defendant may be found.

(c) AWARD OF COSTS AND FEES.—The court, in issuing any final order in any action brought under subsection (b), may award costs of suit and reasonable fees for attorneys and expert witnesses to the prevailing party.

(d) RIGHTS UNDER STATUTE OR COMMON LAW.—Nothing in this section shall restrict any right which any person may have under any statute or common law.

VENUE

SEC. 6. Subsections (a) and (b) of section 13 of the Federal Trade Commission Act (15 U.S.C. 53) are each amended by adding at the end thereof the following: "Whenever it appears to the court that the interests of justice require that any other person, partnership, or corporation should be a party in such suit, the court may cause such person, partnership, or corporation to be summoned without regard to whether they reside or transact business in the district in which the suit is brought, and to that end process may be served wherever the person, partnership, or corporation may be found.".

SUBPOENA

SEC. 7. (a) PHYSICAL EVIDENCE DEFINED.—Section 20(a) of the Federal Trade Commission Act (15 U.S.C. 57b–1(a)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting immediately after paragraph (6) the following new paragraph:

"(7) The term 'physical evidence' means any object or device, including any medical device, food product, drug, nutritional product, cosmetic product, or audio or video recording.".

(b) ISSUANCE OF DEMAND.—Section 20(c)(1) of the Federal Trade Commission Act (15 U.S.C. 57b–1(c)(1)) is amended—

(1) by inserting "physical evidence or" immediately after "any" the second time it appears;

(2) by inserting "to produce such physical evidence for inspection," immediately before "to produce";

(3) by inserting "physical evidence," immediately after "concerning"; and

(4) by inserting "evidence," immediately before "material, answers,".

(c) CONTENTS OF DEMAND.—Section 20(c)(3) of the Federal Trade Commission Act (15 U.S.C. 57b–1(c)(3)) is amended—

(1) by inserting "physical evidence or" immediately before "documentary material";

(2) in subparagraph (A)—

(A) by inserting "physical evidence or" immediately before "documentary"; and

(B) by inserting "evidence or" immediately after "permit such";

(3) in subparagraph (B), by inserting "evidence or" immediately before "material"; and

(4) in subparagraph (C), by inserting "evidence or" immediately before "material".

(d) PRODUCTION OF EVIDENCE IN RESPONSE TO DEMAND.—Section 20(c)(10) of the Federal Trade Commission Act (15 U.S.C. 57b–1(c)(10)) is amended by inserting "physical evidence or" immediately before "documentary material" each place it appears.

FALSE ADVERTISEMENTS CONCERNING SERVICES

SEC. 8. Section 12(a) of the Federal Trade Commission Act (15 U.S.C. 52(a)) is amended by inserting "services," immediately after "devices," each place it appears.

CLEARINGHOUSE

SEC. 9. The Commission shall establish a clearinghouse for inquiries made to Federal agencies concerning telemarketing. The clearinghouse will provide information (other than information which may not be disclosed under section 552(b) of title 5, United States Code, or under regulations prescribed by the Commission to implement sections 552(b) of title 5, United States Code) to anyone making inquiries respecting persons engaged in telemarketing or direct such inquiries to the appropriate Federal or State agency.

FINANCIAL DATA

SEC. 10. Section 1109(a)(3) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3409(a)(3)) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F);

(2) by striking "or" at the end of subparagraph (D); and

(3) by inserting immediately after subparagraph (D) the following new subparagraph:

"(E) dissipation, removal, or destruction of assets that are subject to forfeiture, seizure, redress, or restitution under any law of the United States by reason of having been obtained in violation of law; or".

CRIMINAL CONTEMPT AUTHORITY

SEC. 11. Section 16(a)(1) of the Federal Trade Commission Act (15 U.S.C. 56(a)(1)) is amended—

(1) in subparagraph (A) by striking "civil" the first place it appears and inserting in lieu thereof "Federal court"; and

(2) by adding at the end the following: "The Commission may bring a criminal contempt action for violations of orders obtained in cases brought under section 13(b) of this Act in the same manner as civil penalty and other Federal court actions to which this subsection applies. Such cases may be initiated by the Commission on its own complaint, or pursuant to its acceptance of an appointment by a court to assist it in enforcing such orders pursuant to Rule 42(b) of the Federal Rules of Criminal Procedure.".

ADMINISTRATION AND APPLICABILITY OF ACT

SEC. 12. (a) ENFORCEMENT.—Except as otherwise provided in sections 4 and 5 of this Act, this Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(b) APPLICABILITY OF FTCA.—The Commission shall prevent any person from violating a rule, regulation, or order of the Commission under this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any person who violates such a rule, regulation, or order shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) EXEMPTION.—(1) No provision of this Act shall apply to any person exempt from the jurisdiction of the Commission under section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)), and nothing in this Act shall be construed to vest the Commission, or the attorney general of any State or any person, with jurisdiction or authority over any person not otherwise subject to the jurisdiction or authority of the Commission.

(2)(A) No provision of this Act shall apply—

(i) to a broker, dealer, municipal securities dealer, government securities broker, government securities dealer, or investment company in connection with the offer, sale, or purchase of any security, or to an issuer in connection with the offer, sale, or purchase of any security which that issuer has issued, or to any investment adviser providing investment advice relating to any security; or

(ii) to the solicitation, acceptance, confirmation, or execution of orders for the entry into, purchase of, or sale of any contract, account, agreement, or transaction subject to the exclusive jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.) by a person registered under the Commodity Exchange Act in order to engage in such activity, including as a futures commission merchant, introducing broker, commodity trading advisor, commodity pool operator, leverage transaction merchant, floor broker, or floor trader, or as a person associated with any such person.

(B) For purposes of subparagraph (A)(i)—

(1) the terms "broker", "dealer", "municipal securities dealer", "government securities broker", and "government securities dealer" have the meanings given them in section 3(a) (4), (5), (30), (43), and (44), respectively, of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a) (4), (5), (30), (43), and (44));

(2) the term "investment adviser" has the meaning given it in section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11));

(3) the term "investment company" has the meaning given it in section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(a));

(4) the term "issuer" has the meaning given it in section 2(4) of the Securities Act of 1933 (15 U.S.C. 77b(4)); and

(5) the term "security" has the meaning given to it in section 2(1) of the Securities Act of 1933 (15 U.S.C. 77b(1)), section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)), and section 2(a)(36) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(36)).

LIFE CARE HOME STUDY

SEC. 13. (a) STUDY.—The Federal Trade Commission shall conduct a study of unfair or deceptive acts or practices in the life care home industry, including acts or practices engaged in by life care homes. Within 24 months after the date of enactment of this Act, the Commission shall report the findings and conclusions of the study to Congress. The Commission shall indicate in its report whether it intends to initiate a trade regulation rulemaking under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) respecting unfair or deceptive acts or practices in the life care home industry and the reasons for such determination.

(b) DEFINITIONS.—For purposes of subsection (a), the term—

(1) "life care home" includes the facility or facilities occupied, or planned to be occupied, by residents or prospective residents where a provider undertakes to provide living accommodations and services pursuant to a life care contract, regardless of whether such facilities are operated on a profit or nonprofit basis; and

(2) "life care contract" includes a contract between a resident and a provider to provide the resident, for the duration of such resident's life, living accommodations and related services in a life care home, including nursing care services, medical services, and other health-related services, which is conditioned upon the transfer of an entrance fee to the provider and which may be further conditioned upon the payment of periodic service fees.

SUNSET

SEC. 14. The provisions of sections 3, 4, and 5 shall cease to have force and effect on and after the date that is five years following the date of enactment of this Act.

MOTION OFFERED BY MR. SWIFT

Mr. SWIFT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SWIFT moves to strike out all after the enacting clause of the Senate bill, S. 1392, and insert in lieu thereof the text of H.R. 3203 as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3203) was laid on the table.

RADON AWARENESS AND DISCLOSURE ACT OF 1992

Mr. SWIFT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3258) to improve the accuracy of radon testing products and services, to increase testing for radon in schools, to create a commission to provide increased public awareness of radon, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Radon Awareness and Disclosure Act of 1992".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The Environmental Protection Agency has determined that radon is second only to smoking as the leading cause of lung cancer, resulting in a central estimate of 13,600 deaths each year.

(2) Testing for elevated levels of radon in residential dwellings is relatively simple and inexpensive.

(3) There is not an adequate effort by Federal agencies to encourage testing for radon.

(4) Efforts to encourage testing have had disappointing results, reaching less than 4 percent of homes to date.

(5) The lack of a mandatory certification process leads to inaccurate testing, erosion of public confidence in the industry, and a waste of consumer investment.

(6) Increased public awareness of the risks of exposure to radon gas and the means to mitigate its effects will lead to more informed decision making and a more productive use of resources.

TITLE I—TWO-YEAR EXTENSION OF INDOOR RADON ABATEMENT PROVISIONS OF TOXIC SUBSTANCES CONTROL ACT

SEC. 101. 2-YEAR EXTENSION OF AUTHORIZATION.

The following sections of title III of the Toxic Substances Control Act (15 U.S.C. 2662 et seq.) are each amended by striking out "and 1991" and inserting in lieu thereof "1993, and 1994":

(1) Section 305(f).

(2) Section 306(j)(1).

(3) Section 308(f).

TITLE II—RADON TESTING

SEC. 201. PERFORMANCE PROGRAM FOR RADON PRODUCTS AND SERVICES.

(a) PERFORMANCE PROGRAM.—Title III of the Toxic Substances Control Act is amended by adding at the end the following new section:

"SEC. 312. PERFORMANCE PROGRAM FOR RADON PRODUCTS AND SERVICES.

"(a) TESTING PROGRAM.—(1) The Administrator of the Environmental Protection Agency shall establish a program requiring that—

"(A) any product offered for sale, or device used in connection with a service offered to the public, for the measurement of radon meets minimum performance criteria; and

"(B) any operator of a device, or person employing a technique, used in connection with a service offered to the public for the measurement of radon meets a minimum level of proficiency.

"(2) Such program shall include procedures for ordering the recall of any product sold for the measurement of radon which does not meet minimum performance criteria under paragraph (1)(A), for ordering the discontinuance of any service offered to the public for the measurement of radon which does not meet minimum levels of proficiency under paragraph (1)(B), and for establishing adequate quality assurance requirements for each person or company offering radon measurement services to the public.

"(b) MEASUREMENT EFFECTIVENESS; PUBLIC AWARENESS.—The Administrator shall develop and make each of the following available to the public:

"(1) A list of all radon measurement devices which meet minimum performance criteria under paragraph (1)(A) of subsection (a), together with information regarding the qualifying performance of each device.

"(2) A summary of current radon measurement technology, including descriptions and evaluations of existing measurement methods and devices used in testing schools, homes, and commercial buildings. Such summary shall include identification of those measurement technologies and practices most conducive to accuracy, tamper-detection and quality assurance in radon tests, including those conducted during real estate transactions.

"(b) CIVIL PENALTY.—Any person who violates the requirements of this section or who knowingly submits false information is liable for a civil penalty not to exceed $1,000 for each such violation.

"(c) USER FEE.—(1) The Administrator shall establish a schedule of user fees for persons who manufacture any product or device described in subsection (a)(1)(A) and for persons who operate a device or employ a technique described in subsection (a)(1)(B). The amount of such fees shall be designed to cover 50 percent of the annual operating costs of the Environmental Protection Agency for carrying out the program established under subsection (a) with respect to such persons until and including fiscal year 1996. After fiscal year 1996, the Administrator may apply such amounts to defray more than 50 percent of the program's operating costs but no more than the aggregate amount of such operating costs. Such fees shall be structured such that any person's liability for such fees is reasonably based on the proportion of the program's operating costs that relate to such person, and such person's liability for such fees shall not be based on the income of such person.

"(2) The Administrator may waive or reduce any fee established under paragraph (1) with respect to persons who agree to test for the presence of radon in public and nonprofit child care facilities, schools, hospitals, nursing homes, or other health care facilities.

"(d) USE OF FUNDS.—Amounts received for user fees under subsection (c) shall be deposited in a Radon Service Account established in the Treasury of the United States for use by the Administrator, to the extent provided in appropriations Acts, in carrying out the program established under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of contents for title III of such Act (contained in section 1 of such Act) is amended by adding at the end the following new item after the item relating to section 311:

"Sec. 312. Performance program for radon products and services.".

(c) CONFORMING AMENDMENT.—Subsection (a)(2) of section 305 of the Toxic Substances Control Act (15 U.S.C. 2665(a)(1)) is amended by striking out "the effectiveness of radon measurement devices and methods,".

SEC. 202. MEDICAL COMMUNITY OUTREACH.

(a) IN GENERAL.—Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) is amended by adding the following new section after section 312:

"SEC. 313. MEDICAL COMMUNITY OUTREACH.

"(a) IN GENERAL.—The Administrator, in cooperation with the Secretary of Health and Human Services, shall develop and implement an outreach program to provide information about radon to the medical community.

"(b) INFORMATION.—(1) The Administrator, in consultation with the Secretary of Health and Human Services and the Surgeon General, shall develop informational material concerning radon tailored to doctors in general practice and in specialties related to lung cancer. Such information shall, at a minimum—

"(A) explain the health effects of exposure to radon;

"(B) explain the association of radon with smoking and other causes of lung cancer;

"(C) identify appropriate steps to determine exposure to radon in the home; and

"(D) identify sources of additional information.

"(2) Not later than one year after the date of the enactment of this section, the Administrator shall transmit the information developed pursuant to this section to—

"(A) doctors in the United States in general practice;

"(B) doctors in specialties related to lung cancer;

"(C) doctors employed by the Federal Government;

"(D) hospital administrators; and

"(E) other physicians and officials determined by the Administrator to be appropriate.

"(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Administrator, in consultation with the Secretary of Health and Human Services, shall report to Congress concerning the implementation of this section and recommendations for measures to improve radon information dissemination to the medical community.".

(b) CLERICAL AMENDMENT.—The table of contents for title III of such Act (contained in section 1 of such Act) is amended by adding at the end the following new item:

"Sec. 313. Medical community outreach.".

SEC. 203. STRATEGY TO IDENTIFY AND REDUCE EXCEPTIONALLY HIGH INDOOR RADON LEVELS.

(a) NEW SECTION.—Title III of the Toxic Substances Control Act is amended by adding the following new section after section 313:

"SEC. 314. STRATEGY TO IDENTIFY AND REDUCE EXCEPTIONALLY HIGH INDOOR RADON LEVELS.

"(a) DEVELOPMENT OF THE STRATEGY.—Within 9 months of the date of enactment of the Radon Awareness and Disclosure Act of 1992, the Administrator shall, in consultation with other Federal agencies and scientific experts in radon health effects, detection, and mitigation, using relevant and available information, develop and provide to Congress a strategy for identifying areas and buildings within the United States with exceptionally high levels of radon and for reducing such radon levels. The Administrator shall revise the strategy as necessary to incorporate additional relevant information.

"(b) IMPLEMENTATION OF THE STRATEGY.—No later than 9 months after the date of enactment of the Radon Awareness and Disclosure Act of 1992, the Administrator shall begin to implement the provisions of the strategy required under subsection (a).

"(c) REPORT TO CONGRESS.—21 months after the date of enactment of the Radon Awareness and Disclosure Act of 1992, the Administrator shall report to Congress on the results of Federal, State, and local efforts to implement the strategy developed under subsection (a).".

(b) CLERICAL AMENDMENT.—The table of contents for such Act (contained in section 1 of such Act) is amended by adding the following new item after the item relating to section 313:

"Sec. 314. Strategy to identify and reduce exceptionally high indoor radon levels.".

SEC. 204. AMENDMENTS TO SECTION 306 OF TSCA.

Section 306 of the Toxic Substances Control Act is amended as follows:

(1) In subsection (e), strike "In the event that State applications for funds exceed the total funds available in a fiscal year, the" and insert "The".

(2) Amend subsection (e) to add the following new paragraph at the end thereof:

"(5) The potential for the activity or project to advance the strategy developed under section 314.".

(3) In subsection (f), strike "in the third year" and insert "thereafter".

SEC. 205. REPORT TO CONGRESS ON RADON TESTING.

(a) EVALUATION.—The Administrator of the Environmental Protection Agency shall evaluate current efforts to promote radon testing and ways to increase the use of radon testing during real estate transactions.

(b) REPORT.—(1) The Administrator shall report to Congress by October 1, 1993, on ways to improve the effectiveness of alternative strategies for promoting such testing, including consideration of each of the following:

(A) Grants to support development of radon testing strategies by States.

(B) Financial incentives.

(C) Testing and disclosure of radon levels during real estate transactions.

(D) Public awareness.

(E) Testing and disclosure of radon levels in the workplace.

(2) In preparing the report, the Administrator shall consult with concerned parties, including public interest groups, health officials, the radon testing industry, realtors, home builders, labor organizations, and States.

TITLE III—PRESIDENT'S COMMISSION ON RADON AWARENESS

SEC. 301. ESTABLISHMENT.

There is established a commission to be known as the President's Commission on Radon Awareness (hereinafter in this title referred to as the "Commission").

SEC. 302. DUTIES OF COMMISSION.

The Commission shall—

(1) examine public awareness programs in effect on the date of the enactment of this Act which are—

(A) implemented through various segments of mass media; and

(B) intended to increase public awareness of the risks of exposure to radon and the benefits of testing for radon;

(2) act as an administrative and coordinating body for the voluntary donation of resources from—

(A) television, radio, cable communications, and print media;

(B) the health industry;

(C) the advertising industry;

(D) the business sector of the United States; and

(E) radon testing and mitigation organizations;

to assist the implementation of new programs and national strategies for dissemination of information intended to increase awareness of the risks of exposure to radon;

(3) encourage media outlets throughout the country to provide information aimed at increasing radon awareness, including public service announcements and advertisements; and

(4) evaluate the accuracy and effectiveness and assist in the update of programs and national strategies formulated with the assistance of the Commission.

SEC. 303. MEMBERSHIP AND OPERATION OF COMMISSION.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members appointed by the President within 30 days after the date of the enactment of this Act, and should include representatives of—

(1) advertising agencies;

(2) television, radio, cable communications, and print media;

(3) the health industry;

(4) other segments of the business sector of the United States;

(5) experts in radon health effects, testing, detection, and mitigation;

(6) the radon testing and remediation industry; and

(7) other Federal agencies, as designated by the President.

(b) TERMS.—

(1) Except as provided in paragraphs (2) and (3), members shall be appointed for terms of 3 years.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which such member's predecessor was appointed shall be appointed only for the remainder of such term.

(3) A member may serve after the expiration of the member's term until a successor to the member has taken office.

(c) BASIC PAY AND EXPENSES.—(1) Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as persons serving intermittently in the Government services are allowed travel expenses under section 5703 of title 5, United States Code.

(d) PROCEDURES, MEETINGS, STAFF, ETC.—The Commission shall establish such rules regarding meetings, including rules regarding quorum, voting and procedure, and regarding staff, experts and consultants as the Commission deems appropriate. The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States. The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(e) REPORT.—The Commission shall transmit to the President and to each House of Congress a report not later than July 31 of each year which contains a detailed statement of the activities of the Commission during the preceding year, including a summary of the number of public service announcements produced by the Commission and published or broadcast.

(f) TERMINATION.—The Commission shall terminate on a date which is 3 years after the date on which members of the Commission are first appointed, unless the President, by Executive order, extends the authority of the Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington [Mr. SWIFT] will be recognized for 20 minutes, and the gentleman from North Carolina [Mr. MCMILLAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Washington [Mr. SWIFT].

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3258, the Radon Awareness and Disclosure Act, will reauthorize a much needed Federal program designed to protect Americans from radon gas, a naturally occurring, tasteless, odorless, invisible carcinogen that is found in varying degrees in almost every part of the country.

In my own State of Washington, 10 percent of the nearly 2,000 homes tested have been shown to have high levels of radon.

As reported by the Committee on Energy and Commerce, H.R. 3258 reauthorizes the Indoor Radon Abatement Act of 1988, and contains a number of provisions designed to focus the EPA's efforts in those areas of greatest risk.

The amendment changes the extension of authorization of appropriations from 3 years to 2 years.

It also requires EPA to develop and implement a strategy for identifying areas and buildings within the United States with exceptionally high levels of radon and for reducing such radon levels.

The amendment also changes the criteria for the State radon grant program by deleting current statutory language that requires EPA to prioritize grant applications only if the amount of money requested in these applications exceeds the amounts available for distribution through the program.

A new grant program criterion is added that requires EPA to consider the potential for the activity or project described in the application to advance the radon strategy.

The amendment deletes title III of the introduced bill, which required mandatory testing of school buildings for radon.

I would like to commend two of my colleagues on the committee, Mr. MARKEY and Mr. RINALDO, for introducing this legislation. Also, I would like to thank the gentleman from Michigan, the chairman of the full committee, Mr. DINGELL, for his assistance in the expeditious processing of this legislation, along with the gentleman from California, the chairman of the Health and Environment Subcommittee. I urge my colleagues to support H.R. 3258.

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Mr. Speaker, I reserve the balance of my time.

Mr. MCMILLAN of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. First, I would like to recognize the efforts of the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from New Jersey [Mr. RINALDO].

I also want to commend the chairman of the Transportation and Hazardous Materials Subcommittee, Mr. SWIFT, and the chairman of the Subcommittee on Health and the Environment, Mr. WAXMAN, for their leadership on this bill.

Finally, the gentleman from Pennsylvania [Mr. RITTER], who has worked on the issue of radon for many years and who has made significant contributions to this legislation.

As the gentleman from Washington has already described, this bill will reauthorize EPA's indoor radon program for the next 2 years. It will also add several new components, including a mandatory certification program for radon testing devices, which the administration has endorsed, and several additional public information programs, including an expanded medical outreach program and a President's Commission on Radon Awareness.

Reauthorization of EPA's radon program is important because there is sufficient scientific evidence that at certain levels, radon gas presents a significant health risk. As EPA Administrator Reilly has said many times, we should be allocating our scarce Federal resources to address the most significant risks first. So I think it is appropriate that we encourage EPA to continue to address the most significant health risks.

The problem is that EPA's public education efforts have not been very effective. After the expenditure of millions of dollars, only about 4 percent of the homes in the United States have been tested for radon. That suggests that there is either a problem with the message or the messenger, or perhaps both.

Several months ago, EPA's Office of Policy, Planning, and Evaluation published in draft form the results of its review of EPA's indoor radon program. The report noted the public's "generally weak response" to EPA's public information program and suggested that EPA "must move beyond a program of nationwide public information efforts to achieve significant risk reduction."

The bill contains a provision that will help EPA to begin to refocus its program requiring EPA to develop a strategy for identifying areas and buildings with "exceptionally high levels" of radon.

This strategy should result in information and programs that the States can use to target their resources to identify and reduce the greatest risks first.

I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SWIFT. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MARKEY], the author of this legislation.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for his leadership on the issue. Without his consummate political ability to be able to move through a piece of legislation of this nature on such short notice, this would not be possible, and as well, the gentleman from California [Mr. WAXMAN], the gentleman from North Carolina [Mr. MCMILLAN], and the gentleman from Pennsylvania [Mr. RITTER] also helped to put together and frame this issue.

The reason that this is such an important issue is that sometimes what we do not know can kill us. Radon is one of those issues, one of those subjects, one of those kinds of hazy types of issues that we all know are important but people just do not know enough about it.

With the exception of cigarettes, radon is the second largest cause of lung cancer in the United States of America, second largest killer cause through lung cancer. It is an issue which results in more people being killed per year than all airplane crashes, all drownings, and all fires in the United States combined.

The legislation which we have here today will begin to put our country on a course which will help to identify and raise the consciousness of this issue so that people in our country can be protected. It is an issue and a bill which has been endorsed by the American Cancer Association, by the American Lung Association, by almost all major medical groups in the United States. It is an issue which I believe deserves the attention and the support of all Members in the body, and I would hope, as a result, that today we would see that as the response.

It briefly does three things. It, first, puts together a performance program for radon testing.

It has an extension of the State grant programs.

And it also creates a President's Commission on Radon Awareness.

It is a very, very good, important, timely piece of health legislation.

My wife is the chief of behavioral medicine at the National Institute of Mental Health. My wife tells me on an ongoing basis the most important thing we can do to prevent disease in this country, since we have cured most of the chronic illnesses that most people die from, our older generations in our country, we are now down to a point where the illnesses which most Americans suffer from are those which are avoidable. This is an avoidable illness which is the second largest cause of lung cancer in America.

With awareness, with education we can end it as a cause of cancer in our country. It seems to me we would not want to pass up that opportunity.

I want to thank everyone that I have mentioned thus far, but, as well, the gentleman from New Jersey [Mr. RINALDO], who was my cosponsor of the legislation, and the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL], and, again, the gentleman from Washington [Mr. SWIFT].

Mr. Speaker, what we don't know can sometimes kill us. That is why I rise today in strong support of the Radon Awareness and Disclosure Act.

Radon is an odorless, colorless, radioactive gas that is formed as uranium in the soil underneath house decays. It enters homes through cracks in the foundation or through pipes. When breathed in, radon breaks down in the lungs and releases dangerous radioactivity. Radon is second only to smoking as the leading cause of lung cancer in this country. The National Academy of Sciences and EPA estimate that radon gas causes approximately 14,000 lung cancer deaths in this country every year. Radon kills more people than do airplane crashes, drowning, and fires—added together.

EPA estimates that more than 1 in 10 households in this country are above the EPA radon action level. In my State of Massachusetts 23 percent of homes tested by EPA were above the action level. In Pennsylvania 40 percent of homes tested had levels of radon above the action level. That is 1½ million families in Pennsylvania potentially at risk. Other States have equally alarming numbers: Ohio 29 percent of homes, Minnesota 45 percent, Colorado 41 percent, Kansas 22 percent, New Mexico 22 percent, Indiana 28 percent.

What does a level of radon above the action level mean to the families in these homes? EPA estimates that a home above the action level produces the same lung cancer risks as receiving 200 chest x rays a year. For smokers, the risks are even greater. Testing of all homes has been urged by the National Academy of Sciences, the U.S. Surgeon General, and the American Medical Association. It is also supported by consumer and public health organizations including the Consumer Federation of America, the American Lung Association, the American Public Health Association, the American Cancer Society.

The average home can be tested for radon exposure for about $25, but sadly, less than 5 percent of the Nation's homes have been tested so far. For homes with high levels, it usually costs only a few hundred dollars to remove radon's risk. Testing and mitigating exposure to radon is one of our most cost-effective safety moves. With an ounce of prevention, we have an opportunity to address a serious health hazard that claims thousands of lives each year.

The only reason we are not dealing with this threat is ignorance and apathy. What we do not know, we will not worry about, even if it is killing us. Well, it is time to stop ignoring radon.

Let me briefly describe what the bill will do:

First, it protects consumers from fraudulent or inaccurate radon testing by requiring EPA or State certification of radon testing devices and services. In August 1990, the GAO recommended that EPA's certification program be mandatory since inaccurate testing was resulting in a loss of consumer confidence in the industry, fewer tests, and a waste of consumer resources.

Second, grants for State radon programs are extended for 3 years. The State grant program has been critical in getting information out to the public and creating radon programs tailored to the radon problem in each State while making the best use of EPA's technical expertise.

Third, it establishes a President's Commission on Radon Awareness. The Commission will draw the best talent to develop innovative ways to raise public awareness and increase testing. This easily preventable health threat that claims thousands of lives each year requires our immediate attention and action.

Mr. SWIFT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, I am very pleased that today the House is considering legislation to curb one of the most serious environmental threats facing Americans—radon.

Radon is a radioactive gas that causes lung cancer. Federal environmental and health officials—including the Environmental Protection Agency, the Surgeon General, and the Centers for Disease Control—say that radon is the second leading cause of lung cancer in the United States.

The bill we consider today, H.R. 3258, contains important programs to fight radon. It will reauthorize State grant programs; direct EPA to establish minimum performance criteria for radon inspections; and promote awareness of the risks of radon.

There are other important programs that the Nation needs to confront radon risks. We need to warn families about radon hazards at real estate transactions, when families are the most likely to test for radon levels. We need Federal standards for radon abatement, not just for radon inspections. And we need to reduce radon levels in schools. It is my hope that Congress will soon turn to these important programs.

I want to commend the efforts of my colleagues. Congressmen MARKEY and RINALDO deserve special recognition for their efforts in developing H.R. 3258. Subcommittee Chairmen WAXMAN and SWIFT provided leadership throughout the consideration of this legislation. And Chairman DINGELL has once again demonstrated his commitment to address this important health and environmental issue.

Mr. LENT. Mr. Speaker, I rise in support of H.R. 3258, the Radon Awareness and Disclosure Act of 1992. I want to commend the authors of this legislation, the gentleman from Massachusetts [Mr. MARKEY] and my good friend, the gentleman from New Jersey [Mr. RINALDO].

I also want to commend the chairman of the Transportation Subcommittee, Mr. SWIFT, and the chairman of the Health and Environment Subcommittee, Mr. WAXMAN, for their leadership on this issue.

Finally, I want to note the contributions of the gentleman from Pennsylvania, the ranking member of the Transportation Subcommittee, Mr. RITTER. He is perhaps more familiar with the issue of radon than any of us, and he has made very worthwhile contributions to the development of this legislation.

Mr. Speaker, I urge my colleagues to support this bill. Thanks to the efforts of those Members I have just mentioned, it is a narrowly crafted bill that reauthorizes EPA's indoor radon program for 2 years. It also contains a provision that requires EPA to develop a strategy for identifying areas and buildings with exceptionally high radon levels. This is an important provision that will encourage EPA to focus its resources on the worst risks first.

EPA's Science Advisory Board has indicated that radon in homes can present a serious risk to public health. This bill will help to address those risks, beginning with the most serious risks first.

I urge my colleagues to support the bill.

Mr. RITTER. Mr. Speaker, I rise in support of H.R. 3258, the Radon Awareness Disclosure Act of 1992.

Mr. Speaker, this bill is a carefully crafted reauthorization of EPA's indoor radon program. It reauthorizes the program for 2 years, including funding for grants to State radon programs. It also requires EPA to expand its efforts to educate health officials on the health risks from radon, it establishes a President's Commission on Radon Awareness, and it establishes a mandatory program for certifying radon testing devices, as the administration has recommended.

I want to thank the authors of this legislation, Mr. MARKEY and Mr. RINALDO, and the chairmen of the subcommittees which considered the bill, Mr. WAXMAN and Mr. SWIFT, for their help in making this a focused reauthorization bill.

I would also like to take just a moment to discuss a provision that I authored and that I am pleased is included in the bill. This provision is intended to encourage EPA to focus some of its resources on the most serious risks from radon. Some recent reports have shown that there may be between 50,000 and 100,000 homes in the United States with radon levels above 20 picocuries per liter. Twenty picocuries per liter is the exposure limit that the Federal Government has set for mine workers. It seems to me that if EPA's radon program does anything, it should be focusing on these high-risk homes. Unfortunately, EPA's indoor radon program has not made finding these homes a top priority.

The new provision which I authored directs EPA to develop a strategy for identifying those areas and buildings in the United States that have exceptionally high levels of radon. To its credit, EPA has already started to work with other Federal agencies—like the U.S. Geological Survey and the Department of Energy—to develop maps and computer methodologies to identify homes with exceptionally high levels of radon. It is my expectation that these efforts would form the basis for the strategy which EPA is required to develop.

Mr. Speaker, I have always been a strong supporter of the idea of worst first, that is, that we should deal first with those hazards that present the greatest risk to public health. I should point out, however, that we are not radically changing the focus of EPA's radon program. We are building on existing EPA programs. At the same time, EPA will continue to implement its other authorized activities.

While I support this reauthorization of EPA's indoor radon program, I must add that I continue to have concerns with some of EPA's assumptions concerning the risks of exposure to low levels of radon. The risks projected using current data and methods are highly uncertain. Mitigation of low levels of radon may be an unnecessary use of scarce resources.

As EPA administers the Federal indoor radon program, it is important that it continue to work with other Federal agencies and experts to advance our understanding of the risks of exposure to radon in the home. EPA should, in consultation with national experts in radon, update its assessments of risks from radon, seek to reduce the uncertainty in risk estimations, and revise its indoor radon program strategy. This should be done in a timely fashion to reflect the most current scientific understanding of the effects of radon and for achieving the largest reduction of risk without imposing unnecessary financial burdens on property owners.

Again, I commend my colleagues for their work on this legislation and urge its adoption.

Mr. SWIFT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from Washington [Mr. SWIFT] that the House suspend the rules and pass the bill, H.R. 3258, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The title of the bill was amended so as to read:

A bill to improve the accuracy of radon testing products and services, to develop a strategy to identify and reduce exceptionally high indoor radon levels, to facilitate the identification, testing, and mitigation of residential dwellings, and to create a commission to provide increased public awareness of radon, and for other purposes.

A motion to reconsider was laid on the table.

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 792) to reauthorize the Indoor Radon Abatement Act of 1988 and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indoor Radon Abatement Reauthorization Act of 1992".

SEC. 2. NATIONAL GOALS.

Section 301 of the Toxic Substances Control Act (15 U.S.C. 2661) is amended—

(1) in the heading, by striking "NATIONAL GOAL" and inserting NATIONAL GOALS";

(2) by inserting "(a) RADON LEVELS.—" before the first sentence of the section; and

(3) by adding at the end the following new subsection:

"(b) TESTING.—It is the goal of the United States that all homes, schools, and Federal buildings be tested for radon.".

SEC. 3. DEFINITIONS.

Section 302 of the Toxic Substances Control Act (15 U.S.C. 2662) is amended by adding at the end the following new paragraphs:

"(5) The term 'residential dwelling' means—

"(A) a single-family dwelling or a one-family dwelling unit in a structure containing not more than four separate residential dwelling units, each such unit used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons; or

"(B) a single-family or one-family dwelling unit on the subground, ground, or first-floor-above-ground level of a multi-unit residential structure.

"(6) The term 'multi-unit residential structure' means a building containing more than four separate residential dwelling units, each such unit used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons.

"(7) The term 'contract for the sale of residential real property' means any contract or agreement whereby one party agrees to purchase from another party any interest in real property improved by one or more residential dwelling units used or occupied, or intended to be used or occupied, wholly or partly, as the home or residence of one or more persons.

"(8) The term 'applicable mortgage loan' includes any loan (other than temporary financing such as a construction loan) that—

"(A) is secured by a first lien on residential real property (including individual units of condominiums and cooperatives); and

"(B) either—

"(i) is insured, guaranteed, made, or assisted by any agency of the Federal Government, including the Department of Housing and Urban Development, the Veterans Administration, and the Farmers Home Administration; or

"(ii) is intended to be sold by an originating mortgage institution to any federally chartered secondary mortgage market institution.

"(9) The term 'originating mortgage institution' means any lender that provides federally insured, guaranteed, made, or assisted mortgage loans, or sells mortgage loans to a federally chartered secondary mortgage market institution.

"(10) The term 'federally chartered secondary mortgage institution' means an institution chartered by Congress that buys mortgages from originating financial institutions and resells them to investors, including the Federal National Mortgage Association, the Government National Mortgage Association, and the Federal Home Loan Mortgage Association.

"(11) The term 'Administrator' means the Administrator of the United States Environmental Protection Agency.

"(12) The term 'business day' means any day other than a Saturday, a Sunday, a Federal holiday, a State holiday in the State in which the affected residential property is located, or a State holiday in the State or States in which the buyer or seller resides.

"(13) The term 'person' means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or an interstate body.

"(14) The term "direct Federal financial assistance" means assistance in financing a residential dwelling provided by the Federal Housing Administration, Farmers Home Administration, and the Department of Veterans Affairs.

"(15) The term "Federal building" means any building that—

"(A) is used primarily as an office building, school, hospital, or residence,

"(B) owned, leased, or operated by any Federal agency, and

"(C) is occupied by the Library of Congress, is part of the White House, or is the residence of the Vice President, and

"(D) is included in the definition of 'Capitol Buildings' under section 16(a) of the Act entitled 'An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 (40 U.S.C. 193m).".

SEC. 4. PRIORITY RADON AREAS.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) is amended—

(1) by redesignating sections 303 through 311 as sections 304 through 312, respectively; and

(2) by inserting after section 302 the following new section:

"SEC. 303. PRIORITY RADON AREAS.

"(a) DESIGNATION OF AREAS.—The Administrator shall, designate as expeditiously as possible but no later than January 1, 1992, areas as priority radon areas, and revise, as appropriate thereafter, the designations.

"(b) STANDARD FOR DESIGNATION.—The Administrator shall designate an area as a priority radon area in any case where the Administrator determines that there is a reasonable likelihood that the average indoor radon level in the area is likely to exceed the national average indoor radon level by more than a de minimis amount.

"(c) FACTORS.—In designating priority radon areas, the Administrator shall consider the most current available information at the time of such designation, including—

"(1) the national assessment of radon conducted pursuant to section 118(k) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 7401 note);

"(2) surveys of school buildings conducted pursuant to section 308;

"(3) surveys of Federal buildings conducted pursuant to section 310;

"(4) surveys of work places conducted pursuant to section 318; and

"(5) any other information, including other radon measurements and geological data, as the Administrator determines to be appropriate.".

SEC. 5. CITIZEN'S GUIDE.

(a) SCHEDULE.—Section 304(a) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by striking "June 1, 1989," and inserting "January 1, 1992,"; and

(2) by inserting ", in consultation with the Director of the Centers for Disease Control of the Department of Health and Human Services," after "Administrator" in the last sentence of the subsection.

(b) ACTION LEVELS.—Section 304(b)(1) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by inserting "(A)" after "ACTION LEVELS.—"; and

(2) by adding at the end the following new subparagraphs:

"(B) The citizen's guide shall state the national goals established in this title, and shall estimate the average national ambient outdoor radon level. The guide shall also indicate the health benefits of reducing indoor radon levels to ambient outdoor levels.

"(C) The citizen's guide shall establish a target action point indicating a level of indoor radon that is, in the judgment of the Administrator, as close to the national ambient outdoor radon level as can be achieved consistently in existing, single family homes through the application of readily available and generally affordable radon mitigation technologies and practices.".

(c) INFORMATION.—Section 304(b)(2) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new subparagraph:

"(F) The location of priority radon areas and the likelihood of radon levels above the target action point within and outside of priority radon areas.".

SEC. 6. MODEL CONSTRUCTION STANDARDS.

(a) TECHNICAL AMENDMENTS.—(1) Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(A) by inserting "(a) STANDARDS.—" before the first sentence of the section;

(B) by inserting "and periodically update" after develop";

(C) by striking the second sentence of the section and inserting the following new subsection:

"(b) CONSULTATION.—In developing and updating standards and techniques pursuant to subsection (a), the Administrator shall consult with—

"(1) the Secretary of Housing and Urban Development;

"(2) organizations that are involved in establishing national building construction standards and techniques; and

"(3) national organizations that represent homebuilders and State and local housing agencies (including public housing agencies).";

(D) by inserting "(c) GEOGRAPHIC DIFFERENCES.—(1)" before the fourth sentence of the section;

(E) by striking the fifth sentence of the section; and

(F) by inserting "(d) IMPLEMENTATION.—" before the sixth sentence of the section.

(2) Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new subsection:

"(e) SCHEDULE.—The Administrator shall publish final radon control standards and techniques for residential dwellings and make such techniques available to the public and the building industry by not later than January 1, 1992, and for multiunit residential structures and schools by not later than January 1, 1994.".

(b) OBJECTIVES.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end of subsection (c) (as designated by subsection (a)(1) of this section) the following new paragraph:

"(2)(A) Model standards and techniques shall indicate a range of effective radon control measures, practices, and techniques, that apply to original construction of a wide variety of building types, locations, conditions, and circumstances, and shall indicate the general range of radon control achievable by such measures individually and in combination with other measures.

"(B) At a minimum, the Administrator shall establish minimum radon reduction measures, practices, and techniques for new construction for the purpose of determining compliance with this section. Such radon standards shall be designed to require the use of reasonably available and economically achievable techniques, and to achieve indoor radon levels in homes less than the target action point established pursuant to section 304(b)(1)(C) where possible by using these techniques.".

(c) FEDERALLY ASSISTED HOUSING.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act, and as amended by subsection (a)(2) of this section) is amended by adding at the end the following new subsection:

"(f) FEDERALLY ASSISTED HOUSING.—The appropriate Federal official shall require that any residential dwelling or multiunit residential structure constructed more than two years after the date of the establishment of new construction standards pursuant to this section or the date of enactment of this section, whichever is later, in an area designated by the Administrator as a priority radon area or more than two years after the designation of an area as a priority radon area, whichever is later, shall be constructed in accordance with the radon control standards established pursuant to subsection (c)(2)(B), before providing any direct Federal financial assistance.".

(d) DESIGN AWARDS AND CERTIFICATION.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act, and as amended by subsection (c) of this section) is amended by adding at the end the following new subsection:

"(g) DESIGN AWARDS.—(1) The Administrator shall establish a radon design awards program.

"(2) The radon design awards program shall provide for awards for the best residential design incorporating radon control or mitigation standards in categories of residential design to be determined by the Administrator.".

(e) RELATIONSHIP TO STATE AND LOCAL STANDARDS.—Section 305 of the Toxic Substances Control Act (as redesignated by section 4 of this Act, and as amended by subsection (d) of this section) is amended by adding at the end the following new subsection:

"(h) RELATIONSHIP TO STATE AND LOCAL STANDARDS.—The standards published pursuant to this section shall not preempt the use of any State or local building standard if the State or local standard is equally effective in reducing radon levels as the standards published pursuant to this section.".

SEC. 7. TECHNICAL ASSISTANCE.

(a) ACTIVITIES.—Section 306(a) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new paragraphs:

"(9) Development of a model State program to disseminate radon information to State and local tenant organizations.

"(10) Assistance to State agencies and other organizations concerning the assessment and mitigation of radon in public water supplies.

"(11) Assistance to State agencies and other organizations to facilitate prompt adoption and effective enforcement of new construction standards for reducing radon levels developed pursuant to section 305.

"(12) Development of testing guidelines for multiunit residential structures and multistory buildings not later than six months after the date of enactment of this paragraph and development of mitigation guidelines not later than three years after the date of enactment of this paragraph.

"(13) Issuance of guidance to States on appropriate elements of State radon measurement and mitigation proficiency programs.".

(b) PROFICIENCY TESTING.—(1) Section 306(a)(2) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by striking "voluntary".

(2) Section 306(e) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(A) by redesignating paragraph (2) as paragraph (2)(A); and

(B) by adding after paragraph (2)(A), as so redesignated, the following new subparagraphs:

"(B)(i) Except as otherwise provided in clause (ii), for the purposes of this paragraph, the term 'small business' means a corporation, partnership, or unincorporated business that—

"(I) has 150 or fewer employees; and

"(II) for the 3-year period preceding the date of the assessment, has an average annual gross revenue from radon measurement and mitigation activities in an amount that does not exceed $40,000,000.

"(ii) If, after consultation with the Small Business Administration, the Administrator determines that a modification of the definition of 'small business' under clause (i) is appropriate to characterize small businesses associated with radon measurement and mitigation, the Administrator shall, by regulation, modify the definition in such manner as the Administrator determines to be appropriate.

"(C) The Administrator shall consider reductions of such charges for small businesses pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

"(D) No charges may be imposed on State and local governments. In the case of a State which is administering a radon proficiency program pursuant to section 314(c), the State may impose charges consistent with charges which would have been imposed by the Administrator. Any amounts collected by a State as charges under this paragraph may be used as part of the non-Federal share of a grant awarded pursuant to section 307 of this title.".

SEC. 8. GRANT ASSISTANCE.

(a) APPLICATION.—Section 307(b) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new paragraph:

"(6) A description of the State's efforts to develop a mandatory radon proficiency program consistent with sections 306(a)(2) and 314.".

(b) ELIGIBLE ACTIVITIES.—Section 307(c) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new paragraphs:

"(11) Technical assistance to public water supply systems concerning mitigation of radon in public water supplies, and public education and information activities to assist homeowners in the assessment and mitigation of radon in private drinking water supplies.

"(12) Activities to adopt model new construction standards for reducing radon levels developed pursuant to section 305 to the State and assure the implementation of such standards in the State.

"(13) Technical and financial assistance to non-profit public interest groups to encourage radon testing and mitigation at local levels.

"(14) Targeting outreach and technical assistance activities to licensed child care facilities in priority radon areas.

"(15) Notwithstanding the limitation in subsection (i)(4), payment, in the form of grants or loans, of costs of implementing remediation measures necessary to prevent levels of radon in school buildings above the target action point identified pursuant to section 304(b)(1)(C): *Provided*, That such payments are made in consideration of the financial need of the applicant.

"(16) Payment of costs of conducting radon tests required pursuant to section 308(d): *Provided*, That such payments shall be made only in the case of a local educational agency that received assistance payment pursuant to paragraph (15).

"(17) Educational programs for members of the housing industry concerning the model construction standards and techniques published pursuant to section 305.

"(18) Financial assistance to conduct surveys to improve the precision of priority radon areas.".

(c) PREFERENCE TO CERTAIN STATES.—Section 307(d) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by striking "1991" and inserting "1993"; and

(2) by inserting before the period ", or have adopted equally effective standards".

(d) FEDERAL SHARE.—Section 307(f) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by striking "in the third year" and inserting "in each succeeding year".

(e) ASSISTANCE TO LOCAL GOVERNMENTS.—Section 307(g) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by striking "and (6)" and inserting "(6), (11), (12), (14), (15), and (16),"; and

(2) by inserting "(1)" after "GOVERNMENTS.—"; and

(3) by adding at the end the following new paragraph:

"(2) Any remediation plans for reducing radon in school buildings implemented pursuant to this section shall be reviewed for consistency with EPA guidance by the school officials responsible for authorizing these types of structural changes.".

(f) INFORMATION.—Section 307(h) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new paragraph:

"(4) Any State receiving funds under this section shall investigate consumer complaints about radon services that violate the Environmental Protection Agency or State radon proficiency program. An appropriate official of the State shall advise the Administrator of any person who violates the requirements of section 314.".

(g) AUTHORIZATION.—Section 307(j) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by striking paragraph (5).

SEC. 9. RADON IN SCHOOLS.

Section 308 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new subsections:

"(c) GUIDELINES.—(1) Not later than one year after the date of enactment of this subsection, the Administrator shall publish guidelines on testing for and remediating radon in school buildings.

"(2) After the publication of guidelines pursuant to this subsection, testing and remediation carried out pursuant to this section shall be conducted in a manner consistent with such guidelines.

"(3) Any radon testing or remediation of school buildings conducted prior to the publication of guidelines pursuant to this subsection shall be considered to meet the requirements of this section if the testing or remediation is conducted in a manner consistent with any interim guidance published by the Administrator or by a State (in any case where the Administrator determines that such guidelines are substantially consistent with the guidelines published under this subsection).

"(d) REQUIREMENT FOR RADON TESTING.—(1) Not later than two years after the designation by the Administrator of an area as a priority radon area, each local educational agency located in whole or in part in such designated area shall conduct tests for radon in each school building owned or operated by the local educational agency.

"(2) The Administrator may extend the schedule for testing for radon pursuant to this subsection to the date two years from the date of publication of testing guidelines pursuant to subsection (c).

"(3) The results of any tests conducted pursuant to this section by a local educational agency shall be available for public review in the administrative offices of the local educational agency during normal business hours. The local educational agency shall notify parent, teacher, and employee organizations of such results and shall send the results to the Administrator and the agency of the State that implements radon programs.

"(4) Any radon testing conducted pursuant to this section shall be supervised by a person who has received instruction pursuant to an Environmental Protection Agency or equivalent State approved program, as determined by the Administrator, and shall use radon measurement devices and methods approved by the radon proficiency program established pursuant to sections 306(a)(2) and 314.".

SEC. 10. REGIONAL RADON TRAINING CENTERS.

Section 309(b) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new sentence: "The regional radon training centers are authorized to provide training to State and local building code officials, contractors, and others in the building community, on the model construction standards and techniques published pursuant to section 305.".

SEC. 11. FEDERAL BUILDINGS.

Section 310 of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by adding at the end the following new subsection:

"(g) RADON ASSESSMENT AND MITIGATION PLAN.—(1) Not later than January 1, 1994, the Administrator shall submit to Congress a plan describing activities to be undertaken by appropriate Federal agencies to assess and mitigate radon in Federal buildings.

"(2) The Administrator shall consult with the heads of affected Federal agencies in the development of the plan required pursuant to this subsection.

"(3) The plan required pursuant to this subsection shall, at a minimum—

"(A) include a list of each Federal building and an indication of the results of any radon tests for such buildings conducted to date;

"(B) specify those Federal buildings for which assessment and mitigation will be undertaken on an expedited basis based on consideration of—

"(i) the radon levels in the buildings;

"(ii) the number of people exposed to high radon levels; and

"(iii) the susceptibility of the building to mitigation.

"(C) specify the schedule for mitigation in each building in which radon levels exceed the target action level specified in section 303(b)(1)(C); and

"(D) specify the Federal agency responsible for the building, the estimated costs of mitigation, and the source of funds for assessment and mitigation actions.

"(4) At a minimum, each Federal agency that is responsible for Federal buildings shall assure that—

"(A) all schools and residences are assessed to determine radon levels by not later than January 1, 1996;

"(B) all other Federal buildings are assessed to determine radon levels by not later than January 1, 1998; and

"(C) in the case of a Federal building with radon levels above the target action point established by the Administrator pursuant to section 304(b)(1)(C), measures designed to achieve radon levels at or below the target action point are implemented by not later than two years after the applicable deadline for assessment specified in this paragraph.

"(5) In implementing radon assessment and mitigation activities, Federal agencies shall employ as contractors private firms certified by the Administrator as proficient pursuant to section 306(a)(2).

"(6) Not later than two years after the submittal of the plan required pursuant to this subsection, the Administrator shall submit to Congress a report on actions taken to implement the plan.".

SEC. 12. RADON INFORMATION.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 4 of this Act) is further amended by adding at the end the following new section:

"SEC. 313. RADON-RELATED INFORMATION.

"(a) INFORMATION DOCUMENT.—(1) Not later than 180 days following the date of enactment of this section, the Administrator, in consultation with the Secretary of Housing and Urban Development, national organizations that represent State and local housing agencies (including public housing agencies), real estate groups and real estate financial institutions, citizen groups, and other groups that the Administrator determines to be appropriate, shall develop a written document containing radon-related information.

"(2) The document shall include, at a minimum—

"(A) information indicating the health risk associated with different levels of radon exposure consistent with the health information in the citizen's guide;

"(B) information regarding the advisability of undertaking measures to mitigate dangerous levels of radon;

"(C) information regarding appropriate Federal and State agencies that can provide further information on the health risk from radon, and a list of firms or other entities approved by the Environmental Protection Agency for purposes of radon detection and mitigation; and

"(D) recommended Environmental Protection Agency radon testing procedures that will provide quality and reliable measurements in conjunction with a real estate transaction.

"(3) A copy of such document shall be provided by every originating mortgage institution to each person from whom it receives or for whom it prepares a written application for an applicable mortgage loan. Such document shall be made available not later than five business days after such application is received or prepared.

"(4) No federally chartered secondary mortgage institution may purchase any mortgage loan originating twelve or more months after the date of enactment of this section unless such secondary mortgage institution requires, by contract or otherwise, that the originating mortgage institution shall comply with the radon information distribution requirements imposed under this section, in originating mortgages to be purchased by such secondary mortgage market institution.

"(5) For purposes of this section, a document may be printed and distributed by each originating mortgage institution if the form and content of the document meet the requirements of this section and the document is approved by the Administrator.

"(b) VALIDITY OF CONTRACTS AND LIENS.—Nothing in this section shall affect the validity or enforceability of any sale or contract for the sale of residential real property or any loan, loan agreement, mortgage, or lien made or arising in connection with an applicable mortgage loan.

"(c) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall annul, alter, affect, or exempt any person subject to this section from complying with the laws of any State with respect to the provision of radon-related information, except to the extent that the Administrator determines that any such law is inconsistent with this section, and then only to the extent of the inconsistency.".

SEC. 13. MANDATORY RADON PROFICIENCY PROGRAM.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 12 of this Act) is further amended by adding at the end the following new section:

"SEC. 314. MANDATORY RADON PROFICIENCY PROGRAM.

"(a) MANDATORY PARTICIPATION.—Effective two years after the date of the enactment of this section, no person shall offer radon measurement devices or radon measurement or mitigation services to the public unless such person has successfully completed the Environmental Protection Agency's radon proficiency program, or appropriate portions thereof.

"(b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to apply to governmental units or nonprofit organizations that provide a radon service for their own use and do not provide that service for commercial purposes.

"(c) DELEGATION TO STATES.—(1) The Administrator shall administer the mandatory proficiency program in a manner consistent with the Guidance to States on Radon Certification of the Enviromental Protection Agency.

"(2) The Administrator is authorized to enter into any agreement or other arrangement with any State for the purpose of delegating its radon proficiency program, including enforcement provisions, or any other part thereof, to such State, provided that a State program is consistent with the Federal program.

"(d) PROHIBITED ACTS.—It shall be unlawful for any person to—

"(1) fail or refuse to comply with this section, or any rule or regulation promulgated or order issued pursuant to this section; or

"(2) fail or refuse to—

"(A) establish or maintain records as required by the Administrator or by a State where the Administrator has entered into an agreement or other arrangement under subsection (c);

"(B) submit reports, notices, or other information, as required by the Administrator or by a State where the Administrator has entered into an agreement or other arrangement under subsection (c);

"(C) permit entry or inspection by the Administrator, or by a State where the Administrator has entered into an agreement or other arrangement under subsection (c); or

"(D) permit access to or copying of records by a State where the Administrator has entered into an agreement or other arrangement under subsection (c).".

SEC. 14. MEDICAL COMMUNITY OUTREACH.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 13 of this Act) is further amended by adding at the end the following new section:

"SEC. 315. MEDICAL COMMUNITY OUTREACH.

"(a) IN GENERAL.—The Administrator, in cooperation with the Secretary of Health and Human Services, shall develop and implement an outreach program to provide information about radon to the medical community.

"(b) INFORMATION.—(1) The Administrator, in consultation with the Secretary of Health and Human Services, the Surgeon General, and the Director of the Centers for Disease Control shall develop informational material concerning radon tailored to doctors in general practice and in specialties related to lung cancer. Such information shall, at a minimum—

"(A) explain the health threats posed by exposure to radon and include a summary of scientific evidence that demonstrates the human health effects of exposure to radon;

"(B) explain the association of radon with smoking and other causes of lung cancer;

"(C) identify appropriate steps to take to determine exposure to radon in the home; and

"(D) identify sources of additional information.

"(2) Not later than one year after the date of enactment of this section, the Administrator shall transmit the information developed pursuant to this section to—

"(A) doctors in the United States in general practice;

"(B) doctors in specialties related to lung cancer;

"(C) all doctors employed by the Federal Government;

"(D) all hospital administrators; and

"(E) other physicians and officials determined by the Administrator to be appropriate.

"(c) REPORT.—Not later than two years after the date of enactment of this section, the Administrator, in consultation with the Secretary of Health and Human Services, shall report to Congress concerning the implementation of this section and recommendations for measures to improve radon information dissemination to the medical community.".

SEC. 15. FEDERAL HOUSING.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 14 of this Act) is further amended by adding at the end the following new section:

"SEC. 316. FEDERALLY OWNED AND ASSISTED HOMES, SCHOOLS, AND BUILDINGS.

"(a) FEDERALLY FUNDED CONSTRUCTION.—Not later than six months after the publication of priority radon areas required by section 303, or the publication of model construction standards required by section 305, whichever is later, the head of each Federal agency shall adopt such procedures as may be necessary to assure that any new Federal building or that any school constructed with Federal financial assistance, in a priority radon area, shall conform to the model construction standards required by section 305.

"(b) FEDERALLY ASSISTED HOUSING.—The Secretary of Housing and Urban Development, in cooperation with the Administrator, shall, not later than one year after the date of enactment of this Act, disseminate in priority radon areas information on the health threats posed by radon, proper methods of testing for radon, and techniques for mitigating elevated radon levels to public housing agencies and Indian housing authorities, as defined in paragraphs (6) and (11), respectively, of section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)), and to owners and managers of other housing assisted under other provisions of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) and the National Housing Act (12 U.S.C. 1701 et seq.).

"(c) RESEARCH.—The Secretary of Housing and Urban Development shall undertake a program of radon research, consisting of research on—

"(1) radon distribution and mitigation within multiunit residential structures in conjunction with the Administrator;

"(2) landlord liability;

"(3) predicting radon hazards in new multiunit residential structures on particular lands; and

"(4) such other research as both the Secretary of Housing and Urban Development and the Administrator consider appropriate.".

SEC. 16. NATIONAL RADON EDUCATIONAL EFFORTS.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 15 of this Act) is further amended by adding at the end the following new section:

"SEC. 317. NATIONAL RADON EDUCATIONAL CAMPAIGN.

"The Administrator shall establish a national education campaign and is authorized to enter into cooperative agreements to increase public awareness about radon health risks and motivate public action to reduce radon levels, including the use of funds for the purchase and production of public educational materials.".

SEC. 17. RADON IN WORK PLACES.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 16 of this Act) is further amended by adding at the end the following new section:

"SEC. 318. RADON IN WORK PLACES.

"(a) STUDY OF RADON IN WORK PLACES.—

"(1) AUTHORITY.—The Director of the National Institute for Occupational Safety and Health of the Department of Health and Human Services, in consultation with the Administrator, shall conduct a study for the purpose of determining the extent of radon contamination in the Nation's work places.

"(2) SURVEY.—In conducting such study, the Director of the National Institute for Occupational Safety and Health of the Department of Health and Human Services and the Administrator shall be jointly responsible for designing a survey that, when completed, allows Congress to characterize the extent of radon contamination in work places. The survey shall include testing from a representative sample of work places in each priority radon area and shall include additional testing, to the extent resources are available for such testing.

"(3) REPORT.—Not later than two years after the date of enactment of this Act, the Director of the National Institute for Occupational Safety and Health of the Department of Health and Human Services, in consultation with the Administrator, shall submit a report setting forth the results of the study conducted pursuant to this section.

"(b) AUTHORIZATION.—For the purpose of carrying out this section there are authorized to be appropriated such sums, not to exceed $2,000,000, as may be necessary.".

SEC. 18. PREEMPTION.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 17 of this Act) is further amended by adding at the end the following new section:

"SEC. 319. PREEMPTION.

"(a) CONSTRUCTION OF PROVISIONS AS NOT PREEMPTING OTHER LAWS.—Nothing in this title shall be construed, interpreted, or applied to preempt, displace, or supplant any other Federal or State law, whether statutory or common.

"(b) AWARD OF COSTS AND DAMAGE AWARDS.—Nothing in this title shall be construed or interpreted to preclude any court from awarding costs and damages associated with the testing or mitigation of radon contamination, or a portion of such costs, at any time.

"(c) CONSTRUCTION OF PROVISIONS AS NOT PROHIBITING MORE STRINGENT STATE REQUIREMENTS.—Nothing in this title shall be construed or interpreted as preempting a State, with respect to radon within such State, from establishing any liability or more stringent requirement that is equal to or more stringent than those included in this title.

"(d) CREATION OF CAUSE OF ACTION.—Nothing in this title creates a cause of action or in any other way increases or diminishes the liability of any person under any other law.

"(e) EFFECT OF PROVISIONS IN CIVIL ACTIONS FOR DAMAGES.—It is not the intent of Congress that this subsection, or rules, regulations, or orders issued pursuant to this subsection, be interpreted as influencing, in either the plaintiff's or defendant's favor, the disposition of any civil action for damages relating to radon. This subsection does not affect the authority of any court to make a determination in any adjudicatory proceedings under applicable State law with respect to the admission into evidence or any other use of this title or rules, regulations, or orders issued pursuant to this title.".

SEC. 19. ENFORCEMENT.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 18 of this Act) is further amended by adding at the end the following new section:

"SEC. 320. ENFORCEMENT.

"(a) CIVIL PENALTIES.—(1) Any person violating section 313 or 314 or who provides false information concerning compliance with section 305(f) to an appropriate Federal official, shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

"(2)(A) A civil penalty under this section shall be assessed by the Administrator by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, the Administrator shall give written notice to the person to be assessed a civil penalty under such order and provide such person an opportunity to request, not later than 15 days after the date the notice is received by such person, a hearing on the order.

"(B) In determining the amount of a civil penalty, the Administrator may take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

"(C) The Administrator may compromise, modify, remit, with or without conditions, any civil penalty that may be imposed under this subsection. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the firm charged.

"(3) Any person who requested a hearing under this section respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued.

"(4) If any person fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with paragraph (3); or

"(B) after a court in an action brought under paragraph (3) has entered a final judgment in favor of the Administrator,

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in paragraph (3) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

"(b) COMPLIANCE ORDERS.—(1) If the Administrator finds on the basis of information made available, that any person, firm, or organization is in violation of this Act, the Administrator shall proceed under the authority under subsection (2) of this section, or notify the person, firm, or organization in which the violation occurred. If, beyond the thirtieth day after the notification of the Administrator, the State has not commenced appropriate enforcement action, the Administrator may issue an order requiring compliance or such other relief as the Administrator may find appropriate, or bring civil action in accordance with paragraph (4) of this subsection.

"(2) If the Administrator finds, on the basis of information made available, that any person, firm, or organization is in violation of requirements of the Act, the Administrator may issue an order requiring such person, firm, or organization to comply with such requirement or such other relief as the Administrator may find appropriate, or shall bring civil action in accordance with paragraph (4) of this subsection.

"(3) Any order issued under this subsection shall be by personal service, shall state with reasonable specificity the nature of the violation, and shall specify a time for compliance not to exceed thirty days. Such orders shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(4) The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, of any violation for which he is authorized to issue a compliance order under paragraph (1) of this subsection. Any action under this subsection may be brought in the district court of the United States in the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain the violation and require compliance. Notice of the commencement of such action shall be given immediately to the appropriate State.".

SEC. 20. CITIZEN SUITS.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) (as amended by section 19 of this Act) is further amended by adding at the end the following new section:

"SEC. 321. CITIZEN SUITS.

"(a) IN GENERAL.—Except as provided in subsection (b), any person may commence a civil action—

"(1) against the United States in any case where the United States is alleged to be in violation of section 305(f), 310, or 316, or any rule promulgated thereunder, to restrain such violation;

"(2) against any person who is alleged to be in violation of section 308, 313, or 314, or any rule promulgated thereunder, to restrain such violation; or

"(3) against the Administrator to compel the Administrator to perform any act or duty under this Act that is not discretionary.

Any civil action under paragraph (1) shall be brought in the United States district court for the district in which the alleged violation occurred or in which the defendant resides or in which the defendant's principal place of business is located. Any action brought under paragraph (2) shall be brought in the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the plaintiff is domiciled. The district courts of the United States shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties. In any civil action under this subsection, process may be served on a defendant in any judicial district in which the defendant resides or may be found and subpoenas for witnesses may be served in any judicial district.

"(b) LIMITATION.—No civil action may be commenced—

"(1) under subsection (a)(1) to restrain a violation of this Act, or rule or order under this Act—

"(A) before the expiration of sixty days after the plaintiff has given notice of such violation—

"(i) to the Administrator; and

"(ii) to the person who is alleged to have committed such violation; or

"(B) if the Administrator has commenced and is diligently prosecuting a proceeding to require compliance with this Act or with such rule or order, or if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with this Act or with such rule or order, but if such proceeding or civil action is commenced after the giving of notice, any person giving such notice may intervene as a matter of right in such proceeding or action; or

"(2) under subsection (a)(2) before the expiration of sixty days after the plaintiff has given notice to the Administrator of the alleged failure of the Administrator to perform an act or duty that is the basis for such action.

Notice under this subsection shall be given in such manner as the Administrator shall prescribe by rule.

"(c) IN GENERAL.—(1) In any action under this section, the Administrator, if not a party, may intervene as a matter of right.

"(2) The court, in issuing any final order in any action brought pursuant to subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such an award is appropriate. Any court, in issuing its decision in an action brought to review such an order, may award costs of suit and reasonable fees for attorneys if the court determines that such an award is appropriate.

"(3) Nothing in this section shall restrict any right that any person (or class of persons) may have under any statute or common law to seek enforcement of this Act, or any rule or order under this Act, or to seek any other relief.

"(d) CONSOLIDATION.—When two or more civil actions brought under subsection (a) involving the same defendant and the same issues or violations are pending in two or more judicial districts, such pending actions, upon application of such defendants to such actions that is made to a court in which any such action is brought, may, if such court in its discretion so decides, be consolidated for trial by order (issued after giving all parties reasonable notice and opportunity to be heard) of such court and tried in—

"(1) a district that is selected by such defendant and in which one of such actions is pending;

"(2) a district that is agreed upon by stipulation between all the parties to such actions and in which one of such actions is pending; or

"(3) a district that is selected by the court and in which one of such actions is pending.

The court issuing such an order shall give prompt notification of the order to the other courts in which the civil actions consolidated under the order are pending.".

SEC. 21. AUTHORIZATIONS OF APPROPRIATIONS.

(a) TECHNICAL ASSISTANCE.—Section 306(f) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by striking "and 1991." and inserting "1991, 1992, 1993, 1994, and 1995.".

(b) GRANT ASSISTANCE.—Section 307(j)(1) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by inserting before the period ", and $15,000,000 for each of fiscal years 1992, 1993, 1994, and 1995".

(c) SCHOOL REMEDIATION.—Section 307(j) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended—

(1) by striking paragraph (5); and

(2) by adding at the end the following new paragraphs:

"(5) Of funds appropriated pursuant to this subsection for fiscal years 1992, 1993, 1994, and 1995, not more than one-third shall be used to implement radon remediation measures for local educational agencies pursuant to paragraphs (15) and (16) of subsection (c).

"(6) Of funds appropriated pursuant to this subsection for fiscal years 1992, 1993, 1994, and 1995, the Administrator may reserve an amount up to 2 percent or $200,000, whichever is the greater, for the purposes of making grants to local educational agencies for the implementation of measures to reduce radon levels: *Provided*, That any such local educational agency is prohibited by State law from receiving grant assistance from the State: *Provided further*, That the local educational agency provides not less than 50 percent of the cost of implementing such measures from non-Federal sources.".

(d) REGIONAL TRAINING CENTERS.—Section 309(f) of the Toxic Substances Control Act (as redesignated by section 4 of this Act) is amended by inserting before the period ", and $1,500,000 for each of fiscal years 1992, 1993, 1994, and 1995".

SEC. 22. TECHNICAL AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in section 1 of the Toxic Substances Control Act (15 U.S.C. 2601 note) is amended—

(1) by redesignating the items relating to sections 303 through 311 as 304 through 312, respectively;

(2) by inserting after the item relating to section 302 the following new item:

"Sec. 303. Priority radon areas.";

and

(3) by adding at the end the following new items:

"Sec. 313. Radon-related information.
"Sec. 314. Mandatory radon proficiency program.
"Sec. 315. Medical community outreach.
"Sec. 316. Federally owned and assisted homes, schools, and buildings.
"Sec. 317. National radon educational campaign.
"Sec. 318. Radon in work places.
"Sec. 319. Preemption.
"Sec. 320. Enforcement.
"Sec. 321. Citizens suits.
"Sec. 322. Periodic Reassessment of Health Risks.".

(b) RADON MITIGATION DEMONSTRATION PROGRAM.—Section 118(k)(2) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 7401 note) is amended—

(1) in subparagraph (A)—

(A) by inserting "develop and" after "to"; and

(B) by adding at the end of the subparagraph the following new sentence: "The demonstration program shall include the development and evaluation of innovative low-cost techniques to reduce radon concentrations in existing structures, including structures with low to moderate radon levels, and in new structures, and the development and demonstration of radon mitigation technology for multistory buildings.".

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 23. REPORT TO CONGRESS ON PROMOTING RADON TESTING.

(a) EVALUATION.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Secretary of Veterans Affairs, shall evaluate existing efforts to promote radon testing in the Nation's homes and ways to increase radon testing.

(b) REPORT.—(1) The Administer shall report to Congress by October 1, 1993, on the effectiveness of alternative strategies to promote radon testing. The strategies shall include—

(A) grants to support the development of radon testing strategies by States;

(B) financial incentives to homeowners;

(C) testing and disclosure of radon levels during real estate marketing;

(D) public education programs;

(E) distributing radon information during real estate marketing; and

(F) distributing radon information with utility bills.

(2) In preparing the report, the Administrator shall consult with concerned parties including public interest groups, health officials, radon testing industries, realtors, home builders, utilities and the States.

SEC. 24. PERIODIC REASSESSMENT OF HEALTH RISKS.

Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 322. PERIODIC REASSESSMENT OF HEALTH RISKS.

The Administrator, in consultation with the heads of the National Academy of

Sciences and the Centers for Disease Control, shall conduct a program to reassess, on a periodic basis, the human health risks associated with radon exposure.".

SEC. 25. RADIONUCLIDES, PRIMARY DRINKING WATER REGULATIONS.

Prior to promulgating any national primary drinking water regulation for radionuclides under the Safe Drinking Water Act, the Administrator of the Environmental Protection Agency shall conduct a multimedia risk assessment of radon considering: (a) the relative risk of adverse human health effects associated with various pathways of exposure to radon; (b) the relative costs of controlling or mitigating exposure to radon from each pathway; and (c) the relative costs for radon control or mitigation experienced by households, communities and other entities including the costs experienced by small communities as the result of such regulation. Such an evaluation shall consider the risks posed by the treatment or disposal of any wastes produced by water treatment. Upon completion of this risk assessment, the Administrator shall report his findings to the Senate Committee on Environment and Public Works and the House Committee on Energy and Commerce. Nothing in this section shall modify or be the basis for an extension of any statutory or court-ordered deadline for the promulgation of such regulation.

MOTION OFFERED BY MR. SWIFT

Mr. SWIFT. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SWIFT moves to strike out all after the enacting clause of the Senate bill, S. 792, and to insert in lieu thereof the text of H.R. 3258, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read:

A bill to improve the accuracy of radon testing products and services, to develop a strategy to identify and reduce exceptionally high indoor radon levels, to facilitate the identification, testing, and mitigation of residential dwellings, and to create a commission to provide increased public awareness of radon, and for other purposes.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3258) was laid on the table.

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APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 776, COMPREHENSIVE NATIONAL ENERGY POLICY ACT

The SPEAKER pro tempore (Mr. MCDERMOTT). Pursuant to clause 6(f) of rule X, the Chair, without objection, makes the following appointments to fill vacancies occasioned by the death of Representative Jones of North Carolina on the committee of conference on H.R. 776.

As an additional conferee from the Committee on Merchant Marine and Fisheries for consideration of title XXIV and section 1607 of the House bill, and title XII of the Senate amendment, and modifications committed to conference: Mr. CARPER.

As an additional conferee from the Committee on Merchant Marine and Fisheries for consideration of sections 205, 1602, and 1701(b) of the House bill, and title XXI and sections 5204, 5302, 5304, and 11103 of the Senate amendment, and modifications committed to conference: Mr. HUGHES.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

NATIVE HAWAIIAN HEALTH CARE AMENDMENTS OF 1992

Mr. WYDEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2681) relating to native Hawaiian health care, and for other purposes, as amended.

The Clerk read as follows:

S. 2681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Health Care Amendments of 1992".

SEC. 2. AMENDMENTS TO NATIVE HAWAIIAN HEALTH CARE ACT OF 1988.

Whenever in this Act a section or other provision is amended or ±repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Native Hawaiian Health Care Improvement Act (as amended by section 3(a) of this Act) (42 U.S.C. 11701 et seq.).

SEC. 3. SHORT TITLE; FINDINGS; POLICY; INTENT OF CONGRESS.

(a) SHORT TITLE.—Section 1 of the Act (42 U.S.C. 11701 note) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.".

(b) FINDINGS; POLICY; INTENT OF CONGRESS; REPORT.—Section 2 of the Act (42 U.S.C. 11701) is amended—

(1) by striking "The Congress finds that—" and inserting the following:

"(a) FINDINGS.—The Congress finds that—";

(2) by adding at the end the following new subsections:

"(b) DECLARATION OF POLICY.—The Congress hereby declares that it is the policy of the United States in fulfillment of its special responsibilities and legal obligations to the indigenous people of Hawaii resulting from the unique and historical relationship between the United States and the Government of the indigenous people of Hawaii—

"(1) to raise the health status of Native Hawaiians to the highest possible health level; and

"(2) to provide existing Native Hawaiian health care programs with all resources necessary to effectuate this policy.

"(c) INTENT OF CONGRESS.—It is the intent of the Congress that the Nation meet the following health objectives with respect to Native Hawaiians by the year 2000:

"(1) Reduce coronary heart disease deaths to no more than 100 per 100,000.

"(2) Reduce stroke deaths to no more than 20 per 100,000.

"(3) Increase control of high blood pressure to at least 50 percent of people with high blood pressure.

"(4) Reduce blood cholesterol to an average of no more than 200 mg/dl.

"(5) Slow the rise in lung cancer deaths to achieve a rate of no more than 42 per 100,000.

"(6) Reduce breast cancer deaths to no more than 20.6 per 100,000 women.

"(7) Increase Pap tests every 1 to 3 years to at least 85 percent of women age 18 and older.

"(8) Increase fecal occult blood testing every 1 to 2 years to at least 50 percent of people age 50 and older.

"(9) Reduce diabetes-related deaths to no more than 34 per 100,000.

"(10) Reduce the most severe complications of diabetes as follows:

"(A) end-stage renal disease to no more than 1.4 in 1,000;

"(B) blindness to no more than 1.4 in 1,000;

"(C) lower extremity amputation to no more than 4.9 in 1,000;

"(D) perinatal mortality to no more than 2 percent; and

"(E) major congenital malformations to no more than 4 percent.

"(11) Reduce infant mortality to no more than 7 deaths per 1,000 live births.

"(12) Reduce low birth weight to no more than 5 percent of live births.

"(13) Increase first trimester prenatal care to at least 90 percent of live births.

"(14) Reduce teenage pregnancies to no more than 50 per 1,000 girls age 17 and younger.

"(15) Reduce unintended pregnancies to no more than 30 percent of pregnancies.

"(16) Increase to at least 60 percent the proportion of primary care providers who provide age-appropriate preconception care and counseling.

"(17) Increase years of healthy life to at least 65 years.

"(18) Eliminate financial barriers to clinical preventive services.

"(19) Increase childhood immunization levels to at least 90 percent of 2-year-olds.

"(20) Reduce the prevalence of dental caries to no more than 35 percent of children by age 8.

"(21) Reduce untreated dental caries so that the proportion of children with untreated caries (in permanent or primary teeth) is no more than 20 percent among children age 6 through 8 and no more than 15 percent among adolescents age 15.

"(22) Reduce edentulism to no more than 20 percent in people age 65 and older.

"(23) Increase moderate daily physical activity to at least 30 percent of the population.

"(24) Reduce sedentary lifestyles to no more than 15 percent of the population.

"(25) Reduce overweight to a prevalence of no more than 20 percent of the population.

"(26) Reduce dietary fat intake to an average of 30 percent of calories or less.

"(27) Increase to at least 75 percent the proportion of primary care providers who provide nutrition assessment and counseling or referral to qualified nutritionists or dieticians.

"(28) Reduce cigarette smoking prevalence to no more than 15 percent of adults.

"(29) Reduce initiation of smoking to no more than 15 percent by age 20.

"(30) Reduce alcohol-related motor vehicle crash deaths to no more than 8.5 per 100,000 adjusted for age.

"(31) Reduce alcohol use by school children age 12 to 17 to less than 13 percent.

"(32) Reduce marijuana use by youth age 18 to 25 to less than 8 percent.

"(33) Reduce cocaine use by youth age 18 to 25 to less than 3 percent.

"(34) Confine HIV infection to no more than 800 per 100,000.

"(35) Reduce gonorrhea infections to no more than 225 per 100,000.

"(36) Reduce syphilis infections to no more that 10 per 100,000.

"(37) Reduce significant hearing impairment to a prevalance of no more than 82 per 1,000.

"(38) Reduce acute middle ear infections among children age 4 and younger, as measured by days of restricted activity or school absenteeism, to no more than 105 days per 100 children.

"(39) Reduce indigenous cases of vaccine-preventable diseases as follows:

"(A) Diphtheria among individuals age 25 and younger to 0;

"(B) Tetanus among individuals age 25 and younger to 0;

"(C) Polio (wild-type virus) to 0;

"(D) Measles to 0;

"(E) Rubella to 0;

"(F) Congenital Rubella Syndrome to 0;

"(G) Mumps to 500; and

"(H) Pertussis to 1,000; and

"(40) Reduce significant visual impairment to a prevalence of no more than 30 per 1,000.

"(d) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be transmitted to the Congress under section 9, a report on the progress made toward meeting each of the objectives described in subsection (c)."; and

(3) by amending the section heading to read as follows:

"SEC. 2. FINDINGS; DECLARATION OF POLICY; INTENT OF CONGRESS.".

SEC. 4. HEALTH CARE MASTER PLAN.

The first sentence of section 3(a) of the Act (42 U.S.C. 11702(a)) is amended by striking "developing" and inserting "coordinating, implementing, and updating".

SEC. 5. NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

Section 4 of the Act (42 U.S.C. 11703) is amended—

(1) in subsection (a), by striking "health centers" each place it appears and inserting "health care systems";

(2) in subsection (a)(2), by striking "each of";

(3) by amending subsection (b) to read as follows:

"(b) QUALIFIED ENTITY.—An entity is a qualified entity for purposes of subsection (a)(1) if the entity is a Native Hawaiian health care system.";

(4) in subsection (c)(2)(C), by striking "section 8" and inserting "section 10";

(5) by amending subsection (d) to read as follows:

"(d) LIMITATION ON NUMBER OF ENTITIES.—During a fiscal year, the Secretary under this Act may make a grant to, or hold a contract with, not more than 5 Native Hawaiian health care systems."; and

(6) by amending the section heading to read as follows:

"SEC. 4. NATIVE HAWAIIAN HEALTH CARE SYSTEMS.".

SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI; ADMINISTRATIVE GRANT.

Section 5 of the Act (42 U.S.C. 11704) is amended to read as follows:

"SEC. 5. FUNCTIONS OF, AND GRANTS TO, PAPA OLA LOKAHI.

"(a) FUNCTIONS.—Papa Ola Lokahi shall—

"(1) coordinate, implement, and update, as appropriate, the comprehensive health care master plan developed pursuant to section 3;

"(2) to the maximum extent possible, coordinate and assist the health care programs and services provided to Native Hawaiians;

"(3) provide for the training of the persons described in section 4(c)(1)(B);

"(4) develop an action plan outlining the contributions that each member organization of Papa Ola Lokahi will make in carrying out this Act;

"(5) serve as a clearinghouse for—

"(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

"(B) the identification of and research into diseases affecting Native Hawaiians;

"(C) the availability of Native Hawaiian project funds, research projects, and publications;

"(D) the timely dissemination of information relating to Native Hawaiian health care systems;

"(6) perform the recognition and certification functions specified in sections 10(6)(F) and 10(6)(G); and

"(7) provide technical support and coordination of training and technical assistance to Native Hawaiian health care systems.

"(b) SPECIAL PROJECT FUNDS.—Papa Ola Lokahi may receive project funds that may be appropriated for the purpose of research on the health status of Native Hawaiians or for the purpose of addressing the health care needs of Native Hawaiians.

"(c) GRANTS.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

"(1) carrying out the functions described in subsection (a); and

"(2) administering any special project funds received under the authority of subsection (b).

"(d) RELATIONSHIPS WITH OTHER AGENCIES.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant agencies or organizations that are capable of providing resources or services to Native Hawaiian health care systems.".

SEC. 7. ADMINISTRATION OF GRANTS AND CONTRACTS.

Section 6 of the Act (42 U.S.C. 11705) is amended—

(1) in subsection (d)(4), by striking "section" and inserting "Act"; and

(2) in subsection (e), by striking "section 5" and inserting "section 5(c)".

SEC. 8. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS; REPORTS.

(a) IN GENERAL.—The Act is amended—

(1) by repealing section 10;

(2) by redesignating sections 8, 9, 11, and 12 as sections 10, 11, 12, and 13, respectively; and

(3) by inserting after section 7 the following new sections:

"SEC. 8. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS.

"(a) ELIGIBILITY.—The Secretary is authorized to make scholarship grants to students who—

"(1) meet the requirements of section 338A(b) of the Public Health Service Act (42 U.S.C. 2541(b)); and

"(2) are Native Hawaiians.

"(b) TERMS AND CONDITIONS.—(1) Scholarship grants provided under subsection (a) shall be provided under the same terms and subject to the same conditions, regulations, and rules that apply to scholarship grants provided under section 338A of the Public Health Service Act (42 U.S.C. 2541), provided that—

"(A) the provision of scholarships in each type of health care profession training shall correspond to the need for each type of health care professional to serve Native Hawaiian health care systems, as identified by Papa Ola Lokahi;

"(B) in selecting scholarship recipients, the Secretary shall give priority to individuals included on a list of eligible applicants submitted by the Kamehameha Schools/Bishop Estate;

"(C) the obligated service requirement for each scholarship recipient shall be fulfilled through service, in order of priority, in—

"(i) any one of the five Native Hawaiian health care systems which, during the fiscal year in which the obligated service requirement is assigned, has received a grant or entered into a contract pursuant to section 4; or

"(ii) health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the United States Public Health Service in the State of Hawaii.

"(2) The Secretary shall enter into a cooperative agreement with the Kamehameha Schools/Bishop Estate under which such organization shall provide recruitment, retention, counseling, and other support services intended to improve the operation of the scholarship program established under this section.

"(3) The Native Hawaiian Health Scholarship program shall not be administered by or through the Indian Health Service.

"SEC. 9. REPORT.

"The President shall, at the time the budget is submitted under section 1105 of title 31, United States Code, for each fiscal year transmit to the Congress the report required pursuant to section 2(d).".

(b) REPEAL OF PUBLIC HEALTH SERVICE ACT PROVISION.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by repealing section 338K and redesignating section 338L as section 338K. Such repeal shall not be construed to terminate contracts in effect under such section on the date of the enactment of this Act. Any such contracts shall continue according to the terms and conditions of such contracts.

SEC. 9. DEFINITIONS.

Section 10 of the Act (as redesignated by section 8(a)(2) of this Act) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii, as evidenced by—

"(i) genealogical records;

"(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

"(iii) birth records of the State of Hawaii.";

(2) by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (7), (8), (9), and (10), respectively;

(3) by inserting after paragraph (5) the following new paragraph:

"(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means an entity—

"(A) which is organized under the laws of the State of Hawaii;

"(B) which provides or arranges for health care services through practitioners licensed by the State of Hawaii, where licensure requirements are applicable;

"(C) which is a public or nonprofit private entity;

"(D) in which Native Hawaiian health practitioners significantly participate in the planning, management, monitoring, and evaluation of health care services;

"(E) which may be composed of as many Native Hawaiian health centers as necessary to meet the health care needs of Native Hawaiians residing on the island or islands served by such entity;

"(F) which is recognized by Papa Ola Lokahi for the purpose of providing comprehensive health promotion and disease prevention services as well as primary health services to Native Hawaiians under this Act; and

"(G) which is certified by Papa Ola Lokahi as having the qualifications and the capacity to provide the services and meet the requirements of a contract entered into, or a grant received, under section 4."; and

(4) by amending paragraph (7) (as redesignated by paragraph (2) of this section) to read as follows:

"(7) PAPA OLA LOKAHI.—(A) Subject to subparagraph (B), the term 'Papa Ola Lokahi' means an organization composed of—

"(i) E Ola Mau;

"(ii) the Office of Hawaiian Affairs of the State of Hawaii;

"(iii) Alu Like Inc.;

"(iv) the University of Hawaii;

"(v) the Office of Hawaiian Health of the Hawaii State Department of Health;

"(vi) Ho'ola Lahui Hawaii, or a health care system serving the islands of Kaua'i and Ni'ihau;

"(vii) Ke Ola Mamo, or a health care system serving the island of O'ahu;

"(viii) Na Pu'uwai or a health care system serving the islands of Moloka'i and Lana'i;

"(ix) Hui No Ke Ola Pono, or a health care system serving the island of Maui;

"(x) Hui Malama Ola Ha'Oiwi or a health care system serving the island of Hawaii; and

"(xi) such other member organizations as the Board of Papa Ola Lokahi may admit from time to time, based upon satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians, and upon satisfactory development of a mission statement in relation to this Act, including clearly defined goals and objectives, a 5-year action plan outlining the contributions that each organization will make in carrying out the policy of this Act, and an estimated budget.

"(B) Such term does not include any organization identified in subparagraph (A) if the Secretary determines that such organization does not have a mission statement with clearly defined goals and objectives for the contributions the organization will make to Native Hawaiian health care systems and an action plan for carrying out such goals and objectives.".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—The Act (as amended by section 8(a)(2) of this Act) is amended by adding at the end the following new section:

"SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated for each of the fiscal years 1993, 1994, 1995, 1996, 1997, 1998, 1999, and 2000 such sums as may be necessary to carry out the purposes of this Act.".

(b) CONFORMING AMENDMENTS.—The Act is amended—

(1) in section 3, by striking subsection (b) and by striking "(a) DEVELOPMENT.—"; and

(2) by striking section 4(h).

SEC. 11. PROHIBITION AGAINST EXCLUSION FROM PARTICIPATION.

The Act (as amended by section 10 of this Act) is amended by adding at the end the following new section:

"SEC. 15. PROHIBITION AGAINST EXCLUSION FROM PARTICIPATION.

"Notwithstanding any other provision of this Act, no person shall, on the basis of race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance under this Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. WYDEN] will be recognized for 20 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, this bill would revise and extend the Native Hawaiian Health Care Act of 1988, which expires this year, through fiscal year 2000. The bill identifies 40 health status objectives for native Hawaiians, and directs the Secretary of Health and Human Services to report annually on the progress being made to achieving them. These objectives are drawn from Healthy People 2000, issued by the Secretary in 1991. The bill would also authorize the establishment and operation of up to five native Hawaiian health care systems to improve the health status of native Hawaiians through the delivery of preventive and primary care services.

The bill before you today is essentially the text of H.R. 5346, which was reported by the Committee on Energy and Commerce on August 12, with a few minor amendments to accommodate concerns of the Senate. The bill also contains language to respond to concerns of the Justice Department that prohibits grantees from discriminating on the basis of race, color, or national origin. My understanding is that the bill as so amended is acceptable to the chairman of the Senate committee of jurisdiction, Senator INOUYE, and that he will recommend that this bill be sent on to the President without further amendment.

On behalf of Chairman WAXMAN, who is observing the Jewish New Year, I want to thank Representatives ABERCROMBIE and MINK for their commitment to this legislation and the people whose health status it is designed to improve. I also want to thank Chairman DINGELL and his staff for their assistance in facilitating committee and House consideration of this bill.

According to the Congressional Budget Office, this bill has no pay-go effects. CBO estimates that the discretionary spending authorized by the bill totals $58 million over the next 5 years. This is a very modest amount to invest in improving the health status of the native Hawaiian population.

Some argue that this program is unnecessary because existing programs, like the Community Health Center and National Health Service Corps Programs, are sufficient. That they are not sufficient is made clear by the demonstrably inferior health status of native Hawaiians. According to the Secretary of HHS, the breast cancer rate among native Hawaiian women is 30 percent higher than that among other women—and, as we all know, the rate among other women is much too high.

I believe it makes sense to try a culturally competent approach to the delivery of primary and preventive health services to this population. That is what this bill would authorize, and I urge its adoption.

GENERAL LEAVE

Mr. WYDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2681, the Senate bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume, and I rise in opposition to this bill.

Mr. Speaker, this is an example of how the growth of domestic discretionary spending expands, expands to create the impending disaster that has been described by speaker after speaker on the floor of this House over the last few years, that if we do not change the course we are proceeding, before the end of this decade it is going to take all of the income of the Federal Government to pay the interest on the debt.

Now, this bill is a modest addition, but when you look at each of these programs in isolation, as we are today, you can say this makes some sense; but when you put them all together we have got economic disaster staring us in the face.

Now, this bill is a modest $3 million, approximately; it is a reauthorization of a program started a couple of years ago. But it is a duplication of an effort that is totally unnecessary.

Now, I love Hawaii, I think Hawaii is a beautiful place, I love the Hawaiian people, they have a quality that even surpasses the generosity and warmth of the people of the southern part of our country, if that is possible. They are a classic addition to the culture of America.

Anybody in Hawaii has the capability of having health care if they need it, if they cannot afford it, under the Community Rural and Migrant Health Center Program, which is a part of the Federal health care program of this country, that has facilities in the State of Hawaii, to take care of the people who have need in the area of health care.

So what are we doing? This bill is nothing more than plain pork, it has to be described that way. It is here because reasons come into existence for the production of pork as a part of the congressional effort. I do not want to speak disparagingly about our distinguished Representatives from the great State of Hawaii, because I have nothing but the highest esteem for them. But you can only describe this effort as pork, plain and simple.

We do not need this native Hawaiian Health Improvement Act. I will say again: The people who are poor, who need health care in the State of Hawaii, can get all of the health care they need under the Community Rural and Migrant Health Center Programs. We do not need this duplication, this redundancy.

For this reason I rise in opposition to this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WYDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE], who has done outstanding work on this legislation.

Mr. ABERCROMBIE. I thank the gentleman for yielding. I thank the honorable chairman of the Committee on Energy and Commerce, Mr. DINGELL, and the chairman of the Subcommittee on Health of the that committee, Mr. WAXMAN, who has visited the State of Hawaii and who have visited all of the Hawaiian health systems that are promulgated in this legislation and who is vigorously in support of this legislation. He has rigorously pursued this issue, which is of the utmost importance of myself and of the native Hawaiian community.

As you may be aware, as the gentleman from California has indicated, Hawaii is unique in many ways. As we approach the centennial of the overthrow of the Hawaiian Kingdom, native Hawaiians are still suffering from the after shocks of that event.

If we are going to talk about debt, I can tell you we owe a debt, not just a debt of gratitude, not just the recognition of the well-deserved and famed Hawaiian hospitality, but a debt to the people of Hawaii, the native Hawaiians who were overthrown. The sovereignty of their nation was extinguished as a result of the intervention of the U.S. military forces.

Native Hawaiians have been continuously denied the right of their own history as well as their own destiny. This is why H.R. 5346 was introduced, the Native Hawaiian Health Care Act Amendments of 1992, as a companion measure to that introduced by Senators INOUYE and AKAKA, the legislation before us today for consideration.

Unfortunately, as has been indicated, some have questioned the appropriateness and the equity of establishing a taxpayer-funded, special categorical program to provide for the health needs of a specific population subgroup. To this I say they are sadly mistaken and misdirected in their beliefs, however sincerely held. We often find ourselves in situations of having to explain Hawaii's unique circumstances, particularly when it comes to the issues reflecting on the health and welfare of native Hawaiians, and this instance is no different.

Before westernization of the Pacific, the native Hawaiian population was, in effect, isolated from contact with much of the world. I want to emphasize that for you, Mr. Speaker, and for those who may be in opposition, in hopes they will reconsider. However, upon contact, native Hawaiians became particularly susceptible to diseases and other health difficulties which have raged within the native Hawaiian community for the past 100 years. The consequences have been horrendous. The native Hawaiian population has been reduced significantly.

In 1984, the Congress first addressed this issue by authorizing a comprehensive study of native Hawaiian health care needs. I have an extensive native Hawaiian health data book, extensively documented to back up this statement, Mr. Speaker. Consequently, after consultation with many of the natives in the native Hawaiian community, I want to emphasize, Mr. Speaker, this is a grassroots solution to the problem.

□ 1400

This is not being imposed from governmental direction on top. My understanding of some of the objections of some of the opponents to this legislation is they would like to get the Government out of people's lives in a way that recognizes only the imposition from the top.

This is a grassroots native Hawaiian movement which will be recognized in the Hawaiian community as such and thus have felicitous effects in terms of improving health.

Congress enacted the Native Hawaiian Health Care Act in 1988, authorizing the establishment of health promotion, disease prevention, and primary care services in the State of Hawaii for native Hawaiians, or persons of Hawaiian ancestry, through federally funded native Hawaiian health care systems.

Mr. Speaker, I cannot emphasize enough, we will be saving money, not expending more money, because people will not get into preventive care. They will find themselves in a situation in which they will act before they find themselves in such difficulties as to require massive expenditures, massive medical expenditures. We will be saving money, as well as saving lives.

Many people are familiar with the difficulties faced by the native American community. The gentleman from Oregon [Mr. WYDEN] has alluded to some of them, but few of them are aware of the troubles faced in particular.

Native Hawaiians, full-blood and part-Hawaiian, have a death rate that is 34 percent higher than the death rate for all other races in the United States.

If we group full-blooded Hawaiians by themselves, their death rate is 146 percent higher than all other races in the United States.

And in another category, the native Hawaiian rate for diabetes is 167 per 1,000, which is twice as high as the national rate.

The list of disparities continues. If is blatantly obvious that the effects of western settlement have abetted the reduction of native Hawaiian immune systems.

Mr. Speaker, I appeal to you, on the basis of compassion and humanity, on the basis that this kind of care will result in prevention of disease, on the basis of the debt owed to the Hawaiian people who have given so much to the rest of the world, I appeal to you that we can no longer tolerate the listing of native Hawaiians as an endangered people, and that is in fact what they are, an endangered people.

S. 2681 attempts to reverse this. We ask for your support, Mr. Speaker, and we ask for the support of the Members of this body.

Once again I appeal to the fundamental decency, kindness and compassion, in the context of the remarks of the previous speaker, that he recognize that this is an opportunity to extend that kind of law to the native Hawaiians that they extended to the rest of the people of the world.

Mr. WYDEN. Mr. Speaker, I yield 5 minutes to our colleague, the gentlewoman from Hawaii [Mrs. MINK], who has done an excellent job for many years in advocating improved human services programs, and particularly for the health of her constituents.

Mrs. MINK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I join my colleague, the gentleman from Hawaii [Mr. ABERCROMBIE] in supporting this Native Hawaiian Health Amendments of 1992, S. 2681.

I regret very much that there has been an indication of objection to the passage of this legislation. Even given the fact that the previous speaker, the gentleman from California, mentioned something about the necessity for dealing with the budget deficit and expressing the usual comments as a fiscal conservative, I would like to comment with respect to those thoughts on this subject.

This is unique. This is different. Those who object to the passage of this legislation, what I would like to do in my short 5 minutes is to put a different perspective on this legislation.

It is not pork. It is not simply spending for the sake of spending, which is what I determine as a definition, if there can be a definition of pork.

My colleagues in the House, the history of Hawaii is not very well understood. It is assumed always that the people in my State welcomed the opportunity to join this country. To the contrary, as we say in Hawaii, the people of the islands were overtaken by the United States with military force.

As a matter of fact, in January of next year we will be observing the 100th year since that occurred in Hawaii.

Despite the sorrow of the loss of their kingdom and their Republic, the loss of their Queen Liliuokalani, her imprisonment in order for Hawaii to become part of the United States, the native Hawaiian community has over the 100 years tried to accommodate to the loss of their country, to the loss of their sovereignty, and to their independence.

They have served this country as distinguished citizens, fighting in our wars and contributing in numerous other ways.

The point of the fact is that after annexation, the first delegate to the Congress, Prince Kuhio, came and realized that there were problems, enormous problems, that the native population was being forced to endure. The culturalization shock; the population was decimated by disease. Simple things like measles killed nearly half the population, not to count all the other problems which they had to endure.

So when Prince Kuhio came to the Congress and asked for consideration special to the native Hawaiians, the Congress agreed and passed the Homestead Act, the 1920 Homestead Act.

People thought, well, this will be of such enormous consequence that the problems of the native Hawaiians will be solved. They were not. The Homestead Act segregated the native Hawaiian population into the far reaches of the island, secluded them from the progress that was to make Hawaii unique in the whole country and in the world. They were not able to take advantage of it. They lived way, way out in the country, in distant places. All these areas are part of my district.

So, Mr. Speaker, I am here today to ask this House to understand that the exclusion of the native Hawaiian people by the very acts of this Congress has created the problems that we are asking this body to help us solve today, and one of the most clear evidences of this discrimination and neglect is in the tragic health consequences of the native population. Coronary disease, diabetes, cholesterol levels, the things that we know, simple medicine, simple acceptance of medical practice could probably help them, but for a culturally distinct and segregated part of our community, it is not enough. They want an opportunity to look at their own problems and their own population and come up with solutions that their native population can understand and relate to, and it is very different than the practice of medicine that we all accept, going to a clinic daily or once a year or whatever our desires may be.

The native population of Hawaii looks to this Congress to amend the wrongs of the past, and I look upon this legislation as the first step.

Mr. Speaker, I hope that my colleagues will agree and pass this bill overwhelmingly.

Mr. Speaker, I join my colleague from Hawaii, Mr. ABERCROMBIE, in support of S. 2681, the Native Hawaiian Health Care Amendments of 1992. This legislation is of critical importance to the survival of the native population of the State of Hawaii.

S. 2681 seeks to improve the health and well-being of the native Hawaiian people through expanding and improving the native Hawaiian health care system originally established in the 1988 Native Hawaiian Health Care Act.

The health status of the native Hawaiian people has been deteriorating for over a century, and is far below that of other populations in the United States.

Once a strong, healthy, and thriving community, the native people of our islands suffered greatly from the foreign influences that began to arrive in Hawaii in the late 18th century. The introduction of previously unknown diseases, the breakdown of their culture, and suppression of traditional healing practices left a legacy of poor health and nutrition, poverty, and high mortality rates that continues today.

The native Hawaiian people currently suffer from extraordinarily high rates of heart disease, cancer, and chronic conditions, such as diabetes.

An Office of Technology Assessment study authorized by the Congress in 1984, which compared both Hawaiians and part-Hawaiians to other populations in the United States, found that, overall, native Hawaiians have a death rate that averages 34 percent higher than all other races in the United States.

Pure blooded Hawaiians have a death rate that is an astounding 146 percent higher than other Americans.

The study also revealed that native Hawaiians die from diabetes at a rate that is 222 percent higher than for all races in the United States.

Recent studies in the State of Hawaii show that 44 percent of all infant deaths in the State are native Hawaiian children, cancer rates among native Hawaiians far exceed other ethnic populations in our State, and health care services are often lacking in native Hawaiian communities.

The high incidence of mental illness and emotional disorders among native Hawaiians is attributed to the cultural isolation and alienation in a statewide population in which they now constitute about 20 percent.

Disenfranchised from their land, culture, and ability to self-govern, the native Hawaiian people have suffered a plight similar to that of the native American Indians on the continental United States. And it is the responsibility of the Federal Government to assist in our efforts to improve the health status of the native people of Hawaii.

Mr. Speaker, those who oppose this legislation seek to deny the native Hawaiian people of their right to the protections and benefits of Federal legislation created to acknowledge the special trust responsibility of this Nation's aboriginal peoples.

But for 18 years the Congress has recognized the native Hawaiians as native Americans, and on 36 occasions the Congress passed Federal laws that include native Hawaiians in programs or services that are designed to service native American communities, and Congress has consistently supported programs specifically designated for native Hawaiians.

One of the most important of these initiatives by the Congress was the Native Hawaiian Health Care Act of 1988.

I urge my colleagues to support S. 2681, which will help fulfill the original goal of the Native Hawaiian Health Care Act, to elevate and promote the health and well-being of the native Hawaiian people, so that they may function effectively as citizens and leaders in their homeland, and help determine and participate in the future of their culture, their race, and their land.

Mr. WYDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our colleague, the gentleman from California [Mr. DANNEMEYER], essentially has made the argument that there is no need for a separate program for native Hawaiians because we already have a Community Health Center and National Health Service Corps Program to address the needs of the population; but that is not what the administration has been saying in "Healthy People 2000," its blueprint for improving the health status of all Americans, issued by Dr. Sullivan in 1990.

"Healthy People 2000" documents the low-health status of native Hawaiians that has been addressed so eloquently by the gentleman from Hawaii [Mr. ABERCROMBIE] and the gentlewoman from Hawaii [Mrs. MINK]. For example, the breast cancer rate among native Hawaiians is 30 percent higher than among whites.

We all know that increasing access to preventive and primary care would improve the health status of this population by funding this legislation. It will be possible to improve the health status by eliminating access barriers that exist in current programs.

Mr. Speaker, I hope all our colleagues will support this legislation, and I commend our two colleagues from Hawaii for bringing this legislation to our attention.

Mr. DANNEMEYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WYDEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McDERMOTT). The question is on the motion offered by the gentleman from Oregon [Mr. WYDEN] that the House suspend the rules and pass the Senate bill, S. 2681, as amended.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore (Mr. McDERMOTT). The Chair will count.

A sufficient number has risen. The yeas and nays are ordered.

PARLIAMENTARY INQUIRY

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ABERCROMBIE. Mr. Speaker, could the Chair give me the count? It has to be two-thirds, does it not? Am I mistaken? What is a sufficient number?

The SPEAKER pro tempore. One-fifth of those present.

Mr. ABERCROMBIE. Can the Chair tell me how many were here? I understood two Members to be standing.

The SPEAKER pro tempore. The Chair counted standing more than one-fifth of those present.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1410

CONFERENCE REPORT ON H.R. 3508, HEALTH PROFESSIONS EDUCATION EXTENSION AMENDMENTS OF 1992

Mr. WYDEN. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 3508) to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes.

The Clerk read the title of the bill.

(For conference report and statement, see prior proceedings of the House of today, Tuesday, September 29, 1992.)

The SPEAKER pro tempore. (Mr. MCDERMOTT). The gentleman from Oregon [Mr. WYDEN] will be recognized for 20 minutes, and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House the conference report on H.R. 3508, the Health Professions Education Extension Amendments of 1992.

The conference report is the result of months of negotiations. We are pleased the House, Senate, and Bush administration have resolved their differences. The result is the first comprehensive revision of health professions training programs in more than a decade.

The conference agreement contains a series of reforms that focus Federal resources upon training in primary care specialities and on individuals committed to serving in medically underserved communities.

The conference agreement places high priority on the education of mid-level nursing personnel such as nurse midwives and nurse practitioners. Funding priority is given to the education of masters degree level clinical specialists.

On behalf of Mr. WAXMAN, chairman of the Health and Environment Subcommittee, I want to acknowledge the important contributions of the gentleman from New Mexico [Mr. RICHARDSON], who has demonstrated strong leadership on behalf of expanding Federal support for nursing education and enhancing the role of the nursing profession in providing primary care services.

The conference agreement extends the HEAL Student Loan Program for 3 fiscal years, raises the credit ceiling, and includes a series of tough reforms designed to reduce default rates. The reforms will restore confidence in the administration of this program and assure health professions students the continued availability of federally insured loans.

A central figure of the conference report is its emphasis upon primary care training. The conference agreement restricts low-interest medical school loans to students pursuing a primary care career and extends for 3 fiscal years the authorization of appropriations for primary care programs in family medicine, general internal medicine, and general pediatrics.

The conference agreement also addresses concerns over discrimination against international medical school graduates. The agreement includes provisions prohibiting hospitals and other residency programs seeking funding under title VII of the Public Health Service Act from discriminating against applications from graduates of international medical schools.

The conference agreement also establishes a National Commission on Medical Licensure. The Commission will monitor implementation of the American Medical Association's national credentials verification system. It is expected the Commission and the AMA system will help remove arbitrary roadblocks to the licensing of physicians moving between States.

Other programs extended by the conference agreement include: Dental education traineeships, geriatric education, AIDS education and training, physician assistants, podiatric research, public health—special projects, traineeships, preventive medicine—health administration traineeships, allied health special projects and traineeships, and area and border health education centers.

Mr. Speaker, I am including a chart summarizing the level of authorized appropriations for programs authorized by the conference report for printing in the RECORD at the conclusion of my remarks.

Mr. Speaker, the conference report was recently approved by our Senate colleagues unanimously. I urge all Members to join in supporting this important legislation.

SUMMARY OF AUTHORIZATION LEVELS H.R. 3508

[Fiscal year, in millions of dollars]

	Amounts
(1) Health education assistance loans (credit authority):	
1992	[1] 290
1993	400
1994	425
1995	475
(2) Scholarships for students of exceptional financial need (EFN);	
1992	[1] 9.759
1993	11.0
(3) Health Careers Opportunity Program [HCOP]:	
1992	[1] 30.6
1993	31.5
(4) Area health education centers:	
1992	[1] 19.237
1993	25.0
1994	25.0
1995	25.0
Border health education centers:	
1992	[1] 3.904
1993	5.0
1994	5.0
1995	5.0
(5) Family medicine (including departmental and residency programs):	
1992	[1] 42.93
1993	54.0
1994	54.0
1995	54.0
(6) General internal medicine and general pediatrics:	
1992	[1] 17.26
1993	25.0
1994	25.0
1995	25.0
(7) General dentistry:	
1992	[1] 3.834
1993	6.0
1994	6.0
1995	6.0
(8) Physician assistants:	
1992	[1] 5.021
1993	9.0
1994	9.0
1995	9.0
(9) Podiatrists:	
1992	[1] .60
1993	1.0
1994	1.0
1995	1.0
(10) Public health (including special projects, traineeships, preventive medicine, dental public health):	
1992	[1] 9.37
1993	15.5
1994	15.5
1995	15.5
(11) Allied health (special projects):	
1992	[1] 2.83
1993	5.0
1994	5.0
1995	5.0
Traineeships:	
1992	[1] 0
1993	5.0
1994	5.0
1995	5.0
(12) Health administration (including special projects and traineeships):	
1992	[1] 2.03
1993	2.5

SUMMARY OF AUTHORIZATION LEVELS
H.R. 3508—Continued

[Fiscal year, in millions of dollars]

	Amounts
1994	2.5
1995	2.5
(13) HIV Training (general):	
1992	[1]17.02
1993	25.0
1994	25.0
1995	25.0
Dental HIV:	
1992	[1]5.0
1993	7.0
1994	7.0
1995	7.0
(14) Geriatrics (training and centers):	
1992	[1]13.7
1993	17.0
1994	17.0
1995	17.0
Geriatric optometry:	
1992	[1]0
1993	.4
1994	.4
1995	.4
(15) Rural health projects:	
1992	[1]4.697
1993	7.0
1994	7.0
1995	7.0
(16) Health professions research:	
1992	[1]0
1993	4.0
1994	4.0
1995	4.0
(17) Chiropractic demonstration projects:	
1992	[1]0
1993	1.0
1994	1.0
1995	1.0
(18) Nursing special projects:	
1992	[1]10.9
1993	10.5
1994	10.5
(19) Advanced nurse education:	
1992	[1]12.37
1993	12.0
1994	12.0
(20) Nurse practitioner/nurse midwife programs:	
1992	[1]14.56
1993	20.0
1994	20.0
(21) Nurse disadvantaged assistance:	
1992	[1]3.375
1993	5.0
1994	6.0
(22) Traineeships for advanced education:	
1992	[1]14.1
1993	20.0
1994	20.0
(23) Nurse anesthetists:	
1992	[1]1.9
1993	3.0
1994	4.0
(24) Nursing loan repayment:	
1992	[1]1.45
1993	5.0
1994	6.0
(25) Residency programs in emergency medicine:	
1992	[1]0
1993	.4
1994	.4
1995	.4

[1] Actual appropriation.

Mr. Speaker, I reserve the balance of my time.

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

I have a statement from my colleague, the gentleman from Virginia [Mr. BLILEY], who is also a member of the Health and Environment Subcommittee, who wanted to be here today. He was a conferee of the conference report, and, were he here, he would have made the statement that I hand to the Clerk.

Mr. Speaker, I reserve the balance of my time.

Mr. WYDEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON], who has done outstanding work on this legislation, has pursued it tirelessly and advocates the many health concerns provided by this legislation.

Mr. RICHARDSON. Mr. Speaker, as a conferee of what may possibly be the longest running conference in history—the conference on the health professions education amendments—I rise in strong support of the conference report on H.R. 3508, reauthorizing the health professions title of the Public Health Service Act.

While I cannot mention all of the important provisions of this legislation, I am particularly pleased at the inclusion of legislation I sponsored—the Nursing Education Amendments of 1991 in the conference report on H.R. 3508. I also want to highlight the extraordinary emphasis this conference report places on primary care education and access throughout title VII and VIII.

I am also pleased by changes made in the title VII Centers of Excellence Program for Hispanics and native Americans establishing a minimum level of funding for Hispanic and native American Centers of Excellence and maintaining appropriations levels for the program.

We are currently in the midst of a serious and sustained nursing shortage which is only rivaled by the nursing shortage of the 1950's. Reports on the nursing profession by the American Nurses Association indicate that one of every eight registered nurse positions in hospitals goes unfilled. The scenario is even worse in nursing homes where one in every five RN positions goes unfilled.

Who is hurt most by the ongoing nursing shortage? Precisely those who can least afford it—the medically undeserved populations residing in frontier, rural, and inner-city areas of our Nation. Right now, over 1,300 rural areas alone have been designated as medically undeserved. To meet the demand for health care in just these areas would require 4,224 physicians.

Physicians however, continue to have a difficult time maintaining viable practices in shortage areas. This, combined with the aging of the existing rural physician population, necessitates that we investigate the needs of rural and urban underserved populations.

Nurses have always responded to the needs and concerns of our poorest citizens and I believe we must again turn to the nursing profession to respond to the Nation's rural and inner-city health care crisis.

The conference report maintains the emphasis my original legislation placed on focusing our limited health care resources on training and educating those nursing professionals—clinical nurse specialists, nurse practitioners, nurse midwives, and nurse anesthetists—best equipped to meet the health care needs of undeserved areas and would increase funding for these programs by nearly $10 million over 3 years.

I believe our money will be well spent. The advanced training of nurse specialists and nurse practitioners allows them to provide up to 80 percent of adult primary care services and up to 90 percent of the pediatric primary care services usually performed by a physician.

Nurse midwives have traditionally and continue to direct their services toward women most at risk for developing health care problems because of inadequate access to child bearing and health care services.

Finally, the conference report separates the reauthorization cycles of title VIII—nursing education from title VII governing other health professions education which I believe will put greater emphasis and importance on funding nursing education.

In closing, I want to thank my colleagues in the Senate and in the House, especially the chairman of the subcommittee, Mr. WAXMAN, and the chairman of the full committee, Mr. DINGELL, for their cooperation and efforts in working with me on nursing education. This is excellent legislation because of their commitment and understanding of primary care concerns and the needs of both rural and urban underserved areas. I urge my colleagues support of this critical legislation.

Mr. WYDEN. Mr. Speaker, I thank the gentleman from New Mexico [Mr. RICHARDSON] for his kind comments. I commend him for all his efforts.

Mr. BLILEY. Mr. Speaker, I rise in support of the conference agreement.

This legislation extends funding authority for many important programs that provide training, scholarships, and loans for a broad spectrum of individuals who desire to enter the health professions. The legislation extends to training programs for physicians, nurses, and many other health care providers.

Mr. Speaker, the programs authorized by this legislation are carried out by medical, chiropractic, and dental schools, schools of nursing, allied health professional training centers, and hospitals throughout the country—in every State and virtually every congressional district. I am pleased to support it.

This legislation makes a number of changes in current law that are designed to focus health professions training on the area of greatest need—primary care health services. The bill provides incentives, and creates special funding mechanisms, for schools and students who will make a commitment to primary health care. The old-fashioned family doctor, who can take care of your family's health care needs from childhood through adulthood, and from the common cold to an appendectomy, is a concept of the past. We are increasingly immersed in the age of specialization. This is creating problems for our health care system.

Access to care in one setting, by a single provider, is increasingly limited. This forces people to go from place to place, and from provider to provider, to meet all of their health care needs. This makes health care difficult and inconvenient, and it makes it more expensive. The combination of those factors works against achieving what we all favor—better preventive care, early diagnosis, and regular, routine, health care for the purpose of maintaining health.

H.R. 3508 is a step in the direction of solving this problem.

Finally, this legislation makes a number of significant and needed reforms in the health education assistance loan, or HEAL Program. The changes are designed to reduce the increasing rate of defaults on these Government-insured health professions student loans. These provisions are strongly supported by the administration.

Mr. Speaker, I am pleased to support this legislation.

Mr. WYDEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DANNEMEYER. Mr. Speaker, I have no requests for time. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. WYDEN] that the House suspend the rule and agree to the conference report on the bill, H.R. 3508.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the conference report was agreed to.

A motion to reconsider was laid on the table.

□ 1420

RESERVE OFFICER PERSONNEL MANAGEMENT ACT

Mrs. BYRON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4481) to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the reserve components of the Armed Forces, to consolidate in a new subtitle the provisions of law relating to the reserve components, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Reserve Officer Personnel Management Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 10, United States Code.

TITLE I—RESERVE OFFICER PERSONNEL MANAGEMENT

PART A—REVISED AND STANDARDIZED RESERVE OFFICER PERSONNEL SYSTEM

Sec. 101. Promotion and retention of reserve officers.

PART B—CONFORMING AMENDMENTS

Sec. 111. Definition of reserve active-status list.
Sec. 112. Authority to suspend officer personnel laws during war or national emergency.
Sec. 113. Active-duty list promotion boards to have authority to recommend that reserve officers considered for promotion be required to show cause for retention on active duty.
Sec. 114. Applicability of chapter 36 to reserve officers during war or national emergency.
Sec. 115. Grade in which reserve officers are ordered to active duty.
Sec. 116. Date of rank.
Sec. 117. Discharge before completion of required service in case of officers having twice failed of selection for captain or navy lieutenant.
Sec. 118. Conforming amendments relating to Navy and Marine Corps officers.
Sec. 119. Repeal of reserve officer personnel policy laws.
Sec. 120. Amendments to title 32, United States Code.

TITLE II—OTHER PERSONNEL POLICY AMENDMENTS

PART A—APPOINTMENTS

Sec. 201. Repeal of separate authority for accession of women in reserve components.
Sec. 202. Appointment authority for reserve grades of lieutenant colonel and commander.
Sec. 203. Appointment of former commissioned officers in reserve components.
Sec. 204. Constructive credit for appointment of officers in reserve components with qualifying education or experience.
Sec. 205. Computation of years of service for transfer of Army officers to Retired Reserve.
Sec. 206. Repeal of miscellaneous obsolete appointment authorities.

PART B—RETIREMENT AND SEPARATION

Sec. 221. Computation of highest grade in which satisfactorily served for reserve commissioned officers and former officers.

PART C—OTHER AMENDMENTS

Sec. 241. Tenure in office of Chief of National Guard Bureau.
Sec. 242. Right to reenlist in Regular Army or Regular Air Force after service as an officer.

TITLE III—REORGANIZATION AND CONSOLIDATION OF LAWS RELATING TO RESERVE COMPONENTS

Sec. 301. Laws relating to organization and administration of reserve components.
Sec. 302. Laws relating to reserve component personnel policy.
Sec. 303. Laws relating to reserve component training and educational assistance programs.
Sec. 304. Laws relating to reserve component procurement and equipment.
Sec. 305. Legislative construction.

TITLE IV—TECHNICAL AND CLERICAL AMENDMENTS

Sec. 401. Amendments to subtitle A of title 10, United States Code.
Sec. 402. Amendments to subtitle B of title 10, United States Code.
Sec. 403. Amendments to subtitle C of title 10, United States Code.
Sec. 404. Amendments to subtitle D of title 10, United States Code.
Sec. 405. Amendments to subtitle E of title 10, United States Code.
Sec. 406. Amendments to titles 32 and 37, United States Code.
Sec. 407. Amendments to other laws.

TITLE V—TRANSITION PROVISIONS

Sec. 501. Continuation on the reserve active-status list of certain reserve colonels of the Army and Air Force.
Sec. 502. Effects of selection for promotion and failure of selection for Army and Air Force officers.
Sec. 503. Effects of selection for promotion and failure of selection for Navy and Marine Corps officers.
Sec. 504. Delays in promotions and removals from promotion list.
Sec. 505. Minimum service qualifications for promotion.
Sec. 506. Establishment of reserve active-status list.
Sec. 507. Preservation of relative seniority under the initial establishment of the reserve active-status list.
Sec. 508. Grade on transfer to the Retired Reserve.
Sec. 509. Rights for officers with over three years service.
Sec. 510. Mandatory separation for age for certain reserve officers of the Navy and Marine Corps.

TITLE VI—EFFECTIVE DATES AND GENERAL SAVINGS PROVISIONS

Sec. 601. Effective dates.
Sec. 602. Preservation of suspended status of laws suspended as of effective date.
Sec. 603. Preservation of preexisting rights, duties, penalties, and proceedings.

SEC. 2. REFERENCES TO TITLE 10, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

TITLE I—RESERVE OFFICER PERSONNEL MANAGEMENT

PART A—REVISED AND STANDARDIZED RESERVE OFFICER PERSONNEL SYSTEM

SEC. 101. PROMOTION AND RETENTION OF RESERVE OFFICERS.

Title 10, United States Code, is amended by adding at the end the following new subtitle:

"Subtitle E—Reserve Components

"PART I—ORGANIZATION AND ADMINISTRATION

"Chap. Sec.
"1001. Definitions 10001

''1003. Reserve Components Generally .. 10101
''1005. Elements of Reserve Components 10141
''1007. Administration of Reserve Components 10201
''1009. Reserve Forces Policy Boards and Committees 10301
''1011. National Guard Bureau 10501
''1013. Budget Information and Annual Reports to Congress 10541

''PART II—PERSONNEL GENERALLY

''1201. Authorized Strengths and Distribution in Grade 12001
''1203. Enlisted Members 12101
''1205. Appointment of Reserve Officers 12201
''1207. Warrant Officers 12241
''1209. Active Duty 12301
''1211. National Guard Members in Federal Service 12401
''1213. Special Appointments, Assignments, Details, and Duties 12501
''1215. Miscellaneous Prohibitions and Penalties ....
[No present sections]
[No present sections]
''1217. Miscellaneous Rights and Benefits 12601
''1219. Standards and Procedures for Retention and Promotion 12641
''1221. Separation 12681
''1223. Retired Pay for Non-Regular Service 12731
''1225. Retired Grade 12771

''PART III—PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST

''1401. Applicability and Reserve Active-Status Lists 14001
''1403. Selection Boards 14101
''1405. Promotions 14301
''1407. Failure of Selection for Promotion and Involuntary Separation 14501
''1409. Continuation of Officers on the Reserve-Active Status List and Selective Early Removal 14701
''1411. Additional Provisions Relating to Involuntary Separation 14901

''PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

''1601. Training Generally ....
[No present sections]
[No present sections]
''1606. Educational Assistance for Members of the Selected Reserve 16131
''1608. Health Professions Stipend Program 16201
''1609. Education Loan Repayments 16301

''PART V—SERVICE, SUPPLY, AND PROCUREMENT

''1801. Issue of Serviceable Material to Reserve Components ....
[No present sections]
[No present sections]
''1803. Facilities for Reserve Components 18231
''1805. Miscellaneous Provisions 18501

"PART III—PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST

''Chap. Sec.
''1401. Applicability and Reserve Active-Status Lists 14001
''1403. Selection Boards 14101
''1405. Promotions 14301
''1407. Failure of Selection for Promotion and Involuntary Separation 14501
''1409. Continuation of Officers on the Reserve Active-Status List and Selective Early Removal 14701
''1411. Additional Provisions Relating to Involuntary Separation 14901

"CHAPTER 1401—APPLICABILITY AND RESERVE ACTIVE-STATUS LISTS

''Sec.
''14001. Applicability of this part.
''14002. Reserve active-status lists: requirement for each armed force.
''14003. Reserve active-status lists: position of officers on the list.
''14004. Reserve active-status lists: eligibility for Reserve promotion.
''14005. Competitive categories.
''14006. Determination of years in grade.

"§14001. Applicability of this part

''This chapter and chapters 1403 through 1411 of this title apply, as appropriate, to all reserve officers of the Army, Navy, Air Force, and Marine Corps except warrant officers.

"§14002. Reserve active-status lists: requirement for each armed force

''(a) The Secretary of each military department shall maintain a single list, to be known as the reserve active-status list, for each armed force under the Secretary's jurisdiction. That list shall include the names of all reserve officers of that armed force who are in an active status other than those on an active-duty list described in section 620 of this title or warrant officers (including commissioned warrant officers).

''(b) The reserve active-status list for the Army shall include officers in the Army Reserve and the Army National Guard of the United States. The reserve active-status list for the Air Force shall include officers in the Air Force Reserve and the Air National Guard of the United States. The Secretary of the Navy shall maintain separate lists for the Naval Reserve and the Marine Corps Reserve.

"§14003. Reserve active-status: position of officers on the list

''(a) POSITION ON LIST.—Officers shall be carried on the reserve active-status list of the armed force of which they are members in the order of seniority of the grade in which they are serving in an active status. Officers serving in the same grade shall be carried in the order of their rank in that grade.

''(b) EFFECT ON POSITION HELD BY REASON OF TEMPORARY APPOINTMENT OR ASSIGNMENT.—An officer whose position on the reserve active-status list results from service under a temporary appointment or in a grade held by reason of assignment to a position has, when that appointment or assignment ends, the grade and position on that list that the officer would have held if the officer had not received that appointment or assignment.

"§14004. Reserve active-status lists: eligibility for Reserve promotion

''Except as otherwise provided by law, an officer must be on a reserve active-status list to be eligible under chapter 1405 of this title for consideration for selection for promotion or for promotion.

"§14005. Competitive categories

''Each officer whose name appears on a reserve active-status list shall be placed in a competitive category. The competitive categories for each armed force shall be specified by the Secretary of the military department concerned under regulations prescribed by the Secretary of Defense. Officers in the same competitive category shall compete among themselves for promotion.

"§14006. Determination of years in grade

''For the purpose of chapters 1403 through 1411 of this title, an officer's years of service in a grade are computed from the officer's date of rank in grade as determined under section 741(d) of this title.

"CHAPTER 1403—SELECTION BOARDS

''Sec.
''14101. Convening of selection boards.
''14102. Selection boards: appointment and composition.
''14103. Oath of members.
''14104. Confidentiality of board proceedings.
''14105. Notice of convening of selection board.
''14106. Communication with board by officers under consideration.
''14107. Information furnished by the Secretary concerned to promotion boards.
''14108. Recommendations by promotion boards.
''14109. Reports of promotion boards: in general.
''14110. Reports of promotion boards: review by Secretary.
''14111. Reports of selection boards: transmittal to President.
''14112. Dissemination of names of officers selected.

"§14101. Convening of selection boards

''(a) PROMOTION BOARDS.—(1) Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned shall convene a selection board to recommend for promotion to the next higher grade, under chapter 1405 of this title, officers on the reserve active-status list of that armed force in a permanent grade from first lieutenant through brigadier general or, in the case of the Naval Reserve, lieutenant (junior grade) through rear admiral (lower half). A selection board convened under this subsection shall be known as a 'promotion board'.

''(2) A promotion board convened to recommend reserve officers of the Army or reserve officers of the Air Force for promotion (A) to fill a position vacancy under section 14315 of this title, or (B) to the grade of brigadier general or major general, shall (except in the case of a board convened to consider officers as provided in section 14301(e) of this title) be known as a 'vacancy promotion board'. Any other promotion board convened under this subsection shall be known as a 'mandatory promotion board'.

''(b) CONTINUATION BOARDS.—Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned may convene a selection board to recommend officers of that armed force—

''(1) for continuation on the reserve active-status list under section 14701 of this title;

''(2) for selective early removal from the reserve active-status list under section 14704 of this title; or

''(3) for selective early retirement under section 14705 of this title.

A selection board convened under this subsection shall be known as a 'continuation board'.

"§14102. Selection boards: appointment and composition

''(a) APPOINTMENT.—Members of selection boards convened under section 14101 shall be appointed by the Secretary of the military department concerned in accordance with this section. Promotion boards and special selection boards shall consist of five or more officers. Continuation boards shall consist of three or more officers. All of the officers of any such selection board shall be of the same armed force as the officers under consideration by the board.

''(b) COMPOSITION.—At least one-half of the members of such a selection board shall be reserve officers, to include at least one reserve officer from each reserve component from which officers are to be considered by the board. Each member of a selection board must hold a permanent grade higher than the grade of the officers under consideration by the board, and no member of a board may hold a grade below major or lieutenant commander.

''(c) REPRESENTATION OF COMPETITIVE CATEGORIES.—(1) Except as provided in paragraph (2), a selection board shall include at least one officer from each competitive category of officers to be considered by the board.

"(2) A selection board need not include an officer from a competitive category to be considered by the board if there is no officer of that competitive category on the reserve active-status list or the active-duty list in a permanent grade higher than the grade of the officers to be considered by the board and otherwise eligible to serve on the board. However, in such a case, the Secretary of the military department concerned, in his discretion, may appoint as a member of the board a retired officer of that competitive category who is in the same armed force as the officers under consideration by the board who holds a higher grade than the grade of the officers under consideration.

"(d) PROHIBITION OF SERVICE ON CONSECUTIVE PROMOTION BOARDS.—No officer may be a member of two successive promotion boards convened under section 14101(a) of this title for the consideration of officers of the same competitive category and grade if the second of the two boards is to consider any officer who was considered and not recommended for promotion to the next higher grade by the first of the two boards.

"§14103. Oath of members

"Each member of a selection board convened under section 14101 of this title shall take an oath to perform the duties of a member of the board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the member's armed force.

"§14104. Confidentiality of board proceedings

"Except as otherwise authorized or required by law, the proceedings of a selection board convened under section 14101 of this title may not be disclosed to any person not a member of the board.

"§14105. Notice of convening of promotion board

"(a) REQUIRED NOTICE.—At least 30 days before a promotion board is convened under section 14101(a) of this title to consider officers in a grade and competitive category for promotion to the next higher grade, the Secretary concerned shall either (1) notify in writing the officers eligible for consideration by the board for promotion regarding the convening of the board, or (2) issue a general written notice to the armed force concerned regarding the convening of the board.

"(b) CONTENT OF NOTICE.—A notice under subsection (a) shall include the date on which the board is to convene and (except in the case of a vacancy promotion board) the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notice.

"§14106. Communication with board by officers under consideration

"Subject to regulations prescribed by the Secretary of the military department concerned, an officer eligible for consideration by a promotion board convened under section 14101(a) of this title who is in the promotion zone or above the promotion zone, or who is to be considered by a vacancy promotion board, may send a written communication to the board calling attention to any matter concerning the officer which the officer considers important to the officer's case. Any such communication shall be sent so as to arrive not later than the date on which the board convenes. The board shall give consideration to any timely communication under this section.

"§14107. Information furnished by the Secretary concerned to promotion boards

"(a) INTEGRITY OF THE PROMOTION SELECTION BOARD PROCESS.—(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 14101(a) of this title. Those regulations shall apply uniformly among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

"(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

"(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

"(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with standards and procedures set out in the regulations prescribed by the Secretary of defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the promotion board.

"(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 14106 of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

"(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1) is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

"(3) Information provided to a promotion board in accordance with paragraph (2) shall be made available to all members of the board and shall be made a part of the record of the board. Communication of such information shall be in a written form or in the form of an audio or video recording. If a communication is in the form of an audio or video recording, a written transcription of the recording shall also be made a part of the record of the promotion board.

"(4) Paragraphs (2) and (3) do not apply to the furnishing of appropriate administrative processing information to the promotion board by an administrative staff designated to assist the board, but only to the extent that oral communications are necessary to facilitate the work of the board.

"(5) Information furnished to a promotion board that is described in subparagraph (B), (C), or (D) of paragraph (2) may not be furnished to a later promotion board unless—

"(A) the information has been properly placed in the official military personnel file of the officer concerned; or

"(B) the information is provided to the later selection board in accordance with paragraph (2).

"(6)(A) Before information described in paragraph (2)(B) regarding an eligible officer is furnished to a selection board, the Secretary of the military department concerned shall ensure—

"(i) that such information is made available to such officer; and

"(ii) that the officer is afforded a reasonable opportunity to submit comments on that information to the promotion board.

"(B) If an officer cannot be given access to the information referred to in subparagraph (A) because of its classification status, the officer shall, to the maximum extent practicable, be furnished an appropriate summary of the information.

"(b) INFORMATION TO BE FURNISHED.—The Secretary of the military department concerned shall furnish to a promotion board convened under section 14101(a) of this title the following:

"(1) In the case of a mandatory promotion board, the maximum number (as determined in accordance with section 14307 of this title) of officers in each competitive category under consideration that the board is authorized to recommend for promotion to the next higher grade.

"(2) The name of each officer in each competitive category under consideration who is to be considered by the board for promotion.

"(3) The pertinent records (as determined by the Secretary) of each officer whose name is furnished to the board.

"(4) Information or guidelines relating to the needs of the armed force concerned for officers having particular skills, including (except in the case of a vacancy promotion board) guidelines or information relating to either a minimum number or a maximum number of officers with particular skills within a competitive category.

"(5) Such other information or guidelines as the Secretary concerned may determine to be necessary to enable the board to perform its functions.

"(c) LIMITATION ON MODIFYING FURNISHED INFORMATION.—Information or guidelines furnished to a selection board under subsection (a) may not be modified, withdrawn, or supplemented after the board submits its report to the Secretary of the military department concerned pursuant to section 14109(a) of this title. However, in the case of a report returned to a board pursuant to section 14110(a) of this title for further proceedings because of a determination by the Secretary of the military department concerned that the board acted contrary to law, regulation, or guidelines, the Secretary may modify, withdraw, or supplement such information or guidelines as part of a written explanation to the board as provided in that section.

"(d) OFFICERS IN HEALTH-PROFESSIONS COMPETITIVE CATEGORIES.—The Secretary of each military department, under uniform regulations prescribed by the Secretary of Defense, shall include in guidelines furnished to a promotion board convened under section 14101(a) of this title that is considering officers in a health-professions competitive category for promotion to a grade below colonel or, in the case of the Navy, captain, a direction that the board give consideration to an officer's clinical proficiency and skill as a health professional to at least as great an extent as the board gives to the officer's administrative and management skills.

"§14108. Recommendations by promotion boards

"(a) RECOMMENDATION OF BEST QUALIFIED OFFICERS.—A promotion board convened under section 14101(a) of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board considers best qualified for promotion within each competitive category considered by the board or, in the case of a vacancy promotion board, among those officers considered to fill a vacancy. In determining those officers who are best qualified for promotion, the board shall give due consideration to the needs of the armed force concerned for officers with particular skills (as noted in the guidelines or information furnished the board under sections 14107 of this title).

"(b) MAJORITY REQUIRED.—A promotion board convened under section 14101(a) of this title may not recommend an officer for promotion unless—

"(1) the officer receives the recommendation of a majority of the members of the board; and

"(2) a majority of the members of the board finds that the officer is fully qualified for promotion.

"(c) BOARD RECOMMENDATION REQUIRED FOR PROMOTION.—Except as otherwise provided by law, an officer on the reserve active-status list may not be promoted to a higher grade under chapter 1405 of this title unless the officer is considered and recommended for promotion to

that grade by a promotion board convened under section 14101(a) of this title (or by a special selection board convened under section 14502 of this title).

"(d) Disclosure of Board Recommendations.—The recommendations of a promotion board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary concerned to assist the board) until the written report of the recommendations of the board, required by section 14109 of this title, is signed by each member of the board.

"(e) Prohibition of Coercion and Unauthorized Influence of Actions of Board Members.—The Secretary convening a promotion board under section 14101(a) of this title, and an officer or other official exercising authority over any member of a selection board, may not—

"(1) censure, reprimand, or admonish the selection board or any member of the board with respect to the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board; or

"(2) attempt to coerce or, by any unauthorized means, influence any action of a promotion board or any member of a promotion board in the formulation of the board's recommendations.

"§14109. Reports of promotion boards: in general

"(a) Report of Officers Recommended for Promotion.—Each promotion board convened under section 14101(a) of this title shall submit to the Secretary of the military department concerned a report in writing containing a list of the names of the officers recommended by the board for promotion. The report shall be signed by each member of the board.

"(b) Certification.—Each report under subsection (a) shall include a certification—

"(1) that the board has carefully considered the record of each officer whose name was furnished to the board; and

"(2) that, in the case of a promotion board convened under section 14101(a) of this title, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the armed force concerned (as noted in the guidelines or information furnished the board under section 14107 of this title) among those officers whose names were furnished to the selection board.

"(c) Show-Cause Recommendations.—(1) A promotion board convened under section 14101(a) of this title shall include in its report to the Secretary concerned the name of any reserve officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required to show cause for retention in an active status.

"(2) If such a report names an officer as having a record which indicates that the officer should be required to show cause for retention, the Secretary concerned may provide for the review of the record of that officer as provided under regulations prescribed under section 14902 of this title.

"§14110. Reports of promotion boards: review by Secretary

"(a) Review of Report.—Upon receipt of the report of a promotion board submitted under section 14109(a) of this title, the Secretary of the military department concerned shall review the report to determine whether the board has acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title. Following that review, unless the Secretary concerned makes a determination as described in subsection (b), the Secretary shall submit the report as required by section 14111 of this title.

"(b) Return of Report for Further Proceedings.—If, on the basis of a review of the report under subsection (a), the Secretary of the military department concerned determines that the board acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title, the Secretary shall return the report, together with a written explanation of the basis for such determination, to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this subsection, the selection board (or a subsequent selection board convened under section 14101(a) of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report to be consistent with law, regulation, and such guidelines and shall resubmit the report, as revised, to the Secretary in accordance with section 14109 of this title.

"§14111. Reports of selection boards: transmittal to President

"(a) Transmittal to President.—The Secretary concerned, after final review of the report of a selection board under section 14110 of this title, shall submit the report with the Secretary's recommendations, to the Secretary of Defense for transmittal by the Secretary to the President for approval or disapproval. If the authority of the President to approve or disapprove the report of a promotion board is delegated to the Secretary of Defense, that authority may not be redelegated except to an official in the Office of the Secretary of Defense.

"(b) Removal of Name From Board Report.—The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President.

"(c) Recommendations for Removal of Selected Officers From Report.—If the Secretary of a military department or the Secretary of Defense makes a recommendation under this section that the name of an officer be removed from the report of a promotion board and the recommendation is accompanied by information that was not presented to that promotion board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.

"§14112. Dissemination of names of officers selected

"Upon approval by the President of the report of a promotion board, the names of the officers recommended for promotion by the promotion board (other than any name removed by the President) may be disseminated to the armed force concerned. If those names have not been sooner disseminated, those names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.

"CHAPTER 1405—PROMOTIONS

"Sec.

"14301. Eligibility for consideration for promotion: general rules.
"14302. Promotion zones.
"14303. Eligibility for consideration for promotion: minimum years of service in grade.
"14304. Eligibility for consideration for promotion: maximum years of service in grade.
"14305. Establishment of promotion zones: mandatory consideration for promotion.
"14306. Establishment of promotion zones: Naval Reserve and Marine Corps Reserve running mate system.
"14307. Numbers of officers to be recommended for promotion.
"14308. Promotions: how made.
"14309. Acceptance of promotion: oath of office.
"14310. Removal of officers from a list of officers recommended for promotion.
"14311. Delay of promotion: involuntary.
"14312. Delay of promotion: voluntary.
"14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half).
"14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; state adjutants general.
"14315. Position vacancy promotions: Army and Air Force officers.
"14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion.
"14317. Officers in transition to and from the active-status list or active-duty list.

"§14301. Eligibility for consideration for promotion: general rules

"(a) One-Year Rule.—An officer is eligible under this chapter for consideration for promotion by a promotion board convened under section 14101(a) of this title only if—

"(1) the officer is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps; and

"(2) during the one-year period ending on the date of the convening of the promotion board the officer has continuously performed service on either the reserve active-status list or the active-duty list (or on a combination of both lists).

"(b) Requirement for Consideration of All Officers in and Above the Zone.—Whenever a promotion board (other than a vacancy promotion board) is convened under section 14101(a) of this title for consideration of officers in a competitive category who are eligible under this chapter for consideration for promotion to the next higher grade, each officer in the promotion zone, and each officer above the promotion zone, for that grade and competitive category shall be considered for promotion.

"(c) Previously Selected Officers Not Eligible To Be Considered.—A promotion board convened under section 14101(a) of this title may not consider for promotion to the next higher grade—

"(1) an officer whose name is on a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title;

"(2) an officer who has been approved for Federal recognition by a board convened under section 307 of title 32 and nominated by the President for promotion to the next higher grade as a reserve of the Army or of the Air Force as the case may be; or

"(3) an officer who has been nominated by the President for promotion to the next higher grade under any other provision of law.

"(d) Officers Below the Zone.—The Secretary of the military department concerned may, by regulation, prescribe procedures to limit the officers to be considered by a selection board from below the promotion zone to those officers who are determined to be exceptionally well qualified for promotion. The regulations shall include criteria for determining which officers

below the promotion zone are exceptionally well qualified for promotion.

"(e) RESERVE OFFICERS OF THE ARMY; CONSIDERATION FOR BRIGADIER GENERAL AND MAJOR GENERAL.—In the case of officers of the Army, if the Secretary of the Army determines that vacancies are authorized or anticipated in the reserve grades of major general or brigadier general for officers who are on the reserve active-status list and who are not assigned to units organized to serve as a unit and the Secretary convenes a mandatory promotion board under section 14101(a) of this title to consider officers for promotion to fill such vacancies, the Secretary may limit the officers to be considered by that board to those determined to be exceptionally well qualified for promotion under such criteria and procedures as the Secretary may by regulation prescribe.

"(f) CERTAIN RESERVE OFFICERS OF THE AIR FORCE.—A reserve officer of the Air Force who (1) is in the Air National Guard of the United States and holds the grade of lieutenant colonel, colonel, or brigadier general, or (2) is in the Air Force Reserve and holds the grade of colonel or brigadier general, is not eligible for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.

"(g) NONCONSIDERATION OF OFFICERS SCHEDULED FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—The Secretary of the military department concerned may, by regulation, provide for the exclusion from consideration for promotion by a promotion board of any officer otherwise eligible to be considered by the board who has an established date for removal from the reserve active-status list that is not more than 90 days after the date on which the selection board for which the officer would otherwise be eligible is to be convened.

"§14302. Promotion zones

"(a) PROMOTION ZONES GENERALLY.—For purposes of this chapter, a promotion zone is an eligibility category for the consideration of officers by a mandatory promotion board. A promotion zone consists of those officers on the reserve active-status list who are in the same grade and competitive category and who meet the requirements of both paragraphs (1) and (2) or the requirements of paragraph (3), as follows:

"(1)(A) In the case of officers in grades below colonel, for reserve officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Naval Reserve, those who have neither (i) failed of selection for promotion to the next higher grade, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(B) In the case of officers in the grade of colonel or brigadier general, for reserve officers of the Army and Marine Corps, or in the grade of captain or rear admiral (lower half), for reserve officers of the Navy, those who have neither (i) been recommended for promotion to the next higher grade when considered in the promotion zone, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(2) Those officers who are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to the next higher grade and the officer so designated.

"(3) Those officers who—

"(A) have been selected from below the zone for promotion to the next higher grade or by a vacancy promotion board, but whose names were removed from the list of officers recommended for promotion to that next higher grade resulting from that selection;

"(B) have not failed of selection for promotion to that next higher grade; and

"(C) are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to that next higher grade and the officer so designated.

"(b) OFFICERS ABOVE THE ZONE.—Officers on the reserve active-status list are considered to be above the promotion zone for a grade and competitive category if they—

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are senior to the senior officer in the promotion zone for that competitive category.

"(c) OFFICERS BELOW THE ZONE.—Officers on the reserve active-status list are considered to be below the promotion zone for a grade and competitive category if they—

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are junior to the junior officer in the promotion zone for that competitive category.

"§14303. Eligibility for consideration for promotion: minimum years of service in grade

"(a) OFFICERS IN PAY GRADES O-1 AND O-2.—An officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and holds a permanent appointment in the grade of second lieutenant or first lieutenant as a reserve officer of the Army, Air Force, or Marine Corps, or in the grade of ensign or lieutenant (junior grade) as a reserve officer of the Navy, may not be promoted to the next higher grade, or granted Federal recognition in that grade, until the officer has completed the following years of service in grade:

"(1) Eighteen months, in the case of an officer holding a permanent appointment in the grade of second lieutenant or ensign.

"(2) Two years, in the case of an officer holding a permanent appointment in the grade of first lieutenant or lieutenant (junior grade).

"(b) OFFICERS IN PAY GRADES O-3 AND ABOVE.—Subject to subsection (d), an officer who is on the reserve active-status list of the Army, Air Force, or Marine Corps and holds a permanent appointment in a grade above first lieutenant, or who is on the reserve active-status list of the Navy in a grade above lieutenant (junior grade), may not be considered for selection for promotion to the next higher grade, or examined for Federal recognition in the next higher grade, until the officer has completed the following years of service in grade:

"(1) Three years, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of captain, major, or lieutenant colonel or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of lieutenant, lieutenant commander, or commander.

"(2) One year, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of colonel or brigadier general or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of captain or rear admiral (lower half).

This subsection does not apply to an adjutant general or assistant adjutant general of a State or to an appointment in a higher grade which is based upon a specific provision of law.

"(c) AUTHORITY TO LENGTHEN MINIMUM PERIOD IN GRADE.—The Secretary concerned may prescribe a period of service in grade for eligibility for promotion, in the case of officers to whom subsection (a) applies, or for eligibility for consideration for promotion, in the case of officers to whom subsection (b) applies, that is longer than the applicable period specified in that subsection.

"(d) WAIVERS TO ENSURE TWO BELOW-THE-ZONE CONSIDERATIONS.—Subject to section 14307(b) of this title, the Secretary of the military department concerned may waive subsection (b) to the extent necessary to ensure that officers described in paragraph (1) of that subsection have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

"§14304. Eligibility for consideration for promotion: maximum years of service in grade

"(a) CONSIDERATION FOR PROMOTION WITHIN SPECIFIED TIMES.—(1) Officers described in paragraph (3) shall be placed in the promotion zone for that officer's grade and competitive category, and shall be considered for promotion to the next higher grade by a promotion board convened under section 14101(a) of this title, far enough in advance of completing the years of service in grade specified in the following table so that, if the officer is recommended for promotion, the promotion may be effective on or before the date on which the officer will complete those years of service.

"Current Grade	*Maximum years of service in grade*
"First lieutenant or Lieutenant (junior grade)	*5 years*
"Captain or Navy Lieutenant	*7 years*
"Major or Lieutenant commander	*7 years*

"(2) Paragraph (1) is subject to subsections (a), (b), and (c) of section 14301 of this title and applies without regard to vacancies.

"(3) Paragraph (1) applies to an officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and who holds a permanent appointment in the grade of first lieutenant, captain, or major as a reserve of the Army, Air Force, or Marine Corps, or to an officer on the reserve active-status list of the Navy in the grade of lieutenant (junior grade), lieutenant, or lieutenant commander as a reserve of the Navy, and who, while holding that appointment, has not been considered by a selection board convened under section 14101(a) or 14502 of this title for promotion to the next higher grade.

"(b) PROMOTION DATE.—An officer holding a permanent grade specified in the table in subsection (a) who is recommended for promotion to the next higher grade by a selection board the first time the officer is considered for promotion while in or above the promotion zone and who is placed on an approved promotion list established under section 14308(a) of this title shall (if not promoted sooner or removed from that list by the President or by reason of declination) be promoted, without regard to the existence of a vacancy, on the date on which the officer completes the maximum years of service in grade specified in subsection (a). The preceding sentence is subject to the limitations of section 12011 of this title.

"(c) WAIVER AUTHORITY FOR NAVY AND MARINE CORPS RUNNING MATE SYSTEM.—If the Secretary of the Navy establishes promotion zones for officers on the reserve active-status list of the Navy or the Marine Corps Reserve in accordance with a running mate system under section 14306 of this title, the Secretary may waive the requirements of subsection (a) to the extent the Secretary considers necessary in any case in which the years of service for promotion, or for consideration for promotion, within those zones will exceed the maximum years of service in grade specified in subsection (a).

"§14305. Establishment of promotion zones: mandatory consideration for promotion

"(a) ESTABLISHMENT OF ZONE.—Before convening a mandatory promotion board under section 14101(a) of this title, the Secretary of the military department concerned shall establish a promotion zone for officers serving in each grade and competitive category to be considered by the board.

"(b) NUMBER IN THE ZONE.—The Secretary concerned shall determine the number of officers in the promotion zone for officers serving in any grade and competitive category from among officers who are eligible for promotion in that grade and competitive category under the provisions of sections 14303 and 14304 of this title and who are otherwise eligible for promotion.

"(c) FACTORS IN DETERMINING NUMBER IN THE ZONE.—The Secretary's determination under subsection (b) shall be made on the basis of an estimate of the following:

"(1) The number of officers needed in that competitive category in the next higher grade in each of the next five years.

"(2) In the case of a promotion zone for officers to be promoted to a grade to which the maximum years of in grade criteria established in section 14304 of this title apply, the number of officers in that competitive category who are required to be considered for selection for promotion to the next higher grade under that section.

"(3) The number of officers that should be placed in the promotion zone in each of the next five years to provide to officers in those years relatively similar opportunities for promotion.

"§14306. Establishment of promotion zones: Naval Reserve and Marine Corps Reserve running mate system

"(a) AUTHORITY OF SECRETARY OF THE NAVY.—The Secretary of the Navy may by regulation implement section 14305 of this title by requiring that the promotion zone for consideration of officers on the reserve active-status list of the Navy or the Marine Corps for promotion to the next higher grade be determined in accordance with a running mate system as provided in subsection (b).

"(b) ASSIGNMENT OF RUNNING MATES.—An officer to whom a running mate system applies shall be assigned as a running mate an officer of the same grade on the active-duty list of the same armed force. The officer on the reserve active-status list is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title when that officer's running mate is in or above the promotion zone established for that officer's grade under chapter 36 of this title.

"(c) CONSIDERATION OF OFFICERS BELOW THE ZONE UNDER A RUNNING MATE SYSTEM.—If the Secretary of the Navy authorizes the selection of officers for promotion from below the promotion zone in accordance with section 14307 of this title, the number of officers to be considered from below the zone may be established through the application of the running mate system or otherwise as the Secretary determines to be appropriate to meet the needs of the Navy or Marine Corps.

"§14307. Number of officers to be recommended for promotion

"(a) DETERMINATION OF MAXIMUM NUMBER.—Before convening a promotion board under section 14101(a) of this title for a grade and competitive category (other than a vacancy promotion board), the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, shall determine the maximum number of officers in that grade and competitive category that the board may recommend for promotion. The Secretary shall make the determination under the preceding sentence of the maximum number that may be recommended with a view to having on the reserve active-status list a sufficient number of officers in each grade and competitive category to meet the needs of the armed force concerned for officers on that list. In order to make that determination, the Secretary shall determine (1) the number of positions needed to accomplish mission objectives which require officers of such competitive category in the grade to which the board will recommend officers for promotion, (2) the estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted, (3) the number of officers authorized by the Secretary of the military department concerned to serve on the reserve active-status list in the grade and competitive category under consideration, and (4) any statutory limitation on the number of officers in any grade or category (or combination thereof) authorized to be on the reserve active-status list.

"(b) BELOW-THE-ZONE SELECTIONS.—(1) The Secretary of the military department concerned may, when the needs of the armed force concerned require, authorize the consideration of officers in the grade of captain, major, or lieutenant colonel on the reserve active-status list of the Army or Air Force, in a grade above first lieutenant on the reserve active-status list of the Marine Corps, or in a grade above lieutenant (junior grade) on the reserve active-status list of the Navy, for promotion to the next higher grade from below the promotion zone.

"(2) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone in each competitive category to be considered. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category, except that the Secretary of Defense may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary of Defense determines that the needs of the armed force concerned so require. If the maximum number determined under this paragraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

"(3) The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers that the board is authorized to recommend for promotion under subsection (a).

"§14308. Promotions: how made

"(a) PROMOTION LIST.—When the report of a selection board convened under section 14101(a) or 14502 of this title is approved by the President, the Secretary of the military department concerned shall place the names of all officers selected for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of seniority of those officers on the reserve active-status list.

"(b) PROMOTION; HOW MADE; ORDER.—(1) Officers on a promotion list for a competitive category shall be promoted in the manner specified in section 12203 of this title.

"(2) Officers on a promotion list for a competitive category shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary of the military department concerned. Except as provided in section 14311, 14312, or 14502(e) of this title or in subsection (d) or (e), promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

"(3) Officers to be promoted to the grade of first lieutenant or lieutenant (junior grade) shall be promoted in accordance with regulations prescribed by the Secretary of the military department concerned.

"(c) DATE OF RANK.—(1) The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d)(2) of this title.

"(2) Except as specifically authorized by law, a reserve officer is not entitled to additional pay or allowances if the effective date of the officer's promotion is adjusted to reflect a date earlier than the actual date of the officer's promotion.

"(d) OFFICERS WITH RUNNING MATES.—An officer to whom a running mate system applies under section 14306 of this title and who is selected for promotion is eligible for promotion to the grade for which selected when the officer who is that officer's running mate becomes eligible for promotion under chapter 36 of this title. The effective date of the promotion of that officer shall be the same as that of the officer's running mate in the grade to which the running mate is promoted.

"(e) ARMY RESERVE AND AIR FORCE RESERVE PROMOTIONS TO FILL VACANCIES.—Subject to this section and to section 14311(e) of this title, and under regulations prescribed by the Secretary of the military department concerned—

"(1) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) of this title or a board convened under section 14502 or chapter 36 of this title may be promoted at any time to fill a vacancy in a position to which the officer is assigned; and

"(2) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a vacancy promotion board convened under section 14101(a) of this title may be promoted at any time to fill the vacancy for which the officer was selected.

"(f) EFFECTIVE DATE OF PROMOTION AFTER FEDERAL RECOGNITION.—The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the Army National Guard or the Air National Guard under section 307 or 310 of title 32 shall be the date on which such Federal recognition in that grade is so extended.

"(g) ARMY AND AIR FORCE GENERAL OFFICER PROMOTIONS.—A reserve officer of the Army who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in that grade in a unit of the Army Reserve that is organized to serve as a unit and that has attained the strength prescribed by the Secretary of the Army. A reserve officer of the Air Force who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in the Air Force Reserve in that grade.

"§14309. Acceptance of promotion; oath of office

"(a) ACCEPTANCE.—An officer who is appointed to a higher grade under this chapter shall be considered to have accepted the appointment on the date on which the appointment is made unless the officer expressly declines the appointment or is granted a delay of promotion under section 14312 of this title.

"(b) OATH.—An officer who has served continuously since taking the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this chapter.

"§14310. Removal of officers from a list of officers recommended for promotion

"(a) REMOVAL BY PRESIDENT.—The President may remove the name of any officer from a promotion list at any time before the date on which the officer is promoted.

"(b) REMOVAL FOR WITHHOLDING OF SENATE ADVICE AND CONSENT.—If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a reserve grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

"(c) CONTINUED ELIGIBILITY FOR PROMOTION.—An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If that officer is recommended for promotion by the next selection board convened for that officer's grade and competitive category and the officer is promoted, the Secretary of the military department concerned may, upon the promotion, grant the officer the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list, as the officer would have had if the officer's name had not been removed from the list.

"§14311. Delay of promotion: involuntary

"(a) DELAY DURING INVESTIGATIONS AND PROCEEDINGS.—(1) Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may be delayed if any of the following applies before the date on which the appointment would otherwise be made:

"(A) Sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and the charges have not been disposed of.

"(B) An investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer.

"(C) A board of officers has been convened under section 14903 of this title to review the record of the officer.

"(D) A criminal proceeding in a Federal or State court of competent jurisdiction is pending against the officer.

"(2) If disciplinary action is not taken against the officer, if the charges against the officer are withdrawn or dismissed, if the officer is not separated by the Secretary of the military department concerned as the result of having been required to show cause for retention, or if the officer is acquitted of the charges, as the case may be, then (unless action to delay the officer's appointment to the higher grade has been taken under subsection (b)) the officer shall be retained on the promotion list, list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(b) DELAY FOR LACK OF QUALIFICATIONS.—Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may also be delayed if there is cause to believe that the officer is mentally, physically, morally, or professionally unqualified to perform the duties of the grade to which selected. If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade, the officer shall be retained on the promotion list, the list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade, and shall, upon promotion to that grade, have the same date or rank, the same effective date for pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(c) NOTICE TO OFFICER.—(1) The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) unless the officer is given written notice of the grounds for the delay. The preceding sentence does not apply if it is impracticable to give the officer written notice before the date on which the appointment to the higher grade would otherwise take effect, but in such a case the written notice shall be given as soon as practicable.

"(2) An officer whose promotion is delayed under subsection (a) or (b) shall be given an opportunity to make a written statement to the Secretary of the military department concerned in response to the action taken. The Secretary shall give consideration to any such statement.

"(d) MAXIMUM LENGTH OF DELAY IN PROMOTION.—The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) for more than six months after the date on which the officer would otherwise have been promoted unless the Secretary concerned specifies a further period of delay. An officer's appointment may not be delayed more than 90 days after final action has been taken in any criminal case against the officer in a Federal or State court of competent jurisdiction or more than 90 days after final action has been taken in any court-martial case against the officer. Except for court action, a promotion may not be delayed more than 18 months after the date on which the officer would otherwise have been promoted.

"(e) DELAY BECAUSE OF LIMITATIONS ON OFFICER STRENGTH IN GRADE OR DUTIES TO WHICH ASSIGNED.—(1) Under regulations prescribed by the Secretary of Defense, the promotion of a reserve officer on the reserve active-status list who is serving on active duty, or who is on full-time National Guard duty for administration of the reserves or the National Guard, to a grade to which the strength limitations of section 12011 of this title apply shall be delayed if necessary to ensure compliance with those strength limitations. The delay shall expire when the Secretary determines that the delay is no longer required to ensure such compliance.

"(2) The promotion of an officer described in paragraph (1) shall also be delayed while the officer is on duty described in that paragraph unless the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, determines that the duty assignment of the officer requires a higher grade than the grade currently held by the officer.

"(3) The date of rank and position on the reserve active-status list of a reserve officer whose promotion to or Federal recognition in the next higher grade was delayed under paragraph (1) or (2) solely as the result of the limitations imposed under the regulations prescribed by the Secretary of Defense or contained in section 12011 of this title shall be the date on which the officer would have been promoted to or recognized in the higher grade had such limitations not existed.

"(4) If an officer whose promotion is delayed under paragraph (1) or (2) completes the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may request release from active duty or full-time National Guard duty. If the request is granted, the officer's promotion shall be effective upon the officer's release from such duty. The date of rank and position on the reserve active-status list of the officer shall be the date the officer would have been promoted to or recognized in the higher grade had the limitations imposed under regulations prescribed by the Secretary of Defense contained in section 12011 of this title not existed. If an officer whose promotion is delayed under paragraph (1) or (2) has not completed the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may be retained on active duty or on full-time National Guard duty in the grade in which the officer was serving before the officer's being found qualified for Federal recognition or the officer's selection for the promotion until the officer completes that required period of duty.

"§14312. Delay of promotion: voluntary

"(a) AUTHORITY FOR VOLUNTARY DELAYS.—(1) The Secretary of the military department concerned may, by regulation, permit delays of a promotion of an officer who is recommended for promotion by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title at the request of the officer concerned. Such delays, in the case of any promotion, may extend for any period not to exceed three years from the date on which the officer would otherwise be promoted.

"(2) Regulations under this section shall provide that—

"(A) a request for such a delay of promotion must be submitted by the officer concerned before the delay may be approved; and

"(B) denial of such a request shall not be considered to be a failure of selection for promotion unless the officer declines to accept a promotion under circumstances set forth in subsection (c).

"(b) EFFECT OF APPROVAL OF REQUEST.—If a request for delay of a promotion under subsection (a) is approved, the officer's name shall remain on the promotion list during the authorized period of delay (unless removed under any other provision of law). Upon the end of the period of the authorized delay, or at any time during such period, the officer may accept the promotion, which shall be effective on the date of acceptance. Such an acceptance of a promotion shall be made in accordance with regulations prescribed under this section.

"(c) EFFECT OF DECLINING A PROMOTION.—An officer's name shall be removed from the promotion list and, if the officer is serving in a grade below colonel or, in the case of the Navy, captain, the officer shall be considered to have failed of selection for promotion if any of the following applies:

"(1) The Secretary concerned has not authorized voluntary delays of promotion under subsection (a) to the grade concerned and the officer declines to accept an appointment to a higher grade.

"(2) The Secretary concerned has authorized voluntary delays of promotion under subsection (a), but has denied the request of the officer for a delay of promotion and the officer then declines to accept an appointment to a higher grade.

"(3) The Secretary concerned has approved the request of an officer for a delay of promotion and, upon the end of the period of delay authorized in accordance with regulations prescribed under subsection (a), the officer then declines to accept an appointment to a higher grade.

"§14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half)

"(a) AUTHORITY.—The President may vacate the appointment of a reserve officer to the grade of brigadier general or rear admiral (lower half) if the period of time during which the officer has served in that grade after promotion to that grade is less than 18 months.

"(b) EFFECT OF PROMOTION BEING VACATED.—Except as provided in subsection (c), an officer whose promotion to the grade of brigadier general is vacated under this section holds the grade of colonel as a reserve of the armed force of which the officer is a member. An officer whose promotion to the grade of rear admiral (lower half) is vacated under this section holds the grade of captain in the Naval Reserve. Upon assuming the lower grade, the officer shall have the same position on the reserve active-status list as the officer would have had if the officer had not served in the higher grade.

"(c) SPECIAL RULE FOR OFFICERS SERVING AS ADJUTANT GENERAL.—In the case of an officer serving as an adjutant general or assistant adjutant general whose promotion to the grade of brigadier general is vacated under this section, the officer then holds the reserve grade held by that officer immediately before the officer's appointment as adjutant general or assistant adjutant general.

"§14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; State adjutants general

"(a) GENERAL OFFICERS.—Within 30 days after a reserve officer of the Army or the Air Force on the reserve active-status list in a general officer grade ceases to occupy a position commensurate with that grade (or commensurate with a higher grade), the Secretary concerned shall transfer or discharge the officer in accordance with whichever of the following the officer elects:

"(1) Transfer the officer in grade to the Retired Reserve, if the officer is qualified and applies for the transfer.

"(2) Transfer the officer in grade to the inactive status list of the Standby Reserve, if the officer is qualified.

"(3) Discharge the officer from the officer's reserve appointment and, if the officer is qualified and applies therefor, appoint the officer in the reserve grade held by the officer as a reserve officer before the officer's appointment in a general officer grade.

"(4) Discharge the officer from the officer's reserve appointment.

"(b) ADJUTANTS GENERAL.—If a reserve officer who is federally recognized in the Army National Guard or the Air National Guard solely because of the officer's appointment as adjutant general or assistant adjutant general of a State ceases to occupy that position, the Secretary concerned, not later than 30 days after the date on which the officer ceases to occupy that position, shall—

"(1) withdraw that officer's Federal recognition; and

"(2) require that the officer—

"(A) be transferred in grade to the Retired Reserve, if the officer is qualified and applies for the transfer;

"(B) be discharged from the officer's reserve appointment and appointed in the reserve grade held by the officer as a reserve officer of the Air Force immediately before the appointment of that officer as adjutant general or assistant adjutant general, if the officer is qualified and applies for that appointment; or

"(C) be discharged from the officer's reserve appointment.

"(c) CREDIT FOR SERVICE IN GRADE.—An officer who is appointed under subsection (a)(3) or (b)(2)(B) shall be credited with an amount of service in the grade in which appointed that is equal to the amount of prior service in an active status in that grade and in any higher grade.

"§14315. Position vacancy promotions: Army and Air Force officers

"(a) OFFICERS ELIGIBLE FOR CONSIDERATION FOR VACANCY PROMOTIONS BELOW BRIGADIER GENERAL.—A reserve officer of the Army who is in the Army Reserve, or a Reserve officer of the Air Force who is in the Air Force Reserve, who is on the reserve active-status list in the grade of first lieutenant, captain, major, or lieutenant colonel is eligible for consideration for promotion to the next higher grade under this section if each of the following applies:

"(1) The officer is occupying or, as determined by the Secretary concerned, is available to occupy a position in the same competitive category as the officer and for which a grade higher than the one held by that officer is authorized.

"(2) The officer is fully qualified to meet all requirements for the position as established by the Secretary of the military department concerned.

"(3) The officer has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade.

"(b) CONSIDERATION FOR VACANCY PROMOTION TO BRIGADIER GENERAL OR MAJOR GENERAL.—(1) A reserve officer of the Army who is in the Army Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade in a unit of the Army Reserve organized to serve as a unit, (B) has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade, and (C) meets the standards for consideration prescribed by the Secretary of the Army.

"(2) A reserve officer of the Air Force who is in the Air Force Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade, and (B) meets the standards for consideration prescribed by the Secretary of the Air Force.

"(c) VACANCY PROMOTION BOARDS.—Consideration for promotion under this section shall be by a vacancy promotion board convened under section 14101(a) of this title.

"(d) EFFECT OF NONSELECTION.—An officer who is considered for promotion under this section and is not selected shall not be considered to have failed of selection for promotion.

"(e) SPECIAL RULE FOR OFFICERS FAILED OF SELECTION.—A reserve officer of the Army or the Air Force who is considered as failed of selection for promotion under section 14501 of this title to a grade may be considered for promotion under this section or, if selected, promoted to that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill the vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"§14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion

"(a) OPPORTUNITY FOR PROMOTION TO FILL A VACANCY IN THE GUARD.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States is recommended by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title for promotion to the next higher grade, an opportunity shall be given to the appropriate authority of the State to promote that officer to fill a vacancy in the Army National Guard or the Air National Guard of that jurisdiction.

"(b) AUTOMATIC FEDERAL RECOGNITION.—An officer of the Army National Guard of the United States or the Air National Guard of the United States who is on a promotion list for promotion to the next higher grade as a result of selection for promotion as described in subsection (a) and who before the date of promotion is appointed in that higher grade to fill a vacancy in the Army National Guard or Air National Guard shall—

"(1) be extended Federal recognition in that grade, without the examination prescribed in section 307 of title 32; and

"(2) subject to section 14311(e) of this title, be promoted to that reserve grade effective on the date of the officer's appointment in that grade in the Army National Guard or Air National Guard.

"(c) NATIONAL GUARD OFFICERS FAILED OF SELECTION.—An officer who is considered as failed of selection for promotion under section 14501 of this title to a grade may be extended Federal recognition in that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill a vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"(d) TRANSFER TO ARMY RESERVE OR AIR FORCE RESERVE.—If, on the date on which an officer of the Army National Guard of the United States or of the Air National Guard of the United States who is on a promotion list as described in subsection (a) is to be promoted, the officer has not been promoted to fill a vacancy in the higher grade in the Army National Guard or the Air National Guard, the officer's Federal recognition in the officer's reserve grade shall be withdrawn and the officer shall be promoted and transferred to the Army Reserve or the Air Force Reserve as appropriate.

"§14317. Officers in transition to and from the active-status list or active-duty list

"(a) EFFECT OF TRANSFER TO INACTIVE STATUS OR RETIRED STATUS.—If a reserve officer on the reserve active-status list is transferred to an inactive status or to a retired status after having been recommended for promotion to a higher grade under this chapter or chapter 36 of this title, or after having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer—

"(1) shall be treated as if the officer had not been considered and recommended for promotion by the selection board or examined and been found qualified for Federal recognition; and

"(2) may not be placed on a promotion list or promoted to the higher grade after returning to an active status,

unless the officer is again recommended for promotion by a selection board convened under chapter 36 of this title or section 14101(a) or 14502 of this title or examined for Federal recognition under title 32.

"(b) EFFECT OF PLACEMENT ON ACTIVE-DUTY LIST.—A reserve officer who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under *section 14101(a) or a special selection board convened under section 14502 of this title and who before being promoted is placed on the active-duty list of the same armed force and placed in the same competitive category shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list for officers on the active-duty list established under chapter 36 of this title.*

"(c) OFFICERS ON A PROMOTION LIST REMOVED FROM ACTIVE-DUTY LIST.—An officer who is on the active-duty list and is on a promotion list as the result of selection for promotion by a selection board convened under chapter 36 of this title and who before being promoted is removed from the active-duty list and placed on the reserve active-status list of the same armed force and in the same competitive category (including a regular officer who on removal from the active-duty list is appointed as a reserve officer and placed on the reserve active-status list) shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list established under this chapter.

"(d) OFFICERS SELECTED FOR POSITION VACANCIES.—If a reserve officer is ordered to active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only) after being recommended for promotion under section 14314 of this title to fill a position vacancy or examined for Federal recognition under title 32, and before being promoted to fill that vacancy, the officer shall not be promoted while serving such active duty or full-time National Guard duty unless the officer is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty. If, under this subsection, the name of an officer is removed from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.

"(e) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is not on the active-duty list and who is ordered to active duty in time of war or national emergency may, if eligible, be considered for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title for not more than two years from the date the officer is ordered to active duty unless the President suspends the operation of this section under the provisions of section 10213 or 644 of this title.

"CHAPTER 1407—FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

"Sec.
"14501. Failure of selection for promotion.
"14502. Special selection boards: correction of errors.
"14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).
"14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy.
"14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy.
"14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force, and Marine Corps and lieutenant commanders of the Navy.
"14507. Removal from the active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy.
"14508. Removal from the reserve active-status list for years of service: reserve general and flag officers.
"14509. Separation at age 60: reserve officers below brigadier general or rear admiral (lower half).
"14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half).
"14511. Separation at age 62: major generals and rear admirals.
"14512. Separation at age 64: officers holding certain offices.
"14513. Separation for failure of selection of promotion.
"14514. Discharge or retirement for years of service or after selection for early removal.
"14515. Discharge or retirement for age.
"14516. Separation to be considered involuntary.
"14517. Entitlement of officers discharged under this chapter to separation pay.

"§14501. Failure of selection for promotion

"(a) An officer on the reserve active-status list in a grade below the grade of colonel or, in the case of an officer in the Naval Reserve, captain who is in or above the promotion zone established for that officer's grade and competitive category and who (1) is considered but not recommended for promotion (other than by a vacancy promotion board), or (2) declines to accept a promotion for which selected (other than by a vacancy promotion board), shall be considered to have failed of selection for promotion.

"(b) OFFICERS TWICE FAILED OF SELECTION.—An officer shall be considered for all purposes to have twice failed of selection for promotion if any of the following applies:

"(1) The officer is considered but not recommended for promotion a second time by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) of this title.

"(2) The officer declines to accept a promotion for which recommended by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) or 14502(b) of this title after previously failing of selection or after the officer's name was removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation for promotion by an earlier selection board described in subsection (a).

"(3) The officer's name has been removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation by a mandatory promotion board convened under section 14101(a) or by a special selection board convened under section 14502(a) or 14502(b) of this title and—

"(A) the officer is not recommended for promotion by the next mandatory promotion board convened under section 14101(a) or special selection board convened under section 14502(a) of this title for that officer's grade and competitive category; or

"(B) the officer's name is again removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title.

"§14502. Special selection boards: correction of errors

"(a) OFFICERS NOT CONSIDERED BECAUSE OF ADMINISTRATIVE ERROR.—(1) In the case of an officer or former officer who the Secretary of the military department concerned determines was not considered for selection for promotion from in or above the promotion zone by a mandatory promotion board convened under section 14101(a) of this title because of administrative error, the Secretary concerned shall convene a special selection board under this subsection to determine whether such officer or former officer should be recommended for promotion. Any such board shall be convened under regulations prescribed by the Secretary of Defense and shall be appointed and composed in accordance with section 14102 of this title and shall include the representation of competitive categories required by that section. The members of a board convened under this subsection shall be required to take an oath in the same manner as prescribed in section 14103 of this title.

"(2) A special selection board convened under this subsection shall consider the record of the officer or former officer as that record would have appeared to the promotion board that should have considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in a grade below the grade of colonel or, in the case of an officer or former officer of the Navy, captain, whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

"(b) OFFICERS CONSIDERED BUT NOT SELECTED; MATERIAL ERROR.—(1) In the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion from in or above the promotion zone under this chapter by a selection board but was not selected, the Secretary of the military department concerned may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that—

"(A) the action of the selection board that considered the officer or former officer was contrary to law or involved material error of fact or material administrative error; or

"(B) the selection board did not have before it for its consideration material information.

"(2) A special selection board convened under paragraph (1) shall be appointed and composed in accordance with section 14102 of this title (including the representation of competitive categories required by that section), and the members of such a board shall take an oath in the same manner as prescribed in section 14103 of this title.

"(3) Such board shall consider the record of the officer or former officer as that record, if corrected, would have appeared to the selection board that considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(4) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in the grade of lieutenant colonel or commander or below whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for pro-

motion by the board which did consider the officer but incurs no additional failure of selection for promotion from the action of the special selection board.

"(c) Report.—Each special selection board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each officer it recommends for promotion and certifying that the board has considered carefully the record of each officer whose name was referred to it.

"(d) Applicable Provisions.—The provisions of sections 14104, 14109, 14110, and 14111 of this title apply to the report and proceedings of a special selection board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 14101(a) of this title.

"(e) Appointment of Officers Recommended for Promotion.—(1) An officer whose name is placed on a promotion list as a result of recommendation for promotion by a special selection board convened under this section, shall, as soon as practicable, be appointed to the next higher grade in accordance with the law and policies which would have been applicable had he been recommended for promotion by the board which should have considered or which did consider him.

"(2) An officer who is promoted to the next higher grade as the result of the recommendation of a special selection board convened under this section shall, upon such promotion, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if the officer had been recommended for promotion to that grade by the selection board which should have considered, or which did consider, the officer.

"(3) If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not currently eligible for promotion or a former officer whose name was referred to it for consideration, the Secretary concerned may act under section 1552 of this title to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from not being selected for promotion by the board which should have considered, or which did consider, the officer.

"(f) Time Limits for Consideration.—The Secretary of Defense may prescribe by regulation the circumstances under which consideration by a special selection board is contingent upon application for consideration by an officer or former officer and time limits within which an officer or former officer must make such application in order to be considered by a special selection board under this section.

"(g) Limitation of Other Jurisdiction.—No official or court of the United States shall have power or jurisdiction—

"(1) over any claim based in any way on the failure of an officer or former officer of the armed forces to be selected for promotion by a selection board convened under chapter 1403 of this title until—

"(A) the claim has been referred to a special selection board by the Secretary concerned and acted upon by that board; or

"(B) the claim has been rejected by the Secretary without consideration by a special selection board; or

"(2) to grant any relief on such a claim unless the officer or former officer has been selected for promotion by a special selection board convened under this section to consider the officer's claim.

"(h) Judicial Review.—(1) A court of the United States may review a determination by the Secretary concerned under subsection (a)(1), (b)(1), or (e)(3) not to convene a special selection board. If a court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law, it shall remand the case to the Secretary concerned, who shall provide for consideration of the officer or former officer by a special selection board under this section.

"(2) If a court finds that the action of a special selection board which considers an officer or former officer was contrary to law or involved material error of fact or material administrative error, it shall remand the case to the Secretary concerned, who shall provide the officer or former officer reconsideration by a new special selection board.

"(i) Designation of Boards.—The Secretary of the military department concerned may designate a promotion board convened under section 14101(a) of this title as a special selection board convened under this section. A board so designated may function in both capacities.

"§14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade)

"(a) Authorized Discharges.—The Secretary of the military department concerned may discharge any reserve officer who—

"(1) has less than five years of service in an active status as a commissioned officer; or

"(2) is serving in the grade of second lieutenant or ensign and has been found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade).

"(b) Time for Discharge.—(1) An officer described in subsection (a)(2)—

"(A) may be discharged at any time after being found not qualified for promotion; and

"(B) if not sooner discharged, shall be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion.

"(2) Paragraph (1) shall not apply if the officer is sooner promoted.

"(c) Regulations.—Discharges under this section shall be made under regulations prescribed by the Secretary of Defense and may be made without regard to section 12645 of this title.

"§14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy

"(a) General Rule.—A first lieutenant on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant (junior grade) on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"(b) Exceptions.—Subsection (a) does not apply (1) in the case of an officer retained as provided by regulation of the Secretary of the military department concerned in order to meet planned mobilization needs for a period not in excess of 24 months beginning with the date on which the President approves the report of the selection board which resulted in the second failure, or (2) as provided in section 12646 or 12686 of this title.

"§14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy

"Unless retained as provided in section 12646 or 12686 of this title, a captain on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade and who has not been selected for continuation on the reserve active-status list under section 14701 of this title, shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"§14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force and Marine Corps and reserve lieutenant commanders of the Navy

"Unless retained as provided in section 12646, 12686, 14701, or 14702 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of major or lieutenant commander who has failed of selection to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall, if not earlier removed from the reserve active-status list, be removed from that list in accordance with section 14513 of this title on the first day of the month after the month in which the officer completes 20 years of commissioned service.

"§14507. Removal from the reserve active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy

"(a) Lieutenant Colonels and Commanders.—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of lieutenant colonel or commander and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 28 years of commissioned service.

"(b) Colonels and Navy Captains.—Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Air Force, or Marine Corps who holds the grade of colonel, and each reserve officer of the Navy who holds the grade of captain, and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 30 years of commissioned service. This subsection does not apply to the adjutant general or assistant adjutants general of a State.

"§14508. Removal from the reserve active-status list for years of service: reserve general and flag officers

"(a) Thirty Years Service or Five Years in Grade.—Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve officer of the Navy in the grade of rear admiral (lower half) who has not been recommended for promotion to rear admiral shall, 30 days after completion of 30 years of commissioned service or on the fifth anniversary of the date of the of-

ficer's appointment in the grade of brigadier general or rear admiral (lower half), whichever is later, be separated in accordance with section 14514 of this title.

"(b) THIRTY-FIVE YEARS SERVICE OR FIVE YEARS IN GRADE.—*Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general, and each reserve officer of the Navy in the grade of rear admiral, shall, 30 days after completion of 35 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of major general or rear admiral, whichever is later, be separated in accordance with section 14514 of this title.*

"(c) RETENTION OF BRIGADIER GENERALS.—*A reserve officer of the Army or Air Force in the grade of brigadier general who would otherwise be removed from an active status under this subsection (a) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 60 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.*

"(d) RETENTION OF MAJOR GENERALS.—*A reserve officer of the Army or Air Force in the grade of major general who would otherwise be removed from an active status under this subsection (b) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 62 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.*

"(e) EXCEPTION FOR STATE ADJUTANTS GENERAL AND ASSISTANT ADJUTANTS GENERAL.—*This section does not apply to an officer who is the adjutant general or assistant adjutant general of a State.*

"§14509. Separation at age 60: reserve officers in grades below brigadier general or rear admiral (lower half)

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps in a grade below brigadier general or rear admiral (lower half) who has not been recommended for promotion to the grade of brigadier general or rear admiral (lower half) and is not a member of the Retired Reserve shall, on the last day of the month in which that officer becomes 60 years of age, be separated in accordance with section 14515 of this title.

"§14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half)

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve rear admiral (lower half) of the Navy who has not been recommended for promotion to the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 60 years of age.

"§14511. Separation at age 62: major generals and rear admirals

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general and each reserve officer of the Navy in the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 62 years of age.

"§14512. Separation at age 64: officers holding certain offices

"(a) ARMY AND AIR FORCE.—*Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer of the Army or Air Force who is Chief of the National Guard Bureau, an adjutant general, or if a reserve officer of the Army, commanding general of the troops of a State, shall on the last day of the month in which the officer becomes 64 years of age, be separated in accordance with section 14515 of this title.*

"(b) NAVY AND MARINE CORPS.—*The Secretary of the Navy may defer the retirement under section 14510 or 14511 of a reserve officer of the Navy in a grade above captain or a reserve officer of the Marine Corps in a grade above colonel and retain the officer in an active status until the officer becomes 64 years of age. Not more than 10 officers may be so deferred at any one time, distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines.*

"§14513. Separation for failure of selection of promotion

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and whose removal from an active status or from a reserve active-status list is required by section 14504, 14505, or 14506 of this title shall (unless the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the date specified in those sections—

"(1) be transferred to an inactive status if the Secretary concerned determines that the officer has skills which may be required to meet the mobilization needs of the officer's armed force;

"(2) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(3) if the officer is not transferred to an inactive status or to the Retired Reserve, be discharged from the officer's reserve appointment.

"§14514. Discharge or retirement for years of service or after selection for early removal

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and who is required to be removed from an active status or from a reserve active-status list, as the case may be, under section 14507, 14508, 14704, or 14705 of this title (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law), in accordance with those sections, shall—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for such transfer, be discharged from the officer's reserve appointment.

"§14515. Discharge or retirement for age

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status or on an inactive status list and who reaches the maximum age specified in section 14509, 14510, 14511, or 14512 of this title for the officer's grade or position shall (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the last day of the month in which the officer reaches that maximum age—

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for transfer to the Retired Reserve, be discharged from the officer's reserve appointment.

"§14516. Separation to be considered involuntary

"The separation of an officer pursuant to section 14513, 14514, or 14515 of this title shall be considered to be an involuntary separation for purposes of any other provision of law.

"§14517. Entitlement of officers discharged under this chapter to separation pay

"An officer who is discharged under section 14513, 14514, or 14515 of this title is entitled to separation pay under section 1174 of this title if otherwise eligible under that section.

"CHAPTER 1409—CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST AND SELECTIVE EARLY REMOVAL

"Sec.
"14701. Selection of officers for continuation on the reserve active-status list.
"14702. Retention on reserve active-status list of certain officers until age 60.
"14703. Authority to retain chaplains and officers in medical specialties until specified age.
"14704. Selective early removal from the reserve active-status list.
"14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps.
"14706. Computation of total years of service.

"§14701. Selection of officers for continuation on the reserve active-status list

"(a) CONSIDERATION FOR CONTINUATION.—*(1) Upon application, a reserve officer of the Army, Navy, Air Force, or Marine Corps who is required to be removed from the reserve active-status list under section 14505, 14506, or 14507 of this title may, subject to the needs of the service and to section 14509 of this title, be considered for continuation on the reserve active-status list by a selection board convened under section 14101(b) of this title.*

"(2) A reserve officer who holds the grade of captain in the Army, Air Force, or Marine Corps or the grade of lieutenant in the Navy and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 20 years of commissioned service.

"(3) A reserve officer who holds the grade of major or lieutenant commander and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 24 years of commissioned service.

"(4) A reserve officer who holds the grade of lieutenant colonel or commander and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 33 years of commissioned service.

"(5) A reserve officer who holds the grade of colonel in the Army, Air Force, or Marine Corps or the grade of captain in the Navy and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 35 years of commissioned service.

"(6) An officer who is selected for continuation on the reserve active-status list as a result of the convening of a selection board under section 14101(b) of this title but who declines to continue on that list shall be separated in accordance with section 14513 or 14514 of this title, as the case may be.

"(7) Each officer who is continued on the reserve active-status list under this section, who is

not subsequently promoted or continued on the active-status list, and whose name is not on a list of officers recommended for promotion to the next higher grade shall (unless sooner separated under another provision of law) be separated in accordance with section 14513 or 14514 of this title, as appropriate, upon the expiration of the period for which the officer was continued on the reserve active-status list.

"(b) APPROVAL OF SECRETARY CONCERNED.—Continuation of an officer on the reserve active-status list under this section pursuant to action of a continuation board convened under section 14101(b) of this title is subject to the approval of the Secretary of the military department concerned.

"(c) INSTRUCTIONS TO CONTINUATION BOARDS.—A continuation board convened under section 14101(b) of this title to consider officers for continuation on the reserve active-status list under this section shall act in accordance with the instructions and directions provided to the board by the Secretary of the military department concerned.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section.

"§14702. Retention on reserve active-status list of certain officers until age 60

"(a) RETENTION.—Notwithstanding the provisions of section 14506 or 14507 of this title, the Secretary of the military department concerned may, with the officer's consent, retain on the reserve active-status list an officer in the grade of major, lieutenant colonel, or colonel who is—

"(1) an officer of the Army National Guard of the United States and assigned to a headquarters or headquarters detachment of a State; or

"(2) a reserve officer of the Army or Air Force who, as a condition of continued employment as a National Guard or Reserve technician is required by the Secretary concerned to maintain membership in a Selected Reserve unit or organization.

"(b) SEPARATION AT AGE 60.—An officer may be retained under this section only so long as the officer continues to meet the conditions of subsection (a)(1) or (a)(2). An officer may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.

"§14703. Authority to retain chaplains and officers in medical specialties until specified age

"(a) RETENTION.—Notwithstanding any provision of chapter 1407 of this title and except for officers referred to in sections 14503, 14504, 14505, and 14506 of this title and under regulations prescribed by the Secretary of Defense—

"(1) the Secretary of the Army may, with the officer's consent, retain in an active status any reserve officer assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Services Corps (if the officer has been designated as allied health officer or biomedical sciences officer in that Corps), the Optometry Section of the Medical Services Corps, the Chaplains, the Army Nurse Corps, or the Army Medical Specialists Corps;

"(2) the Secretary of the Navy may, with the officer's consent, retain in an active status any reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Services Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer; and

"(3) the Secretary of the Air Force may, with the officer's consent, retain in an active status any reserve officer who is designated as a medical officer, dental officer, veterinary officer, Air Force nurse, or chaplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.

"(b) SEPARATION AT SPECIFIED AGE.—An officer may not be retained in active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age).

"§14704. Selective early removal from the reserve active-status list

"(a) BOARDS TO RECOMMEND OFFICERS FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—Whenever the Secretary of the military department concerned determines that there are in any reserve component under the jurisdiction of the Secretary too many officers in any grade and competitive category who have at least 30 years of service computed under section 14706 of this title or at least 20 years of service computed under section 12732 of this title, the Secretary may convene a selection board under section 14101(b) of this title to consider all officers on that list who are in that grade and competitive category, and who have that amount of service, for the purpose of recommending officers by name for removal from the reserve active-status list, in the number specified by the Secretary by each grade and competitive category.

"(b) SEPARATION OF OFFICERS SELECTED.—In the case of an officer recommended for separation in the report of a board under subsection (a), the Secretary may separate the officer in accordance with section 14514 of this title.

"(c) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations for the administration of this section.

"§14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps

"(a) AUTHORITY TO CONSIDER.—An officer in the Naval Reserve in an active status serving in the grade of rear admiral (lower half) or rear admiral and an officer in the Marine Corps Reserve in an active status serving in the grade of brigadier general or major general may be considered for early retirement whenever the Secretary of the Navy determines that such action is necessary.

"(b) BOARDS.—If the Secretary of the Navy determines that consideration for early retirement under this section is necessary, the Secretary shall convene a board under section 14101(b) of this title to recommend an appropriate number of officers for early retirement.

"(c) SEPARATION UNDER SECTION 14514.—An officer selected for early retirement under this section shall be separated in accordance with section 14514 of this title.

"§14706. Computation of total years of service

"For the purpose of this chapter and chapter 1407 of this title, a reserve officer's years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer).

"CHAPTER 1411—ADDITIONAL PROVISIONS RELATING TO INVOLUNTARY SEPARATION

"Sec.

"14901. Separation of chaplains for loss of professional qualifications.

"14902. Separation for substandard performance and for certain other reasons.

"14903. Boards of inquiry.

"14904. Rights and procedures.

"14905. Officers considered for removal: retirement or discharge.

"14906. Officers eligible to serve on boards.

"14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave.

"§14901. Separation of chaplains for loss of professional qualifications

"(a) SEPARATION.—Under regulations prescribed by the Secretary of Defense, an officer on the reserve active-status list who is appointed or designated as a chaplain may, if the officer fails to maintain the qualifications needed to perform the professional function of a chaplain, be discharged. The authority under the preceding sentence applies without regard to the provisions of section 12645 of this title.

"(b) EFFECT OF SEPARATION.—If an officer separated under this section is eligible for retirement, the officer may be retired. If the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the officer may be transferred to the Retired Reserve.

"§14902. Separation for substandard performance and for certain other reasons

"(a) SUBSTANDARD PERFORMANCE OF DUTY.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because that officer's performance has fallen below standards prescribed by the Secretary concerned, to show cause for retention in an active status.

"(b) MISCONDUCT, ETC.—The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because of misconduct, because of moral or professional dereliction, or because the officer's retention is not clearly consistent with the interests of national security, to show cause for retention in an active status.

"(c) REGULATIONS.—The authority of the Secretary of a military department under this section shall be carried out subject to such limitations as the Secretary of Defense may prescribe by regulation.

"§14903. Boards of inquiry

"(a) CONVENING OF BOARDS.—The Secretary of the military department concerned shall convene a board of inquiry at such time and place as the Secretary may prescribe to receive evidence and review the case of any officer who has been required to show cause for retention in an active status under section 14902 of this title. Each board of inquiry shall be composed of not less than three officers who have the qualifications prescribed in section 14906 of this title.

"(b) RIGHT TO FAIR HEARING.—A board of inquiry shall give a fair and impartial hearing to each officer required under section 14902 of this chapter to show cause for retention in an active status.

"(c) RECOMMENDATIONS TO SECRETARY.—If a board of inquiry determines that the officer has failed to establish that the officer should be retained in an active status, the board shall recommend to the Secretary concerned that the officer not be retained in an active status.

"(d) ACTION BY SECRETARY.— After review of the recommendation of the board of inquiry, the Secretary may—

"(1) remove the officer from an active status; or

"(2) determine that the case be closed.

"(e) ACTION IN CASES WHERE CAUSE FOR RETENTION IS ESTABLISHED.—(1) If a board of inquiry determines that an officer has established that the officer should be retained in an active status or if the Secretary determines that the case be closed, the officer's case is closed.

"(2) An officer who is required to show cause for retention under section 14902(a) of this title and whose case is closed under paragraph (1) may not again be required to show cause for retention under such subsection during the one-year period beginning on the date of that determination.

"(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention under section 14902(b) of this title and whose case is closed under paragraph (1) may again be required to show cause for retention at any time.

"(B) An officer who has been required to show cause for retention under section 14902(b) of this title and who is thereafter retained in an active status may not again be required to show cause for retention under such section solely because of conduct which was the subject of the previous proceeding, unless the recommendations of the board of inquiry that considered the officer's case are determined to have been obtained by fraud or collusion.

"§14904. Rights and procedures

"(a) PROCEDURAL RIGHTS.—Under regulations prescribed by the Secretary of Defense, an officer required under section 14902 of this title to show cause for retention in an active status—

"(1) shall be notified in writing, at least 30 days before the hearing of the officer's case by a board of inquiry, of the reasons for which the officer is being required to show cause for retention in an active status;

"(2) shall be allowed a reasonable time, as determined by the board of inquiry, to prepare for showing of cause for retention in an active status;

"(3) shall be allowed to appear in person and to be represented by counsel at proceedings before the board of inquiry; and

"(4) shall be allowed full access to, and shall be furnished copies of, records relevant to the case, except that the board of inquiry shall withhold any record that the Secretary concerned determines should be withheld in the interest of national security.

"(b) SUMMARY OF RECORDS WITHHELD.—When a record is withheld under subsection (a)(4), the officer whose case is under consideration shall, to the extent that the interest of national security permits, be furnished a summary of the record so withheld.

"§14905. Officer considered for removal: retirement or discharge

"(a) VOLUNTARY RETIREMENT OR DISCHARGE.—At any time during proceedings under this chapter with respect to the removal of an officer from an active status, the Secretary of the military department concerned may grant a request by the officer—

"(1) for voluntary retirement, if the officer is qualified for retirement;

"(2) for transfer to the Retired Reserve if the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title and is otherwise eligible for transfer to the Retired Reserve; or

"(3) for discharge in accordance with subsection (b)(3).

"(b) REQUIRED RETIREMENT OR DISCHARGE.—An officer removed from an active status under section 14903 of this title shall—

"(1) if eligible for voluntary retirement under any provision of law on the date of such removal, be retired in the grade and with the retired pay for which he would be eligible if retired under that provision;

"(2) if eligible for transfer to the Retired Reserve and has completed the years of service required for retired pay under chapter 1223 of this title, be transferred to the Retired Reserve; and

"(3) if ineligible for retirement or transfer to the Retired Reserve under paragraph (1) or (2) on the date of such removal—

"(A) be honorably discharged in the grade then held, in the case of an officer whose case was brought under subsection (a) of section 14902 of this title; or

"(B) be discharged in the grade then held, in the case of an officer whose case was brought under subsection (b) of section 14902 of this title.

"(c) SEPARATION PAY.—An officer who is discharged under subsection (b)(3) is entitled, if eligible therefor, to separation pay under section 1174(c) of this title.

"§14906. Officers eligible to serve on boards

"(a) COMPOSITION OF BOARDS.—(1) Each officer who serves on a board convened under this chapter shall be an officer of the same armed force as the officer being required to show cause for retention in an active status.

"(2) An officer may not serve on a board under this chapter unless the officer holds a grade above lieutenant colonel or commander and is senior in grade and rank to any officer considered by the board.

"(b) LIMITATION.—A person may not be a member of more than one board convened under this chapter to consider the same officer.

"§14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave

"(a) AUTHORITY TO WITHDRAW FEDERAL RECOGNITION.—If an officer of the Army National Guard of the United States or the Air National Guard of the United States has been absent without leave for three months, the Secretary of the Army or the Secretary of the Air Force, as appropriate, may—

"(1) terminate the reserve appointment of the officer; and

"(2) withdraw the officer's Federal recognition as an officer of the National Guard.

"(b) DISCHARGE FROM RESERVE APPOINTMENT.—An officer of the Army National Guard of the United States or the Air National Guard of the United States whose Federal recognition as an officer of the National Guard is withdrawn under section 323(b) of title 32 shall be discharged from the officer's appointment as a reserve officer of the Army or the Air Force, as the case may be.".

PART B—CONFORMING AMENDMENTS

SEC. 111. DEFINITION OF RESERVE ACTIVE-STATUS LIST.

Section 101 is amended by adding at the end the following new paragraph:

"(48) The term 'reserve active-status list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 14002 of this title) that contains the names of all officers of that armed force except warrant officers (including commissioned warrant officers) who are in an active status in a reserve component of the Army, Navy, Air Force, or Marine Corps and are not on an active-duty list.".

SEC. 112. AUTHORITY TO SUSPEND OFFICER PERSONNEL LAWS DURING WAR OR NATIONAL EMERGENCY.

(a) AUTHORITY.—Section 123 is amended to read as follows:

"§123. Authority to suspend officer personnel laws during war or national emergency

"In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserve. So long as such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621-1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.

"(c) If a provision of law pertaining to the promotion of reserve officers is suspended under this section and if the Secretary of Defense submits to Congress proposed legislation to adjust the grades and dates of rank of reserve commissioned officers other than commissioned warrant officers, such proposed legislation shall, so far as practicable, be the same as that recommended for adjusting the grades and dates of rank of officers of the regular component of the armed force concerned.".

(b) CONFORMING REPEAL.—Section 644 is repealed.

SEC. 113. ACTIVE-DUTY LIST PROMOTION BOARDS TO HAVE AUTHORITY TO RECOMMEND THAT RESERVE OFFICERS CONSIDERED FOR PROMOTION BE REQUIRED TO SHOW CAUSE FOR RETENTION ON ACTIVE DUTY.

Section 617(b) is amended—

(1) by inserting "or reserve" after "any regular"; and

(2) by inserting "or 1411" after "chapter 60".

SEC. 114. APPLICABILITY OF CHAPTER 36 TO RESERVE OFFICERS DURING WAR OR NATIONAL EMERGENCY.

Section 641 is amended—

(1) by inserting "(a)" before "Officers in the following"; and

(2) by adding at the end the following:

"(b) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is ordered to active duty (whether voluntarily or involuntarily) during a war or national emergency and who would otherwise be placed on the active-duty list may be excluded from that list as determined by the Secretary concerned. Exclusion of an officer from the active-duty list as the result of action by the Secretary concerned under the preceding sentence shall expire not later than 24 months after the date on which the officer enters active duty under an order to active duty covered by that sentence.".

SEC. 115. GRADE IN WHICH RESERVE OFFICERS ARE ORDERED TO ACTIVE DUTY.

Section 689 is amended—

(1) by inserting "or full-time National Guard duty" after "active duty" the first two places it appears; and

(2) by inserting "and placed on the active-duty list" after "active duty" the third place it appears.

SEC. 116. DATE OF RANK.

Section 741(d)(3) is amended—

(1) by inserting "or who is transferred from an inactive status to an active status and placed on the active-duty list or the reserve active-status list" after "warrant officer (W-5)";

(2) by inserting "or reserve active-status list" after "active-duty list" the second place it appears; and

(3) by adding at the end: "The authority to change the date of rank of a reserve officer who is placed on the active-duty list to a later date does not apply in the case of an officer who (A) has served continuously in the Selected Reserve of the Ready Reserve since the officer's last promotion, or (B) is placed on the active-duty list while on a promotion list as described in section 14317(b) of this title.".

SEC. 117. DISCHARGE BEFORE COMPLETION OF REQUIRED SERVICE IN CASE OF OFFICERS HAVING TWICE FAILED OF SELECTION FOR CAPTAIN OR NAVY LIEUTENANT.

Section 1005(b) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(3) an officer on the active-duty list or reserve active-status list who has failed of selection for promotion for the second time to the grade of captain, in the case of an officer of the Army, Air Force, or Marine Corps, or to the grade of lieutenant, in the case of an officer of the Navy; or

"(4) an officer whose discharge or transfer from an active status is required by law.".

SEC. 118. CONFORMING AMENDMENTS RELATING TO NAVY AND MARINE CORPS OFFICERS.

Section 6389 is amended—

(1) in subsection (a)—

(A) by inserting "while on the active-duty list" after "to the next higher grade"; and

(B) by striking out the period at the end and inserting in lieu thereof "or released from active duty and placed on the reserve active-status list.";

(2) in subsection (b), by striking out "or (f)";

(3) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by striking out "lieutenant commander or above" both places it appears and inserting in lieu thereof "lieutenant commander or commander";

(C) by striking out "major or above" both places it appears and inserting in lieu thereof "major or lieutenant colonel";

(D) by inserting "while on the active-duty list" after "to the next higher grade" in the first sentence; and

(E) in the table—

(i) by striking out the line relating to the grades of captain in the Navy and colonel in the Marine Corps; and

(ii) by striking out "26 years" and inserting in lieu thereof "28 years";

(F) by designating the sentence after the table as paragraph (2) and in that sentence striking out "the first sentence of this subsection" and inserting in lieu thereof "the first sentence of paragraph (1)";

(G) by designating the next sentence as paragraph (3) and in that sentence striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(H) by designating the last sentence as paragraph (4) and in that sentence—

(i) striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(ii) striking out "captain or"; and

(4) by striking out subsections (e), (f), and (g).

SEC. 119. REPEAL OF RESERVE OFFICER PERSONNEL POLICY LAWS.

(a) Army Provisions.—

(1) Chapter 337, relating to appointments as reserve officers (other than sections 3351 and 3352), is repealed.

(2) Chapter 361, relating to separation for various reasons, is repealed.

(3) Chapter 363, relating to separation or transfer to the Retired Reserve, is repealed.

(b) Navy and Marine Corps Provisions.—

(1) Chapter 541, relating to running mates as reserve officers, is repealed.

(2) Chapter 549, relating to reserve promotions, is repealed.

(3) Sections 6391, 6392, 6397, 6403, and 6410 are repealed.

(c) Air Force Provisions.—

(1) Chapter 837, relating to appointments as reserve officers (other than sections 8351 and 8352), is repealed.

(2) Sections 8819 and 8820 are repealed.

(3) Chapter 863, relating to separation or transfer to the Retired Reserve, is repealed.

SEC. 120. AMENDMENTS TO TITLE 32, UNITED STATES CODE.

Title 32, United States Code, is amended as follows:

(1) Sections 309 and 310 are amended to read as follows:

"§309. Federal recognition of National Guard officers: officers promoted to fill vacancies

"Each officer of the National Guard who is promoted to fill a vacancy in a federally recognized unit of the National Guard, and who has been on the reserve active-status list or the active-duty list of the Army or the Air Force for at least one year and has completed the minimum years of service in grade specified in section 14303 of title 10, shall be examined for Federal recognition in the grade to which the officer is promoted.

"§310. Federal recognition of National Guard officers: automatic recognition

"(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of first lieutenant, effective as of the date on which that officer has completed the service in the grade specified in section 14303(a)(1) of title 10 and has met such other requirements as prescribed by the Secretary concerned under section 14308(b) of that title, if the officer has remained in an active status since the officer was so recommended.

"(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve or the Air Force Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the National Guard to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade in which the officer is so appointed in the National Guard if the officer has been recommended for promotion under chapter 1405 of title 10 and has remained in an active status since the officer was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the National Guard.".

(2) Section 323 is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:

"(d) The Federal recognition of a reserve commissioned officer of the Army or the Air Force who is—

"(1) federally recognized as an officer of the National Guard; and

"(2) subject to involuntary transfer to the Retired Reserve, transfer to an inactive status list, or discharge under chapter 1407, 1409, or 1411 of title 10;

shall, if not sooner withdrawn, be withdrawn on the date of such involuntary transfer or discharge.".

TITLE II—OTHER PERSONNEL POLICY AMENDMENTS

Part A—Appointments

SEC. 201. REPEAL OF SEPARATE AUTHORITY FOR ACCESSION OF WOMEN IN RESERVE COMPONENTS.

(a) Enlistments.—Section 510 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) Appointment of Officers.—Section 591 is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 202. APPOINTMENT AUTHORITY FOR RESERVE GRADES OF LIEUTENANT COLONEL AND COMMANDER.

Section 593(a) is amended—

(1) in the first sentence, by striking out "Reserves in commissioned grades below lieutenant colonel and commander" and inserting in lieu thereof "reserve officers in commissioned grades of lieutenant colonel and commander or below"; and

(2) in the second sentence, by striking out "Reserves in commissioned grades above major and lieutenant commander" and inserting in lieu thereof "reserve officers in commissioned grades above lieutenant colonel and commander".

SEC. 203. APPOINTMENT OF FORMER COMMISSIONED OFFICERS IN RESERVE COMPONENTS.

Chapter 34 is amended by inserting after section 594 the following new section:

"§594a. Commissioned officers: appointment of former commissioned officers

"Under regulations prescribed by the Secretary of Defense, a person who is a former commissioned officer may, if otherwise qualified, be appointed as a reserve officer of the Army, Navy, Air Force, or Marine Corps. A person so appointed—

"(1) may be placed on the reserve active-status list of that armed force in the grade equivalent to the permanent regular or reserve grade, and in the same competitive category, in which the person previously served satisfactorily on active duty or in an active status; and

"(2) may be credited for the purpose of determining date of rank under section 741(d) of this title with service in grade equal to that held by that person when discharged or separated.".

SEC. 204. CONSTRUCTIVE CREDIT FOR APPOINTMENT OF OFFICERS IN RESERVE COMPONENTS WITH QUALIFYING EDUCATION OR EXPERIENCE.

Chapter 34 is further amended by inserting after section 595 the following new section:

"§596. Commissioned officers: service credit upon original appointment

"(a)(1) For the purpose of determining the grade and the rank within grade of a person receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) in the Army, Navy, Air Force, or Marine Corps, the person shall be credited at the time of the appointment with any commissioned service (other than service as a commissioned warrant officer) performed before such appointment as a regular officer, or as a reserve officer in an active status, in any armed force, the National Oceanic and Atmospheric Administration, or the Public Health Service.

"(2) The Secretary of Defense shall prescribe regulations, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, to authorize the Secretary of the military department concerned to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, a person who is receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, or Marine Corps, or a designation in, or an assignment to, an officer category in which advanced education or training is required and who has advanced education or training, shall be credited with constructive service for such education, training, or experience, as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed or designated in, or assigned to, officer categories requiring such advanced education or an advanced degree as a prerequisite for such appointment, designation, or assignment. Except as provided in subparagraph (D), in determining the number of years of constructive service to be credited under this subparagraph to officers in any professional field, the Secretary concerned shall credit an officer with, but with not more than, the number of years of postsecondary education in excess of four that are required by a majority of institutions that award degrees in that professional field for completion of the advanced education or award of the advanced degree.

"(B)(i) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for such appointment, designation, or assignment, if such advanced education will be directly used by the armed force concerned.

"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the armed force concerned.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal health professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a speciality required by the armed force concerned.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit of one year for advanced education in a health profession if the number of years of baccalaureate education completed by 75 percent or more of the students entering advanced training in that health profession exceeds, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees in that health profession. The percentage of such persons shall be computed on an annual basis for each health profession from the data for the year in which the person being so appointed, designated, or assigned was admitted to a professional school. However, a person may not receive additional credit under this subparagraph if the amount of that person's baccalaureate education does not exceed, by one or more, the minimum number of years of preprofessional education required by a majority of institutions which award degrees for that health profession, determined on the basis prescribed in the preceding sentence.

"(F) Additional credit for experience as a physician or dentist, if appointed, assigned, or designated as a medical or dental officer.

"(2) If the Secretary of Defense determines that the number of medical or dental officers serving in an active status in a reserve component of the Army, Navy, or Air Force in grades below major or lieutenant commander is critically below the number needed by such reserve component in such grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment for service as a medical or dental officer with a period of constructive credit in such amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Naval Reserve, lieutenant.

"(3) Except as authorized by the Secretary concerned in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment as a reserve officer of the Army, Air Force, or Marine Corps in the grade of major or as a reserve officer of the Navy in the grade of lieutenant commander.

"(4) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer or assignment to or designation in an officer category in which advanced education or training or special experience is required.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving as a commissioned officer (other than a warrant officer) on active duty or in an active status. However, in the case of an officer who completes advanced education or receives an advanced degree while on active duty or in an active status and in less than the number of years normally required to complete such advanced education or receive such advanced degree, constructive service may, subject to regulations prescribed under subsection (a)(2), be credited to the officer under subsection (b)(1)(A) to the extent that the number of years normally required to complete such advanced education or receive such advanced degree exceeds the actual number of years in which such advanced education or degree is obtained by the officer.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on the active-duty list of the Army, Navy, Air Force, or Marine Corps in grades below lieutenant commander or major is critically below the number needed by that armed force in those grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment with a view to assignment to the Judge Advocate General's Corps of the Army or appointment to the Judge Advocate General's Corps of the Navy, or who is receiving an original appointment in the Air Force or Marine Corps with a view to designation as a judge advocate, with a period of constructive service in such an amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Navy, lieutenant, and the date of rank of such person being junior to that of all other officers of the same grade serving on the active-duty list.

"(e) Constructive service credited an officer under subsection (b) or (d) shall be used only for determining the officer's—

"(1) initial grade as a reserve officer;

"(2) rank in grade; and

"(3) service in grade for promotion eligibility.

"(f) The grade and position on the reserve active-status list of a person receiving an appointment as a reserve officer who at the time of appointment is credited with service under this section shall be determined under regulations prescribed by the Secretary of Defense based upon the amount of service credited.".

SEC. 205. COMPUTATION OF YEARS OF SERVICE FOR TRANSFER OF ARMY OFFICERS TO RETIRED RESERVE.

(a) INTERIM REPEAL OF OBSOLETE PROVISION.—Effective for the period beginning on the date of the enactment of this Act and ending on the effective date specified in section 601, section 3853 is amended by striking out "the greater of—" and all that follows and inserting in lieu thereof "the sum of the following:

"(1) The officer's years of service as a commissioned officer of any component of the armed forces or of the Army without specification of component.

"(2) The officer's years of service in a federally recognized commissioned status in the National Guard if his service in the National Guard was continuous from the date of his Federal recognition as an officer in the National Guard to the date of his appointment in the National Guard of the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to transfers to the Retired Reserve and to discharges on or after the date of the enactment of this Act.

SEC. 206. REPEAL OF MISCELLANEOUS OBSOLETE APPOINTMENT AUTHORITIES.

(a) ARMY RESERVE OFFICERS APPOINTED IN TEMPORARY GRADES.—Section 3352(a) is amended by striking out the second sentence.

(b) AIR FORCE AVIATION CADETS.—Section 8356 is repealed.

(c) REDUNDANT STATEMENT OF AUTHORITY.—Section 8379 is repealed.

PART B—SEPARATION AND RETIREMENT

SEC. 221. COMPUTATION OF HIGHEST GRADE IN WHICH SATISFACTORILY SERVED FOR RESERVE COMMISSIONED OFFICERS AND FORMER OFFICERS.

Section 1370 is amended by adding at the end the following new subsection:

"(d)(1) Unless entitled to a higher grade, or to credit for satisfactory service in a higher grade, under some other provision of law, a person who is entitled to retired pay under chapter 1225 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary concerned in accordance with this subsection.

"(2)(A) In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months.

"(B) In order to be credited with satisfactory service in an officer grade above major or lieutenant commander and below lieutenant general or vice admiral, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years. A person covered by the preceding sentence who has completed at least six months of satisfactory service in grade and is transferred from an active status or discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service may be credited with satisfactory service in the grade in which serving at the time of such transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade.

"(3) A person whose length of service in the highest grade held does not meet the service in grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary of the military department concerned) for not less than six months.".

PART C—OTHER AMENDMENTS

SEC. 241. TENURE IN OFFICE OF CHIEF OF NATIONAL GUARD BUREAU.

Section 3040(c) is amended by adding at the end the following new sentence: "While holding that office, the Chief of the National Guard Bureau may not be removed from the reserve ac-

tive-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.".

SEC. 242. RIGHT TO REENLIST IN REGULAR ARMY OR REGULAR AIR FORCE AFTER SERVICE AS AN OFFICER.

(a) ARMY.—Section 3258 is amended—

(1) by striking out "Any former enlisted member" and inserting in lieu thereof "(a) Subject to subsections (b) and (c), a former enlisted member";

(2) by striking out the last sentence; and

(3) by adding at the end the following:

"(b) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person is discharged or released from active duty from service as an officer described in that subsection—

"(1) because that person's performance of duty while serving as such an officer has fallen below standards prescribed by the Secretary of Defense;

"(2) because of misconduct or moral or professional dereliction; or

"(3) because retention of that person as an officer is not clearly consistent with the interest of national security.

"(c) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person's status and grade as an enlisted member were only held during, and solely as a result of, participation in a precommissioning program after the effective date of the Reserve Officer Personnel Management Act.".

(b) AIR FORCE.—Section 8258 is amended—

(1) by striking out "Any former enlisted member" and inserting in lieu thereof "(a) Subject to subsections (b) and (c), a former enlisted member";

(2) by striking out the last sentence; and

(3) by adding at the end the following:

"(b) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person is discharged or released from active duty from service as an officer described in that subsection—

"(1) because that person's performance of duty while serving as such an officer has fallen below standards prescribed by the Secretary of Defense;

"(2) because of misconduct or moral or professional dereliction; or

"(3) because retention of that person as an officer is not clearly consistent with the interest of national security.

"(c) A person who is a former enlisted member is not entitled to be reenlisted under subsection (a) if that person's status and grade as an enlisted member were only held during, and solely as a result of, participation in a precommissioning program after the effective date of the Reserve Officer Personnel Management Act.".

TITLE III—REORGANIZATION AND CONSOLIDATION OF LAWS RELATING TO RESERVE COMPONENTS

SEC. 301. LAWS RELATING TO ORGANIZATION AND ADMINISTRATION OF RESERVE COMPONENTS.

(a) RESERVE COMPONENTS GENERALLY.—(1) Subtitle E, as added by section 101, is amended by inserting after the table of chapters at the beginning of the subtitle the following:

"PART I—ORGANIZATION AND ADMINISTRATION

"Chap	*Sec.*
"1001. Definitions	*10001*
"1003. Reserve Components Generally	*10101*
"1005. Elements of Reserve Components	*10141*
"1007. Administration of Reserve Components	*10201*
"1009. Reserve Forces Policy Boards and Committees	*10301*
"1011. National Guard Bureau	*10501*
"1013. Budget Information and Annual Reports to Congress	*10541*

"CHAPTER 1001—DEFINITIONS

"Sec.

"10001. Definition of State.

"§10001. Definition of State

"In this subtitle, the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"CHAPTER 1003—RESERVE COMPONENTS GENERALLY

"Sec.

"10101. Reserve components named.

"10102. Purpose of reserve components.

"10103. Basic policy for order of National Guard into Federal service.

"10104. Army Reserve: composition

"10105. Army National Guard of the United States: composition.

"10106. Army National Guard: when a component of the Army.

"10107. Army National Guard of the United States: status when not in Federal service.

"10108. Naval Reserve: administration.

"10109. Marine Corps Reserve: administration.

"10110. Air Force Reserve: composition.

"10111. Air National Guard of the United States: composition.

"10112. Air National Guard: when a component of the Air Force.

"10113. Air National Guard of the United States: status when not in Federal service.

"10114. Coast Guard Reserve.

"§10101. Reserve components named

"The reserve components of the armed forces are:

"(1) The Army National Guard of the United States.

"(2) The Army Reserve.

"(3) The Naval Reserve.

"(4) The Marine Corps Reserve.

"(5) The Air National Guard of the United States.

"(6) The Air Force Reserve.

"(7) The Coast Guard Reserve.

"§10102. Purpose of reserve components

"The purpose of each reserve component is to provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever, during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization, more units and persons are needed than are in the regular components.

"§10103. Basic policy for order of the National Guard and reserve components to active duty

"Whenever Congress determines that more units and organizations are needed for the national security than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with units of other reserve components necessary for a balanced force, shall be ordered to active duty and retained as long as so needed.

"§10104. Army Reserve: composition

"The Army Reserve includes all Reserves of the Army who are not members of the Army National Guard of the United States.

"§10105. Army National Guard of the United States: composition

"The Army National Guard of the United States is the reserve component of the Army that consists of—

"(1) federally recognized units and organizations of the Army National Guard; and

"(2) members of the Army National Guard who are also Reserves of the Army.

"§10106. Army National Guard: when a component of the Army

"The Army National Guard while in the service of the United States is a component of the Army.

"§10107. Army National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Army National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Army National Guard.

"§10108. Naval Reserve: administration

"(a) The Naval Reserve is the reserve component of the Navy. It shall be organized, administered, trained, and supplied under the direction of the Chief of Naval Operations.

"(b) The bureaus and offices of the executive part of the Department of the Navy have the same relation and responsibility to the Naval Reserve as they do to the Regular Navy.

"§10109. Marine Corps Reserve: administration

"The Marine Corps Reserve is the reserve component of the Marine Corps. It shall be organized, administered, trained, and supplied under the direction of the Commandant of the Marine Corps.

"(b) The departments and offices of Headquarters, Marine Corps have the same relation and responsibilities to the Marine Corps Reserve as they do to the Regular Marine Corps.

"§10110. Air Force Reserve: composition

"The Air Force Reserve is a reserve component of the Air Force to provide a reserve for active duty. It consists of the members of the officers' section of the Air Force Reserve and of the enlisted section of the Air Force Reserve. It includes all Reserves of the Air Force who are not members of the Air National Guard of the United States.

"§10111. Air National Guard of the United States: composition

"The Air National Guard of the United States is the reserve component of the Air Force that consists of—

"(1) federally recognized units and organizations of the Air National Guard; and

"(2) members of the Air National Guard who are also Reserves of the Air Force.

"§10112. Air National Guard: when a component of the Air Force

"The Air National Guard while in the service of the United States is a component of the Air Force.

"§10113. Air National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Air National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Air National Guard.

"§10114. Coast Guard Reserve

"As provided in section 701 of title 14, the Coast Guard Reserve is a component of the Coast Guard and is organized, administered, trained, and supplied under the direction of the Commandant of the Coast Guard. Laws applicable to the Coast Guard Reserve are set forth in chapter 21 of title 14 (14 U.S.C. 701 et seq.).

"CHAPTER 1005—ELEMENTS OF RESERVE COMPONENTS

"Sec.

"10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories.

“10142. Ready Reserve generally.
“10143. Ready Reserve: Selected Reserve.
“10144. Ready Reserve: Individual Ready Reserve.
“10145. Ready Reserve: placement in.
“10146. Ready Reserve: transfer from.
“10147. Ready Reserve: training requirements.
“10148. Ready Reserve: failure to satisfactorily perform prescribed training.
“10149. Ready Reserve: continuous screening.
“10150. Ready Reserve: transfer back from Standby Reserve.
“10151. Standby Reserve: composition.
“10152. Standby Reserve: inactive status list.
“10153. Standby Reserve: status of members.
“10154. Retired Reserve.

“§10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories

“(a) There are in each armed force a Ready Reserve, a Standby Reserve, and a Retired Reserve. Each Reserve shall be placed in one of those categories.

“(b) Reserves who are on the inactive status list of a reserve component, or who are assigned to the inactive Army National Guard or the inactive Air National Guard, are in an inactive status. Members in the Retired Reserve are in a retired status. All other Reserves are in an active status.

“(c) As prescribed by the Secretary concerned, each reserve component except the Army National Guard of the United States and the Air National Guard of the United States shall be divided into training categories according to the degrees of training, including the number and duration of drills or equivalent duties to be completed in stated periods. The designation of training categories shall be the same for all armed forces and the same within the Ready Reserve and the Standby Reserve.

“§10142. Ready Reserve

“(a) The Ready Reserve consists of units or Reserves, or both, liable for active duty as provided in sections 12301 and 12302 of this title.

“(b) The authorized strength of the Ready Reserve is 2,900,000.

“§10143. Ready Reserve: Selected Reserve

“(a) Within the Ready Reserve of each of the reserve components there is a Selected Reserve. The Selected Reserve consists of units, and, as designated by the Secretary concerned, of Reserves, trained as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32, as appropriate.

“(b) The organization and unit structure of the Selected Reserve shall be approved—

“(1) in the case of all reserve components other than the Coast Guard Reserve, by the Secretary of Defense based upon recommendations from the military departments as approved by the Chairman of the Joint Chiefs of Staff in accordance with contingency and war plans; and

“(2) in the case of the Coast Guard Reserve, by the Secretary of Transportation upon the recommendation of the Commandant of the Coast Guard.

“§10144. Ready Reserve: Individual Ready Reserve

“Within the Ready Reserve of each of the reserve components there is an Individual Ready Reserve. The Individual Ready Reserve consists of those members of the Ready Reserve who are not in the Selected Reserve or the inactive National Guard.

“§10145. Ready Reserve: placement in

“(a) Each person required under law to serve in a reserve component shall, upon becoming a member, be placed in the Ready Reserve of his armed force for his prescribed term of service, unless he is transferred to the Standby Reserve under section 10146(a) of this title.

“(b) The units and members of the Army National Guard of the United States and of the Air National Guard of the United States are in the Ready Reserve of the Army and the Ready Reserve of the Air Force, respectively.

“(c) All Reserves assigned to units organized to serve as units and designated as units in the Ready Reserve are in the Ready Reserve.

“(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence.

“§10146. Ready Reserve: transfer from

“(a) Subject to subsection (c) and under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member in the Ready Reserve may be transferred to the Standby Reserve.

“(b) A Reserve who is qualified and so requests may be transferred to the Retired Reserve under regulations prescribed by the Secretary concerned and, in the case of the Secretary of a military department, approved by the Secretary of Defense.

“(c) A member of the Army National Guard of the United States or the Air National Guard of the United States may be transferred to the Standby Reserve only with the consent of the governor or other appropriate authority of the State.

“§10147. Ready Reserve: training requirements

“(a) Except as specifically provided in regulations to be prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, each person who is enlisted, inducted, or appointed in an armed force, and who becomes a member of the Ready Reserve under any provision of law except section 513 or 10145(b) of this title, shall be required, while in the Ready Reserve, to—

“(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training of not less than 14 days (exclusive of traveltime) during each year; or

“(2) serve on active duty for training not more than 30 days during each year.

“(b) A member who has served on active duty for one year or longer may not be required to perform a period of active duty for training if the first day of that period falls during the last 120 days of the member's required membership in the Ready Reserve.

“§10148. Ready Reserve: failure to satisfactorily perform prescribed training

“(a) A member of the Ready Reserve covered by section 10147 of this title who fails in any year to perform satisfactorily the training duty prescribed in that section, as determined by the Secretary concerned under regulations prescribed by the Secretary of Defense, may be ordered without his consent to perform additional active duty for training for not more than 45 days. If the failure occurs during the last year of his required membership in the Ready Reserve, his membership is extended until he performs that additional active duty for training, but not for more than six months.

“(b) A member of the Army National Guard of the United States or the Air National Guard of the United States who fails in any year to perform satisfactorily the training duty prescribed by or under law for members of the Army National Guard or the Air National Guard, as the case may be, as determined by the Secretary concerned, may, upon the request of the Governor of the State (or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard) be ordered, without his consent, to perform additional active duty for training for not more than 45 days. A member ordered to active duty under this subsection shall be ordered to duty as a Reserve of the Army or as a Reserve of the Air Force, as the case may be.

“§10149. Ready Reserve: continuous screening

“(a) Under regulations to be prescribed by the President, the Secretary concerned shall provide a system of continuous screening of units and members of the Ready Reserve to ensure the following:

“(1) That there will be no significant attrition of those members or units during a mobilization.

“(2) That there is a proper balance of military skills.

“(3) That except for those with military skills for which there is an overriding requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills.

“(4) That with due regard to national security and military requirements, recognition will be given to participation in combat.

“(5) That members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

“(b) Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Ready Reserve who is designated as a member not to be retained in the Ready Reserve as a result of screening under subsection (a) shall, as appropriate, be—

“(1) transferred to the Standby Reserve;

“(2) discharged; or

“(3) if the member is eligible and applies therefor, transferred to the Retired Reserve.

“§10150. Ready Reserve: transfer back from Standby Reserve

“Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Standby Reserve who has not completed his required period of service in the Ready Reserve may be transferred to the Ready Reserve when the reason for his transfer to the Standby Reserve no longer exists.

“§10151. Standby Reserve: composition

“The Standby Reserve consists of those units or members, or both, of the reserve components, other than those in the Ready Reserve or Retired Reserve, who are liable for active duty only as provided in sections 12301 and 12306 of this title.

“§10152. Standby Reserve: inactive status list

“(a) An inactive status list shall be maintained in the Standby Reserve. Whenever an authority designated by the Secretary concerned considers that it is in the best interest of the armed force concerned, a member in the Standby Reserve who is not required to remain a Reserve, and who cannot participate in prescribed training, may, if qualified, be transferred to the inactive status list under regulations to be prescribed by the Secretary concerned. These regulations shall fix the conditions under which such a member is entitled to be returned to an active status.

“§10153. Standby Reserve: status of members

“While in an inactive status, a Reserve is not eligible for pay or promotion and (as provided in

section 12734(a) of this title) does not accrue credit for years of service under chapter 1223 of this title.

"§10154. Retired Reserve

"The Retired Reserve consists of the following Reserves:

"(1) Reserves who are or have been retired under section 3911, 6323, or 8911 of this title or under section 291 of title 14.

"(2) Reserves who have been transferred to the Retired Reserve upon their request, retain their status as Reserves, and are otherwise qualified.

"CHAPTER 1007—ADMINISTRATION OF RESERVE COMPONENTS

"Sec.

"10201. Assistant Secretary of Defense for Reserve Affairs.
"10202. Regulations.
"10203. Reserve affairs: designation of general or flag officer of each armed force.
"10204. Personnel records.
"10205. Members of Individual Ready Reserve: requirement of notification of change of status.
"10206. Members: periodic physical examinations.
"10207. Mobilization forces: maintenance.
"10208. Annual mobilization exercise.
"10209. Regular and reserve components: discrimination prohibited.
"10210. Dissemination of information.
"10211. Policies and regulations: participation of reserve officers in preparation and administration.
"10212. Reserve components: dual membership prohibited.
"10213. Adjutants general and assistant adjutants general: reference to other officers of National Guard.
"10214. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status.

"§10201. Assistant Secretary of Defense for Reserve Affairs

"As provided in section 136(b)(2) of this title, the official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the Assistant Secretary of Defense for Reserve Affairs.

"§10202. Regulations

"(a) Subject to standards, policies, and procedures prescribed by the Secretary of Defense, the Secretary of each military department shall prescribe such regulations as the Secretary considers necessary to carry out provisions of law relating to the reserve components under the Secretary's jurisdiction.

"(b) The Secretary of Transportation, with the concurrence of the Secretary of the Navy, shall prescribe such regulations as the Secretary considers necessary to carry out all provisions of law relating to the reserve components insofar as they relate to the Coast Guard, except when the Coast Guard is operating as a service in the Navy.

"(c) So far as practicable, regulations for all reserve components shall be uniform.

"§10203. Reserve affairs: designation of general or flag officer of each armed force

"(a) The Secretary of the Army may designate a general officer of the Army to be directly responsible for reserve affairs to the Chief of Staff of the Army.

"(b) The Secretary of the Navy may designate a flag officer of the Navy to be directly responsible for reserve affairs to the Chief of Naval Operations and a general officer of the Marine Corps to be directly responsible for reserve affairs to the the Commandant of the Marine Corps.

"(c) The Secretary of the Air Force may designate a general officer of the Air Force to be directly responsible for reserve affairs to the Chief of Staff of the Air Force.

"(d) The Secretary of Transportation may designate a flag officer of the Coast Guard to be directly responsible for reserve affairs to the Commandant of the Coast Guard.

"(e) This section does not affect the functions of the Chief of the National Guard Bureau, the Chief of Army Reserve, or the Chief of Air Force Reserve.

"§10204. Personnel records

"(a) The Secretary concerned shall maintain adequate and current personnel records of each member of the reserve components under the Secretary's jurisdiction showing the following with respect to the member:

"(1) Physical condition.
"(2) Dependency status.
"(3) Military qualifications.
"(4) Civilian occupational skills.
"(5) Availability for service.
"(6) Such other information as the Secretary concerned may prescribe.

"(b) Under regulations to be prescribed by the Secretary of Defense, the Secretary of each military department shall maintain a record of the number of members of each class of each reserve component who, during each fiscal year, have participated satisfactorily in active duty for training and inactive duty training with pay.

"§10205. Members of Ready Reserve: requirement of notification of change of status

"(a) Each member of the Ready Reserve shall notify the Secretary concerned of any change in the member's address, marital status, number of dependents, or civilian employment and of any change in the member's physical condition that would prevent the member from meeting the physical or mental standards prescribed for the member's armed force.

"(b) This section shall be administered under regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"§10206. Members: periodic physical examinations

"(a) Each member of the Ready Reserve who is not on active duty shall—

"(1) be examined as to his physical fitness every four years, or more often as the Secretary concerned considers necessary; and

"(2) execute and submit annually to the Secretary concerned a certificate of physical condition.

Each Reserve in an active status, or on an inactive status list, who is not on active duty shall execute and submit annually to the Secretary concerned a certificate of physical condition.

"(b) The kind of duty to which a Reserve ordered to active duty may be assigned shall be considered in determining physical qualifications for active duty.

"§10207. Mobilization forces: maintenance

"(a) Whenever units or members of the reserve components are ordered to active duty (other than for training) during a period of partial mobilization, the Secretary concerned shall continue to maintain mobilization forces by planning and budgeting for the continued organization and training of the reserve components not mobilized, and make the fullest practicable use of the Federal facilities vacated by mobilized units, consistent with approved joint mobilization plans.

"(b) In this section, the term 'partial mobilization' means the mobilization resulting from action by Congress or the President, under any law, to bring units of any reserve component, and members not assigned to units organized to serve as units, to active duty for a limited expansion of the active armed forces.

"§10208. Annual mobilization exercise

"(a) The Secretary of Defense shall conduct at least one major mobilization exercise each year. The exercise should be as comprehensive and as realistic as possible and should include the participation of associated active component and reserve component units.

"(b) The Secretary shall maintain a plan to test periodically each active component and reserve component unit based in the United States and all interactions of such units, as well as the sustainment of the forces mobilized as part of the exercise, with the objective of permitting an evaluation of the adequacy of resource allocation and planning.

"§10209. Regular and reserve components: discrimination prohibited

"Laws applying to both Regulars and Reserves shall be administered without discrimination—

"(1) among Regulars;
"(2) among Reserves; and
"(3) between Regulars and Reserves.

"§10210. Dissemination of information

"The Secretary of Defense shall require the complete and current dissemination, to all Reserves and to the public, of information of interest to the reserve components.

"§10211. Policies and regulations: participation of Reserve officers in preparation and administration

"Within such numbers and in such grades and assignments as the Secretary concerned may prescribe, each armed force shall have officers of its reserve components on active duty (other than for training) at the seat of government, and at headquarters responsible for reserve affairs, to participate in preparing and administering the policies and regulations affecting those reserve components. While so serving, such an officer is an additional member of any staff with which he is serving.

"§10212. Reserve components: dual membership prohibited

"Except as otherwise provided in this title, no person may be a member of more than one reserve component at the same time.

"§10213. Adjutants general and assistant adjutants general: reference to other officers of National Guard

"In any case in which, under the laws of a State, an officer of the National Guard of that jurisdiction, other than the adjutant general or an assistant adjutant general, normally performs the duties of that office, the references in sections 12004(b)(1), 12214, 12642(c), 14507(b), 14508(e), and 14512 of this title to the adjutant general or the assistant adjutant general shall be applied to that officer instead of to the adjutant general or assistant adjutant general.

"§10214. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status

"(a)(1) Officers of the Army National Guard of the United States who are not on active duty—

"(A) may order members of the Army National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Air Force, may order members of the Air National Guard of the United States to active duty for training under that section.

"(2) Officers of the Air National Guard of the United States who are not on active duty—

"(A) may order members of the Air National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Army, may order members of the Army National Guard of the United States to active duty for training under that section.

"(b) Officers of the Army National Guard of the United States or the Air National Guard of the United States who are not on active duty—

"(1) may enlist, reenlist, or extend the enlistments of persons as Reserves of the Army or Reserves of the Air Force for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be; and

"(2) with respect to their Federal status, may promote or discharge persons enlisted or reenlisted as Reserves of the Army or Reserves of the Air Force for that service.

"(c) This section shall be carried out under regulations prescribed by the Secretary of the Army, with respect to matters concerning the Army, and by the Secretary of the Air Force, with respect to matters concerning the Air Force.".

(2)(A) Sections 261 through 265 and 267 through 281 are repealed.

(B) Chapter 11 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.

"261. Reference to chapters 1003, 1005, and 1007.

"§261. Reference to chapters 1003, 1005, and 1007

"Provisions of law relating to the reserve components generally, including provisions relating to the organization and administration of the reserve components, are set forth in chapter 1003 (beginning with section 10101), chapter 1005 (beginning with section 10141), and chapter 1007 (beginning with section 10201) of this title.".

(3)(A) Chapter 519 and sections 652, 2001, 3076 through 3080, and 8076 through 8080 are repealed.

(B) Section 552(e) of Public Law 98–525 is repealed.

(4) Section 1004 is amended—

(A) by striking out subsections (a) and (b); and

(B) by striking out "(c)" before "Except as otherwise provided".

(5)(A) Section 10147(a), as added by paragraph (1), applies only to persons who were inducted, enlisted, or appointed in an armed force after August 9, 1955.

(B) Section 10148(b), as added by paragraph (1), applies only to persons who became members of the Army National Guard of the United States or the Air National Guard of the United States after October 4, 1961.

(b) BOARDS AND COMMITTEES.—(1) Part I of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1009—RESERVE FORCES POLICY BOARDS AND COMMITTEES

"Sec.
"10301. Reserve Forces Policy Board.
"10302. Army Reserve Forces Policy Committee.
"10303. Naval Reserve Policy Board.
"10304. Marine Corps Reserve Policy Board.
"10305. Air Force Reserve Forces Policy Committee.

"§10301. Reserve Forces Policy Board

"(a) There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The Board consists of the following:

"(1) A civilian chairman appointed by the Secretary of Defense.

"(2) The Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

"(3) An officer of the Regular Army designated by the Secretary of the Army.

"(4) An officer of the Regular Navy or Regular Marine Corps designated by the Secretary of the Navy.

"(5) An officer of the Regular Air Force designated by the Secretary of the Air Force.

"(6) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, two of whom must be members of the Army National Guard of the United States, and two of whom must be members of the Army Reserve.

"(7) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, two of whom must be members of the Naval Reserve, and two of whom must be members of the Marine Corps Reserve.

"(8) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, two of whom must be members of the Air National Guard of the United States, and two of whom must be members of the Air Force Reserve.

"(9) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general officer or flag officer designated by the Chairman of the Board with the approval of the Secretary of Defense, and who serves without vote as military adviser to the Chairman and as executive officer of the Board.

"(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate two officers of the Coast Guard, Regular or Reserve, to serve as voting members of the Board.

"(c) The Board, acting through the Assistant Secretary of Defense for Reserve Affairs, is the principal policy adviser to the Secretary of Defense on matters relating to the reserve components.

"(d) This section does not affect the committees on reserve policies prescribed within the military departments by sections 10302 through 10305 of this title.

"(e) A member of a committee or board prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the Reserve Forces Policy Board.

"(f) The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board.

"§10303. Naval Reserve Policy Board

"A Naval Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Naval Reserve.

"§10304. Marine Corps Reserve Policy Board

"A Marine Corps Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Marine Corps Reserve.".

(2)(A) Section 3021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10301, and redesignated as section 10302.

(B) Section 8021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10304, and redesignated as section 10305.

(3) The text of section 175 is amended to read as follows:

"There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The functions, membership, and organization of that board are set forth in section 10301 of this title.".

(4)(A) Chapter 303 (as amended by paragraph (2)(A)) is amended by adding at the end the following:

"§3021. Army Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Army an Army Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10302 of this title.".

(B) Chapter 803 (as amended by paragraph (2)(B)) is amended by adding at the end the following:

"§8021. Air Force Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Air Force an Air Force Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10305 of this title.".

(c) NATIONAL GUARD BUREAU.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1009, as added by subsection (b), the following:

"CHAPTER 1011—NATIONAL GUARD BUREAU

"Sec.
"10501. National Guard Bureau: organization; function.
"10502. Chief of Bureau: appointment.
"10503. Chief of Bureau: term of office; grade; filling vacancy.
"10504. National Guard Bureau: assignment of officers of regular or reserve components.

"§10501. National Guard Bureau: organization; function

"There is a National Guard Bureau, which is a joint bureau of the Department of the Army and the Department of the Air Force. The National Guard Bureau is the channel of communication between the departments concerned and the several States, Territories, Puerto Rico, and the District of Columbia on all matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States.

"§10502. Chief of Bureau: appointment

"(a) CHIEF.—The National Guard Bureau is headed by a chief who is the adviser to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters.

"(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Chief of the Bureau from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) have been recommended by their respective governors;

"(2) have had at least 10 years of commissioned service in the active National Guard; and

"(3) are in a grade above lieutenant colonel.

"§10503. Chief of Bureau: term of office; grade; filling vacancy

"(a) TERM OF OFFICE.—The Chief of the National Guard Bureau holds office for four years, but may be removed for cause at any time. An officer may not hold the office of Chief of the Bureau after attaining 64 years of age. He is eligible to succeed himself. While holding that office, the Chief of the Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

"(b) GRADE WHILE SERVING.—If an officer appointed as Chief of the National Guard Bureau holds a lower reserve grade, the officer shall be appointed as a Reserve in his armed force in the grade of major general for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be, while serving as Chief of the Bureau.

“(c) DISABILITY; VACANCY.—If the Chief of the Bureau is unable, because of disability, to perform the functions of his office, or if that office is vacant, the senior officer of the Army National Guard of the United States or the Air National Guard of the United States on duty in the Bureau shall act as its chief until the disability ceases or a successor is appointed.

“§10504. National Guard Bureau: assignment of officers of regular or reserve components

“Except as provided in section 12402(b) of this title, the President may assign to duty in the National Guard Bureau as many regular or reserve officers of the Army and the Air Force as he considers necessary.”.

(2) Sections 3040, 3541, and 8541 are repealed.

(d) ANNUAL REPORT ON GUARD AND RESERVE EQUIPMENT.—(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1011, as added by subsection (c), the following:

“CHAPTER 1013—BUDGET INFORMATION AND ANNUAL REPORTS TO CONGRESS

“Sec.
“10541. National Guard and reserve component equipment: annual report to Congress.”.

(2) Section 115b is transferred to chapter 1013, as added by paragraph (1), inserted after the table of sections, and redesignated as section 10541.

(3) The heading of that section is amended to read as follows:

“§10541. National Guard and reserve component equipment: annual report to Congress”.

SEC. 302. LAWS RELATING TO RESERVE COMPONENT PERSONNEL POLICY.

(a) STRENGTH AND DISTRIBUTION IN GRADE.—(1) Subtitle E, as added by section 101, is amended by inserting after part I of such subtitle, as added by section 301, the following:

“PART II—PERSONNEL GENERALLY

“Chap.	Sec.
“1201. Authorized Strengths and Distribution in Grade	12001
“1203. Enlisted Members	12101
“1205. Appointment of Reserve Officers	12201
“1207. Warrant Officers	12241
“1209. Active Duty	12301
“1211. National Guard Members in Federal Service	12401
“1213. Special Appointments, Assignments, Details, and Duties	12501
“1215. Miscellaneous Prohibitions and Penalties	[No present sections]
“1217. Miscellaneous Rights and Benefits	12601
“1219. Standards and Procedures for Retention and Promotion	12641
“1221. Separation	12681
“1223. Retired Pay for Non-Regular Service	12731
“1225. Retired Grade	12771

“CHAPTER 1201—AUTHORIZED STRENGTHS AND DISTRIBUTION IN GRADE

“Sec.
“12001. Authorized strengths: reserve components.
“12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty.
“12003. Authorized strengths: commissioned officers active status.
“12004. Strength in grade: reserve general and flag officers in an active status.
“12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.
“12006. Strength limitations: authority to waive in time of war or national emergency.
“12007. Reserve officers of the Army: distribution.
“12008. Army Reserve and Air Force Reserve: warrant officers.
“12009. Army and Air Force reserve components: temporary increases.
“12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result.
“12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.
“12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.

“§12001. Authorized strengths: reserve components

“(a) Whenever the authorized strength of a reserve component (other than the Coast Guard Reserve) is not prescribed by law, it shall be prescribed by the President.

“(b) Subject to the authorized strength of the reserve component concerned, the authorized strength of each reserve component (other than the Coast Guard Reserve) in members in each grade is that which the Secretary concerned determines to be necessary to provide for mobilization requirements. The Secretary shall review these determinations at least once each year and revise them if he considers it necessary. However, a member of the reserve component concerned may not, as a result of such a determination, be reduced in the member's reserve grade without the member's consent.

“§12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty

“(a) The authorized strengths of the National Guard and the reserve components of the Army and the Air Force, exclusive of members who are included in the strengths authorized for members of the Army and Air Force, respectively, on active duty, are as follows:

“Army National Guard and the Army National Guard of the United States	600,000
“Army Reserve	980,000
“Air National Guard and the Air National Guard of the United States	150,000
“Air Force Reserve	500,000.

“(b) The strength authorized by this section for the Army National Guard and the Army National Guard of the United States, and the strength authorized by this section for the Air National Guard and the Air National Guard of the United States, shall be allocated among the States.

“§12003. Authorized strengths: commissioned officers in an active status

“(a) The authorized strengths of the Army, Navy, Air Force, and Marine Corps in reserve commissioned officers, other than commissioned warrant officers and officers on an active-duty list, in an active status are as follows:

“Army	275,000
“Air Force	200,000
“Navy	150,000
“Marine Corps	24,500.

“(b) The authorized strengths prescribed by subsection (a) may not be exceeded unless—

“(1) the Secretary concerned determines that a greater number is necessary for planned mobilization requirements; or

“(2) the excess results directly from the operation of a nondiscretionary provision of law.

“§12004. Strength in grade: reserve general and flag officers in an active status

“(a) The authorized strengths of the Army, Air Force, and Marine Corps in reserve general officers in an active status, and the authorized strength of the Navy in reserve officers in the grades of rear admiral (lower half) and rear admiral in an active-status, are as follows:

“Army	207
“Air Force	157
“Navy	48
“Marine Corps	10.

“(b) The following Army and Air Force reserve officers shall not be counted for purposes of this section:

“(1) Those serving as adjutants general or assistant adjutants general of a State.

“(2) Those serving in the National Guard Bureau.

“(3) Those counted under section 526 of this title.

“(c)(1) The authorized strength of the Navy under subsection (a) is exclusive of officers counted under section 526 of this title. Of the number authorized under subsection (a), 39 are distributed among the line and the staff corps as follows:

“Line	28
“Medical Corps	5
“Chaplain Corps	1
“Judge Advocate General's Corps	1
“Dental Corps	2.
“Nurse Corps	1.
“Medical Service Corps	1.

“(2) The remaining authorizations for the Navy under subsection (a) shall be distributed among such other staff corps as are established by the Secretary of the Navy under the authority provided by section 5150(b) of this title, except that—

“(A) if the Secretary has established a Supply Corps, the authorized strength for the Supply Corps shall be seven; and

“(B) if the Secretary has established a Civil Engineering Corps, the authorized strength for the Civil Engineering Corps shall be two.

“(3) Not more than 50 percent of the officers in an active status authorized under this section for the Navy may serve in the grade of rear admiral.

“(d) The authorized strength of the Marine Corps under subsection (a) is exclusive of those counted under section 526 of this title.

“(e)(1) A reserve general officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of general officers authorized under subsection (a).

“(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

“§12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status

“(a)(1) Subject to paragraph (2), the authorized strength of the Army and the Air Force in reserve commissioned officers in an active status in each grade named in paragraph (2) is as prescribed by the Secretary of the Army or the Secretary of the Air Force, respectively. A vacancy in any grade may be filled by an authorized appointment in any lower grade.

“(2) A strength prescribed by the Secretary concerned under paragraph (1) for a grade may not be higher than the percentage of the strength authorized for the Army or the Air Force, as the case may be, under section 12003 of this title that is specified for that grade as follows:

Grade	Army percentage	Air Force percentage
Colonel	2	1.8
Lieutenant colonel	6	4.6
Major	13	14.0

Grade	Army percentage	Air Force percentage
Captain	35	32.0
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	44	47.6

"(b)(1) The authorized strengths of the Naval Reserve in line officers in an active status in the grades of captain, commander, lieutenant commander, and lieutenant, and in the grades of lieutenant (junior grade) and ensign combined, are the following percentages of the total authorized number of those officers:

"Captain	1.5 percent
"Commander	7 percent
"Lieutenant commander	22 percent
"Lieutenant	37 percent
"Lieutenant (junior grade) and ensign (when combined with the number authorized for flag officer grades under section 12004 of this title)	32.5 percent.

"(2) When the actual number of line officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(c)(1) The authorized strengths of the Marine Corps Reserve in officers in an active status in the grades of colonel, lieutenant colonel, major, and captain, and in the grades of first lieutenant and second lieutenant combined, are the following percentages of the total authorized number of those officers:

"Colonel	2 percent
"Lieutenant colonel	6 percent
"Major	12 percent
"Captain	35 percent
"First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	32.5 percent.

"(2) When the actual number of officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(d)(1) An officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of commissioned officers authorized for the officer's grade under this section.

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§12006. Strength limitations: authority to waive in time of war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President, the President may suspend the operation of any provision of section 12003, 12004, or 12005 of this title. So long as any such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any suspension under subsection (a) shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621, 1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of termination of the emergency.

"§12007. Reserve officers of the Army: distribution

"The Secretary of the Army shall distribute the number of reserve commissioned officers, other than commissioned warrant officers, authorized in each commissioned grade between those assigned to reserve units organized to serve as units and those not assigned to such units. The Secretary shall distribute the number who are assigned to reserve units organized to serve as units among the units of each reserve component by prescribing appropriate tables of organization and tables of distribution. The Secretary shall distribute the number who are not assigned to such units between—

"(1) each special branch; and

"(2) all other branches taken together.

"§12008. Army Reserve and Air Force Reserve: warrant officers

"The Secretary of the Army may prescribe the authorized strength of the Army Reserve in warrant officers. The Secretary of the Air Force may prescribe the authorized strength of the Air Force Reserve in warrant officers.

"§12009. Army and Air Force reserve components: temporary increases

"(a) The authorized strength in any reserve grade, as prescribed under this chapter, for any reserve component under the jurisdiction of the Secretary of the Army or the Secretary of the Air Force is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 3036, 14304(b), 14314, or 14317 of this title.

"(b) An authorized strength so increased is increased for no other purpose. While an officer holds that grade, the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under those sections, may be made in that grade.

"§12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result

"When there is a fraction in the final result of any computation under this chapter for the Naval Reserve or the Marine Corps Reserve, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

"§12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or National Guard

"(a) The number of enlisted members in pay grades E-8 and E-9 who may be on active duty (other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not exceed the number for that grade and armed force in the following table:

"Grade	Army	Navy	Air Force	Marine Corps
E-9	569	202	279	14
E-8	2,585	429	800	74

"(b) Whenever the number of members serving in pay grade E-9 for duty described in subsection (a) is less than the number authorized for that grade under subsection (a), the difference between the two numbers may be applied to increase the number authorized under such subsection for pay grade E-8.".

(2)(A) Section 524 is transferred to chapter 1201, as added by paragraph (1), inserted after section 12010, and redesignated as section 12011.

(B) The heading of that section is amended to read as follows:

"§12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard".

(3) Chapter 531 and sections 3212, 3217 through 3225, 5454, 5456, 5457, 5458, 8212, and 8217 through 8225 are repealed.

(4) Section 517 is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b) and in that subsection striking out "or whenever" and all that follows through "under subsection (b),".

(b) ENLISTMENTS.—(1) Part II of subtitle E, as added by subsection (a), is amended by adding after chapter 1201 (as added by subsection (a)), the following:

"CHAPTER 1203—ENLISTED MEMBERS

"Sec.
"12101. Definition.
"12102. Reserve components: qualifications.
"12103. Reserve components: terms.
"12104. Reserve components: transfers.
"12105. Army Reserve and Air Force Reserve: transfer from Guard components.
"12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard.
"12107. Army National Guard of United States; Air National Guard of the United States: enlistment in.

"§12101. Definition

"In this chapter, the term 'enlistment' means original enlistment or reenlistment.

"§12105. Army Reserve and Air Force Reserve: transfer from Guard components

"(a) Under such regulations as the Secretary concerned may prescribe—

"(1) an enlisted member of the Army National Guard of the United States may be transferred in grade to the Army Reserve; and

"(2) an enlisted member of the Air National Guard of the United States may be transferred in grade to the Air Force Reserve.

"(b) Upon such a transfer, the member transferred is eligible for promotion to the highest regular or reserve grade ever held by him in the Army, if transferred under subsection (a)(1), or the Air Force, if transferred under subsection (a)(2), if his service has been honorable.

"(c) A transfer under this section may only be made with the consent of the governor or other appropriate authority of the State concerned.

"§12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard

"(a) An enlisted member of the Army National Guard of the United States who ceases to be a member of the Army National Guard becomes a member of the Army Reserve unless he is also discharged from his enlistment as a Reserve.

"(b) An enlisted member of the Air National Guard of the United States who ceases to be a member of the Air National Guard becomes a member of the Air Force Reserve unless he is also discharged from his enlistment as a Reserve.

"(c) An enlisted member who becomes a member of the Army Reserve or the Air Force Reserve under this section ceases to be a member of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be.

"§12107. Army National Guard of United States; Air National Guard of the United States: enlistment in

"(a) Except as provided in subsection (c), to become an enlisted member of the Army National Guard of the United States or the Air National Guard of the United States, a person must—

"(1) be enlisted in the Army National Guard or the Air National Guard, as the case may be;

"(2) subscribe to the oath set forth in section 304 of title 32; and

"(3) be a member of a federally recognized unit or organization of the Army National Guard or the Air National Guard, as the case may be, in the grade in which he is to be enlisted as a Reserve.

"(b)(1) Under regulations to be prescribed by the Secretary of the Army, a person who enlists in the Army National Guard, or whose term of enlistment in the Army National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Army for service in the Army National Guard of the United States.

"(2) Under regulations to be prescribed by the Secretary of the Air Force, a person who enlists in the Air National Guard, or whose term of enlistment in the Air National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Air Force for service in the Air National Guard of the United States.

"(c)(1) A member of the Army Reserve who enlists in the Army National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Army National Guard, becomes a member of the Army National Guard of the United States and ceases to be a member of the Army Reserve.

"(2) A member of the Air Force Reserve who enlists in the Air National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Air National Guard, becomes a member of the Air National Guard of the United States and ceases to be a member of the Air Force Reserve.".

(2) Sections 510 (as amended by section 201(a)), 511, and 512 are transferred to chapter 1203, as added by paragraph (1), inserted after section 12101, and redesignated as follows:

Section	**Redesignated section**
510	12102
511	12103
512	12104

(3) The following sections are repealed: sections 3259, 3260, 3261, 8259, 8260, and 8261.

(c) APPOINTMENT OF OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1203 (as added by subsection (b)) the following:

"CHAPTER 1205—APPOINTMENT OF RESERVE OFFICERS

"Sec.
"12201. Qualifications for appointment.
"12202. Commissioned officer grades.
"12203. Commissioned officers: appointment, how made; term.
"12204. Commissioned officers: original appointment; limitation.
"12205. Commissioned officers: appointment of former commissioned officers.
"12206. Officers: appointment upon transfer.
"12207. Commissioned officers: service credit upon original appointment.
"12208. Officer candidates: enlisted Reserves.
"12209. Attending Physician to the Congress: reserve grade while so serving.
"12210. Officers: Army National Guard of United States.
"12211. Officers: Air National Guard of United States.
"12212. Officers; Army Reserve: transfer from Army National Guard of United States.
"12213. Officers; Air Force Reserve: transfer from Air National Guard of United States.
"12214. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.

"§12214. Commissioned officers: reserve grade of adjutants general and assistant adjutants general

"(a) The adjutant general or an assistant adjutant general of the Army National Guard of a State may, upon being extended Federal recognition, be appointed as a reserve officer of the Army as of the date on which he is so recognized.

"(b) The adjutant general or an assistant adjutant general of the Air National Guard of a State may be appointed in the reserve commissioned grade in which Federal recognition in the Air National Guard is extended to him.".

(2) Sections 591 (as amended by section 201(b)), 592, 593 (as amended by section 202), 594, 594a (as added by section 203), 595, and 596 (as added by section 204) are transferred to chapter 1205, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	**Redesignated section**
591	12201
592	12202
593	12203
594	12204
594a (as added by section 203)	12205
595	12206
596 (as added by section 204)	12207

(3) Sections 600, 600a, 3351, 8351, 3352 (as amended by section 206(a)), and 8352 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after section 12207, and redesignated as follows:

Section	**Redesignated section**
600	12208
600a	12209
3351	12210
8351	12211
3352	12212
8352	12213

(d) WARRANT OFFICERS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1205 (as added by subsection (c)) the following:

"CHAPTER 1207—WARRANT OFFICERS

"Sec.
"12241. Warrant officers: grades; appointment, how made; term.
"12242. Warrant officers: promotion.
"12243. Warrant officers: suspension of laws for promotions or mandatory retirement or separation during war or emergency.".

(2) Sections 597, 598, and 599 are transferred to chapter 1207, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	**Redesignated section**
597	12241
598	12242
599	12243

(3) Chapter 34 is amended to read as follows:

"CHAPTER 34—APPOINTMENTS AS RESERVE OFFICERS

"Sec.
"591. Reference to chapters 1205 and 1207.

"§591. Reference to chapter 1205 and 1207

"Provisions of law relating to appointments of reserve officers other than warrant officers are set forth in chapter 1205 of this title (beginning with section 12201). Provisions of law relating to appointments and promotion of reserve warrant officers are set forth in chapter 1207 (beginning with section 12241).".

(e) ACTIVE DUTY.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1207 (as added by subsection (d)) the following:

"CHAPTER 1209—ACTIVE DUTY

"Sec.
"12301. Reserve components generally.
"12302. Ready Reserve.
"12303. Ready Reserve: members not assigned to, or participating satisfactorily in, units.
"12304. Selected Reserve: order to active duty other than during war or national emergency.
"12305. Authority of President to suspend certain laws relating to promotion, retirement, and separation.
"12306. Standby Reserve.
"12307. Retired Reserve.
"12308. Retention on active duty after becoming qualified for retired pay.
"12309. Reserve officers: use of in expansion of armed forces.
"12310. Reserves: for organizing, administering, etc., reserve components.
"12311. Active duty agreements.
"12312. Active duty agreements: release from duty.
"12313. Reserves: release from active duty.
"12314. Reserves: kinds of duty.
"12315. Reserves: duty with or without pay.
"12316. Payment of certain Reserves while on duty.
"12317. Reserves: theological students; limitations.
"12318. Reserves on active duty: duties; funding.
"12319. Ready Reserve: muster duty.
"12320. Reserve officers: grade in which ordered to active duty.
"12321. Limitation on duty with Reserve Officer Training Corps units.".

(2) Sections 672 through 687, section 689 (as amended by section 114), and section 690 are transferred to chapter 1209, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	**Redesignated section**
672	12301
673	12302
673a	12303
673b	12304
673c	12305
674	12306
675	12307
676	12308
677	12309
678	12310
679	12311
680	12312
681	12313
682	12314
683	12315
684	12316
685	12317
686	12318
687	12319
689	12320
690	12321

(3) Chapter 39 is amended by inserting after section 671b the following:

"§672. Reference to chapter 1209

"Provisions of law relating to service of members of reserve components on active duty are set forth in chapter 1209 of this title (beginning with section 12301).".

(f) NATIONAL GUARD MEMBERS IN FEDERAL SERVICE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding *after chapter 1209 (as added by subsection (e)) the following:*

"CHAPTER 1211—NATIONAL GUARD MEMBERS IN FEDERAL SERVICE

"Sec.

"12401. Army and Air National Guard of United States: status.

"12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau.

"12403. Army and Air National Guard of United States: members; status in which ordered into Federal service.

"12404. Army and Air National Guard of United States: mobilization; maintenance of organization.

"12405. National Guard in Federal service: status.

"12406. National Guard in Federal service: call.

"12407. National Guard in Federal service: period of service; apportionment.

"12408. National Guard in Federal service: physical examination.

"§12401. Army and Air National Guard of the United States: status

"Members of the Army National Guard of the United States and the Air National Guard of the United States are not in active Federal service except when ordered thereto under law.

"§12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau

"(a) The President may, with their consent, order commissioned officers of the Army National Guard of the United States and the Air National Guard of the United States to active duty in the National Guard Bureau.

"(b)(1) The number of officers of the Army National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Army authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Army serving in that Bureau in any grade below brigadier general.

"(2) The number of officers of the Air National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Air Force authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Air Force serving in that Bureau in any grade below brigadier general.

"§12403. Army and Air National Guard of United States: members; status in which ordered into Federal service

"Members of the Army National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Army. Members of the Air National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Air Force.

"§12404. Army and Air National Guard of United States: mobilization; maintenance of organization

"During an initial mobilization, the organization of a unit of the Army National Guard of the United States or of the Air National Guard of the United States ordered into active Federal service shall, so far as practicable, be maintained as it existed on the date of the order to duty.

"§12405. National Guard in Federal service: status

"Members of the National Guard called into Federal service are, from the time when they are required to respond to the call, subject to the laws and regulations governing the Army or the Air Force, as the case may be, except those applicable only to members of the Regular Army or Regular Air Force, as the case may be.

"§12406. National Guard in Federal service: call

"Whenever—

"(1) the United States, or any of the Territories, Commonwealths, or possessions, is invaded or is in danger of invasion by a foreign nation;

"(2) there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or

"(3) the President is unable with the regular forces to execute the laws of the United States; the President may call into Federal service members and units of the National Guard of any State in such numbers as he considers necessary to repel the invasion, suppress the rebellion, or execute those laws. Orders for these purposes shall be issued through the governors of the States or, in the case of the District of Columbia, through the commanding general of the National Guard of the District of Columbia.

"§12407. National Guard in Federal service: period of service; apportionment

"(a) Whenever the President calls the National Guard of a State into Federal service, he may specify in the call the period of the service. Members and units called shall serve inside or outside the territory of the United States during the term specified, unless sooner relieved by the President. However, no member of the National Guard may be kept in Federal service beyond the term of his commission or enlistment.

"(b) When the National Guard of a State is called into Federal service with the National Guard of another of those jurisdictions, the President may apportion the total number called from the Army National Guard or from the Air National Guard, as the case may be, on the basis of the populations of the jurisdictions affected by the call.

"§12408. National Guard in Federal service: physical examination

"(a) Under regulations prescribed by the President, each member of the National Guard called into Federal service shall be examined as to physical fitness, without further commission or enlistment.

"(b) Immediately before such a member is mustered out of Federal service, he shall be examined as to physical fitness. The record of this examination shall be retained by the United States.".

(2) Sections 3495 through 3502 and 8495 through 8502 are repealed.

(g) MISCELLANEOUS PROVISIONS.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1211 (as added by subsection (f)) the following:

"CHAPTER 1213—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

"Sec.

"12501. Reserve components: detail of members of regular and reserve components to assist.

"12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail.

"§12501. Reserve components: detail of members of regular and reserve components to assist

"The Secretary concerned shall detail such members of the regular and reserve components under his jurisdiction as are necessary to effectively develop, train, instruct, and administer those reserve components.

"§12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail

"(a) The President may detail a regular or reserve officer of the Army as chief of staff, and a regular or reserve officer or an officer of the Army National Guard as assistant to the chief of staff, of any division of the Army National Guard that is in Federal service as an Army National Guard organization.

"(b) The President may detail a regular or reserve officer of the Air Force as chief of staff, and a regular or reserve officer or an officer of the Air National Guard as assistant to the chief of staff, of any wing of the Air National Guard that is in Federal service as an Air National Guard organization.

"CHAPTER 1215—MISCELLANEOUS PROHIBITIONS AND PENALTIES

"[No present sections]

"CHAPTER 1217—MISCELLANEOUS RIGHTS AND BENEFITS

"Sec.

"12601. Compensation: Reserve on active duty accepting from any person.

"12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard.

"§12601. Compensation: Reserve on active duty accepting from any person

"Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person.

"§12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard

"(a) For the purposes of laws providing benefits for members of the Army National Guard of the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Army;

"(2) full-time National Guard duty performed by a member of the Army National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Army; and

"(3) inactive-duty training performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Army.

"(b) For the purposes of laws providing benefits for members of the Air National Guard of the United States and their dependents and beneficiaries—

"(1) military training, duty, or other service performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Air Force;

"(2) full-time National Guard duty performed by a member of the Air National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Air Force; and

"(3) inactive-duty training performed by a member of the Air National Guard of the United

States in his status as a member of the Air National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Air Force.''.

(2) Sections 715, 1033, 3542, 3686, 8542, and 8686 are repealed.

(h) Standards and Procedures for Retention and Promotion.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1217 (as added by subsection (g)) the following:

"CHAPTER 1219—STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION

''Sec.
''12641. Standards and procedures: Secretary to prescribe.
''12642. Standards and qualifications: result of failure to comply with.
''12643. Boards for appointment, promotion, and certain other purposes: composition.
''12644. Members physically not qualified for active duty: discharge or transfer to retired status.
''12645. Commissioned officers: retention until completion of required service.
''12646. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service.
''12647. Commissioned officers: retention in active status while assigned to Selective Service System or serving as United States property and fiscal officers.''.

(2) Sections 1001, 1002, 266, 1004 (as amended by section 301(b)(4)), and 1005 through 1007 are transferred (in that order) to chapter 1219, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	***Redesignated section***
1001	*12641*
1002	*12642*
266	*12643*
1004	*12644*
1005	*12645*
1006	*12646*
1007	*12647*

(3) Section 1003 is repealed.

(4)(A) The heading of section 12641 (as so redesignated) is amended to read as follows:

"§12641. Standards and procedures: Secretary to prescribe".

(B) The heading of section 12644 (as so redesignated) is amended to read as follows:

"§12644. Members physically not qualified for active duty: discharge or transfer to retired status".

(5) Chapter 51 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

''Sec.
''1001. Reference to chapter 1219.

"§1001. Reference to chapter 1219

''Provisions of law relating to standards and procedures for retention and promotion of members of reserve components are set forth in chapter 1219 of this title (beginning with section 12641).''.

(i) Separation.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1219 (as added by subsection (h)) the following:

"CHAPTER 1221—SEPARATION

''Sec.
''12681. Reserves: discharge authority.
''12682. Reserves: discharge upon becoming ordained minister of religion.
''12683. Reserve officers: limitation on involuntary separation.
''12684. Reserves: separation for absence without authority or sentence to imprisonment.
''12685. Reserves separated for cause: character of discharge.
''12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty.

"§12681. Reserves: discharge authority

''Subject to other provisions of this title, reserve commissioned officers may be discharged at the pleasure of the President. Other Reserves may be discharged under regulations prescribed by the Secretary concerned.

"§12682. Reserves: discharge upon becoming ordained minister of religion

''Under regulations to be prescribed by the Secretary of Defense, a Reserve who becomes a regular or ordained minister of religion is entitled upon his request to a discharge from his reserve enlistment or appointment.

"§12683. Reserve officers: limitation on involuntary separation

''(a) An officer of a reserve component who has at least five years of service as a commissioned officer may not be separated from that component without his consent except—

''(1) under an approved recommendation of a board of officers convened by an authority designated by the Secretary concerned; or

''(2) by the approved sentence of a court-martial.

''(b) Subsection (a) does not apply—

''(1) to a separation under section 12684, 14901, or 14907 of this title;

''(2) to a dismissal under section 1161(a) of this title; or

''(3) to a transfer under section 12212, 12213, 14514, or 14515 of this title.

"§12684. Reserves: separation for absence without authority or sentence to imprisonment

''The President or the Secretary concerned may drop from the rolls of the armed force concerned any Reserve—

''(1) who has been absent without authority for at least three months; or

''(2) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

"§12685. Reserves separated for cause: character of discharge

''A member of a reserve component who is separated for cause, except under section 12684 of this title, is entitled to a discharge under honorable conditions unless—

''(1) the member is discharged under conditions other than honorable under an approved sentence of a court-martial or under the approved findings of a board of officers convened by an authority designated by the Secretary concerned; or

''(2) the member consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or a board.

"§12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty

''Under regulations to be prescribed by the Secretary concerned, which shall be as uniform as practicable, a member of a reserve component who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system, may not be involuntarily released from that duty before he becomes eligible for that pay, unless the release is approved by the Secretary.''.

(2) Sections 1162 and 1163 are repealed.

(j) Retired Pay.—(1) Chapter 67 is transferred to part II of subtitle E, as added by subsection (a), inserted after chapter 1221 (as added by subsection (i)), and amended to read as follows:

"CHAPTER 1223—RETIRED PAY FOR NON-REGULAR SERVICE

''Sec.
''12731. Age and service requirements.
''12732. Entitlement to retired pay: computation of years of service.
''12733. Computation of retired pay: computation of years of service.
''12734. Time not creditable toward years of service.
''12735. Inactive status list.
''12736. Service credited for retired pay benefits not excluded for other benefits.
''12737. Limitation on active duty.
''12738. Limitations on revocation of retired pay.
''12739. Computation of retired pay.

"§12731. Age and service requirements

''(a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

''(1) is at least 60 years of age;

''(2) has performed at least 20 years of service computed under section 12732 of this title;

''(3) performed the last eight years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and

''(4) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

''(b) Application for retired pay under this section must be made to the Secretary of the military department, or the Secretary of Transportation, as the case may be, having jurisdiction at the time of application over the armed force in which the applicant is serving or last served.

''(c)(1) A person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 12732(a)(1) of this title except a regular component, is not eligible for retired pay under this chapter unless—

''(A) the person performed active duty during World War I or World War II; or

''(B) the person performed active duty (other than for training) during the Korean conflict, the Berlin crisis, or the Vietnam era.

''(2) In this subsection:

''(A) The term 'World War I' means the period beginning on April 6, 1917, and ending on November 11, 1918.

''(B) The term 'World War II' means the period beginning on September 9, 1940, and ending on December 31, 1946.

''(C) The term ''Korean conflict' means the period beginning on June 27, 1950, and ending on July 27, 1953.

''(D) The term ''Berlin crisis' means the period beginning on August 14, 1961, and ending on May 30, 1963.

''(E) The term ''Vietnam era' means the period beginning on August 5, 1964, and ending on March 27, 1973.

''(d) The Secretary concerned shall notify each person who has completed the years of service required for eligibility for retired pay under this chapter. The notice shall be sent, in writing, to the person concerned within one year after the person completes that service. The notice shall include notice of the elections available to such person under the Survivor Benefit Plan established under subchapter II of chapter

73 of this title and the Supplemental Survivor Benefit Plan established under subchapter III of that chapter, and the effects of such elections.

"(e) Notwithstanding section 8301 of title 5, the date of entitlement to retired pay under this section shall be the date on which the requirements of subsection (a) have been completed.

"§12732. Entitlement to retired pay: computation of years of service

"(a) Except as provided in subsection (b), for the purpose of determining whether a person is entitled to retired pay under section 12731 of this title, the person's years of service are computed by adding the following:

"(1) The person's years of service, before July 1, 1949, in the following:

"(A) The armed forces.

"(B) The federally recognized National Guard before June 15, 1933.

"(C) A federally recognized status in the National Guard before June 15, 1933.

"(D) The National Guard after June 14, 1933, if his service therein was continuous from the date of his enlistment in the National Guard, or his Federal recognition as an officer therein, to the date of his enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

"(E) The Naval Reserve Force.

"(F) The Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.

"(G) The National Naval Volunteers.

"(H) The Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901.

"(I) The Army under an appointment under the Act of December 22, 1942 (ch. 805, 56 Stat. 1072).

"(J) An active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

"(i) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

"(ii) in the occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist.

"(2) Each one-year period, after July 1, 1949, in which the person has been credited with at least 50 points on the following basis:

"(A) One point for each day of—

"(i) active service; or

"(ii) full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned;

if that service conformed to required standards and qualifications.

"(B) One point for each attendance at a drill or period of equivalent instruction that was prescribed for that year by the Secretary concerned and conformed to the requirements prescribed by law, including attendance under section 502 of title 32.

"(C) Points at the rate of 15 a year for membership—

"(i) in a reserve component of an armed force,

"(ii) in the Army or the Air Force without component, or

"(iii) in any other category covered by subsection (a)(1) except a regular component.

For the purpose of clauses (A), (B), and (C), service in the National Guard shall be treated as if it were service in a reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, the Air National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of that appointment.

"(3) The person's years of active service in the Commissioned Corps of the Public Health Service.

"(4) The person's years of active commissioned service in the National Oceanic and Atmospheric Administration (including active commissioned service in the Environmental Science Services Administration and in the Coast and Geodetic Survey).

"(b) The following service may not be counted under subsection (a):

"(1) Service (other than active service) in an inactive section of the Organized Reserve Corps or of the Army Reserve, or in an inactive section of the officers' section of the Air Force Reserve.

"(2) Service (other than active service) after June 30, 1949, while on the Honorary Retired List of the Naval Reserve or of the Marine Corps Reserve.

"(3) Service in the inactive National Guard.

"(4) Service in a non-federally recognized status in the National Guard.

"(5) Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

"(6) Service as an inactive Reserve nurse of the Army Nurse Corps established by the Act of February 2, 1901 (ch. 192, 31 Stat. 753), as amended, and service before July 1, 1938, as an inactive Reserve nurse of the Navy Nurse Corps established by the Act of May 13, 1908 (ch. 166, 35 Stat. 146).

"(7) Service in any status other than that as commissioned officer, warrant officer, nurse, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member, and that described in clauses (I) and (J) of subsection (a)(1).

"§12733. Computation of retired pay: computation of years of service

"For the purpose of computing the retired pay of a person under this chapter, the person's years of service and any fraction of such a year are computed by dividing 360 into the sum of the following:

"(1) The person's days of active service.

"(2) The person's days of full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned.

"(3) One day for each point credited to the person under clause (B) or (C) of section 12732(a)(2) of this title, but not more than 60 days in any one year.

"(4) 50 days for each year before July 1, 1949, and proportionately for each fraction of a year, of service (other than active service) in a reserve component of an armed force, in the Army or the Air Force without component, or in any other category covered by section 12732(a)(1) of this title, except a regular component.

"§12734. Time not creditable toward years of service

"(a) Service in an inactive status may not be counted in any computation of years of service under this chapter.

"(b) Time spent after retirement (without pay) for failure to conform to standards and qualifications prescribed under section 12641 of this title may not be credited in a computation of years of service under this chapter.

"§12735. Inactive status list

"(a) A member who would be eligible for retired pay under this chapter but for the fact that that member is under 60 years of age may be transferred, at his request and by direction of the Secretary concerned, to such inactive status list as may be established for members of his armed force, other than members of a regular component.

"(b) While on an inactive status list under subsection (a), a member is not required to participate in any training or other program prescribed for his component.

"(c) The Secretary may at any time recall to active status a member who is on an inactive status list under subsection (a).

"§12736. Service credited for retired pay benefits not excluded for other benefits

"No period of service included wholly or partly in determining a person's right to, or the amount of, retired pay under this chapter may be excluded in determining his eligibility for any annuity, pension, or old-age benefit, under any other law, on account of civilian employment by the United States or otherwise, or in determining the amount payable under that law, if that service is otherwise properly credited under it.

"§12737. Limitation on active duty

"A member of the armed forces may not be ordered to active duty solely for the purpose of qualifying the member for retired pay under this chapter.

"§12738. Limitations on revocation of retired pay

"(a) After a person is granted retired pay under this chapter, or is notified in accordance with section 12731(d) of this title that the person has completed the years of service required for eligibility for retired pay under this chapter, the person's eligibility for retired pay may not be denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of service performed as required by section 12731(a)(2) of this title, unless it resulted directly from the fraud or misrepresentation of the person.

"(b) The number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination and when such a correction is made the person is entitled to retired pay in accordance with the number of years of creditable service, as corrected, from the date the person is granted retired pay.

"§12739. Computation of retired pay

"(a) The monthly retired pay of a person entitled to that pay under this chapter is the product of—

"(1) the retired pay base for that person as computed under section 1406(b)(2) or 1407 of this title; and

"(2) 2½ percent of the years of service credited to that person under section 12733 of this title.

"(b) The amount computed under subsection (a) may not exceed 75 percent of the retired pay base upon which the computation is based.

"(c) Amounts computed under this section, if not a multiple of $1, shall be rounded down to the next lower multiple of $1.".

(2) Section 1401(a) is amended by striking out formula number 3 in the table set forth in that section.

(3) Section 1405(a)(3) is amended by striking out "section 1333" and "section 1331" and inserting in lieu thereof "section 12733" and "section 12731", respectively.

(4) Section 1406(b) is amended—

(A) by striking out the matter preceding the table and inserting in lieu thereof the following:

"(b) RETIREMENT UNDER SUBTITLE A OR E.—

"(1) DISABILITY, WARRANT OFFICER, AND DOPMA RETIREMENT.—In the case of a person whose retired pay is computed under this subtitle, the retired pay base is determined in accordance with the following table.";

(B) in the table—

(i) by striking out the entry relating to section 1331 (including the matter relating to that entry in the column under the heading "The retired pay base is:"); and

(ii) by redesignating the references to footnotes 3 and 4 so as to refer to footnotes 2 and 3, respectively;

(C) by striking out footnote 2 to the table and redesignating footnotes 3 and 4 as footnotes 2 and 3, respectively; and

(D) by adding at the end the following:

"(2) NON-REGULAR SERVICE RETIREMENT.—In the case of a person who is entitled to retired pay under section 12731 of this title, the retired pay base is the monthly basic pay, determined at the rates applicable on the date when retired pay is granted, of the highest grade held satisfactorily by the person at any time in the armed forces. For purposes of the preceding sentence, the highest grade in which a person served satisfactorily as an officer shall be determined in accordance with section 1370(d) of this title.".

(5) Section 1407 is amended—

(A) in subsection (c)(2)(B), by striking out "chapter 67" and inserting in lieu thereof "chapter 1223"; and

(B) in subsection (f)(2)—

(i) by striking out "CHAPTER 67" in the heading and inserting in lieu thereof "CHAPTER 1223"; and

(ii) by striking out "section 1331" and inserting in lieu thereof "section 12731".

(6) Section 1409(a)(1)(B) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(7) Part II of subtitle A is amended by inserting after chapter 65 the following:

"CHAPTER 67—RETIRED PAY FOR NONREGULAR SERVICE

"Sec.
"1331. Reference to chapter 1223.

"§1331. Reference to chapter 1223

"Provisions of law relating to retired pay for nonregular service are set forth in chapter 1223 of this title (beginning with section 12731).".

(8) Section 6034 is repealed.

(k) RETIRED GRADE.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1223 (as added by subsection (j)) the following:

"CHAPTER 1225—RETIRED GRADE

"Sec.
"12771. Reserve officers: grade on transfer to Retired Reserve.
"12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve.
"12773. Limitation on accrual of increased pay or benefits.
"12774. Retired lists.

"§12771. Reserve officers: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer, other than a commissioned warrant officer, who is transferred to the Retired Reserve is entitled to be placed on the retired list established by section 12774(a) of this title in the highest grade in which he served satisfactorily, as determined by the Secretary concerned and in accordance with section 1370(d), in the armed force in which he is serving on the date of transfer.

"§12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer who is transferred to the Retired Reserve after having served in the position of Attending Physician to the Congress is entitled to be placed on the retired list established by section 12774(a) of this title in the grade held by the officer while serving in that position.

"§12773. Limitation on accrual of increased pay or benefits

"Unless otherwise provided by law, no person is entitled to increased pay or other benefits because of sections 12771 and 12772 of this title.

"§12774. Retired lists

"(a) Under regulations prescribed by the Secretary concerned, there shall be maintained retired lists containing the names of the Reserves of the armed forces under the Secretary's jurisdiction who are in the Retired Reserve.

"(b) The Secretary of the Navy shall maintain a United States Naval Reserve Retired List containing the names of members of the Naval Reserve and the Marine Corps Reserve entitled to retired pay.".

(2) Sections 1374 and 6017 are repealed.

(3)(A) Section 1376 is amended—

(i) by striking out subsection (a); and

(ii) by striking out "(b)" before "The Secretary concerned".

(B) The heading of that section is amended to read as follows:

"§1376. Temporary disability retired lists".

SEC. 303. LAWS RELATING TO RESERVE COMPONENT TRAINING AND EDUCATIONAL ASSISTANCE PROGRAMS.

(a) TRAINING GENERALLY.—Subtitle E, as added by section 101, is amended by adding after part III of such subtitle (as added by that section) the following:

"PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS

"Chap.	Sec.
"1601. Training Generally ...	[No present sections]
"1606. Educational Assistance for Members of the Selected Reserve	16131
"1608. Health Professions Stipend Program	16201
"1609. Education Loan Repayments	16301

"CHAPTER 1601—TRAINING GENERALLY

"[No present sections]".

(b) MONTGOMERY GI BILL FOR SELECTED RESERVE.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1606—EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE

"Sec.
"16131. Educational assistance program: establishment; amount.
"16132. Eligibility for educational assistance.
"16133. Time limitations for use of entitlement.
"16134. Termination of assistance.
"16135. Failure to participate satisfactorily; penalties.
"16136. Administration of program.
"16137. Reports to Congress.".

(2) Sections 2131 through 2137 are transferred to chapter 1606, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
2131	16131
2132	16132
2133	16133
2134	16134
2135	16135
2136	16136
2137	16137

(3) Section 16131 (as so redesignated) is amended—

(A) in subsection (c)(3)(B)(i), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304"; and

(B) in subsection (g)(1), by striking out "section 2136(c)" and inserting in lieu thereof "section 16136(c)".

(4) Section 16132 (as so redesignated) is amended—

(A) in subsection (a), by striking out "section 2131" and inserting in lieu thereof "section 16131"; and

(B) in subsection (c), by striking out "sections 2134 and 2135" and inserting in lieu thereof "section 16134 and 16135".

(5) Section 16133 (as so redesignated) is amended in subsection (b)(4)(A) by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304".

(6) Section 16135 (as so redesignated) is amended—

(A) by striking out "section 2132" in subsection (a)(1)(A) and inserting in lieu thereof "section 16132"; and

(B) by striking out "section 2132(a)" in subsection (b)(1)(A) and inserting in lieu thereof "section 16132(a)".

(7) Chapter 106 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.
"2131. Reference to chapter 1606.
"2138. Savings provision.

"§2131. Reference to chapter 1606

"Provisions of law relating to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program are set forth in chapter 1606 of this title (beginning with section 16131).".

(c) HEALTH PROFESSIONS STIPEND PROGRAM.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1606 (as added by subsection (b)) the following:

"CHAPTER 1608—HEALTH PROFESSIONS STIPEND PROGRAM

"Sec.
"16201. Financial assistance: health-care professionals in reserve components.
"16202. Reserve service: required active duty for training.
"16203. Penalties and limitations.
"16204. Regulations.

"§16204. Regulations

"This chapter shall be administered under regulations prescribed by the Secretary of Defense.".

(2) Section 2128 is transferred to chapter 1608, as added by paragraph (1), inserted after the table of sections, redesignated as section 16201, and amended by striking out subsection (f).

(3) Section 2129 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16201 (as transferred and redesignated by paragraph (2)), and redesignated as section 16202.

(4)(A) Section 2130 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16202 (as transferred and redesignated by paragraph (3)), redesignated as section 16203, and amended by striking out subsection (c).

(B) The heading of that section is amended to read as follows:

"§16203. Penalties and limitations".

(5) Section 16201, as so redesignated, is amended by striking out "subchapter" each place it appears and inserting in lieu thereof "chapter".

(6) Section 16202, as so redesignated, is amended by striking out "section 2128" both places it appears and inserting in lieu thereof "section 16201".

(7) Chapter 105 is amended—

(A) in the table of subchapters before subchapter I—

(i) by striking out the item relating to subchapter II; and *(ii) by redesignating the item relating to subchapter III so as to refer to subchapter II;*

(B) by striking out the heading for subchapter II and the table of sections following that heading; and

(C) by redesignating subchapter III as subchapter II.

(d) EDUCATION LOAN REPAYMENT PROGRAMS.—(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1608 (as added by subsection (c) the following:

"CHAPTER 1609—EDUCATION LOAN REPAYMENT PROGRAMS

"Sec.

"16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties.

"16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages.

"§16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties

"(a)(1) Subject to the provisions of this section, the Secretary of Defense may repay—

"(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); or

"(B) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty specified by the Secretary of Defense. The Secretary may repay such a loan only if the person to whom the loan was made performed such service after the loan was made.

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 15 percent or $500, whichever is greater, for each year of service.

"(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of the loan shall accrue and be paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(e) A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 2171 of this title (as described in subsection (a)(2) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

"(f) The Secretary of Defense shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 2171 of this title during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a) and section 2171(a) of this title.".

(2)(A) Section 2172 is transferred to the end of chapter 1609, as added by paragraph (1), and redesignated as section 16302.

(B) The heading of such section is amended to read as follows:

"§16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages".

(e) CONFORMING AMENDMENTS.—Section 2171 is amended as follows:

(1) Subsection (a)(1)(B) is amended by striking out "or" after "(B)".

(2) Subsection (a)(2) is amended—

(A) in the first sentence, by striking out "person for—" and all that follows through "(B) service performed" and inserting in lieu thereof "person for service performed"; and

(B) by striking out the second sentence.

(3) Subsection (b) is amended to read as follows:

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 33⅓ percent or $1,500, whichever is greater, for each year of service.".

(4) Subsection (e) is amended by striking out "Any individual who transfers from service described in clause (A) or (B) of subsection (a)(2) to service described in the other clause of such subsection" and inserting in lieu thereof "A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 16301 of this title (as described in subsection (a)(2) of that section)".

(5) Subsection (f) is amended—

(A) by inserting "and section 16301 of this title" after "this section"; and

(B) by inserting "and section 16301(a) of this title" after "subsection (a)".

(6) The heading of such section is amended to read as follows:

"§2171. Education loan repayment program: enlisted members on active duty in specified military specialties".

SEC. 304. LAWS RELATING TO RESERVE COMPONENT PROCUREMENT AND EQUIPMENT.

(a) ADDITION OF NEW PART.—(1) Subtitle E, as added by section 101, is amended by adding after part IV of such subtitle (as added by section 303) the following:

"PART V—SERVICE, SUPPLY, AND PROCUREMENT

"Chap.	*Sec.*
"1801. Issue of Serviceable Material to Reserve Components	*[No present sections]*
"1803. Facilities for Reserve Components	*18231*
"1805. Miscellaneous Provisions	*18501*

"CHAPTER 1801—ISSUE OF SERVICEABLE MATERIAL TO RESERVE COMPONENTS

"[No present sections]".

(b) FACILITIES FOR RESERVE COMPONENTS.—(1) Chapter 133 is transferred to the end of part V of subtitle E, as added by subsection (a), and redesignated as chapter 1803.

(2) The sections of that chapter are redesignated as follows:

Section	**Redesignated section**
2231	*18231*
2232	*18232*
2233	*18233*
2233a	*18233a*
2234	*18234*
2235	*18235*
2236	*18236*
2237	*18237*
2238	*18238*
2239	*18239*

(3) The items in the table of sections at the beginning of such chapter are revised to reflect the redesignations made by paragraph (2).

(4) Section 18233 (as redesignated by paragraph (2)) is amended by striking out "sections 2233a, 2234, 2235, 2236, and 2238" in subsection (a) and inserting in lieu thereof "sections 18233a, 18234, 18235, 18236, and 18238".

(5) Section 18233a (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out "section 2233" and inserting in lieu thereof "section 18233"; and

(B) in subsection (b), by striking out "section 2233(a)" and inserting in lieu thereof "section 18233(a)".

(6) Section 18234 (as redesignated by paragraph (2)) is amended by striking out "section 2233" and inserting in lieu thereof "section 18233".

(7) Section 18235 (as redesignated by paragraph (2)) is amended by striking out "section 2233(a)(1)" in subsection (a)(1) and inserting in lieu thereof "section 18233".

(8) Section 18236 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a)—

(i) by striking out "section 2233" in the first sentence and inserting in lieu thereof "section 18233"; and

(ii) by striking out "section 2233(a)(3) or (4)" in the second sentence and inserting in lieu thereof "paragraph (3) or (4) of section 18233(a)";

(B) in subsection (b)—

(i) by striking out "clause (4) or (5) of section 2233(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "paragraph (4) or (5) of section 18233(a)"; and

(ii) by striking out "section 2233(e)" in paragraph (2) and inserting in lieu thereof "section 18233(e)"; and

(C) in subsection (c), by striking out "section 2233" and inserting in lieu thereof "section 18233".

(9) Section 18237 (as redesignated by paragraph (2)) is amended—

(A) in subsection (a), by striking out "section 2233(a)(2), (3) and (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)"; and

(B) in subsection (b), by striking out "section 2233(a)(2), (3) or (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)".

(10) Section 18239 (as redesignated by paragraph (2)) is amended by striking out "section 2233" both places it appears and inserting in lieu thereof "section 18233".

(11) Part IV of subtitle A is amended by inserting after chapter 131 the following:

"CHAPTER 133—FACILITIES FOR RESERVE COMPONENTS

"Sec.

"2231. Reference to chapter 1803.

"§2231. Reference to chapter 1803

"Provisions of law relating to facilities for reserve components are set forth in chapter 1803 of this title (beginning with section 18231).".

(c) MISCELLANEOUS PROVISIONS.—(1) Part V of subtitle E, as added by subsection (a), is amended by adding after chapter 1803, as transferred by subsection (b), the following:

"CHAPTER 1805—MISCELLANEOUS PROVISIONS

"Sec.

"18501. Reserve components: personnel and logistic support by military departments.

"18502. Reserve components: supplies, services, and facilities.

"§18501. Reserve components: personnel and logistic support by military departments

"The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Ready Reserve of the reserve components under his jurisdiction to satisfy the training requirements and mobilization readiness requirements for those units and Reserves as recommended by the Secretary concerned and by the Chairman of the Joint

Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy.

"§18502. Reserve components: supplies, services, and facilities

"(a) The Secretary concerned shall make available to the reserve components under his jurisdiction the supplies, services, and facilities of the armed forces under his jurisdiction that he considers necessary to support and develop those components.

"(b) Whenever he finds it to be in the best interest of the United States, the Secretary concerned may issue supplies of the armed forces under his jurisdiction to the reserve components under his jurisdiction, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(c) Whenever he finds it to be in the best interest of the United States, the Secretary of the Army or the Secretary of the Air Force may issue to the Army National Guard or the Air National Guard, as the case may be, supplies of the armed forces under his jurisdiction that are in addition to supplies issued to that National Guard under section 702 of title 32 or charged against its appropriations under section 106 or 107 of title 32, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(d) Supplies issued under subsection (b) or (c) may be repossessed or redistributed as prescribed by the Secretary concerned.".

(2) Section 2540 is repealed.

SEC. 305. LEGISLATIVE CONSTRUCTION.

(a) REFERENCES TO TRANSFERRED OR REPLACED PROVISIONS.—A reference to a provision of title 10, United States Code, transferred or replaced by the provisions of sections 301 through 304 (including a reference in a regulation, order, or other law) shall be treated as referring to that provision as transferred or to the corresponding provision as so enacted by this title.

(b) SAVINGS PROVISION FOR REGULATIONS.—A regulation, rule, or order in effect under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 301 through 304 shall continue in effect under the corresponding provision so enacted until repealed, amended, or superseded.

(c) GENERAL SAVINGS PROVISION.—An action taken, or a right that matured, under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 301 through 304 shall be treated as having been taken, or having matured, under the corresponding provision so enacted.

TITLE IV—TECHNICAL AND CLERICAL AMENDMENTS

SEC. 401. AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE.

(a) TABLE OF SUBTITLES.—The table of subtitles preceding subtitle A is amended by adding at the end the following new item:

***"E. Reserve Components** .... 10001".*

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 2 is amended by striking out the item relating to section 115b.

(2) The table of sections at the beginning of chapter 3 is amended by striking out the item relating to section 123 and inserting in lieu thereof the following:

"123. Authority to suspend officer personnel laws during war or national emergency.".

(3) The table of sections at the beginning of chapter 31 is amended by striking out the items relating to sections 510, 511, 512, and 517.

(4) The table of sections at the beginning of chapter 32 is amended—

(A) by striking out the item relating to section 524; and

(B) by striking out "524," in the item relating to section 527.

(5) The table of sections at the beginning of subchapter V of chapter 36 is amended by striking out the item relating to section 644.

(6) The table of sections at the beginning of chapter 37 is amended by striking out the item relating to section 652.

(7) The table of sections at the beginning of chapter 39 is amended—

(A) by striking out the item relating to section 672 and inserting in lieu thereof the following:

"672. Reference to chapter 1209."; and

(B) by striking out the items relating to sections 673 through 686 and section 689.

(8) The table of sections at the beginning of chapter 41 is amended by striking out the item relating to section 715.

(9) The table of sections at the beginning of chapter 53 is amended by striking out the item relating to section 1033.

(10) The table of sections at the beginning of chapter 59 is amended by striking out the items relating to sections 1162 and 1163.

(11) The table of sections at the beginning of chapter 69 is amended—

(A) by striking out the item relating to section 1374; and

(B) by striking out the item relating to section 1376 and inserting in lieu thereof the following:

"1376. Temporary disability retired lists.".

(12) The table of sections at the beginning of chapter 101 is amended by striking out the item relating to section 2001.

(13) The table of sections at the beginning of chapter 109 is amended by striking out the items relating to sections 2171 and 2172 and inserting in lieu thereof the following:

"2171. Education loan repayment program: enlisted members on active duty in specified military specialties.".

(14) The table of sections at the beginning of subchapter I of chapter 152 is amended by striking out the item relating to section 2540.

(c) CROSS-REFERENCE AMENDMENTS—

(1) Section 101(47) is amended by striking out "672(a), 673, 673b, 673c, 688, 3500, or 8500" and inserting in lieu thereof "688, 12301(a), 12302, 12304, 12305, or 12406".

(2) Section 113(c)(3) is amended by striking out "chapters 51, 337, 361, 363, 549, 573, 837, 861, and 863 of this title, as far as they apply to reserve officers" and inserting in lieu thereof "chapters 1219 and 1401 through 1411 of this title ".

(3) Section 523(b)(1) is amended—

(A) in subparagraph (B), by striking out "section 265" and all that follows through "of this title" and inserting in lieu thereof "sections 10211, 10302 through 10305, or 12402 of this title";

(B) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(C) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(4) Section 527 is amended by striking out "524," in the text and in the heading.

(5) Section 641(1) is amended—

(A) in subparagraph (B), by striking out "section 175" and all that follows through "of this title" and inserting in lieu thereof "sections 3038, 8038, 10211, 10301 through 10305, 10501, or 12402 of this title";

(B) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(C) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(6) Sections 1201, 1202, and 1203 are each amended by striking out "section 270(b)" and inserting in lieu thereof "section 10148(a)".

(7)(A) Section 1076(b)(2)(A) is amended by striking out "under chapter 67 of this title" and inserting in lieu thereof "under chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)":

(B) Section 1370(a)(1) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(8) Section 1482(f)(2) is amended by striking out "section 1332" and "section 1331" and inserting in lieu thereof "section 12732" and "12731", respectively.

(d) SURVIVOR BENEFIT PLAN.—Subchapter II of chapter 73 is amended as follows:

(1) Section 1447(14) is amended by striking out "chapter 67 of this title" and inserting in lieu thereof "chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) The following provisions are amended by striking out "section 1331(d)" and inserting in lieu thereof "section 12731(d)": sections 1447(2)(C), 1448(a)(2)(B), 1448(f)(1)(A), and 1448(f)(1)(B).

SEC. 402. AMENDMENTS TO SUBTITLE B OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—The table of chapters at the beginning of subtitle B, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 337, 361, and 363.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 305 is amended by striking out the item relating to section 3040.

(2) The table of sections at the beginning of chapter 307 is amended by striking out the items relating to sections 3076 through 3080.

(3) The table of sections at the beginning of chapter 331 is amended by striking out the items relating to section 3212 and sections 3217 through 3225.

(4) The table of sections at the beginning of chapter 333 is amended by striking out the items relating to sections 3259, 3260, and 3261.

(5) The table of sections at the beginning of chapter 341 is amended by striking out the items relating to sections 3495 through 3502.

(6) The table of sections at the beginning of chapter 343 is amended by striking out the items relating to sections 3541 and 3542.

(7) The table of sections at the beginning of chapter 353 is amended by striking out the item relating to section 3686.

(c) CROSS REFERENCE AMENDMENTS.—

(1) Section 3038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 3961(a) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(3) Section 4342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

SEC. 403. AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE.

(a) TABLES OF CHAPTERS.—

(1) The table of chapters at the beginning of subtitle C is amended by striking out the items relating to chapters 519, 531, 541, and 549.

(2) The table of chapters at the beginning of part I of subtitle C is amended by striking out the item relating to chapter 519.

(3) The table of chapters at the beginning of part II of subtitle C is amended by striking out the items relating to chapters 531, 541, and 549.

(b) TABLES OF SECTIONS.—

(1) The table of sections at the beginning of chapter 533 is amended by striking out the items relating to sections 5456, 5457, and 5458.

(2) The table of sections at the beginning of chapter 539 is amended by striking out the item relating to section 5600.

(3) The table of sections at the beginning of chapter 555 is amended by striking out the items relating to sections 6017 and 6034.

(4) The table of sections at the beginning of chapter 573 is amended by striking out the items relating to sections 6391, 6392, 6397, 6403, and 6410.

(c) Cross Reference Amendments.—

(1) Section 6389(a) is amended by striking out "section 1005" and inserting in lieu thereof "section 12645".

(2) Section 6954(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)"

(d) Repeal of Section Redundant with Section 741.—

(1) Section 5506 is repealed.

(2) The table of sections at the beginning of chapter 535 is amended by striking out the item relating to section 5506.

SEC. 404. AMENDMENTS TO SUBTITLE D OF TITLE 10, UNITED STATES CODE.

(a) Tables of Chapters.—The table of chapters at the beginning of subtitle D, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 837 and 863.

(b) Tables of Sections.—

(1) The table of sections at the beginning of chapter 807 is amended by striking out the items relating to sections 8076 through 8080.

(2) The table of sections at the beginning of chapter 831 is amended by striking out the items relating to section 8212 and sections 8217 through 8225.

(3) The table of sections at the beginning of chapter 833 is amended by striking out the items relating to sections 8259, 8260, and 8261.

(4) The table of sections at the beginning of chapter 841 is amended by striking out the items relating to sections 8495 through 8502.

(5) The table of sections at the beginning of chapter 843 is amended by striking out the items relating to sections 8541 and 8542.

(6) The table of sections at the beginning of chapter 853 is amended by striking out the item relating to section 8686.

(7) The table of sections at the beginning of chapter 861 is amended by striking out the items relating to sections 8819 and 8820.

(c) Cross Reference Amendments.—

(1) Section 8038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 8961(a) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(3) Section 9342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)"

SEC. 405. AMENDMENTS TO SUBTITLE E OF TITLE 10, UNITED STATES CODE.

(a) Chapter 1203.—Section 12102 (as transferred and redesignated by section 302(b)(2)) is amended by striking out "section 3261 or 8261" in subsection (a) and inserting in lieu thereof "section 12107".

(b) Chapter 1205.—Sections of chapter 1205 (as transferred and redesignated by section 302(c)(2)) are amended as follows:

(1) Section 12203 is amended by striking out "3352, or 8352" in subsection (a) and inserting in lieu thereof "12212, or 12213".

(2) Sections 12212 and 12213 are amended by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is" in subsection (a).

(c) Chapter 1209.—Sections of chapter 1209 (as transferred and redesignated by section 302(e)(2)) are amended as follows:

(1) Section 12301 is amended—

(A) in subsection (b), by striking out "or Territory" and all that follows through the period at the end and inserting in lieu thereof "(or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard)."; and

(B) in subsection (d), by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is".

(2) Section 12304 is amended—

(A) by striking out "section 673(a)" in subsection (a) and inserting in lieu thereof "section 12302(a)";

(B) by striking out "section 268(b)" in subsection (a) and inserting in lieu thereof "section 10143(a)"; and

(C) by striking out "section 3500 or 8500" in subsection (b) and inserting in lieu thereof "section 12406".

(3) Section 12305 is amended by striking out "section 672, 673, or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12301, 12302, or 12304".

(4) Section 12306 is amended by striking out "section 672" in subsection (a) and inserting in lieu thereof "section 12301".

(5) Section 12307 is amended by striking out "section 672(a) or 688", "section 1001(b)", and "chapter 67" and inserting in lieu thereof "section 688 or 12301(a)", "section 12641(b)", and "chapter 1223", respectively.

(6) Section 12308 is amended by striking out "chapter 67" and "section 1332(b)" and inserting in lieu thereof "chapter 1223" and "section 12732(b)", respectively.

(7) Section 12310 is amended by striking out "section 672(d)" in subsection (a) and inserting in lieu thereof "section 12301(d)".

(8) Section 12312 is amended by striking out "section 679(a)" in subsections (a) and (b) and inserting in lieu thereof "section 12311(a)".

(9) Section 12318 is amended—

(A) by striking out "section 673 or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12302 or 12304"; and

(B) by striking out "section 678" in subsection (b) and inserting in lieu thereof "section 12310".

(10) Section 12319(d) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(11) Section 12320 is amended by striking out "section 3353, 5600, or 8353" and inserting in lieu thereof "section 12207".

(d) Chapter 1219.—Sections of chapter 1219 (as transferred and redesignated by section 302(h)) are amended as follows:

(1) Section 12642 is amended—

(A) by striking out "section 1332(a)(2)" in subsection (a) and inserting in lieu thereof "section 12732(a)(2)"; and

(B) by striking out "section 1005" in subsection (b) and inserting in lieu thereof "section 12645".

(2) Section 12645 is amended by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsection (a) and inserting in lieu thereof "chapter 573, 1407, 1409, or 1411".

(3) Section 12646 is amended—

(A) by striking out "section 1332" each place it appears in subsections (a) and (b) and inserting in lieu thereof "section 12732";

(B) by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsections (a) and (b) and inserting in lieu thereof "chapter 573, 1407, or 1409"; and

(C) by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) A reserve commissioned officer on active duty (other than for training) or full-time National Guard duty (other than full-time National Guard duty for training only) who, on the date on which the officer would otherwise be removed from an active-status under section 6389, 14513, or 14514 of this title or section 740 of title 14, is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title may, in the discretion of the Secretary concerned and subject to paragraph (2), be retained on that duty for a period of not more than two years.

"(2) An officer may be retained on active duty or full-time National Guard duty under paragraph (1) only if—

"(A) at the end of the period for which the officer is retained the officer will be qualified for retirement under section 3911, 6323, or 8911 of this title; and

"(B) the officer will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title or title 14.

"(3) An officer who is retained on active duty or full-time National Guard duty under this section may not be removed from an active status while on that duty.".

(4) Section 12647 is amended by striking out "chapters 337, 363, 573, 837, and 863" and inserting in lieu thereof "chapters 573, 1407, and 1409".

SEC. 406. AMENDMENTS TO TITLES 32 AND 37, UNITED STATES CODE.

(a) Title 32, United States Code.—Title 32, United States Code, is amended as follows:

(1) Section 107(c) is amended by striking out "section 3496 or 8496" and inserting in lieu thereof "section 12402".

(2) Section 307(a)(3) is amended by striking out "and sections 8365 and 8366 of title 10".

(3) Section 323(c) is amended by striking out "section 3259, 3352(a), 8259, or 8352(a)" and inserting in lieu thereof "section 12105, 12212(a), or 12213(a)".

(4) The items relating to sections 309 and 310 in the table of sections at the beginning of chapter 3 are amended to read as follows:

"309. Federal recognition of National Guard officers: officers promoted to fill vacancies.
"310. Federal recognition of National Guard officers: automatic recognition.".

(b) Title 37, United States Code.—Title 37, United States Code, is amended as follows:

(1) Section 204(a)(2) is amended by striking out "section 3021, 3496, 3541, 8021, 8496, or 8541" and inserting in lieu thereof "section 10302, 10305, 10502, or 12402".

(2) Section 205(e)(2) is amended—

(A) by striking out "section 511(b) or 511(d)" in subparagraph (A) and inserting in lieu thereof "section 12103(b) or 12103(d)"; and

(B) by striking out "chapter 39" in subparagraph (B) and inserting in lieu thereof "chapter 1209".

(3) Section 905 is amended—

(A) by striking out "chapter 549" in subsection (a) and inserting in lieu thereof "chapter 1405"; and

(B) by striking out "section 5908" in subsection (b) and inserting in lieu thereof "section 14308(b)".

SEC. 407. AMENDMENTS TO OTHER LAWS.

(a) Title 5, United States Code.—Title 5, United States Code, is amended as follows:

(1) Section 5517(d)(2) is amended by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10"

(2) Section 6323(b) is amended—

(A) in paragraph (1), by striking out "section 261 of title 10" and inserting in lieu thereof "section 10101 of title 10".

(B) in paragraph (2)(A), by striking out "3500, or 8500 of title 10" and inserting in lieu thereof "or 12406 of title 10".

(3) Sections 8332(c)(2)(B) and 8411(c)(2)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(4) Sections 8401(30) and 8456(a)(1)(A) are amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(b) TITLE 14, UNITED STATES CODE.—Title 14, United States Code, is amended as follows:

(1) Section 41a(a) is amended by striking out "section 679 of title 10" and inserting in lieu thereof "section 12311 of title 10".

(2) Section 271(e) is amended by striking out "section 593 of title 10" and inserting in lieu thereof "section 12203 of title 10".

(3) Section 712(c)(1) is amended by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10".

(4) Section 713 is amended by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(5) Sections 740(c) and 741(b) are amended by striking out "section 1006 of title 10" and inserting in lieu thereof "section 12646 of title 10".

(c) INTERNAL REVENUE CODE OF 1986.—Section 219(g)(6)(A) of the Internal Revenue Code of 1986 is amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(d) TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended as follows:

(1) Sections 1965(5)(B), 1965(5)(C), and 1968(a)(4)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) Section 3002 is amended—

(A) in paragraph (4), by striking out "section 268(b) of title 10" and inserting in lieu thereof "section 10143(a) of title 10"; and

(B) in paragraph (6), by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(e) PUBLIC LAW 99–661.—Section 403(b)(1) of Public Law 99–661 (10 U.S.C. 521 note) is amended—

(1) in subparagraph (B), by striking out "section 265" and all that follows through "of title 10" and inserting in lieu thereof "section 10148(a), 10211, 10302 through 10305, 12301(a), or 12402 of title 10";

(2) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(3) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(f) MILITARY SELECTIVE SERVICE ACT.—Section 6 of the Military Selective Service Act (50 U.S.C. App. 456) is amended—

(1) in subsection (c)(2)(A), by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10";

(2) in subsection (c)(2)(D), by striking out "section 511(b) of title 10" and inserting in lieu thereof "section 12103 of title 10"; and

(3) in subsection (d)(1), by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10".

TITLE V—TRANSITION PROVISIONS

SEC. 501. CONTINUATION ON THE RESERVE ACTIVE-STATUS LIST OF CERTAIN RESERVE COLONELS OF THE ARMY AND AIR FORCE.

(a) CONTINUATION UNDER OLD LAW.—Except as provided in subsection (b), a reserve officer of the Army or the Air Force who, on the effective date of this Act—

(1) is subject to placement on the reserve active-status list of the Army or the Air Force; and

(2)(A) holds the reserve grade of colonel, (B) is on a list of officers recommended for promotion to the reserve grade of colonel, or (C) has been nominated by the President for appointment in the reserve grade of colonel,

shall continue to be subject to mandatory transfer to the Retired Reserve or discharge from the officer's reserve appointment under section 3851 or 8851 of title 10, United States Code, as in effect on the day before the effective date of this Act.

(b) EXEMPTION.—This section does not apply to an officer who is—

(1) sooner transferred from an active status or discharged under some other provision of law;

(2) promoted to a higher grade, unless the officer was on a list of officers recommended for promotion to the reserve grade of colonel before the effective date of this Act; or

(3) continued on the reserve active-status list under section 14701 of title 10, United States Code, as added by this Act.

SEC. 502. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR ARMY AND AIR FORCE OFFICERS.

(a) PROMOTIONS TO FILL VACANCIES.—A reserve commissioned officer of the Army or Air Force (other than a commissioned warrant officer) who, on the day before the effective date of this Act, is recommended for promotion to fill a vacancy in the Army Reserve or the Air Force Reserve under section 3383, 3384, 8372, or 8373 of title 10, United States Code, as in effect on the day before the effective date of this Act, in the next higher reserve grade shall be considered to have been recommended for promotion to that grade by a vacancy promotion board under section 14101(a)(2) of title 10, United States Code, as added by this Act.

(b) PROMOTIONS OTHER THAN TO FILL VACANCIES.—A reserve officer of the Army or Air Force who, on the day before the effective date of this Act, is recommended for promotion under section 3366, 3367, 3370, 3371, 8366, or 8371 of title 10, United States Code, as in effect on the day before the effective date of this Act, to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion by a mandatory promotion board convened under section 14101(a)(1) of title 10, United States Code, as added by this Act.

(c) OFFICERS FOUND QUALIFIED FOR PROMOTION TO FIRST LIEUTENANT.—A reserve officer of the Army or Air Force who, on the effective date of the Act, holds the grade of second lieutenant and has been found qualified for promotion to the grade of first lieutenant in accordance with section 3365, 3382, or 8365 of title 10, United States Code, as in effect on the day before the effective date of this Act, shall be promoted to that grade on the date on which the officer would have been promoted under the provisions of chapter 337 or 837 of such title, as in effect on the day before the effective date of the Act, unless sooner promoted under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force under section 14308(b) of title 10, United States Code, as added by this Act.

(d) OFFICERS ONCE FAILED OF SELECTION.—(1) A reserve officer of the Army in the grade of first lieutenant, captain, or major who, on the day before the effective date of this Act, has been considered once but not recommended for promotion to the next higher reserve grade under section 3366 or 3367 of title 10, United States Code, or a reserve officer of the Air Force in the grade of first lieutenant, captain, or major who, on the day before the effective date of this Act, is a deferred officer within the meaning of section 8368 of such title, shall be considered to have been considered once but not selected for promotion by a board convened under section 14101(a)(1) of title 10, United States Code, as added by this Act. If the officer is later considered for promotion by a selection board convened under that section and is not selected for promotion (or is selected for promotion but declines to accept the promotion), the officer shall be considered for all purposes to have twice failed of selection for promotion.

(2) In the case of a reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this Act, is in the grade of first lieutenant, captain, or major and whose name has been removed, under the provisions of section 3363(f) of title 10, United States Code, from a list of officers recommended for promotion or who has previously not been promoted because the President declined to appoint the officer in the next higher grade under section 8377 of such title as in effect on the day before the effective date of the Act, or whose name was removed from a list of officers recommended for promotion to the next higher grade because the Senate did not consent to the officer's appointment, if the officer is later considered for promotion by a selection board convened by section 14101(a)(1) of title 10, United States Code, as added by this Act, and (A) is not selected for promotion, (B) is selected for promotion but removed from the list of officers recommended or approved for promotion, or (C) is selected for promotion but declines to accept the promotion, the officer shall be considered for all purposes to have twice failed of selection for promotion.

(e) OFFICERS TWICE FAILED OF SELECTION.—A reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this Act, is in the grade of first lieutenant, captain, or major and on that date is subject to be treated as prescribed in section 3846 or 8846 of title 10, United States Code, shall continue to be governed by that section as in effect on the day before the effective date of this Act.

(f) OFFICERS WITH APPROVED PROMOTION DECLINATIONS IN EFFECT.—A reserve officer of the Army who, on the day before the effective date of this Act, has declined a promotion under subsection (f) or (g) of section 3364 of title 10, United States Code, shall while carried on the reserve active-status list be subject to the provisions of subsections (h), (i), and (j) of such section, as in effect on the day before the effective date of the Act, except that the name of an officer to whom this section applies shall be placed on a promotion list under section 14308(a) of title 10, United States Code (as added by this Act), and, at the end of the approved period of declination, shall be considered to have failed of promotion if the officer again declines to accept the promotion.

(g) COVERED OFFICERS.—This section applies to reserve officers of the Army and Air Force who—

(1) on the day before the effective date of this Act are in an active status; and

(2) on the effective date of this Act are subject to placement on the reserve active-status list of the Army or the Air Force.

SEC. 503. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR NAVY AND MARINE CORPS OFFICERS.

(a) RECOMMENDATIONS FOR PROMOTION.—An officer covered by this section who, on the day before the effective date of the Act, has been recommended for promotion to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion to that grade under section 14101(a) of title 10, United States Code, as added by this Act.

(b) FAILURES OF SELECTION.—An officer covered by this section who, on the day before the effective date of this Act, is considered to have failed of selection for promotion one or more

times under chapter 549 of title 10, United States Code, to a grade below captain, in the case of a reserve officer of the Navy, or to a grade below colonel, in the case of a reserve officer of the Marine Corps, shall be subject to chapters 1405 and 1407 of title 10, United States Code, as added by this Act, as if such failure or failures had occurred under the provisions of those chapters.

(c) Officers Other Than Covered Officers Recommended for Promotion.—A reserve officer of the Navy or Marine Corps who on the day before the effective date of this Act (1) has been recommended for promotion in the approved report of a selection board convened under chapter 549 of title 10, United States Code, and (2) was on the active-duty list of the Navy or Marine Corps may be promoted under that chapter, as in effect on the day before the effective date of this Act.

(d) Officers Found Qualified for Promotion to Lieutenant (Junior Grade) or First Lieutenant.—A covered officer who, on the effective date of this Act, holds the grade of second lieutenant and has been found qualified for promotion in accordance with section 5908 or 5910 of title 10, United States Code, as in effect on the day before the effective date of this Act, shall be promoted on the date on which the officer would have been promoted under the provisions of chapter 549 of such title, as in effect on the day before the effective date of the Act, unless sooner promoted under regulations prescribed by the Secretary of the Navy under section 14307(b) of such title, as added by this Act.

(e) Officers Whose Names Have Been Omitted From a List Furnished to a Selection Board.—A covered officer whose name, as of the effective date of this Act, had been omitted by administrative error from the list of officers furnished the most recent selection board to consider officers of the same grade and component, shall be considered by a special selection board established under section 14502 of title 10, United States Code, as added by this Act. If the officer is selected for promotion by that board, the officer shall be promoted as specified in section 5904 of title 10, United States Code, as in effect on the day before the effective date of this Act.

(f) Covered Officers.—Except as provided in subsection (c), this section applies to any reserve officer of the Navy or Marine Corps who (1) before the effective date of this Act is in an active status, and (2) on the effective date of this Act is subject to placement on the reserve active-status list of the Navy or Marine Corps.

SEC. 504. DELAYS IN PROMOTIONS AND REMOVALS FROM PROMOTION LIST.

(a) Delays in Promotions.—(1) A delay in a promotion that is in effect on the day before the effective date of this Act under the laws and regulations in effect on that date shall continue in effect on and after that date as if the promotion had been delayed under section 14311 of title 10, United States Code, as added by this Act.

(2) The delay of the promotion of a reserve officer of the Army or the Air Force which was in effect solely to achieve compliance with limitations set out in section 524 of title 10, United States Code or with regulations prescribed by the Secretary of Defense with respect to sections 3380(c) and 8380(c) of title 10, United States Code, as in effect on the day before the effective date of this Act, shall continue in effect as if the promotion had been delayed under section 14311(e) of such title, as added by this Act.

(b) Removals From List.—An action that was initiated before the effective date of this Act under the laws and regulations in effect before that date to remove the name of an officer from a promotion list or from a list of officers recommended or approved for promotion shall continue on and after such date as if such action had been initiated under section 14110(d) or 14310, as appropriate, of title 10, United States Code, as added by this Act.

SEC. 505. MINIMUM SERVICE QUALIFICATIONS FOR PROMOTION.

During the five-year period beginning on the effective date of this Act, the Secretary of the Army and the Secretary of the Air Force may waive the provisions of section 14304 of title 10, United States Code, as added by this Act. The Secretary may, in addition, during any period in which such a waiver is in effect, establish minimum periods of total years of commissioned service an officer must have served to be eligible for consideration for promotion to the grade of captain, major, or lieutenant colonel by boards convened under section 14101(a) of title 10, United States Code, as added by this Act.

SEC. 506. ESTABLISHMENT OF RESERVE ACTIVE-STATUS LIST.

(a) Six-Month Deadline.—Not later than six months after the effective date of this Act, the Secretary of the military department concerned shall ensure that—

(1) all officers of the Army, Navy, Air Force, and Marine Corps who are required to be placed on the reserve active-status list of their Armed Force under section 14002 of title 10, United States Code, as added by this Act, shall be placed on the list for their armed force and in their competitive category; and

(2) the relative seniority of those officers on each such list shall be established.

(b) Regulations.—The Secretary concerned shall prescribe regulations for the establishment of relative seniority. The Secretary of the Army and the Secretary of the Air Force shall, in prescribing such regulations, provide for the consideration of both promotion service established under section 3360(b) or 8360(e) of title 10, United States Code, as in effect on the day before the effective date of this Act, and total commissioned service established under section 3360(c) or 8366(e) of such title, as in effect on the day before the effective date of this Act. An officer placed on a reserve active-status list in accordance with this section shall be considered to have been on the list as of the effective date of this Act.

SEC. 507. PRESERVATION OF RELATIVE SENIORITY UNDER THE INITIAL ESTABLISHMENT OF THE RESERVE ACTIVE-STATUS LIST.

In order to maintain the relative seniority among reserve officers of the Army, Navy, Air Force, or Marine Corps as determined under section 506 of this Act, the Secretary of the military department concerned may, during the one-year period beginning on the effective date of this Act, adjust the date of rank of any reserve officer of such Armed Force who was in an active status but not on the active-duty list on such effective date.

SEC. 508. GRADE ON TRANSFER TO THE RETIRED RESERVE.

In determining the highest grade held satisfactorily by a person at any time in the Armed Forces for the purposes of paragraph (2) of section 1406(b) of title 10, United States Code, as added by this Act, the requirement for satisfactory service on the reserve active-status list contained in section 1370(d) of title 10, United States Code, as added by this Act, shall apply only to reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion under chapter 36 of that title or under chapter 1405 of that title, as added by this Act, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after the effective date of this Act.

SEC. 509. RIGHTS FOR OFFICERS WITH OVER THREE YEARS SERVICE.

A reserve officer of the Army, Navy, Air Force, or Marine Corps who was in an active status on the day before the effective date of this Act and who was subject to placement of the reserve active-status list on the effective date of this Act may not be discharged under section 14503 of title 10, United States Code, as added by this Act, until on or after the day on which that officer completes three years of continuous service as a reserve commissioned officer.

SEC. 510. MANDATORY SEPARATION FOR AGE FOR CERTAIN RESERVE OFFICERS OF THE NAVY AND MARINE CORPS.

(a) Savings Provisions for Required Separation Age.—A reserve officer of the Navy or the Marine Corps—

(1) who—

(A) on the effective date of this Act is in an active status, and

(B) on the day before the effective date of this Act was an officer described in section 6389(e), 6397(a), 6403(a), or 6403(b) of title 10, United States Code; and

(2) who, on or after the effective date of this Act is subject to elimination from an active status under any provision of such title,

is entitled to be treated as that officer would have been treated under section 6397 or 6403 as applicable, as in effect on the day before the effective date of this Act, if that treatment would result in the date for the officer's separation from an active status being a later date than the date established under the law in effect on or after the effective date of this Act.

(b) Savings Provisions for Mandatory Separation for Age.—An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before January 1, 1953, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 62 years of age, but can complete this service by the time he becomes 64 years of age, may be retained in an active status not later than the date he becomes 64 years of age.

(c) An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before the effective date of this Act, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 60 years of age, but can complete this service by the time he becomes 62 years of age, may be retained in an active status not later than the date he becomes 62 years of age.

TITLE VI—EFFECTIVE DATES AND GENERAL SAVINGS PROVISIONS

SEC. 601. EFFECTIVE DATE.

(a) General Effective Date.—Except for section 205, this Act and the amendments made by this Act shall take effect on the first day of the ninth month that begins after the date of the enactment of this Act.

(b) Regulations.—The authority to prescribe regulations under the amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 602. PRESERVATION OF SUSPENDED STATUS OF LAWS SUSPENDED AS OF EFFECTIVE DATE.

If a provision of law that is in a suspended status on the day before the effective date of this Act is transferred or amended by this Act, the suspended status of that provision is not affected by that transfer or amendment.

SEC. 603. PRESERVATION OF PRE-EXISTING RIGHTS, DUTIES, PENALTIES, AND PROCEEDINGS.

Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act do not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this Act.

The SPEAKER pro tempore (Mr. McDermott). Pursuant to the rule, the gentlewoman from Maryland [Mrs. BYRON] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Maryland [Mrs. BYRON].

GENERAL LEAVE

Mrs. BYRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. BYRON. Mr. Speaker, today the Congress has reached a legislative landmark that has been anxiously awaited by Reserve officers throughout the Nation. Today we will address the Reserve Officer Personnel Management Act [ROPMA].

ROPMA is the companion legislation for Reserve officers to the Defense Officer Personnel Management Act which comprehensively revised the statutes relating to the appointment, promotion, tenure, and separation of regular commissioned officers when adopted in 1980. At the time, the Congress recognized that the officer management statutes that applied to Reserve officers would benefit from the same type of standardization and reform of personnel policy provided to active duty officers in DOPMA. The Subcommittee on Military Personnel and Compensation continued to emphasize the need to resolve outstanding issues in a hearing in 1988. During a hearing this August, we received the final confirmation that the services are now in agreement and all remaining points of controversy are resolved.

The production of a bill that was ready for consideration by the Congress was, for good reason, long in coming. The bill is extremely complex and the final version required immense effort to negotiate a package that met the officer personnel management requirements of all the Reserve components. The final product was worth the wait. For years the management of Reserve officers received little attention. I suspect this neglect can be attributed to the realization that the Reserve components played a relatively unimportant role in defense planning. This is a new era. The Reserve components of our Nation play a critical role in America's defense. One only has to look at the vital role played by reservists in the Persian Gulf war to understand how important it is to overhaul Reserve officer personnel policies. In the words of Secretary Cheney, "We couldn't have done it without them."

The bill before us is a committee print of the bill introduced by the gentleman from Mississippi [Mr. MONTGOMERY] except that it includes technical amendments identified by committee staff, the Department of Defense, and the House Legislative Counsel.

Major features of ROPMA:

Consolidates all the provisions concerning reserves in title X into one subtitle.

Establishes a reserve active-status list of Reserve officers by service in seniority order.

Standardizes the promotion system among the services to more closely resemble DOPMA procedures while preserving Reserve component promotion systems uniquely required by the Reserves.

Offers the service secretaries new flexibility to manage the promotions.

Protects reservists called-up to active duty by retaining them in the reserve promotion system for 2 years.

Gives reservists opportunity to voluntarily delay promotions in lieu promoting them out of their jobs.

Gives new authority to the service secretaries to either continue officers in an active status, or selectively remove them from active status depending on the management needs of the service.

Establishes age 60 as the common maximum age for all Reserve officers.

Mr. Speaker, in closing, I would like to thank the gentleman from Mississippi [Mr. MONTGOMERY] for all his assistance. He has been working to resolve this complex and often controversial issue for a number of years. I commend the committee staff, and especially Jim Schweiter should be commended for all his diligent and technical work. The report is 422 pages long. He spent all of July and August working on this baby, and today we are ready for its birth.

The fact that the services are now able to come to Congress with an agreed package is a direct result of the expertise and the perseverance of the gentleman from Mississippi [Mr. MONTGOMERY] over a number of years.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Reserve Officer Personnel Management Act has been years in the making and is an important piece of legislation.

The fact that we are taking up this measure at the end of an extremely busy congressional session is just one indicator of the importance the Armed Services Committee attaches to it.

This legislation revises and standardizes the way in which National Guard and Reserve officers are appointed, promoted, and separated.

The bill before us is the product of compromise. The compromise has been built on a solid base of the common points in existing law that can be found among different approaches by the services for managing the officers of Reserve components.

This legislation provides a substantive improvement over the existing systems. It creates new mechanisms by which the Department of Defense can better integrate the quality officers of the Reserve components into the total force.

Mr. Speaker, I would urge Members of the House to support H.R. 4481.

Mr. Speaker, I also want to take this opportunity to compliment my good friend the chairman of the Subcommittee on Military Personnel and Compensation, BEVERLY BYRON, for leading the effort to bring this legislation to the floor. This is just one more example of the concern she has demonstrated for our military service members during her tenure on the Armed Services Committee. Their lives have been greatly improved through her efforts.

It has truly been a pleasure to serve with BEV on the Armed Services Committee, and her presence will certainly be missed in the next Congress. However, I know she will leave with pride in a job well done and the knowledge that she has made meaningful contributions to military personnel during her many years in Congress.

Mr. Speaker, I would also like to acknowledge the great work of the gentleman from Mississippi [Mr. MONTGOMERY], a member of the committee and also the chairman of the Committee on Veterans' Affairs. We appreciate all the great work he does in watching after our men in uniform.

Mr. Speaker, I reserve the balance of my time.

Mrs. BYRON. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of H.R. 4481, the Reserve Officers Personnel Management Act. This bill will simplify and clean up the promotion, retention, and separation of officers of the National Guard and Reserve.

I want to thank the gentlewoman from Maryland [Mrs. BYRON], the chairman of our subcommittee. We will miss her. Maybe this is the last bill she will handle this year. I am not sure of that, but I hope it is not. I say to the gentlewoman, thank you for bringing this legislation forward, and thank you for taking such an interest in the military personnel of this country, the men in uniform. I know how much they owe you and how much we owe you for the work you have done in seeing that the military, both active and National Guard and Reserves, are treated fairly. Again I say, Thanks, BEVERLY BYRON.

To my colleague, the gentleman from Arizona [Mr. STUMP], I say thank you for being here today and letting us bring this bill up. As has been mentioned, this is a very thick bill, and it is complicated. There is emotion in this retention and retirement type legislation. Jim Schweiter and other members of our staff have done an outstanding job on this bill.

Mr. Speaker, I hope the Senate will move ahead and take up this legislation and pass it and send it to the President. The Defense Department feels very strongly about this legislation. The reservists did an excellent job in the Persian Gulf war. There were some complications on promotion and retention, and this bill would clear up some of these problems. I would hope that the Members will support the legislation.

Mrs. BYRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill has been 11 years in the making. In conference last week with the Senate, Senator NUNN seemed to be extremely interested in the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland [Mrs. BYRON] that the House suspend the rules and pass the bill, H.R. 4481, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MARY McLEOD BETHUNE FINE ARTS CENTER

Mr. PAYNE of New Jersey. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3007) to authorize financial assistance for the construction and maintenance of the Mary McLeod Bethune Memorial Fine Arts Center.

The Clerk read as follows:

S. 3007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARY MCLEOD BETHUNE MEMORIAL FINE ARTS CENTER.

In recognition of the remarkable career of Mary McLeod Bethune, founder and president of Bethune-Cookman College, founder and first president of the National Council of Negro Women, and confidant and advisor to Presidents of the United States, and in order to enhance the ability of Bethune-Cookman College to carry on the unique quality of service to the community and to Nation that characterizes the life of Mary McLeod Bethune, the Secretary of Education shall, in accordance with the provisions of this section, provide financial assistance to the Bethune-Cookman College in Volusia County, Florida, to enable the Bethune-Cookman College to establish the Mary McLeod Bethune Memorial Fine Arts Center.

SEC. 2 APPLICATION.

No financial assistance may be made under this Act except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may reasonably require.

SEC. 3. USE OF FUNDS.

The financial assistance made available pursuant to this Act shall be used for the construction, maintenance, and endowment of the Mary McLeod Bethune Memorial Fine Arts Center; the acquisition of necessary equipment; and the acquisition of necessary real property for the establishment of the Center.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums, not to exceed $15,700,000, as may be necessary to carry out the provisions of this Act. Funds appropriated pursuant to this Act shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. PAYNE] will be recognized for 20 minutes, and the gentleman from Florida [Mr. JAMES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAYNE].

GENERAL LEAVE

Mr. PAYNE of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PAYNE of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3007, to authorize financial assistance for the construction and maintenance of the Mary McLeod Bethune Fine Arts Center at the Bethune-Cookman College, in Daytona Beach, FL.

This bill was passed by the Senate in identical form on July 22, 1992. S. 3007 is designed to complete the initial Federal obligation and commitment to assist in the construction of a fine arts center in honor of Mary McLeod Bethune.

The Mary McLeod Bethune Fine Arts Center was originally authorized as part of the Higher Education Act Amendments of 1986 in the amount of $15 million, $6.2 million of which was subsequently appropriated.

The 1992 Higher Education Amendments repealed the earlier authorization and construction of the fine arts center leaving the center incomplete. S. 3007 authorizes $15.7 million to complete construction of the center. Rising construction costs have increased the overall amount needed to finish the fine arts center and to create a lasting memorial to one of the Nation's foremost educators.

Mr. Speaker, I urge Members to suspend the rules and pass this bill.

□ 1430

Mr. Speaker, I reserve the balance of my time.

Mr. JAMES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of S. 3007, a bill authorizing completion of the Mary McLeod Bethune Fine Arts Center on the campus of Bethune-Cookman College in Daytona Beach, FL. What better way to honor one of America's pioneering educators and civil rights leaders than to finish a living memorial to her accomplishments?

Mr. Speaker, nearly 90 years ago, a 29-year-old woman pulled the last $1.50 out of her purse to rent a small two story building near the railroad tracks in Daytona Beach. Mary McLeod Bethune's dream was to start a school in that building. By dint of hard work, abiding faith, gentle persuasion and sheer perseverance, she did just that.

Now, Bethune-Cookman College, the product of her initiative and leadership, is a well-respected liberal arts institution with an enrollment of nearly 2,400. However, it still lacks a suitable auditorium to accommodate its performing arts program. And its hotel, motel and restaurant management program is being administered out of a space-deficient mobile home on campus.

Combined, those two programs accommodate roughly 15 percent of Bethune-Cookman's student body. Each offers to successful graduates the prospect of rewarding employment in two of Florida's most dynamic and important industries—tourism and entertainment.

Mr. Speaker, 6 years ago, Congress recognized that these two programs needed better facilities. In the Higher Education Act of 1986, it authorized $6.2 million for phase one of a three-building fine arts center that would honor Dr. Bethune and address that need.

Subsequently, Congress appropriated $6.2 million for that first phase, consisting of a classroom building that it is now complete and operational. But it has yet to authorize the equally necessary performing arts auditorium and the hospitality management training facility.

S. 3007 would rectify that problem. So too would it provide for the maintenance of the entire Mary McLeod Bethune Fine Arts Center once it is complete.

But even more important than the bricks and mortar are the dreams and aspirations that it would help fulfill.

When Mary McLeod Bethune put up her last $1.50 to rent space for what became the Daytona Normal and Industrial School for Girls, she gave life to a dream—and put hope in the hearts of many to whom opportunity was often denied.

Passage of this bill would enhance that dream and turn hope into reality for future generations of students.

Enactment of this measure would be a source of inspiration to the faculty, friends and neighbors of Bethune-Cookman College who have shared, helped advance, and continue to work for the noble aspirations of its founder.

And completion of this fine arts center project would be a tremendous investment in America's future. At a time when our economy is going through a transition, I can think of no better place to put our money than in educational facilities that will equip minority, disadvantaged and other students for the jobs of tomorrow.

Mr. Speaker, I urge my colleagues to support S. 3007 so that this deserving fine arts center will be eligible for an appropriation and can be completed as soon as possible.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PAYNE of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentleman from New Jersey [Mr. PAYNE] that the House suspend the rules and pass the Senate bill, S. 3007.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

WOMEN IN APPRENTICESHIP AND NONTRADITIONAL OCCUPATIONS ACT

Mrs. MINK. Mr. Speaker, I move that to suspend the rules and pass the bill (H.R. 3475) to assist business in providing women with opportunities in apprenticeship and nontraditional occupations, as amended.

The Clerk read as follows:

H.R. 3475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be cited as the "Women in Apprenticeship and Nontraditional Occupations Act".

SEC. 2. FINDINGS; STATEMENT OF PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) American businesses now and for the remainder of the 20th century will face a dramatically different labor market than the one to which they have become accustomed;

(2) two in every three new entrants to the work force will be women, and to meet labor needs such women must work in all occupational areas including in apprenticeable occupations and nontraditional occupations;

(3) women face significant barriers to their full and effective participation in apprenticeable occupations and nontraditional occupations;

(4) the business community must be prepared to address the barriers that women have to such jobs, in order to successfully integrate them into the work force;

(5) few resources are available to employers and unions who need assistance in recruiting, training, and retaining women in apprenticeable occupations and other nontraditional occupations.

(b) PURPOSE.—It is the purpose of this Act to provide technical assistance to employers and labor unions to encourage employment of women in apprenticeable occupations and nontraditional occupations. Such assistance will enable business to meet the challenge of Workforce 2000 by preparing employers to successfully recruit, train, and retain women in apprenticeable occupations and nontraditional occupations and will expand the employment and self-sufficiency options of women. This purpose will be achieved by—

(1) promoting the program to employers and labor unions to inform them of the availability of technical assistance which will assist them in preparing the workplace to employ women in apprenticeable occupations and nontraditional occupations;

(2) providing grants to community-based organizations to deliver technical assistance to employers and labor unions to prepare them to recruit, train, and employ women in apprenticeable occupations and nontraditional occupations;

(3) authorizing the Department of Labor to serve as a liaison between employers, labor, and the community-based organizations providing technical assistance, through its national office and its regional administrators; and

(4) conducting a comprehensive study to examine the barriers to the participation of women in apprenticeable occupations and nontraditional occupations and to develop recommendations for the workplace to eliminate such barriers.

SEC. 3. OUTREACH TO EMPLOYERS AND LABOR UNIONS.

(a) IN GENERAL.—With funds available to the Secretary of Labor to carry out the operations of the Department of Labor in fiscal year 1994 and subsequent fiscal years, the Secretary shall carry out an outreach program to inform employers of technical assistance available under section 4(a) to assist employers to prepare the workplace to employ women in apprenticeable occupations and other nontraditional occupations.

(1) Under such program the Secretary shall provide outreach to employers through, but not limited to, the private industry councils in each service delivery area.

(2) The Secretary shall provide outreach to labor unions through, but not limited to, the building trade councils, joint apprenticeable occupations councils, and individual labor unions.

(b) PRIORITY.—The Secretary shall give priority to providing outreach to employers located in areas that have nontraditional employment and training programs specifically targeted to women.

SEC. 4. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—With funds appropriated to carry out this section, the Secretary shall make grants to community-based organizations to provide technical assistance to employers and labor unions selected under subsection (b). Such technical assistance may include—

(1) developing outreach and orientation sessions to recruit women into the employers' apprenticeable occupations and nontraditional occupations;

(2) developing preapprenticeable occupations or nontraditional skills training to prepare women for apprenticeable occupations or nontraditional occupations;

(3) providing ongoing orientations for employers, unions, and workers on creating a successful environment for women in apprenticeable occupations or nontraditional occupations;

(4) setting up support groups and facilitating networks for women in nontraditional occupations on or off the job site to improve their retention;

(5) setting up a local computerized data base referral system to maintain a current list of tradeswomen who are available for work;

(6) serving as a liaison between tradeswomen and employers and tradeswomen and labor unions to address workplace issues related to gender; and

(7) conducting exit interviews with tradeswomen to evaluate their on-the-job experience and to assess the effectiveness of the program.

(b) SELECTION OF EMPLOYER AND LABOR UNIONS.—The Secretary shall select a total of 50 employers or labor unions to receive technical assistance provided with grants made under subsection (a).

SEC. 5. COMPETITIVE GRANTS.

(a) IN GENERAL.—Each community-based organization that desires to receive a grant to provide technical assistance under section 4(a) to employers and labor unions shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(b) PRIORITY.—In awarding grants under section 4(a), the Secretary shall give priority to applications from community-based organizations that—

(1) demonstrate experience preparing women to gain employment in apprenticeable occupations or other nontraditional occupations;

(2) demonstrate experience working with the business community to prepare them to place women in apprenticeable occupations or other nontraditional occupations;

(3) have tradeswomen or women in nontraditional occupations as active members of the organization, as either employed staff or board members; and

(4) have experience delivering technical assistance.

SEC. 6. APPLICATIONS.

To be eligible to be selected under section 4(b) to receive technical assistance provided with grants made under section 4(a), an employer or labor union shall submit an application to the Secretary at such time, in such manner and containing or accompanied by such information as the Secretary may reasonably require. At a minimum, the application should include—

(1) a description of the need for technical assistance;

(2) a description of the types of apprenticeable occupations or nontraditional occupations in which the employer or labor union would like to train or employ women;

(3) assurances that there are or will be suitable and appropriate positions available in the apprenticeable occupations program or in the nontraditional occupations being targeted; and

(4) commitments that reasonable efforts shall be made to place qualified women in apprenticeable occupations or nontraditional occupations.

SEC. 7. LIAISON ROLE OF DEPARTMENT OF LABOR.

(a) IN GENERAL.—The Department of Labor shall serve as a liaison among employers, labor unions, and community-based organizations. The liaison role may include—

(1) coordination of employers, labor unions, and community-based organizations

with respect to technical assistance provided under section 4(a);

(2) conducting regular assessment meetings with representatives of employers, labor unions, and community-based organizations with respect to such technical assistance; and

(3) seeking the input of employers and labor unions with respect to strategies and recommendations for improving such technical assistance.

SEC. 8. STUDY OF THE BARRIERS TO THE PARTICIPATION OF WOMEN IN APPRENTICEABLE OCCUPATIONS AND NONTRADITIONAL OCCUPATIONS.

(a) STUDY.—With funds available to the Secretary to carry out the operations of the Department of Labor in fiscal years 1994 and 1995, the Secretary shall conduct a study of the participation of women in apprenticeable occupations and nontraditional occupations. The study shall examine—

(1) the barriers to participation of women in apprenticeable occupations and nontraditional occupations;

(2) strategies for overcoming such barriers;

(3) the retention rates for women in apprenticeable occupations and nontraditional occupations;

(4) strategies for retaining women in apprenticeable occupations and nontraditional occupations;

(5) the effectiveness of the technical assistance provided by the community-based organizations; and

(6) other relevant issues affecting the participation of women in apprenticeable occupations and nontraditional occupations.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the Congress a report containing a summary of the results of the study described in subsection (a) and such recommendations as the Secretary determines to be appropriate.

SEC. 9. DEFINITIONS.

For purposes of this Act:

(1) The term "community-based organization" means a community-based organization as defined in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1501(5)), that has demonstrated experience administering programs that train women for apprenticeable occupations or other nontraditional occupations.

(2) The term "nontraditional occupation" means jobs in which women make up 25 percent or less of the total number of workers in that occupation.

(3) The term "Secretary" means the Secretary of Labor.

SEC. 10. TECHNICAL ASSISTANCE PROGRAM AUTHORIZATION.

There is authorized to be appropriated $1,000,000 to carry out section 4.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii [Mrs. MINK] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Hawaii [Mrs. MINK].

GENERAL LEAVE

Mrs. MINK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 3475.

The SPEAKER pro tempore. Is there objection to the gentlewoman from Hawaii?

There was no objection.

Mrs. MINK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3475, the Women in Apprenticeship and Nontraditional Occupations Act. This legislation, introduced by Representative CONNIE MORELLA, has broad bipartisan support from the Subcommittee on Employment Opportunities which reported the bill and from the full Committee on Education and Labor which discharged the bill to the House.

The purpose of this bill is to encourage the employment and retention of women in apprenticeable and nontraditional occupations primarily by providing technical assistance to employers and labor unions that wish to integrate more women into the work force.

Women continue to enter the work force in record numbers. Between 1990 and the year 2000, two-thirds of new work force entrants will be female. However, if current trends continue the majority of these women will enter female dominated careers, which are often lower paying and provide only limited options for advancement. Currently only 9 percent of women workers in the United States are employed in nontraditional jobs.

Advances in reducing occupation segregation over the past decade have occurred mainly in the professions, such as law, medicine, and accounting. In skilled labor and other occupations which utilize apprenticeship programs the gender gap continues to widen. Women comprise only 1.4 percent of electricians in this country, 3.1 of mechanics and 4.8 percent of machinists.

The bill before us today requires the Secretary of Labor to provide grants to community-based organizations to deliver technical assistance to employers and unions to prepare them to recruit, train, and employ women in nontraditional occupations.

Such technical assistance may include: developing outreach and orientation sessions to recruit women; developing nontraditional skills training; conducting seminars on creating a hostile-free environment for women; and setting up support groups, networks, and referral systems.

Fifty employers or labor unions will be selected under this legislation by the Secretary to receive technical assistance and an authorization of $1 million is provided to cover the grants for this program.

In addition, the bill directs the Secretary of Labor to carry out an outreach program to inform employers and labor unions of the technical assistance available under the act while also mandating a study of the barriers to the participation of women in apprenticeable and nontraditional occupations.

Mr. Speaker, there are many barriers to women in nontraditional occupations, and one of the most common is sexual harassment.

In June of this year, the Subcommittee on Employment Opportunities, chaired by Representative PERKINS, held a hearing on sexual harassment in nontraditional occupations. We heard from four courageous women who described the horrendous harassment and discrimination they had suffered in the workplace simply because they chose to work in jobs not traditionally held by women. Their stories are indicative of the thousands of victims who daily face similar treatment.

Mr. Speaker, this bill is essential in providing new employment opportunities for women in jobs traditionally held by men, and in educating employers and employees in these fields that women deserve the same kind of respect, dignity, and opportunity for advancement afforded to men.

At this time I would like to acknowledge the efforts of our colleagues, Mrs. MORELLA, who sponsored the measure, Mrs. SCHROEDER and Ms. SNOWE who cochair the caucus on women's issues, Chairmen FORD and PERKINS and many others who have helped to bring this bill to the House today.

□ 1440

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 3475, and I want to mention at the outset that I am very pleased that the members of the Committee on Education and Labor, Subcommittee on Employment Opportunities, chaired by the gentleman from Kentucky [Mr. PERKINS], with the ranking member, the gentleman from Wisconsin [Mr. GUNDERSON], have done a tremendous job of passing this bill out of the subcommittee and holding a hearing.

I think there is no one more appropriate to be the floor manager of this bill than the gentlewoman from Hawaii [Mrs. MINK], who has followed this legislation ever so closely, cosponsored it, and spoken as an advocate.

I also want to thank the chairman of the full committee and the ranking member, the gentleman from Michigan [Mr. FORD] and the gentleman from Pennsylvania [Mr. GOODLING], for having this bill and the subsequent bill come out on the floor for our passage.

Mr. Speaker, I rise today to urge my colleagues to support legislation that I have introduced that will assist women to achieve equity in the workplace.

H.R. 3475 is the Women in Apprenticeship and Nontraditional Occupations Act, legislation that will address the needs of women who work in occupations that are traditionally dominated by men.

Women in nontraditional occupations face special discrimination. If they are white-collar professionals, there is the glass ceiling; if blue collar, there is a brick wall. The bill that we are considering today will help women get in, stay in, and prosper in jobs that we know pay well and offer long-term career satisfaction and security.

The Women in Apprenticeship and Nontraditional Occupations Act, H.R. 3475, would provide technical assistance to business and unions to attract, train, and retain women in apprenticeships and nontraditional jobs. The technical assistance would include onsite support for workers and seminars for employers and unions where they would learn how to create a work environment that is free from harassment.

Dawn Munday is a garbage truck driver from western Maryland. She is an experienced truck driver, and she likes her job. It pays well and gives her long-term benefits which she needs as the single head of her household.

On a daily basis, Dawn was required to pick up her assignment papers from the men's bathroom. Her truck keys were always hung next to the urinals.

Nancy Pease is a stationary engineer. She operates and maintains high pressure boilers at a plant in New Jersey. She is the only woman on a staff of about 70 men.

Like Dawn Munday, Nancy is a single mother and wanted a job that she found interesting and that paid well. For her present job, she had to learn the basics of five trades, a process that was not easy. She first was assigned to the plumbing shop, and was told repeatedly that she did not belong there. Her supervisor sprayed her with a fire extinguisher for speaking to a coworker. Her life was threatened on a daily basis.

On one occasion, she was told to work on the electrical controls of a dishwasher, where she had to stand in a puddle of water. When Nancy went to check the circuit box to make sure that the electricity was turned off, her supervisor told her not to bother. He had checked it himself. Nancy answered that she was taught to always doublecheck herself. Sure enough, when she checked the circuit box, the power was still on.

"In the construction trades, women have dropped back even from the minuscule advances they had made in the 1980's." That from an article in today's New York Times on the difficulties facing women in construction. The times points out that women held 1.9 percent of the total jobs in construction in 1991, down from the more than 2 percent from the year before. According to the Times, women have left the field of construction because of what they felt was a hostile environment.

Why, then, do women want jobs in occupations that are traditionally filled by men? The reasons are many. These jobs are more likely to pay better wages and offer greater benefits. Nontraditional jobs often afford workers a wider variety of work schedules and greater job security. For displaced homemakers, women on welfare, or single heads of households, nontraditional jobs can be a pathway to economic self-sufficiency.

The cost of H.R. 3475 is nominal. The Women in Apprenticeship and Nontraditional Occupations Act would provide $1 million for technical assistance to community-based organizations for training and placing women in nontraditional jobs.

Women who are afforded the opportunity to earn adequate wages in male-dominated occupations will be productive contributors to the workplace. Women who are afforded the opportunity to advance will be highly motivated to achieve self-sufficiency and success. H.R. 3475 will help provide this country with well-trained laborers which, in turn, will help the United States meet the challenges of the future.

I urge my colleagues to support H.R. 3475.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MINK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McDERMOTT). The question is on the motion offered by the gentlewoman from Hawaii [Mrs. MINK] that the House suspend the rules and pass the bill, H.R. 3475, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMISSION ON THE ADVANCEMENT OF WOMEN IN THE SCIENCE AND ENGINEERING WORK FORCES ACT

Mrs. MINK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3476) to establish the Commission on the Advancement of Women in the Science and Engineering Work Forces, as amended.

The Clerk read as follows:

H.R. 3476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on the Advancement of Women in the Science and Engineering Work Forces Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) despite a consistently high presence of women in the professional and total work forces of the United States, women continue to be underrepresented in the science and engineering work forces;

(2) women scientists and engineers have higher rates of unemployment and underemployment than their male counterparts, although the number of women receiving degrees in scientific and engineering disciplines has increased since 1981;

(3) artificial barriers exist in the recruitment, retention, and advancement of women in the science and engineering work forces;

(4) academia, industry, and government are increasingly aware of the necessity of and the advantages derived from diverse science and engineering work forces;

(5) initiatives of the White House Task Force on Women, Minorities, and the Handicapped in Science and Technology and of the Federal Coordinating Council on Science, Engineering, and Technology have been instrumental in raising public awareness of—

(A) the underrepresentation of women in the science and engineering work forces; and

(B) the desirability of eliminating artificial barriers to the recruitment, retention, and advancement of women in such work forces; and

(6) the establishment of a commission to examine issues raised by these initiatives would help to—

(A) focus greater attention on the importance of eliminating artificial barriers to the recruitment, retention, and advancement of women in the science and engineering work forces and in all employment sectors of the United States;

(B) promote work force diversity;

(C) sensitize employers to the need to recruit and retain women scientists and engineers in order to overcome projected shortfalls within the science and engineering work forces of the United States during the next 20 years; and

(D) encourage the replication of successful recruitment and retention programs by universities, corporations, and Federal agencies having difficulties in employing women scientists and engineers.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the "Commission on the Advancement of Women in the Science and Engineering Work Forces" (hereinafter in this Act referred to as the "Commission").

SEC. 4. DUTY OF COMMISSION.

The Commission shall conduct a study to—

(1) identify the number of women in the United States in the science and engineering work forces, the specific types of occupations in such workforces in which women scientists and engineers are underrepresented;

(2) examine the preparedness of women to—

(A) pursue careers in the science and engineering work forces; and

(B) advance to positions of greater responsibility within academia, industry, and government;

(3) describe the practices and policies of employers and labor unions relating to the recruitment, retention, and advancement of women scientists and engineers;

(4) identify the opportunities for, and artificial barriers to, the recruitment, retention, and advancement of women scientists and engineers in academia, industry, and government;

(5) describe the employment situations in which the recruitment, retention, and advancement of women scientists and engineers are comparable to their male counterparts, and identify those situations in which such comparability does not exist;

(6) compile a synthesis of available research on practices, policies, and programs that have successfully led to the recruitment, retention, and advancement of women in the science and engineering work forces, including training programs, rotational as-

signments, developmental programs, reward programs, employee benefit structures, and family leave policies;

(7) examine such other issues and information relating to the advancement of women in the science and engineering work forces as determined by the Commission to be appropriate; and

(8) issue recommendations that government (including Congress and appropriate Federal agencies), academia, and private industry can follow to assist in the recruitment, retention, and advancement of women in science and engineering.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 17 members as follows:

(1) 5 members appointed by the President.

(2) 3 members appointed jointly by the Speaker of the House of Representatives and the majority leader of the Senate.

(3) 1 member appointed by the majority leader of the House of Representatives.

(4) 1 member appointed by the minority leader of the House of Representatives.

(5) 1 member appointed by the majority leader of the Senate.

(6) 1 member appointed by the minority leader of the Senate.

(7) 2 Members of the House of Representatives, appointed jointly by the majority leader and the minority leader of the House of Representatives.

(8) 2 Senators appointed jointly by the majority leader and the minority leader of the Senate.

(9) The Director of the Office of Science and Technology Policy.

(b) ADDITIONAL QUALIFICATIONS.—Initial appointments shall be made under subsection (a) not later than 180 days after the date of the enactment of this Act. In making each appointment under subsection (a), the appointing authority shall consider (among other factors) whether the individual—

(1) is a member of an organization representing women and minorities;

(2) holds executive management or senior decision-making positions in any business entity; and

(3) possesses academic expertise or other recognized abilities relating to employment and employment discrimination issues.

(c) POLITICAL AFFILIATION.—Not more than ½ of the members appointed from individuals who are officers or employees of the United States may be of the same political party.

(d) CONTINUATION OF MEMBERSHIP.—If a member was appointed to the Commission because the member was an officer or employee of any government and later ceases to be such an officer or employee, that member may continue as a member of the Commission for not longer than the 60-day period beginning on the date the member ceases to be such an officer or employee.

(e) TERMS.—

(1) IN GENERAL.—Each Member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(f) BASIC PAY.—

(1) RATES OF PAY.—Except as provided in paragraph (2), each member of the Commission shall receive compensation at the daily equivalent of the maximum rate of pay payable under section 5376 of title 5, United States Code, for each day the member is engaged in the performance of duties for the Commission, including attendance at meetings and conferences of the Commission, and travel to conduct the duties of the Commission.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(g) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) CHAIRPERSON.—The Director of the Office of Science and Technology Policy shall serve as the Chairperson of the Commission.

(j) MEETINGS.—

(1) MEETINGS PRIOR TO COMPLETION OF REPORT.—The Commission shall meet not fewer than 5 times in connection with and pending the completion of the reports described in subsections (a) and (b) of section 8. The Commission shall hold additional meetings for such purpose if the Chairperson or a majority of the members of the Commission requests the additional meetings in writing.

(2) MEETINGS AFTER COMPLETION OF REPORT.—The Commission shall meet at least once, but not more than twice after the completion of the report described in section 8(b), in connection with and pending completion of the report required by section 8(c).

(k) EMPLOYMENT STATUS.—A member of the Commission, who is not otherwise an officer or employee of the Federal Government, shall not be deemed to be an employee of the Federal Government except for the purposes of—

(1) the tort claims provisions of chapter 171 of title 28, United States Code; and

(2) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(b) STAFF.—Subject to rules prescribed by the Commission, the Chairperson may appoint and fix the pay of additional personnel as the Chairperson considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(g) CONTRACT AUTHORITY.—To the extent provided in advance in appropriations Acts, The Commission may contract with and compensate government and private agencies or persons for the purpose of conducting research or surveys necessary to enable the Commission to carry out its duties under this Act.

SEC. 8. REPORTS.

(a) STATUS REPORT.—Not later than 1 year after the date on which the initial appointments under section 5(a) are completed, the Commission shall submit to the President and the Congress a written report describing the current activities and findings of the Commission and the direction of the Commission.

(b) RECOMMENDATION REPORT.—Not later than 18 months after the date on which the initial appointments under section 5(a) are completed, the Commission shall submit to the President and the Congress a written report containing—

(1) the findings and conclusions of the Commission resulting from the study conducted under section 4; and

(2) recommendations, including specific proposed legislation and administrative action, based on the findings and conclusions referred to in paragraph (1).

(c) FOLLOW-UP REPORT.—After submission of the report required by subsection (b) and before the termination of the Commission, the Commission shall submit to the President and to the Congress a written report—

(1) identifying which of the recommendations included in such report have been implemented; and

(2) containing any additional information the Commission considers to be appropriate.

SEC. 9. TERMINATION.

The Commission shall terminate 1 year after submitting the report required by section 8(b).

SEC. 10. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated for fiscal years 1994, 1995, and 1996 such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii [Mrs. MINK] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Hawaii [Mrs. MINK].

GENERAL LEAVE

Mrs. MINK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Mrs. MINK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3476, the Commission on the Advancement of Women in the Science and Engineering Work Forces Act. The bill passed the Education and Labor Committee with bipartisan support, and I hope that Members on both sides of the aisle will join with me in supporting this bill today.

Indeed, who could not support this bill, if one has heard the stories of Jenny Harrison and Maureen Polsby, two promising researchers whose careers were severely damaged when they ran headlong into sex discrimination and harassment? In a hearing on sexual harassment in nontraditional occupations held by the Employment Opportunities Subcommittee in June, these brave women described the injustices and the debilitating emotional and physical distress they have suffered over the years as a result of sex discrimination. Who knows what contributions these individuals may have made to the body of human knowledge had they been allowed to perform their research? There are human costs here, as well as costs to our economy which, I'm sure my colleagues will agree, we simply cannot afford.

H.R. 3476 was introduced by Representative CONNIE MORELLA as a response to findings that women are under represented, underemployed, and underpaid in the fields of science and engineering. The bill represents a first step toward raising the awareness of Americans about the barriers facing women in these fields and toward suggesting some possible solutions.

H.R. 3476 would create a Commission that would identify and study the barriers to the recruitment, retention, and advancement of women scientists and engineers in academia, industry, and government. Based on its findings, the Commission would be required to issue recommendations that academia, industry, and government could follow a facilitate the transition of women into the science and engineering work forces. The Commission would be terminated 1 year after the issuance of the recommendation report. This will allow time for the Commission to issue the followup report and provide their insight during consideration of the practical ramifications of the proposals.

Mr. Speaker, I wish to thank Chairman FORD, Mr. PERKINS, Mrs. MORELLA, Mrs. SCHROEDER, and many others for their support of this important legislation. Once again, I urge my colleagues to support the passage of H.R. 3476.

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Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Again, Mr. Speaker, I want to start at the outset and thank the members of the Committee on Education and Labor, the full committee, and the chairman, the gentleman from Michigan [Mr. FORD] and the gentleman from Pennsylvania [Mr. GOODLING] and the subcommittee, chaired by the gentleman from Kentucky [Mr. PERKINS], and the ranking member, the gentleman from Wisconsin [Mr. GUNDERSON], and the women's caucus, with the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentlewoman from Maine [Ms. SNOWE], who supported it, and the gentlewoman from Hawaii [Mrs. MINK].

I also want to point out that the gentleman from Kentucky [Mr. PERKINS] is here. This will be his last year here in the Congress. I have served with him on the Committee on Science, Space, and Technology and have seen how well he handled the hearing on these two particular pieces of legislation that are so important, the statements he subsequently made, and the statements he made at the hearing. I just want to tell the gentleman how grateful I am and how grateful the people in this country and in this body are for the service he has rendered to us, and that that be in the RECORD.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 3476, legislation that I have introduced that will assist professional women in the fields of science and engineering.

Whether women are scientists or truckdrivers, physicians, or plumbers, they often face isolation, hostility, and harassment in a male-dominated environment. Science, math, and engineering departments of universities share a common characteristic with construction companies. Each employs few women. And each often provides an atmosphere in which women are perceived as unwanted interlopers.

H.R. 3476, the Advancement of Women in the Science and Engineering Work Forces Act, would set up a commission to study the recruitment, retention, and advancement of women in the fields of science and engineering. The commission would then provide much needed information about successful programs upon which educators and employers can build models for success.

When Janny Harrison was hired as an assistant mathematics professor at the University of California at Berkeley, her credentials were exemplary. She had been a tenured professor at Oxford University, and she thought she had overcome the barriers of discrimination for women in mathematics.

Dr. Harrison was denied tenure at Berkeley, while eight of her male colleagues were promoted. She is still embroiled in a legal dispute to become the fourth female mathematics professor in our Nation's top 10 schools.

We are at a time when the United States is in need of technical personnel. The percentage of women earning science and engineering degrees is declining just as projections indicate there will be a shortage in these fields by the year 2000.

In science and engineering, women are underrepresented, underemployed, and underpaid. Women account for only 24 percent of the scientists and a mere 8 percent of our Nation's employed engineers.

Why are fewer women entering the science and engineering fields? H.R. 3476 will address this issue by setting up a commission to closely study what factors are involved in attracting women into science and engineering. The commission would study the roadblocks that prevent women from advancing in these fields and would dispel the myth and the messages that women often receive from society that there are some things that they cannot do.

While we, as a nation, are growing more aware of problems that beset women in the sciences and in engineering, few policies have been implemented to combat these problems. Now, more than ever, we need a broad research project to consolidate information and identify intervention models that work. We need a commission to examine the reasons why women are leaving the technical fields. We need a commission to identify the barriers facing women in the high-technology workplace, and to research successful programs and policies upon which to build models for success.

Recently, Dr. Frances Conley was in Washington to participate on a panel of women scientists. Dr. Conley is the neurosurgeon who resigned from Stanford last year charging that for 25 years she had been subjected to subtle sexism in her male-dominated profession. Shortly before she resigned, Dr. Conley charged that the medical school administrators appointed a chairman who had been guilty of sexism and that his appointment legitimized his behavior.

Dr. Conley's stories of male professors illustrating their lectures with naked women and of colleagues calling her honey in the operating room touched a nerve at medical schools across the country. She returned to Stanford after the school incorporated some programs to address concerns about sexism and a new chairman was appointed.

H.R. 3476 will help provide this country with highly skilled scientists and engineers which, in turn, will help the United States achieve competitiveness on a global basis. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mrs. MINK. Mr. Speaker, I am pleased to yield such time as she may consume to our distinguished colleague, the gentlewoman from Colorado [Mrs. SCHROEDER], who chairs the Democratic women's caucus, without whose leadership we would not be able to bring this bill to the floor.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman from Hawaii, and I thank the people from Hawaii for sending the gentlewoman back so we can move these very important bills. Of course, I thank the gentlewoman from Maryland [Mrs. MORELLA] for being so aggressive on these two very, very critical bills.

These two bills were part of the Women's Economic Equity Act that was introduced this session. One of the main focuses in the Economic Equity Act was to deal with the fact that even in 1992 there were so many professions still closed to women or very uncomfortable for women who are in them, so these two bills very aggressively take that on. I salute the Members for getting them through and moving them and having them happen.

We have just finished the very painful beginning of the Tailhook investigation, where we have Navy admirals saying things like, "Women who are Navy pilots are really go-go dancers and hookers," and so forth. We can understand why they were not accepted very well in that culture when the leaders were saying those kinds of things, and yes, unfortunately, it is not just limited to the services. When we hear about the medical schools, when we hear about all sorts of other areas, women are experiencing the same kind of discrimination. There seems to be an attitude that we really do not want them here.

We thought America was about competition, about fairness, about ability, and not about chromosomes. When we say "yes, you have all of that, but your chromosomes are wrong," something is really wrong. That is not the America I signed up for. Hopefully this will move us much closer to the goal. I think overall we absolutely cannot afford not to do this, because we are in a global marketplace, and to deny ourselves total access to over half of the brain power of this country is really crazy.

It is very important. I know when I grew up I had a pilot's license and the thing I wanted to be most was an aerodynamic engineer. The minute I said the words, it was like every counselor from five States moved in on me to convince me that there was no way in the world I should ever be that, and unfortunately I let them talk me out of it. However, I think there are a number of women my age who wanted to do other things but were talked out of it. What we are saying is once and for all, we have to put this behind us.

I really thank everyone for the extensive hearings, for this very, very excellent bill, and I hope we can move all across the board, from the military services to the private sector, and start leading the world rather than following, and saying, "We are going to let everyone participate equally."

Mr. Speaker, I rise today in support of H.R. 3475, the Women in Nontraditional and Apprenticeship Occupations Act, and the legislation that will be considered next, H.R. 3476, the Advancement of Women in Science and Engineering Act.

These two bills are part of the Economic Equity Act, introduced by the congressional caucus for women's issues, which I cochair. The caucus is a bipartisan organization committed to bringing about changes benefiting women in our society. Since 1981, we've introduced the Economic Equity Act, an omnibus package of legislation designed to respond to the changing needs of American society and improve the economic well-being of American women and their families.

This year's Economic Equity Act places strong emphasis on providing new opportunities for women in the workplace, with a special focus on breaking down barriers for women in nontraditional, male-dominated jobs, whether in the skilled trades or in science and math.

Although women have entered and continue to enter the workforce in record numbers, they still tend to be segregated into low-paying, traditionally female clerical and service jobs. Such jobs often fail to provide the type of economic security that women and their families need.

Nontraditional jobs, however, can provide greater economic security for women. Women in nontraditional jobs—which are jobs where 75 percent or more of those employed are men—earn 20 to 30 percent more in average weekly wages than women in traditional occupations.

Whether the woman is part of a two-wage earner family or a single mom supporting her children, those extra wages can mean the difference between financial security or life on the edge. Given that the overwhelming majority of women work out of economic need, and nearly half of all women raising families live below the poverty line, the need to assist women in entering better-paying, nontraditional jobs is clear.

Unfortunately, despite the perception that women are making enormous strides, the number of women in nontraditional jobs remains remarkably similar to what it was a decade ago. Only 17 percent of all participants in apprenticeship programs in the skilled trades are women. More women have been entering science professions, but they fail to advance and drop out of these professions at rates far higher than men.

The major problem affecting women's ability to enter and to advance in these fields is the hostile environment women face when they dare to enter male-dominated professions. Sexual harassment and other invidious forms of discrimination are the norms for such women.

Although women in all types of jobs experience sexual harassment, women in nontraditional, male-dominated jobs are much more likely to experience sexual harassment and other forms of discrimination. At a hearing earlier this year, we heard heartwrenching testimony from women who had been terribly harassed, including receiving death threats, simply because they were women doing what has traditionally been considered a man's job.

The bills the House is considering today will make small but important strides toward solving the problems women in nontraditional fields face. H.R. 3475 will provide technical assistance to employers to help create a workplace free from harassment, while H.R. 3476 will establish a commission to examine ways in which we can help women advance through the pipelines in science and engineering.

We need to ensure that women who want to be scientists or construction workers are given the same opportunities as men. I thank my colleague, Representative CONNIE MORELLA, for introducing these important bills, and urge the House to approve them.

Mrs. MORELLA. Mr. Speaker, I want to thank the gentlewoman from Colorado [Mrs. SCHROEDER] for adding the strength to this legislation, and for her leadership in other ways. I also want to thank the gentlewoman from Hawaii [Mrs. MINK]. It is such a pleasure to have her on that committee. I thank the gentleman from Kentucky [Mr. PERKINS] very much for the leadership that he has shown. I also want to thank the gentlewoman from New York [Ms. MOLINARI] and all the other Members of this body who care about equality.

Mrs. MORELLA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MINK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on the motion offered by the gentlewoman from Hawaii [Mrs. MINK] that the House suspend the rules and pass the bill, H.R. 3476, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1500

WEAKFISH CONSERVATION ACT OF 1992

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2588) to provide for the conservation and management of weakfish, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weakfish Conservation Act of 1992".

SEC. 2. IMPROVED COOPERATIVE FISHERY MANAGEMENT PROGRAM FOR WEAKFISH

(a) SHORT TITLE.—Section 1 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by inserting "and Weakfish" after "Bass".

(b) FINDINGS AND PURPOSES.—Section 2 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) by inserting "and weakfish" after "bass" each place it appears;

(2) in paragraph (3)—

(A) by striking "range of the Atlantic striped bass," and inserting "range of either Atlantic striped bass or weakfish", and

(B) by striking "the species" and inserting "these species"; and

(3) in paragraph (4) by striking "this species" and inserting "these species".

(c) DEFINITIONS.—Section 3 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) in paragraph (4) by striking subparagraph (A) and inserting the following:

"(A)(i) for purposes of section 4, Pennsylvania and each State of the United States bordering on the Atlantic Ocean north of the State of South Carolina; or

"(ii) for purposes of section 8, Pennsylvania and each State bordering on the Atlantic Ocean.";

(2) in paragraph (6) by inserting "or weakfish" after "bass" each place it appears;

(3) in paragraph (7) by inserting "for Atlantic striped bass" after "fishing"; and

(4) by adding at the end the following:

"(10) The term 'weakfish' means members of a stock or population of the species Cynoscion regalis, commonly referred to as 'seatrout'.

"(11) The term 'Weakfish Plan' means the Interstate Fisheries Management Plan for Weakfish, dated October 1985, prepared by the Commission, and all amendments thereto related to fishing for weakfish that are formally adopted as an amendment to the Weakfish Plan for October 1985.".

(d) CLARIFICATION OF EXISTING COMMISSION FUNCTIONS.—Section 4 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) by striking the heading for the section and inserting the following:

"SEC. 4. ATLANTIC STRIPED BASS CONSERVATION.";

(2) in the heading for subsection (a) by inserting "OF STRIPED BASS PLAN" after "ENFORCEMENT".

(e) IMPROVED COOPERATION AMONG COASTAL STATES FOR THE MANAGEMENT OF WEAKFISH.—Section 8 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"SEC. 8. WEAKFISH CONSERVATION.

"(a) MONITORING OF IMPLEMENTATION AND ENFORCEMENT OF WEAKFISH PLAN.—

"(1) DETERMINATION OF IMPLEMENTATION AND ENFORCEMENT.—By January 1, 1994, annually thereafter, and at any other time that the Commission considers it necessary, the Commission shall determine whether—

"(A) each coastal State has adopted all regulatory measures necessary to fully implement the Weakfish Plan in its coastal waters; and

"(B) the enforcement of the Weakfish Plan by each such coastal State is satisfactory.

"(2) CONSULTATION.—If a fishery management plan for weakfish is in effect under title III of the Magnuson Act, the Commission shall consult with the regional fishery management councils which prepared such plan in making a determination under paragraph (1)(A).

"(3) SATISFACTORY ENFORCEMENT.—Enforcement by a coastal State shall not be considered satisfactory by the Commission for purposes of paragraph (1)(B) if the Commission determines that the enforcement is being carried out in such a manner that the implementation of the Weakfish Plan within the coastal waters of that coastal State is being, or will likely be, substantially or adversely affected.

"(4) NOTIFICATION OF SECRETARY.—The Commission shall immediately notify the Secretaries of each negative determination made by it under paragraph (1).

"(b) SECRETARIAL ACTION AFTER NOTIFICATION.—

"(1) IN GENERAL.—Within 30 days after notification from the Commission under subsection (a)(4) that a coastal State has not taken the action described in paragraph (1) of that subsection, the Secretaries—

"(A) shall determine jointly whether the coastal State is in compliance with the Weakfish Plan; and

"(B) declare jointly a moratorium on fishing for weakfish in the coastal waters of the coastal State, if they determine that the State is not in compliance with the Weakfish Plan.

"(2) CONSIDERATIONS.—In making determinations under paragraph (1)(A) for a coastal State, the Secretaries shall carefully consider and review the comments of—

"(A) the Commission;

"(B) the appropriate regional fishery management councils under the Magnuson Act; and

"(C) the coastal State.".

(f) MORATORIUM.—Section 5 of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended—

(1) in subsection (a)(1) by inserting "or section 8(b)" after "(4)(b)"; and

(2) in subsection (a)(2)—

(A) by inserting "a" before "moratorium" the second place it appears; and

(B) by inserting "or section 8(b)" after "4(b)";

(3) in subsection (b)(1)—

(A) by inserting "for the fishery resource that is subject to the moratorium" after "fishing"; and

(B) by striking "the" and inserting "a";

(4) in subsection (b)(2) by inserting "or weakfish" after "bass";

(5) in subsection (b)(3)—

(A) by inserting "or weakfish" after "bass"; and

(B) by inserting "or section 8(b), respectively," after "4(b)";

(6) in subsection (b)(4)—

(A) by inserting "or weakfish" after "bass" each place it appears;

(B) by striking "the" the second place it appears and inserting "a";

(7) in subsection (d)(2) by inserting a close parenthesis after "1806(c)–(e)";

(8) in subsection (e)(1)—

(A) by inserting after "(1)" the following: "IN GENERAL.—";

(B) by moving paragraph (1) down so as to begin on the line below the heading for subsection (e);

(C) by moving paragraph (1) 2 ems to the right, so that the left margin of the paragraph is aligned with the left margins of paragraphs (2) and (3); and

(D) by inserting "or section 8(b)" after "4(b)"; and

(9) in subsection (e)(2) by inserting "or section 8(b)" after "4(b)".

(g) CONFORMING AMENDMENTS.—The Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended in section 4 by striking "Plan" each place it appears and inserting "Striped Bass Plan".

(h) EFFECTIVE DATE.—Notwithstanding section 9 of the Atlantic Striped Bass Conservation Act, section 8 of such Act, as amended by this Act, shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from California [Mr. HERGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2588, the Weakfish Conservation Act of 1992. The author of the bill, Mr. CARPER, introduced this legislation more than a year ago to protect the weakfish and since that time has worked tirelessly to develop an acceptable legislative solution. His goal, as is mine, is to ensure that weakfish do not become the nautical equivalent of the dodo bird.

Weakfish are an important resource for both commercial and recreational fishermen from New England to North Carolina. In the late 1970's, recreational fishermen in my own State of Massachusetts caught weakfish weighing over 12 pounds in Buzzards Bay. Today, the Buzzards Bay fishery is nonexistent, the average size of the fish caught elsewhere is 1–2 pounds, and overall landings along the Atlantic coast have declined by 85 percent. If we do not act now to provide conservation for the weakfish, irreparable damage may be done, and the stocks may never recover.

A management plan for weakfish has been developed, but many States have yet to implement the measures required to conserve these stocks. This situation is identical to the one we faced in the early 1980's when striped bass stocks were also decimated. As many may recall, we responded then by enacting the Striped Bass Conservation Act of 1984, leading to the successful recovery of the striper. Today, by approving H.R. 2588, we can do for the weakfish what we have done for the striped bass. In short, Mr. Speaker, we have the ability today to make the weakfish strong.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself whatever time I may consume.

Mr. Speaker, I rise in support of H.R. 2588, the Weakfish Conservation Act. The stocks of weakfish appear to be at a crisis level and many believe that without swift action, those stocks may be irreparably damaged. Fortunately, the conservation effort used in this legislation is not untried, and has been successful for the Atlantic striped bass. Hopefully, it will also work for the weakfish.

However, I would like to point out that there is some opposition to approaching conservation of certain fish stocks that migrate along the eastern seaboard, on a stock-by-stock basis. Many States, as well as the Atlantic States Marine Fisheries Commission, and the administration would like to see a broader conservation effort that would address all interjurisdictional fisheries on the east coast. Unfortunately, we do not have enough time in this Congress to work in that sort of legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield such time as he may consume to the gentleman from Delaware [Mr. CARPER], who wants to make the weakfish strong, who is the strongest proponent, and who is someone who probably thinks that the striped bass is a rockfish.

Mr. CARPER. Mr. Speaker, I want to express my gratitude to the gentleman from Massachusetts and to the gentleman from California [Mr. HERGER] for their support.

History does have a way of repeating itself. Almost a decade ago cries of alarm were heard in this Chamber that the rockfish, or what we call the striped bass, was being depleted up and down the coast. Some refused to acknowledge that serious depletion. They opposed any intervention by the Federal Government. If those opponents had gotten their way, little would have been done to preserve the rockfish or the striped bass, and they would have largely disappeared from our waters.

After several years of debate, this Congress did act. We passed the Atlantic Striped Bass Conservation Act of 1984. We hear a lot of comments about the failings of the Congress and the failings of the Federal Government. I think it is important to note that the Striped Bass Act is a real success story. The striped bass returned in every-increasing numbers to the Chesapeake and other estuaries along the east coast.

Mr. Speaker, I will not read an editorial from the September 26, 1992, issue of the News Journal of Delaware, but I include this article entitled "Latest report shows moratorium on striped bass is now working," as follows:

ROCKFISH REBOUND—LATEST REPORT SHOWS MORATORIUM ON STRIPED BASS IS NOW WORKING

Encouraging news for the Chesapeake Bay rockfish was recently released by the Maryland Department of Natural Resources: The once endangered popular sport and eating fish are having more babies than they have had in the last two decades.

A moratorium on commercial and recreational taking of the fish, also called striped bass, was imposed by Maryland in 1985 after the schools began dwindling badly. A limited recreation season remained.

The average number of baby rocks caught at 22 sampling stations in the upper Chesapeake, the Choptank, Potomac and Nanticoke rivers showed an average of 9.1 per catch. That is up from 4.4 last year and 2.1 in 1990.

And the samplings do not include the thousands of new rockfish released through Delmarva Power & Light Co.'s private stocking at its Vienna, Md., plant on the Nanticoke. That laudable program places special markings on the fish.

Chesapeake Bay Foundation biologists warn that the apparent resurgence of rockfish does not necessarily signal a cleaner and healthier estuary. There is still a ways to go on that front.

But the biologists remain pleased with the latest report on the rockfish baby boom.

The moratorium is scheduled to be lifted in 1995. We hope it is not lifted until all biologists and bay experts agree the time is indeed right.

The good news is the striped bass is coming back and is resurgent. The bad news is that there are dozens of other species of migratory fish that are being depleted much as the striped bass was in the early 1980's.

For much of the past year, let me say to my friend, the gentleman from California [Mr. HERGER], over much of the past year several Members have worked to try to build a consensus to address not just one species of migratory fish that is under stress, but to really build a generic approach. I wish I could report that we succeeded. We have not. As a result, we have the legislation before us today.

If the situation continues to worsen with respect to other migratory species, my hope and my expectation is that the Congress will eventually act, and as pressure builds, but unfortunately then the cure that will be required will be drastic, and the suffering placed on individuals and on an industry may be very severe.

There is one step, however, that we can take today to preserve the most threatened species of migratory fish found along the coastal waters of the eastern seaboard, and that is to pass this bill, H.R. 2588, which amends the Striped Bass Act by adding one more species of fish to its protection, the sea trout, or as we call them, the weakfish.

In the early 1980's one of the most popular species of fish along the eastern seaboard was the weakfish, for commercial fishermen and for recreational fishermen and fisherwomen. In 1980, for example, 80 million pounds, 80 million pounds of this fish, the weakfish, was taken along the eastern seaboard, 80 million pounds. Last year, 1991, the take had dropped by 85 percent to just 10 million pounds. So few weakfish live today to their first birthday that not only is it impossible to stabilize the species population, but I think we are witnessing the collapse of an entire species of fish.

That does not have to happen. We can do something about it, and I hope my colleagues here will join us today in a bipartisan group from Florida to Massachusetts, the gentleman from South Carolina [Mr. RAVENEL], the gentleman from New Jersey [Mr. SAXTON], the gentleman from Florida [Mr. GOSS], the gentleman from Maryland [Mr. GILCHREST], the gentleman from New Jersey [Mr. HUGHES], the gentleman from Michigan [Mr. HERTEL], the gentleman from Massachusetts [Mr. STUDDS], and myself from Delaware.

Here is briefly how our proposal would work. In 1985 the Atlantic States Marine Fisheries Commission adopted a management plan for the weakfish. In 1991 they amended that plan to ask States to comply and to reduce the take of weakfish in 1994 by 25 percent. Our bill simply directs the Atlantic States Marine Fisheries Commission to evaluate compliance of the States with the management plan adopted in 1985 and amended in 1991 and to do so by the beginning of 1994.

Those States not in compliance with the management would be asked to comply, and their failure to comply by the beginning of 1994 could lead the Commission report to go to two secretaries, the Secretary of Commerce and the Secretary of the Interior stating those States are not in compliance. If those two secretaries agree with the findings of the Commission, a moratorium on the fishing of weakfish in the coastal waters of those States in violation will be put in place. The moratorium itself would be lifted simply by a finding of the Commission that that State was in compliance with the management plan.

That is it. It is simple; it is straightforward. Our bill provides a tool to encourage States to take steps now to avoid eliminating the weakfish altogether in the future.

Again, I wish we could do more, as the gentleman from California [Mr. HERGER] suggested. But this is the best we can do today, and this much we should do.

Mr. STUDDS. Mr. Speaker, let me just thank the gentleman from Delaware for acknowledging that in the unlikely event the weakfish makes it as far north as New England that it is likely to be addressed as a sea trout.

Mr. HUGHES. Mr. Speaker, I rise in support of H.R. 2588, the Weakfish Conservation Act, introduced by my friend and colleague, TOM CARPER.

Weakfish, also known as sea trout, are an important fisheries resource for both commercial and recreational fishermen from Massachusetts to North Carolina. However, overharvesting of this species has caused significant declines in the stocks, threatening the entire fishery with collapse.

In fact, the combined recreational and commercial catch of weakfish in 1980 was 80 million pounds. Last year, the catch was 10 million pounds—an 85-percent decline in the last decade!

The responsibility for managing this fishery is in the hands of the Atlantic States Marine Fisheries Commission, a compact of 15 Atlantic States. Such a cooperative interstate approach is the most effective means of managing any highly migratory species. Indeed, management of a fishery by one State will have little impact unless similar measures are adopted all along the migratory range of the species.

This is the very problem that confronts the weakfish resource. While a fishery management plan has been developed by the Atlantic States Marine Fishery Commission, not all States have implemented the plan.

H.R. 2588 would provide an impetus to ensure that management measures recommended by the plan are implemented by all States by January 1, 1994. While the responsibility for management of the fishery would remain with the States, the legislation would provide the Federal Government with the ability to impose a moratorium on weakfish fishing within the coastal waters of any State that the Commission finds not to be fully implementing the conservation measures prescribed by the plan.

While a generic bill is preferable to dealing with each fishery resource on a species by species basis, such a generic bill at this time is not possible. Accordingly, H.R. 2588 amends the Striped Bass Conservation Act of 1984 to include weakfish. Just as the Striped Bass Act has led to the successful rebuilding of Atlantic striped bass stocks, the weakfish amendment will help rebuild the weakfish stocks.

This is a necessary measure if we are to save this important fishery from collapse and I commend Mr. CARPER for his efforts in developing legislation to address this issue.

Mr. Speaker, this bill is fair and reasonable and I urge my colleagues' support for its passage.

Mr. YOUNG of Alaska. Mr. Speaker, I very reluctantly rise in opposition to H.R. 2588 and urge its defeat by the House.

I want to compliment the sponsor of this bill, Mr. CARPER of Delaware, for his work in trying to conserve fishery stocks in the Atlantic Ocean. I have no disagreement with Mr. CARPER's goals. However, I am concerned that this bill was taken up by the Committee on Merchant Marine and Fisheries in the last moments of the session, without opportunity for full analysis of its implications. I note that the bill is opposed by several States which would be affected by the bill.

Therefore, while I commend the author of the bill, Mr. CARPER, support his efforts, and would more than likely support similar legislation if it were introduced in the next Congress, I cannot at this time support passage of H.R. 2588.

Mr. BATEMAN. Mr. Chairman, the Commonwealth of Virginia opposes this legislation because it duplicates actions that have already been taken by Virginia as well as by the other concerned Atlantic Coastal States, and because they view the legislation as just one more way for the Federal Government to interfere in the State fishery management process.

Under the aegis of the Atlantic States Marine Fisheries Commission, the Atlantic Coastal States have developed a plan for managing weakfish. Under this plan, all Atlantic Coastal States which have a weakfish fishery, have implemented regulations to improve the weakfish stocks in their State waters. The Commonwealth of Virginia has implemented a comprehensive set of regulations that are being applied to both commercial and recreational fisheries. These regulations call for minimum size limits, gear restrictions and bag limits. The other Atlantic Coastal States have similar restrictions.

I believe we need to give these State regulations a chance to work before we pass legislation that would add another bureaucratic layer to the fishery management process.

Based on the fact that the Atlantic Coastal States already are making an honest effort to manage the weakfish fishery, I must oppose the gentleman's bill.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 2588, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FISH AND WILDLIFE LAW ENFORCEMENT CLARIFICATION ACT OF 1992

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5486) to clarify the law enforcement authority of law enforcement officers of the U.S. Fish and Wildlife Service, as amended.

The Clerk read as follows:

H.R. 5486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FISH AND WILDLIFE LAW ENFORCEMENT

SEC. 101. SHORT TITLE.

This Act may be cited as the "Fish and Wildlife Law Enforcement Clarification Act of 1992".

SEC. 102. FINDINGS.

The Congress finds and declares the following:

(1) Law enforcement is an important part of the functions performed by the United States Fish and Wildlife Service (hereinafter in this title referred to as the "Service") in protecting and conserving fish and wildlife and their habitat, and includes—

(A) investigation and apprehension of those persons involved in wildlife conservation law violations;

(B) assisting in the investigation of other Federal crimes encountered during the course of normal duties;

(C) cooperating in law enforcement capacities with local, State, and other Federal law enforcement officers.

(2) Law enforcement officers of the Service should be able to take action on all Federal crimes which are committed on Service lands, including refuges, fish hatcheries, and other installations.

(3) The general public would benefit from improving law enforcement on these properties since visitors would receive better protection from crimes which might be committed against them or their property.

(4) Law enforcement officers of the Service need explicit authorization to enforce all Federal statutes—

(A) on Service property, or

(B) which are discovered during an investigation of a crime under their primary jurisdiction anywhere within the jurisdiction of the United States.

(5) Adequate staff and operating resources are required to fully implement the enforcement functions of the Service.

(6) A 1991 study by the General Accounting Office and a 1990 study done at the request of the Director of the Service show a lack of sufficient personnel and operating funds to accomplish the law enforcement functions of the Service.

SEC. 103. LAW ENFORCEMENT AUTHORITIES OF LAW ENFORCEMENT OFFICERS OF UNITED STATES FISH AND WILDLIFE SERVICE.

(a) IN GENERAL.—Subject to the direction of the Secretary of the Interior, a law enforcement officer of the Service who is performing a duty related to enforcement of a law regarding fish, wildlife, or conservation may—

(1) carry firearms;

(2) execute and serve any order, warrant, subpoena, summons, or other process issued by an officer or court of competent jurisdiction under Federal law;

(3) make an arrest without a warrant—

(A) for any offense under Federal law committed within the officer's presence, or

(B) for any felony cognizable under Federal law, if the officer has reasonable grounds to believe that the person arrested has committed or is committing such felony;

(4) cooperate with any State or political subdivision thereof in the enforcement of the laws of the State or subdivision; and

(5) perform any other law enforcement duty specified by the Secretary of the Interior.

(b) LAW ENFORCEMENT WITHIN NATIONAL WILDLIFE REFUGE SYSTEM.—In addition to the authority granted in subsection (a), for purposes of law enforcement within any area that is part of the National Wildlife Refuge System or any other area owned or controlled by the Service, law enforcement officers of the Service may, under regulations issued by the Secretary of the Interior—

(1) perform acts to maintain law and order and protect persons and property; and

(2) conduct an investigation of any offense under Federal law committed within such area, in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the

offense committed, or with the concurrence of such other agency.

SEC. 104. UTILIZATION OF OTHER FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT OFFICERS.

(a) IN GENERAL.—The Secretary of the Interior may—

(1) designate any law enforcement officer of any Federal agency, State, or political subdivision of a State, to act as a special police officer in areas of the National Wildlife Refuge System and to exercise any authority established by this section, if—

(A) the Secretary determines that—

(i) the designation is economical and in the public interest, and

(ii) supplemental law enforcement personnel are needed; and

(B) the head of the Federal agency or the chief executive of the State or political subdivision, respectively, concurs in the designation;

(2) cooperate with any State or political subdivision of a State in the enforcement, within the National Wildlife Refuge System, of the laws or ordinances of the State or subdivision; and

(3) provide reimbursement to a State or a political subdivision of a State, in accordance with such regulations as the Secretary may prescribe, for expenditures incurred in connection with activities of the State or political subdivision pursuant to a designation under paragraph (1).

(b) TREATMENT AS FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, a law enforcement officer of a State or political subdivision of a State who is designated to act as a special police officer under subsection (a)—

(A) shall not be considered to be a Federal employee; and

(B) shall not be subject to any provision of law relating to Federal employment, including any provision relating to hours of work, rates of compensation, or Federal benefits.

(2) TORT CLAIMS.—For purposes of chapter 171 of title 28, United States Code (relating to tort claims), a law enforcement officer of a State or a political subdivision of a State shall, when acting as a special police officer designated under subsection (a), be considered to be an employee of the government.

(3) WORKERS COMPENSATION.—For purposes of subchapter 1 of chapter 81 of title 5, United States Code (relating to compensation to Federal employees for work injuries), a law enforcement officer of a State or political subdivision of a State shall, when acting as a special police officer designated under subsection (a), be considered to be an employee.

(4) CRIMES.—For purposes of section 111 and section 1114 of title 18, United States Code (relating, respectively, to assault on and protection of Federal officers and employees), a law enforcement officer of a State or political subdivision of a State shall, when acting as a special police officer designated under subsection (a), be considered to be an officer of the Department of the Interior designated by the Secretary of the Interior under section 1114 of that title.

SEC. 105. LIMITATIONS.

This title—

(1) supplements the existing law enforcement responsibilities of the Service;

(2) shall not be considered to authorize the delegation of law enforcement responsibilities of the Service to a State or local government; and

(3) shall not be construed or applied—

(A) to limit or restrict the investigative jurisdiction of any other Federal law enforcement agency, or

(B) to affect any right of a State or a political subdivision of a State to exercise civil and criminal jurisdiction over lands controlled by the Service.

SEC. 106. STATE DEFINED.

In this title, the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, any trust territory of the Pacific Islands, the Virgin Islands, and any other territory or possession of the United States.

SEC. 107. PERMIT ASSISTANCE OFFICE.

The Secretary of the Interior shall establish within the Service an Office of Permit Assistance for the purpose of providing information and assistance regarding domestic and international fish and wildlife laws and regulations, fish and wildlife permit requirements, and international and interstate transportation of fish and wildlife.

SEC. 108. ENTRY OF WILDLIFE PRODUCTS AT PORT OF HAMPTON ROADS, VIRGINIA.

(a) IN GENERAL.—Not later than January 1, 1993, the Director of the United States Fish and Wildlife Service shall assign an inspector to the Port of Hampton Roads, Virginia, or take such other action as may be necessary, to authorize the entry of wildlife products into the customs territory of the United States at that port.

(b) LIMITATION.—In carrying out subsection (a), the Director of the United States Fish and Wildlife Service—

(1) may not decrease the capability of the Service to authorize the entry of wildlife products into the customs territory of the United States at other ports of entry; and

(2) may not collect any fee or charge for entry of products at Hampton Roads, Virginia, that is not comparable to the fees and charges collected at other ports of entry.

TITLE II—NATIONAL FISH AND WILDLIFE FOUNDATION

SEC. 201. AUDIT REQUIREMENTS AND USE OF FUNDS.

(a) AUDIT REQUIREMENTS.—Section 7 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3706) is amended by adding at the end the following new subsection:

"(d) AUDIT REQUIREMENTS.—Subgrantees of the Foundation shall be exempt from the audit reporting and compliance requirements of Circular A-133, as published by the Office of Management and Budget on March 16, 1990, for all grants of $100,000 or less. The Foundation shall amend its grant contracts to ensure that its subgrantees are advised of and certify compliance with all applicable Federal laws and regulations imposed on individuals or organizations receiving Federal funds.".

(b) USE OF FUNDS.—The National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.) is amended by adding at the end the following new section:

"SEC. 11. USE OF FUNDS.

"Beginning in fiscal year 1992 and thereafter, the Foundation may continue to draw down Federal funds when matching requirements have been met. Interest earned by the Foundation and its subgrantees on funds drawn down after the date of enactment of this Act, but not immediately disbursed, shall be used to fund activities that are otherwise authorized by this Act and approved by the Board.".

TITLE III—WALTER B. JONES CENTER FOR THE SOUNDS, POCOSIN LAKES NATIONAL WILDLIFE REFUGE

SEC. 301. FINDINGS.

The Congress finds the following:

(1) The Pocosin Lakes National Wildlife Refuge, located in northeastern North Carolina, provides unique opportunities for observing and interpreting the biological richness of the region's estuaries and wetlands.

(2) Although there are 10 national wildlife refuges in eastern North Carolina, not one has an educational or interpretative center for visitors.

(3) The State of North Carolina, Tyrrell County, the town of Columbia, the Conservation Fund, and private citizens have proposed to enter into a partnership with the United States Fish and Wildlife Service to establish an educational and interpretative facility to be known as the Center for the Sounds.

(4) Establishment of the Center for the Sounds would bestow economic benefits upon Tyrrell County and the town of Columbia.

(5) The Federal Government has designated the Albemarle-Pamlico estuary system of northeastern North Carolina as an estuary of national concern.

SEC. 302. FURTHER FINDINGS.

The Congress further finds and declares the following:

(1) Throughout his congressional career, the Honorable Walter B. Jones was a strong supporter of the National Wildlife Refuge System.

(2) During his years of service in the House of Representatives, Walter B. Jones supported the establishment and expansion of National Wildlife Refuges in eastern North Carolina; these include 6 new National Wildlife Refuges established in his district, including the Alligator River National Wildlife Refuge and the Pocosin Lakes National Wildlife Refuge, which are respectively the third largest and fifth largest National Wildlife Refuges east of the Mississippi River.

(3) Walter B. Jones helped increase refuge acreage in his district by over 303,000 acres, thus ensuring the protection of these lands for wildlife habitat and public recreation.

(4) Walter B. Jones' support for reintroducing endangered red wolves into the wild at Alligator River National Wildlife Refuge was a major factor in securing public acceptance of, and support for, this first successful effort to reintroduce endangered predators into formerly occupied habitat.

(5) Walter B. Jones devoted much of his congressional career, including his years as Chairman of the Merchant Marine and Fisheries Committee, to the conservation of fish and wildlife, for the benefit of the Nation and the people of North Carolina.

(6) Walter B. Jones should most appropriately be recognized for his work on behalf of fish and wildlife conservation by having the Center for the Sounds at the Pocosin Lakes National Wildlife Refuge System named in his honor.

SEC. 303. AUTHORITY TO CONSTRUCT AND OPERATE FACILITY.

(a) IN GENERAL.—The Secretary of the Interior may, subject to the availability of appropriations, construct and operate the Walter B. Jones Center for the Sounds at the Pocosin Lakes National Wildlife Refuge in Tyrrell County, North Carolina, for the following purposes:

(1) Providing public opportunities, facilities, and resources to study the natural history and natural resources of northeastern North Carolina.

(2) Offering a variety of environmental educational programs and interpretive exhibits.

(3) Fostering an awareness and understanding of the interactions among wildlife, estuarine and wetland ecosystems, and human activities.

(4) Providing office space and facilities for refuge administration, research, education, and related activities.

SEC. 304. DESIGN.

The Secretary of the Interior shall ensure that the design, size, and location of a facility constructed under this title are consistent with the cultural and natural history of the area with which the facility will be concerned.

SEC. 305. COST SHARING.

The Secretary of the Interior may accept contributions of funds from non-Federal sources to pay the costs of operating and maintaining the facility authorized under this title, and shall take appropriate steps to seek to obtain such contributions.

SEC. 306. REPORT.

Not later than 6 months after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to the Congress on progress made in designing and constructing a facility under this title, including steps taken under section 305 to obtain contributions and any such contributions that have been pledged to or received by the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from California [Mr. HERGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I arise in support of H.R. 5486, the Fish and Wildlife Law Enforcement Clarification Act, which was introduced by LINDSAY THOMAS to improve the ability of the Fish and Wildlife Service to enforce our wildlife conservation laws.

This bill gives the Service the statutory tools it needs to respond to nonwildlife-related crimes, to which they are increasingly being called upon to respond.

As amended by the Committee on Merchant Marine and Fisheries, the bill will name the visitor center at the Pocosin Lakes National Wildlife Refuge in honor of the late chairman of the Merchant Marine Committee, Walter B. Jones. He was instrumental in gaining the support for wildlife refuges from the communities located adjacent to them, and it is entirely fitting that his legacy be remembered in this way.

The bill will also ensure that the recipients of grants made by the National Fish and Wildlife Foundation are not bogged down in paperwork. The committee substitute amendment before us today also contains a provision that was included at the request of Mr. PICKETT which directs the Fish and Wildlife Service to inspect imports of wildlife products at the port of Hampton Roads.

This is a good piece of legislation. It was approved unanimously by the Committee on Merchant Marine and Fisheries last week. It responds to clearly identified needs and I urge Members to support it.

Mr. HERGER Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5486 and urge its adoption by the House.

Mr. Speaker, this bill has a number of parts, all of which are important. The first title of the bill clarifies the authority of U.S. Fish and Wildlife Service law enforcement officers to enforce our national conservation laws. It also provides legal protections for those officers, and to State enforcement officials who may be assisting the Fish and Wildlife Service. Finally, it directs the Secretary of the Interior to establish a permit assistance office so that American citizens can avoid the bureaucracy and redtape of dealing with several Department of the Interior offices when they are trying to obtain fairly simple information.

The second part of this bill exempts the Fish and Wildlife Foundation from certain procedural requirements of the Office of Management and Budget. These exemptions are not intended to circumvent law or to make the Foundation unaccountable to the public. They merely recognize the unique nature of the Foundation as a semipublic body interested in conserving fish and wildlife.

The third part of this bill is the most important to me and to Members of the House. This title will establish the Walter B. Jones Center for the Sounds in North Carolina. The committee has taken this action in recognition of the late Chairman Jones' many years of service to our committee and to the Nation. Chairman Jones worked long and hard to establish a visitor center in this area, and this language will help move his work forward. I hope that we can count on our colleagues on the Committee on Appropriations next year to provide funding for the center that we are authorizing.

Mr. Speaker, this is a noncontroversial bill with many important provisions, and I believe it should be adopted without dissent.

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Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 5486, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING INTERPRETIVE CENTER FOR RIDGEFIELD NATIONAL WILDLIFE REFUGE

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5809) to authorize the Secretary of the Interior to construct and operate an interpretive center for the Ridgefield National Wildlife Refuge in Clark County, WA, as amended.

The Clerk read as follows:

H.R. 5809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERPRETIVE CENTER FOR THE RIDGEFIELD NATIONAL WILDLIFE REFUGE.

(a) FINDINGS.—The Congress finds the following:

(1) The Ridgefield National Wildlife Refuge (in this Act referred to as the "Refuge"), located on the Columbia River in southwest Washington, provides unique opportunities for observing and interpreting the biological richness of the lower Columbia River wetlands.

(2) The Refuge is also rich in the cultural history of the Pacific Northwest, including being the site of a large Native American settlement which was visited by the 1804 Lewis and Clark Expedition and other early explorers.

(3) The Refuge is located in close proximity to the Portland/Vancouver metropolitan area and to the Interstate 5 freeway, which carries millions of visitors past the Refuge to Mount St. Helens, Mount Hood, the Columbia River Gorge, wilderness areas, and other natural attractions.

(4) The Refuge is ideally suited to be a regional center for interpretation, research, and education related to wetland ecology, wildlife, the environmental sciences, and Northwest cultural history.

(5) There are unique opportunities for the Federal Government to engage in cost-sharing with local, State, and private partners to construct, operate, and maintain a regional interpretive center at the Refuge.

(b) AUTHORITY TO CONSTRUCT AND OPERATE INTERPRETIVE CENTER.—

(1) IN GENERAL.—The Secretary of the Interior may, subject to the availability of appropriations, construct and operate an interpretive center at the Ridgefield National Wildlife Refuge in Clark County, Washington, for the following purposes;

(A) Providing public opportunities, facilities, and resources to study natural history, Native American culture, and the history of Northwest settlers in the region of the Refuge.

(B) Offering a variety of environmental educational programs and interpretive exhibits.

(C) Fostering an awareness and understanding of the interactions among wildlife, wetland ecosystems, and human activities.

(D) Providing office space and facilities for Refuge administration, research, education, and related activities.

(2) DESIGN.—The Secretary of the Interior shall ensure that the design, size, and location of any facilities for an interpretive center constructed under this section are consistent with the cultural and natural history of the area and which the interpretive center will be concerned.

(c) COST SHARING.—The Secretary of the Interior may accept contributions of funds from non-Federal sources to pay the costs of constructing, operating, and maintaining an interpretive center under this section, and shall take appropriate steps to seek to obtain such contributions.

(d) PUBLIC PROCESS.—Not later than 1 year after the date of the enactment of this Act, the Director of the United States Fish and Wildlife Service shall engage in a public process to determine—

(1) the design of an interpretive center to be constructed under this section;

(2) opportunities for obtaining contributions of funds for the interpretive center;

(3) the costs of constructing, operating, and maintaining, the interpretive center and associated facilities; and

(4) the functions of the interpretive center, with an emphasis on educational functions.

(e) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Interior shall submit a report to the Congress on progress made in designing and constructing an interpretive center under this section, on including steps taken under subsection (c) to obtain contributions and any such contributions that have been pledged to or received by the United States.

SEC. 2. ADDITIONAL MEMBERS OF TASK FORCE.

Section 4 of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss-3) is amended by adding at the end the following—

"(j) At such time as the program is expanded to include portions of the Klamath River upstream from the Iron Gate dam, membership on the Task Force shall be increased to include the following—

"(1) One individual who shall be appointed by the Commissioners of Klamath County, Oregon.

"(2) A representative of the Klamath Tribe, who shall be appointed by the governing body of the tribe."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from California [Mr. HERGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5809, which Mrs. UNSOELD introduced to authorize the Fish and Wildlife Service to build a visitor center at the Ridgefield National Wildlife Refuge in Washington State.

The Ridgefield National Wildlife Refuge contains biologically rich wetlands of the lower Columbia River, which are critically important to migrating waterfowl and salmon. Because of its location near Portland, OR, it can offer wildlife education programs and exhibits to a very large audience. I understand that the local community is committed to raising a large share of the funds necessary for constructing this visitor center, and that will clearly go a long way toward making it a reality.

The bill was unanimously approved by the Merchant Marine and Fisheries Committee last week, it is a good bill, and I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5809 and urge its adoption.

Mr. Speaker, the first section of this bill provides for establishment of a visitor center at Ridgefield National Wildlife Refuge in the State of Washington. Support for the center will come from local governments and concerned citizens and thus reduce the cost of establishing the center.

The second part of the amendment ensures equal representation for residents of the State of Oregon in the event that the existing Klamath River basin study is extended to include the State of Oregon. This language is similar to H.R. 5888, introduced by our colleague, Mr. SMITH of Oregon, and I commend the gentleman for pursuing the interests of his State.

Mr. Speaker, this is a noncontroversial bill and I believe it deserves adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Speaker, this legislation, H.R. 5809, calls on the U.S. Fish and Wildlife Service to work with local sponsors and the public on a proposal for an interpretive center at the Ridgefield National Wildlife Refuge, located on the Columbia River just north of the Portland/Vancouver metropolitan area.

The interpretive center would showcase the natural history of the Columbia River wetlands and the rich human history of native Americans, explorers, including the 1804 Lewis and Clark expeditions, and early settlers at the site. The refuge is located less than 5 miles from the Interstate 5 corridor, making it accessible to the region's students and to the millions of visitors who travel to other natural attractions in the area—Mount St. Helens, the Columbia River Gorge, and Mount Rainier.

One of the unique features of this legislation is the willingness of local sponsors, who view the center as an important means of diversifying the local economy, to share in the costs of the facility. Early indications are that local sponsors could cover a large part of the constructions costs and virtually all of the maintenance costs of the facility. The interpretive center would also provide offices for refuge staff, saving the cost of leased office space.

At a time when Federal deficits and tight budgets make investments in new facilities difficult, I believe the kind of cost-sharing and partnership embodied in H.R. 5809 is the way of the future. I urge the House to approve this legislation.

Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 5809, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BROWNSVILLE WETLANDS POLICY ACT OF 1992

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5874) to establish a wetlands center at the Port of Brownsville, TX, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Brownsville Wetlands Policy Act of 1992".

SEC. 2. ESTABLISHMENT OF WETLANDS POLICY CENTER AT THE PORT OF BROWNSVILLE, TEXAS.

(a) ESTABLISHMENT OF CENTER.—For purposes of utilizing grants made by the United States Fish and Wildlife Service there may be established in accordance with this Act, on property owned or held in trust by the Brownsville Navigation District at the Port of Brownsville, Texas, a wetlands policy center which shall be known as the "Brownsville Wetland Policy Center at the Port of Brownsville, Texas" (in this Act referred to as the "Center"). The Center shall be operated and maintained by the Port of Brownsville with programs to be administered by the University of Texas at Brownsville.

(b) MISSION OF THE CENTER.—The primary mission of the Center shall be to utilize the unique wetlands property at the Port of Brownsville and adjacent waters of South Texas to focus on wetland matters for the purposes of protecting, restoring, and maintaining the Lagoon Ecosystems of the Western Gulf of Mexico Region.

(c) BOARD OF DIRECTORS.—The Center shall be governed by a Board of Directors to oversee the management and financial affairs to the Center. The Board of Directors shall be cochaired by the Port of Brownsville, the University of Texas at Brownsville, and the designee of the Director of the Fish and Wildlife Service, and shall include as members other representatives considered appropriate by those cochairs.

(d) OVERSIGHT OF THE CENTER.—

(1) ANNUAL REPORT.—The Board of Directors of the Center shall prepare an annual report and submit it through the Director of the United States Fish and Wildlife Service to the Congress.

(2) CONTENTS.—Annual reports under this subsection shall cover the programs, projects, activities, and accomplishments of the Center. The reports shall include a review of the budget of the Center, including all sources of funding received to carry out Center operations.

(3) AVAILABILITY OF INFORMATION.—The Board of Directors of the Center shall make available all pertinent information and records to allow preparation of annual reports under this subsection.

SEC. 3. GRANTS.

The Director of the United States Fish and Wildlife Service shall, subject to the availability of appropriations, make grants to the Center for use for carrying out activities of the Center.

SEC. 4. LEASE.

The Director of the United States Fish and Wildlife Service, subject to the availability of appropriations, may enter into a long-term lease with the Port of Brownsville for use by the Center of wetlands property owned by the Port of Brownsville. Terms of the lease shall be negotiated, and the lease shall be signed by both parties, prior to the dispersal of any Federal lands pursuant to this Act. The lease shall include a provision authorizing the Director to terminate the lease at any time.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director of the United States Fish and Wildlife Service $1,000,000 for fiscal year 1993, $5,000,000 for fiscal year 1994, $4,000,000 for fiscal year 1995, $4,000,000 for fiscal year 1996 and such sums as may be necessary for fiscal year 1997, for making grants to the Center under section 3, including for use for the establishment, operation, maintenance, and management of the Center.

SEC. 6. RELATIONSHIP OF CENTER WITH THE CENTER FOR ENVIRONMENTAL STUDIES AND SERVICES, CORPUS CHRISTI, TEXAS.

None of the funds appropriated pursuant to this Act may be used to relocate any of the administrative operations of the United States Fish and Wildlife Service from the Center for Environmental Studies and Services Building on the campus of Corpus Christi State University, to the Brownsville Wetlands Policy Center at the Port of Brownsville, Texas, established pursuant to this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from California [Mr. HERGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5874, the Brownsville Wetlands Policy Act, which was introduced by Mr. ORTIZ. It provides for the establishment of a wetlands policy center at the port of Brownsville, TX, and authorizes the Fish and Wildlife Service to fund wetland research projects on the 7,000 acres of wetlands owned by the Port of Brownsville.

This is a sound proposal and was unanimously approved by the Committee on Merchant Marine and Fisheries last week. I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5874 and urge its adoption by the House.

Mr. Speaker, this bill provides for establishment of a wetlands policy center at the Port of Brownsville, TX. The center would use property at the port of study wetlands for the purpose of protecting, restoring, and maintaining the ecosystem of the western Gulf of Mexico.

Mr. Speaker, this is a noncontroversial bill and I would like to commend its sponsor, Mr. ORTIZ, for working to support wetlands research.

Mr. Speaker, I reserve the balance of my time.

Mr. STUDDS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ORTIZ], the author of the bill.

Mr. ORTIZ. Mr. Speaker, I rise today in strong support of H.R. 5874, which establishes a wetlands policy center in Brownsville, TX.

In a move of great generosity and community spirit, the Port of Brownsville has agreed to make available over 7,000 acres of wetlands property for wetlands management, education, and policy program activities. Because these wetlands comprise a broad array of saltwater, freshwater, and brackish ecosystems, they will be able to support and advance a variety of wetlands management techniques. As such, the wetlands center established on this property by this bill will provide our Federal Government a unique opportunity to develop an innovative, cooperative approach to the preservation, restoration and study of wetlands. The center will allow researchers, scientists, and students to conduct actual, applied management techniques on actual wetlands property contiguous to a heavy industrial enterprise. This will provide a unique opportunity to focus on new technologies and approaches on the issues of wetlands preservation and environmentally compatible economic policy. In addition, the center will serve to promote and foster the development of greatly needed graduate degree and career opportunities in the environmental sciences for Hispanics and other minorities in the United States.

The initial focus of the mission of the center will be the study, protection, restoration, and maintenance of the lagoon ecosystems of the western Gulf of Mexico region. However, it is the hope and intention of the principals involved, that the center will ultimately develop into a truly international program to study wetlands preservation techniques, and to help formulate effective wetlands-sensitive economic policy.

The center will be operated and maintained by the Port of Brownsville. The center is to be overseen by a board of directors cochaired by the Port of Brownsville, the University of Texas at Brownsville, and a designee of the Director of the United States Fish and Wildlife Service. Members of the board will be chosen by the cochairs, and shall include representatives from the appropriate Federal, State, and local agencies; representatives of environmental groups, private businesses, and nonprofit organizations; and elected officials of the Brownsville Navigation District.

As a central part of the center's mission to advance educational avenues for minority students to pursue careers in environmental protection, management, and engineering, it is expected that the board of directors will create a consortium of institutions of higher education to establish programs of study, training, and education for minority undergraduate and graduate students in the fields of wetlands environmental engineering, management, and policy. The consortium would be chaired by the University of Texas at Brownsville, and would include institutions from throughout the United States, the nation of Mexico, and other nations as deemed appropriate by the board of directors. With the prospective establishment of a North American Free-Trade Agreement, collaborative efforts on the study of wetlands by the governments of the United States and Mexico will be particularly important.

I ask my colleagues to join me in supporting this legislation. This center will provide a unique opportunity for our Government to focus on new technologies and approaches on the issue of wetlands and our national effort to both understand and protect them. Furthermore, this center will create educational opportunities for minority students to pursue careers in wetlands research-related fields. By supporting the study of wetlands, we not only preserve sensitive ecological habitats, but we encourage academic learning in this important area of academic learning.

I feel this is a modest but important piece of legislation and that it deserves the House of Representatives' support.

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Mr. STUDDS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 5874, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bills just passed, H.R. 5809, H.R. 5874, H.R. 2588, and H.R. 5486.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROVIDING INCREASED PREINSPECTION AT AIRPORTS

Mr. SCHUMER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5555) to provide for increased preinspection at foreign airports, to make permanent the visa waiver pilot program, and to provide for expedited airport immigration processing, as amended.

The Clerk read as follows:

H.R. 5555

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREINSPECTION AT FOREIGN AIRPORTS.

(a) In General.—The Immigration and Nationality Act is amended by inserting after section 235 the following new section:

"PREINSPECTION AT FOREIGN AIRPORTS

"Sec. 235A. (a) Establishment of Additional Preinspection Stations at High Volume Airports.—Subject to subsection (c), not later than 2 years after the date of the enactment of this section, the Attorney General, in consultation with the Secretary of State, shall establish and maintain preinspection stations in at least 3 of the foreign airports that are among the 10 foreign airports which the Attorney General identifies as serving as last points of departure for the greatest numbers of passengers who arrive from abroad by air at ports of entry within the United States. Such preinspection stations shall be in addition to any preinspection stations established prior to the date of the enactment of this section.

"(b) Establishment of Additional Preinspection Stations at Certain Foreign Airports From Which Undocumented Aliens Depart for the United States.—

"(1) MAINTENANCE OF RECORDS ON ALIENS ARRIVING BY AIR WITHOUT VALID DOCUMENTATION.—The Attorney General shall maintain records concerning the number and nationality of aliens who arrive by air at United States ports of entry without valid documentation. Such records shall indicate the foreign airports which served as the last points of departure for such aliens.

"(2) ESTABLISHMENT OF ADDITIONAL PREINSPECTION STATIONS.—Subject to subsection (c), not later than November 1, 1996, the Attorney General, in consultation with the Secretary of State, shall establish 3 preinspection stations in foreign airports. The locale of such preinspection stations shall be determined by the Attorney General after reviewing the records maintained under paragraph (1), with the intention of preventing aliens, to the greatest extent feasible, from arriving in the United States without valid documentation. Such preinspection stations shall be in addition to any preinspection stations established under subsection (a) or prior to the date of enactment of this section.

"(3) ESTABLISHMENT OF CARRIER CONSULTANT PROGRAM.—The Attorney General shall assign additional immigration officers to any foreign airport which, based on the records maintained under paragraph (1), served as a point of departure for a significant number of arrivals at United States ports of entry without valid documentation, but where no preinspection station is established.

"(c) Conditions for Establishment of Preinspection.—Prior to the establishment of a preinspection station the Attorney General shall ensure that—

"(1) employees of the United States stationed at the preinspection station and their accompanying family members will receive appropriate diplomatic protection,

"(2) such employees and their families will not be subject to unreasonable risks to their welfare and safety,

"(3) the facilities at the preinspection station conform to Federal Inspection Services standards,

"(4) the country in which the preinspection station is to be established maintains practices and procedures with respect to asylum seekers and refugees in accordance with the Convention Relating to the Status of Refugees (done at Geneva, July 28, 1951) or the Protocol Relating to the Status of Refugees (done at New York, January 31, 1967), and

"(5) no national or habitual resident of the country in which the preinspection station is to be established within the preceding 3 years has been admitted to the United States as a refugee pursuant to section 207 or granted asylum pursuant to section 208.

"(d) Treatment of Aliens Lawfully Admitted for Permanent Residence.—The Attorney General shall permit aliens lawfully admitted for permanent residence who—

"(1) present themselves to an examining immigration officer at preinspection stations (established under this section or otherwise), and

"(2) do not appear to the officer to be clearly and beyond a doubt entitled to land in the United States,

to proceed to the United States, subject to procedures established by regulation pursuant to sections 235 and 236.".

(b) Clerical Amendment.—The table of contents of such Act is amended by inserting after the item relating to section 235 the following new item:

"Sec. 235A. Preinspection at foreign airports.".

SEC. 2. VISA WAIVER PROGRAM.

(a) Permanency of Program.—Section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is amended—

(1) by amending the section heading to read as follows:

"VISA WAIVER PROGRAM FOR CERTAIN VISITORS";

(2) in the heading of subsections (a), (a)(2), and (c) by striking "Pilot" and "PILOT" each place either appears and inserting "Visa Waiver" and "VISA WAIVER", respectively;

(3) by striking "pilot" each place it appears and inserting "visa waiver";

(4) in subsection (a)(1) by striking "during the pilot program period (as defined in subsection (e))";

(5) in subsection (c)(3) by striking "(within the pilot program period) after the initial period";

(6) in subsection (c) by striking paragraph (4);

(7) in subsection (e)(1)(A) by striking "(a)(1)(A)" and inserting "(a)(1)"; and

(8) by striking subsection (f).

(b) Elimination of Requirement for Execution of Immigration Forms.—Section 217 of such Act is further amended—

(1) in subsection (a) by striking paragraph (3);

(2) in subsection (a) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively; and

(3) in subsection (e)(1) by striking "subsection (a)(4)" and inserting "subsection (a)(3)".

(c) Exclusion and Deportation of Applicants for Admission Under Visa Waiver Program.—Section 217(b) of such Act is amended to read as follows:

"(b) Exclusion and Deportation of Applicants for Admission Under Visa Waiver Program.—

"(1) Exclusion.—

"(A) An immigration officer's determination that an applicant for admission under this section is not clearly and beyond a doubt entitled to land shall constitute a final order of exclusion and deportation, enforceable pursuant to section 237. Pending such a determination, the Attorney General may maintain such applicant in custody.

"(B) The procedure described in section 236 shall not apply to an order issued under this paragraph.

"(2) Deportation.—

"(A) Notwithstanding any other provision of law, an alien admitted to the United States under this section who is determined, pursuant to such regulations as the Attorney General shall prescribe, to be subject to deportation shall be deported pursuant to section 243. An immigration officer's determination under this subsection shall constitute a final order of deportation. Pending such determination, the Attorney General may maintain such alien in custody.

"(B) The procedure described in section 242 shall not apply to an order issued under this paragraph.

"(3) Review.—Notwithstanding any other provision of law or the failure of a carrier to provide the notice described in subsection (e)(1)(D), an alien who applies for admission to the United States under this section shall not be entitled—

"(A) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States, or

"(B) subject to paragraph (4), to contest an immigration officer's determination under paragraph (2).

"(4) Asylum.—The Attorney General shall establish a procedure for an alien who is applying for admission under this section or who has been admitted under this section to apply for asylum under section 208.

"(5) TREATMENT OF NATIONALS OF VISA WAIVER COUNTRIES.—An alien who—

"(A) is a national of a visa waiver program country or claims to be a national of a visa waiver program country, and

"(B) is not in possession of a valid visa,

shall be considered to be an applicant for admission under this section.".

(d) Carrier Agreements.—Section 217(e)(1) of such Act is amended—

(1) in subparagraph (B) by striking "and";

(2) in subparagraph (C) by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) to provide passengers applying for admission to the United States under this section with written information concerning the conditions of the program and notification that they are not entitled (i) to any appeal or review of an immigration officer's determination of admissibility, or (ii) to contest any action for deportation.".

(e) Conforming Amendment.—Section 235(b) of such Act (8 U.S.C. 1225(b)) is amended by inserting "or an applicant for admission under section 217" after "alien crewman".

(f) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 217 is amended to read as follows:

"Sec. 217. Visa waiver program for certain visitors.".

SEC. 3. EXPEDITING AIRPORT IMMIGRATION PROCESSING.

(a) PASSENGER MANIFESTS.—

(1) ELECTRONIC PASSENGER MANIFESTS.—Section 231(a) of the Immigration and Nationality Act (8 U.S.C. 1221(a)) is amended in the first sentence by striking "typewritten" and inserting "electronic, typewritten,".

(2) INFORMATION CONTAINED IN PASSENGER MANIFEST.—Section 231(a) of such Act (8 U.S.C. 1221(a)) is further amended by inserting immediately before the period at the end of the second sentence ", except that regulations concerning the information contained in such lists may not require information other than the full name, date of birth, passport number, and citizenship of the person transported, and information identifying the flight on which the person was transported".

(b) INSPECTION BY IMMIGRATION OFFICERS.—Section 235(a) of the Immigration and Nationality Act (8 U.S.C. 1225(a)) is amended by adding after the second sentence the following: "Except as the Attorney General may provide, nothing in this section shall be construed as requiring a personal interview in the conduct of an examination or inspection.".

(c) PROVISION OF IMMIGRATION INSPECTION AND PREINSPECTION SERVICES.—

(1) IN GENERAL.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(A) in subsection (g) by striking "forty-five" and inserting "thirty"; and

(B) in subsection (l)—

(i) by striking "forty-five" and inserting "thirty"; and

(ii) by striking "March 31st" and inserting "January 31st".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to passengers arriving on or after 60 days after the date of the enactment of this Act.

(d) EXPEDITED PROCESS FOR THE INSPECTION OF CITIZENS.—

(1) IN GENERAL.—Section 235A of the Immigration and Nationality Act, as inserted by section 1(a) of this Act, is amended—

(A) in the heading, by adding at the end the following: "; EXPEDITED PROCESS FOR THE INSPECTION OF CITIZENS", and

(B) by adding at the end the following new subsection:

"(e) EXPEDITED PROCESS FOR THE INSPECTION OF CITIZENS.—Not later than 90 days after the date of the enactment of this section, the Attorney General shall implement an expedited process for the inspection of United States citizens upon arrival from abroad by air at ports of entry within the United States. An expedited process shall be maintained except during a national or airport specific security emergency as determined by the Attorney General.".

(2) CLERICAL AMENDMENT.—The item in the table of contents of such Act relating to section 235A, as inserted by section 1(b) of this Act, is amended to read as follows:

"Sec. 235A. Preinspection at foreign airports; expedited process for the inspection of citizens.".

SEC. 4. ELIMINATION OF SUNSET FOR CERTAIN G-4 SPECIAL IMMIGRANT PROVISIONS.

(a) IN GENERAL.—Section 101(a)(27)(I)(iii)(II) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(I)(iii)(II)) is amended by striking "before January 1, 1993, and".

(b) CONFORMING AMENDMENTS.—Section 101(a)(27)(I) of such Act is further amended by striking "or six months after the date of the enactment of the Immigration Technical Corrections Act of 1988, whichever is later" each place it appears.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] will be recognized for 20 minutes, and the gentleman from Florida [Mr. JAMES] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is another installment in our efforts to prevent illegal immigration. In the past few years, a new form of this problem has emerged: Illegal immigration by commercial airliner. The way it works is this: The person gets on a plane headed for the United States, either without documents or with fraudulent documents. The INS's policy is to detain such individuals upon arrival in the United States, pending deportation. But because the INS lacks sufficient detention space, the would-be immigrant is typically paroled into the community with instructions to report several months later for a hearing before an INS officer. Most simply disappear.

Now that word has gotten out about this situation, the number of undocumented arrivals has mushroomed, from a few thousand 5 years ago to 37,500 last year. These individuals are flouting the immigration laws, putting themselves at the head of the line while other folks wait for years to immigrate. Worst of all, these airport arrivals are making a mockery of the asylum process. Many of them make asylum claims, even though they have no basis at all for doing so, simply to get into a process that they can stretch out for years, and to get the work permit to which asylum applicants are entitled. The U.S. commitment to refugees is going to be more crucial than even in the years ahead, with ethnic conflict boiling over in trouble spots around the world. We cannot afford to have fraudulent claimants taking up valuable spaces and eroding public support for the entire refugee program.

This bill would counter this unfortunate trend by setting up preinspection stations at six of the overseas airports that have sent us the largest numbers of fraudulent passengers. These stations will enable immigration and naturalization service inspectors to screen out undocumented passengers before they get to the United States. Not only will this help maintain the integrity of our immigration and asylum laws, but it will also be cost effective. Passengers inspected overseas will not have to be inspected upon arrival, so more inspectors will not be needed, and the detention and legal costs associated with fraudulent passengers here in the United States will be eliminated.

In addition to the preinspection stations, this bill also tackles two other problems. One is the increasingly long lines faced by international passengers at destination airports. Under an international agreement negotiated by the State Department, countries are supposed to complete examination of international passengers within 45 minutes after the passenger's arrival. Far too often, however, this standard is not met. H.R. 5555 would speed passenger processing in a number of ways, including streamlining the visa waiver program, permitting the INS to accept electronic manifests, and providing expedited processing for U.S. citizen travelers. International air travel reduces our trade deficit by nearly $10 billion a year—making it one of our most successful exports—and these measures will make sure that we can maintain our competitiveness in this industry.

Finally, the bill also contains provisions related to socalled G-4 employees and their spouses. These are people who work for international organizations like the United Nations and the world bank. Current law permits such individuals to apply for permanent residency in the United States after they have lived here for 15 years—but this provision will expire next year. This bill would remove the sunset provision. The imminent expiration date is causing these organizations considerable difficulty in recruitment, because potential employees worry about being forced to relocate at an inconvenient time in their families' lives. Incidentally, children of G-4 employees already can become permanent residents—this bill only applies to the employees and their spouses. This provision was originally in a bill introduced by my subcommittee chairman, the gentleman from Kentucky, and I commend him for his efforts on this issue. He has also asked me to recognize the contribution of our colleague on the judiciary committee, BARNEY FRANK, who has worked tirelessly to bring this issue to the attention of the subcommittee.

I also want to thank subcommittee chairman MAZZOLI and Chairman BROOKS of the judiciary committee for all their work on this entire bill, and especially Mr. MCCOLLUM , the ranking Republican member on the immigration subcommittee, who has been very diligent in working with me to get a bill that both sides of the aisle can support.

Mr. Speaker, I reserve the balance of my time.

Mr. JAMES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5555, but with some reservations. On the whole, this legislation improves the immigration inspection process at airports and takes steps towards dealing with the flood of aliens who are arriving at our international airports with fraudulent documents or with no documents at all.

The size of the problem at our international airports is large and growing. Last year the number of aliens entering with no documents or fraudulent documents was over 37,000; this year the alien smuggling rings are bringing in even more people.

The activities of these rings not only circumvent our immigration control laws, but also contribute to human misery and criminal activity, since many of the smuggled aliens virtually are indentured servants, forced to work off the cost of their transit by engaging in prostitution, drug dealing, or other illegal activities.

I want to commend the gentleman from New York [Mr. SCHUMER] for introducing this legislation and thank him for his willingness to work together to produce a bill that addresses this very serious immigration control problem. There continues to be a couple of problems with the legislation, but I am confident that we will be able to work those out before sending the bill to the President for his signature.

It is important to point out that while this legislation will help reduce document fraud and alien smuggling at our international airports, it is missing a vital component of a comprehensive approach to dealing with the situation.

The bill addresses the problem at points overseas and on airlines, but it does not deal with the problem here in the United States. It does not reform the asylum process nor stop the abuse of that system at U.S. ports of entry by alien smugglers.

Under the scam currently being used by the smugglers, they direct their falsely documented clients to claim asylum at a U.S. port of entry. Because INS does no have the detention space to hold all applicants while their asylum claims are adjudicated, the smugglers know that their clients will be released into the public.

Once that happens, the undocumented aliens can disappear into the general population and simply never show up for asylum proceedings. The likelihood of INS catching up to them is remote.

The smugglers, however, have more effective—and much more brutal—enforcement capabilities than INS. If the aliens do not show up to work off the huge fees charged by the smugglers, they are likely to end up badly beaten or even dead.

In order to respond to this abuse of the asylum process, we need to institute reforms that stop the abuses while fully protecting those who have valid asylum claims. I hope that we can work with the administration and the other body to develop such a compromise.

As it currently stands, this legislation will improve the efficiency and effectiveness of immigration inspections and take steps toward reducing abuses of our immigration and asylum laws. I urge my colleagues to support it.

Mr. MAZZOLI. Mr. Speaker, H.R. 5555 is an important measure aimed at reducing illegal immigration, while at the same time expediting the processing of legitimate travelers through our international airports.

During this 102d Congress, the Subcommittee on International Law, Immigration, and Refugees has conducted 3 days of hearings at which problems faced by international travelers arriving at U.S. airports has been a primary area of discussion. We have heard from airport and airline executives and officials of the Immigration and Naturalization Service regarding those problems at each of those hearings.

Despite funding increases at INS that have allowed them to put more inspectors at our airports than ever before, international travelers—and about half of them are U.S. citizens—are still subjected to lengthy delays in the inspections process when they arrive from abroad.

Additionally, in recent months we have seen the development of a new phenomenon, namely the arrival at airports of large numbers of aliens who have no documentation whatsoever and who in many cases refuse to tell INS inspectors their names or country of origin. Such aliens either ask for asylum or say nothing. In either event, the result is the same: they are released on bond or parole because INS does not have enough detention space.

H.R. 5555 is designed to address both of those problems. It deals with the processing problem in a variety of ways. For example, it requires INS to set up preinspection at three additional foreign airports within 2 years, and then three more stations by November 1, 1996. Under this procedure, INS will conduct its inspections abroad, thereby obviating the need for any INS inspection once the plane arrives in the United States. This will both prevent undocumented—or improperly documented—aliens from boarding planes and it will allow all passengers on reinspected flights to move through the INS inspections booths here in the United States without any delay at all.

The bill also imposes certain limitations on locating these preinspection stations to protect refugees seeking safe haven in the United States. Accordingly, H.R. 5555 directs the Attorney General not to set up preinspection stations in countries that have been sources of refugees in the preceding 3 years or in countries that fail to maintain adequate asylum procedures.

The bill also makes permanent the visa-waiver pilot program. Under current law, the program would expire in September 30, 1994. This program was enacted as part of the Immigration Reform and Control Act of 1986. It allows short-term visitors for business or pleasure to come to the United States without a visa, provided they come from low-risk parts of the world. Currently 21 countries are participating in the program, and by any measure the program must be considered a success.

The bill also includes a provision to assist aliens employed by international organizations, such as the World Bank. Such aliens are eligible for G–4 visas to come to the United States in conjunction with their work. The 1986 Immigration Reform and Control Act [IRCA] authorized the grant of special immigrant status—that is, permanent residency—to G–4 aliens who have been in the United States for 15 years. This provision in IRCA, however, sunsets at the end of this year.

H.R. 5555 simply deletes the sunset, thereby making the adjustment of status program available to those G–4 aliens who meet the residency requirements and file a petition for benefits in 1993 or beyond. This provision has broad bipartisan support and is strongly endorsed by the administration.

Mr. Speaker, my friend and colleague, the gentleman from New York has done an outstanding job in crafting this legislation. He has analyzed the issues, held discussions with all the interested parties, come up with solutions that have received bipartisan support of all members of the committee. I commend him on a job well done.

Mr. Speaker, I urge my colleagues to vote for this meritorious bill.

□ 1530

Mr. SCHUMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just neglected to mention, the gentleman was not from Louisiana. The subcommittee chairman was the gentleman from Kentucky [Mr. MAZZOLI], and I have corrected that in the RECORD.

Mr. JAMES. Mr. Speaker, I yield back the balance of my time.

Mr. SCHUMER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. McDERMOTT). The question is on the motion offered by the gentleman from New York [Mr. SCHUMER] that the House suspend the rules and pass the bill, H.R. 5555, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 5555, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

RURAL ELECTRIFICATION ACT OF 1936 AMENDMENT

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5954) to amend the Rural Electrification Act of 1936 to clarify the status of the rural telephone bank and its accounting policies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND REAFFIRMATION OF POLICY.

The Congress finds that the Rural Telephone Bank (hereafter in this Act referred to as "the Bank") continues to be an essential source of supplemental financing for rural telephone systems. The Congress finds that the Bank is in fact a mixed-ownership government corporation containing a substantial amount of private capital and further finds that the bank shall maintain its books and accounts in accordance with generally accepted accounting principles separate and apart from those of the Federal Government in a manner that preserves the integrity of the bank as a corporate entity and protects the investment in the bank of the Federal Government and private stockholders.

SEC. 2. INTEREST RATES.

(a) CALCULATION OF INTEREST RATES.—Notwithstanding any other provision of law, a single interest rate on loans advanced or disbursed by the Rural Telephone Bank after September 30, 1992, shall be set at the bank's cost of money rate as defined in section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) and calculated in accordance with such paragraph and the factors enumerated therein, in the same manner as such calculations were made prior to October 1, 1991 and as if new advances in disbursements by the telephone bank were made from a single account such as existed prior to October 1, 1991.

(b) AUTHORIZATION OF APPROPRIATIONS.—To the extent provided for in advance in appropriations acts, the Governor of the Rural Telephone Bank shall modify the interest rate on loans advanced or disbursed during fiscal year 1992 to the interest rate provided for in subsection (a) had it been in effect during fiscal year 1992.

SEC. 3. TELEPHONE BANK COLLECTIONS; AVAILABILITY FOR OBLIGATIONS AND EXPENDITURES; BOOKS AND RECORDS.

Section 409 of the Rural Electrification Act of 1936 (7 U.S.C. 931-940d) is amended to read as follows:

"TELEPHONE BANK COLLECTIONS; AVAILABILITY FOR OBLIGATIONS AND EXPENDITURES; BOOKS AND RECORDS

"SEC. 409. (a) Notwithstanding any other provision of law, until the retirement of all class A stock, all moneys of the telephone bank shall remain on deposit in the Treasury for the account of the Rural Telephone Bank. All such moneys in excess of current requirements shall earn interest at a rate equivalent to the interest rate charged by Treasury to the financing account of the telephone bank.

"(b) The telephone bank shall maintain its books and records in accordance with generally accepted accounting principles and shall create such internal program accounts or subaccounts as necessary to identify the subsidy costs to the Federal Government associated with loans made after September 30, 1991, and for the purpose of allocating funds appropriated to the telephone bank to offset such costs.

"(c) Notwithstanding any other provision of law, all assets of the Rural Telephone Bank as they existed on the books and records of the telephone bank as of September 30, 1991, together with assets acquired after such date by the telephone bank, including all cash, collections of principal and interest on loans and other assets, or any portion thereof, whether in the liquidating or financing account of the telephone bank, shall not be transferred to the general fund of the Treasury but shall remain as assets of the telephone bank and be accounted for thereafter in the same manner as such assets were accounted for on September 30, 1991.

"(d) Notwithstanding any other provision of law, all liabilities of the Rural Telephone Bank as they existed on the books and records of the telephone bank as of September 30, 1991, together with liabilities incurred after such date by the telephone bank under this title, including notes, debentures, or other evidences of indebtedness issued by the telephone bank under this title, whether in the liquidity or financing account of the telephone bank, shall remain as liabilities of the telephone bank, and be accounted for thereafter in the same manner as such liabilities were accounted for on September 30, 1991, until satisfied in accordance with their terms.

"(e) Notwithstanding any other provision of law, all shares of capital stock of the Rural Telephone Bank as they existed on the books and records of the telephone bank as of September 30, 1991, together with shares of capital stock issued by the telephone bank after such date, shall not be liquidated or retired except in accordance with the provisions of this title, whether in the liquidating or financing account of the telephone bank, but shall remain as capital stock of the telephone bank and be accounted for thereafter in the same manner as such capital stock was accounted for on September 30, 1991, until retirement or liquidation under this title."

SEC. 4. EFFECTIVE DATE.

This Act takes effect on October 1, 1992, or the date of the enactment of this Act, whichever is later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma [Mr. ENGLISH] will be recognized for 20 minutes, and the gentleman from California [Mr. HERGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5954 would amend the Rural Electrification Act of 1936 in order to clarify the status of the rural telephone bank and the application of the Federal Credit Reform Act to the bank. This legislation is essential in maintaining the status quo for the rural telephone bank in order for rural Americans to have up-to-date telecommunications facilities at reasonable rates.

Let me explain further—the Federal Credit Reform Act was part of the Omnibus Budget Reconciliation Act of 1990 and was designed to measure more accurately the costs of Federal credit programs; place the cost of credit programs on a budgetary basis equivalent to other Federal spending; and improve the allocation of resources among credit programs and between credit and other spending programs. Under this bill, there are no objections with these legitimate objectives. The objections arise is the misapplication of Federal Credit Reform to the rural telephone bank by REA and, ultimately, the Office of Management and Budget.

The rural telephone bank was created by Congress in 1971 as an instrumentality of the United States:

> To furnish assured and viable sources of supplementary financing with the objective that the Bank will become an entirely privately owned, operated, and financed corporation.

The ultimate beneficiary of the rural telephone bank is the rural consumer in reasonable rates and up-to-date telecommunications facilities. The RTB was structured as a unique Federal institution to ensure an affordable credit source always remained available to rural Americans seeking to improve and update their telecommunications services. The bank is a mixed ownership Government corporation with three classes of stock owned by the Federal Government, class A stock; private borrowers, class B stock; and other corporations and public bodies, class C stock. Under the law, the bank will begin to redeem and retire class A stock—that stock owned by the Federal Government—as soon as practicable after September 30, 1995, in order to privatize. This bank is working exactly as intended and has greatly benefited rural Americans.

However, because of the unique nature of the rural telephone bank in the fact that it is a mixed Government ownership corporation containing a substantial amount of private capital with private stockholders and the fact that it was designed to have low-cost embedded capital in order to provide low-interest loans to rural telephone companies, special care is due when the Federal Credit Reform Act is being applied to the rural telephone bank.

H.R. 5237, the Rural Electrification Administration Improvement Act of 1992, which passed the House of Representatives on August 5, included a provision to remedy the problems associated with the application of credit reform to the rural telephone bank when it was introduced. During mark-up in the Agriculture Committee, this provision was removed at the request of the Budget Committee due to their interest in working out the problems regarding the application of credit reform to the rural telephone bank. Those negotiations were pursued by the Budget Committee and ultimately the Budget Committee was not satisfied with the result. In other words, without this legislation the Office of Management and Budget and the Rural Electrification Administration would be allowed to continue down its course of misapplying credit reform for philosophical and political reasons and to the detriment of rural America.

Without a legislative remedy, OMB and the rural telephone bank would misapply Federal Credit Reform Act and the following would take place:

First, the interest rate would increase at least 3 percentage points according to testimony by REA;

Second, the entire bank would be swept into the general fund of the Treasury raising constitutional problems under the fifth amendment takings clause;

Third, the private stock held by private stockholders would be lost to the Treasury or completely devalued;

Fourth, REA would establish a dual interest rate structure—one for new loans and another for previously advanced loans; and

Fifth, the embedded capital and repayments of principal and interest would be walled off from the bank preventing it from continuing to make loans at its costs of money as is mandated by the RE Act.

This is all according to the Administrator of the Rural Electrification Administration and is included in a letter to me dated September 17, 1992.

The committee does not believe that it was the intent of Congress to dismantle the RTB when the Federal Credit Reform Act was passed. In fact, FCRA was not intended to make any substantive changes in any Federal credit program. Our colleagues in the Senate are concerned with this same issue and have cosigned a letter to Secretary of Agriculture Edward Madigan, protesting OMB's interpretation of the FCRA as it is being applied to the bank. The letter states that they are prepared to seek a legislative remedy to the situation as well.

COMMITTEE INTENT

The committee intends by this bill to preserve the status quo of the rural telephone bank as it existed on September 30, 1991. The legislation is intended to preserve the bank's single interest rate formula as defined in section 408(b)(3). The committee also intends that the bank's embedded low-cost capital structure be preserved. The legislation requires that the bank's assets, liabilities, and equity be maintained in accordance with generally accepted accounting principles. It is also the legislation's intent that unobligated balances of the RTB should not be transferred to the Treasury or the general fund but shall remain as assets of the bank. REA and the bank were instructed accordingly in the conference report accompanying the bill, H.R. 2698, the bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and related agencies' programs for the fiscal year ending September 30, 1992. The committee agrees with that instruction. In addition, the bank is audited pursuant to the Government Corporation Control Act by the General Accounting Office. The bank's outside accounting auditors should continue to satisfy themselves that the bank's accounting practices meet the standards enumerated in this legislation in order to protect the investment in the bank of the Federal Government and private stockholders.

Therefore, the Agriculture Committee and the Budget Committee have worked out legislative language which is being offered today. This legislation will correct the problems associated with the misapplication of credit reform to the bank. I ask my colleagues to support H.R. 5954.

Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5954 and urge its adoption by the House.

Although the credit reform legislation we adopted in the 1990 budget act was essentially sound law, it has had at least one unintended consequence that we must correct today. That is the eventual liquidation of the rural telephone bank, a quasi-government lending institution operated with the Rural Electrification Administration. Companion legislation is moving in the other body, and I believe that we can enact this necessary legislation prior to adjournment.

Unfortunately, the RTB is being treated as if it were a Federal revolving loan fund when in fact it is substantially owned by private entities and will be fully privatized in the future. To maintain the viability of the bank, the Congress must adopt this legislation today.

It will maintain the capital structure of the rural telephone bank as the Congress intends and require that all future loan payments will be available for future bank lending activities. It also will prohibit the sweeping of any cash that may not be needed in any funding cycle.

I should point out to my colleagues that the bill does not change any of the reformed accounting procedures established by credit reform. It merely retains the status quo of the bank; all interest rate subsidies will be fully accounted for and funded in annual appropriations acts.

Mr. Speaker, I urge adoption of H.R. 5954.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ENGLISH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma [Mr. ENGLISH] that the House suspend the rules and pass the bill, H.R. 5954, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 5954, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ED JENKINS NATIONAL RECREATION AREA

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6000) to redesignate Springer Mountain National Recreation Area as "Ed Jenkins National Recreation Area."

The Clerk read as follows:

H.R. 6000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

Springer Mountain National Recreation Area in the Chattahoochee National Forest, in the State of Georgia, is hereby redesignated as "Ed Jenkins National Recreation Area."

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to Springer Mountain Recreation Area is deemed to be a reference to Ed Jenkins National Recreation Area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma [Mr. ENGLISH] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Agriculture Committee recommends the passage of H.R. 6000, to rename Springer Mountain National Recreation Area in Georgia as the Ed Jenkins National Recreation Area.

It gives me great pleasure to rise today and ask the House to honor one of its most distinguished Members. As you know, ED JENKINS will be leaving us this year after 16 years of splendid service to the Ninth District of Georgia and to the U.S. House of Representatives.

ED was first elected to Congress in 1976. He was one of only four freshmen chosen to serve on the Ways and Means Committee and the Trade Subcommittee where he continues to work. In that capacity he has served as a designated official adviser to U.S. delegations to all international conferences relating to trade agreements. He also serves on the Oversight Subcommittee of Ways and Means.

He served three 2-year terms on the House Budget Committee. And during 1987, he was the only noncommittee chairman selected by the Speaker to serve on the Select Committee To Investigate Covert Arms Transactions With Iran.

In leadership roles, ED has served as codean of the Georgia delegation since 1985; as textile caucus chairman for three terms; as at-large whip for three Congresses; and as Democratic caucus cochair of the task force on international competitiveness.

Mr. Speaker, ED has earned a reputation in Congress as a negotiator; working behind the scenes to effect compromises on major pieces of legislation. His legislative priorities have been on tax and trade issues, pushing for equitable tax treatment and fair tariff protection for the textile industry so important to his native Georgia.

ED has also worked diligently to leave the legacy of the north Georgia mountains to the Ninth District and to the Nation. From 1984 to 1991, ED successfully sponsored bills to provide special protection for nearly 90,000 acres in the Chattahoochee National Forest in north Georgia.

A measure sponsored by Mr. JENKINS and enacted last year included the designation of the Springer Mountain National Recreation Area. The area's diversified natural attractions offer multirecreational uses from wilderness hiking, hunting, and fishing to developed campgrounds and programs. Adjoining State-managed park lands feature lodges and staff offering interpretative botanical, wildlife, and historical programs.

The bill before us today, H.R. 6000, will appropriately rename Springer Mountain National Recreation Area as the Ed Jenkins National Recreation Area. It was passed unanimously from the full committee last week.

I cannot think of anyone more deserving of public recognition than my colleague from Georgia, the man who made the recreation area possible through his own dedication to the protection of Georgia's natural resources.

For ED's 16 years of service in the Congress and his tireless efforts to preserve the natural beauty that is the Chattahoochee National Forest, I recommend that the House suspend the rules and pass H.R. 6000.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Chair will be delighted to know that I do not intend to use the 20 minutes the Chair has granted, but I do rise to say that we on this side support the redesignation of the Springer Mountain National Recreation Area, and think no one is more deserving of this rededication than ED JENKINS.

I urge the House to adopt H.R. 6000.

Mr. ENGLISH. Mr. Speaker, I yield such time as he may consume to our colleague, the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Speaker, I rise in strong support of H.R. 6000, a bill designating the Ed Jenkins National Recreation Area.

Mr. Speaker, a number of years ago President Truman said, "If you want a friend in Washington, you better buy a dog."

Those of us who are in Washington and who come here frequently and go back to our districts over the weekend unfortunately do not make as many friends as we would like, because we are so busy doing our duties and being here in Congress, working and sometimes competing so much with our colleagues to get our jobs done; however, I have been fortunate, as well as many other Members of the House of Representatives have been fortunate, in having a true friend here, and that, of course, is ED JENKINS.

So I am pleased today to join in this tribute to him to designate this very beautiful forest area in his name and in his honor.

I feel like so many people in this House, a sense of great loss that ED is leaving us, but we know that he will remain our friend and he will remain available to us with his wise council and advice.

Mr. Speaker, this House of Representatives could pay a no more fitting tribute to ED JENKINS than the action which we take today. In 1991, Congressman JENKINS introduced his third bill to protect the natural resources of the north Georgia mountains, the Chattahoochee National Forest Protection Act. When this measure became law last year, it created the very valuable and scenic recreation area at Springer Mountain which we designate in his honor today.

The north Georgia mountains have been home to ED JENKINS all his life. He was educated in north Georgia. His family's roots are in north Georgia. He has represented the people of north Georgia in these mountains in the House of Representatives with great distinction and integrity. It is especially appropriate that his wise and progressive leadership be symbolized by the preservation of this majestic piece of Georgia landscape now called Springer Mountain.

Mr. Speaker, I commend the gentleman from Oklahoma for bringing this measure to the floor today, and wish our good friend, ED JENKINS, his wife, Jo, and all his family success in all their future endeavors.

Mr. ENGLISH. Mr. Speaker, I yield as much time as he may consume to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Oklahoma for yielding me this time.

Mr. Speaker, I am pleased to rise in support of H.R. 6000.

□ 1540

Mr. Speaker, this bill would rename Springer Mountain National Recreation Area in Georgia as the Ed Jenkins Recreation Area. It is fitting and appropriate that this area be named after the gentleman from Georgia [Mr. JENKINS] because he has worked tirelessly to protect our beautiful land in this great State of Georgia.

Mr. Speaker, the gentleman from Georgia [Mr. JENKINS] will be leaving the Congress. He has been a real friend, and I cannot and will not forget his friendship. He will be missed from Congress for he is known for his power of persuasion, he zeal for fairness, his understanding of our diverse communities, and his ability to work behind the scenes to build consensus on the big issues.

Mr. Speaker, when the gentleman from Georgia [Mr. JENKINS] leaves Congress, he will leave a legacy of one who has worked hard, listened well, and made a difference. He is known for his trade and tax expertise, but he is also a man of conscience who has supported fairness and justice for people in this country and around the world.

ED JENKINS comes from the Appalachian Mountain district of Georgia. I know him and I know his district. He understands how important it is to leave this world a little cleaner and a little greener for unborn generations.

I support H.R. 6000 because the mountains of Georgia have always meant so much to ED JENKINS. This bill is a meaningful and beautiful way to thank him for all of his good work.

Mr. Speaker, I thank the gentleman from Oklahoma [Mr. ENGLISH] for having yielded this time to me.

Mr. THOMAS of Georgia. Mr. Speaker, I was pleased to be an original cosponsor of H.R. 6000, a bill which will redesignate Springer Mountain National Recreation Area in north Georgia as the Ed Jenkins National Recreation Area. This legislation was passed by the House on September 29 by voice vote.

This is a well-deserved honor for ED after his 16 years of outstanding service to the people of the Ninth Congressional District of Georgia.

Many Members of the House will remember ED for his distinguished work on the Committee on Ways and Means and the Committee's Trade Subcommittee. He has consistently been a champion for tax relief for middle- and lower-class taxpayers and the small businessowner.

Additionally, he has served as an important adviser to U.S. delegations to all international conferences, meetings, and negotiation sessions relating to trade agreements.

ED's focus in the House, however, has not solely been on fiscal matters. He has taken an active interest in preserving the scenic mountain areas in his district so that present and future generations can enjoy them. The Ninth District Congressman has passed three bills through Congress that protect close to 9,000 acres of the Chattahoochee National Forest.

In 1991, one of ED's bills created the Springer Mountain National Recreation Area. This tract of 23,330 acres offers multirecreational uses including wilderness hiking, hunting, fishing, and campground areas.

As a tribute to ED for the legacy of good works that he leaves behind for the people of the Ninth District of Georgia, I am an enthusiastic supporter of renaming the Springer Mountain National Recreation Area as the Ed Jenkins National Recreation Area.

Mr. ENGLISH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DARDEN). The question is on the motion offered by the gentleman from Oklahoma [Mr. ENGLISH] that the House suspend the rules and pass the bill, H.R. 6000.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6000, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DESIGNATING CERTAIN LAND AS PART OF MARK TWAIN NATIONAL FOREST

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6014) to designate certain land in the State of Missouri owned by the United States and administered by the Secretary of Agriculture as part of the Mark Twain National Forest.

The Clerk read as follows:

H.R. 6014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The boundary of the Mark Twain National Forest in the State of Missouri is modified to include all lands in Boone and Callaway Counties within the Cedar Creek Purchase Unit as generally depicted on a map entitled "Mark Twain National Forest Addition, June 1992" which map is on file and available for public inspection in the Office of the Chief, Forest Service, Washington, District of Columbia.

SEC. 2. All lands now or hereafter owned by the United States and administered by the Secretary of Agriculture within the Cedar Creek Purchase Unit, which by this Act are made a part of the Mark Twain National Forest in Missouri, shall be subject to the Weeks Act of March 1, 1911 (36 Stat. 961) as amended, and to all laws, rules, and regulations applicable to the National Forest System.

SEC. 3. The lands added to the Mark Twain National Forest by this Act shall be administered by the Secretary of Agriculture as the Cedar Creek Ranger District: *Provided*, That nothing in this section shall limit the authorities of the Secretary under section 11 of the Weeks Act (16 U.S.C. 521) to modify administration of this area at any time.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma [Mr. ENGLISH] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Agriculture recommends the passage of H.R. 6014, a bill to designate certain federally owned land in the State of Missouri as part of the Mark Twain National Forest.

Specifically, the bill will modify the boundary of the Mark Twain National Forest to include an area known as the Cedar Creek purchase unit, which is located in Boone and Callaway Counties, MO. The unit is currently managed by the Forest Service as though it was a part of the Mark Twain, although it is outside the exterior boundaries of the national forest.

The purpose of H.R. 6014 is simply to adjust the forest boundary to include the purchase unit, thus improving administrative efficiency for the Forest Service.

This bill was introduced by Representative HAROLD VOLKMER of Missouri after consultation with the Forest Service and local citizens. The boundary adjustment is supported by commissioners in both affected counties, local public schools, the Conservation Federal of Missouri, and the Cedar Creek Grazing Association.

The Agriculture Committee approved the bill last week by voice vote, with no objections, and I urge the house to suspend the rules and pass H.R. 6014.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6014.

This legislation will designate certain lands in the State of Missouri owned by the U.S. Government as part of the Mark Twain National Forest. The boundary of the Mark Twain National Forest would be modified to include all lands in Callaway and Boone Counties within the Cedar Creek purchase unit. These lands would become part of the National Forest System lands.

I urge the House to adopt this legislation.

Mr. VOLKMER. Mr. Speaker, I urge the House to approve H.R. 6014 today. This measure will simplify administration of the Mark Twain National Forest in Missouri and provide equity for Boone and Callaway Counties in the distribution of receipts brought in by the Forest Service.

The area that is the subject of this bill consists of certain lands in Boone and Callaway Counties, MO, known as the Cedar Creek purchase unit. The unit has been administrated by the Department of Agriculture's Forest Service since 1973 as though it were a part of the Mark Twain National Forest.

The unit is currently outside the exterior boundaries of the Mark Twain National Forest, and the purpose of H.R. 6014 is simply to adjust the forest boundary to include the purchase unit. The bill would place the Federal lands within the unit under the same set of laws and regulations that applies to the other national forest lands in the State.

In addition to increased administrative efficiency for the Forest Service, this boundary modification will enable the two counties to receive an equitable share of the payments provided to the State of Missouri out of national forest receipts collected in the State.

I have discussed this matter with the Forest Service at both the local level and the Washington Office, and they concur that this boundary adjustment is logical. According to the Chief of the Forest Service, the change would enhance the opportunities for recreation, grazing, and other current uses, and overall enjoyment of the area.

I have also communicated with local individuals and organizations in Missouri who are united in their support for the change. County commissioners representing both Boone and Callaway Counties, the Fulton Public Schools, the Cedar Creek Grazing Association, and the Conservation Federation of Missouri all support this action.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield back the balance of my time.

Mr. ENGLISH. Mr. Speaker, I, too, have no requests for time, and I yield back the balance of my time.

Mr. SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma [Mr. ENGLISH] that the House suspend the rules and pass the bill, H.R. 6014.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6014, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CEDAR RIVER WATERSHED LAND EXCHANGE ACT OF 1992

Mr. ENGLISH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5605) to authorize and direct land ownership consolidation in the Cedar River Watershed, Mount Baker-Snoqualmie National Forest, WA, as amended.

The Clerk read as follows:

H.R. 5605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cedar River Watershed Land Exchange Act of 1992".

SEC. 2. CEDAR RIVER WATERSHED, WASHINGTON.

(a) IN GENERAL.—If the city of Seattle, Washington, agrees to convey lands to the United States in accordance with this section, the Secretary of Agriculture, in exchange for such lands, shall agree to convey to the City the Federal exchange lands.

(b) EXCHANGE FOR CITY LANDS.—

(1) APPRAISAL OF FEDERAL LANDS.—Not later than nine months after the date of enactment of this Act, the Federal exchange lands shall be appraised and the results of the appraisal transmitted to the Secretary and the City.

(2) OFFER OF CITY LANDS AND APPRAISAL.—

(A) CANDIDATE CITY LANDS.—Within 60 days after the receipt of the appraisal under paragraph (1), the City shall submit to the Secretary a list of candidate lands for conveyance to the United States under this section. Such candidate lands shall be selected by the City from the City lands.

(B) ACCEPTABLE CITY LANDS.—Not later than three months after receipt of the list of candidate lands under subparagraph (A), the Secretary shall determine, in the discretion of the Secretary, which of the candidate City lands to accept. Such lands acceptable to the Secretary shall be appraised within 90 days after such determination and the results of the appraisal transmitted to both the Secretary and the City. The Secretary shall accept lands included on such list unless the lands are not valuable for purposes of the National Forest System, including management as contiguous units with other National Forest System lands.

(3) CONSUMMATION OF EXCHANGE OF INITIAL PARCELS.—Not later than two years after the date of enactment of this Act, the Secretary shall transfer to the City parcels of the Federal exchange lands with a total value approximately equal to the value of the City lands the Secretary determines acceptable under paragraph (2). The Secretary may also accept money to equalize the value of the lands involved in the exchange, subject to subsection (f)(2).

(c) EQUALIZATION FOR REMAINING FEDERAL EXCHANGE LANDS.—If the value of the City lands conveyed and money accepted under subsection (b) is not equal to the value of all of the Federal exchange lands, the following provisions shall apply:

(1) WAIVER BY THE CITY.—In the event the value of the City lands conveyed under subsection (b) is greater than the value of all of the Federal exchange lands, any cash equalization which might otherwise be owed to the City by the United States shall be waived.

(2) IDENTIFICATION OF EQUALIZATION LANDS AND MONEY BY THE CITY.—

(A) IN GENERAL.—In the event the value of the City lands conveyed and money accepted under subsection (b) is less than the value of all of the Federal exchange lands, the City shall, within five years after the date of initial consummation of the exchange under subsection (b), submit to the Secretary a list of lands, an amount of money, or a combination thereof which has in the aggregate a value equal to the difference in value between the City lands exchanged under subsection (b) and the value of all of the Federal exchange lands.

(B) FOREST LANDS.—Any lands included on the list pursuant to subparagraph (A) shall consist only of a tract or tracts of land within or adjacent to national forests in the State of Washington which have been—

(i) mutually identified by the Secretary and the City in advance of their inclusion on the list as acceptable to the Secretary for transfer to the United States;

(ii) appraised in accordance with this section within 90 days after their identification under clause (i); and

(iii) acquired or will be acquired by the City from a willing seller or sellers.

(3) COMPLETION OF EXCHANGE.—Not later than the end of the five-year period specified in paragraph (2)(A), the Secretary shall convey to the City the remaining Federal exchange lands in exchange for the conveyance by the City to the Secretary of lands and money acceptable to the Secretary for transfer to the United States pursuant to paragraph (2).

(d) APPRAISALS.—

(1) FINDING.—The Congress finds that use restrictions on the Cedar River Watershed imposed by Public Law 97-350 (96 Stat. 1661) coupled with the uncertainties surrounding the status of the lands as habitat for the northern spotted owl currently make appraisal of such lands difficult or unfeasible absent specific guidance from Congress.

(2) APPRAISAL ASSUMPTIONS.—(A) Except as otherwise provided by this subsection, lands to be exchanged pursuant to this section shall be appraised by an appraiser mutually acceptable to the City and the United States in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(d)).

(B) Federal exchange lands shall be appraised for the purposes of this section in a manner that reflects the deed restrictions imposed on the lands by subsection (e) and other applicable laws, rules, and regulations. Both Federal exchange lands and City lands located within Critical Habitat Units for the northern spotted owl (as identified by the United States Fish and Wildlife Service, January 1992) shall be appraised as if subject to the deed restrictions under subsection (e).

(3) COSTS.—All costs of the appraisals shall be borne by the City.

(4) REQUIREMENT LIMITATION.—After an appraisal of lands for the purposes of this Act is accepted by both the Secretary and the City, such lands may not be appraised again for the purposes of this Act during the seven year period beginning on the date of enactment of this Act.

(e) DEED RESTRICTIONS.—The patent or other instrument of conveyance issued to the City for the Federal exchange lands conveyed under this section shall be restricted to provide the following prohibitions:

(1) The disposal of the lands or harvest of late-successional or old-growth timber, except for any timber sale or salvage sale approved before October 1, 1992, shall be prohibited.

(2) The disposal of land or harvest of timber and the construction of roads, structures, or other developed facilities on any such lands within the area identified as Critical Habitat Unit WA-33 (as identified by the United States Fish and Wildlife Service, January 1992), shall be prohibited except for routine maintenance of existings roads, trails, and drainage structures, and except as necessary to meet minimum requirements for the administration of the area to protect water quality or public health and safety, to maintain existing roads and trails, to help protect biological diversity or threatened or endangered species, or to regenerate old-growth forest ecosystems in second growth areas.

(f) OTHER GENERAL PROVISIONS CONCERNING EXCHANGE.—

(1) LANDS WITH SENSITIVE ENVIRONMENTAL VALUES.—The Secretary may not reject lands suggested for conveyance by the City under this section solely on the basis that such lands contain sensitive environmental values (including but not limited to old-growth forest or threatened or endangered species habitat).

(2) LIMITATION ON AMOUNT OF MONETARY PAYMENT.—In carrying out the exchange of lands under this section, the amount of money paid to the United States under this section may not exceed 25 percent of the total value of the Federal exchange lands.

(3) SISK ACT.—Any money received by the United States pursuant to this section shall be considered money received and deposited pursuant to the Act of December 4, 1967, as amended (Public Law 90-171, 16 U.S.C. 484a, commonly known as the "Sisk Act").

(4) SPECIAL RULE.—Determinations made by the Secretary in carrying out this section shall not be considered as decisionmaking.

(g) INCLUSION OF LANDS IN APPROPRIATE SYSTEM OR UNIT.—Lands acquired by the United States pursuant to this section shall be added to and become a part of the National Forest System or, as appropriate, such other system or area within which such lands are located and shall be administered as part of such System, unit, or area as provided by section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)). If any such lands lie outside the exterior boundaries of a national forest, the Secretary is hereby authorized and directed to modify the exterior boundaries of such forest to include such lands.

(h) INTERIM MANAGEMENT.—In order to protect the quality of drinking water and other values in the Cedar River Watershed during the period before the land exchange authorized and required by this section is completed, the Secretary of Agriculture shall manage the National Forest System lands within the hydrographic boundaries of the watershed to—

(1) prohibit public access to the watershed, except to—

(A) allow access only for the discharge of official duties related to the management of the Mt. Baker-Snoqualmie National Forest by Federal employees, holders of Forest Service contracts, and agents of the Forest Service; and

(B) allow access by officials of the City of Seattle and others authorized by the City; and

(2) maintain or improve existing characteristics of the watershed, including prohibiting the harvest of late-successional or old-growth timber, except for any timber sale or salvage sale approved before October 1, 1992.

(i) DEFINITIONS.—For the purposes of this section:

(1) CITY.—The term "City" means the city of Seattle, Washington.

(2) CITY LANDS.—The term "City lands" means approximately 17,587 acres of lands eligible to be conveyed by the City under this section, as generally described in "Cedar River Land Exchange: City of Seattle Water Department Offered Lands", dated September 1, 1992.

(3) EQUALIZATION LANDS.—The term "equalization lands" means any lands conveyed to the United States under subsection (c)(2) for the purpose of equalizing the difference in value between the City lands accepted by the Secretary under subsection (b) and the Federal exchange lands.

(4) FEDERAL EXCHANGE LANDS.—The term "Federal exchange lands" means the approximately 16,963 acres of lands owned by the United States located in the Cedar River Watershed in King County, Washington, as generally depicted on a map entitled "Cedar River Exchange-Forest Service Selected Lands" dated September 1, 1992.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma [Mr. ENGLISH] will be recognized for 20 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5605, as amended, and urge my colleagues to support its passage.

H.R. 5605, the Cedar River Watershed Land Exchange Act of 1992, provides for the transfer of forest lands in the Cedar River watershed of the Mount Baker-Snoqualmie National Forest in Washington State, to the city of Seattle. In return, the city is to provide the Secretary of Agriculture with lands of equal value and, if necessary, such funds as may be required to equalize the value of the lands so exchanged.

Mr. Speaker, this legislation is necessary to finally complete efforts to implement an agreement between the city of Seattle and the U.S. Forest Service which was consummated in 1962.

That agreement provided that the objective of the city is to obtain complete ownership and control of the Cedar River watershed, "so as to insure in perpetuity its management of the water and forest resources." In return, the Forest Service stated that its "ultimate objective within the—watershed—is to exchange national forest lands therein to the city in order thereby to consolidate national forest holdings elsewhere".

Despite efforts during the last three decades to consummate the exchanges provided by this agreement, only a portion of the 16,963 acres the city seeks to acquire from the Forest Service has been exchanged.

The city currently owns 81 percent of the lands in the Cedar River watershed. Given the importance of these lands for maintaining the purity of the drinking water which comes from these lands, it is anxious to obtain the remaining lands currently administered by the Forest Service.

H.R. 5605 would facilitate this exchange, but would do so in a manner that protects the interests of both the city and the Federal Government. Federal lands would be transferred to the city only to the extent that the city and the Forest Service are able to agree on candidate lands that the city offers the Forest Service for exchange. An initial list of lands, previously acquired by the city for this purpose with the concurrence of Forest Service officials, will serve as the first source of exchange lands. Should the value of these tracts not be sufficient to equalize the value of the Federal exchange lands, then, by mutual agreement, additional tracts of land would subsequently be identified by the city and exchanged with the Forest Service until land values have been equalized. If necessary in carrying out these exchanges, the city may pay up to 25 percent of the total value of the Federal exchange lands.

Mr. Speaker, I want to commend our colleague, Mr. MCDERMOTT, the city of Seattle, and the Forest Service for their efforts in developing this legislation. I also want to thank the chairman of the Committee on Interior and Insular Affairs, Mr. MILLER, and Interior Subcommittee Chairman VENTO for their help in expediting consideration of this bill.

Mr. Speaker, I urge the Members to support passage of H.R. 5605, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS of Wyoming. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5605.

This legislation would direct the Forest Service to exchange lands with the city of Seattle; which has been working with the Forest Service for several decades to consolidate ownership in the Cedar River watershed. The city of Seattle owns all but 17,000 acres within the watershed and would exchange lands of equal value elsewhere to complete the exchange and direct ownership to the city.

The Cedar River watershed provides the primary source of water to more than 1.2 million residents in the Greater Seattle metropolitan area and its standard of quality would be maintained through this exchange. Anything less than this total ownership for the city may imperil the quality of water delivered to the residents and require an exorbitant expenditure to construct treatment facilities. H.R. 5605 would provide the necessary protection of the Cedar River watershed and ensure continuing water quality to the Seattle metropolitan area.

Mr. Speaker, I urge that the House adopt H.R. 5605.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGLISH. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Speaker, the Cedar River watershed provides pristine, unfiltered drinking water from the western slopes of the Cascade Mountains to nearly one-quarter of Washington State's residents. For nearly a century, the city of Seattle has worked to obtain complete ownership of the Cedar River watershed. As a result of this effort, the city owns 81 percent of the watershed, with the U.S. Forest Service owning the remaining few parcels of land. H.R. 5605, the Cedar River Watershed Land Exchange Act of 1992, directs a process of land exchange at fair market value between the Forest Service and the city of Seattle that will result in complete ownership by the city.

The 1.2 million residents of King County, WA, who draw their drinking water from the Cedar River support Seattle's determination to control the watershed. At stake in the city's efforts to own the watershed is the risk of having to construct water treatment facilities that cost hundreds of millions of dollars. EPA regulations acknowledge the importance of the relationship between ownership of a watershed and the ability to control water quality. As the steward of the watershed, H.R. 5605 gives the city of Seattle the complete control it needs to exercise its responsibility to maintain water quality on behalf of local residents.

In exchange, the Forest Service will receive valuable lands that are more suitable for purposes of the National Forest System. Each parcel offered by the city of Seattle was purchased with the knowledge and concurrence of the U.S. Forest Service and in accordance with a cooperative agreement signed by the city and the Forest Service in 1962. The city's offered lands possess important recreational, wildlife, fisheries, watershed, wilderness, and resource extraction values desirable for acquisition by the United States. It should be noted that H.R. 5605 requires the Forest Service to accept only the lands that it desires, despite previous documented interest from the Forest Service in all parcels offered by the city.

I want to emphasize my belief that this bill provides the lasting benefits to the city of Seattle, and the general public, and in the protection of our natural resources. The Federal lands in the Cedar River watershed are individual parcels separated from each other and isolated from the National Forest System. The Nation benefits little from being minority owners of scattered parcels of lands in a watershed that will be off limits to all uses other than the protection of water quality for the city of Seattle. This bill simplifies management of the lands by establishing a single owner, gives Seattle the control it needs to maintain water quality, and offers the Nation substitute lands that meet the Forest Service's mandate to accommodate all potential uses of our natural resources.

In closing, I would like to point out to my colleagues that the history of Seattle's pursuit for ownership of its watershed is itself without precedent anywhere in the country. The city owns 81 percent of the watershed; it has purchased 17,500 acres of land, with Forest Service approval, to exchange with the Forest Service; it has negotiated an agreement with the Forest Service to accomplish this goal; and it has previously received encouragement from the Congress to follow this path.

I want to recognize and thank Representatives DE LA GARZA and VOLKMER, and their respective staffs for their efforts on behalf of this legislation. I urge my colleagues to support this bill and yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I rise in support of H.R. 5605 and commend Chairman VOLKMER and Mr. MCDERMOTT for their work on this bill which was jointly referred to the Committee on Interior and Insular Affairs and the Committee on Agriculture.

Originally, I had some concerns about this legislation. These concerns have been addressed in the language before us today. The bill now requires that the exchange between the Forest Service and the city of Seattle be an equal value exchange and that the lands involved be formally appraised using the uniform appraisal standards that are based on current law. Furthermore, the new language now requires that lands going into the National Forest System be worthy additions appropriate for national forest status and that the Forest Service be consulted and have final determination on which lands these should be.

Because of these improvements in the bill, I can now urge my colleagues to support the bill, as amended.

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Mr. THOMAS of Wyoming. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ENGLISH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DARDEN). The question is on the motion offered by the gentleman from Oklahoma [Mr. ENGLISH] that the House suspend the rules and pass the bill, H.R. 5605, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 5605.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

INTERNATIONAL NARCOTICS CONTROL ACT OF 1992

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6018) to amend the Foreign Assistance Act of 1961 with respect to international narcotics control programs and activities, and for other purposes.

The Clerk read as follows:

H.R. 6018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Narcotics Control Act of 1992".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Authorizations of appropriations.
Sec. 4. Amendments relating to certain authorities and requirements.
Sec. 5. Annual reporting and certification requirements.
Sec. 6. Technical, conforming, and other amendments; repeal of obsolete provisions.
Sec. 7. Exemption of narcotics-related military assistance for fiscal years 1993 through 1995 from prohibition on assistance for law enforcement agencies.
Sec. 8. Waiver of restrictions for narcotics-related economic assistance.
Sec. 9. Transfers of excess defense articles for counternarcotics purposes.
Sec. 10. Participants in international military education and training programs.
Sec. 11. Definition of appropriate congressional committees.
Sec. 12. Export-Import Bank financing of sales of defense articles or services.

SEC. 3. AUTHORIZATIONS OF APPROPRIATIONS.

Section 482(a)(1) of the Foreign Assistance Act of 1961 is amended by striking out "$115,000,000 for fiscal year 1990" and inserting in lieu thereof "$171,500,000 for fiscal year 1993, $171,500,000 for fiscal year 1994, and $171,500,000 for fiscal year 1995".

SEC. 4. AMENDMENTS RELATING TO CERTAIN AUTHORITIES AND REQUIREMENTS.

(a) POLICY STATEMENT.—Section 481 of the Foreign Assistance Act of 1961 is amended by striking out the section designation and section heading and subsection (a)(1) and inserting in lieu thereof the following:

"SEC. 481. POLICY, GENERAL AUTHORITIES, COORDINATION, FOREIGN POLICE ACTIONS, DEFINITIONS, AND OTHER PROVISIONS.

"(a) POLICY AND GENERAL AUTHORITIES.—

"(1) STATEMENTS OF POLICY.—(A) International narcotics trafficking poses an unparalleled transnational threat in today's world, and its suppression is among the most important foreign policy objectives of the United States.

"(B) Under the Single Convention on Narcotic Drugs, 1961, and under the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the parties are required to criminalize certain drug-related activities, provide appropriately severe penalties, and cooperate in the extradition of accused offenders.

"(C) International narcotics control programs should include, as priority goals, the suppression of the illicit manufacture of and trafficking in narcotic and psychotropic drugs, money laundering, and precursor chemical diversion, and the progressive elimination of the illicit cultivation of the crops from which narcotic and psychotropic drugs are derived.

"(D) The international community should provide assistance, where appropriate, to those producer and transit countries which require assistance in discharging these primary obligations.

"(E) The objective of the United States in dealing with the problem of international money laundering is to ensure that countries adopt comprehensive domestic measures against money laundering and cooperate with each other in narcotics money laundering investigations, prosecutions, and related forfeiture actions.

"(F) Effective international cooperation is necessary to control the illicit cultivation, production, and smuggling of, trafficking in, and abuse of narcotic and psychotropic drugs.".

(b) AUTHORITY TO CONCLUDE AGREEMENTS.—Section 481(a)(2) of that Act is amended by inserting ", including reciprocal maritime agreements," after "agreements".

(c) COORDINATION OF ALL UNITED STATES ANTINARCOTICS ASSISTANCE TO FOREIGN COUNTRIES.—Section 481(b) of that Act is amended to read as follows:

"(b) COORDINATION OF ALL UNITED STATES ANTINARCOTICS ASSISTANCE TO FOREIGN COUNTRIES.—

"(1) RESPONSIBILITY OF SECRETARY OF STATE.—Consistent with subtitle A of title I of the Anti-Drug Abuse Act of 1988, the Secretary of State shall be responsible for coordinating all assistance provided by the United States Government to support international efforts to combat illicit narcotics production or trafficking.

"(2) RULE OF CONSTRUCTION.—Nothing contained in this subsection or section 489(b) shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.".

(d) MARITIME LAW ENFORCEMENT IN ARCHIPELAGIC WATERS.—Section 481(c)(4) of that Act is amended by inserting "or archipelagic waters" after "sea".

(e) PROCUREMENT OF WEAPONS AND AMMUNITION.—Section 482(b) of that Act is amended to read as follows:

"(b) PROCUREMENT OF WEAPONS AND AMMUNITION.—

"(1) PROHIBITION.—Except as provided in paragraph (2), funds made available to carry out this chapter shall not be made available for the procurement of weapons or ammunition.

"(2) Exceptions.—Paragraph (1) shall not apply with respect to funds for the procurement of—

"(A) weapons or ammunition provided only for the defensive arming of aircraft used for narcotics-related purposes, or

"(B) firearms and related ammunition provided only for defensive purposes to employees or contract personnel of the Department of State engaged in activities under this chapter,

if, at least 15 days before obligating those funds, the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A.".

(f) Requirements Relating to Aircraft and Other Equipment.—

(1) Retention of title.—Section 484 of that Act is amended to read as follows:

"SEC. 484. REQUIREMENTS RELATING TO AIRCRAFT AND OTHER EQUIPMENT.

"(a) Retention of Title to Aircraft.—

"(1) In general.—(A) Except as provided in paragraph (2), any aircraft made available to a foreign country under this chapter, or made available to a foreign country primarily for narcotics-related purposes under any other provision of law, shall be provided only on a lease or loan basis.

"(B) Subparagraph (A) applies to aircraft made available at any time after October 27, 1986 (which was the date of enactment of the International Narcotics Control Act of 1986).

"(2) Exceptions.—(A) Paragraph (1) shall not apply to the extent that—

"(i) the application of that paragraph with respect to particular aircraft would be contrary to the national interest of the United States; and

"(ii) the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A.

"(B) Paragraph (1) does not apply with respect to aircraft made available to a foreign country under any provision of law that authorizes property that has been civilly or criminally forfeited to the United States to be made available to foreign countries.

"(3) Assistance for leasing of aircraft.—(A) For purposes of satisfying the requirement of paragraph (1), funds made available for the 'Foreign Military Financing Program' under section 23 of the Arms Export Control Act may be used to finance the leasing of aircraft under chapter 6 of that Act.

"(B) Section 61(a)(3) of that Act shall not apply with respect to leases so financed; rather the entire cost of any such lease (including any renewals) shall be an initial, one time payment of the amount which would be the sales price for the aircraft if they were sold under section 21(a)(1)(B) or section 22 of that Act (as appropriate).

"(C) To the extent that aircraft so leased were acquired under chapter 5 of that Act, funds used pursuant to this paragraph to finance such leases shall be credited to the Special Defense Acquisition Fund under chapter 5 of that Act (excluding the amount of funds that reflects the charges described in section 21(e)(1) of that Act). The funds described in the parenthetical clause of the preceding sentence shall be available for payments consistent with sections 37(a) and 43(b) of that Act.".

(2) Permissible uses of aircraft and other equipment.—Chapter 8 of part I of that Act is amended—

(A) by striking out the section designation and section heading of section 489;

(B) in subsection (a) of section 489, by striking out "In General" and inserting in lieu thereof "Permissible Uses of Aircraft and Other Equipment";

(C) in subsection (b) of section 489 by striking out "subsection (e)" and inserting in lieu thereof "section 489(a)";

(D) by redesignating subsections (a) and (b) of section 489 as subsections (b) and (c) of section 484 and inserting those subsections after subsection (a) of section 484 (as amended by paragraph (1) of this subsection); and

(E) by repealing subsections (c) and (d) of section 489.

(3) Records of aircraft use.—Section 485 of that Act is amended by striking out "Secretary of State" both places it appears and inserting in lieu thereof "President".

(g) Acquisition of Real Property; Construction of Facilities.—Section 488 of that Act is amended to read as follows:

"SEC. 488. LIMITATIONS ON ACQUISITION OF REAL PROPERTY AND CONSTRUCTION OF FACILITIES.

"(a) Acquisition of Real Property.—

"(1) Prohibition.—Funds made available to carry out this chapter may not be used to acquire (by purchase or other means) any land or other real property for use by foreign military, paramilitary, or law enforcement forces.

"(2) Exception for certain leases.—Paragraph (1) shall not apply to the acquisition of real property by lease of a duration not to exceed 3 years.

"(3) Report.—The Secretary of State shall provide to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate within 30 days after the end of each quarter of the fiscal year a detailed report on all leases entered into pursuant to paragraph (2), including the cost and duration of such lease, a description of the property leased, and the purpose for which such lease was entered into.

"(b) Construction of Facilities.—

"(1) Limitation.—Funds made available to carry out this chapter may not be used for construction of facilities for use by foreign military, paramilitary, or law enforcement forces unless, at least 15 days before obligating funds for such construction, the President notifies the appropriate congressional committees in accordance with procedures applicable to reprogramming notifications under section 634A.

"(2) Exception.—Paragraph (1) shall not apply to the construction of facilities which would require the obligation of less than $750,000 under this chapter.".

SEC. 5. ANNUAL REPORTING AND CERTIFICATION REQUIREMENTS.

(a) Revision of Requirements For Fiscal Years 1993 Through 1995.—Chapter 8 of part I of the Foreign Assistance Act of 1961, as amended by the preceding section of this Act, is amended by adding at the end the following:

"SEC. 489. REPORTING REQUIREMENTS FOR FISCAL YEARS 1993 THROUGH 1995.

"(a) International Narcotics Control Strategy Report.—Not later than April 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report containing the following:

"(1) For each country that received assistance under this chapter for either of the 2 preceding fiscal years, a report on the extent to which the country has—

"(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport, and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

"(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement; and

"(C) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts.

"(2)(A) A description of the policies adopted, agreements concluded, and programs implemented by the Department of State in pursuit of its delegated responsibilities for international narcotics control, including appropriate information on the status of negotiations between the United States and other countries on updated extradition treaties, mutual legal assistance treaties, precursor chemical controls, money laundering, and agreements pursuant to section 2015 of the International Narcotics Act of 1986 (relating to interdiction procedures for vessels of foreign registry).

"(B) Information on multilateral and bilateral strategies with respect to money laundering pursued by the Department of State, the Department of Justice, the Department of the Treasury, and other relevant United States Government agencies, either collectively or individually, to ensure the cooperation of foreign governments with respect to narcotics-related money laundering and to demonstrate that all United States Government agencies are pursuing a common strategy with respect to major money laundering countries. The report shall include specific detail to demonstrate that all United States Government agencies are pursuing a common strategy with respect to achieving international cooperation against money laundering and are pursuing a common strategy with respect to major money laundering countries, including a summary of United States objectives on a country-by-country basis.

"(3) The identity of those countries which are—

"(A) major illicit drug producing countries or major drug-transit countries as determined under section 490(h);

"(B) the significant direct or indirect sources of narcotics and psychotropic drugs and other controlled substances significantly affecting the United States;

"(C) major sources of precursor chemicals used in the production of illicit narcotics; or

"(D) major money laundering countries.

"(4) In addition, for each country identified pursuant to paragraph (3), the following:

"(A) A description of the plans, programs, and timetables adopted by such country, including efforts to meet the objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and a discussion of the adequacy of the legal and law enforcement measures taken and the accomplishments achieved in accord with those plans.

"(B) Whether as a matter of government policy, such country encourages or facilitates the illicit production or distribution of narcotic or psychotropic drugs or other controlled substances or the laundering of proceeds from illegal drug transactions; and whether any senior official of the government of such country engages in, encourages, or facilitates the illicit production or distribution of such drugs or substances, or the laundering of proceeds from illegal drug transactions.

"(5) In addition, for each country identified pursuant to paragraph (3)(A) or (3)(B), a detailed status report, with such information as can be reliably obtained, on the narcotic or psychotropic drugs or other controlled substances which are being cultivated, produced, or processed in or transported through such country, noting significant changes in conditions, such as increases or decreases in the illicit cultivation and manufacture of and traffic in such drugs and substances.

"(6) In addition, for those countries identified pursuant to paragraph (3)(C)—

"(A) which countries are parties to international agreements on a method for maintaining records of transactions of an established list of precursor and essential chemicals;

"(B) which countries have established a procedure by which such records may be made available to United States law enforcement authorities; and

"(C) which countries have enacted national chemical control legislation which would impose specific recordkeeping and reporting requirements for listed chemicals, establish a system of permits or declarations for imports and exports of listed chemicals, and authorize government officials to seize or suspend shipments of listed chemicals.

"(7) In addition, for those countries identified pursuant to paragraph (3)(D) the following:

"(A)(i) Which countries have financial institutions engaging in currency transactions involving international narcotics trafficking proceeds that include significant amounts of United States currency or currency derived from illegal drug sales in the United States or that otherwise significantly affect the United States;

"(ii) which countries identified pursuant to clause (i) have not reached agreement with the United States authorities on a mechanism for exchanging adequate records in connection with narcotics investigations and proceedings; and

"(iii) which countries identified pursuant to clause (ii)—

"(I) are negotiating in good faith with the United States to establish such a record-exchange mechanism, or

"(II) have adopted laws or regulations that ensure the availability to appropriate United States Government personnel and those of other governments of adequate records in connection with narcotics investigations and proceedings.

"(B) Which countries—

"(i) have ratified the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and are taking steps to implement that Convention and other applicable agreements and conventions such as the recommendations of the Financial Action Task Force, the policy directive of the European Community, the legislative guidelines of the Organization of American States, and other similar declarations; and

"(ii) have entered into bilateral agreements for the exchange of information on money-laundering with countries other than the United States.

"(C) Findings on each country's adoption of law and regulations considered essential to prevent narcotics-related money laundering. Such findings shall include whether a country has—

"(i) criminalized narcotics money laundering;

"(ii) required banks and other financial institutions to know and record the identity of customers engaging in significant transactions, including the recording of large currency transactions at thresholds appropriate to that country's economic situation;

"(iii) required banks and other financial institutions to maintain, for an adequate time, records necessary to reconstruct significant transactions through financial institutions in order to be able to respond quickly to information requests from appropriate government authorities in narcotics-related money laundering cases;

"(iv) required or allowed financial institutions to report suspicious transactions;

"(v) established systems for identifying, tracing, freezing, seizing, and forfeiting narcotics-related assets;

"(vi) enacted laws for the sharing of seized narcotics assets with other governments;

"(vii) cooperated, when requested, with appropriate law enforcement agencies of other governments investigating financial crimes related to narcotics; and

"(viii) addressed the problem on international transportation of illegal-source currency and monetary instruments.

The report shall also detail instances of refusals to cooperate with foreign governments, and any actions taken by the United States Government and any international organization to address such obstacles, including the imposition of sanctions or penalties.

"(b) ANNUAL REPORTS ON ASSISTANCE.—

"(1) IN GENERAL.—At the time that the report required by subsection (a) is submitted each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the assistance provided or proposed to be provided by the United States Government during the preceding fiscal year, the current fiscal year, and the next fiscal year to support international efforts to combat illicit narcotics production or trafficking.

"(2) INFORMATION TO BE INCLUDED.—Each report pursuant to this subsection shall—

"(A) specify the amount and nature of the assistance provided or to be provided;

"(B) include, for each country identified in subsection (a)(3)(A), information from the Drug Enforcement Administration, the Customs Service, and the Coast Guard describing in detail—

"(i) the assistance provided or to be provided to such country by that agency, and

"(ii) the assistance provided or to be provided to that agency by such country,

with respect to narcotic control efforts during the preceding fiscal year, the current fiscal year, and the next fiscal year; and

"(C) list all transfers, which were made by the United States Government during the preceding fiscal year, to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity, including an estimate of the fair market value and physical condition of each item of property transferred.

"(3) REPORTS MAY BE CLASSIFIED.—The reports required by this subsection may be provided on a classified basis to the extent necessary.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'precursor chemical' has the same meaning as the term 'listed chemical' has under paragraph (33) of section 102 of the Controlled Substances Act (21 U.S.C. 902(33)); and

"(2) the term 'major money laundering country' means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking.

"(d) EFFECTIVE DATES OF SECTIONS.—This section applies only during fiscal years 1993 through 1995. Section 489A does not apply during those fiscal years.

"SEC. 489A. REPORTING REQUIREMENTS APPLICABLE AFTER SEPTEMBER 30, 1995.

"(a) INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.—

"(1) REQUIREMENT FOR REPORT.—Not later than March 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report on United States policy to establish and encourage an international strategy to prevent the illicit cultivation and manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances.

"(2) CONTENTS.—Each report pursuant to this subsection shall include the following:

"(A) A description of the policies adopted, agreements concluded, and programs implemented by the Department of State in pursuit of its delegated responsibilities for international narcotics control, including policy development, bilateral and multilateral funding and other support for international narcotics control projects, representations of the United States Government to international organizations and agencies concerned with narcotics control, training of foreign enforcement personnel, coordination of the international narcotics control activities of United States Government agencies, and technical assistance to international demand reduction programs.

"(B) A description of the activities of the United States in international financial institutions to combat the entry of narcotic and psychotropic drugs and other controlled substances into the United States for the fiscal year just ended, for the current fiscal year, and for the next fiscal year.

"(C) The identity of those countries which are the significant direct or indirect sources of narcotic and psychotropic drugs and other controlled substances significantly affecting the United States. For each such country, each report shall include the following:

"(i) A detailed status report, with such information as can be reliably obtained, on the narcotic or psychotropic drugs or other controlled substances which are being cultivated, produced, or processed in or transported through such country, noting significant changes in conditions, such as increases or decreases in the illicit cultivation and manufacture of and traffic in such drugs and substances.

"(ii) A description of the assistance under this chapter and the other kinds of United States assistance which such country received in the preceding fiscal year, which are planned for such country for the current fiscal year, and which are proposed for such country for the next fiscal year, with an analysis of the impact that the furnishing of each such kind of assistance has had or is expected to have on the illicit cultivation and manufacture of and traffic in narcotic and psychotropic drugs and other controlled substances in such country.

"(iii) A description of the plans, programs, and timetables adopted by such country for the progressive elimination of the illicit cultivation of narcotic and psychotropic drugs and other controlled substances, and a discussion of the adequacy of the legal and law enforcement measures taken and the accomplishments achieved in accord with these plans.

"(iv) A discussion of the extent to which such country has cooperated with United States narcotics control efforts through the extradition or prosecution of drug traffickers, and, where appropriate, a description of the status of negotiations with such country to negotiate a new or updated extradition treaty relating to narcotics offenses.

"(D) For each major illicit drug producing country for which the President is proposing to furnish United States assistance for the next fiscal year, a determination by the President of the maximum reductions in illicit drug production which are achievable during the next fiscal year. Each such determination shall be expressed in numerical terms, such as the number of acres of illicitly cultivated controlled substances which can be eradicated.

"(E) For each major illicit drug producing country which received United States assistance for the preceding fiscal year, the actual reductions in illicit drug production achieved by that country during such fiscal year.

"(F) Specific comments and recommendations by appropriate Federal agencies involved in drug enforcement, including the United States Customs Service and the Drug Enforcement Administration, with respect to the degree to which countries listed in the report have, during the preceding year, cooperated fully with such agencies (as described in section 490A(b)).

"(G) A description of the United States assistance for the preceding fiscal year which was denied, pursuant to section 490 or 490A, to each major illicit drug producing country and each major drug-transit country.

"(b) Midyear Report.—Not later than September 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a complete and detailed midyear report on the activities and operations carried out under this chapter prior to such date. Such midyear report shall include the status of each agreement concluded prior to such date with other countries to carry out this chapter.

"(c) Annual Reports on Assistance.—

"(1) In general.—At the time that the report required by subsection (a) is submitted each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the assistance provided by the United States Government during the preceding fiscal year to support international efforts to combat illicit narcotics production or trafficking.

"(2) Information to be included.—Each report pursuant to this subsection shall—

"(A) specify the amount and nature of the assistance provided;

"(B) include, for each country which is a significant direct or indirect source of narcotic and psychotropic drugs and other controlled substances significantly affecting the United States, a section prepared by the Drug Enforcement Administration, a section prepared by the Customs Service, and a section prepared by the Coast Guard, which describes in detail—

"(i) the assistance provided or to be provided (as the case may be) to such country by that agency, and

"(ii) the assistance provided or to be provided (as the case may be) to that agency by such country,

with respect to narcotic control efforts during the preceding fiscal year, the current fiscal year, and the next fiscal year; and

"(C) list all transfers, which were made by the United States Government during the preceding fiscal year, to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the United States Government in connection with narcotics-related activity, including an estimate of the fair market value and physical condition of each item of property transferred.

"(3) Reports may be classified.—The reports required by this subsection may be provided on a classified basis to the extent necessary.

"SEC. 490. ANNUAL CERTIFICATION PROCEDURES FOR FISCAL YEARS 1993 THROUGH 1995.

"(a) Withholding of Bilateral Assistance and Opposition to Multilateral Development Assistance.—

"(1) Bilateral assistance.—Fifty percent of the United States assistance allocated each fiscal year in the report required by section 653 for each major illicit drug producing country or major drug-transit country (as determined under subsection (h)) shall be withheld from obligation and expenditure, except as provided in subsection (b). This paragraph shall not apply with respect to a country if the President determines that its application to that country would be contrary to the national interest of the United States, except that any such determination shall not take effect until at least 15 days after the President submits written notification of that determination to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A.

"(2) Multilateral assistance.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the United States Executive Director of the International Development Association, the United States Executive Director of the Inter-American Development Bank, and the United States Executive Director of the Asian Development Bank to vote, on and after April 1 of each year, against any loan or other utilization of the funds of their respective institution to or for any major illicit drug producing country or major drug-transit country (as determined under subsection (h)), except as provided in subsection (b).

"(b) Certification Procedures.—

"(1) What must be certified.—Subject to subsection (d), the assistance withheld from a country pursuant to subsection (a)(1) may be obligated and expended, and the requirement of subsection (a)(2) to vote against multilateral development bank assistance to a country shall not apply, if the President determines and certifies to the Congress, at the time of the submission of the report required by section 489(a), that—

"(A) during the previous year the country has cooperated with the United States, or has taken adequate steps on its own, to achieve full compliance with the goals and objectives established by the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

"(B) for a country that would not otherwise qualify for certification under subparagraph (A), the vital national interests of the United States require that the assistance withheld pursuant to subsection (a)(1) be provided and that the United States not vote against multilateral development bank assistance for that country pursuant to subsection (a)(2).

"(2) Considerations regarding cooperation.—In making the determination described in paragraph (1)(A), the President shall consider the extent to which the country has—

"(A) met the goals and objectives of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, including action on such issues as illicit cultivation, production, distribution, sale, transport and financing, and money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemical control, and demand reduction;

"(B) accomplished the goals described in an applicable bilateral narcotics agreement with the United States or a multilateral agreement; and

"(C) taken legal and law enforcement measures to prevent and punish public corruption, especially by senior government officials, that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts.

"(3) Information to be included in national interest certification.—If the President makes a certification with respect to a country pursuant to paragraph (1)(B), the President shall include in such certification—

"(A) a full and complete description of the vital national interests placed at risk if United States bilateral assistance to that country is terminated pursuant to this section and multilateral development bank assistance is not provided to such country; and

"(B) a statement weighing the risk described in subparagraph (A) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combating narcotics or to take adequate steps to combat narcotics on its own.

"(c) Licit Opium Producing Countries.—The President may make a certification under subsection (b)(1)(A) with respect to a major illicit drug producing country, or major drug-transit country, that is a producer of licit opium only if the President determines that such country has taken steps to prevent significant diversion of its licit cultivation and production into the illicit market, maintains production and stockpiles at levels no higher than those consistent with licit market demand, and prevents illicit cultivation and production.

"(d) Congressional Review.—Subsection (e) shall apply if, within 45 calendar days after receipt of a certification submitted under subsection (b) at the time of submission of the report required by section 489(a), the Congress enacts a joint resolution disapproving the determination of the President contained in such certification.

"(e) Denial of Assistance for Countries Decertified.—If the President does not make a certification under subsection (b) with respect to a country or the Congress enacts a joint resolution disapproving such certification, then until such time as the conditions specified in subsection (f) are satisfied—

"(1) funds may not be obligated for United States assistance for that country, and funds previously obligated for United States assistance for that country may not be expended for the purpose of providing assistance for that country; and

"(2) the requirement to vote against multilateral development bank assistance pursuant to subsection (a)(2) shall apply with respect to that country, without regard to the date specified in that subsection.

"(f) RECERTIFICATION.—Subsection (e) shall apply to a country described in that subsection until—

"(1) the President, at the time of submission of the report required by section 489(a), makes a certification under subsection (b)(1)(A) or (b)(1)(B) with respect to that country, and the Congress does not enact a joint resolution under subsection (d) disapproving the determination of the President contained in that certification; or

"(2) the President, at any other time, makes the certification described in subsection (b)(1)(B) with respect to that country, except that this paragraph applies only if either—

"(A) the President also certifies that—

"(i) that country has undergone a fundamental change in government, or

"(ii) there has been a fundamental change in the conditions that were the reason—

"(I) why the President had not made a certification with respect to that country under subsection (b)(1)(A), or

"(II) if he had made such a certification and the Congress enacted a joint resolution disapproving the determination contained in the certification, why the Congress enacted that joint resolution; or

"(B) the Congress enacts a joint resolution approving the determination contained in the certification under subsection (b)(1)(B).

Any certification under subparagraph (A) of paragraph (2) shall discuss the justification for the certification.

"(g) CONGRESSIONAL REVIEW PROCEDURES.—

"(1) SENATE.—Any joint resolution under this section shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(2) HOUSE OF REPRESENTATIVES.—For the purpose of expediting the consideration and enactment of joint resolutions under this section, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(h) DETERMINING MAJOR DRUG-TRANSIT AND MAJOR ILLICIT DRUG PRODUCING COUNTRIES FOR FISCAL YEARS 1993 THROUGH 1995.—Not later than January 1 of each year, the President shall notify the appropriate committees of the Congress of which countries have been determined to be major drug-transit countries, and which countries have been determined to be major illicit drug producing countries, for purposes of this Act.

"(i) EFFECTIVE DATES OF SECTIONS.—This section applies only during fiscal years 1993 through 1995. During those fiscal years, section 490A does not apply and the definitions provided in section 481(e)(2) and (5) do not apply.

"SEC. 490A. ANNUAL CERTIFICATION PROCEDURES AFTER SEPTEMBER 30, 1995.

"(a) WITHHOLDING OF BILATERAL ASSISTANCE AND OPPOSITION TO MULTILATERAL DEVELOPMENT ASSISTANCE.—

"(1) BILATERAL ASSISTANCE.—Fifty percent of the United States assistance allocated each fiscal year in the report required by section 653 for each major illicit drug producing country or major drug-transit country shall be withheld from obligation and expenditure, except as provided in subsection (b).

"(2) MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development, the United States Executive Director of the International Development Association, the United States Executive Director of the Inter-American Development Bank, and the United States Executive Director of the Asian Development Bank to vote, on and after March 1 of each year, against any loan or other utilization of the funds of their respective institution to or for any major illicit drug producing country or major drug-transit country, except as provided in subsection (b).

"(b) CERTIFICATION PROCEDURE.—

"(1) WHAT MUST BE CERTIFIED.—Subject to subsection (d), the assistance withheld from a country pursuant to subsection (a)(1) may be obligated and expended, and the requirement of subsection (a)(2) to vote against multilateral development bank assistance to a country shall not apply, if the President determines and certifies to the Congress, at the time of the submission of the report required by section 489A(a), that—

"(A) during the previous year the country has cooperated fully with the United States, or has taken adequate steps on its own—

"(i) in satisfying the goals agreed to in an applicable bilateral narcotics agreement with the United States (as described in paragraph (2)) or a multilateral agreement which achieves the objectives of paragraph (2),

"(ii) in preventing narcotic and psychotropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States,

"(iii) in preventing and punishing the laundering in that country of drug-related profits or drug-related moneys, and

"(iv) in preventing and punishing bribery and other forms of public corruption which facilitate the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts; or

"(B) for a country that would not otherwise qualify for certification under subparagraph (A), the vital national interests of the United States require that the assistance withheld pursuant to subsection (a)(1) be provided and that the United States not vote against multilateral development bank assistance for that country pursuant to subsection (a)(2).

"(2) BILATERAL NARCOTICS AGREEMENT.—A bilateral narcotics agreement referred to in paragraph (1)(A)(i) is an agreement between the United States and a foreign country in which the foreign country agrees to take specific activities, including, where applicable, efforts to—

"(A) reduce drug production, drug consumption, and drug trafficking within its territory, including activities to address illicit crop eradication and crop substitution;

"(B) increase drug interdiction and enforcement;

"(C) increase drug treatment;

"(D) increase the identification of and elimination of illicit drug laboratories;

"(E) increase the identification of, and elimination of trafficking in, essential precursor chemicals for use in the illicit production of narcotic and psychotropic drugs and other controlled substances;

"(F) increase cooperation with United States drug enforcement officials; and

"(G) where applicable, increase participation in extradition treaties, mutual legal assistance provisions directed at money laundering, sharing of evidence, and other initiatives for cooperative drug enforcement.

"(3) REQUIREMENT FOR NARCOTICS AGREEMENT FOR CERTAIN COUNTRIES.—A country which in the previous year was designated as a major illicit drug producing country or a major drug-transit country may not be determined to be cooperating fully under paragraph (1)(A) unless it has in place a bilateral narcotics agreement with the United States or a multilateral agreement which achieves the objectives of paragraph (2).

"(4) INFORMATION TO BE INCLUDED IN CERTIFICATION.—If the President makes a certification with respect to a country pursuant to paragraph (1)(B), the President shall include in such certification—

"(A) a full and complete description of the vital national interests placed at risk if United States bilateral assistance to that country is terminated pursuant to this section and multilateral development bank assistance is not provided to such country; and

"(B) a statement weighing the risk described in subparagraph (A) against the risks posed to the vital national interests of the United States by the failure of such country to cooperate fully with the United States in combating narcotics or to take adequate steps to combat narcotics on its own.

"(5) LICIT OPIUM PRODUCING COUNTRIES.—The President may make a certification under paragraph (1)(A) with respect to a major illicit drug producing country, or major drug-transit country, that is a producer of licit opium only if the President determines that such country has taken steps to prevent significant diversion of its licit cultivation and production into the illicit market, maintains production and stockpiles at levels no higher than those consistent with licit market demand, and prevents illicit cultivation and production.

"(c) MATTERS TO BE CONSIDERED.—In determining whether to make the certification required by subsection (b) with respect to a country, the President shall consider the following:

"(1) Have the actions of the government of that country resulted in the maximum reductions in illicit drug production which were determined to be achievable pursuant to section 489A(a)(2)(D)? In the case of a major illicit drug producing country, the President shall give foremost consideration, in determining whether to make the determination required by subsection (b)(1)(A), to whether the government of that country has taken actions which have resulted in such reductions.

"(2) Has that government taken the legal and law enforcement measures to enforce in its territory, to the maximum extent possible, the elimination of illicit cultivation and the suppression of illicit manufacturing of and trafficking in narcotic and psychotropic drugs and other controlled substances, as evidenced by seizures of such drugs and substances and of illicit laboratories and the arrest and prosecution of violators involved in the traffic in such drugs and substances significantly affecting the United States?

"(3) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, the laundering in that country of drug-related profits or drug-related moneys, as evidenced by—

"(A) the enactment and enforcement by that government of laws prohibiting such conduct;

"(B) that government entering into, and cooperating under the terms of, mutual legal assistance agreements with the United States governing (but not limited to) money laundering; and

"(C) the degree to which that government otherwise cooperates with United States law enforcement authorities on anti-money laundering efforts?

"(4) Has that government taken the legal and law enforcement steps necessary to eliminate, to the maximum extent possible, bribery and other forms of public corruption which facilitate the illicit production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or which discourage the investigation and prosecution of such acts, as evidenced by the enactment and enforcement of laws prohibiting such conduct?

"(5) Has that government, as a matter of government policy, encouraged or facilitated the illicit production or distribution of narcotic and psychotropic drugs and other controlled substances?

"(6) Does any senior official of that government engage in, encourage, or facilitate the illicit production or distribution of narcotic and psychotropic drugs and other controlled substances?

"(7) Has that government investigated aggressively all cases in which any member of an agency of the United States Government engaged in drug enforcement activities has been the victim, since January 1, 1985, of acts or threats of violence, inflicted by or with the complicity of any law enforcement or other officer of such country or any political subdivision thereof, and energetically sought to bring the perpetrators of such offense or offenses to justice?

"(8) Having been requested to do so by the United States Government, does that government fail to provide reasonable cooperation to lawful activities of United States drug enforcement agents, including the refusal of permission to such agents engaged in interdiction of aerial smuggling into the United States to pursue suspected aerial smugglers a reasonable distance into the airspace of the requested country?

"(9) Has that government made necessary changes in legal codes in order to enable law enforcement officials to move more effectively against narcotics traffickers, such as new conspiracy laws and new asset seizure laws?

"(10) Has that government expeditiously processed United States extradition requests relating to narcotics trafficking?

"(11) Has that government refused to protect or give haven to any known drug traffickers, and has it expeditiously processed extradition requests relating to narcotics trafficking made by other countries?

"(d) CONGRESSIONAL REVIEW.—Subsection (e) shall apply if, within 45 days of continuous session (within the meaning of section 601(b)(1) of the International Security Assistance and Arms Export Control Act of 1976) after receipt of a certification under subsection (b), the Congress enacts a joint resolution disapproving the determination of the President contained in such certification.

"(e) DENIAL OF ASSISTANCE FOR COUNTRIES DECERTIFIED.—If the President does not make a certification under subsection (b) with respect to a country or the Congress enacts a joint resolution disapproving such certification, then until such time as the conditions specified in subsection (f)(1) are satisfied—

"(1) funds may not be obligated for United States assistance for that country, and funds previously obligated for United States assistance for that country may not be expended for the purpose of providing assistance for that country; and

"(2) the requirement to vote against multilateral development bank assistance pursuant to subsection (a)(2) shall apply with respect to that country, without regard to the date specified in that subsection.

"(f) RECERTIFICATION.—

"(1) TIME OF RECERTIFICATION; CONGRESSIONAL ACTION.—Subsection (e) shall apply to a country described in that subsection until—

"(A) the President makes a certification under subsection (b) with respect to that country, and the Congress does not enact a joint resolution under subsection (d) disapproving the determination of the President contained in that certification; or

"(B) the President submits, at any other time, a certification described in subparagraph (A) or (B) of subsection (b)(1) with respect to such country, and the Congress enacts a joint resolution approving the determination of the President contained in that certification.

"(2) CONGRESSIONAL REVIEW PROCEDURES.—(A) Any joint resolution under this section shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(B) For the purpose of expediting the consideration and enactment of joint resolutions under this section, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(g) DETERMINING MAJOR DRUG-TRANSIT AND MAJOR ILLICIT DRUG PRODUCING COUNTRIES AFTER SEPTEMBER 30, 1995.—

"(1) ESTABLISHMENT OF GUIDELINES.—For each calendar year, the Secretary of State, after consultation with the appropriate committees of the Congress, shall establish numerical standards and other guidelines for determining which countries will be considered to be major drug-transit countries under subparagraphs (A) and (B) of section 481(e)(5).

"(2) NOTICE TO CONGRESS OF PRELIMINARY STANDARDS.—Not later than September 1 of each year, the Secretary of State shall make a preliminary determination of the numerical standards and other guidelines to be used pursuant to paragraph (1) with respect to that year and shall notify the appropriate committees of the Congress of those standards and guidelines.

"(3) NOTICE TO CONGRESS OF PRELIMINARY DETERMINATIONS.—Not later than October 1 of each year, the Secretary of State shall notify the appropriate committees of the Congress of—

"(A) which countries have been determined to be major drug-transit countries for that year under the numerical standards and other guidelines developed pursuant to this subsection; and

"(B) which countries have been determined to be major illicit drug producing countries for that year.".

(b) DEFINITION OF UNITED STATES ASSISTANCE.—Paragraph (4) of section 481(i) of that Act is amended to read as follows:

"(4) the term 'United States assistance' means—

"(A) any assistance under this Act (including programs under title IV of chapter 2, relating to the Overseas Private Investment Corporation), other than—

"(i) assistance under this chapter,

"(ii) any other narcotics-related assistance under this part (including chapter 4 of part II), but any such assistance provided under this clause shall be subject to the prior notification procedures applicable to reprogrammings pursuant to section 634A of this Act,

"(iii) disaster relief assistance, including any assistance under chapter 9 of this part,

"(iv) assistance which involves the provision of food (including monetization of food) or medicine, and

"(v) assistance for refugees;

"(B) sales, or financing on any terms, under the Arms Export Control Act;

"(C) the provision of agricultural commodities, other than food, under the Agricultural Trade Development and Assistance Act of 1954; and

"(D) financing under the Export-Import Bank Act of 1945;".

SEC. 6. TECHNICAL, CONFORMING, AND OTHER AMENDMENTS; REPEAL OF OBSOLETE PROVISIONS.

(a) STATUTORY REFERENCES TO ANNUAL REPORTS, CERTIFICATIONS, AND DEFINITIONS.—After September 30, 1995, any reference in any provision of law to section 489 or 490 of the Foreign Assistance Act of 1961 shall be deemed to be a reference to the corresponding provision of section 489A or 490A, respectively, unless the context requires otherwise. Any reference in any provision of law enacted before the date of enactment of this Act to section 481(e) or section 481(i) of that Act shall be deemed to be a reference to section 489 or section 481(e) (as amended by subsection (b)(3) of this section), respectively; and any reference in any provision of law enacted before the date of enactment of this Act to section 481(h) of that Act shall be deemed, as of October 1, 1992, to be a reference to section 490.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO FOREIGN ASSISTANCE ACT.—Chapter 8 of part I of the Foreign Assistance Act of 1961 is amended as follows:

(1) Section 481(d)(3) is amended by striking out "subsection (e)" and inserting in lieu thereof "section 489(a)".

(2) Subsections (e), (f), (g), (h), (j), and (k) of section 481 are repealed.

(3) Subsection (i) of section 481 is amended by striking out "(i) As used in this section—" and inserting in lieu thereof "(e) DEFINITIONS.—Except as provided in sections 490(h) and (i) with respect to the definition of major illicit drug producing country and major drug-transit country, for purposes of this chapter and other provisions of this Act relating specifically to international narcotics matters—".

(4) Subsection (c) of section 482 is repealed, and subsection (d) of that section is redesignated as subsection (c).

(5) Section 486 is amended—

(A) in subsection (a), in the text preceding paragraph (1), by striking out "481(h)" and inserting in lieu thereof "490"; and

(B) in subsection (b), by striking out "(relating to foreign military sales financing)" and inserting in lieu thereof "(relating to the 'Foreign Military Financing Program')".

(6) Section 487(a)(1) is amended by striking out "(as defined in section 481(i)(3) of this Act)".

(c) CONFORMING AMENDMENTS TO EXPORT-IMPORT BANK ACT.—Section 2(b)(6) of the Export-Import Bank Act of 1945 is amended—

(1) in subparagraph (B)(iii), by striking out "481(h)(5)" and inserting in lieu thereof "490(e)"; and

(2) in subparagraph (C)(ii), by striking out "defined in section 481(i)" and inserting in

lieu thereof "determined under section 490(h) or 481(e), as appropriate,".

(d) AMENDMENT TO 1989 DRUG ACT.—Section 3 of the International Narcotics Control Act of 1989 is amended by adding at the end the following:

"(j) CERTAIN FUNDING LIMITATIONS.—The dollar limitations specified in subsections (c)(1) and (d)(1) shall not apply after the date of enactment of this subsection.".

(e) REPEAL OF OBSOLETE PROVISIONS.—

(1) 1988 DRUG ACT.—All sections of the International Narcotics Control Act of 1988 (which is title IV of the Anti-Drug Abuse Act of 1988) are repealed except for sections 4001, 4306, 4308, 4309, 4501, 4702, and 4804. Section 4501(b) of that Act is amended by striking out "Section 4601 of this title" and inserting in lieu thereof "Section 489(b) of the Foreign Assistance Act of 1961".

(2) 1986 DRUG ACT.—All sections of the International Narcotics Control Act of 1986 (which is title II of the Anti-Drug Abuse Act of 1986) are repealed except for sections 2001, 2010, 2015, 2018, and 2029.

SEC. 7. EXEMPTION OF NARCOTICS-RELATED MILITARY ASSISTANCE FOR FISCAL YEARS 1993 THROUGH 1995 FROM PROHIBITION ON ASSISTANCE FOR LAW ENFORCEMENT AGENCIES.

(a) EXEMPTION.—For fiscal years 1993 through 1995, section 660 of the Foreign Assistance Act of 1961 shall not apply with respect to—

(1) transfers of excess defense articles under section 517 of that Act;

(2) funds made available for the "Foreign Military Financing Program" under section 23 of the Arms Export Control Act that are used for assistance provided for narcotics-related purposes; or

(3) international military education and training under chapter 5 of part II of the Foreign Assistance Act of 1961 that is provided for narcotics-related purposes.

(b) NOTIFICATION TO CONGRESS.—At least 15 days before any transfer under subsection (a)(1) or any obligation of funds under subsection (a)(2) or (a)(3), the President shall notify the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(c) COORDINATION WITH INTERNATIONAL NARCOTICS CONTROL ASSISTANCE PROGRAM.—Assistance provided pursuant to this section shall be coordinated with international narcotics control assistance under chapter 8 of part I of the Foreign Assistance Act of 1961.

SEC. 8. WAIVER OF RESTRICTIONS FOR NARCOTICS-RELATED ECONOMIC ASSISTANCE.

For fiscal years 1992 through 1995, narcotics-related assistance under part I of the Foreign Assistance Act of 1961 may be provided notwithstanding any provision of law that restricts assistance to foreign countries (other than section 490(e) of that Act) if, at least 15 days before obligating funds for such assistance, the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of that Act.

SEC. 9. TRANSFERS OF EXCESS DEFENSE ARTICLES FOR COUNTERNARCOTICS PURPOSES.

(a) CHANGES IN AUTHORITIES.—Section 517 of the Foreign Assistance Act of 1961 is amended—

(1) in the section heading, by striking out "**MILITARY CAPABILITIES OF CERTAIN MAJOR ILLICIT DRUG PRODUCING**" and inserting in lieu thereof "**COUNTERNARCOTICS CAPABILITIES OF CERTAIN**";

(2) in subsection (a)(1), by striking out "(as defined in section 481(i)(2))" and inserting in lieu thereof "or a major drug-transit country";

(3) in subsection (b)—

(A) by inserting "and local law enforcement agencies" after "military forces";

(B) by striking out "with local law enforcement agencies" and inserting in lieu thereof "cooperatively"; and

(C) by striking out "(as defined in section 481(i)(3))";

(4) in subsection (d), by striking out "4601 of the International Narcotics Control Act of 1988" and inserting in lieu thereof "481(b) of this Act";

(5) in subsection (i), by striking out "30" and inserting in lieu thereof "15"; and

(6) by adding at the end the following:

"(j) LIMITATION ON USE OF OTHER AUTHORITIES TO TRANSFER EXCESS DEFENSE ARTICLES.—The transfer authority provided in sections 518 and 519 may not be exercised with respect to any major illicit drug producing country or major drug-transit country in Latin America or the Caribbean.

"(k) EXCESS COAST GUARD PROPERTY.—As used in this section, the term 'excess defense articles' shall be deemed to include excess property of the Coast Guard, and the term 'Department of Defense' shall be deemed, with respect to such excess property, to include the Coast Guard.".

(b) EXCLUSION OF CONSTRUCTION EQUIPMENT FROM DEFINITION OF EXCESS DEFENSE ARTICLES.—Section 644(g) of that Act is amended by inserting "(other than construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors)" after "articles" the second place it appears.

SEC. 10. PARTICIPANTS IN INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAMS.

Section 541 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting ", and may also include legislators," after "ministries of defense"; and

(2) by striking out "or (iii)" and inserting in lieu thereof "(iii) contribute to cooperation between military and law enforcement personnel with respect to counternarcotics law enforcement efforts, or (iv)".

SEC. 11. DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.

(a) FOREIGN ASSISTANCE ACT AMENDMENTS.—Section 481(e) of the Foreign Assistance Act of 1961, as amended by the preceding provisions of this Act, is amended—

(1) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and"; and

(2) after paragraph (5) insert the following:

"(6) the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

(b) FREE-STANDING PROVISIONS OF THIS ACT.—As used in this Act, the term "appropriate congressional committees" has the definition given that term by section 481(e)(6) of the Foreign Assistance Act of 1961 (as added by subsection (a) of this section).

SEC. 12. EXPORT-IMPORT BANK FINANCING OF SALES OF DEFENSE ARTICLES OR SERVICES.

(a) EXTENSION OF AUTHORITY.—Section 2(b)(6) of the Export-Import Bank Act of 1945 is amended by striking out "1992" in subparagraph (B)(vi) and inserting in lieu thereof "1997".

(b) ADDITIONAL CRITERIA FOR NATIONAL INTEREST WAIVER.—Section 2(b)(6)(D)(i) of that Act is amended by striking out "and" at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following:

"(II) the President determines, after consultation with the Assistant Secretary of State for Human Rights and Humanitarian Affairs, that the purchasing country has complied with all restrictions imposed by the United States on the end use of any defense articles or services for which a guarantee or insurance was provided under subparagraph (B), and has not used any such defense articles or services to engage in a consistent pattern of gross violations of internationally recognized human rights; and".

(c) CONFORMING AMENDMENTS.—

(1) EXPORT-IMPORT BANK ACT.—Section 2(b)(6) of that Act is amended—

(A) in subparagraph (A), by striking out "designated" and all that follows through the end of the subparagraph and inserting in lieu thereof ", except as otherwise provided in subparagraph (B).";

(B) in subparagraph (B)—

(i) by striking out ", and section 32 of the Arms Export Control Act,"; and

(ii) in clause (v), by striking out "and services" and inserting in lieu thereof "or services";

(C) in subparagraph (D)(i)(III), as so redesignated by subsection (b) of this section, by striking out "determination has" and inserting in lieu thereof "determinations have"; and

(D) in subparagraph (D)(ii), by striking out "sentence" and inserting in lieu thereof "clause".

(2) ARMS EXPORT CONTROL ACT.—The Arms Export Control Act is amended by repealing section 32.

(d) AVOIDANCE OF DUPLICATIVE AMENDMENTS.—If an Act is enacted during 1992 entitled "An Act to reauthorize the Export-Import Bank of the United States" that contains amendments identical to amendments made by this section, the amendments contained in this section that are identical to the amendments contained in that Act shall not be effective.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa [Mr. FALEOMAVAEGA] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6018, the International Narcotics Control Act of 1992.

This bill contains the international narcotics control provisions from H.R. 2508, which passed the House last year. It reflects the Foreign Affairs Committee's continuing interest and oversight of U.S. overseas drug control programs.

I believe there is strong bipartisan support for this bill, and I know of no objection to it, so I will be brief. H.R. 6018 streamlines the provisions in chap-

ter 8 of the Foreign Assistance Act of 1961, repeals obsolete provisions, increases attention to issues such as precursor chemical controls and money laundering, and gives the executive branch increased flexibility in certain areas.

I would like to congratulate Congressmen FEIGHAN and GILMAN, chairman and cochairman of the committee's Task Force on International Narcotics Control, for their hard work on this bill. Neither Member is able to be here today, but they both wanted to move this measure as expeditiously as possible. They have asked that I insert for the record a section-by-section analysis of the bill for the purposes of legislative history. This language is the same as the statement of managers report language in the conference report on title III of H.R. 2508, except in those instances where modifications to the conference report have been made. Chairman FASCELL is also unable to be here today, but he too supports this measure and commends the work of the task force; at his request, I will include a list of the accomplishments and activities of the task force over the past 10 years.

I would also like to thank the chairman of the Committee on Banking, Finance, and Urban Affairs, and his staff, for their cooperation in bringing this bill forward. There are several matters in this bill in which the Banking Committee has jurisdictional interests, and the language in those cases has been agreed upon with that committee.

In short, Mr. Speaker, this is a good bill. It is noncontroversial. It is supported by Members from both sides of the aisle. The administration has no objection to the bill. I urge Members to support H.R. 6018.

I also want to thank Foreign Affairs Committee staffers, Marian Chambers and Randy Scheunemann, who worked diligently on H.R. 6018.

The documents I referred to follow.

SECTION-BY-SECTION ANALYSIS OF H.R. 6018

SHORT TITLE

Section 1 specifies that this Act may be cited as the International Narcotics Control Act of 1992.

TABLE OF CONTENTS

Section 2 provides a table of contents for the bill.

INM AUTHORIZATION

Section 3 authorizes international narcotics control aid for fiscal years 1993 through 1995 at $171.5 million per year, which is straightlined from the fiscal year 1992 request.

REVISIONS TO THE FOREIGN ASSISTANCE ACT

Section 4 revises policy statements and general authorities contained in section 481 of the Foreign Assistance Act of 1961.

Section 4(a) includes an updated reference to the 1988 United Nations Convention Against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, and adds to the list of objectives of U.S. drug policy the issue of drug money-laundering, to ensure that countries adopt comprehensive domestic measures against money laundering and cooperate with each other in narcotics money-laundering investigations, prosecutions, and related forfeiture actions.

Section 4(b) adds a specific authority for the President to conclude reciprocal maritime agreements.

Section 4(c) incorporates sections 4601 (a) and (c) of the 1988 Anti-Drug Abuse Act, which makes the Secretary of State responsible for coordinating all assistance provided by the U.S. Government to support international efforts to combat illicit narcotics production or trafficking, into section 481 of the Foreign Assistance Act.

Section 4(d) amends section 481(c) of the Foreign Assistance Act to add the phrase "and archipelagic waters" which permits maritime law enforcement operations in the archipelagic waters of an archipelagic state as well as the territorial waters of a country, with the agreement of the country.

Section 4(e) provides an exemption to the prohibition contained in section 482(b) of the Foreign Assistance Act on using funds authorized under this chapter to procure weapons or ammunition. That exemption allows INM to procure (1) weapons and ammunition for the defensive arming of aircraft used for narcotics-related purposes, and (2) firearms and related ammunition to be provided for defensive purposes for State Department employees engaged in activities under this title. Section 4(e) also requires prior notice of any procurement of weapons and ammunition pursuant to regular reprogramming procedures.

This modification of the prohibition in current law is provided pursuant to the request of the executive branch outlined in testimony before the House Committee on Foreign Affairs' Task Force on International Narcotics Control on May 2, 1991. The committee recognizes that monitoring and implementing U.S. narcotics control programs overseas often involves working in a dangerous environment. Counternarcotics aircraft may face hostile ground fire and INM personnel may have to travel to areas frequented by armed traffickers or narco-insurgents. In past years, the Congress has regularly earmarked foreign military financing funds for defensive aircraft arming purposes but has been reluctant to allow INM to become directly involved in the procurement of lethal equipment. However, because the current situation has resulted in long delays and bureaucratic difficulties in procuring arms for antinarcotics aircraft, and because there are no alternatives for Department of State personnel to acquire defensive firearms other than personal purchase, the committee of conference has modified a prohibition which was first enacted in 1978. Any procurement of weapons and ammunition is subject to advance notification in accordance with procedures applicable under section 634A of the Foreign Assistance Act. The committee expects that the executive branch will use this authority only for the unique situations which have been discussed with the Congress in hearing testimony and informal meetings.

Section 4(f)(1) allows the President to waive the requirement to retain title to aircraft provided by the United States to foreign countries, contained in section 484 of the Foreign Assistance Act, if that requirement's application is contrary to the national interest, and the President notifies the Congress in accordance with the procedures contained in section 634A of the Foreign Assistance Act. The House bill also clarifies the authority of the Department of Defense to finance the leasing of aircraft for the purposes of satisfying the requirements of this section (which is the same as section 3(g) of the International Narcotics Control Act of 1990 (Public Law 101-623). It further deletes the provision in current law (section 484) which waives the requirement to retain title to aircraft provided through Export-Import Bank financing. That provision was unnecessary because section 638(a) of the Foreign Assistance Act already states that no provision of that Act applies to assistance extended through the Export-Import Bank.

Section 4(f)(2) combines and modifies sections 485 and 489 of the Foreign Assistance Act and deletes the requirements of current law in sections 489(c) and 489(d) for the President to issue regulations, with advance congressional review, to ensure proper use of aircraft provided under this chapter, and makes technical corrections to section 485.

The Congress has long mandated the retention of title for aircraft provided under chapter 8 of the Foreign Assistance Act for reasons based on a series of historical experiences of misuse, abuse, and a lack of recourse in such situations. However, the committee recognizes that there may be circumstances in which the level of confidence of the executive branch in the recipient countries intentions, U.S. monitoring capabilities, or other mitigating factors might justify transfer of aircraft titles. In such cases, the President must provide the Congress with advance notification. To the degree that narcotics control aircraft are to be provided through military assistance channels and the U.S. retains title, the committee has made permanent the authority contained in section 3(g) of Public Law 101-623 of fiscal year 1991 for the Department of Defense to provide such aircraft on a lease or loan basis.

The committee notes that on numerous occasions the executive branch has testified that the Bureau of International Narcotics Matters' "air wing" is the result of the 1986 law requiring the United States to retain title to narcotics control aircraft. Given the flexibility now provided in this section to waive that requirement, the committee requests that the Bureau of International Narcotics Matters submit a report to the appropriate committees of Congress no later than three months after the date of enactment of this legislation detailing the impact of this new authority on the Bureau's "air wing". The report should include plans for coordinating funding, support, and operations of aircraft for which transfer is titled (whether by the Department of State or the Department of Defense) with the management of aircraft currently in its inventory. This report should be coordinated with the Defense Security Assistance Agency.

Section 4(g) amends section 488 of the Foreign Assistance Act to allow narcotics control assistance funds to be used to finance leases of real property of a duration of not more than three years. It further requires the Secretary of State to report quarterly on leases entered into under this authority. Finally, section 4(g) requires 15 days prior notification on the use of funds for construction of facilities which would require the obligation of more than $750,000.

The committee notes that a recent decision by the Legal Advisor at the Department of State has necessitated this change in existing law. The prohibition on the acquisition of real property was enacted in 1988 to address a specific situation in which the Department of State purchased land and an existing building to serve as a facility for local police; the committee believed that this purchase should not have been made and that the host government should have acquired the land and building in question on its own.

However, the recent decision that no leases could be paid for with narcotics control funds has resulted in a significant disruption in certain narcotics control programs, particularly in Bolivia. Because of the nature of various narcotics control efforts, such as Operation Ghost Zone in Bolivia, short-term leases of facilities are sometimes necessary and can be the most cost effective and efficient way of procuring storage and housing for host country personnel and equipment. Therefore, the committee has allowed an exemption from the prohibition for leases which do not exceed three years. The committee also notes that the quarterly report on leases entered into under this exemption will allow for a continuing review of this authority to ensure that such leases do not become a surrogate for acquiring facilities that should be more correctly provided by the host government.

The committee has also included a new notification requirement on the construction of facilities. Since the beginning of the Andean Initiative in 1989, an increasing amount of resources have been devoted to the construction of facilities, including housing, riverine facilities, and other bases of operations. The committee is concerned that this explosion in construction, both in the Andean countries and other countries, such as Mexico, has not been adequately planned or coordinated. The committee believes that the prior notification requirement in this section will enable the committee to better monitor the expenditure of funds for construction. The committee also notes that the $750,000 threshold was included so that the executive branch would not be overburdened with reporting requirements.

REPORTING AND CERTIFICATION REQUIREMENTS

Section 5 creates new sections 489, 489A, 490, and 490A for the Foreign Assistance Act. New sections 489 and 490 substantially rewrite sections 481 (e) and (h) of the Foreign Assistance Act regarding annual reporting and certification requirements.

New section 489(a)(1) requires the President to submit a comprehensive report to the Congress not later than April 1 of each year on all countries which have received INM assistance in either of the two proceeding fiscal years, and details what must be included in that report.

New section 489(a)(2)(A) requires a description of the policies adopted, agreements concluded, and programs implemented by the Department of State in pursuit of its delegated responsibilities for international narcotics control, including the status of negotiations between the U.S. and other countries on updated extradition treaties, mutual legal assistance treaties, precursor chemical controls, money laundering, and agreements pursuant to section 2015 of the International Narcotics Control Act of 1986 (relating to interdiction procedures for vessels of foreign registry).

New section 489(a)(2)(B) requires information on multilateral and bilateral strategies with respect to money laundering pursued by the Departments of State, Justice, and the Treasury, and other relevant U.S. Government agencies, either collectively or individually, to ensure the cooperation of foreign governments with respect to narcotics-related money laundering and to demonstrate that all U.S. Government agencies are pursuing a common strategy with respect to major money laundering countries.

New section 489(a)(3) requires the report to identify which countries are (A) major illicit drug producing and drug transit countries (as determined under new section 490(h)), (B) significant direct or indirect sources of illicit drugs affecting the United States, (C) major sources of precursor chemicals used in the production of illicit narcotics, or (D) major money laundering countries.

New section 489(a)(4) requires in addition, for each of the four categories of countries identified in (a)(3), the report to include: (1) a description of the plans, programs and timetables adopted by each such country, including efforts to meet the objectives of the 1988 U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and a discussion of the adequacy of the legal and law enforcement measures taken and the accomplishments achieved in accord with those plans; (2) whether as a matter of governmental policy, each such country encourages or facilitates the production or distribution of illegal drugs or the laundering of proceeds from illegal drug transactions; (3) and whether any senior official of the government of each such country engages in, encourages, or facilitates the production or distribution of illegal drugs, or the laundering of proceeds from illegal drug transactions.

New section 489(a)(5) requires in addition, for the major producer and transit countries and the significant source and transit countries identified in (a)(3)(A) and (B), a detailed status report, with such information as can be reliably obtained, on the illicit narcotic or psychotropic drugs or other controlled substances which are being cultivated, produced, or processed in or transported through such country, noting significant changes in conditions, such as increases or decreases in the illicit cultivation and manufacture of and traffic in such drugs and substances.

New section 489(a)(6) requires, in addition, for those countries identified as major sources of precursor chemicals in paragraph (3)(C), information on which countries: are parties to international agreements on a method for maintaining records of transactions of an established list of precursor and essential chemicals; have established a procedure by which such records may be made available to U.S. law enforcement authorities; and have enacted national chemical control legislation which impose specific recordkeeping and reporting requirements for listed chemicals, establish a system of permits or declarations for imports and exports of listed chemicals, and authorize government officials to seize or suspend shipments of listed chemicals.

New section 489(a)(7)(A) requires, for those countries identified as major money laundering countries pursuant to paragraph (3)(D), information on which countries have financial institutions engaging in currency transactions involving drug trafficking proceeds that are linked to the United States; of those countries, which have not reached agreement with the United States authorities on a mechanism for exchanging adequate records in connection with narcotics investigations and proceedings; and which of those countries which have not reached such an agreement are negotiating in good faith with the United States to establish such a record-exchange mechanism, or have adopted laws or regulations that ensure the availability to appropriate U.S. Government personnel and those of other governments of adequate records in connection with narcotics investigations and proceedings.

Section 489(a)(7)(B) also requires in addition, for those countries identified as major money laundering countries, information on which countries have ratified the 1988 U.N. Convention and are taking steps to implement that Convention and other applicable agreements and conventions, and which countries have entered into bilateral agreements for the exchange of information on money-laundering with countries other than the United States.

Section 489(a)(7)(C) requires findings, for major money laundering countries, on the country's adoption of laws and regulations considered essential to prevent narcotics-related money laundering. Such findings are to include whether a country has criminalized narcotics money laundering, required banks and other financial institutions to know and record the identity of customers engaging in significant transactions, required financial institutions to maintain records for an adequate time to reconstruct significant transactions, required or allowed financial institutions to report suspicious transactions, established systems for identifying, tracing, freezing, seizing, and forfeiting narcotics-related assets, enacted laws for the sharing of seized narcotics assets with other governments, cooperated when requested with appropriate law enforcement agencies of other governments investigating financial crimes related to narcotics, and addressed the problem on international transportation of illegal-source currency and monetary instruments. The report shall also detail instances of refusals to cooperate on the part of foreign governments, and any actions taken by the United States Government and any international organization to address such obstacles, including the imposition of sanctions or penalties.

New section 489(b)(1) requires the annual report to include information on U.S. assistance provided during the preceding, current and next fiscal years to support international efforts to combat illicit narcotics production and trafficking. Section 489(b)(2) requires the report to include (A) the amount and nature of assistance provided or to be provided, (B) for countries identified as major producers and major transit countries under subsection (a)(3)(A), information from the Drug Enforcement Administration, the Customs Service, and the Coast Guard describing in detail the assistance provided or to be provided to such country by that agency, and the assistance provided or to be provided to that agency by such country, with respect to narcotic control efforts during the preceding, current and next fiscal year, and (C) a list of all transfers which were made by the United States Government during the preceding fiscal year, to a foreign country for narcotics control purposes of any property seized by or otherwise forfeited to the U.S. Government in connection with narcotics-related activity, including an estimate of the fair market value and physical condition of each item of property transferred.

New section 489(b)(3) provides that the reports required by the subsection may be provided on a classified basis to the extent necessary.

New section 489(c) provides definitions for terms used in this section. The term "precursor chemical" has the same meaning as the term "listed chemical" has under paragraph 33 of section 102 of the Controlled Substances Act (21 U.S.C. 902), and the term "major money laundering country" means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking.

New section 489(d) states that this section only applies during fiscal years 1992 and 1993, and that section 489A does not apply during those fiscal years.

New section 490 substantially revises section 481(h) of current law, relating to certification procedures for major drug countries, for fiscal years 1993 through 1995.

New section 490(a)(1) requires that 50% of U.S. assistance allocated at the beginning of each fiscal year for each major illicit drug-producing or drug-transit country shall be withheld from obligation and expenditure, except as provided in paragraph (B) and subsection (b). New section 490(a)(1) also states that subparagraph (A) shall not apply with respect to a country if the President determines that its application to that country would be contrary to the national interest of the United States, except that any such determination shall not take effect until at least 15 days after the President submits written notification of that determination to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act.

New section 490(a)(2) further requires the Secretary of the Treasury to direct the U.S. Executive Directors to multilateral banks to vote, on and after April 1 of each year, against any loan to or for any major illicit drug-producing or drug-transit country except as provided in subsection (b).

New section 490(b)(1) establishes what must be certified under the certification process. It states that, subject to subsection (d), the 50% of aid withheld pursuant to subsection (a)(1) may be obligated and expended, and the requirement of subsection (a)(2) to vote against multilateral development bank assistance to a country shall not apply, if the President determines and certifies to the Congress, at the time of the annual INCSR report, that.

(A) during the previous year the country has cooperated with the United States, or has taken adequate steps on its own, to achieve full compliance with the goals and objectives established by the U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988; or

(B) for a country that would not otherwise qualify for certification under subparagraph (A), the vital national interests of the United States require that the assistance withheld be provided and that the U.S. not vote against multilateral development bank assistance for that country.

New section 490(b)(2) provides that, in making the determination described in paragraph (1)(A), the President shall consider the extent to which the country has:

(A) met the goals and objectives of the 1988 U.N. Convention, including action on such issues as illicit cultivation, production, distribution, sale, transport, financing, money laundering, asset seizure, extradition, mutual legal assistance, law enforcement and transit cooperation, precursor chemicals, and demand reduction;

(B) accomplished the goals in an applicable bilateral narcotics agreement with the United States or a multilateral agreement; and

(C) taken legal and law enforcement measures to prevent and punish public corruption (especially by senior government officials) that facilitates the production, processing, or shipment of narcotic and psychotropic drugs and other controlled substances, or that discourages the investigation or prosecution of such acts.

New section 490(b)(3) requires the President to submit a detailed justification for national interest certifications.

New section 490(c) states that the President may make a certification under subsection (b)(1)(A) with respect to a major illicit drug producing country, or major drug-transit country which is also a producer of licit opium, only if the President determines that such country has taken steps to prevent significant diversion of its licit cultivation and production into the illicit market, and that such country maintains production and stockpiles at levels no higher than those consistent with licit market demand, and prevents illicit cultivation and production.

New section 490(d) prescribes procedures for congressional review of the President's certifications. If, within 45 calendar days after the certification is received, the Congress enacts a joint resolution disapproving the President's determination, the 50% withholding requirement and the requirement to vote against further multilateral development bank loans shall continue in effect.

New section 490(e) clarifies what assistance is to be denied in a case where either the President or the Congress determines that a country shall not be certified as fully cooperating. Funds may not be obligated for U.S. assistance to that country, and funds previously obligated for U.S. assistance may not be expended. Further, the requirement to vote against further multilateral development bank loans shall apply regardless of the April 1 date contained in subsection (a)(2).

New section 490(f) specifies procedures for recertifying countries which have been denied certification. Denial of assistance and voting against multilateral development bank loans shall continue until the President makes a certification under subsection (b)(1) (A) or (B) for a country and the Congress does not enact a joint resolution of disapproval pursuant to section 490(d), or until the President submits at any other time a national interest certification pursuant to subsection (b)(1)(B) for a country. In the second case, this only applies if either the President did not submit a certification with respect to that country under subsection (b)(1) at the time of the April 1 report, or if the Congress enacted a joint resolution under section 490(d) disapproving the President's certification determination.

New section 490(g) specifies congressional review procedures for recertification. Any joint resolution under this subsection shall be considered in the Senate in accordance with the expedited procedures specified in section 601(b) of the International Security Assistance and Arms Export Control Act of 1976; in the House of Representatives, a motion to proceed to the consideration of any such joint resolution shall be treated as highly privileged in the House.

New section 490(h) requires the President to submit to the Congress by January 1 of each year a list of those countries which he has determined are major drug producing or transit countries.

New section 490(i) specifies that this section applies only during fiscal years 1993, 1994, and 1995.

Finally, section 5(a) makes modifications to the certification procedures and reporting requirements, and the determination of major producing and transit countries in current law which become effective after September 30, 1995. These modifications are included in new sections 489A and 490A of the Foreign Assistance Act and delete obsolete requirements for consultations and congressional hearings, and obsolete references to country plans submitted pursuant to the 1961 Single Convention on Narcotic Drugs.

Section 5(b) amends section 481(i)(4) of the Foreign Assistance Act to clarify the definition of "U.S. assistance" for purposes of this chapter.

This revision of annual reporting requirements was designed in part to address concerns raised by the executive branch over the number of reporting requirements concerning narcotics control issues that have been enacted over the past decade. In response to this concern the committee has deleted certain duplicative requirements, deleted the requirement for an annual mid-year report (currently section 481(b) of the Foreign Assistance Act), consolidated other reporting requirements within the annual report required by this section, and deleted obsolete language in current law.

However, the committee has also considerably expanded the reporting requirements for the annual International Narcotics Control Strategy Report (INCSR) in three significant areas: first, by requiring the inclusion of information on all countries that have received INM assistance in either of the two preceding fiscal years; second, by broadening detailed reporting on all major money laundering and major precursor chemical source countries as well as on all significant producer and transit countries; and third, by adding references to the 1988 U.N. Convention. The committee believes that the unparalleled transnational threat posed to the United States by the international traffic in illicit narcotics, as well as the increasing multilateral consensus manifest in the entry into force of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, merits increased emphasis on rating counternarcotics performance with an accepted international standard and more comprehensive reporting on individual nations' counternarcotics efforts. As Drug Enforcement Administration Administrator, Robert C. Bonner, said in congressional testimony in March of 1991, "[The entry into force of the 1988 U.N. Convention] is a milestone, I believe, in the international effort to fight drug traffickers because this far-reachng treaty will go a long way toward providing the tools and international framework for combating drug trafficking, and as more nations ratify this convention, even more international cooperation will be possible."

The committee also believes that by expanding the report the issue of narcotics control will become a more firmly entrenched component of U.S. foreign policy. By expanding the need for increased attention to narcotics by foreign service officers in countries not currently covered by INM personnel, and by stressing the importance of the narcotics issue to the foreign service, the process of "weaving the issue into the fabric of our foreign policy" which was noted by Assistant Secretary of State for International Narcotics Matters Melvyn Levitsky in recent congressional testimony, will continue to be enhanced. The committee notes that it does not intend the reference to "compliance with the goals and objectives" to refer solely to signatories of the 1988 U.N. Convention; on the contrary, the committee desires to build upon the international standards established by the Convention and explicitly avoid creating any disincentives for countries to sign and ratify the Convention.

In addition, the committee has moved to a more comprehensive focus by requiring more detailed reporting on the issues of money laundering and precursor chemical production, as well as on the more traditional issues of production and transit, in recognition of the fact that effectively addressing these two important aspects of the international narcotics trade are integral to any international efforts.

While there is virtually no country in the world unaffected by international narcotics trafficking, the committee recognizes that there are significant variations in the scope of the problem among countries. For countries which are not major drug producers, drug transit countries, money laundering centers, or listed chemical sources, the subjects for reporting are identified as the extent to which a country has met the goals and objectives of the 1988 U.N. Convention, accomplished the goals in an applicable bilateral or multilateral narcotics agreement, and addressed narcotics-related corruption. The committee does not expect reporting on countries not included in the four categories listed above to be as detailed as for countries such as Peru or Mexico. This section would require reasonable efforts to examine the status of the 1988 U.N. Convention and any implementing legislation, and a brief description of efforts to address narcotics-related developments, including corruption, in a given country. Much of this information concerning the status of legal measures, ratification of the Convention, seizures, arrests, etc. should be readily available, as evidenced by the U.N. International Narcotics Control Board's annual report covering all member states of the United Nations. The committee also notes that nothing in this section would preclude INM from reporting on countries which may not yet receive INM assistance but which they believe may be significant, such as the independent states of the former Soviet Union. In addition, as long as each INM assistance recipient is included, reporting could be done on a regional basis if appropriate for countries which are not major drug producers, drug transit countries, money laundering centers, or precursor chemical sources. The committee expects that the regional format would only be used for countries in areas not currently covered in the INCSR, such as island-states in the South Pacific or smaller states in West Africa, but not for regions such as Western Europe and the Southern Cone.

By broadening the INCSR beyond its traditional focus on narcotics production and transit, this section requires a more comprehensive view of all major elements of the international narcotics trade and addresses the issues raised by the "Kerry Amendment" on money laundering (Section 4702 of the 1988 Anti-Drug Abuse Act, Public Law 100-690) and the "McConnell Amendment" on precursor chemicals (Section 599H of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, Public Law 101-513).

With respect to the changes in certification, as noted previously, debates about the efficacy of the certification process have taken place since its enactment. However, the committee firmly believes that certification serves a useful purpose in focusing attention on narcotics issues, both within the Congress and the executive branch. Although the executive branch was vehemently opposed to certification in the beginning, over the years this position has changed. In testimony before the Congress in recent years, executive branch officials have repeatedly stated that the certification process, while flawed in their judgment, has succeeded in highlighting to foreign governments the seriousness which the U.S. Government attaches to the issue of narcotics control.

Therefore, in an effort to accommodate concerns of the executive branch about the certification process while maintaining the leverage provided by the process, the committee has provided the President with a waiver of the 50 percent withholding requirement, reduced the congressional review period, given the President increased flexibility in determining the list of countries which are subject to certification, and provided a more streamlined method for recertifying countries in special circumstances.

In addition, in concert with the more multilateral approach the committee has adopted with respect to the annual INCSR report, the standard for certifying countries has been changed from "fully cooperating" with the United States to one based on meeting the goals and objective of the 1988 U.N. Convention.

With respect to the changes for fiscal years 1993, 1994, and 1995 in the recertification process, the committee notes the following: under current law, for a country decertified either by the President or by congressional resolution of disapproval, a Presidential recertification for the country either on grounds of full cooperation or on grounds of national interest requires affirmative congressional action. Under the new procedures, the President could recertify a country on national interest grounds any time after April 1 without affirmative congressional action, if (1) he certifies that any such country has undergone a fundamental change in government, or (2) there has been a fundamental change in the conditions that were the reason why the country was decertified. However, the procedures for recertifying on full cooperation grounds would still require affirmative congressional action. This change was provided at the request of the executive branch, which asserted that the recertification procedures in current law resulted in substantial delays in resuming assistance to Panama after the December 1989 U.S. action in that country. The committee notes that, in that case, the President transmitted to the Congress a recertification based on "full cooperation" for Panama on January 29, 1990 (Executive Communication 2373, Presidential Certification Number 90-9). Less than two weeks later, on February 7, 1990, both Houses of Congress had passed legislation to recertify Panama on the basis of national interest (see House Report 101-401, Part I, sections 102 and 103). The committee therefore does not find the assertion that recertification procedures in current law delayed the resumption of assistance to Panama persuasive. Nonetheless, the committee has provided the requested change in order to eliminate such assertions in the future.

Finally, the committee notes that the definition of "U.S. assistance" to be denied if a country is decertified has been clarified. Current law (section 481(i)(4)) defines the aid to be denied as all assistance which is not exempted in that section. This has led to confusion over how broadly non-exempted "assistance" should be construed. In the case of the Panama decertification, for example, questions were raised as to whether, in the period before Panama was recertified, the U.S. Federal Aviation Administration could provide technical assistance at airports in Panama. Further, that section designated as assistance, both for purposes of aid denial and for exemption, programs which are not normally construed to constitute foreign assistance, or which are not otherwise covered by prohibitions in the Foreign Assistance Act. The definition in this bill has therefore been changed to limit the reach of this prohibition to those programs identified in this section or excluded by this section. The only substantive change is to exempt narcotics-related economic assistance from the aid prohibition, so long as Congress is notified 15 days in advance pursuant to reprogramming procedures in section 634A of the Foreign Assistance Act.

TECHNICAL AMENDMENTS

Section 6 contains statutory clarifications resulting from the changes in reporting requirements and certification procedures for fiscal years 1992 and 1993; makes additional technical corrections to chapter 8 of the Foreign Assistance Act, and the Ex-Im Bank Act necessitated by other amendments made by this legislation; and repeals obsolete provisions of current law. Section 6 also effectively repeals certain prior year ceilings on assistance in the International Narcotics Control Act of 1989 at the request of the executive branch.

660 WAIVER

Secton 7(a) states that for fiscal years 1993, 1994, and 1995, section 660 of the Foreign Assistance Act shall not apply with respect to transfers of excess defense articles, foreign military financing assistance that is provided for narcotics-related purposes, or for international military education and training that is provided for narcotics-related purposes.

Section 7(b) requires that at least 15 days before any excess defense articles are transferred or any funds are obligated for FMF or IMET under this section, the President shall notify Congress in accordance with the procedures applicable to reprogramming notifications under section 6304.

Section 7(c) states that assistance provided pursuant to this section shall be coordinated with international narcotics control assistance.

This section responds to an executive branch request for a waiver of the prohibition contained in section 660 of current law on providing assistance and training to foreign police forces. The executive branch requested a permanent waiver of section 660 of current law, for all economic and military foreign assistance accounts worldwide, for narcotics-related purposes. The committee has provided such a waiver only for military assistance accounts (narcotics-related excess defense articles, FMF, and IMET), with prior notice to Congress, for a 3-year "trial period" through fiscal year 1995.

The committee notes that narcotics control assistance provided under this title is permanently exempted from the prohibition contained in section 660 of the Foreign Assistance Act. Section 660 itself also exempts overseas activities conducted through the Drug Enforcement Administration. Section 506(a)(2) of the Foreign Assistance Act also contains a permanent waiver from this prohibition. The Congress has on numerous occasions provided narcotic-related waivers of this provision for specific purposes, primarily in Latin America. The committee has therefore agreed to provide a global waiver of this requirement for the relevant military assistance accounts for a three-year period. In the case of the Andean Initiative this waiver is provided in explicit recognition of the executive branch's recent emphasis on assistance to the police vis-a-vis assistance to the military. The committee stresses that this waiver is provided for narcotics-related purposes only, and that it will closely monitor any use of this authority for purposes which extend beyond those related to narcotics control objectives.

ECONOMIC ASSISTANCE WAIVER

Section 8 provides authority for the President to provide narcotics-related economic assistance notwithstanding any other provision of law except for those relating to ineligibility due to a lack of cooperation on narcotics control issues for fiscal years 1992–1995.

Under current law, assistance provided through INM is exempt from virtually any cut-off of assistance. This new section authorizes, in addition, the provision of other narcotics-related economic assistance to countries otherwise ineligible for U.S. assistance, with prior notification pursuant to the procedures contained in section 634A of the Foreign Assistance Act. The committee recognizes that there may be unique circumstances in which a country is ineligible for assistance due to non-narcotics related reasons where the provision of narcotics-related economic assistance could support U.S. counternarcotics goals. However, the committee also notes that the authority provided in this new section could be misinterpreted as a "loophole" to provide broad economic assistance to countries which are otherwise prohibited from receiving assistance, such as Pakistan. The committee therefore limited this authority to fiscal years 1992–1995. The committee will insist that "narcotics-related assistance" provided pursuant to this authority in fact has a demonstrable and direct relevance to narcotics control objectives.

EXCESS DEFENSE ARTICLES

Section 9 makes revisions to the authority to transfer excess defense articles for counternarcotics purposes contained in section 517 of the Foreign Assistance Act by adding a new subsection (j). Subsection (j) states that the transfer authority provided in sections 518 and 519 of the Foreign Assistance Act may not be exercised with respect to any major illicit drug producing country or major drug transit country in Latin America or the Caribbean.

The committee has included this restriction to address the proliferation of authorities through which excess defense articles are currently provided. Section 517 authorizes such articles to be provided for counternarcotics purposes to major drug countries in Latin America which have democratic governments and which respect human rights. It further limits the amount of articles which can be provided to any one country to $10 million per fiscal year. Section 519 authorizes such articles to be provided, world-wide, to countries for the purpose of military modernization, and contains no similar restrictions to section 517. The committee notes that a number of excess defense articles have been provided to major drug countries in Latin America using the section 519 authority rather than the appropriate section 517 authority. Section 9 therefore limits the provision of excess defense articles to major drug countries in Latin America to those provided through section 517.

Section 9 further clarifies that Department of Defense excess defense articles include Coast Guard excess property, and excludes from the definition of excess defense articles construction equipment, including tractors, scrappers, loaders, graders, bulldozers, dump trucks, generators, and compressors.

IMET

Section 10 amends section 541 of the Foreign Assistance to include new narcotics purposes for which international military education and training assistance may be used.

DEFINITIONS

Section 11 amends section 481(e) of the Foreign Assistance Act (as amended by this act) to provide a definition of appropriate congressional committees.

EXPORT-IMPORT BANK

Section 12 extends through 1997 the exemption, contained in section 2(b)(6) of the Export-Import Bank Act of 1945, from the general prohibition of Export-Import Bank financing for sales of defense articles and services to developing countries if those sales are primarily for anti-narcotics purposes. Section 12 also adds a new requirement for consultation by the Bank with the Assistant Secretary for Human Rights and Humanitarian Affairs before financing sales under this section. Section 12 also makes technical and clarifying changes to section 2(b)(6) of the Export-Import Bank Act of 1945.

HOUSE FOREIGN AFFAIRS COMMITTEE OVERSIGHT OF NARCOTICS ISSUES HFAC/TASK FORCE HEARINGS

1992

March 3: Overview of the 1992 International Narcotics Control Strategy Report.

March 4: Review of South America and the Andean Initiative.

March 11: Review of Central America and the Caribbean.

March 12: Review of Southeast Asia, Southwest Asia, Europe and Africa.

1991

March 5: Overview of the 1991 International Narcotics Control Strategy Report and the Fiscal Year 1992 INM Budget Request.

March 7: Review of South America and the Andean Initiative.

March 12: Review of Central America and the Caribbean.

March 13: Review of Southeast Asia, Southwest Asia, Europe and Africa.

May 2: Review of the President's Narcotics Control Legislative Request: Should Certification be Repealed?

July 10: The Future of Colombian Narcotics Control Efforts and the Andean Initiative.

September 12: Review of the Presidential Determination on Narcotics Control and Human Rights in Peru.

1990

February 20/28: Review of the Department of State Inspector General's Reports on Bureau of International Narcotics Matters' Programs.

February 27: Review of the International Aspects of the President's 1990 Drub Control Strategy.

March 1: Review of the 1990 International Narcotics Control Strategy Report.

March 6: Review of South America.

March 8: Review of Central America and the Caribbean.

March 13: Review of Southeast Asia.

March 15: Review of Southwest Asia, Europe, and Africa.

April 3: Overview of the Agency for International Development's Economic Assistance Strategy for the Andes and other programs.

May 23: Operation Snowcap: Past, Present, and Future.

June 21: International Drug Money Laundering: Issues and Option for Congress (CRS Seminar).

October 10: Compliance by the Executive Branch with Legislative Requirements and the Future of the Andean Initiative.

1989

February 28: Review of Fiscal Year 1990 Bureau of International Narcotics Matters' budget.

March 7: Review of South America.

March 9: Review of South America.

March 14: Review of Mexico, Central America, and the Caribbean.

March 15: Review of Southeast Asia and the Pacific.

March 22: Review of Southwest Asia, the Middle East, Europe, and Africa.

July 25/27: Cuban Involvement in International Narcotics Trafficking.

September 12: Review of the International Aspects of the President's Drug Control Strategy.

October 31: Connection between Arms and Narcotics Trafficking.

November 7/8: Review and Markup of the President's Andean Initiative.

1988

January 27: Recent developments in Colombia.

March 3: Worldwide narcotics review/review of the 1988 International Narcotics Control Strategy Report.

March 9: Review of certifications for the Caribbean.

March 10: Review of certifications for Central America.

March 15: Review of certifications in Asia, the Middle East, and Africa.

March 17: Review of certifications for South America.

March 22: Continued review of certifications for South America.

September 28: Review of the Section 2013 Report and the State Department Mid-Year Update Report.

1987

March 5: Worldwide review of narcotics control programs.

May 7: The role of intelligence in narcotics enforcement.

March 18: Review of Latin American narcotics control developments.

May 12: Narcotics efforts in the Bahamas and the Caribbean.

June 30/July 15: U.S. narcotics efforts in Southeast Asia.

July 15/July 21: Bolivia (executive sessions).

July 29: GAO review of U.S. narcotics control programs.

October 7: Review of State Department's midyear update.

October 29: Review of extradition treaties and Mutual Legal Assistance Treaties.

November 4: Paraguay (classified).

1986

February 6: Annual Review of International Narcotics Control Programs, and the Impact of Gramm-Rudman on Overseas Narcotics Control Efforts.

March 11: Nicaraguan Government Involvement in Narcotics Trafficking.

May 13/32: Review of U.S. Narcotics Control Efforts in the Middle East and South Asia.

June 19: Closed briefing on U.S.-Panamanian Anti-Narcotics Efforts.

June 19: Issues in U.S.-Panamanian Anti-Narcotics Efforts.

July 17: U.S.-Mexico Cooperation in narcotics control efforts: The Camarena Investigation.

July 17: U.S.-Mexico Cooperation in Narcotics Control: Eradication and Interdiction.

August 5: Role of the U.S. Military in Narcotics Control Overseas.

August 6: Markup of draft committee print of international narcotics control legislation (full committee).

1985

March 19: U.S. International Narcotics Control Programs (full committee).

May 7: Briefing on the Mexican narcotics situation.

June 4: Briefing on narcotics production estimates and verification methods.

June 27: Narcotics production and transshipments in Belize and Central America.

November 12: Recent developments in Latin American narcotics control.

1984

February 21: Cuban Government involvement in narcotics trafficking: the U.S. Response.

February 23: Review of the world-wide illicit narcotics situation.

April 10: Briefing on the impact of U.S. assistance on narcotics control efforts.

May 24: Recent developments in Colombian narcotics control.

June7/July 24: The Bulgarian/Turkish narcotics connection.

1983

April 12: Review of the International Narcotics Control Program.

June 30: Overview of International Narcotics Problems.

August 4: Overview of international narcotics control problems (closed).

September 22: Narcotics trafficking in the Bahamas.

September 28: Federal-State cooperation in international narcotics interdiction: The Bahamas.

October 19: U.S. Narcotics Interdiction Programs in the Bahamas.

November 2: U.S. Narcotics Interdiction Programs in the Bahamas.

LEGISLATION ENACTED

International Narcotics Control Act of 1990 (P.L. 101-623).

International Narcotics Control Act of 1989 (P.L. 101-231).

International Narcotics Control Act of 1988 (P.L. 100-690).

International Narcotics Control Act of 1986 (P.L. 99-570).

International Narcotics Control Act of 1985 (P.L. 99-83).

Numerous provisions in Department of State, Department of Defense Authorization Acts; numerous free-standing resolutions relating to specific countries.

OTHER ACTIVITIES

Numerous Task Force meetings with foreign leaders, informal meetings.

GAO REVIEWS REQUESTED BY THE COMMITTEE

"U.S.-Mexico Opium Poppy and Marijuana Aerial Eradication Program" January, 1988.

"River Patrol Craft for the Government of Bolivia" February 1988.

"U.S. International Narcotics Control Activities" March 1988.

(Two more GAO report are forthcoming in 1992/93).

STAFF STUDY MISSION REPORTS

"Narcotics Control Efforts in Southeast Asia: Business as Usual", February 1991.

"European Integration, The United States, and Narcotics Control: Rhetoric and Reality", March 1990.

"U.S. Licit Opium Imports: Foreign Policy Issues", May 1989.

"U.S. Narcotics Control Programs in Peru, Bolivia, Colombia, and Mexico: An Update", February 1989.

"U.S. Narcotics Control Efforts in the Caribbean" December 1987.

"U.S. Narcotics Control Efforts Overseas—A Continuing Assessment" 1986.

"U.S. Narcotics Control Efforts Overseas—An Assessment" 1985.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also rise as one of the original cosponsors of H.R. 6018, the International Narcotics Control Act of 1992.

Mr. Speaker, H.R. 6018, the International Narcotics Control Act of 1992, is an important bill which will strengthen our overseas counterdrug programs. The Committee on Foreign Affairs has worked on this legislation for almost 2 years.

I would like to commend Chairman FASCELL for his diligent efforts to improve our antidrug capabilities. Congressman ED FEIGHAN, chairman of our Task Force on International Narcotics Control, and Congressman BEN GILMAN, vice-chair of the task force, have worked for many months to bring this legislation to the floor. All of them have spent many hours over the last decade in trying to improve U.S. counternarcotics efforts.

H.R. 6018 is the result of compromise by all parties. I understand the administration does not object to passage of the bill. H.R. 6018 will solve many problems which have arisen in our overseas counternarcotics efforts. Significant flexibility is granted to the administration in a number of areas. H.R. 6018 expands the annual narcotics report—especially in the increasingly important areas of money laundering and precursor chemical traffic—and highlights the U.N. convention in the annual certification process.

I believe this legislation will help provide the tools for all Americans working to lessen the flow of illegal drugs into the United States I urge my colleagues to support H.R. 6018.

Mr. FEIGHAN. Mr. Speaker, H.R. 6018 is the product of an intensive review of current law and the executive branch request regarding a number of narcotics control-related matters. It attempts to streamline current law, give the executive branch the flexibility it requested where possible, but retain important principles about which the Congress feels strongly. This bill is essentially the same as title III of H.R. 2508, which passed the House in 1991 as part of a broader bill. Several technical corrections have been made to reflect changes due to the passage of time, and to accommodate certain requests of the executive branch.

Briefly, this bill streamlines current language in the law regarding the annual drug certification and reporting process, gives the President the flexibility to determine which countries are included on the certification list for drug cooperation, and changes the date for submission of the list, waives the current 50 percent aid withholding requirement if the President determines it is in the national interest and gives prior notice to the Congress, reduces the congressional review period for the certified countries from 45 legislative days to 45 calendar days, clarifies the definition of "U.S. assistance" for international narcotics control purposes, and provides a special waiver to address unique situations in which conditions in decertified countries undergo a sudden and fundamental change. These changes would be applicable for a 3-year period; at the end of that time, current law would again become applicable unless subsequent legislation was enacted.

I would also note that the thrust of the changes in the certification and reporting process reflects the fact that narcotics control has become a truly multilateral issue with the entry into force of the 1988 U.N. Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and that countries' narcotics control performance is linked to the multilateral standards in the landmark 1988 U.N. convention.

Mr. Speaker, this bill will not solve the drug problem in this country, but it will make a contribution to improving our international efforts to combating the illicit drug trade. It represents 10 years of experience of the committee's Task Force on International Narcotics Control, which I have had the honor to chair or cochair during that time. I would like to thank our ranking Republican, Congressman GILMAN, and his staff, Randy Scheunemann, without whose contributions and assistance this bill would not have been possible. I would also like to thank the chairman of the Banking Committee and his staff for their assistance and cooperation on those matters in this bill in which the Banking Committee has a jurisdictional interest.

Mr. Speaker, the administration supports this bill, and it has bipartisan support. I urge all Members to support its passage.

Mr. FASCELL. Mr. Speaker, I rise in support of H.R. 6018, the International Narcotics Control Act of 1992.

This measure, which is essentially the same as the narcotics title of the foreign aid conference report on H.R. 2508, represents a great deal of work and expertise by the committee's Task Force on International Narcotics Control. Congressmen FEIGHAN and GILMAN, who have had leadership positions on the task force for the past 10 years, have devoted an enormous amount of time over these years in developing legislation to address our overseas narcotics control efforts, and in monitoring the implementation of these programs.

I have long maintained that demand reduction is the only long-term solution to the drug problem facing our country. Like many Members, I have experienced frustrations over the lack of more substantial progress in our international efforts. I am particularly distressed that we were forced to drop from this bill any language relating specifically to our program in the Andes, because the administration objected to again imposing the same human rights and drug control performance conditionality language on these countries which the President has already signed into law once.

Nonetheless, this bill is a good compromise measure, and worthy of support. It broadens our focus from drug production and eradication to include other critical elements in the drug chain such as precursor chemicals and money laundering, subjects on which the executive branch has been reluctant to report. It places more emphasis on multilateral cooperation and compliance with the 1988 U.N. convention. It rewrites the law governing our narcotics control programs to delete legislative barnacles, clarify ambiguous or conflicting provisions, and provide the executive branch with the flexibility it seeks. In short, this is a good government bill.

I again commend Congressmen FEIGHAN and GILMAN for their hard work, and ask all Members to support his measure.

Mr. GILMAN. Mr. Speaker, as cochairman of the International Narcotics Task Force, I strongly support H.R. 6018, the International Narcotics Control Act of 1992. Congressman FEIGHAN, the chairman of our task force deserves special credit for making this legislation a reality.

Chairman FEIGHAN, who has unfortunately decided to retire after the 102d Congress, has spent many years fighting international drug traffic. He was the first chairman of our task force from 1983 to 1985. He resumed his position as chairman last year. Throughout his 10 years in Congress, ED FEIGHAN has typified a legislator who cares about policy, about the personnel charged with carrying out policy, and who is willing to listen to and consider all points of view. I know I speak for many in saying that we will miss his leadership on counternarcotics and many other issues.

H.R. 6018 is the product of a joint effort to modify the Foreign Assistance Act to reflect changes in the international struggle against narcotics traffickers. The annual certification process is linked to the 1988 U.N. convention-a globally accepted set of criteria which holds great potential to make the fight against international narcotics traffic a truly multinational battle.

H.R. 6018 also requires increased reporting on money laundering and precursor chemical countries in recognition of their crucial role in the illicit drug traffic. This legislation requires the annual international narcotics control strategy report to discuss the status of the 1988 U.N. convention and narcotics-related corruption in all countries which receive U.S. counternaroctics assistance. This modest requirement will help those of us charged with oversight to better evaluate the effectiveness of our antidrug aid.

H.R. 6018 farther provides flexibilities requested by the administration on issues ranging from aircraft titling to weapons and property acquisition. We have included certain technical provisions to address new or unanticipated situations. Throughout our deliberations, we have been guided by one principle: whatever our differences with a particular counterdrug policy, there are many dedicated Americans from many agencies working overseas in difficult—and often dangerous—conditions who deserve the best support we can provide. I believe that we have produced legislation which will improve our international drug control efforts and which will receive broad, bipartisan support in the Congress.

Accordingly, I urge my colleagues to support H.R. 6018.

Mrs. LLOYD. Mr. Speaker, I rise today in the strongest of support for H.R. 6018, the International Narcotics Control Act. While significant progress has been made in the past several years in stemming the tide of drugs coming into this country, further, more concentrated efforts are needed.

The scourge of drug use and abuse in this country has reached all parts of our society. Clearly, the problem is worse in the urban, and inner-city areas, but the rural and well off are also affected. Drug abuse not only affects the life of the abuser, but also the lives of the families and friends who are often unaware of the problem or unclear how to help.

H.R. 6018, tightens up the drug provisions contained in the 1961 Foreign Assistance Act. Specifically, it puts restrictions on the amount of U.S. foreign aid, military or economic, going to a drug producing or drug trafficking nation. The intent is to encourage drug producing countries to get out of the business if they have been or wish to continue to be recipients of U.S. assistance. Another provision of this bill, would permit the U.S. international military education and training program to cooperate with foreign counternarcotics police forces. Through shared knowledge of the problem, a more comprehensive approach to drug interdiction can be developed.

Mr. Speaker, these provisions represent another example of the wide variety of approaches needed to attack the international drug trade. Throughout my tenure, I have supported other initiatives to suppress the proliferation of drugs including the highly regarded Anti-Drug Abuse Act of 1988 (P.L. 100–690) which created the office of drug czar and increased penalties for drug trafficking, including the death penalty for the drug related killing of a law enforcement officer.

My colleagues, we must face the reality of drug abuse and proliferation head on. People with drug problems are out there and are affecting our children, our friends, and our constituents. Let us reaffirm our commitment to addressing this national tragedy and vote to support H.R. 6018.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the distinguished gentleman from Michigan [Mr. BROOMFIELD], the ranking minority member of the committee, for his remarks.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa [Mr. FALEOMAVAEGA] that the House suspend the rules and pass the bill, H.R. 6018.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 6018.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

WOMEN'S SOCCER AS A MEDAL SPORT IN 1996 OLYMPICS

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 127) to express the sense of Congress that women's soccer should be a medal sport in the 1996 Centennial Olympic Games in Atlanta, GA.

The Clerk read as follows:

S. CON. RES. 127

Whereas participation in soccer programs by women in the United States and abroad has increased dramatically since 1988;

Whereas 45 nations competed in the 1st Women's World Soccer Championships in the People's Republic of China;

Whereas the United States Women's National Soccer Team won the 1st Women's World Soccer Championships;

Whereas bids have been extended to host the 2d Women's World Soccer Championships;

Whereas 64 nations have a national women's soccer team;

Whereas 40 percent of young soccer players in the United States are female;

Whereas one-third of the children under the age of 18 in the United States play soccer;

Whereas 26 percent of the more than 29,000 soccer players at the college level in the United States are women;

Whereas one-third of the 327,000 soccer players at the high school level in the United States are women;

Whereas, during the 1990–1991 school year, high schools in the United States added soccer to their sports programs more often than any other sport;

Whereas Atlanta, Georgia, will host the 1996 Olympic games;

Whereas many nations have announced that they will give women's soccer priority in their Olympic programs once it becomes a medal sport; and

Whereas the Congress has in the past designated a special day to honor women and girls in sports: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that women's soccer should be a medal sport at the 1996 centennial Olympic games in Atlanta, Georgia.

The SPEAKER pro tempore. Pursuant to the rules, the gentleman from American Samoa [Mr. FALEOMAVAEGA] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution, which passed the other body on September 25, provides unequivocal support to efforts to make women's soccer a medal sport in time for the next Olympic games to be held in Atlanta in 1996. I would like to commend the gentleman from Virginia [Mr. MORAN] for his leadership in assuring timely consideration of this measure.

Soccer is one of the most popular sports throughout the world. It is a sport played by youngsters everywhere and it is a sport enjoyed by young and old, men and women, as both participants and fans. It is a sport so universal in its appeal that it is surprising that it is not already an Olympic sport for both men and women. But somehow, women's soccer has not been honored by being designated an Olympic medal sport. We hope that this resolution will help end that oversight.

While baseball, American football, and basketball remain the chief U.S. team sports, soccer is spreading rapidly in popularity. Women's soccer in particular is a fast growing major sport. One out of three youngsters in the United States under age 18 play soccer. In fact, 40 percent of youth soccer players in our country are female; one-fourth of college soccer players are female, and one-third of all high school soccer players are female.

Let's send a powerful message to the International Olympic Committee. I urge my colleagues to support women's soccer by voting for Senate Concurrent Resolution 127.

I want to take this opportunity to recognize the contribution of Mike Finley of the Foreign Affairs Committee for his work on this measure.

□ 1600

Mr. Speaker, I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my support for this resolution.

The most popular sport around the world, soccer is fast becoming a favorite sport in this country as well. Youth soccer leagues exist all around the Nation, and enjoy increasingly widespread participation.

Many of the kids who first joined these youth soccer leagues over a decade ago are now representing the United States in international competition. The winning performance of the U.S. women's team at the Women's World Soccer Championships demonstrates how the United States is rapidly becoming a world power in this sport.

The International Olympic Committee should recognize the great popularity that soccer enjoys among women around the world, and the high quality of play in women's soccer. It is time to give the U.S. women's soccer team a chance to go for the gold in Atlanta.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DARDEN). The question is on the motion offered by the gentleman from American Samoa [Mr. FALEOMAVAEGA] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 127.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just considered and concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

CALLING FOR UNITED STATES TO HOST 1998 PLENIPOTENTIARY CONFERENCE OF THE INTERNATIONAL TELECOMMUNICATIONS UNION

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 566) calling for the United States to host the 1998 Plenipotentiary Conference of the International Telecommunications Union.

The Clerk read as follows:

H. RES. 566

Whereas the United States last hosted the International Telecommunications Union Plenipotentiary Conference in 1947;

Whereas in the period since that Conference, the union of computers and telephony has ushered in the drawing of the "Information Age";

Whereas the United States recognizes the importance of the International Telecommunications Union (ITU) in setting global standards, frequency allocation, and regulation of the use of geostationary orbit slots for satellites;

Whereas France hosted the last Plenipotentiary Conference in 1988, Japan is scheduled to host the 1994 Conference, and these countries are among our strongest international competitors in the provision of telecommunications goods and services;

Whereas the International Telecommunications Union Plenipotentiary Conference brings together many of the world's most influential government and private sector telecommunications officials and hosting the 1998 Conference would provide United States business, particularly small business, with an opportunity to interact with these officials and showcase American products and talent; and

Whereas the United States, as the preeminent supplier of telecommunications goods and services, by hosting the 1998 International Telecommunications Union Plenipotentiary Conference, would underscore the essential role of the United States in the international telecommunications arena: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the United States Government should extend an invitation to host the 1998 International Telecommunications Union Plenipotentiary Conference at the earliest appropriate opportunity.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa [Mr. FALEOMAVAEGA] will be recognized for 20 minutes, and the gentleman from Michigian [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 566 which resolves that the United States should extend an invitation to the International Telecommunication Union to host the 1998 Plenipotentiary Conference of its 172 member countries.

The activities of the ITU are of growing importance to the U.S. telecommunications industry through its role in the international marketplace in facilitating global standards, allocating frequencies, and in allocating geostationary orbital slots. A healthy telecommunications industry is critical to the U.S. economy and national security and the ITU is becoming increasingly critical to that segment of our economy.

The last Plenipotentiary Conference was hosted by France and the next is to be hosted by Japan, two of the United States most significant competitors in telecommunications technology and services. The importance of the ITU has not been lost by these nations. In contrast the United States has not hosted an ITU Plenipotentiary Conference since 1947.

This resolution is an attempt at trying to rectify this situation. House Resolution 566 expresses the sense of the House of Representatives that the U.S. Government should extend an invitation to host the 1998 ITU Plenipotentiary Conference at the earliest appropriate opportunity. Mr. Speaker I urge my colleagues to support this resolution.

Before ending, I want to thank Foreign Affairs Committee staffer, Richard McBride, who contributed immensely to House Resolution 566.

Mr. Speaker, I yield back the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join in urging our colleagues to approve this resolution which calls for the United States to host the international meeting of telecommunications experts in 1998.

The United States continues to be the world's leader in telecommunications goods and services. Our willingness to host the 1998 Conference of the International Telecommunications Union will underline our intention to remain an active participant in this growing and dynamic field.

Every 5 years, this international conference brings together many of the world's most influential government and private sector telecommunications officials. Aside from the important issues to be discussed at the Conference, it would provide U.S. businesses, particularly small businesses, with an opportunity to meet with these officials and exhibit American products.

Mr. Speaker, hosting the Conference of the 170-member International Telecommunications Union will be good for the United States as a leader in this field. It will also be good for U.S. business. The House should approve this resolution, and endorse an invitation from the United States to the ITU to meet in the United States in 1998.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I would like at this time to again express my deepest appreciation to the gentleman from Michigan, who is the esteemed senior ranking member of the House Committee on Foreign Affairs. I want to say that Mr. BROOMFIELD will be sorely missed by this Member with his retirement this year.

I want to wish him the best in his endeavors and that they all be fruitful. I hope that despite his departure from this Chamber in the new session of the 103d Congress, that I, along with the other Members on both sides of the aisle, will continue to benefit from and draw upon his wisdom and the vast amount of experience that he possesses in foreign affairs. Certainly, Mr. BROOMFIELD with his work in Congress over so many years has made tremendous, important contributions to this great Nation of ours. With the gentleman from Michigan leaving at the end of this Congress, I just wanted to note for the RECORD that his leadership, guidance, and foresight will be greatly missed.

Mr. BROOMFIELD. Mr. Speaker, I want to thank the gentleman for his very generous remarks. The feeling is mutual. I obviously will regret not being around here, but after 36 years, I am ready for retirement. I will be here in the Washington area, so our paths will cross in the future, too. I thank the gentleman very much for his nice comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa [Mr. FALEOMAVAEGA] that the House suspend the rules and agree to the resolution, House Resolution 566.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered and adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

REGARDING FLIGHT OF REFUGEES AND DISPLACED PERSONS IN YUGOSLAVIA

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 557) concerning the plight of refugees and displaced persons in the former Yugoslav Republics.

The Clerk read as follows:

H. RES. 557

Whereas refugees and displaced persons from the former Yugoslav republics, particularly those from Bosnia-Herzegovina, have endured tremendous suffering;

Whereas the problem of refugees and displaced persons represents a humanitarian crisis with significant international repercussions;

Whereas the number of missing persons whose fate is uncertain has reached an unacceptably high level;

Whereas the results of the abhorrent process of "ethnic cleansing" cannot be accepted by the international community;

Whereas the United Nations has undertaken commendable and courageous actions to alleviate the suffering of refugees and displaced persons; and

Whereas Serbia and its ally Montenegro are considered to be primarily responsible for creation of the refugee and displaced persons crisis: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the President to assist the United Nations in intensifying measures to address the plight of refugees and displaced persons from the former Yugoslav republics, especially Bosnia-Herzegovina, including—

(A) the expansion of existing efforts by the United Nations High Commissioner for Refugees in the former Yugoslav republics to expedite assistance to refugees and displaced persons for the duration of the crisis;

(B) immediate provision of emergency shelter, foodstuffs, sanitation facilities, and medical care to refugees and displaced persons from Bosnia-Herzegovina;

(C) expansion of the registration process for all refugees and displaced persons in order to determine the magnitude and nature of refugee flows, with reliance on the assistance of appropriate agencies of the United States Government as necessary;

(D) a general accounting of persons missing, captured, injured, or killed in hostilities, in coordination with concerned governments, the International Committee of the Red Cross, and other groups which may have relevant information; and

(E) a determination of the places of origin of each refugee and displaced person, and inventories of abandoned property, to assist in the eventual process of repatriation and compensation; and

(2) urges the President to seek international agreement on the following—

(A) reaffirming the right of all refugees to return to their former residences and to receive appropriate compensation;

(B) to the extent consistent with international law, authorizing the use of seized assets of the former Yugoslav Government to assist the international relief effort; and

(C) declaring null and void any documents signed under duress which transfer property of members of one ethnic group to members or organizations of another ethnic group.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank Chairman FASCELL and our ranking member, Mr. BROOMFIELD, for recognizing the importance of this resolution and bringing it to the floor. I am also grateful to Representatives HAMILTON, GILMAN, YATRON, and BEREUTER for expediting their respective subcommittee procedures. Finally, let me recognize the valuable assistance of the staff of the full committee as well as the staffs of the human rights and international organizations and Europe and Middle East subcommittees.

All of us have experienced a sense of horror and outrage over the reports and images of systematic executions, concentration camps, and mass expulsions in former Yugoslavia.

This conflict poses a significant threat to international security for a variety of reasons, not the least of which is that it has generated over 2.3 million refugees and displaced persons.

As the Balkan winter approaches, relief officials warn that tens of thousands of already devastated victims will soon face the risk of death because they lack adequate shelter and supplies to survive the coming harsh weather.

By calling for an intensification of relief efforts, my resolution represents a means for translating our desire to do something into concrete actions. This Nation can help bring material comfort to the refugees and displaced persons and avert this winter's looming tragedy.

We are under no illusions that the provision of relief represents a long-term solution to this conflict. Ultimately, the parties themselves must come to terms with one another. In the meantime, however, this resolution lays out the fundamental principles that should guide future actions by the international community to help bring order to this chaotic situation.

For example, my resolution urges the President to seek international agreement on the fundamental rights of refugees and displaced persons, including the right of return and compensation. It also addresses the abhorrent process of ethnic cleansing by asking the President to pursue an agreement declaring null and void those documents signed under duress which result in forcible property transfers among ethic groups. Such actions would send a clear message that intimidation, theft, and expulsion will not be tolerated.

A crucial and central feature of this resolution is its provision to establish a comprehensive documentation mechanism for all refugees and displaced persons. The development of a reliable enumeration procedure will provide a clearer picture of refugee flows and, more importantly, will ultimately hold all sides accountable for the safety, repatriation, and compensation for persons who have been forced to flee their homes.

While the Congress has held the Government of Serbia and Montenegro primarily responsible for the conflict and subsequent forced migrations, this resolution makes no ethnic distinctions when it comes to defining the rights of refugees or the provision of relief.

I urge my colleagues to join me in passing this resolution and sending a strong signal of commitment to the refugees and displaced persons in former Yugoslavia, who undoubtedly feel that the international community is not sufficiently engaged in addressing their plight.

The message we send today is this:

> The United States and the community of nations care what happens to these people, and we are keeping track of them.

Today, the Washington Post reports on its front page that the refugee crisis is worsening dramatically as Serbian forces have intensified their drive to brutally cleanse northwestern Bosnia of its remaining Moslems. Need I say that this horrible news lends greater urgency to our efforts to pass this timely resolution.

Should we fail to act now, the humanitarian crisis will most certainly deepen before Congress can next act on this important issue in January. By that time it may be too late. This is protection we can offer today.

I would add that the administration has no objection to this resolution.

I thank my colleagues for their thoughtful attention and urge their support.

□ 1610

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support the resolution before us concerning the plight of refugees and displaced persons in the former Yugoslavia. I commend Congressman SAWYER for this timely legislative initiative.

The tragedy in the former Yugoslavia continues to unfold. The terrible policy of ethnic cleansing by ethnic Serbians goes on as part of the scheme of Serbian President Slobodan Milosevic to build a Greater Serbia.

In recent months, the world has been shocked to learn about the existence of prison camps where innocent human beings are executed, starved, and tortured. Many of the stories and photographs of the camps in Bosnia and the displaced families remind me of the events in Europe many years ago when another madman tried to impose his vision of a future Europe.

Serbian aggression has taken at least 20,000 lives, wounded far more, and displaced over 2 million civilians. Thousands in Bosnia are unaccounted for. The ongoing crisis in Yugoslavia is the most serious conflict in Europe since the end of the Second World War; the innocent victims of this pointless violence deserve our help.

This resolution urges the President to continue working with the United Nations to do more for refugees and displaced persons. It also urges an expansion of programs by the U.N. High Commissioner for Refugees. In additon, this resolution calls for the provision of emergency food and shelters for refugees, and reaffirms the right of these people to return to their homes. With the coming of winter in former Yugoslavia, additional assistance must be provided to these innocent people who have suffered so much as the result of the reckless policies of Serbia's Communist government.

My heart and those of all Americans go out to people throughout the world who have lost friends and loved ones during this terrible bloodletting in the former Yugoslavia. The war there is a true catastrophe for a country that once prided itself for ethnic harmony. America must work with the United Nations to ensure that we are doing everything possible to assist those in need in those troubled lands.

I urge my colleagues to join me in supporting this important resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from Michigan for yielding time to me.

Mr. Speaker, as ranking member on the Subcommittee of Human Rights, this Member rises in strong support of House Resolution 557. It goes straight to the heart of one of the most troubling international crises that the international community must face.

We are all aware of the massive dislocation that has been caused by the civil war and ethnic conflict in Yugoslavia. Age old animosities have once again surfaced with decidedly lethal consequences. The situation is particularly tragic in Bosnia, where the ethnic mix of Orthodox Serbs, Catholic Croats, and Moslems had managed to coexist for generations. Not long ago ethnic harmony had been the norm—now this has been replaced by blood feuds and senseless carnage.

Mr. Speaker, there is plenty of blame to pass around. Elements of the Croatian community have acted aggressively, and portions of the Moslem community have sought to crate a Moslem state in Europe. But it is clear that the Bosnian Serb partisans bear the bulk of the responsibility for the suffering in Bosnia and the rest of Yugoslavia. Bosnian Serb militiamen, with their abominable crusade of ethnic cleansing, have proceeded to tear apart communities where people of different faiths have long lived peaceably.

Hunderds of thousands of Bosnians have been forced, quite literally at gunpoint, to sign over their property and flee from their homes. Everything they own has been taken from them. It is estimated that, out of a total Bosnian population of 4 million, that over 1 million are now refugees. The great majority of these are Moslems and Croats who have been forced to flee from territories controlled by Serb militiamen.

As disgusting as this callous seizure of property is, Mr. Speaker, there are far more heinous activities occurring. The State Department now acknowledges credible reports of the murder of some 3,000 men, women, and children who were detained at Serbian-run detention camps near the Bosnian town of Brcko. These are people who are apparently murdered simply because their parents were not Serbian. If the report is, indeed, true, nothing, absolutely nothing, can excuse this vile slaughter of innocent civilians, and this body has a moral obligation to speak decisively in condemning Serbian atrocities.

Under U.N. Security Council Resolution 771, the United Nations is empowered to fully investigate the situation in the detention camps, whoever might run them. In addition, the United Nations has the authority to convene a war crimes tribunal to bring to trial those who are responsible for these terrible acts. This Member would urge the United Nations to act swiftly and decisively to bring this practice to an end and the perpetrators to justice. This Member would also say that the United States and the European Community must be much more active in putting an end to the senseless slaughter and violence that has overtaken Yugoslavia.

Mr. Speaker, this Member would commend the author of this resolution, the distinguished gentleman from Ohio [Mr. SAWYER], for his leadership and persistence in pursuing this matter. His resolution makes it clear that the United States will not ignore those who have been forced to flee for their lives. This Member commends him for his efforts, and I would say that I will gladly work with him or any other Members in pursuing other initiatives aimed at ending the tragic conflict in the Balkans.

Mr. BROOMFIELD. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time.

Mr. Speaker, I came over here for another reason, and I did not know that this was on the floor. I do want to commend the gentleman from Ohio [Mr. SAWYER] for taking the lead on House Resolution 557. I do have a couple of questions I would like to ask.

I would ask the gentleman, are we talking about all refugees throughout the whole area? There are 2½ million refugees from all of these republics.

Mr. SAWYER. Mr. Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Speaker, I would reply that yes, it is virtually all refugees without regard to ethnic or national status. While previous resolutions may have sought to attribute blame for the circumstances that caused this, this resolution does not. It recognizes that all human tragedy is equal in a circumstance like this.

Mrs. BENTLEY. Mr. Speaker, I think that is very important, and I do want to join in, then, in supporting this. Fingers have all been pointed at Serbia regularly. There are in Serbia 527,000 refugees right now, 90,000 of whom are Muslims, and most, about 400,000 of these refugees, have been living in people's private homes there.

Because of the economic sanctions that have been imposed they are now facing the problem of having to turn those people out because they cannot feed them and they do not have the warmth any more to keep them warm, so we have a double problem with all of these people who are homeless and are going to be thrown out. I am very delighted that the gentleman is covering everybody in this, and I want to join in this resolution.

□ 1620

This is a tragedy. It is a real tragedy, and I have been spending many, many hours trying to help resolve it. Just a few minutes ago we ended a briefing by Bishop Atanasije Jevtie who is the Serbian Orthodox bishop of Hercegovina, and I was pointing out the problems that have arisen there in the short time that he has been with all of the people, and he presented some very interesting information for the members of the Human Rights Caucus and the Helsinki Caucus.

Again I do want to thank the gentleman for yielding me the time.

Mr. BROOMFIELD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAWYER. Mr. Speaker, I just wanted to take a moment to thank both the gentlewoman from Maryland for her thoughtful comments and question and the gentleman from Nebraska for his powerful endorsement of this.

I also want to take a moment to identify and associate myself with the comments of my friend from American Samoa, Mr. FALEOMAVAEGA, with regard to our friend, the gentleman from Michigan [Mr. BROOMFIELD], whose standards of bipartisanship and collaboration really set a model for us all as we seek to engage the United States in the coming decades across the frontiers of this changing world, and to suggest that his service in this chamber is among the best argument I know against the folly of term limitations.

Mr. HOYER. Mr. Speaker, I rise in strong support of House Resolution 557, of which I am a cosponsor. This resolution focuses needed attention on the plight of refugees and displaced persons in the former Yugoslav republics.

The crisis that has caused Yugoslavia's violent disintegration, has created over 2 million refugees and displaced persons in the process. Some are the victims of ethnic cleansing policies, while other fled from the fighting that consumed their once peaceful villages and towns. Many have no homes to which they can return. And, as the fighting uproots more and more innocent civilians, winter is beginning to set in, straining the already large international effort to assist the fleeing masses. A particular burden is held by those neighboring or nearby countries to which the refugees escape. The United States, for its part, has delivered, to date, more than $50 million worth of assistance, and has promised an additional $40 million to help the refugees survive what will be a difficult winter.

This resolution reaffirms our support for and encouragement of such efforts. It also states some important principles that the international community should follow, such as reaffirming the right of refugees to return to their former residences and to receive appropriate compensation, and declaring property transfer documents signed by refugees under duress to be null and void. As chairman of the Helsinki Commission, I view principles such as these to be critically important.

I would also point out, Mr. Speaker, that this resolution correctly states that Serbia and Montenegro, who together make up a new Yugoslav federation, are primarily responsible for the creation of the refugee crisis, but it does not in any way discriminate against refugees or displaced persons. Moslems, Croats, and Serbs have all suffered from this conflict.

In the final analysis, Mr. Speaker, the best solution to the refugee crisis created by the Yugoslav conflict is to bring the fighting to an end, and to begin the processes of reconstruction and reconciliation that must inevitably take place in the region. The sooner we do that, the better. In the meantime, however, we must realize the need for short-term measures to alleviate the plight of those most victimized by this horrible conflict. This resolution helps to do that, and I want to thank and commend my colleague, Representative TOM SAWYER, for taking the lead on this important issue.

Mr. SAWYER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DARDEN). The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House suspend the rules and agree to the resolution, H. Res. 557.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MARTIN LUTHER KING, JR., FEDERAL BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5831) to designate the Federal building located at 312 South Main Street in Victoria, TX, as the "Martin Luther King, Jr., Federal Building," as amended.

The Clerk read as follows:

H.R. 5831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at Main and Church Streets in Victoria, Texas, shall be known and designated as the "Martin Luther King, Jr. Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Martin Luther King Jr. Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. BENTLEY] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5831, as amended, is a bill to designate the Federal building located at Main and Church Streets in Victoria, TX, as the "Martin Luther King, Jr., Federal Building." This bill has my enthusiastic and wholehearted support. Dr. Martin Luther King, Jr., is undoubtedly the greatest civil rights leader in this country's history. Through his philosophy and strategy of nonviolence, he pursued his goal of integration in spite of arrest, jailings, and threats on his life.

In December 1964, Dr. King was honored by being awarded the Nobel Peace

Prize. On November 2, 1983, he was further honored by having a law passed making the third Monday in January of each year be a national holiday in his memory.

The honor bestowed on Dr. King by this legislation is well deserved for this remarkable leader and I urge support for its enactment.

I urge adoption of H.R. 5831, as amended, and I reserve the balance of my time.

Mrs. BENTLEY. Mr. Speaker, I yield myself so much time as needed.

Dr. Martin Luther King's influence as a civil rights leader is still being felt some 24 years after his tragic death. His famous "I Have a Dream" speech continues to provide a powerful framework wherein thousands of individuals each year are encouraged to strive for a better life.

Dr. King's contributions are immeasurable, and thus it is most appropriate that we honor him by naming the Federal building in Victoria, TX, as the "Martin Luther King, Jr., Federal Building." I especially want to commend GREG LAUGHLIN for introducing this bill and moving it through the Public Works Committee. I urge approval of the bill.

Mr. LAUGHLIN. Mr. Speaker, today I rise in strong support of H.R. 5831, legislation I recently introduced to designate a Federal building in Victoria, TX, as the "Martin Luther King, Jr., Federal Building."

Mr. Speaker, naming the Federal building located at Main and Church Street in Victoria, TX, is a true reminder of the influence that Dr. King was for all of us, not just Americans of African descent, but Americans whose origins can be found in all corners of the globe.

The unnamed Federal building is a downtown landmark, and is visited by hundreds and seen by thousands of Victoria residents and visitors on a daily basis.

A memorial to Dr. King placed at this site will provide continued inspiration to all who visit it, particularly to the hundreds of young men and women in the community.

Mr. Speaker, it is my hope that the young people in this Victoria community who visit this building will come to understand that it recognizes not only the contributions of this great leader, but also two very basic principles necessary for the healthy functioning of our society.

The first is that change, even very fundamental change, is to be achieved through nonviolent means.

The other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all its people, is essential to the basic health of this Nation.

Mr. Speaker, Dr. King helped us to see that we can bring down all barriers that are placed in our way. This great undertaking was not without pain, and is not yet complete, but is transforming this Nation for the better.

Dr. Martin Luther King, Jr., dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means.

Mr. Speaker, I hope you can understand why I believe it would be most appropriate to recognize Dr. King by naming the Federal building in Victoria in his honor.

Mrs. BENTLEY. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 5831, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Federal Building located at Main and Church Streets in Victoria, TX, as the 'Martin Luther King, Jr., Federal Building.'"

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative day in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

RICHARD H. CHAMBERS U.S. COURT OF APPEALS BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5822) to designate the U.S. Court of Appeals Building located at 125 South Grand Avenue in Pasadena, CA, as the "Richard H. Chambers United States Court of Appeals Building."

The Clerk read as follows:

H.R. 5822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BUILDING.

The United States Court of Appeals Building located at 125 South Grand Avenue in Pasadena, California, shall be known and designated as the "Richard H. Chambers United States Court of Appeals Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the "Richard H. Chambers United States Court of Appeals Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. BENTLEY] will be recognized for 20 minutes.

The Chair recognized the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5822, is a bill to designate the building located at 125 South Grand Avenue in Pasadena, CA, as the "Richard H. Chambers United States Court of Appeals Building." Richard H. Chambers has had a very distinguished legal career. Following college at the University of Arizona in 1929, and law school at Stanford University in 1932, he worked in private practice from 1932–41. His career was interrupted for military service until 1945, when he resumed private practice until 1954.

On May 13, 1954, President Eisenhower appointed Richard H. Chambers to the U.S. Court of Appeals for the Ninth Circuit. He served as chief judge for 17 years until December 31, 1976, when he took senior status.

He has enjoyed an outstanding reputation as a jurist and is richly deserving of this honor.

I urge adoption of H.R. 5822, and I reserve the balance of my time.

Mrs. BENTLEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5822 which will designate the U.S. Court of Appeals Building in Pasadena, CA, as the "Richard H. Chambers United States Court of Appeals Building."

Judge Chambers was appointed to the U.S. Court of Appeals for the Ninth Circuit in 1930. He served as chief judge for 17 years from August 6, 1959, to June 30, 1976. Prior to his appointment to the bench, Judge Chambers served in the U.S. Army Air Corps during World War II.

Given Judge Chambers's distinguished record of public service, H.R. 5822 is a fitting tribute. I want to commend my colleague, CARLOS MOORHEAD, for introducing this bill and bringing it to the committee's attention. I urge my colleagues to support the bill.

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

I rise in support of H.R. 5822.

I very much appreciate the work and leadership provided by the gentleman from Illinois [Mr. SAVAGE] and the gentleman from Oklahoma [Mr. INHOFE]. I also would like to thank the gentleman from New Jersey [Mr. ROE] and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for their assistance.

H.R. 5822 would rename the Vista Del Arroyo Building in Pasadena, CA, after Judge Richard H. Chambers. Judge Chambers was most active in getting the court moved to this building, a historic landmark that has been newly renovated.

Judge Chambers was appointed to the U.S. Court of Appeals for the Ninth Circuit on April 30, 1954, and entered on duty May 13, 1954. He served as chief judge for 17 years from August 6, 1959, to June 30, 1976. He took senior judge status on December 31, 1976. He is a graduate of the University of Arizona, receiving an A.B. degree in 1929, and Stanford University, receiving an LL.B. degree in 1932. During World War II he served in the U.S. Army Air Corps, 1942–45. I have attached his bio to my statement.

Since he was the guiding light behind this development, I feel it is only right and just that the court be named in this honor. Neither of the California Senators, nor the Governor, has any objection to this proposal. Congressman ROYBAL is also a sponsor of the legislation.

As I pointed out, Judge Chambers is an outstanding jurist who has devoted much of his adult life to public service on the beach. Presently he is a senior judge, 86 years old and has been in the hospital since July of this year. Although initially he resisted having the courthouse named after him, he has withdrawn that resistance. I urge support for this legislation.

CHAMBERS, RICHARD H.—BIBLIOGRAPHY

Judge Chambers was appointed to the United States Court of Appeals for the Ninth Circuit on April 30, 1954 and entered on duty May 13, 1954. He served as Chief Judge from August 6, 1959 to June 30, 1976. He took senior judge status on December 31, 1976. He is a graduate of the University of Arizona, receiving an A.B. degree in 1929, and Stanford University, receiving an LL.B. degree in 1932. During World War II he served in the United States Army Air Corps, 1942–1945.

Judge Chambers was a member of the Judicial Conference of the United States, 1959–1976; the Committee on Judicial Statistics, 1960–1969; the Executive Committee, 1970–1975; and Chairman of the Committee on Pacific Ocean Territories, 1976–1982.

Judge Chambers is married to the former Mary Martin and has two daughters: Martha Chambers Froese and Janet Chambers Crews. He is a member of the American Bar Association, the American Law Institute, the American Judicature Society, and the Institute of Judicial Administration.

Mrs. BENTLEY. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 5822.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1630

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5822, the bill just passed.

The SPEAKER pro tempore (Mr. DARDEN). Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

RONALD REAGAN BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4281) to designate the U.S. Federal building and U.S. courthouse to be located at Fifth and Ross Streets in Santa Ana, CA, as the "Ronald Reagan Building" as amended.

The Clerk read as follows:

H.R. 4281

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and courthouse to be constructed at Fifth and Ross Streets in Santa Ana, California, shall be known and designated as the "Ronald Reagan Federal Building and Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the "Ronald Reagan Federal Building and Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. BENTLEY] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4281, as amended, is a bill to designate the Federal building and courthouse to be constructed at Fifth and Ross Streets in Santa Ana, CA, as the "Ronald Reagan Federal Building and Courthouse." It is always a pleasure and a privilege to recognize a President of the United States by designating a Federal building and courthouse in his honor.

I urge adoption of H.R. 4281, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. BENTLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend our colleague, Mr. COX, for his diligence and persistence on this bill. He has, I believe, identified a very fitting tribute to former President Ronald Reagan. Since President Reagan is a longtime resident of California and a former Governor of California, it is very fitting that we honor his accomplishments by naming a new Federal building and courthouse for him in his home State.

During his tenure as President, Ronald Reagan distinguished himself not only as a statesman on domestic issues, but also in the international arena. His challenge to then President Gorbachev to tear down the Wall began the process of ending the cold war.

Unquestionably his contributions to the Nation and the world will long be remembered and admired. Therefore, I am pleased to rise in strong support of this effort, and I urge my colleagues to do the same.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. COX], the author of this bill.

Mr. COX of California. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in support of H.R. 4281, which will, as has been described, officially name the new Orange County courthouse the Ronald Reagan Federal Building and Courthouse.

It is once in every generation or two that an extraordinary individual comes along who has a significant impact not only on national events but on the values and aspirations of people all over the world. Ronald Reagan was such a person.

Already history has recorded the enormously positive impact that Ronald Reagan has had on this Nation and on the development of freedom and democracy around the world.

Mr. Speaker, I was fortunate to have had the opportunity to serve President Reagan as his senior associate counsel in the White House. Having worked with the President, I speak from experience when I say that his geniality, his good humor, his steady judgment, and his constancy of purpose are traits that every statesman should emulate, and his message of optimism and inclusion which generated so much pride, energy, and enthusiasm during his Presidency is one that every American and every freedom-loving human being will be wise to take to heart.

Ronald Reagan was the first American President since Dwight Eisenhower to serve out two full terms, and he left office as one of the most popular Presidents of all time. His accomplishments are legion under his leadership. The economy grew by the size of West Germany, 20 million jobs. More Americans were working than at any time in our history. Interest rates were cut in half, while inflation was reduced from 13 percent to 3 percent. The Reagan Presidency marked the longest period of sustained economic growth in peacetime American history.

Just as impressive is President Reagan's tremendous positive impact on the international scene. Ronald Reagan did not seek to contain communism but to liberate its subjects and extend freedom and democracy around the globe. He challenged the Soviet Communist Party's chief, "Mr. Gorbachev, tear down this wall," and he backed it up with United States nuclear missiles in Europe, and aggressive development of the strategic defense initiative, and consistent support of anti-Communist heroes throughout the Soviet Empire. Afghanistan, with United States support, defeated the Red army, the Berlin Wall did come down, and Poles, Hungarians, Czechs, Slovaks, and Germans were free at last.

As the Western forces of free enterprise and democracy, following the lead of President Reagan, brought about the collapse of the Soviet Union's outer empire, the captive nations of Lithuania, Latvia, and Estonia became independent not only in theory but in fact.

Finally, as the inner Soviet Empire fell, captive nations such as Ukraine and Armenian became sovereign States once again.

President Reagan always put his faith in the people rather than in government. Perhaps George Will put it best when he said that President Reagan knows what Dr. Johnson knew, that people more often need to be reminded than informed. By communicating a vision of what is best about America, he succeeded beyond any of our wildest imaginings in motivating and energizing this Nation.

U.S. News & World Report summed it up as follows:

> Ronald Reagan proved that the Presidency still works, that it is still possible to succeed in the Presidency by skillfully exercising its powers of symbol, ceremony, and vision.

And he helped the Nation regain its self-confidence.

It is especially fitting that we name this new courthouse for President Ronald Reagan in light of his enormous influence in establishing the rule of law in place of Communist dictatorship for so many of our fellow human beings, and although Ronald Reagan now belongs to the citizens of the world and to the ages, those of us who are Californians will always think of him as the favorite son of our Golden State. Mr. Reagan spent the majority of his adult life living and working in California, and during this more than three decades of public service developed an unparalleled kinship and popularity with tens of millions of respectful and grateful people.

By all accounts, California's support for Ronald Reagan in California is nowhere stronger than in my home, Orange County, whose citizens I am now privileged to represent.

Although Orange County has grown phenomenally over the last 20 years, its access to justice has not followed suit. Currently more than 2.4 million Orange Countians have no permanent Federal courthouse, but fortunately, because of the farsighted leadership of the Committee on Public Works and Transportation, we are now well on our way to rectifying that.

The General Services Administration, the Administrative Office of the U.S. Courts, and the Congress have agreed upon and are working together to construct the first permanent Federal courthouse in Orange County.

Design work is now underway, and soon Orange County residents will finally have ready access to justice in their own community.

Naming this facility for Ronald Reagan is one small way Californians can say thanks for his over 30 years of public service and his extraordinary legacy in California and around the world.

My legislation, H.R. 4281, has the support of every county, State, and Federal official in Orange County, Republican and Democrat. Many of them have written to the Committee on Public Works and Transportation in support of honoring President Reagan in this way.

Mr. Speaker, I am especially pleased we are naming this building today before the adjournment of the 102d Congress. This will be the first ever Federal building named after President Reagan. Rather than waiting for future generations to honor his memory, we are honoring President Reagan today himself. The people of Orange County and the people of California and the Nation want to let President Reagan know of their deep appreciation for his hard work and dedication.

Naming the building today will give us that opportunity.

I appreciate the support of my colleagues on the Subcommittee on Public Buildings and Grounds in the passage of this bill, and I urge all of my colleagues to vote in favor of this legislation.

Mrs. BENTLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the distinguished ranking minority leader on the Committee on Public Works and Transportation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I want to commend the gentleman from California [Mr. COX] for his initiative on H.R. 4281 and also to thank the chairman of the subcommittee, the gentleman from Illinois [Mr. SAVAGE], and the vice chairman of the subcommittee, the gentlewoman from the District of Columbia [Ms. NORTON], and the gentlewoman from Maryland [Mrs. BENTLEY] for managing this bill.

Mr. Speaker, I rise in strong support of H.R. 4281, which will designate the Federal building and courthouse to be constructed at 5th and Ross Streets in Santa Ana, CA, as the "Ronald Reagan Federal Building and Courthouse." This is a fitting tribute to former President Reagan, given his long and distinguished service to the people of California and the Nation.

During his administration, President Reagan put forward a strong domestic agenda, and one that was characterized by limited government and lower taxes. He was determined to lift the burden of Federal bureaucracy from the shoulders of American business, and to ease the tax burden of American taxpayers.

In the area of international affairs, President Reagan was outspoken in his resolve to use American foreign policy to encourage freedom and democracy throughout the world and to bring an end to Communist rule in Eastern Europe. Under his leadership, the beginning of the end of the cold war was set in motion and the foothold of democracy in central America became stronger.

President Reagan is without question one of the great statesmen of our time, and it is very appropriate that we honor him in this way. I urge my colleagues to support H.R. 4281.

Mr. PACKARD. Mr. Speaker, I would like to rise in support of the bill H.R. 4281 introduced by my colleague from California, CHRISTOPHER COX, which seeks to name the new Orange County courthouse in honor of President Ronald Reagan.

As a representative of Orange County, and a proud American, I believe that it would be a tribute to both President Reagan as well as the residents of Orange County to do so.

It was our 40th President who proclaimed that:

> America is back, a giant, powerful in its renewed spirit, its growing economy, powerful in its ability to defend itself and secure the peace, and powerful in its ability to build a new future. This is not debatable.

As by ushering this renewed spirit, President Reagan led this country through the longest period of peacetime economic expansion. This is a fitting salute to a man who's vision and convictions changed America's course for the better, and made Americans believe in themselves again.

President Reagan reoriented our defense policy to reflect his belief that peace could be achieved through strength. The fall of the Berlin Wall and the collapse of communism in the former Soviet Union are a part of the Reagan legacy.

Also a part of this great president's legacy was his conviction that a government big enough to give everything to you, was a government big enough to take everything away. His principles were economic and social self-determination. That is why he cut personal tax rates by 25 percent; to restore economic freedom to the families of America, instead of feeding their hard-earned tax dollars to that insatiable beast, the Federal Government.

I urge my colleagues to support this measure to name the new Orange County courthouse after one of our greatest Presidents: Ronald Reagan.

Mrs. BENTLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further request for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ABERCROMBIE). The question is on the motion offered by the gentlewoman from the District of Columbia [Ms. NORTON] that the House suspend the rules and pass the bill, H.R. 4281, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Federal building and courthouse to be constructed at 5th and Ross Streets in

Santa Ana, CA, as the 'Ronald Reagan Federal Building and Courthouse'."

The motion to reconsider was laid on the table.

□ 1640

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4281, the bill just passed.

The SPEAKER pro tempore (Mr. ABERCROMBIE). Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS WITH REGARD TO THE GREAT LAKES

Mr. NOWAK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5990) to amend the Federal Water Pollution Control Act to provide for assessments of contaminated sediments at areas of concern in the Great Lakes, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GREAT LAKES MANAGEMENT.

(a) REMOVAL OF TOXIC POLLUTANTS.—Section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7)) is amended by adding at the end the following new subparagraphs:

"(D) FULL SCALE DEMONSTRATION PROJECTS.—

"(i) IN GENERAL.—The Program Office shall conduct 5 full scale demonstration projects of promising technologies to remedy contaminated sediments at such sites as the Program Office determines are appropriate. In selecting such sites, the Program Office shall give priority consideration to the sites referred to in subparagraph (A).

"(ii) DEADLINES.—The Program Office shall—

"(I) by December 31, 1994, complete engineering plans for the full scale demonstration projects to be conducted under this subparagraph; and

"(II) by December 31, 1999, complete the full scale demonstration projects to be conducted under this subparagraph.

"(E) ASSESSMENTS AND PILOT SCALE DEMONSTRATION PROJECTS.—

"(i) ASSESSMENTS.—The Program Office shall conduct chemical, physical, and biological assessments of contaminated sediments at each area of concern and, based on such assessments, make recommendations on technologies to remedy contaminated sediments at each such area. In conducting such assessments, the Program Office shall incorporate previous findings which are relevant to the assessments and avoid duplication of previous or ongoing efforts.

"(ii) PILOT SCALE DEMONSTRATION PROJECTS.—If, after conducting assessments under clause (i), the Program Office does not have sufficient information to make recommendations on technologies to remedy contaminated sediments at an area of concern, the Program Office shall obtain such information by conducting a pilot scale demonstration project of promising technologies to remedy contaminated sediments at the area of concern.

"(iii) DEADLINES.—The Program Office shall—

"(I) by December 31, 1998, complete assessments of contaminated sediments to be conducted under clause (i);

"(II) by December 31, 1998, transmit to Congress (as part of a comprehensive report required by paragraph (10)) recommendations made under clause (i) on technologies to remedy contaminated sediments for those areas of concern for which the Program Office has sufficient information to make the recommendations and a description of pilot scale demonstration projects to be conducted under clause (ii), including the locations of such projects and engineering plans for such projects; and

"(III) by December 31, 2000, complete all pilot scale demonstration projects to be conducted under clause (ii) and transmit to Congress (as part of a comprehensive report required by paragraph (10)) a final report containing findings on activities conducted under this subparagraph and recommendations for remediation of contaminated sediments at each area of concern.

"(F) DISSEMINATION OF INFORMATION AND COORDINATION.—The Program Office shall assist in and promote the dissemination of information on technologies to remedy contaminated sediments at areas of concern, including the dissemination of such information to Federal departments and agencies.".

(b) LAKEWIDE MANAGEMENT PLANS.—Section 118(c)(4) of such Act (33 U.S.C. 1268(c)(4)) is amended by striking "and" at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following:

"(C) by January 1, 1994—

"(i) publish in the Federal Register a final Lakewide Management Plan for Lake Michigan and begin implementation of such plan; and

"(ii) publish in the Federal Register a proposed Lakewide Management Plan for Lake Ontario and solicit public comments;

"(D) by January 1, 1995—

"(i) submit a proposed Lakewide Management Plan for Lake Ontario to the International Joint Commission for review; and

"(ii) publish in the Federal Register a proposed Lakewide Management Plan for Lake Erie and solicit public comments;

"(E) by January 1, 1996—

"(i) publish in the Federal Register a final Lakewide Management Plan for Lake Ontario and begin implementation of such plan; and

"(ii) submit a proposed Lakewide Management Plan for Lake Erie to the International Joint Commission for review; and

"(F) by January 1, 1997, publish in the Federal Register a final Lakewide Management Plan for Lake Erie and begin implementation of such plan.".

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 118(h) of such Act (33 U.S.C. 1268(h)) is amended to read as follows:

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Administrator to carry out this section $30,000,000 per fiscal year for each of fiscal years 1992 through 1999. Such sums shall remain available until expended.

"(2) ALLOCATIONS.—40 percent of the amounts appropriated pursuant to paragraph (1) in a fiscal year shall be used by the Program Office to carry out assessments and full and pilot scale demonstration projects under subsection (c)(7).".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall not apply to amounts appropriated on or before September 30, 1992. Such amounts shall remain available until expended for purposes provided under section 118(h) of the Federal Water Pollution Control Act as in effect on September 25, 1992.

(d) CONFORMING AND TECHNICAL AMENDMENTS.—Section 118(c) of such Act (33 U.S.C. 1268(c)) is amended—

(1) in the heading to paragraph (6), by striking "5-YEAR PLAN AND PROGRAM" and inserting "PLAN AND PROGRAM";

(2) in the heading to paragraph (7), by striking "5-YEAR STUDY AND DEMONSTRATION PROJECTS" and inserting "STUDY AND DEMONSTRATION PROJECTS"; and

(3) in paragraph (7)—

(A) by striking "(A)" and inserting "(A) 5-YEAR STUDY.—";

(B) by indenting subparagraph (A) and aligning subparagraph (A) with subparagraph (B);

(C) by striking "(B)" and inserting "(B) DEADLINES FOR DEMONSTRATION PROJECTS.—"; and

(D) by striking "(C)" and inserting "(C) Publication of information.—".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. NOWAK] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. NOWAK].

Mr. NOWAK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on September 22, 1992, I introduced H.R. 5990, a bill to continue the activities of the EPA's Great Lakes national program office and continue the research into the assessment and remediation of contaminated sediments [ARCS] in the Great Lakes.

Because of their vast size and volume, it had been thought that the Great Lakes could assimilate almost any amount of waste. Unfortunately, that is clearly not the case. Only about 1 percent of the volume of the lakes flows out of the St. Lawrence River in any year.

The lack of regular flushing leads to the accumulation of toxic chemicals in sediments. Benthic organisms can take up these pollutants allowing them to enter the food chain. Toxics may bioaccumulate in fish, increasing dramatically the concentration of pollutants. Our key impediment to success in remediation of contaminated sediments has been the lack of experience with cleanup technologies. To fill this gap, the Water Quality Act 1987 established a 5-year program for EPA to test sediment cleanup technologies in the Great Lakes. On April 8, 1992, the Subcommittee on Water Resources of the Committee on Public Works and Transportation held a hearing on the assessment and remediation of contaminated sediments in the Great Lakes. Testimony received by the subcommittee was uniformly in support of continuing the ARCS Program. Interests representing the Great Lakes, the environmental community, business representatives, States, Federal, and international agencies all agreed that the preliminary research of EPA and the Army Corps of Engineers had been very successful.

The bill, H.R. 5990, would extend the program from the pilot experiments to full-scale demonstration projects of promising technologies.

Under the bill, the Great Lakes National Program Office [GLNPO] would be directed to conduct and provide within 2 years engineering plans for full-scale demonstration of contaminated sediment removal at the five priority sites already identified. The Office would also be directed to conduct full-scale demonstrations of contaminated sediments removal action at each of the five sites. If the Office cannot make a remediation recommendation, it is to conduct a pilot scale demonstration of promising remedial technologies. The bill also authorizes GLNPO to carry out an assessment at each of the areas of concern. The Office is further directed to complete a lakewide management plan as mandated by the International Joint Commission for Lake Ontario by 1994 and for Lake Erie by 1995.

Mr. Speaker, the bill as reported by the Committee on Public Works and Transportation had new formula funding of 30 percent or $5 million whichever is less for both monitoring and for carrying out assessments and demonstration projects for remediation of contaminated sites. To give the agency more flexibility, the amendment goes back to the formula under current law that prescribes that 40 percent of funding for the Great Lakes National Program Office be dedicated to assessment and remediation of contaminated sediments, and contains no formula for monitoring.

I urge the Members of the House to support this bill, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5900, a bill to reauthorize and amend the Clean Water Act's Program to protect water quality and remove contaminated sediments in the Great Lakes.

First, let me commend the leadership of the House Public Works and Transportation Committee for its interest in and efforts behind this bill. Chairman BOB ROE and ranking minority member of the Water Resources Subcommittee, TOM PETRI, have cooperated fully in fashioning and moving H.R. 5990 through committee and to the floor.

And I would be remiss if I did not congratulate the retiring chairman of the Water Resources Subcommittee, HENRY NOWAK, for his leadership and tireless efforts in promoting this bill and protecting the Great Lakes throughout his career in Congress. H.R. 5990 is just one example of his commitment to Great Lakes water quality.

This legislation amends and extends provisions in the Clean Water Act relating to the Great Lakes (section 118). The bill authorizes $30 million a year for 8 years for EPA's Great Lakes National Program Office. It includes specific schedules and directives regarding several demonstration projects assessing and cleaning up contaminated sediment toxic hotspots; it also includes schedules to develop and implement lakewide management plans.

Mr. Speaker, a healthy Great Lakes ecosystem is critically important to this Nation, indeed, to the entire North American continent. EPA's national program has been successful to date. Much work remains to be done, however. The agency's Great Lakes Program deserves continued authorization, guidance, and support. H.R. 5990 can help in that respect.

The committee has included a few substantive changes to the bill since markup on September 24. The amendment included in the motion to suspend the rules modifies the bill's authorization for the priority site demonstration projects and for nutrient and toxics monitoring. The amendment adjusts the minimum allocation for priority site demonstrations and deletes the reference to a minimum allocation for monitoring.

Mr. Speaker, while H.R. 5990 is not a perfect bill, it is worthy of our support. The Nation needs to continue its commitment to the Great Lakes.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NOWAK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. NOWAK] that the House suspend the rules and pass the bill, H.R. 5990, as amended.

The question was taken; and (two-third having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NOWAK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5990, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS TO EXTEND STORMWATER DISCHARGE DEADLINE

Mr. NOWAK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6004) to amend the Federal Water Pollution Control Act to extend the deadline by which permits for discharges for municipal and industrial stormwater discharges are required until October 1, 1994.

The Clerk read as follows:

H.R. 6004

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402(p) of the Federal Water Pollution Control Act (33 U.S.C. 1342(p)) is amended in each of paragraphs (1) and (6) by striking "1992" and inserting "1994".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. NOWAK] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. NOWAK].

□ 1650

Mr. NOWAK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the floor the bill H.R. 6004, which extends the deadline by which permits for certain municipal and industrial stormwater discharges are required until October 1, 1994.

In the Water Quality Act of 1987, which amended the Federal Water Pollution Control Act of 1972, a provision was included establishing a comprehensive, phased approach to the regulation of stormwater discharges. This provision required various permit application deadlines and requirements for certain municipal and industrial stormwater discharges, as well as other discharges of stormwater that could contribute to water quality standard violations or significantly contribute pollutants to waters of the United States.

The 1987 amendments established deadlines to implement the permit program for stormwater discharges associated with industrial activity, discharges from large municipal separate storm sewer systems serving a population of 250,000 or more, and discharges from medium municipal separate storm sewer systems serving a population of 100,000 or more but less than 250,000.

Permits for small systems, those serving a population of less than 100,000, were not required until October 1, 1992. EPA was required to issue by October 1, 1992, regulations establishing a comprehensive regulatory program for these smaller communities. This has not yet been done.

EPA and others are concerned about the scope and complexity of this program for smaller communities. By some estimates, this program could include tens of thousands of currently unregulated municipalities and a million or more currently unregulated facilities. At this point, the October 1, 1992 deadline is unrealistic.

H.R. 6004 amends the act to extend the October 1, 1992, moratorium for 2 more years, to October 1, 1994. The bill also extends by 2 years the requirement that EPA issue regulations for these smaller community discharges. These deadline extensions will allow EPA and smaller communities the necessary time to comply with requirements for regulation of stormwater discharges.

Mr. Speaker, this bill is needed to prevent small communities from becoming violators of the law on October 1. It is a good bill. It is a reasonable bill, and I strongly urge its passage.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6004, a bill to amend the Clean Water Act to extend permit application and regulation deadlines for certain stormwater discharges.

This narrowly crafted bill provides regulatory relief to small and rural towns across America. At the same time, it ensures that EPA and the States will have greater opportunity to fashion reasonable, environmentally protective management strategies for stormwater.

First, let me thank and commend the leadership of the Public Works and Transportation Committee: Chairman BOB ROE, Water Resource Subcommittee Chairman HENRY NOWAK, and ranking minority member of the subcommittee, TOM PETRI. We certainly wouldn't be on the floor today debating this critically important bill if they had not been willing to offer their support and leadership.

I particularly want to thank both Chairman ROE and Chairman NOWAK who are retiring at the end of this session. Throughout their tenure on the Public Works and Transportation Committee, they have sought bipartisan, consensus solutions to public works and environmental protection problems. They have risen to the challenge to meet this Nation's infrastructure and economic development needs without compromising environmental quality. This bill, H.R. 6004, is entirely consistent with that approach and philosophy.

I introduced H.R. 6004 just last week. However, both the need for and momentum behind the bill have been in the making for some time now.

The 1987 amendments to the Clean Water Act set up an ambitious, phased approach to the regulation of stormwater. That approach involved numerous permit application and compliance deadlines, focusing first on dischargers of the greatest concern, such as certain industrial activities and medium- to large-sized municipalities. EPA was required to promulgate guidelines and regulations for industrial activities and cities of 250,000 or more within 2 years of enactment and for cities of 100,000 or more but less than 250,000 within 4 years of enactment.

The Stormwater Program, however, has faced a lot of scientific, legal, and institutional obstacles. EPA has missed its target deadlines and is only now beginning to implement stormwater regulations for industries and large cities. EPA and the States are simply not ready to move ahead on stormwater regulations for smaller cities—that is, cities under 100,000 population—and for countless other dischargers. Unfortunately, the statutory moratorium on stormwater permitting for small towns and other lower priority dischargers expires on October 1 of this year—literally only days away.

When this moratorium expires, small towns, nonindustrial concerns such as parking lot owners, and even private homeowners, could be in violation of the act unless Congress moves to extend the deadline. And that is precisely what my bill does—nothing more, nothing less.

H.R. 6004 amends section 402(p) of the act to extend the October 1, 1992 moratorium date for 2 years, to October 1, 1994. The bill also extends by 2 years the section 402(p)(6) requirement that EPA issue regulations for discharges not enumerated in section 402(p)(2).

Why do we need this legislation? Simply because Federal, State, and local officials, communities, certain industries, and others responsible for stormwater discharges need more time. Without an extension of the moratorium, EPA and State regulators, local officials and countless others could become literally swamped with paperwork, redtape, and litigation. The Association of State and Interstate Water Pollution Control Administrators and the National League of Cities recognize that an administrative nightmare and a frenzy of lawsuits could result if the moratorium is unchanged and a huge permitting program is hastily imposed.

That's why these groups and others support H.R. 6004. They recognize it buys a little time for developing a more rational and workable approach to a serious but complex environmental challenge.

Mr. Speaker, H.R. 6004 is a very narrowly crafted regulatory relief bill. It steers clear of the many controversial issues involved in EPA's stormwater regulatory program. I, for one, would have liked to address some of the other concerns raised by countless groups regarding permits, water quality standards, and differing requirements for municipal and industrial sources. Like many others, I would also have no problem with an extension longer than 2 years for low priority discharges so that we can push ahead with the more serious stormwater problems. EPA and others have said they need much more time to fashion a responsible program.

Mr. Speaker, an additional comment is warranted regarding the overall thrust of this bill and the entire Permitting, Management, and Control Program authorized under section 402(p). We are providing EPA and others more time to address certain so-called phase II discharges. At the same time, though, EPA and others must ensure an effective permitting program, to address so-called phase I discharges, that avoids unnecessary, duplicative, or costly sampling, testing, monitoring, reporting, and other requirements. For example, in cases where groups have undertaken sampling in order to comply with current deadlines, it would make sense that data already gathered could serve as the basis for future applications. Such an approach could help avoid redundant testing.

In the meantime, Congress cannot delay passing this critically important bill. We should pass it and send it to the other body immediately. The Nation's small towns, water quality officials, and all the impacted facilities and potentially regulated entities need this modest regulatory relief package now. The 2-year extension will also allow Congress time to fashion amendments to the stormwater program during debate on Clean Water Act reauthorization next year.

For all of these reasons, Mr. Speaker, I urge my colleagues to support H.R. 6004. It's a small but important step toward more realistic deadlines and more reasonable regulations.

Mr. NOWAK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at this time I would like to acknowledge the great work of the gentleman from Arkansas [Mr. HAMMERSCHMIDT]. I have worked with him and many others on this bill for 18 years and certainly his leadership concern and especially his staying the course, if you will, in all these bills has meant a great deal to all of us in committee and certainly in the House and in this country.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NOWAK. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ABERCROMBIE). The question is on the motion offered by the gentleman from New York [Mr. NOWAK] that the House suspend the rules and pass the bill, H.R. 6004.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NOWAK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 6004, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 429, RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1992

The SPEAKER pro tempore. Without objection, and pursuant to clause 6(f) of rule X, the Chair makes the following appointments to fill vacancies occasioned by the death of Representative JONES of North Carolina on the committee of conference on the bill (H.R. 429) to amend certain Federal reclamation laws to improve enforcement of acreage limitations, and for other purposes:

As an additional conferee from the Committee on Merchant Marine and Fisheries for consideration of titles II through VI, IX, XXX, and XXXIV of the House amendment to the Senate amendment, and titles II through VI, IX, XXXIII, XXXIV, XXXVI, and XXXVIII of the Senate amendment to the House amendment to the Senate amendment, and modification committed to conference: Mr. LIPINSKI.

As an additional conferee from the Committee on Merchant Marine and Fisheries for consideration of titles I, VII, XI, and XVII through XX of the House amendment to the Senate amendment, and titles I, VII, XI, XII, XIV, XV, XIX, and XX of the Senate amendment to the House amendment to the Senate amendment, and modifications committed to conference: Mr. HUGHES.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

JICARILLA APACHE TRIBE WATER RIGHTS SETTLEMENT

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5122) relating to the settlement of the water rights claims of the Jicarilla Apache Tribe Water Rights Settlement Act as amended.

The Clerk read as follows:

H.R. 5122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jicarilla Apache Tribe Water Rights Settlement Act".

SEC. 2. FINDINGS.

Congress hereby finds and declares that—

(1) the Jicarilla Apache Tribe has multiple claims against the State of New Mexico, the United States, and other parties, related to water rights for its reservation in northern New Mexico and based on the alleged infringement of those rights;

(2) Federal water resource projects have diverted water upstream from the Jicarilla Apache Indian Reservation and have impounded water downstream from the reservation, but no provision has been made for substantial water resource development to benefit the reservation;

(3) a full and final settlement of the water rights claims of the Jicarilla Apache Tribe will inure to the benefit of the Tribe, the State of New Mexico, and the United States;

(4) this Act, together with a Settlement Contract between the Jicarilla Apache Tribe and the United States, is intended to provide for the full, fair and final resolution of the water right claims of the Tribe, and to secure to the Tribe a perpetual water supply for use on its reservation;

(5) the Jicarilla Apache Tribe may use this water supply outside the boundaries of its reservation consistent with the terms of a Settlement Contract between the Tribe and the United States; and

(6) the Secretary, in accordance with the requirements of section 11(a) of the Act of June 13, 1962 (76 Stat. 96, 99; Public Law 87-483), has determined by hydrologic investigations that sufficient water to fulfill the Settlement Contract is reasonably likely to be available for use in the State of New Mexico under the allocations made in articles III and XIV of the Upper Colorado River Basin Compact and has transmitted such determination to Congress by letter dated February 2, 1989.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) approve, ratify and incorporate by reference the Settlement Contract; and

(2) to authorize the actions and appropriations necessary and appropriate for the United States to fulfill its obligations under such contract and this Act.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) The term "Settlement Contract" means a contract between the United States and the Jicarilla Apache Tribe setting forth the commitments, rights, and obligations of the United States and the Tribe in providing for the resolution of all water right claims of the Tribe.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Tribe" means the Jicarilla Apache Tribe of Indians organized under a revised constitution adopted December 15, 1968, pursuant to the Indian Reorganization Act (25 U.S.C. 476 et seq.) and duly recognized by the United States of America.

(4) The term "Navajo Reservoir" means the reservoir created by the impoundment of the San Juan River at the Navajo Dam as authorized by the Act of April 11, 1956 (70 Stat. 105).

(5) The term "San Juan-Chama Project" means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

SEC. 5. SETTLEMENT CONTRACT APPROVAL.

(a) SETTLEMENT CONTRACT.—The Secretary, acting on behalf of the United States, and the President of the Tribe, acting pursuant to an authorization from the Jicarilla Apache Tribal Council, are authorized to enter into the Settlement Contract, but in no event shall such contract be limited by any term of years, or be canceled, terminated or rescinded by the action of any party, except by an Act of Congress hereafter enacted.

(b) APPROVAL OF SETTLEMENT CONTRACT.—The Congress approves, ratifies, and hereby incorporates by reference the Settlement Contract.

(c) AUTHORITY OF SECRETARY.—The Secretary is authorized to enter into such agreements and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Contract and this Act.

SEC. 6. WATER AVAILABLE UNDER THE CONTRACT.

(a) WATER AVAILABLE.—Water made available annually under the Settlement Contract approved by section 5 of this Act is in the following amounts under water rights held by the Secretary for the following projects or sources:

	Total diversion (acre-feet/year)	Total depletion (acre-feet/year)
Navajo Reservoir or Navajo River	33,500	25,500
San Juan-Chama Project	6,500	6,500
Total	40,000	32,000

(b) AMENDMENTS TO CONTRACT.—The Secretary may enter into amendments to the Settlement Contract which would in his judgment be in the interest of water conservation and in the spirit of this settlement of the claims of the Tribe, but the water depletions shall not exceed the amounts set forth in this section.

(c) RIGHTS OF THE TRIBE.—The Tribe will be entitled under the Settlement Contract to use any and all return flows attributable to uses of the water by the Tribe or its contractors, as long as the water depletions do not exceed the amounts set forth in this section.

SEC. 7. SUBCONTRACTS.

(a) AUTHORITY OF TRIBE.—When water made available under the Settlement Contract approved by section 5 of this Act is not being used by the Tribe, the Tribe may subcontract with third parties, subject to the approval of the Secretary in accordance with this section, to supply water for beneficial use outside of the reservation, subject to and not inconsistent with the same requirements and conditions of State law, any applicable Federal law, interstate compact, and international law as apply to the exercise of water rights held by non-Federal, non-Indian entities. Nothing in this Act shall be construed to establish, address, prejudice, or prevent any party from litigating, whether or to what extent any of the aforementioned laws do or do not permit, govern, or apply to the use of the Tribe's water outside the State.

(b) MAXIMUM TERM.—The Tribe shall not permanently alienate any rights it has under the Settlement Contract. The maximum term of any water use subcontract, including all renewals, shall not exceed 99 years in duration.

(c) APPROVAL OF SECRETARY.—(1) The Secretary shall approve or disapprove any subcontracts submitted to him for approval within—

(A) 180 days after submission; or

(B) 60 days after compliance, if required, with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), or any other requirement of Federal law, whichever is later.

(2) Any party to a subcontract may enforce the provision of this subsection pursuant to section 1361 of title 28, United States Code.

(d) PREEMPTION.—The authorization provided for in subsection (a) and the approval authority of the Secretary provided for in subsection (c) shall not amend, construe, supersede, or preempt any Federal law, interstate compact, or international treaty that pertains to the Colorado River or its tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quality of those waters. The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Contract.

(e) FORFEITURE.—The nonuse of the water supply secured herein by a subcontractor of the Tribe shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of the rights exercised by the Tribe under the Settlement Contract.

SEC. 8. TRUST FUND; AUTHORIZATION OF APPROPRIATIONS.

(a) ESTABLISHMENT OF TRUST FUND.—There is hereby established in the Treasury a fund to be known as the Jicarilla Apache Water Resources Development Trust Fund (hereafter in this section referred to as the "Fund").

(b) AUTHORIZATION.—There are authorized to be appropriated:

(1) $6,000,000 for deposit, in accordance with the following schedule, in the Fund, to be expended by the Tribe for any water resource development costs, including costs associated with this settlement:

(A) $2,000,000 shall be deposited in the first fiscal year which commences following the date of the enactment of this Act;

(B) $2,000,000 during the fiscal year next following the first fiscal year referred to in subparagraph (A); and

(C) $2,000,000 during the fiscal year next following the second fiscal year referred to in subparagraph (B); and

(2) such amounts as are necessary, for expenditures by the Secretary, to pay the Tribe's share of the operation, maintenance, and replacement costs for the San Juan-Chama Project, when the Secretary has waived the Tribe's obligation to pay such costs pursuant to subsection (c)(1) and section 10(f) of the Settlement Contract.

(c) NO PER CAPITA PAYMENTS.—No part of the principal of the fund, or of the income accruing to such fund, or the revenue from any water use subcontract, shall be distributed to any member of the Tribe on a per capita basis.

(d) WAIVERS.—Notwithstanding the provisions of the Act of August 4, 1939 (53 Stat. 1187), or any other provision of law:

(1) When the conditions specified in section 10(f) of the Settlement Contract are satisfied, the Secretary may waive all or part of the Tribe's share of the construction costs, and the operation, maintenance, and replacement costs for the Navajo Reservoir and the San Juan-Chama Project.

(2) When all or part of the Tribe's share of the construction costs for the San Juan-Chama Project are waived by the Secretary, that portion of those costs waived shall be nonreimbursable.

(3) The Tribe's share of the construction cost obligation for the San Juan-Chama Project, both principal and interest, due from 1972 to the execution of the Settlement Contract shall be nonreimbursable.

(e) DISMISSAL OF CLAIMS.—(1) Amounts authorized to be appropriated to the Fund under subsection (b)(1) may not be expended until the following conditions are met:

(A) The following actions brought by the Tribe against the United States have been dismissed:

(i) Jicarilla Apache Tribe against United States, et al., Civil No. 82-1327 JP (D.N.M.).

(ii) Claims 3 and 4 in Jicarilla Apache Tribe against United States, No. 112-77 (U.S. Claims Ct.).

(B) Partial final decrees which would quantify the Tribe's reserved water right claims have been entered in the following general stream adjudications:

(i) New Mexico against United States, et al., No. 75-184 (11th Jud. Dist., San Juan County, New Mexico), involving claims to the waters of the San Juan River and its tributaries.

(ii) New Mexico against Aragon, et al., Civil No. 79-41 SC (D.N.M.), involving claims to the Rio Chama and its tributaries.

(2) Within a reasonable time after the date of the enactment of this Act and the execution of the Settlement Contract pursuant to section 5(a), the United States, the Tribe, and the State of New Mexico shall file joint motions in the general stream adjudications specified in paragraph (1)(B) for the entry of partial final decrees, agreed to by the United States, the Tribe, and the State of New Mexico on July 9, 1992, to quantify the Tribe's reserved water right claims consistent with the Settlement Contract, subject to amendments.

(3) If the two partial final decrees specified in paragraph (1)(B) are not entered by December 31, 1996, the Fund shall be terminated, and amounts contributed to the Fund by the United States, shall be deposited in the general fund of the Treasury.

SEC. 9. ENVIRONMENTAL COMPLIANCE.

Execution of the Settlement Contract shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Secretary shall comply with all aspects of the National Environmental Policy Act of 1969, the Endangered Species Act, and other applicable environmental laws and regulations in fulfilling the terms of the Settlement Contract.

SEC. 10. PROTECTION OF RIGHTS.

The tribal rights under the Settlement Contract approved by section 5 of this Act, and the water rights adjudicated by final decrees in general stream adjudications consistent with such contract, shall inure to the benefit of the Tribe, and the Tribe shall not be denied all or any part of such rights absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

SEC. 11. DISCLAIMER.

(a) IN GENERAL.—Nothing in this Act shall be construed to alter, amend, repeal, construe, interpret, modify, or be in conflict with the provisions of the Boulder Canyon Project Act (45 Stat. 1057); the Boulder Canyon Project Adjustment Act (54 Stat. 774); the Colorado River Storage Project Act (70 Stat. 105); the Colorado River Basin Project Act (82 Stat. 885); the Act of June 13, 1962 (76 Stat. 96); the Colorado River Compact of 1922 made effective by Public Proclamation of the President of the United States on June 25, 1929 (46 Stat. 3000); the Upper Colorado River Basin Compact (63 Stat. 31); the Rio Grande Compact (53 Stat. 785); or the Treaty between the United States of America and the United Mexican States (59 Stat. 1219).

(b) RELATIVE TO OTHER TRIBES.—Nothing in the Settlement Contract or this Act shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of the Navajo Nation, or any Indian tribe, pueblo, or community, other than the Jicarilla Apache Tribe.

□ 1700

The SPEAKER pro tempore (Mr. ABERCROMBIE). Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5122, the Jicarilla Apache Tribe Water Rights Settlement Act is sponsored by Congressman RICHARDSON. This bill approves and ratifies the settlement agreement between the Jicarilla Apache Tribe, the United States, and the State of New Mexico. The settlement agreement provides for a total diversion of 40,000 acre-feet/year for the Jicarilla Apache Tribe. Of this amount, 33,500 acre-feet/year shall come from the Navajo Reservoir and the remainder shall come from the San Juan-Chama project.

This settlement will secure a perpetual supply of water for the tribe for its use on the reservation. The bill authorizes the Jicarilla Apache Tribe to sell, exchange, or lease water subject to the approval of the Secretary. Under the terms of the agreement the tribe may not permanently alienate any rights under the contract and the maximum term for any subcontract shall be 99 years.

The bill also provides that there are authorized to be appropriated $6 million for deposit in a water resources development trust fund for the Jicarilla Apache Tribe. These amounts shall be paid in three annual installments of $2 million.

The committee adopted several amendments to H.R. 5122 to address the concerns of the Department of Justice, the Lower Colorado River Basin States, and the Navajo Nation.

Mr. Speaker, this legislation would provide for the full, fair and final resolution of the water rights claims of the Jicarilla Apache Tribe. This legislation has the support of the administration, the Jicarilla Apache Tribe, and the State of New Mexico. I urge my colleagues to support this very important legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, H.R. 5122 provides congressional approval for an historic agreement that will settle the Indian water rights claims of the Jicarilla Apache Tribe—the first such negotiated settlement of Indian water rights in the State of New Mexico.

The Jicarilla Apache Reservation is located between the federally constructed San Juan-Chama trans-mountain diversion project and the Navajo Reservoir. While both projects significantly depleted water resources that the tribe had depended upon for ages, the Bureau of Reclamation excluded the tribe from participating in or benefiting from the projects—leaving the tribe no choice but to file suit against the United States.

The Jicarilla Tribe has for years engaged in negotiations with the Department of the Interior to settle the tribe's water-related claims. The terms and conditions of the negotiated settlement are embodied in a contract between the tribe and the United States, a contract fully supported by the New Mexico Interstate Stream Commission. I submit a copy of this contract to be inserted in the RECORD.

Enactment of H.R. 5122 will enable the tribe to enter into partial final decrees with the State of New Mexico, quantifying its water rights in the Rio Chama and San Juan River stream systems, and securing a perpetual water supply for the tribe.

In addition, this legislation establishes a water resource development trust fund that will be used by the tribe for water development costs and the costs associated with the implementation of the settlement.

It is important to note that during consideration of H.R. 5122 in the Committee on Interior, I offered amendments that addressed concerns raised by the administration, the Lower Colorado River Basin States, and the Navajo Nation. The bill was passed unanimously by the committee.

However, additional concerns were recently raised regarding section 9(a) of the bill, which would prohibit the use of water from the San Juan Chama project to offset depletions from other water projects in the San Juan River basin in order to comply with the Endangered Species Act. This section in no way exempts this legislation from compliance with the Endangered Species Act, but is intended to protect the San Juan Chama water allocation. In an effort to resolve the concerns, I have agreed to strike section 9(a) from the bill.

Mr. Speaker, a great number of people in New Mexico are watching the progress of this legislation closely. It not only sets a benchmark for the settlement of Indian water rights in our State, but across the country.

CONTRACT BETWEEN THE UNITED STATES AND THE JICARILLA APACHE TRIBE

PREAMBLE

This contract is entered into this —— day of ——, 1992, between the United States of America, acting through the Secretary of the Interior pursuant to the Jicarilla Apache Water Rights Settlement Act of ——, 1992, 105 Stat. ——, and the Act of June 13, 1962, 76 Stat. 96, and the Jicarilla Apache Tribe.

EXPLANATORY RECITALS

Witnesseth, That:

Whereas, the United States and the Jicarilla Apache Tribe have negotiated a resolution of all water right claims of the Tribe, including tribal reserved rights claims which are the subject of general stream adjudications in state and federal courts in New Mexico and which claims, if unresolved, impair water resource development by the Tribe and the State of New Mexico; and,

Whereas, the settlement of these claims will secure to the Tribe a perpetual water supply; and

Whereas, in order to preserve opportunities for Indian reservation development while at the same time allowing for other economical water resource development, it is the intent of this contract that the Jicarilla Apache Tribe, if it does not or cannot put the water supply secured to it under this contract to use, may exercise the right to market such water; and,

Whereas, the Jicarilla Apache Tribe has never been the beneficiary of any public water resource development, though federal projects have diverted water upstream from the Jicarilla Apache Indian Reservation and have impounded water downstream from the reservation; and,

Whereas, the federal government is undertaking no obligation to construct any additional water resource development facility to fulfill the terms and conditions of this contract; rather, the Tribe will be free to determine both the use to which the water will be applied and the need to construct any facilities; and,

Whereas, the Secretary of the Interior has determined in accordance with section 11 of the Act of June 13, 1962, 76 Stat. 96, 99–100, pursuant to the hydrologic determination submitted to Congress on February 2, 1989, that there is sufficient water reasonably likely to be available for use in the State of New Mexico to enable the United States to enter into this contract;

Now therefore, in consideration of mutual and dependent covenants and conditions contained herein, the parties agree to the following:

GENERAL DEFINITIONS

1. When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, the term:

(a) "Secretary" means the Secretary of the Department of the Interior or a designee.

(b) "Contracting Officer" means the representative of the Commissioner of Reclamation authorized to administer this contract.

(c) "Tribe" means the Jicarilla Apache Tribe, acting through its authorized representative.

(d) "Navajo Reservoir" means the reservoir created by the impoundment of the San Juan River at the Navajo Dam as authorized by the Act of Congress of April 11, 1956, 70 Stat. 105, as amended.

(e) "Navajo Reservoir Supply" means the water that the Secretary of the Interior is entitled to use under the rights acquired pursuant to New Mexico State Engineer file Nos. 2848, 2849, 2873, 2917 combined, and 3215. The Secretary's water rights for the San Juan-Chama Project and for the New Mexico portion of the Animas-LaPlata Project are not a part of the Navajo Reservoir Supply.

(f) "San Juan-Chama Project" means the Project authorized by Section 8 of the Act of June 13, 1962, 76 Stat. 96, and the Act of April 11, 1956, 70 Stat. 105, as amended.

(g) "Navajo River" means the river of that name which flows across the Jicarilla Apache Indian Reservation in New Mexico, and all tributaries thereto.

(h) Reservation" means the Jicarilla Apache Indian Reservation, as recognized by the Secretary of the Interior on the date of this contract.

CONDITIONS

2. (a) Except for the commitments made in section 3(a), this contract will give rise to rights and obligations on the part of the Jicarilla Apache Tribe and the United States only after the following events have occurred:

(i) the lawsuit styled *Jicarilla Apache Tribe v. United States*, et al., Civ. No. 82–1327 JP (U.S. Dist. Ct., D.N.M.), has been dismissed with prejudice pursuant to a stipulation of the parties;

(ii) Claims 3 and 4 of the lawsuit styled *Jicarilla Apache Tribe v. United States*, Cl.Ct. No. 112–77, have been dismissed with prejudice pursuant to a stipulation of the parties;

(iii) this contract is incorporated by reference in, and becomes a part of, a partial final decree entered by the District Court of San Juan County, New Mexico, in the general stream adjudication of the San Juan River stream system, *New Mexico v. United States*, No. 75–184, which decree adjudicates all the water rights fo the Jicarilla Apache Tribe in the following manner:

(A) the decree shall provide that the reserved water rights of the Tribe, when added to the Tribe's reserved water rights adjudicated in the Rio Chama stream system, authorize diversion not to exceed 40,000 acre-feet per year from the two stream systems, in addition to the amounts referred to in subsections 2(a)(iii)(C) and 2(a)(iv)(B); and

(B) the decree shall provide that those reserved water rights referred to in subsection 2(a)(iii)(A) shall be subordinated to the rights of the Jicarilla Apache Tribe under this contract; and

(C) the decree shall adjudicate the water rights the Tribe has under state law and any water rights the Tribe has to groundwater, ponds and lakes which are within the Reservation which are recognized in addition to the rights which the Tribe acquires under this contract; provided, that nothing herein shall be construed to limit the right of the Tribe to withdraw and use groundwater which withdrawal and use does not deplete the San Juan River stream system;

(iv) this contract is incorporated by reference in and becomes a part of a partial final decree entered by the U.S. District

Court of the District of New Mexico in the general stream adjudication of the Rio Chama stream system, *New Mexico v. Aragon*, Civ. No. 7941 SC, which decree adjudicates all the water rights of the Jicarilla Apache Tribe in the following manner:

(A) the decree shall provide that the reserved water rights of the Tribe shall be subordinated to the rights of the Jicarilla Apache Tribe under this contract; and

(B) the decree shall adjudicate the water rights which the Tribe has under state law and any water rights the Tribe has to groundwater, ponds or lakes which are within the Reservation, which are recognized in addition to the rights which the Tribe acquires under this contract; Provided, that nothing herein shall be construed to limit the right of the Tribe to withdraw and use groundwater/which withdrawal and use does not deplete the Rio Chama stream system.

(b) A "partial final decree . . . which . . . adjudicates all the water rights of the Jicarilla Apache Tribe," within the meaning of subsection (a)(iii) of this section, means a state district court decree which, after a stipulation of the United States, the Jicarilla Apache Tribe, the State of New Mexico, and BHP-Utah International, Inc., and after the hearing of any objections or opposition, adjudicates all the water rights of the Tribe in the stream system consistent with the terms and conditions of this contract. Within the meaning of subsection (a)(iv), such decree means a federal district court decree which, after a stipulation of the United States, the Jicarilla Apache Tribe, and the State of New Mexico, and after the hearing of any objections or opposition, adjudicates all the water rights of the Tribe in the stream system consistent with the terms and conditions of this contract. The possibility that future objections to these decrees may be raised in the context of the entire general stream adjudication of all water rights in the stream system does not render these partial final decrees anything other than "final" for purposes for purposes of this contract.

PRELIMINARY UNDERSTANDINGS

3. (a) Both the United States and the Jicarilla Apache Tribe will in good faith take all steps necessary to assure the fulfillment of the conditions of section 2.

(b) It is understood between the parties that all stipulated dismissals and partial final decrees referred to in section 2(a) constitute mutual consideration for the purchase and delivery of water under this contract, and that neither party will have any obligation under this contract to purchase water from or deliver water to the other party until all the conditions of section 2 have been met.

WATER DELIVERY PROVISIONS

4. (a) The United States agrees to deliver, or make available for delivery, to the Tribe up to a total of 40,000 acre-feet of water per year from the Navajo Reservoir Supply, including any diversion from the Navajo River on the Reservation, and from the San Juan-Chama Project, in accordance with the provisions of this contract. To the extent that delivery of water is made through federal water resource facilities, the Tribe will reimburse for this service in accordance with the provisions of section 10 of this contract.

(b) Of the water to be made available under subsection 4(a), the Tribe may divert up to 33,500 acre-feet per year from the Navajo River on the Reservation. The Tribe must notify the Contracting Officer at least 30 days prior to any such diversion of the amount and timing of the diversion. Because water diverted from the Navajo River on the Reservation will not have been stored or diverted through federal water resource facilities, no cost shall be charged to the Tribe by the United States for the diversion of that water, notwithstanding the provisions of section 10 of this contract.

(c) Of the water to be made available under subsection 4(a), the Tribe may divert and the United States agrees to deliver up to 33,500 acre-feet per year from the Navajo Reservoir supply; provided, that the total diversions under this contract from the Navajo Reservoir Supply do not exceed 33,500 acre-feet of water per year.

(d) Of the water to be made available under subsection 4(a), the United States agrees to deliver up to 6,500 acre-feet per year from the San Juan-Chama Project. The point of delivery for San Juan-Chama water shall be the existing outlet works at Heron Reservoir unless otherwise agreed by the Contracting Officer and the Tribe.

(e) Separate contracts for additional water, whether for temporary or permanent use, as available, may be negotiated by the Tribe with the Bureau of Reclamation in the future, but they do not constitute any part of the consideration for this contract.

(f) The water delivery rights recognized by this contract shall be perpetual, and the Tribe shall have the right to subcontract with others for use of said water supply as provided in section 11.

(g) The Tribe shall have no holdover storage rights in the Navajo or Heron Reservoirs from year to year. Any water subject to delivery hereunder not called for by the end of each calendar year shall become integrated with the water supply for all purposes of the reservoirs at that time.

(h) Nothing in this section is intended to impose on the United States any obligation to maintain the Navajo Reservoir and San Juan-Chama Project beyond their useful lives or to take extraordinary measures to keep these facilities operating.

(i) The United States agrees that it will make provision for the buy-out of private water rights, effective prior to the year 2040, aggregating 11,000 acre-feet depletion of the San Juan River stream system in New Mexico with the State's allocation of Upper Colorado River Basin water, as reflected on page 23 of the hydrologic determination sent to Congress on February 2, 1989, or make other satisfactory provision to reconcile those commitments with New Mexico's allocation. Either the Tribe or the State of New Mexico may specifically enforce this contractual obligation provided that this obligation may not be enforced prior to the year 2000. The Tribe's right to delivery of water prior to the year 2040 under the terms of this section dependent upon the United States' fulfillment of this obligation.

TRANSPORTATION LOSSES

5. Transportation of water from the reservoir or other points of delivery shall be the sole responsibility of the Tribe, so that no conveyance losses, including channel losses, shall be borne by the United States.

CONSTRUCTION AND OPERATION OF FACILITIES

6. Nothing herein shall be construed to obligate the United States to construct, install, operate, or maintain pumps, pipelines, storage tanks, distribution lines, or other facilities required to take, measure, convey, or distribute water for use beyond agreed upon points of delivery.

RESPONSIBILITY FOR DISTRIBUTION

7. Upon delivery the Tribe shall be responsible for the control, carriage, handling, distribution, measurement, and use of all water made available under this contract, and shall hold the United States, its officers, agents, employees, and successors or assigns, harmless from every claim for damages to persons or property, direct or indirect, and of whatever nature arising out of or in any manner connected with the control, carriage, handling, distribution or use of such water beyond the point of delivery.

WATER SUPPLY

8. (a) Notwithstanding any other provisions of this contract, in times of shortage the Tribe will share in the available water supply in the manner set forth in Section 11(a) of the Act of June 13, 1962, 76 Stat. 96, 99–100.

(b) With respect to water made available under the terms of this contract from the San Juan-Chama Project, during periods when the Contracting Officer finds that the actual available water supply is more or less than the estimated firm yield of the Project, the Tribe shall share in the available water supply in the ratio that its contract amount bears to the firm yield.

(c) On account of drought or other causes outside the control of the United States, there may occur at times during any year a shortage in the quantity of water available for use by the Tribe pursuant to this contract. In no event shall any liability accrue against the United States, or any of its officers, agents or employees, for any damage, direct or indirect, arising out of any such shortage, and the payments due the United States provided for herein shall not be reduced because of such shortage.

UNCONTROLLABLE FORCES

9. (a) Neither party shall be considered to be in default in respect to any obligation hereunder if prevented from fulfilling such obligation by reason of uncontrollable forces. The term uncontrollable forces shall mean, for the purposes of this contract, any cause beyond the control of the party affected, including but not limited to, drought, failure of facilities, flood, earthquake, storm, lightning, fire, epidemic, war, riot, civil disturbance, labor disturbance, sabotage, and restraint by court or public authority, which by exercise of due diligence and foresight, such party could not reasonably have been expected to avoid. Either party rendered unable to fulfill any obligation by reason of uncontrollable forces shall exercise due diligence to remove expeditiously such inability.

(b) If and only if the United States is unable to deliver all or part of the San Juan-Chama Project water to the Tribe pursuant to section 4(d) as a result of the physical failure of the project, the Tribe may take an equivalent amount of water out of the Navajo Reservoir supply, notwithstanding the provisions of section 4(c).

COST PROVISIONS

10. (a) Charges for water from the Navajo Reservoir Supply will be as follows:

(i) Construction costs shall be charged at the annual amortization rate of $2.60 per acre-foot ending at the year 2012 for water delivered for irrigation. Construction charges for water delivered for irrigation of Indian land shall be allocated and payment deferred under the provisions of the Leavitt Act, 47 Stat. 564, as authorized in section 4(d) of the Colorado River Storage Project Act.

(ii) Construction costs shall be charged to the Tribe at an annual amortization rate of $2.60 per acre-foot ending at the year 2012 for Navajo Reservoir Supply water delivered for municipal and industrial uses.

(iii) The Tribe shall pay the United States, or its designee if some organization other than the United States is operating the project, its proportionate share of the annual operation, maintenance and replacement costs (OM&R) assignable to the amount of water made available from the Navajo Reservoir Supply to the Tribe through this contract.

(iv) The Contracting Officer or a designee will bill the Tribe for construction and OM&R costs for Navajo Reservoir on or before September 1 of the year proceeding the year of use. The Tribe shall pay all accrued costs within 30 days after receipt of the bill.

(b) The Tribe's construction cost obligation for the San Juan-Chama Project is estimated to be $1,056,250. Payment for the principal and interest due from 1972 through date of execution of this contract shall be treated as non-reimbursable. Construction costs shall be charged at an annual amortization rate of $3.25 per acre-foot ending at the year 2021 for water delivered for irrigation. Construction charges for water delivered for irrigation on Indian land shall be allocated and payment deferred under the provisions of the Leavitt Act, 47 Stat. 564, as authorized in section 4(d) of the Colorado River Storage Project Act.

(i) Construction costs for irrigation water converted and designated as municipal and industrial water shall be charged to the Tribe at an annual amortization rate of $29.40 per acre-foot ending at the year 2021, including the project interest rate of 3.046% on the unpaid balance. Payments made by the Tribe for municipal and industrial water pursuant to this subsection shall be applied according to Reclamation law. This amortization rate for the San Juan-Chama Project, as provided herein, shall be paid by the Tribe until the actual costs have been determined in the final cost allocation. Upon completion of the final cost allocation, the amortization rate payable by the Tribe shall be adjusted to provide payment on the basis of actual costs until its share of the project is paid off.

(ii) The Contracting Officer or a designee will bill the Tribe for construction costs associated with the San Juan-Chama Project on or before September 1 of the year preceding the year of use. The Tribe shall pay all accrued costs within 30 days after receipt of the bill.

(iii) The Tribe shall pay the United States, or its designee if some organization other than the United States is operating the project, its proportionate share of the annual operation, maintenance and replacement costs (OM&R) assignable to the amount of water made available from the San Juan-Chama Project to the Tribe through this contract.

(iv) OM&R costs for the San Juan-Chama Project shall be paid on the basis of annual estimates made by the Secretary. A billing from the Secretary will be sent to the Tribe on or before May 1 for the next year's annual reimbursable OM&R costs assessed to the Tribe. The Tribe shall advance its share of the OM&R costs for each calendar year in quarterly payments which will be due on December 31 of the same calendar year as the billing, and on March 10, May 10, and August 30 of the year of applicability. The first such billing will be issued immediately following execution of this contract. In the event this first notice shall be for costs of service of less than a full year, such costs shall be prorated for the period covered. Each billing shall show an itemization of the estimated reimbursable OM&R costs of the San Juan-Chama Project.

(iv) The Tribe shall pay its rata share of the annual OM&R costs of the San Juan-Chama Project, based upon the ratio of the number of acre-feet allocated to the Tribe to the total number of acre-feet under contract by all contractors for San Juan-Chama Project water.

(c) In the event either the OM&R cost estimate falls short of the actual costs in any period, or whenever it is anticipated by the Contracting Officer that a deficit will occur during the year, supplemental notices may be issued by the Contracting Officer requesting additional funds. OM&R funds not spent during one calendar year will be carried over for use during the next calendar year with funds required for that year being reduced accordingly. An itemized statement of actual costs incurred during each year shall be furnished to the Tribe.

(d) The annual amortization rates and annual OM&R assessments specified in section 10(a) and 10(b) above shall be charged to the Tribe for all water subcontracted to third parties.

(e) Billings from the Contracting Officer and payments by the Tribe of the construction and OM&R costs outlined under this section shall be made on the basis of section 10(a) and 10(b) as may be modified by section 10(f). For project operation purposes, the Tribe will provide an annual notice to the Contracting Officer listing the amount of water estimated to be used by the Tribe, the estimated period and point of diversion for each intended purpose and a listing of all executed subcontracts with third parties, including those subcontracts anticipated to be executed during the year of applicability. The Tribe shall send this notice on or before February 1 of the year preceding the year of use described in the notice. Upon receipt of such notice, the Contracting Officer will bill the Tribe for payment of costs as prescribed herein. Billing adjustments will be made to correct for differences in the estimated and actual use of water during the preceding year.

(f) All of part of the annual construction and OM&R costs may be waived on a project-specific basis if the Tribe demonstrates to the satisfaction of the Secretary that, practically speaking, no market exists for all or part of the water contracted from either Navajo Reservoir Supply or the San Juan-Chama Project. Such demonstration shall be in written form and shall accompany the February 1 notice provided for in section 10(e). With respect to the San Juan-Chama Project, those OM&R costs waived on an annual basis will be paid by the Secretary, and those construction costs waived annually will be treated as non-reimbursable.

SUBCONTRACTING

11. (a) When water made available under this contract is not being used by the Tribe, the Tribe may subcontract with third parties, subject to the approval of the Secretary in accordance with this section, to supply water for beneficial use outside of the Reservation, subject to and not inconsistent with the same requirements and conditions of State law, and any applicable Federal law, interstate compact, and international law as apply to the exercise of water rights held by non-federal, non-Indian entities; provided, however, that nothing in this contract shall be construed to establish, address, or prejudice whether, or to prevent any party from litigating whether, or to the extent to which, any of the aforementioned laws do or do not permit, govern, or apply to the use of the Tribe's water outside the State.

(b) Subcontracts made the Tribe with third parties shall be subject to the provisions of this contract and must include terms of use, purchase, measurement, operations, and default. A copy of each proposed subcontract shall be filed with the Contracting Officer and the New Mexico Interstate Stream Commission prior to being executed by the Tribe, and two copies of each executed subcontract shall be filed with the Contracting Officer and one copy with the New Mexico Interstate Stream Commission.

(c) Prior to approving any tribal subcontract, the Secretary shall comply with section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. §4332(2)(C).

(d) The Secretary shall approve any subcontract submitted by the Tribe if he determines:

(i) that the diversion and use of water under the subcontract would comply with applicable state law, including all applicable permitting and reporting requirements of the New Mexico State Engineer;

(ii) that the sum of the term of the subcontract plus all renewals is no more than 99 years;

(iii) that the use of water under the subcontract is not inconsistent with the provisions of the Endangered Species Act or other provisions of Federal law designed to protect the environment;

(iv) that the subcontract is sufficiently specific as to the amount of water and points of diversion to enable the Contracting Officer to account for the water as it is diverted; or, in the alternative, that the subcontract reserves the Contracting Officer's right to review and approve future diversions sought under the subcontract, such review and approval to be consistent with this contract;

(v) that delivery obligations under the subcontract are not inconsistent with other obligations of the Secretary to deliver water under preexisting contracts; and

(vi) that the subcontract is in the best interests of the Tribe.

(e) The Tribe agrees to include the following equal opportunity language in any subcontract for use of water off the Reservation:

(i) The subcontractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The subcontractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(ii) The subcontractor will, in all solicitations or advertisements for employees placed by or on behalf of the subcontractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

(iii) The Tribe will take such action with respect to any subcontractor as the Contracting Officer may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided however, if the Tribe becomes involved in, or is threatened with, litigation with a subcontractor as a result of such direction, the Tribe may request the United States to enter into such litigation to protect the interest of the United States.

Nothing in paragraphs (i) through (iii), above, shall be read as prohibiting the Tribe from requiring that subcontractors give preferential employment to members of the Jicarilla Apache Tribe.

FISH AND WILDLIFE COORDINATION

12. (a) The Tribe, the Fish and Wildlife Service, the Bureau of Reclamation and the Bureau of Indian Affairs agree to cooperate and coordinate in the planning and construction of projects, diversions and changes in water management associated with the water made available to the Tribe under the terms of this agreement as required by federal law, including, but not limited to, the Bald and Golden Eagle Protection Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the Clean Water Act, and the National Environmental Policy Act.

(b) The Tribe and the Department of the Interior agree to work with the State of New Mexico and affected water users to assure that Navajo Dam and Reservoir and San Juan-Chama Project are operated in compliance with applicable laws while meeting water delivery obligations, so as to provide, to the maximum extent possible, quantities and timing of deliveries to provide for downstream flows necessary to maintain and protect existing fisheries and other resources, with particular emphasis on endangered species.

DOWNSTREAM FISHERY RESOURCE

13. Operation of the Navajo Reservoir has created a substantial stream fishery resource in the reach of the San Juan River below Navajo Dam. The Contracting Officer and the Tribe, subject to such water rights as have been heretofore and may be hereinafter granted or adjudicated upon the San Juan River or the tributaries thereof, agree to encourage water deliveries at points of diversion that would be compatible with maintaining the downstream fishery. The Tribe agrees to work closely with the United States Fish and Wildlife Service in all municipal and industrial water marketing and deliveries to protect this fishery resource insofar as practicable.

AIR AND WATER POLLUTION CONTROL

14. The Tribe agrees that it will comply fully with federal air and water pollution control laws, now or hereafter in force. Also, the Tribe agrees that any subcontract it may enter into for the furnishing of water pursuant to this contract will contain similar air and water pollution control provisions including state and local requirements, where applicable. The Tribe further agrees that any such subcontract it may enter into will require that its designs and plans for air and water pollution control facilities or equipment which are necessary parts of any design, facility, plant, or process which utilizes water delivered from the Navajo Reservoir Supply or San Juan-Chama Project will be submitted to the Secretary for his review and written comments prior to contracting for said facilities, their installation or major modification thereof.

BOOKS, ACCOUNTS AND RECORDS

15. (a) The Tribe shall establish and maintain accounts and other books and records such as are necessary to enable the Secretary to operate the subject facilities. Reports thereon shall be furnished to the Contracting Officer in such form and on such date or dates as he may require. Subject to applicable Federal laws and regulations, each party shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

(b) Subsection (a) of this section shall not apply to water diverted directly for the Navajo River for use on the Jicarilla Apache Reservation. For such water the Tribe is required only to notify the Contracting Officer, at least 30 days prior to any such diversion, of reasonable estimates of the amount and timing of the diversion, and to provide the Contracting Officer, within 30 days after diversion of the water, with proof of actual amount of water diverted.

COMPLIANCE WITH RECLAMATION LAWS

16. The parties agree that the delivery of irrigation water or the use of federal facilities pursuant to this contract is governed by applicable Reclamation law, except that this delivery or use is not subject to the Reclamation Reform Act of 1982, as amended.

RULES, REGULATIONS, AND DETERMINATIONS

17. (a) The United States or its assigns shall take all prudent and ordinary measures to operate and maintain all existing facilities necessary to this contract, but nothing in this section shall be construed to require the United States to operate such facilities beyond the useful life of the existing facilities. These facilities will be operated for multiple benefits of the project in accordance with project authorization and contracts, including this contract. The contracting Officer, in consultation with the Tribe, shall have the right to make determinations necessary to administer this contract that are consistent with the express and implicit conditions of this contract, the laws of the United States and rules and regulations promulgated by the Secretary of the Interior.

(b) Where the terms of this contract provide for action to be based upon the opinion or determination of either party to this contract, whether or not stated to be conclusive, said terms shall not be construed as permitting such action to be predicated upon arbitrary, capricious, or unreasonable opinions or determinations.

GENERAL OBLIGATION—BENEFITS CONDITIONED UPON PAYMENT

18. (a) The obligation of the Tribe to pay the United States as provided in this contract is a general obligation of the Tribe notwithstanding he manner in which the obligation may be distributed among the Tribe's water users and notwithstanding the default of individual water users in their obligations to the Tribe.

(b) The payment of charges becoming due hereunder is a condition precedent to receiving benefits under this contract. The Tribe shall have no right to the use of water supplied from any project facilities during any period in which the Tribe may be in arrears in the payment of any operation, maintenance, and replacement charges due the United States or in arrears for more than 12 months in the payment of any construction and interest installments due the United States.

(c) The Tribe shall pay penalty charges on delinquent installments or payments. When payment is not received by the due date, the Tribe shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Tribe shall pay an administrative charge to cover additional costs of billings and processing the delinquent payment. When a payment is delinquent 90 days or more, the Tribe shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Tribe shall pay any fees incurred for debt collection services associated with the delinquent payment.

(d) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939, 53 Stat. 1191. The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

(e) When a partial payment for a delinquent account is received, the amount received shall be applied first to the penalty, second to the administrative charges, third to the accrued interest and finally to the overdue payment.

WATER QUALITY

19. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the United States. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

WATER CONSERVATION

20. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Tribe shall develop an affective water conservation program which shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those objectives. At subsequent three-year intervals, the Tribe shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Tribe shall consult and agree to continue or to revise the existing water conservation program. This paragraph shall be included in all subcontracts, and such measures shall be required of all water purchasers.

CONTINGENT UPON APPROPRIATIONS OR ALLOTMENT OF FUNDS

21. The expenditure of any money or the performance of any obligation by the United States under this contract shall be contingent upon appropriations or allotments of funds. Absence of appropriation or allotment of funds shall not relieve the Tribe from any obligations under this contract. No liability shall accrue against the United States in case funds are not appropriated or allotted.

NOTICES

22. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given on behalf of the Tribe when mailed, postage prepaid, or delivered to the Regional Director, Upper Colorado Region, Bureau of Reclamation, 125 South State Street, P.O. Box 11568, Salt Lake City, Utah 84111, and on behalf of the United States when mailed, postage prepaid, or delivered to the Tribe. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this section for other notices.

OFFICIALS NOT TO BENEFIT

23. No Member of or Delegate to Congress or Resident Commissioner or official of the Tribe shall benefit from this contract or any subcontract other than as a water user or landowner in the same manner as other water users or landowners.

SAVINGS CLAUSES

24. (a) Prior to the fulfillment of the conditions in section 2, nothing in this contract

shall be construed as an admission, or be used by any party as evidence, that the Tribe is or is not legally entitled to reserved water rights in the San Juan or the Rio Chama stream systems.

(b) Nothing contained in this contract shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with the provisions of the Boulder Canyon Project Act, 45 Stat. 1057; the Boulder Canyon Project Adjustment Act, 54 Stat. 774; the Colorado River Compact, proclaimed on June 25, 1929, 46 Stat. 3000; the Upper Colorado River Basin Compact, 63 Stat. 31; the Rio Grande Compact of 1938, 53 Stat. 785; the 1944 Treaty with the United Mexican States, Treaty Series 994, 59 Stat. 1219; the Act of June 13, 1962, 76 Stat. 96; the Colorado River Basin Project Act, 82 Stat. 885; or the Colorado River Storage Project Act, 70 Stat. 105.

(c) The use of water, including that diverted from the Colorado River system to the Rio Grande Basin, through works constructed under the authority of the Act of June 13, 1962, 76 Stat. 96, shall be subject to and controlled by the Colorado River compact, the Upper Colorado River Basin compact, the Boulder Canyon Project Act, the Boulder Canyon Project Adjustment Act, the Colorado River Storage Project Act, and the Mexican Water Treaty (Treaty Series 994), and shall be included within and shall in no way increase the total quantity of water to the use of which the State of New Mexico is entitled and limited under said compacts, statutes, and treaty.

TERMINATION

25. This contract may not be canceled, terminated, or rescinded by either party, except by act of Congress.

In witness whereof, the parties hereto executed this contract this day and year first above written.

——— ———.
Secretary of the Interior.

——— ———,
President, Jicarilla Apache Tribe.

Mr. Speaker, I want to thank the gentleman from California [Mr. MILLER] for his outstanding leadership, and his ability and his outstanding work on this legislation.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from New Mexico [Mr. RICHARDSON] for his work on behalf of this settlement. Obviously, without his stewardship of this issue, it would not have come to fruition so that we could consider it in the House today. My staff informs me that he has been most helpful on all of these matters, and he has worked diligently on this, and I do want to thank him.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5122, the Jicarilla Apache Tribe Water Rights Settlement Act. H.R. 5122 implements a fair and equitable settlement agreement between the Jicarilla Apache Tribe and the Interior Department quantifying the tribe's water rights from the Rio Chama and San Juan River.

Although the administration, the States of California and Arizona, and the Navajo Tribe all expressed some reservations with the bill as introduced, I am pleased to note that after several weeks of productive meetings between the parties, these concerns have been satisfactorily resolved.

Mr. Speaker, I urge my colleagues to support passage of this legislation.

Mr. RHODES. Mr. Speaker, I appreciate and welcome the Interior Committee report views regarding the intent of the negotiated compromise language included in H.R. 5122, as amended, pertaining to the water marketing provisions of the legislation and the settlement agreement.

Representatives of the Colorado River Basin States, the 10 Colorado River tribes, and the Department of the Interior met in Albuquerque, NM, on September 2, 1992, to discuss this issue relative to the concerns some of us raised. Together, they developed the substitute water marketing language that was adopted during the committee markup of H.R. 5122 on September 23, 1992. I very much appreciate the work all the interests invested in this issue to respond to the difficulties we had with the original bill language.

The Arizona Department of Water Resources was involved in those discussions and has written to me to express acceptance of the compromise embodied in the amendment adopted by the committee. As I said during the committee markup of the bill, I also accepted the substitute language. The intent of this language is to neither enhance nor diminish the respective legal positions of the tribes and the States relative to the marketing of water into the Lower Colorado River Basin.

Having said that, from a personal perspective I remain uncomfortable with this water marketing proposal. Notwithstanding the substantial stipulations and provisos in the bill text, and the clear, detailed explanatory language in the committee report, the settlement agreement still contemplates the potential future disposal into the Lower Basin, of Colorado River water allocated by compact and law to the upper basin States. Such action presents an issue and point of law that is in dispute regarding the law of the river.

Absent negotiated agreements among the seven basin States and tribal governments regarding out-of-basin water marketing and related matters, this settlement agreement appears to me to invite eventual law of the river litigation of a potentially massive nature, at the expense of those entities which are not a party to this settlement.

My hope is every effort will be made to address and resolve these crucial, intricate, emotional, and controversial Colorado River water supply issues within the context of good-faith discussions and negotiations among all Colorado River tribal governments, all seven Colorado River Basin States, and the Federal Government, in lieu of unilateral actions and litigation.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the bill, H.R. 5122, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 29, 1992.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 6:01 p.m. on Monday, September 28, 1992 and said to contain the enrolled bill H.R. 5318, An Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes; and the President's veto message thereon.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

UNITED STATES-CHINA ACT OF 1992—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–398)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 5318, the "United States-China Act of 1992," which places additional conditions on renewal of China's most-favored-nation (MFN) trade status.

I share completely the goals of this legislation: to see greater Chinese adherence to international standards of human rights, free and fair trade practices, and international nonproliferation norms. However, adding broad conditions to China's MFN renewal would not lead to faster progress in advancing our goals. To those who advocate this approach, let me set the record straight.

Our policy of comprehensive engagement lets the Chinese know in no uncertain terms that "business as usual" is not possible until they take steps to resolve our differences. Through multiple, focussed measures, we are eliciting the results we seek.

This year China joined global efforts to control the spread of nuclear weapons and ballistic missiles by declaring adherence to the Missile Technology Control Regime's (MTCR) guidelines and parameters and signing the Nuclear Proliferation Treaty (NPT). Chinese behavior remains MTCR-consistent, and we have begun a dialogue with the Chinese on their responsibilities under the NPT. We continue to monitor vigilantly China's weapons export practices. We have used the sanction authorities available successfully and remain prepared to do so again if necessary.

We have made progress on the resolution of outstanding trade issues with our agreements to protect Intellectual Property Rights and to ban prison labor exports. I will not allow, however, market access to remain a one-sided benefit in China's favor while our bilateral trade deficit grows. If China fails to reduce trade barriers, we are prepared to take trade action under the statutory guidelines of section 301 of the Trade Act of 1974.

The limited steps China has taken on human rights are inadequate. But our human rights dialogue gives us an avenue to express our views directly to China's leaders. Significant improvement in China's human rights situation, including freedom for all those imprisoned solely for the peaceful expression of their beliefs, remains our objective. It is easy to be discouraged by the pace of progress in this area. But it would be a serious mistake to let our frustration lead us to gamble with policies that would undermine our goals.

Withdrawing MFN or conditioning it, such that it will be withdrawn at a later date, will not promote these goals. H.R. 5318 imposes unworkable constraints on our bilateral trade. Among the casualties of this bill would be the dynamic, market-oriented regions of southern China and Hong Kong, as well as those Chinese who support reform and rely on outside contact for support.

The impact of this bill would extend beyond the state enterprise system, harming independent industrial and agricultural entities that have sprung up in China since the advent of economic reform and its opening to the outside. These family-owned and operated entities are interlinked in the manufacturing process with large, state-controlled factories and marketing agencies. They would not be shielded from the effects of this bill.

Americans too would be affected. This year our exports to China will climb to about $8 billion. China's retaliation for the loss of MFN would cost us this growing market and thousands of American jobs. We would cede our market share to our foreign competitors who impose no restrictions on their trade with China, at a time when China is taking market-opening measures that our trade negotiators fought to obtain.

Our policy seeks to address issues of vital concern to us and looks to the future of our relations with a country that is home to almost one-quarter of the human race. MFN is a means to bring our influence to bear on China. Comprehensive engagement is the process we use to transform this influence into positive change. The relationship between these two key elements of our China policy is a powerful one, and the absence of one element diminishes the potency of the other. We continue to advance broad U.S. objectives without imposing economic hardship on Americans because both elements of our policy are in place.

Engagement through our democratic, economic, and educational institutions instead of confrontation offers the best hope for reform in China. MFN is the foundation we need to engage the Chinese. H.R. 5318 places conditions on MFN renewal for China that will jeopardize this policy and includes a requirement that infringes upon the President's exclusive authority to undertake diplomatic negotiations on behalf of the United States.

In order to protect the economic and foreign policy interests of the United States, I am returning H.R. 5318 to the House of Representatives without my approval.

GEORGE BUSH.

THE WHITE HOUSE, *September 28, 1992.*

1710

The SPEAKER pro tempore (Mr. ABERCROMBIE). The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that further consideration of the veto message on the bill, H.R. 5318, be postponed until Wednesday, September 30, 1992, and that the veto message be the first unfinished business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

JENA BAND OF CHOCTAWS OF LOUISIANA RESTORATION ACT

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3095) to restore and clarify the Federal relationship with the Jena Band of Choctaws of Louisiana.

The Clerk read as follows:

S. 3095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jena Band of Choctaws of Louisiana Restoration Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) In 1902, after presenting testimony before the Dawes Commission, each family of the Jena Choctaw Tribe was identified as full-blooded Mississippi Choctaw, an Indian tribe recognized by the Federal Government and entitled to land and services from the Bureau of Indian Affairs.

(2) As recently as 1968–1972, members of the Jena Band of Choctaws of Louisiana have received Federal benefits because of their status as Indians.

(3) Actions by the Bureau of Indian Affairs, including the provision of services specifically to the Tribe during the 1930's, acknowledgement of the Tribe's eligibility under the Indian Reorganization Act, and the offer to the Tribe of tribal lands in Mississippi, established Federal recognition of the Jena Band of Choctaws of Louisiana as a separate and distinct Indian tribe.

(4) The Tribe continues to exist as a separate and distinct tribe, is recognized by the State of Louisiana as a separate and distinct Indian tribe, has received funding from the Department of Housing and Urban Development for the construction of a Tribal Center, and has received funding from the Administration for Native Americans for administrative training for tribal staff, preparation of a 5-year economic development plan, development of the tribal constitution, and other tribal projects.

(5) The Tribe has maintained a continuous line of leadership and now consists of approximately 152 members of which nearly 60 percent possess one-half or more Choctaw blood quantum.

(6) Members of the Tribe would be living on trust land and receiving the full range of services to which all federally recognized Indians are entitled if the Bureau of Indian Affairs had fulfilled commitments made to the Tribe during the 1930's.

(7) Denial of full Federal benefits and services to which the Jena Band is entitled as a federally recognized Indian tribe has exacerbated the many serious problems facing the Tribe including poverty, alcohol and substance abuse, poor health, inadequate education and substandard living conditions.

(8) Restoration of Federal recognition of the Tribe is supported by all the federally recognized tribes in Louisiana and by the Mississippi Choctaw.

(9) It is appropriate for Congress to restore recognition of the Tribe since the Bureau of Indian Affairs does not maintain procedures or standards for determining whether a group has been previously recognized and the recognition procedure set forth in part 83 of title 25, Code of Federal Regulations, is intended to apply to initial recognition of a tribe.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "Tribe" means the Jena Band of Choctaws of Louisiana.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Interim Council" means the Board of Directors of the Jena Band of Choctaws, Inc.

(4) The term "member" means an individual who is enrolled on the membership roll of the Tribe.

(5) The term "State" means the State of Louisiana.

SEC. 4. RESTORATION OF FEDERAL RELATIONSHIP.

Federal recognition of the Tribe extended by the Department of Interior in a letter dated July 11, 1938, and signed by the Assistant Commissioner of Indian Affairs Zimmerman and evidenced by other actions by the Bureau of Indian Affairs is hereby restored. All Federal laws of general application to Indians and Indian tribes including the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.), popularly known as the "Indian Reorganization Act", shall apply with respect to the Tribe and to the members.

SEC. 5. RESTORATION OF RIGHTS.

(a) IN GENERAL.—All rights and privileges of the Tribe, and members thereof, which may have been abrogated or diminished before the date of enactment of this Act are hereby restored.

(b) EXISTING RIGHTS OF TRIBE.—Nothing in this Act may be construed to diminish any rights or privileges of the Tribe, or of its members, that existed prior to the date of the enactment of this Act.

(c) EXISTING RIGHTS AND OBLIGATIONS.—Except as otherwise specifically provided in any other provision of this Act, nothing in this Act may be construed as altering or affecting—

(1) any rights or obligations with respect to property,

(2) any rights or obligations under any contract,

(3) any hunting, fishing, trapping, gathering, or water rights of the Tribe or its members, or

(4) any obligation to pay a tax levied before the date of enactment of this Act.

SEC. 6. SERVICES.

The Tribe and its members shall be eligible for all services and benefits that are provided by the Federal Government to Indians because of their status as federally recognized Indians and, notwithstanding any other provision of law, such services and benefits shall be provided after the date of enactment of this Act, to the Tribe and its members, without regard to the existence of a reservation for the Tribe or the location of the residence of any member on or near any Indian reservation.

SEC. 7. INTERIM GOVERNMENT.

Until such time as a constitution for the Tribe is adopted in accordance with section 9(a), the Tribe shall be governed by the Interim Council.

SEC. 8. MEMBERSHIP ROLL.

(a) BASE ROLL.—The membership list submitted to the Secretary by the Tribe on May 2, 1985, shall constitute the base roll of the Tribe, subject to the approval of the Secretary.

(b) ELIGIBILITY.—

(1) INTERIM MEMBERSHIP.—Until a constitution is adopted in accordance with section 9, an individual shall be eligible for membership in the Tribe, and the name of the individual shall be placed on the membership roll of the Tribe, if—

(A) the individual is living and is not an enrolled member of another Indian tribe that is recognized by the Federal Government, and

(B) the individual—

(i) was included on the membership list submitted to the Secretary on May 2, 1985,

(ii) was entitled to be included on such list under criteria established by the Tribe in its Articles of Incorporation dated May 22, 1974, but was not included, or

(iii) is a lineal descendant of an individual, living or deceased, who is included on such list.

(2) APPEAL TO SECRETARY.—Any individual who is excluded from the membership roll of the Tribe by the Interim Council may appeal to the Secretary for a determination of the eligibility of the individual for membership in the Tribe. Any individual that the Secretary determines in such an appeal to be eligible for membership in the Tribe shall be included on the membership roll.

SEC. 9. TRIBAL CONSTITUTION.

(a) IN GENERAL.—Upon the written request of the Interim Council, the Secretary shall conduct, by secret ballot, an election to adopt a constitution for the Tribe. Such constitution shall be submitted by the Interim Council to the Secretary no later than one year following the date of enactment of this Act. The election shall be conducted in accordance with section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476).

(b) ELECTION OF TRIBAL OFFICIALS.—Not later than 120 days after the Tribe adopts a tribal constitution, the Secretary shall conduct an election by secret ballot for the purpose of electing tribal officials as provided in the constitution. Such election shall be conducted according to the procedures stated in subsection (a) except to the extent that such procedures conflict with the tribal constitution.

(c) TRIBAL GOVERNMENT.—Notwithstanding any other provision of law, the governing body of the Tribe established under the constitution adopted under subsection (a) shall be treated as an Indian tribal government for purposes of the Internal Revenue Code of 1986, and all other Federal laws of general application to Indians and Indian tribes, including the Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 461 et seq.).

SEC. 10. REGULATIONS.

The Secretary shall prescribe such regulations as may be necessary to carry out the provisions of this Act.

SEC. 11. REAL PROPERTY.

(a) PROPERTY HELD IN TRUST.—The Secretary is authorized to accept in the name of the United States in trust for the benefit of the Tribe any real property acquired by the Tribe prior to or after enactment of this Act and located within the parishes of Rapides, Grant, or La Salle, Louisiana. The Secretary may accept in the name of the United States in trust for the benefit of the Tribe any real property held or acquired by the Tribe prior to or after the date of enactment of this Act that is located outside of such parishes.

(b) SUBJECT TO EXISTING RIGHTS AND OBLIGATIONS.—Any real property taken in trust by the Secretary shall be subject to—

(1) all legal rights and interests in such land held by any person at the time of acquisition of such land by the Secretary, including any lien, mortgage, or previously levied and outstanding State or local tax;

(2) foreclosure or sale in accordance with the laws of the State of Louisiana pursuant to the terms of any valid obligation in existence at the time of the acquisition of such land by the Secretary; and

(3) the provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(c) TAX EXEMPTION.—Any real property held in trust by the Secretary pursuant to this Act shall be exempt from Federal, State, and local taxation on and after the date such property is accepted by the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on S. 3095, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 3095 is sponsored by Senator JOHNSTON and a companion bill, H.R. 3607, is sponsored by Mr. HUCKABY and Mr. BAKER.

The bill restores the Federal recognition to the Jena Band of Choctaws of Louisiana. It is a small band of 152 members. The committee held a hearing on the measure in July and the bill has a great deal of merit.

The Jena Band has submitted a series of letters to the committee covering the last 100 years of its history. These letters indicate that the tribe was recognized as a group of full-blooded Indians by the Dawes Commission at the turn of the century. In addition, during the 1930's, the tribe was provided with Federal funds for a school.

The bill restores the tribe to the status that was acknowledged in 1938 by the Bureau of Indian Affairs in a letter from the Assistant Commissioner of Indian Affairs. At that time, the BIA offered to provide the tribe with Federal trust land on the Mississippi Choctaw Reservation and other Federal services, but the promise was never fulfilled.

In a letter from A.L. Hector, Superintendent, BIA Field Service, Choctaw Agency, dated December 15, 1937, it states:

> There are only about 60 Indians there, mostly belonging to families or two cliques, actually 5 or 6 families. I believe that the ultimate solution for these would be to offer them rehabilitation with the Choctaws in Mississippi as they are Choctaw and speak the language. They are sharecroppers and wage hands where they are and are the remanent (sic) of a one time more numerous band decimated by tuberculosis and removal to Oklahoma.

This passage clearly indicates that there were a group of Choctaws living at Jena at the time.

There are several letters dealing with the issues of the schooling of the Jena Choctaw Indians which culminate in a letter of July 11, 1938, from Assistant Commissioner Zimmerman to the Choctaw Agency:

> This will be your authority for transferring as many of these Indians to the Pearl River area in Mississippi as you find it possible to persuade to take up new land. We hope that these transfers may be arranged promptly so as to deal with the entire situation effectively.

This letter clearly indicates the extension of Federal benefits and the acknowledgment of tribal rights by the Federal Government since the area alluded to is part of the Mississippi Choctaw Indian Reservation. It should be noted that, in general, only federally recognized Indian tribes reside on trust land and this offer by the BIA to the Jena Choctaws establishes that the Bureau considered the Jena to be eligible for all Federal rights and benefits guaranteed to Indian tribes.

I urge my colleagues to support this restoration.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3095, the Jena Band of Choctaw of Louisiana Recognition Act.

This bill would formally extend Federal recognition to the Jena Band of Choctaws for the first time, making the band and its 152 members eligible for the services extended by the Bureau of Indian Affairs to Indians because of their status as Indians.

Mr. Speaker, while I support passage of this measure, I would like to point out that I have some reservations regarding section 2(9) of the bill. That section contains language which is ambiguous and, as a result, might be cause for future litigation. The BIA's recognition regulations do not apply to groups which the Federal Government recognized or dealt with as Indian tribes in 1978 when the regulations were adopted, or to presently recognized groups. In that sense the bill is correct that the BIA does not have regulations dealing with Indian tribes which were previously recognized; that is, recognized since 1978.

It is incorrect to suggest, however, that the BIA does not have regulations dealing with determining whether groups which claim previous recognition, or may once have had treaty relations or other dealings with the Federal Government, still exist as an Indian tribe. Such regulations do exist.

In closing, Mr. Speaker, I urge my colleagues to support this measure.

Mr. HUCKABY. Mr. Speaker, S. 3095, a bill to restore to the Jena Band of Choctaws of Louisiana their status as a federally recognized Indian tribe, is scheduled for floor consideration today. It is nearly identical to a bill I introduced, H.R. 3607, on which the House Interior Committee held hearings. I am pleased to have as cosponsors of this measure the members from the Louisiana House delegation, as well as BEN NIGHTHORSE CAMPBELL, BILL RICHARDSON, and ENI FALEOMAVAEGA, each of whom serves on the Interior Committee. I urge the House to support its passage.

Based on the 1990 census, the Fifth Congressional District of Louisiana which I represent was redrawn and the Jena Band is now no longer located in my new district. However, I feel it is not only my responsibility to follow through with the legislation I initiated, but it is also out of compassion I feel for a tribe that has struggled for years to obtain what it justly deserves.

The legislation would not create a new Indian tribe. Rather, it would restore the status of an Indian tribe to the Jena Band, which has previously been recognized by the Bureau of Indian Affairs [BIA] on several occasions.

In restoring Federal recognition to the Jena Band, S. 3095 will help the tribe address many serious problems, including poverty, alcohol and substance abuse, poor health, inadequate education, and substandard housing.

The arguments supporting restoration of Federal recognition for the Jena Band are strong and compelling.

As early as 1902, each family of the Jena Band of Choctaws was identified as full-blooded Mississippi Choctaw, entitling them to land and services from the Federal Government. Every publicly available census since 1880 has identified Jena Band of Choctaw members as full-blooded Choctaw Indians residing in Louisiana.

The BIA's actions during the 1930's, including providing services to the band, acknowledging the band's eligibility under the Indian Reorganization Act and offering the band tribal lands, established Federal recognition of the Jena Band of Choctaws of Louisiana as a separate and distinct Indian tribe.

Again, during the 1930's, the BIA provided appropriated funds to a contract school for the Jena Band, clearly indicating recognition of the tribe by the Federal Government.

In 1938, the Assistant Commissioner of Indian Affairs acknowledged in written correspondence the band's eligibility to trust land and services under the Indian Reorganization Act. The same letter offered to relocate the tribe to trust lands in Mississippi where, living on their own lands, the tribe would be eligible for Federal services and benefits. This BIA offer acknowledged the Jena Band's status as an Indian band or tribe.

Unfortunately, the BIA never followed through on any of the promises or commitments it made to the Jena Band. Since no members were able to read or write English—Choctaw is their native language—they were unable to motivate the BIA to act.

Had the BIA fulfilled its written commitments to the Jena Band, the tribe would now be living on trust land and receiving the full range of services offered to all other federally recognized Indian tribes.

All of the federally recognized tribes in Louisiana and the Mississippi Band of Choctaw support restoration of Federal recognition of the Jena Band of the Louisiana Choctaw. Furthermore, the Governor of Louisiana supports reinstatement of the Jena Band's status as a federally recognized tribe and the Louisiana State Legislature has passed a resolution supporting the tribe's efforts.

Before I close, Mr. Speaker, I believe it is important to address the legitimate concerns of some Members who do not think that Congress should be involved in recognizing new Indian tribes. It is true that BIA has regulations and an administrative procedure governing the initial Federal recognition of Indian tribes. Those regulations, however, simply do not apply to a tribe, such as the Jena Band, which has been previously recognized.

The BIA has no procedures whatsoever for determining whether an Indian tribe has been previously recognized. In the absence of any standards or procedures, the Congress has traditionally restored the status of such tribes by enacting restoration legislation similar to S. 3095. It is therefore both appropriate and necessary for the Congress to enact S. 3095 which would simply restore to the Jena Band the federally recognized status to which they are entitled.

Mr. BAKER. Mr. Speaker, I rise in strong support of S. 3095, legislation restoring Federal recognition to the Jena Band of Choctaw. Federal recognition was previously established through Federal commitments made to the Jena Band since 1902, and I believe their recognition must be restored.

In 1902, after presenting testimony before the Dawes Commission, each family of the Jena Band of Choctaw was identified as a full-blooded Mississippi Choctaw entitled to land and services from the BIA's predecessors. Since then, specific actions taken by the BIA have established Federal recognition of the Jena Band as a separate and distinct Indian tribe. These actions include: The written acknowledgement of the band's eligibility under the Indian Reorganization Act; the provision of services specifically to the band during the 1930's; and the offer of tribal lands in Mississippi to the band.

The Jena Band of Choctaw continues to exist as a separate and distinct Indian tribe. It is recognized as such by the State of Louisiana and the Administration for Native Americans [ANA], which has provided funding to the band for tribal staff, preparation of a 5-year economic plan, development of the tribal constitution, and other projects. The band has maintained a continuous leadership and consists of approximately 152 members.

Once an Indian tribe is recognized by the Federal Government, the relationship can be dissolved only by Congress. This is true whether the recognition was by Congress or the executive branch. To date, Congress has passed no legislation revoking Federal recognition of the Jena Band. It was the BIA's predecessor agency's inaction that resulted in the Jenas' loss of recognition status.

The U.S. Supreme Court in United States versus John, confirming the status of the Choctaw in Mississippi, noted that neither the fact that the Indians are merely a remnant of a larger group of Indians nor the fact that Federal supervision over them has not been continuous, destroys the power to deal with them.

The Jena Band of Choctaw began their journey for Federal recognition 90 years ago when the Jena Band marched 9 long months from their home in Louisiana to Muskogee, OK, to testify before the Dawes Commission.

The Dawes Commission identified the Jena members as full-blooded Mississippi Choctaw Indians entitled to land and services. But no land or benefits were given to them and they returned to Louisiana in March 1903. Upon their arrival home, the Jena Band received a letter stating that they could claim the land and benefits to which they were entitled, but only if they were to return to Oklahoma by August—only 4½ months later. The trip, of course, was impossible to make in such a short time and was never made.

During the 1930's, the Jena Band received educational benefits through the Bureau of Indian Affairs. Later, in 1938, the BIA offered the Jena reservation lands in Mississippi—a strong, clear, and unambiguous confirmation of the tribe's status as a recognized Indian tribe.

The Jena Band has repeatedly sought to have their Federal recognition restored. The

BIA has insisted that the tribe go through the standard acknowledgment process which is the means by which new tribes are recognized. Of course, this procedure does not apply to the Jena Band because they were previously recognized and the BIA's acknowledgment process does not include standards for determining whether a tribe was previously recognized.

Further, the BIA has repeatedly expressed its view that the Jena Band should not be recognized despite substantial evidence to the contrary and near unanimity among experts, Indian tribes, and others, that the Jena Band should be recognized. We have asked the administration to acknowledge the tribe, but BIA has declined.

Throughout this process, the Jena have struggled in the face of poverty and other difficulties to maintain continuity in their traditions. Despite the temptation to lose hope, they have never lost faith in the justice this country would eventually show them. These are deserving people with a reasonable request. I believe we have an obligation to act. This Congress has the authority and ample precedent to restore the Federal relationship with the Jena Band and I hope that we will finally do what is right in this case.

I commend my colleague from Louisiana, Mr. HUCKABY, for introducing this much needed legislation. I wholeheartedly support restoring the Jena Band of Choctaw's Federal recognition. Restoration of Federal recognition for the Jena Band of Choctaw is also supported by, among others, all of the federally recognized tribes in Louisiana, the Governor, Lieutenant Governor, and the State Legislature of Louisiana, and the Mississippi Choctaw Indians.

Mr. HEFLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the Senate bill, S. 3095.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

INDIAN EMPLOYMENT, TRAINING, AND RELATED SERVICES DEMONSTRATION ACT OF 1992

Mr. MILLER of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1530) to authorize the integration of employment, training, and related services provided by Indian tribal governments, as amended.

The Clerk read as follows:

S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Employment, Training and Related Services Demonstration Act of 1992".

SEC. 2. STATEMENT OF PURPOSE.

The purposes of this Act are to demonstrate how Indian tribal governments can integrate the employment, training and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities and serve tribally-determined goals consistent with the policy of self-determination.

SEC. 3. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) INDIAN TRIBE.—The terms "Indian tribe" and "tribe" shall have the meaning given the term "Indian tribe" in section 4(e) of the Indian Self-Determination and Education Assistance Act.

(2) INDIAN.—The term "Indian" shall have the meaning given such term in section 4(d) of the Indian Self-Determination and Education Assistance Act.

(3) SECRETARY.—Except where otherwise provided, the term "Secretary" means the Secretary of the Interior.

SEC. 4. INTEGRATION OF SERVICES AUTHORIZED.

The Secretary of the Interior, in cooperation with the appropriate Secretary of Labor, Secretary of Health and Human Services, or Secretary of Education, shall, upon the receipt of a plan acceptable to the Secretary of the Interior submitted by an Indian tribal government, authorize the tribal government to coordinate, in accordance with such plan, its federally funded employment, training, and related services programs in a manner that integrates the program services involved into a single, coordinated, comprehensive program and reduces administrative costs by consolidating administrative functions.

SEC. 5. PROGRAMS AFFECTED.

The programs that may be integrated in a demonstration project under any such plan referred to in section 4 shall include any program under which an Indian tribe is eligible for receipt of funds under a statutory or administrative formula for the purposes of job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training.

SEC. 6. PLAN REQUIREMENTS.

For a plan to be acceptable pursuant to section 4, it shall—

(1) identify the programs to be integrated;

(2) be consistent with the purposes of this Act authorizing the services to be integrated in a demonstration project;

(3) describe a comprehensive strategy which identifies the full range of potential employment opportunities on and near the tribal government's service area, and the education, training and related services to be provided to assist Indian workers to access those employment opportunities;

(4) describe the way in which services are to be integrated and delivered and the results expected from the plan;

(5) identify the projected expenditures under the plan in a single budget;

(6) identify the agency or agencies of the tribal government to be involved in the delivery of the services integrated under the plan;

(7) identify any statutory provisions, regulations, policies, or procedures that the tribal government believes need to be waived in order to implement its plan; and

(8) be approved by the governing body of the affected tribe.

SEC. 7. PLAN REVIEW.

Upon receipt of the plan from a tribal government, the Secretary of the Interior shall consult with the Secretary of each Federal department providing funds to be used to implement the plan, and with the tribal government submitting the plan. The parties so consulting shall identify any waivers of statutory requirements or of Federal departmental regulations, policies, or procedures necessary to enable the tribal government to implement its plan. Notwithstanding any other provision of law, the Secretary of the affected department shall have the authority to waive any regulation, policy, or procedure promulgated by that department that has been so identified by such tribal government or department, unless the Secretary of the affected department determines that such a waiver is inconsistent with the purposes of this Act or those provisions of the statute from which the program involved derives its authority which are specifically applicable to Indian programs.

SEC. 8. PLAN APPROVAL.

Within 90 days after the receipt of a tribal government's plan by the Secretary, the Secretary shall inform the tribal government, in writing, of the Secretary's approval or disapproval of the plan. If the plan is disapproved, the tribal government shall be informed, in writing, of the reasons for the disapproval and shall be given an opportunity to amend its plan or to petition the Secretary to reconsider such disapproval.

SEC. 9. JOB CREATION ACTIVITIES AUTHORIZED.

The plan submitted by a tribal government may involve the expenditure of funds for the creation of employment opportunities and for the development of the economic resources of the tribal government or of individual Indian people if such expenditures are consistent with an overall regional economic activity which has a reasonable likelihood of success and consistent with the purposes specifically applicable to Indian programs in the statute under which the funds are authorized.

SEC. 10. PRIVATE SECTOR TRAINING PLACEMENTS.

A tribal government participating in a demonstration program under this Act is authorized to utilize funds available under such plan to place participants in training positions with private employers and pay such participants a training allowance or wage for a period not to exceed 12 months, if the tribal government obtains a written agreement from the private employer to provide on-the-job training to such participants and, upon satisfactory completion of the training period, to guarantee permanent employment to such participants for a minimum of 12 months.

SEC. 11. FEDERAL RESPONSIBILITIES.

(a) RESPONSIBILITIES OF THE DEPARTMENT OF THE INTERIOR.—Within 180 days following the date of enactment of this Act, the Secretary of the Interior, the Secretary of Labor, the Secretary of Health and Human Services and the Secretary of Education shall enter into an interdepartmental memorandum of agreement providing for the implementation of the demonstration projects authorized under this Act. The lead agency for a demonstration program under this Act shall be the Bureau of Indian Affairs, Department of the Interior. The responsibilities of the lead agency shall include—

(1) the use of a single report format related to the plan for the individual project which shall be used by a tribal government to report on the activities undertaken under the project;

(2) the use of a single report format related to the projected expenditures for the individual project which shall be used by a tribal government to report on all project expenditures;

(3) the development of a single system of Federal oversight for the project, which shall be implemented by the lead agency; and

(4) the provision of technical assistance to a tribal government appropriate to the project, except that a tribal government shall have the authority to accept or reject the plan for providing such technical assistance and the technical assistance provider.

(b) REPORT REQUIREMENTS.—The single report format shall be developed by the Secretary, consistent with the requirements of this Act. Such report format, together with records maintained on the consolidated program at the tribal level shall contain such information as will allow a determination that the tribe has complied with the requirements incorporated in its approved plan and will provide assurances to each Secretary that the tribe has complied with all directly applicable statutory requirements and with those directly applicable regulatory requirements which have not been waived.

SEC. 12. NO REDUCTION IN AMOUNTS.

In no case shall the amount of Federal funds available to a tribal government involved in any demonstration project be reduced as a result of the enactment of this Act.

SEC. 13. INTERAGENCY FUND TRANSFERS AUTHORIZED.

The Secretary of the Interior, Secretary of Labor, Secretary of Health and Human Services, or the Secretary of Education, as appropriate, is authorized to take such action as may be necessary to provide for an interagency transfer of funds otherwise available to a tribal government in order to further the purposes of this Act.

SEC. 14. ADMINISTRATION OF FUNDS AND OVERAGE.

(a) ADMINISTRATION OF FUNDS.—

(1) IN GENERAL.—Program funds shall be administered in such a manner as to allow for a determination that funds from specific programs (or an amount equal to the amount attracted from each program) are spent on allowable activities authorized under such program.

(2) SEPARATE RECORDS NOT REQUIRED.—Nothing in this section shall be construed as requiring the tribe to maintain separate records tracing any services or activities conducted under its approved plan to the individual programs under which funds were authorized, nor shall the tribe be required to allocate expenditures among such individual programs.

(b) OVERAGE.—All administrative costs may be commingled and participating Indian tribes shall be entitled to the full amount of such costs (under each program or department's regulations), and no overage shall be counted for Federal audit purposes, provided that the overage is used for the purposes provided for under this Act.

SEC. 15. FISCAL ACCOUNTABILITY.

Nothing in this Act shall be construed so as to interfere with the ability of the Secretary or the lead agency to fulfill the responsibilities for the safeguarding of Federal funds pursuant to the Single Audit Act of 1984.

SEC. 16. REPORT ON STATUTORY OBSTACLES TO PROGRAM INTEGRATION.

(a) PRELIMINARY REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit a preliminary report to the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives on the status of the implementation of the demonstration program authorized under this Act.

(b) FINAL REPORT.—Not later than five years after the date of the enactment of this Act, the Secretary shall submit a report to the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs and the Committee on Education and Labor of the House of Representatives on the results of the implementation of the demonstration program authorized under this Act. Such report shall identify statutory barriers to the ability of tribal governments to integrate more effectively their employment, training, and related services in a manner consistent with the purposes of this Act.

SEC. 17. LABOR MARKET INFORMATION ON THE INDIAN WORK FORCE.

(a) REPORT.—The Secretary, in consultation with the Secretary of Labor, shall, in a consistent and reliable manner, develop, maintain and publish, not less than biennially, a report on the population, by gender, eligible for the services which the Secretary provides to Indian people. The report shall include, but is not limited to, information at the national level by State, Bureau of Indian Affairs Service area, and tribal level for the—

(1) total service population;

(2) the service population under age 16 and over 64;

(3) the population available for work, including those not considered to be actively seeking work;

(4) the employed population, including those employed with annual earnings below the poverty line; and

(5) the numbers employed in private sector positions and in public sector positions.

(b) INDIAN DEMOGRAPHIC INFORMATION.—The Secretary, in consultation with the Bureau of the Census of the Department of Commerce, and the National Center for Native American Studies and Policy Development authorized by Public Law 101–301, shall prepare a report on the need for comprehensive, accurate and periodically updated information on the size and characteristics of the Indian and Alaska Native population throughout the entire United States. This report shall include the need for information, together with the cost of acquiring such information, on the characteristics and need for education, health, housing, job training, and other basic needs of such population, and shall take into consideration the need for this information by Indian tribes and organizations serving Indians in non-reservation areas. The report shall be submitted to the Select Committee on Indian Affairs of the Senate and the Committee on Interior and Insular Affairs and the Committee on Education and Labor of the House of Representatives not later than 12 months after the date of enactment of this Act.

SEC. 18. ASSIGNMENT OF FEDERAL PERSONNEL TO STATE INDIAN ECONOMIC DEVELOPMENT PROGRAMS.

Any State with an economic development program targeted to Indian tribes shall be eligible to receive, at no cost to the State, such Federal personnel assignments as the Secretary, in accordance with the applicable provisions of the Intergovernmental Personnel Act of 1970, may deem appropriate to help ensure the success of such program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on S. 1530, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1530 is the Indian Employment, Training and Related Services Demonstration Act. This bill authorizes as demonstration program that would enable Indian tribal governments to consolidate various employment programs.

Tribal governments currently administer a variety of employment programs provided by several different Federal agencies. The burden for tribes to operate these programs is heavy and tribes are required to meet several administrative and reporting requirements set by each Federal agency. This bill would allow Indian tribes in the demonstration project to consolidate these programs and submit a single application to the Interior Department.

I thank my colleagues at the Committee on Education and Labor who assisted the Interior Committee in the amendment version which is before the House today. I am submitting a letter from Chairman FORD which states that his concerns have been met in the amended bill.

This bill calls for no expenditure of funds and is simply a better way to provide employment programs for Indian people.

I urge my colleagues to support this bill.

COMMITTEE ON
EDUCATION AND LABOR,
Washington, DC, September 28, 1992.

Hon. GEORGE MILLER,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning the proposed consideration of S. 1530, the Indian Employment, Training and Related Services Demonstration Act of 1991, which is scheduled for consideration under Suspension of the Rules on Tuesday, September 29, 1992. As you know, on May 21, 1992, I wrote to the Speaker setting out the concerns of the Committee on Education and Labor relating to this legislation and the fact that parts of it fall within our jurisdiction. At that time, I made it clear that if those concerns were not addressed, I would have to seek sequential referral of the legislation.

I am pleased that our staffs have been able to fashion a compromise which addresses our concerns and will allow this program to reach its goals. I am in agreement with the substance of this compromise and will not register objection to consideration of the measure on Tuesday. However, in view of this Committee's jurisdiction under the Rules of the House and our continuing interest in this area, and in light of the continuing cooperation between our Committees in addressing the employment and training needs of Native Americans, I ask that you include this letter in the record of the debate on S. 1530 to protect this Committee's jurisdictional interests.

With kind regards,

Sincerely,

WILLIAM D. FORD,
Chairman.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 1530, the Indian Employment, Training and Related Services Demonstration Act of 1992.

This bill would allow the tribes to reduce chronic unemployment and enhance their economic self-sufficiency by establishing a mechanism that will make it possible for them to integrate all of their employment services—regardless of funding source—into a single comprehensive program.

Mr. Speaker, S. 1530 has broad bipartisan backing and is supported by the administration. I urge my colleagues to do the same.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER] that the House suspend the rules and pass the Senate bill, S. 1530, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

FINANCIAL INSTITUTIONS ENFORCEMENT IMPROVEMENTS ACT

Mr. ANNUNZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6048) to require the Federal depository institution regulatory agencies to take additional enforcement actions against depository institutions engaging in money laundering, and for other purposes; as amended.

The Clerk read as follows:

H.R. 6048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Financial Institutions Enforcement Improvements Act".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—TERMINATION OF CHARTERS, INSURANCE, AND OFFICES

Sec. 101. Authority to appoint conservator for depository institutions convicted of money laundering.
Sec. 102. Revoking charter of Federal depository institutions convicted of money laundering or cash transaction reporting offenses.
Sec. 103. Terminating insurance of State depository institutions convicted of money laundering or cash transaction reporting offenses.
Sec. 104. Removing parties involved in currency reporting violations.
Sec. 105. Unauthorized participation.
Sec. 106. Access by State financial institution supervisors to currency transactions reports.
Sec. 107. Restricting State branches and agencies of foreign banks convicted of money laundering offenses.

TITLE II—NONBANK FINANCIAL INSTITUTIONS AND GENERAL PROVISIONS

Sec. 201. Identification of financial institutions.
Sec. 202. Prohibition of illegal money transmitting businesses.
Sec. 203. Compliance procedures.
Sec. 204. Nondisclosure of orders.
Sec. 205. Provisions relating to recordkeeping with respect to certain funds transfers.
Sec. 206. Use of certain records.
Sec. 207. Suspicious transactions and financial institution anti-money laundering programs.
Sec. 208. Anti-money laundering training team.
Sec. 209. International money laundering reports.

TITLE III—MONEY LAUNDERING IMPROVEMENTS

Sec. 301. Jurisdiction in civil forfeiture cases.
Sec. 302. Civil forfeiture of fungible property.
Sec. 303. Procedure for subpoenaing bank records.
Sec. 304. Deletion of redundant and inadvertently limiting provision in 18 U.S.C. 1956.
Sec. 305. Structuring transactions to evade CMIR requirement.
Sec. 306. Clarification of definition of financial institution.
Sec. 307. Definition of financial transaction.
Sec. 308. Obstructing a money laundering investigation.
Sec. 309. Awards in money laundering cases.
Sec. 310. Penalty for money laundering conspiracies.
Sec. 311. Technical and conforming amendments to money laundering provision.
Sec. 312. Preclusion of notice to possible suspects of existence of a grand jury subpoena for bank records in money laundering and controlled substance investigations.
Sec. 313. Elimination of restriction on disposal of forfeited property by the Department of the Treasury and the Postal Service.
Sec. 314. New money laundering predicate offenses.
Sec. 315. Amendments to the Bank Secrecy Act.
Sec. 316. Expansion of money laundering law to cover proceeds of certain foreign crimes.

TITLE IV—REPORTS AND MISCELLANEOUS

Sec. 401. Study and report on reimbursing financial institutions and others for providing financial records.
Sec. 402. Reports of information regarding safety and soundness of depository institutions.
Sec. 403. Immunity.
Sec. 404. Interagency information sharing.

TITLE V—COUNTERFEIT DETERRENCE

Sec. 501. Short title.
Sec. 502. Increase in penalties.
Sec. 503. Deterrents to counterfeiting.
Sec. 504. Reproductions of currency.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Civil money penalties.
Sec. 602. Authority to order depository institutions to obtain copies of CTRS from customers which are unregulated businesses.
Sec. 603. Whistleblower protection for employees of financial institutions other than depository institutions.
Sec. 604. Advisory group on reporting requirements.
Sec. 605. GAO feasibility study of the Financial Crimes Enforcement Network.

TITLE I—TERMINATION OF CHARTERS, INSURANCE, AND OFFICES

SEC. 101. AUTHORITY TO APPOINT CONSERVATOR FOR DEPOSITORY INSTITUTIONS CONVICTED OF MONEY LAUNDERING.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 11(c)(5) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(5)) is amended by adding at the end the following new subparagraph:

"(M) MONEY LAUNDERING OFFENSE.—The Attorney General notifies the appropriate Federal banking agency or the Corporation in writing that the insured depository institution has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code.".

(b) INSURED CREDIT UNIONS.—Section 206(h)(1) of the Federal Credit Union Act (12 U.S.C. 1786(h)(1)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) the Attorney General notifies the Board in writing that an insured credit union has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code;".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 20, 1992.

SEC. 102. REVOKING CHARTER OF FEDERAL DEPOSITORY INSTITUTIONS CONVICTED OF MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.

(a) NATIONAL BANKS.—Section 5239 of the Revised Statutes (12 U.S.C. 93) is amended by adding at the end the following:

"(c) FORFEITURE OF FRANCHISE FOR MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.—

"(1) IN GENERAL.—

"(A) CONVICTION OF TITLE 18 OFFENSES.—

"(i) DUTY TO NOTIFY.—If a national bank, a Federal branch, or Federal agency has been convicted of any criminal offense under section 1956 or 1957 of title 18, United States

Code, the Attorney General shall provide to the Comptroller of the Currency a written notification of the conviction and shall include a certified copy of the order of conviction from the court rendering the decision.

"(ii) NOTICE OF TERMINATION; PRETERMINATION HEARING.—After receiving written notification from the Attorney General of such a conviction, the Comptroller of the Currency shall issue to the national bank, Federal branch, or Federal agency a notice of the Comptroller's intention to terminate all rights, privileges, and franchises of the bank, Federal branch, or Federal agency and schedule a pre-termination hearing.

"(B) CONVICTION OF TITLE 31 OFFENSES.—If a national bank, a Federal branch, or a Federal agency is convicted of any criminal offense under section 5322 of title 31, United States Code, after receiving written notification from the Attorney General, the Comptroller of the Currency may issue to the national bank, Federal branch, or Federal agency a notice of the Comptroller's intention to terminate all rights, privileges, and franchises of the bank, Federal branch, or Federal agency and schedule a pretermination hearing.

"(C) JUDICIAL REVIEW.—Section 8(h) of the Federal Deposit Insurance Act shall apply to any proceeding under this subsection.

"(2) FACTORS TO BE CONSIDERED.—In determining whether a franchise shall be forfeited under paragraph (1), the Comptroller of the Currency shall take into account the following factors:

"(A) The extent to which directors or senior executive officers of the national bank, Federal branch, or Federal agency knew of, or were involved in, the commission of the money laundering offense of which the bank, Federal branch, or Federal agency was found guilty.

"(B) The extent to which the offense occurred despite the existence of policies and procedures within the national bank, Federal branch, or Federal agency which were designed to prevent the occurrence of any such offense.

"(C) The extent to which the national bank, Federal branch, or Federal agency has fully cooperated with law enforcement authorities with respect to the investigation of the money laundering offense of which the bank, Federal branch, or Federal agency was found guilty.

"(D) The extent to which the national bank, Federal branch, or Federal agency has implemented additional internal controls (since the commission of the offense of which the bank, Federal branch, or Federal agency was found guilty) to prevent the occurrence of any other money laundering offense.

"(E) The extent to which the interest of the local community in having adequate deposit and credit services available would be threatened by the forfeiture of the franchise.

"(3) SUCCESSOR LIABILITY.—This subsection does not apply to a successor to the interests of, or a person who acquires, a bank, a Federal branch, or a Federal agency that violated a provision of law described in paragraph (1), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this subsection or regulations prescribed under this subsection.

"(4) DEFINITION.—The term 'senior executive officer' has the same meaning as in regulations prescribed under section 32(f) of the Federal Deposit Insurance Act.".

(b) FEDERAL SAVINGS ASSOCIATIONS.—Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by adding at the end the following:

"(w) FORFEITURE OF FRANCHISE FOR MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.—

"(1) IN GENERAL.—

"(A) CONVICTION OF TITLE 18 OFFENSES.—

"(i) DUTY TO NOTIFY.—If a Federal savings association has been convicted of any criminal offense under section 1956 or 1957 of title 18, United States Code, the Attorney General shall provide to the Director a written notification of the conviction and shall include a certified copy of the order of conviction from the court rendering the decision.

"(ii) NOTICE OF TERMINATION; PRETERMINATION HEARING.—After receiving written notification from the Attorney General of such a conviction, the Director shall issue to the savings association a notice of the Director's intention to terminate all rights, privileges, and franchises of the savings association and schedule a pretermination hearing.

"(B) CONVICTION OF TITLE 31 OFFENSES.—If a Federal savings association is convicted of any criminal offense under section 5322 of title 31, United States Code, after receiving written notification from the Attorney General, the Director may issue to the savings association a notice of the Director's intention to terminate all rights, privileges, and franchises of the savings association and schedule a pretermination hearing.

"(C) JUDICIAL REVIEW.—Subsection (d)(1)(B)(vii) shall apply to any proceeding under this subsection.

"(2) FACTORS TO BE CONSIDERED.—In determining whether a franchise shall be forfeited under paragraph (1), the Director shall take into account the following factors:

"(A) The extent to which directors or senior executive officers of the savings association knew of, or were involved in, the commission of the money laundering offense of which the association was found guilty.

"(B) The extent to which the offense occurred despite the existence of policies and procedures within the savings association which were designed to prevent the occurrence of any such offense.

"(C) The extent to which the savings association has fully cooperated with law enforcement authorities with respect to the investigation of the money laundering offense of which the association was found guilty.

"(D) The extent to which the savings association has implemented additional internal controls (since the commission of the offense of which the savings association was found guilty) to prevent the occurrence of any other money laundering offense.

"(E) The extent to which the interest of the local community in having adequate deposit and credit services available would be threatened by the forfeiture of the franchise.

"(3) SUCCESSOR LIABILITY.—This subsection shall not apply to a successor to the interests of, or a person who acquires, a savings association that violated a provision of law described in paragraph (1), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this subsection or regulations prescribed under this subsection.

"(4) DEFINITION.—The term 'senior executive officer' has the same meaning as in regulations prescribed under section 32(f) of the Federal Deposit Insurance Act.".

(c) FEDERAL CREDIT UNIONS.—Title I of the Federal Credit Union Act (12 U.S.C. 1752 et seq.) is amended by adding at the end the following new section:

"SEC. 131. FORFEITURE OF ORGANIZATION CERTIFICATE FOR MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.

"(a) FORFEITURE OF FRANCHISE FOR MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.—

"(1) CONVICTION OF TITLE 18 OFFENSES.—

"(A) DUTY TO NOTIFY.—If a credit union has been convicted of any criminal offense under section 1956 or 1957 of title 18, United States Code, the Attorney General shall provide to the Board a written notification of the conviction and shall include a certified copy of the order of conviction from the court rendering the decision.

"(B) NOTICE OF TERMINATION; PRETERMINATION HEARING.—After receiving written notification from the Attorney General of such a conviction, the Board shall issue to such credit union a notice of its intention to terminate all rights, privileges, and franchises of the credit union and schedule a pretermination hearing.

"(2) CONVICTION OF TITLE 31 OFFENSES.—If a credit union is convicted of any criminal offense under section 5322 of title 31, United States Code, after receiving written notification from the Attorney General, the Board may issue to such credit union a notice of its intention to terminate all rights, privileges, and franchises of the credit union and schedule a pretermination hearing.

"(3) JUDICIAL REVIEW.—Section 206(j) shall apply to any proceeding under this section.

"(b) FACTORS TO BE CONSIDERED.—In determining whether a franchise shall be forfeited under subsection (a), the Board shall take into account the following factors:

"(1) The extent to which directors, committee members, or senior executive officers (as defined by the Board in regulations which the Board shall prescribe) of the credit union knew of, or were involved in, the commission of the money laundering offense of which the credit union was found guilty.

"(2) The extent to which the offense occurred despite the existence of policies and procedures within the credit union which were designed to prevent the occurrence of any such offense.

"(3) The extent to which the credit union has fully cooperated with law enforcement authorities with respect to the investigation of the money laundering offense of which the credit union was found guilty.

"(4) The extent to which the credit union has implemented additional internal controls (since the commission of the offense of which the credit union was found guilty) to prevent the occurrence of any other money laundering offense.

"(5) The extent to which the interest of the local community in having adequate deposit and credit services available would be threatened by the forfeiture of the franchise.

"(c) SUCCESSOR LIABILITY.—This section does not apply to a successor to the interests of, or a person who acquires, a credit union that violated a provision of law described in subsection (a), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this section or regulations prescribed under this section.".

SEC. 103. TERMINATING INSURANCE OF STATE DEPOSITORY INSTITUTIONS CONVICTED OF MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.

(a) STATE BANKS AND SAVINGS ASSOCIATIONS.—

(1) IN GENERAL.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by adding at the end the following new subsection:

"(w) TERMINATION OF INSURANCE FOR MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.—

"(1) IN GENERAL.—

"(A) CONVICTION OF TITLE 18 OFFENSES.—

"(i) DUTY TO NOTIFY.—If an insured State depository institution has been convicted of any criminal offense under section 1956 or 1957 of title 18, United States Code, the Attorney General shall provide to the Corporation a written notification of the conviction and shall include a certified copy of the order of conviction from the court rendering the decision.

"(ii) NOTICE OF TERMINATION; PRETERMINATION HEARING.—After receipt of written notification from the Attorney General by the Corporation of such a conviction, the Board of Directors shall issue to the insured depository institution a notice of its intention to terminate the insured status of the insured depository institution and schedule a hearing on the matter, which shall be conducted in all respects as a termination hearing pursuant to paragraphs (3) through (5) of subsection (a).

"(B) CONVICTION OF TITLE 31 OFFENSES.—If an insured State depository institution is convicted of any criminal offense under section 5322 of title 31, United States Code, after receipt of written notification from the Attorney General by the Corporation, the Board of Directors may initiate proceedings to terminate the insured status of the insured depository institution in the manner described in subparagraph (A).

"(C) NOTICE TO STATE SUPERVISOR.—The Corporation shall simultaneously transmit a copy of any notice issued under this paragraph to the appropriate State financial institutions supervisor.

"(2) FACTORS TO BE CONSIDERED.—In determining whether to terminate insurance under paragraph (1), the Board of Directors shall take into account the following factors:

"(A) The extent to which directors or senior executive officers of the depository institution knew of, or were involved in, the commission of the money laundering offense of which the institution was found guilty.

"(B) The extent to which the offense occurred despite the existence of policies and procedures within the depository institution which were designed to prevent the occurrence of any such offense.

"(C) The extent to which the depository institution has fully cooperated with law enforcement authorities with respect to the investigation of the money laundering offense of which the institution was found guilty.

"(D) The extent to which the depository institution has implemented additional internal controls (since the commission of the offense of which the depository institution was found guilty) to prevent the occurrence of any other money laundering offense.

"(E) The extent to which the interest of the local community in having adequate deposit and credit services available would be threatened by the termination of insurance.

"(3) NOTICE TO STATE BANKING SUPERVISOR AND PUBLIC.—When the order to terminate insured status initiated pursuant to this subsection is final, the Board of Directors shall—

"(A) notify the State banking supervisor of any State depository institution described in paragraph (1) and the Office of Thrift Supervision, where appropriate, at least 10 days prior to the effective date of the order of termination of the insured status of such depository institution, including a State branch of a foreign bank; and

"(B) publish notice of the termination of the insured status of the depository institution in the Federal Register.

"(4) TEMPORARY INSURANCE OF PREVIOUSLY INSURED DEPOSITS.—Upon termination of the insured status of any State depository institution pursuant to paragraph (1), the deposits of such depository institution shall be treated in accordance with subsection (a)(7).

"(5) SUCCESSOR LIABILITY.—This subsection does not apply to a successor to the interests of, or a person who acquires, an insured depository institution that violated a provision of law described in paragraph (1), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this subsection or regulations prescribed under this subsection.

"(6) DEFINITION.—The term 'senior executive officer' has the same meaning as in regulations prescribed under section 32(f) of this Act.".

(2) TECHNICAL AMENDMENT.—Section 8(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(a)(3)) is amended by inserting "of this subsection or subsection (w)" after "subparagraph (B)".

(b) STATE CREDIT UNIONS.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following new subsection:

"(v) TERMINATION OF INSURANCE FOR MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.—

"(1) IN GENERAL.—

"(A) CONVICTION OF TITLE 18 OFFENSES.—

"(i) DUTY TO NOTIFY.—If an insured State credit union has been convicted of any criminal offense under section 1956 or 1957 of title 18, United States Code, the Attorney General shall provide to the Board a written notification of the conviction and shall include a certified copy of the order of conviction from the court rendering the decision.

"(ii) NOTICE OF TERMINATION.—After written notification from the Attorney General to the Board of such a conviction, the Board shall issue to such insured credit union a notice of its intention to terminate the insured status of the insured credit union and schedule a hearing on the matter, which shall be conducted as a termination hearing pursuant to subsection (b) of this section, except that no period for correction shall apply to a notice issued under this subparagraph.

"(B) CONVICTION OF TITLE 31 OFFENSES.—If a credit union is convicted of any criminal offense under section 5322 of title 31, United States Code, after prior written notification from the Attorney General, the Board may initiate proceedings to terminate the insured status of such credit union in the manner described in subparagraph (A).

"(C) NOTICE TO STATE SUPERVISOR.—The Board shall simultaneously transmit a copy of any notice under this paragraph to the appropriate State financial institutions supervisor.

"(2) FACTORS TO BE CONSIDERED.—In determining whether to terminate insurance under paragraph (1), the Board shall take into account the following factors:

"(A) The extent to which directors, committee members, or senior executive officers (as defined by the Board in regulations which the Board shall prescribe) of the credit union knew of, or were involved in, the commission of the money laundering offense of which the credit union was found guilty.

"(B) The extent to which the offense occurred despite the existence of policies and procedures within the credit union which were designed to prevent the occurrence of any such offense.

"(C) The extent to which the credit union has fully cooperated with law enforcement authorities with respect to the investigation of the money laundering offense of which the credit union was found guilty.

"(D) The extent to which the credit union has implemented additional internal controls (since the commission of the offense of which the credit union was found guilty) to prevent the occurrence of any other money laundering offense.

"(E) The extent to which the interest of the local community in having adequate deposit and credit services available would be threatened by the termination of insurance.

"(3) NOTICE TO STATE CREDIT UNION SUPERVISOR AND PUBLIC.—When the order to terminate insured status initiated pursuant to this subsection is final, the Board shall—

"(A) notify the commission, board, or authority (if any) having supervision of the credit union described in paragraph (1) at least 10 days prior to the effective date of the order of the termination of the insured status of such credit union; and

"(B) publish notice of the termination of the insured status of the credit union.

"(4) TEMPORARY INSURANCE OF PREVIOUSLY INSURED DEPOSITS.—Upon termination of the insured status of any State credit union pursuant to paragraph (1), the deposits of such credit union shall be treated in accordance with section 206(d)(2).

"(5) SUCCESSOR LIABILITY.—This subsection does not apply to a successor to the interests of, or a person who acquires, an insured credit union that violated a provision of law described in paragraph (1), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this subsection or regulations prescribed under this subsection.".

SEC. 104. REMOVING PARTIES INVOLVED IN CURRENCY REPORTING VIOLATIONS.

(a) FDIC-INSURED INSTITUTIONS.—

(1) VIOLATION OF REPORTING REQUIREMENTS.—Section 8(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(2)) is amended to read as follows:

"(2) SPECIFIC VIOLATIONS.—

"(A) IN GENERAL.—Whenever the appropriate Federal banking agency determines that—

"(i) an institution-affiliated party has committed a violation of any provision of subchapter II of chapter 53 of title 31, United States Code, and such violation was not inadvertent or unintentional;

"(ii) an officer or director of an insured depository institution has knowledge that an institution-affiliated party of the insured depository institution has violated any such provision or any provision of law referred to in subsection (g)(1)(A)(ii); or

"(iii) an officer or director of an insured depository institution has committed any violation of the Depository Institution Management Interlocks Act,

the agency may serve upon such party, officer, or director a written notice of the agency's intention to remove such party from office.

"(B) FACTORS TO BE CONSIDERED.—In determining whether an officer or director should be removed as a result of the application of subparagraph (A)(ii), the agency shall consider whether the officer or director took appropriate action to stop, or to prevent the recurrence of, a violation described in such subparagraph.".

(2) CERTAIN FELONY CHARGES.—Section 8(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)(1)) is amended to read as follows:

“(1) SUSPENSION OR PROHIBITION.—

“(A) IN GENERAL.—Whenever any institution-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in—

“(i) a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, or

“(ii) a criminal violation of section 1956, 1957, or 1960 of title 18, United States Code, or section 5322 of title 31, United States Code,

the appropriate Federal banking agency may, if continued service or participation by such party may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the depository institution.

“(B) PROVISIONS APPLICABLE TO NOTICE.—

“(i) COPY.—A copy of any notice under subparagraph (A) shall also be served upon the depository institution.

“(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the agency.

“(C) REMOVAL OR PROHIBITION.—

“(i) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against an institution-affiliated party in connection with a crime described in subparagraph (A)(i), at such time as such judgment is not subject to further appellate review, the appropriate Federal banking agency may, if continued service or participation by such party may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the depository institution without the prior written consent of the appropriate agency.

“(ii) REQUIRED FOR CERTAIN OFFENSES.—In the case of a judgment of conviction or agreement against an institution-affiliated party in connection with a violation described in subparagraph (A)(ii), the appropriate Federal banking agency shall issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the depository institution without the prior written consent of the appropriate agency.

“(D) PROVISIONS APPLICABLE TO ORDER.—

“(i) COPY.—A copy of any order under subparagraph (C) shall also be served upon the depository institution, whereupon the institution-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such depository institution.

“(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the agency from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in depository institution affairs, pursuant to paragraph (1), (2), or (3) of subsection (e) of this section.

“(iii) EFFECTIVE PERIOD.—Any notice of suspension or order of removal issued under this paragraph shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (3) unless terminated by the agency.”.

(b) CREDIT UNIONS.—

(1) VIOLATION OF REPORTING REQUIREMENTS.—Section 206(g)(2) of the Federal Credit Union Act (12 U.S.C. 1786(g)(2)) is amended to read as follows:

“(2) SPECIFIC VIOLATIONS.—

“(A) IN GENERAL.—Whenever the Board determines that—

“(i) an institution-affiliated party has committed a violation of any provision of subchapter II of chapter 53 of title 31, United States Code, unless such violation was inadvertent or unintentional;

“(ii) an officer or director of an insured credit union has knowledge that an institution-affiliated party of the insured credit union has violated any such provision or any provision of law referred to in subsection (i)(1)(A)(ii); or

“(iii) an officer or director of an insured credit union has committed any violation of the Depository Institution Management Interlocks Act,

the Board may serve upon such party, officer, or director a written notice of the Board's intention to remove such officer or director from office.

“(B) FACTORS TO BE CONSIDERED.—In determining whether an officer or director should be removed as a result of the application of subparagraph (A)(ii), the Board shall consider whether the officer or director took appropriate action to stop, or to prevent the recurrence of, a violation described in such subparagraph.”.

(2) CERTAIN FELONY CHARGES.—Section 206(i)(1) of the Federal Credit Union Act (12 U.S.C. 1786(i)(1)) is amended to read as follows:

“(1) SUSPENSION OR PROHIBITION AUTHORIZED.—

“(A) IN GENERAL.—Whenever any institution-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in—

“(i) a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, or

“(ii) a criminal violation of section 1956, 1957, or 1960 of title 18, United States Code, or section 5322 of title 31, United States Code,

the Board may, if continued service or participation by such party may pose a threat to the interests of the credit union's members or may threaten to impair public confidence in the credit union, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the credit union.

“(B) PROVISIONS APPLICABLE TO NOTICE.—

“(i) COPY.—A copy of any notice under subparagraph (A) shall also be served upon the credit union.

“(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the Board.

“(C) REMOVAL OR PROHIBITION.—

“(i) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against an institution-affiliated party in connection with a crime described in subparagraph (A)(i), at such time as such judgment is not subject to further appellate review, the Board may, if continued service or participation by such party may pose a threat to the interests of the credit union's members or may threaten to impair public confidence in the credit union, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the credit union without the prior written consent of the Board.

“(ii) REQUIRED FOR CERTAIN OFFENSES.—In the case of a judgment of conviction or agreement against an institution-affiliated party in connection with a violation described in subparagraph (A)(ii), the Board shall issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the credit union without the prior written consent of the Board.

“(D) PROVISIONS APPLICABLE TO ORDER.—

“(i) COPY.—A copy of any order under subparagraph (C) shall also be served upon such credit union, whereupon such party (if a director or an officer) shall cease to be a director or officer of such credit union.

“(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Board from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in credit union affairs, pursuant to paragraph (1), (2), or (3) of subsection (g) of this section.

“(iii) EFFECTIVE PERIOD.—Any notice of suspension or order of removal issued under this paragraph shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (3) unless terminated by the Board.”.

(c) ATTORNEY GENERAL NOTICE REQUIREMENT.—Section 1956 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(g) NOTICE OF CONVICTION OF FINANCIAL INSTITUTIONS.—If any financial institution or any officer, director, or employee of any financial institution has been found guilty of an offense under this section, section 1957 or 1960 of this title, or section 5322 of title 31, the Attorney General shall provide written notice of such fact to the appropriate regulatory agency for the financial institution.”.

(d) TECHNICAL CORRECTIONS TO PROVISIONS RELATING TO MONEY LAUNDERING ENFORCEMENT ACTIVITIES.—

(1) Section 5318(a)(1) of title 31, United States Code, is amended—

(A) by striking “or the Postal Inspection Service”; and

(B) by inserting “United States” before “Postal Service”.

(2) Section 5322(a) of title 31, United States Code, is amended by striking “imprisonment” and inserting “imprisoned for”.

SEC. 105. UNAUTHORIZED PARTICIPATION.

Section 19(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1829(a)(1)) is amended by inserting “or money laundering” after “breach of trust”.

SEC. 106. ACCESS BY STATE FINANCIAL INSTITUTION SUPERVISORS TO CURRENCY TRANSACTIONS REPORTS.

Section 5319 of title 31, United States Code, is amended—

(1) in the first sentence, by striking “to an agency” and inserting “to an agency, including any State financial institutions supervisory agency,”; and

(2) by inserting after the second sentence the following new sentence: “The Secretary may only require reports on the use of such

information by any State financial institutions supervisory agency for other than supervisory purposes.".

SEC. 107. RESTRICTING STATE BRANCHES AND AGENCIES OF FOREIGN BANKS CONVICTED OF MONEY LAUNDERING OFFENSES.

Section 7 of the International Banking Act of 1978 (12 U.S.C. 3105) is amended by inserting after subsection (h) the following new subsection:

"(i) PROCEEDINGS RELATED TO CONVICTION FOR MONEY LAUNDERING OFFENSES.—

"(1) NOTICE OF INTENTION TO ISSUE ORDER.—If the Board finds or receives written notice from the Attorney General that—

"(A) any foreign bank which operates a State agency, a State branch which is not an insured branch, or a State commercial lending company subsidiary;

"(B) any State agency;

"(C) any State branch which is not an insured branch; or

"(D) any State commercial lending subsidiary,

has been found guilty of any money laundering offense, the Board shall issue a notice to the agency, branch, or subsidiary of the Board's intention to commence a termination proceeding under subsection (e).

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) INSURED BRANCH.—The term 'insured branch' has the meaning given such term in section 3(s) of the Federal Deposit Insurance Act.

"(B) MONEY LAUNDERING OFFENSE DEFINED.—The term 'money laundering offense' means any criminal offense under section 1956 or 1957 of title 18, United States Code, or under section 5322 of title 31, United States Code.".

TITLE II—NONBANK FINANCIAL INSTITUTIONS AND GENERAL PROVISIONS

SEC. 201. IDENTIFICATION OF FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5326 the following new section:

"§ 5327. Identification of financial institutions

"(a) REGULATIONS REQUIRED.—The Secretary of the Treasury shall prescribe regulations requiring each depository institution to identify any customer (of the depository institution) which—

"(1) is a financial institution described in—

"(A) any subparagraph of section 5312(a)(2) other than subparagraphs (A) through (G); or

"(B) any regulation under any such subparagraph; and

"(2) has any account with the depository institution.

"(b) REPORTS REQUIRED.—Each depository institution shall report the names of and other information about financial institution customers required to be identified under subsection (a) to the Secretary at such times and in such manner as the Secretary shall prescribe by regulation.

"(c) REPORTING OFFENSES.—No person shall cause or attempt to cause any depository institution to fail to file a report required by this section or to file a report containing a material omission or misstatement of fact.

"(d) AVAILABILITY OF REPORTS.—The Secretary shall provide reports filed under subsection (b) to appropriate State financial institution supervisory agencies for supervisory purposes.

"(e) DEPOSITORY INSTITUTION DEFINED.—For purposes of this section, the term 'depository institution' means any financial institution described in subparagraph (A), (B), (C), (D), (E), or (F) of section 5312(a)(2).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5321(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(7) FINANCIAL INSTITUTION IDENTIFICATION VIOLATIONS.—

"(A) PENALTY AUTHORIZED.—The Secretary may impose a civil money penalty on any person who willfully violates any provision of section 5327 or any regulation prescribed under such section.

"(B) MAXIMUM AMOUNT LIMITATION.—The amount of any civil money penalty imposed under subparagraph (A) shall not exceed $10,000 per day for each day during which a report remains unfiled or a report containing a material omission or misstatement of fact remains uncorrected.".

(c) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5326 the following new item:

"5327. Identification of financial institutions.".

(d) EFFECTIVE DATE OF REGULATIONS.—The initial final regulations prescribed pursuant to section 5327 of title 31, United States Code (as added by subsection (a) of this section) shall take effect before January 1, 1994.

SEC. 202. PROHIBITION OF ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) IN GENERAL.—Chapter 95 of title 18, United States Code, is amended by adding at the end the following section:

"§ 1960. Prohibition of illegal money transmitting businesses

"(a) Whoever conducts, controls, manages, supervises, directs, or owns all or part of a business, knowing the business is an illegal money transmitting business, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.

"(b) As used in this section—

"(1) the term 'illegal money transmitting business' means a money transmitting business that affects interstate or foreign commerce in any manner or degree and which is knowingly operated in a State—

"(A) without the appropriate money transmitting State license; and

"(B) where such operation is punishable as a misdemeanor or a felony under State law;

"(2) the term 'money transmitting' includes but is not limited to transferring funds on behalf of the public by any and all means including but not limited to transfers within this country or to locations abroad by wire, check, draft, facsimile, or courier; and

"(3) the term 'State' means any State of the United States, the District of Columbia, the Northern Mariana Islands, and any commonwealth, territory, or possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 95 of title 18, United States Code, is amended by adding at the end the following item:

"1960. Prohibition of illegal money transmitting businesses.".

(c) CRIMINAL FORFEITURE.—Section 982(a)(1) of title 18, United States Code, is amended by striking "or 1957" and inserting ", 1957, or 1960".

SEC. 203. COMPLIANCE PROCEDURES.

Section 5318(a)(2) of title 31, United States Code, is amended by inserting "or to guard against money laundering" before the semicolon.

SEC. 204. NONDISCLOSURE OF ORDERS.

Section 5326 of title 31, United States Code, is amended by adding at the end the following:

"(c) NONDISCLOSURE OF ORDERS.—No financial institution or officer, director, employee or agent of a financial institution subject to an order under this section may disclose the existence of, or terms of, the order to any person except as prescribed by the Secretary.".

SEC. 205. PROVISIONS RELATING TO RECORDKEEPING WITH RESPECT TO CERTAIN FUNDS TRANSFERS.

(a) RECORDKEEPING REGULATIONS REQUIRED.—Section 21(b) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(b)) is amended—

(1) by striking "(b) Where" and inserting "(b) RECORDKEEPING REGULATIONS.—

"(1) IN GENERAL.—Where"; and

(2) by adding at the end the following new paragraphs:

"(2) DOMESTIC FUNDS TRANSFERS.—Whenever the Secretary and the Board of Governors of the Federal Reserve System (hereafter in this section referred to as the 'Board') determine that the maintenance of records, by insured depository institutions, of payment orders which direct transfers of funds over wholesale funds transfer systems has a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, the Secretary and the Board shall jointly prescribe regulations to carry out the purposes of this section with respect to the maintenance of such records.

"(3) INTERNATIONAL FUNDS TRANSFERS.—

"(A) IN GENERAL.—The Secretary and the Board shall jointly prescribe, after consultation with State banking supervisors, final regulations requiring that insured depository institutions, businesses that provide check cashing services, money transmitting businesses, and businesses that issue or redeem money orders, travelers' checks or other similar instruments maintain such records of payment orders which—

"(i) involve international transactions; and

"(ii) direct transfers of funds over wholesale funds transfer systems or on the books of any insured depository institution, or on the books of any business that provides check cashing services, any money transmitting business, and any business that issues or redeems money orders, travelers' checks or similar instruments,

that will have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

"(B) FACTORS FOR CONSIDERATION.—In prescribing the regulations required under subparagraph (A), the Secretary and the Board shall consider—

"(i) the usefulness in criminal, tax, or regulatory investigations or proceedings of any record required to be maintained pursuant to the proposed regulations; and

"(ii) the effect the recordkeeping required pursuant to such proposed regulations will have on the cost and efficiency of the payment system.

"(C) AVAILABILITY OF RECORDS.—Any records required to be maintained pursuant to the regulations prescribed under subparagraph (A) shall be submitted or made available to the Secretary or the Board upon request.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b) is amended—

(1) in subsection (c), by striking "Each insured" and inserting "Subject to the requirements of any regulations prescribed jointly

by the Secretary and the Board under paragraph (2) or (3) of subsection (b), each insured";

(2) in subsection (e), by striking "Whenever any" and inserting "Subject to the requirements of any regulations prescribed jointly by the Secretary and the Board under paragraph (2) or (3) of subsection (b), whenever any"; and

(3) in subsection (f), by striking "In addition to" and inserting "Subject to the requirements of any regulations prescribed jointly by the Secretary and the Board under paragraph (2) or (3) of subsection (b) and in addition to".

(c) EFFECTIVE DATE OF REGULATIONS.—The initial final regulations prescribed pursuant to section 21(b)(3) of the Federal Deposit Insurance Act (as added by subsection (a)(2) of this section) shall take effect before January 1, 1994.

SEC. 206. USE OF CERTAIN RECORDS.

Section 1112(f) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(f)) is amended—

(1) in paragraph (1), by inserting "or the Secretary of the Treasury" after "the Attorney General"; and

(2) in paragraph (2), by inserting "and only for criminal investigative purposes relating to money laundering and other financial crimes by the Department of the Treasury" after "the Department of Justice".

SEC. 207. SUSPICIOUS TRANSACTIONS AND FINANCIAL INSTITUTION ANTI-MONEY LAUNDERING PROGRAMS.

(a) REPORTING REQUIREMENT.—Section 5324 of title 31, United States Code, is amended by inserting "or section 5325 or regulations prescribed under such section 5325" after "section 5313(a)" each place such term appears.

(b) SUSPICIOUS TRANSACTIONS AND ENFORCEMENT PROGRAMS.—Section 5318 of title 31, United States Code, is amended by adding at the end the following new subsections:

"(g) REPORTING OF SUSPICIOUS TRANSACTIONS.—

"(1) IN GENERAL.—The Secretary may require any financial institution, and any director, officer, employee, or agent of any financial institution, to report any suspicious transaction relevant to a possible violation of law or regulation.

"(2) NOTIFICATION PROHIBITED.—A financial institution, and a director, officer, employee, or agent of any financial institution, who voluntarily reports a suspicious transaction, or that reports a suspicious transaction pursuant to this section or any other authority, may not notify any person involved in the transaction that the transaction has been reported.

"(3) LIABILITY FOR DISCLOSURES.—Any financial institution that makes a disclosure of any possible violation of law or regulation or a disclosure pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution, shall not be liable to any person under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivision thereof, for such disclosure or for any failure to notify the person involved in the transaction or any other person of such disclosure.

"(h) ANTI-MONEY LAUNDERING PROGRAMS.—

"(1) IN GENERAL.—In order to guard against money laundering through financial institutions, the Secretary may require financial institutions to carry out anti-money laundering programs, including at a minimum—

"(A) the development of internal policies, procedures, and controls,

"(B) the designation of a compliance officer,

"(C) an ongoing employee training program, and

"(D) an independent audit function to test programs.

"(2) REGULATIONS.—The Secretary may prescribe minimum standards for programs established under paragraph (1).".

SEC. 208. ANTI-MONEY LAUNDERING TRAINING TEAM.

The Secretary of the Treasury and the Attorney General shall jointly establish a team of experts to assist and provide training to foreign governments and agencies thereof in developing and expanding their capabilities for investigating and prosecuting violations of money laundering and related laws.

SEC. 209. INTERNATIONAL MONEY LAUNDERING REPORTS.

(a) UNITED STATES OBJECTIVES.—Section 481(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C 2291(a)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (D);

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) the objective of the United States in dealing with the problem of international money laundering should be to ensure that countries adopt comprehensive domestic measures against money laundering and cooperate with each other in narcotics money laundering investigations, prosecutions, and related forfeiture actions; and"

(b) ANNUAL REPORTS.—Section 481(e) of that Act (22 U.S.C 2291(e)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7)(A) Each report pursuant to this subsection shall include a report on major money laundering countries. This report shall specify—

"(i) which countries are major money laundering countries;

"(ii) which countries identified pursuant to clause (i) have financial institutions engaging in currency transactions involving international narcotics trafficking proceeds that include significant amounts of United States currency or currency derived from illegal drug sales in the United States or that otherwise significantly affect the United States;

"(iii) which countries identified pursuant to clause (ii) have not reached agreement with the United States authorities on a mechanism for exchanging adequate records in connection with narcotics investigations and proceedings;

"(iv) which countries identified pursuant to clause (iii)—

"(I) are negotiating in good faith with the United States to establish such a record-exchange mechanism, or

"(II) have adopted laws or regulations that ensure the availability to appropriate United States Government personnel and those of other governments of adequate records in connection with narcotics investigations and proceedings; and

"(v) which countries identified pursuant to clause (i)—

"(I) have ratified the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and are taking steps to implement that Convention and other applicable agreements and conventions such as the recommendations of the Financial Action Task Force, the policy directive of the European Community, the legislative guidelines of the Organization of American States, and other similar declarations, and

"(II) have entered into bilateral agreements for the exchange of information on money-laundering with countries other than the United States.

"(B) In addition, for each major money laundering country, the report shall include findings on the country's adoption of law and regulations considered essential to prevent narcotics-related money laundering. Such findings shall include whether a country has—

"(i) criminalized narcotics money laundering;

"(ii) required banks and other financial institutions to know and record the identity of customers engaging in significant transactions, including the recording of large currency transactions at thresholds appropriate to that country's economic situation;

"(iii) required banks and other financial institutions to maintain, for an adequate time, records necessary to reconstruct significant transactions through financial institutions in order to be able to respond quickly to information requests from appropriate government authorities in narcotics-related money laundering cases;

"(iv) required or allowed financial institutions to report suspicious transactions;

"(v) established systems for identifying, tracing, freezing, seizing, and forfeiting narcotics-related assets;

"(vi) enacted laws for the sharing of seized narcotics assets with other governments;

"(vii) cooperated, when requested, with appropriate law enforcement agencies of other governments investigating financial crimes related to narcotics; and

"(viii) addressed the problem on international transportation of illegal-source currency and monetary instruments.

The report shall also detail instances of refusals to cooperate with foreign governments, and any actions taken by the United States Government and any international organization to address such obstacles, including the imposition of sanctions or penalties.

"(C) The report shall also include information on multilateral and bilateral strategies pursued by the Department of State, the Department of Justice, the Department of the Treasury, and other relevant United States Government agencies, either collectively or individually, to ensure the cooperation of foreign governments with respect to narcotics-related money laundering.

"(D) The report shall include specific detail to demonstrate that all United States Government agencies are pursuing a common strategy with respect to achieving international cooperation against money laundering and are pursuing a common strategy with respect to major money laundering countries, including a summary of United States objectives on a country-by-country basis.

"(E) As used in this paragraph, the term 'major money laundering country' means a country whose financial institutions engage in currency transactions involving significant amounts of proceeds from international narcotics trafficking.".

(c) DEFINITION OF MAJOR DRUG-TRANSIT COUNTRY.—Section 481(i)(5) of that Act (22 U.S.C. 2291(i)(5)) is amended—

(1) by inserting "or" at the end of subparagraph (A);

(2) by striking out "or" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(3) by striking out subparagraph (C).

TITLE III—MONEY LAUNDERING IMPROVEMENTS

SEC. 301. JURISDICTION IN CIVIL FORFEITURE CASES.

Section 1355 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "The district"; and

(2) by adding at the end the following new subsections:

"(b)(1) A forfeiture action or proceeding may be brought in—

"(A) the district court for the district in which any of the acts or omissions giving rise to the forfeiture occurred, or

"(B) any other district where venue for the forfeiture action or proceeding is specifically provided for in section 1395 of this title or any other statute.

"(2) Whenever property subject to forfeiture under the laws of the United States is located in a foreign country, or has been detained or seized pursuant to legal process or competent authority of a foreign government, an action or proceeding for forfeiture may be brought as provided in paragraph (1), or in the United States District court for the District of Columbia.

"(c) In any case in which a final order disposing of property in a civil forfeiture action or proceeding is appealed, removal of the property by the prevailing party shall not deprive the court of jurisdiction. Upon motion of the appealing party, the district court or the court of appeals shall issue any order necessary to preserve the right of the appealing party to the full value of the property at issue, including a stay of the judgment of the district court pending appeal or requiring the prevailing party to post an appeal bond.

"(d) Any court with jurisdiction over a forfeiture action pursuant to subsection (b) may issue and cause to be served in any other district such process as may be required to bring before the court the property that is the subject of the forfeiture action.".

SEC. 302. CIVIL FORFEITURE OF FUNGIBLE PROPERTY.

(a) In General.—Chapter 46 of title 18, United States Code, is amended by adding at the end the following new section:

"§984. Civil forfeiture of fungible property

"(a) This section shall apply to any action for forfeiture brought by the Government in connection with any offense under section 1956, 1957, or 1960 of this title or section 5322 of title 31, United States Code.

"(b)(1) In any forfeiture action in rem in which the subject property is cash, monetary instruments in bearer form, funds deposited in an account in a financial institution (as defined in section 20 of this title), or other fungible property—

"(A) it shall not be necessary for the Government to identify the specific property involved in the offense that is the basis for the forfeiture; and

"(B) it shall not be a defense that the property involved in such an offense has been removed and replaced by identical property.

"(2) Except as provided in subsection (c), any identical property found in the same place or account as the property involved in the offense that is the basis for the forfeiture shall be subject to forfeiture under this section.

"(c) No action pursuant to this section to forfeit property not traceable directly to the offense that is the basis for the forfeiture may be commenced more than 1 year from the date of the offense.

"(d)(1) No action pursuant to this section to forfeit property not traceable directly to the offense that is the basis for the forfeiture may be taken against funds held by a financial institution in an interbank account, unless the financial institution holding the account knowingly engaged in the offense.

"(2) As used in this section, the term 'interbank account' means an account held by one financial institution at another financial institution primarily for the purpose of facilitating customer transactions.".

(b) Conforming Amendment.—The chapter analysis for chapter 46 of title 18, United States Code, is amended by adding at the end the following:

"984. Civil forfeiture of fungible property.".

SEC. 303. PROCEDURE FOR SUBPOENAING BANK RECORDS.

(a) In General.—Chapter 46 of title 18, United States Code, is amended by adding at the end the following new section:

"§986. Subpoenas for bank records

"(a) At any time after the commencement of any action for forfeiture in rem brought by the United States under section 1956, 1957, or 1960 of this title, section 5322 of title 31, United States Code, or the Controlled Substances Act, any party may request the Clerk of the Court in the district in which the proceeding is pending to issue a subpoena duces tecum to any financial institution, as defined in section 5312(a) of title 31, United States Code, to produce books, records and any other documents at any place designated by the requesting party. All parties to the proceeding shall be notified of the issuance of any such subpoena. The procedures and limitations set forth in section 985 of this title shall apply to subpoenas issued under this section.

"(b) Service of a subpoena issued pursuant to this section shall be by certified mail. Records produced in response to such a subpoena may be produced in person or by mail, common carrier, or such other method as may be agreed upon by the party requesting the subpoena and the custodian of records. The party requesting the subpoena may require the custodian of records to submit an affidavit certifying the authenticity and completeness of the records and explaining the omission of any record called for in the subpoena.

"(c) Nothing in this section shall preclude any party from pursuing any form of discovery pursuant to the Federal Rules of Civil Procedure.".

(b) Conforming Amendment.—The chapter analysis for chapter 46 of title 18, United States Code, is amended by adding at the end the following:

"986. Subpoenas for bank records.".

SEC. 304. DELETION OF REDUNDANT AND INADVERTENTLY LIMITING PROVISION IN 18 U.S.C. 1956.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking "section 1341 (relating to mail fraud) or section 1343 (relating to wire fraud) affecting a financial institution, section 1344 (relating to bank fraud),"; and

(2) by striking "section 1822 of the Mail Order Drug Paraphernalia Control Act (100 Stat. 3207–51; 21 U.S.C. 857)" and inserting "section 422 of the Controlled Substances Act".

SEC. 305. STRUCTURING TRANSACTIONS TO EVADE CMIR REQUIREMENT.

(a) In General.—Section 5324 of title 31, United States Code, is amended—

(1) by inserting "(a) Domestic Coin and Currency Transactions.—" before "No person"; and

(2) by adding at the end the following:

"(b) International Monetary Instrument Transactions.—No person shall, for the purpose of evading the reporting requirements of section 5316—

"(1) fail to file a report required by section 5316, or cause or attempt to cause a person to fail to file such a report;

"(2) file or cause or attempt to cause a person to file a report required under section 5316 that contains a material omission or misstatement of fact; or

"(3) structure or assist in structuring, or attempt to structure or assist in structuring, any importation or exportation of monetary instruments.".

(b) Conforming Amendment.—Section 5321(a)(4)(C) of title 31, United States Code, is amended by striking "under section 5317(d)".

(c) Forfeiture.—

(1) Title 18.—Section 981(a)(1)(A) of title 18, United States Code, is amended by striking "5324" and inserting "5324(a)".

(2) Title 31.—Section 5317(c) of title 31, United States Code, is amended by inserting after the first sentence "Any property, real or personal, involved in a transaction or attempted transaction in violation of section 5324(b), or any property traceable to such property, may be seized and forfeited to the United States Government.".

SEC. 306. CLARIFICATION OF DEFINITION OF FINANCIAL INSTITUTION.

(a) Section 1956.—Section 1956(c)(6) of title 18, United States Code, is amended by striking "and the regulations" and inserting "or the regulations".

(b) Section 1957.—Section 1957(f)(1) of title 18, United States Code, is amended by striking "financial institution (as defined in section 5312 of title 31)" and inserting "financial institution (as defined in section 1956 of this title)".

SEC. 307. DEFINITION OF FINANCIAL TRANSACTION.

(a) Section 1956.—Section 1956(c) of title 18, United States Code, is amended—

(1) in paragraph (4)(A)—

(A) by inserting "or (iii) involving the transfer of title to any real property, vehicle, vessel, or aircraft," after "monetary instruments,";

(B) by striking "which in any way or degree affects interstate or foreign commerce,"; and

(C) by inserting "which in any way or degree affects interstate or foreign commerce" after "(A) a transaction"; and

(2) in paragraph (3), by inserting "use of a safe deposit box," before "or any other payment".

(b) Section 1957.—Section 1957(f)(1) of title 18, United States Code, is amended by inserting ", including any transaction that would be a financial transaction under section 1956(c)(4)(B) of this title," before "but such term does not include".

SEC. 308. OBSTRUCTING A MONEY LAUNDERING INVESTIGATION.

Section 1510(b)(3)(B)(i) of title 18, United States Code, is amended by striking "or 1344" and inserting "1344, 1956, 1957, or chapter 53 of title 31".

SEC. 309. AWARDS IN MONEY LAUNDERING CASES.

Section 524(c)(1)(B) of title 28, United States Code, is amended by inserting "or of sections 1956 and 1957 of title 18, sections 5313 and 5324 of title 31, and section 6050I of the Internal Revenue Code of 1986" after "criminal drug laws of the United States".

SEC. 310. PENALTY FOR MONEY LAUNDERING CONSPIRACIES.

Section 1956 of title 18, United States Code, is amended by inserting at the end the following new subsection:

"(g) Any person who conspires to commit any offense defined in this section or section 1957 shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.".

SEC. 311. TECHNICAL AND CONFORMING AMENDMENTS TO MONEY LAUNDERING PROVISION.

(a) Transportation.—Subsections (a)(2) and (b) of section 1956 of title 18, United States Code, are amended by striking "transportation" each time such term appears and inserting "transportation, transmission, or transfer".

(b) Technical Correction.—Section 1956(a)(3) of title 18, United States Code, is amended by striking "represented by a law enforcement officer" and inserting "represented".

SEC. 312. PRECLUSION OF NOTICE TO POSSIBLE SUSPECTS OF EXISTENCE OF A GRAND JURY SUBPOENA FOR BANK RECORDS IN MONEY LAUNDERING AND CONTROLLED SUBSTANCE INVESTIGATIONS.

Section 1120(b)(1)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3420(b)(1)(A)) is amended by inserting before the semicolon "or crime involving a violation of the Controlled Substance Act, the Controlled Substances Import and Export Act, section 1956 or 1957 of title 18, sections 5313, 5316 and 5324 of title 31, or section 6050I of the Internal Revenue Code of 1986".

SEC. 313. ELIMINATION OF RESTRICTION ON DISPOSAL OF FORFEITED PROPERTY BY THE DEPARTMENT OF THE TREASURY AND THE POSTAL SERVICE.

Section 981(e) of title 18, United States Code, is amended by striking "The authority granted to the Secretary of the Treasury and the Postal Service pursuant to this subsection shall apply only to property that has been administratively forfeited.".

SEC. 314. NEW MONEY LAUNDERING PREDICATE OFFENSES.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking "or" before "section 16";

(2) by inserting "section 1708 (theft from the mail)," before "section 2113"; and

(3) by inserting before the semicolon; ", any felony violation of section 9(c) of the Food Stamp Act of 1977 (relating to food stamp fraud) involving a quantity of coupons having a value of not less than $5,000, or any felony violation of the Foreign Corrupt Practices Act".

SEC. 315. AMENDMENTS TO THE BANK SECRECY ACT.

(a) Title 31.—Title 31, United States Code, is amended—

(1) in section 5324, by inserting ", section 5325, or the regulations issued thereunder" after "section 5313(a)" each place such term appears; and

(2) in section 5321(a)(5)(A), by inserting "or any person willfully causing" after "willfully violates".

(b) Federal Deposit Insurance Act.—Section 21(j)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(j)(1)) is amended by inserting ", or any person who willfully causes such a violation," after "gross negligence violates".

(c) Recordkeeping.—Public Law 91-508 (12 U.S.C. 1951 et seq.) is amended—

(1) in section 125(a), by inserting "or any person willfully causing a violation of the regulation," after "applies,"; and

(2) in section 127, by inserting ", or willfully causes a violation of" after "Whoever willfully violates".

SEC. 316. EXPANSION OF MONEY LAUNDERING LAW TO COVER PROCEEDS OF CERTAIN FOREIGN CRIMES.

Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) by striking "involving the manufacture" and inserting the following: "involving—

"(i) the manufacture"; and

(2) by adding at the end the following:

"(ii) kidnaping, robbery, or extortion; or

"(iii) fraud, or any scheme or attempt to defraud, by or against a foreign bank (as defined in paragraph 7 of section 1(b) of the International Banking Act of 1978;".

TITLE IV—REPORTS AND MISCELLANEOUS

SEC. 401. STUDY AND REPORT ON REIMBURSING FINANCIAL INSTITUTIONS AND OTHERS FOR PROVIDING FINANCIAL RECORDS.

(a) Study Required.—The Attorney General, in consultation with the Secretary of the Treasury and the Board of Governors of the Federal Reserve System and other appropriate banking regulatory agencies, shall conduct a study of the effect of amending the Right to Financial Privacy Act by allowing reimbursement to financial institutions for assembling or providing financial records on corporations and other entities not currently covered under section 1115(a) of such Act (12 U.S.C. 3415). The study shall also include analysis of the effect of allowing nondepositor licensed transmitters of funds to be reimbursed to the same extent as financial institutions under that section.

(b) Report.—Before the end of the 180-day period beginning on the date of enactment of this Act, the Attorney General shall submit a report to the Congress on the results of the study conducted pursuant to subsection (a).

SEC. 402. REPORTS OF INFORMATION REGARDING SAFETY AND SOUNDNESS OF DEPOSITORY INSTITUTIONS.

(a) Reports to Appropriate Federal Banking Agencies.—

(1) In general.—The Attorney General, the Secretary of the Treasury, and the head of any other agency or instrumentality of the United States shall, unless otherwise prohibited by law, disclose to the appropriate Federal banking agency any information that the Attorney General, the Secretary of the Treasury, or such agency head believes raises significant concerns regarding the safety or soundness of any depository institution doing business in the United States.

(2) Exceptions.—

(A) Intelligence information.—

(i) In general.—The Director of Central Intelligence shall disclose to the Attorney General or the Secretary of the Treasury any intelligence information that would otherwise be reported to an appropriate Federal banking agency pursuant to paragraph (1). After consultation with the Director of Central Intelligence, the Attorney General or the Secretary of the Treasury, shall disclose the intelligence information to the appropriate Federal banking agency.

(ii) Procedures for receipt of intelligence information.—Each appropriate Federal banking agency, in consultation with the Director of Central Intelligence, shall establish procedures for receipt of intelligence information that are adequate to protect the intelligence information.

(B) Criminal investigations, safety of government investigator, informants, and witnesses.—If the Attorney General, the Secretary of the Treasury or their respective designees determines that the disclosure of information pursuant to paragraph (1) may jeopardize a pending civil investigation or litigation, or a pending criminal investigation or prosecution, may result in serious bodily injury or death to Government employees, informants, witnesses or their respective families, or may disclose sensitive investigative techniques and methods, the Attorney General or the Secretary of the Treasury shall—

(i) provide the appropriate Federal banking agency a description of the information that is as specific as possible without jeopardizing the investigation, litigation, or prosecution, threatening serious bodily injury or death to Government employees, informants, or witnesses or their respective families, or disclosing sensitive investigation techniques and methods; and

(ii) permit a full review of the information by the Federal banking agency at a location and under procedures that the Attorney General determines will ensure the effective protection of the information while permitting the Federal banking agency to ensure the safety and soundness of any depository institution.

(C) Grand jury investigations; criminal procedure.—Paragraph (1) shall not—

(i) apply to the receipt of information by an agency or instrumentality in connection with a pending grand jury investigation; or

(ii) be construed to require disclosure of information prohibited by rule 6 of the Federal Rules of Criminal Procedure.

(b) Procedures for Receipt of Disclosure Reports.—

(1) In general.—Within 90 days after the date of enactment of this Act, each appropriate Federal banking agency shall establish procedures for receipt of a disclosure report by an agency or instrumentality made in accordance with subsection (a)(1). The procedures established in accordance with this subsection shall ensure adequate protection of information disclosed, including access control and information accountability.

(2) Procedures related to each disclosure report.—Upon receipt of a report in accordance with subsection (a)(1), the appropriate Federal banking agency shall—

(A) consult with the agency or instrumentality that made the disclosure regarding the adequacy of the procedures established pursuant to paragraph (1), and

(B) adjust the procedures to ensure adequate protection of the information disclosed.

(c) Effect on Agencies.—This section does not impose an affirmative duty on the Attorney General, the Secretary of the Treasury, or the head of any agency or instrumentality of the United States to collect new or to review existing information.

(d) Definitions.—For purposes of this section, the terms "appropriate Federal banking agency" and "depository institution" have the same meanings as in section 8 of the Federal Deposit Insurance Act.

(e) Report.—The Attorney General and the Secretary of the Treasury shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, not later than 90 days after the end of each calendar year on their utilization of the exceptions provided in subsection (a)(1)(B).

SEC. 403. IMMUNITY.

Section 6001(1) of title 18, United States Code, is amended by inserting "the Board of Governors of the Federal Reserve System," after "the Atomic Energy Commission,".

SEC. 404. INTERAGENCY INFORMATION SHARING.

Section 11 of the Federal Deposit Insurance Act (12 U.S.C. 1821) is amended by adding at the end the following new subsection:

"(t) Agencies May Share Information Without Waiving Privilege.—

"(1) In general.—A covered agency shall not be deemed to have waived any privilege applicable to any information by transferring that information to or permitting that information to be used by—

"(A) any other covered agency, in any capacity; or

"(B) any other agency of the Federal Government (as defined in section 6 of title 18, United States Code).

"(2) Definitions.—For purposes of this subsection:

"(A) Covered agency.—The term 'covered agency' means any of the following:

"(i) Any appropriate Federal banking agency.

"(ii) The Resolution Trust Corporation.

"(iii) The Farm Credit Administration.

"(iv) The Farm Credit System Insurance Corporation.

"(v) The National Credit Union Administration.

"(B) Privilege.—The term 'privilege' includes any work-product, attorney-client, or other privilege recognized under Federal or State law.

"(3) Rule of construction.—Paragraph (1) shall not be construed as implying that any person waives any privilege applicable to any information because paragraph (1) does not apply to the transfer or use of that information.".

TITLE V—COUNTERFEIT DETERRENCE

SEC. 501. SHORT TITLE.

This title may be cited as the "Counterfeit Deterrence Act of 1992".

SEC. 502. INCREASE IN PENALTIES.

Section 474 of title 18, United States Code, is amended—

(1) by inserting "(a)" before "Whoever" the first time it appears;

(2) by striking "United States; or" at the end of the sixth undesignated paragraph and inserting "United States—";

(3) by striking the seventh undesignated paragraph;

(4) by amending the last undesignated paragraph to read as follows:

"Is guilty of a class C felony."; and

(5) by adding at the end thereof the following:

"(b) For purposes of this section, the terms 'plate', 'stone', 'thing', or 'other thing' includes any electronic method used for the acquisition, recording, retrieval, transmission, or reproduction of any obligation or other security, unless such use is authorized by the Secretary of the Treasury. The Secretary shall establish a system (pursuant to section 504) to ensure that the legitimate use of such electronic methods and retention of such reproductions by businesses, hobbyists, press and others shall not be unduly restricted.".

SEC. 503. DETERRENTS TO COUNTERFEITING.

(a) In General.—Chapter 25 of title 18, United States Code, is amended by inserting after section 474 the following new section:

"§474A. Deterrents to counterfeiting of obligations and securities

"(a) Whoever has in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury, is guilty of a class C felony.

"(b) Whoever has in his control or possession, after a distinctive counterfeit deterrent has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States by publication in the Federal Register, any essentially identical feature or device adapted to the making of any such obligation or security, except under the authority of the Secretary of the Treasury, is guilty of a class C felony.

"(c) As used in this section—

"(1) the term 'distinctive paper' includes any distinctive medium of which currency is made, whether of wood pulp, rag, plastic substrate, or other natural or artificial fibers or materials; and

"(2) the term 'distinctive counterfeit deterrent' includes any ink, watermark, seal, security thread, optically variable device, or other feature or device;

"(A) in which the United States has an exclusive property interest; or

"(B) which is not otherwise in commercial use or in the public domain and which the Secretary designates as being necessary in preventing the counterfeiting of obligations or other securities of the United States.".

(b) Chapter Analysis.—The chapter analysis for chapter 25 of title 18, United States Code, is amended by adding after the item for section 474 the following:

"474A. Deterrents to counterfeiting of obligations and securities.".

SEC. 504. REPRODUCTIONS OF CURRENCY.

Section 504 of title 18, United States Code, is amended—

(1) in paragraph (1)(D), by striking the comma at the end thereof and inserting a period;

(2) in paragraph (1)—

(A) by striking "for philatelic" from the text following subparagraph (D) and all that follows through "albums)."; and

(B) by adding at the end the following new sentence:

"The Secretary of the Treasury shall prescribe regulations to permit color illustrations of such currency of the United States as the Secretary determines may be appropriate for such purposes.".

(3) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following new paragraph:

"(2) The provisions of this section shall not permit the reproduction of illustrations of obligations or other securities, by or through electronic methods used for the acquisition, recording, retrieval, transmission, or reproduction of any obligation or other security, unless such use is authorized by the Secretary of the Treasury. The Secretary shall establish a system to ensure that the legitimate use of such electronic methods and retention of such reproductions by businesses, hobbyists, press or others shall not be unduly restricted."; and

(4) in paragraph (3), as redesignated by paragraph (3) of this subsection, by striking "but not for advertising purposes except philatelic advertising,".

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. CIVIL MONEY PENALTIES.

(a) In General.—Section 5321(a)(6) of title 31, United States Code, is amended to read as follows:

"(6) Negligence.—

"(A) In general.—The Secretary of the Treasury may impose a civil money penalty of not more than $500 on any financial institution which negligently violates any provision of this subchapter or any regulation prescribed under this subchapter.

"(B) Pattern of negligent activity.—If any financial institution engages in a pattern of negligent violations of any provision of this subchapter or any regulation prescribed under this subchapter, the Secretary of the Treasury may, in addition to any penalty imposed under subparagraph (A) with respect to any such violation, impose a civil money penalty of not more than $50,000 on the financial institution.".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to violations committed after the date of the enactment of this Act.

SEC. 602. AUTHORITY TO ORDER DEPOSITORY INSTITUTIONS TO OBTAIN COPIES OF CTRS FROM CUSTOMERS WHICH ARE UNREGULATED BUSINESSES.

Section 5326 of title 31, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d); and

(2) by inserting after subsection (a) the following new subsection:

"(b) Authority To Order Depository Institutions To Obtain Reports From Customers.—

"(1) In general.—The Secretary of the Treasury may, by regulation or order, require any depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act)—

"(A) to request any financial institution (other than a depository institution) which engages in any reportable transaction with the depository institution to provide the depository institution with a copy of any report filed by the financial institution under this subtitle with respect to any prior transaction (between such financial institution and any other person) which involved any portion of the coins or currency (or monetary instruments) which are involved in the reportable transaction with the depository institution; and

"(B) if no copy of any report described in subparagraph (A) is received by the depository institution in connection with any reportable transaction to which such subparagraph applies, to submit (in addition to any report required under this subtitle with respect to the reportable transaction) a written notice to the Secretary that the financial institution failed to provide any copy of such report.

"(2) Reportable transaction defined.—For purposes of this subsection, the term 'reportable transaction' means any transaction involving coins or currency (or such other monetary instruments as the Secretary may describe in the regulation or order) the total amounts or denominations of which are equal to or greater than an amount which the Secretary may prescribe.".

SEC. 603. WHISTLEBLOWER PROTECTION FOR EMPLOYEES OF FINANCIAL INSTITUTIONS OTHER THAN DEPOSITORY INSTITUTIONS.

(a) In General.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5327 (as added by section 201(a) of this Act) the following new section:

"§5328. Whistleblower protections

"(a) Prohibition Against Discrimination.—No financial institution may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to the Secretary of the Treasury, the Attorney General, or any Federal supervisory agency regarding a possible violation of any provision of this subchapter or section 1956, 1957, or

1960 of title 18, or any regulation under any such provision, by the financial institution or any director, officer, or employee of the financial institution.

"(b) ENFORCEMENT.—Any employee or former employee who believes that such employee has been discharged or discriminated against in violation of subsection (a) may file a civil action in the appropriate United States district court before the end of the 2-year period beginning on the date of such discharge or discrimination.

"(c) REMEDIES.—If the district court determines that a violation has occurred, the court may order the financial institution which committed the violation to—

"(1) reinstate the employee to the employee's former position;

"(2) pay compensatory damages; or

"(3) take other appropriate actions to remedy any past discrimination.

"(d) LIMITATION.—The protections of this section shall not apply to any employee who—

"(1) deliberately causes or participates in the alleged violation of law or regulation; or

"(2) knowingly or recklessly provides substantially false information to the Secretary, the Attorney General, or any Federal supervisory agency.

"(e) COORDINATION WITH OTHER PROVISIONS OF LAW.—This section shall not apply with respect to any financial institution which is subject to section 33 of the Federal Deposit Insurance Act, section 213 of the Federal Credit Union Act, or section 21A(q) of the Home Owners' Loan Act (as added by section 251(c) of the Federal Deposit Insurance Corporation Improvement Act of 1991).".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5327 (as added by section 1021(c) of this Act) the following new item:

"5328. Whistleblower protections.".

SEC. 604. ADVISORY GROUP ON REPORTING REQUIREMENTS.

(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall establish a Bank Secrecy Act Advisory Group consisting of representatives of the Department of the Treasury, the Department of Justice, and the Office of National Drug Control Policy and of other interested persons and financial institutions subject to the reporting requirements of subchapter II of chapter 53 of title 31, United States Code, or section 6050I of the Internal Revenue Code of 1986.

(b) PURPOSES.—The Advisory Group shall provide a means by which the Secretary—

(1) informs private sector representatives, on a regular basis, of the ways in which the reports submitted pursuant to the requirements referred to in subsection (a) have been used;

(2) informs private sector representatives, on a regular basis, of how information regarding suspicious financial transactions provided voluntarily by financial institutions has been used; and

(3) receives advice on the manner in which the reporting requirements referred to in subsection (a) should be modified to enhance the ability of law enforcement agencies to use the information provided for law enforcement purposes.

(c) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to the Bank Secrecy Act Advisory Group established pursuant to subsection (a).

SEC. 605. GAO FEASIBILITY STUDY OF THE FINANCIAL CRIMES ENFORCEMENT NETWORK.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a feasibility study of the Financial Crimes Enforcement Network (popularly referred to as "Fincen") established by the Secretary of the Treasury in cooperation with other agencies and departments of the United States and appropriate Federal banking agencies.

(b) SPECIFIC REQUIREMENTS.—In conducting the study required under subsection (a), the Comptroller General shall examine and evaluate—

(1) the extent to which Federal, State, and local governmental and nongovernmental organizations are voluntarily providing information which is necessary for the system to be useful for law enforcement purposes;

(2) the extent to which the operational guidelines established for the system provide for the coordinated and efficient entry of information into, and withdrawal of information from, the system;

(3) the extent to which the operating procedures established for the system provide appropriate standards or guidelines for determining—

(A) who is to be given access to the information in the system;

(B) what limits are to be imposed on the use of such information; and

(C) how information about activities or relationships which involve or are closely associated with the exercise of constitutional rights is to be screened out of the system; and

(4) the extent to which the operating procedures established for the system provide for the prompt verification of the accuracy and completeness of information entered into the system and the prompt deletion or correction of inaccurate or incomplete information.

(c) REPORT TO CONGRESS.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress containing the findings and conclusions of the Comptroller General in connection with the study conducted pursuant to subsection (a), together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. ANNUNZIO] will be recognized for 20 minutes, and the gentleman from Iowa [Mr. LEACH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ANNUNZIO].

□ 1720

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6048, the bill now under consideration.

The SPEAKER pro tempore [Mr. ABERCROMBIE]. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, H.R. 6048, the Financial Institutions Enforcement Improvements Act, is based on H.R. 26, money laundering legislation which I introduced over a year ago, and which was passed by the House last year by a vote of 406 to 0.

The bill before us today represents a compromise between H.R. 26 and the money laundering provisions passed by the other body as part of S. 2733 on July 1.

I am pleased that the gentleman from Ohio [Mr. WYLIE] is a cosponsor of this legislation. He has worked very hard with me over the past 3 years to pass a money laundering bill. His cooperation and dedication to putting an end to money laundering has made it possible to bring this bill to the floor today. I also want to acknowledge the significant contributions of the gentleman from Iowa [Mr. LEACH] in developing this important piece of legislation.

I also want to point out that the provisions of this bill have been worked out with both the Judiciary and Foreign Affairs Committees, both of which have jurisdiction over parts of the bill.

H.R. 6048 will strengthen existing law by plugging loopholes and ensuring that those financial entities and persons assisting money launderers are punished. It contains the death penalty for money laundering financial institutions. Federally chartered or insured financial institutions which launder money put their charters or insurance certificate at risk of revocation if they are convicted of money laundering. Branches or agencies of foreign banks operating in the United States also risk losing their licenses if they are convicted of money laundering. This bill will put the next BCCI out of business.

Money laundering is a crime which makes the illegal drug business profitable. The vast amount of cash generated by drug dealers is actually a liability. Without a place to launder cash, drug dealers would be left with a vast pile of worthless paper. To profit from their murderous business they must be able to convert the cash into bank credits which can be concealed easily and transferred rapidly.

H.R. 6048 is a compromise that has been carefully crafted between the Members of the House and Senate Banking, Judiciary, and Foreign Affairs Committees. It resolves the differences between both the two Houses' money laundering bills. Passage of the bill today will give the other body the opportunity to agree to this bill before Congress adjourns at the end of the week and send it to the President.

The House gave its unanimous support to H.R. 26 last year by a vote of 406 to 0. Similar money laundering legislation had passed the House in 1990 by an identical vote.

I urge the House to do the same with this current, improved version of H.R. 26 so that we may send this legislation to the Senate and then President as soon as possible.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill as well. I must tell my colleagues, it is a very important piece of legislation. It represents 2½ years of hard work by the distinguished subcommittee chairman, the gentleman from Illinois [Mr. ANNUNZIO], and the ranking member, the gentleman from Ohio [Mr. WYLIE].

But I would like to pay particular attention today to the work of the gentleman from Illinois [Mr. ANNUNZIO]. Quite frankly, I think, FRANK, it is your persistence, your hard work, your dedication that has precipitated this bill, and it is a real testament to your leadership and your 2½ decades of service here to the Congress.

This is not an unimportant bill. It gives additional tools to banking regulators, prosecutors, and law enforcement officials to punish individuals and financial institutions engaged in money laundering.

The most significant sanction in this bill is a potential loss of an institution's charter if it engages in money laundering. And as the gentleman from Illinois [Mr. ANNUNZIO] has pointed out, our recent experience with the Bank of Credit and Commerce International, BCCI, exemplifies the need for this kind of extreme sanction.

Another section of the bill enhances the ability of the U.S. attorneys to seize and forfeit laundered assets.

As the gentleman from Illinois [Mr. ANNUNZIO] has said, this bill has passed this Congress actually on three prior occasions. Additional provisions have been added by Members of the other body, and I think they are very helpful. They include reports on international money laundering and an increase in penalties for illegal money transmitters and counterfeiters.

My colleagues should also know that a number of laws involving money laundering already exist, and the vast majority of financial institutions take pains to comply with these laws. Banks currently file over 7 million currency transactions reports with the Treasury Department.

A fair question, therefore, can be asked: Why more regulation of an overregulated industry? Why more potential intrusion of Government into private bank accounts?

In ordinary circumstances, this Member would be dubious of the approach contemplated in this bill, but these are not ordinary times. If one believes, as I do, that America is more challenged by drug dealers today than it was by commissars yesterday, this kind of approach makes a great deal of sense, because one of the very few ways to hold white collar criminals accountable is to trace their transactions through bank accounts.

Here let me just stress the timeliness of this particular day's consideration of this particular issue. Today law enforcement officials from the United States, Colombia, and Italy announced that they had arrested more than 165 people on charges related to the laundering of money from worldwide sales of cocaine by the Sicilian mafia and Colombian cocaine cartels. At a news conference in Rome, a senior Italian investigator said that he would not hesitate to define this operation as "the most important ever carried out in Italy and Europe against drug trafficking and money laundering."

In a 2-year investigation, Federal law enforcement officials traced more than $40 million from cocaine sales as this amount of money was transferred to Colombia through accounts at large commercial banks in the United States. Officials did not identify any of the banks involved. Commercial banks have become more attentive to money laundering in the last decade, but Federal officials have said none of the banks reported the transactions as suspicious.

My own sense is that as much as previous law has been very helpful, we do need to focus more of our efforts in the movement of funds internationally.

This bill will allow us to do that by requiring the Treasury and the Federal Reserve to promulgate regulations requiring banks to keep adequate records of large international wire transfers.

I urge my colleagues to support this bill in the wake of the BCCI scandal. But much more importantly, in the daily battle against drug kingpins, we owe it to our Federal law enforcement officials to do as much as we can to assist them in the war on drugs and the concomitant practice of money laundering.

Finally, let me just stress as strongly as I can that sometimes legislation comes to this body because it is commonsensical. Sometimes it comes because of the persistence and dedication of single Members. In this case, both have combined.

This particular bill, which potentially drives a large stake into the heart of some of the worst kinds of white collar crime, is a testament to the gentleman from Illinois [Mr. ANNUNZIO]. And for that, we thank him.

Mr. WYLIE. Mr. Speaker, I rise in strong support of H.R. 6048, the Financial Institutions Enforcement Improvements Act. I also want to thank my colleague, FRANK ANNUNZIO, for his leadership and his persistence in the fight against money laundering.

The genesis of the bill before us today is the conviction of BCCI in 1988 of money laundering charges in Florida. At that time, FRANK ANNUNZIO asked a very valid question: How is it that an institution that is convicted of laundering millions of dollars for the Colombian cartels is allowed to remain open? His response was to introduce a bill in early 1990 that mandated that any institution convicted of money laundering give up its charter and close its doors. I worked with FRANK on the charter revocation provisions and I offered a number of amendments to enhance the criminals penalties for money laundering and make it easier for the government to seize laundered funds.

We passed this money laundering legislation in the House in April 1990, by a vote of 406 to zero. We again passed a similar bill in October 1990. The bill was considered a third time in April 1991. Today is the fourth time that we will consider this legislation and I am hopeful that this bill will eventually pass in the other body. H.R. 6048 consists of practically all of the provisions that were in the three previous House bills plus some language, mainly law enforcement in nature, that was added at the request of Members of the Senate.

I am particularly proud of the provisions that we placed in this bill to make it easier for Federal law enforcement officials to seize laundered money. Federal district courts are endowed with jurisdiction in civil forfeiture cases. Fungible property, including cash, monetary instruments, and deposits, can be forfeited within 1 year of the money laundering offense giving rise to the forfeiture.

This bill makes it a Federal crime to obstruct a money laundering investigation. It also increases the criminal penalties for money laundering conspiracies.

Mr. Speaker, I have often said that money laundering is the lifeblood of any criminal enterprise involved in the sale of illegal drugs. We owe it to the police and the prosecutors to do as much as we can to assist in the ongoing war on drugs. H.R. 6048 will give U.S. attorneys and Federal law enforcement officials more tools to prosecute money launderers and seize the ill-gotten proceeds of the drug trade. I urge my colleagues to vote for this bill.

Mr. GONZALEZ. Mr. Speaker, I rise today in support of H.R. 6048, the Financial Institutions Enforcement Improvements Act. I want to congratulate Mr. ANNUNZIO for his efforts to bring this money laundering bill back before this House before his retirement later this year. Mr. ANNUNZIO's leadership and tireless determination will be greatly missed on the Banking Committee and in this House. I wish him well in his retirement.

This bill, in similar form, first passed the House in 1990 and again in June 1991. The version before you today has been worked out between the House Banking Committee, the House Judiciary Committee, the House Foreign Affairs Committee, and the appropriate committees in the other body.

This bill combats drug traffickers by attacking their ability to launder money through financial institutions by providing regulators with the ability to appoint conservators, revoke charters, and terminate deposit insurance for depository institutions convicted of money laundering. I urge my colleagues to support this legislation as the next important step in addressing the drug trade that is threatening to destroy our communities.

Mr. LEACH. Mr. Speaker, the minority has no further requests for time, and I would yield back the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, I thank the gentleman from Iowa for his very kind remarks.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ANNUNZIO] that the House spend the rules and pass the bill, H.R. 6048, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ARKANSAS-IDAHO LAND EXCHANGE ACT OF 1992

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2572) to authorize an exchange of lands in the States of Arkansas and Idaho, as amended.

The Clerk read as follows:

S. 2572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arkansas-Idaho Land Exchange Act of 1992".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the Potlatch Corporation has offered to the United States Government an exchange of lands under which Potlatch would receive approximately 17,625 acres of scattered tracts of Federal lands in the State of Idaho in return for conveying to the United States lands owned by Potlatch consisting of approximately 40,922 acres of undisturbed bottomland hardwood lands in the State of Arkansas and approximately 1,170 acres of lands with important recreational and fisheries values in the State of Idaho;

(2) the lands in Arkansas that Potlatch has offered to convey to the United States are surrounded by Federal and State lands on the Cache and White Rivers which are designated as a "Wetland of International Importance" under the Convention on Wetlands of International Importance (commonly referred to as the "Ramsar Convention"), one of only 10 areas in the United States so designated;

(3) acquisition of these lands by the United States will remove the lands from sustained timber production and other development in the heart of this critical wetland ecosystem;

(4) the lands Potlatch has offered to convey to the United States will qualify for inclusion as a Wetland of International Importance under the Ramsar Convention;

(5) the lands Potlach has offered to convey to the United States are outstanding fish and wildlife habitat and should continue to be made available for activities such as public hunting, fishing, trapping, nature observation, enjoyment, and education;

(6) the lands the United States would convey to Potlatch do not contain comparable fish, wildlife, or wetland values;

(7) appraisals of all lands to be conveyed in the exchange have been completed; and

(8) the United States and Potlatch have agreed to the values and boundaries of all lands to be conveyed in the exchange and concur that the lands to be conveyed by Potlatch and the lands to be conveyed by the United States are of equal value.

(b) PURPOSE.—The purpose of this Act is to authorize and require the Secretary and the Secretary of Agriculture to participate in an exchange of lands that will provide environmental and economic benefits to the States of Arkansas and Idaho and to the Nation.

SEC. 3. EXCHANGE.

(a) INTER-AGENCY LAND TRANSFERS.—

(1) TRANSFERS BETWEEN SECRETARY AND SECRETARY OF AGRICULTURE.—

(A) TRANSFER TO SECRETARY OF AGRICULTURE.—Notwithstanding the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), not later than 30 days after the date of the enactment of this Act, the Secretary shall transfer to the jurisdiction of the Secretary of Agriculture for inclusion in the National Forest System approximately 9,114 acres of public lands in the State of Idaho, as identified upon a map entitled "Arkansas-Idaho Exchange—Idaho Lands", dated July 1992 and available for inspection in appropriate offices of the Secretary.

(B) TRANSFER TO SECRETARY OF AGRICULTURE.—Subsequent to the exchange required by subsection (b), the Secretary shall transfer to the Secretary of Agriculture for inclusion in the National Forest System approximately 891 acres of public lands in the State of Idaho identified for postexchange transfer upon the map referenced in subparagraph (A).

(2) TRANSFER TO SECRETARY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall transfer to the Secretary for conveyance to Potlatch pursuant to subsection (b), approximately 7,979 acres of lands within the National Forest System in the State of Idaho, as identified upon the map referenced in subparagraph (A).

(b) EXCHANGE OF LANDS.—

(1) IN GENERAL.—Notwithstanding the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), within 60 days after the date of the enactment of this Act, the Secretary shall convey to Potlatch, in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee) and subject to paragraph (2) and any valid existing rights, approximately 17,625 acres of public lands in the State of Idaho identified for transfer to Potlatch on the map referenced in subsection (a)(1)(A) in exchange for lands owned by Potlatch consisting of—

(A) approximately 40,921 acres in the State of Arkansas, as depicted for transfer to the United States upon a map entitled "Arkansas-Idaho Land Exchange—Arkansas Lands," dated July 1992 and available for inspection in appropriate offices of the Secretary, and

(B) approximately 1,170 acres in the State of Idaho, as identified for transfer to the United States upon the map referenced in subsection (a)(1)(A).

(2) LIMITATION.—The Secretary may not convey any lands to Potlatch under this subsection unless title to the lands to be conveyed by Potlatch in exchange is in accordance with the Department of Justice standards for the preparation of title evidence in land acquisitions by the United States.

(c) GENERAL PROVISIONS.—

(1) MAPS CONTROLLING.—To ensure the management benefits of consolidating isolated tracts of lands, any conflict between a number of acres of lands referred to in this Act and a depiction of the lands on a map referenced in this Act shall be resolved in favor of the map.

(2) CANCELLATION.—Prior to implementation of the exchange required by subsection (b), if Potlatch notifies the Secretary in writing that it no longer intends to complete the exchange, the lands referenced in subsection (a) shall revert to their status as of the day before the date of enactment of this Act, and shall be managed in accordance with applicable management plans.

(3) FINAL MAPS.—Not later than 6 months after the conclusion of the exchange required by subsection (b), the Secretary shall transmit maps accurately depicting the lands transferred and conveyed pursuant to this Act and the acreages and legal descriptions of such lands to the Committee on Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate.

(4) WITHDRAWAL.—Subject to valid existing rights, the lands depicted for conveyance to Potlatch on the map referenced in subsection (a)(1)(A) are withdrawn from all forms of entry and appropriation under the public land laws (including the mining laws) and from operation of the mineral leasing and geothermal leasing laws effective upon the date of the enactment of this Act. Such withdrawal shall terminate on the date of completion of the exchange required by subsection (b) or on the date of any notification by Potlatch of a decision not to complete the exchange pursuant to paragraph (2).

(5) POWER SITE RESERVATIONS.—The following Executive Orders shall have no effect insofar as they involve the following described lands:

(A) The Executive order dated July 2, 1910, which established Powersite Reserve No. 91, with respect to those lands at Boise Meridian, T. 45 N., R. 4 E., Sec. 18, SW¼NE¼, comprising approximately 40 acres.

(B) The Executive order dated July 2, 1910, which established Powersite Reserve No. 106, with respect to those lands at Boise Meridian, T. 32 N., R. 5 E., Sec. 14, W½NE¼NE and SE¼NE¼NE¼, comprising approximately 30 acres.

(C) The Executive order dated August 31, 1917, which established Power Reservation No. 654, with respect to those lands at Boise Meridian, T. 48 N., R. 1 W., Sec. 3, SE¼NE¼, comprising approximately forty acres, and T. 46 N., R. 2 W., Sec. 14, lot 1, comprising approximately 28.15 acres.

(6) INDEMNITY LIST CLASSIFICATION ORDER.—Bureau of Land Management Indemnity List Classification Orders on public lands to be conveyed to Potlatch as required by subsection (b) are hereby removed from such classification.

(7) CONVEYANCE DOCUMENTS; BEFORE SURVEY.—Lands to be conveyed by the United States pursuant to subsection (b) on which any boundary is required to be surveyed in order to describe remaining public lands shall be conveyed by an interim conveyance. An interim conveyance under this paragraph shall convey to and vest in the recipient the same right, title, and interest in and to such lands as the recipient would have received in a patent issued pursuant to this Act. Upon completion of the survey, the Secretary shall issue a patent for such lands. The boundaries of such lands shall be those which were defined in and conveyed by the interim conveyance, except that the boundaries shall be corrected and redescribed in the patent,

where necessary, as a result of the survey of such lands.

SEC. 4. USE OF ACQUIRED LANDS.

(a) NATIONAL WILDLIFE REFUGE SYSTEM.—

(1) ADDITION TO THE SYSTEM.—The Secretary shall add the lands conveyed to the United States in Arkansas pursuant to section 3(b), to the Cache River and White River National Wildlife Refuges, as depicted upon the map described in such section. The Secretary shall manage such lands in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee).

(2) PLAN PREPARATION.—Within 24 months after the completion of the exchange required by section 3(b), the Secretary shall prepare and implement a single refuge management plan for the Cache River and White River Refuges, as expanded by this Act. Such plan shall recognize the important public purposes served by nonconsumptive activities, other recreational activities, and wildlife-related public use, including hunting, fishing, and trapping. The plan shall permit, to the maximum extent practicable, such uses to the extent that they are consistent with sound wildlife management and in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and other applicable law. Any regulations promulgated by the Secretary with respect to fishing, hunting, and trapping on those lands shall, to the extent practicable, be consistent with State fish and wildlife laws and regulations. In preparing the management plan and regulations, the Secretary shall consult with the Arkansas Game and Fish Commission.

(3) INTERIM USE OF LANDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), during the period beginning on the date of the completion of the exchange of lands under subsection 3(b) and ending on the first date of the implementation of the plan prepared under paragraph (2), the Secretary shall administer all lands added to the Cache River and White River National Wildlife Refuges pursuant to this Act in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668d–668ee) and other applicable law.

(B) HUNTING SEASONS.—During the period described in subparagraph (A), the duration of any hunting seasons on the lands referred to in subsection (a) shall comport with State law.

(b) PUBLIC LANDS.—

(1) STATUS.—Except as provided in section 3(a)(1)(B), the lands referred to in section 3(b)(1)(B) shall be public lands, as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and shall be managed in accordance with the provisions of such Act.

(2) GRANDMOTHER MOUNTAIN AREA.—Subject to valid existing rights, those Federal and non-Federal lands within the Grandmother Mountain Wilderness Study Area which are transferred to the jurisdiction of the Forest Service pursuant to section 3(b) shall be managed so as to preserve their suitability for designation as wilderness, pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), until the Congress determines otherwise. Nothing in this Act shall be construed as permitting or prohibiting continued use of motorized vehicles on existing routes within such area at the level of such use as was permitted on August 1, 1992.

(3) PLAN AMENDMENTS AND ENVIRONMENTAL ANALYSIS.—Within 24 months after the completion of the exchange under section 3(b), the Secretary and the Secretary of Agriculture shall prepare amendments to applicable resource management plans and accompanying documents pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) for lands in Idaho conveyed to the United States pursuant to section 3(b).

SEC. 5. DEFINITIONS.

For purposes of this Act, the term—

(1) "Potlatch" means the Potlatch Corporation, chartered in the State of Delaware;

(2) "Secretary" means the Secretary of the Interior; and

(3) "lands" means both the surface and subsurface estates whenever both estates are owned by the United States or Potlatch, as applicable.

SEC. 6. OUACHITA NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Ouachita National Forest are hereby adjusted to include those lands generally depicted on the map entitled "Proposed Proclamation Boundary Extension, East End of Lake Ouachita" and dated August 3, 1992.

(b) MAP AND LEGAL DESCRIPTION.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the appropriate offices of the Forest Service, United States Department of Agriculture. Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall prepare a legal description of the lands depicted on the map referred to in subsection (a). Such map and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Ouachita National Forest, as adjusted by this Act, shall be considered to be the boundaries of such forest as of January 1, 1965.

□ 1730

The SPEAKER pro tempore (Mr. ABERCROMBIE). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill, S. 2572, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2572 is a Senate passed bill that provides for an equal value exchange between the United States and the Potlatch Corp. whereby the United States would obtain important conservation lands in Arkansas that would be added to the National Wildlife Refuge System, and in return Potlatch will receive an equal value of Federal lands in Idaho. The bill also provides for transfer of management responsibilities between the Forest Service and the Bureau of Land Management with respect to certain other Federal lands in Idaho.

During our consideration of the bill, the Interior Committee adopted an amendment by the gentleman from Idaho. [Mr. LAROCCO] dealing with the management of the Grandmother Mountain Wilderness study area in Idaho, now managed by the Bureau of Land Management, but which under the bill would be transferred to the management of the Forest Service.

The Interior Committee amendment makes it clear that after such a transfer these wilderness study lands will continue to be managed to protect their wilderness values. It also maintains the ability of the Land Managing Agency to continue to address use of motorized vehicles, without any specific limitations imposed by Congress.

Mr. Speaker, this is a good bill that provides for a land exchange that will have important environmental benefits, while not compromising the important policy that wilderness study areas should not as a usual matter be released back to multiple-use management in a piecemeal fashion, but instead should ordinarily be addressed only in the context of a general, statewide wilderness bill.

Senator BUMPERS, along with his colleague from Arkansas, Senator PRYOR, and the two Idaho Senators are to be congratulated for their leadership on this measure, and I want also to commend Mr. LAROCCO for his good work in connection with its consideration by our committee. My thanks also go to the leadership of the Agriculture Committee and Merchant Marine and Fisheries Committee for their careful and prompt consideration of this matter. I urge the passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, we have no objections, and the administration has no objections to this bill. I urge its passage.

Mr. ALEXANDER. Mr. Speaker, I rise in support of this bill and am proud to be a cosponsor of the legislation. This bill, as amended, is good for the States of Arkansas and Idaho.

I would like to draw your attention to a provision contained in section 4 of the bill, a provision which I offered. This provision guarantees that the land in Arkansas will be kept open to the public for hunting, fishing, and trapping. This language is intended to guarantee that the good people of Arkansas will continue to have the opportunity to fully enjoy the great natural beauty of the land included in the Cache and White River Refuges.

For this reason, I ask that you support this very worthwhile and important legislation.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 2572, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

ABRAHAM LINCOLN RESEARCH AND INTERPRETIVE CENTER

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2548) to authorize the Secretary of the Interior to establish an Abraham Lincoln Research and Interpretive Center, as amended.

The Clerk read as follows:

H.R. 2548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABRAHAM LINCOLN INTERPRETIVE CENTER.

The Act entitled "An Act to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes", approved August 18, 1971 (85 Stat 347), is amended by adding at the end the following new section:

"SEC. 4. ABRAHAM LINCOLN INTERPRETIVE CENTER.

"(a) ESTABLISHMENT.—In order to provide for the education, inspiration and benefit of the American people, and to further the interpretation of the life and contributions of Abraham Lincoln and his times, the Secretary of the Interior is authorized to establish at or near the Lincoln Home National Historic Site an interpretive center which shall be known as the Abraham Lincoln Interpretive Center (hereafter in this section referred to as the 'center'). The center shall be added to and administered as part of the Lincoln Home National Historic Site. Upon establishment of the center, the boundary of the Lincoln Home National Historic Site is hereby modified to include the center.

"(b) ACQUISITION OF LAND.—For the purposes of this section, the Secretary may acquire land or interests in land near the Lincoln Home National Historic Site by donation, purchase with donated or appropriated funds, or exchange. Lands or interests therein owned by the State of Illinois or any political subdivision thereof may be acquired only by donation.

"(c) CONSTRUCTION, OPERATION, AND MAINTENANCE OF FACILITIES.—In carrying out this section, the Secretary is authorized to construct, operate, and maintain a facility, including an exhibit area, in order to preserve and make available materials related to the life of Abraham Lincoln and to provide interpretive and educational services which communicate the meaning of the life of Abraham Lincoln.

"(d) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into cooperative agreements with (1) appropriate Federal agencies and the State of Illinois, or any political subdivision thereof, for the interpretation of resources of the center, and (2) with the owners of documents and artifacts of historical or cultural significance as determined by the Secretary.

"(e) DOCUMENTS AND ARTIFACTS.—In carrying out this section, the Secretary may acquire by purchase with donated funds, exchange, loan, or donation documents and artifacts related to the purpose of the center for display at the center.

"(f) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriate by section 3, there is authorized to be appropriated not more than $18,000,000 to carry out this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2548, the legislation now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2548 is legislation introduced by Representative RICHARD DURBIN to provide for the establishment of an Abraham Lincoln Interpretive Center at the existing Lincoln Home National Historic Site in Springfield, IL.

Abraham Lincoln is one of the most significant figures in the history of the United States. Springfield is the site of many significant events in the life of the 16th President of the United States. Abraham Lincoln moved to Springfield in 1837 and lived there on and off until departing for the White House in 1861. Springfield was the place where Lincoln married, raised his family, practiced law, campaigned for political office and is buried.

The Lincoln Home National Historic Site was established in 1971. The current visitors center has no exhibits on Lincoln and the storage area for Lincoln related item which is an old barn on the site, lacks proper insulation, leading to variations in heat and humidity which could be damaging to historical resources. Although there are several Lincoln sites in the National Park System, none of them tell the story of his entire life or his years as President. The center will interpret Lincoln's life and contributions, provide an opportunity to exhibit Lincoln artifacts and documents owned by the National Park Service and orient visitors to other Lincoln related sites in the Springfield area.

The Interior Committee adopted an amendment in the nature of a substitute which significantly scaled back the scope and potential costs of the bill from when it was introduced. The substitute deleted authorization for a research or library component of the proposed center. A research facility is not in keeping with the mission of the National Park Service and there would have been significant costs associated with the proposed research center. The substitute made several other changes including providing that State lands could be acquired by donation only and allowing purchase of Lincoln related artifacts with donated funds only.

Mr. Speaker, Abraham Lincoln is revered throughout the world for his dedication to the principles of freedom and democracy. He played a critical role in one of the most trying times in our Nation's history. His legacy goes beyond one of national significance to one of international significance. The bill we are considering today would help interpret the life and contributions of the person who may well be the most significant figure in the history of the United States.

The bill as amended is a straightforward authorization for a visitors center at an existing park unit. The current park facilities are inadequate. The Interior Committee substitute reduces the costs of the proposed center by nearly two-thirds the amount originally contemplated and brings it in line with the interpretive mission of the National Park Service. The extraordinary life and historical contributions of the 16th president of the United States deserve to be interpreted for the benefit of present and future generations. I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have strong concerns about H.R. 2548, which would authorize construction of an $18 million Lincoln interpretive center in Springfield, IL.

I know that the gentleman from Minnesota [Mr. VENTO] has made a strong effort to cut back on the scope of this proposal. He has worked hard at it. It was originally proposed to be a $30 to $60 million proposal. He has cut it back to $18 million. It think that is commendable.

Mr. Speaker, our 16th president remains a reversed figure in American history today and is well-known throughout the world as a true leader in the struggle for democracy and freedom.

President Lincoln certainly deserves recognition within the National Park System and he is so honored, more than any other American already.

In fact, there are currently seven units of the Park System which deal substantially with Lincoln's life and accomplishments.

The Lincoln story has been covered, literally, from cradle to grave.

The Springfield site, as it is, does a good job of presenting Lincoln's years in that city.

The site has a 5,700-square foot visitor center which is adequate to meet basic visitor center needs.

Besides these facilities, Springfield is home to the Lincoln collection of the State historical society and is about 50 miles from the University of Illinois at Champaign, which has one of the foremost Lincoln centers in the world.

Mr. Speaker, I am going to oppose this bill because I cannot see how we can possibly justify it, even at the reduced amount of money, even at the $18 million in taxpayer's dollars, when we have a backlog in the Park Service of some 30 parks that are waiting their first visitor center. It is not a matter of improving a visitor center for them, it is a matter of awaiting their first visitor center.

The National Park Service never has identified a need for this facility. It appears to me that the real proponents of this facility are the city of Springfield and the State of Illinois, and I think that is fine. President Lincoln is a favorite some of the State of Illinois, and if they want to attract more visitors to the State of Illinois I think they should do it. If they can do it with a Lincoln Center, I think they should do that, but I also, Mr. Speaker, think they should pay for it from the State of Illinois, rather than us pay for it out of the Federal budget, as difficult as it is for us to get the funds together to do the things that are desperately needed within our Park System right now.

Mr. Speaker, I would encourage opposition to this bill.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I thank the gentleman for yielding time to me. It is with humility and some irony that this Democrat rises to speak on behalf of the most famous Republican President in the history of our Nation, and albeit the most famous President in the history of our Nation.

I am a resident of Springfield, IL, Mr. Lincoln's home town. My congressional office is located in the Lincoln home area. The gentleman from Colorado [Mr. HEFLEY] and the gentleman from Minnesota [Mr. VENTO] I think would be amazed at the number of people who come to visit the Lincoln home, not only from Illinois but across the Nation and around the world.

□ 1740

Each year we estimate some 600,000 visitors come to the Lincoln home. Unfortunately, they see a great Lincoln home, but they do not see other things that tell the Lincoln story.

For example, there is a handwritten version of Lincoln's Gettysburg Address in his own handwriting which we do not have any place to display at this point. That is one very tiny example of the artifacts and documents from Mr. Lincoln's life which are spread across the Nation now, and are not gathered in one place for protection.

When this idea first was presented I asked the National Park Service to establish a feasibility study on this Abraham Lincoln Study Center, and they did a masterful job. In the course of that feasibility study they came to the conclusion that there just was no single repository in the United States for the Lincoln documents and artifacts. They are spread and scattered across the Nation, and it is very, very difficult, in fact impossible for true Lincoln scholars, or even persons interested in the history of his life to learn the story, so we went to work to put together a proposal.

I want to commend my colleagues, the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Minnesota [Mr. VENTO], for accepting what we know to be the budgetary realities in this town by reducing the National Park Service's high estimate of $60 to $18 million for the interpretive and visitors center. I would like to make the comment that we in Illinois do not come to this Chamber very often when we are looking for help with the National Park Service. This particular Park Service facility, the Lincoln home, was authorized in 1971. This is the first attempt to expand that authorization over 20 years later. This is the only National Park Service site in my State. Some States are blessed with 20 and more National Park Service sites, and I think that is all well and good for our Nation. But we come infrequently to ask for help. We try as best we can to reduce our demands to a realistic level, and we certainly come when we believe there is a need, and in this situation, in this circumstance I think the gentleman from Colorado and the gentleman from Minnesota will agree that this President who has no Presidential library, who has no Lincoln museum, and in fact with the seven Park Service sites has pieces of his life that are being highlighted in different spots across the Nation, really deserves one center that attempts to interpret his life. We are proud to ask that it be located in Lincoln's hometown.

I thank the committee for their fine work, and I hope that the committee and the House will give this favorable consideration.

Mr. HEFLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I urge support for the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BILBRAY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2548, as amended.

The question was taken.

Mr. HEFLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONVEYING CERTAIN LANDS TO TOWN OF TAOS, NM

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5548) to direct the Secretary of Agriculture to convey certain lands to the town of Taos, NM, as amended.

The Clerk read as follows:

H.R. 5548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF PROPERTY.

Not later than 6 months after the date of enactment of this Act, the Secretary of Agriculture shall convey by quit-claim deed to the town of Taos, New Mexico, subject to the terms and conditions stated in section 2, all right, title, and interest of the United States in and to the land and improvements thereon described as follows:

That property locally referred to as the "Old Taos Ranger District Office and Warehouse" located in the town of Taos, Taos County, New Mexico, containing approximately 0.633 acres, specifically described in that certain warranty deed dated January 22, 1937, by William T. And Mary E. Hinde, husband and wife, to the United States, as recorded on January 23, 1937, in book A–34, page 415, of the Record of Deeds of Taos County, New Mexico.

SEC. 2. TERMS AND CONDITIONS.

(a) CONSIDERATION.—The conveyance described in section 1 shall be in consideration of the amount of $360,000, payable in full within the 6-month period referred to in section 1 or, at the option of the town of Taos, in 20 annual payments of $18,000 due on January 1 of the first year following enactment of this Act and annually thereafter until the total amount due has been paid, as agreed upon by the Secretary of Agriculture. The cash so received shall be deposited into a special fund in the Treasury which will remain available subject to appropriations until expended by the Secretary for the purpose of acquiring, within the State of New Mexico, lands or administrative facilities on National Forest System lands. The town of Taos shall not be charged interest on amounts owed the United States for such conveyance.

(b) RELEASE.—On transfer of the property under section 1 the town of Taos shall release the United States from any liability for claims relating to the property.

(c) REVERSION.—The conveyance described in section 1 shall be a conveyance of fee simple title to the property, subject to reversion to the United States if the property, subject to reversion to the United States if the property is used for other than public purposes or if the compensation requirements described in subsection (a) are not met.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5548, the bill we are now considering.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, H.R. 5548, introduced by Mr. RICHARDSON, would convey to the city of Taos, NM, the Old Taos Ranger District Office and Warehouse. This building is currently owned by the Forest Service, but is no longer needed by the agency which has vacated the building and is now leasing it to the city. The Forest Service has testified in favor of conveying the building to the city as long as the United States receives fair market value for the property. The bill, as amended, does require the city to pay fair market value for the property.

The bill before us is also consistent with budget proceedings. The use of funds received from the sale of the building are subject to appropriation.

This bill is noncontroversial and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5548, which would authorize the sale of the Old Taos Forest Service Ranger Station and Warehouse to the city of Taos, NM.

This legislation has been fully explained by Chairman VENTO. It is supported by the administration and the entire New Mexico congressional delegation. I believe the $360,000 price for this facility included in the legislation is fair to both the taxpayer and the city of Taos. Mr. RICHARDSON and Chairman VENTO certainly did a good job of producing a bill that is fair and still supported by the major interests involved.

I urge my colleagues to support H.R. 5548.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON], the sponsor of this bill.

Mr. RICHARDSON. Mr. Speaker, passage of H.R. 5548 is critically important to the town of Taos and Taos County, NM. This legislation will convey the Forest Service's Old Taos Ranger Station to the town of Taos, NM.

For many years the town of Taos has tried to obtain the old Forest Service Ranger Station building in hopes of converting it into a children's library and adult literacy center. Because the condition of the building makes it no longer suitable for use by the Forest Service, the building would be ideal for the town's purposes.

However, because of the Taos' meager financial resources, this has not been possible. For the fiscal year 1992, the town of just over 4,000 people raised $186,932 from property taxes. The median family income in Taos is $12,928, and 26.5 percent of families in Taos live below the poverty line. Like the rest of Taos County, which is consistently one of the poorest in the Nation, the unemployment rate hovers around 20 percent. In addition, the town recently received a preliminary construction cost estimate for the renovations necessary to make the building suitable for use as a children's library—a staggering $420,000.

H.R. 5548 will allow the town to obtain the building, at fair market value, under terms that won't impose financial hardship. The town of Taos maintains strict preservation requirements for buildings in the downtown area, ensuring that the historical and cultural integrity of the building will be protected.

Mr. Speaker, transfer of the Old Forest Service building to the town of Taos is a logical and practical move for everyone involved. More importantly, it will serve as an invaluable resource for the town to help educate future generations. I urge my colleagues to join me in support.

Mr. Speaker, I include for the RECORD the attached testimony given by the mayor of Taos before the Interior Subcommittee on National Parks and Public Lands.

TESTIMONY OF THE MAYOR OF TAOS

Mr. Chairman, Honorable Members of this Committee. I am Eloy A. Jeantete. I am the Mayor of Taos. With me is Gus Cordova, the Town Manager. Taos is a small community of 4,000 people located in northcentral New Mexico.

I thank you for the opportunity to come before this committee, and testify on a matter that is very important to our community. I am also pleased to see you again, Mr. Chairman. It has been a couple of years since we last discussed this issue in your office.

Allow me to explain the nature of our request. The United States Forest Service has recently vacated an old office building that was built in 1937. The adobe building was constructed using WPA funds and labor, and was designed to house the district office of the Carson National Forest.

The building and attached garage is approximately 6,000 square feet and sits on a small lot that is 6/10 of an acre. The building has a reception area, two lavatories, a storage room, 10 garage bays, and several offices.

The pueblo style building is constructed of adobe walls and a mixture of wood and concrete floors. The roof structure of the building is built-up with several inches of dirt fill under a conventional asphalt membrane.

The property is not assessed by the County, and no property taxes are paid by the government.

The reason that this building is important to the citizens of Taos, is that it is located next to our community center. All the surrounding buildings are owned by the Town of Taos and are used for government purposes.

We feel that the building could serve the citizens of our community better if it was owned by the taxpayers, as opposed to putting it up for bid for the private sector. It's location would allow us to repair it and make it part of our public buildings.

We have tried for some time now to obtain funding to construct a library for our community. We have not been successful. As a result, we continue to lease a building that is owned by the University of New Mexico, in order to provide library services to our citizens.

The old forest service building could be remodeled to meet our needs for library space. Our highest priority would be to house the children's library which is now overcrowded due to lack of space, very little parking and poor accessibility. We would also like to house our adult literacy program in this building. We have many of our citizens that require this program, and this building could provide the much needed learning environment.

As you are aware, Mr. Chairman, we have come to Washington once before, to appeal to your good judgement, to make this building available to our citizens. We had hoped that somehow the building could be transferred from the federal government to our local government at no cost to the taxpayers.

We had hoped that since taxpayer dollars built the structure in 1937, that the local taxpayers could get to benefit for it's future use.

As I understand, the Forest Service does not agree with my assessment. The Forest Service would like for us to pay $330,000 to acquire the facility. Mr. Chairman, I suggest to you that the taxpayers did not pay $330,000 to build the facility in 1937. The only reason that it is appraised so high, is because it is located in our central business district.

In all fairness to the Forest Service, whom we have alot of respect for; they have agreed to let us pay the $330,000 over a period of twenty years. This is very reasonable on their part, and we thank them.

My primary concern is that the building is very old. It needs a new roof. It also needs new plumbing and new electrical wiring. The heating system needs to be replaced. The windows and doors need to be replaced with energy efficient products.

We have consulted a local architect for advise. He has informed me that the repairs to the building will cost at least $150,000.

You may ask, why does the Mayor want it, if it is so old and in need of repair? Mr. Chairman, and members of this committee. We simply cannot afford to let this opportunity go by, and let the private sector convert it into small shops or other uses incompatible with our community needs.

Mr. Chairman, you may not be able to transfer this building to us without some form of compensation. The rules of government may not allow this committee to do it. But I, in fairness to our citizens, felt an obligation to at least ask you to consider it.

Our second request, Mr. Chairman, would be for the committee to take into consideration the condition of the building. Assuming the architects estimate is correct, the building could be depreciated by $150,000. This would mean that the building would be purchased by the Town for $180,000 over a twenty year period.

This would be a good compromise, in that we would use the savings to repair the building, and make it usable for the library in a shorter period of time. The federal government would also receive just compensation.

Finally, Mr. Chairman, if none of the two proposals are acceptable to the committee; we will accept whatever decision the committee feels is necessary. I know that the committee will use its good judgment, and I trust that you will make the right decision.

Thank you very much Mr. Chairman. Mr. Cordova and I stand before you to answer any questions you may have.

Mr. Speaker, I ask my colleagues to join in support of this legislation and I thank the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 5548, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MIMBRES CULTURE NATIONAL MONUMENT ESTABLISHMENT ACT OF 1992

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1528) to establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico, and for other purposes, as amended.

The Clerk read as follows:

S. 1528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mimbres Culture National Monument Establishment Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the prehistoric Mimbres tradition was the most significant expression of the Mogollon culture, and represents one of three great prehistoric civilizations of the American Southwest;

(2) the Mimbres and Gila River valleys, including the Silver City, New Mexico, area, contain many Mimbres sites;

(3) some of the Mimbres pueblos in those valleys were built during the classic phase of that culture in the 11th century and are among the largest in the southwestern United States;

(4) the Mimbres people developed sophisticated canal irrigation technology prior to the Anasazi Culture;

(5) the Mimbres material culture is epitomized by distinctive and strikingly painted black-on-white pottery that is recognized as the consummation of several formal, pictorial, and iconographic traditions in the American Southwest;

(6) Mimbres pottery is internationally known and is probably the single most famous prehistoric American art style;

(7) many Mimbres sites have been vandalized or destroyed, and remaining sites are threatened by further vandalism and illegal pot-hunting; and

(8) in recognition of the national significance of the Mimbres sites and the urgent need to protect the valuable Mimbres cultural resources from vandalism and destruction, it is appropriate that a national monument and a system of archeological protection sites be established in New Mexico.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the nationally significant cultural resources associated with the prehistoric Mimbres tradition;

(2) to provide for the protection and interpretation of these resources for the benefit and enjoyment of present and future generations;

(3) to facilitate research activities; and

(4) to encourage government and private sector protection actions.

SEC. 3. ESTABLISHMENT OF THE MONUMENT.

(a) IN GENERAL.—There is hereby established the Mimbres Culture National Monument (hereinafter in this Act referred to as the "monument") in the State of New Mexico as a unit of the National Park System, consisting of approximately 945 acres, including the Cameron Creek, Mattocks, TJ Ruin, and Woodrow Units, as generally depicted on a map entitled "Mimbres Culture National Monument", numbered 80,008 and dated September 1992. Such map shall be kept on file and available for public inspection in the office of the Director of the National Park Service and in appropriate offices of the National Park Service in the State of New Mexico.

(b) ACQUISITION OF LANDS.—(1) The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized to acquire lands and interests in land within the boundaries of the monument by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests therein owned by the State of New Mexico or a political subdivision thereof may not be acquired except by donation or exchange.

(2) Lands or interests in land may not be added to the monument after the date of enactment of this Act without specific authorization by Congress and the consent of the owner of such land or interest therein, except that, the Secretary may acquire necessary access easements to provide for administrative or public access, or to provide alternative access to landowners, in accordance with the general management plan required by section 4(b) of this Act.

(3) Subject to negotiated agreements to ensure cultural resource protection, an owner of improved residential property within the boundaries of the monument may, on the date of the acquisition of such property, retain for the owner and the owner's successors and assigns, a right of use and occupancy of the property for such residential purposes as existed before August 2, 1991, for a term, as the owner may elect—

(i) of not more than 25 years; or

(ii) ending at the death of the owner or the owner's spouse, whichever is later.

(c) VISITOR CENTER.—The Secretary shall establish a visitor center and administrative headquarters for the monument in Silver City, New Mexico. The Secretary is authorized to acquire, in accordance with subsection (b)(1) of this section, up to 3 acres of land in Silver City for the purpose of establishing the visitor center and administrative headquarters.

SEC. 4. ADMINISTRATION OF THE MONUMENT.

(a) IN GENERAL.—The Secretary shall administer the monument in accordance with the provisions of this Act and laws generally applicable to the administration of units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) GENERAL MANAGEMENT PLAN.—Not later than 3 complete fiscal years after the date of enactment of this Act, the Secretary shall, in consultation with appropriate Federal and State agencies, public and private entities, affected landowners, and American Indian groups, including the Zuni Tribe, prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives a general management plan (hereinafter in this Act referred to as the "plan") for the monument consistent with the purposes of this Act. The plan shall include—

(1) a statement of the number of visitors and types of public use within the monument which can be accommodated in accordance with the protection of the monument's resources;

(2) a resource protection program, including resource inventories;

(3) a general interpretive program, which shall include dissemination of information on the Masau Trail;

(4) a general development plan for the monument, including a description of facilities needed to accommodate for public use and for resource protection, and the estimated costs thereof;

(5) a research plan to evaluate broad aspects of the Mimbres culture, developed in cooperation with other Federal and State agencies, and public and private entities;

(6) a feasibility analysis of the WS Ranch archaeological site, including management options and the potential for public use and interpretation;

(7) details of proposed cooperative agreements; and

(8) a joint management plan for the Mimbres Culture Archaeological Sites Protection System established pursuant to section 5 of this Act. Such plan shall include—

(A) resource protection measures and associated costs;

(B) research needs and plans;

(C) a general interpretive program for the system; and

(D) guidelines for cooperative agreements, proposed cooperative agreements, and associated costs.

(c) COOPERATIVE AGREEMENTS.—(1) The Secretary may enter into cooperative agreements with appropriate local institutions of higher learning for the purpose of establishing a curatorial operation for the care and maintenance of Mimbres cultural artifacts. Such cooperative agreements may include an agreement to provide funding assistance, subject to appropriation, specifically for the curation of Mimbres cultural artifacts.

(2) The Secretary may enter into cooperative agreements with other Federal agencies and other public and private entities for the implementation of the research plan referred to in subsection (b)(5).

(d) RESEARCH SITE.—The Secretary shall administer the Woodrow Unit of the monument primarily as a research site. General public use facilities shall not be provided at the Woodrow Unit.

(e) IRRIGATION DITCH MANAGEMENT.—The Secretary shall not interfere with the continued use, maintenance, and operation of irrigation ditches located within the boundaries of the monument as of the date of enactment of this Act.

SEC. 5. MIMBRES CULTURE ARCHAEOLOGICAL SITE PROTECTION SYSTEM.

(a) ESTABLISHMENT.—(1) In order to encourage the protection, interpretation, research, and integration of information about the Mimbres culture, there is hereby established the Mimbres Culture Archaeological Site Protection System (hereinafter in this Act referred to as the "system") in the State of New Mexico, as generally depicted on a map entitled "Mimbres Culture Archaeological Site Protection System", numbered 80,006–B and dated April, 1991.

(2) The system shall consist of the following eleven sites—Black Mountain; Cottonwood; Gatton Park; Lake Roberts; Old Town; Pony Hills; Pine Flat; Red Rock Cemetery; Red Rock Pithouse; WS Ranch; and Rio Vista.

(b) ADDITIONAL SITES.—(1) The Secretary shall undertake research to locate additional Mimbres sites on Federal lands in New Mexico.

(2) The owner of a non-Federal site may nominate such site for inclusion in the system. Upon nomination of such site, the Secretary shall review the site to determine whether the addition of the site is consistent with the purposes of the system. The Secretary shall include any recommendation with respect to the site in the report referred to in subsection (c).

(3) Addition of new sites or deletion of existing sites from the system may only be made by an Act of Congress.

(c) REPORT.—Not later than 3 years after the completion of the general management plan referred to in section 4(b), the Secretary shall prepare and transmit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives providing recommendations for additions to or deletions from the list of archaeological protection sites set forth in subsection (a)(2).

(d) ADMINISTRATION.—(1) The Secretary, or the Secretary of Agriculture, where appropriate, in consultation and cooperation with affected Federal and State agencies and landowners, shall administer lands within the system in a manner that will provide for the protection, preservation, and interpretation of Mimbres cultural resources and to facilitate research activities associated with such resources.

(2) Any Federal land management plan providing for the use or management of any area within the protection system shall be reviewed and amended as necessary to bring such plan into conformity with this section.

(3) Non-Federal lands or interests therein may not be acquired for addition to the system.

(e) COOPERATIVE AGREEMENTS.—(1) The Secretary or the Secretary of Agriculture, where appropriate, may enter into cooperative agreements with other Federal, State, and local agencies, public and private entities, private landowners, and other persons for the purposes of administration, management, protection, research, and interpretation of sites within the system.

(2) Federal funds may be expended, subject to appropriation, on non-Federal sites through cooperative agreements with, and the consent of, the owners of such sites.

(f) ADVISORY COMMITTEE.—The Secretary shall establish an Advisory Committee, composed of representatives of Federal and State government agencies, landowners within the monument, residents of the Mimbres and Gila River valleys, and other interested parties, to provide guidance in the preparation and implementation of the general management plan for the monument and the joint management plan for the archaeological sites protection system required by section 4(b).

(g) SAVINGS PROVISIONS.—Nothing in this Act shall be construed to affect the application of the Archaeological Resources Protection Act of 1979 to any lands, including lands within the system.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1528, the bill before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1528, which passed the Senate on November 26, 1991, establishes a national monument and protection system for certain Mimbres culture sites in the State of New Mexico.

The Mimbres lived in the American Southwest between 200 and 1150 A.D. and are known for their black on white decorated pottery, as well as for their large Pueblo-like villages and extensive canal irrigation. Public Law 100–559 directed the National Park Service to conduct a study of the Mimbres culture. That study, completed in December of 1989, found the remaining identified Mimbres sites nationally significant and threatened by development and vandalism, and listed several alternatives for commemorating the Mimbres culture in southwestern New Mexico.

To recognize these nationally significant cultural resources and to provide for their protection and interpretation, S. 1528 would establish the Mimbres Culture National Monument, which would consist of approximately 959 acres at four identified sites in southwest New Mexico. The legislation also would establish a Mimbres culture archeological site protection system, consisting of 11 sites, primarily for protection and research purposes.

Mr. Speaker, the version I am bringing to the House today incorporates several changes made by the committee. Senator BINGAMAN, the sponsor of S. 1528, Representative RICHARDSON and others have been working to develop legislation which incorporates appropriate protection for the Mimbres resources with an understanding of the particular concerns of those who will be affected by this legislation.

Residents of the Mimbres valley have expressed concern about whether there will be sufficient public participation in the planning process and about some of the property proposed for the Mattocks site. As a result, language has been included directing the appointment of local residents to the advisory committee established in section 5, authorizing the advisory committee's input into both the general management plan for the monument and the joint management plan for the archeological sites, and modifying the boundaries of the Mattocks site which is part of the proposed monument. Because of the boundary modification, language has also been included to provide for administrative or public access to the site, and for alternative access to landowners.

Mr. Speaker, these are clearly endangered resources. I believe the bill we are bringing to the floor today offers effective protection for nationally significant resources which have been studied and found suitable and feasible for inclusion in the National Park System, and I urge my colleagues' support.

□ 1750

Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to S. 1528, a bill to establish a new monument in the State of New Mexico to preserve the Mimbres culture.

I join with the administration and the Member of the affected district, Mr. SKEEN, in opposing this bill and I do so for several important reasons.

First and most importantly, there are already thousands of Mimbres culture sites already permanently protected in public ownership under the management of the State of New Mexico, the Forest Service, the Bureau of Land Management, National Park Service and private foundations.

In fact, three of the four sites proposed in this new park are already in public ownership, including the site which the NPS states is the largest and best preserved Mimbres site in existence.

In other words, Mr. Speaker, there is no justification for creating this new park.

Second, I oppose this measure because of a costly $8 to $12 million museum/regional tourist center which is proposed for Silver City.

It appears to me that visitor center is the primary objective of this measure, in an attempt to attract tourist dollars into that town.

If this proposal was serious about protecting the best examples of Mimbres sites which are not currently in protected ownership, it would include sites very different from those in the measure before us today.

This measure has become very controversial in the State of New Mexico because of the proposed acquisition of the Mattocks site, which would involve the removal of about 20 private property owners.

Not only do a substantial majority of the 20 private property owners object to this measure, but so do the many potential neighbors in the immediate park vicinity who are very concerned about the everexpanding nature of our national parks.

It has been my experience on the Interior Committee that their apprehension is well founded; in this Congress alone, the Interior Committee has passed over 20 bills to expand existing units of the Park System at a cost of nearly $200 million.

Unfortunately, our majority was unable to agree with the very reasonable language which was suggested by the New Mexico delegation to resolve their concerns with respect to this bill.

Therefore, I ask my colleagues to join me in opposing this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, this bipartisan legislation, introduced by my colleagues from New Mexico, Senators BINGAMAN and DOMENICI, addresses the dire need to protect prehistoric Mimbres culture sites in our State—ancient sites clearly in imminent danger of destruction.

As we speak, these sites, which offer endless opportunities to learn about our past as New Mexicans and Americans, are being compromised by pothunting and looting. S. 1528, which establishes the Mimbres Culture National Monument, will protect these sites for current and future generations.

This legislation is a result of the National Mimbres Culture Study Act of 1988, a bipartisan effort passed by Congress that directed the National Park Service to conduct a study of Mimbres culture to determine its significance in illustrating and commemorating the prehistory of the Southwest, and to provide alternatives for preserving this culture. Through this study the Park Service clearly found that the ancient Mimbres sites located within boundary of S. 1528 are of national significance and merit protection.

Equally as important as protecting the vanishing symbols of prehistoric life in New Mexico is the effort made by Senator BINGAMAN to address the concerns of local landowners regarding the impact of S. 1528 on private property. The process up to this point has been extensive and accommodating to local residents. S. 1528 will not require anyone residing within the boundaries of the monument to leave their property, and assures that no lands will be added to the monument without consent of the landowner and authorization by Congress.

Despite these efforts, questions have been raised as to whether or not we can afford to establish the Mimbres National Monument. The real question is whether we can afford not to establish this monument, which will protect nationally significant archaeological sites, serve as an invaluable educational resource, and spur economic development through increased tourism in New Mexico.

S. 1528 has the support of the local and county chambers of commerce, major environmental groups such as the Sierra Club and the Wilderness Society, and the State of New Mexico.

Mr. Speaker, this is a good bill, not only for New Mexicans but for everyone. I urge my colleagues to support this effort.

Support this bipartisan legislation to preserve the legacy of New Mexico's most famous prehistoric culture.

It was passed unanimously by the Senate and the House Interior Committee, sponsored by Senators BINGAMAN and DOMENICI.

The Mimbres Indians of southwestern New Mexico left an enduring presence in their distinctive black and white pottery, dwellings, and other artifacts. But for many decades these ancient villages have been devastated by voracious and destructive grave robbing. This legislation is needed to put an end to looting and vandalism of Mimbres artifacts. S. 1528 will create a National Park Service unit to preserve and interpret these resources for future generations of New Mexicans.

The Mimbres Culture National Monument would include four nationally significant Mimbres archaeological sites and a centrally located visitor center/monument headquarters in Silver City, NM. The Mimbres National Monument will be a superb educational resource for area residents, children, and visitors—an opportunity to interpret and understand the day-to-day life of the Mimbres people.

The monument will benefit economic development and tourism, bringing jobs to Grant County. The monument will draw thousands of visitors to the area, fueling the local economy with outside dollars.

S. 1528 is supported by the following groups: Silver City/Grant County Chamber of Commerce, Sierra Club, the Wilderness Society, Grant County Commission, town of Silver City, New Mexico State Office of Cultural Affairs, New Mexico Archeological Council, and Silver City Main Street Project.

Mr. HEFLEY. Mr. Speaker, I yield such time as he may consume to our good friend and colleague, the gentleman from New Mexico [Mr. SKEEN], in whose district this project is located.

Mr. SKEEN. Mr. Speaker, notwithstanding the arguments you have heard in favor of this bill, I am sorry that I have to oppose this, because preserving the Mimbres culture is a very important thing. It can be done, but it can be done without overriding the property rights of individuals. I think that is a very important aspect of this bill, because 17 of the 21 people affected by this measure do not want to sell their property to the Federal Government; 17 of the 21 of the landowners affected by this legislation are opposed to the Federal Government taking their private land for the creation of this national monument.

I want to ensure that the Federal Government does not have the right or the authority to purchase private property that contains Mimbres sites except from willing landowners who want to sell that property.

The administration is strongly opposed to this bill, because it fails to protect sufficiently the interests of the private landowners both within and outside of the boundaries of the proposed monument.

This bill itself has created a tremendous furor in the Mimbres Valley amongst private landowners who happen to have sites that are considered to be of interest to the preservation of this culture.

The Mimbres Valley residents took a straw vote from three choices, and the three choices were to reject the controversial bill outright; second, to compromise by taking out the condemnation language; or, third, to accept the bill; 127 residents voted against the bill, 110 voted for the compromise, and 8 voted to accept the bill unchanged.

□ 1800

I suggested that early on the dropping of the language dealing with the condemnation of private property to acquire the so-called Mattocks site. This approach was rejected. We could preserve the Mimbres culture through existing federally owned facilities and save the taxpayers about $20 million.

There currently exists over 2,000 sites on the BLM and Forest Service land; in fact, the TJ Ruin site already has a visitors center, parking lot, easements, and a ranger station.

As a member of the Subcommittee on Interior Appropriations, I understand firsthand the very tight budget constraints that the agency is facing and the problems of properly funding existing national parks.

The gentleman from Colorado [Mr. HEFLEY], I think articulated that particular issue very well.

Mr. Speaker, by creating new parks, we are robbing our existing national parks of the money they need and need desperately.

Finally, I am concerned that this legislation contains too many open-ended parameters for the future acquisition of sites for the interpretation of this culture.

I reluctantly have to oppose this bill, and I will ask for a vote.

I appreciate the opportunity to offer my thoughts and comments on the pending legislation, S. 1528, regarding the establishment of the Mimbres National Monument introduced by Senator BINGAMAN. This controversial legislation has infuriated the Mimbres Valley residents in my district due to the condemnation of private property of 17 landowners and the fear that the Federal Government will not stop there.

I want to ensure that the Federal Government does not have the authority to purchase private property that contains Mimbres sites except from willing landowners. After visiting the site last summer and discussing the issues with residents of the valley on numerous occasions, it is clear that there remain strong feelings within the Mimbres Valley that the Congress is forcing the acquisition of historic properties from private owners wanting to keep their lands.

Within the last few weeks the Mimbres Valley residents made their feelings official by taking a straw vote from three choices: reject the controversial Mimbres Culture National Monument Establishment Act, compromise, or accept the current legislation; 127 residents voted against the bill outright, 110 voted for a compromise which would take out the condemnation language, and only 8 people voted to accept the bill unchanged.

Due to the controversy surrounding the bill as currently drafted, I suggest dropping the language dealing with the condemnation of private property to acquire the controversial Mattox site. This approach was rejected by Senator BINGAMAN, the sponsor of the bill.

I believe we should take advantage of the fact that we could preserve the Mimbres culture through existing federally owned facilities. There currently exist over 2,000 sites on BLM and Forest Service land. In fact, the T.J. Ruin site already has a visitor center, parking lot, roads, easements, and a ranger station. It is unclear why we are advancing a measure which will add a third land management agency into the mix of administration of Mimbres sites and cost the taxpayers millions of dollars.

As a member of the Interior Appropriations Subcommittee, I understand first hand the very tight budget constraints that the agency is facing, and the problem of properly funding existing national parks. We must be able to afford the cost of purchasing these sites under increasingly tight budget constraints. By creating new parks, we are robbing our existing national parks of the money they need.

In addition, I am concerned that this legislation contains too many open-ended parameters for future acquisition of sites for the interpretation of this culture. I believe we should make the determination in consultation with the Mimbres Valley residents and hold the legislation to that amount.

Therefore, I ask that you reject this bill, S. 1528, as drafted, until an accommodation can be reached among the National Park Service, the Mimbres Valley residents and the congressional delegation.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I confess to being somewhat confused about the administration's comments on this bill.

A public hearing on S. 1528 was held on May 21, 1992 before the Subcommittee on National Parks and Public Lands. At that time, the National Park Service testified in strong support of S. 1528. A thorough discussion of the sites to be included, their significance, and the suitability and feasibility of including them within a national monument was held. The National Park Service testified that these sites were chosen by an interdisciplinary planning team, including professional archeologists, on the basis of their research and visitor use potential. The Park Service further testified that the legislation before us today is—

> The result of an effective consultation process that included the New Mexico delegation, the National Park Service and other Federal agencies, the State of New Mexico, private landowners and interested citizens in the Silver City area."

Furthermore N.P.S. Director James Ridenour, in his May 21, 1992 prepared statement stated "we are pleased that the Senate passed this measure on November 26, 1991. We support enactment of S. 1528 if amended as we suggest herein." An eminent domain exception was not a request on May 21, 1992 or since then from the Park Service.

Now I have before me, from the Office of Management and Budget, a statement of administration policy opposing passage of S. 1528 because "it fails to protect sufficiently the interests of the private landowners both within and outside the boundaries of the prepared monument." That is the essence of the statement. No particular provision is cited to support this accusation, nor is there discussion on the bill itself, a bill the administration has expressed support for on at least two occasions—during testimony before the Senate Committee on Energy and Natural Resources and, of course, during the hearing my subcommittee held in May.

Apparently, the administration is confused not only about the provisions of this bill, but about their own position. In the 4 months since the hearing on this bill, I have heard of no administrative objection to its passage. Yet an obviously hastily prepared two sentence statement, sent to my office yesterday, claims that the administration opposes this bill. I am offended by this statement and by this administration's which tends to circumvent the public hearing process and to modify their position. I urge my colleagues to support this bill based on the long-standing and thoroughly researched support of this bill espoused by the administration in the subcommittee hearing.

Mr. SKEEN. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from New Mexico.

Mr. SKEEN. I thank the chairman of the subcommittee for yielding to me.

Mr. Speaker, I want to commend the chairman of the subcommittee and the gentleman from Colorado [Mr. HEFLEY], both for the work they have done. But if you think you are confused or that the administration is confused, you are right; I think everybody dealing with this particular topic, subject, issue, has thrown a little bit of confusing light or spin on it, including my good friend, the gentleman from New Mexico, BILL RICHARDSON, who in the last paragraph of his letter responding to some of the issues on this concern, wrote:

> Finally, the bill will be amended further in the House Committee on Interior and Insular Affairs, of which I am a member, to change the status of the controversial Mattocks site to a research site. This will be done to further accommodate the concerns of local residents.

Well, that did not happen. So, despite all the effort that has been done to accommodate these folks, there is still a lot of confusion about the land situation, particularly how you are going to acquire this land. Also, the appetite of the Park Service to acquire additional lands once it becomes situated.

I think that is what is causing the problem.

Mr. VENTO. I appreciate the gentleman's observation. Perhaps a closer reading of what has occurred—and I was happy to yield to the gentleman—would be helpful to the gentleman before a vote does take place.

But I will state for the record, and it is explicitly stated in the bill, that there is no attempt to expand the site other than coming back with legislation and, hopefully, with the consent of the landowner.

In fact, the legislation specifically states that.

As the gentleman knows, it is one of the key provisions that Senator BINGAMAN attempted to work out, and I think it was done satisfactorily.

Mr. SKEEN. Will the gentleman yield further?

Mr. VENTO. I yield to the gentleman.

Mr. SKEEN. I thank the gentleman for yielding further.

Mr. Speaker, the accommodation was very sincere and, I think, very appropriate. But that does not allay the fear of the people who have watched the Park Service in the past. And I think that is the problem.

Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Just a couple of points: As I understand this, this did start out as a good bipartisan effort. But that broke down in our committee. Seemingly, in our great desire to reach out like an octopus and grab every square foot of ground out there that might conceivably have some historical value, we have overextended ourselves.

Mr. Speaker, I have an article from the Silver City Daily Press, Silver City, NM, September 25, 1992, where Senator PETE DOMENICI, Republican of New Mexico, "has strong objections to an amendment made to the Mimbres monument bill passed by the congressional subcommittee Wednesday."

So, again, I think we screwed it up in committee. It was a bipartisan bill. Almost everybody was going along with it. It was being sought.

I would also like to share a brief statement from a letter that I have from the Office of Cultural Affairs, State of New Mexico, cultural affairs and historic preservation division, where they point out that within southwestern New Mexico there are over 3,500 archeological sites relating to the Mimbres culture from A.D. 200 to 1400.

They also point out that of these, 65 percent of these 3,500 sites are already owned by the Federal Government. Still, we reach out to grab and grab and grab some more and create the problem that Congressman SKEEN is trying to relate to.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico, [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, first of all let me respond to my friend, the gentleman from Colorado: Senator DOMENICI is supporting this legislation. I am authorized to say this, although probably it should come better from others.

But he and Senator BINGAMAN are strongly in support of this legislation, as is the Silver City Grant County Chambers of Commerce, the Grant County Commission—these are local officials—the town of Silver City, the New Mexico State Office of Cultural Affairs, the New Mexico Archeological Council, the Silver City Main Street project.

Let me just state for the record the House bill is smaller in acreage than the Senate bill.

So, again, I respect my good friend, JOE SKEEN. There are some concerns by some landowners. But I think a major effort has been made to accommodate them. I think what we are talking about is preserving four nationally significant archaeological sites which are going to benefit economic development and tourism. Again, I just did not want to leave the impression that it is not a bipartisan effort, at least in the other body.

While I respect my good friend's view that there has been some division, I did want to put that on the record.

Mr. SKEEN. Mr. Speaker, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman.

Mr. SKEEN. I thank the gentleman for yielding.

Mr. Speaker, I would have been delighted to have made it a totally bipartisan action, but it did not work out that way because of the situation on this land. All the folks that are in favor of this are tourist-connected of one kind or another, I can understand that because that is money coming into those communities. I think it is very important that it does.

However, on the other hand, the people opposing it are the people who own the land. They own it. They do not want to lose it. They do not want to give it up.

I think their rights should be respected, and that is the point I am trying to make. If it had been an easier acquisition, it could have been totally bipartisan, I agree with you. I think this is an important issue, and culture maintenance and interpretation is extremely important. But on the other hand, people's rights to ownership of their lands, I think, is one of the sacred trusts that we have in this country.

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Mr. RICHARDSON. Well, again, Mr. Speaker, I would just like to conclude by saying that it is bipartisan legislation. It does preserve the legacy of New Mexico's most famous prehistoric culture.

It passed unanimously in the Senate and in the House Committee on Interior and Insular Affairs.

It is an important piece of legislation.

Yes, the local residents, some have concerns. It is not perfect, but a majority of individuals in that county and the State, the elected officials, seem to support it.

Mr. Speaker, I would urge support for the legislation.

Mr. HEFLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BILBRAY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1528, as amended.

The question was taken.

Mr. SKEEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

OLYMPIC NATIONAL PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4489) to provide for a land exchange with the city of Tacoma, WA, as amended.

The Clerk read as follows:

H.R. 4489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—LAND EXCHANGE WITH CITY OF TACOMA, WASHINGTON

SEC. 101. LAND EXCHANGE.

(a) IN GENERAL.—(1) If the city of Tacoma, Washington, in a manner consistent with this title, offers to transfer to the United States the lands identified in paragraph (2) in exchange for the lands described in paragraph (3), the Secretary of the Interior (hereafter in this title referred to as the "Secretary") shall carry out such exchange as soon as is reasonably possible.

(2) The lands to be conveyed to the United States by the city of Takoma are approximately 45 acres owned by the State of Washington Department of Natural Resources located in the Soleduck and Quileute areas within the authorized boundary of Olympic National Park.

(3) The lands to be conveyed to the city of Tacoma are approximately 30 acres of land adjacent to Lake Cushman identified as lands to be transferred to the city of Tacoma as depicted on the map entitled "Proposed Boundary Revision Olympic National Park" and dated July 29, 1991. Such map, and a legal description of the lands to be conveyed to the city of Tacoma, shall be on file and available for public inspection with the Director of the National Park Service, Department of the Interior.

(b) CONDITIONS.—(1) Any exchange of lands pursuant to this title shall occur only if—

(A) the city of Tacoma demonstrates to the satisfaction of the Secretary that the city of Tacoma is able to deliver to the United States clear and unencumbered title to the lands identified in subsection (a)(2), and that after such exchange there will be no legal impediment to the management of such lands as part of Olympic National Park under all provisions of law applicable to Olympic National Park;

(B) the Secretary is reasonably satisfied that an environmental review of the Cushman Project (No. 460) sufficient to meet the requirements of law has been initiated;

(C) the city of Tacoma has entered into an enforceable agreement with the Secretary which provides that lands acquired by the city of Tacoma through an exchange under this title will be managed in a manner consistent with the management of those same lands during the time such lands were managed by the National Park Service; and

(D) the city of Tacoma offers, in good faith, to negotiate with the Skokomish Tribe regarding the impact of the Cushman Project on fish, wildlife, estuary, and cultural resources, and to fund appropriate studies concerning such impacts (to be jointly administered by the city and the Tribe), to the extent that further information is needed to facilitate such negotiations and such information is reasonably obtainable.

(2) The land exchange authorized by this section shall be subject to the laws and regulations applicable to exchanges involving lands managed by the Secretary as part of the National Park System.

SEC. 102. BOUNDARY ADJUSTMENT.

At the same time that the Secretary exchanges lands pursuant to this title, the Secretary shall adjust the boundaries of Olympic National Park in the manner depicted on the map referenced in section 101(a)(3) so as to exclude from such unit of the National Park System the lands transferred to the city of Tacoma by the Secretary pursuant to such exchange.

SEC. 103. ADDITIONAL PROVISIONS.

Nothing in this title shall be construed—

(1) as approval or disapproval of any reservoir operating level for the Cushman Reservoir which, after a boundary adjustment under section 102, would not inundate any lands within any unit of the National Park System;

(2) to limit the right or ability of any party, including any Indian tribe and Federal Agency, to fully participate as intervenors or otherwise in any process relating to the Cushman Project (No. 460); or

(3) as limiting or otherwise affecting any rights by treaty, executive order, or Federal law of the Skokomish Tribe or any other Indian tribe, including (but not limited to) rights related to fishing or the use of water.

TITLE II—OLYMPIC EXPERIMENTAL STATE FOREST

SEC. 201. PURPOSE.

The purpose of this title is to assist the experimental management and research program being conducted by the State of Washington on State-owned trust lands on the western Olympic Peninsula in order to contribute to the conservation of the northern spotted owl, old growth ecosystems and fishery resources and to provide for a sustainable supply of timber and trust income in a manner that is consistent with these conservation objectives.

SEC. 202. DEFINITIONS.

For purposes of this title:

(1) The term "conservation" means the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided by the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are no longer necessary. Such measures and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

(2) The term "Secretary" means the Secretary of the Interior acting through the Director of the United States Fish and Wildlife Service.

SEC. 203. MANAGEMENT AND RESEARCH PLAN FOR THE OLYMPIC STATE EXPERIMENTAL FOREST.

(a) PLAN DEVELOPMENT.—The State of Washington may develop and submit to the Secretary of the Interior a management and research plan for the Olympic Experimental State Forest that—

(1) is based upon the recommendations of the Commission on Old Growth Alternatives for Washington's Forest Trust Lands contained in the June 1989 final report of the Commission;

(2) is developed by the State land management agency in consultation with the State wildlife agency and the Olympic Natural Resources Center or a comparable research institution: *Provided, however*, That the research components of the plan shall be developed jointly by the State land management agency and the Olympic Natural Resources Center or a comparable research institution and in consultation with the State wildlife agency;

(3) provides for the close integration of research and management in the plan, and

(4) shall be accompanied by a draft of the detailed statement on the proposed actions under the plan required by section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) PLAN CONTENTS.—(1) The plan shall provide for the conservation of the northern spotted owl on the Olympic Experimental State Forest and reflect scientifically sound ecosystem management principles designed to contribute to the conservation of fisheries, other sensitive species and the ecology of the forest generally.

(2) The plan shall contain the following elements:

(A) A framework for coordinated decisionmaking for implementing the plan among the State land management agency, the State wildlife agency and the Olympic Natural Resources Center or a comparable research institution.

(B) A detailed description of the individual elements of the management and research plan; the process for implementing and funding the plan and an allocation of responsibilities for plan implementation and enforcement.

(C) Findings of the State wildlife agency about the extent to which the plan will achieve the objectives in paragraph (1).

SEC. 204. PLAN REVIEW AND APPROVAL.

(a) PLAN REVIEW.—Upon submission of the management and research plan for the Olympic Experimental State Forest under section 203(a), the Secretary shall determine whether the plan—

(1) provides for the conservation of the northern spotted owl in the experimental forest; and

(2) is consistent with the final northern spotted owl recovery plan as it applies to the Olympic Peninsula or, in the absence of a final recovery plan, the draft northern spotted owl recovery plan dated April 1992 as it applies to the Olympic Peninsula.

(b) REVIEW AND PUBLIC COMMENT.—The Secretary shall after notice and public comment complete the review of the management and research plans within 90 days after the submission of the plan and supporting documentation by the State of Washington under section 203(a) or within such other period of time as is mutually agreeable to the Secretary and the State of Washington.

(c) APPROVAL.—If the Secretary determines that the management and research plan for the Olympic Experimental State Forest meets the standards of subsection (a), the Secretary shall approve the plan and so notify the State.

(d) RELATIONSHIP TO OTHER LAW.—If the State authorities identified by the plan as responsible for implementing it comply with their obligations under the approved plan, any activity conducted pursuant to it in the Olympic Experimental State Forest shall not be considered a prohibited taking of the northern spotted owl under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on H.R. 4489, the bill now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4489 is legislation introduced by Representative NORM DICKS to provide for a land exchange between the city of Tacoma, WA, and Olympic National Park.

The city of Tacoma operates a hydroelectric project which inundates a small portion of Olympic National Park. The city is seeking a long-term relicense of the facility. That portion of the project which encroaches on Olympic National Park land cannot be relicensed, so the city entered into negotiations with the National Park Service last year to find lands which may be appropriate for exchange.

H.R. 4489 as amended would authorize a land exchange in which the city of Tacoma would convey two inholdings consisting of approximately 45 acres within Olympic National Park to the National Park Service in exchange for the National Park Service conveying to the city of Tacoma approximately 30 acres near Lake Cushman. The lands to be given to the National Park Service are of greater value than the lands being exchanged and the National Park Service testified as to their importance in managing the park. Following the land exchange, the Secretary of the Interior would then modify the boundaries of Olympic National Park to reflect the results of the exchange.

The Interior Committee has worked closely with the author of the bill, the National Park Service, the Skokomish Indian Tribe and the city of Tacoma to work out a substitute amendment which addresses various concerns which were raised about the bill. The substitute before us today is a compromise bill which meets the concerns of all the parties involved. It will provide for the land exchange without prejudicing or limiting the involvement of any party to freely participate in the overall relicensing of the hydroelectric facility.

The bill before us today also incorporates the provisions of the bill H.R.

4615. This bipartisan bill passed the House on August 11 of this year by voice vote. This bill authorizes the State of Washington to submit to the Secretary of the Interior a management and research plan for the Olympic Experimental State Forest. The purpose is to explore forest management approaches which provide for sustainable timber yields and conservation of sensitive species and ecosystems. The bill only effects State owned forest lands.

Mr. Speaker, H.R 4489, as amended, resolves a longstanding problem between the city of Tacoma and the National Park Service and provides for an experimental program on a State forest which could provide valuable insights in complex forest issues in the Pacific Northwest. I urge Members to support the bill as amended.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4489 which authorizes a land exchange between the city of Tacoma, WA, and the Olympic National Park.

This legislation has been fully explained by Chairman VENTO. Although I support the bill, I must point out one concern about it.

I do not believe that this legislation should get involved, in any way, with the environmental review associated with the relicensing of the FERC permit for the Cushman Dam. the dam existed before the park was created and is located outside the park boundary. The FERC relicensing process is complicated enough without it getting new congressional mandates.

This legislation, and its accompanying report, should not address the FERC relicensing issue or any environmental review associated with that process.

Title II of this bill deals with the Olympic Experimental State Forest and is identical to a bill passed by the House last August, H.R. 4615. That legislation has strong bipartisan support in the committees on Agriculture and Merchant Marine as well as the Washington delegation. I have no objection to including that bill as title II to H.R. 4489.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. DICKS], the sponsor of the Tacoma legislation.

Mr. DICKS. Mr. Speaker, I rise to express my strong support for the bill under suspension, H.R. 4489, which will allow for a land exchange for the Olympic National Park related to the city of Tacoma's Cushman hydroelectric project.

I want to thank the very able chairman of the Interior Committee, the gentleman from California [Mr. MILLER], and the subcommittee chairman, the gentleman from Minnesota [Mr. VENTO], for their hard work and cooperation in getting this bill out of committee, and onto the floor. I also want to commend the ranking Republican member for his cooperation on this particular project as well.

This bill reflects good cooperation in the State of Washington among affected and concerned interests. I especially want to thank the Skokomish Tribe for its cooperation and support on the Cushman bill, as well as the city of Tacoma and our local utility, Tacoma City Light. I want to thank the Park Service, and particularly the supervisor of the Olympic National Park for her commitment to working out the concerns associated with this proposal.

This bill solves a problem for the city of Tacoma, it resolves concerns for the Olympic National Park, and it ensures that the interests of the Skokomish Indian Tribe are protected. Specifically, H.R. 4489 provides for the exchange of 45 acres of non-Federal land on the Olympic Peninsula in Washington State, located in the Soleduck and Quileute areas of the Olympic National Park, for 30 acres of Federal land overlapping Lake Cushman. The bill ensures that the land exchange and the accompanying title transfer occurs through the mutual consent and cooperation of the Department of Interior and the city of Tacoma.

Additionally, the bill allows for the city of Tacoma to work with the Skokomish Tribe and negotiate issues related to impacts of the Cushman project on fish, wildlife, and other natural resources. I would also add that the committee has done a fine job in showing sensitivity to the tribe's concerns with the FERC process. I am pleased that we have been able to work with the city of Tacoma and the Skokomish Tribe to develop report language accompanying this bill to ensure that nothing in the bill will in any way impede upon or shape the outcome of the FERC relicensing process related to the Cushman project.

I would also like to thank Chairman MILLER, Chairman STUDDS, and Chairman VENTO for agreeing to offer a floor substitute to this bill, which will allow for the inclusion of H.R. 4615, the Olympic Peninsula experimental forest bill. The Olympic experimental forest bill is very important to the State of Washington, and has the full support of our State's delegation.

The Olympic Peninsula experimental forest concept represents a creative attempt to address multiuse management concerns on the State land base on the Olympic Peninsula. The experimental forest is very promising for its potential to benefit timber-dependent communities such as Forks, Washington, and communities on the Olympic Peninsula are very supportive of what the State is attempting to achieve with the forest.

The concept of an experimental forest was initially recommended by the State's commission on old growth alternatives in 1989. The experimental forest concept represents an innovative approach to the ecological management of 260,000 acres of Washington State-owned trust land.

The proposed experimental forest lies on the western Olympic Peninsula, and contains most of the old growth forest remaining on State lands. Specifically, H.R. 4615 allows for the State of Washington to develop and submit to the Secretary of the Interior a management plan for the Olympic experimental State forest that is based on the recommendations of the commission on old growth alternatives, is developed by the State land management agency in consultation with the State wildlife agency and Olympic natural resources center, and provides for the close integration of research and management in the plan.

I ask that my colleagues support the Vento substitute, which includes both the Olympic National Park land exchange bill, H.R. 4489, and the Olympic experimental forest bill, H.R. 4615.

Mr. Speaker, I also want to thank the chairman for the courtesy of placing on this legislation the measure dealing with our experimental forests, which is very crucial to the future of our State and particularly our forest practices, and again I want to commend the gentlewoman from Washington [Mrs. UNSOELD] for her dedication and commitment to getting that legislation enacted. I am pleased to be a cosponsor of it. I just want to commend her again for the tremendous effort she made to get this bill through several committees and now we are sending it to the Senate with the help of our Senators, and Members of the other body. We hope we can enact both these bills as this session comes to an end.

Again I want to thank my friend and classmate, the gentleman from Minnesota [Mr. VENTO] for his help and cooperation on these two measures.

Mr. VENTO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD], a major sponsor of the provision added to the Tacoma bill.

Mrs. UNSOELD. Mr. Speaker, I rise in support of this legislation to resolve an ongoing dispute over land occupied by the Cushman hydroelectric project within the Olympic National Park. I want to commend my friend and Washington State colleague, Mr. DICKS, for his work on this bill.

I also want to thank Chairman VENTO for allowing the text of H.R. 4615 to be included in the substitute. This is a bill I introduced to establish a 260,000 acre experimental forest on State-owned lands on the Olympic Peninsula. It was unanimously adopted by the House on August 11. The only change being made today is a clarification to ensure that the management plan for the experimental forest is consistent with NEPA. My understanding is that, with this additional language, the other body is prepared to accept this proposal.

Mr. Speaker, the Olympic Experimental Forest bill will help develop a new generation of forest management methods designed to provide both sustainable harvests and healthy ecosystems for fish and wildlife. It provides an alternative to the save or sacrifice dichotomy we now face—an alternative to the choice between total preservation or clear cuts and plantations.

A lot of hard work by a lot of people in the Northwest has gone into the two provisions of the bill before us today and I urge its adoption.

Mr. SWIFT. Mr. Speaker, I would like to take this opportunity to express my support for H.R. 4489, a bill authorizing a land exchange between the Olympic National Park and the city of Tacoma Public Utilities. The bill is needed so that a boundary dispute within my district can be resolved. This dispute has been a continuing source of concern for the residents of Lake Cushman, as they have seen their property values affected and their recreational facilities threatened.

I believe that this bill represents a well balanced solution which protects the interests of the Lake Cushman residents, many whom are retired; the power consumers of the city of Tacoma, who depend on the lake's hydropower; and the Olympic National Park.

This legislation is supported by our colleagues in the Senate, Mr. ADAMS and Mr. GORTON. Similar legislation has passed the Senate Energy and Natural Resources Committee. The executive branch supports this legislation as the Park Service has been involved from the beginning in efforts to find a solution to the problem. The Olympic National Park gains 45 acres of sensitive lands which are currently in private hands, in exchange for the 30 plus acres which the Tacoma public utility receives from the park. The land which the utility gains will continue to be administered as it has in the past 30 years, except that it will now be owned by the utility.

I would like to thank Chairmen VENTO and MILLER for their prompt action on this legislation, and for their efforts to ensure that the legislation was responsive to all of the parties, including the Skokomish Tribe, which has some concerns with the FERC relicensing. I would also like to thank Congressman DICKS for introducing, and his efforts to pass, this bill.

Finally, I understand that the Interior Committee has added a slightly revised version of a previously passed House bill to H.R. 4489. The Olympic experimental forest bill, introduced by our colleague, Representative UNSOELD, passed the House on a voice vote. To facilitate its passage in the Senate, it is necessary for the House to repass this slightly changed version of this bill. I strongly support this legislation.

H.R. 4489 represents a win-win situation for all concerned, and I urge my fellow Members to pass this legislation today.

Mr. HEFLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO], that the House suspend the rules and pass the bill, H.R. 4489, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UTAH SCHOOLS AND LANDS IMPROVEMENT ACT OF 1992

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5118) to exchange lands within the State of Utah, between the United States and the State of Utah, as amended.

The Clerk read as follows:

H.R. 5118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah Schools and Lands Improvement Act of 1992".

SEC. 2. UTAH-NAVAJO LAND EXCHANGE.

(a) ADDITIONS TO RESERVATION.—For the purpose of securing in trust for the Navajo Nation certain lands belonging to the State of Utah, which comprise approximately 38,500 acres of surface and subsurface estate, and approximately an additional 9,500 acres of subsurface estate, as generally depicted on the map entitled "Utah-Navajo Land Exchange", dated May 18, 1992, such lands are hereby declared to be part of the Navajo Indian Reservation in the State of Utah effective upon the completion of conveyance from the State of Utah and acceptance of title by the United States.

(b) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire through exchange those lands described in subsection (a) which are owned by the State of Utah, subject to valid existing rights.

SEC. 3. STATE LANDS WITHIN THE GOSHUTE INDIAN RESERVATION.

(a) ADDITION TO RESERVATION.—For the purpose of securing in trust for the Goshute Indian Tribe certain lands belonging to the State of Utah, which comprise approximately 980 acres of surface and subsurface estate, and an additional 480 acres of subsurface estate, as generally depicted on the map entitled "Utah-Goshute Land Exchange", dated May 18, 1992, such lands are hereby declared to be part of the Goshute Indian Reservation in the State of Utah effective upon the completion of conveyance from the State of Utah and acceptance of title by the United States.

(b) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire through exchange those lands described in subsection (a) which are owned by the State of Utah, subject to valid existing rights.

(c) OTHER LAND.—(1) The following tract of Federal land located in the State of Nevada, amounting to about 5 acres more or less, together with all improvements thereon is hereby declared to be part of the Goshute Indian Reservation, and shall be held in trust for the Goshute Indian Tribe: Township 30 North, range 69 East, Lots 5, 6, 7, 9, 11, and 14 of Section 34.

(2) No part of such lands shall be used for gaming or any related purpose.

SEC. 4. IMPLEMENTATION.

The exchanges authorized by sections 2 and 3 of this Act shall be conducted without cost to the Navajo Nation and the Goshute Indian Tribe.

SEC. 5. STATE LANDS WITHIN THE NATIONAL FOREST SYSTEM.

(a) AUTHORIZATION.—The Secretary of Agriculture is authorized to accept on behalf of the United States the school and institutional trust lands owned by the State of Utah within units of the National Forest System, comprising approximately 76,000 acres as depicted on a map entitled "Utah Forest Land Exchange", dated May 18, 1992.

(b) STATUS.—Any lands acquired by the United States pursuant to this section shall become a part of the national forest within which such lands are located and shall be subject to all the laws and regulations applicable to the National Forest System.

SEC. 6. STATE LANDS WITHIN THE NATIONAL PARK SYSTEM.

(a) AUTHORIZATION.—The Secretary of the Interior is hereby authorized to accept on behalf of the United States all school and institutional trust lands owned by the State of Utah located within all units of the National Park System located within the State of Utah on the date of enactment of this Act.

(b) STATUS.—(1) Notwithstanding any other provision of law, all lands of the State of Utah within units of the National Park System that are conveyed to the United States pursuant to this section shall become a part of the appropriate unit of the National Park System, and be subject to all laws and regulations applicable to that unit of the National Park System.

(2) The Secretary of the Interior shall, as a part of the exchange process of this Act, credit to the State of Utah the fair market value of 580.64 acres within Capitol Reef National Park that were conveyed by the State of Utah to the United States on July 2, 1971, for which the State has never been compensated. The fair market value of these lands shall be established pursuant to section 8 of this Act.

SEC. 7. OFFER TO STATE.

(a) SPECIFIC OFFERS.—Within 30 days after enactment of this Act, the Secretary of the Interior shall send the State of Utah a list of lands, or interests in lands, within the State of Utah for transfer to the State of Utah in exchange for the State lands and interests described in sections 2, 3, 5, and 6 of this Act. Such list shall include only the following Federal lands, or interests in lands:

(1) Blue Mountain Telecommunications Site, fee estate, approximately 640 acres.

(2) Beaver Mountain Ski Resort Site, fee estate, approximately 3,000 acres, as generally depicted on the map entitled "Beaver Mountain Ski Resort" dated September 16, 1992.

(3) The unleased coal located in the Winter Quarters tract.

(4) The unleased coal located in the Crandall Canyon tract.

(5) All royalties receivable by the United States with respect to coal leases in the Quitchupah (Convulsion Canyon) tract.

(6) The unleased coal in the Cottonwood Canyon tract.

(7) The unleased coal in the Soldier Creek tract.

(b) ADDITIONAL OFFERS.—(1) In addition to the lands and interests specified in subsection (a), the Secretary may offer to the State of Utah the right to receive a portion of the royalties receivable by the United States with respect to Federal geothermal, oil, gas, or other mineral interests in Utah which on August 1, 1992 were under lease and covered by an approved permit to drill or plan of development and plan of reclamation, were in production, and were not under administrative or judicial appeal.

(2) No offer under this subsection shall be for royalties aggregating more than 50 percent of the total appraised value of the State lands described in sections 2, 3, 5, and 6.

(3) The Secretary shall make no offer under this subsection which would enable the State of Utah to receive royalties exceeding a total amount of $25,000,000 unless such offer has been approved by enactment of an appropriate joint resolution of Congress.

(4) If the total value of lands and interests therein and royalties offered to the State pursuant to subsections (a) and (b) is less than the total value of the State lands described in sections 2, 3, 5, and 6, the Secretary shall provide the State a list of all public lands in Utah that as of August 1, 1992, the Secretary, in resource management plans prepared pursuant to the Federal Land Policy and Management Act of 1976, had identified as suitable for disposal by exchange or otherwise, and shall offer to transfer to the State any or all of such lands, as selected by the State, in partial exchange for such State lands, to the extent consistent with other applicable laws and regulations.

SEC. 8. APPRAISAL OF LANDS TO BE EXCHANGED.

(a) EQUAL VALUE.—All exchanges authorized under this Act shall be for equal value. No later than 90 days after enactment of this Act, the Secretary of the Interior, the Secretary of Agriculture, and the Governor of the State of Utah shall arrange for appraisal of the lands or interests therein involved in the exchanges authorized by this Act. A detailed appraisal report shall utilize nationally recognized appraisal standards including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition.

(b) DEADLINE AND DISPUTE RESOLUTION.—(1) If after 2 years from the date of enactment of this Act, the State of Utah and the Secretary of the Interior have not agreed upon the values of the lands or interests therein involved in some or all of the exchanges authorized by this Act, notwithstanding any other provisions of law, either the State or the Secretary may bring an action for resolution of any values in dispute in any appropriate United States District Court, and such court shall have jurisdiction to hear, determine, and render judgment on the value of any and all lands, or interests therein, involved in the exchange.

(2) The United States District court shall be empowered to order appropriate actions by the Secretary, including the making of payments based on any additional offer made pursuant to section 7(b)(1) and the conveyance to the State of as many Federal lands or interests therein described in section 7 and offered by the Secretary as may be required to provide the State of Utah value equal to the value of the lands described in sections 2, 3, 5, and 6 that the State conveys to the United States as part of an exchange authorized by this Act.

(3) Any action provided for in this subsection can be filed with the court no sooner than 2 years and no later than 5 years after the date of enactment of this Act. Any decision of a District Court under this Act may be appealed in accordance with applicable laws and rules.

SEC. 9. TRANSFER OF TITLE.

(a) TERMS.—(1) The State of Utah shall be entitled to receive so much of those lands or interests in lands and additional royalties described in section 7 that are offered by the Secretary of the Interior and accepted by the State as are equal in value to the State lands and interests described in sections 2, 3, 5, and 6, but no payment shall be made with respect to an offer pursuant to section 7(b)(1) before October 1, 1995.

(2) For those properties where fee simple title is to be conveyed to the State of Utah, the Secretary of the Interior shall convey, subject to valid existing rights, all right, title and interest, subject to the provisions of subsection (b). For those properties where less than fee simple is to be conveyed to the State of Utah, the Secretary shall reserve to the United States all remaining right, title and interest of the United States.

(3) All right, title, and interest in any mineral rights described in section 7 that are conveyed to the State of Utah pursuant to this Act shall revert to the United States upon removal of minerals equal in value to the value attributed to such rights in connection with an exchange under this Act.

(4) If the State of Utah accepts the offers provided for in this Act, the State shall convey to the United States, subject to valid existing rights and in a form in accordance with the Department of Justice standards for the preparation of title evidence in land acquisitions by the United States, all right, title and interest of the State to all school and institutional trust lands described in sections 2, 3, 5, and 6 of this Act. Except as provided in section 7(b), conveyance of all lands or interests in lands shall take place within 60 days following agreement by the Secretary of the Interior and the Governor of the State of Utah, or entry of an appropriate order of judgment by the district court.

(b) INSPECTIONS.—Both parties shall inspect all pertinent records and shall conduct a physical inspection of the lands to be exchanged pursuant to this Act for the presence of any hazardous materials as presently defined by applicable law. The results of those inspections shall be made available to the parties. Responsibility for costs of remedial action related to materials identified by such inspections shall be borne by those entities responsible under existing law.

(c) CONDITIONS.—(1) With respect to the lands and interests described in section 7(a), enactment of this Act shall be construed as satisfying the provisions of section 206(a) of the Federal Land Policy and Management Act of 1976 requiring that exchanges of lands be in the public interest.

(2) Development of any mineral interest transferred to the State of Utah pursuant to this Act shall be subject to all laws, rules, and regulations applicable to development of non-Federal mineral interests, including, where appropriate, laws, rules, and regulations applicable to such development within National Forests.

SEC. 10. MISCELLANEOUS.

(a) IN GENERAL.—As soon as practicable after enactment, a map and legal description of the lands added to the Navajo and Goshute Indian Reservations and all lands exchanged under this Act shall be filed by the appropriate Secretary with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and each such map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the offices of the Secretary of Agriculture and the Secretary of the Interior and the Utah offices of the appropriate agencies of the Department of the Interior and Department of Agriculture.

(b) PILT.—Section 6902(b) of title 31, United States Code, is amended by striking "acquisition." and inserting in lieu thereof "acquisition, nor does this subsection apply to payments for lands in Utah acquired by the United States if at the time of such acquisition units, under applicable State law, were entitled to receive payments from the State for such lands, but in such case no payment under this chapter with respect to such acquired lands shall exceed the payment that would have been made under Utah State law as of the date of enactment of the Utah Schools and Lands Improvement Act of 1992 if such lands had not been acquired.".

(c) INTENT.—The lands and interests described in section 7 are an offer related only to the State lands and interests described in this Act, and nothing in this Act shall be construed as precluding conveyance of other lands or interests to the State of Utah pursuant to other exchanges under applicable existing law or subsequent Act of Congress. It is the intent of Congress that the State should establish funding, or some other mechanism, to assure that counties within the States are treated equitably as a result of this exchange.

(d) COSTS.—The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

(e) DEFINITIONS.—As used in this Act—

(1) the term "school and institutional trust lands" means those properties granted by the United States in the Utah Enabling Act to the State of Utah in trust and other lands which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act;

(2) the term "public lands" has the same meaning as in the Federal Land Policy and Management Act of 1976;

(3) the term "State" means the State of Utah; and

(4) the term "Secretary" means the Secretary of the Interior.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 5118, the bill now under consideration.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 5118 was introduced by Representative OWENS of Utah, who has worked tirelessly, along with the rest of the Utah delegation and the State administration, to enable us to bring it to the floor today.

The bill provides for transfer to the National Government of more than 202,600 acres of State-owned lands and minerals located within units of the National Park and National Forest Systems and Indian reservations in Utah, in return for which the State will receive equal value in the form of a mix of specified lands and interests in lands, and perhaps a limited share of royalties from existing, producing Federal mineral leases in Utah.

The bill is called the Utah Schools and Lands Improvement Act because the transfers to the State will benefit the school trust established at the time of Utah's Statehood and because the bill addresses land-management problems that have their roots in the history of the American people's public domain lands.

Madam Speaker, the current pattern of land ownership in Utah, as in other Western States, leaves much to be desired. The National Government granted more than 7.5 million acres of land to the new State of Utah at the time of its admission to the Union. These grants were intended to promote economic development and, through the largest of the several grants to the State, to benefit Utah's public schools.

Unfortunately, because the grants were based on the arbitrary straight lines of surveyors rather than on topography or the characteristics of the land, the result has been to fragment land ownership patterns in ways that present difficult problems for all concerned, especially for those responsible for managing the lands held by the State and National governments.

More than 10 years ago, under the leadership of Utah's former Governor, the late Scott Matheson, the State government developed a proposal—known as Project Bold—for broad-scale adjustment of the land-ownership pattern in Utah through the exchange of State lands for lands held by the National Government on behalf of the American people.

More recently, in 1988, the Subcommittee on National Parks and Public Lands held a field hearing in Salt Lake City on a bill introduced by the gentleman from Utah [Mr. OWENS] that would have established a process for implementing the sort of exchanges that Governor Matheson had envisioned.

At that time, the new State administration did not believe that legislation was necessary in order to complete extensive exchanges. Since then, however, Governor Bangerter and his administration have sought the assistance of Congress in resolving deadlocks, in particular over how to resolve disagreements as to the values to be assigned to the lands and interests proposed for exchange.

On July 17 of this year, a month after our subcommittee hearing on H.R. 5118, Governor Bangerter wrote to me and other members of the Interior Committee reporting that the State and the national administration had reached agreement on the outline of a legislative proposal. The bill now before us is based on that proposal, with important refinements developed by the Interior Committee.

The bill requires appraisal of all the lands and interests to be exchanged, and provides that disagreements over valuation can be resolved through judicial action in Federal court. It combines certainty about the State and national lands and minerals involved with administrative flexibility, by giving the Secretary of the Interior carefully limited discretion to include additional mineral royalties as part of the value to be given the State in return for the State's national park, national forest, and Indian reservation inholdings. Also included are important provisions to protect the environmental and other values of the national lands as well as to require that exchanges be fair to both the taxpayers of the Nation and the State of Utah.

Madam Speaker, the bill is explained in more detail in the report of the Committee on Interior and Insular Affairs. Therefore, I will conclude by saying that this is a very significant measure and by again expressing my appreciation for the hard work of the gentleman from Utah [Mr. OWENS] on this issue. Along with Representative HANSEN, our other Utah colleague on the Interior Committee, as well as Representative ORTON, Mr. OWENS deserves congratulations for this bill—a bill that honors the memory of Governor Matheson, a bill that is in the interest both of the State of Utah and the National Government, and a bill that deserves the approval of the House.

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Madam Speaker, I reserve the balance of my time.

Mr. HANSEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of the Utah Schools and Lands Improvement Act of 1992. This is legislation that Gov. Norman Bangerter brought to Utah's congressional delegation earlier this year. I would like to thank my good friend Governor Bangerter for his tireless work on behalf of this bill.

When Utah was admitted into the Union in 1896, it was granted sections of land to be used for the support of its common schools. Subsequently, the United States created Federal reservations for native Americans, military purposes, development of forest lands, and preservation of uniquely beautiful lands in national parks and monuments. All of these reservations were superimposed upon the existing school trust lands, thereby complicating the management of the Federal reservations and curtailing the economic development of the State lands. The Federal Government has enjoyed the use of the State's trust lands inheld in its Federal reservations without providing compensation for that use.

Throughout the history of the State of Utah, succeeding Governor's have tried unsuccessfully to enter into negotiations with the Federal Government to resolve this dilemma. Now working with Utah's education, business, and environmental communities, we have found a solution that will allow the State to realize the purpose for which these trust lands were originally designated. The legislation the House considers today will authorize a value for value exchange of approximately 200,000 acres of school trust lands trapped within national parks, national forests, and Indian reservations for various Federal resources. The State would receive as much of the Federal resources as is required to equal the value of the State lands being offered. Value would be set by appraisals and reconciliation of appraisal differences.

Sections 2 and 3 of the bill authorize the acquisition of State trust lands within the Navajo and Goshute Reservations. The language in these sections is necessary to ensure that the lands are held in trust for the members of these native American nations. Section 5 describes the lands within the national forests in Utah that are to be conveyed to the United States. The total acreage is 76,000 acres. Section 6 authorizes the Secretary of the Interior to make similar exchanges of all school and institutional trust lands located within the National Park System.

It is important to note that this bill has been carefully crafted so that the sections describing the reservation, forest, and park lands are discrete and will allow separate negotiations to occur between the State and the appropriate Federal agency. This legislation authorizes a process for exchange, and does not mandate that exchange occur if the State and the Federal Government cannot reach agreement on the value of lands described. This point is critical to the State. The Federal Government has enjoyed the use of the State's trust lands inheld in its Federal reservations without providing compensation for that use. Subsequently, the school trust fund has suffered. Utah must be allowed to receive full value for these lands including, the unknown potential of the subsurface estates within the Forest Service boundaries, in order to assure a fair and equitable exchange.

The bill also directs the Secretary of the Interior to offer identified lands and mineral royalties in exchange for Utah's inholdings. It further dictates that royalties may contribute no more than 50 percent of the total value of the State's lands. Further, the bill establishes a cap on the total amount of royalties that the State can receive.

Governor Bangerter and I share a great concern with this restriction in the bill. We have all expended great time and energy to bring this legislation to a successful end. The cap set by the Interior Committee would force the State to repeat this time consuming legislative process should the limit be exceeded. The requirements by which the Department of the Interior and the State will carry out the appraisals of the respective properties is spelled out very clearly in the bill. We believe these requirements eliminate the need for the additional review that would be triggered by the cap. This is an issue that I intended to address by amendment in full committee, but I have agreed to allow the legislation to go forward to keep this process moving as I believe the other body will resolve it.

This legislation is important to Utah's schools and equally as important to the improved management of the Nation's forests and parks. I would like to thank Secretary Lujan and Cy Jamison for their assistance. Their service and the help of countless others has been invaluable. I am sure that as this legislation moves forward we can work out the difference that I have outlined and bring it to a speedy and successful conclusion.

Madam Speaker, I reserve the balance of my time.

Mr. VENTO. Madam Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. OWENS] who has been, as I said, a tireless advocate and worker along with others in the delegation who have worked a long time toward this coming to fruition. I sincerely hope it makes it all the way.

Mr. OWENS of Utah. Madam Speaker, I thank the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee whose tireless efforts themselves are responsible for bringing up to this point, and, if we do succeed, it will be in large part due to his very serious and sincere assistance here.

This is a historic moment. Utah has several million acres of land which is checkerboarded within the Federal lands throughout our State. This is a historic bill because it is the first time that Congress has acted to move some of this land which the State owns into productivity, and this legislation, as my colleague, the gentleman from Utah [Mr. HANSEN], just mentioned and as the chairman of the subcommittee pointed out, will have an immense impact for the school children of the State of Utah, moving resources which lay fallow and unproductive into cash resources to assist in the payment of the costs of educating our school children.

Great credit goes properly to Governor Bangerter who was the originator of this legislation in which the delegation has unitedly gotten in back of to bring to fruition, as well as to Senator GARN and Attorney General Paul Van Damme, and to my colleague, the gentleman from Utah [Mr. HANSEN], and our third colleague, the gentleman from Utah [Mr. ORTON], great credit is also due, and I express appreciation to them and to the gentleman from California [Mr. MILLER] as well. Great and significant work has been done by Steve Boyden, Assistant Attorney General, Debby Turner running the Utah State office, my own administrative assistant, Scott Kearin, and the committee staff Dan Beard, Dan Adamson, and particularly Stan Sloss. They are responsible for bringing this legislation to the point of passage today.

With only 200,000 acres out of over 3 million possible acres of State land involved in this exchange, Madam Speaker, we are not going to answer every question about the future of Utah's State school lands in this bill. But this is an excellent start, and all of Utah's school children will benefit from this infusion of many millions of dollars into the State school trust from San Juan County in the canyons of southern Utah to Salt Lake County in the urban north.

This bill is also critically important environmentally and is supported by a coalition of environmental groups. It means better and more consistent management of natural lands in Utah. Without this legislation to eliminate the risk of commercial development in the parks and Forest Service lands, Madam Speaker, we could conceivably see another kind of golden arches someday among the sandstone formation of Arches National Park. This bill removes the Sword of Damocles of inappropriate State development from the heart of some of our most precious national park lands.

Most of all, Madam Speaker, this bill does mean much needed funds for Utah's school system and represents the partial realization of promises made to Utah by the Federal Government at the time of statehood, now nearly 100 years ago.

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Utah has waited a long time for a solution to this perplexing dilemma. I thank the Committee on Interior and Insular Affairs for bringing this measure up today and for their support.

Mr. HANSEN. Madam Speaker, I thank Chairman VENTO and his staff for helping us on this matter. I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. UNSOELD). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 5118, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

SPRING MOUNTAINS NATIONAL RECREATION AREA ACT

Mr. VENTO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4590) to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes; as amended.

The Clerk read as follows:

H.R. 4590

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spring Mountains National Recreation Area Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) NATIONAL FOREST LANDS.—The term "National Forest lands" means lands included in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(2) RECREATION AREA.—The term "Recreation Area" means the Spring Mountains National Recreation Area established by this Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) preserve scenic, scientific, historic, cultural, natural, wilderness, watershed, riparian, wildlife, threatened and endangered species, and other values contributing to public enjoyment and biological diversity in the Spring Mountains of Nevada;

(2) ensure appropriate conservation and management of natural recreation resources in the Spring Mountains; and

(3) provide for the development of public recreation opportunities in the Spring Mountains for the enjoyment of present and future generations.

SEC. 4. ESTABLISHMENT OF RECREATION AREA.

(a) IN GENERAL.—Subject to valid existing rights, there is established the Spring Mountains National Recreation Area in Nevada.

(b) BOUNDARIES AND MAP.—The Recreation Area shall consist of approximately 316,000 acres of federally owned lands and waters in the

Toiyabe National Forest, as generally depicted on a map entitled "Spring Mountain National Recreation Area—Proposed", numbered NV-CH, and dated August 2, 1992.

(c) Map Filing.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map of the Recreation Area with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(d) Public Inspection.—The map shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture.

(e) Discrepancies.—In the case of any discrepancy between or among the acreage referred to in subsection (b) and the map described in subsection (b), the map described in subsection (b) shall control any question concerning the boundaries of the Recreation Area.

SEC. 5. MANAGEMENT.

(a) In General.—The Secretary, acting through the Chief of the Forest Service, shall manage the Recreation Area in accordance with the laws, rules, and regulations pertaining to the National Forest System and this Act to provide for—

(1) the conservation of scenic, scientific, historic, cultural, and other values contributing to public enjoyment;

(2) the conservation of fish and wildlife populations and habitat, including the use of prescribed fire to improve or maintain habitat;

(3) the protection of watersheds and the maintenance of free flowing streams and the quality of ground and surface waters in accordance with applicable Federal and State law;

(4) public outdoor recreation benefits, including, but not limited to, hunting, fishing, trapping, hiking, horseback riding, backpacking, rock climbing, camping, and nature study;

(5) wilderness areas as designated by Congress; and

(6) the management, utilization, and disposal of natural resources in a manner compatible with the purposes for which the Recreation Area is established.

(b) Hunting, Trapping, and Fishing.—

(1) In general.—Subject to paragraph (2), the Secretary shall permit hunting, trapping, fishing, and habitat management within the Recreation Area in accordance with the laws of the United States and the State of Nevada.

(2) Exceptions.—The Secretary, after consultation with the Nevada Department of Wildlife, may designate zones where and periods when hunting, trapping, or fishing shall not be permitted for reasons of public safety, administration, or public use and enjoyment.

(c) Grazing.—The grazing of livestock may be permitted to continue pursuant to Federal law and subject to such reasonable regulations, policies, and practices as the Secretary considers necessary.

(d) Preventive Measures.—Nothing in this Act shall preclude such reasonable measures as the Secretary considers necessary to protect the land and resources from fire or insect or disease infestation in the Recreation Area.

SEC. 6. MANAGEMENT PLAN.

(a) In General.—

(1) Procedures.—Not later than 3 full fiscal years after the date of enactment of this Act, the Secretary shall develop a general management plan for the Recreation Area as an amendment to the Toiyabe National Forest Land and Resource Management Plan. Such an amendment shall reflect the establishment of the Recreation Area and conform to the provisions of this Act, except that nothing in this Act shall require the Secretary to revise the Toiyabe National Forest Land and Resource Management Plan pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974. The provisions of the national forest land and resource management plan relating to the recreation area shall also be available to the public in a document separate from the rest of the forest plan.

(2) Contents.—The management plan described in paragraph (1) shall be developed with full public participation and shall include—

(A) implementation plans for a continuing program of interpretation and public education about the resources and values of the Recreation Area;

(B) proposals for public facilities to be developed, expanded, or improved for the Recreation Area, including one or more visitor centers to accommodate both local and out-of-State visitors;

(C) plans for the management of natural and cultural resources in the Recreation Area, with emphasis on the preservation and long-term scientific use of archaeological resources, with priority in development given to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Recreation Area;

(D) wildlife and fish resource management plans for the Recreation Area prepared in consultation with appropriate departments of the State of Nevada and using other available studies of the Recreation Area;

(E) recreation management plans for the Recreation Area in consultation with appropriate departments of the State of Nevada;

(F) wild horse and burro herd management plans for the Recreation Area prepared in consultation with appropriate departments and commissions of the State of Nevada; and

(G) an inventory of all lands within the Recreation Area not presently managed as National Forest lands that will permit the Secretary to evaluate possible future acquisitions.

(3) Consultation.—The plans for the management of natural and cultural resources described in paragraph (2)(C) shall be prepared in consultation with the Advisory Council on Historic Preservation established by title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.) and the Nevada State Department of Conservation and Natural Resources, Division of Historic Preservation and Archaeology.

(b) Wilderness Study Areas.—

(1) Recommendations.—The general management plan for the Recreation Area shall include the recommendations of the Bureau of Land Management as to the suitability or nonsuitability for preservation as wilderness of the 89,270 acres identified as the Mt. Stirling, La Madre Mountains, and Pine Creek Wilderness Study Areas on the Bureau of Land Management Wilderness Status Map, dated March 1990.

(2) Management.—Pending submission of a recommendation and until otherwise directed by Act of Congress, the Secretary, acting through the Chief of the Forest Service, shall manage the lands and waters within the wilderness study areas referred to in paragraph (1) so as to maintain their potential for inclusion within the National Wilderness Preservation System.

SEC. 7. ACQUISITION OF LANDS.

(a) In General.—The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands, or lesser interests therein, including mineral interests, water rights, and scenic easements, which the Secretary determines are needed for the purposes of this Act.

(b) Exchanges Out of Federal Ownership.—Federally owned lands, waters, or interests in lands or waters located within the Recreation Area may not be exchanged except in connection with an exchange for lands, waters, or interests in lands or waters owned by the State of Nevada or a political subdivision of the State.

(c) Incorporation of Acquired Lands.—Any lands, waters, or interests in lands or waters located within the Recreation Area that are acquired by the United States or administratively transferred to the Secretary after the date of enactment of this Act shall be incorporated into the Recreation Area and managed in accordance with the laws, rules, and regulations applicable to the National Forest System and the provisions of this Act.

(d) Land and Water Conservation Fund.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), where such boundaries are established for units of the National Forest System, such established boundaries shall be treated as if they were the boundaries of the National Forests as of January 1, 1965. Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein in furtherance of the purposes of this Act.

SEC. 8. WITHDRAWAL.

(a) In General.—Subject to valid existing rights and except for lands described in subsection (b), all Federal lands within the Recreation Area and all lands, waters, and interests in lands and waters within the Recreation Area that are acquired by the United States after the date of enactment of this Act are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(b) Exception.—The lands referred to in subsection (a) are described as follows:

S½ Sec. 22, W½E½ and W½ Sec. 27, E½E½ Sec. 28, T 23 S, R 58 E, Mt. Diablo Meridian.

SEC. 9. COORDINATED MANAGEMENT.

The Secretary shall coordinate the management of the Recreation Area with the management of all proximate lands in a manner that best meets the present and future needs of the people of the United States.

SEC. 10. COOPERATIVE AGREEMENTS.

In order to encourage unified and cost-effective management and interpretation of natural and cultural resources in southern Nevada, the Secretary may enter into cooperative agreements with other Federal, State, and local agencies, and with nonprofit entities, that provide for the management and interpretation of natural and cultural resources in southern Nevada.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. Vento] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. Allard] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. Vento].

GENERAL LEAVE

Mr. VENTO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 4590.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 4590, the Spring Mountain National Recreation Area Act, which was introduced by Mr. BILBRAY, would designate a 316,000 acre national recreation area in the Spring Mountains of southern Nevada. All of the lands in the Spring Mountains unit of the Toiyabe National Forest would be included.

Located near two rapidly growing population centers, Las Vegas and Pahrump, the area receives approximately 5 million visitors a year. It is the only area readily accessible to southern Nevadans with forests and snow. In hearings before the Subcommittee on National Parks and Public Lands we received extensive testimony that the resources in the Spring Mountains are impressive. Dominating the area is Mount Charleston which, at 11,918 feet, is the third highest mountain in Nevada. Vegetation includes ancient bristlecone pines, which are the oldest living things on Earth, five vegetative life zones, and 48 plant species found nowhere else in the world. Wildlife includes elk, deer, wild turkey, bighorn sheep, golden eagles, wild horses and burros, and the Palmers chipmunk, which is found only in the Spring Mountains. Threatened species include the desert tortoise and Lahonton cutthroat trout. The Spring Mountains are also the beginning of the water aquifer for the city of Las Vegas.

I urge my colleagues to support this bill and protect this unique area.

Madam Speaker, I reserve the balance of my time.

Mr. ALLARD. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 4590, which would create a national recreation area in the Spring Mountains just outside of Las Vegas, NV.

This legislation has been fully explained by Chairman VENTO. I would like to add that this proposed NRA is entirely within the district of Mrs. VUCANOVICH, who is unable to be with us today.

Although Mrs. VUCANOVICH supports this bill, she is concerned that the committee made very little effort to modify boundaries to delete many of the 300 mining claims within the proposed NRA.

Although the committee did change some boundaries to exclude highly mineralized areas, it reduced the size of the NRA by less than 1 percent.

Unfortunately, this Congress far too often does not listen to the concerns of the Member representing their district when it comes to land use bills like this. Hopefully, the Senate will be better able to strike a balance between environmental protection and keeping highly mineralized areas open to potential mining.

I urge my colleagues to support H.R. 4590.

Madam Speaker, I reserve the balance of my time.

Mr. VENTO. Madam Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY], the principal sponsor of this important legislation.

Mr. BILBRAY. Madam Speaker, the Spring Mountains range is one of the two most important natural assets in southern Nevada. Over 20 million visitors are known to come to the Mount Charleston Area, one well-known destination point within the Spring Mountains.

For the 850,000 inhabitants of Las Vegas and the thousands of inhabitants in the growing city of Pahrump, the Spring Mountains offer Nevadans our only forest experience.

The National Park Service is facing a broad range of challenges to its dual mission of protecting our precious natural and cultural resources and providing visitor access.

Passage of this measure will provide great enhancements to Nevadans' existing recreational use of these public lands. Currently there are only 10 campgrounds and picnic sites that handle 2,500 persons at a time.

Without this new designation, under the present management methods these invaluable resources will not be adequately preserved for future generations.

I am proud to see this legislation come before this House. It is the result of a coordinated effort among many diverse interests within the greater Las Vegas community.

Over the last 5 years, citizens for a Spring Mountains National Recreation Area have worked to bring together a broad coalition in the hopes of establishing a national recreation area.

The goal of this legislation is to increase everyone's access to the Spring Mountains without sacrificing the quality of the outdoor experience.

With this legislation in place, the community can protect and preserve these natural resources from the encroachment of both man and the growing metropolitan areas directly to the west and east of this magnificent forest and range of mountains.

All of Nevada is grateful to the chairman and his hard-working staff for their support and guidance in bringing this measure forward.

Madam Speaker, I would like to enter into a colloquy with the gentleman from Minnesota [Mr. VENTO].

Mr. Chairman, I would like to clarify the impact that this national recreation area would have on my area. It is my intention that this new status would not cause the closing of any roads or trails to off-roaders, hikers, hunters, or horseback riders. Is that the chairman's understanding?

Mr. VENTO. If the gentleman will yield, yes, as long as these uses are consistent with the purposes of the national recreation area. There is nothing in this act that expressly directs the closing of roads.

Mr. BILBRAY. And further, that nothing in this act would be construed as forcing the U.S. Forest Service to leave open what it determines are unused or dangerous roads.

Mr. VENTO. Yes. The Forest Service will continue to have the authority to close unused and dangerous roads. The Forest Service's road policies will be governed by the provisions of the forest plan which will be amended to incorporate the provisions of this act.

Mr. BILBRAY. Madam Speaker, I thank the gentleman from Minnesota [Mr. VENTO], the chairman of the full committee, the gentleman from California [Mr. MILLER], and the rest of the members of the subcommittee and the full committee and staff, both on the minority and majority sides, for the courtesy of this hearing and for bringing this bill forward so fast. I also thank my colleague, the gentlewoman from Nevada [Mrs. VUCANOVICH], for her support of this legislation.

Mr. ALLARD. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4590, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes."

A motion to reconsider was laid on the table.

QUINEBAUG AND SHETUCKET RIVERS VALLEY HERITAGE CORRIDOR

Mr. VENTO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5423) to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor, as amended.

□ 1840

The Clerk read as follows:

H.R. 5423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1992".

SEC. 2. FINDINGS.

Congress finds that:

(1) The Quinebaug and Shetucket Rivers Valley in the State of Connecticut is one of

the last unspoiled and undeveloped areas in the Northeastern United States and has remained largely intact, including important aboriginal archaeological sites, excellent water quality, beautiful rural landscapes, architecturally significant mill structures and mill villages, and large acreage of parks and other permanent open space.

(2) The State of Connecticut ranks last among the 50 States in the amount of federally protected park and open space lands within its borders and lags far behind the other northeastern States in the amount of land set-aside for public recreation.

(3) The beautiful rural landscapes, scenic vistas and excellent water quality of the Quinebaug and Shetucket Rivers contain significant undeveloped recreational opportunities for people throughout the United States.

(4) The Quinebaug and Shetucket Rivers Valley is within a 2-hour drive of the major metropolitan areas of New York City, Hartford, Providence, Worcester, Springfield, and Boston. With the President's Commission on Americans Outdoors reporting that Americans are taking shorter "closer-to-home" vacations, the Quinebaug and Shetucket Rivers Valley represents important close-by recreational opportunities for a significant population.

(5) The existing mill sites and other structures throughout the Quinebaug and Shetucket Rivers Valley were instrumental in the development of the industrial revolution.

(6) The Quinebaug and Shetucket Rivers Valley contains a vast number of discovered and unrecovered Native American and colonial archaeological sites significant to the history of North America and the United States.

(7) The Quinebaug and Shetucket Rivers Valley represents one of the last traditional upland farming and mill village communities in the northeastern United States.

(8) The Quinebaug and Shetucket Rivers Valley played a nationally significant role in the cultural evolution of the prewar colonial period. Leading the transformation from Puritan to Yankee, the "Great Awakening" religious revival and early political development leading up to and during the War of Independence.

(9) Many local, regional and State agencies, businesses, and private citizens and the New England Governors' Conference have expressed an overwhelming desire to combine forces: to work cooperatively to preserve and enhance resources region-wide and better plan for the future.

SEC. 3. ESTABLISHMENT OF QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR; PURPOSE.

(a) ESTABLISHMENT.—There is hereby established in the State of Connecticut the Quinebaug and Shetucket Rivers Valley National Heritage Corridor.

(b) PURPOSE.—It is the purpose of this Act to provide a management framework to assist the State of Connecticut, its units of local and regional government and citizens in the development and implementation of integrated cultural, historical, and recreational land resource management programs in order to retain, enhance, and interpret the significant features of the lands, water, and structures of the Quinebaug and Shetucket Rivers Valley in the State of Connecticut.

SEC. 4. BOUNDARIES AND ADMINISTRATION.

(a) BOUNDARIES.—The Boundaries of the Corridor shall include the towns of Ashford, Brooklyn, Canterbury, Chaplin, Coventry, Eastford, Franklin, Griswold, Hampton, Killingly, Lebanon, Lisbon, Mansfield, Norwich, Plainfield, Pomfret, Preston, Putnam, Scotland, Sprague, Sterling, Thompson, Voluntown, Windham, and Woodstock. As soon as practical after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description and map of boundaries established under this subsection.

(b) ADMINISTRATION.—The Corridor shall be administered in accordance with the provisions of this Act.

SEC. 5. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Commission (referred to in this Act as the "Commission"). The Commission shall assist appropriate Federal, State, regional planning organizations, and local authorities in the development and implementation of an integrated resource management plan for the lands and water as specified in section 3.

(b) MEMBERSHIP.—The Commission shall be comprised of 19 members appointed not later than 6 months after the date of enactment of this Act as follows:

(1) The Director of the National Park Service ex officio (or his delegate).

(2) 3 individuals nominated by the Governor and appointed by the Secretary, who shall be—

(A) the Commissioner of the Connecticut Department of Environmental Protection, or a person representing the interests of the Commissioner,

(B) the Chairman of the Connecticut Historical Commission or a person representing the interests of the Chairman, and

(C) the Commissioner of the Connecticut Department of Economic Development or a person representing the interests of the Commissioner;

(3) 6 individuals representing the interests of local government or regional planning organizations from Connecticut appointed by the Secretary after receiving recommendations from the Governor, of whom, 3 shall be representatives of the 3 regional planning organizations within the Corridor region and 3 shall be local elected officials from the region; and

(4) 9 individuals from the general public, who are citizens of the State of Connecticut, appointed by the Secretary, after receiving recommendations from the Governor, representing conservation, business, tourism, and recreational interests.

A vacancy in the Commission shall be filled in the manner in which the original appointments were made.

(c) TERMS.—(1) Members of the Commission shall be appointed for terms of 3 years and may be reappointed.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Any member of the Commission appointed for a definite term may serve after the expiration of his term until his successor has taken office.

(d) COMPENSATION.—Members of the Commission shall receive no pay on account of their service on the Commission but while away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(e) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members of the Commission.

(f) QUORUM.—(1) 8 members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The affirmative vote of not less than 10 members of the Commission shall be required to approve the budget of the Commission.

(g) MEETINGS.—The Commission shall hold its first meeting not later than 90 days after the date on which its members are appointed, and shall meet at least quarterly at the call of the chairperson or 10 of its members. Meetings of the Commission shall be subject to section 552(b) of title 5, United States Code (relating to open meetings).".

(h) PROXY.—Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, but any member so voting shall not be considered present for purposes of establishing a quorum.

SEC. 6. STAFF OF THE COMMISSION.

(a) IN GENERAL.—(1) The Commission shall have the power to appoint and fix compensation of such staff as may be necessary to carry out its duties.

(2) Staff appointed by the Commission—

(A) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(B) shall be paid in accordance with provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(c) STAFF OF OTHER AGENCIES.—(1) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out the Commission's duties.

(2) The Commission may accept the service of personnel detailed from the State, any political subdivision and regional planning organizations, and may reimburse the State, political subdivision, and regional planning organizations for those services.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS.—(1) The Commission may, for the purposes of carrying out this Act, hold hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may not issue subpoenas or exercise any subpoena authority.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if so authorized by the Commission, may take any action which the Commission is authorized to take by this Act.

(c) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis, such administrative support services as the Commission may request.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and other agencies of the United States.

(e) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(f) GIFTS.—(1) Except as provided in subsection (g)(2)(B), the Commission may, for purposes of carrying out its duties, seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source.

(2) For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed as a gift to the United States.

(g) ACQUISITION OF REAL PROPERTY.—(1) Except as provided in paragraph (2) and except with respect to any leasing of facilities under subsection (c), the Commission may not acquire any real property or interest in real property.

(2) Subject to paragraph (3), the Commission may acquire real property, or interest in real property in the Corridor—

(A) by gift or devise; or

(B) by purchase from a willing seller with money that was given, appropriated, or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interest in real property, in the Corridor.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public or private land management agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

(h) COOPERATIVE AGREEMENTS.—For purposes of carrying out the plan, the Commission may enter into cooperative agreements with the State of Connecticut, with any political subdivision, or with any person or organization. Any such cooperative agreement shall, at a minimum, establish procedures for providing notice to the Commission of any action proposed by the State, such political subdivision, or such person which may affect implementation of the plan referred to in section 8.

(i) ADVISORY GROUPS.—The Commission may establish such advisory groups as it deems necessary to ensure open communication with, and assistance from, the State, political subdivisions of the State, regional planning organizations and interested persons.

SEC. 8. DUTIES OF THE COMMISSION.

(a) PREPARATION OF PLAN.—Within 2 years after the Commission conducts its first meeting, it shall submit to the Secretary of the Interior and the Governor of Connecticut for review and approval a Cultural Heritage and Corridor Management Plan. The Plan shall be based on existing Federal, State, and local plans, but shall coordinate those plans and present a unified historic preservation, interpretation, and recreational plan for the Corridor. The plan shall—

(1) provide an inventory which includes any property in the Corridor which should be preserved, restored, managed, developed, maintained, or acquired because of its national historic or cultural or recreational significance;

(2) recommend advisory standards and criteria applicable to the construction, preservation, restoration, alteration, and use of all properties within the Corridor;

(3) develop an historic interpretation plan to interpret the history of the Corridor;

(4) develop an inventory which includes existing and potential recreational sites which are developed or which could be developed along the Quinebaug and Shetucket Rivers and their surrounding areas;

(5) recommend policies for resource management which consider and detail application of appropriate land and water management techniques, including but not limited to, the development of intergovernmental cooperative agreements to protect the Corridor's historical, cultural, recreational, scenic, and natural resources in a manner consistent with supporting appropriate and compatible economic revitalization efforts;

(6) detail ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act; and

(7) contain a program for implementation of the Plan by the State and its political subdivisions.

(b) IMPLEMENTATION OF PLAN.—After review and approval of the Plan by the Secretary and the Governor as provided in subsection (a), the Commission shall implement the Plan by taking appropriate steps to preserve and interpret the historic resources, develop the recreational resources of the Corridor and its surrounding area, and to support public and private efforts in economic revitalization, consistent with the goals of the Plan. These steps may include, but need not be limited to—

(1) assisting the State and local governmental entities or regional planning organizations, and nonprofit organizations in preserving the Corridor and ensuring appropriate use of lands and structures throughout the Corridor;

(2) assisting the State and local governmental entities or regional planning organizations, and nonprofit organizations in establishing, and maintaining visitor centers and other interpretive exhibits in the Corridor;

(3) assisting the State and local governmental entities or regional planning organizations, and nonprofit organizations in developing recreational programs and resources in the Corridor;

(4) assisting the State and local governmental entities or regional planning organizations, and nonprofit organizations in increasing public awareness of and appreciation for the historical and architectural resources and sites in the Corridor;

(5) assisting the State and local governmental or regional planning organizations and nonprofit organizations in the restoration of any historic building in the Corridor;

(6) encouraging by appropriate means enhanced economic and industrial development in the Corridor consistent with the goals of the Plan;

(7) encouraging local governments to adopt land use policies consistent with the management of the Corridor and the goals of the Plan, and to ensure appropriate use of lands and structures throughout the Corridor; and

(8) assisting the State and local governmental entities or regional planning organizations to ensure that clear, consistent signs identifying access points and sites of interest are put in place throughout the Corridor.

SEC. 9. TERMINATION OF COMMISSION.

(a) TERMINATION.—Except as provided in subsection (b), the Commission shall terminate on the day occurring 5 years after the date of enactment of this Act.

(b) EXTENSION.—The Commission may be extended for a period of not more than 5 years beginning on the day of termination referred to in subsection (a) if, not later than 180 days before such day—

(1) the Commission determines such extension is necessary in order to carry out the purposes of this Act;

(2) the Commission submits such proposed extension to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate; and

(3) the Secretary, in consultation with the Governor of Connecticut, approves such extension.

SEC. 10. DUTIES OF THE SECRETARY.

(a) APPROVAL OF PLAN.—The Secretary of the Interior, in consultation with the Governor of Connecticut, shall approve or disapprove a Plan submitted under this Act by the Commission not later than 60 days after receiving such Plan. The Secretary, in consultation with the Governor, shall approve a Plan submitted if—

(1) they find the Plan, if implemented, would adequately protect significant historical and cultural resources of the Corridor while providing adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor;

(2) they determine that the Commission held public hearings and provided adequate opportunity for public and governmental involvement in the preparation of the Plan; and

(3) the Secretary receives adequate assurances from appropriate State officials that the recommended implementation program identified in the Plan will be initiated within a reasonable time after date of approval of the Plan, and that such implementation program will ensure effective implementation of the State and local aspects of the Plan.

(b) DISAPPROVAL OF PLAN.—If the Secretary disapproves a Plan submitted to him by the Commission, he shall advise the Commission in writing of the reasons therefor and shall make recommendations for revisions in the Plan. The Commission shall within 90 days of receipt of such notice of disapproval revise and resubmit the plan to the Secretary who shall approve or disapprove a proposed revision within 60 days after the date it is submitted to him.

(c) ASSISTANCE.—The Secretary of the Interior shall, upon request of the Commission, assist the Commission in the preparation and implementation of Plan.

SEC. 11. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission with respect to such activities and, to the maximum extent practicable, coordinate such activities; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the Commission determines will not have an adverse effect on the Corridor.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) COMMISSION.—There is authorized to be appropriated $200,000 for fiscal year 1993 and $250,000 annually to the Commission to carry out its duties under this Act except that the Federal contributions to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

(b) SECRETARY.—There are authorized to be appropriated annually to the Secretary such sums as may be necessary to carry out his duties under this Act.

SEC. 13. DEFINITIONS.

For purposes of this Act—

(1) The term "Commission" means the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Commission established under section 5.

(2) The term "State" means the State of Connecticut.

(3) The term "Corridor" means the Quinebaug and Shetucket Rivers Valley National Heritage Corridor established under section 3.

(4) The term "Plan" means the Cultural Heritage and Corridor Management Plan to be prepared by the Commission pursuant to section 8.

(5) The term "Governor" means the Governor of the State of Connecticut.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "regional planning organization" means each of the 3 regional planning organizations established by Connecticut State statute chapter 127 and chapter 50 (the Northeast Council of Governments, the Windham Regional Planning Agency or its successor, and the Southeastern Connecticut Regional Planning Agency or its successor).

The SPEAKER pro tempore (Mrs. UNSOELD). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 5423, the measure before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Madam Speaker, I yield myself such time as I may consume. Madam Speaker H.R. 5423 establishes the Quinebaug and Shetucket Rivers Valley National Heritage corridor consisting of 25 local towns in the Quinebaug and Shetucket Rivers Valley in Connecticut.

The Quinebaug and Shetucket Rivers Valley in northeastern Connecticut includes natural landscapes, parks, and other open spaces as well as mill villages, some native American and colonial archeological sites, and sites associated with the Great Awakening religious revival in colonial New England.

In January 1989, the National Park Service began a study of the feasibility and suitability of establishing the Quinebaug and Shetucket Rivers Valley Heritage corridor in northeastern Connecticut. The report has not been released but the legislation before us is based on the matters reviewed as part of that study.

H.R. 5423 provides for a 19-member commission, which with the assistance of the Secretary of the Interior, would develop and assist with the implementation of a management plan for the corridor, the purpose of which would be to protect and preserve the cultural, historical, and recreational resources of the valley. This bill authorizes the appropriation of $200,000 for fiscal year 1993 and $250,000 thereafter annually to the commission; Federal contributions to the commission could not exceed 50 percent of the annual cost to the commission of carrying out its duties.

The commission is composed of representatives from the Federal Government, from the State of Connecticut, from local government or regional planning organizations, and from the general public. Members of the commission will serve for 3 years, and may serve after the expiration of their term until a successor is appointed.

The commission is authorized to hold hearings but may not issue subpoenas and may receive donations and obtain property subject to the restrictions contained in the act. The commission is intended to serve a coordinating and consultive role in bringing together the many diverse elements involved in the preservation and use of the corridor, and is not a land management agency. While there will be instances when donations of real property are made or offered to the commission, the commission in turn will make such property available to the appropriate public agency for public purposes consistent with the purposes of this act.

The commission's primary purpose will be to prepare and assist in implementing a plan to assist appropriate Federal, State and local agencies in preserving and interpreting the historic and recreational resources of the canal and surrounding area. This plan should enhance existing policies and programs within the corridor and provide a focus to maximize preservation and interpretive efforts.

H.R. 5423 provides that the commission will terminate 5 years after the date of enactment, but may be extended for an additional 5 years if the secretary, in consultation with the Governor of Connecticut, and after a recommendation by the commission, approves such extension. The bill provides for secretarial review and approval of the plan prepared by the commission and directs the secretary to assist the commission in the preparation and implementation of the plan. Other Federal entities are directed to cooperate and coordinate with the secretary and the commission on activities undertaken by such Federal entity within the corridor.

Several changes have been made to the bill as introduced. With regard to the establishment of the commission, the bill now clarifies the appointment process for members of the commission and that members appointed to fill out unexpired terms will be appointed only for the remainder of the term. Further, it specifies that members appointed for definite terms may serve after the expiration of that term until a successor has taken office. The commission is also directed to hold its first meeting not later than 90 days after the date on which its members are appointed.

H.R. 5423, as amended, allows the commission to recommend rather than to establish advisory standards for the construction, preservation, restoration, alteration, and use of all properties within the corridor. The commission may be extended only if the secretary, after consulting with the governor of Connecticut approves the extension, and the secretary would approve or disapprove the commission's plan after consulting with the Governor of Connecticut. Section 11(b) of the original bill, which allowed the commission authority over Federal undertakings affecting the resources of the corridor has been deleted.

Madam Speaker, I believe the bill as amended will protect and preserve the Quinebaug and Shetucket Rivers Valley resources, and I urge my colleagues' support.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cautiously support H.R. 5423, which would study the establishment of the Quinebaug and Shetucket Rivers Valley Heritage corridor in Connecticut.

As I understand it, the gentleman from Connecticut hopes to preserve the attributes of these river valleys through an arrangement similar to the British national trust.

I have proposed that another river corridor, the Cache La Poudre, be studied for similar treatment.

And I might add, I look forward to working with the gentleman from Minnesota [Mr. VENTO] further on my bill.

In the past and at hearings earlier this year, the Park Service did not support H.R. 5423, because it had little experience with the concept described in the bill.

It is my understanding that the British trust relies heavily on private support and cooperation and tries to keep direct government involvement to a minimum.

If that is true, then perhaps this is a model that should be studied for use in this country.

For that reason, and with the hope we can protect private property rights and and keep acquisitions within bounds, I urge my colleagues to support H.R. 5423.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

I wanted to just commend the gentleman from Connecticut [Mr. GEJDENSON], who is the principal sponsor of this measure. He has done yeoman service in terms of working on this issue which is obviously of extreme interest to his State and district.

Mr. Speaker, I praise the gentleman for that.

Mr. GEJDENSON. Mr. Speaker, I am pleased that this legislation to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in Connecticut comes before the House of Representatives today. I urge my colleagues to join me in support of this important and long-overdue legislation.

Designating the Quinebaug and Shetucket Rivers Valley as a Heritage corridor will provide a framework to assist State and local governments, and area citizens, in their efforts to develop and implement an integrated resource management program. The corridor will protect and preserve land, waters and historically significant structures along the Quinebaug and Shetucket Rivers.

As development pressures expand the suburbs of major cities in the Northeast—New York, Hartford, Providence, Worcester, Springfield, and Boston—it is increasingly important that we protect the most significant unspoiled and undeveloped areas in the Northeastern United States. The Quinebaug and Shetucket Rivers Valley is such an area.

This region of eastern Connecticut has remained largely unspoiled. In addition to the scenic rural landscapes, rivers, and open space, the valley also provides an outstanding cross-section of the evolution of inland New England from the pre-historic aboriginal period through the successive stages of agricultural settlement and industrialization. For example, the region's role in transformation from Puritan to Yankee, the Great Awakening religious revival, and the Nation's early political development up to and including the War of Independence illustrates its nationally significant cultural and historic role in the development of the United States.

There are also a significant number of historic and architecturally significant mill structures that played a vital role in the industrial development of the United States and which represent an extremely important part of the history of this country.

For many years, I have been working with the State and local governments, private individuals and groups to look for ways to preserve and protect this unique area. In 1988, as chairman of the Oversight and Investigations Subcommittee of the House Committee on Interior and Insular Affairs, I conducted a field hearing to assess the situation in Connecticut, the need for additional parks, recreation areas, and open space in Connecticut, and to look at various options for preservation.

In that hearing, 23 witnesses representing the environmental community, government, and industry expressed overwhelming concern about the State's lack of parks, recreational areas, and protected open space, and the loss of important natural, historic, and cultural resources.

The State of Connecticut lags far behind its northeastern neighbors in the amount of land set aside for public recreation. Northeastern States have an average of 294 acres of public recreation land 1,000 residents. Connecticut has less than 100 acres of public land per 1,000 residents, about one-third the average of the other Northeastern States. In addition, the amount of State-owned forest land in Connecticut has declined by 50 percent since 1950. The State of Connecticut ranks dead last among the 50 States in the amount of Federal lands such as national parks, forests, recreation areas, or wildlife areas within its borders. Until last year, when the Weir Farm in Wilton and Ridgefield was established as a National Historic Site, the State of Connecticut had no National Historic Site, the State of Connecticut had no National Park units. How, with authorization of the Weir Farm, there are 2 acres of land managed by the National Park Service.

Congress and the National Park Service have come up with an innovative, cost-effective and cooperative approach to natural resource protection called the National Heritage corridor. The Illinois and Michigan Canal Heritage corridor, which was established in 1984, the Blackstone River Valley National Heritage corridor established in 1986, and the Delaware and Lehigh Navigation Canal National Heritage corridor established in 1988, provide excellent models for cooperative Federal, State, local, and private partnerships for protecting important historical, cultural, and natural resources.

In times of tight budgets, we are no longer able to simply acquire huge tracts of land and expect that the resources will be adequately maintained and interpreted. The Heritage corridor designation can provide a cost-effective means of protecting important resources like the Quinebaug and Shetucket Rivers by working closely with the local communities and providing technical expertise in managing and interpreting historical and cultural resources.

Mr. Speaker, when we first came up with the idea to establish a national heritage corridor or some mechanism to preserve the important natural and historical resources in the region, we went to the local leaders to get their input, to further discuss what they wanted done and what kind of commitment were they willing to make. The response was quick and extremely positive. All of the local elected officials we talked to were enthusiastic about getting involved, and numerous groups approached me about what they could do to help. Within months, an independent Heritage corridor advisory committee formed itself, and through the leadership of John Boland, Marge Hoskins, Nini Davis, Bob Miller, and others, has been instrumental in moving this proposal forward on the local level. In many cases, after the initial excitement wears off and the real work begins, interest can fade. This group of exceptional and dedicated individuals was different. In the past several years, interest has never waned, and attendance at their monthly meetings has grown to the point where individual subcommittees were formed to take on specific projects.

During the course of our discussions with the advisory committee and State and local leaders, we looked at various State, Federal and local preservation options, but found them to be unacceptable or deficient. In particular, we investigated the Wild and Scenic River Program, but found it to be inadequate and too restrictive for our needs. It did not provide the kind of flexibility we need to protect the resources while protecting economic development opportunities near the rivers, due to the quarter-mile boundary requirements associated with it. It would also have restricted water resources activities, such as the flood control project on the Yantic River begun by the Soil Conservation Service in 1983. Worst of all, it would give significant control of eastern Connecticut's lands and water to the Federal Government at the expense of the local community.

Then, in 1989, at my request, the National Park Service staff toured the Quinebaug and Shetucket Rivers region to evaluate the feasibility of designating the area as a national heritage corridor. The Park Service staff concluded that the region had great potential for recreation and site interpretation due to its abundance of outstanding 19th century mills, mill villages, and beautiful landscapes, but that further study was required to adequately determine the area's potential for Federal designation. Later that year, the National Park Service North Atlantic Region began what was intended to be a 1-year study to determine an appropriate and effective resource management strategy suited to the needs of the region's resources and its people. Unfortunately, now 3 years later, that study has not been completed or released. Even after numerous requests to the Secretary of Interior and the Undersecretary for Fish, Wildlife and Parks, the Park Service continues to delay with little prospect that the study will ever be completed.

Mr. Speaker, we tried to proceed with this project by the book. We waited 3 years for the 1-year study to be completed, but unfortunately the Park Service continued to play games. Every several months they would promise that the study would be ready soon. After 3 years, we have been more than patient. It is unfortunate that the Park Service continues to stall on this project. Time and again, we in the Interior Committee consider legislation to designate areas as nationally significant, and each time, the administration objects. This time, we tried to play by their rules, but it is now extremely clear that no report will come.

Thus, I am pleased that the Congress is acting on this legislation today. The people of Connecticut have worked very hard, researching and supporting this designation, and it is time for us to recognize this area. During the Columbus Day weekend in October 1991, more than 4,000 people came to Walking Weekend events throughout the corridor, to draw attention to the important resources of the Quinebaug and Shetucket Rivers Valley. Attendance far exceeded anyone's expectations, and at nearly every event, coordinators ran out of handout materials, providing further evidence of the strong support for the project. The Walking Weekend will be held again this year.

Some critics may contend that the Quinebaug and Shetucket Rivers Valley was not the first industrial area, it is not the most important recreation area, and it may not contain the oldest archeological resources. And while it could be hard to dispute that, what makes the Quinebaug and Shetucket Rivers Valley so important is that no other area has the vast combination of resources enjoyed by this area.

Several years ago, the President's Commission on Americans Outdoors reported that families are taking shorter vacations and depending more and more on close-to-home recreation options. The Quinebaug and Shetucket region would provide that to a significant population of the country. One in 12 people live near eastern Connecticut, situated along a major urban corridor and within driving distance of metropolitan areas such as New York, Boston, Hartford, New Haven, Springfield, and Worcester.

Within the Quinebaug and Shetucket Rivers Valley, you will find the birthplace of Revolutionary War hero Nathan Hale, the site of the first silk mill in America, the site of one of the largest 18th century cotton mills, the first paper mill in the Colonies, the site of the first cut nail manufacturing facility in North America, and the birthplaces of Samuel Huntington and William Williams, both signers of the Declaration of Independence.

You will also find the Prudence Crandall House in Canterbury, where in 1833, Prudence Crandall opened the first teacher training school for black girls. The trouble that she faced became world renowned and she was a symbol for the abolitionist movement in the United States.

The Quinebaug and Shetucket Rivers Valley was the area where Uncas, most well-known from the book "Last of the Mohicans" by James Fennimore Cooper, lived and died. Uncas Leap or Yantic Falls in Norwich was the site of the famous battle between the Mohegan Indians and the Narragansett Indians of Rhode Island.

Furthermore, and of particular interest to me, is the recreational potential of the area. There are an almost unlimited number of undeveloped or underdeveloped recreational opportunities. In recent years, the State of Connecticut has done a tremendous job in improving the water quality of a good part of both the Quinebaug and Shetucket Rivers, making the area prime for swimming, fishing, canoeing, and boating. In addition, there are numerous areas that are excellent for hiking as well as for the development of scenic, natural, and historic trails.

If this area had just a few of these important resources, it might be a manageable project for the State or local governments to handle. However, with so many important sites to manage, mills to restore, recreational areas to develop, historic sites, mills and houses to interpret, this is a job that far exceeds the expertise and resources of the State or local governments. However, designation of this area as a national heritage corridor would be a cooperative and extremely cost-effective way to do it.

This legislation has gained widespread support, having been unanimously endorsed by the Heritage Corridor Advisory Committee. It has also been endorsed by the Governor and the State of Connecticut, the Northeastern Connecticut Council of Governments, the Windham Regional Planning Agency, the Southeastern Connecticut Regional Planning Agency, the Northeast Connecticut Visitors District, the Quinebaug Rivers Association, the Windham Textile and History Museum, the Association of Northeastern Connecticut Historical Societies, and other environmental and historic preservation groups.

Mr. Speaker, designation of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor is an extremely important measure. Through this bill, we will be able to preserve and protect important resources, maintain local control and involvement, encourage local economic development in an area that has been hard hit by defense spending cuts, while establishing a cooperative framework for regional collaboration and protecting important natural, historic, cultural, archaeological, and recreational resources. I urge my colleagues to adopt this important legislation.

Finally, I wish to thank members of the House Committee on Interior, specifically Congressmen MILLER, YOUNG, VENTO, KOSTMAYER, and RHODES, and their staff for their hard work and assistance in bringing this bill to the floor today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BILBRAY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 5423, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING CONVEYANCE OF LANDS IN LIVINGSTON PARISH, LA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1439) to authorize and direct the Secretary of the Interior to convey certain lands in Livingston Parish, LA, as amended.

The Clerk read as follows:

S. 1439

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—LAND CONVEYANCE

SEC. 101. FINDINGS.

The Congress finds and declares that—

(1) there is a history of adverse claims and title confusion relating to certain lands in Livingston Parish, Louisiana, arising from private land claims predating the Louisiana Purchase;

(2) numerous parties have in good faith placed valuable improvements upon such lands in the belief that they owned such lands; and

(3) the public interest will be best served by clarifying the uncertainty of title by conveying the interest of the United States in such lands to those affected parties.

SEC. 102. CONVEYANCE OF LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, and subject to the reservation in subsection (b), the United States hereby grants all right, title, and interest of the United States in and to certain lands in Livingston Parish, Louisiana, as described in section 103, to those parties who, as of the date of enactment of this Act, would be recognized as holders of a right, title, or interest to any portion of such lands under the laws of the State of Louisiana, but for the interest of the United States in such lands.

(b) RESERVATION OF MINERAL RIGHTS.—The United States hereby excepts and reserves from the provisions of subsection (a) of this section, all minerals underlying such lands, along with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary of the Interior may prescribe.

SEC. 103. DESCRIPTION OF LANDS TO BE CONVEYED.

The lands to be conveyed pursuant to this title are those lands located in section 37, township 5 south, range 4 east, St. Helena Meridian, in Livingston Parish, Louisiana.

TITLE II—PORT CHICAGO NATIONAL MEMORIAL

SEC. 201. SHORT TITLE.

This title may be referred to as the "Port Chicago National Memorial Act of 1992".

SEC. 202. FINDINGS.

The Congress hereby finds that—

(1) the Port Chicago Naval Magazine, located in Contra Costa County, California, served as the major West Coast munitions supply facility during World War II, during which time the facility played a critical role in the success of the war effort;

(2) on July 17, 1944, an explosion at Port Chicago, the origin of which has never been determined, resulted in the deaths of 320 officers and sailors, the largest domestic loss of life during World War II, and the injury of many others; and

(3) it is fitting and appropriate that the site of the Port Chicago Naval Magazine, which is currently included in the Concord Naval Weapons Station, be designated as a National Memorial to commemorate the role of the facility during World War II, to recognize those who served at the facility, and to honor the memory of those who gave their lives and were injured in the explosion on July 17, 1944.

SEC. 203. PORT CHICAGO NATIONAL MEMORIAL.

(a) DESIGNATION.—In order to recognize the critical role Port Chicago, located at the Concord Naval Weapons Station in Contra Costa County, California, played in the Second World War by serving as the main facility for the Pacific Theater and the historic importance of the explosion which occurred at the Port Chicago Naval Magazine on July 17, 1944, such Naval Magazine is hereby designated as a National Memorial, to be known as the Port Chicago Naval Magazine National Memorial. The Secretary of the Interior shall take appropriate action to assure that the Memorial is announced in the Federal Register and that official records and lists are amended, in due course, to reflect the inclusion of this memorial along with other national memorials established by an Act of Congress.

(b) MARKER.—The Secretary of the Interior, with the concurrence of the Secretary of Defense, is authorized and directed to place at the site the Port Chicago Naval Magazine National Memorial, as designated under subsection (a), an appropriate plaque or marker commemorating the critical role Port Chicago played in the Second World War and the historic importance of the explosion which occurred at that location on July 17, 1944. The plaque or marker shall include a listing of the names of those who lost their lives during the explosion.

(c) PUBLIC ACCESS.—The Secretary of the Interior shall enter into a cooperative agreement with the Secretary of the Navy to provide for public access to the Memorial.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1439 as passed by the Senate would remove clouds from the title to about 640 acres of lands in Livingston Parish, LA, that have long been occupied by private parties by eliminating any possibility that the United States might be deemed to be the owner of the surface estate. In the Interior Committee, the bill was amended so as to also designate the Port Chicago Naval Magazine, in Contra Costa County, CA, as a national memorial.

Sometime prior to 1853, the lands in Louisiana affected by S. 1439, which are currently occupied by some 15 parties, evidently were entered and claimed by a William Kinchen. However, according to the Bureau of Land Management [BLM], no confirmation of this claim has ever been found and no patent was ever issued to convey the land out of Federal ownership.

The General Land Office and BLM have several times considered applications for approval of the Kinchen claim or issuance of a patent for the lands involved, and apparently no further administrative process is available to provide the occupants with clear title.

Title I of the bill as reported would eliminate any Federal interest in the surface of these lands, while retaining all minerals there in Federal ownership.

Title II of S. 1439 consists of the text of the bill House Joint Resolution 306 as approved by the House on June 29, 1992, designating the site of the Port Chicago Naval Magazine a national memorial.

The Port Chicago Naval Magazine was the site of the U.S. Navy's major west coast munitions supply facility during World War II. On July 17, 1944, an explosion killed 320 sailors and officers, the largest domestic war-related loss of life during World War II. Another 390 men were injured. The U.S. Navy continues to operate a munitions facility at the site in Contra Costa County, CA, and provides escorts for visitors who wish to view the scene of the explosion. The Navy also holds a memorial service annually in memory of those who died as a result of the explosion.

This title designates the site of the Port Chicago Naval Magazine, currently included in the Concord Naval Weapons Station, a national memorial. A plaque or marker would be placed at the site commemorating the Second World War and the historic importance of the explosion and resulting loss of life which occurred at that location July 17, 1944. The Secretary of the Interior is directed to enter into a cooperative agreement with the Secretary of the Navy to provide for public access to the site.

The eloquent and moving testimony given at the hearing on House Joint Resolution 306 indicates the importance of this memorial to the survivors of the explosion and to the families of those who were killed at Port Chicago. This memorial is an appropriate recognition of the sacrifices made by those who served at Port Chicago and I urge the passage of the bill, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of title I of S. 1439, which clears up title problems for about 640 acres of lands in Livingston Parish, LA. Title I is very similar to legislation introduced last year by Mr. BAKER of Louisiana and was the subject of a hearing last fall by the Subcommittee on National Parks and Public Lands. It is noncontroversial legislation that is supported by the administration.

Title II of this bill, which was added just recently, would designate the Port Chicago Naval Magazine as a national memorial. This site, which is currently part of the Concord Naval Weapons Station, is where an explosion on July 17, 1944, occurred and resulted in deaths to workers contributing to the war effort.

Title II raises several concerns. First, it is unclear what role the Secretary of the Interior will have in visitor use management. Second, since this is an active military base with restricted public access for security reasons, I wonder just how much public use will be allowed.

I rise in support of S. 1439 but hope the Senate will delete title II.

Mr. MILLER of California. Mr. Speaker, today, the House is considering S. 1439 to authorize and direct the Secretary of the Interior to convey certain lands in Livingston Parish, LA. Title II would designate the Port Chicago National Memorial in my district to honor the memory and contributions of those who served as the naval magazine. Most of the munitions supplying the Pacific Fleet during World War II were loaded onto ships at Port Chicago.

By designating the Port Chicago National Memorial we will pay homage to the 320 men who died in a cataclysmic explosion that caused the greatest domestic loss of life during World War II. On July 17, 1944, two ships—the E.A. Bryan and the Quinalt Victory—exploded. The blast was equivalent to 5 kilotons of TNT, on the same order of magnitude as the atomic bomb dropped a year later on Hiroshima. The cause of the explosion remains unanswered today.

Everyone on the pier and aboard the ships was killed instantly. Of the 320 deaths, more than 200 were black Americans. This disaster alone accounted for over 15 percent of the total black American naval casualties during the war.

Today, the Port Chicago site is the home of the Concord Naval Weapons Station. There is a small local memorial, and a newly dedicated chapel. But there is no recognition by the people of the United States of the historic role Port Chicago played in the battle for peace, and no monument to salute the hundreds who gave their lives, and who still bear the scars of that terrible night in July 1944.

Title II designates a simple memorial listing the names of those killed during the explosion. The memorial will not impede or restrict the Navy's effort to utilize the Concord Naval Weapons Station. In keeping with the security needs of the base, visitors will continue to be required to seek permission to view the memorial during the hours it is open.

By establishing a national memorial at Port Chicago, we will honor the contributions made by the Port Chicago sailors and by many others who served and sacrificed at home during World War II.

I appreciate Chairman VENTO's efforts on behalf of the Port Chicago National Memorial and encourage my colleagues to support S. 1439.

Mr. BAKER. Mr. Speaker, S 1439 is legislation establishing land ownership rights for residents in Livingston Parish, LA. While this legislation is not of national significance, it is of vital importance to the people of Livingston Parish. The residents of section 37 have disputed claims that date back to the Louisiana Purchase, and this dispute must finally be settled once and for all.

In the settlement of the Louisiana Purchase in 1803, the United States agreed to recognize title to the land derived from the British, French, and Spanish governments. Commissioners were appointed to investigate claims by individuals to specific lands, report on their validity and recommend whether Congress should confirm the claims.

The private claim of William Kinchen, the original owners of section 37 property, was investigated but never included in the report to Congress. Certain historical records indicate that the omission was an oversight and that Kinchen had qualified as an actual settler for confirmation.

Because no records exist transferring title of the land to private ownership, the area technically remains the property of the Federal Government. Officials with the U.S. Interior Department's Bureau of Land Management attempted to find an administrative solution to the problem; however, the Color of Title Act remedy did not apply to section 37.

The residents of section 37 have paid for this land, built their homes on it, paid local taxes, and made improvements to this land only to find out that they do not own it. These families have waited long enough to gain clear title to their land.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ALLARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill S. 1439, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "A bill to authorize and direct the Secretary of the Interior to convey certain lands in Livingston Parish, LA, and for other purposes.".

A motion to reconsider was laid on the table.

□ 1850

DISTRICT OF COLUMBIA LAND EXCHANGE; REGULATION OF ADVERTISING IN PARKS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5906) to direct the Secretary of the Interior to exchange certain lands with the District of Columbia and to regulate advertising and related commercial activities in the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADVERTISING AND RELATED COMMERCIAL ACTIVITIES.

(a) PROHIBITION.—Advertising, commercial notices, and similar commercial activities including (but not limited to) oral, written, or graphic statements or any physical structure, display, or model, presented or developed in any manner with the purpose of soliciting public attention to and promoting the benefits of a particular commercial product, service, or facility, or a group of products, services, or facilities, normally available for purchase in the commercial retail marketplace shall not be allowed in the National Park System (as defined by section 2 of the Act of August 8, 1953 (16 U.S.C. 1c)), except as provided for in subsection (b).

(b) ADVERTISING AND COMMERCIAL NOTICES.—The Director of the National Park Service may give permission for advertising or commercial notice within an area of the National Park System if the Director finds the advertising or commercial notice to be desirable and necessary for the convenience and guidance of park visitors and—

(1) the advertising or commercial notice is for a product, service, or facility available within such park area; or

(2) the advertising or commercial notice is contained in a publication the primary purpose of which is to familiarize visitors with a national park program, activity, or resource, and any such advertising or commercial notice is for a locally available product, service, or facility.

Any such permission shall be in writing. Nothing contained in this subsection is intended to curtail the display, sale, or distribution of newspapers, magazines, theater programs, and similar printed material under the terms of a properly executed concessions permit or contract or a cooperating association agreement.

SEC. 2. RECOGNITION.

Appropriate and limited public acknowledgement of a donor or sponsor's contribution to a specific program, activity, or event in an area of the National Park System may be given on a case-by-case basis to a donor or sponsor only if the program, activity, or event furthers the purposes of the park area, and the recognition is determined to be appropriate.

SEC. 3. ENDORSEMENT.

An advertising, commercial notice, or recognition may not state or otherwise imply National Park Service endorsement of a product, service, or facility.

SEC. 4. ORGANIZED ACTIVITIES AND SPECIAL EVENTS.

Organized activities or special events within an area of the National Park System may only be allowed pursuant to a permit. Such permit may only be issued if there is an appropriate association between the park area and the activity or event and when it can be determined that the organized activity or special event does not—

(1) damage, harm, or destroy the area's resources or values;

(2) pose a risk of damage to any property or endanger public health or safety;

(3) unduly interfere with normal park operations or visitor use; or

(4) result in significant conflict with other uses.

SEC. 5. PROMULGATION OF REGULATIONS.

Within one year after the date of enactment of this Act, the Director of the National Park Service shall promulgate regulations to implement the requirements of this Act.

The SPEAKER pro tempore (Mr. BILBRAY). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5906, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5906, as introduced directed the Secretary of the Interior to exchange the William Fitzgerald Tennis Stadium for other lands in the District of Columbia and placed restrictions on commercial activities in units of the National Park System. It was amended by the Committee on Interior and Insular Affairs to delete the stadium transfer.

I have been—and remain—very concerned about the incursion of commercialism fostered by this administration at Rock Creek, one of our oldest national parks. By allowing the tennis tournament activities and the advertising that accompanies it in Rock Creek and by promulgating a special regulation to legalize such advertising this administration has changed a fundamental and longstanding policy regarding our national parks.

I have also been concerned about the lack of local control over the stadium and its activities. To this end I proposed transferring the stadium to the District of Columbia. I continue to believe that would be the best course to pursue. But the lateness of the session and the inability of the key players to reach agreement on the management of the stadium pursuant to such transfer makes such an approach infeasible. For now the tennis stadium transfer is deleted but I intend to address the issue at a later date.

The restrictions on advertising and commercial activities remain in the bill. Without such restrictions I believe that the National Park System is at risk of being exploited with more and more commercial ventures. I also want to note that the test of an appropriate association between a park and an event is not intended to end all historic activities that occur on park lands, such as the July 4th celebration or the black family reunion at the National Mall, but to ensure that inappropriate events not directly related to parks not be added. Each such event, no matter how worthy it may be, creates further demands on scarce park resources and may actually damage park resources as well. We need to focus National Park Service efforts on the primary purposes of parks—the preservation and interpretation of their precious resources—and not let the National Park Service focus its efforts elsewhere to the detriment of those primary purposes. Mr. Speaker, I support H.R. 5906, as amended, and recommend its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while I share the concerns of the chairman with respect to ensuring that commercialism does not overtake our national parks, and would be pleased to join him in a more general statute outlining such congressional intent, I must join with the administration in opposing this measure before us today.

It is apparent that this legislation was developed in response to a number of commercial activities associated with events held at the William Fitzgerald Tennis Center in Rock Creek Park.

While I would agree with concerns which have been surfaced about the nature of some of the commercial activities associated with those events, I am very concerned that this hastily considered generic legislation would unnecessarily outlaw many suitable visitor activities at parks throughout the country.

While Mr. VENTO accurately states that this bill is largely based on existing NPS regulations and policies, he deletes the fact that the NPS is currently reviewing portions of those regulations which have proven unworkable.

I do not understand the need for many of the statutory restrictions contained in this measure, for example:

Why should we enact a statute prohibiting a park from handing out literature which presents the recreation opportunities at a park in an overall regional context?

Why should we place such tight restrictions on making available literature on food and lodging outside the park, which nonlocal visitors would likely be unaware of and which could help reduce the congestion in the park itself?

Further, this legislation advances the agenda of the many environmentalists who want to limit legitimate public use of our parks.

Section 4 of the bill would appear to prohibit such ongoing charitable, recreational, and celebratory events as the Marine Corps Marathon, the annual Christmas Parade in Harper's Ferry, and the African-American Parade at Independence Hall.

While the report of the majority attempts to exclude from operation of the statute certain categories of events which could otherwise be barred based on a reading of the bill itself, it is notable that this exemption is limited to traditional events.

In other words no new events would be permitted.

Based on these many problems with the wording of this text, I must conclude that the detailed nature of these restrictions would be far better presented in regulations than in law.

Therefore, I hope my colleagues would join me in opposing this measure.

Ms. NORTON. Mr. Speaker, I am pleased to rise in support of this important legislation that my distinguished colleague Congressman BRUCE VENTO has worked tirelessly to bring to this floor today. This bill has a long and arduous history, part of which involves one of this city's loveliest natural settings, Rock Creek Park.

As the chairman of the Subcommittee on National Parks and Public Lands and a staunch defender of the integrity of the National Parks System, Chairman VENTO has demonstrated deep and well-justified concern about the dramatic increase in commercial advertising in the national parks.

Chairman VENTO's interest in this issue was heightened, no doubt, when the Department of the Interior issued a special directive several years ago allowing corporate and promotional advertising campaigns in the national parks. Since that time there has been an unprecedented and dramatic rise in the level of commercial activity in our Nation's parks. In the District of Columbia in particular, there has been significant commercial activity at the William G. Fitzgerald Tennis Stadium in Rock Creek Park, drawing the consternation of residents who live near the park and those who seek to preserve the parks for their intended use. I wish to personally thank my thoughtful and committed colleague, BRUCE VENTO, for the consideration he has consistently shown to the District and its residents with regard to Rock Creek Park and other parks in the Nation's Capital.

I strongly support this legislation. The situation in my own district has illustrated the danger of letting commercial activity get out of hand. If there are no clear parameters for commercial activity, there are always those who will seek profits to the detriment of and, indeed, in violations of the underlying purpose of our National Park System. While some limited commercial advertising may be useful and therefore permissible, our national parks should not just be treated as large empty spaces to post billboards.

This legislation takes a well-reasoned approach, generally prohibiting advertising and commercial activities, but allowing the Director of the National Park Service to grant exceptions under specific circumstances. Most importantly, this legislation serves to protect the Nation's parks from further commercial intrusions of the kind we've witnessed here in the District of Columbia.

I commend Mr. VENTO for his diligent efforts and urge my colleagues to support H.R. 5906.

Mr. ALLARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill (H.R. 5906), as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to regulate advertising and related commercial activities in the National Park System, and for other purposes.".

A motion to reconsider was laid on the table.

DESIGNATION OF SEGMENTS OF GREAT EGG HARBOR RIVER

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5853) to designate segments of the Great Egg Harbor River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System as amended.

The Clerk read as follows:

H.R. 5853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end thereof:

"( ) GREAT EGG HARBOR. NEW JERSEY.—39.5 miles of the main stem to be administered by the Secretary of the Interior in the following classifications:

"(A) from the mouth of the Patcong Creek to the mouth of Perch Cove Run, approximately 10 miles, as a scenic river;

"(B) from Perch Cove Run to the Mill Street Bridge, approximately 5.5 miles, as a recreational river;

"(C) from Lake Lenape to the Atlantic City Expressway, approximately 21 miles, as a recreational river; and

"(D) from Williamstown-New Freedom Road to the Pennsylvania Railroad right-of-way, approximately 3 miles, as a recreation river, and

89.5 miles of the following tributaries to be administered by the Secretary of the Interior in the following classifications:

"(E) Squankum Branch from its confluence with Great Egg Haroor River to Malaga Road, approximately 4.5 miles, as a recreational river;

"(F) Big Bridge Branch, from its confluence with Great Egg Harbor River to headwaters, approximately 2.2 miles, as a recreational river;

"(G) Penny Pot Stream Branch, from its confluence with Great Egg Harbor River to 14th Street, approximately 4.1 miles, as a recreational river;

"(H) Deep Run, from its confluence with Great Egg Harbor River to Pancoast Mill Road, approximately 5.4 miles, as a recreational river;

"(I) Mare Run, from its confluence with Great Egg Harbor River to Weymouth Avenue, approximately 3 miles, as a recreational river;

"(J) Babcock Creek, from its confluence with Great Egg Harbor River to headwaters, approximately 7.5 miles, as a recreational river;

"(K) Gravelly Run, from its confluence with Great Egg Harbor River to Pennsylvania Railroad Right-of-Way, approximately 2.7 miles, as a recreational river;

"(L) Miry Run, from its confluence with Great Egg Harbor River to Asbury Road, approximately 1.7 miles, as a recreational river;

"(M) South River, from its confluence with Great Egg Harbor River to Main Avenue, approximately 13.5 miles, as a recreational river;

"(N) Stephen Creek, from its confluence with Great Egg Harbor River to New Jersey Route 50, approximately 2.3 miles, as a recreational river;

"(O) Gibson Creek, from its confluence with Great Egg Harbor River to First Avenue, approximately 5.6 miles, as a recreational river;

"(P) English Creek, from its confluence with Great Egg Harbor River to Zion Road, approximately 3.5 miles, as a recreational river;

"(Q) Lakes Creek, from its confluence with Great Egg Harbor River to the dam, approximately 2.2 miles, as a recreational river;

"(R) Middle River, from its confluence with Great Egg Harbor River to the levee, approximately 5.6 miles, as a scenic river;

"(S) Patcong Creek, from its confluence with Great Egg Harbor River to Garden State Parkway, approximately 2.8 miles, as a recreational river;

"(T) Tuckahoe River (lower segment) from its confluence with Great Egg Harbor River to the Route 50 bridge, approximately 9 miles, as a scenic river;

"(U) Tuckahoe River, from the Route 50 Bridge to Route 49 Bridge, approximately 7.3 miles, as a recreational river; and

"(V) Cedar Swamp Creek, from its confluence with Tuckahoe River to headwaters, approximately 6 miles, as a scenic river.".

SEC. 2. MANAGEMENT.

(a) DUTIES OF SECRETARY.—The Secretary of the Interior shall manage the river segments designated as components of the National Wild and Scenic Rivers System by this Act through cooperative agreements with the political jurisdictions within which such segments pass, pursuant to section 10(e) of the Wild and Scenic Rivers Act, and in consultation with such jurisdictions, except that publicly-owned lands within the boundaries of such segments shall continue to be managed by the agency having jurisdiction over such lands.

(b) AGREEMENTS.—(1) Cooperative agreements for management of the river segments referred to in subsection (a) shall provide for the long-term protection, preservation, and enhancement of such segments and shall be consistent with the comprehensive management plans for such segments to be prepared by the Secretary of the Interior pursuant to section 3(d) of the Wild and Scenic Rivers Act and with local river management plans prepared by appropriate local political jurisdictions in conjunction with the Secretary of the Interior.

(2) The Secretary of the Interior, in consultation with appropriate representatives of local political jurisdictions and the State of New Jersey, shall review local river management plans described in paragraph (1) to assure that their proper implementation will protect the values for which the river segments described in subsection (a) were designated as components of the National Wild and Scenic Rivers System. If after such review the Secretary determines that such plans meet the protection standards for local zoning ordinances specified in section 6(c) of the Wild and Scenic Rivers Act, such plans shall be deemed to constitute "local zoning ordinances" and each township and other incorporated local jurisdiction covered by such plans shall be deemed to constitute a "village" for the purposes of section 6(c) (prohibiting the acquisition of lands by condemnation) of the Wild and Scenic Rivers Act.

(3) The Secretary of the Interior shall biennially review compliance with the local river management plans described in paragraph (1) and shall promptly report to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate any deviation from such plans which could result in any diminution of the values for which the river segment concerned was designated as a component of the National Wild and Scenic Rivers System.

(c) PLANNING ASSISTANCE.—(1) The Secretary of the Interior may provide planning assistance to local political subdivisions of the State of New Jersey through which flow river segments that are designated as components of the National Wild and Scenic Rivers System, and may enter into memoranda of understanding or cooperative agreements with officials or agencies of the United States or the State of New Jersey to ensure that Federal and State programs that could affect such segments are carried out in a manner consistent with the Wild and Scenic Rivers Act and applicable river management plans.

(2) For purposes of the planning assistance authorized and reviews required by this subsection, there are hereby authorized to be appropriated not to exceed $70,000 annually.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5853, the legislation now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5853, by Representative HUGHES, would designate as components of the National Wild and Scenic Rivers System almost 130 river miles of the Great Egg Harbor River and its tributaries in the State of New Jersey.

The Great Egg Harbor River drains portions of the Pinelands National Reserve, in New Jersey. All waters in the Pinelands have been designated by the Environmental Protection Agency as outstanding National resource waters, to be protected from any change in quality.

Legislation enacted in 1986 directed study of the Great Egg Harbor River for possible inclusion in the National Wild and Scenic Rivers System. In January 1991, the National Park Service reported the results of the study.

The studied segments of the river and its tributaries were found eligible for wild and scenic river designation, and designation was recommended for most of the Great Egg Harbor River and its tributaries.

As recommended in the studies, the bill would add 39.5 miles of the Great Egg Harbor River and 89.5 miles of its tributaries to the National Wild and Scenic Rivers System, specifying which segments would be managed as scenic and which as recreational rivers.

The Interior Committee adopted one amendment to conform the management provisions of the bill with other similar legislation, and to explicitly provide that approved local river management plans will, as provided by section 6(c) of the wild and scenic rivers, have the effect of prohibiting any Federal condemnation of land.

Mr. Speaker, this is a good bill that represents the outcome of many years of dedicated work by the gentleman from New Jersey [Mr. HUGHES]. He deserves our thanks for making it possible to bring forward this important measure for protection of this river system, with this many outstanding natural and other values. I urge the approval of the bill as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5853, a bill to designate 129 miles of the Great Egg Harbor River and tributaries as units of the Wild, and Scenic River System.

The gentleman from Minnesota has adequately explained the details of this measure.

I am aware that the administration does not support this measure, but their reason for opposition is based on the fact that a formal recommendation has not been transmitted to Congress rather than questions regarding the merits of the bill.

I would only note that it is commendable that the chairman has adopted the suggestions of the bill's sponsor and the local persons who argued before the committee that there should be no authority for condemnation included in this bill.

That departure from ordinary committee language certainly facilitated the passage of this measure and would have resolved major problems with such other measures as the Niobrara River which we considered earlier this session.

I can only hope the chairman will continue to endorse this approach for designation of future rivers which are substantially privately owned.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. HUGHES], the sponsor of this legislation, whom I want to credit not just for the legislation but also for the study that initiated it. I hope we can see this legislation through this session.

Mr. HUGHES. Mr. Speaker, first let me thank the distinguished subcommittee chairman for his splendid cooperation and work. He and his staff put out more legislation, minority staff, probably in this subcommittee than any other committee of the Congress, and it is quality work. I thank the gentleman and the ranking Republican for expediting this in the closing hours of this session.

Mr. Speaker, I rise in support of H.R. 5853, legislation which I introduced to designate some 129 miles of the Great Egg Harbor River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System.

This wild and scenic designation assures the long-term protection of unique natural resources through sound, locally implemented river management plans. Only the most select free-flowing rivers that have outstanding natural, cultural, or recreational values make up the Wild and Scenic System.

In 1986, I, along with my Senate colleagues, sponsored legislation authorizing the National Park Service to study the eligibility of these rivers and their tributaries for inclusion into the National System. After 6 years of study, the National Park Service found that all segments of the river were eligible for designation under the Wild and Scenic System.

Indeed, the Great Egg Harbor River is one of New Jersey's most magnificent treasures. Rising in Berlin Township and flowing south through Camden and Atlantic counties, the river forms an integral part of the pinelands ecosystem and of the rich culture history of southern New Jersey.

This region provides important habitat for a wide variety of animals, birds, and plants, including such rare and endangered species as the sensitive joint vetch, barratt's sedge, the bald eagle and the peregrine falcon.

This river is also one of the longest canoeable rivers in the pinelands and is well known for its fishing, boating, and recreational activities. Furthermore, there are many sites of cultural and historical interest along the river corridor including the remains of the iron and shipping industry.

The local communities have shown their commitment to the preservation of this very special resource. Now, the onus is on Congress to enact this legislation so that the river will be managed in such a way as to conserve the attributes for which it is being designated.

I commend BRUCE VENTO, chairman of the National Parks and Public Lands Subcommittee and Mr. MILLER, chairman of the Interior and Insular Affairs Committee for bringing this legislation forward today.

I am very excited about the designation of the Great Egg Harbor River, New Jersey's first wild and scenic river, and I solicit my colleagues' support for this legislation. Indeed, support for this bill is an opportunity to preserve one of the truly unique watersheds of the east coast.

☐ 1900

People think of New Jersey as what they see from the turnpike, exit 6, exit 7. They do not think of New Jersey as having such treasures. They do not think of New Jersey as having water that is so pure that it is drinkable, and as southern New Jersey grows and prospers it is important that we preserve that quality of life, and this will help us do that. So I thank you.

A lot of people along the way are responsible for this. I mentioned my colleagues in the Congress. I want to thank the committee staff, Stanley Sloss for his work in moving this through the process. And I want to thank Ashley Evans of my staff for her work. I want to thank the late Warren Fox who had a dream many years ago of preserving this river. He loved the Great Egg Harbor River. And also Julie Akers of the Great Egg Watershed Association, and on and on I could go with the number of people that made this possible.

Mr. Speaker, it is a good bill, and I urge my colleagues to support it.

Mr. VENTO. Mr. Speaker, I commend this bill to my colleagues.

Mr. Speaker, I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. (Mr. BILBRAY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 5853, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MINOR BOUNDARY ADJUSTMENT AND MISCELLANEOUS PARK AMENDMENTS ACT OF 1992

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2563). to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes as amended.

The Clerk read as follows:

S. 2563

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minor Boundary Adjustments and Miscellaneous Park Amendments Act of 1992".

TITLE I—SANDY HOOK UNIT OF GATEWAY NATIONAL RECREATION AREA

SEC. 101. MARINE ACADEMY AGREEMENT.

(a) IN GENERAL.—In order to further the revitalization, rehabilitation, and utilization of Fort Hancock within the Sandy Hook Unit of Gateway National Recreation Area, the Secretary of the Interior may enter into an agreement with the Monmouth County Vocational School District or a successor (referred to in this title as the "District"), to permit the use by the District of properties situated along Gunnison Road and Magruder Road for the purpose of developing and operating, without cost to the National Park Service, a secondary school program to be known as the Marine Academy of Science and Technology.

(b) DESIGN OF FACILITIES.—The design of new facilities and landscape improvements, and the rehabilitation of existing facilities for school and administrative use, shall be subject to the approval of the Director of the National Park Service. In determining whether to approve the design and rehabilitation, the Director shall use standards for rehabilitation and National Park Service guidelines and policies that are approved by the Secretary of the Interior.

SEC. 102. REVERSION.

If the properties, facilities, and improvements referred to in section 101 are not used by the District for a secondary school program, the agreement authorized by section 101 shall be terminated and all use of the properties, facilities, and improvements shall revert, without consideration, to the National Park Service.

SEC. 103. REIMBURSEMENT.

(a) REHABILITATION.—As a condition of entering into the agreement authorized by section 101, the Secretary of the Interior may—

(1) accept reimbursement expenses, of not more than $500,000, to cover the cost of rehabilitating other property within the Sandy Hook Unit of Gateway National Recreation Area for park uses that are displaced from facilities used by the District under the agreement authorized by section 101; or

(2) require the District to rehabilitate other property for the park uses—

(A) under the direction of the National Park Service; and

(B) at a cost of not more than $500,000.

(b) FEES FOR SERVICES.—The Director of the National Park Service may collect and retain reasonable fees for services provided to the District by the National Park Service, including alarm monitoring, permit compliance, fire and police protection, and snow removal.

TITLE II—CLARIFICATION OF AUTHORITY TO COOPERATE WITH NON-FEDERAL ENTITIES IN THE CONDUCT OF RESEARCH CONCERNING UNITS OF THE NATIONAL PARK SYSTEM

SEC. 201. COOPERATIVE AGREEMENTS FOR RESEARCH PURPOSES.

(a) IN GENERAL.—Section 3 of the Act entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" approved August 18, 1970 (16 U.S.C. 1a–2), is amended—

(1) in paragraph (i), by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following:

"(j) enter into cooperative agreements with public or private educational institutions, States, and their political subdivisions, or private conservation organizations for the purpose of developing adequate, coordinated, cooperative research and training programs concerning the resources of the National Park System and, pursuant to such agreements, to accept from and make available to the cooperator such technical and support staff, financial assistance for mutually agreed upon research projects, supplies and equipment, facilities, and administrative services relating to cooperative research units as the Secretary deems appropriate; except that this paragraph shall not waive any requirements for research projects that are subject to the Federal procurement regulations.".

(b) REPORT.—Within six months after the date of enactment of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing legislative and administrative recommendations for improving the science and research programs of the National Park Service which addresses the deficiencies in those programs discussed in the 1992 National Research Council report entitled "Science and the National Parks" and the 1992 National Park Service report entitled "National Parks for the 21st Century; the Vail Agenda".

TITLE III—MUSEUM PROPERTIES IN THE NATIONAL PARK SYSTEM

SEC. 301. FUNCTIONS OF SECRETARY OF THE INTERIOR.

The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes" approved July 1, 1955 (16 U.S.C. 18f), is amended—

(1) in paragraph (b) of the first section, by striking out "from such donations and bequests of money"; and

(2) by adding at the end thereof the following:

"SEC. 2. ADDITIONAL FUNCTIONS.

"(a) In addition to the functions specified in the first section of this Act, the Secretary of the Interior may perform the following functions in such manner as he shall consider to be in the public interest:

"(1) Transfer museum objects, museum collections, and other personal property that the Secretary determines is no longer needed for museum purposes to qualified Federal agencies that have programs to preserve and interpret cultural or natural heritage and accept the transfer of personal property for the purposes of this Act from any other Federal agency. Notwithstanding any other provision of law, the head of any other Federal agency may transfer personal property directly to the administrative jurisdiction of the Secretary of the Interior for the purposes of this Act.

"(2) Convey museum objects, museum collections, and other personal property that the Secretary determines is no longer needed for museum purposes, without monetary consideration but subject to such terms and conditions as the Secretary deems necessary, to private institutions exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 and to non-Federal governmental entities if the Secretary determines that the recipient is dedicated to the preservation and interpretation of natural or cultural heritage and is qualified to manage the property, prior to any conveyance under this subsection.

"(3) Sell by negotiated sale or to the highest bidder those museum objects, museum collections, and other personal property that the Secretary determines—

"(A) are no longer needed for museum purposes or no longer have scientific value; and

"(B) cannot reasonably be disposed of by exchange, loan, gift, or transfer under paragraph (c) or (e) of the first section of this Act and paragraphs (1) and (2) of this Act, subject to such terms and conditions as the Secretary deems necessary to protect the public interest.

"The proceeds of any sale under this subsection shall, notwithstanding any other provision of law, be retained by the Secretary and used solely to defray the costs of administration, acquisition, maintenance, repair, and related expenses with respect to museum objects, museum collections, and other personal property under the jurisdiction of the Secretary of the Interior and used for purposes of the National Park System.

"(4) Destroy or cause to be destroyed museum objects, museum collections, and other personal property that the Secretary determines to have no scientific, cultural, historic, educational, esthetic, or monetary value.

"(b) The Secretary shall ensure that museum property is treated in a careful and deliberate manner that protects the public interest. Prior to taking any action under subsection (a), the Secretary shall establish a systematic review and approval process, including consultation with appropriate experts, that meets the highest standards of the museum profession for all actions taken under this section.".

SEC. 302. APPLICATION AND DEFINITIONS.

The Act entitled "An Act to increase the public benefits from the National Park System by facilitating the management of museum properties relating thereto, and for other purposes" approved July 1, 1955 (16 U.S.C. 18f), as amended by section 301 of this Act, is further amended by adding the following:

"SEC. 3. APPLICATION AND DEFINITIONS.

"(a) APPLICATION.—Authorities in this Act shall be available to the Secretary of the Interior with regard to museum objects, museum collections, and other personal property that was under the administrative jurisdiction of the Secretary for purposes of the National Park System before the date of enactment of this section as well as those properties that may be acquired on or after such date.

"(b) DEFINITIONS.—For the purposes of this Act, the terms 'museum object, museum property and other personal property' mean objects that are made part of a museum, library, or archive collection through a formal procedure, such as accessioning. Such objects are usually movable and include but are not limited to prehistoric and historic artifacts, works of art, books, documents, photographs, and natural history specimens.

"(c) PRIORITY OF ACT.—To the extent that the management of museum objects, museum property and other personal property differs from management of personal property as described in the Federal Property and Administrative Services Act of 1949, as amended, the provisions of this Act shall control and the Secretary is authorized to promulgate regulations to govern the acquisition, management, and disposition of such museum property.".

TITLE IV—MINOR BOUNDARY ADJUSTMENTS

SEC. 401. SHENANDOAH NATIONAL PARK LAND TRANSFER.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Interior may transfer certain land located in the Shenandoah National Park and described in subsection (c) to the Secretary of the Treasury for use by the Secretary of the Treasury as a United States Customs Service Canine Enforcement Training Center and for other uses deemed appropriate by the Secretary of the Treasury.

(b) CONDITIONS OF TRANSFER.—

(1) PROTECTION OF THE PARK.—An agreement to transfer land pursuant to subsection (a) shall include such provisions for the protection of Shenandoah National Park as the Secretary of the Interior considers necessary.

(2) CONSIDERATION.—A transfer pursuant to subsection (a) may be made without consideration or reimbursement.

(3) REVERSION.—If the land referred to in subsection (a) becomes surplus to the needs of the Secretary of the Treasury at any time, title to the land shall revert to the Department of the Interior. The Secretary of the Treasury shall be responsible for certifying that the property is not contaminated with hazardous substances before reversion is completed.

(c) DESCRIPTION OF THE LAND.—The land referred to in subsection (a) is a plot of fenced land equalling 9.888 acres containing buildings, structures, fixtures, equipment, and other improvements affixed to or resting upon the land, and has the following legal description:

Beginning at (1) a monument in the line of the land of Lawson just West of Road No. 604; thence with the land of Lawson and then with a new division line through the land of Shenandoah National Park N 59 degrees 45 minutes 38 seconds W 506.05 feet to (2) a Concrete Monument set, said point being N 59 degrees 45 minutes 38 seconds W 9.25 feet from a monument a corner to the land of Lawson; thence with another new division line through the land of Shenandoah National Park N 31 degrees 31 minutes 00 seconds E 1206.07 feet to (3) a Concrete Monument set in the line of the land of the United States Government; hence with the land of the United States Government for the following two courses: S 07 degrees 49 minutes 31 seconds E 203.98 feet to (4); thence S 09 degrees 10 minutes 06 seconds E 27.79 feet to (5) a corner between the land of the United States Government and the land of United States Customs Service Director Dog Training Center; thence with 282.896 Acre Tract of United States Customs Service Detector Dog Training Center for the following six courses:

S 10 degrees 38 minutes 32 seconds E 152.47 feet to (6); thence

S 00 degrees 48 minutes 32 seconds W 127.52 feet to (7); thence

S 08 degrees 25 minutes 46 seconds W 422.15 feet to (8); thence

S 14 degrees 37 minutes 16 seconds W 106.47 feet to (9); thence

S 27 degrees 13 minutes 28 seconds W 158.11 feet to (10); thence

S 38 degrees 17 minutes 36 seconds W 146.44 feet to the point of beginning,

containing 9.888 acres more or less.

SEC. 402. ZION NATIONAL PARK BOUNDARY ADJUSTMENT.

(a) ACQUISITION AND BOUNDARY CHANGE.—The Secretary of the Interior is authorized to acquire by exchange approximately 5.48 acres located in the SW¼ of Section 28, Township 41 South, Range 10 West, Salt Lake Base and Meridian. In exchange therefor the Secretary is authorized to convey all right, title, and interest of the United States in and to approximately 5.51 acres in Lot 2 of Section 5, Township 41 South, Range 11 West, both parcels of land being in Washington County, Utah. Upon completion of such exchange, the Secretary is authorized to revise the boundary of Zion National Park to add the 5.48 acres in Section 28 to the park and to exclude the 5.51 acres in Section 5 from the park. Land added to the park shall be administered as part of the park in accordance with the laws and regulations applicable thereto.

(b) EXPIRATION.—The authority granted by this section shall expire two years after the date of the enactment of this Act.

SEC. 403. PICTURED ROCKS NATIONAL LAKESHORE BOUNDARY ADJUSTMENT.

The boundary of Pictured Rocks National Lakeshore is hereby modified as depicted on a map entitled "Area Proposed for Addition to Pictured Rocks National Lakeshore," numbered 625–80, 043A and dated July 1992.

SEC. 404. INDEPENDENCE NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The administrative boundary between Independence National Historical Park and the United States Customs House along the Moravian Street Walkway in Philadelphia, Pennsylvania, is hereby modified as generally depicted on the drawing entitled "Exhibit 1, Independence National Historical Park, Boundary Adjustment", and dated May 1987, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary of the Interior is authorized to accept and transfer jurisdiction over property in accord with such administrative boundary, as modified by this section.

SEC. 405. CRATERS OF THE MOON NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) BOUNDARY REVISION.—The boundary of Craters of the Moon National Monument, Idaho, is revised to add approximately 210 acres and to delete approximately 315 acres as generally depicted on the map entitled "Craters of the Moon National Monument, Idaho, Proposed 1987 Boundary Adjustment", numbered 131–80,008, and dated October 1987, which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior.

(b) ADMINISTRATION; ACQUISITION.—Federal lands, waters, and interests therein deleted from the boundary of the national monument by this section shall be administered by the Secretary of the Interior through the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Federal lands, waters, and interests therein added to the national monument by this section shall be administered by the Sec-

retary as part of the national monument, subject to the laws and regulations applicable thereto. The Secretary is authorized to acquire private lands, waters, and interests therein within the boundary of the national monument by donation, purchase with donated or appropriated funds, or exchange, and when acquired they shall be administered by the Secretary as part of the national monument, subject to the laws and regulations applicable thereto.

SEC. 406. HAGERMAN FOSSIL BEDS NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

Section 302 of the Arizona-Idaho Conservation Act of 1988 (102 Stat. 4576) is amended by adding the following new subsection:

"(d) To further the purposes of the monument, the Secretary is also authorized to acquire from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange not to exceed 65 acres outside the boundary depicted on the map referred to in section 301 and develop and operate thereon research, information, interpretive, and administrative facilities. Lands acquired and facilities developed pursuant to this subsection shall be administered by the Secretary as part of the monument. The boundary of the monument shall be modified to include the lands added under this subsection as a noncontiguous parcel.".

SEC. 407. WUPATKI NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

The boundary of the Wupatki National Monument, Arizona, is hereby revised to include the lands and interests in lands within the area generally depicted as "Proposed Addition 168.89 Acres" on the map entitled "Boundary—Wupatki and Sunset Crater National Monuments, Arizona", numbered 322–80,021, and dated April 1989. The map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Subject to valid existing rights, Federal lands, and interests therein within the area added to the monument by this section are hereby transferred without monetary consideration or reimbursement to the administrative jurisdiction of the National Park Service, to be administered as part of the monument in accordance with the laws and regulations applicable thereto.

SEC. 408. YUCCA HOUSE NATIONAL MONUMENT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of Yucca House National Monument are revised to include the approximately 24.27 acres of land generally depicted on the map entitled "Boundary—Yucca House National Monument, Colorado", numbered 318/80,001–B, and dated February 1990.

(b) MAP.—The map referred to in subsection (a) shall be on file and available for public inspection in appropriate offices of the National Park Service of the Department of the Interior.

(c) ACQUISITION BY DONATION.—(1) Within the lands described in section 408(a), the Secretary of the Interior may acquire lands and interests in lands by donation.

(2) The Secretary of the Interior may pay administrative costs arising out of any donation described in paragraph (1) with appropriated funds.

SEC. 409. HARPERS FERRY NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The first section of the Act entitled "An Act to provide for the establishment of the Harpers Ferry National Monument", approved June 30, 1944 (16 U.S.C. 450bb), is amended by inserting at the end thereof the following: "The Secretary is authorized to acquire by donation only the lands and interests in lands generally depicted on the map entitled 'Harpers Ferry Addition', numbered 385/80,066, and dated September 1992, which lands or interests therein shall, when acquired, become a part of the park, subject to the laws and regulations applicable thereto, and the boundaries of the park shall be revised to include such lands and interests.".

TITLE V—MISCELLANEOUS SPECIFIC PARK AMENDMENTS

SEC. 501. ADVISORY COMMISSIONS.

(a) KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK, HI.—Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)), is amended by striking out "ten years" and inserting in lieu thereof "twenty years".

(b) WOMEN'S RIGHTS NATIONAL HISTORICAL PARK, NY.—Section 1601(h)(5) of the Act of December 28, 1980 (16 U.S.C. 410ll(h)(5)), is amended by striking "ten years" and inserting in lieu thereof "twenty-five years".

SEC. 502. FORT PULASKI NATIONAL MONUMENT, GA.

Section 4 of the Act of June 26, 1936 (ch. 844; 49 Stat. 1979), is amended by striking out ": Provided, That" and all that follows and inserting in lieu thereof a period.

SEC. 503. TIMUCUAN ECOLOGICAL AND HISTORIC PRESERVE.

Section 201 of the Act of February 16, 1988, entitled "An Act authorizing the Secretary of the Interior to preserve certain wetlands and historic and prehistoric sites in the St. Johns River Valley, Florida, and for other purposes" (Public Law 100–249; 16 U.S.C. 698n) is amended by repealing subsection (d).

TITLE VI—GENERAL AUTHORIZATIONS AND REPEALERS

SEC. 601. LIMITATION ON PARK BUILDINGS.

The 10th undesignated paragraph (relating to a limitation on the expenditure of funds for park buildings) under the heading "MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR", which appears under the heading "UNDER THE DEPARTMENT OF THE INTERIOR", as contained in the first section of the Act of August 24, 1912 (37 Stat. 460), as amended (16 U.S.C. 451), is hereby repealed.

SEC. 602. HISTORIC PRESERVATION FUNDS GRANTS.

Section 301(2) of the National Historic Preservation Act, as amended (16 U.S.C. 470w), is amended by inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau," after "Northern Mariana Islands,".

SEC. 603. APPROPRIATIONS FOR TRANSPORTATION OF CHILDREN.

The first section of the Act of August 7, 1946 (16 U.S.C. 17j–2), is amended by adding at the end the following:

"(j) Provide transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service.".

SEC. 604. FERAL BURROS AND HORSES.

Section 9 of the Act of December 15, 1971 (16 U.S.C. 1338a), is amended by adding at the end thereof the following: "Nothing in this Act shall be deemed to limit the authority of the Secretary in the management of units of the National Park System, and the Secretary may, without regard either to the provisions of this Act, or section 47(a) of title 18, United States Code, use motor vehicles, fixed-wing aircraft and helicopters, or contract for such use, in furtherance of the management of the National Park System, and the provisions of section 47(a) of title 18, United States Code, shall not be applicable to such use.".

SEC. 605. AUTHORIZATION OF STUDIES.

(a) SAN ANTONIO HISTORIC PARK DISTRICT.—

(1) AUTHORIZATION.—The Secretary of the Interior shall conduct a study of the area described in paragraph 4 to determine its significance in illustrating and commemorating the role of pre-Colombian Indians, Franciscan Missionaries, post-mission Mexican ranchos, and pioneers of the western expansion in the development of the State of California. As part of the study, the Secretary shall provide recommendations on the suitability and feasibility of establishing the area as a unit of the National Park System.

(2) CONTENTS OF STUDY.—The study of the Secretary shall contain, but not be limited to, findings with respect to—

(A) measures for preserving and interpreting historic resources associated with the Mission San Antonio de Padua, including its architectural and cultural resources;

(B) measures for preserving and interpreting historic and prehistoric archeological features of the area;

(C) opportunities within the area to memorialize and interpret four stages of California history, including pre-Colombian Indians, Franciscan Spanish Missionaries, post-mission Mexican ranchos, and pioneers of the western expansion; and

(D) natural and recreational values of the area.

(3) CONSULTATION.—In preparing the study under this subsection, the Secretary shall consult with the Friends of Historic San Antonio Mission, San Antonio Valley Historical Association, other interested historical organizations, the Department of the Army and appropriate local, State, and Federal agencies.

(4) AREA STUDIED.—The area studied pursuant to paragraph (1) shall include the Mission San Antonio de Padua in California and its surrounding historic and prehistoric archeological sites.

(5) CONGRESSIONAL REVIEW.—The Secretary shall transmit the study to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within one year after the date on which funds are appropriated for the study.

(6) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection.

(b) THEME STUDY ON THE HISTORY OF WATER CONSERVATION AND WATERSHED MANAGEMENT.—

(1) IN GENERAL.—The Secretary of the Interior shall prepare and transmit to the Congress a National Historic Landmark Theme Study on the History of Water Conservation and Watershed Management (hereafter in this subsection referred to as the "theme study"). The theme study shall be prepared in consultation with the appropriate Federal agencies, State and local governments, as well as land, water and agricultural groups.

(2) PURPOSE.—The purpose of the theme study shall be to identify the key sites and structures that illustrate the development and management of water resources critical to the westward expansion of the Nation. This includes the sociocultural evolution of a working river from aboriginal tribes, through early exploration, nineteenth century settlement, development of a water dependent agricultural economy and an ongoing transition to present day urban development.

(3) HISTORIC LANDMARKS.—In the theme study, the Secretary shall identify, evaluate, and nominate as national historic landmarks those unique and significant contributions to our national heritage of cultural and historical lands, waterways, structures and landscapes.

(4) NEW PARK UNITS.—On the basis of the theme study, the Secretary shall—

(A) identify possible new park units appropriate to the theme of the history of water development; and

(B) analyze the feasibility and suitability of their including these sites in the National Park System.

This analysis shall include a detailed study of the Cache la Poudre River Basin.

(5) COMPLETION.—The theme study shall be completed not later than 2 years after the date funds are made available for such study.

(6) COOPERATIVE AGREEMENT.—

(A) The Secretary may enter into a cooperative agreement with one or more scholarly and public historic organizations to—

(i) prepare the theme study; and

(ii) ensure that the theme study is prepared in accordance with generally accepted standards.

(B) The scholarly and public historic organizations shall—

(i) be knowledgeable of the history of water development in the West; and

(ii) ensure that the theme study meets scholarly standards.

TITLE VII—INCREASES FOR LAND ACQUISITION FOR CERTAIN UNITS OF THE NATIONAL PARK SYSTEM

SEC. 701. ACQUISITION CEILING INCREASES.

The limitations on appropriations for the acquisition of lands and interests therein within units of the National Park System contained in the following Act is amended as follows:

CHANNEL ISLANDS NATIONAL PARK, CALIFORNIA.—Section 208 of the Act of March 15, 1980 (16 U.S.C. 410ff-7), is amended by striking out "$30,100,000" and inserting in lieu thereof "$46,000,000".

SEC. 702. VOLUNTEERS IN THE PARKS INCREASE.

Section 4 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18j) is amended by striking out "$1,000,000" and inserting in lieu thereof "$1,750,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2563, as amended, provides for the rehabilitation of historic structures within the Sandy Hook unit of Gateway National Recreation Area in the State of New Jersey and makes several minor boundary adjustments and other miscellaneous changes in programs and authorities related to the National Park Service.

The Fort Hancock district of the Sandy Hook unit of the Gateway National Recreation Area in New Jersey contains over 200 historic buildings constructed by the U.S. Army in the 1890's for coastal defense purposes. For the past decade, the Monmouth County Vocational School District has used four of these otherwise unoccupied buildings to house the district's Marine Academy of Science and Technology, a 4-year program for students in grades 9–12.

S. 2563 authorizes the Secretary of the Interior to continue this arrangement with the Monmouth County Vocational School District. Design of new facilities, landscape improvements, and rehabilitation of existing structures by the district are subject to the approval of the National Park Service. The Secretary may accept funds for rehabilitating other properties within the park for park uses displaced by the district and is authorized to collect reasonable fees for services provided to the district.

Allowing the school district to rehabilitate and use otherwise vacant buildings in this park benefits both the school and the National Park Service. This is the type of partnership we should be supporting. The bill is supported by the administration, and I urge my colleagues' support.

S. 2563 also was amended by the Committee on Interior and Insular Affairs, includes several minor boundary adjustments and other miscellaneous changes in law relating to the National Park Service. These provisions are taken from the bill H.R. 5949, a bipartisan housekeeping bill introduced by myself and the ranking member of the Subcommittee on National Parks and Public Lands, Mr. LAGOMARSINO.

S. 2563, as amended, incorporates a number of noncontroversial legislative changes sought by the National Park Service. These changes include nine minor boundary adjustments, authorization for cooperative park study units, authorization to dispose of unneeded museum properties, extension of two advisory committees, several general authorities including transportation of children to national park units and two studies.

The miscellaneous park amendments were added to the Senate-passed Sandy Hook legislation because there is very little time left in the session, and both measures are noncontroversial bills supported by the administration. I urge Members to adopt S. 2563 as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2563 to permit the non-Federal use of certain unoccupied buildings within the Sandy Hook unit of Gateway National Recreation Area.

Mr. VENTO has adequately explained this measure, as well as the substantial amendment adopted by the subcommittee which provides for a variety of important and noncontroversial authorities to improve the operation and management of the Park System.

I am aware of no major objections to this measure, and I urge its adoption.

Mr. Speaker, I also would like to thank again the chairman for his help with the Cache la Poudre River basin designation study so that we can move ahead and do the necessary studies to satisfy the concerns of the National Park Service.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PANETTA. Mr. Speaker, I rise in strong support of S. 2563. This legislation includes the provisions of a bill I authored, H.R. 5611, to require the National Park Service to study the California Mission San Antonio de Padua in my congressional district for possible designation as a national historic park. I would like to express my sincere appreciation to Chairman MILLER and Chairman VENTO for their inclusion of H.R. 5611 in this bill and to Mr. LAGOMARSINO for your inclusion of my legislation to require a Park alternative study for the California Mission San Antonio de Padua in H.R. 5949. The mission is currently being studied by the National Park Service for a possible historic landmark designation. Early findings strongly indicate that a historic landmark designation is warranted and it is important that the Park study be commenced as soon as possible so it may build upon the findings of the landmark study in an expeditious manner. As such, I am particularly pleased that your committee is taking such expeditious action on this legislation.

Mission San Antonio, founded in 1771, is well recognized as a historic site of national significance. The mission is an important component of the Juan Bautista de Anza National Historic Trail and is on the National Historic Register of Historic Places. Yet the mission is only one part of the area's historic appeal. The surrounding area is also unique in that it has significant artifacts from all stages of California's development dating back from the settlements of the pre-Colombian Indians, to the Spanish missionaries, and the pioneers of the Western expansion. Few areas in our Nation can boast such historical value and offer such an opportunity for historical research.

Mission San Antonio is also an unique site in that it remains in its original isolated state. Because the mission is situated within the boundaries of the Fort Hunter-Liggett Military Reservation, there has been no commercial or residential development of the area surrounding the mission.

For all these reasons, Mission San Antonio offers unparalleled opportunities for historical interpretation and research in a realistic setting and appears to be well suited for a national historic park designation. Sadly, our Nation has failed to give adequate recognition to the rich history of our Western States. Only four of the Nation's 31 national historic parks are in the Western States. Mission San Antonio would be an ideal area in which to commemorate and celebrate the history of our Nation's largest State.

The legislation directs the National Park Service to study the San Antonio Mission and surrounding historical areas to determine the suitability and feasibility of designating the area as a national historic park. As the mission is within the boundaries of the Fort Hunter-Liggett Reservation, the legislation directs the Park Service to conduct the study in consultation with the Department of the Army to ensure that a park designation can work in tandem with the mission of the reservation.

As noted earlier, the Park Service, in conjunction with the Friends of Historic San Antonio Mission, is conducting a historic landmark study of the mission for designation as a national historic landmark. The landmark study is expected to be completed early this fall and early findings of the study strongly indicate that the mission warrants a historic landmark designation.

I would also point out that there is a great deal of support within the local community, and throughout the State of California, for the designation of a national historic park at the San Antonio Mission. The Friends of Historic San Antonio Mission have worked very hard to protect the mission and its surrounding historical sites and have made a very convincing case for designating this area as a national historic park.

There are not many places like San Antonio Mission left in our country. It is rare that we find a centuries old operating mission preserved in its original isolated state. Congress should take advantage of this opportunity by acting to commemorate this time period of our history and protect this area through a national historical park designation.

In closing, Mr. Chairman, the enactment of H.R. 5611 this year would be a great achievement for all of those working in California to preserve the mission's heritage. I appreciate your support for this initiative and look forward to working with you to ensuring the adoption of this legislation by the Congress.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 2563, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "A bill to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area and to make minor boundary adjustments and other miscellaneous amendments to authorities and programs of the National Park Service.".

A motion to reconsider was laid on the table.

MAKING TECHNICAL CORRECTIONS IN CERTAIN PUBLIC LAWS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6046) to make technical corrections in certain public laws, as amended.

The Clerk read as follows:

H.R. 6046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MISCELLANEOUS TECHNICAL AMENDMENTS

(a) MINNESOTA PUBLIC LANDS IMPROVEMENT ACT.—Section 205(d)(1) of the Minnesota Public Lands Improvement Act of 1990 (Public Law 101-442) is amended by inserting the words "and to other tracts of public lands in Minnesota whose sale is requested by persons or entities asserting claims thereto" after the words "subsection 204(b) of this Act".

(b) CLARKS FORKS WILD AND SCENIC RIVER.—Section 1301 of Public Law 101-628 is amended by striking "This Act may be cited" and by inserting in lieu thereof "This title may be cited".

(c) FLPMA.—The first sentence of section 302(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732(c)) is amended by striking "implmentation plan" and by inserting in lieu thereof "implementation plan".

(d) FORMER RAILROAD LANDS.—The Act of March 8, 1922 (42 Stat. 414, 43 U.S.C. 912) is amended by striking the words "whenever public lands" and by inserting in lieu thereof "except as otherwise provided by the National Trails System Act or other applicable law, whenever public lands".

(e) COPPER SPUR RANCH EXCHANGE.—(1) The title of the Act of May 27, 1992 (Public Law 102-293) is amended to read as follows: "To authorize the exchange of certain lands in South Dakota and Colorado, and for other purposes".

(2) Section 1(e) of the Act cited in paragraph (1) is amended by striking "The exchange of lands" and by inserting in lieu thereof "To the extent possible, the exchange of lands".

(f) UPPER MISSOURI WILD AND SCENIC RIVER.—The boundaries and classifications of the Upper Missouri Wild and Scenic River, as published in the Federal Register on January 22, 1980 (45 FR 4474-4478) are hereby approved as though submitted to the Congress prior to October 12, 1977. The effective date of such boundaries and classifications is April 21, 1980.

(g) NUMBERING OF WILD AND SCENIC RIVER SEGMENTS.—Section 3(a) of the Wild and Scenic Rivers Act is amended by numbering the unnumbered paragraphs following paragraph (108) as follows:

(1) The unnumbered paragraph added by Public Law 101-306, relating to the East Fork of the Jemez River in New Mexico is numbered as paragraph (109).

(2) The unnumbered paragraph added by Public Law 101-306 relating to the Pecos River in New Mexico is numbered as paragraph (110).

(3) The unnumbered paragraph added by Public Law 101-612, relating to the Smith River in California is numbered as paragraph (111).

(4) The unnumbered paragraph added by Public Law 101-612, relating to the Middle Fork of the Smith River in California is numbered as paragraph (112).

(5) The unnumbered paragraph added by Public Law 101-612, relating to the North Fork of the Smith River in California is numbered as paragraph (113).

(6) The unnumbered paragraph added by Public Law 101-612, relating to the Siskiyou Fork of the Smith River in California is numbered as paragraph (114).

(7) The unnumbered paragraph added by Public Law 101-612, relating to the South Fork of the Smith River in California is numbered as paragraph (115).

(8) The unnumbered paragraph added by Public Law 101-628, relating to the Clarks Fork in Wyoming is numbered as paragraph (116).

(9) The unnumbered paragraph added by Public Law 102-50, relating to the Niobrara River in Nebraska is numbered as paragraph (117).

(10) The unnumbered paragraph added by Public Law 102-50, relating to the Missouri River in Nebraska and South Dakota is numbered as paragraph (118).

(11) The unnumbered paragraph added by Public Law 102-249, relating to Bear Creek in Michigan is numbered as paragraph (119).

(12) The unnumbered paragraph added by Public Law 102-249, relating to the Black River in Michigan is numbered as paragraph (120).

(13) The unnumbered paragraph added by Public Law 102-249, relating to the Carp River in Michigan is numbered as paragraph (121).

(14) The unnumbered paragraph added by Public Law 102-249, relating to the Indian River in Michigan is numbered as paragraph (122).

(15) The unnumbered paragraph added by Public Law 102-249, relating to the Manistee River in Michigan is numbered as paragraph (123).

(16) The unnumbered paragraph added by Public Law 102-249, relating to the Ontonagon River in Michigan is numbered as paragraph (124).

(17) The unnumbered paragraph added by Public Law 102-249, relating to the Paint River in Michigan is numbered as paragraph (125).

(18) The unnumbered paragraph added by Public Law 102-249, relating to the Pine River in Michigan is numbered as paragraph (126).

(19) The unnumbered paragraph added by Public Law 102-249, relating to the Presque Isle River in Michigan is numbered as paragraph (127).

(20) The unnumbered paragraph added by Public Law 102-249, relating to the Sturgeon River in the Hiawatha National Forest in Michigan is numbered as paragraph (128).

(21) The unnumbered paragraph added by Public Law 102-249, relating to the Sturgeon River in the Ottawa National Forest in Michigan is numbered as paragraph (129).

(22) The unnumbered paragraph added by Public Law 102-249, relating to the East Branch of the Tahquamenon River in Michigan is numbered as paragraph (130).

(23) The unnumbered paragraph added by Public Law 102-249, relating to the Whitefish River in Michigan is numbered as paragraph (131).

(24) The unnumbered paragraph added by Public Law 102-249, relating to the Yellow Dog River in Michigan is numbered as paragraph (132).

(25) The unnumbered paragraph added by Public Law 102-271, relating to the Allegheny River in Pennsylvania is numbered as paragraph (133).

(26) The unnumbered paragraph added by Public Law 102-275, relating to the Big Piney Creek, Arkansas, is numbered as paragraph (134).

(27) The unnumbered paragraph added by Public Law 102-275, relating to the Buffalo River, Arkansas, is numbered as paragraph (135).

(28) The unnumbered paragraph added by Public Law 102-275, relating to the Cossatot River, Arkansas, is numbered as paragraph (136).

(29) The unnumbered paragraph added by Public Law 102-275, relating to Hurricane Creek, Arkansas, is numbered as paragraph (137).

(30) The unnumbered paragraph added by Public Law 102-275, relating to Little Mis-

souri River, Arkansas, is numbered as paragraph (138).

(31) The unnumbered paragraph added by Public Law 102–275, relating to the Mulberry River, Arkansas, is numbered as paragraph (139).

(32) The unnumbered paragraph added by Public Law 102–275, relating to the North Sylamore Creek, Arkansas, is numbered as paragraph (140).

(33) The unnumbered paragraph added by Public Law 102–275, relating to Richland Creek, Arkansas, is numbered as paragraph (141).

(34) The unnumbered paragraph added by Public Law 102–301, relating to Sespe Creek, California, is numbered as paragraph (142).

(35) The unnumbered paragraph added by Public Law 102–301, relating to Sisquoc River, California, is numbered as paragraph (143).

(36) The unnumbered paragraph added by Public Law 102–301, relating to Big Sur River, California, is numbered as paragraph (144).

(h) Numbering of Wild and Scenic River Study Segments.—Section 5(a) of the Wild and Scenic Rivers Act is amended by renumbering paragraph (106), relating to the St. Mary's River in Florida and Georgia as paragraph (108), and by numbering the paragraphs following such paragraph (108) as follows:

(1) The unnumbered paragraph added by Public Law 101–538, relating to the Mills River in North Carolina is numbered as paragraph (109).

(2) The unnumbered paragraph added by Public Law 101–628, relating to the Sudbury, Assabet, and Concord Rivers in Massachusetts is numbered as paragraph (110).

(3) The unnumbered paragraph added by Public Law 102–50, relating to the Niobrara, Nebraska is numbered as paragraph (111).

(4) The unnumbered paragraph added by Public Law 102–214, relating to the Lamprey River in New Hampshire is numbered as paragraph (112).

(5) Paragraph (112) added by Public Law 102–215, relating to White Clay Creek in Delaware and Pennsylvania is numbered as paragraph (113).

(6) The unnumbered paragraph added by Public Law 102–249, relating to the Brule River in Michigan and Wisconsin is numbered as paragraph (114).

(7) The unnumbered paragraph added by Public Law 102–249, relating to the Carp River in Michigan is numbered as paragraph (115).

(8) The unnumbered paragraph added by Public Law 102–249, relating to the Little Manistee River in Michigan is numbered as paragraph (116).

(9) The unnumbered paragraph added by Public Law 102–249, relating to the White River in Michigan is numbered as paragraph (117).

(10) The unnumbered paragraph added by Public Law 102–249, relating to the Ontonagon River in Michigan is numbered as paragraph (118).

(11) The unnumbered paragraph added by Public Law 102–249, relating to the Paint River in Michigan is numbered as paragraph (119).

(12) The unnumbered paragraph added by Public Law 102–249, relating to the Presque Isle River in Michigan is numbered as paragraph (120).

(13) The unnumbered paragraph added by Public Law 102–249, relating to the Sturgeon River in the Ottawa National Forest in Michigan is numbered as paragraph (121).

(14) The unnumbered paragraph added by Public Law 102–249, relating to the Sturgeon River in the Hiawatha National Forest in Michigan is numbered as paragraph (122).

(15) The unnumbered paragraph added by Public Law 102–249, relating to the East Branch of the Tahquamenon River in Michigan is numbered as paragraph (123).

(16) The unnumbered paragraph added by Public Law 102–249, relating to the Whitefish River in Michigan is numbered as paragraph (124).

(17) The unnumbered paragraph added by Public Law 102–271, relating to the Clarion River in Pennsylvania is numbered as paragraph (125).

(18) The unnumbered paragraph added by Public Law 102–271, relating to the Mill Creek in Pennsylvania is numbered as paragraph (126).

(19) The unnumbered paragraph added by Public Law 102–301, relating to Piru Creek, California, is numbered as paragraph (127).

(20) The unnumbered paragraph added by Public Law 102–301, relating to the Little Sur River, California, is numbered as paragraph (128).

(21) The unnumbered paragraph added by Public Law 102–301, relating to Matilija Creek, California, is numbered as paragraph (129).

(22) The unnumbered paragraph added by Public Law 102–301, relating to Lopez Creek, California, is numbered as paragraph (130).

(23) The unnumbered paragraph added by Public Law 102–301, relating to Sespe Creek, California, is numbered as paragraph (131).

(i) Arkansas Rivers.—Subparagraph (C) of paragraph (136) of section 3(a) of the Wild and Scenic Rivers Act, as added by Public Law 102–275, relating to the Cossatot River, Arkansas, is amended by adding at the end thereof the following new sentence: "For purposes of administration of such segment, any reference in this Act to 'the Secretary' or 'the appropriate Secretary' shall be deemed to be a reference to the Secretary of the Army."

(j) Additional Technical Amendments to the Wild and Scenic Rivers Act.—The Wild and Scenic Rivers Act is amended as follows:

(1) Subparagraph (B) of paragraph (85) of section 3(a), relating to the Metolius River in Oregon, is amended by inserting "to be administered" before "by the Secretary of Agriculture".

(2) Subparagraph (K) of paragraph (112) of section 3(a), relating to the West Fork Patrick Creek, is amended by inserting "USGS" after "1951".

(3) Paragraph (115) of section 3(a), relating to a segment of the South Fork of the Smith River in California is amended by inserting "the" after "on" in subparagraph (A) and by striking "depicted in" in subparagraph (R) and inserting "depicted on".

(4) The first sentence of section 3(b) is amended by striking "if provided" and inserting "is provided".

(5) The last sentence of section 5(b)(1) is amended by striking "river" and inserting "rivers".

(6) section 5(b)(6) is amended by striking "1204" and inserting "1203".

(3) Section 5(b)(8) as added by section 1(b) of Public Law 101–364, relating to the St. Marys River in Florida and Georgia, is redesignated as paragraph (10) and amended by striking "(106)" and inserting "(108)".

(k) Civil War Sites Advisory Commission.—Section 1205(a)(1) of Public Law 101–628 is amended by striking out "Twice" and inserting "Three".

(l) National Park System Report.—Public Law 101–628 is amended as follows:

(1) In section 1213 strike out "Sec. 1213" and insert:

"SEC. 1213. NATIONAL PARK SYSTEM REPORT.".

(2) In section 1213 insert "(a) In General.—" before the first sentence.

(3) Redesignate section 1214 as subsection (b) of section 1213 and insert before the first sentence thereof "(b) Hearings and Public Comment.—".

(4) Redesignate section 1215 as subsection (c) of section 1213, insert before the first sentence thereof "(c) Contents of Report.—", and redesignate subsections (a), (b) and (c) thereof as paragraph (1), (2), and (3) thereof, respectively.

(5) Redesignate section 1216 as section 1214 by striking out "Sec. 1216." and inserting:

"SEC. 1214. NATIONAL PARK SYSTEM BOUNDARY STUDY.".

(6) In section 1214 as redesignated by paragraph (5) of this subsection insert "(a) Criteria.—" before the first sentence and redesignate subsections (a), (b) and (c) thereof as paragraphs (1), (2), and (3) thereof respectively.

(7) Redesignate section 1217 as subsection (b) of section 1214, insert "(b) Proposals.—" before the first sentence thereof, and redesignate subsections (a), (b) and (c) thereof as paragraphs (1), (2), and (3) thereof respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6046.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, H.R. 6046, is a bill that makes technical corrections and conforming changes to certain public laws under the jurisdiction of the Committee on Interior and Insular Affairs. These are obviously purely housekeeping matters and include provisions involving numbering of river segments designated under the Wild and Scenic Rivers Act, and others involving correcting public law titles or the numbering of sections or paragraphs or various statutes.

The legislation is completely noncontroversial, and I would, of course, recommend its passage by the House so that these technical corrections of the various laws can be made.

Mr. Speaker, I might add that because the subcommittee and the work we do involves a significant amount of authorization and writing of legislation each term involving anywhere from 70 to 100 laws that might be written into law, if does necessitate dealing with the technical problems that do arise. I think we have very few considering the magnitude of the legislation, and some are unavoidable because of the numbering and the sequence into the Wild and Scenic Rivers Act, which make up the primary changes in this technical law, and they are unavoidable, based on the method that is utilized in terms of each enactment of those laws and the placing of them into the Federal Code.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this measure.

As the gentleman from Minnesota has explained, this measure simply makes a number of technical or noncontroversial amendments to existing statutes, such as renumbering of wild and scenic river segments within the Wild and Scenic River Act.

I am aware of no problems with this measure and urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, in this technical corrections bill I would like to recognize the work of Pope Barrow, the senior legislative counsel in the Office of Legislative Counsel that has done extensive work on this, and on many other measures, but I thank especially noteworthy is his work in this particular instance on this technical bill, as well as some of his substantive work.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 6046, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The motion to reconsider was laid on the table.

□ 1910

REDUCING RESTRICTIONS ON LANDS CONVEYED TO CITY OF KAYSVILLE, UT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1183) to reduce the restrictions on the lands conveyed by deed to the city of Kaysville, UT, and for other purposes, as amended.

The Clerk read as follows:

S. 1183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—UTAH LANDS

SEC. 101. AMENDMENT.

Section 2 of the Act of June 8, 1926 (ch. 498; 44 Stat. 708), is amended by striking "States." at the end of the first sentence and inserting in lieu thereof the following: "States, except that these restrictions on conveyances and uses shall not apply to those lands upon which communications facilities were located as of November 1, 1991, or prevent reasonable ingress and egress for the repair, maintenance, or improvement of such facilities, nor shall these restrictions on conveyances and uses prohibit the use of the lands described in the first section of this Act for recreational purposes so long as such recreational use is consistent both with the protection of the watershed and water supply system of the city and with the management objectives for adjacent National Forest System lands. Any improvements of the lands described in the first section of this Act for recreational purposes shall be undertaken only in consultation with and the approval of the Secretary of Agriculture.".

SEC. 102. BEAR RIVER EXCHANGE.

(a) IN GENERAL.—If, within 5 years after the date of enactment of this Act, the State of Utah transfers to the Secretary of the Interior all right, title, and interest of the State of Utah in and to the State lands in exchange for Federal lands, the Secretary of the Interior, within 18 months after such transfer, shall transfer to the State of Utah all right, title, and interest in and to so much of the Federal lands as the Secretary determines to be equal in fair market value to the State lands.

(b) STATE LANDS.—As used in this section, the term "State lands" means approximately 700.70 acres of land located in the State of Utah, as generally depicted as State lands on the map entitled "Bear River Migratory Bird Refuge", map numbered 1, and more particularly described as: The South half of the Northwest Quarter and Lots 5, 6, 7, and 8, all in Section 4, and also, Lots 7 and 8, Section 5, township 8 North, Range 2 West, Salt Lake Base and Meridian.

All property below the surveyed meander line and North of the Bear River Bird Refuge North Boundary in Sections 4 and 9 and in the East one-half of Sections 5 and 8, Township 8 North, Range 2 West, Salt Lake Base and Meridian.

(c) FEDERAL LANDS.—As used in this section, the term "Federal lands" means approximately 1,365.14 acres of land located in the State of Utah, as generally depicted as Federal lands on the map entitled "Fingerpoint ", map numbered 2, and the map entitled "Rozel Point", map numbered 3, and more particularly described as:

Township 7 North, Range 10 West, Salt Lake Base & Meridian
Section 5: Lots 1–6, W½SW¼
Section 6: Lots 1–7, W½SE¼
Section 7: Lots 1–6
Section 8: Lots 1–4,W½
Section 17: Lots 1–5
Section 18: Lots 1–3
Township 8 North, Range 7 West, Salt Lake Base & Meridian
Section 8: Lots 1–12, E½NE¼

(d) ADMINISTRATION.—The lands transferred to the United States under this section shall be added to and administered as part of the Bear River Migratory Bird Refuge.

TITLE II—COLORADO MILITARY LANDS

SEC. 201. SHORT TITLE.

This title may be cited as the "Fort Carson-Pinon Canyon Military Lands Withdrawal Act".

SEC. 202. WITHDRAWAL AND RESERVATION OF LANDS AT FORT CARSON MILITARY RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, the lands at the Fort Carson Military Reservation that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws including the mining laws and the mineral and geothermal leasing laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering, training and weapons firing; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise 3,133.02 acres of public land and 11,415.16 acres of federally-owned minerals in El Paso, Pueblo and Fremont Counties, Colorado, as generally depicted on the map entitled "Fort Carson Proposed Withdrawal—Fort Carson Base", dated February 1992, and filed in accordance with section 204.

SEC. 203. WITHDRAWAL AND RESERVATION OF LANDS AT PINON CANYON MANEUVER SITE.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, the lands at the Pinon Canyon Maneuver Site that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws including the mining laws and the mineral and geothermal leasing laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering and training; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise 2,517.12 acres of public lands and 130,139 acres of federally-owned minerals in Las Animas County, Colorado, as generally depicted on the map entitled "Fort Carson Proposed Withdrawal—Fort Carson Maneuver Area—Pinon Canyon site", dated February 1992, and filed in accordance with section 204.

SEC. 204. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this title; and

(2) file maps and a legal description of the lands withdrawn and reserved by this title with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives.

(b) LEGAL EFFECT.—Such maps and legal descriptions shall have the same force and effect as if they were included in this title, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) LOCATION OF COPIES.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Colorado State Director and the Canon City District Manager of the Bureau of Land Management, and the Commander, Fort Carson, Colorado.

(d) COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for the costs of implementing this section.

SEC. 205. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT GUIDELINES.—(1) Except as provided in section 206, during the period of withdrawal, the Secretary of the Army shall manage for military purposes the lands covered by this title and may authorize use of the lands by the other military departments and agencies of the Department of Defense, and the National Guard, as appropriate.

(2) When military operations, public safety, or national security, as determined by the Secretary of the Army, require the closure of roads and trails on the lands withdrawn by this title commonly in public use, the Secretary of the

Army is authorized to take such action, except that such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. Appropriate warning notices shall be kept posted during closures.

(3) The Secretary of the Army shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands as a result of military activities and may seek assistance from the Bureau of Land Management in suppressing such fires. The memorandum of understanding required by this section shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Army to the Bureau of Land Management as compensation for such assistance.

(b) MANAGEMENT PLAN.—The Secretary of the Army, with the concurrence of the Secretary of the Interior, shall develop a plan for the management of acquired lands and lands withdrawn under sections 202 and 203 for the period of withdrawal. The plan shall—

(1) be consistent with applicable law;

(2) include such provisions as may be necessary for proper resource management and protection of the natural, cultural, and other resources and values of such lands;

(3) identify those withdrawn and acquired lands, if any, which are to be open to mining or mineral and geothermal leasing, including mineral materials disposal; and

(4) be developed not later than 5 years after the date of enactment of this Act.

(c) LISTING OF LANDS SUITABLE FOR MINING.—On completion of the management plan prepared pursuant to subsection (b), the Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined under such subsection to be suitable for opening to mining, and mineral and geothermal leasing, including mineral materials disposal, and specifying the opening date.

(d) IMPLEMENTATION OF MANAGEMENT PLAN.—(1) The Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding to implement the management plan described in subsection (b).

(2) The duration of any such memorandum of understanding shall be the same as the period of withdrawal under section 208.

(3) The memorandum of understanding may be amended by agreement of both Secretaries.

(e) REEXAMINATION OF LANDS FOR SUITABILITY FOR MINING.—At least every five years after the initial identification of lands suitable for opening to mining required by subsection (b)(3), the Secretary of the Army and the Secretary of the Interior shall determine those withdrawn lands, if any, which the Secretaries consider suitable for opening to mining, mineral and geothermal leasing, or mineral material disposal, and those acquired lands, if any, which the Secretaries consider suitable for opening to mineral and geothermal leasing or mineral material disposal. The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable for opening and specifying the opening date.

(f) USE OF CERTAIN RESOURCES.—The Secretary of the Army is authorized to utilize sand, gravel, or similar mineral or mineral material resources when the use of such resources is required for construction needs of the Fort Carson Reservation or Pinon Canyon Maneuver Site.

SEC. 206. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

(a) AUTHORITY OF SECRETARY OF THE INTERIOR.—Notwithstanding any other provision of law, and except as provided in section 205 of this title, the Secretary of the Interior shall manage all withdrawn and acquired mineral resources contained within the boundaries of the Fort Carson Reservation and Pinon Canyon Maneuver Site.

(b) EFFECT OF IDENTIFICATION OF LANDS AS SUITABLE FOR MINING.—On the day specified by the Secretary of the Interior in the notice published in the Federal Register pursuant to subsections (c) and (e) of section 205, the land identified as suitable for opening to the operation of the mining, mineral, and geothermal leasing and the mineral material disposal laws shall automatically be open to the operation of such laws without the necessity for further action by either the Secretary of the Interior or the Congress.

(c) EXCEPTION FROM CERTAIN LAWS.—No deposit of minerals or materials of the types identified by section 3 of the Act of July 23, 1955 (30 U.S.C. 611; 69 Stat. 368), whether or not included in the term "common varieties" in that Act, shall be subject to location under the Act of May 10, 1872 (commonly known as the Mining Law of 1872) (30 U.S.C. 22 et seq.), on lands described in sections 202 and 203.

(d) REGULATIONS.—On lands identified for opening to mining, mineral, and geothermal leasing or mineral material disposal by section 205(b)(3), or by subsequent amendments to the management plan described in section 205, all minerals contained in those lands shall be subject to mining, mineral, and geothermal leasing or mineral material disposal under such rules and regulations as the Secretary of the Interior may promulgate pursuant to the terms and conditions of section 12 of the Military Lands Withdrawal Act of 1986 (Public Law 99-606; 100 Stat. 3466).

(e) CLOSURE OF LANDS UNDER CERTAIN CIRCUMSTANCES.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the Army, shall close any lands that have been opened to mining, mineral, and geothermal leasing or mineral material disposal pursuant to this section.

(f) MINING CLAIMS.—(1) Except as otherwise provided in this title, mining claims located pursuant to this title shall be subject to the provisions of the Act of May 10, 1872 (commonly known as the Mining Law of 1872) (30 U.S.C. 22 et seq.). In the event of a conflict between that law and this title, this title shall prevail.

(2) All mining claims located under the terms of this title shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS FOR LOCATABLE MINERALS.—(1) Patents issued pursuant to this title for locatable minerals shall convey title to the locatable minerals only, and shall be issued together with an appropriate authorization for use of so much of the surface as may be necessary for purposes incident to mining under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) All such patents shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on those lands.

(3) For the purposes of this section, all minerals subject to location under the Act of May 10, 1872 (commonly known as the Mining Law of 1872) (30 U.S.C. 22 et seq.), are referred to as "locatable minerals".

SEC. 207. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn and reserved by this title shall be conducted in accordance with section 2671 of title 10, United States Code.

SEC. 208. TERMINATION OF WITHDRAWAL AND RESERVATION AND EFFECT OF CONTAMINATION.

(a) TERMINATION DATE.—The withdrawal and reservation established by this title shall terminate 15 years after the date of enactment of this Act.

(b) DETERMINATION OF CONTINUING MILITARY NEED.—(1) At least three years prior to the termination under subsection (a) of the withdrawal and reservation established by this title, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Department of the Army will have a continuing military need for any of the lands after the termination date.

(2) If the Secretary of the Army concludes under paragraph (1) that there will be a continuing military need for any of the lands after the termination date established by subsection (a), the Secretary of the Army, in accordance with applicable law, shall evaluate the environmental effects of renewal of such withdrawal and reservation, shall hold at least one public hearing in Colorado concerning such evaluation, and shall thereafter file an application for extension of the withdrawal and reservation of such lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals for military uses. The Secretary of the Interior shall notify the Congress concerning such filing and thereafter may take necessary steps, in accordance with applicable law, to prevent uses inconsistent with such extension for a period not in excess of 2 years after the termination of the withdrawal and reservation made by this title.

(3) If the Secretary of the Army concludes under paragraph (1) that prior to the termination date established by subsection (a), there will be no military need for all or any of the lands withdrawn and reserved by this title, or if, during the period of withdrawal, the Secretary of the Army decides to relinquish any or all of the lands withdrawn and reserved under this title, the Secretary of the Army shall file a notice of intention to relinquish with the Secretary of the Interior.

(c) DETERMINATION OF CONTAMINATION.—Prior to the filing of a notice of intention to relinquish pursuant to subsection (b)(3), the Secretary of the Army shall prepare a written determination as to whether and to what extent the lands are contaminated with explosive, toxic, or other hazardous materials. A copy of the determination made by the Secretary of the Army shall be supplied with the notice of intention to relinquish. Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(d) EFFECT OF CONTAMINATION.—(1) If any land which is the subject of a notice of intention to relinquish under subsection (b)(3) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the Army, determines that decontamination is practicable and economically feasible, taking into consideration the potential future use and value of the land, and that upon decontamination, the land could be opened to the operation of some or all of the public land laws, including the mining laws, the Secretary of the Army shall decontaminate the land to the extent that funds are appropriated for such purpose.

(2) If the Secretaries of the Army and the Interior conclude either that decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible, or that the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws, or if Congress declines to appropriate funds for decontamination of the lands, the Secretary of the Interior shall not be required to accept the lands proposed for relinquishment.

(3) If, because of their contaminated state, the Secretary of the Interior declines under para-

graph (2) to accept jurisdiction of the lands proposed for relinquishment, or if at the expiration of the withdrawal made by this title the Secretary of the Interior determines that some of the lands withdrawn by this title are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(A) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(B) after the expiration of the withdrawal, the Secretary of the Army shall undertake no activities on such lands except in connection with decontamination of such lands; and

(C) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken in furtherance of the subsection.

(4) If the lands are subsequently decontaminated, upon certification by the Secretary of the Army that the lands are safe for all nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(e) PROGRAM OF DECONTAMINATION.—Throughout the duration of the withdrawal and reservation made by this title, the Secretary of the Army, to the extent funds are made available, shall maintain a program of decontamination of the lands withdrawn by this title at least at the level of effort carried out during fiscal year 1992.

(f) ACCEPTANCE OF LANDS PROPOSED FOR RELINQUISHMENT.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over the lands proposed for relinquishment, is authorized to revoke the withdrawal and reservation established by this title as it applies to the lands proposed for relinquishment. Should the decision be made to revoke the withdrawal and reservation, the Secretary shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws if appropriate.

SEC. 209. DELEGATION.

The functions of the Secretary of the Army under this title may be delegated. The functions of the Secretary of the Interior under this title may be delegated, except that the order referred to in section 208(f) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 210. HOLD HARMLESS.

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining, mineral, or geothermal leasing activity conducted on lands comprising the Fort Carson Reservation or Pinon Canyon Maneuver Site.

SEC. 211. AMENDMENT TO MILITARY LANDS WITHDRAWAL ACT OF 1986.

Section 3(f) of the Military Lands Withdrawal Act of 1986 (Public Law 99–606, 100 Stat. 3461) is amended by adding at the end a new paragraph (2) as follows:

"(2) The Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources when the use of such resources is required for construction needs on the respective lands withdrawn by this Act.".

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE III—TARGHEE AND KANIKSU NATIONAL FORESTS

SEC. 301. SHORT TITLE.

This title may be cited as the "Targhee and Kaniksu Land Exchange Act of 1992".

SEC. 302. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this title as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

SEC. 303. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the past 10 years—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clark Fork Field Campus, under a Granger-Thye permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(b) LAND EXCHANGE.—

(1) CONVEYANCE BY THE SECRETARY.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the Regents of the University of Idaho all right, title, and interest of the United States to Parcel A.

(B) PARCEL A.—As used in this section, the term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated July 1, 1991.

(2) CONVEYANCE BY THE REGENTS OF THE UNIVERSITY OF IDAHO.—

(A) IN GENERAL.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the Regents of the University of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(B) PARCEL B.—As used in this section, the term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated July 1, 1991.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) PUBLIC ACCESS.—The maps described in paragraphs (1)(B) and (2)(B) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) TECHNICAL CORRECTIONS.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) LAND VALUATION.—

(1) IN GENERAL.—Subject to paragraph (2), if the lands exchanged between the United States and the Regents of the University of Idaho, as authorized by subsection (b), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) EXCEPTION.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Thye permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(d) NATIONAL FOREST BOUNDARY ADJUSTMENT.—

(1) IN GENERAL.—Upon acquisition of Parcel B by the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Kaniksu National Forest, as adjusted by this title, shall be considered to be the boundaries of the Forest as of January 1, 1965.

TITLE IV—RIGHTS-OF-WAY

SEC. 401. SUNRISE MOUNTAIN UTILITY CORRIDOR.

(a) ESTABLISHMENT.—

(1) There is established a right-of-way corridor of approximately one mile in width within the lands known as Sunrise Mountain (Natural Area) Inventory Unit NV–050–0420 (referred to in this Act as the "corridor").

(2) The corridor shall be located and administered by the Secretary of the Interior (referred to in this Act as the "Secretary") pursuant to sections 202 and 503 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1763). Effective on the filing of the legal description of the corridor by the Secretary, lands so described shall not be subject to section 603 of such Act.

(3)(A) Subject to subparagraph (B), the exact location and width of the corridor shall be as established in the map and legal description filed by the Secretary pursuant to subsection (b).

(B) The center line of the corridor shall be approximately the center line of the Navajo-McCullough 500 kilovolt transmission line in the lands described in paragraph (1) as in existence on the date of enactment of this Act.

(b) MAP AND LEGAL DESCRIPTION.—

(1) As soon as practicable after the date of enactment of this Act, a map and legal description of the corridor shall be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(2) The map shall have the same force and effect as if included in this Act.

(3) Copies of the map shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management of the Department of the Interior, and in each appropriate office of the Bureau of Land Management in Nevada.

(c) RIGHTS-OF-WAY.—

(1) The Secretary may grant not more than six rights-of-way over, upon, under, or through the corridor for systems and facilities compatible with each other and consistent with title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) (including rights-of-way to be used or useful for the construction, operation, and maintenance of single- or double-circulated electric transmission lines), of which—

(A) one right-of-way shall be used for the Intermountain Power Project transmission line;

(B) one right-of-way shall be used for the Navajo-McCullough transmission line referred to in subsection (a)(3)(B); and

(C) the remaining four rights-of-way may be granted only for the construction, operation, and maintenance of open-access transmission lines.

(2) Each right-of-way within the corridor shall be located so that the right-of-way causes the least practicable visual and physical impact on the environment, the corridor, Rainbow Gardens, and Desert Wetlands Park, that is consistent with good engineering practices.

(d) CONSTRUCTION.—Nothing in this section shall be construed as authorizing the issuance of any rights-of-way for electrical transmission lines or other purposes that would be inconsistent with applicable zoning or other requirements of State or local governments.

SEC. 402. CLAIMED RIGHTS-OF-WAY.

The Federal Land Policy and Management Act of 1976 is hereby amended by adding at the end of title III the following new sections 319 and 320:

"SEC. 319. RECORDATION OF CLAIMED RIGHTS-OF-WAY.

"(a) FILING REQUIREMENTS.—(1) Any party claiming to be a holder of a right-of-way across public or other Federal lands for the construction of a highway pursuant to a grant made by Revised Statutes section 2477 (43 U.S.C. 932) that became operative before repeal of such section on October 21, 1976, shall, on or before January 1, 1994, file for record in the office or offices of the Bureau of Land Management responsible for management of public lands within the State or States wherein such claimed right-of-way is located either a notice of intent to hold and maintain the right-of-way or a notice of abandonment of such party's claim to be the holder of such right-of-way. A notice of intent to hold and maintain such a right-of-way shall be accompanied by information concerning the actual construction, maintenance, and public use on which such party bases its claim to have established such a right-of-way, and by such other information regarding the uses, location, and extent of such claimed right-of-way as the Secretary of the Interior may require. The Secretary may allow information already in the possession of the Bureau of Land Management to be included by reference to the documents in which such information is recorded.

"(2) A party filing a notice pursuant to paragraph (1) shall also simultaneously file a copy thereof in the appropriate office of any other agency responsible for management of any Federal lands traversed by the claimed right-of-way, and shall give public notice of the party's intention to hold and maintain or to abandon the claimed right-of-way by publication of information concerning such intention in one or more newspapers of general circulation in the areas where the affected lands are located.

"(b) EFFECT.—(1) The failure of any party subject to the requirements of subsection (a) to file the notices or to publish the information required to be filed and published by such subsection within the time specified by such subsection shall be conclusively deemed to constitute an abandonment and relinquishment of a right-of-way with respect to which such filing and publication is required by such subsection.

"(2) Recordation pursuant to this section shall not, of itself, render valid any claim which would not otherwise be valid under applicable law or provide a basis for changing the scope, alignment, or character or extent of use of any claimed right-of-way; and nothing in this section shall be construed as waiving, altering, or otherwise affecting any terms or conditions applicable to any right-of-way under this Act or any other applicable law.

"(c) INVESTIGATIONS.—(1) Upon receipt of a notice filed pursuant to subsection (a) that a party intends to hold and maintain a claimed right-of-way involving any lands specified in paragraph (2) of this subsection, the Secretary of the Interior, acting through an appropriate officer of the Bureau of Land Management or (if any portion of a claimed right-of-way covered by this subsection is located within a unit of the National Park System) of the National Park Service, shall conduct an investigation to determine the validity of each such claimed right-of-way. The Secretary shall provide an opportunity for the public to contest or request an investigation of the validity of any other claimed right-of-way.

"(2)(A) The Secretary shall investigate the validity of each claimed right-of-way any portion of which involves—

"(i) any lands within the National Park System, the National Wild and Scenic River System, or the National Wilderness Preservation System; or

"(ii) any lands being managed so as to preserve their suitability for designation as wilderness, pursuant to section 603 of this Act or any other provision of law or regulation; or

"(iii) any area of critical environmental concern; or

"(iv) any other lands whose use for highway purposes would be inconsistent with the land-use plans for those lands.

"(B) The Secretary shall also investigate any claimed right-of-way not involving lands specified in subparagraph (A) but with respect to which a challenge is filed that states grounds which, if proved or confirmed, would constitute reason to doubt the validity of such claimed right-or-way or any portion thereof.

"(3) If any portion of such claimed right-of-way is on Federal lands managed by an agency other than the Bureau of Land Management or the National Park Service, the investigating officer shall request the comments of such agency with respect to the validity of such right-of-way.

"(4) Appropriate notice to the public, including the owners of any non-Federal lands affected by the claimed right-of-way, shall be provided with respect to initiation of each investigation carried out pursuant to this paragraph, and the investigating officer shall provide an opportunity for the public to submit comments concerning the subject of the investigation.

"(5) If information or comments submitted to the investigating officer demonstrate that there is a dispute as to any relevant facts with respect to the validity of a right-of-way subject to an investigation under this paragraph, the parties to such dispute shall be afforded an adjudicatory hearing on the record with respect to such disputed issues of fact. Any such adjudicatory hearing shall be before a qualified administrative law judge whose findings shall govern disposition of such issues of fact in any determination concerning the validity of a claimed right-of-way, subject to administrative and judicial review under applicable provisions of law.

"(6) If after an investigation pursuant to this paragraph, the investigating officer finds either that a claimed right-of-way or portion thereof is valid or that there is reason to doubt the validity of such claimed right-of-way or portion thereof, notice of such finding and the reasons therefor shall be provided to the party claiming the right-of-way and to all other affected parties, including the public.

"(7) For purposes of this section, if any portion of a claimed right-of-way includes lands managed pursuant to section 603 of this Act, that fact shall constitute a reason to doubt the validity of such portion of such right-of-way.

"(d) APPEALS.—(1) Any claimed right-of-way or portion thereof with respect to which it is found, pursuant to subsection (c), that there is reason to doubt the validity, shall be deemed to be invalid unless, within 30 days after such finding the party claiming the right-of-way has filed with the Secretary of the Interior an appeal of such finding, and the Secretary thereafter determines the right-of-way to be valid. Any party other than the party claiming the right-of-way, may intervene in any appeal filed under this paragraph in support of the finding of invalidity by filing with the Secretary a notice of such intervention within the period allowed for filing of the appeal.

"(2) Any finding by the investigating officer with regard to the validity or invalidity of a claimed right-of-way or portion thereof valid shall become final unless within 30 days after such finding a notice of appeal of such finding is filed with the Secretary of the Interior.

"(3) Any decision by the Secretary with regard to an appeal under this subsection shall be made after the party claiming or contesting a right-of-way has been provided with the evidence upon which the investigating officer's finding regarding its validity or invalidity was based and has been given an opportunity to respond, including an adjudicatory hearing on the record with respect to any disputed issues of fact.

"(4)(A) Pending a final determination of validity with respect to a claimed right-of-way that is subject to an appeal under this subsection, the Federal land covered by such claimed right-of-way shall be managed in accordance with applicable law (including this Act) and management plans as if such right-of-way did not exist, except that such lands may continue to be used for lawful transportation, access, and related purposes of the same nature and to the same extent as was properly permitted by the Secretary on the date of enactment of this section. Any such continued uses shall be subject to appropriate regulations to protect the resources and values of the affected lands.

"(B) Upon a final determination of invalidity with respect to a claimed right-of-way subject to an appeal under paragraph (3), Federal lands covered by such claimed right-of-way shall be managed in accordance with applicable law and management plans.

"(C) A determination by an investigating officer as to the validity or invalidity of a claimed right-of-way may be appealed to the Secretary by any person, provided such appeal is made no later than 30 days after the determination of the investigating officer. Any person filing such an appeal shall be afforded an adjudicatory hearing on the record with regard to any disputed issue of fact. Any decision of the Secretary regarding such an appeal shall be subject to judicial review.

"(5) Any decision by the Secretary pursuant to this subsection shall be subject to judicial review under applicable provisions of law, but nothing in this subsection shall be construed as affording any right to seek or participate in any judicial proceeding by any party not otherwise entitled to seek or participate in such proceeding.

"(e) CHANGE IN USE.—Any change in the scope, alignment, or character of use of a valid right-of-way established pursuant to Revised Statutes section 2477 shall be subject to terms and conditions required by section 505 of this Act or other applicable law.

"(f) SAVINGS CLAUSE.—Nothing in this section shall be construed as increasing or diminishing the requirements of any applicable law with respect to establishment, construction, or maintenance of a highway for purposes of obtaining a valid right-of-way pursuant to Revised Statutes section 2477 prior to its repeal.

"SEC. 320. RIGHT-OF-WAY IN ALASKA CONSERVATION SYSTEM UNITS.

"Nothing in this Act shall be construed as exempting any proposal for any construction on or change in the scope, alignment, or character or extent of use of any portion of any right-of-way claimed to have been established pursuant to Revised Statutes section 2477 on any lands within any conservation system unit in Alaska from the requirements of title XI of the Alaska National Interest Lands Conservation Act.".

TITLE V—"IN LIEU" LAND CLAIMS

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Pursuant to the invitation and requirements contained in the 15th paragraph under the heading "Surveying the Public Lands" in the Act of June 4, 1897 (30 Stat. 11, 36), as amended or supplemented by the Acts of June 6, 1900 (31 Stat. 588, 614), March 4, 1901 (31 Stat. 1010, 1037), and September 22, 1922 (42 Stat. 1067), certain landowners or entrymen within forest reserves acted to transfer their lands to the United States as the basis for an in lieu selection of other Federal lands (hereafter in this Act referred to as "lieu lands") in exchange for such lands within such reserves (hereafter in this Act referred to as "base lands").

(2) By the Act of March 3, 1905 (33 Stat. 1264), Congress repealed the in lieu selection provisions of the Act of June 4, 1897, as amended, and terminated the right to select lieu lands, but expressly preserved the rights of land owners who had valid pending applications for in lieu selections, most of which have subsequently been granted.

(3) Other persons affected by the Acts cited in paragraphs (1) and (2) who acted to transfer base lands, or their successors in interest, have never obtained either (A) a patent to the lieu lands or any other consideration for their relinquishment, or (B) a quitclaim of their base lands, notwithstanding relief legislation enacted in 1922 and 1930.

(4) By the Act of July 6, 1960 (74 Stat. 334), Congress established a procedure to compensate persons affected by the Acts cited in paragraphs (1) and (2) who had not received appropriate relief under prior legislation. However, no payments of such compensation were made under that Act.

(5) Section 4 of the Act of July 6, 1960, further provided that lands with respect to which compensation under that Act were or could have been made, and not previously disposed of by the United States, shall be a part of any national forest, national park, or other area withdrawn from the public domain wherein they are located.

(6) Absent further legislation, lengthy and expensive litigation will be required to resolve existing questions about the title to lands covered by section 4 of the 1960 Act.

(b) PURPOSE.—The purpose of this title is to resolve the status of the title to base lands affected by the past legislation cited in subsection (a).

SEC. 502. IDENTIFICATION AND QUITCLAIM OF FEDERAL INTEREST IN BASE LANDS.

(a) QUITCLAIM.—Except as otherwise provided by this Act, and subject to valid existing rights, but notwithstanding any other provision of law, the United States hereby quitclaims to the listed owner or entryman, his heirs, devisees, successors, and assigns, all right, title, and interest of the United States in and to the base lands described on a final list published pursuant to subsection (d)(1), effective on the date of publication of such list.

(b) PREPARATION OF INITIAL LISTS.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior, with respect to lands under such Secretary's jurisdiction, and the Secretary of Agriculture with respect to National Forest System lands, shall each prepare an initial list of all parcels of base lands that were relinquished to the United States pursuant to the Act of June 4, 1897 (as amended), and for which selection or other rights under that Act or supplemental legislation were not realized or exercised.

(2) The initial lists prepared under paragraph (1) shall be based on information in the actual possession of the Secretaries of the Interior and Agriculture on the date of enactment of this Act, including information submitted to Congress pursuant to the directive contained in Senate Report No. 98-578, issued for the Fiscal Year 1985 Interior and Related Agencies Appropriation, as revised and updated. The initial lists shall be published and distributed for public review in accordance with procedures adopted by the Secretary concerned.

(3) For a period of 180 days after publication of a list pursuant to paragraph (2), persons asserting that particular parcels omitted from such a list should have been included may request the Secretary concerned to add such parcels to the appropriate list. The Secretary concerned shall add to the list any such parcels which the Secretary determines meet the conditions specified in paragraph (1).

(c) NATIONALLY SIGNIFICANT LANDS.—(1) During preparation or revision of an initial list under subsection (b), the Secretary concerned shall identify those listed lands which are located wholly or partially within any conservation system unit and all other listed lands which Congress has designated for specific management or which the Secretary concerned decides, in the concerned Secretary's discretion, should be retained in order to meet public, resource protection, or administrative needs. For purposes of this paragraph, the term "conservation system unit" means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, or National Wilderness Preservation System, a national forest monument, or a national conservation area, a national recreation area, or any lands being studied for possible designation as part of such a system or unit.

(2) The provisions of subsection (a) shall not apply to any lands identified by the Secretary concerned pursuant to paragraph (1). The Secretary concerned shall not include any such lands on any list prepared pursuant to subsection (d). Subject to valid existing rights arising from factors other than those described in subsection (b)(1), any right, title, and interest in and to lands identified pursuant to paragraph (1) and not previously vested in the United States is hereby vested and confirmed in the United States.

(3) In the same manner as the initial list was published and distributed pursuant to subsection (b)(2), the Secretary concerned shall publish and distribute an identification of all lands in which right, title, and interest is vested and confirmed in the United States by paragraph (2).

(d) FINAL LISTS.—(1) As soon as possible after considering any requests made pursuant to subsection (b)(3) and the identification of lands pursuant to subsection (c), the Secretary of the Interior and the Secretary of Agriculture shall each publish a final list, consisting of lands included on each Secretary's initial list not identified pursuant to subsection (c)(1). Unless a Secretary has published a final list on or before the date 18 months after the date of publication, pursuant to subsection (b)(2), of such Secretary's initial list, the initial list prepared by such Secretary shall be deemed on such date to be the final list required to be published by such Secretary, and thereafter no lands included on such initial list shall be excluded from operation of subsection (a).

(2) If a court makes a final decision that a parcel of land was arbitrarily and capriciously excluded from operation of subsection (a), such parcel shall be deemed to have been included on a final list published pursuant to paragraph (1), unless such parcel is located wholly or partially inside a conservation system unit or any other area which Congress has designated for specific management, in which case such parcel shall be subject to the provisions of subsection (c)(2).

(e) ISSUANCE OF INSTRUMENTS.—(1) Except as otherwise provided in this title, no later than 6 months after the date on which the Secretary concerned publishes a final list of lands pursuant to subsection (d), the Secretary concerned shall issue deeds confirming the quitclaim made by subsection (a) of this section of all right, title, and interest of the United States in and to the lands included on such final list, subject to valid existing rights arising from factors other than a relinquishment to the United States of the type described in subsection (b). Each such confirmatory deed shall operate to estop the United States from making any claim of right, title, or interest of the United States in and to the base lands described in the deed, shall be made in the name of the listed owner or entryman, his heirs, devisees, successors, and assigns, and shall be in a form suitable for recordation and shall be filed and recorded by the United States with the recorder of deeds or other like official of the county or counties within which the lands covered by such confirmatory deed are located so that the title to such lands may be determined in accordance with applicable State law.

(2) The United States shall not adjudicate and, notwithstanding any provision of law to the contrary, does not consent to be sued in any suit instituted to adjudicate the ownership of, or to quiet title to, any base land included in a final list and described in a confirmatory deed.

(3) Neither the Secretary of the Interior nor the Secretary of Agriculture shall be required to inspect any lands included on a final list nor to inform any member of the public regarding the condition of such lands prior to the issuance of the confirmatory deeds required by this subsection, and nothing in this Act shall be construed as affecting any valid rights with respect to lands covered by a confirmatory deed issued pursuant to this subsection that were in existence on the date of issuance of such confirmatory deed.

(f) WAIVER OF CERTAIN CLAIMS AGAINST THE UNITED STATES.—Any person or entity accepting the benefits of this Act or failing to act to seek such benefits within the time allotted by this Act with respect to any base or other lands shall be deemed to have waived any claims against the United States, its agents or contractors, with respect to such lands, or with respect to any revenues received by the United States from such lands prior to the date of enactment of this Act. All non-Federal, third party rights granted by the United States with respect to base lands shall remain effective subject to the terms and conditions of the authorizing document. The United States may reserve any rights-of-way currently occupied or used for Government purposes.

SEC. 503. OTHER CLAIMS.

(a) JURISDICTION AND DEADLINE.—(1) Subject to the requirements and limitations of this section, a party claiming right, title, or interest in or to land vested in the United States by section 502(c)(2) of this title may file in the United States Claims Court a claim against the United States seeking compensation based on such vesting. Notwithstanding any other provision of law, the Claims Court shall have exclusive jurisdiction over such claim.

(2) A claim described in paragraph (1) shall be barred unless the petition thereon is filed within

1 year after the date of publication of a final list pursuant to section 502(d) of this title.

(3) Nothing in this title shall be construed as authorizing any claim to be brought in any court other than a claim brought in the United States Claims Court based upon the vesting of right, title, and interest in and to the United States made by section 502(c)(2) of this title.

(b) LIMITATIONS, DEFENSES, AND AWARDS.—(1) Nothing in this Act shall be construed as diminishing any existing right, title, or interest of the United States in any lands covered by section 502(c), including but not limited to any such right, title, or interest established by the Act of July 6, 1960 (74 Stat. 334).

(2) Nothing in this title shall be construed as precluding or limiting any defenses or claims (including but not limited to defenses based on applicable statutes of limitations, affirmative defenses relating to fraud or speculative practices, or claims by the United States based on adverse possession) otherwise available to the United States.

(3) Nothing in this title shall be construed as entitling any party to compensation from the United States. However, in the event of a final judgment of the United States Claims Court in favor of a party seeking such compensation, or in the event of a negotiated settlement agreement made between such a party and the Attorney General of the United States, the United States shall pay such compensation from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(c) SAVINGS CLAUSE.—This title does not include within its scope selection rights required to be recorded under the Act of August 5, 1955 (69 Stat. 534), regardless of whether compensation authorized by the Act of August 31, 1964 (78 Stat. 751) was or was not received.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

SEC. 505. TIME EXTENSION.

Section 103(c) of the Wildfire Disaster Recovery Act of 1989 (16 U.S.C. 551 note) is amended in the first sentence by striking out "1991" and inserting in lieu thereof "1992".

TITLE VI—SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA

SEC. 601. FINDINGS.

The Congress finds the following:

(1) The public lands managed by the Bureau of Land Management in the State of Idaho within the Snake River Birds of Prey Area contain one of the densest known nesting populations of eagles, falcons, owls, hawks, and other birds of prey (raptors) in North America.

(2) These public lands constitute a valuable national biological and educational resource since birds of prey are important components of the ecosystem.

(3) These public lands also contain important historic and cultural resources as well as other resources and values, all of which should be protected and appropriately managed.

(4) A military training area within the Snake River Birds of Prey Area, known as the Orchard Training Area, has been used since 1953 by reserve components of the Armed Forces. Military use of this area is currently governed by a Memorandum of Understanding between the Bureau of Land Management and the State of Idaho Military Division, dated May 1985. Operating under this Memorandum of Understanding, the Idaho National Guard has provided valuable assistance to the Bureau of Land Management with respect to fire control and other aspects of management of the Orchard Training Area and the other lands in the Snake River Birds of Prey Area. Military use of the lands within the Orchard Training Area should continue in accordance with such Memorandum of Understanding (or extension or renewal thereof), to the extent consistent with section 604(e) of this title, because this would be in the best interest of training of the reserve components (an important aspect of national security) and of the local economy.

(5) Protection of the conservation area as a home for raptors can best and should be accomplished by the Secretary of the Interior, acting through the Bureau of Land Management, under a management plan that—

(A) emphasizes management, protection, and rehabilitation of habitat for these raptors and of other resources and values of the area;

(B) provides for continued military use, consistent with the requirements of section 604(e) of this title, of the Orchard Training Area by reserve components of the Armed Forces;

(C) addresses the need for public educational and interpretive opportunities;

(D) allows for diverse appropriate uses of lands in the area to the extent consistent with the maintenance and enhancement of raptor populations and habitats and protection and sound management of other resources and values of the area; and

(E) demonstrates management practices and techniques that may be useful to other areas of the public lands and elsewhere.

(6) There is established near the conservation area a facility, the World Center for Birds of Prey operated by The Peregrine Fund, Inc., where research, public education, recovery, and reestablishment operations exist for endangered raptor species. There is also established at Boise State University a raptor study program which attracts national and international graduate and undergraduate students.

(7) The Bureau of Land Management and Boise State University, together with other State, Federal, and private entities, have formed the Raptor Research and Technical Assistance Center to be housed at Boise State University, which provides a unique adjunct to the conservation area for raptor management, recovery, research, and public visitation, interpretation, and education.

(8) Consistent with requirements of sections 202 and 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1732), the Secretary has developed a comprehensive management plan and, based on such plan, has implemented a management program for the public lands included in the conservation area established by this title.

(9) Additional authority and guidance must be provided to assure that essential raptor habitat remains in public ownership, to facilitate sound and effective planning and management, to provide for effective public interpretation and education, to ensure continued study of the relationship of humans and these raptors, to preserve the unique and irreplaceable habitat of the conservation area, and to conserve and properly manage the other natural resources of the area in concert with maintenance of this habitat.

(10) An ongoing research program funded by the Bureau of Land Management and the National Guard is intended to provide information to be used in connection with future decisionmaking concerning management of all uses, including continued military use, of public lands within the Snake River Birds of Prey Area.

(11) The public lands in the Snake River Birds of Prey Conservation area have been used for domestic livestock grazing for more than a century. Appropriate protection and sound management of raptor habitat and the other resource values of this land would not preclude continuation of this use which has provided major economic contributions and stability to the local and State economies.

(12) Hydroelectric facilities for the generation and transmission of electricity exist within the Snake River Birds of Prey Area pursuant to a license(s) issued by the Federal Energy Regulatory Commission, or its predecessor, the Federal Power Commission.

SEC. 602. DEFINITIONS.

As used in this title:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "conservation area" means the Snake River Birds of Prey National Conservation Area established by section 603.

(3) The term "raptor" or "raptors" means individuals or populations of eagles, falcons, owls, hawks, and other birds of prey.

(4) The term "raptor habitat" includes the habitat of the raptor prey base as well as the nesting and hunting habitat of raptors within the conservation area.

(5) The term "Memorandum of Understanding" means the Memorandum of Understanding #ID-237, dated May 1985, between the State of Idaho Military Division and the Bureau of Land Management.

(6) The term "Orchard Training Area" means that area generally so depicted on the map referred to in section 603(b), and as described in the Memorandum of Understanding as well as the air space over the same.

(7) The term "Impact Area" means that area which was used for the firing of live artillery projectiles and is used for live fire ranges of all types and, therefore, poses a danger to public safety and which is generally so depicted on the map referred to in section 603(b).

(8) The term "Artillery Impact Area" means that area within the Impact Area into which live projectiles are fired, which is generally described as that area labeled as such on the map referred to in section 603(b).

(9) The term "the plan" means the comprehensive management plan developed for the conservation area, dated August 30, 1985, together with such revisions thereto as may be required in order to implement this title.

(10) The term "hydroelectric facilities" means all facilities related to the generation, transmission, and distribution of hydroelectric power and which are subject to, and authorized by, a license(s), and any and all amendments thereto, issued by the Federal Energy Regulatory Commission.

SEC. 603. ESTABLISHMENT OF NATIONAL CONSERVATION AREA.

(a) PURPOSES AND ESTABLISHMENT.—In order to provide for the conservation, protection, and enhancement of raptor populations and habitats, and the natural and environmental resources and values associated therewith, and of the scientific, cultural, and educational resources and values of the public lands in the conservation area, there is hereby established the Snake River Birds of Prey National Conservation Area.

(b) AREA INCLUDED.—The conservation area shall consist of approximately 482,457 acres of federally owned lands and interests therein managed by the Bureau of Land Management as generally depicted on the map entitled "Snake River Birds of Prey National Conservation Area", dated November 1991.

(c) MAP AND LEGAL DESCRIPTION.—As soon as is practicable after enactment of this Act, the map referred to in subsection (b) and a legal description of the conservation area shall be filed by the Secretary with the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each such map shall have the same force and effect as if included in this title; except that the Secretary may correct clerical and typographical errors in such map and legal description. Each such map shall have

the same force and effect as if included in this title; except that the Secretary may correct clerical and typographical errors in such map and legal description. Each such map shall be on file and available for public inspection in the office of the Director and the Idaho State Director of the Bureau of Land Management of the Department of the Interior.

(d) WITHDRAWALS.—Subject to valid existing rights, the Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal (except as provided in paragraph (3)) under the public land laws; and from entry, application, and selection under the Act of March 3, 1877 (Ch. 107, 19 Stat. 377, 43 U.S.C. 321 et seq.; commonly referred to as the "Desert Lands Act"), section 4 of the Act of August 18, 1894 (Ch. 301, 28 Stat. 422; 43 U.S.C. 641; commonly referred to as the "Carey Act"), the Act of July 3, 1890 (Ch. 656, 26 Stat. 215; commonly referred to as the "State of Idaho Admissions Act"), section 2275 of the Revised Statutes, as amended (43 U.S.C. 851), and section 2276 of the Revised Statutes, as amended (43 U.S.C. 852). The Secretary shall return to the applicants any such applications pending on the date of enactment of this Act, without further action. Subject to valid existing rights, as of the date of enactment of this Act, lands within the Birds of Prey Conservation Area are withdrawn from location under the general mining laws, the operation of the mineral and geothermal leasing laws, and the mineral material disposal laws.

SEC. 604. MANAGEMENT AND USE.

(a) IN GENERAL.—(1)(A) Within 1 year after the date of enactment of this Act, the Secretary shall finalize a management plan that is in conformance with the requirements of this title.

(B) Thereafter, the Secretary shall review the plan at least once every 4 years and shall make such revisions as may be necessary or appropriate.

(C) In reviewing and revising the plan, the Secretary shall provide for appropriate public participation.

(2) Except as otherwise specifically provided in subsections (d), (e), and (f) of this section, the Secretary shall allow only such uses of lands in the conservation area as the Secretary determines will further the purposes for which the Conservation Area is established.

(b) MANAGEMENT GUIDANCE.—After each review pursuant to subsection (a), the Secretary shall make such revisions as may be needed so that the plan and management program to implement the plan include, in addition to any other necessary or appropriate provisions, provisions for—

(1) protection for the raptor populations and habitats and the scientific, cultural, and educational resources and values of the public lands in the conservation area;

(2) identifying levels of continued military use of the Orchard Training Area compatible with paragraph (1) of this subsection;

(3) public use of the conservation area consistent with the purposes of this title;

(4) interpretive and educational opportunities for the public;

(5) a program for continued scientific investigation and study to provide information to support sound management in accordance with this title, to advance knowledge of raptor species and the resources and values of the conservation area, and to provide a process for transferring to other areas of the public lands and elsewhere this knowledge and management experience;

(6) such vegetative enhancement and other measures as may be necessary to restore or enhance prey habitat;

(7) the identification of levels, types, timing, and terms and conditions for the allowable non-military uses of lands within the conservation area that will be compatible with the protection, maintenance, and enhancement of raptor populations and habitats and the other purposes for which the conservation area is established; and

(8) assessing the desirability of imposing appropriates fees for public uses (including, but not limited to, recreational use) of lands in the conservation area, which are not now subject to fees, to be used to further the purposes for which the conservation area is established.

(c) VISITORS CENTER.—The Secretary, acting through the Director of the Bureau of Land Management, is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, a visitors center designed to interpret the history and the geological, ecological, natural, cultural, and other resources of the conservation area and the biology of the raptors and their relationships to man.

(d) VISITORS USE OF AREA.—In addition to the Visitors Center, the Secretary may provide for visitor use of the public lands in the conservation area to such extent and in such manner as the Secretary considers consistent with the protection of raptors and raptor habitat, public safety, and the purposes for which the conservation area is established. To the extent practicable, the Secretary shall make available to visitors and other members of the public a map of the conservation area and such other educational and interpretive materials as may be appropriate.

(e) NATIONAL GUARD USE OF THE AREA.—(1) Pending completion of the ongoing research concerning military use of lands in the conservation area, or until the date 5 years after the date of enactment of this Act, whichever is the shorter period, the Secretary shall permit continued military use of those portions of the conservation area known as the Orchard Training Area in accordance with the Memorandum of Understanding, to the extent consistent with the use levels identified pursuant to subsection (b)(2) of this section.

(2) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall review the management plan and make such additional revisions therein as may be required to assure that it meets the requirements of this title.

(3) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall submit to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report of the results of such research.

(4) Nothing in this title shall preclude minor adjustment of the boundaries of the Orchard Training Area in accordance with provisions of the Memorandum of Understanding.

(5) After completion of the ongoing research concerning military use of lands in the Orchard Training Area or after the date 5 years after the date of enactment of this Act, whichever first occurs, the Secretary may continue to permit military use of such lands, but only to the extent the Secretary, on the basis of such research, determines such use is compatible with the purposes set forth in section 603(a). Any such use thereafter shall be permitted in accordance with the Memorandum of Understanding, which may be extended or renewed by the Secretary so long as such use continues to meet the requirements of subsection (b)(2) of this section.

(6) In accordance with the Memorandum of Understanding, the Secretary shall require the State of Idaho Military Division to insure that military units involved maintain a program of decontamination.

(7) Nothing in this title shall be construed as by itself precluding the extension or renewal of the Memorandum of Understanding, or the construction of any improvements or buildings in the Orchard Training Area so long as the requirements of this subsection are met.

(f) LIVESTOCK GRAZING.—Notwithstanding section 604(a)(2) of this title, domestic livestock grazing can occur on public lands within the conservation area, to the extent the Secretary determines such use of such lands is compatible with the purposes for which the conservation area is established. Any such grazing, and activities the Secretary determines necessary to carry out proper and practical grazing management programs (such as animal damage control activities) shall be managed in accordance with the Act of June 28, 1934 (43 U.S.C. 315 et seq.; commonly referred to as the "Taylor Grazing Act"), section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), other laws applicable to such use and programs on the public lands, and the management plan for the conservation area.

(g) COOPERATIVE AGREEMENTS.—The Secretary is authorized to provide technical assistance to, and to enter into such cooperative agreements and contracts with, the State of Idaho and with local governments and private entities as the Secretary deems necessary or desirable to carry out the purposes and policies of this title.

(h) AGRICULTURAL PRACTICES.—Nothing in this title shall be construed as constituting a grant of authority to the Secretary to restrict recognized agricultural practices or other activities on private land adjacent to or within the conservation area boundary.

(i) HYDROELECTRIC FACILITIES.—Notwithstanding any provision of this title, or regulations and management plans undertaken pursuant to its provisions, the Federal Energy Regulatory Commission shall retain its current jurisdiction concerning all aspects of the continued and future operation of hydroelectric facilities, licensed or relicensed under the Federal Power Act (16 U.S.C. 791a et seq.), located within the boundaries of the conservation area.

SEC. 605. ADDITIONS.

(a) ACQUISITIONS.—(1) The Secretary is authorized to acquire lands and interests therein within the boundaries of the conservation area by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that such lands or interests owned by the State of Idaho or a political subdivision thereof may be acquired only by donation or exchange.

(2) Any lands located within the boundaries of the conservation area that are acquired by the United States on or after the date of enactment of this Act shall become a part of the conservation area and shall be subject to this title.

(b) PURCHASE OF LANDS.—In addition to the authority in section 318(d) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1748) and notwithstanding section 7(a) of the Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4601–9(a)), monies appropriated from the Land and Water Conservation Fund may be used as authorized in section 5(b) of the Endangered Species Act of 1973 (16 U.S.C. 1534(b)), for the purposes of acquiring lands or interests therein within the conservation area for administration as public lands as a part of the conservation area.

(c) LAND EXCHANGES.—The Secretary shall within 4 years of enactment, study, identify, and initiate voluntary land exchanges which would resolve ownership related land use conflicts within the conservation area.

SEC. 606. OTHER LAWS AND ADMINISTRATIVE PROVISIONS.

(a) OTHER LAWS.—(1) Nothing in this title shall be construed to supersede, limit, or otherwise affect administration and enforcement of

the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or to limit the applicability of the National Trails System Act to any lands within the conservation area.

(2) Except as otherwise specifically provided in this title, nothing in this title shall be construed as limiting the applicability to lands in the conservation area of laws applicable to public lands generally, including but not limited to the National Historic Preservation Act, the Archaeological Resources Protection Act of 1979, or the Native American Graves Protection and Repatriation Act.

(3) Nothing in this title shall be construed as by itself altering the status of any lands that on the date of enactment of this Act were not managed by the Bureau of Land Management.

(4) Nothing in this title shall be construed as prohibiting the Secretary from engaging qualified persons to use public lands within the conservation area for the propagation of plants (including seeds) to be used for vegetative enhancement of the conservation area in accordance with the plan and in furtherance of the purposes for which the conservation area is established.

(b) RELEASE.—The Congress finds and directs that the public lands within the Snake River Birds of Prey Natural Area established as a natural area in October 1971 by Public Land Order 5133 have been adequately studied and found unsuitable for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976. Such lands are hereby released from further management pursuant to section 603(c) of such an Act and shall be managed in accordance with other applicable provisions of law, including this title.

(c) EXISTING ADMINISTRATIVE WITHDRAWAL TERMINATED.—Public Land Orders 5133 dated October 12, 1971, and 5777 dated November 21, 1980, issued by the Secretary are hereby terminated.

(d) WATER RIGHTS.—(1) Nothing in this title or any action taken pursuant thereto shall constitute either an expressed or implied reservation of water or water rights for any purpose.

(2) Nothing in this title shall be construed as effecting a relinquishment or reduction of any of the water rights held or claimed by the United States within the State of Idaho or elsewhere on or before the date of enactment of this Act.

(3)(A) The Congress finds that the United States is currently a party in an adjudication of rights to waters of the Snake River, including water rights claimed by the United States on the basis of the reservation of lands for purposes of conservation of fish and wildlife.

(B) The Secretary and all other officers of the United States shall take all steps necessary to protect all water rights claimed by the United States in the Snake River adjudication now pending in the district court of the State of Idaho in which the United States is joined under section 208 of the Act of July 10, 1952 (66 Stat. 560; 43 U.S.C. 666; commonly referred to as the "McCarran Amendment").

(e) ENFORCEMENT.—Any person who violates any regulation promulgated by the Secretary to implement the provisions of this title shall be subject to a fine in accordance with applicable provisions of title 18, United States Code, imprisonment of not more than 1 year, or both.

SEC. 607. MOSCOW MOUNTAIN LANDS.

(a) ACQUISITION.—If the State of Idaho offers to transfer to the United States the lands described in subsection (c), the Secretary of the Interior, on behalf of the United States, shall accept such lands.

(b) MANAGEMENT.—(1) If transferred to the United States, the lands described in subsection (c) shall be managed by the Secretary of the Interior, through the Director of the Bureau of Land Management, in the same manner as lands which on the date of enactment of this Act were subject to section 603(c) of the Federal Land Policy and Management Act of 1976.

(2) Effective upon their transfer to the United States, the lands described in subsection (c) are withdrawn from entry and patent under the mining laws of the United States and from the operation of the geothermal and mineral leasing laws of the United States.

(3) If the lands described in subsection (c) are transferred to the United States, the Secretary of the Interior, pursuant to section 206 of the Federal Land Policy and Management Act of 1976, shall convey to the State of Idaho public lands identified, pursuant to such Act, as suitable for disposal by exchange or otherwise that are equal to value to the value of the lands described in subsection (c).

(c) LANDS AFFECTED.—The lands referred to in subsections (a) and (b) are:

Township 40 North, Range 4 West, B.M. (East Moscow Mountain)

Section 16: Lots 1–4, S½S½NW¼, N½SW¼, that portion of the NW¼SE¼ lying south and west of the mid-line running from the parcel's NW¼ corner to its SE¼ corner, containing 295.6 acres, more or less.

(d) ADDITIONAL AUTHORITY.—Notwithstanding subsection (a), the Secretary of the Interior may transfer the lands described in subsection (c) to the County of Latah, Idaho, in return for lands of equal value in Idaho acceptable to the Secretary for management pursuant to the Federal Land Policy and Management Act of 1976 if such county enters into a binding agreement with the Secretary under which the county agrees to manage such lands in the same manner as provided in subsection (b)(1).

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

The SPEAKER pro tempore (Mr. BILBRAY). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado (Mr. ALLARD) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1183, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1183 as passed by the Senate dealt only with certain lands in Kaysville, UT. It is intended to make clear that these lands, granted to Kaysville by the United States in 1926, can continue to be used for an existing communications facility and for recreational purposes.

The Interior Committee amended the bill by adopting an amendment in the nature of a substitute, grouping into one package a number of measures, most of which have already passed the house but have not yet been acted on by the Senate.

As reported, the bill has six titles. Title I corresponds to the Senate provisions related to Kaysville and adds another section, proposed by Mr. HANSEN of Utah, relating to an equal value exchange between the State of Utah and the United States involving a State inholding in the Bear River Refuge.

Title II is identical to H.R. 4404, a bill introduced by the gentleman from Colorado, Mr. HEFLEY, at the request of the administration, which already has been passed by the House. It provides for withdrawal for military purposes of certain lands and minerals in Colorado.

Title III corresponds to H.R. 3693, introduced by the gentleman from Idaho, Mr. LAROCCO. It provides for adjustment of the boundary of the Targhee National Forest and a land exchange involving the Kaniksu National Forest, both in Idaho.

Title IV deals with rights-of-way, and has two sections. The first section of title IV corresponds to H.R. 4587, a bill introduced by the gentlewoman from Nevada [Mrs. VUCANOVICH], and cosponsored by all three members of the Utah delegation here in the House as well as by the gentleman from Idaho [Mr. LAROCCO].

This section would establish a corridor through the Sunrise Mountain area, near Las Vegas, for electrical transmission lines. This is a measure that is very important to Utah and California as well as Nevada, since the Sunrise Mountain area is part of the likely route of future lines from generating stations in Utah to serve markets in Nevada and southern California.

The second section is identical to section 15 of H.R. 1096, the BLM reauthorization bill, as passed by the House last year. This section deals with the status of claims for highway rights-of-way based on a 19th century law, known as Revised Statute Section 2477, before its repeal in 1976. This is a very important matter of public land policy, with particular importance because of the problems that these claims can present to management of wilderness, wilderness study areas, national parks, and other roadless portions of the Federal lands.

This part of the bill requires that parties claiming to have secured a right-of-way under the old law come in and record their claims in a timely way, so that they can be reviewed and, if valid, confirmed. It also provides that in Alaska, rights-of-way in national parks, national wildlife refuges, and other conservation areas will continue to be governed by the relevant provisions of the Alaska Land Act of 1980.

Title V of the substitute is identical to H.R. 1514, by the gentleman from California [Mr. LAGOMARSINO], an important bill to resolve the problems of several thousand occupants of lands in a number of western States whose titles are clouded by possible Federal interests based on another 19th-century law. This bill has also already passed the House, but the Senate has not completed action on it.

Finally, title VI is similar to H.R. 2141, to establish the Snake River birds of prey bill introduced by Mr. LAROCCO and passed by the House last year. In an effort to complete action on this matter this year, we have made certain adjustments in the legislation, to respond to some concerns expressed in the Senate, while still retaining the essential elements of the House-passed bill, in particular the careful balancing of provisions to protect the very special resources and values of this area while recognizing and accommodating established uses of the lands involved, including military uses. Mr. LAROCCO has been very diligent and creative in working on this important measure, and it is our hope that the Senate will concur in the carefully drawn compromise version that is in title VI of S. 1183.

In summary, Mr. Speaker, this bill as reported is an omnibus measure that deals with a number of diverse matters involving the management of the Federal lands. I urge its passage and it is my hope that the Senate will accept it so that these matters can be resolved quickly in the short time left before the end of this session.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1183, although I am strongly opposed to one section of the bill.

S. 1183, which started out as a bill dealing entirely with lands near Kaysville, UT, has become an omnibus public lands bill during the last 2 weeks of the 102d Congress. This was necessary because many noncontroversial measures passed by the full House or the Interior Committee are in danger of not being enacted because the other body has not moved them as fast as we have here in the House.

Bills in this category that are included in S. 1183 include Mr. HEFLEY's bill concerning a military land withdrawal for Fort Carson and Pinon Canyon maneuver area in Colorado, Mr. STALLINGS' Forest Service land exchange bill, and Mrs. VUCANOVICH's Sunrise Mountain utility corridor bill.

Unfortunately, Chairman VENTO has added to this bill a very controversial section 402 dealing with rights-of-way in as many as 30 States. The Subcommittee on National Parks and Public Lands did not hold one hearing in this Congress on this very controversial and complex issue.

Section 402, dealing with RS 2477 rights-of-way, would deprive counties, States, municipalities, and individual citizens of much of their current right of access into and through Federal land. It sets into motion an expensive, onerous, and unworkable process to investigate and adjudicate these property rights that were previously secure and unquestioned. It might actually result in an unconstitutional taking of private property by the Federal Government without compensation.

The Congressional Budget Office estimates that this section could cost States and counties between $5 and $50 million. Mr. Speaker, so it should be no surprise that this provision is strongly opposed by many Governors, county commissioners, and State and local departments of transportation. Moreover, it is opposed by the administration.

I would like to include for the record letters opposing this same provision when it was inserted in the BLM authorization bill last year. These letters are from the Governors of Alaska and Utah and the departments of transportation for Arizona and North Dakota.

Section 402 is not acceptable to Senator GARN, who was the original sponsor of S. 1183. I fully expect that he will delete this provision from the bill and send S. 1183 back to the House.

STATE OF UTAH,
SALT LAKE CITY, UT,
May 22, 1991.

Hon. GEORGE MILLER,
Chairman, House Committee on Interior and Insular Affairs, Washington, DC.

DEAR CONGRESSMAN MILLER: It has come to my attention, and if my perception is correct, that there is being considered by your committee proposed amendments to H.R. 1096, which imposes new conditions on the use of public right of way across public lands obtained earlier under Revised Statute 2477.

The state of Utah consists of 65 percent federal ownerships of land operated and managed by the Bureau of Land Management, U.S. Forest Service, National Park Service, and the Department of Defense. Indeed, in Southern Utah federal holdings are vast and constitute a majority of land ownership.

Needless to say, state and local highways in Utah occupy extensive mileage on public lands, particularly the Bureau of Land Management. Our Utah Department of Transportation, working through the Utah Division of the Federal Highway Administration, has developed a procedure that has been practiced for many years where public land is applied for and permitted by the appropriate federal agency.

It would seem redundant and will certainly require the commitment of huge resources in time and money for both federal, state, and local personnel to reapply and issue new permits if this is the intent of the proposed amendments. It would seem reasonable to exempt public highways, roads, and streets from this requirement or to require reapplication on an exception basis where it is known by local federal land managers that no permit exists or it is flawed in some respect.

I would like to remind you of the severe budgetary restraints that all levels of government are experiencing and plead for a more cost effective resolution of the problems that are precipitating the course projected by the amendments to H.R. 1096.

Here in Utah, we appreciate the use of federal lands for our public road system; for without it, we would have extreme isolation in some of our rural areas. Over the years, federal land managers have generally been very cooperative and supported our needs to the full extent allowed by their management practices. In return, we have tried to deal honestly and forthrightly in meeting our obligations for permitted privileges.

Sincerely,

NORMAN H. BANGERTER,
Governor.

ARIZONA DEPARTMENT OF
TRANSPORTATION,
Phoenix, AZ, June 3, 1991.

Hon. JON KYL,
Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE KYL: I am writing regarding a proposed amendment by Congressman Vento to H.R. 1096, the Bureau of Land Management Reauthorization bill. This amendment would mandate that any party holding rights-of-way across public lands for highway construction must undergo a lengthy validation process.

In Arizona, all fifteen counties, the state and some cities and towns claim rights-of-way under RS 2477. Under the proposed amendment, each of these entities will be required to undertake major research projects to document claims to rights-of-way established prior to October 21, 1976. Some of these claims date back to territorial days. It would be an extremely costly process to undertake. It is doubtful that smaller counties such as Mohave would have the financial resources and personnel required to research many of their unpaved roads.

This amendment will also pose a hardship on other western states, which have relied very heavily on RS 2477 to establish their highway systems. This process would certainly thwart and delay our efforts to expand the state's transportation network in response to community economic development needs. I urge you to assist us in either defeating this amendment to H.R. 1096, or in exempting governmental entities from the right-of-way validation process. If you need any further information, please do not hesitate to contact me.

Thank you for your assistance with this issue.

Sincerely,

JAMES S. CREEDON,
Acting Director.

NORTH DAKOTA DEPARTMENT
OF TRANSPORTATION,
Bismarck, ND, July 19, 1991.

Hon. BYRON L. DORGAN,
House of Representatives, Cannon Office Building, Washington, DC.

DEAR REPRESENTATIVE DORGAN: This letter is in regard to a proposed amendment by Congressman Vento to H.R. 1096, which is the Bureau of Land Management Reauthorization bill. This amendment would require our Department, counties, townships, and possibly cities to validate rights of way for both existing and proposed roads which cross public lands.

We especially object to such a law because of the bureaucratic nightmare it would create. This would duplicate the efforts previously made to clear the rights of way. We are not staffed to again process paperwork of highly questionable value.

The position of this Department is that the amendment should be defeated.

Please contact us if additional information should be required.

Sincerely,

RICHARD J. BACKES,
Commissioner/Director.

STATE OF ALASKA,
Juneau, AK, May 8, 1991.

Hon. GEORGE MILLER,
Chairman, House Committee on Interior and Insular Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my deep concern about proposed amendments to H.R. 1096 which would impose new and unwarranted restrictions on the assertion and use of rights-of-way created under former Revised Statute 2477.

The amendments raise significant legal, policy, and funding issues for the federal government, states, counties, and individual citizens. Accordingly, I believe that at a minimum, Committee action on RS-2477 should be postponed pending public notice and hearings.

Beyond this, we feel that the amendments are unwarranted on substantive grounds. As you know, the second amendment would require the use of Title XI of ANILCA for any construction, realignment, change in use, or modification of the scope or extent of the right-of-way created under RS-2477 in Alaska.

If this were good public policy—and it is not—it should be applied nationwide. Further, the Title XI process, which has not been used once since the enactment of ANILCA, is convoluted and complicated. To require the application of this provision for every change in construction, use, extent, or realignment of an RS-2477 right-of-way in Alaska would impose extreme and unnecessary burdens on the State and local governments and on private citizens.

In addition, the amendment raises important legal issues. Trails, roads, and highways accepted under RS-2477 prior to the repeal of the statute in 1976, established property rights (easements) in the affected lands. These easements conveyed certain rights of access which have consistently been confirmed by courts. Accordingly, to impose the onerous procedures contained in Title XI could well constitute a taking without compensation under the Fifth Amendment.

Finally, there is simply no evidence to suggest that the existing body of law and procedure concerning RS-2477 is inadequate to protect federal interests in Alaska. Thus, I object strongly to this amendment, because it singles out my State for discriminatory treatment and because there is no justification to support its enactment.

The first amendment also contains several significant flaws. First, by requiring holders of rights-of-way to file notice and other information prior to January 1994, the amendment would impose unwarranted burdens on governments and private citizens. In most situations, the existence of rights-of-way is already well known to federal land managers and the public In Alaska, rights-of-way under RS-2477 have generally been inventoried. This is particularly true in the case of federal conservation system units, where the appendix to each management plan lists possible rights-of-way in a specific unit.

Second, by requiring federal officials to "investigate" each assertion of an RS-2477 right-of-way, the amendment would impose expensive and unnecessary burdens on federal officials and on persons defending the assertion of a particular right-of-way. Again, there is no evidence that existing procedures are not adequate to protect federal interests. Thus, under existing law, federal officials investigate RS-2477 assertions when particular land use conflicts or other problems arise. In the vast majority of circumstances, however, there are few problems with right-of-way usage, and a blanket requirement to investigate would accomplish little.

Third, the amendment would mandate new contest procedures, replacing a regime which has worked quite well. Further, the amendment would appear to give standing to virtually every member of the general public. Current standing requirements help ensure fair and orderly administrative consideration, and we see no reason to expand them in the current circumstance.

Fourth, the amendment would provide that a particular right-of-way is invalid prior to the completion of an administrative adjudication, thereby providing the Secretary with significant discretion to deny access. Consequently, a claimant could be involved in two administrative procedures simultaneously—a defense of his RS-2477 right-of-way and an application to the Secretary to continue access prior to final adjudication. In addition, the amendment would shift the burden of proof in the administrative proceeding from the Secretary to the claimant. We believe that this approach is inconsistent with the concept of an RS-2477 right-of-way as a valid property right.

In closing, I want to reiterate my belief that the existing body of law and procedure, which has evolved over the course of more than a century, is perfectly capable of protecting the interests of all concerned, including the federal government. The changes mandated by the two amendments would, therefore, create significant burdens on non-federal parties, require substantial increases in federal appropriations, and engender confusion and needless conflict—without improving land management in the western states.

We perceive other problems with H.R. 1098 which we will communicate separately to you and your staff.

Thank you for your consideration of my views.

With best regards.

Sincerely,

WALTER J. HICKEL,
Governor.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ALLARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 1183, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

ADJUSTING BOUNDARIES OF SIOUX RANGER DISTRICT OF CUSTER NATIONAL FOREST

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4087) to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIOUX RANGER DISTRICT BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—In accordance with the Act entitled "An Act to consolidate national forest lands", approved March 20, 1922 (16 U.S.C. 485 et seq.), and in exchange for national forest lands in Custer National Forest, the Secretary of Agriculture may accept title to any lands located within 5 miles of the exterior boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest that are not owned by the United States and that are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes.

(b) INCORPORATION INTO CUSTER NATIONAL FOREST.—Upon acceptance of title by the Secretary of Agriculture, lands conveyed to the United States in accordance with subsection (a) shall become part of the Custer National Forest.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4087, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume

Mr. Speaker, H.R. 4087 was introduced by my colleague on the Interior Committee from South Dakota, Mr. JOHNSON.

H.R. 4087 would give the South Dakota portion of the Sioux Ranger District of the Custer National Forest the same 51 mile boundary extension authority that has been given to the rest of the national forest lands in South Dakota. This authority would allow the Forest Service to acquire lands through land exchanges within 5 miles of the exterior boundaries of the national forest and then add the lands to the national forest. Several other national forests in the West have similar authority.

The immediate result of this legislation would be to allow an exchange negotiated by the Forest Service with the Cave Hills Cattle Company, Inc. to proceed, which would add to the national forest 440 acres of riparian wildlife habitat in exchange for 800 acres of Forest Service lands with little or no water. The parcels have been appraised and this would be an equal value exchange. This legislation would also facilitate future land exchanges as well.

The bill is noncontroversial and is supported by the administration. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4087, introduced by Mr. JOHNSON of South Dakota.

This legislation would authorize a 5-mile boundary extension of the Sioux Ranger District of the South Dakota portion of the Custer National Forest. This would allow the Forest Service to proceed with several land exchanges that are located just outside the current forest boundary.

Both the Black Hills National Forest and the Montana portions of the Custer National Forest were given authority by Congress in the 1920's to engage in land exchanges up to 5 miles from their forest boundary. The Sioux Ranger District was unintentionally omitted from Congress' action in the 1920's.

I note that the administration supports this legislation. I urge my colleagues to support H.R. 4087.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 4087, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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CONSTRUCTION OF CUMBERLAND MOUNTAIN TRAIL

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5119) to authorize the construction of the Cumberland Mountain Trail in the States of Kentucky and Virginia, to study the establishment of the Cumberland National Recreation Area in the State of Kentucky and Virginia, and for other purposes

The Clerk read as follows:

H.R. 5119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CUMBERLAND MOUNTAIN TRAIL.

(a) CONSTRUCTION.—The Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary") shall construct the Cumberland Mountain Trail as outlined in the design narrative entitled "Design Narrative: Cumberland Mountain Trail and Related Facilities" and on file at the Clinch Ranger District Office, Wise, Virginia. In addition to the facilities outlined in the design narrative, the Secretary shall provide for restrooms and picnic areas at or adjacent to the trailhead parking areas described in the design narrative. The trail shall be available for horseback riding.

(b) STUDY.—The Secretary shall study the feasibility of establishing a national recreation trail, encompassing the Cumberland Mountain Trail and extending from Breaks Interstate Park to Cumberland Gap National Historical Park. The Secretary is hereby authorized to construct such trail. Such trail shall be available for horseback riding. Not later than 2 years after the date of enactment of this Act, the Secretary shall submit, in writing, the results of such study to the Committees on Interior and Insular Affairs and Appropriations of the House of Representatives and to the Committees on Energy and Natural Resources and Appropriations of the Senate.

SEC. 2. NATIONAL RECREATION AREA STUDY.

(a) DIRECTIVE.—The Secretary shall study the feasibility of establishing a Cumberland National Recreation Area in order to conserve, protect, restore, and enhance the recreational, scenic, ecological, wildlife, vegetation, and historical and cultural resources of the Cumberland Mountains. Not later than 2 years after the date of enactment of this Act, the Secretary shall submit, in writing, the results of such study to the Committee on Interior and Insular Affairs of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate.

(b) SUBJECT MATTER.—(1) The study required pursuant to subsection (a) shall identify alternative boundaries for a national recreation area on lands within and around Jefferson National Forest. Alternative boundaries shall include (but not be limited to) the boundaries generally depicted on the maps entitled "Cumberland National Recreation Area—Proposed" (dated February 21, 1992), "Cumberland National Recreation Area—Proposed" (dated March 26, 1992), and "Cumberland National Recreation Area—Proposed" (dated March 27, 1992). Such maps shall be on file at the Clinch Ranger District Office, Wise, Virginia. Such study shall make a recommendation as to which alternative would—

(A) best conserve, protect, restore, and enhance the recreational, scenic, ecological, wildlife, vegetation, historical, and cultural resources of the Cumberland Mountains;

(B) best promote rural community economic development in the region; and

(C) minimize disruptions to current business activities and to current uses of private lands.

(2) Such study shall—

(A) Identify the costs of land acquisition and the resource values of the various alternative boundaries identified pursuant to this subsection;

(B) identify any likely problem that would be presented by the establishment of such national recreation area and shall identify and recommend possible solutions to such problems;

(C) examine the feasibility of constructing and operating downhill ski trails within such national recreation area; and

(D) explore the possibility of incorporating Breaks Interstate Park within such national recreation area.

(c) CONSULTATIONS.—In conducting the study required pursuant to subsection (a), the Secretary shall consult with other Federal agencies, officials of the States of Kentucky and Virginia, officials of the local governments in the area within and around Jefferson National Forest, local property owners, local businesses, environmental groups, the Breaks Interstate Park Commission, and other interested groups.

SEC. 3. AUTHORIZATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore (Mr. BILBRAY). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Colorado [Mr. ALLARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5119, the bill presently under consideration .

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5119 deals with the Cumberland Mountain region of the Jefferson National Forest along the Kentucky-Virginia border. The bill was introduced by Congressman PERKINS and would require the Forest Service to construct a 26-mile Cumberland Mountain Trail, to study the feasibility of establishing a 120-mile national recreation trail and to study the feasibility of designating a Cumberland National Recreation area of approximately 100,000 acres in size.

The Cumberland Mountains are noted for their sandstone ledges and cliffs, large lakes, scenic vistas, and dense vegetation which is dominated by upland hardwoods such as oaks and hickories. In addition, a wide variety of wildlife inhabit the area including turkey, deer, bear, and peregrine falcons.

Also of note is the Cumberland Gap National Historical Park which lies at the southern end of the range. Discovered by Daniel Boone, the gap formed a gateway for this Nation's expansion westward.

I want to thank Chairman VOLKMER of the Subcommittee on Forests, Family Farms, and Energy for his help in moving this legislation to the floor and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to be recognized on H.R. 5119, a bill to authorize the construction of the Cumberland Mountain Trail and authorize the Forest Service to conduct two studies.

Mr. VENTO has already explained the details of this measure.

I note that the administration opposes this measure because some of the provisions are unnecessary and others address primarily non-Forest Service lands.

I would agree that the first section of the bill serves no useful purpose, in that the Forest Service has already decided to construct this section of trail.

However, if those areas outside the forest which are proposed for study do have some merit, as was indicated by the Forest Service during their testimony, it would appear that the Forest Service should have the lead on undertaking any study.

Therefore, I do not intend to oppose this measure.

Mr. PERKINS. Mr. Speaker, before I discuss the substance of this bill, I would like to thank subcommittee Chairmen VENTO and VOLKMER, full committee Chairmen MILLER and DE LA GARZA, Mr. YOUNG of Alaska, Mr. MARLENEE, Mr. LAGOMARSINO, Mr. COLEMAN of Missouri, and Mr. MORRISON. They and their staffs have helped me and my staff a great deal in bringing this measure to the floor. I want them all to know that I sincerely appreciate both their friendship and their help in launching this project before I retire from the House. I will miss them next year.

Let me now briefly summarize what H.R. 5119 does. Section 1 covers a proposed Cumberland Mountain Trail. In 1990 the Clinch Ranger District of Jefferson National Forest issued a Design Narrative outlining a plan for a 26-mile trail to follow the Kentucky-Virginia border along the ridge line of Pine Mountain. This trail would provide stunning views of both States.

The bill would authorize the Forest Service to build this 26-mile trail and would direct it to study continuing the trail down to Cumberland Gap, for a total of 120 miles. This extension has been proposed in the past, and I have every reason to believe that it is feasible since rough trails now exist along much of the distance. The major issue is to determine precisely the best routes for the extension.

Section 2 would require the Forest Service to study the feasibility of creating a Cumberland National Recreation Area. This NRA would be located in or around Jefferson National Forest along the Kentucky-Virginia border. The bill requires the Forest Service to consult with all interested parties, specifically including Government agencies, local businesses, and environmental groups. As part of the study, the Forest Service would have to recommend the map which would: First, conserve, protect, restore and enhance the natural, recreational, and other resources of the area; second, best promote rural community economic development in the region, and third, minimize disruptions to current business activities and uses of private lands.

In writing this bill, I gave these three priorities equal weight to reassure local businesses and property owners. I want to create a win-win outcome for all involved by granting environmental protections to a special zone, providing new jobs, and protecting private property.

H.R. 5119 would benefit southeast Kentucky and southwest Virginia both environmentally and economically, so I come before you today in two different roles. First, I am here as a nature lover from eastern Kentucky. The Cumberland Mountains run along the border between Kentucky and Virginia. This beautiful region contains valuable scenic, natural, historic, and cultural resources which should be preserved for all Americans to enjoy.

The stretch of the Cumberland Mountains affected by the bill has played an important role in U.S. history and culture. For instance, Daniel Boone and many settlers behind him traveled into Kentucky through the Cumberland Gap, pushing the frontier further west in the process.

The natural structure of the area also makes it ideal for a wide variety of recreational activities, including hiking, camping, hunting, fishing, skiing, backpacking, horseback riding, swimming, rafting, boating, and environmental education. In the study area there are numerous large lakes near the mountains, creating a unique terrain which yields a distinct array of flora and fauna, including one threatened and four sensitive species. These features justify creating a national recreation area to meet the preservation needs of the region.

In my second role I am here as a Member of Congress, concerned about the economic health—or lack thereof—of southeastern Kentucky. Creating a Cumberland National Recreation Area would boost rural community economic development in southeast Kentucky and southwest Virginia. These rural, Appalachian areas have endured extreme economic depression for years due to the collapse of the coal industry. In the affected Kentucky counties the per capita income is below $10,000 while only 52 percent of the adult population are employed.

H.R. 5119 would foster tourism, which is a logical way to promote environmentally sound economic growth in the region. For decades the economy of the Cumberland Mountains has revolved around extracting their natural resources. Now, we have the chance to create jobs based on preserving this national treasure.

There are only three national recreation areas in the Eastern United States. Given the growing demand for outdoor recreation, the Cumberland NRA would enter an underserved market. The Mount Rogers NRA in Virginia draws 1,350,000 visitors a year. I think it is safe to assume that a Cumberland NRA would attract similar numbers of visitors to southeastern Kentucky and southwestern Virginia. Such tourism would create 2,000 badly needed jobs in the region.

The Subcommittee on National Parks and Public Lands heard testimony from Ben Ross, the executive director of the East Kentucky Corp., which was formed by the Kentucky General Assembly to create jobs in Appalachian Kentucky. In his remarks Mr. Ross observed that the economic impact of this proposed project can be easily calculated. He went on to say, "What is incalculable is the emotional health the money from this project brings to the many families in the region living at or below the poverty line or the personal esteem afforded by the jobs that this project brings to the breadwinners who may not have had meaningful employment in this decade." As you can see, the social and economic benefits of this legislation are quite clear.

Mr. Speaker, H.R. 5119 is a wonderful opportunity to enhance environmental preservation and economic growth at the same time. Too often, these goals seem to conflict; here they are in accord. As a result, H.R. 5119 has received the support of the Kentucky's Lieutenant Governor who is also the secretary for the Cabinet for Economic Development, the East Kentucky Corp., the local business community, and also the Kentucky Resources Council as well as other environmental and recreational groups.

I am glad the House has seized this opportunity, and I hope the other body will as well.

Mr. ALLARD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, the gentleman from Kentucky [Mr. PERKINS] has a strong statement on this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 5119, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DESIGNATING A SEGMENT OF THE LOWER MERCED RIVER IN CALIFORNIA

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2431) to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment and the House amendment to the Senate amendment as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. DESIGNATION OF THE LOWER MERCED RIVER FOR INCLUSION IN THE WILD AND SCENIC RIVERS SYSTEM.

Section 3(a)(62) of the Wild and Scenic Rivers Act (16 U.S.C. 127(a)(62)) is hereby amended—

(1) by striking "The main stem" and inserting in lieu thereof, "(A) the main stem";

(2) by striking "paragraph" whenever it appears and inserting in lieu thereof "subparagraph"; and

(3) by adding the following new subparagraph at the end thereof:

"(B)(i) The main stem from a point 300 feet upstream of the confluence with Bear Creek downstream to the normal maximum operating pool water surface level of Lake McClure (elevation 867 feet mean sea level) consisting of approximately 8 miles, as generally depicted on the map entitled 'Merced Wild and Scenic River', dated April, 1990. The Secretary of the Interior shall administer the segment as recreational, from a point 300 feet upstream of the confluence with Bear Creek downstream to a point 300 feet west of the boundary of the Mountain King Mine, and as wild, from a point 300 feet west of the boundary of the Mountain King Mine to the normal maximum operating pool water surface level of Lake McClure. The requirements of subsection (b) of this section shall be fulfilled by the Secretary of the Interior through appropriate revisions to the Sierra Management Framework Plan for the Sierra Planning Area of the Folsom Resource Area, Bakersfield District, Bureau of Land Management. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this subparagraph.

"(ii) To the extent permitted by, and in a manner consistent with section 7 of this Act (16 U.S.C. 1278), and in accordance with other applicable law, the Secretary of the Interior shall permit the construction and operation of such pumping facilities and associated pipelines as identified in the Bureau of Land Management right-of-way application CACA 26084, filed by the Mariposa County Water Agency on November 7, 1989, and known as the 'Saxon Creek Project', to assure an adequate supply of water from the Merced River to Mariposa County.

"(C) With respect to the segments of the main stem of the Merced River and the South Fork Merced River designated as recreational or scenic pursuant to this paragraph or by the appropriate agency pursuant to subsection (b), the minerals to Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.".

SEC. 2. STUDY OF THE NORTH FORK OF THE MERCED RIVER.

Section 5(a) of the Wild and Scenic Rivers Act, as amended, (16 U.S.C. 1276(a)), is further amended by adding the following new paragraph at the end thereof:

"( ) NORTH FORK MERCED, CALIFORNIA.—The segment from its headwaters to its confluence with the Merced River, by the Secretary of Agriculture and the Secretary of the Interior.".

SEC. 3. NEW EXCHEQUER PROJECT.

The designation of the river segments referred to in section 1 of this Act as components of the Wild and Scenic Rivers System shall not affect the continued operation and maintenance of the New Exchequer Project (Project No. 2179) as licensed by the Federal Energy Regulatory Commission (including flood control operations) or the Commission's authority to relicense such project within the project boundaries set forth in the license on the date of enactment of this Act: Provided, That if the Commission relicenses such project, the normal maximum operating pool water surface level authorized in the project's license shall not exceed elevation 867.0 feet mean sea level.

House amendment to Senate amendment: In lieu of the matter inserted by the Senate amendment, insert the following:

SECTION 1. DESIGNATION OF THE LOWER MERCED RIVER FOR INCLUSION IN THE WILD AND SCENIC RIVERS SYSTEM.

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(1) by striking "The main stem" and inserting in lieu thereof, "(A) The main stem";

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"(C) With respect to the segments of the main stem of the Merced River and the South Fork Merced River designated as recreational or scenic pursuant to this paragraph or by the appropriate agency pursuant to subsection (b), the minerals to Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.".

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Mr. VENTO (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment and the House amendment to the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. ALLARD. Mr. Speaker, reserving the right to object, I would ask the gentleman from Minnesota to explain the proposal here.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. ALLARD. Under my reservation, I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, I will explain what we are proposing to do.

Mr. Speaker, H.R. 2431, by the gentleman from California [Mr. CONDIT] is a bill to designate a segment of the Lower Merced River, in California, as a component of the National Wild and Scenic Rivers System. The House passed the bill last year, and earlier this year the Senate amended the bill and sent it back to the House.

Most of the changes made by the Senate are acceptable, but one part of their provisions, relating to the New Exchequer project, need some technical changes.

What we propose to do is to make those technical changes. These changes are acceptable to the sponsor of the bill, Mr. CONDIT, as well as, the Merced irrigation district which operates the New Exchequer project. I believe that these changes will also be acceptable to the Senate, and that they will be ready to give final approval and send the bill to the President for signature.

Mr. CONDIT. Mr. Speaker, I rise today in support of the passage of H.R. 2431, the Merced River wild and scenic bill. The changes that we have before us today are technical in nature and do not constitute any substantive changes in the purpose of this important piece of legislation. I would like to thank Chairman VENTO and Chairman MILLER for their assistance with this bill.

H.R. 2431 attempts to complete the action taken by the 100th Congress. At that time, 71 miles of the river were designated as wild and scenic and a study was authorized to be conducted on the 8 remaining miles. As a result, we have introduced H.R. 2431, which would designate 8 miles of the Merced River as wild and scenic.

These 8 miles were not initially included in the designation in order to allow Mariposa County to complete a proposal for a water system that would be compatible with the requirements of the Wild and Scenic Rivers Act. The county has designed a project that will be compatible, and the County Board of Supervisors unanimously supports my legislation. I would like to point out that we have very strong support from the Friends of the River, the American Rivers, the Wilderness Society, and the Department of the Interior's Bureau of Land Management.

I would also like to applaud the efforts of the California Senators CRANSTON and SEYMOUR for their continued support and effort in seeing that this legislation becomes law before the end of the 102d Congress. I look forward to working with them expeditiously in the upcoming week.

The Merced River is very special to my constituents, as well as to the over 1 million annual Yosemite National Park visitors. I believe that the unique beauty of the Merced River makes it a prime choice for inclusion in the Wild and Scenic Rivers System. This legislation, in preserving one of the Central Valley's most precious resources, will ensure that this portion of the river is protected and preserved for our future generations. I hope that together we will be able to pass this legislation swiftly, and I urge Congress to support H.R. 2431.

Mr. ALLARD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the action just taken on H.R. 2431.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

WORLD WAR II 50TH ANNIVERSARY COMMEMORATIVE COINS ACT

Mr. LAROCCO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3195) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United States' involvement in World War II.

The Clerk read as follows:

S. 3195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "World War II 50th Anniversary Commemorative Coins Act".

SEC. 2. FINDINGS AND SENSE OF THE CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) the period of December 7, 1991, through September 2, 1995, will mark the 50th anniversary of the involvement of the United States in World War II;

(2) over 16,000,000 people served in the Armed Forces of the United States during that conflict;

(3) over 400,000 American men and women gave their lives in defense of freedom around the world during World War II;

(4) World War II fundamentally reshaped the international geopolitical landscape, as well as the economic, political, and cultural institutions of our Nation;

(5) the War involved a clear choice between democracy and tyranny and involved our Nation as a whole in a worldwide battle against the forces of fascism and oppression;

(6) the June 6, 1944, invasion of northern France, when in one day 176,000 Allied military personnel were landed on the beaches of Normandy, was one of World War II's most celebrated achievements;

(7) the "D-Day" invasion was the largest seaborne invasion in history, and the ensuing 76-day Battle of Normandy was one of the largest land battles in history;

(8) the Battle of Normandy was a key to the Allied forces' eventual liberation of Europe; and

(9) numerous organizations and individuals across the United States have expressed interest in or are engaged in efforts to draw attention to the 50th anniversary of World War II.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress—

(1) that the 50th anniversary of the involvement of the United States in World War II, the Battle of Normandy, and its other important battles should not go unrecognized at the national level;

(2) that the United States should recognize these anniversaries by minting and issuing coins to commemorate these anniversaries; and

(3) the minting of a United States coin to commemorate the Battle of Normandy and "D-Day" would be an appropriate concomitance to the commitment by the Republic of France that it will mint a French commemorative coin in recognition of the anniversary.

SEC. 3. WORLD WAR II COMMEMORATIVE COINS.

The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue coins in accordance with this Act to commemorate the 50th anniversary of the involvement of the United States in World War II.

SEC. 4. SPECIFICATIONS OF COINS.

(a) DENOMINATIONS.—The Secretary shall mint and issue the following coins:

(1) FIVE DOLLAR GOLD COINS.—Not more than 300,000 five dollar gold coins, each of which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) be composed of 90 percent gold and 10 percent alloy.

(2) ONE DOLLAR SILVER COINS.—Not more than 1,000,000 one dollar silver coins, each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) be composed of 90 percent silver and 10 percent copper.

(3) HALF DOLLAR CLAD COINS.—Not more than 2,000,000 half dollar coins, each of which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

SEC. 5. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under existing law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act.

SEC. 6. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins authorized under this Act shall, in accordance with subsection (b), be symbolic of the participation of the United States in World War II. In addition, the design of the gold coin authorized under section 4(a)(1) shall be emblematic of the Allied victory in World War II, and the silver coin authorized under section 4(a)(2) shall be emblematic of the Battle of Normandy.

(2) DESIGNATIONS AND INSCRIPTIONS.—Each coin authorized under this Act shall bear a designation of the value of the coin, an inscription of the years "1991–1995", and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum". In addition, the silver coin authorized under section 4(a)(2) may bear a designation of the date "June 6, 1944" and an inscription of the words "Battle of Normandy" or "D-Day Invasion".

(b) DESIGN COMPETITION.—The Secretary shall sponsor a nationwide open competition for the design of each coin authorized by this Act.

(c) SELECTION.—The design for each coin authorized by this Act shall be selected by the Secretary from the results of the design competition under subsection (b), after consultation with—

(1) representatives of veterans organizations of the United States whose membership includes veterans of World War II, including—

(A) the American Legion;

(B) the Veterans of Foreign Wars of the United States;

(C) AMVETS (American Veterans of World War II, Korea, and Vietnam); and

(D) the Disabled American Veterans; and

(2) in the case of the one dollar silver coin authorized under section 4(a)(2), the Battle of Normandy Foundation and individuals designated by the Foundation from among individuals who are particularly knowledgeable, by reason of their education, training, or experience, about the history of World War II.

SEC. 7. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act may be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality for the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue the coins minted under this Act beginning on January 1, 1993.

(d) TERMINATION OF AUTHORITY.—Coins may not be minted under this Act after December 31, 1993.

(e) PROMOTION CONSULTATION FOR WORLD WAR II MEMORIAL.—The Secretary shall determine the role that the American Battle Monuments Commission (hereafter referred to as the "Commission") and any entity established by the Congress to assist the Commission in erecting a World War II memorial will have in the promotion, advertising, or marketing of coins authorized under this Act. This determination shall be made in consultation with the Commission and any other such entity. The Secretary may enter into a contract involving the promotion, advertising, or marketing of such coins with the Commission and such other entity if the Secretary determines that such a contract would be beneficial in the sale of the coins.

(f) PROMOTION CONSULTATION FOR NORMANDY MEMORIAL.—In consultation with the

Battle of Normandy Foundation, the Secretary shall determine the role such entity shall have in the promotion, advertising, or marketing of the coins authorized under this Act. The Secretary shall enter into a contract involving the promotion, advertising, or marketing of such coins with the Foundation if the Secretary determines that such a contract would be beneficial in the sale of the coins.

SEC. 8. SALE OF COINS.

(a) IN GENERAL.—The Secretary shall sell coins minted under this Act at a price equal to the sum of the face value of the coins, the surcharge provided in subsection (d) with respect to such coins, and the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, and overhead expenses).

(b) BULK SALES.—The Secretary shall make any bulk sales of the coins minted under this Act at a reasonable discount to reflect the lower costs of such sales.

(c) PREPAID ORDERS.—The Secretary shall accept prepaid orders for the coins minted under this Act prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this Act shall include a surcharge of $35 per coin for the five dollar coins, $8 per coin for the one dollar coins, and $2 per coin for the half dollar coins.

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the Federal Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Government.

SEC. 10. USE OF SURCHARGES.

(a) SPLIT OF SURCHARGES BETWEEN BATTLE OF NORMANDY MEMORIAL AND WORLD WAR II MEMORIAL.—Surcharges received from the sale of coins minted under this Act shall be distributed by the Secretary as follows:

(1) BATTLE OF NORMANDY FOUNDATION.—The first $3,000,000 received from the sale of coins shall be transferred to the Battle of Normandy Foundation and used to create, to endow, and to dedicate, on the 50th Anniversary of D-Day, a United States D-Day and Battle of Normandy Memorial in Normandy, France, adjacent to the largest World War II Museum in the world in Caen, France, and to encourage and support visits to the memorial by United States citizens, and especially students.

(2) AMERICAN BATTLE MONUMENTS COMMISSION.—The first $7,000,000 received from the sale of coins after the $3,000,000 referred to in paragraph (1) shall be deposited by the Secretary, subject to subsection (b)(2), in the fund established in the Treasury which is available to the American Battle Monuments Commission for the expenses incurred in establishing a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces of the United States who served in World War II and to commemorate the participation of the United States in that war.

(3) DISTRIBUTION OF EXCESS.—Of the amounts received from the sale of coins in excess of $10,000,000—

(A) 30 percent shall be transferred to the Battle of Normandy Foundation and used in the manner provided in paragraph (1); and

(B) 70 percent shall be deposited by the Secretary, subject to subsection (b)(2), in the fund described in paragraph (2).

(b) USE OF FUNDS IF NOT USED FOR MEMORIAL.—

(1) BATTLE OF NORMANDY MEMORIAL.—Of the amounts received by the Battle of Normandy Foundation under this section, any amount in excess of the amount spent by the Foundation for the uses described in subsection (a)(1) shall be transferred to the Secretary for deposit in the account provided for in section 8(b)(1) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" and approved November 14, 1986, in the same manner as provided by law for the World War II memorial described in subsection (a)(2).

(2) WORLD WAR II MEMORIAL.—If the World War II memorial described in subsection (a)(2) is not authorized by Congress by December 31, 1995, the amounts described in paragraphs (2) and (3)(B) of subsection (a) shall be deposited by the Secretary in the account described in paragraph (1) of this subsection.

(c) AUDITS.—The Comptroller General of the United States shall conduct an annual audit of any books, records, documents, and other data—

(1) belonging to the Battle of Normandy Foundation, the American Battle Monuments Commission, and any agency or organization which receives any amount from the fund described in subsection (a); and

(2) relating to the expenditure of any amount received under subsection (a) or from the fund,

until all amounts received by the foundation, commission, agency, or organization under subsection (a) or from the fund have been spent and the expenditure of such amounts has been audited.

SEC. 11. REPORT TO CONGRESS.

Not later than March 31, 1994, the Secretary shall submit to the Congress a report regarding the activities carried out under this Act.

SEC. 12. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act relating to the minting or selling of the coins authorized by this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 13. COINAGE PROFIT FUND.

(a) DEPOSITS.—All amounts received from the sale of coins issued under this Act shall be deposited in the coinage profit fund.

(b) PAYMENTS.—The Secretary shall pay the amounts authorized under section 10 from the coinage profit fund.

(c) EXPENDITURES.—The Secretary shall charge the coinage profit fund with all expenditures under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho [Mr. LAROCCO] will be recognized for 20 minutes, and the gentleman from Iowa [Mr. LEACH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of the World War II 50th Anniversary Commemorative Coin Act.

The House passed the World War II Commemorative Coin Act, H.R. 1623, on June 23, 1992, by unanimous consent.

Mr. Speaker, Congresswoman MARCY KAPTUR and Congressman SAM GIBBONS have worked diligently to see that our Nation's World War II veterans are honored.

The Senate passed almost identical legislation on September 18 by voice vote.

The differences between the House and Senate bill are only technical in nature.

I ask my colleagues to join me in support of this bill to honor our Nation's World's War II veterans, pass the Senate bill, and send it to the President for his signature.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Idaho has outlined, this legislation is the Senate version of a bill that was approved by the House on June 30. The difference between the House and Senate bills is purely technical. S. 3195 authorizes the minting of coins to commemorate the 50th anniversary of the Battle of Normandy, better known as D-day. Proceeds from the sale of these coins will be used to construct memorials in Normandy, France, as well as here in Washington, DC.

In short, these memorials will serve to remind the current generation and future generations of the sacrifices made by millions of men in the cause of freedom. Quite truly these men and women changed the course of history, and we honor them.

Mr. GONZALEZ. Mr. Speaker, I want to commend Congressman TORRES, chairman of the Subcommittee on Coinage, for bringing this bill before the House today, and I congratulate Congresswoman KAPTUR for sponsoring the legislation.

December 7, 1991, marked the 50th anniversary of the beginning of World War II—one of the biggest military operations in U.S. history. More than 16,000,000 people served during the 4-year war, and more than 400,000 died in the conflict.

H.R. 1623 would create coins commemorating D-day, the Battle of Normandy, and other important events of World War II. The proceeds from the sale of these coins would go to recognize the Americans who served in the war by funding two memorials, one in Normandy, France, and one in our Nation's Capital.

The veterans and families of those who served in World War II deserve these testaments to their sacrifices. I urge my colleagues to support this bill.

Mr. LEACH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAROCCO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Idaho [Mr. LAROCCO] that the House suspend the rules and pass the Senate bill, S. 3195.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

TED WEISS CHILD SUPPORT ENFORCEMENT ACT OF 1992

Mr. LAROCCO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6022) to amend the Fair Credit Reporting Act to require the inclusion in consumer reports of information provided to consumer reporting agencies regarding the failure of a consumer to pay overdue child support, as amended.

The Clerk read as follows:

H.R. 6022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ted Weiss Child Support Enforcement Act of 1992".

SEC. 2. INCLUSION IN CONSUMER REPORTS OF INFORMATION REGARDING FAILURES OF CONSUMERS TO PAY OVERDUE CHILD SUPPORT.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by redesignating section 622 as section 623 and by inserting after section 621 the following new section:

"§622. Information on overdue child support obligations

"Notwithstanding any other provision of this title, a consumer reporting agency shall include in any consumer report furnished by the agency in accordance with section 604, any information on the failure of the consumer to pay overdue support which—

"(1) is provided—

"(A) to the consumer reporting agency by a State or local child support enforcement agency; or

"(B) to the consumer reporting agency and verified by any local, State, or Federal government agency; and

"(2) antedates the report by 7 years or less.".

(b) DEFINITIONS.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(j) DEFINITIONS RELATING TO CHILD SUPPORT OBLIGATIONS.—

"(1) OVERDUE SUPPORT.—The term "overdue support' has the meaning given to such term in section 466(e) of the Social Security Act.

"(2) STATE OR LOCAL CHILD SUPPORT ENFORCEMENT AGENCY.—The term 'Sate or local child support enforcement agency' means a State or local agency which administers a State or local program for establishing and enforcing child support obligations.".

(c) CLERICAL AMENDMENT.—The table of sections for the Fair Credit Reporting Act (15 U.S.C. 1601 et seq.) is amended by redesignating the item relating to section 622 as section 623 and by inserting after the item relating to section 621 the following new item:

"622. Information on overdue child support obligations.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1993.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho [Mr. LAROCCO] will be recognized for 20 minutes, and the gentleman from Iowa [Mr. LEACH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Idaho [Mr. LAROCCO].

Mr. LAROCCO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6022, the Ted Weiss Child Support Enforcement Act. I know his wife and son are proud of his work on this legislation. When school started this month, a lot of children went to class without new clothes and new notebooks. Some of those children have been pushed so far into poverty that the taxpayers are now helping support them through AFDC. Others just go without.

This is because—for more than 12 million children in this country—court-ordered child support is a promise not kept.

Beginning in March of this year, the late Congressman from New York and I worked on legislation together to try to help these children. I am pleased that the House will have an opportunity today to complete the work he began.

The bill before us does just one thing: It says if a State child support enforcement agency reports overdue support of $1,000 or more, credit bureaus shall include the information in credit reports.

We hope that this legislation makes parents think again before they walk away from their child support obligations. They will not be able to skip out on their children and have a clean credit report.

We hope that this legislation will encourage more States to become "providers of credit history information" and to report this information to credit bureaus. At present, more than 20 States do so and several major credit bureaus voluntarily include this information in credit reports. Over 1½ million records of unpaid child support have already been added to credit reports. This legislation should help to increase that number.

In passing this bill we hope, also, to very strongly encourage State child support enforcement agencies to work closely with credit bureaus to devise the best possible automated format for providing this information so that it can be promptly and properly recorded.

I urge all Members to support H.R. 6022.

Mr. Speaker, I reserve the balance of my time.

□ 1930

Mr. LEACH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

I would only take a minute first to thank the gentleman from Idaho for his leadership on this bill, but also to point out, as he did, the enormous contribution of the gentleman from New York, Mr. Weiss.

This is a very symbolic bill. It is not the most important one that Congress will deal with, but for a small category of people it says a great deal.

I think this does reflect wonderously on a very decent man who had a very large impact on the body, the gentleman from New York, Mr. Weiss.

Mr. Speaker, the minority strongly suggests this be passed.

Mr. LAROCCO. Mr. Speaker, I thank the gentleman from Iowa for those kind remarks about our colleague. I have only been on the Banking Committee for a little over 1½ years, but I had the opportunity to work with the gentleman from New York, Mr. Weiss on this legislation and other things, and I had the greatest respect for him. I appreciate the concurrence of the minority in the passage of this bill.

Mr. Speaker, I would like to engage in a very brief colloquy with the gentleman from Iowa to get one important point on the record.

It is my intention that H.R. 6022 remain a clean bill. Is it the understanding of the gentleman from Iowa that this bill is intended to remain unamended in the other body?

Mr. LEACH of Iowa. Mr. Speaker, if the gentleman will yield, it is my understanding that an agreement has been made on all sides that this will not be used as a vehicle for any other kind of legislation that might be somewhere in the Halls of Congress on that side or this side and that this would be a stand-alone piece of legislation, not use for any other purpose.

Mr. LAROCCO. Mr. Speaker, I thank the gentleman.

It is not intended to become a vehicle for any other Fair Credit Reporting Act provisions or provisions of other legislation. I understand that both Chairman GONZALEZ and the ranking member, the gentleman from Ohio [Mr. WYLIE] expect this bill to remain unencumbered.

Mr. GONZALEZ. Mr. Speaker, I rise today in strong support of H.R. 6022 and ask my colleagues to join me.

The bill Mr. LAROCCO has brought to the floor today was originally conceived by our late colleague Ted Weiss. Mr. Weiss left many legacies to this institution and the American people, and this characterizes the kind of decent and thoughtful leadership his life epitomized. I commend Mr. LAROCCO for this dedicated and determined efforts to enact this important bill.

With almost $30 billion in court ordered child support payments due annually to over 5 million mothers in this country, child support is clearly not just an incidental component of our economy—and there is no reason why delinquent child support payments should receive different treatment than any other financial obligation appearing on a credit report.

Deadbeat parents need to know that if they miss a child support payment, it will catch up to them just as if they had missed a payment on their credit card, to the phone company or on the mortgage on their home. But the fact is that missed child support payments currently do not receive the same attention that credit reporting bureaus give to other debts, and it is high time that they did.

The country's legal system is tremendously overburdened and among the casualties of the legal backlog have been the 17 million children that live off the money provided by a parent not in residence. Our legal system simply does not have the resources to enforce every case. But requiring child support delinquencies to appear on credit reports along with other bad debts, as this bill does, will be more effective and bring better results than any court ordered solution could hope to achieve.

If deadbeat parents realize that missing a child support payment is going to cause their quality of life to suffer just as it does for the children not receiving the support they are due, they might think twice before spending that money elsewhere and not be so quick to shirk their responsibilities as a parent.

This is a good provision and I urge my colleagues to support it.

Mr. TORRES. Mr. Speaker is rise in support of the Ted Weiss Child Support Enforcement Act of 1992.

I am delighted that the House is considering this important legislation that was originally sponsored by our late colleague Ted Weiss. With the help of LARRY LAROCCO, Ted Weiss was instrumental in moving the issue of child support enforcement to the forefront of the public debate. But then, Ted could always be counted on to be at the forefront of any effort that sought to give a voice to those most in need of assistance. Whether it was the homeless, the hungry, the poor or the persecuted, Ted Weiss was always front and center, fighting for their rights.

The bill we are considering today requires consumer reporting agencies to report delinquent child support payments in excess of $1,000 for a period of 7 years. Because of the preemption clause of the Fair Credit Reporting Act, a State would be prohibited from passing a law that shortens this reporting period.

The bill gives State child enforcement authorities a simple but effective tool to help alleviate a growing problem that is driving millions of children into abject poverty. This bill will not force all the deadbeat dads to support their children. But it will give the 16 million children that are not receiving support a fighting chance.

I urge my colleagues to vote for this important legislation.

Mr. LEACH of Iowa. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAROCCO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BILBRAY). The question is on the motion offered by the gentleman from Idaho [Mr. LAROCCO] that the House suspend the rules and pass the bill, H.R. 6022, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ANNUAL REPORT OF NATIONAL INSTITUTE OF BUILDING SCIENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs.

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2(j)), I transmit herewith the 15th annual report of the National Institute of Building Sciences for fiscal year 1991.

GEORGE BUSH.

THE WHITE HOUSE, *September 29, 1992.*

ANNUAL REPORT ON THE STATE OF SMALL BUSINESS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Small Business:

To the Congress of the United States:

It is my pleasure to submit my third annual report on the state of small business. America's small business owners are individuals with countless new ideas, employers and workers who produce a vast array of goods and services, taxpayers who pay many of the bills, and economic pioneers who help decide the future direction of our economy. In their endless variety, small firms help create flexible, diverse, and lively marketplace.

For generations, entrepreneurial business owners have been in the forefront of the dynamic economic changes that continually revitalize our democracy. In the early days of our Republic, small business innovators led the way in developing more productive farming technologies. Greater agricultural productivity eventually freed other entrepreneurs to develop and commercialize new manufacturing processes. These processes and manufactured products set a new standard for America—and for the world. But America's small business innovators did not stop there. They started another revolution by anticipating and responding quickly to the demands that grew out of the new, higher standard of living—demands for services and sophisticated new information technologies.

Small businesses have made important contributions to the economy, not only by introducing new products and processes and creating jobs, but also by making the economy more adaptive and flexible—by retaining workers longer recessions and hiring workers earlier as expansions begin.

There is no doubt that 1991 was not an easy year for the American economy or for small business. The recession that began in the third quarter of 1990 carried over into 1991. Business formation rates were down, and business closings were up. The flow of financing slowed as banks and businesses grew more cautious about business expansions.

Yet in this recession, as in other economic downturns, small businesses continued to function as a source of jobs, creating many of the new jobs in the economy. Rather than lay off workers, many small firms tightened their belts in other areas. And they continued to innovate, introduce new products, and contribute to their communities.

Our economy has begun to grow again. Still, small firms face difficult challenges in the months and years ahead. The truth is that health care costs are too high and the unmet need for health coverage is great in small businesses. And of all employers, small businesses are least able to afford the expensive mandates that have been advocated by some. The proposal I presented to the Congress would not resort to mandates, but would build on the strengths of our private health care system to make health insurance affordable for America's workers and their families.

Adjustments occurring in our financial institutions have made it difficult for many worthy small businesses to find the capital they need to start up or expand. Therefore, my Administration is taking steps to encourage investment in business ventures in a number of ways. I have proposed that the Congress cut the capital gains tax so that investors will have an incentive to buy into new ventures. Another proposal I have made is to create an investment tax allowance that would assist in starting new firms.

And we can encourage some new investment by adapting programs that are already underway. For example, the Small Business Administration is working with banks to implement innovative loan programs that are channeling funds to smaller firms in some of the most economically depressed areas.

Another obstacle that can stand in the way of small firm growth is too much regulation. My Administration this year instituted a moratorium on new Federal regulations to give Federal agencies a chance to review and revise their rules. And we are looking at ways to improve our regulatory process over the long term so that regulations will accomplish their original purpose without unduly hindering economic growth.

We also need to encourage innovation—such as that exhibited by thousands of small high technology firms—by making the research and experimentation tax credit permanent. My Administration is committed to exploring the promise of new technologies.

This report documents the increasing, healthy diversity of our small business community, as minority- and women-owned businesses enter the marketplace in record numbers. I want to keep encouraging that diversity through our Federal procurement programs.

I also want to see more of the Nation's economically depressed communities reap the benefits of business growth. To that end, I have asked the Congress to pass my enterprise zone legislation, which will provide incentives to businesses that start up in specially designated areas, particularly in inner cities.

Looking to the future, it is clear that we need to improve our educational system so that America's workers, particularly in small firms, will be in a better position to compete in a more and more sophisticated global marketplace. My America 2000 education strategy is designed to give parents, teachers, and communities more freedom and flexibility in designing education programs to meet their needs—and to make America the world's leader in education.

Many of these proposals for economic recovery and growth are being enacted now; others will require action by the Congress. I am committed to working with the Members of Congress to develop and enact a broad economic plan we can all live with. These combined actions will help small business to move ahead to create the economic revolutions that will lead us into the 21st century.

GEORGE BUSH.

THE WHITE HOUSE, *September 29, 1992.*

DELAY CONSIDERATION OF DANGEROUS ARMS SALES

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, I commend to my colleagues the editorial in this morning's New York Times, entitled "Mr. Bush Sells Out Arms Control." The editorial calls for Congress to delay consideration of the proposed sales of F–15 fighter-bombers to Saudi Arabia and F–16 fighters to Taiwan. As the editorial points out, there is no strategic rationale for these dangerously destabilizing sales.

Even from a purely economic standpoint, these sales are penny-wise and pound-foolish. They will save some short-term jobs, but those gains will be more than offset by the damage regional arms races do to our economy. The U.S. taxpayer will be called upon to provide more military aid to U.S. allies trying to match their neighbors' new capabilities. In addition, the sales will continue the terrible drain on the international economy caused by developing countries' $200 billion in annual military spending. Those funds would generate far more growth and far more American export jobs if they were redirected to the civilian economies of these countries.

In notifying Congress of these sales so late in the session, the administration has violated longstanding congressional rules requiring 50 days of session before a sale can take effect. The notifications should simply be returned to the administration so that they can be resubmitted in the normal fashion next year. Barring that step, though, they should be rejected. I applaud my colleagues Representative HOWARD BERMAN and Representative MEL LEVINE for introducing a resolution of disapproval for the F–15 sale, and I urge all my colleagues to sign on as cosponsors.

[From the New York Times, September 29. 1992]

MR. BUSH SELLS OUT ARMS CONTROL

One happy consequence of the end of the cold war is that defense budgets around the world are shrinking. One unhappy consequence is that nations are scrambling to peddle arms abroad in order to keep their arms makers in business.

The U.S. is not alone in this ruinous practice. Russia, China and France, among others, are eager sellers. But America's arms sales dwarf anyone else's. So, too, does its capacity to insure a more stable world by restraining sales.

It has failed, however, to exercise such leadership. The most recent example was President Bush's pledge to sell F–15 fighter planes to Saudi Arabia and F–16's to Taiwan. These potentially destabilizing moves mock Mr. Bush's professed desire to curb proliferation—all in the name of winning a few votes in Missouri and Texas.

Until recently, Mr. Bush had been trying to talk the four other permanent members of the United Nations Security Council into providing advance notice of their arms sales to the Middle East. That would have provided time to talk them out of destabilizing sales.

He has now made that policy unworkable. How can he expect to dissuade Moscow from selling submarines to Iran? Or tell China not to market missiles in the Middle East?

It's up to Congress to halt this mindless trafficking in arms. It can hold up the F–15 and F–16 sales until January, when election pressures have eased. And it can try to induce other countries to curb their sales by imposing dollar limits on next year's U.S. sales.

By deciding to sell F–15's to the Saudis without a serious attempt to negotiate multilateral restraints, Mr. Bush threw open the doors of the Middle East arms bazaar. The deal would raise total U.S. sales to the region since the Persian Gulf war to $19.3 billion, far greater than the combined sales of the rest of the permanent Security Council members. Mr. Bush bought Israel's acquiescence by giving it surplus American arms.

The agreement on the F–16's, meanwhile, betrays a pledge the U.S. made in 1982 not to increase the quantity or quality of arms it sold to Taiwan. It also gives China a reason to boycott the arms control talks among the permanent five in the Security Council.

Had Mr. Bush sent a message that the F–16 sale was intended to deter Beijing's rising assertiveness in the region, the sale might at least have reassured China's neighbors. Instead Mr. Bush let his medium be his message. By announcing the sale in Fort Worth, he made it clear to everyone that he was motivated by jobs, not deterrence. To China's nervous neighbors, Mr. Bush seemed to be baiting Beijing for purely political purposes. And that did not please them at all.

At the same time, the Administration had the gall to denounce France's proposed sale of Mirage fighters to Taiwan—persuading Paris that Washington was out to monopolize the market. As a result, it will now be easier to get a Parisian maitre d' to take back an opened bottle of Bordeaux than to get France to restrain itself in the international arms bazaar.

A moratorium on all sales to the Middle East may be asking too much. But Congress could impose a 50 percent cut in the dollar volume of deliveries for the coming year and try to induce other sellers to follow suit. A cogent case for such ceilings has been made in a report just issued by the Congressional Budget Office.

By taking its advice, Congress could stop Mr. Bush's costly and dangerous abandonment of his earlier pledge to curb proliferation.

GAO REPORT ON U.S. STRATEGIC NUCLEAR TRIAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FASCELL] is recognized for 5 minutes

Mr. FASCELL. Mr. Speaker, a new report by the General Accounting Office [GAO] on the U.S. strategic nuclear triad challenges many of our old cold war assumptions about the Soviet threat and the corresponding U.S. strategic systems. This report will open a new debate on the rationale and cost-effectiveness of many elements of the strategic nuclear triad in the post-cold-war world. Improvements suggested by the report could make the United States a safer place and provide our economy defense savings in the $100 billion range.

Assistant Comptroller General, Eleanor Chelimsky, has provided the Committee on Foreign Affairs in response to my request as chairman an unclassified summary of the findings and recommendations of the classified, eight volume, 2-year evaluation report on the

U.S. strategic nuclear triad. The results of this study are startling. Old cold war assumptions about Soviet military capabilities are challenged by the findings of this study. The findings and recommendations also challenge assumptions we have been making about U.S. nuclear capabilities and throw into question long-range strategic planning. The conclusions of this report will surely open a new, hot debate about whether or not we need all three legs—air, land, sea—of the strategic nuclear deterrent.

These findings and recommendations deliver a clear message to me that Congress and the public need to begin a thorough and substantive debate on the advisability and affordability of continuing to modernize strategic nuclear forces in all three legs of the triad.

For example, the GAO report's extensive research and evaluation of our various strategic systems and the Soviet threat that they were designed to address reveal that many old cold war assumptions were wrong. The effectiveness and numbers regarding Soviet air defenses were overrated. Therefore, it must be asked whether there ever was a window of vulnerability or a Soviet crippling first-strike capability.

Assumptions about our own strategic nuclear systems in the triad are also challenged head-on by the report. The sea leg of the triad gets top grades on cost-effectiveness, uninterrupted communications, and invulnerability. These high rankings for the sea leg prompt questions as to why we need a land leg if our sea leg is so invulnerable, accurate, rapid, and reliable.

The GAO report's through evaluation of the cost-effectiveness of various strategic nuclear systems reveals some surprising data. The report concludes that there is no need for any B–2 planes to be in a strategic role. And, furthermore, the report points out that the B–2 will cost about $2 billion per plane or $40 billion for the 20 B–2's now planned.

The findings and recommendations contained in this unclassified summary of the GAO report challenge the conventional wisdom concerning the former Soviet nuclear threat and our own strategic nuclear capabilities. The report was previously described in my CONGRESSIONAL RECORD insert of July 21, 1992 (E2179). The September 28, 1992 unclassified GAO findings and recommendations should open a new debate on U.S. strategic nuclear systems, their cost and their usefulness in the post-cold-war world. The summary follows below:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, DC, September 28, 1992.

Hon. DANTE FASCELL,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: Pursuant to your request, I am enclosing a statement that summarizes—to the extent possible in unclassified form—GAO's 2-year evaluation of the U.S. strategic triad. As you know, you requested the initiation of this comprehensive evaluation by GAO's Program Evaluation and Methodology Division, and we presented our findings and conclusions in a classified briefing to you and other Members of the Committee on May 28. The entire text of our eight classified studies is in the final stages of processing and will be sent to you in the next few days. The text of the enclosed statement has been reviewed—and cleared as unclassified—by the Department of Defense.

We believe this study can assist the Congress during its review of the arms control agreements recently agreed to by President Bush and the various representatives of the former Soviet Union. We also believe it will assist your consideration of the President's revised proposals for the modernization of the U.S. strategic triad. Should you or Members of your Committee have any questions, please call me on 275-1854, or Mr. Kwai-Cheung Chan, Director of Program Evaluation for Physical System Areas, on 275-3092

It has been a privilege to work with you on this important study. With kind regards and best wishes for your retirement,

Sincerely yours,

ELEANOR CHELIMSKY,
Assistant Comptroller General.

UNCLASSIFIED SUMMARY STATEMENT ON THE GAO TRIAD PROJECT

In April 1990, the House Foreign Affairs Committee requested that GAO assess the major proposed strategic modernization programs of the Carter, Reagan, and Bush administrations. In particular, we were asked to evaluate the strengths and weaknesses of these programs, and determine which upgrades appear to be the most cost-effective. It was immediately clear, then, that the study we were about to conduct would need to have a broad scope, emphasizing the comparison of strategic weapon systems across all three legs, taking into account both the threat they were addressing and the arms control agreements that would necessarily constrain them.

When we began our study in the spring of 1990, the Soviet Union was still the chief threat to our security, and the START Treaty was still being negotiated. But even though the past two years have brought enormous changes, the congressional task is still what it was when we began our work—to decide on the form and content of the future U.S. strategic force structure—and we believe our study retains its usefulness to the Congress for making those decisions. This is because it is the first study in at least three decades that both sets up a comprehensive framework for comparing numerous dissimilar strategic systems on multiple measures and that uses test and performance data to compare the systems in question.

Moreover, we did not simply use the performance data cited by DOD for these systems, but instead validated those data through extensive research, analysis and questioning about the underlying validity of the data, including the quality and quantity of the testing of each system. For systems where we found that the claimed performance could not be sustained by such analysis, we have made the uncertainties explicit.

Our work included a comparison of the estimated 30-year lifecycle costs of strategic weapon systems (or major upgrades to existing ones) against seven different measures of effectiveness: (1) Survivability (against both offensive and defensive threats, for both platforms and weapons—for example, submarines and their ballistic missiles; bombers and their missiles); (2) weapon system accuracy; (3) warhead yield and reliability; (4) weapon system reliability; (5) flexibility across a number of dimensions, including impact on arms control; (6) communications; and (7) responsiveness.

We examined the major systems and proposed upgrades of all three nuclear legs, including, for the air leg: The B–2, B–1B, B–52G and B–52H bombers; the ALCM, ACM, SRAM A, and SRAM II missiles; for the land leg: The Peacekeeper, Peacekeeper Rail Garrison, SICBM, Minuteman II and Minuteman III ICBMs; and for the sea leg: The C–4 and D–5 SLBMs on *Lafayette* and *Ohio*-class SSBNs. We evaluated the upgrades from an arms control perspective and we looked at all systems under a full range of threat scenarios, moving from total surprise attack to strategic warning.

The usefulness of this approach is that it permits: (1) The assessment of different levels of weapon system delivery platforms and warheads based on arms control, threat, cost and performance considerations, and (2) the determination of what number and structure of strategic forces would likely be the most effective.

GAO FINDINGS

A general conclusion arising from the numerous comparisons we made in our study is that there exist systematic disparities between the estimates or claims that have been made about the triad systems and what the data actually show. We found this to be the case whether the issue was the likely cost and performance of the upgrades, the actual performance of current systems, or the likely offensive or defensive threats to these systems from the former Soviet Union. (Note that in every case, the likely threat presented by the Commonwealth of Independent Republics today is substantially less than that of the now defunct Soviet Union). These disparities are summarized in Table 1 below, and in three other tables included at the end of this statement.

TABLE 1.—GAO'S FINDINGS ON SIGNIFICANT KNOWLEDGE LIMITATIONS VIS-A-VIS FOUR DIMENSIONS OF STRATEGIC WEAPONS SYSTEM ASSESSMENT

	Air			Land		Sea—D–5/Ohio
	B–2	B–1B	B–52	Peace-keeper	MM III	
Threat	X[1]	X[1]	X[1]	X[1]	X[1]	X[1]
Performance	X[1]	X[1]	X[2]	X[1]		
Testing	X[3,4]	X[3]		X[3,4]	X[4]	
Cost	X[5]					

[1] Threat or performance has been overestimated on at least one significant dimension.

[2] Threat of performance has been underestimated on at least one significant dimension.

[3] Operational testing has experienced a significant qualitative problem or limitation.

[4] Operational testing has experienced a significant quantitative problem or limitation.

[5] GAO found the cost to be significantly higher than alternatives available in the same leg and/or in other legs of the triad.

Comparing across the triad legs, for example, a first finding from our study is that, on balance, the sea leg emerges as the most cost-effective, taking into account all the measures of effectiveness cited above. Test and operational patrol data show that the speed and reliability of day-to-day communications to submerged, deployed SSBN's were far better than widely believed, and about the equal of speed and reliability of communications to ICBM silos. Contrary to conventional wisdom, SSBN's are in essentially constant communication with national command authorities and, depending on the scenario, SLBM's from SSBN's would be almost as prompt as ICBM's in hitting enemy targets.

Other test data show that the accuracy of the Navy's D–5 SLBM is about equal to that of the most lethal ICBM (the Peacekeeper): its reliability is about equal, and its warhead has a 50 percent higher yield than the Peacekeeper's. In short, we estimate that the D–5 has a hard target kill capability about the equal of the Peacekeeper.

Further, unlike easily located silos, operational test results show that submerged

SSBNs are even less detectable than generally understood, and that there are no current or long-term technologies that would change this.

A second finding concerns the cost side of the sea leg's cost-effectiveness. Measured in terms of lifecycle costs per arriving warhead, the B-2 would cost 2.5 to 5 times more than the D-5, under attack scenario, depending on the number of warheads on the D-5. Moreover, these estimates assume that the B-2 will be as effective as planned by DOD and that costs will not grow, compared to considerably more reliable and complete cost, test and operational performance data on the D-5/Ohio system. Compared to an upgraded/de-Mirved Minuteman III system—now being proposed by the Air Force—the lifecycle cost per warhead for the D-5/Ohio system is almost identical, but with the significant advantage of being based on submerge, essentially invulnerable submarines.

A third finding is that the former Soviet air defense threat—a fundamental justification offered for acquiring the B-2 bomber—had been heavily overestimated. Evaluation of the data showed that Soviet air defenses were considerably lower than the number projected earlier, and that DOD studies had also greatly overestimated the effectiveness of these air defense systems. Moreover, the disintegration of the Soviet Union and economic conditions within the commonwealth republics strongly suggest that current air defenses are more likely to degrade than to improve. In other words, the air defense threat that the B-2 was created to address was never in fact deployed.

A fourth finding speaks to the cost of the B-2: Each B-2 for a 20-aircraft fleet will cost over $2 billion in development and procurement—and there will be additional operating costs—when the program is complete. Yet the five additional B-2s requested by the President would increase total air leg strategic warheads by only 2.3 percent above current numbers.

A fifth finding deals with uncertainties in the B-2 performance. According to the air force, flight tests involving the all-important radar detectability dimension indicated that the B-2 did not perform as predicted on at least one radar frequency. The Air Force has declared solutions to be in hand. However, the B-2 flight test program remains in its very early stages, and the possibility of additional problems being uncovered remains.

A sixth finding concerns the continued viability of the B-52. We believe that both the B-52Gs and H's will remain usable aircraft for years to come. There are two reasons for this: First, Air Force flight hour data show that, as of 1990, the airframes and other key structural components of both models had only reached about half their life expectancies. Second, comparisons of data on multiple measures of effectiveness show that the B-52 compares favorably to the newer B-1B, which has shown deficiencies or uncertainties on a number of important performance dimensions. Both models of the B-52 have continuing capability, the B-52G as a cruise missile carrier and the B-52H as a strategic penetrating bomber.

A seventh finding involves the predicted benefits of ACM versus ALCM. Here we found that the range requirement for ACM offers only a small improvement over the older ALCM and that the accuracy improvement offered does not appear to have real operational significance. Further, because of important limitations in the flight tests conducted for both cruise missile systems, the parameters of their performance in operational conditions is incompletely explored.

An eighth finding deals with the vulnerability of our silo-based ICBMs, a presumption we found questionable on several counts: First, it was based on assuming only the highest estimates for such key Soviet missile performance dimensions as accuracy, yield, and reliability, while at the same time discounting very substantial uncertainties about performance that could not have been resolved short of nuclear conflict. Second, it did not recognize the possibility that the Soviets could be deterred from an all-out attack on the ICBM silos by their inability to target submerged U.S. SSBNs or on-alert bombers and their thousands of warheads that could be expected to retaliate. And third, it ignored the robust capabilities of U.S. early warning systems to detect a Soviet ICBM attack, thereby allowing a reasonably rapid response.

A ninth finding relates to uncertainty with regard to ICBM performance. Peacekeeper accuracy estimates are based on a very limited number of test shots, some of which used operationally unrepresentative software or hardware. The original operational test program of 8 launches per year could have reduced these uncertainties, but instead, as an economy measure, SAC reduced peacekeeper tests to just 3 per year. Similarly, a cut in the Minuteman III test rate from 7 to 4 per year will increase uncertainty in accuracy and reliability estimates for the Minuteman IIIs.

ARMS CONTROL AND FUTURE U.S. STRATEGIC CAPABILITIES

As for future U.S. strategic capabilities, the very large reductions in strategic forces announced by presidents Bush and Yeltsin in June show that the President has concluded that the United States can afford to substantially reduce both its hard target kill capabilities, and its total number of strategic warheads. Under that agreement—not yet considered by the Senate—all mirved (multi-warhead) ICBMS of both nations will be eliminated, including all peacekeepers and SS-18s and SS-24s. Further, the agreement cancels the START Bomber counting rules, which permitted numerous weapons to be carried on a bomber but only to count as one, and cap sea-leg warheads at 1,750, or about half the potential capability of the all-Ohio/D-5 force. If implemented, the Bush-Yeltsin agreement would constitute large numerical reductions in nuclear weapons in existing force levels and important qualitative reductions in offensive capabilities.

Before turning to our five recommendations, it should be noted that the findings summarized above are only a sample of what is in our 8 reports—in particular, there are additional findings on C^3I, strategic relocatable targets and the SRAM a missile.

GAO RECOMMENDATIONS

GAO's recommendations concern the B-2, the B-1B, the Minuteman III force, and the ACM and D-5 missiles. Some of these involve the maintenance of testing to insure adequate assessments of weapon system effectiveness and reliability. None of the recommendations would conflict with current proposals for a nuclear warhead test ban.

On the B-2, with respect to the determination of whether five more B-2s should be procured, we caution that we find no strategic grounds to acquire them. They are extremely costly; we found no need for any B-2s in a strategic role; and their capability to perform their intended mission will remain uncertain for some time yet to come.

There is a need for additional operational testing of the B-1B to verify that scheduled improvement in reliability and electronic countermeasures are achieved, and to remove remaining uncertainties concerning range performance.

On Minuteman III, we question the advisability of funding either de-Mirving or extensive major lifeservice upgrades for this force because the cost-effectiveness of such an effort is not obvious. There are three reasons for this: The estimated $16 billion price tag of maintaining it through the year 2020; the fact of a reduced-threat environment, now and in the foreseeable future; and the likelihood that either de-Mirving and/or other substantive modifications would require robust flight test programs that would quickly use up limited test assets.

Rigorous D-5 SLBM flight testing should continue as planned, given the importance of that missile to the sea leg of the triad. The D-5 test rate should not be cut from levels required to confidently assess weapon system performance, as has occurred with the peacekeeper and minuteman forces.

On the ACM, we concur with the DOD decision to CAP production at 520 missiles, rather than funding an additional 120, given that we found ACM to provide little operationally significant improvement over the older ALCM. However, to ensure the effectiveness of the cruise missile inventory, we see a need to hold more realistic flight tests of ALCM's survivability and of both ALCM's and ACM's performance over terrain that has not been pre-tested.

In conclusion, GAO's comparisons of weapon systems across the three legs of our strategic triad have led us to agree, as we describe in detail in our reports, with most of the president's initiatives, but also to believe that more can safely be done or omitted. That is, we think that the five recommendations listed above—in combination with the initiatives already proposed by the president—will provide for a nuclear deterrent that (1) integrates our most effective weapon systems into a leaner, less costly whole; and (2) fully serves the Nation's strategic security requirements for many years to come.

TABLE 2.—THE AIR LEG: BELIEFS VERSUS FINDINGS[1]

Belief	Finding
1. On Air Base Survivability:	
Bombers at bases have been vulnerable to surprise Soviet attack	The data show surprise attack to have been extremely unlikely.
2. On Penetration Survivability:	
Soviet air defenses have grown dramatically	High growth did not occur.
Soviet SAMs and interceptors are very effective	Combat experience and intelligence assessments indicate lesser capabilities.
B-2 is needed to preserve the penetrating bomber role	Data show B-1B and B-52H can continue to be survivable penetrators.
ACM is needed to overcome low ALCM survivability	Tests did not demonstrate low ALCM survivability.

TABLE 2.—THE AIR LEG: BELIEFS VERSUS FINDINGS [1]—Continued

Belief	Finding
3. On Target Coverage:	
Detectability and slowness make the air-leg "stabilizing"	Available data support this belief.
B–1B and B–2 have sufficient range for their strategic mission requirements	Insufficient evidence to support this belief; reliable test data are lacking.
Bombers are readily recallable and retargetable under any scenario, including nuclear war	Nuclear effects and jamming are likely to degrade C3, thus limiting recallability and retargeting.
B–2 is needed for SRT missions	Analysis shows that no special capability exists or is foreseen.
4. On Obsolescence:	
B–52 age mandates replacement	Air Force data show B–52G and H viability for many years.

[1] Only selected material on beliefs versus findings is presented here; classified information has been deleted.

TABLE 3.—THE LAMD LEG: BELIEFS VERSUS FINDINGS [1]

Belief	Finding
1. On ICBM Base Survivability:	
Silo-based ICBMs have been highly vulnerable to massive, surprise Soviet attack	Claims for high vulnerability were based on worst-case estimates of Soviet ICBM capabilities, as well as other questionable assumptions.
2. On Penetration Survivability:	
ICBMs face no effective ABM defenses	Available data support this view.
3. On Target Coverage:	
ICBM C^3 is prompt, reliable, and has great redundancy	Available data generally support this perception.
ICBMs can launch promptly after receipt of orders for attack	Available data support this conclusion, but are based on launches from test silos and simulated electronic launch tests.
Peacekeeper is very accurate and very reliable	DOD's refusal to provide critical reliability data and insufficient operational tests reduce the level of confidence in Peacekeeper's performance estimates.
Rail garrison Peacekeepers and mobile SICBMs would have the same accuracy and reliability as ICBMs in silos	Insufficient data to support this belief.

[1] Only selected material on beliefs versus findings is presented here; classified information has been deleted.

TABLE 4.—THE SEA LEG: BELIEFS VERSUS FINDINGS [1]

Belief	Finding
1. On Survivability:	
While submerged SSBNs are currently hard to detect, a breakthrough in detection technology is possible in the future that will threaten them.	Test and operational data show that submerged SSBMs are much less detectable than generally understood, both now and in future years.
2. On Penetration Survivability:	
SLBMs face no effective ABM defenses	Available data support this assumption.
3. On Target Coverage:	
C^3 to SSBNs is much slower and much less reliable than to ICBM silos	Data show C^3 to SSBNs is about as prompt and as reliable as to ICBM silos, under a range of conditions.
SLBMs cannot be used against time urgent targets due to a combination of slow C^1 and launch procedures	Compared to ICBMs, no operationally meaningful difference in time to target was found. Arms control agreements will severely reduce the number of "time-urgent" Soviet ICBM targets.
SLBMs cannot effectively attach the hardest category of Soviet targets due to insufficient accuracy	Test data show that D–5 SLBMs do in fact have this capability.
Range and deployment area limitations may weaken sea leg accuracy and survivability	SSBN patrol areas and D–5 range and estimated accuracy impose no such limitations.

[1] Only selected material on beliefs versus findings is presented here; classified information has been deleted.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEACH) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 60 minutes each day, on October 2, 3, and 4.

Mr. DORNAN of California, for 60 minutes each day, on October 6, 7, 8, 9, and 10.

(The following Members (at the request of Mr. LAROCCO) to revise and extend their remarks and include extraneous material:)

Mr. FASCELL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. RICHARDSON, for 60 minutes, on September 30.

Mr. HOAGLAND, for 5 minutes, on September 30.

Mr. FALEOMAVAEGA, for 60 minutes, on October 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. LEACH) and to include extraneous matter:)

Mr. DAVIS.
Mr. SCHULZE.
Mr. PACKARD.
Mr. MOLINARI.
Mr. LEWIS of California.
Mr. COUGHLIN.

(The following Members (at the request of Mr. LAROCCO) and to include extraneous matter:)

Mr. ROE.
Mr. DOWNEY.
Mr. EDWARDS of California.
Mr. CLEMENT.
Mr. FASCELL.
Mr. BORSKI.
Mr. HUCKABY.
Mr. YATRON.
Mr. CARR.
Mr. DINGELL.
Mr. BARNARD.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1435. An act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, CO, to the Secretary of the Interior;

H.R. 2967. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes;

H.R. 5428. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 5630. An act to amend the Head Start Act to expand services provided by Head Start programs; to expand the authority of the Secretary of Health and Human Services to reduce the amount of matching funds required to be provided by particular Head Start agencies; to authorize the purchase of Head Start facilities; and for other purposes.

ADJOURNMENT

Mr. LAROCCO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly—at 7 o'clock and 36 minutes p.m.— under its previous order, the House adjourned until Wednesday, September 30, 1992, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4328. A letter from the Secretary of Education, transmitting Notice of Final Priority—Bilingual Education: Educational Personnel Training Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4329. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4330. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4331. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4332. A letter from the Acting Assistant Secretary (Civil Works), Department of the Army, transmitting a report on Lake Pontchartrain, LA, pursuant to Public Law 101-640, section 116(k)(2) (104 Stat. 4625); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Public Works and Transportation. H.R. 3703. A bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes; with an amendment (Rept. 102-912, Pt. 2). Ordered to be printed.

Mr. DINGELL: Committee of conference. Conference report on H.R. 3508 (Rept. 102-925). Ordered to be printed.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 2588. A bill to provide for the conservation and management of Weakfish, and for other purposes; with an amendment (Rept. 102-926). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 5617. A bill to provide congressional approval of a governing international fishery agreement (Rept. 102-927). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 5809. A bill to authorize the Secretary of the Interior to construct and operate an interpretive center for the Ridgefield National Wildlife Refuge in Clark County, WA; with an amendment (Rept. 102-928). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 5874. A bill to establish a wetlands center at the Port of Brownsville, TX, and for other purposes; with an amendment (Rept. 102-929). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSE: Committee on House Administration. House Resolution 512. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Task Force to Investigate Certain Allegations Concerning the Holding of Americans as Hostages in Iran in 1980 in the 2d session of the 102d Congress; with an amendment (Rept. 102-930). Referred to the House Calendar.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 2572. A bill to authorize an exchange of lands in the States of Arkansas and Idaho; with an amendment (Rept. 102-931, Pt. 1). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. S. 2572. A bill to authorize an exchange of lands in the States of Arkansas and Idaho (Rept. 102-931, Pt. 2). Ordered to be printed.

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 2572. A bill to authorize an exchange of lands in the State of Arkansas and Idaho; with amendments (Rept. 102-931, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marines and Fisheries. H.R. 5459. A bill to implement the Protocol on Environmental Protection to the Antarctic Treaty, and for other purposes; with an amendment (Rept. 102-932, Pt. 1). Ordered to be printed.

Mr. ROSE: Committee on House Administration. H.R. 5983. A bill to establish in the Government Printing Office a means of enhancing electronic public access to a wide range of Federal electronic information; with amendments (Rept. 102-933). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 5486. A bill to clarify the law enforcement authority of law enforcement officers of the U.S. Fish and Wildlife Service; with an amendment (Rept. 102-934). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 6000. A bill to redesignate Springer Mountain National Reservation Area as "Ed Jenkins National Recreation Area" (Rept. 102-935). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 6014. A bill to designate certain land in the State of Missouri owned by the United States and administered by the Secretary of Agriculture as part of the Mark Twain National Forest (Rept. 102-936). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 5605. A bill to authorize and direct land ownership consolidation in the Cedar River Watershed, Mt. Baker-Snoqualmie National Forest, WA; with an amendment (Rept. 102-937, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2548. A bill to authorize the Secretary of the Interior to establish an Abraham Lincoln Research and Interpretive Center; with an amendment (Rept. 102-938). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 5119. A bill to authorize the construction of the Cumberland Mountain Trail in the States of Kentucky and Virginia, to study the establishment of the Cumberland National Recreation Area in the States of Kentucky and Virginia, and for other purposes (Rept. 102-939, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Merchant Marine and Fisheries. H.R. 5119. A bill to authorize the construction of the Cumberland Mountain Trail in the States of Kentucky and Virginia, to study the establishment of the Cumberland National Recreation Area in the States of Kentucky and Virginia, and for other purposes (Rept. 102-939, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 4087. A bill to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes (Rept. 102-940, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 4087. A bill to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes (Rept. 102-940, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROE: Committee on Public Works and Transportation. H.R. 4157. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; with an amendment (Rept. 102-941, Pt. 1). Ordered to be printed.

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 3095. A bill to restore and clarify the Federal relationship with the Jena Band of Choctaws of Louisiana (Rept. 102-942). Referred to the Committee of the Whole House on the State of the Union.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 5954. A bill to amend the Rural Electrification Act of 1936 to clarify the status of the Rural Telephone Bank and its accounting policies, and for other purposes; with an amendment (Rept. 102-943). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 1183. An Act to reduce the restrictions on the lands conveyed by deed to the city of Kaysville, UT, and for other purposes; with an amendment (Rept. 102-944). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 5118. A bill to exchange lands within the State of Utah, between the United States and the State of Utah; with an amendment (Rept. 102-945). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 4489. A bill to provide for a land exchange with the city of Tacoma, WA; with an amendment (Rept. 102-946). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 5548. A bill to direct the Secretary of Agriculture to convey certain lands to the town of Taos, NM; with an amendment (Rept. 102-947). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 1439. An act to authorize and direct the Secretary of the Interior to convey certain lands in Livingston Parish, LA; with amendments (Rept. 102-948). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 1538. An act to establish the Mimbres Culture National Monument and to establish an archaeological protection system for Mimbres sites in the State of New Mexico, and for other purposes; with an amendment (Rept. 102-949). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 4590. A bill to establish the Spring National Recreation Area in Nevada, and for other purposes; with amendments (Rept. 102-950). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 5906. A bill to direct the Secretary of the Interior certain lands with the District of Columbia and to regulate advertising and related commercial activities in the National Park System, and for other purposes; with amendments (Rept. 102-951). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 5853. A bill to designate segments of the Great Egg Harbor River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System; with amendments (Rept. 102–952). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2563. An act to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes; with amendments (Rept. 102–953). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 6046. A bill to make technical corrections in certain public laws (Rept. 102–954). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 5122. A bill relating to the settlement of the water rights claims of the Jicarilla Apache Tribe; with amendments (Rept. 102–955). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 1987. A bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standard for coverage under that act, and for others purposes. (Rept. 102–956). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself, Mr. WYLIE, Mr. ANNUNZIO, Mr. BACCHUS, Mr. MCCOLLUM, and Mr. BAKER):

H.R. 6050. A bill to facilitate recovery from recent disasters by providing greater flexibility for depository institutions and their regulators and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DOWNEY:

H.R. 6051. A bill to increase the number of weeks for which emergency unemployment compensation is payable; to the Committee on Ways and Means.

By Mr. ROBERTS:

H.R. 6052. A bill to provide a fair and reasonable national maximum speed limit; to the Committee on Public Works and Transportation.

By Mr. SCHULZE:

H.R. 6053. A bill to amend the Harmonized Tariff Schedule of the United States to restore the duty that prevailed under the Tariff Schedules of the United States for certain agglomerated cork products; to the Committee on Ways and Means.

By Mr. STOKES:

H.J. Res. 555. Joint Resolution to designate October 1992 as "National High Blood Pressure Education Program's 20th Anniversary Month"; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LAROCCO:

H.R. 6054. A bill for the relief of Jorge Luis Dos Santos, Suzete de S. Tenorio, Luiz Antonio Cardoso Tenorio, and Jullye Tenorio; to the Committee on the Judiciary.

By Ms. SNOWE:

H.R. 6055. A bill to authorize issuance of a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *El Bongo*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 432: Mr. STUMP.

H.R. 609: Mr. COX of California and Mr. PENNY.

H.R. 1181: Mr. JACOBS.

H.R. 1310: Mr. MCNULTY.

H.R. 2095: Mr. ANDREWS of Texas.

H.R. 2385: Mr. MARTIN, Mr. KOLBE, Mrs. MEYERS of Kansas, and Mr. FRANKS of Connecticut.

H.R. 2534: Mr. WEBER and Mr. SWIFT.

H.R. 2922: Mr. GEJDENSON, Mr. DOWNEY, and Mr. FOGLIETTA.

H.R. 3171: Mr. PAXON.

H.R. 3475: Ms. KAPTUR.

H.R. 3918: Mr. BRYANT, Mr. LEWIS of Florida, Mr. MAZZOLI, and Mr. GOSS.

H.R. 4157: Mr. ROGERS.

H.R. 4401: Mr. SHAYS.

H.R. 4710: Mr. RIDGE.

H.R. 5064: Mr. BACCHUS and Mr. DE LUGO.

H.R. 5112: Mr. COX of California and Mr. GILCHREST.

H.R. 5153: Mr. INHOFE and Mr. SOLOMON.

H.R. 5216: Mr. JOHNSTON of Florida, Mr. JOHNSON of South Dakota, Mr. SPENCE, Mr. DICKINSON, AND MR. LOWERY of California.

H.R. 5337: Mr. LEWIS of Florida and Mr. STALLINGS.

H.R. 5360: Ms. DELAURO.

H.R. 5772: Mr. SCHIFF, Mr. BEREUTER, and Mr. ENGLISH.

H.R. 5777: Mrs. MINK, Mr. HERTEL, and Mr. BUSTAMANTE.

H.R. 5790: Mr. BUNNING.

H.R. 5823: Mr. JOHNSON of South Dakota.

H.R. 5832: Mr. SANDERS and Mr. DOOLEY.

H.R. 5844: Mr. MCCLOSKEY.

H.R. 5864: Mr. DERRICK and Mr. HALL of Ohio.

H.R. 5897: Mr. KYL, Mr. LIVINGSTON, and Mr. WELDON.

H.R. 5948: Mr. GORDON and Mr. BEREUTER.

H.R. 5957: Mr. HERTEL and Mr. BUSTAMANTE.

H.R. 6021: Mr. HASTERT.

H.J. Res. 380: Mr. PURSELL, Mr. GEREN of Texas, Mr. GEJDENSON, Mr. FASCELL, Mr. LAFALCE, Mr. NOWAK, Mr. RIGGS, Mr. STUMP, Mr. TORRICELLI, Mr. HYDE, Mr. ECKART, Mrs. BOXER, Mr. INHOFE, Ms. HORN, Mr. LEHMAN of Florida, Mr. MOODY, Mr. MURPHY, Mr. MURTHA, Mr. CALLAHAN, Ms. DELAURO, Mr. HOAGLAND, Mr. SAWYER, Mr. BOEHLERT, Mr. PALLONE, Mr. OWENS of New York, Mr. KLUG, Mr. TAUZIN, Mr. DICKINSON, Mr. TOWNS, Mr. SAXTON, Mr. STOKES, and Mr. TRAFICANT.

H.J. Res. 399: Mr. BROOMFIELD, Mr. MARKEY, Mr. BRYANT, Mr. PASTOR, Mr. SAXTON, Mr. INHOFE, Mr. MARLENEE, and Mr. LIVINGSTON.

H.J. Res. 400: Mr. VISCLOSKY, Mr. HALL of Ohio, and Mr. RITTER.

H.J. Res. 458: Mr. ANDREWS of New Jersey, Mr. FORD of Tennessee, Mr. GEREN of Texas, Mr. GUNDERSON, Mr. HATCHER, Mr. MAVROULES, Mr. MILLER of Washington, Mr. MORRISON, Ms. MOLINARI, Mr. SAVAGE, Mr. VOLKMER, Ms. WATERS, Mr. STUDDS, Mr. NEAL of North Carolina, Mr. RAVENEL, and Mr. PETERSON of Florida.

H.J. Res. 463: Mr. MARKEY, Mr. HOAGLAND, Mr. LAFALCE, Mr. JOHNSTON of Florida, Mr. MCEWEN, Mr. OBERSTAR, Mr. SHARP, Mr. WYDEN, and Mr. HUTTO.

H.J. Res. 479: Mr. MACHTLEY, Mr. GORDON, Mr. KOPETSKI, Mr. TAYLOR of Mississippi, Mr. ALLEN, Mr. BROWN, Mr. BACCHUS, Mr. KANJORSKI, Mr. COLEMAN of Texas. Mr. MAVROULES, Mr. KILDEE, Mr. HEFNER, and Mr. CONYERS.

H.J. Res. 524: Mr. WYDEN, Mr. DORGAN of North Dakota, and Mr. GUARINI.

H.J. Res. 532: Mr. UPTON.

H.J. Res. 538: Mr. MARKEY, Mr. DURBIN, Mr. JONTZ, Mr. MURTHA, Mr. JOHNSTON of Florida, Mr. LEVINE of California, Mr. OWENS of New York, Mr. SANDERS, Mrs. UNSOELD, Mr. ENGEL, Mr. SCHEUER, Mr. PANETTA, Mr. SCHUMER, Mr. FROST, Mrs. MINK, Mr. HUCKABY, and Mr. JACOBS.

H.J. Res. 542: Mr. FAWELL, Mr. ACKERMAN, and Mr. CHAPMAN.

H.J. Res. 543: Mr. RAVENEL, Mr. MCCOLLUM, Mr. MARKEY, Mr. LEACH, Mr. DE LA GARZA, Mr. TOWNS, Mr. LANTOS, Mr. SANGMEISTER, Mr. CLINGER, Mr. JENKINS, Mr. TRAFICANT, Mr. LAROCCO, Mr. LANCASTER, Mr. FALEOMAVAEGA, Mr. GEKAS, Mr. DELLUMS, Mr. SCHUMER, Mr. AUCOIN, Mr. BILBRAY, Mr. FORD of Tennessee, Mr. SWETT, Mr. VALENTINE, Mr. POSHARD, Mr. PURSELL, Mr. TANNER, Mr. EVANS, Mrs. PATTERSON, Mr. ENGEL, Mr. MFUME, Mr. SPENCE, Mr. RANGEL, Mr. HUGHES, Mr. YOUNG of Florida, Mr. MATSUI, Mr. ARCHER, Mr. LAFALCE, Mr. DE LUGO, Ms. DELAURO, Mr. COUGHLIN, Mr. HERTEL, Mr. LEWIS of California, Mr. ROGERS, Mr. YATRON, Mr. THOMAS of Georgia, Mr. WISE, Mr. ROSE, Mr. SMITH of Texas, Mr. MCDADE, Mr. ROE, Mr. WOLPE, and Mr. LEVIN of Michigan.

H.J. Res. 547: Mr. BROOMFIELD, Mr. BROWN, Mr. BUNNING, Mr. COOPER, Mr. DICKINSON, Mr. DONNELLY, Mr. EDWARDS of Texas, Mr. GILMAN, Mr. HARRIS, Mr. HOUGHTON, Mr. LOWERY of California, Mr. MOAKLEY, Mrs. MORELLA, Mr. MYERS of Indiana, Mr. PACKARD, Mr. REED, Mr. SARPALIUS, Mr. SAWYER, Mr. SERRANO, Mr. SIKORSKI, Mr. VOLKMER, Mr. WISE, and Mr. EDWARDS of Oklahoma.

H.J. Res. 550: Mr. ANDREWS of Maine, Mr. CRAMER, Mr. ESPY, Mr. GUARINI, Mr. HARRIS, Mr. HAYES of Illinois, Mr. HORTON, Mr. MCDERMOTT, Mr. MCNULTY, Ms. OAKAR, Mr. PALLONE, Mr. SLATTERY, Mr. SMITH of New Jersey, Mr. CONYERS, Mr. DWYER of New Jersey, Mr. GRANDY, Mr. MCDADE, Mrs. MORELLA, and Mr. RAY.

H.J. Res. 551: Mrs. JOHNSON of Connecticut, Mr. DAVIS, Mr. BLILEY, Mr. BATEMAN, Mr. YOUNG of Alaska, Mr. CALLAHAN, Mr. GILCHREST, Mr. GUNDERSON, Mr. LEACH, Mr. BENNETT, Mr. HOYER, Mr. FROST, Mr. CLEMENT, Mr. ROYBAL, Mr. SAWYER, Mr. SCHEUER, Mr. VALENTINE, Mr. SOLARZ, Mr. TANNER, Mr. TRAFICANT, Mr. TRAXLER, Mr. ERDREICH, Mr. ESPY, Mr. SERRANO, Mr. FASCELL, Mr. HUBBARD, Ms. DELAURO, and Mrs. MINK.

H.J. Res. 552: Mr. ACKERMAN, Mr. GONZALEZ, Mr. GUARINI, Ms. HORN, Mr. WALSH, Mr. PALLONE, Mr. SERRANO, Mr. MCDERMOTT, Mr. SAWYER, Mr. GILMAN, and Mr. OWENS of Utah.

H. Con. Res. 344: Mr. PAYNE of New Jersey.

H. Con. Res. 358: Mr. WALSH and Mr. BUSTAMANTE.

H. Res. 272: Mrs. MEYERS of Kansas.

SENATE—*Tuesday, September 29, 1992*

The Senate met at 9:15 a.m., and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Have mercy upon me, O God, according to thy lovingkindness, according unto the multitude of thy tender mercies blot out my transgressions. Wash me thoroughly from my iniquity, and cleanse me from my sin.—Psalm 51:1–2.

Our Father, our King, in light of the promise given through Isaiah of forgiveness and cleansing, we turn to You. We acknowledge our need of repentance: In days of prosperity, when "things never looked better," intoxicated with power and pleasure, we allowed greed and lust to run their course. Now we see joblessness, homelessness, poverty, hunger, and hopelessness. Our streets are unsafe because of drugs and crime. We sought liberty without law, choice without consequences, comfort without responsibility. We have forgotten God. We are an angry people, angry with ourselves, but we blame others for our dilemma.

Grant us grace, patient Father in Heaven, to face our deep collective need and turn to You for the renewal so desperately needed in our land. Be merciful, O Lord our God. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 29, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. MITCHELL. Am I correct in my understanding that the Journal of the proceedings has been approved to date?

The ACTING PRESIDENT pro tempore. The majority leader is correct.

EXECUTIVE SESSION

TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START TREATY)—TREATY DOC. NO. 102–20

PROTOCOL TO THE TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—TREATY DOC. NO. 102–32

The ACTING PRESIDENT pro tempore. The Senate will now go into executive session and resume consideration of Executive Calendar Nos. 45 and 46, which the clerk will report.

The legislative clerk read as follows:

A treaty (Treaty Doc. No. 102–20) with the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (the START Treaty); a protocol (Treaty Doc. No. 102–32) to the Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms.

The Senate resumed consideration of the treaty and the protocol.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, there will now be approximately 1 hour for further debate on the treaty and protocol equally divided and controlled in the usual form.

At 10:15 a.m., the Senate will vote on whether or not to invoke cloture on the treaty and protocol.

The time will be managed.

Mr. LUGAR. Mr. President, I suggest that in fairness, as the Senator from Rhode Island and I are proponents of the treaty and the Senator from Wyoming is the opponent, that 30 minutes be controlled by the distinguished Senator from Wyoming and 30 minutes by Senator PELL.

Mr. MITCHELL. Mr. President, I think that is fair and appropriate.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield myself 1 minute here. We had a good discussion yesterday. Not too many new arguments were raised but we will raise them again.

And in this regard, several Senators have wondered why it is that the START Treaty does not require the dismantling of warheads and the destruction of missiles. I have raised this concern myself. Frankly, I believe that this was simply impossible to achieve in the atmosphere of antagonism and mistrust that characterized the cold war.

With the collapse of the Soviet empire, there has been a dramatic and fortuitous change that has opened the way for the destruction of tactical nuclear warheads. In the future, I believe we will be able to achieve the verifiable destruction of strategic nuclear warheads.

Such steps were simply not achievable in the START Treaty. The administration was opposed to required warhead destruction for several reasons. First, the administration wanted to reuse the W–76—Trident—and the W–87—MX—warheads, rather than destroy them. Second, the administration did not want to have intrusive verification of their Department of Energy warhead dismantlement facilities or warhead storage facilities. Because of the concerns, START does not constrain nondeployed warheads. START constrains the means to deliver these nuclear warheads and the numbers of deployed warheads, but it does not constrain the nondeployed warheads or the warheads from eliminated systems.

There is always a possibility that the other side could have extra warheads on undeclared, nondeployed missiles. These missiles would be most effective if they could be launched from mobile missiles that could be reloaded in a relatively short time. They would be much less effective if they were to be launched from silos which take days to reload, and are generally considered to be much less effective in any kind of extended nuclear conflict.

The United States encouraged the retention of formerly deployed missile systems in order to use them for testing assets, space-launched vehicles, and for the U.S. strategic defense initiative. START contains a number of provisions which limits the usefulness of such surplus missiles such as prohibiting the storage of these systems within 100 kilometers of missile launchers, the notification of the storage locations, the banning of rapid-reload systems, the banning of soft-launch facilities, the destruction of nondeployed mobile missiles beyond the limit of 250—no more than 125 may be rail-mobile missiles—the destruction of nondeployed mobile launchers beyond the limit of 110—no more than 18 rail-mobile launchers—and other provisions. The administration has examined the pos-

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

sible uses of these retired systems and does not consider that they add significant additional dangers to the U.S. national security.

Virtually all computer models show that the number of additional United States warheads destroyed by any clandestine warheads from a Russian breakout of the treaty would be relatively small. This is so, because the bombers on alert would then be in the air, the submarines at sea would not be affected, and the targeting of more than two warheads on a silo would not be very effective.

The declining marginal utility of additional nuclear warheads is widely accepted by the Joint Chiefs of Staff and other military scholars. Because of this declining marginal utility, it is difficult to quantify the amount of extra warheads which would be a military significant violation of START since the marginal ability of additional Russian warheads to destroy additional United States warheads is relatively small.

A breakout from the treaty by a large excess of mobile missiles has been one of the most important areas addressed by the START verification regime. Because mobile missiles could be reloaded more easily than silos and because the United States cannot readily count deployed mobile missiles, a great deal of effort has been expended in the START negotiating process to develop a very complex verification regime which gains some access to the following aspects of mobile missiles: flight tests for development and reliability, production, movement, deployment, storage, maintenance, and elimination. In addition, special access visits can be requested of undeclared sites. The challenging party can call a special meeting of the JCIC to address suspicions in this area. It is the duty of the challenged party to convince the challenger that the suspicions are unfounded. If this cannot be done, the challenging party can request a special access visit to the suspicious site, but the challenged party can refuse such a request.

Mr. President, despite the many protections built into the START Treaty, I cannot stand before the Senate and tell you that there can be no cheating at all. There probably will be compliance problems. For example, biological weapons work was recently discovered in Russia. With a good effort, we were able to stop that program and gain onsite inspection rights.

We must put the possibility of compliance problems into perspective. As Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, told the Foreign Relations Committee:

> We are not dueling with each other again, my warhead against your warhead. The question is, does the United States' force structure give us enough capability to deliver a devastating blow against any nuclear State that may choose to attack us? If it does, then that is a deterrent to that nuclear State ever contemplating such an action?

Senators and administration experts alike can debate the adequacy of verification measures endlessly. But on the crucial central elements of START, there can be no debate. START will require the destruction of 154 heavy ICBM silos. That we can verify. START will require the destruction of hundreds of other strategic offensive arms. That we can verify. START will require extensive notifications and data. That we can verify. START will require the broadcast of unencrypted telemetry. That we can verify.

It is true that nondeployed mobile ICBM's cannot be verified as well as we would like. The Intelligence Committee and the Foreign Relations Committee both considered this issue in detail and agreed that, on balance, the provisions were acceptable. The Chairman of the Joint Chiefs of Staff explicitly testified that he was unconcerned by any problems associated with nondeployed mobile ICBM's. To forego the benefits of direct, verifiable reductions in ICBM's which threaten the United States today because of concerns over the verifiability of second-order provisions, which are not of concern to military professionals, would be the height of irresponsibility.

There are two aspects to the problems of assessing compliance. First, we must be able to agree that a violation has occurred. Second, we must be able to do something about it. With regard to the first, the START Treaty is hundreds of pages long precisely because our negotiators sought to ensure that our rights and obligations were unambiguous. This should ease the burden of making compliance judgments.

With regard to the fundamental problem of what to do about violations, it is, of course, true that there is no international police court that can compel corrections. Nor would we allow such a system to operate. But we are not without the ability to act. The illegal Krasnoyarsk radar no longer stands. Other violations have been corrected and not repeated. The task is obviously a difficult one. But rejecting arms control is not the answer. If we abolish all arms control treaties, the Russian compliance record will be perfect, but our national security will be lessened, not enhanced.

I now yield any time that he may desire to the ranking Republican Member of the Committee on Foreign Relations.

Mr. LUGAR addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

CENTRAL LIMITS AND KILLER AMENDMENTS

Mr. LUGAR. Mr. President, yesterday afternoon the Senate heard a series of indictments of its committees' work on the START Treaty. Chairman PELL and I were asked to respond to a number of questions on everything from the MOU data on throw-weight, perceived transgressions of past arms control agreements, to the exemption of retired SS-25 road-mobile missiles from the limit of 250 nondeployed, mobile ICBM's, and the development of the mythical Fat Boy missile.

But if the committee does understand one thing, it is that the heart of the START Treaty is to be found in the four central limits in article II. They work together to capture real military capability. And it is on that central focus that I wish to center these remarks this morning.

The first basic limit is 1,600 deployed delivery vehicles, with an accompanying sublimit of 154 heavy ICBM's. This is an actual, physical limit that constrains the development of ICBM's and their launchers, SLBM's and their launchers, and heavy bombers.

The second basic limit is 6,000 warheads; and the third limit is 4,900 ballistic missile warheads. There are sublimits on heavy ICBM warheads, and on warheads on mobile ICBM's. Because the treaty uses the term "warhead" as a unit of account, the numbers that count against the 4,900 and 6,000 limit are derived by counting rules, and those counting rules result in an attribution of warheads to ballistic missiles which is very close to reality.

The fourth and final central limit is 3,600 metric tons of ballistic missile throw-weight.

Mr. President, the treaty does not have intermediate levels for throw-weight or for heavy ICBM's, but a separate, legally binding letter obligates the former Soviet Union—and now the four States which have replaced it—to eliminate heavy ICBM launchers at the rate of at least 22 a year until the limit of 154 is reached.

The treaty also has a number of auxiliary limits, of which the most important are a limit of 250 spare mobile ICBM's, and a limit of 110 spare launchers for mobile ICBM's, and a limit of 75 modified bombers.

Mr. President, I have reviewed these four central limits and key sublimits in article 2 of the treaty in light of the critical comments yesterday by the Senator from Wyoming. I highlight these central limits for my colleagues as well because a review of the amendments filed in connection with the treaty—which now include 68 amendments that have been filed—include many whose intent or consequence is a major revision of the basic contract—the basic central limits—between the parties contained in the treaty. In other words, many of these filed amendments would seek to change significantly the rights and obligations of the parties.

Examples of these kinds of amendments include:

Amendments which would require the elimination of all MIRV'd ICBM's before the START Treaty can come into force, amendments 3262 and 3263;

Amendments which significantly change the settlement of the heavy ICBM issue in the treaty, amendments 3264, 3265, 3266, and 3267;

Amendments which would also require the elimination of ICBM's equipped to carry MIRV's before the START Treaty can enter into force, amendments 3274, 3275, 3278, 3279, and 3280;

An amendment which requires the ratification of the START II Treaty before this underlying START Treaty can enter into force, amendment 3285;

Another amendment which again changes the settlement on heavy ICBM's, amendment 3286.

Mr. President, the Senate needs to be clear on this point:

To attempt to change the START Treaty in this way—that is, to seek to revise the central limits of the treaty contained in article II—would be tantamount to a call for the negotiation of a totally new treaty.

Such a negotiation would, of necessity, involve all of the other four parties, now that the START Treaty is multilateral. At a minimum, this would be time consuming, and at maximum, this would lead to an unraveling of the START Treaty process. Such action would be tantamount to the Senate voting down the START Treaty.

In addition, Mr. President, in any such new negotiation, Russia would not agree to such proposed changes without significant and adverse changes to the obligations applicable to United States forces, and perhaps not even then with such changes.

Thus, to adopt amendments such as many of those on file—and I have illustrated in particular certain ones—would likely destroy the START Treaty and lead us toward many of the negative results that the chairman and I discussed yesterday in connection with a failure of the treaty to come into force—whether it be an increased risk of nuclear proliferation or enhanced United States vulnerability should Russia revert to a regime hostile to American interests.

I appreciate the critical remarks made yesterday concerning the central limits of the treaty contained in article II. But should such recommendations take amendment form and be adopted, the negative consequences I mentioned should be considered likely.

That is why amendments of this nature will be referred to as killer amendments—they seek to change the basic contract between the parties on central limits—and why the Senate should oppose them.

When some of my colleagues complain about a rush to judgment on this treaty or speak of arms control as a relic of the cold war, what they mean is that they want no treaty at all or a brandnew renegotiated one. That is their option. And many of their amendments are offered with these objectives in mind.

The Senate should be clear on these objectives when votes occur on the various amendments filed at the desk.

Mr. President, I would add, in conclusion, that I take this occasion prior to cloture to make this point because, with 86 amendments filed and a limited time available for all Senators, it is well for Senators to consider in advance the structure or the strategy, at least, which is involved in this debate, both precloture and postcloture, should it be invoked.

Mr. President, throughout the debate I will refer to these comments and to these central core issues which, at least in the judgment of many Senators, would cause renegotiation of the treaty or its defeat.

I thank the Chair.

Mr. WALLOP addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. The Chair will advise that the Senator has 28 minutes to begin with.

Mr. WALLOP. I understand. I yield myself 10 of those 28. I wish to be advised when that time is up.

Mr. President, I said yesterday and restate again today that the Foreign Relations Committee, the Armed Services Committee, and the Intelligence Committee refused to allow opponents of the treaty, who had requested to be heard, their day in front of the committees.

This is not the way the Senate ought to treat its role, its unique role in modern democracies, over the treaty-making process in America. I was told that these were not credible people. Yet Dr. Sven Kraemer was invited by those who said they were not credible people to be one of their chief witnesses in the INF Treaty.

The same may be said of Dr. Frank Gaffrey and others who asked, and were denied, the opportunity to be heard.

My friend from Indiana referred to the central limits that are contained in this treaty. But the central limits refer only to deployed ICBM's SLBM's, and bombers. And the word "deployed" is an artful evasion of reality.

The Senator knows and the Senate should know that nondeployed systems are not limited. They are not destroyed and they are still very lethal. The term "deployment" is misleading because the nondeployed missiles do not need their deployed launchers to be fired and to threaten the American people.

The amendments that the Senator from Indiana referred to, Mr. President, are those agreed to by Presidents Yeltsin and Bush last June, and promised to be delivered to the Senate by Labor Day by then Secretary of State Baker.

But somehow or another the administration did not get around to beginning their negotiations until last week. I said yesterday and I restate today, this is a stealth treaty, the treaty nobody knows.

There were four of us here on the floor of the Senate yesterday—once five. No one from the Armed Services Committee and no one from the Intelligence Committee was here to answer questions posed by this Senator. No press was in the gallery. Senators were off enjoying a holiday or campaigning or doing other kinds of things—anything but their accountable responsibility in the process for making treaties.

The majority leader by his decision—and within his rights, clearly—has by filing a cloture motion and allowing the debate to proceed on a day when nobody was here including the chairman and ranking members of the responsible committees, gave us an hour today when some Senators may be in town just before this vote to try to make a case that took the Senator from Wyoming in excess of 5 hours to make yesterday.

The Senate is willing and able to call itself responsible. That is fine. But it is not and cannot be judged to have been accountable to this unique role amongst modern democracies.

Forcing us to close our eyes to valid questions and real problems merely to accommodate election year pressures would be the height of irresponsibility. We have the opportunity, but it is to be denied us, to clarify many of the outstanding dilemmas posed by the treaty—but only if the Senate is willing to take time to focus on these issues. And it has declared itself to be unwilling to take time.

Yesterday's debate demonstrated that lack of seriousness. I mentioned that nobody was here. Today we are being asked to end open debate 1 hour after the Senate comes into session and go into the constraints of the rules of cloture.

Mr. President, this is a sham. Senators do not care about the contents of the treaties they give advice and consent to. Let me again quote as I did yesterday from the distinguished Senator from West Virginia's statement on the INF Treaty in 1988. "The important thing is that it be a good agreement, not dictated by calendar deadlines, not dictated by election year politics." Yet that is precisely what the case is right here today.

What yesterday's debate did was to establish beyond a doubt that there are serious legal and substantive problems existing within the treaty. These serious and substantive problems were recognized by the President of the United States and the President of the Russian Republic. And yet we are to be denied the opportunity to even have consideration of amendments to that event by the simple reason—by saying that these are deal breakers. Oh, and what a deal, Mr. President, what a deal.

We learned yesterday that despite the world "reduction" the START Treaty does not in fact require any weapon to be reduced. This treaty limits only launchers. No nuclear weapons must be destroyed. No ballistic missiles must be destroyed. And the treaty does not limit instruments of war, those things which ultimately can be shot, fired, or directed toward the free world and the American people.

We learned that due to a lack of limits on nondeployed SLBM's and fixed ICBM's and a dubious limit on mobile missiles that START provides a license to build virtually as many of all types as each side chooses to build. We learned the treaty is outdated and obsolete without the so-called START II treaty, which is, Mr. President, one of the very specific concerns raised by the Senate Armed Services Committee which was ignored by the Foreign Relations Committee. They simply collated the reports of the committees, put them into one, put it out here, laid the treaty in front of us and never considered the condition that was suggested by the Armed Services Committee.

So unsatisfactory was it that the Armed Services Committee dedicated over twice as many pages to START II as it did to START I; slightly less than 2 pages was the report of the Senate Armed Services Committee on START I.

We learned that there are serious legal questions regarding the ability and willingness of our treaty partners to enter the START Treaty into force and that there are serious legal ambiguities regarding the Lisbon protocol, without which this treaty has no standing. We learned the Armed Services Committee report recommends conditions to the Resolution of Ratification that the Foreign Relations Committee did not include because of their hurry to get the report out.

Mr. President, we learned that in negotiating the START Treaty the administration by its own admission did not feel bound by the Jackson amendment which formed the basis for the Senate's approval of the SALT I agreement. After all Scoop Jackson did for the national security of this Nation and to ensure equality in arms control, his amendment was dismissed as a mere sense of the Senate.

Well, I am here to say that the Senate once had more sense than it is exhibiting today.

We learned that despite years of attempts to get a ban on mobile ICBM's, that the START Treaty allows the Russians virtually unlimited numbers of mobile ICBM's and this, in effect, allows them a monopoly on such systems and thoroughly undermines key verification provisions. And speaking of verification, we learned the Intelligence Committee raised important concerns about the verifiability of key provisions, yet no member of the Intelligence Committee was present to describe their report's findings and no indication came from the Foreign Relations Committee that they paid them any heed.

We learned that potential violations of the START Treaty are occurring while we speak, and we know that to be the case; that a closed session of the Senate is clearly in order to clarify many serious and sensitive matters, but that under the terms and conditions of cloture having been invoked, that it is clearly impossible for us to receive any benefit from such a closed session.

We learned that the Parliamentarian was unable to answer questions about how this would be treated, this closed session. We learned that the Senate is unprepared to go through with this debate, and yet it is seeking to go ahead anyway.

We cannot get parliamentary rulings, though they were submitted last Friday. We could not get rulings yesterday. I suspect we will get them today and I suspect I know why we could not get them before.

We learned that potential violations of the START Treaty are occurring, as I said, and that these are known by Members, or ought to be known by Members taking care of this.

Regarding the Fat Boy missile, the follow-on to the SS-25, the so-called limits referred to by the Senator from Indiana on mobile missiles actually allow for an increase in the number known to exist. And the follow-on missile will replace the existing missile, and under the terms of nondeployed missiles they would have two of what they now have one of—one vastly improved.

The proponents of the START Treaty have stated the premise that since the cold war is over we do not have to worry about the details of arms control agreements. I share with them a great deal of trust in Boris Yeltsin.

But let me say clearly to the Senate and to the American people that the constraints of a treaty are not on the intentions of leaders but on the capabilities of leaders, and if the constraints in the treaty do not in fact reduce those capabilities then the Senate has the obligation to look clearly at what can be done, should someone come along with different intentions.

Everyone has told us—everyone has told us—that the control that Mr. Yeltsin exercises over his military is tenuous at best. Everyone has warned that, should he fail, that some mysterious Darth Vader is likely to replace him. Everyone has told us that the reason we have to get this treaty in place is to deny those evil forces the opportunity to function when they come to power.

I am here to say, Mr. President, that this treaty provides those dark forces with the ability to function and actually removes from this country and the moderate forces in Russia and the successor States the ability to get to the constraints in START II. We have been promised time after time in the whole arms control process that one thing is absolutely clear, that if we only will do this treaty, a good one will follow it and not to worry about the constraints in here. It goes back to 1972 when Gerard Smith, the negotiator of the ABM Treaty, said that, if we did not get significant reductions in the heavy threatening missiles of the day, we would have to in 5 years consider withdrawal from the treaty. Did we? No. Did they decrease? No; they increased.

It is not intentions that I question here, either of the Foreign Relations Committee or of Mr. Yeltsin or of Mr. Bush. It is the capabilities that can be arrayed against and threaten the American people and our survival. This treaty cannot stand that rigorous test. We are told that we need not worry about cheating and, even if cheating occurs, that it would not be significant. That is from the Chairman of the Joint Chiefs of Staff. This is not the position of a serious power with a sense of its own history. If perpetual peace is upon us, Mr. President, then the treaty is irrelevant. If we need to be prepared for difficult times ahead, then the treaty does not measure up.

Mr. President, let me conclude by saying, in invoking cloture, the Senate will be shirking its constitutional duty to provide advice and consent. no Senator is sufficiently familiar with these terms and the problems in this treaty to accept a time limitation at this point.

I will say, Mr. President, that, if I am wrong—and I am perfectly willing to concede that that is one of the many times in my life that I have been and could be again—I and all of us will praise the Lord and give great thanks for our deliverance. But, Mr. President, if I am right, who will be around to hear us weep?

Mr. President, I reserve the remainder of my time.

Mr. LUGAR. Mr. President, how much time remains on the proponents' side?

The ACTING PRESIDENT pro tempore. Nineteen minutes. The Senator from Wyoming has 14 minutes, 18 seconds. Who yields time?

Mr. PELL. I yield myself 2 minutes.

Mr. President, I think we should look at the whole picture and see where this treaty is in the general scheme of things, the general relationship we have with the countries that make up the former Soviet empire. By ratifying START, in my view, we are not settling for second best. By suggesting that we are does not square with the facts. In fact, when we look back over these past years since nuclear weapons were brought into the area of discussion, START is the most far-reaching nuclear arms control agreement that we have experienced.

While past efforts like SALT I and SALT II allowed the significant nuclear buildup, START will actually lead to major stabilizing reductions. It may not reduce the fissile material, but what it does do is it reduces the number of vehicles that carry that material, and that is a major step forward, as I think we all know.

Delay at this time would be unwise. We need to get START in place so that we can lock in the reductions it requires as a hedge against the future emergence of unfriendly regimes. We can implement, too, the verification regime and realize the treaty's benefits of openness and transparency. The collapse of communism and breakup of the Soviet Union gave us an opportunity to increase stability while reducing strategic offensive arms well below the START level.

Mr. President, I yield the floor at this time.

Mr. LUGAR. Mr. President, will the distinguished Senator yield to me 2 minutes of time?

Mr. PELL. I yield 2 minutes to the Senator from Indiana.

Mr. LUGAR. Mr. President, we are facing a dramatically different world than the one that emerged from the failed coup last August in the former Soviet Union. Some Members have asked whether there is still a need for ratification of START.

The Foreign Relations Committee posed this question to Secretary Baker and many of our witnesses, and there emerged seven basic reasons why ratification and implementation of the START Treaty remains important.

First, to encourage quick action by Ukraine, Belarus, and Kazakhstan to adhere to the Nuclear Non-Proliferation Treaty as non-nuclear-weapon States parties. The sooner we bring START into force, the sooner these States will be obligated to join the NPT and to begin eliminating nuclear weapons and strategic offensive arms from their territories.

Second, to ensure broad international support for the Nuclear Nonproliferation Treaty, which is due for extension in 1995. The nonnuclear States have traditionally regarded the continued pursuit of arms reductions as important to the success of the NPT. Failure to ratify START could be seen by some of the nonnuclear States as a rejection of nuclear arms control.

Third, to give the United States a window on the former Soviet Union. The START notification and verification provisions will provide unprecedented openness and transparency during a time of turmoil inside the former Soviet Union.

Fourth, to enhance stability in the successor States of the Soviet Union. START resolves major nuclear weapons issues among the four largest and most heavily armed successor States and thus removes these issues as a source of potential tension and conflict.

Fifth, to ensure that forces of the former Soviet Union are reduced when United States forces are reduced. As the United States reduces its forces in recognition of the changed international situation, the Senate has an obligation to ensure that the States replacing the former Soviet Union are obligated to reduce as well. We need the START Treaty to lock in those reductions.

Sixth, to establish a foundation for still deeper cuts. The June summit agreement between Presidents Bush and Yeltsin will make even more dramatic reductions in strategic forces. But that agreement depends on START and assumes START verification provisions will be put in place.

Finally, Mr. President, seventh, to hedge against a failure of democracy in the States of the former Soviet Union. While we are all hopeful, we cannot be certain that democracy will succeed. If new, unfriendly regimes come to power, we want those regimes to be legally obligated to observe START limits and verification provisions.

I yield the floor.

Mr. WALLOP. Mr. President, I yield myself 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I admitted yesterday and I will admit again today that the world is changed. This is not about the cold war and this is not attributing to the Russian Republic or the successor Republics the same kind of evil dimensions that were attributable to the Soviet Union. But the Senator from Indiana says one of the conditions is the successor Republics join the NPT. In what I described yesterday as a catch-22, they have conditioned their admission to the NPT, the Non-Proliferation Treaty, on the internationally supervised destruction of these weapons, which the treaty does not call for. The only entity likely to be bound by this treaty, the way it is now, is the Government of the United States.

I will say again, Mr. President, that deployment of the SS-18, the one thing we set about in START I to eliminate, continues on. As we speak, new deployments are going on in Kazakhstan, yet they have to be removed under the terms of the treaty and the signature protocol, but there is no means of assuring that compliance and none is insisted on, and that was dismissed as a gambit yesterday by the members of the Foreign Relations Committee.

They say it provides the foundation for deeper cuts. It does no such thing. In fact, by providing the means by which abnormal imbalance of power in their favor exists, there is no reason to proceed to the further deeper cuts that were envisioned.

Mr. President, had there been a reason, we might well have had Secretary of State Baker bring back, as he promised, START II by September 1. By negotiating this and by agreeing to this START I Treaty, we do not guarantee progress toward START II, but quite the opposite. We, in fact, lay down the predicate that the deal is better the way it is cut today.

The last thing was that democracy exists, and if they will only contain themselves, if they, the Russians and the successor Republics, will only bind themselves to the conditions of START I, a later Darth Vader successor state would be equally bound.

Mr. President, nobody who has seen the history of arms control can possibly do anything but smile when they hear that. This country and our allies have never been willing to challenge violations. The discovery of violations has never been our problem. It is dealing with them that has been our problem. Even when we knew the radar at Krasnoyarsk to be a violation of the treaty we would not declare it so, and the only people who ever declared it a violation were the Russian Republic successors to the state that was in violation.

We will not, Mr. President, find ourselves with an evil-intended nation constrained by legally binding commitments that were done by a democracy in the name of a country that now no longer is democratic. I say again, Mr. President, that the obligation of the Senate is not to look at the intentions of the current leaders. I give them all grace and credit, and I pray daily, as do all Americans, for their success. But should they fail, Mr. President, what the Senate ought to concern itself with is what a successor state with different intentions could do to the American people.

I say to the Senate that we have not so carefully considered this treaty as to be able to say we are comfortable that Americans would be well protected by this even should the weak constraints and the weaseled wording be viewed as somehow or another satisfactory by the Senate in this day.

Mr. President, I retain the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. PELL. How much time remains on either side?

The ACTING PRESIDENT pro tempore. Fourteen minutes, four seconds. The Senator from Wyoming has 9 minutes 47 seconds.

Mr. PELL. Nine minutes for the opponents, 14 for the proponents?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. PELL. I suggest the absence of a quorum, the time to be equally divided.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask if Senator PELL will yield me such time as remains.

Mr. PELL. I yield such time as may be needed to the majority leader.

Mr. MITCHELL. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Ten minutes.

Mr. MITCHELL. Mr. President, I am pleased that the Senate today is considering ratification of the Strategic Arms Reduction Treaty.

START is a benchmark agreement, one that marks the transition between cold war and post-cold-war relations with the former Soviet Union.

START's military significance has been overshadowed by the more far-reaching strategic reduction agreement subsequently concluded by the United States and Russia.

But START remains an important codification of the end of the cold war. It is the first agreement to actually reduce strategic nuclear weapons.

I hope and believe that the overwhelming majority of this body will advise and consent to this treaty. The unanimous endorsements of the Senate Foreign Relations Committee and the Select Committee on Intelligence, and the voice-voted endorsement of the Armed Services Committee are indicative of the broad support this treaty deserves.

Of course, START has a decade-long history.

It is clear now that the slow rate of progress resulted less from technical challenges presented by the treaty than from the overall state of political relations between the United States and the Soviet Union.

For the great improvements in relations that prompted the conclusion of START also led rapidly to a stunning follow-on strategic accord. The even deeper cuts subsequently negotiated in principle in what is known as the June joint understanding, or START II agreement, have eclipsed the significance of the START Treaty itself.

Yet START remains an important achievement in its own right.

Although complex counting rules mean that the actual warhead reductions will not approach the 50-percent goal initially envisioned for START, the reductions will still be significant.

We are now all familiar with the basic terms of the agreement: A 6,000 limit on accountable warheads coupled with a limit of 1,600 strategic nuclear delivery vehicles.

The subceilings on land- and sea-based missile warheads, heavy missile warheads, mobile missile warheads, and overall throw-weight are equally significant.

What is the net effect of all these provisions?

The United States will likely cut over 4,000 strategic warheads from its 1990 arsenal of about 13,000 such weapons. Russia will make even deeper reductions, cutting from the 1990 level of roughly 11,000 warheads to roughly between 6,000 and 7,000 warheads.

Moreover, Russia's heavy intercontinental ballistic missiles will be limited and Russian throw-weight will be significantly reduced.

These are significant achievements, and they represent a great security enhancement for the United States.

Given everything else that has occurred in the former Soviet Union and superpower relations, it is easy to forget how significant the conclusion of this treaty is. It is also valuable for reasons that were not initially foreseen.

When U.S. negotiators began discussing START, they had no idea that it would become the means by which we clarified strategic nuclear questions raised by the breakup of the Soviet Union.

But this is now a critical aspect of the process begun by START and culminating in the Lisbon protocol and the bilateral letters that were signed in May 1992.

In signing these agreements, Byelarus, Kazakhstan, and Ukraine committed themselves to implement START's provisions to join in eliminating weapons and providing access for verification inspectors. In fact, Kazakhstan has already ratified the treaty.

All three States have agreed to eliminate their nuclear arsenals by the end of the 7-year period in which the START provisions must be implemented.

Kazakhstan, Ukraine, and Byelarus also have agreed to join the Nuclear Non-Proliferation Treaty.

These related provisions combine to provide welcome safeguard for American security in the event of chaos or a return to totalitarian rule in those countries, or any other part of the former Soviet Union.

The conditions that the Foreign Relations Committee recommends to the resolution of ratification are extremely important in this regard.

The resolution of ratification reaffirms that these pledges by Ukraine, Byelarus, and Kazakhstan are legally binding. The resolution of ratification further requires the President to monitor the three nations' progress toward fulfilling these commitments and requires the President to consult with the Senate on further action in the event that these commitments are not fulfilled.

So, in addition to shrinking the United States-Russian nuclear balance, the START process has helped to resolve positively the new questions regarding the nuclear capabilities of other States of the former Soviet Union.

The end result of the START Treaty is to make the world more stable. In large part, it achieves this goal by including these new States in the arms control framework and by gaining their commitment to a nonnuclear future.

START also contributes to global security by reshaping those strategic forces that will remain.

By limiting both warheads and delivery vehicles, the treaty helps reduce the incentives to MIRV—to put more than one independently targetable warhead on a missile. Having fewer warheads per delivery vehicle reduces incentives to strike first and makes the strategic balance more stable.

Similarly, START focuses special attention on restraining those weapons most commonly considered destabilizing—MIRV'd and heavy land-based missiles. Controls on mobile land-based missiles is also an important contribution.

Moreover, the counting rules maximize each side's flexibility to deploy air-launched weapons, another boost for stability.

No one would argue that START is a panacea.

No one can or should argue that this agreement, or any single arms control agreement will, by itself, ensure peace.

Even as we move toward ratification of START, we look forward to receiving another more far-reaching strategic arms accord.

But each agreement is a step forward.

Each is a building block in the structure of lasting peace that we hope to create over time.

I am pleased that today we can take another step toward that end by providing our advice and consent to the START Treaty.

Mr. President, I close by commending President Bush and the members of his administration for their successful negotiation of this agreement.

I ask unanimous consent that the full text of a letter to me from Secretary of State Lawrence Eagleburger be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, DC.

Hon. GEORGE J. MITCHELL,
Majority Leader,
U.S. Senate.

DEAR SENATOR MITCHELL: As the Senate takes the historic step of beginning its final consideration of the START Treaty, I wanted to contact you personally to urge you to join with your colleagues in giving your advice and consent to ratification of this vital agreement. The history of the Cold War will not be over until START is ratified and has entered into force. Your actions today will culminate a decade of bi-partisan effort to move us to a safer, more secure, more stable world.

Thirteen months ago, the failed coup in the former Soviet Union signaled the death knell of seventy years of oppression and the beginning of a new era of freedom and democracy for nearly three hundred million people. In the months that followed, new independent states rose from the ashes of communist failure, and a new dawn of freedom and independence broke.

In this dramatically changed world, some have asked whether START is still important. The answer is an unqualified yes. Ratification of START remains crucial for the following reasons:

First, to encourage quick action by Ukraine, Belarus, and Kazakhstan to adhere to the Nuclear Non-Proliferation Treaty (NPT) as non-nuclear-weapon States Parties. The sooner we bring START into force, the sooner these states will be obligated to join the NPT and to begin eliminating nuclear weapons, including strategic offensive arms, from their territories.

Second, to ensure broad international support for the Nuclear Non-Proliferation Treaty. The non-nuclear states have traditionally regarded the continued pursuit of arms reductions as important to the success of the NPT. Failure to ratify START could be seen by some of them as a rejection of nuclear arms control, complicating our efforts to extend the NPT in 1995.

Third, to give us a window on the former Soviet Union. The START verification regime will increase openness and transparency during these times of turbulence.

Fourth, to enhance stability in the former Soviet Union. START resolves major nuclear weapons issues among the four largest and most heavily armed former Soviet Republics, removing these issues as a source of potential tension and conflict.

Fifth, to ensure that forces of the former Soviet Union are reduced when ours are. We are reducing our forces in recognition of the changed international situation. We want to be certain the states replacing the former Soviet Union are obligated to reduce as well. We need START to lock-in those reductions.

Sixth, to establish a foundation for deeper reductions. The June 17 Summit agreement to further reduce strategic forces depends on START and assumes START verification provisions will be in place. while we are moving to codify that agreement, we should not delay START ratification.

Finally, to hedge against a failure of democracy in the former Soviet Union. While we all are hopeful, we cannot be certain that democracy will prevail. If new, unfriendly regimes come to power, we want those regimes to be legally obligated to observe START limits and verification provisions.

Some of your colleagues, while recognizing the ultimate importance of START, have asked, "Why now?" In my view, the answer is clear. We want START now because we want Belarus, Russia, and Ukraine to approve START, as Kazsakhstan has already done; delay by the United States will not encourage fast action on their part. We want to lock Belarus, Kazakhstan and Ukraine into the Non-Proliferation Treaty as non-nuclear states as soon as possible. The U.S. and Russia are now building on the accomplishments of START and taking additional steps toward safety and stability. And it is now that the Senate must act to help bring about this new and safer world.

We stand at a crossroads of history. The collapse of communism, the demise of the Soviet Union, and the end of the cold war offer the prospect of a world in which the nuclear nightmare is only a dim memory. Senate action to codify the end of the era of confrontation, along with the new steps we are taking to enhance stability, will allow our children and grandchildren to grow up free from the fear of a nuclear Armageddon. On behalf of the President and the Administration, I urge you to fulfill our commitment to history and our obligation to posterity by ratifying START.

Sincerely,

LAWRENCE S. EAGLEBURGER,
Acting Secretary.

Mr. MITCHELL. Mr. President, I conclude by reading the last paragraph of Secretary Eagleburger's letter, which is think is both eloquent and relevant to the vote about to occur.

Secretary Eagleburger wrote:

> We stand at a crossroads of history. The collapse of communism, the demise of the Soviet Union, and the end of the cold war offer the prospect of a world in which the nuclear nightmare is only a dim memory. Senate action to codify the end of the era of confrontation, along with the new steps we are taking to enhance stability, will allow our children and grandchildren to grow up free from the fear of a nuclear Armageddon. On behalf of the President and the Administration, I urge you to fulfill our commitment to history and our obligation to posterity by ratifying START.

Mr. President, we should heed the words of President Bush and Secretary of State Eagleburger. We should vote today to ratify START.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER (Mr. KOHL). All time of the proponents has expired.

Mr. WALLOP. How much time remains for the opponents, Mr. President?

The PRESIDING OFFICER. The Senator from Wyoming has 5 minutes, 40 seconds.

Mr. WALLOP. Mr. President, let me begin by saying that I agree with the majority leader that the START Treaty has a decade-long history. But what is not stated in there is that from within that decade-long history was the receding of the United States on very, very basic principal points which we had sought to achieve all during that debate and negotiations.

The treaty represents many compromises that we accepted because the Gorbachev regime was shaky, and we were heading toward a summit. And the compromises rained down in the last few days. For example, we had always sought a mobilized ICBM ban and onsite inspection of production facilities. We have neither of those in this treaty. In fact, we admit that the only people in the world who will have mobilized ICBM's are the Soviets, and we have had the Senate Intelligence Committee tell us—and anybody with a brain could recognize that even in Iraq, in Desert Storm, in the most perfect conditions in the world, we never were able to locate mobile missiles on the ground.

Mr. President, we have a more cooperative partner, I agree with that. I wonder if since we do, should we not use the opportunity to renegotiate as President's Yeltsin and Bush told us, and as the then Secretary of State, Mr. Baker, told us we could.

During yesterday's debate, we heard and the majority leader spoke to the signature protocols and the bilateral letters. We also heard bilateral letters only have standing when they suit the position taken by the Senate and the administration. When they do not suit it, they do not have standing.

There is a long interrogatory that I inserted in the RECORD yesterday between the Senator from Maryland [Mr. SARBANES], and the Secretary of State, and it is revealing to notice that even the Senator from Maryland did not believe that the Secretary of State had it all right.

It is simply not the truth, Mr. President, to say that this treaty provides a limit on warheads. It is not the truth. The truth is that it provides a limit on warheads on deployed missiles. But there are no limits on nondeployed missiles. This treaty does not call for the destruction of anything but launchers, and launchers are only one of the means, the convenient means of setting in motion the weapons of destruction that threaten America.

We have undercounted the warheads in here, simply by saying, for example, on the SS–18 it now has only three, when the Soviets themselves said earlier that it had seven. The last agreement was for three.

We only verify assembly points, Mr. President, not the points of production. A long and specific intrusion of the intrusive verification that was sought by the United States we abandoned in advance of the summit.

Mr. President, the majority leader read from Acting Secretary Lawrence Eagleburger's eloquent letter that we will now have Americans grow up free from the fear of nuclear weapons.

If they grow up free from the fear of nuclear weapons, Mr. President, under the terms of this treaty, it is only because they believe what they have been told and not because they know what the case is on the ground, because, if they knew, the SS–18, though reduced, is more powerful than the one that replaced it, it does not require destroying of the old SS–18, so, in fact, the fleet could be more than doubled from what it currently is. The follow-on missile to the SS–25, the so-called Fat Boy, is a violation while we speak and are being asked to ratify this treaty—is in existence a violation of the agreement right today.

Mr. President, furthermore, Soviet military spending next year will be greater than it was this year. I believe that we are on the threshold of a new world and if we are on that threshold this treaty is irrelevant and if we are not on the threshold of a new world this treaty is inadequate.

The way to find out is not to bind ourselves in response to things that might be coming down the road but to work with the new democracies over there in seeing to it that the old reasons for confrontation have vanished.

But an arms control agreement that says just for the nones, you be my enemy and I will be your enemy and we will agree to this, if we were not to do that, Mr. President, if we said just for the nones we will take care of our security as we see the need for it and we will help you and your country grow, then the world of which the Acting Secretary spoke might, in fact, be the case but it is not the truth to say it under this treaty.

Mr. President, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Executive Calendar Order No. 45 (Treaty Doc. No. 102-20), the Treaty with the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (The START Treaty), and Executive Order No. 46 (Treaty Doc. 102-32), a Protocol to the START Treaty:

George Mitchell, Claiborne Pell, Barbara A. Mikulski, Joe Biden, Dale Bumpers, Patrick Leahy, Richard Shelby, Brock Adams, Alan Cranston, Tom Harkin, Bill Bradley, Herb Kohl, Paul Sarbanes, David Pryor, Frank R. Lautenberg, Paul Wellstone.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the call of the roll pursuant to rule XXII has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on Executive Calendar Nos. 45 and 46, the START Treaty and protocol thereto, shall be brought to a close. The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Tennessee [Mr. GORE], and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont [Mr. LEAHY] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. GRAMM], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 87, nays 6, as follows:

[Rollcall Vote No. 246 Ex.]

YEAS—87

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Brown
Bryan
Bumpers
Burdick, Jocelyn
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Stevens
Thurmond
Wellstone
Wirth
Wofford

NAYS—6

Craig
Helms
Smith
Symms
Wallop
Warner

NOT VOTING—7

Bond
Breaux
Gore
Gramm
Kasten
Leahy
Specter

The PRESIDING OFFICER. On this vote the yeas are 87, the nays are 6. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START TREATY)—TREATY DOC. NO. 102-20

PROTOCOL TO THE TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—TREATY DOC. NO. 102-32

The Senate continued with the consideration of the treaty and the protocol.

The PRESIDING OFFICER. Who seeks recognition?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, what is before the Senate at this time?

The PRESIDING OFFICER. The Senate is considering the START Treaty and its protocol under cloture.

Mr. PELL. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. WALLOP. Mr. President, could I direct an inquiry to the majority leader? Mr. President, I ask we have order in the Senate.

Mr. President, for a variety of reasons, several of which I think are very important—one Jewish Senator has suggested to me that he feels required to be in synagogue, at least through lunch—would the majority leader find it remiss, if I were to lay down an amendment now, to try not to come to a vote until after the weekly luncheons?

Mr. MITCHELL. Mr. President, I would like to see if there is any possibility of an agreement which would permit the Senator to offer whatever amendments he wanted to offer and set out a schedule for debating and voting on those amendments and bringing the matter finally to a conclusion at a time that is agreeable to all.

I wonder, last week I proposed such a schedule to the Senator from Wyoming on which there was no possibility of agreement. I wonder now if that is possible to consider, including the proposal the Senator has just presented?

Mr. WALLOP. Mr. President, I will confirm that I am willing to work with the leader on achieving such a thing. I do not feel capable of arguing it through right here on the floor at this moment in time but will try to come to some understanding of a time schedule for Senators and others. I really was directing this to lunch because I do feel sympathy toward those Jewish Senators who felt constrained to be in their synagogues during this holy day through the luncheon period and that is really the first part of it.

I will be happy to go to a quorum call now and try to talk with some people on our side and see if we can come to some procedure to conclude this. If we can, all for the good; if we cannot, we are prepared to go ahead. Will the majority leader object to my suggesting the absence of a quorum?

Mr. MITCHELL. Not at all, Mr. President. Is my understanding correct that time will be running against the 30 hours during a quorum call?

The PRESIDING OFFICER. That is correct.

Mr. WALLOP. Mr. President, I have a parliamentary inquiry.

Does the rule of the Senate that requires the treaty to lay over a day before voting pertain in cloture?

The PRESIDING OFFICER. There is no precedent directly on that point.

Mr. WALLOP. Mr. President, I will say that I think the Senator from Wyoming now has the record for inquiries to the Chair on parliamentary rulings that have no precedent and no basis for decision. We will try to work on that as well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I have been advised through staff that Senator WALLOP has requested that the Senate not now proceed to consideration of the treaty and possible amendments thereto but rather either recess or go into morning business with the understanding that the time would count against the 30 hours under the cloture rule.

While that is not my preference, that is, I would prefer that we immediately begin the debate and discussion and proceed to consideration of the treaty and amendments, I understand and am prepared to accommodate the request.

MORNING BUSINESS

Mr. MITCHELL. Therefore, I now ask unanimous consent that there be a period for morning business not to extend beyond 12:30 p.m. with the time to count against the 30 hours under the cloture rule as if in legislative session.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Mr. LUGAR. Mr. President, reserving the right to object, and I will not object, I pose an inquiry to the distinguished majority leader. When the Senate recesses for the luncheons of the parties the time against the 30-hour time limit continues to run during those luncheons. Is that the correct understanding?

Mr. MITCHELL. That is correct, pursuant to an order entered yesterday.

Mr. LUGAR. I thank the leader.

The PRESIDING OFFICER. Is there objection to the request of the majority leader?

Without objection, it is so ordered.

Mr. MITCHELL. Accordingly, Mr. President, there will now be a period for morning business to extend not beyond 12:30 p.m. with the time between now and then to run against the 30 hours under the cloture rule from 12:30 p.m., or if the morning business period terminates prior to then, from that time until 2:15 p.m. there will be a recess for purposes of the respective party conferences and that time will run against the 30 hours as well.

I now suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, I asked unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

Mr. RIEGLE. Very good.

CONSUMER CONFIDENCE IN ECONOMY FALLS AGAIN

Mr. RIEGLE. Mr. President, I want to share with my colleagues an item that has just come across the AP Wire Service and is in the current news this morning.

The headline on the AP story is: "Consumer Confidence in Economy Falls Again." And it reads as follows—I am going to read most of the AP release verbatim:

> NEW YORK.—Consumer confidence in the economy fell in September for the third straight month, said a widely watched survey released today.
>
> The Conference Board, a private business research group, said Americans were more pessimistic about the future of the economy now than before each of the five previous presidential elections.
>
> The group's consumer confidence index fell to 56.4 this month from 59.0 in August. The index registered 72.6 in June when it began falling. In September 1991, the index measured 72.9.
>
> "The nation's sluggish economy and weak job market are continuing to dampen consumer spirits," said Fabian Linden, executive director of the Conference Board's consumer research group.
>
> The survey is conducted by National Family Opinion Inc. of Greenwich, Conn., which questions 5,000 households nationwide monthly on subjects ranging from local economic conditions to buying plans for homes and appliances.
>
> The index is monitored on Wall Street and in Washington as an economic barometer because consumer spending is critical to the economy's health.

Jumping down it says here—and I am continuing to quote:

> Nearly 46 percent of the survey's participants said that current business conditions are bad, while only 11 percent say they are good. Forty-six percent of the respondents said jobs are difficult to get, while 6 percent said jobs were "plentiful."

I do not know who that 6 percent is, I might say parenthetically.

> The figures were similar to the previous month.
>
> But consumers are less optimistic about the future than in August, the survey showed. More people fear business conditions will worsen in the next six months and there is greater concern about job availability, the Conference Board said.

And that is the end of the item on the ticker tape.

Now what does this say to us, with that index dropping that sharply? In just one month, it has fallen from a rating of 59 down to 56. That is a very sharp drop in this index. And, of course, it shows it is going the wrong way; the consumer confidence is dropping.

Why is that happening? It is happening because we do not have an economic strategy in place that is really helping the American economy.

Unfortunately, our Government, for the last few years, has had an economic policy for every country in the world except our own.

So the Bush administration has had an economic plan for Kuwait, an economic plan for Communist China, an economic plan for the old Soviet Union, an economic plan for Mexico—the so-called fast-track free trade agreement, which is a jobs program for Mexico—but really nothing to deal effectively with the economic problems of this country.

And that is why this recession continues to go on and on and on, and why, as we learn right now from this item out of this morning's news off the Associated Press wire service, that consumer confidence has dropped again.

That will hurt the economy because as consumers become more pessimistic about the future, as this data indicates, they are going to spend even less money. They are going to draw back. And that will help take the economy down even further.

Why are they doing that? They are doing that because there is a tremendous amount of unemployment in the country. It is very difficult to find a job today, no matter what your skill level or training or preparation. For example, in California there have been a lot of defense industry cutbacks, a lot of people have lost their jobs who have advanced degrees, have great technical expertise. We have people now with Ph.D.'s in all kinds of fields who cannot find work.

We also find other workers who have spent maybe 10 or 20 years working in a skilled trade in the manufacturing industry who have lost their jobs. They are not finding replacement work.

Just the other day there was an announcement that the last U.S. typewriter factory in upstate New York, a Smith-Corona plant, was going to close. They are the victim of trade cheating by Japan about which nothing has been done. And they now feel they have to close that plant, this company does, and move their production down to Mexico to take advantage of the low wage rates in Mexico just in order to enable the company to survive.

In fact we had the CEO of that company in the other day for a hearing and he is very angry about the fact that he has to close an American plant and go down to Mexico to take advantage of low-cost labor just to be able to salvage his company. He has been victimized by trade cheating by Japanese companies who have been flooding the market with below-cost products in the United States and compelling that kind of change in that company.

The absence of a trade policy has hurt us in other areas. We have now had a cumulative trade deficit with the rest of the world in merchandise trade since 1980 of nearly $1.2 trillion; a half a trillion dollars by the end of this year will be with one country, namely Japan. They will have a trade surplus with us again this year of about $45 billion. So they are sucking the jobs and the economic strength out of America and taking it over to Japan. That makes them stronger. It makes us weaker.

It is ironic that just the other day the Japanese indicated that they want to stimulate their economy even more. So they have just announced a big investment program in infrastructure. They are going to invest—from memory I think the figure is $80 billion over a period of time—to strengthen their infrastructure.

Their infrastructure is already very modern, but they are going to make it even more modern by investing another $80 billion. That is something we need to do in America but we are not doing it right now. And in fact Japan is taking money that they have gotten from us with this trade surplus to pay for their infrastructure investment.

So here they are, about to improve their infrastructure with our money. And we do not have enough money left here to improve our own infrastructure. It is an incredible turn of events. And it is what happens when you have an administration in power that does not have an economic strategy for America. It does not have a trade strategy that insists on fair trading rules; it does not have an economic growth strategy; it does not have an infrastructure strategy. Now we have all of this unemployment in the country, and the unemployment is getting worse.

We are going to get the new unemployment figures. They will be out this Friday. My expectation is we will probably see an increase, again, in the unemployment rate, meaning more people will be out of work and even fewer will have jobs out across the country. And that is what is actually happening where people live. That is why they are reflecting this lower level of confidence in the economic future, because they see what is happening where they live and where they work. They see what is happening to their families and in the neighborhoods where they live, in the communities in which they live. And they know we are in serious economic trouble.

That is why we need to make a change in economic direction. We have to develop a new economic growth strategy that can create jobs in America and get people back to work. The Washington Post today and over the last 2 days has been running the first parts of a five-part series on the Federal budget deficit. It is a very important series and I commend them for doing it. The problem now is that the economy is so weak and unemployment is so high, that the faltering economy is increasing the size of the Federal deficit. In fact, we cannot reduce the deficit meaningfully until we get this economy going faster, and get more people back to work. So we have to have an economic recovery strategy that can kick in and start to create jobs in America.

How many jobs do we need? If you use an estimate of the amount of jobs created in the last several recoveries through other administrations, Democrat and Republican, you can see from the growth rates achieved after those recessions, in applying that in our situation, that over the next 4 years we are going to have to create about 12 million jobs in the American economy. Maybe the figure is higher than that but I think that is a conservative estimate; 12 million new jobs are needed.

Yet when we look around we are seeing jobs disappearing, jobs leaving the country; jobs going to Mexico, jobs going to Thailand, jobs going to Communist China. We see very little jobs creation in America.

Not only are unemployed engineers, unemployed Ph.D's in computer science, unemployed skilled-trades people not finding work—young people who have come through college at great sacrifice by their families and themselves to earn an education are coming out of college unable to find work. They cannot find a job. They might look for 6 months, 12 months, a year, 2 years. A lot of those college graduates are having to go back and live with their parents because they cannot find a job in the job market even though they have prepared themselves for that kind of work. In many cases they have come out with outstanding academic performance and good, solid résumés, and yet there are no jobs to be had. That is the problem. We are going to have to create in our economy, principally in the private sector of our economy, enormous job growth. And that means a new economic strategy. I think that means a new President is needed. Because the President that we have had has not seen this need, has not responded to it, and I do not think will respond to it, quite frankly.

I think their view is to sort of let nature take its course and in the end somehow it will all work out. That is a failed strategy and that is what this consumer confidence index information today tells us.

Our colleague from South Carolina, Senator HOLLINGS, is quoted in the Wall Street Journal today, I think very importantly on this very subject, because I think he understands the economy and the problems in the economy as well as anyone in the Congress. He is quoted today in the Wall Street Journal to the following effect. He is talking about how the American Government has had a plan to help every other country but no plan to really pay attention and deal with the economic problems building up in America. This is Senator HOLLINGS today quoted as saying:

> We got Americans in the Corps of Engineers rebuilding the emir's palace in Kuwait. * * * Come on, they've got an American plan to put up—on fast-track—whatever jobs are left to go down to Mexico. Why * * * can't we get an American plan for America?

That is Senator HOLLINGS talking and he is exactly right. Here we are over in Kuwait trying to help them with their economic problems, rebuilding the palace over there. We are all around the world. We have programs everywhere. Do you see a program here in America? I would like to see a program to help this country. We need jobs in Michigan. I have over 400,000 people in Michigan right now that we know by name who are out of work and need jobs now to feed their families, to provide for themselves. And there is no work to be had.

The thing that bothers me is that I think this administration which has been in charge of economic policy is detached from the realities of what is happening out there at the grassroots, where people live. There is a detachment. You have had an elitist administration that is almost as if it is up on a different planet.

I think, unfortunately, that has been due to the fact that so many people in the area of economic policy development around the President live in such favorable economic circumstances themselves, are so well off—many with inherited family fortunes, and they have trust fund income rolling in every month—they do not feel the economic pinch. When you talk about the economic problems, they do not really know what you are talking about because it is not happening to them. They do not see it. It is not happening to their friends. Frankly I do not think it is happening to their children. When they go out into the job market, I suspect that because of the friendships and other relationships, that those sons and daughters of those policymakers are finding jobs. They are part of the 6 percent here who say that they do not see a problem in the job market, because they have more access to opportunity than everybody else out there looking for work.

And so I think as a result of that, the administration is disconnected from the realities of what is actually happening out in the economy and what is really happening in people's lives. That is why there is a political revolt underway in the country right now, and it is over this economic sickness, this underperformance of our economy, and the lack of an economic plan to make America stronger and to make sure that we have enough jobs to go around—enough good jobs to go around. I am not talking about jobs flipping hamburgers, and I do not demean that work, but we have to have a lot of jobs that pay middle-class incomes and have health care protection and pension benefits associated with them. That is what built the middle class of this country over the long history of our country.

So when we talk about making sure there are more jobs, we have to make sure they are jobs that are high skill, high wage that can support a family and provide, as I say, health care protection and pension program that can provide income after a person retires at the end of a long work career.

So these are basic things. What is so ironic, if you look at other countries, is that Japan has a plan like that. It is working very effectively. Germany has a plan like that. It is working very effectively. The European countries have a plan like that. It is working quite effectively. The only big industrial nation remaining that does not have a competent, sensible, economic plan for itself is the United States.

We have been relying on this trickle-down theory with the tax cuts where you send all the money up to the top of the income scale and hope that somehow or another some of it will trickle down and create jobs along the way and keep the economy going.

That strategy is a failure. It has not worked. That is why, as I say, this confidence number has just dropped again in the latest month. Trickle down does not work. You have to do it the other way around. You have to invest in the core elements of your economy. You have to invest in your people, your job base, your technology. You have to invest in the things which create economic growth and create jobs. We have not done that.

We took this wrong path with supply-side economics and trickle-down economics, and it has proven to be a dead end street. Now we are in deep trouble. We have huge structural Federal budget deficits, we have huge structural trade deficits, and we have huge structural investment deficits where we are not investing in our businesses, in job creation, our infrastructure, our educational system, and in our people.

Even in the health care area, where we spend a fortune on health care, we have some 40 million people in America today without a penny of health care coverage. I have been coming to the floor each week to give a case example of a family or a person in my home State of Michigan who is caught in this health care crisis. I will be doing that again this week.

But something even as basic as health care protection is missing. In my home State of Michigan, we have 1 million people this very day without a penny of health care protection and about 400,000 of them are children. That is just not right. Other advanced countries are not operating that way. They have universal health insurance plans of one kind or another where they protect the health of their people.

Why? Because, first of all, it is the humane and decent thing to do. But, second, it is good economics. Your people are your most valuable asset, and you want your people well and healthy so they can work, so they can produce, so they can support themselves, so they contribute to the country.

If you have somebody you can keep from getting sick, that is a good investment, to keep that person from becoming ill and unable to function properly. And the same thing when someone gets sick, to go ahead and move in with the medical resources needed to help that person overcome the health problem, to get well, so they can get back in action and provide for themselves and support the country.

It is so basic. Every other country has figured it out. The only place so far that has not figured it out and done it in a comprehensive way is our country. That is another reason why we need a new President. We need a President who is for a comprehensive national health insurance plan.

I am supporting Governor Clinton because he is in favor of that. He favors a plan that is almost precisely the same as the plan I have developed with Senator MITCHELL, Senator KENNEDY, and Senator ROCKEFELLER, what we call HealthAmerica, which would control health care costs and provide coverage across the country so everyone would have a chance to have health insurance protection. It is something we need. It is very fundamental.

But we have to engineer for ourselves a new economic growth plan for America. We do not have a minute to lose. If Governor Clinton becomes President Clinton, the first order of business for him is going to be to develop an economic surge plan that can create more real jobs in the private sector of our economy.

I think there also has to be an infrastructure investment component, and that will involve some public investments with much of the work done by private sector contractors. But the bulk of the 12 million or so jobs that are going to have to be created over the next 12 years are going to have to come out of the private sector of our economy.

I hope we will immediately initiate a Team America concept where business and Government and labor sit down together and think and work in a unified way, because if we are going to match the strides and the gains being made by other countries around the world, then we must stop fighting among ourselves and distracting ourselves and diverting our energies on issues that are far less important. We have to get the economic engine of America rebuilt and functioning at a very high level of efficiency.

We need more jobs in this country. We have had incomes falling over the last 3 years. We have had unemployment rising. We have to reverse those trends. And we can do it. We have the capacity to do it. But we are going to have to concentrate on how we craft a new economic growth strategy for America.

There will be several components for that plan. I think an investment in infrastructure is one component that has been talked about. I also think we are going to have to put into our tax policy an explicit economic growth strategy which can stimulate job creation in those areas of our economy where we really want to be strong in the future. And that is everything from the incentives needed to help small business flourish along the lines of the things Senator BUMPERS has talked about, right on up the line to what we do with major core strategic elements of our national economy, our industrial base, our high-technology industry areas, to make sure they have the capital they need, they have the technological advancement they need, that they are moving, and that they are moving as fast or faster than any other country and creating jobs in the process.

I also think we are going to need to have an aggressive trade strategy. We are not going to be able to tolerate the trade cheating by Japan. Japan through the end of this year, since 1980, will have taken over $500 billion out of the United States with their cumulative trade surplus—much of it due to trade cheating; they keep their home market largely closed to our goods; they flood their surplus production into the United States, much of it below cost. They set up a ring of Japanese companies in America, and then they use what is called a keiretsu arrangement, to trade with one another to maintain a kind of national monopoly within our country and to choke off the American firms in those fields in America. We have seen that, particularly in the auto parts industry, and also in the auto plants they have established in this country.

That has to be confronted, and it has to be confronted aggressively. Unfortunately, President Bush went over to Japan a few months ago to talk about this problem, about this huge trade deficit that is hurting us and helping Japan, he went over there to ask them to do some things to reduce this trade deficit, and do you know what has happened since? The trade deficit is worse. Since that trip the President made, which received a lot of attention because he was stricken with an illness when he was there and put some additional attention on that trip—he was there, so he said, to get the Japanese to start to play fair in the trade area and bring down the trade deficit. Lo and behold, several months later the trade deficit is worse and it has gone higher. It has gone higher since the trip.

It would probably have been better if he had not made the trip, because the problems have gotten worse since that time. That is another reason why we need a new President, who is willing to insist on fair trading rules and not just buy this notion that anything goes, even if other countries are using a double standard in a way that is helping them and hurting us.

So we are going to need a much more aggressive trade strategy. Part of it, by the way, in my view, is also going to have to deal with this fast-track proposal to go into a common market with Mexico. Mexico is a Third World economy. Their wages are in the area of $1 an hour down there with very few workplace protections and environmental standards.

In the auto industry, we have seen the big three auto companies in America locate over 70 plants in Mexico. It is obvious that if a free-trade agreement goes into place, many more plants will close in America and move to Mexico to take advantage of the low wages down there. That becomes a jobs program for Mexico. It is a jobs program for Mexico.

We need a jobs program for America. We cannot afford to ship anymore jobs out of the United States to Mexico, to Thailand, to Kuwait, to Communist China, to Japan, or any other place. In fact, it is time we brought some of those jobs back to America, because our people need them. Our people need the work. They are capable of doing the work if they are in a system where the trading rules are fair and where the trading rules are enforced. But we often find that the trading rules are not enforced.

We had a case just the other day about an agreement where cars built in Canada have to have a certain percentage of content that actually is Canadian or United States content. Lo and behold, we found out that one foreign company—in this case Honda—was cheating. They were saying that the content level was higher than it really was. And so our Customs officials did an investigation, and they found that Honda was cheating on this domestic content requirement. So our Customs officials made that public, and moved against that violation of our trade laws, to put a stop to it and to require them to have a higher level of domestic content, as we call it, which, of course, means more jobs here in this country and in our home market.

Lo and behold, Honda then went out and hired one of these for-hire people here in Washington that charge the big fees that used to work in the Treasury Department. And that person used their access to the administration's Treasury Department to come in and complain about this and actually get the Treasury Department to call over to the Customs Service that had caught this trade violation, this cheating by Honda. And the Treasury Department told the Customs Service to send Honda a letter of apology for the fact that we caught them cheating. I mean, that is how ridiculous this has become. It is an absolute travesty.

So we do not have an effective trade policy today, and we are being killed in the trade area, and that is where a lot of jobs are disappearing. If this United States-Mexico Free-Trade Agreement goes into place, we are going to see hundreds of thousands of jobs going south of the border.

It is so interesting that a lot of the editorial opinion that I read in various newspapers is in favor of the United States-Mexico Free-Trade Agreement. I have talked with some of the editorial writers about it, and they have this very lofty view that we ought to have a free-trade agreement with Mexico. I can tell you as I stand here, because I have dealt with newspapers and editorial board people on other issues where their own self interest was at stake, where their attitude is completely different.

I know as I stand here that if all of the editorial writers in America were facing a job threat by editorial writers in Mexico, who could write the editorials for the papers here for 50 cents an hour or 75 cents an hour, and wipe out the jobs of the editorial writers in America, the editorial writers of America would be on the very next airplane to Washington. They would be here ripping the doors off of this Chamber and ripping the doors off of all of our offices, because they would not want to lose their jobs. They would be very aggressive in defending their jobs.

But, right now, it is an abstraction because they are not giving away their jobs. They are giving away the jobs of somebody else that lives in their town. Eventually, that is a self-defeating strategy, because in the end, as our economy gets sicker and sicker, even the newspapers get into financial trouble; and there are going to be fewer editorial writers in this country, if we find ourselves with a more and more depleted national economy. So later on down the line, many of them will in fact lose their jobs, although they do not see that today, because they do not face that prospect in the immediate sense. It is unfortunate that they are so shortsighted and, in a sense, I think narrowly self-interested on this issue.

We are talking about America's economic future, and we are talking about being able to have enough jobs at the high-skill, high-wage level to employ our people and meet all of our national responsibilities, those in the public sector and those in the private sector, even in the area of meeting the social security payments of the future.

Right now, our Government, while we are taking in all of the Social Security contributions from today's work force and we are supposed to be saving that money and investing it at a return so that that money, plus the earnings, will be available in the future to pay future claims on Social Security, that is not what we are doing with the money. The money over at the Social Security system right now is being borrowed by the Government and spent willy-nilly on the day-in and day-out activities of the Government today in order to make the Federal budget deficit look smaller.

We are replacing the money at the Social Security Administration with a bunch of IOU's that we are putting in the cash drawer over at the Social Security Administration. So instead of saving the money and investing it in earning assets and productive assets over a period of time, we are spending the money. The only way of being able to repay that money in the future is to have a big work force in America that is earning high wages at high-skilled jobs that can face off effectively in this global economy with the other nations of the world. But all of the data we can see shows just the reverse is happening.

We are losing jobs, high-skilled jobs; we are losing out to other countries that have more effective strategies than we do. So, in the future, if we stay on this track, we are not going to have enough of the good jobs and enough of the income base and people paying into Social Security to be able to turn the money around and pay the benefits out of Social Security to the retirees who, at that future time, are going to need that income that they have been depending upon, that they contributed to help established. The income will not be there in sufficient amounts, because we are not going to have the job base of sufficient size and strength and value, in terms of the work being done, to actually generate the Social Security tax revenues and income to finance that system.

It is a huge problem. It is a huge problem, and nobody wants to talk about it, because if you talk about it, and you really wake people up to the dimension of the problem, then we are going to have to do something about it. And the people today in charge of the executive branch of Government do not want to do anything about the economy, because they think the strategy that they are following is working.

They think if you stay with trickle down economics long enough, it will eventually work. It will eventually work all right. It will work us right into a depression. That is where it will take us, if we maintain this nonsense any longer, and that is what this conference board survey data tells us. The American people have figured it out. They know we are on the wrong track. And they know we have to get off this track while we still have the time and the strength to do it.

So we need a new economic growth strategy. It is going to be a very ambitious and aggressive strategy.

If Bill Clinton becomes President Clinton, I hope he will call in the major business leaders of our country, the major labor leaders of our country, the other people who are some of the experts that we can call on for advice in economic policy and craft a Team America plan, an economic strategy that can give us the prospect of having these 12 million or so additional jobs created out over the next 4-year period of time and get us out of this quagmire and get us going again so people can have some faith and confidence in their economic future.

Our young people and people of all ages need to understand that this country is paying attention to their prospects and to their needs and that we are making sure that we are nourishing the job growth and job development base in America, that we are going to see to it that there are enough good jobs to go around so that people who are trained and out there and trying to find work will be able to find work.

There is nothing worse that I know of today in the kind of discussion we are having than to be a man or a woman needing to work, needing to have income to support yourself and to support your family and to find that no one wants you or no one will employ you and that there is no job to be had. And, after months of unemployment that so many millions of people have gone through, with the exhaustion of unemployment benefits if you are entitled to those and your children have needs that have to be met and you have to put food on the table for your family, and you do not have the income to do it. People become desperate and people are increasingly desperate in those situations across the country.

I saw one of the most extreme examples the other night on national television. One of the networks was interviewing two young men who are veterans of the Desert Storm military operation just over 1 year ago, and both of these young men wore the uniform of America, went over to that war effort, put their lives on the line to carry out the mission of their country, did it with great distinction, came back, received the parades at the time that were deserved. But now months later, these two young men are unemployed, homeless, living in cardboard boxes here in our Nation's Capital.

What are we saying to them and to others like them? Yes, you meant something to us a year or a year and a half ago when we wanted you to put on the uniform of this country and go over into a war effort and put your life on the line, but now a few months later you do not matter anymore. You do not count anymore, and we are just going to forget about you and you can just make do the best you can.

Is that what we want to say to our people? Is that what America in 1992 is really all about?

These two veterans were very bitter when they were interviewed on that TV show, and they have a right to be bitter and I am bitter about it. And that is not an isolated example.

In fact, a very substantial part of the huge group of unemployed people in this country today and the homeless people are veterans—are veterans—veterans of various wars. They gave what they were asked to give to the country and now the country, in effect, has turned its back on them.

That is not right. I mean, that is just one of the things that is just greviously wrong with this country today and where our whole value system somehow got turned upside down during, I think, the 1980's.

Trickle-down economics is sort of a classic illustration of it. It is a failed strategy, it is a selfish strategy, and it is hurting America every single day.

For those two veterans, that I just cited, and many of the people who have been seen on national television when they were interviewed, there is nothing trickling down to them, nothing trickling down to them. They are forgotten and they are just out there having to fend for themselves the best they can. We can change that.

And that is why we have a government in this country, not to be passive and disinterested, incompetent, and uncaring. We have a government to deal with these kinds of challenges that the natural order of things does not take care of and, if the private sector is not functioning in a way to create enough jobs to provide for our people, then the Government has to come and work in partnership with the private sector to see that there are enough jobs to go around.

If the Japanese Government thinks it is important for their people to be employed, as it is, why shouldn't our Government be just as smart and just as committed to our people? It should be. It should be. It is not today. It has not been the last 4 years. We can do something about this on November 3.

That is the only way these confidence numbers are going to start to change. We had here a drop just in one month, according to Conference Board data, from a rating of 59, which is a very low rating to start with, in 1 month that dropped down to 56.4 in terms of consumer confidence looking at things today and looking ahead. We are going the wrong way. We are on the wrong economic track.

We can do better. We have to get off that track, but we are going to need new leadership to do it. We have to take a fresh look at these problems and we cannot be trapped by the failed policies and hubris of the crowd that has produced this problem. They have to be removed, some new people have to be brought in, and we have to think our way through and craft an aggressive new economic growth strategy for America. That is what the country must have. We are capable of doing it. It is the most important thing facing our Nation today, and it is time we get on with it.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KERRY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. Mr. President, shortly, there is need for a parliamentary step here, and I am prepared to be involved in that.

FAMILY VALUES

Mr. RIEGLE. Mr. President, I want to add one other thought I had while we were waiting here on a quorum call and the time is available to us. In the course of the remarks I made a moment ago, I want to just add this thought.

There has been a lot of talk in the last few months about family values. And there was a lot of political talk about family values, particularly at the national convention of the other party.

I must say, when I look around my State and at all the things I see in this country, family values sort of start with being able to have a job and being able to support yourself and support your family. It means being able to feed your children. It means being able to afford decent housing, hopefully in a safe neighborhood. It means having access to health care and being able to afford health care.

I shared with the Senate just a few days ago the case of a family up in northern Michigan that is about to lose their health care because they cannot afford to continue it because it is so expensive and they do not have the income.

And family values means, in addition to the protection of the health of family members, having some kind of a secure retirement in old age. It is hard to be old. It is hard to be old in America if you do not have the wherewithal you need to see you through that part of your life.

So, it does not mean anything to talk about family values if our economy is functioning in a way that is wrecking families, hurting families, damaging families, damaging family values.

I think we had a family values issue here the other day on the parental leave bill.

You know, those of us that have young children and have gone through the birth of a child not all that long ago—I have an 8-month-old, my wife and I do—know about this. When an infant is born, it is very important, I think, for everybody's sake and for the sake of family values that that child have the chance to have a parent be there giving the care, at least for a period of time.

So we had this legislation providing for unpaid leave. It did not affect small companies with a handful of employees. We had it come in above that level.

But it would say that in a case where there was a newly born child or a health emergency or maybe an elderly parent that was in an extreme situation and needed help, that a person could have unpaid leave for a period of time to go and care for that family member and try to get through that situation. Now that is family values. There is probably not a more clear-cut example of family values than that.

And I think we want to foster that. We want to say to a parent or to a child, if you have a family member in a situation that needs special care, special attention and there is really no one else that can provide that, that you should have the chance to have a leave from your job—not that you are paid where while you are gone; it would be nice if we could pay the person, too—but to have an unpaid leave to go and get through that situation so that the person needing the care gets the care they need. Now what am I missing? Why is that not——

Mr. SIMPSON. Will the Senator yield for a question?

Mr. RIEGLE. I will in a minute. Yes, I will be happy to.

Why is it that that is not sort of right at the heart of the family values—if we are going to use that phrase and sort of take it out into the arena and talk about family values—why is not the care of a family member who has a special need sort of right at the top of the list? Why would that not be almost the first thing that we would do if we were going to lay out a strategy for family values?

Now I happen to think that right along beside that you have to be able to have a job. You know, I see these families in Michigan right now, so many of them impoverished because there are not enough job opportunities out there; people with excellent work records, excellent experience are out of jobs. Their kids are in school. Their kids are growing just like your kids and my kids are growing.

I look at my 7-year-old and she literally grows while I watch. It seems like she outgrows a pair of shoes about every 30 days.

I look at families in Michigan today that are in this terrible economic distress. They need to be buying shoes for their children, be able to buy clothing, be able to make sure that they are able to have the school supplies that they need so they can go and do a good job; if they need glasses to see well, to correct a sight problem, that they have the glasses that they need.

We are in a situation now where literally millions and millions and millions of families in this country are going without these basic necessities. I mean, it is just a fact of life. You can go out and see them. You can go out and talk to them.

So, if we do not get this job machine going again in America, and obviously, people in turn have to prepare themselves and they have to do well in the work that they find within our economy. That, obviously, goes with it. It is part and parcel of it.

But that is not our problem today. Our problem today is we have people walking the streets. I received a letter the other day from a man in Texas with a graduate degree. I am going to bring that letter over one of these days and read it; a man with a graduate degree. He has been through three job retraining programs, three different job retraining programs to retrain in three different fields. This man still cannot find a job.

And that is part the problem with retraining. We talk about retraining. We throw that out as a slogan like family values. Retrain for what? We do not know what to train people for right now because there are very few areas in the economy where we can identify job growth.

Now, yes, there is some job growth in health services, because the health care system is out of control. We need to deal with that in a different way.

But apart from that, there is almost no job growth going on in the economy. That is why these confidence figures that I cited earlier are what they are today.

And I do not know if my colleague from Wyoming had a chance to see this data today, but the Conference Board, which is one of the leading places in which measurements are taken each month on consumer confidence in the country, just put out their data again today for the previous month, and the index has fallen again. It has fallen just about three points.

Mr. SIMPSON. Will the Senator yield for a question?

Mr. RIEGLE. Yes.

Mr. SIMPSON. I have been listening to the Senator expound. It is not the first time I have heard him expound about the evils of the present administration in every level of American society.

And the Senator from Michigan is very emotional and highly partisan and we know that.

Mr. RIEGLE. Have I heard the question yet?

Mr. SIMPSON. The question is coming.

Mr. RIEGLE. I will yield for a question. I will not yield for a speech.

Mr. SIMPSON. In asking for CAFE standards, Democrats in this body have continually proposed, sponsored, and advocated increases in burdensome CAFE standards which would affect your State more than any State in the Union. Such a plan would wreck Detroit economically. Jobs would be lost wholesale.

Mr. RIEGLE. Have I heard the question yet or am I missing the question?

Mr. SIMPSON. George Bush was opposed to that initiative.

Senator GORE was one of the proponents and has said the greatest threat to the American society is the internal combustion engine, saying the next time if—if—if there were such an aberration as President Clinton, it would be signed by the President, and the Vice President would urge him to sign it, a CAFE standards bill which would effectively wipe out the rest of the jobs, I guess, that are in Detroit.

I am asking you, how do you reconcile the double speak of that as you continue to speak of the double speak of the President?

Mr. RIEGLE. All right. Thank you. I now hear the question. I want to respond to it.

Mr. SIMPSON. Good. Good.

Mr. RIEGLE. On the issue of CAFE standards and on the whole question of what is going on that is damaging and hurting the auto industry, there are a variety of issues. The single most important one, by the way, is the trade cheating that has been going on for years and years and years, and which the administration has really done nothing to correct.

I do not know if the Senator heard me before, but after taking the trip to Japan a few months ago, our trade deficit with Japan has gotten worse since George Bush went over there and asked them to change the trading relationship and stop a lot of the unfairness. Problems got worse since that time.

So there are a whole host of problems. I would say the trade problem is a manifest part of that situation. That is up at the top of the list.

But with respect to CAFE standards it is very interesting. I lead the fight here as the Senator knows against arbitrary increases in CAFE standards. And I am proud to say we have had some success in preventing that. And I was out in Detroit, as a matter of fact, in the audience at the Detroit Economic Club when Bill Clinton was asked a question about that. He was asked a question about that. He was asked the question because a great effort has been made to gin that up as an issue.

I mean, here is the economy falling apart, confidence down, unemployment high, all the problems and so forth and the Bush administration has zeroed in on this CAFE thing and used that as a scarce tactic to try to get a banana peel under the Clinton campaign.

Mr. SIMPSON. Is that what that is? I did not understand.

Mr. RIEGLE. Let me finish. I do not yield further right now.

So they have taken that issue and tried to get that out there, to sort of take the attention away from the fact that there is this massive failure of trickle-down economics——

Mr. SIMPSON. I see.

Mr. RIEGLE. In the economy. So he was asked that question. Bill Clinton was asked that question, I think it was either the first or second question he was asked. And he said, and I am paraphrasing but I was two or three seats away and I heard it.

He said that he looked forward to working with the automobile industry and that he was not in favor of arbitrary standards that were going to cost jobs in the future. And he offered an answer in that area that I thought was a good, solid, sound answer and I know him well enough to know that his principle focus, if he is elected and I hope he is, is going to be to go to work on creating jobs in this country. Because that is why, frankly, the President now—a friends of yours, a friend of mine—is about to cashiered. Because he missed the boat on that. He had an economic plan for every country in the world except one. That happened to be America. And now America is in deep economic trouble and so people are about to bounce him out and try Governor Clinton.

Mr. SIMPSON. Mr. President, may I ask another question?

Mr. RIEGLE. If it is a question, yes.

Mr. SIMPSON. A single question. Is there any possible failure in the United States of America today that George Bush is not responsible for, in your vision?

Mr. RIEGLE. Yes, indeed.

Mr. SIMPSON. Is there? I would love to know what it might be.

Mr. RIEGLE. There are many.

Mr. SIMPSON. I do not have the time.

Mr. RIEGLE. There are failures on many levels in this country. But what we are talking about here is in terms of the economic stewardship of the country, which is one of the, I think, most important responsibilities that the President carries. No one else can carry that for him, quite frankly. When he runs for that job that is part of what comes with the job.

He may not want that part of the job. He may love foreign policy and be like the one-eyed President who can see all the foreign policy issues and want to spend every waking minute on foreign policy and not want to have to open up that other eye and see the domestic policy problems. I understand that. You and I know that. This man loves foreign policy and I think he deserves some credit for his interest in foreign policy.

I daresay if you put a map of the world up here right now that George Bush could come in here, he could identify every country in the world. But you ask him to talk for 10 minutes without notes that have been prepared by somebody else on the problems of the American economy and he is going to have a very hard time of it.

That is your problem and it is not just your problem, it is our problem. I mean the absence of an economic strategy for this country is hurting all 50 States. It is hurting fellows and candidates on your side of the aisle. Every article that I have read in the last week on the question of what is going on tells me—these are by third-party analysts—that candidates in your party are now being weighed down by the failure of the administration to have been effective on the economy.

Mr. SIMPSON. Mr. President, I will ask another question, if I may.

Mr. RIEGLE. So you are feeling this problem.

Mr. SIMPSON. Yes. Well, this is an extraordinary litany of things. And oddly enough I have heard everyone of them in much more passionate array, usually when no one is here on the floor. It seems to be more expedient and more fun to whack away on that issue when no one is present.

But I hope, then, with the next administration—if there is one, and there will not be—that you will be doing something adroit to ward off CAFE standards which would ruin your State.

Mr. RIEGLE. I assure you I would.

Mr. SIMPSON. When the only thing that has saved you to this point is President George Bush, thank you very much.

Mr. RIEGLE. If that is the question, I will be here at this desk, and I will be here to stop the CAFE standards.

May I say one other thing to my colleague from Wyoming, because I think we may well get a change in administration. And if we do, there is one thing I am convinced of, and that is, having served on that side of the aisle and this side of the aisle—and I have been in both parties like the senior Senator from South Carolina, who served in both parties, and in fact served in even a third party—I really think we have to figure out a way to get this economic strategy talked through. And I think it has to be done on a bipartisan basis, quite frankly.

One of the things I have said to Governor Clinton, and I will repeat here now, is that should he be elected and become President, I think we are going to have to find a way to work together across the party aisle. I think business and labor and Government are going to have to sit down around the table and leave the guns at the door and figure out how we work together in a team fashion to come up with a strategy that is as effective or more effective than what the Japanese have managed to do in their own way, or the Europeans are doing in their own way, and so forth.

So I would not want my statements about the frustration in the current situation, and the kinds of changes that I think need to be made, to be misinterpreted. In terms of—if there is that kind of change and there is that kind of movement to focus on domestic policy, I for one want to make sure everybody is in the discussion. I do not think we ought to do it according to some harebrained scheme that any one person walks in the door with, whether it is jotted down on the back of an envelope or anything else. I think we better have a serious talk among ourselves and figure out how we get this country going again.

Mr. SIMPSON. Mr. President, I assure the Senator from Michigan I will join in that effort. That is long overdue. And that means everything is on the table—all of it. You saw the vote several weeks ago that was about 28 of us who decided to go over the cliff in an honest approach to get a handle on the entitlement programs. But in doing that they were all sorted out in peculiar categories of senior citizens, disabled veterans, children. And if that is the way it is going to be we will never get it done. Those who will suffer will be the people you seem to be the most cardinal spokesman for. Those are the people that will suffer as we fail to address the issue of entitlements. I never see any terribly hard votes on that from that particular post that you occupy.

I think it would be good if you can tell us what is it that you personally intend to do about the entitlements programs, Social Security cost-of-living allowances, which go to people, a fourth of them who are wealthy, veterans benefits——

Mr. RIEGLE. If that is the question, let me respond.

Mr. SIMPSON. Please. I will leave you with that. I must retire to my chambers.

Mr. RIEGLE. Let me respond to that question. Let us start with Social Security. It is very interesting, and as I am sure the Senator knows, in terms of Social Security it is not Social Security that is contributing to the Federal deficit in this country. It has not added one penny to the Federal deficit. In fact, Social Security is generating more money than it is paying out. Social Security is providing a surplus right now.

I know there are some—I know the Senator has to leave and I understand he has to preside in his caucus, but I am going to finish the answer to his question. And that is this.

The Social Security payments are not adding to the deficit. There are some who would like to argue about that, because they do not want to have to go and get the revenue other places where it is going to have to be gotten. They would rather go in and shave down the benefits of those on Social Security. In fact we had a move right here in this Chamber when Ronald Reagan was President to shave down Social Security benefits. And the people that they decided to target first were elderly women who were receiving the minimum benefit under Social Security and they came in here with a move to eliminate the minimum Social Security benefit.

It was absolutely incredible. I mean, here was Ronald Reagan, the new President, living in the lap of luxury, coming in here and targeting elderly women receiving the minimum Social Security benefit, a lot of them sort of subsisting on crackers and, you know, minimum things just to keep body and soul together because they did not have any money because it was the only source of income they had. And they decided to come in and target that.

Now, why did they target that? What did they want the money for? Did they want it to reduce the deficit? Of course not. The deficit got a lot bigger. They wanted that to pay for the tax cuts that went in substantial measure to the people at the highest income levels.

The PRESIDING OFFICER. The Senator is advised the hour of 12:30 has arrived and there is a previous order.

Mr. RIEGLE. Under those circumstances, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. I thank the Chair and I will finish. I just want to finish the sentence.

It is not unfair to say that that approach, the tax cuts for the wealthy, the cuts in Social Security for the minimum benefit beneficiaries, was transferring money from those people up the income scale to the people at the top. Fortunately, we were able to stop the minimum benefit cut, but a lot of that occurred. It was unfair, and it has unbalanced the economy, and that is part of the reason for the fix we are in today.

We need an economic growth strategy. I think we can put one together. If we can get some jobs in this country, we can do something about helping family values. Family values first and foremost means having a job, supporting your family, decent housing, health care, being able to pay the bills and being able to take care of your kids. That is family values.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. The distinguished Senator has been so long-winded. I ask unanimous consent I be allowed to speak for 6 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator is recognized for 6 minutes.

NEGOTIATIONS ON THE CRIME BILL

Mr. THURMOND. Mr. President, in recent months, I have been working in good faith with interested colleagues to resolve the crime bill deadlock. In fact, I was under the impression last week that we had reached a compromise on this issue. However, I feel compelled to respond to the remarks made yesterday by my friend, Chairman BIDEN, in which he accused the administration and my Republican colleagues of killing the crime bill.

As I have discussed previously on the floor of the Senate, the conference committee report on the crime bill, H.R. 3371, sounds tough, but it has proven to be no such thing. With remarkable consistency, the conferees to the crime bill rejected tougher options on major points and opted instead for provisions which expand the rights of criminals.

Although the conference report authorizes additional money for law enforcement, I oppose the bill since it contains numerous provisions which expand the rights of criminals. President Bush, Attorney General Barr, prosecutors, and victims' groups have all expressed strong opposition to the conference report because it, for one thing, overturns numerous Supreme Court decisions on death penalty appeals.

The result is a bill that expands the litigation rights of death row inmates. Rightfully, efforts to force the so-called compromise through the Senate have failed on two previous occasions. Yesterday, despite our good faith negotiations, Senator BIDEN announced that the majority party will drag this procriminal bill onto the floor one more time.

As my colleagues know, I have fought for congressional action on a tough crime bill for several years and, despite the disappointing action of the conference committee, I have remained strongly committed to passing a bill. I continued to work with my colleagues to try and resolve our differences, as did Attorney General William Barr.

Negotiations, it seems, were complete when the Attorney General and I agreed to an offer Senator BIDEN had made. In a letter to Senator BIDEN dated September 25, the Attorney General outlined the major points of this compromise. This compromise would have included the Senate-passed Brady bill, the President's death penalty title, a middle-of-the-road compromise on habeas corpus, and all of the funding proposed for additional law enforcement. According to the Attorney General, he and Senator BIDEN had negotiated a package that both agreed was an acceptable basis for compromise.

Unfortunately, the Democrats have retreated and distanced themselves from what we believed to be an accepted compromise. They now claim the Attorney General was mistaken or that he accepted the compromise too late. The fact is, the majority does not want a true, tough crime bill. Rather, they want to enact the conference report, which only sounds tough and which actually expands the rights of violent criminals.

For the past year, Senate Republicans have been forced to listen to the Democrats accuse the administration and Senate Republicans of playing politics with the crime bill. They state that opposition to the Brady bill is the only reason we do not have a bill. Yet, recent events illustrate what I have been stating all along—the President wants a tough crime bill acceptable to law enforcement, prosecutors, and victims. The compromise agreed to by the administration, while not as tough as I would like, is acceptable and it contains the Senate-passed Brady bill. Still, the Democrat's are retreating from that deal.

In closing, I ask my colleagues, "What could be so troublesome about this compromise that they should oppose it?" It drops the exclusionary rule reform, which I support. It goes more than half way on habeas reform, contains the Brady bill, a real death penalty, and all of the increased funding for law enforcement. According to the Attorney General, a deal was reached and the Democrats backed off.

Mr. President, when one reviews the facts, instead of the rhetoric, it becomes clear that President Bush and Republicans do truly want a tough crime bill. Yesterday, President Bush spoke before a crowd in Missouri and talked about how close we were to reaching a compromise on the crime bill. Yet, apparently, the majority party does not share his optimism. Rather than continue to work on a bill, they announced yesterday that the Senate will, yet again, be voting on the procriminal conference report.

Democrats control both Houses of Congress. If they want to pass a tough bill, it is within their power.

Mr. President, I yield the floor.

WOMEN AND POVERTY IN RUSSIA

Mr. PELL. Mr. President, I would like to call my colleagues' attention to a piece by Katrina vanden Heuvel recently published in the New York Times. Ms. vanden Heuvel writes about the disproportional impact that declining economic conditions are having on women in Russia. As an editor of the Nation where she writes on Russian politics and society, Ms. vanden Heuvel's expert observations emphasize the difficulties confronting working women in Russia. Ms. vanden Heuvel clarifies the risks that these women are facing. They are subject to discrimination and harassment in the job market and workplace while anti-discrimination legislation is routinely unenforced. In addition, Russian women now face the dismantling of the Soviet system of child care and potential legislation limiting the number of hours that mothers would be allowed to work.

With the impending influx of American organizations and business representatives into the former Soviet Union, we have an unprecedented opportunity to influence attitudes toward women in the Russian workplace. These Americans can help demonstrate the economic wisdom of making work force participation a viable option for women. As the Senate moves toward consideration of the Freedom Support Act conference report, I believe it is appropriate for us to consider Ms. vanden Heuvel's perspective on the issue of women in the former Soviet Union. I commend Ms. vanden Heuvel's article to my colleagues and ask unanimous consent that it be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 12, 1992]

WOMEN OF RUSSIA, UNITE!

(By Katrina vanden Heuvel)

As the Soviet welfare system collapses, the feminization of poverty may become the new Russia's largest and cruelest problem.

In Moscow, 70 percent of the newly unemployed are women between the ages of 45 and 55. When I visited one of Moscow's recently established unemployment offices this summer, women in line described the kind of discrimination they now face in the job market. Some were turned away because they were too old—in their 40's. Others had been told that their maternal responsibilities made them unreliable workers.

Women's economic desperation is visible on Moscow's streets, too, where the overwhelming number of peddlers are older women and young mothers.

Although anti-discrimination legislation still exists in Russia, it is not being enforced. Sexist (and ageist) job advertisements are commonplace. Alisa, a new brokerage house, published announcements seeking woman aged 18 to 21 for secretarial positions. Applicants were told to come to the interview wearing a miniskirt.

An advertising firm requested that applicants for a receptionist position submit a full-size photo, preferably one showing them in a bikini to display their "full super-attractiveness."

Still worse, legislation being discussed by the Parliament, and likely to be adopted this fall, would prevent women from participating equally in the emerging market economy. Mothers of children under the age of 14 would be allowed to work only a limited number of hours a week, thereby disqualifying them from the best jobs. The legislation is supported by a coalition of Russia's new democrats and old-style conservatives.

In addition, the Parliament and some city governments are dismantling the once elaborate Soviet system of child care. With fewer outside services, women will be compelled to leave the workplace. The Moscow City Council, for example, proposes to close about a third of the city's day-care centers in the next two years. While Russian politicians argue that women resented having to combine full-time work and full-time homemaking under the old Soviet system, a recent poll shows that only 20 percent of Russian women want to stay at home.

Regardless of personal preference, millions of Russian families will not be able to survive without two incomes, as inflation grows. In 1992, women's earnings account for 40 percent of family incomes, while every fifth Russian woman is the family's only breadwinner.

Not surprisingly, Russian women are forming activist and self-help groups. In some ways, their struggle is reminiscent of the American women's movement in the late 1960's. On the other hand, unlike the American economy of the time, Russia's economy is disintegrating and offers few new opportunities. And Russian women are unlikely to find allies among the overwhelmingly male political class.

Should the U.S. care about the plight of women in Russia? The Bush Administration has rightly argued that we must give financial support to Russia's reforms. But most of the aid is conditional on the Yeltsin Government's making drastic budgetary cuts. The cuts, of course, will lead to higher unemployment and fewer welfare provisions, which will victimize women first and foremost.

It would be wiser, more humane and more consistent with our values and laws to make all such aid intended to promote a market economy in Russia conditional on practices that will provide equal opportunity for all citizens. Women should be present at the creation of the new Russia. As my friend Anastasia insists, "Democracy without women is not democracy."

KUWAIT: IS IT REALLY MOVING TOWARD DEMOCRACY?

Mr. DECONCINI. Mr. President, as a Senator committed to the promotion of democracy throughout the world, I rise to address the Senate concerning the current situation in Kuwait.

As my colleagues will recall, the oil-rich city-State of Kuwait has been under the autocratic rule of the al-Sabah family for decades, with true democratic principles rarely guiding that government's policy. The country's unicameral legislature was dissolved in 1986 by Emir Jaber al-Ahmed al-Sabah for its harsh criticism of government ministers. Six years of autocracy have ensued—including a period of martial law—and genuine political participation, as provided for in the constitution of 1962, has been suppressed by a government rife with nepotism and policies that stress the power of the purse at the expense of political reform.

Now, under pressure from opposition parties within Kuwait, as well as the active dialogue initiated by our ambassador, Edward "Skip" Gnehm, Emir Jaber has announced that elections for the General Assembly will take place on October 5—7 years after the last elections.

It is this Senator's apprehension, however, that even though these elections will finally occur, real, multiparty democracy in Kuwait may not be attained for many years. It is my fear that the patrimonialism, patriarchalism and paternalism that have dictated Kuwaiti politics for years will continue.

The powerful diplomacy of the dinar, not the desire for democracy, has for some time dictated Kuwaiti governmental policy. The Kuwaiti leadership has made use of its considerable financial resources—its strong economy and vast oil reserves—to create a welfare state of sorts. Thus the citizenry of Kuwait is used to economic incentives from the government.

Money now plays a different role in politics, however—a role that jeopardizes the country's move toward genuine democracy. There have already been widespread reports of vote-buying throughout the 25 electoral districts, and vote brokers are actively promoting this corrupt practice. Votes sell for around 4,000 dinars, about $14,000, and, according to the Agence France Presse, oftentimes two candidates within the same district team up to purchase votes at half the price.

Opposition groups have denounced this practice—utilized by the political elite and backed by the al-Sabah family—and have attacked the government of Kuwait for their failure to put an end to this increasingly popular campaign strategy.

As my colleagues well know, free and fair elections are the cornerstones of any democratic movement. They are the foundation upon which a true democracy is built. Corruption only hinders the evolution toward fully participatory government. As one opposition leader put it, "Anyone who buys your vote is capable of selling your country and therefore not worthy of representing you in Parliament."

Mr. President, in light of the potential developments in Kuwait, I urge the Emir and the government of Kuwait to address the problems of vote-buying and possible electoral fraud so that freedom and sovereignty are afforded the people of that ravished nation. The people of Kuwait are so close to a return to democratic government; they cannot risk the possibility of a reversion to the days of autocracy. A clean break with the nepotism and inequity of the past is necessary—for all of the people of Kuwait.

I ask unanimous consent that a letter I sent to Ambassador Gnehm, and his response via State Department cable, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, June 9, 1992.
Hon. EDWARD R. GNEHM,
Ambassador, U.S. Embassy, Kuwait City, Kuwait.

DEAR SKIP: I read in the paper last week that you have been encouraging the spread of that dangerous concept called democracy. All I can say is: keep up the good work!

It is deeply troubling to me that after all that Kuwait and the Kuwaiti people—not the royal family, but the people themselves—have gone through, there continues to be a deep-seated fear of democracy and true accountability in governance. It bothered me when you and I were in Kuwait in 1989. It bothered me about going to Kuwait's rescue. And it continues to bother me today—especially because American blood was spilt to liberate that nation.

I am pleased that you are serving as a burr under the Sabah family's saddle and that you are speaking up for what America is all about. While it is true that we have flaws in the application of our democratic system, it continues to serve as a model and a beacon of hope for others around the world.

Again, I am glad that we have you over there. Please let me know if there is anything I can do to assist you in the future.

Sincerely,
DENNIS DECONCINI,
U.S. Senate.

———

JULY 21, 1992.
Hon. DENNIS DECONCINI,
U.S. Senate, Washington, DC.

DEAR SENATOR DECONCINI: Thank you for your letter of June 9th. I am heartened to know that the evolution of democracy in Kuwait (as well as my small role in encouraging this process) made the papers there. More should be done to inform the world on what steps the Kuwait government has taken and continues to take toward instituting a truly representational political system.

It is true that the parliamentary elections to be held here in October will not result in an immediate changeover to Jeffersonian democracy. Kuwait, like its neighbors, is a tradition-bound society. By Western standards, its progress toward democracy has been slow and perhaps overdue.

Unlike other nations in this region, however, Kuwait has taken concrete steps toward the democratic ideal. Its press is unrestricted, its citizens are free to criticize the government without fear of reprisal, and its leaders—the Amir and the Crown Prince—have personally assured all who will listen that their goal is to preside over the transition to a functioning parliamentary democracy as specified in Kuwait's 1962 constitution. I believe that this goal will be achieved.

In sum, Kuwait serves as a model for the type of movement toward democracy we should hope to witness elsewhere in this volatile region. I am proud of the part I have had in encouraging this trend and am happy that you are pleased with the job that my staff and I are doing.

Sincerely,
EDWARD W. GNEHM, JR.,
Ambassador, American Embassy.
KUWAIT, KUWAIT.

CUTTING GOVERNMENT WASTE

Mr. SEYMOUR. Mr. President, the Federal budget deficit has now grown to more than $1 billion a day. The most recent Bush administration estimate of the 1992 fiscal year deficit was $399.7 billion. The deficit continues to be the number one fiscal travesty of our Government. Despite several attempts during the past few years, Congress has failed to solve this problem of epic proportions.

The traditional view of deficit reduction is that a balanced budget can only be accomplished through raising taxes and eliminating Government programs. But Congress can spare the American people these twin burdens by taking steps to diminish the excessive operating costs of Government itself.

The General Accounting Office [GAO] recently published its annual report summarizing the findings and open recommendations of its audits of Federal agencies and departments. The report illustrated that improved management and accounting practices on the part of Government officials alone would begin to chip away at the deficit. For example, the GAO concluded that better management of the "Army's unserviceable inventories could save millions." Likewise, the GAO stated that the monopoly-like status of the Government Printing Office [GPO] breeded inefficiency and ineffectiveness. Furthermore, a financial audit of the Library of Congress [LOC] disclosed significant financial problems. The LOC could not even "substantiate the number or value of items in its collection, support its accounts receivable or its advances from others, or effectively prevent duplicate or incorrect payments."

Congress itself has added to this waste by earmarking funds to projects of dubious worth and by creating for itself a privileged working environment. The Washington Post reported that the $271 billion 1992 fiscal year Defense authorization bill contained a significant number of earmarks which were never requested by the Defense Department or scrutinized by the hearing process, Mr. President. Other such earmarks in 1992 fiscal year appropriations bills include $4 million for a National D-Day museum in New Orleans, $25 million for an Arctic region supercomputer, and $5 million to lobby the National Marine and Fisheries Service to keep salmon off the endangered species list.

Many studies have been undertaken in an attempt to do away with such waste. The President's Private Sector Survey on Cost Control, more commonly known as the Grace Commission, was the most exhaustive study of Government waste to date. In 1984, the Grace Commission proposed 2,478 recommendations to cut waste and inefficiency in the Federal Government. Over 80 Grace initiatives were adopted during the 99th Congress at a savings of $33 billion over 4 years. Yet, enactment of all of the Grace proposals would have saved taxpayers $424.4 billion over a 3-year period.

The Grace Commission, however, is not the final word with regard to eliminating governmental waste. The Council for Citizens Against Government Waste recently published a 13-point proposal to eliminate Government waste, increase Government efficiency, and control the Federal deficit. The plan recommended adopting "procedures to identify and eliminate porkbarrel spending" and statutory limits on spending growth that would force Congress to live within the means of the people. The council also advocates "privatizing Federal services that can be performed better, and for lower costs, by the private sector."

In April of this year, the Senate approved an amendment which I introduced to the 1993 budget resolution cutting legislative branch spending by 25 percent over a 2-year period. If we are to address waste throughout government, we must first put our own house in order. My amendment represented an initial step on the road back to fiscal responsibility and was, I believe, influential in pushing the House to adopt a reduced funding package for its operations in fiscal year 1993.

In addition, Mr. President, I have initiated further steps to reduce Government waste by introducing Senate Joint Resolution 60 to reduce the Federal Government's overhead expenditures by 10 percent. These overhead expenditures cost taxpayers $270 billion annually. Cutting such costs by 10 percent will save the Government $141 billion over 5 years.

Finally, last summer, in the midst of a recession, the Senate voted to raise its pay by more than 20 percent. I not only voted against this pay raise, but returned my portion of it to the U.S. Treasury. We did not deserve that raise and will not until our Federal spending practices are under control.

I believe that a new National Blue Ribbon Commission To Eliminate Government Waste, such as the one proposed by Senator LOTT and Congressman LOWERY, should be formed. It would undertake a thorough review of all of the Grace proposals that were not enacted, as well as the pending recommendations of GAO, the Congressional Budget Office, and other governmental and nongovernmental bodies. We need a credible and objective assessment of this problem so that we may devise an intelligent solution to it.

Mr. President, wasteful Government spending is a serious and difficult issue, but it is not intractable. The excessive operating costs of the Federal Government, including the legislative branch, must be pared. Americans of all ages and races make hard economic choices everyday. It is time that we in this body begin to do the same.

TRIBUTE TO DR. CONSTANCE CLAYTON

Mr. SPECTER. Mr. President, I wish to recognize and commemorate the 10th year of of Dr. Constance E. Clayton's tenure as superintendent of the Philadelphia School District. This anniversary falls on October 4 of this year, and I want to congratulate Dr. Clayton and highlight her accomplishments in the decade since she took office.

Mr. Clayton has restored fiscal stability, instilled labor peace and initiated a capital improvement plan in the Philadelphia schools. During Dr. Clayton's tenure, the school district has consistently improved in academic achievement, demonstrated an enhanced commitment to excellence in math and science, and instigated a core curriculum ensuring educational equality. Dr. Clayton also instituted a vibrant, varied, and growing partnership network with businesses, communities and institutions of higher education. Under Dr. Clayton's direction, Philadelphia has procured unprecedented foundation support and developed the major goal's plan and a governance model for shared decisionmaking/school based management. The culmination of these accomplishments is the designation of Philadelphia as an American 2000 community.

In keeping with Dr. Clayton's personal and professional philosophy that "the children come first," the district has pursued funding for an successfully implemented critical programs including: establishment of school-based health clinics and HIV and substance abuse prevention and education programs; expansion of the kindergarten and Head Start programs and initiation of the Even Start Program; revitalization of career and vocational education programming; implementation of the Philadelphia Parents as Teachers Program for teen parents; and creation of technology programs funded by major corporations to equalize access to technology for disadvantaged, inner city students.

Dr. Clayton is herself a graduate of the Philadelphia public schools. She earned a B.S. and her masters in education at Temple University, and her doctorate in education leadership as a Rockefeller scholar at the University of Pennsylvania. She has also been awarded honorary degrees by 15 colleges and universities. Dr. Clayton's career in the Philadelphia school system began in 1955 when she was hired as a teacher. In 1964, she became a collaborating teacher in the social studies department of the division of curriculum and instruction. In 1969, she served as project director of the Staff Development Program in African and Afro-American studies. From 1971-72 she served as the regional director of the Women's Bureau, U.S. Department of Labor. Upon her return to the school district in 1972, Dr. Clayton was appointed director of early childhood education programs; subsequently she was named executive director and then associate superintendent of early childhood education.

Dr. Clayton's commitment to excellence in education extends beyond her career posts. She is actively engaged in leadership activities in the community and serves on a number of boards including that of the Public Broadcasting System, the Private Industry Council, the National Board of Medical Examiners, Research for Better Schools, the Area Council for Economic Education, the American Association of School Administrators, Committee to Support the Public Schools, the Children's Defense Fund, and serves as president of the Council of Great City Schools.

Dr. Clayton is the well-deserved recipient of numerous achievement awards: The Gimbel Award, the Police Athletic League Award, the Humanitarian Service Award presented by the Philadelphia Commission on Human Relations, the Distinguished Daughters of Pennsylvania, and the American Spirit Award presented by the U.S. Air Force Recruiting Service.

I wish to thank Dr. Clayton for her tireless and generous efforts for the children of Philadelphia. I commend her numerous accomplishments and accolades and congratulate her on this auspicious anniversary.

CONTROLLING RISING HEALTH CARE COSTS

Mr. PACKWOOD. Mr. President, an op-ed which appears in today's Washington Post, discusses the problems associated with controlling rising health care costs in this country by imposing a global budget on health care. The article is written by Michael D. Bromberg of the Federation of American Health Systems.

Mr. President, I will not go into the details of his arguments against a global health care budget, but I would like to quote the last paragraph of Mr. Bromberg's article. I think this paragraph summarizes his arguments well:

> (But) prohibiting private health spending above some magic number—regardless of need—flies in the face of our constitutional guarantees. It is ironic that those who want government to limit our personal decisions on health spending are the first to proclaim their belief that "health care is a right, not a privilege." They ought to realize that under the Constitution, rights belong to the people—not the government.

Mr. President, I ask unanimous consent that a copy of Mr. Bromberg's article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 29, 1992]

HEALTH CARE: LET THE PEOPLE SPEND

(By Michael D. Bromberg)

Imagine the public outcry if Congress passed a "global entertainment budget" limiting the amount of money citizens may spend on movies, fast food and family vacations. That is what the Democratic leaders in Congress and their presidential nominee, Bill Clinton, are advocating for health care expenditures.

Frustrated by their inability to control federal health costs, these liberal lawmakers are suggesting an annual "global health budget" for the private sector. This mechanism would set an arbitrary ceiling on aggregate public and private health care spending. The cap would be enforced by controlling prices, which inevitably would limit health care purchases and lower the quality of care.

Whether applied to entertainment or health care, the concept of a global budget would require a constitutional amendment; our forebears did not grant government the authority to apportion our personal incomes. Congress does have limited authority to ration private consumption of scarce resources such as food and gasoline during national emergencies. Even during peacetime, Congress has invoked its authority to protect the public safety by requiring cares to be equipped with seat belts and by setting a national speed limit.

But the United States is not at war, and health care is hardly a scarce resource. In fact, capping individuals' health care purchasing would have a detrimental impact on public health. The use of a global budget even exceeds the health policies established by countries that embrace socialized medicine. In Great Britain, for example, citizens retain the freedom to purchase supplemental private coverage. Canada, which lacks our constitutional protections, does limit all health spending as well as such individual choices. Fortunately, most Canadians live near the U.S. border, and we provide the state-of-the-art health care they covet.

Our government does have the authority to balance individual rights against the overall welfare of the public, but it must do so cautiously—any restriction on our fundamental rights must stem from an overriding public interest. The Supreme Court has vigorously defended this principle by overruling laws that do not meet this "strict scrutiny" test. In doing so, the high court has cited our Constitution, its amendments and the Declaration of Independence as authority.

For instance, in *Buckley v. Valeo*, a cap on campaign expenditures by private citizens running for office was struck down as a violation of the First Amendment right to freedom of expression. Government-set limits on individual liberties, such as the right to personal privacy, were rejected under the due process clause of the 14th Amendment in *Griswold v. Connecticut* (which voided a state statute prohibiting the use of contraceptives). No overriding public interest would be served by forfeiting to government individuals' freedom to choose what they buy and how much they spend on health care service.

It would be constitutional for Congress to cap federal health spending because that involves the allocation of tax dollars. That would be unwise public policy, however, because a federal health cap would only compound the dilemma of the millions of poor Americans who do not qualify for Medicaid. It also would be legal for Congress to limit tax subsidies for private health expenditures, such as the tax deductions and exclusions for employer-paid insurance.

Reforming our health system to increase access and control costs is essential, and there are many pending proposals to achieve it without raising serious constitutional questions. The examples include:

Changing our tax laws to encourage cost-effective health plans:

Accelerating efforts to measure quality and eliminate unnecessary care:

Reforming malpractice laws to reduce the cost of defensive medicine; and

Establishing purchasing groups to lower the cost of insurance for small business.

But prohibiting private health spending above some magic number—regardless of need—flies in the face of our constitutional guarantees. It is ironic that those who want government to limit our personal decisions on health spending are the first to proclaim their belief that "health care is a right, not a privilege." They ought to realize that under the Constitution, rights belong to the people—not the government.

RESIGNATION OF SECRETARY OF VETERANS AFFAIRS EDWARD J. DERWINSKI

Mr. CRANSTON. Mr. President, I was quite surprised and sincerely disappointed to learn this past weekend of the resignation of Veterans Affairs Secretary Ed Derwinski.

Mr. President, in my nearly 24 years in the Senate, I have known and worked with eight VA Administrators and one Secretary. Many have done a very good job at VA. Some have not done well at all. Ed Derwinski and I certainly had numerous differences, and I did not hesitate to criticize him for taking actions or positions I considered misguided. Moreover, he is a Republican's Republican and my roots are all Democratic and, although we tried to keep partisan politics out of veterans affairs, it did crop up from time to time. But having said this, I have to conclude that he was a fine head of VA. His appointment as the last Administrator and first Secretary turned out to have been a very good one—and I have told him so.

I wish him well in his future endeavors—except, of course, in his campaign assignment in the next 5 weeks.

In his role as head of the Department of Veterans Affairs, Ed had clear and direct access to the President. He did not abuse that access as far as I know but, when he felt compelled to use it, the results were to the benefit of America's veterans. The most dramatic evidence of that can be seen in his success in each of the last 3 years in gaining the President's approval for a significant increase in funding for VA medical care.

During Ed Derwinski's tenure as VA Secretary, he was right on a large number of issues. His attention to VA's health-care system was timely and helpful. He insisted that the quality of care be first rate and set in place some significant changes to promote that result. He believed that VA had to have a place at the table when national health-care reform is under discussion—a view I share unequivocally—and he took steps to make that happen. He was right to call for a commission to focus on the future of the VA health-care system.

He was also right to take aggressive, compassionate action to address the concerns of Vietnam veterans about exposure to Agent Orange. He was right to oppose smoking in VA health-care facilities. He moved quickly to address the needs of our most recent veterans of a period of war, the Persian Gulf War veterans. VA took steps to meet these veterans needs shortly after the fighting ended and is in the forefront of activity today to address the concerns of some of these veterans for the impact of their service on their health.

Mr. President, in what may be the greatest irony in this matter, Secretary Derwinski may well have been right about the issue that I understand to be a root cause of this situation, the so-called rural health initiative. While I had some serious questions about the pilot program and while I did not believe VA did the best job selling it, it did not strike me as necessarily bad for veterans. Indeed, at least at one of the two sites where the pilot program was going to be carried out—the Salem, VA, VA Medical Center—the program clearly would have been a boon for veterans. Veterans who lived near the rural clinics where VA staff were going to go would have gained significant new access to VA care. In any event, I had hoped that that issue would have been behind us by now. But, obviously, that was not to be.

Mr. President, the one silver lining that I find in this dark cloud is that Deputy Secretary Tony Principi will be serving as Acting Secretary. Tony, who has adopted California as his home State, is an extremely capable public servant and an old and valued friend. I have enjoyed a fine, productive relationship with him ever since his days as Senator SIMPSON's and Senator MURKOWSKI's chief counsel on the Veterans' Affairs Committee in the mid-eighties and throughout his 3½ years as Deputy Secretary. I am confident that he will do a fine job as Acting Secretary and look forward to working with him in the weeks ahead.

INDIA CLEANING UP GANGES RIVER

Mr. PRESSLER. Mr. President, a very interesting front page story appeared in Friday's Washington Post. The article, written by John Ward Anderson, describes India's efforts to clean up the Ganges River, which is considered sacred by India's 750 million Hindus.

I have had a personal interest in Ganges River pollution control and cleanup efforts ever since discussing this matter with the late Indian Prime Minister Rajiv Gandhi in January 1985, shortly after his inauguration. In fact, I felt honored to be the first American elected official to meet with Gandhi following his inauguration.

The Prime Minister invited me to his personal office for a private meeting that also included our then Ambassador to New Delhi, Harry Barnes. It was clear from the beginning of our discussion that pollution control ranked very high on Prime Minister Gandhi's agenda. When our conversation turned to the Ganges River, I ventured the observation that the U.S. Corps of Engineers had considerable experience and expertise in dealing with riverine pollution. With Ambassador Barnes' support, I recommended to the Prime Minister that he make a request to the U.S. Government for technological advice and assistance in his efforts to address pollution of the Ganges River. I am pleased to note that the Washington Post article quite accurately credits Gandhi with having initiated the Ganges cleanup effort.

One humorous result of my meeting with Prime Minister Gandhi in his private office in New Delhi was the curious reaction of a Los Angeles Times reporter. Our U.S. Information Service asked me to participate in a press conference with Indian and foreign journalists after my meeting with Gandhi. Of course, I told the journalists about my Ganges River pollution discussion with the Prime Minister. Days later, I was rudely surprised to read an article in the Los Angeles Times which virtually accused me of insulting Hindus by publicly discussing their polluted sacred river. The Washington Post article of today, more than 7 years later, gives me some comfort that not all U.S. journalists are afraid to write about the realities of pollution in other nations.

Mr. President, I am pleased to see that India is making some progress in cleaning up the Ganges, and I wish that nation well in that effort. Improving the cleanliness of the Ganges River is a matter of great importance to the people of India. I ask unanimous consent that the Washington Post article appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 25, 1992]

THE GREAT CLEANUP OF THE HOLY GANGES

(By John Ward Anderson)

VARANASI, INDIA.—Every day thousands of Hindus flock to the shores of the great Ganges River here, where they drink and bathe in the holy water as partially cremated corpses float past them and nearby drains spew millions of gallons of raw sewage into the river.

While the faithful seem unfazed, the Indian government—concerned that religious rituals and social customs have helped turn India's most sacred river into a 1,568-mile health hazard—has devised a solution for the most unsightly problem: specially bred snapping turtles to eat what is left of the corpses but do not nip at religious bathers.

The turtle program is part of the largest environmental project in Indian history—cleaning up the Ganges River, from its glacial source in the Himalayas to its mouth in the Bay of Bengal.

The biggest challenge according to environmentalists, comes not from the rapid urbanization along the river's shores, but from the firm belief among many Indians that the Ganges—called "Ganga" by Indians and considered the physical manifestation of the Almighty—is so spiritually pure that it cannot be polluted, regardless of how much garbage is dumped into it.

"A dip gets rid of illness and infection, and all sins are washed away," said C.L. Pandey, 45, a priest at Kashi Vishwanath Temple, one of the most famous temples in Varanasi.

He conceded, however: "Because of all the sewage and the corpses that are sometimes thrown into the river, and with people urinating, taking a bath and washing their clothes in the river every day, people are beginning to realize it's dirty. But the purity and sacredness of the river can never be destroyed or even diminished. Even a breeze from the Ganga is enough to wash sins away."

Clean water is one of India's most scarce resources, but as in many developing nations, the money and technology needed to properly treat sewage are not available in most cities and villages. With the country's 850 million population expected to double in 34 years, officials are concerned that Indians will have no choice but to continue dumping raw waste into local waterways, contributing to epidemics of diarrhea and other diseases that kill thousands of people annually.

Keeping the Ganges clean is made especially difficult, according to environmentalists, because faith in the river's incorruptible purity has generated complacency and ambivalence about its pollution among many of the 300 million people who live in the Ganges Basin. More than 410 million gallons of untreated municipal sewage, industrial waste, agricultural runoff and other pollutants are discharged into the river every day.

At the same time, officials estimate that more than 1 million people a day bathe or take a "holy dip" in the Ganges, and thousands drink straight from the banks. Every 12 years, during the religious festival of Maha Kumbha Mela, as many as 10 million Hindus trek to the city of Allahabad to bathe in the Ganges.

In 1986, in an effort to save the river, then-Prime Minister Rajiv Gandhi launched the Ganges Action Plan, a $140 million effort to raise the river's water quality so that its entire length would be safe for bathing. Before then, there were no sewage treatment plants along the Ganges.

Officials say that by 1994, 35 plants will be treating 230 million gallons of waste a day. Other measures, including community toilets, sewage diversion schemes and tougher regulations against industrial polluters, also have been initiated in an attempt to do for the Ganges what former President Lyndon B. Johnson's cleanup effort did for the Potomac River, once plagued by raw waste and fish kills.

AMBITIOUS MEASURES

The most ambitious cleanup measures have been targeted for the four-mile riverfront of Varanasi, a 3,000-year-old city that is as revered by the world's 700 million Hindus as Rome is by Catholics, Jerusalem by Jews and Mecca by Muslims.

About a million pilgrims a year visit the city, many traveling hundreds of miles on foot, and traditionally they leave with a bottle of Ganges water to display in their homes. They often pour some of the water into their town's well or stream, and when friends and relatives die, they sprinkle a little into the corpse's mouth.

To die in Varanasi and be cremated on the banks of the Ganges is the dream of every Hindu because of the belief that that will end the cycle of rebirth and bring final salvation. Officials estimate that between 20,000 and 30,000 bodies are cremated here every year, and the ashes are relegated to the river.

Efforts to dispose of partially cremated corpses have proven the most controversial part of the cleanup because, while floating body parts are the most obvious form of pollution, environmentalists say they are not the most toxic.

"We have spent $32 million [in Varanasi] building turtle farms," cackled Veer Bhadra Mishra, 53, a leading advocate of the river cleanup who is a professor of hydraulic engineering at Banaras Hindu University in Varanasi and the chief priest at one of the city's Hindu temples. "I take a dip in the river every day, and they've never even bitten my foot."

The assistant manager of the turtle farm outside of Varanasi said the turtles are fed dead fish from their infancy and are therefore "conditioned so they are attracted to the rotten smell of corpses and parts in the river. The people who are complaining about this are the kind who oppose any program."

He said about 24,400 snapping turtles have been raised and released into the Ganges since the program began in 1990. When fully grown, the turtles will be more than three feet long, weigh about 66 pounds and eat about a pound of meat a day.

"People have told me that when the corpses are brought in bags to the river for cremation, all the turtles flood the banks, and sometimes they start pulling the bags into the river before the fire is even out," he said.

That could be a slight exaggeration, judging from the observations of others.

"We see a lot of turtles, but I'm not sure it's really made any difference with the floating corpses," said Shyam Lal, 30, who operates a sightseeing boat along the Ganges. "We still see a couple of bodies every day, sometimes many more."

Baryar Chowdhury, 45, a manager at the Manikarnika Ghat, the largest wood-burning cremation area where as many as 50 bodies a day are cremated, insisted: "There is no such thing as a half-burned body. They are all 100 percent burned."

'MADE BY THE GODS'

The ghat—a huge stone landing area with steps leading into the river—appears suspended in clouds of gray smoke from blazing funeral pyres. The roar of fire is punctuated by the nearby clang of men splitting logs with sledge hammers and steel wedges.

"Where is the pollution? The river was made by the gods. How can it be dirty?" Chowdhury demanded.

Residents and environmentalists claim that many Indians cannot afford to buy enough wood to fully cremate their relatives, and half-burned bodies are routinely consigned to the river. It takes about 530 pounds of wood costing about $12—two weeks wages for the typical Indian—to fully burn an average-sized body.

Environmentalists complain that wood cremations are helping to devour India's forests, so as part of the Ganges Action Plan, an electric crematorium was built at Varanasi that charges less than $2 per body and does a thorough job of turning the bodies to ash.

With a population of about 1 million, Varanasi generates about 40 million gallons of municipal waste daily, much of it from an estimated 100,000 cows, bulls, water buffalo and other livestock that roam the city's streets and narrow alleys.

S.M. Hammad, a water official who oversees the city's Ganges cleanup, said most runoff and other sewage is captured in drains and about two-thirds of it is treated. The remainder is discharged downstream of the city, he said. However, during the monsoon months, when rain swells the river and floods the pumping stations, the drains are opened, and runoff and sewage flows directly into the river, Hammad said. Because of the huge volume of water, the waste is so diluted "it's not objectionable," he said.

About 70,000 people—half residents, half pilgrims—take a holy dip every day at one of Varanasi's 150 bathing ghats, which are interspersed with Hindu temples and monuments and old palaces built by maharajahs. The majority descend in a chaotic morning rush hour at the riverfront, where hundreds of people often cram the same small stretch of the bank, some plunging and other tiptoeing into the water. Monkeys peer down at the scene from nearby rooftops and chatter from the balconies.

Many people close their eyes and wade into the river up to their waists. Deep in prayer, they cup water in their hands and raise it toward the sun until it trickles down their arms and splashes over their head.

After the spiritual dip, some bathers lather up for more secular ceremonies and brush their teeth or wash their clothes.

"Just by chanting, 'Ganga, Ganga,' you can get God's blessing," said Harendra Dwivedi, 30, a religious scholar who takes a dip twice a day at the Asi Ghat and claimed the river "can never get dirty."

"I know what they're trying to do. They're trying to clean the river. But we don't feel there's anything wrong with the river," he said. "No matter what happens, Ganga will be Ganga."

THE NEED FOR A COHERENT POLICY IN THE FORMER YUGOSLAVIA

Mr. PRESSLER. Mr. President, I have risen on numerous occasions to discuss the war being waged in the former Yugoslavia and what I believe this country and the international community should be doing in an attempt to bring an end to the violence, bloodshed, and ethnic cleansing in that region of the world. In those speeches and in the legislation I have drafted and worked with others to write, I have tried to give life to this country's moral duty to help bring peace and freedom to what was once Yugoslavia.

The situation in the former Yugoslavia deeply disturbs me, as I know it does many Members of this body. For this reason, it has not been difficult to speak passionately about the need to find solutions. However, Mr. President, nothing I have said over these past many months comes anywhere close to the words expressed in a letter to me from one of my constituents, Rose T. Kennelly, of Sioux Falls, SD.

You see, Rose was born in Yugoslavia in 1940. As a young child she experienced firsthand the horrors of war and of the concentration camps. As a 4-year-old, Rose was forced to live in a concentration camp. While she survived, many in her family did not. She talks about the public executions of those who committed the crime of escaping from the camp, begging for food, and returning to the camp to share that food with loved ones. She explains how her father hid in grain, chimneys, and attics to avoid conscription into the German army. All of this was possible, she notes, because the truth was not made known to the world at the time those atrocities were occurring.

Rose ends her letter to me, "Dear Mr. Pressler * * * please make the President, the Congress and other officials aware that we need to expose the hidden evil happenings in what used to be Yugoslavia. Please don't leave this now unwritten like the past history of Yugoslavia." Rose Kennelly's personal experiences speak louder and more poignantly than any voice I have heard in any of the debates we have conducted here. I ask unanimous consent that the letter I received from Rose Kennelly be reprinted in the RECORD immediately following my remarks.

(See exhibit 1.)

Mr. President, what can we do to stop the killing and bring peace and freedom to the former Yugoslavia?

In a recent article for the Los Angeles Times, former Secretary of State Henry Kissinger considered the situation in the former Yugoslavia and discussed the need for a coherent strategy in that region. Dr. Kissinger wrote that, "putting an end to ethnic cleansing and concentration camps should be the moral objective; preventing an escalation of the crisis beyond the borders of Yugoslavia the political goal."

I agree with this position and his contention that mixed signals and shifting policies by Western democracies have slowed the resolution of the conflict in the former Yugoslavia. Indeed, in some ways policy decisions have given an unintentional boost to Serbia in its efforts to hold Yugoslavia together. Numerous international meetings have been held in an effort to bring the violence and bloodshed to an end. Serbia has participated in this process. However, little has been accomplished because Milosevic knows there are no real penalties for noncompliance. The U.N. General Assembly has voted 127 to 6 to deny Serbia and Montenegro the right to continue automatically in the seat held by the former Yugoslavia and declared the seat vacant. In addition, the United States, in response to a U.N. request, has begun providing the United Nations with documentation on specific atrocities being committed in the camps of the former Yugoslavia. I understand that several European countries soon will follow suit. Perhaps these actions will demonstrate to Serbia that the world does intend to impose real penalties for Serbia's policy of ethnic cleansing.

Dr. Kissinger also persuasively argues that the best solution in Bosnia would have been to "establish a U.N. trusteeship for Bosnia" rather than simply recognizing the independence of the former Yugoslav Republic. Tragically, it now is too late to take this type of step with regard to Bosnia. However, Dr. Kissinger correctly points out that it is still possible to prevent widespread bloodshed in areas where ethnic cleansing has not yet begun—in particular, in Kosova.

I support Dr. Kissinger's view that if we are to prevent what could become a much broader Balkan war, the United Nations should insist on autonomous status for Kosova and followup such a policy with a "joint air and naval command charged with developing rules of engagement and command structure." As one of the two congressional delegates to the current U.N. General Assembly, the resolution of the war in the former Yugoslavia and the future of a free Kosova will be high on my agenda. No one should be forced to endure the miserable life that has been inflicted on so many Yugoslavs.

Mr. President, I ask unanimous consent that the article written by former Secretary of State Henry Kissinger also be printed in the RECORD immediately following my remarks.

EXHIBIT 1

SIOUX FALLS, SD,
August 6, 1992.

Senator LARRY PRESSLER,
Russell Senate Office Bldg,
Washington, DC.

DEAR SENATOR PRESSLER: Tonight I was watching ABC Nightline News concerning the civil war in Bosnia-Herzegovina with Serbia. The big question was the concentration camps and what can be done. Having personally experienced concentration camps in Yugoslavia in 1945 under the Serbian direction, I feel, I need to speak up for my dead relatives and the starving, dying of today.

One of the best weapons the free world has to fight such sad happenings is to expose the evils. Expose the evil governments. When the honest press exposes such happenings, the evil has nowhere to hide. It is important that we make sure we do not use sensational press, for the evil governments know how to use that to their advantage.

Televisions, videos, is the best media to use to reveal the truth. One needs to overexpose the situation to the world, then nothing can hide.

I am a United States citizen. I was born in Apatin, Yugoslavia in 1940. My ancestors were Austrian-Hungarians. With wars this northern part of Serbia was shoveled between different countries. The people pretty much stayed the same. They learned the new countries' languages. They continued to live there and work there.

After World War II, Tito changed things. The Germans lost the War. Tito promised his followers vengeance for the German invasion of Yugoslavia. He promised them rewards. The reward was the German and Hungarian Territory of northern Serbia. Tito's excuse for vengeance was that those Germans sided with Hitler. Most didn't. My Father hid in grain, chimneys, attics, and Hungary, to avoid the German conscription.

The Yugoslavian government of 1945 made everybody, who had a German name, register with the authorities. People who had Hungarian or other name, or were of other nationality were exempt. Some of those people were of German ancestry, however, with being various countries throughout the years, some people had changed to more Hungarian or Serbian sounding names. First, the Russians took the young adults to Russia to slave labor camps to rebuild their country. Next came the older healthy men, who were used in the Yugoslavian slave working camps. The final group were the useless ones, young children and elderly, who were put into confinement.

They emptied out villages and put many people into one village, one house, one room. The entire village was guarded with machine guns. There one stayed till one died from starvation. First, the very young and elderly died of malnutrition. Then the ones in between. The ones who survived are the ones who learned to side with the oppressor or escaped with the price of their lives. One of the biggest crimes committed in the concentration camp was escaping from the camp, obtaining food through begging, and returning to the camp with the food to share with loved ones. Those who were captured committing this crime were publicly executed. Public executions were done with guns and the requirement of everybody in the concentration camp to be present there.

I was four years old when I was in the starvation concentration camp. I lost one set of great-grandparents and two sets of grandparents. I and my sister survived because of some help from nationalized name friends and the daring tactics of my father. By then the Russians had rejected the ill healthed slave labor workers and returned them to Yugoslavia. There they continued to be in labor camps.

Dear Mr. Pressler, please make our government and the world community aware Yugoslavia, Serbia, is capable of having concentration camps. It worked for them once, when the world was not aware of it. Please, push for truthful revelations. Please make the President, the Congress, and other officials aware that we need to expose the hidden evil happenings in what used to be Yugoslavia. Please don't leave this now unwritten like the past history of Yugoslavia.

Thank you for your attention.

Sincerely,

ROSE T. KENNELLY.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Sept. 20, 1992]

HOW TO PERSUADE SERBIA THE WORLD MEANS BUSINESS

BALKANS: WHAT'S NEEDED IS A COHERENT PROGRAM TO MULTIPLY POLITICAL AND ECONOMIC PRESSURES ON BELGRADE

(By Henry A. Kissinger)

It seems only yesterday that conventional wisdom was declaring nationalism "outdated," the integration of nations inevitable, another Europe an war inconceivable. Yet all these impossibilities are unfolding in Yugoslavia, including a new addition to the vocabulary of inhumanity-"ethnic cleansing."

I have great sympathy for the proposition that the consciences of democratic societies require some stand regarding the Bosnian barbarity. But implementation requires analysis of ends and means.

Three conceivable goals exist: imposing peace and restoring the pre-civil war borders of each Yugoslav republic; putting an end to human-rights abuses, especially ethnic cleansing, and preventing a new round of hostilities in such areas as Kosovo, which could expand into an international war.

The restoration of pre-war borders would require a large expeditionary force prepared to remain indefinitely and to accept serious casualties. No nation capable of affecting Serbian calculations is prepared to undertake such a mission.

Putting an end to ethnic cleansing and concentration camps should be the moral objective; preventing an escalation of the crisis beyond the borders of Yugoslavia the political goal. Up to now, the democracies' failure to understand the special conditions of Yugoslavia has enabled the Serbian leaders to create one fait accompli after another.

The Western democracies, with the best of intentions, made the likely inevitable. At first, they supported a more decentralized version of the unified Yugoslav state, largely because its breakup might have set unwelcome precedents. At the same time, the democracies imagined that, if a loose federal system did not work, autonomy for the republics could evolve gradually into full independence.

Each fanatical side interpreted the democracies' ambiguities as support for its own position. The word "autonomy" encouraged the constituent republics to speed their independence. The phrase "outdated nationalism" encouraged the Serbs to expect tolerance for their use of force to hold Yugoslavia together. Serbia, which deserved most of the blame for ethnic cleansing, received another unintentional boost when the democracies imposed an arms embargo against all parties. This gave a huge advantage to the heavily armed Serbs, who, in addition, possess an extensive armaments industry.

The U.N. cease-fire in Croatia, negotiated by Cyrus R. Vance, former U.S. secretary of state, had the practical effect of confirming Serbia's conquests. Though theoretically entitled to do so, no Croat would return to territory technically U.N.—controlled but, in fact, still dominated by Serbian military and para-military ethnic cleansers.

At the same time, the cease-fire saved thousands of lives and, perhaps more crucially for the future, established a vital precedent. The limit of U.N. control has established a dividing line across which further Serbian advances can be resisted by the international community, if the will for it exists. In short, some political demarcation in Bosnia and elsewhere is the precondition for outside intervention, political or otherwise.

All this was but a prelude to the nightmare awaiting in Bosnia-Herzegovina. Having delayed too long to recognize Croatia and Slovenia, thereby creating a gray area for Serbian intervention, the international community rushed to the recognition of Bosnia-Herzegovina. But Croatia and Slovenia were ethnically definable territories; recognizing them-even after the Serbian invasion-created a precondition for demarcation lines along ethnic boundaries. Bosnian nationality, on the other hand, was the invention of international lawyers.

In retrospect and with perfect hindsight, a determined international community should have tried, before recognition, to establish a U.N. Trusteeship for Bosnia. A checkerboard cantonal arrangement might have been sought, with large areas of self-government for the various communities. Such an arrangement could have established ground rules in the name of which "ethnic cleansing" might have been resisted.

All these proposals are put in the conditional, because their implementation would have had to depend on a heretofore missing ingredient: the pressures the international community would be prepared to employ. Periodically, the warring Yugoslav parties are called to meet in international forums—now by the European Community, now by the United Nations. Nothing has ever come of these meetings, because Slobodan Milosevic knows there are no penalties for non-compliance.

The new negotiation between and parties conducted by Vance and David Owen, former British foreign secretary, has the best conceivable leadership. But the problem must not be dumped on the shoulders of the negotiators and even less on the intractable parties. Those nations will to act should put forward a political program. If they are unwilling to do this much, there is no basis for any serious negotiation, let alone for military intervention.

The program for Bosnia should have three components: U.N. trusteeship, cantonization and placing all detention camps, of whatever party, under immediate international supervision. Since these goals will never be accomplished without pressure, the cooperating nations should give a deadline, say 30 days, after which they would lift their arms embargo against any former Yugoslav republic cooperating with their proposal, including Bosnia. Simultaneously, the economic sanctions against Serbia should be tightened. Severe economic penalties should be organized against those of Serbia's neighbors helping it to evade U.N. sanctions. Nothing less will convince the parties that the outside world means business—at last.

There is much idle talk about military intervention in Bosnia. There is next to no basis for it. Within Bosnia, the military contest is nearly over. To reverse the situation, major ground forces would be required. Every NATO leader has assessed ground operations as being too costly. Nor has any outsider ever managed fully to conquer the area, especially once Serbia was militarily involved. What is most needed is a coherent program to multiply political and economic pressures, and to increase the cost to Serbia to continued warfare by removing the arms embargo against victims of Serbian aggression.

There exists, however, a danger not yet overtaken by events for which the preparation of some military response seems essential. The democracies must not miss the boat a third time in areas where ethic cleansing has not yet begun. Kosovo is the most critical. It is perceived by Serbia as the origin of its national and poetic history due to a heroic defeat suffered there against the Ottoman Turks in 1389. As a result of that disaster, the Serbian population was pushed progressively north and today numbers barely 20% of the Kosovo total. The remainder is mostly Albanian Muslims.

If ethnic cleansing were to start in Kosovo, the risks of its becoming international would be grave. Albania has a common border with its compatriots in Kosovo. Turkey is not likely to permit another round of "ethnic cleansing" of Muslims without injecting assistance. Macedonia, Bulgaria and Greece could become involved as they have in previous Balkan wars.

Serbia must be given to understand that the world will not tolerate a Balkan war over Kosovo, and that an attempt to repeat the pattern of Croatia and Bosnia will make international retaliation against Serbia itself unavoidable. The only way such a threat will be believed is if the United Nations insists on an autonomous status for Kosovo and organizes a joint air and naval command charged with developing rules of engagement and command structures.

But if we want to avoid being faced down again, it is important that a coherent strategy be developed first. The haphazard round of ad hoc conferences needs to be replaced; military measures—if used at all—must be related to agreed political principles. It is dangerous to talk of one-shot bombing raids or of attacking specific targets like bridges or munitions plants unless one knows how far one will go. Otherwise, one runs a grave risk of fulfilling Bismarck's warning: "Woe to the statesman whose arguments at the end of a war are not persuasive, as they were at the beginning."

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,045,041,387,267.48, as of the close of business on Friday, September 25, 1992.

Anybody familiar with the U.S. Constitution knows that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on Federal spending approved by Congress—spending over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $15,748.10—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

ALCOHOL ABUSE

Mr. PRESSLER. Mr. President, I rise today to inform the Senate that during the period following the forthcoming adjournment of the Congress, I plan to study the growing problem of alcoholism. I plan to visit with Federal and private sector officials about alcoholism and the most cost-effective alcoholism treatment options.

Alcoholism has destroyed many lives. Fortunately, many have sought help successfully through Alcoholics Anonymous, private treatment centers and the Veterans' Administration.

The treatment cost for alcohol abuse is enormous. In 1992, the VA alone spent $418 million on substance abuse programs. I want to find out whether this could be done in a more cost-effective manner.

We all know that Federal resources are limited. My goal is to find the best way to help the most people deal with the deadly problems of alcoholism.

I look forward to addressing the Senate on this issue again in the future.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:38 p.m., the Senate recessed until 2:17 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ADAMS].

EXECUTIVE SESSION

THE START TREATY

TREATY DOCUMENTS NOS. 102-20 AND 102-32

The PRESIDING OFFICER. Under the previous order, the Senate will return to executive session to continue with the consideration of the START Treaty.

The clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 45, Treaty Document No. 102-20, treaty with the Union of Soviet Socialist Republics on the reduction and limitation of strategic offensive arms, the START Treaty (Treaty Document No. 102-20).

Calendar No. 46, Treaty Document No. 102-32, protocol to the treaty with the Union of Soviet Socialist Republics on the reduction and limitation of strategic offensive arms (Treaty Document No. 102-32)

The Senate continued with the consideration of the treaty and the protocol.

The PRESIDING OFFICER. Under the previous order, the Senate stands in executive session, and the Senator from Rhode Island is recognized to proceed.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I would like to briefly explain the amendment that I will offer to the resolution of ratification to the START Treaty.

I met just this morning with a group of ranchers from western South Dakota. Some might ask, what do ranchers in western South Dakota care about an arms control treaty with Russia and other countries?

Well, it happens that there are launching silos in which ICBM missiles were deployed in western South Dakota. Those missiles will be removed and after the missiles are removed the treaty says that the silos must either be blown up or excavated. This could hurt the water supply in western South Dakota.

There are many artesian wells which supply the small communities and ranches in that part of my State with water. The blowing up of the missile silos could result in ruining the environment for the ranchers and small cities and towns in western South Dakota.

It is somewhat ironic that this good news, this wonderful news of an arms control treaty, which I do support, could have the result of these ruining wells and aquifers. The towns in western South Dakota pump water out of these aquifers. The artesian wells in the area naturally push water upward.

Thus, for example, when many of the silos were built, artesian water flowed into them, they had to be pumped out, and measures designed to keep them drained had to be installed. The point is that the missile silos and the water supply in western South Dakota are very closely linked.

For this reason, my amendment provides that the issue of destroying these missile silos be placed on the agenda of the Joint Compliance and Inspection Commission established by the treaty so that technical experts can figure out a way to destroy the silos in a way which would not pollute the waters of western South Dakota.

Of course, this has a bigger effect than just on the ranchers there. This water goes into the Oglala Aquifer upon which States other than South Dakota also depend for water. Some of the water that could be affected eventually flows into the Missouri River, which flows all the way into the Mississippi and throughout the United States.

So it is an environmental problem. However, it is one that is solvable. There are methods that can be used to assure the Russians that we will not put any missiles back in these silos at some point, but that will not do damage to our environment. The Russians must do the same thing. I would guess maybe they have some of the same problems, although maybe their missile silos are not located near major water supplies.

But that is the purpose of my amendment.

I thank my colleague from Wyoming, and my colleagues from Indiana and Rhode Island, for their understanding. Our staffers are working out language on this esoteric subject which has brought the ranchers of western South Dakota into international diplomacy.

I thank my friends from Indiana and Rhode Island for their assistance in getting the amendment up at the proper time, and I shall be standing by waiting for their call.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from South Dakota for offering these words of explanation.

As he has correctly stated, his amendment will be a declaration to the articles of ratification. Hopefully, after all amendments to the treaty have been completed, we will move then to the articles of ratification and his amendment or his declaration will be in order at that time.

I would indicate on our side of the aisle, I have been working with the distinguished Senator, and I think that is true of the chairman of the committee, so that it may be possible at that time to accept that declaration.

I thank the Chair.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. This is an excellent amendment and one that I think is needed by the people of South Dakota.

When the time comes, I look forward to accepting it on this side of the aisle.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I intend to vote against the proposed START Treaty for several reasons. I believe it is unequal, it is destabilizing, and it is unverifiable, to summarize succinctly.

Moreover, START is not an arms reduction treaty at all, as it has been advertised as if you just read about it in the paper or saw it on TV. It is billed as some kind of an arms reduction treaty. But START does not require the destruction of a single ballistic missile or a single nuclear warhead. And, further, START allows the continued mass production and retention of an absolutely unlimited number of new ballistic missiles and nuclear warheads. This is not an arms reduction treaty; it is an arms production agreement.

Unfortunately, in addition to these flaws of START, there is still a pattern of violation of all existing control of treaties by the former Soviet Union.

Mr. President, I want to say at the outset that I do not criticize Russian President Boris Yeltsin, his reformist leadership, or the marvelous things we have seen happen in the former Soviet Union in the past 2 years. I welcome to see the crumbling of the former Soviet

Union, what President Reagan so correctly used to refer to as the Evil Empire.

But I do think that we cannot be naive in the world we live in and think that there may not be some restoration of some form of a dictatorship, whether it be a fascist dictatorship, a restoration of the old hard-line Communist dictatorship, or an authoritarian military dictatorship that would like to restore the military might of that region of the world.

So I think the United States needs to be cautious and careful in its deliberation and be very sure that all Senators are keenly aware of the details of what is in this treaty.

In addition to the flaws of START, there is still a pattern of violations of all existing arms control treaties by the former Soviet Union.

There are even some new arms violations by the former Soviets. For example, the Russians are reneging on allowing the agreed on-site inspection procedures under the new Conventional Forces in Europe or CFE Treaty. Moreover, there has even been a recent Russian-Kazak violation of the proposed START Treaty in regard to illegal ICBM telemetry encryption.

In addition, it will take the former Soviets decades to destroy the huge illegal stockpiles that they have amassed in complete violation and disregard of the 1972 Biological Weapons Convention. Even the State Department concedes that these are new Soviet violations of the CFE, Biological Warfare, and START Treaties.

These new Soviet arms control treaty violations also include ever more serious Soviet violations of the 3-year-old Intermediate-range Nuclear Force Treaty, and the gross Soviet deception on the data regarding their ground forces in the recently implemented Conventional Forces in Europe Treaty.

Mr. President, in my view, this pattern of confirmed and even new Soviet arms control cheating should preclude the ratification of any new arms control treaties.

As I said, now that President Yeltsin is a democratically elected President of the Russian Federation, he has told the American Congress that there will be "no more lies, ever" in Russian foreign policy and I think that he personally wants it that way. But the lies, the deception, the cheating continue. And I have to say, why? Why does it continue?

The reason it continues is because the Russian military is still controlled by the old hardliners who are putting pressure on Yeltsin. As long as he is in power we may be all right. But how long will he be in power? What will the situation be in 4 or 5 years? You have to remember that the structure that is in power in the former Soviet Union military, now the Russian military, they were raised on the doctrine that you tell the West anything that you can tell them to get what you want. And misrepresenting the truth—or as we would call it, lying—is not considered any kind of bad conduct. It is considered that you operate that way; that is just standard operating procedure.

Mr. President, an analysis of the provisions of the proposed START Treaty suggests that START will have essentially the same basic fatal flaws as its predecessor treaties—the Strategic Arms Limitation Treaties—SALTS I and II—primarily unequal levels of forces favoring the Soviet Union. Thus unequal United States and Soviet strategic forces under START will result in the perpetuation of the existing and longstanding Soviet strategic superiority over the United States. That is really what we are talking about. Why should we enter into a treaty that leaves the framework for a nuclear strike force over and above what the United States has?

We probably should be here debating why we should be deploying the SDI, instead of debating some kind of treaty. It would make a lot more sense and would probably bring a lot more comfort to the American people if Congress were addressing moving forward with a strong strategic defense initiative, so we would have that no matter who is in power or who gains control of some of these missiles—what countries may have them in the future—because almost anything, I would say, is for sale in the former Soviet Union. Anyone with cash can buy practically anything over there because there is such a starvation and clamoring for hard currency.

So the stage is set for a great deal of movement of some of these weapons, even to other countries. We should be focusing on doing something to defend ourselves rather than focusing on some so-called treaty that I feel personally has not had the proper scrutiny that it needs.

If I had my way we would set this aside and the Senate could do this next year in the early part of the year when we could take the time and go through it chapter and verse; go through an extended period of hearings and see what has happened and have a little more time to see what is happening in the former Soviet Union in terms of what kind of government they will have, the kind of direction they are going to have for their leadership.

The Soviets have already expanded and preserved their existing and longstanding strategic superiority through SALTS I and II. Thus the former Soviet strategic superiority and the consequent growth of former Soviet nuclear blackmail capabilities have naturally forced continued United States negotiating concessions in ongoing strategic arms negotiations. These United States concessions have achieved ever greater Soviet strategic superiority, which naturally will again be recodified in START.

Thus START will again increase Soviet strategic superiority, as SALTS I and II did before it.

I want to go through the 10 fatal flaws of START. The 10 main defects or fatal flaws of the proposed START Treaty all enhance existing Soviet strategic superiority. They can be listed in summary form as follows:

No. 1, START will fully legalize Soviet heavy, extra-heavy, super-extra-heavy, and mobile missiles, that violated SALT I and SALT II, giving the Soviet enormous military advantages.

The Soviet heavy SS–19 intercontinental ballistic missile [ICBM] has been judged to have violated SALT I. The Soviet SS–24 extra-heavy ICBM and the Soviet extra-heavy SS–N–23 submarine-launched ballistic missile [SLBM] both have been judged to have violated SALT II. And the Soviet super-extra-heavy SS–26—also known as the SS–18 Mod 5—ICBM was developed and flight-tested in violation of SALT II as well.

But due to major American negotiating concessions, all four of these illegal heavy, extra-heavy, and super-extra-heavy missiles will be totally legal under START, thereby greatly increasing already existing former Soviet advantages in first-strike, counterforce capabilities.

I do not think that is a comfortable place for us to be as a country.

In addition, the Soviet SS–25 light, mobile ICBM violated SALT II in several ways, but it too will be made fully legal under START. These missiles were found to have violated SALT I and SALT II by the Reagan and Bush administrations, on the basis of strong intelligence evidence.

Moreover, the former Soviets supplied data on the characteristics of their missiles in START which has actually confirmed these violations.

Thus START will fully legalize five missiles which were clearly illegal under the two previous strategic arms control treaties.

Point 2: With START, the Soviets will achieve a significant bonus in total nuclear warheads, because of United States concessionary agreements allowing the serious undercounting of soviet missile and bomber warhead loadings.

The proposed START Treaty ostensibly allows only 1,600 deployed strategic nuclear delivery vehicles [SNDV's]—ICBM launchers, SLBM launchers, and long-range bombers, carrying a total of only 6,000 nuclear warheads attributed to these delivery vehicles, on each side.

But under START, the former Soviets can actually have, with complete legality, almost 4,000 extra nuclear warheads for their ICBM's, SLBM's, and long-range bombers above the START warhead level of 6,000 on each side.

Mr. President, it just seems to this Senator it would make more sense for us to be taking our Soviet aid package and buying some of these missiles from these people and dismantling them and seeing that that happens, rather than signing an agreement that leaves thousands and thousands of nuclear warheads in a part of the world that historically has always had a dictatorship. Remember, only recently has anyone been democratically elected, freely elected in the Russian republic. We do not know what the future holds.

This former Soviet warhead bonus of almost 4,000 extra warheads arises quite simply because the Soviets have secured United States agreement to seriously undercount their number of warheads carried on several types of Soviet ICBM's, SLBM's, and long-range bombers.

I think that is a point we should all consider. What are we talking about? We have allowed them to undercount the warheads.

Specifically, according to official unclassified information, Soviet SS-18 ICBM's are undercounted by about 1,233 warheads, Soviet SS-N-18 and SS-N-20 SLBM's are undercounted by a total of about 1,566 warheads, and Soviet Blackjack and Bear H air-launched cruise missile [ALCM]-carrying bombers are undercounted by a total of about 1,110 warheads. This deliberate undercounting is called down-loading.

This undercounting results in a total Soviet START missile and bomber warhead undercounting of about 3,909 nuclear warheads.

When these approximately 4,000 bonus warheads are added to the 6,000 warhead START ceiling, the Soviets will have a total of about 10,000 warheads. Thus under START, the Soviets can quite legally have at least about 10,000 nuclear warheads. But as we shall see, they can and will have even more.

Point 3, another fatal flaw. With START, the Soviets also get another significant bonus from allowed stockpiled forces that do not count.

Under START, the Soviets can also legally keep about several thousand more extra warheads on several thousand ICBM's, SLBM's, and long-range bombers that are in the allowed but uncounted categories of being either nondeployed, obsolete, inoperable, nonstrategic, or already stockpiled.

START allows an unlimited number of nondeployed missiles to be produced and retained. All of these categories of Soviet missiles and bombers are thus excluded from counting in the Soviet force totals due to further concessions that we made. This bonus gives the Soviets another approximately 2,000 more totally legal extra warheads.

Mr. President, if you are not concerned that those warheads may be used on us, I think we should be concerned about whose hands those warheads end up in. This is just a total offshoot from the entire discussion with respect to the treaty. But if we are planning to leave that kind of nuclear weapons, viable warheads, legally in the former Soviet Union, in the Russian republic and the other republics that have nuclear forces under their control, with the current ruble meltdown that is taking place, with the potential for civil wars breaking out all through the 15 republics of the former Soviet Union, we are leaving I think a very untenable and a dangerous situation.

Potentially, with an unlimited number of nondeployed missiles that the former Soviets are allowed to produce and keep, they could have many more than 2,000 extra warheads in this category and it does not take silos or trucks to launch these nondeployed missiles. They can be launched from any road or parking lot or flat area, from their own launch canisters.

Therefore, when we add about 10,000 warheads that the Soviets already quite legally retain to these 2,000 also legally excluded warheads, the former Soviets, Mr. President, will have 12,000 warheads—12,000 warheads.

I want to repeat that so that my colleagues understand what this treaty leaves the former Soviet Union. The former Soviet Union can legally have over 12,000 nuclear warheads under START. The Soviets thus can have over twice as many warheads under START as the United States ostensibly will allow. It will have twice as many warheads under START as START supposedly allows them to have.

Therefore, under START, the Soviets can legally have more than double the 6,000 warheads they are allowed under START, to give them 12,000, without even cheating or maintaining covert forces merely due to the multiple concessions that the United States has made, allowing the Soviets significant advantages in missile-bomber warheads counting rules.

These United States counting rule concessions have allowed the Soviets to exclude at least 6,000 warheads or twice their legal allocation. Both the CIA and the House of Representatives Committee on Armed Services have written reports, classified and unclassified, which concur, Mr. President, with this assessment. This just is not me talking. These are concurring reports from the CIA, classified, and the House Armed Services Committee, unclassified.

Fatal flaw 5. It means that the former Soviets can also have twice as many warheads under START as the United States can have under START, which means START clearly codifies unequal levels of forces. START thus clearly entails unequal levels of forces between the United States and the Soviet Union. Under START, the former Soviets can have more than 12,000 totally legal nuclear warheads. But under START, the United States can have only 6,000 warheads. Due to U.S. strategic program decisions already made resulting in U.S. unilateral disarmament, the United States actually plans to have only about 5,000 warheads and that may well be plenty. If we can have the proper accuracy, I am certain it is a deterrent that is nothing for anyone to take lightly.

But START explicitly codifies over a 2-to-1 advantage for the former Soviet Union in clear violation of the Jackson amendment to SALT I. The SALT I Jackson amendment required equal levels of United States and Soviet strategic forces under START. But the Jackson amendment is being torn up by the proponents and negotiators of the unequal START Treaty.

In sum, under START the Soviets can legally maintain more than twice as many warheads as are allowed in the United States. And I pose the question again to my colleagues: Do we really know where those 12,000 warheads will end up? Who will eventually own those warheads? Will they be protected, or will they be sold for hard currency on the international market so that every outlaw bandit in the world will have his own nuclear arsenal?

In addition, the former Soviets are allowed a significant covert force capability above the doubling of their allowed START level. That is fatal flaw No. 6.

In addition to the Soviets' legal allowance for over 6,000 extra warheads, the Soviets have been allowed under START to maintain their capability to covertly and illegally keep almost 2,000 more strategic nuclear delivery vehicles carrying several thousand warheads totally outside the START level.

For example, they can keep their already illegal 200 covert SS-16 mobile ICBM launchers, several hundred covert ICBM launchers at test ranges, thousands of older ICBM's and SLBM's which have been replaced by retrofits of newer missiles and are covertly stored, over 400 existing intercontinental Backfire bombers, plus another 100 newer intercontinental Backfires also allowed outside of START, over 200 Bear naval and older variants of the intercontinental bombers and several thousand more warheads carried on these covert Strategic Nuclear Delivery Vehicles which are completely excluded from the START constraints.

The history of the deception from that part of the world and confirmed cheating in arms control treaties suggests that the former Soviets intend to maintain significant illegal covert START forces. For example, United States intelligence has confirmed that the Soviets have covertly and illegally retained hundreds of banned SS-20's, SS-12's, SS-4's, SS-CX-4, SS-23 INF missiles that they never declared and never destroyed.

So I pose the question again: Where will they end up? Will they actually be parked in the bone yard and become so inoperable that they are no threat to anyone, or will they be clandestinely marketed for cash by people who have control of them in the lawlessness that is breaking out in that part of the world? I think that is a question we should ask ourselves.

Fatal flaw No. 7, Mr. President. The Soviets will thus actually be able to maintain several thousand covert warheads above their already double START level. They have, therefore, also succeeded in gaining United States START concessions explicitly allowing these covert Soviet strategically delivered nuclear vehicles and several thousand more warheads, all to be covertly excluded from the START constraints.

In light of the confirmed fact that we know the Soviets retain significant illegal covert forces under the INF Treaty—we know that now, Mr. President. It all came out. This was in the Gorbachev era, when everyone here was having a love affair with Mikhail Gorbachev and the American media particularly was having a love affair with Mikhail Gorbachev. I think he was made Time magazine's man of the decade, as a matter of fact. But while that was going on, they were covertly hiding missiles for which they had signed the INF Treaty and sworn to destroy, and it later came out with the collapse of the former Soviet Union that some 120 of these missiles had been covertly hidden, when they should have been declared under the INF Treaty and destroyed.

This is what we are dealing with. When you include those covert forces numbering at least 3,000 warheads on top of their legal 12,000 warheads, they will have around 15,000 warheads and we will have 5,000.

Now, I am sure my colleagues will say, well, 5,000 is enough. Maybe it is enough. I would feel more comfortable spending some more money to build a defense for this country from a stray missile that might come from one that is sold somewhere in the future to some smaller country that wanted to raise a ruckus than I would worrying about rushing through the Senate a treaty that will make very little difference in terms of the nuclear reduction. It will make no difference in terms of the reduction and will leave them with 15,000 warheads to our 5,000.

Fatal flaw No. 8: START will more than double the existing Soviet first strike advantage.

This is a very serious matter. I think Senators should take it seriously. The gross asymmetrical force structure, resulting first from the mostly unilateral United States strategic force cutbacks in the proposed START Treaty, and secondly from the Soviet capability to legally maintain over 6,000 warheads and at least 3,000 more covert warheads, when combined with the unequal United States-Soviet targeting requirements, will thus make it much easier for the former Soviets to strike the United States first with nuclear weapons against American missile bomber and submarine bases. Because as we are shrinking our force, they are going to have a twice-the-size force.

Thus START will make it much more easy for the Soviet Union to hit the United States first, because START will not even reduce existing former Soviet quantitative strategic advantages or constrain the significant modernization of several kinds of missiles, bombers, and nuclear first-strike weapons that the former Soviets possess, and that we do not possess and we will not possess.

For example, under START they could have more than 15,000 warheads available for a first strike in order to attack only about 1,500 U.S. strategic targets, thereby giving them an advantage of 15 to 1 on a first-strike advantage. This Soviet advantage more than doubles the already existing Soviet or former Soviet 6 to 1 first-strike advantage.

I know the critics will say, well, that does not make any difference because they are so economically constrained and strapped and wrapped that they cannot do this anyway. Some of these missiles seem to be on a stand-down condition.

That may well be true today but what does the future hold? I say to my colleagues why should we enter into some kind of agreement that we do not have to enter into, that we really get nothing out of? Why do we not just run our own defenses, build our own defenses the way we think we need them, and try to, as the saying goes, bomb them with Sears' catalogs so they can learn about how to enjoy the fruits of capitalism and freedom?

Why is it that we are going into a treaty because it looks good here at home, when the American people really are not aware of what the treaty does? It sounds good and everybody likes the feeling of having a treaty with our former adversaries under the guise that it is reducing the numbers of nuclear weapons in the world when, in fact, it leaves our former adversaries with 15,000 warheads.

Fatal flaw No. 9: START will also allow further former Soviet modernization of their forces to even further enhance their first-strike advantage. That is, in part, due to the U.S. concessions.

Under START they will be allowed to significantly modernize all of their strategic missile and bomber forces, and we will effectively be denied the same qualitative modernization options. Of course the fact of the matter is what we all know to be the truth, our B-52 force is now, very soon, approaching 50 years of age. We had developed in the eighties the newest, most modern, manned bomber in the world, the B-2. But this Congress unilaterally decided not to build it, unilaterally made a decision we will only build 20, if we get that many.

So we have made those decisions here. I see no reason why we need to sign a treaty that allows them, in fact encourages them, to modernize their forces when the U.S. Congress is already very capably unilaterally disarming the United States of America.

I made the comment in the Budget Committee earlier this year as I watched the slicing away—fortunately we saved the President's number in the Senate, not that it ended up that way, but we did do that job in the Senate. But I made the comment it took the U.S. military 43 days to decimate the world's fourth strongest military power. The way the U.S. Congress is operating, it will take them far less than 43 days to decimate the finest military organization in the world; that is, the one that is proudly that of the United States of America.

The 10th final flaw, Mr. President, is: START will not be effectively verifiable. United States intelligence knows that the former Soviets have cheated and, most likely, the odds are that those people in the military that will be responsible for the operation and the maintenance and the care of these missiles, bombers, submarines, et cetera, will cheat again. They have been raised that way. There is no reason to think that they will want to honestly show the world what they have.

Even with an augmented U.S. technical means of START monitoring and verification capabilities, and even with extensive U.S. onsite inspections and other so-called verification measures under the proposed START Treaty, START will still not be effectively verifiable. The START verification regime is full of loopholes inserted deliberately by our former adversaries in order to simplify their cheating. They knew what they were doing when they were working this START Treaty.

It already has been confirmed—the history of the deception from the former Soviet Union—cheating on all existing arms control treaties, including fraud in the inducement of SALT I, SALT II, and INF Treaty, and the Conventional Forces in Europe Treaty, the deception on arms control data; falsification of data on all these treaties and other serious, confirmed Soviet cheating on SALT I, II and the INF Treaty, the proposed CFE Treaty, all together suggests that there has been a persistent pattern of cheating on START, and the United States will continue to have great difficulty in detecting deception and cheating under START.

The facts are that the Soviet mobile missile, ICBM's, constitute 22 percent of the Soviet legal allowance for strategic delivered missiles under a possible START Treaty. These mobile ICBM's carry about 13 percent of the Soviet legal allowance for nuclear warheads under START. SS-25 road mobile ICBM's are carried on truck launchers almost identical to the Soviet supplied Scud mobile truck launchers deployed in Iraq that are so extremely difficult for us to detect, using both satellite and aerial reconnaissance. It is almost impossible to detect those. We should have learned that lesson in the Gulf.

It is clear that the United States will not be able to effectively monitor and verify the road mobile ICBM deployment over a much larger area that is present in Russia under START using only satellite reconnaissance. It is impossible, Mr. President. It cannot be done.

Given the fact that the Soviet SS-24 rail mobile and ICBM's deployed on deceptive rail appear identical to normal civilian trains, the U.S. intelligence community has reportedly concluded, in a formal written assessment, that it will be impossible to effectively monitor and verify the SS-24 rail mobile ICBM deployment under START. It cannot be verified.

So what is it we are trying to get? I ask my colleagues, what are we trying to get out of this treaty, rather than something that makes everybody feel good here at home, when it has absolutely no impact on the safety and security in my opinion of the American people?

The greatest thing we could do to do something for our own security, Mr. President, is to help the Russian people, and the people in the other former Republics and the other Republics of the former Soviet Union, to develop a system where they have a sound currency and private ownership of their property so they can get a stake in the world that they live in, and they have some reason that they want to maintain a peaceful secure relationship with those of us in the West.

But, to sign some treaty and try to tell people that this is going to help anybody, I just find it is unbelievable for this Senator. I cannot understand how it is that we end up continually coming back to the table to do this same drill over and over again when there has been a pattern of cheating, a pattern of deception. Throughout the 20 years that I have been here in the Congress, there has never been a treaty signed with the former Soviet Union they did not cheat on. There has never been a treaty signed that really gave us any distinct advantage. We always had to do what we had to do. We restored the technology, the training, the morale of our troops, and of our equipment.

And we demonstrated that we had the ability in 1991 to very effectively carry out the political goals of the United States of America in the Free world. That had absolutely nothing to do with any agreements we had ever entered into that dealt with arms control.

We should reemphasize that the START mobile missile monitoring areas in the U.S.S.R. are several times larger than the Scud monitoring areas in Iraq, which are already about the size of several large United States States; and instead of being the largely open desert, the Soviet mobile missile deployment areas in the former Soviet Union are mostly in forests, where camouflage and concealment is much easier to facilitate.

There are also many more monitoring and verification problems with START which will emerge as more details about the START become known.

There will be so many problems with verification. In sum, what I am saying, Mr. President is that there are at least 10 serious defects in this draft as far as I am concerned. Even those 10 fatal flaws in the START are only the tip of the iceberg of the problem with the START Treaty. Many more defects and flaws will emerge as more details about START become known.

I compliment my colleague from Wyoming and his staff, who has spent an enormous amount of time working on this to develop a very logical, rational reasoning behind a go-slow attitude in confirming this treaty. I believe there are several amendments to this treaty, or at least conditions that must be accepted by both sides before this should ever be ratified.

The START Treaty will be more destabilizing than SALT II. It is true that the economy of the former Soviet Union is in shambles right now. It is also true, Mr. President, that the potential in that country with the wealth that they have, inherent wealth, of the resources and the people, that under better leadership they could again restore some stronger economic well-being; and if the wrong people are in control of this military, they could recorral those military efforts and restore their ability to be a super military power again. And the cheapest military that they can maintain happens to be their strategic nuclear strike forces. That is where they can put some well-trained people and just a few people and a concentration of assets, and they can create havoc in the rest of the world if those missiles, bombers, and submarines come into the wrong hands.

To run a massive land army, I would agree that for them to try to attack into Western Europe today with their land army, it would be impossible. They would be decimated at the hands of the NATO forces in conventional warfare. But that is not to say that their SS-18 missiles cannot be fired with some degree of accuracy, and the huge, heavy megatons on those warheads are very destabilizing to world peace and freedom.

Currently, the START Treaty will clearly enhance the Soviet first-strike capability. The proposed START Treaty will thus further erode the survivability of the U.S. retaliatory deterrent capability. Indeed, by allowing a further increase in the overwhelming former Soviet first-strike capability—it is correct to say it was developed by the Soviets and is still in the hands of the former Soviets, and in the hands of some of the same military personnel that helped develop it—the proposed START Treaty seems to be worse and more destabilizing than SALT II, which the United States, I might add, refused to ratify, because it was felt that it was destabilizing.

Here we are on the eve of the election rushing in to ratify another treaty. These new Soviet arms control treaty violations include ever more serious Soviet violations of the 3-year-old Intermediate-range Nuclear Force Treaty, and gross Soviet deception in the new Conventional Forces in Europe Treaty. This pattern of confirmed and new Soviet arms control cheating should preclude the ratification of any new arms control treaties.

I will summarize the 10 reasons why I think we should not do this:

No. 1. START will fully legalize heavy, extra heavy, super extra heavy, and mobile missiles, that violated SALT I and SALT II, giving the former Soviets enormous military advantages. About the only part of their military that they are going to be able to hold together under the current economic system is their nuclear strike forces.

No. 2. With START, the former Soviets will achieve a significant bonus in total nuclear warheads, because of the United States concessionary agreements allowing the serious undercounting of former Soviet missiles and bomber warhead loadings.

No. 3. With START, the former Soviets also get another significant bonus from allowed stockpiled forces that do not count.

No. 4. The former Soviets thus can have over twice as many warheads under START as START ostensibly allows.

Fatal flaw 5. The former Soviets can also have twice as many warheads under START as the United States can have under START, which means START clearly codifies unequal levels of forces.

That is a matter of principle with me, Mr. President. We may have all of the nuclear weapons we think we need, but why should we be signing an agreement with our former adversaries who still, incidentally, have those missiles targeted on the United States. We are still the target for all of these missiles. Why should we be going into a treaty and telling the American people that somehow this means a reduced level of forces, when in fact it codifies them to be able to have twice the amount that we will have?

Fatal flaw No. 7. The Soviets will thus actually be able to maintain several thousand covert warheads above their already double START level.

I think I left out No. 6, Mr. President, where the Soviets are allowed a significant covert force capabilities above their doubling of their last START level.

Fatal flaw 8. Under START, they will double the existing former Soviet first-strike advantage.

Fatal flaw No. 9. START will also allow further former Soviet modernization of their forces to even further enhance their first-strike advantage.

Fatal flaw No. 10. START will not be effectively verifiable, and United States intelligence knows that the former Soviet Union has cheated and cheated and cheated on every treaty we have signed with them.

Mr. President, I will have more to say later and more to insert into the RECORD, as this debate goes on.

I ask unanimous consent to have printed in the RECORD a full analysis of the current and new violations, together with a detailed and extensive treatment of the 10 fatal flaws that I have summarized here today; the second is an unclassified State Department analysis of the Soviet SS-18 launches over Hawaii in the fall of 1987. The third analysis which is an analysis of confirmed Soviet deception and cheating with regard to many heavy ICBM's; and the fourth which is a detailed analysis of the SS-25 mobile missile loophole in START.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE TEN MAIN DEFECTS OF THE PROPOSED STRATEGIC ARMS REDUCTION TALKS—START TREATY

(Staff Study, U.S. Senate)

INTRODUCTION

Winston Churchill's skepticism during the 1920s and 1930s about the utility and effectiveness for the United Kingdom of Great Britain of arms control treaties for safeguarding world peace is well known, and it still has relevance today.

Winston Churchill believed that arms control treaties weakened Western democracies, and therefore did not help to preserve peace in the face of military build-ups by eastern authoritarian regimes. Churchill believed, therefore, that only deterrence through unilateral military capabilities best served to enhance peace.

Churchill stated the following in 1934 about proposed British-Nazi arms control agreements to the British House of Commons:

"If you wish to bring about war, you bring about such an equipoise that both sides think they have a chance of winning. If you want to stop war, you gather such an aggregation of force on the side of peace that the aggressor . . . will not dare to challenge."

In 1947, Churchill restated:

". . . When both sides believe they are more or less equal, then each thinks it has a good chance of victory."

Here is the relevance for today of Winston Churchill's skepticism about arms control treaties—What if the former Soviets could exploit an ostensibly equal START Treaty in order to achieve a superiority capable of upsetting an assumed equilibrium?

I. SHORT SUMMARY OF START FLAWS

The short summary of this United States Senate staff study is the finding that a proposed Strategic Arms Reduction Talks—START—Treaty will be unequal, unbalanced, destabilizing, and not effectively verifiable.

The proposed START Treaty is conceptually flawed in at least ten important respects.

Indeed, some believe that it is so flawed that it must be completely re-negotiated.

START is not in truth really an "arms reduction" treaty. In fact, contrary to popular perceptions, the Administration's own analysis of START demonstrates quite clearly that START:

Does not require the destruction of a single strategic missile or a single nuclear warhead;

Allows the retention of all existing strategic missiles and nuclear warheads, and allows the continued production of an unlimited number of new strategic missiles and nuclear warheads.

Second, START is not an equal treaty, as required by law—the Jackson Amendment to SALT I in 1972 requiring "equal levels of forces" in any new offensive arms treaty. According to an unclassified report of the U.S. House of Representatives Committee on Armed Services, and according also to several classified CIA assessments, START allows the former Soviets to legally have well over 12,000 nuclear warheads, despite the START "equal" limit of 6,000 warheads on each side, and despite U.S. plans to retain only 4,700 warheads.

Finally, START is not effectively verifiable, particularly in regard to verifying limits on "discounted" and "down-loaded" warheads, "non-deployed missiles," and mobile missiles.

The ten main conceptual flaws of START are as follows:

First, the proposed START Treaty will fully legalize five Soviet missiles which are confirmed to have violated either SALT I, SALT II, or both, thereby giving the Soviets enormous military advantages.

Despite the many falsifications in the Soviet START data declaration, the Soviet data declaration surprisingly confirms several long suspected Soviet violations of SALT I and SALT II.

Evidently, the Soviets decided that by providing data that confirmed their SALT I and SALT II violations, they could accept the limited risk that the United States might charge them with additional violations of the expired SALT agreements, in order to serve the much more important purpose of using their data declaration to exploit the permissiveness of START provisions.

But it is conceptually difficult to understand why a new treaty should legalize and legitimize five missiles which violated the previous SALT agreements.

START thus condones and actually rewards previous Soviet cheating in SALT.

Second, START deliberately, and grossly, undercounts the numbers of nuclear warheads on each side, because of the unwarranted but related concepts of "discounting" and "down-loading."

This deliberate, gross, START undercounting of warheads stems from a well-intended U.S. attempt to encourage both sides to concentrate their nuclear warheads in the more stabilizing "slow flyers" of the bomber forces, which are incapable of a first strike. But by thus opening the door to deliberate, allowed warhead under-counting in START, the un-intended effect is the disastrous result that all the ostensible "limits" of START can be legally transcended. The deliberate under-counting of bomber warheads was called bomber "discounting," and it was intended to encourage deployment of the more stabilizing, slow-flying, and recallable, heavy bomber force.

This allowed under-counting through bomber "discounting" has thus made a mockery out of START's ostensible "constraints." More significantly, when combined with deliberate strategic program restraint by the United States in contrast to the still rather dynamic momentum of Soviet strategic programs, START's allowed under-counting has made an ostensibly equal treaty into a manifestly unequal treaty.

Thus under START, both sides are given bonuses of thousands of un-counted bomber warheads. The United States will get a bomber warhead bonus of about 1,500 uncounted warheads. Not surprisingly, the Soviets will get a slightly larger bonus than the United States in un-counted bomber warheads—about 1,800 warheads, an advantage of about 300 more warheads.

But the Soviets are in a much better position to exploit the permissive under-counting of START than the United States. This is because the Soviets also succeeded in applying this concept of deliberate undercounting of warheads to ballistic missiles, by first introducing into the negotiations, and then achieving the agreement of the United States for them to exploit, the related concept of "down loading" of ballistic missiles.

The Soviets have an enormous advantage in ballistic missile throw-weight, especially in their destabilizing force of InterContinental Ballistic Missiles (ICBMs) capable of a first strike. The Soviets thus sought and achieved the allowed "down-loading" of their most capable ballistic missile, allowing them several thousand extra, covert warheads. Because of the reluctance of the United States to deploy new strategic systems, this allowed missile "down-loading" will largely be exploited by the Soviet Union.

But the Soviets also achieved the agreement of the United States to deliberately under-count 3 additional types of ballistic missiles, with a total under-counting potential of about 3,000 more covert warheads on these three types of missiles (not all of which will be exploitable due to some presumed missile retirements).

Thus this Soviet achievement of exploitable gross under-counting of ballistic missile warheads gratuitously gives the Soviets several thousands more legal, bonus ballistic missile warheads under START than the United States. The Soviets will thus be explicitly allowed to "down-load" but not count at all at least 4,000 ballistic missile warheads, plus another 300 covert, "discounted" or "down-loaded" warheads on heavy bombers—or a total down-loading of about 4,300 warheads, compared to only a few hundred "down-loaded" warheads for the United States.

In short, at least 4 Soviet ballistic missiles will be legally under-counted by at least 40 percent of their warhead carrying capacity.

Four of their most important and most threatening ballistic missiles will thus be counted as carrying thousands fewer warheads than they are capable of carrying. But the United States will not be able to exploit this bonus potential in its own forces, or to monitor and verify whether the actual, higher Soviet warhead loading capacities are not being exploited.

Thus with regard to the second major conceptual flaw of START—the allowed undercounting resulting in thousands of bonus missile and bomber warheads—the Soviets will be able to exploit START's highly permissive regulatory provisions and the verification provisions in order to achieve several thousands of un-counted, bonus warheads on their bombers and ballistic missiles. In addition, the Soviets will be allowed 1,100 warheads on mobile ICBMs, while in contrast, Congress will not allow the United States to deploy any mobile ICBMs whatsoever.

Thus, as will be demonstrated in detail, under START the former Soviets will be allowed a total of about 6,000 discounted, down-loaded, and other bonus warheads, compared to only about 2,000 bonus warheads for the United States (partly on old B-52 bombers). The Soviets will thus be able quite legally to have almost twice as many bomber and ballistic missile warheads—about 12,000—compared to the 6,000 warheads allowed for each side under the ostensibly "equal" limits of START.

Third, in addition to their several thousands of un-verifiable discounted and down-loaded, or bonus, bomber and ballistic missile warheads, the Soviets have also exempted many hundreds of "non-deployed" launchers and ballistic missiles, and also hundreds of "non-deployed" intercontinental bombers from counting under START.

These exempted "non-deployed" Soviet intercontinental bombers are misleadingly classified under START as being for such special purposes as conventional bombing, testing, training, refueling, naval strike, reconnaissance, Anti-Submarine Warfare, electronic warfare, command and control, or as being simply "retired" or "non-modern"—obsolete.

For example, the Soviets are allowed to completely exempt from START up to 500 of their long-range Backfire bombers, which U.S. Intelligence long ago concluded are bombers capable of intercontinental missions, with a range greater than some Soviet intercontinental bombers (such as Bison bombers) included in SALT II. Moreover, a recent Soviet defector has reportedly provided conclusive new evidence that the Backfire bomber has intercontinental range, and therefore should be included within START constraints as an intercontinental bomber.

In addition, thousands of warheads on "non-deployed" Soviet strategic reserve launchers and ballistic missiles are also exempted from counting in START. There are permissive numerical limits even on un-verifiable "non-deployed" mobile ICBMs under START, and there are absolutely no limits whatsoever on extra, "non-deployed" ICBMs for fixed silo launchers. In addition, there are also no constraints whatsoever under START on "non-deployed" Soviet Submarine-Launched Ballistic Missiles (SLBMs), despite the fact that we know the Soviets stockpile extra SLBMs in their six large subterranean submarine tunnels, and despite the fact that the Soviets also have an extensive capability to reload submarines with refine SLBMs at sea.

These totally exempted "non-deployed" ballistic missile launchers, ballistic missiles, and intercontinental bombers will be impossible to monitor and verify. For example, the Soviets will be allowed at least as many as 5,000 bonus warheads on "non-deployed" bombers and ballistic missiles, many of which will be on totally unverifiable railmobile launchers. In contrast, the United States will have only a few hundred bonus warheads in these categories.

Fourth, START does not require either side to destroy a single ballistic missile, or to destroy a single nuclear warhead.

Thus START allows the former Soviets to retain a totally unlimited number of "Non-Deployed Missiles"—an unlimited number of covert ICBMs and SLBMs. Moreover, START allows a totally unlimited number of nuclear warheads. And the former Soviets can actually produce an unlimited number of new ballistic missiles and nuclear warheads under START.

There is then the difficult problem of Soviet covert, strategic reserve forces. The Soviets will be allowed under START to deploy hundreds of entirely legal but covert mobile ICBMs, and their known mobile ICBM reload and refire capabilities will not be effectively constrained. More significantly, U.S. Intelligence has concluded that the former Soviets could easily deploy hundreds of covert mobile ICBM launchers and missiles, with thousands of warheads, without detection, especially on rail-mobile launchers, which are totally undetectable and also the most dangerous.

In addition, the Soviets have retained thousands of older ICBMs and SLBMs which have been replaced by newer missiles, ostensibly for use as "space launch vehicles." There is the strong possibility that several types of covert launchers for these covert, strategic reserve missiles exist, and they would also be totally undetectable. These covert, strategic reserve launchers and missiles are not effectively constrained by START, and they are impossible to monitor and verify effectively. There could be several thousand Soviet covert warheads in these categories, compared to none for the United States.

Fifth, due to the allowance for bonus warheads on "discounted" bombers and "downloaded" missiles, and the permissiveness of other START counting rules allowing several thousand "non-deployed" and covert warheads, and also to the reluctance of the United States to deploy new or additional strategic systems, the Soviets will be allowed to have well over twice as many warheads under START as START ostensibly allows.

Sixth, START thus will not constrain the United States and the Soviet Union to "equal levels" of strategic forces, as is required by the Jackson Amendment to SALT I. The Soviets will be allowed well over twice as many warheads under START as the United States. For example, totalling all Soviet bonus down-loading warheads, "non-deployed" warheads, and covert warheads, and fully complying with START "limits," the former Soviets will probably have under START over 15,000 warheads, compared to only about 4,700 for the United States, not even counting the Soviet potential to retain covert, strategic reserve forces totalling several thousand more undetectable warheads.

In short, START gives the Soviets a massive "breakout" potential that they could easily exploit for the purpose of nuclear blackmail.

Seventh, START does not successfully reduce the existing Soviet first strike advantage. The main Soviet first strike ICBM force is ostensibly cut in half by START, but this force is being modernized and improved in such a way that, even if it is being cut in half, its original first strike capability will be at least preserved intact. Moreover, the Soviets will be allowed to further modernize and qualitatively improve their heavy ICBM force, thus allowing them even to expand their heavy ICBM, first strike capability. And if they cheat and deploy more warheads than allowed on their heavy ICBMs, they could increase their first strike capability even more.

In contrast, under START, the United States is allowed zero heavy ICBMs. Heavy ICBMs are the single most lethal, dangerous, and therefore most important weapon in the world today, and the Soviets will be allowed 154 carrying ten warheads each, which they can continue to modernize, compared to zero for the United States. How can anyone possibly argue that START is an equal treaty under this circumstance?

Eighth, START's permissive "constraints" on modernization and new type ballistic missiles allow almost unlimited Soviet modernization of existing and new type ballistic missiles capable of expanding the Soviet first strike potential. The modernization and new type constraints of START are much too generous to the Soviets, who will be their main beneficiaries, because the United States does not intend to modernize or improve its forces much within the terms of the Treaty. The Soviets will be able, for example, to legally increase the throw-weight of each of their existing missiles by as much as 21 per cent. Thus in addition to already having the number of warheads on most existing Soviet ballistic missiles undercounted by 40 per cent, the Soviets will also be able to increase the throw-weight and the warhead capacity of each of their missiles by another 21 per cent. This will give them enormous "break-out" potential.

Ninth, the Soviets have engaged in at least eight major cases of data falsification in START. The Soviets are known to have falsified the warhead carrying capacities of at least three of their missiles, the throw-weights and other capabilities of many of their missiles, and the modernization possibilities for all of their missiles, and the United States has agreed to all of these Soviet data falsifications. U.S. Intelligence has reportedly done a 65 page study and a National Intelligence Estimate confirming large-scale Soviet data falsification in START.

Tenth, START will not be effectively monitorable or verifiable. The ineffectiveness of U.S. monitoring and verification are key elements in the Soviet ability to exploit each of the first nine conceptual flaws of START. Thus despite an elaborate monitoring regime even including many types of "intrusive" on-site inspections, the Soviets have agreed to a monitoring regime which forces the United States to look in the wrong places at the wrong times for the Soviet cheating that is certain to occur elsewhere.

But before considering the evidence for and the details of the ten arguable defects of the proposed START Treaty between the United States and the Soviet Union, the long and tragic record of continued Soviet negotiating deception and cheating on all existing arms control treaties must be examined.

CONFIRMED SOVIET NEGOTIATING DECEPTION

Last year, on June 19, 1991, then Russian President-elect Boris Yeltsin told a group of 72 U.S. Senators that Soviet hardliners falsified the numbers of Soviet weapons systems in arms control negotiations. Yeltsin stated to the Senators:

"In the past, the Soviet Union used false statistics in arms negotiations. This must not be repeated."

The next day, the front page, lead headline of The Washington Times stated "Soviets Lying on START, Yeltsin Says."

The Washington Post also of June 20, 1991, similarly stated:

". . . Yeltsin . . . criticized Soviet hardliners for attempting 'to cover up the true facts' about the quantity of Soviet weaponry during arms negotiations with the United States."

Press reports thus interpreted Yeltsin's statement to mean that the Soviets had falsified data in the START negotiations.

The democratically-elected leader of the Russian Federation, President Boris Yeltsin, recently made another unprecedented revelation of former Soviet "lies" in arms control negotiations. President Yeltsin made the following important revelation about former Soviet deception in arms control in his brilliant speech of June 17, 1992, to the Joint Session of the U.S. Congress.

President Yeltsin recently stated to the Joint Session of Congress:

"It is Russia that once and for all has done away with double standards in foreign policy. We are firmly resolved *not* to *lie* any more, either to our negotiating partners, or to the Russian or American or any other people.

There will be no more lies—ever.

The same applies to biological weapons experiments, and about the facts that have been revealed about American prisoners of war, the KAL–007 flight, and many other things. That list could be continued.

The archives of the KGB and the Communist Party central committee are being opened up."

President Yeltsin's two very credible admissions of Soviet untruths, data falsification, and negotiating deception in START should come as no surprise. As described in detail below, there are at least eight well documented cases of Soviet negotiating deception in START. And as noted, CIA has reportedly done a 65 page study and a National Intelligence Estimate of these Soviet START data falsifications.

In addition, on January 29, 1992, President Yeltsin admitted for the first time that the former Soviet Union had violated the Biological Weapons Convention. On February 5, 1992, Yeltsin also admitted that former Soviet leaders had even "deceived" the United States on their longstanding violations of the BW Convention.

Moreover, in addition to their many confirmed violations of arms control treaties, the Soviets have the following track record of negotiating deception in arms control treaties:

Five confirmed cases of negotiating deception in SALT I of 1972;

Six confirmed cases of negotiating deception and data falsification in SALT II of 1979; and,

Three confirmed cases of negotiating deception and data falsification in the INF Treaty of 1987.

Moreover, it is well known that the 1973–1982 MBFR negotiations could not be consummated because of deliberate, systematic Soviet data falsification.

This same problem has recurred on a massive scale in the 1990 CFE Treaty data—President Bush has confirmed that the former Soviets massively under-reported their data in the CFE Treaty.

Finally, the Chief U.S. negotiator of the INF Treaty, Ambassador Maynard Glitman, stated in March 1990, that the Soviets had engaged in:

"Deceit and mendacity both inside and outside, privately and publicly, during and after the INF negotiations."

And President Bush accused the Soviets of "bad faith" in the INF negotiations in his February 1991 Report, and again in his March 1992 Report, to the Congress on Soviet Noncompliance with Arms Control Treaties.

Thus, unfortunately, there is much independent evidence supporting Yeltsin's attack on the manifold lying and deception of the Soviet Union in the SALT I, SALT II, INF, CFE, and START negotiations.

Yeltsin's several authoritative statements confirming Soviet arms control deception has once again "let the cat out of the bag" on Soviet duplicity.

The only other Soviet political leader who has confessed Soviet deception and cheating in arms control is former Soviet Foreign Minister Eduard Schevardnadze, who actually admitted in 1989 that the Soviet Krasnoyarsk radar was a clear violation of the SALT I ABM Treaty. Schevardnadze even went on to openly concede that the Soviet political leadership under Gorbachev had flagrantly lied about their many arms violations for years.

We shall examine this evidence of Soviet "bad faith," falsification, and deception in the START negotiations in more detail below, but first we must examine the magnitude of Soviet cheating.

B. Previous Soviet arms control cheating

Tragically, despite the ten formal Presidential Reports to Congress on Soviet Noncompliance with Arms Control Treaties since 1984, the Soviets have gone right on negotiating deceptively and cheating in arms control, not only since 1984, but ever since strategic arms control began as early as 1963. This pattern of Soviet cheating in strategic arms control has thus continued to steadily expand ever since 1963.

Indeed, even nine years after the first Presidential Report to Congress on Soviet Noncompliance with Arms Control Treaties in January, 1984, there is even in 1992 still an expanding pattern of ever newer Soviet violations of all existing arms control treaties. In fact, the Soviets have recently been confirmed by President Bush himself to be expanding still their pattern of new cheating on all existing strategic arms control treaties.

C. The seventeen most serious new Soviet arms control violations

The seventeen most serious Soviet violations of existing arms control treaties are:

(1) The now confirmed Soviet covert deployment of at least 120 banned SS–23 missiles in Eastern Europe, still under Soviet command and control, which clearly violates the 1988 Intermediaterange Nuclear Forces (INF) Treaty, and which is contained in a report to Congress on September 18, 1991. President Bush confirmed that these un-declared SS–23s were a "probable violation" of the INF Treaty. President Bush repeated this "probable violation" finding for the banned SS–23s in his annual report of March 30, 1992;

(2) There is reportedly now a total of over 500 Presidentially confirmed, serious Soviet violations of the INF Treaty;

(3) U.S. Intelligence reportedly now has strong evidence that the Soviets probably have over 1,000 covert INF missiles banned by the Treaty;

(4) Several Soviet SS–20 missiles banned by the INF Treaty reportedly were detected by U.S. Intelligence satellite reconnaissance inside the Soviet Union in July, 1991, but alarmingly this reported detection occurred only weeks after all 654 SS–20s were declared by the Soviets to have been totally destroyed under the INF Treaty. Thus these several additional, banned, clearly illegal SS–20s detected have to be considered to be part of the Soviet covert SS–20 force totally banned by the INF Treaty. And there have been at least two recent press reports in early 1992 of former Soviets actually trying to sell SS–20s to the United States;

(5) The Soviets reportedly have recently converted a base previously housing banned SS–12 INF missiles into a SCUD Short Range Ballistic Missile base, without giving the U.S. the required 30 days notice, in clear violation of the INF Treaty;

(6) The U.S. has confirmed the Soviet deployment of MIG–21, MIG–23, MIG–27, and MIG–29 fighter-bombers in Cuba, all capable of delivering nuclear bombs, and this offensive weapons deployment is a serious, clear violation of the 1962 Kennedy-Khrushchev Agreement, and the 1973 Agreement on the Prevention of Nuclear War. As the recently defected Cuban Air Force General Rafael del Pino stated recently—"I can tell you that in 12 hours, Cuba can have the capability of attacking the United States with nuclear bombs. All it takes is for a plane to bring the bombs from the Soviet Union";

(7) The U.S. has reportedly detected the highly provocative covert Soviet deployment of several banned SS–20 INF missiles, under camouflage and concealment, also in Cuba, in violation of both the 1962 Kennedy-Khrushchev Agreement and the INF Treaty, and also in violation of the 1973 Agreement on the Prevention of Nuclear War;

(8) The Soviets have also deployed an SS–4 Medium Range Ballistic Missile to Cuba, identical to the SS–4s which the Soviets provocatively deployed to Cuba at the time of the October, 1962 Cuban Missile Crisis, in contradiction of the Soviet solemn promise in diplomatic channels not to consummate such a provocative deployment. But this provocative SS–4 has reportedly disappeared into newly constructed underground military tunnels in Cuba;

(9) the Soviet recalcitrance in dismantling their admitted Krasnoyarsk radar violation of the SALT I ABM Treaty, their attempt to blackmail the U.S. into further START concessions in exchange for their already-agreed dismantling of Krasnoyarsk, and the Soviet attempt to further circumvent the SALT I AMB Treaty by transferring all the components of the Krasnoyarsk radar to a new AMB radar planned to be built in Siberia at Komsomolsk, which will also violate the ABM Treaty, altogether remain a serious set of arms control violations;

(10) The Soviet expanding deployment of the long-range SAM–10 and SAM–12 Surface-to-Air-Missiles, recently confirmed by the Soviets themselves to be capable of use in the prohibited Anti-Ballistic Missile mode, especially around Moscow, also violates the SALT I ABM Treaty;

(11) The recent admissions in the Soviet military press that the nine Soviet Large Phased Array Radars are actually ABM Battle Management Radars, indicate that the Soviets have in fact illegally developed and deployed both the prohibited base, and the prohibited capability itself, for a nationwide ABM defense.

(12) The Soviets moved their new super aircraft carrier, the "Admiral Kuznetsov," out of the Black Sea in late 1991, in clearcut violation of the 1934 Montreaux Convention;

(13) The Soviets reportedly intend to begin the flight-testing soon of several new strategic missiles, which will probably violate START limits. As the CIA Director testified to Congress on February 27, 1991: "They [the Soviets] also continue to develop three additional new strategic missiles."

(14) The Soviets have clearly circumvented the CFE Treaty by moving upwards of 60,000 pieces of military equipment East of the Urals, and the Soviet Communist Party has admitted this circumvention, as we shall see.

(15) The Soviets have engaged in gross CFE data base deceptions, involving a now-confirmed deliberate under-declaration of tens of thousands of tanks, armored personnel carriers, artillery pieces, combat aircraft, and attack helicopters, in order to exclude these forces from being dismantled under the CFE Treaty. On December 24, 1991, President Bush confirmed these violations unequivocally and conclusively in a report to Congress;

(16) The Soviets re-subordinated three regular army divisions to "coastal defense," illegally after CFE Treaty signing, in order to try to exclude them from CFE limits, and the Soviets illegally attempted to raise already-agreed sublimits to gain 500 more armored personnel carriers to suppress freedom in the Baltics;

(17) And finally, former Soviet Military advisors in Iraq admitted to Western defense attaches that there were Soviet-supplied SS-12 missiles in Iraq, which were banned by the INF Treaty.

Thus the pattern of 17 serious Soviet violations of all existing arms control treaties continues to expand.

D. Soviet bad faith in arms control negotiations

Despite the serious problem of the State Department's attempt to avoid reporting the SS-23 violation, at least President Bush himself has honestly and openly admitted for the first time that the Soviets used negotiating deception on this important issue of covert SS-23s during the INF talks.

As noted, also in his February 15, 1991, Presidential Report to Congress on Soviet Noncompliance with Arms Control Treaties, President Bush stated that:

". . . [The] Soviet failure to inform the United States of the existence of SS-23 missile systems in the GDR, Czechoslovakia, and Bulgaria during the [INF] negotiations and in the interim period preceding the GDR announcement constitutes bad faith."

Moreover, as noted, the Chief U.S. Negotiator of the INF Treaty, Ambassador Maynard Glitman, reportedly stated in a March, 1990 State Department cable that the Soviets negated in:

"deceit and mendacity both inside and outside, privately and publicly, during and after the [INF] negotiations."

But it is important to note that the Senate never heard Ambassador Glitman or the State Department mention this Soviet "deficit and mendacity" at all during the ratification process on the INF Treaty.

Is it possible that some officials in the State Department also engaged in "deceit and mendacity" toward the Senate during the INF Treaty ratification process, by failing to disclose Ambassador Glitman's self-avowed frustration over Soviet INF negotiating deception?

To re-emphasize, there is now conclusive evidence that the Soviets covertly controlled all the SS-23 missiles in Eastern European countries, and further, that the Soviets also covertly controlled all the Soviet nuclear warheads for these covert Soviet SS-23 missiles.

Moreover, there is also strong evidence that the Soviets have illegally deployed SS-20 missiles banned by the INF Treaty covertly inside the USSR, and also covertly in Cuba.

If the Soviets negotiated in "bad faith" on the INF Treaty and the CFE Treaty, as President Bush and his chief INF and CFE negotiators have themselves both confirmed, then it is reasonable to ask whether the Soviets have also negotiated in "bad faith" on the START Treaty.

Have the Soviets been deceptive in CFE and START talks?

Unfortunately, the answer is yes, the Soviets have in fact continued to negotiate in bad faith in both the CFE Treaty, signed by 22 nations on November 19, 1990, and in the ongoing START negotiations. As noted, Russian President Yeltsin has recently admitted this Soviet negotiating deception in INF, CFE, and START negotiations again for a second time.

And as we shall see below in much more detail, there are also at least eight reported serious cases of Soviet "bad faith" negotiating deception in the START negotiations.

Thus how can the United States sign and ratify a START Treaty if the Soviets are still clearly engaged in *admitted* "bad faith," violations, and deceptive negotiations regarding both the predecessor INF and the CFE Treaties, and the especially serious duplicity in the START negotiations?

G. INF, CFE Violations and Krasnoyarsk

These new Soviet arms control treaty violations include the ever more serious and more numerous Soviet violations of the four year old INF Treaty, and the gross Soviet deception and even violation in the signed CFE Treaty.

Moreover, after repeated Soviet pledges to fully dismantle their admittedly illegal Krasnoyarsk radar, the Soviets are still stalling and reneging. The Soviets have missed two agreed deadlines on dismantling Krasnoyarsk, and recently they announced that they are replacing Krasnoyarsk with a new radar at Komsomolsk in the Far East. They seem to be planning to transport and re-use all of the dismantled components of Krasnoyarsk for their planned new Komsomolsk radar. But, unfortunately, the new Komsomolsk radar may also violate the SALT I ABM Treaty, by also having most of its coverage over Soviet territory.

And the Soviets seemed to use their pledges to dismantle Krasnoyarsk as bargaining leverage in the START negotiations—they will not finish the Krasnoyarsk dismantling unless the United States agrees to further concessions in START. Now the former Soviets have achieved U.S. agreement to allow the 40% intact Krasnoyarsk radar to be maintained as a "furniture factory."

But why should the U.S. have to pay any price at all in START in order for the Soviets to correct their longstanding and admitted cheating on the SALT I ABM Treaty?

As an example of the magnitude of Soviet cheating, there are now over 500 serious Soviet violations of the INF Treaty, and there seem to be more each year, such as a now confirmed total of over 1,000 Soviet covert INF missiles banned by the Treaty.

This ever expanding pattern of confirmed and new Soviet arms control cheating and "bad faith" should preclude the signing of any new arms control treaties. Indeed, despite covering up the serious Soviet SS-23 INF violations, the State Department wisely delayed presenting the already-signed CFE Treaty to the Senate until mid-July, 1991, due to the confirmed Soviet CFE data base deception, and to the Soviet attempts to irreversibly defeat the object and purpose of the CFE Treaty by means of their re-subordination of the three divisions, and finally because of the successful Soviet attempt to raise already-agreed sublimits so that they could get 500 more armored personnel carriers in order to suppress freedom in the Baltic States.

And as theoretical, ideological journal of the Communist Party of the Soviet Union, Kommunist, stated in 1991, the movement of vast amounts of weaponry beyond the Urals subverts the CFE agreement by maintaining Soviet advantages in conventional forces. U.S. CFE negotiator Woolsey has even called this "fraud."

The Kommunist statement is a remarkable Soviet admission that they have already circumvented the pending CFE Treaty, and have indeed engaged in fraud.

II. SUMMARY OF START'S TEN FATAL FLAWS

A. START's fundamental inequality

A preliminary analysis of the provisions of the proposed START Treaty suggests that START will have essentially the same basic "fatal flaws" as it predecessor strategic arms control treaties—the Strategic Arms Limitation Treaties—SALT I and SALT II—primarily unequal levels of forces favoring the Soviet Union.

Thus unequal U.S. and Soviet strategic forces under START, as codified in the 1972 SALT I Treaty and Agreement, and in the unratified 1979 SALT II Treaty, will result in the perpetuation of the existing and longstanding Soviet strategic superiority over the United States.

The Soviets have already preserved and expanded their existing and longstanding strategic superiority through SALT I and II.

This Soviet strategic nuclear superiority is documented in the attached official DOD graphics and summaries illustrating the growth of Soviet strategic superiority since SALT negotiations began in 1969.

President Bush stated in September, 1989 that the Soviets were modernizing their strategic forces "at a furious pace."

Defense Secretary Cheney also stated in July, 1990, that: ". . . the Soviet Union is still embarked on a deliberate and vigorous modernization of its strategic nuclear forces. Kommunist, the ideological journal of the Soviet Communist Party, reportedly stated the following in its 1991 number #6 edition:

"The Soviet Defense Ministry is planning to increase military spending despite the changing international climate and the Soviet Union's economic problems . . . Defense spending will rise in 1991 from 26% to 36% of the All-Union budget, [while] the military leadership has purposely ignored planned military and force reductions in the West."

This authoritative statement supports President Bush's assessment on the "furious pace" of the "deliberate and vigorous" Soviet strategic build up.

Moreover, the Soviet Union still has more than a 3 to 2 advantage over the United States in the number of intercontinental missiles and bombers, and also in the number of nuclear warheads loaded on these strategic nuclear delivery vehicles.

Even more significantly, the Soviets also have a 6 to 1 advantage in nuclear first strike potential, together with a total monopoly on strategic defenses.

Finally, the former Soviets still have operationally available over 3,000 Strategic Nuclear Delivery Vehicles (intercontinental missiles and bombers), carrying over 13,600 nuclear warheads, compared to less than only 1,831 U.S. Strategic Nuclear Delivery Vehicles, carrying less than only about 9,700 nuclear warheads. (See charts.)

[Charts not reproducible in the RECORD.]

Former Soviet President Gorbachev was thus continuing to commandeer the scarce resources of the Soviet Union and concentrate them in the military sector of the Soviet economy. Gorbachev's decision to continue to devote about 25 percent of the Soviet Gross National Product to the military has nearly bankrupted his country. But as a result of this military priority, Gorbachev achieved military superiority over the West.

Gorbachev was trying to use the former Soviet military superiority, especially his advantages in strategic forces, to blackmail or leverage the West into providing economic subsidies to the Soviet Union.

B. Existing and growing Soviet strategic superiority leads to explicit Soviet nuclear blackmail threats

Thus Soviet strategic superiority and the consequent growth of Soviet nuclear blackmail capabilities have naturally forced continued U.S. negotiating concessions in ongong strategic arms negotiatons—first in SALT I, then SALT II, and finally START. There was clearly an element of Soviet nuclear "blackmail" involved in the START endgame negotiations.

[From ICBM Education Bureau, Reston, VA]

SOVIET STRATEGIC MODERNIZATION CONTINUES: AS SOVIET CONVENTIONAL FORCES SHRINK, SOVIET STRATEGIC CAPABILITIES ARE INCREASING

SINCE 1985. . .

Deployment of 60 BEAR H Strategic Bombers with AS–15 Long-range ALCMs Current Deployment: 85 Aircraft.

Deployment of 21 BLACKJACK Strategic Bombers Current Deployment: 21 Aircraft.

Deployment of 3 TYPHOON SSBNs with SS–N–20 SLBMs Current Deployment: 6 SSBNs.

Deployment of 5 DELTA IV SSBNs with SS–N–23 SLBMs Current Deployment: 7 SSBNs

Despite recent drawdowns in the size of Soviet conventional forces in 1990, the U.S.S.R. continues to improve its strategic offensive forces. Since Mikhail Gorbachev came to power in March 1985, Soviet strategic modernization has proceeded unabated.

In recent months, Mikhail Gorbachev has realigned himself with the hard-line military leadership in the U.S.S.R. With the resignation of Soviet Foreign Minister Edvard Shevardnadze in December 1990, the Soviet military has increased its influence in the arms control process, jeopardizing the completion of a START treaty.

SOVIET OFFENSIVE AND DEFENSIVE STRATEGIC FORCE MODERNIZATION

Soviet offensive force modernization

Despite improved relations with the United States, potential arms control agreements, and the dissolution of the Warsaw Pact, the Soviet Union is continuing to streamline and improve its offensive strategic nuclear force. While the pace is not as rapid as previous modernization programs of the 1970s and early 1980s (due in part to anticipation of a strategic arms reduction treaty and in part to the weakness of the Soviet economy), it is still very clear that the Soviets are firmly committed to producing a nuclear force that is far more modern, mobile, and lethal.

Like our own strategic force, the Soviet strategic nuclear force is built on a Triad of intercontinental ballistic missiles, submarine launched ballistic missiles, and long range, intercontinental bombers. Each leg of the Triad is benefiting from the strategic modernization program.

Intercontinental ballistic missile

The ICBM component has historically been the strongest element of the Soviet Triad. Almost 1400 ICBMs, many of them with multiple warheads, are deployed at roughly two dozen locations across the Soviet Union. In terms of sheer megatonnage, an important measure of strategic force destructive power, the Soviets have had a nearly two-to-one advantage over the U.S. since 1975.

This first chart shows that the Soviets have significant superiority in each category of deployed Strategic Nuclear Delivery Vehicles:

[Charts not reproducible in the RECORD.]

The Soviets have over 1,500 ICBMs, compared to only 1,000 for the United States;

The Soviets have over 924 Submarine-Launched Ballistic Missiles, compared to only 616 for the United States;

The Soviets have over 575 intercontinental strategic bombers, compared to only 215 for the United States.

This second chart shows that the Soviets have over 6,600 nuclear warheads on Inter-Continental Ballistic Missiles, compared to only 2,150 for the United States. This is the best measure of first strike capability, especially when compared to hard targets.

The U.S. has only about 1,200 strategic hard targets, yet the Soviets have about a 6 to 1 ratio of ICBM nuclear warheads against this hard target set—this clearly indicates a strong Soviet first strike capability superiority of about 6 to 1.

The bottom chart clearly indicates that the Soviets have been able to more than quadruple their number of nuclear warheads since SALT I in 1972. This means that strategic arms control to date has not succeeded in limiting Soviet nuclear warheads. But U.S. nuclear warheads have clearly been limited under strategic arms control agreements to date, and have remained static at the current level of about 9,600 since 1976.

This chart shows that there is no "arms race," because the United States has not been keeping up.

Since 1960, the Soviets have deployed 47 new strategic systems, compared to only 22 for the U.S.

Analysis of DIA June 1991 De-classified Chart on Soviet versus U.S. ICBM Production During the Gorbachev Era.

This chart shows that over the 1985–1990 six year period of Gorbachev's term in power, the Soviets have produced at least 715 ICBMs, compared to the U.S. total ICBM production of only 68 ICBMs, or about over a 7 to 1 ratio of Soviet advantage.

The Deputy Commander of the Soviet Strategic Rocket Forces, Col. General Ryazhskikh, stated recently:

"We are increasing the survivability of existing missiles and command and control systems. We are increasing the number of mobile launchers . . . As a result, the rocket forces should become mobile and reliably protected from attack."

U.S. Defense Secretary Cheney stated the following in July, 1990:

"Despite reductions in Soviet conventional forces, the Soviet Union continues to modernize its strategic offensive and defensive forces. The Soviet leadership has repeatedly stated its commitment to strategic modernization and President Gorbachev has taken steps to improve the Kremlin's nuclear forces and strategic defense capability . . . The Soviet Union is still embarked on a deliberate and vigorous modernization of its strategic nuclear forces."

Analysis of DIA June 1991 De-classified Chart on Soviet versus U.S. Bomber Production During the Gorbachev Era.

This chart shows that the Soviets have produced over 140 bombers during the period of 1989 and 1990, compared by only 1 U.S. bomber produced in this same period.

This is a ratio of bombers produced over the last two years of 140 Soviet bombers produced, to only 1 U.S. bomber produced.

Over the entire 1985–1990 period of Gorbachev's rule, the Soviets have produced 450 bombers, compared to only 104 for the U.S.

Analysis of DIA June 1991 De-classified Chart on Soviet versus U.S. Submarine Production During the Gorbachev Era.

This chart shows that the Soviets have produced 54 submarines during the Gorbachev era, compared to 23 for the U.S. in the same period.

Analysis of DIA June 1991 Declassified Chart on Soviet versus U.S. Submarine Launched Ballistic Missile Production During the Gorbachev Era.

This chart shows that the Soviet have produced 490 SLBMs during the Gorbachev era, compared to only 205 for the U.S. in the same period.

This chart is all the more significant because of the fact that the new U.S. Trident II submarine and SLBM program is the *only* U.S. strategic program in current deployment, and yet the Soviets are even ahead in this area.

Analysis of DIA June 1991 Declassified Chart on Soviet versus U.S. Short Range Ballistic Missile Production During the Gorbachev Era

This chart shows that the Soviets have produced at least 3,900 total Short Range Ballistic Missiles (SRBMs) during the Gorbachev era, compared to 0 (zero) for the U.S.

The following five charts, from the 1986 Soviet Threat briefing book published by the U.S. Air Force Strategic Air Command, are self explanatory.

ICBM reconstitution/refire

Contingency plans to reconstitute ICBMs, underscores nuclear war-fighting capability and preparations for protracted nuclear warfare.

The Soviets do have contingency plans to deliver reserve missiles, warheads, and propellants to surviving silos to reconstitute their ICBM force in order to regain their strategic advantage in the post-war period. The U.S. philosophy has always been 'one missile for one silo'; as our silos are not designed to be reloaded.

U.S./U.S.S.R. strategic weapons

A comparsion of U.S. and Soviet weapons introduced since 1970 and projected into the 1990s shows the continued Soviet momentum. In the 1970s, the U.S. introduced the Trident I SLBM while Moscow deployed 10 new weapon systems. The Minuteman III ICBM was introduced 15 years ago. Our bombers date back to the 1950s and 60s. The lead unit of the Trident-class submarine was our first SSBN launched inover 15 years.

With the B–1, Peacekeeper, Trident, ALCM, and these future systems, the U.S. is moving to ensure future deterrence. We have no plans to match the Soviet one-for-one; rather our goal is to maintain a credible nuclear deterrent to reduce the risk of nuclear war and to encourage the Soviets to come to the negotiating table to bargain in earnest.

Moscow has long blamed the U.S. for fueling the arms race because 'we develop new weapon systems . . . weapon systems that the Soviets must then also develop simply to keep up with us.' The fact of the matter is that the Soviets have not only matched the U.S. weapon-for-weapon but they develop and deploy far more weapons than the U.S.

The resulting U.S. concession have clearly helped the Soviets to achieve ever greater Soviet strategic superiority, which naturally will again be re-codified in START.

Thus START will once again increase Soviet strategic superiority, as SALT I and II did before it.

The fact that the Soviets use nuclear blackmail is well known, but is not worthy of mention in "politically correct" circles.

For example, just before the December 7, 1987, U.S.-Soviet Summit meeting in Washington to sign the INF Treaty, Gorbachev ordered the firing of 2 Soviet super-extra-heavy SS-26 first strike ICBMs toward Pearl Harbor, Hawaii. This provocative demonstration of Soviet first strike capability clearly aimed at U.S. territory was obviously an exercise of Soviet nuclear blackmail. That was why some observes named the December 7, 1987, Summit the "Pearl Harbor" Summit. (See State Department unclassified analysis of this activity, attached.)

Here is another good example of Soviet nuclear blackmail threats in action.

On April 5, 1991, in a Moscow interview published in the London New Statesman and Society, Soviet Army Colonel Viktor Alksnis, a member of the Supreme Soviet, stated:

"The West is not aware of what danger the Soviet Union poses for it now—even more than in Stalin's time. If civil war here is unavoidable, it will involve nuclear arms, and weapons of mass destruction. Yes, we shall perish, but we shall take the whole world to the grave. You will perish with us. There will be no borders. The conflict will splash over them, first into neighboring countries and then into a world catastrophe. When some people in the West rejoice at the collapse of the 'the last empire,' they are seriously mistaken. You ought to be interested in preserving the USSR, and securing its internal stability."

Colonel Alksnis is a spokesman for the hardline, traditionalist "Soyuz" or Union group, of solid reactionaries to "perestroika and glasnost" in the Supreme Soviet.

But he must be taken seriously, because Colonel Alksnis is "the boy in Colonel's epaulettes" whom Eduard Shevardnadze himself personally attacked in his emotional Supreme Soviet speech in late December, 1990, when he resigned as Foreign Minister.

What is much more significant is the fact that Soviet President Gorbachev said almost the same thing as Colonel Alksnis. In Gorbachev's June, 1991, speech in Oslo, Norway, accepting the Nobel Peace Prize, Gorbachev stated that the West must aid the Soviet economy unconditionally, and that the Soviet Union would not accept any restrictions on the terms of the foreign aid that it accepted.

More explicitly, Gorbachev stated in his speech that the Soviet Union sincerely wants to join the family of nations, but the West will have to pay. If the West does not pay, and Gorbachev's "perestroika" fails, "The prospect of entering a new, peaceful period in history will vanish, at least for the foreseeable future." But the Western tribute money to the USSR must have no strings attached. It would be "futile and dangerous" for the Western lenders to set conditions on their tribute money.

This was, of course, Gorbachev's language of extortion and nuclear blackmail, not the language of peace.

Therefore, it is clear that the former Soviets naturally are using their nuclear superiority to engage in nuclear blackmail—the West must send blackmail payments—economic aid, financial loans, "investments," trade credits, agricultural aid, subsidies, and advanced technology, as the required, equitable financial tribute to Moscow that a superior military power demands from inferior military powers in recognition of its supremacy, in order for the West to avoid nuclear destruction.

This nuclear blackmail attempt by the former Soviets is, in fact, clearly overt, as several U.S. Senators from both parties have already publicly recognized, and Soviet nuclear blackmail is clearly the main reason that Gorbachev was invited to the Western "Economic Summit" in mid-July, 1991, in London, and that Russian President Yeltsin was invited to Washington on June 15, 1992.

As Soviet Marshal O. Losik boldly stated recently:

". . . The Soviet Union in the future is going to have to rely much more heavily on its nuclear capability."

This boastful statement is an ominous reinforcement to Soviet nuclear blackmail threats, and its suggests either that the Soviet military did not want to sign START, as advantageous as it is to the Soviets, or that they will cheat on this otherwise advantageous treaty now that they have signed. Indeed, as noted, given the magnitude of U.S. unilateral disarmament detailed below, the former Soviets need not themselves comply with START, because the U.S. is already structuring its forces as if START was already ratified and fully in force.

C. The ten fatal flaws of START

The ten main defects or "fatal flaws" of the proposed START Treaty all enhance existing and longstanding Soviet strategic superiority.

The ten main fatal flaws of START can be listed as follows:

(1) START will fully legalize six Soviet heavy, extra-heavy, supra-extra-heavy, and mobile missiles, each of which violated SALT I and SALT II, giving the Soviets enormous military advantages.

(2) With START, the Soviets will achieve a significant bonus in total nuclear warheads, because of U.S. concessionary agreements allowing warhead "discounting" and "downloading"—seriously undercounting Soviet missile and bomber warhead loadings.

(3) With START, the Soviets also get another significant bonus from allowed "non-deployed," stockpiled strategic reserve forces that do not count.

(4) The Soviets thus can legally have over twice as many warheads under START as START ostensibly allows.

(5) This means that the Soviets also can have over twice as many warheads under START as the U.S. can have under START, which means START clearly codifies unequal levels of forces.

(6) In addition, the Soviets are allowed significant covert forces capabilities above their doubling of their allowed START level.

(7) The Soviets will thus actually be able to maintain several thousand covert force warheads above their already more than double START level.

(8) In addition, START will more than double the existing overwhelming Soviet first strike advantage.

(9) START will also allow further Soviet modernization of their forces to even further enhance their first strike advantage.

(10) Finally, START will not be effectively verifiable, the Soviets have engaged in significant negotiating deception and data falsification in START, and U.S. intelligence knows that the Soviets have cheated and will continue to cheat in START. (End Summary.)

III. DISCUSSION AND DETAILS OF THE TEN FATAL FLAWS OF START

Let us examine each of these ten fatal flaws of START in order of importance, and in more detail:

(1) START will fully legalize six Soviet heavy, extra-heavy, supra-extra-heavy, and mobile missiles, each of which violated SALT I and SALT II, giving the Soviets enormous military advantages.

A. The illegal SS-19

By means of top-level Soviet negotiating deception perpetrated in May, 1972, by the late Soviet leader Leonid Brezhnev himself, the Soviet heavy SS-19 Inter-Continental Ballistic Missile (ICBM) replaced the light SS-11 ICBM, contrary to SALT I's Article II prohibition on such replacement.

This top level Soviet deception was revealed by sensitive communications intelligence intercepts long ago declassified—U.S. Intelligence listened in on the secret radio-telephone conversations from Soviet leader Brezhnev in his limosine to his military leaders during the SALT I Summit in Moscow on May 26, 1972. It is the best evidence of top-level Soviet intentions in arms control negotiations and compliance.

Later in the 1970s, U.S. Intelligence acquired similar evidence that the Soviet SS-19 ICBM was a "heavy ICBM" according to SALT I standards.

Thus in 1983 the Soviet heavy SS-19 ICBM was judged by the President's General Advisory Committee on Arms Control to have defeated the object and purpose of SALT I, by being a heavy ICBM replacing a light ICBM, in contradiction of SALT I's Article II. And U.S. Intelligence finally discovered in 1991 that the Soviet SS-19 ICBM had always had a throw-weight even heavier than the SALT II definition of light ICBMs, based in turn upon the erroneous U.S. Intelligence estimate of the SS-19's throw-weight in early 1979, at the time that SALT II was signed, establishing the SALT II threshold between light and heavy ICBMs. In their START MOU on data, the Soviets declared that the SS-19 had a heavier launch-weight and a heavier throw-weight than the U.S. stated in 1979 would be allowed in SALT II.

Thus the SS-19 is clearly also a heavy ICBM violating the SALT II constraints on heavy ICBMs.

B. The illegal SS-24

According to the Soviet START MOU data declaration, the Soviet SS-24 extra-heavy ICBM has launch-weight greater than U.S. Intelligence's original 1979 estimate of the SS-19's launch-weight, and therefore the SS-24 violates the SALT II heavy missile limit.

C. The illegal SS-N-23

Likewise, the Soviet extra-heavy SS-N-23 SLBM has heavier throw-weight than allowed by SALT II.

D. The illegal SS-26

And the Soviet super-extra-heavy SS-26 (also known as the "SS-18 Mod 5") ICBM was reported by U.S. Intelligence to have been developed, flight-tested, and deployed in violation of SALT II as well.

The SS-26 violated the SALT II prohibition on any increase whatsoever in the throw-weight of Soviet heavy missiles, and because this throw-weight increase is at least 10 to 20 percent, it even exceeds the 5 percent throw-weight increase allowed by SALT II before being classed as a new type missile.

Thus the SS-26 is both an illegal heavy and also an illegal new type missile, both developed since the mid-1970s and tested in early 1986, while the USSR still had a political commitment to comply with SALT II. Moreover, it was flight-tested with illegal telemetry encryption. (See detailed discussion of SS-26 below.)

But due to major American negotiating concessions, all four of these illegal heavy, extra-heavy, and super-extra-heavy missiles, which violated SALT I and SALT II—the SS-19, SS-24, SS-N-23, and SS-26—will be totally legal under START, thereby greatly increasing already existing Soviet advantages in first-strike, counterforce capabilities.

E. The illegal SS-25

In addition, the Soviet SS-25 light, mobile ICBM clearly violated SALT II in many ways, but it too will be made fully legal under START.

F. The illegal SS-16

And the Soviet SS-26 light, mobile ICBM also "probably" violated SALT II in several ways, but it too will be fully legal under START.

There are thus a total of six Soviet missiles which have been officially judged to have violated SALT I or SALT II or both (in the case of the the SS-19), but which will be legalized by START.

G. Summary of the violations of the six illegal Soviet missiles

To summarize in detail the SALT illegalities of these 6 Soviet missiles:

1. The Soviet heavy SS-19 ICBM replaced the light SS-11, defeating the object and purpose of SALT I; the SS-19's actually observed throw-weight is also heavier than the U.S.-proposed and Soviet-agreed SALT II heavy ICBM throw-weight threshold (based on the U.S. 1979 estimate for the SS-19's throw-weight) which defined the heavy ICBM threshold in SALT II, and thus the SS-19 also violated SALT II's heavy ICBM limits;
2. The Soviet extra-heavy SS-24 ICBM clearly had launch-weight and throw-weight heavier than that of the SS-19 as estimated in 1979, and therefore violated the SALT II limits on heavy ICBMs, and also violated the prohibition on the encryption of telemetry, and finally it violated the prohibition on the concealment of the relationship between the rail-mobile SS-24 launcher and its missile;
3. The Soviet extra-heavy SS-N-23 SLBM had throw-weight heavier than the SS-19, and therefore it too violated the SALT II limits on no heavy or new type heavy SLBMs, as well as violating the prohibition on telemetry encryption;
4. The Soviet super-extra-heavy SS-26 ICBM violated the SALT II limits on heavy and new type ICBMs, as well as violating the prohibition on telemetry encryption;
5. The Soviet light, mobile SS-25 ICBM clearly violated SALT II limits on new type ICBMs, encryption of telemetry, the RV to throw-weight ratio constraint, and the prohibition on the concealment of the relationship between the launcher and its missile;
6. The Soviet light, mobile SS-16 ICBM "probably" violated the overall SALT II constraint on total missile launchers and bombers, or Strategic Nuclear Delivery Vehicles, because the Soviets failed to disclose in 1979 that they had deployed at least 50 and as many as 200 SS-16 mobile ICBMs. Moreover, the illegal and undeclared 1979 deployment of the mobile SS-16 ICBM was illegally camouflaged and concealed, and the relationship between the road-mobile SS-16 launcher and its missile was also illegally concealed.

But to re-emphasize, SALT will fully legalize all 6 of these missiles, each of which was clearly illegal under the previous SALT I and SALT II arms control treaties.

(2) With SALT, the Soviets will achieve a significant bonus in total nuclear warheads, because of U.S. concessionary agreements allowing the serious under-counting of Soviet missile and bomber warhead loadings.

The proposed SALT Treaty ostensibly allows only 1,600 Strategic Nuclear Delivery Vehicles (SNDVs)—ICBM launchers, SLBM launchers, and long-range bombers, carrying a total of only 6,000 nuclear warheads, on each side.

But under START, the Soviets can actually have, with complete legality, about 6,000 extra nuclear warheads for their ICBMs, SLBMs, and long-range bombers, above the START warhead level of 6,000 on each side.

This Soviet warhead bonus of over 6,000 extra warheads arises quite simply because the Soviets, using deceptive arguments, have secured U.S. agreement to seriously undercount their number of warheads carried on several types of Soviet ICBMs, SLBMs, and long-range bombers.

Specifically, according to official, unclassified information, Soviet SS-18 and SS-26 class ICBMs are under-counted by about 1,232 warheads, Soviet SS-N-18 nd SS-N-23 SLBMs are under-counted by a total of about 1,664 warheads, and Soviet Blackjack and Bear H Air-Launched Cruise Missile (ALCM)-carrying bombers are also under-counted by a total of about 2,136 warheads.

This allowed bomber "discounting" and missile "down-loading" is because:

Soviet deception has induced the U.S. to agree that each of the SS-18/SS-26 class ICBMs, are counted as carrying 10 warheads, but each actually carries at least four more, or 14 RVs;

Soviet deception has sustained the argument that each SS-N-18 SLBM should be counted as carrying 3 warheads, but each actually carries four more, or 7 RVs;

Soviet deception has induced the U.S. to agree that each SS-N-23 SLBM is counted as carrying 4 warheads, but each actually carries six more, or 10 RVs, and;

Soviet deception has induced the U.S. to agree that each of the Bear H and Blackjack bombers are counted as carryng 8 ALCMs, but each actually is reportedly capable of carrying 10 more, or 18 Air-Launched Cruise Missile warheads.

This under-counting thus results in a total Soviet START missile and bomber warhead under-counting of about 6,000 nuclear warheads.

When these approximately 6,000 totally legal, bonus, extra warheads are added to the 6,000 warhead START ceiling, the Soviets will have an actual total of about 12,000 warheads.

Thus under START, the Soviets can quite legally have at least about 12,000 nuclear warheads. But as we shall see, they can and will have even still more.

This official, unclassified conclusion was first published by the Committee on Armed Services of the United States House of Representatives, chaired by Congressman Les Aspin, Democrat of Wisconsin, in July, 1988.

The House Armed Services Committee report was entitled Breakout, Verification and Force Structure: Dealing With the Full Implications of START.

This excellent House report concluded on page 5:

"In summary, the purported START limit of 6,000 weapons is an illusion. In addition to the limit of 6,000 weapons, the Soviets could 'legally'—and are likely to—deploy another nearly 3,000 weapons, and could 'legally' have available nearly 11,000 additional weapons that are a source for a sudden breakout from START. And, according to that rough yardstick of potential cheating, there could be an additional force of as many as 4,300 more weapons available to the Soviet attack planner."

This important conclusion that the former Soviets could have as many as 15,300 nuclear warheads fully legally under START will be elaborated below in more detail, but attached is the graphic from the July, 1988 House Armed Services Committee Report showing Soviet legal and excess "break-out" warheads under START.

A. Evidence that SS-18 class carries 14 warheads

U.S. Intelligence reportedly has long had evidence that the Soviet SS-18 class is designed to carry 14 warheads, not the 10 that will be counted in START.

First, the SS-18 has reportedly been flight-tested several times in which 10 actual warheads were released, but there were reportedly simulations of the release of 2 more warheads. The simulations of 2 stations were reportedly from different sets of additional stations.

In sum, these simulations showed that the SS-18 could release up to 4 more warheads from 4 more stations, in addition to the 10 warheads actually released. This indicated that the SS-18 class had 14 stations capable of carrying 14 warheads.

Moreover, the U.S. was reportedly allowed to actually inspect a Soviet SS-18 post-boost-vehicle in November, 1990, in a trial START on-site inspection, and from this on-site inspection we reportedly observed that there actually were 14 stations for 14 warheads on an SS-18 class ICBM.

In sum, there is extensive hard evidence that each missile in the Soviet SS-18/SS-26 class of super-extra-heavy ICBMs carries 14 warheads, not the 10 that would be counted under START, and that President Bush and Secretary of State Baker both have direct knowledge of this fact. But the U.S. has nevertheless agreed to this Soviet counting-rule ruse by accepting deceptive Soviet assurances that only 10 warheads are deployed on each SS-18.

(3) With START, the Soviets also get another significant bonus from allowed stockpiled strategic reserve forces that do not count.

U.S. Intelligence has long had strong evidence that the Soviets produce at least 3 strategic missiles for every launcher, and in most types of strategic missile classes, they produce 5 missiles for every launcher. Most of these extra missiles are stockpiled for reload and refire, as well as for reliability and flight testing. Indeed, the START Treaty itself allows 18 training, rail-mobile launchers for a total of 125 "Non-deployed" SS-24 ICBMs, a ratio of over 6 missiles to each launcher.

This ratio of about 5 missiles produced to launchers deployed was true for most of the missiles covered by the SALT I and SALT II agreements, and also the INF Treaty. Moreover, we know that the Soviets made many false data declarations during the SALT I, SALT II, and INF negotiations, in order to preserve significant covert, stockpiled missile forces.

For example, we know that the Soviets have covertly preserved a total of at least 1,000 banned INF missiles outside of their declarations under the INF Treaty.

Thus under START, the Soviets will probably also produce at least 5 missiles for every accountable launcher, which will be the basis for the Soviet covert START missile force.

Thus under START, the Soviets can also legally keep over about several thousand more extra warheads on thousands of ICBMs, SLBMs, and intercontinental bombers that are in the allowed but uncounted categories of being either "retired," "non-deployed," "obsolete," "in-operable," or already stockpiled.

For example, under START the Soviets will be allowed to keep 125 extra SS–24 "nondeployed" rail-mobile ICBMs that will not be counted in their START ceilings. This could give the Soviets 1,250 extra, uncounted, legal, bonus warheads, which is almost half of the approximately 3,000 warheads that the former Soviets allegedly may have to "reduce" under START's ostensible 30 percent warhead reduction.

Also under START, the Soviets will be able to keep 125 more uncounted, "non-deployed" SS–25, road-mobile ICBMs, which is at least 125 more stockpiled warheads.

Moreover, about 100 older Bear bomber variants, about 100 naval Bear bombers, and about 50 old Bison refueling tankers will also be explicitly excluded from the Soviet START ceilings, again with a significant strategic reserve force intercontinental bombing capability.

In sum, we know that the Soviets probably produced about 5 strategic missiles for each launcher counted under the START limits, but most of these extra missiles intended for reload and refire will not be counted under START. They will remain as a strategic reserve force, legally excluded from the Soviet START ceilings.

All of these categories of stockpiled and reload/refire Soviet missiles and bombers are thus excluded from counting in the Soviet START force totals, due to further U.S. concessions, even though we know that the Soviets intend to maintain a very significant number of stockpiled and reload/refire START missiles.

This bonus gives the Soviets another approximately 3,000 or even more totally legal extra warheads, which are strategic reserve forces.

Therefore, when we add the about 12,000 warheads that the Soviets already quite legally will retain to these about 3,000 also equally legal, excluded strategic reserve force warheads, the Soviets will have at least about 15,000 totally legal warheads.

Thus the Soviets can quite legally have over about a total of 15,000 nuclear warheads under START.

(4) The Soviets thus can legally have well over twice as many warheads under START as START ostensibly allows.

Therefore under START, the Soviets can legally more than double the 6,000 warheads they are ostensibly allowed under START, to give them at least over 15,300 warheads, without even cheating or maintaining covert forces, merely due to multiple U.S. concessions allowing the Soviets significant advantages in missile and bomber and warhead counting rules, and allowing a significant uncounted strategic reserve force of missiles and bombers.

These U.S. START counting rule concessions have thus allowed the Soviets to legally exclude a large force of extra, bonus warheads or strategic reserve reload/refire missiles and bombers carrying at least about 9,000 warheads.

Thus with allowed total of about 15,300 warheads, the Soviets can thereby legally have over twice their legal allocation.

(5) This means that the Soviets also can have over twice as many warheads under START as the U.S. can have under START, which means START clearly codifies unequal levels of forces.

START thus clearly entails unequal levels of forces between the United States and the Soviet Union.

Under START, the Soviets can thus have more than 15,300 totally legal nuclear warheads, in two categories—uncounted extra, "nondeployed," bonus warheads, and also uncounted strategic reserve force covert warheads. But under START, the United States can have only at most 6,000 warheads.

Moreover, due to U.S. strategic program decisions already made, resulting in U.S. unilateral strategic disarmament, the U.S. actually plans to have only about 4,700 warheads under START, and we appear to be complying with START even now, as if START were fully in force already. The Soviets clearly already know that the U.S. is engaged in unilateral disarmament.

Thus START explicitly codifies over a 3 to 1 numerical advantage in the key strategic measure—number of warheads—for the Soviets—in clear violation of the Jackson Amendment to SALT I.

But the SALT I Jackson Amendment legally requires equal levels of U.S. and Soviet strategic forces under START.

A. U.S. unilateral nuclear disarmament

As noted, the U.S. is behaving as if a START Treaty were already ratified and fully in force. We are planning to conform our strategic force structure strictly even now to START, as if START was already signed, given advice and consent for Presidential ratification by two thirds of the Senate, and already ratified by the President and entered into force. This is clearly U.S. unilateral disarmament.

In contrast, the Soviets are continuing their relentless strategic force buildup well beyond START limits. As President Bush stated in September, 1989, the Soviet Union is modernizing its strategic forces "at a furious pace."

The Soviets are producing annually hundreds of: 3 new types of ICBMs; 3 new types of intercontinental bombers; 2 new types of strategic ballistic missile submarines; and 3 new types of SLBMs.

Moreover, the Soviets are developing follow-ons to all of these systems, some of which are about to be flight-tested for the first time soon.

The magnitude of U.S. unilateral disarmament, compared to the existing Soviet strategic superiority and to the continuing superior Soviet strategic buildup, is as follows:

(1) The U.S. is accelerating the unilateral dismantling of at least 75 Minuteman II ICBMs, while in contrast, the Soviets are accelerating the deployment annually of several hundreds of three new types of ICBMs. According to recently declassified data from the DIA, since Gorbachev came to power, the Soviets have produced 715 ICBMs, compared to only 68 ICBMs for the U.S.;

(2) The U.S. is continuing and accelerating the unilateral dismantling of 11 Poseidon ballistic missile submarines carrying 176 Poseidon C–3 SLBMs, while in contrast, the Soviets are converting most of their comparable Yankee Class ballistic missile submarines into cruise missile submarines with an equal or even greater threat value than the original ballistic missile submarines;

(3) The U.S. is unilaterally closing down the production line for the vital MX ICBM, the only existing ICBM production line in the Free World, while in contrast, the Soviets are mass producing several hundreds of three types of new ICBMs each year at three active ICBM production lines;

(4) The U.S. is unilaterally "moth-balling" and deferring indefinitely the development and deployment of the MX ICBM in the rail-garrison mode, as well as cancelling the development and eventual deployment of the road mobile Midgetman small ICBM, while in contrast, the Soviets are deploying up to 600 or more launchers of two new types of mobile ICBMs, and are developing and are about to flight-test even newer follow-ons to their SS–24, SS–25, SS–26 ICBMs, and also to their SS–N–20 SLBM;

(5) The U.S. is continuing the unilateral dismantling of many B–52 bombers, while the Soviets have three open production lines for producing hundreds of the intercontinental Backfire, Bear H, and Blackjack bombers. For example, in the period 1989–1990, the Soviets produced 140 intercontinental bombers, while the U.S. produced only 1 intercontinental bomber, according to recently declassified data from the DIA. During the entire period of Gorbachev's 1985 to 1990 rule, the Soviets have produced a total of 450 intercontinental bombers, compared to only 104 for the U.S.

(6) In sum, the Soviets are producing 15 strategic systems for deployment, while in contrast, the U.S. is producing only one strategic system for deployment—the Trident submarine and the Trident II SLBM. But even the U.S. Trident II SLBMs are being equipped with a smaller number of warheads than they were designed to carry, and they are being equipped with older, Trident I warheads. Indeed, in the area of SLBMs, during the entire period of Gorbachev's 1985–1991 rule, the Soviets have produced well over 490 SLBMs, compared to only 205 for the U.S.

Thus the U.S. is behaving as if START was already in effect, while as usual, the Soviets are continuing their relentless, "break out" strategic buildup well beyond projected START levels in order to increase their strategic superiority.

Moreover, the United States is currently unable to produce any new nuclear materials or any new nuclear warheads, whatsoever, while in contrast, the Soviets have over a dozen active nuclear reactors producing a great amount of new nuclear material for new Soviet nuclear warheads.

The dire fact that our new Trident II SLBMs are being equipped with older Trident I warheads stems from the total U.S. inability to fabricate any new nuclear warheads whatsoever.

In sum, under START the Soviets nevertheless can legally maintain more than twice as many warheads as are allowed the U.S.

This makes a mockery of the ostensible START reductions of 30 to 50 percent, down to only 6,000 warheads allowed on each side, because the Soviets can legally more than double the legal limit of 6,000 warheads, to over 15,000 warheads, while the U.S. plans to have only 4,700 warheads at most.

(6) In addition the Soviets are allowed significant covert forces capabilities above their doubling of their allowed START level.

In addition to the Soviets' legal allowance for over 9,000 extra, legal, bonus, and also strategic reserve force warheads, the Soviets have in addition been allowed under START to maintain their capability to covertly and illegally keep almost two thousand more Strategic Nuclear Delivery Vehicles (SNDVs) carrying several thousand warheads totally outside of START levels.

For example, the Soviets can covertly keep:

Their already-illegal 200 covert SS–16 mobile SLBM launchers and missiles;

Several hundred SLBM launchers with thousands of multiple warheads at test ranges, which are known to have operational capability in a crisis, but which are uncounted in START;

Thousands of several generations of older SLBMs and SLBMs which have been replaced by retrofits of newer missiles and are covertly stored;

About 500 intercontinental Backfire bombers, and over 100 older Bear and older variants of intercontinental bombers, and the several thousand more warheads carried on these covert Strategic Nuclear Delivery Vehicles, which are completely excluded from START constraints.

A. Confirmation of over 1,000 covert INF missiles

The history of Soviet deception and confirmed cheating in arms control treaties suggests that the Soviets intend to maintain significant illegal, covert START forces.

Moreover, U.S. Intelligence reportedly has strong evidence which confirms that the Soviets have covertly retained many hundreds of illegal, stockpiled missiles banned by the INF Treaty:

At least 300, to over 600, covert SS-20s; Many covert SS-12s; At least several thousand covert, stock-piled SS-4s; A few covert SS-5s; About 200 to 300 covert SS-CX-4s; And finally, at least 72 to over 120 covert SS-23s; all of which constitute well over a thousand covert INF missiles banned by the INF Treaty, which the Soviets never declared, as required by the INF Treaty.

Thus, taking reasonable estimates for Soviet covert INF forces, the Soviets probably have covertly retained as many as well over 1,000 covert INF missiles. If the many thousands more SS-4s known to have been produced are assumed to still exit, then under a worst case estimate the total of covert Soviet INF forces could extend into the several thousands.

The Soviets will probably likewise fail to declare hundreds or even thousands of START missiles, as they did in INF.

(7) The Soviets will thus actually be able to maintain several thousand covert force warheads above their already more than double START level.

The Soviets have therefore also succeeded in gaining U.S. START concessions explicitly allowing these many covert Soviet Strategic Nuclear Delivery Vehicles and their several thousand more warheads, all to be covertly excluded from START constraints.

Moreover, in light of the confirmed fact that we know that the Soviets retained significant illegal covert missile forces under the INF Treaty, the Soviets will almost certainly exploit their capability to maintain these excluded intercontinental strategic forces as covert START forces, thus allowing the Soviets enormous options to maintain significant numbers of *covert* START forces of launchers and warheads.

Including these estimated *covert* forces numbering at least over 3,000 warheads on top of their legal 15,300 warheads, the Soviets will have at least about *18,300* warheads, compared to a grand total of only about 4,700 warheads under START for the U.S.

(8) START will more than double the existing Soviet first strike advantage.

The grossly asymmetrical force structures resulting from the mostly unilateral U.S. strategic force cutbacks in the proposed START Treaty, such as the Soviet capability to legally maintain over 15,300 extra warheads, plus at least about 3,000 more that are covert, when combined with the unequal U.S./Soviet targeting requirements, will thus make it much easier for the Soviets to strike the U.S. first with nuclear weapons against American missile, bomber, and submarine bases.

Thus in sum, START will make it much more easy for the Soviet Union to hit the U.S. first, because START will not even count or reduce existing Soviet quantitative strategic advantages, or constrain the significant Soviet modernization of several kinds of missiles, bombers, and nuclear first strike weapons that the Soviets possess and the U.S. does not.

The open press recently published many quotations from a classified 1988 CIA memo on the Soviet SS-18 Mod 5—the SS-26.

This 1988 CIA memo reportedly stated:

"The Soviets have been able to achieve two important objectives in START. First, they can accept a provision which reduces the number of heavy missiles by 50 percent and hopefully obtain a major U.S. concession in return. Second, with the larger SS-18 Mod 5 Re-entry Vehicle, they can still maintain the capability to destroy all U.S. silo-based ICBMs with the SS-18. The Soviets probably agreed to the U.S. 50 percent reduction proposal only *after* assuring themselves that this capability could be maintained."

For example, under START, the Soviets could easily have many more than 15,000 warheads available for a first strike, in order to attack only about 1,500 existing U.S. strategic targets, thereby giving the Soviets over a 15 to 1 strategic first strike advantage. This Soviet advantage more than *doubles* the already existing, pre-START Soviet 6 to 1 first strike advantage.

Moreover, even with only half the number of SS-18/SS-26s, 154 allowed under START, the Soviets will still have about the same first strike capability that they had with the full 308 launchers of the SS-18/SS-26 class.

To re-emphasize, even with START's ostensible halving of the SS-18 force from 308 to 154 SS-26 launchers, the Soviets will still have about the same first strike capability as they had with 308 SS-18s. This is due to the SS-26's much increased throw-weight, accuracy, and warhead carrying capacity.

If the Soviets were to deploy 20 warheads on each of their allowed 154 SS-26 ICBMs, then only 154 SS-26s would give the Soviets more accuracy, and more effective first strike capability, and the same number of warheads, as the already-existing 308 SS-18s force with 10 allowed warheads each, aimed at fewer U.S. hard targets.

(9) START will also allow further Soviet Modernization of their forces to even further enhance their first strike advantage.

But due to even additional major U.S. concessions, under START the Soviets will be allowed to significantly modernize all of their strategic missile and bomber forces, and the U.S. will effectively be denied these same qualitative modernization options.

For example, the Soviets are reportedly already developing and even testing so-called "follow-on" missile variants to their SS-24, SS-25, and even SS-26 ICBMs, and also to their SS-N-20 SLBM.

There are indications that these four new missiles will soon be flight-tested this year and next, and that they will be quickly deployed, with or without START. These four new missiles will surely have even heavier throw-weight than their predecessors, and they will be able to carry even more extra, bonus warheads, especially if the U.S. concedes to recent Soviet proposals on "downloading" counting rules and new type missile definitions.

For example, the Soviet SS-25 follow-on will probably be deployed with 3 covert MIRV warheads, but START will count it with only 1 warhead. This deployment alone could give the Soviets almost 1,000 more covert warheads. In addition, the Soviets may deploy more than the 14 warheads that are already probably on each SS-18. If the Soviets deployed 20 warheads on each of their 154 SS-18-class ICBM launchers, credited with only 10 warheads each, the Soviets could have 1,540 more covert warheads even than listed above.

These further U.S. force structure concessions will greatly enhance already existing Soviet strategic advantages and first strike capabilities.

(10) Finally, START will not be effectively verifiable, and U.S. Intelligence knows that the Soviets have cheated and will continue to cheat.

Even with augmented U.S. National Technical Means of START monitoring and verification capabilities, and even with extensive U.S. on-site inspections and other so-called "co-operative verification measures" under a proposed START Treaty, START will still not be effectively verifiable.

The START verification regime is full of loopholes inserted deliberately by the Soviets, in order to simplify their deception and cheating.

A. Monitoring Soviet mobile missile production: not enough perimeter-portal continuous monitoring (PPCM)

The Soviets have already deployed over 400 solid propellant mobile ICBM's both SS-25 road-mobile ICBM's and SS-234 rail-mobile ICBMs.

Thus continuous on-site monitoring of the portals and perimeters of all of the many Soviet production facilities for the first stage solid rocket motors for these two mobile ICBMs are crucial to monitoring START.

And in addition there are several Soviet solid propellant SLBMs—the SS-N-23 and SS-N-20—which are also being massed produced at several first stage solid rocket motor production facilities.

But START will entail many problems in monitoring the production of these missiles proposed to be constrained by START limits.

For example, as currently agreed, START will only allow two "perimeter-portal continuous monitoring" systems to verify Soviet solid propellant missile final assembly. And as a further problem, these two monitoring facilities will definitely not be able to verify the many Soviet first stage solid rocket mobile missile production facilities inside the Soviet Union used to produce these 4 Soviet mobile, solid propellant missiles.

Yet first stage solid rocket motors for mobile ICBMs are the unit of account in START.

Indeed, the two allowed solid rocket final assembly monitoring systems will be totally inadequate to monitor Soviet START missile production, because they will only monitor two missile final assembly facilities, rather than the several first stage solid rocket motor production facilities which actually produce the SS-N-20, SS-N-23, SS-24, and SS-25 solid propellant mobile missiles and their stages which are allowed and counted under START.

Moreover, the Soviets can accomplish missile final assembly anywhere, such as at the test ranges, so it will not do us much good go monitor the two allowed final assembly facilities.

In addition, under START the U.S. may not be able to weigh and measure Soviet missiles and their stages. This failure could be a serious U.S. monitoring shortcoming in START. And under START, the Soviets will probably be able to continue the full encryption of all their electronic telemetry signals for missile tests.

B. Soviet negotiating deception in START

The already confirmed history of Soviet deception and cheating on all existing arms control treaties, including Soviet "fraud in the inducement" in negotiating SALT I, SALT II, "bad faith" in the negotiation of the recent Intermediate-range Nuclear Forces Treaty, and Soviet falsification of data in the proposed Conventional Forces in Europe Treaty and the possible START Treaty, and other serious confirmed Soviet cheating on SALT I-II and the ABM Treaty, the INF Treaty, and the proposed CFE Treaty, altogether suggest that the Soviets will persist in cheating on START, and that the U.S. will continue to have great difficulty in detecting Soviet deception and cheating under START.

According to press reports, in their October, 1990 START data exchange the Soviets claimed that they had zero new ballistic missile submarines under construction. But U.S. NTMs have reportedly detected components for four new Soviet ballistic missile submarines under construction.

Moreover, also in November, the Soviets reneged on their long-agreed warhead counting rule for their SS-N-18 SLBM. Thus the Soviets have clearly engaged in data falsification and negotiating deception in START, just as they did in all previous arms control negotiations and treaties.

Here is a description of each of the seven serious cases of reported Soviet negotiating deception in START:

1. The Soviets falsely claimed that each of their SS-18/SS-26 class of ICBMs carried only 10 warheads, when in fact U.S. Intelligence knows that each ICBM of this class has the capability to carry at least 14 warheads;

2. The Soviets falsely claimed that each of their SS-N-23 SLBMs carried only 4 warheads, when in fact U.S. Intelligence knows that each such SLBM has the capability to carry 10 warheads;

3. The Soviet falsely claimed that each of their SS-N-18 SLBMs carried only 3 warheads, when in fact U.S. Intelligence knows that each such SLBM has the capability to carry 7 warheads;

4. The Soviets falsely claimed that they did not have any SLBM submarines under construction, when in fact, reportedly according to U.S. Intelligence National Technical Means of monitoring, they had at least 4 ballistic missile submarines under construction;

5. For years in the START negotiations, the Soviets claimed that they could not declare the launch-weights and the throw-weights of their individual strategic missile types, because these declarations would prove that they had systematically developed, tested, and deployed several missiles in violation of SALT II constraints, and the U.S. acquiesced in this Soviet refusal;

6. The Soviets claimed that their new type missile, the super-extra-heavy SS-26 ICBM, was only a legal modification of their old type SS-18 extra-heavy missile under SALT II, when in fact the SS-26 was developed, tested, and deployed in violation of SALT II constraints. The Soviets also falsely claimed that their SS-26 was fully legal under SALT II, when in fact it was not, and the Soviets are deceptively trying to "grandfather" their illegal SS-26 under START.

7. Then-Soviet Foreign Minister Shevardnadze claimed in July, 1990, that the Soviets would stop their deployment of rail-mobile SS-24 ICBM launchers at 36, but U.S. Intelligence has reportedly just detected the deployment of a new train carrying 3 more SS-24 rail-mobile launchers above the declared level of 36, and according to press reports, the Soviets have also recently deployed 18 additional SS-24 rail-mobile "training" launchers which are indistinguishable from regular SS-24 rail-mobile launchers. Thus instead of having only the 36 SS-24 rail-mobile launchers that the Soviets pledged that they would have, the Soviets now have at least 57 such launchers.

And very significantly, all have a refire capability, doubling the force.

Finally, there is further evidence, at least an eighth case, of Soviet negotiating deception in START.

C. Further Soviet START deception

The Soviets tried to exploit the "end-game" START negotiations over the definition of new type missiles to their advantage, by allowing all their new type options under development, and to allow the further "down-loading" of all their "new type" missiles, in order to maximize their options to have new heavier missiles, which will also be counted as carrying many fewer warheads than they are capable of carrying.

Indeed, it is clear that the Soviets have engaged in "fraud in the inducement"—data base deception—in negotiating all existing arms control treaties. In particular the Soviet-supplied data bases in SALT I, SALT II, MBFR, INF, CFE, and now START, have all had significant fraudulent and deceptive elements.

D. The details of the SS-26 deception case

The Soviet new-type, super-extra-heavy SS-26 ICBM should be regarded as an important violation of the Soviet political commitment to abide by SALT II. Moreover, through negotiating deception in START, the Soviets have succeeded in convincing U.S. negotiators that this missile is merely the fifth "modification" of the old type Soviet SS-18 ICBM, and therefore the "SS-18 Mod 5" is "grandfathered" under START as merely a completely legal old type ICBM. But in reality, the Soviet SS-26 is a missile which violated SALT II in several ways, is legalized under START through Soviet negotiating deception, and which poses about twice the first strike threat as the old SS-18 class ICBMs.

In 1987, the Commander of the Soviet Strategic Rocket Forces state in an interview with Pravda that the Soviet SS-18 Mod 5 (or the SS-26, as it should properly be called) ICBM was developed and tested in accordance with SALT II limits. The Soviets still consistently claim that they have always been in full compliance with SALT II.

But this Soviet statement and frequent claims are another example of a Soviet total lie.

These Soviet false statements and claims constitute another clear example of Soviet START negotiating deception.

In the 1988 CIA memo recently revealed in the press, CIA's top analysts reportedly stated that the characteristics of the SS-18 Mod 5 (SS-26) "differ from the characteristics of the SS-18 Mod 4 in some important ways." The CIA memo reportedly went on to say that the SS-18 Mod 5's (SS-26's) throw-weight increased by "10 to 20 percent above the operational throw-weight of the SS-18 Mod 4." The memo reportedly concluded that "we are highly confident that the SS-18 Mod 5's [SS-26's] throw-weight has increased."

The most important difference between the SS-18 Mod 4 and the SS-18 Mod 5 (SS-26) is the fact that the SS-18 Mod 5 (SS-26) has much heavier throw-weight than the SS-18 Mod 4. Moreover, as we shall see, this 10 to 20 percent increase in throw-weight makes the SS-26 a third "new type" ICBM, under SALT II's definition.

The 1988 CIA memo reportedly concluded that:

"Under the terms of the unratified SALT II Treaty, the Soviets were prohibited from any increases in the launch-weight or throw-weight of the SS-18 Mod 4. It is apparent that they planned to flight-test the SS-18 Mod 5 with a throw-weight in excess of SALT II limits before the U.S. formally announced it would abandon the SALT II Treaty in May, 1986."

This is a clear CIA conclusion that the SS-26 was developed and tested in violation of SALT II.

In fact, the SS-26 was first flight-tested in March, 1986, while the Soviets were still politically committed to observe SALT II.

Moreover, besides being super-extra-heavy in throw-weight, there is a second reason that the SS-26 should be classed as a new type ICBM. The SALT II definition of a "new type ICBM" is any missile with more than a 5 percent increase in throw-weight. The SS-18 Mod 5 should have been classed as a new type, super-extra-heavy ICBM and designated the SS-26, because of CIA's assessment that its throw-weight was 10 to 20 percent greater than that of the SS-18 Mod 4.

This heavier throw-weight, of which the CIA is highly confident, thus has two important implications:

(1) Because CIA states that the SS-18 Mod 5/SS-26 was first flight-tested in March, 1986, while the U.S. and the Soviet Union still maintained their political commitment to abide by SALT II, its heavier throw-weight means that the Soviet SS-18 Mod 5 is a missile which was developed and tested in violation of the 1979-1986 Soviet legal and then political commitment to observe the limits of the unratified SALT II Treaty;

(2) and, the SS-18 Mod 5's heavier throw-weight means that this missile should have been designated the SS-26 as a new type ICBM in terms of both SALT II and START, because the SS-26 exceeds both the SALT II limit on increased throw-weight for heavy ICBMs, and also the SALT II definition of a new type ICBM.

To re-emphasize, the 1988 CIA memo stated that CIA was "highly confident that the SS-18 Mod 5's throw-weight has increased" over the throw-weight of the older SS-18 Mod 4 by "10 to 20 percent."

This clearly means that the SS-18 Mod 5 (SS-26) is a SALT II violation, and a new type ICBM in terms of SALT II and START, which should carry the designator of SS-26.

Thus the Soviets lied again—the top CIA analysts believe that the Soviet SS-18 Mod 5 was developed and tested in violation of SALT II as an illegal third new type ICBM, and also as an illegal new heavier ICBM, despite Soviet claims to the contrary. And as a third new type, super-extra-heavy ICBM, the SS-26 should be treated as such in the START negotiations.

In sum, according to the CIA's own 1988 memo, the SS-18 Mod 5 should really be designated the SS-26, and should be regarded as a missile developed and tested in violation of SALT II, and as such also as a super-extra-heavy ICBM and a new type ICBM in terms of the START negotiations. But instead, as a result of Soviet START negotiating deception, the SS-26 is classed merely as the SS-18 Mod 5, and is therefore "grandfathered" as a completely legal old or existing type of ICBM under START.

E. The details of the case of the U.S. acquiescence in Soviet refusal to reveal their missile throw-weights

In addition to the SS-26 case of Soviet START deception, there is the further case of the Soviet refusal to reveal their ballistic missile throw-weights, for fear of confessing to their serious violations of SALT I and SALT II.

The Soviets have consistently refused to reveal to the U.S. the specific throw-weights of each of their ballistic missiles in the START negotiations, in regard to discussions of limitations on new missile throw-weights.

The U.S. has accepted this Soviet refusal to reveal each specific missile's throw-weight, because we have conceded that all we need for negotiating the presumed 50 percent reduction in aggregate ballistic missile throw-weight is the Soviet aggregate ballistic missile throw-weight, in order to have a baseline from which to calculate the 50 percent reduction.

Until this recent U.S. concession to accept only a Soviet aggregate throw-weight, one element of the U.S. approach to throw-weight limits was for each side to declare the throw-weight of each of its existing ballistic missiles.

But on March 1, 1990, Soviet Deputy START negotiator, Ambassador Masterkov, was asked why the Soviets were reluctant to exchange throw-weight values for specific missiles.

Ambassador Masterkov reportedly stated that: "The Soviets feared that if they revealed their specific throw-weight values for each of their missiles, these revelations might be used by the U.S. to raise SALT II compliance concerns."

It is extremely important to note that this Soviet admission is tantamount to a Soviet admission that the throw-weights of many of their existing missiles violated SALT II.

The Soviets evidently feared revealing the throw-weights of their SS-24 extra ICBM and their super-extra-heavy SS-26 ICBM. As noted, U.S. Intelligence believes that the launch-weight of the SS-24 clearly violates SALT II, and that both of these missiles have throw-weights that violate SALT II. And in addition, if the Soviets revealed the true throw-weight of their SS-19 heavy ICBM, it would clearly be greater than the SS-19 throw-weight that the U.S. attributed to the Soviet SS-19 in the SALT II negotiations, which was regarded by the U.S. as marking the boundary between light and heavy missiles.

In response to this Soviet reluctance to reveal the truth about Soviet deception and cheating in SALT II during the START negotiations, U.S. START negotiators stated that the U.S. no longer made formal compliance judgments with regard to SALT II, and that we regarded SALT II as a closed chapter. The U.S. also said that it was looking forward, not backward toward SALT II, and that the U.S. was not interested "in engaging in a major debate over the accuracy of specific Soviet throw-weight values." This was a significant U.S. concession—in effect the U.S. negotiators stated that they were not interested in finding out whether the Soviets were going to admit that they had cheated on SALT I and SALT II.

Instead, U.S. negotiators stated that the U.S. approach was a "pragmatic" one—that the U.S. was willing to let the Soviets mislead and deceive the U.S. once again.

U.S. negotiators stated that they remembered the December, 1987, Washington Summit, at which time the Soviets declared a value of only 44 warheads to be attributed to the Soviet SS-N-23 SLBM. But U.S. Intelligence even then had clearcut evidence that the Soviet SS-N-23 instead carried 10 warheads.

The U.S. negotiators then stated that while this Soviet declaration of only 4 warheads for the Soviet SS-N-23 had surprised the U.S., the U.S. had nevertheless accepted this Soviet deception.

The U.S. negotiators further stated that in the case of the Soviet reluctance to provide their specific missile throw-weights, the U.S. would display the same attitude as had been shown regarding the Soviet SS-N-23 warhead number deception.

In other words, the U.S. negotiators told the Soviets to go ahead and lie again to us on their specific missile throw-weights, as the Soviets had already done regarding their SS-N-23 SLBM warhead number, and the U.S. would again believe the Soviet lies like we had done regarding their SS-N-23 SLBM warhead loading.

F. Difficulties in monitoring Soviet mobile ICBM deployment

There are several other serious START verification issues, especially those involving the monitoring of Soviet mobile ICBMs.

In particular, given the confirmed facts that:

—Soviet mobile ICBMs constitute about 22 per cent of the Soviet legal allowance for Strategic Nuclear Delivery Vehicles under a possible START Treaty;

These mobile ICBMs carry about 13 per cent of the Soviet legal allowance for nuclear warheads under START;

The SS-25 road-mobile ICBMs are carried on truck launchers that are almost identical to the Soviet-supplied SCUD mobile truck launchers that were deployed in Iraq and that were so extremely difficult for the U.S. to detect even in the open desert during operation Desert Shield/Desert Storm, using *both* satellite and aerial reconnaissance;

And General Schwarzkopf compared the task of finding Iraqi mobile SCUD missiles to "looking for a needle in a haystack."

It is therefore clear that the U.S. will not be able to effectively monitor and verify Soviet road-mobile ICBM deployment under START using *only* satellite reconnaissance.

Moreover, it is also a fact that the Soviet SS-24 rail-mobile ICBM is deployed in deceptive rail trains made to appear identical to normal Soviet civilian trains.

As a result of this confirmed Soviet SS-24 rail-mobile ICBM deception, the U.S. Intelligence community has reportedly concluded in a formal written assessment, that it will be totally impossible to effectively monitor and verify Soviet SS-24 rail-mobile ICBM deployment under START.

This will be especially true if 125 "non-deployed" SS-24 missiles are allowed, and also if there is no "Perimeter-Portal Continuous Monitoring" of SS-24 first stage solid rocket motor production facilities.

Finally, we should realize that the proposed START mobile missile monitoring areas in the USSR are several times larger than the SCUD monitoring areas in Iraq (which were already about the size of several large U.S. states), and instead of being largely open desert, the Soviet mobile missile deployment areas are mostly forest, where camouflage and concealment is much easier.

There are also many more monitoring and verification problems with START, which will emerge as more details about START become known. These monitoring problems include such thorny issues as telemetry encryption and data denial, monitoring of "down-loading," and monitoring of definitions of new type missiles and bombers.

Conclusion

In sum, there are at least ten serious defects in the draft, proposed START Treaty. But even these ten "fatal flaws" in START are only the "tip of the iceberg" of the problems with the START Treaty. Many more defects and flaws will emerge as more details about the proposed, 280 page, draft START Treaty become known.

IV. START WILL BE MORE DESTABILIZING THAN SALT II

Most seriously, the currently envisioned draft START Treaty will clearly further enhance the Soviet first-strike capability.

A proposed START Treaty will thus further erode the survivability of the U.S. retaliatory deterrent capability.

Indeed, by allowing a further increase in the already overwhelming Soviet first strike capability, a proposed START Treaty seems to be worse and more destabilizing than the SALT II Treaty, which the United States Senate refused to give its advice and consent for the President to ratify.

President Bush should be urged to correct these 10 serious START defects before he ever signs a proposed START Treaty.

REPORT ON SOVIET BALLISTIC MISSILE TESTS NEAR HAWAII AS REQUIRED UNDER SECTION 1201 OF THE FY '88-89 STATE DEPARTMENT AUTHORIZATION BILL

DESCRIPTION OF EVENTS RELATED TO SOVIET FLIGHT TESTS

On September 26, 1987[1] the Soviet Union notified the US Embassy in Moscow that the Soviet Union intended to conduct missile launches between September 29 and October 8, 1987. In addition, the Soviets provided coordinates of two impact areas in the northern Pacific Ocean: a circular area (referred to below as the "southern impact area"), which was 60 nm in radius and located about 350 nm southwest of Honolulu; and a large trapezoidal area (referred to below as the "northern impact area"), whose southern limit was located about 600 nm northwest of Honolulu (see attached map). The Soviet news agency TASS announced the upcoming tests on September 27.

On the day of the Soviet notification to Embassy Moscow—Saturday, September 26—the Embassy cabled the notification to the Department of State and other routine addresses for such notifications. US officials identified the proximity of the impact area to Hawaii and prepared a formal protest to the Soviet representative in Washington. On Wednesday, September 30 the Soviets were called in to the State Department to receive the protest.

On September 29, at approximately 7:00 p.m., the Soviet Union launched an SS-18-class ICBM from the Tyuratam missile test complex. The test was a failure. The Soviets launched a second SS-18-class ICBM at approximately 9:00 p.m. on September 30. This test appears to have been successful, with several RVs landing in the northern impact area. No RVs or missile debris from the September 29 or September 30 tests landed in the southern impact area. Shortly after the September 30 test, the Soviet Union announced that this series of tests was complete.

The announced impact points for the September 29-October 8 tests, and the prepositioning of Soviet auxiliary ships (used for test monitoring purposes) in the vicinity of both the northern and southern impact areas, indicates that the Soviets were prepared to have their re-entry vehicles (RVs) pass in unprecedented close proximity to major populated islands of the Hawaiian chain, an unnecessary and provocative act.

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[1] All dates are referenced as Eastern Daylight Time.

In addition, since failures can and do occur during Soviet missile tests, a Soviet attempt to target RVs in the southern impact area would have carried the inherent risk that a deviation in the missile's trajectory or other technical problems could have resulted in RVs landing much less than 350 nm from, or perhaps on, sovereign US territory.

During both the September 29 and September 30 tests, Soviet naval craft illuminated US military aircraft operating in international airspace with what we believe to be lasers. On September 29 a US Air Force aircraft, which was observing Soviet activities related to the missile tests in the northern impact area, reported seeing a bright light from an undetermined source near the Soviet Navy's experimental auxiliary ship "Chukotka." The light disturbed the copilot's vision for ten minutes. On the following day, a US Navy aircraft was illuminated by an intense light from the "Chukotka."

The potentially hazardous use by the Soviets of directed-energy devices against US personnel raises serious concerns. It should be noted that, prior to the occurrences related to the Soviet missile tests, there had been worrisome incidents involving probable Soviet use of lasers against military units of the US and other Western nations.

US DEMARCHES AND SOVIET RESPONSES

After interested agencies reviewed the facts, the highest ranking Soviet diplomat present in Washington was called in to receive a demarche protesting the Soviet tests. The demarche was presented by the Director of the Office of Soviet Union Affairs to the Deputy Chief of Mission of the Soviet Embassy at about 4 p.m.

By early morning on October 1 (roughly thirteen hours after the US protest and 8 hours after the second ICBM test), Tass reported the completion of missile launches. The Soviet Foreign Ministry, in an October 6 statement, claimed that the tests had posed no hazard to US territory and did not involve a trajectory that passed over the Hawaiian Islands.

On the basis of conclusions reached from intelligence and the debriefing of the US aircrews, the State Department's Office of Soviet Union Affairs, on November 4, 1987, lodged a formal protest with the Soviet Embassy regarding the incidents in which directed energy devices were used to interfere with US reconnaissance aircraft. Both the Soviet missile tests and the potentially hazardous use of directed energy devices were also raised in high level meetings with the Soviets both before and during the Washington Summit.

PREVENTING FUTURE INCIDENTS

Two agreements currently in force are relevant to the prenotification of ballistic missile flight tests as a means of reducing possible misinterpretation or misunderstanding. Under Article VI of the 1972 Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on the Prevention of Incidents on and over the High Seas (INCSEA Agreement), the Parties are obligated to "provide through the established system of radio broadcasts of information and warning to mariners, not less than 3 to 5 days in advance as a rule, notification of actions on the high seas which represent a danger to navigation or to aircraft in flight."

In addition, under Article IV of the 1971 Agreement on Measures to reduce the Risk of Outbreak of Nuclear War between the United States of America and the Union of Soviet Socialist Republics ("Accidents Measures" Agreement), each Party is obligated "to notify the other Party in advance of any planned missile launches if such launches will extend beyond its national territory in the direction of the other Party." Although the Soviets (as is their customary practice) did not specify the agreement under which the September 26 notification was given, the substance of the notification was consistent with either—or both—the INCSEA and "Accidents Measures" Agreements.

All states have the right to conduct missile tests on the high seas in conformity with applicable international legal restrictions. At present, there are not specific treaty restrictions on conducting missile tests in the direction, or within a specified distance, of foreign territory. Customary international law, however, would prohibit the flight of RVs or other objects through US airspace without prior consent. Thus, a missile launch and RV descent that involved the overflight of US territory into an impact area in close proximity to the state of Hawaii could have raised issues in this regard. However, the Soviet tests of September 29 and September 30 were conducted in compliance with international law and existing agreements.

While we cannot state with certainty that the end of the Soviet series of tests on October 1 was the result of US protests, or that such incidents could not occur in the future, we believe the series of high level US protests, through both diplomatic and military channels, has clearly conveyed the seriousness of the US position in this regard.

SOVIET MISSILE IMPACT AREAS

Possible impact areas announced by the Soviet Union for the period between September 29 and October 8 were described as:

(1) The circumference of a circle with a radius of 60 nautical miles, with a center having the coordinates of 18 degrees, 00 minutes north latitude and 163 degrees, 00 minutes west longitude;

(2) A trapezoid with coordinates of 39 degrees, 30 minutes north latitude and 173 degrees, 00 minutes West longitude; 30 degrees, 30 minutes north latitude and 165 degrees, 15 minutes west longitude; 28 degrees, 15 minutes north latitude and 170 degrees, 00 minutes west longitude; 38 degrees, 30 minutes north latitude and 176 degrees, 00 minutes west longitude.

Soviet Violations of SALT I and SALT II With Two Heavy ICBMs Are Confirmed by New Soviet-Provided START Data, But START Will Now Legalize These Previously Illegal Heavy Missiles

Throughout the 1969–1991 period of strategic arms limitations and reduction negotiations between the United States and the former Soviet Union, the United States has tried to restrict Soviet heavy missiles. One of the most important objectives of the United States has been to prohibit Soviet Inter-Continental Ballistic Missiles—ICBMs—which were heavy, from replacing Soviet light ICBMs. The United States has also tried to prevent the Soviets from modernizing their ICBMs by developing and deploying "new type" heavy ICBMs. Both of these key American objectives have aimed at preventing the Soviet Union from increasing its heavy ICBM first strike threat.

But the Soviets used negotiating deception and "fraud in the inducement" during Strategic Arms Limitation Treaty I—SALT I—negotiations to deploy illegal heavy ICBMs to replace light ICBMs in violation of the SALT I agreements. The Soviets have also used negotiating deception and "fraud in the inducement" in SALT II in order to illegally develop and deploy a "new type" heavy ICBM.

For a cumulative total of almost 20 years, in diplomatic channels the Soviets have falsely denied that two of their ICBMs were heavy, and were illegally replacing their light ICBMs in violation of SALT I and SALT II.

Fortunately, now unclassified Soviet-provided data in the recent START Treaty finally confirms these past Soviet heavy ICBM deceptions and violations of SALT I and SALT II. Eleven cases of Soviet deception and violations related to this data are now confirmed.

But unfortunately, START will fully legalize two previously illegal Soviet heavy ICBMs and several other previously illegal missiles. Thus Soviet deceptions and violations on heavy ICBMs in SALT I and SALT II have finally triumphed in the proposed SALT Treaty.

SOVIET SALT I HEAVY ICBM DECEPTION AND VIOLATION

In the SALT I Interim Agreement signed in May 1972, the Soviets agreed to a key provision prohibiting heavy ICBMs from replacing light ICBMs. But there was no agreed definition of a heavy ICBM.

Soon after signing SALT I, the Soviets began long-range flight testing and deployment of a heavy ICBM—their SS–19—to replace their light SS–11 ICBM. The Soviet heavy SS–19 thus defeated the object and purpose of SALT I.

According to now declassified, but once extremely sensitive communications intelligence intercepts, Soviet leader Brezhnev himself in May, 1972 secretly regarded their SS–19 ICBM to be a "heavy" ICBM. Moreover, this evidence explicitly shows that Brezhnev wanted to keep the "heavy" SS–19 ICBM secret from the United States until after SALT I was signed, because Brezhnev stated that he planned to illegally deploy this heavy missile to replace Soviet light SS–11 ICBMs on a large scale.

In order to induce the United States to agree to such a prohibition on heavy ICBM deployment without a definition of a heavy ICBM, the Soviets engaged in negotiating deception. The Soviet negotiators falsely assured the United States several times that an agreed definition of a heavy ICBM was not necessary, because they falsely claimed that they had no intention to deploy heavy ICBMs to replace light ICBMs. Soviet negotiators actually even told United States negotiators that the United States could "trust" the Soviets not to replace light ICBMs with heavy ICBMs.

But their later large scale deployment of SS–19 heavy ICBMs to replace their SS–11 light ICBMs proved that they not only defeated the object and purpose of SALT I; it also proved that they fraudulently induced the United States to sign SALT I by falsely claiming that they did not intend such replacement. The large scale Soviet deployment of heavy SS–19 ICBMs increased the Soviet first strike threat by a factor of five. Other evidence indicates that throughout the 1970s the Soviet leaders continued to secretly refer to their SS–19 ICBM as a "heavy" ICBM. Indeed, recent Soviet-supplied START data has now confirmed that this sensitive intelligence accurately revealed that the SS–19 was in fact a "heavy" ICBM.

In sum, the Soviets not only negotiated deceptively to deploy their heavy SS–19 ICBM, but they also violated SALT I with this deployment. Moreover, ever since 1972, in diplomatic channels the Soviets have continuously and falsely denied that their heavy SS–19 ICBM was a heavy ICBM.

This experience in SALT I taught the United States that any effort in SALT II to constrain heavy ICBMs from replacing light ICBMs, and also to constrain heavy ICBM modernization, must be accompanied by an agreed definition of a heavy ICBM.

SOVIET SALT II HEAVY ICBM DECEPTION AND VIOLATIONS

In the SALT II Treaty signed in 1979, the United States once again succeeded in gaining Soviet agreement to the key provision that heavy ICBMs could not replace light ICBMs. Moreover, the United States also succeeded in gaining Soviet agreement to prohibit development and deployment of "new type" heavy ICBMs. But having learned our lesson from SALT I, this time we also tried to secure Soviet agreement to a definition of a heavy ICBM, which was crucial to making these prohibitions on heavy ICBMs into effective constraints.

The United States therefore put forward a definition of a heavy ICBM that was based upon the U.S. Intelligence estimate in 1979 of the launch weight of the Soviet SS–19 heavy ICBM. U.S. Intelligence estimated then in an unclassified assessment that the SS–19 had a launch weight of 90,000 kilograms.

The United States thus proposed that in SALT II, any ICBM on either side with a launch weight greater than 90,000 kilograms would be classed as a heavy ICBM.

SALT II thus again prohibited any heavy ICBMs from replacing light ICBMs, and in addition it went on to prohibit "new types" of ICBMs that were heavy. Only one "new type" ICBM was to be allowed to be developed and deployed on each side, and it had to be light—with a launch weight less than 90,000 kilograms.

The Soviet Union did not respond to this SALT II launch weight definition of a heavy ICBM proposed by the United States, but the United States avowed that it interpreted the Soviet silence on this definition to be assent.

Thus the United States signed SALT II in 1979 believing that there was at least a tacitly agreed launch weight definition of a heavy ICBM, and that the Soviet Union had agreed not to deploy heavy ICBMs with launch weight greater than 90,000 kilograms to replace light ICBMs, and had agreed not to develop, test, and deploy any "new type" heavy ICBMs with launch weight greater than 90,000 kilograms.

In 1982, the Soviets suddenly began flight testing two new types of ICBMs—the SS–24 and the SS–25.

But the SS–25 ICBM turned out to be a prohibited second new type light ICBM, and it was illegal for several reasons—it had about ten times more than the allowed 5 percent increase in throw weight, its telemetry was fully encrypted (encoded) illegally, and it violated the prohibition on the proportion of throw weight used by the single warhead.

Moreover, the SS–24 also turned out to be illegal, because its electronic telemetry signals were fully encrypted in violation of SALT II prohibitions against such encryption.

But there was another aspect of the new SS–24 that we have long suspected—it too has turned out to be another illegal heavy ICBM. Its launch weight has turned out to be heavier than 90,000 kilograms.

Moreover, during the 1979–1986 period when both the United States and the Soviet Union claimed a joint "political obligation" to comply with the unratified SALT II Treaty, the Soviets continued to replace light SS–11s with heavy SS–19 ICBMs, which now were the threshold between heavy and light ICBMs.

SOVIET START DATA CONFIRMS EARLIER DECEPTION AND VIOLATIONS ON HEAVY ICBMS, WHILE LEGALIZING THE SS–19 AND SS–24 HEAVY ICBMS

The United States and the Soviet Union signed the START Treaty on July 31, 1991. (Since then, the former Soviet Union changed its name to the "Commonwealth of Independent States," and changed the structure of legal and political control of strategic nuclear weapons, complicating the legal status and the ratification prospects of START.)

Like SALT I and SALT II before it, START's Article V again tries to prohibit heavy ICBMs from replacing light ICBMs. START's Article V also prohibits the development, testing, and deployment of "new type" heavy ICBMs. The START Treaty also finally contains a fully agreed definition of a heavy ICBM.

As an integral, legal part of the START Treaty, in the START Memorandum of Understanding (MOU) on Data, the Soviets were obliged to provide data on the characteristics and numbers of their missiles and bombers. But throughout the 1982–1991 START negotiations, the Soviets were very reluctant to provide this data, because they repeatedly stated that to provide this data would entail admitting their heavy ICBM deceptions and violations regarding SALT I and SALT II.

Nevertheless, just before START was signed on July 31, 1991, the Soviets finally revealed the launch weights of their SS–19 and SS–24 ICBMs. And the Soviet reluctance to provide this data was well founded—their MOU data provided under the START Treaty did in fact confirm several Soviet deceptions and violations of SALT I and SALT II.

In the unclassified START MOU on data, the Soviets finally revealed that the unclassified launch weight of their SS–19 ICBM was 105,600 kilograms, as compared to the 1979 U.S. Intelligence estimate in the SALT II definition of a heavy ICBM as any ICBM with a launch weight greater than 90,000 kilograms.

Moreover, the unclassified START definition of a heavy ICBM is any ICBM with a launch weight greater than 105,600 kilograms, that is, any ICBM with launch weight heavier than the SS–19.

Finally, the Soviets also revealed that the unclassified launch weight of their SS–24 new type ICBM was 104,500 kilograms, as compared to the 90,000 kilogram launch weight which defined a heavy ICBM under SALT II.

The Soviets thus finally revealed that the launch weight of the SS–19 indicates that the SS–19 was a heavy ICBM which defeated the object and purpose of SALT I. Moreover, the finally revealed launch weight of the SS–19 violated the U.S.-proposed and tacitly agreed definition in SALT II for heavy ICBMs. Further, the finally revealed launch weight of the Soviet SS–24 shows that it, too, was an illegal new type heavy ICBM under the terms of SALT II.

In sum, the newly revealed Soviet-provided START data confirms the following eleven significant facts:

1. The Soviet SS–19 was heavy ICBM which illegally replaced the light SS–11 ICBMs on a large scale, defeating the object and purpose of SALT I, and therefore violating SALT I.

2. The Soviets engaged in fraud in the inducement or negotiating deception in SALT I, by falsely claiming that they did not intend to replace light ICBMs with their heavy SS–19 ICBMs.

3. The repeated Soviet denials for almost 20 years in diplomatic channels that their SS–19 was a heavy ICBM were false.

4. The Soviet SS–19 was a heavy ICBM which also violated the U.S.-proposed SALT II definition of a heavy ICBM .

5. The Soviets engaged in fraud in the inducement or negotiating deception in SALT II, by allowing the United States to believe that their non-response to the U.S.-proposed heavy ICBM launch weight definition constituted their tacit agreement with this definition.

6. The Soviet SS–19 was a heavy ICBM which violated the SALT II prohibition on heavy ICBMs from replacing light ICBMs.

7. The Soviet SS–24 was a "new type" heavy ICBM which violated the SALT II prohibition on "new type" heavy ICBMs.

8. The Soviets also engaged in fraud in the inducement or negotiating deception in the case of their heavy "new-type" SS–24 ICBM, which was under advanced development in 1979 when they signed the SALT II Treaty containing prohibitions against it.

9. The repeated Soviet denials in diplomatic channels that their SS–19 was a heavy ICBM in violation of SALT II were false.

10. The repeated Soviet denials in diplomatic channels that their SS–24 was a "new type" heavy ICBM prohibited by SALT II were also false.

11. The Soviets have engaged in fraud in the inducement yet again in START, because they induced the United States to sign a START Treaty with a definition of a heavy ICBM that proves that both the Soviet SS–19 and SS–24 ICBMs violated both SALT I and SALT II. But now the Soviet SS–19 and SS–24 ICBMs are fully legal under START, incorrectly and fraudulently defined as "light" ICBMs. This continued Soviet negotiating deception on heavy ICBMs suggests that the Soviets will once again violate attempts in START to constrain heavy ICBM replacement and modernization, by developing even newer heavy ICBMs. And yet again, the Soviets will continue to deny the facts in diplomatic channels.

Finally, it must be noted that the U.S. Peacekeeper or MX ICBM deployed in 1986 is a clearly legal light ICBM in terms of both SALT II and START, because it was deliberately designed to have a launch weight of 88,000 kilograms, which is less than the 90,000 kilogram 1979 U.S. Intelligence estimate of the SS–19's launch weight.

In sum, the former Soviet START data confirms that the Soviet SS–19 and SS–24 heavy ICBMs violated SALT I and SALT II, while fully legalizing these two previously illegal heavy ICBMs under START. Moreover, START will also fully legalize several other Soviet missiles confirmed to be illegal, such as the SS–25 ICBM and the SS–16 covert mobile ICBM.

Russian President Yeltsin was correct in June 1991, and again in June 1992, when he stated that the leaders of the then Soviet Union had repeatedly lied and deceived the United States on arms control data over many years.

ANALYSIS OF START TREATY PROVISIONS REVEALS SIGNIFICANT SS–25 MOBILE ICBM "RETIREMENT" LOOPHOLE AND TWO POTENTIAL NEW START VIOLATIONS RELATED TO THE "FOLLOW-ON" TO THE SS–25

Summary: The START Treaty explicitly omits any requirement for each side to destroy a single strategic ballistic missile, with one exception pertaining to some mobile missiles. START also does not require either side to destroy a single nuclear warhead. The START Treaty also allows each side to produce and retain an unlimited number of strategic ballistic missiles and missile stages, and to produce and retain an unlimited number of nuclear warheads.

The START Treaty only "reduces" missile launch silos, submarine missile launch tubes, and heavy bombers which are launch platforms for air-launched cruise missiles and nuclear bombs. START thus requires only the destruction of these excess missile launchers above START ceilings—only silos, submarine tubes, and bombers will be destroyed under START.

No missiles themselves are required to be destroyed under START, with one exception—some "non-deployed missiles" for mobile ICBM launchers are the only missiles specified for destruction in START.

But even in this unique case requiring some "non-deployed" mobile missile destruction, the former Soviets have secured U.S. agreement to an explicit exemption from START's required destruction of these mobile missiles. The former Soviets can easily and simply declare that their approximately 594 currently existing and allowed mobile, single warhead, SS–25 missiles and launchers are "retired." This "retirement" would completely exempt all SS-25's from destruction.

This exemption constitutes a significant loophole in the Treaty.

Moreover, if the former Soviets decide to take advantage of this loophole, which would be easy and relatively inexpensive to exploit, it would allow them to legally have more than 1,192 single warhead missiles for mobile ICBM launchers. There is evidence that the former Soviets intend to exploit this loophole shortly after the START Treaty enters into force. Thus by "retiring" their SS-25 force of mobile ICBM's and by replacing it with the probable "new type" mobile ICBM nick-named "Fat Boy," the former Soviets could have over 1,192 mobile ICBMs and still fully comply with START.

The Administration has failed to notify the Senate about the existence and status of the "Fat Boy." In addition, the failure of the former Soviets to notify the U.S. that more than 20 "Fat Boy" prototypes have exited from its production facility, and their failure to discuss the "Fat Boy" in the START Joint Commission on Implementation and Compliance may also constitute two serious new violations of START's requirements on notification and discussion of new type mobile ICBMs.

A. The START Treaty explicitly allows each side an unlimited number of "non-deployed missiles" for ICBM silo launchers and SLBM launchers.

Thus an unlimited number of missiles for ICBM silos and SLBM submarines area allowed.

B. But START does contain a limit on the number of mobile missiles that the former Soviets can have.

Article IV of the START Treaty states in part:

"(a) Each Party shall limit the aggregate number of nondeployed ICBMs for mobile launchers of ICBMs to no more than 250."

This provision means that the former Soviets cannot legally have more than 250 "non-deployed missiles" for launchers of mobile ICBMs. The former Soviets would have to "eliminate" or destroy any "non-deployed missiles" for mobile ICBM launchers above the limit of 250.

But according to the START MOU on Data on page 151 of the START Treaty, the former Soviets only declared 60 "non-deployed missiles" for mobile ICBM launchers, and hence they have the "head-room" or the opportunity to legally build 190 more "non-deployed missiles" for mobile ICBM launchers.

Thus because of this "head-room," even now the START limit on 250 "non-deployed missiles" for mobile ICBMs would not require the former Soviets to destroy a single "non-deployed missile" for a mobile ICBM launcher, and instead of requiring the destruction of "non-deployed" mobile ICBMs, START allows 190 more to be legally produced.

C. The START Treaty does not require the destruction of any missiles, with one exception—only missiles for mobile ICBM launchers are required to be destroyed in one general circumstance.

Article VII .2 of the START Treaty states in part that:

"2. ICBMs for mobile launchers of ICBMs . . . shall be subject to the limitations provided for in this Treaty until they have been eliminated . . ."

This is the only general requirement in the START Treaty to destroy a ballistic missile. Notice that missiles for mobile ICBM launchers are the only missiles mentioned in START for elimination.

The Administration's "article by article" analysis of the letters associated with the START "signature protocol" states succinctly:

"START requires the destruction of silo launchers; it does not require the destruction of ballistic missiles, except as necessary to remain within numerical limits on non-deployed mobile ICBMs."

D. The only specific missile that START requires to be destroyed is a mobile missile.

The START Treaty Protocol on Conversion and Elimination states in part I. That:

"Elimination of ICBMs for mobile launchers of ICBMs . . . [shall entail that] . . . the stages shall be destroyed by explosive demolition or burned . . ."

This is the only specific missile destruction procedures mentioned in the START Treaty whatsoever. Notice again that missiles for mobile ICBM launchers are the only missiles mentioned in START with specific procedures for elimination and destruction.

The Administration's own "article by article" START analysis states:

"Note that the [250] limit in this [Article IV.] subparagraph [(a)] is the only provision in the Treaty which actually requires destruction of any ballistic missile . . ."

The Administration's own "article by article" analysis of START also states:

"The absence of specific elimination procedures is appropriate since there are no limits on the numbers of ICBMs for silo launchers or on SLBMs and thus no requirement ever to eliminate such ICBMs or SLBMs by any means."

E. START contains a specific exemption for the only requirement for missile destruction—some mobile missiles destruction.

The Thirty-seventh Agreed Statement of START states that:

"The Parties agree that—

(a) The limitations provided for in subparagraph I (a) of Article IV of the Treaty [i.e. the limitation on no more than 250 "non-deployed missiles" for mobile ICBM launchers] shall not apply to ICBMs of retired types of ICBMs for mobile launchers of ICBMs to each of which one warhead was attributed . . .

(f) Procedures contained in the Conversion or Elimination Protocol for the elimination or removal from accountability of ICBMs for mobile launchers of ICBMs shall not apply to ICBMs of retired types of ICBMs for mobile launchers of ICBMs to each of which one warhead was attributed . . .

The former Soviet SS-25 single warhead mobile ICBM is the only single warhead mobile ICBM that was deployed on either side at the time of the signature of the START Treaty on July 31, 1991. So this provision in effect applies only to the SS-25.

The Administration's own "article by article" analysis of START states:

"Subparagraph (a) of the Thirty-seventh Agreed Statement provides that the limitations of [Article IV.] subparagraph 1 (a) do not apply to retired mobile ICBMs attributed with only one warhead . . . Since the SS-25 is the only single-reentry vehicle mobile ICBM that was deployed at the time of the signature of the Treaty, this provision applies in effect, only to it . . . Since retired mobile ICBMs attributed with only one warhead are not subject to the 250/125 limits, the Thirty-seventh Agreed Statement also exempts them from the elimination procedures in the Conversion or Elimination Protocol."

This Administration analysis thus confirms that there is in fact a major loophole in the START Treaty regarding the allowed retirement of the SS-25.

In fact, the above analysis strongly suggests that no ballistic missiles will be destroyed under START, because the only ballistic missile that might potentially have to be eventually destroyed is the SS-25.

But as noted, the former Soviets can actually build 190 more SS-25s before would come up against the 250 limit on "non-deployed missiles" for mobile ICBMs. Moreover, in the likely event that the SS-25 will be declared "retired" after entry into force, even the SS-25 will not have to be destroyed, because it is specifically exempted from destruction if it is declared "retired." Thus this exemption means that there is actually an incentive for the former Soviets to declare the SS-25 to be "retired."

In sum, the SS-25 is the only ballistic missile that might potentially have to be destroyed under START, but the former Soviets can build up to 190 more SS-25s before they might have to destroy any, and in the likely event that the SS-25 will be declared "retired," no SS-25s at all will probably have to be destroyed because of the "retirement" exemption.

This exemption permits the former Soviets to declare approximately all 350 of their currently deployed SS-25 single warhead ICBMs and mobile launchers, together with their 565 declared "non-deployed missiles" for the SS-25, together with the 190 more "non-deployed missiles" for SS-25 mobile launchers that they are still allowed to build, to be "retired."

The allowed "retirement" of these 596 SS-25 mobile ICBMs would mean that they would be completely outside of START and all START ceilings. Their locations and movements would have to be reported under START provisions, and the approximately 350 mobile truck launchers would have to be marginally modified so that they could not launch SS-25s. But then even these 350 trucks could be used as support vehicles for another, new mobile ICBM program.

Moreover, they could keep 20 "test launchers" for the "retired" mobile SS-25.

Finally, under Paragraph 10(b) of Article V, they would have to stop producing the SS-25, although this production stoppage is unverifiable, due to the fact that SS-25 stages can be produced at several facilities, and can be assembled at several other facilities.

In sum, simply by "retiring" the mobile SS-25, the former Soviets could avoid having to destroy a single mobile missile, and they could easily gain an extra 596 mobile missiles completely uncounted in START.

F. START then also allows the former Soviets to build an entirely new force of over 596 mobile missiles to replace the force of 596 "retired" SS-25s.

The Definitions Annex of the START Treaty states in definition number 69. that:

"The term 'new type' means, for ICBMs or SLBMs, a type of ICBM or SLBM, the technical characteristics of which differ from those of an ICBM or SLBM, respectively, of each type declared previously in at least one of the following respects:

(d) length of either the assembled missile without front section or length of the first stage, by ten percent or more;

(f) throw-weight, by an increase of 21 percent or more, in conjunction with a change in the length of the first stage by five percent or more . . ."

This definition means that the new "Fat Boy" missile, over 100 of which have reportedly already exited without U.S. inspection from the Votkinsk Perimeter-Portal Continuous Monitoring facility, can probably qualify as a "new type" single warhead, mobile ICBM.

Reportedly, several new garages which are 25 percent shorter than SS-25 garages are being built for the "Fat Boy" at an ICBM test range where mobile ICBMs are tested. The correspondence of the "Fat Boy's" length being 25 percent shorter than the SS-25's length, and the new garages' lengths being 25 percent shorter than the SS-25's garages means that the new garages are probably intended to house the "Fat Boy," which in turn is probably a prototype "new type" mobile missile being prepared for flight-testing.

This suggests that the former Soviets intend to exploit the SS-25 "retirement" loophole after START's entry into force, by testing and producing a "new type," single warhead mobile missile to replace the soon-to-be-retired SS-25s.

Thus the "Fat Boy" will probably differ in length from the SS-25 by about 25 percent, more than enough to qualify it as a "new type." Moreover, the thickness of the "Fat Boy's" stages suggest that it will carry more solid propellant and will therefore have over 21 percent more throw-weight than the SS-25, also qualifying it as a "new type."

G. The "Fat Boy" mobile "now type" ICBM must be a single warhead ICBM, and it must be properly notified and agreed to as an allowable "new type" mobile ICBM in the START Joint Compliance and Inspection Commission.

Article V. Paragraph 4. of START states:

"Each Party undertakes not to deploy on a mobile launcher of ICBMs an ICBM of a type that was not specified as a type of ICBM for mobile launchers of ICBMs in accordance with paragraph (2) of Section VII. of the Protocol on Notifications Relating to this Treaty . . . unless it is an ICBM to which no more than one warhead is attributed and the Parties have agreed within the framework of the Joint Compliance and Inspection Commission to permit deployment of such ICBMs on mobile launchers of ICBMs . . ."

This means that the "Fat Boy" must be a single warhead mobile ICBM, and that it must be properly notified and agreed to as an allowable "new type" mobile ICBM in the Joint Commission on Implementation and Compliance.

But the Senate has not been informed by the Administration of even the existence of the "Fat Boy," nor has the Senate been informed of its status and characteristics, nor informed of the garage construction activities at the mobile missile test range. Nor has the Administration notified the Senate that the former Soviets have met these JCIC notification and discussion requirements for the "Fat Boy."

H. The former Soviets may already have committed two new major violations of START by failing to notify the U.S. about the "Fat Boy"

Section VII. of the Protocol on Notifications states:

"Each Party shall provide the other Party, pursuant to subparagraph 3(g) of Article VIII. of the Treaty [on notifications concerning strategic offensive arms of new types and new kinds] the following notifications concerning strategic offensive arms of new types and new kinds:

(2) notification, no later than five days after the first flight test of a prototype ICBM of a particular type from a mobile launcher of ICBMs, or after the eighth flight test of a prototype ICBM of the same type from a fixed launcher of ICBMs, or after the exit of the twentieth prototype ICBM of the same type from a production facility, whichever is earlier, of whether ICBMs of that type shall be considered ICBMs for mobile launchers of ICBMs."

The fact that over 100 "Fat Boy" probable "new type," single warhead, mobile ICBMs have already reportedly exited from their missile production facility at the Votkinsk PPCM site without U.S. inspection and without former Soviet notification or discussion in the JCIC under the above language suggests that two new violations of the START Treaty may already have occurred. These two new violations would be in addition to the former Soviet flight test with full encryption of the SS-19 last December, which the Administration has already conceded was inconsistent with START obligations.

I. Conclusion: major START loophole and two new START violations confirmed

The former Soviets could produce, test, and deploy at least another 596 "Fat Boy" single warhead mobile ICBMs, to completely replace their "retired" SS-25 force of 596 missiles. All they would need to do is have a "new type" or even a "converted" mobile launcher, which must merely be "distinguishable" from the current SS-25 mobile launcher. Because the former Soviets have the freedom to compose their START force structure within the START limit of 1,100 attributable warheads for mobile ICBMs any way they wish, they could legally have many more than 596 "Fat Boy" mobile ICBMs.

Thus by "retiring" their SS-25 force, the former Soviets could have well over 1,192 single warhead mobile ICBMs and still be fully complying with START.

The Senate should have a complete CIA briefing on the "Fat Boy" loophole, and the Senate should conduct a closed session on this issue before it votes to give its advice and consent to the START Treaty.

Mr. SYMMS. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Wyoming [Mr. WALLOP] is recognized.

Mr. WALLOP. Mr. President, the Senator from Wyoming I am sure will be forgiven a little dose of paranoia. I have referred to this as the Stealth Treaty, because of the arrangement made yesterday first to debate it during a holiday and then to constrain its free debate for an hour today in the presence of few if any Senators.

Then I discovered I have now made seven parliamentary inquires the answers to which were not made available, and I would say to the Chair now that the earlier indications that the Senator received as to how those might be ruled upon have all been changed. So I will not seek the response to those, because I think the rulings would set bad precedents for the Senate.

The Senate at least is operating under a set of rules which it supposes would be somewhat permanent and able to be relied upon.

Then, Mr. President, yesterday I asked unanimous consent that papers by two experts whose testimony was not allowed, was specifically refused to be inserted into the RECORD, and I find on examination of that RECORD that they are not and were not put into the RECORD.

Mr. President, I had hoped in the offhand chance somewhere, somehow, that some Senator might be just casually interested enough in this treaty to have read, if not my words, at least theirs. That was not to be.

So, Mr. President, I now ask again unanimous consent that the two papers, one by Dr. Sven Kraemer and the other by Mr. Frank Gaffrey of the Center for Security Policy be printed in the RECORD and this time with my fervent prayer that they actually appear.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The National Interest, Fall 1992]

RE: START—ADVISE, DON'T CONSENT

(By Sven Kraemer)

The Strategic Arms Reduction Treaty (START) signed by Mikhail Gorbachev and George Bush on July 31, 1991 and now before the United States Senate involves the American people in deadly strategic gambles. START's flawed foundation and erratic chronology are as yet little understood. START has been a "stealth" treaty, essentially unnoticed and unexamined by Americans preoccupied by domestic electoral issues and caught up by high hopes about the end of the Cold War and a New World Order.

START was launched at the wrong time and on the wrong foot. It was signed in a mad rush at a Moscow summit before it was quite ready, and it required further detailed work before the administration could submit it to the Senate on November 25, 1991. The treaty was negotiated under summit deadlines at a time when the hardliners around Gorbachev largely determined the soviet positions. Thus START is marked by concessions to those hardliners—concessions that radically weakened key elements of the treaty earlier proposed by President Reagan. Reagan's START, in turn, contrasted sharply with President Carter's illfated, unratified Strategic Arms Limitation Treaty (SALT II) of 1979.

Gorbachev and the Soviet Union are long gone and the 1991 treaty is now obsolete.

Major new strategic arms control proposals were subsequently tabled in Moscow and Washington, notably at the June 17, 1992 Yeltsin-Bush summit meeting. Yet on July 2, 1992, the Foreign Relations Committee of the United States concluded its hearings on the 1991 treaty with a unanimous recommendation in favor of its ratification.

The full Senate will consider START at a time of national reassessment and new beginnings, which invariably come after a national election—whether it be followed by a new administration or the start of a second term. The Senate's consideration will present a unique opportunity to set things right with START, to safeguard American security and global stability, and to establish the enduring foundation of a new strategic framework for the post-Cold War era. That opportunity must be seized.

BASIC FLAWS

The administration's chief argument for START's ratification is that the treaty would "lock in" the foundation for future arms control progress in a volatile world. As we shall see, however, the old START needs a new start, for, as it now is, it rests America's security on crumbling foundations. The 1991 treaty signed under the aegis of the Soviet Union and Gorbachev's hardline associates is not a sound Strategic Arms Reduction Treaty. The treaty's flaws are magnified by three dangerous strategic realities that require special safeguards:

First, Russia remains a nuclear superpower. The collapsed Soviet Empire has left the future of 12,000 strategic weapons (and 18,000 tactical nuclear weapons) in doubt. In the wrong hands, these weapons have the capacity to destroy the United States and the entire globe. General Colin Powell, the chairman of the Joint Chiefs of Staff, spoke of this to senior Soviet generals in 1991 in words that ring true for the foreseeable future: "Even with the START treaty, you will have the capability to destroy us in 25 minutes.

Second, there is new and increased volatility in the former Soviet Union. It would be suicidal for the United States to rest its security either on the flawed START Treaty or on hopes about irreversible changes in the former Soviet Union. Boris Yeltsin and his fellow reformers face enormous obstacles. They may not succeed in irreversibly establishing full democracy, civilian control of military and intelligence operations, and conformity to international law and treaty obligations. Future coup attempts may well bring aggressive forces to power ready to exploit START's fatal flaws. Eight civil wars are currently being fought within the former empire, and large scale strife and new threats cannot be precluded.

And third, the end of the Cold War signals increased global weapons proliferation and reduced U.S. defenses. Indeed, the genie of advanced weapons proliferation is out of the bottle, even as U.S. and allied defense forces are being sharply reduced in the post-Cold War era. These two powerful historical realities make it imperative that America's future defense capabilities are exceptionally effective—and cost-effective—against a wide range of contingencies, and that arms control agreements such as START support rather than undercut such capabilities.

These strategic realities and START's high stakes have not been reflected in the actions of the Senate Foreign Relations Committee, which has primary jurisdiction on treaty ratification. The full Senate will now need to address the serious substantive flaws of the treaty as well as the serious flaws in the ratification proceedings.

Unfortunately, the Foreign Relations Committee appears to have prejudged its work on the treaty. On July 2, 1992, it unanimously recommended a Resolution of Ratification. (Senator Jesse Helms was hospitalized). The committee voted "yes" despite the fact that key elements of the START package were obsolete, incomplete, and inconsistent. It heard no critics and accepted no amendments. Few of its members attended the hearings and most avoided tough questions, although committee staff had prepared many. The committee did not wait for Senate Armed Services and Intelligence Committee hearings.

Though the committee's Resolution of Ratification includes numerous "conditions," these merely paper over problems and are essentially expressions of wishful thinking. They are not real "conditions" or preconditions since they require no treaty amendments and provide no effective safeguards. Following the administration's lead, the committee's resolution limits Senate consideration to only two of at least six key integral legal elements of START. These two are the bilateral July 1991 US-USSR treaty and a multilateral protocol of May 23, 1992, involving four of the former Soviet Union's successor states.

This bits-and-pieces approach to START ratification is designed to disguise the obvious inconsistencies between START's elements. It must be firmly rejected if the Senate is to fulfill its constitutional responsibility of advice and consent. Senators need to review, and vote on, a single, comprehensive, and fully integrated START package which includes—at the least—all of the following six of the treaty's major and interdependent legal elements:

1. The July 31, 1991 bilateral US-USSR START Treaty and its associated declarations and protocols. This set of documents was signed in Moscow by Presidents Gorbachev and Bush. Committee members and administration officials call this "START I."

2. The May 23, 1992 multilateral "Signature Protocol." This was signed in Lisbon, Portugal, by the United States and the four Soviet nuclear successor states—Russia, Byelarus, Ukraine, and Kazakhstan. The four pledged as yet unspecified and perhaps unachievable future "arrangements to be worked out among themselves" on: (a) future implementation of START (e.g., its verification provisions); (b) the commitments of the three smaller states to adhere "as early as possible" to the Nuclear Non-Proliferation Treaty and (c) the future status of the nuclear weapons on their soil.

According to the protocol, the tactical nuclear weapons were to be relocated into Russia by mid-1992, but the strategic weapons need to be relocated or destroyed only by the end of the seven-year treaty period. (In one of START's loopholes, however, "non-deployed" mobile missiles are permitted to remain outside of Russian even after that time.)

3. Side letters to the Signature Protocol addressed to President Bush from the heads of state of Ukraine (May 7, 1992), Kazakhstan (May 19), and Byelarus (May 20). These further spell out views and conditions of implementation of START, accession to the Nuclear Non-Proliferation Treaty, etc. Although, in an official statement on the Signature Protocol, Russia indicates it will not implement START unless the other three nuclear successor states join the NPT, Ukraine and Byelarus indicate in their side letters that they will not join the NPT unless nuclear weapons (missiles and warheads) are destroyed under international guarantees, a step not required by START.

4. The June 17, 1992 bilateral US-Russia Joint Understanding signed by Yeltsin and Bush at the Washington summit. This superseded key provisions of the 1991 treaty, but consisted of only a two-page framework and required weeks of additional negotiations to be put into treaty text form. It was not expected to be completed until at least September 1992. It is not a treaty, but administration officials and committee members call it "START II," or "The Deep Cuts, De-MIRVing Treaty."

5. The June 17, 1992 letter from Secretary of State Baker to Russian Foreign Minister Kosyrev. The document further changes key provisions by waiving the requirement that the warhead-carrying "platform" of "downloaded" missiles needs to be dismantled and replaced by smaller units and by the U.S. pledging, in effect, never to use its (97) B-1 bombers in a nuclear role.

6. The June 17, 1992 Joint U.S.-Russian Statement on A Global Protection System (GPS). This establishes a bilateral high-level group to develop a GPS "concept" within the framework of a modified ABM Treaty and focuses on ground-based systems, early-warning centers, and space-based sensors, but not space-based interceptors under U.S. control.

The administration and the Senate Foreign Relations Committee insist on a START ratification sequence that would begin with the bilateral treaty of July 31, 1991, would then take up the multilateral protocol signed with the successor states on May 23, 1992, and would altogether omit the Yeltsin-Bush Joint Understanding of June 17, 1992. The intent appears to be two-fold: to avoid waiting for the Joint Understanding's thorny details to be negotiated into treaty text and to avoid having the full Senate consider the problematic Signature Protocol and associated side letters (with their caveats) before political ratification momentum has been built up by "locking in" the old 1991 U.S.-Soviet treaty.

The proposed sequence makes neither legal nor arms control sense. For one thing, the Soviet contracting parties of 1991 are gone and Gorbachev's signature and the former Soviet Union's treaty are obsolete and retain no legal standing. Furthermore, the gains of the post-coup Yeltsin reforms and the 1992 summit's Joint Understanding are ignored by this approach and consigned to a future negotiations limbo.

The July 1991 treaty has no legal standing and therefore no ratification standing, except by virtue of the subsequent Signature Protocol and its associated side letters. Therefore, it is clear that the protocol, with all its problems and inconsistencies, must be considered and resolved by the Senate before the Senate can turn to the 1991 treaty.

In any legitimate START ratification procedure, the Gorbachev-signed treaty of July 1991 cannot validly be considered apart from the Joint Understanding or as a separate "START I" unconnected to the Understanding's "START II." The Joint Understanding is by no means a separate treaty, but an updating protocol to the obsolete 1991 document, a number of whose key provisions it clearly supersedes.

The Senate should scrupulously examine and resolve inconsistencies not only in the 280-page START Treaty of 1991, but also in all of its interdependent associated documents. For reasons of logic and legality, it should do so in the following sequence: first, a package including the June 1992 Joint Understanding in treaty text form, the Baker letter, new multilateral commitments to the Understanding from the successor republics, and the GPS and other related summit statements; second, the May 1992 Signature Protocol and side letters; and last, the July 1991 START Treaty itself.

SEVEN SAFEGUARDS FOR THE SENATE

A responsible Senate assessment of START ratification issues must face up fully to the treaty's major loopholes and missed opportunities and should consider key safeguards for a safer new START and a sound new strategic framework.

It is important to note that the safeguards proposed below apply to the Soviet Union's successor states but need not be applied reciprocally to the United States. This is because, although Yeltsin and the other reformers may have good intentions, there is as yet no democratic political parity between the successor states and the United States—no firmly established commitment to democracy, no equivalent checks and balances, or a record of full treaty compliance.

The proposed START safeguards to be applied to the successor states, together with the significant loopholes and the way in which the Senate might set about plugging them, are as follows:

1. EFFECTIVELY ELIMINATE MISSILES AND WARHEADS

Loophole: The July 1991 START Treaty requires destruction only of launchers and not of a single missile or warhead (possibly excepting some mobiles). Further START loopholes permit the designation of many "retired" missiles as no longer START accountable, and permit a massive "downloading" of warheads without destroying missiles or their "front-end" warhead carriers that could be reloaded under new circumstances.

Many hundreds of missiles and warheads are thus exempt from destruction and are potentially available for use (e.g., with covert mobile launchers) by aggressive future leaders.

It is therefore significant that in their side letters to the May 23, 1992, Signature Protocol, two of the Soviet Union's successor states have, as part of their formal position on their own compliance with START and their commitments to join the Nuclear Non-Proliferation Treaty, asked for the verifiable international "elimination" or "destruction" of nuclear weapons: In a May 7, 1992, letter to President Bush, Ukraine's President Leonid Kravchuk requested that the "elimination of nuclear weapons . . . be carried out under reliable international control which should guarantee the non-use of nuclear charge components for repeated production of weapons." A similar letter from Belarus' President Shushkevich states that "the destruction of nuclear weapons should be carried out under rigorous and effective international control."

At the June 1992 Yeltsin-Bush summit, the United States offered technical and financial assistance for weapons dismantlement in addition to the $400 million already allocated from Pentagon funds under the Nunn-Lugar Act of November 1991. But much of this is for chemical and tactical nuclear weapons, not strategic weapons, and it appears likely that problems and costs of strategic warhead dismantlement could prove overwhelming.

Safeguard: The Senate should require that all four of the USSR's nuclear successor states, in undertaking START reductions, should rapidly dismantle or permanently bury in deep underground sites all launchers, missiles (including those being designated as "retired" or for "training," and all warheads on such missiles, to be accomplished with U.S. assistance and under continuous on-site U.S. inspection. The fissile material could be sold to energy companies, earning hard currency.

2. ELIMINATE ALL HEAVY MISSILE LAUNCHERS AND MISSILES NOW

Loopholes: The single most destabilizing strategic weapons are the "heavy" missiles, ideally suited for a first strike. The United States has none. The former Soviet Union has developed 308–204 in Russia and 104 in Kazakhstan, each with between 10 and 14 warheads.

President Reagan's START proposed to correct this dangerous imbalance through a 50 percent cut in numbers and a "no modernization" ban for heavy missiles. This would have banned all of the Soviet Union's current heavy missile force of SS–18s deployed with upgraded "Mod-5" and Mod-6" warheads. But the July 1991 START abandoned this position and retroactively legalized the entire upgraded force—which the Pentagon considers twice as lethal as prior versions—and wiped out any arms control gains from a 50 percent cut in numbers. The 1991 START permits even more modern SS–18 warhead upgrades and would leave half the heavy missile force (154 missiles with at lest 1,500 of the world's most lethal warheads) even after the conclusion of START in the year 2000.

START's heavy missile loopholes include two other elements. First, START permits the "relocation" (i.e. new construction) of up to 50 new launch silos for Soviet heavy missiles. Second, the START data base may be askew since the Soviet Union consistently provided false data on the throwweight and launchweight cut-off points which define a heavy missile in terms of existing missiles such as the SS–19, and doubts persist. In permitting any heavy missiles under such dubious definitions, it is possible that large numbers of additional missiles currently deployed or planned in the former Soviet Union may exceed anticipated heavy missile thresholds.

The June 1992 summit's Joint Understanding protocol moves to ban all SS–18s by the year 2000 or 2003, but while it mentions "elimination" and "missiles," it states that all reductions are to be carried out under July 1991 START procedures, which do not require elimination of missiles. Yeltsin stated at the June 1992 summit that he would take some SS–18s "off alert," but this means neither dismantlement nor even retirement.

SS–18 launchers are currently scheduled to be eliminated only very slowly—at the rate of 22 per year under the 1991 START, or at the rate of 44 per year under the 1992 Joint Understanding. Very substantial heavy missile capability will therefore be retained over most of the next 7–10 years, available to potentially hostile forces who may come into power during that time.

Safeguard: The Senate should set a high START priority on rapidly eliminating the SS–18 knock-out threat once and for all within the next 12–24 months. It should require the early removal of all SS–18 missiles from their silos to be followed by the use of high explosives within all 308 SS–18 silos and/or the filling of the craters with concrete. The missiles and warheads (whether defined as deployed, non-deployed, deactivated or not) should be dismantled or buried as rapidly as possible under continuous U.S. onsite inspection. U.S. defense dollars (e.g. one-half million per silo) could be dedicated in support of this purpose.

3. BAN ALL MOBILE MISSILES NOW—DON'T RELY ON "DOWNLOADING"

Loophole: A second key strategic asymmetry and loophole in START involves mobile intercontinental ballistic missiles. The United States has no such missiles and plans none, the Bush administration having canceled the small ICBM and rail-garrison MX programs during the past year. But over 370 mobile strategic missiles—rail-mobile ten-warhead SS–24s and truck-mobile single-warhead SS–25s—are deployed in Russia and Ukraine.

Consistent with his "zero option" for the Intermediate-Range Nuclear Force (INF) mobile missiles, President Reagan's START required a ban on all strategic mobile missiles. Two national security reasons still relevant today confirmed this position: the existing imbalance and the fact that the hard-to-find mobiles of whatever range or armament are destabilizing and not effectively verifiable—e.g., Iraq's Scuds, 72 covert Soviet SS–23 missiles, and possible Soviet SS–20 missiles deployed in violation of the INF Treaty of 1987.

The July 1991 START abandoned the prior U.S. position and legally permits 1,100 warheads on deployed mobile missiles and potentially many more warheads on "non-deployed," "retired," and "training" mobile missiles—provisions that are asymmetric and cannot be monitored with high confidence. The June 1992 Joint Understanding retains the 1,100 warhead limit. It goes after the multiple-warhead SS–24 mobile missiles, not by eliminating them or the SS–25, but by permitting them to be "downloaded" or "de-MIRVed" from ten warheads to one.

Downloading, however, cannot be monitored with high confidence, a situation further exacerbated by a U.S. decision cited in a June 17, 1992 letter from Secretary of State Baker to Russian Foreign Minister Andrey Kozyrev. This letter indicates that the U.S. has canceled the earlier START requirement to destroy and replace the platform containing the warheads in the downloaded missiles.

In sum, large numbers of SS–25 mobile missiles designated as "non-deployed" and "retired," and large numbers of SS–24 mobile missiles designated as "downloaded" are likely to remain available to potentially aggressive new leaders.

Safeguard: The Senate should require a total ban, to be implemented within two years, on all mobile missile launchers and their missiles—whether multiple warhead or single warhead, deployed or non-deployed, downloaded or not, and to include those designated "retired" or for "training." Launcher destruction should begin at once and the missiles and warheads should immediately be stored away from their launchers and dismantled or buried under continuous U.S. onsite inspection. The United States could offer to pay U.S. defense dollars (e.g. one-third of a million each) to cut up all of the mobile missiles and launchers within a two-year time period.

4. COUNT ALL THE MISSING BOMBERS

Loopholes: The 1991 START has a number of bomber loopholes not improved by the June 1992 Joint Understanding. The 1991 START permits the former USSR 180 "heavy" bombers but permits the United States only 150. It has counting rules which cannot be monitored with high confidence for limiting the air-launched cruise missile (ALCMs) to be carried on such bombers and it limits ALCM ranges far below the 1,500 kilometer range considered most cost-effective for U.S. bombers. It gives a free ride to 500 Soviet "Backfire" bombers, which the U.S. government has long officially described as having inter-continental range and which President Reagan wanted to counter under START's bomber limits. Soviet steps taking (now Russian- and Ukrainian-based) heavy bombers off alert status have not altered these loopholes.

Safeguard: The Senate should set equal bomber limits to include all bombers the U.S. government has previously defined as having either strategic or intercontinental range, therefore including all Backfire bombers. The Senate should reject all ALCM limits, including present ones, which the president and the U.S. intelligence community cannot certify as monitorable with high confidence.

5. DON'T LIMIT SEA-LAUNCHED CRUISE MISSILES (SLCMS); DON'T RELY ON "DOWNLOADING" OF SUBMARINE-LAUNCHED BALLISTIC MISSILES (SLBMS)

Loopholes: The Bush administration recently abandoned the Reagan administration's opposition to SLCM and SLBM limits which cannot be verified effectively, and which affect our most secure deterrent forces.

For SLCMs, binding U.S. and Soviet declarations to the 1991 START set a limit of 880 on deployment of nuclear-armed SLCMs exceeding 600 kilometers in range. This limit captures most U.S. systems, but excludes most deployed by the Soviet Union and its successors and it cannot be monitored effectively. Additionally, such missiles are considered particularly stabilizing and cost-effective and they could prove to be increasingly valuable multi-mission alternatives to other flexible deterrent systems being curtailed, like the B-2 bomber or carrier forces. For such national security reasons, which are still persuasive, President Reagan did not agree to SLCM limits in START.

For SLBMs, the June 1992 Joint Understanding permits "downloading" of multiple-warhead SLBMs to a ceiling of 2,160 warheads during START and to 1,750 warheads by the year 2000 or 2003. Such "downloading" cannot be monitored with high confidence.

Safeguards: SLCMs should be kept out of START since SLCM limits are not effectively verifiable and the SLCMs offer potentially highly cost-effective and stabilizing U.S. deterrent and defense capabilities for a range of future contingencies. For SLBMs, vital strategic stability and verification issues also require extreme caution in implementing any limitations on U.S. SLBMs. SLBM downloading provisions clearly should be kept out of START as they are not effectively verifiable and invite future disputes and cheating.

6. REQUIRE MANDATORY ON-SITE INSPECTIONS AT SUSPECT SITES

Loophole: Notwithstanding pages of detailed verification protocols and assertions that START is effectively verifiable, key START elements simply cannot be monitored with high confidence—e.g., mobile missiles, SLCMs, ALCMs, "downloading," "new types," ect. Furthermore, START does not authorize mandatory inspections at suspect sites involving undeclared facilities and activities. START's Joint Committee and Inspection Commission does not impose inspections on a party which rejects such inspections and it cannot enforce compliance.

Safeguard: The Senate should require mandatory suspect site inspections by the United States for the Soviet Union's nuclear successor states. Such a requirement need not apply reciprocally to the United States. The Senate should tie economic assistance to the former Soviet Union to full inspection access, including continuous monitoring and mandatory suspect site investigations.

7. INSIST ON FULL ARMS CONTROL COMPLIANCE

Loophole: If to be serious about arms control is to be serious about compliance, the proposed 1991 START Treaty, the 1992 Joint Understanding, and initial Senate Foreign Relations Committee actions do not qualify. The abysmal record of Soviet violations of major arms control treaties has been well documented by a series of White House reports and by the General Advisory Committee on Arms Control and Disarmament. As recently as April 9, 1992, in a report to Congress, President Bush cited continuous problems of Russia's violations, including presentation of false data and covert activities, involving the INF Treaty, the Conventional Forces in Europe (CFE) Treaty, the Chemical and Biological Weapons conventions, the Limited Nuclear Test Ban Treaty, the ABM Treaty, and other agreements.

Safeguard: The Senate should insist on the arms control safeguard set forth by President Reagan in a March 1987 report to Congress: "Compliance with past arms control commitments is an essential prerequisite for future arms control agreements. . . . Strict compliance with all provisions of arms control agreements is fundamental, and this administration will not accept anything less."

In following up Boris Yeltsin's June 1992 summit statement that Russia has stopped lying to us, the Senate should require, as a precondition of START ratification, that President Bush certify the immediate correction of false data for INF, GFE, START, Chemical and Biological agreements, and correction of all other violations of treaty obligations (excepting the obsolete ARM Treaty).

MAD, SDI, ABM

If strategic arms control and the June 1992 summit's proclaimed "Global Missile Protection System" are to be taken seriously, it is necessary to eliminate START's MAD poison pill against the U.S. Strategic Defense Initiative (SDI); to put aside the 1972 ABM Treaty, which is broken, obsolete, and no longer legal; and to accelerate U.S. deployment of space-based missile defenses.

The July 1991 START carries forward the Soviet hardliners' poison pill against U.S. deployment of advanced missile defense systems under SDI. The Soviet position explicitly tied future Soviet compliance with START to U.S. compliance (albeit unilateral) with the 1972 ABM Treaty which bars advanced defenses. Absent such U.S. compliance, says a Soviet START declaration of June 13, 1991, START would not be "effective and viable."

Yet the ABM Treaty is a broken Humpty Dumpty of a treaty, irretrievably breached since 1983 by a central Soviet violation (construction of the Krasnoyarsk radar), first acknowledged by former Soviet Foreign Minister Edwuard Shevardnadze in October 1989. The treaty is also undercut in at least five other areas of noncompliance cited in President Bush's April 9, 1992 report to the Congress.

At the same time, the ABM Treaty is obsolete in its underlying assumptions about the assured effectiveness of global nonproliferation efforts and against the technological possibility of cost-effective missile defenses. The ABM Treaty also has an obsolete and increasingly questionable ethical base in its reliance on the doctrine of nuclear deterrence based on the threat of mutual assured destruction.

Furthermore, since no successor state protocol exists for the ABM Treaty comparable to START's multilateral "Signature Protocol" of May 23, 1992, its legal status has expired. In an added twist, systems limited under the ABM Treaty now include a large phased-array radar based in Skrunda, Latvia, an independent country which does not want any independent country which does not want any Soviet or Russian installations on its soil and which has not assumed Soviet treaty obligations.

The June 1992 Yeltsin-Bush summit proved quite inadequate in handling these issues or the additional global reality of the increasing threat of proliferation of weapons of mass destruction. The summit's "Joint US-Russian Statement on a Global Protection System" (GPS) signed by Yeltsin and Bush did not reject the ABM Treaty as expired, broken, or obsolete. It sets aside nothing, but merely establishes a high-level group to explore potential avenues in developing a "concept" for a GPS. The proposed high-level group will apparently be bound by a commitment to the obsolete ABM Treaty and will be limited in its focus. An important indicator is that the group will be headed for the United States by a State Department planning official, Dennis Ross, a Middle East expert, rather than, for example, by the knowledgeable head of the Pentagon's Strategic Defense Initiative Organization and former U.S. ambassador to the Defense and Space Talks, Henry Cooper.

The group's "concept" focus is expected to be on ground-based systems, warning centers, and space-based sensors, rather than on space-based interceptors like SDI's promising "Brilliant Pebbles." Yet only space-based interceptors and U.S. control can effectively assure engagement of missiles going to any direction from any direction (e.g. from submarines or Third World locations). Space-based interceptors are alone able to counter missiles near their launch point or in midcourse rather than over one's own territory close to the missiles' expected point of impact.

The American people, Boris Yeltsin and his fellow reformers, and, indeed, the entire globe all need a far more assertive and stronger pro-SDI U.S. position than the June 1992 summit's against the Soviet hardliners or than Congressional approaches focused on "narrow" interpretations which gut timely deployment of advanced defenses. The world is marked by unprecedented volatilities in the former Soviet Union, an ABM Treaty long broken in its provisions and assumptions, continued treaty violations, increasing proliferation problems, and the suicidal madness of MAD.

As part of any START framework, the United States should therefore insist on setting aside the ABM Treaty (as it set aside the broken SALT I and SALT II agreements in 1986) and accelerate a spaced-based SDI system fully under U.S. control. There can be no doubt that it is in the supreme national interest of the American people and in the highest interest of global security and stability that the United States rapidly provide the global insurance safeguard only advanced anti-missile defenses can assure. To guard against adverse developments the implementation of U.S. START cuts (particularly in the latter phases) should be tied by the Senate to the pace of U.S. deployment of advanced, space-based interceptors.

A NEW STRATEGIC GRAND BARGAIN

The administration and the Senate Foreign Relations Committee are pressing for early ratification of the obsolete July 1991 START Treaty. They insist the Senate vote without resolving START's fundamental procedural, substantive, and legal inconsistencies, and without waiting for a critical examination of the June 1992 summit's Joint Understanding and its final treaty text. They are proceeding without testimony from START critics, without the assessments of the Senate Armed Services and Intelligence Committees, and without establishing any effective safeguards to assure American security and global stability.

Such an approach to an immensely important issue endangers U.S. security and loses a historic opportunity for shaping a far-reaching new strategic framework, even as Boris Yeltsin and his fellow reformers face staggering obstacles and aggressive elements maintain the hope of gaining control in the former Soviet Union.

At this historic juncture, the Senate should undertake an integrated judgment on START and on the evolution of a new strategic framework. Budgets and treaties are drastically cutting U.S. strategic capabilities even as we face an increasingly volatile globe and a stumbling nuclear superpower in the former Soviet Union. At the same time, START ratification proceedings and national elections bring special requirements and opportunities for reassessment. The required strategic decisions should include assessments of the globe's new strategic realities, expert critiques of the START and Anti-Ballistic Missile (ABM) treaties, and development of safeguards and alternative strategies for a new framework based on the following elements:

First, restart START as a single coherent treaty, building on the 1991 Gorbachev agreement, the 1992 Signature Protocol, Side Letters and summit Understanding, and other associated START elements and new safeguards, to achieve a truly far-reaching, stabilizing, and effectively verifiable START treaty with key elements changed as proposed above.

Second, set aside the obsolete 1972 ABM Treaty and commit to rapid U.S. deployment of advanced strategic defenses. Agreement should be sought, and greater economic assistance could be offered as an inducement for such an agreement. But whether or not agreement is forthcoming, the United States should declare, notably in conjunction with any START package, that for reasons of supreme national security interests and to strengthen global arms control, security, and stability, it will set aside the ABM Treaty and will accelerate the testing and deployment, under U.S. control, of advanced strategic defenses to include space-based, anti-missile interceptors by the year 2000.

Third, insist on fundamental institutional changes in the former Soviet Union. The United States must finally act as if it really won the Cold War and wants to keep it that way, and while there is still time, exercise decisive leadership to consolidate and safeguard that victory for democracy and peace. The United States must, therefore, use all available diplomatic and economic leverage to work with Boris Yeltsin and his fellow reformers to set the terms for a far-reaching partnership against the Soviet hardliners and for the transformation of the successor states to full democracy at home and peaceful behavior abroad.

In such a new Grand Bargain, U.S. economic assistance under the Freedom Support Act of 1992 or the Nunn-Lugar Soviet Nuclear Threat Reduction Act of November 1991, as well as implementation of major START reductions or consideration of new arms control agreements (e.g. on chemical weapons or nuclear testing), should be conditioned on fundamental institutional changes certified by the U.S. president and Congress. Such changes should include: full civilian parliamentary control and transparency of military and intelligence programs and budgets equivalent to those in the Western democracies; full treaty compliance, including accurate data; immediate Soviet/Russian military withdrawal from the Baltic countries; verifiable dismantling, within the next two years, of the former Soviet Union's strategic weapons and force structure below START levels; and conversion to private civilian production and ownership under a legal system which fosters and protects full democracy at home and international law abroad.

As the Berlin Wall and the Iron Curtain came down and the military coup failed in Russia, the first fine flush of victory left many optimistic about the beginning of a benign new era in which the United States could afford to be more relaxed about the control of nuclear weapons and about serious military threats to ourselves and to our friends and allies. Many months later, with the old Soviet Union in turmoil and the distinct possibility of more turmoil and aggressive new leaders to come, with the proliferation genie out of the bottle, and with the knowledge of how close Saddam Hussein, and perhaps others, have come to acquiring weapons of mass destruction and their delivery systems, there can be no excuse for such dangerous illusions.

We are living in a world in which the problem is more, not less acute. Only with the establishment of a new strategic framework and a new Grand Bargain—restarting START, deploying advanced strategic defenses, and pressing with all available leverage to establish the institutions of full democracy in the successor republics of the former Soviet Union—can the freedom and security of America and the world be safeguarded for future generations.

[From the Center for Security Policy, Sept. 24, 1992]

STOP "START": THE CASE AGAINST RATIFICATION OF THE STRATEGIC ARMS REDUCTION TREATY

I. AN INSTITUTIONAL CRISIS: THE SENATE AS RUBBER-STAMP?

Fifteen months after the Strategic Arms Reduction Treaty (START) was signed in Moscow by President George Bush and then-Soviet President Mikhail Gorbachev, the United States Senate is preparing to give its advice and consent to the Treaty. On the face of it, this seems bizarre.

After all, the government with whom the Treaty was negotiated no longer exists; its successors are, moreover, behaving in ways that do not encourage confidence about their future compliance with its terms. Serious defects incorporated into the START agreement at the insistence of the ancien Soviet regime persist. And an agreement that would go some ways toward correcting START's flaws—initialled with much fanfare at the June summit between President Bush and Russian President Boris Yeltsin—appears, at present, unlikely to be translated into a binding accord.

The fact that the Senate could contemplate agreeing to the ratification of the START Treaty under these circumstances is a sorry indictment of the degree to which the institution no longer performs its constitutional responsibilities in the treaty-making process. Instead, it merely goes through the motions; the outcome—Senate advice and consent—is preordained well in advance.

To be sure, quite some time has passed since the START Treaty was submitted to the Senate for ratification. The lapse of so much time should not be confused, however, with a careful and rigorous examination of and debate on the accord and its terms. Instead, the delay has largely been due to the uncertainty and disarray caused by the collapse of the Soviet Union. During most of this period, the Senate has simply been unable to act on START as the Bush Administration engaged in a series of desperate negotiations aimed at salvaging a treaty in which the latter had invested immense political capital. This has largely been accomplished through the device of papering over those problems inherent in the accord that were exacerbated by the Soviet empire's dissolution.

To be sure, a number of hearings have been held by the Senate Foreign Relations, Armed Services and Intelligence Committees. With the active connivance of the Bush Administration, however, no expert witnesses who believe the Treaty's defects to be sufficiently serious as to justify withholding ratification have been permitted to testify.

To be sure, amendments have been drafted and approved by the Foreign Relations Committee. Still others may be offered and accepted when the resolution of ratification reaches the Senate floor in the near future. If so, such amendments will—all other things being equal—be like those already adopted: By definition, they are not "killer amendments," i.e., those that would require renegotiation of the Treaty's terms with the Russian or other Soviet successor governments. They are instead cosmetic modifications, intended not to correct important defects in the Treaty but rather to provide political cover to Senators.

In short, the United States Senate is in serious jeopardy of being reduced to a rubber-stamp for the Bush Administration's seriously flawed arms control agreements. The absence of a rigorous Senate review of START is symptomatic of a much larger problem: the atrophying of that all-important check-and-balance on the executive intended by the framers of the Constitution when they divided treaty-making power between it and the Senate. Such a corruption of the constitutionally mandated ratification process creates conditions likely to produce not only unwarranted approval of the present Strategic Arms Reduction Agreement but future accords that are even more defective. The upcoming, wholly unverifiable and ill-conceived Chemical Weapons Convention is a case in point.

The Center for Security Policy believes that—for both these immediate and longer-term reasons—the Senate must be given an opportunity to consider the unvarnished facts about the START accord. Since none of its cognizant committees have permitted such facts to be made a part of the record of their review of the Treaty, the Center believes it imperative to provide the Senate, the media and the American public at large with the following, brief arguments against ratification of the START agreement in its present form.

II. UNDERSTANDING THE POLITICAL CONTEXT

The general absence in the Senate of serious challenge—or even rigorous questioning—of the Bush Administration's assertions about the START Treaty appears to reflect the almost euphoric reaction of official Washington to the end of the Cold War and certain assumptions about the future of U.S.-Russian relations. Three of these interrelated assumptions warrant especially close scrutiny:

First, the contention that—with the dissolution of the Soviet Union—Russia is becoming an open society that can simply not afford to continue to invest heavily in its strategic forces, at least to the degree it has in the past. In short, according to this reasoning, START's exact provisions, and any defects it may have, do not matter.

Second, Russia is now a reliable negotiating partner, determined to comply with its arms control obligations. And

Third, the follow-on agreement to START, negotiated as a "Joint Understanding" at the June Washington summit, will solve any problems which may exist with the present Treaty.

Unfortunately, when subjected to rigorous analysis, these assumptions simply do not stand up to scrutiny:

Just how "former" is the former Soviet Union?

In important respects, the battle for the heart and soul of the new Russia and the other Soviet successor states is *not* over. The forces committed to systemic political and economic reform in each of the former republics are a long way from consolidating their claim to power, to say nothing of achieving their goals. They are increasingly confronted with the determined resistance of reactionary elements anxious to preserve—and, if possible, restore to their former glory—many of the institutions, policies and capabilities of the old order.

In particular, the jury is still very much out as to whether the Civic Union coalition—comprised of communist apparatchiks, figures from the military-industrial complex and KGB and disaffected reformers in Russia—will succeed in their campaign to sustain vast defense expenditures and programs wholly inconsistent with Russia's legitimate security needs. There are, however, worrying signs. For example, on 11 September 1992, Interfax reported that purchase orders from the Russian government for military hardware will be greater in 1993 than this year.

Moreover, a number of hard-line figures are actually receiving appointments to influential positions in the Yeltsin government. Notably, one of these is a General Ladygin whose calculated obstreperousness and inflexibility as a member of the Gorbachev START negotiating team induced the Bush Administration to make many of the last minute concessions that seriously weakened the Treaty. As a reward for his useful recalcitrance, Ladygin has been promoted and put in charge of the GRU, Russia's military intelligence service. The ominous symbolism of such personnel decisions is not being lost on others in the former Soviet Union, nor should it be on members of the U.S. Senate.

In short, it is certainly premature, and quite probably irresponsible, to predicate long-term U.S. security policies on the assumption that the transformation of the Soviet Union into democratic and peaceable successor states is an accomplished fact. Even if the intentions of those who claim to want such a transformation are genuine, they have not been realized to date and may never be.

Russia is not going out of the nuclear business

Meanwhile, the United States must remain concerned about the military capabilities inherited from the Soviet Union which are still largely in place. While some strategic programs have been eliminated as a result of the breakup of the Soviet Union, major resources continue to be devoted to facilities and programs intended to fight and win a nuclear conflict with the West. Worse yet, as a result of a lack of discipline and transparency in U.S. approaches to aiding the former USSR, the United States is now actually subsidizing, indirectly if not directly, Russia's operational nuclear forces—forces that are still directed against the United States.

For example, some of the $400 million in U.S. Defense Department funds set aside by the Congress last year to support nuclear weapons safety, security and dismantling activities in the former Soviet Union are being spent on enhanced survivability transporters for Russian nuclear weapons. In practice, these rail cars and tractor trailers will likely be used to support deployed missile and bomber units as well. Similarly, the recently announced decision to purchase Russian uranium at market prices without stipulating that on-going, state-subsidized production of this special nuclear material be halted is a formula for underwriting such production.

"Business as usual" in arms control

To those who maintain that these uncertainties are all the more reason for ratifying START (i.e., in the interest of "locking in" the former Soviet Union and prevent unpleasant surprises), a "sanity check" is in order: The conduct of the present, putatively open and honorable regime in Moscow does not inspire great confidence in its willingness—to say nothing of its successors'—to comply fully with arms control obligations. Consider the following illustrative examples of the problem:

Russia has already violated agreements associated with START (e.g., the encryption of telemetry on strategic test vehicles).

Russia is walking, if not running, away from the Joint Understanding agreed upon by President Yeltsin at the Washington summit in June (e.g., by linking their ultimate adoption to continued observance of the ABM Treaty—a proposition recently stated explicitly as a precondition by hard-line Defense Minister Pavel Grachev—and by arguing against elimination of the heavy SS–18 force).

Russia is continuing to violate the Biological Weapons Convention's ban on production and stockpiling of such weapons despite their repeated promises by the Yeltsin government to cease and desist. Recently announced undertakings about inspection of civilian facilities are not likely to eliminate concerns about the use being made of them for illegal biological weapons-related purposes—to say nothing of proscribed activities at still-closed military facilities.

Russia is violating CFE verification/inspection provisions precluding Western inspectors from conducting on-site inspections of all equipment and facilities that are supposed to be open to such monitoring.

Russia is also walking away from the destruction provisions of the Chemical Weapons Convention—on which the ink is scarcely dry.

Russia is even stalling on the implementation of START itself, insisting that Ukraine and the other Soviet states now parties to START under the Lisbon Protocol accede to the Non-Proliferation Treaty as non-nuclear weapon states before START enters into force.

The best that can be said about current Russian policy with regard to arms control is that it is both inconsistent and uncertain. At worst, it appears to be consistent with the cynical practice of the predecessor communist regimes: agree only to accords that significantly advantage Moscow's interests and ensure that such advantages are compounded by selective compliance.

This syndrome and the aforementioned manifestations of it argue strongly that, at a minimum, the United States must proceed with caution, undertaking a full and realistic assessment of any new commitments which would affect the present and future security of the United States. This is especially true of an agreement like START whose impact would be both sweeping, profound and lasting.

III. AN OVERVIEW OF THE START TREATY

At the outset of the START negotiations in 1982, the United States publicly articulated a number of key objectives against which the final treaty can now be assessed:

"Real reductions" in offensive arms—particularly in the then-Soviet land-based missile force;

"Equal and stabilizing" force postures; and

"Effective verification" of the development, production and deployment of Soviet strategic systems.

Claims by the Bush Administration to the contrary notwithstanding, the START agreement signed in July 1991 fails to achieve any of its original goals:

Not the advertised "deep reductions": The true effect of START in reducing the former Soviet Union's strategic arms is sure to be substantially less than claimed by the Treaty's proponents. The combined effect of START's counting rules, inaccurate data supplied by Moscow, allowed "downloading," unverifiable limits (e.g., on mobile missiles) and the absence of limits (notably on non-deployed non-mobile ICBMs) will be to permit the old USSR to reduce substantially the practical impact of such reductions as the Treaty requires.

Not "equal": The Treaty provisions grossly favor Russia. Three blatant inequities codified in the Treaty are: the attribution rules for warhead counting; granting Russia a de facto monopoly on mobile ICBMs; and granting Russia a de jure monopoly on heavy MIRVed ICBMs. These inequalities were accepted on the basis of certain assumptions concerning U.S. strategic modernization—notably, that there would be a deployment of 132 B–2 bombers and, if mobile ICBMs were to be allowed, deployment of U.S. mobile missiles—assumptions that have not been borne out.

Not so "stabilizing": START limits are in fact destabilizing as a result of leaving in place the preponderance of the massive Soviet—now Russian—ICBM force, particularly the heavy missiles designed for a first strike against the United States. Stability is further undermined by the cheating and breakout potential inherent in the Treaty due to the absence of effective verification.

Not "verifiable": Finally, the verification provisions of START—although many in number—are either cosmetic, ineffective or easily spoofed.

In sum, there are certain direct parallels between the "fatal flaws" found in the SALT II Treaty—flaws considered sufficiently grievous to justify the Senate's refusal in 1979 to agree to ratification of that accord—with the flaws in START. If anything, the fatal flaws of START are even greater in number and considerably exceed in terms of their strategic significance those of SALT II.

IV. START'S FATAL FLAWS

The following bill of particulars is intended to illuminate with greater specificity the serious defects in the START Treaty. It is meant to be neither all-inclusive nor an exhaustive treatment of each of the issues raised here. Instead, it offers a sample of the problems inherent in this agreement which—if, with the Senate's agreement, are left uncorrected—will cause potentially grievous harm for U.S. security in the future and create precedents and strategic conditions which may give rise to still more deficient arms accords down the road.

Three generic aspects of the START Treaty bear special mention: those governing ballistic missiles, air-breathing systems and verification.

Ballistic missiles

Mobile Missiles

A central element of the original U.S. START negotiating position was a total ban on mobile missiles. The Intermediate-range Nuclear Forces (INF) experience with SS-20s and shorter-range ballistic missiles demonstrated the impossibility of monitoring mobile missiles. This reality was the major factor in U.S. insistence on the "zero option" in INF.

The lessons of the Gulf war also make clear the difficulties inherent in monitoring mobile missiles by National Technical Means (NTM) of verification. In that conflict, the United States had complete air superiority and a panoply of reconnaissance assets at its disposal. The job of monitoring the Iraqi force, moreover, was manageable compared to that of tracking and verifying its counterpart in the former Soviet Union.

For example, U.S. intelligence was looking for a relatively small number of Scuds, systems whose concealment in the deserts of Iraq was substantially more difficult than would be the job of successfully hiding much more mobile systems—like the SS-25—in the immense forests of Siberia. Even so, the United States was unable to determine the numbers, to say nothing of the location and readiness, of Saddam Hussein's mobile missile arsenal. Effective use by Iraq of decoys also demonstrated the gravity of the problem associated with spoofing caused by look-alikes and count-alikes.

The Soviet Union consistently argued to permit mobile ICBMs under START, with limits on warheads and launchers. In 1989, the Bush Administration lifted the ban on mobiles contingent upon agreement on effective verification and congressional support for U.S. mobile programs. In 1990, the Administration unceremoniously dropped that precondition—even as Congress balked at spending money on mobile ICBM systems and as little progress was made in defining, to say nothing of actually agreeing upon, effective verification measures.

In the negotiating "end game," the United States accepted the Soviets' proposals concerning numerical limits for deployed mobiles and for monitoring mobile missiles. In short, the U.S. position on mobile missiles evolved from a complete ban to allowing ceilings of 1,100 warheads without effective verification.

Thus, given the termination of the U.S. mobile programs, START will not only grant the Russians a monopoly on mobiles, but also simple avenues for militarily significant cheating. For example, only assembled missiles are accountable under the Treaty and only final assembly plants have portal monitoring. As will be discussed at greater length below, this arrangement allows Russia to produce an unlimited number of states for mobile missiles, which can then be assembled covertly.

Heavy ICBMS

A key objective for the United States practically from the beginning of the SALT negotiations was that of achieving substantial reductions in Soviet heavy ICBMs. The SS-18 force, whose only mission can be a first-strike against the United States, has, since it was first deployed, been considered the most destabilizing element of the Soviet force posture. Accordingly, from the outset of the START talks, the U.S. insisted upon a ban on production, flight-testing and modernization of existing or "new types" of heavies—including the now deployed SS-18 Mod 5.

At the 1987 Washington summit meeting between President Reagan and Mikhail Gorbachev, the sides agreed to limit Soviet heavy missiles to 1,540 warheads on 154 deployed SS-18s. The decision to permit Moscow to retain half its most deadly first-strike force was bad enough; after 1988, however, the remainder of the U.S. position on heavies was seriously eroded.

For one thing, the Bush Administration accepted the deployment of the SS-18 Mod 5, a major qualitative improvement over the Mod 4. In fact, so great was the improvement in performance associated with this new missile that a force of 154 Mod 5s was judged roughly comparable in capability to the then-existing deployment of 308 earlier generation SS-18s. In short, the START Treaty's vaunted halving of the Soviets' most dangerous missile capabilities was largely vitiated.

For another, the Bush Administration agreed to drop flight test limits on heavies and permit modernization. The ban on flight testing and modernization of heavies was intended to remove this class of weapons by forcing the Soviets' heavy missiles to atrophy over time. Without the ban on modernization, the agreed-upon numerical restrictions on heavies will basically prevent only the quantitative expansion of the Russian SS-18 force.

Permitted modernization also allows the Russians to upgrade significantly qualitative capabilities in an area where the U.S. has no equivalent force. In the absence of the sort of outright ban on SS-18s envisioned in the June 1992 Washington summit agreement, the effect of START is to allow Russia to produce still more advanced follow-ons, each with greater capability than the previous modification. While an effective prohibition on new types would preclude such modernizations, the START Treaty—like the SALT agreements before it—has no such prohibition. Instead it leaves the former Soviet Union ample leeway to introduce essentially new missiles under the pretense that existing ones are simply being upgraded. In short, START prevents only the U.S. from deploying heavies now and in the future, an arrangement clearly inconsistent with the spirit and the letter of the 1972 Jackson amendment to the SALT I Treaty.

Non-Deployed Missiles and Launchers

A major flaw of SALT II was that the reductions it required could be easily reversed because of the absence of limits on non-deployed missiles and launchers. For this reason, the United States long sought to restrict the numbers and locations of all non-deployed land-based missiles (NDMs) and non-deployed launchers (NDLs).

In yet another reversal of the Reagan position, the Bush Administration agreed to the Soviet position of no numerical limits on non-mobile NDMs. Thus, Russia has the right to produce and stockpile as many land-based ICBMs as they desire, including MIRVed heavy ICBMs. This allows unlimited refire and breakout capability.

The Bush Administration did slightly better when it came to achieving limits on the number of NDMs and NDLs associated with mobile missiles. And yet, these limits (e.g., 250 for mobile NDMs) were set so high under START as to make them meaningless.

Unfortunately, the restrictions on NDMs/NDLs in the START Treaty designed to preclude rapid reload are unlikely to have any real effect on Russian capabilities. Mobiles provide for easy refire. Meaningful NDL/NDM limits, therefore, are crucial to preventing major breakout avenues. Such limits and geographic restrictions as are imposed by START for mobile NDMs/NDLs clearly do not serve this purpose.

Warhead Attribution

Russian warheads deployed under START are substantially undercounted. A 10-reentry vehicle (RV) payload is attributed to the SS-18—even though it is capable of carrying 14 RVs. The SS-N-23 is counted as carrying four warheads, but may be capable of carrying twice as many. This means that the former Soviet Union can legally have thousands of warheads beyond the levels nominally permitted under the START Treaty.

What is more, the ex-USSR added insult to potential strategic injury by changing their own data. In the December 1987 Washington Summit Joint Statement, the Soviets stated that the SS-N-18 carried seven warheads. In the Memorandum of Understanding accompanying the START Treaty, however, the SS-N-18 is listed as carrying only three reentry vehicles.

Overall, the START counting rules allow Russia to maintain a much larger force of launchers and platforms than has been expected. Thus, the SS-N-18 attribution numbers could decrease the number of accountable warheads by about 1,000—allowing the Russians to retain up to 40 ballistic missile submarines, over twice the number the United States will retain.

This enormous undercounting, which is fully legitimized by the START Treaty, also allows the Russians a ready-made breakout avenue through RV-uploading. The potential RV breakout resulting from the attribution rules on the SS-18, SS-N-18, and SS-N-23 could be measured in the thousands of warheads.

Downloading

The RV breakout problem is compounded by START's provisions allowing for downloading of up to 500 RVs. By nominally reducing the number of warheads these two missile types can carry, a larger quantity of each missile can be retained than would otherwise have been the case.

The downloading provisions also allow the Russians another path to breakout. Stockpiled RVs, legal in START, could be uploaded in a crisis or during a conflict. Combined with the agreement to undercount the SS-N-18, the Soviet successor states are allowed a total of about 2,500 downloaded warheads on three types of ballistic missiles. It seems likely that all of these additional warheads could be uploaded in a matter of weeks, at most, months.

Throw-weight

A long-held U.S. position was that the aggregate throw-weight of the Soviet ballistic missile force must be reduced by roughly 50 percent. Here again, the Bush Administration agreed to several Soviet-proposed changes which significantly and systematically mis- and undercount throw-weight.

For example, the START Treaty does not require that the parties' data concerning the throw-weight capabilities of their respective missile forces be measured by the other side. Instead, such data—and that concerning the throw-weight performance of new missiles—is simply "declared." Moscow's representations to date suggest that the Russians have chosen significantly to overstate their actual throw-weight capabilities (i.e., 6.6 million kilograms vs. roughly 5.8 million kg).

Such inflated estimates serve to make the actual effect of throw-weight reductions substantially less than 50 percent. In addition, the formula contemplated for calculating throw-weight under START amounts to just 70–80% of potential capability. As a result, the Russians could (assuming they were willing to make the necessary investment) field forces with a total capability of nearly 4 million kg throw-weight—roughly twice the current U.S. aggregate throw-weight and on the order of three times the capacity inherent in the missile forces the United States will deploy under START.

Air-breathing systems

Backfire Bomber

Another fatal flaw of SALT II repeated in START is the circumvention permitted by the absence of any real limits on Backfire bomber. The Backfire is capable of delivering a payload at strategic range, perhaps including long-range air-launched cruise missiles (ALCMs). The Soviets consistently contended that the Backfire is not an intercontinental heavy bomber. Under President Reagan, the United States insisted on this system's inclusion in START. The Soviets refused.

Under President Bush, the U.S. position eroded to the point where Backfires were ultimately exempted from START's limitations. Instead, they are dealt with under a separate, "politically binding" agreement. Under its terms, the number of Backfires were limited to a total deployment of 500—a number substantially larger than are currently in the Russian inventory. A ban was also imposed on giving the Backfire an aerial refueling capability, something it has long been suspected of having. As a result of this jury-rigged extra-treaty compromise, there is no inspection or verification regime for the Backfire.

Heavy Bomber Definition

The initial U.S. position in START was to include, and hold accountable, all types of existing and future Soviet heavy bombers—including Backfire follow-ons. The U.S. ultimately agreed, however, that a new Backfire-type bomber would not be limited by either START or the separate Backfire agreement unless the Russians agreed to do so. This would permit Russia to build a modern Backfire-type bomber in unlimited numbers. Should they choose to do so, they will be able legally to train air force personnel in aerial refueling on the follow-on.

ALCM Counting

Although the United States nominally achieved its objective of discounting air-breathing systems and of excluding conventional ALCMs, the benefits of the discount approach have been greatly undercut by the decision to reduce the number of B-2 bombers from 132 to the proposed 20. In fact, the gutting of the B-2 program will leave the U.S. without a sufficient force of modern and effective bombers to permit it to exploit such advantages as it nominally obtained under the agreed discounting arrangements for air-breathing systems. Finally, the U.S.-Russian force asymmetry exacerbated by the cut in the number of B-2s is compounded by the fact that U.S. bombers would face massive air defenses if they have to carry out attacks against the former Soviet Union. Russian bombers face no such obstacle.

ALCM Range

A further concession—which also served dramatically to undermine the U.S. approach in START with respect to air-breathing systems and stability—involved the range for START-accountable ALCMs. Throughout the Reagan Administration it was set at 1,500 km. This was a level meant to preserve maximum U.S. flexibility in fielding shorter-range systems and to recognize the need for American bombers to stand-off at considerable distances in launching ALCMs against unconstrained, forward-deployed Soviet air defenses. The 1,500 km level was also seen as advantageous to the United States, a provision that would go some way toward offsetting provisions favoring Soviet strengths in the ballistic missile area.

The Soviet position throughout the START negotiations, however, was 600 km and never changed. The Bush Administration sought a series of compromises starting with lowering the range accountability limit to 1,000 km. In the end, it accepted the ultimate "compromise"—the Soviet position of 600 km.

Verification

The verification aspects of the START Treaty are among its most troubling. Unprecedented in their complexity, intrusiveness and likely cost to the United States—qualities that have prompted Bush Administration spokesmen and other Treaty supporters to assert that this accord is verifiable—START's verification regime is in key respects, nonetheless, woefully inadequate to the task of monitoring Soviet successor states' compliance with its terms.

Portal Monitoring

At the beginning of the negotiations, the U.S. considered on-site monitoring of missile production facilities to be key to effective verification. The United States believes it was essential to monitor solid rocket motor production facilities—facilities with unique identifying signatures—as opposed to final assembly plants which typically have no such unique signatures. This arrangement differed from INF, where all missiles were to be eliminated and the discovery of any INF missile thereafter would constitute a violation. Under START, strategic ballistic missiles would continue to be produced and deployed. Here again, the Bush Administration reversed the long-standing U.S. position and agreed to establish portal monitoring only at final assembly locations for mobile missiles.

This central concession makes impossible monitoring Russian compliance with the limitations on mobile ICBMs. Without monitoring at solid rocket motor production facilities, the United States simply has no hope of verifying the number of missile stages produced. Such stages can then be stockpiled, to be assembled (a relatively straightforward and rapidly accomplished task) when desired. Given that mobile missiles inherently lend themselves to operations deployment away from fixed—and monitored—installations, such production could translate into substantially larger numbers of mobile ICBMs than permitted under START.

Russia could also use covert assembly and storage to maintain a ready augmentation force of fixed ICBMs with minimal risk of detection. When the United States dropped limits on non-deployed missiles for such systems, it rationalized away the need for monitoring of production facilities associated with such missile stages. The Russians are, therefore, legally able to produce as many of such missiles as they desire.

On-Site Inspection (OSI)

The United States has long believed that on-site inspections were necessary to deter the Soviets from establishing covert production and storage sites for START Treaty-limited items. However, the START Treaty contains a right to short notice inspections only for facilities on a list provided by the inspected side. Naturally, Russia is unlikely to place covert production and storage facilities on the list to be provided.

The START Treaty contains no suspect-site inspection of non-declared facilities, a provision that might have deterred covert production and storage facilities. Instead, if the United States believes it necessary to visit a site not on Moscow's list, it must obtain Russian permission. Should that permission not be forthcoming, there is no recourse.

ALCM Inspections

Because ALCMs are produced in non-unique facilities and are easily moved and stored, the United States believed that no effective verification regime could be found for ALCMs. From this reason the U.S. sought to prevent the Soviets from using the ALCM verification regime as an intelligence gathering tool to gain information on advanced U.S. programs.

However, the START Treaty the United States has agreed to an intrusive ALCM inspection regime—despite the fact that there are no numerical limitations on ALCMs. This contrasts starkly with the far less stringent inspection arrangements that apply to much more rigorous constraints.

The ALCM inspection provisions are, moreover, drafted in such a way as to affect essentially only U.S. systems. The inspection regime will not have the effect of increasing the sides' confidence in compliance with the ALCM provisions of the Treaty. Instead, it will likely risk compromising U.S. "black" missile programs and sensitive long-range, conventionally armed ALCM programs.

Tagging

For years, the United States insisted that effective verification of production and deployment of missiles required "tagging" (a means of identifying objects in a tamper-resistant fashion). For mobiles, tagging was intended to monitor deployed launchers—in part to deter rotation of non-deployed launchers or covert introduction of illegal launchers into the deployment areas for operational checkout and crew training.

In the START negotiating end game, however, the Bush Administration agreed to replace the tagging provisions the U.S. had insisted upon with ineffective "unique identifiers," consisting of little more than the factory number of the launch canister the first stage—information easily manipulated or spoofed.

The sum of these numerous defects of the START Treaty are substantially more worrisome than they are individually. Collectively, they constitute an arms control regime that is neither equitable nor verifiable. The dramatic, and adverse, effect it will have on the size and quality of American strategic offensive forces is not likely to be matched by comparable changes in those of the former Soviet Union.

In fact, provisions included in the Treaty at the insistence of hard-line elements in the Russian military-industrial establishment will—unless altered by Senate action—create loopholes and inequities certain to be exploited if the influence of this faction continues to grow in Moscow. Since such an unsavory development is very much in prospect, the recommendations to the Senate contained in the following section take on special urgency and importance.

V. CONCLUSIONS AND RECOMMENDATIONS

This litany of issues on which the Bush Administration abandoned negotiating positions adopted by its predecessor is of concern not only because it demonstrates the myriad times Soviet tenacity and obstreperousness were rewarded with substantive U.S. concessions. Far more important is the fact that the ground given up by the Bush team in order to "close" the deal on START was the difference between an accord that served U.S. interests and one that manifestly does not.

The Center for Security Policy believes that, had the Reagan Administration been willing to accept so seriously defective and inequitable an agreement—had it been prepared to make the many unwarranted and dubious "compromises" with Moscow negotiated by its successor—an agreement as flawed as the START Treaty could have been accomplished years ago. It is especially stupefying that the United States would consider entering into such a deficient accord now, at a moment when the opportunity for far more satisfactory arrangements presents itself thanks to the collapse of the Soviet Union and the attendant increase in Moscow's need for U.S. assistance.

Why START must be improved

Ironically, the Administration's own handiwork implicitly recognizes this reality. The Joint Understanding signed in June 1992, in effect, amends the START Treaty by cutting the number of strategic nuclear warheads each side is (nominally) permitted to have by roughly one-half. More importantly, it also eliminates the right the former Soviet Union was accorded under START to field and modernize 154 of the dreaded SS-18 heavy intercontinental ballistic missiles and hundreds of other threatening multiple-warheaded ICBMs.

The missile force Moscow could retain under the unamended START Treaty—but not under the accord as modified in June—would leave Russia with the ability to execute a fearsome preemptive first-strike against the United States. While the threat that such an attack might actually be launched has receded for the moment (thanks to the collapse of Soviet totalitarianism and the policies adopted by democratic successors led by Boris Yeltsin), until the former Soviet Union's first-strike weaponry is actually dismantled, that threat could quickly reemerge.

Unfortunately, recent developments in the old Soviet empire have underscored the dangers of confusing permanent changes with ones that can be rapidly reversed. The renewed assertiveness of imperialist elements—evident in the increasingly belligerent rhetoric of the Russian Defense Minister, Gen. Pavel Grachev (among others)—has already translated into threats of substantial Russian military involvement in Moldova, Georgia, Azerbaijan, Armenia and even the Baltic states.

Other bloody crises may be in the making as Moscow "assists" ethnic Russians or Slavs elsewhere in the former USSR. The ascendancy in the Yeltsin cabinet of leading figures from the Soviet military-industrial complex, moreover, augurs ill for the domestic transformation so urgently needed—to say nothing of the prospects for a permanent, peaceable realignment of Moscow's foreign relations.

The need for a revised approach to START—and beyond

Under these circumstances, it behooves the Senate to use its unique status under the Constitution—that of a partner with the executive branch in treaty-making—to effect two changes in the Bush Administration's approach to strategic arms control:

First, the Senate should insist that the Administration abandon its current two-track strategy involving prompt ratification of the present Treaty and then separate action on the amendments entailed in the Joint Understanding in the form of a START II Treaty." Instead, President Bush should be directed to present as quickly as possible the fleshed-out agreements outlined in that Understanding as a protocol to START—an integral part of the original Treaty which would be considered simultaneously by the Senate.

In this manner, the danger would be reduced that the United States will be stuck with a strategic arms reduction treaty bereft of changes even the Administration agrees (at least implicitly) are needed. Whereas an effort to fix a crucial defect in START by linking its ratification to the elimination of all SS-18s might once have been resisted on the grounds that it would be a deal-breaking "killer amendment," that argument no longer applies. Today, this defect can be fixed merely by formally affixing the Russians' expressed commitment to dispense with their SS-18s before the Treaty is ratified.

In the process of such a renegotiation, other problems with the START Treaty should also be revisited. Most of these problems, like START's "grandfathering" of 154 SS-18s, were incorporated when the Bush Administration acquiesced to Mikhail Gorbachev's intransigence. If the starkly contrasting spirit of cooperation and flexibility Mr. Yeltsin seemed to exhibit in Washington is real, it should be possible to correct such other serious—but as yet unaddressed—deficiencies as:

Moscow's right to deploy hundreds of mobile ICBMs—systems designed to defeat U.S. monitoring and verification techniques;

the latitude Russia will enjoy to retain every single missile taken off-line pursuant to reductions requirements. If such systems are not destroyed, they could be used to field a significant covert offensive force; and

limitations on verification activities that preclude continuous U.S. monitoring of former Soviet missile production facilities, tagging of missiles to assist in distinguishing between legal and illegal ones, and inspection visits to sites other than those approved by Moscow suspected of concealing proscribed activities or systems.

Delay on U.S. ratification of the START Treaty would also permit an opportunity to clear up seemingly conflicting commitments made by Russia and the other three Soviet successor states now party to START (Ukraine, Belarus and Kazakhstan). As it currently stands, it appears that Moscow is determined to delay the Treaty's entry into force until the latter accede to the Nuclear Non-Proliferation Treaty as non-nuclear states—something that may not happen anytime soon.

A time for "new thinking" on arms control

Second, the Senate should encourage the executive branch to engage in some "new thinking" about arms control. Specifically, the executive branch should be urged to concentrate less on the symptomatic treatment of the residual Soviet threat (i.e., traditional arms control) and more on systemic therapies (i.e., approaches that address its underlying cause). After all, it will only be when genuine democratic political and free market economic systems have fully displaced the persisting institutions of empire and militarism that the rest of the world can hope for real safeguards against a renascent danger from the former USSR.

In this regard, the Senate may wish, both as an incentive to swift completion of a START protocol based on the Joint Understanding and as a catalyst to sweeping structural reform, to urge the Bush Administration to propose a deal: U.S. help in securing generous, multi-year relief of the $80-plus billion in international debt that was the crushing legacy of Soviet misrule once START's shortcomings have been formally fixed and the amended Treaty ratified.

By these two initiatives, the Senate could help transform the START Treaty from a major liability into a useful instrument for constructive change in the former Soviet Union and for stable, peaceful relations between this country and the successor states. Advice and consent to anything less would be an abdication of the Senate's constitutional role and a strategically reckless disservice to the national interest.

AMENDMENT NO. 3317

(Purpose: To further the interests of the United States in connection with the START Treaty ratification)

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wyoming, Mr. WALLOP, proposes an amendment numbered 3317.

Add at the appropriate place the following:

The Senate's advice and consent to the ratification of the START Treaty is subject to the following condition, which shall be binding upon the President:

"The START Treaty, including the May 23, 1992, Protocol, the two Annexes, six Protocols, Memorandum of Understanding, and Corrigenda, shall not enter into force until the President certifies that all MIRVed ICBMs, and all launchers for MIRVed ICBMs, shall be eliminated in accordance with the agreement in the Joint Understanding on deep cuts of June 17, 1992, signed by the President of the United States of America and the President of the Russian Federation."

Mr. WALLOP. Mr. President, I am prepared to debate this in a few minutes but I note that my friend from New Hampshire has risen to address the Senate on the treaty and I yield the floor at this time.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. SMITH] is recognized.

Mr. SMITH. I thank my colleague from Wyoming for his courtesy.

Mr. WALLOP. Mr. President, will my friend yield for just a brief unanimous consent request?

Mr. SMITH. Yes, I am happy to yield.

AMENDMENT NO. 3260

(Purpose: To further the interests of the United States in connection with the START Treaty ratification)

Mr. WALLOP. Mr. President, I ask unanimous consent that the amendment No. 3317 that I sent to the desk be withdrawn and be replaced by amendment No. 3260 which qualifies as the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 3317) was withdrawn.

The amendment (No. 3260) is as follows:

Add at the appropriate place the following: The Senate's advice and consent to the ratification of the START Treaty is subject to the following condition, which shall be binding upon the President:

"The START Treaty, including the May 23, 1992, Protocol, the two Annexes, six Protocols, Memorandum of Understanding, and Corrigenda, shall not enter into force until the President certifies that all MIRVed ICBMs, and all launchers for MIRVed ICBMs, shall be eliminated in accordance with the agreement in the Joint Understanding on deep cuts of June 17, 1992, signed by the President of the United States of America and the President of the Russian Federation."

Mr. WALLOP. I thank my friend.

The PRESIDING OFFICER. The pending amendment is now 3260.

Mr. SMITH. Mr. President, I rise today to offer some personal comments concerning the START Treaty and to outline deep concerns I have with the manner in which the Senate is discharging its advice and consent prerogatives.

This advice and consent is a very important constitutional responsibility and under no circumstances should it be taken lightly.

Mr. President, let me begin my remarks with a question. Why on Earth is the Senate moving to ratify the START Treaty at this time? Here we are, on the verge of adjourning for the year, we have a mountain of appropriations bills, conference reports, and other legislation to consider, yet we are seeking to dispose of this extremely complex and flawed accord with very limited debate. I simply cannot understand it.

Why have we not debated this treaty earlier when we could have spent more time and Members could have had the opportunity to actually read this treaty? The treaty before us took nearly a decade to negotiate, yet we are rushing to ratify it within 2 short days in which many Members are either out of town or preoccupied with other business. I would say to my friends on both sides of the aisle if this accord is not worth spending more time on, it probably is not worth ratifying at all.

Unfortunately, it appears that the will of the Senate is to proceed with ratification. But I fear that the time allotted for consideration is inadequate for Members to fully evaluate the treaty and the ramifications of it. I ask my colleagues, have each of you had an opportunity to review the various limits and sublimits, counting rules, verification provisions, and accompanying protocols to the treaty? Have you read those? This accord will significantly affect our ability to respond to unforeseen crises for years to come. We have a moral and constitutional obligation to fully and substantively consider its implications before we consent to ratification. That is what advice and consent in the constitutional sense really means.

As my colleagues know, the START Treaty was signed by the United States and the Soviet Union on July 31, 1991, ironically just a few days before the coup. After nearly a decade of cold war haggling this action took place. The treaty establishes central limits on deployed strategic nuclear delivery vehicles, such as intercontinental ballistic missiles, submarine-launched ballistic missiles, heavy bombers, and their accountable warheads. Yet, there is no requirement, I repeat, no requirement for the destruction or the dismantlement of excess systems. In fact, both sides are free to retain an unlimited stockpile of non-deployed missiles and warheads; only deployed systems are accountable under START.

Mr. President, the reality is that the START Treaty will not require the destruction of one single ballistic missile. It will not require the destruction of a single nuclear warhead, with the possible exception of a few mobile missiles. The only thing that START actually limits is launchers. The qualifications of "deployed" and "accountable," provide a loophole whereby literally thousands of missiles and warheads escape capture under this treaty. How can anyone seriously consider this action to be legitimate arms reduction? Mr. President, it is not. It simply is not arms reduction.

Additionally, START explicitly allows each side an unlimited number of nondeployed missiles for ICBM silo launchers and SLBM launchers, and supposedly limits the sides to only 250 nondeployed missiles for mobile launchers. However, since the START memorandum of understanding on data indicates that the former Soviet side possesses only 60 nondeployed mobile missiles, in actuality they could build an additional 190 mobile missiles under the agreement.

This aspect becomes increasingly problematic since agreed statement 37 provides an exemption for so-called retired mobile missiles with a single warhead. Under this scenario, the Russians could conceivably double that part of their ICBM force by introducing a follow-on to the SS-25, then retiring the entire SS-25 force. Recent reports suggest that the Russians have already developed and initiated production of a new ICBM known as Fat Boy which could fit the definition of a new type replacement for the SS-25. Moreover, the so-called Fat Boy may already constitute a START violation since reports indicate that more than 20 prototypes may have already been produced.

Verification of compliance poses, perhaps, the greatest challenge. The START verification regime includes: data exchanges prior to treaty signature relating to numbers, locations, and technical characteristics.

It includes 12 types of onsite inspections, including inspections to verify data and observe elimination of weapons and related facilities, short notice inspections at facilities related to strategic offensive arms, suspect site inspections, and inspections to verify the number of warheads on deployed ballistic missiles.

It includes perimeter portal continuous monitoring; a ban on data encryption where national technical means are used; and creation of a Joint Compliance and Inspection Commission to resolve questions of compliance, clarify ambiguities, and discuss ways to improve treaty implementation.

Mr. President, in principle, the web of interlocking prohibitions, data exchanges and monitoring activities might seem to effectively supplement verification by nation technical means. Realistically, however, the regime falls far short of ensuring compliance. We will only be able to verify with confidence those items and areas that the other side want us to see; namely, deployment areas and some limited production and assembly areas. On the other hand, there are very significant shortfalls in our ability to verify other important aspects of the treaty.

For instance, in its report on START, the Intelligence Committee states "Members of the Senate should understand, however, that U.S. intelligence will have less than high confidence in its monitoring of such areas as nondeployed mobile ICBM's, the number of reentry vehicles actually carried by some ICBM's and SLBM's, and some provisions relating to cruise missiles and the heavy bombers that carry them." In fact, the committee report indicates that the intelligence community's overall ability to monitor nondeployed mobile missiles is questionable. The report continues by stating, and I quote, "This committee remains deeply concerned, moreover, that Russia's former, and perhaps continuing, biological weapons program may indicate that the CIS /Russian military is capable of mounting or continuing a START violation, either in contravention of the wishes of Russia's civilian authorities or with the knowledge or support of at least part of that leadership."

Under START, onsite inspection is permitted only at final assembly sites and not at production sites. According to the Intelligence Committee report, "the lack of solid rocket motor monitoring will clearly limit, to some degree, U.S. capability to verify START's mobile missile provisions."

Mr. President, these statements hardly represent a ringing endorsement of the verification regime. Rather, they highlight some very serious and dangerous shortfalls in our ability to monitor compliance. Again, I would say to my colleagues, while, on the surface, the intrusive START verification regime may seem adequate, our past experience and the assessment of the Intelligence Committee suggest otherwise.

Mr. President, I do not mean to imply that the intentions of Mr. Yeltsin and the other CIS leaders are duplicitous. But we do not know what is going to happen in the former Soviet Union. We are not sure at this point what the military could or may do.

Perhaps most disturbing about the START Treaty is the fact that the United States abandoned many fundamental and deeply important negotiating positions in order to close the deal on the treaty. For instance, from the outset, a key objective of the United States was to achieve substantial reductions in Soviet heavy ICBM's; namely, the SS-18. That was our objective throughout the Reagan administration, the United States insisted upon a ban on production, flight-testing and modernization of existing or new type heavy ICBM's. At the Washington summit in 1987, Presidents Reagan and Gorbachev agreed to limit Soviet heavy missiles to 1,540 warheads on 154 deployed missiles, which represented a 50-percent reduction.

The Bush administration, however, accepted Soviet deployment of the SS-18 in the upgraded Mod-5 version. According to the Defense Department, in its 1991 report entitled "Military Forces in Transition," "The improved lethality of the SS-18 Mod 5 offsets the START requirement to reduce heavy ICBM's by 50 percent. Assessed improvements in the Mod 5's accuracy and warhead yield give each reentry vehicle almost double the capability of those of the Mod 4 against U.S. ICBM silos, which the United States will substantially reduce under START." Thus, while START requires the former Soviets to halve their SS-18 force from 308 missiles down to 154 missiles, the post-START force will be as effective as the larger existing force.

Another key element of the original U.S. negotiating position was a total ban on mobile missiles. As my colleagues know, the former Soviet Union has deployed the 10 warhead, rail-mobile SS-24, as well as the single warhead, road mobile SS-25. The United States, on the other hand, has no mobile missiles deployed and has unilaterally terminated the rail-garrison MX and small ICBM programs. Nevertheless, under the treaty before us, the former Soviet Union is allowed 1,100 warheads on mobile missiles. These are systems which we cannot verify, and which have no comparable U.S. counterpart.

We cannot verify them and we have no counterpart. This represents another flaw, a fatal flaw.

Mr. President, the mobile missile question is immensely important. Of the many lessons learned in the Persian Gulf war, none was more sobering than the realization that mobile missiles are immensely difficult to detect, track, and kill. I would say to my colleagues, if we were unable to find Scuds in the barren desert of Iraq, we are not going to be able to find mobile ICBM's in the mountains, valleys and urban centers of the former Soviet Union. Under START, the former Soviet Union will retain a monopoly on mobile missiles and numerous avenues for militarily significant cheating.

Mr. President, we must not overlook the potential for cheating in this accord. The precedent set last year on the CFE Treaty, whereby supporters downplayed the significance of underreported equipment holdings as not militarily significant, is a dangerous one. This approach simply will not do when we are considering a nuclear weapons treaty, and a single missile could kill millions. While we all hope for the best from the new Republics of the former Soviet Union, we have a moral and constitutional obligation to be judicious in ratifying treaties. This is a very serious responsibility which may affect the lives of millions of people in the future.

Historically, the arms control scorecard of the Soviet Union is replete with circumvention and defiance. As we learned just a few short years ago with the discovery of SS-23 missiles in East Germany, Bulgaria, and Czechoslovakia, that were banned by the INF Treaty, declarations do not always correspond with deeds, Mr. President. Declarations do not always correspond with deeds. And it would be naive to assume that compliance is assured in this treaty. It is not assured.

The U.S. Senate, in trying to protect the best interests of America, has to deal with former Soviet capabilities. We do not know what their intentions are. But we do know what there capabilities are.

In its report on Soviet noncompliance with arms control agreements, dated March 30, 1992, the administration charged the former Soviet Union with continued violations of the CFE Treaty, the INF Treaty, the ABM Treaty, the Limited Test Ban Treaty, and the 1972 Biological and Toxin Weapons Convention. In addition, it has been reported that, on December 20, 1991, an ICBM was launched from Kazakhstan with its electronic telemetry encrypted. This is inconsistent with the former Soviet obligations associated with START. More recently, it has been widely reported that the former Soviet's have denied CFE Treaty inspectors full access to equipment holding sites, and there exist lingering reports of continued biological weapons production.

Mr. President, Who is really in control of the strategic weapons of the former Soviet Union? Does anybody know the answer to that question? Who determines and enforces their adherence to arms control obligations? Is it the military? Mr. Yeltsin? Who knows?

While most of us, myself included, welcome and support the efforts of Boris Yeltsin to transform the Soviet political, economic, and military culture, no one knows what the future will hold or who will hold the future in their hands. If, by some chance, Yeltsin does not endure, what will follow? Who will follow? We seem to be placing all our eggs in a basket of uncertainty. This is not wise.

As my colleagues know, the START Treaty was signed by Mikhail Gorbachev on behalf of the Soviet Union, but the Soviet Union has since dissolved. In order to help restore some legal order to the START framework, the United States and the nuclear Republics of Russia—Byelarus, Kazakhstan, and Ukraine—signed the Lisbon protocol on May 23, 1992. By its terms, the protocol is an amendment to the START Treaty, and must be ratified by all parties. The protocol obligates Byelarus, Kazakhstan, Russia, and Ukraine to make such arrangements as are necessary to implement the START Treaty and, importantly, obligates Byelarus, Kazakhstan, and Ukraine to adhere to the Nuclear Non-proliferation Act as soon as possible.

Associated with the protocol are three separate, binding letters signed by the leaders of Byelarus, Kazakhstan, and Ukraine which obligate each Republic to eliminate all nuclear weapons and strategic offensive arms from its territory within 7 years of entry into force of the START Treaty.

Mr. President, the Lisbon protocol is essential to make START a legally binding treaty. At the very least, we should ensure that it will be honored and implemented by all States parties before we allow the treaty to enter force. The Republics have yet to execute a four-party agreement on implementation and verification of START. Yet, here we are, poised to ratify under the optimistic assumption that the Republics will resolve these issues quickly and appropriately. If the quest to resolve disposition of the Black Sea fleet between Russia and Ukraine is any indication, we may have a very long wait.

As I have indicated, the START Treaty is a deeply flawed accord. The fact that Presidents Bush and Yeltsin felt compelled to negotiate and agree to conclude a follow-on treaty when we have yet to even ratify START is further evidence that it needs renegotiation. If implemented, the June 17, 1992, understanding between the United States and Russia would help to correct some fundamental flaws in the START Treaty, particularly by calling for the elimination of the entire SS-18 force. Unfortunately, translating this understanding into a viable treaty is proving far more difficult than we were led to believe. On June 23, Secretary of State Baker advised the Foreign Relations Committee that "in the most pessimistic case," a follow-on treaty would be formally submitted to the Senate by September 1, 1992. Yet, here we are on September 29, the target date has come and gone, and there is no indication that we will see a follow-on treaty text any time soon.

I would say to my colleagues, with all due respect, the fact that we are not seeing a translation of the June 17 understanding, and that negotiations have bogged down, is an ominous indication. Again, we must ask ourselves, who is in control? Is the Russian military rebelling internally in response to Yeltsin's concessions? Does Yeltsin have control of the Russian military?

Who does control the Russian military? What about the other nation States in the CIS? Will there ever be a follow-on treaty to correct START's numerous shortfalls and inadequacies?

Should these issues not be resolved before the Senate offers its advice and consent to the START Treaty? How can you advise and consent on a treaty when you do not know what the terms are?

Unfortunately, no one can answer these questions. Senator WALLOP has tried to get answers. He has failed. Answers have not been forthcoming. But the real question is, should we not resolve these issues prior to ratification, assuming we can get those answers? The answer in this Senator's opinion is yes, we should. Absolutely. For the national security interests of the United States of America and perhaps for the world itself, we must resolve these issues.

The only responsible course of action is to recommit START to the negotiating table and update its provisions and limitations with a text embodying the June 17 understanding as well as the Lisbon protocol and its side letters. Such a comprehensive accord should also address the issue of ballistic missile defense. In the post cold war world, we need to move beyond mutual assured destruction to establish a deterrent posture which integrates both offensive and defensive forces. We can no longer consider elements of the triad and missile defense in isolation. Rather, they must be considered as integral elements of a comprehensive strategic package. Relaxation of the burdensome ABM Treaty restraints should accompany strategic arms reductions to make our deterrent policy more responsive and appropriate to the changing international security environment.

Mr. President, frankly I do not hold much hope that the Senate will discharge its advice and consent obligations on the START treaty in a responsible manner. Unfortunately, apathy has replaced vigilance here in the Senate, and without a second thought—with very few Senators debating—this body is railroading the most far reaching, militarily significant, and fatally flawed Arms Control Treaty in our history through with only cursory debate.

It may turn out to be fine. We may get lucky and everything may fall into place. The weapons may be removed and turned over to us for verification. The military may not attempt to reexert its control. Yeltsin may live forever, to be followed by another democratically elected President in Russia.

But do we know for sure? Are we sure, Mr. President, that is what is going to happen? If we are not sure we ought not to be voting to ratify this treaty.

Moreover, not one of the jurisdictional committees heard testimony from a witness who opposes ratification of the treaty even when, as in the case of the Armed Services Committee, it was specifically requested by numerous members. This does not speak well for our institution, and I fear that history will exact a toll for our neglect.

It does not speak well for this institution, when those who want to hear the opposite side do not have the opportunity to hear it at the committee stage. That is simply wrong. It is not what the Founding Fathers had in mind when they drafted the Constitution and established the Senate.

In closing, Mr. President, I want to express my profound admiration and heartfelt appreciation to the Senator from Wyoming, Mr. WALLOP, for having the courage and the integrity to challenge this process. It is very easy to jump in the canoe and go downstream, but when you get in the canoe and try to paddle upstream and take on the system, it is much tougher.

The ratification process has clearly been corrupted when no dissenting witnesses were allowed to testify, and the Senate becomes nothing more than a rubberstamp for major arms control accords. That is wrong. Senator WALLOP has spoken to it eloquently. I only wish more of my colleagues had the wisdom and fortitude, like my friend from Wyoming, to discharge their constitutional responsibilities in a manner worthy of the trust placed in us by the Framers.

History will judge Senator WALLOP kindly for his leadership on this issue, and I hope and pray that the mistakes we make today will not prove fatal. The Senator from Wyoming has done a tremendous service to the American people. We owe him a debt of gratitude. I thank the Chair, and I yield the floor.

AMENDMENT NO. 3260

The PRESIDING OFFICER. Under the previous order, amendment No. 3217 is withdrawn and the pending question is amendment No. 3260. The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the Chair and I thank my friend from New Hampshire.

As I stated this morning, I feel very seriously about this issue. If I am wrong, and I am quite prepared to cede that that is a possibility, all of us, including me, will be only too happy to sing songs of praise and thanksgiving for those things which no longer threaten us. But if I am right—and those few of us who have this anxiety—there will be nobody around to hear us cry. The Nation will cry.

Mr. President, this amendment calls for a ban on MIRV'd ICBM's. It is in essence the same kind of a ban that would be called for in a subsequent amendment that I have filed and will not offer on heavy ICBM's because all of those are multiple reentry vehicles.

In recent years, I do not know how many Members of the Senate, the Armed Services Committee, the Foreign Relations Committee and other independent-minded folks have criticized the executive branch, both Reagan and Bush, for failing to seek a ban on intercontinental ballistic missiles equipped with MIRV'd warheads. The shame of this amendment—and I have no doubts about whether or not it will pass, but the shame of it is that those who have called on the Presidents of the United States for this ban will now vote against it.

A criticism of theirs, and it was mine, has emanated from a philosophy of arms control and strategic stability to which I have never personally subscribed. In my view, the MIRV'd ICBM's, like MX Peacekeeper, in the right hands, have been an indispensable part of a cost-effective U.S. nuclear deterrent posture. Those who will vote against this amendment were trying to neuter the United States power. Now they have succeeded in doing that essentially and succeeded at the same time in enhancing the power of the multiple warhead missiles of the former Soviet Union.

I agree—I did agree before—that in the wrong hands, such as the Evil Empire, the former Soviet Union, and those residual elements that remain which have continually been brought to mind as the reason we must pass this treaty so that we can enhance the power and strength of the democratic forces lest they be toppled by those waiting in the wings with less kindly disposition toward the United States and toward peace in the world—it is ironic that somehow or another we are using the means by which we enhance their power as the argument which will bring them to a table somewhere down the road to seek that power.

Mr. President, that is not in human nature. It was not when Girard Smith, having negotiated the ABM Treaty, worried about the numbers of heavy ballistic missiles growing on the Soviet side and said that within 5 years, if we had not achieved real reductions, we ought to withdraw from the treaty. We did not achieve real reductions, and we did not withdraw from the treaty. It is not human nature to suppose those who have been ceded an exquisite margin of power will willingly give it up. And if they will, then the provisions of this treaty are equally not necessary.

Now, Mr. President, it is true that MIRV'd ICBM's have the inherent potential to be used in a first strike against the United States. What we have done under the provisions of this treaty, which everybody says is going to reduce the number of weapons arrayed against us, is allow the SS-18, modified, to be put in place in, albeit, smaller numbers, but by the recognizable admission of the intelligence community and the armed services community, the military intelligence, a condition that is the equivalent of the less able force which it replaces, and because of the quirkish nature of the words of this treaty they become nondeployed missiles, they do not get destroyed. My friends all over America, get it into your mind, nothing needs be destroyed under the terms of this treaty.

So what I am suggesting is that the treaty and its memoranda and protocols not enter into force until the President certifies that all the MIRV'd ICBM's and launchers for them will be eliminated in accordance with the agreement already reached by the President of the United States and the President of the Russian Republic. This does not require a negotiation, Mr. President. Our two Presidents have said that that is what they wished. Only the dilatory nature of the Secretary of State, occupied with other things this summer, made it impossible for him to deliver on his promise to bring that treaty back here by the 1st of September.

Now, even if the former Soviet forces are reduced in accordance with the terms of the START Treaty, and everybody does what we pray and hope that they will do, with conservatively 2,400 highly accurate lethal warheads aboard the SS-18 and the SS-24 MIRV'd system, the threat to America remains unacceptably high. It is, therefore, of more than a passing interest that almost a year after START was signed, both the Bush administration and the Russian Government have embraced the position that neither side should have these weapons. They have agreed, according to a joint understanding which both of these Presidents have signed, Mr. President—President Yeltsin and President Bush signed on June 17 a joint understanding to eliminate all such weapons by 2003 or perhaps as soon as 2000.

The complete and verified elimination of the former Russian Republics, or the former Soviet Union's SS-18 force and its SS-20 force and any and all MIRV'd ICBM's would go so far down the road toward alleviating some of my concerns about the deficiency of the START Treaty that lies before us today. I presume that it would also greatly appeal to those of my colleagues, particularly those on the other side of the aisle who have been demanding this outcome for years and years and years in the arms control process.

But watch them, Mr. President. Today, though they have demanded, for whatever reason, political or sincere concerns, strategic stability, they will now find it not in their interest to vote in the way in which they have prattled in this Senate for years.

As virtually all of us can agree, the two Presidents, most of the Senators in this body in the course of the last 10 years have agreed that realizing the prompt codification of the complete ban on MIRV'd ICBM's would be the most desirable thing.

I believe the only question is how best to accomplish it. And we are now told by the administration and by the treaty's Foreign Relations Committee proponents that the best way to do that is to give the Senate's advice and consent to a treaty that does not do that. How very quaint. Perhaps when all of this process is done Gilbert and Sullivan might arise someplace and write some political musical about how things we wish to do are achieved by doing precisely the opposite.

In fact, the treaty does quite the contrary insofar as it legitimizes, albeit, at reduced levels MIRV'd ICBM's, and once this is accomplished, we assure the momentum will be imparted to the negotiations just begun on translating the joint understanding into treaty text.

That treaty, dubbed START II, which was ignored by the Foreign Relations Committee and the plea of the Armed Services Committee for an understanding or a condition will be said to be available for ratification shortly.

But, Mr. President, they only started to negotiate last week despite the fact that the Secretary of State promises we can have it in September. With all due respect, I believe that this contention is preposterous. It is as improbable as it is illogical.

The administration assured the Senate back in July that START II would be completed by Labor Day. No one knows, all other things being equal, how long it is going to take to finish these negotiations. And the reason the treaty has been delayed already, and the reason this negotiation will surely be dragged out in the future, is that its terms might actually be mutually advantageous and not disproportionately in favor of the former Soviet Union, the newly independent Republics.

If the Russian military are labeled to lock in an agreement such as that contained in START I that serves their interests, who can explain why they think that they will find within that arms control community an assent to an agreement that would strip it of some of the triumphant inequalities in their favor that are contained in this treaty?

Obviously, if we are serious about securing improvements in START, we should do so now before it is ratified. We are just kidding ourselves as we have done time and time again in the past if we believe that the next agreement will be better, will compensate for some of the present accords' shortcomings even though this Senate blindly chooses not to insist that the problems with the present agreement be fixed first, even though the President of the United States and the Russian President have identified those problems.

Accordingly, Mr. President, I hope, though I have little conviction, that my colleagues who are serious in this commitment to achieving a MIRV'd ICBM ban will recognize that this is the last chance. A vote for my amendment to modify the START Treaty so as to incorporate a ban on MIRV'd ICBM's will assure that this agreement, and not some will-o'-the-wisp, plea-to-the-tooth-fairy, subject-to-change-without-notice future agreement, becomes the vehicle for achieving this objective. It will not happen, Mr. President. Mark my word.

I yield the floor.

The PRESIDING OFFICER. The distinguished senior Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I do not think that we are entering into this treaty blindly. But, I think of all the 20 hearings that we had, the witnesses who came before us, some skeptical, mostly proponents of it, and with this hearing background, the most impressive testimony was the fact that the Chairman of the Joint Chiefs, and each of the Chiefs of the military joint staff enthusiastically support it. They stood, all five of them, five-square behind this treaty, urging us to ratify it.

This particular amendment is a little bit like putting the cart before the horse because usually treaties talk about the future without having conditions for the past on which they would rest. And in this case, I think the best way of getting rid of the MIRV'd vehicles, MIRV'd weapons missiles, is to move ahead on the START Treaty.

But I must say, just speaking personally, I can remember not too many years ago that I personally urged the administration not to move ahead with MIRV'ing, receiving the argument at the time that if we did not do it, the Russians would do it. The fact is, we agree now, we are trying to unravel, unscramble that past decision on MIRV with the START Treaty.

The PRESIDING OFFICER (Mr. DIXON). Is there further debate on this amendment?

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The distinguished senior Senator from Indiana.

Mr. LUGAR. Mr. President, there is no question that codification of any sort of the essential features of the June 17 joint understanding between President Bush and President Yeltsin would be highly desirable.

Let me simply indicate my understanding is not that the United States Secretary of State has been dilatory but that a draft as sent to Russia has been caught up in the difficulties and complexities of running that State under very difficult times. The Foreign Minister Kozyrev of Russia has informed Acting Secretary Eagleburger that there are no particular hitches involved, simply difficulty in getting concentration of Russian authorities on those particular points of view.

But I would point out respectfully, Mr. President, that not only would the June 17, 1992, joint understanding which forms the basis of what is often called a START II Treaty result in major reductions, it would, in fact, lead to the elimination of the MIRV'd ICBM's that are in discussion today, including all heavy ICBM's that were the mainstay of the Soviet threat during the cold war.

The Senate should do everything it can to encourage such a result. Perhaps this debate will help stimulate activity on both sides.

Unfortunately, an attempt to stall implementation of START I is the wrong way to proceed. START I, first of all, is a multilateral among five parties—Byelarus, Kazakhstan, Ukraine, as well as the United States and Russia.

START II or any type of bilateral agreement between Russia and the United States dealing with the MIRV'd ICBM's in discussion in the amendment of the distinguished Senator from Wyoming for really a bilateral treaty or bilateral understanding, and that is only logical since these issues deal with the period after the strategic offensive arms have been eliminated from the former three Soviet Republics, Kazakhstan, Byelarus, and Ukraine.

In short, Mr. President, logically START I, a five-party treaty, multilateral treaty, precedes that situation of a bilateral treaty between the United States and Russia, or a bilateral understanding as the case may be. Thus, at a minimum, the amendment we are discussing would delay the implementation of START I.

Article 18 of the treaty under discussion today requires that any amendment to the treaty be ratified by all parties, and that means Byelarus, Kazakhstan, and Ukraine, to the extent that we get into elements of START I. We certainly do because we preclude implementation of it by the amendment before us now. Those other States would necessarily have to be involved. That would clearly complicate the procedure substantially.

Furthermore, although the distinguished Senator from Wyoming has mentioned the fact that the two Presidents, our President, George Bush, and Boris Yeltsin of Russia, have entered into this understanding, clearly have a vision of how it ought to go, those visions understandably are something different than treaty language.

With all the interpretations that are required, in both languages, those of us who have had any experience in this situation, the distinguished Senator from Wyoming certainly has, as well as the chairman of the Foreign Relations Committee, and I, understand how difficult it is to arrive at exactitude of language and how important that is with regard to treaties.

So something beyond the joint understanding of June 17 is required; in fact, negotiation of treaty language, a process in which hopefully Secretary Eagleburger and Foreign Minister Kozyrev, or their staffs, are now involved. If delay of START I were the only consequence, that would be difficult enough, but requiring that the MIRV situation be concluded before START I comes into force actually reduces the possibility of START I, the treaty before us today, ever being implemented. Conceivably, that is the purpose of the amendment. But even if it is not the purpose of the amendment, it is a likely consequence.

Let me just say, Mr. President, that clearly, as the debate both yesterday and today has indicated, there is indication within Russia of argument within the Russian military. Apparently, some elements of the Russian military are especially sensitive to the negotiations of President Yeltsin on June 17, as well as the notion that Russia in any way is being dictated to during its current economic crisis. Holding up START to force any element of the joint understanding in the process would be seen clearly in many corridors of Russia as putting demand on them that they take the next step beyond START I, that the two of us have signed, as a price for us to take the first step. This type of bait and switch strategy could clearly rekindle substantial arguments within the Russian military with regard to START I—the bird we believe we have in hand, as opposed to the agreement we are reaching for and trying to negotiate. It would delay a treaty that we can bring into force soon, as opposed to making it impossible to complete either.

Let me just say simply that delaying START I sends the wrong message, in addition to the very powerful State of Ukraine, an independent State with whom we are fashioning strong relations; and certainly to Byelarus and Kazakhstan, and Kazakhstan already ratified START I. We would be saying by adoption of the Wallop amendment today that these States are relatively unimportant. In START, what really counts also is the bilateral relationship with Russia on the MIRV's, and the rest of our five-party negotiation can simply wait—perhaps not even occur at all.

Let me just say that there has been substantial debate in this body on the inadequacy or adequacy of Senate consideration of the START I Treaty. I just say once again, for the record, that the administration has now written answers to more than 1,100 questions that have been offered by Senators. That is a substantial amount of interest. The body has been characterized as apathetic. I just want to set the record straight—1,100 inquiries, all answered in writing. Let me say simply that there were 30 hearings held by 3 committees, and I say that there has been very substantial understanding of the elements of this treaty for years—not simply in the very intense period of the hearings and the questioning.

Mr. PELL. If the Senator will yield for a moment, I would like to demonstrate the number of pages, over 1,000. They weigh several pounds, and one can see the amount of wordage in these responses by the administration to the committee's questions.

Mr. LUGAR. I thank the chairman for a dramatic and graphic illustration of the volume. But there it is.

Yet, it is very curious that we would adopt an amendment today, which is very far-reaching and a very important and desirable arms control objective—the end of MIRV—without hearings, really without the questions, without the careful drafting of language. In essence, the very criticisms leveled at the drafters of this treaty who have labored for years, who have tried to bring precision to language, safety and security for our country, which might very well be scrapped as we reach for the joint understanding of June 17, which as I have indicated is ardently being sought, and language negotiated, and the process is obviously difficult.

When elements of the June 17 understanding have been incorporated either in START II, III, or into any other treaty form, the Senate will have a full opportunity to inquire into it. Committee meetings will be held. Hearings will be held. Questions will be raised, and there will be a full debate and study by independent authorities.

But let us recognize that START I is a major accomplishment in itself. It is START I, the treaty before us today, that locks in the major reductions.

Let me just clear the air for a moment, Mr. President, because so much has been said that not a single missile is being destroyed. I have the feeling this is almost totally inconsequential. Let me say that it makes a difference if the launchers are destroyed. It is a point, clearly, that has been made that some missiles can be fired from naval vessels. Some can be dropped from the air. But, nevertheless, Mr. President, it makes a substantial difference to destroy seriatim the launchers of the ICBM's. That is incorporated in START I. A lot of other things are, too, in terms of basic limits of the various systems. But that makes a difference. That is why START I is consequential in itself. It is a building block upon which we can reach conventions of the June 17 understanding, a dramatic agreement, and one I hope will be flushed out quickly and that perhaps, as I say, our debate today may accelerate.

So, for all these reasons, Mr. President, let me just say that the adoption of the Wallop amendment before us, in essence, would negate START I. We would have to go back for renegotiation, or it would be delayed so very substantially and the disruption of the five parties—the recriminations involving those are incalculable. It is a very, very heavy price to pay for reaching for a treaty which is not yet there, not negotiated, not heard, not very well considered at this point.

In short, the Wallop amendment is what could be characterized accurately—not pejoratively—as a killer amendment. It effectively terminates our work with regard to START I. It advocates its defeat. And I hope Senators will oppose the amendment.

Mr. WALLOP. Mr. President, I will be brief in my arguments. First, it was not the Senator from Wyoming who promised that the June 17 agreement would be reduced to a treaty and presented on the floor of the Senate by Labor Day. It was the Secretary of State. It was not a contrivance of those who oppose this treaty. It was a promise of the Secretary of State.

We are told that there were 30 hearings held on this by three committees. Well, Mr. President, the able occupant of the chair is a member of the Armed Services Committee of the U.S. Senate, and he will recall that we had 20 hearings in the Armed Services Committee alone on the INF Treaty, but only one on the START Treaty. And none of the 30 hearings in any of the three committees allowed a dissenting voice. I say those words and choose them very specifically, Mr. President—allowed a dissenting voice.

So I do not think it is fair to say that they have had the kind of careful consideration that the Senate has normally given to a treaty. But we are in this brand-new world in which one cannot conceive of trouble on the road ahead.

Mr. President, it was said that the Joint Chiefs uniformly have found this to be in their favor, but if anybody knows the history of arms control, the Joint Chiefs of Staff of the American military have always endorsed treaties negotiated by civilians—always. And they have done it for two reasons. One, it is the civilians who specifically, under our system, run the military. Thank goodness. But most important, the Joint Chiefs have never been satisfied with what Congress has given them, so they have used the treaties to try to get our enemies over the course of time—principally, this half century the Soviets, but prior to that, the Germans and the Italians—to solve our strategic problems for us.

Knowing that, the appropriations process sometimes did not admit to the new and innovative responses to known dangers. What we did was try to say to the Soviets, and before that the British did it with the Italians and the Germans, to try to say we will be nice if you will be nice and let us sit down and figure out how this works.

But those of us who have struggled over the years to try to maintain some level of equality of American capability against those forces arrayed against us know no treaty did anything except accelerate the arms race until recent these ones. This one does not accelerate it and I will accede to that. It neither recedes it or slows it anything like the proponents claim for it.

We are talking about this amendment delaying implementation of the treaty. But the statements of the republics that they will not yield up, under the terms of the treaty, the nuclear weapons on their territory until they are destroyed under international controls is a condition that means that for them this treaty will not go into effect and for us it will.

There are no calls for the destruction of missiles in the terms of this treaty. There are no calls for the destruction of missiles under the terms of this treaty. Yet the conditions that the Ukrainians, Byelarussians, and Kazakhstanis put on this, they will not cede those weapons back to the central authority until they are destroyed under international controls, something that is not required. And that, too, is a condition before they join the Nonproliferation Treaty.

So it is hard for me to understand how, when we say take out the MIRV'd ICBM's according to the agreement promised and signed by the two Presidents of the Russian Republic and the United States of America, and ably defended and promised for deliverance by the Secretary of State by September of this year, we can be accused of delaying when the terms and conditions of the newly independent republics are of themselves in the nature of a delay.

The able Senator from Indiana has said that we claim that it makes no difference if launchers are destroyed. I do not make that claim, Mr. President. I do not make that claim. Destroying a launcher does inhibit the convenience of those who wish to launch missiles. But surely the Senator would yield this point to me and that is that most of the heavy ICBM's of the Soviet Union can be relaunched from existing silos. So all you do while you do not destroy the missile and only destroy the launcher is you minimize the number of those in which for a moment the missile can be launched with convenience, but can be launched in a moment's later time, a week's later time from that same silo.

That is not a condition that exists with American missiles. We do not have refired capabilities in our silos and the Soviets do. So the destruction of some launchers is a matter of inconvenience. But make certain that this other point rests in the minds of the Senate: Every single international ballistic missile of the former Soviet Union and the republics has been fired outside of its silo accurately. It has been tested and it has been tested successfully.

All Russian missiles are routinely tested from what are called soft pads; that is, just concrete pads. The silo is a convenience. It makes a nice place for people to store their helmets and reading materials and other things while they are on alert. But that is all it is. It is a convenience. It is not a necessity. And to say that because the launcher is destroyed but the missile that was in it is not destroyed, that we have somehow or another enhanced our safety is, I believe, a misstatement of the relative nature of truth in this agreement.

Mr. President, I have one other point: That in the Republic of Kazakhstan, also a signatory to this signature protocol, there are new deployments of SS–18 missiles, those that are going to be reduced under the terms of this treaty.

So I would say, Mr. President, that I am prepared to go to a vote on this amendment now, and I believe also, Mr. President, that we are on the threshold of achieving an agreement as to how to handle the remainder of this debate.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me.

I will just engage in a discussion with the distinguished Senator from Wyoming and ask him the question if it would be permissible for the Senator from Arkansas to go into morning business for 2 minutes for the purposes of making a very short statement and sending a resolution to the desk to be referred on another matter?

I would like right now, if I might, to ask the distinguished Senator would it be possible if I could do that before the vote? And I ask the distinguished managers the same. Would there be objection or any concern expressed—if you would desire to go directly to the vote I could do it later. I think it would be well served, it would be a little better if I could go earlier.

Mr. WALLOP. Mr. President, reserving the right to object, I say to my friend, that I will not object so long as it is for the purposes stated, that no other transaction take place during this momentary reversion to morning business and that the rules of the executive session of cloture remain in place.

The PRESIDING OFFICER. With those conditions, is there objection to the request of the Senator from Arkansas?

Mr. PELL. Mr. President, it would include time under the treaty debate.

Mr. PRYOR. That is correct, I say to my friend from Rhode Island.

With that being agreed to, I will ask unanimous consent that the time, which will not exceed 2 minutes, be charged to the pending measure before the Senate.

The PRESIDING OFFICER. Without objection and under those conditions, the distinguished Senator from Arkansas is recognized as if in morning business for 2 minutes.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR pertaining to the submission of Senate Resolution 353 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. What is the pleasure of the Senate with respect to the amendment offered by the distinguished Senator from Wyoming?

Mr. WALLOP. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Wyoming [Mr. WALLOP].

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 16, nays 83, as follows:

[Rollcall Vote No. 247 Ex.]

YEAS—16

Burns
Coats
Craig
Garn
Hatch
Helms
Hollings
Lott
Mack
McCain
Seymour
Simpson
Smith
Symms
Thurmond
Wallop

NAYS—83

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick, Jocelyn
Byrd
Chafee
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Stevens
Warner
Wellstone
Wirth
Wofford

NOT VOTING—1

Gore

So the amendment (No. 3260) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, I rise today to express my most enthusiastic support for ratification of the START Treaty. As a member of both the Foreign Relations and Intelligence Committees, I have had the opportunity to examine this treaty in detail. I, like my colleagues on the committees, have concluded that this treaty is an historic breakthrough for U.S. national security interests and international partnership and world peace. It bears witness to the end of the cold war, and heralds the beginning of a new, more open era. It should be ratified promptly.

I have devoted a great deal of my time, attention, and effort toward the almost quarter century I have avowed in the Senate, to arms control treaties and efforts to control and reduce nuclear arms. START is the last one I will deal with as a Senator.

This treaty was negotiated with the Soviet Union at a time when its strategic arms reduction and verification regimes were close to revolutionary. During the ratification process, the Soviet Union fell apart, and new countries emerged. Four of those—Russia, Ukraine, Byelarus, and Kazakhstan—had nuclear weapons which had to be included in the START Treaty.

In Lisbon in May 1992, leaders of these countries met with Secretary Baker. I was impressed with the spirit and conduct of these negotiations, and commend Ukraine, Byelarus, and Kazakhstan for their commitments to accede to the Nuclear Non-Proliferation Treaty as nonnuclear weapon States. I hope they will stand by those commitments. This is definitely a step toward peace.

Further announcements by Presidents Bush and Yeltsin in June have promised even deeper cuts than START mandates. These reductions seize an opportunity to deal with short-range and tactical weapons not covered by the START Treaty. While I am enthusiastic about these reductions they do not serve to replace the START Treaty.

The START Treaty stands alone as the most important document we have negotiated on strategic nuclear weapons reductions thus far. Other promises have been made, and other documents will be concluded, but we should not miss the historic opportunity to codify what we have.

START not only mandates deep cuts in our nuclear arsenal, but also it creates a framework for further reductions—either unilateral, reciprocal, or negotiated.

The treaty is also remarkable in its open verification regimes. The regime is certainly adequate and it is clearly effective. It establishes such a level of openness, in fact, that some experts who testified before the committee described the treaty as overly verifiable.

Most important, at this point in time, however, is that ratification of the START Treaty would signal to other nuclear weapon States that the United States and Russia are serious about arms control.

After all of our talk of concern of nuclear proliferation, the START Treaty gives us an opportunity to demonstrate that we are serious about nuclear nonproliferation by taking that crucial step toward extension of the Non-Proliferation Treaty in 1995. I fully expect that other countries which possess nuclear weapons will consider cuts in their arsenals once they understand that the United States and Russia are making cuts in theirs.

I urge my colleagues to ratify the START Treaty. We should seal the book on the cold war, and begin to rewrite one on a new era, one dedicated to peace and security.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MIKULSKI). The majority leader suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I ask unanimous consent that Senator WALLOP be recognized to offer his amendment No. 3301, on which there be 1 hour for debate, 30 minutes under the control of Senator PELL, 30 minutes under the control of Senator WALLOP; that on the conclusion or the yielding back of that time, a vote occur on or in relation to the Wallop amendment No. 3301; and that the vote on final passage of H.R. 11 scheduled by previous order to occur at 5 p.m. occur immediately following the vote on or in relation to the Wallop amendment No. 3301 without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I thank my colleagues for their cooperation.

I yield the floor.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 3301

(Purpose: To further the interests of the United States in connection with the START Treaty ratification)

Mr. WALLOP. Madam President, I call up my amendment No. 3301, and ask for its immediate consideration, and I ask that we have order in the Chamber.

The PRESIDING OFFICER. The Senator from Wyoming is correct. Before the clerk reports the amendment, the Senate is not in order.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 3301.

"The START Treaty, including the May 23, 1992 Protocol, the two Annexes, six Protocols, Memorandum of Understanding, and Corrigenda, shall not enter into force until the President certifies that all Non-Deployed Missiles for silo launchers for ICBM's, mobile launchers of ICBM's, and launchers of SLBM's, shall be eliminated, except for a finite, minimal, and verifiable number equal for each side to be agreed upon."

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. WALLOP] is recognized.

Mr. WALLOP. Madam President, may I say that I was most grateful to the Senate for the consideration given the last amendment, the seriousness of which is continued in this amendment.

Madam President, I have talked with a member of the Foreign Relations Committee who expressed to me his personal surprise at the terms and conditions dealing with nondeployed missiles and wondered why the committee had not acted on them while he being a member of the committee being in a better condition to ask that question than I.

But it is a point I wish to bring to the attention of the Senate once again and hope that we maybe can by seeking to have the President certify that all mobile launchers shall be eliminated except for a finite minimal, and all mobile launchers, silo launchers, and launchers for SLBM's be eliminated except for a finite minimal and verifiable number which are test articles and agreed to by each side.

Madam President, central to the treaty's ostensible and propounded value in reducing the offensive power of the former Soviet Union strategic arsenal which has been reiterated and reiterated, is the limitations imposed on the number of intercontinental range delivery vehicles and their launchers. Given the nature of Moscow's strategic forces, namely, the disproportionate emphasis on ballistic missile systems and, in particular, the reliance on those missiles optimized for first strike; that is, the silo-based MIRV'd ICBM's, the limits on these weapons are said by its proponents to be of particular importance.

Yet, Madam President, under the terms of the treaty, Russia is entitled to have as many of these ballistic missiles as they want. They have been told that this was a limitation but it is a limitation on launchers and not on missiles. These nondeployed missiles do not count, are not destroyed, and yet remain available for use against the American public in a first strike.

It can do this thanks to a very important and unspoken of loophole in the treaty that is agreed to by the United States and the Soviet—I might say Soviet not Russian—insistence late in the negotiations. Madam President, everybody knows here that this treaty came into being at the close of frantic negotiations so that there could be a summit with Mr. Gorbachev while we tried to save that presidency.

So we made concession after concession, and the biggest concession in this Senator's mind was that we placed no limits on the number of nondeployed ballistic missiles either side can retain in its inventory.

A nondeployed missile is one that has simply been taken out of its silo but it does not need that silo, that submarine, or that mobile launcher to be useful, to be launched against the American people. That, let us be clear, every single one of these missiles that the proponents claim is eliminated or reduced by this can be kept viable in a nondeployed status, and every single one of these has been and can be launched from sites other than the fixed silos or submarines in which they are normally deployed—every single one.

So this is a limit without limitation. This is a ruse. This is a dream and a prayer to the tooth fairy, Madam President. These missiles once declared nondeployed can be used against Americans. And they are not counted. They are not eliminated. And they are not destroyed.

In fact, according to press reports, the Soviet Union actually exercised the ability to launch even its heavy missiles, its SS-18's, from soft pads.

Madam President, I have made the point and I hope and wish somehow the Senate could hear it.

The SS-18 missile is the most terrifying missile in the Soviet arsenal, in the world today. We have negotiated a reduction in the Soviet arsenal from 308 to 154, cut it in half. But at the same time, we authorize that missile to be replaced by what is called the Mod 5, the fifth model of it, which is by itself, the equivalent in power and accuracy to the Mod 4, which it replaces—I mean, more than twice as much. So that what you have is the new Mod 5 deployed in numbers equivalent to half of the old deployment, but with every bit the power and accuracy and delivery of the old deployment.

If that is not bad enough, the reduction by half of the SS-18 force amounts to no reduction in danger; all of those older SS-18's, the Mod 4's, are taken from those silos and can be declared nondeployed and ready for use against America, without violation of this treaty.

In addition, the Soviet Union has built into many of its modern silo-based ballistic missile systems, the capacity to reload and refire. I might say, Madam President, and try to explain this to the Senate, when we destroy a launcher, we do not destroy a missile or a warhead. A launcher is basically the place where a missile is safest. It is a hardened silo, and it is impenetrable by most of the weapons the United States can array against it. It is a convenience for working on the missile, and repair and maintenance. But it is not a necessity for that missile to remain in a capability of firing on the American people.

So we have these modern weapons that do not count any longer; they are withdrawn and declared nondeployed. But guess what happens? Most of those silos can refire. Ours cannot. So you fire the one that is allowed and bring the nondeployed missile in and load it into the same silo, ready again in a few weeks' time for use against the American people, who will not have had the same indulgence, should this awful day take place.

I believe it is a thoroughly unacceptable state of affairs, and unless we alter it, it fundamentally corrupts whatever benefits claimed by the proponents of this treaty—I believe they are sincere—whatever benefits they claim for it are negated by this concept of the nondeployed missile. That the nondeployed missile can be fired against it does not count in the limits, and does not have a reduced capability to bring harm against the American people, against whom they are arrayed.

Accordingly, Madam President, I hope my colleagues will heed the warning of the nondeployed missile and the ruse that is present in it. It is the means by which the missile reductions do not take place. The missiles are not destroyed. The warheads are not destroyed. The weapons are not destroyed. Only the launcher, only the shelter and the convenience are destroyed.

So if it is the Senate's will to ignore this, I accept and understand that, Madam President, but I would feel that I had not done the duty that I feel compelled to if I did not call it to the Senate's attention and offer this amendment, and I hope the Senate sees fit to take care of the biggest ruse contained in this treaty, that of the nondeployed missile, so that when my amendment passes, should it, it would impose finite minimal and verifiable limits on the number of nondeployed missiles. And those finite, minimal, and verifiable are the necessary test vehicles to maintain the viability that both sides should be entitled to. But all of the other ones that are now the claim of the treaty's proponents to have been removed from the stable of danger would in fact be removed and not just the fairytale that somehow or another we are safer, because they are not in the silo, they are just in a nondeployed status.

I reserve the remainder of my time.

Mr. PELL. Madam President, as I understand it this amendment would require the extending of the limits to cover all nondeployed ICBM's and the SLBM's. The Joint Chiefs of Staff and others have testified that there is no military requirement from their viewpoint for such a limit. In fact, we have seen how they have enthusiastically supported the overall START Treaty. The members of the Joint Chiefs are foursquare behind it, as is the Chairman, Gen. Colin Powell.

The nature of the SLBM operation and the limited number of Russian loading facilities limits the threat from rapid reload of ballistic missile submarines. It would appear not necessary to add such a provision. In addition, this amendment would require negotiation of major portions of the treaty with all the successor States—Ukraine, Byelarus, and Kazakhstan—in advance of any action on START, leading to an indefinite delay in entry into force.

I think this amendment can be considered a repudiation of the basic treaty. I do very much trust the judgment of the Joint Chiefs of Staff and think this amendment should be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Madam President, what is the remaining time?

The PRESIDING OFFICER. The Senator from Wyoming, the advocate of the amendment, has 20 minutes, 25 seconds. The opponents have about 28 minutes.

Mr. WALLOP. Madam President, it is clear that the able managers of the bill feel that—and I share with them the sensation—they will be able to prevail on any amendment offered simply by saying, we have to renegotiate with the Joint Chiefs, and the Joint Chiefs are for it.

Madam President, if the Joint Chiefs have signed off on this, then shame on them, because it is not a military judgment that can be argued safely, that a missile going to nondeployed status, still available to be arrayed against the American people, constitutes no threat.

It does not have to be held in a verifiable arena. It can be put in sheds. It can be moved around and about the country. We have no verification regime which would direct itself to this. Interestingly enough, Madam President, the Joint Chiefs were worried enough about mobile missiles to put a finite ceiling on the number of nondeployed of those missiles. So what a ridiculous posture for grown military men with stars and ribbons all over them to take that missiles that can be fired against Americans and do not count against the numbers and pose no threat.

I would love to hear the rationale behind that, other than that it might, as the able chairman says, require major renegotiation. I do not think it would.

Why would it be any less than the Soviets' or Russian Republics' interest to find that the missiles that had been taken out of silos were not still available to be shot at them? Simply because that is not the way the United States would play it, and that is the way the whole hard-line arms control negotiators under the Soviet regime negotiated this provision.

This was a concession of significant importance that was achieved at the last moment for the political purpose of arriving at a summit with Mikhail Gorbachev, and no other reason. And I would say, Madam President, that those very same Joint Chiefs, who now find no danger in these nondeployed missiles that are deployable against the American people, thought that was one of the very most important and significant negotiating positions that the United States brought to the table.

It has been significantly noted in the paper by General Rowney, who was our arms control negotiator through most of these START negotiations, that this was a last-minute, unnecessary, and very dangerous concession.

Why should these able generals who thought it was among the most important negotiating postures that the United States had suddenly say that it does not matter that these missiles now called nondeployed can shoot at Americans?

There is no logic in this posture, Madam President.

I hate to use the word "deceit." But, in fact, we are deceiving the American people by claiming that this treaty reduces or eliminates missiles arrayed against them when in fact this provision runs right around the limitations that are contained in this treaty.

Madam President, some moment in time the Senate needs to wake up and pay attention to its obligation to protect and defend the Constitution of the United States and the people of the United States. This is not, as Senator BYRD stated in his eloquent remarks, some statute that can be undone by a statute down the road when we find it is there. This becomes a part of the guiding unchangeable presence upon which the U.S. military posture is bottomed. We cannot change it after we agree to it. And we are being asked by these folks here to say that these missiles that can be shot against us pose us no threat nor no danger.

The Senator from Wyoming spent too much time in the country, if that is logical. Why a missile, because its title has been changed, poses no threat is almost an inconceivable thought, deployed or nondeployed. So long as its warhead is intact, so long as its electronics are in place, so long as its propellants are available, it is a threat to Americans. Make no mistake about it.

And that is the case that we are being asked to swallow.

Madam President, in this country after we sign this treaty, and I have no doubt that we will because the Senate has exercised already that suspension of judgment, we will be bound not only by the letter of it but by the spirit of it. That has been the history of arms control from the very beginning, and the appropriators, if no other soul will, tell us that the spirit says that those missiles taken from the silos will be destroyed.

But that will not happen and will not be the case on the other side. I pointed out to the Senate, and I plead with the Senate to recognize that Russian military appropriations are going to be bigger in 1993 than they have been in 1992, this despite the claim so often made that what they need more than anything else is money, that their people are starving, that they are unhoused, and have no energy and everything else, but they are going to spend more money on military hardware in 1993 than in 1992. One of the things they are not going to have to spend their money on is replacing missiles that go from deployed to nondeployed status, because they still pose the same formidable threat and danger to the American people.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has about 15 minutes remaining.

Who yields time?

Mr. LUGAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Madam President, I suggest that the time be charged equally to both sides.

Madam President, I will request a quorum call with the time to be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. If the Senator will withhold, it is apparent that the committee does not wish to debate this, and I understand this, because there really are no debatable points. So let me just make two other observations and then if they are willing I am perfectly willing to yield back the remainder of my time.

Mr. LUGAR. I ask the Senator to withhold his judgment for a moment. We do wish to debate but our debaters are in process of arriving.

Mr. WALLOP. Madam President, in which case I object to the time being charged equally. I used mine in a fair and equitable manner and they have only heard but two of theirs.

The PRESIDING OFFICER. Objection is heard.

Who seeks recognition?

Mr. LUGAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll with the time charged to the opposing side.

The legislative clerk called the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. BIDEN. Will the Senator yield me a few minutes?

Mr. PELL. The opponents of the measure yield as much time as may be necessary to the Senator from Delaware.

The PRESIDING OFFICER. The Senator may proceed.

There are 23 minutes remaining.

Mr. BIDEN. Madam President, I say to the Chair, as well as to my colleagues, that I do not plan on taking anywhere near the 23 minutes. I know that my friends, the ranking member, and chairman of the committee, have responded to the Wallop amendment, but I would like to take maybe 3 to 5 minutes to make a few comments.

Madam President, the Senator from Wyoming, as I read this, is, in reality, refighting the SALT II Treaty. Critics of that treaty said that it was fatally flawed because it did not cover nondeployed missiles. But, lo and behold, when the Reagan and Bush administrations looked at the problem, they also determined that nondeployed missiles for fixed ICBM's and SLBM's have no military significance.

Madam President, the Foreign Relations Committee looked at this issue extensively in the INF Treaty and we heard testimony from the Joint Chiefs of Staff in the Intelligence Committee about the significance of nondeployed missiles in the context of START. And again the conclusion was reached that such missiles could not easily be made part of a militarily significant force.

Madam President, this Senator has concerns like the Senator from Wyoming about the fact that there may be nuclear warheads, not nuclear missiles, that are not covered by this treaty. It is not the missiles but the warheads that create a potential problem.

And the problem they create is not that they are going to put the United States directly in jeopardy or be militarily significant or relevant to our vulnerability to the nations with whom we have this treaty, but, for proliferation purposes, there is a concern expressed repeatedly by the committee and by many others that the inability to grab hold, if you will, of all the missiles, the warheads, as opposed to the missiles, would allow those nations to sell and/or trade those missiles, those warheads to third countries. And that is why we placed a condition on this treaty that in the future the President use all his best efforts to see to it that there is a way and ability to account for the warheads.

Now, what are we talking about here? The Intelligence Committee and the Foreign Relations Committee and the Joint Chiefs of Staff, as the Senator from Wyoming knows, have determined, after looking at this extensively, that the notion that, after having destroyed a silo, you would be able to take a nondeployed ICBM missile and put it in a posture that it was threatening to the United States in any militarily significant way is not a realistic possibility.

And so, based on the evidence that our committee received and based on the evidence, to the best of my knowledge, that the Intelligence Committee received in detail, this was not a military problem.

But I would respectfully suggest that the Senator is partially right for the wrong reason. The concern here should be, in my humble opinion, the warheads and not the missiles.

But in order to go back and reopen that negotiation, it seems to me to be implausible at this point and would be destructive to what otherwise is a very useful instrument in terms of U.S. military interests and U.S. security interests, because the concern relates not so much to the countries in question as much as it does to proliferation of those nuclear warheads to those Third World countries.

Again, we attempted to capture that concern in the action taken by the Foreign Relations Committee by a condition that would put the President in a position to attempt to initiate further negotiations with the individual signatories to this treaty in order to, in effect, capture those warheads, as well.

I am sure I have been redundant, because I have been off the floor dealing with another matter. It seems like I never stop dealing with the crime bill, with the crime issue. So I apologize to my colleagues if I have been redundant.

But I wanted to make those few points, at least so the Senate knows what my understanding is and what the understanding I have is of the intelligence community and the military with regard to how high a concern, probability for concern, that they place upon the concern raised by our friend from Wyoming.

Because if this were adopted, it is not a condition. It would require the President of the United States to, in effect, reopen the entire treaty, renegotiate the treaty. And that is the same as—I hate to use the phrase that is used so freely around here—that is what makes this a killer amendment; and a killer amendment, in my view, for no militarily significant reason.

So I thank my colleagues. I thank the chairman for yielding me the time, and I yield the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I thank the distinguished Senator from Delaware for a very important argument.

Let me follow on a point or two which he made which I think is relevant to the debate on the current Wallop amendment.

I would simply assert, Madam President, that requiring warhead elimination—and I make that distinction as opposed to missile elimination—but warhead elimination makes no sense without effective verification to determine compliance.

We have had a great deal of debate about that generally prior to coming to this amendment. There is no practical way to verify such elimination of warheads without unacceptable intrusiveness at our own facilities.

Madam President, in the debate thus far, we have assumed all along that our potential adversaries might have malevolent intent. But I think it is fair enough to say, from the standpoint of our own interests, that we have come to a conclusion as a Government, our negotiators, our Department of Defense, the President, that intrusiveness in terms of our own facilities is important.

Surely, the Senate would not ask the United States to subject sensitive weapons information to exposure or to require the destruction of our own warheads without insuring other parties were doing the same. And, surely, the Senate knows that warhead elimination makes no sense without numerical limits or constraints on production of new missiles and new nuclear warheads, constraints that we could not verify even with unacceptable intrusiveness.

Now, Madam President, this is a very large subject but it is relevant, I believe, to the debate we are having.

Mr. BIDEN. Will the Senator yield not on that point but a related point?

Mr. LUGAR. I am happy to yield.

Mr. BIDEN. The Senator has been clear in his view about the ability to monitor what is in our interest and not monitor but to count warheads, a point I left out that I think is relevant here.

It was not that our negotiators—I am going back to missiles now as opposed to warheads—it was not that our negotiators attempted to get a limitation on and/or destruction of nondeployed missiles. We did not want that. We, our military, did not want that.

And the reason they did not is because they agree with the Senator from Wyoming on SDI. They wanted to have boosters. They wanted to have these missiles available to them for testing purposes. And one of the underlying reasons for that was a program that I strongly oppose, that is the SDI program.

So one of the things I think our colleagues should put in the mix here is this is not as though we went out with an objective and our negotiators were, in effect, outnegotiated by our counterparts. It was the opposite.

We did not want these nondeployed missiles included either. And the reason we did not is, one, having them or not having them is of no military significance in the minds of our military intelligence community; and, two, we wanted to keep our nondeployed missiles for purposes unrelated to a nuclear program.

Mr. LUGAR. The Senator is clairvoyant, he read both my logic and my next two points.

Mr. BIDEN. I apologize to the Senator. I am sorry.

Mr. LUGAR. He also reinforced them.

Mr. BIDEN. I am sure the Senator would have made it more clear than I have.

Mr. LUGAR. It is a triangular discussion here, because really the Senator has been a very strong champion of strategic defense initiative. I have supported that, the Senator from Delaware has from time to time but not consistently and has occasionally opposed that idea. But let us be very clear, negotiations sometimes on the part of our own military people are in behalf of our own military interests. The distinguished Senator from Wyoming has been very sharply critical of our military people, suggesting that they really did not know our interests or where somehow misguided. But I would contend they though they did. I think it is demonstrable they had our interests very clearly in mind.

And I would just add, as the distinguished Senator from Delaware has, that I suggest that some Senators may misunderstand the benefits to be gained by keeping the nondeployed nonmobile missiles nondeployed, nonmobile missiles. The Senate should understand the START Treaty does contain limitations on nondeployed mobile missiles as opposed to the nonmobile missiles because of the inherent risk of the mobile missiles. In fact, mobile ICMB's would be eliminated, if necessary, to stay within these nondeployed limits.

But, since reload and breakout is less of a concern for nonmobile ICBM's and for SLBM's, these missiles need not be eliminated, in the judgment of our military. And by not requiring elimination we allow the use of these expensive assets, our assets, for other purposes such as, for example, space launch.

The provision included in START to which I gather the distinguished Senator from Wyoming objects was included over Soviet objection. I am making the point, not only was it in our interest but the Soviets saw it was in our interest and objected to it.

So the point the Senator from Wyoming wishes to eliminate was in fact something we wanted. And obtained. And is included in large measure because we want to use retired Minuteman missiles for testing in support of United States strategic defenses—in essence a portion of the SDI program.

It is particularly ironic, it seems to me, that champions of strategic defense criticize a hard-won U.S. victory preserved in large measure for preserving assets used in developing those defenses.

I make that argument, Madam President, in addition to the obvious one. And that is, if our hard-won gain was suddenly eliminated by action on the floor of the Senate today, we would, in fact, have to go back to the table. The amendment, whatever its other purposes may be, would cause the need for renegotiation of the treaty.

The Senator from Wyoming has indicated that he felt indeed that ought to be required and I understand his point of view. Obviously I disagree, as do our military people. As do our negotiators who deliberately maintained this item in the treaty for our benefit.

For these reasons, Madam President, I urge defeat of the Wallop amendment.

The PRESIDING OFFICER. The Senator from Wyoming, the proponent of the amendment.

Mr. WALLOP. Madam President, nothing about this debate so far has been anything short of "Alice in Wonderland," from the seven requests for parliamentary rulings that could not be, to the inserts in the RECORD that were not allowed, to the opponents of the treaty that were not permitted to testify. And now we have this mystical new set of requirements and arguments that are raised against my amendment.

Madam President, if the able leaders of the Foreign Relations Committee would read the English language, it said that they would be eliminated except for a finite, minimal and verifiable number equal for each side to be agreed on.

There is nothing in that provision which would not provide for the SDI launches, were that excuse to have been able to be found water impervious. But I would say, Madam President, the information the Senator from Wyoming has was that this was a concession that we made outside of a negotiating position that we had long held that was exactly as the Senator from Wyoming has described it. The thing that is unverifiable is that which the Senator from Delaware speaks of; is the ban on warheads. Let the Senator from Wyoming inform the Senate that every time we reduce one level of an intercontinental ballistic missile's means of inflicting lethality, one level of its lethality—every time one level is reduced, the safety is enhanced.

I would say under the terms of this treaty, no level of lethality is reduced, notwithstanding the claim of the Senator from Delaware. One of the things it is important to realize is that the Soviets, as a routine, launch these missiles from what are called soft pads. In other words just a concrete place out in Vladivostok or Novaya Zemlya, or some of the other places where they do it and we now can talk about it.

Madam President, among the other things that could take place if anybody were willing to listen to the possibilities, is that you could launch to destroy, if that was one of the concerns of the American military. I know enough about SDI to know when I am being fed a bowl of sugar and this is clearly, then, one of those times. This is not an argument that holds any—any—absolutely anything that is true.

If it were so, as the able Senator from Delaware has just declared, that we do not need this thing then why was it important to put a ban on the nondeployed mobile missiles; a ceiling there? And guess what the ceiling was? I see only the staff remains on the floor. But the ceiling was 250.

Guess how many they have? Sixty. So this treaty authorizes the construction of 190 missiles before any of them can be banned in a nondeployed status. Very good negotiating—tough old Yankee traders that were there.

What this was, Madam President, is nothing short of a blatant concession. And my amendment does not prevent us from negotiating a verifiable number for the Soviets to use for space launches and for ourselves to use for space launches. But it does go to the heart of the treaty matter that is claimed by its proponents, that we are safer with it than without it. And we cannot be said by any logic in the world to be safer with missiles that can still be fired against us and not counted in and amongst the reduction.

Madam President, if the leaders are ready I am prepared to yield back time as soon as they are prepared to yield back time.

The PRESIDING OFFICER. The Senator from Wyoming has 8 minutes and a few seconds left.

Mr. WALLOP. I am prepared to yield it back just so long as the proponents are prepared to yield back theirs.

Mr. PELL. I must object for the moment. I would object for the moment—let the quorum call continue.

The PRESIDING OFFICER. Whose time shall the quorum call be?

Mr. PELL. On mine. On ours.

The PRESIDING OFFICER. The Chair wishes to advise the Senator from Rhode Island he has approximately 10 minutes and 12 seconds.

Mr. PELL. I thank the Chair.

The PRESIDING OFFICER. The clerk will now call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Madam President, while we are waiting to hear the leadership's plans for the evening, I would like to make a statement, quoting Gen. Colin Powell:

> I and my colleagues in the Joint Chiefs of Staff believe that the START treaty achieves our original 1982 strategic arms reduction goals, which were to enhance deterrence and achieve stability through significant reductions in the most destabilizing nuclear systems, ballistic missiles, and especially ICBM's which have multiple warheads; second, to maintain an overall level of strategic nuclear capability that would always be seen as sufficient to deter conflict; third, underwrite our national security; and, fourth, meet our commitments to allies and friends.
>
> We laid these goals out in 1982. The goals remain just as valid in 1992. The Chiefs and I have the capabilities of our post-START nuclear forces to meet these goals and to determine the military sufficiency of our nuclear forces.
>
> To make this assessment, we analyze several measures of effectiveness, such as the level of damage expected, the numbers and types of survivable warheads, and our reserve force posture. When we compared the level of damage against the smaller target base in Russia that results from the START and other reductions that we are undergoing, we determined that our modern, more capable weapon systems will allow us to maintain approximately the same levels of damage in target coverage that we can achieve today.
>
> When we examine the mixed weapons in the case when all of our forces are generated to full alert, we determine that even though the aggregate number of weapons declines, the percentage of survivable warheads increases because of the higher ratio of submarine and aircraft warheads compared to ICBM warheads.
>
> Of the land-based and sea-based missiles on a day-to-day alert, the percentage of survivable warheads will also increase in the post-START force. The percentage of reserve weapons remains approximately the same. And our military judgment of all these measures is that national security is enhanced for both the United States and the republics of the former Soviet Union as a result of the START treaty.

Each of the other Chiefs joined the Chairman in his support for the treaty. Gen. Merrill McPeak the Air Force Chief of Staff said:

> The original objectives of the START negotiations were to increase strategic stability, to achieve militarily significant reductions in strategic weapons, and to institute an effective verification regime. Not only have these objectives been achieved, they have been surpassed by the combination of the START treaty and subsequent unilateral actions and bilateral agreements. In my opinion, this treaty is in the best interest of the United States.

Admiral Kelso, the Chief of Naval Operations expressed similar views, saying:

> I support, without reservation, the START treaty. I am satisfied that it is militarily sound and its ratification will result in a predictable and thus more stable environment with respect to our relations with Russia and the other nuclear-armed republics.

Gen. Gordon R. Sullivan, the Army Chief of Staff, said:

> My endorsement is offered without reservation. The ratification of the Strategic Arms Reduction Treaty is in the best interest of the United States, and in my professional judgment, for the following reasons. The provisions of the treaty allow us to achieve our fundamental objectives of deterrence and stability through balanced reductions, and provides the legal framework to assure timely reductions, and the eventual elimination of all the nuclear weapons in Belarus, Ukraine, and Kazakhstan.

Gen. John R. Dailey, Assistant Commandant of the Marine Corps stated unequivocally:

> The Treaty is in the national security interests of the United States. It retains the objective of deterrence against nuclear aggression, meets our commitments to our allies, and supports the U.S. arms control objectives of increased security and stability.
>
> The Marine Corps has supported the START committee from its inception, and along with other services has monitored its progress to ensure military sufficiency. In our judgment, U.S. forces under the Treaty will be militarily sufficient to meet our national security requirements.

Mr. WALLOP. Madam President, let me just say once again to the Senate that any number of missiles could be retained under this nondeployed status. But Senators should be aware that in America, we have finished constructing our last missile. We do not have any hot missile production facilities now. Nobody is making new boosters for the Minuteman or for the MX. That is not the same case in the Soviet Union which has hot missile lines in all phases, 18's, 24's, 25's, and SSN-18. All of these are going on. We have only a missile production line for the Trident. So there is a big difference when we are trying to retain things for SDI.

But I will say the more important point, Madam President, is that this amendment does not call for any specific number, only that we begin to deal with the problem of nondeployed missiles so that they cannot be arrayed in the future against Americans.

Madam President, I yield back the remainder of my time and ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. WELLSTONE). The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

The result was announced—yeas 11, nays 88, as follows:

[Rollcall Vote No. 248 Ex.]

YEAS—11

Brown
Craig
Garn
Helms
Hollings
McCain
Pressler
Seymour
Smith
Symms
Wallop

NAYS—88

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick, Jocelyn
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NOT VOTING—1

Gore

So the amendment (No. 3301) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUSH'S FAILED IRAQ POLICY

Mr. WIRTH. Mr. President, George Bush would have us believe that he alone is qualified to conduct the foreign policy of the United States, that he is uniquely qualified to act as Commander in Chief given the depth and scope of his experience in international affairs. That is the rhetoric we hear from the Bush campaign. George Bush the foreign policy whiz.

Today AL GORE laid out the reality of the Bush administration's record on one of the core foreign policy issues George Bush has faced in office: Iraq. The record of Bush's handling of Iraq up to and after the gulf war is one of profound misjudgment and probable duplicity. The rhetoric and the reality of Bush's Iraq policy, as on so many other issues, are like parallel lines: they never meet.

Not only did the Reagan and Bush administrations knowingly and purposefully coddle Saddam Hussein throughout the 1980's and pamper him right up to the eve of the invasion of Kuwait, they did so in the face of overwhelming evidence from the CIA, State Department, Commerce Department, and other agencies that Saddam was continuing his brutal and reckless policies, including:

Support for international terrorism, including the use of Iraq as a safe haven for over 1,400 terrorists;

Genocidal slaughter of hundreds of thousands of his own Kurdish citizens;

Illegal use of American agricultural credits to buy arms—credits which Saddam predictably defaulted on and which have left the American taxpayer holding the bag for nearly $2 billion;

And a concerted program by Saddam to acquire nuclear, biological and chemical weapons and the missiles to deliver them.

By coddling the Iraqi tyrant, the Bush administration evidently hoped to change Saddam's ways. George Bush was deeply involved in this effort to, as Ross Perot put it, "burp and diaper" Saddam. Twice, Vice President Bush personally lobbied the Export-Import Bank to extend credits to Iraq. Vice President Bush sided with Iraq's Ambassador in trying to get the Pentagon to ease its opposition to high-tech exports to Iraq. Clear warnings about Iraq's pursuit of nuclear weapons did not stop President Bush from signing a directive mandating the pursuit of improved economic and political ties—just 10 months before the invasion of Kuwait.

This myopic policy of appeasement continued right up to the eve of the invasion. The Bush White House vetoed Iraq sanctions legislation and continued to oppose sanctions even as Iraqi tanks massed on the Kuwait border. In early 1990, the Bush administration apologized to Saddam for a Voice of America broadcast critical of Iraq's human rights records. Bush followed up by sending Senators to Baghdad to make clear to Saddam that he would oppose sanctions and to advise the Iraqi dictator that the VOA reporter who had so offended Saddam had indeed been fired. Ambassador April Glaspie's infamous meeting with Saddam a week before the invasion was, as Senator GORE points out in his speech, a reflection of Bush's personal views on Iraqi policy. Be our friend.

George Bush defends this sad record by claiming that he was trying to bring Iraq back into the family of nations. But there was no evidence to support this hope, and overwhelming evidence to the contrary. Saddam was and remains a dangerous despot capable of the most brutal acts. Rather than deterring and containing Iraqi aggression, President Bush, the foreign policy expert, sent unmistakable signals of weakness and of acquiescence.

As Saddam was transformed overnight from friend into Adolf Hitler, George Bush sought to paint himself as Winston Churchill standing up to brutal aggression. Unfortunately, the record demonstrates clearly that the apt historical comparison is not Churchill at all, but the failed appeasement policy of his Foreign Secretary. As Senator GORE noted this morning "George Bush's poor judgment, moral blindness, and bungling policies led directly to a war that should never have taken place."

None of this is to take away from George Bush's handling of the gulf war itself nor from the brave men and women who served their Nation well and honorably in that effort. But if George Bush wants due recognition for his skill in prosecuting the war, he must also take responsibility for the policies that made that war inevitable.

George Bush claims that he was out of the loop on the Iran-Contra arms-for-hostages trade. We now know better from many of the key participants in that sad affair. George Bush was deeply involved and supportive of the cynical diplomatic default. But he continues to claim that, like Reagan, he knew nothing.

George Bush is also now seeking to cover up his central role in the failed Iraq policy. The administration knew that Saddam was out to acquire nuclear weapons, and that Iraq was shopping right here in America for key components. Yet last June, Bush repeated that the United States had not contributed to Saddam's pursuit of weapons of mass destruction. The record is just the opposite.

The record also shows that the Bush administration was aware that agricultural credits were being used illegally to finance Saddam's war machine. The record also shows that the Commerce Department altered documents provided to Congress on high technological exports to Iraq.

We do not yet have the full truth on the role the Atlanta branch of the Banca Nazionale del Lavoro [BNL] played in financing Saddam's regime. If Bush has his way, we may never know the full story.

We do know that illegal loans to Iraq were made by BNL. We do know that the CIA was aware of BNL's activities. We do know that the Bush Justice Department declined to appoint a special prosecutor and that the Federal judge, Marvin Schoob, presiding over the case criticized Attorney General Barr's decision. We do know that there have been credible reports of White House meddling in the investigation and prosecution of the case against BNL.

As in Watergate, the more we know, the worse it gets.

William Safire in a column entitled "Crimes of Iraqgate" summed it up well:

> Americans now know that the war in the Persian Gulf was brought about by a colossal foreign policy blunder . . . What is not widely understood is how that benighted policy led to the Bush administration's fraudulent use of public funds, its sustained deception of Congress and its obstruction of justice . . . Policy blunders are not crimes. But preventing the purposes of appropriated funds is a crime; lying to Congress compounds that crime; and obstructing justice to cover up the original crimes is a criminal conspiracy.

Mr. President, I ask unanimous consent that the text of Senator GORE's remarks before the Center for National Policy, as well as supporting documentation, be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR ALBERT GORE, CENTER FOR NATIONAL POLICY, WASHINGTON, DC, SEPTEMBER 29, 1992

One of the most important questions in this campaign involves the judgment of the candidates on foreign policy. The American people know the world is full of unexpected surprises and dangers—and as a result they want to know whether or not a president can handle these uncertainties, recognize unanticipated dangers, and realize when national policy must be changed to reflect new realities. The American people also want to know whether or not they can count on their president to tell them the truth.

President Bush, in his handling of our policy toward Iraq, has failed all these tests, and failed them badly. His poor judgment, moral blindness, and bungling policies led directly to a war that should never have taken place. And because of his naivete and lack of candor, U.S. taxpayers are now stuck with paying the bill for $1.9 billion President Bush gave to Saddam Hussein even though top administration officials were repeatedly told Saddam was using our dollars to buy weapons technology. Bush, of course, believes that the war with Iraq was his finest hour as the organizer and leader of a vast coalition of armed forces united for the purpose of frustrating the designs of an evil dictator.

But the war with Iraq had deep roots, and if George Bush's prosecution of the war is part of his record, so too is his involvement in the diplomacy which led to it, both in the Reagan/Bush era, and far more so, during his presidency when he accelerated foreign aid and the sale of weapons technologies to Iraq—right up until the invasion of Kuwait—in spite of repeated warnings that anyone with common sense would have had no difficulty understanding. The path leading us to that war, and the path which the President has followed after, are deeply shadowed in profound error, in duplicity, and in amoral disregard for our most basic values as a nation. There is also substantial evidence that his administration intentionally falsified export records, and reports to Congress, and in the process apparently violated a number of laws intended to prevent such horrendous mistakes.

Nineteen months ago, President Bush called Saddam Hussein a new Hitler who had to be stopped at all costs. Yet today, that same tyrant remains firmly in power, resisting by every means the will of the international community. No wonder so many

Americans ask themselves whether or not victory over Saddam will ultimately prove an illusion.

The conduct of the war will remain a proud memory for all Americans. But the full history must also include events before and after the war. That detailed record requires a little more time and effort to understand. And if we really want to judge President Bush's stewardship of policy, then we had better pay attention to that detailed record, which provides a deeply disturbing look at a blatant disregard for brutal terrorism, a dangerous blindness to the murderous ambitions of a despot, and what certainly appears to be an ongoing effort to hide the facts from the American people whose tax dollars paid for this policy and whose sons and daughters risked and lost their lives in its pursuit.

George Bush wants the American people to see him as the hero who put out a raging fire. But new evidence now shows that he is the one who set the fire. He not only struck the match, he poured gasoline on the flames. So give him credit for calling in the fire department, but understand who started the blaze.

Let me begin by providing a basic historical frame of reference: In September of 1980, Iraq invaded Iran. Iraq was the odds-on favorite to win the war in short order. However, by May 1982, Iraq was clearly in trouble. It had lost a major battle with Iran. Our policy-makers began to imagine Iran under a radical Islamic government emerging as the dominant regional power: a nightmare. I believe that is why, in February 1982, President Reagan took Iraq off the list of states that sponsored terrorism.[1] He did this not because Iraq had gone straight and given up terrorism, but because he wanted to help Iraq while there was time.[2] By taking Iraq's name off the list, President Reagan opened the way for Iraq to receive US credits through subsidized agricultural loan guarantees and Export-Import Bank credits. Reagan's decision also removed certain kinds of export controls intended to block the transfer of US technology to countries on the official terrorism list.

In other words, for strategic reasons, the Reagan/Bush Administration would overlook virtually any unpleasant reality in Iraq, and apparently subvert US laws in order to prop up Saddam Hussein's brutal regime.

George Bush claims he was an outsider in another momentous Reagan decision—to sell arms to Iran in exchange for American hostages. Of course by now, most people find that very hard to believe and the documentary record is closing in on him. Recently, we learned that former Secretary of State George Shultz and former Secretary of Defense Caspar Weinberger were outraged when they heard then Vice President Bush was disclaiming any knowledge of the Iran arms deal and the fact that the two senior cabinet officers had vigorously opposed it. Notes taken at the time of their telephone conversation about this event have Mr. Weinberger saying that Bush's comments were "terrible" and that, far from being ignorant of developments, Bush had been "on the other side" of the struggle over policy.[3] Just last week, more evidence surfaced showing that Bush is recorded as having attended numerous meetings across a span of three years when White House senior officials debated the plan to sell arms to Iran and then were briefed on the status of the program.[4] He was also present at the meetings in which the trade of arms for American hostages was explicitly discussed. And now two of the briefers have directly challenged the veracity of President Bush's claim that he didn't know arms were being swapped for hostages. Far from being "out of the loop", Bush seems to have been one of the most vigorous and vociferous advocates of the illegal side of the argument. Indeed, his arguments to the contrary are simply no longer credible. His national security adviser was clearly uncomfortable even going so far as to say that Bush's version was "possibly" true.

Now new evidence about his policy toward Iraq directly contradicts President Bush's repeated statements to the American people that he did nothing that helped Saddam's effort to acquire weapons of mass destruction during the months and years preceding Saddam's invasion of Kuwait. To begin with, George Bush cannot even try to claim ignorance where policy toward Iraq was concerned. Not only was he directly in the loop, he was a principal architect of the policy from its earliest days. For example, in April of 1984, Bush personally lobbied the Ex-Im Bank's chairman—a friend from college days—to disregard the views of his own economists, and extend credits to Iraq.[5] Doubts about Iraq's credit-worthiness were very well-founded. But the overriding issue was whether Iraq could continue to hold on in the war with Iran. That's all that seemed to matter.

In pursuit of that objective, the Reagan/Bush Administration would overlook the fact that it was an Iraq-based group that masterminded the assassination attempt against Israel's ambassador to the UK, which occurred in June 1982.[6] This event triggered Israel's invasion of Lebanon—not exactly a minor consequence for US policy. The Reagan/Bush Administration was also prepared to overlook the fact that the terrorist who masterminded the attack on the Achille Lauro and the savage murder of American Leon Klinghoffer fled with Iraqi assistance.[7] Nor did it matter that the team of terrorists who set out to blow up the Rome airport came from Baghdad with suitcase bombs.[8]

Iraq not only stayed off the terrorist list no matter what, but in November 1984, full diplomatic relations were established with the country. The US. government continued to exert every effort to channel assistance to Saddam Hussein—even with evidence that he was not only promoting terrorism, but was also pursuing a nuclear weapons program. As early as May of 1985, Assistant Secretary of Defense Richard Perle warned about the suspected diversion of US exports of dual-use technology to the Iraqi nuclear weapons program.[9] But Bush ensured that the flow of technology continued.

In March 1987, Bush again took a prominent role: when Iraq's ambassador complained that our Defense Department was taking too long and being too cautious about export licenses for high tech items, Bush apparently agreed with him that the Defense Department was being capricious and had to get with the program.[10]

There might have been a moment's pause for reflection when Iraqi aircraft intentionally attacked the USS Stark in May 1987, killing 37 sailors—but the Administration smoothed it over very fast. This was the spring when the Ex-Im Bank staff resisted another $200 million loan for Iraq, but again the loan was granted after Bush again personally intervened to stress its political importance. The loan went through in May, just two days before the attack on the Stark.[11]

Now, let me make a point about foreign policy and the real world. The actual conduct of foreign policy often bears as much resemblance to academic theory as the conduct of domestic politics bears to a civics course. If we have to deal with someone bad in order to handle someone worse, then for heaven's sake we should at least be ready to re-evaluate that relationship the moment it has outlived its value to the United States.

In other words, whatever the arguments for temporarily supporting Saddam Hussein as a barrier separating Saudi Arabia's oil from Iran's militant fundamentalists, Bush deserves heavy blame for intentionally concealing from the American people the clear nature of Saddam Hussein and his regime, for convincing himself that friendly relations with such a monster were possible, and for persisting in this effort far, far beyond the point of folly.

Throughout this period, Saddam's atrocities continued. In March 1988, Saddam Hussein used poison gas on the Kurdish town of Halabja, brutally murdering some five thousand innocent men, women and children. None of us can ever forget the pictures of their bodies—of parents trying to shield their infants even in death—that were in our news media.

The Iran-Iraq War ended in August of 1988. Iraq had not prevailed, but neither had it been defeated. As a result, you would think that the Administration would give our policies a second look to see if they should be altered. But the Reagan/Bush Administration never hesitated even when the news became much, much worse. Within days of the end of the Iran-Iraq War, Saddam Hussein—seeing that he had gotten away with using poison gas against the Kurds previously—launched additional major gas attacks on them. The war was over, and he was determined to settle accounts. Saddam's attacks created, in addition to the wave of deaths, a flight of about a half million Kurdish refugees.

The effect of these events on the public and on Congress was electrifying. The outrage and disgust sparked action and ignited an intensification of efforts to pull the plug on US assistance to Saddam Hussein. I myself went to the Senate floor twice demanding tough action.[12] But these efforts were resisted to the bitter end by the Reagan/Bush and Bush/Quayle Administrations. For example, they pulled out all the stops to defeat the Prevention of Genocide Act, after the US Senate had passed it unanimously in September of 1988.

Meanwhile, the US Customs Service was reporting that in 1988, it had marked a notable increase in the activity of Iraq's network of procuring agents and front corporations. A concerted effort was underway to obtain missile technology, chemical weapons technology, and biological weapons technology.[13]

In January 1989, George Bush was sworn in as President. Based on plentiful evidence, he had reason to know that his ongoing policy regarding Iraq was already malfunctioning.

Just last week, we learned of a memorandum written in March, 1989, to Secretary of State Baker, as he prepared to meet with a senior Iraqi official in which the author noted that Iraq continued to cooperate with terrorists, that it was "meddling" in Lebanon, and that it was "working hard at chemical and biological weapons and new missiles."[14] What is especially interesting about this memo is that it notes that in the months preceding this meeting Iraqi oil exports to the US had increased dramatically and on favorable terms. That point raised the question of a quid pro quo sought by the Iraqi officials—cheap oil in exchange for "freer export licensing procedures for high

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Footnotes at end of article.

tech." The memo's drafter notes—somewhat critically and impatiently—that export applications were being held up by the Commerce Department, and by the Defense Department, out of concern that the proposed exports could enhance Iraq's military capabilities.

These concerns were well-founded. In April 1989, a nuclear proliferation expert from the Department of Energy reported intelligence indicators that Iraq had a crash program underway to build on atomic bomb.[15] In June, the Defense Intelligence Agency reported that Iraq was running a major European network to procure military goods that were not supposed to be sold.[16] In August, the FBI raided the Atlanta Branch of the Italian Banca Nazionale del Lavoro (BNL) and seized evidence of over $4 billion in illegal loans to Iraq, as well as use of about $2 billion of those funds to buy nuclear and other military technologies. On September 22nd, Assistant Secretary of State John Kelly wrote a memo acknowledging that money coming to Iraq through the Atlanta branch of the BNL did "appear to have been used" to finance acquisition of sensitive military technology.[17] Also in September, the USDA reported kickbacks and possible diversions of US-supplied agricultural funds for military purposes.[18]

Most significant of all, in the same month, the CIA reported to Secretary of State James Baker and other top Bush administration officials that Iraq was clandestinely procuring nuclear weapons technology through a global network of front companies.[19] Now, in the midst of this flood of highly alarming information, on October 2, 1989, President Bush signed a document known as NSD-26, which established policy toward Iraq under his Administration.[20] This document is the benchmark for judging George Bush's record for the direction of American policy toward Iraq in the period that would ultimately lead to war. We have only a partial idea of what is in that document, since the version that was finally released to Congress has been heavily censored. But the core statement of purpose and the fundamental assumptions behind it are clear. And so is the incredibly poor judgment of George Bush.

NSD-26 mandated the pursuit of improved economic and political ties with Iraq on the assumption that Iraqi behavior could be modified by means of new favors to be granted. Perhaps so, if this were a state not under the complete control of a single man whose ruthlessness was already totally apparent. The text of NSD-26 blindly ignores the evidence already at the Administration's disposal of Iraqi behavior in the past regarding human rights, terrorism, the use of chemical weapons, and the pursuit of advanced weapons of mass destruction. Instead it makes a heroic assumption of good behavior in the future, on the basis of an interesting theory—namely, that Iraq would suddenly and completely change its ways out of a fear of economic and political sanctions.

It leaps from the page, that George Bush, both as Vice President and President, had done his utmost to make sure that no such sanctions would ever apply to Saddam Hussein. Consequently, the question is unavoidable: why should Saddam Hussein be concerned about a threat of action in the future from the same man who had resolutely blocked any such action in the past? To the contrary, Saddam had every reason to assume that Bush would look the other way—no matter what he did.

In my view, the Bush Administration was acting in a manner directly opposite to what you would expect with all the evidence it had at the time. Saddam Hussein's nature and intentions were perfectly visible.

In October of 1989, representatives of the Departments of State and Agriculture met to discuss Iraq's diversion of US agricultural credits into the acquisition of US technology for its nuclear weapons program.[21] Later that same month, however, on October 26th, Assistant Secretary of State Kelly sent Secretary Baker a memo jointly written with the State Department's legal counsel, Abe Sofaer, urging that Baker push an additional $1 billion in agricultural loan guarantees for Iraq, notwithstanding the mushrooming scandal surrounding the diversion of BNL loans by Iraq for nuclear purposes.[22]

I will leave to others to debate whether Sofaer's efforts—or those of White House Counsel Boyden Gray's staff—to sound out the intentions of the Atlanta prosecutor constituted a crude form of intervention.[23] My point is that before and after consecrating a policy that tied us hip and thigh to Saddam Hussein, George Bush had all the information he needed to know that he was in deep, deep . . . water. But he persisted, although in November the CIA again reported that Baghdad was shopping everywhere for chemical, biological, and nuclear technologies and for ballistic missile technology.[24] And even though the CIA again reported a link between BNL funding and the Iraq nuclear and missile program,[25] in November the Administration agreed to go ahead with another billion dollars in US taxpayer subsidized loan guarantees to Iraq.[26]

In January of 1990, President Bush issued a determination that exempted Iraq from section 512 of the Foreign Operations Appropriations Act of November 1989 prohibiting further loans to Iraq. On grounds of "national security," the President declared that the Act's prohibition would not apply.[27] And yet, this was the season when the RAND Corporation reported that an estimated 1400 terrorists were operating out of Iraq.[28]

In February 1990, Saddam Hussein called for the removal of US military forces from the Persian Gulf. And yet, the same month, the Administration actually apologized to Saddam for the content of a Voice of America broadcast criticizing Iraq's human rights record.[29] Coddling tyrants is a hallmark of the Bush foreign policy.

March, 1990, brought no improvement, when US and British agents arrested several Iraqis in the act of trying to smuggle nuclear triggering devices into Iraq. In April, Saddam Hussein issued his infamous threat to burn up half of Israel with chemical weapons. Still, Bush toadied up to Saddam.

Also in April, the Federal Reserve Bank of New York noted that BNL money was diverted to purchase nuclear triggers in the United States, which had later been seized by British customs.[30] That same month, British Customs also seized pipe sections heading for Iraq, which were determined to have been parts of a super-gun. Similar shipments were seized in Greece, Turkey, Italy, West Germany and Switzerland.

Yet, on April 12th, at the personal request of Bush, Senators Bob Dole and Alan Simpson—the number one and number two Republican leaders in the Senate—travelled to Baghdad and told Saddam Hussein that President Bush was still ready to veto any sanctions bill that Congress might pass.[31] They added—again at Bush's personal request—the comforting news that the author of the offending voice of America criticism had been fired that same day in an effort to please Saddam.

In April and May, Commerce Under Secretary Dennis Kloske attended two meetings at the White House where he recommended that the U.S. tighten restrictions on exports of high technology, but he was overruled,[32] and the flow of technology from the US continued. As a side-note, when Kloske testified about this before the House Foreign Affairs Subcommittee on International Economic Policy and Trade about a year later, he was fired within forty-eight hours.

May arrives, and a terrorist attack on the public beaches of Tel Aviv was launched and thwarted. It was planned by a Palestinian group operating openly in Baghdad.[33] On May 21, the USDA sent up another warning about diversions of funds from US-guaranteed loans. But on June 15th, 1990, Assistant Secretary of State Kelly told the Senate Foreign Relations Committee that the Administration still opposed any Congressional sanctions against Iraq. And in July, as Iraqi tanks and soldiers massed on the Kuwaiti border, the Senate tried to pass another sanctions bill against Iraq * * * and the Administration opposed it. Not only that, but on the eve of the invasion, the Bush/Quayle Administration kept selling Saddam dual-use technology such as sophisticated computers, flight simulators, and equipment to manufacture gun barrels.[34]

At that very moment, however, high level officials in the Administration, including Secretary of State James Baker, were finally forced to confront what they had known from the outset of Bush's administration: that Iraq had grossly abused the benefits extended to it by Bush. In July, a memo jointly drafted by four senior officers of the Department of State was sent to Secretary Baker and approved by him. According to this memorandum—the existence of which just came to light a few days ago—the Administration acknowledged that "Iraq is actively engaged in developing chemical and biological weapons and ballistic missile systems, and may be seeking to develop nuclear weapons as well. Iraq has been attempting to obtain items to support these proliferation activities from US exporters, in some cases successfully." The memorandum concludes that the time had come for the Administration to "move now on Iraq because of its very active proliferation-related procurement efforts" and because "there is a danger that US exporters could become implicated in these efforts."[35]

Bear in mind that Saddam Hussein was then only one week away from an act of open aggression that would bring us to war. It had taken this long for an awareness of what was going on for years to be acknowledged within the Administration.

Much has been said about the record of our Ambassador to Iraq April Glaspie's famous interview of July 25th with Saddam Hussein. But the Ambassador's servile message was a clear expression of Bush's personal views.[36] Her message was totally in line with US policy as laid down by President Bush in October 1989, and clung to until August 2, 1990, when Iraq invaded, conquered, and annexed Kuwait.

Within a month, our sons and daughters were to be sent to risk their lives facing a threat that had been built up through US technology and US tax dollars by our own President, who now summoned them to battle. In answer to this charge, President Bush has explicitly denied that his policies enhanced Saddam Hussein's nuclear, biological and chemical capabilities.[37] He denied this, not only in an official report to Congress in the fall of 1991, but as recently as June 13th and July 1st of this year, when Bush said: "We did not enhance Saddam Hussein's nuclear, biological, or chemical weapons capability"[38] But as I have just mentioned, his own Secretary of State knew differently at least as of July 1990, and the actual record of our exports shows the facts rather differently than the President wants to remember them:

Almost 30% of our non-agricultural exports to Iraq between 1985 and 1990 went to the Iraqi military-industrial complex.[39]

Of these exports, there were 162 items that were licensed for sale despite their potential nuclear applications.[40]

The Administration permitted the sale of powerful computers comparable to those used in our own missile test ranges, despite objections from the Department of Defense.[41]

It allowed shipment of high-tech equipment needed for Iraq's Condor II missile, which was to have been able to deliver a nuclear warhead at a range of more than 600 miles.[42]

It allowed for the export of materials needed for the infamous "supergun" project, intended to have the ability to launch nuclear weapons line artillery shalls over hundreds of miles.[43]

Machine tools, lasers and other equipment for the manufacture of rocket casings used in SCUD missiles were sold. When UN inspectors got into Iraq, they found at Saddam Hussein's main nuclear weapons complex a carbide-tipped machine toll factory which had been built with technology and equipment licensed for export by the Bush Administration.[44]

The Administration licensed technology and equipment for fabricating shapes out of glass fiber over the objections of the Department of Defense, which noted that the purchaser was part of the Iraqi military-industrial complex, and that this kind of equipment was needed for a nuclear weapons program. The Administration preferred to blindly accept the importer's ludicrous claim that the equipment would be used to make shower stalls.[45]

Equipment for a "detergent" factory was licensed, yet this same factory was used to make chemical weapons.[46]

17 licenses for the export of bacterial and fungus cultures to Iraq were granted, even though the CIA specifically linked the Iraqi government agencies involved to "biological warfare support and numerous and other military activities."[47]

The UN Special Commission, once it finally got inside Iraq, is reported to have found equipment from eleven American companies in Iraqi missile and chemical weapons plants.[48]

It is astounding to look at the list of Iraqi customers approved by the Administration:

The Ministry of Industry and Military Industrialization (known as MIMI), which was headed by a brigadier general who was Saddam Hussein's son-in-law, and which the CIA identified as "controlling Iraq's nuclear network."[49]

The Saddam State Establishment and Salah Al Din, called in an intelligence report "typical of Iraq's arms production facilities."[50]

Sa'ad 16 identified back in 1986 as a key missile production site, where as much as 40% of the equipment was reported to be US-made.[51]

The Administration even sold Saddam Hussein helicopters for his personal use, equipped with special infra-red guidance and defensive systems.[52]

Incredibly, the Bush Administration knew all along that the chief purchasing agent for much of this material was the head of an Iraqi weapons complex. "The tentacle of the octopus," as one law enforcement official put it, was a US company called Matrix-Churchill. It was a key player in Saddam Hussein's efforts to acquire nuclear and other weapons technologies. The chairman of this so-called "American" corporation was one Safa al-Habobi, who was simultaneously the Director General of the Iraqi Nassr State Enterprise for Mechanical Industries, well-known by our intelligence agencies as a major Iraqi military-industrial complex where missiles and nuclear weapons equipment were manufactured.[53]

There was report after report linking Habobi's firm, Matrix-Churchill, to Iraq's global network of front companies and even back to the Iraqi Ministry of Industry and Military Industrialization (MIMI) and Saddam's son-in-law Hussein Kamal. But the Bush Administration kept issuing licenses.[54]

And as for how Iraq paid for all this when it was already far over its head in debt as the result of the war with Iran and Saddam Hussein's economic policies, a large part of the answer is: on credit in the form of loans guaranteed by the Bush/Quayle Administration. In the fall of 1989, Bush pushed hard to make sure that $1 billion in new loan guarantees were provided to Suddam Hussein.[55] It didn't matter that federal agencies were reporting severe abuses of prior loan guarantees from the United States. In the end, the US taxpayer has been left holding the bag for almost $2 billion of loans to Iraq which will never be repaid.[56] After bailing out the savings and loans, American taxpayers are now being forced by Bush's poor decisions to bail out Saddam.

When it comes time to confront the consequences of these years of serious mistakes, when it came time to confront Saddam Hussein's invasion of Kuwait with an international coalition united in its resolve and purpose, George Bush, all the way up until the moment the combat ended, displayed fortitude and skill. But the chestnuts he pulled from that fire were his own. His policies nurtured Saddam Hussein. He was deaf to information that to any other ear was a fire-bell in the night, ringing clearly that our policies were disastrously wrong.

And incredibly, immediately following the war, President Bush reverted to form. At President Bush's encouragement, an armed resistance to Saddam Hussein sprang up in Iraq. But at the critical moment, it was George Bush's decision to betray that resistance by tolerating Saddam Hussein's use of attack helicopters to put down the rebellions. That was a clear violation of the terms of the ceasefire, and it was a violation we had more than enough power to suppress.

Had we insisted on the terms of the ceasefire, there would have been a much better chance that today we would not be facing Saddam Hussein in power.

Should a man who mistook Saddam Hussein for a docile ally—and who then pursued that error to the point where the lives of hundreds of thousands of Americans had to be put on the line—have a second term as President of the United States? Has George Bush told the truth, the whole truth about a policy that left our nation facing a brutal, murderous dictator? If he will take credit for the victor, will he also take responsibility for the policy that made war inevitable? The answer to these questions is no.

George Bush sent loan guarantees to an oil-rich dictator. George Bush sold dangerous technology to a criminal who was intent on developing and using lethal weapons. George Bush sent secret intelligence reports to a man who, by any stretch of the imagination, could not be trusted. George Bush refused to face the truth or hear the urgent warnings coming from his own Administration. And then, George Bush put American lives on the line in a war that never would have happened except for his mistakes.

In so many ways, George Bush does not fit the requirements of the New World Order his own speechwriters once summoned up. We require a fresh approach from a new leader of vigor and high intelligence, of courage and vision, who believes to the core that the enemies of freedom cannot be anything but the enemies of our country. I think that the people of the United States have and will take the opportunity to select such a leader. Bill Clinton is that man.

FOOTNOTES

[1] Congressional Quarterly Weekly Report, 4/27/91.

[2] 5/21/82 letter from Kenneth Duberstein, White House head of Congressional liaison, to Senator Rudy Boschwitz: "The removal of Iraq from the list of countries supporting international terrorism is intended both to recognize Iraq's improved record and to offer an incentive to continue this positive trend."

Contrast this with statement by Noel Koch, the Defense Department's head of counterterrorism at the time: "No one had any doubts about his [Saddam's] continued involvement with terrorism . . . The real reason was to help them succeed in the war with Iran." [Washington Post, 9/16/90].

[3] New York Times and Washington Post, 8/26/92.

[4] Washington Post, 9/24/92.

[5] Memorandum for Donald Gregg (National Security Assistant to Vice President Bush) from Charles Hill, Executive Secretary to Secretary of State George Shultz, "Subject: Ex-Im Bank Financing for Iraqi Export Pipeline," 6/12/84.

[6] Washington Post, 3/8/83; The Guardian, 3/13/83. The latter identifies the assassin as "a colonel in the Iraqi intelligence service."

[7] Washington Post, 10/16/85.

[8] Acknowledged in State Department memorandum to Secretary Schultz from Frank McNeil, Acting Director of Bureau of Intelligence and Research, "Iraq's Retreat from International Terrorism," 7/1/86. As to the "retreat" referred to in the title, the memo states that it has been "painfully slow."

[9] Memorandum for the Secretary of Defense from Assistant Secretary for International Security Policy Richard Perle. "High Technology Dual Use Exported for Iraq," 7/1/85; see also Memorandum for Under Secretary of Defense for Policy from Assistant Secretary Perle, "Computers for Iraq," 3/10/85.

[10] Memorandum for Donald Gregg (National Security Assistant to Vice President Bush) from Melvyn Levitsky, Executive Secretary to Secretary of State Shultz, "Subject: The Vice President's March 2 Meetings with Iraqi Ambassador Nizar Hamdoon," 2/26/87 [published in Congressional Record, 2/24/92, pp. H 519–520].

[11] Idem.

[12] Congressional Record, 9/12/88, p. S. 12309; Congressional Record, 10/7/88.

[13] 1991 testimony by the US Customs Service to the House Ways and Means Committee, cited in Congressional Record on 8/10/92, p. H 7876.

[14] Memo from Paul J. Hare, Acting Assistant Secretary for Near Eastern and South Asian Affairs, to Secretary Baker, "Subject: Meeting with Iraqi Under Secretary Nizar Hamdun", 3/23/89.

[15] House of Representatives, Committee on Energy and Commerce, Nuclear Nonproliferation, Hearing, 4/24/91.

[16] Los Angeles Times, 8/6/92; Congressional Record, 8/10/92, pp. H 7872–7876.

[17] Memorandum, Assistant Secretary Kelly to Under Secretary Bartholomew, "The BNL Scandal and Trade With Iraq," 9/22/89, included in Congressional Record, 7/21/92, p. H 6345. Also Los Angeles Times, 7/22/92.

[18] Los Angeles Times, 2/25/92

[19] Los Angeles Times, 8/6/92; Congressional Record, 8/10/92, pp. H 7872–7876.

[20] National Security Directive 26, "US Policy Towards the Persian Gulf" addressed to the Vice President, Secretary of State, Secretary of Defense, Assistant to the President for National Security Affairs, et al., 10/2/89.

[21] Memorandum of conversation from Frank Lemay, Special Assistant to the Under Secretary for

Economic Affairs, to Under Secretary McCormack, Legal Advisor Sofaer, Acting Assistant Secretary Jock Covey, et al., "Subject: USDA Comments on Investigations of Iraq and the BNL-Atlanta Scandal," 10/13/89:

"It now appears that, at minimum, elements of the government of Iraq knew of the illegal dealings . . . If smoke indicates fire, we may be facing a four alarm blaze."

[22] Memorandum to Secretary Baker from Assistant Secretary Kelly and Legal Advisor Sofaer, 10/26/89.

[23] New York Times, 7/9/92; Washington Post, 7/9/92.

[24] Los Angeles Times, 7/22/92.

[25] Congressional Record, 9/14/92.

[26] State Department Memorandum, Assistant Secretary Kelly to Under Secretary Kimmitt, "NAC Deputies Meeting on the CCC Program for Iraq," 11/8/89; Letter, Under Secretary of State Eagleburger to Under Secretary of Treasury Robson, 11/8/89; numerous documents included in Congressional Record, 3/2/92, pp. H 858–870; "BNL Chronology," House Banking Committee.

[27] Federal Register (Vol. 55, No. 28), 2/9/90, "Application of the Export-Import Bank Restrictions in Connection with Iraq."

[28] US Congress, House of Representatives, Developments in the Middle East, Hearing before the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs, 7/31/90; Bruce Hoffmann, The Ultimate Fifth Column; Saddam Hussein, International Terrorism and the Crisis in the Gulf, RAND Corporation Report P–7668, 8/90.

[29] Cable from Secretary of State Baker to Ambassador April Glaspie, 2/27/90; Letter from Ambassador Glaspie to Iraqi Foreign Minister Tariq Aziz, 2/28/90, full texts included in Stanley Kober, Appeasement and the Gulf War, Progressive Policy Institute, 7/92.

[30] Memorandum, Federal Reserve Board of New York, to Mr. Corrigan from Thomas C. Baxter, Jr., "Subject: Lavoro", 4/5/90: "I followed up on your suggestion about a possible connection between BNL and the nuclear triggers that were seized in London. As you suspected, there is a connection."

[31] New Republic, 11/5/90; CQ Weekly Report, 4/27/91.

[32] One meeting on 4/16 and one on 5/29: Source is Memorandum, US Department of Commerce, from Iain S. Baird to Dennis Kloske, "Subject: The NSC and Iraq," included in Congressional Record, 7/21/92, pp. H 6345–6346; also Los Angeles Times, 2/24/92.

[33] US Congress, Developments in the Middle East; Hoffmann, The Ultimate Fifth Column.

[34] Washington Post, 3/11/91.

[35] Memo to Secretary Baker from William Rope, Jock Covey, Michael Matheson and Eugene McAllister, "Subject: Foreign Policy Controls for Proliferation-Related Exports to Iraq", (7/19/90).

[36] Glaspie stated to Saddam that she "carried direct instructions from the President to seek better relations with Iraq." Also, the day before the Glaspie-Saddam meeting, Margaret Tutwiler stated that "we do not have any defense treaties with Kuwait, and there are no special defense or security commitments to Kuwait." Washington Post, 9/12/90; New York Times, 9/23/90.

[37] Bush denials, in addition to those cited below:

Rep. Gonzalez letter to President Bush, 1/31/92, asserting that Bush's report (still secret) submitted to Congress as required by the Iraq Sanctions Act of 1990 concludes that "US firms did not contribute directly to Iraq's conventional and nonconventional capabilities," but Gonzalez asserts that "the report to Congress is clearly inaccurate. In fact, numerous US companies provided critical support to Iraqi weapons programs, including missiles."

Bush's 8/25/92 American Legion speech allegedly warning about "madmen who we cannot let get their finger on the nuclear trigger."

[38] In a press conference in Rio de Janeiro on 6/13/92, Bush said: "Our policy was well-known. We tried to bring Saddam Hussein into the family of nations. That policy was not successful. We did not enhance his nuclear, biological, or chemical weapon capability, a charge recklessly made in this political year."

In an appearance on CBS "This Morning" on 7/1/92, Bush said: "We did not go to enhance his *nuclear*, biological, or chemical capability. I have an executive order out on specifically that. And you have repeated something that isn't true."

[39] Congressional Record, 7/21/92.

[40] Figure by Rep. Sam Gejdenson as cited in Los Angeles Times, 7/2/92.

[41] "Strengthening the Export Licensing System," a report by the House Government Operations Subcommitee on Commerce, Consumer, and Monetary Affairs, 7/2/91.

[42] Congressional Record, 5/18/92, p. H 3373; Congressional Record, 2/3/92, p. H 213.

[43] Washington Post, 2/10/91.

[44] Licensing Mass Destruction: US Exports to Iraq," Wisconsin Project on Nuclear Arms Control report, 6/91; "Strengthening the Export Licensing System," a report by the House Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs, 7/2/91.

[45] Congressional Record, 7/27/92, pp. H 6702–6704.

[46] "Approved Licenses to Iraq," Lists submitted to the House Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs, 3/7/91.

[47] Congressional Record, 7/21/92, p. H 6346.

[48] Washington Post, 7/22/92.

[49] Congressional Record, 8/10/92, p. H 7873.

[50] Congressional Record, 7/21/92, p. H 6342.

[51] DoD opposed sales to SAAD 16 "because of the high likelihood of military end use and the association of the involved companies in sensitive military applications" [DoD memo cited by Elaine Sciolino, The Outlaw State, p. 142.] See also an 8/9/88 DoD Office for Non-Proliferation analysis: "almost all the labs named [at Saad 16] deal with areas applicable to missile research and production" [Timmerman, The Death Lobby, p. 207].

[52] "Approved Licenses to Iraq," Lists submitted to the House Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs, 3/7/91.

[53] New York Times, 7/26/92 and Los Angeles Times, 7/24/92 and 8/7/92.

[54] Idem.

[55] Washington Post, 4/29/92; Los Angeles Times, 2/24/92 and 2/25/92.

[56] Los Angeles Times, 2/25/92.

CHRONOLOGY ON IRAQGATE

1982–90: Despite evidence that Iraq is still supporting terrorism, Baghdad is removed from the terrorist list, a critical decision allowing it to receive billions in U.S. aid and the advanced equipment that Iraq later uses for its nuclear program.[1]

Iraq assists the June 1982 terrorist attack on the Israeli Ambassador in London, setting off the Lebanon war.

In October 1985, Saddam Hussein helps Abu Abbas escape after the Achille Lauro hijacking and murder of American Leon Klinghoffer.

Israel stops a May 1990 Iraqi-backed Palestinian attack off its coast.

By early 1990, Rand Corporation estimates, 1,400 terrorists operating out or Iraq.[2]

U.S. approves $96 million worth of computer exports to front companies for every known nuclear, chemical and missile site in Iraq.[3]

Only after Iraq's invasion of Kuwait does the Administration "determine" that Iraq is again supporting terrorism.[4]

1984–90: As Vice President, Bush twice successfully lobbies Export-Import Bank chairmen to override bank economists and approve nearly $700 million loan guarantees to Iraq.[5] After Bush became President, senior officials in his Administration lobby the Export-Import Bank and USDA to finance billions in new Iraqi projects.[6]

1985–89: As early as 1985, the Defense fears Iraq is diverting technology to its nuclear program.[7] By April 1989, the CIA details Iraqi efforts to obtain nuclear weapons technology from European companies.[8] All told, Saddam Hussein spends $10–20 billion on nuclear weapons and missile technology in the 1980s.[9] A December 1990 memo to Secretary of State Baker admits that: "No one was paying attention to the need to block NCW [nonconventional weapons, or weapons of mass destruction]."[10]

1985–90: Some 410 licenses for $1.5 billion worth of goods with potential nuclear applications are approved by the Reagan and Bush Administrations between 1985–90; 116 are disapproved.[11]

U.N. inspectors examining Iraqi nuclear-weapons facilities find that U.S.-built systems have been reconfigured to help Iraq enrich uranium for nuclear weapons, as the manufacturer had warned in 1988.[12]

American machine tools may be used to build Scud missiles that hit Tel Aviv and kill U.S. troops in Saudi Arabia.[13]

U.S. radar parts may have helped shoot down U.S. aircraft.[14]

1986 Despite the Reagan Administration's official policy of neutrality in the Iran-Iraq war, then-Vice President George Bush relays important, strategic military advice about Iran to Hussein.[15]

1988: State Department official writes: "Even though it was removed from the terrorism list six years ago, [Iraq] had provided sanctuary to known terrorists, including Abu Abbas of Achille Lauro fame."[16]

March 1988: Saddam Hussein uses chemical weapons against Kurdish town of Halabja.

1988: After Iran-Iraq War ends, Saddam Hussein launches further chemical weapons attacks on the Kurds. The Reagan-Bush Administration opposes Senate efforts to impose sanctions on Iraq.

1989: Overriding Defense Department objections, the State Department recommends allowing Hussein to obtain sophisticated equipment to protect his personal airplane and three presidential aircraft.[17]

1989–90: Despite increased warnings inside the Administration that U.S. policy toward Iraq is misdirected, Bush's tilt toward Saddam Hussein continues after the Iran-Iraq war ended. Instead of merely keeping Hussein afloat as a counterweight to Iran, Bush's aid program helps the dictator become a dangerous military power in his own right, able to threaten the very U.S. interests that the program originally was designed to protect.[18]

1989–90: Despite a 1989 Defense Department discovery that an Iraqi front company in Cleveland, Ohio is funnelling millions of dollars of U.S. technology to Iraq's nuclear weapons and ballistic missile programs, the Administration allows it to continue operating for more than a year until after Iraq invades Kuwait.[19] and an Alabama firm is allowed to continue building an important part of Iraq's main nuclear weapons complex.[20]

March 1989: Baker is warned by State Department officials that Iraq is "working hard" on chemical and biological weapons and that terrorists are still operating from Iraq.[21]

April 89: Administration official reports: "Recent evidence indicates that Iraq has a major effort under way to produce nuclear weapons."[22]

June 89: Defense Intelligence Agency reports on Iraq's military procurement network.[23]

Sept. 89: One month before Bush orders closer ties to Baghdad, James Baker is warned in a CIA report that Iraq is developing a "nuclear weapons capability." Although the report lists the specific technology sought by the Iraqis—such as high-speed cameras, X-ray machines, and sophisticated computers—the Administration subsequently allows the technology's export anyway.[24]

Oct. 89: Ten months before Iraq invades Kuwait and at a time when international bankers have cut off virtually all loans to Hussein, Bush signs the secret National Security Directive 26, ordering closer ties with Baghdad and opening the way for massive new aid.[25]

Oct. 89: Because USDA officials—worried about Iraq's poor credit record and misuse of the U.S. agricultural loan guarantee program—are blocking additional aid to Baghdad, Baker phones and successfully lobbies Agriculture Secretary Clayton Yeutter to approve the $1 billion in aid anyway.[26]

Nov. 89: The CIA warns that "Baghdad has created [a] complex procurement networks of holding companies in Western Europe to acquire technology for its chemical, biological, nuclear, and ballistic missile development."[27]

Nov. 89: Even though officials know that Iraq is diverting dual-use equipment—advanced equipment that can be used for both military and civilian purposes—to nuclear weapons technology, the State Department recommends against tightening export licenses.[28]

Jan. 90: Despite new evidence that Iraq is testing ballistic missiles and stealing nuclear weapons technology, Bush waives congressional restrictions on Iraq's use of the Export-Import Bank.[29]

Spring 90: Despite evidence that the Iraqis are working on nuclear arms and other weapons of mass destruction, senior Bush aides continue to override other government officials' concerns, allowing Saddam Hussein to continue buying "dual use" technology.[30]

March 90: Iraqi efforts to smuggle nuclear trigers out of Great Britain is discovered.[31]

April 90: As senior Administration officials work to get him more aid, Hussein brags that he has chemical weapons and threatens to "burn half of Israel."[32]

April 90: For months before Iraq invades Kuwait, the White House blocks Commerce Department efforts to stop the flow of U.S. technology to Iraq. Says one senior offical: "The president does not want to single out Iraq."[33]

May 90: Three months before the Iraqi invasion, the Bush Administration shares intelligence information on Iranian troop movements with Iraq.[34] Some speculate this later helps Iraq to learn to shelter its weapons from U.S. surveillance during Operation Desert Storm.[35]

May 90: As a response to Bush's secret October 1990 directive, the Defense Department and Joint Chiefs of Staff continue to plan a joint military training and exchange program with Iraq.[36]

July 90: As late as one month before the Iraqi invasion, Bush Administration officials continue pushing to deliver another installment of agricultural loan guarantees.[37] Additional dual-use high-technology export licenses are granted.[38]

July 90: Less than a week before Iraq invades Kuwait, Bush opposes congressional efforts to impose sanctions on Iraq.

Aug. 90: On August 2 Iraq invades Kuwait.

Jan. 91: At the start of Desert Storm, Bush cites Iraq's potential to develop and deploy nuclear weapons as one reason for launching the air war instead of continuing economic sanctions. In his televised address to the nation, Bush says: "We are determined to knock out Saddam Hussein's nuclear bomb potential."[39]

Jan. 91: Allied air war against Iraq begins.

Feb. 91: Bush ends land assault against Iraq.

1992: United Nations inspectors discover that Saddam Hussein is much closer to building a nuclear bomb than previously thought. Some experts believe that because of U.S. pre-war aid, Iraq will eventually have a nuclear bomb.[40]

1992: In an apparent violation of post-Desert Storm presidential orders banning aid to Iraq, the Administration pays $416 million to a bank partially owned by Iraq and despite evidence that the bank is helping finance a loan to a shipyard owned by Iraq and Libya. Payment is made after Iraq defaults on the loan it owes the bank.[41]

FOOTNOTES

[1] George Bush on CBS Morning News, July 1, 1992.

[2] Bruce Hoffmann, "The Ultimate Fifth Column: Saddam Hussein, International Terrorism, and the Crisis in the Gulf," Rand Corporation, August 1990.

[3] Gary Milhollin, "Building Saddam Hussein's Bomb," New York Times Magazine, March 8, 1992; Gary Milhollin, Licensing Mass Destruction, A Report of the Wisconsin Project on Nuclear Arms Control, 1991.

[4] Congressional Research Service, "U.S. Policy Towards Iraq: 1980–1990," June 26, 1992.

[5] Doug Frantz and Murray Waas, Los Angeles Times, "Saudi Arms Link to Iraq Allowed," April 18, 1992.

[6] Doug Frantz and Murray Waas, Los Angeles Times, "Bush Secret Effort Helped Iraq Build Its War Machine," February 23, 1992.

[7] Doug Frantz and Murray Waas, Los Angeles Times, "U.S. Documents Dispute Bush on A-Arms Policy," July 2, 1992.

[8] Doug Frantz and Murray Waas, Los Angeles Times, " New Documents Show Bush Aides Favored Helping Iraq," September 4, 1992.

[9] Doug Frantz and Murray Waas, Los Angeles Times, "U.S. Knew Firm Was Iraq's Year Before It Was Closed," July 24, 1992.

[10] Richard Clarke's December 1990 memorandum to Secretary of State James Baker.

[11] "U.S. Knew Firm," supra.

[12] "Building Saddam Hussein's Bomb," supra.; Licensing Mass Destruction, supra.

[13] Licensing Mass Destruction, supra.

[14] Licensing Mass Destruction, supra.

[15] Doug Frantz and Murray Waas, Los Angeles Times, "Bush Tied to '86 Bid to Give Iraq Military Advice," May 7, 1992.

[16] Doug Frantz and Murray Waas, Los Angeles Times, "Bush Had Long History of Support for Iraq Aid," February 24, 1992.

[17] July 18, 1989 State Department memorandum.

[18] Ibid.

[19] "U.S. Knew Firm," supra.

[20] Doug Frantz and Murray Waas, Los Angeles Times, "Iraq Used American-Built Plant to Develop A-Arms," August 7, 1992.

[21] March 23, 1989 State Department memorandum to Secretary Baker.

[22] Doug Frantz and Murray Waas, Los Angeles Times, "High-Tech Aid Flowed as Iraq Built Force," June 29, 1992.

[23] Congressional Record, August 10, 1992.

[24] Doug Frantz and Murray Waas, Los Angeles Times, "Iraq Got U.S. Technology After CIA Warned Baker," July 22, 1992.

[25] Ibid.

[26] Doug Frantz and Murray Waas, Los Angeles Times, "U.S. Loans Indirectly Financed Iraq Military," February 25, 1992.

[27] Doug Frantz and Murray Waas, Los Angeles Times, "CIA Told White House of Iraq's Arms Effort," August 6, 1992. November 6, 1989 CIA report.

[28] "CIA Told White House of Iraq's Arms Effort," supra.

[29] "New Documents Show Bush Aides Favored Helping Iraq," supra.

[30] Ibid.

[31] R. Jeffrey Smith, Washington Post, "Pentagon Sought Exchange With Iraq; 3 Months Before Kuwait Invasion, U.S. Pushed Military Training Plan," August 4, 1992.

[32] Ibid.

[33] "Bush Had Long History," supra.

[34] "U.S. Gave Data," supra.

[35] Doug Frantz and Murray Waas, Los Angeles Times, "U.S. Gave Data to Iraq 3 Months Before Invasion: Persian Gulf: Documents Show Intelligence Sharing With Baghdad Lasted Longer Than Previously Indicated," March 10, 1992.

[36] "Pentagon Sought Exchange With Iraq," supra.

[37] "Bush Secret Effort," supra.

[38] Washington Post, March 11, 1991.

[39] "Iraq Got U.S. Technology," supra.

[40] "Building Saddam Hussein's Bomb," supra.

[41] Doug Frantz and Murray Waas, Los Angeles Times, "U.S. Aid to Gulf Bank Criticized," September 25, 1992.

DUAL USE TECHNOLOGY SOLD TO IRAQ

1985–1990 (EXAMPLES)

30% of U.S. non-agricultural exports to Iraqi military-industrial complex (1985–1990).

Powerful computers used for missile testing.

Technology for the Condor II missile.

Parts for the "Super-gun".

Machine tools, lasers and other equipment used for SCUD-B missile enhancement.

Carbide-tipped machine tool factory used for nuclear weapons.

Glass-fiber "shower stall" factory—really nuclear weapons.

Computers for "detergent" factory—really chemical weapons.

17 licenses for bacterial culture exports to Iraqi agencies known to be involved in biological warfare research.

UN Commission: equipment from 11 U.S. companies found in Iraqi missile and chemical plants.

Computers to MIMI, Flight simulators to Sa'ad 16 on eve of invasion.

TYPICAL CUSTOMERS

Ministry of Industry and Military Industrialization (MIMI): run by Saddam's son-in-law, "controlling Iraq's arms production facilities".

Sa'ad 16 missile complex: a "bad end-user" (DOD).

Mr. BOREN. Mr. President, I strongly support ratification of the treaty on the reduction and limitation of strategic offensive arms. The START Treaty is a real advance in arms control, the first treaty to roll back the level of strategic arms. In a world of increasing instability, much of it within the what was once Soviet territory, it is especially important to reduce and control the weapons that could unleash the horrors of a nuclear war.

I want to speak not as a START supporter, however, but rather as chairman of the Select Committee on Intelligence. As a service to the Foreign Relations Committee and the Senate as a whole, the select committee supports the Arms Control Treaty ratification process by providing its assessment of the monitoring and counterintelligence issues raised by each Arms Control Treaty submitted to the Senate for advice and consent to ratification.

On Friday, September 18, we issued both classified and unclassified reports to the Senate on "capability of the United States to monitor compliance with the START Treaty." The unclassified report was sent to each Member of the Senate and was also published in the CONGRESSIONAL RECORD for that day. We have additional copies here today for interested Members or staff.

Members of the Senate were also invited to examine the select committee's more detailed, classified report, and I encourage every Member, Mr. President, to examine that report today. The report is available upstairs in room S–407 of the Capitol; we can also bring a copy to the Vice President's office, if any Member wishes to examine it there.

This report is the culmination of the committee's work over the last 9 years monitoring the progress of START. The committee has routinely reviewed START progress and addressed START monitoring capabilities in its annual intelligence authorization acts, and has expressed its views on verification issues to the negotiators and other senior level officials both formally and informally.

In preparing this report, committee staff held three on-the-record staff briefings; reviewed several hundred documents, including both a national intelligence estimate on U.S. capabilities to monitor compliance with START provisions and written statements from the Director and Deputy Director of Central Intelligence; and received answers to nearly 200 formal questions for the record. Committee staff also inspected relevant U.S. monitoring operations to gain a firsthand knowledge of how the intelligence community collects, and how its analysts use, information bearing upon other countries' compliance with arms control agreements signed by the United States.

On July 22 and July 29, the committee held closed hearings on the START Treaty, U.S. monitoring capabilities, the risks and implications of violations by the other parties to the treaty, its implementation, and its counterintelligence and security implications. Testimony was taken at these hearings from officials of the State Department, the Arms Control and Disarmament Agency, the Department of Defense—including the onsite inspection agency—the Joint Staff of the U.S. Armed Forces, and the U.S. intelligence community.

The committee's reports address the START's verification provisions, U.S. collection and analytical capabilities, cooperative measures, evasion scenarios, incentives and disincentives to evade compliance, counterintelligence issues, and implementation concerns.

Mr. President, I would now like to summarize very briefly the key unclassified findings from the committee's classified report.

First, the committee concurs in the judgment of the Director of Central Intelligence and other intelligence community officials that,

> While there are some areas that will be problematic, we are confident that we can monitor most aspects of the treaty well.

Members of the Senate should understand, however, that U.S. intelligence will have less than high confidence in its monitoring of such areas as nondeployed mobile ICBM's, the number of RVS actually carried by some ICBM's and SLBM's, and some provisions relating to cruise missiles and the heavy bombers that carry them.

Second, the START Treaty is not perfectly monitorable. There are both residual uncertainties regarding SOVIET/CIS data on nondeployed missiles and also cheating scenarios—which may be difficult to implement and offer only small advantages to the perpetrator, but do appear feasible if CIS or Russian forces and the industrial facilities that support them were sufficiently determined.

Third, economic decline and reform in the former Soviet Union have combined with the rise of new States there, however, to make major arms development programs increasingly difficult to pursue. It appears unlikely, moreover, that even an aggressive, nationalistic regime in Russia could restore the old order to the degree necessary to significantly increase the prospects for successful cheating on the scale necessary to affect the strategic balance.

Fourth, the decreased threat posed by the U.S.S.R.'s successor States is critical to the committee's general confidence in United States START monitoring capabilities. Were the Soviet Union still the united, aggressive and militarily effective force that it often was in the past, then the current and future limitations of United States monitoring capabilities and the existence of plausible cheating scenarios would prompt much more concern.

Fifth, the committee considers Russian compliance with existing arms control agreements and with measures to guard against the export of sensitive nuclear and missile materials and technology to be important indicators of that country's reliability as an arms control partner. The committee is deeply concerned, therefore, over recent reports regarding Russia's Biological Weapons Program and its implementation of the CFE Treaty. The recent joint United States-British-Russian statement regarding exchanges of information and visits to biological sites, including nonmilitary sites in Russia, is a positive development.

Sixth, due to frictions between some parties to START and to the current state of political and economic flux in the former Soviet Union, the committee considers it likely that some problems will occur in implementing the treaty. The problems most likely to arise would result not from cheating schemes, but from economic or political difficulties within or among the former Soviet parties to the treaty.

Seventh, in the longer run, compliance with START could help to mitigate the prospects for strife among the larger States that have succeeded the Soviet Union. START also provides an arena in which the four Soviet successor States can cooperate with each other and with the United States.

Eighth, the executive branch was hopeful that an agreement among the former Soviet Republics regarding START implementation could be reached likely before the Senate acts on the treaty. The committee urges the Acting Secretary of State to give this matter his personal attention and to impress upon the other parties to start the high priority that the Senate and the U.S. Government as a whole put upon achieving agreement regarding implementation of the START Treaty, the Lisbon protocol and its associated letters.

Ninth, the intelligence community played a significant role in all stages of the START negotiations, probably a greater role than it has in any prior arms treaty negotiation. Intelligence community personnel helped develop the verification measures included in the treaty—including the provisions regarding telemetry from ballistic missile flight-tests.

Tenth, U.S. monitoring of START compliance will be aided substantially by the treaty's verification provisions, especially those regarding telemetry and technical characteristics exhibitions. Important improvements are planned in some relevant intelligence programs, while declining budgets will cause difficulties in others. The committee's fiscal year 1993 intelligence budget authorization actions reflect its concern that U.S. intelligence capabilities remain fully capable of monitoring compliance with START and other arms control treaties.

Eleventh, the Intelligence Committees agrees with the Director of Central Intelligence that cheating scenarios involving the possible covert production and deployment of Mobile ICBM's and other launchers are particularly worrisome. The committee believes that the possible existence of covert, nondeployed mobile missiles must remain an important U.S. intelligence target.

Twelfth, the text of a few START provisions could lead to compliance disputes. Problems with treaty language interpretation are not unique to START, however, and the committee believes that there are no START Treaty text problems that are so serious as to require immediate adjustment.

Thirteenth, the onsite inspection agency is well prepared to implement onsite inspection in the former Soviet Union and escorting of other parties' inspectors in the United States, due to its experience with other arms control treaties and the long time that it has had to locate and train personnel.

Fourteenth, Defense Department and other relevant officials are taking steps to meet the need to guard against Russian or other parties' use of START inspection rights as a cover for illegal intelligence activity. The Committee has been assured that the administration will prepare internal procedures for dealing with special access visits that "will explicitly consider proprietary interests as well as security in our deliberations on requests for special access visits."

Fifteenth, further policy guidance may be necessary to ensure that defense contractor and U.S. Government facilities do not take unnecessary and costly security measures because of the potential for special access visits.

Sixteenth, the committee reserves judgment on the question of whether the overall START verification regime will prove sufficient to monitor Russian compliance with the limits of a new treaty drafted pursuant to the Bush-Yeltsin joint understanding of June 17, 1992. Once the new treaty is signed and submitted for advice and consent to ratification, the Senate will have to judge it on its own merits.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that during the remainder of today's session, the following be the only amendment in order, if timely filed and germane, and limited to the following time limitation to be offered to either the treaty or protocol: An amendment by Senator WALLOP numbered 3270, 1 hour, equally divided.

I further ask unanimous consent that when the Senate resumes executive session tomorrow, Wednesday, September 30, at 9 a.m., a vote occur on or in relation to the Wallop amendment No. 3270, without any intervening action or debate; and that following the disposition of the Wallop amendment No. 3270, the treaties be advanced to their various parliamentary stages, up to and including the presentation of the resolution of ratification; and that the committee reported amendment be considered agreed to and treated as original text for the purpose of further amendments, and the following amendments be the only amendments in order, if timely filed and germane, and subject to the following time limitations:

An amendment by Senator PRESSLER, No. 3227, 20 minutes equally divided; an amendment by Senator WALLOP, No. 3283, 30 minutes equally divided; an amendment by Senator WARNER, No. 3243, 20 minutes equally divided; an amendment by Senator WARNER, No. 3240, 1 hour equally divided; further, I ask unanimous consent that a vote occur without any intervening action or debate on the resolution of ratification, as amended, at 9:30 a.m., on Thursday, October 1, 1992. I also ask unanimous consent that prior to the disposition of the final amendment to the resolution of ratification, the Senate resume legislative business only for consideration of routine morning business and legislative items that have been cleared by the two leaders, and that upon disposition of the final amendment to the resolution of ratification, all provisions of rule XXII cease to be in effect.

Mr. WARNER. Mr. President, reserving the right to object, Mr. President, I direct the leader's and other Senators' attention to amendment 3240, on which the Senator from Virginia now has agreed to a lesser time, namely 1 hour, equally divided. It would be my intention, at the appropriate time, Mr. President, to ask unanimous consent that that amendment be amended in such a fashion as I hope it will be acceptable by the administration and, therefore, eventually by the managers of the treaty. So that is the reason I wish to alert Senators that I have agreed to a lesser period of time. I thank the leader.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object, and I do not think I shall. I want to be certain that the final ratification vote, as I understood the distinguished majority leader, was 9:30 on Thursday.

Mr. MITCHELL. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, if I could explain the effect of this and the situation with respect to votes. Under this agreement, Senator WALLOP will now offer amendment No. 3270, which will be debated this evening, and the vote on that will occur at 9 a.m. That will complete action on amendments to the treaty or protocol. We would then proceed to the consideration of the resolution of ratification, and under this agreement, only four amendments are in order to that. I am advised by the managers that two of them will be accepted; that is, the Pressler amendment, No. 3227, so that will not require a recorded vote; and the Warner amendment, No. 3243, which will not require a recorded vote.

The remaining two amendments, Senator WALLOP'S No. 3283, 30 minutes equally divided, will require a vote, if offered; and the Warner amendment, No. 3240, 1 hour equally divided, all in its current form, require a recorded vote.

The Senator knows, as we discussed, that he does not have the right to modify it tomorrow. But he has given notice that he intends to do so, I take it.

Mr. WARNER. That is correct. If that is the case, in all probability, it will be accepted by the managers, and it would negate the necessity for a recorded vote on the 3240.

Mr. MITCHELL. Right, Furthermore, I have discussed this with Senator WARNER, and he has indicated that in whatever form the amendment is offered, whether a vote or not, he will be present at 9:30 tomorrow morning to offer that amendment. Therefore, if it does require a debate and vote, the vote on that is likely to occur around 10:45, I would say, or somewhere in that range, depending upon the length of time consumed in the debate.

Mr. WARNER. Mr. President, that is the agreement I indicated to the majority leader and the Republican leader, and it is acceptable to the Senator from Virginia.

Mr. MOYNIHAN. May I ask of the majority leader, there will be time for just general statements about the treaty tomorrow, will there not?

Mr. MITCHELL. Yes, there will be, and there will be unlimited time this evening, as well.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum, so that I can review this agreement.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

TAX ENTERPRISE ZONES ACT

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session and the clerk will report the bill, H.R. 11.

The assistant legislative clerk read as follows:

A bill (H.R. 11) to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The majority is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that notwithstanding the previous order and third reading of the bill, H.R. 11, that it now be in order for Senator BENTSEN to be recognized to offer a first degree amendment containing the text of S. 3274, as introduced, with a second degree Dole amendment in order to the Bentsen amendment; that no other amendments be in order; that the Senate proceed to vote immediately on the Dole amendment followed immediately by a vote on the Bentsen amendment, as amended, with all of the above occurring without intervening action or debate.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, reserving the right to object, I have no intention of objecting. This amendment is going forward. It is somewhat controversial. I have had extensive discussions with the Senator from Texas [Mr. BENTSEN] and the Senator from New York [Mr. MOYNIHAN].

We have received assurances that if we cannot get the matter rectified in the conference the matter in issue would be disposed of and dropped. Under those circumstances, I have no objection. But I do have serious concerns about the language as presently written.

Mr. BENTSEN. Mr. President, the amendment that Senator PACKWOOD and I have sent to the desk is an amendment that addresses critical funding issues in Medicare and Medicaid that must be resolved before the end of the year. This amendment contains the same provisions as the Medicare and Medicaid Amendments Act bill we introduced last Friday. Some of the amendment's most critical provisions extend expiring provisions of law for enhanced Medicare payment to small rural Medicare dependent hospitals, regional referral centers, and payment for hemophilia clotting factor for Medicare hospital inpatients. Authorization for the rural health transition grants and other expiring programs would be extended. Failure to enact these provisions before the end of the session will result in sharply reduced Medicare funding for those health care providers least able to weather such financial hardships.

In addition to critical funding issues, this amendment includes a limited number of time-sensitive and high priority issues, such as repealing the prohibition on separate payment for electrocardiograms [EKG's]; reinstating equal payments for new physicians and other practitioners; phasing in expanded coverage for immunosuppressive drugs for transplant patients; broadening coverage for nurse practitioners and physicians' assistants, and tightening fraud and abuse provisions for durable medical equipment. The amendment also includes provisions to enable States to provide comprehensive substance abuse treatment to pregnant women; to permit States to provide Medicaid coverage to more foster children, and to enhance access to childhood immunization services.

Funding the funding necessary to offset spending for critical provisions is a difficult, but necessary task. We are convinced that the savings provisions in this amendment are reasonable. We looked very carefully to find targeted savings without jeopardizing the quality of the care provided to Medicare beneficiaries. The Congressional Budget Office estimates that this amendment complies fully with the pay as you go Budget Act requirements, and that it would not increase the deficit over the 5-year budget window as a whole, nor in any individual year.

For my colleagues who may be concerned about taking up an amendment of this size in the late days of the session, I would like to note that almost half the pages consist of the provisions of S. 3120, the Medicaid Technical Corrections and Clarification Act, which Senator PACKWOOD and I introduced on August 3, 1992. These provisions were included here in order to simplify the legislative drafting of cross-references to the Medicaid statute included in the rest of the bill.

Because so little time remains and it is critical that these provisions be enacted before the end of the session, I urge your support of this important amendment.

Mr. METZENBAUM. Mr. President, on Saturday, the chairman sought unanimous consent to include an amendment to the pending tax bill to make certain changes in Medicare and Medicaid. As I stated at that time, I had great reservations about adopting a 200-page amendment that I had not had an opportunity to review. Since that time, I have reviewed the amendment. I believe the amendment contains a number of important provisions, particularly the provisions protecting Medicare beneficiaries from being charged more than the Medicare limits. But, I also am troubled by certain provisions expanding the use of managed care waivers by the States.

Mr. BENTSEN. I know that my colleague is concerned about a few of the provisions in the amendment. It is my understanding that our staffs have been working together to address the Senator's concerns. Our staffs, along with the staff of Senator MOYNIHAN, have made great progress and I believe that the concerns of the Senator from Ohio can be addressed in conference. I believe that Senator MOYNIHAN shares in that view as well.

Mr. MOYNIHAN. Yes, that is correct.

Mr. METZENBAUM. I thank both of my colleagues for their support and willingness to address these issues. I would like to make sure that the Senator from New York and myself are in agreement that the following changes need to be made in the managed care provisions of the amendment.

As I understand it, the provisions will be changed to ensure that extensions of the 75–25 waiver will only be available to nonprofit HMO's. When a plan seeks renewal of a 75–25 waiver, the Secretary will review the application to ensure that the plan meets quality access and solvency standards, as defined by regulations to be promulgated by the Secretary; all plans must have an adequate grievance process for its enrollees; the Secretary will be required to document the basis upon which a waiver is granted or renewed; requests for waivers from the 75–25 provision must be renewed every 3 years.

Mr. MOYNIHAN. I support the changes that the Senator from Ohio is seeking. As the Senator may know, I introduced legislation that contained many of these same standards. I believe that Medicaid beneficiaries are entitled to the strongest health protections feasible.

Mr. METZENBAUM. I thank both of my colleagues for their willingness to work with me on these issues. It is my understanding that these changes will reflect the Senate's position and that the House will be supportive of these changes. If for any reason these changes are not adopted in conference, I would like the assurance of my colleagues that the Senate will insist that the managed care provisions be dropped.

Mr. BENTSEN. I share the Senator's concern that these provisions be strengthened to adequately protect Medicaid beneficiaries. And he has my assurance that I will use my best efforts to make the changes requested in conference or he has to have the provisions dropped.

Mr. MOYNIHAN. I echo the chairman's commitment.

Mr. METZENBAUM. I thank my colleagues for their support on this issue.

MEDICARE AND MEDICAID AMENDMENT

Mr. PACKWOOD. Mr. President, last Friday, September 25, 1992; the chairman of the Finance Committee, this Senator, and others, introduced a bill to address much needed changes in the Medicare and Medicaid Programs. In order to get those important changes made, we are offering this amendment which is exactly the same as that bill.

My remarks on S. 3274, the Medicare and Medicaid Amendments Act of 1992, were included in the RECORD for September 25, 1992, so I will be brief today.

First, I want to emphasize the importance of passing the provisions in this amendment before we adjourn. Many of the provisions are time sensitive and need action now.

Second, I would remind my colleagues that there are a number of key provisions in the amendment that are important to maintaining access to quality health care in rural America. Several of those provisions are especially important to Oregon.

Finally, let me complement the chairman of the committee, and especially the members of the Finance Committee. They have worked hard together to get this amendment before the Senate.

Mr. MITCHELL. Mr. President, I now ask for yeas and nays on the final passage of H.R. 11.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, if I might now explain to Senator the current situation, I am advised that the amendment in the first degree by Senator BENTSEN and in the second degree by Senator DOLE will be accepted without the necessity for a recorded vote. Immediately following that, there will then be a recorded vote on H.R. 11. That will be the final rollcall vote of the evening.

Thereafter, the Senate will return to executive session at which time Senator WALLOP will offer his amendment No. 3270 to be debated under the previous order and the vote on this amendment will occur at 9 a.m. tomorrow morning.

I thank our colleagues.

Mr. DOLE. Mr. President, after this amendment I will attempt to get unanimous consent to offer a second amendment. It will be objected to.

Mr. MITCHELL. That is right after this amendment and prior to the vote, Senator DOLE be recognized to make the unanimous-consent request regarding this bill.

AMENDMENT NO. 3318

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 3318.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. ROCKEFELLER. I rise in support of Chairman BENTSEN's Medicare and Medicaid amendment to H.R. 11. I am hopeful that its provisions will make their way to enactment. While any description of the substance in this amendment requires some use of the unique, often murky jargon of health care programs, let me emphasize that this amendment's meaning to the people of this country—to families, to children, and to the elderly—could not be clearer. Each individual aspect of the Medicare and Medicaid Programs can make a fundamental difference in the lives of people we represent. That's why I intend to push hard to turn this amendment, with its many improvements in these programs, into law as soon as possible.

This legislation incorporates a number of vital provisions that I am proud to have sponsored and fought for over the past 2 years. Each of them is the result of careful study, and an attempt to respond to the needs of people who deserve the best possible health care.

To be specific, this package contains provisions that will:

Allow Medicare beneficiaries to take oral cancer chemotherapy drugs in their homes rather than traveling—sometimes long distances—to the hospital or their doctor's office to receive IV treatment; and take other steps to respond to the needs of cancer patients.

Ensure Federal relief for hard-pressed, small rural hospitals;

Allow critical research on Alzheimer's disease to continue in West Virginia and throughout the country;

Restore separate Medicare payments to physicians for EKG's and eliminate reductions in payments to new physicians;

Enhance the States' ability to provide the frail elderly with home and community based care.

Expand Medicare and Medicaid reimbursement for nurse midwives' services, such as gynecological checkups, PAP smears, family planning and well baby care; and

Exempt the Veterans' Administration from Medicaid's best price calculations so that it wil be able to negotiate deeper discounts on the drugs it purchases.

And that is just the short list of items that I have personally worked on which are included in this detailed package. I commend the chairman for the inclusion of these very important health policy advances.

There are other components of this bill that constitute important improvements in our health care delivery system and I'd just like to highlight a few for you—improvements that will give States the option to extend health care to all foster children; funding for special outreach demonstration projects to improve immunization rates for children enrolled in the EPSDT Program. Another demonstration program in the bill will allow 5 to 10 States to provide counseling and assistance to seniors who would probably qualify as qualified Medicare beneficiaries [QMB's]. These are small initiatives that should reap tremendous public health benefits.

As in any piece of legislation, there are some things that I would like to see improved or reworked—items that should be more properly considered, but the day is late and time is short. Let me just note that we will undoubtedly have to revisit some of these provisions in the future.

The future also holds the promise of real, comprehensive health care reform that will provide a critical new context for all our health care policy decisions. I anxiously await that new day of reform and in the interim congratulate those who have worked so hard on these significant incremental steps to respond to immediate needs of deserving Americans, in my own state of West Virginia and nationwide.

AMENDMENT NO. 3319

(Purpose: To provide that certain graduate medical education resident amounts will not be paid until fiscal year 1994 and to provide for a demonstration project to study the effect of providing outreach, assessment, and referral services through medicaid to mentally ill homeless individuals.)

Mr. DOLE. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. DANFORTH, and Mr. BOND, proposes an amendment numbered 3319 to amendment No. 3318.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 137, amend subsection (b) to read as follows:

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to cost reporting periods beginning on or after October 1, 1990, except that for cost reporting periods beginning on or before September 30, 1992, payments required by the amendments made by subsection (a) shall not be made prior to October 1, 1993.

After section 286, insert the following new section:

SEC. 287. DEMONSTRATION PROJECT TO STUDY THE EFFECT OF PROVIDING OUTREACH, ASSESSMENT, AND REFERRAL SERVICES THROUGH MEDICAID TO MENTALLY ILL HOMELESS INDIVIDUALS.

(a) ESTABLISHMENT.—Pursuant to section 1115 of the Social Security Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall provide for demonstration projects to be conducted in no fewer than 1 and no more than 2 States for providing outreach, assessment, and referral services to homeless mentally ill individuals in order to determine the extent to which—

(1) aggressive and repeated efforts to engage such individuals is effective in achieving stable housing arrangements, improving mental health status, and improving overall health status, including the prevention of communicable diseases such as tuberculosis, and

(2) providing a program under title XIX of the Social Security Act for such individuals is an appropriate method for increasing access to medical and social services for such individuals.

(b) REQUIREMENTS ON PROJECTS.—

(1) LOCATION.—Each State conducting a demonstration project under this section shall conduct such project in at least one metropolitan statistical area (as determined by the Bureau of the Census) with a population greater than 1,000,000.

(2) MOBILE OUTREACH TEAMS.—The State shall develop and implement mobile outreach teams to be located within each metropolitan statistical area in which the demonstration project is conducted to—

(A) identify individuals, without regard to whether such individuals are eligible for benefits under title XIX of the Social Security Act, who the mobile outreach teams have reasonable cause to believe may be suffering from a severe mental disorder and who appear to have no permanent residence; and

(B) offer such individuals services, either by providing transport to an assessment-referral center (as described in paragraph (3)) or by providing appropriate assistance to such individuals on site.

If an individual identified under subparagraph (A) refuses such services or assistance from the mobile outreach team and such team has reasonable cause to believe that such individual meets the criteria for involuntary commitment, the team shall provide information on the individual to the appropriate authorities recognized under the State's civil commitment laws.

(3) ASSESSMENT-REFERRAL CENTERS.—The State shall designate assessment-referral centers to be located in each metropolitan statistical area in which the demonstration project is conducted to make available to the individuals identified under paragraph (2)(A)—

(A) services for a period not to exceed 30 days, including—

(i) basic necessities, including clothing, personal hygiene needs, food, blankets, and access to bathing facilities;

(ii) temporary room and board, and referral to appropriate transitional or permanent housing;

(iii) screening and treatment for medical conditions (other than psychiatric conditions), including screening and treatment for tuberculosis, if necessary;

(iv) psychiatric assessments, including assessments regarding alcoholism and drug abuse;

(v) mental health case management services (as defined in section 1915(g)(2) of the Social Security Act);

(vi) emergency psychiatric intervention, if necessary;

(vii) assistance in applying for Federal, State, and local entitlements; and

(viii) referral to other needed services, including employment and job-training services, available in the community;

(B) an individualized treatment plan, developed in cooperation with the individual, for the provision of any necessary mental health services for which payment may be made under the State plan under title XIX of the Social Security Act; and

(C) at the option of the State, any other mental health services for which Federal financial participation is available under title XIX of the Social Security Act, whether or not the service is covered under the State plan.

(4) PRESUMPTIVE ELIGIBILITY PERIOD.—The State may, during a presumptive eligibility period, provide for making available psychiatric and medical services for which payment may be made under the State plan under title XIX of the Social Security Act to individuals described in paragraph (2)(A) through individualized treatment plans.

(c) APPLICATIONS.—

(1) SUBMISSION.—Not later than February 1, 1993, each State desiring to conduct a demonstration project under this section shall prepare and submit to the Secretary an application, in such manner and containing such information as the Secretary may require.

(2) APPROVAL OF APPLICATIONS.—

(A) IN GENERAL.—Not later than June 1, 1993, the Secretary shall approve no fewer than 1 and no more than 2 of the applications submitted under paragraph (1).

(B) CONSIDERATION OF APPLICATIONS.—In considering the applications submitted by States under paragraph (1), the Secretary shall give a preference to States that have—

(i) linkage and access within the State to a metropolitan service-research project for homeless mentally ill people which can provide, for comparative evaluation purposes, experimentally designed research data on the outcomes of providing an outreach and case management program to homeless individuals,

(ii) a structure under which mental health services and substance abuse services are administered in an integrated or coordinated manner,

(iii) mental health and substance abuse rehabilitation services covered under the State medicaid plan, and

(iv) the ability to provide the services listed in subsection (b)(3) beginning no later than October 1, 1993.

(d) DEFINITIONS.—For purposes of this section:

(1) MOBILE OUTREACH TEAM.—The term "mobile outreach team" means a group of individuals designated by the State whose duty it is to seek out homeless persons who are mentally ill and offer them assistance and access to health, mental health, and social services. Such a team shall be comprised of 2 or more people with appropriate training or experience and at least one of whom shall be a qualified mental health professional.

(2) ASSESSMENT-REFERRAL CENTER.—The term "assessment-referral center" means any facility designated by the State which can provide directly, or by direct arrangement with other public or private agencies, the services listed in subsection (b)(3) except that no correctional institution or facility, shall be considered an assessment-referral center for purposes of this paragraph.

(3) SEVERE MENTAL DISORDER.—The term "severe mental disorder" means an illness, disease, organic brain disorder, or other condition which—

(A) substantially impairs an individual's thought, perception of reality, emotional process, or judgment; or

(B) substantially impairs behavior as manifested by recent disturbed behavior, (except that mental retardation, epilepsy, or other developmental disabilities do not, in themselves, constitute a severe mental disorder for purposes of this paragraph).

(4) INDIVIDUALIZED TREATMENT PLAN.—The term "individualized treatment plan" means a plan for an individual brought to an assessment-referral center which shall describe what medical or psychiatric treatment, if any, the individual will receive after leaving the assessment-referral center, as well as any referrals or other services deemed appropriate.

(5) PRESUMPTIVE ELIGIBILITY PERIOD.—The term "presumptive eligibility period" means the period that—

(A) begins with the date—

(i) after which an individualized treatment plan has been developed, and

(ii) on which a qualified provider determines, on the basis of preliminary information, that the individual is otherwise eligible under the State plan under title XIX of the Social Security Act, and

(B) ends with (and includes) the earlier of—

(i) the day on which determination is made with respect to eligibility of the individual for medical assistance under such State plan, or

(ii) the day that is 60 days after the date on which the provider makes the determination referred to in subparagraph (A)(ii).

(e) LIMIT ON FEDERAL SHARE OF EXPENDITURES AND FUNDING.—

(1) LIMIT ON FEDERAL SHARE OF EXPENDITURES.—In conducting the demonstration projects under this section, the Secretary shall limit the total amount of the Federal share of expenses incurred under title XIX of the Social Security Act to no more than $24,000,000.

(2) FEDERAL FUNDING.—The Secretary shall pay to each State conducting a demonstration project under this section for each quarter (beginning on or after October 1, 1993) in which such project is conducted an amount determined in accordance with section 1903(a) of the Social Security Act except that no percentage applied to any category of expenditures incurred by the State in any such quarter shall be less than the State's Federal medical assistance percentage (as defined in section 1905(b) of such Act).

(f) DURATION.—A demonstration project under this section shall be conducted for a period of no more than 5 years plus an additional period of up to 6 months for final evaluation and reporting. The Secretary may terminate a project if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this section.

(g) REPORTS.—Each State conducting a demonstration project shall arrange for an independent evaluation of such project and shall transmit a report on the results of such evaluation to the Secretary not more than 6 months after the conclusion of the project. Such report shall—

(1) evaluate the extent to which the project was successful in assisting homeless mentally ill individuals to—

(A) obtain needed temporary housing as an immediate alternative to homelessness,

(B) obtain mental health treatment and services,

(C) obtain needed substance abuse treatment and services,

(D) obtain and maintain stable, permanent housing,

(E) improve mental health status,

(F) reduce chemical dependency, and

(G) improve health status, including prevention of communicable diseases, and

(2) evaluate the effectiveness and adequacy of title XIX of the Social Security Act for providing access to needed health, mental health, and social services to homeless individuals.

(h) PROVISIONS SUBJECT TO WAIVER.—The Secretary may waive such requirements of the Social Security Act as the Secretary determines to be necessary to carry out the purposes of this section.

MENTALLY ILL HOMELESS STATEMENT

Mr. DANFORTH. Mr. President, the weather is starting to get colder. I cannot bear the thought of reading in the newspaper this winter that a certain homeless man, known to be suffering from a severe mental illness, has frozen to death. The provision I have sought to include in the Medicare and Medicaid Amendments of 1992, which Senator DOLE offered on my behalf, takes a small step to reach out to those with mental illnesses who are living out in the streets.

The Federal Task Force on Homelessness and Severe Mental Illness in a recent report entitled "Outcasts on Main Street" estimates that on any given night, up to 600,000 Americans are literally homeless. Of the homeless, at least one-third suffer from severe mental illnesses. This very vulnerable population is one of the most ill-served and visible groups in our country. Many of them also suffer from substance abuse, physical illness, and other problems.

Senator MOYNIHAN and I introduced a bill, S. 62, to address this problem on the first day of this Congress. We held a very positive hearing on this initiative in the Senate Finance Committee last year. What we learned at the hearing, among other things, is that the mentally ill who are homeless have very few people looking after their welfare. We heard compelling testimony from Lionel Aldridge, a former pro football player for the Green Bay Packers who became homeless after he developed schizophrenia. Had there been extensive outreach services available at the time, he probably would not have spent several years living on the streets.

My proposal today is more limited in scope than the original legislation, which mandated that States cover outreach and assessment services in their Medicaid Program. The provision included in this legislation would create a Medicaid demonstration project in one or two States to provide: First, mobile outreach teams for the homeless mentally ill; second, assessment-referral centers, or safe havens, for those needing help to stay for up to 30 days to get food, shelter, a bath, clean clothes, medical treatment, psychiatric evaluation and treatment, assistance in applying for benefits, and most importantly: an individual long-term treatment plan; and finally, a presumptive eligibility period, of no longer than 60 days, when that treatment plan can begin to be implemented whether or not a Medicaid eligibility determination has yet been made.

Many of the mentally ill that we see on the streets are eligible for Medicaid, as well as other Federal, State, and local assistance, but have just not been able to gain access to help. Many lack the capacity to know that they need help. The Federal Task Force on Homelessness and Severe Mental Illness reported earlier this year in "Outcasts on Main Street" that the homeless mentally ill need to be helped through a comprehensive program. This task force, convened by Secretary Kemp of the Department of Housing and Urban Development and Secretary Sullivan of the Department of Health and Human Services, has recommended an approach nearly identical to that contained in the Medicaid provision I have sought to include in this package. The task force recommends an integrated program which would provide outreach, safe havens, and access to existing programs and recommends making Federal funds available to encourage such programs.

A 1986 study by the National Institute of Mental Health found that up to 56 percent of the shelter and street population in St. Louis is mentally ill. In response to this crisis, in the spring of 1987 my State of Missouri developed a national model for engaging the mentally ill homeless through outreach and case management. I have worked closely with the State of Missouri in developing the proposal which I have sought to include in the Medicare and Medicaid amendments of 1992 and I have confidence that it is a sound approach that should be tested with Federal support.

Mr. President, it has been said that our goodness is measured in how we treat the most frail and vulnerable among us. Clearly the mentally ill living on the streets deserve our attention and our help. The proposal before us today is a good proposal and I look forward to its enactment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3319) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I now ask unanimous consent that title II of the energy bill entitled "Energy Revenue Provisions" be in order and be accepted.

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. Objection is heard.

ENERGY BILL TAX TITLE

Mr. DOLE. Mr. President, this amendment contains provisions identical to those passed by the Senate on July 30 by a vote of 93 to 3. The provisions constituted the tax title to the energy bill, H.R. 776.

This amendment is not intended to reflect any view of the Senate with respect to the possible success of conferees to H.R. 776 to reach agreement. Rather, it recognizes the importance of the revenue provisions the Senate included with the energy bill as well as the short period of time remaining before the Congress is scheduled to adjourn for the year.

Mr. President, I would like to inform my colleagues that this amendment is supported by the chairman and ranking Republican member of the Senate Energy Committee, who have been working long, arduous hours to reach agreement on the other provisions of the energy bill.

The provisions of this amendment include employer provided transportation benefits, incentives for clean fuel vehicles, credit for electricity produced from renewable resources, the repeal of the alternate minimum tax for depletion and intangible drilling costs for independent producers and royalty owners, a permanent investment credit for solar, geothermal and ocean property, proportionality for alcohol fuels and the tax exempt financing for environmental enhancements of hydroelectric generating facilities.

This list reflects the sound, balanced approach taken by the Senate during consideration of the energy bill, as was indicated by the 93-to-3 vote for that bill. We should not let these provisions become hostage to other matters.

Mr. President, the adoption of this amendment will place the Senate squarely in favor of a national energy policy balanced between all fuel sources whether renewable or not, and balanced between environmental protection and national energy security.

Mr. President, I ask unanimous consent that the title XX, revenue provisions, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

At the end of the Committee Amendment, insert:

TITLE XX—ENERGY REVENUE PROVISIONS

SEC. 20101. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Energy Conservation and Production Incentives

SEC. 20111. TREATMENT OF EMPLOYER-PROVIDED TRANSPORTATION BENEFITS.

(a) EXCLUSION.—Subsection (a) of section 132 (relating to exclusion of certain fringe benefits) is amended by striking "or" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", or", and by adding at the end thereof the following new paragraph:

"(5) qualified transportation fringe."

(b) QUALIFIED TRANSPORTATION FRINGE.—Section 132 is amended by redesignating subsections (f), (g), (h), (i), (j), and (k) as subsections (g), (h), (i), (j), (k), and (l), respectively, and by inserting after subsection (e) the following new subsection:

"(f) QUALIFIED TRANSPORTATION FRINGE.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified transportation fringe' means any of the following provided by an employer to an employee:

"(A) Transportation in a commuter highway vehicle if such transportation is in connection with travel between the employee's residence and place of employment.

"(B) Any transit pass.

"(C) Qualified parking.

"(2) LIMITATION ON EXCLUSION.—The amount of the fringe benefits which are provided by an employer to any employee and which may be excluded from gross income under subsection (a)(5) shall not exceed—

"(A) $60 per month in the case of the aggregate of the benefits described in subparagraphs (A) and (B) of paragraph (1), and

"(B) $145 per month in the case of qualified parking.

"(3) CASH REIMBURSEMENTS.—For purposes of this subsection, the term 'qualified transportation fringe' includes a cash reimbursement by an employer to an employee for a benefit described in paragraph (1). The preceding sentence shall apply to a cash reimbursement for any transit pass only if a voucher or similar item which may be exchanged only for a transit pass is not readily available for direct distribution by the employer to the employee.

"(4) BENEFIT NOT IN LIEU OF COMPENSATION.—Subsection (a)(5) shall not apply to any qualified transportation fringe unless such benefit is provided in addition to (and not in lieu of) any compensation otherwise payable to the employee.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) TRANSIT PASS.—The term 'transit pass' means any pass, token, farecard, voucher, or similar item entitling a person to transportation (or transportation at a reduced price) if such transportation is—

"(i) on mass transit facilities (whether or not publicly owned), or

"(ii) provided by any person in the business of transporting persons for compensation or hire if such transportation is provided in a vehicle meeting the requirements of subparagraph (B)(i).

"(B) COMMUTER HIGHWAY VEHICLE.—The term 'commuter highway vehicle' means any highway vehicle—

"(i) the seating capacity of which is at least 6 adults (not including the driver), and

"(ii) at least 80 percent of the mileage use of which can reasonably be expected to be—

"(I) for purposes of transporting employees in connection with travel between their residences and their place of employment, and

"(II) on trips during which the number of employees transported for such purposes is at least ½ of the adult seating capacity of such vehicle (not including the driver).

"(C) QUALIFIED PARKING.—The term 'qualified parking' means parking provided to an employee on or near the business premises of the employer or on or near a location from which the employee commutes to work by transportation described in subparagraph (A), in a commuter highway vehicle, or by carpool. Such term shall not include any parking on or near property used by the employee for residential purposes.

"(D) TRANSPORTATION PROVIDED BY EMPLOYER.—Transportation referred to in paragraph (1)(A) shall be considered to be provided by an employer if such transportation is furnished in a commuter highway vehicle operated by or for the employer.

"(E) EMPLOYEE.—For purposes of this subsection, the term 'employee' does not include an individual who is an employee within the meaning of section 401(c)(1).

"(6) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1993, the dollar amounts contained in paragraph (2) (A) and (B) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1992' for 'calendar year 1989' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $5, such increase shall be rounded to the next lowest multiple of $5.

"(7) COORDINATION WITH OTHER PROVISIONS.—For purposes of this section, the terms 'working condition fringe' and 'de minimis fringe' shall not include any qualified transportation fringe (determined without regard to paragraph (2))."

(c) CONFORMING AMENDMENT.—Subsection (i) of section 132 (as redesignated by subsection (b)) is amended by striking paragraph (4) and redesignating the following paragraphs accordingly.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits provided after December 31, 1992.

SEC. 20112. EXCLUSION OF ENERGY CONSERVATION SUBSIDIES PROVIDED BY PUBLIC UTILITIES.

(a) GENERAL RULE.—Part III of subchapter B of chapter 1 (relating to amounts specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. ENERGY CONSERVATION SUBSIDIES PROVIDED BY PUBLIC UTILITIES.

"(a) EXCLUSION.—

"(1) IN GENERAL.—Gross income shall not include the value of any subsidy provided by a public utility to a customer for the purchase or installation of any energy conservation measure.

"(2) LIMITATION ON EXCLUSION FOR NONRESIDENTIAL PROPERTY.—In the case of any subsidy provided with respect to any energy conservation measure referred to in subsection (c)(1)(B), only 80 percent of such subsidy shall be excluded from gross income under paragraph (1).

"(b) DENIAL OF DOUBLE BENEFIT.—Notwithstanding any other provision of this subtitle, no deduction or credit shall be allowed for, or by reason of, any expenditure to the extent of the amount excluded under subsection (a) for any subsidy which was provided with respect to such expenditure. The adjusted basis of any property shall be reduced by the amount excluded under subsection (a) which was provided with respect to such property.

"(c) ENERGY CONSERVATION MEASURE.—

"(1) IN GENERAL.—For purposes of this section, the term 'energy conservation measure' means any installation or modification primarily designed to reduce consumption of electricity or natural gas or to improve the management of energy demand—

"(A) with respect to a dwelling unit, and

"(B) on or after January 1, 1994, with respect to property other than dwelling units.

The purchase and installation of specially defined energy property shall be treated as an energy conservation measure described in subparagraph (B).

"(2) OTHER DEFINITIONS AND SPECIAL RULES.—

"(A) DEFINITIONS.—For purposes of this subsection—

"(i) SPECIALLY DEFINED ENERGY PROPERTY.—The term 'specially defined energy property' means—

"(I) a recuperator,

"(II) a heat wheel,

"(III) a regenerator,

"(IV) a heat exchanger,

"(V) a waste heat boiler,

"(VI) a heat pipe,

"(VII) an automatic energy control system,

"(VIII) a turbulator,

"(IX) a preheater,

"(X) a combustible gas recovery system,

"(XI) an economizer,

"(XII) modifications to alumina electrolytic cells,

"(XIII) modifications to chlor-alkali electrolytic cells, or

"(XIV) any other property of a kind specified by the Secretary by regulations,

the principal purpose of which is reducing the amount of energy consumed in any existing industrial or commercial process and which is installed in connection with an existing industrial or commercial facility.

"(ii) DWELLING UNIT.—The term 'dwelling unit' has the meaning given such term by section 280A(f)(1).

"(iii) PUBLIC UTILITY.—The term 'public utility' means a person engaged in the sale of electricity or natural gas to residential, commercial, or industrial customers for use by such customers. For purposes of the preceding sentence, the term 'person' includes the Federal Government, a State or local government or any political subdivision thereof, or any instrumentality of any of the foregoing.

"(B) SPECIAL RULES.—

"(i) THIRD-PARTY CONTRACTORS.—If, in connection with the purchase or installation of an energy conservation measure for a customer of a public utility, such public utility provides a subsidy to a person other than the customer, such subsidy shall be excludable under subsection (a) from the gross income of such other person to the extent such subsidy would be so excludable from the gross income of the customer.

"(ii) STATE-SPONSORED PROGRAMS.—A payment by a public utility to a customer for the use of a tax benefit granted to the customer by a State pursuant to a State-sponsored energy conservation program shall be excludable under subsection (a) from the gross income of the customer to the extent such payment would be so excludable if provided as a subsidy by the public utility.

"(d) EXCEPTION.—This section shall not apply to any payment to or from a qualified cogeneration facility or qualifying small power production facility pursuant to section 210 of the Public Utility Regulatory Policy Act of 1978."

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by striking the item relating to section 136 and inserting:

"Sec. 136. Energy conservation subsidies provided by public utilities.

"Sec. 137. Cross reference to other Acts."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 1992.

SEC. 20113. TREATMENT OF CLEAN-FUEL VEHICLES.

(a) DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.—

(1) IN GENERAL.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding after section 179 the following new section:

"SEC. 179A. DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.

"(a) GENERAL RULE.—There shall be allowed as a deduction an amount equal to the sum of—

"(1) in the case of any qualified clean-fuel vehicle property—

"(A) except as provided in subparagraph (B), the cost of the property, or

"(B) in the case of a vehicle described in subsection (c)(1)(B) which may be propelled by both a clean-burning fuel and any other fuel, an amount equal to the greater of—

"(i) $1,200, or

"(ii) the incremental cost of permitting the use of the clean-burning fuel, plus

"(2) the cost of any qualified clean-fuel vehicle refueling property.

The deduction under the preceding sentence with respect to any property shall be allowed for the taxable year in which such property is placed in service.

"(b) LIMITATIONS.—

"(1) QUALIFIED CLEAN-FUEL VEHICLE PROPERTY.—

"(A) IN GENERAL.—The cost which may be taken into account under subsection (a)(1) with respect to any motor vehicle shall not exceed—

"(i) in the case of a motor vehicle not described in clause (ii) or (iii), $2,000,

"(ii) in the case of any truck or van with a gross vehicle weight rating greater than 10,000 pounds but not greater than 26,000 pounds, $5,000, or

"(iii) $50,000 in the case of—

"(I) a truck or van with a gross vehicle weight rating greater than 26,000 pounds, or

"(II) any bus which has a seating capacity of at least 20 adults (not including the driver).

"(B) PHASEOUT.—In the case of any qualified clean-fuel vehicle property placed in service after December 31, 2001, the limit otherwise applicable under subparagraph (A) shall be reduced by—

"(i) 25 percent in the case of property placed in service in calendar year 2002,

"(ii) 50 percent in the case of property placed in service in calendar year 2003, and

"(iii) 75 percent in the case of property placed in service in calendar year 2004.

"(2) QUALIFIED CLEAN-FUEL VEHICLE REFUELING PROPERTY.—

"(A) IN GENERAL.—The aggregate cost which may be taken into account under subsection (a)(2) with respect to qualified clean-fuel vehicle refueling property placed in service during the taxable year at a location shall not exceed the excess (if any) of—

"(i) $75,000, over

"(ii) the aggregate amount taken into account under subsection (a)(2) by the taxpayer (or any related person or predecessor) with respect to property placed in service at such location for all preceding taxable years.

"(B) RELATED PERSON.—For purposes of this paragraph, a person shall be treated as related to another person if such person bears a relationship to such other person described in section 267(b) or 707(b)(1).

"(C) ELECTION.—If the limitation under subparagraph (A) applies for any taxable year, the taxpayer shall, on the return of tax for such taxable year, specify the items of property (and the portion of costs of such property) which are to be taken into account under subsection (a)(2).

"(c) QUALIFIED CLEAN-FUEL VEHICLE PROPERTY DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified clean-fuel vehicle property' means property which is acquired for use by the taxpayer and not for resale, the original use of which commences with the taxpayer, with respect to which the environmental standards of paragraph (2) are met, and which is described in either of the following subparagraphs:

"(A) RETROFIT PARTS AND COMPONENTS.—Any property installed on a motor vehicle which is propelled by a fuel which is not a clean-burning fuel for purposes of permitting such vehicle to be propelled by a clean-burning fuel—

"(i) if the property is an engine (or modification thereof) which may use a clean-burning fuel, or

"(ii) to the extent the property is used in the storage or delivery to the engine of such fuel, or the exhaust of gases from combustion of such fuel.

"(B) ORIGINAL EQUIPMENT MANUFACTURER'S VEHICLES.—A motor vehicle produced by an original equipment manufacturer and designed so that the vehicle may be propelled by a clean-burning fuel.

"(2) ENVIRONMENTAL STANDARDS.—Property shall not be treated as qualified clean-fuel vehicle property unless—

"(A) the motor vehicle of which it is a part meets any applicable Federal or State emissions standards with respect to each fuel by which such vehicle is designed to be propelled, or

"(B) in the case of property described in paragraph (1)(A), such property meets all applicable Federal and State emissions-related certification, testing, and warranty requirements.

"(3) EXCEPTION FOR QUALIFIED ELECTRIC VEHICLES.—The term 'qualified clean-fuel vehicle property' does not include any qualified electric vehicle (as defined in section 30(c)).

"(d) QUALIFIED CLEAN-FUEL VEHICLE REFUELING PROPERTY DEFINED.—For purposes of this section, the term 'qualified clean-fuel vehicle refueling property' means any property (not including a building and its structural components) if—

"(1) such property is of a character subject to the allowance for depreciation,

"(2) the original use of such property begins with the taxpayer, and

"(3) such property is—

"(A) for the storage or dispensing of a clean-burning fuel into the fuel tank of a motor vehicle propelled by such fuel, but only if the storage or dispensing of the fuel is at the point where such fuel is delivered into the fuel tank of the motor vehicle, or

"(B) for the recharging of motor vehicles propelled by electricity, but only if the property is located at the point where the motor vehicles are recharged.

"(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) CLEAN-BURNING FUEL.—The term 'clean-burning fuel' means—

"(A) natural gas,

"(B) liquefied natural gas,

"(C) liquefied petroleum gas,

"(D) hydrogen,

"(E) electricity, and

"(F) any other fuel at least 85 percent of which is 1 or more of the following: methanol, ethanol, any other alcohol, or ether.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

"(3) COST OF RETROFIT PARTS INCLUDES COST OF INSTALLATION.—The cost of any qualified clean-fuel vehicle property referred to in subsection (c)(1)(A) shall include the cost of the original installation of such property.

"(4) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any deduction allowable under subsection (a) with respect to any property which ceases to be property eligible for such deduction.

"(5) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No deduction shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

"(6) BASIS REDUCTION.—

"(A) IN GENERAL.—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a).

"(B) ORDINARY INCOME RECAPTURE.—For purposes of section 1245, the amount of the deduction allowable under subsection (a) with respect to any property which is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.

"(g) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2004."

(2) DEDUCTION FROM GROSS INCOME.—Section 62(a) is amended by inserting after paragraph (13) the following new paragraph:

"(14) DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.—The deduction allowed by section 179A."

(3) CONFORMING AMENDMENTS.—

(A) Section 1016(a) is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(25) to the extent provided in section 179A(e)(6)(A)."

(B) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 179 the following new item:

"Sec. 179A. Deduction for clean-fuel vehicles and certain refueling property."

(b) CREDIT FOR QUALIFIED ELECTRIC VEHICLES.—

(1) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 is amended by inserting after section 29 the following new section:

"SEC. 30. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 15 percent of the cost of any qualified electric vehicle placed in service by the taxpayer during the taxable year.

"(b) LIMITATIONS.—

"(1) PHASEOUT.—In the case of any qualified electric vehicle placed in service after December 31, 2001, the credit otherwise allowable under subsection (a) shall be reduced by—

"(A) 25 percent in the case of property placed in service in calendar year 2002,

"(B) 50 percent in the case of property placed in service in calendar year 2003, and

"(C) 75 percent in the case of property placed in service in calendar year 2004.

"(2) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 28, and 29, over—

"(B) the tentative minimum tax for the taxable year.

"(c) QUALIFIED ELECTRIC VEHICLE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified electric vehicle' means any motor vehicle—

"(A) which is powered primarily by an electric motor drawing current from rechargeable batteries, fuel cells, or other portable sources of electrical current,

"(B) the original use of which commences with the taxpayer, and

"(C) which is acquired for use by the taxpayer and not for resale.

"(2) MOTOR VEHICLE.—For purposes of paragraph (1), the term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

"(d) SPECIAL RULES.—

"(1) BASIS REDUCTION.—The basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit.

"(2) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(3) PROPERTY USED OUTSIDE UNITED STATES, ETC., NOT QUALIFIED.—No credit shall be allowed under subsection (a) with respect to any property referred to in section 50(b) or with respect to the portion of the cost of any property taken into account under section 179.

"(e) TERMINATION.—This section shall not apply to any property placed in service after December 31, 2004".

(2) CONFORMING AMENDMENTS.—

(A) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 29 the following new item:

"Sec. 30. Credit for qualified electric vehicles."

(B) Section 1016(a), as amended by subsection (a)(3), is amended by striking "and" at the end of paragraph (24), by striking the period at the end of paragraph (25) and inserting ", and", and by adding at the end thereof the following new paragraph:

"(26) to the extent provided in section 30(d)(1)."

(C) Section 53(d)(1)(B)(iii) is amended—

(i) by striking "section 29(b)(5)(B) or" and inserting "section 29(b)(6)(B),", and

(ii) by inserting ", or not allowed under section 30 solely by reason of the application of section 30(b)(2)(B)" before the period.

(D) Section 55(c)(2) is amended by striking "29(b)(5)," and inserting "29(b)(6), 30(b)(2),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after June 30, 1993.

SEC. 20114. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE SOURCES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end thereof the following new section:

"SEC. 45. ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

"(a) GENERAL RULE.—For purposes of section 38, the renewable electricity production credit for any taxable year is an amount equal to the product of—

"(1) 1.5 cents, multiplied by

"(2) the kilowatt hours of electricity—

"(A) produced by the taxpayer—

"(i) from qualified energy resources, and

"(ii) at a qualified facility during the 10-year period beginning on the date the facility was placed in service, and

"(B) sold by the taxpayer to an unrelated person during the taxable year.

"(b) LIMITATIONS AND ADJUSTMENTS.—

"(1) PHASEOUT OF CREDIT.—The amount of the credit determined under subsection (a) shall be reduced by an amount which bears the same ratio to the amount of the credit (determined without regard to this paragraph) as—

"(A) the amount by which the reference price for the calendar year in which the sale occurs exceeds 8 cents, bears to

"(B) 3 cents.

"(2) CREDIT AND PHASEOUT ADJUSTMENT BASED ON INFLATION.—The 1.5 cent amount in subsection (a) and the 8 cent amount in paragraph (1) shall each be adjusted by multiplying such amount by the inflation adjustment factor for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

"(3) CREDIT REDUCED FOR GRANTS, TAX-EXEMPT BONDS, SUBSIDIZED ENERGY FINANCING, AND OTHER CREDITS.—The amount of the credit determined under subsection (a) with respect to any project for any taxable year (determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and a fraction—

"(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of—

"(i) grants provided by the United States, a State, or a political subdivision of a State for use in connection with the project,

"(ii) proceeds of an issue of State or local government obligations used to provide financing for the project the interest on which is exempt from tax under section 103,

"(iii) the aggregate amount of subsidized energy financing under a Federal, State, or local program provided in connection with the project, and

"(iv) the amount of any other credit allowable with respect to any property which is part of the project, and

"(B) the denominator of which is the aggregate amount of additions to the capital account for the project for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED ENERGY RESOURCES.—The term 'qualified energy resources' means—

"(A) wind, and

"(B) closed-loop biomass.

"(2) CLOSED-LOOP BIOMASS.—The term 'closed-loop biomass' means any organic material from a plant which is planted exclusively for purposes of being used at a qualified facility to produce electricity.

"(3) QUALIFIED FACILITY.—The term 'qualified facility' means any facility originally placed in service after December 31, 1993 (December 31, 1992, in the case of a facility using closed-loop biomass to produce electricity), and before July 1, 1999.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ONLY PRODUCTION IN THE UNITED STATES TAKEN INTO ACCOUNT.—Sales shall be taken into account under this section only with respect to electricity the production of which is within—

"(A) the United States (within the meaning of section 638(1)), or

"(B) a possession of the United States (within the meaning of section 638(2)).

"(2) COMPUTATION OF INFLATION ADJUSTMENT FACTOR AND REFERENCE PRICE.—

"(A) IN GENERAL.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor and the reference price for such calendar year in accordance with this paragraph.

"(B) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for the calendar year 1992. The term 'GDP implicit price deflator' means the most recent revision of the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce before March 15 of the calendar year.

"(C) REFERENCE PRICE.—The term 'reference price' means, with respect to a calendar year, the Secretary's determination of the annual average contract price per kilowatt hour of electricity generated from the same qualified energy resource and sold in the previous year in the United States. For purposes of the preceding sentence, only contracts entered into after December 31, 1989, shall be taken into account.

"(3) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a facility in which more than 1 person has an interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective interests in the gross sales from such facility.

"(4) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling electricity to an unrelated person if such electricity is sold to such a person by another member of such group.

"(5) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply."

(b) CREDIT TO BE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 is amended by striking "plus" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ", plus", and by adding at the end thereof the following new paragraph:

"(8) the renewable electricity production credit under section 45(a)."

(c) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 is amended by redesignating the paragraph added by section 11511(b)(2) of the Revenue Reconciliation Act of 1990 as paragraph (1), by redesignating the paragraph added by section 11611(b)(2) of such Act as paragraph (2), and by adding at the end thereof the following new paragraph:

"(3) NO CARRYBACK OF RENEWABLE ELECTRICITY PRODUCTION CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45 (relating to electricity produced from certain renewable resources) may be carried back to any taxable year ending before January 1, 1993."

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 45. Electricity produced from certain renewable resources."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1992.

SEC. 20115. REPEAL OF MINIMUM TAX PREFERENCES FOR DEPLETION AND INTANGIBLE DRILLING COSTS OF INDEPENDENT OIL AND GAS PRODUCERS AND ROYALTY OWNERS.

(a) DEPLETION.—

(1) Paragraph (1) of section 57(a) (relating to depletion) is amended by adding at the end thereof the following new sentence: "Effective with respect to taxable years beginning after December 31, 1992, this paragraph shall not apply to any deduction for depletion computed in accordance with section 613A(c).".

(2) Subparagraph (F) of section 56(g)(4) is amended to read as follows:

"(F) DEPLETION.—

"(i) IN GENERAL.—The allowance for depletion with respect to any property placed in service in a taxable year beginning after December 31, 1989, shall be cost depletion determined under section 611.

"(ii) EXCEPTION FOR INDEPENDENT OIL AND GAS PRODUCERS AND ROYALTY OWNERS.—In the case of any taxable year beginning after December 31, 1992, clause (i) (and subparagraph (C)(i)) shall not apply to any deduction for depletion computed in accordance with section 613A(c)."

(b) INTANGIBLE DRILLING COSTS.—

(1) Section 57(a)(2) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR INDEPENDENT PRODUCERS.—In the case of any oil or gas well—

"(i) IN GENERAL.—In the case of any taxable year beginning after December 31, 1992, this paragraph shall not apply to any taxpayer which is not an integrated oil company (as defined in section 291(b)(4)).

"(ii) LIMITATION ON BENEFIT.—The reduction in alternative minimum taxable income by reason of clause (i) for any taxable year shall not exceed 40 percent (30 percent in case of taxable years beginning in 1993) of the alternative minimum taxable income for such year determined without regard to clause (i) and the alternative tax net operating loss deduction under section 56(a)(4)."

(2) Clause (i) of section 56(g)(4)(D) is amended by adding at the end thereof the following new sentence: "In the case of a

taxpayer other than an integrated oil company (as defined in section 291(b)(4)), in the case of any oil or gas well, this clause shall not apply in the case of amounts paid or incurred in taxable years beginning after December 31, 1992.".

(c) CONFORMING AMENDMENTS.—

(1) Section 56 is amended by striking subsection (h).

(2) Section 56(d)(1)(A) is amended to read as follows:

"(A) the amount of such deduction shall not exceed 90 percent of alternate minimum taxable income determined without regard to such deduction, and".

(3) Section 59(a)(2)(A)(ii) is amended by striking "and the alternative tax energy preference deduction under section 56(h)" and inserting "and section 57(a)(2)(E)".

(4) Section 59A(b)(1) is amended by striking "or the alternative tax energy preference deduction under section 56(h)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 20116. INCREASED BASE TAX RATE ON OZONE-DEPLETING CHEMICALS.

(a) IN GENERAL.—Paragraph (1) of section 4681(b) (relating to amount of tax) is amended by adding at the end thereof the following new subparagraph:

"(D) ADDITIONAL BASE TAX AMOUNT.—The base tax amount for purposes of subparagraph (A) with respect to any sale or use of an ozone-depleting chemical for any calendar year (determined without regard to this subparagraph) shall be increased by the amount determined under the following tables for such calendar year:

"(i) INITIALLY LISTED CHEMICALS.—

"For calendar year:	The base tax amount is increased by:
1992	$0.18
1993	0.10
1994	1.00
1995 and each calendar year thereafter	1.45.

"(ii) NEWLY LISTED CHEMICALS.—

"For calendar year:	The base tax amount is increased by:
1992	$0.48
1993	1.08
1994	0.65
1995 and each calendar year thereafter	1.45."

(b) CONFORMING AMENDMENTS.—

(1) RATES RETAINED FOR CHEMICALS USED IN RIGID FOAM INSULATION.—The table in subparagraph (B) of section 4682(g)(2) (relating to chemicals used in rigid foam insulation) is amended—

(A) by striking "15" and inserting "13.5", and

(B) by striking "10" and inserting "9.6".

(2) FLOOR STOCK TAXES.—

(A) Subparagraph (C) of section 4682(h)(2) (relating to other tax-increase dates) is amended by striking "January 1 of 1991, 1992, 1993, and 1994" and inserting "January 1 of 1991 and 1992, October 1, 1992, and January 1 of 1993 and each calendar year thereafter".

(B) Paragraph (3) of section 4682(h) (relating to due date) is amended—

(i) by inserting "or October 1" after "January 1", and

(ii) by inserting "or March 31 of the suceeding calendar year, respectively," after "such year".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable chemicals sold or used on or after October 1, 1992.

SEC. 20117. TREATMENT OF CERTAIN OZONE DEPLETING CHEMICALS.

(a) TREATMENT OF CERTAIN HALONS.—The table contained in subparagraph (A) of section 4682(g)(2) is amended to read as follows:

"In the case of:	The applicable percentage is:	
	For sales or use during 1992	For sales or use during 1993
Halon-1211	4.5	3.0
Halon-1301	1.4	0.9
Halon-2404	2.3	1.5".

(b) CHEMICALS USED FOR STERILIZING MEDICAL DEVICES.—

(1) IN GENERAL.—Subsection (g) of section 4682 is amended by adding at the end thereof the following new paragraph:

"(4) CHEMICALS USED FOR STERILIZING MEDICAL DEVICES.—

"(A) RATE OF TAX.—

"(i) IN GENERAL.—In the case of—

"(I) any use after September 30, 1992, and before January 1, 1994, of any substance to sterilize medical devices, or

"(II) any qualified sale during such period by the manufacturer, producer, or importer of any substance,

the tax imposed by section 4681 shall be the applicable percentage (determined in accordance with the following table) of the amount of such tax which would (but for this subparagraph be imposed):

"In the case of sales or use during:	The applicable percentage is:
1992	90.3
1993	60.7.

"(ii) QUALIFIED SALE.—For purposes of clause (i), the term 'qualified sale' means any sale by the manufacturer, producer, or importer of any substance—

"(I) for use by the purchaser to sterilize medical devices, or

"(II) for resale by the purchaser to a 2d purchaser for such use by the 2d purchaser.

The preceding sentence shall apply only if the manufacturer, producer, and importer, and the 1st and 2d purchasers (if any) meet such registration requirements as may be prescribed by the Secretary.

"(B) OVERPAYMENTS.—If any substance on which tax was paid under this subchapter is used after September 30, 1992, and before January 1, 1994, by any person to sterilize medical devices, credit or refund without interest shall be allowed to such person in an amount equal to the excess of—

"(i) the tax paid under this subchapter on such substance, or

"(ii) the tax (if any) which would be imposed by section 4681 if such substance were used for such use by the manufacture, producer, or importer thereof on the date of its use by such person.

Amounts payable under the preceding sentence with respect to uses during the taxable year shall be treated as described in section 34(a) for such year unless claim thereof has been timely filed under this subparagraph."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and uses on or after October 1, 1992.

SEC. 20118. PERMANENT EXTENSION OF ENERGY INVESTMENT CREDIT FOR SOLAR, GEOTHERMAL, AND OCEAN PROPERTY.

(a) GENERAL RULE.—Paragraph (2) of section 48(a) (defining energy percentage) is amended—

(1) by striking "Except as provided in subparagraph (B), the" in subparagraph (A) and inserting "The",

(2) by striking subparagraph (B), and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) OCEAN THERMAL ENERGY.—Subparagraph (A) of section 48(a)(3) is amended by striking "or" at the end of clause (i), by inserting "or" at the end of clause (ii), and by adding at the end the following new clause:

"(iii) equipment, placed in service after June 30, 1992, at either of 2 locations designated by the Secretary after consultation with the Secretary of Energy, which converts ocean thermal energy to usable energy,".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on June 30, 1992.

SEC. 20119. NUCLEAR DECOMMISSIONING FUNDS.

(a) REPEAL OF INVESTMENT RESTRICTIONS.—Subparagraph (C) of section 468A(e)(4) (relating to special rules for nuclear decommissioning funds) is amended by striking "described in section 501(c)(21)(B)(ii)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1992.

SEC. 20120. ALCOHOL FUELS.

(a) REDUCED RATE OF TAX ON GASOLINE MIXED WITH ALCOHOL.—

(1) IN GENERAL.—Paragraph (1) of section 4081(c) (relating to gasoline mixed with alcohol at refinery, etc.) is amended to read as follows:

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, subsection (a) shall be applied by multiplying the otherwise applicable rate by a fraction the numerator of which is 10 and the denominator of which is—

"(A) 9 in the case of 10 percent gasohol,

"(B) 9.23 in the case of 7.7 percent gasohol, and

"(C) 9.43 in the case of 5.7 percent gasohol,

in the case of the removal or entry of any gasoline for use in producing gasohol at the time of such removal or sale. Subject to such terms and conditions as the Secretary may prescribe (including the application of section 4101), the treatment under the preceding sentence also shall apply to use in producing gasohol after the time of such removal or entry."

(2) CONFORMING AMENDMENTS.—Section 4081(c) is amended—

(A) by striking "6.1 cents a gallon" in paragraph (2) and inserting "an otherwise applicable rate", and

(B) by striking paragraph (4) and inserting the following new paragraph:

"(4) OTHERWISE APPLICABLE RATE.—For purposes of this subsection—

"(A) IN GENERAL.—In the case of the Highway Trust Fund financing rate, the term 'otherwise applicable rate' means—

"(i) 6.1 cents a gallon for 10 percent gasohol,

"(ii) 7.342 cents a gallon for 7.7 percent gasohol, and

"(iii) 8.422 cents a gallon for 5.7 percent gasohol.

In the case of gasohol none of the alcohol in which consists of ethanol, clauses (i), (ii), and (iii) shall be applied by substituting '5.5 cents' for '6.1 cents', '6.88 cents' for '7.342 cents', and '8.08 cents' for '8.422 cents'.

"(B) 10 PERCENT GASOHOL.—The term '10 percent gasohol' means any mixture of gasoline with alcohol if at least 10 percent of such mixture is alcohol.

"(B) 7.7 PERCENT GASOHOL.—The term '7.7 percent gasohol' means any mixture of gasoline with alcohol if at least 7.7 percent, but not 10 percent or more, of such mixture is alcohol.

"(B) 5.7 PERCENT GASOHOL.—The term '5.7 percent gasohol' means any mixture of gasoline with alcohol if at least 5.7 percent, but not 7.7 percent or more, of such mixture is alcohol."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to gasoline removed (as defined in section 4082 of the Internal Revenue Code of 1986) or entered after September 30, 1992.

(b) ALCOHOL FUELS CREDIT MAY OFFSET MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by adding at the end the following new paragraph:

"(3) ALCOHOL FUELS CREDIT MAY OFFSET MINIMUM TAX.—

"(A) IN GENERAL.—The amount determined under paragraph (1)(A) shall be reduced by the lesser of—

"(i) the portion of the alcohol fuels credit determined under section 40(a) not used against the normal limitation, or

"(ii) 50 percent of the taxpayer's tentative minimum tax for the taxable year.

"(B) PORTION OF THE ALCOHOL FUELS CREDIT NOT USED AGAINST NORMAL LIMITATION.—For purposes of subparagraph (A), the portion of the alcohol fuels credit determined under section 40(a) not used against the normal limitation is the excess (if any) of—

"(i) the portion of the credit under subsection (a) which is attributable to such alcohol fuels credit, over

"(ii) the limitation of paragraph (1) (without regard to this paragraph), reduced by the portion of the credit under subsection (a) which is not so attributable."

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to taxable years beginning after September 30, 1992.

(B) EXCEPTION.—The amendment made by paragraph (1) shall not apply to—

(i) any credit which was determined in a taxable year, or

(ii) any credit which is carried back to a taxable year,

beginning on or before September 30, 1992.

SEC. 20121. DETERMINATION OF INDEPENDENT PRODUCERS.

(a) RETAILERS.—

(1) IN GENERAL.—Section 613A(d)(2) is amended—

(A) by inserting "and sales of natural gas by a regulated public utility" after "users", and

(B) by inserting "and sales of products derived from natural gas by a regulated public utility" after "Defense".

(2) DEFINITION.—Section 613A(d)(2) is amended by adding at the end thereof the following new sentence "For purposes of the first sentence, the term 'regulated public utility' means a utility described in section 7701(a)(33) at least 50 percent of the gross income of which is derived from sources described in subparagraphs (A), (B), and (C) of section 7701(a)(33)."

(b) REFINERS.—Section 613A(d)(4) (relating to certain refiners excluded) is amended to read as follows:

"(4) CERTAIN REFINERS EXCLUDED.—If the taxpayer or 1 or more related persons engage in the refining of crude oil, subsection (c) shall not apply to such taxpayer during any taxable year if the aggregate average daily refinery runs of the taxpayer and such persons for the taxable year exceed 50,000 barrels."

(c) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 1992.

SEC. 20122. TAX-EXEMPT FINANCING FOR ENVIRONMENTAL ENHANCEMENTS OF HYDROELECTRIC GENERATING FACILITIES.

(a) IN GENERAL.—Subsection (a) of section 142 (relating to exempt facility bonds) is amended—

(1) by striking "or" at the end of paragraph (10),

(2) by striking the period at the end of paragraph (11) and inserting ", or", and

(3) by adding at the end the following new paragraph:

"(12) environmental enhancements of hydroelectric generating facilities."

(b) DEFINITION AND SPECIAL RULES FOR ENVIRONMENTAL ENHANCEMENTS OF HYDROELECTRIC GENERATING FACILITIES.—

(1) IN GENERAL.—Section 142 is amended by adding at the end the following new subsection:

"(j) ENVIRONMENTAL ENHANCEMENTS OF HYDROELECTRIC GENERATING FACILITIES.—

"(1) IN GENERAL.—For purposes of subsection (a)(12), the term 'environmental enhancements of hydroelectric generating facilities' means property—

"(A) the use of which is related to a federally licensed hydroelectric generating facility owned and operated by a governmental unit, and

"(B) which—

"(i) protects or promotes fisheries or other wildlife resources, including any fish by-pass facility, fish hatchery, or fisheries enhancement facility, or

"(ii) is a recreational facility or other improvement required by the terms and conditions of any Federal licensing permit for the operation of such generating facility.

"(2) USE OF PROCEEDS.—A bond issued as part of an issue described in subsection (a)(12) shall not be considered an exempt facility bond unless at least 80 percent of the net proceeds of the issue of which it is a part are used to finance property described in paragraph (1)(B)(i)."

(2) FINANCED PROPERTY MUST BE GOVERNMENTALLY OWNED.—Subparagraph (A) of section 142(b)(1) (relating to certain facilities must be governmentally owned) is amended by striking "(2) or (3)" and inserting "(2), (3), or (12)".

(3) EXCLUSION FROM VOLUME CAP.—Paragraph (3) of section 146(g) (relating to exception for certain bonds) is amended—

(A) by striking "or (2)" and inserting ", (2), or (12)", and

(B) by striking "and docks and wharves" and inserting ", docks and wharves, and environmental enhancements of hydroelectric generating facilities".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

Subtitle B—Other Revenue Provisions

SEC. 20131. ELIMINATION OF DEDUCTION FOR CLUB MEMBERSHIP FEES.

(a) IN GENERAL.—Section 162 (relating to trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) CLUB MEMBERSHIP DUES.—No deduction shall be allowed under this chapter for amounts paid or incurred for membership in any club organized for business, pleasure, recreation, or other social purpose."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dues paid after the date of the enactment of this Act.

SEC. 20132. MODIFICATIONS TO TAX ON INSURANCE POLICIES ISSUED BY FOREIGN INSURERS.

(a) INCREASE IN TAX ON CERTAIN REINSURANCE CONTRACTS.—Paragraph (3) of section 4371 (relating to imposition of tax) is amended to read as follows:

"(3) REINSURANCE.—

"(A) 4 cents on each dollar (or fractional part thereof) of the premium paid on the policy of reinsurance covering any of the contracts taxable under paragraph (1).

"(B) 1 cent on each dollar (or fractional part thereof) of the premium paid on the policy of reinsurance covering any of the contracts taxable under paragraph (2)."

(b) RETENTION OF EXISTING TAX RATE IN CERTAIN CASES; LIMITATION ON TREATY BENEFITS.—

(1) Section 4371 is amended by adding at the end thereof the following new subsection:

"(b) SPECIAL RULES.—

"(1) LOWER RATE ON CERTAIN REINSURANCE PREMIUMS.—Subparagraph (A) of subsection (a)(3) shall be applied with respect to any premium by substituting '1 cent' for '4 cents' if—

"(A) such premium is paid to a foreign insurer or reinsurer which is a resident of a foreign country,

"(B) the insurance income (including investment income) relating to the policy of reinsurance is subject to tax by a foreign country or countries at an effective rate that is substantial in relation to the tax imposed by chapter 1, and

"(C) the risk with respect to which such premium is paid is not reinsured (directly or through a series of transactions) by a resident of another foreign country who does not meet the requirements of subparagraph (B).

"(2) APPLICATION OF RELIEF.—In applying paragraph (1) or any treaty, no person shall be relieved of the requirement to remit any tax imposed by this chapter on any premium unless the parties to the transaction satisfy such requirements as the Secretary may prescribe to ensure collection of tax due on any reinsurance of the risk with respect to which such premium was paid.

"(3) SECRETARIAL AUTHORITY.—

"(A) ENFORCEMENT PROCEDURES.—The Secretary may prescribe regulations setting forth such procedures as the Secretary may deem appropriate to ensure compliance with the requirements of paragraph (1).

"(B) WAIVER.—The Secretary may by regulations waive the requirements of paragraph (1)(C) in such circumstances and subject to such conditions as he may deem appropriate."

(2) Section 4371 is amended by striking "There is hereby" and inserting the following:

"(a) GENERAL RULE.—There is hereby".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to premiums paid after the date of the enactment of this Act but only to the extent allocable to reinsurance for periods after December 31, 1992.

SEC. 20133. TRANS-ALASKA PIPELINE LIABILITY FUND INCOME TAX OFFSET.

Subsection (d) of section 4612 of title 26, United States Code, is amended by inserting the following new sentence before the last sentence of such subsection (d): "If a taxpayer who has paid into such Trans-Alaska Pipeline Liability Fund cannot use such credit on account of the operation of any provision of section 4611(f), then such credit may be taken to offset taxes otherwise due under section 11, in each year to the extent which would have been permissible had the Oil Spill Liability Trust Fund financing rate imposed by section 4611 not lapsed pursuant to section 4611(f)(2) or expired pursuant to section 4611(f)(1): *Provided*, That no such credit taken under this sentence may be carried back to previous tax years.

Subtitle C—Health Care of Coal Miners

SEC. 20141. SHORT TITLE.

This subtitle may be cited as the "Coal Industry Retiree Health Benefit Act of 1992".

SEC. 20142. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—The Congress finds that—

(1) the production, transportation, and use of coal substantially affects interstate and foreign commerce and the national public interest; and

(2) in order to secure the stability of interstate commerce, it is necessary to modify the current private health care benefit plan structure for retirees in the coal industry to identify persons most responsible for plan liabilities in order to stabilize plan funding and allow for the provision of health care benefits to such retirees.

(b) STATEMENT OF POLICY.—It is the policy of this subtitle—

(1) to remedy problems with the provision and funding of health care benefits with respect to the beneficiaries of multiemployer benefit plans that provide health care benefits to retirees in the coal industry;

(2) to allow for sufficient operating assets for such plans; and

(3) to provide for the continuation of a privately financed self-sufficient program for the delivery of health care benefits to the beneficiaries of such plans.

SEC. 20143. COAL INDUSTRY HEALTH BENEFITS PROGRAM.

(a) IN GENERAL.—The Internal Revenue Code of 1986 is amended by adding at the end the following new subtitle:

"Subtitle J—Coal Industry Health Benefits

"CHAPTER 99. COAL INDUSTRY HEALTH BENEFITS.

"CHAPTER 99—COAL INDUSTRY HEALTH BENEFITS

"SUBCHAPTER A—Definitions of general applicability.

"SUBCHAPTER B—Combined benefit fund.

"SUBCHAPTER C—Health benefits of certain miners.

"SUBCHAPTER D—Other provisions.

"Subchapter A—Definitions of General Applicability

"Sec. 9701. Definitions of general applicability.

"SEC. 9701. DEFINITIONS OF GENERAL APPLICABILITY.

"(a) PLANS AND FUNDS.—For purposes of this chapter—

"(1) UMWA BENEFIT PLAN.—

"(A) IN GENERAL.—The term 'UMWA Benefit Plan' means a plan—

"(i) which is described in section 404(c), or a continuation thereof; and

"(ii) which provides health benefits to retirees and beneficiaries of the industry which maintained the 1950 UMWA Pension Plan.

"(B) 1950 UMWA BENEFIT PLAN.—The term '1950 UMWA Benefit Plan' means a UMWA Benefit Plan, participation in which is substantially limited to individuals who retired before 1976.

"(C) 1974 UMWA BENEFIT PLAN.—The term '1974 UMWA Benefit Plan' means a UMWA Benefit Plan, participation in which is substantially limited to individuals who retired on or after January 1, 1976.

"(2) 1950 UMWA PENSION PLAN.—The term '1950 UMWA Pension Plan' means a pension plan described in section 404(c) (or a continuation thereof), participation in which is substantially limited to individuals who retired before 1976.

"(3) 1974 UMWA PENSION PLAN.—The term '1974 UMWA Pension Plan' means a pension plan described in section 404(c) (or a continuation thereof), participation in which is substantially limited to individuals who retired in 1976 and thereafter.

"(4) 1992 UMWA BENEFIT PLAN.—The term '1992 UMWA Benefit Plan' means the plan referred to in section 9713A.

"(5) COMBINED FUND.—The term 'Combined Fund' means the United Mine Workers of America Combined Benefit Fund established under section 9702.

"(b) AGREEMENTS.—For purposes of this section—

"(1) COAL WAGE AGREEMENT.—The term 'coal wage agreement' means—

"(A) the National Bituminous Coal Wage Agreement, or

"(B) any other agreement entered into between an employer in the coal industry and the United Mine Workers of America that required or requires one or both of the following:

"(i) the provision of health benefits to retirees of such employer, eligibility for which is based on years of service credited under a plan established by the settlors and described in section 404(c) or a continuation of such plan; or

"(ii) contributions to the 1950 UMWA Benefit Plan or the 1974 UMWA Benefit Plan, or any predecessor thereof.

"(2) SETTLORS.—The term 'settlors' means the United Mine Workers of America and the Bituminous Coal Operators' Association, Inc. (referred to in this chapter as the 'BCOA').

"(3) NATIONAL BITUMINOUS COAL WAGE AGREEMENT.—The term 'National Bituminous Coal Wage Agreement' means a collective bargaining agreement negotiated by the BCOA and the United Mine Workers of America.

"(c) TERMS RELATING TO OPERATORS.—For purposes of this section—

"(1) SIGNATORY OPERATOR.—The term 'signatory operator' means a person which is or was a signatory to a coal wage agreement.

"(2) RELATED PERSONS.—

"(A) IN GENERAL.—A person shall be considered to be a related person to a signatory operator if that person is—

"(i) a member of the controlled group of corporations (within the meaning of section 52(a)) which includes such signatory operator;

"(ii) a trade or business which is under common control (as determined under section 52(b)) with such signatory operator; or

"(iii) any other person who is identified as having a partnership interest or joint venture with a signatory operator in a business within the coal industry, but only if such business employed eligible beneficiaries, except that this clause shall not apply to a person whose only interest is as a limited partner.

A related person shall also include a successor in interest of any person described in clause (i), (ii), or (iii).

"(B) TIME FOR DETERMINATION.—The relationships described in clauses (i), (ii), and (iii) of subparagraph (A) shall be determined as of July 20, 1992, except that if, on July 20, 1992, a signatory operator is no longer in business, the relationships shall be determined as of the time immediately before such operator ceased to be in business.

"(3) 1988 AGREEMENT OPERATOR.—The term '1988 agreement operator' means—

"(A) a signatory operator which was a signatory to the 1988 National Bituminous Coal Wage Agreement,

"(B) an employer in the coal industry which was a signatory to an agreement containing pension and health care contribution and benefit provisions which are the same as those contained in the 1988 National Bituminous Coal Wage Agreement, or

"(C) an employer from which contributions were actually received after 1987 and before July 20, 1992, by the 1950 UMWA Benefit Plan or the 1974 UMWA Benefit Plan in connection with employment in the coal industry during the period covered by the 1988 National Bituminous Coal Wage Agreement.

"(4) LAST SIGNATORY OPERATOR.—The term 'last signatory operator' means, with respect to a coal industry retiree, a signatory operator which was the most recent coal industry employer of such retiree.

"(5) ASSIGNED OPERATOR.—The term 'assigned operator' means, with respect to an eligible beneficiary defined in section 9703(f), the signatory operator to which liability under subchapter B with respect to the beneficiary is assigned under section 9706.

"(6) OPERATORS OF DEPENDENT BENEFICIARIES.—For purposes of this chapter, the signatory operator, last signatory operator, or assigned operator of any eligible beneficiary under this chapter who is a coal industry retiree shall be considered to be the signatory operator, last signatory operator, or assigned operator with respect to any other individual who is an eligible beneficiary under this chapter by reason of a relationship to the retiree.

"(7) BUSINESS.—For purposes of this chapter, a person shall be considered to be in business if such person conducts or derives revenue from any business activity, whether or not in the coal industry.

"(d) ENACTMENT DATE.—For purposes of this chapter, the term 'enactment date' means the date of the enactment of this chapter.

"Subchapter B—Combined Benefit Fund

"Part I—ESTABLISHMENT AND BENEFITS

"Part II—FINANCING

"Part III—ENFORCEMENT

"Part IV—OTHER PROVISIONS

"PART I—ESTABLISHMENT AND BENEFITS

"Sec. 9702. Establishment of the United Mine Workers of America Combined Benefit Fund.

"Sec. 9703. Plan benefits.

"SEC. 9702. ESTABLISHMENT OF THE UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—As soon as practicable (but not later than 60 days) after the enactment date, the persons described in subsection (b) shall designate the individuals to serve as trustees. Such trustees shall create a new private plan to be known as the United Mine Workers of America Combined Benefit Fund.

"(2) MERGER OF RETIREE BENEFIT PLANS.—As of February 1, 1993, the settlors of the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan shall cause such plans to be merged into the Combined Fund, and such merger shall not be treated as an employer withdrawal for purposes of any 1988 coal wage agreement.

"(3) TREATMENT OF PLAN.—The Combined Fund shall be—

"(A) a plan described in section 302(c)(5) of the Labor Management Relations Act, 1947 (29 U.S.C. 186(c)(5)), "(B) an employee welfare benefit plan within the meaning of section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)), and

"(C) a multiemployer plan within the meaning of section 3(37) of such Act (29 U.S.C. 1002(37)).

"(4) Tax treatment.—For purposes of this title, the Combined Fund and any related trust shall be treated as an organization exempt from tax under section 501(a).

"(b) Board of Trustees.—

"(1) In general.—For purposes of subsection (a), the board of trustees for the Combined Fund shall be appointed as follows:

"(A) one individual who represents employers in the coal mining industry shall be designated by the BCOA;

"(B) one individual shall be designated by the three employers, other than 1988 agreement operators, who have been assigned the greatest number of eligible beneficiaries under section 9706;

"(C) two individuals designated by the United Mine Workers of America; and

"(D) three persons selected by the persons appointed under subparagraphs (A), (B), and (C).

"(2) Successor trustees.—Any successor trustee shall be appointed in the same manner as the trustee being succeeded. The plan establishing the Combined Fund shall provide for the removal of trustees.

"(3) Special rules.—

"(A) BCOA.—If the BCOA ceases to exist, any trustee or successor under paragraph (1)(A) shall be designated by the 3 employers who were members of the BCOA on the enactment date and who have been assigned the greatest number of eligible beneficiaries under section 9706.

"(B) Former signatories.—The initial trustee under paragraph (1)(B) shall be designated by the 3 employers, other than 1988 agreement operators, which the records of the 1950 UMWA Benefit Plan and 1974 UMWA Benefit Plan indicate have the greatest number of eligible beneficiaries as of the enactment date, and such trustee and any successor shall serve until November 1, 1993.

"(c) Plan Year.—The first plan year of the Combined Fund shall begin February 1, 1993, and end September 30, 1993. Each succeeding plan year shall begin on October 1 of each calendar year.

"SEC. 9703. PLAN BENEFITS.

"(a) In General.—Each eligible beneficiary of the Combined Fund shall receive—

"(1) health benefits described in subsection (b), and

"(2) in the case of an eligible beneficiary described in subsection (f)(1), death benefits coverage described in subsection (c).

"(b) Health Benefits.—

"(1) In general.—The trustees of the Combined Fund shall provide health care benefits to each eligible beneficiary by enrolling the beneficiary in a health care services plan which undertakes to provide such benefits on a prepaid risk basis. The trustees shall utilize all available plan resources to ensure that, consistent with paragraph (2), coverage under the managed care system shall to the maximum extent feasible be substantially the same as (and subject to the same limitations of) coverage provided under the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan as of January 1, 1992.

"(2) Plan payment rates.—

"(A) In general.—The trustees of the Combined Fund shall negotiate payment rates with the health care services plans described in paragraph (1) for each plan year which are in amounts which—

"(i) vary as necessary to ensure that beneficiaries in different geographic areas have access to a uniform level of health benefits; and

"(ii) result in aggregate payments for such plan year from the Combined Fund which do not exceed the total premium payments required to be paid to the Combined Fund under section 9704(a) for the plan year, adjusted as provided in subparagraphs (B) and (C).

"(B) Reductions.—The amount determined under subparagraph (A)(ii) for any plan year shall be reduced—

"(i) by the aggregate death benefit premiums determined under section 9704(c) for the plan year, and

"(ii) by the amount reserved for plan administration under subsection (d).

"(C) Increases.—The amount determined under subparagraph (A)(ii) shall be increased—

"(i) by any reduction in the total premium payments required to be paid under section 9704(a) by reason of transfers described in section 9705,

"(ii) by any carryover to the plan year from any preceding plan year which—

"(I) is derived from amounts described in section 9704(e)(3)(B)(i), and

"(II) the trustees elect to use to pay benefits for the current plan year, and

"(iii) any interest earned by the Combined Fund which the trustees elect to use to pay benefits for the current plan year.

"(3) Qualified providers.—The trustees of the Combined Fund shall not enter into an agreement under paragraph (1) with any provider of services which is of a type which is required to be certified by the Secretary of Health and Human Services when providing services under title XVIII of the Social Security Act unless the provider is so certified.

"(4) Effective date.—Benefits shall be provided under paragraph (1) on and after February 1, 1993.

"(c) Death Benefits Coverage.—

"(1) In general.—The trustees of the Combined Fund shall provide death benefits coverage to each eligible beneficiary described in subsection (f)(1) which is identical to the benefits provided under the 1950 UMWA Pension Plan or 1974 UMWA Pension Plan, whichever is applicable, on July 20, 1992. Such coverage shall be provided on and after February 1, 1993.

"(2) Termination of coverage.—The 1950 UMWA Pension Plan and the 1974 UMWA Pension Plan shall each be amended to provide that death benefits coverage shall not be provided to eligible beneficiaries on and after February 1, 1993. This paragraph shall not prohibit such plans from subsequently providing death benefits not described in paragraph (1).

"(d) Reserves for Administration.—The trustees of the Combined Fund may reserve for each plan year, for use in payment of the administrative costs of the Combined Fund, an amount not to exceed 5 percent of the premiums to be paid to the Combined Fund under section 9704(a) during the plan year.

"(e) Limitation on Enrollment.—The Combined Fund shall not enroll any individual who is not receiving benefits under the 1950 UMWA Benefit Plan or the 1974 UMWA Benefit Plan as of July 20, 1992.

"(f) Eligible Beneficiary.—For purposes of this subchapter, the term 'eligible beneficiary' means an individual who—

"(1) is a coal industry retiree who, on July 20, 1992, was eligible to receive, and receiving, benefits from the 1950 UMWA Benefit Plan or the 1974 UMWA Benefit Plan, or

"(2) on such date was eligible to receive, and receiving, benefits in either such plan by reason of a relationship to such retiree.

"PART II—FINANCING

"Sec. 9704. Liability of assigned operators.
"Sec. 9705. Transfers.
"Sec. 9706. Assignment of eligible beneficiaries.

"SEC. 9704. LIABILITY OF ASSIGNED OPERATORS.

"(a) Annual Premiums.—Each assigned operator shall pay to the Combined Fund for each plan year beginning on or after February 1, 1993, an annual premium equal to the sum of the following three premiums—

"(1) the health benefit premium determined under subsection (b) for such plan year, plus

"(2) the death benefit premium determined under subsection (c) for such plan year, plus

"(3) the unassigned beneficiaries premium determined under subsection (d) for such plan year.

Any related person with respect to an assigned operator shall be jointly and severally liable for any premium required to be paid by such operator.

"(b) Health Benefit Premium.—For purposes of this chapter—

"(1) In general.—The health benefit premium for any plan year for any assigned operator shall be an amount equal to the product of the per beneficiary premium for the plan year multiplied by the number of eligible beneficiaries assigned to such operator under section 9706.

"(2) Per beneficiary premium.—The Secretary of Health and Human Services shall calculate a per beneficiary premium for each plan year beginning on or after February 1, 1993, which is equal to the sum of—

"(A) the amount determined by dividing—

"(i) the aggregate amount of payments from the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan for health benefits (less reimbursements but including administrative costs) for the plan year beginning July 1, 1991, for all individuals covered under such plans for such plan year, by

"(ii) the number of such individuals, plus

"(B) the amount determined under subparagraph (A) multiplied by the percentage (if any) by which the medical component of the Consumer Price Index for the calendar year in which the plan year begins exceeds such component for 1992.

"(3) Adjustments for medicare reductions.—If, by reason of a reduction in benefits under title XVIII of the Social Security Act, the level of health benefits under the Combined Fund would be reduced, the trustees of the Combined Fund shall increase the per beneficiary premium for the plan year in which the reduction occurs and each subsequent plan year by the amount necessary to maintain the level of health benefits which would have been provided without such reduction.

"(c) Death Benefit Premium.—The death benefit premium for any plan year for any assigned operator shall be equal to the applicable percentage of the amount, actuarially determined, which the Combined Fund will be required to pay during the plan year for death benefits coverage described in section 9703(c).

"(d) Unassigned Beneficiaries Premium.—The unassigned beneficiaries premium for any plan year for any assigned operator shall be equal to the applicable percentage of the product of the per beneficiary premium for the plan year multiplied by the number of eligible beneficiaries who are not assigned under section 9706 to any person for such plan year.

"(e) PREMIUM ACCOUNTS; ADJUSTMENTS.—

"(1) ACCOUNTS.—The trustees of the Combined Fund shall establish and maintain 3 separate accounts for each of the premiums described in subsections (b), (c), and (d). Such accounts shall be credited with the premiums received and debited with expenditures allocable to such premiums.

"(2) ALLOCATIONS.—

"(A) ADMINISTRATIVE EXPENSES.—Administrative costs for any plan year shall be allocated to premium accounts under paragraph (1) on the basis of expenditures (other than administrative costs) from such accounts during the preceding plan year.

"(B) INTEREST.—Interest shall be allocated to the account established for health benefit premiums.

"(3) SHORTFALLS AND SURPLUSES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if, for any plan year, there is a shortfall or surplus in any premium account, the premium for the following plan year for each assigned operator shall be proportionately reduced or increased, whichever is applicable, by the amount of such shortfall or surplus.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any surplus in the health benefit premium account or the unassigned beneficiaries premium account which is attributable to—

"(i) the excess of the premiums credited to such account for a plan year over the benefits (and administrative costs) debited to such account for the plan year, but such excess shall only be available for purposes of the carryover described in section 9703(b)(2)(C)(ii) (relating to carryovers of premiums not used to provide benefits), or

"(ii) interest credited under paragraph (2)(B) for the plan year or any preceding plan year.

"(C) NO AUTHORITY FOR INCREASED PAYMENTS.—Nothing in this paragraph shall be construed to allow expenditures for health care benefits for any plan year in excess of the limit under section 9703(b)(2).

"(f) APPLICABLE PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable percentage' means, with respect to any assigned operator, the percentage determined by dividing the number of eligible beneficiaries assigned under section 9706 to such operator by the total number of eligible beneficiaries assigned under section 9706 to all such operators (determined on the basis of assignments as of October 1, 1993).

"(2) ANNUAL ADJUSTMENTS.—In the case of any plan year beginning on or after October 1, 1994, the applicable percentage for any assigned operator shall be redetermined under paragraph (1) by making the following changes to the assignments as of October 1, 1993:

"(A) Such assignments shall be modified to reflect any changes during the period beginning October 1, 1993, and ending on the last day of the preceding plan year pursuant to the appeals process under section 9706(f).

"(B) The total number of assigned eligible beneficiaries shall be reduced by the eligible beneficiaries of assigned operators which (and all related persons with respect to which) had ceased business (within the meaning of section 9701(c)(6)) during the period described in subparagraph (A).

"(g) PAYMENT OF PREMIUMS.—

"(1) IN GENERAL.—The annual premium under subsection (a) for any plan year shall be payable in 12 equal monthly installments, due on the twenty-fifth day of each calendar month in the plan year. In the case of the plan year beginning February 1, 1993, the annual premium under subsection (a) shall be added to such premium for the plan year beginning October 1, 1993.

"(2) DEDUCTIBILITY.—Any premium required by this section shall be deductible without regard to any limitation on deductibility based on the prefunding of health benefits.

"(h) INFORMATION.—The trustees of the Combined Fund shall, not later than 60 days after the enactment date, furnish to the Secretary of Health and Human Services information as to the benefits and covered beneficiaries under the fund, and such other information as the Secretary may require to compute any premium under this section.

"(i) TRANSITION RULES.—

"(1) 1988 AGREEMENT OPERATORS.—

"(A) 1ST YEAR COSTS.—During the plan year of the Combined Fund beginning February 1, 1993, the 1988 agreement operators shall make contributions to the Combined Fund in amounts necessary to pay benefits and administrative costs of the Combined Fund incurred during such year, reduced by the amount transferred to the Combined Fund under section 9705(a) on February 1, 1993.

"(B) DEFICITS FROM MERGED PLANS.—During the period beginning February 1, 1993, and ending September 30, 1994, the 1988 agreement operators shall make contributions to the Combined Fund as are necessary to pay off the expenses accrued (and remaining unpaid) by the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan as of February 1, 1993, reduced by the assets of such plans as of such date.

"(C) FAILURE.—If any 1988 agreement operator fails to meet any obligation under this paragraph, any contributions of such operator to the Combined Fund or any other plan described in section 404(c) shall not be deductible under this title until such time as the failure is corrected.

"(D) PREMIUM REDUCTIONS.—

"(i) 1ST YEAR PAYMENTS.—In the case of a 1988 agreement operator making contributions under subparagraph (A), the premium of such operator under subsection (a) shall be reduced by the amount paid under subparagraph (A) by such operator for the plan year beginning February 1, 1993.

"(ii) DEFICIT PAYMENTS.—In the case a 1988 agreement operator making contributions under subparagraph (B), the premium of such operator under subsection (a) shall be reduced by the amounts which are paid to the Combined Fund by reason of claims arising in connection with the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan as of February 1, 1993, including claims based on the 'evergreen clause' found in the language of the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan, and which are allocated to such operator under subparagraph (E).

"(iii) LIMITATION.—Clause (ii) shall not apply to the extent the amounts paid exceed the contributions.

"(iv) PLAN YEARS.—Premiums under subsection (a) shall be reduced for the first plan year for which amounts described in clause (i) or (ii) are available and for any succeeding plan year until such amounts are exhausted.

"(E) ALLOCATIONS OF CONTRIBUTIONS AND REFUNDS.—Contributions under subparagraphs (A) and (B), and premium reductions under subparagraph (D)(ii), shall be made ratably on the basis of aggregate contributions made by such operators under the applicable 1988 coal wage agreements as of January 31, 1993.

"(2) 1ST PLAN YEAR.—In the case of the plan year of the Combined Fund beginning February 1, 1993—

"(A) the premiums under subsections (a)(1) and (a)(3) shall be 67 percent of such premiums without regard to this paragraph, and

"(B) the premiums under subsection (a) shall be paid as provided in subsection (g).

"(3) STARTUP COSTS.—The 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan shall pay the costs of the Combined Fund incurred before February 1, 1993. For purposes of this section, such costs shall be treated as administrative expenses incurred for the plan year beginning February 1, 1993.

"SEC. 9705. TRANSFERS.

"(a) TRANSFER OF ASSETS FROM 1950 UMWA PENSION PLAN.—

"(1) IN GENERAL.—From the funds reserved under paragraph (2), the board of trustees of the 1950 UMWA Pension Plan shall transfer to the Combined Fund—

"(A) $70,000,000 on February 1, 1993,

"(B) $70,000,000 on October 1, 1993, and

"(C) $70,000,000 on October 1, 1994.

"(2) RESERVATION.—Immediately upon the enactment date, the board of trustees of the 1950 UMWA Pension Plan shall segregate $210,000,000 from the general assets of the plan. Such funds shall be held in the plan until disbursed pursuant to paragraph (1). Any interest on such funds shall be deposited into the general assets of the 1950 UMWA Pension Plan.

"(3) USE OF FUNDS.—Amounts transferred to the Combined Fund under paragraph (1) shall—

"(A) in the case of the transfer on February 1, 1993, be used to proportionately reduce the premium of each assigned operator under section 9704(a) for the plan year of the Fund beginning February 1, 1993, and

"(B) in the case of any other such transfer, be used to proportionately reduce the unassigned beneficiary premium under section 9704(a)(3) and the death benefit premium under section 9704(a)(2) of each assigned operator for the plan year in which transferred and for any subsequent plan year in which such funds remain available

Such funds may not be used to pay any amounts required to be paid by the 1988 agreement operators under section 9704(i)(1)(B).

"(4) TAX TREATMENT; VALIDITY OF TRANSFER.—

"(A) NO DEDUCTION.—No deduction shall be allowed under this title with respect to any transfer pursuant to paragraph (1), but such transfer shall not adversely affect the deductibility (under applicable provisions of this title) of contributions previously made by employers, or amounts hereafter contributed by employers, to the 1950 UMWA Pension Plan, the 1950 UMWA Benefit Plan, the 1974 UMWA Pension Plan, the 1974 UMWA Benefit Plan, the 1992 UMWA Benefit Plan, or the Combined Fund.

"(B) OTHER TAX PROVISIONS.—Any transfer pursuant to paragraph (1)—

"(i) shall not be treated as an employer reversion from a qualified plan for purposes of section 4980, and

"(ii) shall not be includible in the gross income of any employer maintaining the 1950 UMWA Pension Plan.

"(5) TREATMENT OF TRANSFER.—Any transfer pursuant to paragraph (1) shall not be deemed to violate, or to be prohibited by, any provision of law, or to cause the settlors, joint board of trustees, employers or any related person to incur or be subject to liability, taxes, fines, or penalties of any kind whatsoever.

"(b) TRANSFERS FROM ABANDONED MINE RECLAMATION FUND.—

"(1) IN GENERAL.—The Combined Fund shall include any amount transferred to the Fund under section 402(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(h)).

"(2) USE OF FUNDS.—Any amount transferred under paragraph (1) for any fiscal year shall be used to proportionately reduce the unassigned beneficiary premium under section 9704(a)(3) of each assigned operator for the plan year in which transferred.

"SEC. 9706. ASSIGNMENT OF ELIGIBLE BENEFICIARIES.

"(a) IN GENERAL.—For purposes of this chapter, the Secretary of Health and Human Services shall, before October 1, 1993, assign each coal industry retiree who is an eligible beneficiary to a signatory operator which (or any related person with respect to which) remains in business in the following order:

"(1) First, to the signatory operator which—

"(A) was a signatory to the 1978 coal wage agreement or any subsequent coal wage agreement, and

"(B) was the most recent signatory operator to employ the coal industry retiree in the coal industry for at least 2 years.

"(2) Second, if the retiree is not assigned under paragraph (1), to the signatory operator which—

"(A) was a signatory to the 1978 coal wage agreement or any subsequent coal wage agreement, and

"(B) was the most recent signatory operator to employ the coal industry retiree in the coal industry.

"(3) Third, if the retiree is not assigned under paragraph (1) or (2), to the signatory operator which employed the coal industry retiree in the coal industry for a longer period of time than any other signatory operator prior to the effective date of the 1978 coal wage agreement.

"(b) RULES RELATING TO EMPLOYMENT AND REASSIGNMENT UPON PURCHASE.—For purposes of subsection (a)—

"(1) AGGREGATION RULES.—

"(A) RELATED PERSON.—Any employment of a coal industry retiree in the coal industry by a signatory operator shall be treated as employment by any related persons to such operator.

"(B) CERTAIN EMPLOYMENT DISREGARDED.—Employment with—

"(i) a person which is (and all related persons with respect to which are) no longer in business, or

"(ii) a person during a period during which such person was not a signatory to a coal wage agreement,

shall not be taken into account.

"(2) REASSIGNMENT UPON PURCHASE.—If a person becomes a successor of an assigned operator after the enactment date, the assigned operator may transfer the assignment of an eligible beneficiary under subsection (a) to such successor, and such successor shall be treated as the assigned operator with respect to such eligible beneficiary for purposes of this chapter. Notwithstanding the preceding sentence, the assigned operator transferring such assignment (and any related person) shall remain the guarantor of the benefits provided to the eligible beneficiary under this chapter. An assigned operator shall notify the trustees of the Combined Fund of any transfer described in this paragraph.

"(c) IDENTIFICATION OF ELIGIBLE BENEFICIARIES.—The 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan shall, by the later of October 1, 1992, or the twentieth day after the enactment date, provide to the Secretary of Health and Human Services a list of the names and social security account numbers of each eligible beneficiary, including each deceased eligible beneficiary if any other individual is an eligible beneficiary by reason of a relationship to such deceased eligible beneficiary. In addition, the plans shall provide, where ascertainable from plan records, the names of all persons described in subsection (a) with respect to any eligible beneficiary or deceased eligible beneficiary.

"(d) COOPERATION BY OTHER AGENCIES AND PERSONS.—

"(1) COOPERATION.—The head of any department, agency, or instrumentality of the United States shall cooperate fully and promptly with the Secretary of Health and Human Services in providing information which will enable the Secretary to carry out his responsibilities under this section.

"(2) PROVIDING OF INFORMATION.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, including section 6103, the head of any other agency, department, or instrumentality shall, upon receiving a written request from the Secretary of Health and Human Services in connection with this section, cause a search to be made of the files and records maintained by such agency, department, or instrumentality with a view to determining whether the information requested is contained in such files or records. The Secretary shall be advised whether the search disclosed the information requested, and, if so, such information shall be promptly transmitted to the Secretary, except that if the disclosure of any requested information would contravene national policy or security interests of the United States, or the confidentiality of census data, the information shall not be transmitted and the Secretary shall be so advised.

"(B) LIMITATION.—Any information provided under subparagraph (A) shall be limited to information necessary for the Secretary to carry out his duties under this section.

"(3) TRUSTEES.—The trustees of the Combined Fund, the 1950 UMWA Benefit Plan, the 1974 UMWA Benefit Plan, the 1950 UMWA Pension Plan, and the 1974 UMWA Pension Plan shall fully and promptly cooperate with the Secretary in furnishing, or assisting the Secretary to obtain, any information the Secretary needs to carry out the Secretary's responsibilities under this section.

"(e) NOTICE BY SECRETARY.—

"(1) NOTICE TO FUND.—The Secretary of Health and Human Services shall advise the trustees of the Combined Fund of the name of each person identified under this section as an assigned operator, and the names and social security account numbers of eligible beneficiaries with respect to whom he is identified.

"(2) OTHER NOTICE.—The Secretary of Health and Human Services shall notify each assigned operator of the names and social security account numbers of eligible beneficiaries who have been assigned to such person under this section and a brief summary of the facts related to the basis for such assignments.

"(f) RECONSIDERATION BY SECRETARY.—

"(1) IN GENERAL.—Any assigned operator receiving a notice under subsection (e)(2) with respect to an eligible beneficiary may, within 30 days of receipt of such notice, request from the Secretary of Health and Human Services detailed information as to the work history of the beneficiary and the basis of the assignment.

"(2) REVIEW.—An assigned operator may, within 30 days of receipt of the information under paragraph (1), request review of the assignment. The Secretary of Health and Human Services shall conduct such review if the Secretary finds the operator provided evidence with the request constituting a prima facie case of error.

"(3) RESULTS OF REVIEW.—

"(A) ERROR.—If the Secretary of Health and Human Services determines under a review under paragraph (2) that an assignment was in error—

"(i) the Secretary shall notify the assigned operator and the trustees of the Combined Fund and the trustees shall reduce the premiums of the operator under section 9704 by (or if there are no such premiums, repay) all premiums paid under section 9704 with respect to the eligible beneficiary, and

"(ii) the Secretary shall review the beneficiary's record for reassignment under subsection (a).

"(B) NO ERROR.—If the Secretary of Health and Human Services determines under a review conducted under paragraph (2) that no error occurred, the Secretary shall notify the assigned operator.

"(4) DETERMINATIONS.—Any determination by the Secretary of Health and Human Services under paragraph (2) or (3) shall be final.

"(5) PAYMENT PENDING REVIEW.—An assigned operator shall pay the premiums under section 9704 pending review by the Secretary of Health and Human Services or by a court under this subsection.

"(6) PRIVATE ACTIONS.—Nothing in this section shall preclude the right of any person to bring a separate civil action against another person for responsibility for assigned premiums, notwithstanding any prior decision by the Secretary.

"(g) CONFIDENTIALITY OF INFORMATION.—Any person to which information is provided by the Secretary of Health and Human Services under this section shall not disclose such information except in any proceedings related to this section. Any civil or criminal penalty which is applicable to an unauthorized disclosure under section 6103 shall apply to any unauthorized disclosure under this section.

"PART III—ENFORCEMENT

"Sec. 9707. Failure to pay premium.

"SEC. 9707. FAILURE TO PAY PREMIUM.

"(a) GENERAL RULE.—There is hereby imposed a penalty on the failure of any assigned operator to pay any premium required to be paid under section 9704 with respect to any eligible beneficiary.

"(b) AMOUNT OF PENALTY.—The amount of the penalty imposed by subsection (a) on any failure with respect to any eligible beneficiary shall be $100 per day in the noncompliance period with respect to any such failure.

"(c) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure to pay any premium or installment thereof, the period—

"(1) beginning on the due date for such premium or installment, and

"(2) ending on the date of payment of such premium or installment.

"(d) LIMITATIONS ON AMOUNT OF PENALTY.—

"(1) IN GENERAL.—No penalty shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary of the Treasury that none of the persons responsible for such failure knew, or exercising reasonable diligence, would have known, that such failure existed.

"(2) Corrections.—No penalty shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the 1st date that any of the persons responsible for such failure knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) Waiver.—In the case of a failure that is due to reasonable cause and not to willful neglect, the Secretary of the Treasury may waive all or part of the penalty imposed by subsection (a) for failures to the extent that the Secretary determines, in his sole discretion, that the payment of such penalty would be excessive relative to the failure involved.

"(e) Liability for Penalty.—The person failing to meet the requirements of section 9704 shall be liable for the penalty imposed by subsection (a).

"(f) Treatment.—For purposes of this title, the penalty imposed by this section shall be treated in the same manner as the tax imposed by section 4980B.

"PART IV—OTHER PROVISIONS

"Sec. 9708. Effect on pending claims or obligations.

"SEC. 9708. EFFECT ON PENDING CLAIMS OR OBLIGATIONS.

"All liability for contributions to the Combined Fund that arises on and after February 1, 1993, shall be determined exclusively under this chapter, including all liability for contributions to the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan for coal production on and after February 1, 1993. However, nothing in this chapter is intended to have any effect on any claims or obligations arising in connection with the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan as of February 1, 1993, including claims or obligations based on the 'evergreen' clause found in the language of the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan. This chapter shall not be construed to affect any rights of subrogation of any 1988 agreement operator with respect to contributions due to the 1950 UMWA Benefit Plan or the 1974 UMWA Benefit Plan as of February 1, 1993.

"Subchapter C—Health Benefits of Certain Miners

"Part I—Individual employer plans

"Part II—1992 UMWA benefit plan

"PART I—INDIVIDUAL EMPLOYER PLANS

"Sec. 9711. Continued obligations of individual employer plans.

"SEC. 9711. CONTINUED OBLIGATIONS OF INDIVIDUAL EMPLOYER PLANS.

"(a) Coverage of Current Recipients.—The last signatory operator of any individual who, as of February 1, 1993, is receiving retiree health benefits from an individual employer plan maintained pursuant to a 1978 or subsequent coal wage agreement shall continue to provide health benefits coverage to such individual and the individual's eligible beneficiaries which is substantially the same as (and subject to all the limitations of) the coverage provided by such plan as of January 1, 1992. Such coverage shall continue to be provided for as long as the last signatory operator (and any related person) remains in business.

"(b) Coverage of Eligible Recipients.—

"(1) In general.—The last signatory operator of any individual who, as of February 1, 1993, is not receiving retiree health benefits under the individual employer plan maintained by the last signatory operator pursuant to a 1978 or subsequent coal wage agreement, but has met the age and service requirements for eligibility to receive benefits under such plan as of such date, shall, at such time as such individual becomes eligible to receive benefits under such plan, provide health benefits coverage to such individual and the individual's eligible beneficiaries which is described in paragraph (2). This paragraph shall not apply to any individual who retired from the coal industry after September 30, 1994, or any eligible beneficiary of such individual.

"(2) Coverage.—Subject to the provisions of subsection (d), health benefits coverage is described in this paragraph if it is substantially the same as (and subject to all the limitations of) the coverage provided by the individual employer plan as of January 1, 1992. Such coverage shall continue for as long as the last signatory operator (and any related person) remains in business.

"(c) Joint and Several Liability of Related Persons.—Each related person of a last signatory operator to which subsection (a) or (b) applies shall be jointly and severally liable with the last signatory operator for the provision of health care coverage described in subsection (a) or (b).

"(d) Managed Care and Cost Containment.—The last signatory operator shall not be treated as failing to meet the requirements of subsection (a) or (b) if benefits are provided to eligible beneficiaries under managed care and cost containment rules and procedures described in section 9712(c) or agreed to by the last signatory operator and the United Mine Workers of America.

"(e) Treatment of Noncovered Employees.—The existence, level, and duration of benefits provided to former employees of a last signatory operator (and their eligible beneficiaries) who are not otherwise covered by this chapter and who are (or were) covered by a coal wage agreement shall only be determined by, and shall be subject to, collective bargaining, lawful unilateral action, or other applicable law.

"(f) Eligible Beneficiary.—For purposes of this section, the term 'eligible beneficiary' means any individual who is eligible for health benefits under a plan described in subsection (a) or (b) by reason of the individual's relationship with the retiree described in such subsection (or to an individual who, based on service and employment history at the time of death, would have been so described but for such death).

"(g) Rules Applicable to This Part and Part II.—For purposes of this part and part II—

"(1) Successor.—The term 'last signatory operator' shall include a successor in interest of such operator.

"(2) Reassignment upon purchase.—If a person becomes a successor of a last signatory operator after the enactment date, the last signatory operator may transfer any liability of such operator under this chapter with respect to an eligible beneficiary to such successor, and such successor shall be treated as the last signatory operator with respect to such eligible beneficiary for purposes of this chapter. Notwithstanding the preceding sentence, the last signatory operator transferring such assignment (and any related person) shall remain the guarantor of the benefits provided to the eligible beneficiary under this chapter. A last signatory operator shall notify the trustees of the 1992 UMWA Benefit Plan of any transfer described in this paragraph.

"PART II—1992 UMWA BENEFIT PLAN

"Sec. 9712. Establishment and coverage of 1992 UMWA Benefit Plan.

"SEC. 9712. ESTABLISHMENT AND COVERAGE OF 1992 UMWA BENEFIT PLAN.

"(a) Creation of Plan.—

"(1) In general.—As soon as practicable after the enactment date, the settlors shall create a separate private plan which shall be known as the United Mine Workers of America 1992 Benefit Plan. For purposes of this title, the 1992 UMWA Benefit Plan shall be treated as an organization exempt from taxation under section 501(a). The settlors shall be responsible for designing the structure, administration and terms of the 1992 UMWA Benefit Plan, and for appointment and removal of the members of the board of trustees. The board of trustees shall initially consist of five members and shall thereafter be the number set by the settlors.

"(2) Treatment of plan.—The 1992 UMWA Benefit Plan shall be—

"(A) a plan described in section 302(c)(5) of the Labor Management Relations Act, 1947 (29 U.S.C. 186(c)(5)),

"(B) an employee welfare benefit plan within the meaning of section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)), and

"(C) a multiemployer plan within the meaning of section 3(37) of such Act (29 U.S.C. 1002(37)).

"(b) Coverage Requirement.—

"(1) In general.—The 1992 UMWA Benefit Plan shall only provide health benefits coverage to any eligible beneficiary who is not eligible for benefits under the Combined Fund and shall not provide such coverage to any other individual.

"(2) Eligible beneficiary.—For purposes of this section, the term 'eligible beneficiary' means an individual who—

"(A) but for the enactment of this chapter, would be eligible to receive benefits from the 1950 UMWA Benefit Plan or the 1974 UMWA Benefit Plan, based upon age and service earned as of February 1, 1993; or

"(B) with respect to whom coverage is required to be provided under section 9711, but who does not receive such coverage from the applicable last signatory operator or any related person,

and any individual who is eligible for benefits by reason of a relationship to an individual described in subparagraph (A) or (B). In no event shall the 1992 UMWA Benefit Plan provide health benefits coverage to any eligible beneficiary who is a coal industry retiree who retired from the coal industry after September 30, 1994, or any beneficiary of such individual.

"(c) Health Benefits.—

"(1) In general.—The 1992 UMWA Benefit Plan shall provide health care benefits coverage to each eligible beneficiary which is substantially the same as (and subject to all the limitations of) coverage provided under the 1950 UMWA Benefit Plan and the 1974 UMWA Benefit Plan as of January 1, 1992.

"(2) Managed care.—The 1992 UMWA Benefit Plan shall develop managed care and cost containment rules which shall be applicable to the payment of benefits under this subsection. Application of such rules shall not cause the plan to be treated as failing to meet the requirements of this subsection. Such rules shall preserve freedom of choice while reinforcing managed care network use by allowing a point of service decision as to whether a network medical provider will be used. Major elements of such rules may include, but are not limited to, elements described in paragraph (3).

"(3) Major elements of rules.—Elements described in this paragraph are—

"(A) implementing formulary for drugs and subjecting the prescription program to a rigorous review of appropriate use,

"(B) obtaining a unit price discount in exchange for patient volume and preferred provider status with the amount of the potential discount varying by geographic region,

"(C) limiting benefit payments to physicians to the allowable charge under title XVIII of the Social Security Act, while protecting beneficiaries from balance billing by providers,

"(D) utilizing, in the claims payment function 'appropriateness of service' protocols under title XVIII of the Social Security Act if more stringent,

"(E) creating mandatory utilization review (UR) procedures, but placing the responsibility to follow such procedures on the physician or hospital, not the beneficiaries,

"(F) selecting the most efficient physicians and state-of-the-art utilization management techniques, including ambulatory care techniques, for medical services delivered by the managed care network, and

"(G) utilizing a managed care network provider system, as practiced in the health care industry, at the time medical services are needed (point-of-service) in order to receive maximum benefits available under this subsection.

"(4) LAST SIGNATORY OPERATORS.—The board of trustees of the 1992 UMWA Benefit Plan shall permit any last signatory operator required to maintain an individual employer plan under section 9711 to utilize the managed care and cost containment rules and programs developed under this subsection if the operator elects to do so.

"(5) STANDARDS OF QUALITY.—Any managed care system or cost containment adopted by the board of trustees of the 1992 UMWA Benefit Plan or by a last signatory operator may not be implemented unless it is approved by, and meets the standards of quality adopted by, a medical peer review panel, which has been established—

"(A) by the settlors, or

"(B) by the United Mine Workers of America and a last signatory operator or group of operators.

Standards of quality shall include accessibility to medical care, taking into account that accessibility requirements may differ depending on the nature of the medical need.

"(d) GUARANTEE OF BENEFITS.—

"(1) IN GENERAL.—All 1988 last signatory operators shall be responsible for financing the benefits described in subsection (c), in accordance with contribution requirements established in the 1992 UMWA Benefit Plan. Such contribution requirements, which shall be applied uniformly to each 1988 last signatory operator, on the basis of the number of eligible and potentially eligible beneficiaries attributable to each operator, shall include:

"(A) the payment of an annual prefunding premium for all eligible and potentially eligible beneficiaries attributable to a 1988 last signatory operator,

"(B) the payment of a monthly per beneficiary premium by each 1988 last signatory operator for each eligible beneficiary of such operator who is described in subsection (b)(2) and who is receiving benefits under the 1992 UMWA Benefit Plan, and

"(C) the provision of security (in the form of a bond, letter of credit or cash escrow) in an amount equal to a portion of the projected future cost to the 1992 UMWA Benefit Plan of providing health benefits for eligible and potentially eligible beneficiaries attributable to the 1988 last signatory operator. If a 1988 last signatory operator is unable to provide the security required, the 1992 UMWA Benefit Plan shall require the operator to pay an annual prefunding premium that is greater than the premium otherwise applicable.

"(2) ADJUSTMENTS.—The 1992 UMWA Benefit Plan shall provide for—

"(A) annual adjustments of the per beneficiary premium to cover changes in the cost of providing benefits to eligible beneficiaries, and

"(B) adjustments as necessary to the annual prefunding premium to reflect changes in the cost of providing benefits to eligible beneficiaries for whom per beneficiary premiums are not paid.

"(3) ADDITIONAL LIABILITY.—Any last signatory operator who is not a 1988 last signatory operator shall pay the monthly per beneficiary premium under paragraph (1)(B) for each eligible beneficiary described in such paragraph attributable to that operator.

"(4) JOINT AND SEVERAL LIABILITY.—A 1988 last signatory operator or last signatory operator described in paragraph (3), and any related person to any such operator, shall be jointly and severally liable with such operator for any amount required to be paid by such operator under this section.

"(5) DEDUCTIBILITY.—Any premium required by this section shall be deductible without regard to any limitation on deductibility based on the prefunding of health benefits.

"(6) 1988 LAST SIGNATORY OPERATOR.—For purposes of this section, the term '1988 last signatory operator' means a last signatory operator which is a 1988 agreement operator.

"Subchapter D—Other Provisions

"Sec. 9721. Civil enforcement.
"Sec. 9722. Sham transactions.

"SEC. 9721. CIVIL ENFORCEMENT.

"The provisions of section 4301 of the Employee Retirement Income Security Act of 1974 shall apply to any claim arising out of an obligation to pay any amount required to be paid by this chapter in the same manner as any claim arising out of an obligation to pay withdrawal liability under subtitle E of title IV of such Act. For purposes of the preceding sentence, a signatory operator and related persons shall be treated in the same manner as employers.

"SEC. 9722. SHAM TRANSACTIONS.

"If a principal purpose of any transaction is to evade or avoid liability under this chapter, this chapter shall be applied (and such liability shall be imposed) without regard to such transaction."

(b) AMENDMENTS TO SURFACE MINING ACT.—

(1) EXTENSION OF FEE PROGRAM.—Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "September 30, 1995" and inserting "September 30, 2004".

(2) TRANSFER TO FUND.—Section 402 of such Act (30 U.S.C. 1232) is amended by adding at the end the following new subsection:

"(h) TRANSFER OF FUNDS TO COMBINED FUND.—(1) In the case of any fiscal year beginning on or after October 1, 1995, with respect to which fees are required to be paid under this section, the Secretary shall, as of the beginning of such fiscal year and before any allocation under subsection (g), make the transfer provided in paragraph (2).

"(2) The Secretary shall transfer from the fund to the United Mine Workers of America Combined Benefit Fund established under section 9702 of the Internal Revenue Code of 1986 for any fiscal year an amount equal to the sum of—

"(A) the amount of the interest which the Secretary estimates will be earned and paid to the Fund during the fiscal year, plus

"(B) the amount by which the amount described in subparagraph (A) is less than $70,000,000.

"(3)(A) The aggregate amount which may be transferred under paragraph (2) for any fiscal year shall not exceed the amount of expenditures which the trustees of the Combined Fund estimate will be debited against the unassigned beneficiaries premium account under section 9704(e) of the Internal Revenue Code of 1986 for the fiscal year of the Combined Fund in which the transfer is made.

"(B) The aggregate amount which may be transferred under paragraph (2)(B) for all fiscal years shall not exceed an amount equivalent to all interest earned and paid to the fund after September 30, 1992, and before October 1, 1995.

"(4) If, for any fiscal year, the amount transferred is more or less than the amount required to be transferred, the Secretary shall appropriately adjust the amount transferred for the next fiscal year."

(3) CONFORMING AMENDMENTS.—(A) Section 401(c) of such Act (30 U.S.C. 1231(c)) is amended by striking "and" at the end of paragraph (11), by redesignating paragraph (12) as paragraph (13), and by adding after paragraph (11) the following new paragraph:

"(12) for the purpose described in section 402(h); and".

(B) Section 402(g)(1) of such Act (30 U.S.C. 1232(g)) is amended by striking "Moneys" and inserting "Except as provided in subsection (h), moneys".

Subtitle D—Miscellaneous

SEC. 20151. REMOVAL OF VOLUME CAP FOR CERTAIN HIGH-SPEED RAIL FACILITY BONDS.

(a) IN GENERAL.—Paragraph (4) of section 146(g) (relating to exception for certain bonds) is amended by inserting ", other than any such bond described in subsection (h)(1)" after "rail facilities".

(b) CONFORMING AMENDMENT.—Subsection (h) of section 146 (relating to exception for government-owned solid waste disposal facilities) is amended—

(1) by striking "section 142(a)(6)" in paragraph (1) and inserting "paragraph (6) or (11) of section 142(a)", and

(2) by inserting "AND HIGH-SPEED RAIL" before "FACILITIES" in the heading thereof.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 1993.

SEC. 20152. DEDUCTION FOR MOVING EXPENSE.

(a) IN GENERAL.—Paragraph (1) of section 217(c) of the Internal Revenue Code of 1986 (relating to conditions for allowance) is amended by striking "35 miles" each place it appears and inserting "55 miles".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expenses incurred after January 1, 1993.

SEC. 20153. AMENDMENT TO SECTION 781(a)(1)(B) OF THE TARIFF ACT OF 1930 (19 U.S.C. 1677j(a)(1)(B)).

In section 781(a)(1)(B), the phrase "produced in the foreign country with respect to which such order or finding applies" is deleted and the following new text is inserted in lieu thereof: "supplied by an exporter or producer in the foreign country with respect to which the order or finding applies, from parts or components from suppliers that have historically supplied the parts or components to that exporter or producer, or from parts or components supplied by any party in any foreign country on behalf of such an exporter or producer".

SEC. 20154. AMENDMENT TO SECTION 781(a)(2)(B) OF THE TARIFF ACT OF 1930 (19 U.S.C. 1677j(a)(2)(B)).

In section 781(a)(2)(B), the phrase "produced in the foreign country with respect to which such order or finding described in paragraph (1) applies" is deleted and the phrase "described in subparagraph (1)(B)" is inserted in lieu thereof.

SEC. 20155. AMENDMENT TO SECTION 781(a)(2)(C) OF THE TARIFF ACT OF 1930 (19 U.S.C. 1677j(a)(2)(C)).

In section 781(a)(2)(C), the phrase "produced in such foreign country" is deleted and the phrase "described in subparagraph (1)(B)" is inserted in lieu thereof.

SEC. 20156. AMENDMENT TO SECTION 781(b)(1)(B) OF THE TARIFF ACT OF 1930 (19 U.S.C. 1677j(b)(1)(B)).

The following phrase is inserted after the language of section 781(b)(1)(B)(ii): "or (iii) is supplied by the exporter or producer in any foreign country with respect to which such order or finding applies, or from suppliers that have historically supplied the parts or components to that exporter or producer,".

TITLE XX—REVENUE PROVISIONS

Sec. 20101. Amendment of 1986 Code.

SUBTITLE A—ENERGY CONSERVATION AND PRODUCTION INCENTIVES

Sec. 20111. Treatment of employer-provided transportation benefits.
Sec. 20112. Exclusion of energy conservation subsidies provided by regulated public utilities.
Sec. 20113. Treatment of clean-fuel vehicles.
Sec. 20114. Credit for electricity produced from certain renewable sources.
Sec. 20115. Repeal of minimum tax preferences for depletion and intangible drilling costs of independent oil and gas producers and royalty owners.
Sec. 20116. Increased base tax rate on ozone-depleting chemicals.
Sec. 20117. Treatment of certain ozone depleting chemicals.
Sec. 20118. Permanent extension of energy investment credit for solar, geothermal, and ocean property.
Sec. 20119. Nuclear decommissioning funds.
Sec. 20120. Alcohol fuels.
Sec. 20121. Determination of independent producers.
Sec. 20122. Tax-exempt of financing for environmental enhancements of hydroelectric generating facilities.

Subtitle B—Other Revenue Provisions

Sec. 20131. Elimination of deduction for club membership fees.
Sec. 20132. Modifications to tax on insurance policies issued by foreign insurers.
Sec. 20133. Trans-Alaska pipeline liability fund income tax offset.

Subtitle C—Health Care of Coal Miners

Sec. 20141. Short title.
Sec. 20142. Findings and declaration of policy.
Sec. 20143. Coal industry health benefits program.

Subtitle D—Miscellaneous

Sec. 20151. Removal of volume cap for certain high-speed rail facility bonds.
Sec. 20152. Deduction for moving expense.
Sec. 20153. Amendment to section 781(a)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1677j(a)(1)(B).
Sec. 20154. Amendment to section 781(a)(2)(B) of the Tariff Act of 1930 (19 1677j(a)(2)(B).
Sec. 20155. Amendment to section 781(a)(2)(C) of the Tariff Act of 1930 (19 U.S.C. 1677j(a)(2)(C).
Sec. 20156. Amendment to section 781(b)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1677j(b)(1)(B).

The PRESIDING OFFICER. Without objection, the first degree amendment, as amended, is agreed to.

So the amendment (No. 3318), as amended, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, there are many meritorious provisions in this bill which make it hard to vote against it.

For starters, the Medicaid and Medicare provisions that we were able to add are critical to physicians, hospitals, and others, particularly in rural areas.

We must repeal the luxury tax—before we sink the remaining few boat builders and before we crash the aircraft industry. The bill also repeals the luxury tax on jewelry and furs. It does not repeal the tax on autos. Personally, I would prefer to see a complete repeal and maybe we can work that out in conference.

We must help our critical areas through urban, rural, and Indian enterprise zones.

Many are relying on the extension of the expiring tax provisions.

And many are awaiting economic growth incentives, particularly the first-time home buyers tax credit and the modifications to the passive loss rules.

But there are at least two provisions that are unacceptable to the President. As I talked about last week, PEP and Pease are no more than a hidden tax rate increase.

As the Republican leader, with my vote I am expressing the views of the President. At least on these two provisions, the President has no choice but to veto the bill.

I cast my vote as a message to the conferees. If we don't fix this bill in conference, there will be no luxury tax repeal, there will be no enterprise zones, no extenders, and no real estate incentives.

I urge my colleagues to call upon the conferees to send a bill to the President that he will be able to sign.

MANAGED CARE AND MEDICAID

Mr. DURENBERGER. Mr. President, over the years health maintenance organizations and other forms of managed care have demonstrated their ability to deliver quality care at reasonable costs. Across the country nearly 600 HMO's have 34 million members, including almost one-third of the California population.

Yet managed care has yet to reach its full potential among Medicaid enrollees. The reason is that State Medicaid programs run into a series of Federal roadblocks when they try to establish managed-care programs. The biggest barrier is the need to receive waivers, a frustrating, time-consuming process. The Minnesota Medicaid program, for example, has used managed care for 20 years, yet needs no less than an act of Congress to continue its program past July 1996.

Minnesota's program demonstrates the benefits of managed care for Medicaid enrollees. It now serves 70,000 Medicaid clients, particularly in the Twin Cities and in Itasca County in northern Minnesota. To assure quality there's annual quality audits, member satisfaction surveys, State standards on access, random reviews of medical records, and many other provisions.

Clients need not suffer the stigma of Medicaid, since their plan identification is the same as that of other enrollees. The plans distribute pamphlets, using plain English, on how to use their services. And they innovate: a case management program for chemically dependent clients, community-based long-term care for enrollees who otherwise would be in a nursing home, a system where a nurse calls clients the day after a visit to ask if they have carried out their treatment plan, free transportation for those who need it.

Mr. President, not one of the points I have just made is true of fee-for-service providers. Though individual physicians, hospitals, and other providers may offer excellent care, the fee-for-service system is one in which there are no quality checks on providers, no coordination of care, and no financial incentives to innovate.

Last November Senator Moynihan and I introduced S. 2077, the Medicaid Managed Care Improvement Act, a long overdue effort to stop discouraging Medicaid managed care. After hundreds of hours consulting with States, providers and consumers, last month we introduced a revised version, S. 3191, that incorporated numerous improvements.

Our legislation enjoyed bipartisan support. Last week the Democratic Governors of New York and Pennsylvania wrote forceful letters urging its passage. President Bush personally endorsed it. The National Governors' Association was united behind it.

S. 3191 would have removed the waiver process and removed the 75/25 rule that limits Medicare and Medicaid enrollees to 75 percent of an HMO's total enrollment. It would have given Medicaid clients the choice of at least two managed care plans, and clients could have changed plans easily. It also would have allowed clients to keep receiving care even when they became temporarily ineligible.

Though we wanted the bill to be included in the package of Medicare and Medicaid improvements in H.R. 11, I accept Senator BENTSEN'S judgment that our bill was controversial and I understand his good reasons for keeping the package as noncontroversial as possible. And I am pleased that the package includes several provisions that would make it easier for Medicaid clients to benefit from managed care. For example:

States would be able to get waivers to establish primary care case management programs for 3 years initially and 5 years thereafter; currently waivers are limited to 2 years.

It would be easier for HMO's, especially those that operate for profit, to obtain waivers of the 75/25 rule. That measure was designed as an indirect guarantee of quality, but there's no evidence it has done so. Yet it has made it impossible to establish HMO's in neighborhoods with few privately funded clients.

States would be able to extend an enrollee's coverage for 1 month if the person otherwise would be temporarily ineligible for coverage. This has real benefits for continuity of care, which is so important for Medicaid clients. It is also a no-cost item, since it relieves States of considerable paperwork burden.

I believe Senator MOYNIHAN and I can take at least some of the credit for these provisions. I also hope that all the discussion of the last year has helped prepare the way for future action to make managed care available to more Medicaid clients.

Mr. President, as my colleagues well know, any important legislation will attract critics, and our legislation had critics with very specific concerns. But I also sense a nagging discomfort among some people about the whole idea of managed care for Medicaid clients. That is a topic that needs to be addressed.

First, there is concern that managed care reduces access to care. True, managed-care systems discourage clients from seeking care elsewhere. That is part of serving as a medical home and improving continuity of care. And under our bill clients would have had choice where it matters—among plans. Every Medicaid client in managed care would have had a choice of at least two plans—and could have switched plans at any time with little more than a month's notice.

Our current Medicaid system is hardly a gold standard of excellence in access. Congressman ED TOWNS, who represents a part of Brooklyn where one-third of the residents qualify for Medicaid, testified last April that:

> Freedom of choice becomes a meaningless concern when there are few or no providers willing to serve you. * * * Enrollment in a managed care plan, by contrast, can assure that Medicaid residents in Brooklyn and elsewhere have access to physicians whose credentials are carefully evaluated and who are required to be available to their patients on an around-the-clock basis.

Second, there is the feeling that managed care is necessarily worse care than what is available now. This is a remarkable opinion to hold, given the type of fragmented, low-quality care Medicaid clients too often receive now. It is true HMO's have financial incentives to underserve their clients—just as they have financial incentives to prevent illness, to avoid duplication of service, to deliver care efficiently and to find new, more effective ways of caring for their clients.

Because we anticipated this criticism and because we believe in quality assurance, our bill required managed care programs to provide locations, hours and patient/staff ratios at least as good as clients would otherwise have, to have formal quality assurance and grievance systems and to undergo an independent review every year. States would have to have had their own quality assurance systems, including client satisfaction surveys and grievance reviews. Fee-for-service providers don't have to meet any of these standards.

Third, there is the feeling that managed care is so risky that the Federal Government should micromanage any State that includes it in its Medicaid program. But HMO's have been around for decades and have been extensively studied. Thirty-one States have Medicaid managed-care programs, involving HMO's or primary-care case-management programs, with 2.7 million enrollees. The waiver process is appropriate when an idea is new and untested, but that obviously isn't the case here.

Mr. President, though I would have preferred to see S. 3191 debated on the floor of this chamber, I am pleased by the improvements that did make it into H.R. 11. I very much hope we will make further progress in the 103d Congress. It is high time for the Federal Government to stop discouraging States from offering Medicaid clients the benefits of managed care.

Mr. PACKWOOD. Mr. President, in a few minutes we will be voting on the urban aid tax bill.

We spent over a week on this bill on the Senate floor—2 days in August and another 4 days last week. We ended up considering roughly 80 amendments before wrapping things up Saturday.

This bill contains a lot of important provisions that have widespread support in this body:

First, a new enterprise zone program to provide much-needed relief to economically distressed urban and rural areas.

Second, 15-month extension of expired tax programs, such as: the R&D tax credit; the low-income housing tax credit; educational assistance; group legal.

Third, five of the President's seven short-term economic growth proposals, including a tax credit for first-time home buyers.

Fourth, capital gains relief for new venture capital investments.

Fifth, small market health insurance reform.

Sixth, a new child welfare program.

This bill also contains some important provisions for my home State of Oregon:

First, expansion of the Reforestation Trust Fund.

Second, a fix to the Treasury regulations for small woodlot owners that will allow them to prove they are active for the passive loss rules.

As I said on this floor last week, we do not know if the President will sign this bill. We do not know if he will sign any tax bill. We do not know what tax increases, if any, he will accept.

I ask my colleagues on this side of the aisle to move this bill forward. Give us a chance to work with the administration to shape this bill into one that the President may be able to sign. If the President doesn't like the final product, he will not sign it and that will be it. There will be no tax bill.

I wish to thank my colleagues on the Finance Committee for their work on the bill, and especially Chairman BENTSEN who worked hard to keep this bill as bipartisan as possible.

Mr. DURENBERGER. Mr. President, as this bill goes to final passage, I find myself in the unusual situation of liking the bread in this sandwich a lot better than the meat. The title of this bill refers to urban aid, but its most substantial lasting contribution will be in the area of health.

On the tax side of the ledger, I am reluctant to support this bill. In particular, I believe the concept of enterprise zones is fundamentally flawed and will not bring economic development to our Nation's inner cities and rural areas. In my view, the $5.2 billion proposed to be spent on creating 125 enterprise zones would be better spent on job retraining, infrastructure enhancement, and a host of other programs aimed at skill development for the unskilled and undereducated.

I also have concerns about opening the individual retirement account [IRA] door again. And I am especially concerned about the new type of IRA, the so-called back-door IRA which will allow individuals to contribute up to $2,000 to an IRA, receive no tax deduction, and then be allowed to withdraw the money, plus the earnings that built up, tax-free if the money is held in the account for 5 years. In addition, individuals could transfer their current IRA assets, penalty-free, into the back door IRA. I believe the $5.8 billion estimated revenue loss associated with this proposal is far understated.

On the other hand, Mr. President, the bill contains many tax provisions that I believe should be adopted. For example, the bill would allow corporations to calculate the depreciation component of the alternative minimum tax, the so-called alternative current earnings or ACE calculation, in a more favorable way than is currently permitted. And it provides some relief to the hard hit real estate sector of the economy by easing up the passive loss rules.

All of the expiring provisions including the R&D tax credit, the low-income housing credit, the targeted jobs tax credit, the tax credits for solar and geothermal, mortgage revenue bonds, and first-time farmer bonds will all be extended for more than a year.

I am pleased that the bill repeals the luxury tax on boats, airplanes, jewelry, and fur. This soak-the-rich proposal that evolved out of the 1990 budget agreement never should have been adopted. Another provision that I have long supported is the portion of the bill repealing the 1986 provision that subjected gifts of appreciated property to the alternative minimum tax.

The bill also includes a provision that I have cosponsored for several years that restores the deduction for the adoption of special needs children, and doubles the deduction to $3,000. I tried to save this provision in 1986 and believe that restoration of the deduction is an important accomplishment. Another provision of this bill that I have long been associated with is the provision that allows tax-exempt employers to establish section 401(k) cash or deferred plans.

Furthermore, Mr. President, I am pleased that legislation cosponsored by Senator BUMPERS and myself dealing with child-support is included in this bill along with my amendment that provides equity to employees of airline travel reservation services such as the one operated by Northwest Airlines.

Mr. President, what is most important to me, and the main reason I will vote for this bill, are the health provisions contained herein.

Partisan politicians for years have had a lot to say about health care, but they have found very little they could do about health care. This bill breaks that unfortunate pattern. Because of a genuine spirit of bipartisanship fostered by our chairman, LLOYD BENTSEN, and the combined expertise of many Members who have been studying and working on health care solutions long before it was politically hot, this bill is a major step forward for the health of Americans.

Mr. President, here are some of the most significant areas of progress in this act:

SMALL GROUP INSURANCE REFORM

A majority of America's uninsured and underinsured families are self-employed or work in small businesses. We have seen across the country that the price and coverage of policies offered to these people is a far cry from that available to workers in large- and medium-sized businesses. The language in this bill, which is based on S. 1872, which Senator BENTSEN and I introduced earlier this year, and S. 700, which I introduced last year, will restore equity and affordability to this market.

All companies selling insurance in the "small group market" will be required to offer a basic benefit plan to all small businesses. These packages would be exempt from State mandates, which have added substantially to the cost of insurance by adding coverages which are not essential.

Where you work shouldn't determine if you can get insurance. This bill can help us reach toward that goal.

HEALTH TAX FAIRNESS FOR THE SELF-EMPLOYED

For years we have been working to eliminate for good one of most unfair provisions in the entire tax code. A business gets to deduct 100 percent of the cost of the insurance it provides for its employees. But a farmer, or anyone else who works for him or herself only gets to deduct 25 percent. Not only do they pay more for less coverage, but they get less of a tax break to boot.

This bill gives the self-employed 100 percent deductibility, if not permanently, for the near future.

RURAL HEALTH ASSISTANCE

As a Senator from Minnesota, one of my foremost concerns is the ability of rural citizens to have access to quality care. This bill includes three important provisions toward that end.

We have reauthorized and expanded the Rural Health Transition Grant Program, which I authored in 1987. I am very proud of the fact that this program has already helped 88 Minnesota hospitals with over a million dollars in grants to help them adjust their services and facilities to changing economic conditions. We have now doubled the 1987 authorization level, and tripled the amount that individual hospitals can receive.

And we have extended two other programs which have been invaluable to rural hospitals: Rural Referral Centers and the Medicare Dependent hospitals, both of which adjust Medicare reimbursement rates to better reflect the true value of these hospitals to their communities.

These are hard times for rural hospitals, so these changes are literally the least we can do.

PHYSICIAN PAYMENT REFORM AMENDMENTS

Two years ago we set out to change the way Medicare reimburses physicians so we can get more of the kind of care we want, and where we need it. In this bill we make three necessary adjustments to physician payment: providing fairer reimbursement for the work of anesthesiologists; making sure that EKG interpretation receives proper priority, which was the subject of S. 2914, which Senator ROCKEFELLER and I have introduced; and third, eliminating discriminatory reimbursement cuts on new physicians, which Senator MCCAIN and I have sought to eliminate.

These changes help insure that quality medical service will be available when senior citizens need them.

MANAGED CARE PROMOTION

My Minnesota experience has shown me the value of managed care for simultaneously increasing quality and controlling costs. That's why Senator MOYNIHAN introduced S. 2077 and S. 3191 earlier this year. Borrowing some of the provisions of those measures, this bill will help people on Medicaid take advantage of managed care by adding additional flexibility to state programs to serve this population. Managed-care waivers from Medicaid provisions will be easier to obtain, can be of longer duration and will allow for States to automatically extend coverage for one month for those who would otherwise become temporarily ineligible.

Managed care is part of the answer to our health problem and the Medicaid program is an excellent place to demonstrate its effectiveness.

MINNESOTA IDEAS INCORPORATED

I am particularly pleased that the Finance Committee package recognizes several concerns which were brought to my attention by Minnesota health providers.

The bill deals with an anomaly in the law which jeopardized the continuation of the excellent care provided by the Phillips Eye Institute of Minnesota.

The University of Minnesota, where some of the Nation's foremost organ transplantation work is going on, suggested that Medicare should extend the period of reimbursement for the immunosuppressive drugs so necessary to transplant patients. That has been done in this bill.

I welcome the approval of an extension of the Alzheimer's Disease Demonstration Program, so that the excellent work being done by the Wilder Foundation in Minneapolis can continue.

And the bill's approval of an inflationary update for the dialysis composite rate will prevent hardship in dialysis units across rural America.

Mr. President, America has a long way to go before we can rest on the quality, access and cost of the health care available to our citizens. That is why we cannot afford to let politics set the agenda for action.

This bill doesn't include everything I would have wanted. I wish that the calendar and unfounded controversies had not prevented us from dealing with the ERISA preemption issue which is holding back States like Minnesota who want to expand access. I wish we could have debated and enacted additional Medicaid managed care issues and further benefits for rural health. But I'm very pleased at the progress we have made.

I again wish to thank and credit my chairman for making this happen. I also want to highlight the fact it was bipartisan cooperation among many members that has helped move us forward.

We have a huge agenda before us in the 103d Congress. The action on this bill gives me confidence that together we can make real progress next year toward the healthier America every one of us seeks.

So, Mr. President, my vote on this tax bill is decided on balance. I have concluded that the good this bill can do for Minnesota exceeds the harm. Politics, in the late Senator Javits' famous formulation, is the art of the possible. By that limited standard, this bill deserves our support.

Mr. ROTH. Mr. President, I rise in support of H.R. 11, the Revenue Act of 1992. And I would like to publicly commend the chairman of the Finance Committee, Senator BENTSEN, as well as the ranking member, Senator PACKWOOD, for a stalwart demonstration of leadership. Together, they successfully moved this bill through the committee to where it stands today—a postitive first step in a much-needed overhaul of America's Tax Code.

Though this bill isn't perfect, I call it a positive step because it does several important things to promote economic growth. The strongest drawback to this bill is an extension of the mistake made in 1990 to raise taxes. I am strongly opposed to this extension of these taxes and I will work hard to remove these disincentives and penalties from this bill in conference.

With that said, there is much to recommend H.R. 11:

First, it creates enterprise zones to rehabilitate economically depressed areas throughout America. It allows for these enterprise zones to be created with as little Government interference as possible, encouraging private enterprise and market values that are fundamental to America's strong economic legacy. What a tremendous transformation this is, from the old, worn-out social policies that stifled self-reliance and engendered ever-increasing dependence on Government.

Second, this bill offers important reforms to health care. One that I am strongly supportive of is the provision that allows self-employed Americans to deduct 100 percent of their health insurance costs.

This, again, is a principle of empowerment—giving Americans what they need to meet their needs. Toward this end, this bill extends fairness to all American risk-takers—those men and women who are the backbone of our economy. This bill allows our farmers, our small businessmen and businesswomen the ability to take ordinary and necessary business deductions for health insurance that have always been allowed for larger business.

Third, H.R. 11 rightly extends expiring tax provisions that are critical to the future competitiveness of America—provisions like the research and development tax credit, mortgage revenue bonds, employer provided education expenses, among others. It also expands the education savings bonds and simplifies the tax law for charitable organizations—another mainstay of our society. I am also happy to see it provide some tax simplification for all taxpayers.

Fourth, this bill finally does away with the luxury excise tax, a tax that I fought vehemently in 1990, and a tax that has proven devastating to many of our industries and workers. Likewise, it contains five of the President's seven growth incentives that he proposed as part of his budget last January. I do wish Congress could have acted more quickly on moving these initiatives, passing them by the March 20 deadline he asked for; as they say, however, better late than never. I hope that in due time we will also be able to come together on a meaningful cut in capital gains taxes as well as investment tax allowances to encourage investment in machinery and equipment by our Nation's manufacturers. Both of these will be fundamental to a strong American economic future.

Finally, Mr. President, I support this bill because it contains what I believe will be a strong instrument in improving our economy. It contains the Bentsen-Roth IRA. I have said much about the virtues of this provision over the last few months. But I don't think it's importance can be overemphasized. Bentsen-Roth puts families first. This is a provision that is good for the home. When so much is being said about family values, this IRA which encourages self-reliance, which allows for penalty-free withdrawals for first-time home purchases, education costs and health care bills, is a strong bipartisan effort to secure those values. With the Bentsen-Roth IRA families have a powerful instrument to take control of their futures—to take control of their futures according to their respective needs and time frame.

Bentsen-Roth is also great for America—for capital formation and investment. In the past, I have cited the figures. Studies show how much capital can be raised for future businesses, for research and development, to rebuild infrastructure, plants, educational institutions and to purchase machinery and equipment. One study, by the respected Lewin/ICF economic group shows that Bentsen-Roth will increase new capital by at least $31 billion in 1995, and by $838 billion by the year 2030. This is what America needs. This same study shows that our gross national product will be at least $75 billion greater by the year 2030, while interest rates would be at least 1.5 percent less, all because Americans will be saving more—encouraged by the incentives provided in Bentsen-Roth.

These are the reasons I'm supporting this bill. There are others. And, as I have said, there are things I would like to see done differently. Most notably, I would like to see those taxes raised in the 1990 bill—taxes that were set to expire in 1995—expire. I think it is deceptive to tell the American people one thing and then to do another. But I believe that even in this flaw we can learn a valuable lesson: We learn that when Congress gets a hold of the taxpayers' money, it seldom, if ever, lets go. That's something we should all keep in mind in the years to come.

For my part, I will continue to press for the elimination of those taxes. I will continue to keep Congress' feet to the fire. But for now, this bill represents a good, bipartisan effort to correct many of the gross deficiencies in our Tax Code. In time, I hope we can get them all.

Mr. BRADLEY. Mr. Speaker, before we pass this bill today, there is one question that I would like each Senator to ponder. Will our country be better off with this tax legislation than without it?

Our Nation is at a crossroads. Our economy is growing so slowly as to make it feel like the recession never ended. We are adjusting to a new era of international competition—an era that offers not only new challenges but tremendous opportunities. And we continue to face a fiscal crisis in the form of a staggering national debt. We can no longer afford to play by the old rules. We can no longer delay leadership.

Mr. President, there are provisions in this bill that I strongly support. I believe the crisis in our cities has come to the point that we have to be open to new policy options. We should combine the best of the left with the best of the right. I would like to commend Chairman BENTSEN for his efforts to fashion an enterprise zone proposal that focuses on job creation and not on rewarding wealthy investors and corporations. I also strongly support the provisions calling for further investments in substance abuse prevention, foster care, job opportunity, and basic skills training programs.

But this is a $30 billion urban aid bill that spends only $5.8 billion on urban aid. The largest share of this spending goes to enterprise zones. But tax breaks alone will do little to change the conditions of our inner-cities and attract business. Companies need to be assured that they will have adequate transportation systems for their goods, that they will be able to ensure the physical security of their workers, and that they will be able to draw upon a well-educated, well-trained work force. To truly change the situation of those living in urban blight, we need to invest significant national resources in transportation, in crime prevention, in public infrastructure, and in human capital. The message this bill sends to our inner cities is that we do not know what to do, we are not going to think about what to do, and if forced to do something by riots and news coverage, we will conjure up a modest tax break and hope that it works all by itself.

The increase in the number of enterprise zones to 125 only reveals the hollowness of the urban spending amendment which was added to the tax bill. $300 million is to be divided up among 125 cities and 38 social programs—for an average of about $63,000 per program. That is about six slots in the Job Corps. It is a teacher and a half. It is one or two more cops walking the beat in a community policing effort. In my view, this is only token urban assistance.

Still, if this bill had remained just a limited urban aid bill, I could have supported it. Unfortunately, it did not. We spend about as much to extend the so-called expiring provisions as we do on urban assistance. Keeping these provisions in limbo is clearly bad tax policy and the time is long overdue to extend the good ones permanently and let the others expire once and for all. We have also added a new wrinkle to the extenders by linking them up with the section 29 credit—an obsolete energy credit that distorts markets and harms small energy producers throughout the United States. Another $5 billion in the bill goes for simplification, luxury tax repeal, member items, and the like. Some of these measures make sense; others do not.

But the biggest share of the bill goes to the President's growth package. It sees that anytime someone wants to pass a tax break around here, they simply have to cloak it under the title of a "growth" incentive or a "jobs" policy. Does anyone really believe that a $12 billion tax package will spark a $6 trillion economy? Does anyone really believe that a 6-month rebate program for home purchases will create long-term growth? Does anyone really believe that an IRA proposal that will cost billions of dollars in tax revenues in the years outside the budget window will increase our national savings rate?

Mr. President, the reason we are where we are today is that Congress and the President—in our desire to meet the many needs of the American people—find it easier to expand programs and to pass tax breaks than to eliminate programs and to increase taxes. It is important to remember that we can spend money just as easily through the tax code as through the appropriations process. But unlike the appropriations process, tax breaks are not debated every year—they go on and on until we can muster the courage to take on the special interests.

This bill is no different. We will spend $2.1 billion to provide tax relief to wealthy real estate developers. We will spend $1.3 billion to give capital-intensive industry their tax breaks back in the alternative minimum tax. We will spend $1 billion to subsidize a small number of oil and gas producers. And we will spend over $6 billion to give taxpayers in the top 20-percent backloaded, rolled-over IRA's.

The inevitable result of shuffling all this money around is that narrow groups of taxpayers win while the rest of us lose. We pay for the real estate relief by hitting corporate America. We pay for the IRA's by taxing the same group that receives the benefits of the IRA's—robbing Paul to pay Paul. And perhaps most importantly, to the extent that this bill is not fully paid for in the years outside of the budget window, we place an increased burden on the backs of our children and our grandchildren.

Mr. President, at some point, we are going to have to be honest with the American people about what it will really take to create long-term growth. I would like to repeat the alarm message which the General Accounting Office sent us earlier this year. If we continue our current spending and revenue paths, the deficit could reach 20 percent of GNP by the year 2020 and net annual interest costs could rise to over a trillion dollars. Put simply, if we fail to return to fiscal sanity, we risk making the United States a second-rate economic power.

Fiscal accountability should be the minimum standard by which we judge all of our actions in this institution. But, Mr. President, we are not giving the American people a true accounting of the costs of this bill. We set an honesty trap back in 1986 when we did tax reform. If you put loopholes back into the Code, one of two things happen. You either have to increase tax rates or increase the deficit. My fear is that this bill takes the latter approach. With a national debt now over $28,000 per worker, we must stop playing games with the budget rules and with the deficit.

Roughly half of the money we use to pay for this bill is either temporary or comes from one-time speedups in tax collections. We claim to raise $6.6 billion from changes to the corporate and individual estimated tax provisions alone. These are not new revenues, but simply manipulations of the timing of tax receipts. We claim to raise $7.7 billion by extending two provisions passed in the 1990 budget agreement—the so-called Pease and PEP provisions. These also are not new revenues, but rather an extension of current tax liability. And many of the revenue-losing provisions of this bill are jiggered so as to hide their true costs outside of the budget window. The IRA proposal includes backloaded accounts and rollovers that push the costs of the proposal beyond 5 years. The section 29 credit is billed as an 8-month extension, but continues to lose revenue into the next century. The retroactive election provision of the intangibles legislation lets companies purchase tax amnesty at the price of 50 cents on the dollar; this legislation could cost us up to $2 billion per year outside of the budget window. If something is worth doing, Mr. President, then we should be willing to pay for it fully, openly, and honestly.

Mr. President, I look forward to the day when we can get to work on the long-term solutions that we all know we need—solutions that will lead to less consumption, more savings, and more investment. However, because I believe this bill spends too little on our urban crisis and too much on loopholes primarily used by wealthy Americans and corporations—because I believe this bill will add to our budget deficit and harm our prospects for real growth—I cannot vote for it.

Mr. LEAHY. Mr. President, I remember a time when the bill before us was called the urban aid tax bill. President Bush and congressional leaders agreed that our Nation's cities desperately needed help. We decided that relief would be provided to cities in the form of financial aid and tax subsidies.

This past summer, Congress passed the first part of an urban aid package by funding $1.1 billion in small business loans, disaster assistance, and summer jobs.

Today, the second part of that urban aid package—the tax bill—is before us.

Unfortunately, this bill got lost along the way.

Instead of helping our inner cities, this bill is nothing more than a collection of special interest tax breaks and loopholes thrown together under the guise of helping America's cities.

Instead of a helping hand for those in need, this is a handout for well-healed Washington lobbyists. With this bill, for a select few, Christmas arrives 3 months early this year.

Let us look at the facts.

The tax bill before us doles out $32 billion in new tax breaks. Of that, only $5.3 billion goes to help cities.

The lion's share of aid in this bill—over $25 billion—benefits corporations, high-income individuals, and special interests. It has little to do with the revitalization of our cities.

To add insult to injury, this bill will significantly add to the deficit. Sure, the bill is technically paid for over 5 years. However, most of the revenue sources in this bill are temporary while the tax breaks in this bill are permanent. The net result: This bill will add tens of billions to the deficit annually by the turn of the century.

Guess who is going to pay for the deficit increase in this bill. The taxpayers of the United States.

The Federal deficit is gnawing at the foundation of our country. Instead of teaching our children, fixing our bridges, and cleaning up our environment, the Federal Government has to spend nearly $1 out of $5 just to pay foreign governments, international banks, and others for the interest on the debt.

In 1986, I supported the Tax Reform Act which closed many special interest loopholes in our Tax Code. This bill continues the chipping away of the reforms we made in 1986. And for what? To rebuild our cities?

Expanding tax breaks for those giving charitable gifts to universities will not improve the condition of our cities. Neither will the section 29 tax credits, accelerated depreciation tax breaks, nor easing of passive loss rules.

None of these changes fight poverty in America, rebuild our cities, or make urban areas industrially competitive.

Extending tax credits for research and development, low-income housing, IRAs, and first-time home buyers are all provisions I support. But these provisions do not belong in a tax bill aimed at helping impoverished urban areas.

It is true that the bill contains an enterprise zone provision aimed at aiding the cities. But this provision seems tentative at best.

Enterprise zones are not a panacea to the problems faced by our cities, but they can play a role in promoting urban economic revival. The enterprise zone provisions in this bill provides minimal aid.

If Congress and the administration want to spend $32 billion on urban recovery, there are many better ways to do it. Worker retraining programs, mass transit, public works investment, and increased law enforcement are several examples. All do more for American cities than the tax breaks in this bill.

Last March, the Senate passed an economic recovery tax package containing 80 percent of what the President asked for in his State of the Union Address. Instead of signing the bill to get this country moving, he chose to veto it.

Now, with the election fast approaching, the administration wants a bill it can sign. Unfortunately, this bill will not help the cities nor get the economy going.

It is nothing more than a grab bag of special interest tax breaks.

This is the wrong bill, at the wrong time, for the wrong reasons.

Mr. DODD. Mr. President, the frequency with which we change the tax code is both a blessing and a curse. It is a blessing because it gives us opportunities to correct past mistakes. It is a curse because it gives us a chance to make new ones.

In many ways, we would not need today's bill were it not for past mistakes. The 1986 Tax Reform Act, which I opposed, hobbled the usefulness of individual retirement accounts, a key incentive needed to bolster the national savings rate and our long-term economic health. That same bill also devastated the commercial real estate industry by retroactively repealing the passive loss rules, instead of gradually taking the air out of the speculative bubble created during the early 1980's.

But in correcting these mistakes, we would be doing as grave disservice if we made a whole host of new ones. For example, we should not repeat the history of the 1981 Reagan tax bill, which opened the floodgates to the massive deficits of the 1980's. This bill must do no further harm to a Federal budget already seriously out of kilter.

In this regard, I note that the bill is deficit-neutral over the first 5 years of its life. That is required under the terms of the 1990 Budget Enforcement Act, and rightly so.

Regrettably, the effects of this bill on the deficit after that 5-year period are much less certain. I am concerned by this. If it becomes clear this bill would have further deleterious effect on the deficit, we should revisit it, and should ensure that this legislation remains deficit neutral over the long haul.

Mr. President, we debate this bill at time when Americans, more than anything else, need jobs. The thousands thrown out of work by the current recession need jobs to get back on their feet and get their heads above water. Americans who live in our Nation's cities need jobs to rise above poverty and grasp a better future for themselves and their children.

This bill would put Americans back to work.

It would put people to work by helping to get the economy moving again. For example, the $2,500 first-time home buyer tax credit will help rejuvenate the housing industry and create jobs for builders—even as it helps push those at the margins of home ownership affordability over the top and into a home. Moreover, as I have already alluded, this bill's passive loss provisions will also help create jobs by pushing the commercial real estate industry toward recovery.

This bill would also help set our Nation on a more secure footing for the long term, so that Americans have good-paying jobs in the future.

This is critical because many of our current economic woes are the product of more fundamental structural changes. International economic competition is intensifying, and regrettable, we are losing much of our manufacturing base. My State of Connecticut, for example, has lost one-third of all its manufacturing jobs over the past decade.

The bill's individual retirement account provisions will offer Americans added incentive to save—by restoring the deductability of individual retirement accounts for all Americans, and by creating a new type of Super-IRA account. Boosting the national savings rate will help ensure that American companies have easier access to the capital they need to upgrade their plants and equipment.

H.R. 11's IRA provisions will also bring needed help to millions of middle-income Americans, who have seen their taxes increase and their incomes stagnate over the past decade, even as the cost of housing and higher education skyrocketed. True? Allowing penalty-free withdrawals from IRA's to pay for college or to make a downpayment on a first home will help bring the American dream back within reach for many.

The bill also promotes our Nation's long-term economic health by retroactively extending a series of Tax Code provisions that expired on June 30. These include the targeted jobs, low-income housing, and research and development tax credits, along with the mortgage revenue bond program and the deduction for employer educational assistance.

We need these incentives to promote research and development by U.S. companies, and to encourage the hiring of underprivileged young people. We need them to foster the creation of affordable housing, and to give employees added incentive to get additional work-related education. All of these are important national objectives, and I would hope that all will eventually become permanent features of our Tax Code.

Another important provision of this bill extends the tax credit for development and production of domestic alternative energy sources. This is critically important if efforts to develop sources of energy that preserve the environment are to continue. In my State of Connecticut, for example, companies are working to perfect fuel cells that turn waste methane gas from landfills into electricity, and extension of the credit will be extremely helpful in furthering that research.

Last but certainly not least, Mr. President, H.R. 11 would create 125 enterprise zones. Seventy-five of these will be in cities, and 50 are to be in rural areas. Significantly for Connecticut, 40 of the 75 urban zones are reserved for cities with 500,000 or fewer inhabitants—meaning that the Bridgeports and New Havens and Hartfords of our Nation will not compete directly with New York and Los Angeles for a zone designation.

Enterprise zones are not the panacea for our urban problems, Mr. President, but they will help. We already know that from experience. Connecticut was one of the first States in the Nation to develop an enterprise zone program at the State level, and our 11 zones have seen some major successes.

Over the past decade of its existence, for example, the Hartford zone has seen the investment of $42 million, and the creation of 1,500 jobs. That is without any Federal incentives. The addition of the Federal component will only enhance the power of these zones to attract jobs back to our cities. And this is needed, because there is no better social program ever created by the mind of man than a job.

Mr. President, while I recognize that the core of this bill is solid and beneficial, I also know that there are a number of extraneous provisions which have climbed on for the ride. I would hope the conferees can tighten the bill in the course of the upcoming conference to produce a bill that merits everyone's support, and I certainly hope the President will join in this effort.

Clearly, this bill is not the only step we must take to build a better economic future for our Nation. We need to balance the budget. We must radically reform our system of elementary and secondary education. We must continue to assist defense-dependent industries and communities as they make the transition to a world of reduced defense spending.

Nevertheless, this bill is a first step as we reorder our priorities. It shifts the emphasis away from consumption, and toward long-term savings and investment. And it will help revitalize our cities. Americans will be better off if this bill passes, Mr. President, and for that reason, I urge my colleagues to support it.

Mr. McCAIN. Mr. President, let me begin by stating that I am opposed to this legislation because it represents what is wrong with our budgetary and fiscal policy. This bad legislation is the product of a bad system.

The system is so flawed that a 60-vote supermajority is required to cut taxes while only requiring a simple majority of 51 votes to raise taxes. The so-called pay-as-you-go provision from the 1990 budget deal separately requires that any revenue-loosing tax cut must be offset by another revenue-raising tax increase. The net effect being an economic wash. Transferring wealth from one group in society to another does not fundamentally increase the wealth or standard of living of that society.

The Congress should not be limited by such a counterproductive legal requirement. We will never stimulate economic growth or jobs by shifting the same dollar around. It is still only one dollar. We need a budgetary and fiscal policy that pays for tax cuts with spending cuts, not just another, but different, tax increase.

The so-called urban aid package ultimately is just another tax increase. We have all learned the hard way what a disaster a tax increase is during a recession or slow-growth period from the 1990 budget deal. I voted against that deal because I thought that tax increases would only stifle economic growth and eliminate job opportunities. And, that's what happened. I am against this fiscal shell game for the same reasons. It will not increase economic growth. It will not add jobs. It will not reduce the deficit. And, it will do little for urban areas.

Despite the lessons we should have learned, H.R. 11 permanently extends failed provisions of the 1990 budget deal. Congress is alone in its belief that we can tax our way to prosperity. I know differently. We cannot, and never will, tax our way to prosperity. Passage of this legislation will only take us one step closer to the economic poor house.

While there are many tax cuts in this legislation that I support, and will continue to support, those tax cuts should not be paid for by tax increases. Tax cuts should be paid for by spending cuts. We must begin reducing the tax burden and the size of government. Both are strangling the life breath out of our economy.

I would like to add that I have been a supporter of tax incentives like enterprise zones as a potent means to expand economic growth and job opportunities. Congress got it half right this time by including various tax incentives, but the bad provisions of the bill outweigh any benefits from the included tax incentives. I hope Congress keeps moving in the right direction toward tax incentives for economic growth, jobs, and opportunity.

I strongly urge my colleagues to vote against this ill-conceived revenue bill.

Mr. GORTON. Mr. President, the tax bill before us today presents another example of Congress again trying to be all things to all special interest groups. I have been around Congress long enough to know, of course, that one Senator's special interest group is another Senator's constituency. And, frankly Mr. President, this bill provides many things to many of my constituencies.

In its totality, however, I must vote against this bill because of four provisions: First, the making permanent of the temporary 1990 budget agreement tax increases; second, the onerous impact of the change in tax estimate procedures on small business; third, the excessive new entitlement program the bill creates; and fourth, the excessively generous and costly individual retirement account expansion contained in the bill.

Before I speak to each of these issues, I want briefly to touch on the provisions of this bill I do support. And, despite my opposition to the legislation before the Senate today, I will support the tax bill if it returns from conference with the House with the appropriate changes.

One of the most appealing provisions of the pending legislation, a provision which directly affects an important constituency of mine, relates to the repeal of the luxury tax. Most specifically, I am concerned about the effects of the luxury tax on the boat building and selling industry in Washington State.

These are large industries in my State. Employers such as Bayliner and Tollycraft employ hundreds of individuals in the State of Washington. After visiting Bayliner, I was so swayed by the plight of that company and its employees that I signed on as a cosponsor of the legislation to repeal this tax. These companies and others have contacted me urging me to do everything I can to repeal this onerous, industry-crippling tax.

I deeply regret that I cannot support the legislative vehicle which overturns the luxury tax on boats. I voted against the imposition of this tax and remain a strong supporter of repealing this tax. I will not, however, support the repeal of the luxury tax on boats at any cost. This bill, unfortunately, exacts far too large of a cost as I will detail later.

Another important provision in H.R. 11 is the provision prohibiting the imposition of the source tax. In brief, this tax is imposed by States on nonresidents' pensions under the dubious rationalization that the retirees worked in the State imposing the tax while accruing their pensions.

This tax by one State on a former resident's pension is a major and unfair irritant to the many individuals who chose the beautiful State of Washington as a place to retire. Residents around my State have contacted me and expressed their frustration at the imposition of this tax. Here also, I am a cosponsor of the legislation which prohibits States from imposing this tax on nonresidents' pension income. But, again I cannot support the vehicle by which the imposition of this tax is prohibited.

Finally, many of my constituents have called to urge my support of those provisions in H.R. 11 generally called the tax extender provisions. As my colleagues are aware, the Congress generally finds some vehicle to extend these tax breaks every year or so. Included among these popular provisions are tax breaks for low-income housing, corporate research and development, a targeted jobs tax credit, mortgage revenue bonds, and employer provided educational assistance.

All of these tax breaks have large constituencies in my State urging me to support passage of this bill. The housing agencies called about the low-income housing tax credit. Many corporations and business contacted me about the R&D tax credit and the employer provided educational assistance. All urged me to pass H.R. 11 because of one important provision or another.

This is no accident. Those who drafted the bill have married these justified provisions with dozens of dubious or bad special provisions which would never pass on their own, hoping that they can become law under cover.

Mr. President, I cannot ignore the fact this is almost a 2,000-page piece of legislation which costs $21 billion in either lost revenue or new expenditures. I support all of those provisions urged on me by my constituents, the boat builders and sellers, the retired senior citizen whose pension is being taxed by his former State's government, or the conglomeration of nonprofit agencies and for-profit businesses that will benefit from the extension of worthy tax breaks. I cannot, however, ignore the larger ramifications of many of the provisions in this bill and will not be bought out or bullied into accepting higher taxes for fear of angering important constituencies.

First, and foremost, I am concerned about either retaining tax increases scheduled to be phased out or increasing taxes during this time of a weak economy. I voted against those taxes which were increased as part of the 1990 budget deal. Among these taxes are: First, extension of the 55 percent top estate and gift tax rate for 5 years; second, extension of the personal exemption phaseout for upper income taxpayers for 1 year; and third, extension of the itemized deduction limitation for upper-income taxpayers for 2 years.

Mr. President, I voted against those taxes then for the same reason I do not want to vote for making them permanent now. The problem is not a lack of revenue; the Federal Government will collect over a $1 trillion this year. These are provisions which I believe are unproductive and detrimental to the economy.

To quote former President Ronald Reagan, "There you go again." Once again the democratically controlled Congress is creating a set of new or expanded programs with the passage of this legislation. And once again, this democratically controlled Congress insists on raising taxes to pay for these new programs rather than prioritizing these needs within the current tax base of the country.

Another provision of the bill of concern to this Senator is not directly a tax increase. The provision, euphemistically called a revenue raiser, is nothing more than an extortion from America's small business owners. As part of this bill, individuals making over $120,000 are required to pay 120 percent of the previous year's tax liability for the current year, or incur large tax penalties.

As we tried to explain during last spring's debate on the Democratic growth package, these people are America's small business owners, incorporated as subchapter S corporations. By law these small business owners must take all of the firms' profit in as personal income.

The National Federation of Independent Business [NFIB] has pointed out that the No. 1 problem confronting small businesses throughout this country is "cash flow." This provision of H.R. 11 without a doubt will complicate and confuse small businesses. These businesses will have accurately to predict the revenues to be generated by their businesses or face onerous and outrageous tax penalties. These businesses will either pay the higher taxes which they don't owe to the Government to avoid these penalties or pay an accountant accurately to predict and report the year's earnings.

In either case, the bottom line for small businesses is that cash flow and their businesses will be hurt by this tax bill. I do not believe that this bill contains provisions of such importance that this Congress should consider further burdening our country's small businesses with regulations of this kind, especially because these new regulations are designed to raise money that the Federal Government is not owed. Primarily, this is an accounting gimmick designed to make the budget deficit look smaller, not actually to increase revenues. In this Senator's view, we should not play these games with people's livelihoods.

The bill before the Senate today, in the name of Urban Aid, also creates a new entitlement. The goal of the program is to improve the delivery of child welfare services. As far as this Senator can tell, this is an entitlement for bureaucrats.

The amount of money is capped at a set amount, approximately $300 to $400 million per year. A positive development in the area of entitlements, I wish all of our entitlements were so capped. In this Senator's view, however, it still represents money that this country does not have and cannot afford to spend.

The administration agrees with the goals of this program, as does this Senator. Improving the delivery of services to children in need is important.

From my standpoint, and that of the administration, however, there are two problems with the provisions in the bill relating to child welfare services. First, the amount of money included in H.R. 11 is significantly greater than the amount of money the administration requested. It only requested $1.3 billion, one time. The program will spend several hundred million dollars a year, permanently.

Second, this proposal is significantly less flexible than what the administration requested. The administration wanted a block-grant States could use in the best way they saw fit. The bill's provision requires the money be used to improve a specific set of child welfare programs.

The final, and in many was most excessive, provisions included in this bill are those related to the expansion of individual retirement accounts. I am a supporter of IRA's and believe that they do provide an appropriate private savings vehicle for retirement for many Americans. But the inclusion of the Bentsen-Roth proposal in this bill goes way beyond what is either appropriate or which this country can reasonably afford given its current budgetary problems.

I am most troubled by three aspects of the $8 billion IRA provisions in the bill. First, some estimates of the outyear budgetary impact of these provisions estimate that the Federal Government may lose $10 to $15 billion per year after the first 5 years. This revenue loss will occur primarily because of the nondeductible but nontaxed interest accumulation of a new special IRA created by the bill.

Second, I believe the proposal is shifting away from an emphasis on savings for retirement. This proposal allows for contributions in the nondeductible IRA to be withdrawn after only 5 years. The proposal also allows for withdrawals for several worthy purchases or expenditures such as first-time homebuyers, education, and/or large medical bills. All of these are important purchases in the life of consumers. But any financial planner will tell you that savings for retirement must be above and beyond these expenditures. We should not be providing such easy access to a pot of money being saved for retirement.

Third, and most importantly, I believe the Federal Government needs to get its financial house in order. Instituting a new program which loses revenue, significant revenue in the outyears, is sending the country's taxpayers a mixed message. It is ridiculous to say to consumers, save, save, save while Uncle Sam continues to borrow and spend, spend, spend.

Mr. President, as I said, I will not support H.R. 11. I cannot justify voting for this bill just because of the few provisions of this bill which I support. I believe my constituents will understand that I must weigh the bill in its totality. And, as I have laid out above, in its totality, this bill does not, and will not, meet its stated goals of urban revitalization or economic growth and creates new entitlements and loses revenue for the Federal Government this country cannot afford.

Mr. SANFORD. Mr. President, I intend to support this tax legislation. It is certainly well intentioned. After the President vetoed the bill passed by the House and Senate last spring, the idea of wide-ranging tax legislation was largely put to rest for this session. The explosion in Los Angeles revived talk of new tax approaches to dealing with investment in inner cities.

In addition, there is broad support in both Houses for two other aspects of this bill, the so-called extenders and repeal of the luxury tax on boats. The tax credits that are expiring have proven track records. They are accomplishing what we want them to do. And most of us agree that they should be extended. So, this bill contains legislation to extend those credits.

We have also learned from experience that the luxury tax did not accomplish what we wanted. It has almost killed the boat building industry in this country. It has raised very little revenue, and it has put thousands out of work at far greater cost to the U.S. Treasury than any revenue it was even intended to generate. Instead of generating revenues, this ill-conceived tax, which I opposed from the outset, took hard-working, highly skilled taxpayers off the rolls of those who pay taxes and put them on the rolls of those who receive unemployment or take service jobs at minimum wages. So, again, there was broad bipartisan support to repeal that tax.

The real estate industry has been in the doldrums for several years, but this bill extends the depreciable life of real estate which will probably put more construction workers out of work and push real estate values down even further. That, of course, will cause a further erosion in local government tax bases and in the value of portfolios at banks, savings and loans, and other financial institutions.

It is clearly not a perfect bill, but there are some important positive aspects such as the enterprise zones, the extenders, repeal of the luxury tax, the taxpayer bill of rights, a capital gains provision for seed capital for small companies, and IRA's to increase savings in our country.

It also includes a measure to streamline the welfare system that I have worked on with Senator HOLLINGS and others. This provision reduces administrative duplication and promotes better coordination between the Food Stamp, Aid to Families with Dependent Children, and Medicaid Programs.

Mr. President, we need to take a good, hard look at our tax system next year. It has clearly been a very important issue in the Presidential and congressional campaigns this year, and it is the primary fiscal tool the Government has to stimulate the economy. In the interim, this bill accomplishes many of the goals on which there has been little disagreement. I only hope that the President does not, for political reasons, veto this bill. That would have some devastating effects. For example, it would take the boating industry with it. It would eliminate many of the tax incentives in the code for hiring handicapped workers, for undertaking research and development, for employer provided educational assistance, for mortgage revenue bonds, for low-income housing, and for qualified small-issue bonds. In addition, a veto would eliminate both the provision equalizing the tax treatment relating to the deductibility of health insurance for the self-employed and the tax credit for first-time home buyers.

So, Mr. President, I will support this bill for the progress it represents.

Mr. LEVIN. Mr. President, the bill before us today is far from a perfect bill. But, it is good enough of a bill to vote for and send to a conference with the House of Representatives.

During consideration of it on the Senate floor, I voted in favor of the Bumpers amendment to strike the committee bill's requirement that individuals and small businesses make estimated tax payments of 120 percent of last year's liability if they thought they would be unable to accurately project and pay estimated taxes on 90 percent of the current year's tax liability. Many small businesses, in particular, find it difficult to project their income for the current year with a high degree of accuracy because it may depend on economic conditions that are both uncertain and beyond their control. Instead, they find the preceding year's tax liability a firm number upon which they can plan and make their estimated tax payments. It seems to me that what this 120-percent provision in the committee bill is really saying is, "try to do the very difficult; and if you can't do that, then give us (the U.S. Treasury) a large interest free loan." This provision is both overly burdensome and unfair.

Similarly, I voted in favor of the Simon amendment to strike the provision of the committee bill that would allow for the amortiztion of intangibles, including goodwill. It has been argued that this change in the Tax Code will encourage mergers and acquisitions In light of our experience in the 1980's, in which companies were crippled by borrowing to either engage in an acquisition or to fight one off, it would be unwise to make a change in the Tax Code now that could provide a further incentive in that direction. In addition, it is not at all clear what the basis is for the general assumption that the value of goodwill declines with time. I have serious doubts about changing the Tax Code to allow someone to take an economic loss based on such an assumption. In particular, I am troubled by the revenue loss acknowledged in the committee's own documents. By 1997 this provision will be costing the Treasury about $2 billion a year and growing.

It is my hope that these two provisions will be dropped from the bill in conference.

However, it is the many other provisions in this bill that I have long supported which allows me to vote to send this bill to conference in the hopes that it can be improved and sent to the President for his signature. In particular, I am pleased that this bill includes the temporary extension of incentives in the Tax Code for employer-provided educational assistance, for middle- and low-income housing, for research and development, for health insurance for the self-employed, and for job training. I would prefer that these provisions be made permanent because that would give individuals who utilize them the ability to more effectively plan and it would give the Government a more accurate picture of the actual revenue flow into and out of the Treasury over time. But, at a minimum we need to provide for the temporary extensions included in this bill.

I am also pleased that this bill includes a number of provisions that should provide a spark to the economy. Among them are the tax credit for first-time home buyers, the special depreciation allowance in the first year that equipment is purchased, the reform in the passive-loss rules on real estate, and the repeal of the luxury tax on boats, which has been particularly harmful to the boat manufacturers in my State of Michigan.

Furthermore, I believe that the economic development initiatives for distressed areas of our country that are contained in this bill have the potential for demonstrating the usefulness of new approaches to reversing years of decay and decline. Similarly, the foster care and welfare reforms included in this legislation are designed to put the Government on the side of stronger families and less dependency. The health care reforms that were attached by a floor amendment seek to address the problems that small businesses are encountering in providing health care to their employees. I am pleased to see at least some health care proposals enacted this year, although we should act quickly next year on a more comprehensive approach or else what we do today will just lead to cost-shifting among health care recipients.

My greatest frustration with this bill is the same that I felt with regard to the tax legislation that we passed earlier this year and which was vetoed by the President. I believe that this bill represents a missed opportunity for long-term deficit reduction, particularly by not making the wealthiest among us pay their fair share in taxes.

So, on balance, I support this bill. Let us pass it, send it to conference, improve it, and send it to the President. At some point, though, we will need to pass tax legislation that is part of a comprehensive approach to reducing the budget deficit if we are going to protect the long-term economic health of our country and the futures of our children.

DURABLE MEDICAL EQUIPMENT FRAUD AND ABUSE

Mr. SASSER. Mr. President, I support this amendment, and I am particularly pleased to note that it includes Medicare antifraud and abuse amendments which I originally introduced in S. 1736, the Medicare Durable Medical Equipment Patients Protection Act of 1991.

Senate passage of this legislation is the culmination of several months of investigative work by the Senate Budget Committee and by the Senate Committee on Aging looking at the fraudulent and abusive Medicare billing practices of some, not all, medical equipment suppliers. I want to thank the chairman of the Finance Committee, Mr. BENTSEN, and also Mr. PRYOR, chairman of the Aging Committee and a member of the Finance Committee, for working so closely with me and with the Aging Committee ranking minority member, Senator COHEN, to see that this much-needed legislation was included in this amendment.

Mr. President, early in 1991, after a series of articles appeared in the Nashville Tennessean, the Senate Budget Committee began a series of hearings examining fraud and abuse in Medicare reimbursement for durable medical equipment and supplies. We found many problems. Unethical suppliers were forum shopping, searching for Medicare carriers with the highest reimbursement and most generous coverage and utilization policy, They were taking advantage of huge differences in payment rates from one part of the country to another. They were unbundling claims—billing for separate components of small items in order to maximize their payments. We found that some were avoiding detection for fraudulent and abusive billings by hiding behind several supplier numbers. We found some third-party payment agents depositing large caches of equipment and supplies in nursing homes, offering kickbacks to nursing homes for their business, and billing the Medicare program for it all. We heard of aggressive telemarketing schemes in which overpriced and unneeded equipment was sold to Medicare beneficiaries. There was a big problem, Mr. President, and it was clear we were wasting millions of dollars annually.

There has already been some progress on this issue. After our hearings and similar hearings held by the Senate Aging Committee, and after legislation was introduced, the Department of Health and Human Services issued new regulations which when fully implemented will help clean up a lot of this abusive billing. The number of Medicare carriers making payments for durable medical equipment and supplies will be reduced to only four throughout the country. The practice of forum shopping will be eliminated by this and a requirement that billing be based on the Medicare beneficiary's place of residence—so-called ZIP Code billing. In addition, much-needed controls will be placed on the issuance of supplier billing numbers, with new standards which must be met before a supplier can participate in the Medicare Program. These provisions were contained both in my bill and in Senator COHEN'S legislation.

The amendment before us today contains additional antifraud and abuse provisions contained in my earlier bill and in Senator COHEN'S bill which were not addressed by the recent regulations. We do intend to slow down implementation of these reforms already moving ahead. We have worked closely with the Department to achieve this goal, and the additional provisions in this amendment will strengthen, not impede, the progress we have already made.

The items in this amendment would address some additional supplier business standards which must be met in order to obtain a supplier number; require uniform national coverage and utilization review standards for 200 selected items of medical equipment and supplies; subject ostomy, tracheostomy, and urological supplies and surgical dressing and other supplies to national fee limits; prohibit multiple supplier billing numbers; require development of standardized certificates of medical necessity; modify the Medicare antikickback statute to make it clear that certain third-party billing arrangements with nursing homes for equipment and supplies violate the law; protect Medicare beneficiaries from financial liability for unnecessary equipment sold to them by a supplier who has been excluded from Medicare participation; and require a GAO study of the types, volume and utilization of medical equipment and supplies furnished by third-party billers to nursing homes.

Mr. President, I would also like to note that cooperation we have had throughout this process from groups representing ethical durable medical equipment suppliers. These amendments, and our earlier bills, have enjoyed support from the industry throughout this long process. I think that kind of cooperation, and the recognition that there have been some bad practices in the past, will contribute a lot to reducing Medicare waste and abuse.

HIGH MEDICARE HOSPITALS

Mr. MACK. Mr. President, I would like to make some remarks about an issue which was not addressed in the Medicare and Medicaid Amendments Act of 1992, but, nonetheless, is very important to my State and others. I speak of the plight of Medicare-dependent, or high Medicare hospitals. While this legislation addresses the issue of Medicare reimbursement for small rural Medicare dependent hospitals, it does not address the plight of other high Medicare hospitals.

Mr. President, I believe my colleagues are aware of my deep interest in, and concern for, the financial plight of high Medicare hospitals. Many of these hospitals are continuing to experience severely reduced, and in many cases, negative Medicare operating margins. These hospitals have little or no choice but to either cut back on medical personnel or consider the rationing of services. Additionally, when these hospitals attempt to cost shift, they become less competitive and risk losing the few non-Medicare payers they have.

Mr. President, when the Prospective Payment Assessment Commission [ProPAC] made its report to Congress in 1990, it stated the Medicare dependent hospital problem warranted further study. We have not seen this further study take place and I am aware the condition of many of these hospitals in my State and around the country continues to deteriorate. It is time for decisive action by ProPAC and by the Congress.

Mr. GRAHAM. Mr. President, I would like to echo the concerns of my colleague, Senator MACK. We have worked together for several years to address the needs of Medicare dependent facilities in our State and around the country.

As many of my colleagues know, Florida leads the Nation in the number of hospitals classified as high Medicare hospitals. Senator MACK, myself and the Florida Hospital Association would welcome a visit by ProPAC to Florida to study our high Medicare hospitals.

We hope the Congress will be prepared to act on legislation to address the special needs of these Medicare dependent hospitals in the 103d Congress.

Mr. BRADLEY. I agree with the Senators from Florida about the need to address the difficult financial situation faced by hospitals with a high percentage of Medicare patients. The Prospective Payment Review and Assessment Commission [ProPAC] has conducted a preliminary study and confirmed that these hospitals have a harder time financially than other hospitals. Although that study found some of these hospitals may be less efficient than others, the hospitals in New Jersey certainly do not fit that profile. The hospitals in New Jersey have high occupancy, low administrative costs, and provide efficient high quality of care to many of our senior citizens.

One hospital in particular, in Ocean County, NJ, has almost 70 percent of its patient days paid by Medicare. And under the State payment in New Jersey that was used as the model for the Medicare DRG system, we know that Medicare is not paying its full share. This shortfall unfairly punishes hospitals such as the one in Toms River, who are struggling to continue to meet the health care needs for the population they serve.

Unfortunately, during this session, we were unable to pass those provisions sponsored by my colleagues from Florida that would have provided more adequate payment for these hospitals. However, it is my intent to continue to push for an adequate response. I am optimistic, and I look forward to working with my colleagues to achieve our common goal of ensuring high quality health care for our senior citizens under Medicare.

PHYSICIAN SELF-REFERRAL PROVISIONS MEDICARE AND MEDICAID AMENDMENTS

Mr. ADAMS. I would like to thank the manager of the bill, the esteemed chairman of the Finance Committee, for working with Senators METZENBAUM, BINGAMAN and me, to address our serious concerns regarding section 136 of S. 3274, the Medicare and Medicaid Amendments of 1992, the provisions dealing with the prohibitions on physician self-referrals under Medicare.

As the sponsors of S. 3186, the Ethics in Referrals and Billing Act of 1992, we are seeking to expand the prohibitions on the practices of physicians who refer patients to health entities in which they have a financial interest. We introduced S. 3186 because the evidence is clear that physician self-referrals drive up health care costs and result in unnecessary utilization of services. If we in Congress are serious about health care cost containment and unwarranted procedures, we must build upon the very modest ban on such practices currently in Medicare.

I understand the importance of exceptions to any statutory bans of physician referrals and S. 3186 includes a number of carefully drafted exceptions. I am concerned, however, that the provisions in section 136 unnecessarily broaden the exceptions currently provided for under Medicare.

Mr. METZENBAUM. I share the same concerns that Senator ADAMS has regarding the definition of group practice.

Mr. ADAMS. The most significant of our concerns is the proposed change in the definition of group practice found in section 136(c). I want to emphasize that this change in definition should be dropped; it represents a potentially huge loophole that would change the entire meaning of a group practice by allowing all manner of arrangements with physicians acting as independent contractors on a part-time basis.

Another major concern that I have is the proposed addition of an exception for "services under arrangements" in section 136(a)(6). This language is also much too broad and will likely lead to all kinds of unanticipated financial arrangements that are inconsistent with the intent of the law. This provision should be dropped in conference but if retained, the language must be tightened.

A third concern that I have is that the new exception for rural providers is much too broad. It is not enough that the clinical laboratory furnishing the services is located "in a rural area." At minimum, the provision should ensure that the services provided are provided substantially within the rural area. Otherwise, we can expect that clinics serving largely urban or suburban areas will be located on the edge of a rural area but will, in effect, mostly serve a nonrural area.

Mr. BENTSEN. I thank the Senators from Washington and Ohio for raising their concerns about the physician referral provisions in the bill. They have raised important questions and it is my intent to ensure that they are resolved in conference. I will insist in conference that the part-time and independent contractor issue be resolved in a different manner than changing the definition of group practice. My colleague from Washington also has my assurance that his other concerns about section 136 will be addressed by the Senate in conference and that I will work closely with him to achieve a satisfactory resolution to their concerns.

Mr. ADAMS. I thank the Senator from Texas for his attention to these matters and his commitment to resolving them in conference. I greatly appreciate his effort in ensuring that needed amendments to the Medicare and Medicaid programs are dealt with before we adjourn this Congress.

Mr. METZENBAUM. I also wish to express my appreciation to the Senator from Texas for his assurances that our concerns will be addressed by the Senate in the conference on this legislation.

REPEAL OF REDUCED MEDICARE PAYMENT PROVISION FOR "NEW PHYSICIANS"

Mr. MCCAIN. Mr. President, I want to thank the chairman, Senator BENTSEN, and the ranking member, Senator PACKWOOD for including in this bill legislation I introduced to end an inequity in the Medicare law. S. 2362, which I introduced on March 17, 1992 would eliminate discrimination in Medicare reimbursement practices for physicians. Current practices result in new physicians receiving less reimbursement for the same procedure than physicians who have been practicing for a longer period of time. The bill is identical to legislation sponsored in the House of Representatives by Congressman ED TOWNS.

S. 2362 enjoys the broad, bipartisan support of 32 Senators. I am pleased that the following Senators are cosponsors of S. 2362: Senators BROWN, BURNS, CHAFEE, COCHRAN, COHEN, CRAIG, DASCHLE, EXON, FOWLER, GLENN, GORTON, GRAHAM, GRASSLEY, HARKIN, HATFIELD, HELMS, HOLLINGS, JOHNSTON, KASTEN, LUGAR, MACK, MCCONNELL, MURKOWSKI, NICKLES, PRESSLER, SHELBY, SMITH, STEVENS, WALLOP, WARNER, WIRTH, and WOFFORD.

Specifically, this legislation would repeal the inequitable provision of existing law that reduces Medicare payment to so-called new physicians in their first 4 years of practice. With some limited exceptions, current law reduces the payment base or allowed amount by some 20 percent in the physician's first year of practice, 15 percent in the second year, 10 percent in the third, and 5 percent in the fourth year. My amendment would repeal this discriminatory law.

The rationale behind this law, which was enacted 2 years ago, was to achieve budget savings at the expense of young physicians and physicians new to providing care for Medicare beneficiaries, under the assumption that a new physician's services are of less value—and therefore less worthy of full compensation—than those of more experienced physician. However, the value of these physicians' services, as evidenced by the new Medicare physician payment system which bases reimbursement on a resource-based relative value scale [RBRVS], is not modified based on the experience of the physician providing the care.

Furthermore, the RBRVS assigns a value to each service—and that service does not cost those designated as new physicians any less to perform than physicians who have been in practice for a longer time. Under the current law, the definition of a new physician is so general and so vague that physicians who have served in the military for years, but have not previously billed the Medicare Program, are viewed as new physicians. Payments for their services to Medicare beneficiaries are reduced during the first 4 years of civilian private practice. Clearly, the existing law does not reward these dedicated physicians on a level commensurate with their experience.

The current law reducing payments to new physicians violates the underlying concepts behind the Medicare physician payment reform, which became effective as of January 1, 1992. It also ignores the financial reality facing new physicians of meeting high startup costs associated with building a new practice, and the skyrocketing costs of medical education.

The provisions of the current law serve only to discourage new physicians from certain targeted specialties and providing care for Medicare beneficiaries, as well as causing group practices to steer Medicare beneficiaries away from those physicians defined under the law as new.

Resolving this issue enjoys broad support in this body, and in the medical community. If enacted, it will ensure that all physicians are treated fairly, and corrects the inequities of the current law. Again, I thank the chairman and ranking member for recognizing the need to address this inequity, and pleased this legislation is being included in the underlying bill.

CORPORATE SPONSORSHIP

Mr. FORD. If the distinguished chairman of the committee, Senator BENTSEN, would yield, I wanted to raise an issue with him that is of great concern to several of my constituents. As the chairman is aware, section 8005 of H.R. 11, as reported, relates to the unrelated business income tax [UBIT] treatment of corporate sponsorship arrangements and tax exempt organizations. While I applaud the chairman's effort to clarify what has become an interpretation nightmare for many of these organizations, I am concerned that the provisions of the Senate Finance bill may be overly restrictive for some tax exempt organizations.

In order to be exempt from UBIT, the Senate bill, as currently drafted, requires that net proceeds from the sponsored event be used for a charitable or educational purpose. However, the bill also provides that the safe harbor rule does not apply in the case where advertising or promotion is provided for the sponsor's products or services.

I am concerned that these provisions may result in certain events in my State being inadvertently subject to UBIT. It would appear that even if the tax exempt organization uses proceeds from a sponsored event consistent with their tax exempt status, or more directly, to forward their own exempt purposes, unless those purposes are charitable or educational in nature, the safe harbor rules will not apply. This is true even though current law does not require these tax exempt organizations to use their funds for charitable purposes.

Further, I am also concerned that the language precluding advertising and promotion of the sponsor's products or services may actually prohibit corporate-sponsored events. A tax exempt organization may be forced to forgo corporate sponsorship out of fear that media coverage and advertising of the event in general will kick the event out of the safe harbor rule.

I am aware that the House-passed provisions governing corporate sponsorship are significantly different from the Senate provisions. In the case of one of my constituents, I believe that the House-passed provisions provide the appropriate relief. I would encourage the distinguished chairman to consider the impact this provision would have on numerous tax exempt organizations which may directly, or indirectly, provide advertising or promotion for a sponsor's product or service, and on organizations which reinvest the proceeds of an event back into the organization to further its own purposes. It is not necessarily clear that such organizations would even be helped by the House-passed provisions.

I would encourage the distinguished chairman to consider this issue in conference.

Mr. McCONNELL. Mr. President, I want to address two technical matters pertaining to corporate sponsorship and the unrelated business income tax. It has come to my attention that language in the Senate version of H.R. 11 would significantly reduce the ability of tax-exempt organizations in my State to carry out events that significantly benefit the community and the industry which they represent.

As I understand it, section 8005 would require tax-exempt organizations to use the net proceeds from sponsorship payments for charitable purposes. This provision could put organizations in my state in a very difficult position.

I would like to point out that only 501(c)(3) organizations are required to use the net proceeds of sponsorship payments for charitable purposes. Current law does not require 501(c) (4), (5) or (6) organizations to use their funds for charitable purposes, but allows these funds to be used to further the exempt purposes of that organization.

I am hopeful that during the conference, members will consider alternatives that would remain consistent with current tax law and permit section 501(c) (4), (5) or (6) organizations to use the net proceeds raised in related events to further their own exempt purposes from which their tax exemption is derived.

In addition, Mr. President, I support the adoption of language contained in H.R. 5645, as passed by the House, regarding the use of corporate sponsorship payments by tax-exempt organizations. I believe that the Senate bill attempts to define too narrowly the forms of recognition which would not be subject to the unrelated business income tax. The House version, on the other hand, would widen the scope of recognition, thus better serving the industries and communities these organizations represent and serve. Without the opportunity to attract adequate funding, we will see a significant drop in the level of charitable contributions from these tax-exempt organizations.

Let me reiterate my support for consistent and fair tax treatment of all tax-exempt organizations. I am hopeful that during the conference on H.R. 11, these important issues will be addressed so that final language will provide a safe harbor exception on the use of sponsorship payments from unrelated business income tax.

Mr. President, I appreciate the chairman's favorable consideration of these issues.

Mr. BENTSEN. I say to my friends from Kentucky, that we are aware of these arguments. As they know, our staff have discussed this issue, in particular the impact this section would have on specific events in Kentucky, and I am aware of the Senator's concerns. The Senators are correct that the provision on corporate sponsorship differs from the House bill, and I can assure them that their concerns are noted and will be considered in the context of the conference on this measure.

Mr. FORD. I thank my good friend for his courtesies and consideration.

SOLE COMMUNITY JUSTICE ACT

Mr. DANFORTH. Mr. President, I would like to direct a question to the distinguished chairman of the Finance Committee, the Senator from Texas, concerning my legislation, S. 2996, the Sole Community Justice Act of 1992. As the chairman knows, I wanted this piece of legislation to be included in S. 3274, the legislation now before the Senate. He and I worked hard to include my bill in this legislation, but unfortunately, estimated revenue and technical constraints prevented action at this time.

I am very concerned that a certain small subgroup of other urban hospitals are not being treated equally with those rural and other urban hospitals that qualify for sole community hospital status. I have been of the view that correcting this inequity will be only of small cost to the Treasury, and the benefits of achieving equity for these hospitals far outweighs the cost of doing so. Unfortunately, certain analysts at the Health Care Financing Administration and the Congressional Budget Office believe the cost will be more substantial than I have been led to believe.

In fact, I have been told that the cost of this provision would be roughly $10 million a year. The Congressional Budget Office has estimated that the cost will be $38 million a year. My question for the chairman is the following: If I can persuade the Congressional Budget Office that the cost is closer to my figure than to theirs or if we pass a bill which is larger in scope next year, will the chairman work with me to have this provision included in the bill which emerges from the Finance Committee?

Mr. BENTSEN. I appreciate how strongly the Senator from Missouri feels about this legislation. I know he understands that the estimated costs prevented its inclusion in this amendment. It is my understanding that the Prospective Payment Assessment Commission is developing a data base that will supply the information needed by the Congressional Budget Office to provide a more accurate estimate of the cost of the Senator's legislation. I will continue to work with him to pursue a solution to the problem his legislation addresses.

Mr. DANFORTH. I thank the distinguished chairman and assure him that I will do everything that I can in the next year to see that all hospitals, whether in rural or other urban areas, which meet the reasonable criteria for sole community hospital status obtain that status.

PROGRESS ON IMPLEMENTATION OF THE ADOPTION AND FOSTER CARE ANALYSIS AND REPORTING SYSTEM

Mr. BINGAMAN. Our Nation's foster care, adoption, and child welfare system remains in dismal condition. Information gathered by the Senate Finance Committee and published in the CONGRESSIONAL RECORD on August 3 reveals that the number of our children in foster care has increased 50 percent in the last 5 years. The system seems to have lost perspective. It fails to acknowledge the fact that it is dealing with the lives of young, fragile, and often abused or disabled children. They cannot be left to wallow in debilitating conditions while the bureaucracy languidly determines their fate. Children who, when they entered the system were adoptable, leave the system as special needs individuals, often due to physical abuse and emotional distress encountered in their foster environment.

Provisions under title VII, part I of H.R. 11 aim to improve the condition of our foster care, adoption, and child welfare services. Through identification of effective programming, encouragement of pilot programs, and improvement of Federal and State coordination, among other provisions, we attempt to remedy the ills that have rendered the system incapable of handling the dramatically increased numbers of children forced to leave their family homes.

However, the most fundamental problem with our children's services remains the lack of comprehensive data. Without a system of measuring or tracking our foster care, adoption and child welfare problems, we are attempting to devise solutions to problems which are not yet fully identified. In 1986 the chairman of the Finance Committee authored legislation which instructed the Department of Health and Human Services to establish a nationwide system of data collection. Public Law 99-509 gave HHS 5 years to appoint an Advisory Committee, evaluate the steps of establishing a data collection system, report to Congress and promulgate rules. Full implementation was to be completed October 1, 1991.

In the past 6 years, HHS has failed to follow the designated timetable. As evidenced in a June 10 hearing before the Senate Finance Committee, HHS could not provide a satisfactory explanation, but to say that there was a lack of due diligence. Now, HHS says, it has remedied that problem. However, the Secretary's final regulations have yet to be published—nearly 3 years after the established deadline. We have no indication when final implementation will fall into place.

I agree that the provisions contained in H.R. 11 to improve our foster care, adoption and child welfare system are laudable. However, I ask the support of my esteemed colleagues in insisting that HHS place final development of the national data collection system as a top priority. At this point, the thrust of the Department's energies must be in gathering pertinent information from the States. Only then can we reform our woeful—and, frankly, embarassing—national foster care, adoption, and child welfare system.

Quite simply, we are letting our youngest and most helpless American citizens down. It is time to forcefully insist that HHS provide us with a reliable data collection system. Until then, we will continue to wage war against an invisible enemy.

Mr. BENTSEN. I agree with my colleague's assertion that the HHS data collection system must rank as a top priority for the Department. That system, as well as an effective method of review, are paramount to ensuring that our children receive proper and humane treatment within our foster care, adoption, and child welfare system. As I pointed out during our committee hearing on June 10, the long HHS history of giving low priority to these programs must end.

CASUALTY LOSS EXCEPTION TO UNIFORM CAPITALIZATION RULE

Mr. BENTSEN. I would like to engage Senator PACKWOOD in a colloquy. I recall that in 1986, when the Senator was chairman of the Finance Committee, we enacted section 263A of the Tax Code to simplify tax compliance through the use of a set of capitalization rules. These capitalization rules required certain taxpayers, including a taxpayer engaged in the farming business, to capitalize both direct and indirect costs.

At that time, I recall that we also adopted an exception to the capitalization rule, section 263A(d)(2), to provide relief to taxpayers whose plants were lost by reason of freezing temperatures, disease, drought, pests or casualty. As the Senators know, recently many orchards, vineyards, and groves have been destroyed by catastrophic events. Hurricanes Andrew and Iniki not only destroyed homes and devastated buildings, but they also devastated the agricultural industry in southern Florida and Kauai, destroying local citrus groves and nut trees. The damage that has occurred will have a significant impact on the economy and the agricultural industry of those areas.

In addition, recent reports and stories have revealed the widespread infestation of phylloxera in the vineyards of Oregon, California, and Washington. As you know, this aphid-like louse, which is impervious to pesticides, destroys the roots of grapevines. I understand that the only way to eliminate phylloxera is to remove the vines and replant the vineyard with phylloxera-resistant roots. Although the full devastation is unknown, costs associated with replanting and lost production are estimated at $500 to $1 billion in Napa and Sonoma Counties alone. These costs could lead some wineries to go broke.

I am sure that there are many other catastrophic events destroying orchards, vineyards, and groves. Given the extent of recent damage and the economic hardship many of the farming businesses will face, I am concerned that if the exception to section 263A contained in paragraph (d)(2) of that section is interpreted too narrowly, it may have an unforeseen adverse affect on these farming businesses.

Is it the understanding of the Senator from Oregon that we intended the exception to permit taxpayers to deduct all costs otherwise subject to the capitalization requirements in section 263A or 263 if section 263A did not apply?

Mr. PACKWOOD. Yes; it is. The exception to section 263A contained in paragraph (d)(2) of that section is intended to apply to all costs otherwise subject to 263A, or 263 if section 263A does not apply, incurred as a result of freezing temperatures, disease, drought, pests, or casualty. The provision is intended to permit all replanting costs, not just reproductive costs associated with restoring orchards or groves to their original condition to be deductible.

For example, in the case of a citrus grove destroyed by a hurricane, the costs of site preparation, such as removal of old trees, the cost of new trees, and any labor costs incurred in replanting would be deductible under this exception, as would the costs of replacing underground irrigation pipes uprooted because of the storm. Similarly, in the case of vineyards destroyed by phylloxera B, preproductive costs, costs such as replacement vines, replanting of rootstocks, the purchase of trellis and drain tile and irrigation equipment solely to replace equipment, the removal of which was necessitated by the infestation, and the costs of land preparation, would all be deductible for under this exception. Of course, since it was the intention of this exception to place a taxpayer in the same position as before the loss occurred, we would assume the IRS would not permit a taxpayer to upgrade the vineyard, grove or orchard before the loss occurred. Similarly, we should also assume the IRS will prevent a double deduction from occurring under section 165(m).

SECTION 3006 OF H.R. 11

Mr. BOREN. Mr. President, it is my understanding that the bill includes a provision which requires real estate reporting persons, in connection with real estate transactions, to file information returns with the Internal Revenue Service and provide statements to customers regarding the portion of any real property tax credited to the purchaser of a piece of property.

Mr. BENTSEN. The Senator from Oklahoma is correct. This provision seeks to improve taxpayer compliance under existing law relating to the deduction of State and local real property taxes. For example, under current law, an individual selling his or her residence is required to offset any deductions for State and local property taxes by amounts received from the purchaser as reimbursements for such taxes already paid by the seller. In practice, individual taxpayers may fail to offset their deductions by those amounts. Requiring information reporting with respect to payments received by individuals selling residential real estate is expected to improve taxpayer compliance in this area. It is expected that this proration information would be provided by the real estate reporting person.

Mr. BOREN. It is my understanding that the chairman recognizes that some transfers made at the time of closing may subsequently be adjusted by, for example, a supplemental payment due to a change in the property tax rate, and that the real estate reporting person may be unable to accurately project actual tax payments made subsequent to the closing. Thus, in some cases, the proration number used may not be the same as the actual real property tax payment. I am sure the chairman can appreciate my interest in this provision; with the current low-interest rates, there are a large number of real estate transactions in Oklahoma.

Mr. BENTSEN. I appreciate my distinguished colleague's comments. It is the committee's expectation that the real estate reporting person will be required to report any real property tax that is treated as tax imposed on the purchaser by reference to specified line items of the HUD-1 form or any comparable form provided at the time of the closing of the transaction. Because the buyer and seller typically are acting at arm's length with respect to amounts affecting the sales proceeds, it is likely that these estimated amounts will be reasonably accurate. It is not expected that collection of additional information after the closing occurs will be required. In light of this, it is not expected that a real estate reporting person, acting in good faith, will be subject to penalties for correctly reporting the appropriate number from the HUD-1 disclosure form or comparable form in a case in which that number is later determined in fact to have been inaccurate. In addition, it is anticipated that Treasury will promptly provide guidance with respect to the reporting requirement in the bill.

Mr. BOREN. I thank the distinguished chairman of the Finance Committee for this clarification.

HEDGING TRANSACTIONS

Mr. DOLE. Mr. President, the Supreme Court's decision in Arkansas Best Corp. versus Commissioner has caused serious disruptions in the ability of farmers, ranchers, and other businesses, both in agriculture and elsewhere in our economy, to use hedging transactions to reduce the risks of doing business. The problem results from a question as to the remaining scope of the Supreme Court's earlier Corn Products decision.

THE PROBLEM

The principal tax problem is a possible claim by the IRS that certain business hedges produce capital losses. A business whose normal operations produce ordinary income is severely disadvantaged if losses from hedges are treated as capital rather than ordinary. The disadvantage results from the fact that capital losses can be deducted only against capital gain and, in the case of individuals, $3,000 of ordinary income.

Under the Internal Revenue Code, a gain or loss is capital rather than ordinary if it results from a sale or exchange of property that is categorized as a capital asset. The Code defines capital asset as property held by the taxpayer whether or not connected with its trade or business. An express exception to this definition is provided for inventory or other property held primarily for sale to customers in the ordinary course of business.

Historically, the loss on short futures contracts used in business hedges has been treated generally as ordinary rather than capital, even though the futures contracts themselves are not inventory nor other property held primarily for sale to customers in the ordinary course of business. There have been various rationales for ordinary treatment. At one time, hedging losses were treated simply as a form of business insurance expense rather than a loss from the sale or exchange of property.

Another rationale, derived from the 1955 decision of the Supreme Court in *Corn Products Refining Co.* v. *Commissioner*, 350 U.S. 46 (1955), is that loss from a sale or exchange of property is ordinary, notwithstanding the inapplicability of any of the express Code exceptions to capital asset status, so long as the transaction arises from the everyday business operations of the taxpayer.

In Corn Products, a corn products manufacturer, to protect itself against increases in the price of corn, entered into long corn futures positions, accepting delivery in some cases and in other cases offsetting its futures positions upon spot purchases of corn. The company reported gains on the futures contracts as capital to take advantage of the more favorable capital gains rates available at that time. The Supreme Court held that Corn Products' futures activities "constituted an integral part of its manufacturing business" and, like other aspects of the taxpayer's business, should give rise to ordinary income or loss rather than capital gain or loss.

The basic tax rules for hedging remained relatively clear for 32 years following the Corn Products decision. Then, the Supreme Court, in Arkansas Best, held that a taxpayer could not claim a ordinary loss from the sale of subsidiary stock that had purportedly been acquired for the purpose of preserving the business reputation of the taxpayer.

Arkansas Best argued that, although the stock of its subsidiary fell within the literal definition of a capital asset, the stock should be treated as an ordinary asset under Corn Products because it was acquired for integral business purposes rather than investment. The Supreme Court disagreed, rejecting the argument that there is an implicit integral business purpose exception, in addition to the express Code exceptions, to the capital asset definition. The Court interpreted Corn Products narrowly as involving an application of the Code's express inventory exception since the futures positions were "an integral part of the taxpayer's inventory purchase system" serving as "substitutes for the corn inventory."

Although Arkansas Best did not involve hedging, the Court's comments on Corn Products have been interpreted by some to apply to business hedges. In particular, some at the IRS read Arkansas Best as treating property as a capital asset, thereby resulting in capital gain or loss upon a sale or exchange, unless the property is inventory or otherwise expressly excepted from the capital asset definition in the Code.

POSSIBLE APPLICATIONS OF ARKANSAS BEST

Since the release of the Arkansas Best opinion, business hedging practices have been subjected to increased IRS audit activity. The audit results vary, depending upon the particular kinds of hedging practices involved and the views of local IRS personnel.

Mr. President, inventory and other hedges, are important risk management tools for farmers and other businesses. The potential for adverse positions taken by the IRS based on a broad reading of Arkansas Best on hedging practices can have a devastating impact on reasonable business activities. Let me list a few examples to emphasize the nature of the problem.

INVENTORY HEDGES

One typical hedge transaction used in the normal course of business is a long inventory hedge. For example, assume that a soybean crusher buys a long soybean futures contract to protect itself against an increase in the price of soybeans to be acquired as part of its raw materials inventory. Even after Arkansas Best, a loss, or gain, of the soybeans futures should be ordinary because the futures are substitutes for an inventory of soybeans just as corn futures served as a substitute for the corn inventory in the Supreme Court's reading of Corn Products.

Similarly, if a cattle producer buys a long futures contract to protect himself against an increase in the price of cattle feed, gain or loss on the futures contract should be ordinary in order to match properly with the ordinary income resulting from the subsequent sale of the cattle.

Another typical hedge transaction is a short inventory hedge. Assume, as in the earlier example, that a cattle rancher sells a short cattle futures contract to protect himself against a decline in the sales price of his physical cattle. Ordinary treatment is somewhat more problematical for this example, as compared with the long inventory hedge, because a short futures contract is more difficult to fit within the inventory substitute category. Read on its narrowest terms, Arkansas Best could be interpreted as limiting ordinary treatment to long hedges of inventories. Such a narrow reading, however, would ignore the historical context of the Corn Products case. Even before Corn Products, bona fide hedges of long inventory positions through short futures positions or forward sales were generally viewed as nonstatutory exceptions to capital asset treatment.

Often, a farmer, cattle producer, or other business may use combinations of long and short futures contracts to reduce the costs of protecting against the risk of price changes of their production. Additionally, there may not be a perfect match between the quantity of the futures contracts and the physical inventory at any particular point in time. The particular contract months used for hedging purposes may depend upon such factors as the anticipated time for bringing the livestock or other production to market, the contract months in which futures are traded, and the price relationships among contract months. Futures contracts may not even be available for every month in which livestock or other production is to be brought to market or there may be insufficient market liquidity in particular delivery months or commodities. I believe that if the businessman's futures contracts reduce risk of price changes and substitute for past or anticipated production of inventory property, gain or loss with respect to such contracts should be ordinary in character.

On the other hand, futures contracts representing amounts substantially in excess of past or anticipated production may give rise to capital gain or loss. Such contracts may be speculative in nature and not an integral part of the business.

OPTIONS HEDGING STRATEGIES

In addition to the hedging strategies I have described using futures contracts, many farmers and other businessmen use options to hedge against price fluctuations in their business. Let me give a few examples of these types of transactions.

Assume, for instance, a cattle rancher buys a put option on cattle futures at a strike price of $0.70 per pound to protect himself against a decline in cattle prices. As in the case of a short futures contract, a put option does not fit neatly within a inventory substitute category. However, I think it should be clear that ordinary treatment is correct.

Let me give my colleagues a slightly more complicated, but very common example. Assume that the rancher not only buys a put option at a strike price of $0.70 per pound but also sells a call option at a strike price of $0.80 per pound. In effect, the rancher is protecting himself against a decline in cattle prices below $0.70 per pound and is reducing the net cost, that is, premiums paid less premiums received of that price protection by selling the upside cattle price potential in excess of $0.80 per pound. In my opinion, the put and call in this transaction should be considered together and should both result in ordinary treatment. However, it appears that in some instances the IRS is treating the call option as a separate transaction and classifying call gain or loss as capital. This is contrary to the purpose of the transaction as an intrinsic part of the business of cattle production.

RESPONSES TO PROBLEM

It is important for the U.S. economy that our farmers and other businesses be able to manage effectively the financial risks they face. To this end, legitimate hedging activities should not be hindered by tax uncertainty and uneconomic treatment of hedging gains or losses. Business hedges of activities generating ordinary income or loss should also give rise to ordinary income or loss.

Mr. President, I note that in at least two places in the pending legislation, there are provisions which specify the character of gain or loss as ordinary in order to avoid any possibility that Arkansas Best could be used to characterize gain or loss as capital in charter. These provisions are contained in the mark-to-market rules for securities dealers and the mark-to-market rules for certain insurance contracts. It probably would make more sense to enact a generic rule that would provide certainty rather than to single out one or two industries and provide them with statutory assurances.

However, an administrative clarification would help the uneven application of current law. The Treasury Department is well aware of the uncertainties created by Arkansas Best and has listed this issue as a priority for action this year. I also understand that IRS staff may be working on regulations or rulings to address Arkansas Best issues. I would urge that Treasury and IRS move forward with guidance in this area.

Mr. President, the objective of all the parties involved in the process should be the removal of tax impediments to sound business hedging practices. I would like to ask the distinguished chairman of the Finance Committee if he shares my concern about the adverse impact of the uncertainty created by the interpretation of the Arkansas Best decision by some at the IRS and the need to address the issue in some fashion.

Mr. BENTSEN. I thank the distinguished Republican leader for his description of potential problems posed by some interpretations of the scope of the Arkansas Best decision. This is a matter of concern for me as well. You have provided our colleagues with several examples that point out the uncertainty that may be experienced in business hedging transactions—even in transactions that are not speculative in nature but are undertaken to minimize the risks of doing business and are intrinsic to the conduct of that business. Unfortunately, uncertainty in this area can have a dampening effect on taxpayers entering into desirable business hedging transactions. I think this is a significant issue, and it is my hope that appropriate steps can be taken to address this matter.

R&D TAX CREDIT

Mr. RIEGLE. Mr. President, I strongly support the extension of the R&D tax credit that is contained in H.R. 11. I commend the work that the chairman, along with Senators DANFORTH and BAUCUS, have done to promote the credit. Greater investment in research and development is absolutely vital in order to ensure that we are able to compete in the global marketplace and I favor permanent extension of the R&D credit.

Unfortunately, despite our efforts, a variety of factors have caused the level of R&D done in the United States to decline. More and more research is being done overseas by U.S. companies. We must examine ways in which we can do more to promote R&D.

We could significantly improve the credit by encouraging collaborative research and development along the lines of S. 2049, the Cooperative R&D Tax Credit Act of 1991, introduced by my colleague from Connecticut, Senator LIEBERMAN. Legislation like S. 2049 would provide a powerful incentive to industry-led R&D through consortia. This legislation would allow qualified cooperative R&D costs to be eligible for either a 50-percent tax credit or the existing 20-percent tax credit for incremental in-house research.

At the same time, I want to emphasize that cooperative R&D credit would enhance the existing credit.

Mr. DANFORTH. Mr. President, I agree fully with the need to provide strong incentives for R&D. Since 1981, when the credit was first adopted, I have worked with my colleagues to strengthen the credit.

R&D is the down payment on America's future competitiveness. Without adequate R&D, our industries eventually lose the race for discoveries that are the basis for new products, new services, market share, and ultimately, would influence. We cannot let this occur.

One means to increase R&D is to remove the uncertainties of a limited extension by making it permanent. I also believe that a modification to the credit that would provide a greater reward for industry-led collaborative R&D has considerable merit and should be examined.

There are several policy goals that the current section 41 credit seeks to fulfill. First, the credit is designed to stimulate new research. Second, the credit balances the social rate of return or, in other words, it balances the benefit that is received by society with that benefit that goes to an individual firm. Third, the credit helps to offset similar subsidies provided to business by our economic competitors.

A cooperative R&D tax credit strongly advances these policy goals and, at the same time, encourages the most efficient use of R&D funds. A cooperative credit leverages scarce research dollars, and spreads risks and costs that encourage new research that would not be conducted without this incentive.

Mr. GRASSLEY. I agree in substance with the Senator from Michigan and the Senator from Missouri. United States tax policy should support a cooperative R&D tax credit at a level equal to its importance to industry and to our Nation. A cooperative R&D tax credit would not only help firms compete against one another, but help our industries pull together to meet a broader global challenge.

Mr. LIEBERMAN. It is time that we considered making the R&D tax credit available for collaborative measures. Our system of credits has been helpful in stimulating R&D, but we will be able to better leverage R&D efforts with a credit for collaboration.

The cooperative tax credit should help to increase R&D efforts. My proposal would allow companies to receive a 50-percent flat credit, determined on a nonincremental basis, for contributions to qualified consortia. Qualified cooperative research consortia are those organizations which have five or more contributors and are registered under the National Cooperative Research Act of 1984 [NCRA].

NCRA, the Stevenson-Wydler Technology Act of 1980, the Federal Technology Transfer Act of 1986, and the 1988 Trade Act all increased the incentives for American companies to engage in collaborative research. Approximately 200 industry consortia have been established under NCRA, and new groups continue to form. This credit is a logical step in increasing R&D and encouraging collaborative efforts by American industry.

Mr. BAUCUS. I would like to raise one additional point from the perspective of small business. While the credit was improved by making it available to startup firms, the Tax Code works against small firms by discouraging cooperative research.

While small firms frequently lead in innovation, they often lack the amount of resources needed to learn about and assimilate new processes. By collaborating with large firms, small firms gain access to new technology faster. However, cooperative ventures are classified as outside contract expenses, which are generally only 65 percent creditable, creating a disincentive to collaborate for smaller firms operating within close margins.

A cooperative credit would integrate will with the current goals of our tax policy and would enable firms to better recapture profits from R&D expenses.

Cooperation offers a cost effective alternative to otherwise duplicative R&D such as some R&D conducted to meet safety, environmental, or health standards. The cooperative credit will advance the underlying goals of section 41 by ensuring the research is conducted in the United States.

Mr. BENTSEN. I believe that we should explore all proposals to increase the competitiveness of U.S. industry. One of the key elements of our national strategy must be to pursue a tax policy that encourages cooperative partnerships, especially in research and development and technology transfer. I look forward to examining all tax proposals designed to encourage collaborative research ventures.

REPEALING MANDATORY 20-PERCENT WITHHOLDING ON IRA'S

Mr. HELMS. Mr. President, earlier this month I was made aware of a major problem with the way the most recent extension of unemployment insurance benefits are financed. At issue is a provision of Public Law 102-318, passed by the Senate and enacted into law while I was in Raleigh following heart surgery.

Here is the situation: Approximately $2.1 billion of the cost of extending these benefits was offset by changes in the tax treatment of IRA's, including a mandatory 20 percent withholding on any IRA not rolled over directly from one financial institution to another.

The bottom line, is that these changes in IRA tax treatment will have an adverse impact on retirees and other individuals while not raising the amount of funds initially believed to be the case when Public Law 102-318 was enacted.

Mr. President, I do not care to delay final passage of H.R. 11, so I ask that my complete statement be entered in the RECORD at the conclusion of this colloquy. But, I do feel strongly that this new 20-percent withholding should be repealed and I hope the managers will do what they can to address this problem.

Mr. PACKWOOD. Mr. President, I share the concern of the Senator from North Carolina regarding the new 20-percent withholding provisions. I will be glad to work in the conference to see if this problem can be addressed in some fashion in the conference report. And, if that does not work, I would be glad to work with him and the chairman of the committee [Mr. BENTSEN] to put together hearings when the Congress returns, at which this issue may be examined in a comprehensive fashion.

Mr. BENTSEN. Mr. President, as the Senator from North Carolina knows, this proposal originated in the President's pension simplification proposal. We certainly must make sure that people understand the new provision so that they are not caught unaware. I will be glad to work with both Senators next year to make sure that this provision does not have unintended results on retirement security.

Mr. HELMS. Mr. President, I thank the chairman and ranking member of the Finance Committee for their courtesy.

IRA WITHHOLDING PROVISION

Mr. President, Senators who may not have heard from irate constituents regarding the new 20-percent withholding provision for IRA's may be interested in a brief review of how this new law works. Here is the problem:

First, if you leave your job and go to work for another employer, or find another qualified IRA into which you can transfer your pension, you can avoid government withholding if you ask your employer to transfer your IRA before you leave the job.

Employers in my State tell me that the IRS has yet to tell them what paperwork will be required by the IRS to do this.

But this, Mr. President, is not the biggest problem.

Second, if you leave your job and fail to instruct your employer before you leave to transfer your IRA, you receive upon termination a lump sum check minus 20-percent withholding.

Therefore any employee who leaves his or her job on short notice is going to have the IRS withhold 20 percent of their pension regardless of his or her tax bracket.

Third, let's assume you leave your job, do not tell your employee before you leave to transfer your IRA, and receive your lump sum check for 80 percent of your pension—remember, the IRS takes 20 percent off the top for withholding.

To avoid being taxed for an early withdrawal from your old IRA, you must put 100 percent of your lump sum into another IRA within 60 days of leaving you job. You will be taxed on anything short of the 100 percent you put into the new IRA.

But remember, you do not have in hand 100 percent. You have only 80 percent since the IRS withheld 20 percent.

So in order to avoid being taxed for an IRA withdrawal, you must put the 80 percent into the IRA and add 20 percent—if you have—to that. Otherwise, the IRS will tax you on the 20 percent the IRS withheld as if you made an IRA withdrawal.

Mr. President, this particular problem was brought to my attention by

Mrs. Louise S. Stephenson of Raleigh, NC. Mrs. Stephenson, or "Scottie" as she is known to her friends, is one of the brightest people I know. So, when Scottie believes something the Government is doing is amiss, I take it very seriously.

Indeed, Scottie provided me in a letter giving perhaps the clearest explanation I have yet seen on this problem. I ask unanimous consent that her letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CAPITOL BROADCASTING CO., INC.,
Raleigh, NC, August 26, 1992.

Senator JESSE HELMS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR: Thank you so much for putting me in touch with the folks who are trying to deal with the legislation we discussed yesterday. It was very helpful to me to talk with your staff and the staff of the Finance Committee.

As I understood the Finance Committee staffperson, the 20% withholding tax to be imposed on all of our Profit Sharing transactions is "merely a payroll deduction thing—pay as you go." There seems to have been some problems with retirees taking all of their proceeds and not paying income tax—"forgetting" or some such. (God knows there are enough safeguards already in place to deal with this. Every cent is reported to the IRS through estimated tax reports, W-2Ps, etc., to alert them to the existence of a tax liability.) And 20% was selected "because it is somewhere between 15% and 31%, the minimum and maximum tax rates."

These funds are not a new source of tax revenue. The government always gets its share whether it is from the distribution itself, income tax paid the next year, IRA wind-down, or through minimum distributions. The new tax grab puts it up front, it is arbitrary in its amount and, in my opinion, will generate a large increase in IRS refunds the following year. I wonder if this expense was taken into account when the revenue potential was projected? Was the cost of setting up the Washington machinery to administer it deducted from expected returns? Based on my discussion with Finance Committee staff, just about everything in the bill as presently written has to be "fixed" before any of it will work.

In addition to the considerable inconvenience caused to retirees, we have major concerns about distributions to terminating younger employees. John Doe is leaving. He has $15,000 in his retirement account. The law would force us to withhold $3,000 federal income tax regardless of what his actual liability might be—let's say 5% to 10%. He will have to wait until the following year to file for a refund. He will owe 10% penalty, too, for early withdrawal (unless he elects to rollover into an IRA all of his funds prior to termination—something the younger participants rarely do). If he happens to reside in Virginia, there's a law which says we take out Virginia's income tax, too, if the Feds get theirs. He'll be lucky to have $10,000 when the tax dust settles.

Another concern is the employee who wants to buy his own home and he's not terminating. Now he can access all of his 401k money except its earnings if he documents the amount requested as the actual need. Under present law he wouldn't request federal tax withholding because he will have offsetting interest deductions at income tax filing time. He will only have the 10% penalty now imposed for early withdrawal. Under the new law this fellow is going to pay 20% up front and wait maybe as long as 15 months to get it back when he needs it now.

Again, thank you for your good help. I hope we can prevail—just once. Congress needs to encourage retirement plans and stop targeting them as a convenient revenue source. It's a sad state of affairs when unemployment checks become the responsibility of folks retiring from the workforce. The unemployment funding extension is the sixth assault in as many years on our relatively straight-forward Profit Sharing Plan. Enough is enough!

Cordially,

(Mrs.) LOUISE S. STEPHENSON,
Member, Administrative Committee, CBC Cash or Deferred Profit Sharing Plan.

Mr. HELMS. Mr. President, as Mrs. Stephenson points out, this is a disaster waiting to happen. But there is more:

When Congress initially considered this new withholding provision, the Joint Tax Committee estimated it would raise $2.17 billion in fiscal year 1993. However, a closer look at this figure discloses that it is widely optimistic, and that, in reality, the revenue increase will amount to only a fraction of the $2.17 billion estimate.

In fact, David Langer, a consulting actuary in New York, calculated that $2.143 billion in additional tax revenues would require $10.7 billion in IRA distributions subject to the 20-percent withholding. As Mr. Langer points out, this is on the high side. Some people will no doubt figure out the 20-percent withholding may be avoided by either making a direct transfer—option No. 11 mentioned earlier—leaving money in the plan or making periodic withdrawals.

In addition, many individuals who are subjected to the 20 percent withholding will likely be in a lower tax bracket. Indeed, as Scottie pointed out to me the other day, the usual withholding called for by the IRS is only 5 percent.

Those falling below the 20 percent will have their withheld funds refunded when they file taxes for the year. So, the supposed increase in revenue will in fact be but a loan as opposed to a permanent infusion.

Because of the aforementioned factors, Mr. Langer estimates that instead of raising the estimated $2.143 billion, the provision will actually raise only $86 million.

The irony, Mr. President, is that in raising so little money, these new withholding provisions greatly inconvenience employees as well as the businesses on which the burden of implementing these provisions will fall. In fact, David Langer estimates that the cost to businesses of implementing these changes will amount to more than $4 billion over 5 years.

Mr. President, to set the record straight as to the real costs and benefits of the new withholding provisions, I ask unanimous consent that a report on David Langer's study, and a reprint of an interview with Mr. Langer, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Daily Tax Report, Aug. 4, 1992]

WITHHOLDING, DIRECT TRANSFER AMENDMENTS SEEN COSTING EMPLOYERS OVER $4 BILLION

The total cost to employers of the employee benefit provisions included in the Unemployment Compensation Amendments Act of 1992 (PL 102–318) may amount to more than $4 billion over the five-year budget period, more than double the amount estimated to be gained in revenue from the provisions, a pension actuary estimated.

The Senate and House passed the bill July 2 and it was signed into law by the president July 3 (130 DTR G–5, 7/792). The benefit changes in the law liberalized rollover rules, required qualified plans to permit participants to elect to have any distribution eligible for rollover treatment transferred directly tax-free into an individual retirement account or another qualified plan, and imposed a 20 percent mandatory withholding charge on any distributions not rolled over.

According to David Langer, a consulting actuary with David Langer Co. Inc., New York, the law's approximate start-up costs amount to $1,500 per plan for making plan amendments to allow trustee-to-trustee transfers and for reviewing the plan to ensure compliance with the law, Langer told ENA July 29. The amendments are required as a qualification issue, Langer explained.

Once amendments are made, annual administration of the new requirements may amount to approximately $1,000 a year per plan for additional staff time to carry out the direct transfers and filling out the additional paperwork associated with the direct transfers and the withholding requirements of the law, Langer estimated.

Estimating that there may be roughly 600,000 defined contribution plans and 100,000 defined benefit plans that currently allow lump sum distributions and would therefore have to comply with the law, the total start-up cost would be $1.05 billion and the annual cost of administration would be $0.7 billion, Langer said.

That brings the total cost of compliance with the law to $4.55 billion over the five-year period used by the Joint Committee on Taxation staff to estimate revenue gains and losses from tax laws, Langer said.

The JCT staff estimated that the withholding provisions of the law would result in an increase in revenue to the federal government of $2.17 billion over that same five years. According to Langer, it would have been more efficient and a lot cheaper for plan sponsors had the $2.147 billion in desired additional revenue been raised by a charge of about $15 per year per participant, he said.

RESPONSE

"There's a lot more going on here that is beneficial to the participant"—including an extensive expansion of the ability to roll over funds from one qualified plan to another, a Senate aide told BNA July 31.

"It is a pro-participant proposal," the aide added. "We are forcing the employers to do the work in order to preserve participant retirement savings," the aide said.

Langer also suggests that the $2.147 billion JCT staff revenue estimate might be optimistic. To have $2.143 billion in additional collections in 1993, as estimated by the committee, would require $10.7 billion in distributions that are subject to the 20 percent withholding, Langer asserted.

Langer questioned whether $10.7 billion is a reasonable expectation given that there will be a number of ways to avoid paying the 20 percent withholding, including making a direct transfer (as is intended by the law), leaving money in the plan, or making periodic withdrawals, he explained.

Even if the expectation of having $10.7 billion in distributions subject to withholding is reasonable, Langer questioned whether that money should be counted as revenue. According to Langer, the amount should not be counted as additional federal revenue because it is, in effect, a forced interest-free loan to the Treasury of about one year's duration, he said.

The Treasury may collect $2.143 billion in 1993, but much of what is collected would have to be refunded at the beginning of 1994 when taxpayers file their tax returns, Langer said. The only benefit to the Treasury is the savings from reducing its 1993 sale of Treasury bills, he said. At an approximate 4 percent interest rate, the government would realize a one-time savings of approximately $86 million in 1993, he said.

[From David Langer Co., Inc., Consulting Actuaries, Aug. 10, 1992]

NEW LAW ASKS EMPLOYERS TO SPEND $4.55 BILLION, BUT IT WILL RAISE ONLY $86 MILLION; DETAILED ANALYSIS OF THE NEW 20 PERCENT TAX WITHHOLDING AND ROLLOVER RULES

The new 20% tax withholding and rollover rules are effective starting in 1993. They will require changes in plans and in the materials and explanations given participants under practically all defined contribution plans and many defined benefit plans. The Bureau of National Affairs interviewed David Langer on the cost and revenue aspects of the new law, and a copy of the report that appeared on August 4 in the BNA Daily Tax Report is enclosed. In brief, the Joint Committee on Taxation staff estimated that the law would raise $2.1 billion, but Langer sees only $86 million arising in additional revenue. Further, he predicted that the five year outlay by employers to set up and administer the law would come to $4.55 billion.

We discuss below how distributions are to be treated under the rules, the action to be taken, and problems that, hopefully, will be clarified by technical corrections or regulations.

DETERMINATION OF TYPE OF DISTRIBUTION

Distributions are basically divided into three types. In order to apply the new rollover and tax rules, a plan administrator must first determine the type of the distribution (note that a participant's benefit may consist of more than one type).

Non-taxable distribution: Any payment that is not otherwise includible in gross income, e.g., a return of after-tax employee contributions.

Taxable rolloverable distribution: Any taxable payment that is not part of an annuity of approximately equal amounts payable for life or a period of 10 years or more and that is not a minimum required distribution. These are "eligible rollover distributions".

Taxable non-rolloverable distribution: Either a payment which is part of an annuity for life or for 10 years or more, or any payment that is a minimum required distribution.

TAXES

Under the old law, all taxable distributions were subject to withholding, but a participant could elect to waive withholding. Under the new law, the amount to be withheld depends on the type of taxable distribution. (Non-taxable distributions are, of course, not subject to withholding.)

Rolloverable: 20% withholding is required, unless the participant directs the plan's trustee to transfer the distribution directly to the trustee of an IRA or to a defined contribution plan that allows such transfers.

Non-rolloverable: Old law withholding still applies. Taxes on periodic payments are therefore withheld as if the participant is married with 3 dependents and on non-periodic payments at the rate of 10%. Withholding may be waived or the rate of withholding changed. The old law rules apply to all types of distributions from IRAs.

NOTICES

Plans that provide for benefit payment methods that qualify as eligible rollover distributions must allow a participant to request that the benefit be directly transferred and therefore avoid tax withholding. The Trustees, prior to the date benefits are paid, are to provide participants with a notice stating that unless the participant requests a direct transfer, taxes will be withheld at the 20% rate. The IRS is expected to prescribe model notice language. Forms currently given participants must therefore be revised to include this and eliminate the current waiver of taxes for all but nonrolloverable distributions. The notice should be given to the participant with the benefit election form, so that time is available to make a decision before payment is made.

The notice must also describe the information the participant has to give the plan trustee in order to effect a transfer. The participant must choose an IRA or eligible plan and give the plan trustee payment instructions. According to the Committee report, the trustee is not required to confirm the information. Notices must continue to inform the participant of the right to roll over the distribution within 60 days of payment, if not directly transferred, and when a distribution may be eligible for favorable tax treatment. Participants receiving a nonrolloverable distribution will still have to receive a notice of right to waive or change withholding.

ROLLOVERS

Under the old law, in order to be eligible for a rollover, a distribution had to be in one of the following forms: (a) the entire balance of the participant's account, paid in one tax year due to termination, death, disability, or after attainment of age 59½, or (b) received due to plan termination, or (c) at least 50 percent of the participant's total account payable due to termination, death, or disability.

The new law will simplify rollovers in the following ways:

Any taxable rolloverable distribution can be rolled over (within 60 days of receipt if not directly transferred).

The distribution does not need to be entire balance to the participant's account or paid completely in one tax year.

Complex rules that limited the ability to roll over a lump sum payment were eliminated. It is no longer necessary to combine like plans of an employer in order to determine whether a distribution is the entire balance and therefore eligible for rollover. A distribution can now be rolled over whether or not any benefits were paid prior to, or will be paid after, the distribution, as long as the distribution is not part of an annuity. Many subtle restrictions were eliminated.

ACTION TO BE TAKEN

Employers must do the following:

Revise notices to be given to participants upon termination of employment. Plans must be operated in compliance with the law beginning on January 1, 1993.

Review benefits already in pay status to see if any retiree must be given notices and the withholding levels changed. For example, if benefits are already being paid out over 5 years, the withholding and right to rollover has changed for post-12/31/92 payments.

Amend the plan within the 1994 Plan Year.

Consider announcing the change to participants even though a Summary of Material Modification is not required until the plan is amended.

QUESTIONS AND PROBLEMS

There are many questions and problems that IRS or Congress will have to address before the end of the year.

If part of a benefit payment is a rolloverable distribution and part is nonrolloverable, then each part is subject to different withholding rates, different explanations of rights, and possibly different payees. This can occur, for example if part of a lump sum payout is a minimum required distribution which cannot be rolled over, or if a participant elects an annuity from an employer-provided account and a lump sum from an elective account.

There doesn't seem to be any limit on the number of IRAs a participant can request transfer to, so that the plan trustee may have to make multiple transfers.

If a participant is receiving a monthly or annual benefit over a period under 10 years, does the participant have to be given the required notice and provide new transfer instructions prior to each benefit payment?

If a benefit's value is under $3,500 and the plan provides for automatic pay out, how much time has to be given to the participant to provide transfer directions before the distribution is made with 20 percent withholding?

If a participant does not decide to roll over an eligible distribution until after payment is received, less 20 percent withholding, the participant will lose part of the retirement income that can be rolled over, unless he or she has other funds or can borrow money within the 60 day rollover period to augment the payment up to the amount of the total distribution. In addition, if the 10 percent early withdrawal penalty is applicable, the 20 percent that was withheld may be subject to such penalty.

Example. Mary and Jim each receive a distribution of $50,000 which, after the 20 percent withholding, consists of a check for $40,000 and $10,000 forwarded to IRS. Mary has sufficient assets to open an IRA with the $40,000 check and her own check for $10,000. On her tax return, she will report a rollover of $50,000 and will either reduce the taxes she owes by the $10,000 that was withheld or get it back as a refund. Jim cannot come up with $10,000, so he only rolls over the $40,000 check to an IRA, and on his tax return has a net taxable distribution of $10,000. Assuming a 35 percent tax rate (federal and state) and a 10 percent early withdrawal penalty since he is not age 55, Jim only gets a reduction in taxes due (or a refund) of $5,500. This cannot be rolled over since the 60 days have passed, so Jim has lost at least $4,500 in tax deferred IRA retirement funds.

The 20 percent withholding is applicable to hardship distributions, although this may have been a drafting mistake. Unless it is changed, plans will have to decide whether to allow for hardship distributions to be "topped-up", since withholding can no longer be waived. Of course, a participant can elect a trustee to trustee transfer to an IRA and then close the IRA while waiving tax withholding. This means, of course, lots more paperwork.

Are Social Security supplements that are payable for less than 10 years eligible rollover distributions or are they part of the pension annuity?

If an outstanding loan becomes a taxable distribution, as can happen upon termination of employment, and the participant cannot repay the outstanding balance, then the balance is subject to 20 percent withholding. If the participant directs the transfer of the rest of the account, how will the withholding be accomplished? The same problem may arise when a distribution includes noncash assets (stock, real estate, etc.)

[From the Kansas City Star, July 25, 1992]

Much Grief, Not Much Revenue

(By Jerry Heaster)

The contempt Congress has toward its most productive constituents was underscored recently when it decided to hijack your retirement nest egg if given the chance.

The latest wrinkle in federal tax law involves what is easily the most outrageous congressional action of the year and is yet another reason to clean house on Capitol Hill come November.

In case you haven't heard, here's what happened: When the right honorables needed a way to finance an extension of unemployment benefits, they imposed a 20 percent withholding tax on lump-sum distributions of tax-deferred pension accounts. Many of those most likely to be affected still aren't aware of the ambush Congress has set for them because the tax law change was buried deep in the stories about the jobless-pay extension.

Word is slowly getting out, though, and as it does the firestorm it's creating may eventually rival the protest sparked by an equally outrageous effort in the '80s to impose withholding taxes on interest and dividend payments.

This time, however, the rip-off is even more egregious because it's a fiscal sham. Despite the financial injury many hardworking Americans will suffer from this tax initiative, it is expected to enhance revenue by only a couple of billion bucks.

Whereas the current law allows 60 days for individuals to roll over pension fund distributions into other retirement accounts, the new law requires the employer to complete the transfer directly. Starting next year, if you unwittingly lay hands on the funds personally, you're hurting.

If you get a $50,000 distribution, say, because you change employers or are forced into early retirement, the check will be for only $40,000. But to avoid paying taxes and penalties, all $50,000 you were due must be rolled over into another tax-deferred retirement account.

Since the feds have already taken $10,000 of your nest egg, this means you must come up with the difference out of pocket when doing the rollover. If you don't, the 10 grand you fail to match in the new account not only will be taxed as income but also probably will be hit with an extra penalty tax for early withdrawal. And you'll also have lost the earning power of the $10,000 that's no longer invested.

If you do make up the shortfall on your own to maintain the tax-free integrity of your entire $50,000 nest egg, you'll get a refund when you file your next tax return because you won't be liable for the tax already withheld. This means that while Uncle Sam has had the benefit of an interest-free loan from you for more than a year, he still won't gain any actual extra tax revenue.

Moreover, as potential victims learn how to avoid the withholding by having the money taken care of without it ever coming into their possession, this will further weaken the measure's revenue-enhancement potential.

So why would those elected to represent your best interests create so much grief for so many hard-working, responsible Americans in return for so little in additional revenue? Probably because the 1990 budget agreement mandated that spending increases be offset by spending cuts or revenue enhancements. It's not important, however, for an actual balance to be achieved.

With this device, additional revenue can be estimated to pay for vote-buying largess in an election year even if much of it either never materializes in the first place or ultimately must be refunded if it does.

Do you ever wonder why America can't generate enough savings and investment to fuel economic growth? Wonder no more.

[From Business Week, Aug. 17, 1992]

Don't Roll Over for This Payout Ploy

Although the rules about payouts when you leave your company are complex, there has been one simple way to shelter lump sums from tax: Roll over the check from the company's pension fund or 401(k) savings plan into an individual retirement account or another eligible plan within 60 days. But after this year, once you receive that check, it will be too late to avoid a stiff new tax bite.

So, you must arrange in advance for your employer to make a trustee-to-trustee transfer to a cooperating bank, brokerage house, or new employer's plan. Otherwise, lump sums will be subject to a 20% withholding rate.

A major concern of tax advisers is "people being unpleasantly surprised," says Bill Fleming in the Hartford office of accountants Coopers & Lybrand. Those who suddenly change jobs or fall victim to cutbacks are the most likely to "get punished" for not knowing the tax rules.

Without a trustee transfer a $100,000 nest egg would mean a check for only $80,000. You still have 60 days to roll it into an IRA, tax-free until withdrawal. But to shelter this full $100,000, you'd have to come up with $20,000 from somewhere else.

If you don't make up the difference within 60 days, the $20,000 will also be subject to regular tax even though your never saw it. And unless you're 59½, you'll face a 10% penalty. Whether you ever get the $20,000 back depends on your total tax bill for the year. For instance, you might be overwithheld in general and get back your $20,000 as part of a refund. Or you could even end up owing more.

TAX TRAP

The congressional rationale is to foster trustee-to-trustee transfers so people will keep lump sums locked away for retirement rather than spend the money once they have a check in hand. But few employers now are set up to handle such transfers, so Congress is "leading you down the path" to having part of the nest egg taxed away, Fleming says.

By making withholding mandatory instead of optional, as it is now, "they actually set out to trap people," says Alan Prigal, a New York tax attorney and consultant to Bender's Federal Tax Week. The change is slated to raise $2.1 billion to help pay for extended unemployment benefits in the first year and nearly nothing after that—when most people presumably will have learned from those who got burned.—Dick Janssen.

LEASED EMPLOYEE

Mr. KERRY. Mr. President, I have two questions regarding a clarification of the leased employee provision in the bill.

Mr. BENTSEN. I would be pleased to offer any clarifications.

Mr. KERRY. First, when we considered a similar provision on June 23, 1989, you concurred with my understanding that under the definition of "leased employee" then proposed, the fact that an individual's services are not performed under the control of the intermediary party that arranged for the individual to perform the services for the recipient company does not, by itself, necessarily lead to the conclusion that the individual's services are performed under the control of the recipient company. The services may instead be performed under the control of the individual himself or under the control of an entity other than the intermediary third party or the recipient company. This issue was then, and still remains, particularly important in my State of Massachusetts where a substantial number of workers provide services through brokers as independent contractors. Would my understanding on this point still be correct today under the present bill?

Mr. BENTSEN. Yes; it would be.

Mr. KERRY. Second, the explanation of the bill states that the service recipient must exercise control over a worker for the worker to be considered a leased employee. The explanation also states that the determination is made on all the facts and circumstances. I am concerned that this definition not be extended beyond the original intent of the leased employee provisions to reach certain professionals like attorneys; accountants and actuaries; doctors; and computer programmers, systems analysts, software and hardware engineers; and other similarly skilled professionals who typically are under the general control of the service recipients.

Often the service recipient's establishment of the techniques and methods to be used, and its requirement that work be performed onsite and according to certain stages and timetables, is dictated in many respects by the very nature of the work itself; also there is general direction given as to the results to be obtained. However, this type of general control by service recipients does not appear to be significant in the overall context of the day-to-day work of these professionals who regularly make substantial use of their own judgment and discretion on matters of importance in the performance of their services, accordingly, this type of general control would not be an important indicator of whether these professionals are leased employees. Is my understanding correct of how the control test would apply to these workers?

Mr. BENTSEN. Yes, it is correct.

ERISA WAIVER STATEMENT

Mr. DURENBERGER. Mr. President, I rise to speak today about the crucial need to find ways to finance health reform.

Mr. President, several weeks ago I introduced legislation, S. 3223—the State Health Care Financing Equity Act. I was joined by my colleague from New Jersey, Senator BRADLEY, and several others. The Durenberger-Bradley bill permits states to waive ERISA preemption requirements for certain limited purposes. The bill provides a narrow exemption for the States to enact equitable financing plans which are directed specifically at expanding access to cost-efficient health care. Period.

Mr. President, I believe that the Federal Government has the responsibility to provide financial security against catastrophic medical expenses to all Americans. Every American should be able to get access to a health plan. If they cannot purchase that plan in the marketplace, the Federal Government should assist them through vouchers, tax credits, or other subsidies.

Unfortunately, Mr. President, the Congress and the President have been unable to reach consensus on a plan for universal access to health care.

Many States, thank goodness, are not waiting for Washington. They are ready to move to help their citizens get access to health care. States have to figure out how to use their limited resources to expand access to care.

However, because of ERISA, States are seriously limited in assessing taxes against what are known as self-insured plans governed exclusively by Federal law.

Many States, including my own State of Minnesota, have found their hands tied. They can only levy taxes against a dwindling number of employers who buy commercial insurance.

What kind of message are we sending to the States? We are saying: if we cannot pass legislation to expand access then you can't either. That is irresponsible.

And it is even more so when we realize that health reform is not a parlor game. The price for failure to act, and our failure to allow the States to act, is being paid in the form of pain and suffering and fear among American families.

In my view, as long as what States are doing is not detrimental to good health care, I am not going to impose what my vote might be on a decision which is theirs to make. Especially when we are unwilling to face up to those same hard choices at the Federal level.

Let me tell you, Mr. President, that there are a lot of strong feelings about this issue of ERISA preemption. I have listened carefully and attentively to many arguments against my bill.

Some have said that my approach would encourage States to rush out and pass provider taxes. But, here are the facts. Twenty two States already impose taxes on hospitals, doctors and other providers for the purpose of financing and subsidizing uncompensated care, State Medicaid programs, and a host of other health programs. It was an unanticipated district court decision last June that threw the legality of provider taxes assessed against self-funded plans in doubt.

States do not rush out and pass taxes of any kind. We in Congress know better than anyone else how hard it is politically to raise taxes at any level of Government. States struggle, as we do in Congress, with political forces that resist tax increases.

Provider taxes, just like cigarette taxes or sales taxes, are legitimate sources of tax revenue for States. It is a State decision. The ERISA law prevents States from assessing nondiscriminatory broad-based taxes on all users of the providers' services. This exception is unfair. Unfair taxation is what we are trying to prevent.

ERISA also prevents a State from taxing the insured to support uninsured. States can levy premium taxes on the commercially insured plans. But, self-insured employers are exempt from these levies as well.

Self-insurance is only a practical alternative for large firms. Thus, the larger companies, who are often the best able to afford these taxes, do not have to pay them. This is unfair.

Self-insured firms also argue that they take care of their own workers; they do not need to take care of anyone else.

In response, first let me say that I recognize the growing efforts to self-insured firms to manage health care costs. Nowhere is this more true than in Minnesota where our self-insured large firms have begun creative alliances with health plans to improve the quality of care their employees receive while reducing the costs of that care. I applaud their efforts.

However, the fact that they provide excellent benefits does not exempt them from certain social responsibilities. The parents who choose to pay for private education for their own children are not exempt from taxes to support public education. The firm that offers scholarships to children of their employees is not exempt from taxes that are used for scholarships and loans for low income individuals.

Mr. President, I am not closed to creative alternatives to my bill. There are better, fairer, wiser ways to finance universal coverage. They are all here in Washington. Restructuring the tax subsidy for employer paid health insurance. Redesigning Medicare to make it more rational, with catastrophic protection, long-term care, and without billions in wasteful Medigap insurance purchases. Replacing Medicaid with low-income premium subsidies.

These issues are deeply divisive. I am enough of a realist to know that we cannot force a decision in the last days of this Congress, particularly on a tax bill which is in itself controversial. Thus, I am not offering my bill, S. 3223, as an amendment on H.R. 11 at this time.

But my message is a warning. ERISA preemption in particular, and health care financing in general, are issues that can no longer be avoided. For too long we have denied that universal access will require new sources of revenues or major reallocation of resources or both.

We will not get health reform without resolving these thorny issues. A first step is to give those States who are already on the front lines of this battle the freedom to succeed.

I am pledging to raise these issues in the earliest days of the new Congress.

We ask unanimous consent that an article from the American Hospital Association News describing the issue and an editorial in the Minneapolis Tribune describing Minnesota's quandary be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From AHA News, Sept. 21, 1992]

LATEST STRANGLEHOLD ON STATES' HEALTH CARE REFORM EFFORTS—ERISA

Lawmakers instrumental in crafting legislation aimed at protecting employee pension plans in the early 1970s never realized the can of worms their efforts would open up two decades later.

But states now are fishing for ways to circumvent that legislation, the Employee Retirement Income Security Act of 1974 (ERISA), in their attempts to implement their own health care-reform plans in the face of federal government gridlock.

The legislation, which sets forth federal regulations for all employee-benefit programs, allows states to tax and regulate traditional insurers but prohibits them from requiring employers to provide health care coverage to their workers and from regulating or taxing self-insured employers' plans. Such mandates and taxes are parts of the reform plans proposed by many states. ERISA exemptions can be obtained only with an act of Congress signed by the president.

"[The law] set up to protect employee pension plans is creating chaos in their health plans," said Ken McDonnell, a research analyst for the Washington, DC-based Employee Benefit Research Institute (EBRI).

In fact, ERISA is creating so much of a problem for states that a number of governors have made the pilgrimage to the nation's capital to plead for relief.

"In the absence of national leadership and vision, we must move ahead," Florida Gov. Lawton Chiles said during a recent health-policy forum in Washington. "For some of our citizens, it is a matter of quality of life. For too many, it is a matter of life and death."

Relief for states may come in the form of bills introduced recently in Congress.

Hoping to clear the way for Florida to proceed with is plan to ensure that each of its residents receives basic health care benefits, Chiles is backing a bill sponsored by Sens. Patrick Leahy (D-VT) and David Pryor (D-AR) that would allow 10 states to establish health care demonstration projects with immunity from ERISA and Medicaid rules.

A separate bill introduced by Sen. Dave Durenberger (R-MN) would establish federal ERISA waivers for approved state reform initiatives, allowing the states to impose certain surcharges and state insurance taxes on self-insured employers.

The Bush administration opposes the Leahy/Pryor bill, according to Gail Wilensky, the White House's top adviser on health and welfare issues. The reasons she cited were the bill's proposal to strip the HHS secretary's authority to issue waivers, and the concern that exemption requirements would lead to highly regulated cost-control mechanisms.

On Durenberger's bill, Wilensky said the White House as of last week did not yet have a position.

Durenberger, in comments earlier this year on the House floor said: "ERISA has become a shield behind which self-insured companies can avoid social responsibilities that others must bear. This not why we adopted ERISA."

Many businesses have become self-insured in recent years as a way to bypass many state insurance regulations as well as to reduce administrative expenses and provide consistent health coverage to workers scattered in different states.

Not surprisingly, business leaders—and even labor officials—oppose changes to ERISA. The AFL-CIO, which is a self-insured organization, does not want to see exemptions to ERISA as a means of clearing the way for state health care reform.

"We want to see national health care reform," said Colleen O'Neill, an AFL-CIO spokeswoman. "[We're] against testing in the states because it is putting off the inevitable."

Without changes to ERISA, states' grand attempts at reform would amount to paltry tinkering with state insurance codes.

As EBRI's McDonnell said: "Things like universal health care are out."

States would have to be satisfied with enacting only small-group insurance reforms and approving sales of "bare-bones" health-insurance policies, which bypass state mandates. Although these reforms are themselves significant, a growing number of states have far loftier plans.

But without an ERISA exemption, states could not institute premium taxes to fund insurance pools for high-risk individuals, implement single-payer or "play-or-pay" systems, develop streamlined administrative claims forms and billing systems nor establish negotiated rate systems.

"That's a very significant list," said Carl Volpe, a senior policy analyst for the National Governors' Association (NGA), Washington, DC. "I'd say that states are very limited."

Only Hawaii has been able to do what other states are only now attempting. In striving for universal access, Hawaii has implemented a mandate that all employers, including self-insured businesses, provide workers with coverage.

Hawaii implemented its program before ERISA was enacted and was able to get an exemption written into the law. But the state has not been able to modify its system since 1974 to cover those residents who fall through the cracks.

Now a raft of states are trying to follow Hawaii's lead. Some state officials, including those in Florida, say they have no choice but to seek the necessary ERISA exemptions.

"We can't do what we want to do without an exemption," said Gary Clarke, the state's Medicaid director, "It's critical."

In the meantime, however, other states are attempting to sidestep the law.—CHRISTOPHER J. GEARON.

[From the Star Tribune, Sept. 25, 1992]

THE LEGAL SHADOW OVER MINNESOTACARE

The shadow of a lawsuit lengthened this week over MinnesotaCare, the much-hailed landmark plan for providing health care to the uninsured. Special interests succeeded in quashing an effort led by Minnesota Sen. Dave Durenberger to erase the shadow with an amendment to federal law.

Unless Congress next week miraculously finds that backbone it's long been lacking on health care, MinnesotaCare is in for a treacherous legal journey that could strip it of a primary funding source, a tax on the services of health-care providers.

The lawsuit is the handiwork of the Twin Cities Pipe Trades Welfare Trust, a self-insured health plan for union workers. But the union isn't the real villain in this drama—the federal government is, for denying states any ability to tax self-insured health plans in a manner parallel to commercial health insurance.

The union's beef with MinnesotaCare is that its providers' tax will be passed on in higher costs for the union's health plan (not to mention the many other self-insured plans in the state). That, the union argues, violates the 1974 Federal Employee Retirement Income Security Act, better known as ERISA, which requires that self-insured health plans use their assets only to benefit their own participants.

The union's argument may seem like a reach, but it prevailed in federal court in New Jersey earlier this year. A hospital billings surcharge dedicated to funding health care for the uninsured was struck down as a violation of ERISA. A General Accounting Office specialist told a U.S. Senate panel earlier this month that the pipe trades' suit in Minnesota could have the same result.

Durenberger and Minnesota's junior senator, Paul Wellstone, joined forces to try to protect MinnesotaCare. Their amendment to ERISA would have allowed states to tap self-insured plans to fund programs giving more people access to health care. But they bumped hard into a coalition of unions and major employers who want to block tampering with ERISA's preemption of state control of self-funded health insurance.

The Minnesota senators' experience demonstrates once again why health-care reform is so hard to come by in America. The people who oppose change are rich, powerful and know how to lobby. The people who so desperately need change aren't. The Minnesota Legislature courageously took a stand on the side of the uninsured this spring. Shame on Congress for refusing to do so this fall.

Mr. BENTSEN. I would like to thank my colleague from Minnesota, Senator DURENBERGER, for his introduction of S. 3223, the State Health Care Financing Act, and for his continuing leadership on health care issues in the Senate. The Senator's bill addresses a very important issue of great concern to the States. As he knows, we have already held a hearing on this issue in the Finance Committee.

The Senator from Minnesota has accurately stated my view that I would oppose an effort to offer S. 3223, or any other bill dealing with the ERISA preemption of State laws, as an amendment on H.R. 11. We cannot allow this important bill to be bogged down with controversial amendments at this late date.

I am aware of the importance of the issues that Senator DURENBERGER raises in this bill. This is a matter that the Senate will take up when we reconvene in 1993.

Mr. SEYMOUR. Mr. President, I rise to explain my reason for supporting H.R. 11, the Revenue Act of 1992. I supported passage of the Senate version of this legislation because this measure contains many excellent provisions which if signed into law will be instrumental in reinvigorating the American economy and put us on the road to recovery. However, I voted for this measure with some very strong reservations.

The reason I supported this bill is because there are many provisions of this legislation that will help many facets of our economy, and collectively, our country. Some of these provisions include: measures to help our economically depressed urban, rural, and Indian areas through the creation of 125 enterprize zones, a $2,500 first-time home buyer tax credit and modification of the passive loss rules for real estate to jump-start the economy, reinstatement of individual retirement accounts [IRA's] for everyone and penalty-free withdrawals for reasons of health, education or the purchase of a first home, and repeal of the so-called luxury tax on boats, jewelry, airplanes, furs, and indexation for cars.

My reservations focus on the tax increases in the bill. It is my hope that in conference these increases will be removed. If not, I will revisit this issue and may be disposed to oppose this measure. I would only do this out of concern that tax increases will negate the positive provisions in this bill and prevent the economic recovery that is the intent of this measure.

Mr. MURKOWSKI. Mr. President, I will vote yes tonight on passage of H.R. 11, but I do so only because I hope that the significant problems with this bill, namely the tax increases, can be eliminated in conference while retaining much of the good which this bill has to offer. I will not, of course, support the conference report if it retains the tax increases present in the bill as now drafted.

Mr. President, this bill contains many important provisions, some of which I have been advocating for years. The return of the fully deductible IRA is crucial to getting Americans back in the savings game. The $2,500 first-time home buyer tax credit will help revitalize the American real estate and construction businesses while giving young Americans the opportunity to own their own home, something all Americans deserve. The military IRA rollover provision I introduced will help tens of thousands of departing service people adjust to life outside the military. There are important provisions for enterprize zones, in both the cities and rural parts of America. And, finally, there is important tax relief here for thousands of Alaskans who will not get the tax relief on State education loans that they deserve.

Unfortunately, of course, there are tax increases in this bill as it is now written. I hope and trust that the Members of this body, together with the Members of the other body, will in conference remove those tax raising provisions. This is an important bill, Mr. President, and there are many, many parts of it which deserve to become law. That said, I will not support this bill if it comes out of conference with tax increases. However important may be the good parts of this bill, I do not believe that they justify imposing another tax increase on the backs of Americans, and I will so vote.

Mr. BINGAMAN. Mr. President, I rise to commend the distinguished manager of the bill and chairman of the Finance Committee, Senator BENTSEN, for his leadership on the legislation before us. He has done a yeoman's job over the past several weeks and days in attempting to address the many and diverse concerns raised by my colleagues and me. However, I remain very troubled by one provision of the manager's amendment.

Section 136 of the amendment addresses the very complex issue of physician self-referral and would create a number of exceptions to the current prohibition against this practice in some circumstances. As a cosponsor of S. 3186, the ethics in Referrals and Billing Act, which Senators ADAMS, METZENBAUM, and I introduced earlier this year, I am opposed to any effort that encourages or expands the practice of self-referral.

I am sure the chairman agrees with me when I state that this very complex issue deserves careful, thoughtful attention. The provisions in S. 3274 illustrate the difficulty of attempting to regulate physician self-referral in a piecemeal fashion. I believe S. 3274 creates exemptions that will undermine our efforts to regulate the egregious aspects of self-referral. We cannot afford to address this critical issue in anything less than a comprehensive manner.

I had planned to offer an amendment to strike the troublesome provisions, but at the urging of the chairman, I will not pursue the amendment. I understand the chairman is sympathetic to my concerns, which were also raised by Senator ADAMS and Senator METZENBAUM, and that he will work with us and other concerned colleagues on these issue when the bill is conferenced with the House.

In the past any exception to self-referral prohibitions occurred only after extensive discussion within the Congress and the health industry. This approach developed because of the complexity of this issue. The approach pursued in the manager's amendment, introducing self-referrals provisions with little discussion and examination, lends itself to errors. When we revise physician self-referral provisions we must do so with caution and certainly.

The practice of physician self-referral is a particularly onerous example of the type of increased intensity and volume of health care services that is driving up U.S. health care costs at an alarming rate. Self-referral occurs when a physician enters into a health services joint venture arrangement, thereby gaining a financial interest in an independent health care facility. Joint venture arrangements come in a variety of forms, the most common occurring when a physician makes an investment in a facility that provides physical therapy or rehabilitation programs, diagnostic imaging, radiation therapy, or another type of service to which he or she may refer patients. The benefit to the physician, in terms of income and tax advantages, ranges from small sums to thousands of dollars per year. But one thing remains constant: the success or failure of the joint venture depends on the physician's ability to make patient referrals.

We simply must do all that we can to assure that this practice does not continue if we are ever to achieve cost containment in the U.S. health care system. I thank the chairman for his willingness to address these concerns during the House-Senate conference on H.R. 11.

Mr. MACK. Mr. President, this bill provides real economic hope and opportunity to several sectors of our economy. My constituents in Florida are hurting. They are anxious about their jobs and about the state of the economy. They want action, even if it means taking some risks.

With this bill the horrible luxury tax on boats—the layoff tax—is finally repealed. Since this tax was created, it has caused job losses, harmed businesses and cost the Government revenue. The luxury tax is proof that higher taxes mean fewer jobs, and it will not be missed.

Other elements of this bill will have very significant effects on the real estate industry. These provisions—most notably the modifications of passive loss treatment—are necessary in order to revive the real estate industry from its depression.

The bill will boost economic activity by reducing the litigation costs associated with the amortization of intangibles. It also takes a step toward easing the burden of the alternative minimum tax [AMT] when businesses make productivity-enhancing investments in capital equipment.

Also included in this bill are important provisions that will help provide tax relief to the victims of Hurricane Andrew. Two amendments of mine will allow penalty-free withdrawals from IRA's for reconstructing homes and businesses, and also allow agricultural producers to defer their tax payments without penalty for 1 year in order to help them replant and rebuild their businesses.

In addition, the bill contains a provision to create much-needed enterprise zones which will help spur economic growth in depressed rural areas and inner cities. Under the bill's criteria, hurricane ravaged south Dade County, FL, would be a prime candidate for an enterprise zone classification.

But this bill is not free of warts. There are several key elements—particularly those provisions known as PEP and Pease—which are very damaging to economic growth nationwide. I have assurances that these provisions will be removed in conference. As beneficial as the economic growth elements are, these other provisions must be removed if this bill is to boost the overall health of the economy.

URBAN AID BILL

Mr. KERRY. Mr. President, I support the Urban Aid bill. I do so with somewhat less enthusiasm than I would like, in full knowledge that this measure does not authorize the kind of major investments in urban America that we so urgently need. It is only a downpayment, and a small downpayment at that.

I decided to support the bill after much consideration and only after Senate acceptance of the Kennedy-Riegle amendment which I cosponsored and which targets an additional $2.5 billion to urban areas over the next 5 years. I was swayed by the fact that the current version of the bill includes important provisions that will benefit many Americans—rural, suburban, and urban. H.R. 11 includes a variety of tax incentives, accounting for $5 billion of the total bill's cost of $30 billion, some of which I believe will be helpful in curing our economy of its current malaise. The bill includes the targeted capital gains tax cut for long-term investment in small businesses and the R&D tax credit, both of which will spur the kind of job-creating investment that our economy so desperately needs. It includes, as well, a modification of the passive loss rules for real estate investors and a provision promoting pension plan investment in real estate. Both of these measures are needed to jump-start our Nation's ailing real estate industry. In addition, this legislation, if signed into law, would end finally the so-called luxury tax on boats which has compounded the devastation of the boat industry brought about by our sick economy.

The urban and social spending in the bill, including the Kennedy-Riegle amendment, accounts for approximately $10.5 of the bill's $30 billion total. The expansion of the JOBS program will enable States to offer additional education and job training opportunities to move welfare recipients toward self-sufficiency. The increase in the asset limits for AFDC recipients will help families break the cycle of dependence by not punishing them for exhibiting the values we talk about in the debate on welfare reform—hard work, thrift, pursuit of educational and job training opportunities, and demonstration of the belief that one's life can be improved. It is my hope, Mr. President, that with the bill's revision of the AFDC asset limit provisions, we will never again hear of young people like Sandra Rosada of Connecticut who was forced to spend several thousand dollars in savings and whose family was required to pay AFDC overpayment charges because Sandra held a job while in high school in order to save the money she earned to pay for college.

The Finance Committee has included important provisions in the bill for family preservation projects, maternal and child health, mental health, substance abuse, and juvenile justice initiatives. The requirements of the Child Support Tax Equity Act have been incorporated in this bill as well, and as a cosponsor of that act, I am pleased that the bill before us recognizes and addresses the problem of parents who fail to pay child support—usually deadbeat dads. Those who have children have a responsibility for the housing, education, health, and security of their children. Failure to pay child support or flight to another State does not change that, and the provisions of this bill will make that less likely.

The Kennedy-Riegle amendment improves on the provisions in the bill for families by authorizing additional funds for programs that are of proven value like Head Start, Youthbuild, and Community Development Block Grants. It also targets about 60 percent of the money on the enterprise zones, that will be created by the bill.

The heart of the bill's urban provisions is the creation of 125 enterprise zones, 75 of which will be located in urban areas. I believe in enterprise zones because I believe that an increased flow of private capital is an essential prerequisite to the revival of urban neighborhoods. A Federal enterprise zone program would supplement existing State programs and create opportunity where existing market conditions and incentives would not.

But clearly, enterprise zones are not sufficient. Expert after expert has testified that a comprehensive approach to urban rebuilding is needed. That includes incentives for the private sector; it also includes investments in education, job training, drug rehabilitation, community policing, and the basic building blocks of community life.

There are those who say we can't afford to make these investments. They say they are a waste of money. They say that joblessness and hopelessness can only be cured when individuals take responsibility for their own lives.

Well, Mr. President, it is true that individuals must take responsibility for their own lives; they must make wise choices; they must demonstrate good values. But we help create the environment within which their choices are made.

And responsibility is not entirely the province of individuals. Over the past 12 years, the Reagan-Bush administrations reduced the Federal share of city expenditures from 17 percent to 6 percent. Where is the responsibility in that?

Over the same period, Federal support for housing, in real terms, dropped by 82 percent; for job training by 63 percent, for community development, by 40 percent, and for social service and community service block grants by 40 percent. What kind of choices were those?

Just this past March, the President vetoed a tax bill that would have given us urban enterprise zones; vetoed the centerpiece of what he now describes as a program to get this country moving again, to create jobs and to bring some real opportunity into our cities.

And now, after successfully limiting the amount and type of urban aid in this bill, the President threatens to veto H.R. 11. His threat comes despite the fact that the bill contains all of the economic growth proposals from his State of the Union Address except for a broad-based capital gains tax cut and it provides funding for 125 enterprise zones for which his Secretary of Housing and Urban Development campaigned so vociferously.

Why? The President vetoed the bill the Congress sent him this spring because it would have taken away a portion—just a portion—of the tax breaks that were given to the richest 1 percent of Americans during the Reagan years. And he threatens to veto this bill because Congress has refused thus far to reopen tax loopholes for the most well off. To protect the wealthiest of the wealthiest, the President is willing to turn his back on urban America and middle America and rural America and everyone else with an interest in getting our economy back on its feet, and an interest in restoring basic fairness to our tax system.

There are those who really do not care much about the problems of cities in America today. They point out that we are now predominately a suburban Nation. They believe they are not affected by the fact that, because of Federal neglect, cities are being forced year-by-year to raise taxes, cut services, and freeze or reduce public hearing. They look at urban residents and instead of understanding or helping, they turn away or lecture or assign blame. And the sad part of it is that many of these people are in the executive branch of the Government of the United States.

One of the reasons the President is in such political trouble today is that he has so clearly lost touch with the day-to-day concerns of the American people. Other than Jack Kemp and Louis Sullivan, there is not a member of this administration who has given any indication of understanding the kinds of choices the average kid or parent faces in our major cities today.

The crisis in our cities did not begin 3 months ago in Los Angeles. It is not a product of the Rodney King verdict. It exists—to a greater or lesser degree—in cities across America. It has been evolving for years. It has not one, but multiple causes. And it threatens literally to destroy America.

Deep down, we know we will not be able to compete internationally if too many of our young people are in jail or on drugs or always in the streets; we will never get out of debt if we must allocate billions more each year to prisons, prosecutions, emergency health care, expanded welfare and food stamps or rebuilding what the desperate among us have destroyed; and we will never have peace of mind as long as so many of us feel the need to seek security through locked doors, high fences, metal detectors, and the purchase of guns.

Deep down, we also know that it does not have to be this way. We have the power to choose a different road.

That choice begins, although it does not end, with money and how we spend it. Let us be clear. There's a fundamental difference between spending billions for something like B-2 bomber and spending the same amount for programs like child immunization and Head Start. It is like the difference between a family saving to send a child to college and that same family splurging on a trip to the Caribbean.

You buy a bomber, you get a bomber. You change the life a young kid who needs help and you get a citizen. How do you measure the savings? How do you count the crimes that might have been committed, but now will not be? How do you put a value on the difference to society of a young person making responsible choices about school and drugs and sex and that same person making irresponsible choices because he had no access to Head Start, no chance at a job, no opportunity to grow up in a neighborhood with responsible models to emulate?

Mr. President, this bill is not the comprehensive urban investment package that I would have liked to see. It is a minimum response to a major problem. There are also legitimate questions about the unrelated tax cuts in the bill, many of which concern me greatly. But there is too much in this bill that I feel will help our economy for me to vote against it. Obviously, this is an election year and there will be efforts to characterize this bill one way or another for purposes of partisan gain. But I hope amidst all the rhetoric, we will keep sight of a building consensus in this country that I believe is potentially very hopeful.

It may have taken Los Angeles to do it, but I think there is growing agreement that the crisis in our cities affects us all, whether we live in a city, suburb, and rural community; that our response must include incentives for the private sector and a greater effort by government; that individuals must be held accountable for their own choices and actions, but that this does not relieve the Government of its own responsibilities; and that a sustained, broad-based, innovation strategy for responding to the problem is required.

This legislation constitutes only the very first steps of such a strategy, and this debate indicates that the consensus of opinion we need is only starting to form. So let us approve this bill, but let us do so with a minimum of pride in the accomplishment it represents, and a maximum of commitment to carrying forward the job that this measure so modestly and so belatedly begins.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 29, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—70

Adams
Akaka
Baucus
Bentsen
Bingaman
Bond
Boren
Breaux
Bryan
Bumpers
Burdick, Jocelyn
Byrd
Chafee
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Graham
Grassley
Harkin
Hatfield
Heflin
Hollings
Inouye
Johnston
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Mack
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Seymour
Simpson
Specter
Stevens
Thurmond
Warner
Wirth
Wofford

NAYS—29

Biden
Bradley
Brown
Burns
Coats
Cochran
Craig
Dixon
Dole
Garn
Gorton
Gramm
Hatch
Helms
Jeffords
Kassebaum
Leahy
Lott
Lugar
McCain
McConnell
Metzenbaum
Rudman
Shelby
Simon
Smith
Symms
Wallop
Wellstone

NOT VOTING—1

Gore

So the bill (H.R. 11) as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the order of September 28, the Senate insists upon its amendments to the bill, requests a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair appoints the following conferees on the part of the Senate:

Mr. BENTSEN, Mr. MOYNIHAN, Mr. BAUCUS, Mr. BOREN, Mr. MITCHELL, Mr. PRYOR, Mr. PACKWOOD, Mr. DOLE, Mr. ROTH, Mr. DANFORTH, and Mr. CHAFEE.

And from the Committees on Banking, Housing and Urban Affairs; the Judiciary; and Labor and Human Resources, for consideration of title VIII of the Senate amendment only, Mr. KENNEDY, Mr. RIEGLE, Mr. BIDEN, Mr. HATCH, and Mr. GRAMM of Texas.

INDEPENDENT COUNSEL REAUTHORIZATION ACT

Mr. MITCHELL. Mr. President, I have previously engaged in discussions with the distinguished Republican leader and the distinguished Senator from Michigan, Senator LEVIN, and my colleague from Maine, Senator COHEN, regarding the bill to reauthorize the Independent Counsel law.

In accordance with our discussions I now ask unanimous consent that the Senate proceed to Calendar Order No. 676, S. 3131, a bill to reauthorize the Independent Counsel law for an additional 5 years and for other purposes.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, on behalf of a number of Senators on this side I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Mr. President, the Senators that the distinguished Republican leader has referred to have signed a letter. And that letter makes it clear that the effort to bring up the Independent Counsel law reauthorization this year will run into a filibuster. I would just quote two lines from that letter which has been shared with me. "We are writing to express our vehement opposition * * * and our intent to debate—at length—any attempt to proceed to the bill." And also making reference to "fervent opposition."

So the reality is that we are going to be unable to reauthorize the Independent Counsel law this year. It runs out in December. I think it is a sad day for the country that we will be without this law for at least a month or two.

Senator COHEN and I, I know, are both dedicated to bringing this up and making this effort again next year. The law was put into place as a Watergate reform and the filibuster threat now is killing, at least for the next few months, the most important single Watergate reform on the books, which is the Independent Counsel law.

This was a truly bipartisan effort to reauthorize it. I want to thank the majority leader for his effort to bring this matter up. It thank Senator COHEN for his continuing support of this bill. We will be back next year.

One other thing, I ask unanimous consent that the letter which has been referred to of the 28 Senators as well as two other documents relating to this matter be printed in the RECORD at this point.

Mr. WALLOP. Reserving the right to object, can I inquire of the Senator from Michigan, if the name of the Senator from Wyoming is on that letter?

Mr. LEVIN. It is.

Mr. WALLOP. Because I was going to ask unanimous consent it be added were it not. I have no objection.

Mr. LEVIN. As a matter of fact it is the top name, so the Senator will not be disappointed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 23, 1992.

Hon. ROBERT DOLE,
Republican Leader,
U.S. Senate, Washington, DC.

DEAR BOB: It has come to our attention that the Majority Leader is considering bringing the Independent Counsel Reauthorization to the floor before the Senate adjourns sine die. We are writing to express our vehement opposition to this legislation and our intent to debate—at length—any attempt to proceed to the bill. Should this legislation become the pending business before the Senate, you can anticipate extended debate and amendments including an amendment pertaining to Congressional coverage.

With less than two weeks remaining before the target adjournment date, Congress has precious little time to complete its list of "must pass" legislation: the appropriations bills, assorted conference reports, and presidential vetoes. For the Majority Leader to contemplate straying from this list to pursue contentious and ill-advised bills such as the reauthorization of the independent counsel law almost defies belief.

With the disgraceful indictment of Caspar Weinberger and the subsequent announcement of the end to Lawrence Walsh's five year, multi-million dollar investigation, this hardly seems the time for Congress hurriedly to consider reauthorization of such pernicious legislation.

Please convey to the Majority Leader our fervent opposition to any effort to bring this controversial bill up at such a late date in the session.

Sincerely,

Malcolm Wallop, Strom Thurmond, Mitch McConnell, Bob Dole, Steve Symms, Bob Smith, Dan Coats, Ted Stevens, Thad Cochran, Orrin Hatch, Larry E. Craig, Richard G. Lugar, Jake Garn, Frank H. Murkowski, Jesse Helms, Trent Lott, Conrad Burns, Connie Mack, Phil Gramm, Al Simpson, Don Nickles, Larry Pressler, Pete V. Domenici, Slade Gorton, John H. Chafee, Kit Bond, John C. Danforth, John Seymour.

[U.S. District Court for the District of Columbia]

UNITED STATES OF AMERICA *v.* CASPAR W. WEINBERGER, DEFENDANT.

(Holding a Criminal Term; Grand Jury 91–1 Sworn in on January 16, 1991)

Violations: Title 18 U.S.C. §1505 (Obstruction of Congress); Title 18 U.S.C. §1001 (False Statement); Title 18 U.S.C. §1621 (Perjury).

INDICTMENT

Count I (Obstruction of Congress)

Introduction

1. From 1981 to November 1987, the defendant, Caspar W. Weinberger, was the Secretary of Defense and a statutory member of the National Security Council ("NSC").

2. At all times relevant to this Indictment, the Secretary of Defense was the head of the Department of Defense ("DoD").

3. At all times relevant to this Indictment, the NSC was a government entity established by the National Security Act of 1947, whose statutory members were the President of the United States, the Vice President, the Secretary of State and the Secretary of Defense. The NSC advised the President on the integration of domestic, foreign and military policies relating to the national security; facilitated cooperation among the military services and other departments and agencies of the government in matters involving the national security; and reviewed, guided and directed foreign intelligence and covert action activities.

4. Beginning with the overthrow of the Shah of Iran on or about January 16, 1979, and the seizure of the United States Embassy in Iran and its staff on November 4, 1979, relations between the United States Government and the Government of Iran were characterized by mutual hostility and tension. At all times relevant to this Indictment, the United States Government embargoed arms sales to Iran. In January 1984, Secretary of State George P. Shultz designated Iran as a sponsor of international terrorism and, thereafter, the United States Government actively urged its allies not to permit the shipment of arms to Iran, in part because of its sponsorship of international terrorism and the continuation of the Iran-Iraq war.

5. In August 1985, Robert C. McFarlane, the Assistant to the President for National Security Affairs, briefed President Ronald Reagan, Secretary Shultz, and the defendant, Caspar W. Weinberger, about an Israeli proposal to sell arms to Iran to obtain the release of Americans held hostage in Lebanon. The defendant, Caspar W. Weinberger, and Secretary Shultz objected to the plan and advised the President against it. This plan and subsequent efforts to obtain the release of the hostages through the sale of arms to Iran became know as the Iran initiative.

6. In August and September of 1985, United States Government officials were informed that Israel had shipped 508 United States-supplied TOW anti-tank missiles to Iran with the expectation that the United States Government would provide Israel with replacement TOW missiles. Following these Israeli TOW shipments to Iran, the Reverend Benjamin Weir, an American held hostage in Lebanon, was released from captivity.

7. On November 9, 1985, Mr. McFarlane told the defendant, Caspar W. Weinberger, about new negotiations with Iranians and Israelis involving the exchange of arms for hostages.

8. On November 10, 1985, Mr. McFarlane told the defendant, Caspar W. Weinberger, that the current proposal involved the release of all American hostages and the transfer to Iran, through the Israelis, of Hawk anti-aircraft missiles.

9. On Tuesday, November 19, 1985, Mr. McFarlane asked the defendant, Caspar W. Weinberger, to try to obtain 500 Hawk missiles for sale to Israel to "pass on" to Iran in return for which five hostages would be released on Thursday, November 21, 1985. Major General Colin L. Powell, the Senior Military Assistant to the defendant, Caspar W. Weinberger, made efforts to determine whether 500 Hawk missiles were available and what legal requirements would apply to the sale. General Powell reported to the defendant, Caspar W. Weinberger, that 500 Hawk missiles could not be sold to Israel or Iran without Congressional notification and that breaking the sale into several packages of 28 Hawks each (to keep the value of each package under a $14 million Congressional notification threshold) would be a clear violation of law. The defendant, Caspar W. Weinberger, provided this information to Mr. McFarlane.

10. On Wednesday, November 20, 1985, the defendant, Caspar W. Weinberger, told Mr. McFarlane that he objected to the sale of arms for hostages. Mr. McFarlane responded that the President had already decided to do it through Israel.

11. Later that day, Wednesday, November 20, 1985, Mr. McFarlane informed the defendant, Caspar W. Weinberger, that the Israelis would sell 120 Hawks to the Iranians, and that there would be a hostage release on Friday, November 22, 1985.

12. On or about Sunday, November 24, 1985, a cargo of 18 Hawk missiles was sent from Israel to Iran. United States Government officials were informed that the Iranians were dissatisfied with the cargo, and additional Hawk missiles were not sent.

13. On December 7, 1985, the defendant, Caspar W. Weinberger, attended a meeting at the White House with President Reagan, Chief of Staff to the President Donald T. Regan, Secretary Shultz, Deputy Director of Central Intelligence John N. McMahon, newly-appointed Assistant to the President for National Security Affairs Vice Admiral John M. Poindexter, and Mr. McFarlane, who recently had resigned his position as Assistant to the President for National Security Affairs. Mr. McFarlane reviewed the development of the Iran initiative up to that point, including the TOW missile shipments prior to the release of the Reverend Weir and the November 1985 Hawk missile shipment. Mr. McFarlane then outlined a plan for additional sales of weapons through Israel to Iran to obtain the release of the remaining American hostages. The defendant, Caspar W. Weinberger, argued that the United States had an embargo in effect that made arms sales to Iran illegal, that the President could not violate the embargo, and that "washing" the transaction through Israel would not make it legal. President Reagan responded that he could answer charges of illegality but that he could not answer the charge that he had passed up a chance to free the hostages.

14. Following the December 7, 1985 meeting, President Reagan sent Mr. McFarlane to London to open negotiations with Iranian and Israeli representatives, without making any United States commitment to transfer arms.

15. On December 10, 1985, following Mr. McFarlane's return from London, the defendant, Caspar W. Weinberger, attended a meeting at the White House with President Reagan, Chief of Staff Regan, Director of Central Intelligence William J. Casey, Admiral Poindexter, and Mr. McFarlane. At the meeting, Mr. McFarlane recommended that no more arms to be sold to Iran, but he also reminded the group that the United States still had to replenish the 500 TOW missiles that Israel had shipped to Iran before the Reverend Weir was released.

16. On January 6, 1986, the defendant, Caspar W. Weinberger, met with Admiral Poindexter, who outlined a new Israeli plan to sell weapons to Iran to obtain the release of the American hostages. The defendant, Caspar W. Weinberger, objected to the plan.

17. On January 7, 1986, the defendant, Caspar W. Weinberger, attended a meeting at the White House with President Reagan, Vice President George Bush, Attorney General Edwin Meese, III, Director Casey and Secretary Shultz. At the meeting, the President favored the plan to sell missiles to Iran, through Israel, in exchange for the release of American hostages.

18. On January 17, 1986, President Reagan formally approved, by Presidential finding, a covert plan in which the United States would sell the weapons to Iran through an American intermediary, rather than through Israel.

19. In furtherance of this plan, during February 1986, 1,000 TOW missiles were sold to Iran.

20. Between May and November 1986, additional weapons and related parts were sold to Iran, and two Americans held hostage in Lebanon were released.

21. In early November 1986, there were public reports that United States Government officials had engaged in arms-for-hostages deals with Iran.

22. On November 10, 1986, the defendant, Caspar W. Weinberger, attended a White House meeting with President Reagan, Vice President Bush, Secretary Shultz, Attorney General Meese, Director Casey, Chief of Staff Regan, Admiral Poindexter, and Acting Deputy Assistant to the President for National Security Affairs Alton G. Keel, Jr. Admiral Poindexter briefed the meeting about operational details of the Iran initiative, but he omitted mention of the November 1985 Hawk missile shipment and did not acknowledge any United States role in or approval of any shipments prior to the Presidential Finding of January 17, 1986.

23. On November 12, 1986, the defendant, Caspar W. Weinberger, attended a briefing for Congressional leaders at the White House with the same officials who attended the No-

vember 10, 1986 meeting. Admiral Poindexter briefed the Congressional leaders about the Iran initiative but, once again, did not acknowledge any United States role in or approval of any 1985 shipments, including the November 1985 Hawk missile shipment. In response to a question by Senate Minority Leader Robert C. Byrd, Admiral Poindexter stated that the initial contacts with the Iranians had been in 1985 but there had been no transfer of material to Iran then because it took time to assess the contacts and issue a Finding.

24. On November 13, 1986, President Reagan addressed the nation and purported to set out the facts about the Iran initiative.

25. On November 19, 1986, President Reagan held a news conference about the Iran initiative. During the news conference President Reagan said "we, as I say, have had nothing to do with other countries or their shipments of arms or doing what they're doing," and he denied that a third country had been involved in shipments of United States arms to Iran. Later that evening, President Reagan acknowledged that, in fact, a third country had been involved. But the President did not disclose that arms shipments had taken place in 1985, that the third country was Israel, or that he had approved any of the 1985 shipments.

26. During the period leading up to November 24, 1986, officials within the White House and other Executive branch agencies expressed repeated concern that the 1985 arms shipments to Iran, and in particular the November 1985 HAWK missile shipment, had been illegal.

27. On or about November 20, 1986, Abraham D. Sofaer, the Legal Adviser of the Department of State, objected to proposed testimony by Director Casey, which stated that no one in the United States Government had contemporaneous knowledge of the November 1985 Hawk missile shipment. Mr. Sofaer was aware of a contemporaneous note from November 1985 indicating that Mr. McFarlane had told Secretary Shultz about the impending shipment. Secretary Shultz supported Mr. Sofaer's efforts to prevent this false testimony.

28. From November 21 until November 24, 1986, Attorney General Meese interviewed some of the United States Government officials who had known about the Iran initiative. One of the central topics in these interviews was the extent of knowledge of United States Government officials of the November 1985 Hawk missile shipment from Israel to Iran.

29. On Sunday, November 23, 1986, Prince Bandar bin Sultan, the Saudi Arabian Ambassador to the United States, met with the defendant, Caspar W. Weinberger. Prince Bandar told the defendant, Caspar W. Weinberger, that during a recent meeting with President Reagan's wife, Nancy Reagan, she had said that she thought Secretary Shultz had been disloyal to the President during the crisis resulting from the revelation of the Iran initiative and that he should be replaced as Secretary of State. Prince Bandar reported that he had then proposed to Mrs. Reagan that the defendant, Caspar W. Weinberger, replace Secretary Shultz, and that Mrs. Reagan had commented favorably on that proposal.

30. On November 24, 1986, Attorney General Meese met at the White House with President Reagan, Vice President Bush, Secretary Shultz, Director Casey, Chief of Staff Regan, Admiral Poindexter and the defendant, Caspar W. Weinberger. Mr. Meese told the group that the November 1985 Israeli Hawk missile shipment may have been illegal, but that the President did not know about the shipment at the time. At the end of the meeting, Mr. Meese asked whether anyone knew of anything else that had not been revealed. No one contradicted Mr. Meese's incorrect statement concerning President Reagan's lack of knowledge, although several of those present, including the defendant, Caspar W. Weinberger, had contrary information.

31. On November 25, 1986, Attorney General Meese announced at a press conference that proceeds generated from mark-ups in the sales of arms to Iran had been diverted to the Nicaraguan democratic resistance, also known as the Contras. In response to a question about the Iran initiative, Mr. Meese said that the President had not been informed about the November 1985 Hawk missile shipment until February 1986.

32. Following the November 25, 1986 press conference, several Congressional Committees conducted investigations and held hearings on these topics.

33. On December 17, 1986, the defendant, Caspar W. Weinberger, testified about the Iran initiative in closed session before the United States Senate Select Committee on Intelligence. With regard to the November 1985 Israeli Hawk missile shipment to Iran, the defendant, Caspar W. Weinberger, testified as follows:

Q. In the period of time from approximately November 16th to November 21st of 1985, the President was in Geneva for the summit meeting with Mr. Gorbachev. And at or about that same time, one of the arms transfers to the Iranians was under way and there is some evidence that there was discussions [sic] at various highest levels relative to that. Do you have any reason to recollect being aware at that particular point in time of discussions?

A. No. I was not in Geneva at those meetings and I did not have any recollection of that. I know that may have been about the time I saw one of these first [intelligence reports] that I mentioned to you earlier. But that was all—my impression was that the plan was not being put forward actively, was no longer being considered. And this was confirmed in my view in the President's reaction at the December 6th [sic—December 7] meeting that I have mentioned.

A. . . . And certainly there was no discussion in that meeting [December 7, 1985] of any transfers that Israel or anybody else had been permitted to make or anything of that kind.

34. For many years, the defendant, Caspar W. Weinberger, took daily notes of his activities. These handwritten notes contain an extensive record of what the defendant, Caspar W. Weinberger, did on a daily basis, and include summaries of telephone conversations and meetings. During 1985 and 1986, the defendant, Caspar W. Weinberger, took nearly 1,700 pages of daily notes. These daily notes contain, among other things, summaries of conversations and meetings described in paragraphs 7–11, 13, 15–17 and 29 of this Count of the Indictment. These notes disclose that in November 1985, in advance of the Hawk missile shipment to Iran, the defendant, Caspar W. Weinberger, was told that President Reagan had authorized the shipment of Hawk missiles to Iran, through the Israelis, in order to obtain the release of American hostages held in Lebanon.

35. During 1985 and 1986 the defendant, Caspar W. Weinberger, also took hundreds of pages of notes during high-level meetings, in addition to the daily notes described in the preceding paragraph. These meeting notes contain, among other things a record of what occurred at meetings described in paragraphs 15–17, 22, 23 and 30 of this count of the Indictment. These meeting notes show that, a few days after the November 1985 Hawk missile shipment, the defendant, Caspar W. Weinberger, informed President Reagan that such arms shipments were illegal, and that one year later, during the meeting of November 24, 1986 described in paragraph 30 above, Attorney General Meese expressed concern that the November 1985 shipment was illegal.

36. On January 6, 1987, the United States Senate, by Senate Resolution 23, established the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition ("Senate Select Committee"). On January 7, 1987, the United States House of Representatives, by House Resolution 12, established the Select Committee to Investigate Covert Arms Transactions with Iran ("House Select Committee"). The two Chambers instructed their respective Committees (collectively, "Select Committees") to work together and charged them with investigating, among other things, any activity of any officer or entity of the United States Government relating to the Iran initiative.

37. On March 11, 1987, the defendant, Caspar W. Weinberger, met with counsel to the Senate Select Committee and DoD General Counsel H. Lawrence Garrett, III. A Senate Select Committee staff memorandum prepared following the meeting states, in relevant part:

"Weinberger offered that some of his recollections of these matters were a bit fuzzy, and added 'I have the deepest sympathy for the President's memory problem.' He then added that he 'should have done what Henry Kissinger did after every meeting, he would dictate a thorough memo of what transpired, which was used in writing his memoirs. For me, after I finish a meeting, I go off to another meeting.' While Weinberger did not expressly deny that he kept diaries or dictated his thoughts about day's events, with these comments he clearly left the impression that he did not make such notes or recordings."

38. On or about April 4, 1987, the Senate Select Committee requested that the DoD produce to it all documents relating to the Iran initiative, including "notes, . . . diaries, . . . or other such records, of attendance at, recollection of, or participation in, . . . any meetings, discussions, conferences, or events pertaining to the Committee's inquiry, prepared by and/or in the possession of" certain individuals, including the defendant, Caspar W. Weinberger.

39. On or about April 14, 1987, the House Select Committee requested that the DoD produce to it all documents relating to the Iran initiative, including "calendars, logs, diaries, appointment books, records of meetings, and handwritten notes keep by or on behalf of" certain individuals, including the defendant, Caspar W. Weinberger.

40. The defendant, Caspar W. Weinberger, ordered the DoD Office of General Counsel to produce to the Select Committees documents responsive to the requests of the Select Committees. The defendant, Caspar W. Weinberger, instructed senior officials in the DoD to comply with the requests, but withheld and concealed his daily notes and, with one exception, his relevant meeting notes. As a result, none of the defendant's, Caspar W. Weinberger's, daily notes and only one of his relevant meeting notes were provided to the Select Committees.

41. On June 17, 1987, members of the Select Committees' staffs took deposition testi-

mony under oath from the defendant, Caspar W. Weinberger, in his office at the Pentagon. DoD General Counsel Garrett and DoD Assistant General Counsel Edward J. Shapiro also attended the deposition. One of the purposes of the questioning was to determine whether the defendant, Caspar W. Weinberger, had kept notes. During the deposition, the defendant, Caspar W. Weinberger, concealed the existence of his daily notes and the extent of notes he had taken during meetings in 1985 and 1986.

42. Pursuant to House Resolution 12, which established the House Select Committee, the June 17, 1987 deposition is deemed to have been taken in the District of Columbia.

43. During the June 17, 1987 deposition, the defendant, Caspar W. Weinberger, made the following statements:

Q. We have gone over a number of meetings?

A. Yes.

Q. Of course, your recollection is better on some and fainter on others.

A. Yes.

Q. Is there any way that you have of making a record of the highlights of meetings of this nature?

A. Now?

Q. No, then.

A. No. there wasn't. I did dictate a memorandum on this particular one [referring to a November 10, 1986 meeting], but I've often said that I understand that Henry Kissinger made a memo of every meeting he ever attended and that enabled him to write his book rapidly. I wish I had done that with day one of the administration. I am usually getting ready for the next meeting and don't have time to write these memorandums. I took notes about this one and dictated this memorandum because it seemed to be important.

Q. Do you ever take notes that are not dictated or make jottings when you get back?

A. Yes, occasionally, but comparatively rarely. I don't know we kept those in any formal way. I don't think they have been filed or labeled. My handwriting is notoriously bad. I have trouble even reading it myself. Occasionally take a few notes, but not really very often.

Q. If there is any chance there are—

A. I think we made this examination and whatever there is is in our so-called C&D, Correspondence and Directives. They have been asked to paw through everything.

Q. Are you aware of any other potential source of—that might be—have made a record that might supplement your memory of some of these meetings?

A. Well, I don't really think of anything. We could paw through everything again. We have done that, I think, pretty well.

44. Thereafter, until he left the DoD, the defendant, Caspar W. Weinberger, withheld the aforementioned notes. Thereafter, he deposited these notes in the Library of Congress in the District of Columbia, where public access to the notes was subject to his exclusive personal control.

45. It was material to the Select Committees' investigations to obtain any written materials, including contemporaneous notes, of the defendant, Caspar W. Weinberger, that contained information relating to what the President and other senior government officials had known or done in connection with proposals to ship arms to Iran in 1985, contributions to the Contras, and other topics within the scope of the investigation of the Select Committees.

The Grand Jury Charges

46. From on or about March 11, 1987, up to and including August 3, 1987, the defendant, Caspar W. Weinberger, acting unlawfully, willfully and knowingly did corruptly influence, obstruct and impede and endeavor to influence, obstruct and impede the due and proper exercise of the power of inquiry of the Select Committees in that, during the aforesaid time period, he caused the DoD not to provide to the Select Committees, in response to their document requests, handwritten notes relating to the Iran initiative and support for the Contras, by

a. withholding his daily notes and all but one of his relevant meeting notes from the Select Committees, and

b. concealing from the Select Committees the existence of these notes while professing to comply with the document requests of the Select Committees,

all with the intent to corruptly influence, obstruct and impede the due and proper exercise of the power of inquiry of the Select Committees.

(In Violation of Title 18, United States Code, Section 1505.)

Count II (False Statement)

1. Paragraphs 1 through 45 of Count I of this Indictment are realleged and incorporated by reference.

2. At all times relevant to this Indictment, the Contras were insurgents engaged in military and paramilitary operations in Nicaragua.

3. From in or about December 1981 until on or about October 11, 1984, the United States Government, acting principally through the CIA, pursuant to written Presidential Findings, had provided the Contras with financial support, arms and military equipment, as well as with supervision and instruction, tactical and other advice, coordination, intelligence and direction.

4. On October 12, 1984, Public Law 98-473 was enacted. It prohibited funds available to the CIA, the DoD, and certain other agencies and entities of the United States from being obligated or expended in support of military or paramilitary operations in Nicaragua, stating in relevant part:

"During fiscal year 1985 no funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual."

This provision of law was commonly known as the Boland Amendment.

5. On or about March 13, 1985, General John W. Vessey, Chairman of the Joint Chiefs of Staff, informed the defendant, Caspar W. Weinberger, that Prince Bandar bin Sultan, the Saudi Arabian Ambassador to the United States, had stated that Saudi Arabia was contributing funds to the Contras. The defendant, Caspar W. Weinberger, repeated this information to Mr. McFarlane.

6. On or about March 15, 1985, the defendant, Caspar W. Weinberger, informed Director of Central Intelligence Casey and Deputy Director of Central Intelligence McMahon that he had heard that Prince Bandar had earmarked $25 million for the Contras, in $5 million increments.

7. During the summer of 1986, reports appeared in the press alleging that the Saudis had contributed money to the Contras as part of an informal arrangement connected with the sale of AWACs aircraft to Saudi Arabia. A July 27, 1986, article in the *San Francisco Examiner* cited intelligence sources who stated that the Saudi contribution "was but the latest example of a longstanding practice of financing U.S. covert operations with money set aside from foreign military sales." By letter dated August 12, 1986, Representative Dante B. Fascell, Chairman of the United States House of Representatives Committee on Foreign Affairs, sent a copy of the *San Francisco Examiner* article to the defendant, Caspar W. Weinberger, and asked him in respond to these allegations.

8. The defendant, Caspar W. Weinberger, responded to Congressman Fascell in a letter dated September 4, 1986, which began as follows:

"I am pleased to have the opportunity to respond to your letter of August 12, in which you raise a number of important questions regarding alleged funding of Contra aid through the Foreign Military Sales system. I, too, saw the San Francisco *Examiner* article and regarded the allegation of Saudi funding of U.S. assistance to anti-government forces in Nicaragua as so outlandish as to be unworthy of comment from the Department."

The Grand Jury Charges

9. On June 17, 1987, in a deposition deemed to have been taken in the District of Columbia, the defendant, Caspar W. Weinberger, unlawfully, knowingly and willfully made a material false, fictitious and fraudulent statement to a department or agency of the United States, to wit, the House Select Committee, in a matter within its jurisdiction, to wit, its investigation of the Iran initiative and certain aspects of assistance for the Contras.

10. It was material to the House Select Committee's investigation to determine what the defendant, Caspar W. Weinberger, had known about Saudi Arabian contributions to the Contras.

11. On June 17, 1987, the defendant, Caspar W. Weinberger, appearing as a witness before duly authorized staff of the House Select Committee, made the following statement, knowing it to be false, fictitious and fraudulent:

Q. Do you recall learning at some point that the Saudis or some people connected with the Saudis provided funds for the contras?

A. *No. I don't have any memory of any contra funding or of anything connected with the Saudis that I can remember now.*

12. The above italic material statement made to the duly authorized staff of the House Select Committee by the defendant, Caspar W. Weinberger, was false, fictitious and fraudulent, as the defendant, Caspar W. Weinberger, then and there well knew, in that he had been informed in March 1985 that the Saudi Ambassador was contributing funds to the Contras.

(In Violation of Title 18, United States Code, Section 1001.)

Count III (Perjury)

The Grand Jury Charges

1. Paragraphs 1 through 45 of Count I of this Indictment are realleged and incorporated by reference.

2. On July 31, 1987, in the District of Columbia, the defendant, Caspar W. Weinberger, having duly taken an oath before competent tribunals, to wit, the Select Committees, in a case in which the law of the United States authorizes an oath to be administered, that he would testify truthfully in proceedings before the Select Committees, did willfully and contrary to said oath make a material statement that he did not believe to be true, as hereinafter set forth.

3. It was material to the Select Committees' investigation to determine whether the President and other high-level United States Government officials, including the defendant, Caspar W. Weinberger, knew in November 1985 of a proposed transfer of Hawk missiles from Israel to Iran.

4. At the time and place set forth in paragraph 2 of this Count, the defendant, Caspar W. Weinberger, appearing as a witness under oath before the Select Committees, was asked the following question and gave the following answer, believing the italic material declaration not to be true:

Mr. EGGLESTON: The Committee has also received testimony that on that weekend of November 23 and November 24, [1985] there was a shipment of 18 Hawk missiles from Israel to Iran. This [Exhibit 8] was a paper that was written immediately prior to that time. Let me just ask you: Did you have any knowledge that that transfer was to take place?

Secretary WEINBERGER: *No, I did not.*

5. The above italic material declaration made under oath before the Select Committees by the defendant, Caspar W. Weinberger, was not true, as the defendant, Caspar W. Weinberger, then and there well knew, in that:

a. he had been informed by Mr. McFarlane, on or about November 10, 1985, of a proposal that, in connection with the release of Americans held hostage in Lebanon, Israel would ship Hawk missiles to Iran;

b. he had been asked by Mr. McFarlane, on or about November 19, 1985, to try to get 500 Hawk missiles for transfer to Iran in connection with the release two days later of Americans held hostage in Lebanon;

c. he had been informed by Mr. McFarlane, on or about November 20, 1985, that President Reagan had decided to sell Hawk missiles to Iran through the Israelis; and

d. he had been informed by Mr. McFarlane, on or about November 20, 1985, that Israel would sell 120 Hawk missiles to Iran, and that Americans held hostage in Lebanon would be released two days later.

(In Violation of Title 18, United States Code, Section 1621.)

Count IV (Perjury)

The Grand Jury Charges

1. Paragraphs 1 through 45 of Count I of this Indictment are realleged and incorporated by reference.

2. On July 31, 1987, in the District of Columbia, the defendant, Caspar W. Weinberger, having duly taken an oath before competent tribunals, to wit, the Select Committees, in a case in which the law of the United States authorizes an oath to be administered, that he would testify truthfully in proceedings before the Select Committees, did willfully and contrary to said oath make a material statement that he did not believe to be true, as hereinafter set forth.

3. It was material to the Select Committees' investigation to determine whether the defendant, Caspar W. Weinberger, had contemporaneous knowledge of the Israeli desire and need for the replenishment of weapons that Israel was sending to Iran.

4. At the time and place set forth in paragraph 2 of this Count, the defendant, Caspar W. Weinberger, appearing as a witness under oath before the Select Committees, was asked the following question and gave the following answer, believing the italic material declaration not to be true:

Mr. EGGLESTON: And in addition, there are various documents which are in evidence before the Committee which refer to the Israeli desire and need for replenishment of weapons that the Israelis were sending. Did you know that replenishment was an issue?

Secretary WEINBERGER: *No. I have no memory of that.*

5. The above italic material declaration made under oath before the Select Committees by the defendant, Caspar W. Weinberger, was not true, as the defendant, Caspar W. Weinberger, then and there well knew, in that:

a. he had in November 1985 ascertained the availability of Hawk missiles with which to supply Israel;

b. he had been informed by Mr. McFarlane, on or about November 20, 1985, that President Reagan had decided to provide Hawk missiles to Iran through Israel; and

c. he had been informed, on or before December 10, 1985, that the United States Government still had to replenish 500 TOW missiles to Israel that Israel previously had transferred to Iran.

(In Violation of Title 18, United States Code, Section 1621.)

Count V (False Statement)

The Grand Jury Charges

1. Paragraphs 1 through 45 of Count I of this Indictment are realleged and incorporated by reference.

2. On December 19, 1986, the United States Court of Appeals for the District of Columbia Circuit, Division For the Purpose of Appointing Independent Counsels, appointed Lawrence E. Walsh Independent Counsel with jurisdiction to investigate possible federal criminal violations by United States Government officials "relating in any way" to the Iran initiative and support for the Contras.

3. In or about December 1986, the Independent Counsel was assigned Federal Bureau of Investigation ("FBI") personnel to assist the Independent Counsel in his investigation. Since that time the Independent Counsel and his staff ("Office of Independent Counsel" or "OIC") have interviewed numerous witnesses in connection with his investigation. Such interviews are conducted in the presence of a Special Agent of the FBI who takes contemporaneous notes of the interview and later prepares a report of the witnesses' statements.

4. On October 10, 1990, members of the Independent Counsel's staff and a Special Agent of the FBI interviewed the defendant, Caspar W. Weinberger, in the District of Columbia. During this interview, the defendant, Caspar W. Weinberger, unlawfully, willfully and knowingly made material false, fictitious and fraudulent statements to a department or agency of the United States, to wit, the Office of Independent Counsel, in a matter within its jurisdiction, to wit, an investigation into possible violations of federal criminal law relating to the Iran initiative and support for the Contras.

5. It was material to the Independent Counsel's investigation to determine what written materials the defendant, Caspar W. Weinberger, had created that might contain evidence relating to the Iran initiative and support for the Contras.

6. On October 10, 1990, the defendant, Caspar W. Weinberger, in an interview with members of the Independent Counsel's staff and a Special Agent of the FBI, made the following statements, as recorded in the Special Agent's report of the interview, knowing the underscored material statements to be false, fictitious and fraudulent:

Weinberger stated he had some disagreements with the April, 1988, 302 [the Special Agent's written report of the April 1988 interview]. His first disagreement concerned the sentence on page 2 that stated "He (Weinberger) had a habit of making notes on any piece of paper he could get his hands on." *Weinberger stated this sentence is misleading because it infers that it was his habit to make notes throughout his seven years as Secretary of Defense, which was not the case.*

Weinberger advised that during his first year as Secretary of Defense, from approximately 1981 through 1982, he tried to take some notes when he attended various high-level meetings. Often he would write on the back of pages in the briefing books that were furnished to him for the meetings. At the end of the meeting, he would turn the books in to his staff and they were broken apart so they could reuse the covers.

Weinberger advised that his secretary, Kay Leisz, used to save his notes from these briefing book pages because Weinberger had told her that he wanted to dictate memoranda of the meetings based on them. After about a year, Leisz came up to Weinberger and said, "You're never really gonna dictate from these notes are you?" Weinberger agreed that he was too busy to dictate memoranda from these notes and he gave Leisz permission to discard them. From this point on, Weinberger rarely took notes, and when he did, Leisz never saved them for him, except for rare occasions.

According to Weinberger, after his first year as Secretary of Defense, he did not, as a rule, take any notes when he met with the President or other cabinet members. Weinberger stated that it would have been in "bad form" to take notes when having a private or relatively private discussion with other high-ranking Administration officials. No other cabinet member did so either, as far as Weinberger is aware. Weinberger specifically recalls not taking any notes during his few meetings with the President and other cabinet members when the Iranian arms sales matter was discussed. No notes were taken by any participant of these meetings, as far as Weinberger is aware.

Weinberger was asked which notes or documents he consulted to prepare himself for his testimony concerning the Iran/Contra matter before the Congressional Committees. Weinberger stated he only would have used his notes taken at the November, 1986, Meese briefing, and a copy of the McFarlane memorandum with his marginalia on it. Weinberger is not aware of anything else he could have consulted.

After meetings, Weinberger did not go back to the Pentagon and make a record of the meeting he had just attended, nor did he designate others to do so.

Weinberger stated he did not take notes of his phone conversations.

AC [Associated Counsel] Gillen advised Weinberger that the OIC [Office of Independent Counsel] has a document, contemporaneously written by someone Weinberger would consider credible, which alleges that Weinberger has withheld some of his notes concerning the Iran/Contra matter. Gillen would not identify the author of the document or further describe the document.

Weinberger responded that the allegation is not true and he is distrustful of the document's author and his motivations. Weinberger stated that at an early cabinet meeting, President Reagan instructed everyone to give everything they had to the various investigators, and Weinberger had always followed these instructions. Weinberger stated he is not aware of any of his notes regarding Iran/Contra that have not been turned over. Weinberger stated there may be some oversight at DoD or elsewhere concerning the document production, but he has not deliberately withheld anything. Weinberger reiterated that he always instructed his staff and others at DoD to turn over all notes and documents when requested.

7. The above material statements made to a Special Agent of the FBI by the defendant, Caspar W. Weinberger, in the presence of members of the Independent Counsel's staff were false, fictitious and fraudulent, as the defendant, Caspar W. Weinberger, then and there well knew, in that:

a. he had, for years, including nearly seven years as Secretary of Defense, regularly taken daily notes of his meetings and telephone conversations;

b. he had, as Secretary of Defense, taken notes during meetings with the President and other high officials including meetings related to the Iranian arms sales matter, that contained a record of what occurred at those meetings;

c. he had extensive notes that had never been provided to the Independent Counsel or the Select Committees; and

d. these notes contained information relevant to the Independent Counsel's investigation.

(In Violation of Title 18, United States Code, Section 1001.)

Lawrence E. Walsh,
Independent Counsel.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, let me express my, for one, commendation to the Senator from Michigan for his effort to seek reauthorization for this legislation and my regret that Members on this side in particular have seen fit to indicate to the leader that they would not allow a full debate and vote on this measure.

I think all of us are committed to the proposition that justice must be done. Not only must it be done, it must appear to be done. And that is essentially at the core of the legislation known as the Independent Counsel Act.

There is in fact an inherent conflict of interest whenever an allegation is leveled against a high ranking Cabinet official or Executive office official and the Justice Department is then called upon to conduct an investigation to determine the validity of those allegations.

This is clearly the case, for example, when allegations were leveled against Edwin Meese. And he, although a frequent and constant critic of the legislation itself, was the first one to seek the appointment of an independent counsel. And he did so because he knew that if his Justice Department had cleared him of the allegations leveled against him, a cloud would remain upon his name and upon his office. So the appearance of justice would not have been done, even though justice might have been done. So the appearance of justice is just as important as justice itself, in terms of maintaining public support for our judicial system.

There is a proposal that was offered by Members on our side to mandate coverage of every Member of Congress. Let us be fair, because we have included roughly 50 Members of the executive branch, let us mandate all 535 Members of Congress. Without that, the law is unfair.

No. 1, that is completely untrue. Members of Congress already are covered under existing law with the so-called catchall provision.

No. 2, Senator Levin and I specifically amended the act to give the Attorney General, the Justice Department specific authority to call upon an independent counsel whenever he or she determined it was in the best interest of justice to do so.

I might point out from a historical point of view, the Justice Department has never hesitated, never hesitated to prosecute a Member of Congress for criminal wrongdoing. Some would say they have even relished in that particular chore. But nonetheless, they have the option of calling upon an independent counsel to carry out that particular burden if they should choose to do so.

What Members on this side tried to do, however, was to mandate coverage for every Member of Congress, no matter whether freshman, senior or leader or either side of the aisle. What that would have done would be not to guarantee coverage but to guarantee a court ruling that it would be unconstitutional.

If ever there was a clear-cut case of an unconstitutional law it would be this: To mandate that whenever an allegation is made against any Member of Congress, no matter how recent or senior, the Justice Department cannot, by law, investigate or prosecute that case. That is a clear violation of the separation-of-powers clause under the Constitution. For the Justice Department and, indeed, Members on our side to argue that it was imperative that we have this provision, let me say it is not only an irony, as I have written with Senator Levin, it is a complete canard.

I express my deep regrets that we have come to this point. I think that those on this side should come to rue the day when a member of the Democratic Party, Bill Clinton, might become President of the United States in the next session, they might rue the day they presided over the final rights of this legislation. When an allegation might be leveled against another administration, a Democratic administration, I think there will be calls to have an independent counsel appointed because we could not trust that Justice Department to fully and fairly investigate the allegations.

I hope the Senator from Michigan is true to his words—I know he will be—that this legislation will not fade. We will come back in the next session of Congress and we will reintroduce this and proceed.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I will take a minute to indicate I do not take exception to many of the statements made by my colleagues, but I think there comes a time when we have to decide we are going to stop legislating if we are going to have an adjournment. We decided that probably will come on October 5.

This is a very controversial measure, as Members on both sides know. It seemed to many of us, I am not certain the exact number who signed the letter, 29 or 30, that this was not something to be done in an hour, 2 hours, a day or maybe even 2 days. So it seems to me there has not been a final judgment made. What we are saying is that it will not be done this year. That means it probably will be coming up next year, as I am certain it will. We can have full debate. We will have adequate time at that time.

So I hope the letter the Senator from Michigan inserted in the Record is received in the right spirit. Sooner or later we have to say this is it. We cannot keep passing everything, even though I know both, the Senator from Michigan worked very hard, as the Senator from Maine, my colleague, Senator Cohen. I respect them for that. I think we have made the right decision.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I commend the Senators from Michigan and my friend and colleague from Maine for their diligence and their leadership on this important issue. I wish it were possible to complete action on the measure. I support the legislation. I support them. I agree with their assessment. But under the rules, the distinguished Republican leader has the right to object, as he did, and, therefore, we will not be able to proceed to that measure.

UNANIMOUS-CONSENT REQUEST—H.R. 3371

Mr. MITCHELL. Mr. President, with respect to one other measure, which the distinguished Republican leader and I have discussed many times publicly and privately, it has been our hope and intention and effort to have a vote on the Omnibus Crime Control Act. That is the conference report to accompany H.R. 3371. We have had, I believe, two cloture votes and have been unable to obtain cloture because of opposition to the measure by our Republican colleagues.

It is my hope that we can proceed to have a cloture vote before the end of this session, and my hope had been that we could proceed to the measure this evening, file cloture and then have the cloture vote on Thursday morning under our rules. I have discussed this with the distinguished Republican leader and, therefore, I now ask unanimous consent that the Senate proceed to the Omnibus Crime Control Act, the conference report to accompany H.R. 3371.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, and I shall object because the agreement we just entered into would preclude that action at this time. Again, it is my hope if in fact there is another vote it will have to come sometime maybe on Friday if cloture is filed tomorrow, but I hope to Members on this side—nothing has changed. The bill is in the same sorry state it was before the last cloture vote, though there is still ongoing negotiations with the chairman of the committee, Senator BIDEN, with the ranking Republican, Senator THURMOND and with the Attorney General, William Barr.

So there is still some shred of hope they might reach an agreement. In fact, it was our understanding they almost reached an agreement. Then there was a change in the attitude of some with reference to habeas corpus. I do not know the details. But they were very, very close. It is still possible that could be resolved between now and the end of this week. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I thank my colleague. I yield the floor. I believe we will not proceed to resume consideration of the START Treaty.

EXECUTIVE SESSION

The PRESIDING OFFICER. The Senate will now return to executive session.

TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START TREATY)—TREATY DOC. NO. 102-20

PROTOCOL TO THE TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—TREATY DOC. NO. 102-32

The Senate continued with the consideration of the treaty and the protocol.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized.

AMENDMENT NO. 3270

Mr. WALLOP. Mr. President, I call up amendment No. 3270 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] proposes an amendment numbered 3270.

Mr. WALLOP. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the appropriate place the following:

The Senate's advice and consent to the ratification of the START Treaty is subject to the following condition, which shall be binding upon the President:

"The START Treaty, including the May 23, 1992 Protocol, the two Annexes, six Protocols, Memorandum of Understanding, and Corrigenda, shall not enter into force until the President certifies that all mobile ICBM's, and all launchers for mobile ICBM's, shall be eliminated."

Mr. WALLOP. Mr. President, those of the Senate who have left recognized the Senator from Wyoming did not wish to have this amendment read. Our colleagues, having seen the sign of the last vote today, have fled the Chamber and would not be impressed by reading the rest of the amendment.

Basically, what it does is it calls for a ban on all mobile systems, ICBM's and launchers for multiple ICBM's be eliminated before the treaty, the protocol and the annex come into force.

Mr. President, I will not belabor this debate tonight. There is no one here to read it, listen to it and the RECORD will not be out to read it prior to the Senate's convening to vote upon it tomorrow. But one of the indisputable facts about the START Treaty is that under its terms, the former Soviet Union, the Republic of Russia and the successor States will enjoy a capability that is, as a practical matter, denied the United States, one that readily lends itself to totally undetected noncompliance.

Russia is entitled to deploy not one but two mobile intercontinental ballistic missile systems, the rail mobile SS-24 and the road mobile SS-25. It was demonstrated amply in the war with Iraq, Mr. President, it is exceedingly difficult to detect mobile missiles. In fact, in that perfect environment of the desert, mostly clear skies, very little foliage or any other things, we did not ever once succeed in detecting a mobile missile before it fired. That same cannot be said of the circumstances geographic in the Republic of Russia.

It is worth noting that the degree of difficulty involved in monitoring the former Soviet mobile ICBM's in the woods of Siberia make the job of finding Saddam's more primitive, numerous Scuds deployed in the desert appear trivial. The United States insisted upon and ultimately obtained a Soviet agreement to a complete ban on such missiles of intermediate and shorter range as a part of the INF Treaty.

This Senate will not remember, because it cannot remember from day to day what it does, but this Senate hailed its achievement of eliminating those mobile missiles and its complete ban. The Senate is now about to endorse not only the retention of two classes of mobile missiles but the expansion of one of those from 60, which exist, to 250.

Now, incredibly, when the Congress predictably decided not to approve any funding for the U.S. rail or road mobile ICBM's, the administration did not revisit the question with the Soviets, and as a result, Mr. President, START authorizes the former Soviet Union to deploy substantial numbers of mobile missiles and to maintain, in addition, stocks of as many as 500 of these in the nondeployed status, which just was a matter of little or no concern to the Senators on this floor.

We are unable to verify Russia's compliance with either of these limitations, and I say, Mr. President, it is an absurd and reckless position for the United States to be in. It is especially true if, as I think we have reason to believe, the Russians are already exploiting loopholes in or simply violating the START Treaty with respect to a follow on to the SS-25, so-called Fat Boy missile. Even as we speak, Mr. President, it has been stated on this floor several times during this debate, not denied either in classified session or otherwise, that the Fat Boy missile is a violation of the terms of this treaty before we enter into it. This is the danger that Americans should understand before this Senate rushes down its headlong pursuit of ratification of this treaty.

So, accordingly, I hope my colleagues will join me in an amendment that in one fell swoop eliminates a strategically important de facto inequality of the START Treaty and enhances its verifiability. My amendment would modify START so as to ban mobile ICBM's and their launchers as they have been banned by this Congress on Americans, just as we did for the same and relevant systems in the INF Treaty, which has been spoken of on this floor time and time again as one of the great arms control achievements.

Mr. President, we ought to remember the lesson that we tried to teach ourselves then not forget it at this moment in time as we debate and finally move to the resolution of ratification on this treaty.

Mr. President, I say to my patient colleagues from the Senate Foreign Relations Committee that would conclude the arguments of the Senator from Wyoming with regard to this amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I thank the Chair.

Alteration of the limit would be a repudiation of the basic treaty structure and a step towards rejecting the treaty. Such a step also would require renegotiation of the whole treaty with all four successor States—Russia, Ukraine, Byelarus, and Kazakhstan. In my mind, the word "killer amendment" is too strong, but it is a mortal blow amendment and, I believe, the amendment should be rejected, as were the other ones.

In addition, the prospective START II or deMIRVing treaty would eliminate the mobile MIRVed missiles. Land-based mobile missiles with single warheads could then be retained and, thus, this amendment anticipates reductions that are either not yet finalized or not even yet planned. Like earlier amendments, it would have a very deleterious effect on the START Treaty and would be a mortal blow to it.

Mr. LUGAR. Mr. President, I will add to the arguments of the distinguished chairman of the Foreign Relations Committee the fact that some critics of the treaty have complained that the former Soviet Union had mobile missiles and its successors have mobile missiles, but I point out that the United States has one of the best mobile missiles in the world, namely, the Trident II. And I make that point because the question is survivability of our deterrent. In the case of the United States, we gain survivability by moving mobile missiles over vast areas of the high seas. The Russians and the successors of the Soviet Union gained survivability through mobility on land. In both cases, the goal is survivability, a deterrent which is credible to the other side.

I make this point because there is no particular military significance, at least in the judgment of our negotiators, to our having a land mobile missile. Indeed, the administration and Congress have discussed and debated that issue at some length and come to a judgment that is not in our best interest, financially, I suspect, and in view of the other deterrent possibilities that we have.

So, therefore, this is not a fatal flaw, in my judgment, to the treaty but, rather, I point out the degree to which both sides have tried to meet security interests and found this to be satisfactory for many years.

Let me add, just to complete this part of the debate, Mr. President, that mention has been made of verification of mobile missiles and difficulties that are involved. Indeed, throughout the debate on many occasions the question has been the monitoring of Scuds in the gulf war and the difficulties the United States and its allies had in terms of that verification.

I point out, Mr. President, that our confidence in the United States ability to monitor mobile ICBM's is based upon our experience and knowledge derived now for more than 15 years of monitoring such systems in the former Soviet Union. The mobile systems covered under the START Treaty, especially the road mobile SS-25, are similar to the SS-20 system we have successfully monitored under the terms of the INF Treaty.

One factor that contributed to our lack of success during the gulf war was that our national technical resources have been focused historically largely on the threat of the former Soviet Union. This focus did not allow us similar expertise in counting and tracking Iraqi Scud launchers, which, in fact, are smaller and therefore easier to hide. Under START, on the other hand, the inspection provisions give us additional tools to the ones we already have in abundance to monitor mobile missiles that we did not have during the gulf war.

There is a significant difference, Mr. President, between monitoring deployment levels and tactical targeting of deployed mobile missiles. Time-sensitive tactical targeting was a major problem facing us in the gulf war monitoring.

Therefore, Mr. President, I call for defeat of this amendment. I join the distinguished chairman of our committee in underlining that adoption of the amendment would require renegotiation of the entire treaty with all four successor states, and my point is that that is militarily unnecessary and the negotiators have, in fact, fashioned again in this portion an excellent treaty provision.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. Mr. President, reserving the right to object, my impression is that the distinguished Senator from Wyoming, the proposer of the amendment, has left the floor and does not intend to continue the debate. It may very well be that the distinguished Senator from Rhode Island and I are no longer needed for continuing the debate either. It may be possible for time to be yielded back prior to the distinguished Senator from Illinois gaining the floor. I inquire of the—

Mr. SIMON. Mr. President, I have no objection to that. I am sure my colleagues will want to stay and listen to me speak as if in morning business. But on the outside chance that they would not, I certainly accede to their request.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I am advised by the distinguished chairman that we may also have additional roles, namely in the wrap up of business this evening. Therefore I do not object to the unanimous-consent request of the Senate from Illinois, and we look forward to hearing his statement.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. No objection having been entered, the Senator from Illinois is recognized.

MORNING BUSINESS

Mr. SIMON. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUTH DAKOTA HIGHWAYS RANK NO. 2

Mr. PRESSLER. Mr. President, I rise to recognize the fine work of the South Dakota Department of Transportation. A study recently conducted by the University of North Carolina ranked South Dakota's highway system as the second best in the Nation. To establish this ranking, the study analyzed highway spending and the resulting performance of State transportation systems from 1984 to 1990. South Dakota was among the States with the best overall highway and bridge conditions, minimal traffic congestion and low-cost highway repair practices.

South Dakota's Secretary of Transportation, Richard Howard, along with the rest of the members of the South Dakota Department of Transportation and the South Dakota transportation commission deserve to be recognized for their fine work. Their careful planning and solid management skills have created a State highway system virtually unparalleled in the Nation.

Mr. President, in recognition of the great work of the South Dakota Department of Transportation and my State's transportation commission, I ask unanimous consent that an article published in the Pierre, SD, Capital Journal be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Capital Journal, Sept. 24, 1992]

STUDY RANKS DOT AS SECOND BEST IN NATION

(By Leta Nolan)

A University of North Carolina study has given high marks to South Dakota's Department of Transportation as the second best highway system in the nation.

The study shows that New Mexico, South Dakota, South Carolina, Mississippi, Arkansas and Wyoming had the best overall highway and bridge condition, minimal congestion and low-cost highway repair practices.

The announcement of the study comes on the heels of the announcement that the state will receive an additional $4.3 million in federal aid highway funds for use in 1992. The state is receiving the extra money because it was able to fully obligate the $117.26 million it was originally allocated.

The additional money is given because some states are not able to obligate all of their apportioned funds and these unused funds are then redistributed to states which can obligate the funds.

"Because South Dakota has successfully programmed, designed and let to contract projects to obligate the state's yearly apportionment, South Dakota has received over $20 million of additional funding over the past six years through this redistribution of obligation authority," said Dick Howard, secretary for the transportation department.

The North Carolina study compared the performance of the 50 state highway systems over the past eight years. The goal of the research was to develop measures of performance and to use those measures to identify how states rank in 13 different categories.

The categories include system size, revenues, expenditures, pavement condition, congestion, bridge condition and accidents for the years 1984, 1987, 1989 and 1990. The data is collected from information the states are required to submit to the Federal Highway Administration.

"In South Dakota, our highway construction and maintenance projects don't just happen," said Gov. George Mickelson. "There is a lot of careful, long-range planning and good management.

"We have a five-year construction plan that is constantly evaluated and updated. Credit for South Dakota's high marks in this study should go to the state transportation department and the citizens who serve on our transportation commission."

Howard said part of the department's success was due to an extra 5 cent gas tax created in 1988.

"Thanks to the governor's leadership and the Legislature's support of a 5 cent a gallon increase in fuel tax in 1988, our department has been able to match available federal funds," said Howard. "It has allowed us to keep up with the most needed reconstruction and maintenance of highways and bridges.

"To be rated number two in the nation based on these criteria is high tribute to the dedication and performance of transportation department employees."

The five lowest ranking states in the study were Rhode Island, Arizona, Maryland, California and New York.

ATOMS-FOR-PEACE IN THE 1990'S

Mr. PRESSLER. Mr. President, I was greatly interested in President Bush's recent announcement that the United States has agreed to buy weapons-grade uranium from Russia. Although many of the details must still be worked out, it appears the United States will purchase as much as 500 tons of highly enriched Russian uranium. As one who for many years has supported the concept of turning the uranium in our nuclear weapons into fuel for our powerplants, I applaud the President's decision. It is an excellent step in the direction of nuclear nonproliferation.

In July 1985, I asked the Congressional Research Service to prepare an analysis of the advantages and disadvantages of disposing of surplus nuclear materials from dismantled nuclear warheads by consuming them as fuel in nuclear powerplants. That study was completed in May 1987. The CRS report contains some extremely interesting analyses and findings.

The study considered options for the disposition of both highly enriched uranium and weapons grade plutonium. This is an issue we must consider as both Russia and the United States begin reducing their nuclear weapons arsenals. Destroying only the weapons leaves behind a very dangerous and highly sought commodity—the fissile materials. We must ensure these materials do not end up in the hands of irresponsible governments or terrorists. We do not have many viable disposal options.

We could attempt to permanently store the materials under some kind of national, bilateral, or multilateral control. This option is obviously the easiest, but just as obviously presents serious security risks that weapons grade materials might, at some point in the future, fall into the wrong hands.

Others have suggested, and the CRS report considers, various disposal options, including launching fissile materials into deep space; dissolving the materials and discharging them into the sea where they would be diluted to low levels of concentration; and burying the uranium and plutonium, either in deep seabeds or in deep holes drilled into the Earth. The CRS study concludes each of these options, while possible, appears impractical. In addition, each would be strongly opposed as dangerous to the public health and environmental quality.

The report also properly notes that these options would require throwing away material produced at great cost and with a high potential energy content without getting any economic benefit in return. The CRS study concludes that "[f]or the present * * * indefinite storage of weapons grade uranium or dilution to conventional reactor fuel grade appear to be the most workable alternatives for disposal."

Mr. President, at the time the CRS report was prepared, neither the collapse of the Soviet Union nor the extent of reductions in the nuclear weapons stockpiles of the two countries could be foreseen. Thus, these extremely important factors were not considered in the CRS analysis.

For this reason, I am asking CRS to update the report it completed in 1987 at my request. However, the original version of this study, entitled "Nuclear Material From Dismantled Warheads: What To Do With It and How To Verify Its Disposal," contains considerable information which would be very useful in reaching the policy decisions necessary to turn the most destructive elements of the cold war into energy to fuel a generation of change. For this reason, I ask unanimous consent that the CRS report be printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD as follows:

[CRS Report for Congress, May 19, 1987]

NUCLEAR MATERIAL FROM DISMANTLED WARHEADS: WHAT TO DO WITH IT AND HOW TO VERIFY ITS DISPOSAL: A PRELIMINARY ANALYSIS

(By Warren H. Donnelly, Senior Specialist, Environment and Natural Resources Policy Division)

SCOPE AND PURPOSE

Senator Larry Pressler requested the Congressional Research Service to compile a report outlining the technical, political and economic advantages of recycling weapons grade nuclear materials into peaceful applications, keeping in mind the example of President Eisenhower's Atoms for Peace proposal of 1953. The following response is intended to bring out the main features of this idea, compare it with Atoms for Peace, list some of the major issues which it raises, and identify realistic advantages and disadvantages. Because the literature is sparse for this particular aspect of arms control and disarmament, the analysis draws heavily upon the experience of the author as the CRS senior specialist primarily concerned since the mid-1970's with ways and means of avoiding further spread of nuclear weapons and the ability to make them. The analysis has had the benefit of consultations with colleagues in the Congressional Research Service, the Office of Technology Assessment and the General Accounting Office, and also with scientists at the Sandia Laboratories, the Argonne National Laboratory and the Brookhaven National Laboratory.

The report addresses a small part of the overall question of how to accomplish deep cuts in strategic nuclear arsenals if these should be agreed upon. It considers what to do with nuclear materials recovered from dismantled warheads and how to verify this disposition. A fundamental assumption is that the salvaged materials should not be used to make other nuclear weapons.

The report is divided into two parts: background and analysis. The background briefly covers the Atoms-for-Peace proposal, the nuclear materials involved, estimates of amounts to be disposed of, the range of options for disposal, disposal by consumption, and a brief description of the commercial nuclear fuel cycle. The analysis identifies options for disposal including permanent and temporary national storage of the nuclear materials, international storage, the use of weapons grade uranium and weapons grade plutonium as fuel. Under these options certain policy issues are examined: verification of consumption, the relation of the disposal options to U.S. nonproliferation policy, and a comparison of the fuel use option with ideas of Atoms-for-Peace. The analysis concludes with a list of advantages and disadvantages of fuel use disposal. A further discussion of the potential utility of IAEA verification capabilities in fuel use disposal of nuclear material from weapons appears in appendix A.

BACKGROUND

Atoms-for-Peace and Nuclear Arms Control

While today it is commonplace to think of President Eisenhower's *Atoms-for-Peace* proposal of December 1953 as intended to promote international cooperation in civil use of nuclear energy, at the time it was seen also as a way to pull the world away from the threat of nuclear war through limiting nuclear arsenals by diverting fissionable material from the manufacture of nuclear weapons to purposes of peace. Since then many have assessed the purposes and accomplishments of his proposal. for example, a comprehensive collection of such judgments appears in papers written to mark the 30th anniversary of *Atoms-for-Peace* at a conference in Washington in December 1983.[1] A leading figure at this conference, Dr. James R. Schlesinger,[2] described the *Atoms-for-Peace* speech as "combining a great leap of faith on Eisenhower's part with a shrewd pragmatism regarding what was immediately achiev-

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Footnotes at end of text.

able."[3] For Dr. Schlesinger, the most important promise of President Eisenhower's proposal was its vision. Here was an attempt to reach into and to deal with the future. The greatest achievement of *Atoms-for-Peace* for him was a start in cooperation in arms control and the ultimate winning over of the Soviets:[4]

". . . They were induced to cooperate with the United States and the rest of the world in this area in which we all had common interests. There we see the greatest achievement. It was there that Eisenhower's vision and patience shined through."

Schlesinger recognized some limitations, in retrospect, of Eisenhower's idea. Of these he said:

"The specific measure then proposed for arms control was, however, undoubtedly technically defective. As we would clearly recognize today, its intent was to reduce the stockpiles of nuclear weapons through the diversion of fissionable materials to the new IAEA. At that early date there was a pressing shortage of fissionable material for weapons, even for the United States itself. It was thought then that control over the supply of this indispensable component might provide the leverage through which nuclear armaments could be controlled. In retrospect, it was quite clearly a most inadequate means for controlling nuclear arms. It treated limitations on the supply of fissionable materials as permanent, where these limitations were inherently transitory."

* * * * *

"Nonetheless, what I want to stress about Eisenhower's achievement is that, even in retrospect, the vision of arms control overrides any technical defects in the proposal."

On the whole, President Eisenhower's proposal has had a continuing effect upon political relations between the nuclear weapons states and nonnuclear weapon states alike. The quest for control of this has also provided one of the few continuing common interests between the two superpowers. It has had an immense, if unforeseen, effect on the technology of peaceful uses. Finally, it led to the creation of abiding institutions, most notably, the hopeful edifice that is the International Atomic Energy Agency.[5]

Another commentator, representing a conservative school of thought, Henry Sokolski,[6] observed that many analyses of *Atoms-for-Peace* had failed to consider fully what Eisenhower and the program's original supporter had claimed as its purpose: that it was "a move toward U.S.-Soviet nuclear disarmament through the establishment of an IAEA that would begin to channel fissionable production away from military production and toward peaceful purposes."[7] Even among those few analyst who did mention this objective, it was generally dismissed or underemphasized.

Also at the conference was W. Sterling Cole, an early chairman of the Congressional Joint Committee on Atomic Energy and the first director general of the International Atomic Energy Agency. On the disposal question, he said the only good answer was the one of President Eisenhower, that the recovered material:

". . . should be put to work for benign purposes. We should now do in 1983 what Eisenhower called for in 1953. I believe that President Reagan should now invite the Soviet Union to join with our country in a pledge to convert into nuclear power plant fuels the materials that would be feed for peaceful uses when our two nations came into agreement on arms reduction."[8]

Reason for current interest

For many months, reports of negotiations at Geneva on nuclear arms reduction and the controversies surrounding proposals to reduce strategic nuclear arms have been highly visible in the news. The intense coverage of the 1985 summit meeting at Geneva between General Secretary Gorbachev and President Reagan heightened already substantial public interest in ways and means to reduce the nuclear armaments of the superpowers. In his report to Congress on November 21, 1985, President Reagan spoke of the U.S. proposal of a 50 percent reduction in the most threatening of nuclear weapons, especially those that could carry out a first strike.[9] He spoke also of joint progress of the United States and the Soviet Union in combating together the spread of nuclear weapons.[10] Earlier that day, in the joint U.S.-Soviet statement at Geneva, President Reagan and General Secretary Gorbachev reaffirmed the commitment of their governments to the Non-Proliferation Treaty and their interest in strengthening the non-proliferation regime and in further enhancing the effectiveness of the NPT. They spoke of plans to continue to promote the strengthening of the International Atomic Energy Agency and to support the activities of the agency in implementing safeguards as well as in promoting the peaceful uses of nuclear energy.[11]

Then, in October 1986 came the meeting of President Reagan and General Secretary Gorbachev in Reykjavik, Iceland. Whatever concerns there may be in he outcome of the summit, it produced an American proposal to abolish all offensive ballistic missiles within 10 years. Going further, reports indicate that Mr. Gorbachev said he was willing to eliminate all nuclear weapons of any type, including short-range weapons.[12] If steps are taken towards either proposal, sooner or later many strategic warheads and perhaps other nuclear warheads will have to be dismantled, potentially numbering in the thousands. Such a dismantling would inevitably raise the question of what to do with the weapons grade plutonium and uranium recovered. Depending upon the state of other arms control negotiations, the United States and the Soviet Union might simply use some or all of it to make tactical nuclear weapons, or perhaps recycle it into single warhead missiles if these should be allowed. Such use of recovered nucler materials, however, lies outside the ambit of this analysis. What is addressed here is the disposal of recovered nuclear weapons materials in ways that would prevent its return to the manufacture of new nuclear weapons of any kind.

The nuclear materials involved

Dismantling several thousand warheads would yield nuclear explosive materials totalling many metric tons. Even a small, trial reduction could free several metric tons. If simply stored without inspection to verify there is no diversion (safeguards) in the United States and in the Soviet Union, these materials would remain readily available for reuse in making new warheads.

Dismantling nuclear warheads will produce fissionable and thermonuclear materials. The fissionable materials would include uranium concentrated, or enriched to 90 percent or more in the isotope U-235, and weapons grade plutonium. The thermonuclear materials could include tritium, deuterium and lithium.

Highly enriched uranium does not exist in nature and has to be produced by machines which separate the U-235 atoms from U-238 atoms to increase the U-235 concentration from the 0.7 percent found in nature to 90 percent or more. This is called enrichment. Plutonium too does not exist in nature. Plutonium is made by exposing atoms of uranium-238 to neutrons, which turns the U-238 into plutonium. This neutron irradiation usually is done in a nuclear reactor.[13] The plutonium is recovered from the irradiated uranium or "spent fuel" by chopping it up, dissolving it in strong acids, and chemically separating out the plutonium and the residual uranium. This is called reprocessing.

Turning to the thermonuclear materials from thermonuclear, or "H" bombs, tritium is produced by bombarding lithium-6 with neutrons, usually in a nuclear reactor. Once produced, tritium begins to decay because it is mildly radioactive, decreasing by 5.5 percent yearly.[14] As for lithium, it exists in nature and is a relatively inexpensive material with many industrial uses. The lithium recovered from thermonuclear warheads would probably be in the form of lithium deuteride, a chemical combination of lithium and heavy hydrogen or deuterium. The purpose of the deuterium is to provide additional tritium once it becomes exposed to neutrons from the fissioning plutonium in the trigger of a thermonuclear warhead. Much of the force of an "H" bomb comes from fusion of tritium atoms. Uranium-238 may also be used in some thermonuclear warheads and would be another product from dismantling. While thermonuclear materials from dismantled thermonuclear warheads also would require some kind of verified disposal, this report deals only with weapons grade uranium and plutonium.

Amounts of materials to be disposed of

Amounts of weapons grade uranium or plutonium that might become available for disposal would vary widely depending upon the extent and timing of negotiated cuts, and could range from hundreds of metric tons for the more expansive estimates, to much less for conservative ones. A high estimate might assume, for example, a 50 percent cutback in all of the U.S. and Soviet warheads, including strategic weapons, short range weapons and theatre weapons. If a 1984 estimate of 26,000 warheads in the U.S. stockpile as of 1983 and a planned addition of some 11,000 new warheads by 1988, for a total of 37,700,[15] is reasonable, then a deep cut agreement of 50 percent would lead to dismantling of some 18,800 warheads. If half of these warheads each contained 10 kilograms of plutonium, the amount of this material available for recovery in the United States alone would be 94,000 kilograms, or 94 metric tons.[16] The other warheads in this example would yield about the same amount of weapons grade uranium. An equivalent cut by the Soviet Union presumably could produce comparable amounts, which suggests a total of more than 300 metric tons of fissionable materials ultimately could be available for disposition from a deep cut.

Another high estimate comes from John Taylor of the Electric Power Research Institute and his colleagues, published in early 1985.[17] They estimated some 160 metric tons of weapons grade uranium or plutonium might be available,[18] reasoning as follows:

". . . if the United States and the Soviet Union have, between them, about 50,000 nuclear weapons (a conservative estimate) and if, over some years, they turn in one-third of their arsenals, about 16,000 warheads become available. If these weapons have an average content of 10 kilograms of uranium or its plutonium equivalent, a total of about 160 metric tons equivalent of material could be converted to peaceful purposes."

Much less weapons grade material would need disposal if a cut is limited to strategic missiles and is less deep. Assuming that 1986 estimates from the Stockholm International Peace Research Institute are reasonably indicative, the number of warheads in the U.S. and Soviet stockpiles for strategic nuclear forces totalled 8,830 for the United States and 9,100 to 17,000 for the Soviet Union, for a combined total of about 18,000 to 35,000 warheads.[19] If a cutback of 20 percent was agreed upon, then the number of warheads to be dismantled could range from 3,600 to 7,000. Also, for purposes of illustration, if each warhead contained 10 kilograms of weapons grade materials, then the amount of nuclear materials recovered could range from 36 to 70 metric tons. Assuming that half of the warheads contained plutonium and the other half uranium-235, the respective amounts of these materials available for disposal would range from 18 to 35 metric tons for each. These amounts would be reduced if the plutonium content of each warhead turns out to be closer to five than to 10 kilograms.

Verification of recovered amounts

Once these nuclear materials are removed from dismantled warheads, they probably would be processed to change their physical shapes and perhaps chemical or metallurgical composition so as not to reveal classified information about bomb design and manufacture. Conversion of metallic plutonium and uranium into oxides would be ideal. The dismantling organizations would present this material to inspectors to verify its nature and quantity.

Theoretical options for disposal of recovered nuclear materials

Deep cuts in present inventories of strategic nuclear weapons would release substantial quantities of weapons grade materials from dismantled warheads. As noted earlier, in principle some of this might be fed back into the nuclear weapons work to produce warheads for short range missiles or other arms not covered by a reduction in strategic weapons. Assuming, however, that the superpower agreement would bar returning some or all of these surplus materials to production of any additional warheads, then the question of what to do with the materials and how to verify their disposition would quickly arise. There are several options, some more feasible and practicable than others. Because lithium, deuterium and uranium-238 that might be recovered are readily available from many other sources, verification of their disposition would be desirable but not essential. Not so for weapons grade uranium and plutonium, which are difficult and expensive to produce and are available from few sources. For this reason, the analysis will focus on disposition of these two materials. Keeping in mind that interim storage of these weapons usable materials probably would be needed for a while pending final disposition, the range of potential disposal options includes the following:

1. *Permanent storage or stockpiling under national, bilateral or multilateral control.*—Once the plutonium or enriched uranium, is recovered from a dismantled warhead, these materials would be stored, either temporarily or permanently. One long term option to keep these materials out of new warheads would be to put them into permanent storage centers in each country. These storage centers could be under national, or joint bilateral control of the United States and the Soviet Union, or perhaps under multilateral control by an international organization. In principle, the nuclear weapons materials could be degraded, as discussed below, so that they could not be directly used to make new warheads without some kind of processing that would cause delays.[20]

2. *Denaturing.*—In principle the plutonium and enriched uranium could be degraded or denatured by mixing with other materials so that they could not be readily reused to make nuclear warheads. The materials could then be stored, as suggested above, or used for fuel. This idea received considerable attention in the early days of nuclear energy, particularly for plutonium. It was central to David Lilenthal's report to Secretary of State Acheson on international control of atomic energy, and appeared again in the first report of the United Nations Atomic Energy Commission in 1946. Enriched uranium can be easily degraded by mixing it with normal uranium to bring down the U-235 concentration below the level of weapons grade materials, i.e. to 20 percent or less. The degraded uranium could be restored to weapons grade only by putting it through enrichment again. Plutonium presents a different story. There are several isotopes of plutonium, with Pu-239 being preferred for weapons use. One could denature weapons grade plutonium by mixing it with plutonium recovered from spent fuel of nuclear power plants, which has enough of the undesirable Pu-240 to make it unsuitable for direct manufacture of warheads. Of course, engineers could design a nuclear explosive to use low quality plutonium, but this would require new development and design. To date none of the nuclear weapons states have used low quality plutonium to make weapons, although there are vague reports that the United States once tested such an explosive.[21] Questions about the usefulness of low grade plutonium usually are advanced in connection with risks that countries which do not have nuclear weapons may at some time wish to use plutonium to make them, or that nuclear terrorists might be able to steal some low grade plutonium or to try to make a bomb. Considering the sophistication of the warheads in the U.S. and Soviet arsenals, it appears doubtful that either would try to cheat upon a dismantling agreement by using denatured or low grade plutonium to make new warheads.[22] This situation could change quickly, however, if laser isotope separation proves to be practicable on an industrial scale.

3. *Disposal into space.*—In theory, powerful rockets could carry nuclear weapons materials into deep space whence they could not be recovered. NASA's space shuttles already have demonstrated a capacity to lift substantial loads into orbit and this technology could be applied to space disposal. However, costs would be very high and there could be risk of major radioactive contamination if a launch had to be aborted soon after liftoff.

4. *Disposal into the sea.*—Nuclear weapons materials could be dissolved and discharged into the seas. The enormous volume of the seas could dilute large quantities of plutonium and uranium to low levels of concentration, probably well below those that would cause concern by scientists about adverse biological effects. On the other hand, strong opposition could be expected from environmental and other public interests groups that vehemently oppose disposal of radioactive wastes into the seas.

5. *Deposit in the deep sea bed.*—Nuclear weapons materials, suitably packaged, could be inserted into the deep sea bed where recovery would be implausible with today's underwater technologies. However, because only comparatively small amounts of plutonium or enriched uranium can be put in a single package—to avoid an unintended chain reaction, many insertions would be needed which would greatly increase costs and complicates possibilities for continuing surveillance to assure that none of the materials are surreptitiously retrieved. Also strong environmental opposition could be expected.

6. *Deposit into the earth.*—Nuclear weapons materials could be placed in deep holes drilled into the earth. Here again, many holes would be needed to avoid unintended nuclear reactions. Also, while recovery of materials from such holes would be difficult, it presumably would be less so than for disposal into the deep sea bed. Again, opposition could be expected with concern about ground water aquifers, public health and environmental effects.

7. *Disposal by consumption.*—Another way to assure weapons grade plutonium or uranium are not reused to make nuclear weapons is to fission the materials in nuclear reactors.[23] Such reactors might be specially built for this purpose, or reactors now used to generate nuclear power.

Disposal by consumption

Of these seven options,the first is the simplest but leaves weapons grade materials at risk of future seizure. The second has little current support. The next four while possible, all appear impractical and all would require throwing away materials produced at great cost and with a high potential energy content without getting any economic benefit in return; all four would be strongly opposed as dangerous to public health and to environmental quality. The last option, disposal by consumption in nuclear reactors, is technically possible and could recover some value from the nuclear weapons materials. However, this use of weapons grade plutonium probably would be opposed by those who argue that anything which encourages or legitimizes commercial use of plutonium as a nuclear fuel unacceptably increases the dangers of further spread of nuclear weapons in non-weapons states and risks that terrorists could seize plutonium for their own malevolent purposes.

The nuclear fuel cycle

Before examining in more detail how nuclear materials from dismantled warheads might be consumed or degraded by use as fuels for nuclear reactors, either in special "burner" reactors or in commercial power reactors, and to provide a common background, there follows a brief description of what is called the nuclear fuel cycle. This widely used term refers to the collection of resources and industrial facilities and operations needed to make, use and dispose of nuclear fuels.

Nuclear reactors release energy in the form of heat produced when the nuclei of the atoms of plutonium or uranium are split i.e. fissioned. The nuclear reactions that produce the heat in this way take place in a reactor. The heat energy can be dissipated into the environment or be used to generate electricity. For the latter, the heat is carried to a boiler to produce steam to drive conventional turbine generators.

Uranium is the nuclear material used as the fuel in current nuclear power stations. However, other possible fuel cycles, notably using plutonium, have been considered.

Uranium ore occurs naturally in the earth's crust and is mined by conventional mining techniques. It is then processed into a form suitable for fuel in a nuclear reactor. Natural uranium contains two main isotopes, uranium-238 and uranium-235. Only the U-235 atoms are useful for fuel. These are fissionable, i.e. capable of being split, but U-235 accounts for only about 0.7% of natural uranium. Although some reactors are designed to use natural uranium as their fuel, most power reactors in the United States, Europe, the Soviet Union and Japan now use slightly enriched uranium, in which the proportion of U-235 atoms has been artificially increased or 'enriched' to 3-6 percent. Argentina, Canada, India and Pakistan use nuclear power reactors fueled with normal uranium. Consequently, most of the uranium that is mined for nuclear fuel is enriched before it is fabricated into fuel elements for loading into a reactor.

Inside a reactor the U-235 atoms, when split, form lighter elements, known as fission products, some of which are highly radioactive. Some of the U-238 atoms are also transformed in the reactor into heavier elements, also radioactive. The most important of these is plutonium-239, which, like U-235 is fissile and therefore a potential fuel. Indeed some of the plutonium formed within a reactor is then subsequently fissioned and releases energy. About one third of the energy released while the uranium fuel is being irradiated comes from the fission of plutonium.

The heat produced by fission is removed by a cooling agent that passes over the fuel and transfers the heat to steam generators which supply steam to the turbine generator. In some types of reactors, the coolant can be ordinary (light) water or heavy water; in others, gases such as carbon dioxide or helium are used. The largest number of power reactors currently in operation use light water, and are generically referred to as Light Water Reactors (LWRs). There are two main types of LWR: the Pressurized Water Reactor (PWR) and the Boiling Water Reactor (BWR). There are also significant numbers of Heavy Water Reactors (HWRs), particularly in Canada, which has developed the CANDU HWR, and of Gas-Cooled Reactors, particularly in France and the UK.

When the used, or "spent" fuel is discharged from a reactor, it contains unconsumed uranium, radioactive fission products, plutonium and some other heavy elements. Because of continuing emission of heat from its radioactive contents, it is placed in water in storage ponds to be kept cool. When its radioactivity has lessened enough (decayed), the spent fuel can be sent to a reprocessing plant where it is dissolved and chemically processed to extract the unused uranium and plutonium. These materials can be mixed together in their oxide forms (mixed-oxide or MOX) and then fabricated into new fuel elements and recycled to power reactors. When new fuel elements are fabricated in this way they contain a mixture of uranium and plutonium, the plutonium providing the main fissile material in the fuel. At present, no country uses mixed-oxide commercially, although this is ultimately expected in Europe and Japan.

Three different types of fuel cycle are commonly identified depending on whether or not the spent fuel is reprocessed and, if it is, to what type of reactor the uranium and plutonium are recyced:

In the once-through fuel cycle, the spent fuel is not reprocessed but kept in storage ponds until it is sent for permanent disposal, for example by conditioning it and burying it underground in a deep geological repository.

In thermal [24] reactor recycle, the spent fuel is reprocessed and the uranium and plutonium are separated from the fission products which are conditioned, for example by vitrification, and disposed of to a deep geological repository. Both the uranium and the plutonium can then be recycled in new fuel elements for power reactors. (Alternatively, it is possible to recycle only the uranium and to store the plutonium, or vice versa.)

In fast breeder reactor cycle, the spent fuel is similarly reprocessed and the uranium and plutonium fabricated into new fuel elements to drive breeder reactors. Fast breeder reactors (FBRs), produce excess neutrons used to convert U-238 in a "blanket" of depleted uranium into plutonium.[25] Breeders are an efficient way of transforming uranium into plutonium, or of using low quality plutonium (in their cores) to produce high quality plutonium in their blankets.

By suitable operation, such reactors can produce somewhat more plutonium than they consume (hence the name 'breeder').

Both thermal and fast breeder reactor recycle need facilities for the storage of separated plutonium until required for recycle, and arrangements for transport of plutonium between sites, in addition to reprocessing and fuel fabrication plants and the facilities for the storage of disposal of wastes. Transport of separated plutonium is not necessary if the reprocessing and fuel fabrication plants are located on the same site. A diagrammatic representation of the main fuel cycles is given in Fig. 1.

[Figure not reproducible in the RECORD.]

ANALYSIS

Of the several alternatives open for non-weapons use of weapons grade nuclear materials from dismantled strategic or other warheads, storage and consumption appear to be the most practicable. If deep cuts are indeed made, temporary storage under verified conditions would be necessary until final disposal could be undertaken. The timing of final disposal would depend upon the availability of the plant and equipment either for permanent storage or to fabricate the recovered materials into nuclear fuels and put them into use. With this in mind, the idea of storage now will be reviewed, followed by consideration of the idea of consuming, or "burning," the nuclear weapons materials in nuclear reactors and verification of that consumption. The relation of the consumption alternative to U.S. non-proliferation policy will also be discussed, followed by a comparison of this idea with the concepts in Atoms for Peace.

Temporary storage

Once dismantling centers became operational, temporary storage for recovered weapons materials would be needed. Temporary storage could be supplied by the superpowers themselves or by an international organization operating within their territories. Temporary storage in an international center in another country does not appear practicable. The best place for temporary storage would be at the dismantling facility. Here the metallic uranium and plutonium from warheads would be received and stored pending release to final disposal. The storage facilities could also include equipment to convert the metallic materials into oxides which would be better suited for fuel use and would be unfit for direct reuse to make nuclear warheads. If disposal by consumption is chosen, the storage facilities also could include equipment to fabricate the nuclear materials into fuel elements so that only fabricated fuel would be shipped out. This would afford the greatest protection against seizure of nuclear materials in transit. On the other hand, the nuclear fuel industries of both superpowers probably would strongly resist this idea because of questions about their ability to control the quality of the product, particularly if poor quality in fabrication could increase risks of nuclear accidents.

Temporary storage facilities would be to provide a buffer between the flow of nuclear materials from dismantled warheads, which would be driven by the terms of the arms reduction agreement and the demand for these materials for fuel. Since it seems likely that dismantling of warheads could begin well in advance of construction of new or enlarged factories to fabricate the recovered uranium-235 or plutonium fuel, temporary storage would be necessary when the dismantling begins.

Verification at temporary storage facilities would provide specific information about how much nuclear were received from dismantling; and how much left the storage facilities, when, in what form, and for what destination. This information would be verified by sampling, analyses and other measurements.

The idea of international plutonium storage.—The simplest option would be temporarily store the recovered nuclear weapons materials in national storage facilities under bilateral or international control and inspection. An alternative that could give more assurance would be storage in an international center outside of either superpower. Since the late 1970s much attention has been paid to the idea of international plutonium storage (IPS) which could be a model. Although this idea is currently out of official favor, it merits some attention here to show the kinds of questions and issues likely to arise.

The International Atomic Energy Agency has worked on international plutonium storage for years, and it was considered at the U.S. initiated International Nuclear Fuel Cycle Evaluation during 1978 and 1979. No comparable proposals have been made for storage of uranium-225, although the concept should readily apply to this material also.

In 1976, the IAEA Director General initiated a study on the possibility of international plutonium storage as authorized by the Agency's Charter.[26] This produced a report that was circulated to member states in July 1978. The Director General then called together a group of experts to prepare a detailed scheme for international plutonium storage for submission to the IAEA's Board of Governors. Both the U.S. and the U.S.S.R. were active participants. Meanwhile, in October 1977, at the initiative of President Carter, an international Nuclear Fuel Cycle Evaluation was organized to look into proliferation problems. One of its working groups considered reprocessing, plutonium handling and recycle, including international plutonium storage. INFCE's summary report in January 1980 reported the conclusion of this working group that:[27] ". . . a scheme for international storage of plutonium could have important non-proliferation and assurance of supply advantages."

A few months later, in August 1980, international plutonium storage got support at the second conference on the Non-Proliferation Treaty, held in Geneva. Although there was no final declaration from the Conference because of differences over nuclear arms control, an informal draft declaration was circulated on the last day by a broadly representative group of participants. This draft spoke of international plutonium storage as follows:

"The Conference . . . welcomes the work of the IAEA expert group on international plutonium storage, and supports internationally agreed effective scheme for international plutonium storage on the basis of Article XII A. 5 of the IAEA Statute. The Conference considers that such a scheme for excess plutonium, if well designed, should not jeopardize the promotion of the peaceful uses of nuclear energy, and would make a substantial contribution to non-proliferation as well as to the improvement of the assurance of nuclear supply and the development of common approaches and generally agreed arrangements for international nuclear trade."

Returning now to the IAEA's group of experts, as they continued their meetings the participants broke up into three blocs. By May 1982, India, Argentina and Yugoslavia backed a "minimalist approach"; West Germany, France and the United Kingdom and the United States continued to support a middle ground; while Australia, the Netherlands and Sweden favored maximum controls and proposed to restore many of the original features that had been dropped in earlier compromises. So the final report of the expert group in November 1982 included all three alternatives. Nevertheless, the experts were able to agree that to be generally acceptable, an international plutonium storage scheme should:[28]

Facilitate the development of plutonium-using fuel cycles;

Facilitate the achievement of international non-proliferation objectives;

Not discriminate between States; and

Not interfere with national energy programs.

Elaborating, the experts said:[29]

"An international plutonium storage system should be seen as part of the IAEA safeguards system and not as a new or separate system.

"Proposals for an IPS should use established safeguards to the fullest extent possible. This is a "realistic objective which could be accomplished with no great difficulty.

"Excess separate plutonium deposited with the Agency should be stored in facilities designed as international plutonium stores within the responsible states.

"IPS stores would be located where plutonium normally would be stored in any event, such as at reprocessing plants for mixed oxide fuel fabrication plants.

"Transport of plutonium should be kept to a minimum in view of the physical protection requirements and costs associated with plutonium transport."

Little more has happened since publication of the experts' report, probably because they could not agree upon a single course of action and because of a marked slowdown in development of breeder reactor abroad and a virtual abandonment of breeder development by the Department of Energy in the United States.

Permanent storage of recovered materials.—After temporary storage one final option would be to deposit the materials in some kinds of permanent storage centers, perhaps in permanent national storage centers under bilateral or international supervision or in an international storage center in some other nation. This idea, however, has gotten little support for several reasons:

(1) From the standpoint of non-proliferation policy, it is safer to store plutonium still contained in spent fuel than to store separated plutonium.

(2) The technical difficulties for permanent storage of weapons grade plutonium and uranium could be substantial because the materials have to be stored in small quantities far enough apart to avoid an inadvertent chain reaction, particularly if the storage place might be flooded with water.

(3) If the weapons grade materials were put into permanent storage within the U.S. and the U.S.S.R., neither government could provide absolute assurance to the other, or to third parties, that under some future circumstances one or both might decide to retrieve the materials for weapons use. If the materials were permanently stored in some other state, there would always be some possibility that they might be seized by the host state, or by terrorists or other "subnational" groups, or might get out from under control should there be a revolution or major domestic disorders in the host state.

Use of weapons grade uranium, in principle

Since the early days of nuclear energy, highly enriched uranium has been regarded as a nuclear fuel. Indeed, one early large scale application of nuclear power was in submarines whose nuclear engines used this material. Highly enriched uranium offers substantial technical advantages for reactors for research and for testing; for reactors to produce energy to generate electricity or to supply high temperature process heat; and for compact nuclear power plants. It also was seen as an initial fuel to start up breeder reactors until they could produce enough plutonium to become independent of uranium-235.

On the other hand, it was equally evident from the start of the U.S. wartime Manhattan project that highly enriched uranium was ideally suited for nuclear weapons, and was predictable enough in its nuclear behavior that the first uranium bomb was used in 1945 by the United States without the prior testing which was necessary for the first plutonium bomb.

A complication is the widespread concern that if weapons grade uranium is used to fuel civil power reactors, it might be stolen from fuel fabrication plants, from storage, or from transport by terrorists or criminals who might try to make an atomic bomb. Of the nuclear weapons materials, highly enriched uranium would be the simplest and easiest to use. So if terrorists got hold of some, and this was known to the public, there would be fears that they indeed could make a crude but very dangerous bomb.

Use of weapons-grade uranium, in practice

Weapons grade uranium can be used to produce energy in two ways: it can be used directly to fuel reactors designed for this material; and it can be diluted with normal or depleted uranium[30] to produce fuel of enrichment suitable for conventional nuclear power plants, i.e. about 3-6 percent uranium-235.

Direct use of weapons grade uranium as a nuclear fuel.—At present the largest users of highly enriched uranium for fuel are the nuclear navies of the superpowers and of the United Kingdom and France. Probably it is used to fuel the Soviet fleet of three nuclear powered icebreakers, with a fourth under construction. As for power, only two countries now have nuclear power plants fueled with highly enriched uranium; West Germany and the United States. West Germany has a small demonstration plant of 13 electrical megawatts (MWe) capacity at Julich and small power plant of 296 MWe capacity at Schmeshausen. The United States has one privately owned nuclear power reactor of this kind, the 330 MWe Fort St. Vrain unit. While several public utilities in the western United States had planned to build eight more full sized power reactors fueled with HEU, these projects all have been cancelled or indefinitely deferred.

The Soviet Union has no high temperature gas cooled reactors planned or in operation. Japan has shown some interest in them to supply high temperature process heat, but this interest is far from commercialization. France too has shown little interest while the United Kingdom had one small research unit now out of commission. As for research reactor use, the United States for several years has pushed strongly to change the fuel in these reactors from 90% material to 20% or less as a way to assure that if stolen, this material could not be directly used to make a nuclear explosive.

For the present, then, the use of highly enriched uranium as a reactor fuel is limited to a fairly stable world set of research and testing reactors, naval propulsion for the main nuclear weapons states, and a handful of power reactors. Since existing supplies appear to be adequate, if it were decided to "burn" weapons grade uranium as nuclear fuel, present production would have to be reduced or perhaps shut down until the material from warheads could be used up. This would conflict with U.S. policy to wean operators of large and small research reactors away from highly enriched uranium by developing and demonstrating replacement fuel using no more than 20 percent uranium-235. The driving force for this U.S. policy is concern that terrorists or criminals might be able to steal dangerous amounts of highly enriched uranium from these reactors or from the factories that make fuel for them.

Indirect use to fuel conventional power reactors.—Quite a different alternative would be to dilute weapons grade uranium with normal or depleted uranium to reduce the overall enrichment to 20 percent or less. Low enriched uranium, from 3 to 5 percent, is the regular fuel for most of the world's light water nuclear power reactors, and cannot be directly used to make warheads.

Some economic considerations.—A fundamental question in thinking about using surplus weapons grade uranium as a nuclear fuel, or diluting it to supply low enriched fuel, is reluctance to waste the enrichment already invested in this weapons grade material. Fortunately, diluting weapons grade uranium down to fuel grade would waste less than half of the initial enrichment effort. If 90 percent enrichment uranium is blended back to 3 percent, typical of fuel for pressurized water reactors, only 39 percent of the enrichment effort is lost, which, depending upon the going price for enrichment, could range from about $7,500 to $13,000 per kilogram degraded.[31] The amount of enrichment effort needed to produce a kilogram of various enrichments is shown in table 1.

Some estimates of potential uranium consumption.—As noted earlier, weapons grade uranium could be consumed in two ways: directly as fuel for fast reactors, and indirectly by diluting it to low enrichment for conventional nuclear power reactors.

Turning first to direct use, typically, a high temperature gas cooled reactor could consume about 780 kilograms of highly enriched uranium annually.[32] This is enough for about 52 warheads, assuming 15 kilograms per warhead. However, this type reactor is not yet in commercial use. Over the years, the largest demand for highly enriched uranium for civil power was expected to be to fuel breeder reactors until they could produce enough plutonium to become self sufficient. At present little prospect is seen for commercial breeding for at least several decades.

As for indirect use, a large (1,000 MWe) nuclear power plant using 3 percent enriched uranium at equilibrium conditions would require annually about 21 metric tons of this material.[33] Since one kilogram of highly enriched uranium (90% U-235) can be diluted to supply 30 kilograms of 3 percent material, and assuming 15 kilograms as the nominal amount for a nuclear warhead,[34] a large power reactor could consume annually the nuclear charge from about 46 such warheads. So, these figures suggest that ten large power reactors could annually consume the uranium-235 from almost 500 warheads.

TABLE 1.—SEPARATIVE WORK REQUIRED TO PRODUCE 1 KILOGRAM OF 90 PERCENT U–235

Feed enrichment percent	Separative work SWU/kg product
0.711 (natural)	227
2	118
3	89
3.3	83
4	73
5	62
20	19.8

Notes.—SWU—Separative Work Units Assuming 0.2 percent tails.

Source: deMontmollin.

Conclusion. There are now not enough working power reactors using highly enriched uranium to quickly consume any substantial quantities from dismantled warheads. The material could be used to fuel nuclear navies, although verification could be difficult. Using weapons grade uranium could mean a temporary shutting down of enrichment plants. Also, national sensitivities about the performance of their nuclear fleets probably would make it problematical whether verification could be worked out because the materials accounting could give information about fuel performance. Looking far ahead, if high temperature gas cooled reactors demonstrate their promise, particularly for process heat, then there could be a much greater demand for uranium enriched to 20 percent or more. For the present, however, indefinite storage of weapons grade uranium or dilution to conventional reactor fuel grade appear to be the most workable alternatives for disposal.

Use of weapons grade plutonium, in principle

As with enriched uranium, from the beginning of U.S. work on nuclear power it was expected that plutonium ultimately would be produced and used as a nuclear fuel. This was the reason for developing the breeder reactor which by efficiently transmuting uranium-238 into plutonium can produce more nuclear fuel than it consumes, with the excess plutonium available to fuel conventional power reactors.[35] The driving force behind work on plutonium was an expected world scarcity of uranium, which indeed was in short supply in the early 1950s before the discoveries of large deposits of uranium in the United States, Canada, Africa and Australia. Today's oversupply of uranium was not foreseen.

Looking ahead, there is some difference of opinion about future demand and supply for uranium. While many expect today's surplus of uranium to continue indefinitely, this view was challenged at the World Energy Conference in October 1986 where an analytical team from an energy commission reported that proven world uranium reserves would be exhausted by about 2015 even if breeders are introduced at an accelerated pace. Moreover, a rapid introduction of breeders would delay by only some 17 years the total exhaustion of world uranium resources, including speculative resources.[36] If thinking about nuclear fuel adopts this view, uranium-235 and plutonium from dismantled warheads would be seen as helping to deal with a shortage rather than being a potentially troublesome surplus. If indeed uranium is seen likely to become scarce, this would revive today's dwindling interest in commercial production and use of plutonium. Unfortunately, it may be several decades before estimates of the long term balance between demand and supply for uranium settle down.

Again, as with highly enriched uranium, there is concern that weapons grade plutonium, if used to fuel civil nuclear power plants, might be seized at fabrication plants or from storage, or from transportation by terrorists or criminals. Moreover, if breeders become a commercial reality and were fueled with weapons grade plutonium, they could be operated to produce equally good materials. On the other hand, plutonium from conventional nuclear power plants fueled with weapons grade material would be of low quality unless the plants were operated in an abnormal manner that would be highly visible to any inspector.

Use of plutonium as a nuclear fuel, in practice

As of 1986, some potential commercial fuel use of plutonium was looming on the horizon. Large reprocessing plants in the United Kingdom and in France were producing separated plutonium, and more reprocessing capacity is planned in the United Kingdom, in West Germany and in Japan—although vehemently opposed by some groups in these countries.[37] The most likely use of this plutonium will be in conventional nuclear power plants.

Use in breeders.—Although nuclear breeding was pursued with enthusiasm by the United States until the Carter administration and remains a goal for France, West Germany, the United Kingdom, Japan, India and the Soviet Union, this technology has yet to achieve commercial application in these countries. The only large prototype breeding nuclear power plant outside of the Soviet Union is the French Super Phoenix. While the U.S. Department of Energy is continuing some breeder development and continues to operate DOE's fast flux test reactor, there is no demand here for plutonium for breeders.

Use in conventional powerplants.—Plutonium now accumulating at Europe's reprocessing plants seems likely to be used in conventional power reactors. One factor is costs. The storage charges to hold separated plutonium are high, and will probably increase as low quality plutonium becomes more radioactive with age.[38]

Plutonium has been used experimentally in a few power reactors in the United States, and its use is currently being demonstrated in Europe and Japan. Also there has been some speculation in Argentina and in Canada that adding some plutonium to the unenriched uranium used in their heavy-water type reactors can substantially improve fuel performance.

An industrial base to support recycle already exists in Europe. Belgium, West Germany, France, the United Kingdom, and also Japan, have some industrial ability to fabricate limited amounts of mixed-oxide fuel elements, and have the technology well in hand to build large factories. Nonetheless, commercial use of plutonium in conventional nuclear power plants is still years away, and can be realized only if many economic, security and regulatory problems can be solved.

Several technical points need further comment. In general, plutonium can be substituted for uranium in conventional light water reactors subject to certain constraints. However, in a reactor designed to optimize uranium use, plutonium can replace only up to about a third of the uranium without changes that go beyond redesign of the fuel assemblies. Nonetheless, a "self-generating recycle," appears to be possible wherein at equilibrium a power reactor would produce as much plutonium as it consumes. Under this condition, the uranium requirements are reduced by about a third.[39]

There is an important difference between boiling water reactors (BWRs) and pressurized water reactors (PWRs) because of their different control characteristics. In the pressurized type, the mixed-oxide fuel can be put in about one third of the fuel assemblies. The remaining two thirds can contain only uranium, at a slightly higher enrichment than for normal all-uranium loading. This has a significant impact on fuel cost, since the higher cost of plutonium-fabrication would apply only to about a third of the fuel. In a boiling water reactor, all of the fuel would contain some plutonium, which would increase the total fuel fabrication cost over that for fuel for pressurized water reactors. However, most commercial power plants in the United States are of the pressurized type, and about half of those in the Soviet Union.

Looking ahead.—As for the future, there could be a new demand for plutonium if fast neutron type reactors are shown practicable to generate electricity, or to supply high temperature process heat for metallurgical and other industries. Here again, this use, at best, is years away if it ever materializes.

Some economic considerations.—At present it would be difficult for the U.S. nuclear industry to use plutonium from dismantled U.S. warheads as nuclear fuel. The industry lacks factories able to fabricate plutonium into fuel, and plutonium fuel probably would cost more than that made with conventional low enriched uranium. Since it is unlikely that State public utility commissions would feel bound by Federal policy to permit nuclear power plant operators to increase their rates for electricity to pay the incremental costs of plutonium fuel, some kind of Federal subsidy probably would be needed. In addition, DOE itself might resist the idea because of anticipated loss of sales for its enrichment services because of low enriched uranium displaced by plutonium.

Turning now to the state of the U.S. nuclear industrial base, at one time the United States had several commercial companies able to fabricate mixed oxides of plutonium and uranium into small pellets of which could then be inserted into long tubes that became nuclear fuel elements.[40] Some of this fuel was fabricated for DOE's breeder project and some for a project begun under the Atomic Energy Commission to demonstrate use of plutonium as a supplementary fuel in conventional nuclear power plants. However with the anti-plutonium attitude of the late Ford and the Carter administrations, and with the cancellation of DOE's Clinch River Breeder Reactor Project after Congress refused to continue funds for it in 1983, these facilities have been shut down. Nonetheless, many engineers and technicians with plutonium fabrication experience are still working in the industry. At the moment the only working U.S. facilities for plutonium fabrication experience are those of the Department of Energy. Abroad, the nuclear industries of West Germany and Japan are fabricating plutonium fuel in demonstration quantities and might be willing to expand their capacities.

Turning now to comparative costs of plutonium and conventional uranium fuels, the principal costs for fabricating fuel from surplus weapons plutonium would be the price charged by the government for the plutonium, the cost of converting plutonium metal into the mixture of oxides of uranium and plutonium (MOX) needed for the fuel, the fabrication of the MOX into fuel pellets, and the assembly of these pellets into completed fuel elements. There would also be higher costs for upgraded security to protect the plutonium from theft or seizure.

What price to charge for the plutonium would be a political question. On one hand it could be argued the price should be high enough to recover for the government the cost of producing the plutonium and perhaps for converting it into mixed oxide if the plutonium is released from dismantling in this form. On the other hand, if the disposal idea is given high priority, then a government subsidy via a low price to balance out any cost disadvantage for plutonium would be justifiable.

The production of mixed oxides and their fabrication into fuel pellets is more expensive than the corresponding fabrication of low enriched uranium oxide because of the toxicity and radiation from plutonium.[41] This requires all handling and fabrication of plutonium bearing materials to be done within airtight chambers by remote handling devices. Such process lines are expensive to build and to operate. Also plutonium must be handled in small amounts because of the risks that amounts might accidently accumulate large enough to become a critical assembly which could cause a burst of lethal radiation and perhaps an explosive release of energy.

Any private decision to build a plutonium fuel fabrication plant would also depend upon the kind of assurances the government could give for the duration of plutonium supply. If only a few years assurance could be given, industry would be less confident it could recover its investment than if a reliable supply could be assured for many years. Likewise, a private decision to proceed with plutonium fuel fabrication would also depend upon prospects for favorable action by the NRC on license applications to build and operate such a plant, and also on applications from utilities to use plutonium in their reactors. One prerequisite for such licensing is the completion of the Generic Environmental Impact Statement on Mixed Oxides (The GESMO Report). This report was begun by the NRC and taken to the point of publication in 1976, but further consideration stopped soon after the Carter Administration took office in 1977.

While the Reagan Administration early indicated it did not oppose domestic use of plutonium as a fuel, the NRC has not undertaken to update the report, and has said that this should be done by the Department of Energy which, to date, has not done so. If past experience is a guide, several years would be needed to update and act upon this environmental impact statement, during which time the NRC could not license construction of a new fuel fabrication plant or use of plutonium fuel by a power reactor. Additional time could be required if various public interest groups were to request hearings on the environemntal impact statement or to litigate.

There is an alternative. As noted earlier commercial plutonium fuel fabrication, albeit on a small scale, is available in West Germany, in France and in Japan. So the U.S. utilities could contract with these sources to expand their production capacity and to fabricate U.S. supplied plutonium into fuel pellets, or into complete fuel elements for return to the United States. Even so, NRC action of the environmental impact statement probably would be needed before it could issue licenses to export the plutonium for fabrication abroad and to bring back for use in the United States, unless there was legislation to remove these transactions from NRC jurisdiction.

On the whole, at this time it appears that the costs of plutonium fuel fabrication, questions about the duration of supply, and the difficulties of getting the necessary NRC licenses would not encourage the rule fabrications and the nuclear power utilities to voluntarily use plutonium fuel. However, it is plausible that some combination of government actions could make plutonium use attractive to them. For example, the Federal Government could arrange for the Tennessee Valley authority to use plutonium for fuel in its nuclear power plants since the TVA is a federal entity. This, however, assumes that TVA can overcome its present troubles with the NRC that in effect have shut down all of its nuclear power units, and that TVA could be convinced to change over to plutonium.

As for the Soviet Union, at present it too is not using plutonium as a supplementary nuclear fuel in conventional nuclear power plants and presumably lacks the factories to produce this fuel on a industrial scale. While some might expect that the centralized decision making of the Soviet government would easily enable it to arrange for such factories and fuel use, internal resistance from the Soviet nuclear industry and nuclear power operators would be likely if they were expected to absorb the costs with no adjustments in funds received from Moscow. And with the aftermath of the Chernobyl accident of April 1986 still much in mind, internal opposition could be expected if use of plutonium was seen as raising questions of nuclear safety.

Some estimates of potential plutonium consumption.—Several recent analyses have estimated the amount of plutonium that could be consumed in the generation of nuclear power.[42]

One analysis early in 1985 estimated that about 160 metric tons of plutonium and U-235 might be available from weapons for conversion to peaceful purposes. The plutonium would be enough to fuel 10 large nuclear power plants for 30 years, at an annual consumption rate of about 530 kg of plutonium per reactor.[43] Elaborating, it said:[44]

"Assuming that it is blended to the equivalent of 3 percent enrichment, this would amount to about 5,000 metric tons of reactor fuel, with a value of about $5 billion on today's market. When recycled, the resultant material could fuel 10 large nuclear power plants for 30 years, providing about two trillion kilowatt hours of electricity. This is roughly the total U.S. electricity generation during 1982, or 10 times the total African annual generation." A few months later, an analysis from Princeton University[45] concluded that ten large power reactors within a decade could dispose of all the plutonium currently in U.S., or Soviet weapons.[46] Of this the authors wrote:

". . . One method would be to use the plutonium as fuel in a relatively few heavily safeguarded reactors operated in a "once through" mode (that is, without reprocessing the fuel). Ten large reactors could in this method dispose of all plutonium currently in U.S. and Soviet weapons in a decade."

A recent estimate from DOE's Sandia Laboratories would expect the Soviet type pressurized water reactor, the VVER-100, to consume the equivalent of 40 plutonium warheads yearly, assuming 8 kilograms per warhead. In comparison, the equivalent of 35 warheads per year could be consumed by a typical U.S. type 1000 MWe PWR.[47]

Earlier, more conservative estimates appeared in the final report of the International Nuclear Fuel Cycle Evaluation[48] in 1980 and in the NASAP report of the Department of Energy,[49] also in 1980. These indicated that depending upon how a power reactor is operated, and how much plutonium can be put into the fuel, a large 1000 MWe unit would require about 400 kilograms of plutonium a year, which would mean that one large nuclear power plant could annually consume the plutonium from perhaps 40 to 80 warheads a year. If ten large power reactors were dedicated to this purpose, they could account for 400 to 800 warheads annually. This could be higher if the more optimistic predictions of other analysis prove to be correct.

Conclusion.—As with weapons grade uranium, here too there is now little commercial demand for plutonium to fuel conventional nuclear power plants. While the technology of plutonium recycle is being demonstrated in Europe and in Japan, and work has been done on it in the United States, the disposal of weapons grade plutonium by this route would require construction of industrial scale fuel fabrication plants here or abroad and in the United States would also depend upon the action of the Nuclear Regulatory Commission upon requests from reactor operators for permission to use such fuel. Presumably a similar situation for industrial capabilities exists in the Soviet Union. So at this time if there was an agreement to dismantle many warheads, the recovered plutonium probably would have to be stored for years. Even then, it might have to compete in a future international nuclear fuel market characterized by a surplus of plutonium from commercial reprocessing.

Where the materials could be consumed

The most likely countries in which to consume weapons grade uranium and plutonium from dismantled nuclear warheads would be in the United States and the Soviet Union. France, the United Kingdom and China might become involved if arms reductions included their nuclear arsenals. In principle the superpowers might supply some of these materials to other states to fuel research or power reactors, but it seems unlikely that either would wish to incur risks that their weapons grade materials might wind up in the hands of terrorists or criminals abroad. On the other hand, if the salvaged weapons grade materials are used to generate nuclear power within the U.S. and the USSR, then some of the regularly produced low enriched uranium would become excess and be available for export. However, for the short and mid-terms, there probably will be surplus capacity to produce low enriched uranium and a saturated world market.

For the short term, to 1990, the most likely fate for surplus weapons materials would be storage, assuming that use in new weapons is banned by superpower agreement. Neither the U.S. nor the Soviet Union now need new sources of plutonium or enriched uranium for their civil generation of nuclear power; neither has established commercial plutonium recycle; and neither employs high temperature gas cooled reactors fueled with highly enriched uranium to generate electricity. There will be some continuing demand in both countries for highly enriched uranium for their nuclear navies, for a few research reactors and perhaps for some research and development. Neither would have time to build special reactors to "burn" the salvaged materials under controlled conditions.

For the mid-term, 1991-2010, there appears little prospect for any notable demand for weapons grade uranium or plutonium to start up commercial breeders. Plutonium recycle could increase depending upon the technical and economic experience with demonstration projects now going on in Europe and Japan, and whether the price charged by the U.S. and USSR to their electricity industry for weapons grade plutonium would undercut that for commercial plutonium from the reprocessing plants in Europe and Japan. Fuel demand for naval propulsion probably would not notably increase. However, requirements for high temperature gas cooled reactors could appear near the turn of the century if this type reactor lives up to its promise, particularly as a source of high temperature process heat, and depending upon the supply and prices of other sources of energy.

Whether or not more or less nuclear materials would go to storage in the mid-term would depend upon the balance between supply from dismantled warheads and other sources versus the demand for nuclear fuel materials approaching weapons grade.

As for the long term, the prospects are hazy. It is not clear whether 25 years hence the dismantling of warheads would still be going on and how much materials would then be available. Nor can one say with confidence what the demand for civil nuclear fuels might be then. Another nuclear accident comparable to Chernobyl would further depress prospects for nuclear power and for nuclear fuels; so too would develop and deployment of competitive new sources of energy. On the other hand, several decades of good safety experience combined with continued political pressures to reduce burning of fossil fuels—because of concern over the greenhouse effect and acid rain, and technical or economic limitations of other energy technologies could notably increase demands for nuclear fuels including materials salvaged from dismantled warheads. So at the time of writing it is not possible to reliably predict whether by the third decade of the next century the dismantling of warheads would still be in progress, and, if so, whether the recovered highly enriched uranium or plutonium would go to long term storage or to commercial use. Table 2 indicates a range of uses.

Of course, as suggested earlier, the superpowers could build special reactors to consume the weapons grade material, and perhaps to convert some of waste heat into electricity. However, such reactors do not now exist. Given the present economic and government deficit situation in the United States, it does not appear plausible that large new public capital and operating costs would be authorized for this purpose, particularly if the recovered nuclear weapons materials could be used by the U.S. electricity industry.

Verification

The great attention given to verification by negotiators—some would say preoccupation—in arms control talks provides reason to expect a strong interest in this matter in negotiation of an agreement on what to do with nuclear materials from dismantled warheads. Here the purpose of verification would be to assure that neither superpower can surreptitiously divert these nuclear weapons materials back to their nuclear weapons works without being detected. This condition which poses several fundamental questions about verification: What would be expected of verification? Where would verification begin? How would it be accomplished? What major factors would affect it? Who would do it?

TABLE 2.—SUMMARY OF WHERE AND HOW SURPLUS NUCLEAR WEAPONS MATERIALS COULD BE CONSUMED

Time	U.S. and U.S.S.R.	Other
Short term: to 1990:		
Breeders	Minor	Minor.
Plutonium recycle.	do	Do.
Marine propulsion, (HEU).	Some, U.S.S.R. only	No.
Special burner reactors.	No	Do.
Storage	Most	Most.
Mid term: 1991–2010:		
Breeders	Minor	Some potential increase.
Plutonium recycle.	Some	Increased.
Marine propulsion (HEU).	Some, U.S.S.R. only	Minor.
HTGCR (HEU) electricity.	Minor	Do.
Process heat	No	No.
Special burner reactors.	Possible but unlikely	
Storage	Most	Most.
Long term: 2011—:		
Breeders	Possible increase	Possible increase.
Plutonium recycle.	do	Do.
Marine propulsion.	do	Do.
HTGCR (HEU) electricity.	do	Do.
Process heat	do	Possible demand.
Storage	Depends upon dismantling rate.	Depends upon dismantling rate.

What would be expected of verification? If the superpowers agree to deep cuts in their nuclear arms, strategic or otherwise, then the purpose of verification would be to assure each side that neither could surreptitiously return weapons grade plutonium or uranium from the dismantled warheads to the backdoors of their weapons work in treaty violating quantities great enough to make an important difference. The detection should be reliable and timely enough to assure that nuclear arsenals could not be quickly increased to give one side or the other a substantial surprise advantage. This assumes, of course, that the respective weapons factories would need only a new supply of nuclear materials to quickly boost production, and does not take into account the practical details of achieving a sudden, substantial increase in manufacture of nuclear war heads. So it would be necessary that quantities of nuclear materials which might possibly be diverted without prompt discovery be small enough as not to affect the military balance between the superpowers. With this in mind, a reasonable verification criteria would be the ability to detect diversion of enough salvaged nuclear material to achieve perhaps a quick ten percent increase in production.[50] The lower the agreed limit upon inventories of weapons, the smaller this amount would be. For example, assuming the U.S. were to agree to cut its inventory of strategic arms from say 2,330 to, perhaps 1,500 weapons, and assuming all of the warheads used plutonium, with 10 kilograms of plutonium per warhead, then some 8,300 kg of plutonium would be released. To suddenly increase the reduced inventory by 10 percent would require 150 new warheads at 10 kilograms of plutonium per warhead, or 1,500 kg. For this example, a verification system should be able to reliably and quickly detect diversion of, say, 1000 kg a metric ton of plutonium. With different assumptions as to cutbacks and the amount to be detected, the sensitivity of the verification system would change. Nonetheless, the criteria to verify no diversion back to warheads would be quite different from that to assure non-nuclear weapons states do not divert enough material to make a few warheads. The present international inspection system for non-weapons states party to the Nuclear Non-Proliferation Treaty defines this "significant quantity" as the amount of material that a state would need to make its first nuclear explosive, taking into account waste and losses, namely 8 kilograms of plutonium, or 25 kilograms of uranium-235 contained in uranium enriched to 20 percent or more, or 8 kilograms of uranium-233.[51] More will be said of this criterion later.

Where would verification begin?—Verification of what is done with nuclear materials from dismantled nuclear warheads could occur in two main places: first, at the place where materials are recovered from warheads; and, second, at places involved in the fabrication and use of the recovered materials. On the whole, the overall system would include the following kinds of nuclear facilities and flows of nuclear materials:[52]

The dismantling place.—The two super powers together could jointly operate a facility, or each could have its own facilities, subject to international or bilateral monitoring, to dismantle or destroy the missiles or other ordinance that have nuclear warheads, dismantle the warheads, collect the highly enriched uranium and or plutonium, and process these materials enough to * * * their previous shapes or compositions from providing information about design of the warheads, i.e. to prevent "reverse engineering." For the warhead dismantling, two things would be verified: first, that the amount of nuclear material recovered corresponds to the amount that should be in the warheads dismantled; and, second, the amounts of these materials to be released from the dismantling facility to storage, or to nuclear fuel fabrication and subsequent use. Inspectors would be present during all dismantling operations to verify the correlation between numbers and types of warheads dismantled and material recovered. This need not involve disclosure of any secret information about warhead design.

What kind of material flows could be expected?—The flows and inventories of nuclear weapons materials, as noted earlier, would depend upon the rate of dismantling of warheads and the readiness of the U.S. and Soviet nuclear industries to use these materials for nuclear fuel.[53] While it is still too early to predict the amounts of plutonium and enriched uranium that might result from deep cuts in weapons inventories, a few examples can illustrate the kinds of material flows that might occur. The annual maximum use of these materials by a large individual nuclear power plant and also by a nuclear power industry of 20 gigawatts (GWe) electrical generating capacity is suggested in table 3. This shows that a large reactor could use the plutonium from 35 to 50 warheads per year, depending upon its design and operation, or the highly enriched uranium from about 36 to 40 warheads annually. The annual corresponding flow for 20 large nuclear power plants typically could consume materials from 800 to 900 warheads per year depending upon conditions. Taking the latter example further, the plutonium to fuel 20 GWe of generation would be about 160 metric tons of mixed uranium-plutonium oxide annually. The flow of materials from release from storage through fabrication and to delivery for storage at the reactors is shown in Figure 2.

[Figure not reproducible in the RECORD].

TABLE 3.—EXAMPLES OF FLOWS OF NUCLEAR WEAPONS MATERIALS USED FOR CIVIL NUCLEAR FUEL

Type of power reactor	For a single nuclear power plant (1000 Mwe)			
	Warheads per year	Kilograms per year[1]	Warheads per year	Kilograms per year[1]
United States:				
PWR:				
Plutonium	35	280	804	6,432
Uranium-235	36	900	828	20,700
U.S.S.R.:				
VVER 1,000: [2]				
Plutonium	40	321	804	6,432
Uranium-235	41	1,025	824	20,600
RBMK 1,000: [3]				
Plutonium	50	400	900	7,200
Uranium-235	36	900	720	18,000

[1] Assuming 8 kilograms of plutonium per year, and 25 kilograms of highly enriched uranium per warhead (90 percent U-235)

[2] VVER is a graphite moderated, boiling water pressure tube type reactor of the kind involved in the Chernobyl nuclear accident of April 1986. It normally is fueled with low enriched uranium.

[3] RBMK is the standard U.S.S.R. pressurized water reactor and is a successor to the VVER.

Source: J. deMontmollin. Value of fissile material from dismantled warheads as reactor fuel.Working paper. Sandia National Laboratories, May 27, 1986 (Rev. 1) Tables 1 and 3.

In this example, metallic plutonium is converted into mixed oxide and then fabricated into nuclear fuel. A plant to do the same for highly enriched uranium would be similar although not interchangeable. A facility able to produce 160 metric tons of mixed oxide annually would be large enough to achieve some benefits of scale. If the conversion and fabrication processes were at separate locations, interim storage would be needed at each site to cover uncertainties in scheduling and in transportation. For this case, the distribution of the plutonium over the fuel cycle is shown in table 4. Note that of the total, about 5 percent of the plutonium typically would be in transit between facilities, 3 percent in process and the remainder in storage at various locations.

How would verification be accomplished?

There are many ways to verify that valuable or dangerous materials are accounted for. The one following is based on decades of national experience in verifying that civil nuclear materials have not been diverted to make nuclear weapons. The basic idea is straightforward. Records are kept to account for the materials; these accounts are verified by periodic inventories taken independently by the users and by international inspectors; assurance of no diversion between inspections is provided by installation of monitoring equipment and by use of locks and seals to show there has been no unauthorized access to or movement of materials (surveillance) and by physical barriers to keep unauthorized persons away from the materials (containment). For sensitive nuclear materials—plutonium and highly enriched uranium—continuous monitoring probably would be desirable at places where these materials are handled in bulk form. This whole system of accounts, inventories, inspection, surveillance and containment is called "safeguards."

TABLE 4.—ESTIMATED DISTRIBUTION OF MATERIALS OVER THE FUEL CYCLE SHOWN IN FIGURE 1

Stage	Average time, days	Average quantity, Pu (kilograms)
Metal Storage	....	....
Transport	10	218
Conversion:		
Feed storage	60	1,310
Process	5	110
Interim storage	90	1,960
Fabrication:		
Process	8	181
Product storage	100	2,180
Transport	10	218
Reactor Storage	100	2,180

Source: J. deMontmollin. Verification of peaceful use of reclaimed warhead material. Working paper. Sandia National Laboratories, June 1986, table 1.

Verification of dismantling warheads.—The principal function of verification at a dismantling facility would be to assure that warheads brought there indeed are dismantled, and that the amount of nuclear materials recovered is what it ought to be. In some schemes, the dismantling center could also verify the dismantling of an entire missile or other carrier as well as the warhead itself. However, this analysis is limited to the narrower function of dismantling warheads and recovering their nuclear materials.

Given the sensitivity of the dismantling step, because it would produce substantial amounts of weapons-grade materials in bulk form, continuous surveillance would be expected, with inspectors present during all dismantling operations to verify the correlation between numbers and types of warheads dismantled and materials recovered. One way suggested by some analysts to provide such visual surveillance while at the same time preventing inspectors from gleaning secret information on warheads design and fabrication by observation would be to build an overhead observation gallery in the dismantling area. The inspectors could be close enough to follow the progress of warheads through dismantling, but far enough away not to be able to see secret details.[54] Verfication at the dismantling site also would include sampling and analysis of samples of the recovered nuclear materials to assure they are of the expected purity and composition, and to provide accurate information on the amounts and kinds of materials released from the dismantling facility to off-site storage, or to fuel fabrication and use.

Verification of the fuel fabrication and use.—Once the weapons grade plutonium or uranium are released from the dismantling center, verification that these are not later diverted would be accomplished by a safeguards systems. Considering the sensitivity of the weapons grade plutonium and uranium, the frequency of inspections and the extent of surveillance and containment would be substantially more than that for fabrication and use of nuclear fuels containing low enriched uranium.

In the view of one safeguards expert,[55] and as shown earlier in table 4, because only a small part of the reclaimed weapons materials would be in process at a given time, verification need not require inspection of the process equipment itself. Table 4 indicates that typically only about 3.5 percent of the material released to fuel fabrication would be in process, with the remainder in various interim storage places. So, even without continuous inspection of the fuel fabrication lines, the quantities of nuclear materials involved could be indirectly verified through prior agreement on maximum allowable quantities in process and by analysis of the flow of materials into the plant and of fabricated fuel out of it. This approach would shift the burden of inspections away from production lines and to places where production would not be interrupted or commercial fuel fabrication know-how compromised by inspection. Direct verification of materials in interim stores would be desirable and reasonable. Records and accounts would be set up at the fabrication plants, storage places for bulk materials and for fabricated fuel, and at the power reactors so that a continuing materials balance could be maintained to show that all of the nuclear materials are accounted for.

How frequently the materials balances should be verified and how much uncertainty would be acceptable in comparing inventories with book amounts is an open question. Some uncertainties inevitably occur when materials are converted from one form to another and when they are fabricated into a final product, and taking inventories is a nuisance. The acceptable limits of timeliness of materials balances and acceptable uncertainties probably would be determined more by the risk from undetected diversion on the superpower nuclear arms military balance than by the technical limits of nuclear materials accounting and verification. Where reasonable values could be months and hundreds of kilograms for the fissionable materials involved.[56]

How the basic mechanisms for verification might apply to the dismantling and fabrication phases is suggested in table 5.

Who could do the verification?—Verification that nuclear materials from dismantled warheads are used to fuel nuclear power plants and are not secretly returned to nuclear weapons in violation of arms control agreements would have to be accomplished by effective safeguards with inspectors on site at the dismantling place. These inspectors could be provided by national or joint U.S.-Soviet inspection organizations, or by a new or existing international organization. Table 6 suggests available options.

Each superpower presently has national inspection organizations that could provide inspectors qualified to jointly verify dismantling of nuclear weapons, their warheads, the amounts of materials recovered, the inventories awaiting release, and the releases of such materials to fuel use. Such inspection teams clearly would be under direct control of each superpower and would report to them. Each superpower could choose the inspectors with full knowledge of their technical capabilities. On the other hand, bilateral superpower inspection teams would give little assurance to other states that nuclear materials from their dismantled superpower warheads do not return by mutual connivance to the backdoors of their weapons plants.

TABLE 5.—BASIC MECHANISMS FOR VERIFICATION

Means	Dismantling of warheads	Fabrication of recovered materials into nuclear fuel
Observation (Internal)	Continuous	Periodic.
Records and Accounts	Detailed	Detailed.
Inventory verification:		
Sampling	Yes	Yes.
Analysis	Yes	Yes.
Surveillance	Continuous	Cameras, seals, other devices between inspections.
Containment	Access to facility tightly controlled.	Barriers to prevent unauthorized access and related measures
Inspection (external)	Continuous	Periodic.

TABLE 6.—ORGANIZATIONAL OPTIONS FOR VERIFICATION OF THE DISPOSAL OR USE OF NUCLEAR MATERIALS FROM DISMANTLED WARHEADS

Type organization	Dismantling of weapons	Dismantling of warheads	Interim storage of nuclear material	Use of nuclear material
National inspection	Yes	Yes	No	No
Joint inspection	Yes	Yes	Yes	Perhaps
Third country inspection.	No	Perhaps	Yes	Yes
International inspection:				
A new organization.	No	Perhaps	Yes	Yes
The IAEA	No	Perhaps	Yes	Yes

Another option, in principle, would be for the superpowers to have a neutral third nation provide independent inspection and verification services. Under this option, neither superpower would be bothered with inspectors from the other, however they might not have as much confidence in third-party inspection as in their own direct or joint verification. Also third-party verification would not help with the demands of other states, particularly nonnuclear weapons states, to be assured that the dismantling is real and not a charade.

Another option would be to draw upon well established and demonstrated systems and technologies of the International Atomic Energy Agency to verify nuclear inventories, assure they remain under proper control and accountability in between inspections, and assure they are physically protected from unauthorized access. The IAEA has been such, providing inspection service upon request for many years and has substantially improved its systems and equipment. However, there remains doubt in some circles about the adequacy of IAEA safeguards system to assure timely warning of diversion of small quantities of highly enriched uranium or plutonium.

Still another option would be for the superpowers to arrange with the IAEA, or some new international organization, to provide verification service. In this case, for political reasons it probably would not be wise to have the Agency verify the dismantling of weapons or of warheads. But, it could verify recovered materials held in storage by the superpowers and continue fabrication and use of these materials for nuclear fuel. Since each superpower already has voluntarily agreed to allow the IAEA to inspect some civil nuclear facilities, the principle of inspection and verification has been accepted. If the nuclear material in fuel use were placed in IAEA safeguards, then other states would have some assurance that unresolved discrepancies found by inspection would be reported to the Agency's Board of Governors, and to its membership and the United Nations. On the other hand, to involve the Agency directly in as contentious and sensitive a matter as superpower arms reduction could put it at grave risk. The Agency would have little protection if the superpowers were to disagree over the outcome of an IAEA inspection and were to attack it politically. While over recent years the superpowers have mutually supported the Agency, that was not always the case and the IAEA could be gravely injured if caught in a superpower crossfire. Also, it should not be assumed that other IAEA member states would favor the Agency taking on verification for the superpowers, or that the Agency would wish to run the potential risks involved notwithstanding assurances of superpower support and good intentions. On the whole, the main reason for turning to the IAEA would be to provide assurance both to the superpowers and to other nations that recovered weapons grade nuclear materials released to fuel use are accounted for and are not surreptitiously recycled back into new warheads.

Alternatively, the superpowers and other nuclear power states in principle might band together to create a new international organization to verify their disposal of surplus weapons grade materials. At first blush, however, prospects for this would appear to be dim. First of all, to establish a new international agency given present world conditions and the continuing criticisms of international organizations, would be formidable indeed. It might well require amendment to the non-proliferation treaty, where changes could be blocked by some determined non-aligned states. Second, a new agency would duplicate the safeguards function of the IAEA and would be seen as a major superpower vote of no confidence in the reliability and effectiveness of the Vienna agency. So the superpowers probably would not seriously consider a new agency unless the IAEA itself for some reason should become ineffective in the future.

A limited version of a new international organization would be for the superpowers to set up their own joint operation for mutual verification. While this would be comparatively easy to do, other nations probably would view it as indicating that the superpowers were unconcerned about assuring other countries that U.S. and Soviet surplus weapons grade materials indeed are used for peaceful purposes and not secretly recycled back into their weapons factories.

Relation to U.S. Non-Proliferation Policy

Background.—Toward the end of President Ford's administration, some public interest groups and academics began to revive questions about the risks of commercial production and use of plutonium as a nuclear fuel. They argued that governments of non-nuclear weapons states, or criminals or terrorists might seize this material and try to make it into atom bombs. These doubts were reflected in a flurry of proposed bills in Congress and by President Ford's October 1976 statement on nuclear policy.[57] In this he said the United States should "greatly accelerate its diplomatic initiatives in conjunction with nuclear supplier and consumer nations to control the spread of plutonium and technologies for separating plutonium." He also announced that the United States would no longer regard reprocessing of spent nuclear fuel to produce plutonium as a necessary and inevitable step in the nuclear fuel cycle. Instead, the U.S. should pursue reprocessing and recycling of plutonium in the future only if they were found to be consistent with U.S. international objectives. He called on other nations to join the U.S. in exercising "maximum restraint" in the transfer of reprocessing and enrichment technologies and facilities for at least three years.

President Carter quickly expanded on this theme. In April 1977[58] he announced that the U.S. would defer indefinitely the commercial reprocessing and recycling of plutonium produced in the U.S. nuclear power plants; the U.S. breeder reactor program would be restructured to give greater priority to alternative designs and to defer the date when breeders would be put into commercial operation; nuclear research and development would be redirected into alternative nuclear fuel cycles which did not involve direct access to materials usable for nuclear weapons; the U.S. would continue to embargo the export of equipment or technology for uranium enrichment and reprocessing; and the U.S. would continue discussions with other countries of ways to permit them to achieve their energy objectives while reducing the spread of nuclear explosive capability.

Four years later, President Reagan's incoming administration deemphasized this earlier opposition to commercial plutonium. His statement of July 16, 1981,[59] said that his administration would not ". . . inhibit or set back civil reprocessing and breeder development abroad in nations with advanced nuclear power programs where it does not constitute a proliferation risk." On the other hand, the Reagan administration does oppose the spread of plutonium to states not in this category. This policy continues unchanged.

Meanwhile, concerned U.S. public interest groups and academics have continued to question the wisdom of commercial production and use of plutonium as a nuclear fuel, and to urge that the United States use its influence to dissuade other nations from proceeding with breeder development, reprocessing, and fuel use of plutonium. They would favor the position of the Carter Administration that the nuclear fuel cycle which presents the least risks of further nuclear weapons spread is the one which uses low-enriched uranium for fuel, does not reprocess spent fuel to recover its plutonium, and permanently buries the spent fuel intact. This is called the once-through fuel cycle.

On the other hand, the nuclear industries and governments of France, West Germany, India, Japan and West Germany as well as the Soviet Union all continue to work towards the commercialization of plutonium as a nuclear fuel, although at a slower pace than would have been expected in 1960s. Any current U.S. misgivings about commercial plutonium appear to have had little effect abroad. Highly vocal opposition in France and West Germany may have more effect.

Doubts about plutonium were reflected in views of some members of Congress and in hearings on the Nuclear Non-Proliferation Act of 1978 (NNPA). While the NNPA did not prohibit production and use of plutonium for nuclear power in the United States, Congressional concern was evident in the opening policy statement of the Act, which says:

"The Congress finds and declares that the proliferation of nuclear explosive devices or of the direct capability to manufacture or otherwise acquire such devices poses a grave threat to the security interests of the United States and to continued international progress toward world peace and development."

Also NNPA section 104 which proposed an international nuclear fuel authority, specified that participating states agree not to establish any new enrichment or reprocessing facilities and to place existing facilities under "effective international auspice and inspection." NNPA section 131, which specifies criteria for U.S. approval of reprocessing of U.S. controlled spent fuel abroad, also underscored concern about plutonium by requiring a judgment of the Secretaries of Energy and State that the reprocessing, or transfer of recovered plutonium, will not result in a ". . . significant increase of the risk of proliferation beyond that which exists at the time that approval is requested," and that in making this judgment "foremost consideration" be given to whether or not the reprocessing or retransfer will take place under conditions that will ". . . ensure timely warning to the United States of any diversion well in advance of the time at which the non-nuclear weapon state could transform the diverted material into a nuclear explosive device."

Since then, legislation has been proposed in the 98th and 99th Congresses to further restrict U.S. approvals for reprocessing of spent fuels abroad and use of the plutonium from it. A comprehensive example is H.R. 903, introduced by Mr. Wolpe and 34 cosponsors in January 1985. In it he proposed that Congress find and declare that the spread of highly enriched uranium and separated plutonium, or the direct capability to manufacture or otherwise acquire such materials, poses a grave threat to the security interests of the United States. In effect, the bill would prohibit U.S. approval of reprocessing to obtain plutonium for purposes other than research and development until the congress finds that "effective international safeguards will be applied to reprocessing and to separated plutonium", and that "effective international sanctions" against violation of nonproliferation commitments have been established to deter nonnuclear-weapons states from diverting separated plutonium to the manufacture of nuclear explosive devices.

The House Committee on Foreign Affairs held a hearing on U.S. plutonium use policy in June of 1985.

Implications for proliferation.—Disposing of salvaged weapons grade materials by fissioning them in nuclear power plants in the U.S. and the USSR would appear to be consistent with the views of the Reagan Administration. "Burning" the weapons materials to generate electricity probably would be viewed by world nuclear industries as supporting the proposition that in the long run plutonium will be used as a nuclear fuel and that this can be done within acceptable proliferation risks.

On the other hand, those who favor the restrictions of the Carter Administration to civil use of plutonium probably would argue that international safeguards and other controls remain inadequate to assure that dangerous amounts of commercial plutonium are not stolen or diverted; commercial plutonium is not needed now or in the long run because other energy sources are or will be available and conservation can slow future growth in energy demand; and if salvaged weapons materials is to be disposed of by fissioning, this should be done in special reactors built and dedicated for this purpose, with these reactors and associated facilities subject to international inspection and safeguards. On the other hand, to build and operate such burner reactors would require a large public investment in facilities that would produce nothing to help the U.S. economy. Also it could be argued that if the Soviet Union were to assign much of the salvaged nuclear materials to its breeder reactor development, this would put pressure upon the United States to revive its now disorganized breeder efforts.

Comparison With Atoms for Peace

President Eisenhower proposed in Atoms for Peace in 1953 that the United States and the Soviet Union, as well as other governments, contribute jointly from their stockpiles of normal uranium and fissionable materials to an International Atomic Energy Agency. The ratios of contributions, procedures and other details were to be worked out through private conversations. The Agency would be responsible for the "impounding, storage, and protection of the contributed fissionable and other materials," and would allocate these materials to users. One special purpose would be to provide abundant electrical energy to power-starved areas of the world. While Atoms-for-Peace did not directly mention verification, President Eisenhower alluded to it indirectly, saying: "The ingenuity of our scientists will provide special safe conditions under which . . . fissionable material [donated to the Agency] can be made essentially immune to surprise seizure."

Turning now to comparison of Atoms-for-Peace with a disposal agreement, the United States and the Soviet Union could initially place materials from dismantled warheads in national storage centers, or perhaps in an external international storage center, until they could be fabricated into fuel for use within these countries. It seems unlikely that either superpower would export these materials to fuel nuclear power in other countries. Verification that the materials are used solely for peaceful purposes could be accomplished, as discussed earlier, by a combination of bilateral and IAEA inspection.

Atoms-for-Peace was proposed at a time when civil nuclear power was in its infancy, when commercial nuclear power was yet to be realized, but when great expectations abounded for it. A disposal proposal today would come in a world where nuclear power is well established in major countries contributing overall about 15% of world electricity production and, in some countries, 50% or more. In 1953, conventional wisdom in nuclear circles took for granted the development of breeders and commercial use of plutonium. Today, a slowed growth rate in nuclear power generation, a surplus of enrichment capacity and uranium supplies coupled with high costs of reprocessing and of plutonium fuel fabrication have slowed the drive toward plutonium. The effect of today's surplus of nuclear fuels has been to reduce national concerns over security of that supply. Nonetheless, many restrictive conditions have been attached by some supplier countries to their sale of enrichment and or uranium in the name of non-proliferation policy. These restrictions give some support to the argument that commercial fuel use of plutonium remains a prudent way to reduce national dependence upon uncertain unpredictable foreign suppliers.

In 1953, the technology for plutonium fuel was in gestation. In 1986 its technology is well demonstrated, but is not in commercial application. In 1953, widespread public pressure for nuclear arms control was still beyond the horizon. Indeed, in some quarters nuclear arms were welcomed as a cheap way to protect the national security. Today public pressure for arms control is real in the United States and among some of our allies. Four decades ago, there was no international system to verify that nuclear materials are used only for peaceful purposes. Now an international agency exists with well over a decade of demonstrated performance in inspection and verification in support of the nonproliferation treaty.

In 1953, Atoms for Peace was a radical proposal. It was controversial and it occupied center stage. Today a proposal for verified disposal of nuclear weapons materials as fuel for civil nuclear power probably would take a lesser place with the arms control drama continuing to hold center stage.

Advantages and Disadvantages of Using Materials From Nuclear Warheads To Generate Nuclear Power

Disposing of nuclear materials from dismantled warheads by consuming them in nuclear power reactors has one indisputable arms control advantage. Every atom of uranium-235 and of plutonium so consumed cannot later be used to make more nuclear warheads. Like Humpty Dumpty, once fissioned they cannot be put back together again. Beyond this, perceptions of other advantages and disadvantages are likely to be determined or colored by the fundamental interests of those looking at the idea. Widely different views can be expected within the Administration[60] and from the defense, arms control and nonproliferation communities, the nuclear industry, and the critics of nuclear power. Likewise, differing views can be expected from abroad.

Some technical considerations restated.—Before sketching some of the differing perspectives on disposing of nuclear weapons materials by consumption in nuclear power plants, it is useful to recall some basic technical considerations of the disposal idea.

Ways of using plutonium to fuel nuclear power reactors are well advanced in several countries, and highly enriched uranium can be easily diluted to fuel grade.

Highly enriched uranium once diluted to fuel grade cannot be directly reused to make warheads. It would have to be re-enriched.

The plutonium produced by most conventional nuclear power plants is so poor in quality that none of the nuclear weapons states use it to make warheads. Nonetheless, low quality plutonium could probably be made into very dangerous nuclear explosives.

Breeder reactors which can readily produce high quality plutonium are not now in commercial use and at least a few decades will pass before many are built and operating

Present IAEA safeguards, if fully employed in the United States and the Soviet Union are deemed sensitive enough to detect diversion of amounts of weapons grade materials large enough to permit a notable increase in warhead production by either superpower.

Continued work on reprocessing facilities in several non-nuclear weapons states—particularly West Germany, Japan and India—give reason to expect that many metric tons of low grade plutonium will be separated from spent fuel during the next two decades. If both low and weapons grade materials were used on the same factories to make nuclear fuels, accountability and control for the weapons grade materials could be lost.

Continued progress with laser isotope separation for plutonium would open the way to produce weapons grade material from low grade material. If the superpowers were to build and operate such plants in secret, they could use upgraded plutonium derived nuclear power plants to replace much of the plutonium from warheads turned over to civil fuel use unless there is effective, sensitive and verified accounting for all plutonium separated from spent fuel from power reactors.

On the whole, most questions are likely to be about fuel use of weapons grade plutonium. Corresponding questions about weapons grade uranium could be largely met by quick action to degrade this material to enrichments suitable for fuel use.

Differing arms control viewpoints.—The arms control advocates are of two camps: those who see progress towards nuclear arms control through small steps, and those who prefer a big step forward. For the first, the idea of consuming nuclear weapons materials in nuclear power reactors, particularly if an agreement could be negotiated and a trial demonstration undertaken before deep cuts were settled, would be a constructive step towards the larger goal, and could make its attainment more likely by demonstrating the practicability of verification. They probably would welcome the additional support this step could generate for the non-proliferation treaty and for the IAEA and its safeguards functions. On the other hand, those arms controllers who favor the big step approach to a deep cut, with disposal to be part of the agreement or to be negotiated later, might well oppose the idea. For some it would be premature at best, and could divert time, attention and technical expertise from the central mutual security issues and their resolution. Moreover, premature negotiations on disposal would give rise to expectations for further progress that could produce a backlash if an agreement on deep cuts did not follow.

Finally, an agreement on disposal could create unjustified hopes that verification could be accomplished for all parts of a nuclear arms control agreement even though verification of disposal would solve only a small part of the overall verification problem.

Differing views of the U.S. defense community.—The U.S. defense community, considering present difficulties of the Department of Energy in maintaining production of new weapons grade plutonium[61] might prefer to use materials from strategic missiles dismantled under a strategic missile arms control agreement to make more warheads for short range missiles or other nuclear weapons not covered by the agreement. This would be contrary to the fundamental idea of Atoms-for-Peace. Their views on the disposal proposal probably would also be colored by their approach to a strategic arms agreement which some might favor as sound and verifiable while others would doubt its reliability. Both camps probably would oppose any proposal, such as the disposal idea, that could divert attention from the central national security issues of an arms control agreement.

Differing non-proliferation viewpoints.—Those concerned with ways to avoid further spread of nuclear weapons probably would welcome the disposal idea because of the support it could generate for the non-proliferation treaty and for the probable inspection and verification functions of the IAEA. Depending upon the timing of diplomatic and practical realization, expected positive effects could help the United States and other major states to get an extension of the NPT in 1995 on terms favorable to their mutual security interests. On the other hand, the impetus given to commercial use of plutonium as a nuclear fuel would be seen, at least in some non-proliferation quarters, as troublesome because the IAEA has yet to complete development of safeguards systems for nuclear facilities handling large amounts of plutonium, and some doubt this will be possible. Also, because technical standards to verify no-diversion in the nuclear weapons states would be less demanding than those for non-weapons states there could be pressures among the latter to downgrade existing IAEA standards, which could increase risks of undetected diversions of plutonium in these states.

Differing nuclear power viewpoints.—The nuclear power part of the Department of Energy and the U.S. nuclear fuel industry and nuclear power plant operators probably would welcome the implicit additional support for nuclear power in this country, but would see little benefit here from using weapons plutonium for commercial fuel, at least until the economics of private reprocessing and fuel fabrication improve enough to compete with low enriched uranium. DOE additionally could be concerned that plutonium fuel would cut its enrichment sales and threaten the economic viability of its enrichment plants. Also the weapons part of DOE and the Defense Department probably would be less favorably inclined, and would presumably favor weapons reuse of nuclear material originally produced for weapons. The nulcear power utilities and the nuclear fuel suppliers probably would not welcome more government intrusion and regulation of an already highly regulated industry, nor would they welcome public controversy over fuel use of plutonium.

Proposals to subsidize plutonium fuel could run into opposition from those seeking to reduce the Federal budget deficit, and controversy could be expected on the pricing of plutonium from the warheads. There could also be concerns that pressures to find increased and more stable funding for IAEA safeguards could lead to some kind of new charge or fee levied on nuclear power generation. The industry probably would show little interest in the safeguards aspects unless they proved costly or awkward to plant owners and operators. DOE, however, probably would seek more funds to increase U.S. technical assistance to IAEA safeguards operations.

The Nuclear Regulatory Commission could have reservations about quick licensing of commercial nuclear fuel fabricators and nuclear power utilities to use plutonium fuel. For one thing, the long delayed generic environmental impact statement on use of mixed oxides would have to be revived and completed as a prerequisite to any licensing actions. This probably would attract intervention and perhaps litigation by critics of nuclear power. Also NRC might have to review and upgrade its standards for physical protection of weapons grade materials if these are to be used in bulk form in increased quantities.

Differing views of nuclear power generation opponents.—Some opponents of nuclear energy in the United States and abroad, seeking principally to avoid terrorist sabotage and "Nth nation proliferation," focus their opposition mainly on the commercial production and use of plutonium for nuclear fuel. They argue that commercial quantities of plutonium in transit, in storage, and in fabrication would unacceptably increase the dangers that terrorists or criminals could seize enough of this material to make crude but destructive nulcear explosives; or that governments of non-weapons states could seize it to make nuclear weapons. From this viewpoint, they would prefer some other way to dispose of the weapons grade plutonium. Degrading weapons grade uranium to fuel grade probably would not give them problems.

Many other nuclear opponents would prefer to shut down existing nuclear power plants and ban future nuclear power generation because of unacceptable dangers they see to public health and safety and of contamination of the environment. For them, the implicit endorsement of nuclear power by the disposal idea would be objectionable, and disposing of weapons grade materials by using it for nuclear fuel would be stoutly resisted. At the moment, this sector of the opposition has not produced its own alternative for disposal of the salvaged weapons materials.

The nuclear opponents in general could be expected to challenge the technical capability of safeguards to give adequate timely warning of small diversions of weapons grade materials. They probably would not agree that technical standards for safeguarding disposal of nuclear weapons materials in the superpowers could be less than those for non-weapons states.

Differing views abroad.—What the lesser nuclear weapons states—the United Kingdom, France and China—might think about the disposal idea is by no means clear. They might welcome it as a step toward the universal goal of nuclear arms control. But they might also wish to see how the idea works before committing themselves to join. As for the non-nuclear weapons states, many probably would welcome the idea as new progress towards the arms control commitments undertaken by the superpowers in the NPT. Even the notable holdout states from the NPT could feel new pressure to make some kind of non-weapons pledge. On the other hand if progress towards arms control were to stop with an agreement on disposal, a backlash could be expected that might endanger extension of the NPT in 1995 on terms preferred by the United States. Also some of the third world states might fear the IAEA would become preoccupied with arms control—which is not one if its statutory functions, and neglect its technical assistance to nuclear energy, both for power and nonpower purposes. They might also fear that an arms control role for the agency could give the superpowers reason to further dominate its activities and to divert it from its central purposes of technical assistance; while others might fear for the future of the agency were it to become embroiled in superpower disputes over verification issues.

Conclusion

In sum, the idea of disposing of nuclear materials from dismantled warheads by using them to fuel nuclear power reactors can pose difficulties for both the critics and the supporters of nuclear power. Critics are likely to object to the implied additional endorsement the idea gives to nuclear power and to the idea that plutonium can be used as a nuclear fuel without unacceptably increasing risks that it may be diverted or stolen to make nuclear weapons by governments or by terrorists. While nuclear critics can be expected to favor arms control and reduction, their writings have yet to come to grips with the question of what to do with the materials from dismantled warheads. They might favor some scheme to permanently bury the surplus plutonium with spent fuel so that the intense radiation from the latter would be a formidable barrier to any future attempts to recover that plutonium. U.S. proponents of nuclear power probably would support the fuel conversion idea. Still over recent years the industry has said little about proliferation, being preoccupied with its domestic economic and political survival. However, it might well argue against any further government intervention in the nuclear power business, based on its unhappy experience with national and state regulatory bodies. Nevertheless, nuclear power interests abroad, notably in France and Japan and West Germany, might be more supportive because they still expect to use plutonium as a commercial nuclear fuel.

On the whole, from a technical viewpoint, disposal of surplus nuclear weapons materials by using them as nuclear fuel appears to be practicable. From an economic viewpoint, there are conflicting opinions between those who say costs of producing and using plutonium will not become competitive with uranium, and those who expect plutonium production and fabrication costs to drop as working experience becomes more available and new reprocessing plants are built. The outcome of this argument could influence the economic aspects of disposal in the U.S. From a political viewpoint, the proposal seems likely to trigger another round in Washington of the long running arguments for and against nuclear power, particularly for commercial production and use of plutonium as a nuclear fuel. Here again, the intensity and outcome of these arguments could influence the U.S. approach both to a disposal policy and to putting it into effect.

APPENDIX A: SOME FURTHER THOUGHTS ON USE OF THE EXPERIENCE AND PERHAPS THE ORGANIZATION OF THE IAEA

For many years, how to verify arms control agreements has been a troublesome question. Consideration of the experience with the Nuclear Non-Proliferation Treaty (NPT) since it took effect in 1970 may be instructive. There has been reasonably successful international inspection to verify that nuclear materials in non-nuclear weapons states party to the treaty are not diverted from peaceful uses to make nuclear weapons or other nuclear explosive devices. The NPT commits its non-weapons members to negotiate safeguards agreements with the International Atomic Energy Agency that specify the purpose, procedures and other details of the inspections.[62] Moreover, the United States, the Soviet Union, the United Kingdom and France all have voluntarily opened some of their civil nuclear installations to international inspection by the IAEA and have negotiated the necessary agreements. The objective of IAEA safeguards for its most widespread system, i.e. that for non-nuclear weapons states party to the nonproliferation treaty, is the "timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection."[63] The Agency defines significant quantity as "the approximate quantity of nuclear material in respect to which, taking into account any conversion process involved, the possibility of manufacturing a nuclear explosive device cannot be excluded."[64]

The idea that IAEA inspection experience could be relevant for verification of arms control agreements has been mentioned several times by Dr. Hans Blix, director general of the IAEA. For example, in 1983 he called attention to the inspection system of his agency as the "first and so far only working experiment system of verification." Addressing the Bar Association of the City of New York, he said:

"Verification is the issue on which most disarmament proposals have come to a deadend. In IAEA safeguards we have the first and so far the only working international system of verification. This is the first time that sovereign states have permitted an impartial international organization to send its staff into their territories and to carry out inspection on large and sensitive installations. It is interesting that NWS (nuclear-weapons states) too, including the Soviet Union and the United States, have shown readiness to accept this system on some peaceful installations."[65]

This idea has received recognition in Soviet writing. For example in 1983 a Soviet official in a statement at the United Nations[66] expressed the view that the experience of the IAEA could be used for the verification of specific nuclear disarmament measures. Also in February 1986, Timorbayev, Soviet Deputy Director for International Organizations, said at a press conference in Vienna that his country takes a positive stand on the question of whether the IAEA can play a role in the verification of joint nuclear disarmament. The Agency's "rich experience . . . in safeguards can be usefully employed over many phases of disarmament." The Soviet Union, he said, favors "improvements of such experience."[67] The IAEA in 1986 enthusiastically described the Agency's safeguards system as "the most advanced international arms limitation verification system in existence, providing a higher degree of confidence and security amongst countries that any comparable international arms control system in force or under discussion."[68]

To be realistic, IAEA safeguards experience promises no quick and easy solution to as complicated a matter as verification of nuclear disarmament. Clearly, the Agency's experience would not be uniformly useful or pertinent across the whole range of verification requirements for nuclear arms control and disarmament. Nonetheless, there are some notable undertakings where this experience could offer promises, namely for:

A freeze of production of nuclear weapons materials;

A freeze of production of nuclear warheads;

An agreement to dismantle nuclear warheads and missiles; and

An agreement on how to dispose of weapons grade materials from dismantled warheads.

In thinking about steps to limit and perhaps to decrease inventories of nuclear weapons, it is reasonable to ask whether the IAEA itself could be assigned an operating role. Indeed, the international statute of the Agency contains authority, still largely unused, for it to establish or acquire plant, equipment, and facilities for the receipt, storage and issue of nuclear materials. If political agreements could be reached, this authority might be used to establish IAEA controlled repositories within each superpower to receive nuclear materials in the following forms:

Weapons grade materials recovered from dismantling nuclear warheads;

Working inventories of other weapons grade materials; and

Warheads from dismantled nuclear weapons, while awaiting salvage of their nuclear materials.

While either superpower could easily oust agency staff at such repositories and seize their contents, such acts would be self-announcing and provide early warning of their intention to boost or to resume manufacture of nuclear weapons.

It is one thing to speculate about assigning of new arms control functions to the IAEA. It is quite another to judge the practicability of this idea and what would be needed to bring it to application. Clearly there would be difficulties, risks, and opposition. However, if arms control talks reach a stage where reductions appear likely, then the familiarity of both superpowers with the agency and its workings might give them reason to consider expanding its role, or at least to adapt some of the verification technologies it has developed.

IAEA safeguards and verification.—The IAEA safeguards system is intended to verify that no diversion of safeguarded nuclear material has occurred and that safeguarded nuclear plants are not used to further any military purpose. Safeguarded facilities are visited regularly by agency inspectors, who audit the records and verify the presence of nuclear material through the use of sampling and chemical analysis, nondestructive measuring instruments or other safeguards methods.

The political objectives of safeguards as seen by the IAEA are twofold:[69]

To assure the international community that states are complying with their nonproliferation and other "peaceful use" undertakings; and

To deter the diversion of safeguarded nuclear materials to the production of nuclear explosives or for other military purposes, and the misuse of safeguarded facilities with the aim of producing unsafeguarded nuclear material.

As noted earlier, the technical objective of the agency's principal safeguards system—that for non-weapons NPT members—is defined as "the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or other nuclear explosive devices or for purposes unknown and deterrence of such diversion by risk of early detection."[70]

Concerning "significant quantities," the agency says that detection within hours of small amounts is not necessary and cannot reasonably be required. For IAEA purposes, the significant quantity is the approximate amount of nuclear material which could possibly be used to make a nuclear explosive, which is set at about eight kilograms of plutonium or twenty-five kilograms of uranium enriched to more than 20 percent U-235. Similarly, "timely detection" is related to the time required to convert diverted material into parts for a nuclear explosive. This time can range from days to weeks to months or longer depending upon the type and quality of the material diverted and the design of the explosive.

Safeguards depend upon inspection to verify the records and accounts of nuclear materials maintained by safeguarded states. These inspections are supplemented by containment and surveillance. As noted earlier, containment refers to use of physical barriers such as walls, containers, tanks or pipes, to restrict or control the movement of or access to nuclear materials. It can help to reduce the probability that undetected movements of nuclear material or equipment could occur. Surveillance refers to human and instrumental observation to detect undeclared movements of nuclear materials, tampering with containment, fabrication of false information, or tampering with safeguards devices. Surveillance typically may involve the use of tamper-resistant automatic cameras. In some circumstances, full time IAEA inspectors may be present. On the other hand, a working principle of IAEA safeguards is that containment and surveillance measures be designed to minimize intrusion in the work of a nuclear facility.

Strengths of IAEA safeguards.—Like other things in life, IAEA safeguards show both strengths and weaknesses. Looking first at their strengths, the following can be said, particularly from the viewpoint of possible usefulness of safeguards experience for arms control.

First the establishment of IAEA safeguards marks a rare instance of sovereign states inviting an international organization to make inspections within their territories on large and sensitive installations.

Second, and as noted earlier, four of the world's five nuclear weapon states have already invited the agency to inspect some civil nuclear installations within their territories. The Soviet Union, in 1982 declared itself ready to negotiate such a safeguards agreement with the agency. That negotiation is now completed and is expected to result in several Soviet nuclear power plants and other civil nuclear facilities being opened to international inspection. The Agency's Director General points out that "these inspections demonstrate that nuclear weapons states, too, are prepared to accept inspection in loco of peaceful nuclear activities and that these safeguards do not lead to commercial disadvantage."[71]

Third, IAEA safeguards have been accepted by virtually every state for their nuclear imports. NPT states, have gone farther and have opened all of their peaceful nuclear activities to IAEA inspection.[72]

Fourth, safeguards are seen as a way to build confidence that nonnuclear-weapon states do not use their civil nuclear industries to produce nuclear materials.

Fifth, safeguards are widely accepted as able to sound an alarm of diversions of nuclear materials in amounts that would permit production of a nuclear arsenal, at least for the fuel cycles now in common use.

And, sixth, the agency also has improved the concepts and equipment for containment of nuclear materials and surveillance as supplementary ways to increase confidence that diversions have not occurred.

The limitations of safeguards.—But safeguards also have their limitations, IAEA safeguards have been challenged by critics in the United States and abroad. Indeed, Nunzio J. Palladino, then chairman of the Nuclear Regulatory Commission, in 1982 advised Congress of the Commission's concern that "the IAEA safeguards system would not detect a diversion in at least some types of facilities." In addition, the NRC was not confident that "member states would be notified of a diversion in a timely fashion."[73]

Pointing out limits to safeguards is nothing new. As early as 1946, consultants to the Secretary of State's Committee on Atomic Energy mentioned such limitations. Chaired by David E. Lilienthal, who later became the first chairman of the new U.S. Atomic Energy Commission, the consultants said, in part:

"We have concluded unanimously that there is no prospect of security against atomic warfare in a system of international agreements to outlaw such weapons controlled only by a system which relies on inspection and similar police-like methods.

"We are convinced that if the production of fissionable materials by national governments . . . is permitted, systems of inspection cannot by themselves be made "effective safeguards . . . to protect complying states against the hazards of violations and evasions."[74]

This did not mean the consultants saw no value in inspection, for they wrote:

"It should be emphasized at this point that we do not underestimate the need for inspection as a component, and a vital one in any system of safeguards—in any system of effective international controls."

That IAEA safeguards have limitations is freely acknowledged today. Dr. Hans Blix, the agency's director general, recently called attention to two such limitations, saying:

"Safeguards are at present only exerices in installations producing for peaceful purposes;

"Safeguards are at present always exercised at installations which have been identified by the country inviting the control. The concept of states inviting inspectors to roam freely around a whole territory in search of unreported installations is far less likely to be accepted. Under the NPT the parties do not seem to have felt the need for such far reaching measures, nor are they perhaps indispensable in all disarmament agreements in this era of satellite supervision. There are also such possibilities as the clause in the Tatelolco Treaty permitting verification by challenge."[75]

There are other limitations affecting perceptions of the ability of IAEA safeguards to fulfill their nonproliferation function.

Limitations of IAEA safeguards were discussed at length in congressional hearings following Israel's bombing of Iraq's large research reactor in 1981.[76] A few statements from these hearings illustrates the range of views.

Senator Hart at a hearing of the Senate Committee on Foreign Relations in 1981 illustrated the doubts about safeguards held by some Members of Congress. He said:[77]

"But right now, as they stand, those so-called safeguards are not sufficient to make the world community safe—and they do not guard against the spread of nuclear weapons. The safeguards are little more than a facade, and while they legitimize nuclear trade, they place the world in very great danger from the undetected misuse of nuclear weapons."

His solution was not to abandon the Agency, but to undertake a "concerted and sustained effort" by the United States and other countries to rebuild and strengthen the agency so that the world community would have confidence in its safeguards.[78] Under Secretary of State Richard T. Kennedy, gave the Reagan Administration's view as he testified of such limitations at this hearing, where he said:[79]

"It is important at the outset to understand what IAEA safeguards are and what they are not. They are a critical and indispensable component of the worldwide nonproliferation effort, but they are not the totality of that effort.

"IAEA safeguards are principally a detection and warning, not a prevention or reaction mechanism. The IAEA has no capability to physically prevent diversion, and it has limited enforcement authority. It has no authority or capability to search for nuclear activities away from defined locations. And IAEA safeguards do not involve political judgments by the IAEA as to the dependability or sincerity on nonproliferation commitments by other member states."

"There also are clear limitations on how the IAEA can fulfill the specific tasks with which it is entrusted. The Agency does not have the power, for example, to demand plant shutdowns.

"These points have often been cited as criticisms of the Agency, but these general limitations on the Agency's role are simply facts of international relations, understood from the outset by all concerned. The safeguard system entails a unique compromise of sovereign rights by many nations, and it is certainly no surprise that this compromise is subject to specific limitations."

The Agency's principal response to a diversion would be to inform its members and the United Nations. While the Agency could cut off nuclear assistance that it provides, this generally is regarded as a minor sanction. The results of IAEA inspections are kept secret so there is little public information about the quality and reliability of the inspections or of problems encountered. While the effectiveness of inspections depends upon the quality of records kept by the inspected states, the agency has no authority to set and enforce standards for such records and their keeping. In the same vein, infrequent inspections tend more to verify past records than to provide timely warning of a recent diversion. Critics of nuclear power also argue that IAEA safeguards could not reliably detect small diversions of nuclear materials which if accumulated over time might produce enough material to make a nuclear explosive. They also have noted that since the agency in essence is the creature of its members, experience has shown it can be vulnerable to politicization as some blocs of nations try to make it a forum for problems unrelated to atomic energy.

Prospects for controversy.—Any serious effort to establish a scheme for dismantling nuclear warheads and disposing of the recovered nuclear materials is likely to encounter controversy.

Some will favor exploration of this idea to see what can be done with it. For them, even a few small steps could help to build confidence between the superpowers and could show progress toward the nuclear disarmament envisaged by the NPT. Others could oppose it, perhaps even dismiss it out of hand. For them, to depend upon experience with IAEA safeguards in light of their limitations or the limitations of the agency itself, which could be crushed between intransigent superpowers, would be fraught with dangers. In their view, the Agency's safeguards system might readily be fooled, spoofed, or defeated by either superpower, and especially one without free press and with extensive practices of state secrecy. And the political problems of establishing a new international organization or bringing in the IAEA would be formidable. So the future battle lines of controversy can be anticipated, even now before the potentialities and possibilities of the idea have been explored.

Conclusion.—While it would be unrealistic to think that IAEA experience by itself could provide easy verification of comprehensive nuclear arms control or disarmament commitments, it does seem reasonable to expect this experience could be useful for smaller steps including verification of the dismantling of nuclear warheads; taking custody of specified nuclear weapons materials salvaged from dismantled warheads to assure it is used only for peaceful purposes; or verifying that facilities shut down in a freeze on production of nuclear weapons material remain so. Also it seems reasonable to expect that inspection and safeguards patterned after those of the IAEA could be relied upon to sound the alarm if either superpower should do suspicious things with nuclear materials and facilities subject to inspection. However, the agency's experience to date would provide no confidence that a superpower bent upon secret production could not evade IAEA detection and alarm-sounding. Moreover, there is little confidence that effective international action would follow the sounding of such alarm. Indeed, as noted earlier, concern over adequacy of safeguards and of world response to detection of a diversion was one reason advanced by Israel for its preemptive attack on Iraq's large research reactor in 1981. Nonetheless, the Agency and its safeguards appear to have weathered the tumult caused by the Israeli attack. As evidence, the Third NPT review Conference in its consensus final document, in 1985 said that:

". . . the conviction that IAEA safeguards provide assurance that States are complying with their undertakings and assist States in demonstrating this compliance. They thereby promote further confidence among States and help to strengthen their collective security . . . [playing] a key role in preventing proliferation. . . . Unsafeguarded nuclear activities in non-nuclear-weapon States pose serious proliferation dangers".

FOOTNOTES

[1] The conference on the past, present and future significance of the Atoms for Peace proposal was held in Washington on December 7-8, 1983 at the

Center for Strategic and International Studies, Georgetown University in cooperation with the Department of Energy's Los Alamos National Laboratory. The results were published in 1985 by the Westview Press in: Joseph F. Pilat, Robert E. Pendley and Charles K. Ebinger. Atoms for peace. An analysis after thirty years. Boulder and London: Westview Press, 1985, 299 p.

[2] Dr. Schlesinger served as assistant director and then acting director of the Bureau of the Budget, as chairman of the Atomic Energy Commission, as director of the Central Intelligence Agency, as Secretary of Defense and Secretary of Energy.

[3] James R. Schlesinger. Atoms for peace revisited. *In* Pilat et al., op. cit., p. 5.

[4] Ibid., p. 7.

[5] Ibid., p. 14.

[6] Henry Sokolski is a senior aide to Senator Dan Quayle for international security affairs. Previously, he was a public affairs fellow at the Hoover Institution on War, Revolution, and Peace, Stanford University, as well as special assistant to Senator Gordon J. Humphrey for nuclear energy issues.

[7] H. Sokolski. The Arms control connection. *In* Pilot et al., op. cit. p. 38.

[8] W. Sterling Cole. Beating swords into plowshares . . . finally. *In* Pilat et al., op. cit., p. 265.

[9] The Geneva Summit—Address of the President of the United States. Congressional Record, Nov. 21, 1985, p. H10,499.

[10] Ibid., p. H10499.

[11] Text of the Joint statement as reported in the Washington Post, Nov. 22, 1985, p. A15.

[12] For a comprehensive discussion of U.S. and Soviet proposals at Reykjavik, see The Washington Post, February 16, 1987, pp. A1 and A28. (Article by Don Oberdorfer)

[13] The research may be designed for plutonium production, or may be powerful research and testing reactors, or reactors used in nuclear power plant. In theory other sources of neutrons could be used, such as atomic particle accelerators, or the fusion process. However, in practice reactors provide for cheaper and more convenient neutron supplies than other options to date.

[14] The half-life of tritium i.e. the time for half of the atoms present to decay, is 12.33 years.

[15] Cochran, Thomas B. Arkin, William M. and Hoenig, Milton M. Nuclear weapons databook. Vol. I U.S. nuclear forces and capabilities. Cambridge: Ballinger Publishing Company, 1984, p. 27.

[16] With today's nuclear weapons technologies, plutonium is the favored nuclear material because smaller amounts are needed and, apparently, it is suitable for designs to produce the energy needed to trigger a thermonuclear warhead. The Office of Technology Assessment estimated that 5 to 10 kilograms of plutonium or 15 to 30 kilograms of highly enriched uranium would be needed for a first generation design of a nuclear warhead. (Praeger Publishers, 1977, p. 30).

[17] John Taylor, Ralph Balent, John Barton, and Thomas Shea. Converting nuclear weapons to peaceful use. The Bulletin of the Atomic Scientists, February 1985.

[18] Ibid., p. 38.

[19] Stockholm International Peace Research Institute. World armaments and disarmament. SIPRI yearbook 1986. New York: Oxford University Press, 1986, p. 40 for U.S., and p. 48 for U.S.S.R. stockpiles.

[20] Note, temporary storage probably would be necessary until industrial facilities needed for some of the disposal options could be built and put into operation. So it would be judicious to anticipate and provide for temporary storage for many years, even as long as a decade.

[21] For example, the Office of Technology Assessment in its landmark report on nuclear proliferation in 1977 noted the long history of proposals to denature Pu-239 with Pu-240. Of this OTA said: . . . it has long been believed that a high content of Pu-240, because of its high spontaneous fission rate, renders plutonium unsuitable for use in a nuclear weapon. This is not true. A high content of PU-240 is a complication. Given a free choice, a designer would prefer low Pu-240 material, but all plutonium isotopes can be used directly in nuclear explosives. Again, in discussing possible use of low-grade plutonium to make warheads, OTA said: . . . military useful weapons with reliable nuclear yields in the kiloton range can be constructed with reactor-grade plutonium, using low technology. C.F. U.S. Congress. Office of Technology Assessment. Nuclear Proliferation and Safeguards. New York: Praeger Publishers, 1977, p. 201 and p. 142 respectively.

[22] For a detailed discussion of the effect of plutonium quality upon its usefulness for nuclear weapons, c.f. Justin Bloom. Plutonium grade and the risk of nuclear weapons proliferation: a review of thinking on a troublesome subject. CRS Report No. 85-145, August 1985. pp. 15-19 and pp. 52-54.

[23] In theory, these materials might also be fissioned by exposure to neutrons produced by modern nuclear particle accelerators capable of producing a large flux of neutrons. However, the technology for such machines has yet to be developed for industrial scale use.

[24] A thermal reactor is so called because the neutrons that cause fission have been slowed by collision with a light element in the core of the reactor, so that they are in thermal equilibrium with their surroundings (i.e. they are at the same temperature and therefore have a similar kinetic energy, 0.025 eV at room temperature). A 'fast' reactor uses high-energy neutrons (above 0.1 MeV) which have not been slowed down in this way. The word 'fast' does not therefore refer to its capacity to breed plutonium.

[25] Depleted uranium refers to waste uranium from the enrichment process in which the concentration of U-235 atoms may be about 0.2 percent in comparison with 0.7 percent of normal uranium.

[26] Article XII.A.5 of the international statute of the International Atomic Energy establish the Agency's safeguards function. It provides in part that one right of the Agency with respect to any Agency project or other arrangement where the Agency is requested to apply safeguards is to ". . . require deposit with the Agency of any excess of any special fissionable materials recovered or produced as a by-product over what is needed . . . in order to prevent stock-piling of these materials, provided that thereafter at the request of the member or members concerned special fissionable materials so deposited with the Agency shall be returned promptly to the member or members concerned. . . .

[27] International Nuclear Fuel Cycle Evaluation. INFCE summary volume. Vienna, Austria; International Atomic Energy Agency, 1980, p. 46.

[28] Expert Group on International Plutonium Storage. Report to the Director General, 1 November 1982. Vienna: International Atomic Energy Agency, 1982, IAEA-IPS/ES/140 (Rev. 2), p. 27.

[29] Ibid.

[30] Depleted uranium is a waste from enrichment. This uranium contains much less U-235 than normal uranium. Typically, depleted uranium may have 0.2 percent U-235 in comparison with 0.7 percent for normal.

[31] J. deMontmollin, op. cit., points out that most of the enrichment effort is to bring the uranium-235 content of the product material up to about 3 percent, as is evident in his computations in table 1 above.

[32] According to G.A. Technology Inc., which built the (Fort St. Vrain), this 330 MWe plant requires about 220 kilograms of highly enriched uranium a year when operating at design output. The Department of Energy's report on the Nonproliferation Alternative System Assessment Program (NASA) of 1980 indicates a consumption of about 780 kilograms of highly enriched uranium per gigawatt year of electrical generation. (Vol. 9, p. A-56)

[33] NASA, Vol. 9, p. B8.

[34] U.S. Congress. Office of Technology Assessment. Nuclear proliferation and safeguards. New York: Praeger Publishers, 1977, p. 30.

[35] As noted earlier, uranium-238 can be transmuted into plutonium by exposing it to neutrons. While various kinds of machines can produce neutrons, the only large scale source of comparatively cheap neutrons to date is a nuclear reactor. In the future if a controlled fusion process proves to be feasible, it could supply neutrons to transmute U-238 into plutonium. One recent proposal for this purpose came from scientists at DOE's Brookhaven National Laboratory. Cf. Meyer Steinberg, James R. Powell, and Hiroshi Takahashi. Apex nuclear fuel cycle for production of light water reactor fuel and elimination of radioactive waste. Nuclear technology, Sept. 1982, p. 437.

[36] This rather startling view came from a three year comparison of the probable evolution of world energy needs with that of world reserves—not merely with world production—in order to determine possible zones of stress, both in time and geography, that could upset the world energy system. Coal and uranium were seen destined to play a predominant role in the North, in particular after the year 2020, whereas oil would be relegated to a "decidely secondary role." Based upon consumption forecasts of the commission made in 1983, the situation for uranium would become "rapidly critical since the bulk of the proven and additional reserves will have been extracted before 2030 (2015 for proven reserves alone)." While in theory, rapid use of the breeder would extend the life of uranium reserves, in light of slowness in building breeders, their introduction would not modify the date at which the proven reserves of world uranium are expected to be exhausted (around 2015). For a summary, cf. Nuclear Fuel, October 20, 1986, pp. 10-11.

[37] India has several small reprocessing plants of uncertain performance, Argentina is nearing completion of a small plant, and Pakistan would like to complete such a plant.

[38] It is understood that the French reprocessing company, COGEMA, charges from $2,000 to $3,000 annually for each kilogram of plutonium that it stores, and that this rate may be increased for plutonium that had become more radioactive because of the buildup of the radioisotope Americum-241.

[39] This discussion draws heavily on working paper by J. deMontmollin on "Value of Fissile Material from Dismantled Warheads for Reactor Fuel" dated May 27, 1986. Mr. deMontmollin, now retired, was then a senior scientist at the Sandia National Laboratories.

[40] These commercial facilities for plutonium fabrication included those of Exxon Nuclear in Washington; Kerr-McGee in Idaho; NFS in Tennessee; and Numec in Pennsylvania.

[41] Plutonium is far more toxic chemically than uranium and emits alpha particles which are very damaging to tissues if plutonium enters the body. Another factor is neutron and gamma radiation emission from plutonium which is greater than for uranium. The neutrons come from spontaneous fission of plutonium isotopes Pu-238, -240, and -242, and also from interaction of alpha particles from the plutonium with other elements such as oxygen. The gamma radiation mainly results from decay of Americium-241, a daughter product of Pu-241. Since Am-241 has a much longer (433-yr) half-life, than Pu-241, it tends to build up with time, making the plutonium more radioactive. Weapons-grade plutonium contains about 93 percent of Pu-239, as compared to typically 60% Pu-239 for plutonium from light water type power reactors. Consequently, the presence of the other isotopes that produce the neutron and gamma radiations is much less for weapons grade material than for fuel grade plutonium. The rate of Am-241 buildup, with associated gamma radiation, is a constraint on how long separated commercial plutonium can be stored before it must be chemically processed to remove the American if the plutonium is to be fabricated into fuel. This storage-time limit is much longer for weapon material.

[42] John Taylor, Ralph Balent, John Barton and Thomas Shea. Converting nuclear weapons to peaceful use. Bulletin of the Atomic Scientists, Feb. 1985, pp. 35-38.

[43] One hundred and sixty metric tons of plutonium (p. 43) divided by one hundred reactor years equal 1000 kg/Pu reactor year.

[44] Ibid., p. 38.

[45] Frank Von Hippel, David H. Albright and Barbara G1 Levi. Stopping the production of fissile materials for weapons. Scientific American, Sept. 1985, pp. 40-47.

[46] One hundred metric tons of plutonium (P. 43) divided by one hundred reactor years equal 1000 kg-Pu/reactor year.

[47] de Montmollian, op. cit., p. 7.

[48] International Nuclear Fuel Cycle Evaluation. Reprocessing plutonium handling, recycle. Report on working group 4. Vienna: International Atomic Energy Agency, 1980, p. 52.

[49] Nuclear proliferation and civilian nuclear power. Report of the Nonproliferation Alternative Systems Assessment Program. (NASAP) Volume IX: Reactor and fuel cycle description. U.S. Department of Energy, June 1980. Report DOE/EN-0001/9, p. A-37.

[50] This is a worst case assumption for it assumes that the only constraint to a sudden jump in production is the nuclear material, and not the supply of all the parts and services needed to make the missiles or other weapons delivery systems.

[51] IAEA Safeguards, Aims, Limitations and Achievements. Document IAEA/SG/INF.4, 1983, p. 26.

[52] The following discussion draws heavily upon J. M. deMontmollin, Verification of peaceful use of reclaimed warhead material. Working paper, Sandia National Laboratories, 1986.

[53] For this discussion, use of these materials in other countries is considered impractical.

[54] This idea was partially explored in a draft paper from a project of the Electric Power Research Institute in April 1984 by J. Taylor, R. Balent, J. Barton and T. Shea. However funding ran out and the paper was not taken to final form.

[55] J. deMontmollin of the Sandia National Laboratories.

[56] J. deMontmollin. Verification of peaceful use of reclaimed warhead material. Working paper. Sandia National Laboratories, P. 10.

[57] Nuclear policy. Statement by the President October 28, 1986, (Gerald R. Ford). Weekly Compilation of Presidential Documents, Nov. 1, 1976, pp. 1624–1631.

[58] Nuclear power policy. Statement by the President, (Jimmy Carter), April 7, 1977. Weekly Compilation of Presidential Documents, Apr. 11, 1977, pp. 502–507.

[59] Nuclear Nonproliferation Policy. Statement by the President, July 16, 1981 (Ronald Reagan) Weekly Compilation of Presidential Documents, July 20, 1981, pp. 768–770.

[60] The principal departments and agencies within the Administration likely to have views on the disposal idea include the Departments of Defense, Energy, and State; the Arms Control and Disarmament Agency; and the U.S. Nuclear Regulatory Commission. This analysis, however, does not try to predict their specific positions, for that would depend upon when the idea might be proposed and whether negotiations begin during the Reagan or a subsequent administration.

[61] At the moment there is no plutonium production at DOE's Hanford plant because the N-reactor was shut down after the Chernobyl accident of April 1986 and there is strong opposition to restarting it; and only one of the three production reactors at Savannah River is reported to be producing plutonium—with the other two producing tritium needed to maintain the existing stockpile of thermonuclear weapons.

[62] Safeguards encompasses inspection supplemented by containment (i.e. use of barriers to limit access to nuclear materials) and surveillance (i.e. use of cameras, seals, TV monitoring, etc., to show there has been no unauthorized access to safeguarded materials in between inspections.

[63] The Structure and Content of Agreements between the Agency and States Required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons. Vienna: International Atomic Energy Agency, INFCIRC/153, June 1972, p. 9.

[64] IAEA Safeguards. Glossary. Vienna: International Atomic Energy Agency, 1980, p. 21. The Agency defines 8 kg of plutonium as a significant quantity, also 25 kg of uranium enriched to more than 20 percent U–235 and 75 kg of uranium enriched to less than 20 percent U–235.

[65] H. Blix, International rules to promote the peaceful atom and prevent proliferation. Remarks. Bar Association of the City of New York, May 19, 1983.

[66] "Statement at the First Committee on the United Nations General Assembly," U.N. document A/C.1/38/PV.3 (provisional), October 17, 1983, p. 71.

[67] Nucleonics Week, Feb. 27, 1986, p. 5.

[68] IAEA Safeguards 1980-1985. A Progress Report. Vienna: International Atomic Energy Agency, 1986, p. 1.

[69] *IAEA Safeguards: An Introduction*, Vienna, Austria: International Atomic Energy Agency, 1981, p. 12.

[70] INFCIRC/153, op cit. The agency also has another safeguards system for states not party to the NPT. This system focuses upon nuclear installations that the safeguarded state voluntarily puts under IAEA safeguards, whereas the NPT-type system focuses more upon nuclear materials than upon nuclear facilities. The non-NPT safeguards system applies in countries such as Argentina, Brazil, and India.

[71] "Statement to the Thirty-Seventh Session of the United Nations General Assembly," New York, November 18, 1982.

[72] Notable states that have not agreed to "full scope safeguards" include Argentina, Brazil, India, Israel, Pakistan, and South Africa.

[73] Letter from Nunzio J. Palladino, Chairman of the U.S. Nuclear Regulatory Commission to Honorable Clement Zablocki, Chairman of the Committee on Foreign Affairs, November 27, 1982. In U.S. Congress. House. Committee on Foreign Relations, Subcommittees on International Security and Scientific Affairs and on International Economic Policy and Trade. Hearing. *The International Atomic Energy (IAEA): Improving Safeguards*. March 3 and 18, 1982, p. 193.

[74] *A Report on the International Control of Atomic Energy*, prepared for the Secretary of State's Committee on Atomic Energy by a Board of Consultants, David E. Lilienthal, Chairman. (Washington, D.C.: U.S. Government Printing Office, 1946), pp. 4–5.

[75] Source: IAEA.

[76] Notable among these hearings are those by the Senate Committee on Foreign Relations on the Israeli Air Strike, in June 1981 and on IAEA safeguards, in December 1981; and by the House Committee on Foreign Affairs on the Israeli attack on Iraqi nuclear facilities, in June 1981, and on improving IAEA safeguards, in March 1982.

[77] U.S. Congress. Senate. Committee on Foreign Relations. Hearing. IAEA programs of safeguards. December 2, 1981, p. 9.

[78] Ibid., p. 10.

[79] Ibid., p. 11.

THE DEFICIT PROBLEM

Mr. SIMON. Mr. President, the Washington Post has had for 3 days a series of articles dealing with the problem of the deficit, a problem I might add that the Presiding Officer, the Senator from Florida, has done some work on and has been able to get this Senate to adopt some savings in administrative costs that are not huge but they are at least some small steps in the right direction.

I ask, Mr. President, that these three articles written by Steven Mufson be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MORTGAGE ON AMERICA: FEDERAL BORROWING BINGE LEAVES A PAINFUL, LASTING ECONOMIC LEGACY

(By Steven Mufson)

Every American family today is making payments on an imaginary second home that it will never enter, a home with phantom bricks, phantom nails and phantom floorboards.

Only the mortgage is real. That mortgage is each family's share of the $4 trillion national debt and for a family of four it comes to $65,000. Richard G. Darman, director of the Office of Management and Budget and one of the architects of the nation's fiscal policies over the past decade, says it's "like a mortgage on a second house—without the house."

The accumulated national debt has quadrupled since 1980 following a series of runaway federal budget deficits—the red ink that results when government spends more than it collects. Never before has the nation's debt increased at this pace during peacetime and rarely even in time of war. The debt increase constitutes perhaps the most lasting economic legacy of the past 12 years of government.

As the debt has soared, so has the cost of paying interest to the people, pension funds, foreigners and corporations that have lent money to the federal government to cover its budget shortfalls. Now, with the net interest charge on the debt reaching $200 billion a year, it is consuming more of the nation's income than at any other time in this century. The payments are now the third-biggest item in the federal budget and soon will rival all military spending.

A large number of economists and small but growing group of lawmakers are pointing to the run-up in national debt and the recurring annual federal budget deficits as a calamity of historic proportions that could after the destiny of the United States.

Sen. Warren Rudman (R-N.H.) calls it a blight that "is eating the fabric, the substance, the values of a country which all of us hold dear."

But however large, the debt is a threat that remains vague and impersonal to most Americans, opinion surveys show. One reason, said Rudman, is a "conspiracy of silence" among Republican and Democratic office holders who fear the tax increases and spending cuts that would be required to shrink the debt.

It is remote for another reason—Americans don't have to face directly the costs of the national debt as they do their mortgages or car payments. But the national debt belongs to all Americans and it is diminishing their standard of living and eating up part of their paychecks as surely as any tax.

PERVASIVE, LASTING IMPACT

The $3 trillion in federal debt added during the 1980s helped shape the decade. It expanded the government's spending for a vast military buildup and put more money in the pockets of Americans who saw tax bills shrink and benefits checks rise.

For a little while, during the roaring '80s, Americans traveled more, dressed better, ate better, drove better cars, listened to better tape decks and spent more on health care than they might have otherwise. Compared with previous decades, however, less money was saved and invested in the future.

During the long economic expansion from 1982 through 1989, most people shrugged off the idea of a day of reckoning. Now an entire era of reckoning has arrived. For the next decade, if not the next generation, every government policy decision—from raising taxes and overhauling the health-care system to restoring American cities and helping the former Soviet republics establish stable capitalist democracies—will be taken in the shadow of the national debt.

Because interest charges on the debt have swelled so high, devouring 40 percent of all revenue raised by the federal individual income tax, almost everything the government does seems to be under constant budget pressures.

Every new governmental plan bumps into a wall of deficit spending, while a sagging roof of debt threatens to squash existing programs. Thus, one group of Americans is pitted against another as they squabble over scarce government resources.

Beyond the interest charges, however, the national debt has other, indirect costs.

One such hidden cost is the higher rate of interest that people must pay on their home mortgages and credit cards because the federal government borrows so much.

Second is a delayed cost. For while the Reagan and Bush administrations and lawmakers have boasted of lowering taxes for Americans, they have actually postponed the reckoning. The future taxes that must be raised to carry the cost of past debts and bring the national debt back into line with the size of the economy are burdens that have been passed on to future generations.

A third is the corrosive effect of the debt on the American economy, which, studies show, is smaller today than it would have been had the nation consumed less and invested more in factories, roads, computers, education and other things that make workers more productive. A smaller economy means smaller paychecks for workers and smaller tax revenues for the federal government.

A HIDDEN RATE RISE

On the same day that a home buyer applies for a mortgage or a business owner seeks a loan, the federal government is borrowing $915 million—the amount the Treasury must raise on an average day to finance this year's $333 billion federal deficit.

The home buyer and the business owner must bid against the government in the market for loans, a competition that forces interest rates—the cost of loans—higher than they would be otherwise.

This is true even when interest rates are falling, as they are now. Before the 1980s, long-term interest rates—the rates at which most homeowners and corporations borrow money—often sank as low as the inflation rate during slow economic times. But during this recession, with inflation dropping to slightly more than 3 percent a year, long-term rates have stayed more than four percentage points higher than the inflation rate.

Economists and credit market experts estimate that the huge increase in federal borrowing over the past decade has added anywhere from one-half to four percentage points to today's interest rates.

Consider this example:

A hypothetical couple, the Joneses, bought a house in Takoma Park for $130,000 in 1991. With the help of their parents, they scraped together $30,000 as a down payment and borrowed the rest at an interest rate of 9.25 percent. Together they earn $55,500 a year.

Their mortgage payments come to $823.30 a month.

If the interest rate on their home loan had been as low as 8.25 percent, their monthly payments would have been lower by about $71.60 a month—the rough equivalent of a 10 percent surcharge on their federal income tax.

Like many government taxes, the burden of this hidden tax is not shared equally. Instead of taking from the rich to help the poor, this hidden tax confiscates money from people who are most likely to borrow—mostly young families with houses and children—and gives to those who have money to lend—for example, the wealthy, older Americans who are in or nearing retirement, and foreigners who have lent money to the United States.

THE COST OF DELAY

The enormity of the postponed costs can be measured in a simple way by figuring out how much it would cost taxpayers over the next 12 years to reduce the national debt to the same level it was 12 years ago.

The comparison is best made by measuring the national debt as a portion of the entire yearly output of the nation's offices, factories and farms.

To get back to the 1980 debt level, the United States government would have to levy a roughly 45 percent surcharge on each American's federal income tax bill for each of the next 12 years.

What would it cost the hypothetical Joneses, if the government were to raise taxes enough over the next 12 years to bring the nation's debt back down to the same level it was 12 years ago as a portion of economic output?

The couple would have to pay an extra $3,735 or so every year until the year 2004.

Of course, the United States can't start to pay off the national debt until it stops adding to it. Right now, the debt is growing faster than the economy. To narrow the deficit and reduce the national debt, the government could, for example, phase in a personal income tax surcharge starting at 10 percent next year and rising steadily to 80 percent by the year 2004, according to figures extrapolated from government forecasts.

A payback of that magnitude is inconceivable; it won't and perhaps shouldn't happen. But the increase in the national debt represents money that might have been spent another time for other needs. And the interest payments on that extra debt will continue to constrain future government budgets.

"The single most important lesson of elementary economics that this country must learn," said World Bank chief economist Lawrence H. Summers, "is this: Deficit finance is not an alternative to cutting spending or raising taxes—it is a way of postponing the need for these painful steps."

A more accurate 1988 campaign slogan might have been: no new taxes now, but some whopping big taxes, or spending cuts, later.

No other nation in the world could manage its affairs this way, experts say.

"If we were Great Britain or Australia or Denmark, international financial markets would have brought us up short," said Robert Reischauer, director of the Congressional Budget Office, in recent testimony to the House Budget Committee. "If we were Brazil or some lesser-developed country, the IMF [International Monetary Fund] would have sent a mission to visit with this committee and would have read the riot act to you."

In fact, the IMF does an annual review of the U.S. economy and its contents have been among the best-kept secrets in Washington.

In 1991 the review was diplomatic, but its message clear. Just months after the administration and Congress completed a mammoth five-year deficit reduction agreement with politically painful tax increases and spending cuts, the IMF staff "cautioned against being complacent." It said the United States had to slow down the growth of Social Security and Medicare spending and it said that new taxes were "perhaps unavoidable."

THE SHRUNKEN ECONOMY

Until recently, thrift has been hailed as a virtue. From proverbs such as "a penny saved is a penny earned" to sophisticated looks at return on investment, many Americans have studied the benefit of holding back spending today to earn more money tomorrow.

That standard has not been applied to government.

When an individual or a corporation saves money, the money all goes into what economists call the national savings pool. As long as the money saved isn't stuffed into a mattress, it is invested.

The federal government adds to this savings pool if it runs a surplus and drains from the pool if it runs a deficit. When an individual, a corporation or the federal government borrows money, the money all comes out of that same savings pool.

Like any person or business, the U.S. economy as a whole needs to invest if it is going to grow. That might mean that we spend less now on things we consume—and maybe even have a somewhat small economy now—but in later years the investment will pay off and we will all live better.

The size of the deficit would be less important if the federal government were making more investments that would make tomorrow's economy stronger. But the federal government has been spending less and less on investments in the future—less on education and training, less on public health, less on roads and bridges, and less on research and development.

"Whether a budget deficit is good or bad depends entirely on what the borrowing is used for," argues Robert B. Reich, a professor at Harvard University's John F. Kennedy School of Government and an adviser to Democratic candidate Bill Clinton. "It is bad if we borrow from the future to maintain current living standards; good if we borrow to invest, and invest wisely . . ." Reich said the government is borrowing well over than $300 billion a year, but putting only $121 billion into new public investment.

Government investment includes funding research and development, building bridges and educating children. Government consumption includes the paying of farm subsidies, government salaries or Social Security checks.

Federal investment, broadly defined, declined by 30 percent during the 1980s, according to Summers. Highways wore out faster than they were repaired. Training expenditures declined by two-thirds during a decade in which skills became more important and the pay gap between skilled and unskilled workers widened.

INVESTING IN THE PAST

Today the U.S. government spends more on the past than on the future. For the first time this century, the federal government is spending more on the interest on past debts than on investment.

Reduced investment by the federal government would not matter if people and corporations increased their savings by the same amount. But they haven't. Individual and corporate savings actually dropped during the 1980s, from the 9.6 percent rate that prevailed during the 1960s and 1970s to a 6.6 percent rate in 1989–1990.

That combination of lower private saving and bigger federal budget deficits has forced the United States as a whole to borrow from abroad and sell assets to get money for worthwhile investments. But foreign money has covered only half the shortfall in savings available for investment.

Investment in the U.S. economy during the 1980s has failed to keep pace with levels that prevailed during the 1950s, 1960s, or 1970s. A study by the Federal Reserve Bank of New York says federal deficits account for 70 percent of the decline in investment.

An advertisement of an Isuzu light truck inadvertently boils down the decline in American investment to a sound bite. The ad says the vehicle can go off the road or on the road, and that there really is not that much difference these days. The ad shows a car lurching into an enormous pothole. Having invested little in workers, plants or infrastructure, the U.S. consumer is urged to buy a vehicle made in Japan that is rugged enough to navigate the nation's decaying roads.

"That is as damning a statement of what has happened to the country as anything I've seen," Summers said.

If investments are not made today, then the economy will be smaller tomorrow than it would be otherwise—and each citizen will be somewhat poorer relatively. This is another type of hidden cost from the fiscal policies of the 1980s, and the most difficult to repeal.

SUBTLE EROSION

Because this erosion of living standards happens slowly, most Americans don't notice the effect deficits and lower investment levels have on the economy as a whole.

This is why many economists compare the effect of the debt and deficits to the work of termites, eating away unnoticed at the foundation of the country's economic well-being.

Two economists from the Federal Reserve Bank of New York say the effects already are "striking." The economists, M.A. Akhtar and Ethan S. Harris, said the deficits of the 1980s "cost the nation about 7 percent of its capital stock and 2.5 percent to 3.5 percent of its potential output by 1990."

The nation's capital stock is the total of all the machinery, equipment, buildings and business inventories that contribute to today's production or that generate income.

Translating the Federal Reserve study into dollars and cents, its conclusion suggests that today's economy is about $210 billion smaller than it would have been if the federal budget had been more in balance and if investment had not been siphoned into current consumption.

That means the amount of goods and services produced today is about $800 a year less for every American than it would have been with a more conservative budget policy.

If presidents and Congress had done more to control deficits in the 1980s, there would have been a price for that too: taxes would have been higher and federal spending lower. And the economy might have grown more slowly than it did. But economists agree a more balanced growth in the last decade would have meant a healthier economy today.

"Money that the government doesn't spend doesn't disappear. If the government doesn't borrow money from Wall Street, Wall Street doesn't burn it. It lends it to people to invest in plant and equipment," said Reischauer.

With continued big budget deficits, Reischauer said, "our growth rate will be slower and our living standards in the future will be lower."

Slower growth has ripple effects. Benefits paid to future retirees will come out of a smaller economic pot, meaning that benefits promised today will eat up ever larger portions of tax dollars. The same goes for future interest payments on money the government borrows today.

Thus, the longer the government runs deficits, the harder it becomes to stop running them. Moreover, a smaller economy will have trouble meeting the demands of consumers without inflation.

The smaller economy hits the budget from two sides. While the tax base will provide fewer resources, a more impoverished America will be making more demands for social services, unemployment insurance and other assistance.

"The implications for the national economy of the muddling-through approach [to the deficit] . . . still imply an economy that grows only slowly, with ominous implications for the ability to sustain both the commitments made to the retiring baby boomers and a satisfactory standard of living for the working age population in 2020 and beyond," the General Accounting Office said in a recent report.

The deficit's drag on economic growth calls into question the administration's plan for restoring the federal budget to balance by 1998. That scenario assumes that economy over the next four years will match historic patterns since the end of World War II, with annual growth of 3.2 percent to 4 percent.

But many economists believe that more than a decade of low investment has altered the path of economic growth. The IMF in 1991 estimated that the U.S. economy has a potential growth rate of only 2.5 percent a year.

The IMF said that even if the administration won ratification from Congress of its "pro-growth" initiatives, those measures "appeared unlikely to be sufficient to foster a growth potential as high as envisaged by the administration." Slower growth would mean that the administration's toughest measures are not tough enough.

SLIPPING STATURE?

The final hidden cost of the debt legacy cannot be priced in dollars and cents.

In the early 1980s, President Reagan vowed that he would make the United States "stand tall" again in world affairs. It was an appeal to voters longing for respect after the humiliating taking of American hostages by Iranian militants and with memories of Vietnam still fresh.

Some lawmakers have the nagging feeling that the last 12 years have actually diminished the stature of the United States.

"How are we going to feel as we look at what the economic picture of America is at the end of this century," said Sen. Warren Rudman earlier this year, "with a national debt which at that time will equal the gross national product of all the Third World, with deficits at $800 billion to $1 trillion and foreign governments sitting there with their hands folded and dictating to America the terms and conditions on which they will loan us money to support our past profligacy."

To be sure, the United States still is the world's biggest economic power, with an economy twice as big as Japan's, four times as big as Germany's and larger than the whole European Community. Treasury Secretary Nicholas F. Brady said, "It is time to lay aside the ridiculous myth that the United States is somehow on its way to becoming an economic backwater."

But Summers of the World Bank warns: "A great nation cannot stay great on a shoestring. And the world's largest debtor cannot endure as its largest power. The sheriff cannot ride into town high on his saddle when he is in hock to every one he meets."

Rudman says, "If we were at war I have no doubt that people . . . would rise to the height of patriotism . . . And yet, in a time when we are at war economically, when the security of America is being drained drop by drop, we cannot seem to get it together."

[From the Washington Post, Sept. 28, 1992]

THE MORTGAGE ON AMERICA: ANALYSTS SEE CAUSES OF DEBT CRISIS AS BOTH POLITICAL AND ECONOMIC

(By Steven Mufson)

When Ronald Reagan took office in 1981, he pointed to that year's "runaway deficit of nearly $80 billion" as evidence of a federal budget gone awry. Citing a national debt approaching $1 trillion, he asked Congress, "Can we, who man the ship of state, deny that it is somewhat out of control?"

Today, with the annual deficit and accumulated national debt four times as large, that ship has sprung a giant leak. Reagan may have broken with the "tax-and-spend" policies of the past, but he and Congress embarked on a "spend-and-borrow" program that has thrown the nation's accounts out of balance ever since.

How did this happen? Most economists and lawmakers agree that at the heart of the nation's deficit crisis lies a political failure, as much as an economic one. "Blame is equally shared by everyone—including the American people," said Rep. Leon E. Panetta (D-Calif.), chairman of the House Budget Committee.

Reagan swept into the presidency amid a chaotic domestic economy. Spurred in part by soaring oil prices, inflation had hit 13 percent a year, and the Federal Reserve under Chairman Paul A. Volcker had raised interest rates sharply to throttle back the economy and halt inflation.

Reagan promised to eliminate the deficit, cut taxes and sharply increase military spending, a feat that independent presidential candidate John Anderson said could only be done "with mirrors," and that then-presidential candidate George Bush called "voodoo economics."

Reagan won support for his plan by embracing a theory known as "supply-side" economics that was touted by a small group of economists and journalists. The theory suggested that the federal government could cut tax rates and still get more tax revenue because Americans would work harder, earn more and pay more taxes.

With White House support, Congress passed the Economic Recovery Tax Act of 1981, known as the Kemp-Roth bill; it cut personal income tax rates by 25 percent between October 1981 and July 1983. A big tax increase in 1982 offset some of those cuts.

The idea was, in the words of Harvard University economics professor Benjamin Friedman, "a fairy tale." Though Americans do work somewhat harder when their take-home pay is greater, that extra work is "nowhere near as large as would have been necessary to validate the widely publicized claim that cutting personal tax rates across the board. . . would increase tax revenues," Friedman said.

In fact, despite the economy's vigorous 6.5 percent growth rate following the end of the recession in the last three months of 1982, individual income tax receipts actually fell slightly during 1983 because of the tax rate cuts. In 1984, as the economy continued to grow, tax receipts barely crept back to the levels of 1982.

Not everyone who supported the tax cuts believed the "supply side" theory. Reagan's first budget director, David A. Stockman, wanted to roll back welfare programs, and he supported the big tax cut because he believed that the specter of gigantic budget deficits would force Washington "to dismantle its bloated, wasteful and unjust spending enterprises or risk national ruin."

A WATERSHED DEAL

Faced with public demands for lower taxes and big government spending the Reagan administration and Congress struck a Faustian bargain—and adopted both. The result: huge budget deficits.

"It was like taking a bite of the apple," said Robert Glauber, who was undersecretary of the Treasury for finance in the Bush administration until he returned to teach at Harvard this year. "When Reagan cut taxes and Congress didn't meet it by cutting spending and the next day still dawned, that was a watershed."

What happened was reminiscent of the plot of a Maxwell Anderson play called "Both Your Houses." Anderson, a popular playwright during the 1930s, concocted a tale about an idealistic young member of Congress named McLean who gets appointed to the appropriations committee. Appalled by the government spending process, McLean loads the bill down with what he believes to be an absurd number of pork barrel projects in an effort to shame Congress into rejecting the spending bill. Of course, the bill sails through both houses.

As the play ends, the country is worse off than if McLean never came to Washington. And the tragicomic ending lends meaning to the title of the play, which echoes the dying words of Mercutio in Shakespeare's "Romeo and Juliet": "A plague on both your houses!" he said. "They have made worms' meat of me."

"Ronald Reagan provided conservative cover to increase the deficit and Democrats were not that big on reducing the deficit to begin with," says Panetta. And it came just as the Federal Reserve had jacked up interest rates to quash inflation, forcing the federal government to borrow at a very high cost.

The rollback in federal taxes also came just as rapid growth of medical costs and the needs of a growing population of elderly Americans were driving up the cost of Social Security, Medicare and Medicaid. Spending under those programs rose automatically every year without new legislation. To stop that growth, Congress needed to act. Instead Democrats, and many Republicans, defended the programs as ardently as Reagan defended tax cuts and military spending.

The Reagan administration's failure to adopt new taxes while continuing big spending was "a willful act of ignorance and grotesque irresponsibility," Stockman later wrote in an indictment of his own role in fashioning the federal budget.

In 1986, Stockman urged Democratic and Republican politicians to "together . . . tell the American people that a few ideologues made a giant mistake, and that the government the public wants will require greater sacrifices in the future in the form of the new taxes which must be levied."

VOTER RELUCTANCE

But sacrifice is not a popular political platform. Tax rebellions have put politicians on the defensive, from California, where voters in 1978 endorsed a rollback of state taxes in Proposition 13, to Massachusetts, where voters in 1980 backed the property tax-cutting Proposition 2½, to Fairfax and Prince Georges counties, where taxpayers led rebellions in the spring of 1990.

In presidential campaigns, voters have not rewarded candidates who spell out how they plan to cut the federal deficit. As a result, many politicians say that voters, who also went deep into debt in their personal finances, bear responsibility for the big deficit spending of the 1980s.

John Anderson's message of fiscal responsibility helped him gather just 7 percent of the vote in 1980. Walter Mondale, the losing candidate in 1984, told voters that he would combine spending cuts and tax increases to cut the deficit. "Everyone in this race, including Mr. Reagan, is going to raise taxes," Mondale said. "The question is how are they going to be raised."

Mondale underestimated just how much debt the economy, the White House, Congress and the American public could swallow. Four years later, tough measures to combat the deficit still hadn't been taken. While Democratic nominee Michael Dukakis stressed that more debt was accumulated under eight years of the Reagan presidency than during the first 200 hundred years of American independence, George Bush rode to victory promising "no new taxes."

HINT OF NEW TAXES

After the election, Bush's budget director, Richard G. Darman, hinted in congressional testimony that new taxes might be needed. Darman and other Bush advisers believed that if Bush waited until the fall of 1990, he could sign on to new taxes without suffering the wrath of voters. Darman advocated a budget summit of White House officials and congressional leaders at which new taxes would wind up in a deal by "immaculate conception" without Bush taking political blame.

But Bush's pledge made negotiations to eliminate the budget deficit virtually impossible. For months during 1990, Democrats waited for Bush to renounce his pledge before starting serious talks.

"There were a lot of scars left from the Mondale campaign," said Panetta, the House Budget Committee chairman. "Reagan made taxes a dirty word, though he had raised some taxes. Politically, the Republican Party turned it into a real hammer in race after race and members of Congress became sensitive to raising taxes without the president's cover."

Republicans also wanted to force Democrats to back away from supporting costly Medicare and Medicaid programs, in the past powerful weapons in Democratic campaigns.

Once Democratic leaders and the White House sat down seriously, they confronted the consequences of years of delay. Interest payments on the national debt had soared, meaning deeper cuts in programs were needed to reduce the deficit.

An initial bargain endorsed by the White House and Democratic congressional leaders failed to collect a majority of votes from lawmakers of either party, and marked a split in the Republican Party that still dogs the president. Right-wing Republicans have never forgiven Bush or Darman for what they see as a betrayal on taxes. As the bickering dragged on, the government briefly ran out of cash and shut down, and Bush's public approval ratings plunged to new lows.

Earlier in 1990, Darman had said a budget summit could produce a "big fix" for the deficit. And in the end, lawmakers came up with ways to cut nearly $500 billion from the next five years' projected deficits.

But that still left a government facing enormous deficits. Even as lawmakers defended the deal, they knew the deficit would set new records.

An element of despair set in. A joke told during the 1990 budget negotiations between congressional leaders and the Bush administration went like this:

President Bush, then-secretary of state James A. Baker and Federal Reserve Chairman Alan Greenspan are playing a round of golf when there is suddenly a clap of thunder, a bolt of lightning and God appears at the ninth hole. He offers to answer any questions they have.

Baker asks, "When will there be lasting peace in the Middle East?" God replies, "Not in your lifetime."

Greenspan asks, "When will inflation hit zero percent?" God replies, "Not in your lifetime."

Bush asks, "When will the Federal budget be balanced?" God replies, "Not in My lifetime."

TWO-SIDED STALEMATE

The big budget deal in 1990 failed to remove either the political or economic barriers to solving the deficit problem.

The annual budget deficit is still pushing up the national debt at a mind-boggling pace; $1 billion a day, $41.7 million an hour, $11,574 a second. The Government borrows more money every year than is saved by all American households.

While the national debt held by the public grew by about $1.3 trillion under Reagan, it has grown by more than $1 trillion under Bush. The problem remains structural: The Federal Government collects $18.90 in tax revenue for every $100 in economic output, but it spends $22.90, according to the General Accounting Office, Congress's auditors. Spending is slightly higher than historical levels and taxes are about the same.

The political stalemate remains too.

The "no new taxes" pledge still haunts the Bush administration. Conservative Republicans and voters blame the President for breaking the pledge, though few people could name the taxes that were raised under the agreement. (It added 10 cents a gallon to the price of gasoline, imposed luxury taxes on boats and jewelry, raised the Medicare tax for people earning between $55,500 and $120,000 a year and raised the top marginal tax rate to 31 percent from 28 percent on top income earners.)

In 1990, Panetta said that for years "we thought somehow we could have it all—we could cut taxes, raise defense spending, raise benefits—and the bill would never come due." At the time, he and other lawmakers thought the budget deal marked the end of that era of illusion.

But in the 1992 campaign, illusions are back.

"I think I have finally figured it out after 11 years," Rudman said earlier this year. "And that is that we are afraid to level with the American people because they have been lied to for so long. Maybe 'lie' is a strong word. . . . Maybe we have simply not told them the whole truth."

"This is not a question of the real economy," said a European director of the International Monetary Fund. "This is a question of the political system: that no one is able to explain to people that they should raise taxes."

Though the nation's fiscal imbalance has rarely reached such a critical point, the failure of lawmakers to impose taxes in an attempt to curry favor with voters is a problem as old as the republic.

Slightly more than 200 years ago, as the Constitutional Convention approached and as populist state governments were wildly printing money and repudiating debts, Alexander Hamilton appealed for Americans to recognize the need for taxes. Two centuries later, his plea retains its note of urgency.

"How is it possible that a government half supplied . . . can provide for the security, advance the prosperity or support the reputation of the commonwealth?" said Hamilton, who became the first secretary of the Treasury. "How can it ever possess either energy or stability, dignity or credit, confidence at home or respectability abroad? How can its administration be anything else than a succession of expedients, temporizing, impotent, disgraceful?"

[From the Washington Post, Sept. 28, 1992]

ECONOMISTS ARGUE OVER SIZE OF THE BUDGET DEFICIT PROBLEM

(By Steven Mufson)

A few economists believe that big budget deficits do not matter, or that their dangers are overblown. They range from economists on the left, such as Robert Heilbroner of the New School of Social Research in New York, who want the government to keep up social spending and insurance programs, to Paul Craig Roberts, who would have the government institute new tax cuts to stimulate the economy.

Left and right meet, however, when they try to explain, as Heilbroner once put it, that "to worry about the present size of the debt is to magnify a mouse into a monster. It is simply a false alarm."

Jeff Faux, president of the liberal Economic Policy Institute, argues that if rapid deficit reduction is made the highest priority, the resulting budget cuts and tax increases would inevitably cause higher unemployment for some period of time.

"They say we need to sacrifice, but for how long? Five years? Ten years?" Faux asked. Noting that advocates of rapid deficit reduction frequently speak about its impact on the next generation, Faux argued that certain budget cuts—in education and job training, for example—might be even worse for the next generation.

"You don't help your children by denying them the money to go to school so they can pay less taxes in 10 years," Faux said.

Jude Wanniski, one of the founding fathers of supply-side economics, says tax cuts in the face of the budget deficit are a risk government should be willing to take to create economic growth. "Either the risks are taken by the government, or they're taken by the people," Wanniski said.

Jeff Bell, another early supply-sider and the author of "Populism and Elitism," said elites tend to worry more about the deficit than do average voters.

Those who minimize the dangers of the debt make their cases in several ways:

Argument: The national debt—113.9 percent of gross domestic product, 117 percent of gross national product—was bigger than the entire annual output of the U.S. economy after World War II; now it's only 53 percent of the economy's output.

Rebuttal: Most mainstream economists reply that the national debt is only 51.3 percent of GDP if one excludes the money owed to the Social Security trust fund. Including that money, the federal government's debt comes to nearly 68 percent of GDP. While the money owed to the Social Security trust fund is usually not included in debt owed "to the public," a huge portion of the public is expecting to get that money in retirement benefits a few years from now. It also is an obligation of the government, even though default carries more political than economic repercussions.

In addition, while it is true that the national debt was bigger when measured against the size of the economy at the end of World War II, the interest cost on the national debt has never been bigger. At the end of World War II, the United States spent 1.9 percent of GDP on interest, and now it spends 3.4 percent. That difference translates into an extra $90 billion in spending in 1992.

In the wake of the Great Depression, the government borrowed money at cheap rates. Today the government borrows money at rates two to four times as high as it did during World War II. Now interest payments consume a gigantic portion of the current budget, squeezing other areas of spending.

Moreover, much of the money borrowed during World War II went into expanding the industrial capacity of the country. Today, much of the government is a checkcashing operation, cashing checks paid in taxes and issuing checks to pay individuals' health, retirement or veterans' benefits. Most of this won't help the economy grow any faster in the future.

Finally, the needs of the country were different then. At that time, there was no need to start saving to pay for a huge growth in the number of retirees.

Argument: We can grow out of the deficit.

Rebuttal: Economists have a simple rule of thumb. The country's debt should not grow faster than the economy grows. That way, the portion of national income used to pay the interest on debt does not grow. The only exceptions should be wartime or times of economic crisis.

But the national debt, fueled by record annual budget deficits, is growing faster than the economy.

Without adjusting for inflation, the economy has been growing an average of 4.6 percent a year during the Bush administration while the national debt has grown at a rate of 14.2 percent a year. Even without counting the cost of savings and loan bailout, the national debt has been growing at a rate of more than 12.5 percent a year.

At the current rate, the national debt will hit 78.3 percent of GDP by 1997 and more than 89 percent by 2002, according to forecasts by the Congressional Budget Office.

Argument: We owe the money to ourselves.

Rebuttal: We owe *most* of it to ourselves. If we didn't, the economy would have screeched to a halt long ago. But we do owe 15 percent to 20 percent to foreigners and that includes much of the debt that pays the highest interest rates. That means tens of billions of dollars a year, or about one dollar out of every $100 in output, leaves the country altogether. This drains money needed for saving and investment.

Borrowing money from abroad hasn't been sufficient to make up for the savings and investment dollars the federal government is sucking out of the economy. As a result, private business is selling off assets to foreigners who have enough money to make needed investments here.

In other words, federal government borrowing has forced the United States to sell off chunks of the economy to foreigners. The United States has gone from being the largest creditor nation to largest debtor. That is like saying that the largest business in the world has sold off more than 10 percent of its shares to foreign investors while continuing to pay out big dividends to shareholders.

Interest payments that go to American citizens and institutions and stay inside the U.S. economy are less worrisome than those that go to foreigners.

But there are important social consequences to the growing debt we owe to ourselves. It both redistributes income toward wealthy individuals and institutions and places more of the burden of investment, education, health and other programs on private individuals while the government's spending is increasingly devoted to paying interest.

Most of the national debt is owned by big banks, financial institutions and wealthy individuals. The interest payments on the debt therefore effectively redistribute money from ordinary working people to the top income earners and big financial centers in America.

Argument: We are never going to pay it back. We'll just roll the debt over.

Rebuttal: In the early 1800s, the United States came close to paying off its debt. No one expects that to happen again.

Still, the debts incurred already represent opportunities lost to do other things with the money spent. And to the extent that federal spending is squeezed in the future to keep the national debt from growing, past debts represent future opportunities squandered.

Nothing shows that more than the current economic slowdown. The United States continues to roll over its debt, but to keep it from getting out of hand it has been impossible to cut taxes or boost spending to stimulate the sluggish economy.

So how big should the deficit be?

Most economists say that the deficit ideally should be much smaller or that the federal government should even be running a small surplus in order to save up money needed to pay retirement benefits when the baby-boom generation starts to retire early in the next century.

"I think we ought to be aiming for a small surplus in the budget, around 1 percent of GNP," said Charles Schultze, who was chairman of President Jimmy Carter's Council of Economic Advisers. He cautions that it would be insanity to get to that target in one swoop, but believes the federal budget should move gradually in that direction.

Murray Weidenbaum, President Reagan's first Council of Economic Advisers chairman, said the appropriate level is "lower than it is now." He said that "in an ideal world we ought to run a surplus because we are a low-saving society." In other words, because private individuals and corporations do not save and invest as much as they should, the federal government should compensate.

But Weidenbaum cautioned that "talking about a zero deficit is like talking about 4 percent unemployment. It is so far off in the future that it deflects you from current reality."

He said that if the deficit could be reduced to $50 billion—a little less than 1 percent of GNP—"it would no longer be a pressing problem in a $6 trillion economy."

Michael J. Boskin, chairman of Bush's Council of Economic Advisers, said that "ideally the government should be running slight budget surpluses" because of the country's low savings rate. But he adds, "We have such a long way to go to get there, we just have to start to move in that direction."

[From the Washington Post, September 28, 1992]

U.S. PREFERS TO PRESCRIBE, RATHER THAN TAKE, TOUGH ECONOMIC MEDICINE

(By Steven Mufson)

When it comes to the ailing Russian economy or Third World nations, the United States is quick to back International Monetary Fund prescriptions.

But when it comes to taking a dose of the same medicine, the United States is reluctant.

The language of the 1991 IMF report on the U.S. economy is diplomatic, but its message is clear.

The IMF takes a dim view of mammoth U.S. budget deficits, which, it says, are slowing down the economy's long-term potential for growth.

The fund recommends sterner discipline on spending and increases in taxes. And it says that the Bush administration's oft-touted "pro-growth initiatives" won't substitute for tough fiscal measures.

The IMF's updated 1992 report contains a similar message and discusses some possible solutions, including a 5 percent value-added tax.

The reports are generally kept secret, but a copy of last year's report still sheds light on long-running fiscal policy debates.

Last year's report was written just months after Congress and the White House had completed a five-year agreement designed to reduce projected deficits by $500 billion.

The IMF, however, "cautioned against being complacent." Even after subtracting one-time hits like the recession and the savings and loan industry cleanup, the IMF estimated that the federal government still had a deficit equal to about 3 percent of what the U.S. economy produces. That outstrips exceeds IMF standards for a major industrial nation like the United States and exceeds what Bush administration official estimates concluded at the time.

The Bush administration told the IMF that it would take more steps to rein in the deficit after fiscal 1993. The next fiscal year starts Oct. 1, so the delay would put off action until after the 1992 presidential election.

But the IMF warned that "there was a danger that a delay in action could well be followed by further delays, with increasingly important long-term consequences."

The fund and the Bush administration differed on taxes. The IMF staff said that while spending restraint was preferable, new taxes were "perhaps unavoidable." The IMF cited "a number of possible measures." These included closing tax loopholes, ending tax subsidies and raising gasoline or other energy taxes.

But just as the Bush administration has ducked the tax issue with the American electorate, it evaded it with the IMF. The U.S. delegation "appeared reluctant to get into a detailed discussion at this time on these issues which they felt could be explored with greater relevance at a somewhat later stage," the IMF report said.

During the election campaign, top administration officials such as Treasury Secretary Nicholas F. Brady and Budget Director Richard G. Darman have been even more adamant in rejecting tax increases to cut the deficit.

The American obstinacy is thick with irony. This year the IMF and major economic powers, including the United States, are threatening to cut off international loans and aid to countries such as Poland and Russia for running excessive government budget deficits.

The IMF is demanding that Poland and Russia reduce their deficits to 5 percent of economic output or less. The U.S. deficit forecast for the current fiscal year is 5.7 percent of economic output. The U.S. delegation's failure to cooperate is a luxury associated with the size of the United States; it is big enough to write the rules of the IMF and to violate them at the same time—at least for a while.

But the IMF warned that the result would be a smaller economy and slower growth. The Bush administration told the IMF that it believed the U.S. economy could grow at about 3 percent a year. Darman, director of the Office of Management and Budget, recently repeated that claim, saying the U.S. economy's growth path was around 3.2 percent.

But the IMF said the potential growth of the economy has slowed to about 2.5 percent a year, largely because low national savings rates and big budget deficits were cutting into investment.

"That the adverse consequences of low U.S. national saving will not be felt strongly right away because of the existing economic slack should not obscure the advantage of prompt action," the fund said.

[From the Washington Post, Sept. 29, 1992]

THE MORTGAGE ON AMERICA: POLITICIANS WAVERING ON DEBT CRISIS ISSUE

(By Steven Mufson)

Of all the federal government's commitments, none is more sacred than its promise to assist the country's elderly citizens with payments from the Social Security retirement fund.

Not even this pledge, however, can escape the twin realities of a federal budget far out of balance and a growing population of retirees whose claims on scarce tax dollars will collide with the government's other spending priorities.

Michael J. Boskin, chairman of President Bush's Council of Economic Advisers, warned in 1986 that "a confrontation between workers and retirees will arise [involving trillions of dollars] that will create the greatest polarization along economic lines in our society since the Civil War."

Six years later, the costs of a decade of escalating budget deficits and federal debt are even more clear. The deep spending cuts and new taxes needed to close the budget gap threaten to pit the old against the young, the healthy against the sick, cities against suburbs and rich against poor.

In the heat of the election campaign, neither President Bush nor Gov. Bill Clinton has gone very far in talking about the choices that loom ahead.

In Ross Perot's words, the national debt "is like a crazy aunt we keep down in the basement. All the neighbors know she's there, but nobody wants to talk about her."

While tax increases may be "unavoidable" as remedies to the nation's debt and deficit problems, according to the International Monetary Fund, Bush has dangled the prospect of new tax reduction, including an across-the-board cut and tax breaks for small businesses, real estate developers, first-time home buyers, savers and investors.

And while "entitlement" programs—Medicare, Medicaid, Social Security, veterans payments, student loans and farm price supports—make up the lion's share of government spending, Clinton has mentioned practically no cuts in those programs. Bush has talked about a target to limit growth of those programs, but he has not spelled out how he plans to hit that target.

At the other extreme stands Perot who proposes to slash government spending or increase taxes by $754 billion over the next five years, a staggering sum that could throw the already weak economy into a much deeper crisis, according to economists.

"I think it would be bad policy to do austerity in full force without paying attention to the rest of the economy," said James Tobin, a Nobel Prize-winning economist at Yale University. "There are times for austerity and this is not one of them."

A time for budget austerity will come, however, said Tobin. Once the economy recovers, Tobin would favor a budget deficit of about $150 billion (excluding Social Security funding), less than half current deficit levels.

CLEAR CHOICES

While the choices for making these cuts may be politically explosive, they are not mysterious. Every year, the Congressional Budget Office publishes a widely ignored book of options about how to reduce the deficit. This year it ran to 350 pages.

The biggest deficit reduction options on lists such as the CBO's include:

A higher gasoline tax.

Americans pay less than a third as much as Europeans do for gasoline. Every penny increase in the gasoline tax would raise $1 billion. A 50-cent increase would raise $50 billion a year and cut down on energy consumption, while still leaving the United States with the cheapest gasoline in the world. Low-income commuters would suffer the most. The average motorist would pay about $300 a year more in gasoline taxes.

Perot would increase the tax by 10 cents in each of the next five years. Neither Bush nor Clinton favor future gasoline tax increases.

Slow down the rapid increase in "entitlement spending."

These programs do not require any new annual appropriation by Congress, and they grow automatically as more people qualify for benefits by meeting the requirements of age or income levels.

The combination of retirement payments, unemployment insurance, food stamps, Medicare and Medicaid—plus interest payments on the national debt, which also grow automatically—will account for 58 percent of all federal spending next year.

When Bush and others talk about cutting entitlements, though, most often they are using a euphemism for reductions in health care spending for the elderly and the poor.

These are the fastest-growing parts of the budget. Medicare and Medicaid spending are projects to grow from $198 billion this year to $349 billion in 1997 as the populations of the elderly and needy expand. Squeezing payments to doctors and hospitals won't be enough. Most proposals for cutting government spending mean requiring that poor and elderly recipients pay more for their own health care.

KEEPING GROWTH DOWN

Bush says he wants to keep the growth of Medicare spending down to the rate of increase in population plus inflation. That would require $145.8 billion in spending cuts over five years. But in his 1993 budget, Bush proposed cuts totaling only one-tenth that much. Clinton said he plans unspecified cost controls. Perot would make the elderly pay 35 percent of the cost of their benefits and extend the existing 1.45 percent tax to all income. Currently the tax only applies to the first $130,200 in income.

Tax a bigger portion of Social Security benefits.

Senior citizens who make more than $25,000 a year as individuals or $32,000 a year as couples pay taxes on half of their Social Security benefits. Raising that portion to 85 percent of benefits would affect 18 percent of retirees and raise about $30 billion over five years. Such treatment would be similar to the taxation of private pensions.

Impose a value-added tax, or VAT.

This is a form of sales tax used in more than 50 countries that taxes the total value of sales of all businesses. It allows firms to claim a credit for taxes paid on their purchases of goods so that they are not taxed twice. If it excluded food, housing and medical care, a 5 percent VAT would raise about $70 billion a year. It would discourage consumption and boost investment, which economists say would help the economy. But it is a regressive tax that places a heavy burden on the poor.

Eliminate waste and political "pork barrel" spending.

This is the most talked-about and most elusive of the measures to reduce the budget.

It is elusive because the entire domestic discretionary spending budget—including the more than a dozen government departments and agencies usually accused of wasteful pork barrel spending—make up just 15 percent of all government spending.

A 10 percent across-the-board cut would save $22.6 billion a year, but it would hurt programs ranging from space exploration to Head Start, from federal law enforcement to tax collection, from the National Park Service to aid to the District of Columbia.

Cut military spending.

Bush plans a gradual decrease in military spending. Clinton would cut an additional 5 percent. Perot would fall close to Clinton's target. He wants $40 billion less military spending than Bush does over the next five years.

So far, the numbers offered by the main candidates don't add up.

Bush's promise of new tax cuts would be costly: Even a 1 percentage point cut in personal income tax rates would reduce government revenue by about $25 billion a year. In addition, Bush's proposal to permit people to earmark part of their tax dollars to slow the growth of the national debt could cost as much as $50 billion a year. And he would need more than $30 billion a year to pay for his health plan, according to administration estimates.

To do these things while keeping the deficit from growing would take $400 billion to $770 billion in spending cuts over the next five years. But Bush has proposed setting a target that would require no more than $290 billion in spending cuts over five years to cap the growth of Medicare, Medicaid and other entitlement programs.

To protect Social Security, honor interest due on the national debt and protect his military spending proposals, Bush would have to trim nearly 25 percent of all other federal spending to cover his new tax cuts and reduce the deficit, according to Office of Management and Budget figures.

Clinton promises ambitious new federal spending programs with a cost of $219 billion over four years—not including the unspecified tab for his universal health insurance plan. While he describes in detail how he would pay for the programs other than health, he does not do much else to trim the federal budget deficit beyond where it would be without any change in government policy.

CLINTON'S BLUEPRINT

Clinton says that the government could save billions by operating more efficiently and collect much more in taxes by a more aggressive enforcement policy toward foreign corporations. But many experts say he exaggerates the potential revenue gains.

Harvard University economics professor Martin Feldstein, a former Reagan administration economic adviser, said Clinton's plans would make the budget deficit $26 billion bigger than it would be otherwise by 1996.

The problem for the candidates—and the electorate—boils down to choices. The failure to make those choices is a choice by default. And that could lead to other, still tougher issues involving deficits and debt.

One strategy for easing the debt burden is for policy makers to tolerate higher levels of inflation. That would cause the purchasing power of the dollar to shrink and that would make it cheaper for future governments to repay old debts.

But inflation would damage the economy in many ways, straining the banking system, hurting workers whose wages can not keep up with rising prices and punishing people who had been thrifty and had saved money in the past.

A second issue is whether to bite into the Social Security trust fund, a huge government account that takes in payroll taxes from employers and employees and pays out benefits to Social Security recipients. Right now, the fund shows a surplus—it has more money than it currently needs. That surplus will be needed when the baby-boom generation hits retirement age in about 20 years.

But the surplus is being spent to help the government handle today's debts.

MONEY BEING LENT

To keep up the appearance that Social Security is an insurance fund, the bookkeepers at the Office of Management and Budget say that the money paid into the fund is being "lent" to the federal government. And about $1 trillion of the federal government's $4 trillion accumulated debt is owed to Social Security and other trust funds. But there are no assets—no stock or bond certificates—in the Social Security trust fund; only the government's commitment to make good on the benefits it has promised future retirees.

Though defaulting on national debt owed to the public would cause economic chaos worldwide, the federal government can essentially "default" on part of the debt owed to the Social Security trust fund by cutting back on benefits paid to future retirees. It can raise the retirement age, as it did under the 1983 agreement, or it can slow down the cost-of-living adjustments to benefits.

One senior Bush administration official views this as inevitable. Without such changes, Social Security payments will grow from $275 billion this year to $500 billion by the turn of the century.

"When the baby-boom generation retires . . . hard-pressed workers will certainly resist tax increases of 5, 10 or 15 percentage points" that will be needed to pay for previously promised retirement benefits, Boskin, Bush's economic adviser, wrote in 1986. "The larger elderly population, meanwhile, will push for these tax increases to finance not only existing benefits, but also new ones."

The way the trust fund is being managed dramatizes critics' accusations that it is no trust fund at all but a spending program in which working people support the elderly now—and count on receiving similar support when they retire. Reducing future benefits would undermine support for the Social Security tax.

A third issue is the relentless pressure of rising health care costs. So far the candidates talk mostly of expanding health programs to cover the 40 million or so Americans who do not have insurance. But if debt and deficit control were the top priority, government would have to be reducing coverage, not expanding it.

Many political leaders doubt that the country can swallow the measures needed to cure the budget imbalance, especially when political leaders continue to offer magic fixes such as exaggerated promises of growth or the illusion of eliminating waste, as Perot initially put it, "without breaking a sweat."

"Many complain about wasteful projects and foreign aid," said Sen. Warren B. Rudman (R-N.H.). "But if we eliminate all domestic discretionary spending—not the wasteful parts, but all of it—and all foreign aid in this fiscal year, we would still be left with a deficit of over $150 billion, an amount considered inconceivable a short 10 years ago when I came to the Senate."

TWO CONTRARY NOTIONS

The difficulty of coming to grips with the nation's deficits force Americans to confront two contrary notions of government: government as the problem and as the problem-solver.

According to the broad vision of President Reagan, government was the problem. Tax reduction and limiting the role of government would invigorate the private sector and a growing economy would help all, he said. Bush during his campaign has echoed that theme, though neither he nor Reagan always lived up to it. Now Clinton is putting forward a vision of a more activist government.

No matter which one takes the country forward, their agenda will be shaped by the constraints of the nation's annual deficits and a legacy of debt.

[From the Washington Post, Sept. 29, 1992]

THE MORTGAGE ON AMERICA: AS AN ISSUE, THE DEFICIT DOESN'T PLAY IN PEORIA, POLITICAL PROS WARN

(By E.J. Dionne, Jr.)

There is a very good reason President Bush and Bill Clinton have not made deficit reduction the central issue of their campaigns: To do so, say poll takers and political strategists, would be something close to political suicide.

It's not that voters dismiss the deficit as unimportant. It's that they see deficit reduction as being far less vital to them personally than getting the economy to grow and to create more jobs. For many voters, the link between deficit reduction and job growth is obscure or nonexistent.

Voters, the public opinion specialists say, also are wary of candidates who call for "sacrifice," since they strongly suspect the sacrifice will be asked of them, but not of everybody else. And after a long recession, many voters—especially those of modest means—think they have already been asked to sacrifice too much.

Finally, the electorate is so skeptical about the workings of government that many in its ranks think that much of what the government does is wasteful. In five Washington Post/ABC News polls conducted in 1990 and 1991, voters said that an average of 46 cents of every dollar the federal government collects in taxes is wasted.

Therefore, a great many voters do not believe politicians who say that deficit reduction would require either cutting popular programs or raising taxes.

The result, said Karlyn Keene, a resident fellow and public opinion specialist at the American Enterprise Institute, is that the Republicans before 1980 and the Democrats since then have always failed when they made the deficit a central theme of their campaigns.

"The Republicans beat the Democrats over the head with it for years and it didn't work," she said. "The Democrats then beat the Republicans over the head with it, and that didn't work either."

It should therefore not be surprising, she said, that neither former Massachusetts senator Paul Tsongas in the Democratic primaries nor Ross Perot, at least in the first phase of his campaign, had much success with the deficit issue.

"People can't relate to it," Keene said of the deficit. "It's too big. It doesn't touch their lives personally. It's one of those big numbers and it's hard to wrap your arms around it. And nobody knows how to deal with it."

Linda DiVall, a Republican poll taker, said she regularly advises the candidates she works for to stay away from talking about entitlement cuts to balance the budget. "I say to Republican candidates: 'As a challenger, you cannot afford to deal with the whole question of entitlements. . . . the Democrats will eat your lunch if you try that early on."

Mark Mellman, a Democratic poll taker, said that if a candidate told him that he wanted to call for big tax increases to cut the deficit, he would reply: "You ought to do what you believe is important, but you're going to lose."

"There's a fundamental 'dissensus' in this country on how to achieve deficit reduction, and no politician, whether running for president, senator or Congress, wants to walk into the middle of that kind of dissensus," Mellman said. "Given a choice between running on an 80-20 issue or a 50-50 issue, people will campaign on an 80-20 issue every time."

Both DiVall and Mellman believe it is possible to create a consensus for deficit reduction, but only after a politician is elected and develops the trust of the electorate. "Until somebody forges a consensus on this—and it takes presidential leadership to forge a consensus on deficit reduction—it's not going to happen," Mellman said.

Robert Shapiro, an economic adviser to Clinton, believes deficit reduction should be an important presidential goal, but argues that candidates are quite rational not to make the deficit the highlight of their economic message.

"A candidate who just says, 'I'll raise your taxes and cut your benefits,' is saying, 'You may be in tough shape but that's not the most important thing to me, something else is the most important thing to me,'" Shapiro said. "You have to make clear to people that what you're worried about is that they're in tough shape."

The polls suggest that this analysis is correct. A New York Times-CBS News Poll published last week, for example, asked voters: "What one issue do you wish the candidates would talk about most?" The survey found that 46 percent named the economy or unemployment, 8 percent listed health care, and 7 percent listed education. The deficit came next at just 6 percent.

Still, the deficit is an important issue to political elites—the people who appear on television shows and write op-ed columns—and also to Ross Perot. So candidates cannot deal with it lightly.

Thus, Gene Sperling, a Clinton economic adviser, may have come up with the most politically savvy approach yesterday after meeting with Perot and his supporters in Dallas.

"We showed them how committed we are," Sperling said, "to getting the deficit down without hurting economic growth." Just about nobody disagrees with that.

Mr. SIMON. Mr. President, I rise to enter these articles in the RECORD because, Mr. President, in 2 days the next fiscal year begins. In the next fiscal year, you will be interested, we will have these expenditures: For defense, this is in outlays, $291 billion; for Social Security, $300 billion; and gross interest, $307 billion. This next fiscal year for the first time in the Nation's history interest will be the No. 1 expenditure of the Federal Government.

It is a milestone, unfortunately an unhappy milestone, in the history of this country.

Let me just comment briefly on what Mr. Mufson says in two of the three articles. He quotes Lawrence H. Summers, the World Bank chief economist, saying:

> The single most important lesson in elementary economics that this country must learn is this: Deficit finance in not an alternative to cutting spending or raising taxes—it is a way of postponing the need for these painful steps.

"A more accurate 1988 campaign"—this is no longer quoting him but quoting the article itself of Mr. Mufson—"slogan might have been: No new taxes now, but some whopping big taxes, or spending cuts, later."

Then also, Mr. Mufson says:

> Today the U.S. Government spends more on the past than on the future. For the first time this century, the Federal Government is spending more on the interest on past debts than on investment.

I might add that is using net interest rather than gross interest. I think the figure that should be used is gross interest, as our colleague from South Carolina, Senator HOLLINGS, has pointed out several times. For net interest, we subtract the interest earned by the Social Security trust funds, and the other trust funds. The real interest expenditure by the Federal Government is the gross interest expenditure.

He also says:

> Because this erosion of living standards happens slowly, most Americans don't notice the effect deficits and lower investment levels have on the economy as a whole.
>
> That is why many economists compare the effect of the debt and deficit to the work of termites, eating away unnoticed at the foundation of the country's economic well-being.

Later he quotes Robert Reischauer, head of the Congressional Budget Office, "Money that the Government does not spend does not disappear. If the Government does not borrow money from Wall Street, Wall Street does not burn it. It lends it to people to invest in plant and equipment," said Reischauer. "With continued big budget deficits," Reischauer said, "our gross rate will be slower and our living standard in the future will be lower."

The New York Federal Reserve study shows very clearly that the deficits of the past decade have eroded substantially our gross national product. It quotes our colleague, Senator WARREN RUDMAN, as saying:

> If we were at war, have no doubt that people would rise to the height of patriotism, and yet in a time when we are at war economically, when the security of America is being drained drop by drop, we cannot seem to get it together.

I think that is the reality, and it is the reason frankly I think we have to have a balanced budget amendment because we clearly do not have the discipline here to handle things ourselves.

Then in the second article, Mr. Mufson quotes our colleague in the House, Congressman LEON PANETTA. He says, "Blame is equally shared by everyone—including the American people."

Let me add as a former journalist, I think blame is also shared by the media for not pointing out what is happening. The General Accounting Office study for example that came out in June with its dramatic forecasts hardly made a newspaper in the country.

I recognize some of those statistics look dull. But we need to reappraise where we are. I hope for example the editors of the Washington Post will read this, and reconsider their opposition to a balanced budget amendment. The reality is we need that.

The second article talking about David Stockman, the former Budget Director, says in 1986 Stockman urged Democratic and Republican politicians to, "together * * * tell the American people that a few ideologues made a giant mistake, and that the Government the public wants will require greater sacrifices in future in the form of the new taxes which must be levied."

There is no question we are going to have to both cut spending and increase revenues. That is not fun for a politician to talk about. But those are the realities that we have to face.

In addition to the second article, Mr. President, is the article written by Steven Mufson where E.J. Dionne, Jr., helped on it, "Economists Argue Over Size Of The Budget Deficit Problem."

I could go on go on in greater detail, but the reality is these articles point out vividly why we have to change our habits. I frankly do not think we are going to change them significantly without a balanced budget amendment.

I see on the floor our distinguished colleague from Nebraska, Senator EXON. I remember when Senator EXON had that amendment to reduce the defense authorization $1 billion. We struggled and we finally did it. But that is out of an almost $300 billion budget. We have to do better.

TRIBUTE TO JOSEPH RAUH, JR.

Mr. SIMON. I want to pay tribute to someone who died recently. I had the privilege of attending a memorial ceremony for him, memorial ceremony is perhaps not the right word. But it was a tribute to Joseph Rauh, Jr., who was a remarkable leader in this country, who led on civil rights and fighting for the powerless. He was as selfless a person as I have ever met. He was unpretentious. He enjoyed life to its fullest.

He was not listed as a public servant in the tradition of having a title like Senator or something like that. But he was as much a public servant as anyone I have ever known.

He was a remarkable human being. We shall all miss him.

TRIBUTE TO SENATOR METZENBAUM

Mr. SIMON. Mr. President, I want to pay tribute to one of our colleagues in the Senate, Senator METZENBAUM.

We just passed the tax bill. It had some very good things in it. It had some very bad things in it.

One of the things that I oppose is granting goodwill to corporations that buy up other corporations. That was defeated. I had 19 votes for my amendment, which is maybe more than I expected.

What I did not include in my amendment was a retroactive feature that says that corporations that want to settle on lawsuits with the IRS can pay back 25 cents on the dollar. HOWARD METZENBAUM stood here Saturday and waited and waited and waited and, finally, because there were not enough votes around here to pass anything and because the chief sponsors of the bill know what a bulldog HOWARD METZENBAUM is, they agreed to 50 percent; 50 percent is too much, Mr. President, but that difference between 25 percent and 50 percent will save hundreds of millions of dollars to the taxpayers—perhaps billions of dollars.

HOWARD METZENBAUM is listed as a liberal in the usual categories. HOWARD METZENBAUM has probably saved more money for the taxpayers of this Nation than any single Member of the Senate.

I have to say I am exceedingly proud to serve in this body with someone who is as courageous and as dogged as HOWARD METZENBAUM is.

Mr. President, I think my colleague from Nebraska wishes to speak at this point. But I do not see him on the floor right now.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, in an attempt to bring to a conclusion the amendment on which the Senate was focused prior to the intercession of the distinguished Senator from Illinois, I yield back all of the time on our side, and I am authorized by the distinguished proponent of the amendment, Senator WALLOP, to yield back all his time, so that we have completed action on the amendment.

The PRESIDING OFFICER. All time has been yielded back.

Mr. WALLOP. In fact, the agreement, by unanimous consent, is that a vote pertaining to this amendment would occur at 9 a.m. tomorrow morning.

The PRESIDING OFFICER. The Senator from Indiana is correct.

Mr. LUGAR. I simply note, for the benefit of all Senators, and especially the leadership on both sides of the aisle, the distinguished Senator from Wyoming [Mr. WALLOP] did not ask for the yeas and nays and indicated to me as he departed he would not be asking for the yeas and nays.

So, at this moment, a vote is to occur at 9 a.m., but the yeas and nays have not been called for.

Mr. President, I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 797 and Calendar 798. I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, en bloc, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. without objection, it is so ordered.

The nominations, considered and confirmed en bloc, are as follows:

THE JUDICIARY

Dennis G. Jacobs, of New York to be U.S. circuit judge for the second circuit vice Wilfred Feinberg, retired.

Anita A. Brody, of Pennsylvania, to be U.S. district judge for the Eastern District of Pennsylvania.

Mr. SIMON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of the following nominations from the Coast Guard on lists beginning with Thomas B. Rodino, Roger W. Bogue, Adeste F. Fuentes, and Robert J. Fuller, and that the Senate proceed to immediate consideration of the nominations.

I further ask unanimous consent that the nominations be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed en bloc, are as follows:

The following Regular officers of the United States Coast Guard for promotion to the grade of captain:

THOMAS B. RODINO
WILLIAM A. MCDONOUGH, JR.
JEFFREY T. PECK
JOSEPH G. MILO
LARRY M. WILSON
JAMES B. WILLIS
CHARLES E. BILLS
DONALD E. ESTES
DONALD P. MONTORO
WILLIAM J.WILKINSON, III
RONALD D. RECK
JAMES W. UNDERWOOD
BRUCE W. PLATZ, JR.
RICHARD F. CARLSON
DAVID B. PASCOE
WILLIAM T. HORAN
JOHN G. WITHERSPOON
ALVIN A. SARRA, JR.
DENNIS C. BOSSO
RAYMOND E. MATTSON
GREGG W. SUTTON
PAUL C. GOLDEN
MICHAEL W. MASTENBROOK
DENNIS M. MAGUIRE
JOSEPH T. KUCHIN
TIMOTHY J. FLANAGAN
NORMAN S. PORTER
MICHAEL B. SLACK
GAETANO MARTINI
BRUCE I. MERCHANT
WILLIAM A. CASSELS
LEONARD F. BOSMA
WILLIAM S. DAVIS
JACK L. BURI
ROGER T. ARGALAS
LARRY A. DOYLE
BRIAN G. BASEL
LAIRD H. HAIL
DENNIS G. BECK
RICHARD R. MEAD
GARY L. FRAGO
DENNIS M. EGAN
BIENVENIDO ABILES
THOMAS P. DOLAN
RICHARD A. KNEE
JAMES W. NORTON
EDWARD J. PEAK
THOMAS H. GILMOUR
WILLIAM H. WISSMAN
ARTHUR E. CROSTICK
JOSEPH A. STIMATZ
NORMAN B. HENSLEE
DENNIS D. ROME
EDMOND P. THOMPSON
TERRY W. NEWELL
RONALD C. GONSKI
THOMAS J. MEYERS
THOMAS G. LANDVOGT
HAROLD B. MORTON
LAWRENCE G. BRUDNICKI
JAMES M. ALDERSON
FREDRIC R. GILL
JIMMY NG
WALTER G. JOHNSON
THOMAS D. YEAROUT
CHARLES B. WILLIAMS
CLAY A. FUST
JAMES F. MCENTIRE, JR.
HENRY F. BALEY, IV
ERROLL M. BROWN
JOHN W. WHITEHOUSE
ALAN D. SUMMY
JOSEPH H. JONES, JR.
TIM B. DOHERTY
WAYNE H. OGLE
EDWIN E. ROLLISON, JR.
EDWARD E. PAGE
BRADLEY J. NIESEN
ROBERT D. INNES, JR.
KENNETH T. VENUTO

The following Regular officers of the United States Coast Guard for promotion to the grade of commander:

ROGER W. BOGUE
GEORGE R. TURNER, JR.
DWIGHT G. HUTCHINSON, III
ROBERT A. KUHN
THEODORE A. HOLLOMAN
GEOFFREY L. ABBOTT
DAVID G. WILDER, II
JAMES R. LACHOWICZ
JAMES D. WILLIAMSON
JEFFRY G. WAY
CARL A. CRAMPTON
SHAWN W. SMITH
BURTON E. CARR
JOHN P. CURRIER
WAYNE E. JUSTICE
WILLIAM R. WEBSTER
ERIC A. NICOLAUS
FLOYD G. LYSSY
ROBERT T. WRIGHT
PAUL R. GAUTHIER, JR.
ROBERT O. SMITH
CHARLES J. DICKENS
VICTOR M. POUNDS, JR.
HOWARD P. RHOADES
ROBERT D. ALLEN
JODY A. BRECKENRIDGE
RUSSELL N. TERRELL
GREGORY F. ADAMS
WILLIAM L. ROSS
BEVERLY G. KELLEY
REX M. TAKAHASHI
HOHN H. SIEMENS
RUBEN H. ARREDONDO
PAUL J. BERGMAN
ERNEST J. FINK
KEITH E. GRANT
MARION J. LEWANDOWSKI
WILLIAM R. PERRIN
ROBERT E. DUNN
LEONARD P. DEUTSCHMANN, JR.
PATRICK K. GREGORY
JOSEPH M. TOUZIN
JAMES A. FAVERO
JOHN W. SCHOEN
JAMES M. MCCOY
WILLIAM S. CHEEVER
DONALD R. GOLDSTEIN
THOMAS H. BRIGGS
JAMES A. DALE
COLLIN S. CAMPBELL
TIMOTHY L. BELTZ
WILLIAM A. KELSEY
DAVID G. WESTERHOLM
JOHN M. HOLMES
PETER J. HOPKINSON
KAY L. HICKMAN
RICHARD C. SIMONSON
BRIAN M. SALERNO
CYNTHIA A. COOGAN
MICHAEL G. WALLACE
ERNEST L. DELBUENO, JR.
RANDOLPH C. HELLAND
KIRK A. DAVIS
JOHN A. SCHOTT, JR.
GARY F. GREENE
STEPHEN L. WILHELM
GEORGE E. HOWE
THOMAS W. SPARKS
GREGORY T. JONES
JERRY K. THORUSEN
THOMAS P. LEVEILLE
JAY D. MAHAFFEY
LAWRENCE C. VOSE
JOSEPH E. WIGGINS
CATHERINE M. MCNALLY
BLAINE D. HORROCKS
MICHAEL N. POWERS
PETER L. SEIDLER, II
ALAN L. PEEK
PHILLIP J. HEYL
ROBIN K. KUTZ
PHILIP E. COLETTI
EDMUND MARMOL
ROGER D. GIBSON
JAMES S. ANGERT
RICHARD F. BESELER
DAVID T. GLENN
BRIAN S. WHITE
JOHN E. HARRINGTON
JAMES B. HALL
JOSEPH L. NIMMICH
RAYMOND E. SEEBALD
KEVIN E. SCHUMACHER
DONALD E. WILT, II
JAMES M. HASS, IV
ROBERT J. MORRISON, JR.
ALBERT L. BARCO, IV
GERALD R. WHEATLEY
DAVID P. PEKOSKE
ROBERT M. ELSENER
ROBERT J. QUIRK
PAUL F. ZUKUNFT
ARTHUR O. HALVORSON
RICHARD P. YATTO
JEFFREY Q. GAMBLE
JEROME A. ILTIS
MICHAEL R. MOORE
DANIEL R. BROWN
MICHAEL D. FARRELL
ROBERT S. BRANHAM
KENNETH M. BRADFORD
EDWARD S. CARROLL
RONALD B. HOFFMAN
DALE E. WALKER
KEITH G. JOHNSON
CRAIG E. BONE
ROBERT L. MCLAUGHLIN
LARRY E. JAEGER
SCOTT E. HARTLEY
ROBERT L. LACHOWSKY
KENNETH ARMSTRONG
GEORGE H. TEUTON, III
WILLIAM G. SHULTZ
KEVIN P. JARVIS
THOMAS R. RICE
MARK J. CAMPBELL
ERNEST W. FOX
JOHN C. MIKO
BURTON S. RUSSELL
MICHAEL P. SELAVKA
DOUGLAS D. WHITMER
KEITH D. CAMERON
EDWARD D. NELSON
THEODORE P. MONTGOMERY
MARK P. THOMAS
WILLIAM B. BAKER
DANIEL C. SLYKER
DAVID S. BRIMBLECOM
JOHN E. DEJUNG
BRUCE A. DRAHOS
ROBERT C. PARKER
CURTIS L. GUNN
MICHAEL B. KARR
RONALD E. KILROY
LOUIS R. SKORUPA
MARTIN L. PHILLIPS
JOHN J. O'BRIEN, JR.
DENNIS J. HAISE
JAMES T. POTDEVIN
FRANCIS X. O'BYRNE, JR.
JOSEPH J. OCKEN
KENNETH E. SCHOLZ
PAUL S. NEELD
JOHN S. BURHOE
THOMAS A. TANSEY
JEFFREY A. KARONIS
HUGH F. SAGE
DAVID M. ILLUMINATE
LISTON A. JACKSON
WILLIAM L. CAREY
MICHAEL J. BRENNAN
FRANCIS L. SHELLEY, III

The following Regular officers of the United States Coast Guard for promotion to the grade of lieutenant commander:

ADESTE F. FUENTES
LAWRENCE J. MUSARRA
THOMAS P. VIETEN
JAMES A. SARTUCCI
JODY B. TURNER
KENNETH J. THORKILDSEN
GERALD A. DEMETRIFF
DANIEL R. MACLEOD
MELISSA A. WALL
RICHARD A. CURRIER
ROBERT M. WILKONS
WILLIAM H. DAUGHDRILL
SCOTT M. POLLOCK
CURTIS A. SPRINGER
ROBERT M. PALATKA
TIMOTHY G. JOBE
CHRISTIAN BROXTERMAN
STEPHEN G. KINNER, JR.
SCOTT C. SCHLEIFFER
RICKEY W. GEORGE
ELMO L. ALEXANDER, II
ROBERT D. CASTLE, JR.
MARK E. LICKERS
WALTER T. HUNNINGS
JOHN J. COOK
MARK A. ROSE
JOHN F. KAPLAN
TIMOTHY M. CLOSE
PAMELA A. RUSSELL
WILLIAM T. DEVEREAUX
STEVEN A. MUNSON
MATTHEW J. GLOMB
DAVID C. ELY
STEPHAN A. BILLIAN
MARK E. BUTT
PETER S. SIMONS
THADDEUS G. SLIWINSKI
GREGORY W. BUIE
STEVEN R. CORPORON
KRISTIN J. ARNOLD
WILLIAM J. REICKS
STEPHEN E. FLYNN
JAMES Y. POYER
VINCE S. SEDWICK
PETER S. MARSH
EUGENE F. CUNNINGHAM
JOSEPH E. MIHELIC
LOUISE A. STEWART
STEVEN E. CARLSON
PAUL H. TINGLEY
SAMUEL R. WATKINS
MICHAEL C. COSENZA
RAYMOND J. PETOW
DANIEL J. MCCLELLAN
ARTHUR C. WALSH
MICHAEL R. KELLEY
JOHN A. WATSON
DAVID A. DURHAM
LEONARD R. RADZIWANOWICZ
MICHAEL N. PARKS
CRAIG A. BENNETT
DOUGLAS G. RUSSELL
THOMAS R. HALE
GEORGE P. HANNIFIN
JAMES L. MCDONALD
KEVIN M. O'DAY
WILLIAM J. DIEHL
TERRY A. BICKHAM
MORRIS B. STEWART
EDMUND H. TUPAY
BRIAN D. KELLEY
THOMAS F. ATKIN
MICHAEL F. FLANAGAN
JOSEPH A. SERVIDIO
JOSEPH P. SEEBALD
EDWARD W. GREINER
MARC L. DEACON
JEFFREY S. HAMMOND
JOHN M. WEBER
CHARLEY L. DIAZ
DAVID A. CULVER
FRED M. MIDGETTE
ROSS E. BRYANT
MARK J. DANDREA
THOMAS R. GREENE
JEFFREY C. GOOD
DREW A. RAMBO
JEFFREY S. GRIFFIN
WILLAIM M. RANDALL
CHARLES A. MATHIEU
EVAN Q. KAHLER
SANDRA L. STOSZ
RICHARD L. ARNOLD

GEORGE P. CUMMINGS
FRED T. WHITE
ANDREW J. BERGHORN
KIMBERLY J. DAISHER
STEPHEN P. METRUCK
VINCENT B. ATKINS
THOMAS S. MORRISON
THOMAS A. ABBATE
ROGER E. DUBUC, JR.
KEVIN S. WELLS
JOHN S. EARLY
ROBERT S. HOLZMAN
MICHAEL E. LEHOCKY
NORMAN S. SELLEY
EDWARD SINCLAIR
MARK A. TORRES
THOMAS S. KUHANECK
DOUGLAS A. BLAKEMORE
DAVID R. CALLAHAN
WILLIAM F. MCMEEKIN
MICHAEL E. SULLIVAN
KARL R. BALDESSARI
LANCE O. BENTON
ROBERT G. MUELLER
KEVIN B. ASBURY
DAVID H. BOYD
GEGORY A. TAYLOR
DENNIS S. OTOSHI
RICHARD L. WHARTON
HAL R. SAVAGE, JR.
RUDY T. HOLM
KENNETH K. MOORE
THOMAS C. HICKMAN
MATHEW D. BLIVEN
SCOTT BURLINGAME
TODD GENTILE
VINCENT WILCZYNSKI
RICHARD K. MURPHY
KIRK E. HILES
EUGENE GRAY
JOHN J. JENNINGS
BRIAN K. WRIGHT
ROBERT M. PYLE
THOMAS D. WADE
KEVIN H. MILLER
GILBERT E. TEAL
RICHARD H. SCHLATTER, JR.
JAME E. RENDON
JOHN P. PHILBIN
KARL H. CALVO
TERRY D. GILBREATH
ROBERT M. DIEHL
RODERICK L. SMITH
SHELDON B. BLUE
LIAM J. SLEIN
JOHN J. MACALUSO
SCOTT P. LAROCHELLE
MICHAEL A. TEKESKY
PATRICK H. KNOWLES
THOMAS M. CULLEN
GERARD R. DOSTIE
JAMES A. SWEET
NICHOLAS J. STAGLINAO
ROBERT F. FINLEY
JOHN L. STURTZ
DAVID J. SWATLAND
BRIAN J. MARVIN
SARAH J. KRUPA
JOSEPH C. SINNETT
JAMES B. ROBBINS
KENNETH D. NORRIS
MICHAEL J. BACA
PAUL J. RODEN
ERIC D. HULTMARK
PAUL L. HUMPHREYS
MARK L. PORVAZNICK
MICHAEL F. LEONARD
CHARLES JAGER
JAMES J. O'CONNOR
PAUL A. STEWARD
JAMES B. KIDWELL
ERIC J. MOSHER
JACQUELINE A. STAGLIANO
MARY K. JAGER
PETER J. BERGERON
BRYAN J. SEALE
PETER J. ZOHORSKY
PAUL F. GUINEE
DOUGLAS J. SMITH
ANTHONY J. PALAZZETTI
THOMAS J. VITULLO
EDWARD P. NAGLE
SCOTT W. ROBERT
CHARLES V. STRANGFELD
STEVEN L. HUDSON
ALAN M. MARSILIO
STEVEN L. KOSKA
LISA R. TAMBLINGSONRICE
JENNIFER E. LAY
EDWARD P. SEEBALD
CHRISTOPHER E. ROBERTS
ORLANDO A. ARENAS
GREGG R. FONDACABE
ROBERT S. WALTERS
CHARLES R. DUDLEY
RANDALL D. JOHNSON
DAVID D. SIMMS
RICHARD G. EHRET
JAY E. MANTHORNE
RONALD E. KAETZEL
GARY R. COLLINS
EDWARD D. ZACHARIAS
PERRY J. COLBURN
DAVID A. FLAGG
STEVEN R. BAUM
LYLE A. RICE
PAUL J. CORMIER
JOSEPH M. HANSON
PAUL D. WALTON
JAMES B. MCPHERSON
SPENCER L. BYRUM
STEPHEN M. WHEELER
JOHN C. OWENS
RICHARD G. BRUNKE
LEONARD L. RITTER, JR.
MICHAEL J. FOLEY
MARK M. CAMPBELL
FRED R. CALL, III
CHRISTOPHER W. DOANE
KEITH D. WARD
MICHAEL A. HAMEL
PEYTON M. COLEMAN
STEVEN C. TAYLOR
JERRY R. WILSON
THOMAS E. ATWOOD
WILLIAM L. KASPAREK
THOMAS G. EDMONDS
JOSEPH J. LISKO
ROBERT F. SALMON
OSCAR L. RAY
JAMES P. GROSSMAN
JOSEPH S. PUNTINO
MICHAEL D. DAWE
LOYD A. GUTHRIE
TERRENCE M. MURPHY
MICHAEL T. DEBETTENCOURT
FRANK M. REED, JR.
KIMBERLY J. DAVIS
THOMAS M. HEITSTUMAN
MICHAEL E. KENDALL
TROY DEGROOT
MARK F. BOEHM
SHELBY R. KIRK
STEPHEN M. HICKOK
THOMAS H. ENGLISH
ROBERT L. MCALLISTER
CHARLES O. BOLL, JR.
ROBERT L. DESH
DANIEL B. ABEL
RICHARD T. GROMLICH
LINCOLN D. STROH
MATTHEW E. CUTTS
KEITH G. CURRAN
KEITH A. TAYLOR
JAMES W. SEEMAN
MARK R. HIGGINS
FREDERICK W. TUCHER
KRISTY L. PLOURDE
ROBERT V. FOGEL
RICHARD D. BELISLE
MAURA S. VASSAR
DAVID H. GORDNER
PAUL E. WIEDENHOEFT
JOHN C. O'DELL
WILLIAM H. TIMBS, JR.
KARL L. SCHULTZ
BRUCE L. TONEY
TERRY A. BOYD
EDWIN B. THIEDEMAN
JEFFREY S. LEE
KINGSLEY J. KLASSAN
LAWENCE E. CORNWELL
STEVEN J. O'MALLEY
MARK J. FALLER

The following Regular and Reserve officers of the United States Coast Guard to be permanent commissioned officers in the grade of lieutenant:

MARK E. MARRO
CHRISTOPHER N. HOGAN
ROBERT R. DUBOIS
COSMIN THEODORE
SEAN A. MCBREARTY
ERIC P. CHRISTENSEN
LOUIS M. MAGYAR
WALTER A. WESTIN
JAMES D. JENKINS, IV
WILLIAM J. BOEH
MARC P. LEBEAU
KRISTIN A. WILLIAMS

The following Regular officers of the United States Coast Guard of the permanent commissioned teaching staff at the Coast Guard Academy for promotion to the grade of commander:

ROBERT J. FULLER
RICHARD J. HARNETT

The following Regular officers of the United States Coast Guard of the permanent commissioned teaching staff at the Coast Guard Academy for promotion to the grade of lieutenant commander:

LUCRETIA A. FLAMMANG
JONATHAN C. RUSSELL
MICHAEL A. ALFULTIS

The following cadet of the United States Coast Guard Academy for appointment to the grade of ensign:

CARRIE M. STOFFEL

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

REQUIRING A WAITING PERIOD BEFORE PURCHASING A HANDGUN

The PRESIDING OFFICER. The clerk will read the bill S. 3282 for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3282) to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

Mr. SIMON. Mr. President, I object to further proceedings on this bill.

The PRESIDING OFFICER. Under rule XIV, the bill will be placed on the calendar.

Mr. SIMON. I thank the Chair.

PERMANENT RECORD CHANGE ON H.R. 11

Mr. SIMON. Mr. President, I ask unanimous consent that the permanent RECORD be changed with respect to action on two amendments to H.R. 11 to reflect that the Sanford amendment No. 3191 be a modification of the Cochran amendment No. 3190 and not a complete substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL FIRE PREVENTION AND CONTROL ACT AUTHORIZATION

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 622, S. 1690, the U.S. Fire Administration reauthorization.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1690) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Administration Authorization Act of 1992".

TITLE I—UNITED STATES FIRE ADMINISTRATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) $25,550,000 for the fiscal year ending September 30, 1992;

"(E) $26,521,000 for the fiscal year ending September 30, 1993; and

"(F) $27,529,000 for the fiscal year ending September 30, 1994.".

SEC. 102. PRIORITY ACTIVITIES OF THE UNITED STATES FIRE ADMINISTRATION.

(a) PRIORITY ACTIVITIES.—In expending funds appropriated pursuant to the amendments made by section 101 of this Act, the United States Fire Administration shall give priority to—

(1) reducing the incidence of residential fires, especially in residences of the very old, the very young, or the disabled in urban and rural areas, through the development and dissemination of public education and awareness programs, through arson research and technical assistance programs, and through research and development on new technologies;

(2) working with State fire marshals and other State level fire safety offices to identify fire problems that are national in scope;

(3) disseminating information about the activities and programs of the United States Fire Administration to State and local fire services;

(4) enhancing the residential sprinkler programs, including research, demonstration activities, and technical assistance to the public and private sectors;

(5) enhancing research into sprinkler programs in areas or structures with limited or no domestic water supply;

(6) through the National Fire Academy, enhancing the residential and field program in support of State level training programs, particularly those that support the volunteer fire service; and

(7) strengthening programs that help protect the lives and safety of fire and emergency medical services personnel, including research into causes of death and injuries, research and development on new technologies to mitigate and prevent injuries, dissemination of information, and technical assistance to State and local fire departments.

(b) REPORT TO CONGRESS.—The United States Fire Administration shall, within 1 year after the date of enactment of this Act, submit a report to the Congress on the activities undertaken pursuant to subsection (a)(1).

SEC. 103. REPORT ON IMPLEMENTATION OF HOTEL AND MOTEL FIRE SAFETY ACT OF 1990.

The United States Fire Administration shall, within 6 months after the date of enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on its progress in implementing the Hotel and Motel Fire Safety Act of 1990 (Public Law 101–391; 104 Stat. 747), including amendments made by that Act. The report shall specify the nature of expenditures made as of the date of the report, as well as including an estimate of the costs and a specific schedule for implementation.

SEC. 104. LISTINGS OF DESIGNATED PLACES OF PUBLIC ACCOMMODATION.

Section 28 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2224) is amended—

(1) by striking "CERTIFIED" in the section heading; and

(2) in subsection (a)—

(A) by inserting "(acting through its Governor or the Governor's designee)" immediately after "each State" wherever it appears; and

(B) by striking "the Governor of the State or his designee certifies".

SEC. 105. FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION.

(a) EXCEPTIONS FOR CERTAIN AUTOMATIC SPRINKLER SYSTEMS.—Section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting immediately after subsection (a) the following new subsection:

"(b) EXCEPTIONS.—(1) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce with an automatic sprinkler system installed before October 25, 1992, if the automatic sprinkler system is installed in compliance with an applicable standard (adopted by the governmental authority having jurisdiction, and in effect, at the time of installation) that required the placement of a sprinkler head in the sleeping area of each guest room.

"(2) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce to the extent that such place of public accommodation affecting commerce is subject to a standard that includes a requirement or prohibition that prevents compliance with a provision of National Fire Protection Association Standard 13 or 13-R. In such a case, the place of public accommodation affecting commerce is exempt only from that specific provision.".

(b) DEFINITIONS.—Section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225) is amended by adding at the end of subsection (d), as redesignated by this section, the following new paragraph:

"(3) The term 'governmental authority having jurisdiction' means the Federal, State, local, or other governmental entity with statutory or regulatory authority for the approval of fire safety systems, equipment, installations, or procedures within a specified locality.".

TITLE II—NATIONAL FALLEN FIREFIGHTERS FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the "National Fallen Firefighters Foundation Act".

SEC. 202. ESTABLISHMENT AND PURPOSES OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Fallen Firefighters Foundation (hereafter in this title referred to as the "Foundation"). The Foundation is a charitable and nonprofit corporation to be organized under the laws of the State of Maryland and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) primarily to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with it;

(2) to provide financial assistance to families of fallen firefighters for transportation to and lodging at non-Federal facilities during the annual memorial service;

(3) to assist State and local efforts to recognize firefighters who die in the line of duty; and

(4) to provide scholarships and other financial assistance for educational purposes and job training for the spouses and children of fallen firefighters.

SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) VOTING MEMBERS.—The Foundation shall have a governing Board of Directors (hereafter in this title referred to as the "Board"), which shall consist of nine voting members, of whom—

(A) one member shall be an active volunteer firefighter;

(B) one member shall be an active career firefighter;

(C) one member shall be a Federal firefighter; and

(D) six members shall have a demonstrated interest in the fire service.

(2) NONVOTING MEMBER.—The Administrator of the United States Fire Administration of the Federal Emergency Management Agency (hereafter in this title referred to as the "Administrator") shall be an ex officio nonvoting member of the Board.

(3) STATUS OF BOARD MEMBERS.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(4) COMPENSATION.—Members of the Board shall serve without compensation.

(b) APPOINTMENT AND TERMS.—Within 3 months after the date of enactment of this Act, the Administrator shall appoint the voting members of the Board. The voting members shall be appointed for terms of 6 years, except that the Administrator, in making the initial appointments to the Board, shall appoint—

(1) three members to a term of 2 years;

(2) three members to a term of 4 years; and

(3) three members to a term of 6 years.

(a) VACANCY.—A vacancy on the Board shall be filled within 60 days in the manner in which the original appointment was made.

(d) CHAIRMAN.—The Chairman shall be elected by the Board from its voting members for a 2-year term.

(e) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(f) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a member of the Board misses three consecutive meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (c).

(g) GENERAL POWERS.—

(1) ACTIONS BY THE BOARD.—The Board may complete the organization of the Foundation by—

(A) appointing no more than two officers or employees;

(B) adopting a constitution and bylaws consistent with this title; and

(C) undertaking other such acts as may be necessary to carry out this title.

(2) LIMITATION.—Officers and employees may not be appointed until the Foundation has sufficient funds to pay for their services.

(h) OFFICERS AND EMPLOYEES.—

(1) STATUS.—Officers and employees of the Foundation shall not be considered Federal employees, shall be appointed without regard to title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) MAXIMUM SALARY.—No officer or employee may receive pay in excess of the annual rate of basic pay prescribed for level GS-15 of the General Schedule under section 5107 of title 5, United States Code.

SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in the State of Maryland; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) POWERS.—To carry out its purposes under section 202, the Foundation shall have, in addition to the powers otherwise given it under this title, the usual powers of a corporation acting as a trustee in the State of Maryland, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the members of the Board shall not be personally liable, except for gross negligence;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income therefrom;

(4) to enter into contracts and other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(5) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

SEC. 205. ADMINISTRATIVE SERVICES AND SUPPORT.

The Administrator may provide personnel, facilities, and other administrative services to the Foundation and shall require and accept reimbursements for such personnel, facilities, and services that shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services.

SEC. 206. VOLUNTEER STATUS.

The Administrator may accept, without regard to the Federal civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the United States Fire Administration, as volunteers in the performance of the functions authorized under this title.

SEC. 207. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) AUDITS.—For purposes of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101 et seq.), the Foundation shall be treated as a private corporation established under Federal law.

(b) REPORT.—The Foundation shall, within 4 months after the end of each fiscal year, prepare and submit to the appropriate committees of the Congress a report of the Foundation's proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) RELIEF FOR CERTAIN FOUNDATION ACTS OR FAILURES TO ACT.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes set forth in section 202(b); or

(2) refuses, fails, or neglects to discharge its obligations under this title, or threatens to do so,

the Attorney General may petition in the United States District Court for the District of Colum-

bia for such equitable relief as may be necessary or appropriate.

SEC. 208. IMMUNITY OF THE UNITED STATES.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

S 1690 RS—2

AMENDMENT NO. 3320

(Purpose: To make an amendment in the nature of a substitute)

Mr. SIMON. Mr. President, I send the Bryan substitute amendment to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for Mr. BRYAN, proposes an amendment numbered 3320.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the Committee amendment to the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Administration Authorization Act of 1992".

TITLE I—UNITED STATES FIRE ADMINISTRATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) $25,550,000 for the fiscal year ending September 30, 1992;

"(E) $26,521,000 for the fiscal year ending September 30, 1993; and

"(F) $27,529,000 for the fiscal year ending September 30, 1994.".

SEC. 102. PRIORITY ACTIVITIES OF THE UNITED STATES FIRE ADMINISTRATION.

(a) PRIORITY ACTIVITIES.—In expending funds appropriated pursuant to the amendments made by section 101 of this Act, the United States Fire Administration shall give priority to—

(1) reducing the incidence of residential fires, especially in residences of the very old, the very young, or the disabled in urban and rural areas, through the development and dissemination of public education and awareness programs, through arson research and technical assistance programs, and through research and development on new technologies;

(2) working with State Fire Marshals and other State level fire safety offices to identify fire problems that are national in scope;

(3) disseminating information about the activities and programs of the United States Fire Administration to State and local fire services;

(4) enhancing the residential sprinkler programs, including research, demonstration activities, and technical assistance to the public and private sectors;

(5) enhancing research into sprinkler programs in areas or structures with limited or no domestic water supply;

(6) through the National Fire Academy, enhancing the residential and field program in support of State level training programs, particularly those that support the volunteer fire service; and

(7) strengthening programs that help protect the lives and safety of fire emergency medical services personnel, including research into causes of death and injuries, research and development of new technologies to mitigate and prevent injuries, dissemination of information, and technical assistance to State and local fire departments.

(b) REPORT TO CONGRESS.—The United States Fire Administration shall, within 1 year after the date of enactment of this Act, submit a report to the Congress on the activities undertaken pursuant to subsection (a)(1).

SEC. 103. REPORT ON IMPLEMENTATION OF HOTEL AND MOTEL FIRE SAFETY ACT OF 1990.

The United States Fire Administration shall, within 6 months after the date of enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on its progress in implementing the Hotel and Motel Fire Safety Act of 1990 (Public Law 101-391; 104 Stat. 747), including amendments made by that Act. The report shall specify the nature of expenditures made as of the date of the report, as well as including an estimate of the costs and a specific schedule for implementation.

SEC. 104. LISTINGS OF DESIGNATED PLACES OF PUBLIC ACCOMMODATION.

Section 28 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2224) is amended—

(1) by striking "CERTIFIED" in the section heading; and

(2) in subsection (a)—

(A) by inserting "(Act through its Governor or the Governor's designee)" immediately after "each State" wherever it appears; and

(B) by striking "the Governor of the State or his designee certifies".

SEC. 105. FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION.

(a) EXCEPTIONS FOR CERTAIN AUTOMATIC SPRINKLER SYSTEMS.—Section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting immediately after subsection (a) the following new subsection:

"(b) EXCEPTIONS.—(1) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce with an automatic sprinkler system installed before October 25, 1992, if the automatic sprinkler system is installed in compliance with an applicable standard (adopted by the governmental authority having jurisdiction, and in effect, at the time of installation) that required the placement of a sprinkler head in the sleeping area of each guest room.

"(2) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce to the extent that such place of public accommodation affecting commerce is subject to a standard that includes a requirement or prohibition that prevents compliance with a provision of National Fire Protection Association Standard 13 or 13-R. In such a case, the place of public accommodation affecting commerce is exempt only from that specific provision.".

(b) DEFINITIONS.—Section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225) is amended by adding at the end of subsection (d), as redesignated by this section, the following new paragraph:

"(3) The term 'governmental authority having jurisdiction' means the Federal, State, local, or other governmental entity with statutory or regulatory authority for the approval of fire safety systems, equipment, installations, or procedures within a specified locality.".

SEC. 106. FIRE SAFETY SYSTEMS IN FEDERALLY ASSISTED BUILDINGS.

(a) AMENDMENT.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

"SEC. 31. FIRE SAFETY SYSTEMS IN FEDERALLY ASSISTED BUILDINGS.

"(a) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) The term 'affordable cost' means the cost to a Federal agency of leasing office space in a building that is protected by an automatic sprinkler system or equivalent level of safety, which cost is no more than 10 percent greater than the cost of leasing available comparable office space in a building that is not so protected.

"(2) The term 'automatic sprinkler system' means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire—

"(A) will protect human lives by discharging water over the fire area, in accordance with the National Fire Protection Association Standard 13, 13D, or 13R, whichever is appropriate for the type of building and occupancy being protected, or any successor standard thereto; and

"(B) includes an alarm signaling system with appropriate warning signals (to the extent such alarm systems and warning signals are required by Federal, State, or local laws or regulations) installed in accordance with the National Fire Protection Association Standard 72, or any successor standard thereto.

"(3) The term 'equivalent level of safety' means an alternative design or system (which may include automatic sprinkler systems), based upon fire protection engineering analysis, which achieves a level of safety equal to or greater than that provided by automatic sprinkler systems.

"(4) The term 'Federal employee office building' means any office building in the United States, whether owned or leased by the Federal Government, that is regularly occupied by more than 25 full-time Federal employees in the course of their employment.

"(5) The term 'housing assistance'—

"(A) means assistance provided by the Federal Government to be used in connection with the provision of housing, that is provided in the form of a grant, contract, loan, loan guarantee, cooperative agreement, interest subsidy, insurance, or direct appropriation; and

"(B) does not include assistance provided by the Secretary of Veterans Affairs; the Federal Emergency Management Agency; the Secretary of Housing and Urban Development under the single family mortgage insurance programs under the National Housing Act or the homeownership assistance program under section 235 of such Act; the National Homeownership Trust; the Federal Deposit Insurance Corporation under the affordable housing program under section 40 of the Federal Deposit Insurance Act; or the

Resolution Trust Corporation under the affordable housing program under section 21A(c) of the Federal Home Loan Bank Act.

"(6) The term 'hazardous areas' means those areas in a building referred to as hazardous areas in National Fire Protection Association Standard 101, known as the Life Safety Code, or any successor standard thereto.

"(7) The term 'multifamily property' means—

"(A) in the case of housing for Federal employees or their dependents, a residential building consisting of more than 2 residential units that are under one roof; and

"(B) in any other case, a residential building consisting of more than 4 residential units that are under one roof.

"(8) The term 'prefire plan' means specific plans for fire fighting activities at a property or location.

"(9) The term 'rebuilding' means the repairing or reconstructing of portions of a multifamily property where the cost of the alternations is 70 percent or more of the replacement cost of the completed multifamily property, not including the value of the land on which the multifamily property is located.

"(10) The term 'renovated' means the repairing or reconstructing of 50 percent or more of the current value of a Federal employee office building, not including the value of the land on which the Federal employee office building is located.

"(11) The term 'smoke detectors' means single or multiple station, self-contained alarm devices designed to respond to the presence of visible or invisible particles of combustion, installed in accordance with the National Fire Protection Association Standard 74 or any successor standard thereto.

"(12) The term 'United States' means the States collectively.

"(b) FEDERAL EMPLOYEE OFFICE BUILDINGS.—(1)(A) No Federal funds may be used for the construction or purchase of a Federal employee office building of 6 or more stories unless during the period of occupancy by Federal employees the building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the construction or purchase of any other Federal employee office building unless during the period of occupancy by Federal employees the hazardous areas of the building are protected by automatic sprinkler systems or an equivalent level of safety.

"(B)(i) Except as provided in clause (ii), no Federal funds may be used for the lease of a Federal employee office building of 6 or more stories, where at least some portion of the federally leased space is on the sixth floor or above and at least 35,00 square feet of space is federally occupied, unless during the period of occupancy by Federal employees the entire Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the lease of any other Federal employee office building unless during the period of occupancy by Federal employees the hazardous areas of the entire Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

"(ii) The first sentence of clause (i) shall not apply to the lease of a building the construction of which is completed before the date of enactment of this section if the leasing agency certifies that no suitable building with automatic sprinkler systems or an equivalent level of safety is available at an affordable cost.

"(iii) Within 3 years after such date of enactment, and periodically thereafter, the Comptroller General shall audit a selection of certifications made under cause (ii) and report to Congress of the results of such audit.

"(2) Paragraph (1) shall not apply to—

"(A) a Federal employee office building that was owned by the Federal Government before the date of enactment of this section;

"(B) space leased in a Federal employee office building if the space was leased by the Federal Government before such date of enactment;

"(C) space leased on a temporary basis for not longer than 6 months;

"(D) a Federal employee office building that becomes a Federal employee office building pursuant to a commitment to move Federal employees into the building that is made prior to such date of enactment; or

"(E) a Federal employee office building that is owned or managed by the Resolution Trust Corporation.

Nothing in this subsection shall require the installation of an automatic sprinkler system or equivalent level of safety by reason of the leasing, after such date of enactment, of space below the sixth floor in a Federal employee office building.

"(3) No Federal funds may be used for the renovation of a Federal employee office building of 6 or more stories that is owned by the Federal Government unless after that renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the renovation of any other Federal employee office building that is owned by the Federal Government unless after that renovation the hazardous areas of the Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

"(4) No Federal funds may be used for entering into or renewing a lease of a Federal employee office building of 6 or more stories that is renovated after the date of enactment of this section, where at least some portion of the federally leased space is on the sixth floor or above and at least 35,000 square feet of space is federally occupied, unless after that renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for entering into or renewing a lease of any other Federal employee office building that is renovated after such date of enactment of this section, unless after that renovation the hazardous areas of the Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

"(c) HOUSE.—(1)(A) No Federal funds may be used for the construction, purchase, lease, or operation by the Federal Government of housing in the United States for Federal employees or their dependents unless-

"(i) in the case of a multifamily property acquired or rebuilt by the Federal Government after the date of enactment of this section, the housing is protected, before occupancy by Federal employees or their dependents, by an automatic sprinkler system (or equivalent level of safety) and hard-wired smoke detectors; and

"(ii) in the case of any other housing, the housing, before—

"(I) occupancy by the first Federal employees (or their dependents) who do not occupy such housing as of such date of enactment; or

"(II) the expiration of 3 years after such date of enactment, whichever occurs first, is protected by hard-wired smoke detectors.

"(B) Nothing in this paragraph shall be construed to supersede any guidelines or requirements applicable to housing for Federal employees that call for a higher level of fire safety protection than is required under this paragraph.

"(2)(A)(i) Housing assistance may not be used in connection with any newly constructed multifamily property, unless after the new construction the multifamily property is protected by an automatic sprinkler system and hard-wired smoke detectors.

"(ii) For purposes of clause (i), the term 'newly constructed multifamily property' means a multifamily property of 4 or more stories above ground level—

"(I) that is newly constructed after the date of enactment of this section; and

"(II) for which (a) housing assistance is used for such new construction, or (b) a binding commitment is made, before commencement of such construction, to provide housing assistance for the newly constructed property.

"(iii) Clause (i) shall not apply to any multifamily property for which, before such date of enactment, a binding commitment is made to provide housing assistance for the new construction of the property or for the newly constructed property.

"(B)(i) Except as provided in clause (ii), housing assistance may not be used in connection with any rebuilt multifamily property, unless after the rebuilding the multifamily property complies with the chapter on existing apartment buildings of National Fire Protection Association Standard 101 (known as the Life Safety Code), as in effect at the earlier of (I) the time of any approval by the Department of Housing and Urban Development of the specific plan or budget for rebuilding, or (II) the time that a binding commitment is made to provide housing assistance for the rebuilt property.

"(ii) If any rebuilt multifamily property is subject to, and in compliance with, any provision of a State or local fire safety standard or code that prevents compliance with a specific provision of National Fire Protection Association Standard 101, the requirement under clause (i) shall not apply with respect to such specific provision.

"(iii) For purposes of this subparagraph, the term 'rebuilt multifamily property' means a multifamily property of 4 or more stories above ground level—

"(I) that is rebuilt after the last day of the second fiscal year that ends after the date of enactment of this section; and

"(II) for which (a) housing assistance is used for such rebuilding, or (b) a binding commitment is made, before commencement of such rebuilding, to provide housing assistance for the rebuilt property.

"(C) After the expiration of the 180-day period beginning on the date of enactment of this section, housing assistance may not be used in connection with any other dwelling unit, unless the unit is protected by a hard-wired or battery-operated smoke detector. For purposes of this subparagraph, housing assistance shall be considered to be used in connection with a particular dwelling unit only if such assistance is provided (i) for the particular unit, in the case of assistance provided on a unit-by-unit basis, or (ii) for the multifamily property in which the unit is located, in the case of assistance provided on a structure-by-structure basis.

"(d) REGULATIONS.—The Administrator of General Services, in cooperation with the United States Fire Administration, the National Institute of Standards and Technology, and the Department of Defense, within 2 years after the date of enactment of this section, shall promulgate regulations to further define the term 'equivalent level of safety', and shall, to the extent practicable, base those regulations on nationally recognized codes.

"(e) STATE AND LOCAL AUTHORITY NOT LIMITED.—Nothing in this section shall be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard that establishes requirements concerning fire prevention and control. Nothing in this section shall be construed to reduce fire resistance requirements which otherwise would have been required.

"(f) PREFIRE PLAN.—The head of any Federal agency that owns, leases, or operates a building or housing unit with Federal funds shall invite the local agency or voluntary organization having responsibility for fire protection in the jurisdiction where the building or housing unit is located to prepare, and biennially review, a prefire plan for the building or housing unit.

"(g) REPORTS TO CONGRESS.—(1) Within 3 years after the date of enactment of this section, and every 3 years thereafter, the Administrator of General Services shall transmit to Congress a report on the level of fire safety in Federal employee office buildings subject to fire safety requirements under this section. Such report shall contain a description of such buildings for each Federal agency.

"(2) Within 10 years after the date of enactment of this section, each Federal agency providing housing to Federal employees or housing assistance shall submit a report to Congress on the progress of that agency in implementing subsection (c) and on plans for continuing such implementation.

"(3)(A) The National Institute of Standards and Technology shall conduct a study and submit a report to Congress on the use, in combination, of fire detection systems, fire suppression systems, and compartmentation. Such study shall—

"(i) quantify performance and reliability for fire detection systems, fire suppression systems, and compartmentation, including a field assessment of performance and determination of conditions under which a reduction or elimination of 1 or more of those systems would result in an unacceptable risk of fire loss; and

"(ii) include a comparative analysis of compartmentation using fire resistive materials and compartmentation using noncombustible materials.

"(B) The National Institute of Standards and Technology shall obtain funding from non-Federal sources in an amount equal to 25 percent of the cost of the study required by subparagraph (A). Funding for the National Institute of Standards and Technology for carrying out such study shall be derived from amounts otherwise authorized to be appropriated, for the Building and Fire Research Center at the National Institute of Standards and Technology, not to exceed $750,000. The study shall not commence until receipt of all matching funds from non-Federal sources. The scope and extent of the study shall be determined by the level of project funding. The Institute shall submit a report to Congress on the study within 30 months after the date of enactment of this section.

"(h) RELATION TO OTHER REQUIREMENTS.—In the implementation of this section, the process for meeting space needs in urban areas shall continue to give first consideration to a centralized community business area and adjacent areas of similar character to the extent of any Federal requirement therefore.".

(b) EFFECTIVE DATE.—Subsection (b) of section 31 of the Federal Fire Prevention and Control Act of 1974, as added subsection (a) of this section, shall take effect 2 years after the date of enactment of this Act.

TITLE II—NATIONAL FALLEN FIREFIGHTERS FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the "National Fallen Firefighters Foundation Act".

SEC. 202. ESTABLISHMENT AND PURPOSES OF FOUNDATION.

(a) ESTABLISHMENT.—There is established the National Fallen Firefighters Foundation (hereafter in this title referred to as the "Foundation"). The Foundation is a charitable and nonprofit corporation to be organized under the laws of the State of Maryland and is not an agency or establishment of the United States.

(b) PURPOSES.—The purposes of the Foundation are—

(1) primarily to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with it;

(2) to provide financial assistance to families of fallen firefighters for transportation to and lodging at non-Federal facilities during the annual memorial service;

(3) to assist State and local efforts to recognize firefighters who die in the line of duty; and

(4) to provide scholarships and other financial assistance for educational purposes and job training for the spouses and children of fallen firefighters.

SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) ESTABLISHMENT AND MEMBERSHIP.—

(1) VOTING MEMBERS.—The Foundation shall have a governing Board of Directors (hereafter in this title referred to as the "Board"), which shall consist of nine voting members, of whom—

(A) one member shall be an active volunteer firefighter;

(B) one member shall be an active career firefighter;

(C) one member shall be a Federal firefighter; and

(D) six members shall have a demonstrated interest in the fire service.

(2) NONVOTING MEMBER.—The Administrator of the United States Fire Administration of the Federal Emergency Management Agency (hereafter in this title referred to as the "Administrator") shall be an ex officio nonvoting member of the Board.

(3) STATUS OF BOARD MEMBERS.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(4) COMPENSATION.—Members of the Board shall serve without compensation.

(b) APPOINTMENT AND TERMS.—Within 3 months after the date of enactment of this Act, the Administrator shall appoint the voting members of the Board. The voting members shall be appointed for terms of 6 years, except that the Administrator, in making the initial appointments to the Board, shall appoint—

(1) three members to a term of 2 years;

(2) three members to a term of 4 years; and

(3) three members to a term of 6 years.

(c) VACANCY.—A vacancy on the Board shall be filled within 60 days in the manner in which the original appointment was made.

(d) CHAIRMAN.—The Chairman shall be elected by the Board from its voting members for a 2-year term.

(e) QUORUM.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(f) MEETINGS.—The Board shall meet at the call of the Chairman at least once a year. If a member of the Board misses three consecutive meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (c).

(g) GENERAL POWERS.—

(1) ACTIONS BY THE BOARD.—The Board may complete the organization of the Foundation by—

(A) appointing no more than two officers or employees;

(B) adopting a constitution and bylaws consistent with this title; and

(C) undertaking other such acts as may be necessary to carry out this title.

(2) LIMITATION.—Officers and employees may not be appointed until the Foundation has sufficient funds to pay for their services.

(h) OFFICERS AND EMPLOYEES.—±

(1) STATUS.—Officers and employees of the Foundation shall not be considered Federal employees, shall be appointed without regard to title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) MAXIMUM SALARY.—No officer or employee may receive pay in excess of the annual rate of basic pay prescribed for level GS-15 of the General Schedule under section 5107 of title 5, United States Code.

SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) IN GENERAL.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in the State of Maryland; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

(b) SEAL.—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) POWERS.—To carry out its purposes under section 202, the Foundation shall have, in addition to the powers otherwise given it under this title, the usual powers of a corporation acting as a trustee in the State of Maryland, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the members of the Board shall not be personally liable, except for gross negligence;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income therefrom;

(4) to enter into contracts and other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(5) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

SEC. 205. ADMINISTRATIVE SERVICES AND SUPPORT.

The Administrator may provide personnel, facilities, and other administrative services to the Foundation and shall require and accept reimbursements for such personnel, facilities, and services that shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services. Notwithstanding any other provision of law, Federal personnel and stationery shall not be used to solicit funding for the Foundation.

SEC. 206. VOLUNTEER STATUS.

The Administrator may accept, without regard to the Federal civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the United States Fire Administration, as volunteers in the performance of the functions authorized under this title.

SEC. 207. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) Audits.—For purposes of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101 et seq.), the Foundation shall be treated as a private corporation established under Federal law.

(b) Report.—The Foundation shall, within 4 months after the end of each fiscal year, prepare and submit to the appropriate committees of the Congress a report of the Foundation's proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) Relief for Certain Foundation Acts or Failures to Act.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes set forth in section 202(b); or

(2) refuses, fails, or neglects to discharge its obligations under this title, or threatens to do so, the Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 208. IMMUNITY OF THE UNITED STATES.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

Mr. BRYAN. Mr. President, as chairman of the Commerce Committee Consumer Subcommittee, and a cochairman of the congressional fire service caucus, I am pleased to present for consideration by the full Senate S. 1690, legislation to reauthorize the U.S. Fire Administration.

Fire safety is an issue of enormous importance to our country. Statistics show that the United States has one of the worst fire problems of any country in the industrialized world. Each year over 6,000 Americans are killed, and an additional 30,000 suffer injuries in our Nation's fires. More than 2.4 million fires are reported in the United States every year, and it is believed that approximately 20 million more are unreported. These cost the American public $30 billion a year.

The U.S. Fire Administration was created in 1974 to address the Nation's fire problem. The Administration was created to assist State and local officials with fire prevention and control. The agency's activities include training programs for local firefighters, and public education programs.

The substitute I am offering today includes provisions reported by the Commerce Committee earlier this year. First, it seeks to provide the Federal Fire Administration with the necessary funding to carry out its much needed programs. The legislation authorizes funding for fiscal years 1992 through 1994. It also requires the Fire Administration to give priority to several issues and programs, including: First, the reduction of the incidence of residential fires, especially in residences of the young and elderly; second, strengthening programs that help protect the lives and safety of fire and emergency medical services personnel; and third, enhancing residential sprinkler programs. In addition, the legislation requires the Fire Administration to report to Congress on its progress in implementing the Hotel and Motel Fire Safety Act of 1990. That act was passed by the Congress to encourage the installation of sprinklers and smoke detectors in hotel and motel facilities, and thereby improve the fire safety of public accommodations.

The substitute also includes provisions reported by the Commerce Committee from S. 1698, legislation to establish the Fallen Firefighters Foundation. The Foundation is to be established for the benefit of the families of fallen firefighters. The foundation would be authorized to provide assistance to the families of fallen firefighters, including assistance to families to attend the annual memorial service at the National Firefighter Memorial in Emmitsburg, MD, and scholarships and financial assistance to the children and spouses of fallen firefighters who seek to further their education or job training.

The Foundation is to be governed by a board of directors of nine members, who are to be appointed by the U.S. Fire Administrator. The Board members are to include volunteer, career, and Federal firefighters, and other representatives from the fire service community. The Foundation is to be established as an independent organization, and will include members of the fire service, including volunteer, career, and Federal firefighters. The legislation bars any Federal funding of the Foundation, and the substitute makes clear that no Federal personnel and stationery are to be used to solicit funds for the Foundation.

In addition, the substitute includes the text of H.R. 3360, legislation that would require the installation of fire sprinklers in certain federally owned and constructed facilities.

This legislation, Mr. President, is important for the improvement of the Nation's fire protection efforts. I ask for the unanimous support of my colleagues.

Mr. HOLLINGS. Mr. President. As chairman of the Commerce Committee, I am pleased to express my support for S. 1690, legislation to reauthorize the U.S. Fire Administration [USFA]. The USFA was established to address our Nation's fire problem, and is vital in our overall effort to reduce the number of fire-related injuries and deaths that occur in our Nation each year.

In this regard, USFA works actively with State and local fire departments in developing programs to enhance public education about fire safety, and to provide training and educational programs for members of the fire service. Thus, passage of this legislation is not only necessary for the reauthorization of the USFA but also to provide the needed support and assistance to the brave men and women in our Nation's fire service. I, therefore, ask that my colleagues give their full support to this reauthorization bill.

Mr. SARBANES. Mr. President, I want to express my strong support for the measure which is currently before the Senate.

S. 1690 reauthorizes the programs of the U.S. Fire Administration and the National Fire Academy. Since these organizations were established in the Federal Fire Prevention and Control Act of 1974 they have played an important role in reducing the loss of life and property due to fire.

I am very pleased that the bill before us includes the language of S. 1698, legislation I authored to establish a National Fallen Firefighters Foundation. I want to thank Senator Hollings and Senator Bryan as well as their Republican colleagues, Senator Danforth and Senator Gorton, for their leadership in bringing this Foundation bill before the Senate.

Mr. President, establishment of a National Fallen Firefighters Foundation will help our Nation honor the approximately 100 firefighters who die in the line of duty each year.

These heroes are recognized by a simple yet stirring monument on the grounds of the National Fire Academy in Emmitsburg, MD. The memorial is a bronze Maltese cross, a traditional symbol of the fire service, atop a limestone pyramid. It is surrounded by plaques listing the firefighters who have died each year since the memorial was dedicated in 1981.

As my colleagues will recall, Congress has approved a joint resolution that I introduced to designate this striking monument as the official national memorial to volunteer and career firefighters who die in the line of duty. In 1990 that resolution became Public Law 101-347.

Each October, during Fire Prevention Week, a memorial service is held at the monument that honors all of the career and volunteer firefighters who were killed in the line of duty during the previous year. I have just sent to each of my colleagues a letter inviting them to participate in this year's service which will be held on Sunday, October 11. More than 1,000 family members and fellow firefighters will gather on the Fire Academy campus to honor the 105 firefighters from 37 different States who died serving their communities during 1991.

Mr. President, the Foundation established by this bill would allow individuals and organizations to support both the memorial and the annual service with voluntary donations. Assuming that the Foundation raised more money than was needed for those primary purposes, my bill would permit financial help for the families of fallen firefighters such as educational scholarships and assistance with the cost of traveling to Maryland for the annual service. At the same time, the Foundation could use funds to assist with the planning, design, and construction of local memorials around our Nation honoring fallen firefighters.

The Foundation would be a charitable corporation run by a Board of Directors that would include at least one volunteer firefighter, one career firefighter, and one Federal firefighter. The Board would be appointed by the Administrator of the U.S. Fire Administration. Once sufficient funds were raised, the Board would be able to hire no more than two staff members.

In order to further limit administrative expenses, it is my intention that the Foundation would have its office on the Fire Academy campus. The Fire Administrator would provide office space, personnel, and other administrative support to the Foundation. The Administrator could accept reimbursement from the Foundation for the associated expenses.

Mr. President, I want to note that this bill has been strongly endorsed by the National Fire Academy Board of Visitors, the International Association of Fire Fighters, the National Volunteer Fire Council, the International Association of Arson Investigators, the National Fire Protection Association, the International Society of Fire Service Instructors, and by my friends in the Maryland State Firemen's Association.

At this time, Mr. President, I want to commend the 21 Senators who are cosponsors of S. 1698. I also want to thank Representative BEVERLY BYRON who introduced a House companion measure that has the bipartisan support of 65 Members.

I again thank the committee for including the National Fallen Firefighters Foundation in this bill and I urge adoption of the reauthorization.

Mr. GORTON. Mr. President, I am happy to offer my support for the passage of S. 1690, the Federal Fire Prevention Act, which has been modified to include several important fire safety measures. This bill has been greatly strengthened by the incorporation of H.R. 3360, the Federal Fire Safety Act of 1992. Consequently, the bill now includes provisions which enhance fire safety in new and renovated Federal office buildings, housing for Federal employees, and federally funded housing and rental assistance programs. These important safety measures will, undoubtedly, save the lives of many who work and live in Federal buildings and housing structures.

This bill has the support of many fire officials in Washington State and across the country because of the important safety and fire prevention measures which it encourages. By passing this legislation the Senate has taken an important step toward protecting our citizens from the devastation of fire.

Mr. JEFFORDS. Mr. President, the days before a Congress adjourns are often very frantic. For my colleague, Senator BRYAN, and I, this has definitely been true as we each try to complete important legislative initiatives. I am glad that my colleague and I were able to work together on this initiative.

There has been much said about Congress and the gridlock, but in this instance, I think a number of Members of both bodies deserve recognition for rising above gridlock. First, I want to commend Senator BRYAN. Without his assistance, firefighters' families would not be receiving the protection that they now will be. Second, I want to thank my colleagues on the Senate Commerce Committee for their recent efforts and the Labor and Human Resources Committee for their support over the last 2 plus years.

Next, I would like to thank my colleagues in the House. This bill would not have gone forward without the support of several Members of Congress. BILL FORD, BILL GOODLING, CASS BALLENGER, JOE GAYDOS, and PAUL HENRY of the Education and Labor Committee, I believe, deserve a special thanks. As the chairman, ranking member, and members of the authorizing committee, this bill would not have gone forward without their blessing. They did not have to give their support, but they did. I believe firefighters and their families owe much to these gentlemen.

I also want to thank GEORGE BROWN and BOB WALKER, the chairman and ranking member of the House Science Committee, and their fellow committee members RICK BOUCHER, MARILYN LLOYD, and SHERRY BOEHLERT. These individuals know the value of good science. At a critical time, they lent their support to this effort. I, and firefighters everywhere, owe these individuals a debt of gratitude.

As is true every Congress at this time of year, there is tremendous stress. Given the late hour, any amendment can seem troublesome until there has been time to review the issue at hand. Once my colleague and I had an opportunity to meet, we quickly worked things out.

The amendment itself enjoys broad support. Twelve of my colleagues have cosponsored the initiative, the Workers' Family Protection Act.

I want to thank Senators METZENBAUM, REID, LIEBERMAN, CHAFEE, D'AMATO, CONRAD, GORE, DODD, SASSER, MOYNIHAN, GLENN, and LEVIN.

What problem does the amendment address? It addresses the problem of workers inadvertently carrying toxic materials out of the workplace on their clothing into their homes. Exposure to family members results sometimes with disastrous results. Spouse and children have died from such exposure. Health officials estimate that 1 million families may be threatened, and firefighter's families may be at the greatest risk.

Let me cite a few case studies.

In Arizona, a 3-year-old girl died from liver cancer resulting from arsenic exposure in the home. Her father worked with arsenic at a copper smelter. In Hawaii, pesticide workers had 10 times the levels of arsenic in their homes than nonpesticide workers' homes.

In Kentucky, workers at a laundry contaminated their homes with asbestos as as result of removing insulation at work. They asked their employer for permission to change their clothes at work before going home and were told no. Then they were fired when their homes were found to be contaminated. Auto workers in Michigan have had their homes contaminated with asbestos, as have North Carolina textile workers, Mississippi paper mill and shipyard workers, and Florida airport workers. Many people have died as a result of home exposure to asbestos.

Lead has been found in homes many, many times as a result of workplace exposure. Home contamination incidents involving lead have occurred in Minnesota, South Carolina, Oregon, Iowa, Alabama, Indiana, Texas, Pennsylvania, North Carolina, Kentucky, New Jersey, Colorado, Tennessee, Virginia, and my home State of Vermont. The dangers of lead are well known, but did my colleagues know that the blood from newborn babies umbilical cords have significantly higher blood lead levels when the fathers work with lead than when the fathers are not involved with lead? I have found documented cases where babies had to be hospitalized because of home exposure to workplace lead.

These are not the only contaminants that have been transported from the workplace to the home. Mercury, PCB's, dioxins, pesticides, even radionuclides from the workplace have been found in homes. Wives of PCB workers, for example, have been found to have PCB's in their blood, for example.

Many cases where family members have died or have been permanently injured have been documented. Children have even been poisoned by exposure to contaminants left by the previous occupant of a home or by their parents before they were even born. I have even found cases of home contamination dating back to the 1930's in most States of the Union. Thus, to my colleagues, this is a problem that most certainly affects your constituents.

Numerous studies have been done showing a relationship between a parents' occupation and cancer in their children. Exposure to workplace chemicals in the home is one hypothesized exposure route. Given that this problem was identified as early as 1935, in Pennsylvania I might add, its well passed time we starting addressing it.

So what does this bill do? This bill simply asks the five agencies with some responsibility for preventing or responding to home contamination to work together on a scientifically sound strategy to first assess the scope of the problem, and then to act to prevent future incidents. Special consideration is given to the family members of firefighters as they are often neglected by other occupational safety programs.

The National Institutes for Occupational Safety and Health, or NIOSH, is given the lead role. NIOSH is to collect the available information on this problem. I plan to make my files on this subject available to NIOSH to assist in this effort.

Then, experts from various professions, from industrial hygiene to medicine, are to review this information and determine what if any data gaps exist and how best to fill these data gaps. This strategy for assessing the problem is then to be peer reviewed, finalized, and implemented.

As you can imagine, home contamination is a very volatile and sensitive issue. Thus, I understand the work that the sponsors of the underlying bill have accomplished. Consensus on tough issues is tough.

This amendment, however, is a responsible approach to addressing this problem. It is supported by both labor and industry. Neither I nor to my knowledge any of my colleagues know the extent of this problem. This approach will provide the answers we need.

Once again, I thank my colleagues for their assistance and hope firefighters across the country will let them know how much their efforts are appreciated.

AMENDMENT NO. 3321 TO AMENDMENT NO. 3320

(Purpose: To require the Director of the National Institute for Occupational Safety and Health to conduct a study of the prevalence and issues related to contamination of workers' homes with hazardous chemicals and substances transported from their workplace and to issue or report on regulations to prevent or mitigate the future contamination of workers' homes)

Mr. LUGAR. Mr. President, I send an amendment to the desk on behalf of Mr. JEFFORDS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 3321 to Amendment No. 3320.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC.—.WORKERS' FAMILY PROTECTION

(a) SHORT TITLE.— This section may be cited as the "Workers' Family Protection Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) hazardous chemicals and substances that can threaten the health and safety of workers are being transported out of industries on workers' clothing and persons:

(B) these chemicals and substances have the potential to pose an additional threat to the health and welfare of workers and their families;

(C) additional information is needed concerning issues related to employee transported contaminant releases; and

(D) additional regulations may be needed to prevent future releases of this type.

(2) PURPOSE.— It is the purpose of this section to—

(A) increase understanding and awareness concerning the extent and possible health impacts of the problems and incidents described in paragraph (1);

(B) prevent or mitigate future incidents of home contamination that could adversely affect the health and safety of workers and their families.

(C) clarify regulatory authority for preventing and responding to such incidents; and

(D) assist workers in redressing and responding to such incidents when they occur.

(c) EVALUATION OF EMPLOYEE TRANSPORTED CONTAMINANT RELEASES.

(1) STUDY.—

(A) IN GENERAL.— Not later than 18 months after the date of enactment of this Act, The Director of the National Institute for Occupational Safety and Health (hereafter in this section referred to as the "Director"), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency , the Administrator of the Agency for Toxic Substances and Disease Registry, and the heads of other Federal Government agencies as determined to be appropriate by the Director, shall conduct a study to evaluate the potential for, the prevalence of, and the issues related to the contamination of workers' homes with hazardous chemicals and substances, including infectious agents, transported from the workplace of such workers.

(B) MATTERS TO BE EVALUATED.— In conducting the study and evaluation under subparagraph (A), the Director shall—

(i) conduct a review of past incidents of home contamination through the utilization of literature and of records concerning past investigations and enforcement actions undertaken by—

(I) the National Institute for Occupational Safety and Health;

(II) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(III) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(IV) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;

(ii) evaluate current statutory, regulatory, and voluntary industrial hygiene or other measures used by small, medium and large employers to prevent or remediate home contamination;

(iii) compile a summary of the existing research and case histories conducted on incidents of employee transported contaminant releases, including—

(I) the effectiveness of workplace housekeeping practices and personal protective equipment in preventing such incidents;

(II) the health effects, if any, of the resulting exposure on workers and their families;

(III) the effectiveness of normal house cleaning and laundry procedures for removing hazardous materials and agents from workers; home and personal clothing;

(IV) indoor air quality, as the research concerning such pertains to the fate of chemicals transported from a workplace into the home environment; and

(V) methods for differentiating exposure health effects and relative risks associated with specific agents from other sources of exposure inside and outside the home;

(iv) identify the role of Federal and State agencies in responding to incidents of home contamination;

(v) prepare and submit to the Task Force established under paragraph (2) and to the appropriate committees of Congress, a report concerning the results of the matters studied or evaluated under clauses (i) through (iv); and

(iv) study home contamination incidents and issues and worker and family protection policies and practices related to the special circumstances of firefighters and prepare and submit to the appropriate committees of Congress a report concerning the findings with respect to such study.

(2) DEVELOPMENT OF INVESTIGATIVE STRATEGY.—

(A) TASK FORCE.—Not later than 12 months after the date of enactment of this Act the Director shall establish a working group, to be known as the "Workers' Family Protection Task Force". The Task Force shall—

(i) be composed of not more than 15 individuals to be appointed by the Director from among individuals who are representative of workers, industry, scientists, industrial hygienists, the National Research Council, and government agencies, except that not more than one such individual shall be from each appropriate government agency and the number of individuals appointed to represent industry and workers shall be equal in number;

(ii) review the report submitted under paragraph (1)(B)(v);

(iii) determine, with respect to such report, the additional data needs, if any, and the need for additional evaluation of the scientific issues related to and the feasibility of developing such additional data; and

(iv) if additional data are determined by the Task Force to be needed, develop a recommended investigative strategy for use in obtaining such information.

(B) INVESTIGATIVE STRATEGY.—

(i) CONTENT.—The investigative strategy developed under subparagraph (A)(iv) shall identify data gaps that can and cannot be filled, assumptions and uncertainties associated with various components of such strategy, a timetable for the implementation of such strategy, and methodologies used to gather any required data.

(ii) PEER REVIEW.—The Director shall publish the proposed investigative strategy under subparagraph (A)(iv) for public comment and utilize other methods, including technical conferences or seminars, for the purpose of obtaining comments concerning the proposed strategy.

(iii) FINAL STRATEGY.—After the peer review and public comment is conducted under clause (ii), the Director, in consultation with the heads of other government agencies, shall propose a final strategy for investigating issues related to home contamination that shall be implemented by the National Institute for Occupational Safety and Health and other Federal agencies for the period of time necessary to enable such agencies to obtain the information identified under subparagraph (A)(iii).

(C) CONSTRUCTION.—Nothing in this section shall be construed as precluding any government agency from investigating issues related to home contamination using existing procedures until such time as a final strategy is developed or from taking actions in addition to those proposed in the strategy after its completion.

(3) IMPLEMENTATION OF INVESTIGATIVE STRATEGY.—Upon completion of the investigative strategy under subparagraph (B)(iii), each Federal agency or department shall fulfill the role assigned to it by the strategy.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 4 years after that date of enactment of this Act, and periodically thereafter, the Secretary of Labor, based on the information developed under subsection (c) and on other information available to the Secretary, shall—

(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed to protect workers and their families from employee transported releases of hazardous materials; and

(B) prepare and submit to the appropriate committees of Congress a report concerning the results of such determination.

(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate such regulations or standards as determined to be appropriate not later than 3 years after such determination.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, from sums otherwise authorized to be appropriated, for each fiscal year such sums as may be necessary to carry out this section.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3321) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

The amendment (No. 3320) as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to engrossed for a third reading, was read the third time.

FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974

Mr. SIMON. Mr. President, I ask unanimous consent the Commerce Committee be discharged from further consideration of H.R. 2042, the House companion, and that the Senate then proceed to its immediate consideration, that all after the enacting clause be stricken and the text of S. 1690, as amended, be inserted in lieu thereof, that the bill be deemed read the third time, passed, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

So the bill (H.R. 2042) was deemed read the third time, and passed.

Mr. SIMON. Mr. President, I ask unanimous consent that Calendar 622, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTNERSHIPS FOR WILDLIFE ACT

Mr. SIMON. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 1491, the Partnerships for Wildlife Act and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1491) to establish a partnership among the United States Fish and Wildlife Service, the States, and private organizations and individuals to conserve the entire diverse array of fish and wildlife species in the United States and to provide opportunities for the public to enjoy these fish and wildlife species through nonconsumptive activities.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3322

(Purpose: To clarify and amend certain provisions)

Mr. SIMON. Mr. President, I send to the desk an amendment on behalf of Senator MITCHELL and Senator CHAFEE and ask for its for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] for Mr. MITCHELL (for himself and Mr. CHAFEE) proposes an amendment numbered 3322.

Mr. SIMON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9. line 22, subsection (d) is amended to read as follows:

"(d) LIMITATIONS ON FEDERAL PAYMENT.—The amount of appropriated Federal funds provided from the Fund by the Secretary to any designated State agency with respect to any fiscal year to carry out an eligible wildlife conservation and appreciation project under this section—

"(1) may not exceed $250,000.00;

"(2) may not exceed one third of the total project cost for that fiscal year;

"(3) may not exceed 40 percent of the total project cost for that fiscal year if designated State agencies from two or more States cooperate in implementing such a project;

"(4) may not be used to defray the administrative cost of State programs; and

"(5) may not exceed the State share of the cost of implementing such a project.".

On page 10, lines 17 and 18, strike "if such an agency diverts revenue form activities it regulates" and insert "if revenue derived from activities regulated by such an agency is diverted".

On page 11, line 12, immediately before the semi-colon insert", of which not more than 4 per centum shall be available to the Secretary and the National Fish and Wildlife Foundation to defray the costs of administering this Act and evaluating wildlife conservation and appreciation projects".

On page 11, line 20, paragraph (4) is amended to read as follows:

"(4) Of the total amount provided from the Fund to assist a State in carrying out a wildlife conservation and appreciation project under subsection (a) of this section, at least 50 per centum shall have been donated to the Fund by the National Fish and Wildlife Foundation.".

On page 12, line 4, strike the word "wholly".

The PRESIDING OFFICER. Is there debate on the amendment?

Mr. MITCHELL. Mr. President, many songbird species that nest in this country and winter in Central and South America are declining. In the eastern United States, several of these species already are protected under the Endangered Species Act, and another 44 are showing signs of being in trouble.

Many other fish and wildlife species not traditionally pursued by hunters or anglers, sometimes called nongame wildlife, also are declining. For instance, there has been a nationwide decrease in the numbers of frogs and salamanders. The reasons for the decline of those species and many others are unknown. At the same time, the research and management programs that are necessary to reverse these declines and to prevent others are not being undertaken.

That is why I introduced the Partnerships for Wildlife Act, along with Senator CHAFEE. It will encourage badly needed wildlife research, management, conservation and appreciation projects through development of Federal-State-private partnerships.

Of the approximately 2,600 species of native fish and wildlife in the United States, about 80 percent are not considered to be game species. These species, from the cardinals and robins that visit our bird feeders to the puffins and pelicans that frequent our coasts, represent a rich recreational and cultural resource of the American people.

Despite the popularity of wildlife, however, it is obvious that we are doing too little to conserve most species. The U.S. Fish and Wildlife Service has prepared a list of 30 migratory bird species that warrant concern because of population declines, small population sizes, or habitat limitations. Eleven of these species are found in Maine.

In addition, there are over 275 fish and wildlife species officially classified as federally threatened or endangered. Many, if not all, of them would have escaped this perilous status if there had been programs in place to monitor and conserve them.

Continuing to pay inadequate attention to the full diversity of our wildlife will inevitably lead to the population declines of more species until they reach dangerously low levels where they, too, must be protected by the Endangered Species Act. At that point, the task of rebuilding a species' numbers is likely to be far less successful and far more costly.

The U.S. Fish and Wildlife Service, the 50 State fish and wildlife agencies and private organizations and businesses have all played important roles in the effort to sustain wildlife. But even greater achievements are possible if these efforts are made in concert with one another.

Partnerships in fish and wildlife conservation, such as the North American Wetlands Conservation Act, have proven to be remarkably successful. In its first 2 years, that law has stimulated over 200 partnerships resulting in $142 million to conserve more than 600,000 wetland acres.

The Partnerships for Wildlife Act seeks to forge similar cooperative efforts to conserve many neglected species of fish and wildlife and to provide greater opportunities for the public to enjoy these resources. And, although not yet enacted, this legislation already has begun to work. Earlier this year, at a hearing before the Environmental Protection Subcommittee, L.L. Bean in Freeport, ME, became the first private business to indicate its willingness to participate as a future partner in carrying out this legislation.

Under the Partnerships for Wildlife Act, the Federal Government, the States, and private businesses and organizations would each pay one-third of the cost of carrying out fish and wildlife conservation and appreciation projects. Consequently, the more than $6 million in Federal funding provided by the bill each year will be matched by at least $12 million in State and private funds.

Up to $250,000 in Federal funds, and at least an equal amount from private sources, will be available each year to help any State fish and wildlife agency inventory and monitor fish and wildlife species and their habitats, identify and potential threats to these species and their habitats, and provide opportunities for the public to view, learn about, and otherwise enjoy fish and wildlife. In Maine, these funds will benefit wildlife such as the box turtle and roseate tern, which have been designated as endangered and threatened, respectively, under State law, but not under the Federal Endangered Species Act.

I hope that my colleagues will join Senator CHAFEE and I in supporting enactment of the Partnerships for Wildlife Act. There are important economic, recreational, and educational reasons to encourage wildlife conservation and appreciation, but the most important reason, in my judgment, is that an abundant, diverse and healthy supply of fish and wildlife improves the quality of life for the American people.

Mr. CHAFEE. Mr. President, I rise in strong support of S. 1491 the Partnerships for Wildlife Act and would like to commend Senator MITCHELL for introducing this bill and for his continued leadership on fish and wildlife issues.

As we look toward preserving our natural heritage it is important to recognize the value of the diversity of plant and animal life that are integral components of our native environment.

This bill will help support efforts to conserve the 80 percent of our fish and wildlife species that are not currently protected under any law. It is my hope that through research, education, management, and conservation efforts we can prevent these species from ever becoming threatened or endangered.

This measure incorporates a partnership concept for nongame fish and wildlife conservation. It is modeled after the partnerships that been utilized very effectively to preserve wetlands under the North American Wetlands Conservation Act, which was also authored by Senator MITCHELL.

In addition, since 1986, the National Fish and Wildlife Foundation has matched $22 million in congressional appropriations with $40 million in non-Federal donations. That is a pretty good return—almost 2 to 1—and has been used to fund over 540 partnership projects to improve our plant, fish, and wildlife resources.

The remarkable success of public/private partnerships is due to the cooperative efforts of dedicated people from private businesses, conservation organizations, and State and Federal Government agencies. It is also indicative of widespread public support for preservation of our natural environment and concern for the decline of many fish and wildlife species.

The U.S. Fish and Wildlife Service reports that 98 million adults, more than one-half of the adult population of this country, participated in fish and wildlife related activities in 1991—contributing $59.5 billion to the national economy. Last year more than 76 million Americans enjoyed non-consumptive wildlife related activities such as feeding birds, observing and photographing wildlife.

The wildlife conservation and appreciation fund, established by this legislation, will help the public and private sectors work side-by-side to preserve native biological diversity and to provide many more opportunities for Americans to share in the enjoyment of our fish and wildlife species in their natural habitat.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 3322) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. If there are no further amendments to be proposed, without objection, the bill is deemed read a third time.

Is there any further debate?

Without objection, the bill is passed.

So the bill (S. 1491), as amended, was passed; as follows:

S. 1491

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Partnerships for Wildlife Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Three-fourths of all American children and adults participate in wildlife-related recreational activities other than hunting, fishing and trapping.

(2) In 1985, Americans spent over $14 billion on non-consumptive wildlife-related recreation.

(3) The United States and Canada are inhabited by approximately two thousand six hundred vertebrate species of native fish and wildlife, which have provided food, clothing, and other essentials to a rapidly expanding human population.

(4) Over 80 percent of vertebrate fish and wildlife species in North America are not harvested for human use.

(5) The continued well-being of this once-abundant fish and wildlife resource, and even the very existence of many species, is in peril.

(6) In 1987, the United States Fish and Wildlife Service reported that forty-five common migratory bird species, which are not hunted, had exhibited significant declines in abundance, and that thirteen of these species have experienced widespread, systematic declines of 46.9 percent during a twenty-year study period.

(7) There have been nationwide declines in frogs and other amphibians.

(8) Over two hundred and seventy-five of vertebrate fish and wildlife species in the United States are now officially classified as threatened or endangered by the Federal Government.

(9) During the past decade, fish and wildlife species, including invertebrates, were added to the rapidly growing list of threatened and endangered species in North America at the average rate of over one per month.

(10) Currently, eighty-two species of invertebrates in the United States are listed as threatened or endangered under the Endangered Species Act, and another nine hundred and fifty-one United States invertebrate species are candidates for listing under that Act.

(11) Proper management of fish and wildlife, before species become threatened or endangered with extinction, is the key to reversing the increasingly desperate status of fish and wildlife.

(12) Proper fish and wildlife conservation includes not only management of fish and wildlife species taken for recreation and protection of endangered and threatened species, but also management of the vast majority of species which fall into neither category.

(13) Partnerships in fish and wildlife conservation, such as the Federal Aid in Wildlife Restoration Program, the Federal Aid in Sport Fish Restoration Program, and the North American Wetlands Conservation Act have benefitted greatly the conservation of fish and wildlife and their habitats.

(14) A program that encourages partnerships among Federal and State governments and private entities to carry out wildlife conservation and appreciation projects would benefit all species of fish and wildlife through such activities as management, research, and interagency coordination.

(15) Many States, which are experiencing declining revenues, are finding it increasingly difficult to carry out projects to conserve the entire array of diverse fish and wildlife species and to provide opportunities for the public to associate with, enjoy, and appreciate fish and wildlife through nonconsumptive activities.

SEC. 3. PURPOSES.

The purposes of this Act are to establish a partnership among the United States Fish and Wildlife Service, designated State agencies, and private organizations and individuals—

(1) to carry out wildlife conservation and appreciation projects to conserve the entire array of diverse fish and wildlife species in the United States and to provide opportunities for the public to use and enjoy these fish and wildlife species through nonconsumptive activities;

(2) to enable designated State agencies to respond more fully and utilize their statutory and administrative authorities by carrying out wildlife conservation and appreciation projects; and

(3) to encourage private donations, under the leadership of the National Fish and Wildlife Foundation, to carry out wildlife conservation and appreciation projects.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) The terms "conserve" and "conservation" means to use, and the use of, such methods and procedures which are necessary to ensure, to the maximum extent practicable, the well being and enhancement of fish and wildlife and their habitats for the educational, aesthetic, cultural, recreational, scientific, and ecological enrichment of the public. Such methods and procedures may include, but are not limited to, any activity associated with scientific resources management, such as research, census, law enforcement, habitat acquisition, maintenance, development, information, education, population manipulation, propagation, technical assistance to private landowners, live trapping, and transplantation.

(2) The term "designated State agency" means the State fish and wildlife agency, which shall be construed to mean any department, or any division of any department of another name, of a State that is empowered under its laws to exercise the functions ordinarily exercised by a State fish and wildlife agency.

(3) The term "fish and wildlife" means wild members of the animal kingdom that are in an unconfined state.

(4) The term "Fund" means the Wildlife Conservation and Appreciation Fund established under section 5(f) of this Act.

(5) The term "National Fish and Wildlife Foundation" means the charitable and nonprofit corporation established under section 2 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701).

(6) The term "nonconsumptive activities" means fish and wildlife associated activities other than harvesting of fish and wildlife and includes, but is not limited to, photographing, observing, learning about, or associating with, fish and wildlife.

(7) The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(8) The term "wildlife conservation and appreciation project" means a project which is directed toward nonconsumptive activities or toward the conservation of those species of fish and wildlife that—

(A) are not ordinarily taken for recreation, fur, or food; except that if under applicable State law, any fish and wildlife may be taken for recreation, fur, or food in some but not all, areas of the State, a wildlife conservation and appreciation project may be directed toward the conservation of any of such fish and wildlife within any area of the State in which such taking is not permitted;

(B) are not listed as endangered species or threatened species under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543); and

(C) are not marine mammals within the meaning of section 3(5) of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1362(5)).

SEC. 5. WILDLIFE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—The Secretary shall provide the amounts available in the Fund to designated State agencies on a matching basis to assist in carrying out wildlife conservation and appreciation projects that are eligible under subsection (b) of this section.

(b) ELIGIBLE PROJECTS.—The following wildlife conservation and appreciation projects shall be eligible for matching funds from the Fund:

(1) inventory of fish and wildlife species;

(2) determination and monitoring of the size, range and distribution of populations of fish and wildlife species;

(3) identification of the extent, condition, and location of the significant habitats of fish and wildlife species;

(4) identification of the significant problems that may adversely affect fish and wildlife species and their significant habitats;

(5) actions to conserve fish and wildlife species and their habitats; and

(6) actions of which the principal purpose is to provide opportunities for the public to use and enjoy fish and wildlife through nonconsumptive activities.

(c) PROJECT STANDARDS.—The Secretary shall not provide funding to carry out an eligible wildlife conservation and appreciation project unless the Secretary determines that such a project—

(1) is planned adequately to accomplish the stated objective or objectives;

(2) utilizes accepted fish and wildlife management principles, sound design and appropriate procedures;

(3) will yield benefits pertinent to the identified need at a level commensurate with project costs;

(4) provides for the tracking of costs and accomplishments related to the project;

(5) provides for monitoring, evaluating, and reporting of the accomplishment of project objectives; and

(6) complies with all applicable Federal environmental laws and regulations.

(d) LIMITATIONS ON FEDERAL PAYMENT.—The amount of appropriated Federal funds provided from the Fund by the Secretary to any designated State Agency with respect to any fiscal year to carry out an eligible wildlife conservation and appreciation project under this section—

(1) may not exceed $250,000;

(2) may not exceed one third of the total project cost for that fiscal year;

(3) may not exceed 40 percent of the total project cost for that fiscal year if designated State agencies from two or more States cooperate in implementing such a project;

(4) may not be used to defray the administrative cost of State programs; and

(5) may not exceed the State share of the cost of implementing such a project.

(e) FORM OF STATE SHARE.—The share of the cost of carrying out eligible projects under this section shall be from a non-Federal source and shall not be in the form of an in-kind contribution.

(f) ELIGIBILITY OF DESIGNATED STATE AGENCIES.—No designated State agency shall be eligible to receive matching funds from the Wildlife Conservation and Appreciation Fund if revenue derived from activities regulated by such an agency is diverted for any purpose other than the management and conservation of fish and wildlife. Such revenue shall include, but not be limited to, all income from the sale of hunting, fishing and trapping licenses; all income from nongame checkoff systems; all income from the sale of waterfowl, habitat conservation, and other stamps that are requisite for engaging in certain activities regulated by the designated State agency; all income from the sale of any commodities and products by the designated State agency from lands and waters administered by the State for fish and wildlife purposes; and all funds apportioned to the designated State agency under the Federal Aid in Wildlife and Sport Fish Restoration Programs.

(g) ESTABLISHMENT OF FUND.—(1) The Secretary shall establish the Fund, which shall consist of amounts deposited into the Fund by the Secretary under paragraph (2) of this subsection.

(2) The Secretary shall deposit into the Fund—

(A) amounts appropriated to the Secretary for deposit to the Fund, of which not more than 4 percent shall be available to the Secretary and the National Fish and Wildlife Foundation to defray the costs of administering this Act and evaluating wildlife conservation and appreciation projects; and

(B) amounts received as donations from the National Fish and Wildlife Foundation or other private entities or persons for deposit to the Fund.

(3) The Secretary may accept and use donations from the National Fish and Wildlife Foundation and other private entities or persons for purposes of assisting States under this section.

(4) Of the total amount provided from the Fund to assist a State in carrying out a wildlife conservation and appreciation project under subsection (a) of this section, at least 50 percent shall have been donated to the Fund by the National Fish and Wildlife Foundation.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund and to the Secretary for each of fiscal years 1992 through 1995 not to exceed $6,250,000 to match the amount of contributions made to the Fund by the National Fish and Wildlife Foundation.

Mr. SIMON. Mr. President, I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMERICAN FOLKLIFE CENTER APPROPRIATIONS

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5058, a bill to authorize appropriations for the American Folklife Center for fiscal year 1993, just received from the House, that the bill read deemed read three times, passed, and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 5058) was deemed read a third time and passed.

NATIONAL RAILROAD PASSENGER CORPORATION AUTHORIZATION ACT

Mr. SIMON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 4250.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the bill (H.R. 4250) entitled "An Act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes," and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Dingell, Mr. Swift, Mr. Slattery, Mr. Lent, and Mr. Ritter be the managers of the conference on the part of the House.

Mr. SIMON. Mr. President, I move that the Senate insist on its amendment, agree to the request of a conference, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to, and the Chair appointed Mr. HOLLINGS, Mr. EXON, and Mr. DANFORTH, conferees on the part of the Senate.

CALENDAR

Mr. SIMON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 681 and 740 en bloc; that the bills be considered read for the third time, passed, and the motions to reconsider en bloc the passage of the bills be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. COMMISSION ON CIVIL RIGHTS AUTHORIZATION ACT

The bill (H.R. 5399) to amend the United States Commission on Civil Rights Act of 1983 to provide an authorization of appropriations, was considered, ordered to be engrossed for a third reading, read the third time, and passed.

U.S. COMMISSION ON CIVIL RIGHTS AUTHORIZATION

Mr. SIMON. As chairman of the Judiciary Committee Subcommittee on the Constitution, I am pleased to support H.R. 5399, legislation to set the fiscal year 1993 authorization for the U.S. Commission on Civil Rights at $8.27 million.

Last year at this time, Senator ORRIN HATCH and I drafted a 3 year extension of the Civil Rights Commission. Today, H.R. 5399, authored by the chairman of the House authorizing subcommittee, DON EDWARDS of California, increases the Commission's authorization from the current level to $8.27 million.

This authorization amount gives the Commission an inflation increase on nonsalary items, a cost of living increase, and an allotment for moving expenses. While I would prefer to see all of the Commission's resources go into substantive civil rights matters, the Commission is being forced to move because of what the General Services Administration has disclosed are unsafe conditions in its current building.

From my perspective, the amount set in this bill, while lower than the administration's request for the Civil Rights Commission this year, represents not only an increase in authorization amount but an increase in faith and trust in the Commission's work and accomplishments.

This year, for example, the Commission produced an extensive written report of the Civil Rights Issues Facing Asian Americans in the 1990s. This excellent report, widely heralded throughout Asian-American communities nationwide, documents the socioeconomic status of this growing population. The Commission also completed an additional report entitled, "Prospects & Impact of Losing State and Local Agencies from the Federal Fair Housing System.

Legislatively, the Commission made recommendations to Congress in support of the 1991 Civil Rights Act, testified in strong support of the Voting Rights Act Language Assistance Amendments of 1992, made formal comments to the EEOC disagreeing with its proposed policy guidance on the applicability of damage provisions to pending charges and pre-Act conduct in the implementation of the Civil Rights Act, and opposed the administration's proposal on minority scholarships.

The Commission has committed itself to a major programmatic focus on the broad ranging topic of "Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination." The goal of this effort is to focus national attention in the next 3 to 5 years on the state of ethnic and racial relations, the causes of the worsening tensions throughout our communities and the continuing need to find solutions to what has aptly been termed a national tragedy. The Commission has already held three fact-finding hearings, including one in the city of Chicago, to examine civil rights concerns of Hispanics and how communities can work together.

The Commission continues to address significant issues in the area of civil rights. We all need to pay closer attention on these pressing matters and I am pleased that the Commission is playing a role. I will continue to monitor the Commission's progress and work in the upcoming fiscal year.

FAIR HOUSING RIGHTS AMENDMENTS ACT

The bill (S. 1697) to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Housing Rights Amendments Act of 1991".

SEC. 2. PENALTIES FOR ACTS OF VIOLENCE OR INTIMIDATION.

Section 901 of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (known as the 'Civil Rights Act of 1968'; Public Law 90-284; 42 U.S.C. 3631), is amended to read as follows:

"SEC. 901. PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

"(a) UNLAWFUL ACTS.—It shall be unlawful to use force or threat of force, whether or not acting under color of law, to willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with—

"(1) any person because of the race, color, religion, sex, handicap, familial status, or national origin of the person and because the person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

"(2) any person because the person is, or has been, or in order to intimidate the person or any other person or any class of persons from—

"(A) participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations, or facilities described in paragraph (1) of this section; or

"(B) affording another person or class of persons opportunity or protection so to participate; or

"(3) any citizen because the citizen is, or has been, or in order to discourage the citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations, or facilities described in paragraph (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity so to participate.

"(b) PENALTIES.—Whoever commits an act described in subsection (a)—

"(1) shall be fined not more than $100,000, or imprisoned not more than 1 year, or both;

"(2) that results in bodily injury shall be fined not more than $250,000, or imprisoned not more than 10 years, or both;

"(3) that results in death shall be subject to imprisonment for any term of years or for life; and

"(4) that results in property damage exceeding the sum of $100, or uses or attempts to use fire in committing the act, or uses or carries a firearm while committing the act, shall be fined not more than $250,000, or imprisoned not more than 5 years, or both.

"(c) DEFINITIONS.—As used in this section:

"(1) FAMILIAL STATUS.—The term 'familial status' has the meaning given the term in section 802.

"(2) FIREARM.—The term 'firearm' has the meaning given the term in section 921(a)(3) of title 18, United States Code.

"(3) HANDICAP.—The term 'handicap' has the meaning given the term in section 802.

"(4) BODILY INJURY.—The term 'bodily injury' has the meaning given the term in section 1515(a)(5) of title 18, United States Code."

EXECUTIVE SESSION

TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START TREATY)—TREATY DOC. NO. 102-20

PROTOCOL TO THE TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—TREATY DOC. NO. 102-32

The Senate continued with the consideration of the treaty and the protocol.

Mr. LUGAR. Will the Chair inform me of the number of the amendment that we were just debating?

The PRESIDING OFFICER. The amendment by the Senator from Wyoming is amendment numbered 3270.

Mr. LUGAR. I ask for the yeas and nays on amendment numbered 3270.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. For the information of all Senators, my understanding is that vote will occur, without previous business, at 9 a.m. tomorrow morning.

The PRESIDING OFFICER. The Senate will now return to legislative session.

LEGISLATIVE SESSION

Mr. EXON. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNDERCHARGE EQUITY ACT

Mr. EXON. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 592, S. 1675, the Undercharge Equity Act.

The PRESIDING OFFICER. Is there objection?

Mr. LUGAR. Mr. President, on behalf of a Member on our side of the aisle, I object.

The PRESIDING OFFICER. Objection is heard.

(Mr. WOFFORD assumed the chair.)

Mr. EXON. Mr. President, I intend to talk on this subject for some period of time.

Let me start out by saying that on a truly bipartisan basis, we have been trying—so far without success—to get up this undercharge matter for transportation that is causing great, great concern.

This measure came unanimously out of the Commerce Committee. We have had it cleared on both sides of the aisle on one or two occasions. And then, in the last 10 days or so, we have experienced the rolling hold. And everybody in this body knows what a rolling hold is. Maybe some of the people listening do not know what a rolling hold is.

A rolling hold is any Member of the U.S. Senate, if he is contacted by a special interest group or someone else, has the right to have an objection raised to the matter of bringing up the bill.

I just went through the exercise of doing that in the prescribed manner and, of course the matter was objected to on that side of the aisle.

Sooner or later, if we are ever going to eliminate the logjams, if we are going to eliminate serious matters that we find ourselves in from time to time that these days are best described as a gridlock, then we are going to have to make lots and lots of changes, including changes in the Senate rules that allow Senators to place holds on bills at will, especially when it is an organized effort by powerful forces outside of this body simply calling on the telephone and saying, "I object to such and such a measure, and would you put a hold on it?" So Senators, for reasons best known to themselves, put holds on the bill.

In this particular instance, the rolling hold has been most typical. There were four or five or six Senators on this side of the aisle that had placed holds on the bill. We tracked that down. And, finally, we would get one Senator to eliminate his hold on the bill. We would be ready to pass it and then, boom, up jumps another Senator that had been called by a special interest group to put a hold on the bill.

No longer than 15 minutes ago, in the well of the Chamber, I had a discussion with Senator BURNS from Montana, who is a very important member of the Surface Transportation Subcommittee under the Commerce Committee. He assured me that Senator KASTEN, who is the ranking Republican member of the Surface Transportation Subcommittee, had indicated that the matter had been thoroughly cleared on the Republican side of the aisle.

We had agreed that we would allow this to come up in the wrapup tonight and place it into law.

Why is this important? It is important because the undercharge matter is causing great disruption, especially to small businesses throughout the country.

I want to say that I support the Undercharge Equity Act of 1992. A great deal of work and negotiations have gone into this very important piece of legislation.

For those who are not familiar with the current undercharge crisis, I will attempt to briefly summarize exactly what the problems are and how this measure would correct them. I will simply say that, unless we can pass this bill, there remains a very ominous cloud which hangs over thousands of

Americans' businesses, both large businesses and small businesses.

In the heyday of the Reagan-Bush area of trucking deregulation, the Interstate Commerce Commission did a less than vigorous job of enforcing the requirement that trucking companies file their tariffs. At the same time, competition in the trucking business heated up. Discounting and low rates became rampant. Throughout the 1980's, trucking firms, both small and large, went out of business. Trustees of those bankrupt firms then went searching for some deep pockets to enlarge the assets of the bankrupt company.

The trustees came up an intriguing legal theory and attempted to collect from former customers of these bankrupt trucking firms. What they were talking about was the difference between the amount that was billed and paid and the amount of the last tariff that was on file with the Interstate Commerce Commission, which we generally called the ICC.

These claims became known as undercharges. It is as if you flew from Washington, DC, to Omaha for $200, and 3 years later, after you had paid your bill, after you had completed the transaction, you received another bill for $100 after the airline that you flew in went bankrupt.

In 1990, in somewhat of a surprising decision, known as the Maislin case, the U.S. Supreme Court ruled that the trustees could seek such reimbursement. The Court also sent a clear message to the Congress to legislatively address the inequities of this situation that were very much apparent to all.

Soon after the Supreme Court case, the Surface Transportation Subcommittee which I chair, held hearings. And not long after that I proposed legislation to virtually wipe out all undercharge claims. That legislation was stopped in the closing days of the 101st Congress.

Much has been said and much has been done. The current efforts to enact this Trucking Undercharge Equity Act as a freestanding bill have been stymied in the Congress again and again and again. And the stymieing is even more important at this particular juncture, as we try to end the session here in the next few days.

Also I would tell you, Mr. President, the people of responsibility in similar committees on the other side of the Hill, in the House of Representatives, are awaiting the passage of this bill so they can take proper action in the closing days of this session on their side of the Hill as well.

In the 102d Congress, I again introduced legislation and the subcommittee, with my colleagues on the Commerce Committee, attempted to find an equitable solution to this problem. After extensive discussions with all parties, the Senate Commerce Committee approved the Undercharge Equity Act which, rather than dismiss all claims, sought to craft an equitable settlement.

This equitable approach does not full satisfy anyone involved, which I would suggest is typical of some kind of reaching a consensus or a compromise. This equitable approach does not fully satisfy me, the Teamsters Union, the trucking companies, or all of the members on the Subcommittee of Surface Transportation.

But it does take an important step in the right direction. It does not fully destroy the interests of anyone involved with whom we have consulted, hours and hours and days and days.

Simply put, the legislation offers shippers two choices to settle undercharge claims. They can take their case to the Interstate Commerce Commission for a determination of rate reasonableness, or they can elect to utilize an expedited settlement procedure, based on a percentage of the prescribed bill.

Following the committee action I conducted another extended negotiation session with Senators ADAMS and WELLSTONE, who were concerned about the potential creditors in the undercharge cases. As a result of these discussions, we reached a consensus amendment which would provide shippers an equitable opportunity to dispose of these claims.

Under the settlement formula, small businesses would be relieved of any undercharged liability. Large truckload shippers would be given the option of settling for 10 percent of the equitable undercharge and large less-than-truckload shippers would be given an option of settling for 20 percent of the equitable undercharge.

Those who chose not to settle could litigate their liabilities through a rate reasonableness determination by the Interstate Commerce Commission.

This compromise is fair, it is just, it is the only thing we can do now, and it must be passed. The alternative to this legislation is to let the status quo stand. The status quo is untenable for all concerned, for shippers and, more important, for the Nation's economy. A dark cloud of billions of dollars—let me repeat, Mr. President—a dark cloud of billions of dollars of undercharge liabilities hangs over thousands of these businesses. For creditors, especially workers owed back wages and pension funds, any meaningful recovery is rapidly being eaten away by legal accounting, auditing, and lobbying collections, and over and over again the system repeats itself. The unemployed workers, the widows and orphans will not likely gain any benefit if undercharged cases are not addressed by the Congress.

The current situation only enriches the middleman. If the Congress does not act, only the pockets of the lawyers and the accountants and the lobbyists will be filled to overflowing. The undercharge equity bill is the best hope for all involved. For shippers it offers an opportunity to put the undercharge crisis behind them, and for creditors to offer certain settlement with minimal overhead expense.

Mr. President, we do not have the luxury to delay on this matter until next year. Many former customers of these bankrupt trucking companies will themselves soon face bankruptcy. Potential liabilities will also have an adverse impact on the availability of credit for firms caught in this unfair nightmare. Now is the time to act. I have offered a compromise in reason and in good faith. I ask my colleagues to embrace the hard work of the Commerce Committee and that of Senators ADAMS and WELLSTONE and myself and support the passage of the Undercharge Equity Act.

Mr. President, I simply point out that cosponsors of this amendment include the ranking Republican on the Subcommittee on Commerce, Senator KASTEN, and also an important member of that same subcommittee, Senator, BURNS, of the State of Montana.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum can be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, this is somewhat of a complicated issue, and to better explain how important this is, I would like to at this time read some newspaper stories that have come out on this matter so that the other Members of the U.S. Senate who have not been involved in this recognize what a critical problem we have here and why we have to solve it. I am reading now from a story regarding this proposal from the Washington Post of June 16, 1992. The headline is: "Law Lets Trucking Firms Raise Rates Retroactively." Subhead line: "Loophole Results in Flood of Revised Bills."

> Dale Miller is a small business owner who makes fun things. With 70 employees and about $10 million a year in business, his New Berlin, Pa., company, Playworld Systems Inc., is not a giant of industry, but it does make a comfortable profit.
>
> Last August, however, a thick envelope arrived from a lawyer in California that upset Miller's comfortable world. According to the attorney, the playground equipment manufacturer owed more than $500,000 to a bankrupt trucking company, Transcon Inc.
>
> Miller had just entered the new twilight zone of transportation, in which attorneys for bankrupt truck lines are sending bills to hundreds of thousands of customers for billion of dollars in services they had already paid for. The practice, which got a low-key start a few years ago, has mushroomed in the last year. And the Supreme Court said that while it's unfair, it's legal.

That is why, Mr. President, this is a priority matter and I am going to do everything that I can to insist that the Senate act on and stay away from these special-interest groups outside this body who are blocking a measure which most of the Members of this Senate would vote for given an opportunity to do so.

Like other surprised business owners around the country, Miller had dealt honestly with the trucking company, agreeing on freight rates and paying his bills promptly. He had done nothing illegal or improper. But now, someone was saying: Sorry, we've found a loophole in the law and you actually owe a lot more.

"If we continue to exist, we're going to be at an incredible disadvantage," said Miller, who has already paid his own lawyer $30,000 to fight the charge. "The frustrating thing is we didn't do anything wrong."

The problem was created by the Motor Carrier Act of 1980, which was supposed to deregulate the trucking industry, but which left the job only half complete.

Attorneys have discovered that an internal conflict in the law allows trucking companies to retroactively charge the highest rate on file with the Interstate Commerce Commission (ICC), rather than lower rates they negotiated with their customers.

It is the equivalent of a bankrupt airline telling passengers who bought discount tickets that they now must pay full fare for a trip taken years ago, something that cannot happen because airline deregulation was more complete.

Attorneys for the bankrupt truck lines and the Teamsters Union say they are merely harvesting the assets of the bankrupt firms in an effort to repay creditors, including drivers who lost back wages and severance pay when lines closed.

But ICC Chairman Edward J. Philbin said that the "over charge" problem may become the largest matter ever to come before the commission.

That is a pretty big statement, but it is a very truthful one.

It threatens serious economic dislocations and bankruptcies for many firms, he said.

While the problem has been around a few years, its sudden severity caught everyone by surprise, including the ICC and the Bush administration. President Bush has ordered a review of all federal regulations that affect business, but the White House has paid almost no attention to the undercharge problem.

This is how the situation came about:

The Motor Carrier Act of 1980 only partly deregulated the trucking industry. It allowed more truck lines to be formed and made it easier to offer lower rates, but it also required the new rates to be filed with the ICC. The commission considers these filings, totaling as many as 1.5 million a year, to be a useless anachronism, just taking up space and the time of employees who merely open envelopes and file the paper away.

As competition increased, some major truck lines went bankrupt. Auditors for the bankrupt firms discovered that these lines often failed to file the new rates. They began sending shippers bills for the difference between the rate they paid and the maximum rate actually on file at the ICC.

The ICC declared the practice "unreasonable" and ordered it stopped. But the Supreme Court ruled in 1990 that despite the unfairness of the practice, it was legal, and only Congress could change it.

Let me deviate from the story now, if I might just a minute. The Supreme Court, the Interstate Commerce Commission, almost everyone who has looked at this and any reasonable person would agree that this practice is one that has to be stopped. But the Supreme Court even said in 1990 that despite the unfairness of the practice it was legal and only the Congress could change it.

That is what we are about here tonight, Mr. President. That is what we are about here in trying to do the people's work. The people's work in this case is the people who have been taken advantage of, as Mr. Miller, from the State of Pennsylvania, as I mentioned earlier, and hundreds and thousands of other large and small businesses just like Mr. Miller.

Also, I would certainly say that the ICC declared the practice unreasonable. The Supreme Court has said it is unreasonable. And they asked us to do something about it. It is about time we do, Mr. President, rather than to go through the shenanigans of holds, and holds, and holds that have been placed on this measure to keep it from becoming law.

Armed with the Supreme Court ruling, lawyers and collection agents are scouring the records of bankrupt motor carriers to find these "undercharges." They also have discovered legal challenges to rates that actually were filed, claiming the wrong rate was charged or that the rate was filed in an illegal form.

"It's like a vigilante operation," said Richard B. Felder, head of the ICC office of legal counsel.

Suddenly, the problem mushroomed from $500 million in claims in 1989 to between $1 billion and $2 billion in 1990 and now to potentially billions more.

Now, I am going to read that paragraph again because I think better than anything else, Mr. President, it should wake up the Senate and the House of Representatives that this is something which must be changed. I am going to read it again.

Suddenly, the problem mushroomed from $500 million in claims in 1989 to between $1 billion and $2 billion in 1990 and now to potentially billions more.

"Any shipper who uses a common carrier is in peril," said Stanton Sender, head of a group of shippers called the Coalition for an Undercharge Relief Bill (CURB).

The ICC says that undercharges have become so profitable that, in a few isolated cases, small trucking firms have sought bankruptcy court protection because they could collect more that way than by continuing normal operations.

"There are companies that think they're worth more dead than alive," Felder said.

The largest undercharge so far appears to be an $8 million bill to Ford Motor Co.; the smallest, a $100 bill to a homeowner who had a couch delivered COD.

Eastman Kodak Co. and International Business Machines Corp. are among the companies that have received huge bills. But hundreds of thousands of others, large and small, have been hit with surprise bills. In the Transcon bankruptcy alone, more than $1 billion has been charged to more than 370,000 former customers.

One of them is Rep. Cass Ballenger (R-N.C.), owner of Plastic Packaging Inc. of Hickory, N.C., who received a bill for $18,000. Ballenger is a member of the House Public Works and Transportation Committee, and said he will recuse himself when the committee votes on an undercharge bill. But that doesn't prevent him from having an opinion.

"As far as I'm concerned, it was unreal, unfair ruling by the court," he said. "But you know who's going to get it? Not the creditors. It's the lawyers. When the lawyers and accountants get together, you're lucky to get a nickel. It's a rip-off."

Like almost every aspect of this situation, there even is a dispute over how much money may be involved. The ICC puts the potential risk at $32 billion. But the attorneys for the bankrupt shippers scoff at that estimate, although they acknowledge the total claims will be "big."

Joseph L. Steinfeld Jr. of the Washington law firm Sims, Walker & Steinfeld called the $32 billion figure a "fabrication," and said the ICC itself is to blame for the problem because it did not enforce the law. Steinfeld is also a spokesman * * * the Creditors' Alliance to Preserve Freight Undercharge Assets.

"You can't live in a system where the policemen don't police," he said, charging that the ICC allowed cutthroat competition that drove many trucking firms out of business.

There is also disagreement over how much the bankrupt firms will actually get from the billings. The ICC estimates that 55 percent to 80 percent of everything collected will go to lawyers and collection agents.

Steinfeld said the ICC figure is too high. For example, he said the Transcon trustees will get 35 percent of the first $20 million collected, but 65 percent to 80 percent of what is collected above that.

"The mass amount of legal fees [is] being enjoyed now by the defense attorneys, who are charging by the hour," Steinfeld said. "We are working on contingency."

Certainly those who are alarmed by the huge possibility of what this act is trying to straighten out are obviously very much concerned because it is money out of their pockets.

The Senate and House committees are preparing bills to address the undercharge legislation.

Let me add a comment right here. The Senate and House are preparing bills. That is the undercharge bill that I tried to introduce with an objection from the Republican side a few moments ago.

On the House side, there has been no decision, as of the time this was written, as of last June, as I would say it has been now, on what approach to take.

Representative NORMAN MINETA, Democrat of California, chairman of the House Public Works and Surface Transportation Subcommittee, tried to bring all parties together to draft a compromise but he failed.

Mr. President, although Mr. MINETA failed at that time, I think Representative MINETA has made some great strides recently. We have not failed on the Senate side. We reported out a bill unanimously. After it came on file here for consideration, there were concerns in many quarters about this, and it is best evidence for the fact that the rolling poll that took place over a number of days has come down to this hold tonight after all were assured on both sides of the aisle about half hour ago that the measure would not be objected to.

This is a matter of fairness. It is a matter of equity. It is a matter of trying to save those businesses that were cited, including the one in Pennsylvania that was quoted extensively in the article from the Washington Post that I just read and others.

What we have now out there in the marketplace today with regard to shipping rates is total chaos. You have shippers like Mr. Miller from Pennsylvania who has to ship his goods to make any money. If he ships his goods though he does not know, and has no way of knowing, whether the rate quoted him by the carrier at that time is the right rate or whether they will come back on him again for the thousands and thousands of dollars that they claim were undercharged.

I suppose you could argue, Mr. President, that in very large companies like the Ford Motor Co. and others, IBM, that certainly they have large shipping departments that have an intimate knowledge of what the rates are, what the rates should be, and what the rates are on file at the Interstate Commerce Commission. But even they get taken from time to time.

Some people have said, oh, yes, that is just like those big businesses. They will go out and do anything that they have to do to ship their merchandise from their factory at the best possible rate. I suspect that is a part of the free enterprise system. I suspect that most of us would, unless we know we were violating the law, take the cheapest bid that was given to us in good faith.

But even if the big companies should have the knowledge with their departments to figure this out, obviously that is not the case, Mr. President, with the thousands and thousands and millions of small businessmen around this country, or the person who is not even in business, who had a sofa delivered c.o.d. to his front door. Those are the people that have no way of knowing what rate is filed. And if you have a trucking company about to go broke I suspect to maintain cash flow they might go out in a very willy-nilly fashion and get a ridiculous rate, if you will, to haul some goods just for the cash flow possibility.

This is a very serious matter. As far as commerce is concerned in the United States, we are trying to move on this. We thought after all the work that had been done, all the hearings that had been held, all of the compromises that had been entered into, after the measure came to the floor, and reported out of the Commerce Committee, we had lengthy discussions with the Senator WELLSTONE from Minnesota, and others, including Senator METZENBAUM from Ohio who wanted to take a look at this; we had meetings with the shippers, with the Teamsters Union; with everybody they could think of. And we came forth with an amendment that I indicated earlier was not the first choice of anyone but it was a workable compromise, and would go a long way to solve this problem.

After having done all that, after having worked on this for months and months and months, after going through agonizing holds on this side of the aisle, after having been assured by Members on that side of the aisle time and time again, it is all clear over here, just get it cleared on the Democratic side, I was able to accomplish that this evening, really this morning, I tried to come over and get this bill introduced this morning, and passed. But at that time, of course, you know we were tied up on the debate on the START Treaty that was interrupted here only a few moments ago.

Mr. President, there are other matters that I would like to enter into the RECORD at this time. In addition to the matters that I have read, I ask unanimous consent to have a June 16 article by the Wall Street Journal printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIGHT OVER FREIGHT—FAILED TRUCKING FIRMS ARE TRYING TO RECOUP DISCOUNTS THEY GAVE

(By Laurie McGinley and Daniel Machalaba)

If it were a Stephen King novel, it might be called "Dunning From the Living Dead."

Across the country, companies that ship products by truck have received letters from bankruptcy trustees for scores of trucking companies demanding reimbursement for steep price discounts once granted by the dead haulers. "It's like buying a car for $3,000 less than the sticker price and two years later getting a bill for $3,000," fumes Ron Rittenmeyer, a vice president of PepsiCo Inc.'s Frito Lay unit, which has already shelled out $100,000 to pay the so-called freight-undercharge claims.

The U.S. Supreme Court and a federal court in California have ruled many past discounts to be illegal. The Interstate Commerce Commission estimates that potential demands by lawyers for trucking companies, dead and alive, could cost shippers as much as $32 billion if the California ruling is upheld on appeal. The trustees say the ICC estimate is wildly exaggerated, but shippers charge that lawyers are using strong-arm tactics to try to squeeze out every dime for every transaction that might have been illegal under the decisions.

A TOUGH CHOICE

After Stanley Works, a tool maker, sent a lawyer for now-defunct PIE Nationwide Inc. $19,000 for outstanding freight bills last fall, for example, the estate's attorney returned the check uncashed. Then came an ultimatum: The New Britain, Conn., company could settle for $90,000 or face an audit of 32,000 old freight bills that might raise the total by $4 million. "Talk about high pressure," complains Harry Vosganian, Stanley's shocked transportation director. "They say, 'Pay us $90,000 now or $4 million later. It was ridiculous."

Lawyers for the trustees see it differently. Paul Taylor, a Bloomington, Minn., attorney who represents several defunct carriers, says critics "are viewing this from a moral standpoint. We are looking at it from a legal standpoint." Moreover, Lloyd Whitaker, PIE's trustee, describes the Stanley settlement offer as "a good deal" for Stanley. The trustees also say shippers are at fault for pressuring trucking companies for discounts that drove many of them into bankruptcy.

The Senate Commerce Committee will consider legislation today aimed at easing some of the shippers' problems. But the outlook for congressional action isn't bright on what has become one of the nastiest high-stakes business battles raging through the courts and Congress.

TEAMSTERS INVOLVED

Giving political muscle to the bankrupt trucking estates is the International Brotherhood of Teamsters, whose members, as well as employee health, welfare and pension funds, are owed tens of millions of dollars by deceased trucking outfits. Their opponents include hundreds of thousands of U.S. companies that ship goods and the ICC, whose chairman, Edward Philbin, has described the collection efforts as a "fur ball" in the agency's throat.

The stakes are huge. In a single case—that of the defunct Transcon Lines of Los Angeles—the trustee has sued more than 340,000 companies seeking hundreds of millions of dollars—possibly as much as $1 billion—in undercharge payments.

Major corporations are big targets for the trustees. American Telephone & Telegraph Co. has been hit for $4.5 million in undercharge claims, and Goodyear Tire & Rubber Co. for $6.8 million. A spokeswoman for General Motors Corp., the nation's biggest shipper, says trustees are "doing a wholesale dump" of claims on the auto maker. Bill Huie, director of corporate transportation at NCH Corp., an Irving, Texas, manufacturer of industrial maintenance products, says the trustees' demands are "nothing but an unethical and unwarranted grab for money that does not belong to them."

SMALL FIRMS HIT

Small businesses, which have limited budgets for attorney fees, also are being hit. They range from Industries for the Blind Inc. in Milwaukee, for $26,000, to Candle Artisans Inc. in Washington, N.J., for $8,600. Some say their very survival is threatened. Dale Miller, who manufactures playground equipment in New Berlin, Pa., faces a $500,000 claim from Transcon that he plans to fight in court. "Where am I going to come up with that kind of money?" asks Mr. Miller, who says he has already spent $30,000 on lawyers.

The undercharge battle grows out of the arcane world of trucking regulation dating back to 1935. Carriers file official freight rates in the form of tariffs with the ICC. They don't have to charge the official list prices, but they must file any discounted prices they do charge customers. The goal of the filed rate doctrine—which is a kind of "truth-in-shipping" mandate—is to allow all shippers to know what's being charged so everyone gets fair treatment.

In 1980, Congress deregulated the trucking industry, but only partly; it eliminated roadblocks to new competitors but retained the requirement that rates be filed at the commission. New entrants flooded into the business, and many existing truck lines extended their reach. In the competitive fever—and under intense pressure from many shippers—carriers doled out discounts of 40%, 50% and more from official rates. Sometimes they didn't bother to file the discounts at the ICC. And they often filed the discounts but used numerical codes to identify their customers, a practice approved by the commission, whose officials say the codes aided computerization of rates.

Strained by the new competition, thousands of trucking companies failed. When trustees for scores of the companies discovered that discounted rates had never been filed with the ICC, they began trying * * * those rates were the only ones on file. The ICC barred the collections as an "unreasonable practice," a move denounced by bankruptcy trustees as a ploy by deregulation-minded commissioners to undermine the filed-rate doctrine.

Then, in 1990, in a decision that shocked shippers, the Supreme Court decided that the unfiled rates were illegal and that the estates were entitled to the full rates. But the resulting litigation was only a ripple compared with what was to come.

CALIFORNIA DECISION

Last November, a federal district court judge in California agreed with the Transcon trustee that even the tariffs filed at the ICC were invalid. Judge Irving Hill ruled that because Transcon used coded entries without a key to decipher them, it was, in effect, making secret agreements in violation of the filed-rate doctrine. The ICC has appealed the ruling.

Judge Hill's decision sparked an explosion of claims. It includes Transcon's filing of the lawsuits against 340,000 companies, although the serving of the complaints has been stayed pending an appeals-court decision. It also threw the collection efforts of PIE, the defunct Jacksonville, Fla., trucking company, into higher gear. Mr. Whitaker, the PIE trustee, says the estate already has sent balance-due notices totaling more than $300 million in undercharges. Shippers' attorneys fear the amount could go as high as $1 billion.

The PIE estate sent coded shippers dunning letters saying a federal court had ruled "substantially similar tariffs are unlawful." But the letters didn't note that the decision was being appealed. "It makes it sound as though this is settled law, and it's not," says Richard Felder, an ICC official.

Teams of auditors and collection attorneys for failed trucking companies are poring over stacks of old freight records—more than 25 million at PIE alone—to identify potential undercharge claims. Besides pressing legal theories to expand their claims, many estates hire collection teams on hefty contingency fees that consume a lot of the money brought in.

LAWYERS' TACTICS CRITICIZED

Fueling the controversy are the tactics of some lawyers involved in the cases. After Judge Hill's decision on the shipper codes, Christopher Ashworth, a Los Angeles attorney who was working for Transcon, wrote some shippers saying that, in light of the ruling, their account might be reaudited to disallow all discounts from May 1987 until the spring of 1990, when Transcon went out of business. He gave "random" examples of how the claims might increase; one showed a rise to $29,000 from $1,200.

"What he was doing was playing with figures for the purpose of browbeating people into paying up," says Mary Kay Reynolds, a Los Angeles attorney who is defending hundreds of shippers against the undercharge claims. Ms. Reynolds, in filings in a California appeals court, says Mr. Ashworth bragged that the harshly worded letter was getting results, "since checks were coming in and piling up two feet on his paralegal's" desk.

Leonard Gumport, the Transcon trustee, declines to comment other than to say that in February Mr. Ashworth withdrew from the case by mutual agreement and has been replaced by Joseph Steinfeld, a Washington attorney. Mr. Ashworth didn't respond to telephone calls seeking comment, but David Epstein, a partner at his law firm, says the record shows that "the trustee and counsel acted properly."

Many shippers complain about what they see as a breach of faith. In September 1990, Al De Benny, then a PIE account manager, seemed to arrive with good tidings at the loading dock of one of his customers, Paratherm Corp. * * * Paratherm's maximum discount off published tariff rates to 50% from 48%, Mr. De Benny informed John Fuhr, Paratherm's president. "I was trying to reward him for giving us the business," Mr. De Benny says. "He could have gotten that discount from the larger carriers, but he hung in with us."

But last April, Paratherm, a manufacturer of heat-transfer fluid, was served with a lawsuit brought by the PIE estate. The suit alleged that the discounts were illegal and demanded that Paratherm pay $21,232.96 in balance-due bills.

"This is a real scourge," says Mr. Fuhr, who plans to fight the suit in U.S. Bankruptcy Court in Jacksonville. "We don't know from one minute to the next if the sheriff will attach our forklift or inventory * * *.

* * * The trustees and their lawyers deny being unfair. They contend that they won't put any company out of business, but that the shippers, especially big ones, are far from innocent. "The shippers thought they got a bargain and now they are having to pay the piper and they don't like it," Mr. Whitaker, the PIE trustee, says.

The carnivorous approach by some shippers during the 1980s also hurt the workers, the Teamsters say. More than 160,000 Teamsters members lost jobs because of bankruptcies following the partial deregulation of the industry, and many haven't been hired by other carriers, the union says.

"Recovery of these undercharges represents the only realistic chance of the former employees of bankrupt motor carriers to recover any of their unpaid wages and severance pay owed them, not to mention the retirement pay they worked for all their lives," says Ronald Carey, general president of the Teamsters. In the Tanscon case alone, the former employees are owed more than $23 million in back wages and vacation pay, while the pension, health and welfare funds are owed another $20 million.

Even some shippers believe their colleagues are paying the price for their aggressive playing of trucker against trucker to get lower rates. E.D. Root, director of logistics at the Libbey-Owens-Ford subsidiary of Pilkington PLC, says, "All they could see was price reduction, and they didn't do their financial homework to determine the financial stability of the carrier. In a sense, they brought it on themselves."

Mr. Root says he avoided all but a handful of undercharge claims by slashing the list of truck carriers doing business with Libbey-Owens-Ford to only three (of the largest and strongest truck lines) from 543 five years ago. He says that some 40 of the lines that used to haul freight for the Toledo, Ohio, company have failed. Many other shippers now are switching their freight to contracts, which don't have to be filed at the ICC, and are requiring more documentation from carriers.

ICC CRITICIZED

The trustees castigate the ICC as well, saying its scorn of regulation inspired shippers and carriers to ignore the law. Now, the trustees say, the ICC is trying to block their legitimate collection efforts. The lawyers also say the ICC is trying to scare people into thinking the problem is bigger than it is. The $32 billion liability estimate "is so ludicrous as to be hallucinogenic," says Mr. Steinfield, the Transcon attorney.

ICC officials dismiss the argument that they unwittingly brought on the undercharge mess by refusing to enforce regulations. "We must rely on voluntary compliance" with tariff rules, Chairman Philbin says. "We can't send an enforcement agent into every one of the offices" of thousands of carriers.

The trustees also contend the shippers pressured the carriers to switch to codes to hide discounts. But many shippers say that they didn't even realize they had a code and that, even if they had, they wouldn't have thought much about it, given the ICC's endorsement of the practice.

Others say they are being dunned for things they never shipped. American Electronic Components Inc., of Elkhart, Ind., says PIE initially claimed $4,000, saying the company got too big a discount because the product shipped was actually semiconductors, which command a higher rate, and not electrical switches, as slated in the tariff. "But we have never even produced semiconductors, so we couldn't possibly have shipped them," says George Bucklen, the company's secretary.

Some shippers say they are even being billed by mistakes made by the former carrier. PIE gave Dillard Department Stores Inc. a 57% discount, according to James Cherry, assistant general counsel for the Little Rock, Ark, retailer, but erred in its filing with the ICC, saying Dillard was getting a 47% discount. Now PIE's attorneys are du±nning Dillard $350,000 for the difference. "It wasn't our fault," says Mr. Cherry.

* * * truck operations without going bankrupt and sent out balance-due bills to its customers. For several months in the fall of 1990. A-Line Ltd, a Philadelphia trucking outfit owned by L. Robert Tannenbaum, sent out claims to some customers in the Midwest and on the West Coast while still soliciting freight business from other customers. "Once it got to Philadelphia that we were billing people [for undercharges], it was a one-way street to going out of business," says Stephen Leib, former vice president of sales of A-Line.

Soon, A-Line was involved almost totally in filing undercharge claims. "A-Line stopped operating a truck company and became a factory for undercharge billings," says Mr. Leib, who left A-Line in October 1990. He denies any involvement in the undercharge claims and has since helped his former customers defend themselves against A-Line's claims. "It was like an assembly line. They printed the bills, packaged them and sent them out," he says.

Harvey Luterman, an attorney who has represented A-Line against shipper countersuits, says, "A-Line was doing what it was supposed to do under the law." He says that the approximately $1.1 million A-Line has collected in claims so far will help pay $4.5 million owed its creditors, not enrich Mr. Tannenbaum.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, as chairman of the Surface Transportation Subcommittee, I rise to offer an amendment in the nature of a substitute to S. 1675, the Undercharge Equity Act of 1992. Over the past several years, the escalating undercharge crisis facing our Nation's trucking industry has eroded the competitiveness of carriers, shippers, and labor alike. The blizzard of legal claims against shippers based on the unfiled or allegedly unlawful past tariff rates of a number of major trucking companies now in bankruptcy has consumed tremendous institutional resources in both the public and the private sectors. In comparison to the heavy burden imposed on the Nation's businesses, our courts and the Interstate Commerce Commission [ICC], this sharp dispute has apparently yielded little recovery to out-of-work trucking company employees, underfunded pension funds, and other creditors seeking recovery of undercharge claims.

The legislation I am offering today is in the nature of a substitute to S. 1675, the Undercharge Equity Act of 1992, reported by the Commerce Committee earlier this year. I very much appreciate the continued commitment of Senator KASTEN, the ranking member of the Surface Transportation Subcommittee, and Senator BURNS to passing remedial undercharge legislation, as well as the more recent contribution of Senators ADAMS and WELLSTONE in forging the compromise bill we now consider.

As submitted, the substitute amendment to S. 1675 would establish a statutory procedure for resolving eligible undercharge disputes and will promote equitable settlement of such claims. I would note that the subcommittee first held a hearing on this subject in July 1990, less than a month after the Supreme Court decision in Maislin Industries versus Primary Steel which invalidated the ICC's then-current policy holding undercharge claims to be an unreasonable practice under the Interstate Commerce Act. Following that hearing, I introduced S. 2933, in the 101st Congress, to resolve the undercharge issue. The Commerce Committee promptly reported this legislation to the full Senate, but Congress adjourned before voting on the matter despite my efforts to secure passage.

In the 102d Congress, I again introduced undercharge legislation, S. 1675, cosponsored by Senators KASTEN and BURNS. In September 1991, the Surface Transportation Subcommittee held a hearing on the economic regulation of the motor carrier industry, and the subcommittee heard further testimony on the growing extent of the undercharge problem and on various proposed legislative solutions in addition to S. 1675. After extended discussions among all affected parties, the Commerce Committee considered, at its executive session on June 16, 1992, an amendment in the nature of a substitute to S. 1675 and ordered the measure reported by voice vote, without objection.

The substitute amendment establishes a statutory procedure for resolving disputes resulting from efforts by trustees for bankrupt motor carriers or nonhousehold goods forwarders to collect additional amounts for past transportation provided, in certain instances where the agreed-upon rate or charge was not properly or timely filed in a tariff with the ICC as required under the Interstate Commerce Act. The legislation treats small shippers, defined as concerns meeting Small Business Administration [SBA] criteria specially, by absolving them of all undercharge liability for claims meeting the threshold standard established.

For shippers not meeting the applicable SBA criteria, the substitute amendment permits these larger business concerns to satisfy applicable undercharge claims pursuant to a statutory formula, depending upon whether the shipment at issue was a less-than truckload [LTL] shipment of 10,000 pounds or less, or a truckload [TL] shipment of more than 10,000 pounds. For LTL shipments, the amendment permits the shipper to satisfy the applicable undercharge claim by payment of 20 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected. TL shippers may similarly satisfy applicable undercharge claims by payment of 10 percent of this difference.

The substitute amendment preserves existing statutory rights and remedies of shippers, who may decline to satisfy the under charge claim sought pursuant to the formula and instead challenge the reasonableness of the legally applicable rate or charge being claimed in addition to the rate or charge originally billed and collected. The ICC shall determine such reasonableness challenges within one year after such challenge. The substitute amendment also requires the ICC to resolve disputes concerning legally applicable rates within one year after the dispute arises.

When a shipper proceeds under a rate reasonableness challenge, the amendment requires that shipper to post a surety bond or establish an interest bearing escrow account in the amount of the otherwise applicable statutory settlement amount—20 percent of the under charge sought for LTL claims; 10 percent of the undercharge sought for TL claims. No further payment from the shipper shall be due until the ICC resolves the pending reasonableness challenge. The substitute amendment establishes a 2-year statute of limitations—reduced to 18 months 1 year after enactment on the filing of undercharge claims and provides for the future sunset of the undercharge resolution procedure.

The undercharge litigation crisis admits of no easy solutions. It is a complicated issue now being fought out—expensively and unproductively—in the ICC and in the courts. The substitute amendment I am offering today results from an extended dialog on the undercharge issue in the Commerce Committee and among the Members of this body and represents a fair and equitable solution to this difficult problem. Let us put the undercharge disputes now raging behind us. I urge my colleagues to join me in voting to approve this important measure.

Mr. KASTEN. I am pleased to join with Senators EXON and BURNS in moving forward on this legislation to solve the problems associated with unfiled tariff rates in the trucking industry. It should be noted, however, that there is another issue related to the undercharge crisis looming on the horizon that may require the Senate's attention. Bankruptcy trustees in California and Florida have argued that the trustee for a bankrupt trucking company can unilaterally invalidate its own tariffs filed with the Interstate Commerce Commission [ICC] in order to collect additional money from shippers. These claims are against shippers who, in good faith, entered agreements that they thought were entirely proper under the law and ICC rules. I would like to ask the chairman of the Surface Transportation Subcommittee, Senator EXON, if he has any thoughts about this issue.

Mr. EXON. The substitute addresses undercharge claims resulting from tariff rates or charges not timely or properly filed. I understand that in a number of instances, motor carrier bankruptcy trustees have asserted that coded rates in a carrier's tariff legally filed at the ICC were unlawful and therefore invalid. I am aware that the Ninth Circuit Court of Appeals partially reversed a lower district court in the Transcon Lines case, ruling that carriers, or their bankruptcy trustees, lacked standing to pursue any retroactive remedy based on the filing of an allegedly unlawful rate. The parties in that case have appealed this decision, and trustees in other cases, including the P*I*E Nationwide case in Jacksonville, FL, are pursuing similar theories and billing shippers in an attempt to collect additional undercharges beyond those already sought for unfiled rates.

Mr. KASTEN. as you have noted, the substitute amendment to S. 1675 as reported by the committee provides a mechanism for resolving claims involving rates that were not properly or timely filed. The theory being pursued by the bankruptcy trustee in the Transcon case is that coded tariffs are not duly filed, that is, were not properly or timely filed. Thus, I believe the bill, as amended, addresses these types of claims, including challenges to coded tariffs. Does the senior Senator from Nebraska share this view?

Mr. EXON. Yes, I agree with my colleague from Wisconsin on this point.

Mr. KASTEN. I would also like to inquire about the treatment of small shippers and large shippers in this legislation. It is my understanding that small shippers, as defined in the bill, would be entirely exempt from paying undercharge claims. Shippers not meeting the small shipper criteria would have the option of settling these claims for 10 percent of the amount claimed on truckload shipments and 20 percent of the amount claimed for less-than-truckload shipments. No shipper would be required to settle a case for any amount. Rather, shippers would have the option of pursuing their cases before the ICC. Is that your understanding?

Mr. EXON. That is correct. We have taken care to preserve a shipper's right to pursue before the ICC all rights and remedies existing under current law.

Mr. KASTEN. Thank you for clarifying those issues.

Mr. EXON. Mr. President, we have been awaiting word while I have been discussing this measure from Senators who are off of the Senate floor somewhere, to see if we can possibly get the hold lifted. I must say that that is out of the question as of now. Senators have placed holds on bills and gone off somewhere else to do their thing. They know full well that when you do that, you tie up the Senate.

I guess I can stand here and talk all night if I thought it would help the cause. But, thus far, it has not. There are further negotiations, I understand, going on now about the measure, and we intend to have discussions on this during, before, and after the rollcall vote that is scheduled for 9 a.m. in the morning.

With that understanding, then I think little more can be accomplished tonight, except that I hope that maybe someone will read in the RECORD the statements that I have made here tonight and the additional material that has been added thereto. I hope that all of the Senators will recognize that particularly there are small businessmen all over the United States who are crying out to see whether or not the U.S. Senate is able to stand up for those small business interests, or whether they just do not care.

Therefore, I think it best if we put this off until tomorrow. I will be trying again to get a unanimous-consent on this. I have no quarrel whatsoever with bringing it to a vote, if we can bring it to a vote. But everybody should understand you cannot have a vote on a measure until the measure is allowed to be presented at the desk, so that it is formally before the body.

That is impossible at this time. I will make every effort in the morning to try and straighten this out. Hopefully, we will, in an expeditious fashion, pass the measure before additional holds are placed on the bill.

ANNUAL REPORT OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES—MESSAGE FROM THE PRESIDENT—PM-281

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Small Business:

To the Congress of the United States:

In accordance with the requirements of section 809 of the Housing and Community Development Act of 1974, as amended (12 U.S.C. 1701j-2(j)), I transmit herewith the 15th annual report of the National Institute of Building Sciences for fiscal year 1991.

GEORGE BUSH.

THE WHITE HOUSE, *September 29, 1992.*

ANNUAL REPORT ON THE STATE OF SMALL BUSINESS—MESSAGE FROM THE PRESIDENT—PM-282

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Small Business:

To the Congress of the United States:

It is my pleasure to submit my third annual report on the state of small business. America's small business owners are individuals with countless new ideas, employers and workers who produce a vast array of goods and services, taxpayers who pay many of the bills, and economic pioneers who help decide the future direction of our economy. In their endless variety, small firms help create a flexible, diverse, and lively marketplace.

For generations, entrepreneurial business owners have been in the forefront of the dynamic economic changes that continually revitalize our democracy. In the early days of our Republic, small business innovators led the way in developing more productive farming technologies. Greater agricultural productivity eventually freed other entrepreneurs to develop and commercialize new manufacturing processes. These processes and manufactured products set a new standard for America—and for the world. But America's small business innovators did not stop there. They started another revolution by anticipating and responding quickly to the demands that grew out of the new, higher standard of living—demands for services and sophisticated new information technologies.

Small businesses have made important contributions to the economy, not only by introducing new products and processes and creating jobs, but also by making the economy more adaptive and flexible—by retaining workers longer during recessions and hiring workers earlier as expansions begin.

There is no doubt that 1991 was not an easy year for the American economy or for small business. The recession that began in the third quarter of 1990 carried over into 1991. Business formation rates were down, and business closings were up. The flow of financing slowed as banks and businesses grew more cautious about business expansions.

Yet in this recession, as in other economic downturns, small businesses continued to function as a source of jobs, creating many of the new jobs in the economy. Rather than lay off workers, many small firms tightened their belts in other areas. And they continued to innovate, introduce new products, and contribute to their communities.

Our economy has begun to grow again. Still, small firms face difficult challenges in the months and years ahead. The truth is that health care costs are too high and the unmet need for health coverage is great in small businesses. And of all employers, small businesses are least able to afford the expensive mandates that have been advocated by some. The proposal I presented to the Congress would not resort to mandates, but would build on the strengths of our private health care system to make health insurance affordable for America's workers and their families.

Adjustments occurring in our financial institutions have made it difficult for many worthy small businesses to find the capital they need to start up or expand. Therefore, my Administration is taking steps to encourage investment in business ventures in a number of ways. I have proposed that the Congress cut the capital gains tax so that investors will have an incentive to buy into new ventures. Another proposal I have made is to create an investment tax allowance that would assist in starting new firms.

And we can encourage some new investment by adapting programs that are already underway. For example, the Small Business Administration is working with banks to implement innovative loan programs that are channeling funds to smaller firms in some of the most economically depressed areas.

Another obstacle that can stand in the way of small firm growth is too much regulation. My Administration this year instituted a moratorium on new Federal regulations to give Federal agencies a chance to review and revise their rules. And we are looking at ways to improve our regulatory process over the long term so that regulations will accomplish their original purpose without unduly hindering economic growth.

We also need to encourage innovation—such as that exhibited by thousands of small high technology firms—by making the research and experimentation tax credit permanent. My Administration is committed to exploring the promise of new technologies.

This report documents the increasing, healthy diversity of our small business community, as minority- and women-owned businesses enter the marketplace in record numbers. I want to keep encouraging that diversity through our Federal procurement programs.

I also want to see more of the Nation's economically depressed communities reap the benefits of business growth. To that end, I have asked the Congress to pass my enterprise zone legislation, which will provide incentives to businesses that start up in specially designated areas, particularly in inner cities.

Looking to the future, it is clear that we need to improve our educational system so that America's workers, particularly in small firms, will be in a better position to compete in a more and more sophisticated global marketplace. My America 2000 education strategy is designed to give parents, teachers, and communities more freedom and flexibility in designing education programs to meet their needs—and to make America the world's leader in education.

Many of these proposals for economic recovery and growth are being enacted now; others will require action by the Congress. I am committed to working with the Members of Congress to develop and enact a broad economic plan we can all live with. These combined actions will help small business to move ahead to create the economic revolutions that will lead us into the 21st century.

GEORGE BUSH.

THE WHITE HOUSE, *September 29, 1992.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 5:53 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1435. An act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior.

H.R. 2967. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995, and for other purposes.

H.R. 5428. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes.

H.R. 5630. An act to amend the Head Start Act to expand services provided by Head Start programs; to expand the authority of the Secretary of Health and Human Services to reduce the amount of matching funds required to be provided by particular Head Start agencies; to authorize the purchase of Head Start facilities; and for other purposes.

At 6:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, each without amendment:

S. 1880. An act to amend the District of Columbia Spouse Equity Act of 1988;

S. 3007. An act to authorize financial assistance for the construction and maintenance of the Mary McLeod Bethune Memorial Fine Arts Center; and

S. 3095. An act to restore and clarify the Federal relationship with the Jena Band of Choctaws of Louisiana.

The message also announced that the House has agreed to the following concurrent resolutions, each without amendment:

S. Con. Res. 112. A concurrent resolution to authorize printing of "Thomas Jefferson's Manual of Parliamentary Practice", as prepared by the Office of the Secretary of the Senate; and

S. Con. Res. 127. A concurrent resolution to express the sense of the Congress that women's soccer should be a medal sport at the 1996 centennial Olympic games in Atlanta, Georgia.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3508) to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes.

The message also announced that the House has passed the bill (S. 1530) to authorize the integration of employment, training, and related services provided by Indian tribal governments; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 792. An act to reauthorize the Indoor Radon Abatement Act of 1988, and for other purposes; and

S. 1392. An act to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

S. 2588. An act to provide for the conservation and management of Weakfish, and for other purposes;

S. 3475. An act to assist business in providing women with opportunities in apprenticeship and nontraditional occupations;

S. 3476. An act to establish the Commission on the Advancement of Women in the Science and Engineering Work Forces;

S. 3703. An act to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes;

H.R. 4096. An act to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia;

H.R. 4281. An act to designate the Federal building and courthouse at 5th and Ross Streets in Santa Ana, California, as the "Ronald Reagan Federal Building and Courthouse";

H.R. 5486. An act to clarify the law enforcement authority of law enforcement officers of the United States Fish and Wildlife Service;

H.R. 5555. An act to provide for increased preinspection at foreign airports, to make permanent the visa waiver pilot program, and to provide for expedited airport immigration processing;

H.R. 5605. An act to authorize and direct land ownership consolidation in the Cedar River Watershed, Mt. Baker-Snoqualmie National Forest, Washington;

H.R. 5809. An act to authorize the Secretary of the Interior to construct and operate an interpretive center for the Ridgefield National Wildlife Refuge in Clark County, Washington;

H.R. 5822. An act to designate the United States Court of Appeals Building located at 125 South Grand Avenue in Pasadena, California, as the "Richard H. Chambers United States Court of Appeals Building";

H.R. 5831. An act to designate the Federal building located at Main and Church Streets in Victoria, Texas, as the Martin Luther King, Jr. Federal Building";

H.R. 5874. An act to establish a Wetlands Center at the Port of Brownsville, Texas, and for other purposes;

H.R. 5954. An act to amend the Rural Electrification Act of 1936 to clarify the status of the Rural Telephone Bank and its accounting policies, and for other purposes;

H.R. 5983. An act to establish in the Government Printing Office a means of enhancing electronic access to a wide range of Federal electronic information;

H.R. 5990. An act to amend the Federal Water Pollution Control Act to provide for assessments of contaminated sediments at areas of concerns in the Great Lakes, and for other purposes;

H.R. 6000. An act to redesignate Springer Mountain National Recreation Area as "Ed Jenkins National Recreation Area"; and

H.R. 6014. An act to designate certain land in the State of Missouri owned by the United

States and administered by the Secretary of Agriculture as part of the Mark Twain National Forest.

At 8 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that pursuant to clause 6(f) of rule X, the Speaker makes the following appointments to fill vacancies occasioned by the death of Representative Jones of North Carolina in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 429) entitled "An Act to amend certain Federal Reclamation laws to improve enforcement of acreage limitations, and for other purposes":

As an additional conferee from the Committee on Merchant Marine and Fisheries, for consideration of titles II through VI, IX, XXX, and XXXIV of the House amendment to the Senate amendment, and titles II through VI, IX, XXXIII, XXXIV, XXXVI, and XXXVIII of the Senate amendment to the House amendment to the Senate amendment, and modifications committed to conference: Representative LIPINSKI.

As an additional conferee from the Committee on Merchant Marine and Fisheries for consideration of titles I, VII, XI, and XVIII through XX of the House amendment to the Senate amendment, and titles I, VII, XI, XII, XIV, XV, XIX, and XX of the Senate amendment to the House amendment to the Senate amendment, and modifications committed to conference: Representative HUGHES.

The message also announced that pursuant to clause 6(f) of Rule X, the Speaker makes the following appointments to fill vacancies occasioned by the death of Representative Jones of North Carolina in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 776) entitled "An Act to provide for improved energy efficiency":

As an additional conferee from the Committee on Merchant Marine and Fisheries, for consideration of title XXIV and section 1607 of the House bill, and title XII of the Senate amendment, and modifications committed to conference: Representative CARPER.

As an additional conferee from the Committee on Merchant Marine and Fisheries, for consideration of sections 205, 1602, and 1701(b) of the House bill, and title XXI and sections 5204, 5302, 5304, and 11103 of the Senate amendment, and modifications committed to conference: Representative HUGHES.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4481. An Act to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the reserve components of the Armed Forces, to consolidate in a new subtitle the provisions of law relating to the reserve components, and for other purposes;

H.R. 5118. An Act to exchange lands within the State of Utah, between the United States and the State of Utah;

H.R. 5548. An Act to direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico;

H.R. 5853. An Act to designate segments of the Great Egg Harbor River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System;

H.R. 5906. An Act to regulate advertising and related commercial activities on the National Park System, and for other purposes; and

H.R. 6004. An Act to amend the Federal Water Pollution Control Act to extend the deadline by which permits for discharges for municipal and industrial stormwater discharges are required until October 1, 1994.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2588. An act to provide for the conservation and management of Weakfish, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3475. An act to assist business in providing women with opportunities in apprenticeship and nontraditional occupations; to the Committee on Labor and Human Resources.

H.R. 3476. An act to establish the Commission on the Advancement of Women in the Science and Engineering Work Forces; to the Committee on Commerce, Science, and Transportation.

H.R. 3703. An act to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes;

H.R. 4096. An act to amend title 11, District of Columbia Code, to increase the maximum amount in controversy permitted for cases under the jurisdiction of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia; to the Committee on Governmental Affairs.

H.R. 4281. An act to designate the Federal building and courthouse at 5th and Ross Streets in Santa Ana, California, as the "Ronald Reagan Federal Building and Courthouse"; to the Committee on Environmental and Public Works.

H.R. 4481. An act to amend title 10, United States Code, to revise and standardize the provisions of law relating to appointment, promotion, and separation of commissioned officers of the reserve components of the Armed Forces, to consolidate in a new subtitle the provisions of law relating to the reserve components, and for other purposes; to the Committee on Armed Services.

H.R. 5486. An act to clarify the law enforcement authority of law enforcement officers of the United States Fish and Wildlife Service; to the Committee on Environment and Public Works.

H.R. 5548. An act to direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico; to the Committee on Energy and Natural Resources.

H.R. 5555. An act to provide for increased preinspection at foreign airports, to make permanent the visa waiver pilot program, and to provide for expedited airport immigration processing; to the Committee on the Judiciary.

H.R. 5605. An act to authorize and direct land ownership consolidation in the Cedar River Watershed, Mt. Baker-Snoqualmie National Forest, Washington; to the Committee on Energy and Natural Resources.

H.R. 5809. An act to authorize the Secretary of the Interior to construct and operate an interpretive center for the Ridgefield National Wildlife Refuge in Clark County, Washington; to the Committee on Environment and Public Works.

H.R. 5822. An act to designate the United States Court of Appeals Building located at 125 South Grand Avenue in Pasadena, California, as the "Richard H. Chambers United States Court of Appeals Building"; to the Committee on Environment and Public Works.

H.R. 5831. An act to designate the Federal building located at Main and Church Streets in Victoria, Texas, as the "Martin Luther King, Jr. Federal Building"; to the Committee on Environment and Public Works.

H.R. 5874. An act to establish a Wetlands Center at the Port of Brownsville, Texas, and for other purposes;

H.R. 5906. An act to regulate advertising and related commercial activities in the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5954. An act to amend the Rural Electrification Act of 1936 to clarify the status of the Rural Telephone Bank and its accounting policies, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 5983. An act to establish in the Government Printing Office a means of enhancing electronic access to a wide range of Federal electronic information; to the Committee on Rules and Administration.

H.R. 5990. An act to amend the Federal Water Pollution Control Act to provide for assessments of contaminated sediments at areas of concerns in the Great Lakes, and for other purposes; to the Committee on Environment and Public Works.

H.R. 6000. An act to redesignate Springer Mountain National Recreation Area as "Ed Jenkins National Recreation Area"; to the Committee on Energy and Natural Resources.

H.R. 6004. An act to amend the Federal Water Pollution Control Act to extend the deadline by which permits for discharges for municipal and industrial stormwater discharges are required until October 1, 1994; to the Committee on Environment and Public Works.

H.R. 6014. An act to designate certain land in the State of Missouri owned by the United States and administered by the Secretary of Agriculture as part of the Mark Twain National Forest; to the Committee on Agriculture, Nutrition, and Forestry.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3282. A bill to amend title 18, United States Code, to require a waiting period before the purchase of a handgun.

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5118. An act to exchange lands within the State of Utah, between the United States and the State of Utah; and

H.R. 5853. An act to designate segments of the Great Egg Harbor River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communication was laid before the Senate, together with accompanying papers, reports, and documents, which was referred as indicated:

EC-3965. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Comprehensive Report to Congress Clean Coal Technology Program, Self-Scrubbing Coal: An Integrated Approach to Clean Air"; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 20. A bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget, and for other purposes (Rept. No. 102–429).

• Mr. GLENN. Mr. President, improving governmental performance and accountability is very important, particularly in these times of public distrust and dissatisfaction with Government. Thus, I am pleased to rise today to ask my colleagues support for S. 20, the Government Performance and Results Act of 1992.

This legislation comes to the Senate from the Governmental Affairs Committee, which I chair, as the Glenn-Roth substitute for a bill originally offered by my good friend Senator ROTH, the ranking minority member of the Governmental Affairs Committee. The notion of performance measurement, however, is certainly not new. The Chief Financial Officers Act of 1990, which I view as one of my major legislative accomplishments as chair of the Governmental Affairs Committee, mandates the systematic measurement of performance. The current legislation builds on that mandate to establish a concrete set of steps to make performance measurement a reality.

The present legislation is based on a year of very productive work:

The committee has held two informative hearings;

GAO has studied performance measurement in Federal Agencies and in other countries—in Canada, Britain, Australia, and New Zealand;

OMB has surveyed State and local governments, initiated inter-agency task forces and pilot projects, and through the CFO Act, has begun requiring that agencies develop and report on performance measures; and

Other agencies, OMB staff, the National Academy of Public Administration, and a number of academic experts have also consulted with committee staff on this issue.

Out of this effort, we have arrived at what I think is an excellent bill to start developing a workable system for holding Government accountable for program results.

The American people have a right to know what they are getting for their tax dollars. With performance measurement, I believe we can start showing the public how that money is spent—and how it could be better spent. Considering the country's growing dissatisfaction with the Federal Government, this is a worthy goal for us—in Congress, and in the Governmental Affairs Committee.

The bill creates a step-by-step process to implement performance measurement. Step one is the development of multiyear strategic plans which will define the broad mission and objectives of the agencies and their programs. Step two is the preparation of annual performance plans which will detail how the agencies will measure the performance of their programs and what target levels of performance they will be striving to achieve. Step three is the submission of annual performance reports, in which the agencies will explain whether they have met their target levels and, if not, why not. And step four will test whether program performance and accountability can be increased through increased management flexibility and through performance-based budgeting. These steps will take place over the next 10 years, first through pilot projects, and then once Congress approves their continued use, they will continue on a permanent basis.

This step by step process will take place with due deliberation and evaluation and should give us all—agencies, OMB, Congress, and the American public—ample opportunity to assess the value of performance measurement.

I know OMB and GAO are excited about performance measurement, and I believe the American people will be pleased when they see what this legislation delivers—objective understandable information about how the American taxpayer's money is spent.

Let me touch on a provision the bill does not contain—that is the requirement of qualification standards for political appointee positions.

While I believe S. 20 provides the framework to make government more effective, I think its success will depend, to a large extent, on the quality of the people who will be directing this effort. In the vast majority of cases, these people will be political appointees. Many of them, unfortunately, will lack the qualifications necessary to successfully discharge this and other responsibilities. I believe that this is a significant problem. Without top-notch people in place to direct performance measurement, you will never achieve the meaningful reforms this bill hopes to foster—making Government more responsive and accountable to the public.

I see this issue as one of the key problems facing Government today, one which has contributed to the erosion of public faith and confidence in the workings of our system. I know first-hand, from meetings with my fellow Ohioans, that there is a pervasive distrust of Government, as a capable and competent institution, able to effectively respond to the concerns Americans have. Incidents like the HUD scandal, where certain high-level appointees who, by their own admission, had no housing skills whatsoever, used the public exchequer to reward political cronies, only serve to further undermine Government's credibility and integrity.

That is why I feel it is important to address the issue of political appointee qualifications, and help ensure that those who administer the public trust meet basic standards of competence and relevant experience. That's the least the American people deserve from Government, and should rightfully expect.

During the committee's review of S. 20, I had considered offering an amendment to make public the position descriptions and qualification requirements for certain top policy-making political positions. I have been assured by the White House Office of Presidential Personnel and the Office of Personnel Management that position descriptions and qualifications requirements do exist and are used in selecting candidates for appointive positions. In fact, I have seen some of these samples. It makes sense, then, that if this is being done already, why not make them public? In that manner, all can see what duties are attached to these positions, and what qualifications are required to carry out those duties.

Having this information available in a central place would be useful to this and future administrations in finding and screening candidates. It would help our citizens assess the performance of their appointive, but non-elected, officials.

After some thought on this, however, and recognizing that this debate was, unfortunately, turning partisan in nature, I withdrew this amendment. I did not want to jeopardize all that we had worked out on S. 20.

I intend to revisit both the issues of Government reform and political appointees next year. To me, the two are intertwined. And while S. 20 takes a first step, we will look at broader and more comprehensive solutions next Congress.

So while I feel that there is more to be done, I am very pleased that we have been able to work out the differences and report out this very important piece of legislation. The legislation before the Senate today provides an excellent first step at fleshing out the performance measurement requirements in the chief financial officers act and at getting Government on the road to measuring up to its goals and purposes. It has the potential to encourage meaningful improvements in Government performance and to begin to restore the confidence of the American people in their Government. Mr. President, I would urge its favorable consideration by the Senate.

By Mr. BENTSEN, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 5643. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by operators of licensed cotton warehouses (Rept. No. 102–430).

By Mr. BOREN, from the Select Committee on Intelligence:

Special report entitled "Capability of the United States to Monitor Compliance with the START Treaty" (Rept. No. 102–431).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 1879) to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes (Rept. No. 102–432).

Report to accompany the bill (S. 2397) to expand the boundaries of Yucca House National Monument in Colorado, to authorize the acquisition of certain lands within the boundaries, and for other purposes (Rept. No. 102–433).

Report to accompany the bill (H.R. 2859) to direct the Secretary of the Interior to conduct a study of the historical and cultural resources in the vicinity of the city of Lynn, Massachusetts, and make recommendations on the appropriate role of the Federal Government in preserving and interpreting such historical and cultural resources (Rept. No. 102–434).

Report to accompany the bill (S. 1990) to authorize the transfer of certain facilities and lands in the Wenatchee National Forest, Washington (Rept. No. 102–435).

Report to accompany the bill (S. 2749) to grant a right of use and occupancy of a certain tract of land in Yosemite National Park to George R. Lange and Lucille F. Lange, and for other purposes (Rept. No. 102–436).

Report to accompany the bill (S. 2577) to provide for the exchange of certain Federal lands within the State of Utah, between the State of Utah and the Secretary of the Interior (Rept. No. 102–437).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 2006. A bill to establish the Fox River National Heritage Corridor in Wisconsin, and for other purposes (Rept. No. 102–438).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 492. A bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such Act to employers and employees in similarly situated industries, to give to such employers and performers the same rights given by section 8(f) of such Act to employers and employees in the construction industry, and for other purposes (Rept. No. 102–439).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with amendments:

S. 3157. A bill to provide for a National Native American Veterans' Memorial (Rept. No. 102–440).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with amendments and an amendment to the title:

H.R. 2144. A bill to provide restoration of the Federal trust relationship with and assistance to the terminated tribes of California Indians and the individual members thereof; to extend Federal recognition to certain Indian tribes in California; to establish administrative procedures and guidelines to clarify the status of certain Indian tribes in California; to establish a Federal Commission on policies and programs affecting California Indians; and for other purposes (Rept. No. 102–441).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2977. A bill to establish within the Bureau of Indian Affairs a program to improve the management of rangelands and farmlands and the production of agricultural resources on Indian lands, and for other purposes (Rept. No. 102–442).

By Mr. INOUYE, from the Select Committee on Indian Affairs, with amendments:

S. 3155. A bill to establish the National Indian Policy Research Institute (Rept. No. 102–443).

S. 3237. A bill to amend the Indian Self-Determination and Education Assistance Act (Rept. No. 102–444).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOND:

S. 3283. A bill to suspend temporarily the duties on Pentetreotide in bulk form and lypholized kit form; to the Committee on Finance.

By Mr. ADAMS (for himself and Mr. GORTON):

S. 3284. A bill to authorize United States participation in the Cascadia Corridor Commission; to the Committee on Foreign Relations.

By Mr. RIEGLE (for himself, Mr. GARN, Mr. GRAHAM, Mr. MACK, Mr. BREAUX, Mr. INOUYE, and Mr. AKAKA):

S. 3285. A bill to facilitate recovery from recent disasters by providing greater flexibility for depository institutions and their regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SEYMOUR:

S. 3286. A bill to amend the Endangered Species Act of 1973 to provide for a loan program for States and political subdivisions of States; to the Committee on Environment and Public Works.

By Mr. FORD:

S. 3287. A bill to authorize the construction of the Cumberland Mountain Trail in the State of Kentucky and the State of Virginia, to require a study of the establishment of the Cumberland National Recreation Area, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRYOR (for himself and Mr. GRAHAM):

S. Res. 353. A resolution expressing the sense of the Senate the Democratic and Republican Presidential candidates and Vice Presidential Candidates should debate before the election of November 3, 1992; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ADAMS (for himself and Mr. GORTON):

S. 3284. A bill to authorize U.S. participation in the Cascadia Corridor Commission; to the Committee on Foreign Relations.

UNITED STATES PARTICIPATION IN THE CASCADIA CORRIDOR COMMISSION

• Mr. ADAMS. Mr. President, I am pleased to introduce, along with Senator GORTON, legislation authorizing the establishment of a Cascadia Corridor Commission. Similar legislation was introduced in the House last Friday by the Washington delegation and Representative RON WYDEN of Oregon.

The goal of the Commission will be to coordinate planning by State, local, provincial and Federal officials that affects the urban corridor along Interstate 5 and Highway 99. This corridor runs from Vancouver, BC to Eugene, OR.

Over the past decade, and in particular since the signing of the United States-Canada Free-Trade Agreement, the volume of commerce and traffic along I–5/Highway 99 has greatly increased. Numerous regional associations have sprung up among the Pacific Northwest States and the bordering Canadian Provinces, looking at a variety of trade and cultural issues. None of the existing organizations, however, has the breadth of focus or the degree of government involvement that the Cascadia Commission will.

The strength of the Cascadia Commission concept will be its mandate to explore regional coordination across a variety of related disciplines: trade, environment, transportation, and urbanization. The membership of the Commission will include private citizens as well as Federal, State, Provincial and local officials from Oregon, Washington, and British Columbia. It will be an advisory panel and will have no legal authority.

It is vitally important that decisionmakers in the Pacific Northwest begin to work more closely with their Canadian counterparts. Environmental quality, transportation infrastructure, trade and communications are truly transborder issues in our region and should be treated as such.

I commend the work of our colleagues in the House in moving the

Cascadia Corridor Commission concept forward and hope that the Senate will also be able to approve legislation authorizing the Commission before we recess for the year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF UNITED STATES PARTICIPATION.

The United States is authorized to participate in the Cascadia Corridor Commission, which shall be established as a bilateral advisory commission, in coordination with the Government of Canada and State, provincial, and local governments in the urbanized Cascadia region along Interstate 5/Highway 99 from Vancouver, British Columbia, (including Vancouver Island) to Eugene, Oregon.

SEC. 2. FUNCTIONS OF CASCADIA CORRIDOR COMMISSION.

(a) AUTHORITY.—The Commission is authorized to—

(1) establish a forum to coordinate consideration of regional issues in the Cascadia region by representatives from the private sector, nonprofit organizations, and local, state, provincial, regional, and national governments; and

(2) not later than 2 years after its establishment, develop a strategy for environmentally sound economic development in the Cascadia region and submit such plan to the Congress, the Canadian Parliament, the legislature of British Columbia, and the State legislatures of Oregon and Washington.

(b) LIMITATION.—The Commission shall be authorized to function only in an advisory capacity and shall have no authority concerning any local, State, or Federal agency or government.

(c) QUORUM.—A majority of each of the delegations from Oregon, Washington, and Canada shall constitute a quorum, but a lesser number may hold hearings. The Commission may act by a majority vote of each delegation.

SEC. 3. STRATEGY.

In addition to such other issues as the Commission may determine to address, the strategy under section 2(a)(2) shall consider the following issues:

(1) Environmental management.

(2) Urban development.

(3) Transportation.

(4) Communications.

(5) Education.

SEC. 4. UNITED STATES DELEGATION TO COMMISSION.

The United States delegation to the Cascadia Corridor Commission shall be composed as follows:

(1) 1 member appointed by the President, who shall be a nonvoting member.

(2) A Washington State delegation.

(3) An Oregon delegation.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for fiscal years 1993 and 1994 a total of $800,000 to enable it to carry out its duties and functions consistent with this Act. Appropriations are authorized to remain available until expended.

(b) LIMITATION.—Amounts obligated and expended pursuant to the authorization of appropriations under subsection (a) may not exceed one-fourth of the total expenditures of the Commission for each fiscal year.•

• Mr. GORTON. Mr. President, since the United States-Canada Free-Trade Agreement was enacted 3 years ago, the Pacific Northwest and Western Canada have enjoyed a tremendous growth in trade. Both Washington State and Oregon have increased their exports to Canada by 50 percent since 1987, with total exports to Canada now accounting for more than 25,000 jobs in the two States.

But the increased trade has also brought rapid growth. The area which runs from Vancouver, BC to Eugene, OR—what we call the Cascadia Corridor—is now experiencing extensive urbanization. Increased traffic could soon clog our infrastructure and limit the region's economic potential. Mismanagement of our natural resources could deprive the area of employment opportunities and some of its quality of life.

Unfortunately, the problem of controlling this growth is made more difficult by the international boundary which divides the Cascadia Corridor. For example, we know that increased development in British Columbia will create congestion in Washington State. But the two areas are governed by a complex array of governmental agencies that hinders efforts to plan effectively for such growth.

Today Senator ADAMS and I are introducing a bill which will authorize the creation of a commission to study and make recommendations on the proper management of growth in the Cascadia region. This much-needed bill will help fill the gaps between our two governments and encourage the type of cooperation demanded of the growth shared by our two countries.•

By Mr. RIEGLE (for himself, Mr. GARN, Mr. GRAHAM, Mr. MACK, Mr. BREAUX, Mr. INOUYE, and Mr. AKAKA):

S. 3285. A bill to facilitate recovery from recent disasters by providing greater flexibility for depository institutions and their regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

DEPOSITORY INSTITUTIONS DISASTER RELIEF ACT OF 1992

• Mr. RIEGLE. Mr. President, today, for myself and Senators, GARN, GRAHAM, MACK, BREAUX, INOUYE, and AKAKA, I introduce the Depository Institutions Disaster Relief Act of 1992, a revised version of the bill I introduced on September 23 as S. 3266.

This legislation is intended to facilitate reconstruction in the wake of several recent disasters, including Hurricanes Andrew and Iniki and the Los Angeles riots.

Let me briefly outline the bill's main provisions.

Section 2 authorizes regulators to make exceptions to appraisal requirements in disaster areas. The exceptions could last for up to 3 years after the disaster. The 3-year limit applies to the period in which depository institutions could make loans without complying with normal appraisal requirements—not to the maturity of the loans. Thus, for example, regulators could permit institutions to make 30-year loans without having to obtain an appraisal after the exception expired.

Section 3 authorizes regulators to make exceptions to the Truth in Lending Act and the Expedited Funds Availability Act. This supplements regulator's existing exception authority. For example, section 125(d) of the Truth in Lending Act lets the Federal Reserve Board make exceptions to homeowners' 3-day right of rescission. Section 604(d) of the Expedited Funds Availability Act provides exceptions to key rules under that Act in the case of "any emergency condition beyond the control of the receiving depository institution." Those two exception provisions respond to many of the practical concerns we have heard. Whether to use section 3 to make additional exceptions is up to the Board, which must weigh the benefits and costs of any such exceptions. Exceptions could last for up to one year after the date of the disaster or date of enactment, whichever came first.

Section 4 lets regulators accommodate extraordinary asset growth—resulting from the deposit of insurance proceeds—at institutions whose deposit-taking centers on areas of intense physical devastation. Specifically, regulators could permit such an institution, when calculating its leverage limit—capital divided by total assets—to exclude asset increases attributable to the deposit of insurance proceeds and governmental assistance. As used in section 4, the term leverage limit encompasses what regulators refer to as the leverage ratio and the critical capital level.

To qualify for the exception, the institution would need to have its main office in such an area, draw at least 60 percent of its deposits from customers in the area, be adequately capitalized before the disaster, and have an acceptable plan for managing the deposit influx. Regulators would also need to find that the exclusion comports with the objective of avoiding or minimizing loss to the FDIC. The exclusions could last for up to 18 months after the date of enactment.

Section 5 enables regulators to amend their regulations without having to follow the Administrative Procedure Act. For example, regulators would not have to go through notice-and-comment procedures. Regulators could also exempt depository institutions from other publication requirements—such as newspaper notices for opening or closing branches. This flexibility would last for 180 days after enactment.

Section 5 expedites the procedure for using existing authority or authority granted under provisions of the bill. Except for allowing exceptions to publication requirements, section 5 grants no new substantive authority to make exceptions. Nor does it otherwise alter substantive rules. It simply allows regulators to speed up the process.

Section 6 clarifies and strengthens the community-development authority of national banks and State member banks.

Section 7 expresses the sense of the Congress that regulators should encourage depository institutions in disaster areas to meet the financial services needs of their communities.

Section 8 specifies that the act does not limit regulator's existing authority.

This bill grants appropriate relief without compromising safety and soundness.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Depository Institutions Disaster Relief Act of 1992".

SEC. 2. APPRAISAL REQUIREMENTS.

Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) is amended by adding at the end the following new section:

"SEC. 1123. EMERGENCY EXCEPTIONS FOR DISASTER AREAS.

"(a) IN GENERAL.—Each Federal financial institutions regulatory agency may, by regulation or order, make exceptions to this title, and to standards prescribed pursuant to this title, for transactions involving institutions for which the agency is the primary Federal regulator, with respect to real property located within a disaster area if the agency—

"(1) makes the exception not later than 30 months after the date on which the President determines, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, that a major disaster exists in the area; and

"(2) determines that the exception—

"(A) would facilitate recovery from the major disaster; and

"(B) is consistent with safety and soundness.

"(b) 3-YEAR LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than 3 years after the date of the determination referred to in subsection (a)(1).

"(c) PUBLICATION REQUIRED.—Any Federal financial institutions regulatory agency shall publish in the Federal Register a statement that—

"(1) describes any exception made under this section; and

"(2) explains how the exception—

"(A) would facilitate recovery from the major disaster; and

"(B) is consistent with safety and soundness.

"(d) DISASTER AREA DEFINED.—For purposes of this section, the term 'disaster area' means an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists.".

SEC. 3. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

"(a) TRUTH IN LENDING ACT.—During the 180-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Truth in Lending Act for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, if the Board determines that the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

"(b) EXPEDITED FUNDS AVAILABILITY ACT.—During the 180-day period beginning on the date of enactment of this Act, the Board of Governors of the Federal Reserve System may make exceptions to the Expedited Funds Availability Act of 1987 for depository institution offices located within an area referred to in subsection (a) of this section if the Board determines that the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

"(c) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than the earlier of—

(1) 1 year after the date of enactment of this Act; or

(2) 1 year after the date of the Presidential determination referred to in subsection (a).

(d) PUBLICATION REQUIRED.—The Board of Governors of the Federal Reserve System shall publish in the Federal Register a statement that—

(1) describes any exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. 4. DEPOSIT OF INSURANCE PROCEEDS.

(a) IN GENERAL.—The appropriate Federal banking agency may, by order, permit an insured depository institution, during the 18-month period beginning on the date of enactment of this Act, to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act, an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, on the day before the date of that determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster (such as that portion of Dade County, Florida, south of Kendall Drive and east of Everglades National Park, as damaged by Hurricane Andrew);

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act.

(b) DEFINITIONS.—For purposes of this section:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(2) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act.

(3) LEVERAGE LIMIT.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act.

(4) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of the Presidential determination referred to in subsection (a)(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

SEC. 5. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) IN GENERAL.—During the 180-day period beginning on the date of enactment of this Act, a qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, if the agency determines that the action would facilitate recovery from the major disaster:

(1) PROCEDURE.—Exercising the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) PUBLICATION REQUIREMENTS.—Making exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) PUBLICATION REQUIRED.—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes any action taken under this section; and

(2) explains the need for the action.

(c) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this section, the term 'qualifying regulatory agency' means:

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Director of the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

SEC. 6. COMMUNITY DEVELOPMENT AUTHORITY OF BANKS.

(a) NATIONAL BANKS.—Section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end the following new paragraph:

"Eleventh.—To make investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families (such as by providing housing, services, or jobs). A national banking association may make such investments directly or by purchasing interests in an entity primarily engaged in making such investments. An association shall not make any such investment if the investment would expose the association to unlimited liability. The Comptroller of the Currency shall limit an association's investments in any 1 project and an association's aggregate investments under this paragraph. An association's aggregate investments under this paragraph shall not exceed an amount equal to the sum of 5 percent of the association's capital stock actually paid in and unimpaired and 5 percent of the association's unimpaired surplus fund, unless the Comptroller determines by order that the higher amount will pose no significant risk to the affected deposit insurance fund, and the association is adequately capitalized. In no case shall an association's aggregate investments under this paragraph exceed an amount equal to the sum of 10 percent of the association's capital stock actually paid in an unimpaired and 10 percent of the association's unimpaired surplus fund.".

(b) STATE MEMBER BANKS.—Section 9 of the Federal Reserve Act (12 U.S.C. 321-338) is amended by adding at the end the following new paragraph:

"State member banks may make investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families (such as by providing housing, services, or jobs), to the extent permissible under State law, and subject to such restrictions and requirements as the Board of Governors of the Federal Reserve System may prescribe by regulation or order. A bank shall not make any such investment if the investment would expose the bank to unlimited liability. The Board shall limit a bank's investments in any 1 project and a bank's aggregate investments under this paragraph. A bank's aggregate investments under this paragraph shall not exceed an amount equal to the sum of 5 percent of the bank's capital stock actually paid in and unimpaired and 5 percent of the bank's unimpaired surplus fund, unless the Board determines by order that the higher amount will pose no significant risk to the affected deposit insurance fund, and the bank is adequately capitalized. In no case shall a bank's aggregate investments under this paragraph exceed an amount equal to the sum of 10 percent of the bank's capital stock actually paid in an unimpaired and 10 percent of the bank's unimpaired surplus fund.".

SEC. 7. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions in areas affected by such major disasters as Hurricane Andrew, Hurricane Iniki, and the Los Angeles civil unrest to meet the financial services needs of their communities.

SEC. 8. OTHER AUTHORITY NOT AFFECTED.

Nothing in this Act limits the authority of any department or agency under any other provision of law.

• Mr. BREAUX. Mr. President, I rise today to cosponsor legislation which will ease credit requirements for lenders aiding victims of Hurricanes Andrew and Iniki as well as victims of future disasters. Mr. President, thousands of people in Florida, Louisiana, and Hawaii are trying to rebuild their lives in the face of natural disasters which have left their homes and businesses destroyed. This legislation recognizes that rules and regulations written for normal times are inhibiting banks from providing critical services—particularly credit services—to these ravaged communities.

The Depository Institutions Disaster Relief Act of 1992 would grant Federal banking agencies discretion to modify or waive certain specified regulatory constraints—after full consideration of safety and soundness demands—that interfere with the flow of banking services to emergency or major disaster areas. The area would have to be declared a disaster area by the President in order for regulators to modify or waive the specified regulatory requirements.

For example, the banking laws generally require that an appraisal be conducted in connection with most loan transactions that are secured by real estate. Compliance with this rule by traditional appraisal methods is virtually impossible—and unnecessary—when entire neighborhoods have been destroyed.

Mr. President, adequate credit and other banking services are never needed more than in times of emergency or major disaster. This legislation will provide that needed assistance to disaster victims as well as protect the integrity of our Nation's banking laws. I urge my colleagues to join me in support of this very important legislation.•

• Mr. GRAHAM. Mr. President, I am pleased to join my colleagues, Senators MACK, BREAUX, INOUYE, AKAKA, RIEGLE, and GARN in cosponsoring the Depository Institutions Disaster Relief Act of 1992. This bill is intended to encourage the financial institution regulators to recognize and assist financial institutions located in emergency areas due to natural disasters like hurricanes and typhoons. The bill will also encourage financial institutions serving disaster areas to meet the financial service needs of their devastated communities.

Secretary BRADY started the ball rolling on the idea for this bill when he visited the hurricane ravaged area in south Florida and met with representatives of the financial community. At that time the financial institutions expressed their concerns about whether they would be able to lend in their communities and what they themselves were facing. The institutions located in the devastated area and which principally served that area were in the process of surveying the damage to their facilities, seeking shelter for their employees and trying to get power to their buildings.

Florida financial institutions and a representative from the Florida comptroller's office were so concerned about the difficult situation they found themselves in that they personally came to Washington to share with Congress the challenges they were facing every day. Fortunately, the Congress was sympathetic and realized that the financial institutions in the affected communities would play a vital role in rebuilding south Florida by making the critically needed credit available.

The Depository Institutions Disaster Relief Act would apply only to an area declared to be a Presidential emergency; in addition the Stafford Act would have to be in effect. The regulators must still maintain the safety and soundness of the affected financial institutions; however the bill would give financial regulators the ability to waive certain regulatory requirements.

Among the requirements that could be waived are the appraisal requirements. In normal times, current financial standards require appraisals on property before a financial institution can make a loan. However, in a disaster area, like those hit by Hurricanes Andrew and Iniki, it is hard to meet these appraisal requirements due to the destruction.

The bill also waives the capital requirements for financial institutions to make allowance for the spikes in the measurement of capital going into a financial institution from insurance proceeds and going out as the financial institution lends for the rebuilding effort. The bill also gives the regulators the discretion to waive for 1 year the Administrative Procedures Act, the Truth-in-Lending Act and the Expedited Funds Availability Act.

Finally the bill includes a sense of the Congress to encourage the financial regulators to encourage the financial institutions to meet the financial needs of their devastated communities.

Mr. President, I would like to express my sincere thanks to my colleagues and their staffs, and representatives from the Treasury Department and the financial regulators, for all the hard work they have put in on this bill. In particular, I would like to thank Rick Carnell, a fellow Floridian, who has developed an appreciation for the impact of Hurricane Andrew on south Florida.•

By Mr. HOLLINGS:

S. 3286. A bill to amend the Endangered Species Act of 1973 to provide for a loan program for States and political subdivisions; to the Committee on Environment and Public Works.

ENDANGERED SPECIES ACT OF 1973 AMENDMENTS

• Mr. HOLLINGS. Mr. President, for years Congress has mandated costly regulations on States and municipalities. Nowhere has this been more true than in the realm of environmental legislation. Congress seems to believe that it can purify air, clean water, and protect wildlife simply by passing laws.

As the former mayor of Anaheim, I can tell you that simply instructing a State or municipal government to address a problem is not a solution. The Federal Government must provide the necessary assistance to ensure the locality has the ability to comply.

It is for this very reason that today I am introducing the Endangered Species Community Impact Assistance Act.

My bill will facilitate the implementation of a new ambitious multispecies habitat effort currently being conducted in California. The effort is intended to move from single species habitat conservation planning to natural community conservation planning. The approach, known as bioregionalism acknowledges the interconnection between ecosystems and species, establishing habitat conservation programs that serve an entire ecosystems and all their species as opposed to simply protecting one plant or animal.

Traditionally, both State agencies and the U.S. Fish and Wildlife Service have viewed compliance with the Endangered Species Act as a single species issue. When the U.S. Fish and Wildlife Service determines that a species is threatened with extinction, it lists the species and establishes a recovery plan.

Invariably, this system is reactive. The Government only gets involved when a species is on the brink of extinction, at which point the Fish and Wildlife Service typically must take radical action to prevent the species from going extinct.

Such inaction, followed by frantic overreaction, has not only had a devastating impact on many local and regional economies, but has also done little for the very plants and animals the Endangered Species Act is designed to protect.

California, on both the State and local level, is trying something new. Instead of waiting for rare species to be listed, or attempting to deal with listed species one at a time, the State has established a project to identify priorities and set aside habitat that is shared by a host of different listed and candidate species.

Through such a holistic, multispecies approach, it is hoped that California can forestall the otherwise inevitable progression of species listings. Each of these listings limits the ability of State and local governments to make rational public policy decisions—invariably to the detriment of California's economy.

Setting aside wildlife habitat before such a crisis is reached can dramatically lessen the damage not only to the wildlife species but also local economies. Unfortunately, in today's bleak economic climate, State and local governments cannot afford to be proactive.

The purchase of significant habitat acreage is very expensive. States and municipalities which are interested in setting aside such habitat, have to borrow the money. The cost of the principal and the interest combined is often more than any single government entity can afford. Without adequate funding, the land cannot be set aside, and everyone suffers.

The Endangered Species Impact Assistant Act addresses this problem. The act gives the Secretary of the Interior the authority to enter into agreements with local governments to provide interest free loans for the acquisition of habitat for rare and endangered species. Once the local or State government has paid off the principal, the Secretary has the discretion to take title to the land without further expense.

Mr. President, this bill makes economic and environmental sense, and I am hopeful that it can be used as a sound starting point for the much-needed discussion of endangered species impact assistance for States, counties, and municipalities when the Endangered Species Act is brought before the Senate for reauthorization next year.•

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. BIDEN, the name of the Senator from North Dakota [Mrs. BURDICK] was added as a cosponsor of S. 15, a bill to combat violence and crimes against women on the streets and in homes.

S. 1777

At the request of Mr. ADAMS, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 1777, a bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

S. 1862

At the request of Mr. GRAHAM, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1862, a bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

S. 2033

At the request of Mr. DASCHLE, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 2033, a bill to expand the exclusion of services of election officials and workers from social security earnings.

S. 2362

At the request of Mr. MCCAIN, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2362, a bill to amend title XVIII of the Social Security Act to repeal the reduced Medicare payment provision for new physicians.

S. 2407

At the request of Mr. SEYMOUR, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 2407, a bill to amend the Board for International Broadcasting Act of 1973 to establish a program for radio broadcasting to the peoples of Asia.

S. 2810

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2810, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

At the request of Mr. GORE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2810, supra.

S. 2813

At the request of Mr. GORE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2813, a bill to establish in the Government Printing Office an electronic gateway to provide public access to a wide range of Federal databases containing public information stored electronically.

S. 2841

At the request of Mr. D'AMATO, the names of the Senator from Delaware [Mr. ROTH] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 2841, a bill to provide for the minting of coins to commemorate the World University Games.

S. 2941

At the request of Mr. BUMPERS, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 2941, a bill to provide the Administrator of the Small Business Administration continued authority to administer the Small Business Innovation Research Program, and for other purposes.

S. 3117

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 3117, a bill to amend title XVIII of the Social Security Act to enhance certain payments made to Medicare-dependent, small rural hospitals.

S. 3183

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr.

INOUYE] was added as a cosponsor of S. 3183, a bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes.

S. 3195

At the request of Mr. GLENN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 3195, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the U.S. involvement in World War II.

S. 3221

At the request of Mr. LAUTENBERG, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 3221, a bill to deny most-favored-nation status to Serbia and Montenegro unless certain conditions are met.

SENATE JOINT RESOLUTION 3

At the request of Mr. KENNEDY, the name of the Senator from North Dakota [Mrs. BURDICK] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

SENATE JOINT RESOLUTION 260

At the request of Mr. COCHRAN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 260, a joint resolution designating the week of October 18, 1992, through October 24, 1992, as "National School Bus Safety Week."

SENATE JOINT RESOLUTION 278

At the request of Mr. DODD, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Michigan [Mr. RIEGLE], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Kentucky [Mr. FORD], the Senator from Indiana [Mr. COATS], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 278, a joint resolution designating the week of January 3, 1993, through January 9, 1993, as "Braille Literacy Week."

SENATE JOINT RESOLUTION 311

At the request of Mr. SEYMOUR, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of Senate Joint Resolution 311, a joint resolution designating February 21, 1993, through February 27, 1993, as "American Wine Appreciation Week," and for other purposes.

SENATE JOINT RESOLUTION 315

At the request of Mr. SEYMOUR, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Utah [Mr. GARN] were added as cosponsors of Senate Joint Resolution 315, a joint resolution to designate September 16, 1992, as "National Occupational Therapy Day."

SENATE JOINT RESOLUTION 327

At the request of Mr. BRYAN, the names of the Senator from California [Mr. SEYMOUR], the Senator from Nebraska [Mr. EXON], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Joint Resolution 327, a joint resolution to designate October 8, 1992, as "National Firefighters Day."

SENATE JOINT RESOLUTION 328

At the request of Mr. COCHRAN, the names of the Senator from California [Mr. SEYMOUR] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 328, a joint resolution to acknowledge the sacrifices that military families have made on behalf of the Nation and to designate November 23, 1992, as "National Military Families Recognition Day."

AMENDMENT NO. 3217

At the request of Mr. PACKWOOD, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of Amendment No. 3217 proposed to H.R. 11, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes.

SENATE RESOLUTION 353—RELATIVE TO THE PRESIDENTIAL DEBATES

Mr. PRYOR (for himself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 353

Whereas American taxpayers currently fund presidential campaigns through a one dollar check-off on their Federal income tax form;

Whereas the Democratic and Republican presidential nominees will each receive roughly $75,000,000 in taxpayers' dollars to fund their campaigns through the 1992 general election;

Whereas the American electorate deserves to be presented with the opportunity to watch and listen to the candidates exchange views face-to-face on the issues of the day;

Whereas presidential debates have been a part of every Presidential campaign for the past 16 years;

Whereas the American public has come to expect formal debates as an integral part of the presidential election process;

Whereas Democrats and Republicans alike agree in the importance of debates and showed their interest by having the Democratic and Republican National Committees collaborate in 1987 to establish the Commission on Presidential Debates, a bipartisan group; and

Whereas in 1988, 160,000,000 Americans expressed their interest in seeing candidates debate by watching the two Presidential and one Vice Presidential debates that the Commission sponsored: Now, therefore, be it *Resolved*, That it is the sense of the Senate that—

(1) the American people fund the campaigns of the major party candidates, and they have a right to expect formal Presidential and Vice Presidential debates; and

(2) the Democratic and Republican Presidential candidates and Vice Presidential candidates should debate before the election of November 3, 1992.

Mr. PRYOR. Mr. President, American taxpayers currently fund the Presidential campaigns through a $1 checkoff on their Federal income tax form. This year the Democratic and Republican Presidential nominees will each receive roughly $75 million in taxpayers' money to fund their campaigns through the 1992 general election.

What I am introducing at this time is a very simple sense-of-the-Senate resolution. It is a very simple resolution saying that it is the American public funds that fund the Presidential campaigns and the American people deserve to see formal Presidential and Vice Presidential debates before the election on November 3, 1992.

Today, as we know, was supposed to have been a day for a second Presidential debate in Louisville, KY. Like its predecessor in Michigan, the Louisville debate was canceled, to my understanding, because President Bush declined to attend.

Mr. President, this simple resolution simply states that the United States Senate is going on record supporting the Presidential debates to go forward so that the American people can see the position each candidate is taking.

Not since the campaign of 1972 have the American people been deprived of Presidential debates. They have come to expect debates and they deserve them.

If American taxpayers are going to foot much of the bill for Presidential campaigns, the least a candidate can do in return is give 2 hours of his time to tell the American people where he stands in a face-to-face debate.

Accordingly, today I am offering a sense-of-the-Senate resolution which would simply put the Senate on record in favor of Presidential debates.

This resolution reads as follows: Resolved that it is the sense-of-the-Senate that: First, the American people fund the campaigns of the major party candidates, and they have a right to expect formal Presidential and Vice Presidential debates; and second, the Democratic and Republican Presidential candidates and Vice Presidential candidates should debate before the election of November 3, 1992.

It is as simple as that—the Senate wants debates.

Today, I stand on the floor of the greatest deliberative body in the world, the site of innumerable debates on the important issues of the day. This resolution is a simple way for the Senate to stand in unison in favor of a simple and noncontroversial concept: the candidates for President and Vice-President have a responsibility to the American public to debate.

It is my understanding that today at 5 p.m. another deadline is set to expire for both candidates to accept a debate from the bipartisan commission on Presidential debates. If one of the candidates declines to debate, later this week I will offer a sense-of-the-Senate resolution stating that any candidate refusing to accept the commission's offer to debate should return the Federal campaign funds that they have received, or will receive. The American public pays for these elections with their tax dollars, and they expect debates in return. That later resolution will make another simple statement: if you do not want public debates, give back the public tax dollars you have taken.

I hope I do not have to submit that resolution. I hope both candidates will accept the bipartisan commission's offer for a public debate, but if that bipartisan offer is spurned, I will be back later this week to offer my second resolution.

AMENDMENTS SUBMITTED

START TREATY

WALLOP EXECUTIVE AMENDMENT NO. 3317

Mr. WALLOP proposed an amendment to the resolution of ratification to the Treaty between the United States and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, as follows:

Add at the appropriate place the following:

The Senate's advice and consent to the ratification of the START Treaty is subject to the following condition, which shall be binding upon the President:

"The START Treaty, including the May 23, 1992 Protocol, the two Annexes, six Protocols, Memorandum of Understanding, and Corrigenda, shall not enter into force until the President certifies that all MIRVed ICBMs, and all launchers for MIRVed ICBMs, shall be eliminated in accordance with the agreement in the Joint Understanding on deep cuts of June 17, 1992, signed by the President of the United States of America and the President of the Russian Federation."

TAX EQUITY ACT

BENTSEN AMENDMENT NO. 3318

Mr. BENTSEN proposed an amendment to the bill H.R. 11, to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes; as follows:

On page 1811, after line 9, insert the following new titles:

TITLE—AMENDMENTS TO MEDICARE PROGRAM

SECTION 100. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title, and titles and may be cited as the "Medicare and Medicaid Amendments Act of 1992".

(b) REFERENCES TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this title, and titles and , an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO OBRA.—In this title, and titles and , the terms "OBRA–1986", "OBRA–1987", "OBRA–1989", and "OBRA–1990" refer to the Omnibus Budget Reconciliation Act of 1986 (Public Law 99–509), the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203), the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239), and the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508), respectively.

SUBTITLE A—PROVISIONS RELATING TO PART A

PART I—EXTENSION OF EXPIRING PROVISIONS

SEC. 101. EXTENSION OF REGIONAL REFERRAL CENTER CLASSIFICATION.

(a) IN GENERAL.—Section 6003(d) of OBRA–1989 is amended by striking "1992" and inserting "1994".

(b) RECLASSIFICATION DECLINATION ALLOWED.—If any hospital fails to qualify as a regional referral center under section 1886(d)(5)(C) of the Social Security Act as a result of a decision by the Medicare Geographic Classification Review Board under section 1886(d)(10) of such Act with respect to such hospital's application for a change in geographic classification for fiscal year 1993, the Secretary of Health and Human Services shall—

(1) notify such hospital of such failure to qualify,

(2) provide an opportunity for such hospital to decline such reclassification, and

(3) administer the Social Security Act with respect to such hospital from October 1, 1992, until the effective date of the declination as if the decision by the Review Board had not occurred.

(c) NO STANDARDIZED AMOUNT ADJUSTMENT.—The Secretary of Health and Human Services shall not revise the standardized amounts pursuant to subsections (d)(3)(B) and (d)(8)(D) of section 1886 of the Social Security Act to account for hospitals which decline reclassification under subsection (b).

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of OBRA–1989.

SEC. 102. MEDICARE-DEPENDENT, SMALL RURAL HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) by amending clause (i) to read as follows:

"(i) In the case of a subsection (d) hospital which is a medicare-dependent, small rural hospital, payment under paragraph (1)(A) for discharges occurring before October 1, 1994, shall be—

"(I) for any cost reporting period beginning on or after April 1, 1990, and before April 1, 1993, the amount determined under clause (ii); and

"(II) for any cost reporting period beginning on or after April 1, 1993, the amount determined under clause (ii) by substituting '50 percent' for '100 percent'.";

(2) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(3) by inserting after clause (i) the following new clause:

"(ii) The amount determined under this clause is the sum of—

"(I) the amount determined under paragraph (1)(A)(iii), and

"(II) 100 percent of the excess (if any) of—

"(aa) the hospital's target amount for the cost reporting period, as defined in subsection (b)(3)(D), over

"(bb) the amount determined under paragraph (1)(A)(iii).".

(b) RECLASSIFICATION DECLINATION ALLOWED.—If any hospital fails to qualify as a medicare-dependent, small rural hospital under section 1886(d)(5)(G)(i) of the Social Security Act as a result of a decision by the Medicare Geographic Classification Review Board under section 1886(d)(10) of such Act with respect to such hospital's application for a change in geographic classification for fiscal year 1993, the Secretary of Health and Human Services shall—

(1) notify such hospital of such failure to qualify,

(2) provide an opportunity for such hospital to decline such reclassification, and

(3) administer the Social Security Act with respect to such hospital from October 1, 1992, until the effective date of the declination as if the decision by the Review Board had not occurred.

(c) NO STANDARDIZED AMOUNT ADJUSTMENT.—The Secretary of Health and Human Services shall not revise the standardized amounts pursuant to subsections (d)(3)(B) and (d)(8)(D) of section 1886 of the Social Security Act to account for hospitals which decline reclassification under subsection (b).

SEC. 103. EXTENSION OF RURAL HEALTH TRANSITION GRANT PROGRAM.

Section 4005(e)(9) of OBRA–1987, as amended by section 6003(g)(1)(B) of OBRA–1989, is amended—

(1) by striking "1989 and" and inserting "1989,"; and

(2) by striking "1992" and inserting "1992 and $30,000,000 for each of the fiscal years 1993 through 1997".

SEC. 104. EXTENSION OF ESSENTIAL ACCESS COMMUNITY HOSPITAL PROGRAM.

(a) IN GENERAL.—Section 1820(k) (42 U.S.C. 1395i–4(k)) is amended by striking "1990, 1991, and 1992" and inserting "1990 through 1995".

(b) CLARIFICATION OF CRITERIA.—Section 1820(f)(1)(F) (42 U.S.C. 1395i–4(f)(1)(F)) is amended by striking "72 hours" and all that follows through "conditions)" and by inserting "an average of 72 hours".

SEC. 105. EXTENSION OF PASS THROUGH PAYMENT FOR HEMOPHILIA INPATIENTS.

(a) IN GENERAL.—Section 6011(d) of OBRA–1989 is amended by striking "2 years after the date of enactment of this Act" and inserting "September 30, 1994".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of OBRA–1989.

SEC. 106. EXTENSION OF RURAL HOSPITAL DEMONSTRATION.

Section 4008(i)(1) of OBRA–1990 is amended by adding at the end the following new sentence: "The Secretary shall continue any such demonstration project until at least December 31, 1995.".

PART II—MISCELLANEOUS PART A AMENDMENTS

SEC. 107. WAGE INDEX HOLD HARMLESS PROTECTION.

(a) IN GENERAL.—Section 1886(d)(8)(C)(iii) (42 U.S.C. 1395ww(d)(8)(C)(iii)) is amended by adding at the end the following new sentence: "In the case of an urban area in a State that has—

"(I) a wage index below the wage index for rural areas in such State, or

"(II) no rural areas,

such an application or decision may not result in a reduction of that urban area's wage index.

(b) Urban Standardized Amount Adjusted.—For discharges occurring on or after the effective date of this section and before October 1 1993, the Secretary of Health and Human Services shall adjust the urban standardized amount by a factor of 0.999321.

(c) Updating Standards.—Section 1886(d)(8)(B) (42 U.S.C. 1395ww(d)(8)(B)) is amended—

(1) by striking "(B)" and inserting "(B)(i)",

(2) by inserting "most recently available" before "standards" each place it appears,

(3) by striking "published in the Federal Register on January 3, 1980", and

(4) by adding at the end the following new clause:

"(ii) If a hospital was previously reclassified under this paragraph based on standards for Metropolitan Statistical Areas (and New England County Metropolitan Areas) published in the Federal Register on January 3, 1980, and the hospital is located in a rural county under the most recently available standards for designating Metropolitan Statistical Areas, the Secretary shall treat the hospital as being located in the urban metropolitan statistical area to which the greatest number of workers in the county commute.".

(d) Effective Date.—The amendments made by this section shall be apply to discharges occurring on or after the date which is 30 days after the date of the enactment of this Act.

SEC. 108. SUPERVISION OF HOSPITAL TREATMENT BY PSYCHOLOGISTS.

Section 1861(e)(4) (42 U.S.C. 1395x) is amended by inserting ", or, in the case of inpatients receiving qualified psychologist services (as defined in subsection (ii)), may be under the care of a clinical psychologist to the extent permitted under State law" after "physician".

SEC. 109. DELAY IN RECOUPMENT.

(a) In General.—The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") may not, on or after the date of the enactment of this Act and before April 1, 1993, recoup from or otherwise reduce payments to hospitals with respect to alleged overpayments made to such hospitals with respect to a waiver granted by the Secretary to a State under section 1886(c) of the Social Security Act.

(b) Information Made Available.—Prior to undertaking a recoupment, the Secretary shall make available to the State and the hospitals in the State all relevant information used by the Secretary to determine the amount of the alleged overpayments, including—

(A) the cost reports submitted by the hospitals during the relevant cost reporting period, and

(B) the methodology used by the Secretary to determine the amount of payments that would have been made under title XVIII of the Social Security Act to hospitals in the State in the absence of the waiver.

SEC. 110. SKILLED NURSING FACILITY WAGE INDEX.

(a) In General.—Within one year of the date of the enactment of this Act, the Secretary of Health and Human Resources shall begin to collect data on employee compensation and paid hours of employment in skilled nursing facilities for the purpose of constructing a skilled nursing facility wage index adjustment to the routine service cost limits required under section 1888(a)(4) of the Social Security Act.

(b) ProPAC Report.—The Prospective Payment Assessment Commission shall, by March 1, 1993, study and report to the Congress on the impact of applying routine cost limits for skilled nursing facilities on a regional basis.

Subtitle B—Provisions Relating to Part B

PART I—PAYMENT FOR PHYSICIANS' SERVICES

SEC. 111. PERMITTING SEPARATE PAYMENT FOR INTERPRETATION OF ELECTROCARDIOGRAMS.

(a) In General.—Section 1848(b) (42 U.S.C. 1395w–4(b)) is amended by striking paragraph (3).

(b) Development of Separate Fee Schedule Amounts for Electrocardiogram Interpretations.—

(1) In general.—The Secretary of Health and Human Services (hereafter in this subsection referred to as the "Secretary") shall make separate payment, under the fee schedule established under section 1848 of the Social Security Act (42 U.S.C. 1395w–4), for the interpretation of electrocardiograms performed or ordered to be performed as part of or in conjunction with a visit to or a consultation with a physician.

(2) Adjustment of visit and consultation relative values.—The Secretary shall adjust the relative values established for medical visits and consultations under part 415 of title 42 of the Code of Federal Regulations, so as not to include relative value units for electrocardiogram interpretation in the relative value for medical visits and consultations.

(3) Adjustment of fee schedules.—The Secretary shall adjust—

(A) the fee schedule amounts which are determined under section 1848(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(a)(2)(A)) and used in application of the special rules for 1993, 1994, and 1995, under section 1848(a)(2)(B) of such Act (42 U.S.C. 1395w–4(a)(2)(B)), and

(B) the relative values for all services established under section 1848(b) of such Act (42 U.S.C. 1395w–4(b)),

to reflect the separate payment for electrocardiogram interpretations under paragraph (1) so as not to increase or decrease expenditures under such section as determined without regard to paragraph (1).

(c) Effective Date.—The amendment made by subsection (a) and the provisions of subsection (b) shall apply to services furnished on or after January 1, 1993.

SEC. 112. REPEAL OF REDUCED MEDICARE PAYMENT PROVISION FOR NEW PRACTITIONERS.

(a) Physicians.—Section 1848(a) (42 U.S.C. 1395w–4(a)) is amended by repealing paragraph (4).

(b) Other Practitioners.—Section 1842(b)(4) (42 U.S.C. 1395u(b)(4)) is amended by striking subparagraph (F).

(c) Budget Neutrality.—The Secretary of Health and Human Services shall provide that in carrying out the amendments made by subsections (a) and (b) that payments under section 1848 of the Social Security Act are no greater or lesser than what such payments would have been but for the provisions of this Act.

(d) Effective Date.—The amendments made by subsections (a) and (b) shall apply with respect to physicians' services furnished on or after January 1, 1993.

SEC. 113. BASING MEDICARE PAYMENTS FOR ANESTHESIA SERVICES ON ACTUAL TIME.

(a) Physicians' Services.—Section 1848(b)(2)(B) (42 U.S.C. 1395w–4(b)(2)(B)) is amended by adding at the end the following: "Notwithstanding any other provision of law, for anesthesia services furnished on or after January 1, 1993, and before January 1, 1997, the Secretary may not modify the methodology in effect as of January 1, 1992, for determining the amount of time that may be billed for such services under this section.".

(b) Services of Certified Registered Nurse Anesthetists.—Section 1833(l)(1)(B) (42 U.S.C. 1395l(l)(1)(B)) is amended by adding at the end the following: "Notwithstanding any other provision of law, for anesthesia services furnished on or after January 1, 1993, and before January 1, 1997, the Secretary may not modify the methodology in effect as of January 1, 1992, for determining the amount of time that may be billed for such services under this subsection.".

(c) Study on Time Reported for Anesthesia Services.—

(1) Contents of study.—The Comptroller General of the United States (hereafter in this section referred to as the "Comptroller General") shall—

(A) study the actual time reported for anesthesia services furnished under title XVIII of the Social Security Act for high-volume surgical procedures,

(B) compare the actual time reported for a procedure during 1991 with the time reported for the same procedure during each of the 4 succeeding years,

(C) evaluate the extent to which the actual time reported for a procedure has increased or decreased during such period, and

(D) determine (to the extent practicable)—

(i) whether any increases or decreases identified under subparagraph (C) are the result of changes in patterns of medical practice, physician responses to reductions in payments for anesthesia services, or other factors, and

(ii) the effect of such increases or decreases on the total amount expended under title XVIII of the Social Security Act for anesthesia services.

(2) Design of study.—The Comptroller General shall consult with the Physician Payment Review Commission (hereafter in this section referred to as the "Commission") in designing the study required under paragraph (1).

(3) Reports.—

(A) Interim report.—The Comptroller General shall transmit an interim report on the progress of the study to the Commission, the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives not later than July 1, 1994.

(B) Final report.—The Comptroller General shall report the results of the study to the Commission and the Committees referred to in subparagraph (A) not later than July 1, 1996.

(4) Evaluation of reports by the Commission.—The Commission shall evaluate each report required under paragraph (3) and transmit comments on the report to the Committees referred to in paragraph (3)(A) not later than 90 days after the report is received by the Commission.

SEC. 114. REFINEMENT OF GEOGRAPHIC ADJUSTMENT FACTOR FOR MEDICARE PHYSICIANS' SERVICES.

(a) Deadline for Initial Review and Revision.—Section 1848(e)(1)(C) (42 U.S.C. 1395w–

4(e)(1)(C)) is amended by adding at the end the following: "The first such review and revision shall apply to services furnished on or after January 1, 1994, and shall be based on the most recent data on practice expenses, malpractice expenses, and physicians' work effort.".

(b) AUTHORITY TO ADJUST INDEX VALUE FOR INPUT COMPONENT UNDER CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—Section 1848(e)(1) (42 U.S.C. 1395w-4(e)(1)) is amended—

(A) in subparagraph (A), by striking "(B) and (C)" and inserting "(B), (C), and (D)";

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) SPECIAL ADJUSTMENT TO CORRECT FOR UNIQUE LOCAL CIRCUMSTANCES.—The Secretary may adjust the value assigned to an input component of an index in a fee schedule area if the Secretary determines that the value that would otherwise apply in such area does not accurately reflect the relative costs of such input for such area because of unique local circumstances.".

(2) CONFORMING AMENDMENT.—Section 1848(i)(1)(D) (42 U.S.C. 1395w-4(i)(1)(D)) is amended by inserting "(including any adjustment under subparagraph (C) thereof)" after "subsection (e)".

(c) REPORT ON REVIEW PROCESS.—Not later than April 1, 1993, the Secretary of Health and Human Services (hereafter in this subsection referred to as the "Secretary") shall study and report to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives on—

(1) the data necessary to review and revise the indices established under section 1848(e)(1)(A) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(A)), including—

(A) the shares allocated to physicians' work effort, practice expenses (other than malpractice expenses), and malpractice expenses;

(B) the weights assigned to the input components of such shares; and

(C) the index values assigned to such components;

(2) any limitations on the availability of data necessary to review and revise such indices at least every three years;

(3) ways of addressing such limitations, with particular attention to the development of alternative data sources for input components for which current index values are based on data collected less frequently than every three years; and

(4) the costs of developing more accurate and timely data sources.

(d) STUDY ON LOW-VOLUME ADJUSTMENT IN ISOLATED AREAS.—

(1) IN GENERAL.—Not later than July 1, 1993, the Physician Payment Review Commission shall study and report to the Committee on Finance of the Senate and the Committees on Ways and Means and Energy and Commerce of the House of Representatives on the feasibility and desirability of providing for a special adjustment to the index value of the medical equipment and supplies input component of the index used under section 1848(e) of the Social Security Act (42 U.S.C. 1395w-4(e)) with respect to services described in paragraph (2).

(2) DESCRIPTION OF SERVICES.—Services described in this paragraph are services—

(A) furnished by a physician who practices in an isolated area;

(B) requiring the presence of expensive medical equipment and supplies in the physician's office; and

(C) with respect to which the cost per service of operating the equipment is increased because of the low volume of patients of such physician.

SEC. 115. EXTRA BILLING.

(a) APPLICATION OF EXTRA-BILLING LIMITS.—

(1) ENFORCEMENT.—Paragraph (1) of section 1848(g) (42 U.S.C. 1395w-4(g)) is amended to read as follows:

"(1) LIMITATION ON ACTUAL CHARGES.—

"(A) NO BILLING IN EXCESS OF LIMITING CHARGES.—A nonparticipating physician who does not accept payment on an assignment-related basis for physicians' services furnished with respect to an individual enrolled under this part may not bill or collect an actual charge in excess of the limiting charge described in paragraph (2) for such services.

"(B) NO LIABILITY FOR EXCESS CHARGES.—No person is liable for payment of any amounts billed in excess of the amount permitted under subparagraph (A).

"(C) REFUND OF EXCESS CHARGES.—If a physician bills or collects an amount that exceeds by at least one dollar the applicable limiting charge for a service furnished to an individual enrolled under this part, the physician shall on a timely basis—

"(i) refund the full amount collected in excess of the limiting charge,

"(ii) if there is an outstanding balance owed to the physician for other items and services and furnished to the individual, reduce this balance by the amount of the excess charge and refund any amount in excess of the outstanding balance, or

"(iii) if the physician has not yet collected such excess charges, reduce the actual charge billed for the service to the amount permitted under subparagraph (A).

"(D) TIMELINESS OF REFUND.—

"(i) IN GENERAL.—A refund (or reduction) under subparagraph (C) is considered to be made on a timely basis if the full refund (or notice to the individual of reduced outstanding balance or reduced charge, as applicable) is made within 30 days after a carrier notifies the physician that the limiting charge has been exceeded.

"(ii) RESPONSE TO CARRIER'S DETERMINATION.—In the case of a physician who, within 30 days after the carrier notifies the physician that the limiting charge has been exceeded, submits to the carrier documentation supporting application of a different limiting charge to the service furnished, a refund (or reduction) under subparagraph (C) is considered to be made on a timely basis if the full refund (or notice to the individual of reduced outstanding balance or reduced charge, as applicable) is made within 15 days after the carrier notifies the physician following review of such documentation that the limiting charge has been exceeded.

"(E) SANCTIONS.—If a physician—

"(i) knowingly and willfully bills for services in violation of subparagraph (A),

"(ii) collects for services in violation of subparagraph (A) on a repeated basis, or

"(iii) fails to comply with subparagraph (C),

the Secretary may apply sanctions against the physician in accordance with section 1842(j)(2) and apply paragraph (4) of section 1842(j) in the same manner as such paragraph applies to such section.".

(2) APPLICATION OF EXTRA-BILLING LIMITS TO PHYSICIANS' SERVICES FURNISHED BY ANY PERSON.—

(A) IN GENERAL.—Section 1848(g) (42 U.S.C. 1395w-4(g)) is amended—

(i) in paragraph (1), as amended by subsection (a) of this section—

(I) in subparagraph (A), by inserting "or nonparticipating supplier or other person (as defined in section 1842(i)(2))" after "nonparticipating physician",

(II) in subparagraph (C), by inserting ", supplier, or other person" after "physician" each place it appears,

(III) in subparagraph (D), by inserting ", supplier, or other person" after "physician" each place it appears, and

(IV) in subparagraph (E), by inserting ", supplier, or other person" after "physician" each place it appears, and by inserting before the period at the end the following: "and any reference in such section to a physician is deemed to include a reference to a supplier or other person under this subparagraph"; and

(ii) in paragraph (2)(C), by inserting "or for nonparticipating suppliers or other persons" after "nonparticipating physicians".

(B) CONFORMING DEFINITION.—Section 1842(i)(2) (42 U.S.C. 1395u(i)(2)) is amended—

(i) by striking ", and the term" and inserting "; the term", and

(ii) by inserting before the period at the end the following: "; and the term 'nonparticipating supplier or other person' means a supplier or other person (excluding a provider of services) that is not a participating physician or supplier (as defined in subsection (h)(1))".

(C) ADDITIONAL CONFORMING AMENDMENTS.—Section 1848 (42 U.S.C. 1395w-4) is amended—

(i) in subsection (a)(3)—

(I) in the heading, by inserting "AND SUPPLIERS" after "PHYSICIANS", and

(II) by inserting "or a nonparticipating supplier or other person" after "nonparticipating physician", and

(ii) in subsection (j)(3), by inserting ", except for purposes of subsection (g)," after "tests and".

(b) DETERMINATIONS BY CARRIERS REGARDING APPLICABLE LIMITING CHARGES FOR PHYSICIAN SERVICES.—Section 1842(b)(3) (42 U.S.C. 1395u(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking "and" at the end of subparagraph (H); and

(3) by inserting after subparagraph (H), the following new subparagraph:

"(I) will, for claims that are not paid on an assignment-related basis—

"(i) determine, prior to making payment, whether the amount billed for physicians' services furnished with respect to an individual enrolled under this part exceeds the limiting charge applicable under section 1848(g)(2);

"(ii) notify the physician, supplier, or other person within 30 days of any determination that the amount billed exceeds by at least one dollar the limiting charge applicable under section 1848(g)(2) and provide an opportunity for the physician supplier or other person to respond;

"(iii) notify the physician, supplier, or other person, within 30 days of the receipt of a response, of the carrier's determination with respect to such response regarding whether the limiting charge applicable under section 1848(g)(2) has been exceeded; and

"(iv) include limiting charge information in the explanation of medicare benefits that is sent to an individual enrolled under this part after the submission of an unassigned claim on an individual's behalf which exceeds the limiting charge by at least one dollar; and".

(c) CLARIFICATION OF MANDATORY ASSIGNMENT RULES FOR CERTAIN PRACTITIONERS.—

(1) IN GENERAL.—Section 1842(b) (42 U.S.C. 1395u(b)) is amended by adding at the end the following new paragraph:

"(19)(A) Payment for any service furnished by a practitioner described in subparagraph (C) or a service incident to such practitioner's service and for which payment may be made under this part under section 1833(a)(1) may only be made under this part on an assignment-related basis.

"(B) Except for deductible and coinsurance amounts applicable under this part, a practitioner described in subparagraph (C) may not bill for an individual or other person any service described in subparagraph (A). No person is liable for payment of any amounts billed for such a service in violation of subparagraph (A). If a practitioner (or other person billing for a service on behalf of the practitioner) knowingly and willfully bills for such a service in violation of subparagraph (A), the Secretary may apply sanctions against the practitioner (or such other person) in the same manner as the Secretary may apply sanctions against a physician in accordance with subsection (j)(2) in the same manner as such subsection applies with respect to a physician. Paragraph (4) of subsection (j) shall apply in this subparagraph in the same manner as such paragraph applies to such subsection.

"(C) A practitioner described in this subparagraph is any of the following:

"(i) A physician assistant, nurse practitioner, or clinical nurse specialist (as defined in section 1861(aa)(5)).

"(ii) A certified registered nurse anesthetist (as defined in section 1861(bb)(2)).

"(iii) A certified nurse-midwife (as defined in section 1861(gg)(2)).

"(iv) A clinical social worker (as defined in section 1861(hh)(1)).

"(v) A clinical psychologist (as defined by the Secretary for purposes of section 1861(ii)).".

(2) CONFORMING AMENDMENTS.—

(A) Section 1833 (42 U.S.C. 1395l) is amended—

(i) in subsection (l)(5)—

(I) by striking subparagraph (B), and

(II) by redesignating subparagraph (C) as subparagraph (B),

(ii) by striking subsection (p), and

(iii) in subsection (r)—

(I) by striking subparagraph (3), and

(II) by redesignating subparagraph (4) as subparagraph (3).

(B) Section 1842(b)(12) (42 U.S.C. 1395u(b)(12)) is amended by striking subparagraph (C).

(C) Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

(i) by striking "and" at the end of subparagraph (N),

(ii) by adding "and" at the end of subparagraph (O), and

(iii) by adding at the end the following new subparagraph:

"(P) with respect to services described in clauses (i), (ii), and (iv) of section 1861(s)(2)(K), the amounts paid shall be 80 percent of the lesser of the actual charge for the service or the amount determined under section 1842(b)(12)(A)(ii);".

(d) MONITORING OF CHARGES IN EXCESS OF LIMITING CHARGE.—Section 1848(g)(6) (42 U.S.C. 1395w-4(g)(6)) is amended in subparagraph (B), by striking "report to the Congress" and inserting "report to the Congress regarding the charges described in subparagraph (A)(i), including the extent to which actual charges exceed limiting charges, the number and types of services involved, and the average amount of excess charges".

(e) ESTABLISHMENT OF MEDICARE BENEFICIARY ADVISORY COUNCIL.—Title XVIII (42 U.S.C. 1395 et seq.) is amended by inserting after section 1889 the following new section:

"SEC. 1890. MEDICARE BENEFICIARY ADVISORY COUNCIL.

"(a) APPOINTMENT OF MEMBERS.—The Secretary shall appoint, based on nominations submitted by organizations representing elderly and disabled populations, a Medicare Beneficiary Advisory Council (hereafter in this section referred to as the 'Council') to be composed of 15 individuals who are entitled to benefits under part A or who are enrolled under part B.

"(b) MEETINGS.—The Council shall meet once during each calendar quarter to discuss proposed regulations, carrier manual instructions, and any other issues with a direct or indirect impact on delivery, cost, quality, or expansion of medicare services. To the extent feasible and consistent with statutory deadlines, such consultation shall occur before the publication of such proposed changes.

"(c) REIMBURSEMENT OF EXPENSES.—Members of the Council shall be entitled to receive reimbursement of expenses and per diem in lieu of subsistence in the same manner as other members of advisory councils appointed by the Secretary are provided such reimbursement and per diem under this title.".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to services furnished on or after January 1, 1993.

(2) COUNCIL.—The amendment made by subsection (e) shall take effect on the date of the enactment of this Act.

PART II—MISCELLANEOUS PART B AMENDMENTS

SEC. 121. DURABLE MEDICAL EQUIPMENT.

(a) DEFINITION OF MEDICAL EQUIPMENT AND SUPPLIES.—

(1) IN GENERAL.—Section 1861 (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"MEDICAL EQUIPMENT AND SUPPLIES

"(oo) The term 'medical equipment and supplies' means—

"(1) durable medical equipment (as defined in section 1861(n));

"(2) prosthetic devices (as described in section 1861(s)(8));

"(3) orthotics and prosthetics (as described in section 1861(s)(9));

"(4) home dialysis supplies and equipment (as described in section 1861(s)(2)(F));

"(5) surgical dressings and other devices (as described in section 1861(s)(5));

"(6) immunosuppressive drugs (as described in section 1861(s)(2)(J)); and

"(7) such other items as the Secretary may determine.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to items furnished on or after January 1, 1993.

(b) DEVELOPMENT AND APPLICATION OF NATIONAL STANDARDS FOR SUPPLIERS OF MEDICAL EQUIPMENT AND SUPPLIES.—Section 1834 (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(i) REQUIREMENTS FOR ISSUANCE AND RENEWAL OF SUPPLIER NUMBERS FOR SUPPLIERS OF MEDICAL EQUIPMENT AND SUPPLIES.—

"(1) PAYMENT.—No payment may be made under this part after July 1, 1993, for items furnished by a supplier of medical equipment and supplies (as defined in section 1861(oo)) unless such supplier meets the national standards specified by the Secretary and possesses a valid supplier number.

"(2) REVISED STANDARDS.—

"(A) IN GENERAL.—The Secretary shall, by no later than January 1, 1995, in consultation with representatives of suppliers of medical equipment and supplies, carriers, and consumers, revise the national standards for suppliers of medical equipment and supplies to include the requirements listed in subparagraph (B).

"(B) STANDARDS DESCRIBED.—The requirements listed in this subparagraph are that suppliers of medical equipment and supplies shall—

"(i) comply with all applicable State and Federal licensure and regulatory requirements;

"(ii) maintain a physical facility on an appropriate site;

"(iii) have proof of appropriate liability insurance; and

"(iv) meet such other requirements as the Secretary may specify.

"(C) APPLICABILITY OF REVISED STANDARDS.—Beginning after December 31, 1994, each supplier of medical equipment and supplies applying for a supplier number or renewing such supplier's supplier number shall meet the revised standards described in this paragraph.".

(c) CERTIFICATES OF MEDICAL NECESSITY.—

(1) IN GENERAL.—Section 1834 (42 U.S.C. 1395m), as amended by subsection (b), is amended—

(A) in subsection (a), by striking paragraph (16), and

(B) by adding at the end the following new subsection:

"(j) CERTIFICATES OF MEDICAL NECESSITY.—

"(1) STANDARDIZED CERTIFICATES.—Not later than July 1, 1993, the Secretary shall, in consultation with carriers under this part, develop one or more standardized certificates of medical necessity (as defined in paragraph (3)) for medical equipment and supplies (as defined in section 1861(oo) other than paragraphs (4), (6), and (7)). If a certificate of medical necessity is required by the Secretary, such standardized certificates shall—

"(A) be completed by each physician who prescribes such medical equipment and supplies for any beneficiary under this part, and

"(B) be transmitted to the supplier and then to the carrier processing the claim for payment for such medical equipment and supplies under this part.

"(2) PROHIBITION AGAINST DISTRIBUTION BY SUPPLIERS OF CERTIFICATES OF MEDICAL NECESSITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a supplier of medical equipment and supplies described in paragraph (1) may not distribute to physicians or to individuals entitled to benefits under this part for commercial purposes any completed or partially completed certificates of medical necessity.

"(B) EXCEPTION FOR CERTAIN BILLING INFORMATION.—Subparagraph (A) shall not apply with respect to a certificate of medical necessity to the extent that such certificate contains only information completed by the supplier of medical equipment and supplies identifying such supplier and the beneficiary to whom such medical equipment and supplies are furnished, a description of such medical equipment and supplies, any product code identifying such medical equipment and supplies, and any other administrative information identified by the Secretary. In the event a supplier provides a certificate of medical necessity containing information permitted under this subparagraph, such certificate shall also contain the supplier's charge and the fee schedule amount for the medical equipment or supplies being furnished prior to distribution of such certificate to the physician.

"(C) PENALTY.—Any supplier of medical equipment and supplies who knowingly and willfully distributes a certificate of medical necessity in violation of subparagraph (A) is subject to a civil money penalty in an amount not to exceed $1,000 for each such certificate of medical necessity so distributed. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to civil money penalties under this subparagraph in the same manner as they apply to a penalty or proceeding under section 1128A(a).

"(3) DEFINITION.—For purposes of this subsection, the term 'certificate of medical necessity' means a form or other document containing information required by the Secretary to be submitted to show that a covered item is reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to certificates of medical necessity on or after January 1, 1993.

(d) COVERAGE AND REVIEW CRITERIA FOR CERTAIN MEDICAL EQUIPMENT AND SUPPLIES.—Section 1834 (42 U.S.C. 1395m), as amended by subsection (c), is amended by adding at the end the following new subsection:

"(k) COVERAGE AND REVIEW CRITERIA.—

"(1) DEVELOPMENT AND ESTABLISHMENT.—Not later than July 1, 1993, the Secretary, in consultation with representatives of suppliers of medical equipment and supplies (as defined in section 1861(oo) other than paragraphs (4), (6), and (7)), individuals enrolled under this part, and appropriate medical specialty societies, shall develop and establish uniform national coverage and utilization review criteria for 200 items of medical equipment and supplies (as so defined) selected in accordance with the standards described in paragraph (2). The Secretary shall publish the criteria as part of the instructions provided to fiscal intermediaries and carriers under this part and no further publication, including publication in the Federal Register, shall be required.

"(2) STANDARDS FOR SELECTING ITEMS SUBJECT TO CRITERIA.—The Secretary may select an item for coverage under the criteria developed and established under paragraph (1) if the Secretary finds that—

"(A) the item is frequently purchased or rented by beneficiaries;

"(B) the item is frequently subject to a determination that such item is not medically necessary; or

"(C) the coverage or utilization criteria applied to the item (as of the date of the enactment of this subsection) is not consistent among carriers.

"(3) ANNUAL REVIEW AND EXPANSION OF ITEMS SUBJECT TO CRITERIA.—The Secretary shall annually review the coverage and utilization of items of medical equipment and supplies to determine whether items not included among the items selected under paragraph (1) should be made subject to uniform national coverage and utilization review criteria, and, if appropriate, shall develop and apply such criteria to such additional items.

"(4) REPORT ON EFFECT OF UNIFORM CRITERIA ON UTILIZATION OF ITEMS.—Not later than January 1, 1994, the Secretary shall submit a report to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate analyzing the impact of the uniform criteria established under paragraph (1) on the utilization of items of medical equipment and supplies by individuals enrolled under this part.".

(e) PROHIBITION AGAINST MULTIPLE SUPPLIER NUMBERS.—

(1) IN GENERAL.—Section 1834 (42 U.S.C. 1395m), as amended by subsection (d), is amended by adding at the end the following new subsection:

"(l) PROHIBITION AGAINST MULTIPLE SUPPLIER NUMBERS FOR SUPPLIERS OF MEDICAL EQUIPMENT AND SUPPLIES.—The Secretary may not issue more than one supplier number to any supplier of medical equipment and supplies (as defined in section 1861(oo)) unless the issuance of more than one number is appropriate to identify subsidiary or regional entities under the supplier's ownership or control.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to items furnished on or after July 1, 1993.

(f) DEFINITION OF INDUCEMENTS AS KICKBACKS CLARIFIED.—

(1) IN GENERAL.—Section 1128B(b)(3)(B) (42 U.S.C. 1320a–7b(b)(3)(B)) is amended by inserting before the semicolon "(except that in the case of a contract supply arrangement between a skilled nursing facility and a supplier of medical supplies and equipment (as defined in section 1861(oo) other than paragraphs (4), (6), and (7)), such employment shall not be considered bona fide to the extent that it includes tasks of a clerical and cataloging nature in transmitting to suppliers assignment rights of individuals eligible for benefits under part B of title XVIII, or performance of warehousing or stock inventory functions)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to services furnished on or after January 1, 1993.

(g) LIMITATION ON BENEFICIARY LIABILITY.—

(1) IN GENERAL.—Section 1879 (42 U.S.C. 1395pp) is amended by adding at the end the following new subsection:

"(h) If a supplier of medical equipment and supplies (as defined in section 1861(oo))—

"(1) furnishes an item or service to a beneficiary for which no payment may be made by reason of section 1834(i);

"(2) furnishes an item or service to a beneficiary for which payment is denied in advance under section 1834(a)(15);

"(3) is excluded from participation under this title; or

"(4) furnishes an item or service to a beneficiary for which payment is denied under section 1862(a)(1);

any expenses incurred for items and services furnished to an individual by such a supplier on an unassigned basis shall be the responsibility of such supplier. The individual shall have no financial responsibility for such expenses and the supplier shall refund on a timely basis to the individual (and shall be liable to the individual for) any amounts collected from the individual for such items or services, unless the supplier informs the individual in advance that payment under this part will not be made for the item or services and the individual agrees to pay for the item or service.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to items or services furnished on or after July 1, 1993.

(h) TREATMENT OF NEBULIZERS AND ASPIRATORS AS MISCELLANEOUS ITEMS OF DURABLE MEDICAL EQUIPMENT.—

(1) IN GENERAL.—Section 1834(a)(3)(A) (42 U.S.C. 1395m(a)(3)(A)) is amended by striking "ventilators, aspirators, IPPB machines, and nebulizers" and inserting "ventilators and IPPB machines".

(2) PAYMENT FOR SUPPLIES RELATING TO NEBULIZERS AND ASPIRATORS.—Section 1834(a)(7)(A) (42 U.S.C. 1395m(a)(7)(A)) is amended by striking "and" at the end of clause (v), by striking the period at the end of clause (vi) and inserting "; and", and by inserting after clause (vi) the following new clause:

"(vii) In the case of supplies to be used in conjunction with a nebulizer or aspirator for which payment is made under this paragraph, payment shall be in accordance with paragraph (2) of this subsection.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to items furnished on or after January 1, 1993.

(i) PAYMENT FOR OSTOMY SUPPLIES, TRACHEOSTOMY SUPPLIES, UROLOGICALS, SURGICAL DRESSINGS, AND OTHER MEDICAL SUPPLIES.—

(1) IN GENERAL.—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)) is amended by adding at the end the following new subparagraph:

"(E) EXCEPTION FOR CERTAIN ITEMS.—Payment for ostomy supplies, tracheostomy supplies, urologicals, surgical dressings, and other medical supplies shall be made in accordance with subparagraphs (B) and (C) of section 1834(a)(2) (except that in the case of surgical dressings, the national limited payment amount shall be computed based on local payment amounts using average reasonable charges for the six-month period ending June 30, 1992, increased by the covered item update for 1993).".

(2) EFFECTIVE DATES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendment made by paragraph (1) shall apply with respect to items furnished on or after January 1, 1993.

(B) SURGICAL DRESSINGS AND OTHER MEDICAL SUPPLIES.—The amendment made by paragraph (1) with respect to surgical dressings and other medical supplies shall apply to items supplied on or after July 1, 1993.

(j) FREEZE IN REASONABLE CHARGES FOR PARENTERAL AND ENTERAL NUTRIENTS, SUPPLIES, AND EQUIPMENT DURING 1993.—In determining the amount of payment under part B of title XVIII of the Social Security Act during 1993, the charges determined to be reasonable with respect to parenteral and enteral nutrients, supplies, and equipment may not exceed the charges determined to be reasonable with respect to such nutrients, supplies, and equipment during 1992.

(k) STUDIES.—

(1) SUPPLIES AND SERVICES IN NURSING FACILITIES.—The Comptroller General of the United States shall conduct a study and report to the Congress no later than January 1, 1994, on the types, volume, and utilization of services and supplies furnished under contract or under arrangement with suppliers to individuals eligible for benefits under title XVIII of the Social Security Act residing in skilled nursing facilities and nursing facilities.

(2) DESCRIPTIONS RELATING TO CERTAIN CODES.—The Comptroller General of the United States shall conduct a study beginning no earlier than July 1, 1993, and report to the Congress no later than January 1, 1994, on—

(A) whether changes made by the Department of Health and Human Services to the descriptions relating to the codes for medical equipment and supplies (as defined in section 1861(oo) of the Social Security Act other than paragraphs (4), (6), and (7))—

(i) accurately reflect the items being furnished under such codes, and

(ii) are sufficiently explicit to distinguish between items of varying quality and price, and

(B) recommendations for additional changes that would improve the descriptions relating to the codes for such items.

SEC. 122. AMENDMENT TO DEFINITION OF CERTIFIED NURSE-MIDWIFE.

(a) IN GENERAL.—Section 1861(gg)(2) (42 U.S.C. 1395x(gg)(2)) is amended by striking ", and performs services in the area of management of the care of mothers and babies throughout the maternity cycle".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 1994.

SEC. 123. PAYMENT UNDER THE FEE SCHEDULE FOR SERVICES FURNISHED BY A CERTIFIED REGISTERED NURSE ANESTHETIST WHO IS MEDICALLY DIRECTED.

(a) IN GENERAL.—Section 1833(l)(4)(B) (1395l(l)(4)(B)) is amended to read as follows:

"(B) Except as provided in subparagraph (D), the conversion factor used to determine the amount paid under the fee schedule under this subsection for services furnished on or after January 1, 1992, and before January 1, 1997, by a certified registered nurse anesthetist who is medically directed shall be $10.75.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 1993.

SEC. 124. ALZHEIMER'S DISEASE DEMONSTRATION PROJECTS.

Section 9342 of OBRA-1986 is amended—

(1) in subsection (c)(1), by striking "4 years" and inserting "5 years",

(2) in subsection (d)(1), by striking "fourth year" and inserting "fifth year", and

(3) in subsection (f), by striking "$55,000,000" and "$3,000,000" and inserting "$58,000,000" and "$5,000,000", respectively.

SEC. 125. DESIGNATION OF CERTAIN HOSPITALS AS EYE OR EYE AND EAR HOSPITALS.

(a) IN GENERAL.—Section 1833(i)(3) (42 U.S.C. 1395l(i)(3)) is amended—

(1) by striking the last sentence of subparagraph (B); and

(2) by adding at the end the following new subparagraph:

"(C)(i) In the case of a hospital that—

"(I) makes application to the Secretary and demonstrates that it specializes in eye services or eye and ear services (as determined by the Secretary),

"(II) receives more than 30 percent of its total revenues from outpatient services, and

"(III) on October 1, 1987—

"(aa) was an eye specialty hospital or an eye and ear specialty hospital, or

"(bb) was operated as an eye or eye and ear unit of a general acute care hospital which, on the date of the application described in subclause (I), operates less than 20 percent of the beds that the hospital operated on October 1, 1987, and has sold or otherwise disposed of a substantial portion of the hospital's other acute care operations,

the cost proportion and ASC proportion in effect under subclauses (I) and (II) of subparagraph (B)(ii) for cost reporting periods beginning in fiscal year 1988 shall remain in effect for cost reporting periods beginning on or after October 1, 1988, and before January 1, 1995.

"(ii) For purposes of this subparagraph the term 'eye or eye and ear unit' means a physically separate or distinct unit containing separate surgical suites devoted solely to eye or eye and ear services.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to services furnished on or after January 1, 1993.

SEC. 126. EXTENSION OF CAP ON PAYMENTS FOR INTRAOCULAR LENSES.

(a) IN GENERAL.—Section 4151(c)(3) of OBRA-1990 is amended by striking "December 31, 1992" and inserting "December 31, 1994".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as if included in the enactment of the Omnibus Budget Reconciliation Act of 1990.

SEC. 127. EXPANDED COVERAGE FOR PHYSICIAN ASSISTANTS, NURSE PRACTITIONERS, AND CLINICAL NURSE SPECIALISTS.

(a) PHYSICIAN ASSISTANTS.—Section 1861(s)(2)(K)(i) (42 U.S.C. 1395x(s)(2)(K)(i)) is amended by striking "(I) in a hospital" and all that follows through "shortage area".

(b) NURSE PRACTITIONERS AND CLINICAL NURSE SPECIALISTS.—Section 1861(s)(2)(K)(iii) (42 U.S.C. 1395x(s)(2)(K)(iii)) is amended—

(1) by inserting "(I)" before "in a rural area", and

(2) by inserting ", (II) in any other area, in the case of services furnished by nurse practitioners other than services furnished to an inpatient of a hospital, or (III) in any other area, in the case of services furnished by clinical nurse specialists other than services furnished to an inpatient of a hospital, skilled nursing facility or nursing facility (as defined in section 1919(a)), and" after "section 1886(d)(2)(D))".

(c) CONFORMING AMENDMENTS.—

(1) Section 1832(a)(2)(B)(iv) (42 U.S.C. 1395k(a)(2)(B)(iv)) is amended by striking "provided in a rural area (as defined in section 1886(d)(2)(D))" and inserting "described in section 1861(s)(2)(K)(iii)".

(2) Section 1833(a)(1)(O) (42 U.S.C. 1395l(a)(1)(O)) is amended by striking "provided in a rural area".

(3) Section 1833(r)(1) (42 U.S.C. 1395l(r)(1)) is amended by striking "provided in a rural area".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1994.

SEC. 128. ORAL CANCER DRUGS.

(a) UNIFORM MEDICARE COVERAGE OF ANTICANCER DRUGS.—Section 1861(t) (42 U.S.C. 1395x(t)) is amended—

(1) by inserting "(1)" after "(t)";

(2) by striking "(m)(5) of this section" and inserting "(m)(5) and paragraph (2)"; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) For purposes of paragraph (1) the term 'drugs' includes any drugs or biologics used in an anticancer chemotherapeutic regimen for a medically accepted indication as described in subparagraph (B).

"(B) The term 'medically accepted indication' means any use of a drug included under paragraph (1) which is approved by the Food and Drug Administration, which appears in one or more of the following: *Annals of Internal Medicine, Blood, Journal of Clinical Oncology, Journal of National Cancer Institute, Lancet*, and *New England Journal of Medicine*; or which is included (or approved for inclusion) in one or more of the following compendia: the American Hospital Formulary Service-Drug Information, the American Medical Association Drug Evaluations and the United States Pharmacopoeia-Drug Information.".

(b) COVERAGE OF CERTAIN SELF-ADMINISTERED ANTICANCER DRUGS.—Section 1861(s)(2) (42 U.S.C. 1395(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (O);

(2) by adding "and" at the end of subparagraph (P); and

(3) by adding at the end the following new subparagraph:

"(Q) oral drugs prescribed for use in an anticancer chemotherapeutic regimen, for a medically indicated use (as described in subsection (t)(2)), if such drugs contain the same active ingredient that would be covered pursuant to subparagraph (A) or (B);".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items furnished on or after January 1, 1993.

Subtitle C—Provisions Relating to Parts A and B

SEC. 131. MEDICARE SELECT.

(a) AMENDMENTS TO PROVISIONS RELATING TO MEDICARE SELECT POLICIES.—

(1) PERMITTING MEDICARE SELECT POLICIES IN ALL STATES.—Subsection (c) of section 4358 of OBRA-1990 is hereby repealed.".

(2) REQUIREMENTS OF MEDICARE SELECT POLICIES.—Section 1882(t)(1) (42 U.S.C. 1395ss(t)(1)) is amended to read as follows:

"(1)(A) If a medicare supplemental policy meets the 1991 NAIC Model Regulation or 1991 Federal Regulation and otherwise complies with the requirements of this section except that—

"(i) the benefits under such policy are restricted to items and services furnished by certain entities (or reduced benefits are provided when items or services are furnished by other entities), and

"(ii) in the case of a policy described in subparagraph (C)(i)—

"(I) the benefits under such policy are not one of the groups or packages of benefits described in subsection (p)(2)(A),

"(II) except for nominal copayments imposed for services covered under part B of this title, such benefits include at least the core group of basic benefits described in subsection (p)(2)(B), and

"(III) an enrollee's liability under such policy for physician's services covered under part B of this title is limited to the nominal copayments described in subclause (II),

the policy shall nevertheless be treated as meeting those standards if the policy meets the requirements of subparagraph (B).

"(B) A policy meets the requirements of this subparagraph if—

"(i) full benefits are provided for items and services furnished through a network of entities which have entered into contracts or agreements with the issuer of the policy,

"(ii) full benefits are provided for items and services furnished by other entities if the services are medically necessary and immediately required because of an unforeseen illness, injury, or condition and it is not reasonable given the circumstances to obtain the services through the network,

"(iii) the network offers sufficient access,

"(iv) the issuer of the policy has arrangements for an ongoing quality assurance program for items and services furnished through the network,

"(v)(I) the issuer of the policy provides to each enrollee at the time of enrollment an explanation of—

"(aa) the restrictions on payment under the policy for services furnished other than by or through the network,

"(bb) out of area coverage under the policy,

"(cc) the policy's coverage of emergency services and urgently needed care, and "(dd) the availability of a policy through the entity that meets the 1991 Model NAIC Regulation or 1991 Federal Regulation without regard to this subsection and the premium charged for such policy, and

"(II) each enrollee prior to enrollment acknowledges receipt of the explanation provided under subclause (I), and

"(vi) the issuer of the policy makes available to individuals, in addition to the policy described in this subsection, any policy (otherwise offered by the issuer to individuals in the State) that meets the 1991 Model NAIC Regulation or 1991 Federal Regulation and other requirements of this section without regard to this subsection.

"(C)(i) A policy described in this subparagraph—

"(I) is offered by an eligible organization (as defined in section 1876(b)),

"(II) is not a policy or plan providing benefits pursuant to a contract under section 1876 or an approved demonstration project described in section 603(c) of the Social Security Amendments of 1983, section 2355 of the Deficit Reduction Act of 1984, or section 9412(b) of the Omnibus Budget Reconciliation Act of 1986, and

"(III) provides benefits which, when combined with benefits which are available under this title, are substantially similar to benefits under policies offered to individuals who are not entitled to benefits under this title.

"(ii) In making a determination under subclause (III) of clause (i) as to whether certain benefits are substantially similar, there shall not be taken into account, except in the case of preventive services, benefits provided under policies offered to individuals who are not entitled to benefits under this title which are in addition to the benefits covered by this title and which are benefits an entity must provide in order to meet the definition of an eligible organization under section 1876(b)(1)."

(b) RENEWABILITY OF MEDICARE SELECT POLICIES.—Section 1882(q)(1) (42 U.S.C. 1395ss(q)(1)) is amended:

(1) by striking "(1) Each" and inserting "(1)(A) Except as provided in subparagraph (B), each";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) by adding at the end the following new subparagraph:

"(B)(i) In the case of a policy that meets the requirements of subsection (t), an issuer may cancel or nonrenew such policy with respect to an individual who leaves the service area of such policy; except that, if such individual moves to a geographic area where such issuer, or where an affiliate of such issuer, is issuing medicare supplemental policies, such individual must be permitted to enroll in any medicare supplemental policy offered by such issuer or affiliate that provides benefits comparable to or less than the benefits provided in the policy being canceled or nonrenewed. An individual whose coverage is canceled or nonrenewed under this subparagraph shall, as part of the notice of termination or nonrenewal, be notified of the right to enroll in other medicare supplemental policies offered by the issuer or its affiliates.

"(ii) For purposes of this subparagraph, the term 'affiliate' shall have the meaning given such term by the 1991 NAIC Model Regulation.".

(c) CIVIL PENALTY.—Section 1882(t)(2) (42 U.S.C. 1395ss(t)(2)) is amended—

(1) by striking "(2)" and inserting "(2)(A)";

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(3) in clause (iv), as redesignated—

(A) by striking "paragraph (1)(E)(i)" and inserting "paragraph (1)(B)(v)(I); and

(B) by striking "paragraph (1)(E)(ii)" and inserting "paragraph (1)(B)(v)(II)";

(4) by striking "the previous sentence" and inserting "this subparagraph"; and

(5) by inserting at the end the following new subparagraph:

"(B) If the Secretary determines that an issuer of a policy approved under paragraph (1) has made a misrepresentation to the Secretary or has provided the Secretary with false information regarding such policy, the issuer is subject to a civil money penalty in an amount not to exceed $100,000 for each such determination. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).".

(d) EFFECTIVE DATES.—

(1) NAIC STANDARDS.—If, within 6 months after the date of the enactment of this Act, the National Association of Insurance Commissioners (hereafter in this subsection referred to as the "NAIC") makes changes in the 1991 NAIC Model Regulation (as defined in section 1882(p)(1)(A) of the Social Security Act) to incorporate the additional requirements imposed by the amendments made by this section, section 1882(g)(2)(A) of such Act shall be applied in each State, effective for policies issued to policyholders on and after the date specified in paragraph (3), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation (as so defined) as changed under this paragraph (such changed Regulation referred to in this subsection as the "1993 NAIC Model Regulation").

(2) SECRETARY STANDARDS.—If the NAIC does not make changes in the 1991 NAIC Model Regulation (as so defined) within the 6-month period specified in paragraph (1), the Secretary of Health and Human Services (hereafter in this subsection as the "Secretary") shall promulgate a regulation and section 1882(g)(2)(A) of the Social Security Act shall be applied in each State, effective for policies issued to policyholders on and after the date specified in paragraph (3), as if the reference to the Model Regulation adopted in June 6, 1979, were a reference to the 1991 NAIC Model Regulation (as so defined) as changed by the Secretary under this paragraph (such changed Regulation referred to in this subsection as the "1993 Federal Regulation").

(3) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State adopts the 1993 NAIC Model Regulation or the 1993 Federal Regulation, or

(ii) 1 year after the date the NAIC or the Secretary first adopts such regulations.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

(i) requiring State legislation (other than legislation appropriating funds) in order for medicare supplemental policies to meet the 1993 NAIC Model Regulation or the 1993 Federal Regulation, but

(ii) having a legislature which is not scheduled to meet in 1994 in a legislative session in which such legislation may be considered, the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1994. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 132. REDUCTION IN PAYMENT FOR ERYTHROPOIETIN PROVIDED TO PATIENTS WITH END STAGE RENAL DISEASE.

(a) IN GENERAL.—Section 1881(b)(11)(B)(ii)(I)) (42 U.S.C. 1395rr(b)(11)(B)(ii))(I) is amended—

(1) by striking "1991" and inserting "1993", and

(2) by striking "$11" and inserting "$10".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 1993.

SEC. 133. APPLICATION TO RENAL DIALYSIS FACILITIES OF PROVISIONS UNDER THE MEDICARE AND MEDICAID PROGRAMS RELATING TO ADVANCE DIRECTIVES.

(a) MEDICARE PROGRAM.—Section 1866(a)(1)(Q) (42 U.S.C. 1395cc(a)(1)(Q)) is amended by striking "and hospice programs" and inserting "hospice programs, and renal dialysis facilities".

(b) MEDICAID PROGRAM.—Section 1902(a)(57) (42 U.S.C. 1396(a)(57)) is amended by striking "hospice program" and inserting "hospice program, renal dialysis facility".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 1993.

SEC. 134. EXTENSION OF SECONDARY PAYOR PROVISIONS FOR INDIVIDUALS WITH END STAGE RENAL DISEASE.

Section 1862(b)(1)(C) (42 U.S.C. 1395y(b)(1)(C)) is amended—

(1) by striking "18-month" and inserting "24-month", and

(2) by adding at the end the following new sentence "Effective for items and services furnished after January 1, 1996, and on or before January 1, 1998, clauses (i) and (ii) shall be applied by substituting '18-month' for '12-month' each place it appears.".

SEC. 135. EXPANSION OF IMMUNOSUPPRESSIVE DRUG BENEFIT.

Subparagraph (J) of section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended by striking "within 1 year after the date of the transplant procedure;" and inserting "within, in the case of calendar year—

"(i) 1993 and 1994, 12 months,

"(ii) 1995, 24 months,

"(iii) 1996, 30 months, and

"(iv) 1997 and thereafter, 36 months,

after the date of the transplant procedure;".

SEC. 136. CLARIFICATION OF EXCEPTIONS TO PROHIBITED PHYSICIAN REFERRALS.

(a) IN GENERAL.—Section 1877(b) (42 U.S.C. 1395nn(b)) is amended—

(1) by inserting "or buildings" after "building" each place it appears in paragraph (2)(A)(ii);

(2) by striking "centralized provision" in paragraph (2)(A)(ii)(II) and inserting "provision of all or a portion";

(3) by inserting "under a billing number assigned to the group practice" after "member" in paragraph (2)(B);

(4) by adding at the end of paragraph (2) the following new sentence: "Such requirements may not have the effect of prohibiting the group's clinical laboratory services from

accepting referrals from outside sources as authorized by State law and section 353 of the Public Health Service Act";

(5) by inserting "or a tax-exempt health services entity, wholly owned by, operated by, or affiliated with one or more not-for-profit, tax-exempt hospitals," after "hospital" in paragraph (4); and

(6) by redesignating paragraph (5) as paragraph (8) and by inserting after paragraph (4) the following new paragraphs:

"(5) RURAL PROVIDERS.—In the case of clinical laboratory services if the laboratory furnishing the services is in a rural area (as defined in section 1886(d)(2)(D)).

"(6) SERVICES UNDER ARRANGEMENTS.—In the case of clinical laboratory services provided by a group practice laboratory under arrangements described in section 1861(w), if—

"(A) the arrangement is for identifiable services;

"(B) the amount of the remuneration under the arrangement is consistent with the fair market value of the services; and

"(C) the remuneration provided under the arrangement would be considered to be commercially reasonable even if no referrals were made between the parties.

"(7) SHARED LABORATORY FACILITIES.—In the case of clinical laboratory services furnished by a laboratory which is—

"(A) owned by a university, a medical school, or an organization or hospital which is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 by reason of section 501(c)(3) of such Code and which operates an approved medical training program; and

"(B) used in common under a written arrangement with a group practice whose physician-members constitute all or substantially all of the active medical and teaching staff of such university, medical school, organization or hospital.".

(b) RENTAL OF EQUIPMENT.—Section 1877(e)(1) (42 U.S.C. 1395nn(e)(1)) is amended—

(1) by inserting "or equipment" after "space" the first three places it appears; and

(2) by inserting "OR EQUIPMENT" after "SPACE" in the heading.

(c) DEFINITION OF GROUP PRACTICE.—Section 1877(h)(4) (42 U.S.C. 1395nn(h)(4)) is amended—

(1) by inserting "providing services in an entity" after "two or more physicians";

(2) by striking "in the name of" in subparagraph (B) and inserting "under a billing number assigned to";

(3) by inserting ", or, in the case of a not-for-profit corporation, previously determined consistent with such corporation's articles of incorporation and bylaws" after "group" in subparagraph (C);

(4) by inserting ", except that such standards may not have the effect of prohibiting the retention of physicians on a part-time basis as independent contractors if the group qualifies to receive payment for such physician's services under section 1842(b)(6)" after "regulation" in subparagraph (D); and

(5) by inserting "university, medical school, or" before "hospital" in the last sentence.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 6204 of the Omnibus Budget Reconciliation Act of 1989.

SEC. 137. GRADUATE MEDICAL EDUCATION RESIDENT AMOUNTS.

(a) IN GENERAL.—Section 1886(h)(2)(E) (42 U.S.C. 1395ww(h)(2)(E)) is amended—

(1) by striking "In the case" and inserting the following:

"(i) NO MEDICAL RESIDENCY PROGRAM.—In the case"; and

(2) by adding at the end of subparagraph (E) the following new clause:

"(ii) ONLY PRIMARY CARE RESIDENCY PROGRAM.—In the case of a hospital that in a cost reporting period beginning in fiscal year 1984 had a primary care residency training program as its only approved residency program and that had an FTE resident amount in its cost reporting period beginning in fiscal year 1984 of less than $10,000, the Secretary shall provide for an approved FTE resident amount as the Secretary determines to be appropriate, based on approved FTE resident amounts for comparable programs.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to cost reporting periods beginning on or after October 1, 1992.

SEC. 138. HOSPICE NOTIFICATION.

(a) BY HOME HEALTH AGENCY.—Section 1891(a)(1) (42 U.S.C. 1395bbb(a)(1)) is amended by adding at the end the following new paragraph:

"(H) The right to be fully informed orally and in writing (in advance of coming under the care of the agency) of the individual's option to choose hospice care (as defined in section 1861(dd)(1)), and a description of such care, if—

"(i) a hospice providing services under this title is located within the agency's geographic area, or

"(ii) it is common practice to refer patients to such hospices located outside the geographic area.'.'

(b) BY SKILLED NURSING FACILITY.—Section 1819(c)(1)(B) (42 U.S.C. 1395i–3(c)(1)(B)) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting "; and", and by inserting adding after clause (iii) the following new clause:

"(iv) inform each resident, orally and in writing, prior to or at the time of admission, of the resident's option to choose hospice care (as defined by section 1861(dd)(1)), and a description of such care, if—

"(I) a hospice providing services under this title is located within the facility's geographic area; or

"(II) it is common practice to refer patients to such hospices located outside the geographic area.".

(c) BY HOSPITAL.—Section 1861(ee)(2)(D) (42 U.S.C. 1395x(ee)(2)(D)) is amended by inserting ", including hospice services," after "post-hospital services".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 139. SOCIAL HEALTH MAINTENANCE ORGANIZATIONS.

(a) EXTENSION OF CURRENT WAIVERS.—Section 4018(b) of OBRA–1987 is amended—

(1) in paragraph (1) by striking "December 31, 1995" and inserting "December 31, 1998"; and

(2) in paragraph (4) by striking "March 31, 1996" and inserting "March 31, 1999".

(b) EXPANSION OF DEMONSTRATIONS.—Section 2355 of the Deficit Reduction Act of 1984 is amended—

(1) in the last sentence of subsection (a) by striking "12 months" and inserting "36 months"; and

(2) in subsection (b)(1)(B)—

(A) by striking "or" at the end of clause (iii); and

(B) by redesignating clause (iv) as clause (v) and inserting after clause (iii) the following new clause:

"(iv) integrating acute and chronic care management for patients with end-stage renal disease through expanded community care case management services (and for purposes of a demonstration project conducted under this clause, any requirement under a waiver granted under this section that a project disenroll individuals who develop end-stage renal disease shall not apply);".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of OBRA–90.

SEC. 140. INTEREST PAYMENTS.

With respect to claims received in the 12-month period beginning October 1, 1992, sections 1816(c)(2)(B)(ii)(IV) and 1842(c)(2)(B)(ii)(IV) of the Social Security Act shall be applied by substituting "30 calendar days" for "24 calendar days" and "17 calendar days".

TITLE II—AMENDMENTS TO MEDICAID PROGRAM

Subtitle A—Technical Corrections

SEC. 201. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this subtitle shall take effect as if included in the enactment of OBRA–1990.

SEC. 202. CORRECTIONS RELATING TO SECTION 4401 (REIMBURSEMENT FOR PRESCRIBED DRUGS).

(a) SECTION 1903.—

(1) IN GENERAL.—Paragraph (10) of section 1903(i) (42 U.S.C. 1396b(i)), as inserted by section 4401(a)(1)(B) of OBRA–1990, is amended to read as follows:

"(10)(A) with respect to covered outpatient drugs unless—

"(i) there is a rebate agreement in effect under section 1927 with respect to such drugs;

"(ii) section 1927(a)(3) applies; or

"(iii) section 1927(j) applies; and

"(B) with respect to an innovator multiple source drug (as defined in section 1927(k)) dispensed on or after July 1, 1991, if, under applicable State law, a less expensive multiple source drug could have been dispensed, unless reimbursement for such innovator multiple source drug is at or below the upper payment limit for the drug dispensed;".

(2) CONFORMING AMENDMENT.—The section heading of section 4401(a)(1) of OBRA–1990 is amended by striking "**AND DRUG USE REVIEW**".

(b) SECTION 1902.—Section 1902(a)(54) (42 U.S.C. 1396a(a)(54)), as inserted by section 4401(a)(2)(C) of OBRA–1990, is amended—

(1) in subparagraph (A) by striking "1927(k)(6)" and inserting "1927(k)"; and

(2) by striking "reporting requirements" and all that follows through "1927" and inserting "requirements of section 1927".

(c) SECTION 1927.—(1) Section 1927(a) (42 U.S.C. 1396r–8(a)), as inserted by section 4401(a)(3) of OBRA–1990, is amended—

(A) in paragraph (1)—

(i) by amending the second sentence to read as follows: "Any such agreement entered into prior to April 1, 1991, shall be deemed to have been entered into on January 1, 1991, and the amount of the rebate under such agreement shall be calculated as if the agreement had been entered into on January 1, 1991.", and

(ii) in the third sentence, by striking "March" and inserting "April";

(B) in paragraph (2)—

(i) by striking "first", and

(ii) by striking the period at the end and inserting the following: ", except that such paragraph (and section 1903(i)(10)) shall not apply to drugs dispensed before April 1, 1991, if the Secretary determines that there were extenuating circumstances with respect to the first calendar quarter of 1991.".

(C) by amending paragraph (3) to read as follows:

"(3) AUTHORIZING PAYMENT FOR DRUGS NOT COVERED UNDER REBATE AGREEMENTS.—Paragraph (1) and section 1903(i)(10) shall not apply to the dispensing of a covered outpatient drug if—

"(A) the State has made a determination that the availability of such drug is essential to the health of beneficiaries under the State plan;

"(B) the drug has been given a rating of 1-A by the Food and Drug Administration; and

"(C)(i) the physician has obtained approval for the use of the drug in advance of dispensing such drug in accordance with a prior authorization program described in subsection (d)(4), or

"(ii) the Secretary has reviewed and approved the State's determination under subparagraph (A)."; and

(D) in paragraph (4)—

(i) by striking "in compliance with" and inserting "in effect under", and

(ii) by striking "coverage of the manufacturer's drugs" and inserting "ingredient costs of the manufacturer's covered outpatient drugs covered".

(2) Section 1927(b) (42 U.S.C. 1396r–8(b)), as inserted by section 4401(a)(3) of OBRA–1990, is amended—

(A) in paragraph (1)(A)—

(i) by striking "each calendar quarter (or periodically in accordance with a schedule specified by the Secretary)" and inserting "for a rebate period", and

(ii) by striking "dispensed under the plan during the quarter (or other period as the Secretary may specify)" and inserting "dispensed after December 31, 1990, for which payment was made under the State plan for such period";

(B) in paragraph (2)(A)—

(i) by striking "calendar quarter" and "the quarter" and inserting "rebate period" and "the period", respectively,

(ii) by striking "dosage units" and inserting "units of each dosage form and strength and package size",

(iii) by inserting "after December 31, 1990, for which payment was made" after "dispensed", and

(iv) by striking "during" and inserting "for";

(C) in paragraph (3)(A)—

(i) in clause (i), by striking "quarter" each place it appears and inserting "rebate period under the agreement",

(ii) in clause (i), by striking the open parenthesis before "for" and the close parenthesis after "drugs",

(iii) in clause (i), by striking "subsection (c)(2)(B)) for covered outpatient drugs" and inserting "subsection (c)(1)(C)) for each covered outpatient drug", and

(iv) in clause (ii), by inserting a comma after "this section" and after "1990";

(D) in paragraph (3)(B)—

(i) by striking "$100,000" and inserting "$10,000",

(ii) by striking "about charges or prices", and

(iii) by striking "or knowingly provides false information";

(E) in paragraph (3)(C)—

(i) in clause (i)—

(I) by striking "increased by", and

(II) by striking ", and, if" and inserting ". If",

(ii) in clause (ii), by striking "under this section" and inserting "under this section, or a wholesaler or direct seller,",

(iii) in clause (ii), by inserting "under subparagraph (A) or (B)" after "provides false information", and

(iv) in clause (ii), by striking "Such civil money penalties are" and inserting "Any such civil money penalty shall be";

(F) in paragraph (3)(D), by striking "wholesaler," the first time it appears and inserting "wholesaler or the"; and

(G) in paragraph (4)(B)—

(i) in clause (ii), by striking "such period" and inserting "the calendar quarter beginning at least 60 days",

(ii) in clause (ii), by striking "of the notice" and all through "the agreement)." and inserting "the manufacturer provides notice to the Secretary.",

(iii) by redesignating clause (iii) as clause (iv) and inserting after clause (ii) the following new clause:

"(iii) NOTICE TO STATES.—In the case of a termination under this subparagraph, the Secretary shall provide notice of such termination to the States within not less than 30 days before the effective date of such termination.", and

(iv) by adding at the end the following new sentence: "Failure of a State to provide any advance notice of such a termination as required by regulation shall not affect the State's right to terminate coverage of the drugs affected by such termination as of the effective date of such termination.".

(3) Section 1927(c) (42 U.S.C. 1396r–8(c)), as inserted by section 4401(a)(3) of OBRA–1990, is amended—

(A) by amending paragraph (1) to read as follows:

"(1) BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—

"(A) IN GENERAL.—Except as provided in paragraph (2), the amount of the rebate for a rebate period with respect to each dosage form and strength of a single source drug or an innovator multiple source drug shall be equal to the product of—

"(i) the total number of units of each dosage form and strength paid for under the State plan in the period reported by the State under subsection (b)(2), and

"(ii) subject to subparagraph (B)(ii), the greater of—

"(I) the difference between the average manufacturer price and the best price (as defined in subparagraph (C)) for the dosage form and strength of the drug, or

"(II) the minimum rebate percentage (specified in subparagraph (B)(i)) of such average manufacturer price,

for the period.

"(B) RANGE OF REBATES REQUIRED.—

"(i) MINIMUM REBATE PERCENTAGE.—For purposes of subparagraph (A)(ii)(II), the 'minimum rebate percentage' for rebate periods beginning—

"(I) before January 1, 1993, is 12.5 percent, and

"(II) after December 31, 1992, is 15 percent.

"(ii) TEMPORARY LIMITATION ON MAXIMUM REBATE AMOUNT.—In no case shall the amount applied under subparagraph (A)(ii) for a rebate period beginning—

"(I) before January 1, 1992, exceed 25 percent of the average manufacturer price, or

"(II) after December 31, 1991, and before January 1, 1993, exceed 50 percent of the average manufacturer price.

"(C) BEST PRICE DEFINED.—For purposes of this section, the term 'best price' means, with respect to a single source drug or innovator multiple source drug of a manufacturer, the lowest price available from the manufacturer to any wholesaler, retailer, provider, nonprofit or for-profit entity, or governmental entity within the United States (excluding depot prices and single award contract prices, as defined by the Secretary, of any agency of the Federal Government). The term 'best price' shall be inclusive of cash discounts, free goods, volume discounts, and rebates (other than rebates under this section) and shall be determined without regard to special packaging, labeling, or identifiers on the dosage form or product or package, and shall not take into account prices that are merely nominal in amount.";

(B) by amending paragraph (2) to read as follows:

"(2) ADDITIONAL REBATE FOR SINGLE SOURCE AND INNOVATOR MULTIPLE SOURCE DRUGS.—

"(A) 1991 THROUGH 1993.—The amount of the rebate for a rebate period beginning before January 1, 1994, with respect to each dosage form and strength of a single source drug or an innovator multiple source drug, is increased by an amount equal to the product of—

"(i) the total number of units of such dosage form and strength dispensed after December 31, 1990, for which payment was made under the State plan for the period reported by the State under subsection (b)(2), and

"(ii) the amount (if any) by which—

"(I) the average manufacturer price for the dosage form and strength of the drug for the period, exceeds

"(II) the average manufacturer price for such dosage form and strength for the calendar quarter beginning July 1, 1990, increased by the percentage by which the average of the consumer price indices for all urban consumers (U.S. city average) for months during the rebate period exceeds such index for September 1990.

In the case of a covered outpatient drug approved by the Food and Drug Administration after October 1, 1990, subclause (II) of clause (ii) shall be applied by substituting 'the first full calendar quarter after the drug was marketed' for 'the calendar quarter beginning July 1, 1990' and 'the month prior to the first month of the first full calendar quarter after the drug was marketed' for 'September 1990'.

"(B) AFTER 1993.—Except as provided in subparagraph (D), the amount of the rebate for a rebate period beginning after December 31, 1993, is increased by an amount equal to the product of—

"(i) the total number of all units of the single source and innovator multiple source drugs of a manufacturer for which payment was made under the State plan for the period reported by the State under subsection (b)(2), and

"(ii) the amount (if any) by which—

"(I) the current weighted average manufacturer price (as defined in subparagraph (C)(i)) for the single source and innovator multiple source drugs of the manufacturer for the period, exceeds

"(II) the base weighted average manufacturer price for such drugs of such manufacturer (as defined in subparagraph (C)(ii)).

"(C) WEIGHTED AVERAGE MANUFACTURER PRICE DETERMINATIONS.—

"(i) CURRENT WEIGHTED AVERAGE MANUFACTURER PRICE DEFINED.—For purposes of subparagraph (B), and except as provided in subparagraph (D), the term 'current weighted average manufacturer price' means, with respect to a rebate period, the amount described in clause (iii) divided by the amount described in clause (iv).

"(ii) BASE WEIGHTED AVERAGE MANUFACTURER PRICE.—For purposes of subparagraph (B), and except as provided in subparagraph

(D), the term 'base weighted average manufacturer price' means, with respect to a rebate period, the amount described in clause (iii) (by substituting in subclause (I) of such clause 'the average manufacturer price for each drug for the calendar quarter beginning July 1, 1990, increased by the percentage by which the average of the consumer price indices for all urban consumers (U.S. city average) for months during the rebate period exceeds such index for September 1990 (or, in the case of a covered outpatient drug approved for marketing after October 1, 1990, as of the first full calendar quarter after the drug was marketed, increased by the percentage by which the average of the consumer price indices for all urban consumers (U.S. city average) for months during the rebate period exceeds such index for the first full month of the first full calendar quarter after the drug was marketed)' for 'the average manufacturer price for each drug for such period'), divided by the amount described in clause (iv).

"(iii) TOTAL DOLLAR VOLUME (BASED ON CURRENT PRICE AND CURRENT DISPENSING).—The amount described in this clause for a manufacturer for a rebate period is the sum of the products (for all single source and innovator multiple source drugs of the manufacturer for which payment was made under State plans for the period) of—

"(I) the average manufacturer price for each such drug for such period, and

"(II) the total number of units of each such drug paid for under the State plans for the period.

"(iv) TOTAL UNITS PAID FOR.—The amount described in this clause for a manufacturer for a rebate period is the sum of the total number of units of the single source and innovator multiple source drugs of the manufacturer paid for under State plans for the period.

"(D) EXCLUSION OF CERTAIN NEW DRUGS.—

"(i) IF UNDUE HARDSHIP.—The Secretary may exclude certain drugs approved by the Food and Drug Administration on or after October 1, 1990, from the calculation of the weighted average manufacturer price under subparagraph (C) if the manufacturer demonstrates, through a petition in a form and manner prescribed by the Secretary, that undue hardship on the manufacturer would result if the drug is included in the calculation. The Secretary may promulgate guidelines to restrict the conditions under which the Secretary may consider such petitions.

"(ii) DETERMINATION OF REBATE FOR EXCLUDED DRUGS.—If a drug is excluded under clause (i) from the calculation of a rebate, the amount of the additional rebate with respect to that drug shall be determined as specified in subparagraph (A).

"(E) USE OF ALTERNATIVE FORMULA.—For rebate periods beginning during the 2-year period beginning July 1, 1991, the Secretary shall compare the total amount of additional rebates under subparagraph (A) to such total amount if subparagraph (B) applied to such rebate periods. Based on such comparison, the Secretary may propose and utilize an alternative formula for the purpose of calculating the additional rebate."; and

(C) by amending paragraph (3) to read as follows:

"(3) REBATE FOR OTHER DRUGS.—

"(A) IN GENERAL.—The amount of the rebate paid to a State for a rebate period with respect to each dosage form and strength of covered outpatient drugs (other than single source drugs and innovator multiple source drugs) shall be equal to the product of—

"(i) the applicable percentage (as described in subparagraph (B)) of the average manufacturer price for the dosage form and strength for the period, and

"(ii) the total number of units of such dosage form and strength dispensed after December 31, 1990, for which payment was made under the State plan for the period reported by the State under subsection (b)(2).

"(B) APPLICABLE PERCENTAGE DEFINED.—For purposes of subparagraph (A)(i), the 'applicable percentage' for rebate periods beginning—

"(i) before January 1, 1994, is 10 percent, and

"(ii) after December 31, 1993, is 11 percent.".

(4)(A) Section 1927(d) (42 U.S.C. 1396r–8(d)), as inserted by section 4401(a)(3) of OBRA–1990, is amended—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "(6)" and "(5)" and inserting "(5)" and "(4)", respectively, and

(II) in subparagraph (B)(i), by striking "(k)(6)" and inserting "subsection (k)(5)";

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "anorexia or weight gain" and inserting "weight gain or loss", and

(II) by inserting after subparagraph (K) the following new subparagraph:

"(L) other drugs specified by the Secretary pursuant to paragraph (3).";

(iii) in paragraph (3)—

(I) by striking "The Secretary shall" and inserting "Subject to paragraph (5), the Secretary shall",

(II) by striking "(except with respect" and all that follows through "of this paragraph)",

(III) by striking "described in paragraph (2)", and

(IV) by inserting "described in paragraph (2)" after "medical uses,";

(iv) by striking paragraph (4) and by redesignating paragraphs (5) through (7) as paragraphs (4) through (6);

(v) in paragraph (4), as so redesignated, by striking "(k)(6)" and inserting "(k)(5)";

(vi) in paragraph (5), as so redesignated—

(I) by striking "for coverage" and inserting "from coverage"; and

(II) by striking "any new biological or drug" and inserting "any biological or drug which is a new chemical or molecular entity";

(vii) in paragraph (6), as so redesignated, by striking "provided" and inserting "if"; and

(viii) by striking the second sentence of paragraph (6), as so redesignated, by striking paragraph (8), and by inserting the following:

"(7) CONSTRUCTION WITH RESPECT TO FRAUD AND ABUSE.—Nothing in this section shall be construed to restrict the authority of a State to apply sanctions under this Act against any person or organization for fraud or abuse.".

(B) Section 1927(d)(4) (42 U.S.C. 1396r–8(d)(4)), as redesignated by subparagraph (A)(iv), shall first apply to drugs dispensed on or after July 1, 1991.

(5) Section 1927(e) (42 U.S.C. 1396r–8(e)), as inserted by section 4401(a)(3) of OBRA–1990, is amended to read as follows:

"(e) DENIAL OF FEDERAL FINANCIAL PARTICIPATION IN CERTAIN CASES.—Section 1903(i)(10)(B) shall apply to payments made by the Secretary to a State under section 1903 with respect to innovator multiple source drugs dispensed on or after July 1, 1991.".

(6) Section 1927(f) (42 U.S.C. 1396r–8(f)), as inserted by section 4401(a)(3) of OBRA–1990, is amended to read as follows:

"(f) PHARMACY REIMBURSEMENT LIMITS.—

"(1) NO REDUCTIONS IN REIMBURSEMENT LIMITS.—

"(A) IN GENERAL.—During the period beginning on January 1, 1991, and ending on December 31, 1994—

"(i) a State may not reduce the payment limits established by regulation under this title with respect to the ingredient cost of a covered outpatient drug or the dispensing fee for such a drug below the limits in effect as of January 1, 1991, and

"(ii) except as provided in paragraph (2), the Secretary may not change the regulations under sections 447.331 through 447.334 of title 42, Code of Federal Regulations, in effect on November 5, 1990, governing the limits described in clause (i).

"(B) SPECIAL RULE.—If a State is not in compliance with the regulations described in subparagraph (A)(ii), subparagraph (A)(i) shall not apply to such State until such State is in compliance with such regulations.

"(2) ESTABLISHMENT OF UPPER PAYMENT LIMITS FOR CERTAIN MULTIPLE SOURCE DRUGS.—The Secretary shall establish an upper limit on the amount of payment which is eligible for Federal financial participation under this title for each multiple source drug for which the Food and Drug Administration has rated at least 3 formulations of such drug as therapeutically and pharmaceutically equivalent, regardless of whether all the formulations of such drug are rated as so equivalent.".

(7) Section 1927(g) (42 U.S.C. 1396r–8(g)), as inserted by section 4401(a)(3) of OBRA–1990, is amended to read as follows:

"(g) DRUG USE REVIEW.—

"(1) REQUIREMENT FOR DRUG USE REVIEW PROGRAM.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each State shall provide, by not later than January 1, 1993, for a drug use review program for covered outpatient drugs which—

"(i) meets the requirements of paragraph (2), and

"(ii) assures that prescriptions for such drugs are appropriate, medically necessary, and not likely to result in adverse medical results.

"(B) TREATMENT OF NURSING FACILITIES.—A State is not required in such State's drug use review program to provide for drug use review with respect to drugs dispensed to residents of nursing facilities which are in compliance with the requirements of subsections (b)(4)(A)(iii) and (c)(1)(D) of section 1919.

"(2) REQUIREMENTS OF PROGRAM.—

"(A) PROSPECTIVE DRUG USE REVIEW.—

"(i) IN GENERAL.—Each drug use review program shall provide for a review of drug therapy before each prescription is filled or delivered to an individual receiving benefits under this title. The review shall be designed to identify potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug interactions (including serious interactions with nonprescription or over-the-counter drugs), incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse.

"(ii) STANDARDS FOR COUNSELING BY PHARMACISTS.—As part of the prospective drug use review program of a State, applicable State law shall establish standards for counseling by pharmacists of individuals receiving benefits under this title. Such standards shall include, at a minimum, the following:

"(I) The pharmacist must offer to discuss (in person, face-to-face whenever practicable, or through access to a telephone service which is toll free for long-distance calls) with each individual receiving benefits under this title or caregiver of such individual who presents a prescription, matters which in the exercise of the pharmacist's professional judgment (consistent with State law respecting the provision of such information), the pharmacist deems significant, which may include the following:

"(aa) The name and description of the medication.

"(bb) The dosage form, dosage, route of administration, and duration of drug therapy.

"(cc) Special directions and precautions for preparation, administration and use by the patient.

"(dd) Common severe side or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if they occur.

"(ee) Techniques for self-monitoring drug therapy.

"(ff) Proper storage.

"(gg) Prescription refill information.

"(hh) Action to be taken in the event of a missed dose.

"(II) A reasonable effort must be made by the pharmacist to obtain, record, and maintain at least the following information regarding individuals receiving benefits under this title:

"(aa) Name, address, telephone number, date of birth, (or age) and gender.

"(bb) Individual history where significant, including disease state or states, known allergies and drug reactions, and a comprehensive list of medications and relevant devices.

"(cc) Pharmacist comments relevant to the individual's drug therapy.

Nothing in this clause shall be construed as requiring a pharmacist to provide consultation when an individual receiving benefits under this title or caregiver of such individual refuses such consultation.

"(B) RETROSPECTIVE DRUG USE REVIEW.—The program shall provide, through mechanized drug claims processing and information retrieval systems (approved by the Secretary under section 1903(r)) or otherwise, for the ongoing periodic examination of claims data and other records in order to identify patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care, among physicians, pharmacists and individuals receiving benefits under this title, or associated with specific drugs or groups of drugs.

"(C) STANDARDS.—

"(i) IN GENERAL.—The program shall, on an ongoing basis, assess data on drug use against explicit standards determined by the State (using the sources described in clause (ii) as the basis for determining the standards for such assessment). Such assessment shall include monitoring for therapeutic appropriateness, overutilization and underutilization, appropriate use of generic products, therapeutic duplication, drug-disease contraindications, drug-drug interactions, incorrect drug dosage or duration of drug treatment, and clinical abuse or misuse, and introduce remedial strategies in order to improve the quality of care and to conserve program funds or personal expenditures.

"(ii) SOURCES.—The sources described in this clause are the American Hospital Formulary Service Drug Information, the United States Pharmacopeia-Drug Information, the American Medical Association Drug Evaluations, and the peer-reviewed medical literature.

"(D) EDUCATION AND INTERVENTION.—The program shall provide for, either directly or through contracts with accredited health care educational institutions, State medical societies or State pharmacists' associations or societies or other organizations as specified by the State, and using data provided by the State drug use review board on common drug therapy problems—

"(i) ongoing educational outreach programs to educate practitioners on common drug therapy problems with the aim of improving prescribing or dispensing practices; and

"(ii) ongoing interventions for physicians and pharmacists targeted toward common drug therapy problems or individuals identified in the course of retrospective drug use reviews performed under this subsection, including, in appropriate instances, at least the following:

"(I) written, oral, or electronic reminders containing patient-specific or drug-specific (or both) information and suggested changes in prescribing or dispensing practices, communicated in a manner designed to ensure the privacy of patient-related information;

"(II) use of face-to-face discussions between health care professionals who are experts in rational drug therapy and selected prescribers and pharmacists who have been targeted for educational intervention, including discussion of optimal prescribing, dispensing, or pharmacy care practices, and followup face-to-face discussions; and

"(III) intensified review or monitoring of selected prescribers or dispensers.

"(3) STATE DRUG USE REVIEW BOARD.—

"(A) ESTABLISHMENT.—Each State shall establish a drug use review board (hereafter in this paragraph referred to as the 'DUR Board'). The State shall disseminate information to physicians and pharmacists within the State concerning the duties and powers of the DUR Board and the basis for its standards.

"(B) MEMBERSHIP.—The members of the DUR Board shall include health care professionals who have recognized knowledge and expertise in one or more of the following:

"(i) The clinically appropriate prescribing of covered outpatient drugs.

"(ii) The clinically appropriate dispensing and monitoring of covered outpatient drugs.

"(iii) Drug use review, evaluation, and intervention.

"(iv) Medical quality assurance.

The membership of the DUR Board shall be made up of at least ⅓ but no more than 51 percent licensed and actively practicing physicians and at least ⅓ licensed and actively practicing pharmacists.

"(C) RESPONSIBILITIES.—The DUR Board shall—

"(i) approve the standards and criteria for drug use review;

"(ii) recommend policies and procedures for the prospective and retrospective drug use review, education, and interventions required by this subsection;

"(iii) compile data on common drug therapy problems; and

"(iv) evaluate the effectiveness of the drug use review program in improving the quality of drug therapy and make recommendations for modifications as necessary.

"(4) ANNUAL REPORT.—Each State shall submit an annual report to the Secretary which shall include a description of the nature and scope of the drug use review program, a summary of the interventions used, and an assessment of the impact of such interventions on improving quality of care. Such report shall also include an estimate of the cost savings resulting from the operation of such program.

"(5) RESPONSIBILITY OF SECRETARY.—By July 1 of each year beginning with 1994, the Secretary shall submit an annual report to the Congress evaluating the effectiveness of States' drug use review programs utilizing each State's annual report.".

(8) Section 1927(h)(2)(A) (42 U.S.C. 1396r-8(h)(2)(A)), as inserted by section 4401(a)(3) of OBRA-1990, is amended by inserting "develops or" before "acquires".

(9) Section 1927(i)(2) (42 U.S.C. 1396r-8(i)(2)), as inserted by section 4401(a)(3) of OBRA-1990, is amended—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively.

(10) Section 1927(j) (42 U.S.C. 1396r-8(j), as inserted by section 4401(a)(3) of OBRA-1990, is amended to read as follows:

"(j) EXEMPTION FOR CERTAIN HEALTH MAINTENANCE ORGANIZATIONS AND HOSPITALS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the requirements of this section shall not apply with respect to covered outpatient drugs dispensed by—

"(A) a health maintenance organization; or

"(B) a hospital that dispenses covered outpatient drugs using a drug formulary system, and bills the plan no more than the hospital's purchasing costs for covered outpatient drugs (as determined under the State plan).

"(2) CONSTRUCTION IN DETERMINING BEST PRICE.—Nothing in paragraph (1) shall be construed as excluding amounts paid by the entities described in such paragraph for covered outpatient drugs from the determination of the best price (as defined in subsection (c)(1)(C)) for such drugs.".

(11) Section 1927(k) (42 U.S.C. 1396r-8(k)), as inserted by section 4401(a)(3) of OBRA-1990, is amended—

(A) in paragraph (1)—

(i) by striking "calendar quarter" and inserting "rebate period", and

(ii) by inserting before the period at the end the following: ", after deducting customary prompt pay discounts";

(B) in paragraph (2)—

(i) in the matter before clause (i) of subparagraph (A), strike "paragraph (5)" and insert "subparagraph (D)";

(ii) in subparagraph (A)—

(I) in clause (i), by striking "for safety and effectiveness" and by striking "or which is approved under section 505(j) of such Act"; and

(II) by striking "and" at the end thereof;

(iii) in subparagraph (B)—

(I) in clause (i), by striking "prescription," and inserting "prescription;";

(II) in clause (ii), by striking ", and" and inserting "; and"; and

(III) by striking "and" at the end thereof;

(iv) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(v) by adding at the end the following new subparagraph:

"(D) a drug which may be sold without a prescription (commonly referred to as an 'over-the-counter drug'), if the drug is prescribed by a physician (or other person authorized to prescribe under State law).";

(C) in paragraph (3)—

(i) in subparagraph (E), by striking "**** emergency room visits",

(ii) in subparagraph (F), by striking "sevices" and inserting "services and services provided by an intermediate care facility for the mentally retarded",

(iii) in subparagraph (H), by inserting "services" after "dialysis",

(iv) in the matter following subparagraph (H), by striking "which is used" and inserting "for which a National Drug Code number is not required by the Food and Drug Administration or a drug or biological used", and

(v) in the matter following subparagraph (H), by inserting "as defined in paragraph (5)" after "indication";

(D) by striking paragraph (4) and redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively;

(E) by amending paragraph (4), as so redesignated, to read as follows:

"(4) MANUFACTURER.—The term 'manufacturer' means, with respect to a covered outpatient drug, the entity holding legal title to or possession of the National Drug Code number for such drug.";

(F) in paragraph (5), as so redesignated, by striking ", which appears" and all that follows and inserting "or which is listed in any of the sources described in subsection (g)(2)(C)(ii).";

(G) in paragraph (6), as so redesignated—

(i) in subparagraph (A)(i), by striking "calendar quarter" and inserting "rebate period",

(ii) in subparagraph (A)(i), by striking "paragraph (5)" and inserting "paragraph (2)(D)",

(iii) in subparagraph (A)(ii), by striking "an original new" and inserting "a new",

(iv) in subparagraph (A)(ii), by inserting "or product licensing application" after "application",

(v) in subparagraph (A)(iv), by striking "an original new" and inserting "a new",

(vi) in subparagraph (A)(iv), by inserting "or product licensing application" after "application",

(vii) in subparagraph (A)(iv), by striking "distributers" and inserting "distributors",

(viii) in subparagraph (C)(i), by striking "pharmaceuutically" and inserting "pharmaceutically", and

(ix) in subparagraph (C)(iii), by striking ", provided that" and inserting "if"; and

(H) by inserting after paragraph (6), as redesignated, the following new paragraph:

"(7) REBATE PERIOD.—The term 'rebate period' means, with respect to an agreement under subsection (a), a calendar quarter or other period specified by the Secretary with respect to the payment of rebates under such agreement.".

(12) Section 1927 (42 U.S.C. 1396r–8), as inserted by section 4401(a)(3) of OBRA–1990, is further amended by adding at the end the following:

"(l) MAXIMUM ALLOWABLE COST LIMITATIONS.—This section shall not supersede or affect provisions relating to maximum allowable cost limitations for payment by States for covered outpatient drugs, and rebates under this section shall be made without regard to whether or not payment by the State for such drugs is subject to such limitations or the amount of such cost limitations.".

(d) FUNDING.—Section 4401(b)(2) of OBRA–1990 is amended by striking the semicolon and all that follows and inserting a period.

(e) DEMONSTRATION PROJECTS.—Section 4401(c)(1) of OBRA–1990 is amended—

(1) in subparagraph (A), by striking "1992" and inserting "1993";

(2) in subparagraph (A), by striking "10" and inserting "5"; and

(3) in subparagraph (C), by striking "regiment" and inserting "regimen".

(f) STUDIES.—Section 4401(d) of OBRA–1990 is amended—

(1) in paragraph (1)(A), by striking "other institutional facilities," and inserting "nursing facilities, intermediate care facilities for the mentally retarded,";

(2) in paragraph (1)(B), by striking "under this subsection" and inserting "under this paragraph";

(3) in paragraph (1)(B)(i), by striking "under this section" and inserting "under section 1927 of the Social Security Act";

(4) in paragraph (1)(B)(ii)—

(A) by striking "drug use review" the second time it appears and inserting "the type of drug use review that is", and

(B) by striking "under this section" and inserting "under such section";

(5) in paragraph (1)(B)(iii), by striking "under this title" and inserting "under title XIX of the Social Security Act";

(6) in paragraph (1)(C), by striking "May 1, 1991" and inserting "May 1, 1992";

(7) in paragraph (2), by striking "an annual report" and inserting "a report";

(8) in paragraph (3)—

(A) in subparagraph (A), by striking ", acting in consultation with the Comptroller General,",

(B) by indenting subparagraph (B) an additional 2 ems, and

(C) in subparagraph (B), by striking "December 31, 1991, the Secretary and the Comptroller General" and inserting "June 1, 1993, the Secretary";

(9) in paragraph (4)(A), by striking "each" and by striking the semicolon and inserting a comma;

(10) in paragraph (4)(B), by striking "December 31, 1991" and inserting "January 1, 1993";

(11) in paragraph (5)—

(A) by striking "Secretary of Health and Human Services" and inserting "Comptroller General",

(B) by striking "under this title" and inserting "under State medicaid programs", and

(C) by striking the second sentence and inserting the following new sentence: "The Comptroller General shall report to the Congress on the study not later than January 1, 1993."; and

(12) in paragraph (6), by striking "1 year after the date of enactment of this subsection" and inserting "January 1, 1993".

SEC. 203. CORRECTIONS RELATING TO SECTION 4402 (ENROLLMENT UNDER GROUP HEALTH PLANS).

Section 4402(b) of OBRA–1990 is amended by striking "1903(u)(1)(C)(iv) (42 U.S.C. 1396b(u)(1)(C)(iv))" and inserting "1903(u)(1)(D)(iv) (42 U.S.C. 1396b(u)(1)(D)(iv))".

SEC. 204. CORRECTIONS RELATING TO SECTION 4501 (LOW-INCOME MEDICARE BENEFICIARIES).

(a) Section 1902(a)(10)(E)(iii) (42 U.S.C. 1396a(a)(10)(E)(iii)), as added by section 4501(b)(3) of OBRA–1990, is amended by striking "cost sharing" and inserting "cost-sharing".

(b) Section 1905(p)(4)(B) (42 U.S.C. 1396d(p)(4)(B)), as amended by section 4501(c)(1) of OBRA–1990, is amended by striking "1902(a)(10)(E)(iii)" and inserting "section 1902(a)(10)(E)(iii)".

SEC. 205. CORRECTIONS RELATING TO SECTION 4601 (CHILD HEALTH).

(a) Section 1902(a)(10)(A)(i)(VII) (42 U.S.C. 1396a(a)(10)(A)(i)(VII)), as added by section 4601(a)(10)(A)(iii) of OBRA–1990, is amended by striking "family;" and inserting "family; and".

(b) Section 1902(l) (42 U.S.C. 1396a(l)), as amended by section 4601(a)(1)(C) of OBRA–1990, is amended—

(1) in paragraph (1)(C), by striking "children" after "(C)";

(2) in paragraph (3), by striking "(a)(10)(A)(i)(VII),," and inserting "(a)(10)(A)(i)(VII),"; and

(3) in paragraph (4)(B), by inserting a comma before "(a)(10)(A)(i)(VI),".

(c) Section 1925 (42 U.S.C. 1396r–6), as amended by section 4601(a) of OBRA–1990, is amended—

(1) in subsection (a)(3)(C), by striking "(i)(VI)" and inserting "(i)(VI),", and

(2) in subsection (b)(3)(C)(i), by striking "(i)(IV) (i)(VI) (i)(VII), ," and inserting "(i)(IV), (i)(VI), (i)(VII),".

SEC. 206. CORRECTIONS RELATING TO SECTION 4602 (OUTREACH LOCATIONS).

(a) Section 1902(a)(55) (42 U.S.C. 1396a(a)(55)), as added by section 4602(a)(3) of OBRA–1990, is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking "subsection" and inserting "paragraph", and

(B) by striking "(a)" each place it appears; and

(2) in subparagraph (A), by striking "1905(1)(2)(B)" and inserting "1905(l)(2)(B)".

(b) Section 1902(l)(1) (42 U.S.C. 1396a(l)(1)) is amended by striking "who are not described in any of subclauses (I) through (III) of subsection (a)(10)(A)(i) and".

SEC. 207. CORRECTIONS RELATING TO SECTION 4604 (PAYMENT FOR HOSPITAL SERVICES FOR CHILDREN UNDER 6 YEARS OF AGE).

(a) Section 1902(a)(10) (42 U.S.C. 1396a(a)(10)) is amended in clause (X) in the matter following subparagraph (F) by striking "under one year of age" and inserting "under 6 years of age".

(b) Section 1902(s) (42 U.S.C. 1396a(s)), as added by section 4604(a) of OBRA–1990, is amended to read as follows:

"(s) In order to meet the requirements of subsection (a)(56), the State plan must provide that payments to hospitals under the plan for inpatient services furnished to infants who have not attained the age of 1 year (or, in the case of such an individual who is an inpatient on his first birthday, until such individual is discharged) shall—

"(1) if made on a prospective basis (whether per diem, per case, or otherwise) provide for an outlier adjustment in payment amounts for medically necessary inpatient hospital services involving exceptionally high costs or exceptionally long lengths of stay;

"(2) not be limited by the imposition of day limits; and

"(3) not be limited by the imposition of dollar limits (other than dollar limits resulting from prospective payments as adjusted pursuant to paragraph (1)).".

(c) Section 1923(a)(2)(C) (42 U.S.C. 1396r–4(a)(2)(C)) is amended by striking "provided on or after July 1, 1989," and all that follows and inserting the following: "involving exceptionally high costs or exceptionally long lengths of stay—

"(i) for individuals under 1 year of age, in the case of services provided on or after July 1, 1989, and on or before June 30, 1991; and

"(ii) for individuals under 6 years of age, in the case of services provided on or after July 1, 1991.".

SEC. 208. CORRECTIONS RELATING TO SECTION 4703 (PAYMENT ADJUSTMENTS FOR DISPROPORTIONATE SHARE HOSPITALS).

(a) Section 1923(c) (42 U.S.C. 1396r–4(c)) is amended—

(1) in paragraph (2), by striking "paragraph (b)(3)" and inserting "subsection (b)(3)";

(2) by striking the period at the end of paragraph (3)(B) and inserting a comma; and

(3) in the third sentence, by striking "the payment adjustment described in paragraph (2)" and inserting "a payment adjustment described in paragraph (2) or (3)".

(b) Effective December 22, 1987, section 1923(d)(2)(A)(ii) (42 U.S.C. 1396r-4(d)(2)(A)(ii)) is amended by striking "the date of the enactment of this Act" and inserting "December 22, 1987".

(c) Section 4703(d) of OBRA-1990 is amended by striking "412(a)(2)" and inserting "4112(a)(2)".

SEC. 209. CORRECTIONS RELATING TO SECTION 4704 (FEDERALLY-QUALIFIED HEALTH CENTERS).

(a) Clause (ix) of section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)), as added by section 4704(b)(1)(C) of OBRA-1990, is amended—

(1) by striking "of such center" the first place it appears;

(2) by striking "federally qualified" and inserting "Federally-qualified"; and

(3) by moving such clause 2 ems to the left.

(b) Section 1903(m)(2)(B) (42 U.S.C. 1396b(m)(2)(B)), as amended by section 4704(b)(2) of OBRA-1990, is amended by striking "except with respect to clause (ix) of subparagraph (A)," and inserting "(except with respect to clause (ix) of such subparagraph)".

(c) Section 1905(l)(2) (42 U.S.C. 1396d(l)(2)), as amended by section 4704(c) of OBRA-1990, is amended—

(1) in subparagraph (A)—

(A) by striking "Federally-qualififed" and inserting "Federally-qualified", and

(B) by striking "an patient" and inserting "a patient", and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking "a entity" and inserting "an entity",

(B) by striking "or" at the end of clause (i),

(C) by striking the semicolon at the end of clause (ii)(II) and inserting a comma,

(D) by moving clause (ii) 4 ems to the left,

(E) by striking the comma at the end of clause (iii) and inserting ", or", and

(F) by striking "and includes an outpatient health program" and all that follows through "for good cause shown." and inserting the following:

"(iv) is an outpatient health program or facility operated by a tribe or tribal organization under the Indian Self-Determination Act (Public Law 93-638).

In applying clause (iii), the Secretary may waive any requirement referred to in such clause for up to 2 years for good cause shown.".

SEC. 210. CORRECTIONS RELATING TO SECTION 4708 (SUBSTITUTE PHYSICIANS).

Section 1902(a)(32)(C) (42 U.S.C. 1396a(a)(32)(C)), as added by section 4708(a)(3) of OBRA-1990, is amended to read as follows:

"(C) payment may be made to a physician for physicians' services (and services furnished incident to such services) furnished by a second physician to patients of the first physician if (i) the first physician is unavailable to provide the services; (ii) the services are furnished pursuant to an arrangement between the two physicians that (I) is informal and reciprocal, or (II) involves per diem or other fee-for-time compensation for such services; (iii) the services are not provided by the second physician over a continuous period of more than 60 days; and (iv) the claim form submitted to the carrier for such services includes the second physician's unique identifier (provided under the system established under subsection (x)) and indicates that the claim meets the requirements of this clause for payment to the first provider.".

SEC. 211. CORRECTIONS RELATING TO SECTION 4711 (HOME AND COMMUNITY CARE FOR FRAIL ELDERLY).

(a) Section 1929 (42 U.S.C. 1396t), as added by section 4711(b) of OBRA-1990, is amended—

(1) in subsection (c)(2)(F), by moving the second sentence 2 ems to the right;

(2) in subsection (d)(2)(F)(ii), by striking "they manage" and inserting "it manages";

(3) in subsection (d)(2)(F)(iii), by inserting "the agency or organization" after "(iii)";

(4) in subsection (e)(2)(B), by striking "fiscal year 1989" and inserting "fiscal year 1990";

(5) in subsection (f)(1), by striking "Community care" and inserting "community care";

(6) in subsection (g)(1)—

(A) by striking "SETTINGS" and inserting "SETTING"; and

(B) in subparagraph (B), by striking "setting." and inserting "setting in which home and community care under this section is provided.";

(7) in subsection (g)(2), by striking "community care" the second, third, and fourth place it appears and inserting "home and community care";

(8) in subsection (h)(1)—

(A) by amending subparagraph (A) to read as follows:

"(A) a nonresidential setting that serves 8 or more individuals; or"; and

(B) in subparagraph (B)—

(i) by striking "more than 8" and inserting "8 or more"; and

(ii) by inserting "(other than merely board)" after "personal services";

(9) in subsection (h)(2), by striking "community care" the second and third place it appears and inserting "home and community care";

(10) in the first sentence of subsection (j)(1)(A), by striking "the State may terminate the provider's participation under the State plan and may provide in addition for a civil money penalty" and inserting "the State may provide for a civil money penalty and, in addition, may terminate the provider's participation under the State plan";

(11) in the first sentence of subsection (j)(2)(B), by striking "the Secretary may terminate the provider's participation under the State plan and may provide, in addition, for a civil money penalty under subparagraph (C)" and inserting "the Secretary may provide for a civil money penalty under subparagraph (C) and, in addition, terminate the provider's participation under the State plan";

(12) in subsection (k)(1)(A)(i)—

(A) by striking "(d)(2)(E)" and inserting "(d)(2)", and

(B) by striking "settings," and inserting "settings),";

(13) in subsection (l), by striking "State wideness" and inserting "Statewideness";

(14) in subsection (m)—

(A) in paragraph (1), by striking "The amount of funds" and inserting "Except as provided in paragraph (5), the amount of funds",

(B) in paragraph (2)—

(i) by striking "Individual Community Care Plan" and inserting "individual community care plan", and

(ii) by striking "an election period is the period of 4 or more calendar quarters" and inserting "an election period is a Federal fiscal year (or in the case of States described in paragraph (4)(C)(ii), the period beginning on April 1, 1993, and ending on September 30, 1993)",

(C) by amending paragraph (4) to read as follows:

"(4) ALLOCATION OF MEDICAL ASSISTANCE.—

"(A) IN GENERAL.—All of the funds available to be expended under paragraph (1) during a fiscal year shall be available as Federal medical assistance to the States electing to provide services under this section during such fiscal year.

"(B) GENERAL ALLOCATION FORMULA.—For each fiscal year, beginning with fiscal year 1994, a State which has provided a notice to the Secretary under paragraph (6)(A) shall be allocated an amount of the funds that may be expended under paragraph (1) for such fiscal year equal to the product of—

"(i) the total amount of funds that may be expended under paragraph (1) for such fiscal year; and

"(ii) the amount determined by dividing—

"(I) the number of individuals age 65 or older residing in such State during such fiscal year, by

"(II) the total number of individuals age 65 or older residing in all States which have submitted notices to the Secretary under such paragraph during such fiscal year.

"(C) SPECIAL ALLOCATION FORMULA FOR FISCAL YEAR 1993.—

"(i) FIRST 6-MONTH PERIOD.—For the period beginning on October 1, 1992, and ending on March 31, 1993, each State for which a State plan amendment to provide home and community care under this section has been approved by the Secretary as of the date of enactment of the Medicare and Medicaid Amendments Act of 1992 shall be allocated an amount of the funds available under paragraph (1) for fiscal year 1993 equal to the product of—

"(I) $65,000,000; and

"(II) the amount determined by dividing—

"(aa) the number of individuals age 65 or older residing in such State during such fiscal year, by

"(bb) the total number of individuals age 65 or older residing in all States which are providing home and community care under this section on the date of enactment of such Act.

"(ii) SECOND 6-MONTH PERIOD.—For the period beginning on April 1, 1993, and ending on September 30, 1993, a State which has provided a notice to the Secretary under paragraph (6)(B) shall be allocated an amount of the funds available under paragraph (1) for fiscal year 1993 equal to the amount such State would receive under the formula set forth in subparagraph (B) by substituting—

"(I) '(6)(B)' for '(6)(A)', and

"(II) '$65,000,000' for 'the total amount of funds that may be expended under paragraph (1) for such fiscal year'.

"(D) REALLOCATION OF FUNDS.—

"(i) FORMULA FOR REALLOCATION.—

"(I) GENERAL RULE.—Except as provided in subclause (II), within 60 days after the end of each fiscal year, beginning with fiscal year 1993, the Secretary shall pay to each State which provided services under this section during such fiscal year an amount equal to the product of—

"(aa) the total amount of funds that may be expended under paragraph (1) for such fiscal year which remain available at the end of such fiscal year; and

"(bb) the amount determined by dividing the unavailable Federal amount (as defined in clause (ii)) for such State by the total unavailable Federal amount for all the States which provided services under this section during such fiscal year.

"(II) SPECIAL RULE.—The amount determined for payment to a State under subclause (I) shall not exceed the unavailable Federal amount for such State.

"(ii) DEFINITION.—For purposes of this subparagraph, the term 'unavailable Federal amount' means the excess of—

"(I) the amount a State would have received in Federal medical assistance based on such State's expenditures for services provided under this section but for the allocation under subparagraph (B), over

"(II) the amount of Federal medical assistance allocated to such State under subparagraph (B).", and

(D) by adding at the end the following new paragraphs:

"(5) CARRYOVER OF FUNDS TO NEXT FISCAL YEAR.—Beginning with fiscal year 1993, any funds available under paragraph (1) for a fiscal year which remain available after the application of subparagraphs (B), (C), and (D) of paragraph (4) shall be available under paragraph (1) to be expended in the following fiscal year.

"(6) NOTICE TO STATES OF AMOUNTS AVAILABLE FOR ASSISTANCE.—

"(A) IN GENERAL.—

"(i) NOTICE TO SECRETARY.—In order to receive Federal medical assistance for expenditures for home and community care under this section for any fiscal year (beginning with fiscal year 1994), a State shall submit not later than 3 months before the beginning of such fiscal year a notice to the Secretary of its intention to provide such care.

"(ii) NOTICE TO STATES.—Not later than 2 months before the beginning of each fiscal year (beginning with fiscal year 1994), the Secretary shall notify each State that has submitted a notice to the Secretary under clause (i) for the fiscal year of the amount of Federal medical assistance that will be available to the State for such fiscal year (as established under paragraph (4)(B)).

"(B) SPECIAL RULE FOR FISCAL YEAR 1993.—

"(i) NOTICE TO SECRETARY.—In order to receive Federal medical assistance for expenditures for home and community care under this section for the period beginning on April 1, 1993, and ending on September 30, 1993, a State shall submit not later than March 1, 1993, a notice to the Secretary of its intention to provide such care.

"(ii) NOTICE TO STATES.—Not later than April 1, 1993, the Secretary shall notify each State that has submitted a notice to the Secretary under clause (i) for the period beginning on April 1, 1993, and ending on September 30, 1993, of the amount of Federal medical assistance that will be available to the State for such period (as established under paragraph (4)(C)(ii))."; and

(15) by adding at the end the following new subsection:

"(n) COMMUNITY CARE SETTING DEFINED.—In this section, the term 'community care setting' means a small community care setting (as defined in subsection (g)(1)) or a large community care setting (as defined in subsection (h)(1)).".

(b) Section 1905(r)(5) (42 U.S.C. 1396d(r)(5)) is amended by striking "1905(a)" and inserting "subsection (a) (other than services described in paragraph (22) or (23) of such subsection)".

(c) Section 4711(f) of OBRA–1990 is amended by striking "Act" each place it appears and inserting "section".

SEC. 212. CORRECTIONS RELATING TO SECTION 4712 (COMMUNITY SUPPORTED LIVING ARRANGEMENTS).

(a) Section 1930 (42 U.S.C. 1396u), as added by section 4712(b)(2) of OBRA–1990, is amended—

(1) in subsection (b)—

(A) by striking "title the term," and inserting "title, the term",

(B) by striking "guardian" and inserting "guardian or", and

(C) by striking "3 other" and inserting "3";

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "program," and inserting "program", and

(B) in the second sentence, by striking "plan" each place it appears and inserting "program"; and

(3) in subsection (i), by striking "FUNDS" and inserting "FUNDS".

(b) Section 4712(c) of OBRA–1990 is amended—

(1) in paragraph (1), by inserting "of section 1930 of the Social Security Act" after "subsection (h)"; and

(2) in paragraph (2), by striking "this section" and inserting "such section".

SEC. 213. CORRECTION RELATING TO SECTION 4713 (COBRA CONTINUATION COVERAGE).

(a) Section 1902(a)(10) (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (F)—

(1) by striking "; and (XI)" and inserting ", (XI)";

(2) by striking "individuals, and (XI)" and inserting "individuals, and (XII)"; and

(3) by striking "COBRA continuation premiums" and inserting "COBRA premiums".

(b) Section 1902(u)(3) (42 U.S.C. 1396a(u)(3)), as added by section 4713(a)(2) of OBRA–1990, is amended by striking "title VI" and inserting "part 6 of subtitle B of title I".

SEC. 214. CORRECTION RELATING TO SECTION 4716 (MEDICAID TRANSITION FOR FAMILY ASSISTANCE).

Section 4716(a) of OBRA–1990 is amended by striking "AMENDMENTS.—Subsection (f) of section" and inserting "IN GENERAL.—Section".

SEC. 215. CORRECTIONS RELATING TO SECTION 4721 (PERSONAL CARE SERVICES).

Section 1905(a)(7) (42 U.S.C. 1396d(a)(7)), as amended by section 4721(a) of OBRA–1990, is amended to read as follows:

"(7)(A) home health services; and (B) personal care services which are (i) prescribed by a physician for an individual in accordance with a plan of treatment, (ii) provided by an individual who is qualified to provide such services and who is not a member of the individual's family, (iii) supervised by a registered nurse, (iv) furnished in a home or other location, and (v) furnished to an individual who is not an inpatient or resident of a nursing facility;".

SEC. 216. CORRECTIONS RELATING TO SECTION 4723 (MEDICAID SPEND-DOWN OPTION).

Section 1903(f)(2) (42 U.S.C. 1396b(f)(2)), as amended by section 4723(a) of OBRA–1990, is amended by striking "to the State, provided that" and inserting "to the State if".

SEC. 217. CORRECTIONS RELATING TO SECTION 4724 (OPTIONAL STATE DISABILITY DETERMINATIONS).

Section 1902(v) (42 U.S.C. 1396a(v)), as added by section 4724 of OBRA–1990, is amended—

(1) by striking "(v)(1)" and inserting "(v)"; and

(2) by striking "of the Social Security Act".

SEC. 218. CORRECTION RELATING TO SECTION 4732 (SPECIAL RULES FOR HEALTH MAINTENANCE ORGANIZATIONS).

Section 1903(m)(2)(F)(i) (42 U.S.C. 1396b(m)(2)(F)(i)), as amended by section 4732(b)(2)(B) of OBRA–1990, is amended by striking "or" before "with an eligible organization".

SEC. 219. CORRECTIONS RELATING TO SECTION 4744 (FRAIL ELDERLY WAIVERS).

(a) Section 1924(a)(5), as added by section 4744(b)(1) of OBRA–1990, is amended by striking "1986." and inserting "1986 or a waiver under section 603(c) of the Social Security Amendments of 1983.".

(b) Section 603(c) of the Social Security Amendments of 1983 is amended—

(1) by striking "(c)" and inserting "(c)(1)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B); and

(3) by adding at the end the following new paragraph:

"(2) Section 1924 of the Social Security Act shall apply to any individual receiving services from an organization receiving a waiver under this subsection.".

SEC. 220. CORRECTIONS RELATING TO SECTION 4745 (LOW INCOME FAMILIES DEMONSTRATION PROJECT).

Section 4745(e)(1) of OBRA–1990 is amended by adding at the end the following new sentence: "Such sums as may be available under the limitations set forth in this paragraph for fiscal years 1993 and 1994 shall be available until expended.".

SEC. 221. CORRECTIONS RELATING TO SECTION 4747 (COVERAGE OF HIV-POSITIVE INDIVIDUALS).

Section 4747 of OBRA–1990 is amended—

(1) in subsection (a), by striking "subsection (c)" and inserting "subsection (b)";

(2) in subsection (b)(2)—

(A) by striking "preventative" each place it appears and inserting "preventive", and

(B) by adding a period at the end of subparagraph (J);

(3) in subsection (c)(1)—

(A) by striking "subsection (c)" and inserting "subsection (b)", and

(B) by striking "paragraphs (1) and (2) of";

(4) in subsection (d)—

(A) by striking "paragraph (3)" and inserting "subsection (b)", and

(B) by striking "paragraph (1)" and inserting "subsection (a)"; and

(5) in subsection (f), by adding at the end the following new sentence: "Such sums as may be available under the limitation set forth in this paragraph for fiscal year 1993 shall be available until expended.".

SEC. 222. CORRECTION RELATING TO SECTION 4751 (ADVANCED DIRECTIVES).

Section 1903(m)(1)(A) (42 U.S.C. 1396b(m)(1)(A)), as amended by section 4751(b)(1) of OBRA–1990, is amended—

(1) by striking "1902(w)" and inserting "1902(w) and"; and

(2) by striking "1902(a)" and inserting "1902(w)".

SEC. 223. CORRECTIONS RELATING TO SECTION 4752 (PHYSICIANS' SERVICES).

(a) The paragraph (58) of section 1902(a) (42 U.S.C. 1396a(a)) added by section 4752(c)(1)(C) of OBRA–1990 is amended by striking "subsection (v)" and inserting "subsection (x)".

(b) Section 1903(i)(14)(A)(i) (42 U.S.C. 1396b(i)(14)(A)(i)) is amended to read as follows:

"(i) is certified in family practice or pediatrics by the medical specialty board recognized by the American Board of Medical Specialties for family practice or pediatrics or is certified in general practice or pediatrics by the medical specialty board recognized by the American Osteopathic Association,".

(c) Subparagraphs (A) and (B) of section 1903(i)(14) (42 U.S.C. 1396b(i)(14)) added by section 4752(e)(2) of OBRA–1990 are each amended—

(1) by striking "or" at the end of clause (v);

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following new clause:

"(vi) delivers such services in the emergency department of a hospital participating in the State plan approved under this title, or".

SEC. 224. CORRECTIONS RELATING TO SECTION 4801 (NURSING HOME REFORM).

(a) Section 1919(b)(3)(C)(i)(I) (42 U.S.C. 1396r(b)(3)(C)(i)(I)), as amended by section 4801(e)(3) of OBRA–1990, is amended by striking "not to exceed" before "14 days".

(b) Section 1919(b)(5)(D) (42 U.S.C. 1396r(b)(5)(D)), as amended by section 4801(a)(4) of OBRA–1990, is amended by striking the comma before "or a new competency evaluation program.".

(c) Section 1919(b)(5)(G) (42 U.S.C. 1396r(b)(5)(G)) is amended by striking "or licensed or certified social worker" and inserting "licensed or certified social worker, registered respiratory therapist, or certified respiratory therapy technician".

(d) Section 1919(f)(2)(B)(i) (42 U.S.C. 1396r(f)(2)(B)(i)) is amended by striking "facilities," and inserting "facilities (subject to clause (iii)),".

(e) Section 1919(f)(2)(B)(iii)(I)(c) (42 U.S.C. 1396r(f)(2)(B)(iii)(I)(c)) is amended by striking "clauses" each place it appears and inserting "clause".

(f) Section 1919(g)(3)(C) (42 U.S.C. 1396r(g)(3)(C)) is amended by striking "1903(a)(2)(D)" and inserting "1903(a)(2)(C)".

(g) Section 1919(g)(5)(B) (42 U.S.C. 1396r(g)(5)(B)) is amended by striking "paragraphs" and inserting "paragraph".

(h) Section 4801(a)(6)(B) of OBRA–1990 is amended—

(1) by striking "The amendments" and inserting "(i) The amendments";

(2) by redesignating clauses (i) through (v) as subclauses (I) through (V); and

(3) by adding at the end the following new clause:

"(ii) Notwithstanding clause (i) and subject to section 1919(f)(2)(B)(iii)(I) of the Social Security Act (as amended by subparagraph (A)), a State may approve a training and competency evaluation program or a competency evaluation program offered by or in a nursing facility described in clause (i) if, during the previous 2 years, none of the subclauses of clause (i) applied to the facility.".

SEC. 225. OTHER TECHNICAL CORRECTIONS.

(a) Section 1905(o)(1)(A) (42 U.S.C. 1396d(o)(1)(A)) is amended—

(1) in the first sentence, by striking "intermediate care facility services" and inserting "for nursing facility services or intermediate care facility services for the mentally retarded"; and

(2) in the second sentence, by striking "or intermediate care facility" and inserting "(for purposes of title XVIII), a nursing facility, or an intermediate care facility for the mentally retarded".

(b) Section 1915(d) (42 U.S.C. 1396n(d)) is amended—

(1) by striking "skilled nursing facility or intermediate care facility" each place it appears in paragraphs (1), (2)(B), and (2)(C) and inserting "nursing facility";

(2) in paragraph (2)(B)(i), by striking "skilled nursing or intermediate care facility" and inserting "nursing facility";

(3) in paragraph (5)(A), by striking "under" the first place it appears and inserting "(or, in the case of waiver years beginning on or after October 1, 1990, with respect to nursing facility services and home and community-based services) under"; and

(4) in paragraph (5)(B)—

(A) in clause (i), by striking "furnished" and inserting "(or, with respect to waiver years beginning on or after October 1, 1990, for nursing facility services) furnished"; and

(B) in clause (iii)(I), by striking "(regardless" and inserting "(or, with respect to waiver years beginning on or after October 1, 1990, which comprise nursing facility services) (regardless".

(c)(1) Section 1924(h)(1)(A) (42 U.S.C. 1396r–5(h)(1)(A)) is amended to read as follows:

"(A)(i) is in a medical institution or nursing facility; or

"(ii) is described in section 1902(a)(10)(A)(ii)(VI) (except that for purposes of subsection (d), such term shall include such individual only if the State elects to apply such subsection to the individual); and".

(2) The amendments made by this subsection shall apply to home or community-based services furnished on or after January 1, 1993.

SEC. 226. CORRECTIONS TO DESIGNATIONS OF NEW PROVISIONS.

(a) PARAGRAPHS ADDED TO SECTION 1902(a).—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (54);

(2) in the paragraph (55) inserted by section 4602(a)(3) of OBRA–1990, by striking the period at the end and inserting a semicolon;

(3) by redesignating the paragraph (55) inserted by section 4604(b)(3) of OBRA–1990 as paragraph (56), by transferring and inserting it after the paragraph (55) inserted by section 4602(a)(3) of such Act, and by striking the period at the end and inserting a semicolon;

(4) by placing paragraphs (57) and (58), inserted by section 4751(a)(1)(C) of OBRA–1990, immediately after paragraph (56), as redesignated by paragraph (3);

(5) in the paragraph (58) inserted by section 4751(a)(1)(C) of OBRA–1990, by striking the period at the end and inserting "; and"; and

(6) by redesignating the paragraph (58) inserted by section 4752(c)(1)(C) of OBRA–1990 as paragraph (59) and by transferring and inserting it after the paragraph (58) inserted by section 4751(a)(1)(C) of such Act.

(b) PARAGRAPHS ADDED TO SECTION 1903(i).—Section 1903(i) (42 U.S.C. 1396b(i)), as amended by section 2(b)(2) of the Medicaid Voluntary Contribution and Provider-Specific Tax Amendments of 1991, is amended—

(1) by redesignating the paragraph (12) inserted by section 4752(a)(2) of OBRA–1990 as paragraph (11), by transferring and inserting it after the paragraph (10) inserted by section 4401(a)(1)(B) of OBRA–1990, and by striking the period at the end and inserting a semicolon;

(2) by redesignating the paragraph (14) inserted by section 4752(e) of OBRA–1990 as paragraph (12), by transferring and inserting it after paragraph (11), as redesignated by paragraph (2), and by striking the period at the end and inserting "; or"; and

(3) by redesignating the paragraph (11) inserted by section 4801(e)(16)(A) of OBRA–1990 as paragraph (13) and by transferring and inserting it after paragraph (12), as redesignated by paragraph (3), and by striking "; or" and inserting a period.

(c) PARAGRAPHS ADDED TO SECTION 1905(a).—

(1) IN GENERAL.—Section 1905(a) (42 U.S.C. 1396d(a)) is amended—

(A) by striking "and" at the end of paragraph (21);

(B) in paragraph (24), by striking the comma at the end and inserting "; and"; and

(C) by redesignating paragraphs (22), (23), and (24) as paragraphs (24), (22), and (23), respectively, and by transferring and inserting paragraph (24), as so redesignated, after paragraph (23), as so redesignated.

(2) CONFORMING AMENDMENTS.—(A) Effective July 1, 1991, section 1902(a)(10)(C)(iv) (42 U.S.C. 1396a(a)(10)(C)(iv)), as amended by section 4755(c)(1)(A) of OBRA–1990, is amended by striking "through (21)" and inserting "through (23)".

(B) Effective July 1, 1991, section 1902(j) (42 U.S.C. 1396a(j)), as amended by section 4711(d)(1) of OBRA–1990, is amended by striking "through (22)" and inserting "through (24)".

(d) FINAL SECTIONS.—Section 1928 (42 U.S.C. 1396s), as redesignated by section 4401(a)(3) of OBRA–1990, is amended—

(1) by transferring such section to the end of title XIX; and

(2) by redesignating such section as section 1932.

SEC. 227. CORRECTIONS RELATING TO SECTION 4008 (CONFORMING AMENDMENTS TO MEDICARE).

(a) Section 1819(b)(5)(D) (42 U.S.C. 1395i–3(b)(5)(D)), as amended by section 4008(h)(1)(D) of OBRA–1990, is amended by striking the comma before "or a new competency evaluation program.".

(b) Section 1819(b)(5)(G) (42 U.S.C. 1395i–3(b)(5)(G)) is amended by striking "or licensed or certified social worker" and inserting "licensed or certified social worker, registered respiratory therapist, or certified respiratory therapy technician".

(c) Section 1819(f)(2)(B)(i) (42 U.S.C. 1395i–3(f)(2)(B)(i)) is amended by striking "facilities," and inserting "facilities (subject to clause (iii)),".

(d) Section 1819(f)(2)(B)(iii)(I)(c) (42 U.S.C. 1395i–3(f)(2)(B)(iii)(I)(c)) is amended by striking "clauses" each place it appears and inserting "clause".

(e) Section 1819(g)(5)(B) (42 U.S.C. 1395i–3(g)(5)(B)) is amended by striking "paragraphs" and inserting "paragraph".

(f) Section 4008(h)(1)(F)(ii) of OBRA–1990 is amended—

(1) by striking "The amendments" and inserting "(I) The amendments";

(2) by striking "nursing facility" each place it appears and inserting "skilled nursing facility";

(3) by redesignating subclauses (I) through (V) as clauses (aa) through (ee); and

(4) by adding at the end the following new subclause:

"(II) Notwithstanding subclause (I) and subject to section 1819(f)(2)(B)(iii)(I) of the Social Security Act (as amended by clause (i)), a State may approve a training and competency evaluation program or a competency evaluation program offered by or in a skilled nursing facility described in subclause (I) if, during the previous 2 years, clause (aa), (bb), (cc), (dd), or (ee) of subclause (I) did not apply to the facility.".

Subtitle B—Other Amendments to Medicaid Provisions

PART I—SUBSTANCE ABUSE PROVISIONS

SEC. 231. EXCEPTION TO IMD EXCLUSION FOR QUALIFIED COMPREHENSIVE SUBSTANCE ABUSE TREATMENT PROGRAMS.

(a) EXCEPTION TO IMD EXCLUSION.—Section 1905(a) (42 U.S.C. 1396d(a)) is amended in subparagraph (B) of the matter following paragraph (24), by inserting ", other than care and services (excluding room and board) for any individual who is participating in a qualified comprehensive substance abuse treatment program under title IV and who would be eligible for medical assistance under this title but for the application of this subparagraph" after "institution for mental diseases".

(b) WAIVER AUTHORITY.—The Secretary of Health and Human Services shall waive the requirements of section 1902(a)(1) of the Social Security Act (relating to statewideness) and section 1902(a)(10)(B) of such Act (relating to the amount, duration, and scope of benefits) to the extent the Secretary determines that a waiver of such requirements is necessary and appropriate to enable a State to establish a comprehensive substance abuse treatment program described in title IV of such Act.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and the provisions of subsection (b) shall apply to services furnished on or after July 1, 1993.

SEC. 232. COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES.

(a) MEDICAID COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES FOR PREGNANT WOMEN, CARETAKER PARENTS, AND THEIR CHILDREN.—

(1) COVERAGE OF ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES.—

(A) OPTIONAL COVERAGE.—Section 1905 (42 U.S.C. 1396d), as amended by section 231, is further amended—

(i) in subsection (a)—

(I) by striking "and" at the end of paragraph (23);

(II) by redesignating paragraph (24) as paragraph (25); and

(III) by inserting after paragraph (23) the following new paragraph:

"(24) alcoholism and drug dependency residential treatment services (to the extent allowed and as defined in section 1931); and"; and

(ii) in subparagraph (B) of the matter following paragraph (25), as redesignated—

(I) by striking "room and board" and inserting "room and board, unless such payment is for services authorized under paragraph (24) to an individual described in section 1931(e)"; and

(II) by striking "title IV" and inserting "title IV or who is receiving alcoholism and drug dependency residential treatment services under paragraph (24)".

(B) ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES DEFINED.—Title XIX (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES

"SEC. 1931. (a) ALCOHOLISM AND DRUG DEPENDENCY RESIDENTIAL TREATMENT SERVICES.—The term 'alcoholism and drug dependency residential treatment services' means, subject to subsection (d), all the required services described in subsection (b) provided—

"(1) in a coordinated manner (either directly or through arrangements with public and nonprofit private entities or, for medical services, through arrangements with licensed practitioners or federally qualified health centers or, with respect to such services provided to individuals eligible to receive services in Indian Health Facilities, through or under arrangements with the Indian Health Service or a tribal or Indian organization that has entered into a contract with the Secretary under section 450(g) of the Indian Self-Determination and Education Assistance Act or section 1652 of the Indian Health Care Improvement Act) by a residential treatment facility that meets the requirements of subsection (c); and

"(2) pursuant to an individualized treatment plan prepared by the facility for each individual, which plan—

"(A) states specific objectives necessary to meet the individual's needs,

"(B) describes the services to be provided to the individual to achieve those objectives,

"(C) is established in consultation with the individual and reflects the preferences of the individual,

"(D) is periodically reviewed and (as appropriate) revised by the staff of the facility in consultation with the individual, and

"(E) is established in a manner which promotes the active involvement of the individual in the development of the plan and its objectives.

"(b) REQUIRED SERVICES DEFINED.—For purposes of subsection (a), the required services described in this subsection are as follows:

"(1)(A) Individual, group, and family counseling, addiction education and treatment, provided pursuant to individualized treatment plans, including opportunity for involvement in Alcoholics Anonymous and Narcotics Anonymous,

"(B) parenting skills training,

"(C) education concerning prevention of HIV infection, and

"(D) assessment of each individual's need for domestic violence counseling and sexual abuse counseling and provision of such counseling where needed.

Services under this paragraph shall be provided in a cultural context that is appropriate to the individuals and in a manner that ensures that the individuals can communicate effectively, either directly or through interpreters, with persons providing services.

"(2) Room and board in a structured environment with on-site supervision 24 hours a day.

"(3) Therapeutic child care or counseling for children of individuals in treatment.

"(4) Assisting parents in obtaining access to—

"(A) developmental services (to the extent available) for their preschool children,

"(B) public education for their school-age children, including assistance in enrolling them in school, and

"(C) public education for parents who have not completed high school.

"(5) Facilitating access to prenatal and postpartum health care for women, to pediatric health care for infants and children, and to other health and social services where appropriate and to the extent available, including services under title V, services and nutritional supplements provided under section 17(i) of the Child Nutrition Act of 1986, services provided by federally qualified health centers, outpatient pediatric services, well-baby care, and early and periodic screening, diagnostic, and treatment services (as defined in section 1905(r)).

"(6) Ensuring supervision of children during times their mother or, if applicable, their caretaker parent, is in therapy or engaged in other necessary health or rehabilitative activities.

"(7) Planning for and counseling to assist reentry into society, including referrals to appropriate educational, vocational, and other employment-related programs (to the extent available), referrals to appropriate outpatient treatment and counseling after discharge (which may be provided by the same program, if available and appropriate) to assist in preventing relapses, transitional housing, and assistance in obtaining suitable affordable housing and employment upon discharge.

"(8) Continuing specialized training for staff in the special needs of residents and their children, designed to enable such staff to stay abreast of the latest and most effective treatment techniques.

"(c) FACILITY REQUIREMENTS.—The requirements of this subsection with respect to a facility are as follows:

"(1) The State has determined that the facility is able to provide (either directly or through arrangements with public and nonprofit private entities or, for medical services, through arrangements with licensed practitioners or federally qualified health centers or, with respect to such services provided to individual's eligible to receive services in Indian Health Facilities, through or under arrangements with the Indian Health Service or with a tribal or Indian organization that has entered into a contract with the Secretary under section 450(g) of the Indian Self-Determination and Education Assistance Act or section 1652 of the Indian Health Care Improvement Act) all the services described in subsection (b) and, except for Indian Health Facilities, meets all applicable State licensure or certification requirements for a facility of that type.

"(2)(A) Subject to subparagraph (B), the facility or distinct part thereof provides room and board and such facility is not licensed as a hospital and does not have more than 40 beds (including beds occupied by children).

"(B) The requirement under subparagraph (A) that a facility not be a hospital may be waived by the Secretary, if the Secretary finds that such facility is located in an Indian Health Service area and that such facility is the only, or one of the only, facilities available in such area to provide services under this section.

"(3) With respect to a facility providing the services described in subsection (b) to an individual eligible to receive services in Indian Health Facilities, such a facility demonstrates (as required by the Secretary) an ability to meet the special needs of Indian and Native Alaskan women.

"(d) LIMITATIONS ON COVERAGE.—(1) Subject to paragraph (2), services described in subsection (b) shall be covered in the amount, duration and scope therapeutically required for each eligible individual in need of such services, as determined by the State.

"(2) A State plan may limit coverage of alcoholism and drug dependency residential treatment services to a period of not less than 1 year. This paragraph shall not be construed as requiring a State plan to cover such services for any individual beyond the period for which such services are therapeutically required for that individual.

"(3) An assessment of an individual specified in subsection (e) seeking alcoholism and drug dependency residential treatment services shall be performed by the State to determine whether the individual is in need of alcoholism or drug dependency treatment services and, if so, the treatment setting (such as inpatient hospital, nonhospital residential, or outpatient) that is most appropriate in meeting the individual's health and therapeutic needs and the needs of the individual's dependent children, if any.

"(e) ELIGIBLE INDIVIDUALS DEFINED.—A State plan shall limit coverage under the plan of alcoholism and drug dependency residential treatment services under section 1905(a)(24) to the following individuals otherwise eligible for medical assistance under this title:

"(1) Women during pregnancy, and until the end of the 12th month following the termination of the pregnancy.

"(2) Children of a woman described in paragraph (1).

"(3) At the option of a State, caretaker parents and children of such parents.

"(f) OVERALL CAP ON MEDICAL ASSISTANCE AND PER-STATE BED LEVELS.—

"(1) IN GENERAL.—Federal expenditures with respect to alcoholism and drug dependency residential treatment services under this section shall be limited to the lesser of expenditures related to—

"(A) the total number of beds allocated by the Secretary for such services in any year under paragraph (3); or

"(B) 350 beds.

"(2) PARTICIPATION BY STATES.—

"(A) APPLICATIONS.—In order to receive Federal medical assistance for expenditures for alcoholism and drug dependency residential treatment services under this section beginning with fiscal year 1994, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall determine.

"(B) SELECTION BY THE SECRETARY.—During fiscal year 1993, the Secretary shall evaluate the applications described in subparagraph (A) and shall select no fewer than 5, and no more than 15, States to provide alcoholism and drug dependency residential treatment services under this section.

"(3) ALLOCATION OF BEDS.—

"(A) INITIAL ALLOCATION.—Not later than July 1, 1993, the Secretary shall allocate a number of beds with respect to alcoholism and drug dependency residential treatment services under this section to each State selected by the Secretary under paragraph (2)(B) based on the need for such beds as demonstrated in the application submitted by such State under paragraph (2)(A) and notify such State of such allocation.

"(B) ADDITIONAL ALLOCATIONS.—If the number of beds allocated by the Secretary under subparagraph (A) is less than 350, the Secretary shall continue to solicit and evaluate applications from States and shall select additional States to provide alcoholism and drug dependency residential treatment services under this section until 350 beds have been allocated.

"(g) MAINTENANCE OF STATE FINANCIAL EFFORT.—No payment shall be made to a State under section 1903 in a State fiscal year for alcoholism and drug dependency residential treatment services unless the State provides assurances satisfactory to the Secretary that the State is maintaining State expenditures for such services at a level that is not less than the average annual level maintained by the State for such services for the 2-year period preceding such fiscal year.

"(h) FEDERAL FINANCIAL PARTICIPATION.—The Secretary shall make Federal funds available for alcoholism and drug dependency residential treatment services beginning on October 1, 1993.".

(2) PAYMENT BASIS.—Section 1902(a)(13) (42 U.S.C 1396a(a)(13)) is amended—

(A) by striking "and" at the end of subparagraph (E),

(B) by adding "and" at the end of subparagraph (F), and

(C) by adding at the end the following new subparagraph:

"(G) for payment for alcoholism and drug dependency residential treatment services which the State finds, and makes assurances satisfactory to the Secretary, are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide all the services listed in section 1931(b) in conformity with applicable State and Federal laws, regulations, and quality and safety standards and to assure that individuals eligible for such services have reasonable access to such services;".

(3) CONFORMING AMENDMENTS.—

(A) CLARIFICATION OF OPTIONAL COVERAGE FOR SPECIFIED INDIVIDUALS.—Section 1902(a)(10) (42 U.S.C. 1396a(a)(10)) is amended, in the matter following subparagraph (F)—

(i) by striking "and (XII)" and inserting "(XII)", and

(ii) by inserting before the semicolon at the end the following: ", and (XIII) the making available of alcoholism and drug dependency residential treatment services to individuals described in section 1931(e) shall not, by reason of this paragraph (10), require the making of such services available to other individuals".

(B) CONTINUATION OF LIMITED MEDICAID ELIGIBILITY FOR PREGNANT WOMEN FOR 12 MONTHS FOLLOWING END OF PREGNANCY.—Section 1902 (42 U.S.C. 1396a) is amended—

(i) in subsection (e)(5)—

(I) by striking "(5) A woman" and inserting "(5)(A) Except as provided in subparagraph (B), a woman"; and

(II) by adding at the end the following new subparagraph:

"(B) A woman who, while pregnant, received alcoholism and drug dependency residential treatment services under section 1931, shall continue to be eligible for such services for a period of up to 12 months following the termination of such pregnancy, if such services are provided on a continuous basis during a period beginning during such pregnancy."; and

(ii) in subsection (l)(1)(A), by striking "the pregnancy)" and inserting "the pregnancy, or in the case of women receiving alcoholism and drug dependency residential treatment services under section 1931, for a period of up to 12 months following the termination of such pregnancy, if such services are provided on a continuous basis during a period beginning during such pregnancy)".

(C) REDESIGNATIONS.—Section 1902 (42 U.S.C. 1396a) is further amended—

(i) in subsection (a)(10)(C)(iv), by striking "(23)" and inserting "(24)", and

(ii) in subsection (j), by striking "(24)" and inserting "(25)".

(4) ANNUAL EDUCATION AND TRAINING IN INDIAN HEALTH SERVICE AREAS.—The Secretary of Health and Human Services in cooperation with the Indian Health Service shall conduct, on at least an annual basis, training and education in each of the 12 Indian Health Service areas for tribes, Indian organizations, residential treatment providers, and State health care workers regarding the availability and nature of residential treatment services available in such areas under the provisions of this Act.

(b) TRANSITION.—The Secretary of Health and Human Services shall not take any compliance, disallowance, penalty, or other regulatory action against a State under title XIX of the Social Security Act with regard to alcoholism and drug dependency residential treatment services (as defined in section 1931(a) of such Act) made available under such title on or after October 1, 1993, before the date the Secretary issues final regulations to carry out the amendments made by this section, if the services are provided under its plan in good faith compliance with such amendments.

PART II—CHILD IMMUNIZATION PROVISIONS

SEC. 241. BULK VACCINE PURCHASING SYSTEMS FOR INCREASED VACCINATION OF MEDICAID ENROLLED CHILDREN.

(a) STATE MEDICAID BULK PURCHASING SYSTEMS.—Section 1902 (42 U.S.C. 1396a) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (58);

(B) by striking the period at the end of paragraph (59) and inserting "; and"; and

(C) by inserting after paragraph (59) the following new paragraph:

"(60) provide for the establishment and operation of a vaccine replacement system (as described in section 1905(t)(1)), unless—

"(A) the State operates a universal vaccine distribution system (as described in section 1905(t)(2)), or

"(B) the State demonstrates to the satisfaction of the Secretary that a vaccine replacement system (as described in section 1905(t)(1)) would not be appropriate or cost-effective in the State."; and

(2) by adding at the end the following new subsection:

"(z) A State which establishes and operates a vaccine replacement system (as described in section 1905(t)(1)) under subsection (a)(60) shall not be precluded from making payments to providers on a fee-for-service basis for the provision of immunization services.".

(b) PAYMENTS TO STATES FOR MEDICAID BULK PURCHASING SYSTEMS.—Section 1903(a) (42 U.S.C. 1396b(a)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) an amount equal to 75 percent of the sums expended during such a quarter which occurs within any 4-quarter period during the period beginning October 1, 1993, and ending April 1, 1995, with respect to costs incurred during such quarter which are attributable to developing and establishing a vaccine replacement system (as defined in section 1905(t)(1)) or a universal vaccine distribution system (as defined in section 1905(t)(2)) with respect to individuals eligible for medical assistance under a State plan under this title; plus".

(c) DEFINITION.—Section 1905 (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(t) VACCINE REPLACEMENT SYSTEM AND UNIVERSAL VACCINE DISTRIBUTION SYSTEM.—

"(1) VACCINE REPLACEMENT SYSTEM.—The term 'vaccine replacement system' means a State program which purchases childhood vaccines on behalf of entities providing medical assistance to individuals eligible for such medical assistance under the State plan under this title at prices negotiated by the Centers for Disease Control childhood immunization program (or at a lower price, if available) and provides such vaccines free of charge to such entities for administration to such individuals.

"(2) UNIVERSAL VACCINE DISTRIBUTION SYSTEM.—The term 'universal vaccine distribution system' means a State program under which vaccines are purchased in bulk on behalf of public and private entities providing routine immunization services in the State and provided, at no charge, to such entities.".

(d) GUIDELINES RELATED TO VACCINE REPLACEMENT SYSTEMS.—Not later than April 1, 1994, the Secretary shall issue guidelines for the operation of any vaccine replacement system established by a State under section

1902(a)(60) of the Social Security Act which shall include standards for the safe storage and distribution of childhood vaccines.

(e) COMPLIANCE.—Each State with a State plan under subsection (a) of section 1902 of the Social Security Act shall comply with paragraph (60) of such subsection no later than October 1, 1994.

(f) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c), and the provisions of subsections (d) and (e), shall be effective on the date of the enactment of this section.

SEC. 242. REIMBURSEMENT TO VACCINE MANUFACTURERS.

(a) IN GENERAL.—Section 1902(a)(32) (42 U.S.C. 1396a(32)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) nothing in this paragraph shall be construed to prevent the making of such a payment to a manufacturer of a vaccine under a contract with the State, pursuant to which the manufacturer—

"(i) supplies without charge doses of vaccines to providers administering such vaccines to individuals eligible to receive medical assistance under the State plan,

"(ii) replaces such vaccines as needed, and

"(iii) charges the State agency the price under the most recent bid (determined once such bid price is made public) submitted by the manufacturer to the Centers for Disease Control with respect to the Centers for Disease Control childhood immunization program, plus a reasonable fee to cover shipping and handling of returns for doses administered by providers to individuals eligible to receive medical assistance under the State plan.".

(b) AGREEMENTS WITH THE STATE.—Section 1902(a)(27) (42 U.S.C. 1396a(a)(27)) is amended—

(1) by striking "under the State plan" and inserting "under the State plan and with any entity that is a manufacturer of a vaccine under a contract with the State under section 1902(a)(32)(E)"; and

(2) by striking "such person or institution" each place it appears and inserting "such person, institution, or entity".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 1993.

SEC. 243. IMMUNIZATION OUTREACH DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall establish a demonstration program to enable States to establish innovative immunization outreach demonstration programs.

(b) ELIGIBLE STATES.—To be eligible to participate in the demonstration program under this section a State shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

(c) APPROVAL OF APPLICATIONS.—The Secretary shall review and approve such applications submitted under subsection (b) as the Secretary determines appropriate.

(d) USE OF AMOUNTS.—Immunization outreach programs established under the demonstration program shall include—

(1) contacting parents concerning the immunization of children eligible for medical assistance under the State plan under title XIX of the Social Security Act,

(2) tracking the immunization status of such children, and

(3) such other activities as determined appropriate by the Secretary.

(e) REPORTS.—A State participating in the demonstration program conducted under this section shall annually prepare and submit to the Secretary a report with respect to the outreach activities conducted by such State under this section which shall include such information as the Secretary may require.

(f) LIMITS ON EXPENDITURES AND FUNDING.—

(1) IN GENERAL.—In conducting the demonstration program under this section, the Secretary shall limit the total amount of the Federal share of expenses incurred under title XIX of the Social Security Act to no more than $10,000,000 for fiscal years 1994 through 1997.

(2) NO INCREASE IN FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—Payments to a State under this section with respect to expenditures made by such State under this section may not exceed the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) of such expenditures.

(g) REPORT.—Not later than September 30, 1998, the Secretary shall prepare and submit to the appropriate committees of Congress a report concerning the demonstration program established under this section.

PART III—MANAGED CARE WAIVER PROVISIONS

SEC. 251. MODIFICATION OF FREEDOM-OF-CHOICE WAIVERS.

(a) IN GENERAL.—Section 1915(b) (42 U.S.C. 1396n(b)) is amended by striking "(b)" and inserting "(b)(1)", by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively, and by adding at the end the following new paragraphs:

"(2) A waiver under this subsection shall be for an initial term of 3 years and, upon the request of a State, shall be extended for additional 5-year periods, unless the Secretary determines that a shorter period is appropriate.

"(3) The Secretary shall not grant a waiver under this subsection to restrict an individual's freedom of choice of provider with respect to an entity which is paid on a risk basis if such entity is responsible for the provision (directly or through arrangements with providers of services) of—

"(A) inpatient hospital services and any other service described in paragraph (2), (3), (4), (5), or (7) of section 1905(a), or

"(B) any three or more of the services described in such paragraphs,

unless there is a choice of at least two such entities in an area and an individual has a choice between such entities.".

(b) CONFORMING AMENDMENT.—Section 1915(h) (42 U.S.C. 1396n(h)) is amended by inserting "(b)," before "(c)".

SEC. 252. WAIVER OF 75/25 RULE.

(a) IN GENERAL.—Section 1903(m)(2)(D) (42 U.S.C. 1396b(m)(2)(D)) is amended to read as follows:—

"(D)(i) In the case of a health maintenance organization that is a public or private entity, the Secretary may waive or modify the requirement described in subparagraph (A)(ii) if—

"(I) the entity is located in a medically underserved area;

"(II) the Secretary determines that the entity is unlikely to achieve compliance with such requirement without the expenditure of significant resources that would detract from the entity's ability to provide or improve patient care; and

"(III) the Secretary determines, pursuant to regulations issued by the Secretary, that the entity is likely to provide, or in the case of renewals, has provided and will continue to provide to individuals served by the entity, the access to and quality of care that would be available to such individuals if such individuals were not served by such entity.

"(ii) With respect to any private entity that is granted a waiver or modification under clause (i), the Secretary shall conduct an annual review of such entity's financial stability and provisions against the risk of insolvency. The Secretary shall publish the results of each annual review (in a manner that does not reveal any proprietary information). If the Secretary determines that such entity is not financially stable or has not made adequate provision against the risk of insolvency, the Secretary shall revoke such waiver or modification.

"(iii) Except as provided in clause (ii), a waiver under this subparagraph shall be for an initial term of 3-years and, upon the request of a State, shall be extended for additional 5-year periods, unless the Secretary determines that a shorter period is appropriate.".

(b) EXISTING WAIVERS.—Any waivers or modifications of the requirement under subsection (m)(2)(A)(ii) of section 1903 of the Social Security Act granted under subsection (m)(2)(D) of such section as in effect on the day before the effective date of this section shall continue in effect until such waivers expire.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) and the provisions of subsection (b) shall be effective upon the issuance by the Secretary of Health and Human Services of the regulations described in section 1903(m)(2)(D)(i)(III) of the Social Security Act.

SEC. 253. ROLLING ONE MONTH CONTINUOUS ELIGIBILITY FOR INDIVIDUALS ENROLLED IN AN HMO OR PCCM.

(a) IN GENERAL.—Section 1902(e)(2) (42 U.S.C. 1396a(e)(2)) is amended by adding at the end the following new subparagraph:

"(C) The State plan may provide, notwithstanding any other provision of this title, that an individual shall be deemed to continue to be eligible for benefits under this title until the end of the month in which such individual would (but for this paragraph) lose such eligibility because of excess income or resources, if such individual is enrolled with an entity described in subparagraph (A) or a primary care case management system operating under a waiver under section 1915(b).".

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective on January 1, 1993.

SEC. 254. ENHANCED MATCH RELATED TO QUALITY REVIEW.

(a) IN GENERAL.—Section 1903(a)(3)(C) (42 U.S.C. 1396b(a)(3)) is amended—

(1) by striking "organization or by" and inserting "organization, by"; and

(2) by striking "1902(d)" and inserting "1902(d), or by another organization approved by the Secretary which is unaffiliated with the State government or with any entity with a contract under subsection (m)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to reviews conducted on or after January 1, 1993.

SEC. 255. STATEWIDE WAIVER FOR CERTAIN COUNTY ADMINISTERED PROGRAMS.

(a) IN GENERAL.—Section 1915 (42 U.S.C. 1396n) is amended by adding at the end the following new subsection:

"(i) In the case of a State which has a managed care system to be operated by the political subdivisions within the State, the Secretary is authorized to approve, based on a single application, a series of waivers of the applicable provisions of section 1902 (in accordance with the requirements of subsection (b)) to authorize the State to approve managed care plans to be operated by such subdivisions. The Secretary shall approve such waivers only if the application contains a description of all the managed care models to be implemented by the political subdivisions within the State and documentation showing that such models have been established by State laws or regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective on the date of the enactment of this section.

SEC. 256. EXTENSION OF A CERTAIN MEDICAID HEALTH MAINTENANCE ORGANIZATION WAIVER.

The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") may retroactively to October 1, 1991, extend until January 31, 1994, the waiver of the requirement described in section 1903(m)(2)(A)(ii) of the Social Security Act, granted to the District of Columbia Chartered Health Plan, Inc., if the Secretary determines that such entity has made and continues to make reasonable efforts and progress towards achieving compliance with such requirement contained in such Act.

PART IV—HOME AND COMMUNITY-BASED SERVICES WAIVER PROVISIONS

SEC. 261. ELIMINATION OF REQUIREMENT OF PRIOR INSTITUTIONALIZATION WITH RESPECT TO HABILITATION SERVICES FURNISHED UNDER A WAIVER FOR HOME OR COMMUNITY-BASED SERVICES.

(a) IN GENERAL.—Section 1915(c)(5) (42 U.S.C. 1396n(c)(5)) is amended in the matter preceding subparagraph (A) by striking ", with respect to individuals who receive such services after discharge from a nursing facility or intermediate care facility for the mentally retarded".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished after January 1, 1993.

SEC. 262. PAYMENTS FOR SERVICES ARRANGED THROUGH PRIVATE NONPROFIT ENTITIES OR PUBLIC ENTITIES.

(a) IN GENERAL.—Section 1902(a)(32) (42 U.S.C. 1396a(a)(32)), as amended by section 242, is further amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) in the case of services arranged through any private nonprofit entity or public entity under subsection (c), (d), or (g) of section 1915, payments made by such entity to providers of services shall be permitted if—

"(i) such entity maintains a clear system of records demonstrating that payments made are for services required under the individual's plan of care; and

"(ii) providers paid by such entity could otherwise receive payments under the State plan;

"(iii) the services for which payment is made by such entity are services covered under waivers granted to the State under subsection (c), (d), or (g) of section 1915;

"(iv) the services for which payment is made by such entity were furnished to individuals eligible to receive services under waivers granted to the State under subsection (c), (d), or (g) of section 1915; and

"(v) such entity does not retain any portion of the payment.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments for medical assistance for calendar quarters beginning on or after January 1, 1993.

SEC. 263. AGREEMENTS WITH PRIVATE NONPROFIT ENTITIES AND PUBLIC ENTITIES ARRANGING FOR HOME AND COMMUNITY-BASED SERVICES.

(a) IN GENERAL.—Section 1902(a)(27) (42 U.S.C. 1396a(a)(27)), as amended by section 242, is further amended by striking "1902(a)(32)(E)" and inserting "1902(a)(32)(E) or a private nonprofit entity or public entity that arranges for home or community-based services under subsection (c), (d), or (g) of section 1915"; and

(b) EFFECTIVE DATE.—The amendments made by this section apply to services furnished on or after January 1, 1993.

SEC. 264. FREEDOM OF CHOICE RESTRICTION FOR CASE MANAGEMENT SERVICES WITH RESPECT TO HOME OR COMMUNITY-BASED SERVICES.

(a) DISCRETIONARY WAIVER PROGRAM FOR INDIVIDUALS OTHERWISE REQUIRING INSTITUTIONALIZATION.—The first sentence of section 1915(c)(3) (42 U.S.C. 1396n(c)(3)) is amended by striking the period at the end and inserting the following: ", and may include a waiver of the requirements of section 1902(a)(23) (relating to individual choice of providers) with respect to the provision of case management services in order to ensure that case managers for individuals receiving home or community-based services are capable of ensuring that such individuals receive needed services, if the State provides assurances satisfactory to the Secretary that a waiver of such requirements will not substantially limit access to such services.".

(b) MANDATORY WAIVER PROGRAM FOR INDIVIDUALS 65 OR OLDER OTHERWISE REQUIRING INSTITUTIONALIZATION.—The first sentence of section 1915(d)(3) (42 U.S.C. 1936n(d)(3)) is amended by striking the period at the end and inserting the following: ", and may include a waiver of the requirements of section 1902(a)(23) (relating to individual choice of providers) with respect to the provision of case management services in order to ensure that case managers for individuals receiving home or community-based services are capable of ensuring that such individuals receive needed services, if State provides assurances satisfactory to the Secretary that a waiver of such requirements will not substantially limit access to such services.".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective on the date of the enactment of this Act.

SEC. 265. RELIEF FROM THIRD PARTY LIABILITY REQUIREMENTS WHEN COST EFFECTIVE.

(a) IN GENERAL.—Section 1902(a)(25)(B) (42 U.S.C. 1396a(a)(25)(B)) is amended to read as follows—

"(B) that in any case where such a legal liability is found to exist after medical assistance has been made available, the State or local agency will seek reimbursement for such assistance to the extent of such legal liability, unless—

"(i) the amount of reimbursement the State can reasonably expect to recover for medical assistance furnished to an individual does not exceed the costs of such recovery, or

"(ii) with respect to case management services, the State demonstrates to the satisfaction of the Secretary that it is not cost-effective in the aggregate to seek such recovery with respect to such services furnished to individuals covered under the State plan, using methods specified by the Secretary which shall include a demonstration that such services are not generally covered by health insurers in the State;".

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective on January 1, 1993.

SEC. 266. STATE EXPENDITURES FOR MEDICAL ASSISTANCE WITH RESPECT TO HOME AND COMMUNITY-BASED SERVICES PROVIDED UNDER A WAIVER.

(a) IN GENERAL.—Section 1915(d)(5)(B) (42 U.S.C. 1396n(d)(5)(B)) is amended—

(1) in clause (i), by striking "times the number of years" and inserting "compounded annually for years"; and

(2) in clause (ii), by striking "times the number of years" and inserting "compounded annually for years".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the OBRA–87.

PART V—ELIGIBILITY PROVISIONS

SEC. 271. OPTIONAL COVERAGE FOR FOSTER CHILDREN.

(a) IN GENERAL.—Section 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(1) by striking "or" at the end of subclause (X),

(2) by striking the semicolon at the end of subclause (XI) and inserting "; or"; and

(3) by adding at the end the following new subclause:

"(XII) who are described in subclause (IX) and subsection (aa);".

(b) DESCRIPTION OF CHILDREN IN FOSTER HOMES, GROUP HOMES, OR PRIVATE INSTITUTIONS.—Section 1902 (42 U.S.C. 1396a), as amended by section 241, is further amended by adding at the end the following new subsection:

"(aa) Individuals described in this subsection are children who have been placed in foster care, including children placed under the auspices of a public child welfare agency, children placed by a private agency under contract to a public agency, and children placed by a licensed private child welfare agency.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall become effective with respect to payments under title XIX of the Social Security Act for calendar quarters beginning on or after July 1, 1993.

SEC. 272. QUALIFIED MEDICARE BENEFICIARIES OUTREACH DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall provide for the establishment of demonstration projects in no fewer than 5 and no more than 10 States for the purpose of providing information, counseling, and assistance to individuals who are likely to be eligible for benefits as qualified medicare beneficiaries (as defined in section 1905(p)(1) of the Social Security Act (42 U.S.C. 1396d(p)(1)), qualified disabled and working individuals as defined in section 1905(s) of such Act (42 U.S.C. 1396d(s)), and individuals described in section 1902(a)(10)(E)(iii) of such Act (42 U.S.C. 1396a(a)(10)(E)) (in this section referred to as "eligible individuals").

(b) APPLICATIONS.—

(1) IN GENERAL.—

(A) SUBMISSION.—Each State desiring to conduct a demonstration project under this section shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information (in addition to the information required under subparagraph (B)) as the Secretary may require.

(B) CONTENTS OF APPLICATION.—As part of an application submitted under subparagraph (A), a State shall submit a plan for an information, counseling, and assistance program. Such program shall—

(i) establish or improve upon an information, counseling, and assistance program that provides counseling and assistance to eligible individuals to assist such individuals in applying for medicare cost-sharing (as defined in section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3));

(ii) provide for acceptance of applications for medicare cost-sharing and information, counseling, and assistance at sites described in subsection (c);

(iii) establish a system of referral to appropriate Federal or State departments or agencies for assistance with problems related to enrollment in and full implementation of such medicare cost-sharing program;

(iv) provide for a sufficient number of staff positions (including volunteer positions) necessary to provide the services of the information, counseling, and assistance program;

(v) provide for the collection and dissemination of timely and accurate enrollment information to staff members;

(vi) provide for training programs for staff members (including volunteer staff members);

(vii) provide for the coordination of the exchange of enrollment information between the staff of departments and agencies of the State government and the staff of the information, counseling, and assistance program;

(viii) make recommendations concerning consumer issues and complaints related to such enrollment to agencies and departments of the State government and the Federal Government responsible for providing such medicare cost-sharing;

(ix) establish an outreach program to provide the enrollment information and counseling described in clause (i) and the assistance described in clause (iii) to eligible individuals; and

(x) demonstrate, to the satisfaction of the Secretary, an ability to provide the services required under this subsection.

(2) APPROVAL OF APPLICATIONS.—The Secretary shall approve no fewer than 5 and no more than 10 of the applications submitted under paragraph (1)(B).

(c) ADMINISTRATION.—The State shall operate the information, counseling, and assistance program in locations other than State welfare offices, including Social Security Administration offices, facilities operated by Area Agencies on Aging, senior centers, and other locations determined by the Secretary in consultation with the State.

(d) MAINTENANCE OF EFFORT.—Any funds appropriated for the activities under this section shall supplement, and shall not supplant, funds that are expended for similar purposes under any Federal, State, or local program.

(e) ANNUAL APPLICANT REPORT.—A State that conducts a demonstration project under this section shall, not later than 180 days after the date on which such project begins, and for each year in which such project is conducted, issue a report to the Secretary that includes information concerning—

(1) the number of individuals served by the information, counseling, and assistance program of such State; and

(2) the problems that eligible individuals encounter in enrolling for medicare cost-sharing.

(f) REPORT TO CONGRESS.—Not later than 2 years after the first demonstration project under this section begins, and for each year in which a project is conducted under this section, the Secretary shall issue a report to the Committee on Finance of the Senate, the Special Committee on Aging of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, and the Select Committee on Aging of the House of Representatives that—

(1) summarizes the allocation of funds under this section and the expenditure of such funds;

(2) outlines the problems that eligible individuals encounter in enrolling for medicare cost-sharing as reported by the States in the reports submitted to the Secretary under subsection (e);

(3) makes recommendations that the Secretary determines to be appropriate to address the problems described in paragraph (2); and

(4) evaluates the effectiveness of counseling programs established under this program, and makes recommendations regarding continued authorization of funds for these purposes.

(g) DURATION.—A demonstration project provided under this section shall be conducted for a period not to exceed 3 years. The Secretary may terminate a project if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this section.

(h) LIMITS ON EXPENDITURES AND FUNDING.—

(1) IN GENERAL.—In conducting the demonstration projects under this section, the Secretary shall limit the total amount of the Federal share of expenses incurred under title XIX of the Social Security Act to no more than $15,000,000 for fiscal years 1994 through 1997.

(2) NO INCREASE IN FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—Payments to a State under this section with respect to expenditures made by such State under this subsection may not exceed the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) of such expenditures.

SEC. 273. EXTENSION OF CERTAIN DEMONSTRATION PROJECTS.

(a) DEMONSTRATION PROJECTS EXTENDING MEDICAID TO PREGNANT WOMEN AND CHILDREN NOT OTHERWISE ELIGIBLE.—

(1) IN GENERAL.—Section 6407 of OBRA–89 is amended—

(A) in subsection (d), by striking "3 years" and inserting "5 years";

(B) in subsection (f), by striking "$10,000,000 in each of fiscal years 1990, 1991, and 1992" and inserting "$30,000,000 for fiscal years 1990 through 1996"; and

(C) in subsection (g)(2), by striking "January 1, 1994" and inserting "one year after the termination of the demonstration projects".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of OBRA–89.

(b) DEMONSTRATION PROJECTS TO STUDY EFFECT OF ALLOWING STATES TO EXTEND MEDICAID COVERAGE TO CERTAIN LOW-INCOME FAMILIES NOT OTHERWISE ELIGIBLE.—

(1) EXTENSION OF DEMONSTRATION.—

(A) IN GENERAL.—Section 4745 of OBRA–90 is amended—

(i) in subsection (d), by striking "shall commence not later than July 1, 1991 and shall be conducted for a 3-year" and inserting "shall be conducted for a period not to exceed 5 years";

(ii) in paragraph (1) of subsection (e), by striking "$12,000,000 in each of fiscal years 1991, 1992, and 1993, and to no more than $4,000,000 in fiscal year 1994" and inserting "$40,000,000 for fiscal years 1991 through 1997"; and

(iii) in paragraph (2) of subsection (f) by striking "January 1, 1995" and inserting "one year after the termination of the projects".

(B) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of OBRA–90.

(2) ADDITION OF CERTAIN PROJECTS ON A SUBSTATE BASIS.—

(A) IN GENERAL.—Section 4745 of OBRA–90, as amended by paragraph (1), is amended—

(i) by amending paragraph (1) of subsection (a) to read as follows:

"(a) DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—

"(A) PROJECTS CONDUCTED ON A STATEWIDE BASIS.—Except as provided in subparagraph (B)(ii), the Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall enter into agreements with no fewer than 3 and no more than 4 States submitting applications under this section for the purpose of conducting demonstration projects to study the effect on access to, and costs of, health care of eliminating the categorical eligibility requirement for medicaid benefits for certain low-income individuals.

"(B) PROJECTS CONDUCTED ON A SUBSTATE BASIS.—

"(i) IN GENERAL.—Except as provided in clause (ii), in entering into agreements with States under this section, the Secretary shall provide that at least 1 and no more than 2 of the projects are conducted on a substate basis.

"(ii) CERTAIN SUBSTATE PROJECTS.—

"(I) IN GENERAL.—In addition to the demonstration projects conducted under subparagraph (A) and clause (i), the Secretary shall provide that no more than 3 projects are conducted on a substate basis in substate areas with—

"(aa) a per capita income that does not exceed 70 percent of the national average per capita income, as determined by the Department of Commerce, and

"(bb) an unemployment rate, as determined by the employment statistics of the applicable State, that is not less than 125 percent of the national average unemployment rate, as determined by the Bureau of Labor Statistics,

at the time the applications required under subclause (II) are submitted.

"(II) SUBMISSION OF APPLICATIONS.—Each State desiring to conduct a demonstration project on a substate basis under this clause shall submit an application to the Secretary at such time and in such manner as the Secretary shall determine.

"(III) APPROVAL OF APPLICATIONS.—The Secretary shall review the applications submitted under subclause (II) and approve no fewer than 2 and no more than 3 such applications. The Secretary shall begin making Federal funds available for the projects approved under this subclause no later than April 1, 1993.

"(IV) SELECTION OF SUBSTATE AREAS.—In approving applications under subclause (III), the Secretary shall give a preference to remote communities—

"(aa) in which the health services delivery infrastructure is poorly developed,

"(bb) in which the residents face significant health risks due to lack of adequate public services, "(cc) in which there is a health risk relating to communicable diseases or parasites, and

"(dd) in which the State or local government is prepared to make a financial contribution to the project in addition to such State's share of expenditures under title XIX of the Social Security Act.";

(ii) in subsection (e)(1), by adding at the end the following new subparagraph:

"(C) In addition to the amounts referred to in subparagraph (A), the Secretary shall make available $10,000,000 for fiscal years 1993 through 1997 for the Federal share of benefits paid and expenses incurred under title XIX of the Social Security Act for projects conducted under subsection (a)(1)(B)(ii)."; and

(iii) in paragraph (1) of subsection (f) by adding after subparagraph (C) the following new flush sentence:

"In addition to the issues described in subparagraphs (A), (B), and (C), for each substate project conducted under subsection (a)(1)(B)(ii), the Secretary shall provide an evaluation to determine the effect of the project with respect to whether the expanded availability of benefits under the medicaid program for the individuals residing in a community is effective in helping the community to develop a viable health care infrastructure.".

(B) Effective date.—The amendments made by this paragraph shall be effective on the date of the enactment of this section.

SEC. 274. PERIODS OF INELIGIBILITY FOR NURSING FACILITY SERVICES.

(a) In General.—The last sentence of section 1917(c)(1) (42 U.S.C. 1396p(c)(1)) is amended to read as follows: "The period of ineligibility shall—

"(A) be equal to the lesser of—

"(i) 30 months, or

"(ii)(I) the total uncompensated value of the combined amount of all transferred resources, divided by

"(II) the average cost to a private patient at the time of the application, of nursing facility services in the State or, at State option, in the community in which the individual is institutionalized, and

"(B) begin upon the discovery by the State that resources have been transferred.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to resources transferred on or after January 1, 1993.

PART VI—OTHER PROVISIONS

SEC. 281. DRUG PRICE REBATE AGREEMENTS.

(a) Medicaid Rebate Agreements.—

(1) Minimum rebate percentages increased.—Section 1927(c)(1)(B)(i) (42 U.S.C. 1396r–8(c)(1)(B)(i)) is amended—

(A) by amending subclause (II) to read as follows:

"(II) after December 31, 1992, and before January 1, 1994, is 15.7 percent," and

(B) by adding at the end the following new subclauses:

"(III) after December 31, 1993, and before January 1, 1995, is 15.4 percent,

"(IV) after December 31, 1994, and before January 1, 1996, is 15.2 percent, and

"(V) after December 31, 1995, is 15.1 percent.".

(2) Modification of best price definition.—Section 1927(c)(1)(C) (42 U.S.C. 1396r–8(c)(1)(C)) is amended—

(A) by striking "For purposes of this section" and inserting "(i) For purposes of this section",

(B) by inserting "supply schedule prices or prices paid by any entity described in clause (ii), and" after "excluding", and

(C) by adding at the end the following new clause:

"(ii) An entity described in this clause is—

"(I) a Federally qualified health center (as defined in section 1905(l)(2)(B),

"(II) an alcohol or drug treatment entity or mental health entity receiving assistance under title V or title XIX of the Public Health Service Act;

"(III) a family planning project described in section 1001 of the Public Health Service Act;

"(IV) an entity receiving assistance under title XXVI of the Public Health Service Act;

"(V) a black lung clinic authorized under the Public Health Service Act;

"(VI) a clinic that treats sexually transmitted diseases and is authorized under section 318 of the Public Health Service Act;

"(VII) an entity receiving funds to provide primary health services to residents of public housing under section 340A of the Public Health Service Act;

"(VIII) a non-Federal entity authorized under the Indian Self-Determination Act;

"(IX) a tuberculosis clinic receiving assistance under section 317(j)(2) or 317(k)(2) of the Public Health Service Act; or

"(X) a satellite entity of any of the entities described in subclauses (I) through (IX).

This clause shall apply to an entity only if such entity is principally engaged in the purpose for which funding is provided under the Public Health Service Act. An entity with respect to which funds are provided under the Public Health Service Act and which is a distinct part of a larger organization (whether or not it is legally distinct) shall be treated as a separate entity for purposes of this clause.

(3) Additional definitions.—Section 1927(k) (42 U.S.C. 1396r–8(k)) is amended by adding at the end thereof the following new paragraph:

"(8) Supply schedule.—The term 'supply schedule' means Group 65 of the Federal Supply Schedule.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to calendar quarters beginning on or after January 1, 1993.

SEC. 282. CLARIFICATION OF COVERAGE OF CERTIFIED NURSE-MIDWIFE SERVICES PERFORMED OUTSIDE THE MATERNITY CYCLE.

(a) In General.—Section 1905(a)(17) (42 U.S.C. 1396d(a)(17)) is amended by inserting before the semicolon at the end the following: ", and without regard to whether or not the services are concerned with the management of mothers and newborns throughout the maternity cycle".

(b) Effective Date.—The amendment made by subsection (a) shall apply to services furnished on or after October 1, 1993.

SEC. 283. CRITERIA FOR MAKING DETERMINATIONS OF DENIAL OF PAYMENT TO STATES.

(a) In General.—Section 1903 (43 U.S.C. 1396b) is amended by adding at the end the following new subsection:

"(x)(1) In any case in which the Secretary proposes to disallow under section 1116(d) a claim by a State under this section and the State exercises its right of reconsideration under section 1116(d), the Departmental Appeals Board established in the Department of Health and Human Services shall, if such Board upholds the basis for the disallowance, determine whether the amount of the disallowance should be reduced. In making this determination, the Board shall take into account (to the extent the State makes a showing) factors which shall include, but not be limited to—

"(A) whether the basis of the disallowance was procedural in nature;

"(B) whether the amount of the disallowance is proportionate to the error or deficiency on which the disallowance is based;

"(C) whether the basis of the disallowance constitutes noncompliance that prevented or materially affected the provision of appropriate services of recipients eligible under this title; or

"(D) whether Federal guidance with respect to the action that is the basis for the proposed disallowance was insufficient and the State made good faith efforts to conform its action to the intent of the applicable Federal statute or regulation.

"(2) No disallowance shall be taken or upheld if action of the State on which the disallowance would be based is consistent with its approved State plan.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to disallowances made after the date of the enactment of this Act and shall take effect without regard to the promulgation of implementing regulations.

SEC. 284. CERTIFICATION OF ADDITIONAL PAYMENT TO PUERTO RICO UNDER MEDICAID.

Section 1108(c)(1) (42 U.S.C. 1308(c)(1)) is amended by striking "and (C) $79,000,000 for fiscal year 1990 (and each succeeding fiscal year)" and inserting "(C) $79,000,000 for fiscal years 1990, 1991, 1992, and 1993, (D) $89,000,000 for fiscal year 1994, (E) $91,000,000 for fiscal years 1995 and 1996, and (F) $94,000,000 for fiscal year 1997 (and each succeeding fiscal year)".

SEC. 285. EXPENDITURES FOR COMMUNITY SUPPORTED LIVING ARRANGEMENTS SERVICES.

(a) In General.—Section 1930(j) (42 U.S.C. 1396u(j)) is amended by striking ", and for fiscal years thereafter such sums as provided by Congress", and by adding at the end the following new sentence: "Beginning with fiscal year 1993, any funds available under this paragraph for a fiscal year which remain available at the end of the fiscal year shall be available to be expended in the following fiscal year."

(b) Effective Date.—The amendment made by subsection (a) shall be effective as if included in the enactment of the OBRA–1990.

SEC. 286. NATIVE HAWAIIAN HEALTH CENTERS.

(a) In General.—Section 1905(l)(2)(B)(iv) (42 U.S.C. 1396d(l)(2)(B)(iv)) is amended by striking the period at the end and inserting "or is a native Hawaiian health center operated under the Native Hawaiian Health Care Act of 1988.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to services furnished on or after October 1, 1992.

TITLE III—MISCELLANEOUS AMENDMENTS

SEC. 301. EVALUATIONS OF MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAMS.

(a) In General.—Section 502 (42 U.S.C. 702) is amended by adding at the end the following new subsection:

"(e) During any fiscal year when the amount appropriated under section 501(a) is not less than the amount authorized under such section, such portion of the appropriations for that fiscal year under such section as the Secretary may determine, but not exceeding 1 percent thereof, shall be available for evaluations to be conducted by the Secretary (directly or by grants or contracts) of the programs for which such appropriations are made and, in the case of allotments from any such appropriations, the amount available for allotments shall be reduced accordingly.".

(b) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—Section 501(a) (42 U.S.C. 701(a)) is amended in the matter preceding paragraph (1), by striking "$686,000,000 for fiscal year 1990" and inserting "$686,000,000 for fiscal years 1990, 1991, and 1992, and $692,860,000 for fiscal year 1993".

(c) ADDITIONAL RESPONSIBILITIES FOR ENTITY ADMINISTERING PROGRAM.—Section 509(a) (42 U.S.C. 709(a)) is amended—

(1) by striking "and" at the end of paragraphs (6) and (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) program evaluations as described in section 502(e).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

DANFORTH (AND BOND) AMENDMENT NO. 3319

Mr. DOLE (for Mr. DANFORTH, for himself and Mr. BOND) proposed an amendment to amendment No. 3318 proposed by Mr. BENTSEN to the bill H.R. 11, supra, as follows:

In section 137, amend subsection (b) to read as follows:

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to cost reporting periods beginning on or after October 1, 1990, except that for cost reporting periods beginning on or before September 30, 1992, payments required by the amendments made by subsection (a) shall not be made prior to October 1, 1993.

After section 286, insert the following new section:

SEC. 287. DEMONSTRATION PROJECT TO STUDY THE EFFECT OF PROVIDING OUTREACH, ASSESSMENT, AND REFERRAL SERVICES THROUGH MEDICAID TO MENTALLY ILL HOMELESS INDIVIDUALS.

(a) ESTABLISHMENT.—Pursuant to section 1115 of the Social Security Act, the Secretary of Health and Human Services (referred to in this section as the "Secretary") shall provide for demonstration projects to be conducted in no fewer than 1 and no more than 2 States for providing outreach, assessment, and referral services to homeless mentally ill individuals in order to determine the extent to which—

(1) aggressive and repeated efforts to engage such individuals is effective in achieving stable housing arrangements, improving mental health status, and improving overall health status, including the prevention of communicable diseases such as tuberculosis, and

(2) providing a program under title XIX of the Social Security Act for such individuals is an appropriate method for increasing access to medical and social services for such individuals.

(b) REQUIREMENTS ON PROJECTS.—

(1) LOCATION.—Each State conducting a demonstration project under this section shall conduct such project in at least one metropolitan statistical area (as determined by the Bureau of the Census) with a population greater than 1,000,000.

(2) MOBILE OUTREACH TEAMS.—The State shall develop and implement mobile outreach teams to be located within each metropolitan statistical area in which the demonstration project is conducted to—

(A) identify individuals, without regard to whether such individuals are eligible for benefits under title XIX of the Social Security Act, who the mobile outreach teams have reasonable cause to believe may be suffering from a severe mental disorder and who appear to have no permanent residence; and

(B) offer such individuals services, either by providing transport to an assessment-referral center (as described in paragraph (3)) or by providing appropriate assistance to such individuals on site.

If an individual identified under subparagraph (A) refuses such services or assistance from the mobile outreach team and such team has reasonable cause to believe that such individual meets the criteria for involuntary commitment, the team shall provide information on the individual to the appropriate authorities recognized under the State's civil commitment laws.

(3) ASSESSMENT-REFERRAL CENTERS.—The State shall designate assessment-referral centers to be located in each metropolitan statistical area in which the demonstration project is conducted to make available to the individuals identified under paragraph (2)(A)—

(A) services for a period not to exceed 30 days, including—

(i) basic necessities, including clothing, personal hygiene needs, food, blankets, and access to bathing facilities;

(ii) temporary room and board, and referral to appropriate transitional or permanent housing;

(iii) screening and treatment for medical conditions (other than psychiatric conditions), including screening and treatment for tuberculosis, if necessary;

(iv) psychiatric assessments, including assessments regarding alcoholism and drug abuse;

(v) mental health case management services (as defined in section 1915(g)(2) of the Social Security Act);

(vi) emergency psychiatric intervention, if necessary;

(vii) assistance in applying for Federal, State, and local entitlements; and

(viii) referral to other needed services, including employment and job-training services, available in the community;

(B) an individualized treatment plan, developed in cooperation with the individual, for the provision of any necessary mental health services for which payment may be made under the State plan under title XIX of the Social Security Act; and

(C) at the option of the State, any other mental health services for which Federal financial participation is available under title XIX of the Social Security Act, whether or not the service is covered under the State plan.

(4) PRESUMPTIVE ELIGIBILITY PERIOD.—The State may, during a presumptive eligibility period, provide for making available psychiatric and medical services for which payment may be made under the State plan under title XIX of the Social Security Act to individuals described in paragraph (2)(A) through individualized treatment plans.

(c) APPLICATIONS.—

(1) SUBMISSION.—Not later than February 1, 1993, each State desiring to conduct a demonstration project under this section shall prepare and submit to the Secretary an application, in such manner and containing such information as the Secretary may require.

(2) APPROVAL OF APPLICATIONS.—

(A) IN GENERAL.—Not later than June 1, 1993, the Secretary shall approve no fewer than 1 and no more than 2 of the applications submitted under paragraph (1).

(B) CONSIDERATION OF APPLICATIONS.—In considering the applications submitted by States under paragraph (1), the Secretary shall give a preference to States that have—

(i) linkage and access within the State to a metropolitan service-research project for homeless mentally ill people which can provide, for comparative evaluation purposes, experimentally designed research data on the outcomes of providing an outreach and case management program to homeless individuals,

(ii) a structure under which mental health services and substance abuse services are administered in an integrated or coordinated manner,

(iii) mental health and substance abuse rehabilitation services covered under the State medicaid plan, and

(iv) the ability to provide the services listed in subsection (b)(3) beginning no later than October 1, 1993.

(d) DEFINITIONS.—For purposes of this section:

(1) MOBILE OUTREACH TEAM.—The term "mobile outreach team" means a group of individuals designated by the State whose duty it is to seek out homeless persons who are mentally ill and offer them assistance and access to health, mental health, and social services. Such a team shall be comprised of 2 or more people with appropriate training or experience and at least one of whom shall be a qualified mental health professional.

(2) ASSESSMENT-REFERRAL CENTER.—The term "assessment-referral center" means any facility designated by the State which can provide directly, or by direct arrangement with other public or private agencies, the services listed in subsection (b)(3) except that no correctional institution or facility, shall be considered an assessment-referral center for purposes of this paragraph.

(3) SEVERE MENTAL DISORDER.—The term "severe mental disorder" means an illness, disease, organic brain disorder, or other condition which—

(A) substantially impairs an individual's thought, perception of reality, emotional process, or judgment; or

(B) substantially impairs behavior as manifested by recent disturbed behavior, (except that mental retardation, epilepsy, or other developmental disabilities do not, in themselves, constitute a severe mental disorder for purposes of this paragraph).

(4) INDIVIDUALIZED TREATMENT PLAN.—The term "individualized treatment plan" means a plan for an individual brought to an assessment-referral center which shall describe what medical or psychiatric treatment, if any, the individual will receive after leaving the assessment-referral center, as well as any referrals or other services deemed appropriate.

(5) PRESUMPTIVE ELIGIBILITY PERIOD.—The term "presumptive eligibility period" means the period that—

(A) begins with the date—

(i) after which an individualized treatment plan has been developed, and

(ii) on which a qualified provider determines, on the basis of preliminary information, that the individual is otherwise eligible under the State plan under title XIX of the Social Security Act, and

(B) ends with (and includes) the earlier of—

(i) the day on which determination is made with respect to eligibility of the individual for medical assistance under such State plan, or

(ii) the day that is 60 days after the date on which the provider makes the determination referred to in subparagraph (A)(ii).

(e) LIMIT ON FEDERAL SHARE OF EXPENDITURES AND FUNDING.—

(1) LIMIT ON FEDERAL SHARE OF EXPENDITURES.—In conducting the demonstration projects under this section, the Secretary shall limit the total amount of the Federal share of expenses incurred under title XIX of the Social Security Act to no more than $24,000,000.

(2) FEDERAL FUNDING.—The Secretary shall pay to each State conducting a demonstration project under this section for each quarter (beginning on or after October 1, 1993) in which such project is conducted an amount determined in accordance with section 1903(a) of the Social Security Act except that no percentage applied to any category of expenditures incurred by the State in any such quarter shall be less than the State's Federal medical assistance percentage (as defined in section 1905(b) of such Act).

(f) DURATION.—A demonstration project under this section shall be conducted for a period of no more than 5 years plus an additional period of up to 6 months for final evaluation and reporting. The Secretary may terminate a project if the Secretary determines that the State conducting the project is not in substantial compliance with the terms of the application approved by the Secretary under this section.

(g) REPORTS.—Each State conducting a demonstration project shall arrange for an independent evaluation of such project and shall transmit a report on the results of such evaluation to the Secretary not more than 6 months after the conclusion of the project. Such report shall—

(1) evaluate the extent to which the project was successful in assisting homeless mentally ill individuals to—

(A) obtain needed temporary housing as an immediate alternative to homelessness,

(B) obtain mental health treatment and services,

(C) obtain needed substance abuse treatment and services,

(D) obtain and maintain stable, permanent housing,

(E) improve mental health status,

(F) reduce chemical dependency, and

(G) improve health status, including prevention of communicable diseases, and

(2) evaluate the effectiveness and adequacy of title XIX of the Social Security Act for providing access to needed health, mental health, and social services to homeless individuals.

(h) PROVISIONS SUBJECT TO WAIVER.—The Secretary may waive such requirements of the Social Security Act as the Secretary determines to be necessary to carry out the purposes of this section.

FEDERAL FIRE PREVENTION AND CONTROL APPROPRIATIONS ACT

BRYAN AMENDMENT NO. 3320

Mr. SIMON (for Mr. BRYAN) proposed an amendment to the bill S. 1690 to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes, as follows:

In lieu of the matter proposed to be inserted by the Committee amendment to the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Administration Authorization Act of 1992".

TITLE I—UNITED STATES FIRE ADMINISTRATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) $25,550,000 for the fiscal year ending September 30, 1992;

"(E) $26,521,000 for the fiscal year ending September 30, 1993; and

"(F) $27,529,000 for the fiscal year ending September 30, 1994.".

SEC. 102. PRIORITY ACTIVITIES OF THE UNITED STATES FIRE ADMINISTRATION.

(a) PRIORITY ACTIVITIES.—In expending funds appropriated pursuant to the amendments made by section 101 of this Act, the United States Fire Administration shall give priority to—

(1) reducing the incidence of residential fires, especially in residences of the very old, the very young, or the disabled in urban and rural areas, through the development and dissemination of public education and awareness programs, through arson research and technical assistance programs, and through research and development on new technologies;

(2) working with State Fire Marshals and other State level fire safety offices to identify fire problems that are national in scope;

(3) disseminating information about the activities and programs of the United States Fire Administration to State and local fire services;

(4) enhancing the residential sprinkler programs, including research, demonstration activities, and technical assistance to the public and private sectors;

(5) enhancing research into sprinkler programs in areas or structures with limited or no domestic water supply;

(6) through the National Fire Academy, enhancing the residential and field program in support of State level training programs, particularly those that support the volunteer fire service; and

(7) strengthening programs that help protect the lives and safety of fire emergency medical services personnel, including research into causes of death and injuries, research and development of new technologies to mitigate and prevent injuries, dissemination of information, and technical assistance to State and local fire departments.

(b) REPORT TO CONGRESS.—The United States Fire Administration shall, within 1 year after the date of enactment of this Act, submit a report to the Congress on the activities undertaken pursuant to subsection (a)(1).

SEC. 103. REPORT ON IMPLEMENTATION OF HOTEL AND MOTEL FIRE SAFETY ACT OF 1990.

The United States Fire Administration shall, within 6 months after the date of enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives on its progress in implementing the Hotel and Motel Fire Safety Act of 1990 (Public Law 101-391; 104 Stat. 747), including amendments made by that Act. The report shall specify the nature of expenditures made as of the date of the report, as well as including an estimate of the costs and a specific schedule for implementation.

SEC. 104. LISTINGS OF DESIGNATED PLACES OF PUBLIC ACCOMMODATION.

Section 28 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2224) is amended—

(1) by striking "CERTIFIED" in the section heading; and

(2) in subsection (a)—

(A) by inserting "(Act through its Governor or the Governor's designee)" immediately after "each State" wherever it appears; and

(B) by striking "the Governor of the State or his designee certifies".

SEC. 105. FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION.

(a) EXCEPTIONS FOR CERTAIN AUTOMATIC SPRINKLER SYSTEMS.—Section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting immediately after subsection (a) the following new subsection:

"(b) EXCEPTIONS.—(1) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce with an automatic sprinkler system installed before October 25, 1992, if the automatic sprinkler system is installed in compliance with an applicable standard (adopted by the governmental authority having jurisdiction, and in effect, at the time of installation) that required the placement of a sprinkler head in the sleeping area of each guest room.

"(2) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce to the extent that such place of public accommodation affecting commerce is subject to a standard that includes a requirement or prohibition that prevents compliance with a provision of National Fire Protection Association Standard 13 or 13-R. In such a case, the place of public accommodation affecting commerce is exempt only from that specific provision.".

(b) DEFINITIONS.—Section 29 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2225) is amended by adding at the end of subsection (d), as redesignated by this section, the following new paragraph:

"(3) The term 'governmental authority having jurisdiction' means the Federal, State, local, or other governmental entity with statutory or regulatory authority for the approval of fire safety systems, equipment, installations, or procedures within a specified locality.".

SEC. 106. FIRE SAFETY SYSTEMS IN FEDERALLY ASSISTED BUILDINGS.

(a) AMENDMENT.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

"SEC. 31. FIRE SAFETY SYSTEMS IN FEDERALLY ASSISTED BUILDINGS.

"(a) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) The term 'affordable cost' means the cost to a Federal agency of leasing office space in a building that is protected by an automatic sprinkler system or equivalent level of safety, which cost is no more than 10 percent greater than the cost of leasing available comparable office space in a building that is not so protected.

"(2) The term 'automatic sprinkler system' means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire—

"(A) will protect human lives by discharging water over the fire area, in accordance with the National Fire Protection Association Standard 13, 13D, or 13R, whichever is appropriate for the type of building and occupancy being protected, or any successor standard thereto; and

"(B) includes an alarm signaling system with appropriate warning signals (to the extent such alarm systems and warning signals are required by Federal, State, or local laws or regulations) installed in accordance with the National Fire Protection Association Standard 72, or any successor standard thereto.

"(3) The term 'equivalent level of safety' means an alternative design or system (which may include automatic sprinkler systems), based upon fire protection engineering analysis, which achieves a level of safety equal to or greater than that provided by automatic sprinkler systems.

"(4) The term 'Federal employee office building' means any office building in the United States, whether owned or leased by the Federal Government, that is regularly occupied by more than 25 full-time Federal employees in the course of their employment.

"(5) The term 'housing assistance'—

"(A) means assistance provided by the Federal Government to be used in connection with the provision of housing, that is provided in the form of a grant, contract, loan, loan guarantee, cooperative agreement, interest subsidy, insurance, or direct appropriation; and

"(B) does not include assistance provided by the Secretary of Veterans Affairs; the Federal Emergency Management Agency; the Secretary of Housing and Urban Development under the single family mortgage insurance programs under the National Housing Act or the homeownership assistance program under section 235 of such Act; the National Homeownership Trust; the Federal Deposit Insurance Corporation under the affordable housing program under section 40 of the Federal Deposit Insurance Act; or the Resolution Trust Corporation under the affordable housing program under section 21A(c) of the Federal Home Loan Bank Act.

"(6) The term 'hazardous areas' means those areas in a building referred to as hazardous areas in National Fire Protection Association Standard 101, known as the Life Safety Code, or any successor standard thereto.

"(7) The term 'multifamily property' means—

"(A) in the case of housing for Federal employees or their dependents, a residential building consisting of more than 2 residential units that are under one roof; and

"(B) in any other case, a residential building consisting of more than 4 residential units that are under one roof.

"(8) The term 'prefire plan' means specific plans for fire fighting activities at a property or location.

"(9) The term 'rebuilding' means the repairing or reconstructing of portions of a multifamily property where the cost of the alternations is 70 percent or more of the replacement cost of the completed multifamily property, not including the value of the land on which the multifamily property is located.

"(10) The term 'renovated' means the repairing or reconstructing of 50 percent or more of the current value of a Federal employee office building, not including the value of the land on which the Federal employee office building is located.

"(11) The term 'smoke detectors' means single or multiple station, self-contained alarm devices designed to respond to the presence of visible or invisible particles of combustion, installed in accordance with the National Fire Protection Association Standard 74 or any successor standard thereto.

"(12) The term 'United States' means the States collectively.

"(b) FEDERAL EMPLOYEE OFFICE BUILDINGS.—(1)(A) No Federal funds may be used for the construction or purchase of a Federal employee office building of 6 or more stories unless during the period of occupancy by Federal employees the building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the construction or purchase of any other Federal employee office building unless during the period of occupancy by Federal employees the hazardous areas of the building are protected by automatic sprinkler systems or an equivalent level of safety.

"(B)(i) Except as provided in clause (ii), no Federal funds may be used for the lease of a Federal employee office building of 6 or more stories, where at least some portion of the federally leased space is on the sixth floor or above and at least 35,00 square feet of space is federally occupied, unless during the period of occupancy by Federal employees the entire Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the lease of any other Federal employee office building unless during the period of occupancy by Federal employees the hazardous areas of the entire Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

"(ii) The first sentence of clause (i) shall not apply to the lease of a building the construction of which is completed before the date of enactment of this section if the leasing agency certifies that no suitable building with automatic sprinkler systems or an equivalent level of safety is available at an affordable cost.

"(iii) Within 3 years after such date of enactment, and periodically thereafter, the Comptroller General shall audit a selection of certifications made under cause (ii) and report to Congress of the results of such audit.

"(2) Paragraph (1) shall not apply to—

"(A) a Federal employee office building that was owned by the Federal Government before the date of enactment of this section;

"(B) space leased in a Federal employee office building if the sapce was leased by the Federal Government before such date of enactment;

"(C) space leased on a temporary basis for not longer than 6 months;

"(D) a Federal employee office building that becomes a Federal employee office building pursuant to a commitment to move Federal employees into the building that is made prior to such date of enactment; or

"(E) a Federal employee office building that is owned or managed by the Resolution Trust Corporation.

Nothing in this subsection shall require the installation of an automatic sprinkler system or equivalent level of safety by reason of the leasing, after such date of enactment, of space below the sixth floor in a Federal employee office building

"(3) No Federal funds may be used for the renovation of a Federal employee office building of 6 or more stories that is owned by the Federal Government unless after that renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the renovation of any other Federal employee office building that is owned by the Federal Government unless after that renovation the hazardous areas of the Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

"(4) No Federal funds may be used for entering into or renewing a lease of a Federal employee office building of 6 or more stories that is renovated after the date of enactment of this section, where at least some portion of the federally leased space is on the sixth floor or above and at least 35,000 square feet of space is federally occupied, unless after that renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for entering into or renewing a lease of any other Federal employee office building that is renovated after such date of enactment of this section, unless after that renovation the hazardous areas of the Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

"(c) HOUSING.—(1)(A) No Federal funds may be used for the construction, purchase, lease, or operation by the Federal Government of housing in the United States for Federal employees or their dependents unless—

"(i) in the case of a multifamily property acquired or rebuilt by the Federal Government after the date of enactment of this section, the housing is protected, before occupancy by Federal employees or their dependents, by an automatic sprinkler system (or equivalent level of safety) and hard-wired smoke detectors; and

"(ii) in the case of any other housing, the housing, before—

"(I) occupancy by the first Federal employees (or their dependents) who do not occupy such housing as of such date of enactment; or

"(II) the expiration of 3 years after such date of enactment, whichever occurs first, is protected by hard-wired smoke detectors.

"(B) Nothing in this paragraph shall be construed to supersede any guidelines or requirements applicable to housing for Federal employees that call for a higher level of fire safety protection than is required under this paragraph.

"(2)(A)(i) Housing assistance may not be used in connection with any newly constructed multifamily property, unless after the new construction the multifamily property is protected by an automatic sprinkler system and hard-wired smoke detectors.

"(ii) For purposes of clause (i), the term 'newly constructed multifamily property' means a multifamily property of 4 or more stories above ground level—

"(I) that is newly constructed after the date of enactment of this section; and

"(II) for which (a) housing assistance is used for such new construction, or (b) a binding commitment is made, before commencement of such construction, to provide housing assistance for the newly constructed property.

"(iii) Clause (i) shall not apply to any multifamily property for which, before such date of enactment, a binding commitment is made to provide housing assistance for the new construction of the property or for the newly constructed property.

"(B)(i) Except as provided in clause (ii), housing assistance may not be used in connection with any rebuilt multifamily property, unless after the rebuilding the multifamily property complies with the chapter on existing apartment buildings of National Fire Protection Association Standard 101 (known as the Life Safety Code), as in effect at the earlier of (I) the time of any approval by the Department of Housing and Urban Development of the specific plan or budget for rebuilding, or (II) the time that a binding commitment is made to provide housing assistance for the rebuilt property.

"(ii) If any rebuilt multifamily property is subject to, and in compliance with, any provision of a State or local fire safety standard or code that prevents compliance with a specific provision of National Fire Protection Association Standard 101, the requirement under clause (i) shall not apply with respect to such specific provision.

"(iii) For purposes of this subparagraph, the term 'rebuilt multifamily property' means a multifamily property of 4 or more stories above ground level—

"(I) that is rebuilt after the last day of the second fiscal year that ends after the date of enactment of this section; and

"(II) for which (a) housing assistance is used for such rebuilding, or (b) a binding commitment is made, before commencement of such rebuilding, to provide housing assistance for the rebuilt property.

"(C) After the expiration of the 180-day period beginning on the date of enactment of this section, housing assistance may not be used in connection with any other dwelling unit, unless the unit is protected by a hard-wired or battery-operated smoke detector. For purposes of this subparagraph, housing assistance shall be considered to be used in connection with a particular dwelling unit only if such assistance is provided (i) for the particular unit, in the case of assistance provided on a unit-by-unit basis, or (ii) for the multifamily property in which the unit is located, in the case of assistance provided on a structure-by-structure basis.

"(d) Regulations.—The Administrator of General Services, in cooperation with the United States Fire Administration, the National Institute of Standards and Technology, and the Department of Defense, within 2 years after the date of enactment of this section, shall promulgate regulations to further define the term 'equivalent level of safety', and shall, to the extent practicable, base those regulations on nationally recognized codes.

"(e) State and Local Authority Not Limited.—Nothing in this section shall be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard that establishes requirements concerning fire prevention and control. Nothing in this section shall be construed to reduce fire resistance requirements which otherwise would have been required.

"(f) Prefire Plan.—The head of any Federal agency that owns, leases, or operates a building or housing unit with Federal funds shall invite the local agency or voluntary organization having responsibility for fire protection in the jurisdiction where the building or housing unit is located to prepare, and biennially review, a prefire plan for the building or housing unit.

"(g) Reports to Congress.—(1) Within 3 years after the date of enactment of this section, and every 3 years thereafter, the Administrator of General Services shall transmit to Congress a report on the level of fire safety in Federal employee office buildings subject to fire safety requirements under this section. Such report shall contain a description of such buildings for each Federal agency.

"(2) Within 10 years after the date of enactment of this section, each Federal agency providing housing to Federal employees or housing assistance shall submit a report to Congress on the progress of that agency in implementing subsection (c) and on plans for continuing such implementation.

"(3)(A) The National Institute of Standards and Technology shall conduct a study and submit a report to Congress on the use, in combination, of fire detection systems, fire suppression systems, and compartmentation. Such study shall—

"(i) quantify performance and reliability for fire detection systems, fire suppression systems, and compartmentation, including a field assessment of performance and determination of conditions under which a reduction or elimination of 1 or more of those systems would result in an unacceptable risk of fire loss; and

"(ii) include a comparative analysis of compartmentation using fire resistive materials and compartmentation using noncombustible materials.

"(B) The National Institute of Standards and Technology shall obtain funding from non-Federal sources in an amount equal to 25 percent of the cost of the study required by subparagraph (A). Funding for the National Institute of Standards and Technology for carrying out such study shall be derived from amounts otherwise authorized to be appropriated, for the Building and Fire Research Center at the National Institute of Standards and Technology, not to exceed $750,000. The study shall not commence until receipt of all matching funds from non-Federal sources. The scope and extent of the study shall be determined by the level of project funding. The Institute shall submit a report to Congress on the study within 30 months after the date of enactment of this section.

"(h) Relation to Other Requirements.—In the implementation of this section, the process for meeting space needs in urban areas shall continue to give first consideration to a centralized community business area and adjacent areas of similar character to the extent of any Federal requirement therefore.".

(b) Effective Date.—Subsection (b) of section 31 of the Federal Fire Prevention and Control Act of 1974, as added subsection (a) of this section, shall take effect 2 years after the date of enactment of this Act.

TITLE II—NATIONAL FALLEN FIREFIGHTERS FOUNDATION

SEC. 201. SHORT TITLE.

This title may be cited as the "National Fallen Firefighters Foundation Act".

SEC. 202. ESTABLISHMENT AND PURPOSES OF FOUNDATION.

(a) Establishment.—There is established the National Fallen Firefighters Foundation (hereafter in this title referred to as the "Foundation"). The Foundation is a charitable and no profit corporation to be organized under the laws of the State of Maryland and is not an agency or establishment of the United States.

(b) Purposes.—The purposes of the Foundation are—

(1) primarily to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters' Memorial and the annual memorial service associated with it;

(2) to provide financial assistance to families of fallen firefighters for transportation to and lodging at non-Federal facilities during the annual memorial service;

(3) to assist State and local efforts to recognize firefighters who die in the line of duty; and

(4) to provide scholarships and other financial assistance for educational purposes and job training for the spouses and children of fallen firefighters.

SEC. 203. BOARD OF DIRECTORS OF THE FOUNDATION.

(a) Establishment and Membership.—

(1) Voting Members.—The Foundation shall have a governing Board of Directors (hereafter in this title referred to as the "Board"), which shall consist of nine voting members, of whom—

(A) one member shall be an active volunteer firefighter;

(B) one member shall be an active career firefighter;

(C) one member shall be a Federal firefighter; and

(D) six members shall have a demonstrated interest in the fire service.

(2) Nonvoting Member.—The Administrator of the United States Fire Administration of the Federal Emergency Management Agency (hereafter in this title referred to as the "Administrator") shall be an ex officio nonvoting member of the Board.

(3) Status of Board Members.—Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

(4) Compensation.—Members of the Board shall serve without compensation.

(b) Appointment and Terms.—Within 3 months after the date of enactment of this Act, the Administrator shall appoint the voting members of the Board. The voting members shall be appointed for terms of 6 years, except that the Administrator, in making the initial appointments to the Board, shall appoint—

(1) three members to a term of 2 years;

(2) three members to a term of 4 years; and

(3) three members to a term of 6 years.

(c) Vacancy.—A vacancy on the Board shall be filled within 60 days in the manner in which the original appointment was made.

(d) Chairman.—The Chairman shall be elected by the Board from its voting members for a 2-year term.

(e) Quorum.—A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

(f) Meetings.—The Board shall meet at the call of the Chairman at least once a year. If a member of the Board misses three consecutive meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (c).

(g) General Powers.—

(1) Actions by the Board.—The Board may complete the organization of the Foundation by—

(A) appointing no more than two officers or employees;

(B) adopting a constitution and bylaws consistent with this title; and

(C) undertaking other such acts as may be necessary to carry out this title.

(2) Limitation.—Officers and employees may not be appointed until the Foundation has sufficient funds to pay for their services.

(h) Officers and Employees.—±

(1) Status.—Officers and employees of the Foundation shall not be considered Federal employees, shall be appointed without regard to title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to chapter 51 and

subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) Maximum salary.—No officer or employee may receive pay in excess of the annual rate of basic pay prescribed for level GS-15 of the General Schedule under section 5107 of title 5, United States Code.

SEC. 204. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.

(a) In General.—The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States;

(3) shall have its principal offices in the State of Maryland; and

(4) shall at all times maintain a designated agent authorized to accept service of process for the Foundation.

(b) Seal.—The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(c) Powers.—To carry out its purposes under section 202, the Foundation shall have, in addition to the powers otherwise given it under this title, the usual powers of a corporation acting as a trustee in the State of Maryland, including the power—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of real or personal property or any income therefrom or other interest therein;

(2) to sue and be sued, and complain and defend itself in any court of competent jurisdiction, except that the members of the Board shall not be personally liable, except for gross negligence;

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income therefrom;

(4) to enter into contracts and other arrangements with public agencies and private organizations and persons and to make such payments as may be necessary to carry out its functions; and

(5) to do any and all acts necessary and proper to carry out the purposes of the Foundation.

SEC. 205. ADMINISTRATIVE SERVICES AND SUPPORT.

The Administrator may provide personnel, facilities, and other administrative services to the Foundation and shall require and accept reimbursements for such personnel, facilities, and services that shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing such services. Notwithstanding any other provision of law, Federal personnel and stationery shall not be used to solicit funding for the Foundation.

SEC. 206. VOLUNTEER STATUS.

The Administrator may accept, without regard to the Federal civil service classification laws, rules, or regulations, the services of the Foundation, the Board, and the officers and employees of the Board, without compensation from the United States Fire Administration, as volunteers in the performance of the functions authorized under this title.

SEC. 207. AUDITS, REPORT REQUIREMENTS, AND PETITION OF ATTORNEY GENERAL FOR EQUITABLE RELIEF.

(a) Audits.—For purposes of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101 et seq.), the Foundation shall be treated as a private corporation established under Federal law.

(b) Report.—The Foundation shall, within 4 months after the end of each fiscal year, prepare and submit to the appropriate committees of the Congress a report of the Foundation's proceedings and activities during such year, including a full and complete statement of its receipts, expenditures, and investments.

(c) Relief for Certain Foundation Acts or Failures to Act.—If the Foundation—

(1) engages in, or threatens to engage in, any act, practice, or policy that is inconsistent with the purposes set forth in section 202(b); or

(2) refuses, fails, or neglects to discharge its obligations under this title, or threatens to do so, the Attorney General may petition in the United States District Court for the District of Columbia for such equitable relief as may be necessary or appropriate.

SEC. 208. IMMUNITY OF THE UNITED STATES.

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligation of the Foundation.

JEFFORDS AMENDMENT NO. 3321

Mr. LUGAR (for Mr. JEFFORDS) proposed an amend to amendment No. 3320 proposed by Mr. Bryan to the bill S. 1690, supra, as follows:

At the appropriate place, insert the following new section:

SEC.— WORKERS' FAMILY PROTECTION

(a) Short Title.— This section may be cited as the "Workers' Family Protection Act".

(b) Findings and Purposes.—

(1) Findings.—Congress finds that—

(A) hazardous chemicals and substances that can threaten the health and safety of workers are being transported out of industries on workers' clothing and persons:

(B) these chemicals and substances have the potential to pose an additional threat to the health and welfare of workers and their families;

(C) additional information is needed concerning issues related to employee transported contaminant releases; and

(D) additional regulations may be needed to prevent future releases of this type.

(2) Purpose.— It is the purpose of this section to—

(A) increase understanding and awareness concerning the extent and possible health impacts of the problems and incidents described in paragraph (1);

(B) prevent or mitigate future incidents of home contamination that could adversely affect the health and safety of workers and their families.

(C) clarify regulatory authority for preventing and responding to such incidents; and

(D) assist workers in redressing and responding to such incidents when they occur.

(c) Evaluation of Employee Transported Contaminant Releases.

(1) Study.—

(A) In general.— Not later than 18 months after the date of enactment of this Act, The Director of the National Institute for Occupational Safety and Health (hereafter in this section referred to as the "Director"), in cooperation with the Secretary of Labor, the Administrator of the Environmental Protection Agency , the Administrator of the Agency for Toxic Substances and Disease Registry, and the heads of other Federal Government agencies as determined to be appropriate by the Director, shall conduct a study to evaluate the potential for, the prevalence of, and the issues related to the contamination of workers' homes with hazardous chemicals and substances, including infectious agents, transported from the workplace of such workers.

(B) Matters to be evaluated.—In conducting the study and evaluation under subparagraph (A), the Director shall—

(i) conduct a review of past incidents of home contamination through the utilization of literature and of records concerning past investigations and enforcement actions undertaken by—

(I) the National Institute for Occupational Safety and Health;

(II) the Secretary of Labor to enforce the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(III) States to enforce occupational safety and health standards in accordance with section 18 of such Act (29 U.S.C. 667); and

(IV) other government agencies (including the Department of Energy and the Environmental Protection Agency), as the Director may determine to be appropriate;

(ii) evaluate current statutory, regulatory, and voluntary industrial hygiene or other measures used by small, medium and large employers to prevent or remediate home contamination;

(iii) compile a summary of the existing research and case histories conducted on incidents of employee transported contaminant releases, including—

(I) the effectiveness of workplace housekeeping practices and personal protective equipment in preventing such incidents;

(II) the health effects, if any, of the resulting exposure on workers and their families;

(III) the effectiveness of normal house cleaning and laundry procedures for removing hazardous materials and agents from workers; home and personal clothing;

(IV) indoor air quality, as the research concerning such pertains to the fate of chemicals transported from a workplace into the home environment; and

(V) methods for differentiating exposure health effects and relative risks associated with specific agents from other sources of exposure inside and outside the home;

(iv) identify the role of Federal and State agencies in responding to incidents of home contamination;

(v) prepare and submit to the Task Force established under paragraph (2) and to the appropriate committees of Congress, a report concerning the results of the matters studied or evaluated under clauses (i) through (iv); and

(iv) study home contamination incidents and issues and worker and family protection policies and practices related to the special circumstances of firefighters and prepare and submit to the appropriate committees of Congress a report concerning the findings with respect to such study.

(2) Development of investigative strategy.—

(A) Task force.—Not later than 12 months after the date of enactment of this Act the Director shall establish a working group, to be known as the "Workers' Family Protection Task Force". The Task Force shall—

(i) be composed of not more than 15 individuals to be appointed by the Director from among individuals who are representative of workers, industry, scientists, industrial hygienists, the National Research Council, and government agencies, except that not more than one such individual shall be from each appropriate government agency and the number of individuals appointed to represent industry and workers shall be equal in number;

(ii) review the report submitted under paragraph (1)(B)(v);

(iii) determine, with respect to such report, the additional data needs, if any, and the need for additional evaluation of the scientific issues related to and the feasibility of developing such additional data; and

(iv) if additional data are determined by the Task Force to be needed, develop a recommended investigative strategy for use in obtaining such information.

(B) INVESTIGATIVE STRATEGY.—

(i) CONTENT.—The investigative strategy developed under subparagraph (A)(iv) shall identify data gaps that can and cannot be filled, assumptions and uncertainties associated with various components of such strategy, a timetable for the implementation of such strategy, and methodologies used to gather any required data.

(ii) PEER REVIEW.—The Director shall publish the proposed investigative strategy under subparagraph (A)(iv) for public comment and utilize other methods, including technical conferences or seminars, for the purpose of obtaining comments concerning the proposed strategy.

(iii) FINAL STRATEGY.—After the peer review and public comment is conducted under clause (ii), the Director, in consultation with the heads of other government agencies, shall propose a final strategy for investigating issues related to home contamination that shall be implemented by the National Institute for Occupational Safety and Health and other Federal agencies for the period of time necessary to enable such agencies to obtain the information identified under subparagraph (A)(iii).

(C) CONSTRUCTION.—Nothing in this section shall be construed as precluding any government agency from investigating issues related to home contamination using existing procedures until such time as a final strategy is developed or from taking actions in addition to those proposed in the strategy after its completion.

(3) IMPLEMENTATION OF INVESTIGATIVE STRATEGY.—Upon completion of the investigative strategy under subparagraph (B)(iii), each Federal agency or department shall fulfill the role assigned to it by the strategy.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 4 years after that date of enactment of this Act, and periodically thereafter, the Secretary of Labor, based on the information developed under subsection (c) and on other information available to the Secretary, shall—

(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed to protect workers and their families from employee transported releases of hazardous materials; and

(B) prepare and submit to the appropriate committees of Congress a report concerning the results of such determination.

(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate such regulations or standards as determined to be appropriate not later than 3 years after such determination.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, from sums otherwise authorized to be appropriated, for each fiscal year such sums as may be necessary to carry out this section.

PARTNERSHIP FOR WILDLIFE ACT

MITCHELL (AND CHAFEE) AMENDMENT NO. 3322

Mr. SIMON (for Mr. MITCHELL for himself and Mr. CHAFEE) proposed an amendment to the bill S. 1491 to establish a partnership among the United States Fish and Wildlife Service, the States, and private organizations and individuals to conserve the entire diverse array of fish and wildlife species in the United States and to provide opportunities for the public to enjoy these fish and wildlife species through nonconsumptive activities, as follows:

On page 9, line 22, subsection (d) is amended to read as follows:

"(d) LIMITATIONS ON FEDERAL PAYMENT.—The amount of appropriated Federal funds provided from the Fund by the Secretary to any designated State agency with respect to any fiscal year to carry out an eligible wildlife conservation and appreciation project under this section—

"(1) may not exceed $250,000.00;

"(2) may not exceed one third of the total project cost for that fiscal year;

"(3) may not exceed 40 percent of the total project cost for that fiscal year if designated State agencies from two or more States cooperate in implementing such a project;

"(4) may not be used to defray the administrative cost of state programs; and

"(5) may not exceed the State share of the cost of implementing such a project.".

On page 10, lines 17 and 18, strike "if such an agency diverts revenue from activities it regulates" and insert "if revenue derived from activities regulated by such an agency is diverted".

On page 11, line 12, immediately before the semi-colon insert", of which not more than 4 per centum shall be available to the Secretary and the National Fish and Wildlife Foundation to defray the costs of administering this Act and evaluating wildlife conservation and appreciation projects".

On page 11, line 20, paragraph (4) is amended to read as follows:

"(4) Of the total amount provided from the Fund to assist a State in carrying out a wildlife conservation and appreciation project under subsection (a) of this section, at least 50 per centum shall have been donated to the Fund by the National Fish and Wildlife Foundation.".

On page 12, line 4, strike the word "wholly".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SIMON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, September 29, 1992, at 10:30 a.m., for a hearing on public investment and economic growth.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PATENTS, COPYRIGHTS AND TRADEMARKS

Mr. SIMON. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, September 29, 1992, at 10 a.m., to hold a hearing on international piracy of intellectual property.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON JUDICIARY

Mr. SIMON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, September 29, 1992, at 10:30 a.m., to hold a hearing on S. 2922, a bill to assist the State in the enactment of legislation to address the criminal act of stalking other persons.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SIMON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research and General Legislation be allowed to meet during the session of the Senate on Tuesday, September 29, 1992, at 9:30 a.m., in SR–332 on the implementation of the Alternative Agriculture Research and Commercialization [AARC] Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SIMON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, September 29, 1992, at 9:15 a.m., for a hearing on regulation of human tissue transplantation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A TRIBUTE TO HARTFORD ELEMENTARY SCHOOL AND MOTOROLA

• Mr. DECONCINI. Mr. President, it gives me great pleasure to congratulate Hartford Elementary School and Motorola on their joint effort which will benefit both students and business. It is heartening to know that even during tough economic times business would join hands with the educational community to improve the skills of the students at Hartford Elementary School by designing and building a math/science lab.

Hartford, the oldest active elementary school in Chandler, AZ, serves a community that is 46-percent minority and 51-percent low income. The need here is great, the funds limited, but determination boundless. The teachers and staff decided it was time to make a change. Hartford felt they could best improve the quality of education for their students by building a math/science lab, and sent their proposal to Motorola, a longtime friend of education.

Motorola agreed to fund the math/science lab at Hartford Elementary School. They designed and engineered the lab, coordinated the procurement of equipment, labor and supplies and added an outdoor lab so that teachers could hold an entire class outside. This partnership goes beyond the thousands of dollars spent on equipment, supplies, and the building of the lab. The Motorola staff, on a voluntary basis, will actually come to Hartford to teach classes to both students and teachers in the areas of math, science, and computers.

In addition, Chandler Unified School District will be instructing the Motorola volunteers in the areas of active participation and questioning strategies. This instruction will be useful beyond their roles as volunteer teachers by making them more effective communicators. The exchange between the teachers and staff at Hartford with the employees at Motorola provides positive role models for the students attending Hartford, as well as setting an example for other communities.

This partnership represents a bright spot in our public school system during a time when, as a nation, we are struggling to compete academically. The United States is no longer the giant it once was in the math and sciences. Our children need to be prepared for a world of technology. Hartford Elementary and Motorola have taken a step in the right direction.

This is a unique and creative endeavor, one about which Motorola, Hartford, and the city of Chandler should be proud. I know my colleagues join me in congratulating Hartford Elementary and Motorola and wish the best of luck to all the students who will enjoy the use of their new lab.

Mr. President, I ask that the following list of names of those who deserve special appreciation for their hard work on this joint effort be inserted at this point in the RECORD.

The list of names follows:

Dr. Howard Conley, Dr. Camille Castell, Dr. Pat Cuendet, Ms. Mary Johnson, Ms. Heidi Hansen, Ms. Pam Johnson, Ms. Marvin Johnson, Ms. Georginna Eschenweck, Ms. Krista Scarlett, Ms. Barbara Groff, Mr. Gary Johnson, Mr. Jim Echols, Mr. L.J. Reed, Mr. Don Walker, Mr. Tim Niesz, Mr. Greg Vargo, Mr. Mike Doyle, Mr. Rich Hogen, Mr. George Scott, Ms. Carolyn Cafiero, Ms. Laurie Doyle, Ms. Sherri Christensen, Ms. Barb Gudis, Ms. Marlene Gross, Ms. Cecelia Kearney, Mr. Ray Lopez, Ms. Donna Brooks, Ms. Patti Bruno, Ms. Barbara Knox, Ms. Cliff Frey, Ms. Donna Wallace and the entire staff of Hartford Elementary School.●

UNICO NATIONAL DISTRICT 11'S ANNUAL COLUMBUS DAY DINNER

● Mr. LAUTENBERG. Mr. President, I rise today in honor of Columbus Day on the occasion of Unico District 11th's Ninth Annual Columbus Day Dinner.

Five hundred years ago, a man with great vision and an extraordinary thirst for adventure set out on a voyage to find a new route to the Far East. It was a daring voyage of discovery that looked to a new future. In honoring Christopher Columbus as the first Italian in America, I would also like to take this opportunity to pay tribute to the bravery and fortitude of the many Italian-Americans who followed him to these shores.

Like Columbus, many Italians came to America facing extraordinary odds. They came without knowing what lay ahead of them in their new country. Christopher Columbus and Italian immigrants embodied the true American spirit of determination and enthusiasm. The promise of a new and better life for themselves and their children encouraged them to take a risk and look to a new life in a new world. Italians who came to America did so knowing that in order to succeed, they would have to overcome language and cultural barriers. However, the immigrants possessed great energy and passion that enabled them to hurdle each obstacle in their way.

It is impossible to name the tremendous contributions Italian-Americans have made to the United States. They have helped to shape our Nation as we know it by becoming active in every part of our society. They can take pride in the way their rich Italian heritage has added to the mosaic of American culture. It is fitting that in honoring Christopher Columbus and his discoveries that we also acknowledge the rich contributions of other Italians who followed him to America.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by the that foreign government or organization.

The select committee received a request for a determination under rule 35 for Laurie Schultz Heim, a member of the staff of Senator JEFFORDS, to participate in a program in Russia, sponsored by the Legislative Studies Institute [LSI] and the Russian Government, for 2 months beginning on October 24, 1992.

The committee has determined that participation by Ms. Heim in this program, at the expense of LSI and the Russian Government, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Paul W. Barnett, a member of the staff of Senator JOHNSTON, to participate in a program in Russia, sponsored by the Legislative Studies Institute and the Russian Government, for 2 months beginning on October 24, 1992.

The committee has determined that participation by Mr. Barnett in this program, at the expense of LSI and the Russian Government, is in the interest of the Senate and the United States.

The select committee received a request for a determination under rule 35 for Jim Jatras, a member of the staff of Senator NICKLES, to participate in a program in Russia, sponsored by the Legislative Studies Institute and the Russian Government, for 2 months beginning on October 24, 1992.

The committee has determined that participation by Mr. Jatras in this program, at the expense of LSI and the Russian Government, is in the interest of the Senate and the United States.●

STATEMENT ON S. 3278

● Mr. BURNS. Mr. President, I want to express my support for legislation introduced last Saturday by the senior Senator from Montana [Mr. BAUCUS] to which I am being added as a cosponsor. I also want to take this opportunity to commend him for his diligence in working on this matter, and hope that we can come to some resolution on it before the end of the session.

The legislation, S. 3278, will exempt certain locomotive and freight car repair and rebuilding companies from the railroad retirement and unemployment taxes. It is crafted very narrowly to help those rebuild companies who are competing with companies that currently do not pay into the railroad retirement system while still protecting the integrity of the system. I know neither Senator BAUCUS or myself would want to put the railroad retirement fund at risk, and I am confident that this proposal doesn't do that.

However, it does address a very important jobs issue in Montana. The U.S. Seventh Circuit Court of Appeals recently ruled that the Livingston Rebuild Center [LRC], a locomotive repair facility, in Livingston, MT, must pay into the railroad retirement fund even though many of its competitors do not. If this decision stands, LRC could owe as much as $2.5 million in back taxes and $50,000 a month from now on. This tax burden would cripple their ability to compete and put LRC out of business. The closure of LRC would deal a serious economic blow to Montana's economy. LRC directly employs 140 people in Park County and generates an additional 257 nonbasic jobs throughout the State. If LRC closes, the unemployment rate in Park County would nearly double from 7.1 percent to 13.3 percent. This travesty must be averted.

The court in deciding against LRC's challenge to the Railroad Retirement Board decision that they must pay into the railroad retirement system made the following comment:

> The Railroad Retirement Act is a creaky statute, presuming that "railroads" are distinct entities; today many railroads are parts of conglomerates, and an attempt to isolate "the railroad" in the larger enterprise is bound to cover at once too much and too little. But reconciling the statute with current forms of corporate organization—and with the fact that railroads compete vigorously against other modes of transportation that are not subject to special regulation and taxation—is a job for the political branches.

This legislation addresses, in part, the court's comments. It recognizes that companies can be under common majority ownership and still remain separate and distinct. LRC is a public company with its own board of directors just like any other company. However, a majority of its stock is held by an individual who also owns a railroad company. LRC is not, and never has been, a division of that railroad company. It competes against other rebuild and repair shops that are not, and never have been, divisions of railroad companies and that do not pay the railroad retirement and unemployment taxes. S. 3278 recognizes that reality.

Mr. President, if this legislation passes, it will save jobs in Montana. It will put LRC on a level playing field with its competitors. I hope my colleagues will work with us to get this legislation passed and save Montana jobs.•

THE ANGOLAN ELECTIONS: ANOTHER STEP TOWARD DEMOCRACY

• Mr. DeCONCINI. Mr. President, today the people of Angola take another step along their path toward democratization, personal freedom, and peace. At long last, Angolans will be going to the polls to choose for themselves—for their first time since achieving independence from Portugal in 1975—to either retain the current government of the MPLA under José Eduardo dos Santos, or commit themselves to the leadership of UNITA, led by Dr. Jonas Savimbi. In light of this momentous event, I rise to take note of its historic significance, to voice my strong support for these elections, and to encourage the people of Angola to exercise their opportunity for a real revolution through the use of the ballot, not the end of a bayonet. By making true, multiparty elections an ingrained part of their political system, the Angolan people will not only improve their lives, they will also create a system that will benefit their children and, hopefully, the rest of southern Africa, as well.

As cochairman of the Helsinki Commission my commitment to the elimination of human rights abuses and the promotion of civil liberties by governments throughout the world is well known. My colleagues are also well aware of the great interest I have taken in the affairs and the struggle of the Angolan people. In watching this country's development over the years, I have urged and supported legislation and policies that would promote democracy in Angola. I have not always seen eye-to-eye on the methods used to bring Angola to this moment, but I remain hopeful that the people who go to the polls today and tomorrow will demonstrate to those they elect that they are serious about moving Angola toward peace and true national reconciliation.

When Angola achieved its independence in 1975, the promise of elections was quickly overrun by a power struggle in which the former influence of the Portuguese was transplanted by the Soviets and Cubans who moved in to support the MPLA. Soon thereafter they were joined in a counterstruggle when South Africa, and later the United States, intervened to support UNITA. Thus was a potentially rich nation devastated and, in many ways, stopped in time. This said civil war, in which innocent men, women, and children were the primary victims, has taken a severe toll over the years. Some have argued that the United States should have stayed out of the war, but I am convinced that would have prevented the Angolan people from ever experiencing the opportunity to achieve elections and democracy. Throughout my involvement with this issue, I have advocated three specific policies designed to bring peace to Angola.

First, I urged an end to civil war, which was simply a perpetuation of the violence and suppression that was supposed to have ended when independence was gained from Portugal. The ceasefire agreement between the MPLA and UNITA, signed on May 31, 1991, after active and sustained diplomacy on the part of the Portuguese, Soviet, and United States Governments, achieved this first goal. Although there continue to be reports of minor skirmishes, no major violations of the accords have been reported, a sign that both sides are serious in bringing about an end to the senseless violence that has only stalled the move toward true independence.

The second goal for Angola was, and remains, to see the institution of a multiparty, democratic system, marked by regular free and fair elections and promotion of personal rights and freedoms. Today, as the world watches, the people of Angola take their long-awaited first step toward democracy. It is encouraging that this day has finally arrived, and I am hopeful that these elections will provide the impetus for further dramatic reform. Only time will tell whether this process becomes institutionalized, as we all hope.

As the second objective for Angola appears close to fulfillment, we must ensure that the third and final step—national reconciliation among all Angolans—is achieved. In order to ensure that current progress is not nullified due to continued friction between the historically warring parties, there must be true national reconciliation, coupled with full participation and support from all sides. Only through completion of this third step will the people of Angola have achieved true independence.

Unlike the first two steps, primary responsibility for completing this process now rests on the Angolan people and those they elect to lead them. In a second statement later this week, I plan to address this final, critical issue.

Mr. President, the hostilities between UNITA and the MPLA must be ended and replaced by cooperative efforts. It is only through unity and a focus on a common goal that Angola will move forward. The United States and other countries are no longer in a position to support movements which seek change of governments through military means. The international community is as tired of these adventures as the people of Angola themselves. If Angola is to obtain development, trade, and investment assistance from the rest of the world, it must take the initiative through these elections to demonstrate to the world that it is serious about putting the past behind it. Only then will the world be ready to eagerly allow itself to focus on assisting Angola into a new independence.•

HAROLD JINKS, PIGGOTT, AR, RECIPIENT OF AWARD

• Mr. PRYOR. Mr. President, this morning, Harold Jinks of Piggott, AR, was selected as one of the initial recipients of the Lawrence O'Brien Democratic Party Achievement Awards.

These awards were established in Larry's memory to honor men and women who have made a particularly notable contribution to the health and vitality of the Democratic Party.

The judges for this award, Mr. President, could not have chosen better than recognizing the contributions that Harold Jinks has made to our political system.

Harold Jinks is an American original. He has dedicated his life enthusiastically to the cause of freedom and democracy in the United States as exemplified in the principles of the National Democratic Party.

Harold's commitment to the party and his tenacity in putting democratic principles into practice, as well as his ability to convince others to do the same, make Harold a natural choice for this award.

At a time in life when he should be enjoying a well-deserved retirement, Harold has taken on the formidable task of rallying senior Americans to our party, encouraging and guiding the formation of chapters of senior Democrats all across America.

Larry O'Brien knew Harold Jinks. Harold Jinks was a friend of his. Larry O'Brien would be proud today that Harold Jinks was selected as one of the first recipients of the award established in his name.

I join in saluting Harold Jinks on this great day.●

HURLOCK, MD

● Mr. SARBANES. Mr. President, this weekend the town of Hurlock, MD, will be celebrating its centennial. Hurlock ranks as the second largest town in Dorchester County. The town of Hurlock began as a station on the Dorchester/Delaware Railroad Line built in 1867. In 1869 John Martin Hurlock, on whose land the station was erected and after whom the town was named, built a grocery store at the railroad crossing.

In 1884 the Washington Methodist Parsonage was built, and in 1887 five new homes and a hotel were constructed. In 1888 the Washington Church, presently known as the Unity-Washington United Methodist Church, was moved into the growing settlement from its original location. At the same time the post office was moved into the town from Harrison Ferry, and the mill was moved from Williamsburg. All of these events were instrumental in the rapid growth of the town, which soon became an important center of upper Dorchester life.

Hurlock's growth was greatly influenced by the construction of a second railroad, the Baltimore, Chesapeake & Atlantic in 1890. This railroad conveyed passengers from the Love Point Ferry out of Baltimore to Ocean City. Since 1890 Hurlock's population has grown from 400 to almost 7,000 people today.

One of the most influential philanthropists of Hurlock was Mr. Henry Walworth who moved to Hurlock from Baltimore at the end of the century. In 1898 the first newspaper in town was started by Mr. Walworth and called the Hurlock Advance. In 1900 Mr. Walworth established the Hurlock Free Library by using his private library collection and discarded books from the Enoch Pratt Library. In 1901 the town had its own bucket and ladder brigade, which was incorporated in 1924 as the Hurlock Volunteer Fire Co.

Centered in one of the best agricultural areas of Dorchester County, Hurlock's farming and farm-related businesses were and are the main industry. The Hurlock vicinity is said to have the greatest concentration of irrigation systems of any region. These produce such crops as soybeans, barley, corn, wheat, cucumbers for pickling, tomatoes for processing, plus fresh market produce.

I join the citizens of Hurlock and Dorchester County in honoring a town which has experienced a century of history and change and to wish the town a joyful celebration during this notable anniversary.●

DOD'S REPORT ON THE INVESTIGATION OF THE 1991 TAILHOOK CONVENTION

● Mr. GORTON. Mr. President, it is clear from last Thursday's report on the investigation of the 1991 Tailhook convention, that the Navy's self-evaluation of this deplorable incident was neither fair nor objective.

Particularly distressing was the failure—or unwillingness—of the Naval Inspector General's Office and the Naval Investigative Service to work cooperatively prior to and during the investigation. Equally inexcusable was the calculated decision not to interview officers above the grade of lieutenant commander, an unmistakable demonstration of cronyism within the Navy.

The Department of Defense's report proves, beyond any reasonable doubt, that the mistakes, prejudices, and infighting that occurred during the Tailhook investigation were inexcusable—particularly given the nature of the allegations. If this Nation has learned nothing else during the course of the last year, it is that sexual harassment charges must not be taken lightly.

As women have moved into traditionally male dominated occupations, they are highly competitive within the employment chain. Women seek and deserve to be treated as equals. The blatant sexual harassment that occurred at the 1991 Tailhook convention and the investigation thereafter constitute a slap at every woman in our Armed Forces and to every woman who has struggled to be treated with dignity and respect in the workplace.

Mr. President, the reports from the Tailhook incident are appalling. But for the victims of this incident, the fear, mistreatment and degradation did not end there. It is shameful that the women who brought forth their claims were scorned and that the investigation that followed was simply a farce. Had the DOD's inspector general led the investigation from the beginning, the entire process could have been effective, and could have demonstrated our armed services' commitment to its women members. What was demonstrated instead was an inability to make the tough decisions needed to ensure a fair and thorough investigation. The officers involved let their allegiance to the outdated culture within an institution and to their male colleagues overshadow their better judgment.

This lapse is inexcusable. It is entirely appropriate that four of the five officers involved in the Tailhook investigation will lose their positions or be forced to retire as a result. If simply human decency does not convince all members of the military to treat women employees with respect, disciplinary actions should.

I hope, Mr. President, that Tailhook and its investigation will be used in the future as the impetus for every military branch to help root out sexual harassment, and that this will be the final chapter in a book that dishonors what has been otherwise a fine institution that has served its country well.●

SERIOUS FLAWS FOUND IN WINGS OF DOUGLAS C-17

● Mr. D'AMATO. Mr. President, there is a quiet celebration going on in the B-1B Program office. Why? Because after years of being pilloried as the "mother of all lemons," the B-1B's reputation as a flying Edsel is about to be eclipsed by the C-17. The press will not need the B-1B to kick around anymore, because working on the C-17 has become the equivalent of a Ph.D. program for quality control inspectors, auditors, trouble shooters, and, thus, reporters.

I ask that an article that appeared in the Los Angeles Times on September 24, 1992, entitled "Serious Flaws Found in Wings of Douglas C-17" be printed in the RECORD.

We can only hope that the Senate conferees on the Defense authorization and appropriations bills are able to impress upon their House colleagues the importance of reining in the C-17 before it becomes the Air Force equivalent of the A-12.

The article follows:

[From the Los Angeles Times, Sept. 24, 1992]

SERIOUS FLAWS FOUND IN WINGS OF DOUGLAS C-17

(By Ralph Vartabedian)

A Pentagon investigation has found serious defects in the wings of the McDonnell Douglas C-17 cargo jet, which could result in premature cracks—potentially the most severe problem yet in the long-troubled program.

The flaws, which were revealed in a report obtained Wednesday by The Times, have prompted questions about the safety of the aircraft. Remedying the problem also would significantly boost the program's cost and further delay its production.

The investigation by the Pentagon's inspector general means more bad news for the company's Douglas Aircraft unit in Long Beach, which has been struggling with defense industry cutbacks and production problems on its commercial programs. Thousands of workers have lost their jobs in recent years.

The Air Force plans to buy 120 C–17s for an estimated $40 billion, making it one of the firm's largest programs in Long Beach. The program is already about $1 billion over budget, a cost borne so far by McDonnell, and development of the C–17 is more than a year behind schedule.

A McDonnell spokesman said the company "could not comment on a report that we haven't seen." McDonnell officials have previously said that some wing rivets did not meet specifications but that the problem has been corrected and the existing wings are more than adequate.

Potential safety risks from the wing flaws and the cost to remedy the defects are not known, but the government is "not protected" financially and needs to urgently conduct testing to determine the extent of the problem, according to a memorandum to Air Force officials included with the inspector general's report.

The investigation found that the quality standards for the C–17 did not comply with government requirements and that manufacturing procedures were "not followed and in some instances confusing or nonexistent." It also found that quality control data was "missing or incomplete."

Thousands of rivets that hold each wing together were improperly installed by Douglas with automated machines, the report found. After they were inserted into the wings, the rivets expanded twice as much as the company's specifications called for, the report said.

Rep. John Conyers (D-Mich.), who requested the Pentagon probe, said the findings raise "serious doubts about the safety of the aircraft" and asked Defense Secretary Dick Cheney to ground the four existing cargo jets undergoing test flights at Edwards Air Force Base.

But Air Force officials said McDonnell's riveting procedures do not pose any flight safety or durability problems, though the officials had not examined the inspector general's findings as of Wednesday.

In addition to the rivet problem, the inspector general report found that McDonnell had improperly installed two-piece fasteners or nuts and bolts in the wings, which were responsible for fuel leaks that forced the aircraft to be grounded three times in the last year.

The report found that the government is not protected either financially by the C–17 contract warranty or technically by durability tests on a special aircraft.

Despite the fuel leaks, McDonnell has asserted in recent weeks that the flight program is going well and is meeting many of the objectives set by the Air Force. So far four of the jets have flown about 500 hours at Edwards Air Force Base.

"We believe remarkable progress has been made in the C–17 program during the past 12 months, both in production and flight testing," David O. Swain, McDonnell senior vice president, said in a recent company news release.

But Conyers asserted in his letter to Cheney that the C–17 program amounts to a "procurement disaster" and asked Cheney to take urgent action to protect flight crews. A Conyers aide said that it appears that 26% of the wing rivets were overexpanded—meaning that the rivets fit too tightly inside the holes drilled in the wing. Each wing contains more than 100,000 rivets, according to a McDonnell source.

The allegations that McDonnell had improperly installed rivets surfaced in March, 1991, when The Times reported that the Federal Bureau of Investigation was looking into whether the rivets had been improperly installed and the problem covered up by McDonnell officials.

That investigation was later dropped by the Department of Justice, but congressional investigations of the problem continued and last year Conyers asked the inspector general to conduct a thorough investigation.

"It sounds like the same old news we heard some time ago," Col. Larry Greer. An Air Force spokesman, said about the inspector general's report.

The inspector general did not examine any rivets on the aircraft before concluding that they had been overexpanded. Instead, the conclusion was reached after reviewing quality control records that showed the automated riveting machines had used improper tolerances on sample runs, known as test coupons.

The coupons were originally reported lost or destroyed by McDonnell in the FBI's investigation, Conyers said. He termed the misplacement a possible cover-up of the problem and on Wednesday asked Atty. Gen. William P. Barr to reopen his investigation.●

PRESTON, MD

● Mr. SARBANES. Mr. President, I would like to bring to the Senate's attention the 100th anniversary of the incorporation of Preston, MD, and the 65th anniversary of the founding of the Preston Volunteer Fire Co.

Preston, which was formerly called Snow Hill, is a rural Eastern shore town that was established around the present M.E. Church built on farmland deeded by Philemon Willis. Soon after the church was erected, William Gootee set up a general store with a post office. People from nearby farms made weekly excursions to Snow Hill to do their shopping and pick up mail.

As the town grew and more demands were placed on the post office, frequent delays in the mail service became commonplace because there was another, much larger, Snow Hill in Maryland already. in 1856, Snow Hill changed its name to Preston. The name Preston was most likely selected to memorialize Alexander Preston, a prominent Baltimore lawyer at the time who had business in the town.

Before 1890 and the advent of the railroad in Preston, the town grew at a slow pace due to a lack of transportation facilities. The Choptank River was the principal mode of transportation before that time. However, the introduction of the railroad in Preston greatly influenced the town's growth.

With the addition of electric lights in 1908, and the completion of the State road in 1916, Preston was positioned on the main artery of traffic up and down the peninsula. The town's location and strong community provide an excellent environment for businesses. Today, two of the community's outstanding enterprises include the Preston Trucking Co. and A.W. Sisk & Sons, Inc., a canned foods brokerage.

Preston retains the smalltown charm that attracted residents over a century ago. It remains a farm community that welcomes people and is famed for its hospitality and congenial atmosphere. I want to thank Ms. Dora Mitchell, a local historian, for sharing her knowledge of Preston's history with me.

I join the citizens of Preston and Caroline County in honoring a town which has experienced a century of history and change and to wish the town a joyful celebration during this notable anniversary.●

ECONOMIC PROGRAMMING FOR RUSSIAN TELEVISION

● Mr. BRADLEY. Mr. President, I commend to my colleagues an article by Dr. Arthur Obermeyer appearing yesterday in the Christian Science Monitor. Dr. Obermeyer has been involved in helping the people of the former Soviet Union manage the difficult transition from communism to market capitalism. His approach, using the power of television to teach the people of the former Soviet Union about the basic workings of a market economy and to correct misunderstandings about how our system works, represents the kind of innovative program we should be thinking about.

As I argued when I introduced the Freedom Exchange Act, what the people of the former Soviet Union need, more than our dollars, is our ideas. High expectations have been raised by the fall of communism and by the images of the West that now pour into the region. What is missing, however, is an understanding of what it will really take to make the transition from communism to a free market society. Programs like that described by Mr. Obermeyer and the Freedom Exchange Act can make a real contribution to filling that gap. They represent the kind of modest investment that will yield us significant dividends in the years to come.

I commend Dr. Obermeyer on his good work and ask that his article be inserted into the RECORD at this point.

The article follows:

[From the Christian Science Monitor, Sept. 28, 1992]

RUSSIAN TV: AN UNEXPLOITED OPPORTUNITY

(By Arthur S. Obermayer)

Soviet citizens lived in isolation from the rest of the world for over 70 years. Now these 280 million people must bridge the gap and learn how to function in a free-market economy. Educating so many people to cope with such drastic political and economic changes is a monumental task. But the global cost of failure would be enormous.

From early childhood, Westerners experience free-market concepts through watching TV advertising, playing games like Monopoly, and selling lemonade and Girl Scout cookies to neighbors. Even the brightest and best-educated Russians have not had this kind of exposure and do not automatically grasp concepts that are obvious to us. This lack of understanding causes them to be apprehensive about the disruptive effect of reforms on their lives. They fear unemployment, hopelessness, and higher prices and have little appreciation of how the bitter medicine of today can lead to a healthier society tomorrow.

The challenge to the world has been to find the most effective and rapid methods of helping these people. The top-down approach to economic reform breeds resistance, frustration, and disillusionment. It runs the risk of ultimate failure. Russian leaders need to use all their resources to convince the public that the direction they are taking is sound. Approaches that will change attitudes developed under 70 years of communism are at least as vital as instruction. Today, many American organizations are sponsoring seminars, courses, exchange programs, and internships. These activities are important but reach at most a few hundred thousand people. How do we reach the other 280 million?

The Soviet government spent billions of rubles to construct two sophisticated national satellite television networks that reach even the remotest parts of the country—a country with 11 time zones covering one-sixth of the earth's land mass. Over 90 percent of homes have television sets, four times as many as have telephones. Leaders knew its propaganda power. Television is the principal source of information and entertainment for the majority of Russians who have met few foreigners and understand no Western language.

Television networks can be used to help them understand the dynamics of a free-market economy. But to get programs on the air requires solid business connections. Personal relationships are critical because Russians mistrust their government and ours. They are suspicious of anyone they do not know and quickly recognize propaganda for what it is. Still, entrepreneurial organizations that can deal directly with television professionals there can overcome these problems.

For the past two years, my organization has been helping many Soviet, now Russian, television producers put together low-cost broadcasts on market economics. One approach has been to provide American videotapes on relevant subjects. Some tapes are instructional, but more often they deal with Russian misperceptions about our economic way of life. Most Russians think you can become wealthy only if you deal on the black market, exploit workers, or do something else dishonest. We have countered by providing US videotapes on the struggle of entrepreneurs to succeed in our society, showing how success can lead to better jobs for workers and an economically healthier community.

Another one of our national television series uses Russian television crews to follow the lives of their fellow countrymen who are temporarily in the United States for on-the-job training or as interns. The programs focus on their experiences and perceptions and emphasize the obligations and responsibilities of employers and employees to each other. They also demonstrate what it is like to shop in an American store and live in an American home. Each episode covers individuals that the average Russian can relate to, such as farmers, craftsmen, shopkeepers, and managers.

Last year we also helped convert a well-established, popular prime-time television series from its original science theme to market economics. The series was based on US interviews by the internationally known Russian host, Sergei Kapitsa, with famous Americans including economists Paul Samuelson, John Kenneth Galbraith, Milton Friedman, and Larry Summers.

Although these programs provide only a small portion of what is needed, they have received the enthusiastic support of Russian reform leaders, television professionals, budding business executives, and ordinary people. Russian television organizations have borne most of the ruble cost of producing programs and have made free air time available. Still, much of the technical and programmatic resources must come from the West and be paid for with hard currency.

Thus far, my limited resources have been the primary source of financial support for our efforts. The US government does not consider this a priority and has not provided any private-sector funding specifically for television. Furthermore, the Russian economy has not yet developed to the point where commercial sponsorship is viable. To compound the problem, even major private foundations have defined their roles in such a way as to lose sight of this important goal.

The Western world has a unique opportunity to influence these people, but it must act soon, before the opportunity dissappears.●

REGARDING AX

● Mr. D'AMATO. Mr. President, the latest issue of Proceedings includes an article by Capt. R.M. Nutwell entitled "AX * * * or VFAX." Considering Acting Navy Secretary O'Keefe's recent remark that deep-strike interdiction "is not a tertiary kind of mission," I believe that Captain Nutwell's argument for a naval variant of the F-22 is both timely and proper.

I commend this essay to my colleagues, and ask that the full text of the article be printed in the RECORD.

The article follows:

AX * * * OR VFAX?

(By Capt. R.M. Nutwell, USN)

The Navy has decided it needs an "AX" medium-attack aircraft to succeed the ill-fated A-12. Since the AX will probably be the only all-new tactical aircraft development program the Navy can afford in the next 10 to 15 years, it represents the future of naval aviation. But a "son of A-12" medium-attack aircraft optimized for the long-range strike mission is not the plane we should develop.

Why? Because we need a new fighter even more urgently than we need a new strike aircraft. Since we can buy only one all-new aircraft, it clearly must be multi-mission. Because airframe-engine performance requirements and modern weapon-sensor capabilities make it much easier to adapt a fighter design to the strike mission than vice versa, it must be a multi-mission fighter, one that also can perform the strike mission.

The first requirement for a successful air campaign, including long-range strike missions, is air superiority. While strike aircraft can contribute to air superiority by attacking surface-to-air defenses and airfields, the key player in the air-superiority campaign is a fighter force capable of sweeping the enemy fighters from the air, as U.S. fighters have always done—most recently in Operation Desert Storm. It is imperative that Navy air wings have a front-line fighter capable of pacing the threat in the 21st century.

By 2010 the tactical fighter threat will include large numbers of fourth-generation fighters and perhaps a significant number of even more capable aircraft—versions of the French Rafale or the European Fighter Aircraft. We can expect to face fighters incorporating stealth technology, enhanced maneuverability, and higher cruise speeds.

If we build a medium-attack AX, what airplane will Navy fighter squadrons be flying against these threats? Answer—the F/A-18E/F, an airplane that will clearly not give us the capability advantage we have always enjoyed. While the Hornet is an excellent strike fighter and a good match for current fourth-generation air threats, it will be too slow and insufficiently stealthy, and may lack adequate range to serve as the Navy's front-line fighter in the 21st century.

The future of fighter aviation lies with the technology incorporated in the Air Force's F-22 advanced tactical fighter (ATF). By combining stealth technology, "supercruise" (supersonic cruise at about Mach 1.4 without afterburner), and outstanding maneuverability, this airplane will revolutionize air-to-air warfare. If the Navy is to stay ahead of the fighter threat, it must have an aircraft with ATF capabilities. Not only would an ATF variant (call it VFAX) counter the future fighter threat, it would also provide the range and mobility required for fleet air defense against future bomber-antiship missile threats.

But what of the long-range strike mission? First, we must recognize that cruise missiles will claim an increasingly larger share of this mission as their capabilities improve. While manned aircraft will continue to be needed for some targets deep in the enemy interior, this mission is no longer of sufficient importance to justify building a dedicated aircraft, especially when it will be the only new airplane we can afford.

Second, a VFAX derived from the ATF concept would be capable of performing the residual strike and other air-to-ground missions that will continue to require the inherent flexibility of manned aircraft: interdiction, close air support, and suppression of enemy defenses. While I am not aware of any cases in which an attack aircraft design was successfully converted to a fighter, there are numerous examples of fighter designs serving successfully in an attack role, e.g., the F-15E, the F/A-18, the F-16, and the F-4. This is true because fighter capability is still driven by airframe performance, while strike capability is driven largely by weapon system performance, and survivability in the strike mission is actually enhanced by fighter-type airframe performance.

To the argument that an ATF-based VFAX would have insufficient payload, I would answer that weapon delivery accuracy has reduced the requirement to carry several tons of ordnance; four- to six-thousand pounds of payload should be sufficient now. While it is true that more is almost always better, a large air-to-ground payload is no longer of sufficient importance to drive the design of our only next-generation tactical aircraft. We should be willing to give up some payload to get a true multi-mission aircraft that will keep pace with the fighter threat.

As to the argument that a multi-mission airplane would be too expensive, it would be much cheaper than two separate development programs, especially when numbers of aircraft to be bought are considered. Furthermore, the shrinking of deployed air wings and the unpredictability of future missions dictate that we must give the battle group commander deck full of multi-mission aircraft.

If we share the long-range strike mission with Tomahawk and decline to develop a dedicated follow-on strike airplane, will we weaken the rationale for aircraft carriers? Not in the eyes of those who truly understand the modern role of carrier battle groups in sea control and power projection ashore. Long-range strike is but one element of power projection, and success in both missions starts with control of the air. Maritime interdiction operations, protection of friendly shipping, and support of noncombatant evacuations or ground forces ashore are all likely carrier battle group tasks that do not necessarily involve deep land strikes.

The Navy should abandon the long-sacred tenet that long-range strike is the raison d'etre for aircraft carriers. Clinging to such reasoning will ultimately sink the carrier because it fails to recognize that cruise missile-technology offers a much cheaper, lower-risk, effective way to conduct many long-range strike missions, and does not recognize the other critical missions that carrier battle groups perform.

The Navy should scrap the AX concept in favor of a VFAX—naval strike-fighter variant of the ATF. To build a single-mission medium attack aircraft would squander naval aviation's declining resources on a shrinking mission, and consign Navy tactical air wings to second-class status for a generation.•

THE RISE OF RACIAL HATE CRIMES IN GERMANY: ANTI-SEMITISM WITHOUT JEWS

• Mr. SIMON. Mr. President, during this session of the 102d Congress, I have been inserting statements in the CONGRESSIONAL RECORD regarding anti-Semitism. The hatred this prejudice breeds is still widespread. Earlier this year, I inserted a statement in the RECORD about the rise of neo-Nazism in Germany. Today I would like to specifically focus on the recent wave of antiforeigner violence in Germany.

The Federal Republic of Germany, to its credit, has tried to educate its people about the horrors of Nazism and Nazi Germany's barbaric racial policy. Most Germans accept the responsibility of their past and realize that it must not happen again. But the violence against foreigners in Germany these past 2 months is something the people of Germany must realize is frightening to the rest of the world. While most of the victims now are not Jews, but Gypsies, Vietnamese, Turks, and so forth, people outside Germany see this as a flashback to the 1930s.

Most people from the former East Germany, where most of the anti-foreigner violence is taking place, have not been exposed to a thorough education program that West Germans have experienced since World War II. East Germans were taught in school that they, too, were victims of Nazism, and many were, but now that Germany is unified the world community finds it difficult to accept these acts of hooliganism against people who are ethnically different.

The most disturbing response to this crisis is not what some bigoted people believe, but rather the anemic response by the German Government. Germany does have a liberal asylum law that may need some minor revisions, but this is not the root of the problem. Most politicians in Germany have been unwilling to unequivocally and forcefully condemn these attacks. There is an unemployment problem in the Eastern states, but blaming foreigners for the failures of communism and the cost of reunification is clearly wrong. It is scapegoating of the most ugly kind, and it is something that Germans should realize is unacceptable to the international community.

Recent street demonstrations on August 22 in the eastern German city of Rostock is the most recent example of German hate crimes. Armed with knives, starter pistols, and gasoline bombs, a mob of "skinheads" spoke at meetings, flaming the hatred of angry youth and showed that the neo-Nazis' organized campaign of terror against asylum-seeking immigrants has been gaining strength. It started in Rostock but quickly spread to dozens of German towns and cities. Other recent events, such as the defacing of war memorials, is further evidence of a rise in neo-Nazi activities and hate crimes. These criminal acts have been aimed not just at asylum-seekers and foreign guest workers, but also foreign students and tourists.

This disturbing sequence of violence has brought with it a simplistic program of racial hatred: "Freedom for us means foreigners out! Prosperity for us means foreigners out! Germany for the Germans means foreigners out!" These words are received by loud cheers from rightwing extremists. More disturbing, the rightwing German Republican Party and the People's Union have done well in the elections at the state level. Nationalistic parties have used immigration as a way to gain support among those who worry about the economy.

Many German citizens have been deceived by those who blame immigrants and the political asylum law in the German Constitution. But the main problem is not immigration. It is racial hatred and xenophobia. This new wave against non-Germans is anti-Semitism without Jewish people. In a Germany largely without Jews, European refugees and other visible minorities have become the new scapegoats for Germany's problems. In the more permissive climate of post-cold war Germany, the anti-Semitism and racial hatred that had been just below the surface has again come to light. Just as they did during the troubled Weimar Republic, these racists pick the most vulnerable, defenseless group of people to take advantage of popular frustration during a transition period.

Years before the new wave of asylum-seekers began coming to Germany, neo-Nazis had won 7.5 percent of all votes cast, which entitled them to 11 seats in the legislature, and to sit in 11 of Berlin's 12 borough councils. There were 1,150 attacks by rightwing extremists reported by German authorities in 1991. It is a worrisome trend.

Chancellor Helmut Kohl has reacted to the violence by launching a national antiracism campaign. This has done little to soothe tensions throughout Germany, but it is a necessary first step. But more should be done. Protection for foreigners has been totally inadequate, and this ought to be remedied immediately. German officials have also been slow to investigate the organizations of the racist activities. As a result, rightwing hate crimes have been tolerated to a shocking degree. In the short term, law enforcement must be strengthened.

Germany's constitution offers asylum to all genuine political refugees. But now Chancellor Kohl has called for changes to article 16 and the German Government plans on deporting thousands of Romanians, mostly Gypsies, by November 1 of this year. These Gypsies, many of whom had relatives fall victim to Nazi racial policies, will now be forced to return to a country that does not accept Gypsies as part of their population. The renowned human rights organization, Helsinki Watch, says: "Gypsies in Romania have been the target of increasingly violent attacks since the revolution that toppled Nicolae Ceausescu." By singling out Gypsy asylum-seekers, Germany is promoting another scapegoat for its reunification problems.

By making the asylum law a central issue in German politics, the Kohl government has given rightwing extremists a legitimacy they do not deserve. Racial hatred must be met with education, forceful denunciations, and a genuine commitment to basic human rights.

The German Government ought to set the tone for a more tolerant Germany. They have a special responsibility to do no less.•

THE E–2C HAWKEYE

• Mr. D'AMATO. Mr. President, the latest issue of Proceedings includes a letter in the "Comment and Discussion" section from Comdr. Robert Chamberlain, USNR, regarding the future of carrier-based airborne early warning. I believe Commander Chamberlain's assessment of the precarious state of carrier-based airborne early warning is correct, and I agree wholeheartedly that the development of a follow-on to the E–2C needs to begin now, though I would differ with his funding source.

I commend this essay to my colleagues, and ask that the full text of the essay be printed in the RECORD.

The essay follows:

PRESS RELEASE FROM HELL

Commander Robert M. Chamberlain, U.S. Naval Reserve—Commander Pritulsky was right on the mark about the state of airborne early warning (AEW) in the Navy. He also was entirely correct in suggesting that, unless something is done now to sustain an organic AEW capability for carrier air wings, AEW will become exclusively an Air Force mission.

The painful lessons learned—and losses suffered—by the Royal Navy in 1982, when it went to the Falklands without a seagoing AEW capability and beyond the range of land-based AEW support, should not be lost upon us. A glance at a globe should prove to anyone with any understanding of aircraft operations that continuous, long-range, land-based, AEW support all over the world is, quite frankly, impossible. A carrier-based AEW aircraft is the only surveillance platform that can support a battle group in distant locations whenever rapid reaction and sustained AEW and surveillance coverage are required.

Navy acceptance of Air Force AEW support for its carrier battle groups certainly would produce strong suggestions that the aircraft carrier is no longer required. Advocates of the B-2 bomber are already saying that it can conduct sustained, long-range conventional strikes virtually anywhere in the world. If the Air Force developed a team of B-2s, Airborne Warning and Control System (AWACS) aircraft, and aerial tankers for long-range strike missions, how could the Navy make the case for keeping aircraft carriers?

Therefore, to maintain the carrier battle group's viability as a vital U.S. military asset in future conflicts—where flexibility, quick response, and endurance on station are required—an organic AEW capability is essential.

There are three possible approaches to sustaining AEW support for the battle groups. The first is to spend more money on the existing E-2C fleet and try to keep it alive. This approach does not solve the problem; it merely postpones it for a few years—at a significant cost to the taxpayer. The second approach is to do nothing; tantamount to giving the AEW mission to the Air Force.

The third approach is to start immediately an aggressive program to develop an AEW system to replace the E-2C. The main obstacle to this solution is the Navy's intense internal debate over future attack and fighter aircraft: AX vs. F/A-18E/F vs. F-14 Quickstrike vs. ATF. All this haggling has pulled attention away from the desperate situation carrier air wings find themselves in with regard to support aircraft. The carrier-aviation community must take a total-force out-look and admit that AEW aircraft, tankers, and even carrier on-board delivery aircraft are as critical to overall mission success as strike and fighter aircraft.

Many will respond to this by saying that support-aircraft programs will have to wait until the problems with attack and fighter programs are resolved. We cannot afford to wait. The Air Force has started a radar-development program for an eventual AWACS replacement. Given that AEW system performance requirements for the Navy and the Air Force will be similar in the future, this sets up a perfect opportunity to begin a joint Navy-Air Force system development program for the next generation of AEW aircraft. The goal of a Navy-Air Force AEW program should be the development of a system that can be integrated in a carrier-based aircraft—such as the S-3 Viking—and a land-based aircraft such as the C-17 or the KC-10. A joint development program would reduce significantly the research and development costs of an AEW system for both services, as well. As an initial contribution to a joint AEW-development program, the Navy could use the money earmarked for the upgrading of the E-2C.

A program like this would let the Navy address its carrier-based AEW needs well into the 21st century, and ease joint-service-interoperability problems. Before the Navy can commit to this, or any other course of action, however, it must admit, as a service, that it indeed has a problem in this crucial area.●

ADMINISTRATION'S DIGITAL TELEPHONY PROPOSAL

● Mr. LEAHY. Mr. President, the administration has come to Congress seeking help to preserve law enforcement's ability to wiretap communications in light of new and developing technologies. The latest proposal would require communications service and equipment providers to accommodate law enforcement's needs in developing their products.

The Judiciary Subcommittee on Technology and the Law is working with the Commerce Committee and our colleagues in the House of Representatives to address this problem. My goal is to assist law enforcement without jeopardizing privacy rights or frustrating the development of new communications technologies.

While it is not possible to resolve the digital telephony issue in the waning days of this session, I have committed to the Attorney General and the Director of the FBI that I will work with them over the next several months. The legal and technical issues are complex. Congress has an obligation to consider them carefully.

Last week, a broad coalition of civil liberties and privacy advocates, as well as telephone and computer companies issued a report on the administration's digital telephony proposal. This analysis raises several important questions about the breadth of the proposal and about its cost to consumers. While major computer companies like IBM, Digital, Microsoft, and Sun Microsystems as well as AT&T and the U.S. Telephone Association are concerned about the administration's proposals, they agree that "the FBI is entitled to full cooperation in its efforts to exercise the powers granted to it in the wiretap statute." I agree and strongly encourage industry to continue to work with the FBI in the context of the ad hoc technical working groups that have been meeting for the last several months. I include the coalition's report in the RECORD for the information of all Senators.

Let me raise one related point. The administration has expressed concern about the increased use of encryption devices by businesses that store and transmit data. The bottom line is that the Government would like trap doors into all encryption technology that could be used by potential targets of law enforcement investigations. In the course of hearings in the House Judiciary Committee, industry representatives opposed efforts to restrict their ability to protect their systems from industrial espionage and hi-tech criminals.

I have made it clear to Attorney General Barr and Director Sessions that while I am prepared to work with them on the digital telephony issue, I have no intention of forcing American businesses to make their computer systems vulnerable. Any such proposal would have grave consequences for American competitiveness. In today's global economy, we cannot afford to hamstring U.S. telecommunications and computer industries.

The executive summary follows:

ANALYSIS OF THE FBI PROPOSAL REGARDING DIGITAL TELEPHONY

EXECUTIVE SUMMARY

Athough the FBI has characterized its proposed "Digital Telephony" legislation as relating to the preservation of government's ability to engage in authorized wiretapping, the proposal actually requires that all communications and computer systems be designed to facilitate interception of private messages, on a concurrent and remote basis—thus imposing new engineering standards that go far beyond any existing law. As currently drafted, the proposal would impose substantial costs and create significant uncertainties, despite the absence of any clear showing that the proposed measures would be either effective or necessary. In addition, the proposal raises serious security and privacy concerns.

Beginning some time last year, the FBI has expressed concern that technological changes occurring in the telecommunications industry might have an adverse affect on the ability of law enforcement officials to conduct lawful, authorized wiretapping. For example, the FBI has raised questions about its ability to extract individual telephone calls from multiplexed signals sent over light fibers using new digital protocols. Various FBI proposals have generated concern on the part of industry that the security and privacy of electronic communications and computer systems might be weakened and that the competitiveness or technical advancement of various systems might be undercut. No one in industry challenges the FBI's right to cooperation in seeking to implement wiretaps or disagrees with the proposition that law enforcement officials need communications interception tools to do their vital job. The communications industry, network users and public interest groups are concerned with the broad sweep of the FBI's draft proposal and the potential uncertainties and costs it would impose. This memorandum explains the basis for those concerns.

Although the FBI proposal is described as relating to "digital telephony," it actually applies to all forms of communication, including all computer networks. The proposal requires that equipment be designed to give access to communications on a "concurrent" basis, regardless of the mobility of a target, in isolation from messages being exchanged by any other persons. These requests may have complex and differing application in different contexts, but they would certainly introduce additional costs and substantial uncertainties for both equipment manufacturers and everyone who offers messaging service to others. These days, the list of those covered by the proposal ("providers of electronic communications services" and "PBX owners") includes just about everyone. Because the wiretap statute was written to protect the privacy of a broad range of communications types, and because of the growing independence and intermixing of all forms of communications, the statutory language of the FBI proposal could turn out to require redesign or expensive alternation of:

(1) Public electronic mail systems, like those offered by MCI, AT&T and a host of other companies and individuals;

(2) all telephone switches and the sophisticated equipment used by long distance carriers;

(3) software used by online information services like Prodigy, GEnie, Compuserve, America Online and many others;

(4) local area networks, linking all kinds of computers, operated by small businesses, colleges and universities and many other types of organizations, including links into these systems from other homes and offices;

(5) PBXs owned by small and large businesses;

(6) high speed data networks connecting workstations with mainframes and supercomputers, as well as those carrying messaging traffic across the "Internet;"

(7) radio-based and cellular communications systems, including pocket telephones and computers with radio-based modems;

(8) the thousands of small personal computers owned by businesses, hobbyists, local governments, and political organizations that communicate with others via computer bulletin boards;

(9) private metropolitan wide area communications systems used by businesses such as large banks;

(10) satellite uplink and downlink equipment supporting radio and television transmissions and other communications; and

(11) air-to-ground equipment serving general aviation and commercial aircraft. We are becoming an information economy and, accordingly, imposing mandatory system design requirements on all those involved in the transfer of information has an impact on large numbers of people and most sectors of the economy.

There is no doubt that evolving technologies will challenge law enforcement officials and industry alike. We need effective law enforcement tools, as well as appropriate levels of privacy and security in communications and computer systems. The goals underlying the FBI proposal are valid and important ones, but they may well be best achieved without additional legislation. Industry has historically cooperated with law enforcement and is presently engaged in ongoing discussions to identify specific problems and concrete solutions. This cooperative process will lead to needed exchanges of technical information, better understanding on all sides of the real policy issues, and better, more cost-effective solutions. Congress should reject the FBI proposal and encourage continuing discussions that will lead to more specific identification of any problems and to more concrete, cost-effective solutions.

ANALYSIS OF THE FBI PROPOSAL REGARDING DIGITAL TELEPHONY

What is Proposed? The most recent proposal imposes obligations to provide various generic interception "capabilities and capacities" and empowers the Attorney General to grant exemptions, after consultation with the Federal Communications Commission, the Department of Commerce and the Small Business Administration. See Attachment A. Any person who manufactures equipment or provides a service that failed to comply with the broad and vague requirements of the proposed statute would be subject to a civil penalty of $10,000 per day.

How Serious is the Problem? The predicate for the FBI proposal is that advances in technology have made it more difficult for the government to intercept particular telephone conversations in the course of legally-authorized wiretapping. There have been few actual problems, historically, in executing authorized wiretaps. None have stemmed from characteristics of communications equipment design (as distinct from limitations in equipment capacity). On the other hand, it is clear that, over time, changes in the technologies used for communications will require the FBI (and the communications industry as a whole) to use new techniques and to acquire additional equipment and skills. Some developments, such as encryption, may make interception (or, at least, understanding the contents of what has been "intercepted") much more difficult—but in ways that are not even addressed and cannot be fixed by the proposed legislation. (It is difficult to evaluate the FBI argument that it would have asked for more interceptions if some technological barriers had not existed. There have always been and will always be some technological barriers to interception of the content of communications the participants seek to protect.)

Existing law requires all companies providing electronic communications services to cooperate fully with lawful requests from the FBI and other law enforcement officials—and there is no history of any general failure to provide such cooperation. See Attachment B. Existing law also contemplates that the government will bear the costs imposed by the government's requests for access to communications. (As noted below, the proposal does not specifically extend that principle.) There is no showing that the government lacks the financial resources to modernize its communications equipment or to fund the costs of lawful interceptions that it initiates. Since the total number of content wiretaps in 1991 authorized by Federal and State courts was only 856 taps (and almost 60% of these were at the State level, 356 Federal versus 500 State), and since the call-set up or pen register tap orders for 1991 at the Federal level were only 2,445, (thus, implying a national total under 7,000), it appears the costs may be better targeted to the specific lines or ports necessary, instead of burdening all lines or ports existing in the network. See Administrative Office of the U.S. Courts "Report on Applications For Orders Authorizing or Approving the Interception of Wire, Oral, or Electronics Communications (Wiretap Report)" for the period January 1, 1991 to December 31, 1991 and letter from the Assistant Attorney General W. Lee Rawls to the Honorable Jack Brooks, Chairman of the Committee on the Judiciary of the United States House of Representatives, dated April 23, 1992, providing the annual report of the Attorney General on pen register orders. By comparison, there were over 138 million access lines as of December 31, 1990 according to the United States Telephone Association and this does not include ports used for cellular or many other network accesses. (We understand the current FBI budget provides for $9 million for new digital telephony interception equipment.) Thus, although there is valid reason to be concerned that changes in technology will challenge law enforcement agencies to find and adopt new techniques, there is no immediate crisis requiring swift action.

Broad Scope of the Current Proposal: The FBI proposal covers all providers of "electronic communications services" and all "private branch exchange operators." These days, that means just about everybody, including every business that has its own phone switch and every company that operates its own local or wide area computer network. The Electronic Communications Privacy Act defines "electronic communications services" to include electronic mail, file transfers over a Local Area Network ("LAN") and, indeed, every form of transmission of a message other than voice telephone calls (which are also covered by the proposal as "wire" communications), and sound waves in the open air (the only form of communication not covered by the proposal). See 18 U.S.C. 2510(12),(15). All "providers" of such services would be affirmatively required, within three years, to provide law enforcement officials with the "capability and capacity" to intercept communications. This capability would have to be provided "concurrently" with the communication, without detection (apparently without regard to the target of the wiretap possibly employing sophisticated wiretap detection capabilities), exclusive of any communications between other parties, regardless of the mobility of the target, and without degradation of service.

These absolute requirements might not be capable of being met, as a technical matter, in some contexts, regardless of costs. The proposal is redundant, in the sense that it requires the ability to access communications at all points during their transmission, even though access at one point is all that is needed in any given circumstance. Although current wiretap law requires "minimization" and use of wiretaps as a "last resort," the proposal imposes obligations on all communications systems as if preserving the ability to wiretap at any point should be the system designer's highest priority. The application of these requirements would have substantially different costs and other implications depending upon where in a communications pathway they were actually applied. In any event, they dramatically expand the nature and reach of current law—which requires cooperation but does not grant the government a right to redesign the communications network or the equipment used by large numbers of businesses.

The FBI has defended its proposal on the ground that it is only seeking to "preserve the status quo," by preventing changes in technology from taking away capabilities that Congress meant to assure when it passed the 1968 and 1986 wiretap statutes. But that mischaracterizes the "status quo". The current wiretap statutes take the communications networks as they find them and do not require any provider of communications service to redesign the system, or to refrain from using any particular technology, solely on the ground that such a technology would make interception more difficult. While there may well be sound reasons for all concerned to cooperate to seek to preserve for the government a practical ability to engage in authorized wiretapping, there is simply no existing legal authority for law enforcement officials to mandate the use of particular technologies and, thus, contrary to the claims made by the FBI, the proposal does not simply maintain the status quo, but greatly expands the jurisdiction of the Attorney General and would represent a giant step beyond current law and congressional intent going back to 1968.

While the proposal imposes substantial uncertainties, to be discussed below, there is no question that, as drafted, it would have an extremely broad reach. As a result, it could complicate the development of various new technologies. Even though the language of the proposal would extend to cable information systems and Automated Teller Machines ("ATM"), the FBI has stressed in its proposal that various systems might be exempted by executive action. But the exemption authority is vague and standardless—so the net effect is that every system provider has to worry on a continuing basis about whether or not its system is covered. Moreover, the proposal is clearly designed to cover any system facilitating two-way conversation, regardless of the size of the communications service provider. In consequence, any small business that installs its own local PBX system for forwarding calls from customers could be required to replace its equipment with new switches that meet the law's requirements. If current online information services do not track the "services" and "features" used by those who send messages through their electronic mail channels, then expensive modifications might be mandated. Because these electronic mail systems are all being joined together, and some function as links that forward messages between other systems, all might have to be designed to all "real time" interception by retransmission to a remote site—even though delayed searches of stored files would seem to make a lot more sense in the context of electronic mail.

Costs Likely to be Imposed by the Proposal: The costs imposed by this proposal would be passed on to consumers and to all subscribers to electronic communications services. The total costs, including costs imposed by its potentially disruptive impact on planning for new computer and communication technologies, cannot be fully assessed—but would clearly be very substantial. In its report on the FBI's proposal, the General Accounting Office ("GAO"), page 1, stated: "[N]either the FBI nor the telecommunications industry has systematically identified the alternatives, or evaluated their costs, benefits, or feasibility." And further at page 4 of the GAO Report:

"[T]he [FBI's] May proposal does not address what the telecommunications industry would need to do to be in full compliance with the proposal in the event it is enacted, the meaning of certain technical terms, or who would pay for the cost of wiretapping solutions."

The proposal mandates compliance with very broadly stated functional standards and contemplates that exemptions (available from the Attorney General, without the benefit of any specific standards or criteria) will be granted only after this broad new governmental authority has been enacted into law. The most recent proposal assumes that the costs of compliance will become a cost of doing business imposed on all communications service providers—and passed on to telephone ratepayers and other subscribers to electronic communications services. (The current law's provision that the government will pay reasonable expenses incurred in cooperating with a specific request for interception have not been expressly applied to this new requirement to "provide the capability and capacity" to respond to such requests.) Communication service providers and computer equipment manufacturers could suffer major losses as a result of delays, mandatory redesigns, and even prohibition of certain technological options. There has been no opportunity as yet to compare (1) the costs the FBI would incur to modernize its approach to interception (especially given the data on the small number of taps performed annually) with (2) the costs that would be incurred by consumers as a result of mandatory limitations on new technology design applied to all technologies nationwide.

Uncertainties Created by the Proposal: By attempting to establish open-ended duties, broadly defined, in statutory language, the current proposal creates substantial uncertainties and could cause controversy to supplant cooperation. For example, although current interception orders predominantly relate to voice communications, the draft proposal covers all forms of communication. The approach could sweep up systems ranging from the cellular pager to the high-speed network designed to transfer digital data between supercomputers. It raises a wide variety of questions:

What exactly are the boundaries of the "public switched network" to which the proposal refers?

On what basis would the Attorney General choose, or be required, to provide exemptions?

How would the proposal affect systems that regularly encode messages at the point of origin?

Does the required provision of capacity to intercept "concurrent with the transmission to the recipient" mean that an electronic mail or voice mail or facsimile mail system must be designed to signal the system operator every time a message from a target of an investigation is accessed by the person to whom that message might have been addressed?

Will it be technically feasible to detect and separate just those parts of communication signal coming from a particular residence or other source, that "exclusively" represent the content coming from a particular individual?

What is meant by the new, broad requirement that the government be told what "services, systems, and features" have been used by the subject of the interception?

Does the required provision of interception capacity "notwithstanding . . . the use by the subject . . . of any features of the . . . system" have the effect of requiring the system provider to offer to defeat any encryption mechanism it may provide to subscribers?

Does the requirement to provide interception despite the target's mobility mean that systems that inherently allow users to send and receive from multiple points, without notice, cannot be used at all?

Will it be physically possible or economically feasible to prevent "degradation of services" if the functional requirement for real time tracking of any target means that some central database must be checked by the service provider's computers every time a communication is made?

We don't know the answers to these questions, despite their importance. More importantly, the answers to key policy questions may differ substantially depending on what particular technology and interception need (and minimization goal) is being addressed. And we don't even know by what means providers of electronic communications services and designers and users of electronic communications and computing equipment will find out how the requirements will be applied to their systems. In short, the FBI's proposal, as currently drafted, may generate new and unnecessary controversy, despite its legitimate goals, by attacking perceived problems at the wrong level of generality.

Threat to security and privacy: Ironically, in addition to creating uncertainty and imposing costs, the proposal would itself create new and serious security risks and undermine the privacy of electronic communications. If electronic communications service providers must design their system to allow and ensure FBI access, then the resulting mandatory "back doors" may become known to and be exploited by criminals. Business is currently attempting to achieve greater security in its communications, to counter the threats posed by unauthorized access, computer viruses, and electronic theft. A proposal the FBI seeks to justify in terms of law enforcement could well have the effect of facilitating violations of law and reducing or preventing effective security measures.

Threat to International Trade and Security Interests: As drafted, the proposal appears to threaten U.S. interests in international trade and competitiveness. Potential purchasers abroad may not buy products or systems that they know have a "trap door" the United States Government can easily open. If U.S. manufacturers of communications systems and equipment and computer software have to go through a bureaucratic certification or clearance process that is not applicable to their foreign competitors, their race to the market with new technologies will be slowed and their products and designs will be disadvantaged.

Legitimate Law Enforcement Interests and Concerns Can and Should be Served: There is no doubt that authorized wiretapping is an important weapon properly used by the FBI to fight serious crime. And there is general agreement among communications service providers, and the makers of communications and computing equipment, that the FBI is entitled to full cooperation in its efforts to exercise the powers granted to it in the wiretap statute. If new technologies require changes in police tactics, then accommodations may be needed on all sides to make sure that new tactics that do not threaten the effectiveness or safety of law enforcement (or unreasonably threaten privacy interests) are available. The FBI proposal has served a valuable purpose in drawing attention to the need for adequate planning and redoubled cooperative efforts.

It is Too Soon to Tell Whether Legislation will be Necessary: Despite the good intentions underlying the FBI proposal, there is certainly no demonstrated need to hamper U.S. technological advances, harm the competitiveness of the U.S. communications or computer industries, or hinder efforts by business to increase computer security, just to make sure that law enforcement officials can continue indefinitely to use the same equipment and procedures that were appropriate for an earlier technology. There has as yet been no clear showing that the design of new technologies will not permit reasonable, affordable and effective techniques to be used for authorized interception. There has been no showing that the industry will not or cannot cooperate fully, share technical information under appropriate protections, and even design and supply new equipment at reasonable cost, insofar as these steps prove necessary for the FBI to accomplish its mission. There has been no clear showing that any capacity limitations could not readily be remedied with the provision of adequate financing for government law enforcement operations.

The Current Proposal is Clearly Premature, in Light of Active Ongoing Efforts by Industry to Identify and Solve any Serious Problems: An ad hoc coalition of interested parties has joined together to study the issues posed by the FBI's proposal and to begin discussions involving various business interests, public interest groups, the law enforcement community, legislative staff, and representatives of the Administration. All involved recognize that the FBI is entitled to have adequate tools to fulfill its law enforcement objectives. For its part, the FBI has recognized the value of industry cooperation and the need for a more robust exchange of technical information. Once the technical issues come into focus, particular policy issues may be ripe for decision, in a context in which the costs and implications of such decisions for trade, security and privacy concerns will be much more clear. Technical Working Groups representing both the telephone companies and the computer industry are hard at work—but the issues are complex and even the first stage of identifying serious potential problems for law enforcement will take some time. Consideration of proposed solutions should await the results of these detailed and technical discussions.

CONCLUSION

As the broad collaboration that accompanied consideration of the 1986 amendments to the wiretap statute showed, the public interest in sound law enforcement, and public expectations of privacy and security, are best served by encouraging a constructive exchange of views among industry, concerned citizens and government, before any new legislation is enacted. Congress should reject the FBI proposal and encourage continuing discussions that will lead to more specific identification of any problems and to concrete, cost-effective solutions.

Electronic Frontier Foundation.
ABCD—The Microcomputer Industry Association.
Advanced Network & Services, Inc.
Agson, Inc.
American Civil Liberties Union.
Arrow.
AT&T.
Cellular Telecommunications Industry Association.
Computer and Business Equipment Manufacturers Association.
Computer and Communications Industry Association.
Computer Professionals for Social Responsibility.
Digital Equipment Corporation.
Eastman Kodak.
Electronic Mail Association.
Graphics Technologies, Inc.
IBM.
Information Industry Association.
Information Technology Association of America.
Iris Associates.
Logistics Management, Inc.
Lotus Development Corporation.
Merisel, Inc.
Micro Computer Centers Inc.
Microsoft Corporation.
Okidata.
Oracle.
Panamax.
P C Parts Express.
Prodigy.
Seneca Data Distributors, Inc.
Software Publishers Association.
Sun Microsystems.
Telecommunications Industry Association.
United States Telephone Association.
Westbrook Technologies.•

S. 2362, SOCIAL SECURITY ACT AMENDMENT, MEDICARE REIMBURSEMENT FOR THE SERVICES OF NEW PHYSICIANS

• Mr. D'AMATO. Mr. President, I rise today to join 32 of my distinguished colleagues in cosponsoring S. 2362, the Medicare Physician Payment Equity Act. This bill, introduced by Senator MCCAIN, seeks to correct an inequity in title XVIII of the Social Security Act regarding the Medicare reimbursement rates for the services of new physicians.

Currently, new physicians receive Medicare reimbursement at a reduced rate for the services they provide Medicare beneficiaries. New physicians in the first year treating Medicare beneficiaries receive reimbursement for their services at a rate reduced by 20 percent. This rate is reduced 15 percent in the second year, 10 percent in the third year and 5 percent in the fourth year. Although new physicians are usually those who have just completed their medical training—including extensive and intensive residency training—new physicians, as defined by the current Medicare reimbursement policies, can also be individuals who have practiced for a number of years. They may never have treated Medicare beneficiaries and received Medicare reimbursement; may have been in military service practicing medicine; or may previously have been members of a group practice.

I believe that the current policy of reduced reimbursement is discriminatory. In real terms, new physicians often have higher expenses that physicians who have been in practice a number of years. They are often repaying substantial student loans for the high cost of medical education and may have heavy startup costs of establishing a practice.

In the spirit of physician payment reform and with the practical consideration of encouraging Medicare participation, we must rectify this inequity. I am pleased to join this bipartisan effort in cosponsoring this legislation.•

ORDERS FOR TOMORROW

Mr. EXON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 8:30 a.m., Wednesday, September 30; and that when the Senate reconvenes on Wednesday, September 30, the Journal of the proceedings be deemed to have been approved to date; that the call of the calendar be waived, no motions or resolutions come over under the rule; and that the morning hour be deemed to have expired.

I further ask unanimous consent that the time for the two leaders be reserved for their use later in the day; that following the Chair's announcement, there be a period of time for the transaction of routine morning business not to exceed beyond 9 a.m., with Senators permitted to speak therein for not more than 5 minutes each, and with Senator DECONCINI recognized for not to exceed 20 minutes; and that at 9 a.m. the Senate return to executive session to resume consideration of the START Treaty under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW AT 8:30 A.M.

Mr. EXON. If there is no further business to come before the Senate today, I now move that the Senate stand adjourned in accordance with the previous order until 8:30 a.m., on Wednesday, September 30.

The motion was agreed to, and the Senate, at 8:45 p.m., adjourned until Wednesday, September 30, 1992, at 8:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 1992:

THE JUDICIARY

DENNIS G. JACOBS, OF NEW YORK, TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

ANITA A. BRODY, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING THOMAS B. RODINO, AND ENDING KENNETH T. VENUTO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 9, 1992.

COAST GUARD NOMINATIONS BEGINNING ROGER W. BOGUE, AND ENDING FRANCIS L. SHELLEY III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 9, 1992.

COAST GUARD NOMINATIONS BEGINNING ADESTE F. FUENTES, AND ENDING KRISTIN A. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 15, 1992.

COAST GUARD NOMINATIONS BEGINNING ROBERT J. FULLER, AND ENDING CARRIE M. STOFFEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 25, 1992.

EXTENSIONS OF REMARKS

DESPITE GAINS, DEAF STILL FACE FRUSTRATIONS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. STOKES. Mr. Speaker, recently, an article which appeared in the Cleveland Plain Dealer newspaper caught my attention. In the article a reporter examined the many problems which confront members of the deaf community. It was determined that despite new laws, advanced technology, and other gains, obstacles in communicating still exist, creating additional hardships for those who cannot hear.

One of the persons spotlighted in the article is Mr. Charles Williams, a member of the hearing impaired community who resides in my congressional district. Earlier this year, I selected Mr. Williams to serve as my congressional senior citizen intern in Washington, DC. In my meetings with him and throughout his internship, I found Mr. Williams to be an articulate and convincing spokesman on behalf of the hearing impaired.

Mr. Speaker, I urge my colleagues to take a moment and read the Plain Dealer article. While we applaud the enactment of the Americans With Disabilities Act, this article is a strong reminder of what must be done to assist those who cannot hear as they seek to lead independent lives.

DESPITE GAINS, DEAF STILL FACE FRUSTRATIONS

(By Karen Farkas)

Many would say Charles Williams has succeeded as a deaf man in a hearing world.

He retired from a fulfilling job, can communicate orally and is active in many organizations.

But he is frustrated by the slow progress in his quest to make life better for himself and others who cannot hear.

Despite new laws, technology and other gains for the deaf, problems in communicating still exist—leading to continued distress as they try to lead independent lives.

"People tell me to 'be patient,' as they try to understand what I say or my requests for TDDs (telecommunication devices for the deaf)," said Williams, 61, of Cleveland Heights. "They insult me when they use those words. I have waited 40 years and I only have one life."

As the annual Ohio Deaf Awareness Week begins tomorrow, some deaf people in Northeast Ohio say there has been some success. Prior federal law and the enactment this year of the Americans With Disabilities Act give them clout in seeking jobs and requesting interpreters or other aids so they can work and communicate more effectively.

Technical achievements allow communicating by computer or facsimile machines as well as pay telephones, which also have capabilities for TDD. The machines allow the deaf to type their communication. Close-captioned television programs are now available.

A statewide telephone relay system to link the deaf to the hearing world via TDD will be in place next year. College students can receive a foreign language credit for American Sign Language, and it is taught in some school systems.

But the deaf also said that while the Disabilities Act may help a deaf man or woman who has a job, it does not make it easier to get hired. They say there is a shortage of interpreters, many deaf people cannot afford the new technology and they have been unable to garner the support others with disabilities have because of communication problems.

"Deaf people are at the bottom of the priority list," said Verne Taylor Jr., of Brunswick. "When I went to Columbus to try and get money, the officials saw all these people in wheelchairs or the blind with dogs. I was the only deaf person. They got all the money. Why? Because we are invisible. Our disability isn't apparent."

Williams said the blind and those with other disabilities are better advocates for their needs because "they pick up a phone simple and easy. The deaf would be good advocates if they had the communication skills. Hearing people feel deaf people would take up too much of their time to communicate."

Taylor, a woodworker who is a former licensed practical nurse, is active in the deaf community. He said it is important that the hearing world have a more open mind about deafness.

He and other deaf advocates say it's not that people deliberately discriminate against the deaf; it is simply that the public does not understand the deaf have a right to an interpreter if one is requested and TDDs should be available in public places and businesses.

Instead, most people wrongly believe a hearing parent or relative can provide interpretation, a hearing neighbor can make the phone calls or the deaf can write what they want.

"In general, the deaf community has found itself consistently on the periphery of the hearing world figuring out how to get in," said Bernard Henri, executive director of the Cleveland Hearing and Speech Center. "Unfortunately, the hearing world has some very poor beliefs and attitudes in regard to deaf persons. You still hear 'deaf and dumb.' The hearing world believes 'Because you are not able to communicate like I communicate, something must be wrong.'"

When Florian Grim applied for a job at Lincoln Electric Co. in the 1940s, most able-bodied men were at war, yet it took at least five requests before the deaf man was hired.

He said he was an oddity and even drew the scowling attention of the company's president, James Lincoln, who watched him work at a lathe for an hour. Then Lincoln indicated to the foreman that Grim had done good work.

"Lincoln said he never believed a deaf person could work," Grim, 73, recalled. "He thought the insurance would not cover it. If there hadn't been a war, they would have pushed us deaf people aside."

Jenny Jaske found the same apprehension 40 years later. Jaske, who can speak as well as use sign language, has a degree as a dental hygienist from Lakeland Community College.

"When I applied for a job the dentist couldn't believe I could do it," said Jaske, 28, of Lyndhurst. "He asked me to work for him one day without pay and I did. He was surprised I could do it and hired me. There are still people out there that don't realize deaf people can work."

About 25,000 of the 125,000 hearing-impaired people in Cuyahoga, Lake, Lorain, Geauga and Medina counties are deaf, said Mary Ann Jividen, chairwoman of community services for the hearing and speech center.

"The (Disabilities Act) is very good and I feel it gives deaf people more opportunities to get equal rights," said Jividen, of Chardon. "But while deaf people have the right to get an interpreter, businesses do not think they have to pay for it."

Henri said a local hospital recently treated a deaf youngster who had a vision problem. "They did not want to get an interpreter," he said. "They said, 'If we have to, we do not want to see those people anymore.' They did not think one was needed."

Henri and Jividen said it is unfair to ask a hearing relative to interpret because it puts undue stress on the family. "You do not want to talk about personal medical problems through a daughter or son," Henri said.

Both of Jividen's daughters can hear. "Long ago, deaf people relied on parents, brothers and sisters to help," she said. "When a hearing child was born, he or she almost had to become an adult because he was burdened with the parent. That should not happen now."

Lori Henderson, president of Deaf Services of Cleveland Inc., recently met with a group of doctors discussing a case involving a deaf patient. "One question a lot of doctors asked was, "Can't I just use your family to communicate?" she said. "If communication is the cornerstone of your treatment, you want someone there who is objective and does not fall apart when giving diagnostic information."

Henderson said her agency recently provided interpreting services for a deaf defendant at a pretrial hearing in Lakewood Municipal Court, but the court refused to pay the $60 fee.

"There is no question the deaf person had the right and liberty to request interpreting services," she said.

Rosemary DeJohn, the assignment commissioner/chief bailiff at the court agreed, but said official procedure was not followed.

She said Judge Patrick Carroll will not pay for an interpreter unless one is requested. "This person was not appointed by the court, and it is as if you went out and hired your own counsel," DeJohn said.

While Jividen, Henderson and others seek access to more interpreters, Williams' battle is for more TDDs, which must be made available to deaf people who request them under the Disabilities Act. He said it costs about $200 for such a system in a school or business.

He said Oxford Elementary School initially balked when he requested it to provide a TDD so officials could contact him about his

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• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

daughters, ages 7 and 10. "School officials refused until I filed a complaint with the EEOC," he said.

And even when there is a TDD, such as at utilities, many include the message that the deaf will receive a response a day later, he said.

"If your power is out, you have to get a hearing person to call," he said.

Williams worked for the Cuyahoga County engineer's office for 35 years and retired as superintendent of the Brooklyn yard. His Cleveland Heights home has several TDDs, a closed-caption machine for his television, a signal if his smoke detector is activated and a light that flashes when his telephone rings. He also has a portable TDD.

"People of low income can't afford this," he said.

He said many deaf people find jobs with the federal or state government because they must follow guidelines, or at smaller businesses, because the deaf are often willing to work at lower-paying jobs.

Bob Fleck said he found a job at what is now TRW because there was a war. Fleck, of Cleveland, said he had a good job until the war ended, then he was made third-shift inspector. He said he was only able to get a promotion in the 1970s after he pointed out the passage of the Rehabilitation Act of 1973, which prohibits discrimination.

Mark Franklin of Parma said he was placed in a learning-disabled class in his hometown of Lima because of the lack of deaf awareness. He now has an accounting degree and works at Ohio Bell Telephone Co.

"I prefer being out in the world," he said. "I hate to hide. It will take time for a lot of things to change, but business is not in a big hurry."

Jaske, the dental hygienist, said she was discouraged at Mayfield High School when she sought to enroll in advanced classes. "They said it is too hard, and I couldn't do it," she said. "I was still being held down."

Jean Cox, 28, of Garfield Heights, also attended Mayfield High School. She works as a data coordinator at a steel company. The woman she replaced answered the telephone, she said. "My boss told me not to worry because the fax would take care of it," she said. But she wondered if she would be denied a promotion because she could not use the phone.

She said officials are pleased with her work. "They said I get more work done because I can concentrate and don't stand around talking all the time," she said.

"Things are still the same," said Linda Mahmood, president of the Ohio Association of the Deaf in Cleveland. Mahmood, of Rocky River, is a federal account clerk.

"I have a degree and can prove I can work but they look at experience," she said. "You struggle for job promotions and they demand competency in oral and written communication. That is discrimination."

But some in the deaf community said all the blame can't be attributed to those who hear.

"Part of it is our fault; we have to be more assertive," said Mary Ellen Czlabniak, of Cleveland.

Taylor agreed. "Deaf people take advantage," he said. "People will say 'A hearing person will do this for you,' and we say 'OK' and let it happen."

NEED FOR MORE RESTRAINT, NOT SALES OF WEAPONS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. FASCELL. Mr. Speaker, ever since the successful end of the war against Iraq, a bipartisan majority in Congress has called upon the executive branch to avoid business-as-usual arms sales to the Middle East region and to negotiate a multilateral arms restraint regime to limit future arms sales. This congressional initiative as contained in Public Law 102–138 is consistent with the President's remarks before a joint session of Congress on March 6, 1991: "It would be tragic if the nations of the Middle East and the Persian Gulf were now, in the wake of war, to embark on a new arms race."

This congressional effort was intended to jump-start the process toward restraint, to challenge ourselves and the international community to cooperate in stemming the flow of arms to the Middle East and to promote lasting peace in the region. The President endorsed this position on May 29, 1991, when he called for negotiations among the "Perm Five" for purposes of establishing a multilateral arms restraint regime. After three rounds of talks, there has been some progress toward greater transparency and consultation among arms suppliers, as well as an agreement in principle to common guidelines, as noted in my previous RECORD inserts dated October 24, 1991, and November 1, 1991.

Over the past 2 years, the Committee on Foreign Affairs has sought reassurances from the administration that the United States is indeed leading the effort to end business-as-usual arms sales. Yet throughout the oversight process, we have remained unconvinced of the administration's commitment to restraint. There is a troubling discrepancy between the administration's rhetoric and the reality.

Consider the following: the United States has had the highest share of arms transfer agreements with the Middle East—50 percent—since 1988. In 1991, the United States ranked first in Third World arms transfer agreements at $14.2 billion, 75 percent of which—over 10 billion dollars' worth—were with the Middle East. Since the end of the gulf war, there have already been over $20 billion in U.S. agreements, with over $10 billion being proposed by the Bush administration in this month alone.

Multibillion dollar arms sales—F–16's to Taiwan and F–15's to Saudi Arabia, for example—raise many sCMDerious questions about the credibility of United States foreign policy in the post-gulf war and post-cold-war era. It is short-sighted to stimulate the arms race for purpose of redressing economic problems in the United States. We cannot and should not rely on defense spending to bring about a long-term domestic economic recovery.

With these thoughts in mind, Congressman LEE HAMILTON and I issued a joint statement earlier this week on a new CBO study entitled "Limiting Conventional Arms Exports to the Middle East." This study makes a pathbreaking contribution to the search for more effective regional arms restraint. This study explores the political and economic feasibility of both qualitative and quantitative limits on transfers of conventional weaponry. The study examines policy options involving some 5 to 10 of the world's largest suppliers. Even without Chinese participation, such a group could control over 90 percent of the world's arms trade. The arms control options in this study deserve careful consideration by the United States and other large arms exporters.

Recent decisions by the administration to continue its multibillion dollar arms trade could accelerate a new round in the regional arms race. Many of us are concerned that continuing to sell arms for domestic and economic rather than foreign policy reasons will work against the Middle East peace process, thwart efforts to promote diplomatic rather than military solutions to regional disputes, and undermine international efforts to develop an effective multilateral arms restraint regime.

These and other concerns are reflected in my opening statement during the September 23 Arms Control Subcommittee hearing on the F–15 sales to Saudi Arabia and in my September 28 joint statement with HAMILTON on the CBO study. The complete texts of these statements now follow:

STATEMENT OF HON. DANTE B. FASCELL

Good morning. Today, the Subcommittees on Arms Control, International Security and Science and Europe and the Middle East are meeting in joint session to receive testimony relevant to the administration's announced decision to fulfill a request from the Government of Saudi Arabia to purchase 72 F-15 E line production aircraft which have now been redesignated as the F-15 XP. While many would say if it comes off an E line, flies like an E line and quacks like an E line aircraft, it must be an E line aircraft—I guess we'll just have to assume that XP stands for "Extra Planes" or "Extra Plus." And by that, I mean that "Extra" aircraft "Plus" more aircraft in the Middle East equals what appears to be a return to "business as usual" in arms sales in the Middle East, despite this Committee's commitment and enactment of legislation calling for conventional arms control in the Middle East.

At the outset I must say that I have no illusions that this sale will be prevented or disapproved. Our nation's economy is in such straits as we have no other alternative but to proceed with the sale of F-15's to Saudi Arabia, F-16's to Taiwan and Greece, satellite sales to the People's Republic of China for launch on board the Long March Missile, and a host of other notifications that have been forwarded to the Committee since the end of July. And here, I would like to set the record straight.

On July 20th and again on August 11th, officials of the executive branch met with staff of the House Foreign Affairs Committee in advanced consultations with respect to an array of notifications the administration wanted to proceed with pursuant to sections 36(b), (c) and (d) of the Arms Export Control Act. These types of consultations are normal, legally required and part of the process through which this Committee reviews all pending arms sales. And, let me tell you for the most part, it's a good process and for the most part, it's a process that works. At the same time, I am a little dismayed by the fact that if you total these notifications, you will find that the Committee on Foreign Affairs has before it some $18 billion in arms sales to review. Of that amount, $9 billion is included in the sale of these 72 F-15 XP aircraft to Saudi Arabia (which I know to be a valuable friend and ally of the United States in the strategically and economically important Persian Gulf region).

This sale is far from controversial. I can readily make a case for the logic behind its notification. Saudi Arabia is located in an extremely volatile region of the world. Saudi Arabia faces uncertain threats from a known belligerent enemy and potential enemy to the North with military forces in far superior numbers to those of Saudi Arabia. This sale will allow Saudi Arabia to buy time in the event that we are needed there again. This sale keeps an existing production line going at no taxpayer expense per se. It allows us the opportunity to purchase additional F-15 aircraft at some future date should the need arise. That's the logic. We've heard it before and today, we shall hear it again. But today, we are hearing it under conditions of abbreviated Congressional review.

Normally, Congress enjoys a period of twenty days of informal review of an arms sale which is then followed by a period of thirty days of formal Congressional review of such sales. And, while the administration can say they are satisfying the arms sales review procedures required by law, I wonder if they can truly say they are satisfying the spirit of that law. Here again, I would like to set the record.

On November 26, 1991, Mr. Hamilton and I were joined by five of our colleagues in signing a letter to the President with regard to arms control in the Middle East. We followed this letter with a second letter regarding the potential sale of F-15 aircraft to Saudi Arabia on March 17, 1992. In the latter case we enunciated our view and expectation that any decision regarding the potential sale of F-15 aircraft to Saudi Arabi be carried out consistent with the spirit and requirements of the Arms Export Control Act, and Public Law 102-138.

In response to those letters, General Scowcroft advised us on February 11, 1992 and again on April 22, 1992 that any decision regarding the potential sale of F-15 aircraft or other defensive systems to Saudi Arabia would be preceded by advanced consultations with Congress. I should also add that this commitment to "advanced and extensive" consultations with Congress—specifically the Committee on Foreign Affairs, on any such sale was again reaffirmed to me by Assistant Secretary of State Richard A. Clarke during a February 25, 1992 briefing on Middle East arms sales before the Committee.

As Congress approached adjournment sine die, I again contacted the President with respect to the potential sale of F-15 aircraft to Saudi Arabia via letter on August 12, 1992 citing all previous correspondence, as well as Assistant Secretary Clarke's verbal commitment to me regarding advanced consultations consistent with the Congressional review requirements of the Arms Export Control Act.

On August 13, 1992 General Scowcroft responded to me by letter stating that "any such sale needs to be carried out in conformity with the Arms Export Control Act." General Scowcroft further assured me that, "if we were to proceed with the sale, the President would do so in a manner required by law." General Scowcroft further added that while the sale was under "serious consideration, no decision had yet been made." In this regard, I take the General at his word.

We know what happened next. On Friday, September 11th the President reached his decision in St. Louis, Missouri when he announced his intent to fulfill this request. On September 14, 1992 the Committee received notification to this effect. The following day, in an effort to meet our responsibilities, the Committee received a briefing with respect to this sale. Nevertheless, as I stated earlier it would seem that its the economic engine that is driving this train. This sale saves existing jobs for a lot of people who deserve to keep their jobs. I can understand that. I can support that. At the same time, I believe one can make a fairly strong case that this sale serves short-term benefits, while potentially contributing to some long-term risks. In addition it fails to solve the fundamental economic problem of maintaining our defense industrial base, while at the same time converting it to civil applications that will serve as a boon to our economy.

That being said, I have four relevant questions. First, in that we all knew that this sale would be coming sooner or later, why did the administration opt for the later date, thereby avoiding the twenty day informal review period and abbreviating the formal thirty day review period? Second, how does this sale square with the objectives of Public Law 102-138—in other words, how will this sale serve to curb the desires of the Governments of the Middle East to continue to purchase more and more weaponry? Third, how will this sale contribute to the nascent Middle East peace process? And finally, how will this sale contribute to solving not the short-term economic difficulties that confront our nation but the long-term economic problems we face?

[News release from the House Committee on Foreign Affairs]

CBO STUDY MAKES CASE FOR NEW APPROACHES TO ARMS RESTRAINT

WASHINGTON, D.C., September 28.—Despite short-term economic drawbacks, restrictions in conventional arms sales could improve Middle East security and lead to long-term economic and security benefits for the United States, according to a new study by the Congressional Budget Office.

Limiting shipments of major defense equipment would most affect Syria, Iran, and Iraq, without compromising the security of Israel or Saudi Arabia, the study concludes.

"Since the end of the war against Iraq, Congress has called upon the executive branch to avoid business-as-usual arms sales to the Middle East and negotiate multilateral arms restraint," said Reps. Dante B. Fascell (D-FL) and Lee H. Hamilton (D-IN) in a joint statement announcing the CBO study.

Fascell, Chairman of the House Committee on Foreign Affairs, and Hamilton, Chairman of the Subcommittee on Europe and the Middle East, noted that the United States has sold over $10 billion worth of arms to the region since the end of the Gulf War, and that pending arms sales to the region total $9 billion. The other major arms suppliers—Russia, China, Britain and France—also continue to sell large quantities of arms.

"This pattern of continuing to sell while stating a policy of restraint does not bode well for progress in negotiating multilateral arms restraint," they said.

The Congressmen noted that the CBO study "is a major contribution to the search for effective regional arms restraint."

Although restraint in arms sales could mean an initial annual $3 billion reduction in American exports, capping growth in Mideast military capabilities could save $10 billion annually by reducing U.S. force planning requirements. "This money could be used to assist the defense industry in its post-Cold War adjustment to a peacetime economy.

"To continue to sell arms for domestic and economic rather than foreign policy reasons will accelerate the Middle East arms race, work against the Middle East peace process, and thwart efforts to promote diplomatic rather than military solutions to regional disputes," the Congressmen concluded.

JOINT STATEMENT BY HON. DANTE B. FASCELL AND HON. LEE H. HAMILTON

Since the end of the war against Iraq, Congress has called upon the executive branch to avoid business-as-usual arms sales to the Middle East region and negotiate a multilateral arms restraint. This congressional initiative, contained in Public Law 102-138, is consistent with the President's remarks before a Joint Session of Congress on March 6, 1991: "It would be tragic if the nations of the Middle East and the Persian Gulf were now, in the wake of war, to embark on a new arms race."

The United States has sold over $10 billion worth of arms to the region since the end of the Gulf War. Pending arms sales to the region total $9 billion. Other key arms suppliers such as Russia, China, France and Great Britain continue to sell large quantities of arms. A pattern of continuing to sell while stating a policy of restraint does not bode well for progress in negotiating multilateral arms restraint.

This CBO study, entitled "Limiting Conventional Arms Exports to the Middle East," is a major contribution to the search for effective regional arms restraint. The study explores the political and economic feasibility of both qualitative and quantitative limits on transfers of conventional weaponry. The study examines policy options that would involve some five to ten of the world's largest suppliers. Such a group could control well over 90 percent of the world's arms trade. The arms control options in this study deserve careful consideration.

One option proposed by CBO would place equal limits on the annual imports of major defense equipment—tanks, other armored combat vehicles, artillery, helicopters, large missile and radar systems, large naval vessels, and advanced combat aircraft—by each Mideast country. According to the CBO study, this type of supplier-imposed ceiling would affect those countries posing the greatest threat to peace and stability in the region—Syria, Iran, and Iraq—without compromising the security needs of Israel. Limits could also help Saudi Arabia, allowing it to achieve parity with Iran and Iraq at lower levels of weaponry.

With respect to the billion-dollar sales proposed in recent weeks, we are deeply disturbed by the Administration's willingness to compromise longstanding foreign policy principles. It is short-sighted for the United States to rely on arms exports to promote job security. Our long-term economic and security interests are better served through investment in defense conversion and civilian job-training rather than arms export promotion. CBO estimates that restraint in arms sales could mean an initial $3 billion reduction in annual arms U.S. exports, but that capping the growth in Mideast military capabilities could save $10 billion annually by reducing U.S. force planning requirements. This money could be used to assist the defense industry in its post-Cold War adjustment to a peacetime economy.

To continue to sell arms for domestic and economic rather than foreign policy reasons will accelerate the Middle East arms race, work against the Middle East peace process, and thwart efforts to promote diplomatic rather than military solutions to regional disputes.

HONORING JOHN BRATUMIL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. ENGEL. Mr. Speaker, it is with great pride that I today join Troop 145 of the Boy Scouts of America in honoring Scoutmaster John Bratumil for 61 years of devoted service.

It is a well-known fact that young men who are active in the Boy Scouts develop an appreciation of our democratic system and the tools needed to succeed in society. It is through dedicated leaders such as John Bratumil that these valuable lessons are taught. It is virtually impossible to calculate the number of lives that have been touched in a positive way by John Bratumil as a result of his 61 years in Scouting. I am sure that each Scout who has known him, as well as all the people who have in turn been assisted by those Scouts, owes John thanks for his efforts.

I, too, join these people in thanking John Bratumil for dedicating so much time and energy to benefit others. He has truly upheld the great principles of our democracy, as well as the high standards valued by the Boy Scouts of America.

NATIONAL RADIOLOGIC TECHNOLOGY WEEK

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. ROEMER. Mr. Speaker, today I have the privilege of recognizing today the outstanding services of the radiation therapists at St. Joseph's Radiation Oncology Center in Indiana's Third District which I represent. Because excellence and good deeds are always worthy of recognition, I would like to recognize the achievements of these therapists. National Radiologic Technology Week will be celebrated November 2–6 of this year, honoring health care professionals in the fields of diagnostic radiology, nuclear medicine, and radiation therapy.

I share the belief that the health of all citizens is a major concern and responsibility of health care professionals serving the citizens of this community. I also believe that the qualified practitioners who specialize in the use of medical radiation and imaging techniques to aid in the diagnosis and treatment of diseases share a commitment to bring the people of this community a safer environment now and in the future.

Futhermore, Mr. Speaker, the St. Joseph's staff members in radiology are dedicated to the highest standard of professionalism and continually maintain those standards through education, lifelong learning, and personal commitment. Moreover, I would like to recognize National Radiologic Technology Week in its focus on the safe medical radiation environment provided through the skilled and conscientious efforts of the following radiologic technologists:

Tami L. Hock, R.R.T., C.M.D.;
Michael J. Langenbrunner, R.T.T.;
Annette M. Lent, R.T.T.;
Tonia J. Osbourne, R.T.T.;
Cynthia S. Watkins, R.T.R.;
Christine E. Weaver, R.T.T.; and
Jodie A. Wells, R.T.T.

Mr. Speaker, I would like to acknowledge the outstanding achievements of these professionals, not only through excellence in the quality of the services they provide, but also through the kindness and empathy they show to their patients. The public wants and deserves assurance that they are receiving quality radiologic services with a minimum of radiation exposure. Knowledge of the education and professional commitment by credentialed radiologic technologists provides this assurance. I am pleased to recognize the efforts of these special people.

LOOK, LISTEN, AND LEARN THE FACTS ABOUT THE CANADIAN HEALTH CARE SYSTEM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. DINGELL. Mr. Speaker, in this election year much attention has rightly been focused on reform of our Nation's health care system. As health care costs continue to spiral out of control, a growing number of Americans are being priced out of the health insurance market.

Unfortunately, the rhetoric of the election season has not yet translated into action. Misinformation and confusion about this complex issue have slowed serious debate.

Nowhere is this more evident than in our discussion of national health insurance. False, irresponsible, and inaccurate stories about the Canadian health insurance system have been used as excuses to thwart discussion of implementing comprehensive reform in the United States.

We must correct these misimpressions and begin serious debate. For this reason, I commend to my colleagues attention the following New York Times article entitled "Canada's Medical System Is a Model. That's A Fact."

No new health care system will be perfect. This truth must not, however, prevent change. Difficult details can be addressed and reform created through reasonable compromise. As a country, we simply cannot afford to wait much longer.

CANADA'S MEDICAL SYSTEM IS A MODEL—THAT'S A FACT.

(By Theodore R. Marmor and John Godfrey)

NEW HAVEN.—Critics of Canada's medical care system contend that it is no model for America and that its good reputation vastly exceeds its mixed performance. Their claims that Canada's program is less effective, and no less costly than America's, and that it is beset by horrific waiting lists and unhappy doctors, are caricatures.

This myth-making is predictable. Because Canada has restrained its health care costs more successfully than we have, those who feed at America's $800 billion medical feast are frightened. Hence, Canada-bashing by special interests like the American Medical Association and Health Insurance Association of America, a trade association. After all, cost control means reducing the medical providers' income—the one unassailable axiom of medical economics.

Actually, Canada provides an attractive model for American reform. Canada (like most industrial democracies) combines universal health insurance with clear political accountability for raising and spending money for health services, and for the quality of the care the money buys.

Yes, Canada has its problems and, no, its national health insurance program (known as Medicare) cannot be directly transplanted. But Canada balances access, cost and quality in ways the U.S. should find instructive.

Primary and emergency care, universally insured, are readily available. No financial or administrative barriers prevent patients from seeking the services of any family doctor. Canadians are not assigned doctors from approved lists, but rather choose them: It is that simple.

Canadians visit physicians more often than Americans do and are highly satisfied with the service and the system. With a single insurer, the provincial government, there is far less paperwork for patients and doctors. More important is the widespread sense of security that comes from knowing that illness, however catastrophic, never results in financial disaster.

Are some high-tech items in shorter supply in Canada than in America? Undoubtedly. Were America to disappear, Canada would have the world's most ample supply of intensive-care units and diagnostic machinery. The real question is whether the U.S. is oversupplied with marginally effective high technology, not whether Canada is in the medical stone age.

Are there delays and waiting lists? Some, particularly for non-emergency heart surgery and hip replacement. The waiting is, however, hardly serious. Government statistics show that 96 percent of Canadians over the age of 15 get their care within seven days of requesting it.

Nevertheless, critics in conservative American think-tanks such as the Heritage Foundation propagandistically tell stories of endless waiting in Canadian medicine. The reality is far less worrisome, but the media communicate the misinformation by repeating its anecdotes.

Is Canadian care as expensive as ours? In 1991, Canada spent about 9.2 percent of its national income for medical care while the U.S. spent 12.3 percent; the proportions for 1971, the year Canadian Medicare became universal, were 7.3 percent and 7.4 percent, respectively. So, over two decades Canada learned how to insure everyone while spending less.

Doubters will object that Canada achieved this result by faster economic growth, not by less medical spending; this is partly true, but so what?

Controlling costs means living within one's means. Canada, with a health budget, decides what to spend for care. Budgetless America learns about its health costs only after the fact; few celebrate the result.

Those who attack Canadians' health insurance claim that their nation's social circumstances are so different from ours that nothing can be profitably learned by looking north. Such arguments are wildly exaggerated or simply inaccurate.

We are told Canada has proportionately fewer costly patients—the old and the poor. In fact, 11 percent of Canada's population and 12.2 percent of ours is over 65, a trivial difference, especially when contrasted with those of Germany and Sweden (where 16 and 17 percent of the citizenry, respectively, is old), which provide less costly medical care than we do.

Yes, there are proportionately fewer poor Canadians. But the implication that our exploding medical costs are caused by treating the poor—millions of whom are not insured and received little care—is mistaken.

We read that the Canadian medical system works well because of the country's disciplined parliamentary democracy. Yes, it does work well, but not primarily for that reason. Canada's supposedly disciplined Government has a budget deficit comparable to ours, and its federal system is in danger of collapse from Quebec separatism. Most Canadians love their Medicare but view government no more favorably than we do.

Canada is the country closest to ours in wealth, geography, ethnic diversity and patterns of medical practice. If we cannot learn from Canada, we cannot learn from any country

COUNTRY MUSIC CAPS OFF BANNER YEAR

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. CLEMENT. Mr. Speaker, tomorrow night, the country music industry will celebrate one of its brightest nights with the presentation of the Country Music Awards.

Artists, musicians, songwriters, industry executives and country music fans will meet in the Opry House to pass out honors to the best and most talented individuals and groups country music has to offer. It will not be an easy chore inasmuch as each of the nominees in 12 award categories is deserving in his or her own right.

This is the 26th Annual Awards presentation by the Country Music Association. And, like last year, it will be broadcast nationwide beginning at 9 p.m.

I urge my colleagues and Americans everywhere to join in the evening's celebration. Country music is more popular now than ever and the award's program promises to showcase the very best it has to offer.

In advance of the program, the Associated Press released a story which I have added to my remarks.

Country Music Caps Off Banner Year

(By Joe Edwards)

Nashville, TN.—What a year for country music!

Garth Brooks tops both country and pop album charts. Billy Ray Cyrus' "Achy Breaky Heart" spurs a craze over line dancing. Wynonna Judd leaves mom at home and goes solo.

Country music honors its best Wednesday, September 30 by handing out awards and showcasing its top stars for a national TV audience.

The Country Music Association will announce winners in 12 award categories and two new members of the Country Music Hall of Fame.

Additionally, a top notch lineup will perform during a live two-hour special beginning at 9 p.m. EDT on CBS–TV.

This is the 26th year the association has presented its awards. The TV show customarily commands strong TV ratings, with last year's program finishing No. 3 in the weekly A.C. Nielsen Co. ratings.

This year's show will trot out major stars current and past beginning with Garth Brooks, who has sold 19 million albums to become the biggest selling singer in any style of music this decade.

He is scheduled to perform, then will take a seat to see if he wins the top award entertainer of the year for the second straight year.

Also scheduled to perform is country music's newest sensation, a former car salesman named Billy Ray Cyrus. An unknown last spring, he shot to fame over the summer with "Achy Breaky Heart," the biggest single crossover record out of Nashville in years.

Cyrus is a finalist for single of the year and best video, both for "Achy Breaky Heart."

Among the others scheduled to appear on the show are Dolly Parton, Wynonna Judd, Tanya Tucker, Clint Black, Kathy Mattea, Lorrie Morgan, Steve Wariner, Brooks & Dunn, Pam Tillis, Mary-Chapin Carpenter, Alan Jackson and Trisha Yearwood.

Vince Gill and Reba McEntire will be cohosts of the program, which will originate at the Grand Ole Opry House.

Country music will dip into its past era to induct one performer into its hall of fame. Finalists are Don Gibson, Marle Haggard, George Jones, Willie Nelson and Ray Price. Jones also is scheduled to perform.

In the non-performing category, finalists for the shrine are producer-businessman Harold W. Daily, producer Don Law, recording executive Ken Nelson, song publishing executive Frances Preston and broadcasting executive Irving Waugh.

Honors will be announced as three country music albums are in the top 10 of the pop music charts. They are Cyrus' "Some Gave All," No. 1; Brooks' "Beyond the Season," No. 4, and Gill's "I Still Believe in You," No. 10.

Brooks' "Ropin the Wind," which has sold 8 million copies, is a former No. 1. It's now No. 20 after more than a year on the charts.

TRIBUTE TO ED JENKINS

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. BARNARD. Mr. Speaker, it is with a sense of pride and an equal sense of sadness that I rise today to pay tribute to my colleague and dear friend, Ed Jenkins, who is retiring at the end of this year.

Ed and I were both elected in 1976 to represent adjoining districts in Georgia. We have served together in the House of Representatives for 16 years and as codeans of the Georgia delegation for 7 years. We have voted together on most issues, except where Ed had a temporary lapse of judgment.

Ed has been on the Ways and Means Committee for 16 years where he has cemented his reputation for being a tough negotiator with a shrewd understanding of tax policy. He has pushed an aggressive agenda of: Lower capital gains tax; a reduction of estate and inheritance taxes on family owned farms and estates; an exemption from unrelated business income tax for corporate sponsorship of college bowl games and the Olympic games; fair tariff protections for the textile industry; extension of the research and development tax credit; and restoration of the pre-1986 tax treatment of installment sales.

Ed has also been a conscientious representative for his constituents in the 9th District. He has fought for and won more protection for the Chattahoochee National Forest, a fairer reimbursement formula for rural hospitals, and improved Corps of Engineers' management of the lakes in his district. On national issues he supports a balanced budget amendment, promotion of small business growth, and equitable tax policies for all income groups.

But, Mr. Speaker, these are only the statistics of a man who has dedicated a great part of his life to public service. Those of us who have been privileged to work with Ed know him as a stalwart friend and an honest colleague.

And so today it is appropriate that this Chamber recognize the service of Ed Jenkins. Today the House will consider a bill I introduced to rename Springer Mountain National Recreation Area in the Chattahoochee Forest as the Ed Jenkins National Recreation Area.

This recreation area was created in the bill Ed introduced in 1991 to designate an additional 33,000 acres in the Chattahoochee Forest as wilderness or scenic land. In 1984 and 1986 he gave similar protection to 57,000 acres.

Growing up in the north Georgia mountains gave Ed a personal understanding of the beauty and value of this land. He also understood that we must move to preserve these resources from over development, negligence, and misuse. His personal dedication to the beauty of the mountains led to protection of nearly 90,000 acres in the Chattahoochee Forest.

Mr. Speaker, Ed Jenkins has been a courageous Member of this Chamber, a servant to his district, and a friend to us all. I urge all my colleagues to honor his accomplishments through passage of the bill, H.R. 6000.

IN SUPPORT OF THE CONFERENCE REPORT ON H.R. 5679, VA-HUD-INDEPENDENT AGENCIES APPROPRIATIONS FOR FISCAL YEAR 1993

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mrs. LOWEY of New York. Mr. Speaker, I rise in support of the conference report on H.R. 5679, the fiscal year 1993 appropriations bill for the departments of veterans' affairs and housing and urban development and various independent agencies.

I want to compliment the Chairman of the Subcommittee, Mr. TRAXLER, for his excellent work in assembling this legislation in an extremely demanding year. The combination of shrinking budgets and election year pressures, no doubt, made the work of the gentleman from Michigan and the other members of the committee exceedingly difficult.

This legislation is a reflection of their hard work and genuine statesmanship. It wisely balances support for maintaining the effectiveness of essential existing programs, while providing funds for innovative new approaches to solving our Nation's problems, in areas as diverse as veterans' health care, drugs in public housing, and water pollution control.

Mr. Speaker, I want to take this opportunity to express my appreciation to the chairman for including several provisions in the conference report on H.R. 5679 that are of great importance to Westchester County and the New York metropolitan area.

I am very pleased that the conferees were able to fund our request for $2 million for the New York Medical College's computerized medical information network. I want to point out, however, that the conference report, as printed in the CONGRESSIONAL RECORD, contains a small technical error where it refers to New York City Medical College. It should read, New York Medical College.

The legislation will enable the college to develop a computerized medical information network that will link the college with approximately 30 other affiliated hospitals in the region. By improving the region's medical information infrastructure, the project will improve the delivery of health care for patients and reduce costs.

Upgrading the region's medical telecommunications system will enable hospitals to save money by reducing average hospital stays, improving research productivity, and reducing malpractice claims. Enhancing medical communications in our area will also help facilities use medication more efficiently. This is all designed to translate into improved medical service for underserved communities throughout our region.

I also want to commend the chairman for including $1 million in the report for drug-elimination funding for the Levister Towers housing complex in Mount Vernon, NY. Because it does not have Federal public housing, Mt. Vernon has received very little Federal Housing aid in the past—making it difficult for the city to address problems confronting Levister Towers. This legislation brings needed Federal support to State and local efforts to fight crime and drugs at Levister Towers. These funds will empower residents to take back their neighborhood from drug hoodlums.

These funds will also maximize the effect of long-overdue investments in physical improvements at Levister Towers, which are being funded at the State and local levels. This demonstration grant will provide useful data on how a small Federal investment in drug prevention can help reverse deteriorating conditions at a State-owned facility, and avert much more costly Federal or State intervention later. Most importantly, these funds will give residents of Levister Towers what they deserve: a fighting chance to overcome drugs and crime that threaten their daily lives.

Finally, I want to thank the chairman for raising the level of funding for the national estuary programs by $3 million over fiscal year 1992 and for earmarking an additional $150,000 for the Long Island Sound study. While more funding could have been utilized, this legislation will enable the Long Island Sound study to complete its planning efforts, continue interim clean-up measures, and move on to implementing a long-term strategy for restoring the sound's vital environmental and economic assets. I will be working in the next Congress to reauthorize clean water programs so that the Appropriations Committee has a clear mandate to fund estuary clean-up efforts at the level they deserve.

With this year's VA–HUD bill, the gentleman from Michigan brings to a close a distinguished career in this house. It has, indeed, been a pleasure to know you and to work with you during the last two Congresses. I know I join many of my colleagues in saying that you will be greatly missed.

TRIBUTE TO BOY SCOUT TROOP 430 AND CUB SCOUT PACK 430

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to Boy Scout Troop 430 and Cub Scout Pack 430 of Whitfield, PA. I would like to recognize these two Scout groups for their outstanding achievements and recognize the 25th anniversary of their founding.

Twenty-five years ago, Boy Scout Troop 430 and Cub Scout Pack 430 were founded in Whitfield, PA. These troops have been an integral part of the lives of boys and young men of the Reading area and Berks County ever since. Scouting has been important to the growth and development of many of the area young people. Countless young men have benefited from their involvement with these troops. St. Ignatius Loyola Roman Catholic Church has served as the charter representative for Boy Scout Troop 430 and Cub Scout Pack 430 for their entire 25 years in existence. St. Ignatius Loyola has been very generous and supportive with the Scout groups. I would like to commend St. Ignatius Loyola for its fine contributions to the community through it's involvement with the Scouting programs.

I would like to congratulate Boy Scout Troop 430 and Cub Scout Pack 430 for their 25 years of success and fine work. I ask all of my colleagues to join me in saluting both of these troops and wishing them greatest good fortune and success in the future. I am sure that they will continue to be an important part of the lives of the boys and young men of Berks County.

SOLAR RACE CAR—A WORTHWHILE INVESTMENT

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today a truly remarkable story about the Cal Poly, Pomona Solar Energy Team [CaPSET]. Some people are inclined to think that building a solar energy race car is a wasted effort. However, the CaPSET does not agree. They believe that they are pushing at the forefront of technology in a way that will catch the public's eye and get them excited alternatives to the present methods of transportation.

This excitement began in 1989 when Dr. Michael Shelton was teaching a class in alternative vehicles at Cal Poly Pomona. That semester General Motors sent out 4,000 invitations to universities and colleges to submit proposals for a race across the United States. The class accepted the challenge and responded with a proposal that was one of 32 chosen. Without any experience, they put together a plan that held potential, did extensive research, consulted with industry people, and generated outside support for the project. It had become a university-community project, involving volunteers, students, faculty, staff, industry, and community participants ranging from seventh graders to grandfathers. Among those in the industry who came forward to assist the project through gifts of support and consultations were Lockheed, McDonnell Douglas, the AQMD, and American Honda.

Every stage of the vehicle's development pushed the limits of current technology. The car was custom made and required a one-of-a-kind electric motor drive system which had to operate at a level of efficiency not previously expected or demanded. Each element of the car required new thinking and design, even down to the battery. The project depended on people who were taught about combustion engines being able to rethink the very basic construction of a motored vehicle. Usually, vehicles are made of steel and metals. This vehicle had no interior metals at all, only a structure of carbon composites.

CaPSET has successfully developed two solar energy cars, and is looking to build its third in 1993. The current vehicle, Solar Flair, has done very well for itself. It has taken first place at the APS Solar Electric 500 and placed first at the Tour de Mendo, part of the Solar Energy Expo and Rally. It represented the United States at the Grand Solar Challenge in Japan by invitation of the United States Department of Energy. The new vehicle which is in the design stages, is scheduled to race in the Sunrayce 1993 as well as the World Solar Challenge in Australia. They are obviously doing something right. The efforts of these pioneers deserves to be recognized and encouraged as we struggle to find ways to balance our environmental concerns with the desire for an efficient and effective means of transportation.

NATIONAL FARM SAFETY WEEK

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. DURBIN. Mr. Speaker, I rise today to call attention to a vitally important issue in rural America—farm safety. Congress, the administration, and the men and women who own and operate family farms throughout our Nation joined together last week in recognizing National Farm Safety Week.

It may interest my colleagues, those who represent both urban and rural districts, to know that despite recent decreases in overall work-related accidents, agriculture still proves to be the most hazardous U.S. industry. Farming has surpassed mining and construction as the Nation's deadliest occupation. In 1989, for example, an estimated 1,300 lives were lost and 120,000 disabling injuries occurred on America's 2,087,759 farms and ranches. Victims of farm-related injuries in this country incur approximately $2.5 billion in hospital and rehabilitation costs each year. Farm-related accidents don't discriminate in terms of age. In 1987, 300 children under the age of 16 died and more than 23,000 were injured while using or playing near farm equipment.

To generate increased awareness of this issue, on April 23 and 27, I held two farm safety and health field hearings in Mt. Vernon and Edwardsville, IL. It was my intention to open a constructive dialog on the issues of farm safety and health with representatives of farm groups, industry, educational institutions, medical facilities, and government agencies. On July 27, I convened a group of farm equipment manufacturers and dealers to discuss ways in which these two groups, together with local municipalities, universities, health care facilities, and farm organizations, could work together to confront the deadly issue of farm-related accidents.

It is my sincere hope that our discussions on farm safety raised awareness about this vitally important issue and helped develop ways to coordinate efforts and work together. Over 20 panelists joined me during the three hearings and my Illinois colleague, Representative JERRY COSTELLO, participated in the Edwardsville forum. Their testimony, along with input from the general public, helped me establish a plan to address the very important issue of farm safety and rural health. It is clear, we need education not regulation.

A farm-related accident in America leads to injury nearly 400 times a day, or 1 injury every 4 minutes. This week alone we could see nearly 3,000 farm-related accidents. The National Safety Council estimates that the cost of agriculture accidents exceeds $5 billion each year.

Mr. Speaker, in my home State of Illinois, there are 88,786 farms and 375,000 people engaged in farming activities. Illinois is consistently ranked as one of the top three States in corn, soybean, and pork production. Each year over 20 million acres of soybeans and corn are planted and harvested utilizing nearly 60 million pounds of pesticides and thousands of tons of fertilizers. All this leads to one major hazard—exposure to machinery and chemicals. The greater the exposure, the more likely it is that a farm-related accident will occur.

The University of Illinois Cooperative Extension Service recently conducted a farm accident study in the State. The findings were alarming. It was found that those who worked on 778 randomly selected farms experienced 35.3 injuries per million hours of exposure. This rate is over four times the national rate of 7.9 for all workers, according to the National Safety Council.

I think National Farm Safety Week represents another important step in increasing awareness about the devastating effect farm-related accidents can have on the agricultural sector of our country.

Building coalitions and establishing chapters of organizations to increase awareness about farm safety and health is vital to American agriculture. I think it is important to encourage groups like the American Farm Bureau Federation, the National Farmers Union, and other farm organizations to champion the effort to educate the agriculture community on farm safety and rural health. At the same time, we need to take a moment to recognize organizations like Farm Safety 4 "Just Kids" in Earlham, IA. That group works tirelessly to promote awareness and safety for children on America's farms.

Mr. Speaker, farm safety and health is one of the quieter issues affecting the agriculture community today. However, it is a quiet killer. When we can expect 1,300 people to lose their lives this year and 120,000 to suffer disabling injuries, clearly we need to increase our efforts to promote awareness and safety on the farm. To this end, National Farm Safety Week is an important step in the right direction.

THE 155TH BIRTHDAY OF COL. ROBERT GOULD SHAW

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Ms. MOLINARI. Mr. Speaker, on Sunday, October 4, 1992 a very special event will take place in my district. At Moravian cemetery on Staten Island, there will be a ceremony marking the 155th birthday on October 10th, of Col. Robert Gould Shaw.

Many are familiar with Colonel Shaw's life. He was the commander of the 54th Massachusetts Regiment in the Civil War, whose martyrdom at Fort Wagner in South Carolina on July 18, 1863 was portrayed in the movie "Glory." What most people don't know, is that Colonel Shaw was actually a resident of Staten Island, N.Y.

The movie "Glory" opted to imply that Colonel Shaw and his family hailed from Boston. Actually, the Shaw family did live in Boston, but not for 15 years before, or during the Civil War. In 1846, they moved to the West New Brighton area of Staten Island. Colonel Shaw's father, Francis George, was an ardent Abolitionist, and was instrumental in the founding of the Republican Party, with its antislavery sentiments.

Growing up on Staten Island, Robert Shaw never embraced the abolitionist movement like his parents did. For awhile, he favored the notion of "dis-union," that slave States might go their separate ways from the United States. However, when Fort Sumter was fired upon, Robert volunteered immediately, in response to President Lincoln's call for men. He joined the 7th Regiment of the New York Militia, and believed it was his duty to assist with the protection of our Nation's Capitol.

During the war, an event took place which changed not only the character of the war, but Robert Shaw's outlook as well—the Emancipation Proclamation. For many the Civil War at that point gained a clear moral purpose, it become a war to abolish slavery.

It was Gov. John Andrew of Massachusetts that asked Robert Shaw to command the 1st Regiment sanctioned by a Union State to consist of Black soldiers. To the disappointment of his parents, he declined. But, after contemplating the need for such a regiment in order to win the war, and the risks involved in forming such a regiment, particularly if it was captured by the Confederacy, he changed his mind. At the age of 25, Robert Shaw became the Colonel of the first official regiment of Black soldiers in the Civil War.

People on various parts of the political spectrum expressed doubt and ridicule at the idea of a Black regiment, and some sneered at the notion, offering common racial slurs. But, a visit with Colonel Shaw's regiment, completely changed minds. The Black troops who trained with him were dignified and disciplined, and were gentlemen as well as soldiers.

On July 18, 1863, Colonel Shaw and his troops arrived on Morris Island, near Fort Sumter where the war had begun. Their objective was to seize Fort Wagner, where Confederate soldiers were encamped. Colonel Shaw's regiment was told that there were 300 Confederate troops within Fort Wagner, however there were actually 1,700.

Colonel Shaw led the charge on horseback, while his regiment followed, many of them marching in water. The 54th Regiment was completely out-armed, out-numbered, and out-positioned. Col. Robert Shaw fell before his regiment fired a single shot. Hundreds of his men fell with him and others were captured. At the request of his family, Colonel Shaw's body was not returned to Staten Island, but was buried in the mass grave with the Black soldiers who had fallen with him.

Mr. Speaker, Col. Robert Gould Shaw and the 54th Regiment risked their freedom and gave their lives in order that all of us could enjoy our freedom. They withstood harsh criticisms and proved that all men, regardless of color, can defend our country's principles with courage and distinction. And I am honored to have this opportunity to pay tribute to Colonel Shaw, on his birthday.

TRIBUTE TO CHARLES DE BRETTEVILLE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. EDWARDS of California. Mr. Speaker, it was with deep regret that I have learned of the death of Charles de Bretteville, who passed away recently in Monterey, CA.

I and many of my California colleagues here in Congress were personal and business friends of Charles de Bretteville. He attended Stanford University when I was a student there, and we were personal friends and members of the same fraternity. He was greatly admired and respected by all who knew him. He was a charming, kind, and affectionate friend.

Charles de Bretteville was for many years one of California's most noted and honored business leaders. He had served as president of the Bank of California and of Spreckles Sugar Co. He had served on the board of directors of Shell Oil Co., Safeway Stores, Bishop Oil Co., Clear Lake Water Co., Calaveras Cement Co., Pacific Gas and Electric Co., Western Union, and Ridder Publishing Co.

He was also a founding director of Pacific Bank, a trustee of Menlo College, president of the Pacific Union Club, and a member of the Burlingame Country Club and Cypress Point Club.

A native of San Francisco, he was a graduate of Galileo High School, Stanford University, and Harvard Business School. During World War II he served in the U.S. Navy aboard the aircraft carrier *Bunker Hill* in the Pacific campaign.

Mr. Speaker, the many friends of Charles de Bretteville here in Washington will miss him, and we send sincere sympathies to his widow, Frances; his two daughters, Leslie de Bretteville of San Francisco and Frances Blair of Chicago; two sons, Peter de Bretteville of New Haven, CT, and Charles Lock de Bretteville of San Jose; and eight grandchildren.

HONORING ANGELO MARTINELLI

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. ENGEL. Mr. Speaker, on this 500th anniversary of the historic voyage of Christopher Columbus, our Nation is celebrating the contributions made by many outstanding citizens, particularly those of Italian-American descent. This week in my district, the Yonkers Columbus Day celebration committee is honoring Angelo Martinelli, a person befitting such recognition.

As the former mayor of Yonkers, and through his many affiliations within the community, Angelo Martinelli has been a vital force in Yonkers. Those affiliations are too lengthy to mention here, but in each case Angelo Martinelli brings a dedication to his neighbors and a keen insight of community needs to the task at hand. His work to create economic opportunity and to enhance the rights of every citizen actually extends beyond the borders of Yonkers to many neighboring communities.

I know Angelo's wife, children, and grandchildren share a special pride in his accomplishments. They, too, are to be thanked for allowing him to devote so much time and energy to the community.

Also to be congratulated is the Yonkers Columbus Day committee for organizing this year's events and for honoring such a worthwhile individual. I join the committee in extending thanks to Angelo Martinelli for his many and varied contributions to the people of Yonkers.

RESOLUTION HONORING THE 20TH ANNIVERSARY OF THE NATIONAL HIGH BLOOD PRESSURE EDUCATION PROGRAM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. STOKES. Mr. Speaker, in 1972, some 20 years ago, concerned citizens asked for governmental leadership in assisting the fight with a major health threat, high blood pressure. The result was the formation of the National High Blood Pressure Education Program [NHBPEP], a community-based program with the goal of increasing awareness of both hypertension's dangers as well as ways to prevent and treat this silent killer. Today I introduce a resolution which addresses the continuing recognition of the exemplary achievements of the NHBPEP. This resolution is entitled the "National High Blood Pressure Education Program 20th Anniversary."

The measure is intended not only to recognize the dramatic achievements of the NHBPEP in terms of our Nation's health, but also to continue to raise awareness of a major silent killer affecting 25 to 33 percent of Americans, that is hypertension or high blood pressure.

Hypertension as it is clinically known, continues to pose a major threat to the health of this country. Statistics are alarming in that 60 million Americans are affected by this chronic health condition. Overall, 1 in 4 Americans are diagnosed with high blood pressure and 1 in 3 African Americans have hypertension. Hypertension is the leading cause of stroke and a major contributor to heart disease and renal failure, particularly among African Americans, who have a higher incidence of high blood pressure than whites.

Twenty years ago when the NHBPEP was formed, by a group of concerned citizens, at the community level most Americans had never had their blood pressure checked—today, nearly 80 percent of the U.S. population have had their blood pressure measured within the past year. At that time only 24 percent of Americans were aware of the relationship between elevated blood pressure and stroke and heart disease—now 90 percent are. Twenty years ago, only 16 percent (fewer than 1 in 8) of the population were controlling their blood pressure—now 1 in 2 are. Since the NHBPEP began, the age-adjusted heart disease death rate has dropped by 45 percent and the stroke death rate by 57 percent.

Within the short span of 20 years, the NHBPEP has mobilized 217 organizations at the local, State, and Federal, levels toward a common goal: Eradication and reduction in the premature deaths from hypertension. The NHBPEP continues to play a major role in providing a bridge between research in the basic sciences, epidemiological surveys, and clinical trial with the practical education materials needed by consumers as well as prevention and treatment guidelines utilized in treatment decision making by physicians, nurses and other health care professionals.

So today, I introduce a resolution in recognition of this important program and its historic success.

A TRIBUTE TO A FORMER COLLEAGUE, NEW JERSEY'S MILLICENT FENWICK

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. FASCELL. Mr. Speaker, it was with a full measure of both loss and sadness that I learned of the recent death of a former colleague and friend, Millicent Fenwick.

Mrs. Fenwick was an outstanding Member of Congress for 8 years and a very active and valued member of the Committee on Foreign Affairs where she and I served together.

After a successful career as a writer and editor in the New York fashion world, Mrs. Fenwick chose to devote her life to public service, first as a community volunteer and then in the arena of State and Federal government.

She was elected first to the State Assembly of New Jersey where she served for 3 years. And then, at the age of 64, she was elected to the U.S. House of Representatives from the Fifth District of her State in 1974.

In Congress she devoted much of her energies to fighting for tax fairness, the environment and consumer rights. From a foreign affairs standpoint, she was most proud of the seminal role she played in helping to establish the Helsinki Commission to monitor compliance with the 1975 Helsinki Treaty on human rights. The impact of her work on the Commission was particularly valuable to all of us during the first few years following the signing of the pact.

After leaving Congress in 1982, Mrs. Fenwick was named United States Ambassador to the United Nations Food and Agriculture Organization, where she served her Government for the next 5 years.

The Nation would do well to remember the valued public service of this dedicated woman. Her contributions to the process of government were both determined and substantive.

We would do well to honor her memory and the service she rendered so faithfully to the United States of America and the people of New Jersey.

TRIBUTE TO THE NEW WORLD ASSOCIATION OF EMIGRANTS FROM RUSSIA

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the 10th anniversary of the New World Association of Emigrants from Russia.

In 1982, this nonprofit organization was created in Pennsylvania to meet the needs of the Slavic language speaking people coming to the United States from the former Soviet Union and from Eastern European countries.

The New World Association is a mutual assistance association which facilitates adjustment and resettlement of Soviet and Eastern European immigrants in the Philadelphia area and promotes mutual understanding and cooperation between the community and other ethnic groups in American society.

The New World Association provides English as a second language [ESL] classes to the Russian and Slavic speaking immigrants and offers human services such as translating, interpreting, counseling, and assisting in social programs and employment.

In addition, the New World Association provides the ways and means of preserving the Russian cultural heritage, focusing on language, arts, crafts, traditions, and customs.

Since 1984, over 2,400 students have graduated from the New World Association's ESL, computer and drafting classes. This year there are 347 students, 8 professional teachers, and 6 volunteers. The association has established close cooperative ties with Federal, State, city, and other organizations. Many of its volunteers have been asked to speak on behalf of the Russian community at meetings and seminars.

Over the last 10 years the New World Association has helped hundreds of immigrants in obtaining public assistance such as supplemental security insurance, day care programs and medical assistance and has expanded its programs in working with the youth and elderly.

The New World Association, and its members who donate their time, professional expertise and physical effort, have provided an invaluable service to the Russian and Slavic speaking community of the Greater Philadelphia area.

Mr. Speaker, I join all Russian Americans in Philadelphia in saluting the New World Association of Emigrants from Russia for a decade of service to the entire community.

IN RECOGNITION OF SERVICE BY REPRESENTATIVE WILLIAM BROOMFIELD

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. WOLF. Mr. Speaker, it is a pleasure for me to rise today to acknowledge and thank one of the finest Members of this institution, Representative WILLIAM BROOMFIELD, for his outstanding service to the House of Representatives for the past four decades.

Since 1956, BILL has been an effective Representative for the citizens of Michigan, fighting for their behalf in Congress. He is renowned for his service and attention to his constituents' needs, and he earned the respect and support of those he represents. He has also earned the respect of many with his superb foreign affairs work and support for human rights around the world.

As the ranking Republican on the House Foreign Affairs Committee, BILL has been a dedicated champion of democracy and freedom for all. His support for pro-democracy organizations in Eastern Europe, Nicaragua, Afghanistan, and Grenada was instrumental to the demise of communism and totalitarianism during the Reagan-Bush era. His insistent demands and important work for human rights globally have helped bring about changes and a better life for many. BILL helped win the cold war and bring about a new era of peace, freedom, and prosperity.

BILL has always been a helpful and devoted member of this institution, and I know I speak for all of us when I offer my sincere thanks to BILL for his 36 years in Congress, and wish him all the best for a very happy and safe retirement.

TRIBUTE TO JUDGE C.B. CLARK

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. HUBBARD. Mr. Speaker, I want to pay tribute to one of Kentucky's most outstanding citizens, Webster County judge/executive, C.B. Clark, who died August 18 in a traffic accident at Dixon, KY, at age 66.

Judge Clark, one of the most effective and popular elected officials in Kentucky, was in his 15th year of service as Webster County judge/executive.

Prior to his first being elected to Webster County's highest office in 1977, C.B. Clark served 4 years—1973 to 1977—as Webster County's road foreman.

In 1969 C.B. Clark was elected Webster County sheriff and served in that office 4 years. From 1965 to 1969 he served as deputy sheriff of Webster County.

C.B. Clark's first public office was Webster County magistrate, to which he was elected in 1961.

Many Kentucky officials have praised Judge C.B. Clark. For many years my wife Carol and I have been very fond of Judge C.B. Clark and his wife Melba Clark.

My wife and I attended his funeral on August 21 at Townsend Funeral Home in Dixon. A standing room only crowd of about 300 attended.

Rev. Robert W. Vester, pastor of Dixon General Baptist Church, gave an impressive eulogy as to Judge Clark's work and activities ranging from the progress he brought to Webster County to his devotion to God and Christianity.

I believe a portion of Rev. Vester's comments at the funeral of Judge Clark deserves being quoted in this tribute:

> If a man's success and worth can be measured by the friendships he has, then this man, whose loss we mourn today, was successful beyond measure, and his worth is more than can be conveyed in these words to come.
>
> Acquaintances, friends, colleagues, relatives, and family, we have all gathered as a testimony to the impact that Choice B. Clark, Jr. has had upon all of us. C.B. touched a countless number of lives, as is evident today, with simple style—a style which did not seek adoration or accolades.

Survivors include his wife, Melba; one son, Duane Clark of Dixon; one daughter, Teresa Hibbs of Dixon; four sisters, Amanda Adkins of Wadesville, IN., Dorothy Roberts of Nebo, Naomi Williams of Boonville, IN., and Lila Pritchett of Evansville; two brothers, William French Clark and Elden Clark, both of Dixon; and five grandchildren.

My wife Carol and I extend our sympathy to Judge C.B. Clark's wife Melba and the other members of his family.

SALUTE TO ALBERT J. MANZO, CRISTOFORO COLOMBO SOCIETY'S 1992 MAN OF THE YEAR

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. ROE. Mr. Speaker, I take great pleasure in rising today to pay special tribute to an exceptional community leader. Mr. Albert J. Manzo III has been selected by the Cristoforo Colombo Society as their 1992 Man of the Year. A dinner will be held in his honor celebrating his charitable works on Sunday, October 11, at the Brownstone House in Paterson, NJ.

Mr. Manzo has been extremely active in the community. He can be particularly proud of his participation in the Children's Make A Wish Foundation. He has assisted this worthy cause, raising in excess of $40,000 over the past 2 years. Also, he is currently the president of the Paterson Rotary Club and director of the Lou Costello Memorial. In addition, he is a member of the Italian American Sports Hall of Fame and the North Jersey Country Club.

The Manzo family has been an important part of the Paterson community for many years. Albert Manzo was born on April 20, 1960 to Albert "Tiny" Manzo and Anna Marie Peruzzi in St. Joseph's Hospital in Paterson. As owners of the Brownstone House, a traditional Democratic meeting place, the family has been host to many Democratic organizational events. Albert's father bought the establishment in 1979. The oldest of four children, Al has a sister Patricia who teaches in Paterson as well as two brothers, Tom and Ken who work with him at the Brownstone. He attended elementary school at St. Gerard's in Paterson and graduated from Neumann Preparatory High School in Wayne.

Albert has begun his own family with his wife Caroline. They have three children, Albert IV, Lauren, and Christopher.

Mr. Speaker, it is concerned citizens like Albert J. Manzo who add so much to the social fabric of our society. Without the active concern and participation of individuals such as Mr. Manzo, a community would simply be a congregation of buildings and people. With the powerful work and involvement displayed by Mr. Manzo and those like him, a community blooms as a gathering of homes and businesses populated by neighbors.

Our great Nation is a melting pot of many cultures and creeds, each of whom in their own way adds to the American way of life. Albert J. Manzo's participation with Italian-American groups and with the many charitable activities in his community displays an example to which we may all aspire and take pride in. For his public service and in recognition of the enrichment of the many lives who have benefited from his kindness, Mr. Manzo is the deserving recipient of our praise and gratitude.

Mr. Speaker, I am sure that you and all my colleagues here in the House of Representatives join with me in saluting Albert J. Manzo III.

TRIBUTE TO DANIEL T. MURPHY

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. CARR. Mr. Speaker, I rise today to recognize my friend and colleague, Oakland County Executive Daniel T. Murphy, who is retiring this year. I am glad to have the opportunity to celebrate the outstanding service and accomplishments of this man who has given so much to citizens of southeastern Michigan. As Oakland County Executive, Dan's perseverance and guidance serve as a model for all to follow.

Dan's contributions, both personal and professional, have had a great positive impact on the community. Since 1946, Dan has unselfishly committed his life to providing a safe, healthy, and prosperous future to the people of Oakland County. Dan is an insightful leader and has created countless opportunities for the people of Oakland County. We in Michigan know we are fortunate to have had Dan as a leader—a pioneer who established Oakland County as a model for other local governments in the State of Michigan, other States, and at the Federal level as well. It is testimony to his knowledge and leadership ability that his programs and initiatives provided an example for the entire Nation.

On behalf of those I represent and all those that he serves, I would like to pay tribute to Dan for his many efforts. His hard work and devotion will pay dividends to all of us for many years to come.

LEGISLATION TO AMEND THE U.S. HARMONIZED TARIFF SYSTEM PROVISIONS FOR AGGLOMERATED CORK

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Mr. SCHULZE. Mr. Speaker, legislation amending certain provisions of the Harmonized Tariff System [HTS] of the United States dealing with the classification of agglomerated cork is needed to correct an unintended change in the tariff treatment of certain products that resulted from the replacement of the Tariff Schedules of the United States [TSUS] with the HTS.

Legislation I am introducing today would reinstate the historical tariff treatment with respect to agglomerated cork products which existed for many years prior to the implementation of the HTS. By restoring the tariff treatment for agglomerated cork that prevailed under the TSUS, this legislation will not only make the HTS consistent with the original congressional intent, but will also reduce the cost of cork to U.S. industry and American consumers and will retain jobs in the United States.

I urge you, Mr. Speaker, and our other colleagues to support this important measure.

SENATE—*Wednesday, September 30, 1992*

The Senate met at 8:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their hand.—II Chronicles 7:14.

Eternal God, Father of mercies, help us take seriously this marvelous promise of forgiveness and healing. In the spirit of the Senate resolution to President Lincoln in 1863, we pray. In his proclamation, the President said, "* * * The Senate of the United States, devoutly recognizing the Supreme Authority and Just Government of Almighty God, in all the affairs of men and of nations, has, by a resolution, requested the President to designate and set apart a day for National prayer and humiliation. * * * It is the duty of nations, as well as of men, to owe their dependence upon the overruling power of God, to confess their sins and transgressions, in humble sorrow, yet with assured hope that genuine repentance will lead to mercy and pardon, and to recognize the sublime truth, announced in the Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord.* * *"

Gracious God, we acknowledge our dependence upon You. We confess our sins and transgressions in humble sorrow as we seek mercy and pardon for us as a nation.

In His name who is Lord and Saviour. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 30, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order of the Senate, there will now be a period for the transaction of morning business, not to extend beyond the hour of 9 a.m. this day, with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Arizona is now recognized for not to exceed 20 minutes.

PRESIDENT BUSH'S RECORD ON CRIME

Mr. DECONCINI. Mr. President, this past Monday President Bush addressed the good people of St. Louis, MO, on the crime epidemic that is holding this country hostage. "In too many places," Mr. Bush said, "our grandparents and grandchildren lock themselves behind the bars on their windows, afraid to come out from a jail called home."

I understand this morning he also was on national television attacking Governor Clinton's crime record and expounding on the wonderful things that the administration has done in the area of crime prevention and winning the war on drugs.

However, by all standards, Mr. President, our Government is failing in its No. 1 obligation to its people. By every calculation, we have failed to make the streets safer, or homes more secure, for the law-abiding citizens of this country.

Two days ago, in Fox Park, MO, President Bush declared, and I quote again:

> We've made progress against violent crime, we've slowed it dramatically the past twelve years, and we're beginning to turn the tide on the drugs that so often fuel it.

I do not know where President Bush gets his progress reports, but the FBI, which is part of the administration, his own FBI just reported that the violent crime rate in this country reached a record high last year—a 24-percent increase since 1987. The 25,000 murders in 1991 broke the previous year's all-time record—a record that stood for only 12 months. From 1985 to 1991, robberies jumped 30 percent. Rapes jumped 13 percent. Aggravated assaults jumped 41 percent.

Mr. President, this is how bad it is. In this country called America, a murder is committed every 21 minutes; a rape every 5 minutes. In the time it takes me to say this one sentence, another burglary will have been committed against another law-abiding citizen of this Nation.

The foremost function of Government—our first priority—as Mr. Bush made clear Monday in Missouri, is to "protect every American citizen from violence at home and on the streets." Our No. 1 obligation is to protect our grandmothers and grandchildren from the overwhelming fear stirred up by gang wars, carjackings, and drive-by shootings which are becoming common, daily occurrences, not only in the streets of Washington, DC, the Capital of the greatest Nation in the world, but in Fox Park, MO, and Main Street, U.S.A.

George Bush says he wants protection for the most vulnerable populations of this Nation—for women, children, and the elderly.

I want protection for them, too. I think everyone does. I know that Members on both sides of the aisle are committed to doing something meaningful about crime in this country. And I daresay there is not anyone in this society who does not expect more and want more safety for themselves and their family. But the fact remains that domestic violence is at a record high nationwide. The fact remains that one in four college women in this country is the victim of attempted rape. And 1 senior citizen out of 10 is the victim of elder abuse, including crimes of rape and murder.

So, we must admit that whatever we are doing to reduce crime and illegal drug use in America flatly is not working. This Friday, October 2, marks America's 10th anniversary of our Nation's war on drugs, a war declared by President Reagan in 1982 and escalated by President Bush in 1989. Mr. President, contrary to President Bush's declaration, we have not succeeded in our war on drugs. Today there are more Americans addicted to cocaine than there were 3 years ago. There are almost twice as many heroin addicts; and for the first time ever, more than 3 million Americans are using cocaine, heroin, or both weekly.

Two years ago, White House officials declared that the National Institute on Drug Abuse's Household Survey would be one of their principal yardsticks for measuring the administration's progress in the war on drugs, and they set a 50-percent drop in habitual cocaine use as one of their goals. The 1991 Household Survey is in. President Bush's own yardstick for success shows that weekly cocaine use rose sharply

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

last year as a matter of fact, up 29 percent.

Cocaine- and heroin-related hospital emergencies also jumped dramatically. And these figures do not take into account the skyrocketing number of patients hospitalized as a result of drug deals gone bad. Incredible as it may sound, the United States spent $4½ billion—that is billion with a "B," $4½ billion in treatment for gunshot wounds in 1990 alone.

When President Bush says we are beginning "to turn the tide on drugs," I am reminded of a saying by Mark Twain. He said so many thoughtful things that strike you later in life, at least they do me, than when read at a younger age. One of them was: "Get your facts first," Twain said, "and then you can distort them as much as you please."

The fact is, not only are we not turning the tide on drugs, but we are looking at a twin epidemic of continued cocaine use throughout this decade—coupled with an onslaught of heroin in amounts never seen before. The fact is, heroin now enters this country in greater quantities and reaches the streets at lower prices and more lethal levels than ever before in our history.

In order to wage a real war on crime and drugs, we need to define our mission and commit ourselves 100 percent to its completion, marshal all available resources, and coordinate and command our troops with the best leaders possible.

We addressed ourselves to this task 4 years ago when Congress created the Office of National Drug Control Policy, and placed it under the jurisdiction of the President of the United States. Its mandate was to chart a national antidrug strategy and coordinate the actions of more than 30 Federal agencies charged with carrying out our antidrug mission. Our goal was a truly coordinated plan carried out through highly organized efforts.

Rather than follow through on his inauguration promise that "the drug scourge will stop," President Bush has chosen to play politics with this critical issue. Under the administration of George Bush, the National Drug Control Office has become a dumping ground for political cronies. His drug control office—charged with directing our national antidrug strategy—now has the highest percentage of political appointees of any agency in the U.S. Government. These are men and women with a lot of loyalty to the Republican Party—and I appreciate that—but little or no expertise in drug interdiction, education or treatment. They operate under the command of the former Governor of Florida, Bob Martinez, the drug czar who makes more trips for Republican candidates than he does trips to drug treatment centers. Even Terry Burke, former Acting Director of the DEA, stated that Martinez has politicized the drug czar's office. "Because Martinez is not respected," Burke said, "most agency heads pay him only passing courtesy and pursue their own programs, largely ignoring the overall drug strategy."

Four years ago, then-candidate George Bush promised "nothing less than a modern D-day" attack on drugs coming into the United States. On this promise, President Bush has kept his word to some extent. He has poured $8 billion into countries overseas in an attempt to stop drugs at their source. Unfortunately, the President has distributed this money helter skelter; his international plan does not condition assistance on any concrete results. Not surprisingly, the Bush attempt has failed, and today more drugs are pouring across our borders than ever before. Routes frequently used for the importation of cocaine to the United States are being readied to serve the same purpose for heroin. The cocaine cartels have branched out and made Colombia the world's No. 2 producer of opium poppy.

Let me repeat: We have funneled $8 billion overseas, and still illegal drugs are coming across our borders in record amounts. We have foolishly robbed Peter to pay Paul. This $8 billion is money we do not spend on crack babies—though 1 of every 10 infants in the United States is born to a substance-abusing mother. This money we do not spend on drug treatment—though waiting lists grow longer and "dead on arrival" drug victims grow in number. Foolishly, this is money we do not spend on our own law enforcement officers whose mission it is to stop drugs at our borders and make our streets safe.

While President Bush has steadily increased overseas money, he has ignored the budget and the critical personnel needs of the U.S. Border Patrol here at home. The Border Patrol is key to our success in protecting and patrolling the 2,000-mile United States-Mexico border, the No. 1 drug trafficking route into our country. As a result, the Border Patrol has less staff today than at any time in the last 10 years. In fact, we have less than one officer for every 20 miles along the critical southwest border. In short, the U.S. Border Patrol is underfunded, undermanned, and overwhelmed—and still it is intercepting record amounts of illegal drugs at our borders.

I repeat: Whatever we are doing to reduce crime and illegal drug use in America is not working. On the one hand, President Bush calls our police officers in blue "the foot soldiers in the battle against lawlessness." On the other hand, the President sends a 1993 budget to Congress that slashes more than $100 million in State and local law enforcement assistance.

This morning, President Bush refuted the charge that he has reduced law enforcement's budget. He indicated that he has done a great deal for local law enforcement. He has not.

And there are other examples of the discrepancy between George Bush's rhetoric and his record on crime. Candidate Bush in 1988 stated in the boldest terms, and I quote:

> I won't bargain with terrorists, and I won't bargain with drug dealers either, whether they're on U.S. or foreign soil.

The fact is the Bush administration, in its effort to convict Gen. Manuel Noriega, handed out over 20 plea bargains to the most notorious convicted drug kingpins, including a sweetheart deal with Carlos Lehder, one of the founding members of the Colombian drug cartel and the most notorious cocaine trafficker ever apprehended.

More than any individual, Carlos Lehder was responsible for the development and supply of the cocaine market in the United States. The tens of thousands of pounds of cocaine that he smuggled into this country has caused unprecedented violence and murder on the streets of America. It has created millions of drug addicts and crack babies. However, in return for testifying against Noriega, Lehder was transferred out of our country's highest security prison—the Federal prison in Marion, IL—and, at his request, eight members of Lehder's family were brought to the United States to live under Federal protection.

And this is not all, Mr. President. George Bush, on the one hand, calls for a Federal death penalty and tougher penalties for criminal use of firearms. On the other hand, he holds hostage with a threatened veto a comprehensive crime bill supported by every major law enforcement organization in America.

That bill provides the largest ever expansion of the Federal death penalty.

The President criticizes the Governor from Arkansas about the death penalty. Well, at least the Governor has one in his State and he stood up and talked about it. This President talks about the death penalty and will not sign a bill that has over 53 Federal death penalties proposed in it.

Additionally, the crime bill directs over $1 billion to State and local law enforcement, the rank and file officers who are the front line in the war on crime and drugs—the front soldiers as the President calls them. It includes new efforts to combat gang violence, new penalties for terrorist acts, and increases existing penalties for repeat drug offenses, assault, manslaughter, and crimes against the elderly. It expands aid to crime victims and permits them to speak at the sentencing of their assailants.

The crime bill goes to the heart of our drug interdiction strategy and strengthens our efforts to deny drug smugglers access routes into our country. Unlike President Bush's 1993 budget, which provides for only eight new Border Patrol positions, the crime bill authorizes the hiring, training, and equipping of 500 new Border Patrol officers to halt the flow of drugs crossing our borders. To combat the crime resulting from the drug epidemic, the bill authorizes hundreds of new FBI, DEA, and U.S. attorneys.

The bill is not a perfect bill. I agree with the President, that it could be tougher on the habeas corpus, and on the exclusionary rule. And as a former prosecutor, I know what I am talking about. But you cannot get everything in a bill. And when you have so many strong provisions, to play politics with this bill because of elections, because of special interests, this is really a tragedy.

As I stated, the crime bill is not a perfect bill. Nobody says it is. But it will restore lost confidence in our criminal justice system, a system that has been unresponsive to the epidemic of violent crime running rampant in America. That bill should not—it must not—be held hostage to political posturing.

In his speech in Missouri, President Bush said, "Americans deserve a Government that prevents and punishes crime and helps the victims of crime." All of us would agree with this statement. All of us would agree that grandmothers should not be held hostage in their own homes—that young girls should enter college full of hope, not full of fear they will be raped—that citizens of Missouri or Maine or Montana or Arizona should be able to walk to a nearby grocery store and feel safe in a neighborhood they have helped to build.

President Bush asks us to read his lips. I say we must read his record on crime and drugs. We need a government that will commit itself entirely to protecting society from lawlessness and from drugs that are taking lives every day. We need a government that will not hesitate to marshal all the resources at its command to wage a real war against drugs and crime—not because it is politically right, but because it is the right thing to do for America. Americans deserve a government willing to accept that its No. 1 obligation is to protect all American citizens and keep them safe. This administration has failed its own test of Government.

We can do better. We must do better. And the President must stand and account for the last 4 years.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. JEFFORDS. Mr. President, I would like to take a few moments to discuss funding for the Low-Income Home Energy Assistance Program [LIHEAP]. The conference committee to the Labor/HHS appropriations bill will meet today and determine the fiscal year 1993 funding level for LIHEAP.

The Senate bill essentially funds LIHEAP at its current level of $1.5 billion.

I am disappointed that the committee relies on delayed obligations and some other accounting gimmicks. But I think Senator HARKIN and Senator SPECTER did the very best they could under the circumstances. The House LIHEAP number, $891 million, is truly abysmal.

I guess my desire here is to exhort the Senate conferees to hold the line. We cannot go any lower, or we'll draw blood. Already, the Senate number will cause difficulty. More than one-half of the funds will be subject to delayed obligations. States will need the money this winter, but will have to wait until next September to receive half of it. Or, for the last $143 million, until next October.

Mr. President, Dr. Deborah Frank—who is a pediatrician—and the Boston City Hospital [BCH] recently conducted a 3-year study of the effects of cold weather and high energy prices on the health of low-income children. The number of clinically underweight children admitted to the BCH emergency room increased dramatically in the period immediately following the coldest months in each of the years.

Kids go hungry during the winter so families can pay their heating bills.

Let me quote Dr. Frank:

> Clinically we refer to this phenomenon as the heat or eat effect. Parents know children will freeze before they starve.

Parents know children will freeze before they starve. That is the choice low-income families face because Federal support for LIHEAP has dropped by one-third, just in nominal terms, since 1985.

Mr. President, since 1987, LIHEAP has lost $3.892 billion in purchasing power, as the chart reveals. [Refer to chart.]

The Bureau of Labor Statistics has a household fuel-specific price index. BLS sets 1982–84 at 100. So I took the average LIHEAP appropriation for those 3 years—$1.954 billion—as my base.

Before I go any further, I must point out that even the base funding was adequate only to provide benefits to about one-quarter of the LIHEAP-eligible population. And benefits defrayed much less than one-quarter of annual home energy costs.

Anyway, I applied annual changes in the price index to the base funding. The bars on the left represent the annual appropriation necessary to keep pace with household fuel price inflation. The bars on the right represent the actual appropriation. The dotted bars represent the shortfall.

The final bar, for 1993, represents the President's request, which is about the midpoint between the House and Senate funding levels.

On a cumulative basis, as you can see, the program has lost nearly $4 billion in purchasing power. The very poorest members of our society have borne the brunt of that loss of purchasing power.

I would like to enter into the RECORD a letter 45 of my colleagues and I sent to Senator HARKIN earlier this month. Forty-six of us—nearly one-half of the Senate—are on record supporting level funding for LIHEAP. That is $1.5 billion.

I hope Senator HARKIN and Senator SPECTER and the other Senate conferees will take that message to the House. We simply cannot go any lower than the Senate number. Or too many more poor children in Boston, in Burlington, in Billings, in cities and towns across America will be forced to go hungry so they will not freeze.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter, dated September 9, 1992, to Senator HARKIN from 45 Members of the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 9, 1992.

Hon. TOM HARKIN,
Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We write to request that you hold Fiscal Year 1993 funding for the Low Income Home Energy Assistance Program (LIHEAP) at $1.500 billion, its current funding level. We make this request with full knowledge of the difficult budget choices you and your fellow subcommittee members face. Few—if any—programs have borne the brunt of deficit reduction more than LIHEAP.

Federal appropriations for LIHEAP have declined 29 percent in nominal terms since Fiscal Year 1985. More importantly, federal appropriations have failed to keep pace with household fuel price inflation. On a cumulative basis, the program will have lost $3.892 billion in purchasing power since 1987 if we appropriate the President's Fiscal Year 1993 request for the program.

According to the Department of Health & Human Services's most recent report to Congress, LIHEAP served 5.8 million households in Fiscal Year 1990. Over 25 million households were eligible for assistance. Program benefits reached fewer than a quarter of the households eligible to receive them. Since then, the number of unemployed Americans has grown to over 10 million because of the economy's continued stagnation. Applications for Aid to Families with Dependent Children (AFDC) and Food Stamps have grown at an enormous rate. So, too, have the requests for assistance with heating and cooling bills.

Given the persistence of the recession, it seems reasonable and necessary to appropriate no less for LIHEAP next year than we have this year. Congress cannot assume that states will supplant reduced federal funds with their own funds. Their budget crises are too severe. Moreover, this past year has been particularly difficult for many states as they have attempted to cope with delayed federal obligations.

Children whose homes are too cold to sleep in cannot learn in school; LIHEAP is an important component in the effort to educate our low income youth. The elderly are particularly sensitive to heat and cold extremes; the availability of LIHEAP funds is a health care issue. So many American families face difficult situations; further reductions in LIHEAP could turn hardship into tragedy. We urge you to give every possible consideration to holding the LIHEAP funding level for Fiscal Year 1993 at $1.500 billion.

Sincerely,

William S. Cohen, Edward M. Kennedy, Alfonse M. D'Amato, Donald W. Riegle, Jr., Dave Durenberger, Paul S. Sarbanes, Larry Pressler, Claiborne Pell, Richard G. Lugar, George J. Mitchell, James M. Jeffords, Christopher J. Dodd, John C. Danforth, Carl Levin, Bob Packwood.

Paul Simon, Frank H. Murkowski, Herb Kohl, John Glenn, John McCain, John D. Rockefeller IV, Patrick J. Leahy, Kent Conrad, Harry Reid, Paul David Wellstone, Howard M. Metzenbaum, Christopher S. Bond, Wyche Fowler, Jr., David Pryor.

Charles E. Grassley, Joseph I. Lieberman, Robert W. Kasten, Jr., Harris Wofford, Richard C. Shelby, John F. Kerry, Frank R. Lautenberg, John H. Chafee, Jeff Bingaman, John W. Warner, Jim Sasser, Robert J. Kerrey, Bill Bradley, Wendell H. Ford, Max Baucus, Dan Coats, Daniel Patrick Moynihan.

DEATH OF QUENTIN N. BURDICK, LATE A SENATOR FROM NORTH DAKOTA

Mr. INOUYE. Mr. President, there are certain events in one's life that are never forgotten. For some, it is his wedding day. For many of us, the first election victory. Among my special memories is the moment I arrived in Washington, DC, shortly after I was elected as the first Congressman from the State of Hawaii.

I remember arriving at the Baltimore-Washington International Airport after an exhausting, nonstop flight from Honolulu. As I was walking down the passenger ramp, there standing at the foot of the step was a very distinguished-looking gentleman with a grey homburg—I had no idea who he was. But when I reached the foot of the ramp, he put out his hand and said: "Congressman, welcome to Washington." He was Quentin Burdick, Congressman from North Dakota. Quentin Burdick was the first to greet me upon my arrival.

I have never forgotten that moment. In the years that followed, I worked with him on matters far removed from Hawaii, such as legislation on the Rural Electrification Administration, farm price supports, and native American issues. I stood with him on these and many other issues because I was impressed with his honesty and integrity.

Having known him, and having worked with him for more than 30 years, it saddened me in recent years to watch him grow physically weaker. But I was always impressed that up until his last days in the Senate, his mind was still just as alert as when I first met him in 1959.

North Dakota has lost a great Senator. I lost a friend. I will miss him.

IRRESPONSIBLE CONGRESS? HERE'S TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,045,041,387,267.48, as of the close of business on Friday, September 25, 1992.

Senators may wish to take note that today is the last day of fiscal year 1992, and what a year it has been. Again, Congress has outdone itself.

In all the years Congress has sidestepped its fiscal responsibility, none has been so wasteful as the fiscal year ending today. During this fiscal year, from October 1, 1991, through today, September 30, 1992, Congress spent $305 billion more than the Federal Government took in.

Revenues collected in fiscal year 1992 increased 2.6 percent over the previous fiscal year. But while those additional funds were coming in, total Federal spending increased twice as fast—by 5.2 percent over the year before. Mr. President, the American people don't need a team of financial experts to explain the consequences of increasing the amount of Government spending at a rate double the increase in revenues. Common sense tells them that at this rate, it is only a matter of time until the country is bankrupt.

Anybody familiar with the U.S. Constitution knows that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States—just as every cent of that $305 billion, which over the past year has been added to our Nation's debt—was authorized and appropriated by Congress.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 just to pay the interest on Federal spending approved by Congress—spending over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $15,748.10—thanks to the big spenders in Congress for the past half century. Approximately $1,187 of this is the result of the profligate spending of the fiscal year ending today.

Paying the interest on the total debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

IVY GREEN NAMED NATIONAL HISTORIC LANDMARK

Mr. HEFLIN. Mr. President, a little over 1 year ago, Helen Keller's birthplace, known as Ivy Green, located in my hometown of Tuscumbia, AL, was nominated by the National Park Service to be designated a national historic landmark. This past August, Ivy Green was indeed honored with that designation, joining a long list of historic treasures that reflect our Nation's rich and diverse heritage. In light of Helen Keller's profound influence on so many disabled Americans, and indeed in light of the inspiration that she continues to be to so many of us, I think it important to reflect upon the life of the "First Lady of Courage," and upon why Ivy Green so richly deserved its place among our national historic landmark.

The three contributing structures that make up the 10-acre Ivy Green—the cottage, main house, and water pump—served as the birthplace, early childhood home, and site of communication breakthrough for Helen Adams Keller. The homestead itself was the setting for the pivotal experiences which led to Helen Keller's emergence to the forefront of the effort to enhance methods and facilities for educating and training the disabled.

With the aid of her teacher and constant companion, Anne Sullivan Macy, the blind and deaf Keller learned to communicate with the world outside of Ivy Green. Through the use of a finger language created by Samuel Gridley Howe of the Perkins School for the Blind in Boston, various self-developed techniques, and much patience and dedication, Anne taught Keller to read, write, and speak at Ivy Green. It is significant that the setting of Ivy Green and its inhabitants provided Helen Keller with her only memories, acquired as an infant, of sight and sound.

Helen was born a seeing and hearing child at Ivy Green on June 27, 1880, in the small cottage in the yard near the main house. At the age of 19 months, Helen suffered acute congestion of the stomach and brain which left her deaf, blind and mute. When she was 6 years old, her mother read about Samuel Howe's success at the Perkins Institution. On the advice of Alexander Graham Bell, the Kellers contacted Michael Anagnos, Howe's successor in Boston, who recommended the formerly blind Anne Sullivan as a teacher for Helen. She arrived at Ivy Green on March 3, 1887, a day that Helen later referred to as her "soul's birthday."

Anne tirelessly committed herself to the task of bringing Helen into the world of communication. Although she had not yet made the connection between her teacher's fingers endlessly tapping on the palm of her hand and the path to the outside world, Helen sensed Anne's patience and trusted her. They spent virtually all their waking hours together, Anne developing new and different techniques to reach the young girl and Helen grateful for the constant companionship and attention. Their lifelong relationship found its roots in those early days at Ivy Green.

One day in early April 1887, only 1 month after her teacher's arrival at Ivy Green, Helen made the connection that changed her life forever. Anne had been painstakingly spelling the word "w-a-t-e-r" while pumping water over Helen's hand. The child grasped for the first time that everything had a name. From that point on, they spent their days naming every object that Helen could possibly lay her hands on at Ivy Green. She soon learned over 300 words, one of which, "teacher," became the most important in her life.

Of all Helen Keller's many accomplishments, her writing stands out as her most encouraging message to the disabled worldwide. Through the publication of her seven books, she let them know that dedication to education can be the key to success. Her writing won her national and international acclaim and paved the way for other phenomenal achievements. In 1924, she began her work for the American Foundation for the Blind and by 1933, had published five books, traveled abroad several times, and together with Anne, received an honorary degree from Temple University.

In 1936, Helen lost her beloved teacher when Anne Sullivan Macy died at the age of 70 from heart disease. She spent the next 25 years furthering the cause of improving education and general conditions for the handicapped and disabled around the world. During World War II, she visited the sick and wounded in military hospitals. In 1961, 4 years after the first production of William Gibson's "The Miracle Worker," Helen suffered a stroke and retired from public life. In 1964, she sent her niece and nephew to Washington to accept the Presidential Medal of Freedom conferred upon her by President Lyndon Johnson. She died in 1968 at her home in Connecticut.

Today, Ivy Green is host to an annual weekend festival celebrating the life and accomplishments of "Courage's First Lady." People from all across the world visit Ivy Green each day to see where Helen Keller lived as a child and where she learned to overcome physical obstacles to become the powerful heroine she was. Between 25,000 and 30,000 people visit the birthplace and home each year, and about 5,500 attend live performances of the play "The Miracle Worker" each summer, a pleasure that my wife Elizabeth Ann and I have enjoyed on numerous occasions. Exhibits in the Keller home include the original furniture, clothing worn by Helen and her mother, records of Helen's baptism, and a braille typewriter, watch, and books used by Keller.

Mr. President, it is with a tremendous sense of personal pride and honor that I commend the Department of the Interior's National Park Service for proclaiming Ivy Green a national historic landmark. I can think of no more fitting or proper tribute to her esteemed life, or to that of her long-time teacher and friend, Anne Sullivan Macy.

As the provisions of the landmark Americans With Disabilities Act continue to be implemented, this designation also honors someone who dedicated her life to increasing public awareness of the disabled and advancing their cause at all levels of society. One cannot tour the home and grounds of Ivy Green without coming away with a sense of Helen Keller's journey from a world of darkness and isolation to one of understanding and association. That journey still inspires each of us, particularly those who suffer from physical disabilities, to use the full measure of our souls in overcoming obstacles in our lives.

Helen Keller's legacy is that of astounding accomplishment. She truly made her mark on the world as a writer, activist, voice and advocate for the handicapped, and most importantly, a symbol to anyone who has ever doubted their ability to persevere and achieve.

TRIBUTE TO CONGRESSMAN BILL DICKINSON

Mr. HEFLIN. Mr. President, as the end of this 102d Congress draws near, we are faced with the stark reality that many of our best and longest-serving Members will not be with us when we reconvene in January. This is a year of almost unprecedented turnover in Congress. While this is probably healthy for the institution as a whole, some States and districts will be losing quality representation that has been an integral part of their progress. Such active and dedicated representation will be hard to duplicate. One of those areas in certainly Alabama's Second Congressional District, currently represented by WILLIAM L. DICKINSON.

On March 9 of this year, Congressman WILLIAM L. "BILL" DICKINSON, the long-time voice of the State's Second Congressional District, announced his retirement after 28 years of continuous service. At that time, I made a floor statement in tribute to his life and career in public service. Today, in the waning days of this Congress, I want to reiterate and expound upon those sentiments.

BILL DICKINSON was first elected to Congress in 1964, during the so-called Goldwater sweep, when many Alabama voters supported Republican Barry Goldwater, enabling the former Arizona Senator to carry the State by a huge majority, which was very different from the results in the Nation as a whole. Prior to his election, the Opelika native obtained his law degree from the University of Alabama, established a private law practice in his hometown, and served as a judge of the city court, the court of common pleas, the juvenile court of Lee County, and of the Alabama Fifth Judicial Circuit. Bill is also a former vice president of Southern Railway and a Navy veteran of World War II.

The Congressman's southeast Alabama congressional district, which includes Montgomery, the State capital and first capital of the Confederacy, is home to three of our major military installations—Maxwell Air Force Base, Gunter Air Force Base, and Fort Rucker. These bases play critical roles in the Nation's military structure and are vital elements of the local economies. BILL DICKINSON's superb record of leadership on behalf of both his district's needs and this Nation's important defense readiness is one in which the good people of this area and, in fact, the whole State and country, can take great pride.

As ranking Republican on the House Armed Services Committee, BILL DICKINSON, among Congress' most prominent leaders on national security issues, was one of the chief architects of the defense buildup that made our twin victories in the cold war and Persian Gulf war possible. He wielded an enormous amount of influence over the committee in the early 1980's, pushing hard for funding of the strategic defense initiative, the MS missile system, and many other high-technology weapons systems.

Throughout his many years in Congress BILL exercised great responsibility and true leadership in shaping national defense policy, and this role is the one for which he will be most remembered. He was even chosen by President Bush to be his personal representative at the Paris International Air Show in 1989. This year, BILL represented the President at the Asian Aerospace '92 exhibition in Singapore.

Congressman DICKINSON's voting record and attention to national defense issues has earned him numerous awards from important organizations that monitor Congress and inform the public. He received the American Conservative Union's Statesman Award; the Army Aviation Association of America's Congressional Appreciation Award for his role on behalf of Army aviation; and the Association of the U.S. Army Association's Distinguished Service to Soldiers Award.

The Reserve Officers Association of the United States presented BILL with their most prestigious award, Minuteman of the Year. In addition, the American Security Council presented him its Peace Through Strength award for supporting a strong national defense; the American Defense Preparedness Association awarded him its Defense Industry Medal for distinguished service; and the Reserve Officers Association of Alabama honored him with its Nathan Hale Award. All these many awards and honors attest to Congressman DICKINSON's outstanding leadership and serious commitment to his duties as a Member of Congress and ranking member of the House Armed Services Committee.

As supportive of this Nation's defense efforts as BILL DICKINSON has been, the Congressman has never been just a rubberstamp for either the Pentagon or the Republican administrations. The best interest of his Alabama district always came first in any decision BILL made or in any vote he cast on the House floor. His impressive list of accomplishments includes seeing aviation become a full-fledged branch of the Army and Fort Rucker becoming the permanent home of Army aviation; getting the Nation's eighth Trident submarine named after Alabama; transforming Gunter Air Force Station in Montgomery into an Air Force base; securing authorization for military aircraft to fly civilian traffic and accident victims to hospitals; helping to establish an Air Force School of Law and Judge Advocate General School at Maxwell Air Force Base in Montgomery and the Senior NCO Academy at Gunter; providing matching funds for the new U.S. Army Aviation Museum building at Fort Rucker; and overseeing the approval of many military construction projects at Maxwell, Gunter, and Fort Rucker.

Congressman DICKINSON was also instrumental in attracting many businesses to the second district. He helped bring Martin Marietta, Sikorsky, and Miltope to Troy; Dow-UT to Montgomery; Teledyne to Abbeville; and Hughes Aircraft to Eufaula. These companies have proven to be vital to the economic life of the area.

In addition, BILL helped establish the State Farmer's Market in Montgomery, and has been a staunch supporter of the peanut program, benefiting wiregrass farmers immensely. He oversaw approval of Federal matching funds for the interstate bypass in Montgomery; helped to secure funding for a new national EPA Radiation Lab at Gunter; oversaw approval of a grant to fund ward renovations and expansions at the VA hospital in Montgomery; and helped secure FEMA and SBA assistance for the town of Elba in the aftermath of a disastrous flood in 1990. All these many achievements are a testament to Congressman DICKINSON's true concern for the people of his district.

Mr. President, BILL DICKINSON can be justly proud of his many years of excellent service in Congress on behalf of his second district and, indeed, the entire Nation. The Alabama delegation will miss its senior member's candor, tenacity, humor, and, most of all, his commonsense approach to national leadership. As I said back in March, his constituents will miss him just as one misses an old familiar friend, for they have had one for many years in their Congressman, BILL DICKINSON. As one editorial writer put it, "those aspirants to his congressional seat will find that BILL DICKINSON will leave a very big pair of shoes to fill.* * * " I hope that his successor is equally diligent in support of the district's interest.

Once again, I proudly commend and congratulate BILL on his life of exemplary public service, and wish him and wife Barbara all the best as they return to Alabama.

TRIBUTE TO JACK SIMMS

Mr. HEFLIN. Mr. President, I rise to pay tribute to an outstanding American and Alabamian who is retiring today after serving for more than 40 years as a distinguished journalist and devoted educator.

Mr. Jack D. Simms, who thus far has been the only person to chair the journalism department at Auburn University, has decided to retire after serving in that capacity for some 18 years. "Jack," as he is known by his friends, colleagues, and students, came to the department in 1974 after working with the Associated Press for more than 20 years.

While at the AP, Jack's assignments took him first to Atlanta, then Tampa, Louisville, and Boston, where he was bureau chief for five New England States. He was working at the wire service's headquarters in New York as deputy general sports editor when he was persuaded to return to his alma mater, Auburn University, in his hometown of Auburn, AL, where a fledgling journalism department had just been created. And although he officially retired from the day-to-day life as an editor, he continued to work with the AP at the summer Olympic games of 1976, 1980, 1984, and 1988.

Jack recruited numerous seasoned professionals to his department at Auburn who helped it earn a reputation as a place where students could go and learn how to be well-rounded journalists.

Many young people have been attracted to Auburn because of its journalism department, and graduates have gone on to become reporters and editors at newspapers throughout the Nation. Jack stressed that students be grounded in the basics of writing and reporting, but also was quick to point out if he felt someone did not have what it took to survive the rigors of a career in journalism. It was this back-to-basics concept that gave his department its famed reputation and that, perhaps, is the legacy that Jack Simms leaves his beloved Auburn.

Mr. President, I ask uanimous consent that this newspaper article on Jack's career from a recent edition of the Alabama Publisher, a publication of the Alabama Press Association, be placed in the RECORD immediately following these remarks. It was written by Mr. Ed Williams, a journalism instructor at Auburn University, and I believe it is a fitting tribute to the contributions Jack Simms has made to American journalism.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JACK SIMMS: TEACHER AND FRIEND STEPS DOWN AS AUBURN'S ONLY JOURNALISM DEPARTMENT HEAD

(By Ed Williams)

AUBURN—One Auburn journalism professor compared his departure to the legendary Bear Bryant's retirement at Alabama. His practical approach to journalism, his common sense, wit and friendliness, his dedication to students and faculty, have made him universally liked and respected.

He is on a first-name basis with Auburn students, faculty and administrators. Twice he has been selected Teacher of the Year at Auburn.

For retiring journalism department head Jack Simms, the praise of Auburn University students, faculty, colleagues, alumni and friends is a testimony to two successful careers, 23 years with the Associated Press and 18 years at Auburn.

"It's pretty amazing how well he's gotten along in the academic community. I think they're just bowled over by Jack's common sense," said Rheta Grimsley Johnson, an Auburn journalism graduate who was here when Simms arrived in 1974.

Simms, who retires Sept. 30, was paid tribute in June at the campus newspaper's annual banquet.

Guest speaker at The Auburn Plainsman banquet honoring Simms was Johnson, a former Plainsman editor and a syndicated columnist for The (Memphis) Commercial Appeal and Scripps Howard News Service. Johnson noted that her career "could have have been a lot different" had it not been for Simms.

The 1992 edition of the journalism department's laboratory newspaper, The Auburn Reporter, was dedicated to Simms. Entitled "The Auburn Years: 1974–1992," it featured a Time magazine-like design with Simms on the cover as its Man of the Year.

Plainsman reporters presented Simms a plaque of appreciation for his dedication to the students and to the student newspaper where Simms was editor 1948–1949.

The Auburn journalism faculty has planned a major banquet to toast and roast Simms on Sept. 11 at the Auburn University Conference Center.

Likely there will be other tributes to the individual who is Auburn's only journalism department head.

When John Cameron, editor of the Selma Times-Journal, heard in April that Simms was retiring, he wrote, "Newspapers in the state will definitely miss the services of one of the hardest-working journalism teachers ever when Auburn University's Jack Simms retires."

Cameron went on to say that Simms "has had a dramatic and positive impact on journalism in the state and has turned out many outstanding newspaper professionals. Through the years, Simms has attracted faculty members at Auburn who share his enthusiasm and dedication for preparing young people for the stresses of community journalism."

"Following Jack Simms as department head is like following Bear Bryant as football coach at Alabama," journalism professor Jerry Brown told The Auburn Reporter. Brown, who will become acting department head upon Simms' retirement, said the future department heads "will suffer in comparison" to Simms.

"Jack Simms really means a lot to the Auburn journalism department," said Rheta Johnson. "Like parental advice, as the years roll by you appreciate him more and more."

"Jack could have been a detached, disinterested fellow with set office hours," Johnson said. "It's really hard to think of him in any other capacity but teacher and friend."

The week following Johnson's banquet tribute to Simms, her syndicated column in The Commercial Appeal was headlined "Jack Simms: chronicler of life, molder of minds—this journalism professor rewrote an old adage: Those who can do, teach best".

Johnson recalled in her column that she attended a welcoming tea, "one of those punch-bowl-and-baloney affairs so popular at universities" when Simms arrived at Auburn in July 1974.

"How could someone accustomed to wire service excitement and constant deadlines face the drip-torture pace that is college bureaucracy?" Johnson wrote. "People who run universities love to hear themselves talk, and Simms had that built-in bull detector. I watched this practical fellow with his veteran newsman's attitude and shook my head in disbelief."

It is Simms' dedication to journalism, his "weeding out" Journalism 101 course in spelling, word usage and AP style in which students make 83 to pass, his keen interest in students' successes that have earned him such respect.

"Jack is a great teacher," said 1987 journalism graduate Chris Rouch, a business writer for The Tampa Tribune. "He's a real hands-on type person. He wants to help you with your specific problems and help you get better."

Rouch, a former Auburn Plainsman editor, went on to earn his master's degree in journalism at the University of Florida in Gainsville. While there he taught beginning newswriting using the journalism 101 handouts from the course Simms developed in Auburn.

At The Tampa Tribune the past two years and earlier as a police reporter at The St. Petersburg Times and The Sarasota Herald-Tribune, Rouch has been in contact with numerous Florida reporters holding degrees from journalism programs much larger than Auburn's.

"I find a lot of reporters who wish they'd had a more practical education." Rouch said. "A lot of journalists miss out on AP style, grammar and spelling, which just aren't emphasized at a lot of other schools. Some schools emphasize the concepts of mass communication more than some of the basics that you need to work on a newspaper."

Simms, 65, served two years in the U.S. Marines, seeing combat on Iwo Jima. He received his bachelor's degree in English/journalism from Auburn in 1949 and a master's degree from LSU in 1951. Associated Press assignments took Simms first to Atlanta, then Tampa, Louisville and Boston, where he was bureau chief for five New England states.

He was based in New York as deputy general sports editor for AP when Auburn called him to be head of a fledgling journalism department that had just been created. He continued to work with AP for the Summer Olympic Games in 1976, 1980, 1984 and 1988.

"There are some people in Tampa that still remember Jack and speak fondly of him," Rouch said. "And not just newspaper people—long-time attorneys, people in city hall."

In the Auburn Reporter tribute, journalism professor Gillis Morgan called Simms "a man for all seasons."

"He can talk about many subjects, and nearly everywhere he goes he knows someone," Morgan said. If Simms went to the White House "he would either know someone or start talking and be able to establish rapport."

Said professor Mickey Logue, "I doubt that any department head in the history of Auburn University has been better liked or respected than Jack Simms by faculty members, students and professionals in the field."

Bill Brown, executive editor of The Montgomery Advertiser and Alabama Journal and also a member of Auburn's Journalism Advisory Council, said "the battling average of Auburn journalism graduates, in my experience, has been excellent."

Brown he said has hired a number of Auburn graduates for the Montgomery newspapers and earlier when he was managing editor of The Columbus (Ga.) Inquirer.

"My experience over the years with Auburn's journalism department has been positive, largely thanks to the things instilled by Jack," Brown said. "You know when you hire an Auburn graduate, they know what a newspaper and a newsroom are about.

"They come prepared to be productive members of the staff almost immediately," Brown added.

Brown praised Simms for "giving kids some feel or insight into the real world. Working for AP all those years, and helping with the Summer Olympics has kept him in tune with reporting. He has turned out a whole passel of reporters who are doing some really good work."

Patrice Stewart, editor of The Monroe Journal where a number of Auburn graduates and interns have also worked said, "Jack has always been helpful when we've had an opening for a reporter, and he has sent us some good ones."

The first Auburn journalism graduates hired by The Journal where Rheta and Jimmy Johnson in 1976, she noted. Both have successful careers, Rheta as a syndicated columnist and Jimmy as creator of the syndicated comic strip Arlo and Janis.

"The fact that Jack has stayed in close touch with the newspaper field means a lot," Mrs. Stewart said. "His continued involvement with newspaper professionals has been the key to Jack's success."

"Any time we've had a vacancy here, the first thing we've done is call Jack Simms," said Steve Stewart, Monroe Journal publisher.

Sam Harvey, editor of The Advertiser-Gleam in Guntersville, said he first knew Simms in Louisville, Ky. Both worked in the same building, Harvey at The Louisville Times and Simms at the AP.

"My feeling about Jack is that he never lost sight of the primary role of a journalism school, which is to produce successful, practicing journalists—not researchers, not students of the media," Harvey said.

"And I think that type of philosophy has guided Jack in picking journalism instructors," Harvey added. "All of the journalism teachers at Auburn have solid backgrounds of newspaper experience and a desire to teach. That's caused the program to have the reputation that it has."

Harvey noted that his daughter, Anne, received her bachelor's degree in journalism from Auburn. "Anne talked about the ease with which students could go to Jack's office and talk to him," Harvey said. "She said he was excellent at making them feel at home whenever they had a problem."

Harvey, first vice president of the Alabama Press Association, said he often hears positive comments about Auburn's journalism department from other newspaper editors in the state. "It''s well respected, and Jack has to take a bow for that."

The Selma Times-Journal editorialized that "Auburn has developed an excellent reputation for turning out students who are 'ready to go to work' and we hope that mission will be maintained when Jack Simms steps down."

Bill Keller, executive director of the Alabama Press Association, said that "every time the Auburn journalism program comes up in my conversations with editors and publishers, the consensus is that they feel they can hire a student from Auburn and put them right to work."

"Auburn students are grounded well in the basics of journalism, and in a good, broad liberal arts background," Keller said. "Editors credit Jack for bringing a faculty who worked at newspapers. Editors appreciate what he has done; they really do."

W.O. MOZINGO'S ORGANIZED LABOR HALL OF FAME INDUCTION

Mr. HEFLIN. Mr. President, it is my pleasure to rise today to congratulate W.O. Mozingo upon the occasion of his induction into the Alabama Organized Labor Awards Foundation Hall of Fame. He joins Barney Weeks, longtime president of the Alabama AFL–CIO, and Eula McGill, international representative of the Amalgamated Textile Workers, in becoming only the third inductee into the Hall of Fame.

W.O. Mozingo is a well-respected labor leader throughout Alabama. He is retired from the Amalgamated Transit Union Local 770, of which he was a member for 50 years. He served for 19 years as president of the Southwest Alabama Labor Council and 21 years on the United Way's board of directors. At United Way, he was instrumental in establishing the labor liaison position.

I am happy to congratulate and commend W.O. Mozingo for this outstanding and well-deserved recognition by Alabama's labor community, for he is a close friend and a person for whom I have the greatest respect. I ask unanimous consent that an article on Mr. Mozingo be printed in the Record immediately following my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Unions Welcome Mozingo Aboard State Hall of Fame

(By Royce Harrison)

To keep buses running when the old National City Lines went out of business in

1970, the city of Mobile took over the bus system. The change quickly elevated W.O. Mozingo, who had begun a 20-year career as president of Amalgamated Transit Union Local 770, to the status of a thorn at City Hall.

Right off the bat, Mozingo protested the city's move to sweep the bus system's employees, including ATU members, into the city's civil service system. The shift saved bus drivers' and mechanics' jobs, but the city refused to recognize the ATU's role representing Local 770.

Had Mozingo backed down then, his career probably would have taken a different turn that wouldn't have led him to the guest of honor's seat Saturday night at a banquet in Birmingham. As a labor leader respected statewide, Mozingo became the third person inducted into the state Organized Labor Awards Foundation Hall of Fame.

"He is Mr. America to everyone," said Jim Albright of Birmingham, vice president of the Alabama AFL-CIO.

Mozingo engineered a maneuver with the ATU international's leadership 21 years ago: They filed a complaint with the U.S. Department of Transportation that effectively blocked the city's $600,000 application for federal mass transit funds to buy new city buses.

Without the grant, city commissioners said they would have to abandon their newly acquired bus service. Most of the buses then were 20 years old and expensive to maintain.

The Urban Mass Transit Act of 1964 required cities to recognize employee organizations before federal funding could be given to mass transit systems, former Public Works Director Thomas K. Peavy recalled.

With the law on his side, Mozingo held fast to his position. A Mobile Register reporter stated it this way in March 1971: "The union said it would be glad to sit down with city and Department of Labor representatives to work out a fair and equitable arrangement for the restoration of our collective bargaining, pension and other rights, which were destroyed at the time the city took over the transit operation."

Former Mayor Lambert Mims likened the ATU's complaint to holding a club over the city's head: The union appeared to be holding the city's federal grant application hostage and the ransom was collective bargaining rights.

In a matter of weeks the dispute was resolved. The City Commission agreed to recognize the ATU's role without actually signing a contract, and it preserved ATU members' pensions by buying into the state pension plan for them.

In retrospect, Peavy said Mozingo always was more interested in working out a settlement than creating a confrontation. "He stood up for his people. If he didn't get to sit down and negotiate, he wouldn't hesitate to call a strike."

Strikes did occur. During the ATU's first strike against the city, Mozingo reportedly spent four sleepless nights fretting over whether city employees would breach the picket line set up at the Municipal Garage, which then served as the repair and fueling center for police cars, garbage trucks and city buses. Picket lines stayed intact during the four-day strike.

"His relationship with me was very good," Peavy recalls. "Nothing antagonistic. It was all every positive—what I thought was a good relationship."

The bus driver-turned-labor-leader would go on to represent other city employees. He served as field representative for Public Service Employees Union Local 1279 for 12 years.

"When a city employee had a problem with his retirement, when a single parent needed help finding a job or a union member was devastated by unemployment, strike or natural disaster, 'M.O.' was always there. There was no problem too small or too large for him to take a personal interest in," said Kirk Patrick, the AFL-CIO's community services liaison with the United Way of Southwest Alabama.

Mozingo, who has retired after 50 years as a member of ATU Local 770, served 19 years as president of the Southwest, Alabama Labor Council. He served 21 years on the United Way's board of directors, where he was instrumental in establishing the labor liaison position.

"He has always been above-board in all of his dealings with people," said Donald L. Langham, regional director and a vice president of the United Paperworkers International Union. "He's worked tirelessly for many civic organizations."

Langham said he would put Mozingo first in line to receive an honorary membership if the UPIA bestowed them. He worked behind the scenes to help union members buy food and pay bills during the 19-month lockout at International Paper Co., Langham said.

Mozingo joins Barney Weeks, long-time president of the Alabama AFL-CIO, and Eula McGill, international representative of the Amalgamated Textile Workers, in the Hall of Fame.

LINDA FINDLAY

Mr. DOMENICI. Mr. President, I think most of you know, when we go out of here in the next 3 or 4 days, I will have been here in the Senate 20 years. One would have to suspect that in that 20 years, that I have seen staff people who are competent. I have seen staff people who are not competent. I have seen staff people who are competent and considerate and very concerned about doing the right thing. There are not a lot of those. But on the 13th day of June 1977, a young woman came to work for me named Linda Findlay.

Many people on the staff of the Senate know Linda Findlay. She has just recently left my staff and tomorrow afternoon we—all of my staff people and others—will bid her formally adieu. She served from June 13, 1977, until just a few days ago.

Linda began working in the Senate under Senator Taft on June 21, 1976. She joined my personal staff a year later, and shortly thereafter began her impressive stint working for the Senate Committee on Environment and Public Works. Her involvement in national legislation such as the Superfund, the Clean Air Act, the Safe Drinking Water Act, and a myriad of other environmental laws is kind of legendary around here. She has left a legacy of knowledge, a legacy of consultation, a legacy of being able to work things out, and a legacy of being able to deliver my concerns to those who are working behind the scenes to put together these environmental laws.

In my own office on matters that concern the people of New Mexico, obviously every one of these laws that she worked on nationally were done in consultation with special groups of New Mexicans that we put together. Marvelous results came because this lady was able to grasp the New Mexico issues and filter them through her marvelous mind and she saw that they turned out in some way being addressed if need be in these laws. So she is held in high esteem by many of the people in New Mexico, many who have a lot to do professionally and otherwise with the environmental laws in New Mexico.

But in addition, when we had to get things done in our State that related to bringing people together on environmental issues, Linda took the lead. And I want to just thank her for the special efforts she always made to ensure that New Mexico's unique environmental—and, indeed, unique difficulties—were always taken into consideration when we worked on sweeping, national legislation, such as Superfund or Clean Air. Linda worked hard to remedy the unique problem that fugitive dust—found in New Mexico's naturally dusty air—presented in the context of the clean air bill. She worked hard to see to it that communities in New Mexico would have their clean water needs addressed in national legislation. She assisted the city of Gallup in its flood control problems caused by the Rio Puerco. And she fought to improve water quality in communities in Albuquerque's South Valley.

We are now in the midst of a rather historic commission working in our State. We have one of the few remaining—they are called bosque, is the Spanish word for cottonwood trees—that are in abundance because of a river system. We have one of the few left in America, running well over 150 miles, sort of a green river in New Mexico. She helped set in motion a commission that will tell New Mexicans, and perhaps the Congress, what we ought to do to protect, preserve, and make sure that it is there forever and how we manage it against the pressures of growth these days.

Many other things in New Mexico of that type were the domain of this wonderful woman. She has a great family. People around here know her husband, who works for the Department of Justice, Spinner. And they have two beautiful children, Reed and Eliza.

From my standpoint, it is always good to see a staffer get promoted or get a new and exciting job. I had very mixed feelings. I want that to happen for her, but clearly it was difficult to say I am glad that you have obtained a position that will give you more time with your family and pay you more money and perhaps give you more flexibility. But obviously I had to do that because I respect her so much.

And I do hope that, in her new assignment with Phelps Dodge Corp. of the United States as chief of their Washington office, that she will succeed for them as she did for me, and that her family will suffer less as she works for them than they did under the rigors of the Senate.

Having said that, in behalf of all of the staff of Senator Domenici and those who know her, we say thank you for making this a better place, for doing your work as a true professional and a concerned professional. We will miss you.

POW-MIA'S

Mr. ROTH. Mr. President, much has been both written and said about the recent hearings concerning the POW-MIA's that America may have left behind in Vietnam. For many years I have been vocal about this issue, that if there are American servicemen left behind we should dedicate our best resources to bringing them home. Then, with the wisdom gained by the Vietnam experience, we should turn our best attention toward seeking new methods of protecting our POW's and accounting for our MIA's in future possible engagements.

But Mr. President, as we consider what happened nearly two decades ago—as we come together in an effort to heal a wound that has tormented this Nation far too long—let's keep the past in perspective. To the honest in heart—the honest in mind—what happened in 1973, the Paris peace accords, the withdrawal of American fighting men and women from the soil of Southeast Asia, required the best and the brightest minds in America.

Dr. Henry Kissinger was one of those individuals pulled into the maelstrom to walk what may have been the most treacherous tightrope of public opinion our Nation has ever endured. Five hundred thousand American men and women had been committed to the longest undeclared war in history—America's streets were ablaze with antiwar sentiment, peace at any cost. It was Dr. Kissinger's job to bring Americans home.

He did just that. He did it honorably. He did it thoroughly. I recall that some 30 Senators, sitting here on Capitol Hill at the time, signed a resolution that the United States should withdraw unilaterally, without consideration of the POW issue. Kissinger had none of that. He wanted all of our servicemen home. From the beginning, he was concerned that the 591 POW's released did not account for all those captured. He argued that point in Hanoi 10 days after the Paris peace accords. He has written about the discrepancies of those missing in action and those accounted for in his memoirs since then. But there were two factors beyond Dr. Kissinger's power to control: First, the lack of honor of the government in Hanoi; second, the unwillingness of Congress to give the Executive the power to enforce the treaty and compel Hanoi to give a full and accurate accounting.

Throughout 1973, Dr. Kissinger registered 25 official protests and declarations, stating the administration's dissatisfaction with Hanoi's account of those missing in action. From the moment of the withdrawal, he has been completely honest about the possibility of POW's left behind. He has met regularly with their families. Frankly, I don't know what more could have been asked of him.

Dr. Kissinger is one of America's fine statesmen. Though one may not always agree with his policies—at times I have not—his dedication to the causes of peace, freedom, and America cannot be questioned. In academia as well in public service he has been willing to speak up and to lead at times when leadership was extremely difficult. His life has stood up to nearly three decades of public scrutiny and critical analysis. Throughout it all, he has served our Nation both honorably and well.

I ask that an editorial from the New York Times, written by A.M. Rosenthal, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

KISSINGER, PEACE AND P.O.W.'S

(By A.M. Rosenthal)

In the winter of 1973, the Nixon-Kissinger team and its most passionate American enemies were in agreement on one overriding judgment: The war in Vietnam was lost and had to be ended.

About 17 years earlier, President Eisenhower had begun sending military advisers and intelligence operators into Vietnam—the first American involvement. Then Presidents Kennedy and Johnson each chose to deepen a war that tore apart American society long before it was over.

Richard Nixon became the only President to try, almost desperately, to end the war through negotiation. Without Henry Kissinger those negotiations would not have started, or ended in a peace agreement.

Two decades later Americans still want and deserve a full accounting of any U.S. prisoners of war not freed, and what was done about them, or left undone.

But the value of the Senate hearings on P.O.W.'s will be ruined if they become just one more arena for politicians, academics and journalists who cherish their vendetta against Mr. Kissinger, one more chance to treat a man without whom the peace agreement would have been impossible as some unindicted conspirator.

The very fact that he dares defend himself—with a kind of professional, respectful contempt—enrages them even more.

To select Mr. Kissinger as the target is unfair historically. And it lessens the chances of two central realities being made clear. One is that the villain was Hanoi, now cuddly Hanoi. Only the Communists could have kept any Americans hostage.

The other is that through callousness or sloth, every Administration during and since the war failed to clarify the P.O.W. story—else we would not still be asking questions.

As a condition of peace, Mr. Kissinger insisted on a Communist commitment to release all prisoners. Maybe tougher safeguards could have been written into the agreement. Would Congress and the peace activists have accepted the continuation of the war that might have meant?

Hardly likely. In 1971, two years before any peace agreement, John Kerry, a Vietnam veteran who became a peace activist, said that "points" presented by Hanoi-Vietcong delegations in Paris, and their conversations with him and other Americans, showed prisoners would be returned. So, he said, the U.S. should not "stall" any longer.

Mr. Kerry is now a talented Senator from Massachusetts. And now he is conducting a P.O.W. inquiry because so many Americans believe exactly what he thought could not happen—that the Communists kept some prisoners.

Not long after the peace agreement was signed, Mr. Kissinger and Mr. Nixon warned that some prisoners might still be held. Did the peace movement or Congress demand reprisal pressures against Hanoi?

Mr. Kissinger's essential role in ending the war does not wipe out the Senate's duty to investigate the fate of all P.O.W.'s, but it distorts reality to forget what happened in 1973.

Walter Isaacson, in his much-discussed biography "Kissinger," is often sharply critical of his subject. But he puts criticism of the peace negotiations in this perspective:

"By the beginning of 1973, Kissinger and Nixon had brought the nation's military misadventure in Vietnam to an end. Instead of slinking away as the Vietnamese factions continued the war, Kissinger had secured a cease-fire that, at least for the moment, curtailed the killing. In addition, America's ally had been given a decent chance to survive.

"Officials in the previous two Administrations, many of whom became preening doves as soon as their responsibility ended, had overseen a foolish deployment of close to 550,000 American troops over eight years. The Nixon Administration immediately reversed the process and began withdrawing * * *.

"The Paris agreement was the final element of a reshaped American foreign policy that—rather amazingly—provided the nation with the chance to play as influential a role in the world as it had before the paralyzing despair of its Vietnam involvement."

Senator Kerry can serve America by a full and fair inquiry. That opportunity will be lost if the investigation is influenced by any vendetta against Mr. Kissinger. The country deserves better. So does Henry Kissinger.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. Kohl). Morning business is closed.

EXECUTIVE SESSION

TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START TREATY)—TREATY DOC. NO. 102-20

PROTOCOL TO THE TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—TREATY DOC. NO. 102-32

The PRESIDING OFFICER. The Senate will now go into executive session to resume consideration of Executive Calendar Nos. 45 and 46 which the clerk will report.

The legislative clerk read as follows:

Calendar No. 45, Treaty Document No. 102-20, treaty with the Union of Soviet Socialist Republics on the reduction and limitation of strategic offensive arms, the START Treaty (Treaty Document No. 102-20).

Calendar No. 48, Treaty Document 102-32, protocol to the treaty with the Union of Soviet Socialist Republics on the reduction and limitation of strategic offensive arms (Treaty Document No. 102-32)

The Senate resumed consideration of the treaty and the protocol.

Pending:

Wallop amendment No. 3270, to limit the enforcement of the treaties until the President certifies that all mobile ICBMs shall be eliminated.

AMENDMENT NO. 3270

The PRESIDING OFFICER. The Senate will now proceed to vote on the Wallop amendment. The question is on agreeing to amendment No. 3270. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from Pennsylvania [Mr. SPECTER] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

The result was announced—yeas 10, nays 86, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—10

Craig
Garn
Hollings
Lott
McCain
Pressler
Seymour
Smith
Symms
Wallop

NAYS—86

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick, Jocelyn
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sarbanes
Sasser
Shelby
Simon
Simpson
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NOT VOTING—4

Gore
Helms
Sanford
Specter

So the amendment (No. 3270) was rejected.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order it is now in order to proceed with the resolution of ratification. Pursuant to that order the committee recommended amendment is considered and agreed to and the resolution of ratification as thus amended is thus considered original text for purpose of further amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, on behalf of the Committee on Foreign Relations I submit the resolution of ratification as recommended by our committee.

The PRESIDING OFFICER. The resolution of ratification is now before the Senate.

The resolution of ratification is as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms signed at Moscow on July 31, 1991, including Annexes on Agreed Statements and Definitions; Protocols on Conversion or Elimination, Inspection, Notification, Throw-weight, Telemetry, and Joint Compliance and Inspection Commission, Memorandum of Understanding (all transmitted within Treaty Doc. 102-20), the Corrigenda of December 19, 1991, and the Protocol to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms signed at Lisbon, Portugal, on May 23, 1992, between the United States of America and the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine, as successor states of the former Union of Soviet Socialist Republics in connection with the START Treaty (transmitted within Treaty Doc. 102-32 and hereinafter referred to as the May 23, 1992 Protocol); all such documents being integral parts of and collectively referred to as, the "START Treaty", subject to the following:

(a) CONDITIONS.—The Senate's advice and consent to the ratification of the START Treaty is subject to the following conditions, which shall be binding upon the President:

(1) BINDING OBLIGATIONS.—That upon entry into force of the START Treaty, including the May 23, 1992 Protocol, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine shall be legally bound under international law to all the obligations of the Union of Soviet Socialist Republics set forth in the START Treaty, its two Annexes, six Protocols, Memorandum of Understanding and Corrigenda.

(2) LEGAL AND POLITICAL OBLIGATIONS OF USSR.—That the legal and political obligations of the Union of Soviet Socialist Republics reflected in the four related separate agreements, seven legally binding letters, four areas of correspondence, two politically binding declarations, thirteen joint statements and ten other statements on related issues transmitted in Treaty Doc. 102-20 for the information of the Senate with the START Treaty are included in the "obligations of the former Union of Soviet Socialist Republics under the Treaty" assumed by the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine pursuant to Article I of the May 23, 1992 Protocol, and that the legal obligations assumed therein are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these legal obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine, in such form as he deems appropriate.

(3) BYELARUS, KAZAKHSTAN AND UKRAINE LETTERS.—That the letter from Chairman Shushkevich of the Supreme Soviet of the Republic of Byelarus to President Bush dated May 20, 1992; the letter from President Nazarbayev of the Republic of Kazakhstan to President Bush dated May 19, 1992; and the letter from President Kravchuk of Ukraine to President Bush dated May 7, 1992 (all having been submitted to the Senate as associated with the May 23, 1992 Protocol in Treaty Doc. 102-32), being obligations legally binding only in the event of ratification of the START Treaty, are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republic of Byelarus, the Republic of Kazakhstan and Ukraine, in such form as he deems appropriate.

(4) NUCLEAR NON-PROLIFERATION TREATY.—That the obligations of the Republic of Byelarus, the Republic of Kazakhstan and Ukraine to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 as non-nuclear-weapon States Parties in the shortest possible time, set forth in Article V of the May 23, 1992 Protocol, are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the

President to the Republic of Byelarus, the Republic of Kazakhstan and Ukraine in such form as he deems appropriate.

(5) IMPLEMENTATION ARRANGEMENTS.—If the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine have not made arrangements to implement the START Treaty's limits and restrictions, and to allow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of the May 23, 1992 Protocol, or worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, by the date of entry into force of the Treaty, then the President—

(A) shall consult with the Senate regarding the effect on the START Treaty of such developments; and

(B) shall seek on an urgent basis a meeting at the highest diplomatic levels to gain agreement on the completion of the aforesaid arrangements.

(6) ELIMINATION OF NUCLEAR WEAPONS FROM BYELARUS, KAZAKHSTAN AND UKRAINE.—If the Republic of Byelarus, the Republic of Kazakhstan and Ukraine have not eliminated all nuclear weapons located on their territory and have not eliminated, in accordance with the procedures of the START Treaty, all strategic offensive arms located on their territory, within seven years following the date of entry into force of the START Treaty, as agreed to in legally binding letters submitted to the Senate in connection with the May 23, 1992 Protocol in Treaty Doc. 102-32, then the President—

(A) shall consult with the Senate regarding the effect on the START Treaty of such developments,

(B) shall, if the President determines that failure to eliminate, within seven years following the date of entry into force of the START Treaty, all nuclear weapons, including all strategic offensive arms, located on the territories of the Republic of Byelarus, the Republic of Kazahhstan and Ukraine is of such significance as to constitute a changed circumstances affecting the treaty's object and purpose, and if the President decides not to invoke the withdrawal right under Article XVII of the Treaty, the President shall request a meeting of the Joint Compliance and Inspection Commission in accordance with Article XV of the Treaty, to assess the viability of the Treaty and to ascertain if an amendment is needed to accommodate the change of circumstance, or the President shall undertake other appropriate diplomatic steps; and

(C) shall, if the President has made the determination and decision described in subparagraph (B)—

(i) submit for the Senate's advice and consent to ratification any change in the obligations of the States Parties under the Treaty that is designed to accommodate such circumstance and is agreed to by all States Parties, unless such change is a minor matter of an administrative or technical nature; or

(ii) if no such change in the obligations of the States Parties is agreed to by all States Parties but the President determines nonetheless that continued adherence to the START Treaty would serve the national security interests of the United States, the President shall seek a Senate resolution of support of such continued adherence, notwithstanding the changed circumstance affecting the Treaty's object and purpose.

(7) PRESIDENTIAL REPORT ON TREATY COMPLIANCE.—Within 180 days of the Senate's giving its advice and consent to ratification of the Treaty, the President shall submit to the Senate an updated and expanded compliance report in classified and unclassified form, setting forth—

(A) a listing and discussion of the actions which are violations or probable violations of the obligations of the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties, and the ultimate resolution of these issues;

(B) a listing and discussion of the actions which are in compliance with the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties;

(C) a comparison of the military significance of those actions listed in subparagraphs (A) and (B).

(8) NUCLEAR STOCKPILE WEAPONS ARRANGEMENT.—In as much as the prospect of a loss of control of nuclear weapons or fissile material in the former Soviet Union could pose a serious threat to the United States and to international peace and security, in connection with any further agreement reducing strategic offensive arms, the President shall seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures, to monitor—

(A) the numbers of nuclear stockpile weapons on the territory of the parties to this Treaty; and

(B) the location and inventory of facilities on the territory of the parties to this treaty capable of producing or processing significant quantities of fissile materials.

(b) DECLARATIONS.—The Senate's advice and consent to ratification of the START Treaty is subject to the following declarations, which express the intent of the Senate:

(1) SUBSTANTIAL FURTHER REDUCTIONS.—Cognizant of the United States' obligation under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 "to pursue negotitations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control", the Senate finds that the President entered into a Joint Understanding of June 17, 1992, on behalf of the United States, with President Yeltsin, on behalf of the Russian Federation, agreeing to conclude promptly a treaty providing for substantial further reductions in strategic offensive arms. The Senate encourages the conclusion of such a treaty at the earliest possible date and will give it prompt consideration upon submission by the President for advice and consent to ratification. In anticipation of the completion, ratification, and entry into force of a treaty with the Russian Federation for substantial further reductions in strategic arms, the Senate calls upon the other nuclear-weapons-states to give careful and early consideration to corresponding reductions of their own nuclear arsenals.

(2) MISSILE TECHNOLOGY CONTROL REGIME.—The Senate urges the President to seek the adherence by the Republic of Byelarus, the Republic of Kazakhstan and Ukraine to the guidelines of the Missile Technology Control Regime.

(3) ELIMINATION AND DISMANTLEMENT OF NUCLEAR WARHEADS.—The Senate commends the Republic of Byelarus, the Republic of Kazakhstan, and Ukraine for eliminating the tactical nuclear warheads from their territories and urges the rapid elimination of the strategic nuclear warheads from their territories pursuant to their obligations under the START Treaty. The Senate urges the President to instruct the Safety, Security and Dismantlement negotiators to proceed expeditiously to obtain the destruction of all nuclear warheads from eliminated systems and to facilitate secure safeguarded storage of the special nuclear material withdrawn from eliminated weapons.

(4) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the Resolution of Ratification with respect to the INF Treaty, approved by the Senate on May 27, 1988.

(5) FURTHER ARMS REDUCTION OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power set forth in Article II, Section 2, Clause 2 of the Constitution.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. LUGAR. Mr. President, I have been authorized by Senator WALLOP to withdraw his amendment No. 3283 from the list of amendments in order to be offered to the resolution.

Therefore, Mr. President, I ask unanimous consent that the Wallop amendment No. 3283 no longer be eligible for consideration under the previous unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered. So the amendment (No. 3283) was withdrawn.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I rise to address two amendments relating to the pending treaty and most particularly the resolution of ratification. If adopted, these two amendments would be amendments to the resolution of ratification.

Before doing so I want to state my unqualified respect for President Bush and former Secretary of State Baker, for their work through the years together with the National Security staff and particularly General Scowcroft in achieving this historic treaty.

I intend to support the treaty irrespective of how the Senate may address these two amendments.

Nevertheless, I think the treaty is a major step forward in the security of this Nation and indeed of the free world. I also wish to pay my respects to the managers, the distinguished chairman of the Foreign Relations Committee, the Senator from Rhode Island, and the ranking minority member, the Senator from Indiana for their tireless work on this treaty and also their very clear, I think quite clear, interpretation of the many provisions and their cogent arguments in support thereof.

I recently read what I felt was a rather almost abusive criticism of the manner in which the managers have handled this treaty. It only came from one source and in due course I may join others in addressing that particular source of criticism, because I felt it was certainly out of order and not appropriate.

I also wish to pay my respects to the senior Senator from Wyoming [Mr. WALLOP]. He serves on the Armed Services Committee with great distinction. He serves as a conscience really for those who are deeply concerned by a considerable number of portions of this treaty. He has taken the floor in the past several days, and again I felt that he has put forward in an incisive and cogent manner arguments which should be weighed as they have been and considered by this body before we move forward to give our advice and consent as required by the Constitution.

I think he has done this in a very fair and objective manner.

I hope that the fact that we had to invoke cloture will not be misconstrued in any manner. The Senator from Wyoming and others felt there was an obligation on the part of this body to pace itself in a more cautious and prudent manner as it deliberated on the various provisions of the treaty. And for that reason, I supported and continue to support the manner in which he has approached his viewpoints. I disagreed and voted against both amendments; indeed, the one this morning. But nevertheless, he added, I think, a very important factor in the deliberations that we must accord this treaty.

I also wish to thank two members of my staff, Mr. Tucker and Miss Sauer—who is with me this morning—for their support in helping me work up these two amendments.

AMENDMENT NO. 3243

Mr. WARNER. Mr. President, I call up amendment No. 3243.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. THURMOND, Mr. NUNN, Mr. WALLOP, Mr. COHEN, Mr. MACK, and Mr. MCCAIN, proposes an amendment numbered 3243.

Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

In the fifth condition to the resolution of ratification recommended by the Committee on Foreign Relations, strike all after "If" in the first sentence through the end of the condition, and insert in lieu thereof the following: ", by the date which is one day before the date upon which the President of the United States proposes to exchange the instruments of ratification of the START Treaty, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and the Ukraine have not made arrangements to implement the START Treaty's limits and restrictions or to allow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of the May 23, 1992 Protocol, or have not worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, then—

"(A) the President—

"(i) shall consult with the Senate regarding the effect on the Treaty of such developments; and

"(ii) shall seek on an urgent basis a meeting at the highest diplomatic levels to gain agreements on the completion of those arrangements, and

"(B) and the President shall take no action to allow the Treaty to enter into force until such consultation and such meeting have taken place".

Mr. WARNER. Mr. President, I ask unanimous consent to send a modification to the desk and that the amendment be so modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3243), as modified, is as follows:

In the fifth condition to the resolution of ratification recommended by the Committee on Foreign Relations, strike all after "If" in the first sentence through the end of the condition, and insert in lieu thereof the following: ", by the date which is ten days before the date upon which the President of the United States proposes to exchange the instruments of ratification of the START Treaty, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and the Ukraine have not made arrangements to implement the START Treaty's limits and restrictions or to allow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of the May 23, 1992 Protocol, or have not worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, then—

"(A) the President—

"(i) shall consult with the Senate regarding the effect on the Treaty of such developments; and

"(ii) shall seek on an urgent basis a meeting at the highest diplomatic levels to gain agreements on the completion of those arrangements, and

"(B) and the President shall take no action to allow the Treaty to enter into force until such consultation and such meeting have taken place".

Mr. WARNER. Mr. President, I am pleased to announce that the following Senators have indicated a desire to be cosponsors: Senator THURMOND, Senator NUNN, Senator WALLOP, Senator COHEN, Senator MACK, and Senator MCCAIN.

I ask unanimous consent that they be added as original cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, let me say at the outset that I will support the ratification of this START I Treaty, but I believe the Senate should seriously consider certain conditions to its ratification which address changes in world circumstances since the time of the treaty's submission to the Senate. I intend to offer two amendments to address my concerns and, indeed, I think the concerns others in this body have, and I would like to discuss these concerns briefly at this time.

As my colleagues know, since the START Treaty was signed more than a year ago, the world has witnessed the disintegration of the former Soviet Union and the formation of 15 new independent nations in its place. These developments are reflected in the May 1992 protocols in the START I Treaty signed at Lisbon, Portugal. This protocol brings Ukraine, Byelarus, and Kazakhstan into the treaty regime and commits these independent countries to eliminate the nuclear weapons on their soil and become non-nuclear parties to the nuclear Non-Proliferation Treaty.

In addition, the joint understanding reached on June 17 of this year between President Bush and President Yeltsin will hopefully result in a treaty to further reduce strategic nuclear arms in our two nations. These significant achievements should be recognized by the Senate and the American people as historic events toward peace in our world.

Again, I applaud President Bush for these further significant achievements.

Let me note, however, that I have some concerns about the inter-operability, otherwise referred to as linkage, between these three significant agreements as well as the apparent progress, the rate of progress, to implement the terms.

The President submitted to the Senate last year the START I Treaty, which is over 1,000 pages long, including protocols, and annexes. Its provisions are complex, technical, and complete.

In contrast, the May protocol, which essentially changes the partnership of the START I Treaty and which outlines the commitments of the three new parties to the treaty, is only four pages of broadly written language.

I find it particularly difficult to assess the prospects for implementation of the START Treaty among the four former Soviet Republics based on the content of this protocol. I expect that a number of my colleagues likewise share a similar concern.

The administration has repeatedly assured the Senate that the four former Soviet Republics are working among themselves toward reaching agreement on allocation of costs and assignment of both rights and obligations under START I. However, several disturbing public statements in the past few months seem to cast some doubt—I repeat some doubt—on these assurances.

For example, in the July 13, 1992, issue of Defense News, there appeared an article entitled "Kravchuk Waffles on Nuclear Issue." The article includes this quotation by Ukrainian President Kravchuk; "We would like to have some form of control over the nuclear potential that is deployed in our territory."

The article also cites a comment by Steven Meyer, a professor at MIT, who specializes in nuclear command control issues, and he states as follows: "He's"—that is Kravchuk—"being pressured by nationalists to assert more nationalistic control over these strategic aspects. Only 2 weeks ago, during a visit to Washington, a member of the defense committee of the Ukrainian Parliament, Mr. Kostenko, asserting that he represented the views of Ukrainian leadership, stated that Ukraine must have the status of a nuclear weapons state while it carries out its responsibility as a party to the START I Treaty to destroy the nuclear weapons on its territory."

In addition, he refused to specify a date by which all nuclear weapons would be removed from Ukraine so that Ukraine could then accede to the Nonproliferation Treaty as a nonnuclear weapons state. And last, he said that in Ukraine, and I quote him, "there is a very strong position of some parties who demand that we temporarily suspend the process of unilateral nuclear disarmament."

Mr. President, these comments are very disturbing to me because they indicate that it may not be a simple matter for the four former Soviet Republics to agree on implementation of the START I Treaty. Nationalist tensions, which, among other things, drove a dissolution of the former Soviet Union, will not disappear in a matter of a few months or perhaps even years. These longstanding conflicts between the former Soviet Republics are affecting the desires of the new States to ensure their own security and interests in their relationships with each other.

We must recognize that these tensions will continue to dominate relations among the member States of the Commonwealth of Independent States and will continue to affect relations of those new States with the United States and other Western nations. That could take place for many decades to come.

While we acknowledge some of the reasons for delay in reaching an agreement on implementation procedures, lack of such agreement raises serious questions in my mind as to the ability of the United States to exercise all of its rights under the treaty.

If, for instance, Ukraine were to refuse United States inspectors access to start inspecting facilities on its territory, who is accountable for that breach of the treaty?

How could this issue be resolved in the Joint Compliance and Inspection Commission, if Ukraine were not fully participating in that organization?

What impact might repeated instances of this type have on U.S. ability to maintain confidence in our ability to effectively monitor the provisions of the treaty? These are legitimate questions, and I hope my colleagues will consider them carefully.

Mr. President, I spoke yesterday with Gen. Edward L. Rowny, formally chief U.S. negotiator for START in 1982.

This is a man who has had a long, distinguished career in the service of his country; first as a professional Army officer and subsequently as a negotiator, not only on this treaty but an adjunct negotiator on many arms control, disarmament agreements.

General Rowny shares the views I have stated this morning, that an agreement on implementation procedures among the four former Soviet Republics is an integral part of our support of the START I Treaty as a whole. I ask unanimous consent to include in the RECORD, following my remarks, a letter addressed to myself and other Members of the Senate dated September 28, 1992, in support—and I repeat—in support of the START I Treaty. He is unequivocal about his support of that treaty.

But I would note I do not agree with General Rowny's comments about the START II agreement. And I will discuss this issue at a later time. Nevertheless, the contents of this letter support some of the arguments that I have stated here this morning in relation to the first amendment most specifically.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WARNER. Mr. President, I intend to offer an amendment which is now at the desk which would require the President to delay temporarily the entry into force of the START I Treaty if the four former Soviet Republics have not resolved these issues related to the implementation of the treaty.

If all other parties have ratified the treaty and implementation arrangements have not been finalized among Russia, Ukraine, Byelarus, Kazakhstan, the President should consult with the Senate and must conduct a meeting at the highest diplomatic levels, in an effort to resolve these issues.

However, if the President determines, following these consultations and meetings, that entry into force of the START I Treaty is still in the national security interests of the United States, then nothing in my amendment precludes the President from proceeding to exchange the instruments of ratification to the treaty.

That is a very important point, Mr. President, The purpose of the amendment, again, is to put him on notice about the concerns of this body. We asked him to, in a prudent manner, address those concerns both by consultation with this body and beforehand, having convened a meeting with the appropriate officials of the parties to the treaty. But after those two steps are completed, he still has complete discretion within which to proceed to exchange the instruments of ratification of the treaty.

The PRESIDING OFFICER (Mr. BRYAN). The Chair informs the Senator the time allocated to him under the previous time agreement has expired.

Mr. WARNER. Mr. President, I ask unanimous consent the time allocated to the Senator from Virginia under the next amendment be available to the Senator at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. In conclusion, Mr. President, this amendment would merely require the President and the Senate to have a prudent and reasonable pause to reassess the advisability of assuming the significant obligations of the START I Treaty in the absence of assured implementation by the other four parties to the treaty. I am of the opinion that this amendment would be acceptable and, therefore Mr. President, I urge its adoption.

EXHIBIT 1

INTERNATIONAL NEGOTIATING
CONSULTANTS. INC.,
Arlington, VA, September 28, 1992.
Hon. JOHN W. WARNER,
Armed Services Committee, U.S. Senate, Washington, DC.

DEAR JOHN: Since there will not be an opportunity for me to testify before the Senate Armed Services Committee, I am enclosing a statement giving my views on the START Treaty.

As you will recall, I was the chief U.S. negotiator for START in 1982, and until July 1, 1990, served as special advisor to Presidents Reagan and Bush on arms control matters.

As a result of having closely monitored START since its inception, I believe that the treaty, provided the Lisbon Protocols are improved and included, is in our national security interests. The protocols would allow the United States to deal with only one power, the Russians, while at the same time giving us inspection rights in the other three nuclear republics.

Those critics who would not ratify START believe that the United States would be off if it adopted the more sweeping reductions which were agreed to in principle by Presidents Bush and Yeltsin earlier this year. The agreement would eliminate all MIRVed ICBMs, and as a consequence, any Russian first strike capability. This would, however, take months to conclude since the newly independent republics of the former Soviet Union would insist upon negotiating directly with the United States as sovereign independent powers.

My judgment therefore is that the U.S. should ratify START together with a set of improved protocols, which would force the other republics to transfer their missiles to Russia and begin immediately the process under which the missiles would be destroyed.

Respectively,

EDWARD L. ROWNY.

STATEMENT FOR THE RECORD BY AMBASSADOR EDWARD L. ROWNY, SEPTEMBER 28, 1992

Mr. Chairman, the treaty that was signed by Presidents Bush and Gorbachev on July

31, 1991 represents the culmination of almost 10 years of dedicated effort and difficult negotiations. As the first chief of the U.S. START negotiating team, I have followed its progress closely. As you are well aware, I have never favored ratification of arms control agreements as a matter of course. My current assessment is that despite its flaws, the United States should, provided important conditions are met, give its advice and consent to ratification.

My decision to recommend that the Senate ratify START was not arrived at easily or quickly. Those who argue against ratification oppose it on the grounds that Presidents Bush and Yeltsin earlier this year have gone far beyond the modest achievement of the Treaty by agreeing to de-MIRV all ICBMs. Were this to be accomplished, it would indeed be a landmark and long sought after achievement in that it would take away the Russians' first strike capability. The flaw in this argument is that the June 1992 Summit resulted in only a two page framework that is at least months away from being developed into treaty text. Moreover, it leaves unanswered the important question of whether the three other nuclear states, Ukraine, Kazkhstan, and Belarus, would as they have under the Lisbon protocols, allow Russia to be the sole nuclear power with which the United States would need to deal. Accordingly, I'm convinced that the U.S. would be better off settling for START, the bird in the hand being better than two in the bush.

The START bird in the hand may, however, take flight unless the protocols developed at Lisbon are made ironclad and part and parcel of the START Treaty itself. The loophole in the protocols that is most in need of plugging is the insistence of Ukraine, Kazakhstan, and Belarus that an international inspection regime be established in lieu of all parties abiding by START's verification provisions.

HOW THE START TREATY WAS COMPLETED

President Bush, of course, signed START shortly before Mr. Gorbachev fell from power and the Soviet Union split up. When Mr. Yeltsin took office, he and the leaders of the other three nuclear states agreed to assume the legal obligations, including START, of the former Soviet Union. This fortuitous set of circumstances is not likely to present itself again. It is particularly important that we seize this opportunity since Ukraine, Kazakhstan, and Belarus agreed in Lisbon to become signatories of the Non-Nuclear Proliferation Treaty (NPT).

THE CURRENT WORLD SITUATION

Before I discuss the criteria by which the treaty should be judged, I want to comment upon how the treaty fits into the current world situation. Specifically, the breakup of the Soviet Union created an issue over the successor state obligations for an agreement reached between the United States and the former Soviet Union (FSU). Whereas the FSU represented a unified entity as a nuclear weapons power, its breakup created the potential for three additional nuclear states. Those states each possess small but nonetheless important portions of the nuclear arsenal of the FSU. This arsenal includes silo-based SS-18s, SS-19s, and SS-24s, road-mobile SS-25s, SLBMs, and heavy bombers. The Bush Administration engaged in serious diplomacy to bring about an outcome whereby the Russian Republic would assume the obligations of the other members of the FSU pertaining to START. However, time and the march of events did not allow the United States to achieve that outcome. We were able to achieve simply an agreement in which the other "nuclear" republics became parties to START. Nevertheless, it is encouraging that the other three republics have indicated that they wish to be free of the burden of nuclear weapons. They committed themselves to accede to the Nuclear Non-Proliferation Treaty as non-nuclear weapon states. Additionally, they have agreed to eliminate all their strategic offensive arms within seven years after START enters into force. This arrangement was fortunately codified in the Lisbon protocols to the START Treaty. Although the United States would have preferred a Russia-only solution, the arrangement reached is an acceptable one. Indeed, it may in fact be the only solution which would permit START to be ratified. However, it will still encounter hurdles during its implementation as the parties move from a bilateral to a multilateral context. Each party now has a vote, and with it the right to exercise a veto.

CRITERIA UNDER WHICH START SHOULD BE EVALUATED

Let me turn to the criteria under which I believe START should be evaluated;

First and foremost, the treaty must enhance our national security;

Second, it must be verifiable; and

Third, it must, after the reductions take place, result in greater stability.

During my testimony in 1981 for confirmation as the first START negotiator, I said: ". . . It is essential that we negotiate agreements with the Soviet Union that are balanced and equal and thus serve the national security needs of the United States and our allies. Such agreements can and should make a positive contribution to our security objectives." I stated clearly that I was committed to "genuine" arms control.

As you all know, I resigned from my post as the military representative on the SALT II negotiating team and retired from the Army in order to oppose the SALT II Treaty. I remained with the SALT II delegation until the treaty was signed in the hope that it could be made equal and verifiable. However, in the end I reached the sad but inevitable conclusion that SALT II posed unacceptable risks to the security of the United States. I believe then, as I believe now, that the SALT II Treaty signed in 1979 was inequitable and unverifiable. It would have permitted the USSR to possess strategic forces greater than our own. And because it would have granted the USSR a unilateral right to heavy ICBMs, it would have been highly destabilizing.

When President Reagan selected me to become the chief of the U.S. START negotiating team, the task he assigned me was simple. He instructed me to reach an agreement which would reduce the risk of nuclear war. He told me to strive for deep reductions in the strategic weaponry of both sides. He ordered me to enhance strategic stability.

President Reagan had already set the tone for his talks by declaring in his Eureka College speech in May 1982 his desire to "reduce significantly the most destabilizing systems—ballistic missiles, the number of warheads they carry and their overall destructive potential." His objective, which was consistently pursued, was to reduce the huge advantage which the Soviets had in numbers and destructive power (throw weight) of ICBMs. Part and parcel of that objective was to eliminate the Soviets' heavy ICBMs—it was these missiles which made the greatest contribution to strategic instability. We sought throughout our negotiations to arrive at forces, once the reductions were achieved, which consisted of less destabilizing systems, that is, heavy bombers and cruise missiles.

SHOULD THE SENATE RATIFY START?

It is not my intention to bore you with what is by now ancient history. But I feel it necessary to set the framework for remarks which follow on whether or not a more comprehensive START Treaty should be ratified. I believe that the responsibility of the United States Senate would not be fulfilled if you were simply to hear testimony which rubber stamps the treaty.

Once again let me be clear and state that the START Treaty, although flawed, is, on balance, better than no treaty at all. It would enhance our national security and increase stability. In my opinion its importance has been increased as a result of the Summit agreement of mid-June 1992 on further reductions and a ban on MIRVed ICBMs; both are positions I have long advocated. At the same time, let me caution that this treaty is far from perfect and will require much time and effort before it achieves its basic objectives. Let me first outline START's major achievements and then turn to its shortcomings.

START'S ACCOMPLISHMENTS

The foremost START accomplishments are a reduction in total warheads to 6000, and reductions in ballistic missile warheads—those on ICBMs and SLBMs—to 4900. Secondary accomplishments are the further limits of 1450 on heavy ICBM warheads and 1100 on mobile ICBM warheads. These actions will require actual reductions in the number of deployed launchers of ICBMs and SLBMs. Not inconsequently, the START agreement would result in a 46 percent reduction in ballistic missile destructive potential (throw weight). This figure is close to our original goal of a reduction of 50 percent. Moreover, in consonance with our original objectives, heavy bombers are subject to fewer reductions than are fast-flying ballistic missiles. We were able to sustain the Raykjavik bomber counting rule—each deployed heavy bomber equipped for nuclear armaments other than long-range nuclear ALCMs will be attributed with one warhead. Additionally we were able to achieve a warhead discount of 50 percent for up to 150 U.S. and 180 Soviet ALCM equipped heavy bombers. Above those numbers such bombers will be attributed with the maximum number for which they are equipped. The effect on our force structure should be minimal and apply only during the period in which reductions are taking place. Since the Russians continue to be tough negotiators, we had to pay a price for this discount rule. We had to agree to a minimum range of 600 kilometers as the threshold for nuclear ALCMs. In the broadest sense, START achieved its goal of reducing the most destabilizing systems and treating the slower-flying air-breathing systems more leniently.

START'S SHORTCOMINGS

Some of our objectives were not achieved: I believe they could have been obtained had we been tougher and more patient negotiators. The most important of these was the failure to achieve the original goal of completely doing away with all the Soviets' heavy ICBMs. The mission of this system is simple and clear; it is to mount a preemptive strike on our hardened silo-based ICBMs and launch control facilities. The Soviets' heavy missiles are the single most destabilizing weapon system in either side's nuclear arsenal. Not only did we fail to achieve the elimination of such missiles, but we also sanctioned their modernization. We gave the

Soviets the right to improve the accuracy and destructive potential of their SS–18s, thus permitting the reduced force to have the same destructive potential as the original force. In short, we failed to take advantage of the less belligerent attitude fostered by a crumbling Soviet Union. This situation could become more acute as we decrease our silo-based ICBMs.

Fortunately, this destabilizing situation has the potential of being alleviated by the agreement between Presidents Bush and Yeltsin to eliminate, over the next decade, MIRVed ICBMs. This agreement, which will need to be codified in a separate treaty, establishes an intermediate limit of 650 heavy ICBMs within a limit of 1,200 for MIRVed ICBMs by 2000 and the elimination of all MIRVed ICBMs not later than 2003. If this latest agreement is codified, it will result in the elimination of all SS–17, SS–18, SS–19, and SS–24 ICBMs possessed by the states of the former Soviet Union. The United States will have to eliminate all of its Peacekeeper MX ICBMs and download its Minuteman III ICBMs from three to one recovery vehicle. This will be an achievement of monumental proportions, one that is long overdue. It will greatly stabilize the strategic posture on both sides, especially since it will eliminate the FSU's first-strike potential. This agreement is all the more remarkable in that it will permit the retention of an insurance policy in the form of MIRVed SLBMs, albeit at lower levels of warheads. The price the United States had to pay for retaining MIRVed SLBMs was the elimination of the bomber discount rule and the relaxation of some of the START downloading provisions. It was a price we can afford to pay, one we can live with. While the bomber discount was essential, under START, the change to an "as equipped counting rule" is acceptable if reductions occur as foreseen. The next step will be to persuade the Russians to eliminate their remaining heavy ICBMs prior to 2003. However, recent reports from Moscow indicate dissatisfaction with the agreement on the part of the military and the defense industry. In such a climate the United States should proceed with caution. It should refrain from further unilateral reduction initiatives until it is assured that the codification process is back on track.

Now an entirely new area of concern involves the disposition of non-deployed missiles once the deployed launchers are eliminated. "Elimination" as defined in the legally binding letters accompanying the Protocol implies that START procedures will be utilized. Under START, only launchers and those ballistic missiles subject to non-deployed missile limits (i.e., mobile ICBMs and silo-based variants) in excess of agreed limits must be destroyed. While other nuclear republics are legally obligated to destroy or return to Russia their nuclear warheads, the existence of non-deployed missile, which can under START, be legally used for space launch purposes, represents a potential for covert ICBM deployments. Maintaining such a covert capability creates the risk of political loss that would outweigh any marginal military gain. Accordingly, it is necessary for the United States to remain aware that such a covert capability does exist.

START permits mobile ICBMs. The FSU has deployed them—we have not. The Bush-Yeltsin agreement of 1992 did not address this important matter. It should be the objective of any future agreement to include a ban on mobile missiles.

THE CRUCIAL ISSUE: VERIFICATION

If the proposed reductions are to be in fact achieved, verification will take on greater importance. Fortunately, one of the most important outcomes of START has been a more comprehensive and intrusive inspection regime. Formerly, the means to enhance verification were confined largely to national technical means (i.e., spy satellites and listening devices). Twelve different types of on-site inspections, if implemented, will ensure a steady stream of inspectors on former Soviet soil performing a variety of tasks. In addition, our capability to monitor ballistic missile tests and to determine throw weight will be enhanced by the ban on data denial. This agreement includes the obligation to provide actual tapes of raw data as well as the explanations to interpret the data. This should provide the means of determining the important performance parameters for ICBMs and SLBMs that are essential for verification.

THE OUTLOOK FOR THE FUTURE

In an article in Strategic Review (Winter 1991), I made the following observation:

> While START looks relatively good from today's vantage point, its long-term outlook is disturbing. Although it represents a marginal plus for stability when looked at in the present—as a snapshot—in the long run—as a moving picture—the trend leads to greater strategic instability. START's failure to zero out heavy missiles will allow the Soviets to maintain a dangerous first-strike capability into the indefinite future. START's failure to reduce adequately the concentration of warheads on MIRVed ICBMs will not force the Soviet General Staff to abandon its first strike nuclear doctrine. And finally, START will have an inexorable lulling effect on Congress and the American public that will further undercut necessary U.S. strategic force modernization efforts. In considering objectives for START follow-on negotiations, American policy makers must, therefore, concentrate on the crisis stability problems left over from the START Treaty. American objectives in the START follow-on negotiations should include the complete elimination of heavy missiles and a phase-out of multiple of warhead land-based missiles.

What a difference the last year has made: The Soviet Union has completely disintegrated. As I recommended and dared hope for, Presidents Bush and Yeltsin have now agreed to eliminate both MIRVed and heavy ICBMs, addressing the most important flaw contained in the START Treaty.

Still, the best way to "seize the moment" is to begin the process of eliminating Soviet missiles under the landmark verification provisions contained in START. Even these provisions must be significantly strengthened, to include an inspection regime to account for non-deplayed missiles. But, we should codify the myriad short notice inspections, continuous monitoring, data denial ban, and the data exchange. These are the real gains of the START Treaty. They will make viable the START reductions and provide the foundation for further stabilizing reductions.

Failure to ratify START now would run the risk of creating a rerun of the Post-SALT II fate which committed us to abide by the terms of the unratified document. Because START is an improvement over the fatally flawed SALT II Treaty, political commitments to observe the limits will be ineffective without the comprehensive verification provisions that accompany the reductions. Indeed, the START Treaty could be the foundation upon which we can confidently reduce strategic offensive arms to lower overall warhead levels.

SUMMARY

I believe it is important that the United States ratify START once the Lisbon protocols and subsequent letters are refined and incorporated into the treaty. It will provide a solid basis upon which to make further reductions and codify farreaching verification provisions. In my opinion, we have seen the last of the "old-style" of arms control negotiations. We should take advantage of the good and effective provisions of the treaty. I think we should enter into this treaty with our eyes open and acknowledge that it does have important flaws. In short, I believe that a START Treaty clarified and improved as I have indicated, will make positive contributions to our national security, and its ratification would be in the best interests of the United States.

The PRESIDING OFFICER. The Chair informs the manager he controls 10 minutes on the amendment.

The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, might I inquire of the Senator from Virginia as to whether his amendment changes the period for consultation prior to entry into force, from 1 day to 10 days?

Mr. WARNER. Mr. President, I inform the distinguished manager and chairman of the committee that I have done so.

Mr. PELL. In my mind this is a good amendment which modifies condition 5 of the committee resolution of ratification. I would agree that we want the Joint Compliance and Inspection Commission to operate effectively. I believe that the amendment of the Senator from Virginia will underscore the importance of this. The original thought of 1 day was obviously an impossibility and the modification to 10 days is an improvement. And I would say from this side of the aisle, the amendment is a beneficial and good one, and we have no objection to it.

Mr. WARNER. Mr. President, I thank the distinguished chairman.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from Virginia on an amendment that clarifies a very important issue.

I would just take this opportunity to mention the extraordinary leadership the Senator from Virginia has given, not only in his role as ranking Republican member on the Armed Services Committee but with the Arms Control Observer Group, in travels to the former Soviet Union and to the republics subsequently.

The Senator has seen firsthand, situations that have been very important in our debate; and his contacts with the administration in thinking through very logical positions with regard to this treaty are certainly commendable.

Let me just reiterate, for a moment, points that the Senator from Virginia has made and which I commend specifically. The amendment he has introduced requires that the consultations on the implementing agreement occur before entry into force and that is consistent with both the Foreign Relations Committee's intent and the administration's understanding of the resolution of ratification.

Thus, in principle, the administration has indicated no objection to this condition and of course, as the distinguished Senator from Rhode Island, the chairman of the Foreign Relations Committee, has indicated, he is prepared to accept that amendment and so am I on our side of the aisle.

Finally, I would just say that we are all searching for ways to try to think through the implications of a five-country treaty. We started down the trail of START with just two countries in mind. It is important that we think through all the implications of the additional countries and the importance that they play and the respect we must have for their roles, as well as for our own situation.

So, for all these reasons I commend the Senator for his amendment and on our side of the aisle we are prepared to accept it at this time.

The PRESIDING OFFICER. The Chair informs the manager he still controls 6 minutes and 49 seconds on this amendment. Does he intend to yield the time back?

Mr. PELL. Mr. President, I am glad to say we yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3243), as modified, was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized.

Mr. WARNER. First I wish to thank again both managers and in particular the distinguished Senator from Indiana for his thoughtful remarks and his reference to the Senate observers group. It, indeed, has been a privilege for me to serve with that group since its inception. The managers have been the leaders, standing in for the respective majority leader and distinguished Republican leader of this body, who indeed are the foursome who manage it, primarily.

It has been a very effective and innovative step in the history of this body. It has enabled a group of us to begin to study the arms control agreements from the very inception. We have carefully avoided any participation in the negotiations. Nevertheless, we have through these years met on numerous occasions with the negotiators on both sides. And it has enabled us to learn from the ground up the steps by which these various agreements have been put together. I am hopeful the future leadership of this body will continue this tradition, because it has enabled the group of roughly 8 to 10 to learn about all aspects of these agreements from the beginning and thereby, I think, enabled them to take a more active role in assisting other Members of this body to gain a comprehension and understanding of these agreements.

AMENDMENT NO. 3240

(Purpose: To condition the entry into force of the treaty on consultation with the Senate and foreign governments under certain circumstances)

Mr. WARNER. Mr. President, I turn to my second amendment and call up amendment No. 3240 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 3240.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the resolution of ratification of the Treaty, add the following new condition:

( ) CONDITION OF ENTRY INTO FORCE.—If, by the date which is one day before the date upon which the President of the United States proposes to exchange the instruments of ratification of the START Treaty,

(A) the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine have not made arrangements to implement the START Treaty's limits and restrictions or to follow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of May 23, 1992 Protocol, or have not worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, or

(B) if the President has not submitted to the Senate for its advice and consent to ratification a treaty between the United States and the Russian Federation pursuant to the June 17, 1992, Joint Understanding on further reductions in strategic offensive arms,

then—

(i) the President shall—

(I) consult with the Senate regarding the effect on the Treaty of such developments, and

(II) seek on an urgent basis a meeting at the highest diplomatic levels to gain agreements on the completion of the aforesaid arrangements, and

(ii) the President shall take no action to allow the Treaty to enter into force until such consultation and such meeting have taken place.

AMENDMENT NO. 3240, AS MODIFIED

Mr. WARNER. Mr. President, I send a modification of the amendment to the desk and ask that it be so modified.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the resolution of ratification of the Treaty, add the following new condition:

( ) CONDITION OF ENTRY INTO FORCE.—If, by the date which is one day before the date upon which the President of the United States proposes to exchange the instruments of ratification of the START Treaty, the President has not submitted to the Senate for its advice and consent to ratification a treaty between the United States and the Russian Federation pursuant to the June 17, 1992, Joint Understanding on further reductions in strategic offensive arms, then—

(i) the President shall—

(I) consult with the Senate regarding the effect on the Treaty of such developments, and

(II) seek on an urgent basis a meeting at the highest diplomatic levels to gain agreements on the completion of the aforesaid arrangements, and

(ii) the President shall take no action to allow the Treaty to enter into force until such consultation and such meeting have taken place.

Mr. WARNER. Mr. President, I ask unanimous consent that the following Senators be added as original cosponsors: Mr. THURMOND, Mr. COHEN, Mr. WALLOP, Mr. MACK, Mr. MCCAIN, and Mr. SMITH.

Mr. LUGAR. Mr. President, I ask unanimous consent that I be listed as a cosponsor.

Mr. WARNER. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, a second area of concern to me and others is the rate of progress in achieving agreement on a treaty document pursuant to the June 17 joint understanding between President Bush and President Yeltsin on further strategic offensive arms reduction. Such an agreement, which is commonly referred to as START II, is yet to be completed.

The Senate, I note, was given certain assurances by the Secretary of State, at that time Secretary Baker, that this treaty would be concluded very quickly. My recollection of his assurances are that he said first in 4 to 6 weeks after the signing of the joint understanding in June and subsequently then the statement was made that we would receive it by September 1.

Yet, the Washington Post reported last week, "U.S. officials say no work was done over the summer and Russia had not responded to a U.S. draft that had been sent to Moscow for consideration."

The article refers also to a less than optimistic attitude among administration officials about a quick result to negotiations for a START II Treaty.

Mr. President, there also have been reports that Acting Secretary Eagleburger has stepped in and begun to conduct certain continuing negotiations. I think they have been constructive. Last night, I received a visit from Mr. Lehman, the Director of ACDA, together with members of the President's National Security Council.

Later in my remarks, I will address that information which was very important and highly influenced this Senator with respect to this amendment. For the moment, I would like to continue with my remarks and then at the end address the developments which I learned of last night.

Mr. President, the Senate should be asking why this second significant treaty has not materialized on the schedules that were originally laid out by the executive branch. I fear that the delay could be due in part to the continuing battle that we read about and learned about between the civilian leadership of Russia and a group commonly referred to as the hardliners, many of whom remain in power throughout the military structure.

There are, in my view, many possible reasons for the opposition of the Russian military to arms reduction agreements, including Russian nationalists' fears vis-a-vis the new Independent States' loss of superpower status, loss of individual status and power, and possibly general resistance to change from the established patterns of the past.

However, a recent study by the Hudson Institute suggests that the current Russian defensive military doctrine, which focuses on the threats posed by the presence of foreign troops in contiguous States and the buildup of forces near the Russian borders, represents a compromise between hardliners and reformists within the military itself. This distinguished institute and the study specifically refers to comments by Colonel General Rodionov, head—I repeat—the head of the Russian General Staff Academy.

In a keynote speech at a conference on Russian military doctrine, the general said the following: He proposed a much stronger Russian military doctrine, including a statement of "vital national interests" which include all the territory of the entire former Soviet Union, as well as the countries of the former Warsaw Pact, a focus on the threat to Russia from the rapidly increasing military might of the United States and NATO, and a recommendation that Russia publicly declare its intention to use massive nuclear retaliation in the event of aggression of any kind against Russia's interest.

The study concludes, in part, that the military is reasserting a measure of its dominance over the development of this doctrine, despite talk about the ascendants of civilian control over the military.

Mr. President, the information contained in this informal study gives this Senator a measure of concern and, indeed, to others. I believe the Senate should take note of these important discussions with the Russian military organization. There is much other information to bear on this particular point, and I am certain Senators in their independent and private study are aware of other sources which clearly indicate the controversy going on now in Russia, the push-pull struggle for dominance and control.

As stated earlier, there may be other reasons for the delay in achieving agreement on a START II Treaty. The Russian Government may also be seeking to slow the pace of change in order to reassess their own interest and priorities, including economic concerns.

For example, President Yeltsin unexpectedly canceled a trip to Japan to discuss economic issues and the situation with respect to the Kuril Islands. In addition, recent press reports indicate that despite strong pressure from the United States, Russia continues to sell arms for hard currency, including—and I must say a disturbing development—diesel-powered submarines to Iran and rocket engines and other missile components to India.

Some believe that delay in negotiating a START II agreement is a result of disarray rather than disagreement within the Russian Government. These are legitimate concerns which some of us must consider in the context of the ratification process of this treaty. And we are concerned why the delay persists on the progress reports relating to the START II Treaty.

Mr. President, I believe that the United States must continue to press the issue of further strategic offensive arms reductions, particularly the elimination of all land-based MIRV intercontinental ballistic missiles. The most significant advantages to the United States of such an agreement is that it accomplishes a major negotiating objective that was not achieved in START I. Land-based MIRVed ICBM's are the most destabilizing—I repeat, the most destabilizing—and threaten all the forces of the former Soviet Union to the security of the American people.

Failure to achieve a START II agreement would, in my view and in the view of others, diminish significantly the advantages of the existing START I Treaty.

Consequently, it is the view of this Senator that there is certainly a linkage between START I and START II which should be considered by this body in the context of the ratification process of START I.

Therefore, I offer this second amendment that would require the President to delay entry into force of the START I Treaty if a START II Treaty has not been submitted to the Senate for advice and consent to ratification prior, and I repeat, prior to the proposed date of exchange of the instrument of ratification.

Mr. President, I point out that there is a direct parallel in language and in operation of this amendment to the amendment that has just been adopted by the Senate. I carefully drew both amendments to put a burden on the President which is parallel to amendment No. 1 in every respect.

The President would be required under this condition to consult with the Senate and meet with Russian officials in order to discuss the reasons for and possible solutions to any ongoing delay in achieving a START II agreement. And the President would still be permitted to exchange instruments of ratification of START I after such consultations if he deemed entry into force of that treaty to be in the national security interests of the United States.

I repeat, nothing in this amendment prohibits the President from going forward if he believes in his judgment it is within his constitutional powers to bring this treaty into full force and effect.

Mr. President, this amendment is intended to provide an impetus to Russia as well as Ukraine, Byelarus, and Kazakhstan to move forward with these important strategic arms reduction agreements. Our treaty partners under START must be made aware that the United States expects to be assured full implementation of that treaty, a treaty which serves the interests of all parties. In addition, Russia must be encouraged to move quickly to negotiate a START II agreement as envisioned in the June 15 joint understanding between the two Presidents. The further significant reductions contemplated in that agreement serve the interests of both our nations as well as the interests of world peace. A treaty to implement the straightforward requirements of the joint understanding must be concluded as quickly as possible.

Mr. President, I seek to inject a note of caution in the Senate's—as I view it—rather swift consideration of this particular historic agreement, START I, and that is the purpose of this amendment. To date, only Kazakhstan has acted to ratify the treaty itself. No implementation agreement has yet been reached among Russia, Ukraine, Byelarus, and Kazakhstan. And a START II Treaty has not yet been agreed upon.

This amendment would impose a brief delay on entry into force of the START I Treaty only if a START II Treaty is not yet submitted to the Senate, a delay which would permit the President and the Senate a reasonable and prudent opportunity to study if in fact there is a continuing desirability of entering into the legal obligations of the START I Treaty. Such a reassessment, as I said, is a prudent step to assure that the START I Treaty would serve the future national security interests of our Nation.

Mr. President, I continue to believe that the START I Treaty together with a follow-on START II Treaty, if ratified, represent a significant step toward reducing the threat to the American people posed by the remaining strategic nuclear arsenal of the former Soviet Union.

Now, Mr. President, last evening I had the opportunity for an indepth consultation with Ron Lehman, the head of ACDA, together with several members of the President's National Security Council. I also had the opportunity to consult with General Scowcroft, the head of that Council, and I must say that since I introduced my amendment I have received new and encouraging information from these parties on the progress toward the START II Treaty, to implement the further substantial reductions of strategic offensive forces including the elimination of MIRV'd ICBM's. The information that these parties imparted to me was very beneficial, quite reassuring, and gave this Senator a completely different perspective on what has been taking place, I would say, in the last 60 days.

The joint understanding concluded and signed by President Bush and President Yeltsin on June 17, 1992, was clear and detailed. It substantially eased recording the agreement in treaty language. The United States took the initiative to draft the complete text of a treaty to implement the June 17 joint understanding and provided—this is a key point of information—provided it to Russian Foreign Minister Kozyrev on his recent visit.

Following a review of the United States draft, the Russian foreign minister has advised the United States that there are no policy issues remaining to be addressed. These have all been resolved at the June summit meeting.

The Russian Government posed, however, a number of detailed technical questions regarding the United States draft. Thereafter, the United States promptly, within a matter of a very brief period of time, provided comprehensive answers. I further understand that the administration is pressing for a rapid turnaround of the draft treaty and is prepared to meet to finalize the text. It is clear to me now that substantial progress is being made toward recording the joint understanding in a formal treaty which will be submitted to the Senate for advice and consent to ratification.

I have also been assured that the administration will remain in close touch with the Senate as these steps are being taken, and therefore, Mr. President, I will withdraw at the appropriate time my proposed amendment now pending with the expectation that approval of a START Treaty now will lead in a short period of time to a conclusive new treaty providing for substantial further reductions and the elimination of MIRV'd ICBM's, my principal concern.

Mr. President, I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I should like to associate myself with the remarks of the Senator from Indiana about the leadership of the Senator from Virginia, the contribution he has made to this debate and the beneficial effects of the arms control observers group and the work he has done in leadership there.

With regard to this amendment, as I understand, it would apply pressure upon our President to conclude START II before he is allowed to proceed with entry into force of START I. Our Committee on Foreign Relations has already assessed the prospective START II Treaty. It has tremendous merit, and I think we all hope it will be concluded at an early date. But START II should not be allowed to interfere with START I. The START I Treaty is a good one worthy of approval on its own merits. Given the political situation in the former Soviet Union, it is very important that we get the START I Treaty into place and the parties bound by it at the earliest possible date. I think this is a view that is shared by most of us.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I share many of the concerns which were expressed by the distinguished Senator from Virginia in offering this amendment. He has indicated that at an appropriate time he will withdraw the amendment, and I appreciate the reasons he has given.

But I think the difficulties that would be occasioned by an overly strict interpretation of the amendment are important to point out. The Senator has recognized those concerning the distinguished chairman of the Foreign Relations Committee. He has spoken to that. I commend the Senator, and see the importance of his amendment and his discussion today as a marker for the administration. I think, with that marker, the Senator's efforts ought to be applauded as well as his action in deciding to withdraw the amendment.

I just take this occasion, while the Senator's amendment is before us for consideration, to mention as a matter of historical interest, Mr. President, that in 1970 the distinguished Senator from Virginia [Mr. WARNER] negotiated the Incidents at Sea Agreement with the then Soviet Union. He was then Secretary of the Navy for the United States of America, some 22 years ago. So his interest and his expertise, in fact, his hands-on experience, in these negotiations goes back a long way. That is why his words have a special import in our debate this morning.

I want to take, also, the occasion of the Senator's mention of the arms control observer group to make an additional point, Mr. President. Just as a marker of history, the arms control observer group came into being in 1985 at the beginning of the second 4 years of Ronald Reagan's administration. And it came about because of negotiations with the then Soviet Union that indicated that it would be useful for the parties to reenter negotiations on the strategic arms treaty. Indeed, that was the beginning of the negotiations that led us to the point of our discussion of ratification of START I to date.

Throughout that period of time many Senators have had an opportunity—the Senator from Virginia, the Senator from Rhode Island, and I have been among those—to meet with the former Soviet negotiators, now Russians, Byelorussians, Ukrainians, those from Kazakhstan, in face-to-face conversations. The distinguished occupant of the chair has accompanied the group on its journey on occasion.

These have been very, very important, instructional, educational sessions that have led, Mr. President, to at least some Members of this body having a degree of expertise with regard to what are extremely complex matters.

It was the wisdom of the then majority leader, Senator DOLE, and the minority leader, Senator BYRD, to appoint members to the arms control observer group to cover a wide spectrum in the Republican and Democratic Parties within the Senate so that there would be those who had some natural enthusiasm for arms control issues as well as those who are highly skeptical of those issues.

I point this out because we have had a spirited debate for the last 3 days, and one who has contributed substantially to that has been the distinguished Senator from Wyoming [Mr. WALLOP], a member of the Senate arms control observer group, who, along with those who have been proponents of this treaty, has observed with his own eyes, has had an opportunity to engage in vigorous conversation with experts on these subjects in both the former Soviet Union as well as our Government on the issues that finally come before us.

I say, Mr. President, the quality of the debate, the ability of some understanding to occur, I believe, is attributable largely to the many years of intense association with these issues that the Senate arms control observer group has made possible for a number of Senators and a number of those appointed for specific journeys by the leadership of this body.

Therefore, I commend the distinguished Senator from Virginia for his work throughout the year, first as the Secretary of the Navy, and then throughout the last 8 years as a very active member of the Senate arms control observer group, and, of course, as ranking member of the Senate Armed Services Committee, which gave great consideration to this treaty and to each arms control treaty as it has come along the pike.

I thank him for his discussion of this important issue, and, by my cosponsorship of his amendment, I indicated my enthusiasm for that quest. I thank him, also, for his candid discussion of meetings that he had even as late as last evening with Brent Scowcroft, with Mr. LEHMAN, and with others that have led him to a decision to ultimately withdraw the amendment this morning.

I thank the Chair.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank both managers for their kind comments.

I hope that the managers will consider putting in the RECORD at an appropriate place a brief resume of the number of trips and the number of meetings here in S-407 that the arms control observer group has held in preparation for their contribution toward the work on this treaty. I think it would be a helpful documentation of the work of the group.

Mr. LUGAR. If I may respond to the distinguished Senator, on behalf of the distinguished chairman of the Foreign Relations Committee and myself, we will be very pleased to formulate such a resume, which I believe would be very useful as part of this record.

Mr. President, I ask unanimous consent that the document be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACTIVITIES OF THE SENATE ARMS CONTROL OBSERVER GROUP

This following is a summary of the activities of the Senate Arms Control Observer Group since its organization in 1985 and its initial visit to the Geneva in March to the opening session of the renewed arms control negotiations with the Soviet Union.

In January 1985, after an interruption of 15 months, the Soviet Union announced that it would resume negotiations on the Intermediate-range Nuclear Forces (INF) and Strategic Arms Reduction Treaty (START). In an effort to fulfill more adequately the Senate's constitutional role in the treaty-making process, the Senate Arms Control Observer Group was created in 1985 to observe and monitor the renewed arms control negotiations with the Soviet Union. The Group is a bipartisan group of Senators, with a designated core staff, who act as observers, and monitor arms control negotiations to which the U.S. is a party to reduce nuclear, conventional and chemical weapons, to provide more regular and systematic involvement of the full Senate in the negotiations, to assist the Senate leadership, the Foreign Relations committee, and other committees that would have an interest in the outcome of the arms control negotiations and the impact to national security interests in the U.S., the full Senate, when and if agreements are presented to the Senate for its advice and consent. The Group does not act as negotiators, but consults with and advises our negotiating teams, in order to report to the Senate on the progress and development of the talks. The creation of the Group was welcomed by the Administration in an enthusiastic and positive manner. Secretary Schultz designated Ambassador Paul Nitze to meet with the Group on a regular basis to update it on the status of negotiations. During the Bush Administration, Ambassador Ron Lehman took over the responsibilities of Ambassador Nitze.

Since its creation in 1985, the Group and core staff have received substantive briefings from administration representatives and members of U.S. arms control delegations, as well as met with foreign representatives to the arms control negotiations. The briefings by executive branch and administration representatives on the negotiations have been conducted with the complete understanding that the Group would treat this information as confidential. Additionally, the Group has traveled to Europe to observe and monitor the negotiations, and met with the U.S. delegations and the Soviet delegations, as well as with representatives of U.S. allies.

In the Senate hearings on the ratification of the INF Treaty, the Protocols to the Threshold Test Ban Treaty and Peaceful Nuclear Explosions Treaty (TTBT/PNET), the Conventional Forces in Europe (CFE) Treaty and more recently, the Strategic Arms Reductions Treaty (START), representatives of the executive branch and the U.S. negotiators have repeatedly praised the Group for the pivotal role it played during the negotiating process as well as through the ratification process.

The following is a summary of activities of the Group since its organization in 1985.

During 1985, the Group held the following meetings:

February 4, briefing by Brent Scowcroft, Walter Slocombe and Eugene Rostow on lessons of SALT 1, SALT II, START; Ambassador Nitze on "New U.S. Strategic Concepts.

February 5, briefing by Admiral Thomas Moorer, Jim Woolsey and Lawrence Kupperman on strategic and theater offensive forces.

February 7, briefing with Dr. Zbigniew Brzezinski, Dr. James Schlesinger, Dr. Barry Blechman and David Williamson on strategic defensive forces.

February 19, briefing by General Richard Ellis and Doug George on Soviet compliance. Members were also invited by Chairman Goldwater and Senator Nunn to attend a Senate Armed Services Committee (SASC) hearing on Soviet Strategic Force Development.

February 20, Group invited to attend SASC hearing on Soviet Arms Control Compliance.

February 21, attend American Association for the Advancement of Science briefing on SDI, and SASC hearing on SDI.

February 25, Group invited to attend SASC hearing on Strategic Doctrine.

February 26, briefing by Lawrence Eagleburger and Paul Warnke on allied interests, members invited to attend SASC hearing on Strategic Modernization.

February 28, meeting with Soviet Ambassador to the U.S. Anatoly Dobrynin.

February 28, meeting with Ken Dam on trip to Geneva.

March 7, briefing with Secretary of State Shultz, Paul Nitze, Ambassador Edward Rowny and Ken Adelman on U.S. preparations for Geneva talks.

March 11, briefing in Geneva on U.S. negotiating positions by Deputy Chief Negotiators.

March 25, meeting with Ambassador Max Kampelmen on MX and progress in Geneva.

April 1, briefing by Norm Clyne, Assistant to Ambassador Nitze on the progress in Geneva.

April 15, briefing on progress in Geneva.

April 22, meeting with Ambassador Paul Nitze to review the first round of negotiations and discuss options for the round commencing on May 30.

April 30, Group attended a SFRC briefing given by Ambassadors Max Kampelman, John Tower and Maynard (Mike) Glitman of the U.S. delegation to the Nuclear Space Arms Talks, to review the course of the initial round of the Geneva arms control talks, to offer their judgements on Soviet motives and negotiating behavior, and outline issues requiring decisions prior to the resumption of the negotiations at the end of May.

June 10, meeting with Ambassador Paul Nitze, briefing the Group on the opening of the second round of negotiations and the Administration's decision on SALT restraint.

June 17, meeting with Norm Clyne regarding progress in Geneva.

June 25, briefing by Ambassador Paul Nitze on the progress to date on Round 2 of the Nuclear and Space Arms Talks, in preparation for its trip to Geneva.

September 18, meeting with Ambassador Paul Nitze on preparations for Round Three of the negotiations.

September 23, briefing by Norm Clyne, Assistant to Ambassador Nitze on the opening negotiating sessions of Round Three in Geneva.

October 1, meeting with Ambassador Paul Nitze on the new U.S. counter proposal.

October 16, briefing by Ambassador Gerard Smith, former chief negotiator for SALT I and John Rhinelander, legal counsel for U.S. SALT I Delegation, Ambassador Paul Nitze, and Judge Abraham Sofaer, Legal Advisor to the Department of State, on interpretations of the ABM Treaty as they apply to SDI development and testing.

October 23, briefing by Robert Dean, Deputy Director, Bureau, Politico-Military Affairs, Department of State, Dr. Edward T. Warner of RAND Corporation and Dr. Alton Frye, Director of the Council and Foreign Relations (Washington Office) on their assessment of the recent Soviet proposal.

October 31, briefing with Ambassador Nitze regarding the new U.S. counterproposal.

November 1, briefing by Ambassador Nitze on new U.S. counterproposal.

December 18, meeting with Doug George of the CIA on mobile missile verification issues.

On March 9–15, 1985, Senators Robert Dole, Ted Stevens, Richard Lugar, John Warner, Don Nickles, Robert C. Byrd, Claiborne Pell, Sam Nunn, Edward Kennedy, Albert Gore traveled to Geneva, Switzerland, to the opening session of the Nuclear and Space talks to receive briefings on the U.S. approach and objectives in the negotiations. On the opening day of the negotiations, the members received a private briefing by Ambassador Kampelman prior to the Heads of Delegation Meeting. During the Group visit to Geneva, Soviet President Chernenko passed away. The Group went to the Soviet embassy to express its formal condolences.

In April 1985, Senator Stevens traveled to Geneva, Switzerland to meet with the U.S. Delegation to the Nuclear and Space Talks, to receive an update on the status of the negotiations.

On June 27–July 7, 1985, Senators Ted Stevens, Sam Nunn, Claiborne Pell, Edward M. Kennedy, Charles Mathias, Gary Hart, Albert Gore, Jr., traveled to Geneva, Switzerland, and the United Kingdom. In addition to meetings, briefings and debriefings with Ambassadors Max Kampelman, John Tower, Ron Lehman, Hank Cooper, and Mike Glitman to discuss the progress on negotiations with the Soviet delegations on the Intermediate-range Nuclear Forces, Strategic Arms Reductions and Space Defense, and with Ambassador Lowitz, U.S. Representative to the Conference on Disarmament regarding verification of a multilateral comprehensive test ban, the members participated in a conference on nuclear nonproliferation and nuclear winter hosted by the Sadruddin Aga Khan in Geneva. Members traveled to Bonn for the day and met with the West Germans to discuss their views on the debate over "Eureka", the French research initiative in space versus our Strategic Defense Initiative. In London, in addition to meetings with the U.S. Ambassador to Great Britain, Charles H. Price, II, members met with Prime Minister Thatcher and discussed the interrelationship of the Strategic Defense Initiative, and the role SDI might play in strengthening the Alliance's deterrent posture, and the French "Eureka" research initiative; with Sir Geoffrey Howe, the Foreign Secretary on SDI, issues related to Soviet compliance with existing strategic arms control agreements; Sir Michael Heseltine, Secretary of Defense on SDI and matters of importance to the Alliance.

In July 1985, Senator Ted Stevens traveled to Geneva, Switzerland, where he received briefings from members of the U.S. Delegation to the Nuclear and Space Talks on the status of negotiations.

On October 24–28, 1985, Senators Ted Stevens, Sam Nunn, Edward M. Kennedy, Malcolm Wallop, Pete Wilson, Albert Gore, Jr., traveled to Geneva, Switzerland. During their visit, the Group received an overview briefing by Ambassadors Kampelman, John Tower and John Woodworth at the Botanic Building on current negotiating status; received briefing from General Richard Ellis of the Standing Consultative Commission (SCC) at the U.S. Mission; attended a reception where members met with Soviet delegations to the negotiations on Nuclear and Space Arms Talks at the U.S. Mission; met with Swiss Parliamentarians as well as with Swiss businessmen and civic leaders, held a working luncheon with press; met with U.S. delegation and Ambassador Gerald Carmen for a wrap-up discussion on negotiations on Defense and Space, START and INF negotiations.

In 1986, the following meetings were held by the Group:

January 21, briefing by Ambassador Nitze on General Secretary Gorbachev's January 15 arms control proposal.

January 27, briefing conducted by Ambassador Ron Lehman, Chief START negotiator and Special Assistant to the President for National Security Affairs.

February 3, briefing by Norm Clyne on status of negotiations in Geneva, followed by meeting with Dr. Jeremy Stone, Director, Federation of American Scientists (FAS), and Colonel Archie Wood (USAF, Ret.) to discuss outline of FAS-sponsored proposal for achieving arms control agreement in NST negotiations.

March 10, briefing by Ambassador Nitze discussed the status of negotiations in Geneva, as well as reviewed General Secretary Gorbachev's speech and its impact on negotiations.

May 19, Ambassador Nitze provided an update on the status of the negotiations in Geneva.

June 9, Ambassador Nitze briefed on President's May 27 statement on U.S. policy on SALT restraint and Soviet's May 30 proposal in Defense and Space Group.

June 16, Ambassador Nitze provided an update on the negotiations in Geneva.

June 19, Group invited by Senator Stevens to meet with members of the Subcommittee on Arms Control and Disarmament of the Foreign Affairs Committee of the West German Bundestag.

June 20, members hosted a special working luncheon with Strobe Talbot, Washington Bureau Chief of Time magazine, to discuss a special all day conference sponsored by Time and attended by top administration officials and outside experts to discuss current SDI issues. Participants of that conference were Lieutenant General Abrahamson, Ambassador Nitze, Assistant Secretary of Defense Perle and Walter Slocombe. Mr. Talbot provided further insights on these proceedings, as well as explored the Group's perceptions of the progress of talks in Geneva.

June 23, Ambassador Rowny on recent developments in Geneva.

July 15, Ambassador Richard Ellis, Chairman of the U.S. Delegation to the U.S./Soviet Standing Consultative Commission (SCC), on recent developments.

August 7, Ambassador Max Kampelman and Ambassador Ron Lehman to review recent U.S. proposals at Geneva talks.

August 8, Group hosted a special working luncheon with press luncheon, which was off the record to discuss ABM Treaty access.

August 12, received briefing on a report on strategic nuclear policy and programs, arms control and SDI, prepared by Harold Brown, James Schlesinger, Brent Scowcroft, Melvin Laird and Cyrus Vance.

September 18, met with Ambassador Paul Nitze and received a briefing on the upcoming negotiating round in Geneva and on recent discussions with the Soviets on arms control issues.

September 30, met with Ambassador Nitze who briefed them on the Shultz-Shevardnadze meetings and the last week of negotiations in Geneva.

October 6, met with Malcolm Mackintosh, Special Intelligence Advisor to Prime Minister Margaret Thatcher on prospects of a mini-summit in Iceland and general political trends in the Soviet Union.

On February 7–16, 1986, Senators Ted Stevens, Albert Gore, Gary Hart, Daniel Patrick Moynihan, Sam Nunn, Claiborne Pell, Warren Rudman, Malcolm Wallop, and John Warner traveled to Brussels, Geneva, Switzerland, and the United Kingdom. During this trip, the Group with U.S. Ambassador to Belgium Geoffrey Swaebe and U.S. Ambassador to NATO David M. Abshire and participated in Conference on High Technology and Alliance Security; participated in round table discussion on U.S. politics, high technology and Alliance security; participated in discussions with Sir Michael Palliser and DeFred Seitz on the Challenge to the Alliance. In Geneva, Switzerland, members met with the Chief of the U.S. Delegation to the Nuclear Space Talks, Max Kampelman and the U.S. Ambassador to the U.S. Mission Gerald Carmen. Participated in briefings by the U.S. delegations to the Defense and Space Negotiating Group meeting, the START Negotiating Group and the INF Negotiating Group; later met with Soviet and U.S. Negotiators at a reception. Attended a pre-briefing for the Defense and Space Plenary; met with U.S. negotiators to the START negotiating group; received a debrief re the Defense and Space Plenary; met with INF Negotiating Group; attended a pre-brief presented by U.S. negotiators for START Plenary with Soviet delegation; attended a Defense & Space Negotiating Group meeting; received a debrief by U.S. negotiators regarding the START Plenary. In London, in addition to meeting with the U.S. Ambassador to the United Kingdom, Charles Price, II, the members met with Secretary of Defense George Younger at the Defense Ministry; received a country team briefing from the Charge d'Affaires Ray Seitz and other embassy officials; met with senior arms control officials at the British Foreign and Commonwealth office; participated in an informal working luncheon with members of the House of Commons Select Committee on Defense; and met with senior officials of the Defense Ministry to discuss the UK Trident program; participated in a discussion at the International Institute of Strategic Studies (IISS) on "The Military and Arms Control Implications of Deploying Anti-Tactical Ballistic Missiles in Europe.

On May 28–31, 1986, Senators Ted Stevens, Albert Gore and John D. Rockefeller traveled to Geneva, Switzerland. Major issues discussed with U.S. delegations to the Nuclear Space Arms Talks were status of negotiations; Nitze criteria for SDI Deployments; U.S. Policy on Nuclear Testing; U.S. SALT Restraint Policy; and, Allied Views on Key Geneva Issues; also met with members of the Soviet delegations to the NST.

In October 1986, Senator Stevens traveled to Geneva, Switzerland and met with U.S. delegations to the Nuclear Space Talks to discuss Reykjavik proposals.

On November 11, 1986, Senator Albert Gore, Jr., traveled to Geneva, Switzerland and met with members of the U.S. Delegation to the Nuclear Space Talks to discuss Reykjavik proposals.

Senator Pell traveled to Geneva, Switzerland on November 11–12, 1986 and met with members of the U.S. Delegations to the Nuclear Space Talks to discuss Reykjavik proposals.

From March-May 1987, committees of the Senate were involved extensively in hearings regarding the issue of the reinterpretation of the ABM Treaty.

In 1987, the Group held the following meetings:

January 20, briefed by Ambassador Nitze on the status of the Geneva negotiations.

February 2, briefed by Ambassador Nitze on the status of negotiations.

February 17, received a briefing on the status of the negotiations in Geneva from Norm Clyne.

February 23, Ambassador Nitze provided an update on the negotiations in Geneva.

March 16, Ambassadors Kampelman and Lehman briefed the Group on the status of the negotiations in Geneva.

March 25, met to discuss issues related to the negotiations in Geneva and its impact on the ABM Treaty.

April 9, Ambassador Nitze on Secretary Schultz's trip to Moscow and issues related to the arms control negotiations.

May 5, Ambassador Nitze on the new Soviet offer on INF.

May 19, Ambassador Max Kampelman on status of negotiations in Geneva.

June 2, Ambassador Nitze on current status of Geneva talks.

June 9, Ambassador Nitze regarding the current status of negotiations.

June 16, Ambassador Nitze on status of negotiations in Geneva.

July 8, Ambassadors Kampelman and Nitze on recent developments in the negotiations in Geneva.

July 28, Ambassadors Kampelman and Ambassador Nitze on the status of the negotiations in Geneva.

July 31, Ambassador Maynard (Mike) Glitman requested to meet with Group to discuss the current situation in Geneva on the INF negotiations.

August 7, Ambassadors Kampelman and Lehman and discussed recent developments in negotiations in Geneva.

September 14, Ambassador Nitze briefed a joint meeting of the Group and members of the SASC on the current status of the INF negotiations and the upcoming Shultz-Shevardnadze meetings.

October 6, Ambassadors Kampelman and Nitze on actions by the U.S. delegation to implement and act on agreements reached during the Shultz-Shevardnadze meeting.

December 1, Ambassador Kampelman and Nitze to discuss recent Shultz-Shevardnadze meeting in Geneva.

From February 26-March 3, 1987, Senators Claiborne Pell, Albert Gore, Jr., Ted Stevens, Richard G. Lugar, John W. Warner, Arlen Specter, Don Nickles traveled to Geneva, Switzerland. While in Geneva, Group received briefings from the START and Defense and Space Team on the status of the negotiations; attended a reception at Ambassador Joseph Petrone's residence; attended an INF Negotiating Team Meeting; met with General Richard Ellis of the Standing Consultative Commission; participated in a working luncheon with the Nuclear and Space Talks negotiators; met with the Soviet Delegation; attended a press conference; attended a dinner with U.S. and Soviet Ambassadors to the negotiations.

From June 19–23, 1987, Senators Claiborne Pell, J. Bennett Johnston, Daniel Patrick Moynihan, Arlen Specter traveled to Geneva, Switzerland, where they attended briefings by the U.S. Delegations to the Nuclear and Space Talks on INF, START and Defense and Space and met with the Soviet Delegation to the talks, as well as met with Yuri Vorontsov.

During October 9–13, 1987, Senators Claiborne Pell, Ted Stevens, John H. Glenn, Richard G. Lugar, Don Nickles traveled to the United Kingdom and Geneva, Switzerland. While in London, the Group met with U.S. Ambassador Charles Price and discussed issues related to arms control and the United Kingdom. While in Geneva, the Group attended an INF Negotiating team meeting; met with General Richard Ellis of the Standing Consultative Commission; participated in a working luncheon with the Nuclear and Space Talks; met with the Soviet Delegation; attended a press conference; attended dinner with the U.S. and Soviet Ambassadors to the Nuclear and Space Talks.

On January 25, 1988, the intermediate-range Nuclear Forces (INF) Treaty was submitted to the Senate and referred to the Committee on Foreign Relations. The Senate Foreign Relations Committee held hearings in January, February and March. The Senate Select Committee on Intelligence held closed hearings on the INF Treaty between September 27, and March 22, 1987. Upon completion of its hearings the SSCI presented a report to the Senate Foreign Relations Committee on the intelligence implications of the Treaty. From January to March, the Senate Armed Services Committee held hearings on the Treaty, and upon completion of its review on the military implications of the Treaty, reported its views to the Senate Foreign Relations Committee. The Senate held debate on the Treaty May 18–27, and adopted the resolution of ratification on May 27, by a vote of 93–5.

During 1988, the Group held the following meetings:

February 24, met with Ambassadors Kampelman and Nitze on recent developments in START and Defense and Space talks in Geneva. Additionally, they were briefed on Secretary Shultz's recent trip to the Soviet Union.

March 1, met with Ambassadors Kampelman and Nitze on recent developments in the arms control negotiations in Geneva.

March 29, met with Ambassadors Kampelman and Nitze who briefed them on their recent meetings with NATO Ambassadors, Secretary Shultz's meetings with Foreign Minister Shevardnadze, as well as gave them an update on the negotiations in Geneva.

April 12, met with Ambassador Kampelman and Ambassador Nitze and received a briefing on the recent developments in the INF, START and Defense & Space negotiations in Geneva. Principal Deputy Assistant Secretary of State Charles Thomas accompanied them to brief the group on U.S. and NATO planning for conventional arms control.

June 21, Ambassador Nitze and Ambassador Kampelman briefed on the status of negotiations in Geneva.

June 28, Ambassador Reed Hamner, chief negotiator for START and Ambassador Hank Cooper, chief negotiator for the Defense and Space delegation, on issues that would be discussed in Geneva, upon the resumption of the negotiation on July 12.

August 2, Ambassador Kampelman discussed the current situation in START and the Defense & Space negotiations. He also discussed the Five Year ABM Treaty review.

August 12, met with Madeline Albright, advisor to Democratic Presidential candidate Michael Dukakis to discuss issues related to arms control.

In 1989, the Group held the following meetings:

January 14, with Secretary of State James Baker.

April 2, Ambassador Ron Lehman briefed on the status of negotiations in Geneva and Vienna.

April 24, Ambassador Lehman gave an update on the status of arms control negotiations in Vienna and Geneva.

May 3, Group met to discuss organizational matters.

June 14, Ambassador Ron Lehman briefed on recent development in Vienna-based negotiations between NATO and the Warsaw Pact on Conventional Armed Forces (CFE) and the 35-nation CSCE-sponsored talks on Confidence and Security Building Measures, also known as CDE II. He also discussed preparations for the resumption of the Nuclear Space Talks in Geneva on START and Defense and Space.

June 22, with Lieutenant General Brent Scowcroft (USAF-Ret.), Advisor to the President for National Security Affairs on the Administration's preparations for the resumption of the Nuclear Space Talks in Geneva the following week, and other arms control matters. He was accompanied by Arnold Kantor, Senior Director for Arms Control and Defense Policy, National Security Council.

July 18, Ambassador Lehman and Ambassador Burt on the status of the negotiations in Geneva, specifically START, and the status of negotiations on the CFE Treaty, taking place in Vienna.

September 12, Ambassador Ron Lehman and Ambassador Richard Burt, Head of the Nuclear Space Talks Delegation and Chief Negotiator and Ambassador Hank Cooper, Chief Negotiator for Defense and Space, provided an update on the current status of the CFE Talks in Vienna, START negotiations and the Conference on Disarmament (Chemical Weapons) and the Nuclear Testing Talks in Geneva.

September 28, Ambassador Lehman and Ambassador Edward Rowny on recent Baker-Shevardnadze meeting and its outcome, the recently tabled NATO proposal of verification and stabilizing measures at the CFE Talks in Vienna, as well as the status of the Nuclear and Space Talks, the Conference on Disarmament (Chemical Weapons) and the Nuclear Testing Talks in Geneva.

October 26, Senator Lugar hosted a meeting to which the Group was invited to meet with West German Ambassador to the Conference on Disarmament, Paul Von Stultpnagel, to discuss chemical weapons negotiations in Geneva.

October 27, Senator Byrd hosted a luncheon for Mr. Yevgeniy Primakov, an alternate member of the Politboro, who is also a close associate of President Gorbachev to discuss arms control and developments in matters between the U.S. and the USSR.

On June 24–30, 1989, Senators Claiborne Pell, Paul Sarbanes, Dale Bumpers, John Warner, Patrick Leahy, Carl Levin, Richard Lugar and Jake Garn, traveled to Vienna, Austria and Geneva, Switzerland. While in Geneva, members met with Ambassador Joe Petrone, U.S. Ambassador to the UN and other International Organizations and Ambassador Richard Burt, Head of the U.S. Nuclear Space and Arms Talks Delegations. Also met with Ambassador Morris Abrams. Received overview from U.S. delegation on START and Defense and Space negotiations; met with Soviet delegations to the Nuclear Space Talks; received a briefing by Ambassador Max Friedersdorf, U.S. Representative to the UN Conference on Disarmament; met with Ambassador Paul Robinson, U.S. Representative to the UN Conference on Disarmament (Chemical Weapons) for the status on the bilateral and multilateral negotiations; attended working luncheon hosted by Ambassador Paul Joacham von Stultpnagel, Ambassador from the Federal Republic of Germany to the Conference on Disarmament to discuss the conduct of private chemical suppliers; met with U.S. negotiators to the Bilaterial Discussions with the Soviet Union on Nuclear Testing TTBT/PNET. In Vienna, members attended a working luncheon hosted by Ambassador Maresca, with the members of the CSMB delegation. Members were then given an overview of the CSBM discussions. U.S. Ambassador Grunwald hosted a dinner for the Group, which was attended by senior Austrian officials. Group met with the U.S. Delegation to the CFE Negotiations for an overview of recent proposals; met with NATO/Allied Delegations to the CFE negotiations for their reaction to the U.S. and Soviet proposals for reductions in troops and conventional weapons. On the Group's return to the U.S., they stopped in Keflavik, Iceland to refuel, and while there met with the Commander of U.S. forces.

From November 26–December 5, 1989, Senators Claiborne Pell, Ted Stevens, Richard G. Lugar, Jake Garn, John H. Chafee, Paul S. Sarbanes, Daniel Patrick Moynihan, John W. Warner, Don Nickles and Richard Bryan, traveled to Vienna, Austria, Geneva, Switzerland, Bonn and Berlin, West Germany and Paris, France. In Vienna, the Group met with U.S. delegation to the CFE Negotiations for an overview of the negotiations; attended a luncheon with East European negotiators to the CFE and CSBM negotiations; met with U.S. CSBM delegation (CDEII—

Conference on Disarmament in Europe) for an overview on the status of negotiations; attended a dinner with U.S. negotiators and Allied negotiators; met with neutral and non-aligned negotiators to the CFE and CSBMs negotiations. In Geneva, the Group received an overview from the U.S. delegations to the START and Defense and Space negotiations; attended working luncheon with U.S. negotiators; met with U.S. negotiators to the Bilateral discussions with the Soviet Union on Nuclear Testing (TTBT/PNET); attended dinner with U.S. delegation to the Nuclear Space Talks and their counterparts on the Soviet Delegation; conducted an informal discussion with the U.S. negotiators and the Soviet negotiators at the U.S. Mission; and met with Mr. Benson Adams, Acting Commissioner, Standing Consultative Commission (SCC); received an update on the discussions in the Conference on Disarmament (CD) on Chemical Weapons. In Bonn, the Group met with the U.S. Ambassador to the Federal Republic of Germany, Vernon Walters, who gave them an overview on the current political situation in the FRG and in volatile political situation in East Germany and the impact on West Germany; met with Bundestag Arms Control Subcommittee and Foreign Affairs Committee; met with BND Hans Georg Wieck; met with Foreign Minister Hans-Dietrich Genscher; participated in luncheon meeting with Chancellor Helmut Kohl; met with Defense Minister Gerhard Stoltenberg. In Berlin, the Group met with West Berlin political leaders and discussed impact of the current political situation in East Berlin on West Berlin. In Paris, the Group met with the U.S. Ambassador Walter Curley, attended a round table discussion with French officials; met with Defense Minister Jean-Pierre Chevenement regarding the fragile geopolitical balance in Eastern Europe, the Warsaw Pact and NATO.

In 1990, the Senate gave its advice and consent to ratification to two very significant treaties, the Protocols to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions (TTBT/PNET). During the Group's visits to Geneva, it held discussions with both the U.S. and Soviet delegations to the negotiations on the verification protocols to the Nuclear Testing Treaties (TTBT/PNET).

The Senate Foreign Relations Committee (SFRC) held hearings on the Protocols to the TTBT/PNET in July 1990. On September 13, the Senate Select Committee on Intelligence (SSCI) provided the SFRC a report on the ability of the U.S. to monitor compliance by the Soviet Union with the Treaties. In September, the Senate Armed Services Committee (SASC) held a hearing on the national security implications of the nuclear testing agreements. On September 25, the Senate adopted the resolution of ratification on the Protocols to the TTBT/PNET by a vote of 98–0.

During the Group's visits to Europe in November-December 1989 and a subsequent visit in March 1990, the Group traveled to West and East Germany and met with U.S. representatives as well as the German representatives to discuss the implications of the Treaty on the Final Settlement with Respect to Germany on U.S. national security interests and on-going arms control negotiations. On September 26, the President transmitted the Treaty on the Final Settlement with Respect to Germany.

The SFRC considered the treaty in October. The Senate Armed Services Committee held a hearing on the implications of the Treaty on NATO Strategy and U.S. military presence in Europe. The Senate adopted the resolution of ratification by a vote of 98–0 on October 10.

In August 1990, Iraq invaded Kuwait, which led to the involvement of the United States and a multi-national coalition in a war to expel Iraq from Kuwait, in 1991. The Persian Gulf War occupied the attention of the Congress through much of 1991.

During 1990, the Group held the following meetings:

February 21, Under Secretary of State for Security Assistance Reginald Bartholomew, senior State Department official with the responsibility for arms control matters, briefed the Group on the recent ministerial meetings in Moscow between Secretary Baker and Foreign Minister Shevardnadze and President Gorbachev.

March 8, Ambassador James Woolsey, Chief Negotiator to the CFE Negotiations in Vienna, on issues related to the current CFE proposal in Vienna and agreements reached recently between Secretary Baker and Foreign Minister Shevardnadze at the Ottawa Conference.

May 10, Ambassador Lehman on the status of the Conventional Forces in Europe (CFE) negotiations in Vienna, progress in the START negotiations, the Nuclear Testing Talks and the Chemical Weapons negotiations in the Conference on Disarmament in Geneva.

May 18, core staff met with representatives from Los Alamos National Laboratory to discuss arms control verification issues.

May 24, Ambassador Lehman on the status of negotiations in Geneva and Vienna on START, Defense & Space, discussions in the Conference on Disarmament on chemical weapons, nuclear testing talks and the CFE Treaty in Vienna.

June 6, Ambassador David Smith with core staff regarding Joint Statement on future negotiations on Nuclear and Space Arms and Further Enhancing Strategic Stability.

June 7, Ambassador Lehman on the recent Washington summit between President Bush and President Gorbachev and the Joint Statement on START, the Chemical Weapons Agreement, the Protocols to the TTBT/PNET Treaty and the status of the CFE negotiations in Vienna.

June 14, Secretary Baker on the recent Washington Summit on START, Chemical Weapons, the TTBT/PNET Protocols and CFE, as well as his recent meetings in Copenhagen and Turnberry.

From March 3–10, 1990, Senators Richard Lugar, Paul Sarbanes, Dale Bumpers, Trent Lott, traveled to Geneva, Switzerland, Berlin, West Germany, and East Germany. In Geneva, members participated in a working luncheon with U.S. Delegations to the Nuclear and Space Talks; attended briefings by Ambassadors Brooks and Smith on START and Defense and Space at U.S. Mission; participated in luncheon with Soviet and U.S. Ambassadors and key officials to the Nuclear and Space Talks; received briefing by Ambassador Paul Robinson on the Nuclear Testing Talks; received briefing by Ambassador Stephen Ledogar on status of negotiations in the Conference on Disarmament on chemical weapons. In Bonn, Group attended working breakfast at U.S. Ambassador Vernon Walter's residence and received briefing on German developments; met with Chancellor Helmut Kohl and National Security Advisor Horst Teltschik; met with Foreign Minister Hans Dietrich Genscher; met with members of the Bundestag Foreign Affairs and Arms Control Committee and the Committee on Unification. In East Germany, met with U.S. Ambassador to East Germany, Richard Barkley, who briefed them on the current political situation in East Germany. The Group met with opposition party leaders; traveled to Leipzig and visited U.S. exhibits at Leipzig Trade Fair taking place there. Attended a luncheon with religious leaders and candidates of GDR and GDR economists and discussed the current political situation in East Germany. Met with Opposition Church Leaders at the Nikolaikirche; met with members of the Leipzig Citizens' Committee; met with SPD Deputy Chairman, Markus Meckel; met with Kurt Masur. In West Berlin, the Group met with governing Mayor Momper and other West Berlin officials.

In January 1991, the U.S. and the multi-national coalition went to war to expel Iraq from Kuwait. Until the withdrawal of U.S. and multi-national forces from Iraq in April 1991, the attention of the Congress was almost totally focused on this historical event. The Persian Gulf War also precluded the Group from any foreign travel during this time period due to the threat of terrorism.

During 1991, the Senate of the Senate Foreign Relations Committee, the Senate Armed Services Committee and the Senate Select Committee on Intelligence held hearings on the Conventional Forces in Europe (CFE) Treaty, which was signed by the President in November 19, 1990, and transmitted on July 9, 1991 to the Senate for its advice and consent to ratification. In November 23–27, the Senate debated the issues on the CFE Treaty, and on the 27th, adopted the resolution of ratification by a vote of 90–4. The CFE Treaty was provisionally entered into force on July 17, 1992 for a period of 120 days.

In July, the President signed the Strategic Arms Reduction Treaty (START), which was submitted to the Senate for its advice and consent to ratification in November.

In 1991, the Group held the following meetings:

January 18, briefing from Interagency Group headed by Avis Bohlen, Deputy Assistant Secretary of State for European Affairs and Janet Andres, Political Counselor, CFE Negotiations regarding the CFE Treaty.

January 30, Ambassador Lehman on the high level negotiations on START, President Bush and Secretary Baker's meeting with Foreign Minister Alexander Bessmertnykh to discuss START.

April 17, Ambassador Lehman debriefed on the status of the CFE Treaty and START, as well as on President Bush's recent letter on the CFE Treaty to President Gorbachev, and President Gorbachev's counterproposal.

May 22, met with General Mikhail Moiseyev, Chief of the Soviet General Staff for an informal discussion on current arms control issues, specifically the dispute over the Soviet's interpretation of Article III and naval forces, affecting signature of the CFE Treaty.

Immediately prior to this meeting, the Group was debriefed by Ambassador James Woolsey and Ambassador Ron Lehman on the outcome of the negotiations between Secretary of State Baker and General Moiseyev.

May 23, briefing from Ambassador James Woolsey, Ambassador Ron Lehman, Ambassador Steven Ledogar, and Assistant Secretary of Defense Stephen Hadley on the outcome of the negotiations between the U.S. and the Soviet Union aimed at ironing out the remaining disagreements over the CFE Treaty and the chemical weapons initiative announced by the President.

October 22, Ambassador Lehman on President Bush's new initiatives on nuclear arms control reductions, the status of the Conventional Force in Europe (CFE) Treaty and Strategic Arms Reductions Treaty (START) and follow-on negotiations after the Soviet coup. Ambassador Lehman also discussed the recent U.S. proposal on Global Protection Against Limited Strikes (GPALs) tabled in the Defense & Space Talks in Geneva, as well as an update on the status of the chemical weapons negotiations.

October 23, met with delegation of Soviet nuclear weapons experts for discussions on nuclear warhead storage and dismantlement verification.

In August 1991, Senator Ted Stevens traveled to Geneva, Switzerland and met with U.S. representatives to the Conference on Disarmament (CD) on Chemical Weapons, and members of the Defense and Space Talks.

The Strategic Arms Reduction Treaty (START) was signed in July 1991, and transmitted to the Senate on November 25. From February through September, the Senate Foreign Relations Committee has held hearings on the Treaty. In July and August, the Senate Armed Services Committee (SASC) held hearing on the military implications of the Treaty and further reductions in strategic arms. The Senate Select Committee on Intelligence (SSCI) held hearings on the intelligence implications of START. Both the SASC and the SSCI forwarded reports to the Senate Foreign Relations Committee on its comments, which are included in its report, which was submitted to the Senate on September 18. There is a strong possibility that the Senate will commence debate on START before the Senate adjourns sine die in October.

On March 24, the Open Skies Treaty was signed in Helsinki and transmitted to the Senate for its advice and consent of August 12. The date the Senate Foreign Relations Committee has held one hearing on the Treaty.

In 1992, the following meetings were held:

February 25, Ambassador Ron Lehman and Read Hanmer on Secretary Baker's recent trip to the former Soviet Union and the status of his negotiations and discussions with President Yeltsin on reaching an agreement on new cuts in strategic nuclear weapons and the sharing of ballistic missile defense technology; status of the proposed quadripartite agreement between the four nuclear republics on implementation of START; and ratification by the republics of the former Soviet Union on the CFE Treaty; as well as the status of the negotiations on CFE 1A, Open Skies, the multilateral negotiations on chemical weapons and the defense and space negotiations. Ambassador Hanmer filled the group in on Ambassador Bartholomew's recent trip to discuss the destruction of nuclear weapons in the Russian Republic.

March 19, Ambassador Lehman on the status of recent negotiations in Brussels between Secretary Baker and Russian Foreign Minister Andrey Kozyrev on new cuts in strategic nuclear weapons; update on discussion with representatives from republics of the Former Soviet Union (FSU) on plans to bring them into compliance with the CFE Treaty; agreement signed by four nuclear republics (Ukraine, Belarus, Kazakhstan, and Russia) to consolidate and eliminate long-range nuclear weapons on Russian territory and quadripartite agreement which would provide for the implementation of START; and President Kravchuk's recent assertion claiming the strategic nuclear missiles and warheads remaining in Ukraine. He also commented on President Yeltsin's recent announcement of the creation of a Russian armed force and the possible impact on the CFE 1A follow-on negotiations; the status of the Open Skies Treaty and the Chemical Weapons Convention; and the destruction program under the U.S.-Soviet Bilateral Chemical Weapons Agreement.

April 30, Ambassador Stephen Ledogar, U.S. Representative to the UN Conference on Disarmament (Chemical Weapons) on the status of the Chemical Weapons Convention, and Mike Moody, Assistant Director of Multilateral Affairs at ACDA, and Ambassador Ron Lehman who updated the group on the NATO High Level Group meetings with former Soviet republics on apportionment of the former USSR's treaty-limited equipment (TLE) under the CFE Treaty, and on the status of the four-party agreement on START between Russia, Belarus, Ukraine and Kazakhstan.

May 7, Lieutenant General Anatoliy Kuntsevich, Chairman of the Russian Republic Committee on Elimination of Chemical Weapons, to discuss Russian chemical weapons destruction plans.

May 14, Ambassador Read Hanmer, deputy director of ACDA, and former START negotiator, on President Kravchuk's visit last week and his discussions with the administration pertaining to START; President Nazarbayev's meeting the following week and discussions on START; status of negotiations with the republics of the former Soviet Union on equipment allocations under GFE Treaty; CFE 1A talks (the form in which it will be submitted to the Senate) and the announcement regarding the status of the Chemical Weapons Convention (CWC).

May 20, Chairman of the Supreme Soviet of Kazakhstan, Seikbolsyn Abdildin, and other members of the President of Kazakhstan, Nursultan Nazarbayev, and discussed efforts to resolve issues related to nuclear weapons issues and ratification of START.

From July 9–11, 1992, Senator John Warner traveled to Geneva, Switzerland and Vienna, Austria. While in Geneva, Senator Warner met with U.S. Representative to the UN Conference on Disarmament (Chemical Weapons) to discuss multilateral chemical weapons convention, U.S. Representative to the Bilateral Consultative Commission to discuss nuclear weapons testing issues with the Russian Federation, and the Representative to the Standing Consultative Commission to discuss issues related to ABM Treaty. In Vienna, Senator Warner met with the U.S. Representative to discuss the CFE 1A Mandate, issues related to the provisional implementation of the CFE Treaty and the Open Skies Treaty.

Mr. WARNER. I thank him, Mr. President, and I also thank him for his reference to my very modest contribution to the 1972 Incidents at Sea Agreement. It is interesting, as I reflect back on that history, the then Secretary of Defense, Melvin Laird, had a very progressive approach toward United States-Soviet relations. He fostered the original concept of the exchange of high-ranking officers, and he felt that the more the Soviet people learned about the United States the more there was opportunity to lessen the fear, intense fear, that existed during that period of history. These confidence-building measures, for which the Incidents at Sea Agreement formed the landmark, did serve a purpose: the sort of adjunct agreement goes to the more formalized treaty that flowed and the Incidents at Sea Agreement was signed in Moscow in May 1972, the day before SALT I.

I think that agreement is indeed a landmark in the current series of arms control arrangements. I want to acknowledge that, in the work over 2 years on that confidence measure, Acting Secretary Eagleburger was a full partner to the Senator from Virginia working under the leadership and direction of the then Secretary of Defense, Mr. Laird.

Mr. THURMOND. Mr. President, the START Treaty represents an historic step in arms control and in the relationship between the United States and Russia. As President Bush stated in his letter of transmittal, it "will be the first treaty that actually reduces strategic offensive arms. START will lead to stabilizing changes to the composition of, and reduction in, the deployed strategic offensive nuclear forces of both countries. START represents a critical watershed in our long-term effort to stabilize the strategic balance through arms control. Stabilization of the strategic balance will help cement one of the most fundamental tenets of our preferred world order—that conflict must not and shall not be resolved through the use of nuclear weapons."

Mr. President, I believe we all agree that reductions in nuclear weapons are in the Nation's and humanity's best interest. I am also confident that the START I Treaty is a significant step in that direction. However, the Senate has an obligation to ensure that this treaty, along with its dramatic reductions in nuclear weapons, is verifiable. We also have a responsibility to examine the treaty in view of the current situation in the former Soviet Union. Specifically, will the independent Republics comply with the treaty in terms of dismantling and securing the thousands of nuclear warheads? Finally, we must ask ourselves, "What is the relationship between this treaty and the June 17, 1992, Bush-Yeltsin joint understanding on nuclear arms reduction?"

These are important questions which require close examination and discussion by the Senate. To act hastily on this treaty would be shirking our constitutional obligations and responsibilities.

Mr. President, although the Committee on Foreign Relations, the Select Committee on Intelligence, and the Armed Services Committee held a series of hearings on the START Treaty, they did not go into the same detail as prior arms control measures such as the INF and CFE Treaties. For that reason I do not support all their findings and recommendations, although I advocate their conclusion that we ought to ratify this historic and comprehensive document.

Mr. President, in regard to my concern on the verifiability of the treaty, I believe the Intelligence Committee has adequately addressed these concern. In its report, the committee indicated the United States is prepared to meet the challenges of verifying the conditions of the treaty. However, the members are concerned that the compliance of the successor State—Ukraine, Belarus, and Kazakhstan—will remain in doubt until they agree to undertake all the obligations of the so-called Lisbon protocol. Under that agreement these three former Soviet Republics and Russia formally pledged to remove all nuclear weapons and strategic offensive arms from their territories and accede to the Nuclear Non-Proliferation Treaty as nuclear-free States.

Mr. President, this concern is also identified in the reports of the Armed Services Committee and the Foreign Relations Committee. Regrettably, despite these concerns the Foreign Relations Committee recommends only limited conditions in regard to the START I Treaty. It merely requires the President to consult with the Senate and hold high level diplomatic meetings if the independent States are unable to reach agreement on implementation of the treaty. The strongest action the committee recommends in regard to this issue is to give the President the discretionary power to delay the date of entry into force by withholding the United States' ratification papers if there is no progress on the implementation issues of the Joint Compliance and Inspection Commission. Mr. President, in my judgment this is not strong enough.

My second concern regarding the ratification of this treaty is the lack of progress in negotiations of the so-called START II Treaty. As my colleagues know, Presidents Bush and Yeltsin signed an historic joint understanding on nuclear weapons reduction on June 17, 1992, in Washington. This agreement includes many provisions which were not obtained during the START I negotiations—the most significant being the elimination of the land-based missiles with multiple independently targeted reentry vehicles [MIRV] warheads.

Although the Secretary of State indicated that this joint understanding would result in a treaty by September 1, 1992, no such agreement was reached. In fact, it is my understanding that little if any headway has been made toward such a goal. This lack of progress is attributed by some sources to:

Opposition by elements of the former Soviet military establishment to the joint understanding;

Bureaucratic disarray and competing priorities in the Russian Government; or,

A desire to acquire greater financial assistance from the United States to fund Russian nuclear weapons dismantlement and material storage.

Regardless of the reason for the delay, it brings into question the ability to reach a treaty agreement on the statement of understanding. In my judgment, the benefits of the June 17, 1992, joint understanding are too important to world peace to cast aside. We must have some leverage on both the administration and the Russian Government to encourage negotiation on a START II Treaty.

Mr. President, for these reasons I join the ranking member of the Armed Services Committee Senator WARNER in his effort to condition the entry into force of the START Treaty to:

First, agreement among Russia, Belarus, Ukraine, and Kazakhstan on implementation of the treaty in accordance with the Lisbon protocol; and

Second, the President submitting to the Senate a treaty between the United States and the Russian Federation pursuant to the June 17, 1992, joint understanding on further reductions in strategic offensive arms.

Mr. President, I urge the Senate to support these conditions.

They will put pressure on the parties to the START I Treaty to carry out their part of the bargain to reduce their nuclear weapons, and at the same time they will give added impetus to the START II negotiations.

Mr. President, let there be no doubt that the START I Treaty is an historic achievement. Unfortunately, the equally historic events which resulted in the end of the cold war and the demise of the Soviet Union force us to consider it in a new light. I believe it is critical that we not allow the treaty to enter into force until we have a true understanding that all parties involved are supportive and the nuclear arms reduction process will continue. Mr. President, the Warner conditions support these goals. I urge their adoption and the adoption of the treaty.

Mr. COHEN. Mr. President, the treaty before the Senate represents a monumental achievement, albeit an incomplete one. A decade in the making, the START I Treaty would produce the first negotiated reductions in broad categories of strategic offensive nuclear arms.

More importantly, the START I Treaty provides a foundation on which was constructed the June 17, 1992, joint understanding between Washington and Moscow, which provides for much more drastic reduction in strategic offensive forces, including the elimination of MIRV'd ICBM's.

START I, however, is incomplete for two reasons.

LISBON PROTOCOL REQUIREMENTS UNMET

First, the break up of the Soviet Union eliminated the other signatory to the treaty, leaving in its place four independent republics on which were deployed the strategic offensive nuclear forces of the former Soviet Union. To address this unanticipated situation, in May the United States and these four Republics negotiated what is referred to as the Lisbon protocol, which is also now before the Senate for its advice and consent.

The Lisbon protocol requires these four Republics to assume the obligations under the treaty of the U.S.S.R. It also requires Byelarus, Ukraine, and Kazakhstan to remove all strategic nuclear weapons from their territory and accede to the Nuclear Nonproliferation Treaty [NPT] as nonnuclear weapon states.

Under article II of the Lisbon protocol, the four Republics are required to make arrangements among themselves to implement START I's limits and restrictions, to allow functioning of the verification provisions equally and consistently throughout the territory of all four states, and to allocate costs among them. Article IV provides that the four former Soviet Republics will participate with the United States in the Joint Compliance and Inspection Commission and that the four Republics will work out the basis for their participation.

ACDA Director Lehman wrote the Foreign Relations Committee two weeks ago to state that "significant progress has already been made toward the completion of the tasks mandated by the Lisbon protocol." As of now, however, the four Republics have not finalized these arrangements, and we do not have clear indications of when these arrangements will be completed. The administration, in fact, has stated that "there is no formal time-table for doing so."

For this reason, the Foreign Relations Committee adopted condition five of its proposed resolution of ratification. Under condition five, if these arrangements among the four Republics have not been completed "by the date of entry into force" of the treaty, the President shall be required to consult with the Senate and seek on an urgent basis a meeting at the highest diplomatic levels to gain agreement on the completion of these arrangements.

As discussed in its report to the Foreign Relations Committee, the Armed Services Committee found this proposed condition five to be wanting. The committee noted that administration testimony was quite optimistic that portions of the required arrangements among the four Republics would be completed prior to the Senate's return from the August recess. Moreover, the committee expressed strong concerns that if the treaty were allowed to enter into force before this requirement under the Lisbon protocol were met, it could be interpreted by some as a signal that other requirements of the Lisbon protocol could be disregarded. In particular, officials in Ukraine and Kazakhstan opposed to the removal of all strategic nuclear arms from their territory and accession to the NPT as nonnuclear weapon States might be emboldened in seeking to slip out of these crucial requirements of article five of the Lisbon protocol and the associated letters.

To correct this problem with the proposed condition five, the Armed Services recommended two possible changes in the condition. The Senate could prohibit entry into force of the treaty until the required arrangements among the four former Soviet Republics are completed. Alternately, the Senate could make clear that the consultation with the Senate and urgent, high-level diplomatic meeting specified in condition five be accomplished prior to entry into force.

The ranking Republican on the Armed Services Committee, Senator WARNER, has submitted an amendment that would accomplish this second, much less stringent correction to condition five. I would hope that the managers would find it not only acceptable, but a desired clarification of the Senate's intent.

START II INCOMPLETE

A second reason the START I Treaty before the Senate is not complete is that the June 17, 1992, joint understanding between the United States and Russia has not yet been reduced to treaty form and submitted to the Senate.

As noted in the Armed Service Committee's report to the Foreign Relations Committee, in late June Secretary Baker testified that "in the most pessimistic case" the START II Treaty would be submitted to the Senate by September 1. It now appears that progress on negotiating the START II text is being impeded by a variety of factors, including possibly resistance to the June 17 joint understanding from some elements of the Russian military. This raises concerns that, even if a text is negotiated, it might deviate in substance from the June 17 joint understanding.

As I indicated already, the principal functions of the START I Treaty before the Senate is to serve as the foundation for the prospective START II Treaty. We are giving our advice and consent to the START I Treaty based on the assumption that the START II Treaty will be negotiated and that it will correspond to the provisions of the Joint Understanding. If we believed it likely that such a START II Treaty would not be negotiated, I question whether the Senate would give its advice and consent to the treaty now before us.

In fact, before the June 17 joint understanding was negotiated, a leading Member on the other side of the aisle was floating proposals to amend this START Treaty to require even deeper reductions of the sort embodied in the joint understanding. And Senator WALLOP has already offered amendments to, in effect, incorporate key provisions of the joint understanding into the START I Treaty. So I believe it is fair to state that there was bipartisan sentiment that the START I Treaty, standing alone, could and should be improved upon. The only reason we are not acting to amend the treaty today is because we are assuming that it does not stand alone, but is merely the forerunner for START II.

For these reasons, most Republican members of the Armed Services Committee expressed their view that entry into force for START I be delayed until a START II Treaty has been submitted to the Senate. In an effort to promote consensus on this important issue, however, the condition that we proposed to the Foreign Relations Committee merely would require that the President consult with the Senate and seek an urgent meeting at the highest diplomatic levels if the START II Treaty text has not been submitted to the Senate by the time the President wishes to proceed with entry into force on the START I Treaty.

This is all that is required by the amendment offered by Senator WARNER on behalf of several of us. It does not require that the START II Treaty text be submitted to the Senate before START I can enter into force. It merely requires that the Senate be consulted and a high-level diplomatic meeting held before START I enters into force.

I would hope that this modest amendment would be accepted by the managers. It protects the Senate's prerogatives by ensuring that the Senate will be consulted if the assumption underlying our action today is called into question. It protects our national interests by giving a modicum of leverage to our negotiators to achieve progress in the START II negotiations and to get a treaty that corresponds to the provisions of the June 17 joint understanding. And it may even help protect Boris Yeltsin by maintaining the pressure for consummation of the joint understanding he signed; his increasingly powerful reactionary challengers seem to oppose the joint understanding, and a defeat on such a major issue could erode Yeltsin's authority in other areas, as well.

Mr. President, we would have been justified offering a much more stringent amendment to prevent entry into force of START I until START II is submitted to the Senate. But we are offering a far more modest amendment.

It simply says that if START II is not finished by the time START I is ready for entry into force, then the President should consult with the Senate and hold a high-level diplomatic meeting with Moscow. Once he has done his, he could proceed with the entry into force of START I, even if START II were not finished. He would do so, however, with the benefit of consultation with the Senate and after a high-level diplomatic meeting with Moscow to determine the reasons for the delay and to press for quick action on finalizing START II.

And so I regret that the amendment will be withdrawn.

Mr. WALLOP. Mr. President, I rise to express regret that Senator WARNER has decided to withdraw his amendment. I believe that conditioning the START Treaty's entry into force pending the completion of the so-called START II Treaty would be a wise and useful addition to the resolution of ratification. Although this would not have fixed the numerous flaws in the START Treaty, I do believe that it would have made it more likely that we ultimately would have a better agreement.

All Senators should agree that the START Treaty is outdated. When, on June 17 of this year, President Bush and President Yeltsin signed a joint understanding requiring deeper cuts and a ban on multiple warhead ICBM's, they also acknowledged that the START Treaty was deficient. As I've mentioned repeatedly over the last days, the Armed Services Committee dedicates twice as many pages in its report to the so-called START II Treaty as to START I. It's obvious that the Senate's willingness to accept many of the flaws and deficiencies in START is based on the belief that START II is just around the corner.

But this may not be the case, Mr. President. We have begun to get worrisome signals from the former Soviet Union that the Russian military is resisting a ban on heavy MIRV'd missiles. If we prematurely ratify START, as we clearly are going to do, we will remove a significant degree of leverage in our attempts to achieve a more effective follow-on agreement. The Warner amendment would merely have reinforced our ability to attain those reductions.

The administration's insistence that there be no linkage between START and START II, I believe, is short-sighted. The worse outcome that I can imagine is if we ratify the flawed START Treaty and never get to more meaningful constraints on the former Soviet arsenal. As we speak, American strategic modernization has unilaterally been stemmed to the point of atrophy. Yet we know that the Russians are producing a follow-on to the SS–25 and developing yet another follow-on to the SS–18.

Mr. President, I firmly believe that we should not ratify the flawed START Treaty, and if we do, not before we have guarantees that a follow-on agreement is attainable. Although the June 17, 1992 joint statement on deep cuts will help the problem with its ban on deployed MIRV'd ICBM's, even this agreement will not fix many of the loopholes in the START framework. In my view, a serious follow-on agreement must include at least three key elements: A MIRV ban, a ban on mobile ICBM's and a verifiable limit on nondeployed missiles. Over the last 2 days, I have offered amendments that would have required these elements be included in START, making it a more effective and meaningful agreement. I regret that the administration did not insist on these provisions before signing the treaty in the first place.

With the exception of the MIRV ban, these meaningful limits are not part of the June 17 joint understanding. Mr. President, I firmly believe that all three must be included in any follow-on agreement to fix the serious weaknesses in the START Treaty. A mobile ICBM ban is essential if a follow-on agreement is to be verifiable and equal. I would remind the Senate that such a ban was the U.S. position in START for years. Falling off this position only made sense in the context of the U.S. having its own mobile ICBM program. Obviously, today this situation does not obtain. I would quote again, as I did the other day, from Ambassador Lehman's 1988 Strategic Review article:

> It is hard to conceive of a worse START Treaty than one that would permit a large number of Soviet mobile ICBM's—especially if, for domestic reasons, the United States were to deploy few, if any, mobile ICBM's of its own.

This is precisely the treaty we will vote to ratify tomorrow morning.

Mr. President, in closing I would simply say that if we cannot achieve more meaningful limits—such as a MIRV ban, a mobile ICBM ban, and a meaningful limit on nondeployed ballistic missiles of all types—in the near future, it will be clear that arms control has failed in the post-cold war era as it failed during the cold war and before the cold war.

Mr. WARNER. Mr. President, I ask unanimous consent that Senator SMITH be added as an original cosponsor of this amendment No. 3243. That was the previous amendment, which was adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, in recognition of the contributions by the various members of the executive branch that I was party to last night and have described here in my statements this morning, and in recognition of the leadership of the two managers of this bill, and after consultation with the cosponsors of this amendment, I ask unanimous consent that the amendment number 3240 be withdrawn.

I do so with the assurance of the executive branch that in the furtherance of this clear, constitutional authority as the negotiators of treaties—and that is set forth explicitly in our Constitution, and it is their judgment that this continuing negotiation which I have described in some detail today as being now, I perceive, one of, I think, prudent progress and expeditious progress—together with their assurance that an early date of conclusion is anticipated, I think those new assurances provide an adequate foundation for the withdrawal of this agreement so as to give them absolute and total flexibility in the negotiations that will be conducted to conclude what, I hope, will be a very favorable and constructive START II agreement.

I thank the Chair. I thank the managers. I thank those for the courtesies accorded the Senator from Virginia.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Virginia [Mr. WARNER] is withdrawn.

The amendment (No. 3240), as modified, was withdrawn.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota [Mr. PRESSLER] is recognized.

AMENDMENT NO. 3227

(Purpose: To provide for a method of eliminating ICBM silo launchers in the United States in such a way as to minimize the impact on the environment, including water wells and aquifers)

MR. PRESSLER. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The Chair is informed that is amendment No. 3227. Under the previous order, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 3227.

MR. PRESSLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out the period at the end thereof and insert the following: ", subject to the following, which shall be included in the instrument of ratification of the Treaty:

"( ) DECLARATION:

"In accordance with Article II of the Protocol on the Joint Compliance and Inspection Commission (relating to convening a session of the Commission), the United States declares its intention to request the convening of a session of the Joint Compliance and Inspection Commission for the purpose, among others, of discussing the elimination of ICBM silo launchers located in the United States of America in ways that would minimize the impact of such elimination on the environment, including the impact on water wells and aquifers.

AMENDMENT NO. 3227, AS MODIFIED

Mr. PRESSLER. Mr. President, it is my understanding that with certain minor modifications, my amendment would be acceptable to both sides. Therefore, I ask unanimous consent that I be allowed to modify my amendment. I send that modification to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 3227), as modified, is as follows:

At the end thereof insert the following declaration:

"ELIMINATION OF ICBM SILO LAUNCHERS IN AN ENVIRONMENTALLY SOUND MANNER:

"In accordance with Article II of the Protocol on the Joint Compliance with Inspection Commission (relating to convening a session of the Commission), the United States upon the convening of a session of the Joint Compliance and Inspection Commission shall place on the agenda for discussion the elimination of ICBM silo launchers located in the United States of America in ways that would minimize the impact of such elimination on the environment, including the impact on the water wells and aquifers.".

Mr. PRESSLER. Mr. President, I want to explain the amendment and the reasons I am offering it today. Yesterday morning, I met with a group of farmers and ranchers at a breakfast, and some of them raised the issue of how the water in western South Dakota will be affected by the destruction of the missile silos as required by the START Treaty. This was sort of foreign policy meeting small Main Street as the towns and the counties there are dependent on subterranean water for their cattle and for their very existence. Also some of the waters of western South Dakota flow into major aquifers or into the Missouri River, and some ultimately go to the Mississippi. Other States look upon the vast water supplies in our State as a potential source of water.

So, it is an environmental question of the first order for more than just South Dakota.

Under the terms of the START Treaty, 150 Minuteman II missiles will be removed from my home State of South Dakota. This is a historic operation, as it means the end of an era in which these 1.5 acre missile sites dotted the landscape of western South Dakota.

As you drive along the country roads of my State, unless you know what to look for, you likely would not even notice the fenced areas housing these sites that provided the first line of defense against Soviet missiles.

Most of the Minuteman II missiles were deployed in South Dakota in 1966, replacing Minuteman I missiles installed 4 years earlier. These 58-foot tall, 36-ton missiles were armed with 1.5-ton nuclear warheads and had a range of 7,500 miles. They could travel at 17,000 miles per hour. The silos housing the missiles penetrate some 90 feet into the pasture lands of western South Dakota.

I had the opportunity on one or two occasions to go down into these silos, these amazing war machines, in which you could actually see an atomic bomb, and a missile that could be fired to a range of 7,500 miles.

As part of the process of deactivating the Minuteman II missiles, these silo launchers for the ICBM's must be eliminated. The silo launchers will be deactivated under the terms of article II, paragraph 6(a) of the Protocol on Procedures Governing the Conversion or Elimination of items subject to the START Treaty which mandates that "the silo door shall be removed, dismantled, or destroyed and the silo headworks and the silo shall be destroyed by excavation to a depth of no less than 8 meters, or by explosion to a depth of no less than 6 meters."

If the procedure is carried out by explosion, the top part of the missile silo will be blown up and the ranchers and some hydrologists in the area fear that these explosions will result in tremors that will hurt some of the wells and disrupt some of the flows of water and may cause other severe environmental damage in the area.

The Air Force has two alternatives for destruction. It can either excavate the silos to a depth of more than 26 feet, or it can demolish the silos to a depth of approximately 19½ feet using explosives. After studying both options, it was determined that explosions would be the more cost effective means of destruction.

Mr. President, ranchers in western South Dakota who have hosted these missiles for 30 years are concerned. These ranchers' livelihoods depend on a very basic commodity—water. Good water is often scarce in western South Dakota. Ranchers, quite understandably, are concerned over the impact of the destruction of the missile silos on their wells and underground aquifers.

The Air Force prepared an environmental impact statement evaluating the potential environmental impacts associated with the deactivation of the Minuteman II's in South Dakota. I have a copy of the Air Force's environmental impact statement with me. The Air Force acknowledged that there is risk to the water supply in western South Dakota.

Mr. President, I ask unanimous consent that the portion of the Air Force study relating to water resources be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. PRESSLER. Mr. President, I want to take a moment to outline some of the risks the ranchers fear—and not just the ranchers, but the smaller cities and also the towns which are downstream, so to speak. By that I mean those communities dependent on either the aquifers or rivers in the area.

One concern is the potential damage exploding the silos could cause to water wells in the area. Some of these wells are over 50 years old, and they are a critical resource for those raising livestock. Some ranchers have told me they fear what the explosions might do to the casings of their wells.

Another concern involves the aquifers which feed the wells. The Air Force study notes that:

> Shock waves from an explosion could also cause a local change in the aquifer's gradient, changing the direction of flow and possibly water quantities and quality for local users.

Mr. President, what we are talking about here are major underground supplies of water that make the difference between some of the finest range land in this country and the beautiful, but agriculturally useless, Badlands consisting of hard-packed clay, cactus, and long dead river beds.

Finally, there is the question of water contamination. The interiors of the silo launchers have been painted with industrial paint that, in some cases, contains lead, chromium, and mercury. In this regard, the Air Force study indicates that, "after salvage operations and demolition of the launcher headworks, the residual lead-based paint inside the launchers * * * could leach into the ground water. Groundwater could enter the launcher * * * and leach lead and other heavy metals from the paint." Should this happen, much of western South Dakota's water supply would be in jeopardy of being poisoned.

Mr. President, the Air Force environmental impact statement considered these issues and found "the quality of the water in the development area would not likely be significantly affected by any deactivation activities." In addition, the Air Force held several meetings with ranchers in South Dakota to discuss the detonation procedures and the finding of its environmental impact statement.

I commend the Air Force for its efforts in this regard, but because all concerns have not been fully addressed, I believe more must be done to ensure that all possible risk is considered and mitigated.

Yesterday morning, in my meeting with some of the ranchers from that area, their fears came forward. They are not satisfied with the explanations. They are fearful that if the process continues as currently planned they will be hurt. They are fearful that the basic direction of some of the underground aquifers will be changed. They are fearful, frankly, that in the worst-case scenario some of the beautiful grassland will turn into what we call Badlands.

For that reason, I am offering this amendment. It declares the intention that the United States "upon the convening of a session of the Joint Compliance and Inspection Commission shall place on the agenda for discussion the elimination of ICBM silo launchers located in the United States of America in ways that would minimize the impact of such elimination on the environment, including the impact on water wells and aquifers."

Mr. President, article XV of the treaty establishes a Joint Compliance and Inspection Commission, which, among other things, is charged with the duty of agreeing upon additional measures necessary to "improve the viability and effectiveness" of the START Treaty.

My amendment is designed to put on the Commission's agenda the issue of minimizing the impact of missile silo destruction on water resources. I consider such environmental considerations to be a vital part of the Commission's duty to "improve the viability and effectiveness" of the START Treaty.

In addition, this Commission has the ability to negotiate amendments to the START Treaty and proposes such amendments to the signatory governments. If it is determined that the existing terms of the START Treaty are not flexible enough to ensure that the deactivation of the Minuteman II silo launchers does not harm our water resources, then the Joint Compliance and Inspection Commission, in carrying out its mandate, should negotiate an amendment to the treaty. However, I do not think an amendment to the treaty will be necessary. I believe the objective I have raised can be carried out within the framework of the existing treaty documents.

The Air Force environmental impact statement indicates that the Air Force could require any deactivation contractor to mitigate the chance for harm to wells and aquifers by conducting detailed site surveys and, where potential danger to the water supply is found, using "modified, less-disruptive blasting techniques * * * perhaps along with more labor-intensive dismantlement procedures, such as using a jackhammer." The longer-term risk of harmful materials leaching into the water table could be minimized by removing the lead-based paint and other harmful materials from the silo launchers.

Mr. President, these are just two ways in which the issues I raise could be addressed. The Joint Compliance and Inspection Commission is charged with the serious task of seeing to it that the terms of the START Treaty are carried out. It is the opinion of this Senator that in carrying out this task, the commission should consider the environmental impact of its decisions. My amendment seeks to make sure that happens.

I encourage all of my colleagues to support this amendment.

EXHIBIT 1

[Final Environmental Impact Statement, October 1991

DEACTIVIATION OF THE MINUTEMAN II MISSILE WING AT ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA

(Department of the Air Force Headquarters, Strategic Air Command, Offutt AFB, NE)

EXECUTIVE SUMMARY

* * * * *

Water Resources.—Ground-water and surface-water quality and quantity could be adversely affected by MM II system deactivation. If the hardened intersite cable system was excavated, over 1,000 miles of land would be disturbed, thus creating the potential for erosion of sediments and silting of streams. Excavating fill from a shallow aquifer could significantly decrease the quantity of shallow ground water available to a user through a volumetric reduction in the recharge areas. There are a number of shallow wells (less than 100 feet deep) in the deployment area that depend on ground water for potable uses. Although unlikely, ground attenuation from explosive or mechanical demolition could cause some microfracturing of brittle shale and could modify the quantity of ground water in shallow aquifers, as well as potentially cause seepage of water from reservoirs. The yield of the aquifer could decrease or increase, depending on the structure of the area. Because of the amounts of explosives likely to be used, wells would not likely be affected and the characteristics of reservoirs and shallow aquifers would only change minimally, if at all. Deep aquifers are not anticipated to be affected under any alternative because of the prevalence of thick layers of shale, a rock of very low permeability.

Seepage of ground water into some launch tubes and launch control centers (LCCs) is inevitable. A lead-based paint, which may also contain mercury, chromium, and other common heavy metal paint additives, was used to paint the interiors of the launch tube and LCCs. Some cadmium electroplating was also performed in these areas. Ground-water seepage into these areas could cause these heavy metals to leach into the ground water and possibly migrate from the immediate area. The predicted concentration of lead is less than 0.3 micrograms per liter, more than an order of magnitude lower than the maximum contaminant level (MCL) set by EPA; concentrations of other heavy metals are expected to be similar to or less than this level and would also be below the MCLs for those metals. The quality of water in the deployment area would not likely be significantly affected by any deactivation activities. With the exception of surface water quantity effects from fracturing or excavating for fill, the projected adverse impacts are only short term. Surface water seepage would eventually return to original rates because of weathering of fractured shale and filing of the fractures with clays.

The no action alternative, which does not involve demolishing the launcher headworks would negligibly affect water resources. Air dispersion of material from explosive or mechanical demolition or increased erosion would negligibly affect surface water quality.

4.4 Water Resources

Water is a naturally renewable, yet finite, resource. Physical disturbances and the introduction of chemicals can degrade the quality and quantity of water. Therefore, the destruction of MM II missile launchers may have an adverse impact on the water resources. An impact would be considered potentially significant if an aquifer or surface water body is damaged, resulting in a measurable change in a user's water supply, or the water quality is affected so that it exceeds Federal or State maximum contaminant levels (MCLs). An impact would be negligible if the change in the water quality or quantity were unmeasurable. Increased recharge or improved water quality would be a beneficial impact.

4.4.1 Analysis Methods

The analysis methods centered on concerns related to the removal of MM II missiles and the elimination and destruction of the missile launchers. Other activities were also assessed that could involve potential siltation of streams or movement of contaminants to ground or surface water. Historical records of spills at LFs and LCFs and herbicide use at the LFs were evaluated to assess the potential for water contamination. An early process in the analysis was to define the extent of the deployment area and examine its water resources. Documents from previous studies of ground water, surface water, and water quality were examined to determine whether relevant information had been collected to support the analysis of the elimination/destruction action. These documents included Federal and State reports, geotechnical papers from the USGS and the State of South Dakota, and USGS topographic maps (7½ minute series). The review centered on the proximity of launchers to dams, perennial streams, and other bodies of water, in addition to the regional hydrogeology and water quality.

Computer models, CREAM (Chemicals, Runoff, and Erosion from Agricultural Management Systems) and GLEAMS, were used to assess the likelihood of pesticide residue accumulation, leaching, and runoff. Appendix A describes the models, provides the assumptions used in modeling the environmental fate of the pesticides, and presents some graphs of herbicide residues over time. Results from the modeling are summarized in section 4.4.2.1.

The interior of the launchers and launch control center (LCC) have been painted with industrial paint that may contain 15 to 20 percent lead by weight. Destroying the launcher headworks with explosives could rupture the launch tube and allow ground water to seep in, come in contact with the lead-based paint, leach the lead, and migrate to private or public water supplies. As previously discussed in section 3.7, other heavy metals such as chromium and mercury may also be in the paint and be leached by ground water. Also, cadmium electroplating in the LF and support buildings might undergo leaching.

The LFs were designed to withstand the shock of a nuclear blast, and the launch tube would probably not be ruptured from explosive demolition of the headworks. The launch tube is not directly connected to the headworks; it is linked by a rattlespace which would allow differential movement of the tube and headworks.

The potential also exists for ground water to seep into the launcher without demolition of the launcher headworks. Any alternative that would involve disabling the cathodic protection well, present at all LFs, or the dewatering well, present at seven LFs, could eventually allow ground water to seep into the launcher either through corrosion of the concrete and steel, or by seepage through joints. The environmental fate and transport of lead in the launch tubes is evaluated by a modeling study in which assumptions and calculations are made. Appendix B provides details of this technique. Results of the analysis are summarized in section 4.4.2.1.

4.4.2 Potential Impacts of the Proposed Action (Full Deactivation)

4.4.2.1 Ground Water

The local ground-water quantity and quality could be affected if aquifers were damaged by deactivation and destruction activities. Obtaining fill material through excavation and removing pieces of the LF should minimally affect aquifer recharge or quality because most of the aquifers are deep and are primarily recharged through the Black Hills area. If the HICS was excavated it would likely affect some discharge/recharge areas. Deep aquifers are also unlikely to be disrupted by mechanical or explosive demolition of the headworks. However, shallow, unconfined aquifers of alluvium or weathered and fractured shale could be adversely affected by headworks demolition or fill excavation. (Seven LFs [B-2, K-8, L-2, L-8, M-5, M-8, and M-10] have shallow aquifers where dewatering wells have been installed. The dewatering wells were installed to prevent ground water from migrating to the launch tube.)

The potential adverse effects to shallow aquifers include changes in water quantity and quality resulting from one or more possible mechanisms. The shock from the explosions could disrupt the top aquifer or disrupt the low permeability material below the aquifer. Disruption of the lower unit could allow water in the aquifer to drain or percolate at higher velocities through underlying units and thereby lower the top of the water table. This situation has been noted in the Pierre Shale aquifer (Gries, 1942; see also section 3.4.1). This same mechanism could also connect aquifers of different yields and water qualities, leading to changes in supply and water quality for nearby users of either aquifer. Shock waves from an explosion could also cause a local change in the aquifer's gradient, changing the direction of flow and possibly water quantities and quality for local users.

Studies done on the blasting effects on shallow, low-yield wells drawing from fractured rock in Appalachia indicate that a level of 2.0 inches per second peak velocity, the maximum allowable under the proposed blasting specifications (about 80 to 85 percent of maximum resultant particle velocity) for that program as well as the proposed action, was not high enough to damage the wells. Results of the blasting did include lateral stress relief, which increased the fracture width and the storage space in the aquifer, which, in turn, lowered the static water levels in local wells (U.S. Bureau of Mines, 1980).

It is unlikely that the integrity of a private or public well located near an LF, in consideration of a recent State requirement for recasing improved wells, would be adversely affected by the demolition of the launcher headworks. It appears that the hydraulic conductivity, yield, and transmissivity of an aquifer could be slightly increased or decreased from explosive demolition. Mechanical demolition could cause similar impacts but they are anticipated to be incurred in a smaller area and to a lesser extent.

Although some shallow fracturing of the Pierre Shale could occur from explosive demolition (and to a limited extent from mechanical demolition) of the launcher headworks, it is unlikely that waters from the weathered shale zone would mix to any extent with waters from a shallow, unconfined aquifer above the Pierre Shale. Gradients around the LFs are fairly gradual, approximately 250 feet or less per mile. The low gradient, and low hydraulic heads in the shallow unconfined aquifers, would tend to inhibit mixing of the water from the mineral-rich Pierre Shale aquifer (Gries, 1942; personal communications with USGS, 1991) with a shallow aquifer.

Many of these possible effects on aquifers could be beneficial—not decreasing but rather increasing yields, for example. However, it cannot be assumed that all such impacts would be beneficial.

Ground water in the deep, confined aquifers (Newcastle, Inyan Kara, Minnelusa, Madison, and Deadwood) would be negligibly affected by the explosive demolition event and potential leaching of metals from the LFs and LCFs. The great depth to the aquifers and the confining units between many of the aquifers would isolate them from the effects of demolition. It is unlikely that adverse effects to ground-water quality would occur in the deep aquifers. Lehr (1991) presented a number of reasons for western South Dakota being ideal for the storage of hazardous wastes. Those reasons are listed below:

The confining layers of Upper Cretaceous shales cover a large geographic area of western South Dakota.

These shale confining units vary in length from between 200 to 2,000 feet.

Both the vertical and horizontal hydraulic conductivity of the unweathered shale is extremely low. On a regional basis, the lateral ground-water flow is negligible because of the low potentiometric surface gradients in the region.

Increased vertical and horizontal hydraulic conductivity will exist in the upper weathered portion of the shale rock unit. This weathered area will allow some local horizontal movement of ground water, but notable horizontal regional movement of the ground water would be impeded by the low hydraulic conductivity (both vertical and horizontal) of the weathered shale and the shallow ground-water regime with its low regional gradients.

The ground water in the deep aquifers beneath western South Dakota is under artesian pressure. Artesian pressure will produce flowing wells or allow water to rise to near land surface. The high hydraulic pressure in the deep aquifers and the low hydraulic conductivity of the shale greatly reduces or prevents the vertical movement of water into the deeper aquifers.

Several Air Force facilities in the deployment area are in or near recharge areas of deep aquifers. As discussed in section 3.4, the Black Hills area is the main recharge source for the deep aquifers. The beds dip eastward in this area; thus as horizontal distance increases from the Black Hills, the beds extend deeper. LFs K-4, K-5, K-11, L-5, and L-7 are located in the Mowry Shale and are the closest LFs west of the Inyan Kara Group (which includes the Fall River [Dakota] Aquifer); no LFs or LCFs are located in this important aquifer. Based on the dip of the beds (Danton, 1901), it is estimated that the Inyan Kara Group is greater than 500 feet below these LFs. It is highly unlikely that this ground-water resource would be affected from the proposed activities at the LFs and LCFs. The Sundance Formation has an LF (K-10) and an LCF (K-1) in the aquifer recharge area. Demolition is not planned for the LCFs. Explosive demolition of K-10, if it affected the Sundance Formation, would likely infinitesimally increase its recharge capacity (a beneficial impact) through microfracturing the formation near the LF. No other LFs or LCFs are in or near aquifer recharge areas for confined, deep aquifers.

After salvage operations and demolition of the launcher headworks, the residual lead-based paint inside the launchers and LCCs could leach into the ground water. Ground water could enter the launcher or LCC and leach lead and other heavy metals from the paint. This is especially likely at LFs where it was necessary to install dewatering wells because of high water tables. Because the cathodic protection system and the dewatering wells would be dismantled and disabled, any LFs in an area that has an unconfined aquifer with a depth of less than approximately 60 to 90 feet would have eventual seepage of ground water into the launch tube.

The rate at which lead leaches and migrates to adjacent, shallow private/public wells used for potable water is calculated in appendix B. The assumptions used in the quantification of contamination were based on the study of aquifer characteristics (water quantity and quality parameters, proximity and topographic relationship of wells to LFs, concentration and volume of lead-based paint in the launch tube, and rate of lead leaching from the paint by ground water). The computer model selected for the analysis predicted negligible movement of lead in ground water in the vicinity of the MM II LFs. Concentrations of less than 0.3 micrograms of lead per liter of water (μg/L) were predicted in the immediate vicinity of the launch facility and concentrations were less than 0.1 μg/L approximately one-quarter mile away (where the closest private wells are located).

Typical background levels of lead in ground water from potable wells within the deployment area range from non-detectable (less than 1 μg/L) to 47.3 μg/L (above the 15 μg/L MCL standard designated by EPA) with a mean average of approximately 5 μg/L (South Dakota Department of Water and Natural Resources, 1986). Later testing of the well with 47.3 μg/L revealed a level of less than 1 μg/L; because both samples were whole water, unfiltered samples, the 47.3 μg/L lead level was likely an anomaly from particulate contamination. Water samples from the seven wells with depths of less than 100 feet revealed an average lead concentration of 6.6 μg/L. Of these seven wells, one had a lead level of 26.0 μg/L. Based on sampling data from these wells, the water quality would be negligibly affected by the migration of lead in ground water.

Because the interior of the LCCs were painted with lead-based paint, there is a possibility that lead could leach from the LCC and migrate to the potable wells at LCFs. The average depth of the LCCs is approximately 40 feet. One well is 100 feet deep and the others range from 150 to 3,272 feet deep. Ground-water modeling indicated that lead concentrations in the immediate vicinity of the area in which leaching is occurring is less than 0.3 μg/L. As previously discussed, the deep aquifers and wells are not projected to be adversely affected by the proposed action. Even if the contamination reaches the shallow wells, concentrations of lead are projected to be well below the MCL (15 μg/L).

As previously stated, cadmium electroplating and other heavy metal additives in the paint (chromium and mercury) might also undergo leaching. Based on the amounts of these heavy metals with respect to lead, it is anticipated that the concentrations of leachate would be appreciably lower than that calculated for lead. With MCLs of 2 μg/L for mercury, 10 μg/L for cadmium, and 50 μg/L for chromium, the leachate is anticipated to be at least an order of magnitude lower than the MCL for these heavy metals.

It is likely that the LFs and LCFs, once deactivated, will not be Resource Conservation and Recovery Act (RCRA) sites regulated under Subtitle C (see section 4.7). Because the predicted concentrations of heavy metals are significantly below health-based levels, no long-term ground-water monitoring of the sites is necessary. However, if they were regulated as hazardous waste sites, monitoring wells would need to be installed at each site. To allow closure of the LF and LCF sites according to State standards, it may be advisable to monitor a site that is considered most likely to involve leaching of heavy metals into the ground water.

Modeling of pesticide degradation and migration showed that nearly one-quarter of the prometon residues remain after 1 year. The results indicate that after some rain storms, the residue level at approximately 9 inches was in the 0.1 parts per billion (ppb) range, but that leaching beyond 3 feet in depth is not expected. Other than simazine residues that are undetectable at year 3 of the model, all other pesticides showed no residues within several months of application in the spring and no significant accumulation of residues from one year to the next at any soil depth.

Therefore, although the area that has been treated with herbicides may not be suitable for growing food crops until these residues break down or leach out of the growing zone, the prometon residues are not likely to have reached even the shallow aquifers around some of the launchers. Discontinuation of soil sterilization would therefore not adversely affect the ground-water quality. Beneficial results from discontinuation of pesticide application could be realized if vegetative growth was considered desirable to the new landowner.

During excavation and regrading of the LF areas, prometon-contaminated soil would be disturbed and soil layers would be reworked. Because all soil around the vicinity of the LF is already prometon-treated, disturbing it is unlikely to cause any new impacts.

As discussed in section 2.2.4, the liquid and solid contents of the lagoons at each LCF (excluding G-1) would be tested prior to deactivation. Based upon the test results the contractor may be permitted to discharge the effluent directly into the surface waters or utilize other proper disposal methods. The dismantlement plans and specifications require the contractor to drain the lagoons, level and grade the berms for proper area drainage, and to stabilize (mulch) and seed the area with native grasses. The soil preparation and seeding activities will be based on the Soil Conservation Service technical specifications for South Dakota. Closure of the lagoon would have a slight beneficial effect on the surrounding environment, including the ground-water quality.

4.4.2.2 Surface Water

Surface water hydrology could be altered by the destruction and removal activities. Some streams may be diverted by headworks demolition. Explosive and mechanical demolition of the launchers would cause dust to settle in nearby surface water bodies and would increase the erosion potential of the typically highly erodible soils at the LFs. Airborne dust and runoff would temporarily increase turbidity. Because western South Dakota is a fairly dry region, storm runoff is sporadic and minimal. The potential for impacts to surface water quality from runoff would be negligible and short term, that is, until the removal process is completed and vegetation reestablished.

The deployment area has many small impoundments for irrigation and stock watering, as well as some water supply reservoirs. Although unlikely, explosive demolition of the launcher headworks could cause some dams to leak. The specifications for blasting are designed to keep ground attenuation below damaging levels. All dams in the deployment area are earthen dams. Mechanical demolition would not have the immediate shock of a blast but would occur over a long timeframe. In the extremely unlikely event of a dam rupture, the water supply would be adversely impacted in the short term, and catastrophic effects would be evident downgradient of the dam. Section 4.3.2.3 discusses the potential negative impacts of removing Pierre Shale from the reservoir part of surface impoundments. If the HICS was removed, over 1,000 miles of land would be disturbed and increase the likelihood of erosion and siltation of streams. Such removals could allow a considerable amount of surface water seepage. Activities associated with the proposed action could have a significant adverse effect on the quantity of water in impoundments and other water bodies in the deployment area.

If diesel fuel or hazardous materials such as sodium chromate solution or polychlorinated biphenyls (PCBs) are spilled and not promptly contained, runoff to adjacent water bodies could have a significant adverse effect on surface water quality. However, this is an extremely unlikely scenario because this region receives little precipitation. Except for spills, the surface waters are not expected to experience any long-term effects.

4.4.3 Potential Impacts of Continued Operation (No Action)

The no action option would not produce the extensive physical disturbances of full deactivation. Underlying aquifers would not be damaged or altered by this alternative. No significant impacts to ground water currently occur or are projected to occur.

Continuing operation of the MM II missile system would perpetuate the potential for runoff of herbicide-laden water to adjacent water bodies. The no action option would not produce the same kinds of physical disturbances, such as disruption of shallow aquifers from excavations or explosive demolition, as full deactivation. Existing traffic would continue to generate airborne dust, to degrade roads, and to cause siltation of nearby water bodies. Continued operation of the MM II missile system would have no significantly adverse impacts on water quality.

4.4.4 Potential Impacts of the Implementation Alternative-Reuse of Aboveground Facilities

Reusing the facilities for such things as areas to temporarily place mobile radar units would have a negligible impact on water resources. However, under this option, traffic would affect siltation of adjacent water bodies.

4.4.5 Mitigation Measures

Potentially significant impacts to the water resources in the deployment area have been identified. The following mitigation measures that the Air Force could require of the deactivation contractor could lessen adverse effects of the destruction and removal process:

Detailed site surveys and, where appropriate, geotechnical investigations could be conducted to identify launchers close to aquifers susceptible to blast damage. At such locations, modified, less-disruptive blasting techniques could be used, perhaps along with more labor-intensive dismantlement procedures, such as using a jackhammer.

Sediment traps and liners could be used to avoid degrading surface water quality during the proposed action.

Intermittent light watering of roads and the sites would decrease the amount of airborne dust that increases siltation of water bodies.

Removal of lead-based paint and cadmium electroplating from the launcher and LCC interior would mitigate potential ground-water contamination.

Restrict fill excavations from where they would interfere with water recharge areas.

The Air Force could perform the following actions to mitigate potential effects on water quality:

Continued operation of the cathodic protection well would inhibit the launcher's corrosion.

Continued operation of the dewatering wells or installation of other dewatering wells at LFs that have not had seepage problems but are in areas with a high water table could inhibit ground-water seepage into the launcher tube.

4.4.6 Unavoidable Impacts

Explosive and mechanical demolition of the headworks would increase the potential for ground-water incursion into the launch tube. If lead-based paint and cadmium electroplating are not removed, heavy metals could gradually leach from the LCC or launch tube into the ground water.

Soils in the deployment area are very erosion prone. Although different actions can minimize erosion with subsequent increased siltation of surface water, some minimal increase in turbidity through wind or water transport is unavoidable.

The PRESIDING OFFICER. The Chair will advise the Senator from South Dakota the time allocated to him has expired.

Mr. PRESSLER. Mr. President, I thank my colleagues and urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PELL] is recognized.

Mr. PELL. Mr. President, the Senator from South Dakota is correct and justified in raising this amendment. It is a real problem as to what will happen from the destruction of the Minutemen silos and whether they should be destroyed with explosives or whether they should be destroyed by mechanical means. This information is not known fully as yet. We have sought to get an answer and we do not have one.

Accordingly, I think that the Senator is very justified in wanting this issue raised high on the agenda of the Joint Compliance and Inspection Commission.

I concur completely with him. I am willing to accept his amendment for this side of the aisle.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from South Dakota [Mr. PRESSLER] for his active, constructive, and able leadership in the Foreign Relations Committee.

As he has stated in advancing this amendment today, he is considering this obviously in the best interest of our country with regard to the START I Treaty, but likewise the implication of that for his constituents and he detailed specifically their fears and concerns as he has attempted as a Senator to meet those, even as he meets his obligation in behalf of the security of our country with this treaty.

As I understand the amendment, the amendment does not mandate any changes to the treaty assigned. Instead, it simply declares the Joint Compliance and Inspection Commission should meet to discuss ways of mitigating the adverse effect on the environment from the elimination of the U.S. ICBM silos.

I am informed that the administration has no objection to the proposed amendment and I am prepared on this side to indicate that we support it and accept it.

The PRESIDING OFFICER. Without objection, the amendment offered on behalf of the Senator from South Dakota as modified is agreed to.

The amendment (No. 3227), as modified, was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. I thank my colleagues very much.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, the Senator from Wyoming [Mr. WALLOP] raised the question of the last sentence in the May 7 letter from President Kravchuk of Ukraine, obligating Ukraine to eliminate all nuclear weapons and strategic offensive arms within 7 years after entry into force of START. The administration has informed the committee that this is a legally binding obligation. If one reads closely this letter, you will find the word "should" in the last sentence and not "shall." The entire sentence reads:

> In addition, I should like to note that the process of elimination of nuclear weapons in Ukraine should be carried out under reliable international control which should guarantee the non-use of nuclear charge components for repeated production of weapons and should prevent their export to other countries.

The legal interpretation from the administration is that this last sentence is not legally binding because of the word "should." I have asked the administration to further clarify this matter. In response, the ACDA chief counsel, Thomas Grahm, stated:

> There is no question that the Lisbon sideletters are legally binding. Their language and terms are formal and binding in form, the article by article analysis describes them as legally binding and the Foreign Relations Condition removes any possible doubt. However, the final sentence of the Ukraine letter referring to "international control" is intend to be non-binding. The word "should" is used in that last sentence rather then the "shall" used elsewhere in the letter and the article by article analysis labels this one sentence (and it alone) as non-binding.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. What is the business before the Senate at this time?

The PRESIDING OFFICER. The resolution of ratification, as amended, is pending subject to debate.

Mr. PELL. That will be voted on tomorrow at 9:30.

The PRESIDING OFFICER. The Senator is correct.

Mr. PELL. There is nothing more on the START Treaty at this time until tomorrow morning at 9:30.

The PRESIDING OFFICER. No further amendments are in order.

The matter is still pending until the time specified for the vote tomorrow.

Mr. LUGAR. Mr. President, the distinguished Republican leader wishes to make a statement and he will be available imminently I am advised. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

START TREATY

Mr. DOLE. Mr. President, the START Treaty is at once both a cold war treaty and a post-cold-war treaty. It represents 9 years of arduous negotiations—negotiations which were begun during the cold war, but completed on the eve of the collapse of the Soviet Union. While the START Treaty and its associated protocol of May 23, 1992, brings the cold war era to an end by initiating substantial reductions in our nuclear arsenal, it also ushers in the post-cold-war era by establishing the foundation for deeper cuts, a restructuring in United States and Russian nuclear forces, and finally, a denuclearization of the three other former Soviet Republics which possess nuclear weapons. Ukraine, Kazakhstan, and Byelarus.

The fact that we have this groundbreaking treaty before us today can be attributed to the hard-nosed and realistic arms control policies of the Reagan and Bush administrations and the tireless perseverance of a number of individuals who served as our negotiators in Geneva. These negotiators deserve mention and praise: Gen. Edward L. Rowny, Ron Lehman, S. Reid Hanmer, Richard Burt, and Linton F. Brooks. They are all talented and dedicated. They also shared another trait: The ability to listen to the Soviets say nyet time and time again, never giving up on their job to get the best deal for United States national security.

And we cannot forget Jim Baker, who not only presided over START negotiating policy during the Bush administration, but who personally led the final shuttle diplomacy phase of the talks and the negotiations on the Lisbon protocol. Without his efforts this treaty may never have been completed.

Now, there are some who would argue that the START Treaty is irrelevant in the post-cold-war era, especially in light of the commitments to further dramatic reductions made by President Bush and President Yeltsin at the June summit.

It seems to me though, that while there is an element of truth to that argument, the reality is more that the START Treaty is a transitional agreement. Sure, the reductions discussed at the June summit are more drastic not only in number, but in their impact on the United States and Russian nuclear force structures.

However, the START Treaty together with the Lisbon protocol, should not have been seen as an end point, but as the bridge to the next treaty—a treaty which we anticipate will reflect more accurately the new state of United States-Russian relations—a truly post-cold-war agreement.

In addition to achieving the goals the United States sought during the 9 years of its negotiation—namely, to enhance crisis stability, to reduce strategic arsenals, to reduce inequalities and attain effective verification—the START Treaty will set the stage for further reductions. Through its detailed requirements and extensive verification regime, it will provide a framework for the follow-on deMIRV'ing Treaty.

Moreover, START as amended by the Lisbon protocol, will solve the successor State problem and significantly contribute to U.S. nonproliferation objectives by establishing Ukraine, Byelarus, and Kazakhstan as nonnuclear State parties to the Nuclear Nonproliferation Treaty [NPT]. This is a significant benefit of the START Treaty particularly as proliferation is becoming one of our greatest concerns as we move into the 21st century.

I would like to commend the Senate Foreign Relations Committee for its thorough review of this treaty and preparation of the resolution of ratification. The committee held over 20 hearings with administration officials, former U.S. arms control negotiators and outside experts. These hearings explored the strategic, political, legal, and technical issues associated with the START Treaty and its protocols.

In drafting the conditions to the resolution of ratification, the committee addressed issues of concern to the Senate as an institution—the body entrusted with the responsibility of giving advice and consent to treaties. Moreover, it addresses concerns of a legal nature, relating to the START Treaty obligations of the successor States to the Soviet Union, namely Russia, Ukraine, Byelarus, and Kazakhstan. I am particularly pleased with the resolution's declarations giving strong support to the President's efforts to negotiate a follow-on treaty to START and urging the President to seek the adherence of Byelarus, Kazakhstan, and Ukraine to the Missile Technology Control Regime [MTCR].

I also wish to commend the Senate Select Committee on Intelligence which thoroughly assessed the verification and monitoring provisions of the START Treaty. The Intelligence Committee reported that START's verification regime was not perfect, but noted that the military significance of hypothetical cheating is quite low. And that potential cheating was less of a concern because the Soviet Union no longer exists. The committee projected that compliance issues related to START will likely result from difficulties in implementing the treaty's provisions.

Finally, I would bring attention to the Armed Services Committee's recommendations, in particular, the condition regarding nuclear mission training for B–1 bombers reoriented to conventional roles and its three suggested declarations, including one urging the acceleration of the START II deadline.

Mr. President, this treaty is not perfect. It is not the be-all and end-all of arms control. I, like most of my colleagues, hope that the START II Treaty—which is being negotiated right now—will pick up where this START Treaty leaves off and will bring us to further and dramatic reductions in United States and Russian nuclear arsenals.

But, while I look forward to the START II Treaty being completed and submitted to the Senate, I know that the Senate needs to act on this START Treaty now. This START Treaty is the bridge to START II. Without it the United States, Russia, Ukraine, Kazakhstan, and Byelarus will have difficulty making the transaction necessitated by the end of the cold war. Without this START Treaty we can expect greater uncertainty.

Mr. President, some of my colleagues have raised legitimate concerns and questions. I do not wish to discount them, but I do think that the merits of this treaty outweigh its flaws, and that the reasons for giving advice and consent are more numerous than those for not giving advice and consent to START. These reasons are succinctly listed in a letter I received from acting Secretary of State Eagleburger.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, DC, September 28, 1992.
Hon. ROBERT J. DOLE,
Minority Leader, U.S. Senate.

DEAR SENATOR DOLE: As the Senate takes the historic step of beginning its final consideration of the START Treaty, I wanted to contact you personally to urge you to join with your colleagues in giving your advice and consent to ratification of this vital agreement. The history of the Cold War will not be over until START is ratified and has entered into force. Your actions today will culminate a decade of bi-partisan effort to move us to a safer, more secure, more stable world.

Thirteen months ago, the failed coup in the former Soviet Union signaled the death knell of seventy years of oppression and the beginning of a new era of freedom and democracy for nearly three hundred million people. In the months that followed, new independent states rose from the ashes of communist failure, and a new dawn of freedom and independence broke.

In this dramatically changed world, some have asked whether START is still important. The answer is an unqualified yes. Ratification of START remains crucial for the following reasons:

First, to encourage quick action by Ukraine, Belarus, and Kazakhstan to adhere to the Nuclear Non-Proliferation Treaty (NPT) as non-nuclear-weapon States Parties. The sooner we bring START into force, the sooner these states will be obligated to join the NPT and to begin eliminating nuclear weapons, including strategic offensive arms, from their territories.

Second, to ensure broad international support for the Nuclear Non-Proliferation Treaty. The non-nuclear states have traditionally regarded the continued pursuit of arms reductions as important to the success of the NPT. Failure to ratify START could be seen by some of them as a rejection of nuclear arms control, complicating our efforts to extend the NPT in 1995.

Third, to give us a window on the former Soviet Union. The START verification regime will increase openness and transparency during these times of turbulence.

Fourth, to enhance stability in the former Soviet Union. START resolves major nuclear weapons issues among the four largest and most heavily armed former Soviet Republics, removing these issues as a source of potential tension and conflict.

Fifth, to ensure that forces of the former Soviet Union are reduced when ours are. We are reducing our forces in recognition of the changed international situation. We want to be certain the states replacing the former Soviet Union are obligated to reduce as well. We need START to lock-in those reductions.

Sixth, to establish a foundation for deeper reductions. The June 17 Summit agreement to further reduce strategic forces depends on START and assumes START verification provisions will be in place. While we are moving to codify that agreement, we should not delay START ratification.

Finally, to hedge against a failure of democracy in the former Soviet Union. While we all are hopeful, we cannot be certain that democracy will prevail. If new, unfriendly regimes come to power, we want those regimes to be legally obligated to observe START limits and verification provisions.

Some of your colleagues, while recognizing the ultimate importance of START, have asked, "Why now?" In my view, the answer is clear. We want START now because we want Belarus, Russia, and Ukraine to approve START, as Kazakhstan has already done; delay by the United States will not encourage fast action on their part. We want to look Belarus, Kazakhstan and Ukraine into the Non-Proliferation Treaty as non-nuclear states as soon as possible. The U.S. and Russia are now building on the accomplishments of START and taking additional steps toward safety and stability. And it is now that the Senate must act to help bring about this new and safer world.

We stand at a crossroad of history. The collapse of communism, the demise of the Soviet Union, and the end of the cold war offer the prospect of a world in which the nuclear nightmare is only a dim memory. Senate action to codify the end of the era of confrontation, along with the new steps we are taking to enhance stability, will allow our children and grandchildren to grow up free from the fear of a nuclear Armageddon. On behalf of the President and the Administration, I urge you to fulfill our commitment to history and our obligation to posterity by ratifying START.

Sincerely,

LAWRENCE S. EAGLEBURGER,
Acting Secretary.

Mr. DOLE. All in all, I believe that the Senate has done a fine job of reviewing this treaty and drafting a resolution of ratification which reflects the concerns and prerogatives of this body.

I want to thank the chairman of the Senate Foreign Relations Committee, Senator PELL, and the distinguished Senator from Indiana, Senator LUGAR, who are managing this treaty debate.

I strongly support this treaty and am confident that the great majority of this body will recognize its benefits and support it, as well.

Mr. President, I certainly would not want to conclude my statement without commending the distinguished Senator from Indiana for his tireless efforts and for the time he spent in the committee and on the floor and with our negotiators over the past several years. And also to my colleague—who has a different view—the Senator from Wyoming [Mr. WALLOP], who made his case, made a good cause, and has had considerable support for some of his views.

But, in the final analysis, it is my view that this treaty should be ratified. The President wants it ratified. There is no doubt in my mind an overwhelming majority of Senators on both sides of the aisle will vote for ratification.

So I hope that this is the beginning. This is not the end; it is a start.

I certainly commend my colleagues for their efforts and I know when the vote comes tomorrow morning the vote will be overwhelming in favor of ratification.

Mr. DASCHLE. Mr. President, as we consider the resolution of ratification for the Strategic Arms Reduction Treaty [START], I would like to reiterate to my colleagues that ratification of START is a prerequisite to future arms control efforts. In particular, ratification of START is an essential element of the joint understanding recently signed by President Bush and Russian President Boris Yeltsin to reduce United States and Russian strategic nuclear weapons by roughly two-thirds of current levels. Specifically, this agreement would limit each side to a level of 3,800 to 4,200 nuclear warheads by 1999, and then to 3,000 to 3,500 by the year 2003 or possibly by the end of the decade.

This is an unprecedented achievement in our nuclear history, and President Bush and President Yeltsin deserve to be commended. It is time that multiple-warhead land-based missiles, considered to be the most likely to be used in a first strike, be eliminated. I applaud Presidents Bush and Yeltsin for recognizing this fact and for taking an important step toward reversing the nuclear arms race that has preoccupied our two countries for almost 50 years.

Their agreement acknowledges the fact that in a post-cold-war era, it is no longer necessary for the United States and the republics of the former Soviet Union to deploy tens of thousands of nuclear weapons to maintain nuclear deterrence. Moreover, their agreement acknowledges what the people of the United States and the republics of the former Soviet Union have known for years: the uninhibited spending that has gone into building and maintaining these nuclear arsenals is simply no longer possible.

The people of the United States and the former Soviet Union demand and deserve further reductions in nuclear weapons. They have witnessed the collapse of the Berlin Wall and unification of Germany as well as the breakup of the Soviet Union and the demise of the Warsaw pact. Despite these and other favorable developments in United States relations with the republics of the former Soviet Union, however, nuclear weapons continue to be a major threat to the security of the United States and the world. Serious regional conflicts continue to erupt around the world, and the instability of several undeclared nuclear powers continues to be a major concern.

Concurrent with these new nuclear dangers, opportunities for achieving further worldwide reductions and control of nuclear weapons and materials are now greater than at any time in our nuclear history. It is essential to the security interests of both the United States and the world community that we seize these opportunities while they still exist and take the next step toward reducing the nuclear threat that confronts us all.

Upon ratification of START, I strongly urge the next administration to rapidly complete and submit for ratification, the new joint understanding signed by President Bush and Yeltsin on June 17. As I mentioned at the beginning of my statement, however, this new agreement and the START protocol signed by the four former Soviet republics of Russia, Belarus, Kazakhstan, and Ukraine rest upon ratification of START. The START protocol is particularly important because it calls for the three non-Russian Republics to eliminate all nuclear weapons on their territories within START's 7-year reduction period. It is imperative, therefore, that the Senate ratify the START agreement in short order. I am optimistic that my Senate colleagues and I will meet this challenge, and I strongly urge the next administration to submit the recent agreement with President Yeltsin to the Senate for ratification early next year.

Upon ratification of the Bush-Yeltsin agreement, I would also urge the next administration to implement the nuclear reductions outlined in that accord on an accelerated time schedule. The destruction and bloodshed that have plagued Yugoslavia unfortunately prove that regional conflicts can erupt anywhere in the world, and there is potential for similar instability in the former Soviet republics. As a result, time is of the essence with respect to reducing nuclear weapons.

Mr. President, I will submit for the Record a discussion paper written by Ambassador Jonathan Dean. Ambassador Dean is the senior arms control advisor for the Union of Concerned Scientists and was the U.S. representative to the NATO-Warsaw Pact force reduction negotiations from 1978–81. Ambassador Dean recognizes the urgency of further nuclear reductions and proposes a program that I strongly believe would make irreversible the nuclear build down implemented in START.

The central component of Ambassador Dean's program, as he describes it, "is eliminating production of nuclear explosives-fissile material for weapons-on a global basis through adding an agreed protocol to the Non-Proliferation Treaty banning all production of fissile material for weapons." Although Ambassador Dean calls for several specific actions to be taken under his program, I would like to take this opportunity to discuss his plan to expand nuclear arms control to other nuclear-weapons states.

Of particular importance is a provision that calls for the next administration to begin negotiations with the Russian Federation, the United Kingdom, France, and the People's Republic of China to further reduce the number of nuclear weapons to approximately 1,000 warheads each for the Russian Federation and the United States, with lower levels for the United Kingdom, France, and the People's Republic of China.

A 1,000 nuclear warhead limit is a level that has been endorsed for some time by a number of security and arms control experts. For instance, in an article that appeared in the fall 1991 edition of Foreign Affairs, former Secretary of Defense, Robert McNamara, former Deputy National Security Advisor Carl Kaysen, and former Department of Defense official, George Rathjens called for the United States and the former Soviet Union to reduce their nuclear arsenal to a maximum of 1,000 warheads each.

In July 1991, the National Academy of Sciences released a comprehensive report urging the United States and the former Soviet Union to cut their strategic arsenals to 1,000 to 2,000 warheads each. Similarly, in a report released in September 1991, the Union of Concerned Scientists also recommended that the United States and the former Soviet Union go beyond START to a minimum deterrent of 1,000 to 2,000 warheads each.

There are several reasons these security and arms control experts have urged the current administration to go beyond START and beyond the agreement reached by President Bush and Russian President Boris Yeltsin on June 17.

First, the United States simply does not need a nuclear arsenal consisting of thousands and thousands of weapons to respond to the threats of potential nuclear powers or to deter a first-strike attack by a declared nuclear power. According to a report released by the Congressional Budget Office in October 1991, a United States arsenal of 1,000 nuclear warheads could absorb a first strike with hundreds of weapons surviving. Moreover, this same report estimated that with as few as 600 warheads, the United States could "virtually annihilate all major Soviet industries, major transportation nodes, and major fixed military infrastructure in the Soviet Union."

Second, lowering the level of overall nuclear warheads reduces the possibility of an accidental launch. McNamara, Kaysen, and Rathjens reiterate this point in their article that appeared in Foreign Affairs:

> [R]educing the number and variety of weapons and the geographic breadth of their deployment reduces the probability of their accidental or unauthorized use. At any level of effort devoted to ensuring the central control and security of deployed weapons, the fewer there are, the less the probability of failure.

Third, by reducing our nuclear arsenal to 1,000, the United States can save substantial amounts in our defense budget. For example, the Congressional Budget Office report estimated that savings achieved by reducing our nuclear arsenal to 1,000 warheads would total over $17 billion per year. By reducing our nuclear arsenal to 1,000 warheads, the United States can reduce the $49.1 billion now spent annually to build and operate nuclear forces to $31.7 billion.

I believe that is an important plan that each of us should support. As the Senate concludes debate on START, opportunities for achieving further worldwide reduction and control of nuclear weapons and materials are now greater than at any time in our nuclear history. As I have suggested, however, time is running out. The United States simply cannot afford to miss the window of opportunity that currently exists under Russian President Boris Yeltsin to make deep reductions in nuclear weapons. Presidents Bush and Yeltsin have taken the first step toward reversing the nuclear arms race, and it is essential to the security interests of both the United States and the world community that we take the next step toward reducing the nuclear threat that confronts us all.

Mr. President, I ask unanimous consent that the aforementioned paper by Ambassador Jonathan Dean, the senior arms control advisor for the Union of Concerned Scientists, be printed at the close of these remarks and commend this excellent paper to my colleagues' attention.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Program To End the Nuclear Proliferation Threat in 3 Years

(By Jonathan Dean)

The START Treaty marks the beginning of the process of dismantling the Cold War nuclear threat. It establishes a structure of definitions and verification which are valuable in themselves and for future nuclear weapons reductions. It fully merits ratification with inclusion of the language proposed by Senator Biden making destruction of nuclear warheads under future agreements more accountable.

Since START was completed, tactical nuclear weapons have been withdrawn worldwide under the Bush-Gorbachev understanding of September 1991; a large number are being destroyed. Following on the Bush-Yeltsin agreement of June 1992, we can expect completion of a new treaty providing for elimination of all land-based multiple warhead missiles and many sea-based missiles down to a level of about 3,500 warheads for the United States and for Russia. A recent agreement provides for purchase from Russia by the US of up to 500 tons of enriched uranium for weapons. All of this post-START action has been taken within a year. It is a remarkable achievement on the part of Administration leaders and officials, one which deserves full acknowledgement.

Where do these achievements leave us for the future? There is still danger from nuclear weapons. What should we be doing about this danger? We hear little from the Administration on this subject; it has been effective at using the opportunities presented by President Gorbachev's reform effort, and by President Yeltsin's actions to create a new Russia, but there has been no Administration initiative to cope with the nuclear weapons problem in a comprehensive way.

I would like to propose such a program. Its goal is the irreversible build down of nuclear weapons capability throughout the world.

The central component of this program is eliminating production of nuclear explosives-fissile material for weapons—on a global basis through adding an agreed protocol to the Non-Proliferation Treaty banning all production of fissile material for weapons. The protocol would require that all nuclear installations in all member states, including nuclear-weapons states, be placed under augmented IAEA safeguards to police the ban. A parallel program under the UN Security Council would be established to induce the handful of states which are not members of the NPT to enter a regime of multilateral controls.

This single step could effectively end the threat of nuclear proliferation throughout the world. Without nuclear explosives, there can be no nuclear weapons. This program is not technically complicated, and it is straightforward. This is a program the American public and the world public will understand and support. It could be achieved within three years.

One prerequisite for this program is agreement by the nuclear weapons states—the US, Russia, China, France, and the UK—to end their own production of fissile material for weapons and to place all their nuclear installations, including those formerly used to produce weapon-grade material, under IAEA safeguards. That action appears politically feasible. The US has unilaterally ended production of weapons materials. Russia is willing to do so. A second prerequisite is agreement by the handful of states which have remained outside the NPT regime to join the NPT or, like Argentina and Brazil, set up an equivalent multilateral regime of their own to prevent production of fissile materials for weapons. This action, too, appears feasible.

The specific actions which should be undertaken under this program are:

I. ENSURE THAT THE START BUILD-DOWN IS IRREVERSIBLE

The highest potential risk to United States security is from the large Russian strategic nuclear arsenal, especially if it falls into the hands of an authoritarian Russian government. (During the decade, while Belarus, Ukraine, and Kazakhstan continue to have strategic nuclear arms on their territory, this point also applies to them.) This risk is not negligible. The steps necessary to counteract it include:

(1) Bilateral US-Russian agreement to dismantle all strategic warheads reduced in START and in subsequent negotiations; not to reuse for other weapons the fissile material of these warheads, and to place their fissile material under bilaterally or internationally monitored storage, preferably at locations outside the territories of the two countries.

Informal arrangements like selling Russian weapons-grade uranium and converting it to fuel are useful. But they are partial at best and do not take the place of verifiable formal agreements, for which reciprocity by the United States is necessary.

(2) Such a US-Russian agreement would not have great value unless it were accompanied by bilateral agreement to stop production of fissile material for weapons. Agreement to stop production of fissile material for weapons would make it possible to require that all nuclear installations in both countries be placed under IAEA safeguards.

(3) US-Russian agreement on verified destruction of the missiles cut back under START and under subsequent reduction agreements, except for a specified number for space use, and on verifiably restricting missile production to replacements and a specified number for space use. (The INF Treaty established that verification of missile production could be carried out by observing plants producing engines for missiles.)

(4) Bilateral agreement to phase out testing of nuclear warheads.

II. EXPAND NUCLEAR ARMS CONTROL TO OTHER NUCLEAR-WEAPONS STATES

The second greatest potential security threat to US security is from a collapse of central authority in China and loss of effective control over Chinese nuclear weapons. This is also not a negligible risk. Bringing China into an international system of controls would mitigate that risk.

(1) Consequently, full implementation of these US-Russian actions could be made dependent on the agreement of the other declared nuclear-weapons states—Britain, France, and China—to follow suit: to freeze the level of their warheads, restrict missile production, phase out warhead testing, and end production of fissile material for weapons, placing all their nuclear facilities under IAEA supervision. To induce agreement to this proposal, the United States and Russia could agree to reduce their own arsenals of nuclear weapons to a level of 1,000 warheads each.

(2) The five powers would renew their pledges under the Non-Proliferation Treaty to undertake further "effective measures in the direction of nuclear disarmament." They would also make implementation of these agreed steps dependent on action at the review conference for the Non-Proliferation Treaty to be held in 1995 (a) to continue the treaty for an indefinite period and (b) to add to the treaty a protocol banning production of fissile material for weapons and placing all nuclear installations of signatory states under IAEA safeguards.

If they accepted it and signed on to the NPT, this protocol would end production of fissile materials for weapons by the underclared nuclear-weapons states—India, Pakistan, and Israel—as well as blocking production by any other state of fissile materials for weapons.

(3) The proposed actions of the nuclear-weapons states would also justify worldwide application of a comprehensive test ban treaty and of a treaty to restrict production of long-range missiles.

(4) The five powers could also make implementation of these steps dependent on agreement in the UN to the large increases in the IAEA safeguards budget and staff that the steps would require, and on adoption of the Security Council actions described below. Those budgets are now tiny: A 400 percent increase in the IAEA safeguards budget would cost under $400 million a year, of which the US would pay $100 million, a small fraction of the nearly $4 billion US budget for the SDI project.

(5) A possible step to increase pressure on non-signatories of the NPT to sign the amended treaty would be a Security Council decision to take joint action under Chapter VIII of the Charter, including economic sanctions, against UN member states which refused to place all their nuclear installations either under IAEA safeguards or under some multilateral equivalent like the Brazil-Argentina agreement. States which had not yet taken such action would be given a grace period of two years or so to make their decision.

The Council could justify this action on the grounds that, given the far-reaching actions taken by both nuclear-weapons states and non-nuclear states to control nuclear weapons, including those proposed here, it would be an unacceptable threat to international security to permit any UN member state to conduct untrammeled nuclear weapons development outside this control regime.

The actions proposed here fit together in an effective, unified program to end the threat of proliferation of nuclear weapons capability throughout the world and to remove the threat of attack with nuclear armed missiles on this country or any country. If implemented, this program would make superfluous the expensive SDI missile defense program of the United States, as well as smaller programs in Russia and elsewhere. This program could be tackled by the new United States administration to enter office next year in time to reach agreement on it at the NPT renewal conference in 1995. The end of the Cold War and the collapse of the Soviet Union has created a uniquely favorable opportunity to end the threat of proliferation and to bring existing nuclear weapons under firmer control. We must use this opportunity before further proliferation closes it off.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. DOLE. Mr. President, I have been authorized to ask unanimous consent that the Senate return to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. ROBB). Without objection, the Senate will return to legislative session for a period of morning business with Senators permitted to speak therein for a period not to exceed 10 minutes each.

Who seeks recognition?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT OF SENATOR WARREN RUDMAN

Mr. COHEN. Mr. President, a number of our colleagues will be retiring from office at the end of this year. Each one is deserving of our heartfelt thoughts as they take their leave from service in this great institution. There is an old and, I would suggest, erroneous adage that when a new Senator arrives here he spends the first 6 months wondering how he managed to get here, and the rest of his career wondering how everyone else got here. I have never subscribed to this view. While we are not all created equal in ability, each one of us carries a talent that is unique and truly special.

And while we take great pride in the prestige of our office and the privilege that our constituents have bestowed upon us, we also must share in the foreknowledge that our efforts and contributions may prove to be as evanescent as will our names and current notoriety. Time no longer proceeds at a comfortable pace. The second hand sweeps more rapidly around the circumference of our days now. The long shadows of political giants fade rather quickly.

A fortunate few, such as Richard Russell, Everett Dirksen and Philip

Hart, have marble edifices to remind future generations of past labors, but the names of even the most outstanding of our colleagues—Scoop Jackson, Jack Javits, Abe Ribicoff, Ed Muskie, Howard Baker, John Stennis, and John Tower, to name a few—are rarely upon the lips of today's public officials, journalists or younger generations. This is not to suggest that all of the strutting and fretting upon the stage of democracy is for some existential nought, for what each of us does or fails to do is of consequence to the quality of life we hope to provide to our constituents and to our children. But rather that we must understand that fame is indeed fleeting and that once the title of U.S. Senator is removed from our names we will slip quickly into the shadows of relative anonymity.

I say this by way of preface to the remarks I want to make about my good friend WARREN RUDMAN, perhaps if only to prove that there are exceptions to every general rule. I recently agreed to do an interview with a public television station from New Hampshire about their senior Senator. Because of the press of the Senate's business and schedule last week, I had no time to prepare any remarks or thoughts. The interviewer asked me to describe WARREN, to describe exactly what it was that I associated with him. Two words came automatically to mind: action and passion.

WARREN is a man who exudes passion about everything. He is quintessentially a warrior, one who loves combat—as an amateur boxer during his college days at Syracuse University; on the battlefield on Pork Chop Hill as a young Army officer during the Korean war; in the courtroom as New Hampshire's attorney general; and on the Senate floor as New Hampshire's senior Senator. What is so notable about WARREN is that he brings into battle this burning desire to prevail, but an absolute commitment that he will do so by the established rules, with honor and integrity. His is the code of the warrior.

It is this code that he will not compromise for any reason. Not for personal gain and not for political or partisan advantage. And so it came as no surprise to those of us who know WARREN that he would not tolerate racist slurs to be leveled at our mutual friend, Senator DANIEL INOUYE, another of America's great war heroes, during the Iran/Contra hearings in 1988.

Perhaps only those who have spent starless nights out on a battlefield awaiting the coming of death—and there are a number of those in the Senate who have shared that experience, the Presiding Officer being one of them. Perhaps only they can appreciate how thin the membrane is that separates us from our mortality, how important it is to squeeze every moment out of every hour of every day. To fill it up with energy and laughter and good fellowship. To drink deeply from the cup of life that may be taken away without warning or without remorse. So there is in WARREN a passion for the present, for the now.

But what makes WARREN special is that he cares passionately about tomorrow as well. From the very first day that he arrived here, he has joined in the battle, the crusade, to bring some sanity to our fiscal policies, to prevent us from inflicting permanent damage upon our children. He helped fashion a law that he described at that time as a "bad idea whose time had come." And while there were many who decried the law or dismissed it as ineffective, the fact remains that it was successful in slowing down the alarming growth of our deficits.

What has characterized WARREN RUDMAN's service to the people of New Hampshire and this Nation then is honor, in both word and deed. He has never acted out of fear and never with favor, not for the powerful or the privileged.

Mr. President, it has been said that "in lapidary inscriptions, men are not under oath. The same observation might be made about statements offered to our colleagues here in the Senate. But I think the truth of the comments I offer today can be verified by the sworn affidavits of any one of our colleagues who have had the great privilege to know and work with Senator WARREN RUDMAN from New Hampshire.

In just a few months WARREN will return to private life, not to sit back and rest upon laurels or read yellowed press clippings, but to rekindle the battle over the policies of our Government, knowing as the poet Tennyson did:

How dull it is to pause,
To make an end,
To rust unburnished,
Not to shine in use,
As tho' to breathe were life!

I would like to close this brief encomium to my friend with a quote from another war hero and one of this Nation's greatest jurists, Oliver Wendell Holmes. He said once that:

> Through our great and good fortune, in our youth our hearts were touched with fire. It was given to us to learn at the outset that life is a profound and passionate thing. While we were permitted to scorn nothing but indifference, and do not pretend to undervalue the worldly rewards of ambition, we have seen with our own eyes, beyond and above the gold fields, the snowy heights of honor, and it is for us to bear the report to those who come after us. But above all, we have learned that whether a man accepts from Fortune her spade, and will look downward and dig, or from Aspiration her axe and cord, and will scale the ice, the one and only success which it is his to command is to bring to his work a mighty heart.

No one who knows you, WARREN, will ever dispute that in your years of service to your country, in war and in peace that you indeed brought to your work a mighty heart, one we are not likely to see again.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call roll.

The legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized for up to 10 minutes.

BUSH'S FAILED IRAQ POLICY

Mr. WIRTH. Mr. President, President Bush would have us believe that he alone is qualified to conduct the foreign policy of the United States, that he is uniquely qualified to act as Commander in Chief given the depth and scope of his experience in international affairs. That is the rhetoric we hear from the Bush campaign: George Bush the foreign policy whiz.

Yet, our colleague, AL GORE, laid out the reality of the Bush administration's record on one of the core foreign policy issues that President Bush has faced in office: Iraq. The record of the President's handling of Iraq up to and after the gulf war is one of profound misjudgment and probable duplicity. The rhetoric and the reality of Bush's Iraq policy, as on so many other issues, are like parallel lines: They never meet.

Not only did the Reagan and Bush administrations knowingly and purposefully coddle Saddam Hussein throughout the 1980's and pamper him right up to the eve of the invasion of Kuwait, they did so in the face of overwhelming evidence from the CIA, State Department, Commerce Department, and other agencies that Saddam was continuing his brutal and reckless policies, including:

Support for international terrorism, including the use of Iraq as a safe haven for over 1,400 terrorists;

Genocidal slaughter of hundreds of thousands of his own Kurdish citizens;

Illegal use of American agricultural credits to buy arms—credits which Saddam predictably defaulted on and which have left the American taxpayer holding the bag for nearly $2 billion;

And a concerted program by Saddam to acquire nuclear, biological and chemical weapons, and the missiles to deliver them.

By coddling the Iraqi tyrant, the Bush administration evidently hopes to change Saddam's ways. George Bush was deeply involved in this effort to, as Ross Perot put it, "burp and diaper" Saddam. Twice, Vice President Bush personally lobbied the Export-Import Bank to extend credits to Iraq. Vice President sided with Iraq's Ambassador in trying to get the Pentagon to ease its opposition to high-technology exports to Iraq. Clear warnings about Iraq's pursuit of nuclear weapons did not stop President Bush from sinning a directive mandating the pursuit of improved economic and political ties—just 10 months before the invasion of Kuwait.

This myopic policy of appeasement continued right up to the eve of the invasion. The Bush White House vetoed Iraq sanctions legislation and continued to oppose sanctions even as Iraqi tanks massed on the Kuwait border. In early 1990, the Bush administration apologized to Saddam for a Voice of America broadcast critical of Iraq's human rights records. Bush followed up by sending Senators to Baghdad to make clear to Saddam that he would oppose sanctions and to advise the Iraqi dictator that the VOA reporter who had so offended Saddam had indeed been fired. Ambassador April Glaspie's infamous meeting with Saddam a week before the invasions was, as Senator GORE points out in his speech, a reflection of Bush's personal views on Iraqi policy. Please be our friend.

George Bush defends this sad record by claiming that he was trying to bring Iraq back into the family of nations. But there was no evidence to support this hope, and overwhelming evidence to the contrary. Saddam was and remains a dangerous despot capable of the most brutal acts. Rather than deterring and containing Iraqi aggression, President Bush, the foreign policy expert, sent unmistakable signals of weakness and of acquiescence.

As Saddam was transformed overnight from friend into Adolf Hitler, George Bush sought to paint himself as Winston Churchill standing up to brutal aggression. Unfortunately, the record demonstrates clearly that the apt historical comparison is not Churchill at all, but the failed appeasement policy of his Foreign Secretary. As Senator GORE noted this morning "George Bush's poor judgment, moral blindness, and bungling policies led directly to a war that should never have taken place."

None of this is to take away from George Bush's handling of the gulf war itself, nor from the brave men and women who served their Nation well and honorably in that effort. But if George Bush wants due recognition for his skill in prosecuting the war, he must also take responsibility for the policies that made that war inevitable.

George Bush claims that he was out of the loop on the Iran-Contra arms-for-hostages trade. We now know better from many of the key participants in that sad affair. George Bush was deeply involved and supportive of the cynical diplomatic default. But he continues to claim that, like Reagan, he knew nothing.

George Bush is also now seeking to cover up his central role in the failed Iraq policy. The administration knew that Saddam was out to acquire nuclear weapons, and that Iraq was shopping right here in America for key components. Yet last June, Bush repeated that the United States had not contributed to Saddam's pursuit of weapons of mass destruction. The record is just the opposite.

The record also shows that the Bush administration was aware that agricultural credits were being used illegally to finance Saddam's war machine. The record also shows that the Commerce Department altered documents provided to Congress on high-technology exports to Iraq.

One example:

Servass, Inc., of Indianapolis, IN, supplied Iraq with a $40 million brass factory, financed by BNL. According to company documents obtained by the House Banking Committee, Iraqi front company Matrix-Churchill indicated that the Iraqis planned to use the brass produced at the Servass factory to double the production of brass discs used to make artillery shells and gun cartridges.

In the fall of 1989, the DIA, FBI, CIA, and the Treasury Department met with Beurt Servass to learn details about his brass factory sale. The CIA and other parts of the administration knew the factory was a munitions facility, yet they did nothing to stop the contract with the Iraqis from being completed.

Additionally, the Bush administration allowed Mr. Servass to collect about $16 million in frozen Iraqi assets.

Why the preferential treatment? Perhaps because between 1988 and 1992, Servass, both personally and through his company, gave $77,200 to the Republican Party, according to FEC records.

We do not yet have the full truth on the role the Atlanta branch of the Banca Nazionale del Lavoro, the BNL, played in financing Saddam's regime. If Bush has his way, we may never know the full story.

We do know that illegal loans to Iraq were made by BNL. We do know that the CIA was aware of BNL's activities. We do know that the Bush Justice Department declined to appoint a special prosecutor and that the Federal judge, Marvin Schoob, presiding over the case criticized Attorney General Barr's decision. We do know that there have been credible reports of White House meddling in the investigation and prosecution of the case against BNL.

As in Watergate, the more we know, the worse it gets.

William Safire in a column entitled "Crimes of Iraqgate" summed it up well:

> Americans now know that the war in the Persian Gulf was brought about by a colossal foreign policy blunder * * *. What is not widely understood is how that benighted policy led to the Bush administration's fraudulent use of public funds, its sustained deception of Congress and its obstruction of justice. * * * Policy blunders are not crimes. But preventing the purposes of appropriated funds is a crime; lying to Congress compounds that crime; and obstructing justice to cover-up the original crimes is a criminal conspiracy.

Mr. President, yesterday I included the full text of Senator GORE's remarks before the Center for National Policy as well as supporting documentation in the RECORD. That will be at the end of yesterday's RECORD. I urge my colleagues and those interested to look at this very clear explication of Iraqi policy. Never before has this all been put together. This is the result of a lot of very tedious research, and we are finding out what they knew and when they knew it.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan [Mr. RIEGLE].

Mr. RIEGLE. I thank the Chair for recognition.

Mr. President, I commend the Senator from Colorado for his statement and for the importance that he properly indicates this issue deserves.

SENATOR TIMOTHY WIRTH

Mr. RIEGLE. Mr. President, I might also say in passing, because we are closing out this session of the Congress and a number of our colleagues will be leaving the Senate, I feel a great personal sense of loss and pain in that the Senator from Colorado will be ending his service in the Senate and will not be among us in the next Congress.

He has been an outstanding Member of the Senate. There are many things I can think about I would say in a prepared set of comments, but I want to acknowledge his leadership, acknowledge the very important role he has played here, continues to play here, and to say he will leave a very large gap, if you will, in the Senate.

I know that whoever is elected in Colorado to replace him will come determined to do good work, but it will be very difficult to fill the shoes of TIM WIRTH. Looking at the effect he has had particularly on environmental policy and on issues that affect the future of our country in the economic area as well, he has made an enormous contribution to our country. I am very hopeful that public service will continue in whatever form is appropriate.

I am hopeful, as many are in the country, we will see a new administration coming into place after this election, and should that occur I for one would certainly hope the Senator from Colorado would be an important part of that group giving fresh leadership and vision within the executive branch of Government.

But I especially thank TIM WIRTH and his wife, Wren, and his family for the commitment to public service they have made now over many years in the

House and Senate. It has really been a splendid example of a commitment to the public good and to try to change things for the better.

Mr. WIRTH. Will the Senator yield.

Mr. RIEGLE. Yes.

Mr. WIRTH. I am deeply appreciative of the Senator's very kind and overgenerous comments. He and I have worked on issues like this for 18 years now. I have some regrets in leaving. One cannot help but have a few regrets in leaving an institution of so many wonderful people. I think the hopes of the American people in many ways are focused on this institution and what it can do for them.

I leave with very mixed reactions and feelings, and we have spoken about that before. One of the items, however, that I am sorry about in particular is not being able to continue with the distinguished Senator from Michigan to get to the bottom of this whole S&L scandal.

The Senator has been absolutely as diligent as he could be in the face of one of the strongest and most virulent and nasty counterattacks ever launched in American politics surrounding the so-called Keating Five business.

I recently had a letter on this subject published in the Wall Street Journal, among other places, about the role the Senators played, which has been so constructive and excellent. I know that he will be continuing to try to find out what happened, who paid off whom at the end of 1988, right before the election, going into the 1988 election when a whole series of S&L deals were made at what is now proving to be the cost of billions of dollars to the American public. Who were these individuals? How can we continue to get evidence out on the ill-gotten gain and who got it?

One of the things the administration is doing is running as rapidly as they possibly can from helping to find this out. For example, most recently, in the most egregious fashion, the reorganized the professional liabilities section, which is the lawyers trying to pursue the ill-gotten gain, and these people have gotten away with it. I know you will be continuing to pursue that—the pursuit of fraud. The late Senator Heinz and I finally had to get legislation passed here on the floor to force the Justice Department to go after some of the money, to recover that for the American people when it was not being done by this administration at all. The list goes on and on and on.

I know that the distinguished Senator from Michigan will be continuing to pursue this. And one of my regrets is not being able to be here to be a trooper under his leadership to try to find out exactly what happened and who got away with what, where the influence was coming down from, I believe, the highest level of our Government, both to thwart the investigation and to help a lot of very major contributors to, in fact, further fleece the American public.

I thank the distinguished Senator for his very kind comments.

Mr. RIEGLE. I thank the Senator. Let me just say that with a new administration, hopefully, coming to town, there will be an opportunity to empty out a lot of the closed closets on a lot of issues. You mentioned Iran-Contra in your earlier remarks. There are a lot of unanswered questions there. I think we will get those answers with a new administration.

The same thing with going back and answering the questions that you raised with respect to the savings and loan situation. I will not take the time now except for one illustration. At the end of 1988, when a lot of these financial deals were being negotiated in a sense in the dead of night because of the press of time, I became very concerned about it. We have been questioning administration officials in the hearings in both the Budget Committee and in the Banking Committee as to what was going on. We were not able to get the full and complete answers.

Senator METZENBAUM had a keen interest in that at the same time. We decided, each of us separately and then together, that as we were coming down to the end of calendar 1988, these enormously financially productive deals that were being put together ought not to be done. They ought not to take place. In fact, we both called the Secretary of the Treasury, who is today still the Secretary of the Treasury, Nicholas Brady, to indicate that we were deeply concerned about it, and to suggest that the Treasury Department put a stop to that because it was a direct hit against the revenue of the Government.

The Secretary was out of the country at that time. He took our call in another location, but responded to us, thought about it for a day or two, decided he could not do anything about it. He did not want to intervene in stopping it. So they all rolled forward. But there are a lot of questions left to be answered. I think they will be answered in due course when we have somebody who comes in who really is prepared to open up all those closet doors and bring the light of day in where it deserves to be.

FACES OF THE HEALTH CARE CRISIS IN MICHIGAN: THE SPARKS FAMILY IN MUSKEGON

Mr. RIEGLE. Mr. President, since July, I have been coming to the floor each week to talk about problems people in my State of Michigan are facing because of the health care crisis in America. These are stories about real people and their families who have either lost their health insurance or whose health insurance is inadequate to protect them from the skyrocketing costs of health care in this country.

I will finish this year—this legislative session—by talking about a story that is well-known to many Michiganites in the Muskegon area. It is a tragic story about a family who suffered physical injury in retaliation for answering a woman's screams late at night outside their Egelston Township home. The facts are these. In August of this year, Jim Sparks heard a woman being attacked outside his home in Muskegon, MI, and went out to help her. The attackers later turned on Jim and his family, after luring him outside of the Spark's home.

Jim suffered a severe concussion and bruised lungs, ribs, and kidneys as a result of the assault. His wife, Vicki, hurt her neck and had several toes broken. Two of their three children were also injured in the attack.

The story about this terrible tragedy has been repeated many times in the Muskegon Chronicle Press as an example of how bad crime has gotten in this country.

I ask unanimous consent that some of those stories be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RIEGLE. But there is another tragedy in this story that has gotten less attention. That tragedy is that the Sparks had to give up their health insurance last year and were totally uninsured during this time for the medical treatments they needed.

As a result of the attack, they have incurred $1,600 in hospital bills—bills they cannot afford to pay. Community members have responded generously with donations to help defray some of these costs. But it is tragic that when someone in America selflessly goes to the aid of another person and is injured, he cannot afford to pay his familys' medical bills, and he is forced to rely on the charity of neighbors to pay for the treatments.

Jim and Vicki both work to support themselves and their three children, Darci, 10; Jordan, 8; and Nicholas, 7. Until 1991, they were insured through Jim's employer, Howmet, Inc. But in September of 1991, Jim was laid-off from his position as a casting supervisor after 12 years of employment with the company.

Before he was laid off, Jim's employer paid for most of the family's health care coverage. The family contribution was about $30 per month which they could afford. After he was laid off, it would have cost them $400 per month to continue receiving health care protection, money the family just did not have. The school district where Vicki works as a part-time assistant to a 1st grade teacher also offered health insurance, but the premiums were so expensive they were out of their reach.

In some ways, the Sparks were lucky because soon after Jim was laid off, he found a job in the shipping department of a local manufacturer. But like so many people have found in this recession that never ends, his new job pays only half what the old job paid. And although his new employer does offer health insurance, the monthly premium is more than $400—more than this family can afford. Jim continues to have some problems from his injuries, but he is reluctant to go back to a doctor because of the cost, and the fact that they lack health insurance.

Jim and Vicki and their family—and every family in America—need and deserve affordable health care coverage. Yet, like the Sparks, too many families in our country are finding that health care coverage is out of their financial reach.

While there are many generous people in the Muskegon area who are willing on a voluntary basis to help them out, that is not a sufficient way to solve this problem on an ongoing basis for this family or for others.

I will be holding a town meeting on the health care issue in Muskegon, MI, on the 22d of next month, in October, to talk about the need for reform of our current health care system. I have invited the Sparks to come and to share their story at that time because I think people have to understand what is going on in the lives of real people.

We have brought forward a comprehensive health care reform package called HealthAmerica. I have written that, along with Senator MITCHELL, Senator KENNEDY, and Senator ROCKEFELLER. It has many other co-sponsors. It puts into place a nationwide scheme of cost control to get health care costs down, to bring health insurance back within reach of people, and also to provide coverage for everyone in the country. It is essential that this be done. It is an investment in our people. We want our people to be healthy and to have their health problems taken care of when they arise, so that they are able to provide for themselves and produce for the country.

So this family that we talk about today is one more family caught in this dilemma. They need our help. It is time for our National Government to respond. I am encouraged by the fact that Governor Clinton and his campaign has put forward a comprehensive health insurance proposal that is virtually identical to the one that I have described that we have developed here. I am convinced that within the next 12 months, if he is elected, we can get that enacted, and we can solve this problem for families like the Sparks and millions more like them across Michigan and the entire country.

I yield the floor.

EXHIBIT 1

[From the Muskegon Chronicle, Aug. 19, 1992]

KIDS SEE ATTACK: "DON'T KILL MY DADDY"

(By Crystal Harmon and Lisa Medendorp)

Vicki Sparks said her 10-year-old daughter still has nightmares after seeing her father brutally beaten by a group of young men outside their Egelston Township home last week.

Last night she cried out in her sleep: Stop. Don't kill my daddy! Don't kill my dad!'' Sparks said.

Eight warrants have been issued against five suspects in the attack, which followed an attempt by James Sparks to help a woman he thought was being assaulted near his home on White Road.

The victims, Sparks, 32, his wife, 34, and two of their three children were injured in the assault. The Aug. 10 incident has prompted neighbors and friends to raise funds to pay the medical expenses of the Sparks who have no health insurance. The problems began when Sparks heard screaming outside his home about 11:30 p.m. He saw a woman arguing with her boyfriend who police believe was Tony D. Weinrick, 20, of 161 N. Dangl. Weinrick was allegedly pushing and grabbing her, said Deputy Mike Prow, who investigated the case for the Muskegon County Sheriff's Department.

"Sparks thought the girl was being beaten or raped (when he went outside),'' Prow said, "and he took a small club with him for protection.''

Prow said Sparks saw Weinrick shaking the woman and intervened. During the heated argument between the men that followed, the female victim left.

Another woman arrived from a party on a nearby Broton Road that the boyfriend and girlfriend had been attending. She got between the two men was inadvertently struck with the small club, Prow said. The injury was minor, he said, Mrs. Sparks came outside and the argument was ended.

However, Weinrick allegedly returned to the party where a group of young adults were drinking alcohol, Prow said Weinrick allegedly lied to the other men at the party telling them Sparks had beaten a women with a baseball bat and that the attack was unprovoked.

At that point 'chivalry' took over,'' Prow said. "Altogether, about 10 people left the party in a truck and a Jeep and drove to Sparks house.

Sparks was lured outside by a small group of the men, whose intent was to bait him into an ambush.

"I looked out and there were three guys at the end of the driveway calling to my husband,'' Vicki Sparks said. I called the police right away and my husband went out there to see if he could handle it.

"All of a sudden they lined the whole woods—there must have been 15 of them. They knocked him to the ground and started beating and kicking him.

"They had tree limbs and baseball bats—they just kept hitting him''

Prow said one of the weapons used in the beating was a sapling tree that had been uprooted. It was about 5 feet long and 2½ feet in diameter.

Sparks had gotten a garden tool from a shed to defend himself, Prow said.

Vicki Sparks said, "I went out and grabbed hold of some of their arms and they grabbed me by the hair—and—kicked me in the face. Then they went back to beating him again.''

"The kids were crying out the windows for them not to kill us,'' she said.

The men fled as headlights approached, but not before smashing out several windows in the Sparks home and injuring two children.

The Sparks' 10-year-old daughter, Darcie was hit and badly bruised on the wrist by a club that was thrown into the home through an open doorway, Prow said. Her younger brother Jordan 8, was hit by flying glass while lying in bed.

The couple and their daughter sought treatment for their injuries at Mercy Hospital. James Sparks suffered a severe concussion and bruised lungs, ribs and kidneys. Vicki Sparks was treated for whiplash and several broken toes. She also has a bald patch where one of the men pulled out some of her hair, she said.

A five-day investigation by the sheriff's department resulted in a total of seven felony warrants and a misdemeanor warrant being issued against five suspects.

Four of the five suspects were arraigned Monday and Tuesday in 60th District Court.

Dan R. Clarke II, 19, of 1180 Woodcrest was charged with two 4-year felonies, assault with a dangerous weapons and malicious destruction of a building over $100. Bond of $10,000 was posted.

Arraigned on the same charges were Weinrick and Paul Galdeen, 19, of 1210 Holiday. Each posted $5,000 personal recognizance bonds. Judge Richard J. Pasarela set preliminary examination for the three defendants for 11 a.m. Aug. 24.

David Rick Tice, 19, who signed his address on court records as 516 Glen Oaks, was arraigned before Judge William J. Cole on a misdemeanor charge of aggravated assault. He pleaded not guilty to the offense and pretrial was set for Sept. 22.

The fifth suspect was expected to be arraigned on felon charges today.

Prow said all of the suspects in the case had different versions of the beating "but they all admitted to going over to beat Sparks.''

The Sparks family has no medical insurance; Sparks was recently laid off from Howmet Corp. and is not insured by his new employer, said Vicki Sparks. She said she is unsure how large the hospital bills will be.

"The family is definitely traumatized,'' Prow said "They're still afraid these people will come back and get revenge.''

Friends have set up and account for donations at the Egelston branch of the Kent City Bank, said Deb Pratt, a friend and neighbor of the family.

Community members are also hosting a spaghetti dinner Tuesday at Oakridge High School from 5 until 8 p.m. The cost is $3.50 for adults, $2 for children under 12 and free for children under 5. Items donated by local businesses will be raffled off.

[From the Muskegon Chronicle, Aug. 26, 1992]

PUBLIC COMES TO EGELSTON FAMILY'S RESCUE

(By Victoria Greene)

Hundreds of people turned out Tuesday night to help raise money for an Egelston Township family that was victim to a nightmarish attack by a group of young men.

About 750 people purchased dinners at Oakridge High School Tuesday night to aid the James and Vicki Sparks family. Four members of the Sparks family were assaulted Aug. 10 after James Sparks attempted to help a woman he thought was being attacked.

"It was beyond words. We were holding back tears because the people were so wonderful,'' Vicki Sparks said today. Her husband and three children attended the dinner with her.

"We couldn't believe the turnout we received," said Larry Pratt, whose wife, Debbie, coordinated the fundraiser. "People said they are just fed up. They're outraged."

Pratt said the dinner organizers had made plans to feed about 500 people at most, but were pleasantly surprised to learn early on that many more dinners would be needed. Employees of Brunswick Corp. ordered a large number of take-out dinners, he said.

"We had to do a little bit of running around for food, but everything turned out OK," Pratt said, noting that the dinners cost $3.50 a piece for adults.

The Sparks family, which does not have health insurance, incurred medical expenses after being treated for injuries they received when they were attacked by five men, who allegedly were retaliating for James Sparks' attempt to help the woman.

James Sparks received a severe concussion and bruised internal organs. Vicki Sparks received several broken toes and whiplash.

Four of the five young men charged in the beating waived preliminary examinations Monday and were ordered to stand trial in 14th Circuit Court. The fifth man is scheduled for a court appearance Sept. 22.

Three of the men have separate charges of assault with a dangerous weapon and malicious damage of property. One is charged with aggravated assault and another is charged with one count of assault with a dangerous weapon.

Vicki Sparks said after the elation at the spaghetti dinner, the family nonetheless experienced "a very scary night" after 10-year-old daughter Darcie heard voices she thought were outside the house.

Darcie had witnessed the attack on her parents on Aug. 10 and was frightened that the thugs had returned, her mother said. James Sparks once again went to investigate.

Muskegon County Sheriff's deputies responded Tuesday night and said it appeared the child heard faraway voices that had carried through the woods.

[From the Muskegon Chronicle, Sept. 27, 1992]

IN THE WAKE OF A NIGHTMARE

On Aug. 10, my life, as well as my family's, was changed drastically. On that night, a large group of young "men" attacked me, my wife, my family and my home. Since then, there has been an outpouring of compassion that has been beyond belief. An entire community has shown its support and its outrage that an incident like this had to happen.

To be subject to an attack of this nature has been a nightmare. But knowing that there is a tremendous amount of concern eases turmoil. I don't know how I can ever thank everyone enough for their support. If it weren't for friends like Deb and Larry Pratt for organizing the benefit dinner, or for The Muskegon Chronicle, TV-13 and Sunny FM 104.5 for their complete and factual coverage of the incident we would have been lost.

For all my friends at Howmet who made me feel like I was still part of the "family," my sincerest appreciation goes to you. To my two employers, Dymet and Weaver Oil, you have been fantastic. Your understanding and cooperation have been beyond compare. To Stan Fortuna, the Oakridge Board of Education and the staff at Wolf Lake Elementary, I do not know how to express my appreciation except by saying that I am proud that my wife works alongside such a class act of people as yourselves. Your ability of bonding together as a team for one common goal is the reason why the kids in the Oakridge School District are taught the finest way possible.

To the Muskegon County Sheriff's Department, and especially Jim Christiansen, Mike Poulin, Mike Prow and Capt. Orville Budd, you have shown your zest for your career and your ability as police officers. Your helpfulness is a credit to your profession. Other police departments could learn a lot from you on public relations.

To the fantastic health care professionals and others at Mercy Hospital who examined and admitted me, your professionalism was a blessing. You made the physical pain a lot more tolerable. If I ever need emergency care again, you will be the only place to go. To all the businesses who supported us, our undying gratitude will always be yours. You have shown that customers are more than just that.

To the prosecutor's office and its staff, I can't thank you enough for your help. You took time to explain the proceedings, and your expertise is an enormous asset to Muskegon County. To everyone who attended the dinner, contributed, prayed, cared, wrote, called or came over to our house, I don't know what to say except thank you. I apologize that we can't get back to all you, but you all are in our thoughts and hearts and your generosity will never be forgotten.

To the churches who have brought us up in prayer, we have felt them. Central Assembly of God and Wolf Lake Baptist have shown that God has installed compassion as a gift. And he poured it out on these two churches. And finally to my family and friends, you have shown that the family is still the best institution. Our newest addition, Grandpa John, fits in like a glove. Grandpa John, you are in our thoughts everyday. Thank you!

If I have forgotten anyone, I'm sorry but you will never leave our hearts.

If I could just ask one more thing of the community: Let's send a message to these individuals, not as revenge but by making sure they receive the justice they deserve.

JIM SPARKS.

[From the Muskegon Chronicle, Aug. 28, 1992]

SPARKS BENEFIT A TRIBUTE TO ONE MAN'S DECENCY

When James Sparks went to the aid of a woman whom he believed was under attack, he apparently was not aware of the actual situation. But then, he gave no thought to his own safety either.

As a result of his efforts, Sparks now suffers from a severe concussion and bruised internal organs, a plight made all the worse by the fact the family has no health insurance. Three other members of the family also were assaulted in the Aug. 10 incident, in which five men were arrested.

Because of these circumstances, it was extremely gratifying to read that more than 750 people paid $3.50 apiece to attend a dinner to raise funds for the Egelston Township family.

Our thanks go out to Larry and Debbie Pratt, who organized the benefit, and to all who attended. This is just one more demonstration of why being friendly with one's neighbors is so important.

You never know when you'll need them.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 12 noon today, the Senate proceed to the consideration of H.R. 5368, the Foreign Operations appropriations bill; that the committee-reported amendments be considered and agreed to as original text for the purpose of further amendment; that no points of order be deemed waived by the entering of this agreement; that the following amendments be the only first-degree amendments in order to this bill; and that they be subject to relevant second-degree amendments:

Amendment by Senator ADAMS regarding mammogram standards;

Amendment by Senator BOREN regarding Buy American;

Two amendments by Senator GRAHAM of Florida regarding salaries and expenses;

An amendment by Senator INOUYE regarding Philippines multilateral assistance;

An amendment by Senator RIEGLE regarding immigration;

An amendment by Senator SASSER regarding cutting foreign aid;

A sense-of-the-Senate resolution by Senator WIRTH regarding UNCED;

A sense-of-the-Senate resolution by Senator WIRTH regarding Canada;

An amendment by Senator DOLE regarding Armenia;

An amendment by Senator DOLE regarding humanitarian assistance for the former Yugoslavia;

An amendment by Senator DOLE regarding prostate cancer;

An amendment by Senator DOLE regarding mammogram screening;

An amendment by Senator DOMENICI regarding executive branch flexibility;

A second amendment by Senator DOMENICI regarding executive branch flexibility.

An amendment by Senator SIMPSON regarding immigration;

An amendment by Senator HELMS regarding aid to Russia;

An amendment by Senator BROWN regarding limit IMF quota;

An amendment by Senator GRAMM of Texas regarding currency boards;

An amendment by Senator SPECTER related to foreign aid;

An amendment by Senator STEVENS regardubg a dogsled trip to Antarctica;

An amendment by Senator SIMON regarding Zaire;

An amendment by Senator SIMON regarding OPIC;

An amendment by Senators LEAHY and KASTEN regarding the Agency for International Development and export of jobs;

An amendment by Senator LEAHY for Senator HATFIELD modifying section 562;

An amendment by Senator KASTEN modifying Greece-Turkey-Portugal military aid provision;

An amendment by Senator HARKIN regarding Third World economic development and reduction of military expenditures;

An amendment by Senator BIDEN related to Bosnia;

A sense-of-the-Senate resolution by Senator LIEBERMAN regarding Bosnia;

An amendment by Senator LIEBERMAN regarding the Kurds;

An amendment by Senator LIEBERMAN regarding Mideast environmental initiatives;

An amendment by Senator BRYAN regarding FEMA;

An amendment by Senator BRYAN cutting foreign aid;

An amendment by Senator BYRD regarding notification procedures;

An amendment by Senator LEVIN related to Bosnia;

An amendment by Senator DECONCINI regarding military aid to Turkey;

An amendment by Senator DECONCINI related to Israel;

An amendment by Senator HELMS regarding the Agency for International Development;

An amendment by Senator SHELBY regarding Agency for International Development, job exports;

An amendment by Senator HELMS relevant to the bill;

An amendment by Senator WIRTH regarding dual-use technology;

An amendment by Senator KASTEN regarding forests for the future;

An amendment by Senator LAUTENBERG regarding Serbia and Montenegro.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. LEAHY. Reserving the right to object, there should also be a Leahy amendment regarding breast cancer registry on that list.

I understand from the distinguished Republican leader that his side has no objection.

Mr. MITCHELL. I ask that the agreement be modified to reflect that change.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. I now ask unanimous consent that on Thursday, October 1, at 9 a.m., the Senate proceed to the consideration of the veto message on S. 323, the title X family planning bill; that there be 1 hour for debate on the message equally divided between the two leaders or their designees; that upon the use or yielding back of time, the Senate lay aside that veto message and proceed to the consideration of the veto message on H.R. 5—MFN for China bill, that there be 40 minutes for each of the two designees; that upon the use or yielding back of that time, the Senate proceed into executive session and vote on the resolution of ratification on the START Treaty; that upon disposition of that resolution, the President be notified of the Senate's action and the Senate return to legislative session to vote on whether or not S. 323 shall pass, the objections of the President notwithstanding; that upon the disposition of that veto message, the Senate proceed to vote on whether or not H.R. 5318 shall pass, the objections of the President notwithstanding; that the preceding three votes occur without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the prior unanimous-consent agreement regarding the foreign operations appropriation bill be modified to include an amendment by Senator KASSEBAUM regarding Morocco.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, the second unanimous-consent agreement reached means that beginning at approximately 10:40 a.m., if all time for debate is used, the Senate will proceed to vote, without intervening action or debate, consecutively, upon the ratification of the START Treaty, the override of the President's veto on the family planning bill, so-called gag-rule bill, and then finally on the override of the President's veto for the MFN for China bill.

Senators should be aware of this and adjust their schedules accordingly.

Under the previous order the Senate will, following Senator ROCKEFELLER's remarks, proceed to the consideration of the Foreign Operations appropriations bill, and it is my expectation that there will be amendments offered today and votes on those amendments.

Mr. President, I ask unanimous consent that the list of the amendments on the foreign operations bill be modified so that on the amendment which was identified as an amendment by Senator BOREN that it be an amendment by either Senator BOREN or Senator BYRD.

Mr. LEAHY. Mr. President, reserving the right to object, what was that amendment?

Mr. MITCHELL. Buy America.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the unanimous-consent agreement further be modified to include an amendment by Senator GORTON regarding Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield to the distinguished Republican leader for comments.

The PRESIDING OFFICER. The Chair recognizes the Republican leader, Mr. DOLE.

Mr. DOLE. Mr. President, I thank the majority leader and our friend from West Virginia, Mr. ROCKEFELLER.

I indicate we do have agreement now on the Foreign Ops appropriations bill. We were able on our side to get very short time agreements on amendments. I hope when we did not include that, those will be honored and will set an example for colleagues. My understanding in talking to the managers, this bill ought to be completed in a matter of 3 or 4 hours. That would be the last big hurdle, as I see it, between now and adjournment which will be based on few other things not determined yet. This is a big step in that direction.

So I encourage my colleagues on this side, I know many of these amendments will probably not be offered, but if they are, before we take them up have some reasonable time agreement.

I know on the dog sled agreement my colleague from Alaska only wants 5 minutes. That is the example we ought to follow.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont [Mr. LEAHY].

Mr. LEAHY. Mr. President, without prejudging a dog sled amendment on the foreign aid bill, I think 5 minutes may be more than enough.

I would hope that Senators who do have amendments would come to the floor quickly, because as far as I am concerned once there is nobody on the floor seeking recognition for an amendment, I will assume they have decided they do not need to do it and we will go to third reading.

I will urge that we go to third reading just as quickly as we can, because we still have to go to conference on this.

The PRESIDING OFFICER. The majority leader, Senator MITCHELL, is recognized.

Mr. MITCHELL. I thank my colleague from West Virginia for his courtesy and I apologize that this interruption took longer than I had anticipated. I am grateful to him.

Mr. ROCKEFELLER. I am grateful to the majority leader.

Mr. President, what is the regular order?

The PRESIDING OFFICER. The regular order is a period for morning business, with Senators to be recognized for up to 10 minutes each.

VETERANS HEALTH CARE AMENDMENTS—S. 2575

Mr. ROCKEFELLER. Mr. President, I rise to advise my colleagues and to assure the veterans across this country that the Congress is poised, right on the brink of taking action before adjournment, to respond to the very desperate problem that the rising cost of prescription drugs poses to every Veterans Administration hospital all across the country.

I have worked very hard on this matter for 1 entire year, with the help of a lot of other Members of this body and, of course, particularly the Veterans' Committee, and I am here to voice our absolute determination to put that solution into place.

Since enactment of a drug-related provision in what is called OBRA 1990, the legislation for that, the VA has experienced very serious problems due to the increasing cost of its prescription drugs.

The most recent estimates from the Veterans Administration indicate that the department expects to be forced to spend an additional $93 million, over and above what they had budgeted to spend on prescription drug prices alone.

The VA simply cannot afford to do this. And on the Veterans' Committee and in this body, I hope, we are determined not to allow that to happen. The only way they can keep up with these rising costs of prescription drugs is, obviously, to eliminate or scrimp on other health care services for our veterans.

Over the past year, that is exactly what they have been forced to do, because it is not a matter of speculation; this is documented in every Veterans Administration hospital throughout the country. The veterans will suffer from this. There is absolutely no doubt about that.

If we do our job and pass legislation dealing with this problem, which is right on the brink, we will prevent further harm to veterans and other deserving Americans. Unlike other Federal health care programs, as my colleagues surely know, the Veterans Administration health care is an appropriated item, not an entitlement. A lot of people think it is.

Federal health care programs, unlike other VA health care, is an appropriated item, not an entitlement. Therefore, every dollar counts. Consequently every extra dollar that must be spent to cover the cost of a prescription drug means a dollar less for other health care services to veterans.

I will be brief, and just mention an example or two of the grave impact that this is having.

In some VA medical centers at the end of the fourth quarter in 1991, the pharmacy went down to bare shelves, nothing on them, and veterans who normally received medicine were turned away and told to go elsewhere. Some veterans hospitals are limiting surgeries or postponing them until the next fiscal year. Other VAMC's simply are not filling staff positions in the pharmacy. Economics is playing a increasingly important role in the determination of what drugs can be added to the local VA medical centers' formularies.

It is a disaster. This deeply alarms me, and it should alarm every Member of this body and every veteran.

As Tony Principi, who is now Acting VA Secretary, testified last year before the House Veterans' Affairs Committee:

> Without some relief, additional funding * * * it will mean the curtailment of some services * * * outpatient care, inpatient care, longer waiting lines. Clearly hospital directors will have to make decisions on how to manage their facility, and without the dollars to buy the drugs, they are going to have to cut back on the delivery of health care * * * ultimately veterans are getting hurt because they are going to be denied care. That's the bottom line.

The junior Senator from West Virginia will not accept such a bottom line, and I do not think that my colleagues in the Senate should or will accept such a bottom line.

And if we pull together in the next few days, we will not have to accept such a chilling bottom line.

After months of hard work and tough negotiations, a bipartisan compromise has emerged to respond to exactly these concerns of VA and other vulnerable Americans who rely on the Indian Health Service and Public Health Service-funded clinics for health care and prescription drugs.

I am proud to report to my colleagues that I joined with Senators SIMPSON and MURKOWSKI and Chairman CRANSTON in sponsoring a bipartisan amendment that passed the Veterans' Affairs Committee in August.

Since then, I have continued negotiations. I have met with representatives from the pharmaceutical industry and worked to address concerns and questions. I have worked with the leaders in the Department of Veterans Affairs, and I must specifically acknowledge the dedication and bipartisan work of Acting Secretary Tony Principi. He has been a leader on this issue and a good person to work with.

The House has passed legislation. Senate Committees of jurisdiction Veterans' Affairs, Labor, and Finance have signed off on the necessary pieces of the puzzle. We must move our bipartisan compromise package, and act upon it within the next few days.

It is a fair and reasonable bill. The aim of this initiative is to help veterans and the VA medical centers who care for them, despite budgets that are just too tight.

I ask for the full cooperation of my colleagues to move forward.

And I expect the cooperation of the pharmaceutical industry in this initiative. I have met with companies, and I have compromised on major components to secure a package that can be enacted into law this year.

I am committed to all of this, and I believe that every Member of the Congress should join me in this crucial effort and provide this desperately needed relief to the VA hospitals which have run out of money and are cutting off pharmaceuticals.

We should not allow any obstacles to get in our way of serving the people who we represent. A constructive carefully prepared and reviewed bill is before the Senate. And I hope we will see its passage very, very soon.

I thank the Presiding Officer and I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY] is recognized.

ORDER OF PROCEDURE

Mr. LEAHY. Mr. President, I know the Senator from Iowa is waiting to speak on another matter as am I.

I ask unanimous consent that the Senator from Iowa be recognized to speak as in morning business, and when his remarks are completed, that I then be recognized as in morning business for my remarks, and then upon the completion of my remarks, we be able to go into the normal opening statements of myself and Senator KASTEN. I say that so that the remarks will not appear prior to the remarks of the distinguished Senator from Wisconsin and myself as managers of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa [Mr. HARKIN] is recognized.

Mr. HARKIN. Mr. President, I ask unanimous consent that I may speak as if in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BREAST CANCER RESEARCH FUNDS

Mr. HARKIN. Mr. President, this morning, the OMB, under the direction of Mr. Darman, has given another example of its hypocrisy and total political manipulation and has used technical figleafs to hide behind its hypocrisy and political manipulation.

What I am talking about, Mr. President, is a letter transmitted yesterday from OMB to Defense appropriations conferees regarding an amendment that I offered to that bill last week.

Mr. President, on the floor of the Senate, I offered an amendment to the Defense appropriations bill that transferred $200 million out of SDI to breast cancer research in the Department of the Army. That vote carried by 89 to 4, a clear expression of what Senators wanted done and where their priorities lie.

As soon as that vote was over, Senator STEVENS from Alaska propounded a unanimous-consent request that the SDI amount be increased back up to the $200 million and that the money for the breast cancer research would come out of other DOD existing accounts, with the understanding that this amendment would be held in conference or that they would fight for this amendment. I did not oppose that unanimous-consent request and the record will show that.

We are now in conference on DOD appropriations. Let me read the paragraph of the letter from OMB that shows it is hiding behind a technical figleaf to hide its hypocrisy.

> Based on a preliminary review, several provisions in the House and Senate versions of the bill should be classified as domestic discretionary unless appropriate modifications are made. Such modification have been discussed by our staffs. For one such provision, however, a modification does not appear possible.

Well, which one do you suppose that is?

> Although we have no objection to the provision that would provide $210 million for breast cancer research, we would score this provision as domestic spending under the Budget Enforcement Act.
>
> Signed Richard Darman, Director of OMB.

Now, two things, Mr. President: First of all, Mr. Darman says there are several provisions in the bill that should be classified as domestic discretionary, but it can work these out. But, for one such provision, a modification does not even appear possible. This means that OMB does not want to do it.

OMB is saying that the breast cancer research that we the Senate included in the DOD bill will be scored as domestic spending.

Well, Mr. President, why? There is money in the DOD bill for prostate research. That is not scored as domestic spending. There are millions in there for AIDS research. That is not scored as domestic spending. Over $400 million in the DOD appropriations bill goes for medical research. None of it is scored as domestic discretionary except the money for breast cancer research.

You want to ask the question why, Mr. President, why, when it comes to women's health issues, OMB is going to score it as domestic discretionary, which will provoke a sequester, or threaten a sequester, when it ought to be under Defense spending, just like prostate, AIDS, and over $400 million of other kinds of medical research?

Well, now, another thing I found out, Mr. President. Here is a memo from the Department of the Army. The Army claims it does not have the personnel to administer this program. I will read it.

> USAMRDC simply does not have the personnel resources in-house to effectively manage a $210 million breast cancer program. Therefore, most, if not all, funds would be passed to a science management contractor and to researchers outside of DOD.

Well, maybe that is why OMB has decided to classify these funds as domestic discretionary spending. But, Mr. President, that bucket is full of holes.

Already last year, $25 million was included in the DOD bill for breast cancer. The Army only spent $5 million of it. Guess where it went? To the University of Pittsburgh. They did not do it in-house. They contracted out and directed it to the University of Pittsburgh.

A lot of the AIDS research that is being done goes outside of the Department of the Army or outside the Department of Defense.

I have here a sheet of paper on which there are listed numerous research projects that go from DOD to NIH which are not listed as domestic discretionary spending.

But even more hypocritical, Mr. President, there are several research projects on this piece of paper, several research projects that flow from NIH to the Department of Defense. In other words, NIH is contracting with DOD to do some research projects because DOD has some pretty good medical researchers. I will include this list in the RECORD.

Well, why is that not scored as Defense spending? No, it is scored against my Subcommittee on Labor, Health, and Human Services as domestic spending.

Well, I say what is good for the goose is good for the gander. If they are going to start scoring the research that the DOD contract out to NIH, maybe we should say all this research they are doing in NIH should be scored as Defense spending. They cannot have it both ways.

So, again, this letter from Mr. Darman shows the sheer hypocrisy of what OMB is trying to do.

Finally, Mr. President, here is the House report accompanying the DOD appropriations bill. Let me read this.

> The committee recommends that the Department work with external research organizations to ensure that this increased funding does not overwhelm many DOD facilities and facilitates the dissemination of medical research throughout the civilian as well as defense medical community.

There it is, the report language from the House itself telling DOD to not do it all in house and instead contract it out. And here is the letter from Mr. Darman saying if you do that, they are going to score only breast cancer research as domestic discretionary spending:

> DOD, if you want to contract out some research on heart disease, go right ahead and do it. That is defense spending. You want to do some research on arthritis, go ahead, contract it out. That is defense spending. You want to do research on prostate cancer, contract it out. That is defense spending. But if you want to contract out breast cancer research, that is domestic spending.

That is the hypocrisy of it. And that is why I wanted to take the floor at this time to talk about it.

I understand that this morning there was a Republican task force in the House of Representatives, I am told, with Mrs. Quayle talking about what all the Bush administration has done for women's health issues, including breast cancer.

I suggest most respectfully, Mr. President, that if Mrs. Quayle wants to make an impact she should pick up the phone, she should call Mr. Darman at OMB and say, Mr. Darman, send another letter down to the Appropriations Committee and tell them that your first letter was misinterpreted, that it was not quite right; that, in fact, you can, indeed, score the $210 million in breast cancer research as defense spending just like you do it for all of the other medical research that you do.

I would think that in the aftermath of the Tailhook convention, I would think the military ought to be a little bit more sensitive to women's health issues and to women's issues in general.

This letter from Mr. Darman, as I said before, is nothing more than a technical figleaf to hide the hypocrisy of what they are doing to address the health care needs of women in this country. Mr. President, 180,000 women this year will be diagnosed as having breast cancer. As I have said before my own two sisters, the only two sisters I had, died of breast cancer; 89 Senators voted to take $200 million in other accounts in defense and put it into breast cancer research. Now Mr. Darman says you cannot do it.

Again, I hope Mrs. Quayle might pick up the phone and call up Mr. Darman and say, Mr. Darman, we need this. I most respectfully ask Mrs. Quayle to do that. I am hopeful we can get this money where it belongs and we do not have to have these little technical fig leaves, or this kind of nonsense of saying, well, if they contract out that is domestic spending, when I have shown quite clearly that they do it in other areas but they do not do it in breast cancer research.

I see Senator LEAHY is back on the floor. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY].

FUNDING BREAST CANCER RESEARCH

Mr. LEAHY. Mr. President, I hope other Senators listened carefully to what the Senator from Iowa just said. The Senator from Iowa has raised a point, very important to this body. It is very important to the way we do things here. But it is of even greater importance to the women who serve in our Armed Forces.

In effect, Dick Darman on behalf of the President has chosen to score breast cancer funding as domestic spending in the Defense appropriations bill. In effect, Mr. Darman is wielding his line-item veto.

We hear these great speeches about the need for a line-item veto. I happen to oppose the idea for just this reason. This is not the first time Mr. Darman has given himself an effective line-item veto. He did this on dairy legislation earlier. He opposed one aspect of it, and effectively killed the chances for family dairy farms to get the help they needed. Now he has done it on breast cancer research funding in the Defense appropriations bill.

Mr. Darman's threat of a line-item veto on this seems to be causing enormous consternation and could well kill the money needed for breast cancer funding. If it were simply the use of a power that unfortunately has been given to the executive branch, that would be one thing. But it is far more than that. It is saying, really, that breast cancer research funding does not make any sense to the administration. I say this because there is a double standard here. There is over $400 million in medical research in the same bill, including $2 million for prostate cancer. Mr. Darman found nothing wrong with that. That does not come under the line of domestic spending; breast cancer does. If one is domestic spending, so is the other. But, yet, prostate cancer funding does not get scored; breast cancer funding does.

So I thought about this for a while and I looked back through the legislative history and I wondered what makes the difference? Why, when they are scoring similar type funding, both in the same bill, one is subjected to the OMB line-item veto but the other is not?

Mr. President, I think the answer is painfully obvious. Men get prostate cancer; predominantly women get breast cancer. The funding for the cancer research in the defense bill that will apply to men is OK. The funding for the cancer research that will apply to women is not OK. It is that simple.

Perhaps if some people who were making this decision ran a risk of getting breast cancer instead of prostate cancer, we would find a reverse in OMB's ideas. Mr. Darman, the generals who are working on the defense bill—all of them face the risk of prostate cancer. In all likelihood none of them faces the risk of breast cancer. The money is in there for prostate cancer. It is not in there for breast cancer. I think this little game is shameful. This little game is shameful and it reflects an arrogant sexism on the part of OMB; an arrogant, a cruel, a mean sexism.

It ignores the realities of today. Let us call it what it is. When they are going to use their line-item veto in effect to say breast cancer funding is bad and prostate cancer funding is OK—come on. There is not a single person in this Chamber who does not know exactly what is going on.

Personally, I feel the funding should be there for both. Cancer that kills, cancer that can be prevented but instead kills men and women in this country—we ought to be doing everything to stop it. This is where the priorities of this Nation should be: helping to cure disease; helping especially to prevent diseases that do kill but that can be prevented in time.

I hope this Nation, and this Senate, and certainly I would hope the Office of Management and Budget and the White House will get beyond the day when we look only to those diseases that affect men and ignore those diseases that affect women. It is wrong when we do otherwise. It is wrong, it is arrogant, it is mean.

I know it is an election season and I know we are only a few weeks from congressional and Presidential elections. But this is not a situation in which Republicans get diseases and Democrats do not, or vice versa. The fact is men are at risk for prostate cancer; women predominantly—and some men—are at risk for breast cancer.

Let us not play a game and say we will fund prostate cancer but not breast cancer.

As I said, maybe the people who made these decisions worry more about getting prostate cancer than breast cancer, but I know millions of women in this country worry about the other, and justifiably so.

In my part of this Nation, the Northeast, we have a disproportionately high percentage of women who die from breast cancer. I, for one, do not support the action of OMB. I think it is wrongheaded, sexist, and mean. Maybe they like to be able to wield the veto. Find it on something else, not on this.

IRAQGATE: THE ADMINISTRATION'S FOREIGN POLICY BLUNDER

Mr. LEAHY. Mr. President, on January 16, 1991—just hours after allied forces began their air attack against Iraqi troops in Operation Desert Storm—President Bush spoke about the reasons for going to war. "We are determined to knock out Saddam Hussein's nuclear bomb potential," he told the Nation in a televised address.

Americans clearly understood the bottom line—if Saddam Hussein ever got nuclear weapons, he would be a threat to world peace.

But there was something the President did not tell the country at the time—our own administration had enhanced Saddam's nuclear potential.

Most Americans were unaware that the United States had used a Department of Agriculture program to guarantee $5 billion in bank loans to Saddam Hussein, U.S. aid helped him spend more of his precious cash on $10 to $20 billion of nuclear technology and weapons of mass destruction instead of food.

Most Americans were unaware that the administration had approved exports that found their way into Iraq's missile, nuclear, poison gas, and germ warfare programs.

And most Americans were unaware that just 10 months before Saddam Hussein's tanks rolled in Kuwait City, President Bush had signed a top secret directive, overruling objections by high ranking officials opposed to continuing economic aid to Iraq.

Sadly, the American people are just beginning to learn the truth.

They are learning that when Saddam Hussein defaulted on $1.9 billion of U.S.-backed bank loans, American taxpayers were stuck with the bill.

And they are learning that Saddam was much closer to building a nuclear bomb than previously thought—perhaps as close as 18 to 24 months away from completion when the fighting began.

Today, 19 months after Desert Storm, U.N. inspectors are scouring the Iraqi cities and countryside, looking for nuclear weapons factories.

Some experts believe that because of pre-war assistance from the United States and western countries, Saddam may eventually have nuclear weapons.

The genie is out of the bottle. And that is a frightening thought.

To understand what the United States did to build up Saddam, we must begin in the early 1980's, during the 8-year, bloody Iran-Iraq war.

It was then that the administration began down a path of fateful decisions and miscues that led to the most critical of decisions—the October 1989 National Security Directive 26 (NSD 26).

During the Iran-Iraq war, the Reagan administration was quietly working to improve relations with Iran. Once exposed, the failed effort became known as the Iran-Contra scandal.

Unkown to most Americans, the administration was also secretly working the other side of the street. It was wooing Iran's then-mortal enemy, Iraq.

Even after the war ended and George Bush became President, the White House continued its efforts to curry favor with Saddam Hussein, who by then was the region's reigning power.

The first step was to remove Baghdad from the list of terrorist countries in 1982. Today I am placing in the record declassified documents which show that Iraq did not abandon its commitment to sponsoring terrorism.

Removal from the terrorist list was critical to Baghdad. It allowed Saddam to receive billions of dollars in U.S. aid and dual use equipment—advanced equipment that can be used for both military and civilian purposes.

While the administration eventually placed Iraq back on the list of terrorist countries, it did not do so until after Iraq's invasion of Kuwait. Only then did the administration find enough evidence to determine that Iraq was again supporting terrorism.

But between 1982 and 1990, Iraq's record on terrorism was well known to the administration. For example, Iraq assisted the June 1982 terrorist attack on the Israeli Ambassador in London, setting off the Lebanon war. In October 1985, Saddam Hussein helped Abu Abbas escape after the *Achille Lauro* hijacking and murder of American Leon Klinghoffer. And in May 1990, Israel stopped an Iraqi-backed Palestinian attack off its coast.

These were not isolated incidents. By early 1990, the Rand Corp. estimated that 1,400 terrorists were operating out of Iraq.

The administration knew Saddam was supporting international terrorism, but chose to ignore it. And it was then that the administration made another fateful mistake.

The administration also had evidence that Saddam Hussein was using a worldwide network of Iraqi front companies to secretly obtain nuclear technology and weapons of mass destruction.

In fact, shortly after the invasion of Kuwait, one administration official bemoaned that no one was paying attention to the need to block Saddam's nuclear, biological, and chemical weapons.

The administration tried to fool itself. It allowed Iraq to buy American-made equipment with nuclear applications so long as Saddam promised not to use it for nuclear weapons. By burying its head in the sand, the administration tried to pretend a serious problem did not exist.

Today I am placing declassified documents in the record showing the administration was warned as early as 1985 the Saddam might be diverting U.S.-made equipment to his nuclear weapons programs.

The administration ignored these warnings, and moved ahead with a policy that sent billions of dollars in aid and equipment to Iraq.

The amount of equipment sent to Iraq was substantial. Specifically, from 1985 to 1990, the administration approved $1.5 billion worth of sensitive exports to Iraq, much of which was dual-use equipment. U.N. inspectors recently examining Iraqi nuclear-weapons facilities found that American-built systems had been reconfigured to help Iraq enrich uranium for nuclear weapons. In 1989, the manufacturer had warned that the systems had military potential.

What did the administration know and when did the administration know it?

In March 1989, Secretary Baker was warned by State Department officials that Iraq was working hard on chemical and biological weapons and that terrorists were still operating from Iraq.

Additional reports were made in April and June 1989.

In August came a warning that reverberated throughout the administration.

FBI agents raided and shut down the Atlanta, GA, branch of the Banca Nazionale del Lavoro [BNL], after discovering that it had funneled $5 billion in loans to Iraq, a substantial portion of which were guaranteed by the United States Government.

While there is much that the public does not know about BNL, the White House kept close tabs on the Department of Justice's investigation and prosecution of the case, going so far as calling the line attorney on several occasions.

It was soon revealed that at least part of the illegal loans were used to finance Iraq's worldwide military procurement network.

And the next month, according to the Los Angeles Times, the CIA reportedly warned Secretary Baker that Iraq was developing a "nuclear weapons capability." While the CIA apparently identified specific nuclear technology the Iraqis wanted—such as high-speed cameras, x-ray machines, and sophisticated computers—the administration subsequently allowed the technology's export anyway.

Throughout this period of time, the administration was divided over United States aid to Iraq. Several Federal agencies opposed continuing the agricultural program with Iraq because of Baghdad's abysmal credit rating and allegations arising from the BNL investigation including diversion of commodities for arms and kickbacks.

It was during these turbulent times—10 months before Iraq invaded Kuwait—that President Bush signed the secret National Security Directive 26, focusing the full power of the United States Government toward the goal of forging closer ties with Saddam Hussein's nation.

NSD 26 overrode dissent. Better judgment was put aside. Aid to Iraq was the cause. Damn the torpedoes, full speed ahead was the order of the day.

At the time, the United States was going it alone. We were the only government in the world willing to offer Baghdad extended; (that is, 1 to 3 year) credit. Other countries considered Iraq too much of a credit risk. In hindsight, they were right.

Despite NSD 26, some within the administration still fought additional aid to Iraq. But dissent was not considered fatal at the time; it was merely an impediment to be removed.

For example, when USDA personnel resisted additional loan guarantees, Secretary Baker later that month phoned Agriculture Secretary Clayton Yeutter to persuade him to approve an additional $1 billion in aid to Iraq.

Secretary Baker wrote on his talking points that Secretary Yeutter told him during that phone call: "I think we're seeing it the same way you guys are. I'll get into it." The loans were extended to Iraq soon thereafter.

When I wrote to Secretary Yeutter about the decision to extend further Commodity Credit Corporation guarantees to Iraq, he misled me and the American people about the reasons the administration approved giving additional financial aid to Iraq just months before it invaded Kuwait.

After NSD 26 was signed, the administration ignored other warning signs. In March 1990, for example, Iraqi efforts to smuggle nuclear triggers out of Great Britain were discovered.

In April, Saddam bragged that he had chemical weapons and threatened to burn half of Israel. But the Los Angeles Times reported that in the same month, White House aides worked to prevent governmental Agencies from imposing tighter restrictions on Saddam's access to dual-use equipment. One senior official reportedly said: "The President does not want to single out Iraq."

In May 1990, a mere 3 months before the Iraqi invasion, the administration shared intelligence information on Iranian troop movements with Iraq. Some speculate this later helped Iraq learn to shelter its weapons from United States surveillance during Operation Desert Storm.

And less than a week before Iraq invaded Kuwait, the Administration opposed congressional efforts to impose sanctions on Iraq.

When Saddam invaded Kuwait, he defaulted on $1.9 billion in loans owed to American and international banks. Under the terms of the CCC Program, the United States was required to pay back the debt.

But in an apparent violation of post-Desert Storm presidential orders banning aid to Iraq, the Administration paid $416 million to a bank partially owned by Baghdad. Payments continued despite evidence that the bank was helping finance a loan to a shipyard owned by Iraq and Libya.

The warning signs were there, but the administration chose to ignore them.

In the face of evidence that Saddam Hussein was using front companies to obtain nuclear technology;

In the face of evidence of a massive bank fraud funding the Iraqi military build up;

In the face of repeated violations by the Iraqis of our agricultural aid programs; and

In the face of evidence that Hussein was spending so much on weapons, he could not repay his debts.

President Bush and his administration made the decision to continue United States economic aid to Iraq.

And then, when Congress and the American people started asking questions, the administration covered up its actions and intentions. It misled congressional investigators and altered documents. And some claim the White House may have interfered with a Department of Justice investigation into the embarrassing, illegal loans made by BNL's Atlanta branch.

President Bush argues that: "We did not go to enhance [Iraq's] nuclear, biological, or chemical capability."[1] The record suggests otherwise.

Despite increasing evidence Saddam Hussein was acquiring nuclear weapons technology and sponsoring worldwide terrorism, President Bush made the fateful decision 10 months before Iraq's invasion of Kuwait.

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[1] President Bush on CBS Morning News, July 1, 1992.

It was then that the President signed the secret directive, NSD 26, ordering closer ties with Baghdad and opening up additional United States economic and political aid to the dictator.

In his column entitled "Crimes of Iraqgate,"[2] columnist William Safire, sums it up:

> Americans now know that the war in the Persian Gulf was brought about by a colossal foreign policy blunder: George Bush's decision, after the Iran-Iraq war ended, to entrust regional security to Saddam Hussein.

Mr. President, I ask unanimous consent that the nuclear and military unclassified documents showing United States misguided policy toward Iraq be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES POLICY TOWARD IRAQ NUCLEAR AND MILITARY ISSUES—UNCLASSIFIED DOCUMENTS

Date: April 30, 1985.

Re: Dual Use Exports to Iraq.

Key Points: State Department believes that "when Iraqi importers demonstrably intend legitimate civilian, non-nuclear weapons-related end-users and there is no evidence of likely diversion to the Soviets, we should promptly approve licenses [for dual use equipment] without unworkable conditions."

Date: July 1, 1985.

Re: High Technology Dual-Use Export to Iraq.

Key Points: The Department of Defense "has a number of concerns in regard to high technology exports to Iraq that must continue to be addressed. . . . there is a body of evidence indicating that Iraq continues to actively pursue an interest in nuclear weapons, . . . Iraq has been somewhat less than honest in regard to the intended end-use of high technology equipment."

Date: April 9, 1986.

Re: Denial of Dual Use Exports to Iraq for Nuclear End Use.

Key Points: "Exports of dual use nuclear referral list items such as advanced computers are approved for acceptable non-nuclear end uses in Iraq on a case-by-case basis."

Date: 1988.

Re: Administration Position on Proposed Iraq Sanctions.

Key Points: "Having gotten away with the use of chemical weapons on a number of occasions, the Iraqis may very well use them again the next time they consider such use necessary."

Date: 1988–89.

Re: Guidelines for U.S.-Iraq Policy.

Key Points: "Iraq's military attache [to the U.S.] has been active in trying to buy dual-use and high tech items Iraq needs."

Date: March 24, 1989.

Re: Meeting with Iraqi Under Secretary Nizar Hamdun.

Key Points: Iraq "is working hard at chemical and biological weapons and new missiles."

Abu Abbas, "who masterminded the murder of a U.S. citizen in cold blood," continues to enjoy safe haven in Iraq.

Iraq "has revived a border dispute with Kuwait."

Date: November 7, 1989.

Re: Talking Points on Indonesian Super-Puma Sale.

Key Points: "We have not had a policy of discouraging other countries' arms sales to Iraq. Such a policy is in effect with regard to Iran."

Date: 1989–90.

Re: Iraqi Export Cases: Why They Make the Case for Expanding License Requirements and Review.

Key Points: Licenses were granted for equipment with dual or not clearly stated uses for export to probably proliferation related end users in Iraq.

Report lists several approved exports which enhanced Iraq's non-conventional warfare capability.

Date: April 16, 1990.

Re: Possible New Trade Controls on Iraq and Other Chemical-Biological Warfare Proliferators.

Key Points: "Nuclear Controls: 65 dual use Commodities are licensed by Commerce; however, Energy is the primary advisory agency. License applications are reviewed on a case by case basis. Some lower power computers have been approved."

Date: May 16, 1990.

Re: Options Paper on Iraq.

Key Points: The Administration is still exchanging military intelligence information with Iraq.

Date: December 1990.

Re: Countering Iraqi Weapons of Mass Destruction: The Gulf Crises and Beyond.

Key Points: Iraq spent $10–20 billion to build its non-conventional weapons capabilities and relied on massive international aid.

"No one was paying attention to the need to block non-conventional weapons proliferation."

TERRORISM

Date: 1984–1985.

Re: Chronology.

Key Points: Iraqi Foreign Minister Tariq Aziz tells U.S. that Abu Abbas, hijacker of the Achille Lauro, enjoys diplomatic "immunities" in Iraq.

Date: April 23, 1985.

Re: Iraqi Concerns about Congressional Passage of the Export Administration Act.

Key Points: Department of State official "assures" Iraqi Foreign Minister Tariq Aziz that the Administration will oppose Congressional efforts to place Iraq back on the terrorist list.

Date: July 1, 1986.

Re: Iraq's Retreat from International Terrorism.

Key Points: Subsequent to the removal of Iraq from the terrorism list, the Black June Organization of Abu Nidal—while operating out of Baghdad—struck repeatedly at Israeli and Jewish targets in Europe.

"Even very recently . . . there have been developments that suggest that Iraq remains reluctant to cut completely its links to terrorist groups. For example, two bomb-toting individuals arrested in Rome in October 1985 have been linked to the Iraqi-based May 15 group, and Abu Abbas seems to have been permitted to take refuge in Iraq following the 'Achille Lauro' hijacking."

Date: June 20, 1990.

Re: Demarche on Abu Abbas.

Key Points: Administration has further indications that Abu Abbas "continues to enjoy access to Iraq." Iraq "will continue to provide access for all Palestinians and groups seeking to liberate Palestine from Israeli occupation."

Memorandum For: The Secretary of Defense.
Through: The Under Secretary for Policy.
Subject: High Technology Dual-Use Export to Iraq.

(C) Next under (Tab A) is a reply to Secretary Shultz's letter of 30 April (Tab B) that requested your assistance in expediting licensing of exports to Iraq "without imposition of impractical conditions," in order to increase our influence in Iraq to the detriment of the Soviet Union.

(C) As you recall, you recently have approved two important licenses, the Digicon case for the Iraq National Oil Company and the Sperry case for the Iraq Department of Interior. Their approval predated the arrival of SecState's letter. However, it was necessary to reopen these cases in order to revise the conditions of approval.

(S) The reply recalls these approvals and also notes that we have a number of legitimate national security concerns in regard to high technology exports to Iraq that must continue to be addressed. To wit, the reply points out, in part from the CIA report on Iraq enclosed with Secretary Shultz's letter, that there is a body of evidence indicating that Iraq continues to actively pursue an interest in nuclear weapons, that the large number of Warsaw Pact nationals in Iraq makes diversion-in-place a real possibility and that, in the past, Iraq has been somewhat less than honest in regard to the intended end-use of high technology equipment.

(C) The reply points out that by-and-large Defense has recommended approval for exports to Iraq and notes that certain conditions are necessary in the Iraqi context to protect our national security interests. They are also similar to conditions placed on sales of comparable, sensitive technology to other non-allied countries.

(U) I recommend that you sign next under at Tab A.

Richard Perle.

Attachment.

THE SECRETARY OF STATE,
Washington, April 30, 1985.

Hon. CASPAR W. WEINBERGER,
Secretary of Defense.

DEAR CAP: I want to ask your assistance in reconciling three important U.S. interests: preventing nuclear proliferation and transfer of advanced technology to the Soviets, on the one hand, vs. expanding our political and commercial influence in Iraq on the other, as directed by NSDD–99, to counter Soviet influence in Southwest Asia. We now have the opportunity to draw Iraq further away from the Soviets and help restrain its behavior. I believe we can accomplish this without compromising our technology transfer or nuclear nonproliferation goals.

To do so, however, we need to assure timely review of applications to export advanced U.S. technology to Iraq. Unwarranted denial or further delay in pending and future cases would set back our political, commercial, nonproliferation and technology transfer interests by assuring that Iraq buys more sensitive items from foreign suppliers, including COCOM partners. U.S. sales enable us both to monitor Iraq's use of such items and to halt servicing and spare parts if used illicitly. DOD's resistance to approving dual-use exports for non-sensitive end uses encourages Iraq to look elsewhere.

Hence I ask your expeditious approval of such cases, including a pending license for a computer, without imposition of impractical conditions such as downgrading of capacity or continuous presence of COCOM country technicians. Beyond the major pending case, my main concern is to prevent future delays in technology transfer to Iraq. I believe that, when Iraqi importers demonstrably intend legitimate civilian, non-nuclear weapons-related end-uses and there is no evidence of likely diversion to the Soviets, we should promptly approve licenses without unworkable conditions.

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[2] New York Times, May 18, 1992.

In the enclosed study, the CIA concluded that there is no evidence that Iraq represents a significant risk of diversion to the Soviets. Nonetheless, we will continue to assess this risk carefully for each proposed export. The intelligence community also has no evidence that Iraq has yet embarked on a nuclear weapons program, or intends to do so. Obviously, we need to do all possible to assure that it does not. Therefore we will continue to scrutinize advanced technology exports to assure that they do not provide Iraq the ability to develop nuclear weapons.

Sincerely yours,

GEORGE P. SHULTZ.

Fm: Secstate Washdc
To: Amembassy Baghdad immediate
Info: Unvie Mission Vienna 3143
E.O. 12356: DECL OADR
Tags: ESTC, KNNP, PARM, TRGY, SF
Subject: Denials of dual use exports to Iraq for Nuclear end use

1. C—Entire text.

2. USG policy at this time continues to be not to engage in nuclear cooperation with Iraq. Therefore, exports of dual use nuclear referral list items to Iraq are not approved for nuclear end uses, which includes use by either Iraq AEC or Tuwaitha research center.

3. From time to time, dual use exports for nuclear end use in Iraq have been approved as exceptions to this policy. If items to be supplied are of very minor significance.

4. Exports of dual use nuclear referral list items such as advanced computers are approved for acceptable non-nuclear end uses in Iraq on a case-by-case basis.

5. The following talking points may be used at the discretion of the Ambassador in discussion of this matter with GOI officials:

A. The U.S. Government is sympathetic to Iraq's desire to engage in nuclear cooperation with the United States, and we are mindful of our obligations under the nonproliferation treaty to which both the U.S.and Iraq are parties.

B. However, the United States cannot ignore the extensive hostilities and tensions prevailing in the area.

C. The U.S. Government has considered the possibility of the approval of exports of certain dual-use equipment for use in nuclear research programs in Iraq, but this consideration has been complicated by concerns arising from the continued state of hostilities in the area and resultant sensitivity to the question of nuclear cooperation under such circumstances.

D. Please be assured that we shall continue to consider this question in order to be as responsive as possible to your expressed concerns.

E. In the meantime, the U.S. Government is prepared to continue to consider approval on a case-by-case basis of dual use exports for non-nuclear end use in Iraq.

SHULTZ.

GUIDELINES FOR UNITED STATES-IRAQ POLICY

The U.S. transition comes as we must choose a new direction in our policy towards Iraq. The war with Iran is over, and much of the basis of our previous dialogue is gone with it. It is up to the new Administration to decide whether to treat Iraq as a distasteful dictatorship to be shunned where possible, or to recognize Iraq's present and potential power in the region and accord it relatively high priority. We strongly urge the latter view. Because of the narrow focus of past dialogue, our relations have tended to swing from over-enthusiasm to over-hostility, depending on events. We believe steady relations concentrating on trade can avoid both extremes and further U.S. interests in the region.

I. WHY BOTHER

Iraq has come through its war with Iran with great military and political power, and is aiming higher. President Saddam Hussein has the wherewithal to be a major player in regional affairs, as a prominent member in a loose alignment of conservative Arab states featuring Egypt, Jordan, Saudi Arabia and Kuwait. Iraq's prestige among these nations, its vast oil reserves promising a lucrative market for U.S. goods, and its status as a wavering Soviet quasi-client all give our bilateral political relationship importance and room for opportunity.

The lessons of war may have changed Iraq from a radical state challenging the system to a more responsible, status-quo state working within the system, and promoting stability in the region. We use "may have changed" because Iraq's postwar intentions are still evolving, and it is this evolution which lends importance to U.S. efforts. Even aligned with our regional friends, however, dealing with Iraq will remain difficult. Iraq has never lost its heavy touch in foreign affairs—as we can see by its big stick approach to the Kuwait border issue and in Lebanon—and its heavy-handedness will probably come to the fore in dealing with the GCC when it comes to terms with Iran. S.-Iraq ties.

II. FACTORS IN THE RELATIONSHIP

The U.S. and Iraq began to draw closer in 1984, when traditional hostility and suspicion were outweighted by the shared goal of containing Iran and seeking peace in the Gulf War. Diplomatic relations, severed in 1967, were resumed in November, 1984. Iraq offered a counterweight to our ruptured ties with the more strategically placed Iran, and a bulwark against expansion of the Islamic Revolution. Iraq also sought these—in its desire for evidence of international respectability. We cooperated with Iraq politically and, increasingly, militarily in an effort to end the Gulf War and the threat to important friends such as Saudi Arabia and Kuwait.

When war ended, much of the impetus to draw close to Iraq was lost—we have much less to talk about, and several factors have emerged to pull us apart:

The tendency to view our relations with Iran and Iraq as a "zero-sum" game may lead us to offer our relations with Iraq as a hostage to improved relations with Iran.

Iraq's unlawful use of chemical weapons has aroused great emotions in the U.S.; any Iraqi resumption of CW use will probably destroy the entire relationship.

Iraq's new military capabilities and aspirations, coupled with its 1970's reputation as a radical, rejectionist, terrorist "outlaw" state, make it an alarming prospect to Israel—and to many in the U.S.

Iraq's abominable human rights record, especially with regard to use of chemical weapons to suppress Kurdish rebels, provides a convenient hook for efforts to scuttle the U.S.-Iraq relationship.

Iraq tends to react to our differences by swinging a big stick, exacerbating bilateral tensions.

Iraq's failure to settle the first set of claims for the attack on the USS Stark presents a major obstacle to development of relations. We presented the first and most politically sensitive set of claims, for wrongful death, on April 4, 1988.

These factors give rise to disunity in the USG approach to Iraq. The Department of Agriculture finds Iraq one of its best customers for commodities; parts of Commerce, the Pentagon, and State have an interest in continuing political dialogue and fostering broader trade; parts of Congress and the Department would scuttle even the most benign and beneficial areas of the relationship, such as agricultural exports.

The Iraqi Government may be similarly divided on the value of the relationship. The strongest pressure for improved U.S.-Iraqi relations comes from the trade and business sector. Saddam's key economic ministers, notably Finance and Trade, actively promote these ties. Minister of Industry and head of military-industrial production Husayn Kamil al-Majid, President Saddam Hussein's son-in-law, appears to be pushing ties, often through military channels. Kamil wants U.S. exporters to help in the economic development Saddam believes will give Iraq commercial punch to match its military might and thus gain the regional political clout he wants. Iraq seeks to gain a stronger hand with the U.S. through oil and trade. In May Iraq began to offer U.S. oil companies large price incentives, and U.S. oil imports from Iraq have skyrocketed. Iraq's military attache has been active in trying to buy dual-use and high tech items Iraq needs. By focusing efforts on agricultural exporters, oil companies and large U.S. corporations, Iraq hopes to counter negative attitudes in Congress.

These Iraqi approaches complement areas in which the U.S. wants to develop relations, but our response has lagged. Nonagricultural exports are small, and we have not matched competitors in extending credits to make U.S. participation in reconstruction more attractive. Although there is some scope for U.S. firms, easy credit terms are of overriding importance to Iraq, which owes $35–$40 billion to Western creditors and cannot service all its current debt, let alone new loans for Saddam's ambitious development schemes.

III. POLICY GUIDELINES

We should be clear-headed in our expectations. It has been just four years since we reestablished diplomatic relations: our political dialogue is still in its infancy. We may not want a cozy political relationship, but Iraq's political, economic and military strength—and especially its growing leadership role among Arab friends of ours—will make it impossible to isolate it as we have tried with Libya or Syria. All this argues that we should encourage Iraq's professed desire to play a responsible role in the region, It is therefore in our interest to have businesslike, profitable, and above all stable relations with Iraq that can withstand the inevitable buffets to the relationship, edging us closer to Iraq in trade and political dialogue while stressing our military and human rights concerns. After concentrating on settling the Stark claims, which may give us more room to maneuver, the following are some areas we can work on.

Redirecting the political dialogue

Our political dialogue with Iraq has focused on the shared goal of ending the Iran-Iraq war. With the turn in military fortunes and the ceasefire, Iraq's interest has been to see us back out of the peace process because we can only blunt some of Iraq's more excessive demands (this may change as it becomes more difficult to threaten a renewal of hostilities).

Standing back has matched our interests: we believe any real peace will have to be one worked out between the two sides, not imposed by the Security Council. We can afford to wait: we have little real stake in the issues beyond maintaining the truce. We can also afford to balance our position on the Geneva talks as part of our approaches to Iran. Eventually, we may have to oppose Iraq's demands to full sovereignty over the Shatt al-Arab waterway, as such a settlement could lead to renewed hostilities in several years.

We should therefore seek to broaden the scope of our political dialogue, to avoid foreseeable strains in the narrow relationship. Two promising subjects are Gulf stability and the Mideast Peace process.

We may find ourselves opposed to Iraqi ambitions if they include hegemony in the Gulf, but we are in tune overall with Iraq's quest for stability, which focuses on containing Iran. By including Iraq among the countries we consult regularly about Gulf security issues—along with Saudi Arabia, Kuwait and the rest of the GCC—we can open a dialogue and satisfy Saddam's desire to be treated as a key player.

A Gulf security dialogue could also include the role of the Soviets. Iraqi ties with the Soviets—essentially a relation of convenience for the anti-communist Baath leaders—will be more cautious now that the need for basic weaponry is not as acute. This may provide opportunities to wean Iraq away from its already tenuous political alignment with the Soviets; Iraq already looks to the West for its newer military systems.

After Iran, Iraq's main opponent in the Middle East will continue to be Syria (not Israel), and that enmity will guide Iraq's policy towards the Arab-Israel conflict and Lebanon. This should lead us to minimize dialogue on Lebanon, where Iraq is also trying to subvert Iran's position and can only play an unhelpful role. Iraq is too far and Syria too close to allow Iraq a decisive say in Lebanon, no matter how much money and materiel the Iraqis give the Lebanese Forces; fighting such an uphill battle, Iraqis may tend to see our involvement as alliance with Syria.

Regarding Arab-Israel issues, however, Iraq can play a more constructive role, and a true dialogue will encourage it to do so. Iraq has long maintained it will accept anything the Palestinians do, and voicing this now can enhance the moderate image Iraq seeks to project to the West. AIPAC members on accompanying a recent Codel to Baghdad came away impressed with Iraq's moderation and desire to further the Peace Process. Iraq has real influence with Arafat, Hussein and Mubarak, and should be willing to engage in a substantive dialogue, setting a precedent for broader areas of discussion.

Military relations

Obviously an area in which to tread carefully. We must set guidelines for a relationship that eases access but allows us to distance ourselves from Iraqi military ambitions.

High up on our list of objectives must be a dialogue on chemical, biological and nuclear weapons. We must be frank with the Iraqis. There is nothing we can say that will stop them from stockpiling CW or trying to develop nuclear and biological warfare capability. It is clear we must put pressure on our allies to stop all trade related to these programs, and tell the Iraqis what we are doing and why.

Our current policy bans sales of Munitions List items to Iraq, with minor exceptions for the Chief of State's personal security. This policy was justified by our neutrality in the Iran-Iraq war. Even though that war is now over, we should maintain our policy. In the short term, Iraq's behavior cannot justify change. In the medium or long term we may want to make certain exceptions in non-lethal items—say C130s or computers. But much will have to change in Iraq, and change fundamentally, before it can be prudent for us to sell weaponry.

We should encourage military exchanges of benefit to us, particularly those serving to expand person-to-person access. While we should not allow Iraqis into programs with human rights overtones, attendance by mid-level officers at War College seminars on, for example, infantry strategy might provide us with as much information as it does them. Some higher level dialogue would also be desirable.

Trade relations

Trade is the best key to political influence in Iraq, and we should begin a major effort to free up licensing requests, often blocked by USDOC and DTSA, to enable our companies firms to participate in development projects and draw on U.S. suppliers. Such an incentive, more than anything else, can result in Iraqi efforts to improve ties: to Iraq, technology is our most important asset.

We must bear in mind the potential for diversion of U.S. exports to Iraq's war machine. Our policy should be to help Iraq with basic industrial and infrastructure development, but not to set up factories for finished products with evident military capabilities. Current export policy takes this into consideration and should not be changed.

The Human Rights Perspective

Iraq's human rights record has long been abysmal, and the use of chemical weapons to suppress an internal rebellion drew attention to the problem. Clouding the issue, the immediate threat of Iranian expansion has faded, and with it the shield that protected Iraq from western criticism. This has allowed human rights to become the battleground for those wanting to justify severing or greatly limiting relations with Iraq. It is in our interest both that Iraq improve its human rights record, removing a source of friction; and that we do so in a slow and steady way which makes Iraq recognize human rights as a legitimate item on the agenda of our bilateral discussions.

Much of the human rights debate has focused on Iraq's Kurds, but on balance it will be less helpful to them if we appear to concentrate our efforts on one minority rather than on the population as a whole. The question is how best to improve the overall human rights situation in Iraq. Our efforts should concentrate on slow, steady pressure and a realistic appraisal of our leverage. We should oppose Iraqi military actions against the civilian population, and the destruction of hundreds of villages in Kurdistan. But bearing in mind the historical context, in no way should we associate ourselves with the 60 year old Kurdish rebellion in Iraq or oppose Iraq's legitimate attempts to suppress it. Our overriding policy concern in the region is maintenance of the borders and states established by the Treaty of Lausanne (including our NATO ally Turkey). In addition, the Kurdish organizations in rebellion against Iraq are close allies of the Islamic Revolution in Iran, whose spread is antithetical to our interests. While staying in touch with exiled Kurdish leaders, we should not revive Iraqi memories of the U.S.-Israeli-Iranian alliance of the 1970's that supported the Kurdish rebellion.

We should not expect or hold out for overnight success. Saddam Hussein will continue to eliminate those he regards as a threat, torture those he believes have secrets to reveal, and rule without any real concessions to democracy. He has announced a few cosmetic improvements, but few expect a humane regime come to Iraq any time soon. We should therefore be realistic and demand of Iraq what we do of its neighbors—in tune with our aim to rope Iraq into a conservative and responsible alignment in foreign policy. There are senior Iraqi officials who recognize the need to relax the oppressive regime control after eight years of wartime sacrifice. Our best hope for progress is to encourage this trend.

Cultural relations

The Iraqi Government recently approved a long-standing request to open a U.S. Cultural Center in Baghdad. USIS has long had the best contacts in Iraq; students and professors come in to USIS regularly who would never feel free to associate with other Americans. We should put heavy emphasis on using the Center to expand this contact.

IV. STEPS WE CAN TAKE

Many of our efforts will have to wait until the dust settles on Congressional action, if any, to punish Iraq for CW use. But our policy goals will remain the same: stable, businesslike relations without violent swings or delusions about what we can accomplish.

Our first move should be a high level (preferably Presidential) message to Iraq stressing our intent to develop political and economic relations, the importance of the *Stark* claims, and our continuing concerns over unconventional weapons and missiles, human rights, and terrorism. The message should urge a visit by Foreign Minister Tariq Aziz, to begin a working relationship with the new Administration.

Secondly, we should move quickly to send delegates to foster the types of dialogue we have been advocating. A senior State Department official—preferably the new Assistant Secretary for Near Eastern Affairs—could open political and security dialogue. Next, a combined State and Commerce delegation could lead a group of businessmen interested in Iraq could emphasize our commitment to improved trade.

We should follow these up with:

Frequent briefings on the progress of U.S. dialogue with the PLO as well as appropriate briefing on our dialogue with Israel on the subject.

A renewed approach for intelligence sharing on Gulf security issues, especially on terrorism.

The recent trade bill explicitly prohibits DTSA from holding up export licenses on grounds other than diversion to East Bloc countries. We should pursue this with the NSC to free up some of the "black holed" licenses.

Inauguration of the Cultural Center will provide an occasion to send another senior official and garner publicity for U.S. efforts to improve relations with Iraq.

BRIEFING MEMORANDUM

MARCH 23, 1989

To: The Secretary.
From: NEA—Paul J. Hare, Acting.
Subject: Meeting with Iraqi Under Secretary Nizar Hamdun. March 24, 1989 at 2:00 PM in your conference room.

I. PURPOSE

To express our interest in broadening U.S.—Iraq ties, stressing the importance we place on chemical weapons and on settling claims for Iraq's attack on the USS Stark.

II. KEY POINTS

Hamdun is a unique channel to Iraq's President Saddam Hussein, and points you make will be heard at the highest levels in Iraq. Hamdun will stress Iraq's importance, and call for closer relations unaffected by what he considers "outside irritations": chemical weapons, etc. Iraq fears we will improve relations with Iran at Iraq's expense.

Bilateral relations are thorny but important. Iraq is the strongest state in a region vital to our interest, with a powerful army and oil reserves second only to the Saudis.

We reestablished relations in 1984 after a break in 1967. We cooperated closely in trying to end the Gulf War through UN Security Council Resolution 598.

During the war, Iraq drew closer to our friends among the Arab moderates, getting financial support from Saudi Arabia and Kuwait. Iraq has now concluded a formal economic alliance with Egypt, Jordan, and North Yemen in the Arab Cooperation Council.

Since we took Iraq off the terrorism list in 1983, Iraq has broken with Abu Nidal and expelled Colonel Hawari, although it still allows entry to Abu Abbas (who directed the Achille Lauro hijacking) and member of Col. Hawari's group.

But Iraq retains its heavy-handed approach to foreign affairs—it has revived a border dispute with Kuwait and is meddling in Lebanon—and is working hard at chemical and biological weapons and new missiles.

May 17 will mark the second anniversary of the Iraqi attack on the USS Stark. At the time, Iraq's President accepted responsibility and promised compensation.

Mike Armacost presented the first set of claims, for wrongful death of 37 sailors, on April 4, 1988 (totalling about $34 million). The Iraqi MFA's Legal Adviser went over the claims in detail here in July, 1988, but has made no substantive response since then.

Judge Sofaer is in Baghdad, at Iraq's invitation, to discuss the claims further. He met with Hamdun before leaving and said we will soon present personal injury claims (about $1.5 million) and USG claims of $93 million (mostly damage to the Stark), but emphasized we have no room for negotiation on the death claims.

Sofaer called from Baghdad to report that an initial session March 22 went very well, and he hopes he can resolve the issue during this trip.

With this information in hand, Bob Kimmitt saw Hamdun March 22, and stressed it is important to settle these sensitive claims to remove a stumbling block from the relationship.

Following CW use in the war with Iran, Iraq used CW as part of a campaign to suppress a Kurdish rebellion last August.

We condemned unlawful CW use, and Congress began considering sanctions legislation.

Responding to our diplomatic approach and the threat of sanctions, Iraq stated adherence to international law on CW, participated constructively in the Paris CW Conference, and began to participate in the Conference on Disarmament talks in Geneva.

Sanctions legislation fell by the wayside last term in the rush to adjourn, despite overwhelming support. Bills introduced this session would apply tough trade sanctions for future unlawful CW use and punish companies contributing to certain CW programs, Iraq's among them.

Iraq has asked us to push Congress to delete all references to Iraq in the bills. We have explained that it is unrealistic to expect Congress to do so.

The ceasefire begun with Iran last August 20 is still holding, but UN-sponsored peace talks have produced few results. Working-level talks continue in New York, and there will probably be a ministerial meeting in mid-April.

Iraq wants to claim full sovereignty over the Shatt al-Arab waterway; Iran refuses to allow reopening the Shatt until Iraq gives up its claims, and is holding 70,000 Iraqi POWs until Iraq withdraws to its borders.

Commercial relations are good, but further growth is constrained by Iraq's debt crunch. Iraq is now our number two trading partner in the Arab world, but a commercial agreement we signed in 1987 remains unimplemented.

Iraq imports over $1 billion per year in U.S. agricultural products, financed with USDA CCC credit insurance.

But industrial trade lags. Iraq would like Exim to grant medium-term coverage in addition to its small short-term facility.

Iraq would also like freer export licensing procedure for high tech. Applications are often held up in Commerce or DoD, usually on grounds that dual-use technology could add to Iraq's military capabilities.

The powerful Minister of Industry (Saddam's son-in-law) wanted to buy a closed USX steel plant in Baytown, TX. USX froze the deal when Congress took up union objections.

As part of its approach to the U.S., Iraq has in the last year given favorable deals to U.S. oil companies; oil exports to the U.S. have soared to around 500,000 barrels per day.

III. PARTICIPANTS

U.S.: The Secretary; Policy Planning Staff Director Dennis Ross; NEA, DAS A. Peter Burleigh; S/P, Staffer Aaron Miller; NEA, Notetaker.

IRAQ: Under Secretary Nizar Hamdun; Ambassador Abdul-Amir Al-Anbari; Khalid Mohammad, First Secretary (Notetaker).

IV: PRESS COVERAGE: PHOTO OP

Secret.

V. TERRORISM

We are disturbed by the continued presence in Iraq of Abu Abbas, who masterminded the murder of a U.S. citizen in cold blood. We also understand Colonel Hawari—head of Fatah's Special Operations section—still travels to Baghdad.

We ask again that you deny Abu Abbas and Colonel Hawari access to your country. The fact that Abu Abbas is a member of the PLO Executive Committee damages the Palestinian cause.

VI. TRADE (IF RAISED)

We are committed to expansion of trade and U.S. exports around the world.

We believe reconstruction and development projects in Iraq will present significant opportunities for U.S. exporters.

Points To Make

I. BILATERAL RELATIONS

We are pleased that we have broadened bilateral relations with Iraq since we resumed them in 1984, and we want to continue to develop ties.

As the President said in his message to President Saddam Hussein, we attach great importance to our relations with Iraq.

II. STARK CLAIMS

But it is critical for our bilateral relations to settle the claims arising from Iraq's attack on the USS Stark as soon as possible.

Overcoming this obstacle will give our relationship new strength in the postwar period.

I hope we will be able to settle the first set of claims, for the deaths of our 37 sailors, during Judge Sofaer's trip to Iraq.

III. CHEMICAL WEAPONS

We welcome Iraq's participation in the Conference on Disarmament in Geneva.

As a country that has used chemical weapons in the recent past, Iraq's reputation in the world will be well served by constructive participation in efforts to ban these weapons.

As you know, Iraq's past use of chemical weapons is a very sensitive topic in the U.S. Administration and Congress.

IV. PEACE TALKS

Although we do not get involved in details of the peace negotiations, we are interested in a comprehensive, lasting settlement that will promote stability and reduce tensions in the region.

What is your assessment of progress made to date, and prospects for the next round of ministerial talks?

Fm: Secstate WashDC
To: Amembassy Jakarta immediate 4371.
Info: Amembassy Baghdad immediate 7965.
E.D. 12356: Decl: Oadr.
Tags: Mcap. Mass. Id. Ir.
Subject: Talking points on Indonesian superpuma sale.
Ref: (A) Jakarta: 76101.

1. Entire test.

2. Department does not repeat not clear on proposed talking point for use during the Ambassador's meeting with Minister of State for Research and Technology. Although the U.S. severely limits the sale of our own munitions list items to Iraq. We have not had a policy of discouraging other countries' arms sales to Iraq. Such a policy is in effect with regard to Iran.

EAGLEBURGER BT.

Iraqi Export Cases: Why They Make the Case for Expanding License Requirements and Review

An initial review of 73 cases in which licenses were granted by DOC or DOC/DOD from 1986–1989 shows that licenses were granted for equipment with dual or not clearly stated uses for export to probably proliferation related end users in Iraq. This indicates that expanded license requirements and additional review of licenses could reduce U.S. contributions to proliferation activities. These cases concerned only exports for which a license had to be obtained; they indicate nothing about equipment that may have been exported freely because no license was required.

EXAMPLES

During the period in question, at least 17 licenses were issued for the export of bacteria of fungus cultures either to the Iraqi Atomic Energy Commission (IAEC) or the University of Baghdad.

A known procurement agent for Iraqi missile programs, was issued licenses to export computers to a missile activity and computers and electronic instruments to the IAEC.

A license was issued to export a computer for a "fertilizer plant" to the Iraqi Ministry of Minerals, which is known to be associated with the Iraqi CW program; received a license to export equipment to the Nassr Establishment for "general military applications such as jet engine repair, rocket cases, etc."

Licenses were issued for the export to Iraq of computer-assisted design and manufacturing (CAD/CAM) and chemical process control equipment; had a license approved by DOD for a computer system for use with a furnace for "medical prostheses; also had a license approved by DOD/DOC to export numerically controlled equipment related to crucibles.

Received a license to export "navigation/direction finding/radar/mobile communications" equipment to Salah-al-Din, which is associated with an Iraqi missile project.

DOD approved a license for the export of possible telemetry equipment to the Saddam General Establishment.

Implementation of various aspects of EPCI would provide a basis to deny licenses (and require additional licenses so transactions could be reviewed) in cases similar to those reviewed because of the end user (country or entity), the knowing contribution to or risk of diversion to a proliferation activity.

U.S. DEPARTMENT OF STATE,
Washington, DC April 16, 1990.

To: Chemical-Biological Licensing Working Group Distribution List.

From: Chairman Chemical-Biological Warfare Export Licensing Working Group (LWG) Deputy Director, Office of Nonproliferation Policy.

Subject: Possible New Trade Controls on Iraq and Other Chemical-Biological Warfare Proliferators.

THE ISSUE

A meeting of the LWG has been scheduled for Thursday, April 19 at 1pm in Room 6245 (NEA Conference Room) to discuss possible new chemical warfare related export controls on Iraq. Coordinating the work will be Larry Roeder in State/EB and Bob Dubose in State/PM. The intent of the meeting is to get a head start on a tasking which will come from the Nonproliferation PCC shortly. The timing is particularly acute because of legislation hurrying through Congress and recent events in Iraq. The LWG will report to the PCC on Non-Proliferation, and its findings will also be shared with the Iraq PCC.

BACKGROUND

The PCC on Iraq met on April 13th to begin developing a new, coordinated USG policy on Iraq. A follow up meeting of the Deputy Secretaries will continue that discussion today. One of the considerations will be the possibility of new trade controls on Iraq and other Chemical-Biological Warfare Proliferations.

One proposal on possible chemical and biological equipment and technology controls was presented on the 13th to the Iraq PCC and on the same day to a State/T chaired interagency working group on missile, nuclear and chemical proliferation issues. We have been informally asked to examine and refine this proposal, and perhaps make other proposals as well. We expect a more formal tasking will emerge from the Nonproliferation PCC after the Deputies Committee meeting.

WORK SCHEDULE AND DIVISION OF LABOR

Regardless of whether this initial proposal (attached as Tab A) is approved, an amended version or other proposals, the following issues need to be addressed. We have been asked to do this in as short a time as possible. Note: The proposal in Tab A has been amended slightly from the initial draft in order to take into consideration comments made either by members of the Iraq PCC or the T chaired Working Group on Proliferation. The following are suggested points of discussion for the Thursday meeting and suggestions for preparation.

(a) Existence of Control Laws and Warning Lists: Commerce is requested to:

Outline current US controls on both CW and BW equipment (Some information on Current US regulations on chemical manufacturing equipment is attached as Tab B)

Outline foreign controls insofar as we know them (it may be useful to cable selected countries to ascertain what controls they have) (Some information on Canadian and German rules are included as Tab C)

(b) New Law and Regulations: State and Commerce legal advisers are requested to examine what laws could be used for new trade controls, and whether new legislation is required. Which regulations would need to be amended? Would we have to adopt completely new regulations?

(c) Pending Legislation: State H is requested to bring the working group up to date on related pending legislation vis a vis Iraq.

(d) Equipment and Technology: All representatives to the LWG are requested to bring (as available) technical expertise to discuss the initial proposal and others that may come up. From an organizational point of view, it is suggested we begin our discussions on equipment and technology by examining COCOM controlled products for the manufacture of chemical agents, technology, etc. Once we finish our work on chemical equipment, technology, etc, we would turn to biological equipment.

(e) Foreign Availability: Commerce is requested to advise the LWG on the foreign availability of products or technologies suggested for control.

(f) Possible Bilateral and Multilateral Approaches: State PM is requested to coordinate LWG suggestions on useful international approaches, including with the Soviets and Eastern Europe.

Guidelines to the LWG for Proceeding on Possible Equipment and Technology Controls: (Begin the process with Chemical Equipment, then follow on with a discussion of biological controls)

Craft a list of chemical industry equipment and technology that is useful in the production of chemical warfare agents. (the equipment would be dual use, since all CW equipment is dual purposes);

As much as is practical, choose items already under control by other governments, especially members of the Austria Group or COCOM: (Canadian and German lists may be useful) This will help build a foundation of international support;

Except when a compelling reason can be presented, do not recommend for control substance, equipment or technology that is so widely available (in an uncontrolled status) that export controls would be meaningless, except as a symbol.

Cite what regulations or laws would have to amended or created.

Suggest arguments to be used with friendly governments in order to convince them to take similar measures.

Discuss issue of enlisting Soviet Union and Eastern Europe in this initiative.

If we expand controls, they should be a "targeted package," aimed at the chemical industry, the specific problem sector (missile technology is being handled in a different forum);

Denial of all national security control items is probably too broad and ineffective (due to foreign availability and its effect on innocent sectors). However, the control of some may have value.

Denial of all products (pvc pipes, floppy disks, etc) to the chemical industry is too broad (due to foreign availability).

AGENDA FOR LWG

I. Summary of Current Situation.

II. Initial discussion of the Proposal (includes CW and BW).

III. Devise work plan and taskings.

IV. Set deadlines.

TAB A.—THE INITIAL PROPOSAL (AS AMENDED) DISCUSSION PAPER FOR IRAQ PCC

IRAQ: PROBLEMS AND SOLUTIONS

Summary: This paper summarizes the current problem with Iraq and current export controls. It then presents a proposal for a package of new export controls built on the work of other nations. In essence, the idea is to create a Country Group X for countries that have used or threatened to use chemical or biological weapons since (date to be determined). Iraq would be the first nation on the list. The export controls in Country Group X would be targeted on the chemical industry and are narrow in scope, but have a basis for international support.

Also in the paper is a plan of action asking the PCC to task the CBW Licensing Working Group (Chaired by State/EB) to develop a final draft of the proposal within 14 days.

PROBLEM

Iraq is the strongest military force in the Arab world and on the Gulf. It has programs supporting chemical and biological and nuclear warfare and recently threatened Israel with a possible chemical weapons assault should Israel strike Iraq's nuclear facilities. The threat is credible. They have already used chemical weapons in Iran and against their own civilian population.

What are We Doing Now?

Current Controls on Iraq:

Munitions Control (ITAR): Department of State is the licensing authority. No licenses are granted.

Missile Technology Control: Department of State and Commerce are the licensing authorities, depending on the commodity. No licenses are granted.

Nuclear Controls: 65 dual use Commodities are licensed by Commerce; however, Energy is the primary advisory agency. License applications are reviewed on a case by case basis. Some lower power computers have been approved.

Other Foreign Policy Controls: (Crime Controls, Regional Stability Controls, Chemical and biological controls) Commodities are licensed by the Department of Commerce; the Department of State is the primary advisory agency. Licenses are reviewed on a case by case basis. The policy is to deny.

Aircraft Sales: Though aircraft and aircraft parts are not specifically listed in the regulations as requiring a validated license when exported to Iraq, Commerce does send them to State for Foreign Policy review. This is done through an informal arrangement. They have generally been approved. (This relates to the lifting of Iraq from the terrorism list in 1982. In 1985 we agreed to discuss significant aircraft sales with the Bill as a compromise in order to prevent Iraq from being placed back on the list).

WHAT FURTHER ACTION IS POSSIBLE?

It is possible to expand Foreign Policy Controls on Iraq through use of Section 6 of the EAA. Further, existing contracts could be severed under Section 6 if the President determined there has been a breach of the peace.

CONSIDERATIONS

If we expand controls, they should be a "targeted package," aimed at the chemical industry, the specific problem sector;

As much as possible, the controls should be effective, not simply symbolic;

Where possible, controls should take into account measures already enacted by other nations. This will help build a foundation of international support;

Denial of all national security control items is probably too broad and ineffective (due to foreign availability and its effect on innocent sectors).

Denial of all products (pvc pipes, floppy disks, etc.) to the chemical industry is too broad (due to foreign availability).

SUGGESTED OPTION

Expand chemical controls along the following lines:

Create a Country Group X for countries that have used or threatened to use chemical weapons since (date to be determined). Iraq would be the first nation on the list, perhaps also Libya, Iran, Syria. (Note: This country group could be used simply for Chemical proliferators with a separate treatment of biological proliferators—or both problems could be combined into one country grouping.

(Note: Some have commented that it would be easier to simply move Iraq to Country Group S where Libya is. If we were to do that we would not be required to control exports to Iraq as we do Libya. Some would like to lump together Libya, Iraq, Iran and Syria (or some combination thereof). Others have commented that while it may be counterproductive to Libya and Iraq together. Given our basic antagonism toward Libya, this may send the wrong signal to Iraq that we plan a total embargo on trade.

Others have commented that were we to create a country group for Proliferators, it should not be retrospective. An alternate approach would simply be to use language similar to that now used for human rights controls; "validated export licenses will be required to export listed commodities and their technologies to countries determined by the Secretary as not respecting internationally recognized norms of behavior with respect to chemical or biological warfare." The advantage of this change is that it targets the controls on "proliferators of concern," but does not force the Secretary to control exports to our friends. By implication, countries could be dropped by from the "X" list if they changed their attitude.

(a) Require a license for national security controlled equipment to chemical manufacturing facilities;

(b) Require a license for the export of chemical manufacturing equipment, using existing lists from COCOM, Germany and Canada as preliminary discussion models, as well as the watch list of the Australian Group;

(c) Require a license for the export of chemical manufacturing technical data, using German concepts as models;

(d) Make it unlawful for a US citizen to engage in activities with Iraqi chemical industries when there is a reasonable expectation that the enterprise will be used for chemical warfare;

(e) After developing our own list of what needs to be controlled; but before amending the regulations, approach the Australian Group members and encourage them to expand their existing equipment controls of warning lists so as to require licenses to countries who have threatened or used chemical weapons within the given time frame.

Note: Some countries may be reluctant to impose export licensing regulations; however, may be willing to use their good offices with industry to inhibit such sales. This may be sufficient in certain cases.

PROS AND CONS

The Australia Group has already agreed that equipment sales are a problem and thus agreed on voluntary guidelines (warning lists) for such sales;

Germany and Canada are suppliers of equipment, so using their controls as models will mean our controls are not purely symbolic; but will have some international support;

Japan, Italy, the United Kingdom and the Netherlands and other nations regularly consult with their industry on equipment controls and in certain cases have warning lists. This move may encourage them to extend their efforts to control lists, at least to nations who actually threaten or use chemical weapons;

The target of these controls is very narrow, hence impact on US industry will be slight;

Other manufacturing nations do not control this equipment, so foreign availability is still a problem;

Some of the equipment being proposed for control may be quite general to civil manufacturing, so for the controls to be effective, the producers of this equipment should be as much as possible limited to the western industrial powers.

AUSTRALIA GROUP—CHEMICAL PRODUCTION EQUIPMENT WATCH LIST

	Controlled by Canadian export control list	Not controlled by Canadian export control list
ECL item NBR:	1. Chemical process equipment (reactors, piping, distillation columns, etc.) made of hastelloy or other alloy with high nickel or tantalum content.. a. Seamless tube and pipe having and outside diameter of 60mm. or greater, and seamless fittings therefore, made of nickel-base superalloys that contain chromium, molybdenum, and nicobium and tantalum combined as alloying elements (ECCN 1603B)..	b. Pressure tube, pipe and fittings therefore, of 8 inches or more inside diameter, having a wall thickness of 8 percent or more of the inside diameter and made of stainless steel, copper-nickel alloy, or other alloy steel containing nickel and/or chromium. (ECCN 4635B).
		2. Chemical process equipment with linings suitable for highly-corrosive environment (i.e., glass-, teflon- or plastic-lined), or equipment with excessively thick walls. Pressure tube, pipe and fittings therefore, of 8 inches or more inside diameter, having a wall thickness of 8 percent or more of the inside diameter and made of stainless steel, copper-nickel alloy, or other alloy steel containing nickel and/or chromium. (ECCN 4635B).
New ECL item NBR: 3101	3. Pumps or valves designed for use with hazardous chemicals (i.e. double seal, magnetic drive, or canned pumps, bellows or diaphragm valves).. a. Valves, 0.5 cm or greater in diameter, with bellows seal, wholly made of or lined with aluminium, nickel, or alloy containing nickel, and specially designed parts therefore. (ECCN 3131A)..	
		b. Pipe valves having all of the following characteristics: 1. A pipe size connection of 8 inches or one inside diameter; 2. All flow contact surfaces made of or lined with alloys of nickel and/or chromium; and 3. Rated at 1,500 psi or more. (ECCN 41278).
New ECL item NBR: 3101	c. Pipes, valves, fittings, heat exchangers, or magnetic, electrostatic or other collectors made of graphite or coated in graphite, yttrium or yttrium compounds resistant to the heat and corrosion of uranium vapor. (ECCN 41288).	
ECL item NBR: 1129	d. Vaccum pump systems and specially designed components, controls, and accessories. (ECCN 1129A).	
ECL item NBR: 1131	e. Pumps having all flow contact surfaces made of tantalum, titanium, or zirconinum and specially designed parts and accessories therefore. (ECCN 1131A)..	f. Valves, cocks, and pressure regulators having all flow contact surfaces made of tantalum, titanium, or zirconium and specially designed parts and accessories therefore. (ECCN 1133a). 4. "Packaged" refrigeration units for chemical process equipment. 5. Charcoal filter and scrubber units capable of handling large volumes of air from ventilation systems.
ECL item NBR: 1110	6. Equipment specifically designed for flourine.	7. Inert gas generating units. 8. Double-walled piping. 9. Sensitive toxic detention and alarm systems for organophosphorus, sulfur and fluorine compounds.
ECL	10. Filling equipment for use with flooring, including especially large glove boxes to enclose filling machines..	
		11. Incineration or scrubbing equipment for hazardous chemical waste treatment, such as venturi scrubbers or Brinks mist eliminators. 12. Other waste treatment equipment and supplies, particularly for treatment of highly-toxic and phosphorus-containing wastes.
ECL item NBR: 1110 1565	13. Process control instrumentation or computer systems specially designed or prepared for use in facilities producing organophosphorus, sulfur, or fluorine compounds..	
ECL item NBR: 1145	14. Tanks, containers, or other equipment designed to store or transport highly corrosive or toxic-chemicals, particularly phosphorus, sulfur, or fluorine compounds.. Containers, jacketed only, specially designed for the storage and/or transportation of liquid fluorine, and specially designed parts and accessories therefore. (ECCN 1145A)..	
ECL item NBR: 1110	15. Any equipment or materials, specially designed or prepared for the production of chemical warfare agents, organosphosphorus compounds, or sulfur fluorine compounds, and technical data related thereto.. a. Equipment for the production of liquid fluorine, and specially designed components therefore. (ECCN 1110A).	
ECL item NBR: 2007	16. Protective clothing: neoprene suits, air-fed suits; self-contained breathing apparatus; oil-free air-compressors for use with breathing apparatus..	

AUSTRALIA GROUP

THE FEDERAL REPUBLIC OF GERMANY

Export controls on chemical plant and products

1. In the Federal Republic of Germany an export license is required for eight chemicals which can be used in the manufacture of chemical weapons. These eight chemicals correspond to the Core List of the Australia Group. In addition, export controls are also maintained on plant, parts and equipment which can be used in the investigation, manufacture, processing or testing of phosphororganic compounds, lewisite or other highly toxic compounds.

2. The legal basis for export control in the Federal Republic of Germany is the Foreign Trade and Payments Act of April 28, 1961. According to this Act, foreign trade is basically free. Restrictions are subject to strictly defined conditions and must be specified by executive decree. The implementation of the Foreign Trade and Payments Act in the form of specific export restraints occurs by means of an Ordinance containing a list of all those goods which may be exported only with a previous license from the Federal Government. This list, known as the Export List, is published (the most recent edition on March 25, 1988).

Export licenses for goods on the Export List are required for all destinations ("erga omnes" principle). For this reason the Federal Republic of Germany's controls on the export of chemical products and plant apply world-wide, and not only for individual sensitive countries.

3. Applications for export licenses for chemical products and plant have to be placed before the Federal Office of Economics (BAW), the authorising authority. The BAW usually coordinates its decision on the export license application with the Federal Ministry of Economics and the Foreign Office.

In principle, export licenses can only be issued by the BAW when the final destination of the goods can be demonstrated. Under certain limited conditions the issue of bulk export licenses is possible.

4. The permissibility of the actual export is monitored by the customs authorities, which must be supplied with the relevant valid export license issued by the BAW. Violations of the export restrictions of the Federal Republic of Germany are punishable according to S.34 of the Foreign Trade and Payments Act by up to three years' imprisonment or by fines of up to 3.6 million. DM.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 16, 1990.

MEMORANDUM FOR BRENT SCOWCROFT, THE WHITE HOUSE

Subject: Options Paper on Iraq.

Attached is a paper containing a list of options for responding to recent actions and statements by the Government of Iraq. It was prepared at the request of the Deputies Committee, which met on April 16, 1990. We ask that you pass this paper to Robert Gates for his review, and circulate it to obtain the views of Deputies Committee members and concerned agencies in advance of further discussion by the Deputies Committee.

J. STAPLETON ROY,
Executive Secretary.

IRAQ: OPTIONS PAPER

The following list of options for responding to recent sections and statements by Iraq was prepared at the request of the NSC Deputies Committee, which met on April 16, 1990. The only intention is to be comprehensive: the list does not advocate any particular option or group of options. It offers a range of choices from the largely symbolic to a virtually total economic embargo and political break with Iraq. (A non-proliferation PCC will develop specific options for steps in the area of export controls and licensing.)

ECONOMIC

Ban Oil Purchases: The largest benefit Iraq receives from the United States is through our oil purchases, which could total more than $3 billion in 1990. PRO: Oil provides the wherewithal for Iraq's efforts to develop its own non-conventional military production capacity. A total ban on U.S. oil purchases would have some short-term impact. CON: In the longer run, Iraq would soon find other buyers. Such action might also have an impact on U.S. oil prices.

CCC Program: This is the largest program we currently have with Iraq. All the sanctions legislation on the Hill, aside from Inouye-Kasten, exempts CCC. PRO: Since Iraq's record of repayment on CCC-guaranteed loans is good and USDA's review will probably give Iraq a fairly clean bill of health, suspension of CCC at this point would be a strong political statement. CON: It would violate our policy against using food as a political weapon and hit some U.S. agricultural exporters hard. It might also lead Iraq to default on CCC-insured loans. Other countries would sell these commodities to Iraq.

Exim: In January the President waived the statutory prohibition on Exim programs with Iraq. The program could be cut off by rescinding or suspending the waiver. PRO: It would be a clear, relatively easy to accomplish public gesture containing a political message. CON: The Exim facility is not essential to the Iraqis, but its suspension would harm some U.S. producers.

Licensing/Trade: Current controls on exports to Iraq are already very restrictive, but new controls could be added to ban sale of all possible dual use items. Congress is considering new controls to ban such sales to all states in the region, including Iraq. A non-proliferation PCC will look at possible options in this area in the near future.

Full Trade Embargo: PRO: It would send a strong signal CON: This would mean a virtual end to relations with Iraq. Our allies would not go along and, indeed, would jump in to take our place wherever they could.

POLITICAL—BILATERAL

Reduce Embassy Staff: PRO: Withdrawing our Ambassador or reducing Embassy staff (with parallel reductions at the Iraqi Embassy here) would clearly demonstrate our displeasure to the Iraqis. CON: It would further limit our ability to work in Baghdad and strain an Embassy staff that is already short-handed. Removing other Embassy staff (the DATT, for example) would not impress the Iraqis but could seriously reduce mission effectiveness.

Cultural: USIS runs several programs, including a self-sustaining and very popular English instruction program and a small number of exchanges. It also plans to help establish a Baghdad headquarters for U.S. archeologists working in Iraq. PRO: Cutting these programs would be a symbolic gesture. CON: Its only substantive impact would be on the persons involved.

Drug Enforcement: Iraq had its first-ever consultations with DEA this year and expressed interest in getting DEA training for a small number of police officers. PRO: Cancellation of the training would, again, have some symbolic importance. CON: It would have little practical effect for the Iraqi Government.

Intelligence Cooperation: Intelligence exchanges have waned since the Gulf War ceasefire. PRO: They still provide Iraq with limited information on Iranian military activity that would be missed. CON: Ending this contact would close off our very limited access to this important segment of the Iraqi establishment.

Presidential Message: Saddam Hussein likes the personal touch. PRO: A carefully crafted message from the President could be effective if it hit hard on our key concerns, proliferation and regional tension (conflict through a miscalculation by either Iraq or Israel), but also emphasized a continued desire for improved relations. CON: It could be construed here as being soft on Saddam.

Iraqi Opposition: The political opposition to Saddam and the Ba'ath Party, such as it is, is down-at-the-heels, mostly in exile, and (apart from some Kurds) lacks a following in Iraq. We could, nonetheless, find some public way to acknowledge it—the Kurds especially. There is little to recommend this option.

POLITICAL—MULTILATERAL

Move Toward Normalization with Iran: PRO: A change in policy toward a more neutral or even pro-Iranian stance in international fora (UNSC, IMF, World Bank, etc.) would be a strong signal. CON: It also would send paranoia-meters in Baghdad off the end of the scale. It would raise basic questions about our policy in the Gulf and the region as a whole that would have to be addressed here. Iraq's reaction would be unpredictable.

Isolate Iraq: We could use diplomatic pressure with our friends in Cairo, Amman, and Sanaa to encourage resistance to Iraq's efforts to make itself a political and military leader of the Arab World. PRO: This would help limit Iraq's influence. CON: It could bring an unpredictable reaction from Baghdad and could, in fact, backfire in important Arab capitals.

Human Rights: We could sponsor or encourage further action on Iraq's human rights record bilaterally and in a number of international fora. PRO: We have already criticized Iraq's human rights polices on the record, and Saddam is clearly sensitive to such criticism. CON: It would be difficult to get Nonaligned support for further action on Iraq in international organizations. Saddam has demonstrated time and again that he will not allow public pressure, especially from foreigners, to influence his behavior.

Joint Action with Allies: Possible joint action on Iraq would be an appropriate subject for consultations with our allies and for consideration at the Houston Economic Summit. PRO: Concerted steps by the United States, Western Europe and Japan on such issues as technology transfer would be of much greater concern for the Iraqis than anything the U.S. might do unilaterally. CON: Consensus on concrete measures would be difficult to achieve, and failure to agree on serious joint action and could even encourage the Iraqis to ignore our concerns.

INFORMATION MEMORANDUM

To: The Secretary.

Through: T—Ambassador Bartholomew.

From: PM—Richard A. Clarke.

Subject: Countering Iraqi Weapons of Mass Destruction: The Gulf Crisis and Beyond.

We need to do further detailed analysis of options for dealing with Iraqi weapons of mass destruction. The attached paper analyzes several options for dealing with the threat posed by Iraq's nonconventional weapons (NCW) capabilities. They are:

Adding new conditions before lifting the UN sanctions

Pursuing a near-embargo outside the UN

Maintaining international economic pressure after lifting sanctions

Pursuing regional nonproliferation initiatives

Strengthening existing nonproliferation efforts, through:

bolder steps within existing regimes;

urging states outside these regimes to act; and

creating a new nonproliferation "super-regime."

Each option is discussed in terms of its feasibility, effectiveness and costs. We plan to distribute this paper on an eyes-only basis to principals of the Proliferation PCC to begin discussion on an interagency basis.

Attachment: As stated.

COUNTERING IRAQI WEAPONS OF MASS DESTRUCTION: THE GULF CRISIS AND BEYOND

There is a continuum of options for dealing with the Iraqi proliferation threat. These range from use of military force to destroy Iraq's nonconventional weapons (NCW) capabilities to improving existing nonproliferation regimes and developing a regional security framework to deter Iraq's use of security NCW.

The discussion below evaluates four options in terms of the following criteria:

Effectiveness in eliminating or neutralizing Iraq's proliferation capabilities;

Feasibility, i.e., how readily can the option be implemented?

The costs (financial and political) of implementation.

The following five options are proposed below for dealing with the long-term proliferation threat posed by Iraq:

Option 1: Adding New Conditions Before Lifting U.N. Sanctions.

Option 2: Pursuing a Near-embargo Outside the U.N.

Option 3: International Economic Pressure after Lifting Sanctions.

Option 4: Regional Nonproliferation Initiatives.

Option 5: Strengthening Existing Nonproliferation Efforts.

USING MILITARY FORCE TO ELIMINATE IRAQ'S NCW

This paper does not evaluate the military options for eliminating Iraq's NCW capabilities. In assessing the options discussed below, it is important to note that military action could neutralize the Iraqi proliferation threat now and for at least a decade into the future.

Iraq took most of a decade and $10-20 billion (roughly estimated) to build its NCW capabilities to current levels, and relied on massive international aid (technical, financial and military) designed to help Iraq survive its war with Iran. No one was paying attention to the need to block NCW proliferation.

Today, and for the foreseeable future, Iraq is deep in debt and very unlikely to obtain even a portion of the support it received in building its existing NCW infrastructure. Concerted international effort to thwart Iraq should sharply increase the time and cost if Iraq were to try to rebuild.

Option 1: Adding new conditions before lifting UN sanctions

This option calls for imposing a new, proliferation-related condition that Iraq would have to meet before UN sanctions would be removed. In its purest form, this would take the form of a new UNSC resolution requiring Iraq to dismantle its NCW facilities and permit inspections to verify this dismantlement before the current embargo would be lifted.

Effectiveness: The effectiveness of this option would depend in large measure on being able to verify that Iraq had met the conditions stipulated. Accepted verification procedures exist that might cover our nuclear and missile nonproliferation concerns. But CW and BW verification are extremely complex issues, technically and politically, which thus far have stymied international arms control efforts. Such complications have resulted in our consistent rejection of proposals for an inspection regime at Rabta.

Feasibility: This option would no doubt prove hard to achieve. It is difficult to envisage Iraq (except under a new and prostrate regime) accepting the international humiliation and intrusion of sovereignty that an effective imposed verification regime would involve. Generating international support would also be a major challenge because Iraq's proliferation activities do not violate the UN charter and because a new condition might appear to be an eleventh-hour effort to block a diplomatic solution.

Costs: However, two avenues appear to be worth exploring to develop the case for this new demand. First, a proposal to make this additional demand of Iraq might well become attractive to many UN members as an alternative to UN-backed military action, pursuant to Article 42, or the threat of unilateral US military action. (Secretary Baker and the Saudis agreed this will be an active topic of discussion in coming weeks. NODIS, Riyadh 7604) Second, a case might also be developed on the basis of Saddam Hussein's record as a war criminal, taking account both of the recent hostage-taking and his use of CW during the Iran-Iraq war and against Iraqi Kurds. The UN itself assembled evidence on Iraqi CW use that could be brought to bear on this case. But if it is to be made at all, this case must begin to be developed soon.

This option would involve significant political costs, and perhaps financial ones as well. Some of these costs might result from the political pressure and economic support associated with prolonging an effective embargo on Iraq. Other costs would derive from efforts to obtain support for imposing unprecedented demands on Iraq like those outlined above. Another political trade-off the US might be asked to make, in return for Arab support of such demands, would be a commitment to pursue broad nonproliferation efforts in the Middle East. (See Secretary Baker's exchange with King Fahd in NODIS Riyadh 7604.)

Option 2: Pursuing a near-embargo outside the UN

If the previous option proves impossible to push through the UN, a scaled-down variation might be considered. It would call for getting a small number of well-placed nations to agree to continue to embargo Iraq on an informal (ie, not UN-blessed) basis. The most important players would be Iraq's immediate neighbors, particularly Saudi Arabia, Turkey and Syria, who would perform the essential role of keeping Iraq cut off from obtaining oil export revenues. It would also be important to obtain support of large powers such as the UK, France and the USSR.

Effectiveness: This option could prove effective in keeping serious economic pressure on Iraq, but it would inevitably amount to less pressure than a complete, UN-backed embargo. Moreover, it seems unlikely that a small, informal collection of states could develop and carry out an internationally-accepted or-respected scheme for verifying dismantlement of Iraq's NCW infrastructure.

Feasibility: The appeal of this option would be that it is more easily feasible than the full-blown UN option outlined above. There appears to be strong regional support for measures that would not permit Saddam to retain his NCW capability after the present crisis subsides. And in strictest terms, US-UK naval cooperation would probably suffice to blockade Iraq shipping.

Costs: Because it would have less international support, the financial costs associated with this variation would not be spread out. However, Kuwaiti and Saudi financial reserves would probably suffice to provide the economic aid needed to keep Turkey and other countries on board. The political costs of this variation would almost certainly be high. As with a military strike, the US might be perceived as abandoning its new post-Cold War leadership role to pursue its own aims "outside" the international system. And again, the regional states might try extract our commitment to a serious Middle East nonproliferation undertaking as a condition for their support.

Option 3: International economic pressure after lifting sanctions

Whether or not the above option succeeds, the US should actively coordinate economic pressure against Iraq after sanctions are lifted in order to block further NCW development. This would involve creation of a "club" (or several "clubs") of states that would cooperate to regulate the flow of credit, military supplies, and proliferation-related dual-use goods to Iraq. The terms of cooperation among these groups would be to make resumption of credit or any sensitive trade with Iraq conditional on sharp reduction/elimination of Iraq's NCW programs (if they have not already been done away with) and on Iraq's continued non-involvement in proliferation activities.

Effectiveness: As a way to neutralize Iraq's NCW capabilities, this option would be less dramatic and effective than either a military strike of a UN-imposed dismantlement. But if Saddam emerges from the crisis militarily intact, something like this option would be essential if Iraq is to be contained. Such measures would seem promising if the "clubs" involve most of the countries that have had meaningful economic and military relations with Iraq, or that would be capable of NCW-related technical assistance to Iraq.

At a minimum, the countries involved should include; the Soviet Union, the PRC, most East European states, France, the FRG, Japan, and a number of Third World countries like India and Brazil. Added assurance would be provided by the continued and expanded efforts of the Australia Group and MTCR to thwart international proliferation supply networks.

Feasibility: The feasibility of this option appears promising at this point in time. It calls for lesser support than that which now exist for the embargo of Iraq but would be built on the same basis of international outrage over Iraqi actions. That outrage seems capable of being translated into the kind of cooperation described here. Nevertheless, it would require extensive bilateral diplomacy while the iron is still hot to gain the desired results.

Costs: The costs of undertaking this option would appear manageable. The main financial costs would appear to be opportunities lost by those countries that would agree to restrict their access to the lucrative Iraqi market for the sake of hindering its proliferation efforts. Over the years, these costs could run into billions of dollars, and the US could be pressured to provide compensation or make trade-offs in ways that are now unforeseen. The political costs of this option are likely to be few, since the international community will probably view this course of action as a responsible, focused reaction to a clearly defined threat.

Option 4: Regional nonproliferation initiatives

In addition to all other options, we should consider pursuit of regional arms control initiatives that could further nonproliferation objections in the area after the crisis subsidies. Following suggestions from the Soviets, Saudis and Egyptians, we could pursue a regional NCW disarmament conference of Middle East states.

Feasibility: The urgent concern about Iraqi NCW generated by the Gulf crisis might provide the political will to make such an undertaking feasible. Nevertheless, the likelihood of obtaining Israeli and Arab participation in such a form would still be very low.

Effectiveness: The potential for such a conference to actually reduce the destabilizing NCW threat in the Middle East is sharply limited. The Arab states would inevitably demand that Israel give up its nuclear weapons capability before they would abandon their pursuit of NCW. This linkage would make negotiations impossible, given the central role that a nuclear deterrent plays in Israel's regional defense strategy.

Costs: The political costs would be significant if we undertook a regional conference that failed in its objective of reducing the threat posed by NCW proliferation. It might undermine hopes of achieving any regional arms controls and thereby harden nations' resolve to pursue an NCW arms race.

Option 5: Strenghtening existing nonproliferation efforts

Option 5a: Bolder Steps Under Existing Nonproliferation Regimes

Because of the Gulf crisis, we can try to get existing nonproliferation regimes to tighten controls beyond what they were ready to consider before. These bold steps would involve asking our nonproliferation partners to adopt controls that the U.S. now implements (nuclear), or that it is planning to implement in the near future (CBW and missiles). These measures could include:

Urging members of the London Suppliers Group and the NPT Exporters Committee not to export to Iraq any commodities on the international trigger list, regardless of Iraq's willingness to accept the requisite safeguards.

Urging members of the Australia Group to require a license for export of all 50 AG precursors on a worldwide basis.

Urging members of all three groups to:

Devise a list of dual-use equipment applicable to NCW production and require a license for export of that equipment and for technology and services applicable to NCW production.

Require a license for any dual-use commodity where the exporter knows or has reason to know that the end-use or end-user is involved with CBW, nuclear or missile development.

Increase intelligence collection priorities in these areas and step up intelligence sharing on nonconventional weapons programs worldwide, with particular emphasis on Iraq's clandestine procurement network.

Effectiveness: The achievement of any of these measures will be a major improvement in the effectiveness of international nonproliferation efforts; to accomplish most or all of them would dramatically decrease the availability of necessary materiels and technology to would-be NCW possessors. The LSG proposal, for example, is an essential step in putting off Iraq's acquisition of a nuclear device indefinitely. Many of the measures are not Iraq-exclusive, but would strengthen the general effort against nonproliferation.

Feasibility: Even in the current crisis environment, international cooperation of this kind would be difficult to achieve. It would be impossible if the U.S. fails to just implement such steps on its own and then to move rapidly to develop multilateral support for them. Even then, the chance of success is probably no higher than 50%.

Costs: The Costs of this option would be primarily commercial. It is inevitable that some negative impact on legitimate trade would occur as a result of tighter controls. These costs are however, impossible to quantify and may not be as substantial as some suggest.

Option 5b: Motivate Other Supplier States To Take Action

The U.S. and other leading nonproliferation states could use the Gulf crisis to motivate important supplier states to institute nonproliferation controls that they have historically viewed as discriminatory. This option might involve:

Brief supplier states such as Brazil, Argentina, India and China or Iraqi (and other states') NCW programs and procurement networks, and ask them to institute controls comparable to ours.

Urge leading nonproliferation states, such as the Soviet Union, FRG, Japan, UK and Australia, to make similar presentations.

Encourage formal membership, as appropriate, by such countries in the Australia Group and MTCR.

Exploit anti-Iraq sentiment to erase ambiguities in Chinese nonproliferation commitments.

Follow up recent contacts with Eastern European governments on proliferation issues to encourage more restrictive export standards and possible membership in technology control organizations.

Effectiveness: If countries such as China and India, which have been major sources of concern, were to adopt nonproliferation controls, it would greatly enhance the effectiveness of current international nonproliferation efforts. It would also be a major step beyond past efforts to harmonize our controls, which have tended to focus on countries that already support nonproliferation.

Feasibility: Achieving broad political agreement and export controls that are effective would be difficult, however. Current control mechanisms in these countries may lack sophistication or be absent entirely. Industry may not cooperate. Finally, once the crisis is over, such states could soon yield to a desperate need for foreign currency and a fear of being too closely identified with the West.

Costs: The costs of making this case to supplier countries would be relatively small. The problem, however, comes when the countries we approach demand compensation from the West for the cost to their industry of introducing export controls. Pressure for this sort of compensation would have to be resisted.

Option 5c: Create a New Nonproliferation Regime

If the above efforts seem insufficient, it has been suggested that we could seek to create an overarching mechanism to coordinate international nuclear, CBW, and missile nonproliferation efforts.

This goal could be approached globally (e.g., under UN auspices), or by a smaller ad hoc grouping of interested countries. This would be primarily a political mechanism, to attract states outside the existing regimes, raise their awareness of international proliferation problems, strengthen the political commitment to solve them and help create export control regimes that meet uniformly high standards.

An alternate approach would be to meld existing nonproliferation regimes into one (the London Nuclear Suppliers' Group, the MTCR, and the Australia Group). Its primary focus would be intelligence-sharing and interdiction, a function that the larger and more diverse group proposed above could not perform.

Effectiveness: In their separate ways, both of these mechanisms would contribute to a more effective international effort against NCW proliferation. The first would produce cooperation with countries that, for intelligence purposes, cannot participate in existing regimes. The second would enable members to address connections between proliferation areas, possibly pinpointing advances in one area that can enhance efforts in another.

The political approach, however, should not completely overshadow or exclude the interdiction/intelligence-sharing approach. If a UN-based or similar institution is set up, it may result in pressure to do away with the Australia Group or MTCR. Such pressure should be resisted. Furthermore, both approaches would risk becoming bureaucratically top-heavy and diluted with the inclusion of countries with little real commitment to nonproliferation.

Feasibility: Creation of a nonproliferation "super-regime" would be an extraordinary political challenge, but the fact that some Western countries have already made hints in this direction suggests that it may be feasible. Very few allies have stated their views, however, and the concept might be hard to sell to those who are satisfied with existing mechanisms. There is no indication at this point as to how outsider countries might react.

Costs: Even if an initiative is launched immediately, it would probably take a year or two to obtain international agreement and start up any effective new mechanism. Costs of the narrower, interdiction-focused mechanism—both financial and political—would be moderate if it relied on existing structures. A broader mechanism would be more costly and require more effort to launch.

EXCURSION: A REGIONAL SECURITY FRAMEWORK AS A PROLIFERATION DETERRENT

In parallel with the above options, the US should pursue a long-range framework for security in the Gulf to discourage Iraqi attempts to use its NCW to intimidate or destabilize its neighbors. A full discussion of the effectiveness, achievability and costs of this complex proposal are beyond the scope of this paper. Following, however, is a brief summation of how such a security arrangement might look.

Iraq's overwhelming strength will be impossible to offset by relying solely on indigenous GCC or Arab world resources. Ultimately, we need to aim for an informal linkage of states inside and outside of the region to constrain Iraqi power and preserve a regional balance. Such linkages would be vital to the effort to preserve Iraq's territorial integrity if its neighbors are tempted to exploit a severe Iraqi military defeat by the U.S.

This would involve a range of U.S. security commitments in the Gulf, buttressed by allied support (such as the UK) and possibly Soviet deployments and assistance as well. Turkey, as a NATO member and prominent regional power, would have a major role. Many of these linkages would take the form of developing military capabilities and coordination with the GCC member states.

At the heart of this security arrangement would be the U.S.-Saudi military and political relationship. It would include the pre-positioning of large amounts of equipment, greatly expanded naval facilities and access, and, if possible, a permanent "trap-wire" presence of U.S. military personnel.

CHRONOLOGY: OCTOBER 4 THROUGH DECEMBER 6, 1985

October 4: FM Aziz told U/S Schneider that Arafat supports "acts of struggle" which "inevitably produce civilian casualties," but that since 1982 Fatah has not attacked individuals outside Israel. Aziz warned that U.S. support for the Tunis raid would compromise the U.S. position throughout the Arab world and complicate the peace process.

October 9: Addressing the Arab League delegation (including Aziz), the Secretary asked for the delegation's support in bringing the terrorists responsible for the Achille Lauro hijacking to justice.

October 9: In the subsequent bilateral, Aziz said the "American endorsement" of the Tunis raid had disturbed the Iraqis more than the raid itself and had embarrassed U.S. friends throughout the region.

October 15: The Department transmitted to Embassy Baghdad the text of a note requesting Abbas' arrest, for use if we received confirmation of his presence in Iraq. Ambassador Newton was instructed to deliver a demarche requesting that Iraq withdraw Abbas' diplomatic passport and informing Baghdad that, if Abbas, should go to Iraq, the U.S. would demand his extradition: "Please tell the Iraqis that, should they give sanctuary to Abu Abbas, a series of legal and administrative actions could be triggered which would do damage to the fabric of our expanding bilateral relations."

October 15: Responding to Newton's demarche, a senior Iraqi official acknowledged the validity of the 1934 U.S.-Iraqi extradition treaty, but said Iraq would not withdraw Abbas' diplomatic passport or accept any request for his extradition. He said Abbas was not in Iraq, but would be welcome there. He expressed hope that this issue would not complicate our bilateral relations. Newton described "the great anger and disgust the killing of a defenseless, elderly man had provoked among the U.S. public."

October 15: The Italian Customs police arrested two Arabs at Fiumicino airport when explosives are discovered in their luggage. The two terrorists arrived in Rome on an Iraqi Air flight from Baghdad. One told Italian police that they had come to Rome to attack an American target, "any one." We learned on October 19 that he had bought his Baghdad-Rome-Baghdad ticket (return open) from a travel agent in Baghdad. The Post ran a lengthy article on the matter on October 17, citing the Secretary's June 20 letter to Berman.

October 17: The Department instructed Newton to approach the Iraqi government to express our "distress" and "grave concern" about the Rome terrorists, and to urge the Iraqis to share the results of their investigation with us.

October 19: Newton presented his demarche, leaving a copy of the Department's talking points with a senior Iraqi. The Iraqi official said that one of the terrorists had arrived in Baghdad as a transit passenger from Kuwait and that his luggage had not been screened. He promised to pass along further information as received. (NOTE: We have now raised this issue with the Iraqis at least five times through various channels; they have persisted in sticking with their original flimsy story.)

October 25: The Secretary sent a message to Aziz making three main points: He undertook to raise the Gulf war during his talks with Shevardnadze; he expressed concern about the Rome terrorists and asked for a full investigation; and he reemphasized U.S. concern about Abbas.

October 28: The Washington Times reported that Iraq had agreed to provide military training and high-performance patrol boats to the PLO in exchange for Arafat's undertaking to conduct terrorist activities against Syrian targets around the world.

October 30: In receiving Aziz's reply to the Secretary, delivered by Hamdoon, A/S Murphy denounced Abbas and the Achille Lauro operation in strong terms. Aziz in his letter to the Secretary denied any Iraqi connection with the Rome terrorists. He said Abbas, as a member of the PLO Executive Committee, enjoyed diplomatic "immunities," and in any case Abbas did not participate in the hijacking of the Achille Lauro. The Iraqi government "cannot deal with the order of arrest issued against Abbas by the American authorities."

November 9: On learning that Newton had been summoned to accept a Presidential letter, the Department instructed Newton to express U.S. "puzzlement and chagrin" over the Iraqi pan-Arab campaign mounted just before the Summit, and to invite Aziz to consider how "such an initiative serves the cause of U.S.-Iraqi bilateral relations."

November 10: Aziz presented Saddam Hussein's letter, trying to separate the timing and content of Saddam's letter from U.S.-Iraqi bilateral relations. The letter:

Reaffirmed Iraqi support for the PLO, and attacked the U.S. "refusal" to recognize it: "We see no satisfactory grounds for this attitude from the point of view of international law, nor do we find it to be in line with the concrete realities in our region";

Rejected terrorism, but "in no way can we agree to describing the struggle maintained by the Palestinian people as terrorism";

Denounced U.S. statements "approving and justifying" the Tunis raid, indicating as they do that U.S. will support Israel in "acts of aggression" against Arab states on the basis of "such pretexts as those invented by Israel and such grounds for aggression as those determined by it and it alone";

Denounced the diversion of the Egyptian aircraft to Sicily.

November 11: The Iraqis published Saddam's letter, nearly in full.

November 13: reported that, , Abbas had been in Baghdad.

November 14: A visiting American journalist told Embassy officers that a PLO official based in Baghdad had confirmed Abbas' presence in Baghdad.

November 20: The Christian Science Monitor reported that Iraq "had allowed news to leak" that Abbas was in Baghdad.

November 22: The U.S. government announced a reward of up to $250,000 for information leading to the arrest, prosecution, and punishment of Abbas and others involved in the hijacking.

November 25: The Washington Times reported that, according to a senior Iraqi official, the U.S. had not sought the extradition of Abbas. The article cited Palestinian sources as saying Abbas was in Iraq, and quoted "Western diplomats" as saying the U.S. wanted to play down Abbas' presence in Iraq so as not to damage relations.

December 1: A/S Murphy held lengthy talks with Saddam and Aziz in Baghdad.

December 5: Senators Proxmire and Roth introduced a bill that would amend the EAA to ban helicopter sales to Iraq, in the context of Iraqi support for Abbas.

December 5: Congressman Berman began circulating a letter inquiring pointedly into the status of the Department's investigation into Abbas' Iraqi passport and the Rome terrorists.

December 6: During his press conference, the Secretary was asked whether the Iraqis have been cooperative in our attempt to arrest Abbas, and whether consideration is being given to returning Iraq to the terrorism list. The questioner said Abbas "was quoted" on December 5 as being in Baghdad. The Secretary said that the U.S. and Italy are pursuing Abbas, whose complicity is clear, but that we have so far not been successful.

Fm: Am. Embassy Damascus.
To: Sec. State, Washington, DC, Immediate 1037.
Info: Am. Embassy Baghdad. Immediate.
Damascus 02601
From Murphy
E.O. 12356: Decl; OADR.
Tags: Etrd, Rrel, IZ, US.
Subject: Iraqi concerns about congressional passage of the export administration act.

1. Entire text.

2. At the end of our April 20 conversation, Tariq Aziz asked about reports he had received from the Iraqi Embassy in Washington indicating there were moves afoot to again place Iraq on the list of countries supporting terrorism. I tried to assure him of administration opposition to inclusion of any such language in the act and reminded him of the complicated process necessary to pass such a bill into law. I indicated that our strongest efforts on the bill would be reserved for the time when it went to conference committee.

3. Tariq Aziz urged that we, indeed, exert our best efforts and expressed concern that we might be unable to delete such language if it were attached as a rider to a bill strongly desired by the administration.

He said that Iraqi ambassador Hamdoon had been instructed to request a meeting with under secretary Armacost in order to urge an intensification of our efforts to defeat the measure. He observed that some supporters of the offensive language were citing as justification the stationing of PLO fighters on Iraqi soil and charged that they were doing this to disrupt U.S.-Iraqi relations. He pointed out that the U.S. was considering selling Algeria arms although the situation was the same there and there were in fact even more Palestinian fighters in Algeria. He concluded his remarks on the subject by stating that he knew we wanted good bilateral relations with Iraq. He said that president Saddam Hussein now speaks of "the beautiful atmosphere between us." He expressed concern that passage of the bill would poison the atmosphere, not because either side wanted it but because the move would inevitably generate a lot of negative publicity and misunderstanding.

4. Action requested: The Iraqis were more forthcoming than ever with us during this

visit. Iraqi concerns seem genuine on this issue. My understanding on leaving Washington was that nothing could be done to affect the prospects of putting Iraq back on the terrorism list until the Senate-House conference. I do not recall whether the Senate had introduced comparable language. Please advise.

EAGLETON.

U.S. DEPARTMENT OF STATE,
Washington, DC, July 1, 1986.

To: The Secretary.
From: INR—Frank McNeil, Acting.
Subject: Iraq's Retreat from International Terrorism:

The attached paper reviews our successful anti-terrorism diplomacy with Iraq. It concludes:

Even in the Iraqi case, in the face of strong external pressures and repeated US approaches, the Iraqis initially endeavored to preserve their terrorist assets, resorting to subterfuge to divert attention from their continued support for terrorist groups. Although, in the main, the US effort was eventually fruitful, Iraq's record on terrorism still is not without blemish.

IRAQ'S RETREAT FROM INTERNATIONAL TERRORISM

The Department, with considerable encouragement from Congress, made terrorism the key issue in our relations with Iraq between 1980 and 1983. Implicit in this focus was the threat that the US-Iraqi relationship as a whole could not move forward meaningfully without major improvements in Iraq's performance on this issue. More specifically, the Iraqis knew that improvement of Iraq's track record on terrorism would determine the extent of US diplomatic support on issues related to the war and US economic assistance.

IRAQI CONSIDERATIONS ON DROPPING TERRORISM

Terrorism, which had been used by the more radical Iraq of the 1970's largely to intimidate Arab moderate governments and moderate elements within the PLO, had become less useful as an instrument of Iraqi policy by the early 1980's. Widespread use of terrorism against Arab targets was largely inconsistent with Iraq's pan-Arab leadership aspirations in the pre-war period. Later, the war and Iraq's accelerated drift toward the moderate Arab camp made terrorism an even less useful—indeed, counterproductive—weapon.

Lacking strategic depth, Baghdad recognized early in the war that outside support, particularly from moderate Arab states such as Jordan, Saudi Arabia, Kuwait and Egypt, was vital to sustain Iraq's war effort. For example, by mid-1981, it became apparent to the Iraq regime that it could not pursue the war without massive financial assistance from the Arab Gulf states. Iraq's growing cooperation with elements closer to the Arab maintenance, including Arafat, was also fueled by the intensification of its feud with Syria and Libya. In addition, the Iraqis recognized that broad-based diplomatic support from the West was necessary to sustain Iraq's efforts to keep Iran isolated.

IRAQ'S SLOW RETREAT

Despite US pressure and Iraq's own interests, Baghdad's retreat from terrorism was painfully slow. For example, in mid-1981 and mid-1982, the Black June Organization (BJO) of Abu Nidal (then still operating out of Iraq, we subsequently learned) struck repeatedly at Israeli and Jewish targets in Europe—at a time when the US was being assured Abu Nidal was no longer receiving Iraqi support and subsequent to the Department's removal of Iraq from the "terrorism list."

There was greater progress in actual Iraqi performance on the terrorism issue in 1983. Iraq's rapprochement with Arafat made it easier to break with Abu Nidal and crack down on other, more radical Palestinians without appearing to act against the Palestinian cause. Abu Nidal was expelled from Iraq, and another dangerous group, the May 15 Organization, was to a large degree deactivated.

Even very recently, however, there have been developments that suggest that Iraq remains reluctant to cut completely its links to terrorist groups. For example, two bomb-toting individuals arrested in Rome in October 1985 have been linked to the Iraqi-based May 15 group, and Abu Abbas seems to have been permitted to take refuge in Iraq following the "Achille Lauro" hijacking.

EFFORTS TO DODGE THE ISSUE

There appear to have been long periods of time during 1981 and 1982 when the Iraqi government did indeed rein in its terrorist assets. This probably was done in response to the intensity of outside pressure, but in the hope that Iraq's use of terrorism would cease to be an issue if such activity were temporarily suppressed. The Iraqis probably calculated that the international attention span generally is short-lived with regard to most issues and that Iraq's terrorist assets could be put back into selective use once the "heat was off".

INTERNAL IRAQI RESISTANCE

We suspect there was considerable resentment within the Iraqi regime over the idea of reducing Iraq's involvement in terrorism. Some Baath Party hardliners probably opposed the basic shift in Iraqi foreign policy that led to the change in Iraq's policy toward terrorism. It is likely that many others resented the appearance that by withdrawing support from terrorist groups Iraq was caving in to foreign pressure. Still others may have been reluctant to stop Iraqi-sponsored terrorism against Israeli targets because of concern that such action would undermine Iraq's anti-Israeli credentials and its influence over certain Palestinian elements traditionally aligned with Iraq.

Opposition probably was centered in the powerful Iraqi intelligence and security apparatus, which managed terrorist operations and had the biggest stake in preserving a terrorist capability as insurance against attacks on iraqi interests and as a means of covert retaliation.

* * * * *

NO OTHER EFFECTIVE WAYS OF HITTING THE ISRAELIS

The spectacular Israeli air raid against Iraq's nuclear reactor complex at Tuwaitha in June 1981 triggered a wave of anti-Israeli attacks by Iraqi-supported terrorists. Bogged down in its war with Iran and militarily outclassed by Israel in any case, terrorism probably appeared to be the only means of effective retaliation. Iraq's inability to respond militarily or diplomatically to the Israeli attack (Iraq's efforts to persuade the International Atomic Energy Agency to take strong measures against Israel failed) probably reinforced the arguments of those in the Iraqi regime urging the leadership not to relinquish its terrorist card.

THE PROBLEM OF DEFINITIONS

Finally, another problem that dogged US efforts to put a stop to Iraqi-supported terrorist activity was the variance between US and Iraqi definitions of terrorism. For a time, in the face of US opposition, Iraq continued to encourage and finance attacks against the Israelis and their surrogates in South Lebanon and cross-border operations against Israel proper on the part of the Arab Liberation Front—and the Front for the Liberation of Palestine.

To Iraqis—indeed, to most Arabs—guerrilla attacks against Israel proper or territories occupied by the Israelis and their allies do not fall clearly under the definition of terrorism, but instead are regarded as something more akin to legitimate para-military operations against a wartime enemy. Also, conditioned by the widespread assumption in the Middle East that terrorism is a natural extension of diplomacy, Iraqi leaders may have been slow to understand the importance which the US attaches to the issue.

The Iraqi regime's prolonged involvement in a bloody, desperate battle for survival against Iran since 1980 has dramatically reordered Iraqi priorities. In a variety of key policy areas, the Baghdad regime has had to subordinate other important interests to the demands of the war. The virtual elimination of Iraqi's involvement in international terrorism was a price the Baghdad regime gradually realized it had to pay to secure greater support from the moderate Arabs, as well as some measure of support from the US.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate receives from the House the continuing resolution (H.J. Res. 553), the resolution be considered and passed; that the motion to reconsider the vote be laid upon the table, and that the above actions take place without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT FOR FISCAL YEAR 1993

Mr. BYRD. Mr. President, the request I am about to make has been cleared on both sides.

I ask unanimous consent that the Chair lay before the Senate H.R. 6056, the District of Columbia appropriations bill for fiscal year 1993; that the bill be considered read a third time, and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill H.R. 6056 was passed.

Mr. ADAMS. Mr. President, this new appropriations bill, H.R. 6056, for the District of Columbia is necessary because of the President's veto of H.R. 5517, our original bill. The President vetoed that bill because we included the same type of provision on abortion that the Congress has insisted on for more than a decade that restricts the use of Federal funds for abortion. This is the same restriction that we place on the use of other public funds for abortion, we, the Congress, restrict only the use of Federal funds. That is what we control, Federal taxpayers dollars. We do not restrict the use of tax revenues raised by the State of Washington, or the State of Missouri, or any other State because we do not appropriate those funds. But because we have the D.C. budget before us the President has chosen to use his veto power to circumvent the will of the citizens and their elected representatives, as he can do to no other jurisdiction in this country.

Less than 20 years after Justice Harry Blackmun, writing for the majority, called Roe versus Wade "a landmark of liberty" that liberty is barely recognizable. Recently the Court has allowed States to encroach on a decision that should be made by a woman alone, without government interference. With each obstacle the government places between a woman and her right to choose, we come closer to a society filled with back alley abortions and forced pregnancies, especially for those who are poor, young, or in other desperate situations.

We are forced by the President's action to pass this legislation which deletes the word "Federal" from section 114 so that no funds, Federal or local, will be used to perform abortions, except that if the life of the mother were endangered.

The bill, with this exception, is identical to the one we brought back from conference as H.R. 5517. The bill contains a total of $688 million in Federal funds and $4 billion in District of Columbia funds. That is within our allocation under the budget act and is $84,000 below the President's request. It is also below the fiscal year 1992 Federal funds appropriation to the District by nearly $12 million.

Mr. President, while there are no reports to accompany this bill the District government, and all others who read it should consider all language, including directives, suggestions and reports requested, in House reports 102-638, 102-899, and 102-906 and in Senate report 102-333 as applying to this measure as well.

The bill includes a requirement that a death penalty initiative be placed on the ballot within 90 days to allow the citizens of the District of Columbia to decide whether or not they want a death penalty in the District. This provision is much the same as the one included by Senator SHELBY when the Senate passed the original bill, except that it maintains the principle that homicide remain a local crime. The change would amend the D.C. Code to provide for a penalty of life imprisonment without parole or death for first degree murder. It should be noted that the reference to "the district court" in subsection (u) of that section refers to the District of Columbia court.

Mr. President, I want to make clear my position on this issue. I do not oppose the death penalty. I do not favor imposing the death penalty on the District of Columbia from Capitol Hill. The provision before us is not the way I would prefer for this matter to get on to the ballot. I would prefer that the District Council, or the citizens through the normal initiative process, decide this issue. But this process is preferable to having the Congress simply impose a death penalty without consideration by the citizens of the city.

I was also disappointed that the conference agreement on the original bill was not able to include an additional $1,140,000 for the District's Home Purchase Assistance Program for a project in the Columbia Heights neighborhood as provided in the Senate version of H.R. 5517. This project straddles the 14th Street corridor that was burned out during the 1968 riots and has remained a corridor of broken promises for too long. I drive in that neighborhood on my way home quite often. I think it is a tragedy that we have not moved to try to provide housing and to stabilize this neighborhood. The funds that the Senate recommended were intended to restore the essential unifying element of the neighborhood and its former economic character.

In September of 1990 the Columbia Heights Neighborhood Strategic Planning Conference identified the needs of the community as:

First, affordable home ownership;

Second, a balance between rental and home ownership housing;

Third, an increase in neighborhood service and retail establishments; and

Fourth, elimination of vacant lots.

Eight nonprofit community development organizations submitted a proposal with the support of six other team members which have provided design, legal, financial, planning support and technical assistance.

The project calls for construction of 57 units of housing and 21,650 square feet of retail space on 4 sites. The total estimated development costs for 4 sites is $6,400,000.

The Housing Assistance Program funds are required in fiscal years 1993 and 1994 to make this dream a reality. This will ensure that working families earning annual incomes of less than $25,000 will have home ownership opportunities. It is my intention that this project in the 14th Street corridor should receive the highest priority in the allocation of Housing Assistance funds, and I intend to work to see that this project comes to fruition without delay.

Mr. President, we also were unable to include $250,000 included by the Senate for the Parents as Teachers Program in the D.C. public schools. We began this program last year at the urging of the Senator from Missouri. The program has been implemented in the Frederick Douglas and Stanton Dwellings Housing projects and has been very well received. In testimony received by the committee school officials stated that the program has been very successful in breaking down the sense of isolation that poor parents often experience, reducing the stress of parenting and to make parenting more fun.

Mr. President, this bill includes the establishment of the Trauma Care Fund. The cost of uncompensated hospital care in the District exceeds $200 million annually, with uncompensated trauma care is the most expensive element of this problem. It is also the element that is most closely related to the crime and violence in the District. These funds will be provided to compensate for the unreimbursed costs and will be available to hospitals to help offset operating results or to meet important capital needs, as the hospital's governing bodies decide.

Mr. President, I want to reiterate my thanks to all members of the subcommittee for their help and support this year in producing a D.C. appropriations bill.

I especially want to thank my chairman, the Senator from West Virginia, Senator BYRD, for his wise counsel and steadfast support of the subcommittee and its decisions throughout the year. As did all other subcommittees, our members had to choose from among unappealing alternatives. I thank the chairman for giving us the opportunity to craft the best bill we could under the circumstances.

Mr. President, I also want to express my thanks and warm regards for the committee's ranking member, the Senator from Oregon [Mr. HATFIELD] who has, like Senator BYRD, given this subcommittee his support to do our work.

Mr. President, with that explanation of the bill I yield the floor.

FOREIGN OPERATIONS APPROPRIATIONS FOR FISCAL YEAR 1993

The PRESIDING OFFICER (Mr. AKAKA). Under the previous order the clerk will report H.R. 5368.

The assistant legislative clerk read as follows:

A bill (H.R. 5368) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increases in capital stock for the General Capital Increase, $62,180,100, to remain available until expended.

For payment to the International Bank for Reconstruction and Development by the Secretary of the Treasury, for the United States contribution to the Global Environment Facility, $30,000,000, to remain available until expended: Provided, That such funds shall be made available to the Facility by the Secretary of the Treasury if the Secretary determines (and so reports to the Committees on Appropriations) that the Facility has: (1) established clear procedures ensuring public availability of documentary information on all Facility projects and associated projects of the Facility implementing agencies; and (2) established clear procedures ensuring that affected peoples in recipient countries are consulted on all aspects of identification, preparation, and implementation of Facility projects: Provided further, That in the event the Secretary of the Treasury has not made such determinations by September 30, 1993, funds appropriated under this heading for the GEF shall be transferred to the Agency for International Development and used for activities associated with the GEF and the Global Warming Initiative.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the International Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in capital stock in an amount not to exceed $2,010,512,700.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,024,332,000, for the United States contribution to the replenishment, to remain available until expended: *Provided*, That, before obligating funds made available under this heading, the President shall reduce from the amount obligated, the United States proportionate share of any loans approved by the Board of Directors for China for non-basic human needs since October 1, 1992 if China is denied most-favored-nation trading status by the United States Government: *Provided further*, That such funds withheld from obligation may be obligated only if the President certifies that it is in the national interest of the United States to do so: *Provided further*, That fifteen days prior to the obligation of such funds for the International Development Association, the President shall report his certification to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

CONTRIBUTION TO THE INTERNATIONAL FINANCE CORPORATION

For payment to the International Finance Corporation by the Secretary of the Treasury, $35,761,500, for the United States share of the increase in subscriptions to capital stock, to remain available until expended: *Provided*, That of the amount appropriated under this heading not more than $5,960,000 may be expended for the purchase of such stock in fiscal year 1993[: *Provided further*, That funds appropriated under this heading are available subject to authorization].

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the paid-in share portion of the increase in capital stock, $56,466,000, and for the United States share of the increases in the resources of the Fund for Special Operations, $20,272,000, to remain available until expended: *Provided*, That the Secretary of the Treasury shall instruct the United States Executive Director of the Inter-American Development Bank to use the voice and vote of the United States to oppose any assistance by the Bank to any recipient of assistance who refuses to agree in writing that in general any procurement of goods or services utilizing Bank funds shall be conducted in a manner that does not discriminate on the basis of nationality against any member country, firm or person interested in providing such goods or services.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,202,040,000.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas *Multilateral* Investment Fund by the Secretary of the Treasury, for the United States contribution for the establishment of the Fund to be administered by the Inter-American Development Bank, [$75,000,000] *$100,000,000* to remain available until expended[: *Provided*, That funds appropriated under this heading are available subject to authorization: *Provided further*, That funds appropriated under this heading may not be made available until the Secretary of the Treasury determines (and so reports to the Committees on Appropriations) that not less than one-third of the total amount contributed by donors to the Fund will be used for the human resources facility of the Fund]*: Provided, That the Secretary of the Treasury shall use the voice and vote of the United States in the Donors Committee to seek one-third of the total amount contributed by donors to the Fund be used for the Human Resources Facility of the Fund: Provided further, That the Secretary of the Treasury shall use the voice and vote of the United States in the Donors Committee to require that, to be eligible for disbursements of assistance from the Fund, a country must have a government that is democratically elected, does not harbor or sponsor international terrorists, cooperates with the United States in narcotics matters, and is not engaged in a consistent pattern of gross violations of human rights by its instrumentalities including its military and security forces.*

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury, for the paid-in share portion of the United States share of the increase in capital stock, $25,514,303, *to remain available until expended: Provided*, That before obligating funds made available under this heading, the President shall reduce from the amount obligated, proportionately in paid-in capital and callable capital, the United States proportionate share of any loans approved by the Board of Directors for China for non-basic human needs since October 1, 1992, if China is denied most-favored-nation trading status by the United States Government[: *Provided further*, That funds appropriated under this heading are available subject to authorization].

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increases in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended (Public Law 89-369), $75,000,000, to remain available until expended: *Provided*, That prior to obligating any of the funds appropriated under this heading for the Asian Development Fund, the Secretary of the Treasury shall submit a certification to the Committees on Appropriations that none of such funds will be made available for China[: *Provided further*, That funds appropriated under this heading are available subject to authorization].

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of increases in the capital stock in an amount not to exceed $186,984,240[: *Provided*, That such funds are available subject to authorization].

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $103,893,000, for the United States contribution to the sixth replenishment of the African Development Fund, to remain available until expended[: *Provided*, That funds appropriated under this heading are available subject to authorization].

[CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

[For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $68,986,000, for the United States share of the paid-in share portion of the initial capital subscription, to remain available until expended.

[LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

[The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $160,966,000.]

INTERNATIONAL MONETARY FUND

(a) APPROPRIATION.—There is appropriated for an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 8,608.5 million Special Drawing Rights, to remain available until expended.

(b) POLICY AND STAFFING CHANGES WITHIN THE IMF.—The Secretary of the Treasury shall instruct the United States Executive Director to the International Monetary Fund (hereafter in this section referred to as the "Fund") to promote regularly and vigorously in program discussions and quota increase negotiations the following policy and staffing changes within the Fund:

(1) The development of social and environmental impact assessments as a required element

of the process that any country seeking financial assistance from the Fund is subject to and which shall be taken into account in policy formulations.

(2) The establishment of an independent audit department, that would include poverty and environmental experts, to review systematically the policy prescriptions recommended and required by the Fund. The purposes of such a department would be (A) to determine whether the Fund's objectives were met, and (B) to evaluate the social and environmental impacts of the implementation of the policy prescriptions. This department should have broad powers to review all ongoing programs and activities of the Fund and to assess the effects of Fund-supported programs, country-by-country, with respect to poverty, economic development and environment. The audits should be made public as appropriate with due respect to confidentiality.

(3) The establishment of procedures that ensure the focus of future economic reform programs approved by the Fund on policy options that increase the productive participation of the poor in the economy.

(4) The establishment of procedures for public access to information. These procedures shall seek to ensure access of the public to information while paying due regard to appropriate confidentiality. Policy Framework Papers and the supporting documents prepared by the Fund's mission to a country are examples of documents that should be made public at an appropriate time and in appropriate ways.

(5) The institution of procedures to analyze the costs and benefits of structural adjustment and stabilization programs so as to reflect losses in the natural resources base and the contribution such resources make to the well-being of the local population to whom services are provided.

(c) Progress Report.—As part of the annual report, the Secretary of the Treasury shall submit a report to Congress on the following:

(1) The actions that the United States Executive Director and other officials have taken to convince the Fund to adopt the elements of this Act through formal initiatives before the Board and management of the Fund, through bilateral discussions with other member nations, and through any further quota increase negotiations.

(2) The status of the progress being made by the Fund in implementing the objectives of subsection (b).

(3) The reasons why the United States Executive Director of the Fund supported or opposed a Fund program with a significant environmental impact, and an explanation of how such action is consistent with the purpose of this Act.

(d) Study.—The Secretary of the Treasury shall conduct a study to propose ways that, consistent with the Articles of Agreement, the Fund could broaden the involvement and participation of important ministries, national development experts, environmental experts, free-market experts, and other legitimate experts and representatives from the loan-recipient country in the development of Fund programs.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, [$310,000,000] *$312,500,000*: *Provided*, That no funds shall be available for the United Nations Fund for Science and Technology: *Provided further*, That the total amount of funds appropriated under this heading shall be made available only as follows: $125,000,000 for the United Nations Development Program; *$2,500,000 for the AIDS Program of the United Nations Development Program;* $100,000,000 for the United Nations Children's Fund, of which amount 75 per centum (less amounts withheld consistent with section 307 of the Foreign Assistance Act of 1961 and section 525 of this Act) shall be obligated and expended no later than thirty days after the date of enactment of this Act and 25 per centum of which shall be expended within thirty days from the start of the United Nations Children's Fund fourth quarter of operations for 1993; $3,000,000 for the United Nations Capital Development Fund; $1,000,000 for the United Nations Development Fund for Women; $250,000 for the United Nations International Research and Training Institute for the Advancement of Women; $300,000 for the Intergovernmental Panel on Climate Change; $2,000,000 for the International Convention and Scientific Organization Contributions; $2,250,000 for the World Meteorological Organization Voluntary Cooperation Program; $800,000 for the World Meteorological Organization Special Fund for Climate Studies; $30,000,000 for the International Atomic Energy Agency; $22,000,000 for the United Nations Environment Program; $800,000 for the United Nations Educational and Training Program for Southern Africa; $500,000 for the United Nations Trust Fund for South Africa; $1,000,000 for the Convention on International Trade in Endangered Species; $450,000 for the World Heritage Fund; $500,000 for the United Nations Voluntary Fund for Victims of Torture; $400,000 for the United Nations Center on Human Settlements; $500,000 for the United Nations Industrial Development Organization Investment Promotion Service; $250,000 for the Intergovernmental Negotiating Committee; $11,000,000 for the Organization of American States; $2,000,000 for the United Nations Afghanistan Trust Fund; $1,000,000 for the International Tropical Timber Organization; $2,000,000 for the World Food Program; $1,000,000 for the International Union for the Conservation of Nature; $750,000 for the Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat; $1,000,000 for the OECD Center for Cooperation with European Economies in Transition; and $250,000 for the United Nations Fellowship Program: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 1993, unless otherwise specified herein, as follows:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

For necessary expenses to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, [$1,013,480,000] *$1,037,480,000*, of which amount—

(a) not less than $80,000,000 shall be made available for activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome (AIDS) in developing countries of which not less than [$39,000,000] *$30,000,000* shall be made available directly to the World Health Organization for its use in financing the Global Program on AIDS (including activities implemented by the Pan American Health Organization), and not less than $1,000,000 shall be made available to UNICEF for AIDS-related activities.

(b) not less than $5,000,000 shall be made available for new development projects of private entities and cooperatives for dairy development;

(c) not less than [$20,000,000] *$25,000,000* shall be made available for the Vitamin A Deficiency Program and activities relating to iodine deficiency and other micro-nutrients, of which amount not less than $13,000,000 shall be made available for the Vitamin A Deficiency Program;

(d) not less than $225,000 shall be made available to support continued United States participation in the Associate Professional Officers Program of the international food agencies;

(e) not less than $1,000,000 shall be made available for private voluntary organizations to be used to finance operations for blind children;

(f) not less than $10,000,000 shall be made available for cooperative projects among the United States, Israel, and developing countries, of which not less than $5,000,000 shall be made available for the Cooperative Development Program, not less than $2,500,000 shall be made available for cooperative development research projects, and not less than $2,500,000 shall be made available for cooperative projects among the United States and Israel and the countries of Eastern Europe, the Baltic states, and the independent states of the former Soviet Union;

(g) not less than $5,000,000 shall be made available for the Central and Latin American Rural Electrification Support project; [and]

[(h) not less than $5,000,000 shall be for Russian, Eurasian, and Eastern European research and training under the Department of State's title VIII program on Russian, Eurasian, and Eastern European research and training, notwithstanding any other provision of law.]

(h) not less than $23,000,000, of which $3,000,000 shall be derived by transfer from funds earmarked for scholarship programs under the heading "Assistance for the New Independent States of the Former Soviet Union", shall be available for the International Student Exchange Program (for the Cooperative Association of States for Scholarships and the East Central European Scholarship Program), of which not less than $6,000,000 shall be available, notwithstanding any other provision of law, for students from Poland, Hungary, Czechoslovakia, Russia, Belarus, and the Ukraine.

CHILD SURVIVAL AND EDUCATION

Of the funds appropriated under the headings in this title under "Agency for International Development"—

(1) not less than a total of $275,000,000 shall be made available for programs in support of child survival activities: *Provided*, That such activities may include any assistance provided to meet the special needs of displaced children; and

(2) not less than a total of $135,000,000 shall be made available for programs in support of basic education activities, including early childhood education, primary *and secondary* education, teacher training, [and other necessary activities in support of early childhood and primary education,] and literacy training for adults.

POPULATION, DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of section 104(b), [$330,000,000] *$350,000,000*: *Provided*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act: *Provided further*, That of the funds appropriated under this heading, not less than 65 per centum shall be made available for the Office of Population of the Agency for International Development: *Provided further, That the Agency for International Development shall submit a report to the Committees on Appropriations no later than March 1, 1993 setting forth the agency's strategy for having a global impact on the international population problem: Provided further, That as part of its annual Congressional Presentation Document for fiscal year 1994, the Agency for International Development shall separately include an agency-wide budget for family planning programs for which development assistance funds are requested for that fiscal year: Provided further, That funds appropriated under this heading for family planning purposes shall not be reduced by a proportion greater than the Development Assistance Fund in order to comply with requirements to provide assistance from funds appropriated to carry out chapter 1 of part I or to carry out part I of the Foreign Assistance Act of 1961: Provided further*, That in addition to funds otherwise available for such purposes, of the funds appropriated under this heading [up to $500,000 may] *not less than $800,000 shall* be used for the administration and planning of family planning assistance programs in addition to operating expense funds otherwise allocated for such office: *Provided further*, That not less than $20,000,000 of the funds appropriated under this heading shall be made available only for the United Nations Population Fund only for the provision of Food and Drug Administration-approved contraceptive commodities and related logistics, notwithstanding any other provision of law or policy: *Provided further*, That none of the funds made available under this heading for the United Nations Population Fund may be obligated if China is denied most-favored-nation trading status by the United States Government: *Provided further*, That none of the funds made available under this heading shall be made available for programs in the People's Republic of China: *Provided further*, That prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 and section 534 of this Act (relating to prohibitions on funding for abortion as a method of family planning, coercive abortion, and involuntary sterilization) shall apply to the funds made available for the United Nations Population Fund: *Provided further*, That the United Nations Population Fund shall be required to maintain the funds made available under this heading in a separate account and not commingle them with any other funds: *Provided further*, That any agreement entered into by the United States and the United Nations Population Fund to obligate funds earmarked under this heading shall expressly state that the full amount granted by such agreement will be refunded to the United States if, during its five-year program which commenced in 1990, the United Nations Population Fund provides more than $57,000,000 for family planning programs in the People's Republic of China: *Provided further*, That funds made available by the United States to the United Nations Population Fund shall be provided pursuant to an agreement that prohibits the use of those funds to carry out any program, project, or activity that is disapproved by the United States Permanent Representative to the United Nations: *Provided further*, That in determining eligibility for assistance from funds appropriated under this heading, the Agency for International Development shall not subject nongovernmental and multilateral organizations to requirements more restrictive than requirements applicable to foreign governments for such assistance.

DEVELOPMENT FUND FOR AFRICA

For necessary expenses to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961, $800,000,000, to remain available until September 30, 1994: *Provided*, That not less than $50,000,000 of the funds appropriated under this heading shall be made available to assist activities supported by the Southern Africa Development Coordination Conference: *Provided further*, That funds appropriated under this heading which are made available for activities supported by the Southern Africa Development Coordination Conference shall be made available notwithstanding section 518 of this Act and section 620(q) of the Foreign Assistance Act of 1961: *Provided further*, That [up to $2,000,000 of the funds made available under this heading may] *not less than $3,500,000 of the funds appropriated under this heading shall* be used for administrative and planning costs associated with programs under this heading in addition to operating expense funds otherwise allocated to the Agency's Bureau for Africa[: *Provided further*, That $10,000,000 of the funds appropriated under this heading shall be transferred to "International Organizations and Programs" and shall be made available only for the International Fund for Agricultural Development's Special Programme for Sub-Saharan African Countries Affected by Drought and Desertification]: *Provided further, That up to $10,000,000 of the funds appropriated under this heading shall be transferred to "International Organizations and Programs" and shall be made available only for the International Fund for Agricultural Development's Special Programme for Sub-Saharan African Countries Affected by Drought and Desertification: Provided further, That such funds shall be transferred and made available pursuant to the previous proviso only if, by September 30, 1993, (1) an agreement is reached on the fourth replenishment of the Fund, and (2) contributions by other donors are sufficient to allow the agreement on the second replenishment of the Special Programme to come into force.*

SUB-SAHARAN AFRICA DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of chapters 1 and 10, [$80,000,000] *$100,000,000*, to remain available until expended: *Provided*, That such funds shall be made available for disaster relief, rehabilitation, and reconstruction assistance for sub-Saharan Africa, notwithstanding any other provision of law, and are in addition to funds otherwise available for such purposes: *Provided further, That not less than $25,000,000 of the funds appropriated under this heading shall be made available for Somalia: Provided further, That funds appropriated under this heading may be used for other activities for sub-Saharan Africa consistent with the purposes of chapters 1 and 10 of the Foreign Assistance Act of 1961 in the event that such funds are no longer needed for disaster relief, rehabilitation, and reconstruction purposes.*

ZAIRE

None of the funds appropriated by this Act to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 shall be transferred to the Government of Zaire: *Provided*, That this provision shall not be construed to prohibit nongovernmental organizations from working with appropriate ministries or departments of the Government of Zaire.

ASSISTANCE FOR DISPLACED CHILDREN

Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than $10,000,000 shall be made available for programs and activities to address the health, education, nutrition, and other special needs of displaced children who have been abandoned or orphaned as a result of poverty, or manmade or natural disaster, of which not less than $2,000,000 shall be made available for assistance for street children: *Provided*, That assistance under this heading shall be made available notwithstanding any other provision of law.

[HUMANITARIAN ASSISTANCE FOR CAMBODIAN CHILDREN

[Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any other provision of law, to provide humanitarian assistance through international relief agencies and United States private and voluntary organizations to children within Cambodia: *Provided*, That none of the funds made available under this heading may be made available, directly or indirectly, for the Khmer Rouge.]

ASSISTANCE FOR VICTIMS OF WAR

Of the aggregate of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any other provision of law, for medical and related assistance for civilians who have been injured as a result of civil strife and warfare, including [assistance to address the needs of the blind, and] the provision of prostheses and vocational rehabilitation and training, *and assistance for the blind.*

WOMEN IN DEVELOPMENT

In recognition that the full participation of women in, and the full contribution of women to, the development process are essential to achieving economic growth, a higher quality of life, and sustainable development in developing countries, not less than $10,000,000 of the funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, in addition to funds otherwise available for such purposes, shall be used to encourage and promote the participation and integration of women as equal partners in the development process in developing countries, of which not less than

$6,000,000 shall be made available as matching funds to support the activities of the Agency for International Development's field missions to integrate women into their programs: *Provided*, That the Agency for International Development shall seek to ensure that country strategies, projects, and programs are designed so that the percentage of women participants will be demonstrably increased.

[ASSISTANCE FOR BURMESE STUDENTS

[Of the funds appropriated under the heading "Development Assistance Fund", not less than $1,000,000 shall be made available, notwithstanding any other provision of law, for assistance for Burmese students.]

PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 per centum of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the requirements of the provisions of section 123(g) of the Foreign Assistance Act of 1961 and the provisions on private and voluntary organizations in title II of the "Foreign Assistance and Related Programs Appropriations Act, 1985" (as enacted in Public Law 98–473) shall be superseded by the provisions of this section.

APPROPRIATE TECHNOLOGY

Of the aggregate of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, not less than [$2,000,000 shall be available for Appropriate Technology International: *Provided*,] *$1,000,000, to remain available until September 30, 1994, shall be available for Appropriate Technology International: Provided, That such funds shall represent no more than 10 percent of the total cost of project agreements entered into between Appropriate Technology International and non-Federal organizations during fiscal year 1993: Provided further, That such funds that cannot be made available for Appropriate Technology International because of the operation of the previous proviso shall be reprogrammed and made available, during fiscal year 1994, for other purposes consistent with chapter 1 of part I of the Foreign Assistance Act of 1961: Provided further*, That these funds shall be in addition to $3,000,000 in funds available to Appropriate Technology International under its existing cooperative agreement with the Agency for International Development: *Provided further*, That Appropriate Technology International shall qualify, along with any cooperative development organization, for development assistance funds appropriated or otherwise made available by this Act for United States private and voluntary organizations.

HUMANITARIAN ASSISTANCE FOR ROMANIA

Of the aggregate of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, not less than $4,500,000 shall be made available, notwithstanding any provision of law which restricts assistance to foreign countries, for humanitarian assistance for Romania. Of this amount—

(1) not less than $1,500,000 shall be made available for activities related to acquired immune deficiency syndrome (AIDS), and other health and child survival activities particularly for the care and treatment of abandoned children, including the provision of improved facilities, food, medicine, and training of personnel;

(2) not less than $1,000,000 shall be made available for activities related to facilitating family reunification, foster care and adoption, and training of adoption and child welfare specialists; and

(3) not less than $2,000,000 shall be made available for family planning assistance, subject to the following:

(A) The prohibitions contained in section 104(f) of the Foreign Assistance Act of 1961 and section 534 of this Act (relating to prohibitions on funding for abortion as a method of family planning, coercive abortion, and involuntary sterilization) shall be applicable to funds made available under this paragraph.

(B) Any recipient of funds under this paragraph shall be required to maintain them in a separate account and not commingle them with any other funds.

(C) Each agreement entered into by the United States to obligate funds made available under this paragraph shall expressly state that the full amount granted by such agreement will be refunded to the United States if any United States funds are used for any family planning program in a country other than Romania, or for abortion services, involuntary sterilization, or coercive activities of any kind.

PRIVATE SECTOR LOANS PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, [$2,553,000] *$5,665,000*, as authorized by section [108(l)] *108* of the Foreign Assistance Act of 1961, as amended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans and total loan principal, any part of which is to be guaranteed, not to exceed $118,574,000*. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $1,347,000, to remain available until expended, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development.

AMERICAN SCHOOLS AND HOSPITALS ABROAD

For necessary expenses to carry out the provisions of section 214, [$28,571,000] *$35,000,000*.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491, [$68,965,000] *$40,000,000*, to remain available until expended.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $42,677,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $512,000,000: *Provided*, That in order to effectively monitor its program for the West Bank and Gaza, the Agency for International Development shall station [one professional at either the Consulate General in Jerusalem or the Embassy in Tel Aviv] *at least one professional at the Consulate General in Jerusalem and at least one professional at the United States Embassy in Tel Aviv*: *Provided further*, That the Agency for International Development shall not designate drivers and cars or provide portal-to-portal transportation service for the Administrator and Deputy Administrator: *Provided further*, That the Agency for International Development shall use Pakistani program funds to pay the severance costs of the agency's foreign service nationals[: *Provided further*, That funds appropriated to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961 that are made available for capital projects in excess of $5,000,000 shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the amount of funds allocated from funds appropriated under this heading for the Capital Projects Office of the Agency for International Development shall not exceed the amount allocated to that office in fiscal year 1992].

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, [$37,181,000] *$41,456,000*, which sum shall be available only for the operating expenses of the Office of the Inspector General notwithstanding section 451 or 614 of the Foreign Assistance Act of 1961 or any other provision of law: *Provided*, [That up to 3 per centum of the amount made available under the heading "Operating Expenses of the Agency for International Development" may be transferred to and merged and consolidated with amounts made available under this heading: *Provided further*,] That except as may be required by an emergency evacuation affecting the United States diplomatic missions of which they are a component element, none of the funds in this Act, or any other Act, may be used to relocate the overseas Regional Offices of the Inspector General to a location within the United States without the express approval of the Inspector General: *Provided further*, That the total number of positions authorized for the Office of Inspector General in Washington and overseas shall be not less than two hundred and fifty-one at September 30, 1993: *Provided further, That for purposes of economy and efficiency and to preclude duplication among executive Departments and agencies with program responsibilities for providing economic assistance to Eastern Europe and the new independent states of the former Soviet Union, the inspector general responsibility (as set forth in the Inspector General Act of 1978, as amended) over the field activities of such programs shall, subject to the concurrence of such Departments and agencies, be the responsibility of the Office of the Inspector General of the Agency for International Development: Provided further, That not less than $600,000 of the funds appropriated under the heading "Assistance for the New Independent States of the Former Soviet Union" shall be made available for the Office of the Inspector General of the Agency for International Development to carry out audit and other responsibilities with regard to assistance programs for such new independent states: Provided further*, That none of the funds appropriated under this heading may be used to subsidize or pay the cost of recreational or health club activities for employees of the Office of the Inspector General.

HOUSING GUARANTY PROGRAM ACCOUNT

For the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, [$16,407,000] *$15,000,000*: *Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $95,000,000: Provided further*, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections: *Provided further*, That the President shall enter into commitments to guarantee such loans in the full amount provided under this heading, subject to the availability of qualified applicants for such guarantees. In addition, for administrative expenses to carry out guaranteed loan programs, [$7,000,000] *$8,407,000*, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That commitments to guarantee loans under this heading may be entered into notwithstanding the [second sentence] *second and third sentences* of section 222(a) and, with regard to programs for Eastern Europe, section 223(j) of the Foreign Assistance Act of 1961[: *Provided further*, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations].

DEBT RESTRUCTURING UNDER THE ENTERPRISE FOR THE AMERICAS INITIATIVE

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of modifying direct loans authorized by chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 (including predecessor legislation) and loans made pursuant to the Export-Import Bank Act of 1945, as amended, $100,000,000, to remain available until expended: Provided, That none of the funds appropriated under this heading shall be obligated except through the regular notification procedures of the Committees on Appropriations.

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, [$2,739,000,000] *$2,526,086,000*: *Provided*, That of the funds appropriated under this heading, not less than $1,200,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within thirty days of enactment of this Act or by October 31, 1992, whichever is later: *Provided further*, That not less than $815,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance may be provided, with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $200,000,000 shall be provided as Commodity Import Program assistance: *Provided further, That not less than $25,000,000 of the funds available for Egypt by this paragraph shall be made available for the Fund for the Preservation and Restoration of Pharaonic, Islamic and Coptic Antiquities, which shall be established and administered jointly by the Government of Egypt and the United States Embassy: Provided further, That of the amount required to be made available for said Fund, up to the equivalent of $20,000,000 may be derived from local currencies generated by programs under this heading for Egypt: Provided further, That funds disbursed from said Fund shall be used solely to undertake projects which promote the preservation and restoration of Egyptian antiquities: Provided further, That funds deposited in said Fund shall remain available until expended: Provided further*, That in exercising the authority to provide cash transfer assistance for Israel and Egypt, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to each such country: [*Provided further*, That any cash assistance to Egypt from funds appropriated under this heading above amounts provided as cash assistance in fiscal year 1991 shall be subject to the regular notification procedures of the Committees on Appropriations:] *Provided further*, That it is the sense of the Congress that the recommended levels of assistance for Egypt and Israel are based in great measure upon their continued participation in the Camp David Accords and upon the Egyptian-Israeli peace treaty: [*Provided further*, That none of the funds appropriated under this heading (or local currencies generated with funds provided to El Salvador under this Act) may be made available for El Salvador's Special Investigative Unit until 15 days after receipt by the Committees on Appropriations of a report from the Secretary of State which transmits a plan of the Government of El Salvador to transfer the Unit from military to civilian control, including the time period within which this transfer is to occur and the actions that will be taken to effect such a transfer:] *Provided further*, That not less than $25,000,000 of the funds appropriated under this heading shall be made available for the West Bank and Gaza Program through the Near East regional program: *Provided further*, That not less than $15,000,000 of the funds appropriated under this heading shall be made available for Cyprus to be used only for [scholarships or for bicommunal projects] *scholarships, bicommunal projects, and measures aimed at the reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus*: *Provided further*, That not more than $50,000,000 of the funds appropriated under this heading may be made available for Peru: *Provided further, That not less than $25,000,000 of the funds appropriated under this heading shall be made available for Morocco: Provided further, That up to $1,000,000 of the funds appropriated under this heading may be made available, notwithstanding any other provision of law, for food, medical supplies, training, clothing, and other humanitarian assistance for Burmese, including students, who are displaced as a result of civil conflict and are living in Burma or Thailand: Provided further*, That not less than $5,000,000 of the funds appropriated under this heading shall be made available, notwithstanding any other provision of law, for Haiti for emergency relief and humanitarian assistance through private and voluntary organizations: *Provided further, That in the event that the extension of the South Pacific Tuna Treaty is signed* by September 30, 1993, $14,000,000 of the funds appropriated under this heading shall be made available for the South Pacific Tuna Treaty: *Provided further*, That none of the funds appropriated under this heading shall be made available for Zaire: *Provided further*, That not more than $300,000,000 of the funds appropriated under this heading may be made available to finance tied-aid credits, unless the President determines it is in the national interest to provide in excess of $300,000,000 and so notifies the Committees on Appropriations through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds made available or limited by this Act may be used for tied-aid credits or tied-aid grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 may be used for tied-aid credits: *Provided further*, That as used in this heading the term "tied-aid credits" means any credit, within the meaning of section 15(h)(1) of the Export-Import Bank Act of 1945, which is used for blended or parallel financing, as those terms are defined by sections 15(h) (4) and (5), respectively, of such Act: *Provided further*, That of the funds appropriated under this heading that are allocated for the Dominican Republic, $1,000,000 shall be withheld from expenditure until the President reports to the Committees on Appropriations on the steps taken by the Government of the Dominican Republic to improve respect for internationally recognized human rights of Haitian laborers engaged in the sugar cane harvesting industry in the Dominican Republic, including the enforcement of the provisions mandated by President Balaguer's decree of October 15, 1990: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1994.

[INTERNATIONAL FUND FOR IRELAND

[For necessary expenses to carry out the provisions of chapter 4 of part II, $19,704,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until expended.]

PHILIPPINES ASSISTANCE

MULTILATERAL ASSISTANCE INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, $40,000,000, which shall be available for the Multilateral Assistance Initiative for the Philippines: *Provided*, That the President shall seek to channel through indigenous and United States private voluntary organizations and cooperatives not less than $25,000,000 of the funds appropriated under this paragraph and of the funds appropriated and allocated for the Philippines to carry out sections 103 through 106 of such Act: *Provided further*, That funds appropriated under this paragraph shall remain available until September 30, 1994.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

[(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $400,000,000, to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance for Eastern Europe and the Baltic States.

[(b)(1) Of the funds appropriated under this heading not less than 65 percent shall be allocated for bilateral programs for the countries of Eastern Europe and the Baltic States.

[(2) The President shall submit a report containing such allocations to the Committee on Foreign Affairs of the House, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations within 45 days after the date of enactment of this Act. None of the funds appropriated under this heading may be obligated until such allocations have been made and the report required by this paragraph has been submitted to the Congress.

[(3) Not more than 35 percent of the funds appropriated under this heading shall be allocated for regional and multilateral programs.

[(4) Funds appropriated under this heading may be reallocated between countries and may be reallocated between bilateral, regional, and multilateral programs, notwithstanding the provisions of this subsection, subject to the regular notification procedures of the Committees on Appropriations.

[(c)(1) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available to an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress.

[(2) Funds made available for the Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

[(d) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

[(e) On December 1, 1992, the President shall submit to the Committees on Appropriations a report containing the amounts of funds obligated and expended for each project and subproject funded from amounts appropriated for assistance for countries in Eastern Europe and the Baltic States under this heading. An update of this report shall be submitted by the President on March 1, 1993, to the Committee on Appropriations.

[(f)(1) In order to promote the effectiveness of assistance made available under this heading and allocated to individual countries, program planning, prioritization and project implementation decisions shall be made, and program and project oversight shall be conducted, to the extent practicable by employees of the Agency for International Development and other United States Government agencies who are in Eastern Europe and the Baltic States and who have project management responsibilities. Employees of other United States Government agencies who are in Eastern Europe and the Baltic States shall coordinate their activities with employees of the Agency for International Development.

[(2) Employees of the Agency for International Development and other United States Government agencies who are in Eastern Europe and the Baltic States and who have program planning, prioritization, management and oversight responsibilities shall regularly consult with appropriate designated foreign officials with responsibility for international assistance programs. To the extent practicable, United States bilateral assistance programs shall reflect priorities based on such consultations and shall include foreign input concerning contractor selection and program evaluation. Nothing in this paragraph shall be interpreted to limit the ability of United States officials from providing assistance to a broad spectrum of local programs.]

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $400,000,000 to remain available until expended, which shall be available, notwithstanding any other provision of law, for economic assistance for Eastern Europe and the Baltic States.

(b)(1) Of the funds appropriated under this heading, not less than 65 percent shall be made available for country-specific activities within regional or multilateral programs, except as provided through the regular notification procedures of the Committees on Appropriations.

(2) The Agency for International Development shall consult periodically with the Committees on Appropriations concerning the availability of funds for countries in Eastern Europe and for the Baltic States.

(c) In the allocation of funds appropriated under this heading, and in coordination with host country governments, priority shall be given to the following sectors:

(1) private sector development, including support for Enterprise Funds, and with emphasis on technical assistance and training for development of market-oriented policies, restructuring and creation of financial institutions (such as stock markets, insurance companies, and banks), creation and management of private business organizations, and privatization of state enterprises;

(2) technical assistance and training, including such activities as support for the development of democratic trade unions, scholarship programs, medical assistance, and curriculum reform;

(3) democratic pluralism and the rule of law, including support, on a nonpartisan basis, for public administration, reform of legal codes and systems, development of free and independent media, and activities to strengthen the legislatures of Eastern European countries and the Baltic States;

(4) environment and energy, with emphasis on assistance in developing host country environmental policies and programs, and encouraging and providing incentives for end-use energy efficiency (including preparation of least-cost energy plans) and conservation and reliance on renewable energy resources, and further activities including training, technical assistance for related energy and environmental investment or regulation, local production of environmental or energy-related equipment, promotion of United States technologies, and dealing with health problems directly associated with pollution;

(5) agriculture and agribusiness, with an emphasis on technical assistance and training for the development of market-oriented policies, agricultural financial institutions and marketing systems, agribusiness organizations, and the privatization of state agricultural organizations; and

(6) housing, with an emphasis on technical assistance and training for the development of market-oriented housing policies, including the privatization of state-owned housing and the promotion of private housing construction.

(d) On January 15, 1994, the President shall submit a report to the Committees on Appropriations containing the amount of funds obligated and expended for each project and subproject funded from amounts appropriated for Eastern Europe under this heading: Provided, That an update of this report shall be submitted by the President on August 15, 1994, to the Committees on Appropriations.

(e)(1) In order to promote the effectiveness of assistance made available under this heading for individual priority areas and to improve program planning, prioritization and project implementation, employees of the Agency for International Development and other United States Government agencies in Eastern Europe and the Baltic States shall coordinate the development and implementation of their respective assistance programs with appropriate designated foreign officials with responsibility for international assistance programs. Such coordination shall reflect the purposes and priorities of United States assistance, shall take into account host country programs and priorities for the uses of United States assistance, and shall have as its purposes the facilitation of United States program planning and the minimization of fluctuations in assistance not related to a country's performance. United States assistance programs should be coordinated and implemented to the maximum extent feasible in accordance with host country priorities and programs where such priorities and programs are consistent with those set forth in subsection (c). Nothing in this paragraph shall be interpreted to limit the ability of United States officials from providing assistance to a broad spectrum of local programs.

(2) Under direction from the President's Coordinator for United States Assistance to Eastern Europe, employees of the Agency for International Development who are in Eastern Europe and the Baltic States shall be primarily responsible for identifying and making recommendations for the agency's potential programs and projects, in consultation with host country governments, managing programs and projects in the field, and assessing results. Such employees of the Agency for International Development shall also be responsible for coordinating the overall activities of all United States Government agencies in Eastern Europe carrying out assistance programs and activities using funds appropriated under this heading.

(3) During fiscal year 1993, the Administrator of the Agency for International Development shall establish at least two regional offices in Eastern Europe and the Baltic States in order to carry out the agency's program management and oversight responsibilities.

(f)(1) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(2) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available to an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

[ASSISTANCE FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES

[For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, for economic assistance for Russia and the emerging Eurasian democracies, $417,000,000, to remain available until expended: *Provided*, That all funds made available under this heading are subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That not less than 75 per centum of the funds made available under this heading shall be made available for activities consistent with the purposes of sections 103 through 106 of the Foreign Assistance Act of 1961: *Provided further*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That of the funds appropriated under this heading not less than $50,000,000 shall be made available for scholarship programs bringing people of Russia and the emerging Eurasian democracies to the United States for a broad spectrum of study, training, and internship programs: *Provided further*, That of the funds appropriated under this heading, $50,000,000 may be made available to provide agricultural commodities for the people of Russia and the emerging Eurasian democracies, with special emphasis on children and pre-natal and post-natal women: *Provided further*, That on December 1, 1992, the President shall submit to the Committees on Appropriations a report containing the amount of funds obligated and expended for each project and subproject funded from amounts appropriated under this heading for Russia and the emerging Eurasian democracies: *Provided further*, That an update of this report shall be submitted to the Committees on Appropriations by the President on March 1, 1993.]

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) FUNDING.—For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, for economic assistance for the new independent states of the former Soviet Union, $417,000,000, to remain available until expended.

(b) TYPES OF ASSISTANCE.—(1) Funds made available under this heading shall be used to provide technical assistance, training, and other assistance to meet humanitarian and economic needs, and support democratic institutions and processes and market-oriented reforms in the new independent states of the former Soviet Union. Such assistance may include such activities as—

(A) scholarship programs, support for the health sector, support for the development of democratic trade unions;

(B) support for private sector development, including development of market-oriented policies, restructuring and creation of financial institutions, privatization of state enterprises, creation and management of private business enterprise, and the enactment of effective laws for the protection of patents, copyrights, trademarks, and other forms of intellectual property; and

(C) support for the agriculture sector, including restructuring and creation of agricultural financial institutions and marketing systems, development of food processing, food transport, and food storage systems, privatization of state farms, and support for agribusiness.

(2) Of the funds appropriated under this heading, not less than $50,000,000 shall be made available for scholarship programs administered by the Agency for International Development bringing people of the new independent states of the former Soviet Union to the United States for a broad spectrum of study, training, and internship programs.

(3) Of the funds appropriated under this heading, not less than 50 percent shall be made available for activities consistent with the purposes of sections 103 through 106 of the Foreign Assistance Act of 1961.

(4) Of the funds appropriated under this heading, up to $12,000,000 may be made available for American Agribusiness Centers in the new independent states of the former Soviet Union.

(5)(A) Funds appropriated under this heading shall be used for the establishment of a comprehensive program for enhancing environmental management and sustainable economic development in the new independent states of the former Soviet Union. This program shall emphasize the active participation of local scientific expertise, nongovernmental organizations, and the public and shall include—

(i) environmental monitoring and protection,

(ii) establishment of appropriate environmental institutions and infrastructure,

(iii) programs to enhance energy conservation and efficiency,

(iv) nuclear safety and other appropriate initiatives consistent with this subparagraph.

(B) In the process of assisting the new independent states of the former Soviet Union in the transition to market economies, United States Government agencies shall promote the utilization of national income accounts, as defined in title I, chapter IV, section 401 of Public Law 101–45, which measure gross sustainable production in order to more accurately account for the deterioration of environmental resources.

(c) ELIGIBLE RECIPIENTS.—Assistance under this heading shall be provided for the governments of the new independent states of the former Soviet Union only to the extent that such governments are taking steps toward—

(1) the establishment of democratic systems,

(2) economic reform, based on progress toward a market-oriented economy,

(3) respect for internationally recognized human rights,

(4) a willingness to build a friendly relationship with the United States, including establishment of responsible policies and practices regarding the nonproliferation of nuclear and other weapons, and

(5) the enactment and implementation of adequate and effective intellectual property protection.

(d) ENTERPRISE FUNDS.—Funds appropriated under this heading may be used to capitalize Enterprise Funds similar to those established under the authority of the Support for East European Democracy (SEED) Act of 1989. Funds made available to an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available to Enterprise Funds shall be expended at the minimum rate necessary to make timely payments for projects and activities.

(e) ADMINISTRATION.—(1) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(2) Up to $5,000,000 of the funds appropriated under this heading may be used for administrative expenses incurred by the Agency for International Development in connection with administering programs for the new independent states of the former Soviet Union.

(3) Funds appropriated by this Act that are made available for assistance for the new independent states of the former Soviet Union may be made available notwithstanding section 510 of this Act.

(f) NOTIFICATION.—None of the funds appropriated under this heading shall be obligated and expended except through the regular notification procedures of the Committees on Appropriations.

(g) REPORTS.—The President shall submit a report to the Committees on Appropriations containing the amount of funds obligated and expended for each project and subproject funded from amounts appropriated under this heading for the new independent states of the former Soviet Union. The report required by this subsection shall be submitted to the Committees on Appropriations by March 1, 1993, and an update of this report shall be submitted by the President to those Committees on July 1, 1993.

(h)(1) RESTRICTION ON ASSISTANCE.—None of the funds appropriated or otherwise made available by this Act (other than funds to carry out humanitarian assistance) may be provided by the Government of the United States to the Government of Russia until all armed forces of Russia and the Commonwealth of Independent States have been withdrawn from Estonia, Latvia, and Lithuania, unless a negotiated agreement, including a timetable for withdrawal of forces, has been completed.

(2) DEFINITION.—As used in this section, the term "humanitarian assistance" means food, clothing, medicine, or other humanitarian assistance.

INDEPENDENT AGENCIES

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out the provisions of title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $16,905,000: *Provided*, That, when, with the permission of the Foundation, funds made available to a grantee under this heading are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purpose for which the grant was made: *Provided further*, That this provision applies with respect to both interest earned before and interest earned after the enactment of this provision: *Provided further, That when determined by the President of the African Development Foundation to be necessary, and subject to such security investigations as the President of the Foundation may determine to be appropriate, the Foundation may employ persons who are not citizens of the United States without regard to statutory provisions prohibiting payment of compensation to persons who are not citizens of the United States.*

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 9104, title 31, United States Code, $30,960,000: *Provided*, That the Inter-American Foundation shall designate a program as the "Dante Fascell Fellows Program".

OVERSEAS PRIVATE INVESTMENT CORPORATION

PROGRAM ACCOUNT

For the subsidy cost as defined in section 13201 of the Budget Enforcement Act of 1990, of direct and guaranteed loans authorized by section 234 of the Foreign Assistance Act of 1961, as follows: cost of direct and guaranteed loans, [$8,945,000] *$11,605,000: Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans and total loan principal, any part of which is to be guaranteed, not to exceed $650,000,000: Provided further*, That the funds provided in this paragraph shall be available for and apply to costs, direct loan obligations and loan guaranty commitments incurred or made during the period from October 1, 1992 through September 30, 1994.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $8,128,000: *Provided*, That none of the funds appropriated by this paragraph may be used to subsidize or pay the cost of recreational or health club activities for employees of the Overseas Private Investment Corporation.

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such noncredit expenditures and commitments within the limits of funds available to it and in accordance with law (including an amount for official reception and representation expenses which shall not exceed $35,000) as may be necessary.

PEACE CORPS

For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), $218,146,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 1994.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL

For necessary expenses to carry out the provisions of section 481 of the Foreign Assistance Act of 1961, $147,783,000.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code; $620,688,000: *Provided*, That not less than $80,000,000 shall be available for Soviet, Eastern European and other refugees resettling in Israel: *Provided further, That not less than $25,000,000 shall be available for refugees in Bosnia, Croatia, and Slovenia: Provided further*, That not less than $1,500,000 shall be available for Tibetan refugees: *Provided further*, That not less than $315,000,000 shall be available for overseas refugee programs (in addition to amounts available for Soviet, Eastern European, and other refugees resettling in Israel): *Provided further*, That not more than $11,500,000 of the funds appropriated under this heading shall be available for the administrative expenses of the Office of Refugee Programs of the Department of State.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $49,261,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Migration and Refugee Assistance Act of 1962 which would limit the amount of funds which could be appropriated for this purpose.

ANTI-TERRORISM ASSISTANCE

For necessary expenses to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961, [$15,555,000] *$11,848,000.*

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $42,500,000: *Provided*, That none of the funds appropriated under this heading shall be made available for grant financed military education and training for any country whose annual per capita GNP exceeds $2,349 unless that country agrees to fund from its own resources the transportation cost and living allowances of its students: *Provided further*, That no country whose annual per capita Gross National Product exceeds $2,349 may receive more than $300,000 of the funds appropriated under this heading except as provided through the regular notification procedures of the Committees on Appropriations: *Provided further, That the civilian personnel for whom military education and training may be provided under this heading may also include members of national legislatures who are responsible for the oversight and management of the military: Provided further*, That none of the funds appropriated under this heading shall be available for Zaire: *Provided further, That of the funds appropriated under this heading, not less than $3,660,000 shall be made available for "expanded IMET" programs initiated subsequent to enactment of, and pursuant to the authority contained in, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, to undertake such programs: Provided further, That none of the funds appropriated under this heading may be made available for Indonesia unless the Secretary of State certifies to the Committees on Appropriations that: (1) special emphasis is being placed on education of Indonesian military personnel that will foster greater awareness of and respect for human rights and that will improve military justice systems; (2) special emphasis is also being placed on education of civilian and military personnel that will foster greater understanding of the principle of civilian control of the military; and (3) the Secretary of State will use all available and appropriate means to ensure there is progress on the East Timor situation, such as the full availability of legal remedies under Indonesian law to all civilians convicted in connection with the November 1991 East Timor incident, increased access for human rights groups to East Timor, and constructive cooperation with the United Nations Secretary General's efforts to promote dialogue between Indonesia and Portugal to resolve issues concerning East Timor: Provided further, That the certification required by the preceding proviso shall be submitted not later than December 15, 1992.*

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, [$3,300,000,000] *$3,840,000,000: Provided*, That of the funds appropriated by this paragraph not less than $1,800,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within thirty days of enactment of this Act or by October 31, 1992, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced fighter aircraft programs or for other advanced weapons systems, as follows: (1) up to $150,000,000 shall be available for research and development in the United States; and (2) not less than $475,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further, That of the funds appropriated by this paragraph not less than $47,000,000 shall be available for Morocco, not less than $450,000,000 shall be available for Turkey, and not less than $90,000,000 shall be available for Portugal: Provided further, That funds made available under this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act.*

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, of direct loans authorized by section 23 of the Arms Export Control Act as follows: cost of direct loans, [$54,230,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $855,000,000: *Provided further*, That the rate of interest charged on such loans shall be not less than the current average market yield on outstanding marketable obligations of the United States of comparable maturities: *Provided further*, That funds appropriated under this heading shall be made available for Greece, Portugal, and Turkey only on a loan basis, and the principal amount of direct loans for each country shall not exceed the following: $315,000,000 for Greece, $90,000,000 for Portugal, and $450,000,000 for Turkey: *Provided further*, That the principal amount of direct loans provided for Greece and Turkey under this paragraph shall be made available according to a 7 to 10 ratio] *$55,440,000: Provided, That funds appropriated under this paragraph are available to subsidize gross obligations for the principal amount of direct loans of not to exceed $315,000,000: Provided further, That direct loans subsidized under this paragraph, together with grants under this heading, shall be not less than $315,000,000 for Greece: Provided further, That direct loans subsidized under this paragraph may be made available at concessional rates of interest: Provided further, That the concessional rate of interest on Foreign Military Financing Program loans shall be not less than 5 per centum per year: Provided further, That all country and funding level changes in requested concessional financing allocations shall be submitted through the regular notification procedures.* In addition, for administrative expenses necessary to carry out the direct loan program, $200,000, which may be transferred to and merged with funds deposited by foreign purchases for administrative expenses pursuant to sections 43(b) and 43(c) of the Arms Export Control Act.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level changes in requested allocations shall be submitted through the regular notification procedures: *Provided further, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a): Provided further*, That none of the funds appropriated under this heading shall be available for Zaire, Sudan, Liberia, Somalia, Guatemala, Peru, and Malawi: *Provided further*, That not more than $300,000,000 of the funds made available under this heading shall be available for use in financing the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act to countries other than Israel and Egypt: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That the Department of Defense shall conduct during the current fiscal year nonreimbursable audits of private firms whose contracts are made directly with foreign governments and are financed with funds made available under this heading (as well as subcontractors thereunder) as requested by the Defense Security Assistance Agency: *Provided further, That not less than $1,000,000 of the funds appropriated under this heading should be made available for landmine clearing and related activities: Provided further*, That not more than $26,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than **[**$287,000,000**]** *$310,000,000* of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during the fiscal year 1993 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading, and no employee of the Defense Security Assistance Agency, may be used to facilitate the transport of aircraft to commercial arms sales shows.

SPECIAL DEFENSE ACQUISITION FUND

(LIMITATION ON OBLIGATIONS)

Not to exceed **[**$150,000,000**]** *$250,000,000* may be obligated pursuant to section 51(c)(2) of the Arms Export Control Act for the purposes of the Special Defense Acquisition Fund during fiscal year 1993, *to remain available for obligation until September 30, 1995: Provided, That section 632(d) of the Foreign Assistance Act of 1961 shall be applicable to the transfer to countries pursuant to chapter 2 of part II of that Act of defense articles and defense services acquired under chapter 5 of the Arms Export Control Act.*

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 $27,166,000.

TITLE IV—EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon State as defined in article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of enactment of this Act.

SUBSIDY APPROPRIATION

There is hereby appropriated $757,000,000, for the subsidy cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of direct loans, loan guarantees, and tied-aid grants in accordance with section 15 of the Export-Import Bank Act of 1945, as amended: *Provided, That these funds are available to subsidize gross obligations for the principal amount of direct loans, and tied aid grants, and total loan principal, any part of which is to be guaranteed, including insurance, of not to exceed $13,000,000,000: Provided further*, That up to $200,000,000 of funds appropriated by this paragraph shall remain available until expended and may be used for tied-aid grant purposes: *Provided further*, That none of the funds appropriated by this paragraph may be used for tied-aid credits or grants except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State, or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $20,000 for official reception and representation expenses for members of the Board of Directors, **[**$38,042,000**]** *$45,683,000*: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT PROGRAM

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $40,000,000.

TITLE V—GENERAL PROVISIONS

COST BENEFIT STUDIES

SEC. 501. None of the funds appropriated in this Act (other than funds appropriated for "International Organizations and Programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America under the principles, standards and procedures established pursuant to the Water Resources Planning Act (42 U.S.C. 1962, et seq.) or Acts amendatory or supplementary thereto.

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 502. Except for the appropriations entitled "International Disaster Assistance", and "United States Emergency Refugee and Migration Assistance Fund", not more than 15 per centum of any appropriation item made available by this Act shall be obligated during the last month of availability.

PROHIBITION AGAINST PAY TO FOREIGN ARMED SERVICE MEMBER

SEC. 503. None of the funds appropriated in this Act nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any person heretofore or hereafter serving in the armed forces of any recipient country.

TERMINATION FOR CONVENIENCE

SEC. 504. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 505. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 506. None of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961.

AID RESIDENCE EXPENSES

SEC. 507. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

AID ENTERTAINMENT EXPENSES

SEC. 508. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

REPRESENTATIONAL ALLOWANCES

SEC. 509. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $2,000 shall be available for entertainment expenses and not to exceed $50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Program", not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 510. None of the funds appropriated or made available (other than funds for "International Organizations and Programs") pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used to finance the export of nuclear equipment, fuel, or technology.

HUMAN RIGHTS

SEC. 511. (a) PROHIBITION.—Funds appropriated by this Act may not be obligated or expended to provide assistance to any country for the purpose of aiding the efforts of the government of such country to repress the legitimate rights of the population of such country contrary to the Universal Declaration of Human Rights.

[(b) COUNTRY LISTINGS.—Not later than thirty days after submission of the report required by section 502B(b) of the Foreign Assistance Act of 1961, the Secretary of State shall submit to the Committees on Appropriations a listing of those countries the governments of which are found, based upon the criteria and findings in the report required by section 502B(b) of the Foreign Assistance Act of 1961, to engage in a consistent pattern of gross violations of internationally recognized human rights. This list shall be accompanied by a report from the Secretary of State describing how, for each country receiving assistance under the Foreign Military Financing Program, such assistance will be conducted to promote and advance human rights and how the United States will avoid identification with activities which are contrary to internationally recognized standards of human rights.]

[(c)] *(b)* HUMAN RIGHTS REPORT.—The Secretary of State shall also transmit the report required by section 116(d) of the Foreign Assistance Act of 1961 to the Committees on Appropriations each year by the date specified in that section: *Provided*, That each such report submitted pursuant to such section shall *(1)* include a review of each country's commitment to children's rights and welfare as called for by the Declaration of the World Summit for Children *and, (2) a description of the military expenditures of each country receiving United States foreign assistance, and the efforts each country is making to reduce those expenditures.*

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 512. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 513. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected Head of Government is deposed by military coup or decree *or in the event of an unconstitutional interruption of the legitimate exercise of power by the democratically elected government*: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office, *or that the unconstitutional interruption of the legitimate exercise of power by the democratically elected government has ceased.*

TRANSFERS BETWEEN ACCOUNTS

SEC. 514. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 515. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under the "Agency for International Development" are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 1993, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation and reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 1993.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 516. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of enactment of this Act by the Congress.

AVAILABILITY OF FUNDS

SEC. 517. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapter 1 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, shall remain available until expended if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 518. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available [in this Act] *during the current fiscal year* for Nicaragua, and for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

FINANCIAL INSTITUTIONS—DOCUMENTATION

SEC. 519. None of the funds appropriated or made available pursuant to this Act shall be available to any international financial institution whose United States governor or representative cannot upon request obtain any document developed by or in the possession of the management of the international financial institution, unless the United States governor or representative of the institution certifies to the Committees on Appropriations that the confidentiality of the information is essential to the operation of the institution.

COMMERCE AND TRADE

SEC. 520. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Pro-*

vided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) None of the funds provided in this Act to the Agency for International Development, other than funds made available to carry out Caribbean Basin Initiative programs under the Tariff Schedules of the United States, section 1202 of title 19, United States Code, schedule 8, part I, subpart B, item 807.00, shall be obligated or expended—

(1) to procure directly feasibility studies or prefeasibility studies for, or project profiles of potential investment in, the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined by section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)); or

(2) to assist directly in the establishment of facilities specifically designed for the manufacture, for export to the United States or to third country markets in direct competition with United States exports, of import-sensitive articles as defined in section 503(c)(1) (A) and (E) of the Tariff Act of 1930 (19 U.S.C. 2463(c)(1) (A) and (E)).

SURPLUS COMMODITIES

SEC. 521. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 522. For the purposes of providing the Executive Branch with the necessary administrative flexibility, none of the funds made available under this Act for "Development Assistance Fund", "Population, Development Assistance", "Development Fund for Africa", "International organizations and programs", "American schools and hospitals abroad", "Trade and development program", "International narcotics control", "Economic support fund", "Peacekeeping operations", "Operating expenses of the Agency for International Development", "Operating expenses of the Agency for International Development Office of Inspector General", "Anti-terrorism assistance", "Foreign Military Financing Program", "International military education and training", "Inter-American Foundation", "African Development Foundation", "Peace Corps", or "Migration and refugee assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operation not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified fifteen days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 per centum in excess of the quantities justified to Congress unless the Committees on Appropriations are notified fifteen days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 20 per centum of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act *or any other Act* requiring notification in accordance with the regular notification procedures of the Committees on Appropriations may be waived *if doing so is necessitated by emergency circumstances or* if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than three days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the **[emergency]** circumstances *requiring such a waiver: Provided further, That waiver authority necessitated by emergency circumstances shall be delegated no further than to the level of Under Secretary: Provided further, That "emergency circumstances" shall be defined as those circumstances requiring the immediate supply or resupply of United States defense articles or defense services to an allied or friendly foreign government when the actual or imminent use of force threatens the foreign government or its territory (1) by a cross border attack by another state, or (2) by a military coup attempt to overthrow a duly elected government.*

CONSULTING SERVICES

SEC. 523. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

PROHIBITION ON ABORTION LOBBYING

SEC. 524. None of the funds appropriated under this Act may be used to lobby for abortion.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 525. (a) Notwithstanding any other provision of law or of this Act, none of the funds provided for "International Organizations and Programs" shall be available for the United States proportionate share for any programs for the Palestine Liberation Organization (or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it), Libya, Iran, or, at the discretion of the President, Communist countries listed in section 620(f) of the Foreign Assistance Act of 1961, as amended: *Provided*, That, subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of this section or any similar provision of law, shall remain available for obligation through September 30, 1994.

(b) The United States shall not make any voluntary or assessed contribution—

(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.

LOANS TO ISRAEL UNDER ARMS EXPORT CONTROL ACT

SEC. 526. Notwithstanding any other provision of law, Israel may utilize any loan which is or was made available under the Arms Export Control Act and for which repayment is or was forgiven before utilizing any other loan made available under the Arms Export Control Act.

PROHIBITION AGAINST UNITED STATES EMPLOYEES RECOGNIZING OR NEGOTIATING WITH PLO

SEC. 527. In reaffirmation of the 1975 memorandum of agreement between the United States and Israel, and in accordance with section 1302 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), no employee of or individual acting on behalf of the United States Government shall recognize or negotiate with the Palestine Liberation Organization or representatives thereof, so long as the Palestine Liberation Organization does not recognize Israel's right to exist, does not accept Security Council Resolutions 242 and 338, and does not renounce the use of terrorism.

ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL

SEC. 528. The Congress finds that progress on the peace process in the Middle East is vitally important to United States security interests in the region. The Congress recognizes that, in fulfilling its obligations under the Treaty of Peace Between the Arab Republic of Egypt and the State of Israel, done at Washington on March 26, 1979, Israel incurred severe economic burdens. Furthermore, the Congress recognizes that an economically and militarily secure Israel serves the security interests of the United States, for a secure Israel is an Israel which has the incentive and confidence to continue pursuing the peace process. Therefore, the Congress declares that it is the policy and the intention of the United States that the funds provided in annual appropriations for the Economic Support Fund which are allocated to Israel shall not be less than the annual debt repayment (interest and principal) from Israel to the United States Government in recognition that such a principle serves United States interests in the region.

CEILINGS AND EARMARKS

SEC. 529. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs.

[EL SALVADOR

[SEC. 530. (a) Of the funds appropriated by this Act for the "Foreign Military Financing Program", not more than $11,000,000 may be made available for military assistance (which shall be available only on a grant basis) for El Salvador; and such assistance shall be used only for non-lethal items for maintenance, sustainment, restructuring, and reduction and only in strict accordance with the newly defined mission of the Salvadoran Armed Forces as embodied within the Salvadoran Peace Accords.

[(b) Of the funds appropriated for the "Foreign Military Financing Program" by this Act, not less than $29,000,000 shall be transferred to the Demobilization and Transition Fund established by section 531(f) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, and notwithstanding any other provision of law, shall remain available until expended.

[(c) Funds transferred to the Demobilization and Transition Fund (in addition to amounts otherwise made available for such assistance) may be used for the following:

[(1) assistance described in section 531(f)(3) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991;

[(2) assistance for law enforcement in accordance with subsection (e) of this section; and

[(3) assistance for reconstruction which directly supports the implementation of the Peace Accords, including implementation of the National Reconstruction Plan of the Government of El Salvador.

[(d) None of the funds transferred to the Demobilization and Transition Fund shall be made available for obligation from the Fund except through the regular reprogramming procedures of the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

[(e) Funds transferred to the Demobilization and Transition Fund may be used for assistance for law enforcement in a manner consistent with the Salvadoran Peace Accords and the National Reconstruction Plan of the Government of El Salvador, and may be made available notwithstanding section 660 of the Foreign Assistance Act of 1961.

[(f) Of the funds appropriated by this Act under the heading "Economic Support Fund", not more than $150,000,000 may be made available for El Salvador.]

ASSISTANCE FOR EL SALVADOR

SEC. 530. (a) STATEMENT OF POLICY.—United States assistance for El Salvador shall have the following objectives:

(1) To support national reconciliation and reconstruction in accordance with the requirements of the Peace Accords signed in Mexico on January 16, 1992, and subsequent agreements related to the implementation of those accords (the "Peace Accords").

(2) To support democratic practices, processes, and procedures, including efforts to achieve increased social justice, respect for human rights, and a firm commitment to political pluralism.

(3) To support economic growth, development and stability, working in close consultation and coordination with multilateral development organizations, especially the United Nations, and with non-governmental organizations and associations with expertise in these areas.

(b) NON-LETHAL MILITARY ASSISTANCE.—Of the funds appropriated by this Act for the "Foreign Military Financing Program", not more than $11,000,000 may be made available for military assistance (which shall be available only on a grant basis) for El Salvador, and such assistance shall be used only for non-lethal items for maintenance, sustainment, restructuring, and reduction and only in strict accordance with the newly defined mission of the Salvadoran Armed Forces as embodied within the Salvadoran Peace Accords.

(c) DEMOBILIZATION AND TRANSITION FUND.—Not less than $29,000,000 of the funds appropriated by this Act for Foreign Military Financing assistance, shall be transferred to the "Demobilization and Transition Fund" (the "Fund") established by section 531(f) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, and used only to carry out the purposes of the Fund as specified in section 531(f)(3) of that Act. Amounts transferred to the Fund shall remain available until expended.

(d) LIMITATIONS ON THE PROVISION OF MILITARY ASSISTANCE.—

(1) PROHIBITION.—Except as provided in this section, funds appropriated by this Act may not be made available for Foreign Military Financing assistance for El Salvador.

(2) IMET ASSISTANCE.—Of the funds appropriated by this Act under the heading "International Military Education and Training", not more than $1,400,000 may be made available for El Salvador. Of the amount allocated for El Salvador, not less than 75 percent shall be made available for training military and civilian personnel in administration and management, and in creating and maintaining an effective military judicial system and military code of conduct, including observance of internationally recognized human rights.

(e) ECONOMIC ASSISTANCE.—

(1) IN GENERAL.—Development Assistance and Economic Support Fund assistance provided for El Salvador from funds appropriated by this Act—

(A) shall be implemented in coordination with United Nations reconstruction and reconciliation programs;

(B) may be made available for voluntary contributions to United Nations reconstruction and reconciliation programs for El Salvador.

(2) ECONOMIC SUPPORT FUNDS.—

(A) Of the funds appropriated by this Act under the heading "Economic Support Fund", not more than $150,000,000 may be made available for El Salvador.

(B) Of the Economic Support Funds allocated for El Salvador for fiscal year 1993, $20,000,000 shall be withheld from expenditure until 15 days after receipt by the Committees on Appropriations of a report from the Secretary of State which describes and assesses the efforts being made by the Government of El Salvador to collect on loans made by the Banco Agricola Comercial which were the subject of indictments issued during 1991.

(f) CONDITION FOR TERMINATION OF ALL UNITED STATES ASSISTANCE.—

(1) PROHIBITION.—Subject to paragraph (2), no United States assistance may be furnished to El Salvador if the duly-elected head of Government of El Salvador is deposed by military coup or decree, or in the event of an unconstitutional interruption of the legitimate exercise of power by the democratically elected government.

(2) REQUIREMENT FOR RESUMPTION OF ASSISTANCE.—Assistance prohibited under paragraph (1) may only be resumed pursuant to a law subsequently enacted by the Congress.

(g) PRIOR NOTIFICATION.—None of the funds appropriated by this Act shall be obligated or expended for El Salvador except as provided through the regular notification procedures of the Committees on Appropriations, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives: Provided, That this subsection shall not apply to funds appropriated by this Act to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961.

NOTIFICATION CONCERNING AIRCRAFT IN CENTRAL AMERICA

SEC. 531. (a) During the current fiscal year, the authorities of part II of the Foreign Assistance Act of 1961 and the Arms Export Control Act may not be used to make available any helicopters or other aircraft for military use, and licenses may not be issued under section 38 of the Arms Export Control Act for the export of any such aircraft, to any country in Central America unless the Committees on Appropriations, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified in writing at least fifteen days in advance.

(b) During the current fiscal year, the Secretary of State shall promptly notify the committees designated in subsection (a) whenever any helicopters or other aircraft for military use are provided to any country in Central America by any foreign country.

[ENVIRONMENT AND GLOBAL WARMING

[SEC. 532. (a) It is the policy of the United States that sustainable economic growth must be predicated on the sustainable management of natural resources. The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank (MDB) to promote vigorously within each MDB, and especially within the African Development Bank and the European Bank for Reconstruction and Development, the expansion of programs in areas which address the problems of global climate change through requirements to—

[(1) expand programs in energy conservation, end use energy efficiency, and renewable energy and promotion by—

[(A) continuing to augment and expand professional staffs with expertise in these areas;

[(B) giving priority to these areas in the "least cost" energy sector investment plans;

[(C) encouraging and promoting these areas in policy-based energy sector lending;

[(D) developing loans for these purposes; and

[(E) convening seminars for MDB staff and board members on these areas and alternative energy investment opportunities;

[(2) provide analysis for each proposed loan to support additional power generating capacity comparing demand reduction costs to proposal costs;

[(3) continue to assure that environmental impact assessments (EIA) of proposed energy projects are conducted early in the project cycle, include consideration of alternatives to the proposed project, and encourage public participation in the EIA process;

[(4) continue to include the environmental costs of proposed projects with significant environmental impacts in economic assessments; and

[(5) continue to provide technical assistance as a component of energy sector lending.

[(b) The Secretary of the Treasury shall vigorously promote within the International Monetary Fund reforms which address the problems of global climate change through requirements to—

[(1) augment and expand professional staff to address the macroeconomic policies of recipient countries in conjunction with environmental preservation and sustainability;

[(2) establish a systematic process within the Fund to review environment, public health, and poverty impacts of proposed lending prior to such lending taking place; and

[(3) require that a report on the status of operationalizing these reforms be submitted to Congress prior to obligation of any additional funds to the IMF.

[(c) The Secretary of the Treasury shall, not later than March 1, 1993, submit a report to the Congress which shall include—

[(1) a detailed description of how the natural resource management initiatives mandated by this section have been incorporated in the Administration's efforts to address Third World Debt (the Brady Plan);

[(2) a detailed description of progress made by each of the MDBs in adopting and implementing programs meeting the standards set out in subsection (a) including, in particular, efforts by the Department of the Treasury to assure implementation of this section, progress made by each MDB in subsection (a)(1)(B), and the amounts and proportion of lending in the energy sector for projects or programs in subsection (a)(1);

[(3) the progress the African Development Bank and the European Bank for Reconstruction and Development have made in implementing environmental reforms;

[(4) an updated analysis of each MDB's forestry sector loans, and a current analysis of each MDB's energy sector loans, and their impact on emissions of CO_2 and the status of proposals for specific forestry and energy sector activities to reduce CO_2 emissions;

[(5) the progress the International Bank for Reconstruction and Development has made in implementing the recommendations set forth in the April 1, 1988, report on "Debt-for-Nature Swaps"; and

[(6) the progress the Global Environmental Facility has made in implementing clear procedures ensuring public availability to project documentation and the status of obligation of the United States contribution to the Fund.

[(d)(1) The Administrator of the Agency for International Development shall update, as appropriate, guidance to all Agency missions and bureaus detailing the elements of the "Global Warming Initiative", which will continue to emphasize the need to reduce emissions of greenhouse gases, especially CO_2 and CFCs, through strategies consistent with continued economic development. This initiative shall continue to emphasize the need to accelerate sustainable development strategies in areas such as reforestation, biodiversity, end-use energy efficiency, least-cost energy planning, and renewable energy, and shall encourage mission directors to incorporate the elements of this initiative in developing their country programs.

[(2) The Administrator shall pursue this initiative by, among other things—

[(A) increasing the number and expertise of personnel devoted to this initiative in all bureaus and missions;

[(B) devoting increased resources to technical training of mission directors;

[(C) accelerating the activities of the Multi-Agency Working Group on Power Sector Innovation;

[(D) focusing tropical forestry assistance programs on the key middle- and low-income developing countries (hereinafter "key countries") which are projected to contribute large amounts of greenhouse gases to the global environment;

[(E) assisting countries in developing a systematic analysis of the appropriate use of their total tropical forest resources, with the goal of developing a national program for sustainable forestry;

[(F) focusing energy assistance activities on the key countries, where assistance would have the greatest impact on reducing emissions from greenhouse gases; and

[(G) continuing to follow the directives with respect to key countries and countries that receive large Economic Support Fund assistance contained in section 534(b)(3) of Public Law 101-167.

[(3) None of the funds appropriated in this Act shall be available for any program, project or activity which would—

[(A) result in any significant loss of tropical forests; or

[(B) involve commercial timber extraction in primary tropical forest areas unless an environmental assessment—

[(i) identifies potential impacts on biological diversity;

[(ii) demonstrates that all timber extraction will be conducted according to an environmentally sound management system which maintains the ecological functions of the natural forest and minimizes impacts on biological diversity; and

[(iii) demonstrates that the activity will contribute to reducing deforestation.

[(4) Funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961, as amended, may be used by the Agency for International Development, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and energy programs aimed at reducing emissions of greenhouse gases with regard to the key countries in which deforestation and energy policy would make a significant contribution to global warming, except that such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

[(e) Of the funds appropriated under the headings in this Act under "Agency for International Development", not less than $700,000,000 shall be made available for environment and energy activities, including funds earmarked under section 533 of this Act, of which:

[(1) not less than $20,000,000 of the aggregate of the funds appropriated to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available for biological diversity activities, of which $5,000,000 shall be made available for the Parks in Peril project pursuant to the authority of section 119(b) of that Act;

[(2) not less than $20,000,000 of the funds appropriated to carry out the provisions of chapters 1 and 10 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 shall be made available to support replicable renewable energy projects, and at least five new renewable energy projects are to be initiated during fiscal year 1993;

[(3) not less than $7,000,000 of the funds appropriated to carry out the provisions of sections 103 and 106 and chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available for assistance in support of elephant conservation and preservation;

[(4) not less than $25,000,000 of the funds appropriated to carry out the provisions of sections 103 and 106 of the Foreign Assistance Act of 1961 shall be made available for the Office of Energy of the Agency for International Development;

[(5) up to $50,000,000 of the funds appropriated to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available to carry out the "Forests for the Future Initiative" and to achieve a Global Forest Agreement; and

[(6) not less than $50,000,000, to remain available until expended, of the funds appropriated to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, shall be made available for the United States contribution to the Global Environmental Facility: *Provided*, That such funds shall be transferred to the Department of the Treasury and may be made available to the Facility by the Secretary of the Treasury if the Secretary determines (and so reports to the Committees on Appropriations) that the Facility has: (1) established clear procedures ensuring public availability of documentary information on all Facility projects and associated projects of the Facility implementing agencies, and (2) established clear procedures ensuring that affected peoples in recipient countries are consulted on all aspects of implementation of Facility projects.

[(f) Funds appropriated under the headings in this Act under "Agency for International Development" should, to the extent feasible and inclusive of funds earmarked under subsection (e) of this section, be targeted for assistance for the following activities:

[(1) $50,000,000 for projects associated with the Global Environmental Facility;

[(2) a total of $10,000,000 for CORECT, the Environmental Technology Export Council, and the International Fund for Renewable Energy Efficiency; and

[(3) $55,000,000 for activities consistent with the Global Warming Initiative.]

ENVIRONMENT

SEC. 532. (a) It is the policy of the United States that sustainable economic growth must be predicated on the sustainable management of natural resources. The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank (MDB) to continue to promote vigorously the environmental and energy initiatives established in section 533(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513). The Secretary of the Treasury, in cooperation with the Secretary of State, shall also undertake direct, bilateral discussions with appropriate officials of the governments of the member nations of the Organization for Economic Cooperation and Development with a goal of building greater international support for the environmental goals established in subsection (d) of this section. The Secretary of the Treasury shall submit a report to the Committees on Appropriations by May 1, 1993, which describes the progress of these bilateral discussions.

(b) The Secretary of the Treasury shall, not later than May 1, 1993, submit a report to the Congress containing the same information as requested in section 533(b) of Public Law 101-513.

(c)(1) In furtherance of the policies contained in section 533(a) of Public Law 101-513 and section 1308 of the International Development and Finance Act of 1989 (Public Law 101-240), and as a basis for measuring more effectively progress by the MDBs toward improved environmental performance, the Secretary of the Treasury shall instruct the United States Executive Directors of the MDBs to encourage each MDB to develop and implement action plans in the areas of sustainable energy development, forest conservation, forced displacement of populations, and environmental impact assessment. Such action plans shall address, at a minimum, meeting the benchmarks established in paragraph (2) for each area. On May 1, 1993 and May 1, 1994, the Secretary of the Treasury shall submit a report to the Congress describing in detail the progress being made by the MDBs in developing and implementing such plans.

(2) For the purposes of paragraph (1), benchmarks are as follows:

(A) In the area of sustainable energy development—

(i) all loans in the energy sector should be based on, or support development of, "least-cost" integrated resource plans. Such plans shall include analyses of possible end-use energy efficiency measures and nonconventional renewable energy options, and such plans shall reflect the quantifiable environmental costs of proposed energy developments;

(ii) a substantial portion of loans and grants in the energy, industry, and transportation sectors shall be devoted to end-use energy efficiency improvements and nonconventional renewable energy development; and

(iii) all organizational units within the MDBs that maintain technical expertise on energy shall create staff positions for an End-Use Efficiency Coordinator and a Renewable Energy Coordinator, which positions shall be staffed by individuals with professional experience in program design and management and educational degrees in relevant technical disciplines.

(B) In the area of forest conservation—

(i) forestry loans should not directly or indirectly support commercial logging in relatively undisturbed primary forests, nor should loans result in any significant loss of tropical forests;

(ii) forestry loans should not be disbursed until legal, economic, land tenure, and other policy conditions needed to ensure sustainability are in place;

(iii) loans should not support mineral, petroleum, or other industrial development in, or construction or upgrading of roads through, relatively undisturbed primary forests unless adequate safeguards and monitoring systems, developed in consultation with local populations, are already in place to prevent degradation of the surrounding forests;

(iv) loans should be consistent with and support the needs and rights of indigenous peoples and other long-term forest inhabitants and should not be made to countries which have shown an unwillingness to resolve fairly the territorial claims of such people; and

(v) support for protection of biological diversity, in close consultation with local communities, should be increased to account for a larger proportion of MDB lending.

(C) In the area of forced displacement of populations—

(i) the World Bank, Inter-American Development Bank, and Asian Development Bank should maintain a listing, available to the Secretary of the Treasury, of all ongoing projects involving forced displacement of populations, including the number of people displaced and a report on the status of the implementation of their resettlement policy guidelines for each such project, and obtain agreements with borrowers to ensure that all ongoing projects involving forced displacement will be in full compliance with their resettlement policy guidelines by mid-1993; and

(ii) the African Development Bank should adopt and implement policy guidelines on forced displacement similar to such guidelines of the other MDBs.

(D) In the area of procedures for environmental impact assessment (EIA)—

(i) each MDB should require that draft and final EIA reports be made available to the public in borrowing and donor countries and that the public be offered timely opportunities for comment on the EIA process, including initial scoping sessions, review of EIA categories assigned to individual projects, and opportunities to comment on draft and final EIA reports;

(ii) each MDB should apply EIA requirements to all sector and structural adjustment loans;

(iii) each MDB should require that the EIA process include analyses of the potential impacts of proposed projects on the global environment; and

(iv) each MDB should require the head of the appropriate environmental unit, rather than project officers, determine the appropriate type of environmental analysis required under the bank's EIA procedures.

(d) The Secretary of the Treasury shall instruct the United States Executive Director to the International Monetary Fund (IMF) to promote regularly and vigorously the following policy and staffing changes, through formal initiatives before the Board and management of the IMF and through bilateral discussions with other member nations:

(1) full compliance with section 594 of Public Law 101–167, and section 55 of the Bretton Woods Agreements Act, as amended;

(2) establishment of an independent audit department which includes poverty and environmental experts, to systematically review the policy prescriptions implemented by the IMF;

(3) promulgation of policies and procedures including consultation with poverty and environmental experts in the formulation of Policy Framework Paper (PFPs); and

(4) establishment of procedures for public access to PFPs and other relevant information.

The Secretary of the Treasury shall submit a report to the Committees on Appropriations by May 1, 1993, which describes the progress in implementing these reforms.

(e) The Administrator of the Agency for International Development shall instruct all Agency missions and bureaus to continue to implement all elements of the "Global Warming Initiative" as defined in, and which may continue under, the authorities of sections 533(c) (1) through (4) of Public Law 101-513. The Initiative shall continue to emphasize the need to reduce emissions of greenhouse gases through strategies consistent with continued economic development, such as forest conservation, end-use energy efficiency, least-cost energy planning, and renewable energy development. The Administrator shall direct Agency mission directors to incorporate these strategies in their country programs.

(f) Of the funds appropriated by this Act under the headings in title II of this Act under "Agency for International Development", not less than $650,000,000 shall be made available for environment and energy activities, including funds earmarked under section 533 of this Act, including the following—

(1) Not less than $20,000,000 of the aggregate of the funds appropriated to carry out the provisions of sections 103 through 106 and chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available for biological diversity activities, of which: $5,000,000 shall be made available for the Parks in Peril project pursuant to the authority of section 119(b) of that Act, and pursuant to an agreement that ensures that such funds will make up no more than 80 percent of the entire costs of the project; $1,500,000 shall be for the National Science Foundation's international biological diversity program; $750,000 shall be for the Neotropical Bird Conservation Initiative of the National Fish and Wildlife Foundation; up to $2,000,000 shall be for Project Noah;

(2) Not less than $15,000,000 of the funds appropriated for the Development Assistance Fund and to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available to support replicable renewable energy projects, and the Agency for International Development shall initiate at least five significant new activities in renewable energy during fiscal year 1993;

(3) Not less than $7,000,000 of the funds appropriated for the Development Assistance Fund and to carry out the provisions of chapter 10 of part I of the Foreign Assistance Act of 1961 shall be made available for assistance in support of elephant conservation and preservation; and

(4) Not less than $25,000,000 of the funds appropriated for the Development Assistance Fund shall be made available for the Office of Energy of the Agency for International Development, of which up to $5,000,000 may be made available for rural electrification in sub-Saharan Africa.

(g) Of the funds appropriated by this Act to carry out the provisions of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, the Agency for International Development should, to the extent feasible and inclusive of funds earmarked under subsection (f) of this section, target assistance for the following activities:

(1) $50,000,000 for projects associated with the Global Environment Facility;

(2) a total of $10,000,000 for CORECT, the Environmental Technology Export Council, and the International Fund for Renewable Energy Efficiency; and

(3) $55,000,000 for activities consistent with the Global Warming Initiative.

(h) Funds appropriated by this Act or any subsequent Act for the Development Assistance Fund and the Development Fund for Africa may be used for expenses (including related support costs) relating to the environment and energy sectors, of individuals detailed to or employed by the Agency for International Development, particularly those involved with the "Global Warming Initiative" described in this subsection.

(i) Of the funds appropriated by this Act to carry out the provisions of section 23 of the Arms Export Control Act, not less than $15,000,000 shall be made available to countries in Africa for programs which support conservation and biological diversity.

[MONTREAL PROTOCOL FACILITATION FUND

[(INCLUDING TRANSFER OF FUNDS)

[SEC. 533. Not less than $15,000,000 of the funds appropriated by this Act to carry out sections 103 and 106 of the Foreign Assistance Act of 1961 shall be used to support the creation of a fund to facilitate and support global participation in the Montreal Protocol on Substances that Deplete the Ozone Layer: *Provided*, That these funds shall be transferred to the Bureau of Oceans, International Environment and Scientific Affairs of the Department of State and shall be made available, after consultations with the Environmental Protection Agency, to the United Nations Environment Program in its role as Secretariat to the Protocol: *Provided further*, That the United States representative to the Secretariat shall seek assurances that none of these funds shall be contributed to any developing country that is not a party to the Protocol and operating under Article 5 of the Protocol.]

MONTREAL PROTOCOL FACILITATION FUND

(INCLUDING TRANSFER OF FUNDS)

SEC. 533. Not less than $15,000,000 of the funds appropriated by this Act for the Development Assistance Fund shall be used to support the Interim Multilateral Fund for the Implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer: Provided, That these funds shall be made available, after consultations with the Bureau of Oceans, International Environment and Scientific Affairs of the Department of State and the Environmental Protection Agency, to the United Nations Environment Program in its role as Treasurer of the Interim Multilateral Fund: Provided further, That the United States representative to the Executive Committee that oversees the implementation of the Interim Multilateral Fund shall seek assurances that none of these funds shall be contributed to any developing country that is not a Party to the Protocol and operating under Article 5 of the Protocol.

PROHIBITION CONCERNING ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 534. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. The Congress reaffirms its commitments to Population, Development Assistance and to the need for informed voluntary family planning.

AFGHANISTAN—HUMANITARIAN ASSISTANCE

SEC. 535. Of the aggregate amount of funds appropriated by this Act, to be derived in equal parts from the funds appropriated to carry out the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, and chapter 4 of part II of that Act, up to $50,000,000 may be made available for the provision of food, medicine, or other humanitarian [assistance to the Afghan people] *and economic assistance for Afghanistan*, notwithstanding any other provision of law. *In providing economic assistance under this section, the President shall take into consideration the objective of reducing narcotics production, trafficking, and abuse within Afghanistan.* In carrying out this section, the Administrator of the Agency for International Development shall ensure that an equitable portion of the funds is made available to benefit Afghan women and girls, particularly in programs in refugee camps in Pakistan and in reconstruction projects in Afghanistan.

PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 536. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development, nor shall any of the funds appropriated by this Act be made available to any private voluntary organization which is not registered with the Agency for International Development.

PRIOR CONSULTATIONS ON IFI REPLENISHMENTS

SEC. 537. Prior to entering into formal negotiations on any replenishment for any international financial institution or multilateral development bank, the Secretary of the Treasury shall consult with the Committees on Appropriations and appropriate authorizing committees on the United States position entering those negotiations.

REFUGEE RESETTLEMENT

SEC. 538. It is the sense of the Congress that all countries receiving United States foreign assistance under this Act, the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), or trade promotion programs should fully cooperate with the international refugee assistance organizations, the United States, and other governments in facilitating lasting solutions to refugee situations. Further, where resettlement to other countries is the appropriate solution, such resettlement should be expedited in cooperation with the country of asylum without respect to race, sex, religion, or national origin.

REPORTING REQUIREMENT

SEC. 539. The President shall submit to the Committees on Appropriations the reports required by section 25(a)(1) of the Arms Export Control Act.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 540. None of the funds appropriated in this Act shall be obligated or expended for Sudan, Liberia, Lebanon, Zaire, Yemen, Haiti, *Ivory Coast*, Guatemala, Malawi, Peru, Uganda, Cambodia, Indonesia, or Somalia except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 541. For the purpose of this Act, "program, project, and activity" shall be defined at the Appropriations Act account level and shall include all Appropriations and Authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development "program, project, and activity" shall also be considered to include central program level funding, either as (1) justified to the Congress, or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within thirty days of enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

FAMILY PLANNING, CHILD SURVIVAL AND AIDS ACTIVITIES

SEC. 542. Up to $8,000,000 of the funds made available by this Act for assistance for *family planning*, health, child survival, and AIDS, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out *family planning activities*, child survival activities and activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome in developing countries: *Provided*, That such individuals shall not be included within any personnel ceiling applicable to any United States Government agency during the period of detail or assignment: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 518 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 543. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, the Socialist Republic of Vietnam, Iran, Syria, North Korea, People's Republic of China, Laos, Jordan, or Yemen unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

RECIPROCAL LEASING

SEC. 544. Section 61(a) of the Arms Export Control Act is amended by striking out "1992" and inserting in lieu thereof "1993".

DEFENSE EQUIPMENT DRAWDOWN

SEC. 545. (a) Defense articles, services and training drawn down under the authority of section 506(a) of the Foreign Assistance Act of 1961, shall not be furnished to a recipient unless such articles are delivered to, and such services and training initiated for, the recipient country or international organization not more than one hundred and twenty days from the date on which Congress received notification of the intention to exercise the authority of that section: *Provided*, That if defense articles have not been delivered or services and training initiated by the period specified in this section, a new notification pursuant to section 506(b) of such Act shall be provided, which shall include an explanation for the delay in furnishing such articles, services, and training, before such articles, services, or training may be furnished.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 546. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (c) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 547. Funds appropriated by this Act may be obligated and expended [subject to] notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

NOTIFICATION TO CONGRESS ON DEBT RELIEF AGREEMENTS

SEC. 548. The Secretary of State shall transmit to the Appropriations Committees of the Congress and to such other Committees as appropriate, a copy of the text of any agreement with any foreign government which would result in any debt relief no less than thirty days prior to its entry into force, other than one entered into pursuant to this Act, together with a detailed justification of the interest of the United States in the proposed debt relief: *Provided*, That the term "debt relief" shall include any and all debt prepayment, debt rescheduling, and debt restructuring proposals and agreements: *Provided further*, That the Secretary of State and the Secretary of the Treasury should in every feasible instance notify the Appropriations Committees of the Congress and such other Committees as appropriate not less than 15 days prior to any formal multilateral or bilateral negotiation for official debt restructuring, rescheduling, or relief: *Provided further*, That the Secretary of State or the Secretary of the Treasury, as appropriate, shall report not later than February 1 of each year a consolidated statement of the budgetary implications of all debt-related agreements entered into force during the preceding fiscal year.

MIDDLE EAST REGIONAL COOPERATION AND ISRAELI-ARAB SCHOLARSHIPS

SEC. 549. Middle East regional cooperative programs which have been carried out in accordance with section 202(c) of the International Security and Development Cooperation Act of 1985 shall continue to be funded at a level of not less than $7,000,000 from funds appropriated under the heading "Economic Support Fund".

MEMBERSHIP DESIGNATION IN ASIAN DEVELOPMENT BANK

SEC. 550. It is the sense of the Congress that the United States Government should use its influence in the Asian Development Bank to secure reconsideration of that institution's decision to designate Taiwan (the Republic of China) as "Taipei, China". It is further the sense of the Congress that the Asian Development Bank should resolve this dispute in a fashion that is acceptable to Taiwan (the Republic of China).

DEPLETED URANIUM

SEC. 551. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-833 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987 or, (3) Taiwan: *Provided*, That funds may be made available to facilitate the sale of such shells notwithstanding the limitations of this section if the President determines that to do so is in the national security interest of the United States.

EARMARKS

SEC. 552. *(a)* Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this [section] [subsection] with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this [section] *subsection* shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

OPPOSITION TO ASSISTANCE TO TERRORIST COUNTRIES BY INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 553. (a) INSTRUCTIONS FOR UNITED STATES EXECUTIVE DIRECTORS.—The Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to vote against any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 6(j) of the Export Administration Act of 1979.

(b) DEFINITION.—For purposes of this section, the term "international financial institution" includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund; and

(2) wherever applicable, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the African Development Fund.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 554. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least fifteen days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

SOUTH AFRICA—SCHOLARSHIPS

SEC. 555. Of the funds made available by this Act under the heading "Economic Support Fund", $10,000,000 may be made available for scholarships for disadvantaged South Africans.

NARCOTICS CONTROL PROGRAM

SEC. 556. (a)(1) Funds made available under this Act shall be available for obligation consistent with requirements to apply the provisions of section 481(h) of the Foreign Assistance Act of 1961 (relating to International Narcotics Control).

(2) Funds made available by this Act to carry out the provisions of the Arms Export Control Act and [section 534] *sections 534 and 541* of the Foreign Assistance Act of 1961 may be provided for training and equipment for law enforcement agencies or other units in Colombia, Bolivia, Ecuador, and Peru that are organized for the specific purpose of narcotics enforcement: *Provided*, That assistance under this paragraph may be provided notwithstanding section 660 of the Foreign Assistance Act of 1961 and the second sentence of section 534(e) of that Act: *Provided further*, That the waiver contained in this paragraph does not apply to Peru's Sinchi police: *Provided further*, That assistance provided pursuant to this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Of the funds appropriated under title II of this Act for the Agency for International Development, up to $10,000,000 should be made available for narcotics education and awareness programs (including public diplomacy programs) of the Agency for International Development, and $40,000,000 of the funds appropriated under title II of this Act should be made available for narcotics related economic assistance activities.

(c) Section 515(d) of the Foreign Assistance Act of 1961 is amended by striking out "(excluding salaries of the United States military personnel)" and inserting in lieu thereof "(excluding salaries of the United States military personnel other than the Coast Guard)".

(d) For purposes of satisfying the requirement of section 484 of the Foreign Assistance Act of 1961, funds made available by this Act for the purposes of section 23 of the Arms Export Control Act may be used to finance the leasing of aircraft under chapter 6 of the Arms Export Control Act.

TURKISH AND GREEK MILITARY FORCES ON CYPRUS

SEC. 557. Any agreement for the sale or provision of any article on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) entered into by the United States after the enactment of this section shall expressly state that the article is being provided by the United States only with the understanding that it will not be transferred to Cyprus or otherwise used to further the severance or division of Cyprus. The President shall report to Congress any substantial evidence that equipment provided under any such agreement has been used in a manner inconsistent with the purposes of this section.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 558. Notwithstanding any other provision of law, and subject to the regular notification requirements of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel and Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

[ASSISTANCE FOR CAMBODIAN PEACE, DEMOCRACY, AND DEVELOPMENT

[SEC. 559. (a) HUMANITARIAN AND DEVELOPMENT ASSISTANCE FOR CAMBODIA.—Not less than $20,000,000 of the funds appropriated by this Act under the heading "Economic Support Fund" and for "development assistance" shall be made available, predominantly through international organizations and United States private and voluntary organizations, for humanitarian and development assistance exclusively for Cambodian civilians, notwithstanding any other provision of law (other than sections 531(e) and 634A of the Foreign Assistance Act of 1961, section 522 of this Act (regarding notification requirements), and the provisions of this section).

[(b) ASSISTANCE TO SUPPORT ADMINISTRATIVE PROGRAMS.—Of the assistance provided under subsection (a), not less than $10,000,000 shall be used to support administrative programs in Cambodia in order to ensure that such programs continue to function and serve the Cambodian people during the implementation of the United Nations settlement agreement for Cambodia.

[(c) RELATION TO ASSISTANCE FOR CAMBODIAN CHILDREN.—Any assistance provided under this section shall be in addition to the assistance provided under the heading "Humanitarian Assistance for Cambodian Children".

[(d) DEFINITIONS.—For purposes of this section—

[(1) the term "development assistance" means (A) assistance furnished to carry out any of the provisions of chapter 1 of part I of the Foreign Assistance Act of 1961, including the development of infrastructure and human resources development, and (B) assistance to support administrative programs; and

[(2) the term "humanitarian assistance" means food, clothing, medicine, and other humanitarian assistance, including equipment for the surveying and eradication of explosive mines, but such term does not include (A) the provision of any weapons, weapon systems, or ammunition, or (B) the provision to Cambodian military units of any other equipment, vehicles, or material.

[(e) RESTRICTION ON ASSISTANCE.—None of the funds made available under this section may be made available, directly or indirectly, for the Khmer Rouge.

[(f) TERMINATION OF ASSISTANCE.—The President shall terminate assistance under this section to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

[(g) REPORTING REQUIREMENTS.—(1) Not later than 120 days after the enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report on the United States plans for contributing to the long-term rehabilitation, reconstruction and development needs of Cambodia.

[(2) Not later than December 1, 1992, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report on the status of the United Nations demobilization and cantonment process for each of the four Cambodian factions, and the degree of integration and cooperation among the four factions, and the status of the repatriation process.]

ASSISTANCE FOR CAMBODIA

SEC. 559. (a) ACTS OF GENOCIDE IN CAMBODIA.—As a party to the Genocide Convention, the United States reaffirms that genocide is a crime under international law which it undertakes to prevent and punish, and calls upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide in Cambodia.

(b) HUMANITARIAN AND DEVELOPMENT ASSISTANCE FOR CAMBODIA.—

(1) ASSISTANCE.—Except as provided in paragraph (2), not less than $20,000,000 of the funds appropriated for fiscal year 1993 for development assistance and economic support fund assistance shall be made available, only through international relief agencies, United States private and voluntary organizations, and United Nations agencies, for humanitarian and development assistance exclusively for Cambodian civilians and in accordance with the priority needs identified by the Agency for International Development's Report to Congress on Cambodia's Humanitarian and Development Assistance Priorities (transmitted pursuant to the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991), notwithstanding any other provision of law.

(2) DEFINITION.—For purposes of this section, the term "humanitarian assistance" includes food, potable water, clothing, medicine, and other humanitarian assistance, including training and equipment for the surveying and removal of explosive mines, but such term does not include (A) the provision of any weapons, weapon systems, or ammunition, or (B) the provision to Cambodian military units of any other equipment, vehicles, or material.

(c) HUMANITARIAN ASSISTANCE TO CHILDREN.—In addition to funds otherwise available for such purposes under subsection (b), not less than $5,000,000 of the funds made available for fiscal year 1993 for development assistance and economic support fund assistance shall be made available to provide humanitarian assistance to children and war victims in Cambodia, notwithstanding any other provision of law.

(d) TERMINATION OF ASSISTANCE.—The President shall terminate assistance under this section to any Cambodian organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations.

(e) ONSITE ASSESSMENT OF NEEDS FOR ASSISTANCE.—Not later than 120 days after the date of enactment of this Act, the President shall conduct an onsite assessment on a multilateral basis in cooperation with the United Nations, or on an independent basis, within Cambodia (including Phnom Penh) to determine the requirements for the development of social economic and social infrastructure and for the eradication of explosive mines.

(f) REPORT REGARDING THE KHMER ROUGE.—Not later than May 1, 1993, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report describing all violations of the United Nations peace agreement by the Khmer Rouge since July 1, 1992, and United States responses to those violations. Such report shall be submitted in both classified and unclassified form.

(g) APPLICABILITY OF EXISTING LAW.—

(1) TRADE RESTRICTIONS.—Funds shall be made available under this section notwithstanding any law or regulation prohibiting trade with Cambodia or any national of Cambodia.

(2) REPROGRAMMING NOTIFICATIONS.—Funds shall be made available under this section subject to the provisions of section 522 of this Act.

(3) PROHIBITIONS.—Any funds made available under this section shall be subject to the prohibitions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

COMPETITIVE INSURANCE

SEC. 560. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States marine insurance companies have a fair opportunity to bid for marine insurance when such insurance is necessary or appropriate.

IRELAND

SEC. 561. It is the sense of the Congress that of the funds appropriated or otherwise made available for the International Fund for Ireland, the Board of the International Fund for Ireland should give great weight in the allocation of such funds to projects which will create permanent, full-time jobs in the areas that have suffered most severely from the consequences of the instability of recent years. Areas that have suffered most severely from the consequences of the instability of recent years shall be defined as areas that have high rates of unemployment.

[ASSISTANCE TO AFGHANISTAN

[SEC. 562. Funds appropriated by this Act may not be made available, directly or for the United States proportionate share of programs funded under the heading "International Organizations and Programs", for assistance to be provided inside Afghanistan if that assistance would be provided through the Soviet-controlled government of Afghanistan. This section shall not be construed as limiting the United States contributions to international organizations for humanitarian assistance.]

ELIGIBILITY FOR ASSISTANCE

SEC. 562. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961: Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 1993, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954.

[EL SALVADOR ECONOMIC SUPPORT FUNDS

[SEC. 563. Not less than 25 per centum of the Economic Support Funds made available for El Salvador by this Act shall be used for projects and activities in accordance with the provisions applicable to assistance under chapter 1 of part I of the Foreign Assistance Act of 1961.]

CONTRACTING FOR SERVICES

SEC. 563. Funds appropriated by this and subsequent Acts making appropriations for foreign operations, export financing, and related programs for the Agency for International Development may be used by such agency to contract with individuals for personal services in the United States: Provided, That such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management.

DISADVANTAGED ENTERPRISES

SEC. 564. (a) Except to the extent that the Administrator of the Agency for International Development of the Foreign Assistance Act of 1961 determines otherwise, not less than 10 percent of the aggregate amount made available for the current fiscal year for the "Development Assistance Fund", "Population, Development Assistance", and the "Development Fund for Africa" shall be made available only for activities of United States organizations and individuals that are—

(1) business concerns owned and controlled by socially and economically disadvantaged individuals,

(2) historically black colleges and universities,

(3) colleges and universities having a student body in which more than 40 per centum of the students are Hispanic American, and

(4) private voluntary organizations which are controlled by individuals who are socially and economically disadvantaged.

(b)(1) In addition to other actions taken to carry out this section, the actions described in paragraphs (2) through (5) shall be taken with respect to development assistance and assistance for sub-Saharan Africa for the current fiscal year.

(2) Notwithstanding any other provision of law, in order to achieve the goals of this section, the Administrator—

(A) to the maximum extent practicable, shall utilize the authority of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(B) to the maximum extent practicable, shall enter into contracts with small business concerns owned and controlled by socially and economically disadvantaged individuals, and organizations contained in paragraphs (2) through (4) of subsection (a)—

(i) using less than full and open competitive procedures under such terms and conditions as the Administrator deems appropriate, and

(ii) using an administrative system for justifications and approvals that, in the Administrator's discretion, may best achieve the purpose of this section; and

(C) shall issue regulations to require that any contract in excess of $500,000 contain a provision requiring that no less than 10 per centum of the dollar value of the contract be subcontracted to entities described in subsection (a), except—

(i) to the extent the Administrator determines otherwise on a case-by-case or category-of-contract basis; and

(ii) this subparagraph does not apply to any prime contractor that is an entity described in subsection (a).

(3) Each person with contracting authority who is attached to the agency's headquarters in Washington, as well as all agency missions and regional offices, shall notify the agency's Office of Small and Disadvantaged Business Utilization at least seven business days before advertising a contract in excess of $100,000, except to the extent that the Administrator determines otherwise on a case-by-case or category-of-contract basis.

(4) The Administrator shall include, as part of the performance evaluation of any mission director of the agency, the mission director's efforts to carry out this section.

(5) The Administrator shall submit to the Congress annual reports on the implementation of this section. Each such report shall specify the number and dollar value or amount (as the case may be) of prime contracts, subcontracts, grants, and cooperative agreements awarded to entities described in subsection (a) during the preceding fiscal year.

(c) As used in this section, the term "socially and economically disadvantaged individuals" has the same meaning that term is given for purposes of section 8(d) of the Small Business Act, except that the term includes women.

STINGERS IN THE PERSIAN GULF REGION

SEC. 565. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

PROHIBITION ON LEVERAGING AND DIVERSION OF UNITED STATES ASSISTANCE

SEC. 566. (a) None of the funds appropriated by this Act may be provided to any foreign government (including any instrumentality or agency thereof), foreign person, or United States person in exchange for that foreign government or person undertaking any action which is, if carried out by the United States Government, a United States official or employee, expressly prohibited by a provision of United States law.

(b) For the purposes of this section the term "funds appropriated by this Act" includes only (1) assistance of any kind under the Foreign Assistance Act of 1961; and (2) credits, and guaranties under the Arms Export Control Act.

(c) Nothing in this section shall be construed to limit—

(1) the ability of the President, the Vice President, or any official or employee of the United States to make statements or otherwise express their views to any party on any subject;

(2) the ability of an official or employee of the United States to express the policies of the President; or

(3) the ability of an official or employee of the United States to communicate with any foreign country government, group or individual, either directly or through a third party, with respect to the prohibitions of this section including the reasons for such prohibitions, and the actions, terms, or conditions which might lead to the removal of the prohibitions of this section.

APPROPRIATIONS OF UNITED STATES-OWNED CURRENCIES

SEC. 567. The provisions of section 1306 of title 31, United States Code, shall not be waived to carry out the provisions of the Foreign Assistance Act of 1961 by any provision of law enacted after the date of enactment of this Act unless such provision makes specific reference to this section.

DEBT-FOR-DEVELOPMENT

SEC. 568. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including *endowments*, debt-for-development and debt-for-nature exchanges, a nongovernmental organization [may invest] *which is a grantee or contractor of the Agency for International Development may invest funds made available under this Act or prior Acts or* local currencies which accrue to that organization as a result of economic assistance provided under the heading "Agency for International Development" and any interest earned on such investment may be used[, including for the establishment of an endowment,] for the purpose for which the assistance was provided to that organization.

LEBANON

SEC. 569. (a) Of the funds appropriated by this Act to carry out chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 not less than $10,000,000 shall be made available for Lebanon and may be provided in accordance with the general authorities contained in section 491 of the Foreign Assistance Act of 1961, of which not less than $6,000,000 shall be derived from funds appropriated to carry out chapter 1 of part I and not less than $4,000,000 shall be derived from funds appropriated to carry out chapter 4 of part II.

(b) All deliveries to Lebanon of equipment purchased with Foreign Military Financing credits or grants shall be subject to the regular notification procedures of the Committees on Appropriations.

LOCATION OF STOCKPILES

SEC. 570. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "$378,000,000 for fiscal year 1991, of which amount not less than $300,000,000 shall be available for stockpiles in Israel" and inserting in lieu thereof "$389,000,000 for fiscal year 1993, of which amount not less than $200,000,000 shall be available for stockpiles in Israel, and up to $189,000,000 may be available for stockpiles in the Republic of Korea".

ASSISTANCE FOR PAKISTAN

SEC. 571. (a) The date specified in section 620E(d) of the Foreign Assistance Act of 1961 is amended to read as follows: "September 30, 1993".

(b) None of the funds appropriated in this Act shall be obligated or expended for Pakistan except as provided through the regular notification procedures of the Committees on Appropriations.

SEPARATE ACCOUNTS

SEC. 572. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated, and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate ac-

count pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as:

(i) project and sector assistance activities, or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all appropriate steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) CONFORMING AMENDMENTS.—The provisions of this subsection shall supersede the tenth and eleventh provisos contained under the heading "Sub-Saharan Africa, Development Assistance" as included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 and sections 531(d) and 609 of the Foreign Assistance Act of 1961.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I (including the Philippines Multilateral Assistance Initiative) or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (H. Report No. 98–1159).

(3) NOTIFICATION.—At least fifteen days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 573. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 574. (a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistant to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

(1) the importation of products of Iraq into its customs territory, and

(2) the export of its products to Iraq.

[REPEAL OF FISCAL YEAR 1991 PROVISION

SEC. 575. The amendment to section 516(a) of the Foreign Assistance Act of 1961 made by section 589 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101–513) is hereby repealed.]

POW/MIA MILITARY DRAWDOWN

SEC. 575. (a) Notwithstanding any other provision of law, the President may direct the drawdown, without reimbursement by the recipient, of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value not to exceed $15,000,000 in fiscal year 1993, as may be necessary to carry out subsection (b).

(b) Such defense articles, services and training may be provided to Cambodia and Laos, under subsection (a) as the President determines are necessary to support efforts to locate and repatriate members of the United States Armed Forces and civilians employed directly or indirectly by the United States government who remain unaccounted for from the Vietnam War, and to ensure the safety of United States Government personnel engaged in such cooperative efforts and to support United States Department of Defense-sponsored humanitarian projects associated with the POW/MIA efforts. Any aircraft shall be provided under this section only to Laos and only on a lease or loan basis, but may be provided at no cost notwithstanding section 61 of the Arms Export Control Act and may be maintained with defense articles, services and training provided under this section.

(c) The President shall, within sixty days of the end of any fiscal year in which the authority of subsection (a) is exercised, submit a report to the Congress which identifies the articles, services, and training drawn down under this section.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles, defense services, and military education and training provided under this section.

CHEMICAL WEAPONS PROLIFERATION

SEC. 576. None of the funds appropriated by this Act may be used to finance the procurement of chemicals, dual use chemicals, or chemical agents that may be used for chemical weapons production: Provided, That the provisions of this section shall not apply to any such procurement if the President determines that such chemicals, dual use chemicals, or chemical agents are not intended to be used by the recipient for chemical weapons production.

[KENYA

[SEC. 577. Notwithstanding any other provision of law, none of the funds appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program", may be made available for Kenya unless the President certifies, and so reports to the Congress, that the Government of Kenya is taking steps to—

[(1) charge and try or release all prisoners, including any persons detained for political reasons;

[(2) cease any physical abuse or mistreatment of prisoners;

[(3) restore the independence of the judiciary; and

[(4) restore freedoms of expression: *Provided*, That none of the funds appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program" may be obligated or expended for Kenya until 30 days after such report is transmitted to the Congress.]

KENYA

SEC. 577. (a) RESTRICTIONS.—None of the funds appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program" may be made available for Kenya unless the President determines, and so certifies to the Congress, that the Government of Kenya—

(1) has released all political detainees and has ended the prosecution of individuals for the peaceful expression of their political beliefs;

(2) has ceased the physical abuse or mistreatment of prisoners;

(3) has restored judicial independence;

(4) has taken significant steps toward respecting human rights and fundamental freedoms, including the freedom of thought, conscience, belief, expression, and the freedom to advocate the establishment of political parties and organizations; and

(5) has set and published an elections schedule or timetable for the holding of multi-party elections.

(b) CONGRESSIONAL NOTIFICATION.—During fiscal year 1993, none of the funds appropriated by this Act to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance

Act of 1961 shall be obligated for Kenya unless the Committees on Appropriations are notified at least 15 days in advance in accordance with the regular notification procedures of those Committees.

(c) DATE OF AVAILABILITY OF FUNDS.—None of the funds appropriated by this Act under the heading "Economic Support Fund" or "Foreign Military Financing Program" may be obligated or expended for Kenya until 30 days after the certification described in subsection (a) is made to the Congress.

MEDITERRANEAN EXCESS DEFENSE ARTICLES

SEC. 578. (a) Section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, is amended by striking out "three year period beginning on October 1, 1989" and inserting in lieu thereof "four-year period beginning on October 1, 1992".

(b) During fiscal year 1993, the provisions of section 573(e) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, (as amended by subsection (a) of this section) shall be applicable, for the period specified therein, to excess defense articles made available under sections 516 and 519 of the Foreign Assistance Act of 1961.

PRIORITY DELIVERY OF EQUIPMENT

SEC. 579. Notwithstanding any other provision of law, the delivery of excess defense articles that are to be transferred on a grant basis under section 516 of the Foreign Assistance Act to NATO allies and to major non-NATO allies on the southern and southeastern flank of NATO shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

ISRAEL DRAWDOWN

SEC. 580. Section 599B(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (as amended by Public Law 102–145, as amended), is further amended—

(a) by striking out "fiscal year 1992" and inserting in lieu thereof "fiscal year 1993"; and

(b) by striking out "Appropriations Act, 1992" and inserting in lieu thereof "Appropriations Act, 1993".

HUMAN RIGHTS PERFORMANCE

SEC. 581. Prior to the provision of assistance from funds appropriated by this Act for Eastern Europe, the Baltic States, and the independent states of the former Soviet Union, the President should take into consideration the extent to which such countries are taking significant steps, as appropriate, toward—

(1) implementation of internationally recognized human rights, including provisions of the Helsinki Final Act and other documents of the Conference on Security and Cooperation in Europe;

(2) political pluralism based on democratic principles, and the rule of law; and

(3) economic reform, based on market principles and private property.

ESTABLISHING CATEGORIES OF ALIENS FOR PURPOSES OF REFUGEE DETERMINATIONS; ADJUSTMENT OF STATUS FOR CERTAIN SOVIET AND INDOCHINESE PAROLEES

SEC. 582. (a) EXTENSION OF PROVISIONS.—The Foreign Operations, Export Financing, and Releted Programs Appropriations Act, 1990 (Public Law 101–167), is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by inserting "and within the number of such admissions allocated for each of fiscal years 1993 and 1994 for refugees who are nationals of the independent states of the former Soviet Union, Estonia, Latvia, and Lithuania under such section" after "Act"; and

(B) in subsection (e), by striking out "October 1, 1992" each place it appears and inserting in lieu thereof "October 1, 1994"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

(b) CORRECTION OF REFERENCES TO SOVIET UNION.—That Act is amended—

(1) in section 599D(b)—

(A) in paragraphs (1)(A), (2)(A), and (2)(B), by striking out "of the Soviet Union" each place it appears and inserting in lieu thereof "of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania"; and

(B) in paragraph (1)(A), by striking out "in the Soviet Union," and inserting in lieu thereof "in that state"; and

(2) in section 599E(b)(1), by striking out "of the Soviet Union," and inserting in lieu thereof "of an independent state of the former Soviet Union, Estonia, Latvia, Lithuania,".

(c) REPEAL OF EXECUTED REPORTING REQUIREMENTS.—Section 599D of that Act is amended by repealing subsection (f).

ASSISTANCE FOR GUATEMALA

SEC. 583. (a) USE OF ASSISTANCE.—For fiscal year 1993, assistance that is provided for Guatemala under chapter 1 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961—

(1) may be provided to and used only by civilian government agencies and nongovernmental organizations;

(2) shall be targeted for assistance for programs that directly address poverty, basic human needs, and environmental concerns; to improve the performance of democratic institutions or otherwise to promote pluralism; for the National Reconciliation Commission; for fiscal reform and fiscal administration; or for programs that promote foreign and domestic trade and investment;

(3) may not be used for partisan political purposes or as an instrument of counterinsurgency;

(4) may be used for costs of retraining, relocation, and reemployment in civilian pursuits of former combatants and noncombatants affected by the conflict in Guatemala; and

(5) may be used for costs of monitoring activities associated with provisions set forth in an agreement for lasting peace pursuant to the Accord of Mexico and in fulfillment of the Accord of Oslo or other subsequent accords reached by the parties to the conflict.

(b) SPECIAL NOTIFICATION REQUIREMENT.—[(1) None of the funds appropriated in this Act shall be obligated or expended for Guatemala except as provided through the regular notification procedures of the Committee on Appropriations of each House of Congress.]

[(2)] *(1)* Funds made available pursuant to subsections (a)(4) and (a)(5) may be made available only upon notification by the President to the appropriate congressional committees that the Government of Guatemala and representatives of the Guatemalan National Revolutionary Unity (URNG) have signed an agreement providing for a "lasting peace agreement" pursuant to the Accord of Mexico and in fulfillment of the Accord of Oslo or any other subsequent accords reached by the parties to the conflict.

[(3)] *(2)* The President shall, prior to submitting any notifications for assistance for Guatemala in fiscal year 1993, take into consideration the progress the Government of Guatemala has made toward eliminating human rights violations and in investigating and bringing to trial those responsible for major human rights cases, such as those relating to Sister Dianna Ortiz, Michael Devine, and Myrna Mack.

(c) DEFINITIONS.—As used in this section—

(1) the term "Accord of Mexico" means the Accord on the Procedure to Attain Peace Through Peaceful Means agreed to by the parties in Mexico City on April 26, 1991;

(2) the term "Accord of Oslo" means the Accord of Oslo of March 30, 1990; and

(3) the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

ASSISTANCE FOR JORDAN

SEC. 584. None of the funds appropriated or otherwise made available by this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to Jordan unless the President determines and so certifies to the Congress that (1) Jordan has taken steps to advance the peace process in the Middle East, (2) Jordan is in compliance with United Nations Security Council sanctions against Iraq, and (3) that such assistance is in the national interest of the United States.

NUCLEAR NON-PROLIFERATION POLICY IN SOUTH ASIA

SEC. 585. *(a)* The Foreign Assistance Act of 1961 is amended by inserting the following new section:

"SEC. 620F. NUCLEAR NON-PROLIFERATION POLICY IN SOUTH ASIA.

"(a) FINDINGS.—The Congress finds that—

"(1) the proliferation of weapons of mass destruction remains one of the most serious threats to international peace and stability;

"(2) South Asia, in particular, is an area where the threat of a regional nuclear exchange remains high due to continued Indo-Pakistani tensions over issues such as Kashmir;

"(3) to date, United States efforts to halt proliferation in South Asia have failed;

"(4) although global disarmament is a desirable goal which should be vigorously pursued, both regional and sub-regional security arrangements can serve to decrease tensions and promote non-proliferation in certain areas;

"(5) thus far, there has been some success on a regional basis, such as the South Pacific Nuclear Weapons Free Zone and the Treaty of Tlatelolco in Latin America;

"(6) in particular, in Latin America, the Treaty of Tlatelolco has been signed by all the nuclear powers;

"(7) a critical part of this treaty is Protocol II which prohibits nuclear attacks by nuclear weapons states on signatories to the treaty;

"(8) in 1991, a proposal was made for a regional conference on non-proliferation in South Asia which would include Pakistan, India, the People's Republic of China, the Soviet Union, and the United States; and

"(9) thus far, Pakistan, China, Russia, and the United States have expressed interest in attending such a conference, whereas India has refused to attend.

"(b) POLICY.[—The Congress is encouraged by the impending bilateral conference between the United States and India to address the serious question of nuclear proliferation in South Asia. It is the sense of the House] *It is the sense of the Congress* that the President should pursue a policy which seeks a regional negotiated solution to the issue of nuclear non-proliferation in South Asia at the earliest possible time, including a protocol to be signed by all nuclear weapons states, prohibiting nuclear attacks by nuclear weapons states on countries in the region. Such a policy should have as its ultimate goal concurrent accession by Pakistan and India to the Nuclear Non-Proliferation Treaty, and should also include as needed a phased approach to that goal through a series of agreements among the parties on nuclear issues, such as the agreement reached by Pakistan and India not to attack one another's nuclear facilities.

"(c) REPORT ON PROGRESS TOWARD REGIONAL NON-PROLIFERATION.—Not later than [six months after the date of enactment of this Act] *April 1, 1993* and every six months thereafter, the President shall submit a report to the Committees on Appropriations, the Speaker of the House of Representatives, and the chairman of the Committee on Foreign Relations of the Senate, on nuclear proliferation in South Asia, including efforts taken by the United States to achieve a regional agreement on nuclear non-proliferation, and including a comprehensive list of the obstacles to concluding such a regional [agreement.] *agreement.*".

["(d)] *(b)* REPORT ON SOUTH ASIAN NUCLEAR PROGRAMS.—Not later than six months after the enactment of this Act, the President shall submit a report with respect to the People's Republic of China, Pakistan, India and Sri Lanka *and India* in writing to the Committees on Appropriations, the Speaker of the House of Representatives, the chairman of the Committee on Foreign Relations of the Senate, on that country's nuclear and ballistic missile programs, including, but not limited to—

["(1)] *(1)* a determination as to whether that country possesses a nuclear explosive device or whether it possesses all the components necessary for the assembly of such a device;

["(2)] *(2)* a complete report on the status of that country's missile development program, foreign assistance to that program, and foreign sales of missiles or missile components to that country and steps which the United States has taken in response to such sales; and

["(3)] *(3)* a report on whether that country has agreed to fully adhere, and is adhering, to all peaceful nuclear cooperation agreements with the United States and has formally agreed to place all United States-supplied nuclear materials under international safeguards in [perpetuity.".] *perpetuity.*

CASH FLOW FINANCING

SEC. 586. For each country that has been approved for cash flow financing (as defined in section 25(d) of the Arms Export Control Act, as added by section 112(b) of Public Law 99-83) under the Foreign Military Financing Program, any Letter of Offer and Acceptance or other purchase agreement, or any amendment thereto, for a procurement in excess of $100,000,000 that is to be financed in whole or in part with funds made available under this Act shall be submitted through the regular notification procedures to the Committees on Appropriations.

RESCISSION

SEC. 587. (a) Of the unexpended balances of funds (including earmarked funds) made available in Public Law 101-513 and prior Acts making appropriations for foreign operations, export financing, and related programs to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, $37,500,000 are rescinded.

(b) Of the unexpended balances of funds (including earmarked funds) made available in Public Law 101-513 and prior Acts making appropriations for foreign operations, export financing, and related programs to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $37,500,000 are rescinded.

(c) Of the funds made available (including earmarked funds) in Public Law 101-513 and prior Acts making appropriations for foreign operations, export financing, and related programs to carry out the provisions of section 23 of the Arms Export Control Act and section 503 of the Foreign Assistance Act of 1961, [$75,000,000] *$45,750,000* are rescinded.

ANTI-NARCOTICS UPDATE

SEC. 588. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", assistance may be provided as follows:

(1) to strengthen the administration of justice in countries in Latin America and the Caribbean in accordance with the provisions of section 534 of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act; and

(2) notwithstanding section 660 of the Foreign Assistance Act of 1961, up to $10,000,000 may be made available for technical assistance, training, and commodities with the objective of creating a professional civilian police force for Panama, *and for programs to improve penal institutions and the rehabilitation of offenders in Panama (which programs may be conducted other than through multilateral or regional institutions)*, except that such technical assistance shall not include more than $5,000,000 for the procurement of equipment for law enforcement purposes, and shall not include lethal equipment.

(b) Funds made available pursuant to this section may be made available notwithstanding the third sentence of section 534(e) of the Foreign Assistance Act of 1961. Funds made available pursuant to subsection (a)(1) for Bolivia, Colombia and Peru and subsection (a)(2) may be made available notwithstanding section 534(c) and the second sentence of section 534(e) of the Foreign Assistance Act of 1961.

[AUTHORITIES FOR THE INTER-AMERICAN AND AFRICAN DEVELOPMENT FOUNDATIONS

[SEC. 589. Unless expressly provided to the contrary and subject to the regular notification procedures of the Committees on Appropriations, provisions of this Act and provisions contained in prior Acts making appropriations for foreign operations, export financing, and related programs shall not be construed to prohibit activities authorized by or conducted under the Inter-American Foundation Act or the African Development Foundation Act.]

AUTHORITIES FOR THE PEACE CORPS, THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION

SEC. 589. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act, or the African Development Foundation Act. The appropriate agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

REPORT ON CREDIT PROGRAMS

SEC. 590. The Comptroller General of the United States shall conduct a study of each credit program within the international affairs (Budget Function 150) account, calculating for loans, guarantees and insurance commitments for each such credit program: (1) the probability of repayment by each country of existing United States international loans and the probability of default by each country on existing United States international guarantees, (2) subsidy estimates for each country and each such credit program, and (3) risk assessments for each country within each such credit program for fiscal year 1994. The Secretaries of Treasury, State, Defense, and Agriculture, and the Administrator of the Agency for International Development, the Chairman of the Export-Import Bank, and the President of the Overseas Private Investment Corporation shall provide the necessary information to support these analyses. This study shall be transmitted to the Committees on Appropriations and the Committees on the Budget not later than March 15, 1993.

OTHER ASSISTANCE FOR EASTERN EUROPE

SEC. 591. Notwithstanding any other provision of law, a total of $500,000 of the Polish currencies which are held by the United States as of the date of the enactment of this Act which are derived from programs administered by the Commodity Credit Corporation, or pursuant to the Agricultural Trade Development and Assistance Act of 1954, section 416(b) of the Agricultural Act of 1949, or the Food for Progress Act of 1985, shall be made available for the Research Center on Jewish History and Culture of the Jagiellonian University of Krakow, Poland: Provided, That such currencies shall be made available notwithstanding 31 U.S.C. 1306 and section 567 of this Act: Provided further, That local currencies made available for the Jagiellonian University by this section shall be made available only to the extent that they do not diminish planned funding for the American Children's Hospital, Krakow, Poland.

AGRICULTURAL AID TO THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 592. Of the funds appropriated by this Act under the heading "Assistance for the New Independent States of the Former Soviet Union", $50,000,000 shall be made available only for provision of United States agricultural commodities to address the food and nutrition needs of the people of the new independent states of the former Soviet Union: Provided, That in providing assistance under this section, primary emphasis shall be given to meeting the food and nutrition needs of children and pregnant and post-partum women: Provided further, That funds made available for the purposes of this section through other United States Government programs involving the purchase of agricultural commodities may be used in lieu of an equal amount of funds earmarked under this section, except that such funds shall not exceed $20,000,000 of the funds made available under this section, such purchases shall not include any commodities which are acquired through price-support operations by the Commodity Credit Corporation, and such funds may be provided under the authorities of this section: Provided further, That the President may enter into agreements with the governments of the new independent states and nongovernmental organizations to provide for the sale of any part of the United States agricultural commodities in the new independent states for local currencies: Provided further, That any such local cur-

rencies shall be used in the new independent states to process, transport, store, distribute or otherwise enhance the effectiveness of the use of United States agricultural commodities provided under this section, and to support agricultural and rural development activities.

STATE DEPARTMENT RESEARCH AND TRAINING PROGRAM

SEC. 593. Of the funds appropriated by this Act under the headings "Assistance for Eastern Europe and the Baltic States" and "Assistance for Russia and Emerging Eurasian Democracies", not less than a total of $5,000,000 shall be made available for Russian, Eurasian, and Eastern European research and training under the Department of State's title VIII program on Russian, Eurasian, and Eastern European research and training, notwithstanding any other provision of law.

DEBT RESTRUCTURING

SEC. 594. (a) DEBT REDUCTION.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new chapter:

"CHAPTER 12—ENTERPRISE FOR THE AMERICAS INITIATIVE

"SEC. 499. REDUCTION OF CERTAIN DEBT.

"(a) AUTHORITY TO REDUCE DEBT.—(1) The President may reduce the amount owed to the United States (or any agency of the United States) that is outstanding as of January 1, 1992, as a result of concessional loans made to an eligible country by the United States under part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (or predecessor foreign economic assistance legislation).

"(2) The authorities of this section may be exercised only in such amounts or to such extent as is specifically provided in advance by appropriations Acts.

"(3) Any debt reduction pursuant to this section shall be accomplished at the direction of the Facility established pursuant to section 601 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in a manner consistent with sections 604 (b) and (c) of that Act.

"(b) ELIGIBILITY FOR DEBT REDUCTION.—(1) In addition to meeting the requirements of section 603(a) of that Act, to be eligible for debt reduction under this section a country must have a government that is democratically elected, not repeatedly providing support for acts of international terrorism, not failing to cooperate on international narcotics control matters, and not engaging in a consistent pattern of gross violations of internationally recognized human rights.

"(2) The President shall determine whether a country is eligible for debt reduction under this section.

"(c) REPAYMENT OF PRINCIPAL.—The principal amount of each new obligation issue pursuant to subsection (a) shall be repaid in United States dollars and deposited in the appropriate United States Government account.

"(d) INTEREST ON NEW OBLIGATIONS.—Interest on each new obligation issued pursuant to subsection (a) shall be paid consistent with section 606 of that Act: Provided, That—

"(1) in addition to those set forth in section 612(a) of that Act, activities eligible to receive assistance from a fund established consistent with section 608 of that Act shall include child survival and other child development activities;

"(2) in addition to those set forth in section 612(d) of that Act, entities eligible for grants from such a fund shall include nongovernmental child survival or child development organizations;

"(3) the administering body established consistent with section 607(c) of that Act shall include at least one representative from a nongovernmental organization with experience and expertise in child survival or child development; and

"(4) the Board established under section 610 of that Act shall include at least one representative from a nongovernmental organization with experience and expertise in child survival or child development.

"(e) ANNUAL REPORT.—The President shall prepare an annual report to Congress on the implementation of this section in conjunction with the report required under section 614 of that Act.".

(b) MULTILATERAL INVESTMENT FUND.—The Inter-American Development Bank Act (22 U.S.C. 283–283z-8) is amended by adding at the end the following:

"SEC. 37. (a) The Secretary of the Treasury is authorized to contribute, and to make payment of, $500,000,000 to the Multilateral Investment Fund established pursuant to the agreements of February 11, 1992: Provided, That such funds shall only be disbursed from the Fund to countries that have governments that are democratically elected, that do not harbor or sponsor international terrorists; that do not fail to cooperate in narcotics matters; and that do not engage in a consistent pattern of gross violations of internationally recognized human rights.

"(b) There is hereby authorized to be appropriated without fiscal year limitation $500,000,000 for the contribution authorized in subsection (a).".

CAPITAL PROJECT AND CASH PAYMENT ASSISTANCE

SEC. 595. (a) ALLOCATION OF FUNDS.—(1) Of the funds appropriated by this Act under the headings "Economic Support Fund", "Philippines Assistance", "Assistance for Eastern Europe and the Baltic States", and "Assistance for the New Independent States of the Former Soviet Union", an amount substantially equal to 10 percent of the aggregate amount appropriated under such headings shall be made available for developmentally-sound and sustainable capital projects and investment activities as defined in subsection (d).

(2) Funds made available under subsection (a)(1) for capital projects in excess of $25,000,000 shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) STUDY OF CASH PAYMENT ASSISTANCE.—

(1) SCOPE.—The Comptroller General of the United States shall conduct a study of cash payment assistance. Such study shall include the amounts of assistance provided under this Act as cash payment assistance, the purpose and recipients of cash payment assistance, the extent to which commodity or capital financing were explored in lieu of such cash assistance to achieve the purpose, an analysis of the purposes of cash payment assistance, accountability for and monitoring of how such assistance is used by recipients, the feasibility of separate accounting procedures for countries that use cash payments for the purchase of United States goods and services or the repayment of debt owed to the United States Government, and the degree to which recipients of cash payment assistance are required to and in fact use such assistance to purchase United States goods and services.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Congress a report setting forth the findings of the study conducted under paragraph (1).

(c) EXPORT-IMPORT BANK "WAR CHEST" AUTHORITY.—If the amounts appropriated or otherwise provided by this Act for purposes of section 15(e)(1) of the Export-Import Bank Act of 1945 are not totally used by the end of fiscal year 1993, then, at the close of such fiscal year the Chairman of the Export-Import Bank of the United States shall submit to the Congress a report stating—

(1) the reasons for the Bank's decision not to use these funds for those purposes; and

(2) the amount of sales or bids lost because of the Bank's decision not to use these funds.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "capital projects and investment activities" may include projects and activities involving (1) the construction, expansion, operation, alteration of, or the acquisition of equipment for, a physical facility or physical infrastructure, including related technical assistance, training, engineering, and other services, (2) procurement of equipment, including related technical assistance, training, and other assistance to support sustained use of such equipment, (3) feasibility studies or similar engineering and economic services, and (4) facilitation of United States private investment in developmentally-sound and sustainable activities;

(2) the term "cash payment assistance" means foreign assistance made through cash payments.

LIMITATIONS ON ASSISTANCE FOR PERU

SEC. 596. (a) None of the funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for Peru unless the President determines and so certifies to the Congress that constitutional democracy has been restored in Peru, characterized by, among other things—

(1) having held free and fair elections;

(2) a representative and functioning legislature;

(3) an independent and effective judiciary; and

(4) restoration of individual rights, including freedom of speech, assembly, and the press.

(b) In the event the President makes the determination and certification required by subsection (a), no Foreign Military Financing assistance shall be made available for Peru except through the regular notification procedures of the Committees on Appropriations, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

(c) In the event the President makes the determination under subsection (a), assistance may be made available for Peru notwithstanding the funding limitation on assistance for Peru under the heading "Economic Support Fund".

FUNDING FOR MULTILATERAL DEVELOPMENT BANKS

SEC. 597. Each of the amounts appropriated by this Act under the following headings shall be reduced by 8.3 percent: "Contribution to the International Bank for Reconstruction and Development" separately for the General Capital Increase and the contribution to the Global Environment Facility, "Contribution to the International Development Association", "Contribution to the International Finance Corporation", "Contribution to the Inter-American Development Bank" separately for the paid-in share portion of the increase in capital stock and the Fund for Special Operations, "Contribution to the Asian Development Bank", "Contribution to the Asian Development Fund", "Contribution to the African Development Fund".

PROJECT EDEN

SEC. 598. Of the funds appropriated under this Act for the Agency for International Development, not less than $2,000,000 shall be made available only for the establishment and administrative costs of the Middle East Environmental Defense Network (Project EDEN).

PROCUREMENT REQUIREMENTS

SEC. 599. (a) PROCUREMENT.—Section 604 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 604. PROCUREMENT.

"(a) STATEMENT OF POLICY.—It shall be the policy of the United States—

"(1) to give preference to the procurement of commodities and services from the United States in foreign assistance programs using funds authorized to be appropriated by this Act; and

"(2) to the extent that United States suppliers, contractors and goods are eligible for procurements financed by such donor or lender countries, to permit suppliers, contractors and goods of other donor or lender countries to compete for United States Government-financed procurements.

"(b) LIMITATIONS ON PROCUREMENT OUTSIDE THE UNITED STATES.—

"(1) IN GENERAL.—Funds made available for assistance under this Act may be used by the President for procurement only in the United States, the recipient country, or developing countries, except as provided otherwise in this subsection. For purposes of this section, the term "developing countries" shall not include advanced developing countries.

"(2) OTHER PROCUREMENT.—The provisions of paragraph (1) shall be applicable except where it is determined that—

"(A) the provision of such assistance requires commodities or services of a type that are not produced in and available for purchase in any country described in paragraph (1); or

"(B) procurement in such other country is essential—

"(i) to meet emergency situations; or

"(ii) to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives, where such other country permits United States firms to compete for the procurement of similar commodities and services under its foreign assistance programs.

"(C) DELEGATION OF AUTHORITY.—With respect to determinations made by the agency primarily responsible for administering Part I (the 'agency'), the authority to make determinations under subparagraph (B) shall—

"(i) in the case of paragraph (2)(B)(i), not be delegated below the level of Mission Director, country representative or, with respect to determinations made in Washington, the responsible Assistant Administrator, as appropriate; and

"(ii) in the case of paragraph (2)(B)(ii) with respect to procurement transactions exceeding $100,000, not be delegated below the level of Assistant Administrator and, where such procurement is at or below that amount, below the level of Mission Director or country representative.

"(3) PROCUREMENT OF MOTOR VEHICLES.—

"(A) IN GENERAL.—None of the funds (including commodity import program assistance) made available to carry out this Act shall be used to finance the purchase, sale, long-term lease, exchange, or guaranty of a sale of motor vehicles unless such motor vehicles are manufactured in the United States.

"(B) EXCEPTION.—Subparagraph (A) shall not apply where a determination is made that—

"(i) motor vehicles cannot be manufactured in the United States to meet demands when time is of the essence;

"(ii) there is a projected lack of adequate spare parts and service facilities for United States manufactured vehicles, based on information provided by the Buy-America Advocate; or

"(iii) there are no United States manufacturers for export of the particular type of vehicle needed.

"(C) DETERMINATION.—With respect to determinations made by the agency under subparagraph (B), such determinations shall be in writing and, in the case of a determination to procure in excess of 10 vehicles per project or in excess of 5 vehicles for use by a field mission, shall be made at a level not lower than the Assistant Administrator of such agency.

"(4) PRICE LIMITATION.—No funds made available under this Act may be used for the purchase in bulk of any commodities at prices higher than the market price prevailing in the United States at the time of purchase, adjusted for differences in the cost of transportation to destination, quality, and terms of payment.

"(5) AGRICULTURE COMMODITIES.—

"(A) IN GENERAL.—In providing for the procurement of any agricultural commodity or product available for disposition under the Agricultural Trade Development and Assistance Act of 1954 for transfer by grant under this Act to any recipient country in accordance with its requirements, the President shall, insofar as practicable and when in furtherance of the purposes of this Act, authorize the procurement of such agricultural commodity only within the United States except to the extent that such agricultural commodity is not available in the United States in sufficient quantities to supply emergency requirements of recipients under this Act.

"(B) LIMITATION.—No funds made available under this Act may be used for the procurement of any agricultural commodity or product thereof outside the United States when the domestic price of such commodity is less than parity, unless the commodity to be financed could not reasonably be produced in the United States in fulfillment of the objectives of a particular assistance program under which such commodity procurement is to be financed.

"(6) CONSTRUCTION AND ENGINEERING SERVICES.—Funds made available under this Act may be made available for the procurement of construction or engineering services from advanced developing countries eligible under the Geographic Code 941 which have attained a competitive capability in international markets for construction services only if such country—

"(A) is receiving direct economic assistance under chapter 1 of part I or chapter 4 of part II of this Act, and

"(B) has its own foreign assistance programs which finance the procurement of construction or engineering services and permits United States firms to compete for those services.

"(7) MARINE INSURANCE.—In providing assistance in the procurement of commodities in the United States, United States dollars shall be made available for marine insurance on such commodities where such insurance is placed on a competitive basis in accordance with normal trade practice prevailing prior to the outbreak of World War II. In the event a participating country, by statute, decree, rule, or regulation, discriminates against any marine insurance company authorized to do business in any State of the United States, then commodities which are purchased with funds provided under this Act and which are destined for such country shall be insured in the United States against marine risk with a company or companies authorized to do a marine insurance business in any State of the United States.

"(c) NON-PROJECT ASSISTANCE.—

"(1) COMMODITY IMPORT PROGRAMS.—None of the funds made available to carry out chapters 1 and 10 of part I and chapter 4 of part II of this Act may be used under any commodity import program to make any payment to a supplier unless the supplier has certified to the agency such information as such agency shall by regulation prescribe, including but not limited to, a description of the commodity supplied by the supplier, its condition, and its source and origin, and on the basis of such information such agency shall have approved such commodity as eligible and suitable for financing under this Act.

"(2) CERTAIN CASH TRANSFER PROGRAMS.—

"(A) RESTRICTIONS ON USE OF FUNDS.—Funds made available under cash transfers or similar programs pursuant to chapters 1 and 10 of part I and chapter 4 of part II of this Act shall not be used to finance directly or indirectly, commodity import transactions unless such transactions meet agency requirements for United States source, origin, and nationality.

"(B) EXCEPTION.—Subparagraph (A) shall not apply where the proposed use of such funds to directly or indirectly finance transactions from countries other than the United States is approved by the responsible Assistant Administrator or higher-level official of the agency.

"(d) ANNUAL REPORT.—The Administrator of the agency shall submit an annual procurement report to Congress which—

"(1) details procurement by the agency of United States commodities and services during the preceding reporting period;

"(2) compares Buy-America procurement for the same period of the preceding year;

"(3) contains data for all agency activities that reflect the percentages of commodities and services financed by the agency that are of United States source or origin;

"(4) analyzes mission or bureau programs to identify shortfalls in performance in meeting Buy-America requirements contained in law and regulations; and

"(5) identifies remedial action to overcome such shortfalls.".

(b) BUY-AMERICA ADVOCATE.—Part III of the Foreign Assistance Act of 1961 is amended by inserting after section 604 (as amended by this section) the following new section:

"SEC. 604A. BUY-AMERICA ADVOCATE.

"(a) DESIGNATION OF FUNCTIONS.—The Administrator of the agency primarily responsible for administering part I shall designate within the agency a Buy-America Advocate for the purpose of fostering the participation of United States business in the development process. The Buy-America Advocate shall be a senior career employee of the agency and shall have experience in commodity import transactions and private enterprise activities. The Advocate shall report directly to the Administrator with respect to the responsibilities described below.

"(b) RESPONSIBILITIES OF THE BUY-AMERICA ADVOCATE.—The Buy-America Advocate shall have such responsibilities and duties as the Administrator shall determine including, in conjunction with other agency offices as appropriate—

"(1) to have access to and the authority to review all documentation involving procurement activities of the agency;

"(2) to have full access to technical services and information involving procurement activities, particularly the procurement of commodities and the entering into of contracts, including all information provided under the Buy America Reporting System (BARS) or any successor system to BARS;

"(3) to review all programs involving cash transfers to determine whether a commodity import program would accomplish the same policy objectives as the cash transfer; any disagreement with a determination by the Buy-America Advocate that the same policy objectives can be accomplished by a commodity import program shall, as appropriate, be resolved by the Administrator;

"(4) to receive and review all waiver actions approved at the level of Assistant Administrator and, based on that review, to recommend to the Administrator, as appropriate, any actions which may be necessary to ensure that Buy America procurement opportunities are maximized;

"(5) to develop and support general outreach activities with the United States business community, including procedures whereby interested United States contractors and suppliers can be apprised of, and encouraged to participate in, prospective procurement actions under this Act;

"(6) to coordinate its efforts with agency officials who perform duties in the area of trade and investment promotion and information; and

"(7) to assist in the preparation of the report required in section 604(d).

"(c) SUPPORT.—The Administrator shall ensure that the Buy-America Advocate is assisted by qualified staff and receives such other support, including access to all procurement documentation of the Agency, as may be necessary to carry out the responsibilities specified in this section.".

(c) REPEALS.—Sections 496(n)(4) and 636(i) of the Foreign Assistance Act of 1961 are repealed.

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 599A. (a) FINDINGS.—The Senate finds that—

(1) since 1948 the Arab countries have maintained a primary boycott against Israel, refusing to do business with Israel;

(2) since the early 1950s the Arab League has maintained a secondary and tertiary boycott against American and other companies that have commercial ties with Israel;

(3) the boycott seeks to coerce Amercian firms by blacklisting those that do business with Israel and harm America's competitiveness;

(4) the United States has a longstanding policy opposing the Arab League boycott and United States law prohibits American firms from providing information to Arab countries to demonstrate compliance with the boycott;

(5) with real progress being made in the Middle East peace process and the serious confidence-building measures taken by the State of Israel, an end to the Arab boycott of Israel and of American companies that have commercial ties with Israel is long overdue and would represent a significant confidence-building measure;

(6) the President has proposed the sale of 72 advanced F-15 aircraft to Saudi Arabia despite its refusal to renounce publicly the Arab boycott of American firms that do business with or invest in Israel; and

(7) in the interest of Middle East peace and free commerce, the President must take more concrete steps to press the Arab states to end their practice of blacklisting and boycotting American companies that have trade ties with Israel.

(b) POLICY.—It is the sense of the Senate that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and

(2) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel; and

(C) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

MORATORIUM ON ANTIPERSONNEL LANDMINES

SEC. 599B. (a) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are specifically designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers, primarily in insurgencies in poor developing countries. Noncombatant civilians, including tens of thousands of children, have been the primary victims.

(2) Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing untold suffering to civilian populations. In countries like Cambodia, Laos, Afghanistan, and Angola, tens of millions of unexploded landmines have rendered whole areas uninhabitable. In Afghanistan, an estimated four hundred thousand people have been maimed and an additional two hundred thousand people killed by landmines during the fourteen-year civil war. In Cambodia, an estimated twenty thousand civilians have lost limbs and another sixty are being maimed each month from landmines.

(3) Over thirty five countries are known to manufacture landmines, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Department of State has approved ten licenses for the commercial export of antipersonnel landmines valued at $980,000, and during the past five years the Department of Defense has approved the sale of thirteen thousand one hundred and fifty-six antipersonnel landmines valued at $841,145.

(4) The United States signed, but has not ratified, the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. The Convention prohibits the indiscriminate use of landmines.

(5) When it signed the Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(6) The Administration should submit the Convention to the Senate for ratification, and the President should actively negotiate under United Nations or other auspices an international agreement, or a modification of the Convention, to prohibit the sale, transfer or export of antipersonnel landmines. This would be an appropriate response to the end of the Cold War and the promotion of arms control agreements to reduce the indiscriminate killing and maiming of civilians.

(7) The United States should set an example for other countries in such negotiations, by implementing a one-year moratorium on the sale, transfer or export of antipersonnel landmines.

(b) POLICY.—(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer or export, further limiting the use, and eventually, the termination of production, possession or deployment of antipersonnel landmines.

(2) It is the sense of the Congress that, as a first step, the President should actively seek to negotiate under United Nations or other auspices an international agreement, or a modification of the Convention, to prohibit the sale, transfer or export of antipersonnel landmines.

(c) MORATORIUM.—For a period of one year beginning on the date of enactment of this Act, (1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any antipersonnel landmines; and (2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any antipersonnel landmine.

[TITLE VI—ADDITIONAL PROVISIONS

PROHIBITION OF IMET FOR INDONESIA

SEC. 601. Funds appropriated by this Act may not be used for assistance under the heading "International Military Education and Training" for Indonesia.]

TITLE VI—LOAN GUARANTEES TO ISRAEL

LOAN GUARANTEES TO ISRAEL PROGRAM

SEC. 601. Title III of Chapter 2 of Part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 226. LOAN GUARANTEES TO ISRAEL PROGRAM.

"(a) IN GENERAL.—Subject to the terms and conditions of this section, during the period beginning October 1, 1992, and ending September 30, 1997, the President is authorized to issue guarantees against losses incurred in connection with loans to Israel made as a result of Israel's extraordinary humanitarian effort to resettle and absorb immigrants into Israel from the republics of the former Soviet Union, Ethiopia and other countries. In the event that less than the full amount authorized to be issued under subsection (b) of this section is issued in such period, the authority to issue the balance of such guarantees shall be available in the fiscal year ending on September 30, 1998.

"(b) FISCAL YEAR LEVELS.—The President is authorized to issue guarantees in furtherance of the purposes of this section. Subject to subsection (d), the total principal amount of guarantees which may be issued by the President under this section shall be up to $10,000,000,000 which may be issued as follows:

"(1) in fiscal year 1993, up to $2,000,000,000 may be issued on October 1, 1992 or thereafter;

"(2) subject to subsection (d), in fiscal years 1994 through 1997, up to $2,000,000,000 in each fiscal year may be issued on October 1 or thereafter.

"(3) If less than the full amount of guarantees authorized to be made available in a fiscal year pursuant to paragraphs (1) and (2) of this subsection is issued to Israel during that fiscal year, the authority to issue the balance of such guarantees shall extend to any subsequent fiscal year ending on or before September 30, 1998.

"(c) USE OF GUARANTEES.—Guarantees may be issued under this section only to support activities in the geographic areas which were subject to the administration of the Government of Israel before June 5, 1967.

"(d) LIMITATION ON GUARANTEE AMOUNT.—The amount of authorized but unissued guarantees that the President is authorized to issue as specified in subsection (b) shall be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel during the previous year for activities which the President determines are inconsistent with the objectives of this section or understandings reached between the United States Government and the Government of Israel regarding the implementation of the loan program. The President shall submit a report to Congress no later than September 30 of each fiscal year during the pendency of the program specifying the amount calculated under this subsection and that will be deducted from the amount of guarantees authorized to be issued in the next fiscal year.

"(e) FEES.—

"(1) Fees charged for the loan guarantee program under this section each year shall be an aggregate annual origination fee equal to the estimated subsidy cost of the guarantees issued under this section for that year, calculated by the Office of Management and Budget for the Federal Credit Reform Act of 1990. This shall also include an amount for the administrative expenses of the Agency for International Development in administering the program under this section. All such fees shall be paid by the Government of Israel to the Government of the United States. Funds made available for Israel under chapter 4 of Part II of the Foreign Assistance Act of 1961, as amended, may be utilized by the Government of Israel to pay such fees to the United States Government. No further appro-

priations of subsidy cost are needed for the loan guarantee authorized hereunder for fiscal years 1993 and the four succeeding fiscal years.

"(2) The origination fee shall be payable to the United States Government on a pro rata basis as each guarantee for each loan or increment is issued.

"(f) AUTHORITY TO SUSPEND.—Except as provided in subsections (l) and (m) of this section, the President shall determine the terms and conditions for issuing guarantees. If the President determines that these terms and conditions have been breached, the President may suspend or terminate the provision of all or part of the additional loan guarantees not yet issued under this section. Upon making such a determination to suspend or terminate the provision of loan guarantees, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate his determination to do so, including the basis for such suspension or termination.

"(g) PROCEDURES FOR SUSPENSION OR TERMINATION.—Any suspension or termination pursuant to subsection (f) shall be in accordance with the following procedures:

"(1) Upon making a determination to suspend or terminate the provision of loan guarantees, the President shall submit to the Speaker of the House of Representatives and the President Pro Tempore of the Senate his determination to do so, including the basis for such suspension or termination.

"(2) Such a suspension or termination shall cease to be effective if Congress enacts, within 30 days of submission, a joint resolution authorizing the assistance notwithstanding the suspension.

"(3) Any such joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(4) For the purpose of expediting the consideration and enactment of joint resolutions under this subsection, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

"(5) In the event that the President suspends the provision of additional loan guarantees under subsection (f) and Congress does not enact a joint resolution pursuant to this subsection, the provision of additional loan guarantees under the program established by this section may be resumed only if the President determines and so reports to Congress that the reasons for the suspension have been resolved or that the resumption is otherwise in the national interest.

"(h) ECONOMIC CONTEXT.—The effective absorption of immigrants into Israel from the republics of the former Soviet Union and Ethiopia within the private sector requires large investment and economic restructuring to promote market efficiency and thereby contribute to productive employment and sustainable growth. Congress recognizes that the Government of Israel is developing an economic strategy designed to achieve these goals, and that the Government of Israel intends to adopt a comprehensive, multi-year economic strategy based on prudent macroeconomic policies and structural reforms. Congress also recognizes that these policies are being designed to reduce direct involvement of the government in the economic system and to promote private enterprise, important prerequisites for economic stability and sustainable growth.

"(i) CONSULTATIONS.—It is the sense of the Congress that, as agreed between the two Governments and in order to further the policies specified in subsection (h), Israel and the United States should continue to engage in consultations concerning economic and financial measures, including structural and other reforms, that Israel should undertake during the pendency of this program to enable its economy to absorb and resettle immigrants and to accommodate the increased debt burden that will result from loans guaranteed pursuant to this section. It is the sense of the Congress that these consultations on economic measures should address progress and plans in the areas of budget policies, privatization, trade liberalization, financial and capital markets, labor markets, competition policy, and deregulation.

"(j) GOODS AND SERVICES.—During the pendency of the loan program authorized under this section, it is anticipated that, in the context of the economic reforms undertaken pursuant to subsections (h) and (i) of this section, Israel's increased population due to its absorption of immigrants, and the liberalization by the Government of Israel of its trade policy with the United States, the amount of United States investment goods and services purchased for use in or with respect to the country of Israel will substantially increase.

"(k) REPORTS.—The President shall report to Congress by December 31 of each fiscal year until December 31, 1999, regarding the implementation of this section.

"(l) APPLICABILITY OF FOREIGN ASSISTANCE ACT AUTHORITIES.—Section 223 of the Foreign Assistance Act shall apply to guarantees issued under subsection (a) in the same manner as such section applies to guarantees issued under section 222, except that subsections (a), (e)(1), (g), and (j) of section 223 shall not apply to such guarantees and except that, to the extent section 223 is inconsistent with the Federal Credit Reform Act of 1990, that Act shall apply. Loans shall be guaranteed under this section without regard to sections 221, 222, and 238(c). Notwithstanding section 223(f), the interest rate for loans guaranteed under this section may include a reasonable fee to cover the costs and fees incurred by the borrower in connection with this program or financing under this section in the event the borrower elects not to finance such costs or fees out of loan principal. Guarantees once issued hereunder shall be unconditional and fully and freely transferable.

"(m) TERMS AND CONDITIONS.—

"(1) Each loan guarantee issued under this section shall guarantee 100 percent of the principal and interest payable on such loans.

"(2) The standard terms of any loan or increment guaranteed under this section shall be 30 years with semiannual payments of interest only over the first 10 years, and with semiannual payments of principal and interest on a level payment basis, over the last 20 years thereof, except that the guaranteed loan or any increments issued in a single transaction may include obligations having different maturities, interest rates, and payment terms if the aggregate scheduled debt service for all obligations issued in a single transaction equals the debt service for a single loan or increment of like amount having the standard terms described in this sentence. The guarantor shall not have the right to accelerate any guaranteed loan or increment or to pay any amounts in respect of the guarantees issued other than in accordance with the original payment terms of the loan. For purposes of determining the maximum principal amount of any loan or increment to be guaranteed under this section, the principal amount of each such loan or increment shall be—

"(A) in the case of any loan issued on a discount basis, the original issue price (excluding any transaction costs) thereof; or

"(B) in the case of any loan issue on an interest-bearing basis, the stated principal amount thereof.".

This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993".

PRIVILEGE OF THE FLOOR—H.R. 5368

Mr. LEAHY. Mr. President, I understand we are under my original unanimous-consent request. I add to it a unanimous-consent request on behalf of Senator CRANSTON that during the consideration of H.R. 5368, the foreign operations bill, Mick Anderson, Jennifer Cano, and Robyn Lieberman, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, the bill before the Senate is H.R. 5368, the fiscal year 1993 Foreign Operations Export Financing and Related Programs Appropriations bill.

I want to thank Senator KASTEN, my distinguished colleague from Wisconsin, the ranking minority member, and his staff for their help in getting a very difficult bill to the Senate floor. There were many points when we wondered if we would make it. It became a "Perils of Pauline" type of legislation. BOB's expertise and cooperation were indispensable.

Before I discuss the highlights, I would like to point out four printing errors in the bill. I mention that for information of the Senators. In three places the text is printed in roman type when it should be italicized, indicating a Senate amendment. Those are: Page 16, line 21 through line 7, on page 17.

Starting with the colon on line 9, page 21, through the word "assistance" on line 15.

And starting with the word "by" on line 25, page 37 through the word "Treaty" on line 2, page 38.

The other printing error is on page 154. Section 576 should be in roman type instead of italic. This section was in the House-passed bill, and it is not a Senate amendment.

I note that we are not going to take time to reprint obviously, but I did want to note this, and I ask unanimous consent that the permanent record show those changes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand it is properly enrolled.

Mr. President, I am going to state frankly that I am disappointed in parts of this bill. The bill I recommended to the Foreign Operations Subcommittee represented a much deeper cut in the foreign aid than the bill now before the Senate. My subcommittee recommendation was $1.3 billion below the President's request. It was some $900 million below our budget authority allocation. It was more than $550 million below the current continuing resolution for fiscal 1992. With these huge Federal deficits our Nation is facing, my intention was to make a large cut in foreign aid.

But the bill as recommended by the subcommittee was significantly changed in the full committee. And $540 million in cuts, all grant military aid, was restored. Other cuts offset this add somewhat.

Foreign aid is still cut by about $800 million from the President's request. The President said a few months ago he wanted—could we have order, Mr. President?

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order.

Mr. LEAHY. I thank the Chair.

Mr. President, the President of the United States said a number of times that he hoped that appropriations bills would show restraint in cuts to help with the deficit. I happen to agree with him.

I know the distinguished chairman of the full committee, Senator BYRD, has worked very, very hard to keep spending under control in all the various appropriations bills, and we have been bringing out appropriations bills that are less than the President's request.

Foreign aid is still cut by about $800 million from the President's request. But it is about $500 million less than I recommended. That was the will of the majority of the committee. They preferred to restore a large part of my recommended cut. I did not have the votes to maintain my full foreign aid cut.

The majority of the committee wanted to spend more money on foreign aid. I happened to disagree. We should spend less not more. We are in a democratic society. And the majority of members of the committee voted to increase spending in foreign aid above what I had recommended.

So, Mr. President, the H.R. 5368 is now at $14.234 billion in discretionary budget authority. It is a cut of almost $800 million from the President's request of nearly $15.1 billion. It is $467 million above our budget authority allocation. It is some $300 million below current spending in the year-long continuing resolution.

So I want to emphasize to the Senate that even after the $540 million in foreign aid that the full committee added for military aid, this bill still cuts foreign aid; not as sharp as I think it should but subtantially nonetheless.

The bill also provides $11 million in new military aid for El Salvador, on top of about $30 million in military aid still in the pipeline. So the Salvadoran generals will get up to $41 million of the American taxpayers' money, nearly a year after the war down there has ended. But this additional military aid may only be used for nonlethal equipment.

So at least there is that very important limitation. And the demobilization and transition to peace fund which is the result of a provision I drafted in the fiscal 1991 foreign ops bill will receive another $29 million. The demobilization fund is a critically important program to provide incentives to excombatants on both sides to lay down their weapons and reintegrate into their civilian life.

Before I turn to Senator KASTEN for his comments, I want to mention a few points of special interest to members.

While the bill is $467 million discretionary budget authority below our 602(b) allocation, it is exactly as our outlay allocation. Any amendment without an offset for any required outlays will be subject to a Budget Act point of order.

I want to say that I cannot support any adds to this bill. I firmly believe that foreign aid has to tale a cut to contribute to reducing the deficit. Senators should not expect me to support any amendments to decrease foreign aid above the level in this bill.

At the same time that we are cutting foreign aid we are attempting to refocus it to be more responsive to the dramatic changes in the world.

Mr. President, the disintegration of the Soviet Union has given us an opportunity to start addressing some of our most pressing needs, like building markets for United States exports, or supporting global environmental programs, or curbing the population explosion, or helping refugees in Africa, the former Yugoslavia, and Eastern Europe, or stopping the spread of AIDS.

I received letters from many Senators, both sides of this aisle, asking me to increase these programs. Not many wrote asking me to increase military aid above the House level. Reluctantly, Senator KASTEN and I also had to cut our contributions to the multilateral development banks across the board to make a partial contribution to President Bush's enterprise for America's debt restructuring program.

We provided $100 million to the multilateral investment fund, and $100 million for the debt restructuring program. Secretary Brady told us this was a top priority of the administration, and Treasury staff said EAI is so important that, if necessary, we should cut necessary contributions to the multilateral development banks. The full committee added the $12.3 billion quota increase for the IMF that the administration requested. The administration considers the IMF quota increase vital to its aid program for Russia.

The bill also contains a legislative provision establishing a special 10-year loan guarantee program to assist Israel, absorbing an anticipate 1 million immigrants from the former Soviet Union and Ethiopia.

This legislation, which tracks the outlines of the Leahy-Kasten compromise proposal which I put into the CONGRESSIONAL RECORD on March 18, reflects the agreement between the administration and the Government of Israel. It has been carefully reviewed by all concerns. I hope there will be no controversy about this issue. It is time to get it resolved, to get it behind us.

I want to emphasize to Members that the loan guarantee provision requires Israel to pay fees equal to the subsidy cost of the loan guarantees. This is protection of all U.S. taxpayers. But I also note that Israel itself is fully supporting this. There is no appropriations bill for any subsidy costs associated with this program, or a cost to the American taxpayers.

Originally, the administration agreed to cap Israel's share of the subsidy cost at 3.5 percent, with the American taxpayer picking up anything above that rate. Senator KASTEN, myself, and many others in the Senate and the House, strongly disagreed with this arrangement. In fact, I said so both to President Bush and Prime Minister Rabin.

After considerable negotiations over the August recess, all parties agreed to the position contained in the Leahy-Kasten compromise proposal of last March; that is, that Israel will pay the full cost of the guarantees through fees paid to the U.S. Treasury. The Leahy dollar-for-dollar offset is part of this provision as well.

The amount the Government of Israel spends on settlements in the occupied territories will be deducted from the amount of guarantees made available to them. Also, for the first time in law, this provision prohibits the use of any United States assistance outside Israel's borders, since June 5, 1967. That is also a provision from the Leahy-Kasten compromise proposal.

I might quickly highlight a few points of this bill.

We reduce ESF by $213 million from the House level, nearly $600 million from the President's request. We have increased development assistance by $158 million above last year. We have earmarked $650 million for all bilateral economic accounts for international and environmental programs.

We increased the House special disaster fund for sub-Saharan Africa to $100 million. We specify that at least $25 million is for Somalia. We increase subsidies for Eximbank, export financing programs, by $153 million above last year, now to $757 million.

We increase the population program to $350 million, a $20 million increase over the House. We provided $417 million for the former Soviet Republics; $400 million for Eastern Europe, for the

Baltics. The level for the former Soviet Republics is equivalent to the President's request, $450 million, because of a $33 million adjustment with Senator HOLLING's subcommittee to cover USIA programs in the former Soviet Union.

We earmarked $25 million for refugees in Bosnia, Croatia, and Slovenia to assist them through the winter; $275 million for child survival, increasing it $25 million above last year; $65 million for international AIDS programs. We also recommended legislation to strengthen Buy-America requirements in the foreign aid program. AID has found many loopholes to evade buy-American requirements. We have tried to plug some of those loopholes. Foreign aid can do more to help the U.S. economy, and it should.

We have done a number of things in this bill to make sure that it does. We have very little time to get this bill done. We have to get to conference with the House as quickly as possible.

I urge all Senators to show maximum restraint on the amendments and allow this bill to get to conference immediately. If we can finish in an hour or so, we can be on our way.

I yield the floor.

Mr. KASTEN. Mr. President, I would like to take a few moments to comment on this legislation, but before I do, I would like to express my thanks to the senior Senator from Vermont for his cooperation throughout committee consideration of this legislation. He has been fair to me and to all members of the committee. I commend him for his leadership.

As the chairman has said, the budget situation this year is extremely tight, and domestic considerations must take priority over foreign assistance. While we have received numerous pleas from other members, outside groups and the administration to increase amounts in this legislation, that budget situation and domestic concerns demand that we hold the line on foreign assistance.

This is not our first reduction, however. This recommendation for approximately $14 billion in foreign assistance appropriations represents a reduction of almost $7 billion, more than 25 percent—over the last 7 or 8 years.

I am pleased that we have been able to reach a successful conclusion to the long dispute over loan guarantees for refugee absorption in Israel. This legislation includes virtually the same positions that Senator INOUYE and I introduced last year, which was cosponsored by 72 other Members of the Senate, and those of the compromise Senator LEAHY and I reached earlier this year with the administration.

We are at long last able to consider the loan guarantees in their proper light; they are a humane and necessary response to a grave humanitarian threat.

It has been the established United States policy of more than two decades to encourage the free emigration of Jews from the Soviet Union. This loan guarantee proposal is a further step in the implementation of that policy, a policy initiated by the late Senator "Scoop" Jackson of Washington.

This policy has not become less important in the period after the collapse of communism. There are serious warning signs of a rise in anti-Semitism in the former Soviet Union. Our humanitarian loan guarantees would help confront this threat at zero cost to the taxpayers.

According to some estimates, the population of Israel will rise by 25 percent over the next 3 to 4 years. The Israelis will need a lot of help to accommodate that influx.

Mr. President, it is important to understand that these guarantees are not U.S. grants. Under the proposal included in this bill, the U.S. taxpayer will not spend a single dollar to subsidize this program.

Notwithstanding our budgetary problems, we have been able to include a number of other important provisions, including one which provides $50 million to purchase and make available American made foods traditionally used in mother, baby, and child nutrition programs. Dairy products are essential to the health of the most vulnerable citizens of the Soviet Union—the elderly, infants, and children. In recent months, milk production has increased. The counterseasonal decline in the August Minnesota-Wisconsin price, down 5 cents, is also an indicator that additional steps are needed to stimulate demand. My State of Wisconsin is the major dairy producing State in this country. Dairy farmers in Wisconsin and across the Nation are struggling to make a living these days; times are hard. By reducing the government surplus, we will promote higher prices for American farmers. This humanitarian program is an ideal opportunity to help farmers abroad, and help American family farmers as well.

Time is obviously very short as we look toward adjournment of this Congress. Once again, I want to express my appreciation to the senior Senator from Vermont, and also to the chairman and ranking Member of the full committee, Senators BYRD and HATFIELD, who have been most cooperative throughout this process.

I hope that the Senate can consider this matter in a timely fashion so that we can conference the bill before having to adjourn sine die.

As the chairman has said, the budget situation this year is extremely tight, and domestic considerations must take priority over foreign assistance.

While we have received numerous pleas from other Members, outside groups, and the administration to increase the amount in this legislation, the budget situation and domestic concerns demand that we hold the line on foreign assistance, and this legislation does that.

I am pleased that we have been able to reach a successful conclusion to a long and difficult dispute at times over the loan guarantees for refugee absorption in Israel.

The legislation includes virtually the same positions Senator INOUYE and I introduced last year which was cosponsored by 72 other Members of the Senate and those are the compromises that Senator LEAHY, the chairman of the committee, and I reached earlier this year with the administration.

I hope that the Senate can consider this matter in a timely fashion, so that we can conference the bill before having to adjourn sine die. There are a number of amendments which I believe can be agreed to and only a few amendments that will require a record vote, and I am hopeful that we can proceed with dispatch.

The PRESIDING OFFICER (Mr. KERREY). The Senator form Vermont.

Mr. LEAHY. Mr. President, in some ways what we see on the floor now is the tip of the iceberg. The part below the water line is what Senator KASTEN and I have been doing over many months working with our colleagues, with each other, our staffers, and other Members both in the Senate and in the House to get this bill where it is.

I just want to understand, Mr. President, under the unanimous-consent request am I correct in understanding that the committee amendments have been accepted?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. So the bill is now open to amendment.

The PRESIDING OFFICER. The bill is open to amendment.

AMENDMENT NO. 3323

Mr. LEAHY. Mr. President, on behalf of myself, and Senators KASTEN, HOLLINGS, DODD, BYRD, SASSER, COATS, METZENBAUM, D'AMATO, and COHEN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. KASTEN, Mr. HOLLINGS, Mr. DODD, Mr. BYRD, Mr. SASSER, Mr. COATS, Mr. METZENBAUM, Mr. D'AMATO, Mr. COHEN, and Mr. MITCHELL, proposes an amendment numbered 3323.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

IMPACT ON EMPLOYMENT IN THE UNITED STATES

SEC. . (a) None of the funds appropriated by this Act may be obligated or expended for any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees in the United States because United States production is being replaced by such enterprise outside the United States.

(b) None of the funds appropriated by this Act may be obligated or expended for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone in that country.

Mr. LEAHY. Mr. President, I am sure many members saw the television program "60 Minutes" the other night on the issue of the export of U.S. jobs abroad. I did, and it was very upsetting. The amendment we are offering to this bill deals with the problem raised by this program.

The program charged that our foreign aid program is, in some cases, subsidizing the relocation of U.S. manufacturing firms abroad, especially to Central America. The program alleged that foreign aid dollars are knowingly used, at least by some foreign aid officials—remember these are U.S. taxpayer dollars—to induce or otherwise persuade American manufacturers to shut down or reduce their U.S. operations, to take that money, and move overseas where labor costs are cheaper, throwing American taxpayers out of work, American taxpayers, incidentally who came up with the money to pay for the program in the first place.

Basically, it charged that some AID officials knowingly fund organizations or programs which seek to persuade U.S. businesses to export American jobs abroad, and do this at a time of high unemployment and when the country is in the middle of a major recession.

The Agency for International Development vehemently insists that it does not knowingly induce or provide incentives to U.S. firms to reduce or close their U.S. operations and relocate abroad. AID also emphatically insists that it in no way cooperates with union blacklisting. Unfortunately for AID, "60 Minutes" taped a couple of AID employees actually engaged in such practices in El Salvador, incidentally a country that receives more foreign aid from the United States per capita than any country outside of the Middle East.

What I saw was outrageous and must be immediately stopped.

In fairness to AID, Mr. President, I ask unanimous consent that a fact sheet prepared by AID on the "60 Minutes" allegations be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, I am deeply concerned about how our foreign aid dollars are being used to help U.S. foreign investment. Some time ago, I and others called for a GAO review of precisely the kinds of concerns about the export of American jobs identified in the "60 Minutes" program. The GAO audit of foreign aid programs will be very helpful in identifying any additional problems in this area.

Mr. President, I ask unanimous consent that a letter to the Comptroller General from myself and others be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LEAHY. Mr. President, foreign investment is good for the U.S. economy. It means growing economies abroad, and that means more U.S. exports and more American jobs. Each billion dollars in exports means approximately 20,000 American jobs. Every administration, Republican and Democratic, as well as Congress in the postwar era has strongly supported U.S. foreign investment. In the last decade, there has been great interest in Congress in making much greater use of the foreign aid program to promote U.S. foreign investment and U.S. exports.

That, I think, is what AID investment and export promotion programs are designed and intended to do. It is certainly Congress' intent in funding such programs. However, it seems that in some cases, overzealous AID officials have gotten carried away and have crossed the line between promoting new American foreign investment on the one hand, and persuading U.S. firms to relocate abroad on the other.

Whether it is only a few overzealous employees, or whether it is complacency in AID management, it must be made absolutely clear that it is unacceptable that the American taxpayers' dollars to be used by one of our Government agencies to bring about the firing of Americans so we can hire more people in other countries.

So that there can be no possible misunderstanding about the proper use of foreign aid to promote U.S. investment, Senator KASTEN, Senator HOLLINGS, myself and others are offering this amendment which prohibits any funds provided by this act from being used to provide any incentives to or in any way to induce U.S. businesses to relocate abroad if such relocation will reduce U.S. jobs. AID will be flatly banned from using any foreign aid funds to promote foreign investment by U.S. firms if such investment would result in the relocation of the U.S. operation abroad with a loss of American jobs.

Mr. President, I urge the adoption of the amendment.

EXHIBIT 1

FACTSHEET ON ALLEGATIONS

Erroneous allegations have been made that support by the U.S. Agency for International Development (A.I.D.) for expanded trade and investment in Latin America, specifically El Salvador and Honduras, results in the loss of American jobs in the United States. The allegations claim that (1) A.I.D. is subsidizing U.S. companies—particularly apparel firms—to entice them to move jobs offshore; (2) A.I.D.'s financing of free zone development, vocational training, and investment promotion organizations in Central America is contributing directly to this phenomenon and (3) foreign workers hired in these free zones are exploited with A.I.D.'s knowledge and acquiescence.

The real story about U.S. foreign assistance to Latin America and the Caribbean is that it is stimulating economic growth and improving the trade and investment climate in Latin America, leading to dramatic U.S. export growth and the creation of new U.S. jobs.

Since 1986, American exports to Latin America and the Caribbean have more than doubled to an estimated $80 billion this year. This export growth has resulted in more than a million new U.S. jobs being created.

With regard to the apparel industry, U.S. apparel firms are in fact better positioned to be competitive in the world market today than 10 years ago. U.S. apparel exports to Latin America have more than tripled in the last five years. The growth has been particularly dramatic to El Salvador and Honduras, where apparel exports have grown tenfold since 1987, from $29 million in 1987 to an estimated $305 million this year. Clearly, this growth in exports to the region is creating new jobs in the United States.

The following are facts in response to some of the more serious and erroneous claims recently made.

Allegation: U.S. taxpayer dollars are being used to convince U.S. businesses to move overseas and lay off American workers.

Fact: No U.S. taxpayers dollars are being used as an incentive for American companies to shut down their U.S. operations, move to Latin America and lay off American workers. As U.S. businesses look for ways to survive in a globally competitive marketplace, some look overseas to lower a portion of their production costs in order to keep their U.S. business operating and competitive. Coproduction, a corporate survival tool in an increasingly competitive global market, is not new nor is it a result of U.S. foreign assistance programs.

In actuality, U.S. taxpayer-supported foreign assistance expands U.S. business opportunities and U.S. exports, increasing employment at home and abroad. U.S. foreign assistance supports policy reform to strengthen market-based economic growth and improve the climate for trade and investment in Latin America. As economies in Latin America grow, these countries' purchasing power increases resulting in more U.S. exports. Latin America spends 60 cents of every trade dollar in the U.S. as compared to Asia which spends only 10 cents.

Since 1986, U.S. exports to Latin America and the Caribbean, including El Salvador and Honduras, have increased so dramatically that more than a million new American jobs will have been created by the end of 1992 because of that growth in exports. Latin America is the United States' fastest growing market, estimated to exceed $80 billion this year. The U.S. foreign assistance program in Central America, of which support for organization like FUSADES is a part, has helped produce a very significant net increase in American jobs.

Allegation: The apparel industry has lost 500,000 jobs in the United States over the past 10 years and nearly 200,000 of those jobs were lost to Caribbean Basin countries. U.S. tax dollars are financing this job loss.

Fact: Job creation in Latin America is not at the expense of American jobs. There is not a finite number of jobs in a growing global economy. One job gained in one country does not mean a loss of a job in another country. To the contrary, renewed economic growth in Latin America means expanding markets for U.S. exports and job creation in the United States.

A primary purpose of U.S. foreign assistant to Latin America is to strengthen market-based economic growth and improve the climate for trade and investment. As economies in Latin America grow, these countries' purchasing power increases, resulting in more U.S. exports. Latin America spends 60 cents of every trade dollar in the U.S. as compared to Asia which spends only 10 cents. This demand for U.S. exports creates U.S. jobs at home. Every $1 billion of exports maintains 20,000 jobs.

The U.S. apparel industry, in fact, has benefitted from co-production arrangements with Caribbean Basin countries, by enabling U.S. firms to better compete with foreign competition at home and abroad. A number of U.S. apparel firms credit their co-production arrangements with Caribbean Basin countries with their survival in the global market. In the last five years, as U.S. firms have become more competitive, apparel imports from Taiwan, Korea and Hong Kong have declined by 25%.

While Caribbean Basin countries' apparel exports to the United States have risen, 80% of these imports contain U.S. materials. In fact, U.S. apparel exports (including unfinished materials) to countries like El Salvador and Honduras have risen 58% and 39% annually for the last five years respectively. So far this year, U.S. apparel exports to El Salvador are up an astounding 225% and to Honduras 113%.

Allegation: FUSADES is a foreign business lobby supported by A.I.D.

Fact: FUSADES is not a foreign business lobby. FUSADES was established by private Salvadoran citizens who wanted to make a contribution to overcoming the tremendous economic, social, and political turmoil in El Salvador in the 1980's. FUSADES promotes social and economic development in a democratic society and a free enterprise system. Originally founded as a "think tank", it is now a multi-faceted organization which is also involved in agricultural diversification, small business and microenterprise support, community development, and postwar reconstruction. The promotion activities in question represent only 6% of FUSADES programs. FUSADES activities do not impact negatively on the U.S.; on the contrary, they create considerable opportunities for U.S. business and workers. Supporting local efforts to get El Salvador on solid footing supports export-oriented jobs in the U.S. FUSADES is becoming financially self-sufficient, and A.I.D. support is scheduled to end in 1994.

Allegation: In an internal A.I.D. document, A.I.D. directed FUSADES to "target U.S. firms" and convince them to move to El Salvador.

Fact: It is not the policy of the Agency for International Development to encourage U.S. business to shut down and move overseas. In order for a company to make such a critical decision as to expand its operation overseas, it must first consider the enormous cost, complexity and risk involved in such a move. If a company is contemplating expanding overseas, then FUSADES will provide information on the merits of El Salvador versus another location.

The specific citation, "target U.S. firms," was made in the context of contacting U.S. firms which were already considering expanding operations overseas in order to remain competitive. By choosing a location in this Hemisphere, these U.S. firms would have a larger positive impact on the U.S. economy because of greater sourcing of U.S. inputs and stronger commercial linkages.

Allegation: Through FUSADES and other programs in Central America, A.I.D. is providing loans and direct financing to U.S. companies to train workers in their factories in Central America.

Fact: No A.I.D. training programs are set up for any individual company (U.S. or otherwise) in El Salvador. A.I.D. finances vocational and technical training for the poor in El Salvador and elsewhere. Improvement of the human resource base in Central America is central to economic development and in moving to a partnership based on trade not aid.

Allegation: A.I.D. paid for and endorsed the FUSADES "Rosa Martinez" ad, thereby supporting the exploitation of cheap labor.

Fact: Untrue. Both A.I.D. and FUSADES publicly disavowed this ad. The ad was canceled and FUSADES no longer has a contract with the firm that produced it. In a public letter to the magazine in which the ad appeared, FUSADES states that it "does not encourage or support any economic activity that will exploit or demean Salvadoran workers, nor is it our intent to support investment or trade to El Salvador that seeks to export American jobs."

While A.I.D. provides financial support to FUSADES, A.I.D. did not provide funds specifically for this ad nor did A.I.D. review or approve this ad. A.I.D. does not endorse, in any way, campaigns to promote the exploitation of labor.

Allegation: The apparel manufacturing plant that closed in Decatursville, Tennessee moved its operation to El Salvador to make the identical clothing.

Fact: Untrue. The plant that closed in Decatursville, Tennessee was owned by a company that went bankrupt. The plant in El Salvador is owned by a 40 year old U.S. company that does not make the identical items as the Decatursville plant. In fact, this company has increased its U.S. employment 20% since expanding to Central America in 1984.

Allegation: A.I.D. encouraged the "60 Minutes" fictitious company, New Age Textiles, to lay off American workers in Miami to open up a production facility in Honduras or El Salvador.

Fact: False. A.I.D. did not nor would it ever encourage a U.S. firm to lay off American workers. In fact, New Age Textiles portrayed themselves as a company with no factory and only a contract production arrangement in Miami. They claimed they had just received a very large order that their contractor in Miami could not fill so they were exploring options for additional production.

Allegation: A.I.D. provides direct financing—including Section 936—to U.S. firms to facilitate the opening of production facilities in Caribbean Basin countries.

Fact: A.I.D. programs do not provide direct financing or preferential access to financing directed to any specific company.

Section 936 of the Internal Revenue Code was established in 1976 by the U.S. Congress as a mechanism to encourage economic development in Puerto Rico. Section 936 exempts U.S. companies from tax on income generated in Puerto Rico as long as the income remains in Puerto Rico. Through the Tax Reform Act of 1986, Congress preserved this exemption when the funds were invested either in Puerto Rico or in a Caribbean Basin country which had entered into a tax information agreement with the United States.

Section 936 funds are available for investment in Puerto Rico or in an eligible Caribbean Basin country at attractive interest rates because they are tax exempt. However, any borrower submitting application to a Puerto Rico bank for financing must meet the same requirements that any other lending organization in the United States would impose, including conforming to U.S. Treasury regulations.

Allegation: A.I.D. supports export processing zones in which companies engage in a practice called "blacklisting" to ensure that pro-union workers are denied employment.

FACT: The United States Government does not support "blacklisting" or any other violation of internationally recognized workers' rights. In fact, the United States Government encourages any aggrieved party to petition the Office of the United States Trade Representative for the removal of trade benefits (preferential access) from any country believed to be engaged in violations of internationally recognized workers' rights.

A.I.D. has actively supported respect for workers' rights through a thirty year relationship and substantial program with the AFL–CIO's Latin American institute, the American Institute for Free Labor Development (AIFLD). Democratic labor unions have been strengthened and more than 650,000 individuals have been trained through A.I.D.-supported AIFLD programs in collective bargaining, arbitration, negotiation, and union organization and management. In fact, more than 20,000 Salvadorans have received such training in the past two years.

In no way does A.I.D. support the exploitation of labor or the denial of internationally recognized workers' rights. A.I.D. support to both business development and the democratic labor movement in Latin America are important to the achievement of strong economies and stable democracies.

Allegation: In Honduras, FIDE and local employers stated that unions were being kept out of the free zones by use of a blacklist.

Fact: We have no knowledge of the existence of a blacklist. Honduras is a highly unionized country. In the export processing zones, wages and benefits exceed those in other areas. Labor is not being exploited in the EPZs. The EPZ workers make on average higher wages than workers outside the zones. They also have access to health clinics, day care, and worker recreational facilities.

U.S. TRADE AND EMPLOYMENT GROWTH AS A RESULT OF AN IMPROVED TRADE AND INVESTMENT CLIMATE IN LATIN AMERICA AND THE CARIBBEAN

U.S. EXPORT GROWTH TO LATIN AMERICA AND THE CARIBBEAN

The Latin American and the Caribbean region is the United States' fastest growing market in the world. Since 1986, U.S. exports to the region have averaged an annual rate of growth of 17%. U.S. exports to the region are projected to rise 26% this year, up some $17 billion to $80 billion—that's compared to a 5% increase world-wide.

Because of this strong export growth, the United States registered a trade surplus of $2.5 million with the region in 1991—the first surplus in 10 years. This year, the surplus is projected to rise to $15 billion.

Manufactured goods—which are U.S. job intensive—represent more than 80% of the exports to the region and are leading this export growth—up 30% so far this year. For example, U.S. exports of cars and trucks are up 90%; U.S. auto parts are up 38%; electrical machinery exports are up 29%; telecommunications equipment up 28%; industrial machinery up 24%; furniture up 23%; the list goes on and on.

The U.S. market share of industrialized-country exports to Latin America and the Caribbean has gained relative to that of Japan and Europe, rising from 50 percent in 1986 to 58 percent in 1991.

EXPORT GROWTH GENERATES NEW JOBS

It is estimated that each $1 billion in U.S. exports supports 20,000 U.S. jobs. The expected $80 billion in U.S. exports to the region this year will support more than 1,500,000 U.S. jobs. More than one-half of those jobs have been created since 1986.

WIDESPREAD BENEFITS TO THE U.S. STATES

The great majority of states have benefitted from recent growth in exports to Latin America and the Caribbean. Forty-three states and the District of Columbia expanded exports to the region as a whole during 1987–90. Texas, with $17 billion in shipments, led all states in exports to Latin America and the Caribbean in 1990. Other leading exporters to these countries in 1990 were: Florida ($7.7 billion), California ($5.8 billion), Louisiana ($2.8 billion), New York ($2.4 billion), Michigan ($1.8 billion), Illinois ($1.5 billion), Pennsylvania ($1.2 billion), and Georgia ($1.2 billion).

Significant trading relationships are emerging between individual U.S. states and Latin American partners. For example, in the midwest, Michigan's exports to Guatemala grew 94% and to Dominican Republic and Jamaica by 78% from 1987 to 1990. Neighboring Ohio's trade with Chile grew by 158%, to Honduras and Dominican Republic by 200%, and to Bolivia by 172% during the same period.

EXAMPLES OF U.S. BUSINESSES BENEFITTING FROM AN IMPROVING TRADE AND INVESTMENT CLIMATE IN LATIN AMERICA AND THE CARIBBEAN

Chicago-based Navistar International Transportation Corporation recently signed an agreement to supply DINA Camiones of Mexico, a major Mexican truck manufacturer, with diesel engines. The agreement could add 3,000-5,000 engines annually to the production schedule at Navistar's Melrose Park, Illinois, engine plant. Navistar believes that its Mexican contract will further solidify 800 jobs at its Melrose Park engine plant.

Last May, Mississippi's Litton/Ingalls shipbuilders won a $214 million Venezuelan contract to refurbish two Venezuelan missile frigates. Litton/Ingalls estimates that contract will create 700 U.S. jobs. Allowing foreign bids on that job was a major step for Venezuela, part of broader reforms to open the economy to foreign trade and investment.

A Birmingham, Alabama company, American Ductile Iron Pipe, went from no business in Latin America to $30 million in sales in a little over a year. This, and the promise of growing exports to the region, prevented the company from laying off U.S. workers during the economic slowdown.

Falcon Products, a St. Louis furniture company, opened a joint production factory in Mexico in 1974 to complement its St. Louis plant. That factory was integral to Falcon's expansion from 60 U.S. employees then to 600 today, in Missouri, Tennessee, Arkansas, New York and Illinois. It has enabled Falcon to make sales in North America, Europe and Asia.

New York-based Val D'Or opened up factories in Guatemala and El Salvador in 1989 and 1991 to make new products for clients that had, to that point, been sourcing from Asia. As a result of the Salvadoran operation, Val D'Or has opened a new office in Miami and has created at least 25 new U.S. jobs.

In the two years since Operation Just Cause, U.S. exports to Panama have skyrocketed: Mack Trucks, up 300 percent; Apple Computer, up 80 percent (to $1.8 million); Caterpillar Tractor, up 40 percent; and M/Mars, up 20 percent.

Economic growth and lower tariffs helped U.S. exports to Bolivia jump 37 percent (to $190 million) in 1991. Minnesota cellular telephone company Millicom now services Bolivia's 3 largest cities.

Blue Diamond Growers is an 80-year-old marketing and processing company representing 4,500 California almond growers. Blue Diamond bulk sales of almonds to Mexico have increased from 311,000 pounds in FY 1986/87 to 3 million pounds in FY 1990/91.

The Venezuelan Government recently removed product restrictions and reduced import barriers and duties for assembled vehicles. Ford Venezuela can now import complete vehicles for niche markets which were too small to justify local assembly of specialized vehicles. In 1991, Ford Venezuela began importing Lincoln and Mercury cars, trucks and vans. This new export trade from the U.S. to Venezuela is worth about $25 million.

3M operates in 17 Latin American Countries and has plants in 13 of them. One in six 3M jobs in the United States exists because of 3M's overseas operations, including those in Latin America.

Texas-based Age Industries, Inc. is a small manufacturer of industrial products. Its total sales for its El Paso plant in 1991 were $4 million. In 1989, Age industries built a new plant in El Paso to manufacture corrugated boxes, 80 percent of which are exported to Mexico. Age Industries' sales to Mexico have increased by 42 percent over the last three years. In order to keep pace with Mexican demand, the company has hired 30 new employees, increasing its workforce by 40 percent.

As a result of Uruguay's improving business climate, General Electric sold two 125 megawatt gas turbine generators to the national electric utility for $25 million, and will sell 10 locomotives to Uruguay's state railroad for $10 million. Caterpillar recently sold $8 million worth of diesel engines and earthmoving equipment. Motorola recently signed a $2 million contract for telecommunications equipment with Uruguay's Defense Ministry.

Minority-owned McAllen Bolt and Screw has been exporting to Mexico for the past seven years. As a result of McAllen's Mexican business, its workforce has almost quadrupled growing from only 10 people in 1985 to 38 today. Over the years, the company has successfully expanded the types of product it exports to Mexico to include: fasteners, industrial tools, tapes and adhesives. McAllen Bolt and Screw had sales of $5.6 million last year and expects revenues to be higher this year.

Economic growth and lower trade barriers have made Argentina a major market for U.S. foodstuffs. Welch's and Smucker's have new agreements to sell juices, canned goods and jellies through an Argentine distributor. Argentina's Norte supermarkets set aside 1,000 square feet in each of their stores for Kraft, Lipton, Best Foods and Nabisco products.

THE SALVADORAN FOUNDATION FOR ECONOMIC AND SOCIAL DEVELOPMENT (FUSADES)

FUSADES was established by private Salvadoran citizens who wanted to make a contribution to overcoming the tremendous economic, social, and political turmoil in their country in the early 1980's. It is an apolitical, nonprofit, private foundation supported by over 250 Salvadorans. FUSADES has received support from the A.I.D. as well as other donors, such as the Inter-American Development Bank. It promotes social and economic development in a democratic society and a free enterprise system.

FUSADES, and A.I.D. support thereof, has evolved over the years in response to changing circumstances in El Salvador. Originally founded as a "think tank", it is now a multifaceted organization involved in economic and social studies and policy analysis. Legislative and judicial reform, agricultural diversification, small and microenterprise support, community development, and post-war reconstruction. The investment promotion activities in question represent only 6% of FUSADES programs.

FUSADES efforts have had considerable success, especially in light of the environment in which they were undertaken—economic collapse and a civil war. FUSADES activities which improve the lives of Salvadorans do not impact negatively on the United States; on the contrary, they create considerable opportunities for U.S. business and workers. Since 1985, FUSADES has been responsible for creating over 76,000 new jobs in industry, agriculture and services. These jobs were produced primarily by Salvadorans investing in their own country (because of the war, there are few U.S. businesses in El Salvador). Nearly $100 million in investment can be attributed to FUSADES activities. Thousands of small and microenterprisees have been assisted. Another FUSADES success is its role in developing and building consensus for the economic reform program adopted in 1990. This reform program is widely supported by the international donor community and has had considerable success in creating jobs, bringing down inflation, and in achieving real economic growth after years of stagnation.

FUSADES represents the progressive private sector concerned about the future of El Salvador. In addition to the above activities, FUSADES helped start HABITAT, for low-income housing; FIPRO, to improve worker safety standards and practices, and FEPADE, vocational/technical training institute.

Yet, it is true that the United States has made a considerable investment in FUSADES. Again, under extraordinary circumstances in which there were few viable options. A.I.D. has provided over $100 million in support to FUSADES; over 80% of this amount was assistance which FUSADES provided to third party beneficiaries, i.e., small farmers, microenterprises, industrial firms. As a development agency, A.I.D. supports programs which provide economic opportunities and an improved quality of life for citizens in recipient countries. A.I.D. contributes to the U.S. economy since goods and services under A.I.D. projects are purchased in the United States. Supporting local efforts to get El Salvador on solid footing supports export-oriented jobs in the United States, where 60 cents of every trade dollar are spent. This is not dependency. Every $1 billion in U.S. exports supports 20,000 U.S. jobs. A.I.D. support for both the Salvadoran labor movement via the AFL-CIO's institute and FUSADES are important to developing a strong economy, a strong free labor movement, and a strong democracy.

SELECTED UNITED STATES EXPORTS TO EL SALVADOR, HONDURAS AND LATIN AMERICA AND THE CARIBBEAN

[Dollar amounts in millions of U.S. dollars]

	1987	1991	Projections[1] 1992	1987–91 annual rate[1] (percent)	1991–92 annual rate (percent)
Country:					
El Salvador:					
Total exports	$370.7	$534.0	$872.5	9.6	63.4
Total manufactured exports	242.1	337.0	621.0	8.6	84.3
Apparel	6.0	36.9	119.9	57.5	224.9
Plant and Equipment for civil engineering	3.6	7.0	12.4	18.1	77.1
Machinery for particular industry	18.0	24.5	36.0	8.0	46.9
Office and data processing machines	10.3	9.7	16.0	−1.5	64.9
Motor vehicle parts	4.6	5.2	6.3	3.1	21.2
Furniture and parts	.5	1.3	4.3	27.0	230.8
Honduras:					
Total exports	392.9	626.7	873.1	12.4	39.3
Total manufactured exports	279.9	435.4	599.6	11.7	37.7
Apparel	23.3	87.1	185.5	39.0	113.0
Electrical machinery	11.0	17.1	26.6	11.7	55.6
Specialized machinery	17.3	33.9	43.3	18.3	27.7
Furniture and parts	1.0	1.6	2.0	12.5	25.0
Road vehicles	16.4	17.2	45.0	1.2	161.6
Office and data processing machines	3.9	8.5	20.8	21.5	144.7
General industrial machinery	19.3	27.3	32.3	9.1	18.3
Latin America:					
Total exports	34,823.7	63,468.9	80,154.7	16.2	26.3
Total manufactured exports	26,556.7	49,984.4	64,999.5	17.1	30.0
Apparel	785.4	1,805.4	2,527.2	23.1	40.0
Furniture and parts	167.0	641.1	791.0	40.0	23.4
Office and data processing machines	1,478.8	2,691.0	3,336.7	16.1	24.0
Motor cars and other motor vehicles	630.6	1,272.6	2,422.0	19.2	90.3
Motor vehicle parts	1,318.7	3,720.6	5,125.5	29.6	37.8
Footwear	93.6	167.9	191.6	15.7	14.1
General industrial machinery	1,671.5	3,004.5	3,727.1	15.8	24.1
Telecommunications equipment	1,452.8	2,627.0	3,367.5	16.0	28.2
Electrical machinery	2,916.5	5,655.1	7,289.2	18.0	28.9

[1] Projections for 1992 are based on January through June, 1991 and 1992 data.

Source: Department of Commerce, total Exports F.a.s.

EXHIBIT 2

CONGRESS OF THE UNITED STATES,
Washington, DC, September 2, 1992.

Mr. CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR COMPTROLLER GENERAL: We are writing to request the GAO to undertake a study of the roles of the U.S. Agency for International Development (AID) and other federally-supported agencies and programs in assisting in the creation of the so-called "export promotion zones" in developing countries, and in influencing U.S. based companies in their decisions whether to move overseas, especially to these export processing zones, versus whether to continue to operate in the US. Our concern is not the legitimate promotion of U.S. foreign investment and trade. Rather, we seek to have the GAO examine:

The implications for the U.S. economy of supporting export processing zones abroad through U.S. foreign assistance,

The effectiveness of foreign assistance used for such purposes in promoting U.S. foreign investment and host nation development, and

Whether and to what extent U.S. foreign assistance funds are being used, either by U.S. agencies, by contractors of U.S. agencies, or by government or private sector recipients of U.S. assistance, for the purpose of inducing U.S. based business to reduce or close operations in the United States and relocate to foreign nations.

With the approval of Congress, U.S. foreign assistance funds have long been used to promote private sector commercial development and to enhance trade and investment in developing countries. Congress has consistently supported use of foreign assistance funds to promote U.S. foreign investment, both for the economic benefits this brings to the U.S. economy, and for economic development in recipient nations. Since the 1980s, however, projects promoting free trade zone exports have become a major element in AID private sector programs, especially in Latin America and the Caribbean. Our understanding is that AID closely coordinates these activities with those of the U.S. Department of Commerce, the U.S. Department of Agriculture, the Office of the United States Trade Representative, the Overseas Private Investment Corporation, and the Export-Import Bank.

The number of export processing zones in Latin America and the Caribbean and elsewhere around the world is increasing dramatically and a growing number of U.S.-based companies are establishing manufacturing operations or are entering into joint ventures within export processing zones (EPZs) in foreign countries or entered into supply contracts with foreign companies operating within those EPZs. Those U.S.-based companies involved do so, in part, because of favorable financial, tax, tariff, and regulatory treatment they receive. It is clearly time for an independent review of whether the U.S. programs creating and/or nurturing the EPZs are effectively managed and enhance trade and investment in developing countries, as well as the impact of EPZs on the U.S. manufacturing sector. Also, as noted above, Congress lacks an understanding how U.S. foreign assistance funds are being used by AID and other agencies to promote U.S. investment in these zones and, in particular, whether knowingly or inadvertently, U.S. foreign assistance funds are being used to induce U.S. firms to reduce or close operations in the United States and to move abroad, with a consequent loss of U.S. jobs.

Initially we had in mind a three-part inquiry. Part one was to constitute a letter report factually substantiating that AID and other federally-funded agencies are involved in financing and developing EPZs in Central America. Parts two and three of the inquiry were to focus on documenting the level and appropriateness of U.S. funds directed toward creating and supporting EPZs and the impact such activities have upon the U.S. domestic manufacturing base. Your staff preliminarily met with congressional staff to discuss the breadth and depth of that initial request. Based upon that discussion, agreement was reached that, in furtherance of this and other legitimate congressional business, we would seek, with due regard for the protection of proprietary information, pertinent contract and other factual information from A.I.D. and other US agencies regarding EPZ activities in Honduras and El Salvador. At the same time, the GAO would analyze and report on what AID and other government agencies have done or are doing with respect to creating and supporting EPZs in foreign countries—goals of such programs, level of activities, and level of financial support—as well as how U.S. foreign assistance funds are used with respect to providing incentives to U.S. businesses to locate in these zones. In addition, the report should attempt to identify and assess to the extent feasible the impact these zones have on U.S. industry. We believe the approach outlined here will help us better understand the roles that the U.S. government plays in supporting the development of EPZs in foreign countries, and for ensuring that U.S. foreign assistance funds are being used appropriately to promote foreign investment and not to export U.S. jobs.

We believe members of our staffs should meet to discuss next steps after you have spent time scoping the pertinent issues, developing a study methodology on how best to proceed, and securing all of the requisite documents to understand the full range of corresponding activities in which AID and other federally-supported agencies have been or continue to be engaged.

Thank you for your attention and consideration in what we consider a very important study. Please feel free to have your staff contact the appropriate members of our staffs whenever necessary.

Sincerely yours,

Representative GEORGE E.

BROWN.
Representative LEE HAMILTON.
Senator PATRICK LEAHY.
Senator TOM HARKIN.

Mr. LEAHY. Mr. President, I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. KASTEN. Mr. President, this amendment is designed to answer allegations that AID programs have been utilized to induce U.S. businesses to relocate outside the United States thereby eliminating U.S. jobs. I note that the administration at the highest levels denies categorically that this is the policy of the U.S. Government.

This amendment which is similar to a prohibition affecting OPEC programs is the minimum necessary in order to assure that reported incidents involving programs in El Salvador and elsewhere not be repeated.

If allegations which have been made are accurate the situation is totally unacceptable and must be stopped and officials responsible must be reprimanded.

Through this legislation we must assure that it does not occur again. In addition to this amendment, the one that we now offer, Senator LEAHY and I this week sent a letter to the IG, the inspector general of AID asking him to immediately look into the fact of this situation and report back to us as quickly as possible. At this time I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 28, 1992.

Gen. HERBERT BECKINGTON,
Inspector General, Agency for International Development, Washington, DC.

DEAR GENERAL BECKINGTON: Last evening, the CBS program "60 Minutes" presented a segment on a program administered by A.I.D. which in its entirety constituted an accusation that the U.S. Government through A.I.D. has been subsidizing the migration of American jobs to lesser developed countries. The report as presented raises questions of serious concern to this Subcommittee.

It is important to the Subcommittee as we address the several issues implicit in the "60 Minutes" program that we have a clear factual understanding of the events that formed the basis of the televised episode. As a matter of priority you are requested to undertake an immediate review directed to establishing the following points:

(1) Were the conditions depicted in the CBS report factual and complete as to the episode described?

We would appreciate your giving urgent attention to this request and a report of your findings at the earliest possible time.

Sincerely,

ROBERT W. KASTEN, Jr.,
Ranking Member,
Foreign Operations Subcommittee.
PATRICK J. LEAHY,
Chairman,
Foreign Operations Subcommittee.

Mr. KASTEN. Mr. President, the issue is similar to one that I have brought to this floor many times, the so-called buy America policy regarding procurement of goods and services for foreign AID programs.

This issue brings to the floor again our shared concern that U.S. foreign assistance must include strong provisions encouraging the purchase of U.S. goods and services. At a time when the American people are more conscious than ever of the waste of their tax dollars, we have to crackdown on U.S. subsidizing foreign businesses. It is extremely important that foreign AID programs be a valuable investment in the U.S. economy as well as the economies of other nations.

I hope that our colleagues will support this amendment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise to commend the Senator from Vermont, the Senator from Wisconsin, and the Senator from South Carolina in sending this amendment to the floor.

Once again we find the Senator from Vermont providing leadership and indicating his concerns about jobs in the United States and jobs being exported. I think he has been supremely effective in moving with rapidity and response to the program that we all saw on "60 Minutes" the other night on the export of American jobs, and so I just want to say that I am pleased to see that Senator LEAHY, Senator KASTEN, and Senator HOLLINGS have offered this amendment.

I commend all three of them for their efforts in doing so.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3323) was agreed to.

Mr. LEAHY. Mr. President, I ask if we could withhold acceptance of the amendment. Normally, I would not do so on my own amendment, but I understand there may be a couple other Senators who wish to speak on it.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. Mr. President, has the amendment been accepted?

The PRESIDING OFFICER. The amendment was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent that the acceptance of the amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand the amendment is still before the Senate.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Mr. President, I understand other Senators wish to speak on it. I ask if they do that they come to the floor as quickly as possible, because we are going to go off this amendment in just a few minutes and on to some others, because of the time constraint the leadership has placed on this bill.

So I am going to suggest the absence of a quorum, but I urge Senators that they be here very, very quickly or we will have to go forward.

The PRESIDING OFFICER. Will the Senator withhold the suggestion of the absence of a quorum so the Chair may make an announcement?

Mr. LEAHY. Yes, I withhold.

MAKING CONTINUING APPROPRIATIONS

The PRESIDING OFFICER. The Chair announces that House Joint Resolution 553 was just received from the House.

Under the previous order, the joint resolution is deemed read three times and passed, and the motion to reconsider is laid upon the table.

FOREIGN OPERATIONS APPROPRIATIONS FOR FISCAL YEAR 1993

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from West Virginia, the President pro tempore, is recognized.

JOB FLIGHT POLICY

Mr. BYRD. Mr. President, I rise to support the amendment offered by the Senator from Vermont [Mr. LEAHY]. This amendment, of which I am a cosponsor, would prohibit the United States from spending any money to lure U.S. manufacturers into moving their operations to any foreign country if that move would result in the loss of U.S. jobs. Frankly, I have been appalled by recent reports of U.S. Government efforts and aid money being used to export U.S. jobs. Just this last Sunday, "60 Minutes" aired a report that graphically portrayed some of the abuses that are also detailed in a National Labor Committee report aptly entitled "Paying to Lose Our Jobs," and last night on "Nightline," Ted Koppel also addressed the issue. "Nightline" talked with some of the victims of this appalling policy in my own State of West Virginia. These accounts charge that while the U.S. Agency for International Development may espouse the "Trade, Not Aid" development policy intended to create new investment in Central America and the Caribbean, in practice, AID acted primarily to divert investment from the United States and other countries to Latin America and the Caribbean.

AID documents publicized by the National Labor Committee substantiate these claims. In a 1991 funding agreement, AID explicitly instructed the El Salvadoran Foundation for Economic and Social Development—a Foundation that owes 94 percent of its funding to U.S. AID money—to pursue a proactive, direct and systemic sales effort involving direct contact with targeted U.S. firms to convince them to explore opportunities in El Salvador. Specifically, El Salvador was directed to target electronics and apparel firms in the northeast and southeast United States. Earlier, the Dominican Republic was instructed by AID to "promote business opportunities, particularly in agribusiness and free zone manufacturing, by targeting key sectors in crucial foreign markets (mainly in the U.S.)." I find it ironic that this administration, which has so adamantly resisted discussing any kind of U.S. industrial policy, is so willing to direct the industrial and economic development of its neighbors. It is also ironic, and sad, that this foreign industrial policy includes many of the investment incentives—including favorable tax, tariff, lending, infrastructure and worker training terms—that are only now and inadequately, in my opinion, being addressed for American cities and the American work force.

The United States has spent large sums of money on these efforts, money that could be better spent even within our own country. The AID Private Enterprise Development Initiative has spent at least $289,730,000 since 1983 to help establish free trade zones, construct state-of-the-art manufacturing facilities, and train workers in countries that face no quotas on their exports to the United States. Even some U.S. Food for Peace aid money has been used to build factory space that may house a U.S. company that relocated. And to top it off, AID money also pays for advertisements luring U.S. firms to move to Latin America and the Caribbean. The Dominican Republic has 23 of these free trade zones, with 5 more under construction and 7 in the planning stages. The U.S. Department of Commerce noted that there are some 235 facilities operating in the Dominican Republic's free zones, two-thirds of which are U.S. companies, employing over 120,000 workers—this, while U.S. workers in the textile and apparel industries are losing jobs at the rate of 2,000 each month. We should be promoting American exports, not exporting American jobs.

The generosity of Uncle Sam to this area under the much-touted Caribbean Basin Initiative has also invited other far less needy countries to exploit Uncle Sam's goodwill. These recent exposés have pointed out that Asian firms, which face a mere 1-percent tariff on their textile and apparel imports to the United States, are moving in droves to the Latin American and Caribbean free trade zones in order to benefit from the lack thereof of quotas on imports to the United States. The 1-percent tariff was imposed on these firms to protect American workers from unfair trade practices. Yet, U.S. AID money, given to the countries of the Caribbean Basin Initiative, is being used to advertise in Asia. These advertisements laud the low labor costs in the Caribbean Basin, they laud the tax incentives being offered, and they point out in boxcar letters the biggest hook of all—the lack of U.S. import quotas.

The administration, in a letter rebutting the "60 Minutes" charges, argues that by creating jobs in the Caribbean basin, we establish a greater export market for U.S. goods, which, in turn, creates U.S. jobs. This might be true, if we were truly creating jobs overseas. But the practice of promoting the export of American jobs undermines this rosy picture. If U.S. firms move their manufacturing overseas, what will we be exporting for sale?—only the products that are already made overseas. This does not create jobs for Americans. And the low wages being paid to these overseas workers are not high enough to create a large consumer market there. At 70 cents an hour, these workers cannot afford to be big spenders.

The amendment would also prevent any of our foreign aid funds from being obligated or expended for any project or activity that contributes to the violation of internationally recognized worker's rights. This action is directed at the charges that some of the export zones maintain computerized blacklists to prevent any troublesome workers from being hired who might be interested in organizing a labor union. The administration says that it does not support blacklisting. This may be true, and I certainly hope that it is true. But, if AID is aware, of and tacitly condones, the use of blacklists, as these recent exposes seem to indicate, that is as reprehensible as actively supporting the practice. Combined with other practices like the use of 1-year contracts, and piecework rather than salary wages, it is no wonder that these nations can keep their labor costs down.

Cost-containing sweatshop practices have not helped the people of Latin America and the Caribbean any more than the flight of jobs there has helped the American work force. In 1990, the Commerce Department reported that the Caribbean Basin Initiative has made "* * * no dramatic difference yet in the living standards in the Caribbean basin." Between 1980 and 1987, per capita income in Central American and the Caribbean actually fell at a rate 2½ times faster than that in the rest of Latin America. Living standards have been pushed back to pre-1960's levels. A rational person might ask, then, why we continue to use U.S. tax dollars to increase the level of misery across the Americas. When your head hurts from banging it against a wall, you stop banging it. That is, in essence, what the Senator from Vermont's amendment would do: stop the senseless pounding and compounding of a mistaken and misguided policy.

The craziness of trying to create jobs abroad instead of spending tax dollars to create them here is so obvious and so fundamentally unsound that I can only shake my head in wonder. Unemployment in the United States was at 7.6 percent in August. We must put a stop to the export of U.S. jobs and, instead, protect U.S. workers and manufacturers from exploitative practices and promote the export of U.S. products.

Mr. President, I thank the distinguished Senator from Vermont for offering the amendment, for taking the leadership in this regard, and for this courtesy in yielding to me.

I yield the floor.

Mr. LEAHY. I thank the distinguished Senator from West Virginia. I appreciate his support. The statement he has made here on the floor is certainly consistent with things I have heard him say on many other occasions. And he has strongly stated that. We want to create a market for our exports, but we do not want to export jobs from this country.

Mr. President, I understand there may now be a couple of others who want to speak on this. Might I do this? I see my friend from Wisconsin here. I ask unanimous consent we temporarily set aside the Leahy-Kasten et al. amendment so I could take up a few amendment that we have here that have been cleared.

Mr. KASTEN. Reserving the right to object and I shall not object, I simply want to first ask unanimous consent that Mr. GRASSLEY, the Senator from Iowa, and the Senator from Arizona, Mr. MCCAIN, be named cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I ask unanimous consent the Senator from Pennsylvania [Mr.WOFFORD], be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Now we can go ahead, I believe, to set amendment aside?

Mr. LEAHY. I renew my unanimous-consent request to set the amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3324

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. HATFIELD, proposes an amendment numbered 3324.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 562 of the bill as reported is amended by adding at the end thereof the following new subsection:

"(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 554 of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights."

ELIGIBILITY FOR ASSISTANCE

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of Senator HATFIELD and ask for its immediate consideration.

This amendment modifies section 562, which is a committee amendment offered by Senator HATFIELD. Section 562 permits development assistance to go to programs of nongovernmental organizations in countries where U.S. aid is otherwise prohibited. This does not apply to military aids or ESF; only to development assistance programs such as AIDS, family planning, child survival, and the like.

This modifying amendment by Senator HATFIELD specifies that this exemption does not apply to any nations on the antiterrorism list or nations that have determined to violate internationally recognized human rights.

Since the original Hatfield amendment provided that in any case even development aid through nongovernmental organizations could be provided only through the regular notification process, the Appropriations Committee would have to approve each proposal before any funds could be obligated.

However, I think this amendment is helpful in that it makes clear in law what would have been clear in fact, namely that terrorist supporting nations and human rights violators.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No 3324) was agreed to.

AMENDMENT NO. 3325

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for himself and Mr. D'AMATO, proposes an amendment numbered 3325.

Mr. KASTEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 63, line 3, strike "*Provided*" and all through "Portugal" on line 7, and insert: "*Provided further*, That the total of grants and the principal amount of direct loans provided under this heading shall be not less than $47,000,000 for Morocco, $450,000,000 only for Turkey, $315,000,000 only for Greece, and not less than $90,000,000 for Portugal; *Provided further*, That if Turkey receives any funds under this heading on a grant basis then not less than $30,000,000 of the funds provided for Greece shall be made available as grants".

On page 64, line 7, strike "Provided" and all through "Greece" on line 10.

On page 64, line 11, strike "paragraph" and insert "Heading".

Mr. KASTEN. Mr. President, this is a technical amendment. It corrects or clarifies a 7-to-10 ratio with regard to aid going to Turkey, Greece, and Portugal. I believe the amendment has been cleared.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3325) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3326

Mr. LEAHY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 3326.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cancer Registries Amendment Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) cancer control efforts, including prevention and early detection, are best addressed locally by State health departments that can identify unique needs;

(2) cancer control programs and existing statewide population-based cancer registries have identified cancer incidence and cancer mortality rates that indicate the burden of cancer for Americans is substantial and varies widely by geographic location and by ethnicity;

(3) statewide cancer incidence and cancer mortality data, can be used to identify cancer trends, patterns, and variation for directing cancer control intervention;

(4) the American Association of Central Cancer Registries (AACCR) cites that of the 50 States, approximately 38 have established cancer registries, many are not statewide and 10 have no cancer registry; and

(5) AACCR also cites that of the 50 States, 39 collect data on less than 100 percent of their population, and less than half have adequate resources for insuring minimum standards for quality and for completeness of case information.

(b) PURPOSE.—It is the purpose of this Act to establish a national program of cancer registries.

SEC. 3. NATIONAL PROGRAM OF CANCER REGISTRIES.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

"PART M—NATIONAL PROGRAM OF CANCER REGISTRIES

"SEC. 399H. NATIONAL PROGRAM OF CANCER REGISTRIES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States, or may make grants or enter into contracts with academic or nonprofit organizations designated by the State to operate the State's cancer registry in lieu of making a grant directly to the State, to support the operation of population-based, statewide cancer registries in order to collect, for each form of in-situ and invasive cancer (with the exception of basal cell and squamous cell carcinoma of the skin), data concerning—

"(1) demographic information about each case of cancer;

"(2) information on the industrial or occupational history of the individuals with the cancers, to the extent such information is available from the same record;

"(3) administrative information, including date of diagnosis and source of information;

"(4) pathological data characterizing the cancer, including the cancer site, stage of disease (pursuant to Staging Guide), incidence, and type of treatment; and

"(5) other elements determined appropriate by the Secretary.

"(b) MATCHING FUNDS.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State, or the academic or nonprofit private organization designated by the State to operate the cancer registry of the State, involved agrees, with respect to the costs of the program, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs or $1 for every $3 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION; MAINTENANCE OF EFFORT.—

"(A) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) With respect to a State in which the purpose described in subsection (a) is to be carried out, the Secretary, in making a determination of the amount of non-Federal contributions provided under paragraph (1), may include only such contributions as are in excess of the amount of such contributions made by the State toward the collection of data on cancer for the fiscal year preceding the first year for which a grant under subsection (a) is made with respect to the State. The Secretary may decrease the amount of non-Federal contributions that otherwise would have been required by this subsection in those cases in which the State can demonstrate that decreasing such amount is appropriate because of financial hardship.

"(c) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—No grant shall be made by the Secretary under subsection (a) unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such a manner, and be accompanied by such information, as the Secretary may specify. No such application may be approved unless it contains assurances that the applicant will use the funds provided only for the purposes specified in the approved application and in accordance with the requirements of this section, that the application will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the applicant under subsection (a) of this section, and that the applicant will comply with the peer review requirements under sections 491 and 492.

"(2) ASSURANCES.—Each applicant, prior to receiving Federal funds under subsection (a), shall provide assurances satisfactory to the Secretary that the applicant will—

"(A) provide for the establishment of a registry in accordance with subsection (a);

"(B) comply with appropriate standards of completeness, timeliness, and quality of population-based cancer registry data;

"(C) provide for the annual publication of reports of cancer data under subsection (a); and

"(D) provide for the authorization under State law of the statewide cancer registry, including promulgation of regulations providing—

"(i) a means to assure complete reporting of cancer cases (as described in subsection (a)) to the statewide cancer registry by hospitals or other facilities providing screening, diagnostic or therapeutic services to patients with respect to cancer;

"(ii) a means to assure the complete reporting of cancer cases (as defined in subsection (a)) to the statewide cancer registry by physicians, surgeons, and all other health care practitioners diagnosing or providing treatment for cancer patients, except for cases directly referred to or previously admitted to a hospital or other facility providing screening, diagnostic or therapeutic services to patients in that State and reported by those facilities;

"(iii) a means for the statewide cancer registry to access all records of physicians and surgeons, hospitals, outpatient clinics, nursing homes, and all other facilities, individuals, or agencies providing such services to patients which would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer, or medical status of any identified patient;

"(iv) for the reporting of cancer case data to the statewide cancer registry in such a format, with such data elements, and in accordance with such standards of quality timeliness and completeness, as may be established by the Secretary;

"(v) for the protection of the confidentiality of all cancer case data reported to the statewide cancer registry, including a prohibition on disclosure to any person of information reported to the statewide cancer registry that identifies, or could lead to the identification of, an individual cancer patient, except for disclosure to other State cancer registries and local and State health officers;

"(vi) for a means by which confidential case data may in accordance with State law be disclosed to cancer researchers for the purposes of cancer prevention, control and research;

"(vii) for the authorization or the conduct, by the statewide cancer registry or other persons and organizations, of studies utilizing statewide cancer registry data, including studies of the sources and causes of cancer, evaluations of the cost, quality, efficacy, and appropriateness of diagnostic, therapeutic, rehabilitative, and preventative services and programs relating to cancer, and any other clinical, epidemiological, or other cancer research; and

"(viii) for protection for individuals complying with the law, including provisions specifying that no person shall be held liable in any civil action with respect to a cancer case report provided to the statewide cancer registry, or with respect to access to cancer case information provided to the statewide cancer registry.

"(d) RELATIONSHIP TO CERTAIN PROGRAMS.—

"(1) IN GENERAL.—This section may not be construed to act as a replacement for or diminishment of the program carried out by the Director of the National Cancer Institute and designated by such Director as the Surveillance, Epidemiology, and End Results Program (SEER).

"(2) SUPPLANTING OF ACTIVITIES.—In areas where both such programs exist, the Secretary shall ensure that SEER support is not supplanted and that any additional activities are consistent with the guidelines provided for in subsection (c)(2)(C) and (D) and are appropriately coordinated with the existing SEER program.

"(3) TRANSFER OF RESPONSIBILITY.—The Secretary may not transfer administration responsibility for such SEER program from such Director.

"(4) COORDINATION.—To encourage the greatest possible efficiency and effectiveness of Federally supported efforts with respect to the activities described in this subsection, the Secretary shall take steps to assure the appropriate coordination of programs supported under this part with existing Federally supported cancer registry programs.

"(e) REQUIREMENT REGARDING CERTAIN STUDY ON BREAST CANCER.—In the case of a grant under subsection (a) to any State specified in section 399K(b), the Secretary may establish such conditions regarding the receipt of the grant as the Secretary determines are necessary to facilitate the collection of data for the study carried out under section 399C.

"SEC. 399I. PLANNING GRANTS REGARDING REGISTRIES.

"(a) IN GENERAL.—

"(1) STATES.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States for the purpose of developing plans that meet the assurances required by the Secretary under section 399B(c)(2).

"(2) OTHER ENTITIES.—For the purpose described in paragraph (1), the Secretary may make grants to public entities other than States and to nonprofit private entities. Such a grant may be made to an entity only if the State in which the purpose is to be carried out has certified that the State approves the entity as qualified to carry out the purpose.

"(b) APPLICATION.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary, the application contains the certification required in subsection (a)(2) (if the application is for a grant under such subsection), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"SEC. 399J. TECHNICAL ASSISTANCE IN OPERATIONS OF STATEWIDE CANCER REGISTRIES.

"The Secretary, acting through the Director of the Centers for Disease Control, may, directly or through grants and contracts, or both, provide technical assistance to the States in the establishment and operation of statewide registries, including assistance in the development of model legislation for statewide cancer registries and assistance in establishing a computerized reporting and data processing system.

"SEC. 399K. STUDY IN CERTAIN STATES TO DETERMINE THE FACTORS CONTRIBUTING TO THE ELEVATED BREAST CANCER MORTALITY RATES.

"(a) IN GENERAL.—Subject to subsections (c) and (d), the Secretary, acting through the Director of the National Cancer Institute, shall conduct a study for the purpose of determining the factors contributing to the fact that breast cancer mortality rates in the States specified in subsection (b) are elevated compared to rates in other States.

"(b) RELEVANT STATES.—The States referred to in subsection (a) are Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia.

"(c) COOPERATION OF STATE.—The Secretary may conduct the study required in subsection (a) in a State only if the State agrees to cooperate with the Secretary in the conduct of the study, including providing information from any registry operated by the State pursuant to section 399H(a).

"(d) PLANNING, COMMENCEMENT, AND DURATION.—The Secretary shall, during each of the fiscal years 1993 and 1994, develop a plan for conducting the study required in subsection (a). The study shall be initiated by the Secretary not later than fiscal year 1994, and the collection of data under the study may continue through fiscal year 1998.

"(e) REPORT.—Not later than September 30, 1999, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and recommendations made as a result of the study.

"SEC. 399L. AUTHORIZATION OF APPROPRIATIONS.

"(a) REGISTRIES.—For the purpose of carrying out this part, there are authorized to be appropriated $30,000,000 for each of the fiscal years 1993 through 1997. Out of any amounts appropriated for any such fiscal year, the Secretary may obligate not more than 25 percent for carrying out section 399I, and not more than 10 percent may be expended for assessing the accuracy, completeness and quality of data collected, and not more than 10 percent of which is to be expended under subsection 399J.

"(b) BREAST CANCER STUDY.—Of the amounts appropriated for the National Cancer Institute under subpart 1 of part C of title IV for any fiscal year in which the study required in section 399K is being carried out, the Secretary shall expend not less than $1,000,000 for the study.".

Mr. LEAHY. Mr. President, this is the cancer registries program that I had mentioned earlier during the time of the unanimous-consent request.

Twenty years ago Congress and the President declared war on cancer. That started the Nation on an aggressive campaign of research and cancer control efforts aimed at eradicating this terrible disease.

We have made significant progress. Overall survival rates have improved, especially among children. Yet today, one in three Americans will be diagnosed with cancer. One in five will die of this harsh disease.

It is time to take a fresh look at our National Cancer Program and put together a new plan to carry us into the next century. I urge the Senate to pass this amendment—the Cancer Registries Amendment Act—and add a very powerful weapon to this Nation's war against cancer.

By setting up a national system of cancer registries, we finally will give America's researchers vital information they need to fight this terrible disease. And we will give new hope to every family that fears the pain and suffering cancer brings.

Despite our 20-year war on cancer, many of our States do not operate cancer registries to record data on the incidence, stage, and treatment of cancer. Yet this is precisely the information our researchers say they need to unlock the clues to what causes cancer. It is the information they need to figure out how to control it.

This amendment provides $30 million a year to States to establish or upgrade their cancer registry systems. Planning grants are available to States currently without registries.

Mr. President, this amendment takes aim at one particular cancer that has reached epidemic proportions—breast cancer. Every 3 minutes another American woman will be diagnosed with the disease. Every 12 minutes, another woman in this country will die.

For reasons we do not know, breast cancer death rates are higher for women in Vermont and other Northeastern States than in other parts of the country. The amendment calls for a 5-year comprehensive study to find out why.

Mr. President, this amendment, which is the text of S. 2205, passed the Senate earlier this year with overwhelming, bipartisan support as part of the National Institutes of Health reauthorization bill. But President Bush vetoed that important legislation because of his unreasonable opposition to fetal tissue research—research that holds great promise for the treatment and cure of diseases like Alzheimer's, Parkinson's, and juvenile diabetes.

That veto was a bitter disappointment to me and millions of Americans across this country because it sent a signal to us that election year politics is more important than people's lives.

I urge the Senate to pass this cancer registries amendment today and take an important step in bolstering our efforts against cancer. Congressman SANDERS who introduced companion legislation, is working with me to see that the House takes it up, too, and passes it quickly so that we can get it to the President for his signature.

Mr. President, the cancer registries bill has been called the cancer weapon America needs most. The families in this country that have been touched by cancer, and the millions more that will face it, should not have to wait another day for this help.

Mr. LEAHY. Mr. President, I understand there is no objection to the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3326) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3323

Mr. KASTEN. Mr. President, I might say to my colleague, the chairman of the subcommittee, we now are in a position to move forward with the adoption of the amendment with regard to AID that was temporarily set aside.

Mr. LEAHY. Mr. President, I asked unanimous consent to lay that amendment aside. I ask now that the amendment be brought forward, the Leahy-Kasten-Byrd-Hollings, et cetera, amendment.

Mr. HOLLINGS. Mr. President, in building the new world order, the Bush administration has left out one important component, the American people. We have the Army Corps of Engineers replacing the Emir of Kuwait's gold bathroom fixtures and we have Carla Hills signing a job creation package for Mexico. But here at home, America is suffering from the longest and deepest recession since the great depression. Pink slips fly like confetti the length and breadth of the U.S. economy—from smoke-stack industries like General Motors to high-tech companies like IBM.

Twelve years of Reagan-Bush voodoo economics have turned this country into the world's largest debtor nation, left the next generation with a $4 trillion debt, and wiped out over 2.6 million manufacturing jobs. A slew of statistics released by the Census Bureau and the Bureau of Labor Statistics show that Americans who are still working are working longer and harder for less pay. In fact, real income has now actually fallen below the level it was at in 1973. According to the Bureau of Labor Statistics, over the last 20 years, real wages have declined by 17 percent. According to the Census Bureau, the new jobs created during the 1980's paid substandard wages, which is why a record number of Americans are now living below the poverty level. It is no coincidence that the contraction of the American economy and the economic insecurity that afflicts this Nation are related to the erosion of our manufacturing base and the administration's do-nothing passivity in the face of unfair trade practices.

Over the last 4 years, this administration has ignored the needs of American industry and American workers. While Americans suffered through a triple-dip recession, the administration told us to stay the course, let the market correct itself. Instead of providing assistance for American industry and assistance for American workers, this administration turned its back. When it comes to funding manufacturing technology centers to aid business in the commercialization of new technology, the administration says no. When it comes to enforcing our trade laws to fight unfair trade practices, the administration does nothing. When it comes to funding worker training for those workers who have been thrown out of their jobs by cheap foreign labor, the administration turns its back and refuses to fund trade adjustment assistance. for American businesses and American workers forced to compete with companies that pay 30 cents an hour, all the administration offers are stern lectures about increasing exports and "getting competitive in the global market." This administration keeps telling us that the Government has no role in the American economy, but what they have not told us is that they do believe in industry, the only problem is that they believe in Government aid to industry for Honduras, El Salvador, and Guatemala, and they believe that the American taxpayer should pay for it.

Rather than taking our tax dollars and using them to help the 500,000 textile and apparel workers who have lost their jobs because of a flood of imports, the Bush administration has chosen to spend almost $1 billion to lure American companies to El Salvador, Guatemala, and Honduras so that they can take advantage of laborers there willing to work for 33 cents an hour. An authoritative report issued by the National Labor Committee has discovered that over the last 12 years, the Agency for International Development [AID] has spent more than $1 billion to lure

Far Eastern and United States companies to the Caribbean, touting that region's low wages, minimal regulation, and hostility towards organized labor. AID funds that were supposed to be used to foster the development of democracy and offer hope for a better life have been used to line the pockets of corrupt officials in El Salvador, and to pay for ads which proclaim that "Rosa Martinez produces apparel for United States markets on her sewing machine in El Salvador. You can hire her for 33 cents an hour." The National Labor Committee study has discovered that AID has funneled over $70 million to the Salvadoran Fund for Economic and Social Development [FUSADES] in order to attract American business to El Salvador. The FUSADES project is run by a friendly local official whom our Government was trying to groom as a potential candidate for the President of El Salvador. After examining the use of AID funds by FUSADES, AID officials discovered "tremendous costs and overhead which were going to be difficult to explain." Despite these concerns, AID went on to allocate an additional $30 to $40 million to FUSADES.

In 1990, 59 textile and apparel plants closed in the United States while, thanks to AID funds, 30 United States apparel manufacturers opened plants in El Salvador, Guatemala, and Honduras. Our textile and apparel industry has been besieged by imports from Asia. Quotas that were supposed to hold back the flood of imports have proved as effective as placing a bandaid over a gunshot wound. What little protection that the quotas now provide is being erased by AID's Central American trade zone initiatives. With the help of United States taxpayer money, Asian apparel firms are now able to circumvent U.S. quotas by opening plants in Central America, resulting in more layoffs in the United States.

Mr. President, this is one Senator who believes that performance is better than promise. Four years ago, Mr. Bush promised to create 17 million new jobs, instead, he presided over record levels of unemployment. Mr. President, the fact is that the only jobs created by the Bush administration have been in San Salvador and Tegucigalpa.

Mr. President, it is time that Uncle Sam stop playing Uncle Sucker. It is time to create jobs in America, not in other nations. Specifically, it is outrageous that the administration is spending U.S. taxpayer dollars to move good American jobs down to Central America. I strongly support the amendment offered by my friend from Vermont, Mr. LEAHY.

Mr. SHELBY. Mr. President, I rise to support the amendment to the 1993 Foreign Operations appropriations bill to put an immediate halt to the Bush administration's practice of using U.S. taxpayers' money to urge U.S. businesses to move to foreign soil and take their jobs with them, of which I am a cosponsor.

In a special report prepared by the National Labor Committee Education Fund in Support of Worker and Human Rights in Central America, which was distributed this week, co-chairman, Jack Sheinkman, wrote a preface entitled, "We Demand an Answer." I would like to read from portions of his preface which clearly and succinctly outline the egregious policy that the U.S. Agency for International Development [AID] has been practicing to promote the exportation on U.S. jobs.

Mr. President, I ask unanimous consent that the full text of Mr. Sheinkman's preface be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SHELBY. Mr. Sheinkman writes:

> America is in trouble, and we all know it. More than 10 million Americans are out of work. The current recession has destroyed over two million jobs in the U.S. Family incomes stagnate as real wages have fallen to their lowest level since 1963. In 1991 alone, a record 87,226 U.S. businesses failed. Rural poverty grows while an underclass forms ominously in our cities.
>
> Why is this happening? And what is our government doing to defend American living standards?
>
> President Bush has said a lot about creating "jobs, jobs, jobs." Running for office in 1988, he even promised to create 30 million new jobs.
>
> But the reality is shockingly different. Rather than fighting aggressively for jobs in the U.S., the Administration has spent hundreds of millions of our tax dollars to send U.S. jobs offshore!
>
> Research by the National Labor Committee Education Fund in Support of Worker and Human Rights in Central America reveals that, since 1980, the Reagan and Bush Administrations may have spent more than a billion dollars promoting and fostering company flight from the U.S.
>
> American workers, as taxpayers, are helping to pay to export their own jobs. Behind our backs, U.S. tax dollars have been used to conceive, plan, finance, manage and promote the development of export processing zones across Central America and the Caribbean. These zones house manufacturing industries producing goods destined for the U.S. market. The Administration has also used U.S. tax dollars to target, persuade, and provide incentives to U.S. companies to relocate production offshore.
>
> American taxpayers are supporting a dozen Central American and Caribbean investment promotion offices in the U.S. Their mission? To sell U.S. companies on the advantages of moving offshore to exploit the 50 cent hourly wages available in the Caribbean Basin. The Administration refers to these starvation wages as the region's "natural comparative advantage." Electronics and apparel manufacturers in the Northeast and Southeast of the U.S. have been specifically targeted as most likely to respond to the sales pitch to relocate offshore.
>
> What is going on? We hear from the Administration that there is no money to maintain and develop the crumbling U.S. infrastructure. Yet, massive U.S. tax revenues are available to finance modern industrial parks and infrastructure across Central America and the Caribbean.
>
> When U.S. jobs are lost to imports, we have little money to provide worker retraining, but we have spend millions on in-plant worker training to benefit manufacturers in the industrial parks in Central America and the Caribbean.
>
> The Administration has expressed frustration over last year's $43 billion U.S. trade deficit with Japan, the $13 billion deficit with China and the $10 billion and $2 billion U.S. trade deficits with Taiwan and South Korea. Meanwhile, the government is spending U.S. tax dollars on Caribbean and Central American investment promotion offices in Taiwan and South Korea. Their goal? To draw Far Eastern manufacturing firms to the Caribbean Basin, where they will have virtually unlimited access to the U.S. market with minimal tariffs or quotas. All subsidized by our tax dollars.
>
> At the same time the government has been promoting and financing offshore production, the U.S. has lost 2,600,000 manufacturing jobs. We lost more than 497,000 jobs in U.S. apparel and textile industries alone. A 20 percent surge in apparel and textile imports over a six month period beginning in September 1991 meant another 120,000 job opportunities lost in the U.S.
>
> How are we stronger as a nation and freer as individuals if we use U.S. tax revenues to build state-of-the-art sweatshops offshore? Over 90 percent of those employed in the Caribbean Basin export processing zones are young women, the majority of whom are under the age of 18. These maquiladora workers earn 40, 50, 60 cents an hour. They have no real health benefits, no work safety protection, no workers compensation, no unemployment insurance. And contrary to Bush Administration rhetoric, the 60-cent hourly wage in El Salvador provides barely 15 percent of what a family needs for even the most marginal life in the ghettos of San Salvador.
>
> And when these young women attempt to organize to improve their working conditions and living standards and protect their human dignity, they are immediately fired and blacklisted. In zones throughout the Caribbean Basin, blacklists are maintained with the names of workers thought to be sympathetic to unions. Workers whose names appear on these lists cannot find work.
>
> This Administration has betrayed the spirit of the U.S. foreign assistance program. It has betrayed U.S. workers and U.S. taxpayers. It has also betrayed the working people and the poor of Central America and the Caribbean.

Mr. President, the advertisement behind me says it all. The AID has used United States taxpayers' money to pay for this advertisement to encourage United States companies to move to El Salvador where labor is much cheaper. This type of behind the back maneuvering by AID is directly contributing to the deindustrialization of the U.S. economy. No economist in his right mind would agree with the administration's argument that for every billion dollars' worth of product and industry that the United States exports, it will create 20,000 jobs in the United States.

It is precisely that kind of calculation that has the Bush administration some 32 million jobs short of the 30 million jobs it promised to create over the past 4 years.

Not only is a large portion of the trade that is apparently created by exporting jobs and industries to foreign countries actually intrafirm trade, but how much can a person who is making 57 cents an hour actually help the United States' economy. The logic is absurd.

I understand the need to encourage free and fair trade. I support multinational corporations. I understand the economic principles of comparative advantage. However, I do not understand the rationale the administration gives for using U.S. taxpayers' money to help create an advantage for a foreign country. Again, it simply makes no sense.

The real irony about this policy is that the living standards of people in the United States and in the Caribbean basin have actually declined over the last 12 years. If AID's policy is so effective and justifiable, why are people in every country involved worse off? The answer is, because this is one of the most outrageous and ridiculous policies that I have seen in all of my years in public service.

Therefore, Mr. President, we must put an immediate halt to the most blatant aspects of AID's policies. I believe a man from Alabama said it best. Mr. Gather called me after seeing "60 Minutes" wanting answers. I think he hit the nail on the head when he asked, "When all of the jobs in the United States are gone, who is going to pay Mr. Michel's salary?" Mr. Michel is the Director of AID who has attempted to defend its policies.

Mr. President, we must stop the exportation of jobs at taxpayers' expense. In the meantime, the General Accounting Office can continue the study that our colleague, Congressman BROWN, has ordered to investigate numerous other questionable AID practices. I do not believe we can wait any longer before taking this important initial step to stop the abuse.

Mr. President, I urge my colleagues to support this important amendment.

EXHIBIT 1

PREFACE: WE DEMAND AN ANSWER

(By Jack Sheinkman)

America is in trouble, and we all know it. More than 10 million Americans are out of work. The current recession has destroyed over two million jobs in the U.S. Family incomes stagnate as real wages have fallen to their lowest level since 1963. In 1991 alone, a record 87,226 U.S. businesses failed. Rural poverty grows while an underclass forms ominously in our cities.

Why is this happening? And what is our government doing to defend American living standards?

President Bush has said a lot about creating "jobs, jobs, jobs." Running for office in 1988, he even promised to create 30 million new jobs.

But the reality is shockingly different. Rather than fighting aggressively for jobs in the U.S., the Administration has spent hundreds of millions of our tax dollars to send U.S. jobs offshore!

Research by the National Labor Committee Education Fund in Support of Worker and Human Rights in Central America reveals that, since 1980, the Reagan and Bush Administrations may have spent more than a billion dollars promoting and fostering company flight from the U.S.

American workers, as taxpayers, are helping to pay to export their own jobs. Behind our backs, U.S. tax dollars have been used to conceive, plan, finance, manage and promote the development of export processing zones across Central America and the Caribbean. These zones house manufacturing industries producing goods destined for the U.S. market. The Administration has also used U.S. tax dollars to target, persuade, and provide incentives to U.S. companies to relocate production offshore.

American taxpayers are supporting a dozen Central American and Caribbean investment promotion offices in the U.S. Their mission? To sell U.S. companies on the advantages of moving offshore to exploit the 50 cent hourly wages available in the Caribbean Basin. The Administration refers to these starvation wages as the region's "natural comparative advantage." Electronics and apparel manufacturers in the Northeast and Southeast of the U.S. have been specifically targeted as most likely to respond to the sales pitch to relocate offshore.

What is going on? We hear from the Administration that there is no money to maintain and develop the crumbling U.S. infrastructure. Yet, massive U.S. tax revenues are available to finance modern industrial parks and infrastructure across Central America and the Caribbean.

When U.S. jobs are lost to imports, we have little money to provide worker retraining, but we have spent millions on in-plant worker training to benefit manufacturers in the industrial parks in Central America and the Caribbean.

The Administration has expressed frustration over last year's $43 billion U.S. trade deficit with Japan, the $13 billion deficit with China and the $10 billion and $2 billion U.S. trade deficits with Taiwan and South Korea. Meanwhile, the government is spending U.S. tax dollars on Caribbean and Central American investment promotion offices in Taiwan and South Korea. Their goal? To draw Far Eastern manufacturing firms to the Caribbean Basin, where they will have virtually unlimited access to the U.S. market with minimal tariffs or quotas. All subsidized by our tax dollars.

At the same time the government has been promoting and financing offshore production, the U.S. has lost 2,600,000 manufacturing jobs. We lost more than 497,000 jobs in U.S. apparel and textile industries alone. A 20 percent surge in apparel and textile imports over a six month period beginning in September 1991 meant another 120,000 job opportunities lost in the U.S.

President Bush talks a beautiful free trade line. In his words, free trade is:

"The future awaiting the Americas . . . A time for empowering the poor through new investment, trade and growth. A time for cultural renewal. Our efforts—and the efforts of millions of citizens of the Americas—can achieve new gains for honest, democratic, and limited government. And together, we can usher in a new order of peace, a new time of prosperity, both animated by personal freedom."

How are we stronger as a nation and freer as individuals if we use U.S. tax revenues to build state-of-the-art sweatshops offshore? Over 90 percent of those employed in the Caribbean Basin export processing zones are young women, the majority of whom are under the age of 18. These maquiladora workers earn 40, 50, 60 cents an hour. They have no real health benefits, no work safety protection, no workers compensation, no unemployment insurance. And contrary to Bush Administration rhetoric, the 60-cent hourly wage in El Salvador provides barely 15 percent of what a family needs for even the most marginal life in the ghettos of San Salvador.

And when these young women attempt to organize to improve their working conditions and living standards and protect their human dignity, they are immediately fired and blacklisted. In zones throughout the Caribbean Basin, blacklists are maintained with the names of workers thought to be sympathetic to unions. Workers whose names appear on these lists cannot find work.

These illegal lists—maintained with the knowledge of U.S. authorities—deny workers their most fundamental rights. The National Labor Committee investigation proves that projects financed by the U.S. Agency for International Development (USAID) in El Salvador and Honduras are collaborating with the zone administrations and U.S. companies to maintain blacklists of union organizers. USAID officials in Honduras and El Salvador shamelessly acknowledge the blacklists and attest to their effectiveness in keeping unions out.

The right to speak and associate freely, to organize and to bargain collectively, are the most fundamental internationally recognized worker rights. Respect for these rights is also the law. U.S. authorities are knowingly violating these rights, and they are violating Congressional mandates that bar the use of U.S. foreign assistance to support offshore manufacturing of import-sensitive articles.

The Congressional mandate to the U.S. foreign assistance program is,

". . . to help the poor majority of people in developing countries to participate in a process of equitable growth through productive work and to influence decisions that shape their lives, with the goal of increasing their incomes and their access to public services which will enable them to satisfy their basic needs and lead lives of decency, dignity and hope."

This is the language from the Foreign Assistance Act. This is the law. The goal of U.S. foreign aid is "the alleviation of the worst physical manifestations of poverty." We fully support USAID and applaud its employees when they follow this mandate.

But we do question USAID's Private Enterprise Development Initiative, and the scores of trade and investment projects it funds. And we strongly object to the use of U.S. foreign aid to build export processing zones and lure our industries to relocate offshore. We cannot condone companies that use our tax dollars to exploit young women and systematically deny their right to speak openly, associate freely and organize to improve their lives.

This Administration has betrayed the spirit of the U.S. foreign assistance program. It has betrayed U.S. workers and U.S. taxpayers. It has also betrayed the working people and the poor of Central America and the Caribbean.

We demand that there be an immediate investigation based on the findings of the National Labor Committee, and that the following steps be implemented:

I. U.S. Agency for International Development support for investment promotion programs should be immediately suspended and terminated.

II. U.S. Agency for International Development (USAID) and Overseas Private Investment Corporation (OPIC) funding for export processing zones should be frozen until such program funding is reviewed by Congress in public hearings.

III. We support the request submitted to the General Accounting Office by Congressman George E. Brown, Jr., calling for a thorough investigation of U.S. government funding for export processing zones throughout the Caribbean Basin region, including any subsidies provided to U.S. companies which have relocated to these zones. Also, the GAO should immediately investigate worker rights violations in El Salvador and Honduras. They should report to the U.S. Congress which export processing zones are utilizing blacklists to screen workers, which U.S. companies are located in these zones and what they are producing for export to the U.S. They should also report on the age of workers in these zones and their working conditions and living standards. What are the health benefits and job safety protection afforded to these workers? Are the wages of these zone employees adequate to meet the basic needs of the average family?

IV. To alleviate the damage already done by the violation of worker rights in El Salvador and Honduras, the President should make known throughout the region that the U.S. Government is committed to the protection of internationally recognized worker rights—and that violations will be met with the loss of U.S. trade benefits.

The U.S. Secretary of Labor should be instructed to establish a program to end the use of blacklists in the Caribbean Basin export processing zones, and report regularly to Congress on the program's effectiveness.

V. All USAID and U.S. Commerce Department mission staff in El Salvador and Honduras should be immediately recalled to Washington, D.C. where, together with their superiors, they be clearly instructed that worker rights are guaranteed by law. If they refuse to protect worker rights, they should be removed from their positions.

VI. The U.S. Trade Representative should immediately hold hearings on worker rights violations in El Salvador and Honduras. Generalized System of Preferences (GSP) benefits should be suspended until the governments of Honduras and El Salvador have permanently eradicated the use of blacklists in their countries.

VII. Finally, we call for congressional investigations to review USAID's trade and investment programs.

We must review the wisdom of the policy to promote the growth of export processing zones and offshore assembly as the model for future economic development in Central America and the Caribbean. And we must evaluate the appropriateness of using U.S. foreign assistance—and our tax dollars—to support this policy. U.S. taxpayers and workers throughout the Americas deserve no less.

Mr. KENNEDY. Mr. President, recent press reports suggest that funds from the Agency for International Development [AID] are being used to lure American jobs overseas, to countries that pay extremely low wages and violate fair labor standards.

It is bad enough that American companies move overseas to take unfair advantage of such countries. But it is unacceptable that U.S. tax dollars are being used to subsidize such activities, which hurt American and foreign workers alike. We must put a stop to such practices.

Recent reports indicate that U.S. foreign aid funds are funneled to foreign firms, who then use the funds to urge American companies to shut factories here, throwing American working men and women out of work. Employees who have worked all of their lives now face a bleak future, with the loss of their jobs and their health care.

AID and administration officials say that exporting these jobs actually helps American workers, by creating new overseas markets for U.S. products. But foreign workers earning 57 cents an hour, the going wage for textile workers in Honduras and El Salvador involved in some of these reports, are not going to buy many U.S. products with wages like that.

In addition, the reports allege that textile firms from East Asia are using Central America as a means to get around American trade policy that places limits on imports from Asia. By setting up subsidiaries in Central America, these firms are breaking the rules that govern trade in apparel and textiles.

According to these reports, AID officials have also suggested that U.S. firms which locate in foreign countries will be given blacklists of union organizers likely to cause trouble by organizing the local employees.

The reports also allege physical abuse of foreign workers, including teenage girls.

Congress must conduct a more extensive investigation of these reports, but we must act now to be sure that such abuses are not being funded by taxpayer dollars.

These abuses of worker rights have the same harmful effect on American jobs as cash subsidies to relocate abroad. Weak labor standards in other countries weaken labor standards in America. They put American workers in a race to the bottom, forcing them to compete with Third World labor standards.

This is a race that we should not enter and cannot win. Certainly, the U.S. Government should not be encouraging such a race with AID funds. America must adopt a high-wage high-productivity strategy if we are to have prosperity for our people.

This amendment addresses all of these issues. It prohibits AID from using any funds to support or encourage the movement of American jobs overseas if it would cost jobs here in America. It requires AID to respect internationally recognized worker rights and to protect working men and women overseas from abuse.

Global economic competition is a fact of life. But American tax dollars should not be used to encourage runaway U.S. plants or the export of U.S. jobs. This amendment will help put a stop to these abuses, and I urge its adoption.

Mr. DODD. Mr. President, many of my colleagues have already expressed their outrage about the information that was brought to light during last Sunday's broadcast of "60 Minutes." In the first segment of that program, it was revealed that an agency of the U.S. Government—the Agency for International Development—through its investment promotion programs in Honduras and El Salvador has been actively promoting the export of American jobs, and utilizing United States tax dollars to do so. That truly is an outrage.

In watching this program, I was struck by the fact that the AID officials interviewed by "60 Minutes" did not seem to be shocked or disturbed by the notion that some of AID's employees were giving the hard sell to U.S. investors to relocate to Central America even after being told that this would mean closing down their operations in the United States. Rather, the reaction seemed to be, "Oh well, these jobs were probably going to be lost anyway since American workers are not competitive." And, thanks to the hidden camera interview, we know that one of the reasons that this is the case is because of active efforts in Honduras and El Salvador to maintain cheap wages by denying local employees in these manufacturing facilities their internationally recognized workers' rights.

For these reasons, I am pleased to join Senator LEAHY as an original cosponsor of the pending amendment. This amendment would seek to ensure that these problems do not arise again in the course of the fiscal year 1993 foreign aid program by prohibiting the provision of U.S. foreign assistance funds to any project that is likely to cause the loss of American jobs or condone the denial of workers' rights.

While this amendment ensures that future aid dollars will not be spent in a way that is harmful to American workers, something must be done to ensure that none of the ongoing AID-sponsored investment promotion programs are encouraging the export of jobs, or condoning the violation of workers' rights. I would urge that Mr. Roskens, U.S. AID Administrator, honor my written request of September 29. In that letter, I asked that he immediately terminate the AID programs that were specifically featured on "60 Minutes" and that he temporarily suspend all other AID programs of a similar nature until a full investigation has been completed to ensure that they are not causing U.S. jobs to be exported or workers' rights to be violated. I would ask unanimous consent that a copy of my letter to Mr. Roskens be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Mr. President, we all know that the last decade has been a very difficult one for the working men and women of this country. Some 1.7 million manufacturing jobs have disappeared during the last 10 years, leaving communities throughout this country devastated and American families in despair wondering how they are going to make ends meet.

Now, we find out that over this same period AID officials have been busily spending $1 billion of taxpayer dollars in so called investment promotion activities that have enticed U.S. companies to relocate in aid recipient countries around the world at the expense of the American people. Today there are more than 200 export processing zones located in 20 countries in Mexico and the Caribbean Basin region. During this same period, more than 70 plant closings and major layoffs have occurred here at home in some 19 States.

The American people have a right to be infuriated by these facts. They also must feel a terrible sense of betrayal that, through AID, the Bush administration has been exporting their jobs, while at the same time doing nothing to revitalize our domestic economy. Mr. President, we must redouble our efforts to ensure that the American people can have some confidence that all U.S. Government programs, be they foreign or domestic, truly serve their interests.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, September 29, 1992.

HON. RONALD W. ROSKENS,
Administrator, Agency for International Development, Washington, DC.

DEAR MR. ROSKENS: I am writing to you to express my grave concerns about the AID-sponsored programs in Honduras and El Salvador that were featured during the opening segment of the television news program, 60 Minutes, on September 27.

During that broadcast, it was revealed that U.S. taxpayers' dollars are being used to facilitate and in some cases finance efforts by U.S. investors to relocate their enterprises to Honduras and El Salvador, with no regard for the impact that this will have on jobs here at home. Moreover, one of the biggest inducements cited by officials involved in the so called "free trade zone projects" is that potential investors won't have to worry about "labor problems" because "black lists" are maintained to ensure that union activists and other potential "troublemakers" will not be employed.

It is not appropriate, in my view, for any agency of the United States government to finance or otherwise encourage U.S. firms to relocate abroad, if in doing so American jobs will be lost. It is even more odious when these firms are encouraged to do so based upon the notion that they won't have to grant internationally recognized workers' rights to their local employees.

American taxpayers have a right to expect that U.S. officials will use their tax dollars wisely, and certainly not in a manner that is harmful to their livelihoods. Clearly the Honduran and Salvadoran programs featured in the 60 minutes segment fail on both scores.

I am requesting, therefore, that you take immediate steps to terminate these programs, and that you suspend all similar AID programs worldwide until there has been a full investigation of this matter by appropriate authorities. In addition, all employees of the U.S. government found to have allowed investors to ignore the domestic impact of their proposed investments and/or otherwise encouraged them to disregard, if not violate, workers rights should be appropriately reprimanded.

I look forward to hearing from you on this important matter.

Sincerely yours,
CHRISTOPHER J. DODD,
Chairman, Subcommittee on Western Hemisphere Affairs.

Mr. PRESSLER. Mr. President, I rise to highlight several portions of the Foreign Operations appropriations bill that I consider to be very important in terms of U.S. foreign policy.

First, the committee bill specifically expresses the intent of the Senate to target AID humanitarian assistance to Kosova. As the war in the former Yugoslavia drags on, Kosova's 2 million inhabitants—90 percent of whom are ethnic Albanians—have been suffering greatly. Their plight is not given as much attention as it deserves. I have risen on numerous occasions to ensure they are not forgotten. The central concern expressed by myself and other members of this body is that given Serbia's long history of repression against Kosovars of Albanian descent, Serbia might next set its sights on Kosova.

I applaud the committee's efforts recognizing the fact that Kosova is urgently in need of humanitarian assistance as the result of the longstanding and severe discriminatory policies of Serbia. This bill sends an important message of support to Kosova. It also sends an important message of support of Kosova. It also sends a strong message that the United States understands and disdains the long history of Serbian persecution of the Albanian majority in Kosova. It is my hope that AID will strongly endorse this section of the bill and provide, on an expedited basis, humanitarian aid for the people of Kosova.

Mr. President, I would now like to turn to two sections of the legislation concerning assistance to the new countries of the former Soviet Union. I recently returned from a trip to many of these countries and fully reported on my conclusions and concerns in a trip report to this body. I hope my colleagues have had a chance to review that material as they consider their votes on this legislation as well as the Freedom Support Act.

First, the committee's bill focuses on agriculture and agribusiness management training. I long have advocated the use of technical assistance as a significant part of our overall foreign assistance policy. I am convinced that in many cases our foreign policy objectives are better served by sharing the expertise and know-how of our small business men and women, as well as our farmers and ranchers, with those countries we are trying to help. Teaching them how to produce goods and create a free market economy goes much further than simply handing them money which is too often wasted.

I support the report language that states "the committee expects a portion of these funds to be used in the former republics for training agricultural and agribusiness managers in U.S. technology and management practices" as well as for projects designed to assist agricultural and agribusiness enterprises in establishing commercially viable businesses. I agree that AID should make technical assistance available through U.S. private sector organizations.

The second issue with regard to the former Soviet Union specifically concerns Russia. As the Senate considered the Freedom Support Act and as I served as a conferee on that legislation, I fought very hard to ensure that conditions were placed on aid to Russia relevant to that country's withdrawal of its troops from the Baltic States.

I am extremely gratified that the Appropriations Committee has recommended language which conditions all assistance to Russia, with the exception of humanitarian assistance, on that country's removal of its troops, or CIS armed forces, from Lithuania, Latvia, and Estonia or, at least, until a negotiated agreement for such withdrawal, including a timetable or schedule, has been concluded. I commend the efforts of the President pro tempore, Senator BYRD, to place this condition in the appropriations bill.

Finally, Mr. President, I support the section of the legislation which declares the sense of Congress that U.S. foreign policy should pursue a regional negotiated solution to the problem of nuclear nonproliferation in South Asia as quickly as possible. The committee also supports a protocol, signed by all nuclear weapons states, prohibiting nuclear attacks on countries in the region. Finally, the committee supports a United States policy leading to the ultimate goal of having India and Pakistan sign the Nuclear Nonproliferation Treaty, by pursuing whatever series of agreements that might be necessary to achieve this goal.

As the author of the amendment which cut off U.S. assistance to Pakistan as the result of that Nation's development of a nuclear explosive device, I wholeheartedly embrace such policies. I traveled to India and Pakistan in January and encouraged both nations to sign the NPT and to participate in the so-called five-nation summit on nuclear proliferation in South Asia. I will not rehash the numerous statements I have made in the Senate on this issue over the past several months and years. However, this remains a critically important foreign policy issue and I commend the committee for addressing nonproliferation in its bill.

LEAHY-KASTEN AMENDMENT ON AGENCY FOR INTERNATIONAL DEVELOPMENT (AID) AND EXPORT OF JOBS

Mr. WELLSTONE. Mr. President, I support the amendment offered by my colleague, Senator LEAHY, the chairman of the Subcommittee on Foreign Operations. I am a strong proponent of providing aid to genuine development efforts in Third World countries, and I will fight to fund assistance for the real efforts of poor people themselves in those countries as they struggle to improve their standard of living and quality of life. But genuine development in the Third World does not require a degradation of economic conditions in this country. It does not require the export of jobs or pursuit of a global low-wage strategy. The use of government funds for such purposes is completely unacceptable.

Like many other Americans, I have been shocked by the revelations of the past week, reported on the network news programs "60 Minutes" and "Nightline." Under President Bush, the Agency for International Development [AID] apparently has misused tax dollars to encourage American companies to move their operations and, of course, the accompanying jobs, out of the United States to countries where wages and taxes are lower, and where environmental and labor regulations are more lax. According to these reports, AID provided money for advertising and trade-show exhibits designed explicitly to lure U.S. companies to Central America, promising wages of 70 to 80 cents per hour, tax breaks on both imports and exports, and unlimited repatriation of profits.

This AID practice should not be seen simply as an isolated abuse, however, or as a policy aberration. It is completely consistent with Bush administration trade policy and its approach to the Third World through multilateral lending agencies. This administration's policies have directly encouraged lower wages and working conditions both here and abroad. The result has been continued, in many cases worsened, underdevelopment in Third World countries, and a sharp decline in manufacturing jobs here in the United States.

The AID activity revealed in these recent news reports has been linked to free-trade or export zones in Central America and Caribbean countries. These zones entice investment with low wages, often substandard working conditions and other so-called advantages. They also allow some third-country investors, such as European or Asian corporations, to circumvent U.S. trade regulations by utilizing Central American countries as a "platform" for exports into the United States. It is important to point out that the recently negotiated North American Free Trade Agreement [NAFTA], if put into effect, would encourage the same tendencies—low wages, poor working conditions, deregulation and the export of jobs. I don't believe the agreement in its current form promotes true economic development in either the United States or Mexico.

I hope that the attention raised by this past week's revelations leads to a more thorough examination of general U.S trade and aid policy. We need to redirect both of those policies.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3323.

The amendment (No. 3323) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KASTEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. LEAHY. Mr. President, will the Senator from Wisconsin yield for a unanimous-consent request?

Mr. KASTEN. I will be pleased to yield.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator KENNEDY be listed as a cosponsor to the amendment that we just agreed to on AID and the jobs export issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the Senator.

AMENDMENT NO. 3327

Mr. KASTEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for Mr. DOLE, for himself and Mr. SYMMS, proposes an amendment numbered 3327.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

HUMANITARIAN ASSISTANCE FOR ARMENIA

Of the aggregate of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any provision of law which restricts assistance to foreign countries, for refugee assistance to Armenia.

It is the sense of Congress that the administration should:

(a) encourage Japan or any oil exporting nation to provide fuel to Armenia for urgently needed humanitarian purposes, to include harvesting the autumn crop;

(b) renew its existing commitment to deliver this fuel by United States transport;

(c) ensure that safeguards are in place to guarantee that the fuel is used solely for the humanitarian purposes intended.

The Congress finds that Armenia has entered into an aggressive program of economic reforms and land privatization that serves as a model for the former republics of the Soviet Union.

It is further the sense of Congress that the President instruct United States representatives to the International Monetary Fund and the World Bank to support these important reforms by providing Armenia financial and technical assistance.

Mr. KASTEN. Mr. President, this amendment deals with the fact that the humanitarian crisis in Armenia continues. It is an amendment by the Senator from Kansas [Mr. DOLE] and the Senator from Idaho [Mr. SYMMS].

Mr. DOLE. Mr. President, I am pleased to offer this amendment on behalf of myself and the distinguished senator from Idaho [Mr. SYMMS].

The humanitarian crisis in Armenia continues.

It is a crisis created by a combination of natural disaster and conflict with the neighboring country of Azerbaijan. It is a crisis which has cost countless dead, left hundreds of thousands homeless, and brought Armenia to the brink of a cold winter with far too few resources to meet urgent human needs. It is a crisis which cries out for international attention, and international help.

This amendment will put the United States in the forefront of those around the world who are helping. It will do so without the appropriation of any additional money beyond that already contained in the foreign aid appropriations bill.

The amendment has three parts.

Part 1 earmarks $5 million of refugee assistance to help hundreds of thousands of displaced and homeless Armenians.

Part 2 urges the administration to fulfill a commitment we have already made to the Republic of Armenia to help it find urgently needed fuel as it moves into the fall harvest season and the beginning of winter. Without that fuel to run Armenia's farm equipment, the fall crop will for the most part be lost. Without that crop, Armenia will be faced with severe food shortages—and responding to that will require far more resources that meeting the immediate need for fuel.

A plan earlier in place, under which Japan would provide the needed fuel and the United States would undertake to accomplish its delivery, fell apart when Japan pulled out, citing the conflict with Azerbaijan as the reason.

This part of the amendment urges the administration to "put Humpty Dumpty back together again"—to remake that deal, either with Japan or another nation able and willing to provide the fuel.

Part 3 urges the President to instruct American representatives to the World Bank and International Monetary Fund to support assistance to Armenia, especially in light of Armenia's model program progress in achieving fundamental free market economic reform.

Armenia is ahead of any other former Soviet Republic in instituting fundamental economic reforms. Its efforts represent a roadmap that the other republics could usefully follow.

The courage and wisdom of the Armenian Government in undertaking these reforms ought to be recognized and encouraged, not only the United States, but by the World Bank and the IMF. Unfortunately, there has been some foot-dragging in those two institutions, and a tendency to put off decisions on supporting Armenia's reform efforts until after the conflict with Azerbaijan is resolved—an unfortunate mixing of political apples with economic oranges. In any case, the fact is that Azerbaijan bears the principal responsibility for starting the conflict, and is the principal obstacle to its settlement. It is just wrong that Armenia should be denied needed and deserved aid because of a conflict that it would dearly love to see resolved on fair and just grounds.

Mr. President, this is an important, affordable, cost-effective amendment. It helps people who deserve help. It will make a difference where it counts—in saving human lives, and helping keep Armenia on the path of democracy and free-market enterprise.

I urge unanimous support for this amendment.

Mr. KASTEN. Mr. President, I do not think there is any further debate, and I think the amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3327) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNDERCHARGE EQUITY ACT

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 592, S. 1675, the Undercharge Equity Act.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1675) to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Undercharge Equity Act of 1992".

DETERMINATIONS OF REASONABLENESS OF CERTAIN RATES

SEC. 2. Section 10701 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) The purpose of this subsection is solely to provide a means of resolving claims described in this subsection and is not intended to serve as a guideline for determining rate reasonableness in any other context.

"(2) Notwithstanding subsection (e) of this section, and subject to paragraph (9) of this subsection, when a claim is made by a motor carrier of property (other than a household goods carrier) or by a nonhousehold goods freight forwarder, or by a party representing such carrier or freight forwarder, regarding the collection of rates or charges in addition to the rates or charges originally billed and collected by the carrier or freight forwarder, the person against whom the claim is made may elect to satisfy such claim under paragraph (3) or (4) of this subsection, upon showing that—

"(A) such carrier or forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) as to the claim at issue, (i) the person was offered a transportation rate or charge by the carrier or forwarder other than the rate or charge legally on file with the Commission for that shipment, (ii) the person tendered freight to the carrier or forwarder in reasonable reliance upon the offered transportation rate or charge, (iii) the carrier or forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or charge or failed to execute a valid contract for transportation services, (iv) such transportation rate or charge was billed and collected by the carrier or forwarder, and (v) the carrier or forwarder demands additional payment of a higher rate or charge filed in a tariff.

If there is a dispute as to subparagraph (A) of this paragraph, such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to subparagraph (B) (i) through (v) of this paragraph, such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or forwarder. Satisfaction of the claim under paragraph (3) or (4) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(3)(A) The person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if the shipment weighed 10,000 pounds or less by comparing the originally billed and collected rate or charge with the lesser of the following rates or charges as adjusted pursuant to subparagraph (C) of this paragraph:

"(i) any rate bureau class rate or charge on file with the Commission that was legally applicable to the shipment.

"(ii) the tariff rate or charge of the carrier or forwarder that was otherwise legally applicable to the shipment, except that the adjustment made under subparagraph (C) of this paragraph shall be applied to the level of the carrier's or forwarder's undiscounted rate or charge if its otherwise legally applicable rate contains a substantial percentage discount.

If the originally billed and collected rate or charge is less than the adjusted rate or charge, the difference shall be the satisfaction amount paid to the motor carrier or forwarder. If the originally billed and collected rate or charge is greater than or equal to the adjusted rate or charge, no further payment shall be due to the carrier or forwarder.

"(B) In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission.

"(C)(i) The legally applicable rate or charge determined under subparagraph (A) of this paragraph for shipments in each of the calendar years 1985 through 1991 shall be adjusted by reducing such rate or charge by the amount stated in the following table applicable to the year of the shipment:

"For shipments in the year:	***The reduction is:***
1985	*20 percent.*
1986	*28 percent.*
1987	*30 percent.*
1988	*35 percent.*
1989	*38 percent.*
1990	*40 percent.*
1991	*43 percent.*

"(ii) For shipments in the calendar year 1992 and subsequent calendar years, the Commission shall determine the applicable percentage of reduction based on the rate of inflation or deflation in the cost of living, except that the annual change in the applicable percentage shall not be increased or decreased by more than 3 percent.

"(4) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if each shipment weighed more than 10,000 pounds, by payment of 10 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge (as determined under paragraph (3)(A) of this subsection) and the rate or charge originally billed and collected. In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission.

"(5) Notwithstanding paragraphs (2) through (4) of this subsection, when a claim is made by a carrier or forwarder described in paragraph (2)(A) of this subsection, or by a party representing such carrier or forwarder, regarding the collection of rates or charges in addition to the rate or charge originally billed and collected by the carrier or forwarder, and the person against whom the claim is made is a small-business concern, that person may elect to satisfy such claim by a payment of 5 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge (as determined under paragraph (3)(A) of this subsection) and the rate or charge originally billed and collected. Satisfaction of the claim under this paragraph shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(6) When a person from whom the additional legally applicable rate or charge is sought does not elect to use the provisions of paragraph (3), (4), or (5) of this subsection, the person may pursue all rights and remedies existing under this title. Subsection (e) shall not apply to com-

plaints brought against a carrier or forwarder described in paragraph (2)(A) of this subsection. Complaints brought against a carrier or forwarder described in paragraph (2)(A) for unreasonably high rates shall be determined by the Commission after consideration of the following factors:

"(A) the level of other rates or charges under which a significant amount of comparable transportation occurred;

"(B) the level of rates or charges necessary for the transportation at issue to occur;

"(C) the revenue levels that were at the time of the transportation adequate under honest, economical, and efficient management to cover total operating expenses (including the operation of leased equipment and depreciation, plus a reasonable profit) and to provide the carrier or forwarder with a flow of net income, plus depreciation, adequate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, and take into account reasonable estimated or foreseeable future costs;

"(D) operational characteristics of the transportation at issue; and

"(E) any other factor that relates to the value to the carrier or forwarder of the transportation at issue, such as backhaul, repositioning and traffic balancing opportunities, hub or major lane operations, and competitive considerations.

"(7)(A) When a person proceeds under paragraph (6) of this subsection to challenge the reasonableness of the legally applicable rate or charge being claimed by the carrier or forwarder in addition to the rate or charge originally billed and collected, the person shall not have to pay any additional compensation to the carrier or forwarder until the Commission has made a determination as to the reasonableness of the challenged rate or charge as applied to the shipment of the person against whom the claim is made. Subject to subparagraph (B) of this paragraph, the Commission shall require the person to furnish a bond, issued by a surety company found acceptable by the Secretary of the Treasury.

"(B) A surety bond required under subparagraph (A) of this paragraph shall be set in an amount determined by the Commission to be appropriate, not to exceed 10 percent of the amount claimed by the carrier or forwarder for the additional rate or charge. The Commission shall not require a bond if the person against whom the claim is made is a small-business concern.

"(8) Except as authorized in paragraphs (3), (4), and (5) of this subsection, nothing in this subsection shall relieve a motor common carrier or freight forwarder of the duty to file and adhere to rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(9) If a carrier or forwarder or party representing such carrier or forwarder makes a claim for additional rates or charges as described in paragraph (2) of this subsection, the person against whom the claim is made must notify such carrier, forwarder, or party as to the person's election to proceed under paragraph (3) or (4) of this subsection. Such notification—

"(A) with respect to a claim made before the date of enactment of this subsection, shall be not later than the 30th day after such date of enactment; and

"(B) with respect to any claim not described in subparagraph (A) of this paragraph, shall be not later than the 60th day after the filing of an answer to a complaint in a civil action for the collection of such rates or charges, or not later than the 90th day after the date of enactment of this subsection, whichever is later.

"(10) In this subsection, 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.).".

STATUTE OF LIMITATIONS

SEC. 3. (a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that a common carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(1) must begin, within 24 months after the claim accrues, a civil action to recover charges for such transportation or service if such transportation or service is provided by the carrier on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment; and

"(2) must begin such a civil action within 18 months after the claim accrues if such transportation or service is provided by the carrier on or after the date that is 1 year after such date of enactment.".

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: "; except that a person must begin within 24 months after the claim accrues a civil action to recover overcharges from a carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service taking place on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment, and for transportation or service taking place on or after the date that is 1 year following such date of enactment, a person must begin such a civil action within 18 months after the claim accrues.".

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended by striking "3-year period" each place it appears and inserting in lieu thereof "limitations period".

TARIFF RECONCILIATION RULES FOR MOTOR COMMON CARRIERS OF PROPERTY

SEC. 4. (a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following new section:

"§11712. Tariff reconciliation rules for motor common carriers of property

"(a) Subject to Interstate Commerce Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from billing errors or incorrect tariff provisions arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of section 11901, 11902, 11903, 11904, or 11914 of this title.

"(b) Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) The Commission shall, within 90 days after the date of enactment of this section, institute a proceeding to establish rules pursuant to which the tariff requirements of sections 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property.".

EFFECTIVE DATE; APPLICABILITY

SEC. 5. (a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendments made by section 2 shall apply to any proceeding before the Interstate Commerce Commission, and to any court action, which is pending or commenced on or after the date of enactment of this Act and which pertains to a claim arising from transportation shipments tendered any time prior to the date that is 18 months after such date of enactment. Unless Congress determines a continuing need for section 2 and enacts additional legislation, section 2 shall not apply to any such proceeding which pertains to a claim arising from transportation shipments tendered on or after the date that is 18 months following such date of enactment.

(c) REPORT.—The Interstate Commerce Commission shall submit a report to Congress, within 1 year after the date of enactment of this Act, regarding whether there exists a justification for extending the applicability of section 2 beyond the limitation period specified in subsection (b).

AMENDMENT NO. 3328

(Purpose: To make an amendment in the nature of a substitute)

Mr. LEAHY. Mr. President, on behalf of Mr. EXON and Mr. KASTEN, I send a substitute amendment to the desk and ask for its immediate consideration .

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. EXON (for himself and Mr. KASTEN), proposes an amendment numbered 3328.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the Committee amendment in the nature of a substitute, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Undercharge Equity Act of 1992".

SEC. 2. DETERMINATIONS OF REASONABLENESS OF CERTAIN RATES.

(a) IN GENERAL.—Section 10701 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (10) of this subsection, when a claim is made by a motor carrier of property (other than a household goods carrier) or by a nonhousehold goods freight forwarder, or by a party representing such carrier or freight forwarder, regarding the collection of rates or charges in addition to the rates or charges originally billed and collected by the carrier or freight forwarder, the person against whom the claim is made may elect to satisfy such claim under paragraph (4) or (5) of this subsection, upon showing that—

"(A) such carrier or forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) as to the claim at issue, (i) the person was offered a transportation rate or charge by the carrier or forwarder other than the rate or charge legally on file with the Commission for that shipment, (ii) the person tendered freight to the carrier or forwarder in reasonable reliance upon the offered transportation rate or charge, (iii) the carrier or forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or charge or failed to execute a valid contract for transportation services, (iv) such transportation rate or charge was billed and collected by the carrier or forwarder, and (v) the carrier or forwarder demands additional payment of a higher rate or charge filed in a tariff.

Satisfaction of the claim under paragraph (4) or (5) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(2) If there is a dispute as to paragraph (1)(A) of this subsection, such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to paragraph (1)(B)(i) through (v) of this subsection, such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or forwarder.

"(3) In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission within 1 year after the dispute arises.

"(4) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if the shipment weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(5) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if each shipment weighed more than 10,000 pounds, by payment of 10 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(6) Notwithstanding paragraph (4) and (5) of this subsection, when a claim is made by a carrier or forwarder described in paragraph (1)(A) of this subsection, or by a party representing such carrier or forwarder, regarding the collection of rates or charges in addition to the rate or charge originally billed and collected by the carrier or forwarder, and the person against whom the claim is made is a small-business concern, that person shall not be required to pay the claim and the claim shall be deemed satisfied. Satisfaction of the claim under this paragraph shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(7) When a person from whom the additional legally applicable rate or charge is sought does not elect to use the provisions of paragraph (4), (5), or (6) of this subsection, the person may pursue all rights and remedies existing under this title.

"(8)(A) When a person proceeds under paragraph (7) of this subsection to challenge the reasonableness of the legally applicable rate or charge being claimed by the carrier or forwarder in addition to the rate or charge originally billed and collected, the person shall not have to pay any additional compensation to the carrier or forwarder until the Commission has made a determination (which shall be made within 1 year after such challenge) as to the reasonableness of the challenged rate or charge as applied to the shipment of the person against whom the claim is made. Subject to subparagraph (B) of this paragraph, the Commission shall require the person to furnish a bond, issued by a surety company found acceptable by the Secretary of the Treasury, or to establish an interest bearing escrow account.

"(B) The surety bond or interest bearing escrow account required under subparagraph (A) of this paragraph shall be set or established in an amount equal to—

"(i) 20 percent of the amount claimed by the carrier or forwarder of the amount claimed by the carrier or forwarder for the additional rate or charge, in the case of a shipment weighing 10,000 pounds or less; and

"(ii) 10 percent of such claimed amount, in the case of a shipment weighing more than 10,000 pounds.

"(9) Except as authorized in paragraphs (4), (5), and (6) of this subsection, nothing in this subsection shall relieve a motor common carrier or freight forwarder of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(10) If a carrier or forwarder or party representing such carrier or forwarder makes a claim for additional rates or charges as described in paragraph (1) of this subsection, the person against whom the claim is made must notify such carrier, forwarder, or party as to the person's election to proceed under paragraph (2) or (3) of this subsection. Such notification—

"(A) with respect to a claim made before the date of enactment of this subsection, shall be not later than the 30th day after such date of enactment; and

"(B) with respect to any claim not described in subparagraph (A) of this paragraph, shall be not later than the 60th day after the filing of an answer to a complaint in a civil action for the collection of such rates or charges, or not later than the 90th day after the date of enactment of this subsection, whichever is later.

"(11) In this subsection, 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.).".

SEC. 3. STATUTE OF LIMITATIONS.

"(a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that a common carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(1) must begin, within 24 months after the claim accrues, a civil action to recover charges for such transportation or service if such transportation or service is provided by the carrier on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment; and

"(2) must begin such a civil action within 18 months after the claim accrues if such transportation or service is provided by the carrier on or after the date that is 1 year after such date of enactment.".

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof of the following: "; except that a person must begin within 24 months after the claim accrues a civil action to recover overcharges from a carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service taking place on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment, and for transportation or service taking place on or after the date that is 1 year following such date of enactment, a person must begin such a civil action within 18 months after the claim accrues.".

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended by striking "3-year period" each place it appears and inserting in lieu thereof "limitations period".

SEC. 4. TARIFF RECONCILIATION RULES FOR MOTOR COMMON CARRIERS OF PROPERTY.

(a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following new section:

"11712. Tariff reconciliation rules for motor common carriers of property

"(a) Subject to Interstate Commerce Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from billing errors or incorrect tariff provisions arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of section 11901, 11902, 11903, 11904, or 11914 of this title.

"(b) Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) The Commission shall, within 90 days after the date of enactment of this section, institute a proceeding to establish rules pursuant to which the tariff requirements of sections 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property.".

SEC. 5. EFFECTIVE DATE; APPLICABILITY.

(a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendments made by section 2 shall apply to any proceeding before the Interstate Commerce Commission, and to any court action, which is pending or commenced on or after the date of enactment of this Act and which pertains to a claim arising from transportation shipments tendered any time prior to the date that is 18 months after such date of enactment. Unless Congress determines a continuing need for section 2 and enacts additional legislation, section 2 shall not apply to any such proceeding which pertains to a claim arising from transportation shipments tendered on or after the date that is 18 months following such date of enactment.

(c) REPORT.—The Interstate Commerce Commission shall submit a report to Congress, within 1 year after the date of enactment of this Act, regarding whether there exists a justification for extending the applicability of section 2 beyond the limitation period specified in subsection (b).

Mr. WELLSTONE. Mr. President, I rise in support of the amendment in the form of a substitute to S. 1675, the Undercharge Equity Act of 1992. It is clear that the situation that exists regarding undercharge claims is a significant issue that must be addressed. It has generated extensive and clostly litigation. Without legislation, it appears that the only ones who will benefit will be lawyers and auditors.

S. 1675 would address the undercharge litigation crisis by establishing a statutory procedure that the parties to litigation or potential litigation can use to resolve disputes. These disputes result from efforts by trustees for bankrupt carriers to collect additional amounts for transportation previously provided.

The trustees seek reimbursement from shippers for the difference between rates filed with the Interstate Commerce Commission, the legally applicable rate, and the discounted rate paid by the shipper. Money collected would be used to pay unsecured creditors including underfunded pension plans, and workers owed back wages. These workers are those who lost jobs through no fault of their own when carriers went bankrupt. It has been estimated that the amount in controversy may exceed $1 billion.

While the money collected by trustees would be used for a meritorious purpose, many innocent small shippers who in good faith negotiated or entered into contracts with carriers for shipping goods are now subject to undercharge claims for those shipments. The issue is whether shippers who negotiated contracts with carriers who are now bankrupt should be responsible for providing funds for unsecured creditors.

The undercharge problem was fostered by the era of deregulation and the ICC's failure to enforce the Interstate Commerce Act to assure that carriers and shippers adhered to the rates filed with the ICC. The U.S. Supreme Court has said that under the law, the filed rates are the only legally applicable rates. Regardless of the merits of the law, Congress never changed this requirement but the ICC nonetheless acquiesced in the practice of carriers and shippers negotiating discounted rates that had not been filed. Had the ICC done its job, we wouldn't be faced with this issue today.

I consider the substitute amendment to S. 1675 to be a reasonable effort to provide the parties to undercharge litigation a vehicle to resolve undercharge issues. It establishes a settlement formula that will allow the parties to avoid protracted litigation. I believe the substitute amendment reaches a fair balance between the interests of shippers, and trustees for bankrupt carriers.

Among other things, the substitute simplifies the procedure for settlements for less than truckload shipments by using a straight percentage rather than a complicated formula. I am particularly pleased that it eliminates all liability of small business concerns for undercharges. This was an important factor in my decision to support the substitute.

Although the substitute will allow firms to challenge the reasonableness of rates filed with the ICC without first paying the disputed amounts, to assure that funds are available, it requires that a surety bond be obtained or a cash escrow established in the same percentage as that provided for settlements. It also provides that the ICC will be the forum for resolving disputes as to the applicable rate or charge. To assure that the ICC does not become a black hole for disputes regarding the applicable rate and rate reasonableness challenges, the substitute requires the ICC to resolve these disputes within 1 year. In this regard, it is essential that the ICC, in deciding these disputes, will do so fairly and objectively, and that it will not make decisions merely to justify or vindicate its previous failure to enforce the law.

I regret that the shippers and the trustees for the carriers were unable to come to an understanding on the provisions of a bill they could both support. A number of people including staff and some of my Senate colleagues have attempted to forge a compromise both sides could accept. I have been involved in the effort myself in an attempt to achieve a balanced resolution that takes into account the concerns of all the principal parties. I believe the substitute is a reasonable compromise.

Mr. LEAHY. I ask unanimous consent that the distinguished Senator from Nebraska [Mr. KERREY] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROBLEM

Mr. KASTEN. Mr. President, this legislation is needed to remedy a serious inequity confronting many of our Nation's small businesses. Under the Interstate Commerce Act, trucking companies must file with the Interstate Commerce Commission [ICC] all tariffs governing shipments. Since partial deregulation of the trucking industry in 1980, however, it has been common practice for carriers to negotiate lower rates with shippers and not file those lower rates with the ICC. In 1990, the Supreme Court, in Maislin Industries versus Primary Steel, held that shippers are required to pay the filed rate when the shipper and carrier have privately negotiated a lower rate, regardless of the equities involved. The trustees of bankrupt trucking companies that had negotiated rates with shippers are now suing shippers for the difference in the rates. These suits are being brought years after payment for and delivery of the shipments.

The Maislin case has placed a heavy burden on many of our Nation's small businesses. In some instances, these suits are causing small businesses to enter bankruptcy. By some estimates, these claims for the difference between the negotiated and filed rates are worth over $1 billion. The beneficiaries of the proceeds of the rebilling suits are not however, the creditors or pension funds of the bankrupt carriers. According to the ICC, the attorneys and collection agents who have devised the rebilling suits receive between 55 percent to 80 percent of the proceeds.

THE LEGISLATION

This legislation establishes settlement formulas for a variety of negotiated rate situations. Different approaches are taken with respect to truckload and less than truckload shipments, due to the fact that carriers usually give shippers larger discounts on truckload shipments.

Claims relating to truckload shipments may be settled by simply paying 10 percent of the claimed undercharge. Claims relating to less than truckload shipments may be settled by paying 20 percent of the claimed undercharge. Furthermore, the legislation also makes a distinction on the basis of the size of the shipper, totally exempting small shippers from undercharge claims.

This legislation also preserves a shipper's right to pursue an ICC determination of the reasonableness of the rate charged, if a shipper elects not to utilize the settlement formulas. The bill requires shippers who elect to bypass the settlement procedures and opt for an ICC review to post a security bond, or place funds into an interest bearing escrow account, not to exceed 10 percent of the claimed undercharge for truckload shipments or 20 percent for less than truckload shipments.

THIS LEGISLATION IS A REASONABLE COMPROMISE

Last Congress, Senators EXON, BURNS, and I introduced the Negotiated Rates Equity Act. That bill was noncontroversial in the Commerce Committee, and the committee approved it by voice vote. The legislation was stonewalled by a series of holds and was not cleared for floor action before the 101st Congress adjourned. It would have prohibited the collection of an undercharge as an unreasonable practice under the Interstate Commerce Act. Let me use a hypothetical to illustrate why the equities are with the shippers who entered into deals with trucking companies. In my hypothetical, you agree to sell me a car for $10,000. I write you a check, and you give me the car. Two years later, you enter bankruptcy. Your bankruptcy trustee notifies me that the blue book price of the car you sold to me was $15,000. Your trustee says you were supposed to file the agreed upon price, $10,000, with a Government agency, but you failed to do so. Thus, the trustee says I owe you the difference between the agreed upon price and the blue book price—$5,000. The bottom line is that those who are suffering are the ones who made a deal and fulfilled their obligations.

Although the equities are clearly on the side of shippers, in the spring of 1991, the committee met with trucking, shipping, and labor representatives in order to draft legislation which would be acceptable to all parties. In August 1991, Senators EXON, BURNS, and I, once again, introduced legislation. Following the introduction of S. 1675, we worked for months to address the concerns of shippers, truckers, bankruptcy trustees, the Teamsters, and others in a balanced manner. On June 16 the Commerce Committee approved, by voice vote, S. 1675. Unfortunately, that legislation is also in the process of being stonewalled by a series of holds. Therefore, Senators EXON, BURNS, WELLSTONE, ADAMS, METZENBAUM, and myself negotiated a substitute for the reported bill. This substitute closely resembles the committee reported bill and is truly a reasonable compromise. I urge my colleagues to support this relief.

Mr. BURNS. Mr. President, I want to express my support for S. 1675, the Negotiated Rates Equity Act of 1991, as amended by Senator EXON. I am an original cosponsor of S. 1675 as introduced and reported by the Commerce Committee on June 16, 1992. The amended version we are passing today is a compromise—it does not go as far as S. 1675 in providing relief to shippers—but it does resolve the undercharge crisis in a manner that provides substantial relief. In fact, for small businesses it provides total relief absolving them from all undercharge claims.

The undercharge issue has not generated a lot of press coverage—I guess it is not sexy enough—but it really is a competitiveness issue and a jobs issue. The ICC currently estimates that the undercharge crisis may be a $32 billion problem—meaning that in total the bankruptcy trustees of bankrupt carriers are seeking to collect $32 billion in backpay from shippers. Shippers being the grocery companies, lumber companies, paper companies, and other manufacturers who are moving their products to market over the Nation's highways. If these people are asked to go back and compensate carriers to the tune of $32 billion for services provided 5 or 10 years ago, they will be forced to raise prices or lay off workers.

Now, I am sure many people are asking, "What are undercharges and how did this happen?" Let me explain. Following passage of the Motor Carrier Act of 1980, it became common practice for a shipper and carrier to negotiate certain mileage rates rather than adhere to the tariff rate on file at the Interstate Commerce Commission [ICC]. It was then the carrier's responsibility to file the negotiated rate with the ICC. This practice enhanced competition and contributed to the revitalization of market forces in the trucking industry. It worked well for the most part. However, as is usually the case in a market with intense competition, some carriers have gone out of business. We have since learned that a number of these carriers also failed to file the negotiated rates with the ICC. Their bankruptcy trustees are now seeking to collect the difference between the higher tariff rate the carrier had on file and the negotiated rate, thus the term "undercharge."

In essence, this practice of going back to collect on shipments that were made 10 years ago violates the principle on which most businesses operate—that a deal is a deal. The shipper who negotiated a lower rate with a carrier was doing so in good faith that: First, they were getting the best deal possible; and second, the carrier was adhering to the rate filing requirements as set out by the ICC. Now that the carrier has gone bankrupt, they are finding out that the carrier did not file the rate, that their deal was not a deal, and that the carrier's bankruptcy trustee expects them to now pay the so-called undercharge. In 1990, the Supreme Court in Maislin Industries versus Primary Steel validated this practice of collecting on undercharges. If the Maislin decision is not overturned by this legislation, the Nation's shippers will be unjustly burdened by undercharges and the effect will further cripple our struggling economy.

This is not just a big business issue either. These undercharge claims are affecting many small businesses. I have letters from small businesses in my State who are being faced with claims from bankruptcy trustees. In one instance, the trustee is requesting nearly $5,000 on hand to pay for something which they thought they paid for 4 years ago. They need relief from these claims and this legislation will give it to them.

I want to commend Senators EXON, KASTEN, and DANFORTH, as well as their staffs, for their hard work and diligence on this matter. I hope that our colleagues on the House side will see fit to pass identical legislation so that it can be sent to the President for his signature this year. This issue has been hanging over shippers for many years. We have tried for 3 years to enact legislation that would resolve it—and each time the shippers have given a little more. I hope this compromise represents a good faith effort by all parties to put this issue to rest once and for all.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3328) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered engrossed for a third reading, was read the third time, and passed, as follows:

S. 1675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Undercharge Equity Act of 1992".

SEC. 2. DETERMINATIONS OF REASONABLENESS OF CERTAIN RATES.

(a) IN GENERAL.—Section 10701 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (10) of this subsection, when a claim is made by a motor carrier of property (other than a household goods carrier) or by a nonhousehold goods freight forwarder, or by a party representing such carrier or freight forwarder, regarding the collection of rates or charges in addition to the rates or charges originally billed and collected by the carrier or freight forwarder, the person against whom the claim is made may elect to satisfy such claim under paragraph (4) or (5) of this subsection, upon showing that—

"(A) such carrier or forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) as to the claim at issue, (i) the person was offered a transportation rate or charge by the carrier or forwarder other than the rate or charge legally on file with the Commission for that shipment, (ii) the person tendered freight to the carrier or forwarder in reasonable reliance upon the offered transportation rate or charge, (iii) the carrier or forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or charge or failed to execute a valid contract for transportation services, (iv) such transportation rate or charge was billed and collected by the carrier or forwarder, and (v) the carrier or forwarder demands additional payment of a higher rate or charge filed in a tariff.

Satisfaction of the claim under paragraph (4) or (5) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(2) If there is a dispute as to paragraph (1)(A) of this subsection, such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to paragraph (1)(B)(i) through (v) of this subsection, such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or forwarder.

"(3) In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission within 1 year after the dispute arises.

"(4) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if the shipment weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(5) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if each shipment weighed more than 10,000 pounds, by payment of 10 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(6) Notwithstanding paragraphs (4) and (5) of this subsection, when a claim is made by a carrier or forwarder described in paragraph (1)(A) of this subsection, or by a party representing such carrier or forwarder, regarding the collection of rates or charges in addition to the rate or charge originally billed and collected by the carrier or forwarder, and the person against whom the claim is made is a small-business concern, that person shall not be required to pay the claim and the claim shall be deemed satisfied. Satisfaction of the claim under this paragraph shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(7) When a person from whom the additional legally applicable rate or charge is sought does not elect to use the provisions of paragraph (4), (5), or (6) of this subsection, the person may pursue all rights and remedies existing under this title.

"(8)(A) When a person proceeds under paragraph (7) of this subsection to challenge the reasonableness of the legally applicable rate or charge being claimed by the carrier or forwarder in addition to the rate or charge originally billed and collected, the person shall not have to pay any additional compensation to the carrier or forwarder until the Commission has made a determination which shall be made within 1 year after such challenge as to the reasonableness of the challenged rate or charge as applied to the shipment of the person against whom the claim is made. Subject to subparagraph (B) of this paragraph, the Commission shall require the person to furnish a bond, issued by a surety company found acceptable by the Secretary of the Treasury, or to establish an interest bearing escrow account.

"(B) The surety bond or interest bearing escrow account required under subparagraph (A) of this paragraph shall be set or established in an amount equal to—

"(i) 20 percent of the amount claimed by the carrier or forwarder for the additional rate or charge, in the case of a shipment weighing 10,000 pounds or less; and

"(ii) 10 percent of such claimed amount, in the case of a shipment weighing more than 10,000 pounds.

"(9) Except as authorized in paragraphs (4), (5), and (6) of this subsection, nothing in this subsection shall relieve a motor common carrier or freight forwarder of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(10) If a carrier or forwarder or party representing such carrier or forwarder makes a claim for additional rates or charges as described in paragraph (1) of this subsection, the person against whom the claim is made must notify such carrier, forwarder, or party as to the person's election to proceed under paragraph (2) or (3) of this subsection. Such notification—

"(A) with respect to a claim made before the date of enactment of this subsection, shall be not later than the 30th day after such date of enactment; and

"(B) with respect to any claim not described in subparagraph (A) of this paragraph, shall be not later than the 60th day after the filing of an answer to a complaint in a civil action for the collection of such rates or charges, or not later than the 90th day after the date or enactment of this subsection, whichever is later.

"(11) In this subsection, 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.).".

SEC. 3. STATUTE OF LIMITATIONS.

"(a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that a common carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(1) must begin, within 24 months after the claim accrues, a civil action to recover charges for such transportation or service if such transportation or service is provided by the carrier on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment; and

"(2) must begin such a civil action within 18 months after the claim accrues if such transportation or service is provided by the carrier on or after the date that is 1 year after such date of enactment.".

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: "; except that a person must begin within 24 months after the claim accrues a civil action to recover overcharges from a carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service taking place on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment, and for transportation or service taking place on or after the date that is 1 year following such date of enactment, a person must begin such a civil action within 18 months after the claim accrues.".

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended by striking "3-year period" each place it appears and inserting in lieu thereof "limitations period".

SEC. 4. TARIFF RECONCILIATION RULES FOR MOTOR COMMON CARRIERS OF PROPERTY.

(a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 11712. Tariff reconciliation rules for motor common carriers of property.

"(a) Subject to Interstate Commerce Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from billing errors or incorrect tariff provisions arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of section 11901, 11902, 11903, 11904, or 11914 of this title.

"(b) Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) The Commission shall, within 90 days after the date of enactment of this section, institute a proceeding to establish rules pursuant to which the tariff requirements of sections 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property.".

SEC. 5. EFFECTIVE DATE: APPLICABILITY.

(a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendments made by section 2 shall apply to any proceeding before the Interstate Commerce Commission, and to any court action, which is pending or commenced on or after the date of enactment of this Act and which pertains to a claim arising from transportation shipments tendered any time prior to the date that is 18 months after such date of enactment. Unless Congress determines a continuing need for section 2 and enacts additional legislation, section 2 shall not apply to any such proceeding which pertains to a claim arising from transportation shipments tendered on or after the date that is 18 months following such date of enactment.

(c) REPORT.—The Interstate Commerce Commission shall submit a report to Congress, within 1 year after the date of enactment of this Act, regarding whether there exists a justification for extending the applicability of section 2 beyond the limitation period specified in subsection (b).

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FOREIGN OPERATIONS APPROPRIATIONS FOR FISCAL YEAR 1993

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, I am ready to go to third reading on the foreign ops bill, although I think there may be one or two amendments left.

I yield to the Senator from Wisconsin.

AMENDMENT NO. 3329

Mr. KASTEN. Mr. President, on behalf of Mr. DOLE, for himself and Mr. PELL, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN], for Mr. DOLE, for himself and Mr. PELL, proposes an amendment numbered 3329.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 7, strike out the period and insert in lieu thereof "; and".

On page 17, between lines 7 and 8, insert the following:

(i) not less than $20,000,000 shall be available only for donations of fuel, construction materials, portable heating units, dairy products and wheat and other urgently needed food for the peoples of Bosnia-

Hercegovina and Kosova, of which amount not less than $5,000,000 shall be available only for Kosova. Such assistance shall be distributed through non-governmental organizations and private voluntary organizations.

Mr. KASTEN. Mr. President, this is an amendment that has been agreed to dealing with humanitarian assistance.

Mr. LEAHY. We have no objection on this side.

Mr. DOLE. Mr. President, I am pleased to offer this amendment with the distinguished chairman of the Foreign Relations Committee, Senator PELL. This amendment provides $20 million in humanitarian and other relief for the people of Bosnia-Hercegovina and Kosova.

The Appropriations Committee has wisely provided assistance for refugees from the former Yugoslavia, but we believe that there is an urgent need for those in Bosnia-Hercegovina and Kosova who have not been forced from their homes and are beginning to confront winter. Winters in that region of Europe are extremely harsh; there is already snow in the mountains above Sarajevo. Yet, in both Bosnia and Kosova there is little, if any, heating fuel. Furthermore, in Bosnia's cities most buildings are seriously damaged—few buildings have any windows left.

Therefore, this amendment specifies that fuel, construction materials, portable heating units, and food are to be sent to the two regions. We hope that these critical supplies will be sent as soon as possible. Today's New York Times reported that the CIA estimates that 147,000 deaths could occur in Bosnia-Hercegovina this winter from hunger and exposure alone. Some officials at the United Nations have estimated that the number of deaths could be three times as high as the CIA estimate. These people won't die from bullets or bombs, but from starvation and exposure.

With respect to Kosova, the 2 million people who reside there have suffered now for nearly 4 years under severe repression and martial law. Reports indicate that a growing number of Albanians are hungry and cold; children in particular, lack proper nutrition. Moreover, as in Bosnia, heating fuel is becoming increasingly scarce.

Mr. President, we need to do all that we can to protect those who have, at least until now, escaped the bullets and bombs, but may not be able to escape the winter. This amendment is a significant step in that direction. I urge my colleagues to support it.

Mr. PELL. Mr. President, I am pleased to join with the distinguished minority leader in introducing an amendment to assist the people of Bosnia-Hercegovina and Kosova as they head into the winter season. Under normal circumstances, winter in those mountainous regions is difficult, but with war raging in Bosnia-Hercegovina, and potentially, in Kosova, this winter will be life-threatening.

A provision already exists in the underlying legislation to provide $25 million in assistance for refugees in Bosnia, Croatia, and Slovenia—and I welcome and support that provision. The amendment we are offering will provide assistance to other victims of the war in Bosnia-Hercegovina and the Serbian occupation of Kosova. In Bosnia-Hercegovina, many civilians are living in homes that have been reduced to rubble in the ethnic cleansing campaign. There is little or no access to fuel or food.

I believe that our amendment is both timely and necessary. Today's New York Times reports that United States intelligence experts estimate that 147,000 people could die in Bosnia-Hercegovina this winter due to hunger and exposure to the elements. This figure is one of the more optimistic predictions because it assumes the winter will be a normal one. If the winter is harsh, the figure will most surely climb, our intelligence experts tell us. The U.N. High Commissioner on Refugees warns that under worst case conditions, the figure could reach 400,000.

Mr. President, these figures are appalling. The amendment that Senator DOLE and I are offering would help in alleviating the suffering that winter will surely bring to the people of Bosnia-Hercegovina.

Our amendment provides that $5 million of this emergency assistance be used in Kosova, where the people are in desperate need of food, fuel and other supplies. The repressive policies of Serbia, the war in Croatia and Bosnia-Hercegovina, and the economic sanctions imposed on Serbia by the United Nations are taking their toll on the Albanians of Kosova. Many of us fear that the success that Serbia has had in ethnically cleansing Bosnia will lead it to set its sights on Kosova, where Albanians made up 90 percent of the population.

The provision of emergency assistance is important not only for its humanitarian, but for its political implications. In targeting assistance to Kosova, we send a strong message to the Serbian Government that ethnic cleansing is as unacceptable to us in Kosova as it is in Bosnia-Hercegovina. I would also argue that the Albanians of Kosova are as entitled to determine their own future without threat of violence as are the other peoples of the defunct Yugoslavia.

Mr. President, I would urge my colleagues to support this important amendment. I would hope that the funds will be obligated quickly, and that desperately needed supplies be allowed to reach the beseiged cities and towns of Bosnia-Hercegovina and Kosova.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3329) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3330

(Purpose: To promote economic and monetary stability in IMF member countries through the instrumentality of currency boards)

Mr. KASTEN. Mr. President, I send an amendment to the desk on behalf of Mr. GRAMM, Mr. DOLE, Mr. SYMMS, Mr. MACK, Mr. SIMPSON, and Mr. HELMS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. KASTEN), for Mr. GRAMM, for himself, Mr. DOLE, Mr. SYMMS, Mr. MACK, Mr. SIMPSON, and Mr. HELMS, proposes an amendment numbered 3330.

Mr. KASTEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 6, before the period insert the following: "and, among other uses, such funds may be used to promote efforts by the International Monetary Fund to support monetary stability in member countries through the instrumentality of currency boards".

Mr. KASTEN. Mr. President, this amendment has to do with the establishment of currency stabilization boards, and I believe it has been agreed to.

Mr. LEAHY. We have no objection, Mr. President.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3330) was agreed to.

Mr. KASTEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I believe we are now ready to go to third reading, if no other Senators have an amendment. I would like, again, to commend the distinguished Senator from Wisconsin for his help in getting this bill through. Again, I will tell Senators, we have stayed hundreds of millions of dollars below the President's request. It should be good news to the taxpayers and we will, upon passage of this bill, be ready to go to conference.

Mr. President, I ask for the regular order.

Mr. KASTEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3331

(Purpose: To require the President to notify appropriate congressional committees prior to any fiscal year in which he proposes to issue loan guarantees for Israel)

Mr. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 3331.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 198, between lines 18 and 19, insert the following new paragraph:

"(4)(A) Not later than September 1 of each year during the period in which the President is authorized to issue loan guarantees under subsection (a), beginning in fiscal year 1993, the President shall notify the appropriate congressional committees in writing of his intentions regarding the exercise of that authority for the fiscal year beginning on October 1 of that year, including a statement of the total principal amount of guarantees, if any, that the President proposes to issue for that fiscal year.

"(B) For purpose of this paragraph, the term 'appropriate congressional committees' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

Mr. BYRD. Mr. President, this is a simple, straightforward amendment ensuring that the Congress is notified in a timely fashion each year, beginning in fiscal year 1994, of the President's intentions regarding the loan guarantee program. It requires the President to report to the Congress no later than September 1 of each fiscal year on the program, its operation, and the administration's intentions regarding each installment of the $2 billion guarantee of Israeli loans. It seems to me to be axiomatic that Congress ought to be informed annually about such large commitments that we engage in on behalf of the American people. This authorization in this bill is for 5 years, beginning in fiscal year 1993 and running through fiscal year 1997, or possibly fiscal year 1998 according to the terms of the amendment. We should at the very least be informed on an annual basis about what the President intends to do.

The present provision in the bill contains no regular reporting requirement, which is something that Congress routinely requires with regard to executive branch programs of consequence. The bill only has a reporting requirement that the President inform Congress on September 30 of each of those fiscal years, 1994–98, if he decides to reduce the size of the Israeli program. But if he chooses not to reduce the program in a particular year, no report of any kind is required. The report this amendment requires is the minimum that we should do if we intend for Congress to exercise any oversight over this program, to exercise and discharge our responsibility to the American people, and be able to say that we understand the program as it goes along over the next 5 years.

Obviously the amendment does not, and cannot prejudge how the loan guarantee program will evolve, but we are all hopeful that the fresh breezes that are blowing in with the new Israeli administration will bear fruit for peace and for the United States-Israeli relationship. I have been greatly encouraged by the change in the attitude and policies of the Israeli Government led by the new Prime Minister, Mr. Rabin. He appears reasonable and vigorous in his approach to seek solutions to the Palestinian question, and has eased the problem of settlements in the disputed territories, so that an opening has now been created for the negotiations of the parties to go forward. A new chapter is being written in the political scene of the Middle East, and I congratulate the new Prime Minister for his efforts, and greatly hope the negotiations now underway will arrive at a successful conclusion.

Mr. President, I have discussed this amendment with the managers. I hope they will be prepared to accept it.

Mr. LEAHY. Mr. President, I note on this side that we are prepared to accept the amendment of the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

ABSORPTION GUARANTEES FOR ISRAEL

Mr. PRESSLER. Mr. President, I am extremely pleased that the foreign operations appropriations bill now pending before the Senate, finally gives this body the opportunity to vote on the issue of loan guarantees for Israel. I support the section of this bill that authorizes the President to make available loan guarantees to Israel in an amount up to $2 billion annually over a 5-year period. Under the program, the United States would only issue guarantees that would allow Israel to seek commercial loans backed by that guarantee.

Mr. President, for many years the United States has advocated increased emigration of Jews from the Soviet Union to Israel. Until recently Soviet policy prevented Jews from leaving. Now the situation has reversed itself. The welcome disintegration of the Soviet regime has opened the door, giving these people the hope to live in Israel.

I believe the United States was correct to press for Soviet Jewish emigration. Having helped to create the refugee flow, this Nation has a moral obligation to assist those people in their absorption into Israel. Israel is exerting a considerable effort to welcome these immigrants. But it is having great difficulty meeting all the challenges involved. Additional loan gurantees would provide effective assistance for resettlement. For this reason, I fully support this section of the Foreign Operations appropriation bill.

It also makes economic sense for the United States to provide these new loan guarantees. For example, Mr. President, 70 percent of the housing units imported by Israel in 1991 originated in the United States. The loan guarantees contained in this bill would lead to even greater benefits to the U.S. economy, and without the expenditure of any additional taxpayer funds.

Israel already imports more goods from the United States per capita than any other country in the world except Canada. Approximately 20 percent of Israel's imports are American—a figure that is expected to rise in the coming years. Indeed, Israel is one of the few countries with which the United States has a trade surplus. In 1991, U.S. exports to Israel totaled more than $3.5 billion. The economic restructuring, infrastructure expansion and population growth facilitated by these guarantees should result in a surge of Israeli imports from the United States. The main categories of expected U.S. exports Israel will require include: minerals, chemicals and plastics; miscellaneous metals; machinery and electrical equipment; and cars, aircraft, and ships.

In addition to the sale of U.S. goods and services, American firms also would benefit from the financial services fees involved in borrowing and managing the funds covered by the guarantees. No cash would be transferred to Israel under this proposal.

Mr. President, the General Accounting Office [GAO] has released a study, entitled "Israel: U.S. Loan Guaranties for Immigrant Absorption." It was prepared for the Senate's President pro tempore, who also chairs the Appropriations Committee—Senator ROBERT C. BYRD of West Virginia. In requesting the study, released on February 12, 1992, Senator BYRD asked a number of relevant questions which must be considered as the United States considers extending additional loan guarantees to Israel.

One conclusion of the GAO report is that, "it is unlikely that Israel will be able to borrow from external sources anywhere near the desired amount * * * without loan guaranties." To accommodate what could be as much as a 25-percent increase in its population in a fairly short time, additional financing is absolutely needed. Extending $2 billion in guarantees per year for the next 5 years could go a long way toward meeting the immigrants' needs.

The overall size of this $60 billion challenge is enormous—in 5 years the absorption effort could cost more than Israel's entire gross national product in 1991. By cutting government social spending and diverting it to refugees from the Soviet diaspora, and by increasing taxes and borrowing, the Israeli Government has proven its willingness to accommodate the newcomers. But the scope of the challenge is immense. It is unlike anything Israel has experienced since World War II and the creation of the State of Israel.

The GAO report states that "the Israeli Government will likely be able to fully service its external debt and continue its record of repayment" if provided with new loan guarantees. GAO offers several sensible suggestions to provide Israel with additional incentives so that the guarantees are managed wisely and minimize financial risk.

Finally, Mr. President, I know that many of my colleagues have been concerned that loan guarantees for Israel could be used to establish settlements in Judea and Samaria, as well as Gaza. This legislation requires that the proceeds of guaranteed loans may be utilized only within Israel proper and not in territories occupied by Israel as a result of the June 1967 war. In addition, the bill stipulates that the guarantee amount may be reduced by an amount equal to the amount extended or estimated to have been extended by the Government of Israel for activities which the President determines to be inconsistent with the objectives of the legislation. Such deductions would be calculated and reported to Congress no later than September 30 of each fiscal year.

In addition, the legislation provides that the issuance of guarantees may be suspended by the President upon his determination, subject to legislative review, that the terms and conditions for issuing the guarantees have been breached. In the opinion of this Senator, these provisions are sufficient to ensure the loan guarantees are not used in a manner inconsistent with U.S. foreign policy interests.

Mr. President, we must not turn away from what I consider to be a vital show of support for a critical ally. Now that nearly 500,000 refugees have come to Israel in 3 years, that country faces the monumental task of absorbing them into its economy and society. I support the Israeli absorption guarantee program and urge all of my colleagues to do the same.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3331) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3332

(Purpose: To call for the Secretary of State, in cooperation with the Secretary of the Interior, to enter into agreements with Canada to protect the Alsek and Tatshenshini Rivers, for the Secretary of the Interior to ensure that Glacier Bay National Park and Preserve is not degraded by potential mine developments in Canada, and for other purposes)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Mr. WIRTH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. WIRTH, proposes an amendment numbered 3332.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . INTERNATIONAL PROTECTION FOR GLACIER BAY NATIONAL PARK AND PRESERVE.

(a) FINDINGS.—The Congress finds that—

(1) the Alsek and Tatshenshini Rivers possess outstanding fisheries, wildlife, botanical wilderness, and recreational values of international significance, including the largest nonpolar ice-fields in the world;

(2) the Alsek and Tatshenshini Rivers provide prime habitat for large mammals including the grizzly, the rare glacial bear, moose, wolves, mountain goats, and Dall sheep, and such birds as the bald eagle, peregrine falcon, migratory birds, trumpeter swans and other waterfowl;

(3) the Alsek and Tatshenshini Rivers support important commercial, subsistence and sport fisheries for sockeye, chinook, coho, pink and chum salmon and other important resident fishes, valued in excess of $8,500,000 annually;

(4) Lynn Canal sustains harvests of salmon, bottomfish, shellfish, and other fishery resources valued at $41,000,000 annually;

(5) the Congress enacted in 1980 the Alaska National Interest Lands Conservation Act, among other purposes, for the protection of that portion of the Alsek River within the United States by including it within Glacier Bay National Park and Preserve;

(6) the Congress encouraged in 1980 the Secretary of the Interior to seek cooperative agreements with Canada which serve to protect the entire watershed of the Alsek River;

(7) the Alaska River is a transboundary river, subject to the protective mandates of the Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada, agreed at Washington on January 11, 1909 (TS 548);

(8) the Memoranda of Understanding Concerning Salmonid Research and Enforcement of the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Vancouver on April 9, 1986, expressly recognizes that the Alsek River chinook and early run sockeye stocks are depressed and require special protection and management consideration;

(9) the headwaters of the Alsek River are provided protection by inclusion in Canada's Kluane National Park, designation in the Canadian Heritage Rivers Program, and inclusion in the Wrangell-St. Elias/Kluane World Heritage Site;

(10) Glacier Bay National Park and Preserve has been designated as an International Biosphere Reserve and has been nominated by the Secretary of the Interior to the World Heritage List as an extension of the existing Wrangell-St. Elias/Kluane World Heritage Site;

(11) in 1990, the International Union for the Conservation of Nature recognized the international importance of the Tatshenshini-Alsek River system and its surrounding 2,700,000 acres as unique and worthy of consideration for World Heritage Site status;

(12) protection of the wild lands of the Alsek and Tatshenshini watershed in British Columbia would complement the protected wilderness of Wrangel-St. Elias National Park, Kluane National Park, Glacier Bay National Park and Preserve, and the Tongass National Forest and would create the largest protected international wilderness in the world;

(13) a mammoth open-pit copper mine has been proposed to be developed near the Tatshenshini River in British Columbia, the development of which includes storing more than 200,000,000 tons of acid-generating waste rock and tailings behind a 360-foot high earthen dam, storing more than 140,000,000 tons of rock waste on an active glacier, constructing a 70-mile long road through the existing wild lands along the Tatshenshini River with numerous bridges across the river and its tributaries, constructing 2 separate 150-mile long pipelines for copper concentrate slurry and oil between the mine site and Haines, Alaska, and discharging more than 360,000 gallons a day of slurry pipeline effluent into the waters of Lynn Canal;

(14) the proposed transportation corridor and copper concentrate slurry and oil pipelines pass through the Alaska Chilkat Bald Eagle preserve, the largest gathering place for bald eagles in the world;

(15) the proposed mine and pipelines would be within one of the most seismically active regions of North America, and would create a risk in perpetuity for failure of the proposed earthen dam and a catastrophic release of its reservoir of acid generating waste rock and tailings into the Tatshenshini and Alsek Rivers;

(16) agencies of the United States Government, including the Fish and Wildlife Service and the National Park Service of the Department of the Interior and National Marine Fisheries Service of the Department of Commerce, have expressed strong concern that development of the proposed mine could lead to irreversible, catastrophic, and persistent releases of acid mine drainage and heavy metals, and could threaten the water quality, fisheries, wildlife, recreation, and wilderness resources of the Alsek and Tatshenshini Rivers, Glacier Bay National Park and Preserve, and Lynn Canal; and

(17) the release of acid mine drainage and heavy metals into the Tatshenshini and Alsek Rivers, and ultimately the Gulf Coast of Alaska, could devastate the fishing economy, subsistence lifestyle, and culture of the

Yakutat Tlingit and non-Native people residing in the Yakutat region of the Gulf Coast of Alaska, including the Dry Bay fishery.

(b) NEGOTIATIONS WITH CANADA.—The Congress requests the President to direct the Secretary of State, in cooperation with the Secretary of the Interior, to enter into negotiations with Canada to provide protection for the entire Alsek River watershed for the purpose of preserving its fisheries, wildlife, water quality, and recreational and wilderness values.

(c) NATIONAL PARK SERVICE STUDY AND REPORT.—

The Secretary of the Interior (acting through the Director of the National Park Service) is directed to ensure that the internationally significant natural resource values of Glacier Bay National Park and Preserve, including all interests of the United States protected by international treaty, are not degraded by proposed mine developments within Canada. The Secretary of the Interior (acting through the Director of the National Park Service) shall study and report to Congress by September 30, 1993, on the potential impacts to Glacier Bay National Park and Preserve, including the fisheries, wildlife, water quality, recreational and wilderness values, the fishing economy, and subsistence lifestyle of the Glacier Bay National Park, and the culture of the Yakutat Tlingit and non-Native people residing in the Yakutat region of the Alaska Gulf Coast, and Lynn Canal, caused by the proposed mine development in British Columbia.

(d) INTERNATIONAL JOINT COMMISSION.—The Secretary of State is authorized to seek the agreement of the Government of Canada that the International Joint Commission be given a reference, pursuant to Article IX of the Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada, agreed at Washington on January 11, 1909 (TS 548), to examine comprehensively the potential adverse environmental and social impacts of the proposed mining activity and that no permits required to develop the proposed project shall be issued prior to completion of the Commission study.

(e) WORLD HERITAGE SITE STATUS FOR ALSEK AND TATSHENSHINI RIVER WATERSHED.—The Secretary of State, in cooperation with the Secretary of the Interior, should seek the cooperation of the Government of Canada to obtain World Heritage Site status and protection for the entire Alsek and Tatshenshini River watershed.

Mr. STEVENS. Mr. President, may I inquire what this is?

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, it is so ordered.

Mr. HELMS. Mr. President, the pending business as I understand it is the Wirth amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS I ask unanimous consent that that amendment be laid aside.

Mr. LEAHY. Reserving the right to object, Mr. President, at least I thought we were about to get that one cleared. I wonder, Mr. President. I do not want to interfere with the Senator from North Carolina. Why do not we request a quorum call so I can check for a moment with the Senator?

Mr. HELMS. That is all right with me. But I understood the Senator wanted an amendment to be called up. I came to the floor to do that.

Mr. LEAHY. I do indeed. We are not prepared to go immediately. I just do not want to lose the right to the Senator who had the amendment on the floor. I want to make sure that has been cleared. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered

AMENDMENT NO. 3333

(Purpose: To terminate United States assistance for Russia unless Russia ceases its military and military-related efforts to Iran)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated in full.

The PRESIDING OFFICER. The pending amendment pending is the Wirth amendment.

Mr. LEAHY. I ask unanimous consent that the pending amendment be temporarily set aside so that the amendment of the Senator from North Carolina can be considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment of the Senator from North Carolina.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 3333.

At the appropriate place in the bill, insert the following new section:

SEC. . RESTRICTION OF ASSISTANCE FOR RUSSIA.

(a) CERTIFICATION.—Beginning 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall certify to the appropriate congressional committees that Russia has ceased the export of military and military-related goods, services, and technology to Iran.

(b) PROHIBITION.—Beginning 90 days after the date of enactment of this Act, the President shall terminate at any time all United States assistance (other than humanitarian assistance) for Russia unless there is in effect a certification made under subsection (a).

(c) DEFINITIONS.—As used in this section—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(2) the term "humanitarian assistance" includes food, clothing, and medicine.

Mr. HELMS. Mr. President, the distinguished occupant of the chair, whom I admire greatly, has been here for a number of years. I think he would agree with me that no Senator has ever offered an amendment that was not straightforward, simple, and very, very important. I will not say that about this amendment, even though I think all three apply. I will let the Senate determine that.

I will say that this amendment that the clerk has just read, and I thank him for doing so, is easy to understand. It is straightforward. It will terminate all nonhumanitarian assistance to Russia unless the President can certify that Russia has ceased military sales to Iran.

I have here a list of some of the equipment that Iran has been receiving from Russia, and very recently: Mig-29 fighters, Sukhoi-24 striker jets, Tupolev, supersonic maritime strike bombers, et cetera, et cetera, et cetera.

And now Iran is about to get something else. It was just about a year ago that reports began to surface about a Russian submarine sale to Iran. As a matter of fact, three subs, according to these reliable reports, were to be sold by Russia to Iran for somewhere in the neighborhood of $250 million apiece. That is a pretty expensive neighborhood.

I know Russia needs money, but we do not need to have allies who would sell submarines to Iran. That sale was contracted under the Soviet regime, which regularly sold arms to Iran and Libya and Syria, and to which we never would have thought to give hundreds of millions of dollars of the U.S. taxpayers' money.

Now there is a new regime. Out with the Soviets and in with the successors to the Soviets, whatever you want to call them. The new Russians are our friends and partners, or at least that is what the experts over in the State Department tell us. "We have to help the Russians" they say. "We have to preserve the trend toward democracy" whatever that means. "We have to help stabilize their country."

I had a letter just his morning from our distinguished Ambassador to Russia, my Texas friend, Bob Strauss, whom we all love. Boy, did he put on a sales pitch. He almost persuaded me, I will tell him, but not quite. If we, the United States, do not help Russia, we are being told, Russia will be forced into all sorts of bad behavior. They will start scrounging for foreign exchange in places like Iran, Libya, and Syria all over again.

Well, guess what? We are about to pass an authorization bill and an appropriations bill sending money to stabilize, promote democracy, and help keep the Russians from selling items like fancy attack submarines to these thugs in the Middle East. But Russia is going ahead and selling them anyhow to Iran.

There are some old-fashioned people around like me, who may believe that three old Soviet subs ought not to be sold to Iran. There are other people who think that three old Soviet subs cannot do much harm, but I am not one of those. I think I am right. Some say let the Russians, the successors to the Soviets, do whatever they want to. I do not say that.

These submarines, it so happens, are sophisticated, quiet-running, diesel submarines, with significant military capabilities. Iran will have two of them. They carry torpedoes and could carry submarine-launched cruise missiles that have capabilities and sophisticated sonar equipment. The introduction of these submarines into the area represents a frightening threat to all traffic in the Persian Gulf—not just part of it, but all of it—including United States military vessels that patrol those waters.

The same skeptics might also argue that even if the subs are fancy, the people running them will now know what they are doing. After all, what do Iranians know about sub warfare?

Well, I will tell you, they know everything the Russians know about it. That ought to give you a chill. Iranian crews have been training in Russia to run these subs for at least a year—I think longer than that. One crew has already finished its training, and another is training, as we stand here today.

As far as the question of whether Iran represents a threat, I do not believe I need to go into any detail. We all know, or should know, that Iran is today, in my judgment, the most dangerous and vicious regime in the Middle East. There are some mighty close runners-up, but Iran, as far as I am concerned, is still in first place.

Last week, I saw some press reports and news reports that the sub sale has been suspended. Mr. President, it has not. Last week, one Kilo class Russian submarine, with a Russian and Iranian crew sailing under a Russian flag, departed from the Port of Baltysk on its way to an Iranian base at Chah Bahar.

It is under way right now, forging ahead. Another sub has been built and will soon be ready to go. Some people say, knowledgeably, that the first submarine has already been paid for. I am relieved to know that they had the spare change to handle that transaction.

The Russians, including especially Boris Yeltsin, know full well that we do not want this sale to happen. Last week, Acting Secretary Eagleburger—who by the way, I just left a meeting with moments ago—Larry Eagleburger was in New York attending the U.N. General Assembly,. and he met with Andrei Kozyrev. Larry Eagleburger in no uncertain terms told Mr. Kozyrev that we do not want the sale to go forward. Larry was told in nice diplomatic language by this Russian to forget it, that we, in the United States, just do not understand the military dynamic in the Middle East, and that this sale would not destabilize the Persian Gulf. The Russian foreign minister also said that such sales are necessary, and I quote his exact words—"in order to help our economic reform."

I would like to ask that gentleman if that means that Russia does not need United States taxpayer money to help their economic reform. If they want to make that money off of selling submarines to Iran, they surely do not deserve or need one red cent from the American taxpayers.

When this idea of giving Russia an intravenous line into the United States Treasury first came up, I opposed it strenuously—and I still oppose it. But I would like to remind some of my distinguished colleagues who supported the Russian aid bill what they said. They said, right in this Chamber, if we do not support Russia now, who knows what kind of rogue regime could take over. They said if we do not support Russia now, the hardliners will come back.

Well, I have news for them. The hardliners are sitting on the front row. They are promoting the sale. And I wonder, frankly, if Mr. Yeltsin, whom I like personally—and I sat by him a number of times when he has been over here—I wonder if Mr. Yeltsin could stop this sale, even if he wanted to. I do not believe he could.

Mr. President, we have to slam the door on this sort of thing, or the deal on the submarines is going to go through. So this amendment, as we always say, is very simple. It is forthright, as we always say, et cetera, et cetera, et cetera. It simply asks the President to certify that the Russians are not out there funneling weapons to Iran before we send millions of dollars to the Russians. I do not think that is really a lot to ask. We are giving the Russians—we, being the taxpayers of the United States of America—nearly $1 billion.

Mr. President, the Russians do not need to be in this dirty business with Iran. They do not need to help Iran threaten American servicemen in the Persian Gulf or America's allies in that area. They do not need to sell these submarines and cause us the additional cost of surveillance, and you can be sure that we will have to watch them like hawks.

So, if the Russians are our allies, as I hear constantly they are, and Boris Yeltsin has told me personally that they are, they will not make this outrageous sale to Iran. And, if we are their friends, we will give them the necessary incentive to stop this sale, and that is precisely the purpose of this amendment.

Mr. President, if we have enough Senators on the floor, I will ask for the yeas and nays, but I will withhold that for a moment.

I am advised that the Senator from New York [Mr. D'AMATO] and the Senator from South Dakota [Mr. PRESSLER] are on their way to the Chamber to discuss this amendment.

Mr. KASTEN. Will the Senator yield?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, the managers of the bill have graciously persuaded me that this is an amendment that they should accept. I am inclined to agree with them. I have a second-degree amendment that I am going to offer along similar lines. I think I better ask unanimous consent that that be in order, because I am not sure what the list says.

A parliamentary inquiry. Tell me about the second-degree amendments. Are they in order, notwithstanding not being on the list?

The PRESIDING OFFICER. Relevant second-degree amendments, the Chair advises the Senator from North Carolina, are in order.

Mr. HELMS. OK; I thank the managers of the bill, and I suggest we adopt the amendment on a voice vote.

Mr. D'AMATO. Mr. President, I cosponsored legislation which would bring about a termination of our aid to Russia if they continue to supply arms to Iran. I recall being in this Chamber when my colleagues reacted somewhat indifferently to the dangers posed by Saddam Hussein and the Iraqis.

I recall in May 1991, coming down to this floor and offering an amendment that would have precluded us from continuing our usual relationship of doing business with the Iraqis. As a matter of fact, it was an amendment to the chemical treaty legislation that we were considering. One of the things that I pointed out was that as we were providing loan guarantees to Saddam Hussein, that he had been diverting to his armies to build his huge war machine. His war machine was being used against innocent people—women and children. They were gassing the Kurds, yet we conducted business as if everything was quite all right. To say that we were indifferent would be an understatement.

The world community was engaged in building this killing machine of Saddam Hussein's and now we look today and we see the cost in terms of lives, in terms of tens of billions of dollars to disassemble most of that machine, and we see another machine which we are helping to build as a result of our inaction. This machine will be every bit, if not more dangerous, than that which Saddam Hussein built in Iraq. It poses greater consequences than that of the Iraqi invasion of Kuwait and that literally I believe is right around the corner. That is the Iranian killing machine. Make no mistake about it, that is what is taking place right now, and we choose to simply ignore it.

It is not an easy problem to deal with. I believe that our legislation, our amendment which says that we will cut off aid to Russia if they continue their arms and weapons sales to Iran is a first step.

I believe it is absolutely imperative for us to bring our allies together, even those who wish to join the world community, including the North Koreans. As an aside, I just met with their foreign minister several days ago to discuss some issues and this was one of them. It is absolutely imperative that we and our allies use all of our power and might to dissuade them as well as the Russians, the Chinese, and others from supplying the kinds of weapons which are being shipped into Iran today.

The Iranians are arming themselves to the teeth and we turn our heads. We are aware of a minimum a $12 billion shopping spree for arms in 1990 alone: Scud missiles, Chinese nuclear technology, submarines, $2 billion in purchases from the former U.S.S.R.; 72 F-7 fighter jets; 25 Sukhoi bombers from China; 1,500 T-55 tanks from Poland; 2,000 SAM surface-to-air-missiles from Bulgaria; 200 T-72 tanks, 7 submarines and the list goes on and on.

If we feared Saddam's intentions, and I think we did not do nearly enough, I have to tell you something, Mr. President, with the nuclear technology which the Iranians are seeking to develop with an arms budget estimated at over $50 billion over the next 5 years, it should be clear to all that Iran's aim to build itself into a regional nuclear power intent on dominating this region is one that can only have the gravest of consequences to world peace. If the world community wishes to avoid another Mideast war and the consequences being far more devastating than anything we have seen or probably can imagine, the time to move and to act is now.

So I applaud the legislative initiative. I say that it is just a beginning, this is just the tip of the iceberg if we are going to keep a situation that I think has the potential of threatening world peace, that will bring in fundamentalists from all over this region at the beck and call of the Iranians given this incredible military might. Something must be done.

Let me suggest that the submarines being sold to them, and I have heard estimates of people saying, "Oh, they are not very significant." They will be able to create very real problems in the Straits of Hormuz, and very real problems in disrupting the world's supply of oil rather easily. And this killing machine, this military machine which the Iranians are building must be stopped. Our allies have to know that they cannot be our allies and do business as usual with us and help build this machine of destruction, a very destabilizing force in this very tenuous area, one where peace hangs by a thread, and where with the removal of one leader, Lord knows what can happen.

So we have to see to it that the great power that we have is leveraged into bringing the civilized nations of the world into a concerted action to stop sending Iran these kinds of weapons, this kind of technology, and to serve notice very clearly to the Iranians, that the world community and this Nation will not tolerate the kind of warmaking and terrorist activities that we have seen, and that we will be prepared to do whatever is necessary to stop this.

The best way to stop it is to keep that technology from coming under their control. The best way to stop a war is to prevent them from having the kinds of equipment that will give them the ability to project a force structure outside of that region, and to let them know that the world community and this Nation will meet its obligations to prevent any nation from dominating that region by way of force of arms.

So this is an important step. You cannot turn away and make believe it is not taking place. We have been slow to react, painfully slow, and I hope we do not pay a terrible price as a result of our indifference. In looking the other way as the Iranians are moving at a very swift pace building this machine will bring grave consequences for the world. Just think of what would have been had there been a nuclear capability beyond that on the Iraqi drawing boards; if they had nuclear armed missiles; and if we had had to contend with a nuclear power. This region cannot take that kind of instability created as a result of the world's indifference, in looking the other way. Certainly we may not be able to speak for every other nation, but we can set an example. What we do in this legislation, in saying that we will deny aid to those nations or to Russia if they persist in selling these kinds of weapons is important and it should be the start of a process where we bring that about with every other nation with which we deal and see if we cannot get the world community to join with us.

Mr. President, I thank the distinguished manager of the bill.

I yield the floor.

Mr. PRESSLER. Mr. President, I appreciate the leadership of the Senator from North Carolina [Mr. HELMS] and I am pleased to join as a cosponsor of his amendment. The Helms amendment conditions United States foreign aid to Russia on the President's ability to certify to Congress that "Russia has ceased the export of military and military-related goods, services, and technology to Iran."

Mr. President, the specific matter that makes this issue so urgent is that a Russian submarine is on its way from an illegal Russian military base in independent Latvia to Iran. A second submarine, also being constructed in Latvia—illegally and in violation of international law—is nearly completed.

As a matter of national security, sales of any military or military-related goods by any country to Iran should be opposed by the Congress. Iran has an enthusiastic record of supporting and leading international terrorism. Israel and other peaceful countries of the Middle East and of the former Soviet Republics in Central Asia are targets of Iran's appetites.

On April 29 of this year, I addressed the Senate on the topic, "Why is Russia selling submarines to Libya and Iran?" At that time, I noted that one of the most horrible vestiges of five decades of illegal Soviet occupation of the Baltic States is the continuing illegal occupation of Lithuania, Latvia, and Estonia by Russian troops and Russia's inexcusable continued use of ex-Soviet bases and facilities. Mr. President, I ask unanimous consent that my April 29 speech be included in the RECORD at the conclusion of my remarks.

On May 7, Lally Weymouth, writing in the Washington Post noted the ominous Russian military presence in the three Baltic States and asked, "Are the Russians merely continuing some of the less attractive features of Moscow's old foreign policy?" She continued by noting that Latvian port facilities were being used by occupation forces to train Iraqi crews to use Russian missile boats. Finally, Ms. Weymouth noted the toxic cooperation between the Russian military and Iran. Mr. President, I ask unanimous consent that Ms. Weymouth's article also appear in the RECORD at the conclusion of my remarks.

During consideration of the foreign aid authorization bill for Russia, the so-called Freedom Support Act, the Senator from Arizona and I sponsored an amendment conditioning assistance to Russia on significant progress toward total withdrawal of more than 100,000 Russian troops from Lithuania, Latvia, and Estonia. The Senate conducted 4 hours of debate on the subject on July 1 and adopted language that has survived in the conference report to accompany the bill.

Mr. President, I believe it is important to read the conference language into the RECORD at this point, because it has two vital components. In its first clause, assistance to Russia is prohibited "if it has failed to make significant progress on the removal of Russian or Commonwealth of Independent States, troops from Estonia, Latvia, and Lithuania." Russian armed forces have no place in the three sovereign Baltic States. The Senate has spoken and I commend the Senator from West Virginia [Mr. BYRD] and other Senators for putting even tougher conditions on Russian troops in the pending Foreign Operations appropriations bill.

But the conference language has a second clause that is just as important and addresses precisely the point of the amendment offered by the Senator from North Carolina today. United States foreign aid to Russia is also prohibited "if it has failed to undertake good faith efforts, such as negotiations to end other military practices that violate the sovereignty of Estonia, Latvia, or Lithuania."

Mr. President, the illegal Russian bases in the Baltic States are clear violations of Baltic sovereignty. The fact that they continue to exist and operate also constitutes a clear threat to the national security interests of the United States, inasmuch as they are being used to construct and retrofit offensive naval vessels for countries such as Libya, Iran, and Iraq as well as for crew training.

Mr. President, a weak attitude toward Russian military occupation and violations of Baltic sovereignty associated with the former Soviet military-industrial complex encourages more Iranian submarines to be built.

The Senate must speak and encourage conferees on the Foreign Operations appropriations bill to be tough in negotiations with the other body. The Russian military—whether or not they are controlled by President Boris Yeltsin—must close down these bases which are in violation of international arms boycotts and directly threaten the vital national security interests of the United States.

Mr. President, I thank the Senator from North Carolina for offering this essential, timely amendment. If Russia continues to act recklessly, a wise response would be to stop United States nonhumanitarian assistance. I urge adoption of the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHY IS RUSSIA SELLING SUBMARINES TO LIBYA AND IRAN?

Mr. PRESSLER. Mr. President, today I received shocking news from the Government of Latvia that the Government of Russia is apparently prepared to deliver a submarine to the Libyan Government using the Latvian port of Bolderaja once it is repaired by former Soviet military and Libyan technicians in a Russian-owned factory run by the Russian military. Such an action would be in direct violation of U.N. sanctions against Libya adopted on March 31. This situation is intolerable, and I call on President Bush and Secretary of State Baker to exert immediate and maximum pressure to prevent this submarine transfer to Libya from occurring.

According to the Latvian newspaper Diena, a second submarine is being retrofitted at the same factory for shipment to Iran. This, too, is something the administration should work to prevent.

The sovereign Government of Latvia has protested in the strongest possible terms the preparation for this perilous, illegal transfer of weapons technology. It is not surprising that Libyan dictator Mu'ammar Qadhafi, a notorious supporter of state-sponsored terrorism and of the Palestine Liberation Organization, will go anywhere and pay any price for new weapons capabilities. However, it is appalling that elements of the Russian Government, which the United States is preparing to provide enormous amounts of foreign aid, is working with him to achieve this nefarious objective.

Mr. President, it appears this may be a case where the old Soviet military industrial complex is flexing its muscle in today's Russia. It is possible that contained retrofitting of the Libyan and Iranian submarines is an attempt to embarrass President Yeltsin and the reform elements of the Russian Government. Nevertheless, the submarine transfer demonstrates the continued strength of the former Soviet military and bureaucracy. It highlights the fact that with these elements of the old regime in power, unless great care is exercised, U.S. assistance efforts may be largely wasted.

The Latvian Government has appealed for United States help in stopping this action by its larger neighbor. The Latvian Government also has stated that the submarine transfers underscore the broader issue of unwanted military forces in the Baltic States. Now it appears Russia is preparing to ignore the sovereignty of Latvia by using the military and Russian owned factories in Latvia to conduct illegal activity. On April 22, Latvia protested to the Government of Russia. The Latvian Government maintains that the Libyan technicians working on the Libyan-bought submarine were invited by the Russian Foreign Economic Relations Ministry. Yesterday, the Latvians also sent a diplomatic note to the United States State Department and the United Nations.

The Russian Press Agency, has indicated that the submarines were purchased from the Soviet Government in 1988 and that the Yeltsin administration is prepared to honor the contracts made by the Soviet regime with these terrorist countries—despite the repudiation of the Communist system by the Russian people, and despite the U.N. embargo against Libya. The Russian Press Agency quoted a naval officer as saying that the plant will honor the contract made between the Libyan Government, the Soviet Armed Forces, and the shipyard.

Mr. President, President Boris Yeltsin's quick denunciation of the massacre of innocent civilians in Vilnius in January 1992 and his appeal to Russian soldiers to restrain themselves then and during August 1991, were to a large extent, responsible for ending bloodshed and preventing further deaths and injuries.

That model behavior is not reflected in the submarine transfers. As far as this Senator is concerned, all future assistance to the Government of Russia is now on the line and in question. The time has come for the Russian Government to be held accountable for the actions of its military or bureaucracy.

The Russian Government has claimed former Soviet military bases and former all-union factories in the Baltic countries. In fact, on February 10, the Central Administration of the Commonwealth Baltic Fleet Ship-Repair Factories sent a document to the ship repair factory stating that it remained the property of the Russian Federation. It is therefore responsible for the unconscionable events taking place in Latvia.

Mr. President, I urge President Bush and Secretary Baker to take decisive action in denouncing these actions of the Russian Government. Unless President Yeltsin blocks these arms transfers, I am convinced the only responsible course is to suspend all nonhumanitarian assistance to Russia that is funded, directly or indirectly, by the people of the United States.

In addition to an immediate suspension of these illegal arms transfers, the United States should take energetic and effective action to terminate the presence of over 100,000 former Soviet troops and numerous air, naval, and army bases in the so-called Baltic military district. To this end the Senator from Arizona, Mr. DeConcini, and I will propose an amendment to the Freedom and Support Act for Russia, S2532. The amendment would condition United States foreign assistance to Russia on significant progress in the removal of former Soviet troops from the Baltic nations.

Although President Yeltsin has indicated Russia's eventual willingness to leave the Baltic States, his government has offered a variety of weak excuses for delaying the timetable for removing occupation forces. In my opinion, these excuses do not justify a continued military presence.

Mr. President, it now appears these bases are being used for the hostile activity, contrary to international law and American foreign policy, of providing submarines to Libya and Iran. This is all the more reason for the United States to insist on Russia's immediate departure from the Baltic States.

Until its destabilizing forces are removed, the Russian Government will continue to conduct military exercises without the approval of the Baltic governments. In truth, the Baltic States can be used as the launch site or the port of exit for sales to states hostile to United States interests and international agreements. I am disturbed to learn that the Government of Estonia recently noted that former Soviet troop levels have increased rather than decreased in recent months. Mr. President, I ask unanimous consent that a copy of an article entitled, "For Red Army in the Baltics, a Long Goodbye," from the Los Angeles Times be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. PRESSLER. Mr. President, the problem of former Soviet bases in the Baltic States is a long-standing issue. This is not the first time bases in the Baltic States have been used for illegal activities contrary to the interests of the United States and its allies. For instance, soon after Iraq's invasion of Kuwait, Senator Helms told the Senate that the Soviet Government was training Iraqi soldiers in Latvia. Unfortunately, his revelation was right on target.

Mr. President, we must plug the holes in the international coalition against Libya and Iran. The United States must condemn these submarines sales and support prompt departure of former Soviet troops from the territory of some of the newest European allies—Estonia, Latvia, and Lithuania.

EXHIBIT 1

[From the Los Angeles Times, Mar. 30, 1992]

FOR RED ARMY IN BALTICS, IT MAY BE A LONG GOODBY

(By Tamara Jones)

One afternoon last month, the Red Army cordially invited the international media to observe what was being billed as a historic occasion: the first withdrawal of former Soviet troops from this newly independent Baltic nation after 50 years of occupation.

The gates of the army compound just outside Vilnius were flung open, and seven massive trucks bearing surface-to-air missiles revved their engines. With television cameras rolling, the usually taciturn soldiers began to ham it up, waving goodby and tracing their fingers along road maps pointing the way back to Russia.

The journalists waited. The Red Army smiled and waived some more. Eventually, the cameras were turned off. So were the truck engines. The exasperated journalists left. The Red Army did not.

Later, a sheepish commander explained that it was all basically a publicity stunt to signal the army's readiness to retreat.

But the farce is no laughing matter to the Lithuanians, Estonians and Latvians who consider themselves still occupied by an unpredictable foreign army six months after the disintegrating Soviet Union recognized Baltic independence.

Confusion, chaos and corruption dominate what is supposed to be the withdrawal of at least 120,000 ex-Soviet troops from the Baltics; tensions already have led to shootings at border posts and dark threats of starving out the occupiers. Meanwhile, officers and soldiers have been selling everything from bullets to—in at least one instance—entire bases on the sly.

Although Russia has accepted responsibility for the army and agrees that the troops must withdraw, the debate is only now heating up over how quickly they will leave, where they will go and, most important, who will pay for all of it.

Further complicating the touchy issue are reports that many officers are vehemently opposed to giving up their apartments, villas and higher standards of living in the Baltics for an uncertain future back home in the former Soviet Union, where a lack of housing already has forced many military families who have been withdrawn from Eastern Europe to live in tents.

"It is just as dangerous to take an army out into a vacuum as it is to leave it behind," said Sergei Shakhrai, the head of the Russian delegation negotiating terms of the pullout.

The Baltics have demanded that all troops leave by the end of the year, which government officials privately concede is an impossible deadline. Russian commanders say a seven-to-10-year timetable is more likely—a possibility the Balts find chilling.

The deepest fear in the Baltics is that political instability in the Commonwealth of Independent States, particularly Russia, will lead to another coup attempt and give military hard-liners still stationed in the Baltics a chance to crack down. There is also concern that fuel and food shortages in Russia will worsen, possibly curtailing supplies to the troops here and triggering panic among the soldiers.

Soviet troops killed 14 civilians in Lithuania and seven in Latvia in bloody attempts to crush Baltic independence a year ago. The Lithuanian Parliament still keeps itself barricaded behind sandbags and barbed wire, saying the siege mentality must prevail until the last soldier leaves.

"We cannot exclude the possibility of major conflicts, but we hope to avoid them," said Toomas Puura, head of the parliamentary commission on defense in tiny Estonia, where the smallest Red Army contingent—about 36,000—is stationed.

Such warnings are unlikely to impress the military command.

With no real armies of their own, no international pressure being brought to bear on the occupying army, and weak economies still desperately dependent on Russian imports, the Baltics are virtually powerless to back up their demands.

"We can tell them to get out all we want," said Mikhails Stepicevs, head of Latvia's parliamentary commission on defense. "They're going to withdraw, but they're in no hurry. What timetable do we want? Yesterday. But the Russian side wants to stay a long, long time, as long as they can, and maybe even keep a military base here."

So far, none of the Baltic nations have indicated any willingness to allow a continued Red Army presence, and the army in turn is loath to leave behind strategic air-defense, marine and early-warning systems that would be expensive to re-create in Russia.

The Russians have rebuffed even the most basic requests, such as an inventory of personnel, equipment and military installations on Baltic territory, and Baltic inspectors are denied access to the thousands of bases, airstrips and other facilities that sit on what is now sovereign territory.

Two nuclear reactors and at least six chemical weapons depots are thought to be in Estonia alone, and a general perception of disarray in the ranks leads Stepicevs to conclude with alarming certainty, "If I wanted, I could buy nuclear weapons."

Night-vision equipment and small arms have reportedly turned up at local flea markets, and Estonian officials have discovered that an entire Soviet base—complete with barracks, a canteen, a central-heating plant and a peat farm—was sold illegally to a civilian for about $29,000. Who sold it and where the money went is anyone's guess.

"They're selling everything that isn't nailed down," said a Western diplomat in Riga, Latvia, where the Baltic forces are headquartered.

"They strip the wiring right out of the walls when they leave and take all the lights," added the diplomat, speaking on condition of anonymity. "It's one thing to sell off the occasional greatcoat or fur cap, but * * * Kalashnikovs and bullets are being sold. The real concern for the Latvian government is that all these arms are disappearing, and where are they going?"

The Commander of the Baltic forces, Gen. Valery Miranov, says only that "some small parts" of his command are "disorganized."

Miranov says there are 120,000 troops in the region, but other estimates by Western diplomats and Baltic authorities run as high as 400,000. Some troops already have left, but there are no official figures, although Estonia calculates that up to one-third of the forces there have already left without fanfare.

At least 80,000 officers also are believed to have retired in the Baltics, particularly in Latvia, where the population is almost equally divided between Russians and Latvians. Radical nationalist groups in Latvia have been demanding that the citizenship law now being drafted exclude Russians and force the deportation of all retired officers.

Miranov recently linked the citizenship question to withdrawal of the troops, much to the ire of Latvian leaders who complained that he has no right to meddle in their domestic affairs.

"We have to solve the question of citizenship of army members and pensioners and all Russian-speaking inhabitants first," Miranov said at a briefing of Western journalists who had asked when troops would withdraw.

Miranov also bitterly complained that 15 Latvian border guards have "physically assaulted" two Russian officers last January when they drove from Latvia into Lithuania. He gave no further details but stressed that such incidents could easily escalated into violence.

"It is impossible to predict what will happen if the person involved isn't calm," he said.

In Lithuania, border guards earlier this year tried in vain to shoot out the tires of a Red Army truck that roared past a checkpoint into Belarus.

There have been several other incidents viewed by the Baltics as deliberate provocations. Estonian authorities at the border angrily unhooked railroad cars carrying new conscripts to Tallinn, forcing them to hitch a ride on the next train. Two trainloads of military supplies were also seized in the Estonian town of Tartu.

The question of ownership is one of the main stumbling blocks in negotiations over withdrawal, since each of the Baltic nations is trying to nationalize all or part of the military property and equipment currently in Red Army hands. They argue that this will partially compensate the Baltics for the military equipment and private property seized when the Soviet troops began their occupation and for the environmental damage they leave behind.

But the Russians are presenting their own bill to the Baltics, saying they must be reimbursed millions of dollars for the property they cannot take with them, such as postwar buildings, airstrips and military hospitals.

In addition, Moscow had indicated that the pullout might be speeded up if the Baltics follow wealthy Germany's example and pay for housing to be built for officers back home. Estonia already is exploring the possibility of using Western credits and Estonian construction workers to do just that.

"When the Soviet Union occupied Estonia, they took away all the arms and equipment of the Estonian Defense Force-the equipment of 130,000 troops-the submarines, the airplanes, the airports * * * Everything was confiscated," recalled Puura, the Estonian lawmaker.

"We're just now beginning to calculate the environmental damage, and nobody could ever estimate the moral damage done to our people over 50 years," he said. "Tens of thousands of people were deported and killed, and our country went from a normal modern, developed country to an underdeveloped Third World country.

"And now, after all the damage they've inflicted, they're still trying to make us pay for what they did to us," he fumed.

But current hardships have imposed at least a partially symbiotic relationship, with local military commanders trading fuel for food from private farmers.

Oleg Popovitsh, minister of the Russian Embassy in Estonia, agreed that his country should pay for any damages but said Russia "does not accept the nationalization of all Red Army equipment."

"If the Estonian Defense Forces are interested in arms, we'll be happy to sell to them or make deals as part of the compensation. But seizing them? That's impossible."

Popovitsh estimated Soviet property in Estonia at well over $1 billion-about 30 times the entire Estonian budget.

Conscripts themselves are reluctant to discuss going back home, even when commanding officers leave the room.

"Do I consider myself an occupying force?" said Jahanger Mamaturoyev, 18, pausing for several long minutes before answering in a low voice. "Yes, I do."

A fellow soldier at the antiaircraft missile base about 15 mile from Tallinn acknowledged that he is worried about what awaits him when he returns to his village in Kazakhstan.

"We're not very glad about prospects," said Marat Mosik, a 19-year-old sergeant. "We have food in the army." He ticked off a typical menu: macaroni for breakfast, pilaf with a little beef for lunch, mashed potatoes for dinner.

His deputy commander is also worried about leaving. "I've served in Estonia for 16 years," said Lt. Col. Vassily Vassiliyev. "Of course, I had my plans for retirement. Sixteen years is a long time, and I haven't been in my native country—Russia—for 20 years. I had been cherishing a hope of settling down in an apartment in Tallinn. My children grew up here, and the feeling deep in my soul is to stay in Estonia. But I will leave."

The brigade commander, Col. Alexander Zharenov, figures that the 2,000-man unit will not complete its withdrawal until 1999.

"As commander of this brigade, the biggest problem is finding housing for every single officer," he said, noting that 400 come under his jurisdiction. "I'd feel ashamed to look my subordinates in the eye if I can't guarantee them a decent place to live. The only thing holding us back is housing.

"The biggest problem is uncertainty and the dark future," he added.

There is no overt animosity between the soldiers with the hammer-and-sickle emblems still on their uniforms and the Balts who have grown accustomed to seeing them in their cities and villages over the years.

"They always answer us politely and look right through us," said Lithuanian journalist Algimantas Cekuolis.

"But it's better than being shot."

WHAT IS RUSSIA UP TO IN THE BALTICS?

(By Lally Weymouth)

[From the Washington Post, May 7, 1992]

Latvia, the Baltic republic finally rid of the Soviets and enjoying its first taste of freedom in half a century, is experiencing problems with its large and powerful Russian neighbor. The most recent example of the bizarre and nuanced circumstances created by the meltdown of the Soviet Union was the news that—unknown to Latvian authorities—a submarine Libya had purchased from Moscow was undergoing work in a Russian-controlled factory located in a Russian-occupied zone of Latvia.

Are the Russians merely continuing some of the less attractive features of Moscow's old foreign policy? After all, U.N. sanctions were imposed on Libya April 15. The Russians, ostensibly—like the Latvians—voted to comply with these sanctions. Thus the submarine refitting effort would appear to represent an attempt both to evade sanctions and, perhaps, to let the blame fall on Riga.

Moreover, the Russians actually used the same Latvian port last year to train the crew of an Iraqi missile boat—despite the public front of U.S.-Soviet cooperation in the war against Saddam Hussein. And that isn't all: At the moment, according to a Latvian official, the Russians are outfitting yet another submarine in the very same Latvian factory—this one is intended for shipment to Iran. When the newly formed Latvian government protested to the U.N. Security Council regarding Russia's use of one of its key ports in order to continue its military relationship with Libya—an international pariah—the Russians immediately halted work on the submarine in question.

Moscow's response satisfied the United Nations; but from the Latvian standpoint, it was inadequate. Indeed, Riga felt that the episode served to pinpoint a continuing problem—the unwanted, yet unending, Russian military presence on Latvian soil.

Moscow, to be sure, has agreed in principle to withdraw its nearly 100,000 troops from the Baltic states—Latvia, Lithuania and Estonia. But the Russians have refused to set a deadline or timetable for the withdrawal. And Estonia even claims that Moscow has recently added troops to those it previously deployed there.

Ojars Kalnins, an official of the Latvian Embassy in Washington, notes that the Russian troops, beyond creating a measure of domestic instability, also damage Latvia's potential to improve itself economically by drawing Western investment. In particular, Kalnins points out, the Russian military presence causes American businessmen to hesitate before investing in Latvia.

The episode involving the Libya-bound submarine raises fairly basic questions. Is Russian President Boris Yeltsin manifesting simple duplicity regarding his willingness to take part in the U.N.-imposed sanctions? Or is Yeltsin unable to control his own military? Is a rogue group of former Soviet military officers—men Yeltsin is unable to control—endeavoring to maintain a Russian military presence in the Baltics (perhaps even to embarrass Yeltsin)?

Sen. Larry Pressler (R-S.D.) deems the issue sufficiently important that he has asked Secretary of State James Baker to urge the United Nations to send observers directly to Russian-held military bases throughout the Baltic region. Pressler wonders whether the difficulties that Latvia is now confronting also plague other Baltic states.

Needless to say, Pressler and others are especially concerned that—in spite of sanctions—there may be other Libya-bound vessels under repair in Russian-occupied Baltic ports.

It should be noted that the governments of all three Baltic states have joined in urging U.N. inspectors to take a close look at just what is going on inside the Russian-controlled bases on their own soil.

Latvia secured its independence last fall. But Washington, even though it established formal diplomatic ties with Riga, quickly turned its attention to other concerns, perhaps forgetting that the Latvians would not truly be free until Russian troops agreed to depart.

Pressler and Sen. Dennis DeConcini (D-Ariz.) now plan to introduce an amendment to the president's bill to provide assistance to the independent states of the former Soviet Union. The Pressler-DeConcini measure would link financial assistance for Moscow with "significant" progress on Russian troop withdrawal from the Baltic states.

The president's effort to provide support to the newly independent republics of the former Soviet Union merits support. But so does the Pressler-DeConcini amendment. Assistance to Russia only makes sense if Moscow desists from all efforts to deprive the Baltic states of their full independence. Similarly, before any such assistance is provided, Washington needs to be certain that Moscow has abandoned any notion of transferring technology and weaponry to former Soviet clients like Libya.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 3333) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator SHELBY be listed as a cosponsor of the Leahy-Kasten export jobs amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. LOAN GUARANTEES TO ISRAEL

Mr. DECONCINI. Mr. President, I had planned to offer an amendment to H.R. 5368, the Foreign Operations appropriations bill. My amendment would have affirmed the commitment of congressionally approved loan guarantees within 60 days after the Israeli Government requests the loan guarantees.

As the guarantees are presented in this bill, the President has complete discretionary authority to disburse or suspend the guarantees—essentially without congressional approval—subject to any political whims of the administration. The history of loan guarantees for Israel—at least under this administration—clearly demonstrates that capricious delays frequently occur.

Mr. President, as my colleagues will recall, after Congress authorized the $400 million Israeli loan guarantee program in May 1990, the State Department began preparing for the negotiations with Israel over the use of these funds. Political and other considerations delayed the start of actual negotiations for 4 months. The delays prompted the Israeli Foreign Minister to compromise with the Bush administration and draft a letter stating Israel's policy not to direct Soviet immigrants to settle in the West Bank and Gaza Strip. Additionally, the Israeli Government provided specific information to the State Department on its building plans for housing the large volume of Jewish immigrants crossing into Israel, including information that no new housing settlements had been started in the West Bank. However, it was not until April 9, 1991—nearly 1 year after congressional authorization—that the loan guarantees were transferred to the Israeli Ministry of Finance.

I am pleased that the Bush administration has concurred in the principle of providing loan guarantees to Israel. I had been urging him to do so ever since Israel first made its request for loan guarantees in the spring of 1991, after the end of Operation Desert Storm. Finally, after over a year of delay and the downfall of the Likud government, President Bush announced his support for these guarantees.

This issue, however, is too important to leave to the political whims and fluctuating sentiments of the current administration—or any other administration for that matter. The September 28, 1992, Christian Science Monitor quotes an administration official as saying, "[i]t's an election year and Bush has a reputation for bashing Israel." Mr. President, that statement is certainly accurate. The Israeli people and Government cannot depend on election year politics to assure disbursal of the loan guarantees. Their need for U.S. absorption guarantees is compelling. Although the number of immigrants to Israel has dropped dramatically in recent months, there will soon be half a million new immigrants in that country, and the political and civil strife in Central Europe, the Caucasus, and other war-torn areas are expected to contribute an additional 500,000 immigrants to Israel in the next few years.

Israel's open door immigration policy is unmatched by any± other nation. Israel welcomes the elderly, the chronically ill, and the mentally and physically disabled. It is not a simple or inexpensive task to provide for their well being. The Israeli Government knows this, but continues to accept them anyway. The massive flow of immigrants into Israel's borders have created an unemployment rate of 11.6 percent. That number could increase to 15 percent by the end of the year.

In addition, the influx of immigrants has outpaced the construction of new housing. The delay in disbursing loan guarantees has caused the cancellation of building contracts for 15,000 housing units across the country, leaving 98,000 immigrant families without permanent housing.

Mr. President, as chairman and cochairman of the Helsinki Commission over the last several years, I have been intimately involved in the plight of many of the Russian immigrants travelling to Israel. Commission members have visited with the leaders of the former Soviet Union on many occasions to present lists to the Soviet Government of Soviet Jews wishing to emigrate to their religious homeland. Although those lists were relatively small, our persistence and the consistent pressure of our Government have finally opened the way for hundreds of thousands of Jewish refugees to leave the republics of the former Soviet Union. More than 1.2 million Soviet Jews hold approved family reunification requests for immigration to Israel. I believe the United States has the responsibility to follow through with its policy of allowing emigration from the former Soviet Union. We cannot now abandon those Soviet Jews whom we helped realize their dream of joining their families and brethren in Israel. These guarantees will go a long way in assisting in their smooth absorption into Israeli society.

Mr. President, this loan guarantee is not only an appropriate humanitarian policy, but is a sound economic policy as well. As Israel's largest trading partner, the United States stands to gain materially from the extension of loan guarantees. Already importing 20 percent of its total goods from the United States, increased assets will only increase that number and protect thousands of American jobs. As Israel's economy grows, so will United States exports to Israel. The absorption and training of the immigrant population will result in an infrastructure expansion and increased public consumption of goods, much of which will come from the United States.

Finally, these guarantees are certain to be repaid. Israel's credit record is flawless, having never defaulted on a principal or interest payment on any of its borrowing. Israel maintains a strong ability to service its foreign debt, with a high international bond rating and a low foreign debt as part of its gross domestic product.

Israel is faced with an urgent need to provide adequate housing and care to the immigrants flowing into its borders. The United States has the obligation to disburse congressionally authorized loan guarantees to help Israel absorb these refugees. Our humanitarian obligations are too important to be subjected to the political whims of a Presidential administration historically negative toward our only democratic ally in the Middle East.

The amendment would probably have been defeated, but I feel very deeply about the issue of humanitarian assistance being denied because of politics. I will not offer my amendment today. However, I will closely monitor the absorption loan guarantee program. If I detect any foot-dragging on the part of the Bush or Clinton administration in responding to Israel's legitimate requests for disbursal of these guarantees, I promise my colleagues that I will move on my amendment at that time.

I thank the chairman and ranking member for their action in bringing this bill to the floor and I appreciate their support on this and other issues.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mrs. KASSEBAUM. Mr. President, will the Senator yield for a moment?

Mr. LEAHY. I yield.

Mrs. KASSEBAUM. Mr. President, I have an amendment to offer at the appropriate time. I do not know whether this is it or not.

Mr. LEAHY. Mr. President, if the Senator could withhold just one moment. We set aside an amendment by the Senator from Colorado. I do not know if that has been cleared. If it has, I simply want to bring it up.

Mr. WIRTH. Mr. President, will the Senator yield?

Mr. LEAHY. I yield without losing my right to the floor.

Mr. WIRTH. I thank the chairman for yielding. We had some confusion on who talked to them. That is sorted out now with the Senators from Alaska and the State Department. If we could set the amendment aside, we will make sure we have everybody on the communication. I appreciate the help of the distinguished chairman of the subcommittee.

Mr. LEAHY. I advise the Senator from Colorado he has two amendments, the one that had been there, Glacier Park, and the one on the U.N. summit, and perhaps we should take them both up at the same time.

Mr. WIRTH. That is fine.

Mr. KASTEN. Mr. President, will the Senator yield?

Mr. LEAHY. I yield.

Mr. KASTEN. I do not know where we left the two amendments of the Senator from Colorado. If there is a motion to withdraw both amendments, we will not have to be in a position to ask unanimous consent to set them aside with the idea they are on the list and they could be brought forward at an appropriate time.

Mr. LEAHY. I make that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. The Senator's request is the amendment that had been pending by the Senator from Colorado be set aside with the understanding he is on the list and it would then be in order for him to bring it up at an appropriate time.

Mr. KASTEN. The amendments are withdrawn with the idea they can come back at an appropriate time.

The PRESIDING OFFICER. The Chair is unclear. State the unanimous consent request.

Mr. LEAHY. Mr. President, there is an amendment that has been pending by the Senator from Colorado regarding Glacier Park. I asked unanimous consent earlier on a couple of occasions to set it aside so another amendment could be considered. I now ask unanimous consent that the amendment by the Senator from Colorado be withdrawn but that the Senator from Colorado not lose his rights to bring it back up again on this bill.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. LEAHY. One other thing. I ask unanimous consent that the Senator from Hawaii [Mr. INOUYE] be added as a cosponsor to the Leahy-Kasten, et al., exporting jobs amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3334

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM], for herself, Mr. SIMON, and Mr. KENNEDY, proposes an amendment numbered 3334.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert: Notwithstanding any other provision of law, no more than $52,000,000 appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program", may be made available to Morocco unless the President certifies, and so reports to Congress, that the Government of Morocco is fully cooperating with the United Nations in the implementation of the Settlement Plan for self-determination of the people of Western Sahara.

Mrs. KASSEBAUM. Mr. President, the amendment I am offering is designed to apply pressure on Morocco to cooperate with the United Nations on the implementation of the peace agreement for Western Sahara. This, I believe, is a balanced approach to help resolve a long-running conflict in North Africa.

The appropriations legislation in front of us earmarks $72 million in security assistance for Morocco, $25 million in economic support funds, and $47 million in military aid. These earmarks exceed the administration's request by $20 million.

What this amendment would do would be to condition the additional $20 million above the requested level on Morocco's full cooperation with the U.N. peace plan for the Western Sahara. Under this approach, Morocco still receives the full amount of security assistance requested by the administration, $52 million.

I might just add that the entire sub-Saharan African Continent receives a total of only $30 million in security assistance in 1992.

This amendment does not affect development assistance or military training funds. What it simply says is in order to send funds above the requested amount, the President must certify that Morocco is fully cooperating with the United Nations peace plan in Western Sahara. I believe this is a fair, limited, and constructive approach.

Let me just say that I regard Morocco, as do many in this Chamber, as a very important ally. It has been for years and it continues to be. The Polisario is an independent group that has been fighting in the Western Sahara for years, and this is an ongoing conflict. The Polisario is not without its own internal problems.

But I feel strongly that if we are just going to continue to allow this large support for Morocco to go without trying to apply a little emphasis to it, we give no aid to the Polisario at all. That is the only means we have.

And through the years there have been a number of questions about Morocco's cooperation with the United Nations on this issue. Recently, elections were held in the disputed territory, which is the Western Sahara region, raising questions about the commitment to the peace process. A Constitutional referendum was held in September. Legislative elections are planned for later this fall. All of these I would say are positive steps. But since their deployment in September 1991 the United Nations peace keeping force has reported 184 cease-fire violations, 178 by Moroccans and 6 by the Polisario.

I just feel Mr. President, without getting into a long, lengthy discussion of this—and this is cosponsored by Senator SIMON and Senator KENNEDY—that this is an important, just qualification. It is not going to take away the additional $20 million. It is just requiring that the President will certify that Morocco is trying to work hard to implement the U.N. mandate and establish a peace plan for the region that can be successful. I think it is, as I say, a very limited effort, but I would hope that it could be accepted.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I rise in opposition to this amendment because I think it is not balanced and I believe that, at least right at this moment, the amendment also is ill-timed and frankly could only harm, not help, the delicate peace process in Morocco and the Western Sahara.

The Senator's amendment would basically place a limit on Morocco's foreign assistance under this bill unless the President can make a complicated, sometimes time-consuming, certification on Morocco's compliance with the agreed-upon process.

Yet the Secretary General of the United Nations has recently issued a report on the peace process in which he made it clear that Morocco is fully complying with the United Nations in this process. The report further states that it is Morocco's adversaries, the Polisario, who are now delaying.

So, thus, right at this moment in the current situation we are not in a position where we should be punishing Morocco. The U.N. report in fact is saying that Morocco is fully complying.

Now I understand the Senator's concerns about the peace negotiations between Morocco and the Polisario. The process has been long, too long, in coming and it has been delayed time and time again. Both sides have delayed. Both sides have, only reluctantly, come to the understanding of the need for a referendum in the Sahara. But I do not believe that at the very moment we are closing in on the peace, in a way, that we should insert ourselves in the middle of a process that, in a way, only hurts one side, only hurts one party to the negotiations.

The Senator's statement in support of her amendment has made the point of her concern. And I assure her from my past experience that these concerns can be and, frankly, are right now being directly communicated to his majesty King Hussan of Morocco. They are monitoring and watching our body and these deliberations. But the adoption of this amendment at this time would, I believe, only give heart to the Polisario at a time when they are losing the political struggle.

Recently, several key Polisario officials, including the Ambassador to Algeria, the Polisario Ambassador to Algeria, have defected to the Moroccan side. They have urged their colleagues to do the same. Algeria has backed off its support of Polisario and is privately expressing its leadership to reach an agreement, to reach some kind of a settlement. So the parties right now are coming together. And I think it is important that we continue this process.

All of us know what a good friend Morocco has been to the United States in so many ways. And I appreciate the comments of the Senator from Kansas in that regard. I will only remind my colleagues that Morocco was the first Arab nation to send troops to Saudi Arabia after the Iraqi invasion of Kuwait, and Morocco currently, as it has for many years, is strong in its support for and aid to the current Middle East peace process.

So this amendment, Mr. President, I believe is ill-timed. It would not help the peace.

AMENDMENT NO. 3335 TO AMENDMENT NO. 3334

Mr. KASTEN. At this time, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. KASTEN] proposes an amendment numbered 3335 to amendment No. 3334.

SENSE OF THE CONGRESS REGARDING A PEACEFUL SETTLEMENT IN THE WESTERN SAHARA

Expressing the sense of the Senate regarding a peaceful settlement in the Western Sahara.

Whereas the United Nations has formulated a peace plan for the resolution of the Western Sahara conflict;

Whereas the peace plan calls for a referendum to be held in which Sahrawis would decide between integration with Morocco and independence;

Whereas there have been delays in this peace plan due to disagreements over such issues as voter criteria; and

Whereas the Secretary General's most recent report indicated that progress continues toward a referendum: Now, therefore, be it

Resolved, That it is the Sense of the Senate that—

(1) the Secretary General's efforts to resolve this conflict are to be praised;

(2) the Secretary General is to be commended for his appointment of a new Special Representative on the Western Sahara; and

(3) the United States should encourage all parties to the conflict to fully cooperate with the United Nations in the implementation of the United Nations referendum.

Mr. KASTEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I hope that this amendment in the nature of a substitute will resolve the question that we are dealing with here, but also I want to be sure that we put equal pressure on the two sides of this dispute. My hope is that the Senate can agree to this amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I would only make two observations. The U.N. report, as the Senator from Wisconsin mentioned, says fully complying. If indeed that is the case, I am sure the President would certify that he felt that all sides were fully cooperating. This is just this additional $20 million above the administration request to which this certification would apply.

I would say, regarding the sense-of-the-Senate resolution, the difficulty is there is really no leverage except with the funds going to Morocco because, as I said earlier, there is nothing going to the Polisario.

I am certainly very sensitive to the issue regarding Morocco and believe the Senator from Wisconsin has stated it very well. Our relationship to Morocco is an important one. Morocco has been a stabilizing influence in North Africa. But I do feel that, when we watch this conflict go on for years, it really behooves all parties to come together in some resolution. And this is a very small way, I think, in which to do it.

I think the sense-of-the-Senate resolution would make a wonderful preamble to my amendment because certainly anything in that is beyond reproach. It is urging all parties to come together. I would take it a step further with some muscle that at least sends a signal that I think is important.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, I ask that I modify my amendment to conform to the proper form.

The PRESIDING OFFICER. The Senator has that right and it is modified.

The amendment, as modified, is as follows:

SENSE OF THE CONGRESS REGARDING A PEACEFUL SETTLEMENT IN THE WESTERN SAHARA

The United Nations has formulated a peace plan for the resolution of the Western Sahara conflict;

The peace plans call for a referendum to be held in which Sahrawis would decide between integration with Morocco and independence;

There have been delays in this peace plan due to disagreements over such issues as voter criteria; and

The Secretary General's most recent report indicated that progress continues toward a referendum:

Therefore, it is the Sense of the Senate that—

(1) the Secretary General's efforts to resolve this conflict are to be praised;

(2) the Secretary General is to be commended for his appointment of a new Special Representative on the Western Sahara; and

(3) the United States should encourage all parties to the conflict to fully cooperate with the United Nations in the implementation of the United Nations referendum.

Mr. KASTEN. Mr. President, I hope the Senate will agree to this balanced approach. The Senator from Kansas and the Senator from Wisconsin are not far away, here, in terms of what our goals are. All of us are seeking to resolve this dispute. But the question before us now is what is the best way to do it. My hope is that the Senate would decide on a balanced approach and adopt my amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I wonder if we might be able to put the vote aside for a few minutes on this? I am advised a number of Senators have been at a memorial service at the National Cathedral for Paul Tully and have not yet returned.

First let me ask this parliamentary inquiry, Mr. President. What would the vote be on? The vote we have the yeas and nays on.

The PRESIDING OFFICER. The yeas and nays have been ordered on the second-degree amendment, offered by the Senator from Wisconsin.

Mr. LEAHY. Mr. President, a number of Senators asked where we stand. We do have the pending Kassebaum amendment as amended by that proposed by the Senator from Wisconsin. There will be a rollcall vote on that, although not before 3 o'clock.

I would advise Senators who have amendments, bring them to the floor as soon as they can. Especially if they might be accepted. Because it is the intent of the managers to go to third reading as soon as we are reasonably certain nothing is pending here.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Vermont.

SOMALIA

Mr. LEAHY. Mr. President, I want to mention one item in the bill that is of great importance. The House bill established a new $80 million fund for disaster assistance in sub-Saharan Africa. The Senate bill increases the fund to $100 million, and requires that not less than $25 million be used in Somalia.

The situation in Somalia is very possibly worse today than it was a month ago when the US military airlift of relief food began. According to Dorothy Delaney, a Vermonter working in Somalia with the Federation of the Red Cross, the number of children dying of starvation in Baidoa has tripled in recent days and the violence in the Kismayo area threatens to halt relief efforts there.

One of the most urgent needs in Somalia is medical supplies, and additional support for NGO's.

About a month ago I spoke on this floor about Somalia, and urged the administration to step up its efforts to pressure the leaders of the warring factions to permit the relief operation to proceed and negotiate an end to the bloodshed. Although there is no functioning government in Somalia there are leaders, there are factions, there are power bases that can be the focus of mediation efforts.

Andrew Natsios, the head of OFDA, deserves praise for his efforts to coordinate the U.S. relief program. But that is not adequate. Top officials in the administration, from the President on down, should be speaking out about this catastrophe. Our diplomats should be actively pressuring the Somalis to find a way to stop the fighting. So far, the silence has been deafening.

SRI LANKA

Mr. LEAHY. Mr. President, the committee report on the Foreign Operations appropriation refers to the human rights situation in Sri Lanka. As the principal drafter of the committee report, I want to make clear I am aware of the great difficulties faced by the Government of Sri Lanka in combatting insurgencies. The committee report recognizes that the Government of Sri Lanka is taking certain steps to improve the human rights situation. I commend the Sri Lankan Government for its efforts, and encourage it to work even more closely with the United Nations, the ICRC, international human rights organizations, and its own internal human rights groups to protect basic human rights.

ASSISTANCE FOR THE PHILIPPINES

Mr. LEAHY. Mr. President, I want to clarify one matter that has been brought to my attention about the language in the bill and committee report concerning assistance for the Philippines.

On page 40 the bill states that "the President shall seek to channel through indigenous and United States private voluntary organizations and cooperatives not less than $25,000,000 of the funds appropriated under this paragraph and of the funds appropriated and allocated for the Philippines to carry out sections 103 through 106 of such Act."

However, on page 42 of the committee Report 102-419 the committee states that it has required that "not less than $25,000,000 of MAI funds be channeled through NGO's and cooperatives." Obviously, the report language fails to indicate that the $25,000,000 can come from both MAI and other funds, as stated in the bill.

I would ask the distinguished ranking member of the Foreign Operations Subcommittee, Senator KASTEN, whether he agrees with me that the report should have tracked the bill language, and that our intent is that funds from both the MAI and funds appropriated and allocated for the Philippines to carry out sections 103 through 106 may be used to support private voluntary organizations.

Mr. KASTEN. That is correct. The President can use both sources of funds to make up the $25,000,000 for private voluntary organizations.

REPORT LANGUAGE

Mr. KASTEN. Mr. President, I wish to enter into a colloquy with the distinguished Democratic manager of the Foreign Operations bill, Senator LEAHY. In the committee report, there is a reference to the Kosova region of Serbia. I would like to clarify the intent of this language to state that Kosova is a region of the former country of Yugoslavia. It was in no way our intent as drafters of this report to imply that Kosova is by any definition a part of Serbia.

Mr. LEAHY. I thank the Senator. I also agree that it was never our intent to refer to Kosova as a region of Serbia. I, too, wish to clarify that the intent of this language is to state that Kosova is a region of the former country of Yugoslavia.

AMENDMENT NO. 3335, AS MODIFIED, TO AMENDMENT NO. 3334

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what would occur if we went to the regular order?

The PRESIDING OFFICER. The regular order is the Kasten second degree substitute to the Kassebaum amendment.

Mr. LEAHY. Have the yeas and nays been ordered on that?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. LEAHY. Regular order.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Indiana [Mr. GORE], the Senator from Rhode Island [Mr. PELL], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. SPECTER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 40, nays 56, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—40

Bond
Breaux
Brown
Burdick, Jocelyn
Burns
Chafee
Cochran
Conrad
Craig
Danforth
Domenici
Durenberger
Garn
Gorton
Gramm
Grassley
Hatch
Hatfield
Helms
Inouye
Johnston
Kasten
Leahy
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Seymour
Shelby
Smith
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—56

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Bryan
Bumpers
Byrd
Coats
Cohen
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Dole
Exon
Ford
Fowler
Glenn
Graham
Harkin
Heflin
Hollings
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lugar
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sarbanes
Sasser
Simon
Simpson
Wellstone
Wirth
Wofford

NOT VOTING—4

Gore
Pell
Sanford
Specter

So the amendment (No. 3335), as modified, was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

AMENDMENT NO. 3334

Mr. KASTEN. Mr. President, I believe the pending order of business now would be the Kassebaum amendment. I suggest after just having this vote we could adopt the Kassebaum amendment by a voice vote. I suggest the Senate proceed to vote on the Kassebaum amendment immediately.

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by Senator KASSEBAUM which would condition military and economic aid provided to Morocco over and above that requested by the administration upon a finding by the President that Morocco is in compliance with the U.N. peace plan regarding the western Sahara.

The ongoing crisis in the western Sahara raises serious questions regarding the Government of Morocco's willingness to honor its international commitment to a free and fair referendum in the western Sahara. Senator KASSEBAUM's amendment would make clear our Government's support for the U.N. peace process and America's commitment to the principles of sovereignty and self-determination.

Since Morocco's invasion of the western Sahara in 1975, King Hassan II has staged a long and costly war against the indigenous Saharawi people to obtain permanent access to that territory's valuable natural resources.

For years, Morocco ignored proposals by the U.N. General Assembly calling for a referendum on self-determination by the Saharawi. When Morocco took its claim over the territory before the International Court of Justice, the Court found that Morocco did not have ties sufficient for claims of territorial sovereignty and, like the United Nations, supported "self-determination and genuine expression of the will of the peoples" to determine the territory's legal status.

Rather than accept that decision, King Hassan sent Moroccan troops into the territory who killed and disappeared thousands of Saharawi who were unwilling to recognize Moroccan sovereignty. Then, in what became known as the "Green March," King Hassan sent 350,000 Moroccan citizens into the Western Sahara to strengthen his claim to it.

Finally, after over a decade of war, the Government of Morocco agreed to a U.N.-sponsored peace plan leading up to a referendum under which the Saharawi would vote for independence or integration with Morocco. Under this plan, a cease-fire was to go into effect on September 6, 1991, and the referendum was to be held in early 1992. The parties agreed to use a 1974 census, which recorded approximately 74,000 Saharawis, to establish a voting list for the referendum.

Yet, only days before the cease-fire was to go into effect, Morocco bombed a compound the Saharawi had constructed to house United Nations personnel. After the cease-fire went into effect, King Hassan changed his position on the voting list. After having agreed to base the list upon the 1974 census, he presented the United Nations with a list of 120,000 additional voters from Morocco whom he claimed should also be permitted to vote. These individuals were moved into the Western Sahara in violation of the peace plan, which forbids the unilateral transfer of population into the territory without identification at the border by U.N. personnel.

U.N. observers are also deeply concerned by other violations of the peace plan by the Government of Morocco. These violations have prevented the observers from fostering an atmosphere of confidence and stability conducive to holding a free and fair referendum.

These violations include preventing critical supplies for U.N. personnel from reaching the field; denying U.N. observers access to military areas; threatening to shoot U.N. personnel; intercepting and blocking U.N. patrols and sideswiping U.N. vehicles; refusing to identify land mines to U.N. observers, resulting in the loss of three U.N. vehicles and serious injury to U.N. personnel; banning access to the territory by international observers, reporters, and human rights organizations; refusing to withdraw any of its 130,000 troops; and declining to provide figures on the strength and deployment of its armed forces, despite written instructions to do so from the U.N. Secretary General.

In the most serious violation of the peace process, last month King Hassan announced his intention to hold his own elections in the territory, independently of the United Nations—thereby wholly undermining the U.N. effort.

Failure of the U.N. peace plan is likely to have serious consequences for the stability of North Africa. If the Government of Morocco continues to obstruct the peace process, fighting in the western Sahara may well be renewed.

If the peace plan is to succeed, the United States must do more to make clear—through deed as well as word—our commitment to a free and fair referendum for the Saharawi people.

Senator KASSEBAUM's amendment is an important step in demonstrating America's commitment to the U.N. peace plan. I urge my colleagues to join me in supporting it, and to oppose the Kasten amendment.

AMENDMENT NO. 3334

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 3334) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware [Mr. BIDEN].

AMENDMENT NO. 3336

(Purpose: To provide the President the authority to provide military assistance to Bosnia)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. LIEBERMAN, and Mr. D'AMATO, proposes an amendment numbered 3336.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

SEC. 17. AUTHORITY TO ASSIST BOSNIA-HERZEGOVINA.

(a) Congress finds as follows:

(1) the United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia;

(2) the federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Herzegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces; and

(3) because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Herzegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo against Bosnia-Herzegovina, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1993; provided that the President certifies in a timely fashion to the Congress that:

(1) the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region; and

(2) United States allies are prepared to join in such a military assistance effort.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

Mr. BIDEN. Mr. President, I will be brief. I do not think it will take more than 5 to 10 minutes to explain my amendment.

Mr. President, the need for enhanced institutional preparedness for collective military action is underscored by the ongoing disaster in Yugoslavia. There a barbarism, unexpected in modern Europe, has unfolded, and it has unfolded in the face of outside disbelief and growing recognition of the world's unreadiness, even after the gulf war, to act decisively with collective military force.

The unabated slaughter in Bosnia instructs on several points, Mr. President.

First is this: If our multinational bodies are to act when needed, we must first prepare them to act, and at a later date I will be, not on this bill but early next year, pushing a bill to empower the United Nations to give some life and breath to article 43 of the U.N. Charter so that there is a standing capability with units of troops already committed by members of the Security Council and of the General Assembly to be able to act in such circumstances.

The second thing that the slaughter instructs us in is that if we do not prepare for collective action the end of the cold war could usher in not a new world order of which the President speaks but an era of endless inner-ethnic bloodletting.

Third, it instructs us that if we are going to have a new world order we, the United States, must be the architect in building one.

Since this administration, in my view, has not yet undertaken serious efforts to build such a foundation, we are left to take ad hoc measures in circumstances like that which exists at the moment in Bosnia. But the absence of a fully realized foreign policy must not prevent us from taking actions embodying principles that must govern any new world order rising from the chaos we are now in.

Of these principles, none is more fundamental than the imperative that the international community not turn its back to ruthless and barbaric aggression.

The amendment that I have offered is designed to empower and encourage the President of the United States to lead the international community in providing the assistance by which the people of Bosnia can at least defend themselves against one of this century's most wanton acts of inhumanity. The amendment speaks of the perverse effect of the current U.N. embargo against the Republics of the former state of Yugoslavia, an embargo that has achieved no other purpose than to leave the people of Bosnia-Herzegovina unarmed against a ruthless and heavily armed enemy.

The amendment provides the following authorization: that at such time as the United Nations takes the collective action needed to lift the embargo against Bosnia-Herzegovina, the President may, in conjunction with other allied nations, provide military assistance to that government through a drawdown of up to $50 million in Defense Department stocks of military weapons and equipment.

This amendment is not a requirement, Mr. President. It is an authorization with a strong implication that action is urgently needed.

Mr. President, since the Senate last debated this issue, much more has been learned. We now know of the existence of death camps in which thousands of Bosnians have been exterminated. We now know that this winter, barring a dramatic change in their circumstances, more than 100,000 more Bosnians will die, having been starved and frozen while under Serbian siege.

Are we prepared to adjourn, Mr. President, having done nothing at all to deal with this issue?

I have no more desire than General Powell or any other American to see United States ground troops in combat in the former Yugoslavia. But that goal does not require self-imposed blindness or irresponsible actions; or, I should be more precise, irresponsible inaction, which is what we have been undertaking.

Mr. President, it has for sometime been taken as a given that the Bush administration's strong suit is foreign policy. But mere acquaintance with foreign leaders, accompanied by status in the realm of action, is not a foreign policy. Indeed, if a sound foreign policy is one that comprises coherent initiatives and response in the world arena directed at promoting well-conceived national interests, then the Bush administration is perilously close to being without a foreign policy.

President Bush began his administration with a homily that America has more will than wallet. But this administration has demonstrated that its limitation is quite the reverse. We are a wealthy and gifted nation in danger of squandering our human and material resources and abdicating our duty to lead the world because of the failure of national leadership, of our President to galvanize our national will.

With the imperative now building around us, Mr. President, we can no longer afford an American foreign policy of denial and drift.

Yesterday, Mr. President, Senator GORE sadly laid out a story of the Bush administration's most ironic foreign policy failure, the Iraq policy for which it has tried to claim so much credit.

But there is a larger irony, Mr. President. It is that the entire foreign policy of the administration falls equally short of the grandiose claims that have been made for it. All told, it is the foreign policy of boast, miscalculation, and a blunder of Iraq and far beyond.

Today we can rectify one tragic consequence of this pattern of inaction. We must no longer stand idly by when we can at least cease the current perverse policy that denies the people of Bosnia the means for their own defense.

So, Mr. President, the amendment I have sent up is very straightforward. Let me just read from it to explain. It says:

> (a) Congress finds as follows:
>
> (1) the United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia;
>
> (2) the federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Hercegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces; and
>
> (3) because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Hercegovina from its embargo.
>
> (b) Pursuant to lifting the United Nations arms embargo against Bosnia-Hercegovina, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1993; provided that the President certifies in a timely fashion to the Congress that:

And then 4 things have to happen.

> (1) the transfer of such articles would assist that nation—

That nation, Bosnia-Herzegovina—

> in self-defense and thereby promote the security and stability of the region; and
>
> (2) U.S. allies are prepared to join in such a military assistance effort.

I note parenthetically, the military assistance consists solely of providing equipment without reimbursement.

> (c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.
>
> (d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

It is very straightforward, Mr. President.

In conclusion of my remarks, Mr. President, when Yugoslavia disintegrated, and the world, including the United States, recognized the existence of independent countries made up of the former Yugoslavia, the group that was left with the Yugoslavian military, which was considerable, with the guns and ammunition, supplies, and personnel, were the Serbians. And, Mr. President, the Bosnians were not.

So when the embargo was placed, the end result was, one side has an overwhelming supply in hand, the other side has nothing with little or no possibility of getting anything. We are seeing the effects of that unfortunate, well-intended but devastating, decision on the part of the Bosnians to be able to defend themselves against the naked aggression and ethic cleansing undertaking of their Serbian neighbors.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I am pleased to cosponsor this amendment. The war against Bosnia-Hercegovina has raged on now for more than 4 months. One by one, Bosnian towns have been destroyed, around 65 percent of Bosnia's territory has been occupied, hundreds of thousands of people have been forced from their homes, and tens of thousands have died—victims of ethnic cleansing.

This amendment recognizes the fact that the U.N. arms control embargo has codified the overwhelming advantage of Serbian forces, leaving the Government of Bosnia defenseless against hundreds of tanks, squadrons of Migs, and thousands and thousands of artillery rounds and cluster bombs. The arms control embargo has ensured that the government and people of Bosnia cannot defend their homes, their mosques and churches, their culture and their lives.

Mr. President, the international community made a decision to welcome Bosnia-Herzegovina into the Community of Nations. The United States, like most of the rest of the world, recognized Bosnia as an independent State. Bosnia is a member of the United Nations. So, it seems to me that the decision on whether or not to lift the arms control embargo boils down to this: Does the Government of Bosnia have the right to self-defense? I believe that the answer is "Yes." Bosnia, like the United States, like any other recognized State has the right to defend itself against aggression. And, the only obstacle to self-defense is the arms control embargo.

This amendment while urging the international community to lift the arms embargo, and authorizing up to $50 million in military equipment to be given to the Government of Bosnia, still leaves the final decision to the President. Only if the U.N. lifts the arms control embargo, is the President authorized to transfer defense articles, and only after he certifies that such articles would assist Bosnia in its self-defense, and would promote security and stability in the region.

Mr. President, it seems to me that we can not have it both ways. We need to help the people of Bosnia or allow them to help themselves. I urge my colleagues to support this amendment.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, the distinguished occupant of the chair, the Senator from Connecticut, and I have prepared an amendment on precisely the subject which the Senator from Delaware has raised. As a consequence, I ask unanimous consent that the Senator from Connecticut and I be included as cosponsors of the current amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Will the Senator yield for 2 seconds? I ask unanimous consent as well that Senator DOLE be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I believe the Senator from Delaware has hit the nail on the head with this amendment. We face a situation in what used to be Yugoslavia in which a conflict which is part civil war and part slaughter is occurring by reason of the aggression of Serbian forces. The former Yugoslavia army was almost entirely composed of Serbians. The arms industries in that country are located in Serbia. Serbians with tanks and armored personnel carriers and artillery have been engaged in sieges and slaughters in Bosnia and in Croatia for more than a year, in a way which shocks the conscience of humanity. Their leaders have agreed on numerous occasions to engage in ceasefires, to place their artillery under U.N. observation, to allow refugees to leave. And without exception they have broken those agreements.

The United Nations and the United States at the same time have sought to end the conflict by an arms embargo against all parties. That arms embargo, however, has no real impact on the Serbian and quasi-Serbian forces which are well armed and have a steady supply of arms. It has, however, greatly penalized those who are fighting for their own independence and territorial sovereignty.

The balance we chose to preserve, according to our officials in Bosnia, is 300 tanks, 200 armored personnel carriers and up to 800 artillery pieces for the Bosnian Serbs and two tanks and a handful of artillery pieces for the Bosnian Moslems.

As a consequence, an ending of that arms embargo and the offer of aid of this nature to them seems to this Senator the correct course of action.

It is protested. It is stated that for the United States and for other Western powers to allow such arming will simply prolong the fighting and prolong the deaths. I suppose in one sense, at one level, that is correct. But the other half of that coin is that our policy will end that conflict as quickly as possible by a total Serbian triumph, by the complete ethnic cleansing of Bosnia of all non-Serbians, short of allowing the aggressors to win.

This Nation has had a long history, most recently in Afghanistan but in many other nations in the world, of allowing arms to be sold and supplied to those who are fighting for the liberty and for the liberation of their own country. Such arms will not be of any help if the Bosnians do not wish to fight for their own liberties. All indications, however, are that they are so inclined.

And if we are unwilling—and I believe we should be unwilling—to send our own troops, or other Western troops into the morass which is the former Yugoslavia, at the very least we ought to allow those who wish to fight for their own freedom to do so effectively.

This resolution will do so. I commend the Senator from Delaware for offering it, and I offer it my most hearty and complete support.

The PRESIDING OFFICER (Mr. BIDEN). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the amendment offered by the distinguished occupant of the chair, the Senator from Delaware [Mr. BIDEN] and say I am proud, along with my colleague and friend from Washington, to join as an original cosponsor of this amendment.

In calling for an end to the arms embargo against Bosnia, and in authorizing the President of the United States to transfer up to $50 million of military stocks to Bosnia, we are fulfilling here a moral responsibility. And we are correcting a perverse effect that a well-intentioned act had.

The arms embargo against the nations of the former Yugoslavia was designed with the loftiest of motives, and that was to prevent the spread of violence. That goal, sadly, has been beyond our reach. And the embargo, as a result, has had a contorted and perverse effect. It has prevented the Bosnians, who are the victims here, from adequately defending themselves against Serbian aggression.

We have effectively left a people defenseless, without the right or the means to defend themselves against aggression. In that sense, the embargo, unintentionally, has contributed to the horrific slaughter which unfolds before the eyes of the world each day.

I congratulate and thank the Senator from Delaware for taking the leadership in offering this amendment.

Mr. President, the Senate addressed this crisis in Yugoslavia before we left in August, and did so in a strong and bipartisan fashion as is appropriate to the case. But we also expressed, I think, there, and responded to what is a quandary both in the United States and in the community of civilized nations as to how, in the post-cold war world, we will respond to ethnic and national conflicts of this kind, the worst kind, that we are seeing here—aggression approaching in some cases genocide against the Moslem population of Bosnia.

The nations of the world agitate and equivocate, complain, as they do understandably in Europe, about the flood of hundreds of thousands of refugees that are moving West and yet they are unwilling to take action to stop that flood by bringing the conflict to some kind of closure.

This amendment responds in a way that is real and forceful to that dilemma, and attempts to ease the pain of the worst consequences of the world's unpreparedness to deal with this kind of post-cold war crisis.

In fact we are being challenged by what is happening in Yugoslavia today to come to some conclusion about whether we are prepared to act whether our interests in a specific strategic sense are limited but the moral outrage is absolutely unlimited and clear; whether in fact we are prepared to use our muscle where there is no oil involved, no other clear national strategic interest involved, but just the overpowering legal and moral principle that people are being slaughtered because of their religion—in this case Moslem—and whether we are prepared to act in that case.

Mr. President, as the Senator from Delaware indicated, the extent of the disaster in Bosnia becomes clearer everyday and is much clearer today than it was when he adopted the resolution in August.

Just yesterday, officials of the U.N. Commission for Refugees estimated that up to 400,000 Bosnians could die this winter—die, not from bullets but from cold, disease, and starvation, which is the effective result of Serbian aggression.

We are receiving more confirmation of what we have suspected for a long time and that is that the Serbians are engaging in wholesale slaughter of innocent men, women, and children because of their religion or their nationality.

We have begun to actually be able to identify individuals who are responsible for what is happening. According to United States officials there are two Serbian leaders who we know by name who are responsible for an unspeakable crime that has been committed in what is now the real heart of darkness, the area around Banja Luka, which is the main Serbian city in northwestern Bosnia. We know now that between 2,000 and 3,000 Moslem men, women, and children were murdered there in May and June, in the Moslem village of Kozarac, 18 miles west of Banja Luka. We know two people who have been responsible, leaders of Serbian forces responsible for that genocide. I hope before too many days have passed, too many Moons have come and gone, we will see these two standing before an international war crimes tribunal.

We also know now that 200 captives from a detention center near Banja Luka were killed in cold blood on August 21; women and children were put on one bus, men and teenage boys on another. After several hours of driving, from credible eyewitness sources, we now know that the men and boys were taken off of the bus and shot, one by one—each waiting their turn to die.

Nor is this wave of cruelty against people because of their religion in this region, this northwestern region of Bosnia, abating. According to international relief workers, a campaign of violence has escalated in recent weeks against the hundreds of thousands of Moslems who still inhabit the region.

Mr. President, the human tragedy of Bosnia cries out for a firm international response. We must act because it is our moral responsibility to act. And we must do so, also I believe, because we have an interest in preventing and stemming the tide of Serbian aggression in Bosnia. Because if we do not it will only encourage Serbian aggression in Kosovo, and it will inspire nationalists throughout what was the former Soviet Union to believe that violence yields more fruit than diplomacy and negotiation.

The gasoline of ethnic hatred lies in puddles throughout much of Eastern Europe and the former Soviet Union, and the Serbian aggression is the lighted match. Unless we snuff it out, it will lead to fires that will well be beyond our control.

This amendment is a beginning, as was the resolution which was adopted a few months ago. This amendment moves beyond and is more specific and more concrete and, in fact, more helpful, expressing support not just for humanitarian aid but expressing a willingness to make this a fair fight and by doing so, to create some incentive for the Serbs who effectively are free to move at will to come to the peace table.

Mr. President, there has been a lot of debate within this circle, as the Senator from Delaware said so well, and outside of the circle, by diplomats, by military leaders about the appropriate range of military response here.

I guess everybody agrees no matter what their opinion that we ought to send no ground forces into this very bitter conflict, ground forces from America or Europe, but there are ground forces there. There are Bosnian ground forces. They are ready and willing and anxious to defend themselves and their families, but they do not have the means to do so. The intent of this amendment, quite simply, is to do that, to give them the arms with which they can defend themselves against the brutality that is threatening their very existence.

I thank and congratulate the Senator from Delaware for offering this amendment. I urge my colleagues to support it. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. LEAHY. Mr. President, 5 minutes ago we were about to accept this. But I understand in the last 3 or 4 minutes, another Senator says he wants to come down and oppose it, so that may not be possible.

If there is another Senator who wishes to speak on this—in fact, what I will do is this: I am perfectly willing to go to a vote right now and I am perfectly ready to go to third reading right now. We have a lot of Senators who have come to the floor for 2 minutes and said they have something and suddenly disappear to important matters, the gym, whatever. If they are interested in it, let us go with it.

I ask unanimous consent that the pending amendment be set aside so that we can take up an amendment on behalf of Mr. SIMON and Mrs. KASSEBAUM regarding Zaire which I understand has been cleared on both sides.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

AMENDMENT NO. 3337

Mr. LEAHY. Mr. President, I send an amendment on behalf of Mr. SIMON and Mrs. KASSEBAUM to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. SIMON, for himself and Mrs. KASSEBAUM, proposes an amendment numbered 3337.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any similar provision, the President is authorized to provide assistance to nongovernmental organization in Zaire, including nonpartisan election and democracy-building assistance to support democratic institutions in Zaire: *Provided*, That the President determines and so certifies to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives that Zaire has made significant progress toward democratization and that the provision of such assistance will assist that country in making further progress and is otherwise in the national interest of the United States. A separate determination and certification shall be required for each fiscal year in which such assistance is to be provided.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3337) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3338

(Purpose: To oppose financing by international financial institutions of developing countries whose military expenditures are greater than their expenditures on health and education)

Mr. LEAHY. Mr. President, I ask unanimous consent it further be in order to send to the desk at this time, holding back the Biden amendment, an amendment on behalf of Mr. HARKIN, myself, Mr. ADAMS, Mr. WOFFORD regarding Third World development and threat reduction.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KASTEN. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. KASTEN. I have had an opportunity now to review the Harkin amendment. First, I ask unanimous consent I be added as an original cosponsor of the Harkin amendment. My hope is it will be adopted by the Senate. I ask unanimous consent to be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have sent the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. HARKIN, for himself, Mr. LEAHY, Mr. ADAMS, Mr. WOFFORD, and Mr. KASTEN, proposes an amendment numbered 3338.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE —THIRD WORLD DEVELOPMENT AND THREAT REDUCTION ACT OF 1992

SEC. 01. SHORT TITLE.

This title may be cited as the "Third World Development and Threat Reduction Act of 1992".

SEC. 02. STATEMENT OF POLICY.

The Congress declares that, in order to promote economic growth in developing countries, it shall be the policy of the United States to encourage developing countries—

(1) to reduce military and military-related expenditures and to dedicate greater resources to health, education, and productive enterprises; and

(2) to dedicate an appropriate allocation of health and education resources to meet the needs of the majority of their populations.

SEC. 03. IMPLEMENTATION.

For the purpose of carrying out the policy described in this title, the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the United States voice and vote in fiscal year 1993 and each fiscal year thereafter to—

(1) vigorously advocate and promote policies within such institutions designed to encourage developing countries—

(A) to reduce significantly military and military-related expenditures where these are high and a reduction would be appropriate and

(B) to enhance appropriately resources for primary health care and basic education as a percentage of general government expenditure;

(2) to develop procedures and mechanisms within such institutions to collect data on military and military-related expenditures, primary health care, and basic education for developing countries and to take into account such information in carrying out paragraphs (1)(A) and (1)(B); and

(3) beginning October 1, 1993, to oppose any loan, the extension of financial assistance, or any technical assistance by such institution except for the purposes of defense conversion, to any developing country whose military expenditures as a percentage of general government expenditure are greater than its combined expenditures on health and education as a percentage of general government expenditure.

SEC. 04. REPORT.

As part of the annual report of the National Advisory Committee, the Secretary of the Treasury shall submit a report to the

Congress on the actions taken by the United States executive director to each internationl financial institution in carrying out the provisions of this Act.

SEC. 05. WAIVER.

In fiscal year 1993 or thereafter, the prohibition contained in section 03(3) shall not apply to any developing country for which—

(1) the President determines and so reports to Congress that to do so would endanger—

(A) a democratically elected government facing armed aggression or the threat of armed aggression from a hostile neighboring country; or

(B) the survival of a democratically elected government facing a substantial and sustained offensive from a local insurgency; or

(2) the President determines and so reports to Congress that to do so would result in significant harm to United States national interests.

SEC. 06. DEFINITIONS.

For purposes of this title—

(1) the term "developing country" is a country with a per capita income not in excess of $4,000;

(2) the term "international financial institution" means the International Monetary Fund, the International Bank of Reconstruction and Development, the International Development Association, the African Development Fund, the Inter-American Development Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development; and

(3) the term "military expenditures" includes all expenditures needed for the maintenance and support of the armed forces, but does not include funds destined for civilian law enforcement, unless such law enforcment is under the control of the military or a paramilitary organization.

Mr. LEAHY. The list of the original cosponsors does include, I understand, the Senator from Wisconsin [Mr. KASTEN].

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I am proud to be joined by the distinguished chairman of the Foreign Operations Subcommittee, Senator LEAHY, as well as Senators ADAMS and WOFFORD, in offering this amendment. I want to thank Chairman LEAHY for his work in helping to draft the amendment and for his leadership in this area.

Mr. President, the cold war is over and it is time for new priorities in America and countries around the globe. It is time to promote economic growth and seek to reduce military expenditures in developing countries.

Mr. President, there is a wide consensus that large military expenditure impede economic and human development in developing countries by diverting capital and other resources away from productive public and private investment. A recent IMF working paper by Daniel Hewitt, as well as Robert McNamara's study prepared for the World Bank's Annual Conference on Development, conclude that international financial assistance "both enables and encourages a nation to spend more on the military".

Mr. President, the U.S. Government has an obligation to the American taxpayer to ensure that their tax dollars are spent wisely. The American taxpayer does not want to see their hard-earned tax dollars subsidize the military expenditures of the Third World. But, the American taxpayer will support a policy that helps raise the standard of living of people in Asia, Africa, Eastern Europe, and Latin America without any additional cost to themselves.

Mr. President, by encouraging developing countries to reduce their military expenditures we can help the developing nations of the world obtain the vast additional resources necessary to build schools, health clinics, and rural water systems—without increasing our contribution to foreign aid by one cent.

My amendment instructs the Executive Directors at the World Bank, the IMF, and all multilateral institutions to use U.S. voice and vote to promote policies that: First, reduce military spending in developing countries; second, increase expenditures on basic health and primary education in developing countries to meet the needs of the impoverished majority; and, third, beginning October 1, 1993, prohibit all assistance to countries which spend more on their military than health and education.

Mr. President, let me cite some facts on Third-World military, health, and education expenditures before elaborating on what my amendment purports to do. Among the 97 poorest countries in the world, 19 countries allocated more money to their military than to health and education combined. The U.N. Development Programme [UNDP] calculates Third-World military expenditures at $173 billion in 1987 with a historic growth rate of 7.5 percent per year. According to the United States Arms Control and Disarmament Agency, during the 1980's, nearly 5 percent of Africa's gross national product was allocated to the military sector. The Global Coalition for Africa recently reported that sub-Saharan African governments imported nearly $15 billion in weapons, a sum equivalent to the combined 1989 gross domestic products of Chad, Ethiopia, Madagascar, Malawi, Mozambique, Somalia, and Tanzania.

Mr. President, the Global Coalition for Africa's report further states that if African governments were to reduce their military budgets by 50 percent between 1992 and 2000, $7.5 billion could be released for development purposes.

Mr. President, according to the U.N. Development Programme, a freeze on all Third-World military expenditures could release $15 billion a year—more than the entire foreign aid bill.

My amendment will encourage developing countries to reduce or at least freeze their military expenditures, which could redirect $150 billion over the next decade to raise the standard of living of their citizens, without costing the American taxpayer one dime.

Still, it is not enough, Mr. President, to encourage Third-World governments to reduce military spending. We also must encourage developing countries to dedicate a greater amount of their health and education budgets to meet the needs of the impoverished majority of their countries.

Research conducted by the World Bank indicates that raising the average educational level of the labor force by 1 year can raise GDP by as much as 9 percent. The World Bank estimates that 3 years of schooling as compared to zero raises GDP by 27 percent. The World Bank Development Report 1991 also states:

> The educational status of adult women is by far the most important variable explaining changes in infant mortality and secondary school enrollments. An extra year of education for women is associated with a drop of 2 percentage points in the rate of infant mortality.

Yet, according to the United Nations spending in almost all developing countries is heavily biased toward higher education rather than basic education for the majority. And UNICEF points out that it is not atypical among developing countries for 75 percent of public spending on health to serve only the top 25 percent of the population. That's why my amendment directs the U.S. executive directors to promote policies which encourage Third World governments to redirect health and education spending in developing countries to meet the needs of the impoverished majority. We should be encouraging policies that help build developing countries from the bottom up, not the top down.

Mr. President, let me emphasize that this amendment will strengthen emerging democracies in the Third World by reducing the political influence of the military.

My amendment will promote economic growth and increase the standard of living of the impoverished majority in Third World countries. Economic growth with equity, human development, and political democracy in Asia, Africa, Eastern Europe, and Latin America benefit the United States as well. Latin America already constitutes one of our most important markets. To the degree that their markets expand, so too will American jobs and our exports.

The amendment will also enhance U.S. national security by increasing political stability in Third World countries, and averting potential threats. And, we can do this without increasing foreign aid by 1 cent. That is not only good morals, it's good policy and good economics.

Again, I want to thank the managers of the bill for their assistance on this amendment.

Mr. LEAHY. Mr. President, I congratulate Senator HARKIN for his leadership and am pleased to join him in offering this amendment.

The purpose of this amendment is to begin to use our influence as the largest contributor to the international financial institutions to convince the developing countries to spend less money on their armed forces and more on the health and education their people so desperately need.

According to the United Nations, military expenditures of Third World countries total upward of $200 billion each year, and are growing 7.5 percent per year. Some countries are spending two or three times as much on their armed forces as on health and education, at the same time that we and other donor countries are spending billions to pay for health and education in those same countries.

Of the 97 poorest countries in the world, at least 25 are spending more on their militaries than on education and health, and 18 spend more on education and health combined.

That makes no sense. Why should the American taxpayer foot the bill for the most basic social services in poor countries in Africa and Central America when they are throwing away their own money to buy expensive military hardware they do not need.

Why should the American taxpayer do what their own Governments refuse to do for their own people?

Now, I do not want to suggest that any country does not have the right to defend itself. That goes to the very heart of sovereignty. But most of these countries have no real enemies. They pour money into their armed forces because the generals and colonels have a grip on politics, and can dictate where the money goes.

If they want the help of the international institutions that lend our money, they are going to have to change their ways. There is nothing revolutionary about this idea. The Presidents of the World Bank and the IMF have already said these countries need to cut their military expenditures and start investing in the human resources that can make their economies grow.

This is a modest amendment. It calls on the U.S. executive directors to the World Bank, IMF and other international financial institutions, to vigorously advocate and promote policies to encourage the poorest countries to reduce their military expenditures, and put more of their scarce resources into health and education.

It also instructs our executive directors to oppose loans by these institutions to any country with a per capita income under $4,000, whose military expenditures exceed its combined expenditures for health and education. This provision does not take effect until October 1, 1993.

To illustrate that this is a perfectly reasonable amendment, the U.S. Government spends 5.2 percent of its total budget on defense. Many of us believe that is too much, but we spend 13 percent of health and education combined, and many of us think that is not enough.

The amendment does contain a waiver. If the President determines and reports to Congress that to oppose such a loan would endanger a democratic government facing armed aggression, either from within or outside its borders, the prohibition on loans does not apply. This will ensure that, for example, in the case of a country like Peru, or the Phillipines, where armed insurgencies are seeking to overthrow the Government, these countries could still count on United States for loans if the President made the required determination.

The President could also waive this requirement if he reports to Congress that to oppose a loan would result in significant harm to U.S. national interests.

Mr. President, one need look no further than the Horn of Africa today to see the legacy of decades of neglect by governments that cared far less about helping their own people than amassing bigger and more powerful arsenals of the latest weapons.

We have seen enough of our foreign aid dollars wasted. From now on, if these countries want our money they need to get serious about getting their priorities straight.

If the new world order means anything, it means that in the poorest countries that cannot even feed their own people, where millions of children die every day from hunger, where countless millions grow up illiterate, people should matter more than guns and bullets.

Mr. President, I ask unanimous consent to print in the RECORD statistics on military expenditure versus health and education.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY EXPENDITURE VS. HEALTH AND EDUCATION

All data based on most recent statistics.[1] Over 99 countries have per capita GDP's under $4,000. Note: This data is based on per capita GDP not general government expenditure as the amendment directs; 19 Countries, among the 97 poorest, allocated more money to their military than to health and education combined.[2]

1. Mozambique[2]
2. Ethiopia[2]
3. Tanzania[2]
4. Chad[2]
5. Somalia[2]
6. Gambia[2]
7. Uganda[2]
8. China[2]
9. Pakistan[2]
10. Iran[2]
11. Iraq[2]
12. Sudan[2]
13. Angola[2]
14. Nicaragua[2]
15. El Salvador[2]
16. Yemen[2]
17. India[2,3]
18. Syria[2]
19. North Korea[2]

MILITARY, EDUCATION, AND HEALTH EXPENDITURES FOR THE 71 POOREST COUNTRIES IN THE WORLD

[In millions of 1987 dollars]

	Military		Education		Health	
	Number	Percent of GNP	Number	Percent of GNP	Number	Percent of GNP
1. Mozambique[1,2,3]	102	8.0	51	4.0	23	1.8
2. Ethiopia[1,2,3]	472	8.8	225	4.2	67	1.3
3. Tanzania[1,2,3]	171	5.3	116	3.6	35	1.1
4. Chad[1,2,3]	34	4.9	14	2.0	4	.6
5. Somalia[1,2,3]	23	2.4	6	.6	3	.2
6. Laos	....	....	3	.6	....	....
7. Nepal[3]	3[3]	1.2	77	2.8	23	.8
8. Malawi	21	1.8	38	3.2	23	1.9
9. Zaire[3]	82	1.6	139	2.7	44	.9
10. Cambodia	....	....	....	....	....	....
11. Bangladesh[3]	291	1.7	345	2.0	105	.6
12. Sierra Leone[3]	5	.8	9	1.3	4	.6
13. Madagascar[3]	37	1.9	56	2.9	38	2.0
14. Gambia[1,2,3]	16	10.0	5	3.3	3	1.6

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[1] World Development Report 1992, World Bank (Oxford University Press); Sivard, L. Ruth; World Military and Social Expenditures 1991, 15th edition (1991). Cross References: The State of the World's Children 1992, UNICEF (Oxford University Press). McNamara S. Robert; "Reducing Military Expenditures in the Third World," Finance & Development, Volume 3, (September 1991). McNamara S. Robert; The Post-Cold War and Its Implications for Military Expenditures in the Developing Countries,—Paper prepared for the World Bank's Annual Conference on Development Economics, March 1991.

[2] Countries that spend more on their military than on health and education combined. Discrepancies in data may arise from under reporting. Data is also unavailable for several countries, such as Yugoslavia and the newly independent states in the former Soviet Union.

[3] Recent data indicates that India's military expenditures are currently higher than health and education combined. (Military 3.5 percent of GNP, Health 0.3 percent of GDP, Education 0.5 percent of GDP).

MILITARY, EDUCATION, AND HEALTH EXPENDITURES FOR THE 71 POOREST COUNTRIES IN THE WORLD—Continued

[In millions of 1987 dollars]

	Military		Education		Health	
	Number	Percent of GNP	Number	Percent of GNP	Number	Percent of GNP
15. Uganda[1,2,3]	80	2.4	50	1.5	10	.3
16. Bukino Faso[3]	51	3.0	50	3.0	17	1.0
17. Mali[3]	61	3.3	62	3.3	14	.7
18. Burundi[3]	32	2.9	35	3.1	9	.8
19. Nigeria[3]	180	.8	349	1.5	51	.2
20. Zambia[2,3]	63	3.6	60	3.5	34	2.0
21. Vietnam						
22. Guyana[2,3]	29	11.8	24	9.6	11	4.4
23. Burma[3]	190	1.9	198	2.0	73	.7
24. China[1,2,3]	13,418	4.4	8,235	2.7	4,269	1.4
25. Pakistan[1,2,3]	2,575	7.9	726	2.2	65	.2
26. Guinea[3]	60	3.0	60	3.0	20	1.0
27. India[2,3]	9,815	3.9	8,808	3.5	2,265	.9
28. Niger[3]	17	.8	67	3.2	15	.7
29. Rwanda[3]	38	1.8	74	3.4	13	.6
30. Equatorial Guinea						
31. Kenya[3]	237	3.1	543	7.1	153	2.0
32. Haiti	28	1.3	42	1.9	28	1.3
33. Ghana	45	.9	169	3.4	58	1.2
34. Indonesia[3]	1,367	2.1	2,197	3.4	335	.5
35. Togo[3]	43	3.6	78	6.5	20	1.7
36. Central African Republic[3]	19	1.8	53	5.0	13	1.2
37. Benin[3]	31	1.8	86	5.0	14	.8
38. Sri Lanka[3]	204	3.1	245	3.7	115	1.7
39. Yemen[1,2,3]	494	26.6	310	11.5	71	3.5
40. Lesotho[3]	20	2.9	29	4.2	12	1.8
41. Liberia[3]	26	2.4	43	4.0	19	1.8
42. Mauritania[3]	40	4.6	50	5.8	17	2.0
43. Zimbabwe[3]	390	8.1	506	10.6	178	3.7
44. Bolivia	(4)	(4)	(4)	(4)	(4)	(4)
45. Egypt	(4)	(4)	(4)	(4)	(4)	(4)
46. Sudan[1,2,3]	800	6.0	563	4.2	27	.2
47. Philippines[3]	609	1.8	675	2.0	240	.7
48. Senegal[3]	96	2.2	197	4.5	48	1.1
49. Morocco[3]	800	5.0	899	5.6	161	1.0
50. Dominican Republic	50	1.1	67	1.4	80	1.7
51. Mongolia[3]	172	10.9	22	1.4		
52. Papua New Guinea	42	1.4	148	5.0	89	3.0
53. Honduras[2,3]	190	5.0	188	4.9	125	3.3
54. Guatemala[3]	124	1.8	154	2.2	85	1.2
55. Swaziland	8	1.3	36	6.2	13	2.3
56. Nicaragua[1,2,3]	592	20.0	183	6.2	148	5.0
57. Ivory Coast	117	1.2	566	6.0	159	1.7
58. Thailand	1,657	3.5	1,711	3.6	540	1.1
59. El Salvador[1,2,3]	177	3.9	98	2.1	42	.9
60. Ecuador[3]	208	2.1	340	3.5	181	1.9
61. Jamaica	25	1.0	132	5.2	71	2.8
62. Namibia			54	3.0	11	.6
63. Paraguay[3]	49	1.1	56	1.3	13	.3
64. Angola[1,2,3]	2,040	20.0	306	3.0	102	1.0
65. Congo[3]	92	4.5	111	5.4	43	2.1
66. Colombia[3]	273	.8	905	2.7	237	.7
67. Cameroon[3]	232	1.9	334	2.8	101	.8
68. North Korea[1,2,3]	5,840	20.0			250	1.0
69. Albania[3]	151	4.2			83	2.3
70. Botswana[3]	82	6.0	126	9.2	52	3.8
71. Tunisia[3]	492	5.4	494	5.4	201	2.2
Total	44,932		34,388		11,737	
Other relevant countries of interest:						
1. Turkey	(5)	(5)	(5)	(5)	(5)	(5)
2. Chile[3]	575	3.3	823	4.7	357	2.1
3. Cuba[3]	1,296	7.2	1,116	6.2	540	3.0
4. Iran[1,2,3]	19,000	20.0	2,650	2.9	1,380	1.5
5. Iraq[1,2,3]	9,370	30.2	1,429	4.6	248	.8
6. Peru	(5)	(5)	(5)	(5)	(5)	(5)
7. Syria[1,2,3]	2,721	11.5	1,109	4.7	104	.4

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[1] Countries that allocated more money to their military than education and health combined.

[2] Countries that allocated more money to their military than to education.

[3] Countries that allocated more money to their military than to health.

[4] Recent data from the World Development Report 1992, World Bank, indicates that Bolivia's defense, education and health expenditures are 14.1 percent, 18 percent and 2.3 percent of Central Government expenditures respectively. Egypt's defense, education and health expenditures are 12.7 percent, 13.4 percent and 2.8 percent of Central Government Expenditures respectively.

[5] World Development Report 1992 (World Bank) and indicates that Turkeys expenditures on defense, education and health are 11.7 percent, 19.2 percent and 3.6 percent of Central government expenditures respectively. Peru's expenditures for defense, education and health are 11.2 percent, 16.2 percent and 5.1 percent of Central Government Expenditures respectively.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3338) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I understand we are back on the Biden amendment, am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. Mr. President, will the Senator yield? To accommodate the Senate's schedule and the managers' desire to get through this bill, can we lay the Biden amendment aside and proceed to another one?

Mr. LEAHY. Mr. President, I will say to the Senator from North Carolina, as far as I am concerned, I am ready to go to a vote on the Biden amendment. Mr. President, I ask the distinguished ranking member of the committee, if I might, are there other Senators—I know of none on this side—are there other Senators who wish to speak on the amendment?

Mr. KASTEN. It is my understanding the Senator from Virginia [Mr. WARNER] desires to speak on the amendment, and I believe he is the only remaining Senator desiring to speak on the amendment. My hope is, I am told, in fact, that he is on his way.

Mr. LEAHY. Mr. President, I ask the distinguished Senator from North Carolina, approximately how much time does he desire? I am not trying to limit him to time, but just to get some idea.

Mr. HELMS. I probably will not take more than 10 minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent that we temporarily set aside the Biden amendment, and I then will yield to the Senator from North Carolina. When that is completed, we can take up the Biden amendment and the Senator from Virginia [Mr. WARNER] may be here by then.

Mr. HELMS. Reserving the right to object, I want to be fair with the Senator from Vermont. In all probability, I am going to ask for the yeas and nays on my amendment and that may make a difference whether he wants to lay aside the Biden amendment. But we can also lay aside my amendment.

Mr. LEAHY. Mr. President, I am trying to accommodate all Senators. As the Senator from North Carolina knows, it is a difficult situation to be the manager of a bill that I was prepared to go to third reading on hours ago.

Might we do this, because the Senator from Virginia is still not here. To accommodate the Senator from North Carolina, let us go forward with his amendment. If he is going to require a rollcall vote, I ask if he might at that point join me in a unanimous-consent request to set his amendment aside so we can complete this one.

Mr. HELMS. By all means. I think it is the proper thing to do.

Mr. LEAHY. I yield to the Senator.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Delaware is laid aside, and the Chair recognizes the Senator from North Carolina.

AMENDMENT NO. 3339

(Purpose: To reduce total budget authority in the bill by 10 percent (excluding amounts paid to foreign countries by law) and use the savings to reduce the deficit)

Mr. HELMS. Mr. President, I thank the Chair. I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The Senator from North Carolina [Mr. HELMS] for himself, Mr. BROWN, and Mr. SMITH, proposes an amendment numbered 3339.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. LEAHY. Mr. President, I think it is a short one. Maybe it will make it a lot easier for me, if I have to explain it to everybody, if we do not waive the reading of the amendment.

Mr. HELMS. Very well. I would like to hear my amendment read.

The assistant legislative clerk read as follows:

At the end of the bill, add the following:

SEC. . The total amount of budget authority for fiscal year 1993 provided in this Act is reduced by 10 percent. Each amount of budget authority for fiscal year 1993 provided in this Act for payments not specified by law for foreign countries is reduced by the uniform percentage necessary to reduce the total amount of budget authority provided in this Act by 10 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act. The reductions made by this section shall be applied to reduce the deficit.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the way I figure it, 7 hours and 59 minutes from now, this fiscal year will be over and that is the underlying point of my amendment.

We are going to see how serious Senators are, including the one from North Carolina, about cutting the Federal debt which, as of the close of business this past Monday, September 28 which is the latest date for which a figure is available down to the penny stood at $4,043,564,162,646.52.

The amendment which the distinguished clerk has just read would reduce by 10 percent foreign aid expenditures. That is to say, it will reduce by 10 percent the amount of money the American taxpayer has to furnish to be sent to somebody overseas.

This amendment would return the savings to the U.S. Treasury for the purpose of reducing the Federal deficit. Specifically, the amendment proposes to cut the total amount appropriated under this bill by 10 percent, excluding those amounts specified for earmarked countries such as Israel, Greece, Turkey and Egypt.

This amendment presents Senators with a choice to, (1) reduce foreign aid to help reduce the deficit or, (2) keep throwing money away on foreign aid and add to the burden of the American taxpayers by increasing the Federal deficit.

Mr. President, I have said many times on this floor this year, and sometimes had rebuttal from very good friends of mine, that anybody familiar with the Constitution of the United States knows that no President can spend a dime that has not first been authorized and appropriated and approved by the Congress of the United States—both Houses, the House of Representatives and the Senate.

However, as this Nation has become increasingly aware of the daunting enormity of the Federal debt, this basic fact about constitutional responsibilities has not prevented Members of Congress from attempting to shift blame for this fiscal disaster to somebody else, most frequently to the White House.

I do not claim that the White House has been occupied for the last 25 to 30 years by people who are fiscally pure as the driven snow. But I am saying that had the Congress been of a mind to operate this Federal Government on a balanced budget, Congress has the authority to do it. And the Congress has failed miserably year after year after year.

I mentioned just a minute ago that friends of mine in this Senate have disagreed with me on this subject. Senator LEAHY—he is the chairman of the Agriculture Committee, on which I serve—arose after I had spoken the other day and said—let me quote him—"to put the blame on Congress misses the point very, very much."

Then Senator LEAHY said, "The President submits a budget. The President submits proposals."

Well, I say to my friend—and I say it with all the affection that I can muster—he is right there, but the Constitution does not say one syllable about the President submitting a budget.

The President is not required to do it, and I think he is a fool for trying to do it because for the 20 years I have been in the Senate, just about every time a Republican President has sent up a budget, you hear snickerings and ha-ha's, people saying, "It is D.O.A." It is dead on arrival. "We are not going to deal with that President's budget." So it does not make any difference what the President proposes, regardless of who is the President.

The Congress, let me reiterate, has the authority to balance the budget any year regardless of what any President proposes—be it Bush, Reagan, Jimmy Carter, Nixon, Eisenhower. Go as far back as you want. The Congress could have balanced the budget but did not.

Congress had and still has the ultimate responsibility not to drive this country over the cliff in terms of Federal debt.

So, Mr. President, the dead cat of the $4 trillion debt lies at the doorstep of the Senate and the House of Representatives, and let there be no mistake about that. We could have balanced the budget if we had had the guts to do it. But we did not have the guts to do it, and it is just as simple as that.

Mr. President, we could have stopped the spending spree. We could have balanced the budget. We did not. And Senators ought to fess up to the fact that, without giving excuses and putting the blame elsewhere.

So that brings us to the pending amendment—through which we will see the extent to which this Congress—this Congress, the 102d Congress—is willing to stop making excuses and to start exercising its constitutional responsibility and authority to cut spending.

The Founding Fathers put it in our hands. They did not put it in the hands of the President of the United States. It does not make any difference what the President asks for, little or big, great or small. It is our duty. It has been our duty. And maybe one of these days we are going to stop talking about the Reagan deficits,the Reagan debt, or Bush debt. Congress did it to the American people here in the House of Representatives and the Senate. The President did not do it. That canard ought to stop now.

Now, we can cut foreign aid as an opener, as this amendment proposes to do, by 10 percent and save the American taxpayer approximately $2.6 billion. I expect that if you put this amendment to a vote among the American people, it would win by 90 percent.

Perhaps the managers of this bill will point out that this bill is already about $1 billion under the President's request, but I say to you that does not have anything to do with it. If we think it is unwise to spend a nickel, we have the authority to say we are not going to spend that nickel or $1 billion or whatever the amount may be. It is our responsibility. It has been our responsibility since the Founding Fathers gave us the U.S. Constitution, which, to me, is the greatest document ever created by the mind of man. And we ought to follow the Constitution.

I remember what my former colleague, Sam Ervin, said about this. Incidentally, Mr. President, you never had the privilege of serving with Sam Ervin. You missed a lot. Senator Ervin was my senior Senator for 2 years, and I never had a better relationship with anybody than with him.

At that time he was a Democrat and I was a Republican. I had been a Democrat, but then I changed parties.

Sam Ervin said, "Jesse, I never voted for a nickel in foreign aid."

He did not believe in it. Nor does this Senator. I believe in compassionate aid, but I do not believe in bailing out failing governments as we have done for years and years and years.

As I indicated earlier, the American people instinctively, and I think wisely, sense that foreign aid is a waste of their money. And it is. That is why there is so little support outside of the beltway for foreign aid.

But what does have support outside of the beltway is reducing the Federal deficit, and the Federal debt. Of course, until we start reducing or eliminating—the better word is eliminating—the Federal deficit, we are not going to do anything about the Federal debt which right now stands in excess of $4 trillion.

I am looking at these bright young people who serve as Pages here in the Senate. Sometime tonight I want you young folks to get a piece of paper and try to write out arithmetically $4 trillion, $4,000,000,000,000. Then you will see, as I hope all the young people in this country will see eventually, that Congress cannot keep up this business of running the Federal debt to the stratosphere without ruining your chances for economic survival.

I have children a little older than you, and grandchildren somewhat younger than you. And I am interested in them. And I am interested in you.

Mr. President, people are going to oppose this amendment, and say, oh, it is too much of a cut. I think it is not enough. I think we ought to cut more than 10 percent. Sure, as I have indicated earlier, we ought to leave the door open for humanitarian aid, but the kind of foreign aid program that we have run since the middle 1950's has just contributed so much to our debt.

I did a study a little over 10 years ago of the cost of foreign aid as of that time. I will not go into the mechanics of it, except to say that I had my fine staff go back to the first year of foreign aid to find out what interest rate the Federal Government was paying on money it borrowed. We have been running a deficit since the forties, as a matter of fact. I asked the staff to apply the interest and roll it over and roll it over and roll it over. And 10 years ago the figure was so enormous that I had to have the Library of Congress use their computers at the time because nothing available to us could handle a figure that big.

That was 10 years ago, I emphasize. It came back from the Library of Congress, and I was jolted out of my chair. It came back that the foreign aid program, counting the interest we had paid and all the rest of it, was $2 trillion, and that was 10 years ago.

Mr. President, on February 25 of this year I began a little process of reporting to the Senate every day the most current figure available for the Federal debt down to the penny. I gave that as I began my remarks. Every day since February 25 that the Senate has been in session, the figure has been updated.

I did not do it the entire time because I had a little encounter with a heart surgeon down in Raleigh back in June. I was away. But my good friend from Idaho, LARRY CRAIG, made the daily report for me. And I am grateful to him.

Let us see what has happened to the Federal debt since February 25, the day I started reporting the exact total of the Federal debt. The debt has grown $218,289,712,691.35. That is the increase in the debt since February 25.

Today, September 30, is the end of the fiscal year and we ought to kiss it goodby tonight at 12 o'clock with shame, and with apologies to the young people of this country for what we have done to them. They are the ones that are going to have to struggle with paying this debt. I expect these young pages will be grandfathers and grandmothers before a dent is made in it.

During this fiscal year which began October 1 last year, 1991, through to today, Congress spent $305 billion more than the Federal Government took in.

Revenues collected in fiscal year 1992 increased 2.6 percent over those collected in fiscal year 1991. But while those additional funds were coming in, total Government spending increased twice as fast—by 5.2 percent over the year before.

We cannot continue to run up the debt over and above what has been collected in taxes while we continue to give billions to foreign countries. Something must be done about this urgent situation.

During the Senate debate surrounding the passage of the original Foreign Assistance Act in 1961, Senator Ervin offered this analogy about the Federal Government spending tax-dollars on foreign aid:

> If an individual were to persist in borrowing money for the purpose of giving it away, his family and friends would institute an inquisition in lunacy, and procure the appointment of a guardian to manage his affairs. If an individual were to undertake to give away his property instead of paying his debts, the law would stay his hand and compel him to be just rather than generous. It is high time that Congress should exercise some common sense and put similar restraints on the Federal Government.

Senator Ervin could not have been more on target. But, if it was high time in 1961 to put our fiscal house in order, what can be said of the Government's situation in 1992?

So, today, Mr. President, we will see the extent to which this Congress is willing to stop making excuses, and start exercising its authority to cut spending. Senators will be asked to make a choice, a very clear choice: Cut foreign aid by 10 percent and take a step in the direction of fiscal responsibility, or continue to mortgage our Nation's future so that billions more in borrowed money can be shipped overseas in foreign aid.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho [Mr. SYMMS].

AMENDMENT NO. 3340 TO AMENDMENT NO. 3339

(Purpose: To reduce total budget authority in the bill by 10 percent (including amounts paid to foreign countries by law) and use the savings to reduce the deficit)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The Assistant legislative clerk read as follows:

> The Senator from Idaho [Mr. SYMMS], for himself and Mr. HELMS, proposes an amendment numbered 3340 to amendment No. 3339.
>
> Delete all after "Sec. ." and insert the following:
>
> "The total amount of budget authority for fiscal year 1993 provided in this Act is reduced by 10 percent. Each amount of budget authority for fiscal year 1993 provided in this Act for payments not specified by law for foreign countries is reduced by the uniform percentage necessary to reduce the total amount of budget authority provided in this act by 10 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act. The reductions made by this section shall be applied to reduce the deficit.

Mr. SYMMS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The Chair advises the Senator from Idaho that, after review by the Parliamentarian, the second-degree amendment appear to be exactly the same as the first-degree amendment. Therefore, it would not be in order.

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, I withdraw my second-degree amendment.

The PRESIDING OFFICER. The Senator from Idaho has the right to withdraw his second-degree amendment.

The amendment (No. 3340) was withdrawn.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment offered by the Senator from North Carolina.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE], the Senator from Rhode Island [Mr. PELL], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "nay."

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO] is necessarily absent.

The PRESIDING OFFICER (Mr. EXON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 58, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—38

Baucus
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Coats
Conrad
Craig
Daschle
DeConcini
Ford
Fowler
Garn
Glenn
Gramm
Hatch
Helms
Hollings
Kasten
Lott
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Roth
Seymour
Smith
Symms
Thurmond
Wallop

NAYS—58

Adams
Akaka
Bentsen
Biden
Bingaman
Bradley
Burdick, Jocelyn
Chafee
Cochran
Cohen
Cranston
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Gorton
Graham
Grassley
Harkin
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Riegle
Robb
Rockefeller
Rudman
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Warner
Wellstone
Wirth
Wofford

NOT VOTING—4

D'Amato
Gore
Pell
Sanford

So the amendment (No. 3339) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Vermont.

Mr. LEAHY. Mr. President, I would like to note for my colleagues exactly what an "aye" vote would have done on this amendment. The Foreign Operations Subcommittee made very considerable cuts below the President's request. There is $800 million less for foreign aid in this bill than the President asked for. But if this amendment had passed, let me tell you what it would have done. It would have reduced every program, project, or activity not earmarked for a foreign country. The money we give, for example, for the United Israel Appeal, for the resettlement of refugees from Eastern Europe and Russia and elsewhere, would have been cut considerably more than 10 percent. So those who come here and give long speeches about how they want to help resettle refugees from Eastern Europe and Russia—if they voted "aye" on this amendment they ought to know they voted to cut very substantially out of the program to settle refugees from Russia or Eastern Europe into Israel. That is what an "aye" vote did on this amendment.

That program also assists Russian and Eastern European Jews who come to the United States. I thought I would mention that for the next time somebody comes and gives a great speech about refugee assistance. If they voted "aye" they voted to cut that very substantially.

This cut would have applied to the United States contribution to, as I said, the United Israel Appeal, which is not designated in the bill for a specific country but for a program.

It also would have cut the U.S. contribution to the multilateral development banks, which promote economic development abroad.

I mention that because economic growth abroad means jobs and growth here at home. And it would have cut very substantially the funding for the Eximbank. A lot of Senators who have written to me about how much they wanted to increase support for the Eximbank because companies in their home States use that money to create jobs here in the United States to produce goods we export abroad.

I would say to those Senators, some of whom urged me to give more to the Eximbank, that their "aye" vote was a vote to cut funding for the Eximbank.

I have had a lot of Senators contact me and say we have to do something about Somalia, we have to do something about drought relief and starvation in sub-Saharan Africa and other parts of the world. I would tell those same Senators who wanted me to increase those funds and now voted "aye" on this amendment, that they voted for far more than a 10-percent cut for aid to Somalia or other poor countries in sub-Saharan Africa. That is because the way this amendment is worded, the cut would be far more than 10 percent after you discount the programs that are exempt. It is the poor countries, the Somalias, that would be hurt most. So, for those who called me about disaster assistance and refugee aid, if they voted "aye" for this amendment they just voted for substantially more than a 10-percent cut for those humanitarian programs.

Some have written to me and said they wanted me to include extra money for family planning to curb exploding population growth. If they voted "aye" on this amendment they just voted to cut substantially more than 10 percent for family planning.

Some in this Chamber have written to me or called me saying they wanted increased economic aid to Russia and Eastern Europe. If they voted "aye" on this amendment they just voted to cut substantially more than 10 percent for Russia and Eastern Europe.

So to sum up, this amendment means a cut of far more than 10 percent in our program for refugees. The earmark for the United States contribution to the United Israel Appeal would have been cut.

Sometimes these across-the-board amendments look good but sometimes the result they create is not what Senators may want. This foreign aid bill as it came out of the Foreign Operations Subcommittee that I chair had far greater cuts in it than any foreign aid bill I can remember in my 18 years in the Senate. Those cuts took a lot of thought, and they were not easy to make. They were done carefully. That is the hard way to do it but it is the way that is, I beleve, the most responsible way.

Mr. President, the distinguished Senator from Colorado had sought recognition.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, what you have just heard from the Senator from Vermont is what happened here all the time. They squeal like a stuck hog, every time you try to cut spending around this place. Then they say, "the President has run up the deficit." "He has run up the debt."

As I said earlier, my good friend from Vermont, Mr. LEAHY, and I had a little discussion about this very question back on September 10. At that time he ridiculed the idea that the Congress was responsible for the enormous Federal debt, even though I said and I say again today, that the President cannot spend a dime that has not first been authorized and appropriated by the Senate of the United States and the House of Representatives.

Any time you talk about cutting spending there come the squawk's—"oh, this is too good to cut. You better be careful because you will be hurting all these folks."

Mr. President, whom are you hurting? You are hurting the coming generation. I pointed earlier to the young people who are pages here in the Senate. They will be mothers and grandmothers and great grandmothers before a dent is made in this $4 trillion debt the Congress of the United States has run up. Those on the other side of the aisle always say, "Well, that was Reagan's debt; or that is Ford's debt; or that is Bush's debt."

No, Mr. President, the dead cat, of this $4 trillion debt, has been run up by the Congress of the United States and nobody else. Because we could have balanced the budget. We could have spent less. We could have used some restraint in how much money was being spent.

I say again, the Constitution is absolutely silent about whether a President should even send up a budget or not. It does not say anything about it. There was a statute passed some time ago by the Congress and I think Harry Byrd, Jr., my good friend, may have been the author of it. But nevertheless—and I say this with all respect and affection for Harry Byrd because he was a great Senator—every constitutional expert with whom I have spoken has said that statute passed by Congress requiring the President to send up a budget was unconstitutional.

And it was not something that this Congress, of all people, said that the President has to send up a balanced budget and every year the Congress of the United States unbalances the budget. It is something like 300 billion bucks over and above the income of the Federal Government that this Congress spends every year.

So just listen to the Senator from Vermont. He is trying to give an excuse for ducking the responsibility of the Congress of the United States. I did not expect the amendment to be adopted. But I expected to allow Senators to show where they stood, and they showed, and they voted down the amendment, and that is all right with me. But I am saying that the Congress of the United States can move toward a balanced budget any day it decides to exercise a little courage, a little intestinal fortitude.

All the excuses, and all of the warning "you are going to hurt this crowd," "you are going to take money away from this crowd," and so forth and so on. Well pardon me, but I will cry tomorrow about the beneficiaries of foreign aid. I will cry today for the young people of our Nation upon whom such an enormous debt has been saddled. That was what this vote was all about. Now I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, again I note that the bill I presented to my subcommittee had far greater cuts in foreign aid than any foreign aid bill I can remember in 18 years here. I also note that when we speak about whether it is the Congress or the President who proposes this, the Bush administration did not support this amendment to cut the foreign aid program by another 10 percent. Let us not leave that impression here, nor have I found any support from the administration for the cuts we already have made in this bill.

Certainly, the nearly 1.3 billion dollars' worth of cuts that I proposed, the cuts we got out of the subcommittee were not supported by the President. When we talk about what the Congress does or does not do, neither this administration nor I suspect any administration supports the kind of meat ax approach we saw with the amendment we just defeated. I do not want any impression left here that the administration somehow for deficit reduction purposes or otherwise was in support of the amendment that was just voted down. It was not.

I yield to the Senator from Colorado.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise to offer an amendment concerning the International Monetary Fund.

The PRESIDING OFFICER. Without objection, the——

Mr. WARNER. Mr. President, parliamentary inquiry. What is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is amendment No. 3336 offered by Senator BIDEN.

Mr. WARNER. Has there been a unanimous-consent request to set that amendment aside?

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. WARNER. I am not making a request, I am making an inquiry. Has that action been taken by the Senate?

The PRESIDING OFFICER. The Chair is inquiring whether there is any objection to it.

Mr. WARNER. Has the question been posed to the Chair and, if so, by whom?

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment No. 3336?

Mr. WARNER. Mr. President, reserving the right to object, and I hope that I will not object, does that amendment by the distinguished Senator from Delaware recur? Does it not recur as the pending business upon the disposition of the proposed amendment by the Senator from Colorado?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3341

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 3341.

At the appropriate place in the bill, add the following new section:

SEC. . IMF LOANS TO RUSSIA.

FINDINGS.—It is the sense of Congress that—

(1) Russia must carry our comprehensive economic reforms to merit the support of the International Monetary Fund.

(2) Russia's monetary problems remain unresolved, risks of hyperinflation remain high, and its monetary policies do not provide at this time a suitable basis for an IMF program.

(3) This is further confirmed by the recent fall of the ruble against other major currencies.

Therefore, the Secretary of the Treasury shall instruct the United States Executive Director to the IMF to oppose any loan to Russia unless the following criteria are met:

(1) The loan is primarily being used for economic reform rather than refinancing Soviet debt;

(2) The IMF is providing technical assistance in support of the reform effort; and

(3) The IMF has formulated a realistic package of financial assistance, spelling out in detail to Russia and the West its necessary components.

Mr. BROWN. Mr. President, the reason I did not interrupt the reading of the amendment and ask unanimous consent that it be considered as read is because the amendment is obviously pretty straightforward and reasonably brief and concise.

I offer it because of the concern about the conduct thus far with regard to the IMF in their dealings with Russia. I refer interested Members to an article that appeared in this Sunday's Washington Post. It was an article authored by Jeffrey Sachs, who is a Professor of economics at Harvard, and David Lipton, who is a fellow at the Woodrow Wilson Center. In that article, titled "Russia on the Ropes, How IMF Is Missing Its Chance To Spur Recovery," they are quite critical of the failure of the IMF to act during these desperate times in the former Soviet Union.

I want, with the indulgence of this body, to read a portion of that article to share my concern and to briefly point out why it is I think some urging is needed for the IMF to do the job that we all expect. I think every American is aware that we are adding $12 billion of American taxpayers' money to the IMF with this bill. I think in fairness, we ought to point out that those are loans. We fully expect that money to be paid back at some point, but it is clear that American money is at risk and I think we have a reasonable right to insist it be reasonably managed.

These two gentlemen who wrote the article in the Washington Post are not anti-aid, they are pro-aid for the former Soviet Union. They are very pro in terms of activates of the IMF. They start off saying this:

> Even as dramatic economic reforms go forward, Russia's monetary problems remain unresolved: The risks of hyperinflation remain high; the foreign debt is still not restructured; and only two of the 14 non-Russian states have introduced their own currencies.

They further point out that the International monetary fund to help Russia carry out its most urgent economic task is important.

> Yet something has gone wrong, seriously wrong, with the IMF's role in Russia.

Mr. President, I must say I think they have hit the nail on the head when they point that out. They say:

> The IMF should get the money—because its mission is unique and crucial—but it should be made conditional on fundamental management changes.

And that is what this amendment suggests, some modest changes in their management system.

> The controversies swirling around the IMF tend to focus on whether the institution is too tough in its advice to Russia, but these controversies miss the point. The problem is not toughness, but superficiality. Contrary to widespread perception, the IMF is barely present in Russia.

Mr. President, this is where we are talking about sending billions of dollars for IMF and their very presence.

> Remarkably, the IMF does not have a single monetary expert permanently in residence in all of Russia, much less the teams of resident advisors imagined in the public mind. Yes, the staff at headquarters working on Russia has grown significantly through personal shifts and new recruitment, but the end result where it counts—on the ground in Russia—has been negligible. Only two staff members are based there, but their job is mainly to gather and transmit information to and from the Washington staffers who fly in periodically for a couple of weeks at a time.

They go on to say, "The IMF simply has not done the things it can do to make a difference."

Mr. President, this is not from a critic of the aid. This is from an advocate to the aid.

What the amendment merely suggests is this, that before we vote as a country for those additional loans, we follow the advice that has been suggested for these kinds of loans and the commitments that have been suggested in three areas:

One, the loan is primarily being used for economic reform rather than refinancing Soviet debt.

Two, IMF is providing technical assistance in support of the reform effort. And the evidence up to date shows they have not done that.

Three, the IMF has formulated a realistic package of financial assistance spelling out in detail to Russia and the West its necessary components.

Mr. President, we are not talking about imposing all the conditions and regulations that the Federal Government imposes on American banks to make a loan. We are talking about only simple, basic things that already have been alleged would be taken care of by the IMF. This is simply a wakeup call that simply says do at least a minimum, the basics of the job. It would be a tradegy of the first order if our efforts to help Russia did not succeed.

I believe the IMF has a part in that. This amendment simply says they have to do at least the basics of their job.

Mr. President, it is my understanding that the Treasury has reviewed this and has agreed to the language.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I have discussed this earlier with the distinguished Senator, and, as I told Senator BROWN at that time, I have no problems with this amendment. And on this side, I am perfectly ready to accept it.

Mr. KASTEN. Mr. President, I urge adoption of the amendment.

Mr. BROWN. Mr. President, I ask unanimous consent that this letter of support from the Friends of the Earth be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> FRIENDS OF THE EARTH,
> *Washington, DC, September 30, 1992.*
>
> SUPPORT THE BROWN AMENDMENT TO CONDITION THE $12 BILLION QUOTA INCREASE FOR THE INTERNATIONAL MONETARY FUND (IMF) ON THE PREPARATION OF A STRATEGIC PLAN FOR ITS USE IN RUSSIA
>
> DEAR SENATOR: When the Foreign Operations Appropriations bill reaches the floor, please support the Brown Amendment to condition the $12 billion quota increase for the International Monetary Fund. The IMF should not be given any quota increase on the pretext of helping Russia until it prepares a strategic plan for what it will actually do. The Brown amendment would require such an essential plan of action to be prepared and signed on by the President before the quota increase can occur.
>
> In the absence of a definitive plan it is very unlikely that the financing will result in sound economic investment. The quota increase will simply be recycled to pay off old Soviet debts. It will likely refinance the bank accounts of the old economic elite, lead to further deterioration of the Russian economy, and result in social unrest.
>
> Citizen organizations have documented how IMF programs in the Philippines, Zimbabwe, Costa Rica, Ghana, and Chile have resulted in a deteriorating economy and a decline in the quality of life for large portions of the population. The IMF has failed to recognize the importance of these economic social and environmental indicators and continues to conduct business as usual.
>
> Congress has raised these concerns on several occasions. Despite the passage of legislation in 1989 to require the IMF to pay attention to the environment, the IMF has yet to undertake a serious initiative in this regard even though the destruction of the natural resource base deprives countries of their ability to service their debts.
>
> The IMF's poor performance in Russia this year shows the need for more IMF accountability. According to Russia's economic adviser, Jeffrey Sachs, the IMF has done an inadequate job assessing Russia's real needs. In a Washington Post article, printed last Sunday, Sachs said the IMF is a closed organization relying entirely on its inside staff. The IMF is aloof, developing its program without proper consultation with Moscow officials and economic experts.
>
> In its desire to aid the Russian people, Congress should seek an aid package that will wisely spend taxpayers' money, contribute to a healthy Russian economy, and avoid the mistakes of previous IMF lending.
>
> Sincerely,
>
> BRENT BLACKWELDER,
> *Vice President.*

Mr. BROWN. I would like to express my thanks to the distinguished Senator from Vermont for his support of this amendment and the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3341.

The amendment (No. 3341) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I know the distinguished Senator from Virgina is waiting. If he can withhold for just a moment, I have two noncontroversial amendments.

AMENDMENT NO. 3342

(Purpose: To reduce the amount available for obligation for salaries and administrative expenses of the Agency for International Development to the amount obligated for such purposes during fiscal year 1992)

Mr. LEAHY. Mr. President, I send an amendment on behalf of Senator GRAHAM of Florida to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Vermont [Mr. LEAHY], for Mr. GRAHAM, proposes an amendment numbered 3342.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 197, between lines 2 and 3, insert the following:
>
> SEC. . The amounts expended under "Operating Expenses" for salaries and expenses relating to the administration of the Headquarters of the Agency for International De-

velopment may not exceed the amounts expended during fiscal year 1992 for such salaries and expenses under such heading.

Mr. LEAHY. I understand this amendment has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3342) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3343

(Purpose: To require that information relating to salaries and administrative expenses of the Agency for International Development be included in the budget submitted to Congress)

Mr. LEAHY. Mr. President, I send another amendment to the desk on behalf of Mr. GRAHAM and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. GRAHAM, proposes an amendment numbered 3343.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 197, between lines 2 and 3, insert the following:

SEC. . The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Agency for International Development.

Mr. LEAHY. I understand this amendment also has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3343) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3344

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of Mr. INOUYE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. INOUYE, proposes an amendment numbered 3344.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following: "*Provided further*, That up to a total of $40,000,000 of the funds appropriated to carry out sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961 may be transferred to and consolidated and merged with the funds appropriated under this heading notwithstanding the limitations on transfers between accounts contained in section 514 of this Act and sections 109 and 610 of the Foreign Assistance Act of 1961: *Provided further*, That any funds transferred to carry out the purposes of the previous proviso shall be made available only for projects and activities which are consistent with the purposes of those funds as initially appropriated: *Provided further*, That transfers of any funds to carry out the purposes of this heading shall be subject to the regular notification procedures of the Committees on Appropriations.".

Mr. LEAHY. Mr. President, this amendment also has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3344) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. KASTEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, we had set aside earlier the Biden amendment. I know the distinguished Senator from Virginia [Mr. WARNER], is here to speak on it. I would ask that we bring now back before the Senate, following our earlier agreement, we bring back before the Senate the Biden amendment so that that will be the order of business.

Mr. WARNER. Mr. President, I certainly want to accommodate the managers of this bill. The amendment was just presented to the Senate a short time ago. I am in the process of contacting the Acting Secretary of State, Mr. Eagleburger, and I anticipate an opportunity to do that within the next 15 or 20 minutes.

Therefore, I would respectfully ask the managers of the bill to allow the Senator from Virginia to have a consultation with the Secretary, and if we could set a time at which we could once again address this amendment, that would be accommodating. I can sort of set forth basically what my concerns are.

Mr. LEAHY. I wonder if the Senator will yield just for a moment.

Mr. WARNER. Yes.

Mr. LEAHY. I am perfectly willing to accommodate the schedule of the Senator from Virginia. He has been most accommodating on this whole matter. I simply want to bring—because we have no other amendment pending—this amendment back before the Senate. But I have no intention of trying to force a vote or anything else. I certainly will accommodate, through a quorum call or anything else, any time the Senator from Virginia needs to discuss this with the administration, as is, of course, his right, some would say his duty, in this case.

I yield to the Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Vermont. As yet, I am not certain exactly what final position I will take on this amendment. But I would like to express to those who propose to accept this amendment, or wish to propound it, some questions that are on my mind, and they may well be on the minds of other Senators, and that is that this situation in Bosnia is, indeed, a tragedy.

I had the opportunity several weeks ago to visit in Sarajevo and see with my own eyes, having had the opportunity to be escorted by the French marines away from the airport into the city, the suffering, the indiscriminate use of weaponry, and the foreboding concern about winter as it descends on this once beautiful, indeed, majestic, part of the world, where not so many years ago the world had the opportunity to participate in the Olympics and see the people of that region, be they Serbian, Croatian, Muslim, Bosnian, whoever, join together as cohosts to receive the athletes from all over the world. Indeed, this whole situation poses an incredible quandary to all those nations that are trying to do their best to help the people and to bring about a cessation of the fighting.

My concern is that while this amendment is drawn to appear to give total discretion to the President, if it were to be adopted by the Senate, it could well be misconstrued and nuances could be misinterpreted once it is, that is, the knowledge of it, spreads beyond our shores and it could inspire hopes in peoples in this conflict which may never come to fruition.

Right now, as a consequence of the London conference, we have a former Secretary of State, Cyrus Vance, a former minister, Lord Owen, in the Government of Great Britain, working primarily on a voluntary basis to bring about a greater degree of peace and stability.

How would this amendment impact, I would like to ask the proponents, on the work of these two men who are basically volunteers? What would be the effect of this amendment on those nations that, candidly, have strong leanings toward Serbia?

In other words, if the embargo for some reason were lifted by the United Nations, and the United States, pursuant to this amendment, had the option to move in some up to $50 million in weapons, what is the likelihood that other nations in the world would begin to send like amounts to those forces aligned with the Serbian interests, again resulting in an arms race in which arms are coming in from several directions pouring into this nation at a time when the suffering has reached almost intolerable levels?

Consequently, I hope the sponsors of this amendment and others who wish to support it will make themselves available for a colloquy with this Senator and other Senators who, in my judgment, have legitimate concerns.

Further, at the present time, the nations of the world, under the auspices of the United Nations, are endeavoring to get in such supplies as they have in hand in the nature of humanitarian relief—food, medicine. I witnessed these brave persons bringing those supplies in. On the very day that I visited, there occurred the tragic loss of an aircraft bringing in such supplies from Italy.

I would like to ask the proponents of this amendment. Do we know for certain today who the guilty parties were that caused the death of the innocent and brave Italian aviators and others who were in that aircraft, all of whom were lost, killed? When a rescue effort was launched by U.S. marines standing offshore, the helicopters came in and experienced hostile gunfire. Are we prepared to say from whence that gunfire came? Who is responsible for it?

Some week or 10 days thereafter, the same marines that served as the host for my visit very bravely escorted me in an armored vehicle, armored vest and helmet, the whole regalia, into the city where some of those lost their lives. I am not sure to this date if it is absolutely clear who was at fault for those deaths.

I point out these two incidents because additional arms coming into this geographical location makes the role of the United Nations in delivering humanitarian relief that much more difficult. We are putting lives in peril, volunteer lives, who are going in on humanitarian missions under the auspices of the United Nations. Those lives are being lost.

I do not claim to be an expert on this. I simply availed myself of the opportunity to see in a very brief period of time, several hours, with my own eyes the devastation in this once magnificent city to learn from those who were there trying to fulfill the mission of the United Nations; that is, humanitarian deliveries, that they do not know the origin of much of the hostile fire. While I was there, you could hear the fire in all directions, 360 degrees, and the shells went over the airport; artillery shells, mortar shells, sniper fire. Quite frankly, no one can identify the origin of the fire or the purpose of the fire.

It was reminiscent of a visit I once had in Lebanon to that airport in the aftermath of the tragic loss, again of freedom fighters, in this instance 200-plus U.S. marines, who lost their lives.

Recently, the Chairman of the Joint Chiefs of Staff, a matter of a few days ago, spoke to this issue, and, I think, with great clarity, gave his opinion, a professional military opinion, with respect to the use of military forces for roles other than peacekeeping. He specifically addressed the role of peacemaking, and at a later time I will address more specifically the remarks of that distinguished soldier. But they do not directly bear on this particular amendment.

To lift the embargo, in the judgment of many, is to open a Pandora's box. That is what this amendment refers to, the lifting of that embargo. I cannot perceive the basis for the United Nations taking such action, but that is a triggering mechanism in the amendment. Without an embargo, there will be no way to control who would be supplying weapons to whom. Weapons could well flow in from all directions. While the Bosnians—and, indeed, I can justifiably have great concern about the Bosnians because they simply have not, through the years, acquired the quantum of weapons that allegedly the forces in Serbia now possess. So there is an imbalance from a strict technical organization of the weaponry associated with those forces now under the command and control of Serbia.

I would like to return at some point to the question of command and control. This is a serious question as to the extent even Serbia can control many of the factions now fighting in Bosnia. But nevertheless, to lift the embargo and for the United States then to begin to ship in arms, I think, could well trigger the shipment of arms from other nations in the world into this very hostile situation.

We have had, I think those who are closely involved with this conflict, experts look at the weapon supply situation. In the judgment of many experts, lifting of the embargo would not materially help the Bosnians. The Bosnians do not have the trained manpower to use sophisticated weapons. They sent in upward of $50 million of weapons from the U.S. arsenal. Many of these weapons are highly technical and complicated. Who is going to train them in the proper and safe use of these weapons?

Second, would not the message spread throughout this conflict that the next shelling could well be shells manufactured in the United States of America again falling on innocent civilians? The innocent civilians have been the category of persons that have really been the prime target of the hostility. This is great hostility. We all recognize that.

But there is no clean hand to be had, as we say in the law. It was clear that the Serbians have the preponderance of the guilt, but I do not know that any of us could stand here and say the Bosnian factions have clean hands in this conflict. There is no clear manner for the outside world to look in on this conflict, and decide clearly who is right, who is wrong, and who should receive the support, such as arms, as contemplated by this amendment.

We all want to stop the suffering. But I want the proponent of this amendment to explain to me how additional arms to one side initially, Bosnia, could bring about less killing, less killing and maiming of the innocent civilians.

The kinds of weapons that would be most useful in mountainous warfare are not in short supply anywhere in the world. Many nations possess them. There are innumerable arms merchants with warehouses stuffed full, and they would flow very rapidly into this conflict.

Mr. President, these are but some of the questions that I have related to this amendment, and I would like to give the opportunity to the proponents of the amendment to address some of these questions. For that purpose, I now suggest the absence of a quorum——

Mr. LEAHY. If the Senator will withhold that.

Mr. President, I thought that we had an amendment that was cleared for action that we could have passed. In the meantime, I find that I am not right.

Mr. BIDEN. Mr. President, the Senator from Virginia has posed two questions to me about the effect of the amendment this Senator has offered with regard to military assistance to Bosnia.

I would like to take this opportunity to answer those questions as best as I understood them.

First, the Senator from Virginia asked whether this amendment, by authorizing the President to provide $50 million in United States military equipment to Bosnia, would harm the efforts being made in London to achieve a peaceful settlement of this dispute.

The Senator has asked a pertinent question that merits a detailed answer. Let me offer the following response. Right now the Serbian forces have taken over the vast majority of the territory of Bosnia. As a result of this successful aggression, the Serbs are happy to negotiate a peace. Meanwhile, Bosnian Government forces are seeking military assistance to help them fight off this aggression. And so long as Bosnia has been largely taken from the Bosnians, it is hard to imagine a serious peace in that country.

Mr. President, the only language understood by Serbs fighting in Bosnia is the language of force. That is why it is my fervent belief that the Serbs will only agree to return the land they won through aggression if they believe they cannot hold that land.

In short, if Serbia and its forces in Bosnia understand that the Bosnian Government will be in a position to recapture their territory by force, then and only then will Serbs pursue serious negotiations. Therefore, military assistance is a means to accelerate a lasting peace—not a means to increase the bloodshed.

The Senator from Virginia's second question was whether lifting the arms embargo would result in further armaments being sent to Serbia by its allies.

My answer is that the amendment urges only that Bosnia be exempt from the arms embargo. In the same way that the international community has imposed an economic blockage only on Serbia and Montenegro it can impose an arms embargo only on Serbia and Montenegro.

I hope that these comments serve to answer the two pertinent questions posed by the Senator from Virginia [Mr. WARNER].

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator NICKLES be added to amendment No. 3323 as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I tell my friend from Virginia, if I might, my understanding is that with the exception of two or three minor amendments that are going to be—not minor; I do not mean that, but minor in the sense of the controversy, because they are so good. They are going to be accepted soon. We are just working that out right now. Once those are done and the amendment of the Senator from Virginia is done, we will be ready to complete this. I am perfectly willing to go ahead on a voice vote on the amendment presently before us, if there is—I forgot that the Senator from Virginia told me about his call. Maybe we can do this then. In the meantime, I suggest the absence of a quorum—

Mr. WARNER. If the Senator will withhold that, I want to be cooperative with the manager of the bill. My Republican leader has an interest in this amendment. I am advised that, given the interests of the Senator from Virginia, we are not going to have action on the amendment, and I can leave the floor for a brief moment to talk to the Acting Secretary.

Mr. LEAHY. I assure the Senator from Virginia that I will protect his rights, and we will not take further action on the amendment until he comes back from his phone call. The Senator can rest assured on that.

AMENDMENT NO. 3345

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Mr. CRANSTON and ask for its immediate consideration.

The PRESIDING OFFICER. The Biden amendment will be laid aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. CRANSTON, proposes an amendment numbered 3345.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 75, line (16) strike "and," and insert ";", then on line (19) strike "period" and add "; and (3) describe the extent to which indigenous people are able to participate in decisions affecting their lands, cultures, traditions and the allocation of natural resources, and assess the extent of protection of their civil and political rights."

Mr. CRANSTON. Mr. President, I send to the desk an amendment that would require the State Department to include in its yearly human rights report the status and condition of indigenous peoples around the world.

This amendment is an expanded version of that which came out of last year's conference report of the foreign aid authorization bill. At that time, the report requirement focused on the plight of the indigenous people of Latin America.

Mr. President, I believe that it is time that we give special attention to the human rights issues confronting the millions of tribal and otherwise underrepresented people around the world. As a statement issued today by Amnesty International USA, passage of this amendment "is a solid first step in ensuring that the human rights of indigenous peoples are not left by the wayside."

Later next month, attention will be focused on the plight of the more than 35 million indigenous people of Latin America, as we mark the 500th anniversary of the arrival of Europeans to the American hemisphere.

And next year has been proclaimed by the United Nations the "Year of the Indigenous People."

In some countries, such as Guatemala, Peru, Bolivia, and Ecuador—where huge populations of indigenous people are left virtually outside the realm and reach of government—the issue of their rights remains perhaps the most important roadblock to the consolidation of democracy and civilian rule.

The issue of the rights and roles of indigenous people, in some respects a traditional human rights concern, in others a cornerstone of democratic development in the Third World, are not going to go away. The report I am proposing today can help set the future agenda in a positive and proactive way. I urge its adoption.

Mr. President, I also ask unanimous consent that a statement by Jack Healey, the executive director of Amnesty International USA, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JACK HEALY'S STATEMENT ON THE CRANSTON AMENDMENT, A REPORT ON THE STATUS AND CONDITION OF INDIGENOUS PEOPLES

Amnesty International USA supports measures by the US Government to promote and protect the human rights of indigenous peoples. Because of that, AIUSA urges support for the Cranston Amendment to the Foreign Operations Appropriations Bill in that it calls for an accounting of the status and treatment of indigenous peoples around the world. More specific to Amnesty's mandate, it asks for available information on the promotion and protection of the civil and political rights of indigenous peoples. Amnesty International USA feels that this is a solid first step in ensuring that the human rights of indigenous peoples are not left by the wayside.

Amnesty International will be issuing a report next week entitled "Human Rights Violations Against the Indigenous Peoples of the Americas" which underscores the immediate necessity to address the status and treatment of indigenous peoples.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3345) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3346

(Purpose: To allocate funds for preventive screening to include breast and prostate cancer screening)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3346.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 17, line 7, strike out the period and insert in lieu thereof "; and".

On page 17, between lines 7 and 8, insert the following:

(i) Up to $10,000,000 shall be available for preventive services to include breast and prostate cancer screenings.

Mr. DOLE. Mr. President, this amendment is very simple. It states that up to $10 million shall be available to the Agency for International Development [AID] for preventive services to include breast and prostate cancer.

Over the years the United States has learned the value of preventive health care, and most recently, the value of preventive screenings, such as mammography for the detection of breast cancer and the PSA test for the detection of prostate cancer. The health programs instituted by the Agency for International Development are placing increasing focus on prevention. There is a recognition that even in less developed countries, as improved sanitation and immunization leads to better control of the spread of infectious diseases, and as infant and childhood mortality rates decline, cancer will become an increasingly important factor in the health of these populations.

Mr. President, this amendment is intended to support AID's growing emphasis on prevention and underscore the important role that preventive screenings play in early detection.

I think this amendment has been cleared on both sides.

Mr. LEAHY. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3346) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3347

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Mr. McCONNELL and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. McCONNELL, proposes an amendment numbered 3347.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

None of the funds appropriated by this Act or any other Act may be used to support the transfer of aircraft from the Department of defense to the Drug Enforcement Administration to carry out counter-narcotics activities in Guatemala, unless the President determines that to do so is important to the national interest and so notifies the Committees on Foreign Relations and Appropriations of the Senate.

Mr. DOLE. Mr. President, I understand this amendment has been cleared on both sides.

Mr. LEAHY. There is no objection on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3347) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I had another amendment. We are just double checking for the clearance of it. I see the Senator from Virginia back on the floor. I ask that the Biden amendment be brought back before the Senate, and I yield to the Senator from Virginia.

AMENDMENT NO. 3336

Mr. WARNER. I thank the distinguished manager of the bill and the Republican leader.

I have now had the opportunity to speak with the Acting Secretary of State Eagleburger. We must appreciate the fact that he has had but a few minutes to reflect on this amendment. Incidentally, he knows the general subject very, very well, primarily because at one time he was the United States Ambassador to the former nation of Yugoslavia and has taken an intense interest in trying to foster negotiations to resolve this tragic conflict.

He advised me that at this time the administration, given that they have not had the opportunity to consider the amendment in detail, would have to oppose the amendment but would have no objection if it is voice voted at this moment, so that the matter can be carefully considered in conference. But, again, the Secretary pointed out to me basically what I have already stated in my earlier remarks. It is the judgment of many, be they military, diplomatic, or others, that this conflict cannot be resolved without incredible amounts of bloodshed if military force is used, and that the hope of the nations of the world, indeed, the hope of the vast majority of the citizens of the former nation of Yugoslavia, irrespective of their cultural background, is that negotiations can prevail some day and in some manner and in some form that can bring about a cessation of the hostilities. To inject more arms in under this formula as laid down in the amendment or from other sources would only exacerbate the problem, and it would not likely foster that environment in which the negotiations could take place.

Having said that, Mr. President, I indicate my objection to the amendment, but I understand it is to be voice voted, and therefore, at the moment I see the proponent of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware [Mr. BIDEN] is recognized.

Mr. BIDEN. Mr. President, I have been in this body now for 20 years, and I think I have learned the language of the body. As I understand my friend from Virginia, he just says he opposes the amendment, the administration opposes the amendment, but they will not oppose it being voice voted, which is usually a code word for saying that if there is not a rollcall vote they assume it will be dropped in conference. Unless things have changed after 20 years.

I do not want to delay the Senate, and I do not think in 20 years I have ever been accused of delaying the Senate.

Let me ask the manager of the bill, the chairman of the committee, whether or not there is a voice vote or a rollcall vote supporting this amendment, will the distinguished manager of this bill and the chairman of the committee and the chairman of the conference be willing if the Senate adopts this by voice vote to treat it as if it were a rollcall vote and it were passed? Will he treat it with the same, as they say, respect and consideration as he would if this were a rollcall vote?

Mr. LEAHY. Mr. President, I recall in catechism class being told all God's children are the same in His eyes. And all the colleagues' amendments are the same in my eyes, rollcall vote or not.

I go into the conference on this supporting the Senate's position. There are some things in this bill that are contrary even to what I had proposed in the chairman's mark. I will support them in the conference.

The amendment of the Senator from Delaware is one that if we have a vote on it I would be voting for. I will note that.

I cannot commit to what the conference is going to do, because with 2 days remaining I do not know. That incidentally is the same answer I would give to cosponsors of amendments that I have in this bill and it is the same answer I have given to those who cosponsored amendments that I have proposed and which have been accepted. And I said with only 2 or 3 days left in the session in what is going to be a contentious conference, I cannot guarantee what will happen there.

The amendment of the Senator from Delaware is what I would support. What will happen in the committee of conference, frankly I do not know.

Mr. BIDEN. Mr. President, I thank the distinguished Senator for offering that. I, too, had catechism lessons for years and years, and I also remember God makes no guarantees but gives us sufficient grace and opportunity to be able to make it into heaven.

I realize my friend from Virginia is a much more magnanimous chairperson as the chairman than the Senator from Delaware is chairman of the Judiciary Committee. I often accept amendments with the express intention to drop them in conference. I have a tendency on this floor to be more candid than some are.

I want to make sure the Senator from Vermont is not like the Senator from Delaware who is accepting the amendment for the express purpose of dropping it in conference, as I thought was implied by the distinguished Senator from Virginia, because he and I understand the same Senate jargon.

He as chairman of the Armed Services Committee, as I do as chairman of the full Judiciary Committee, are less than ferocious in defense for it. If we had a vote, and that is not the case, if 100 Senators were for an amendment it forces the managers of the bill to be a little more vigilant in protecting that amendment in conference.

But because I know that the Senator from Vermont learned his catechism well and means exactly what he says, I will not ask for a voice vote, knowing that he has committed to do his best to see it be kept in conference. That is his intention but obviously I know better than anyone here every chairperson has no firm commitment.

I thank the Chair and I yield and will not ask for a rollcall vote.

Mr. LEAHY. Mr. President, I have not made a commitment to anybody to drop this matter in conference. I do not know what is going to happen in the conference. But I can assure Senators I will be supporting a number of amendments in conference including some that were contrary to what I had proposed in the chairman's mark.

Mr. DOLE. Question on the amendment.

The PRESIDING OFFICER. The question occurs on the amendment.

The question is on agreeing to the amendment.

The amendment (No. 3336) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it is my regret the distinguished Senator from Delaware, the author of the amendment, did not have the opportunity to address the arguments raised by the Senator from Virginia.

I would hope at some point in the RECORD the Senator from Delaware might consider the inclusion of some responses to the several questions posed by the Senator from Virginia.

I recognize that the Senator from Delaware is engaged in many activities, as are all Senators at this moment, so I would just suggest that perhaps before the day is out that could be made part of the RECORD so that those Senators studying this issue could have the benefit of both sides of the argument. I say that most respectfully.

Mr. BIDEN. Mr. President, I assure our friend from Virginia I will do that.

The only reason I did not respond was I was assured by staff persons on the Republican side that, please, do not stand up and take up time answering questions, because the administration is going to agree to accept the amendment.

Once again the staff is wrong. They are probably right having me not speak, but probably wrong in terms of the outcome.

That is the only reason I did not respond, but I will respond for the RECORD to each and every one of the Senator's questions.

Mr. LEAHY. Mr. President, I will note, so there will not be confusion, the Senator from Delaware was on the floor earlier and spent a considerable amount of time propounding the amendment. We were prepared to go to a vote at that time. To accommodate the Senator from Virginia, we set it aside then so he could come in at a later time. Of course by that time the Senator from Delaware had other matters. Both Senators were very diligent in it but unfortunately both having conflicting schedules.

Mr. President, I ask unanimous consent that Senator LEVIN be added as a cosponsor to my amendment No. 3323.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I said there may be one amendment left. As far as I am concerned we are ready to go to third reading in the next 2 or 3 minutes.

VETO MESSAGE—H.R. 5138

Mr. LEAHY. Mr. President, I have another matter while the distinguished Republican leader is on the floor; I ask unanimous consent that when the Senate receives the veto message on H.R. 5138, a bill providing MFN to China, that initial reading be waived and spread upon the Journal and the Senate return to its consideration under the previous order.

The PRESIDING OFFICER. Without objection, it is ordered.

FOREIGN OPERATIONS APPROPRIATIONS, FISCAL YEAR 1993

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, I urge Senators that brevity is the greatest encouragement to the manager of the bill to accept any amendment.

I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 3348

(Purpose: To express the sense of the Senate that action should be taken by the United Nations to halt ethnic cleansing in the former Yugoslavia and the United States should call for a meeting of the U.N. Security Council on methods to achieve that goal)

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. DOLE, Mr. LAUTENBERG, and Mr. HATFIELD, proposes an amendment numbered 3348.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . FINDINGS.

(1) Continuing hostilities and "ethnic cleansing" in the former Yugoslavia are killing thousands of noncombatants, displacing hundreds of thousands of civilians, and causing massive destruction and starvation;

(2) Independent reports of torture, atrocities and murder of civilian refugees and prisoners of war have been confirmed by officials of the United States Department of State, including the slaughter last spring of thousands of Muslims who had been captured by Serbians in the Bosnian town of Brcko, and

(3) The United States Senate did, on August 11, approve Senate Resolution 330, calling on the President to urge United Nations Security Council actions that would contribute to the cessation of hostilities in the former Yugoslavia, including: authorizing "all necessary means, including the use of multilateral military force under a Security Council mandate" to facilitate provision of humanitarian relief in Bosnia-Hercegovina; developing a plan to ensure access for United Nations and International Red Cross personnel to refugee and prisoners of war camps in the former Yugoslavia; and convening a tribunal to investigate allegations of war crimes and crimes against humanity in the region.

Therefore, it is the Sense of the Senate that—

The United Nations Security Council should act to halt the policy and practice of "ethnic cleansing" in the former Yugoslavia and the President of the United States should seek a meeting of the Security Council to consider methods of achieving that goal.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, this resolution expresses the sense of the Senate that the United Nations Security Council should act to halt the policy and practice of ethnic cleansing in the former Yugoslavia, and that the President of the United States should seek a meeting of the Security Council to consider methods of achieving that goal.

It speaks for itself. We all know what is going on in Yugoslavia. We are all uneasy about it. I think most of us feel that the United Nations should actively seek to halt the ethnic cleansing, and this would call upon the President to seek a meeting of the Security Council to consider means of achieving that goal.

Mr. President, I ask unanimous consent that Senator HATFIELD be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, might I inquire, has the Senate had any opportunity to examine this document?

Mr. DOLE. The manager has.

Mr. WARNER. For what length of time have we had it before the body? Those of us that have an interest, like the distinguished Senator, to stop ethnic cleansing would indeed like to have a few minutes to look at it.

Mr. LEVIN. I read the entire resolve clause, but I would be happy to place us in a quorum call.

Mr. LEAHY. Mr. President, this may help. While the Senator from Virginia is reading that, might I ask unanimous consent that we temporarily set it aside so I may move another amendment which has been cleared?

Mr. WARNER. I thank the managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3349

Mr. LEAHY. Mr. President, on behalf of Senator DOMENICI, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. DOMENICI, proposes an amendment numbered 3349.

Mr. LEAHY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48, strike all through line 5 and renumber the following subsection.

Mr. DOMENICI. Mr. President, the cold war is over. Socialism is discredited. The survivors need our help, and help is provided in this bill.

But, Mr. President, the peoples of Eastern Europe and the Baltic States have very different challenges than the people of nations where our agency for international development has been working for over 30 years.

Poland is not Pakistan. Latvia is not Liberia. You would never know it looking at this bill and its accompanying report.

This amendment would leave to the next administration which nations in Eastern Europe are willing to work with us, how much we can afford for each, and the types of help we will provide to each.

The bill before us, like the House bill, goes far beyond existing policy and the applicable SEED authorization act in micromanaging our programs of assistance to Eastern Europe and the three Baltic nations.

Why don't we want to leave it up to whoever is elected in November to look at these programs and make his own determination about how best to manage them? If we don't agree, then we can act to change it next year?

I know that the managers have been willing to extend unusual flexibility to those who are trying to help Eastern Europe.

I would ask the managers to agree to withhold the bill language forcing the Eastern Europe program into the traditional aid mold until the next administration has a chance to look at what has been done and determine what it wants to do there?

Mr. LEAHY. Mr. President, I understand this amendment has been cleared.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 3349.

The amendment (No. 3349) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3348

Mr. LEAHY. Mr. President, I understand we are back on the Levin amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senate is considering amendment number 3348, the Levin amendment.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment is so modified.

The amendment (No. 3348), as modified, is as follows:

SEC. . FINDINGS.

(1) Continuing hostilities and "ethnic cleansing" in the former Yugoslavia are killing thousands of noncombatants, displacing hundreds of thousands of civilians, and causing massive destruction and starvation;

(2) Independent reports of torture, atrocities and murder of civilian refugees and prisoners of war have been confirmed by officials of the United States Department of State, including the slaughter last spring of thousands of Muslims who had been captured by Serbians in the Bosnian town of Brcko; and

(3) The United States Senate did, on August 11, approve Senate Resolution 330, calling on the President to urge United Nations Security Council actions that would contribute to the cessation of hostilities in the former Yugoslavia, including: authorizing "all necessary force under a Security Council mandate" to facilitate provision of humanitarian relief in Bosni-Hercegovina; and for other purposes.

Therefore, it is the Sense of the Senate that—

The United Nations Security Council should act to halt the policy and practice of "ethnic cleansing" in the former Yugoslavia and the President of the United States should seek a meeting of the Security Council to consider methods of achieving that goal.

Mr. LEVIN. Mr. President, the modification is in the "whereas" clause. It has been worked out between myself and my friend from Virginia.

And with that modification, I ask unanimous consent that the Senator from Virginia be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, the Senator from Virginia will be added as a cosponsor.

Mr. WARNER. I thank my friend.

Mr. LEVIN. It is an improvement, because we avoid paraphrasing an earlier action of the Senate. Instead we simply incorporate it, in effect, by reference.

Mr. WARNER. I thank my colleague and friend from Michigan.

Indeed, the revision excises from the amendment as originally submitted that area of language which I had some concern with at an earlier time when the Senate addressed it. I still have some concern with it.

With the excising of that, I wish to commend the Senator on the main thrust of the amendment and indeed am privileged to be a cosponsor.

Mr. LEVIN. I thank my friend.

Again, I think the amendment speaks for itself. It is now urging the President to seek a meeting of the Security Council of the United Nations to seek ways of ending ethnic cleansing in the former Yugoslavia. That is not the thrust, as my friend said, but it is the gist, and that is it. That is the kernel, that is the essence, that is the totality of the "be it resolved" clause.

It does, although, make a very significant point, putting the Senate on record as asking the President to convene that meeting of the Security Council. It is important that we do that. It is the least we can do.

I hope that we have the unanimous expression of support from the Senate.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3358), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from Michigan not only for his resolution, but for the force of his argument and his unanimous support that he received here in the Senate because of the force of that agreement.

Mr. President, just so we can alert Senators on both sides, we are prepared to go to third reading at this point. I see no reason why we should not go to third reading.

I realize that Senators are merely constitutional impediments to their staffs. But if there is any staff that knows of a constitutional impediment who wishes to bring up an amendment, they may want to have them zip over here.

Mr. DOLE. Third reading.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3350

(Purpose: To allocate funds for humanitarian assistance for the people of Kurdistan)

Mr. LEAHY. Mr. President, I send to the desk an amendment on behalf of Mr. LIEBERMAN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for Mr. LIEBERMAN, proposes an amendment numbered 3350.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

KURDISH HUMANITARIAN ASSISTANCE

SEC. . (a) Of the funds appropriated by this Act, not less than $20,000,000 shall be made available for an urgent program of humanitarian assistance for the people of Kurdistan in northern Iraq.

(b) Funds allocated by subsection (a) shall be provided to United States based nonprofit private voluntary organizations on an expedited basis notwithstanding any existing contracting laws or regulations.

(c) The program funded under this section should focus on rehabilitation of the agricultural sector.

Mr. LIEBERMAN. Mr. President, we must do what we can to assist the Kurdish people of northern Iraq, who have suffered so much at the hands of Saddam Hussein. The situation there remains critical, hundreds of thousands of Kurds remain refugees in their own lands. According to the United Nations, it is imperative that food and medical supplies be furnished to northern Iraq before the onset of winter. Saddam Hussein's current strategy is based on an economic blockade that forbids all commerce between the Iraqi Kurds and the rest of Iraq. The result is a perilous economic situation for the Kurdish people.

Since Desert Storm, the United States has been very generous in providing food, medicine, and temporary shelter to Kurdish refugees through the Operation Provide Comfort. However, I am reminded of the old adage that it is better to teach a man how to fish rather than to give him a fish to eat. Much of the humanitarian effort now underway in northern Iraq and in refugee camps in Turkey is like the proverbial fish. We are feeding refugees but it would be much better if we could help the Kurdish people help themselves.

Mr. President, this amendment is intended to do just that. It will provide agricultural seeds, fertilizers, pesticides, food storage, and sustainable livestock production for the rehabilitation of the agricultural sector. Because of the Iraqi blockage, all these are in short supply. Commercial poultry facilities, for example, are sitting idle because there are no chicks or fertilized eggs to grow into chickens. Providing 2 million chicks via Turkey would allow the Kurdish region to restore a sustainable poultry production. Similarly, Saddam's military either stole or slaughtered most of the livestock in Kurdistan. If significant numbers of livestock could be reintroduced there, it would ease the food crisis both in the immediate months and for next year's harvest season.

Mr. President, there are so many humanitarian crises around the world that it is difficult to maintain any sense of focus. The horrendous television images of Kurdish women and children freezing to death was last year's image, displaced now by similar images in Somalia and Bosnia. Nonetheless, even though the Kurdish images have faded, the ongoing tragedy has not. Kurdish men, women, and children remain homeless and in great need.

Mr. President, I realize that dollars are very tight in the current budgetary climate. But the Kurds desperately need America's help to get through the upcoming months. We need them to help them to become more self-sufficient through seeds, pesticides, and spare parts for farm machinery for next year's growing season. The United States is doing things to fulfill their immediate needs. But by spending money on agricultural production now, we can avoid spending larger sums to prevent a massive refugee flow into Turkey or, in the worst case scenario, starvation next year.

This amendment would help to avert such a catastrophe by helping the Kurds to survive despite Saddam's economic blockade.

There is much that needs to be done, and particularly with these people, a proud and able people, we have the opportunity, and it is the intention of this amendment, to give them the chance to better themselves. It is the old adage that it is better to train a person how to fish than to give that person fish.

This amendment is aimed at helping the people of Kurdistan revive their own agricultural sector so that they can find employment and also take care of their own needs.

In my opinion, it is not only necessary but a very generous act, and I am grateful to the Senator from Vermont for accepting the amendment and moving it on my behalf. I am grateful to my colleagues for accepting it.

Mr. LEAHY. Mr. President, I commend the Senator from Connecticut on both his amendment and what he has said. As I told him earlier in a private conversation, I visited one of the Kurdish refugee camps at the very end of the Persian Gulf war. I was appalled at what I saw. That was one of the better refugee camps. Details were horrendous, from what we heard.

There is no question as told by some of the people who were there. They were tales really of genocide, genocide against the people, whole families wiped out, villages, communities. The history of the village, the community and the people wiped out. We are seeing more and more in different parts of the world genocidal activity.

We are a nation that has a responsibility to try to help out just as we should help on such issues as drought relief, famine relief in Somalia, I use as one example. There was an attempt earlier today to cut very, very substantially the amount of money that we send for aid to Somalia. I am glad the attempt failed.

We have about 5 percent of the world's population here in the United States and we are using about 70 percent of the world's resources. If there is something that cries out for the moral imperative of helping others, it is that fact alone. When we are willing to use so much of the world's resources and be unwilling to share in other parts of the world, unwilling to share the bounties really that we have been blessed with in becoming the most powerful and wealthiest nation on Earth, then we turn our back on our own moral responsibilities.

So I commend the Senator from Connecticut. I commend those who support the efforts to help in areas where really only the United States will and can help, but also areas where again we have the moral responsibility to help.

I understand this amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3350) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WIRTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. Mr. President, I was in line to offer two amendments, one a sense of the Congress in support of protection for the Tatshenshini River system which runs from Canada into Alaska.

We had thought that this had been cleared, but apparently the Senator from Alaska, Senator MURKOWSKI, has some other things that he might like to do with this. I understand they are on their way over here. If they are not, I think we ought to proceed to finish the bill if they are not on the way.

I also had been in line to offer a sense of the Senate related to the implementation of Agenda 21. The distinguished Chair will remember that one of the accomplishments of the Earth summit in Rio was, one, a global climate change treaty which everyone in the world signed and which the United States is in the process of putting together a draft implementation program for. That relates to carbon dioxide and is going to be a very ambitious task. That is the implementation program for the Global Climate Change Treaty.

There was also signed by everybody, except the United States, a treaty related to biodiversity. There was a third document signed which was Agenda 21, a long and quite detailed agenda, of where the United States and the rest of the world ought to be going in the 21st century related to the relationship among nations on issues of the environment.

Senator GORE and I have been very eager that there be a sense-of-the-Senate resolution. We were members, as members of the other side, of the observer group going to the summit in Rio. We were also eager that there be a statement coming from the Senate that we believe the administration ought to as well be implementing Agenda 21.

It is my information from the other side that the distinguished Senator from Kentucky has said that he would filibuster the bill until the cows come home, or something to the effect of that, if we went ahead with this simple resolution related to the Earth charter of Agenda 21, a very important agenda that the rest of the world has agreed to, we have agreed to, we are going to have to anyway, the administration is going to do it.

It does not, in my opinion, appear as if it is worthwhile by any means exposing all of this to such a filibuster related to something we are going to do anyway. So I will not offer the UNCED sense-of-the-Senate resolution I thought everybody would, of course, agree to. One Senator has said that he does not agree with that and those are his rights to do so. We are at the end of the session and I will, therefore, not offer the amendment related to UNCED and Agenda 21.

On the issue of the Tatshenshini River, it had been my hope we would be able to come to a resolution on that. The Tatshenshini is part of a river system flowing from Canada down through Alaska and into Glacier Bay. Clearly, there are some very important international negotiations between the United States and Canada that ought to be occurring on that.

I met this morning with the distinguished Ambassador from Canada to the United States on this. The Canadian Government is very aware of the concerns of a great number of people in the United States—from our State Department on down—about the relationship between the two countries and about the potential degradation that might occur to the Tatshenshini and the river system from the development of a very large copper mine on the Canadian side of the border, what will happen in terms of transportation, what happens in terms of tailings, how the river might be in some way, shape, or form polluted in a very dangerous way.

The Canadian Government is very aware of this and are having their own discussions. It may be, given this really sharp awareness by the Canadian Government and by the British Columbia Government, that such a resolution as the one we drafted is not necessary at this time in any case.

So the summary of this, Mr. President, is one to say to the distinguished Senator from Vermont, who has managed this bill in a very expeditious fashion, has included a number of extremely important provisions that I do not intend at this time to offer either of the two resolutions that we had offered, and I know the Senator wanted to go to third reading of the bill. He told me we were the last people standing in the way of doing that. So I will assure the Senator I will not offer those two resolutions on the assumption that you are going to move right away to third reading.

Mr. LEAHY. I want to thank the Senator. I want the distinguished Senator from Colorado to know I get paid by the year, not by the hour or by the bill. I am perfectly willing to stay here as late as it takes. My understanding is we were ready, virtually ready, to go to third reading. I was trying to get to third reading. I was advised by the Senator's staff that he had amendments he wished to bring up. So I protected his interests.

Mr. WIRTH. I appreciate that. I just discussed those two amendments and why I would not bring them up at this point, not wanting to hold up action on the Senate floor and knowing of the eagerness of the distinguished Senator from Vermont to go to third reading.

I yield the floor.

Mr. SPECTER addressed the Chair.

Mr. LEAHY. I am prepared to go to third reading.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I just have a statement which will take a couple of minutes. I just want to say I regret missing the vote in full committee on the El Salvador issue. I have in the past, as the record will show, been a proponent of military aid. Had I been present, I would have voted for the full $40 million to El Salvador for demobilization instead of having $29 million for demobilization and $11 million in military aid.

In the past, we have had these issues on the Senate floor after committee. I had thought it would be likely this would be taken up on the floor. But, as I understand it, the issue is not going to be pressed on the floor. I just wanted to make that very brief explanation of my position.

I thank the Chair and yield the floor.

Mr. LEAHY. Mr. President, I want to explain why El Salvador did not come up on the Senate floor today. In the bill I took to the subcommittee, I had taken all money for military aid for El Salvador and put it into a fund for demobilization of excombatants. Then a motion was made in the full committee to take $11 million out of the demobilization fund and use it for military aid. That amendment won. Had all Senators been there to vote, it would have lost on a tie.

Because of that action in the committee, it was not brought up here again on the floor. Maybe next year we will have to fight it again. I hope not. I hope this is the last we will ever hear of military aid for El Salvador.

I think most cities in the United States of America would love to have the amount of attention that El Salvador is given. Most people in my State of Vermont—which is about the same size as El Salvador —would love to have as much Federal money flowing to them as El Salvador. But the committee spoke, and I accepted the vote of the committee. I do not like what the committee did, but that was the committee's decision.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am a member of the Subcommittee on Foreign Operations and the distinguished Senator from Vermont [Mr. LEAHY] is the chairman of the subcommittee. I had accepted his mark at that time and thought it appropriate for the full $40 million to be in demobilization.

It has seemed to me over the years as we have looked at Central American countries, the more money we put into military aid, the more fighting there has been, as has been my sense of Nicaragua when I consistently opposed military aid. I have always felt that if we avoid military aid and leave the parties to themselves, given humanitarian aid or, in this case, demobilization aid, it would be a preferable situation.

My understanding was there was a 14 to 12 vote in the full committee, so my vote in support of the Senator from Vermont would not have been dispositive as to a tie. I had discussed it with Senator LEAHY and was advised that there was a proxy so that there may have been. I do not know what the result would have been, but it was my understanding, and I inquire of the distinguished senator from Vermont if, in fact, the recorded vote was not 14 to 12?

Mr. LEAHY. The recorded vote was 14 to 12. There was another proxy that apparently was not recorded, by Senator INOUYE, which would have made it 14 to 13. Had the Senator from Pennsylvania then voted for the position he has expressed here, and which he expressed in a letter to me before the vote, that would have made it 14 to 14, and the amendment would have failed on a tie vote. There would have been no more military aid.

Mr. SPECTER. Mr. President, in the past, these issues have always been brought up on the floor. As I say and informed the distinguished Senator from Vermont earlier, I would be prepared to cosponsor an amendment to put all of the $40 million into demobilization. In the past, these issues have always been on the floor. But I have explained my position, and I thank the Chair and thank my colleague from Vermont. I yield the floor.

Mr. DOLE. Mr. President, I understand there is only one amendment left. I wonder if we might adopt the amendment, go to third reading, and have statements. I am covering for Appropriations Committee members, and I have to leave. I am not on the committee.

AMENDMENT NO. 3351

Mr. SIMON. Mr. President, I send an amendment to the desk. I believe it is acceptable to both sides. It appropriates money for an OPIC program that was authorized in 1988. I do not think I need a lengthy explanation.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 3351.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 30, line 16, strike "$512,000,000" and insert in lieu thereof "$510,800,000".

On page 57, line 17, after the period add "during the fiscal year 1993, within the resources and authority available, gross obligations for the amount of equity investment shall be $5,000,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3351) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. I am prepared to go to third reading.

LITHUANIA, LATVIA, AND ESTONIA

Mr. DECONCINI. Mr. President, the Senate has under consideration the Foreign Operations Appropriations Act. The Appropriations Committee, on which I serve, added clear, tough language expressing our continuing strong interest in three former captive nations—Lithuania, Latvia, and Estonia. The Freedom Support Act does the same thing.

I think the executive branch has gotten the message that the Congress stands for a firm supportive policy toward the three Baltic States as they seek to repair 50 years of Communist rule. As we consider this legislation, I believe it is important to leave no doubt about what Congress believes U.S. policy toward these countries should be.

I wonder if the Senator from South Dakota [Mr. PRESSLER], a firm friend of the three independent Baltic States—would discuss these countries for the purpose of establishing legislative history and intent?

Mr. PRESSLER. Certainly, and I thank the Senator from Arizona, the chairman of the Appropriations Committee, Senator BYRD, and other Senators for standing up for the Baltic States during my absence from the Senate. Lithuania, Latvia, and Estonia were captive nations for more than five decades. I believe the Senator agrees with me that—of all the countries emerging from Soviet occupation—these three have an excellent chance to rekindle free institutions and free economies that existed before the forced Soviet occupation.

Mr. DECONCINI. I absolutely agree with the Senator from South Dakota. The three Baltic nations can serve as a beacon to guide their own people and a real example for other countries forcibly and illegally controlled by Moscow.

First of all, and I know the Senator from South Dakota agrees, the entire complement of Russian troops must be removed from Estonia, Latvia, and Lithuania. There is clear language to that effect in the Freedom Support Act, but the Foreign Operations appropriations bill nails down strict sanctions against the Russian Government unless timetables for total withdrawal are negotiated with each Baltic Government.

Mr. President, I hope these agreements are reached soon, and I ask the Senator from South Dakota what he believes is the best way the United States can make sure that Russian forces leave according to negotiated timetables and that Russian bases and military factories close?

Mr. PRESSLER. The Senator from Arizona knows there are still plenty of ex-Communists in high positions in today's Russian Federation, particularly in the military. Some of the officials still have an imperial frame of mind. For example, the implementation of the recent timetable agreement between Russia and Lithuania has been challenged by the Russian Parliament. No dates have been set on an overall agreement between the Presidents of Russia and Lithuania and no dates for any sort of agreement have been set between Russia and Latvia and Estonia.

If and when timetables have been established, the United States actively should advocate international supervision of troop withdrawals. Perhaps the Senator from Arizona agrees that active congressional oversight should take place every 3 months? At these intervals we can take the opportunity to reevaluate our assistance to Russia.

Mr. DECONCINI. The Senator is correct to be wary of Russian military figures, and I support the idea of regular oversight by relevant congressional committees and monitoring groups.

Unwanted Russian or CIS forces frustrate the development of free institutions as well as economic development in the Baltic States. The sooner they go, the sooner the three Baltic States can flourish.

Mr. PRESSLER. The Senator from Arizona's comments are right on the money. All Senators know that I oppose the huge amounts the U.S. taxpayer is forced to pay for foreign aid. In most cases, the money is wasted and in many other cases it actually promotes causes and ideas that do not deserve our support.

Foreign aid programs are already under way in Lithuania, Latvia, and Estonia, however. I think the Congress has to make absolutely sure that money used for these programs is well spent and promotes noble concepts of individual liberty and free enterprise—that they help in concrete ways to reverse the legacy of Communist occupation. For example, it makes no sense for the administration just to slice the pie in thirds and ship money or aid to each of the Baltic States as if they have identical needs.

Mr. DECONCINI. Mr. President, additionally, I regret that an entirely artificial wall has been constructed between the three Baltic States and the 12 former Soviet Republics in terms of United States assistance. America should make certain that what works in Lithuania, Latvia, and Estonia can also be applied, where necessary, in the former Republics. Conversely, it makes no sense at all to limit U.S. efforts in areas such as nuclear reactor safety or defense conversion exclusively to the 12 former Republics when the Baltic States face identical problems.

Mr. PRESSLER. Is the Senator from Arizona suggesting that Soviet occupation damaged the Baltic States as severely as it harmed Moldova or Armenia?

Mr. DECONCINI. Absolutely. Look at the environmental situation in the Baltic States, for instance. Moscow was an equal opportunity polluter in all the so-called republics. In Estonia, authorities are deeply worried about what they'll find in the Baltic Sea around the Paldiski nuclear facility when the Russians finally leave. Scientists and government officials throughout the entire Nordic region are very concerned about the safety of the Soviet-constructed nuclear powerplant at Ignalina in Lithuania.

And while I'm sure it is no surprise to the senior Senator from South Dakota, it may be news to some of our colleagues in the Senate that Moscow still controls some of the factories in Latvia that are used for military production. In fact, earlier this year the Russian Government was refurbishing a submarine for Libya in the Riga ship construction facility that it has refused to turn over to the Latvian Government.

Mr. PRESSLER. The Russian Government should be condemned for using Baltic ports and territory in the production of weapons and machinery they then try to sell to renegade regimes. This is another reason why the United States should insist upon complete troop removal and respect for the sovereignty of the Baltic States before assistance to Russia is granted.

Mr. DECONCINI. I agree. We need to recognize that our foreign aid needs to be wisely directed, and where appropriate, should be designed to address the unfortunate, but indisputable connection between the Baltic States and the former Soviet Union.

Mr. PRESSLER. It would be tragic, indeed, if the United States ignored assistance programs in Eastern Europe, of which the Baltic States are a part, while bailing out the former Soviet Union.

Mr. DECONCINI. I thank the Senator from South Dakota for his leadership on Baltic freedom issues and for clarifying congressional intent in this area.

Mr. PRESSLER. I thank the Senator from Arizona.

Mr. DECONCINI. I yield the floor.

HUMAN RIGHTS IN KASHMIR

Mr. REID. I have been very concerned about the human rights situation in Kashmir and other parts of India. Two bloody wars have already been fought over Kashmir, and there have been reports of human rights violations in the area for some time. I think it would be appropriate for the Foreign Relations Committee, particularly the Subcommittee on Near Eastern and South Asian Affairs, to hold hearings next year on this situation. Would the chairman of the Near East Subcommittee agree with me?

Mr. SANFORD. I share the Senator's concern over the terrorist violence which continues at horrific levels in parts of India, and the excesses that have sometimes been committed by the Indian security forces in response. There are a number of other issues relating to India which certainly deserve the attention of the Subcommittee on Near Eastern and South Asian Affairs. I certainly agree that hearings would be appropriate, and will do my best to hold hearings next year on this matter.

Mr. REID. I thank my colleague for his interest and concern.

PROJECT EDEN

Mr. LIEBERMAN. Last year, Senator INOUYE, Senator KASTEN, and I introduced legislation that authorized the Middle East Environment Defense Network or Project EDEN. Project EDEN is an environmental program that would establish a wide range of projects in the Middle East, including water conservation, air pollution controls, and reforestation. It is my understanding that the foreign operations bill has a provision that establishes and funds Project EDEN. Is that correct?

Mr. LEAHY. Yes. We have earmarked $2 million for this program.

Mr. KASTEN. I concur.

Mr. LIEBERMAN. I want to commend the bill's managers for their excellent leadership. Environmental problems pose serious threats to the area's political stability, as well as the health and welfare of its peoples. It is the intention of the manager's to establish a cooperative international program to assist the countries of the entire Middle East?

Mr. KASTEN. I believe that we have reached a consensus that it is time to move forward.

Mr. LEAHY. I concur.

Mr. LIEBERMAN. I would like to include at this point in the RECORD, a copy of the legislation that the Senate passed last year. Because this is an appropriations bill, I do not intend to offer it as an amendment. I do, however, want to provide some legislative history for Project EDEN. I thank my good friends for their leadership on the issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, July 24, 1991]

KASTEN (AND OTHERS) AMENDMENT NO. 817

(Ordered to lie on the table.)

Mr. KASTEN (for himself, Mr. INOUYE, Mr. BURDICK, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by them to the bill S. 1435, supra, as follows:

On page 234, line 24, add the following new title:

TITLE XIII—MIDDLE EAST ENVIRONMENTAL COOPERATION AND RESTORATION ACT OF 1991

SEC. 1301. SHORT TITLE.

This title may be cited as the "Middle East Environmental Cooperation and Restoration Act of 1991".

SEC. 1302. FINDINGS.

The Congress of the United States finds that—

(1) the Gulf War and the resulting damage to the environment of the Arabian Gulf graphically demonstrates the vulnerability of the natural environment of the Middle East and man's potential for inflicting untold damage on that environment;

(2) interdependence, rather than independence, characterizes the relationship of all parts of the Middle East, the natural environment, and the global community;

(3) environmental quality is an integral component of every nation's national security;

(4) through concerted, cooperative action the peoples of the Middle East can reverse the damage to their natural environment;

(5) regional cooperation is essential to the management, restoration and maintenance of the environment of the Middle East;

(6) the problems associated with environmental degradation affect all countries of the Middle East regardless of national income, religious orientation or political persuasion;

(7) environmental protection and stewardship of the earth is compatible with the major religious traditions of the peoples of the region;

(8) the President of the United States was correct in declaring before Congress on March 6, 1991 that regional cooperation will stand in the future as a central pillar of United States foreign policy in the Middle East; and

(9) there is an urgent need for the countries of the Middle East, in cooperation with the United States and other concerned parties, to address through enlightened action, the environmental problems of the region.

SEC. 1303. ESTABLISHMENT OF THE MIDDLE EAST ENVIRONMENTAL DEFENSE NETWORK.

(b) ESTABLISHMENT.—The President shall establish and direct, through the Agency for International Development, a program to be known as the "Middle East Environmental Defense Network" (hereafter in this title referred to as "Project EDEN").

(c) PURPOSE.—The purposes of Project EDEN are as follows:

(1) To develop a Middle East Regional Environmental Protection Plan.

(2) To assess the environmental problems affecting all Middle East states.

(3) To seek and advance ways in which all Middle East states can work cooperatively to ameliorate natural resource and environmental degradation.

(4) To promote national and, wherever appropriate, cross-boundary natural resource and environmental restoration and maintenance activities.

(5) To develop and disseminate educational programs to promote regional understanding and cooperation in all areas of environmental protection.

(6) To undertake and encourage both public and private initiatives to improve the quality, quantity, and management of natural resources and the environment through initiatives such as regional planning, joint infrastructure investment, water conservation, water quality management, air quality management, solid waste management, desalinization, reforestation, energy efficiency, and renewable energy utilization.

(7) To provide a framework for new interstate structures, institutions, and relationships which might be developed to further environmental and natural resource management in the Middle East region.

(8) To undertake and encourage the safe handling, minimization, substitution, and cleanup of hazardous substances as well as

the restoration of degraded desert and marine ecosystems between regional states.

(9) To conserve, protect, manage, restore, maintain and promote the historical, cultural, social, archaeological, and geophysical resources and heritages of the peoples of the Middle East, where possible, within their natural environment.

(10) To conserve, protect, and enhance biodiversity, both in situ and ex situ, and to develop regional programs to advance these ends.

(11) To undertake and encourage the involvement of the private sector, governmental, nongovernmental, bilateral and multilateral organizations and entities in all aspects of environmental protection and rehabilitation.

(12) To promote environment-related technology transfer as well as identify new technologies which might contribute to environmental protection, management, restoration, and maintenance.

(13) To initiate and guide mutually beneficial environmental research and development projects between various Middle East countries.

(14) To research, investigate, document, and mitigate, wherever possible, the adverse effects on the public health and general welfare of environmental degradation.

(d) FUNDING.—(1) There are authorized to be appropriated to the President $10,000,000 for fiscal year 1992 and each fiscal year thereafter to carry out Project EDEN.

(2) Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

SEC. 1304. ENVIRONMENTAL PLANNING COUNCIL.

(a) ESTABLISHMENT.—There is established an interagency Environmental Planning Council (hereafter in this title referred to as the "Planning Council").

(b) COMPOSITION.—The Planning Council shall be composed of 8 members, or their designees, as follows:

(1) The Administrator of the Agency for International Development.

(2) The Secretary of State.

(3) The Administrator of the Environmental Protection Agency.

(4) The Administrator of the National Oceanographic and Atmospheric Administration (NOAA).

(5) The Secretary of Agriculture.

(6) The Secretary of the Interior.

(7) The Director of the National Academy of Sciences, Board on Science and Technology in Development (BOSTID).

(8) The Director of the United States Trade and Development Program (TDP).

(9) The Chairman of the Council on Environmental Quality.

(c) ADMINISTRATION.—(1)(A) The Administrator of the Agency for International Development, or his designee, shall serve as Chairman of the Planning Council and shall convene not less than four meetings of the full Planning Council each year.

(B) The Administrator of the Agency for International Development shall provide the Planning Council with a permanent staff, office space and any other support, as required by the Planning Council, from within the Agency for International Development.

(2) The Administrator shall—

(A) enter into contracts, grants, and other financial arrangements, as necessary on behalf of the Planning Council, in accordance with other applicable law, to carry out the work of the Planning Council and the purposes of Project EDEN;

(B) establish, coordinate, and fund a Project EDEN postgraduate fellowship program focused on issues of environmental public policy in the Middle East; and

(C) maintain and coordinate the work of the United States Environmental Center pursuant to section 1309(f) of this Act.

(d) PLANNING COUNCIL RESPONSIBILITIES.—The Planning Council, shall have the following responsibilities:

(1) To prescribe policies and procedures to establish and implement Project EDEN.

(2) To coordinate United States activities in support of Project EDEN with the Permanent Conference on Environmental Security and Cooperation and its Secretariat.

(3) To establish working groups, as necessary, to assist in the carrying out of Planning Council responsibilities and the purposes of Project EDEN.

(4) To prepare an annual 5-year strategic environmental plan for the Middle East which shall be presented to the Secretariat of the Permanent Conference on Environmental Security and Cooperation for annual review and then to the Permanent Conference on Environmental Security and Cooperation for ratification.

(5) To encourage the establishment of Environmental Planning Councils by each member state participating in Project EDEN.

(6) To recommend to the Administrator of the Agency for International Development specific ways to enhance existing bilateral and multilateral programs of the United States established to promote the diffusion of knowledge on regional environmental issues through joint research and development, cooperative exchanges, education, and mutual assistance.

(7) To advise the Administrator on the operation of the United States Environmental Center.

(e) ANNUAL REPORTING REQUIREMENTS.—Not later than June 1 of each year, the Administrator of the Agency for International Development shall submit a report to the Committees on Appropriations of the Senate and House of Representatives and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, on the work and future agenda of Project EDEN, including—

(1) an evaluation of the progress Project EDEN is making to environmental management in the Middle East;

(2) a timetable, a budget, and an action plan for the execution of Project EDEN initiatives during the coming fiscal year; and

(3) a detailed accounting of the operating expenses of the Planning Council, the Permanent Conference on Environmental Security and Cooperation in the Middle East, and the Secretariat of the Conference.

SEC. 1305. ACTIONS OF THE PRESIDENT OF THE UNITED STATES.

The President is authorized to enter into negotiations and agreements with governments of Middle East for the purpose of concluding, by September 1, 1992, an international agreement establishing a Permanent Conference on Environmental Security and Cooperation, a Conference Secretariat, a Middle East Regional Environmental Fund, and Middle East Environmental Centers.

SEC. 1306. THE PERMANENT CONFERENCE ON ENVIRONMENTAL SECURITY AND COOPERATION.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with the governments of countries described in subsection (b) on the establishment of a Permanent Conference on Environmental Security and Cooperation in the Middle East (hereafter in this title referred to as the "Conference"), by September 1, 1992.

(b) COMPOSITION.—The countries referred to in subsection (a) are those countries designated in the Annual Report of the World Bank for 1991 as belonging to the Middle East or which choose to participate in Project EDEN.

(c) RESPONSIBILITIES AND OBJECTIVES.—The Conference should have the following responsibilities and objectives:

(1) To carry out the purposes of Project EDEN.

(2) To serve as the focus for substantive interaction on environmental matters among Project EDEN member states.

(3) To provide regional leadership in the advancement of new ideas for environmental management.

(4) To approve by a majority vote the annual operating budgets of the Conference and the Secretariat.

(5) To establish the Middle East Regional Environmental Fund.

(6) To approve by a majority vote of the members the projects to be funded from the income derived from the Middle East Regional Environmental Fund.

(7) To maintain a corpus within the Middle East Regional Environmental Fund of not less than the equivalent of $100,000,000 in United States dollars.

(8) To solicit from donor countries, multilateral institutions, private entities, the United Nations Iraq reparations account and other sources, initial funding and subsequent capital increases for the Middle East Regional Environmental Fund.

(9) To promote the maximum exchange of information and research data on the state of the environment in the Middle East.

(10) To involve and solicit the views of nongovernmental organizations.

(11) To coordinate the work of the national Planning Councils.

(12) To hold an annual meeting of Conference members.

(13) To approve and amend operating procedures for the Conference.

SEC. 1307. SECRETARIAT TO THE PERMANENT CONFERENCE ON ENVIRONMENTAL SECURITY AND COOPERATION.

(a) ESTABLISHMENT.—The President is authorized to enter into an agreement with foreign governments on the establishment of a Secretariat to the Permanent Conference on Environmental Security and Cooperation in the Middle East (hereafter in this title referred to as the "Secretariat"), by September 1, 1992. Such agreement should provide for the United States to serve as permanent head of the Conference Secretariat.

(b) RESPONSIBILITIES.—An agreement negotiated under subsection (a) should provide for the Conference Secretariat to—

(1) devise and recommend changes to the operating procedures of the Conference;

(2) manage the regular affairs of the Conference;

(3) establish the work plan for the Conference, including project solicitation, project development, project evaluation, preparation of an annual budget for the review and approval of the Conference, and the obligation and expenditure of funds;

(4) prepare an annual operating budget and a 5-year strategic plan for the Conference;

(5) exercise full oversight and accountability over Project EDEN by maintaining full financial disclosure and planning visibility through regular project audits and other mechanisms as may be necessary;

(6) prepare an annual report for the approval of the Conference;

(7) organize an annual public meeting of Conference members;

(8) establish and support scientific committees to study, evaluate, monitor and make scientifically based recommendations to the Conference on problems connected with the purposes of Project EDEN; and

(9) establish working bilateral and multilateral relationships with governmental and nongovernmental financial, development and other institutions.

(c) ROLE OF THE ADMINISTRATOR OF AID.—The Administrator of the Agency for International Development, or his designee, should serve as the permanent chair of the Conference and shall retain the right of veto over Conference decisions and appointments.

(d) COMPOSITION OF THE SECRETARIAT.—The daily operations of the Secretariat of the Conference should be managed by a Director-General with supervisory authority over a full-time professional staff appointed by the Director-General and approved by the Conference.

(e) DIRECTOR-GENERAL.—The position of Director-General should be held for a period not to exceed one 5-year term and should rotate among member states of Project EDEN.

(f) STAFF OF THE SECRETARIAT.—(1) The staff of the Secretariat shall be vested with the same responsibilities, rights and entitlements of civil servants employed by the International Bank for Reconstruction and Development.

(2) The professional staff of the Secretariat should be drawn from Project EDEN member states and should be persons of distinction in the fields of basic sciences, engineering, ocean and environmental sciences, education, research management, international affairs, health physics, health sciences, or social sciences.

(3) The number of full-time professional staff employed by the Conference Secretariat should not exceed 50. The number of clerical staff employed by the Conference Secretariat should be as required to support the work of the professional staff and the Conference.

(g) ANNUAL ENVIRONMENTAL ASSESSMENTS.—The Secretariat of the Conference should prepare and submit to the Conference, no later than May 1 of each year, a report on the state of the Middle East environment including measures indicating the progress, or lack of progress, made by each country in the Middle East in fostering environmental cooperation and in solving and managing the regional environmental issues addressed by Project EDEN.

SEC. 1308. MIDDLE EAST REGIONAL ENVIRONMENTAL FUND.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with foreign governments on the establishment of a Middle East Regional Environmental Fund (hereafter in this title referred to as the "Fund"), by September 1, 1992.

(b) PURPOSE.—It should be the purpose of the Fund—

(1) to finance Middle East environmental projects having a transnational dimension consistent with the purposes of Project EDEN and which are authorized by the Conference; and

(2) to finance the full operating costs of the Permanent Conference on Environmental Security and the Conference Secretariat.

(c) ORGANIZATION.—The Fund should be established and managed by the Conference Secretariat.

(d) CAPITALIZATION OF FUND.—The Fund shall be capitalized with contributions solicited by the Conference Secretariat from Project EDEN member states and pursuant to the terms of section 1308(f)(2) and section 1308(f)(3) of this Act.

(e) PURPOSES FOR DISBURSEMENT OF FUNDS.—Disbursements from the Fund should be made only for projects conforming to the purposes of Project EDEN and for the administrative costs associated with the work of the Conference and the Secretariat.

(f) AUTHORITY TO INCUR OBLIGATIONS.—Obligations against the Fund should be made by the Secretariat and should be subject to the review and approval of the Conference.

(g) USE OF IRAQI REPARATIONS.—The Secretariat, with the full cooperation and active leadership of the President of the United States, should work through the United Nations to ensure that not less than 25 percent of any future reparations paid by Iraq for war damages leading to, or resulting from, the Persian Gulf War is applied to the Middle East Regional Environmental Fund and used for environmental remediation, natural resource management, environmental research and environmental education.

(h) ANNUAL CONTRIBUTIONS.—The Secretariat, with the full cooperation and active leadership of the President of the United States should solicit annual contributions to the Middle East Regional Environmental Fund from national and multilateral entities, private donors, individuals and other sources as might be required to carry out the purposes of Project EDEN.

SEC. 1309. MIDDLE EAST ENVIRONMENTAL CENTERS.

(a) ESTABLISHMENT.—The President is authorized to enter into agreements with foreign governments for the establishment, by September 1, 1992, of Middle East Environmental Centers (hereafter in this title referred to as the "Environmental Centers") and an Environmental Data Network, within and between the sovereign member countries of Project EDEN.

(b) COORDINATION.—Coordination of the Environmental Centers should be carried out by and through the Conference Secretariat.

(c) PURPOSES.—The purpose of each Environmental Center would be to serve as a national focal point for regional environmental cooperation and the national support of environmental initiatives through the active fulfillment of the purposes of Project EDEN pursuant to section 1305(c) of this Act. The responsibilities of the Environmental Centers also should be, among others—

(1) to support and assist national environment ministries and regional environmental organizations and initiatives;

(2) to establish and maintain the Project EDEN Environmental Data Network through regional cooperation;

(3) to direct innovative environmental research and sustainable development initiatives;

(4) to establish and maintain a broad-based, active, and integrated early warning system for irregular or threatening interstate ecological, geophysical, biological, atmospheric, or maritime hazards;

(5) to serve as a crisis management coordination, communication, and information network between sovereign countries participating in Project EDEN, international organizations, and others;

(6) to establish and maintain a comprehensive inventory database of all significant biological, geophysical, historical and cultural resources on national lands to be freely available for public study and global dissemination; and

(7) to establish and maintain a water research authority to—

(A) monitor national water supplies;

(B) support study into more efficient means of water allocation, distribution and utilization;

(C) promote water conservation;

(D) study the environmental and social effects of water engineering projects;

(E) study the environmental and social effects of development projects on local and regional water availability;

(F) recommend new approaches toward managing or resolving local and regional water disputes; and

(G) contribute to the making of sound national water policies.

(d) ENVIRONMENTAL DATA NETWORK FOR THE MIDDLE EAST.—The Secretariat, in coordination with the permanent Conference Chair, shall establish the Project EDEN Environmental Data Network (hereafter in this title referred to as the "Data Network").

(e) RESPONSIBILITIES.—The purpose of the Data Network would be—

(1) to support the work of Project EDEN and the Middle East Environmental Centers in which it will be housed;

(2) to provide for a voice and data link between all participating Middle East, associated states, international agencies and entities, educational institutions and private organizations in Project EDEN.

(3) to serve as a means for providing real-time communications and dissemination of information on actual or potential environmental occurrences, hazards, accidents, and crises;

(4) to promote the wide distribution of technical, scientific, and information on environmental resources in the Middle East;

(5) to assist in providing and fostering environmental education and an appreciation for the importance of regional environmental awareness;

(6) to facilitate environmental research, evaluation, and testing; and

(7) to provide on-line access to the Project EDEN environmental data bank.

(f) THE UNITED STATES ENVIRONMENTAL CENTER.—It is the sense of the Congress that the President should establish within the Agency for International Development, an Environmental Center dedicated to the purposes of Project EDEN and linked fully to the Middle East Environmental Centers and the Data Network.

COLLOQUY ON THE FOREIGN ASSISTANCE ACT

Mr. DECONCINI. Mr. President, I strongly support the aim of the Foreign Assistance Act which includes funding to advance human rights, democracy and rule of law in each of the newly independent States of the former Soviet Union. While much has been made of its impact on Russia, we cannot and must not overlook the implications and benefits for the other countries covered by this legislation, including Ukraine. Is my understanding correct that the pending measure envisions the active participation of nongovernmental organizations in carrying out programs funded under this legislation?

Mr. DOLE. Yes. The Senator from Arizona is correct. This bill authorizes activities that are designed to promote the active involvement of U.S. profit, not-for-profit, and voluntary private organizations. In addition, assistance to the newly independent States may be provided through nongovernmental organizations.

Mr. DECONCINI. An important objective of this Act is to assist in the development of democratic institutions in the newly independent States. I am convinced that such nongovernmental organizations can make a substantial contribution in this regard. They have the expertise, contacts, and commitment to get the job done. Many of these organizations and foundations have strong track records in efforts to promote democracy and the rule of law. They know the key actors in the independent States and have earned their respect. They are uniquely suited as they have intimate knowledge about the conditions in the countries in which they already have an active involvement. One such organization is the U.S.-Ukraine Foundation dedicated to assisting the democratic movement in Ukraine and the peaceful transition to democracy, pluralism, and a market economy. With a proven commitment, genuine expertise, and a dedicated staff, the U.S.-Ukraine Foundation is ideally suited to contribute to the process of democratization in Ukraine.

Mr. DOLE. Mr. President, I recently had the pleasure of meeting with Ivan Pliusch, Chairman of the Ukrainian Parliament. We discussed U.S.-Ukrainian relations and the reform process currently underway in Ukraine. Chairman Pliusch described to me the almost overwhelming tasks that face his parliament in the coming months, including writing the new Ukrainian Constitution, passing laws on radical economic reform, dealing with the ecological devastation of Chernobyl, and coming to an agreement with Russia on trade and the division of assets. Chairman Pliusch expressed appreciation for the efforts of the many American individuals and organizations who were assisting Ukraine in its transition to democracy and free enterprise. For example, the visit of his delegation was organized by the United States-Ukraine Foundation and Indiana University with funding from the United States Information Agency.

I am convinced that the United States can and should play an active role in encouraging democratic reform in this important country. I fully agree with the Senator from Arizona that United States nongovernmental organizations, such as the United States-Ukraine Foundation can make a significant contribution in this regard. The members of the Foundation have a long-standing involvement on issues relating to Ukraine. United States-Ukraine has worked closely with democratic forces within and outside the Ukrainian Government. This American group has had an office in Kiev for over a year, provided critical information to Ukrainian democrats during the August 1991 coup attempt, and has continued to assist those political leaders in Ukraine who are committed to real reform. The foundation has set up a policy research organization and library in Kiev, and runs educational and internship programs for local reformers. I support the valuable work of organizations such as the United States-Ukraine Foundation in advancing democracy and free markets in the newly independent States.

U.S. SECURITY ASSISTANCE

Mr. CRANSTON. Mr. President, one of the most important topics contained in the bill before us today is that concerning U.S. security assistance in the post-cold-war era.

Last year I and several of my colleagues asked the General Accounting Office to take a look at our security assistance programs in light of the massive changes, mostly for the better, taking place around the world.

Since that time the GAO has produced four reports concerning various aspects of U.S. security assistance efforts. Today, I am pleased to note, they have issued a fifth study, "Security Assistance: Observations on Post-Cold War Program Changes."

A number of the GAO findings go directly to the issues we are debating here today. For example, the so-called Expanded IMET program came into being as the result of the urgings of the distinguished Senator from Vermont [Mr. LEAHY], me and others.

The purpose of this program is to help empower civilians in the management of military institutions within a democratic framework, and to help improve civil-military relations.

Obviously, democratic oversight of military establishments can only occur if civilians are sufficiently trained and knowledgeable about issues concerning their armed forces. IMET can and should play a part in empowering these civilians, particularly in new and fragile democracies.

According to the GAO, although this program is in the process of being implemented, "some U.S. officials question the need for the program because of the lack of qualified civilians in prominent governmental positions."

Mr. President, "the lack of qualified civilians" in many of these security assistance recipient countries is precisely the reason expanded IMET needed to be established. I can only hope that such complaints do not hide any intent by officials over at DOD to drag their feet on a program Congress, and this Senator, believe is vital in the post-cold-war era.

Similarly, I would like to draw my colleagues' attention to several of the issues raised in the "Recommendations" section of the GAO report.

These include steps toward evaluating the effectiveness of both the Expanded IMET Program and the human rights awareness training of the regular IMET Program; the revision of the Security Assistance Management Manual to reflect human rights criteria mandated by the Foreign Assistance Act, and the development of programs designed to offer to international students specific human rights educations.

These are sound and informed recommendations, I urge that we pay attention to them. I would also like to congratulate Mr. Joseph E. Kelley, director of security and international relations issues at GAO, and his staff for this balanced and well-considered report.

Mr. President, I ask unanimous consent that the executive summary of this latest GAO report, as well as the appendix listing major GAO contributors to this effort, be printed in the RECORD.

There being no objections, the material was ordered to be printed in the RECORD, as follows:

[U.S. General Accounting Office, September 1992]

SECURITY ASSISTANCE: OBSERVATIONS ON POST-COLD-WAR PROGRAM CHANGES

(Report to Congressional Requesters)

U.S. GENERAL ACCOUNTING OFFICE,
NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, September 30, 1992.

Hon. ALAN CRANSTON,
Hon. DANIEL P. MOYNIHAN,
Hon. THOMAS A. DASCHLE,
Hon. BROCK ADAMS,
Hon. RICHARD G. LUGAR,
U.S. Senate.

As requested, we reviewed U.S. Security Assistance programs in the post-cold-war period. This report provides information on the (1) purposes and goals of the security assistance programs in the 1990s; (2) changes in the International Military Education and Training Program, including the expanded program and civic action training; (3) extent of human rights training and violations; and (4) impact of an assignment to Security Assistance Organizations on the career of military personnel.

As arranged with your office, unless you publicly announce this report's contents earlier, we plan no further distribution until 7 days from the issue date. At that time, we will send copies of this report to the Secretaries of Defense and State and to appropriate congressional committees. We will make copies available to others upon request.

This report was prepared under the direction of Joseph E. Kelley, Director, Security and International Relations Issues, who may be contacted on (202) 275-4128 if you or your staff have any questions. Other major contributors to this report are listed in appendix I.

Sincerely yours,
FRANK C. CONAHAN,
Assistant Comptroller General.

EXECUTIVE SUMMARY

Purpose

Over the years, the United States has provided billions of dollars of security assistance to over 100 countries. Because of the fastchanging world situations, such as the collapse of the former Soviet Union and the global democratic revolution, several Senators asked GAO to review U.S. Security Assistance programs in the postcold war period. This report provides information on the (1) purposes and goals of the security assistance programs in the 1990s, (2) changes in the International Military Education and Training (IMET) Program, including the expanded program and civic action training, (3) extent of human rights training and violations, and

(4) impact of an assignment to Security Assistance Organizations on the career of military personnel.

Background

The Secretary of State is responsible for policy decisions and general direction of security assistance, while the Secretary of Defense is responsible for implementing military programs. U.S. security assistance includes, among other things, (1) military equipment and supplies provided under grant or on a concessional basis through the Foreign Military Financing Program, (2) professional military education and technical training through the IMET Program, and (3) economic assistance through the Economic Support Funds.

The IMET Program provides instruction and training in military skills and U.S. military doctrine to foreign military and related civilian personnel on a grant basis. The U.S. military departments offer over 2,000 courses in the United States and abroad, including professional military education at its Command and General Staff and War colleges. The departments also offer courses on management, technical areas, maintenance, and flight training. Under the IMET Program, the Defense Department spends about $47 million annually to train about 5,000 foreign personnel.

Results in brief

The majority of the security assistance funds continues to go to recipient countries which received the bulk of assistance during the cold war. In fiscal year 1989, six countries—Israel, Egypt, Greece, Turkey, Portugal and the Philippines received $6.2 billion, or 81 percent, of the total $7.6 billion in Security Assistance funding, which consisted of Foreign Military Financing, IMET, and Economic Support Funds. In fiscal year 1993, $6.2 billion, or 83 percent, of the total $7.5 billion is proposed for these same six countries.

The United States has developed some new security assistance goals/objectives as a result of recent changes in the former Soviet Union and Central Europe. These include increased emphasis on providing support for emerging democracies, with a primary focus on civilian control over militaries, and assistance in the fight against drug trafficking. This change in focus has generated aid to new recipients such as former Soviet Republics and some Central European countries.

The scope of the IMET program was expanded in Fiscal Year 1991 to include the education of civilians in prominent and influential positions in their governments, with the intention to improve civilian/military relations and civilian control over the military. Although host country militaries sometimes conduct civic action/nation-building activities, in conjunction with U.S. troops, IMET is not used to directly support these activities.

Security assistance legislation specifies that human rights awareness be provided as part of the IMET Program. While the Defense Department has begun to emphasize the importance of educating international students in human rights, the program, for the most part, does not provide specific human rights training.

The Army and, to a lesser extent, the Marines have established specific programs to train Foreign Area Officers assigned to Security Assistance Organizations. However, the Air Force and the Navy do not have special programs. The Security Assistance Organization officers GAO contacted had mixed opinions on whether assignments to this area hinder career advancement.

PRINCIPAL FINDINGS

New world order generates changes in security assistance goals

The Security Assistance program began primarily in response to events that threatened U.S. interests—for the most part, threats to friendly states from neighbors supported and encouraged by the Soviet Union. The destruction of the Berlin Wall and the recent dissolution of the Soviet Union has drastically changed this condition, lessening tensions and generating increased U.S. emphasis on providing support to emerging democracies. Central European countries and former Soviet Republics and States are receiving U.S. funding to assist in their transition and from communist to democratic societies. The United States is also providing Economic Support Funds to former Soviet Republics to assist them in meeting economic requirements and to promote development of market economies.

The important changes have resulted in modified security assistance goals. Some changes have been made in security assistance programs; however, a limited number of traditional recipients continue to receive the majority of security assistance. According to a State Department official, funds will probably continue to be earmarked by the Congress for the major recipients.

Changes in the IMET Program

The number and types of countries receiving IMET have varied over the last few years. For example, in fiscal year 1987, 99 countries received this training, as compared to 111 in fiscal year 1992. In fiscal year 1992, countries such as Bulgaria, Latvia and Russia received IMET funding for the first time.

Expanded IMET Program

In 1991, the Congress amended the Foreign Assistance Act of 1961 allowing the Department of Defense to make the IMET program more responsive to the changing global and regional political conditions. The Department developed the expanded program, which focuses on civilian control over the military, defense resources management, and human rights education.

Response to the expanded IMET program by both host country and U.S. officials in the countries GAO visited was for, the most part, positive. However, some U.S. officials question the need for the program because of the lack of qualified civilians in prominent governmental positions. The Defense Department is in the process of implementing a system to evaluate the effectiveness of the expanded program but, has not prescribed the format and types of data that should be included in this assessment.

Civic action

Most military civic action projects are undertaken by the host country. Military civic action includes such humanitarian assistance projects as education, health, and sanitation that contribute to the host country's economic and social development. In Honduras and several African countries, U.S. teams provide civic action assistance.

Host country militaries have not received civic action training through the IMET Program. However, foreign military graduates have received training that they may have used on their own civic action projects.

Human rights awareness training

International students come from countries in which human rights violations reportedly are occurring. Security assistance legislation provides that human rights will be a part of the international students' education in the United States. However, regulations set forth in the Security Assistance Management Manual do not list it as an objective of the program.

Students who attended professional military education classes received more human rights education, which is interwoven into the course curriculum. Students who attended technical courses were less likely to receive exposure to human rights issues through the course curriculum. Overall, only one Defense Department training installation we visited offered a formal course on human rights.

About half of the students GAO questioned on this issue did not recall receiving any human rights education while attending courses in the United States. There is no mechanism in place to measure the impact of the human rights awareness training, therefore it is difficult to determine whether the training is effective.

Career development

Each U.S. military service differs as to how it assigns personnel to Security Assistance Organizations positions. The Army and the Marines have established specific programs to train personnel assigned to these organizations. The Air Force and the Navy, however, do not have special programs. The Security Assistance Organizations' officers GAO contacted had mixed opinions on whether assignments to this area hinder career advancement. Many expressed concern regarding promotions in the field, yet, most understood the limitations of working in the Security Assistance field.

RECOMMENDATIONS

GAO recommends that the Secretary of Defense direct the Director of the Defense Security Assistance Agency to (1) complete the implementation of a mechanism to evaluate the effectiveness of the Expanded IMET program, as well as the human rights awareness training included in the regular IMET program; (2) revise the Security Assistance Management Manual to reflect the language in the Foreign Assistance Act concerning human rights awareness training to international students; and (3) develop programs that will make more specific human rights education available to international students.

AGENCY COMMENTS

As agreed, GAO did not obtain written comments on a draft of this report. However, GAO discussed the contents of this report with responsible Defense and State Department officials and have incorporated their comments where appropriate.

APPENDIX I.—MAJOR CONTRIBUTORS TO THIS REPORT, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION, WASHINGTON, DC

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Mr. KENNEDY. Mr. President, I want to express my understanding of the problem being addressed by the amendment which the Senator from Michigan [Mr. RIEGLE] has offered. I wish there were more time in this session to consider it and to deal with other equally important immigration reforms.

Unfortunately there is not.

The Senator from Wyoming [Mr. SIMPSON] my distinguished colleague on the Immigration Subcommittee, also has an amendment he believes to be equally important—but which is also controversial in many quarters.

Both these amendments, and others, deserve the consideration of Congress, but time, and the pending appropriations bill, simply will not give us the opportunity to do so.

I, too, would like to see a number of remedial reforms to our immigration laws—from the so-called consular affairs package recommended by the Department of State, to a number of overseas naturalization reforms. But, again, there is not sufficient time.

Over the past several weeks the staff of our Immigration Subcommittee has attempted to draft a consensus bill reflecting all of these concerns, and the need for adjustments in our immigration laws. Unfortunately, those negotiations with our House colleagues and others were not successful.

But for the record, Mr. President, I want to list some of the items that have been mentioned as possibly being included in an immigration reform package:

Naturalization amendments (H.R. 5599);

Elimination of sunset for G-4's (H.R. 5601);

Consular efficiency package—proposed by the administration;

A program for temporary entry for spouses and minor children of permanent resident aliens—led by Senator RIEGLE;

Expansion of Immigration Commission by four, two for House, two for Senate, S. 3090;

Immigration judge pay increase (S. 2099);

Battered spouses (H.R. 5693);

A program for expedited exclusion of those abusing the asylum process—Senator SIMPSON's proposal;

Airport inspections (H.R. 5555);

Adjustments to the Investor Visa Program; and

Authority to consular officers to make refugee determinations.

Although, our effort to achieve a compromise was not successful at this time, I believe we must deal with these issues early in the next Congress. I simply want to express to my colleagues my commitment, as chairman of the Subcommittee on Immigration and Refugee Affairs, to pursue them next year.

So I want to assure the Senator from Michigan [Mr. RIEGLE] and my colleague on the subcommittee, the Senator from Wyoming [Mr. SIMPSON], that I will schedule a subcommittee hearing on these immigration proposals early in the next session of Congress. They are deserving of urgent consideration and review.

Mr. SIMPSON. I appreciate the chairman's assurance that we will discuss these important issues at hearings early in the next Congress, and I will withhold my amendment at this time.

Mr. RIEGLE. Mr. President, on March 20, I introduced a bill to permit spouses and children of permanent residents to receive visitor and student visas. This legislation would have removed the presumption that future immigrants would overstay their nonimmigrant visas simply because the Department of State has approved their petition for permanent residence.

I had intended to offer this legislation as an amendment to the Foreign Operations bill, now pending before the Senate. It has become clear, however, no immigration legislation will pass during the remainder of the 102d Congress. In light of this fact, I have decided not to offer my amendment.

Nevertheless, I strongly believe that Congress should pass this legislation into law as soon as possible. It is my understanding that the Chairman of the Senate Immigration Subcommittee, Senator KENNEDY, has agreed that consideration of the Riegle proposal regarding visas for spouses and children of permanent residents would be a top priority for the subcommittee in the 103d Congress. It is my further understanding that Senator KENNEDY has agreed that hearings on and consideration of this measure would take place early next year, so that it can be reported separately to the full Judiciary Committee and subsequently to the floor of the Senate for a vote.

I appreciate the cooperation of the Senator from Massachusetts and look forward to moving this legislation forward.

Mr. KENNEDY. Mr. President, I support the legislation offered by the Senator from Michigan. This important measure would allow spouses, whose immigrant visas have been approved, to come to this country as visitors or students while they remain on the family 2A visa waiting list.

I would like to take this opportunity to inform the Senator from Michigan that, as chairman of the Subcommittee on Immigration, I am committed to holding hearings on his proposal early in the next Congress. I further intend to keep this legislation separate from other measures which could hinder its passage and to report it to the Judiciary and the full Senate for consideration as soon as possible.

Mr. SIMON. Mr. President. I want to also express my willingness to have the Immigration and Refugee Affairs Subcommittee address the second preference issue that has been raised here by my friend from Michigan, Senator RIEGLE.

I joined Senator RIEGLE in sponsoring legislation that would have allowed spouses and children of permanent residents to come to the United States as students or visitors for brief periods of time while they wait for their permanent visa. In the last Congress, all three of us on the subcommittee, Senator KENNEDY, Senator SIMPSON, and I, effectively reduced the long second preference waiting lists for thousands of family members of permanent residents. I hoped that we could have addressed this remaining problem during the 102d Congress.

Over the past year, I have been contacted by Indo Americans in Naperville and other communities in Illinois; California, Ohio, and other parts of the country who have asked that Congress help them be reunited with their close family members. The Professionals for Spousal Reunification, a new organization of young professionals living in the United States, mainly from South Asia, has been instrumental in bringing this important concern to my and other Senator's attention.

There is a lot of talk these days about family values. I can think of no better way to advance family values than by ensuring that spouses and children are not separated. I commend the efforts of Senator RIEGLE and look forward to working with my colleagues on the subcommittee to advance this important cause.

HUMAN RIGHTS ABUSES IN KASHMIR

Mr. SASSER. Mr. President, I rise today to express my concerns about the widespread human rights abuses which are occurring throughout Kashmir. In the report accompanying the Foreign Operations appropriations bill, the Appropriations Committee included language expressing strong concerns about reports of widespread human rights violations by the Indian Government in Kashmir. I commend my colleagues for taking this important step toward holding those responsible accountable for these abuses.

The report calls on India to investigate reports of violations and to bring those responsible to justice. Investigative organizations such as Amnesty International, Asia Watch, and Freedom House have provided as much information as is available. Unfortunately, Kashmir has been closed to International Organizations such as the Red Cross and a true evaluation of the extent of human rights violations cannot be obtained.

The information which is coming out of Kashmir—and which has been verified by the committee of state-sponsored atrocities in Kashmir—is quite distressing. The details are both gruesome and chilling.

We have not overlooked violations in East Timor and we must not overlook those in Kashmir. I am hopeful that the administration will heed the Appropriations Committee's call and strongly encourage the Indian Government to establish an independent commission to investigate these reports of abuses and to prosecute those individuals who are responsible.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LEAHY. Mr. President, I understand there will be a request for the yeas and nays, so I will ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I understand an order has been entered to have a series of rollcall votes tomorrow. I ask unanimous consent that the vote for which we just got the yeas and nays follow immediately after the last one of the votes ordered for tomorrow morning.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993—CONFERENCE REPORT

Mr. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 5503 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 24, 1992.)

Mr. BYRD. Mr. President I ask unanimous consent that the reading be waived; that the conference report be agreed to and the motion to reconsider laid on the table; and that Senators who have statements in explanation thereof be allowed to have those statements printed in the RECORD as though read.

The PRESIDING OFFICER (Mr. WOFFORD). Is there objection?

Mr. NICKLES. There is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I bring before the Senate today the conference report on H.R. 5503, the fiscal year 1993 Department of the Interior and related agencies appropriation bill. This conference report and accompanying statement of the managers appeared in the CONGRESSIONAL RECORD on September 24, on pages H9306 through H9326.

The domestic discretionary allocations for the Interior Subcommittee total $13.230 billion in budget authority and $12.666 billion in outlays. The amount requested by the President in total budget authority for the programs under the jurisdiction of the subcommittee is $12.489 billion, using OMB's current scoring. The conference agreements before you today total $12.486 billion in total budget authority, so this bill is in compliance with the amount requested by the President. This is a fiscally responsible bill. The new spending authority recommended in the bill is nearly 3 percent below the fiscal year 1992 level.

The President has threatened to veto the Interior bill if the budget authority exceeds the amount in his budget request regardless of the 602(b) allocations assigned to the subcommittee. Thus, while the bill is just $3 million below the President's budget authority request, it is nearly $740 million in budget authority below the subcommittee's 602(b) allocation.

In order to comply with the budget authority amount set by the President, a reduction in outlays was also necessary. As a result, the outlays in this bill, using CBO scoring, total $12.616 million, which is $50 million below the subcommittee's 602(b) allocation. However, attempts to spend any of this money would result in a veto of this bill by the President, since this would cause us to exceed the President's request for budget authority. This is a shame, because there are many worthwhile programs in the bill that could use these resources. But, because of the President's policy, we are unable to provide our full allocation to assist in the operations of our national parks, forests, and wildlife refuges, funding for Indian health care, and other basic programs under the subcommittee's jurisdiction.

Mr. President, reaching the President's budget authority target was not an easy task. Despite a series of painful reductions and eliminations of specific projects before the conferees, it was still necessary to include an across-the-board reduction of 0.85 percent in order to avoid the potential for a Presidential veto.

This bill has been the subject of a great deal of scrutiny. Most members have a direct interest in projects in the bill which affect their State, as well as numerous policy issues involving public lands, including grazing fees, mining law reforms and holding fees, net receipt sharing, and timber sale appeals. The bill passed by the Senate had 160 numbered amendments that had to be resolved. The discrete differences addressed by the conferees totaled some 1,400 items. The conference agreement, by its nature, is a compromise. It will not satisfy all Members in every respect. However, it is time to complete action of this bill. The start of the new fiscal year looms before us. I urge my colleagues to approve this conference report and send this Interior bill to the President.

Mr. President, I would like to thank Senator NICKLES for his assistance on the Interior bill throughout this year. I believe we have worked well together, and he is to be commended for his efforts on behalf of the Senate positions during conference. This bill represents a bipartisan package. Nearly every Member of the Senate expressed an interest in at least one project or another in this bill. There is not enough money available to satisfy all of the more than 3,000 requests received by the Senate subcommittee and the many other requests that were proposed in the House. I would also like to note the cooperation of our colleagues from the House subcommittee, particularly Chairman SIDNEY YATES of Illinois, and the ranking minority member, Mr. RALPH REGULA of Ohio. Conference on the Interior bill is never an easy task, but it is made more pleasurable by the good spirit with which these gentlemen and their staffs approach the challenge of accommodating so many competing demands within tight budgetary constraints.

Mr. President, before proceeding with a summary of the bill, I would like to thank all members of the subcommittee for their participation and cooperation in reaching closure on this year's Interior bill. There will be some changes on the subcommittee the next time we consider an Interior appropriation bill. We lost a devoted member of the subcommittee when Senator Burdick passed away a few weeks ago. Senators GARN and RUDMAN are retiring, and I especially thank them for their contributions over the years, and wish them well in their future endeavors.

With that, Mr. President, I would like to call attention to some items of interest in the conference agreement.

Consistent with the position passed in the Senate in each of the last 2 years, no increase in the grazing fee is recommended in this appropriation bill.

The reforms to the Mining Law of 1872 as passed by the Senate are not included, and neither is the patent moratoriums included in the House bill. The conference agreement does include a mining holding fee for the first time.

Sharing of receipts for mineral revenues from production on Federal lands is maintained at the current level of 25 percent, as compared to 37.5 percent proposed in the President's budget, and 50 percent in the House bill.

Total funding in the bill for land acquisition and State assistance is $286.1 million. This amount is $30.3 million below the fiscal year 1992 appropriation and $79.9 million below the President's request for fiscal year 1993.

Total funding for construction in the Bureau of Land Management, the Fish and Wildlife Service, the Park Service, and the Forest Service, amounts to $587.1 million. This total is $84.5 million below the fiscal year 1992 appropriation for these same construction accounts. So, in total, for land acquisition and construction accounts in these four agencies, we are nearly 12 percent below last year's level.

The operating accounts in these same four public land managing agencies increase by $49.8 million, or 1.5 percent, over the fiscal year 1992 level. This does not allow them to keep pace with inflation, let alone comply with additional responsibilities imposed by the President and the Congress.

Elsewhere, for Indian construction related to education, health clinics, and basic services, the conferees have recommended a total of $487.4 million, which is an increase of $138.8 million over the budget request.

The Indian operating accounts increase by a total of $195.3 million, or 6.9 percent, over fiscal year 1992. Much of this increase is attributable to the medical inflation costs that plague the Indian Health Service.

A reduction of nearly $60 million is taken in the forest road construction program. This decrease is about 30-percent below the amount requested in the President's budget.

And, lastly, no specific legislative protection is included regarding timber harvest and the spotted owl in the Pacific Northwest. Nor does this bill modify the Endangered Species Act in any way. The bill does direct that salvage of timber in spotted owl habitat be done in full compliance with all existing environmental and forest management laws.

Mr. President, I would also like at this point to clarify or correct several items addressed in the statement of the managers. The House Interior Appropriations Subcommittee is in agreement with these clarifications.

In the section addressing the National Capital Arts and Cultural Affairs Program, the managers agreed that, in order to assure public funding does not displace the role of private sector support, no grant from this program may exceed 25 percent of an institution's annual income budget.

With regard to fossil energy research and development (amendment No. 104), in the seventh delineated item agreed to by the managers, the use of up to 5 percent of internal research and development funds for capital equipment also applies to the Western Research Institute [WRI].

So, Mr. President, I urge the Senate to adopt this conference report.

I will yield to Senator NICKLES for any remarks he cares to make.

Mr. NICKLES. Mr. President, I am pleased to support the chairman's remarks and his introduction of the conference committee report for the fiscal year 1993 Interior appropriations bill. I want to thank the chairman for his efforts in bringing the conference report to the Senate floor. It is with his leadership that we are able to present a fine, balanced product with attentive consideration to the administration's request and the Members' requests.

This bill was a difficult and challenging appropriations bill to put together this year. There were approximately 1,500 items of difference between the House and Senate Interior appropriations bills. We struggled with low allocation levels for budget authority and outlays while working our way to the conclusion of the conference report that we submit to you today. During the past 9 months, we have faced challenging questions on land acquisition, mining law, mineral receipts sharing, the setting of timber sale program levels, grazing fee increases, and others.

The conference report is within the 602(b) allocations of $13.230 billion for budget authority and $12.666 billion for outlays. In addition, it is under the President's budget request level for total budget authority, which is $12.489 billion. The conference material before you presents the meshing of the priorities from both Houses, attention to agency needs, and consideration for Member requests. To bring the bill within the funding limitations, criteria were established which did not provide funding for items such as new wildlife refuges, new visitor center, and new research facilities.

Overall, the fiscal year 1993 Interior appropriations bill is a 3-percent decrease from the fiscal year 1992 enacted level. The bill generates approximately $8.2 billion in receipts to the Treasury. The total of the construction accounts for the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Forest Service is $85 million below the fiscal year 1992 enacted level. In addition, the total for the land acquisition accounts for those same agencies is $31 million below the fiscal year 1992 enacted level.

The decisions that are being made in this bill carry over to future years. Our recommendations, while under the allocation limits, carefully balance appropriations and revenue generation impacts in fiscal year 1993 and in future years. The conference committee's recommendations will contribute to a balanced Federal budget while continuing to provide the expected Government services.

During our conference deliberations, deep concerns have been expressed over the changing uses of public lands and its resources. Such shifts have drastic effects on local rural communities and economies and on the funding of local governments. While keeping within our limitations, the conferees have recognized the importance of programs to employment, the economies, the infrastructure, and the social fabric of many rural communities. We have been alert to the needs of Native Americans, as well as the other programs funded in this bill. I believe we have been able to produce a bill which is acceptable to the administration.

Mr. President, again I wish to thank the chairman with whom I have worked very closely. I wish to express my appreciation to Senator BYRD's staff—Sue Masica, Rusty Mathews, Kathleen Wheeler, Larry Benna, and Ellen Donaldson. The Senator from West Virginia and his staff have made this a bipartisan effort which makes the task certainly much easier and achievable.

Mr. WARNER. Mr. President, I rise today to voice my frustration that the fiscal year 1993 Department of the Interior and related agencies appropriations conference report failed to include planning and design funding for the proposed extension of the National Air and Space Museum. At the conclusion of my remarks, I ask unanimous consent to have printed in the RECORD three attachments regarding this matter. The first is an editorial from today's Washington Post that points out the duplicity and financial waste involved in H.R. 3281, legislation which would reopen the site selection for the location of the National Air and Space Museum extension. The second attachment is a letter from Secretary of the Smithsonian Robert McC. Adams to Senator WENDELL FORD, chairman of the Senate Committee on Rules and Administration. In that letter, Secretary Adams clearly outlines the Smithsonian's opposition to H.R. 3281 and the Senate version, S. 1788. The third attachment is the statement of administration policy stating that the Smithsonian Institution would recommend the President veto H.R. 3281 if it was passed in its present form.

The PRESIDING OFFICER. Without objection, it is ordered.

(See exhibit 1.)

Mr. WARNER. I believe the Senate is well aware of the fact that legislation to expand the National Air and Space Museum at Washington Dulles International Airport has on four occasions, most recently on June 17, 1992, as an amendment to the African-American Museum bill, been favorably reported by the Senate Committee on Rules and Administration. The U.S. Senate has approved such legislation on two separate occasions. Also, the Board of Regents of the Smithsonian has voted at least six times in favor of siting the museum extension at Dulles.

The decision to locate the Air and Space Museum extension at Dulles is the result of many years of hard work by Senator GARN, who serves on the Smithsonian Board of Regents, the Board of Regents and its staff, and the Commonwealth of Virginia. The legislation represents an objective decision to do what is best for the future of the Smithsonian Institution and most importantly, the American public.

In September 1983, the Smithsonian Board of Regents first approved the National Air and Space Museum plan to expand at Washington Dulles International Airport. Since then, the board has expressed support for the extension at Dulles over and over again. Through four Governors—John Dalton, CHARLES ROBB, Gerald Baliles, and now Douglas Wilder—the Commonwealth has also continued to support the concept of the extension and its location in Virginia.

Locating the extension at Dulles would serve to further the objectives of the National Museum Amendments Act of 1965 which directs the National Air and Space Museum to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance."

I believe that it is accurate to state that the National Air and Space Museum now holds the most impressive and significant collection of spacecraft and aircraft in the world. However, due to the limited exhibition space in the Mall building coupled with the size and weight of many of the artifacts, only 25 percent of the museum's collection is on display. Therefore, such significant air and spacecraft as the Boeing 367–80, the Saturn V launch vehicle, the Boeing Flying Fortress, the B–29 *Enola Gay*, and the space orbiter *Enterprise* cannot be displayed and enjoyed by the nearly 10 million visitors the museum receives each year. In addition, the museum's space limitations inhibit the interpretation of aerospace technology's significant contribution to all societies and the possibilities which it holds for the future.

The limited storage space and poor conditions at the Smithsonian Garber Facility in Suitland, MD, endangers artifacts currently in the Air and Space Museum collections and curtails its ability to accept other artifacts.

Irreplaceable aircraft—a priceless part of our national heritage—are deteriorating because Congress cannot make a decision on the siting of this museum extension. This can no longer be tolerated.

The continued, strong support from the Board of Regents, the Commonwealth of Virginia and the Senate for this project is a testimony to the importance of the extension. I would like to reiterate that this support has been for the extension of the museum at Dulles. Therefore, I must mention the substantial financial commitment which the Commonwealth has made to this project.

Virginia's commitment includes: $3 million interest-free loan for planning and design work; State bonding authority to finance up to $100 million in debt for the initial construction phase of the extension; a commitment to provide the required site improvements at a total cost of $26 million; $6 million in direct funds toward the construction costs, and another $6 million raised through private and local contributions; a pledge to work with local governments, the Washington Metropolitan Area Transit Authority and others to develop rail passenger service between the West Falls Church Metro Station and the museum site by the year 2000; a willingness to initiate metro-like bus service between the extension and the Smithsonian's facilities on the Mall; and plans for construction of the Barnsfield Road Interchange on Route 28 at an estimated cost of $15 million.

The support for the museum's extension at Dulles is also largely due to the site's logistical and physical characteristics.

These characteristics include: proximity to an active runway; flexibility in building configuration and space for future expansion; adequacy of existing and projected transportation networks for visitor access and artifact movement; compatibility with existing airport operations and absence of vibration, noise, and fumes; potential numbers of visitors; geological configuration and subsurface conditions; and the availability of utilities and vital support services.

It is important for the Senate to be aware of the General Accounting Office's [GAO] involvement in the proposed extension. In February and March 1991 the Smithsonian met with officials from GAO to resolve several concerns which GAO staff had expressed with the scope of the proposed extension and the Smithsonian's site selection process.

In addition to the site characteristics mentioned previously, the Smithsonian reemphasized the importance of siting the extension in the Washington Metropolitan area rather than splitting the collection between the Mall location and a remote location. Such a split could not provide "a comprehensive and balanced view of the history, technology, and social aspects of air and space flight." Smithsonian officials realized in the 1960's that an extension of the building on The Mall would be necessary and since that time the proposed expansion has always been viewed as an extension of the museum on The Mall, not as a separate museum.

The Smithsonian also verified the significant cost differential in constructing and operating an extension at Dulles versus a remote location.

After much discussion and study, the GAO concluded in a March 20, 1991, letter to House Interior Appropriations Subcommittee Chairman Yates that "we now believe the choice of Dulles International Airport as the preferred site can be objectively defended by the Smithsonian."

In addition, in May 1991, the Board of Regents concurred to the GAO's recommendation and agreed to reduce the scope of the extension limiting it to meeting the museum's most immediate needs to protect, preserve, and restore the collection, and provide public access to significant portions of the collection. This reduces the overall project cost to $162,000,000—half of the originally estimated cost.

Mr. President, it is time for self-interested parties to accept the conclusions of the Board of Regents, the Senate Committee on Rules and Administration, the U.S. Senate and the GAO that Washington Dulles International Airport is the most practical, convenient, and cost-effective location for the extension of the Air and Space Museum.

I call on every Member of the Senate to support making the expansion of the National Air and Space Museum at Washington Dulles International Airport a reality. As we witnessed in the operations of Desert Storm in the Persian Gulf, air and space technology has and will continue to greatly impact every facet of our lives. The creation of this extension will enable visitors from all over the world to experience firsthand the magnitude and significance of man's technological achievements.

EXHIBIT 1

[From the Washington Post, Sept. 30, 1992]

A MUSEUM RAFFLE IN THE HOUSE?

Today's pork barrel special on the floor of the House is H.R. 3281, an outlandish proposal to raffle off the Smithsonian's planned National Air and Space Museum extension to some site in the United States—instead of letting the facility be where the Smithsonian's Board of Regents has voted five times since 1983 to put it—in the Washington region at Dulles International Airport. Like other efforts over the years to undo a logical plan for putting the museum at Dulles, the latest bill is an attempt to lobby support for sticking the museum annex at the abandoned Denver Stapleton Airport when the new airport opens in that city. That idea, along with other suggestions that the annex site be switched to Baltimore-Washington International, has been studied and rejected before. Why vote for another expensive delay, this time with an expensive "nationwide competition" for a site?

In a "Dear Colleague" pitch from Reps. David Skaggs of Colorado and Benjamin Cardin of Maryland, the bill is described as "your chance to get a Smithsonian museum in your district." At some unspecified cost, it would set up a "national competition" to select a site. This would be an expensive duplication—the Smithsonian's regents started their search for a site in 1981 with criteria that included proximity to the Mall and an active runway to move some of the biggest items, such as a Boeing 707 and 747. The Smithsonian spent $350,000 to study BWI and Dulles as possible sites. Then in 1989, at the request of the mayor of Denver, it spent an additional $50,000 to study Stapleton in Denver. On five separate occasions, the board has reasserted its preference for Dulles. The late Carmen Turner, undersecretary of the Smithsonian, last year requested a GAO review of the selection process. GAO concluded the choice of Dulles could be "objectively defended by the Smithsonian."

Congress should let the Smithsonian stick to its original logical plan. House members can let this happen by rejecting the rafflestall bill, which is being pushed in the last-minute rush to adjournment.

SMITHSONIAN INSTITUTION,
Washington, DC, October 21, 1991.
Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I would like to take this opportunity to comment on S. 1788, a bill to establish the National Air and Space Museum Expansion Site Advisory Panel for the purpose of developing a national competition for the evaluation of possible expansion sites for the National Air and Space Museum, and to authorize the Board of Regents of the Smithsonian Institution to select, plan, and design such site. The Smithsonian Institution is opposed to the bill because it is inconsistent with the authority and the objectives of the Institution's Board of Regents. Furthermore, inasmuch as it outlines actions that for the most part already have been taken, it is unnecessary.

Section 2 of S. 1788 would create the National Air and Space Museum Expansion Site Advisory Panel as an independent establishment of the United States. Its duties would be (1) to establish and conduct a national competition for the evaluation of possible expansion sites for the Smithsonian's National Air and Space Museum and (2) to develop expansion site selection criteria which are to include long-term costs of capital, operations, and administration; access to operational runway facilities; accessibility to the public; and other administrative and curatorial factors related to the storage, management, and display of Smithsonian air and space collections. The criteria specifically are not to include proximity to Washington, DC, except that the Panel may consider administrative and curatorial advantages of an expansion site in the Washington, DC region.

The Panel is to make its criteria known not later than four months after its initial meeting. Within eleven months after the initial meeting the Panel is to evaluate the extent to which proposals submitted to it comply with the criteria established and submit a report to the Smithsonian's Board of Regents and the Congress evaluating each proposal and recommending the location of the expansion site.

The Panel is to be composed of nine people, including four appointed by the President from among individuals having significant experience in the museum profession, at least two of whom are to be aerospace experts. Additionally, two of these four must live and work in States west of the Mississippi River which for this purpose is to include the State of Minnesota. Other members of the panel are to be two Senators, one appointed by the President pro tempore of the Senate and the other by its Minority Leader; two Members of the House of Representatives, one appointed by The Speaker and the other by the Minority Leader; and one person appointed by the Secretary of the Smithsonian Institution from among its officers and employees. No other panel members are to be current officers or employees of the Smithsonian. All panel members are to be appointed within sixty days of enactment.

If any of the Congressional members or the Smithsonian member of the Panel ceases to hold the positions on which their appointments were based, they may continue on the Panel for not longer than sixty days after that event. Otherwise, the term of Panel members is the life of the Panel, and the appointment of successors is to be made in the same manner as the original appointment was made. Panel members other than those from the Congress and the Smithsonian are to be paid at a daily rate equivalent to GS-18 for each day that they are engaged in the actual performance of duties of the Panel, and each Panel member shall receive travel expenses, including per diem in lieu of subsistence.

Five members of the Panel would constitute a quorum, although a lesser number may hold hearings, and the Panel chair is to be elected by a majority of the members. The initial meeting of the Panel is to be held not later than thirty days after the appointment of the last member.

The Panel is to have a director, appointed by the chair, who shall be compensated at a rate not to exceed the maximum rate of basic pay of GS-18. Subject to the rules of an unidentified Commission, the Chair may appoint and fix the pay of such additional staff as the Chair considers appropriate. The director and the staff may be appointed without regard to the provisions of title 5, U.S.C. and paid without regard to its provisions, except that no one can receive pay greater than GS-18. There is a comparable cap on the pay of experts and consultants. The head of any Federal department or agency is authorized to detail on a reimbursable basis any personnel to assist the Panel.

Under Section 2(e) of S. 1788 the Panel may hold hearings and administer oaths or affirmations to witnesses; grant authorization to any of its members or agents to take any action on its behalf which it is authorized to take; secure directly from any Federal department or agency any information necessary to carry out its duties; use the United States mails in the same manner as any other department or agency of the United States; request the Administrator of General Services to provide on a reimbursable basis administrative support services and office space; and contract with and compensate public and private agencies and individuals for research, surveys, and other services necessary to carry out the duties of the Panel. Section 13 of the Federal Advisory Committee Act, providing for public availability, is to apply to the report of the Panel, the work of which is to terminate thirty days after the date on which the Smithsonian's Board of Regents selects the expansion site.

Section 3 of S. 1788 provides that funds to carry out the duties of the Panel shall be available only to the extent that such amounts are made available in advance in appropriations Acts.

Section 4 of S. 1788 authorizes the Board of Regents to select an expansion site only after considering the criteria developed by the Panel and the site recommendation in its report. Within thirty days after making its selection the Board of Regents is to submit to the Comptroller General of the United States a report explaining the reasoning for selecting its preferred site. The Comptroller General is to review and evaluate that report and the extent to which the site selected by the Board is consistent with the criteria established by the Panel, and to report that review and evaluation to Congress within sixty days after receiving the report of the Regents. The Board of Regents is authorized to plan and design an expansion site only to the extent that amounts necessary for such work are made available in appropriations enacted after the date of enactment of S. 1788.

The National Air and Space Museum (NASM) was initially established as a bureau under the administration of the Smithsonian Institution by Public Law 722 of the 79th Congress. Enacted August 12, 1946, the measure included in its mandate for the Museum the requirement to "collect, preserve, and display aeronautical and space flight equipment of historical interest and significance."

Decision-making authority for fulfilling that mandate and for carrying out other Smithsonian activities is vested in the Institution's Board of Regents and rooted in the Will of James Smithson, an English scientist who died in 1829 after providing that:

"In the case of the death of my . . . nephew without leaving a child [which occurred] . . . I then bequeath the whole of my property . . . to the United States of America, to found at Washington, under the name of the Smithsonian Institution, an Establishment for the increase and diffusion of knowledge among men."

In 1835, after learning of the bequest through diplomatic channels, President Jackson wrote to Congress:

"The Executive having no authority to take any steps for accepting the trust and obtaining the funds, the papers [concerning the bequest] are communicated [to Congress] with a view of such measures as Congress may deem necessary."

In the Act of July 1, 1836 (5 Stat. 64), Congress accepted the trust and pledged the faith of the United States that all monies involved in it would be received and applied to the establishment of the Smithsonian for the purposes set forth by Mr. Smithson. In the Act of August 10, 1846 (9 Stat. 102) Congress chartered the Institution in its present form and in directing that "the business of the said institution shall be conducted . . . by a board of regents . . ." delegated to the Board its responsibility as trustee for carrying out the Smithson bequest. To ensure geographical representation on the Board, Congress provided that among the Regents, other than Members of Congress, two were to be "resident in the city of Washington" and the remainder were to be "inhabitants of some State, but no two of them of the same State."

The Board includes the Chief Justice; the Vice President; three Members of the House—Mr. Whitten, Mr. McDade, and Mr. Mineta; three Members of the Senate—Mr. Garn, Mr. Moynihan, and Mr. Sasser; and nine citizens who include David C. Acheson of the District of Columbia; Anne Armstrong of Texas; William G. Bowen of New Jersey; Jeannine Smith Clark of the District of Columbia; I. Michael Heyman of California; Samuel C. Johnson of Wisconsin; Homer A. Neal of Michigan; R. James Woolsey of Maryland; and one vacancy. While the Board of Regents benefits from representation from all three branches of Government, the Institution is not under any branch, and it does not perform governmental functions. Its sole function is to carry out the trust responsibility "for the increase and diffusion of knowledge among men," a responsibility supported by the 1836 pledge of faith by the Congress.

The Board of Regents is responsible for setting Institution policy and overseeing the management of Smithsonian assets and activities. This independent authority, however, is exercised subject to the obligations imposed by law on all trustees: the obligation to exercise good judgment in carrying out trust purposes; to be faithful to the trust; to exercise prudent oversight of trust activities; to maintain strict records of trust assets; and to be prepared to justify stewardship to all proper authorities.

Section 4 of the 1846 Act authorized the Regents to select "a suitable site for such building as may be necessary for the institution . . . [from] the public ground in the city of Washington. . . ." While this language was sufficient nearly a century and a half ago to provide a site for the Smithsonian "Castle," in more recent years the Board of Regents has recommended enactment of specific authority to provide sites for Institutional units such as the National Museums of American History, American Art, the American Indian, African Art, and Air and Space.

The need for an extension to the National Air and Space Museum dates to the 1960s when, in planning for the Museum on the Mall, it became clear that the building would not have the capacity to accommodate the entire collection, allow for additions to it, or provide adequate support services. Thus, it was recognized that another structure ultimately would be required to meet those needs and to replace the Paul E. Garber Facility at Suitland, Maryland, if the Museum was to honor its mandate, keep pace with developments in aerospace technology, and provide proper protection for the entirety of its collection.

The additional structure has always been viewed as extending the on-going activities of the Museum on the Mall, rather than housing major programmatic expansions. As an example, the Mall Museum can display artifacts of air transportation only through the mid-1930s; the largest commercial airplane on view is a DC-3. Only at an extension can we continue that story into the post-World War II era and illustrate the transformation of politics and cultures with larger artifacts much as the Boeing 707 and 747. Furthermore, because the extension is to provide vital intellectual and physical support services for the Mall Museum, a nearby location always has been an integral consideration in its planning.

In 1981, the Museum's staff began to search for a location for an extension which had

permanent access to an active runway capable of handling large jet aircraft;

a location within an hour of the Mall to facilitate curatorial and other staff visits;

no interference with the primary mission of the airport;

sufficient area for present needs and prospective growth; and

support of the airport and local authorities.

With these requirements in mind, the staff inspected Washington National Airport, Andrews Air Force Base, Baltimore-Washington International Airport, Glenn L. Martin Airfield, the Department of Agriculture airfield at Beltsville, Md., and Washington Dulles International Airport.

In September, 1983 a proposal for an extension at Dulles was submitted to the Board of Regents which endorse its conclusions. A series of related events quickly ensued; their details follow.

November 1983. Maryland requested that the Smithsonian consider the Fairchild plan at Hagerstown which, after inspection, was rejected because of insufficient length of its runway and low ceiling heights in its buildings.

December 1983. West Virginia requested that the Smithsonian consider Shepherd Field in Martinsburg which, after inspection, was rejected because of insufficient length of the runway.

January 1984. The Regents requested their Congressional Members to introduce and support legislation authorizing planning and construction of the extension.

September 1985. The Regents endorsed pending Senate legislation for planning, design, and construction of the extension at Dulles.

September 1985. A study by Dewberry and Davis, an architectural firm, recommending a specific location on the Dulles reservation, was completed.

December 1985. The National Park Service requested that the Smithsonian consider Floyd Bennett Field in New York. After inspection, it was rejected because of inadequate size of the hangar facilities and distance from the Mall.

August 1986. The Secretary appeared before the Senate Committee on Rules and Administration to request amendment of pending legislation to include $1 million for master planning for the Dulles extension.

September 1986. The Board of Regents concurred in a recommendation to enter into a lease agreement with the Federal Aviation Administration for land at Dulles.

September 1987. The State of Maryland expressed interest in having the extension sited at Baltimore-Washington International Airport.

September 1988. A preliminary planning report for an extension prepared by Skidmore, Owings and Merrill was completed.

October 1988. Governor Schaefer of Maryland and Governor Baliles of Virginia received copies of the September report and discussions began on proposals from each state.

December 1989. Hellmuth, Obata and Kassebaum completed a site survey, comparing Dulles and BWI. Both sites could accommodate the extension, and the financial packages from both were comparable.

January 1990. Colorado submitted a proposal for an extension at Stapleton Airport just prior to a meeting of the Regents at which they reaffirmed their preference for Dulles.

In February and March of this year the Smithsonian met with representatives of the General Accounting Office (GAO) in order to understand concerns its staff had raised about the scope of the extension project, the manner in which the Institution had conducted its site selection for the extension, and the value of each site offered. In the course of the meetings it became clear that some of the steps the Smithsonian had undertaken to address certain issues were novel to the GAO.

For example, using a collections rationale which includes airplanes and spacecraft that ultimately should be part of the NASM program to analyze future architectural needs was a step with which the GAO staff seemed unfamiliar. As an alternative to the thirty-five year projection of needs and the accompanying proposal for a comprehensive, three phase program developed by the Smithsonian, the GAO suggested that the Institution confine itself to more readily defined immediate needs and document those.

The Institution's need for a nearby extension also was discussed, and the reason for it clarified. Related to that is the issue of splitting collections between the Mall Museum and a remote facility, which the Smithsonian opposes because it then could not provide a comprehensive and balanced view of the history, technology, and social aspects of air and space flight.

The Institution also developed life-cycle operating cost comparisons for a nearby and a remote extension over 30 years. Previously, a seven to ten year projection had been provided to demonstrate that a remote extension would prove far more expensive in the long run. At the suggestion of the GAO, the life-cycle costs were arrayed in the form of a present-value analysis, as were assessments of Dulles and BWI construction costs, which demonstrated that the Dulles site represented the best value.

As a result of these discussions, the Smithsonian gained a better understanding of the approach of the GAO which, in turn, more fully comprehended the reasons for the manner in which the Institution had conducted its studies. Together, differences between approaches and points of view were resolved.

At their meeting this past May the Regents concurred in the recommendation to reduce the scope of the extension, limiting it to meeting the most immediate needs of the Air and Space Museum and allowing for modest growth of collections in the five years after its opening. The Regents also asked their Congressional Members to support legislation authorizing detailed planning and design of the extension. S. 289, introduced on January 30, included Smithsonian Regents Garn and Moynihan among its original cosponsors.

As the foregoing attests, virtually all of the steps contemplated in S. 1788 already have been taken. The Board of Regents, which has statutory responsibility for the management of the Smithsonian Institution, has made a thorough analysis of the extension proposal and reached a carefully-considered conclusion on it. To have the matter addressed again by the panel proposed in S. 1788 would be redundant and wasteful.

If enacted, the bill would set in motion a seventeen-month timetable for action. The realities of implementing such a timetable, however, are likely to lead to extended delays which can only jeopardize further the unique and extensive collection of air and space artifacts with which the Institution has been entrusted, and the ability of the Museum to fulfill its mandate.

For all of these reasons the Smithsonian Institution is opposed to S. 1788.

The Office of Management and Budget advises that it has no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT MCC. ADAMS,
Secretary.

OFFICE OF MANAGEMENT
AND BUDGET,
Washington, DC, September 29, 1992.

STATEMENT OF ADMINISTRATION POLICY

(H.R. 3281—National Air and Space Museum Expansion Site Selection Act of 1991—Skaggs and 42 cosponsors)

The Secretary of the Smithsonian Institution would recommend a veto of H.R. 3281 if it were presented to the President in its current form.

H.R. 3281 interferes with the authority and autonomy of the Smithsonian's Board of Regents and duplicates a site selection process the Board has already completed. The General Accounting Office has stated that the board complied with generally accepted business practices in making its selection.

FOREST SERVICE APPEALS

Mr. CRAIG. Mr. President, I would like to raise a matter contained in the conference report with the distinguished floor manager of the bill. If I may have his attention.

Mr. BYRD. I will yield to the Senator from Idaho.

Mr. CRAIG. Mr. President, as the floor manager knows, when the Senate was considering the fiscal year 1993 Interior appropriations bill, I, along with Senator DECONCINI offered an amendment concerning the Forest Service's administrative appeals process. Our efforts in this regard were, in my opinion, a reasonable and balanced approach to resolve the debate over the future of the Forest Service's appeals process. During the conference on this bill, the Craig-DeConcini amendment was modified. I have had the opportunity to review these modifications and I am satisfied with the results of the conference.

Mr. DECONCINI. Will the gentleman yield?

Mr. CRAIG. I will be happy to yield to my friend from Arizona.

Mr. DECONCINI. I thank the Senator from Idaho. As a coauthor of the Craig-DeConcini amendment, I am also satisfied with the result of the conference on this matter. The chairman of the Agriculture Committee deserves special recognition for his and his staff's efforts to resolve some of the concerns that had been raised with the amendment as it passed the Senate. I feel that his suggested changes to the Craig-DeConcini amendment were constructive and resulted in a better final product. Thanks to Senator LEAHY, we now have an administrative appeals process mandated by statute.

Mr. LEAHY. Will the Senator from Arizona yield?

Mr. DECONCINI. I yield to my friend.

Mr. LEAHY. Mr. President, both Senator CRAIG and Senator DECONCINI are to be commended for their efforts to develop and pursue their amendment concerning forest appeals. While I did not support it when it was considered by the Senate, I am appreciative of their willingness to listen to my concerns and make the necessary modifications. Consequently, I can now support this provision. I feel that through our collaborative efforts, we have now preserved an appeals process that gives the citizens of this country an opportunity to participate in the management of their national forests.

Mr. CRAIG. I wonder if I may engage the chairman of the Agriculture Committee and the Senator from Arizona in a colloquy to clarify a few points with respect to the provision contained in the conference report concerning Forest Service appeals. First, as both of the Senators know, the Forest Service has a separate appeals process concerning licenses and permits. Is it their understanding that the appeal provisions contained in the fiscal year 1993 Interior appropriations bill would not affect this separate appeals process?

Mr. DECONCINI. The Senator from Idaho is correct. As both a coauthor of the original Craig-DeConcini amendment and a conferee, it was my intent that the appeal provision contained in this legislation, H.R. 5503, should only apply to decisions implementing forest plans and that the separate appeals processes for the forest plans themselves and decisions on licenses and permits should remain unaffected by this legislation.

Mr. LEAHY. I concur with both Senators in this regard.

Mr. CRAIG. On another matter, the amendment that was adopted by the conference committee provides that an individual may appeal a Forest Service decision so long as that person "* * * was involved in the public comment process" for the decision under appeal. It is this Senator's opinion that the Forest Service must establish a record in order to identify those who have met the standing requirement contained in this legislation. I wonder if the Senator from Arizona and the Senator from Vermont have any thoughts on this issue.

Mr. DECONCINI. The Senator from Idaho raises an important point. The Craig-DeConcini amendment as passed by the Senate was criticized by some because they were under the mistaken impression that it may limit participation in the appeals process. Rather, it was this Senator's intent to encourage participation in the public involvement processes associated with decisions made by the Forest Service. Consequently, with respect to the issue of standing, I feel that it is imperative that as the Forest Service implements the appeal provision in this legislation, they must clearly define a process by which the public comments that are received, in whatever form, are clearly documented. If there ever is a question of standing, I feel that the burden of proof should be on the Forest Service to prove that an individual does not have standing rather than the appellant having to prove that he or she is eligible to file an appeal.

Mr. LEAHY. I wholeheartedly concur with the Senator from Arizona. In fact, one of my suggested modifications to the appeal provision provides for a clearly defined public comment period for each individual Forest Service decision. I felt this was necessary because as the original Craig-DeConcini amendment was drafted, in order for a person to have standing, they must have participated in the public involvement process for the underlying decision. The problem with this is that current Forest Service practice does not require a uniform public involvement process for each individual decision. Therefore, my modification to the Craig-DeConcini amendment will add clarity to the appeals process by providing a statutorily mandated public comment period during which an individual's participation will establish standing to appeal. This will prevent confusion in the future on this issue.

Mr. CRAIG. One final matter, the appeals provision contained in the conference report provides that the automatic stay of action will be lifted when: First, no appeal has been filed; and second, when the Secretary fails to act on the appeal within the time frames allowed. The language does not, however, specify what will happen to the stay when the appeal is decided within the timeframes spelled out in the bill. It was certainly my intention that stay of action be lifted 15 days after the decision on the appeal was decided within the deadlines contained in the bill. I wonder if my colleagues share my interpretation in this regard.

Mr. LEAHY. The Senator from Idaho's interpretation of this matter is entirely accurate. We did indeed intend for the stay of action to be lifted 15 days after the disposition of the appeal within the timeframes contained in the bill. I am confident that as the Forest Service implements this provision, they will recognize that this was an inadvertent error and draft the regulations accordingly.

Mr. DECONCINI. Mr. President, I share the opinion of both the Senator for Idaho and the Senator from Vermont in this regard. It is clear that we intended for the stay of action to be lifted 15 days after the disposition of the appeal regardless of whether it was within the amount of time provided for the decision on the appeal or not.

Mr. CRAIG. I thank the Senators for their clarifications of these issues. In closing, while we have mentioned a number of issues, there are still several that will be resolved during the Forest Service's rulemaking process. We look forward to working with the Forest Service in this regard. Mr. President, I also want to thank the floor manager for his leadership in moving this appeal provision forward.

Mr. BYRD. I thank the Senator from Idaho. I want to say that I share the interpretation of the Senators on the intent of the language in the conference report concerning Forest Service appeals. I might ask, Mr. President, my colleague from Oklahoma, Senator NICKLES, the ranking minority member of the subcommittee, whether he shares this interpretation as well.

Mr. NICKLES. Mr. President, that is, indeed, my understanding of the agreement reached by the conferees with respect to the appeals legislation.

MINING CLAIM RENTAL FEE

Mr. BYRD. Mr. President, I know the Senator from Alaska and the Senator from Arkansas would like to engage in a colloquy about an aspect of the small miner exemption to the holding fee.

Mr. NICKLES. I want to complement the conferees, especially the two senators who worked so hard on this amendment that the conferees included in the conference report to help small miners.

Mr. BUMPERS. Mr. President, I would like to engage the senior Senator from Alaska in a colloquy about a modification to the amendment the Senator attached in conference to the holding fee provision for claims under the 1872 mining law. As I understand the Senator's amendment, those persons holding ten claims or less which meet certain requirements have the option of paying the claim rental fee or performing an equal value of assessment work on their claims as is required under current law.

Mr. STEVENS. That is correct Senator. It is my belief that the holding fee would have a serious impact on small-scale miners nationwide, especially those in Alaska.

Mr. BUMPERS. I agreed to support the Senator on his amendment because, as chairman of the Small Business Committee, I am sensitive to the argument that small miners could be put out of business by the imposition of a claim rental or holding fee. While I do not necessarily agree that a miner holding 10 claims, which can cover as much as 200 acres of public land, should be considered a small miner, I note that the fee in this bill is limited to 2 years, and we will likely revisit this issue in the future when we have more information to make a reasoned judgment about the definition of a small miner.

The Senator's small miner amendment includes a provision designed to guard against those persons holding more than 10 claims from avoiding the fee requirement by transferring some claims to their spouses and minor children. I want to make clear that the BLM, in carrying out its responsibilities under the holding fee provision, is expected to be vigilant in guarding against other schemes by miners holding more than 10 claims from avoiding the claim rental fee requirement.

Mr. STEVENS. I agree with the Senator. The intent of my amendment is to protect small miners, not to create loopholes for others.

In further clarification, Mr. President, I would like to address a few issues concerning the mining claim rental fee included in the conference report submitted by the Interior conferees of the House and Senate. My friend, Senator BUMPERS raised some good points about the small miner exemption to the claim rental fee. As chairman of the Small Business Committee, I realize that the Senator from Arkansas truly wants to make sure small mining operations are not unduly burdened by a claim rental fee.

Mr. BUMPERS. That is absolutely correct and I appreciate the Senator from Alaska's willingness to accommodate the concerns I raised on the floor when the Senate debated his provision. I do want to ask the Senator a question about the small miners provision which we discussed in conference. The conferees did modify his language by adding a provision to guard against double dipping on the exemption to the $100 fee in situations where family members might disperse claims throughout their immediate family so as to qualify for a small miner exemption and avoid payment of the claim rental fee. Will the Senator from Alaska please explain the conferees' agreement to eliminate this situation?

Mr. STEVENS. I certainly will. We added language as the last sentence of the claim rental fee provision. The language reads:

> *Provided further*, That for purposes of determining eligibility for the exemption from the claim rental fee required by this Act, any claims held by a husband and wife, either jointly or individually, or their children under the age of discretion, shall be counted together toward the ten claim limit.

What is intended with this language, which was added after our discussions in committee, is to prevent claim holder with more than 10 claims from transferring some claims to a spouse or child under the age of discretion so that each family member then holds 10 or fewer claims. In such a situation, without the modification, each would be eligible for the small miner exemption even though, in actuality, the claims are owned by the family unit.

After my discussions with Senator BUMPERS, we agreed to add the language to prevent such transferers from taking advantage of the small miner exemption.

For example, in a situation where a husband owns, say 15 claims, and he transfers 5 to his wife, his wife would not qualify for the exemption to the holding fee even if the other conditions for the exemption were met. However, in a situation where a father owns 10 claims and his daughter over the age of discretion owns 10 claims, each would still be eligible for the small miner exemption if they met the other factors for the exemption spelled out by the language agreed to by the conferees. In a family situation, children above the age of discretion may be producing or exploring on their own claims independent of their mother and father and such children should be eligible for the small miner exemption as well.

Mr. BUMPERS. I thank Senator STEVENS for his clarification and accommodation in preventing the result we spoke about in the conference.

Mr. NICKLES. I thank both Senators, again, and I agree that this is what the conferees intended.

Mr. BYRD. The mining claim holding fee was an important part of the conference agreement and I thank the Senator from Alaska and the Senator from Arkansas for their hard work in reaching an agreement to help the small-scale miners on Federal land. Their explanation is most instructive and it explains well the agreement between the conferees.

LAND ACQUISITION PROVISION

Mr. SANFORD. I would like to ask the distinguished chairman of the Appropriations Committee a question regarding a land acquisition provision contained in the Interior appropriations conference report. I hope to clarify a matter of great importance to the people of North Carolina.

Mr. BYRD. I will be glad to entertain a question from the junior Senator from North Carolina.

Mr. SANFORD. I thank my friend from West Virginia. The Interior conferees worked under very tight budgetary constraints this year, and I commend members on both sides of the isle for their efforts.

The Senate Interior appropriators designated $4.2 million for Forest Service land acquisition in the Chattooga Wild and Scenic River corridor in the mountains of western North Carolina, northeastern Georgia, and northwestern South Carolina. House appropriators allowed $1 million for this worthy project.

Due to funding restrictions and the immediate need to protect several threatened properties in North Carolina, it is my understanding that the Interior appropriations conferees agreed, as a position of compromise, to designate $1.8 million in the Forest Service land acquisitions account for the Chattooga River project solely in the State of North Carolina.

Mr. BYRD. My friend from North Carolina is correct that agreement was reached among conferees to direct $1.8 million for the Chattooga program in his State. I am pleased that this allocation will likely save some of this Nation's most biologically diverse and ecologically sensitive lands.

Mr. SANFORD. I greatly appreciate the opportunity provided me by the chairman to clarify this most important matter. Once again, I must thank the senior Senator from West Virginia and his fellow conferees for their good work this year.

SOUTHWEST FOREST STUDY

Mr. DECONCINI. Mr. President, during Senate consideration of H.R. 5503 I had the opportunity to enter into a colloquy with my distinguished colleagues, Senator DOMENICI and Senator GARN, and with the distinguished floor manager concerning the Southwest forest study which has recently been awarded to a consortium of universities from Arizona, New Mexico, and Utah coordinated through Northern Arizona University. The study was initiated in fiscal year 1992 by the Congress with an appropriation of $300,000. Because of the lengthy but necessary competitive bidding process, the study is just getting underway and almost none of the appropriated funds have been spent. The Senate provided $500,000 for the study for fiscal year 1993. The conferees, however, have reduced that number to $300,000. It is my understanding that both fiscal year 1992 and fiscal year 1993 funds, totaling approximately $600,000, will be available to be expended for the study in fiscal year 1993, and would ask the distinguished floor manager if he shares that understanding.

Mr. BYRD. The Senator is correct.

Mr. DECONCINI. I thank the chairman.

BIA AMENDMENT DROPPED IN CONFERENCE

Mr. STEVENS. I included an amendment in the Senate Interior appropriations bill to make certain Alaska Native villages eligible to receive Bureau of Indian Affairs road funds. The conference committee deleted this amendment based on a Solicitor's opinion that the amendment was redundant and unnecessary. The Solicitor's opinion stated that villages such as Craig, AK, already qualify under the existing BIA road program. The opinion explained that recent changes permitted Native villages such as Craig, with less than 50 percent Native population, to qualify for BIA road funds. Based on this opinion, the conference committee agreed to delete my amendment. Is my understanding correct?

Mr. BYRD. Yes; the Senator is correct. The amendment of the Senator was dropped during conference because the Solicitor's office issued an opinion that current BIA policy already makes cities such as Craig, AK, eligible to receive BIA road funds.

Mr. STEVENS. I thank my friend from West Virginia.

THE MIDDLE RIO GRANDE BIOLOGICAL MANAGEMENT PLAN

Mr. DOMENICI. Mr. President, as the Senate considers the conference report to accompany H.R. 5503, the Interior and related agencies appropriations bill for fiscal year 1993, I would like to seek the chairman's assistance with regard to the implementation of a biological management plan for the Bosque habitat along the Middle Rio Grande River in New Mexico.

There is no doubt that the conference on the Interior appropriations bill is one of the most difficult conferences in which I have participated. I commend the distinguished chairman and the ranking member for the fine job they did in crafting a final bill that will be acceptable to the President. Such an outcome tasked them with reductions in the bill of approximately $500 million.

With this outcome, every priority could not necessarily be funded, and that proved to be the case with one item of particular importance to me. That item is continued progress on a strategy to protect one of the last remaining Bosque habitats in the Nation, which is along the Middle Rio Grande River in New Mexico. I am most grateful for the support of the subcommittee for this initiative this year and in the previous 2 years. The pending bill includes an additional $200,000 through the Fish and Wildlife Service Resource Management Program to continue the Bosque effort. The conferees did not approve, however, the full $400,000 contained in the Senate bill to proceed with the development of a multiagency management plan for the Bosque area, which is the next important step in this effort.

The Bosque protection plan has widespread community support and unprecedented cooperation among the Fish and Wildlife Service, the Army Corps of Engineers, and the Bureau of Reclamation, which have entered into a memorandum of agreement to work on this initiative. Would it be acceptable to the distinguished chairman that within established reprogramming guidelines additional resources above the $200,000 included in the conference report could be devoted to the preparation of the Middle Rio Grande biological management plan within the overall funding approved for the Fish and Wildlife Service?

Mr. BYRD. I understand the Senator's concern about proceeding with the Middle Rio Grande biological management plan and commend the close cooperation of several Federal agencies in protecting and seeking to regenerate this riparian habitat. If this project is of sufficient priority of the service to propose a reallocation within existing funds, it would be acceptable for the Fish and Wildlife Service to contribute additional resources to other Bosque initiative using its normal reprogramming guidelines.

Mr. NICKLES. I join the distinguished chairman in urging the Fish and Wildlife Service to continue its support for the Bosque initiative.

Mr. DOMENICI. If necessary, would the distinguished chairman and ranking member entertain a formal reprogramming request from the administration if it determines that additional resources are needed to prepare the Bosque biological management plan?

Mr. BYRD. I would be willing to entertain such a reprogramming request if necessary, but I would hope that this initiative could be supported by the Fish and Wildlife Service within the framework of this bill. Under current authorities, the Service may reprogram up to $250,000 without advance approval of the committees.

Mr. NICKLES. I concur with the distinguished chairman and would expect that the Fish and Wildlife Service will support the Bosque management plan.

Mr. DOMENICI. I thank the distinguished chairman for his consideration of this initiative, and for the strong support he has given to several pressing matters of importance to my home State of New Mexico. I thank my friend from Oklahoma for his assistance on many important issues in this bill. I am most appreciative for their sensitivity to the significance of the programs in the Interior appropriations bill to public lands States such as New Mexico.

LAKE CHAMPLAIN AND THE FOREST LEGACY PROGRAM PROVISIONS OF H.R. 5503

Mr. LEAHY. Mr. President, I would like to seek the chairman's assistance in making clarifications to the fiscal year 1993 appropriation for the Forest Legacy Program and the U.S. Geological Survey's [USGS] Lake Champlain activities.

To start I would like to thank the chairman for his willingness to work with me and other supporters of the Forest Legacy Program. We are making great strides in conserving the environmental and economic benefits of our private forests. The Forest Legacy Program is a very important part of our efforts.

The Senate report states that Forest Legacy Program funds should be equitably allocated among all States with active programs based on demand for projects in each State. Future allocations for the legacy program should be divided such that 50 percent of the funds are divided equally among the States with approved programs, and the balance to be distributed on a basis determined jointly by the Secretary and the States. This allocation determination should be decided within 90 days of enactment of this legislation. While the conference was silent on this language do you agree that the Secretary should move as quickly as possible to take action on this Senate report language?

Mr. BYRD. I agree. As the Senator knows, unless language in the House and Senate report is addressed to the contrary by the conferees, it is to be complied with by the agency.

Mr. LEAHY. Does the chairman also agree that it was the conference's intent that the States of New York and New Jersey are eligible to receive a maximum of $3 million of the $10 million allocated to the Forest Legacy Program? In other words, if the Secretary makes $3 million available to New York and New Jersey for the New York/New Jersey Highlands, the remaining $7 million would be divided among the remaining States who are actively participating in the Forest Legacy Program.

Mr. BYRD. I would say to the Senator from Vermont that it was the expectation of the committee when the Senate passed the Interior bill that because of the funds made available for the New York/New Jersey Highlands, the balance of the legacy program funds would be available for other eligible States. Since the House did not include any funding for the Forest Legacy Program other than for the New York/New Jersey Highlands, the Forest Service should consider the intention of the Senate in allocating the funding agreed to by the conferees.

Mr. LEAHY. With regard to Lake Champlain, there was some confusion last year as to the intention of the committee in funding USGS efforts to implement the Lake Champlain Special Designation Act—Public Law 101-596.

The act directs the USGS to concentrate its efforts in three areas: First, to coordinate the development of a geographic information system for Lake Champlain; second, to bring USGS recording sites in the basin up to continuous monitoring status; and third, establish additional continuous monitoring station sites as needed. In fiscal 1992, the appropriations were directed by the committee to other elements of the Lake Champlain Basin Program. I would very much appreciate the assurance of the chairman that it is the intention of the committee that fiscal year 1993 funding be applied to the three priority items mentioned in Public Law 101-596. Doing so will enhance the USGS Champlain effort.

Mr. BYRD. It is indeed the intention of this committee that these funds are intended for both the monitoring stations and geographic information systems coordination as directed by the Lake Champlain Management Conference.

Mr. LEAHY. I thank Senator BYRD for helping to clarify these matters.

INSPECTOR FOR PORT OF PHILADELPHIA

Mr. LAUTENBERG. Mr. President, I rise in support of the fiscal year 1993 Interior appropriations conference agreement, and commend the distinguished Senate Appropriations chairman, Senator ROBERT C. BYRD, for his outstanding efforts on this bill.

This legislation includes an important provision, at my request, to restore a part-time inspector at the Port of Philadelphia.

Under the Endangered Species Act of 1973, all fish and wildlife products, with limited exception, imported or exported through United States seaports must be inspected by an authorized Fish and Wildlife inspector. In addition, this cargo must pass through a port designated to accept such cargo or shippers must obtain a designated port exception permit issued by the Fish and Wildlife Service. A wide range of cargo is covered under the Endangered Species Act, including products such as lizard watchbands, leather sofas, fur coats, and leather shoes.

The Port of Philadelphia is not one of the Fish and Wildlife Service's 10 designated ports. Until recently, however, the Port of Philadelphia was able to accept cargo regulated by the Endangered Species Act because a part-time inspector from Newark, NJ, traveled to Philadelphia about once per week to inspect the cargo under a nondesignated port exception permit. When that wildlife inspector's position became vacant the Fish and Wildlife Service, citing inadequate funding and personnel, failed to hire a replacement inspector to service the Port of Philadelphia. As a result, cargo is no longer eligible for a designated port exception permit at the Port of Philadelphia.

The loss of an inspector has an adverse impact on the amount and type of cargo that can be handled at the Port of Philadelphia. Unless a part-time inspector is reinstated in Philadelphia, the port will no longer be able to receive shipments subject to regulation under the Endangered Species Act. Perhaps of even greater concern, however, is the potential loss of business from large shippers, like retail stores, who may choose to bypass Philadelphia for all of their imports. Importers tend to utilize as few ports as possible but expect full Government services regardless of the type of cargo.

A part-time inspector would ensure the issuance of designated port exception permits to shippers and help the Port of Philadelphia continue to play a vital role in the Philadelphia-Southern New Jersey region's economic well-being.

I am thankful that this legislation includes funding to support restoration of a part-time inspector at the Philadelphia Port.

Mr. LAUTENBERG. Mr. President, I rise in support of the fiscal year 1993 Interior appropriations conference agreement and to commend the distinguished Senate Appropriations chairman, Senator ROBERT C. BYRD, for his outstanding efforts on this bill.

This legislation makes important investments in the preservation of our Nation's natural and cultural heritage through its support of the National Park Service, the U.S. Fish and Wildlife Service, and the Forest Service. It also provides essential support for the National Foundation on the Arts and Humanities as well as for the National Holocaust Memorial Council.

I would like to discuss a number of items involving parks, historic preservation, and open space that are important to my State and which are addressed in this legislation.

PROTECTING THE NEW JERSEY SHORE FROM OIL-SPILLS

Mr. President, I would like to express my support for the bill's provision banning OCS leasing activities on lease sale 164, which includes the Mid-Atlantic Planning Area, including the waters off the New Jersey coast. The conference agreement contains moratoria language, and I am very pleased that the committee chose to support my request to include the moratoria in the agreement.

This language is consistent with Senate action earlier this year. During the Senate's consideration of S. 2166, the National Energy Strategy Act, the Senate included a provision which would ban leasing off New Jersey for the remainder of this decade. The House companion bill includes a moratorium along the entire east coast of the United States.

In 1988, then-candidate George Bush visited the New Jersey shore. He called the pollution of our coastal waters and beaches a national tragedy, and promised to protect the Nation's shores. Yet, in his June 1990 OCS moratoria decision, the President protected only a portion of the Nation's coastline. Although he recommended moratoria for most of the west coast, much of New England and certain areas off western Florida, the President flatly ignored New Jersey and the other Mid- and South Atlantic States. That decision effectively discriminates against these States by saying that other offshore areas are somehow more sensitive and more deserving of protection.

It took the National Academy of Sciences 3 years, and the President's OCS Task Force another year, just to conclude that the areas placed under moratoria needed further study. And the President's decision called for an additional 6-10 years of study to determine the environmental impacts on these States. How can the administration already have all the answers for New Jersey and the other unprotected States? The answer is, it cannot.

Obviously, the President does not believe that these States deserve protection. But the economies of these unprotected States rely heavily on their coastal resources. And spilled oil can have devastating effects on a State's commercial and recreational industries, not to mention the damage it can inflict on its marine and estuarine systems.

The waters off New Jersey are just as precious as those covered by the President's ban: Our beaches deserve equal treatment. Since the June 1990 decision, I have sent several letters to the President, and have met with the Director of the Minerals Management Service. In each instance, I have urged that New Jersey receive the same type of environmental reviews as those States which obtained moratoria. Unfortunately, the MMS is proposing to make available vast acreage off the eastern seaboard for oil and gas leasing. It's now up to the Congress to remove the prejudice and instill some justice into the OCS planning and leasing processes.

In the wake of the gulf war, the administration's National Energy Strategy proposed increasing our domestic production to offset our dependence on foreign oil. And OCS development was to play an important role in the administration's energy plan. Yet, even if we did develop all of the unleased portions of our OCS, it would provide us with less than 1 percent of world oil supplies. The Minerals Management Service has estimated that there is less than a month's worth of oil in lease sale 164.

These are meager benefits in the face of the potential economic and environmental risks posed to our vulnerable coastal States, and OCS development would do little to affect our reliance on the volatile world oil markets.

Increasing domestic oil production from our ocean waters is a short-term fix to our shortage of oil. The United States simply does not possess large enough reserves—on land or offshore—to satisfy this Nation's insatiable appetite for oil. The United States has the highest per capita energy consumption rate in the world. If we truly want to wean ourselves from foreign oil dependence, the answer lies in reducing our use of oil, and increasing our use of alternative fuels and renewable energy—not in increased domestic oil production from our ocean waters.

I commend the conference committee for its attention to this very important issue.

LAND ACQUISITION FOR WILDLIFE REFUGES AND PARKS

Mr. President, this legislation also contains funding for refuge land acquisition that is of special significance to my State. New Jersey is the most densely populated and urbanized State in the Nation, but New Jersey also has many beautiful natural areas that are home to adverse plant and animal life. The fact that New Jersey is so urbanized, makes the preservation of our remaining undeveloped areas that much more important.

The New Jersey coast is an area that feels the pressure of development very acutely. I'm very pleased that, at my request, this legislation contains $4.5 million to continue acquisition of critical properties at the E.B. Forsythe National Wildlife Refuge.

The Forsythe Refuge includes critical wintering habitat for black ducks and Atlantic brant, as well as habitat for the peregrine falcon, blue heron, and the piping plover.

Last year, I worked with the chairman to provide $4 million to enable the Fish and Wildlife Service to continue acquisition at the Forsythe Refuge. Recently, the Fish and Wildlife Service obtained title to the properties with money Congress appropriated last year. I'm very pleased that acquisition has begun, but more funding is needed to continue this very important project.

This money will provide a shot in the arm for conservation efforts at the Reedy Creek unit, and the Port Republic/Chestnut Neck area of the Forsythe Refuge.

In 1990, the Senate passed my legislation to establish in law the Wallkill National Wildlife Refuge, and later Congress appropriated funds to begin acquisition there. Recently, I had the privilege to join with others in the dedication of the Wallkill Refuge. This year, I would like to commend the committee for its inclusion of $1.5 million to continue land acquisition at the Wallkill Refuge.

The Wallkill River and its adjacent lands comprise one of the last high-quality waterfowl concentration areas in northwestern New Jersey, and is home to a diversity of wildlife, including many State-listed endangered species. These acquisitions are another important step in the conservation of ecologically significant land in New Jersey.

Mr. President, I would also like to point out that, at my request, this legislation contains $750,000 for land acquisition at the Great Swamp National Wildlife Refuge. This refuge, located 25 miles west of New York City, is under heavy development pressure. The acquisition of land provided for in the bill will prevent encroachment from residential development that is rapidy destroying valuable habitat, degrading water quality, and threatening the ecological integrity of the swamp.

This legislation also provides $3.5 million for land acquisition at the Cape May National Wildlife Refuge. The Cape May refuge is divided into two sections, the Delaware Bay Division and the Cedar Swamp Division, and includes land considered among the Atlantic flyway's most important staging and wintering areas during spring and fall bird migration. The refuge also contains habitats important for various plant species being considered for Federal threatened or endangered listing.

I also want to thank the chairman for his help in having $1.5 million included in the legislation for continuing land acquisition within the Pinelands National Reserve.

Created by Congress in 1978, the Pinelands marked the first application of the National Reserve concept. The Pinelands Reserve is comprised of 1.1 million acres of land that spans seven counties, and is characterized by low, dense forests of pine and oak, cedar and hardwood swamps, bogs, marshes and pitch pine lowlands. The reserve contains 12,000 acres of pigmy forest which is made up of dwarf pine and oak smaller than 11 feet in height. Also, the reserve houses 850 species of plants and 350 species of animals including rare species such as the Pine Barrens tree frog.

Three major rivers run through the reserve. Funding for land acquisition in this area will be matched by New Jersey State funds making a minimum of $3.0 million available to preserve this unique area.

Overall, this legislation contains nearly $12 million for land acquisition in New Jersey's parks and refuges, and I'm extremely pleased that we are taking important steps to protect and preserve these environmental treasures and open spaces for ourselves and for our children.

NEW YORK-NEW JERSEY HIGHLANDS

Mr. President, this legislation contains an important project relating to the New York-New Jersey Highlands region. This bi-State region consists of 1.1 million acres and serves as the backyard to the Nation's largest metropolitan area—1 in 12 Americans live within a 1- to-2-hour drive of the highlands.

The 1990 Farm bill authorized the Secretary of Agriculture, using the resources of the U.S. Forest Service, to conduct a study of the New York-New Jersey Highlands Region. To accomplish the study, Congress appropriated $250,000 to examine land use patterns and to outline alternative strategies to protect the long-term integrity of lands within the region. That study was recently released by the agency.

The final study discusses the immediate need to protect certain threatened tracts of land which are critical to protecting the quality of the region's water supply. There are 10 major reservoirs and more than a dozen smaller impoundments located in the highlands which, according to the Forest Service, supplies drinking water for over 3.8 million people in New York and New Jersey. Water quality cannot be compromised; it is an essential link to protecting public health and the economic well-being of the region.

The analysis that the Forest Service study provides is a good first step. Now it is essential that efforts be made in this bi-State region to develop an accurate understanding among the varied interest groups of the impacts of development on the region's economy and environment, and to develop actual conservation and development goals.

Included at my request in this legislation is $3 million, under the Forest Legacy Program, to assist in preservation, on a willing seller basis, of Sterling Forest or other critical properties in the New York-New Jersey Highlands. I am especially pleased that language was included, at my request, which makes New Jersey eligible for the first time to participate in the Forest Legacy Program.

The Forest Legacy Program is important to highly urbanized States like New Jersey which do not share in the Federal funds allocated for National Forests. I would like to commend my colleague, Senator LEAHY, for his efforts in developing and for being a champion of the Forest Legacy Program.

Sterling Forest consists of 19,500 acres of forested ridges and valleys, lakes, streams and wetlands. The 2,000 acres of the Forest which lie in New Jersey is in the process of being acquired by Passaic County, The remaining 17,500 acres of the forest are located in Orange County, NY. According to the Forest Service, Sterling Forest provides critical protection of the watershed which provides over 2 million people in New Jersey with clean drinking water. I am glad that this legislation makes available funding, through the Forest Legacy program, to help protect some of the important resources in the Highlands region.

GATEWAY NATIONAL RECREATION AREA

Mr. President, I also want to point out that this legislation contains $9.25

million to improve the beach centers and wastewater treatment system at Gateway National Recreation Area's Sandy Hook unit.

Sandy Hook continues to be an especially important recreation spot for residents of highly urbanized areas of New Jersey. Gateway quickly became one of the nation's most popular national parks, and each year millions of people travel to New Jersey to take advantage of Sandy Hook's acres of barrier beaches, bays, lighthouse and historical forts.

With the funding that I requested, the Park Service can begin working on the beach centers and wastewater treatment facilities which are in dire need of upgrading to keep them safe and clean for Sandy Hook's numerous visitors.

AMERICAN LABOR MUSEUM

I am very pleased that the committee included $140,000 to correct structural deficiencies at the American Labor Museum in Haledon, NJ. In 1974, the American Labor Museum was placed on the National and State Registers of Historic Places. In 1983, the Labor Museum was designated a National Historic Landmark and in 1986, the museum was the subject of a National Park Service report which evaluated the endangered status of the Landmark. The funding sought under this year's Interior bill would be used to rectify some of the most pressing structural deficiencies of the site as outlined in the National Park Service's own report.

Mr. President, this project has a personal significance to me. My father worked at the Paterson silk mills and the American Labor Museum earned its designation as a National Historic Landmark for its critical role during the Paterson Silk Strike of 1913.

The building was the home of Italian immigrant silk workers, Peitro and Maria Botto. The Botto's opened their home as a meeting place for fellow striking silk workers who were banned from Paterson by hostile authorities. The strike is considered a milestone in the Nation's history because of the effort to reform the American workplace. This strike attracted nationwide publicity which was instrumental in gaining momentum for the adoption of Federal child labor and minimum wage laws.

The National Park Service had this to say in its 1986 "National Historic Landmark Condition Assessment Report: "A watershed in American labor history, the strike marked the emergence of non-English speaking immigrants as the major labor force in the Northeast. The nationwide publicity this strike engendered was instrumental in the development of the American social conscience and the adoption of Federal child labor and minimum wage laws. The weekly meetings held . . . at the Botto House were important in maintaining worker solidarity."

Today, the Botto's house is owned and operated by the American Labor Museum, a nonprofit organization devoted to advancing public understanding of work, workers and the labor movement in the United States. The National AFL-CIO has encouraged unions and others to support the Labor Museum's activities.

If the museum is to be successful in its important mission, structural renovations are sorely needed. I hope my colleagues will join me in endorsing this legislation which provides a small, but important, investment of Federal dollars to improve this threatened National Historic Landmark which serves as a tribute to the National Labor movement.

Mr. President, I would again like to commend the distinguished chairman for his outstanding work on this bill and for his cooperation, assistance, and attention to the needs of the State of New Jersey. I would also like to commend the chairman's chief clerk, Sue Masica, for her very helpful and competent assistance. I also would like to thank Rusty Mathews for his assistance.

I urge my colleagues to support this conference agreement.

LOAN GUARANTEE ASSISTANCE TO ISRAEL

Mr. DODD. Mr. President, almost two decades ago, with the passage of the Jackson-Vanik amendment to the 1974 Trade Act, our Nation made a commitment to support the principle of free emigration. This dream was partially realized just a few years ago, when the Soviet Union opened its doors to permit the emigration of Jews to Israel.

Today, with the passage of this appropriations bill, we take one more step toward fulfilling this solemn pledge. The bill before us today provides up to $10 billion of loan guarantee assistance to help Israel with the enormous task of absorbing the newest settlers to its land. I strongly urge my colleagues to support this vital initiative.

I would remind my colleagues that this is a task we could just as easily have accomplished some time ago. In fact, it was just 1 year ago this month that the President told a nationwide television audience he would withhold loan guarantee assistance to Israel until certain political conditions were met. The President made that statement in spite of the fact that more than 400,000 refugees had already flooded the land of Israel—and half a million more were expected to arrive by 1996.

What the President was saying, in effect, was that the same rules permitting loan guarantees to Iraq without conditions, the same rules permitting loan guarantees to Algeria without conditions, and the same rules permitting loan guarantees to El Salvador without conditions, somehow weren't good enough for Israel. That logic was wrong a year ago and it is wrong today.

Nonetheless, Mr. President, the delay in this legislation does not diminish in any way the urgent need these loan guarantees will address. And it does not diminish in any way the critical role these loan guarantees will play in helping the absorption of refugees in Israel. These loan guarantees are absolutely essential if Israel is to complete its remarkable mission of humanity.

Mr. President, the way these loan guarantees will work deserves some explanation. This is not a cash grant, nor is it a loan. Under this program, the United States will simply offer to underwrite up to $10 billion of private, commercial loans to Israel. These loans will be underwritten at a rate of $2 billion every year for a period of 5 years.

Mr. President, I think two additional comments are in order about his measure. First of all, I would note that under the legislation before us today Israel will provide the entire portion of the set-aside required under United States law to support these guarantees. Therefore, as long as these loan guarantees are repaid—and Israel has never defaulted on a loan in its 44-year history—there will be absolutely no cost whatsoever to the United States taxpayer.

I would also like to point out, Mr. President, that once the first year's portion of guarantees have been extended, the legislation provides the President with broad authority to determine the terms and conditions under which the rest of the guarantees are to be issued. I want to express my very strong hope that the President will use this authority in a fair and responsible manner.

Mr. President, almost 2 years ago, in January 1991, Israel stood by the side of the United States and the Desert Storm coalition during the Persian Gulf war. The fortitude and resolve of the Israeli people did not come without a price. Indeed, the Scud attacks on Israel left a terrible scar on the psyche of that nation.

Today, with the legislation before this body, we have a means to repay that moral debt. Our obligation is clear: to approve this vital legislation without delay. I urge my colleagues to support this very important measure.

ORDER FOR ROLLCALL VOTE ON RESOLUTION OF RATIFICATION

Mr. DOLE. Mr. President, as I understand, we do not have the yeas and nays on the resolution of ratification tomorrow. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Now, there are yeas and nays on all four matters tomorrow morning and the votes will start at 10:40?

The PRESIDING OFFICER. The Senator is correct.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that I may be able to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BEAUTIFUL PEACHAM, VT

Mr. JEFFORDS. Mr. President, I cannot resist the opportunity to bring something to my colleagues' attention that occurred recently.

Mr. President, Virginians might never see, Peacham, but for its tree.

If mimicry is the highest form of flattery, where should we place outright theft?

Oh, I suppose that is too harsh a term, but it was with pride and amusement that I learned from the Associated Press yesterday that the Commonwealth of Virginia had purloined a picture of Peacham, VT, for promotional purposes.

It comes as no surprise, really. While the trees of Virginia are well-meaning, they simply cannot match the brilliance of fall foliage in Vermont.

In fact, the town of Peacham and those that surround it are having their fall foliage festival this week, which I recommend highly. Peacham is featured on October 1, so there is still time to get there from here. While there, you might even ask direction's to Marion Clough's house so you could take a photo of the now-famous tree for your own State.

I hope that the Virginia tourism office, which has received some 12,000 inquiries from this brochure, will uphold the tradition of honor that Virginia is so famous for and direct interested parties to the beautiful Northeast Kingdom of Vermont.

And I hope that the Washington Post, which ran a story on this subject today, will realize that Peacham is not near the White Mountains in any way, save perhaps as the crow flies.

Peacham's heart, soul, and taxes belong to the Green Mountain State, and no town is more proud of its heritage than this beautiful community founded in 1776.

East Peacham is a fine little community. The views from East Hill are spectacular, and it is home to some special people.

One of them, Mrs. Thelma White, spent a few years in a futile attempt to beat an education into my legislative director's head, but did help instill in him and hundreds of other children and adults an appreciation for the natural world around them.

She and the dozens of other East Peacham residents are generous and loving people and will probably demand no payment. In fact, you might say "Vermont is for Lovers"!

Yes, I know it must be embarrassing for Virginia for us to have discovered this hopefully inadvertent situation, wherein they took and put on the front cover of their fall invitation to tourists a picture of beautiful Peacham, VT.

But if you really want to see Peacham, come to Vermont. If you do not know how to get there, give my office a call, and we will gladly give you the way. Thank you very much, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislation clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GLENN). Without objection, it is so ordered.

NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on S. 2, the education bill, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2) to promote the achievement of national education goals, to measure progress toward such goals, to develop national education standards and voluntary assessments in accordance with such standards and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 25, 1992.)

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send to the desk a cloture motion on the conference report on S. 2, the education bill, and I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report accompanying S. 2, the education bill:

Paul Simon, Herb Kohl, Jim Sasser, John Breaux, Christopher Dodd, Harry Reid, Charles S. Robb, Daniel K. Akaka, Tom Daschle, Harris Wofford, Dale Bumpers, Richard Bryan, John F. Kerry, Max Baucus, David Pryor, Jay Rockefeller.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the conference report be returned to its previous status at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS CRIME CONTROL ACT—CONFERENCE REPORT

Mr. MITCHELL. Mr. President, I now ask unanimous consent that the Chair lay before the Senate the conference report on H.R. 3371, the omnibus crime control bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3371) to control and prevent crime, having met after full and free conference, have agreed to recommend and do recommend to their respective houses this report, signed by a majority of the conferees.

The Senate resumed consideration of the conference report.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send to the desk a cloture motion on the conference report to accompany H.R. 3371 and I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 3371, the omnibus crime control bill:

Kent Conrad, Herb Kohl, George Mitchell, David Pryor, Joe Biden, Wyche Fowler, Jeff Bingaman, Al Gore, Tom Daschle, Tim Wirth, Jim Sasser, Richard Bryan, Edward M. Kennedy, John F. Kerry, Daniel Moynihan, Christopher Dodd.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the conference report be returned to its previous status at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATIONAL INSTITUTES OF HEALTH REVITALIZATION AMENDMENTS OF 1992

Mr. MITCHELL. I now ask unanimous consent that the Senate proceed to the consideration of Calendar Item

No. 665, S. 2899, the National Institutes of Health reauthorization bill.

The PRESIDING OFFICER. Is there objection?

Mr. JEFFORDS. I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. MITCHELL. I now move to proceed to Calendar Order No. 665, S. 2899, and I send to the desk a cloture motion on the motion to proceed and ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to S. 2899, a bill to revise and extend programs of the National Institutes of Health:

Paul Simon, Harry Reid, Frank Lautenberg, George Mitchell, Carl Levin, Jim Sasser, Joe Biden, Daniel K. Inouye, Alan Cranston, Tom Harkin, Edward M. Kennedy, Howard Metzenbaum, John F. Kerry, Paul Wellstone, Jay Rockefeller, and Brock Adams.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the mandatory quorum as required under rule XXII be waived in relation to this cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. MITCHELL. Mr. President, I thank my colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

MOST-FAVORED-NATION STATUS FOR SERBIA AND MONTENEGRO

Mr. DANFORTH. Mr. President, the Senate is about to vote on legislation which would have the effect of terminating most-favored-nation status for Serbia and Montenegro. I take the floor now to state that, were there a rollcall vote, and there will not be, on this legislation, I would vote in the negative. I am not asking for a rollcall vote because there is absolutely no doubt in my mind how the vote would turn out. But I want to say to the Senate that, in my judgment, the method of expressing displeasure at other countries, by withdrawing most-favored-nation status, is a very serious mistake. Unfortunately, it is a method that has become commonplace in the Senate.

I can remember a number of years ago attempting to retain most-favored-nation status when it was brought into question with respect to Romania. It was a very difficult fight because the then-Government of Romania was so reprehensible. But we succeeded in making the argument and successfully warding off challenges on the floor of the Senate, because most Senators at that time believed that international trade was a good in and of itself, and that most-favored-nation status should not be used to make a general statement about the good or the ill of the recipient country.

Now we are faced with a couple of examples of efforts to withdraw most-favored-nation status—one with respect to the People's Republic of China, and now in this legislation on Serbia and Montenegro.

Mr. President, I would simply note that it is very hard to stop this trend once it gets a head of steam. There are all kinds of countries that now have most-favored-nation status. It would be difficult, I think, in the future for Senators to take the position that we should not withdraw most-favored-nation status in the case of, for example, Iraq, which has it, or Iran, which has it, or Libya, which has it, and the list could go on and on.

For many years there has been a controversy that generally has involved the Congress on one side and the executive branch on the other side. The executive branch historically has attempted to use international trade as a bargaining chip for foreign policy concerns. Trade has been relegated to secondary or even tertiary status at times by the executive branch. Historically it has been Congress that has tried to elevate international trade, and even goad various administrations into taking trade more seriously.

Now, it seems to me, it is Congress that, almost as a matter of course, is reaching for trade as the first tool for the purpose of accomplishing foreign policy objectives.

Most-favored-nation status, once withdrawn, is very difficult to reinstate. When the government of Serbia and Montenegro changes its policies, hopefully it is not at all clear that it will be quickly reinstated. But, regardless of that, I simply want to express the very strong reservations of one Senator as to what I consider to be a very, very mistaken trend that Congress has embarked on, and to express my opposition to this legislation.

TRIBUTE TO SHERIFF JOHN PHIPPS

Mr. DECONCINI. Mr. President, I rise today to pay tribute to one of Arizona's finest lawmen, a longtime friend, Yuma County Sheriff John Phipps, who is retiring at the end of this year.

Sheriff Phipps began his career with the Yuma County Sheriff's Department on February 2, 1963. He was first elected Sheriff in 1981, and has built an outstanding reputation among his colleagues. He has participated in a number of law enforcement organizations, including the Arizona Law Enforcement Officers Advisory Board, the Arizona Western College Law Enforcement Advisory Board, past president of the Arizona Police Chiefs, County Attorneys and Sheriff's Association, past president of the Southwest Border Alliance and the Select Council on Progressive Enforcement in Arizona.

As Sheriff of Yuma County, John Phipps has had the difficult task of dealing with the increasingly dangerous threat of illegal narcotics and crime associated with the drug trade. Yuma County, situated within 50 miles of the United States/Mexico border, and adjacent to California, is located in the middle of one of the premiere drug trafficking routes in the Southwest. Each year, record amounts of illegal drugs, from marijuana to cocaine, are confiscated in Yuma County. Sheriff Phipps has done an outstanding job in improving the cooperation among the different law enforcement jurisdictions. He has been an invaluable resource to me on the drug interdiction issue. He was always willing to come forward to testify before congressional committees to share his observations and recommendations. His input and expertise will be sorely missed. Sheriff Phipps has been a good friend. He and his wife, Donna, raised two fine children, Kim and Jason. I wish them many happy years of retirement.

TRIBUTE TO JOHN C. CORELLA, 1992 ARIZONA MINORITY SMALL BUSINESS PERSON OF THE YEAR

Mr. DECONCINI. Mr. President, I would like to recognize the extraordinary accomplishments of John C. Corella, president of Corella Electric. Mr. Corella has been named 1992 Arizona Minority Small Business Person of the Year by the Phoenix District Office of the U.S. Small Business Administration. This achievement is underscored by his being named Regional Minority Small Business Person of the Year for 1992.

John C. Corella grew up in a ghetto in Phoenix, AZ, known as the Golden Gate Barrio. His life was not easy, but with the encouragement of his father he pursued an education in electrical engineering. During the 7 years he was employed at an electrical and mechanical engineering firm, John gained the kind of reputation that allowed him to start his own company with contracts in hand.

Starting a business is not easy, even when one is as talented as John. However, he was determined to build a business and work for himself. John formed Corella Electric in 1976. As with many small businesses, he was unable to secure a line of credit from the bank for start-up costs. He covered these costs by borrowing $250.00 on his personal Mastercard. He had only one employee besides himself and worked out of an old truck. He finished his first year with revenues of $75,000. Today he has a line of credit of $1 million with Arizona banks and has 50 employees.

Corella Electric is a model business with exemplary hiring practices. The company is 29 percent minority, has hired four former prison inmates and over 20 veterans. Another 20 of the part-time and full-time employees were hired through the Minority Business Development Agency hiring services. Corella has even taken on a special case. He employs one elderly, EMH person. This gentleman is a ward of the State of Arizona. By having this job, he has been able to gain a sense of self-worth and the feeling of accomplishment.

John believes strongly in giving back to the community. He contributes to numerous charities. He has donated money and labor for the construction of several churches in Phoenix. As an active participant in the Coors Hispanic Student Service Program at Arizona State University, his company provides internships for Hispanic students attending ASU. In addition, John donates money to a scholarship fund for Murphy Elementary School. Scholarships are awarded to eighth graders and the fund acts as an incentive for students to stay in school.

One of John's most important contributions is his annual speech to graduating classes. John believes in the "Three T's to Success—Talent, Timing and Temperance." Through his presentation, John hopes to instill in graduating classes the desire to succeed by reminding them that our country is one of boundless opportunities.

I know my colleagues will join me in congratulating John C. Corella on his many accomplishments and his deep commitment to providing the less fortunate in our society with opportunity and hope for a better life. We in Arizona are very proud of John Corella.

TRIBUTE TO ARMY GEN. JAMES A. VAN FLEET

Mr. GRAHAM. Today at Arlington National Cemetery, an outstanding American soldier was laid to rest: Gen. James A. Van Fleet of the U.S. Army.

We mourn his passing and salute his leadership during war and peace, at home and abroad, in the classroom and on the battlefield. General Van Fleet, who fought in four wars, had celebrated his 100th birthday on March 19.

After a rich and full life, the general died September 23, at his beloved ranch in Polk County, FL.

Mr. President, General Van Fleet personified the highest ideals of our military: patriotism, courage, fitness and long service to his Nation. The Van Fleet military career spanned 42 years throughout the globe.

Raised in Bartow, FL, young Jamie—as his mother called him—was a versatile athlete. His first trip away from Bartow was an overnight stay in St. Petersburg with his hometown basketball team.

At the U.S. Military Academy at West Point, Cadet Van Fleet was part of the Army football team that played Knute Rockne and Notre Dame. Van Fleet was a running back on West Point's undefeated team in his senior year, 1915. His class at West Point included would-be generals Dwight D. Eisenhower and Omar N. Bradley.

During World War I, Van Fleet served as captain of a machine-gun unit in France, where he was wounded just days before the war ended.

After the First World War, Van Fleet helped lead the Reserve Officer Training Corps. While he has commandant of cadets at the University of Florida at Gainesville, Van Fleet also served as head football coach in 1923 and 1924.

In World War II, Van Fleet led one of the landings of Allied troops at Normandy in 1944. Twice wounded in Europe, Van Fleet was awarded the Purple Heart and many other medals.

President Truman sent General Van Fleet to Greece in 1948, where he directed operations against rebel guerrillas and helped train the Greek army.

General Van Fleet commanded the 8th Army in Korea and became field commander of the U.N. Forces. He retired from the military in 1953.

Not forgetting his service to their nations, Greeks and Koreans attended General Van Fleet's funeral today at Arlington National Cemetery.

Likewise, we will not forget General Van Fleet's role in defending America during this century. As we pay tribute to his memory, we renew our commitment to the ideals that guided his long and productive life.

BANKING REGULATORY REFORM

Mr. WALLOP. Mr. President, while some Government oversight of the banking industry is needed, certain regulations and paperwork requirements are adversely affecting the ability of our Nation's banks to provide credit. I believe it is essential that steps be taken to overturn unnecessary banking regulations this year. One possible legislative instrument is the upcoming conference report for S. 3031, the housing reauthorization bill.

Unwarranted Federal banking rules not related to the safety and soundness of banks require valuable resources to be squandered. A recent American Bankers Association survey estimates that $10.7 billion is spent annually to comply with banking regulations. This cost represents 12 percent of banks' total operating expenses and 59 percent of net income in 1991. Costs far exceed any perceived benefits, and the ability of financial institutions to serve communities in Wyoming and other States is undermined.

Community banks are being choked, and the economic infrastructures of rural America are being damaged. FDIC Chairman Bill Taylor confirmed the impact upon America's 2,000 small town banks having 10 or fewer employees when he said:

> Clearly, community banks simply cannot contend with the paperwork blizzard coming out of Washington. Much of this paperwork is designed to deal with abuses by large, urban-oriented banks that simply hire more staff and increase fees to offset increased costs. Small, rural banks do not have this option, and their communities cannot afford it.

Standards imposing the same regulations on $20 million banks as $200 billion banks will inevitably drive the $20 million banks out of business. Economies in Wyoming and many other areas depend on the ability of well-managed local banks to have the appropriate latitude to serve their customers.

I agree with Bill Ruegamer from Commerce BancShares in Sheridan, WY. In a letter sent this past July he said:

> Malcolm, did you realize that to obtain a federal housing assistance mortgage the borrower or lender must fill out, sign, initial, read, and/or file 43 documents? The cost-benefit of all this type of regulatory compliance needs to be analyzed, and by someone other than the bureaucrats that supervise and enforce them.

Regulatory costs related to a single mortgage loan in small as well as large urban banks range from $200 to $1,000. Roughly two thirds of the total costs of originating home mortgage loans must now be designated for regulatory compliance. If you are a borrower, you are likely to sit in front of your banker an extra 45 minutes to fill out and provide information for forms required by the Federal Government.

Mr. President, bankers and consumers are forced to spend too much time and too many resources trying to stay in compliance with Federal regulations. As a result, hometown bankers do not have adequate time to work closely with their communities. Washington should finally realize that the only way small banks can survive is when bankers can utilize their time and resources to serve folks in the areas they do business in a responsible manner. Excessive bureaucratic redtape only serves to hinder the important relationships which must exist between local businesses, consumers, and banks.

Federal mandates are not wanted or needed on the main streets of rural America. Every time Congress enacts additional regulations, consumers end up footing the bill, either from lost services or higher prices. It is time for regulatory reform.

Clearly, certain banking regulations are needed to ensure the integrity of the banking industry, but far too many regulations hinder economic growth. In order to pass along the advantages of low interest rates, bankers cannot be further strangled by wasted hours and millions of dollars required to comply with Federal mandates. Regulatory corrections in the banking industry are important, and I plan to continue pushing for banks to be given appropriate latitude to serve hometown customers in a safe and sound manner.

Tomorrow I plan to introduce legislation to help get the Government off the backs of Americans. Included in the package will be a series of amendments to improve the Regulatory Flexibility Act by providing for agencies to analyze the impact of interpretative rules thus closing a large loophole as interpretative rules are now exempt. Opportunities will also be included for judicial review of rulemaking to ensure real enforcement authority and for the inclusion of the indirect effects and costs of regulation. I am also planning to introduce a bill to protect whistleblowers in small and large businesses who are scared to complain or fight regulators for fear of becoming targets of unsympathetic Federal bureaucrats. I also plan to introduce a resolution asking Senate committees to analyze and report on the impact of legislation on employment and international competitiveness.

To illustrate just a few of many ridiculous regulations, some of my colleagues and I today announced the Red Tape Award. At a press conference this morning featuring a 3-foot high replica of the Statue of Liberty bound and gagged in redtape, we announced that the first recipient was the Occupational Safety and Health Administration [OSHA] for its overzealous enforcement of the hazard communication standard. This absurd regulation requires employers to fill out lengthy forms called material safety data sheets [MSDS's] for hazardous materials in the workplace such as sand, gravel, dishwashing liquid, water, oxygen, and white out. Our group is soliciting nominations for future awards, and over the coming months, it is possible for the Fed, SEC, or yes, even Congress, to be nominated for adopting certain senseless banking regulation(s).

Regulators beware. Americans should no longer be subjected to the irrational whims of Congress or executive agency bureaucrats. If a regulation is not necessary for the safety and soundness of our financial institutions, it should not be imposed. If a needless Federal mandate is identified, it should be overturned.

START

Mr. MOYNIHAN. The singular fact of the START Treaty is that it was negotiated with one state, the Union of Soviet Socialist Republics, and is now submitted to the Senate as a treaty with four different States: Russia, Belarus, Ukraine, and Kazakhstan.

We are told by the Department of State that somewhere in the eighth or ninth year of the 9-year negotiations it began to occur to our negotiators that something like this might happen.

We are further told that a Protocol agreed to in Lisbon in May of this year resolves any difficulties presented by this somewhat awkward development.

We are assured that the treaty with its awesome subject matter fully anticipates all questions of sufficiency and compliance that might arise in the future.

Did not nine years go into making the treaty? But at no point in our hearings did any State Department representative so much as speculate how it was that our negotiators failed utterly to anticipate the extraordinary fact that the U.S.S.R. was going to break up even as the negotiations proceeded.

I was a member of the Senate Observer Group to the negotiations. Ambassador Max M. Kampelman will testify that in meetings in Geneva in the mid-1980's I raised this specific possibility. Starting in 1979 I repeatedly argued in print, and on the Senate floor, that the Soviet Union was on the verge of dissolution. Ambassador Kampelman could hear this argument, even if he did not necessarily agree with it. I do not presume to talk for him in this matter. But to the best of my knowledge he is the only United States official involved with the negotiations or providing intelligence to our negotiators who could even hear the argument.

Surely, it is fair to ask that, If we missed this extraordinary, central, defining event . . . what else did we miss?

I raise the question for the simple reason that the official Government position is that we didn't miss anything. Even the collapse of the Soviet Union. I would suggest accordingly that the Senate ought to approach this treaty with even more than normal caution.

Nothing like this has ever happened in the diplomatic history of the United States. It is very simply an extraordinary development.

The only thing more extraordinary is that the Department of State does not seem to think that anything unusual has happened at all. The treaty was negotiated with one State. It is now to be adhered to by four. One of these, as one gathers, Kazakhstan, has ratified it. None of the other three has done. But we are told that we ought to do so, and with dispatch.

We are dealing here with the fact that the United States Government, with its fabled intelligence systems, failed altogether to foresee the collapse of the Soviet system. Somehow the same mental block—or blockage—now makes it seemingly impossible for the same Government, with its same not quite so fabled intelligence systems, to understand that they missed it.

It is, of course, a large question, one that historians will work at for centuries. How could something this huge come about so unexpectedly? In a notable paper, "Anticipations of the Failure of Communism," presented to an academic meeting this summer, Seymour Martin Lipset sets forth the large proposition:

> The basis question which social scientists have to deal with in reacting to the collapse of Communism in the Soviet Union is why they, and it must be admitted, other non-academic experts such as the intelligence agencies of the great Western powers, did not anticipate that this would happen, or even that it could occur. The evidence is fairly clear that the world was taken by surprise by the transformations which emerged under Gorbachev and even more by the outlawing of the Communist party after the coup against him. There was, of course, a failure to anticipate that the eastern European Communist regimes would give up power.
>
> These events, both in the Russian empire and in the Soviet Union itself, seemingly challenged a fundamental assumption of Marxism as well as various generalizations made by non Marxists. The Marxist one is that no ruling class gives up power without being forced out, most typically by a revolution. The non Marxist assumption was that the unique all controlling, all encompassing, totalitarian systems in the Communist world were basically stable, that they could not be overthrown, that they would not give up as right-wing authoritarian systems did in Spain, Greece, Portugal, Argentina Brazil, Chile, etc. Jeane Kirkpatrick's differentiation between non Communist dictatorships, which were inherently unstable and could be overthrown, and Communist totalitarianism, which held absolute power and would never yield, seemed valid. The fact is, as we now well know, that the analysis was wrong. Communism could and did collapse, much more quickly and totally than anyone thought possible.
>
> The basic problem with the analyses of the Soviet Union, both academic and non academic, is that they were fraught with ideology and politics. Both the Left and the Right made judgments about the Soviet system which derived from their political beliefs. The Right believed that the Soviet Union was an "evil empire," that it was an oppressive totalitarian regime ready to use all resources under its control to retain and even to extend its power. Given its strength, including complete domination of means of communication, of propaganda, and education, and the willingness to spend considerable funds on repressive institutions, the military and the secret police in particular,

> plus the apparatus and ideological commitment of the Communist Party, there seemed no way the system could be overthrown from within. The Right was certain that the system was exploitive, that it violated the logic of economics and of human nature, that there was considerable opposition to the regime, but few thought this might produce a breakdown. The Right also believed that the system was militarily efficient, that morale in the armed services was reasonably high since they were treated well, and that therefore the Soviets were a serious threat.
>
> The Left differed in its assumptions or beliefs about the nature of Soviet society. At one extreme, the various wings of the Communist movement agreed that the system was a good one, a progressive one that was leading to improvements in productivity and the standard of living of the population and that the people supported Communism. The non Communist Left varied considerably in its judgments, from assessments which were close to those of the Communists to much more critical ones, and in some cases evaluations which were not far from those of the Right. Basically, the various parts of the Left saw the Communist world as on their side, as representing some form of socialism, as efforts to create a more egalitarian and ultimately freer social system. Many felt that this effort was distorted, was corrupted, but the Soviet system was regarded essentially as part of their world, as on the Left. In interpreting the reasons for the Cold War, the Left put much more of the responsibility on the west. They did not believe that there was a Soviet military threat. But again regardless of feelings about the nature of the system, the Left agreed with the Right that the Soviet regime would not be overthrown and that any consideration of its breaking down from within was a near impossibility.

There were, of course, a number of American analysts who were on to the Soviet decline. Dr. Lipset mentions Murray Feshbach, a distinguished scholar and Federal civil servant. Also, the hugely talented Nicholas Eberstadt, who once helped me teach the course "Social Science and Social Policy" at Harvard University. Then there is Randall Collins, now professor of sociology at the University of California, Riverside.

> Awareness that the nationality question, ethnic tension, would undermine the system, is at the heart of the analysis by * * * Randall Collins. In a paper he wrote in 1980, but had difficulty in publishing in academic journals until it appeared in his own book of essays in 1986, Collins wrote that the Soviet Union "had already reached its limit * * * and was entering a period of * * * decline * * * with the likelihood of extensive decline becoming very high before the 21st century." He concluded that the country was overextended economically, militarily, and politically, that it would not be able to control "the Baltic, the Ukraine, the Caucasus and the Central Asian Moslem territories." These would follow on the "breakdown of the central power of the Russian state." As a Weberian, he emphasized legitimacy, and suggested that the Soviet Union had major legitimacy problems, since the failures of the system had produced a loss of faith in Marxism, in Communist ideology. The privileged no longer had faith.

Note Lipset's observation that Professor Collins had difficulty publishing. I have recently heard from him on this subject, and would share his comments with the Senate.

> As I mentioned to Marty Lipset, the original paper was given at Yale and Columbia in Spring 1980, including an audience of Soviet specialists. I hadn't developed the theory for the purpose of treating the US/USSR arms race, but since I had the theory, and the issue of that year's campaign was the "window of vulnerability", I plugged current data into the theory and was surprised with the result. No one attempted to countermand the data or the theory, but the result was regarded as beyond the range of believability.
>
> The mind-set of both right and left seemed to be against recognizing any possibility of Russian vulnerability. The right was galvanized by Simmelian solidarity against their enemy; the left was mobilized around the theme of "Mutual Assured Destruction" and didn't want to hear any non-altruistic end to the arms race. "You sound like the Joint Chiefs of Staff" was the comment of one peace activist. The editors of *Science* thought my piece was sufficiently off the wall that they declined to send it out for review. Hence it ended up in my [1986] collection of Weber scholarship.

Lipset goes on to suggest that, in contrast with the general blockage, President Reagan, from the "Right" and this Senator, from the "Left" did foresee the Soviet breakup.

> * * * Daniel Patrick Moynihan, in a series of prescient statements, made from the late seventies on, gave even more emphasis to the terrible weakness of the Soviet Union. Asked to predict what would happen in the 1980s, he stated in 1979 that the Soviet system "could blow up." He pointed to the economic down turn, the "*rise* in mortality rates, the nationality strains." In a speech in the Senate in January 1980, Moynihan noted: "The indices of economic stagnation and even decline are extraordinary. The indices of social disorder—social pathology is not too strong a term—are even more so. The defining event of the decade might well be the breakup of the Soviet Empire." In 1984, he pointed to the absence of legitimacy, "that the Soviet idea is spent * * * it summons no loyalty." Again in that year, he commented, "the Soviet Union is weak and getting weaker," and in October 1984, before Gorbachev took office, Moynihan proclaimed: "The Cold War is over, the West won. * * * The Soviet Union * * * has collapsed. As a society it just doesn't work. Nobody believes in it anymore." Moynihan differed from Reagan in drawing policy implications. His strategy "for dealing with the Soviets is to wait them out." They will collapse.

It is not without a measure of embarrassment that I cite Lipset. It is not the sort of thing one inflects on colleagues. I do so, frankly, for lack of an alternative citation. It seems to me important to establish—much as a person might do in an experiment in mechanical engineering—that it was possible to foresee the break up of the Soviet Union. Our Government did not, and just as importantly, could not hear any argument otherwise. No one in Geneva at the START talks—the exception being Ambassador Kampelman, who was not a career officer—could, as I have said, even hear this. No one ever once said to me, for example, "Senator, I see what you are saying. Senator, you are wrong." Our negotiators just could not grasp the concept of a Soviet collapse, up until and even after it actually occurred.

There are, of course, exceptions. One hugely honorable exception, is Adm. Stansfield Turner, who has written in Foreign Affairs magazine that—

> We should not gloss over the enormity of [the] failure to forecast the magnitude of the Soviet crisis. * * * I never heard a suggestion from the CIA, or the intelligence arms of the departments of defense or state, that numerous Soviets recognized a growing, systematic economic problem.

The CIA points to Director Gates' speech on May 19, 1992 to the Foreign Policy Association in New York as a refutation of the charge that it missed the Soviet collapse. Yet in that very speech the DCI concedes that it was "only in early 1989" that our intelligence community began "to think that the entire edifice might well collapse." This is not when the Agency decided that it would collapse. This is when it began to think that it might. As the Berlin wall was already coming down.

If anyone in the intelligence community had any clearer idea that the START Treaty should be crafted as a multilateral treaty they failed to share this information with our negotiators. During the committee's June 25, 1992, hearing I asked Ambassadors Brooks and Lehman "when did you, as negotiators, first contemplate the possibility that you would be signing a treaty with four countries and not one?" Note that, again, I was not asking when they decided that this was a certainty; merely, when did they first begin to think that it was a possibility; a scenario to be considered, even if thought to be unlikely. The answers were as startling as they were admirably candid.

> Ambassador LEHMAN: Well, if you mean informal speculation it probably began about 2 years ago [i.e. June 1990]. In terms of would this actually have come to pass, I think at the time of the Moscow coup [August 1991] people began to realize that some of the themes we were hearing around the Soviet Union might begin moving very quickly.
>
> Senator MOYNIHAN: Two years ago you began to think it might be possible; one year ago it became very real?
>
> Ambassador LEHMAN: I think it became quite obvious that we had to step up to the issue with the dissolution of the Soviet Union in December of last year.
>
> Senator MOYNIHAN: About December of last year, you had to begin to deal with the proposition of the dissolution of the Soviet Union. Could I ask Ambassador Brooks * * * [w]as there any collective memory of anybody on the Senate observers group suggesting to you that by 1992 you would indeed be negotiating with four governments and not one?
>
> Ambassador BROOKS: Senator, I certainly do not remember that. I think very few of us on our end of the street predicted that * * *.
>
> There was no question that ultimately the communist system in the former Soviet Union would fail. That when it did, [it] would move immediately to the separation

into 15 states is something that I do not recall discussing.

Admiral Turner wrote of "revisionist rumblings" that "the CIA did in fact see the Soviet collapse emerging after all." This testimony—along with the ultimate conclusion of DCI Gates' conclusion that it was only in 1989 that the CIA even began to consider that a Soviet collapse might happen—surely is proof that Admiral Turner is correct when he writes: "On this one, the corporate view missed by a mile."

Now this "enormous" error—to use Admiral Turner's term—has direct consequences for the START Treaty. An enormous, complex treaty crafted as a bilateral agreement comes to us with a bundle of protocols and side letters and presented to the Senate as a multilateral treaty. As the State Department concedes "START was negotiated as a straightforward bilateral arrangement; virtually all the rights and obligations being reciprocal undertakings between the United States and the former Soviet Union." (Memorandum of the Department of State dated September 17, 1992, p. 18.) How will its terms be interpreted by states which did not exist when it was negotiated and who perforce did not participate in its drafting?

This question brings me to the second point I raised during consideration of the treaty in the Foreign Relations Committee. The administration has told the Senate that the side letters we have received from Belarus, Kazakhstan, and Ukraine "have the same force and effect as the provisions of the START Treaty, and that the United States will consider actions inconsistent therewith to be equivalent under international law to actions inconsistent with the START Treaty."

This is a matter of enormous import. What exactly does the administration mean? How does the administration interpret the obligations of international law? How can the Senate be sure that these side letters are binding?

On the very eve of completion of the Committee's report on the treaty—more than two months after I requested answers to these questions—the Department of State has submitted a reply on these issues. On certain basic issues I have no quarrel with the memorandum. It is reassuring to hear from the administration that "international law constitutes a part of the law of the United States" under the Constitution as well as under "decades of case law, much of which has been handed down by the Supreme Court." The Department correctly notes that "the drafters of the Constitution perceived a close and mutually reinforcing relationship between U.S. law and international law. The memorandum also specifically states that "customary international law is indeed part of U.S. law."

It is in this context that I would ask Senators to indulge my sometimes tedious insistence that international law matters. It matters a very great deal here. We are about to stake our national security on the proposition that four successor States to the Soviet Union will abide by an agreement negotiated with a now vanished State in accordance with customary practice under international law. We are asked to understand that letters of agreement constitute binding law.

Hence the concern we may feel when, as has been the case so often in the recent past, the Reagan and now Bush administrations treat compliance with international obligations of this kind as being somehow optional where we are concerned. Mine harbors in Nicaragua? Why not? So much for a treaty of friendship and navigation. Kidnap foreign nationals? Had it coming to them. Which in the case of Dr. Alvarez-Machain is evidently the case. But surely there were other routes the United States might have pursued to avenge the death of a DEA agent. Without putting in jeopardy principles on which we must rely in other matters of transcendent importance.

The administration has, for instance, advanced the disturbing proposition that the President may violate customary international law. See testimony of Attorney General William Barr, "FBI Authority to Seize Suspects Abroad," hearing before the Subcommittee on Civil and Constitutional Rights of the Committee on the Judiciary, November 8, 1989, p. 11 ("The President has the authority to depart from customary international law * * *."). The Department's memorandum fails utterly to reconcile this argument with its statement that customary international law "is indeed part of U.S. law." Can the President be free to violate customary international law, and yet be obligated by the Constitution to faithfully execute it as part of the law of the land? And if free to violate customary international law, why not treaties? More to the point considering the START Treaty, if the President of the United States may violate customary international law, is not the President of Ukraine free to do so? The President of Belarus?

What international law principles are relevant to the START Treaty? For one, the principle that a treaty is "to be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context and in the light of its object and purpose." (Third restatement of the Foreign Relations Law of the United States, section 325(1).) In the Alvarez-Machain case the administration also advanced the proposition that abducting a Mexican citizen to stand trial in the United States is consistent with the comprehensive extradition treaty between the United States and Mexico. The Department's memorandum makes no effort to explain how this abduction can be reconciled with the obligation to interpret a treaty in good faith in light of its object and purpose. No government—and certainly no Mexican Government—would have agreed to an extradition treaty if it was understood that the United States Government considered any right of extradition subject to an overriding privilege of abduction. The object and purpose of the extradition treaty was manifestly to provide an alternative to abductions which would respect the sovereignty of both states.

Nothing in the Department memorandum explains how the invasion of Panama can be reconciled with the United States pledge that the canal treaties would not be used as an excuse to change the form or character or composition of the Government of Panama. Nor does the memorandum reconcile the mining of Nicaraguan harbors with the Treaty of Friendship, Commerce, and Navigation between the United States and Nicaragua. Can it be possible that placing explosive mines in Nicaragua's harbors can be thought in good faith to be consistent with the object and purpose of a treaty on friendship and navigation? Is this the kind of good faith implementation that the United States expects from Russia?

Does the United States expect Belarus to adhere to its side letter with the same fidelity with which the United States fulfilled its treaty commitment not to withdraw from the compulsory jurisdiction of the International Court of Justice without 6 months' notice? One would hope that we will hold them to a rather higher standard, because when the United States learned that Nicaragua was about to take us to the Court we withdrew effective immediately.

Do these things matter? Few Americans will shed tears for Alvarez-Machain. Nor yet for General Noriega. Although the Panamanian civilians killed in order to effect his abduction are a different matter. Americans were generally indifferent to mines placed in the waters of a Communist beachhead that was, they were told, just 2 days' drive from Harlingen, TX.

Barry Goldwater understood, and put it in writing:

> [M]ine the harbors in Nicaragua? This is an act violating international law. It is an act of war. For the life of me, I don't see how we are going to explain it.

One should recall, however, that great legal principles are often established on the basis of far more trivial facts than these. One of the leading Supreme Court decisions confirming the power of the Federal Government to regulate interstate commerce began with the seizure of rotten eggs.

The unfortunate fact for the Senate to ponder as it considers whether to give its consent to the ratification of the START Treaty is that we have gone a long way of late toward establishing the legal principle that highly suspect interpretations of treaties are acceptable. We are presented with side letters and protocols with Ukraine, Belarus, and Kazakhstan which purport to bind them as well. Do they? How exactly? When administration lawyers tell the Senate that our treaty partners are bound under international law, do they mean they are bound the same way and to the same extent that we were bound by our extradition treaty with Mexico? When they assert that Ukraine is bound by a promise made in a letter, do they mean it is bound the same way we were bound by our promise not to change the character or composition of the Government of Panama? Our friendship and navigation treaty with Nicaragua?

I do not believe that the memorandum supplied by the Department of State resolves these profound issues.

I put these questions without rancor. The treaty will be ratified. I will vote for it. But surely in the years ahead the Department of State will want to acquire a greater vigilance in the matter of executive branch adherence to the letter and spirit of international law. To the extent, if needs be, of raising a certain amount of hell with other departments and agencies in the Federal Government. After all, we are betting a good deal of our national security on the willingness of other, newer and untested governments to abide by these same principles.

HIGHWAY WEIGH-IN

Mr. PRESSLER. Mr. President, last week my home State of South Dakota received the honorable distinction of having the second best highway system in the country. South Dakotans take pride in the State's high quality transportation infrastructure. The South Dakota highway system is an integral part of intrastate and interstate commerce.

Truck cargo travels across the Nation's highways and bridges daily as an important part of our vast commercial network. When freight in excess of road weight limitations travels on this country's highways, stress is put on the roads, creating premature wear and tear. Problems associated with overweight containers on the Nation's highways include: excessive pavement wear; bridge stress; and risks to safety caused by reduced truck braking capacity, overstressed tires, and uneven weight distribution or high center of gravity.

Because I am concerned about the premature deterioration of the country's highways and motorist safety, I asked to become an original cosponsor of Senator EXON's intermodal safe container transportation legislation. This bill, which is patterned after Representative BENTLEY's bill, H.R. 3598, places the responsibility for verifying the weights of intermodal freight in excess of 10,000 pounds on the party that fails to forward the actual gross cargo weight and reasonable description of the contents of a loaded container or trailer to a subsequent carrier transporting the container or trailer in intermodal transportation. Under this legislation, each carrier in the intermodal transportation chain would be responsible for forwarding weight and cargo information to the next carrier in the chain. This would ensure that the motor carriers would have the information necessary to determine whether a load would violate any vehicle weight law before the shipment moves on the highways.

Mr. President, this legislation would help to ensure that our highways remain safe and well-maintained. Every American motorist potentially faces serious injury or death because so many of the containers on our highways are heavily loaded. The Intermodal Safe Containers Act could be a life saver.

THE START TREATY

Mr. CRAIG. Mr. President, I want to reflect my concern as it relates to the START Treaty and several other points that I think have been mentioned in the last several days here as we debated this issue, certainly those that cause me to stand in opposition to START.

There is no doubt that it was a historic event when our President, George Bush and former Soviet Union President, Mikhail Gorbachev, signed this new Strategic Arms Reduction Treaty that we call START. That of course was signed in Moscow July 31, 1991.

However, since the end of July 1991, there have been many other historic events which have caused significant changes in the international situation that all of us I think reflect on today. Gorbachev's stature as head of the Soviet Union was totally destroyed in August 1991 with a coup attempt and, in fact, Gorbachev was immediately transcended in his efforts by a democratically elected Russian Republic President that we have recognized for his tremendous leadership in the world, Boris Yeltsin. Moreover, while there is a new, more democratic leadership structure emerging in the former Soviet Union, there is also a buildup of nuclear arms that is accelerating dangerously despite the signed START Treaty in July.

Thus, while the cold war may be over, the former Soviet Union still has the world's largest nuclear arsenal, and that is something neither this body nor the rest of the world can deny. And the arms race continues to run at an intensified speed that most of us thought was over with some months ago.

Moreover, one bullet could bring back the old hard-line Soviet Communist regime. It is a very fragile environment that the Soviets and those republics now reside in, and one that we must watch on a daily basis or, alternatively, civil wars could break out in the former republics, dramatically changing the politics of the region even in the future.

Those have to be considerations that we must stand ready to be aware of, and stand ready in a posture of strength.

Already there are eight civil wars going on inside the former Soviet Republics. Indeed, there are even civil wars going on inside four nuclear armed republics which are signatory to the START Treaty. I would submit that this situation warrants, if not requires, some renegotiation of that treaty itself. And I think that is the position that several of us in this body hold. It is one that we have to take into consideration.

Mr. President, there are other compelling factors which require a complete renegotiation.

For example:

First, contrary to common sense and international law, the START negotiations were not completed when START was signed at the end of July 1991. Instead, START negotiations secretly continued with the Soviets throughout August and September 1991 on conforming the wording of the treaty. In fact, the United States and the Soviets still continued to negotiate the crucial START verification protocol until as late as October 1991.

Second, the abortive August 19, 1991, Soviet coup attempt by the Communist hardliners with whom we negotiated START for 9 years has discredited the treaty itself. The United States made simply too many unnecessary START concessions to these now discredited hardliners. Moreover, President Bush has recently again reaffirmed his judgment that these same hardliners led by Gorbachev negotiated the 1987 Intermediate-Range Nuclear Forces Treaty in bad faith, and have probably violated the INF Treaty by maintaining undeclared, covert SS-23 missiles banned by the INF Treaty in Eastern Europe.

Third, the swift dissolution of the old Communist Central Government and Communist Party in the aftermath of the coup's failure calls the future viability of START itself into question.

Fourth, the accelerated breakup of the Soviet Union after the failure of the attempted coup into independent self-avowed nuclear-free republics clearly requires significant changes in START.

Fifth, President Bush's recent announcement of American unilateral strategic disarmament measures that go well beyond START provisions requires that the treaty be completely renegotiated.

Sixth, the Soviet strategic buildup has not stopped with the signing of

START, and in fact several ongoing and new Soviet strategic programs are already violating START, thereby requiring its renegotiation.

And seventh, President Bush is still conducting continued additional negotiations with the Russians in Moscow, Washington, and New York on issues stemming from his unilateral disarmament speeches, which are directly related to the proposed START Treaty, the May 23, 1992, Lisbon signature protocol to START, and to the June 17, 1992, joint understanding for a deep-cuts/de-MIRVing START II Treaty, which is yet to be completed.

These seven key events have significantly changed the very basis for START, especially in its current unfinished status, and all require that START be completely renegotiated.

PRESIDENT BUSH'S UNILATERAL DISARMAMENT PLAN

On September 27, 1991, President Bush made a speech outlining a new American strategic posture. Some elements of the new American strategic posture are laudable. Most important is the President's decision to withdraw and eliminate all American tactical nuclear weapons on the ground in Europe, because they have no targets. Moreover, all American strategic missiles, bombers, and submarines should be put under one command. These aspects of the President's speech are sound, and I praise President Bush for his wisdom on these decisions.

However, President Bush also announced the following five American unilateral disarmament measures, all of which have a direct impact upon the provisions of START:

First, the President has ordered the immediate deactivation and the accelerated dismantling of 450 Minuteman II ICBM's, instead of phased dismantling over 7 years as required under START.

Second, the President has ordered the cancellation of both the U.S. rail-mobile and road-mobile new ICBM programs, both of which were deliberately negotiated to be allowed in START.

Third, the President has proposed allowing only one new type ICBM carrying a single warhead under START, when START allows an unlimited number of new type ICBM's carrying up to 10 warheads each. This is a significant change in START's terms.

Fourth, the President has ordered the unilateral deactivation of all U.S. nuclear armed submarine-launched cruise missiles, when up to 800 nuclear armed SLCM's are allowed for the United States in a protocol to START.

Fifth, the President has ordered the unilateral cancellation of the new U.S. short-range attack missile for the new B-2 bomber, and the immediate removal of all U.S. strategic bombers from alert status, completely undercutting the entire rationale for the new B-2, which the Joint Chiefs of Staff have said was essential to deploy in order to make START acceptable to them.

I am concerned about the effects these unilateral actions will have if START is ratified. It could be argued that for the United States to unilaterally disarm in the face of the ongoing Soviet arms control violations, we are not only excusing current treaty violations, but we are actually encouraging future violations.

CONTINUED SOVIET STRATEGIC BUILDUP

In contrast to President's Bush's unilateral disarmament plans, what have the Soviet leaders Gorbachev and Yeltsin been doing in their strategic programs? According to press reports and recent testimony, here is what is happening in the former Soviet Union, which leads me to desire the renegotiation of START:

First, Yeltsin reportedly has resumed road-mobile field dispersal of their SS-35 ICBM's, and is starting the construction of yet another new SS-25 deployment base in Byelorussia.

Second, Yeltsin reportedly is about to flight-test for the first time a new follow-on to the SS-25—probably the so-called Fat Boy missile—which will probably carry three warheads, thereby violating START warhead counting rules.

Third, Yeltsin reportedly has resumed rail-mobile field dispersal of their SS-24 ICBM's, and the Soviets are about to flight-test a new follow-on to the SS-24.

Fourth, Yeltsin reportedly is building yet another new class of ballistic missile submarines, and the Soviets are about to flight-test several new submarine-launched ballistic missiles.

Fifth, Yeltsin reportedly is producing two new air-launched cruise missiles for their bomber forces.

Sixth, the Soviets reportedly are flight-testing a new maneuvering reentry vehicle [MARV] package for their SS-18 ICBM designed to defeat the American SDI, and they even have, according to the CIA, an even newer so-called follow-on to the SS-18 about to be flight-tested.

Seventh, President Bush has reaffirmed his finding that Gorbachev negotiated the INF Treaty in bad faith, and President Bush recently has announced that Gorbachev "probably violated the INF Treaty by maintaining covert SS-23 missiles in Eastern Europe which were banned by the INF Treaty."

And, eighth, for the fourth year in a row, Yeltsin has reneged on his promise to completely dismantle the illegal Krasnoyarsk radar, which Gorbachev previously pledged was supposed to be dismantled before we signed START, and the illegal Krasnoyarsk radar is still standing.

In short, despite signing START in July 1991, the former Soviet Republics are continuing their strategic buildup unchanged, and are continuing their arms control violations. While the United States has decided to unilaterally scrap a significant portion of our strategic weapons, the Soviets continue building hundreds of new ICBM's, SLBM's, and bombers every year, even under Gorbachev and Yeltsin.

According to recently released, declassified, Defense Department intelligence data, last year the Soviets built over 125 ICBM's, over 40 intercontinental bombers, and over 65 SLBM's. In contrast, last year the United States produced only 14 ICBM's, zero bombers and 82 SLBM's.

The Defense Department stated recently that:

> The SS-18, SS-24, and SS-25 * * * ICBMs and the SS-N-20 and SS-N-23 * * * SLBM's remain in production * * * with improved versions of some ICBM and SLBM systems in development * * * the Soviet modernization program includes five new ballistic missiles in development; the United States has none.

The Defense Department added that:

> Furthermore, the United States has terminated its production of new SSBN's at 18, reduced the planned number of the B-2 bomber, advanced cruise missile, and short-range attack missile II, and eliminated plans to deploy either the Peacekeeper on rail or a roadmobile small ICBM.

In retrospect, START was signed in July 1991 a month too soon. During the first half of 1991, the same Soviet hardliners who staged the abortive coup walked back and reneged on previously agreed START provisions which were much more favorable to the United States. Now that the hardliners have been thrown out of office in disgrace and arrested, the United States should completely reopen the START negotiations in order to restore the previously agreed provisions that were more equitable.

This proposed complete renegotiation of START in the context of the June 17, 1992, joint understanding on a START Treaty on deep cuts and the elimination of all ICBM MIRV's, could benefit both sides. Such renegotiation of START should require faster reductions on both sides to eliminate nuclear weapons from seceding republics, and it could result in lower and more stabilizing equal levels of nuclear arms on both sides.

FIVE GOOD REASONS TO COMPLETELY RENEGOTIATE START

There are at least five good reasons why START should be renegotiated.

1. START IS NOT FINISHED

First, as I have noted, it is an astonishing fact that START was still under negotiation for 4 months after its signature, and that this unprecedented ongoing negotiation of an already signed treaty must now be expanded. Indeed, the Bush administration recognizes this fact by initiating and continuing START II Treaty negotiations even before START I is ratified. The continued negotiation of START after signature means that the treaty is still unfinished, providing the perfect opportunity for START to be completely renegotiated in the context of START II. Indeed, START I has already been completely transcended by START II. Moreover, the START I Treaty was not published or made public, until late November, 1991, yet more than 3½ months elapsed since it was signed on July 31, 1991, by Presidents Bush and Gorbachev.

In significant contrast, the 1972 SALT I Treaty and interim agreement, the 1979 SALT II Treaty, the 1974 TTBT, the 1976 PNET, the 1987 INF Treaty, and the 1990 CFE Treaty were all made public in the United States immediately after their signature by the President of the United States.

The reason that START was not made public for so long was quite simple. Arms control experts inside the executive branch have advised me that START was still being negotiated and many important details of START's actual provisions, especially in the crucial area of verification procedures, reportedly still remained to be finalized. Many experts have pointed out that in Arms Control Treaty negotiations with the Soviets, "the devil is in the details." It seems impossible that something as important as a signed Strategic Arms Reduction Treaty was still under negotiation even after its signature, but this is the unprecedented case in regard to the START Treaty.

The fact that START was still under negotiation after signature proves that it is a signed but still unfinished treaty, and it provides the perfect opportunity to completely renegotiate it. In fact, the President has proposed opening negotiations in Moscow and in Washington soon on strategic issues already contained in the still-uncompleted START Treaty. Indeed, since June 17, 1992, active negotiations have been underway on START II.

In sum, this unprecedented continued negotiation of an already signed but still unfinished START Treaty provides the ideal opportunity for the complete renegotiation of START I, to be codified in a new START II Treaty. But several other factors also support the need to completely renegotiate START.

2. THE SOVIET UNION HAS CHANGED ITS STRUCTURE AND NAME

There is no Soviet Union anymore to be a party to the START Treaty. While this continued negotiation of START was still underway during August through November, 1991, the name of the "Union of Soviet Socialist Republics," which is specified in the title of the START Treaty and throughout the treaty, was changed to the "Union of Sovereign States" and then to the "Commonwealth of Independent States."

But the START Treaty is between the United States and the now defunct Union of Soviet Socialist Republics. Thus not only does the name of one START signatory need to be changed in the title of the START Treaty and throughout the treaty, but President Gorbachev's Title as President of the new country must also be changed to now-Russian President Yeltsin. The post-signature negotiations on START did not address the need to change the structure of START to reflect the changes in the former Soviet Union. In fact, this problem was not addressed until the May 23, 1992, Lisbon protocol.

And indeed, is there really a new central Russian state? If so, is Yeltsin really head of this State? And, for how long? The future of the so-called Commonwealth of Independent States is very tenuous at this time.

To make these changes in the name of one signatory state and title of its head of state should have required at the very least a new heads of State signing ceremony for START, and thus a new summit meeting. In taking that action, it would be easy to incorporate the new American disarmament plans into START, and gain codification of at least some Soviet reciprocity, as well as gaining on concessions made to Soviet hardliners.

3. SOVIET NUCLEAR COMMAND AND CONTROL STRUCTURE HAS CHANGED, REQUIRING CHANGES IN START

There is now no clear, centralized command and control of Soviet nuclear weapons. With the dissolution of the old Union of Soviet Socialist Republics into 15 newly self-declared and recognized independent States, the status and control of the nuclear missiles, bombers, and warheads in the new nation of the Commonwealth of Independent States is not clear.

For example, are the significant numbers of missiles, bombers, and warheads previously covered by START that were permanently located in the now newly Independent States of Russia, the Ukraine, Kazakstan, and Byelorussia now covered under START? Do the newly Independent States have governments which now control the weapons covered under START? Will START and the new, revised union treaty still under negotiation address and resolve these issues?

Moreover, what is the new structure of any residual, central Government of the new "Commonwealth of Independent States," and does this new central government have a new structure for controlling START weapons? What happened to the Subcommittee of the Politburo—the Defense Council—which previously controlled Soviet nuclear weapons through the Military-Industrial Commission or VPK and the general staff of the Soviets Armed Forces acting as a kind of Stavka or Supreme High Command? What is the new central nuclear weapons command structure? How effective is this new central control structure, and how long will it last? Will the new union treaty resolve these issues and establish even newer structures for nuclear weapons command and control?

Thus start must be renegotiated in order to address these important issues.

4. U.S. START CONCESSIONS TO DISCREDITED HARDLINERS MUST BE TAKEN BACK

The START Treaty was signed prematurely, and with a now totally discredited hardline Communist regime. START was negotiated with Soviet hardliners in the Ministry of Defense and Ministry of Foreign Affairs, such as the now fired hardline officials, General Moiseyev, General Yazov, and Foreign Minister Bessmertnyk. During the last 9 months of the negotiations, the United States made many important concessions in the START negotiations with these now discredited hardliners.

But all three of these hardliners, as well as others such as Military-Industrial Commission [VPK] Chairman Beklanov and KGB Chairman Kryuchkov, whose equally hardline son was a key Soviet START delegate during the final negotiations, have been dismissed from office in disgrace. Indeed, most are now in prison, awaiting trial. How can the United States have any confidence that a START treaty negotiated with these disgraced hardliners will be complied with precisely? Thus the United States should try to get a better deal when it completely renegotiates START with the current leadership in the CIS.

5. START HAS FATAL FLAWS WHICH MUST BE CORRECTED BY RENEGOTIATION

START has at least 10 fatal flaws which must be corrected upon complete renegotiation.

Here are some of the most important examples of START's 10 fatal flaws:

First, START completely legalizes two Soviet heavy ICBM's which the Soviets have finally admitted violated SALT I and SALT II. I will explain this problem in more detail in an attached annex.

Second, START is fundamentally unequal and inconsistent with the equality requirement of the Jackson amendment to SALT I. This inequality results because the warhead down loading provisions and the allowance of large numbers of nondeployed missiles give the Soviets the potential to legally have over twice as many warheads as the United States.

Third, START will allow significant Soviet advantages in covert forces, which also will not be counted.

Fourth, START is destabilizing, because it will increase the Soviet first strike advantage, and allow the further modernization of Soviet heavy and super-extra-heavy ICBMs.

Fifth, START will not be effectively verifiable, even with the completion of the greatly scaled-down verification provisions still under negotiation.

In sum, the United States should completely renegotiate START in order to correct all of these significant deficiencies. The continued negotiation of START provides the ideal opportunity to improve START, making it an equitable and stabilizing arms control treaty.

Finally, the following analysis is a discussion of some newly unclassified data from the START Treaty still under negotiation. The discussion is a case study of the heavy ICBM issues in SALT I, SALT II and START. This discussion proves from Soviet-provided START data that two Soviet missiles were heavy missiles that violated SALT I and SALT II, and also that START will legalize these two previously illegal Soviet heavy ICBM's.

SOVIET VIOLATIONS OF SALT I AND SALT II WITH TWO HEAVY ICBMS ARE CONFIRMED BY NEW SOVIET-PROVIDED START DATA, BUT START WILL NOW LEGALIZE THESE PREVIOUSLY ILLEGAL HEAVY MISSILES

Throughout the 1969–91 period of strategic nuclear arms control negotiations between the United States and the former Soviet Union, the United States has tried to restrict Soviet heavy missiles. One of the most important objectives of the United States has been to prohibit Soviet intercontinental ballistic missiles [ICBM's] which were heavy, from replacing Soviet light ICBM's. The United States has also tried to prevent the Soviets from modernizing their ICBM's by developing and deploying new type heavy ICBM's. Both of these key American objectives have aimed at preventing the Soviet Union from increasing its heavy ICBM first strike threat.

But the Soviets used deception during SALT I negotiations to deploy illegal heavy ICBM's to replace light ICBM's in violation of the SALT I agreements. The Soviets have also used deception in SALT II in order to illegally develop and deploy a new type heavy ICBM.

For a cumulative total of almost 20 years, in diplomatic channels the Soviets have falsely denied that two of their ICBM's were heavy, and were illegally replacing their light ICBM's in violation of SALT I and SALT II.

Fortunately, now unclassified Soviet-provided data in the recent START Treaty finally confirms these past Soviet heavy ICBM deceptions and violations of SALT I and SALT II. Eleven cases of Soviet deception and violations related to this data are now confirmed.

But unfortunately, START will fully legalize two previously illegal Soviet heavy ICBM's and several other previously illegal missiles. Thus Soviet deceptions and violations on heavy ICBM's in SALT I and SALT II have finally triumphed in the proposed START Treaty.

SOVIET SALT I HEAVY ICBM DECEPTION AND VIOLATION

In the SALT I interim agreement signed in May, 1972, the Soviets agreed to a key provision prohibiting heavy ICBM's from replacing light ICBM's. But there was no agreed definition if a heavy ICBM.

Soon after signing SALT I, the Soviets began long-range flight testing and deployment of a heavy ICBM—their SS–19—to replace their light SS–11 ICBM. The Soviet heavy SS–19 thus defeated the object and purpose of SALT I.

According to now declassified, but once extremely sensitive communications intelligence intercepts, Soviet leader Brezhnev himself in May 1972, secretly regarded their SS–19 ICBM to be a heavy ICBM. Moreover, this evidence explicitly shows that Brezhnev wanted to keep the heavy SS–19 ICBM secret from the United States until after SALT I was signed, because Brezhnev stated that the planned to illegally deploy this heavy missile to replace Soviet light SS–11 ICBM's on a large scale.

In order to induce the United States to agree to such a prohibition on heavy ICBM deployment without a definition of a heavy ICBM, the Soviets engaged in negotiating deception. The Soviet negotiators falsely assured the United States several times that an agreed definition of a heavy ICBM was not necessary, because they falsely claimed that they had not intention to deploy heavy ICBM's to replace light ICBM's. Soviet negotiators actually even told United States negotiators that the United States could trust the Soviets not to replace light ICBM's with heavy ICBM's.

But their later large scale deployment of SS–19 heavy ICBM's to replace their SS–11 light ICBM's proved that they not only defeated the object and purpose of SALT I; it also proved that they fraudulently induced the United States to sign SALT I by falsely claiming that they did not intend such replacement. The large scale Soviet deployment of heavy SS–19 ICBM's increased the Soviet first strike threat by a factor of five. Other evidence indicates that throughout the 1970's the Soviet leaders continued to secretly believe that their SS–19 ICBM was a heavy ICBM. Indeed, recent Soviet-supplied START data has now confirmed that this sensitive intelligence accurately revealed that the SS–19 was a heavy ICBM.

In sum, the Soviets not only negotiated deceptively to deploy their heavy SS–19 ICBM, but the also violated SALT I with this deployment. Moreover, ever since 1972, in diplomatic channels the Soviets have continuously and falsely denied that their heavy SS–19 ICBM was a heavy ICBM.

This experience in SALT I taught the United States that any effort in SALT II to constrain heavy ICBM's from replacing light ICBM's and also to constrain heavy ICBM modernization, must be accompanied by an agreed definition of a heavy ICBM.

SOVIET SALT II HEAVY ICBM DECEPTION AND VIOLATIONS

In the SALT II Treaty signed in 1979, the United States once again succeeded in gaining Soviet agreement to the key provisions that heavy ICBM's could not replace light ICBM's. Moreover, the United States also succeeded in gaining Soviet agreement to prohibit development and deployment of new type heavy ICBM's. But having learned our lesson from SALT I, we also tried to secure Soviet agreement to a definition of a heavy ICBM, which was crucial to making these prohibitions on heavy ICBM's into effective constraints.

The United States therefore put forward a definition of a heavy ICBM that was based upon the United States Intelligence estimate in 1979 of the launch weight of the Soviet SS–19 heavy ICBM. U.S. Intelligence estimated then in an unclassified assessment that the SS–19 had a launch weight of 90,000 kilograms. The United States thus proposed that in SALT II, any ICBM on either side with a launch weight greater than 90,000 kilograms would be classed as a heavy ICBM.

SALT II thus again prohibited any heavy ICBM's from replacing light ICBM's, and in addition it went on to prohibit new types of ICBM's that were heavy. Only one new type ICBM was to be allowed to be developed and deployed on each side, and it had to be light—with a launch weight less than 90,000 kilograms.

The Soviet Union did not respond to this SALT II launch weight definition of a heavy ICBM proposed by the United States, but the United States avowed that it interpreted the Soviet silence on this definition to be assent.

Thus the United States signed SALT II in 1979 believing that there was at least a tacitly agreed launch weight definition of a heavy ICBM, and that the Soviet Union had agreed not to deploy heavy ICBM's with launch weight greater than 90,000 kilograms to replace light ICBM's, and had agreed not to develop, test, and deploy any new type heavy ICBM's with launch weight greater than 90,000 kilograms.

In 1982, the Soviets suddenly began flight testing two new types of ICBM's, the SS–24 and the SS–25.

But the SS–25 ICBM turned out to be a prohibited second new type light ICBM, and it was illegal for several reasons—it had about 10 times more than the allowed 5-percent increase in throw weight, its telemetry was fully encrypted—encoded—illegally, and it violated the prohibition on the proportion of throw weight used by the single warhead.

Moreover, the SS–24 also turned out to be illegal, because its electronic telemetry signals were fully encrypted in violation of SALT II prohibitions against such encryption. But there was another aspect of the new SS–24 that we have long suspected—it too has turned out to be another illegal heavy ICBM. Its launch weight has turned out to be heavier than 90,000 kilograms.

Moreover, during the 1979–86 period with both the United States and the Soviet Union claimed a joint political obligation to comply with the unratified SALT II Treaty, the Soviets continued to replace light SS–11's with heavy SS–19 ICBM's, which now were the threshold between heavy and light ICBM's.

SOVIET START DATA CONFIRMS EARLIER DECEPTION AND VIOLATIONS ON HEAVY ICBM'S, WHILE LEGALIZING THE SS–19 AND SS–24 HEAVY ICBM'S

The United States and the Soviet Union signed the START Treaty on July 31, 1991. Since then, the former Soviet Union changed its name to the "Commonwealth of Independent States," and changed the structure of legal and political control of strategic nuclear weapons, complicating the legal status and the ratification prospects of START.

Like SALT I and SALT II before it, START's article V again tries to prohibit heavy ICBM's from replacing light ICBM's. START's article V also prohibits the development, testing, and deployment of new type heavy ICBM's. The START Treaty also finally contains a fully agreed definition of a heavy ICBM.

As an integral, legal part of the START Treaty, in the START memorandum of understanding [MOU] on data, the Soviets were obliged to provide date on the characteristics and numbers of their missiles and bombers. But throughout the 1982–91 START negotiations, the Soviets were very reluctant to provide this data, because they repeatedly stated that to provide this data would entail admitting their heavy ICBM deceptions and violations in SALT I and SALT II.

Nevertheless, just before START was signed on July 31, 1991, the Soviets finally revealed the launch weights of their SS–19 and SS–24 ICBM's. And the Soviet reluctance to provide this data was well founded—their MOU data provided under the START Treaty did, in fact, confirm several Soviet deceptions and violations of SALT I and SALT II.

In the unclassified START MOU on data, the Soviets finally revealed that the unclassified launch weight of their SS–19 ICBM was 105,600 kilograms, as compared to the 1979 United States Intelligence estimate in the SALT II definition of a heavy ICBM as any ICBM with a launch weight greater than 90,000 kilograms.

Moreover, the unclassified START definition of a heavy ICBM is any ICBM with a launch weight greater than 105,600 kilograms, that is, any ICBM with launch weight heavier than the SS–19.

Finally, the Soviets also revealed that the unclassified launch weight of their SS–24 new type ICBM was 104,500 kilograms, as compared to the 90,000 kilogram launch weight which defined a heavy ICBM under SALT II

The Soviets thus finally revealed that the launcher weight of the SS–19 indicates that the SS–19 was a heavy ICBM which defeated the object and purpose of SALT I. Moreover, the finally revealed launch weight of the SS–19 violated the United States-proposed and tacitly agreed definition in SALT II for heavy ICBM's. Further, the finally revealed launch weight of the Soviet SS–24 shows that it, too, was an illegal new type heavy ICBM under the terms of SALT II.

In sum, the newly revealed Soviet-provided START data confirms the following eleven significant facts:

First, the Soviet SS–19 was heavy ICBM which illegally replaced the light SS–11 ICBM's on a large scale, defeating the object and purpose of SALT I, and therefore violating SALT I.

Second, the Soviets engaged in fraud or negotiating deception in SALT I, by falsely claiming that they did not intend to replace light ICBM's with their heavy SS–19 ICBM's.

Third, the repeated Soviet denials for almost 20 years in diplomatic channels that their SS–19 was a heavy ICBM were false.

Fourth, the Soviet SS–19 was a heavy ICBM which also violated the United States-proposed SALT II definition of a heavy ICBM.

Fifth, the Soviets engaged in fraud or negotiating deception in SALT II, by allowing the United States to believe that their nonresponse to the United States-proposed heavy ICBM launch weight definition constituted their tacit agreement with this definition.

Sixth, the Soviet SS–19 was a heavy ICBM which violated the SALT II prohibition on heavy ICBM's from replacing light ICBM's.

Seventh, the Soviet SS–24 was a new type heavy ICBM which violated the SALT II prohibition on new type heavy ICBM's.

Eighth, the Soviets also engaged in fraud or negotiating deception in the case of their heavy new type SS–24 ICBM, which was under advanced development in 1979 when they signed the SALT II Treaty containing prohibitions against it.

Ninth, the repeated Soviet denials in diplomatic channels that their SS–19 was a heavy ICBM in violation of SALT II were false.

Tenth, the repeated Soviet denials in diplomatic channels that their SS–24 was a new type heavy ICBM prohibited by SALT II were also false.

Eleventh, the Soviets have engaged in fraud yet again in START, because they induced the United States to sign a START Treaty with a definition of a heavy ICBM that proves that both the Soviet SS–19 and SS–24 ICBM's violated both SALT I and SALT II. But now the Soviet SS–19 and SS–24 heavy ICBM's are fully legal under START, incorrectly and fraudulently defined as light ICBM's. This continued Soviet negotiating deception on heavy ICBM's suggests that the Soviets will once again violate attempts in START to constrain heavy ICBM replacement and modernization, by developing even newer heavy ICBM's. And yet again, the Soviets will continue to deny the facts in diplomatic channels.

Finally, it must be noted that the U.S. Peacekeeper or MX ICBM deployed in 1986 is a clearly legal light ICBM in terms of both SALT II and START, because it was deliberately designed to have a launch weight of 88,000 kilograms, which is less than the 90,000 kilogram 1979 U.S. Intelligence estimate of the SS–19's launch weight.

In sum, START confirms that the Soviet SS–19 and SS–24 heavy ICBM's violated SALT I and SALT II, while fully legalizing these two previously illegal heavy ICBM's under START. Moreover, START will also fully legalize several other Soviet missiles confirmed to be illegal, such as the SS–25 ICBM and the SS–16 covert mobile ICBM.

Russian President Yeltsin was correct in June 1991 when he stated that the leaders of the then Soviet Union had repeatedly lied and deceived the United States on arms control data over many years.

ANALYSIS OF START TREATY PROVISIONS REVEALS SIGNIFICANT SS–25 MOBILE ICBM "RETIREMENT" LOOPHOLE AND TWO POTENTIAL NEW START VIOLATIONS RELATED TO THE "FOLLOW-ON" TO THE SS–25

Summary: The START Treaty explicitly omits any requirement for each side to destroy a single strategic ballistic missile, with one exception pertaining to some mobile missiles. START also does not require either side to destroy a single nuclear warhead. The START Treaty also allows each side to produce and retain an unlimited number of strategic ballistic missiles and missile stages, and to produce and retain an unlimited number of nuclear warheads.

The START Treaty only "reduces" missile launch silos, submarine missile launch tubes, and heavy bombers which are launch platforms for air-launched cruise missiles and nuclear bombs. START thus requires only the destruction of these excess missile launchers above START ceilings—only silos, submarine tubes, and bombers will be destroyed under START.

No missiles themselves are required to be destroyed under START with one exception—some "non-deployed missiles" for mobile ICBM launchers are the only missiles specified for destruction in START.

But even in this unique case requiring some "non-deployed" mobile missile destruction, the former Soviets have secured U.S. agreement to an explicit exemption from START's required destruction of these mobile missiles. The former Soviets can easily and simply declare that their approximately 594 currently existing and allowed mobile, single warhead, SS–25 missiles and launchers are "retired." This "retirement" would completely exempt all SS–25's from destruction.

This exemption constitutes a significant loophole in the Treaty.

Moreover, if the former Soviets decide to take advantage of this loophole, which would be easy and relatively inexpensive to exploit, it would allow them to legally have more than 1,192 single warhead missiles for mobile ICBM launchers. There is evidence that the former Soviets intend to exploit this loophole shortly after the START Treaty enters into force. Thus by "retiring" their SS-25 force of mobile ICBMs and by replacing it with the probable "new type" mobile ICBM nick-named "Fat Boy," the former Soviets could have over 1,192 mobile ICBMs and still fully comply with START.

The Administration has failed to notify the Senate about the existence and status of the "Fat Boy." In addition, the failure of the former Soviets to notify the U.S. that more than 20 "Fat Boy" prototypes have exited from its production facility, and their failure to discuss the "Fat Boy" in the START Joint Commission on Implementation and Compliance may also constitute two serious new violations of START's requirements on notification and discussion of new type mobile ICBMs.

A. The START Treaty explicitly allows each side an unlimited number of "non-deployed missiles" for ICBM silos and SLBM launchers.

Thus an unlimited number of missiles for ICBM silos and SLBM submarines are allowed.

B. But START does contain a limit on the number of mobile missiles that the former Soviets can have.

Article IV of the START Treaty states in part:

"(a) Each Party shall limit the aggregate number of non-deployed ICBM for mobile launchers of ICBMs to no more than 250."

This provision means that the former Soviets cannot legally have more than 250 "non-deployed missiles" for launchers of mobile ICBMs. The former Soviets would have to "eliminate" or destroy any "non-deployed missiles" for mobile ICBM launchers above the limit of 250.

But according to the START MOU on Data on page 151 of the START Treaty, the former Soviets only declared 60 "non-deployed missiles" for mobile ICBM launchers, and hence they have the "head-room" or the opportunity to legally build "non-deployed missiles" for mobile ICBM launchers.

Thus because of this "head-room," even now the START limit on 250 "non-deployed missiles" for mobile ICBM would not require the former Soviets to destroy a single "non-deployed missiles" for a mobile ICBM launcher, and instead of requiring the destruction of "non-deployed" mobile ICBMs, START allows 190 more to be legally produced.

C. The ICBM Treaty does not require the destruction of any missiles, with one exception—only missiles for mobile ICBM launchers are required to be destroyed in one general circumstance.

Article VII .2 of the ICBM Treaty states in part that:

"2. ICBMs for mobile launchers of ICBMs . . . shall be subject to the limitations provided for in this Treaty until they have been eliminated . . ."

This is the only general requirement in the START Treaty to destroy a ballistic missile. Notice that missiles for mobile ICBM launchers are the only missiles mentioned in START for elimination.

The Administration's "article by article" analysis of the letters associated with the START "signature protocol" states succinctly:

"START requires the destruction of silo launchers; it does not require the destruction of ballistic missiles, except as necessary to remain within numerical limits on non-deployed mobile ICBMs."

D. The only specific missile that START requires to be destroyed is a mobile missile.

The START Treaty Protocol on Conversion and Elimination states in part I. That:

"Elimination of ICBMs for mobile launchers of ICBMs . . . [shall entail that] . . . the stages shall be destroyed by explosive demolition or burned . . ."

This is the only specific missile destruction procedure mentioned in the START Treaty whatsoever. Notice again that missiles for mobile ICBM launchers are the only missiles mentioned in START with specific procedures for elimination and destruction.

The Administration's own "article by article" START analysis states:

"Note that the [250] limit in this [Article IV.] subparagraph [(a)] is the only provision in the Treaty which actually requires destruction of any ballistic missile . . ."

The Administration's own "article by article" analysis of START also states:

"The absence of specific elimination procedures is appropriate since there are no limits on the numbers of ICBMs for silo launchers or on SLBMs and thus no requirement ever to eliminate such ICBMs or SLBMs and thus no requirement ever to eliminate such ICBMs or SLBMs by any means."

E. START contains a specific exemption for the only requirement for missile destruction—some mobile missiles destruction.

The Thirty-seventh Agreed Statement of START states that:

"The Parties agree that—

"(a) The limitations provided for in subparagraph I (a) of Article IV of the Treaty [i.e. the limitation on no more than 250 "non-deployed missiles" for mobile ICBM launchers] shall not apply to ICBMs of retired types of ICBMs for mobile launchers of ICBMs to each of which one warhead was attributed . . .

"(f) Procedures contained in the conversion or Elimination Protocol for the elimination or removal from accountability of ICBMs for mobile launchers of ICBMs shall not apply to ICBMs of retired types of ICBMs for mobile launchers of ICBMs to each of which one warhead was attributed . . ."

The former Soviet SS-25 single warhead mobile ICBM is the only single warhead mobile ICBM that was deployed on either side at the time of the signature of the START Treaty on July 31, 1991. So this provision in effect applies only to the SS-25.

The Administration's own "article by article" analysis of START states:

"Subparagraph (a) of the Thirty-seventh Agreed Statement provides that the limitations of [Article IV.] subparagraph 1(a) do not apply to retired mobile ICBMs attributed with only one warhead . . . Since the SS-25 is the only single-reentry vehicle mobile ICBM that was deployed at the time of the signature of the Treaty, this provision applies in effect, only to it . . . Since retired mobile ICBMs attributed with only one warhead are not subject to the 250/125 limits, the Thirty-seventh Agreed Statement also exempts them from the elimination procedures in the Conversion or Elimination Protocol."

This Administration analysis thus confirms that there is in fact a major loophole in the START Treaty regarding the allowed retirement of the SS-25.

In fact, the above analysis strongly suggests that no ballistic missiles will be destroyed under START, because the only ballistic missile that might potentially have to be eventually destroyed is the SS-25. But as noted the former Soviets can actually build 190 more SS-25s before would come up against the 250 limit on "non-deployed missiles" for mobile ICBMs. Moreover, in the likely event that the SS-25 will be declared "retired" after entry into force, even the SS-25 will not have to be destroyed, because it is specifically exempted from destruction if it is declared "retired." Thus this exemption means that there is actually an incentive for the former Soviets to declare the SS-25 to be "retired."

In sum the SS-25 is the only ballistic missile that might potentially have to be destroyed under START, but the former Soviets can build up to 190 more SS-25s before they might have to destroy any, and in the likely event that the SS-25 will be declared "retired," no SS-25s at all will probably have to be destroyed because of the "retirement" exemption.

The exemption permits the former Soviets to declare approximately all 350 of their currently deployed SS-25 single warhead ICBMs and mobile launchers, together with their 56 declared "non-deployed missiles" for the SS-25, together with the 190 more "non-deployed missiles" for SS-25 mobile launchers that they are still allowed to build, to be "retired."

The allowed "retirement" of these 596 SS-25 mobile ICBMs would mean that they would be completely outside of START and all START ceilings. Their locations and movements would have to be reported under START provisions, and the approximately 350 mobile truck launchers would have to be marginally modified so that they could not launch SS-25s. But then even these 350 trucks could be used as support vehicles for another, new mobile ICBM program. Moreover, they could keep 20 "test launchers" for the "retired" mobile SS-25. Finally, under Paragraph 10(b) of Article V, they would have to stop producing the SS-25, although this production stoppage is unverifiable, due to the fact that SS-25 stages can be produced at several facilities, and can be assembled at several other facilities.

In sum, simply by "retiring" the mobile SS-25, the former Soviets could avoid having to destroy a single mobile missile, and they could easily gain an extra 596 missiles completely uncounted in START.

F. START then also allows the former Soviets to build an entirely new force of over 596 mobile missiles to replace the force of 596 "retired" SS-25s.

The Definitions Annex of the START Treaty states in definition number 69. that:

"The term 'new type' means, for ICBMs or SLBMs, a type of ICBM or SLBM, the technical characteristics of which differ from those of an ICBM or SLBM, respectively, of each type declared previously in at least one of the following respects:

(d) length of either the assembled missile without front section length of the first stage, by ten percent or more;

(f) throw-weight, by an increase of 21 percent or more, in conjunction with a change in the length of the first stage by five percent or more . . ."

This definition means that the new "Fat Boy" missile, over 90 of which have reportedly already exited without U.S. inspection from the Votkinsk Perimeter-Portal Continuous Monitoring facility, can probably qualify as a "new type" single warhead, mobile ICBM.

Reportedly, several new garages which are 25 percent shorter than SS-25 garages are being built for the "Fat Boy" at an ICBM test range where mobile ICBMs are tested.

The correspondence of the "Fat Boy's" length being 25 percent shorter that the SS-25's length, and the new garages' lengths being 25 percent shorter than the SS-25's garages means that the new garages are probably intended to house the "Fat Boy," which in turn is probably a prototype "new type" mobile missile being prepared for flight-testing. This suggests that the former Soviets intend to exploit the SS-25. "retirement" loophole after START's entry into force, by testing and producing a "new type," single warhead mobile missile to replace the soon-to-be-retired SS-25s.

Thus the "Fat Boy" will probably differ in length from the SS-25 by about 25 percent, more than enough to qualify it as a "new type." Moreover, the thickness of "Fat Boy's" stages suggest that it will carry more solid propellant and will therefore have over 21 percent more throw-weight than the SS-25, also qualifying it as a "new type."

G. The "Fat Boy" mobile "new type" ICBM must be a single warhead ICBM, and it must be properly notified and agreed to as an allowable "new type" mobile ICBM in the START Joint Compliance and Inspection Commission.

Article V. Paragraph 4. of START states:

"Each Party undertakes not to deploy on a mobile launcher of ICBMs an ICBM of a type that was not specified as a type of ICBM for mobile launchers of ICBMs in accordance with paragraph (2) of Section VII. of the Protocol on Notifications Relating to this Treaty . . . unless it is an ICBM to which no more than one warhead is attributed and the Parties have agreed within the framework of the Joint Compliance and Inspection Commission to permit deployment of such ICBMs on mobile launchers of ICBMs . . ."

This means that the "Fat Boy" must be a single warhead mobile ICBM, and that it must be properly notified and agreed to as an allowable "new type" mobile ICBM in the Joint Commission on Implementation and Compliance.

But the Senate has not been informed by the Administration of even the existence of the "Fat Boy," nor has the Senate been informed of its status and characteristics, nor informed of the garage construction activities at the mobile missile test range. Nor has the Administration notified the Senate that the former Soviets have met these notification and discussion requirements for the "Fat Boy."

H. The former Soviets may already have committed two new major violations of START by failing to notify the U.S. about the "Fat Boy."

Section VII. of the Protocol on Notifications states:

"Each Party shall provide the other Party, pursuant to subparagraph 3(g) of Article VIII. of the Treaty [on notifications concerning strategic offensive arms of new types and new kinds] the following notifications concerning strategic offensive arms of new types and new kinds:

"(2) notification, no later than five days after the first flight test of a prototype ICBM of a particular type from a mobile launcher of ICBMs, or after the eighth flight test of a prototype ICBM of the same type from a fixed launcher of ICBMs, or *after the exit of the twentieth prototype ICBM of the same type from a production facility*, whichever is earlier, of whether ICBMs of that type shall be considered ICBMs for mobile launchers of ICBMs."

The fact that over 90 "Fat Boy" probable "new type," single warhead, mobile ICBMs have already reportedly exited from their missile production facility at the Votkinsk PPCM site without U.S. inspection and without former Soviet notification or discussion in the JCIC under the above language suggests that two new violations of the START Treaty may already have occurred. These two new violations would be in addition to the former Soviet flight test with full encryption of the SS-19 last December, which the Administration has already conceded was inconsistent with START obligations.

I. Conclusion: Major START loophole and two new START violations confirmed.

The former Soviets could produce, test, and deploy at least another 596 "Fat Boy" single warhead mobile ICBMs, to completely replace their "retired" SS-25 force of 596 missiles. All they would need to do is have a "new type" or even a "converted" mobile launcher, which must merely be "distinguishable" from the current SS-25 mobile launcher. Because the former Soviets have the freedom to compose their START force structure within the START limit of 1,100 attributable warheads for mobile ICBMs any way they wish, they could legally have many more than 596 "Fat Boy" mobile ICBMs.

Thus by "retiring" their SS-25 force, the former Soviets could have well over 1,192 single warhead mobile ICBMs and still be fully complying with START.

TRIBUTE TO SENATOR ALAN CRANSTON

Mr. KENNEDY. Mr. President, I join in paying tribute this morning to a remarkable statesman, Senator, and friend. Throughout his brilliant career in the Senate, he has been an outstanding colleague and a symbol of America's highest ideals—Senator ALAN CRANSTON.

ALAN CRANSTON is one of the most distinguished public servants in the Senate's history. He has won more votes in a single election than anyone—in any century—in the U.S. Congress. He is the only Californian ever to be elected four times to the Senate. And he is the only Senator to be elected his party's whip seven times.

In addition to his important public service achievements, Senator CRANSTON has compiled a remarkable and diversified personal record. Foreign correspondent, playwright, author, businessman, artist, and athlete, his achievements are incomparable. No other Senator can boast of having been sued by Adolf Hitler, or of having set a world record in track and field.

Since election to the Senate in 1969, Senator CRANSTON has authored major legislation promoting world peace, nuclear arms control, respect for civil and human rights, health and welfare for all Americans, protection of the environment, and improved education for the Nation's children. Many of us were proud to work closely with him on all of these issues.

In 1974, he sponsored an amendment that was passed by the Senate calling for the termination of United States military assistance in Vietnam. He subsequently fought successfully to abolish the draft and establish the All Volunteer Force. As chairman of the Senate Veterans' Committee, he later authored laws providing benefits essential to the success of that force.

Senator CRANSTON was a leader in Senate consideration of the historic SALT II and START treaties. He brought the nuclear freeze resolution up for its first vote in the Senate. And he was an original sponsor of the landmark Nuclear Nonproliferation Act.

This past November, Senators CRANSTON and PELL introduced legislation designed to help dispose of Soviet nuclear warheads. The concept behind this legislation was subsequently adopted by President Bush and has been lauded as the "biggest swords-into-plowshares agreement of the post-cold war era."

Senator CRANSTON has also been a leader in developing greater international respect for human rights. In 1975, he authored legislation barring United States military assistance to persistent violators of these basic rights. His leadership on human rights later led to the reduction of United States aid to the Marcos regime in the Philippines. He also led efforts to provide the United States airlift rescue of Ethiopian Jews and to increase refugee aid to Israel.

As a principal leader in the antiapartheid struggle, Senator CRANSTON was one of the principal authors and floor managers of the Antiapartheid Act, which imposed United States sanctions against South Africa and helped hasten the demise of the apartheid system.

For over two decades, Senator CRANSTON and I have worked together on civil rights issues affecting all Americans—ranging from voting rights issues to the protection of women and the disabled from discrimination in the workplace. He had a key role in ending the 1975 filibuster against the Voting Rights Act. And we admire his years of leadership in promoting the well-being of American families, and the protection of abused, neglected, and needy children.

In 1972, he authored the provision of the Equal Employment Opportunity Act to protect Federal employees against job discrimination. He also sponsored title VII provisions requiring Federal agencies to take affirmative steps to make equal job opportunities available to women. Later, he helped enact the 1978 pregnancy antidiscrimination law, prohibiting discrimination against pregnant employees.

Senator CRANSTON was the author of all Senate legislation enacted to strengthen and expand the title X Family Planning Program between 1971 and 1980. He helped lead the battle for the proposed equal rights amendment to the constitution and he led the floor fight in 1978 to extend the period for its ratification. He has been one of the staunchest and most effective supporters of freedom of choice for women.

ALAN CRANSTON is also a defender of new Americans—the refugees and the immigrants who add so much to our national life and culture. Whether it is refugees from Central America, farmworkers seeking rights, or families building new lives in our Nation. ALAN CRANSTON was always there, standing up for fairness, compassion, and justice.

His leadership is legendary. His many accomplishments will be recorded in the annals of Senate history. But what we, his Senate colleagues, will miss most as he retires from the Senate is his friendship and idealism, which have been an example of excellence in public service to us all.

DIRECTING SENATE LEGAL COUNSEL TO REPRESENT SUBPOENAED MEMBERS

Mr. CRANSTON. Mr. President, on behalf of the majority leader and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution to direct the Senate Legal Counsel to represent Members who have received subpoenas in a case pending in the Superior Court of the State of Connecticut, and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 354) to direct the Senate Legal Counsel to provide representation and to authorize testimony in the case of State of Connecticut versus Juanita Martin.

Mr. MITCHELL. Mr. President, last year, an individual wrote to Senator DODD and Senator LIEBERMAN to protest what she considered the unfair eviction of her neighbors, who had refused to pay Federal income taxes. In connection with subsequent protests of her neighbors' eviction, the individual was arrested for trespassing and other violations of law and the State of Connecticut has brought charges against her.

Senator LIEBERMAN, Senator DODD, and a number of other public officials have been subpoenaed by the defendant, over her appointed counsel's protest, to appear at her criminal trial on Thursday, October 1, 1992, and to produce documents. The following resolution would direct the Senate Legal Counsel to represent Senator LIEBERMAN and Senator DODD in this matter.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 354) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 354

Whereas in the case of *State of Connecticut* v. *Juanita Martin*, pending in the Superior Court of the State of Connecticut, in Enfield, Connecticut, subpoenas for testimony and documents have been issued to Senator Christopher J. Dodd and Senator Joseph I. Lieberman;

Whereas pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to requests for testimony made to, or subpoenas issued to, them in their official capacity;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved That the Senate Legal Counsel is authorized to represent Senator Dodd and Senator Lieberman, and any other Member or employee who is subpoenaed to testify or to produce documents in the case of State of Connecticut v. Juanita Martin.

SEC. 2. That employees of the Senate are authorized to testify in this case, should the need arise.

Mr. CRANSTON. Mr. President, I move to reconsider the vote.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Committee on Commerce, Science, and Transportation be discharged of the following nomination:

Barry M. Goldwater, Sr., to be a member of the Board of Directors of the Communications Satellite Corporation;

I further ask unanimous consent that the Senate proceed to immediate consideration, and that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

Barry M. Goldwater, Sr., of Arizona, to be a member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1995.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

INCOME TAX CONVENTION WITH BARBADOS

Mr. CRANSTON. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the protocol amending the 1984 Income Tax Convention with Barbados [Treaty Document No. 102–41], transmitted to the Senate today by the President; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President of the United States is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Protocol Amending the Convention Between the United States of America and Barbados for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed on December 31, 1984, which protocol was signed at Washington on December 18, 1991. I also transmit for the information of the Senate the Report of the Department of State.

In addition, I transmit herewith, for the information of the Senate, Understandings Regarding the Scope of the Limitation on Benefits Article in the U.S.-Barbados Protocol. Although not submitted for the advice and consent of the Senate to ratification, this document is relevant to the consideration of the protocol by the Senate.

The protocol amends the 1984 income tax convention with Barbados, which has been in force since February 28, 1986, to modify certain provisions of the convention.

I recommend that the Senate give early and favorable consideration to the protocol and give its advice and consent to ratification.

GEORGE BUSH,

THE WHITE HOUSE, *September 30, 1992.*

HAWAII TROPICAL FOREST RECOVERY ACT

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 2679, the Hawaii Tropical Forest Recovery Act and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2679) to promote the recovery of the Hawaii Tropical forests, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3352

Purpose: To provide a substitute amendment

Mr. CRANSTON. Mr. President, on behalf of Senators AKAKA, INOUYE, Leahy and LUGAR, I send to the desk a substitute amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), for Mr. AKAKA, for himself, Mr. INOUYE, Mr. LEAHY, and Mr. LUGAR, proposes an amendment numbered 3352.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Tropical Forest Recovery Act".

SEC. 2. HAWAII TROPICAL FOREST RECOVERY.

(a) IN GENERAL.—The International Forestry Cooperation Act of 1990 (16 U.S.C. 4501 et seq.) is amended—

(1) by redesignating sections 605, 606, and 607 as sections 609, 610, and 611, respectively; and

(2) by inserting after section 604 the following new sections:

"SEC. 605. INSTITUTE OF PACIFIC ISLANDS FORESTRY.

"(a) EXPANSION.—The Secretary shall expand the capabilities of and construct additional facilities, as funds are appropriated for the expansion and construction, at—

"(1) the Institute of Pacific Islands Forestry; and

"(2) tropical forests in the State of Hawaii.

"(b) TROPICAL FORESTRY PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of receipt by the Secretary of the action plan required by section 5(b) of the Hawaii Tropical Forest Recovery Act, the Secretary shall prepare and submit to the Committee on Agriculture and the Committee on Interior and Insular Affairs of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and to the Committees on Appropriations of the House of Representatives and Senate, a tropical forestry plan to expand the capabilities of and construct additional facilities under subsection (a).

"(2) ELEMENTS.—The plan shall provide for—

"(A) the establishment of a model center for research, demonstration, education, training, and outreach activities suitable for transferring scientific, technical, managerial, and administrative assistance to governmental and non-governmental organizations seeking to address problems associated with tropical forests within and outside the United States;

"(B) the acquisition or construction of facilities for research, classroom instruction, and housing near an experimental tropical forest in the State of Hawaii;

"(C) the acquisition or construction of facilities for the study and recovery of endangered tropical wildlife, fish, and plant species and the restoration of their habitats;

"(D) the study of biological control of nonnative species that degrade or destroy native forest ecosystems;

"(E) achieving a better understanding of global climate change and the significance of achieving a reduction of greenhouse gases through research associated with the unique atmospheric conditions found in Hawaii and the Pacific Ocean;

"(F) a review of the extent to which existing Federal forestry programs can be utilized to achieve the purposes of the plan; and

"(G) the establishment of experimental tropical forests in the State of Hawaii as authorized by section 606.

"(3) CAPABILITY.—In preparing elements of the plan that address paragraph (2)(F), the Secretary shall identify the capability of the plan—

"(A) to promote a greater understanding of tropical forest ecosystem processes, conservation biology, and biodiversity management;

"(B) to demonstrate the various benefits of maintaining a tropical forest reserve system;

"(C) to promote sound watershed and forest management;

"(D) to develop compatible land uses adjacent to protected natural areas; and

"(E) to develop new methods of reclaiming and restoring degraded lands.

"SEC. 606. HAWAII EXPERIMENTAL TROPICAL FOREST.

"(a) DEFINITIONS.—As used in this section:

"(1) FOREST.—The term 'Forest' means the Hawaii Experimental Tropical Forest.

"(2) GOVERNOR.—The term 'Governor' means the Governor of Hawaii.

"(3) LANDS.—The term 'lands' means lands, waters, and interests in lands and waters.

"(4) STATE.—The term 'State' means the State of Hawaii.

"(b) ESTABLISHMENT AND MANAGEMENT.—At the request of the Governor, the Secretary shall establish and administer within the State a Hawaii Experimental Tropical Forest. The Forest shall be managed as—

"(1) a model of quality tropical forest management where harvesting on a sustainable yield basis can be demonstrated in balance with natural resource conservation;

"(2) a site for research on tropical forestry, conservation biology, and natural resource management; and

"(3) a center for demonstration, education, training, and outreach on tropical forestry, conservation biology, and natural resources research and management.

"(c) DELINEATION OF THE LOCATION OF THE FOREST.—

"(1) IDENTIFICATION OF LANDS.—The Governor and the Secretary shall identify one or more suitable sites for the Forest in lands within the State. The identification of each site shall be based on scientific, ecological, administrative, and such other factors as the Governor and Secretary consider to be necessary or desirable to achieve the purposes of this section. Each site identified pursuant to the preceding sentence shall be of sufficient size and located so that the site can be effectively managed for Forest purposes.

"(2) EXTERIOR BOUNDARIES.—The exterior boundaries of the Forest, including the boundaries of all sites identified for Forest purposes, shall be delineated on an official map. The map shall be available for public inspection in the office of the Administrator of the Division of Forestry and Wildlife of the Department of Land and Natural Resources of the State. The Governor and the Secretary may from time to time, by mutual agreement, amend the official map to modify the boundaries of the Forest.

"(d) AUTHORITIES OF THE SECRETARY.—

"(1) IN GENERAL.—To carry out the purposes of this section, the Secretary is authorized—

"(A) to administer the Forest in cooperation with the Governor and affected State agencies;

"(B) to make grants and enter into contracts and cooperative agreements with the Federal Government, the government of the State, local governments, corporations, nonprofit organizations and individuals;

"(C) to exercise existing authority with respect to cooperative forestry and research for Forest purposes; and

"(D) to issue necessary rules and regulations or apply existing rules and regulations applicable to areas administered by the Forest Service that are necessary or desirable to administer the Forest—

"(i) for the purposes described in subsection (b);

"(ii) to protect persons within the Forest; and

"(iii) to preserve and protect the resources in the Forest.

"(2) LAND ACQUISITION.—The authority in section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) shall be available to the Secretary to carry out this section.

"(3) STATUTORY CONSTRUCTION.—Nothing in this section is intended to affect the jurisdiction of the State, both civil and criminal, over any person within the Forest by reason of the establishment of the Forest under this section, except in the case of a penalty for an offense against the United States.

"SEC. 607. ANNUAL REPORT ON INSTITUTES OF TROPICAL FORESTRY.

"The Secretary shall make annual reports to Congress on the progress, needs, and long-range plans of the Institutes of Tropical Forestry in meeting the requirements of section 2407 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6706). Such reports shall be submitted by the Secretary pursuant to section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

"SEC. 608. DEFINITIONS.

"As used in this title (unless the context otherwise requires):

"(1) INSTITUTES OF TROPICAL FORESTRY.—The term 'Institutes of Tropical Forestry' means the Institute of Tropical Forestry in Puerto Rico and the Institute of Pacific Islands Forestry established under section 2407 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6706).

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(3) STATE.—The term 'State' means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.".

(b) CONFORMING AMENDMENTS.—

(1) Section 602(b) of the International Forestry Cooperation Act of 1990 (16 U.S.C. 4501(b)) is amended by striking "(hereinafter referred to in this title as the Secretary)".

(2) The heading of section 604 of such Act (16 U.S.C. 4503) is amended to read as follows:

"SEC. 604. INSTITUTE OF TROPICAL FORESTRY IN PUERTO RICO.".

SEC. 3. TROPICAL FORESTRY RESEARCH AND ASSISTANCE.

(a) ASSISTANCE.—To promote sound management and conservation of tropical forests of the United States and to promote the development and transfer of technical, managerial, educational, and administrative skills to managers of tropical forests within or outside the United States, the Secretary of Agriculture is authorized to provide assistance through the Forest Service to eligible entities in States with tropical forests to—

(1) develop, promote, and demonstrate sustainable harvesting of native woods and other forest products on a sustainable yield basis in balance with natural resource conservation;

(2) promote habitat preservation and species protection or recovery;

(3) protect indigenous plant and animal species and essential watersheds from nonnative animals, plants, and pathogens;

(4) establish biological control agents for non-native species that threaten natural ecosystems;

(5) establish a monitoring system in tropical forests to identify baseline conditions and determine detrimental changes or improvements over time;

(6) detect and appraise stresses affecting tropical forests caused by insect infestations, diseases, pollution, fire, and non-native animal and plant species, and by the influence of people;

(7) determine the causes of changes that are detected through experimentation, intensive monitoring, and data collection at affected tropical forest sites; and

(8) engage in research, demonstration, education, training, and outreach that furthers the objectives of this subsection.

(b) FORM OF ASSISTANCE.—Assistance provided to eligible entities under this section may be in the form of grants, contracts, or cooperative agreements.

(c) DEFINITIONS.—As used in this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means a State forester or equivalent State official, State, political subdivision of a State, Federal agency, private organization, corporation, or other private person.

(2) STATE.—The term "State" means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. HAWAII TROPICAL FOREST RECOVERY TASK FORCE.

(a) ESTABLISHMENT.—There is established the Hawaii Tropical Forest Recovery Task Force (hereafter in this section referred to as the "Task Force") to advise the Secretary of Agriculture with respect to tropical forests and related ecosystems in the State of Hawaii.

(b) ACTION PLAN.—Not later than 1 year after the date of the first meeting of the Task Force, the Task Force shall submit to the Committees, Secretaries, and Governor referred to in subsection (k) an action plan that contains findings and recommendations for rejuvenating Hawaii's tropical forests, including findings and recommendations on—

(1) methods of restoring the health of declining or degraded tropical forest land;

(2) compatible uses within tropical forests, particularly agroforestry and the cultivation of scarce or valuable hardwoods and other forest products in Hawaii's tropical forests;

(3) actions to encourage and accelerate the identification and classification of unidentified plant, animal, and microbe species;

(4) actions to—

(A) promote public awareness of tropical forest preservation;

(B) protect threatened and endangered species;

(C) improve forest management and planning; and

(D) promote public awareness of the harm caused by introduced species;

(5) the benefits of fencing or other management activities for the protection of Hawaii's native plants and animals from nonnative species, including the identification and priorities for the areas where these activities are appropriate;

(6) traditional practices, uses, and needs of native Hawaiians in tropical forests;

(7) means of improving the health of tropical forests and related ecosystems in the State of Hawaii through programs administered by the Secretary of Agriculture and the Secretary of the Interior;

(8) the capability of existing Federal, State, and private forestry programs for rejuvenating Hawaii's tropical forests; and

(9) such other issues relating to tropical forests in Hawaii as the Task Force considers appropriate.

(c) COMPOSITION.—The Task Force shall be composed of 12 members, of whom—

(1) three members shall be appointed by the Secretary of Agriculture, two of whom shall be representatives of the Forest Service and the Soil Conservation Service, respectively;

(2) two members shall be appointed by the Secretary of the Interior as representatives of the United States Fish and Wildlife Service and the National Park Service, respectively;

(3) six members shall be appointed by the Governor of Hawaii, of whom—

(A) two members shall be private owners of tropical forest lands;

(B) two members shall be experts in the field of tropical forestry; and

(C) two members shall be representatives of Hawaii conservation organizations that have demonstrated expertise in the areas of tropical forest management, habitat preservation, and alien species control or have demonstrated effective advocacy in the areas; and

(4) one member shall be the Administrator of the Department of Land and Natural Resources, State of Hawaii, or the designated representative of the Administrator.

(d) INITIAL APPOINTMENTS.—Appointments under this section to the Task Force shall be made not later than 90 days after the date of enactment of this Act.

(e) CHAIRPERSON.—The Task Force shall select a Chairperson from among its members.

(f) VACANCIES.—A vacancy on the Task Force shall not affect its powers and shall be filled in the same manner as the original appointment.

(g) COMPENSATION.—

(1) IN GENERAL.—A member of the Task Force shall not receive compensation as a result of the performance of services for the Task Force.

(2) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(h) MEETINGS.—The Task Force shall meet not later than 180 days after the date of enactment of this Act and shall meet at the call of the Chairperson.

(i) VOTING.—The Task Force shall act and advise by majority vote.

(j) ASSISTANCE.—The Secretary of Agriculture and the Secretary of the Interior shall provide such assistance and support as are necessary to meet the objectives of the Task Force. The assistance shall include making Federal facilities, equipment, tools, and technical assistance available on such terms and conditions as the appropriate Secretary considers necessary.

(k) REPORT.—The action plan required under subsection (b) shall be submitted to—

(1) the Committees on Agriculture and Interior of the House of Representatives;

(2) the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate;

(3) the Secretary of Agriculture;

(4) the Secretary of the Interior; and

(5) the Governor of Hawaii.

(l) NONAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.—Sections 7(d), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Task Force.

(m) TERMINATION.—The Task Force and authority to carry out this section shall terminate 180 days after submitting the report required by subsection (b).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out sections 3 and 4.

Mr. AKAKA. Mr. President, I rise today in support of the amendment in the nature of a substitute to S. 2679, the Hawaii Tropical Forest Recovery Act, a bill I introduced earlier this year. I want to thank Senators LEAHY and LUGAR, and their staff, Tom Tuchmann and Jeff Burnam, for their assistance and support in developing the legislation which we bring to the floor today.

This legislation, cosponsored by Senator INOUYE, has been crafted with valuable input from the State of Hawaii's Division of Forestry and Wildlife, Federal agencies—in particular the U.S. Forest Service—Hawaii environmental and conservation groups, biologists and researchers at the University of Hawaii, and the Hawaii Forest Industry Association.

Hawaii is the only State in the Nation where tropical forest are found. Prior to the arrival of humans, Hawaii's geographic isolation provided a unique environment for native species which evolved into interdependent life forms. Only two mammals were present and birds were the most common land animal. Rail forests, shrublands, grasslands, and more than 100 other distinct natural communities provided vast biological diversity.

Almost two-thirds of Hawaii's original forest cover has been lost since the arrival of man. This habitat decline has had severe impact on Hawaii's biologically diverse ecosystems. The last remnants of Hawaiian coastal plant communities are restricted to the most remote and arid shores. Ninety percent of the lowland plains once forested with sandalwood and other unique Hawaiian species have been destroyed. Nearly one-half of the rain forest are gone. Of the remaining 150 natural communities, 85 are considered critically endangered. Of the bird species native to Hawaii at the time of European contact, one-half are extinct, and forty percent of those that remain are threatened or endangered. Ninety-three plant species have less than 100 surviving individuals, including 5 species with only one remaining individual.

Hawaii represents only two-tenths of one percent of the United States' land mass, but accounts for more than 70 percent of the Nation's recorded extinctions and more than one-quarter of its rare and endangered species. The loss of habitat is a primary cause for the decline of these species. It is time to stop this wave of extinction. The continued existence of these species and ecosystems is important to mankind, and immediate steps to restore these habitats are needed if they are to be saved.

The significance of biological diversity, such as that found in Hawaii, was underscored at the UN Conference on Environment and Development [UNCED] in Rio de Janeiro. On June 13, 1992, the United States, in concert with 181 other countries, adopted a set of Forest Principles. Principle 8f states:

> National policies and/or legislation aimed at management, conservation, and sustainable development of forests should include the protection of ecologically viable representatives or unique examples of forests * * *

The Hawaii Tropical Forestry Recovery Act is an important step for the United States to take towards meeting this goal. It would institute an aggressive program to develop improved techniques of tropical forest recovery, rejuvenation, and management. Central to the recovery effort for Hawaii's forests is the need for research, demonstration, and focused action. The bill seeks to accomplish this through three means.

First, at the request of the Governor of the State of Hawaii, the Secretary of Agriculture would establish an experimental forest in Hawaii. The experimental forest would be a cooperative venture with the State of Hawaii. The State of Hawaii would provide the principal land base needed for the forest and the Federal emphasis would be on research and management of the research operations. Second, the Institute of Pacific Islands Forestry would expand its mission in tropical forestry research. Third, a task force and the Secretary of Agriculture would formulate action plans addressing strategies for restoring and rejuvenating Hawaii's tropical forests.

This legislation is desperately needed if the United States' only tropical forests are to be available for future generations to enjoy, and I urge my colleagues to support its enactment.

Mr. LEAHY. Mr. President, I rise today to join my distinguished colleagues from Hawaii, Senator AKAKA and Senator INOUYE, in support for their amendment in the nature of a substitute to S. 2679, the Hawaii Tropical Forest Recovery Act of 1992.

The Hawaiian delegation has worked hard with Senator LUGAR and myself to craft legislation to help protect the environmental and economic integrity of their State's forests.

This legislation will also dovetail nicely with the State and private forestry programs we authorized in the Forest Stewardship Act of 1990.

Together the research, planning, and resource management assistance programs now available to Hawaii will allow public and private organizations to meet the challenges which threaten to destroy their native forests.

I urge my colleagues to join me and Senators AKAKA, INOUYE, and LUGAR in supporting this bill's enactment.

I ask unanimous consent that a letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR PAT: We would like to offer our views on the amendment in the nature of a substitute to S. 2679, a bill "To promote the recovery of Hawaii tropical forests, and for other purposes."

The Administration supports enactment of S. 2679 if the bill is amended as provided in the substitute which includes changes recommended by the United States Department of Agriculture.

The goals of S. 2679 complement the broader scope of the President's initiative, "Forests for the Future," which is designed to stimulate effective actions for global forest conservation and sustainable use. Moreover, as a signatory to the agreement on principles for forest management developed at the United Nations Conference on Environment and Development (UNCED), the Administration recognizes the special obligation of the United States to set a standard for management of tropical forests. Enactment of S. 2679 would provide another opportunity to demonstrate the effectiveness of State and Federal cooperation in addressing problems affecting tropical forest ecosystems.

Section 2 of S. 2679 would amend the International Forestry Cooperation act of 1990 (16 U.S.C. 4501 et seq.) by expanding the role of the Institute of Pacific Islands Forestry (IPIF) in acquiring and disseminating knowledge to address international and domestic tropical forest issues. This expansion would place IPIF on a par with the Institute of Tropical Forestry (ITF) in Puerto Rico. It would extend to the Pacific Islands and Southeast Asia the same level of research, technology transfer and assistance that is now provided by ITF to Central and South America. Additionally, this section provides for the establishment of the Hawaii Experimental Tropical Forest under the management of the Secretary of Agriculture. This experimental forest would serve as a center for long-term research and as a focal point for developing and transferring knowledge and expertise for management of tropical forests throughout the Pacific region.

Section 4 would reinforce the authorities of the Secretary as provided by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) by highlighting State and Private Forestry Programs that provide technical, managerial, educational, and administrative skills to managers of tropical forests of the United States and the insular territories.

Section 5 would establish the Hawaii Tropical Forest Recovery Task Force to advise the Secretary of Agriculture with respect to tropical forests and related ecosystems in the State of Hawaii. The task force would be composed of 12 members including 3 appointed by the Secretary of Agriculture and 2 by the Secretary of Interior, and would develop a plan that contains findings and recommendations for rejuvenating Hawaii's tropical forests.

Sincerely,

EDWARD MADIGAN,
Secretary.

Mr. LUGAR. Mr. President, I am pleased to cosponsor this substitute amendment to S. 2679, the Hawaii Tropical Forest Recovery Act.

This bill will establish an experimental tropical forest in the State of Hawaii, using primarily State lands. Enactment of this bill will help foster research and the transfer of research findings to governments and organizations seeking to protect tropical forest both within and outside of the United States.

This bill complements President Bush's call at Rio for a doubling of worldwide tropical forestry assistance and furthers the forest principles which the United States succeeded in having adopted at the UNCED conference. I welcome the initiative which Senators AKAKA and INOUYE have taken in this regard.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the amendment in the nature of a substitute.

The amendment (No. 3352) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill, as amended.

The bill, as amended, was ordered to engrossed for a third reading, was read the third time, and passed.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WILD BIRD CONSERVATION ACT OF 1992

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 5013, the Wild Bird Conservation Act of 1992 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5013) to promote the conservation of wild exotic birds, to provide for the

Great Lakes Fish and Wildlife Tissue Bank, to reauthorize the Fish and Wildlife Conservation Act of 1980, to reauthorize the African Elephant Conservation Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENTS NOS. 3353, 3354 AND 3355

Mr. CRANSTON. Mr. President, I ask unanimous consent that it be in order for the Senate to consider en bloc three amendments, which I now send to the desk, and I ask that the amendments be agreed to en bloc and that the motion to reconsider be laid upon the table.

Mr. President, for the information of the Senate, I send these amendments on behalf of Senators BAUCUS and CHAFEE; Senators CHAFEE, WARNER, HELMS, and SANFORD; and Senator STEVENS.

I further ask unanimous consent that statements relating to these amendments appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments considered and agreed to, en bloc, are as follows:

AMENDMENT NO. 3353

Title III is amended by adding the following new section:

"SEC. . NATIONAL FISH AND WILDLIFE FOUNDATION.

"Beginning in fiscal year 1993 and hereafter, the National Fish and Wildlife Foundation may continue to draw down Federal funds when matching requirements have been met: *Provided*, That interest earned by the Foundation and its subgrantees on funds drawn down to date, but not immediately disbursed, shall be used to fund all activities as approved by the Board of Directors: *Provided further*, That the Foundation's subgrantees shall be exempt from the audit reporting and compliance requirements of OMB Circular A-133, for all grants of $100,000 or less. The Foundation shall amend its grant contracts to ensure that its subgrantees are advised and certify that they will comply with all applicable Federal laws and regulations imposed on individuals or organizations receiving Federal funds.".

Mr. BAUCUS. Mr. President, last year Senator CHAFEE and I joined our colleagues in the House in introducing legislation to conserve wild populations of parrots and other exotic birds, to provide humane treatment of these birds during capture and transport, and to improve the process of importing and quarantining these birds.

The United States is the world's largest consumer of wild-caught exotic birds. We bring into this country each year more than 500,000 parrots and other birds that are taken from the wild. International trade in many wild-caught, exotic bird species for use as pets has not been sustainable, and this trade, along with habitat destruction, is contributing to a significant decline in these species throughout the world. Consequently, the United States has a responsibility, as the largest market for exotic, wild-caught birds, to eliminate its imports of many of these birds.

Many nations have partially or totally restricted their exports of live indigenous bird species, but others, principally Argentina, Guinana, Senegal, Tanzania, and Indonesia, continue to supply large numbers of wild-caught birds for the international pet trade.

As early as 1976, the Parties to the Convention on International Trade in Endangered Species urged exporting countries to gradually restrict the collection of wild animals for the pet trade. They recommended that all member nations, including the United States, encourage the breeding of animals for this purpose, so that eventually pets would be limited to those species that can be bred in captivity.

Today, however, current international trade control mechanisms remain inadequate. They are not based on a review of U.S. trade data or on a review of the status of the species in the wild. In addition, many exporting nations lack sufficient resources to adequately assess the effects of trade on their wild bird populations. As a result, they are unable to determine whether their exports are detrimental to the species in the wild.

Encouraging the purchase of captive-bred exotic birds for the pet market instead of wild-caught birds, and facilitating domestic and foreign captive breeding will reduce the demand for wild-caught birds in the United States and relieve the pressure on wild populations of exporting countries.

Although some efforts have been successful in reducing mortality of birds during transport to and quarantine in the United States, import-associated mortality remains a serious concern.

Clearly, the effectiveness of current wildlife trade measures needs to be improved.

When Senator CHAFEE and I introduced S. 1218 and S. 1219 last year to make those improvements, I noted that they took different approaches toward achieving the goal of protecting exotic wild birds, and that we would work to resolve these differences.

Today, I am pleased to be able to tell my colleagues that we have successfully resolved these differences. We have worked with Representative STUDDS and others in the House and with environmental and humane organizations, bird breeders, and the pet industry to develop the compromise that is in title I of H.R. 5013, the Wild Bird Conservation Act of 1992.

I believe that the Wild Bird Conservation Act of 1992 is the most effective approach that this Nation could take to conserve wild birds in their native habitats and to ensure sustainable trade. I hope, therefore, that my colleagues will join Senator CHAFEE and me in supporting this legislation.

It is important that we enact this legislation in this Congress so that we place the United States at the forefront of international efforts to conserve the wild birds of this planet.

Mr. CHAFEE. Mr. President, the establishment of a national center for biological resources, is an important first step in our efforts to conserve our biological resources—before they become endangered or threatened. I commend Senator MOYNIHAN, the chairman of the Environment and Public Works Committee for his leadership on this issue.

Although we hear a great deal about the destruction of tropical rainforests and the resulting loss of biological diversity abroad, the disappearance of our own biological resources is not as well publicized. Yet, the loss of species and the natural communities they inhabit is a serious problem in this country, where over 728 species are listed as endangered or threatened and thousands more are candidates for listing under the Endangered Species Act.

One problem is that we lack an adequate inventory of our own biological resources. The Keystone Report on biological diversity concluded that only a small fraction of our public lands have been inventoried for biological diversity. In addition, the report found that existing inventories did not include large classes of species, such as invertebrates and nonvascular plants.

How can we conserve our biological resources if we do not know what they are and where they are located?

This amendment will create a national center which will collect and organize vital information on our biological resources and make this data available to the scientific community and the public, thereby acting as a clearinghouse of biological data.

The center will also provide assistance and grants for research regarding biological resources to experts both in and outside of government, including State natural heritage programs. The State heritage programs are computer inventories of biological and ecological features of particular States. Any national inventory should be coordinated with and make extensive use of the 50-State heritage programs' databases, procedures, and technology.

Knowledge regarding biological resources is of interest and value to more than just scientists. This is not a futile, academic exercise. For instance, more than 40 percent of all prescription drugs are derived from plants and other organisms. Yet, fewer than 3 percent of the world's known species have been examined for possible use as medicines. This data could also be used to develop and improve agricultural crops and in biotechnology research. Such knowledge will benefit all of us.

The adoption of this provision will help us reach our goal of better understanding our living resources before they disappear. This is a case where little knowledge is truly a dangerous thing. Our goal is to expand knowledge—to improve our understanding of the world around us.

AMENDMENT NO. 3354

Amend Section 303 of H.R. 5013 (as passed by House) as follows:

On page 28 at the end of line 22 insert the following new paragraphs:

"(3) on the map referred to in subsection (b)(2)(A), the area: consisting of approximately 5221 acres and owned by the National Audubon Society as of September 28, 1992 (known as the "Audubon Sanctuary"), along with the associated aquatic habitat the Pine Island Bay and Goat Island Bay, shall be designated and depicted as NC-01, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection.

"(4) on the map referred to in subsection (b)(2)(C) areas designated as "otherwise protected areas" identified as "VA-60P" that are:

"(i) north of the north bank of Salt Ponds Inlet in Hampton, Virginia; and

"(ii) south of the line described in subsection (c) of this section, shall be designated and depicted on the map as VA-60, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection.

"(5) In designating the units in accordance with paragraphs (3) and (4) above, the Secretary is authorized to make any minor and technical modifications to the boundaries of such unit as may be necessary to correct existing clerical and typographical errors in the map. Provided further that the local government in which is located such unit may recommended any such corrections be considered by the Secretary.".

AMENDMENT NO. 3355

Insert at the appropriate place the following new section:

SEC. . WETLANDS MAPPING.

Section 401(a) of Public Law 99-645, the Emergency Wetlands Resources Act of 1986, (16 U.S.C. 3931(a)), as amended by Public Law 101-233 is further amended—

(1) in paragraph (3), by striking "as soon as practicable" and inserting in lieu thereof "by September 30, 2000";

(2) in paragraph (4), by striking ". And" at the end of the paragraph and inserting in lieu thereof a semicolon;

(3) in paragraph (5)(B), by striking the period and inserting in lieu thereof a semicolon;

(4) by adding the following new paragraphs at the end thereof:

"(6) produce, by September 30, 2004, a digital wetlands data base for the United States based on the final wetlands maps produced under this section; and

"(7) archive and make available for dissemination wetlands data and maps digitized under this section as such data and maps become available.".

Mr. STEVENS. Mr. President, I thank the chairman and ranking member for their final clearances of this amendment. It is a very constructive amendment in my judgment.

Basically, this amendment does three things. It requires wetlands inventories for Alaska to be completed by September 2000. It also gives authority to create a digital wetlands data base for wetlands inventories and maps and it requires the agencies to archive and make available the digitized information and maps.

Currently, wetlands inventories and maps for the south 48 States will be completed by 1998. However, current law requires the same type of inventory for Alaska to be completed only as soon as practicable. When all of the contiguous states have been mapped in 1998, only 35 percent of Alaska will have been mapped. My amendment requires the Alaska inventory to be completed by the year 2000.

Inventories and maps derived from inventories are greatly needed by Alaskans. My State has the most wetlands, 170 million acres, over 45 percent of Alaska's surface area. Complete wetlands maps are not available. Alaskans need these maps for planning purposes. We need them to minimize wetlands impact when we build schools, housing developments, highways and other transportation systems, and many other projects.

Maps produced under the Emergency Wetlands Resources Act of 1986 provide information on the location and characteristics of wetlands and the actual abundance and scarcity of wetlands in an area. Actual acreage statistics are derived from these mapping inventories.

My amendment also gives authority to the Secretary to digitize, archive, and distribute the inventory data contained in the wetlands maps. Digital data is data that can be used by community planners. It can be integrated into local land use plans much more easily in digital form.

With a digital data base, communities and property owners will know where important wetlands are. I think that the availability of digital wetlands information will help in developing a preclearance concept—where communities can pre-clear wetlands areas for development while protecting the most important and most scarce wetland areas.

Mr. President, I thank the chairman and ranking member for clearing this amendment. I think it complements my last amendment to the Emergency Wetlands Resources Act which required a 200-year wetlands loss report. That report was based on the best available information. My amendment now increases the usability of the information generally and sets a date for completing inventory information for Alaska.

Mr. CHAFEE. Mr. President, the passage of H.R. 5013 is crucial to the continued survival of many of the world's most beautiful and prized exotic bird species. Today many parrots, macaws and other popular bird species are in serious decline due in large measure to the pet trade.

The United States plays a major role in this trade as the world's largest importer of wild birds—importing an estimated 500,000 birds each year for the pet trade. And that is not counting the tens of thousands of birds that are smuggled illegally into this country each year. If this continues, many species will not survive in the wild much longer.

Fortunately, for the wild birds, responsible representatives of the pet trade conservation organizations, and humane groups, concerned about this problem have worked together to craft a solution. Last June, Senator BAUCUS and I introduced two bills, S. 1218 and S. 1219 to conserve wild birds.

Why two bills on the same subject with the same goal? Because at that time, despite the fact that all the major groups involved in this issue were in agreement that something needed to be done to address this serious problem, they did not agree on a specific approach. By introducing two bills, we hoped to encourage the groups to reach a compromise on this issue.

I am happy to report that H.R. 5013 represents a reasonable compromise approach that has been agreed to by most, if not all, the affected groups.

H.R. 5013 establishes an immediate import moratorium on 11 species. These species were identified as most at risk from trade at the last meeting of the Convention on International Trade in Endangered Species of Wild Flora and Fauna [CITES]—the treaty which governs international trade in wildlife. The import of any other species listed by CITES as seriously affected by the trade would, with limited exceptions be banned one year after the date of enactment of H.R. 5013.

Clearly, this does not mean that people must stop buying these birds for pets. These birds can and are being bred in captivity. In fact, I understand the captive bred birds make better pets than the wild-caught variety.

In a day when environmental issues are too often polarized between two extremes, this bill represents a compromise among a number of groups that are usually on different sides of most issues. In my view this is an accomplishment of great proportions due to the tireless work of a great many organizations since 1988—when the World Wildlife Fund first convened a working group on this problem.

I also want to pay tribute to Assistant Secretary Hayden of the Department of the Interior and the U.S. Fish and Wildlife Service for their assistance and leadership on this issue.

The passage of H.R. 5013 will greatly enhance the prospects of survival for a number of magnificent tropical and other bird species in the wild.

I would also like to mention one other provision of H.R. 5013 which is not related to wild birds. This provision corrects errors made in the mapping of "Otherwise Protected Areas" under the Coastal Barrier Resources Act.

Several areas located in North Carolina and Virginia that were privately owned and either partially or entirely developed were inadvertently mapped as areas owned and protected by Federal, State, or local government or a conservation organization, and therefore ineligible for Federal flood insurance. This provision, as amended, corrects these errors and designates the entirely undeveloped portion of the area in Virginia as a unit of the coastal barrier resources system.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HEALTH CARE POLICY AND RESEARCH AMENDMENTS ACT

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5673, the Health Care Policy and Research Amendments Act just received from the House; that the bill be read for a third time and passed; that the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 5673) was deemed read the third time and passed.

Mr. KENNEDY. Mr. President, I rise today to commend the prompt passage of H.R. 5673, a bill to reauthorize the Agency for Health Care Policy and Research. This legislation incorporates the provisions of the companion bill in the Senate, S. 3179. I commend Senator HATCH and Senator DURENBERGER for their input on this important legislation.

The two major goals of comprehensive health care reform are universal access to quality health care and cost containment. Much of the work of the Agency for Health Care Policy and Research seeks to achieve these goals by encouraging access to health care and promoting improvements in clinical practice, and the delivery of health care services.

Since its creation in 1989, the Agency for Health Care Policy and Research has made impressive progress in activities intended to enhance the quality, effectiveness, and efficiency of health care services. The reauthorization of the Agency will continue this important work, especially in the critical areas such as practice guidelines, technology assessment, outcomes research, and health services research.

Federal efforts in health care technology assessment have aroused significant controversy in recent years, and serious questions have been raised about the appropriate role for the Federal government. To its credit, the Agency has provided a public forum to discuss the risks and benefits of more centralized assessment of medical technology. While no consensus has emerged, several useful suggestions did result from these meetings and are represented in this legislation.

Mr. DURENBERGER. Mr. President, I rise today to support the passage of S. 3179, The Agency for Health Care Policy and Research Reauthorization Act of 1992. I join my distinguished colleagues on the Labor and Human Resources Committee, Mr. KENNEDY and Mr. HATCH, in cosponsoring this bill. S. 3179 is yet another example of the benefits of bipartisan cooperation and constructive deliberation.

Mr. President, Senator MITCHELL and I introduced legislation back in April 1989 to increase and improve patient outcomes assessment. During the reconciliation process that year, we worked closely with our colleagues to establish a new agency in HHS to accomplish the goals of outcomes research.

The agency is authorized under both the Public Health Service Act and the Social Security Act. Today, we are reauthorizing only the Public Health Service portion of AHCPR which expires at the end of fiscal year 1992. The authority of the agency under the Social Security Act will be reauthorized in 1994.

Consideration of this reauthorization has given us an opportunity to evaluate what the Agency has accomplished in its few short years of existence. We also have an opportunity to help the agency do an even better job.

Regardless of one's views about how to finance health care access, every reform proposal requires good information on the quality, appropriateness and effectiveness of medical interventions. We may disagree on how to finance health care reform, but we don't disagree on the fact that we need good information so we know what we are paying for.

AHCPR has begun to produce studies in support of its mandate. Its Office of the Forum for Quality and Effectiveness in Health Care has begun to issue clinical guidelines to assist practitioners. Its Office of Medical Effectiveness Research Program is the center pioneering in outcomes and effectiveness research.

I have been generally satisfied with AHCPR's progress, particularly in light of its comparatively small budget. What is emerging from AHCPR is topflight, widely disseminated information. In one area, however, AHCPR needs to be more attentive. The agency has favored guidelines and outcomes studies at the expense of technology assessment, particularly technologies that are emerging and not well understood.

I am particularly proud of a new provision we have included in this bill to support a Program of Innovative Assessments. This program will support the creation of technology assessment partnerships among Government agencies and between the public and private sectors. This program builds upon the premise that, as important as technology assessment is, it cannot be done by this small agency alone. Government can facilitate cooperation among many different factors so that the difficult job of clinical data gathering can be accomplished.

The Program of Innovative Assessments will allow AHCPR to join forces with academic medical centers, research institutions, public and private insurers, other Government agencies, and consortia to conduct innovative assessments. Although this is a modest program, I believe it is an important first step toward a better understanding of both new technologies and potentially outmoded technologies.

Mr. President, I applaud the distinguished chairman's leadership in reauthorizing this important agency. If we are really serious about value, we must have adequate information about our health care services. AHCPR has been given the monumental task to gather the information necessary to accomplish that goal.

DES EDUCATION AND RESEARCH AMENDMENTS OF 1992

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 692, S. 2837, a bill to provide for a program to carry out research on the drug DES.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2837) to amend the Public Health Service Act to provide for a program to carry out research on the drug diethylstilbestrol, to educate health professionals and the public on the drug, and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "DES Education and Research Amendments of 1992".

SEC. 2. ESTABLISHMENT OF PROGRAM REGARDING DES.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"DES

"SEC. 403A. (a) ESTABLISHMENT OF PROGRAM.—The Director of NIH shall establish a program for the conduct and support of research and training, the dissemination of health information, and other programs with respect to the diagnosis and treatment of conditions associated with exposure to the drug diethylstilbestrol (hereafter in this section referred to as 'DES').

"(b) EDUCATION.—In carrying out subsection (a), the Director of NIH, after consultation with nonprofit private entities representing individuals who have been exposed to DES, shall conduct or support programs to educate health professionals and the public on the drug, including the importance of identifying and treating individuals who have been exposed to the drug.

"(c) STUDIES.—After consultation with the Office of Research on Women's Health, the Director of NIH, acting through the appropriate national research institutes, shall in carrying out subsection (a) conduct or support one or more longitudinal studies to determine the incidence of the following diseases or disorders in the indicated populations and the relationship of DES to the diseases or disorders:

"(1) In the case of women to whom (on or after January 1, 1938) DES was administered while the women were pregnant, the incidence of all diseases and disorders (including breast cancer, gynecological cancers, and impairments of the immune system, including autoimmune disease).

"(2) In the case of women exposed to DES in utero, the incidence of clear cell cancer (including recurrences), the long-term health effects of such cancer, and the effects of treatments for such cancer.

"(3) In the case of men and women exposed to DES in utero, the incidence of all diseases and disorders (including impairments of the reproductive and autoimmune systems).

"(4) In the case of children of men or women exposed to DES in utero, the incidence of all diseases and disorders.

"(d) EXPOSURE.—For purposes of this section, an individual shall be considered to have been exposed to DES in utero if, during the pregnancy that resulted in the birth of such individual, DES was (on or after January 1, 1938) administered to the biological mother of the individual.

"(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other authorization of appropriations available for the purpose of carrying out this section, there are authorized to be appropriated for such purpose such sums as may be necessary for each of the fiscal years 1993 through 1996.".

Mr. HARKIN. Mr. President. I am pleased that the Senate has unanimously approved this important health legislation. Our action, combined with actions taken last week in the fiscal year 1993 Labor, Health and Human Services, Education and related agencies appropriations bill will do much to help the up to 10 million Americans exposed to the drug diethylstilbestrol [DES].

As the Senate sponsor of S. 2837, I am especially pleased that we were able to move so promptly to final approval of the bill. I want to thank and commend Senator KENNEDY, the distinguished chairman of the Labor and Human Resources Committee, and his staff for their leadership and help in making this legislation possible. I also want to thank and commend Senator HATCH, the ranking Republican on the Labor and Human Resources Committee, and his excellent staff for their critical help in assuring passage of S. 2837. In addition, I want to pay tribute to the House sponsor of the companion to my legislation, H.R. 4178, Congresswoman LOUISE SLAUGHTER. Without her tireless and skillful efforts we would not be here tonight sending this legislation onto the President.

Mr. President, DES is a synthetic estrogen that was prescribed to approximately 5 million American women between 1941 and 1971 to prevent miscarriage. In the early 1950's, a clinical study showed that DES was ineffective in preventing miscarriage and use of the drug decreased. In 1971, following a report documenting a rare form of vaginal cancer in daughters of women who had taken DES during pregnancy, the FDA banned use of DES by pregnant women.

A number of studies have demonstrated that children born to women given DES during their pregnancy—often referred to as DES daughters or DES sons—have higher than normal rates of reproductive tract abnormalities associated with increased rates of ectopic pregnancy, miscarriage, premature labor and infertility. In addition, studies have found that DES daughters are at increased risk of a rare form of vaginal cancer and are possibly also at increased risk of cervical cancer. Other studies show that mothers who took DES are at nearly twice the risk of breast cancer. Finally, there is evidence that DES exposure may be linked to impairments of the autoimmune system.

Perhaps the most common concern that has been raised regarding the impact of DES exposure on the 5 million DES daughters and DES sons is infertility, but the extent of this is not yet fully clear. Longitudinal studies are needed to more fully understand the effects of DES exposure and the extent of those effects on exposed individuals.

Mr. President, despite the problems attributable to DES exposure, a large number of Americans who may be at risk to these problems are not aware of their potential risk. Therefore, many do not know about the preventive and precautionary steps that can and should be taken. For example, those women and men who may be infertile because of their DES exposure need appropriate medical evaluations and informed counseling to prevent multiple unnecessary examinations. In addition, many health professionals do not have up-to-date information about how to diagnose, counsel, and care for DES exposed individuals. A nationwide information campaign directed both to the public and to health professionals is therefore essential.

The legislation we are adopting tonight addresses these critical needs by authorizing such sums as may be necessary over the next 3 years to conduct and support development of a nationwide program to inform, educate and train health professionals and the general public in regard to the diagnosis and treatment of conditions associated with exposure to DES. It also requires the National Institutes of Health [NIH] to conduct one or more longitudinal studies to evaluate the extent and impact of relevant DES related health outcomes among DES women and their offspring.

Mr. President, the need for this legislation is clear. Exposure to DES is so common that the vast majority of Americans have a family member or a friend who has been exposed to this drug. In my home State of Iowa, it is estimated that over 114,000 women and men are at risk to the adverse health effects of DES. The letters I receive from DES women and DES daughters relate very troubling testimonials to the fear and the anguish faced by those exposed to this legally prescribed drug. Mrs. Cynthia Wanamaker of Des Moines writes that she was exposed to DES in utero 32 years ago. For her DES exposure has meant many agonizing years of infertility, a miscarriage, and an extremely difficult pregnancy that required constant monitoring and bed rest. She feels very fortunate to have a healthy 6-month-old child. Ms. Kristin Evenson of Iowa City wrote me that she has been through multiple medical examinations for what she was told was "a textbook case of DES-induced abnormality" which has resulted in several biopsies and cryosurgery which has left her "so scarred that pregnancy is only a slim theoretical possibility".

It is for people like this that this legislation is so important. We need to know more about how they can be helped. And they need to know the risks they may face and what steps they may take to protect their health.

Mr. President, I want to take this opportunity to commend the outstanding efforts on behalf of this legislation by DES Action, a grassroots organization, made up largely of DES-exposed women, that has taken the lead in pressing for more research and better professional and public education in this area. Without their efforts, this legislation would not have been possible. The DES Cancer Network has also worked hard to assure passage of the bill. Indeed, this bill is a testament to the ability of average Americans to bring an issue to the forefront and work to win its enactment.

Mr. President, I am pleased to note that the fiscal year 1993 Labor, Health, and Human Services appropriations bill approved by the Senate last week contains $1.5 million in additional funding to the National Cancer Institute to implement the legislation we are approving tonight. As chairman of the subcommittee responsible for that measure, I worked with others on the committee to assure that the necessary funding was included so that this legislation can and will be promptly carried out.

In conclusion, I again want to commend the Senate for its action. I know that the administration has indicated its willingness to go along with this bill and I hope that the President will act at the earliest date possible to give it final approval.

Mr. DODD. Mr. President, I want to express my strong support for the DES Education and Research Amendments of 1992 sponsored by my colleague from Iowa, Senator HARKIN. I am proud to be a cosponsor of this legislation.

Mr. President, from 1941 to 1971 the synthetic estrogen, DES, was prescribed to millions of women to prevent miscarriages. Unfortunately, instead of preventing miscarriages, studies indicate that the children born to women given DES during pregnancy have higher rates of reproductive abnormalities associated with increased rates of miscarriage and infertility. DES daughters are also at increased risk of a rare form of vaginal cancer and may also be at higher risk of cervical and breast cancer.

For the more than 10 million Americans and the estimated 120,000 individuals in Connecticut who have been exposed to DES, the pain is great. Mothers agonize over a decision they made 20 to 30 years ago and wonder if they will ever have grandchildren. DES daughters often suffer repeated miscarriages 5 or 6 months into pregnancy. DES sons are unable to get information on how DES affects men.

Mr. President, this legislation is long overdue. It has been over 20 years since the FDA banned the use of DES but there are still many unanswered questions. Clearly there are links between DES and reproductive system diseases, but we know little about how DES affects the endocrine, immune and cardiovascular systems. And, we know little about how DES will affect the exposed as they age. DES research—like research on many other women's health issues—has been inadequate. When the NIH reauthorization legislation was taken up on the Senate floor many of us criticized the lack of research on women's health at NIH. The lack of knowledge about DES is just one of the many outgrowths of our inattention to women's health. The lack of research on DES has left the public and the medical community uninformed and women have not received appropriate care.

While the legislation before us cannot undue all the damage, or remove all the uncertainty for those exposed, it is a step in the right direction. The legislation authorizes funds to educate the public and health professionals about DES. Education is critical because a large number of individuals who have been exposed to DES are not aware of their increased risk for various cancers. They are not aware of the necessity to take preventive steps to detect cancers early in order to prevent progression of the disease to advance stages. Because routine exams do not detect some of the rare cancers found in those exposed to DES, it is essential that health care workers and the exposed are aware of the risk associated with DES.

This legislation will also require the NIH to conduct or support research to determine the incidence of certain health problems among the women who took DES and their children and grandchildren. Clearly we need more research to fully understand the effects of DES exposure.

Again, I thank Senator HARKIN for sponsoring this legislation. The legislation is a step in the right direction, and I am pleased that we are now addressing some of the concerns of those exposed to DES.

The PRESIDING OFFICER (Mr. LEVIN). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of the House companion, H.R. 4178; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table and that any statements thereon appear in the RECORD as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4178) was deemed read the third time and passed.

Mr. CRANSTON. Mr. President, I ask unanimous consent that S. 2837 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 787, Thomas E. Harvey, to be a member of the Board of Directors of the United States Institute of Peace.

I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

U.S. INSTITUTE OF PEACE

Thomas E. Harvey, of the District of Columbia, to be a member of the Board of Directors of the United States Institute of Peace for the remainder of the term expiring January 29, 1993.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

AMENDMENT NO. 3243, AS FURTHER MODIFIED

Mr. CRANSTON. Mr. President, as in executive session, I ask unanimous consent that amendment No. 3243, offered by the Senator from Virginia [Mr. WARNER], be further modified on page 2, line 19 striking the word "and".

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3243), as modified, is as follows:

In the fifth condition to the resolution of ratification recommended by the Committee on Foreign Relations, strike all after "If" in the first sentence through the end of the condition, and insert in lieu thereof the following: ", by the date which is ten days before the date upon which the President of the United States proposes to exchange the instruments of ratification of the START Treaty, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and the Ukraine have not made arrangements to implement the START Treaty's limits and restrictions or to allow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of the May 23, 1992 Protocol, or have not worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, then—

"(A) the President—

"(i) shall consult with the Senate regarding the effect on the Treaty of such developments; and

"(ii) shall seek on an urgent basis a meeting at the highest diplomatic levels to gain agreements on the completion of those arrangements,

"(B) the President shall take no action to allow the Treaty to enter into force until such consultation and such meeting have taken place".

WITHDRAWAL OF MOST-FAVORED-NATION STATUS

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 5258, a bill to provide for the withdrawal of most-favored-nation status from the Federal Republic of Yugoslavia and to provide for the restoration of such status if certain conditions are fulfilled and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5258) to provide for withdrawal of most-favored-nation status from the Federal Republic of Yugoslavia and to provide for the restoration of such status if certain conditions are fulfilled.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3356

(Purpose: To provide for the withdrawal of most favored nation status from Serbia and Montenegro and to provide for the restoration of such status if certain conditions are fulfilled)

Mr. CRANSTON. Mr. President, on behalf of Senator LAUTENBERG, I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. CRANSTON], for Mr. LAUTENBERG, proposes an amendment numbered 3356:

Strike all after the enacting clause and insert:

SECTION 1. WITHDRAWAL OF MOST FAVORED NATION STATUS FROM SERBIA AND MONTENEGRO.

(a) FINDINGS.—The Congress finds that Serbia or Montenegro are not complying with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act"), particularly the provisions regarding human rights and humanitarian affairs and are not respecting minority rights in Kosovo and Vojvodina.

(b) WITHDRAWAL OF MFN STATUS.—Except as provided in subsection (c), nondiscriminatory treatment shall not apply with respect to any goods that—

(1) are the product of Serbia or Montenegro; and

(2) are entered into the customs territory of the United States on or after the 15th day after the date of the enactment of this Act.

(c) RESTORATION OF NONDISCRIMINATORY TREATMENT.—Notwithstanding subsection (b), the President may restore nondiscriminatory treatment to goods that are the product of Serbia or Montenegro, as the case may be, 30 days after he certifies to the Congress that Serbia or Montenegro, as the case may be—

(1) has ceased its armed conflict with the other ethnic peoples of the region formerly comprising the Socialist Federal Republic of Yugoslavia;

(2) has agreed to respect the borders of the 6 republics that comprised the Socialist Federal Republic of Yugoslavia under the 1974 Yugoslav Constitution; and

(3) has ceased all support of Serbian forces inside Bosnia-Hercegovina.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3356) was agreed to.

Mr. LAUTENBERG. Mr. President, I am pleased the Senate is considering this legislation to revoke most-favored-nation status for Serbia and Montenegro. This legislation is nearly identical to S. 3221, which I, along with Senators MITCHELL, PELL, SASSER, RUDMAN, and JEFFORDS, introduced after we returned from a trip to Croatia in September. I appreciate the assistance that the chairman of the Finance Committee has provided in moving this bill through the Senate.

This legislation would revoke MFN for Serbia and Montenegro. It would allow the President to restore MFN once he certifies to the Congress that Serbia and Montenegro have stopped supporting armed conflict in the Balkans, including support for Serbian forces inside Bosnia-Hercegovina, and agreed to respect the borders of its neighbors.

It is intended to send the butchers in Serbia an important message: The killing must stop.

Mr. President, in September I participated in a bipartisan Senate delegation led by the Senate majority leader to Croatia. The delegation also included Senator PELL, chairman of the Senate Foreign Relations Committee, and Senators JEFFORDS, SASSER, and RUDMAN.

While in Croatia, we met with Bosnian and Croatian refugees outside of Zagreb, and viewed the devastated Croatian villages of Lipik and Pakrac. We also met with Bosnian President Izetbegovic, Serbian Prime Minister Panic, Croatian President Tudjman, U.N. officials, and others.

Mr. President, news reports of the bombardment of Sarajevo, televised images of Balkan atrocities, and descriptions of death camps did not fully prepare me for the horror of the situation we observed on the ground in Croatia. They could not.

There is literally no safe place to be a Moslem or Croat in Bosnia today. Terror, torture, detention, rape, destruction, and death are the common fate of Bosnian Moslems and Croats. No Croatian or Moslem man, woman, or child, no matter how young or innocent, is immune from catastrophe.

While Serb civilians in Bosnia-Hercegovina have also been victims of violence by Moslem, Croatian, and Bosnian Serb forces, the violence against the Serbs does not compare in any measure to what is being perpetrated against the Moslems and Croatians.

The horror of the lives of Moslems and Croats in Serbia is almost unimaginable to Americans. Children watch their parents being slaughtered before their eyes. Young women are raped, often leading them to become outcasts in Moslem societies, and then sometimes killed. Men are forced to fight to the death for the recreational entertainment of camp guards.

Countless thousands are starved, tortured, and then butchered simply because of their religion or ethnic origin. Others have seen their homes, their families, and their villages wiped out. Civilization as we know it has, for many Bosnians, simply ceased to exist.

Under the Bosnian Serbs' chilling policy of ethnic cleansing, artillery and snipers have been deliberately used against the civilian populations of the main Bosnian cities. Non-Serb populations have been ruthlessly expelled from large areas of Bosnia-Hercegovina. Systematic destruction of homes and razing of entire villages, looting of personal property, beatings, selective and random killings, massacres, torture, and starvation are the weapons that have been deliberately employed in this deadly and heinous campaign.

As described by the Senate Foreign Relations staff delegation report, civilian Moslem and Croatian women, children, and old men are routinely placed into detention camps after being forced out of villages and towns where they and their families have lived for centuries.

The conditions in these camps are shocking. Detainees have no toilets, and are often forced to relieve themselves in the same space where they sleep. Inadequate shelter, food, medical care, and sanitation are universal in these camps; rapes of young girls and women, beatings and killings also occur.

Non-Serb boys and men have been and continue to be held in prison camps throughout the Serb-controlled areas of Bosnia-Hercegovina. In the worst of these camps, prisoners have been systematically beaten and starved, and there is evidence of organized killings. These killings are often recreational and sadistic.

My personal experience in Croatia confirms many of these horrors. In the refugee camps we visited outside Zagreb, our Senate delegation spoke to women who wept so hard they could barely speak as they told of how their husbands had been taken away, how their homes had been burned, and how their relatives had been slaughtered.

One woman told us that she had watched her father and mother hacked to death with farm tools by her Serbian neighbors. Others told us about a 12-year-old child who was forced off a bus and publicly raped by Serbian guerrillas.

I am haunted by the people I met in Croatia, and by their fate. I cannot forget the terrible pain etched on their faces, or the unspeakable sadness in their eyes. I can still hear the sobs that wracked their bodies for the unfathomable horrors that had befallen them, horrors they were powerless to stop, and which inflicted wounds that will never heal.

I cannot forget them. And I am glad that I cannot forget. Because their pain and suffering is a clarion call to all those who think of themselves as caring, compassionate, and moral people. We must act. And we must act now.

Our delegation concluded that there are many positive steps that the United States can and should take to help end the killing and improve the situation in Bosnia. The MFN legislation the Senate is considering today was one of the recommendations made by our delegation upon its return.

Other delegation recommendations include severing diplomatic relations with Serbia, significantly tightening sanctions against Serbia and Montenegro, and actively encouraging international, regional, and private monitoring of human rights abuses by all sides. We also recommended that the United Nations establish a legal process by which those guilty of war crimes can be held accountable and punished, and seek expanded worldwide assistance for international and private relief organizations.

Since the time of our visit, Mr. President, the record of horror has continued. Administration officials have begun to confirm the reports of atrocities committed by Serbian forces inside Bosnia-Hercegovina. In one of these reports, these officials now state that, according to credible witnesses, between 2,000 and 3,000 Moslem men, women, and children were murdered by Serb forces in a factory and farm near the town of Brcko.

Based on this report as well as several others, the administration now is pursuing a U.N. Security Council resolution authorizing international investigation of the crimes in preparation for a war crimes tribunal. This is a necessary and appropriate response to the horror that is unfolding before our eyes.

Mr. President, the legislation to prohibit Serbia and Montenegro from claiming MFN status is necessary because, although U.N. sanctions restrict all trade with Serbia and Montenegro, these nations have attempted to claim that they are entitled to the rights once granted to the Socialist Federal Republic of Yugoslavia, which included MFN status. We need to let Serbia and Montenegro know that we disagree, and that as long as the killing continues, the United States will continue to isolate them.

Thirty days before MFN can be granted to Serbia and Montenegro, the President must certify to Congress that Serbia and Montenegro have met specific conditions, allowing Congress time to review that certification and disagree.

Most important, Mr. President, passage of this legislation, along with implementation of the rest of the delegation's recommendations, will send a strong signal to Serbia and Montenegro that their vile campaign to systematically remove more than 2 million people from their homes on the basis of their ethnicity and religion will not be tolerated.

It will send a message to Serbia that thugs, bullies, and butchers can no longer operate with impunity on the international stage without paying a price for their actions. It will send a message to these outlaws that their killing must stop.

In Bosnia, the unthinkable has become commonplace. Serbia's aggression has devastated entire towns and displaced nearly 2 million refugees within the former Yugoslavia. It has also led to the untold personal misery and death of countless innocents. Terrible things happen to innocent people simply because they are not Serbs and because they are Moslems or Croats.

We cannot stand by while these unspeakable acts are perpetrated on innocents. If we do, then we will surely lose our humanity.

The Serbian sponsorship of the campaign to ethnically cleanse Bosnia-Hercegovina is a moral outrage to the civilized world. It is a stain on humanity. It brings to mind the ethnic genocide of the Holocaust. It is incumbent upon all civilized nations to express our outrage and to act.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 5258), as amended, was passed.

Mr. CRANSTON. Mr. President, I move to reconsider the vote.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. I send a title amendment to the desk.

The title was amended so as to read:

To provide for the withdrawal of most-favored-nation status from Serbia and Montenegro and to provide for the restoration of such status if certain conditions are fulfilled.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate Delegation to the North Atlantic Assembly fall meeting during the second session of the 102d Congress, to be held in Bruges, Belgium, November 15–19, 1992:

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Wyoming [Mr. WALLOP];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Virginia [Mr. WARNER];

The Senator from Iowa [Mr. GRASSLEY];

The Senator from Alaska [Mr. MURKOWSKI]; and

The Senator from Montana [Mr. BURNS].

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the Committee on Foreign Relations.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

SANCTIONS RELATIVE TO THE GOVERNMENT OF HAITI—MESSAGE FROM THE PRESIDENT—PM 283

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. On October 4, 1991, in Executive Order No. 12775, I declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States caused by events that had occurred in Haiti to disrupt the legitimate exercise of power by the democratically elected government of that country (56 FR 50641). In that order, I ordered the immediate blocking of all property and interests in property of the Government of Haiti (including the Banque de la Republique d'Haiti) then or thereafter located in the United States or within the possession or control of a U.S. person, including its overseas branches. I also prohibited any direct or indirect payments or transfers to the de facto regime in Haiti of funds or other financial or investment assets or credits by any U.S. person or any en-

tity organized under the laws of Haiti and owned or controlled by a U.S. person.

Subsequently, on October 28, 1991, I issued Executive Order No. 12779 adding trade sanctions against Haiti to the sanctions imposed on October 4, 1991 (56 FR 55975). Under this order, I prohibited exportation from the United States of goods, technology, and services, and importation into the United States of Haitian-origin goods and services, after November 5, 1991, with certain limited exceptions. The order exempts trade in publications and other informational materials from the import, export, and payments prohibitions, and permits the exportation to Haiti of donations to relieve human suffering as well as commercial sales of five food commodities: rice, beans, sugar, wheat flour, and cooking oil. In order to permit the return to the United States of goods being prepared for U.S. customers by Haiti's substantial "assembly sector," the order also permitted, through December 5, 1991, the importation into the United States of goods assembled or processed in Haiti that contained parts or materials previously exported to Haiti from the United States. On February 5, 1992, it was announced that this exception could be applied for on a case-by-case basis by U.S. persons wishing to resume a pre-embargo import/export relationship with the assembly sector in Haiti.

2. The declaration of the national emergency on October 4, 1991, was made pursuant to the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. I reported the emergency declaration to the Congress on October 4, 1991, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)). The additional sanctions set forth in my order of October 28, 1991, were imposed pursuant to the authority vested in me by the Constitution and laws of the United States, including the statutes cited above, and implemented in the United States Resolution MRE/RES. 2/91, adopted by the Ad Hoc Meeting of Ministers of Foreign Affairs of the Organization of American States ("OAS") on October 8, 1991, which called on Member States to impose a trade embargo on Haiti and to freeze Government of Haiti assets. The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c), and discusses Administration actions and expenses directly related to the national emergency with respect to Haiti declared in Executive Order No. 12775, as implemented pursuant to that order and Executive Order No. 12779.

3. On March 31, 1992, the Office of Foreign Assets Control of the Department of the Treasury ("FAC"), after consultation with the Department of State and other Federal agencies, issued the Haitian Transactions Regulations ("HTR"), 31 C.F.R. Part 580 (57 FR 10820, March 31, 1992), to implement the prohibitions set forth in Executive Orders No. 12775 and No. 12779. Since my last report, there have been two amendments to the HTR.

On June 5, 1992, new section 580.211 was added (57 FR 23954, June 5, 1992) prohibiting vessels calling in Haiti on or after that date from entering the United States without authorization by FAC. This amendment is explained more fully in section 6 of this report. In addition, effective August 27, 1992, new section 580.516 (57 FR 39603, September 1, 1992) authorizes the exportation to Haiti of certain additional food items (corn and corn flour, milk (including powdered milk), and edible tallow), as well as the issuance of specific licenses permitting, on a case-by-case basis, exports of propane for non-commercial use. Copies of these amendments are attached to this report.

4. The ouster of Jean-Bertrand Aristide, the democratically elected President of Haiti, in an illegal coup by elements of the Haitian military on September 30, 1991, was immediately repudiated and vigorously condemned by the OAS. The convening on September 30, 1991, of an emergency meeting of the OAS Permanent Council to address this crisis reflected an important first use of a mechanism approved at the 1991 OAS General Assembly in Santiago, Chile, requiring the OAS to respond to a sudden or irregular interruption of the functioning of a democratic government anywhere in the Western Hemisphere. As an OAS Member State, the United States has participated actively in OAS diplomatic efforts to restore democracy in Haiti and has supported fully the OAS resolutions adopted in response to the crisis, including Resolution MRE/RES. 2/91 and MRE/RES. 3/92.

5. In the first year of the Haitian sanctions program, FAC has made extensive use of its authority to specifically license transactions with respect to Haiti in an effort to mitigate the effects of the sanctions on the legitimate Government of Haiti and on the livelihood of Haitian workers employed by Haiti's export assembly sector having established relationships with U.S. firms, and to ensure the availability of necessary medicines and medical supplies and the undisrupted flow of humanitarian donations to Haiti's poor. For example, specific licenses have been issued (1) permitting expenditures from blocked assets for the operations of the legitimate Government of Haiti, (2) permitting U.S. firms with pre-embargo relationships with product assembly operations in Haiti to resume those relationships in order to continue employment for their workers or, if they choose to withdraw from Haiti, to return to the United States assembly equipment, machinery, and parts and materials previously exported to Haiti, (3) permitting U.S. companies operating in Haiti to establish, under specified circumstances, interest-bearing blocked reserve accounts in commercial or investment banking institutions in the United States for deposit of amounts owed the *de facto* regime, (4) permitting the continued material support of U.S. and international religious, charitable, public health, and other humanitarian organizations and projects operating in Haiti, and (5) authorizing commercial sales of agricultural inputs such as fertilizer and foodcrop seeds.

6. The widespread supply of embargoed goods, particularly petroleum products, to Haiti by foreign-flag vessels led to the adoption on May 17, 1992, by the Ad Hoc Meeting of Ministers of Foreign Affairs of the OAS of Resolution MRE/RES. 3/92 urging, among other things, a port ban on vessels engaged in trade with Haiti in violation of the OAS embargo. There was broad consensus among OAS member representatives, as well as European permanent observer missions, on the importance of preventing oil shipments to Haiti. Vessels from some non-OAS Caribbean ports and European countries have been involved in trade, particularly oil supplies, that undermines the embargo.

In response to Resolution MRE/RES. 3/92, section 580.211 was added to the HTR on June 5, 1992, prohibiting vessels calling in Haiti on or after that date from entering the United States without FAC authorization. Vessels seeking such authorization must demonstrate that all calls in Haiti on or after June 5 were (1) for transactions exempted or excepted from the applicable prohibitions of the HTR, (2) specifically licensed by FAC, or authorized by an OAS Member State pursuant to Resolution MRE/RES. 3/92, or (3) made under a contract of voyage that was fully completed prior to the vessel's proposed entry into a U.S. port.

Strict enforcement of the new regulation has benefitted from the close coordination between FAC, the U.S. Embassy at Port-au-Prince, the U.S. Customs Service, the U.S. Navy, and the U.S. Coast Guard in monitoring vessel traffic to and from Haiti.

7. Since the issuance of Executive Order No. 12779, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of Haiti has an interest) are identified and interdicted and that permitted imports and exports move to their intended destinations without undue delay. Violations and suspected

violations of the embargo are being investigated, and appropriate enforcement actions have been initiated.

Since my last report, penalties totalling more than $30,000 have been collected from U.S. banks for violations involving unlicensed transfers from blocked Government of Haiti accounts or the failure to block payments to the de facto regime. Additional penalties totaling nearly $175,000 have been proposed for other violations of the HTR, including penalties against the masters of vessels violating the new regulation, effective June 5, 1992, applicable to vessels calling in Haiti on or after that date.

8. The expenses incurred by the Federal Government in the 6-month period from April 4, 1992, through October 3, 1992, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to Haiti are estimated at $2.3 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, and the Office of the General Counsel), the Department of State, the U.S. Coast Guard, and the Department of Commerce.

9. The assault on Haiti's democracy represented by the military's forced exile of President Aristide continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the resolutions of the OAS with respect to Haiti. I shall continue to exercise the powers at my disposal to apply economic sanctions against Haiti as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

GEORGE BUSH.

THE WHITE HOUSE, *September 30, 1992.*

NATIONAL EMERGENCY WITH RESPECT TO HAITI—MESSAGE FROM THE PRESIDENT—PM 284

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Haitian emergency is to continue in effect beyond October 4, 1992, to the *Federal Register* for publication.

The crisis between the United States and Haiti that led to the declaration on October 4, 1991, of a national emergency has not been resolved. The assault on Haiti's democracy represented by the military's forced exile of President Aristide continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the resolutions of the Organization of American States with respect to Haiti. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the *de facto* regime in Haiti.

GEORGE BUSH.

THE WHITE HOUSE, *September 30, 1992.*

VIOLENT CRIME CONTROL ACT OF 1992—MESSAGE FROM THE PRESIDENT—PM 285

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Violent Crime Control Act of 1992." Also transmitted is a section-by-section analysis.

In a speech I delivered recently at the DeSales Catholic Church in Fox Park, Missouri, I outlined my crime agenda for the remainder of this Congress and for next year. I discussed several issues of particular concern to the families of this country such as carjacking, sexual and domestic assault, and gang violence. The enclosed legislative proposal addresses these critical problems.

As you know, I first proposed a comprehensive crime bill to the Congress on June 15, 1989. I again submitted a bill to the 102nd Congress on March 11, 1991. That bill, which has yet to be enacted, includes provisions for restoring and expanding the Federal death penalty, ending the abuse of habeas corpus, reforming the exclusionary rule, and establishing additional crimes and penalties involving the criminal use of firearms. The failure of the Congress to pass these pro-law enforcement proposals is particularly frustrating in light of the broad bipartisan support they enjoy.

I know that there is currently an effort being made to forge a genuine compromise that would include effective death penalty provisions and a version of habeas corpus reform that would be acceptable to me. It is my hope that the Congress will present me with such a compromise, one that is truly meaningful for Federal, State, and local law enforcement. This apparent willingness to work realistically on crime legislation provides the basis for me to call on this Congress to act quickly in its final days to pass the additional crime-fighting measures I am today proposing.

The bill I am transmitting today addresses several of the most significant current threats to public safety. It includes:

1. *New tools for fighting sexual violence* such as increased penalties, new rules of evidence and conduct for trial lawyers, expanded restitution for victims, and grants to State and local law enforcement.

2. *Anti-carjacking provisions* in the form of a new Federal crime, expanded use of law enforcement grants to the States, and a study of devices to prevent carjacking.

3. *Provisions for combating domestic violence* such as a new Federal offense covering spouse abuse, violations of protective orders, and stalking, and a comprehensive grant program to fight domestic violence and enforce child support obligations.

4. *Anti-gang amendments*, including a new RICO-type offense for street gang activities, a new offense for involving a minor in the commission of a violent crime, and broadened adult prosecution of violent juveniles.

5. *New laws for child support enforcement* that will give the Federal Government the ability to punish criminally "deadbeat dads" who leave a State in order to avoid child support or who are significantly late in the payment of child support obligations. The legislation will also assist the States in the enforcement of child support orders.

6. *Increased penalties for crimes against the elderly* that will punish and deter criminals from assaulting or defrauding senior citizens.

7. *New crimes and penalties for the criminal use of firearms* such as a mandatory 10-year sentence for using a semiautomatic firearm in the course of a violent or drug trafficking crime, and a mandatory 5-year sentence for possession of a gun by a dangerous felon.

As the 102nd Congress draws to a close, the Congress has an opportunity to pass legislation that will have a major impact on many of the most serious crime problems facing Americans. The public wants decisive action from government to combat the menacing presence of violent criminals. Let us address this unfinished agenda now.

GEORGE BUSH.

THE WHITE HOUSE, *September 30, 1992.*

MESSAGES FROM THE HOUSE

At 12:28 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3195. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United States' involvement in World War II.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2431) to amend the Wild and Scenic Rivers Act by designating a segment of the Lower Merced River in California as a component of the National Wild and Scenic Rivers System; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bills, each with amendment, in which it requests the concurrence of the Senate:

S. 1183. An act to reduce the restrictions on the lands conveyed by deed to the city of Kaysville, Utah, and for other purposes; and

S. 2572. An act to authorize an exchange of lands in the States of Arkansas and Idaho.

The message also announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1439. An act to authorize and direct the Secretary of the Interior to convey certain lands in Livingston Parish, Louisiana; and

S. 2563. An act to provide for rehabilitation of historic structure within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4087. An act to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes;

H.R. 4489. An act to provide for a land exchange with the city of Tacoma, Washington;

H.R. 4590. An act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes;

H.R. 5119. An act to authorize the construction of the Cumberland Mountain Train in the States of Kentucky and Virginia, to study the establishment of the Cumberland National Recreation Area on the States of Kentucky and Virginia, and for other purposes;

H.R. 5122. An act relating to the settlement of the water rights claims of the Jicarilla Apache Tribe;

H.R. 5423. An act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor;

H.R. 5938. An act to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes;

H.R. 6018. An act to amend the Foreign Assistance Act of 1961 with respect to international narcotics control programs and activities, and for other purposes;

H.R. 6022. An act to amend the Fair Credit Reporting Act to require the inclusion in consumer reports of information provided to consumer reporting agencies regarding the failure of a consumer to pay overdue child support;

H.R. 6046. An act to make technical corrections in certain public laws;

H.R. 6048. An act to require the Federal depository institution regulatory agencies to take additional enforcement actions against depository institutions engaging on money laundering, and for other purposes; and

H.R. 6056. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 365. A concurrent resolution making corrections in the enrollment of H.R. 5503.

At 12:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 553. Joint resolution making continuing appropriations for fiscal year 1993, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 4:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1216. An act to provide for the adjustment of status under the Immigration and Nationality Act of certain nationals of the People's Republic of China unless conditions permit their return in safety to that foreign state;

S. 2344. An act to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes;

H.R. 5058. An act to authorize appropriations for the American Folklife Center for fiscal year 1993;

H.R. 5399. An act to amend the United States Commission on Civil Rights Act of 1983 to provide an authorization of appropriations; and

H.J. Res. 553. Joint resolution making continuing appropriations for the fiscal year 1993, and for other purposes.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

At 6 p.m., a message from the House of Representatives announced that the House has passed the following bill, without amendment:

S. 3006. An act to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2) to provide the achievement of national education goals, to measure progress toward such goals, to develop national educational standards and voluntary assessments in accordance with such standards and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement; and that the House insists upon its amendment to the title of the bill.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 11) to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints the following as managers of the conference on the part of the House:

From the Committee on Ways and Means, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. ARCHER, Mr. VANDER JAGT, and Mr. CRANE; provided, that solely for consideration of sections 6211-6214 and 7101-7162 of the House bill, and sections 6211-6214, 7101-7177, and 7180-7181 of the Senate amendment, Mr. DOWNEY is appointed in lieu of Mr. STARK and Mr. SHAW is appointed in lieu of Mr. CRANE; that solely for consideration of sections 6201 and 7001-7014 of the House bill and sections 6201, 7001-7006, and 7178-7179 of the Senate amendment, Mr. JACOBS is appointed in lieu of Mr. STARK and Mr. BUNNING is appointed in lieu of Mr. CRANE; that solely for consideration of sections 2171-2185, 6220-6251, and titles XIV-XVI of the Senate amendment, Mr. GRADISON is appointed in lieu of Mr. CRANE; and that solely for consideration of title V of the House bill, and title V of the Senate amendment, Mr. SCHULZE is appointed in lieu of Mr. CRANE.

The message also announced that the House of Representatives having proceeded to reconsider the bill (H.R. 5318) regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives in which it originated, it was resolved that the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

The message further announced that pursuant to the authority granted on September 23, 1992, the Speaker makes the following modification in the appointment of conferees in the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4016) entitled "An act to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require the Federal Government, before termination of Federal activities on any real property owned by the Government, to identify real property where no hazardous substance was stored, released, or disposed of":

As an additional conferee from the Committee on Armed Services, for consideration of Senate amendments numbered 1 through 4, and modifications committed to conference: Mr. SAXTON.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 366. A concurrent resolution requesting the President to return the enrolled bill (H.R. 3379) with respect to the authorities of the Administrative Conference, and providing for its reenrollment with technical corrections.

ENROLLED BILLS SIGNED

At 7:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 5503. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5679. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 6056. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4087. An act to authorize the adjustment of the boundaries of the South Dakota portion of the Sioux Ranger District of Custer National Forest, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 4590. An act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 5119. An act to authorize the construction of the Cumberland Mountain Train in the States of Kentucky and Virginia, to study the establishment of the Cumberland National Recreation Area on the States of Kentucky and Virginia, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 5122. An act relating to the settlement of the water rights claims of the Jicarilla Apache Tribe; to the Select Committee on Indian Affairs;

H.R. 5423. An act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor; to the Committee on Energy and Natural Resources;

H.R. 6018. An act to amend the Foreign Assistance Act of 1961 with respect to international narcotics control programs and activities, and for other purposes; to the Committee on Foreign Relations;

H.R. 6022. An act to amend the Fair Credit Reporting Act to require the inclusion in consumer reports of information provided to consumer reporting agencies regarding the failure of a consumer to pay overdue child support; to the Committee on Banking, Housing, and Urban Affairs; and

H.R. 6046. An act to make technical corrections in certain public laws; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 365. A concurrent resolution making corrections in the enrollment of H.R. 5503; to the Committee on Appropriations.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) announced that on today, September 30, 1992, he had signed the following enrolled bills previously signed by the Speaker of the House:

H.R. 1435. An act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior;

H.R. 2967. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes;

H.R. 5428. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 5630. An act to amend the Head Start Act to expand services provided by Head Start programs; to expand the authority of the Secretary of Health and Human Services to reduce the amount of matching funds required to be provided by participating Head Start agencies; to authorize the purchase of Head Start facilities; and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 30, 1992, he had presented to the President of the United States the following enrolled bills:

S. 1216. An act to provide for the adjustment of status under the Immigration and Nationality Act of certain nationals of the People's Republic of China unless conditions permit their return in safety to that foreign state; and

S. 2344. An act to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1898. A bill to amend the Marine Mammal Protection Act of 1972 to provide for examination of the health of marine mammal populations and for effective coordinated response to strandings and catastrophic events involving marine mammals (Rept. No. 102-438).

S. 2297. A bill to enable the United States to maintain its leadership in land remote sensing by providing data continuity for the Landsat program, by establishing a new national land remote sensing policy, and for other purposes (Rept. No. 102-445).

S. 3150. A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes (Rept. No. 102-446).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2527. A bill to restore Olympic National Park and the Elwha River ecosystem and fisheries in the State of Washington (Rept. No. 102-447).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO:

S. 3288. A bill to provide aircraft noise abatement loan guarantees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself and Mr. KASTEN):

S. 3289. A bill to provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GLENN (for himself, Mr. SIMON, Mr. WOFFORD, Mr. LEVIN, Mr. D'AMATO, Mr. KOHL, and Mr. METZENBAUM):

S. 3290. A bill to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRANSTON (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 354. A resolution to direct the Senate Legal Counsel to provide representation and to authorize testimony in the case of State of Connecticut versus Juanita Martin; considered and agreed to.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 3288. A bill to provide aircraft noise abatement loan guarantees, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRCRAFT NOISE ABATEMENT

• Mr. D'AMATO. Mr. President, I rise today to introduce legislation that will provide loan guarantees for air carriers to modify their aircraft to reduce aircraft noise.

The modifications would expedite the conversion of the commercial airline fleet from stage 2 to stage 3 aircraft in advance of the deadlines established by the Airport Noise and Capacity Act of 1990. The modifications would be in the form of the installation of new engines on the aircraft, or noise attenuation devices on existing engines. Another option would be to finance the acquisition of aircraft which comply with stage 3 noise levels as a replacement for an aircraft which is not in compliance with these levels.

This legislation would provide rapid relief for the millions of persons residing near our Nation's airports who are suffering from a relentless barrage of sonic terror. By expediting the statutory implementation deadline of December 31, 1999 for stage 3 aircraft and offering the industry financial incentives, we will significantly improve the quality of life for all people affected by severe noise pollution.

The noise abatement legislation is a straightforward approach to assist air carriers that provide interstate, charter and intrastate transportation. The aircraft modification loans would apply to turbojet aircraft with a maximum weight in excess of 75,000 pounds and would be guaranteed by terms established by the Secretary of Transportation.

The replacement of noisy stage 2 aircraft or the retrofitting of the fleet with hush kits would provide necessary relief to the millions who are subject to this national environmental dilemma. The New York City metropolitan area suffers disproportionately from aircraft noise and receives about two-thirds of the Nation's noise pollution. Noise abatement in communities surrounding airports such as LaGuardia International Airport, JFK International Airport, and Newark International Airport must be increased and efforts to mitigate the suffering must be a priority. Moreover, the rapid growth of Stewart International Airport in Newburgh, NY, as well as smaller reliever airports both upstate and downstate have created noise concerns that also demand attention. It is essential that we solve this unconscionable situation, and alleviate excess aircraft noise. I urge my colleagues to support this important bill.

Mr. President, I ask unanimous consent that the text of this bill be entered into the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. POLICY.

It is the policy of Congress that noise associated with the use of our Nation's airports must be reduced and efforts to mitigate noise must be continued. In furtherance of this policy, it is deemed necessary and desirable that provision be made to assist certain air carriers, charter air carriers and intrastate air carriers by providing governmental guarantees of loans to enable them on reasonable terms to modify aircraft operated by them to reduce aircraft noise.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) The term "aircraft modification loan" means any loan, or commitment in connection therewith, made to finance the modification of civil subsonic turbojet aircraft with a maximum weight of more than 75,000 lbs. (hereinafter referred to as the "Aircraft") to comply with the Stage 3 noise levels set forth in part 36 of title 14, Code of Federal Regulations as in effect on the date of the enactment of this Act, with such modification being either in the form of the installation of new engines on the Aircraft or noise attenuation devices in and on the existing engines, or to finance the acquisition, by lease or purchase, of an aircraft which complies with such Stage 3 noise level as a replacement for an aircraft which is not in compliance with such levels.

(2) The term "air carrier" means any air carrier holding a certificate of public convenience and necessity issued under section 401(d)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(d)(1)).

(3) The term "charter air carrier" has the meaning given such term in section 101(14) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(14)).

(4) The term "charter air transportation" has the meaning given such term in section 101(15) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(15)).

(5) The term "intrastate air carrier" means any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage primarily in intrastate air transportation (as such term is defined in section 101(26) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(26))).

(6) The term "Secretary" means the Secretary of Transportation.

SEC. 3. LOAN GUARANTEE.

The Secretary is authorized to guarantee any lender against loss of principal or interest on any aircraft modification loan made by such lender to any air carrier, any charter air carrier or any intrastate air carrier. Such guarantee shall be made in such form, on such terms and conditions, and pursuant to such regulations, as the Secretary deems necessary and which are not inconsistent with the provisions of this Act.

SEC. 4. CONDITIONS.

No guaranty shall be made under this Act—

(1) extending to more than the unpaid interest and 90 percent of the unpaid principal of any loan;

(2) on any loan or combination of loans for more than 90 percent of the price of the noise modification or acquisition of the Aircraft;

(3) on any loan whose terms permit full repayment more than 10 years after the date thereof;

(4) wherein the total face amount of such loan, and of any other loans to the same air carrier, charter air carrier, or intrastate air carrier or corporate predecessor of such air carrier, charter air carrier, or intrastate air carrier guaranteed and outstanding under the terms of this Act exceed $500,000,000; and

(5) unless the Secretary finds that the prospective earning power of the applicant air carrier, charter air carrier or intrastate carrier together with the character and value of the security pledged, furnish—

(A) reasonable assurances of the applicant's ability to repay the loan within the time fixed therefore; and

(B) reasonable protection to the United States.

SEC. 5. FEES.

The Secretary shall prescribe and collect from the lending institution a reasonable guaranty fee in connection with each loan guaranteed under this Act.

SEC. 6. ASSISTANCE.

(a) FEDERAL AGENCIES.—To permit him to make use of such expert advice and services as he may require in carrying out the provisions of this Act relating to loan guarantees, the Secretary may use available services and facilities of other agencies and instrumentalities of the Federal Government with their consent and on a reimbursable basis.

(b) AUTHORITY.—Departments and agencies of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the objectives of this Act relating to loan guarantees.

(c) COMPTROLLER GENERAL OF THE UNITED STATES.—The Secretary shall make available to the Comptroller General of the United States such information with respect to the loan guaranty program under this Act as the Comptroller General may require to carry out his duties under the Budget and Accounting Act, 1921.

SEC. 7. FUNDING.

(a) RECEIPTS.—Receipts under this Act shall be credited to miscellaneous receipts of the Treasury.

(b) ADMINISTRATIVE EXPENSES.—Administrative expenses under this Act shall be paid from appropriations to the Department of Transportation for administrative expenses.

SEC. 8. TERMINATION OF GUARANTEES.

The authority of the Secretary to guarantee loans under section 3 of this Act shall terminate five years after the date of enactment of this section.•

By Mr. KOHL (for himself and Mr. KASTEN):

S. 3289. A bill to provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes; to the Committee on Energy and Natural Resources.

TALIESIN PRESERVATION ACT

• Mr. KOHL. Mr. President, this year the Nation is celebrating the 125th anniversary of Frank Lloyd Wright's birth. I am please to observe this occasion by introducing legislation to ensure for future generations the continued existence of the embodiment of this great American artist's legacy, Taliesin in Spring Green, WI.

Two years ago I had the pleasure of making my first visit to Taliesin which, by the way, is Welsh for "shining brow." Taliesin consists of Mr. Wright's home, architectural school and studio, as well as the grounds on which these facilities are located. Everything in the complex—from the pattern of the driveways and rolling lines of the fields to the lighting, furnishings and collected objects inside—is a product of Mr. Wright's genius. The entire facility reflects his ability to create designs which are consistent with the appearance of the surrounding environment and use technologies which are compatible with the long term preservation of that environment.

Frank Lloyd Wright's influence on architecture in this century is unquestioned. And that influence will surely continue for centuries yet to come, not only because the forms he created are so timeless, but because his ideas remain so vibrant.

While his ideas and theories and contributions are timeless, the physical work he produced is not. When I visited Taliesin, I could see all too clearly that, after 81 years, there are dangerous and disturbing signs of physical deterioration. In response to the need for restoration and preservation, the Taliesin Preservation Commission has been created to develop and implement programs to preserve Taliesin and provide an environment where an international audience can learn more about the work, ideas, and accomplishments of Frank Lloyd Wright. Substantial financial commitments have been made by the State of Wisconsin and through the commission's ongoing private fundraising efforts to undertake and complete this comprehensive plan.

The legislation I am introducing today will provide, on a matching basis, the additional technical and financial assistance required for Taliesin's restoration, preservation and protection. It will assure that this legacy of Frank Lloyd Wright will be preserved for the continuing public benefit of visitors and scholars from around the world, while ensuring the continuation of the private ownership and management of this preeminent site. I believe these dual goals can be best achieved through designation and recognition of Taliesin as an affiliated area of the National Park Service.

Frank Lloyd Wright was truly an American artist. Examples of his legacy can be seen throughout the Nation. Citizens of Wisconsin, Illinois, Michigan, New York, New Hampshire, Virginia, Iowa, California, Pennsylvania, Florida, Arizona, Oklahoma, and Alabama have buildings in their States which were both designed by Frank Lloyd Wright and are open to the public. I urge my colleagues to join me in cosponsorship of this legislation to aid in the preservation of Taliesin, the nation's preeminent example of the work of this exceptional American artist.•

• Mr. KASTEN. Mr. President, Frank Lloyd Wright is one of the most outstanding, if not the greatest architect of the 20 century. The year 1992 marks the 125th anniversary of his birth. This great designer single-handedly changed the way we look at architecture today.

Unfortunately, his own home near Spring Green, WI is suffering the effects of time. It is for this reason that my colleague from Wisconsin and I are introducing legislation in the Senate today. For those of you not familiar with some of Frank Lloyd Wright's work, I would like to share a brief history with you.

Frank Lloyd Wright was born in Richland Center, WI in 1869. His father was a preacher and musician, his mother a teacher. Mr. Wright was a student at the University of Wisconsin for a short time, but left to become an apprentice to Louis Sullivan in Chicago.

In 1893 he opened his own practice in Oak Park, IL. By the time he left Oak Park in 1911 his organic style of architecture had gained world-wide recognition.

From Oak Park he returned to his boyhood home of southwest Wisconsin. It was there that he began work on Taliesin which would become his primary home and office for the remainder of his life.

Literally Taliesin translates from Welsh as shining brow, which describes the way the main house sits on the brow of a hill. Taliesin is situated on 600 acres of beautiful rolling hills in southwest Wisconsin, just a few miles from Spring Green.

The structure is not just a home though. It is a national historic landmark as of 1976, and it is also the summer residence of the Frank Lloyd Wright School of Architecture. Along with the main building there is Midway Farm and the Hillside Home School. This area was used by Wright and his wife to create the fellowship program where students are apprenticed and learn the style of Frank Lloyd Wright.

Wright lived and worked at Taliesin for the majority of his life. It was central to his life and has been called a Frank Lloyd Wright autobiography in wood and stone. He evolved as an architect there and it is visible through the changes that he made. Wright has an organic style that complemented and enhanced the environment around it. His style broke the box of traditional architecture offered.

The original Taliesin building burned in 1911 and there was another fire in 1915. Taliesin III was built in 1925. The structures at Taliesin are on their original sites and display original workmanship that evokes the essence of Frank Lloyd Wright's ideas and techniques.

There are several other buildings on the Taliesin property that are extremely valuable as well. The school that Wright built for students contained a drafting room, dormitories, a dining hall, workshops, and plans for music and theater buildings.

Also on the Taliesin property is a windmill called Romeo and Juliet. This was built for Wright's aunts, and pulled water up for decades as well as creating a modern abstract design.

The Midway farm served to provide students and residents with food during their stay. Later it was converted to storage and living areas, and is still used for dormitories today.

Wright built Tan-y-deri, Welsh for under the oaks, as a home for his sister and brother-in-law in 1907. Wright tried out some of his early innovations in this little known place.

Unity Chapel is just adjacent to Taliesin, and is the sight of Frank Lloyd Wright's grave. It was built in 1886, one of the first buildings that Wright had a hand in creating. He died in 1959.

Taliesin is abound with natural resources as well. A dammed creek runs through the property and creates two small ponds before it drains into the nearby Wisconsin River. There are open fields and stands of second-growth deciduous forests that support numerous forms of wildlife.

There are also many recreational resources including, camping, canoeing, skiing, and fishing. All of these have been carefully monitored so as not to interfere with the biodiversity that is present in the area.

The Frank Lloyd Wright Fellowship is a nonprofit organization that has carried on Wright's work and ideals since his death. They still use the Taliesin site every summer. The foundation just cannot keep up with the repairs during the short summers.

Currently, Taliesin is only open to the public on a very limited basis. There could be many creative uses for this sanctuary either academically or for other pursuits. Providing controlled opening of this historical site to the public would also be an excellent way to preserve the genius of Frank Lloyd Wright.

Wisconsin Governor Tommy Thompson signed an executive order in 1988 to assess the restoration and preservation of this historic site. From this order the Taliesin Preservation Commission was created in 1990. Their responsibility is to preserve Taliesin for future generations, develop necessary funding to meet these goals, and provide an environment where an international audience can learn more about the work, ideas and accomplishments of Frank Lloyd Wright.

To accomplish these goals the commission has planned for the restoration of Taliesin, and the construction of a visitors center that would educate people about Frank Lloyd Wright's life and work. The funding for this project is coming from many sources. Public fundraising, private donations, and government help are the main ways of budget enhancement.

Without the genius of Frank Lloyd Wright, American architecture would not have the natural flair it does today. He is a man who has awed and inspired many, and his work will continue to do so for generations. The restoration that is needed on his home will provide millions of people with insight to a great man and his work.

This legislation will make Taliesin an affiliate unit of the National Park

Service. It authorizes technical and financial assistance on a matching basis. This legislation assures we will get the maximum return on our federal dollar.

Taliesin is one of the most important architectural sites in the Nation. It is imperative that we act to protect this gem for the use and enjoyment of future generations.●

By Mr. GLENN (for himself, Mr. SIMON, Mr. WOFFORD, Mr. LEVIN, Mr. D'AMATO, Mr. KOHL, and Mr. METZENBAUM):

S. 3290. A bill to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Environment and Public Works.

GREAT LAKES FEDERAL EFFECTIVENESS ACT

● Mr. GLENN. Mr. President, I rise today to introduce the Great Lakes Federal Effectiveness Act of 1992, with my colleagues Senators SIMON, WOFFORD, LEVIN, D'AMATO, KOHL, and METZENBAUM. This legislation, introduced within the House of Representatives earlier this summer by Congressmen NOWAK, DAVIS, and HERTEL, represents an important step forward in the Federal Government's approach to environmental research in the Great Lakes Basin.

Mr. President, we as a society are finally learning a lesson that native American cultures have understood for centuries: that nature is a complex system composed of highly interdependent parts, and it cannot be fully understood—or successfully managed—unless all of its parts are considered together. This ecosystem perspective on the natural environment, if incorporated into our Federal environmental policies, promises to fundamentally alter our current approach toward environmental management—for the better. Instead of addressing air, water, soil, and wildlife resource activities as isolated subsets of the environment, we will finally begin to take the first steps toward accounting for cross-media transfers of pollutants in our environmental protection and restoration efforts. An experiment in this ecosystem approach to environmental management is already underway within the Great Lakes Basin. As part of this experiment, the Environmental Protection Agency is geographically targeting—that is, better integrating—its media-specific programs, and directing them toward a common set of overall environmental objectives.

I believe this movement toward ecosystem management is a positive trend that must be nurtured and fully supported. In these days of zero base budgets, we do not have a lot of extra money to squander on ineffective or inefficient environmental management strategies. We can no longer afford to have a scattershot approach to environmental remediation activities. An ecosystem perspective in Federal environmental programs promises to yield a better understanding, and therefore a more effective means of managing, the complex environmental problems that still plague the Great Lakes and other aquatic ecosystems nationwide.

Efforts to better integrate environmental protection programs must be based upon an equally well-integrated foundation of scientific knowledge. The House Merchant Marine and Fisheries Committee hearings on Great Lakes environmental research this spring, revealed an impressive number of agencies and research programs directed at various aspects of the Great Lakes environment. Every one of these programs is crucial, and many more are needed, to successfully anticipate the impacts of human activities on the basin, and accurately identify and implement effective and affordable restoration measures. Yet, with the level of specialization that we have achieved in environmental research conducted within the Great Lakes Basin, a concerted effort will be required to achieve adequate communciation and coordination among research initiatives to avoid unnecessary duplication of efforts, turf battles between sister agencies, and most of all, to be able to "see the forest for the trees."

I would like to pause here to credit the Federal research managers in the Great Lakes region for anticipating this need and already acting upon it. The Federal research managers in the basin initiated their own effort to better coordinate their research activities through integrating their research programs through the International Joint Commission's Council of Great Lakes Research Managers and the Environmental Protection Agency's 5-year planning process. The Council of Great Lakes Research Managers is composed of Federal, State, academic, and private-sector officials from the United States and Canada, who are involved in research on the Great Lakes. The council maintains a Great Lakes Research Inventory that lists and describes environmental research projects being conducted by both countries in order to better inform the basin's research community of the current and future research projects within the basin. The IJC's Council also attempts to jointly define research priorities for the Basin that also address salient policy questions.

This effort promises to yield a more efficient and cost-effective Federal research presence within the Great Lakes Basin. Yet, until clear authorization for these activities are created in law, continued Federal Agency involvement will remain uncertain. Providing this mandate—to assure continued Federal agency participation in this innovative effort to coordinate research among agencies and across disciplines in the Great Lakes Basin—is the fundamental purpose of the Great Lakes Federal Effectiveness Act of 1992.

The Great Lakes Federal Effectiveness Act establishes a council to coordinate U.S. Federal Great Lakes ecosystem research, to prepare a report on those activities, to identify topics for workshops, to make recommendations on uniform monitoring data and data management, and to disseminate the findings of such research efforts. The council will be composed of representatives from the Environmental Protection Agency, the Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration, among others. The council established by this act differs from the Great Lakes Research Office established by the 1987 amendments to the Clean Water Act since there are no "bricks and mortar" or cross agency funds authorized in this legislation. Instead, each agency participates in a Council which has a rotating chairmanship, and to the greatest extent possible channels its own research funds, in accordance with a mutually determined Great Lakes research agenda.

Mr. President, by requiring Federal agencies to coordinate their research activities in the Great Lakes Basin and to avail themselves of the International Joint Commission's Council of Great Lakes Research Managers, this legislation promises to improve the value and relevance of research findings produced by Federal agencies working in the Great Lakes Basin. It will help us to stretch our limited research monies, and help us to better tap the intellectual resources within the academic scientific community, the private sector, and in Canada. I urge my colleagues in the Senate to endorse this legislation and work toward its timely enactment.●

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mrs. BURDICK] was added as a cosponsor of S. 25, a bill to protect the reproductive rights of women, and for other purposes.

S. 846

At the request of Mr. PRYOR, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 846, a bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies.

S. 1087

At the request of Mr. HARKIN, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 1087, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the Pledge of Allegiance to the Flag.

S. 1777

At the request of Mr. ADAMS, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1777, a bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes.

S. 1931

At the request of Mr. STEVENS, the names of the Senator from Nebraska [Mr. KERREY], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1931, a bill to authorize the Air Force Association to establish a memorial in the District of Columbia or its environs.

S. 2677

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mrs. BURDICK] was added as a cosponsor of S. 2677, a bill to ensure economic equity for American women and their families and to respond to the need to revitalize the American economy by expanding employment opportunities; improving access to funds for women business owners; enhancing economic justice for women through pay equity, improved child support enforcement, and benefits for part-time workers; and providing economic and retirement security for women as workers and as divorced or surviving spouses.

S. 2841

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. RUDMAN] was added as a cosponsor of S. 2841, a bill to provide for the minting of coins to commemorate the World University Games.

S. 3160

At the request of Mr. REID, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Maine [Mr. COHEN], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 3160, a bill to amend the Fair Labor Standards Act of 1938 to ensure that inmates are not treated as employees for purposes of such Act, and for other purposes.

S. 3254

At the request of Mr. REID, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 3254, a bill to authorize the President to award a gold medal on behalf of Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 3264

At the request of Mr. SEYMOUR, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 3264, a bill to amend the Immigration and Nationality Act to provide expedited procedures for the deportation of alien criminals.

S. 3274

At the request of Mr. BENTSEN, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 3274, a bill to amend various medicare and medicaid provisions of the Social Security Act, and for other purposes.

SENATE JOINT RESOLUTION 311

At the request of Mr. SEYMOUR, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Colorado [Mr. WIRTH], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 311, a joint resolution designating February 21, 1993, through February 27, 1993, as "American Wine Appreciation Week", and for other purposes.

SENATE JOINT RESOLUTION 315

At the request of Mr. SEYMOUR, the names of the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 315, a joint resolution to designate September 16, 1992, as "National Occupational Therapy Day."

SENATE JOINT RESOLUTION 316

At the request of Mr. SIMON, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Texas [Mr. BENTSEN], the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. BREAUX], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mr. CRANSTON], the Senator from Missouri [Mr. DANFORTH], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], the Senator from Georgia [Mr. FOWLER], the Senator from Utah [Mr. GARN], the Senator from Tennessee [Mr. GORE], the Senator from Florida [Mr. GRAHAM], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Mr. MITCHELL], the Senator from New York [Mr. MOYNIHAN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Rhode Island [Mr. PELL], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Carolina [Mr. SANFORD], the Senator from Alabama [Mr. SHELBY], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 316, a joint resolution to designate the week of November 30 through December 6, 1992 as "National Education First Week."

SENATE JOINT RESOLUTION 321

At the request of Mr. KOHL, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of Senate Joint Resolution 321, a joint resolution designating the week beginning March 21, 1993, as "National Endometriosis Awareness Week."

SENATE JOINT RESOLUTION 323

At the request of Mr. SIMON, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Missouri [Mr. BOND], the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Colorado [Mr. BROWN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from California [Mr. CRANSTON], the Senator from New York [Mr. D'AMATO], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from North Carolina [Mr. HELMS], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Ohio [Mr. METZENBAUM], the Senator from New York [Mr. MOYNIHAN], the Senator from Oregon [Mr. PACKWOOD], the Senator from South Dakota [Mr. PRESSLER], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. ROBB], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Joint Resolution 323, a joint resolution designating October 30, 1992, as "Refugee Day."

SENATE JOINT RESOLUTION 336

At the request of Mr. AKAKA, the names of the Senator from Nevada [Mr. REID], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 336, a joint resolution designating the week beginning November 8, 1992, as "Hire a Veteran Week."

SENATE RESOLUTION 301

At the request of Mr. SIMON, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Resolution 301, a resolution relating to ongoing violence connected with apartheid in South Africa.

AMENDMENT NO. 3240

At the request of Mr. WARNER the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Maine [Mr. COHEN], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from New Hampshire [Mr. SMITH], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Amendment No. 3240 intended to be proposed to Treaty No. 102-20, the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (the START Treaty), signed at Moscow on July 31, 1991, including Annexes on Agreed Statements and Definitions; Protocols on Conversion or Elimination, Inspection, Notification, Throw-weight, Telemetry, and Joint Compliance and Inspection Commission; and Memorandum of Understanding; all integral parts of the START Treaty.

AMENDMENT NO. 3243

At the request of Mr. WARNER the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Georgia [Mr. NUNN], the Senator from Wyoming [Mr. WALLOP], the Senator from Maine [Mr. COHEN], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of Amendment No. 3243 intended to be proposed to Treaty No. 102-20, the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (the START Treaty), signed at Moscow on July 31, 1991, including Annexes on Agreed Statements and Definitions; Protocols on Conversion or Elimination, Inspection, Notification, Throw-weight, Telemetry, and Joint Compliance and Inspection Commission; and Memorandum of Understanding; all integral parts of the START Treaty.

SENATE RESOLUTION 354—DIRECTING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. CRANSTON (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 354

Whereas, in the case of *State of Connecticut* v. *Juanita Martin*, pending in the Superior Court of the State of Connecticut, in Enfield, Connecticut, subpoenas for testimony and documents have been issued to Senator Christopher J. Dodd and Senator Joseph I. Lieberman;

Whereas, pursuant to section 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to requests for testimony made to, or subpoenas issued to, them in their official capacity;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action thereon as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senator Dodd and Senator Lieberman, and any other Member or employee who is subpoenaed to testify or to produce documents in the case of *State of Connecticut* v. *Juanita Martin*.

SEC. 2. That employees of the Senate are authorized to testify in this case, should the need arise.

AMENDMENTS SUBMITTED

FOREIGN OPERATIONS APPROPRIATIONS ACT

LEAHY (AND OTHERS) AMENDMENT NO. 3323

Mr. LEAHY (for himself, Mr. KASTEN, Mr. HOLLINGS, Mr. DODD, Mr. BYRD, Mr. SASSER, Mr. LEVIN, Mr. COATS, Mr. METZENBAUM, Mr. D'AMATO, Mr. COHEN, Mr. KENNEDY, Mr. SHELBY, Mr. INOUYE, Mr. GRASSLEY, Mr. MCCAIN, Mr. WOFFORD, Mr. MITCHELL, Mr. NICKLES, and Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 5368 making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes, as follows:

At the appropriate place in the bill, insert the following new section:

IMPACT ON EMPLOYMENT IN THE UNITED STATES

SEC. . (a) None of the funds appropriated by this Act may be obligated or expended for any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees in the United States because United States production is being replaced by such enterprise outside the United States.

(b) None of the funds appropriated by this Act may be obligated or expended for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone in that country.

HATFIELD (AND SHELBY) AMENDMENT NO. 3324

Mr. LEAHY (for Mr. HATFIELD and Mr. SHELBY) proposed an amendment to the bill H.R. 5368 supra, as follows:

Section 562 of the bill as reported is amended by adding at the end thereof the following new subsection:

"(c) EXCEPTION.—This section 554 of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

"(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights."

KASTEN AMENDMENT NO. 3325

Mr. KASTEN (for himself and Mr. D'AMATO) proposed an amendment to the bill H.R. 5368 supra, as follows:

On page 63, line 3, strike "Provided" and all through "Portugal" on line 7, and insert: "*Provided further*, That the total of grants and the principal amount of direct loans provided under this heading shall be not less than $47,000,000 for Morocco, $450,000,000 only for Turkey, $315,000,000 only for Greece, and not less than $90,000,000 for Portugal; *Provided further*, That if Turkey receives any funds under this heading on a grant basis then not less than $30,000,000 of the funds provided for Greece shall be made available as grants".

On page 64, line 7, strike "Provided" and all through "Greece" on line 10.

On page 64, line 11, strike "paragraph" and insert "Heading".

LEAHY AMENDMENT NO. 3326

Mr. LEAHY proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cancer Registries Amendment Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) cancer control efforts, including prevention and early detection, are best addressed locally by State health departments that can identify unique needs;

(2) cancer control programs and existing statewide population-based cancer registries have identified cancer incidence and cancer mortality rates that indicate the burden of

cancer for Americans is substantial and varies widely by geographic location and by ethnicity;

(3) statewide cancer incidence and cancer mortality data, can be used to identify cancer trends, patterns, and variation for directing cancer control intervention;

(4) the American Association of Central Cancer Registries (AACCR) cites that of the 50 States, approximately 38 have established cancer registries, many are not statewide and 10 have no cancer registry; and

(5) AACCR also cites that of the 50 States, 39 collect data on less than 100 percent of their population, and less than half have adequate resources for insuring minimum standards for quality and for completeness of case information.

(b) PURPOSE.—It is the purpose of this Act to establish a national program of cancer registries.

SEC. 3. NATIONAL PROGRAM OF CANCER REGISTRIES.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

"PART M—NATIONAL PROGRAM OF CANCER REGISTRIES

"SEC. 399H. NATIONAL PROGRAM OF CANCER REGISTRIES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States, or may make grants or enter into contracts with academic or nonprofit organizations designated by the State to operate the State's cancer registry in lieu of making a grant directly to the State, to support the operation of population-based, statewide cancer registries in order to collect, for each form of in-situ and invasive cancer (with the exception of basal cell and squamous cell carcinoma of the skin), data concerning—

"(1) demographic information about each case of cancer;

"(2) information on the industrial or occupational history of the individuals with the cancers, to the extent such information is available from the same record;

"(3) administrative information, including date of diagnosis and source of information;

"(4) pathological data characterizing the cancer, including the cancer site, stage of disease (pursuant to Staging Guide), incidence, and type of treatment; and

"(5) other elements determined appropriate by the Secretary.

"(b) MATCHING FUNDS.—

"(1) IN GENERAL.—The Secretary may make a grant under subsection (a) only if the State, or the academic or nonprofit private organization designated by the State to operate the cancer registry of the State, involved agrees, with respect to the costs of the program, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs or $1 for every $3 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION; MAINTENANCE OF EFFORT.—

"(A) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) With respect to a State in which the purpose described in subsection (a) is to be carried out, the Secretary, in making a determination of the amount of non-Federal contributions provided under paragraph (1), may include only such contributions as are in excess of the amount of such contributions made by the State toward the collection of data on cancer for the fiscal year preceding the first year for which a grant under subsection (a) is made with respect to the State. The Secretary may decrease the amount of non-Federal contributions that otherwise would have been required by this subsection in those cases in which the State can demonstrate that decreasing such amount is appropriate because of financial hardship.

"(c) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—No grant shall be made by the Secretary under subsection (a) unless an application has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such a manner, and be accompanied by such information, as the Secretary may specify. No such application may be approved unless it contains assurances that the applicant will use the funds provided only for the purposes specified in the approved application and in accordance with the requirements of this section, that the application will establish such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting of Federal funds paid to the applicant under subsection (a) of this section, and that the applicant will comply with the peer review requirements under sections 491 and 492.

"(2) ASSURANCES.—Each applicant, prior to receiving Federal funds under subsection (a), shall provide assurances satisfactory to the Secretary that the applicant will—

"(A) provide for the establishment of a registry in accordance with subsection (a);

"(B) comply with appropriate standards of completeness, timeliness, and quality of population-based cancer registry data;

"(C) provide for the annual publication of reports of cancer data under subsection (a); and

"(D) provide for the authorization under State law of the statewide cancer registry, including promulgation of regulations providing—

"(i) a means to assure complete reporting of cancer cases (as described in subsection (a)) to the statewide cancer registry by hospitals or other facilities providing screening, diagnostic or therapeutic services to patients with respect to cancer;

"(ii) a means to assure the complete reporting of cancer cases (as defined in subsection (a)) to the statewide cancer registry by physicians, surgeons, and all other health care practitioners diagnosing or providing treatment for cancer patients, except for cases directly referred to or previously admitted to a hospital or other facility providing screening, diagnostic or therapeutic services to patients in that State and reported by those facilities;

"(iii) a means for the statewide cancer registry to access all records of physicians and surgeons, hospitals, outpatient clinics, nursing homes, and all other facilities, individuals, or agencies providing such services to patients which would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer, or medical status of any identified patient;

"(iv) for the reporting of cancer case data to the statewide cancer registry in such a format, with such data elements, and in accordance with such standards of quality timeliness and completeness, as may be established by the Secretary;

"(v) for the protection of the confidentiality of all cancer case data reported to the statewide cancer registry, including a prohibition on disclosure to any person of information reported to the statewide cancer registry that identifies, or could lead to the identification of, an individual cancer patient, except for disclosure to other State cancer registries and local and State health officers;

"(vi) for a means by which confidential case data may in accordance with State law be disclosed to cancer researchers for the purposes of cancer prevention, control and research;

"(vii) for the authorization or the conduct, by the statewide cancer registry or other persons and organizations, of studies utilizing statewide cancer registry data, including studies of the sources and causes of cancer, evaluations of the cost, quality, efficacy, and appropriateness of diagnostic, therapeutic, rehabilitative, and preventative services and programs relating to cancer, and any other clinical, epidemiological, or other cancer research; and

"(viii) for protection for individuals complying with the law, including provisions specifying that no person shall be held liable in any civil action with respect to a cancer case report provided to the statewide cancer registry, or with respect to access to cancer case information provided to the statewide cancer registry.

"(d) RELATIONSHIP TO CERTAIN PROGRAMS.—

"(1) IN GENERAL.—This section may not be construed to act as a replacement for or diminishment of the program carried out by the Director of the National Cancer Institute and designated by such Director as the Surveillance, Epidemiology, and End Results Program (SEER).

"(2) SUPPLANTING OF ACTIVITIES.—In areas where both such programs exist, the Secretary shall ensure that SEER support is not supplanted and that any additional activities are consistent with the guidelines provided for in subsection (c)(2)(C) and (D) and are appropriately coordinated with the existing SEER program.

"(3) TRANSFER OF RESPONSIBILITY.—The Secretary may not transfer administration responsibility for such SEER program from such Director.

"(4) COORDINATION.—To encourage the greatest possible efficiency and effectiveness of Federally supported efforts with respect to the activities described in this subsection, the Secretary shall take steps to assure the appropriate coordination of programs supported under this part with existing Federally supported cancer registry programs.

"(e) REQUIREMENT REGARDING CERTAIN STUDY ON BREAST CANCER.—In the case of a grant under subsection (a) to any State specified in section 399K(b), the Secretary may establish such conditions regarding the receipt of the grant as the Secretary determines are necessary to facilitate the collection of data for the study carried out under section 399C.

"SEC. 399I. PLANNING GRANTS REGARDING REGISTRIES.

"(a) IN GENERAL.—

"(1) STATES.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States for the purpose of developing plans that meet the assurances required by the Secretary under section 399B(c)(2).

"(2) OTHER ENTITIES.—For the purpose described in paragraph (1), the Secretary may make grants to public entities other than

States and to nonprofit private entities. Such a grant may be made to an entity only if the State in which the purpose is to be carried out has certified that the State approves the entity as qualified to carry out the purpose.

"(b) APPLICATION.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary, the application contains the certification required in subsection (a)(2) (if the application is for a grant under such subsection), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"SEC. 399J. TECHNICAL ASSISTANCE IN OPERATIONS OF STATEWIDE CANCER REGISTRIES.

"The Secretary, acting through the Director of the Centers for Disease Control, may, directly or through grants and contracts, or both, provide technical assistance to the States in the establishment and operation of statewide registries, including assistance in the development of model legislation for statewide cancer registries and assistance in establishing a computerized reporting and data processing system.

"SEC. 399K. STUDY IN CERTAIN STATES TO DETERMINE THE FACTORS CONTRIBUTING TO THE ELEVATED BREAST CANCER MORTALITY RATES.

"(a) IN GENERAL.—Subject to subsections (c) and (d), the Secretary, acting through the Director of the National Cancer Institute, shall conduct a study for the purpose of determining the factors contributing to the fact that breast cancer mortality rates in the States specified in subsection (b) are elevated compared to rates in other States.

"(b) RELEVANT STATES.—The States referred to in subsection (a) are Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia.

"(c) COOPERATION OF STATE.—The Secretary may conduct the study required in subsection (a) in a State only if the State agrees to cooperate with the Secretary in the conduct of the study, including providing information from any registry operated by the State pursuant to section 399H(a).

"(d) PLANNING, COMMENCEMENT, AND DURATION.—The Secretary shall, during each of the fiscal years 1993 and 1994, develop a plan for conducting the study required in subsection (a). The study shall be initiated by the Secretary not later than fiscal year 1994, and the collection of data under the study may continue through fiscal year 1998.

"(e) REPORT.—Not later than September 30, 1999, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings and recommendations made as a result of the study.

"SEC. 399L. AUTHORIZATION OF APPROPRIATIONS.

"(a) REGISTRIES.—For the purpose of carrying out this part, there are authorized to be appropriated $30,000,000 for each of the fiscal years 1993 through 1997. Out of any amounts appropriated for any such fiscal year, the Secretary may obligate not more than 25 percent for carrying out section 399I, and not more than 10 percent may be expended for assessing the accuracy, completeness and quality of data collected, and not more than 10 percent of which is to be expended under subsection 399J.

"(b) BREAST CANCER STUDY.—Of the amounts appropriated for the National Cancer Institute under subpart 1 of part C of title IV for any fiscal year in which the study required in section 399K is being carried out, the Secretary shall expend not less than $1,000,000 for the study.".

DOLE AMENDMENT NO. 3327

Mr. KASTEN (for Mr. DOLE, for himself and Mr. SYMMS) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place, add the following:

HUMANITARIAN ASSISTANCE FOR ARMENIA

Of the aggregate of the funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, not less than $5,000,000 shall be made available, notwithstanding any provision of law which restricts assistance to foreign countries, for refugee assistance to Armenia.

It is the sense of Congress that the administration should:

(a) encourage Japan or any oil exporting nation to provide fuel to Armenia for urgently needed humanitarian purposes, to include harvesting the autumn crop;

(b) renew its existing commitment to deliver this fuel by United States transport;

(c) ensure that safeguards are in place to guarantee that the fuel is used solely for the humanitarian purposes intended.

The Congress finds that Armenia has entered into an aggressive program of economic reforms and land privatization that serves as a model for the former republics of the Soviet Union.

It is further the sense of Congress that the President instruct United States representatives to the International Monetary Fund and the World Bank to support these important reforms by providing Armenia financial and technical assistance.

UNDERCHARGE EQUITY ACT OF 1992

EXON (AND OTHERS) AMENDMENT NO. 3328

Mr. LEAHY (for Mr. EXON, for himself, Mr. KASTEN, and Mr. KERREY) proposed an amendment to the bill (S. 1675) to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes, as follows:

In lieu of the matter proposed to be inserted by the Committee amendment in the nature of a substitute, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Undercharge Equity Act of 1992".

SEC. 2. DETERMINATIONS OF REASONABLENESS OF CERTAIN RATES.

(a) IN GENERAL.—Section 10701 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) Subject to paragraph (10) of this subsection, when a claim is made by a motor carrier of property (other than a household goods carrier) or by a nonhousehold goods freight forwarder, or by a party representing such carrier or freight forwarder, regarding the collection of rates or charges in addition to the rates or charges originally billed and collected by the carrier or freight forwarder, the person against whom the claim is made may elect to satisfy such claim under paragraph (4) or (5) of this subsection, upon showing that—

"(A) such carrier or forwarder is no longer transporting property or is transporting property for the purpose of avoiding the application of this subsection; and

"(B) as to the claim at issue, (i) the person was offered a transportation rate or charge by the carrier or forwarder other than the rate or charge legally on file with the Commission for that shipment, (ii) the person tendered freight to the carrier or forwarder in reasonable reliance upon the offered transportation rate or charge, (iii) the carrier or forwarder did not properly or timely file with the Commission a tariff providing for such transportation rate or charge or failed to execute a valid contract for transportation services, (iv) such transportation rate or charge was billed and collected by the carrier or forwarder, and (v) the carrier or forwarder demands additional payment of a higher rate or charge filed in a tariff.

Satisfaction of the claim under paragraph (4) or (5) of this subsection shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(2) If there is a dispute as to paragraph (1)(A) of this subsection, such dispute shall be resolved by the court in which the claim is brought. If there is a dispute as to paragraph (1)(B) (i) through (v) of this subsection, such dispute shall be resolved by the Commission. Pending the resolution of any such dispute, the person shall not have to pay any additional compensation to the carrier or forwarder.

"(3) In the event that a dispute arises as to the rate or charge that was legally applicable to the shipment, such dispute shall be resolved by the Commission within 1 year after the dispute arises.

"(4) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if the shipment weighed 10,000 pounds or less, by payment of 20 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(5) A person from whom the additional legally applicable tariff rate or charge is sought may elect to satisfy such claim if each shipment weighed more than 10,000 pounds, by payment of 10 percent of the difference between the carrier's or forwarder's legally applicable tariff rate or charge and the rate or charge originally billed and collected.

"(6) Notwithstanding paragraphs (4) and (5) of this subsection, when a claim is made by a carrier or forwarder described in paragraph (1)(A) of this subsection, or by a party representing such carrier or forwarder, regarding the collection of rates or charges in addition to the rate or charge originally billed and collected by the carrier or forwarder, and the person against whom the claim is made is a small-business concern, that person shall not be required to pay the claim and the claim shall be deemed satisfied. Satisfaction of the claim under this paragraph shall be binding on the parties, and the parties shall not be subject to chapter 119 of this title.

"(7) When a person from whom the additional legally applicable rate or charge is sought does not elect to use the provisions of paragraph (4), (5), or (6) of this subsection, the person may pursue all rights and remedies existing under this title.

"(8)(A) When a person proceeds under paragraph (7) of this subsection to challenge the reasonableness of the legally applicable rate or charge being claimed by the carrier or forwarder in addition to the rate or charge originally billed and collected, the person shall not have to pay any additional compensation to the carrier or forwarder until the Commission has made a determination (which shall be made within 1 year after such challenge) as to the reasonableness of the challenged rate or charge as applied to the shipment of the person against whom the claim is made. Subject to subparagraph (B) of this paragraph, the Commission shall require the person to furnish a bond, issued by a surety company found acceptable by the Secretary of the Treasury, or to establish an interest bearing escrow account.

"(B) The surety bond or interest bearing escrow account required under subparagraph (A) of this paragraph shall be set or established in an amount equal to—

"(i) 20 percent of the amount claimed by the carrier or forwarder for the additional rate or charge, in the case of a shipment weighing 10,000 pounds or less; and

"(ii) 10 percent of such claimed amount, in the case of a shipment weighing more than 10,000 pounds.

"(9) Except as authorized in paragraphs (4), (5), and (6) of this subsection, nothing in this subsection shall relieve a motor common carrier or freight forwarder of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762 of this title.

"(10) If a carrier or forwarder or party representing such carrier or forwarder makes a claim for additional rates or charges as described in paragraph (1) of this subsection, the person against whom the claim is made must notify such carrier, forwarder, or party as to the person's election to proceed under paragraph (2) or (3) of this subsection. Such notification—

"(A) with respect to a claim made before the date of enactment of this subsection, shall be not later than the 30th day after such date of enactment; and

"(B) with respect to any claim not described in subparagraph (A) of this paragraph, shall be not later than the 60th day after the filing of an answer to a complaint in a civil action for the collection of such rates or charges, or not later than the 90th day after the date of enactment of this subsection, whichever is later.

"(11) In this subsection, 'small-business concern' means a person who would qualify as a small-business concern under the Small Business Act (15 U.S.C. 631 et seq.).".

SEC. 3. STATUTE OF LIMITATIONS.

"(a) MOTOR CARRIER CHARGES.—Section 11706(a) of title 49, United States Code, is amended by striking the period at the end and inserting in lieu thereof the following: "; except that a common carrier providing transportation or service subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title—

"(1) must begin, within 24 months after the claim accrues, a civil action to recover charges for such transportation or service if such transportation or service is provided by the carrier on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment; and

"(2) must begin such a civil action within 18 months after the claim accrues if such transportation or service is provided by the carrier on or after the date that is 1 year after such date of enactment.".

(b) MOTOR CARRIER OVERCHARGES.—Section 11706(b) of title 49, United States Code, is amended by striking the period at the end of the first sentence and inserting in lieu thereof the following: "; except that a person must begin within 24 months after the claim accrues a civil action to recover overcharges from a carrier subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title for transportation or service taking place on or after the date of enactment of this exception and before the date that is 1 year after such date of enactment, and for transportation or service taking place on or after the date that is 1 year following such date of enactment, a person must begin such a civil action within 18 months after the claim accrues.".

(c) CONFORMING AMENDMENT.—Section 11706(d) of title 49, United States Code, is amended by striking "3-year period" each place it appears and inserting in lieu thereof "limitations period".

SEC. 4. TARIFF RECONCILIATION RULES FOR MOTOR COMMON CARRIERS OF PROPERTY.

(a) IN GENERAL.—Chapter 117 of title 49, United States Code, is amended by adding at the end the following new section:

"§11712. Tariff reconciliation rules for motor common carriers of property

"(a) Subject to Interstate Commerce Commission review and approval, motor carriers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title and shippers may resolve, by mutual consent, overcharge and undercharge claims resulting from billing errors or incorrect tariff provisions arising from the inadvertent failure to properly and timely file and maintain agreed upon rates, rules, or classifications in compliance with sections 10761 and 10762 of this title. Resolution of such claims among the parties shall not subject any party to the penalties of section 11901, 11902, 11903, 11904, or 11914 of this title.

"(b) Nothing in this section shall relieve the motor carrier of the duty to file and adhere to its rates, rules, and classifications as required in sections 10761 and 10762, except as provided in subsection (a) of this section.

"(c) The Commission shall, within 90 days after the date of enactment of this section, institute a proceeding to establish rules pursuant to which the tariff requirements of sections 10761 and 10762 of this title shall not apply under circumstances described in subsection (a) of this section.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 117 of title 49, United States Code, is amended by adding at the end the following:

"11712. Tariff reconciliation rules for motor common carriers of property."

SEC. 5. EFFECTIVE DATE; APPLICABILITY.

(a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) APPLICABILITY OF SECTION 2.—The amendments made by section 2 shall apply to any proceeding before the Interstate Commerce Commission, and to any court action, which is pending or commenced on or after the date of enactment of this Act and which pertains to a claim arising from transportation shipments tendered any time prior to the date that is 18 months after such date of enactment. Unless Congress determines a continuing need for section 2 and enacts additional legislation, section 2 shall not apply to any such proceeding which pertains to a claim arising from transportation shipments tendered on or after the date that is 18 months following such date of enactment.

(c) REPORT.—The Interstate Commerce Commission shall submit a report to Congress, within 1 year after the date of enactment of this Act, regarding whether there exists a justification for extending the applicability of section 2 beyond the limitation period specified in subsection (b).

FOREIGN OPERATIONS APPROPRIATIONS ACT

DOLE (AND PELL) AMENDMENT NO. 3329

Mr. KASTEN (for Mr. DOLE and Mr. PELL) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 17, line 7, strike out the period and insert in lieu thereof "; and".

On page 17, between lines 7 and 8, insert the following:

(i) not less than $20,000,000 shall be available only for donations of fuel, construction materials, portable heating units, dairy products and wheat and other urgently needed food for the peoples of Bosnia-Hercegovina and Kosova, of which amount not less than $5,000,000 shall be available only for Kosova. Such assistance shall be distributed through nongovernmental organizations and private voluntary organizations.

GRAMM (AND OTHERS) AMENDMENT NO. 3330

Mr. KASTEN (for Mr. GRAMM, Mr. DOLE, Mr. SYMMS, Mr. MACK, Mr. HELMS, and Mr. SIMPSON) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 9, line 6, before the period insert the following: "and, among other uses, such funds may be used to promote efforts by the International Monetary Fund to support monetary stability in member countries through the instrumentality of currency boards",

BYRD AMENDMENT NO. 3331

Mr. BYRD proposed and amendment to the bill H.R. 5368, supra, as follows:

On page 198, between lines 18 and 19, insert the following new paragraph:

"(4)(A) Not later than September 1 of each year during the period in which the President is authorized to issue loan guarantees under subsection (a), beginning in FY 1993, the President shall notify the appropriate congressional committees in writing of his intentions regarding the exercise of that authority for the fiscal year beginning on October 1 of that year, including a statement of the total principal amount of guarantees, if any, that the President proposes to issue for that fiscal year.

"(B) For purposes of this paragraph, the term 'appropriate congressional committees' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives.

WIRTH AMENDMENT NO. 3332

Mr. LEAHY (for Mr. WIRTH) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . INTERNATIONAL PROTECTION FOR GLACIER BAY NATIONAL PARK AND PRESERVE.

(a) FINDINGS.—The Congress finds that—

(1) the Alsek and Tatshenshini Rivers possess outstanding fisheries, wildlife, botanical wilderness, and recreational values of international significance, including the largest nonpolar ice-fields in the world;

(2) the Alsek and Tatshenshini Rivers provide prime habitat for large mammals including the grizzly, the rare glacial bear, moose, wolves, mountain goats, and Dall sheep, and such birds as the bald eagle, peregrine falcon, migratory birds, trumpeter swans and other waterfowl;

(3) the Alsek and Tatshenshini Rivers support important commercial, subsistence and sport fisheries for sockeye, chinook, coho, pink and chum salmon and other important resident fishes, valued in excess of $8,500,000 annually;

(4) Lynn Canal sustains harvests of salmon, bottomfish, shellfish, and other fishery resources valued at $41,000,000 annually;

(5) the Congress enacted in 1980 the Alaska National Interest Lands Conservation Act, among other purposes, for the protection of that portion of the Alsek River within the United States by including it within Glacier Bay National Park and Preserve;

(6) the Congress encouraged in 1980 the Secretary of the Interior to seek cooperative agreements with Canada which serve to protect the entire watershed of the Alsek River;

(7) the Alaska River is a transboundary river, subject to the protective mandates of the Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada, agreed at Washington on January 11, 1909 (TS 548);

(8) the Memoranda of Understanding Concerning Salmonid Research and Enforcement of the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Vancouver on April 9, 1986, expressly recognizes that the Alsek River chinook and early run sockeye stocks are depressed and require special protection and management consideration;

(9) the headwaters of the Alsek River are provided protection by inclusion in Canada's Kluane National Park, designation in the Canadian Heritage Rivers Program, and inclusion in the Wrangell-St. Elias/Kluane World Heritage Site;

(10) Glacier Bay National Park and Preserve has been designated as an International Biosphere Reserve and has been nominated by the Secretary of the Interior to the World Heritage List as an extension of the existing Wrangell-St. Elias/Kluane World Heritage Site;

(11) in 1990, the International Union for the Conservation of Nature recognized the international importance of the Tatshenshini-Alsek River system and its surrounding 2,700,000 acres as unique and worthy of consideration for World Heritage Site status;

(12) protection of the wild lands of the Alsek and Tatshenshini watershed in British Columbia would complement the protected wilderness of Wrangel-St. Elias National Park, Kluane National Park, Glacier Bay National Park and Preserve, and the Tongass National Forest and would create the largest protected international wilderness in the world;

(13) a mammoth open-pit copper mine has been proposed to be developed near the Tatshenshini River in British Columbia, the development of which includes storing more than 200,000,000 tons of acid-generating waste rock and tailings behind a 360-foot high earthen dam, storing more than 140,000,000 tons of rock waste on an active glacier, constructing a 70-mile long road through the existing wild lands along the Tatshenshini River with numerous bridges across the river and its tributaries, constructing 2 separate 150-mile long pipelines for copper concentrate slurry and oil between the mine site and Haines, Alaska, and discharging more than 360,000 gallons a day of slurry pipeline effluent into the waters of Lynn Canal;

(14) the proposed transportation corridor and copper concentrate slurry and oil pipelines pass through the Alaska Chilkat Bald Eagle preserve, the largest gathering place for bald eagles in the world;

(15) the proposed mine and pipelines would be within one of the most seismically active regions of North America, and would create a risk in perpetuity for failure of the proposed earthen dam and a catastrophic release of its reservoir of acid generating waste rock and tailings into the Tatshenshini and Alsek Rivers;

(16) agencies of the United States Government, including the Fish and Wildlife Service and the National Park Service of the Department of the Interior and National Marine Fisheries Service of the Department of Commerce, have expressed strong concern that development of the proposed mine could lead to irreversible, catastrophic, and persistent releases of acid mine drainage and heavy metals, and could threaten the water quality, fisheries, wildlife, recreation, and wilderness resources of the Alsek and Tatshenshini Rivers, Glacier Bay National Park and Preserve, and Lynn Canal; and

(17) the release of acid mine drainage and heavy metals into the Tatshenshini and Alsek Rivers, and ultimately the Gulf Coast of Alaska, could devastate the fishing economy, subsistence lifestyle, and culture of the Yakutat Tlingit and non-Native people residing in the Yakutat region of the Gulf Coast of Alaska, including the Dry Bay fishery.

(b) NEGOTIATIONS WITH CANADA.—The Congress requests the President to direct the Secretary of State, in cooperation with the Secretary of the Interior, to enter into negotiations with Canada to provide protection for the entire Alsek River watershed for the purpose of preserving its fisheries, wildlife, water quality, and recreational and wilderness values.

(c) NATIONAL PARK SERVICE STUDY AND REPORT.—

The Secretary of the Interior (acting through the Director of the National Park Service) is directed to ensure that the internationally significant natural resource values of Glacier Bay National Park and Preserve, including all interests of the United States protected by international treaty, are not degraded by proposed mine developments within Canada. The Secretary of the Interior (acting through the Director of the National Park Service) shall study and report to Congress by September 30, 1993, on the potential impacts to Glacier Bay National Park and Preserve, including the fisheries, wildlife, water quality, and recreational and wilderness values, the fishing economy, and subsistence lifestyle of the Glacier Bay National Park, and the culture of the Yakutat Tlingit and non-Native people residing in the Yakutat region of the Alaska Gulf Coast, and Lynn Canal, caused by the proposed mine development in British Columbia.

(d) INTERNATIONAL JOINT COMMISSION.—The Secretary of State is authorized to seek the agreement of the Government of Canada that the International Joint Commission be given a reference, pursuant to Article IX of the Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada, agreed at Washington on January 11, 1909 (TS 548), to examine comprehensively the potential adverse environmental and social impacts of the proposed mining activity and that no permits required to develop the proposed project shall be issued prior to completion of the Commission study.

(e) WORLD HERITAGE SITE STATUS FOR ALSEK AND TATSHENSHINI RIVER WATERSHED.—The Secretary of State, in cooperation with the Secretary of the Interior, should seek the cooperation of the Government of Canada to obtain World Heritage Site status and protection for the entire Alsek and Tatshenshini River watershed.

HELMS AMENDMENT NO. 3333

Mr. HELMS proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . RESTRICTION ON ASSISTANCE FOR RUSSIA.

(a) CERTIFICATION.—Beginning 90 days after the date of enactment of this Act, and every 90 days thereafter, the President shall certify to the appropriate congressional committees that Russia has ceased the export of military and military-related goods, services, and technology to Iran.

(b) PROHIBITION.—Beginning 90 days after the date of enactment of this Act, the President shall terminate at any time all United States assistance (other than humanitarian assistance) for Russia unless there is in effect a certification made under subsection (a).

(c) DEFINITIONS.—As used in this section—

(1) the term "appropriate congressional committees" means the Committee of Foreign Relations of the Senate and the Committee of Foreign Affairs of the House of Representatives; and

(2) the term "humanitarian assistance" includes food, clothing, and medicine.

KASSEBAUM (AND OTHERS) AMENDMENT NO. 3334

Mrs. KASSEBAUM (for herself, Mr. SIMON and Mr. KENNEDY) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place in the bill, insert: Notwithstanding any other provision of law, no more than $52,000,000 appropriated by this Act under the headings "Economic Support Fund" and "Foreign Military Financing Program", may be made available to Morocco unless the President certifies, and so reports to Congress, that the Government of Morocco is fully cooperating with the United Nations in the implementation of the Settlement Plan for self-determination of the people of Western Sahara.

KASTEN AMENDMENT NO. 3335

Mr. KASTEN proposed an amendment to amendment No. 3334 proposed by Mrs. KASSEBAUM (and others) to the bill H.R. 5368, supra, as follows:

SENSE OF THE CONGRESS REGARDING A PEACEFUL SETTLEMENT IN THE WESTERN SAHARA

Expressing the Sense of the Senate regarding a peaceful settlement in the Western Sahara.

Whereas the United Nations has formulated a peace plan for the resolution of the Western Sahara conflict;

Whereas the peace plans calls for a referendum to be held in which Sahrawis would decide between integration with Morocco and independence;

Whereas there have been delays in this peace plan due to disagreements over such issues as voter criteria; and

Whereas the Secretary General's most recent report indicated that progress continues toward a referendum: Now, therefore, be it

Resolved, That it is the Sense of the Senate that—

(1) the Secretary General's efforts to resolve this conflict are to be praised;

(2) the Secretary General is to be commended for his appointment of a new Special Representative on the Western Sahara; and

(3) the United States should encourage all parties to the conflict to fully cooperate with the United Nations in the implementation of the United Nations referendum.

BIDEN (AND OTHERS) AMENDMENT NO. 3336

Mr. BIDEN (for himself, Mr. Lieberman, Mr. D'Amato, and Mr. Gorton) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place in the bill, add the following:

Sec. . Authority to Assist Bosnia-Herzegovina.

(a) Congress finds as follows:

(1) the United Nations has imposed an embargo on the transfer of arms to any country on the territory of the former Yugoslavia;

(2) the federated states of Serbia and Montenegro have a large supply of military equipment and ammunition and the Serbian forces fighting the government of Bosnia-Herzegovina have more than one thousand battle tanks, armored vehicles, and artillery pieces; and

(3) because the United Nations arms embargo is serving to sustain the military advantage of the aggressor, the United Nations should exempt the government of Bosnia-Herzegovina from its embargo.

(b) Pursuant to a lifting of the United Nations arms embargo against Bosnia-Herzegovina, the President is authorized to transfer to the government of that nation, without reimbursement, defense articles from the stocks of the Department of Defense of an aggregate value not to exceed $50,000,000 in fiscal year 1993; provided that the President certifies in a timely fashion to the Congress that:

(1) the transfer of such articles would assist that nation in self-defense and thereby promote the security and stability of the region; and

(2) U.S. allies are prepared to join in such a military assistance effort.

(c) Within 60 days of any transfer under the authority provided in subsection (b), and every 60 days thereafter, the President shall report in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate concerning the articles transferred and the disposition thereof.

(d) There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for defense articles provided under this section.

SIMON (AND KASSEBAUM) AMENDMENT NO. 3337

Mr. LEAHY (for Mr. Simon and Mrs. Kassebaum) proposed an amendment to the bill H.R. 5368, supra, as follows:

Notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any similar provision, the President is authorized to provide assistance to nongovernmental organizations in Zaire, including nonpartisan election and democracy-building assistance to support democratic institutions in Zaire: *Provided*, That the President determines and so certifies to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives that Zaire has made significant progress toward democratization and that the provision of such assistance will assist that country in making further progress and is otherwise in the national interest of the United States. A separate determination and certification shall be required for each fiscal year in which such assistance is to be provided.

HARKIN (AND OTHERS) AMENDMENT NO. 3338

Mr. LEAHY (for Mr. Harkin, Mr. Adams, Mr. Wofford, Mr. Kasten, Mr. Bingaman, and Mr. Hatfield) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the end of the bill, add the following new title:

TITLE —THIRD WORLD DEVELOPMENT AND THREAT REDUCTION ACT OF 1992

SEC. 01. SHORT TITLE.

This title may be cited as the "Third World Development and Threat Reduction Act of 1992".

SEC. 02. STATEMENT OF POLICY.

The Congress declares that, in order to promote economic growth in developing countries, it shall be the policy of the United States to encourage developing countries—

(1) to reduce military and military-related expenditures and to dedicate greater resources to health, education, and productive enterprises; and

(2) to dedicate an appropriate allocation of health and education resources to meet the needs of the majority of their populations.

SEC. 03. IMPLEMENTATION.

For the purpose of carrying out the policy described in this title, the Secretary of the Treasury shall instruct the United States executive director to each international financial institution to use the United States voice and vote in fiscal year 1993 and each fiscal year thereafter to—

(1) vigorously advocate and promote policies within such institutions designed to encourage developing countries—

(A) to reduce significantly military and military-related expenditures where these are high and a reduction would be appropriate and

(B) to enhance appropriately resources for primary health care and basic education as a percentage of general government expenditure;

(2) to develop procedures and mechanisms within such institutions to collect data on military and military-related expenditures, primary health care, and basic education for developing countries and to take into account such information in carrying out paragraphs (1)(A) and (1)(B); and

(3) beginning October 1, 1993, to oppose any loan, the extension of financial assistance, or any technical assistance by such institution except for the purposes of defense conversion, to any developing country whose military expenditures as a percentage of general government expenditure are greater than its combined expenditures on health and education as a percentage of general government expenditure.

SEC. 04. REPORT.

As part of the annual report of the National Advisory Committee, the Secretary of the Treasury shall submit a report to the Congress on the actions taken by the United States executive director to each internationl financial institution in carrying out the provisions of this Act.

SEC. 05. WAIVER.

In fiscal year 1993 or thereafter, the prohibition contained in section 03(3) shall not apply to any developing country for which—

(1) the President determines and so reports to Congress that to do so would endanger—

(A) a democratically elected government facing armed aggression or the threat of armed aggression from a hostile neighboring country; or

(B) the survival of a democratically elected government facing a substantial and sustained offensive from a local insurgency; or

(2) the President determines and so reports to Congress that to do so would result in significant harm to United States national interests.

SEC. 06. DEFINITIONS.

For purposes of this title—

(1) the term "developing country" is a country with a per capita income not in excess of $4,000;

(2) the term "international financial institution" means the International Monetary Fund, the International Bank of Reconstruction and Development, the International Development Aassociation, the African Development Fund, the Inter-American Development Bank, the Asian Development Bank, and the European Bank for Reconstruction and Development; and

(3) the term "military expenditures" includes all expenditures needed for the maintenance and support of the armed forces, but does not include funds destined for civilian law enforcement, unless such law enforcment is under the control of the military or a paramilitary organization.

HELMS AMENDMENT NO. 3339

Mr. HELMS (for himself, Mr. Brown and Mr. Smith) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the end of the bill, add the following:

Sec. . The total amount of budget authority for fiscal year 1993 provided in this Act is reduced by 10 percent. Each amount of budget authority for fiscal year 1993 provided in this Act for payments not specified by law for foreign countries is reduced by the uniform percentage necessary to reduce the total amount of budget authority provided in this Act by 10 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act. The reductions made by this section shall be applied to reduce the deficit.

SYMMS (AND HELMS) AMENDMENT NO. 3340

Mr. SYMMS (for himself and Mr. Helms) proposed an amendment to amendment No. 3339 proposed by Mr. **HELMS** to the bill H.R. 5368, supra, as follows:

Delete all after "SEC. ." and insert the following:

The total amount of budget authority for fiscal year 1993 provided in this Act is reduced by 10 percent. Each amount of budget authority for fiscal year 1993 provided in this Act for payments not specified by law for foreign countries is reduced by the uniform percentage necessary to reduce the total amount of budget authority provided in this Act by 10 percent. Such reductions shall be applied ratably to each account, program, activity, and project provided for in this Act. The reductions made by this section shall be applied to reduce the deficit.

BROWN AMENDMENT NO. 3341

Mr. BROWN proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place in the bill, add the following new section:

SEC. . IMF LOANS TO RUSSIA.

FINDINGS.—It is the sense of Congress that—

(1) Russia must carry out comprehensive economic reforms to merit the support of the International Monetary Fund.

(2) Russia's monetary problems remain unresolved, risks of hyperinflation remain high, and its monetary policies do not provide at this time a suitable basis for an IMF program.

(3) This is further confirmed by the recent fall of the ruble against other major currencies.

Therefore, the Secretary of the Treasury shall instruct the U.S. Executive Director to the IMF to oppose any loan to Russia unless the following criteria are met:

(1) The loan is primarily being used for economic reform rather than refinancing Soviet debt;

(2) The IMF is providing technical assistance in support of the reform effort; and

(3) The IMF has formulated a realistic package of financial assistance, spelling out in detail to Russia and the West its necessary components.

GRAHAM AMENDMENT NO. 3342

Mr. LEAHY (for Mr. **GRAHAM**) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 197, between lines 2 and 3, insert the following:

SEC. . The amounts expended under "Operating Expenses" for salaries and expenses relating to the administration of the Headquarters of the Agency for International Development may not exceed the amounts expended during fiscal year 1992 for such salaries and expenses under such heading.

GRAHAM AMENDMENT NO. 3343

Mr. LEAHY (for Mr. **GRAHAM**) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 197, between lines 2 and 3, insert the following:

SEC. . The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Agency for International Development.

INOUYE AMENDMENT NO. 3344

Mr. LEAHY (for Mr. **INOUYE**) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place in the bill insert the following: "*Provided further*, That up to a total of $40,000,000 of the funds appropriated to carry out sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961 may be transferred to and consolidated and merged with the funds appropriated under this heading notwithstanding the limitations on transfers between accounts contained in section 514 of this Act and sections 109 and 610 of the Foreign Assistance Act of 1961. *Provided further*, That any funds transferred to carry out the purposes of the previous proviso shall be made available only for projects and activities which are consistent with the purposes of those funds as initially appropriated: *Provided further*, That transfers of any funds to carry out the purposes of this heading shall be subject to the regular notification procedures of the Committees on Appropriations."

CRANSTON AMENDMENT NO. 3345

Mr. LEAHY (for Mr. **CRANSTON**) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 75, line (16) strike "and," and insert ";", then on line (19) strike "period" and add "; and (3) describe the extent to which indigenous people are able to participate in decisions affecting their lands cultures, traditions and the allocation of natural resources, and assess the extent of protection of their civil and political rights."

DOLE AMENDMENT NO. 3346

Mr. DOLE proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 17, line 7, strike out the period and insert in lieu thereof "; and".

On page 17, between lines 7 and 8, insert the following:

(i) up to $10,000,000 shall be available for preventive services to include breast and prostate cancer screenings.

MCCONNELL AMENDMENT NO. 3347

Mr. DOLE (for Mr. **MCCONNELL**) proposed an amendment to the bill H.R. 5368, supra, as follows:

At the appropriate place, insert:

None of the funds appropriated by this Act or any other Act may be used to support the transfer of aircraft from the Department of Defense to the Drug Enforcement Administration to carry out counternarcotics activities in Guatemala, unless the President determines that to do so is important to the national interest and so notifies the Committees on Foreign Relations and Appropriations of the Senate.

LEVIN (AND OTHERS) AMENDMENT NO. 3348

Mr. LEVIN (for himself, Mr. **HATFIELD**, Mr. **DOLE**, Mr. **WARNER**, and Mr. **LAUTENBERG**) proposed an amendment to the bill H.R. 5368, supra, as follows:

SEC. . FINDINGS.

(1) Continuing hostilities and "ethnic cleansing" in the former Yugoslavia are killing thousands of noncombatants, displacing hundreds of thousands of civilians, and causing massive destruction and starvation;

(2) Independent reports of torture, atrocities and murder of civilian refugees and prisoners of war have been confirmed by officials of the United States Department of State, including the slaughter last spring of thousands of Muslims who had been captured by Serbians in the Bosnian town of Brcko; and

(3) The United States Senate did, on August 11, approve Senate Resolution 330, calling on the President to urge United Nations Security Council actions that would contribute to the cessation of hostilities in the former Yugoslavia, including: authorizing "all necessary means, including the use of multilateral military force under a Security Council mandate" to facilitate provision of humanitarian relief in Bosnia-Hercegovina; developing a plan to ensure access for United Nations and International Red Cross personnel to refugee and prisoners of war camps in the former Yugoslavia; and convening a tribunal to investigate allegations of war crimes and crimes against humanity in the region.

Therefore, it is the sense of the Senate that—

The United Nations Security Council should act to halt the policy and practice of "ethnic cleansing" in the former Yugoslavia and the President of the United States should seek a meeting of the Security Council to consider methods of achieving that goal.

DOMENICI AMENDMENT NO. 3349

Mr. LEAHY (for Mr. **DOMENICI**) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 48, strike all through line 5 and renumber the following subsection.

LIEBERMAN AMENDMENT NO. 3350

Mr. LEAHY (for Mr. **LIEBERMAN**) proposed an amendment to the bill H.R. 5368, supra, as follows:

On page , between lines and , insert the following:

KURDISH HUMANITARIAN ASSISTANCE

SEC. . (a) Of the funds appropriated by this Act, not less than $20,000,000 shall be made available for an urgent program of humanitarian assistance for the people of Kurdistan in northern Iraq.

(b) Funds allocated by subsection (a) shall be provided to United States based nonprofit private voluntary organizations on an expedited basis notwithstanding any existing contracting laws or regulations.

(c) The program funded under this section should focus on rehabilitation of the agricultural sector.

SIMON AMENDMENT NO. 3351

Mr. SIMON proposed an amendment to the bill H.R. 5368, supra, as follows:

On page 30, line 16, strike "$512,000,000" and insert in lieu thereof "$510,800,000".

On page 57, line 17, after the period add "during the fiscal year 1993, within the resources and authority available, gross obligations for the amount of equity investment shall be $5,000,000".

HAWAII TROPICAL FOREST RECOVERY ACT

AKAKA (AND OTHERS) AMENDMENT NO. 3352

Mr. CRANSTON (for Mr. AKAKA, Mr. INOUYE, Mr. LEAHY, and Mr. LUGAR) proposed an amendment to the bill S. 2679 to promote the recovery of Hawaii tropical forests, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Tropical Forest Recovery Act".

SEC. 2. HAWAII TROPICAL FOREST RECOVERY.

(a) IN GENERAL.—The International Forestry Cooperation Act of 1990 (16 U.S.C. 4501 et seq.) is amended—

(1) by redesignating sections 605, 606, and 607 as sections 609, 610, and 611, respectively; and

(2) by inserting after section 604 the following new sections:

"SEC. 605. INSTITUTE OF PACIFIC ISLANDS FORESTRY.

"(a) EXPANSION.—The Secretary shall expand the capabilities of and construct additional facilities, as funds are appropriated for the expansion and construction, at—

"(1) the Institute of Pacific Islands Forestry; and

"(2) tropical forests in the State of Hawaii.

"(b) TROPICAL FORESTRY PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of receipt by the Secretary of the action plan required by section 5(b) of the Hawaii Tropical Forest Recovery Act, the Secretary shall prepare and submit to the Committee on Agriculture and the Committee on Interior and Insular Affairs of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and to the Committees on Appropriations of the House of Representatives and Senate, a tropical forestry plan to expand the capabilities of and construct additional facilities under subsection (a).

"(2) ELEMENTS.—The plan shall provide for—

"(A) the establishment of a model center for research, demonstration, education, training, and outreach activities suitable for transferring scientific, technical, managerial, and administrative assistance to governmental and non-governmental organizations seeking to address problems associated with tropical forests within and outside the United States;

"(B) the acquisition or construction of facilities for research, classroom instruction, and housing near an experimental tropical forest in the State of Hawaii;

"(C) the acquisition or construction of facilities for the study and recovery of endangered tropical wildlife, fish, and plant species and the restoration of their habitats;

"(D) the study of biological control of nonnative species that degrade or destroy native forest ecosystems;

"(E) achieving a better understanding of global climate change and the significance of achieving a reduction of greenhouse gases through research associated with the unique atmospheric conditions found in Hawaii and the Pacific Ocean;

"(F) a review of the extent to which existing Federal forestry programs can be utilized to achieve the purposes of the plan; and

"(G) the establishment of experimental tropical forests in the State of Hawaii as authorized by section 606.

"(3) CAPABILITY.—In preparing elements of the plan that address paragraph (2)(F), the Secretary shall identify the capability of the plan—

"(A) to promote a greater understanding of tropical forest ecosystem processes, conservation biology, and biodiversity management;

"(B) to demonstrate the various benefits of maintaining a tropical forest reserve system;

"(C) to promote sound watershed and forest management;

"(D) to develop compatible land uses adjacent to protected natural areas; and

"(E) to develop new methods of reclaiming and restoring degraded lands.

"SEC. 606. HAWAII EXPERIMENTAL TROPICAL FOREST.

"(a) DEFINITIONS.—As used in this section:

"(1) FOREST.—The term 'Forest' means the Hawaii Experimental Tropical Forest.

"(2) GOVERNOR.—The term 'Governor' means the Governor of Hawaii.

"(3) LANDS.—The term 'lands' means lands, waters, and interests in lands and waters.

"(4) STATE.—The term 'State' means the State of Hawaii.

"(b) ESTABLISHMENT AND MANAGEMENT.—At the request of the Governor, the Secretary shall establish and administer within the State a Hawaii Experimental Tropical Forest. The Forest shall be managed as—

"(1) a model of quality tropical forest management where harvesting on a sustainable yield basis can be demonstrated in balance with natural resource conservation;

"(2) a site for research on tropical forestry, conservation biology, and natural resource management; and

"(3) a center for demonstration, education, training, and outreach on tropical forestry, conservation biology, and natural resources research and management.

"(c) DELINEATION OF THE LOCATION OF THE FOREST.—

"(1) IDENTIFICATION OF LANDS.—The Governor and the Secretary shall identify one or more suitable sites for the Forest in lands within the State. The identification of each site shall be based on scientific, ecological, administrative, and such other factors as the Governor and Secretary consider to be necessary or desirable to achieve the purposes of this section. Each site identified pursuant to the preceding sentence shall be of sufficient size and located so that the site can be effectively managed for Forest purposes.

"(2) EXTERIOR BOUNDARIES.—The exterior boundaries of the Forest, including the boundaries of all sites identified for Forest purposes, shall be delineated on an official map. The map shall be available for public inspection in the office of the Administrator of the Division of Forestry and Wildlife of the Department of Land and Natural Resources of the State. The Governor and the Secretary may from time to time, by mutual agreement, amend the official map to modify the boundaries of the Forest.

"(d) AUTHORITIES OF THE SECRETARY.—

"(1) IN GENERAL.—To carry out the purposes of this section, the Secretary is authorized—

"(A) to administer the Forest in cooperation with the Governor and affected State agencies;

"(B) to make grants and enter into contracts and cooperative agreements with the Federal Government, the government of the State, local governments, corporations, nonprofit organizations and individuals;

"(C) to exercise existing authority with respect to cooperative forestry and research for Forest purposes; and

"(D) to issue necessary rules and regulations or apply existing rules and regulations applicable to areas administered by the Forest Service that are necessary or desirable to administer the Forest—

"(i) for the purposes described in subsection (b);

"(ii) to protect persons within the Forest; and

"(iii) to preserve and protect the resources in the Forest.

"(2) LAND ACQUISITION.—The authority in section 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) shall be available to the Secretary to carry out this section.

"(3) STATUTORY CONSTRUCTION.—Nothing in this section is intended to affect the jurisdiction of the State, both civil and criminal, over any person within the Forest by reason of the establishment of the Forest under this section, except in the case of a penalty for an offense against the United States.

"SEC. 607. ANNUAL REPORT ON INSTITUTES OF TROPICAL FORESTRY.

"The Secretary shall make annual reports to Congress on the progress, needs, and long-range plans of the Institutes of Tropical Forestry in meeting the requirements of section 2407 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6706). Such reports shall be submitted by the Secretary pursuant to section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

"SEC. 608. DEFINITIONS.

"As used in this title (unless the context otherwise requires):

"(1) INSTITUTES OF TROPICAL FORESTRY.—The term 'Institutes of Tropical Forestry' means the Institute of Tropical Forestry in Puerto Rico and the Institute of Pacific Islands Forestry established under section 2407 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6706).

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(3) STATE.—The term 'State' means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.".

(b) CONFORMING AMENDMENTS.—

(1) Section 602(b) of the International Forestry Cooperation Act of 1990 (16 U.S.C. 4501(b)) is amended by striking "(hereinafter referred to in this title as the Secretary)".

(2) The heading of section 604 of such Act (16 U.S.C. 4503) is amended to read as follows:

"SEC. 604. INSTITUTE OF TROPICAL FORESTRY IN PUERTO RICO.".

SEC. 3. TROPICAL FORESTRY RESEARCH AND ASSISTANCE.

(a) ASSISTANCE.—To promote sound management and conservation of tropical forests of the United States and to promote the development and transfer of technical, managerial, educational, and administrative skills to managers of tropical forests within or outside the United States, the Secretary of Agriculture is authorized to provide assistance through the Forest Service to eligible entities in States with tropical forests to—

(1) develop, promote, and demonstrate sustainable harvesting of native woods and other forest products on a sustainable yield basis in balance with natural resource conservation;

(2) promote habitat preservation and species protection or recovery;

(3) protect indigenous plant and animal species and essential watersheds from non-native animals, plants, and pathogens;

(4) establish biological control agents for non-native species that threaten natural ecosystems;

(5) establish a monitoring system in tropical forests to identify baseline conditions and determine detrimental changes or improvements over time;

(6) detect and appraise stresses affecting tropical forests caused by insect infestations, diseases, pollution, fire, and non-native animal and plant species, and by the influence of people;

(7) determine the causes of changes that are detected through experimentation, intensive monitoring, and data collection at affected tropical forest sites; and

(8) engage in research, demonstration, education, training, and outreach that furthers the objectives of this subsection.

(b) Form of Assistance.—Assistance provided to eligible entities under this section may be in the form of grants, contracts, or cooperative agreements.

(c) Definitions.—As used in this section:

(1) Eligible entity.—The term "eligible entity" means a State forester or equivalent State official, State, political subdivision of a State, Federal agency, private organization, corporation, or other private person.

(2) State.—The term "State" means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. HAWAII TROPICAL FOREST RECOVERY TASK FORCE.

(a) Establishment.—There is established the Hawaii Tropical Forest Recovery Task Force (hereafter in this section referred to as the "Task Force") to advise the Secretary of Agriculture with respect to tropical forests and related ecosystems in the State of Hawaii.

(b) Action Plan.—Not later than 1 year after the date of the first meeting of the Task Force, the Task Force shall submit to the Committees, Secretaries, and Governor referred to in subsection (k) an action plan that contains findings and recommendations for rejuvenating Hawaii's tropical forests, including findings and recommendations on—

(1) methods of restoring the health of declining or degraded tropical forest land;

(2) compatible uses within tropical forests, particularly agroforestry and the cultivation of scarce or valuable hardwoods and other forest products in Hawaii's tropical forests;

(3) actions to encourage and accelerate the identification and classification of unidentified plant, animal, and microbe species;

(4) actions to—

(A) promote public awareness of tropical forest preservation;

(B) protect threatened and endangered species;

(C) improve forest management and planning; and

(D) promote public awareness of the harm caused by introduced species;

(5) the benefits of fencing or other management activities for the protection of Hawaii's native plants and animals from non-native species, including the identification and priorities for the areas where these activities are appropriate;

(6) traditional practices, uses, and needs of native Hawaiians in tropical forests;

(7) means of improving the health of tropical forests and related ecosystems in the State of Hawaii through programs administered by the Secretary of Agriculture and the Secretary of the Interior;

(8) the capability of existing Federal, State, and private forestry programs for rejuvenating Hawaii's tropical forests; and

(9) such other issues relating to tropical forests in Hawaii as the Task Force considers appropriate.

(c) Composition.—The Task Force shall be composed of 12 members, of whom—

(1) three members shall be appointed by the Secretary of Agriculture, two of whom shall be representatives of the Forest Service and the Soil Conservation Service, respectively;

(2) two members shall be appointed by the Secretary of the Interior as representatives of the United States Fish and Wildlife Service and the National Park Service, respectively;

(3) six members shall be appointed by the Governor of Hawaii, of whom—

(A) two members shall be private owners of tropical forest lands;

(B) two members shall be experts in the field of tropical forestry; and

(C) two members shall be representatives of Hawaii conservation organizations that have demonstrated expertise in the areas of tropical forest management, habitat preservation, and alien species control or have demonstrated effective advocacy in the areas; and

(4) one member shall be the Administrator of the Department of Land and Natural Resources, State of Hawaii, or the designated representative of the Administrator.

(d) Initial Appointments.—Appointments under this section to the Task Force shall be made not later than 90 days after the date of enactment of this Act.

(e) Chairperson.—The Task Force shall select a Chairperson from among its members.

(f) Vacancies.—A vacancy on the Task Force shall not affect its powers and shall be filled in the same manner as the original appointment.

(g) Compensation.—

(1) In general.—A member of the Task Force shall not receive compensation as a result of the performance of services for the Task Force.

(2) Travel expenses.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(h) Meetings.—The Task Force shall meet not later than 180 days after the date of enactment of this Act and shall meet at the call of the Chairperson.

(i) Voting.—The Task Force shall act and advise by majority vote.

(j) Assistance.—The Secretary of Agriculture and the Secretary of the Interior shall provide such assistance and support as are necessary to meet the objectives of the Task Force. The assistance shall include making Federal facilities, equipment, tools, and technical assistance available on such terms and conditions as the appropriate Secretary considers necessary.

(k) Report.—The action plan required under subsection (b) shall be submitted to—

(1) the Committees on Agriculture and Interior of the House of Representatives;

(2) the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate;

(3) the Secretary of Agriculture;

(4) the Secretary of the Interior; and

(5) the Governor of Hawaii.

(l) Nonapplicability of Certain Provisions of Law.—Sections 7(d), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Task Force.

(m) Termination.—The Task Force and authority to carry out this section shall terminate 180 days after submitting the report required by subsection (b).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out sections 3 and 4.

WILD BIRD CONSERVATION ACT OF 1992

BAUCUS (AND CHAFEE) AMENDMENT NO. 3353

Mr. CRANSTON (for Mr. Baucus and Mr. Chafee) proposed an amendment to the bill (H.R. 5013) to promote the conservation of wild exotic birds, to provide for the Great Lakes Fish and Wildlife Tissue Bank, to reauthorize the Fish and Wildlife Conservation Act of 1980, to reauthorize the African Elephant Conservation Act, and for other purposes, as follows:

Title III is amended by adding the following new section:

"SEC. . NATIONAL FISH AND WILDLIFE FOUNDATION.

"Beginning in fiscal year 1993 and hereafter, the National Fish and Wildlife Foundation may continue to draw down Federal funds when matching requirements have been met: *Provided*, That interest earned by the Foundation and its subgrantees on funds drawn down to date, but not immediately disbursed, shall be used to fund all activities as approved by the Board of Directors: *Provided further*, That the Foundation's subgrantees shall be exempt from the audit reporting and compliance requirements of OMB Circular A–133, for all grants of $100,000 or less. The Foundation shall amend its grant contracts to ensure that it subgrantees are advised and certify that they will comply with all applicable Federal laws and regulations imposed on individuals or organizations receiving Federal funds.".

CHAFEE (AND OTHERS) AMENDMENT NO. 3354

Mr. CRANSTON (for Mr. Chafee, Mr. Warner, Mr. Helms, and Mr. Sanford) proposed and amendment to the bill H.R. 5013, supra, as follows:

Amend section 303 of H.R. 5013 (as passed by House) as follows:

On page 28 at the end of line 22 insert the following new paragraphs:

"(3) on the map referred to in subsection (b)(2)(A), the area:

consisting of approximately 5221 acres and owned by the National Audubon Society as of September 28, 1992 (known as the "Audubon Sanctuary"), along with the associated aquatic habitat of Pine Island Bay and Goat Island Bay,

shall be designated and depicted as NC–01, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection.

"(4) on the map referred to in subsection (b)(2)(C) areas designated as "otherwise protected areas" identified as "VA-60P" that are:

"(i) north of the north bank of Salt Ponds Inlet in Hampton, Virginia, and

"(ii) south of the line described in subsection (c) of this section,

shall be designated and depicted on the map as VA-60, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection.

"(5) In designating the units in accordance with paragraphs (3) and (4) above, the Secretary is authorized to make any minor and technical modifications to the boundaries of such unit as may be necessary to correct existing clerical and typographical errors in the map. Provided further that the local government in which is located such unit may recommend any such corrections be considered by the Secretary.".

STEVENS AMENDMENT NO. 3355

Mr. CRANSTON (for Mr. STEVENS) proposed an amendment to the bill H.R. 5013, supra, as follows:

SEC. . WETLANDS MAPPING.

Section 401(a) of Public Law 99-645, the Emergency Wetlands Resources Act of 1986, (16 U.S.C. 3931(a)), as amended by Public Law 101-233 is further amended—

(1) in paragraph (3), by striking "as soon as practicable" and inserting in lieu thereof "by September 30, 2000";

(2) in paragraph (4), by striking ". And" at the end of the paragraph and inserting in lieu thereof a semicolon;

(3) in paragraph (5)(B), by striking the period and inserting in lieu thereof a semicolon;

(4) by adding the following new paragraphs at the end thereof:

"(6) produce, by September 30, 2004, a digital wetlands data base for the United States based on the final wetlands maps produced under this section; and

"(7) archive and make available for dissemination wetlands data and maps digitized under this section as much data and maps become available.".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON THE CONSTITUTION

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, September 30, 1992, at 2 p.m., to hold a hearing on S. 2611, the Equal Surety Bond Opportunity Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, September 30, at 2 p.m. for a hearing on the nominations of Brook Hedge and Lee F. Satterfield to be associate judges of the Superior Court for the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 30 at 10 a.m. to hold a hearing to review international economic and security cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 30, 1992, at 9 a.m. to hold a hearing on the North American Free Trade Agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Agricultural Credit be allowed to meet during the session of the Senate on Wednesday, September 30, 1992, at 8:30 a.m., in SR-332 on S. 3119, the USDA National Appeals Division Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

"SURVIVING COLUMBUS"—TELEVISION DOCUMENTARY AIRING OCTOBER 12, 1992 ON PBS

• Mr. BINGAMAN. Mr. President, I rise today to call the attention of my distinguished colleagues to an important documentary entitled "Surviving Columbus" which will air Monday, October 12 on public broadcasting stations nationwide, marking the Columbus Quincentenary. As told from the Pueblo Indian peoples' perspective, the documentary examines the arrival of Christopher Columbus and the subsequent impact of European involvement in Indian culture. This remarkable recounting of 15th and 16th century history illustrates the dramatic changes in Pueblo society and the unyielding endurance of Pueblo culture. The program concludes with a view of Pueblo culture today, illustrating the long-term impact of the Europeans upon these peoples and the impassioned pride which keeps their traditions alive.

I am particularly proud of this documentary for several reasons. First, "Surviving Columbus" marks the cooperative production efforts of two important New Mexico institutions—KNME-TV in Albuquerque and the Institute of American Indian Art [IAIA] in Santa Fe. By pooling resources, KNME-TV and IAIA were able to use narratives of Pueblo elders, interviews with Pueblo scholars and leaders, archival photographs and historical accounts to illustrate the story of the Pueblo Indian's survival and struggle to control their own destiny. With funding provided by the New Mexico Endowment for the Humanities, the Corporation for Public Broadcasting, the Public Broadcasting Service, the Rockefeller Foundation and the Native American Public Broadcasting Consortium, KNME-TV and IAIA were able to tell the emotional story of the several Pueblo peoples survival through turmoil and conquest.

Second, I recognize the cooperation and participation of the Pueblo Indians of New Mexico. As with most of Pueblo history, accounts of the Spanish arrival and European influence are primarily collected as an oral history. "Surviving Columbus" focuses on the Southwestern Pueblo Indians because, of all North American Indians, they have had the longest continuous contact with Europeans. The documentary not only tells a story of the past, but looks at the Pueblo peoples of today, their continuing struggle to determine their own lives, and the strength they draw from their long history of challenge and perseverance. From this illustration of the Pueblo peoples' strength, we may discover the importance of living a life in balance, one which recognizes the need for simplicity and our connection with the Earth and time.

Finally, I am proud that these two New Mexico institutions, KNME-TV and IAIA, had the courage to challenge the conventional interpretation of American history and the impact of Columbus. Our traditional school text books speak of an uncivilized land which Columbus discovered and explored. But the Indians tell a much different story, one of conquest and enslavement. "History is always told from the standpoint of the conquerors," author, anthropologist, and San Juan Pueblo Indian Alfonso Ortiz points out. "Hence, people who are conquered can't trust history. It's not their history; it's the history of their conquerors." In keeping with their oral traditions, the program is visually and audibly poetic. The story is finally told in the voice of the Pueblo peoples. Interestingly, "Surviving Columbus" points out that many of the troubles facing the Pueblo Indians in the 16th century face them today—economics, land, religion, sovereignty, and self-determination.

As we mark the 500th anniversary of Columbus' arrival in the New World, I encourage everyone to gain a new perspective of this event. As script consultant and Santa Clara Pueblo native Rina Swintzell expressed:

> There are many worlds that exist in the universe and the Pueblo Indian world was a world that was very different from the Europeans in terms of values and lifestyle. I think we need to be aware that human beings do have alternatives in ways of thinking, in ways of living.•

IN RECOGNITION OF CHRISSIE UNRUH

• Mr. SEYMOUR. Mr. President, I rise to today in recognition of Chrissie Unruh, who is being honored on September 16 in Venice, CA, as the Boys and Girls Club "Woman of the Year."

Chrissie has been a club supporter since 1989 and is currently serving as a cochair on the Boys and Girls Club of Venice building campaign committee.

Chrissie's late husband, Jesse Unruh, was well-known in California and American politics. Since his death, Chrissie has carried on his involvement in politics. She was appointed to the California Film Commission in 1990 by Gov. George Deukmejian and continues to serve in that capacity under Gov. Pete Wilson.

Chrissie has held a life-long interest in furthering the welfare of children, from her work in early adulthood with emotionally disturbed children at Camarillo State Hospital to her artistic contributions to the UCLA Hospital's Neuropsychiatric Institute.

I ask my colleagues to join me in congratulating her on being named "Woman of the Year," and to thank her for her tireless service to her community.•

CHRISTOPHER COLUMBUS DAY RECOGNITION

• Mr. KERRY. Mr. President, it gives me great pleasure to recognize a special day in American history, Christopher Columbus Day. Columbus Day always has commemorated the accomplishments of the famous explorer who founded the new world. It also celebrates the many great achievements of the Italian-American people. Columbus Day honors the character of this individual and the values that we possess as a Nation—courage, hope, perseverance, individuality and a vision of the future. All over the United States, and especially in the Commonwealth of Massachusetts, the Italian-American people continue the legacy of their forebears in contributing to the good of our country.

From the day that Columbus first landed on this continent to the beginning of our country's history, Italian-Americans have participated in the creation and expansion of the United States. Many of the great American navigators and explorers were "sons of Italy." Giovanni da Derrazano, Amerigo Vespucci, John and Sebastian Cabot all helped to expand the global frontier. Guglielmo Marconi, a resident of Massachusetts, was the creator of the first trans-Atlantic telegraph. Their accomplishments have contributed to the rich history of our culture and have helped to advance all areas of American life.

The history of Italian-Americans in this country have been a proud but also a difficult struggle in gaining acceptance. For decades, Italian-Americans were forced to overcome bigotry and discrimination by means of their undying patriotism and dedication to hard work. They have earned the resect of their fellow Americans. Christopher Columbus Day is a well deserved acknowledgment of the many contributions which Italian-Americans have made for our country. I am proud to join in this occasion to honor them and their forefathers.•

THE 75TH ANNIVERSARY OF THE NEW MEXICO MUSEUM OF FINE ARTS

• Mr. BINGAMAN. Mr. President, I rise today to recognize the 75th anniversary of the Museum of Fine Arts in Santa Fe, NM. The museum serves as a permanent home for over 8,000 works of art. Its impressive collection of 20th century American art boasts works by renowned Southwest artists such as Georgia O'Keefe, William Penhallow Henderson, Gene Kloss, Jozef Bakos, and Gustave Baumann. As a division of the Museum of New Mexico, the fine arts division welcomes nearly 110,000 visitors per year. Its exhibit halls play host to traveling exhibits, while its own collections are offered for display across the world. In the museum's onsite library, an inquisitive researcher can file through any of the 5,000 volumes or the thousands of biographical files, periodicals and catalogs of exhibitions since the museum's inception.

The Museum of Fine Arts opened its doors on November 24, 1917, in a building modeled after the New Mexico building at the 1915 Panama-California Exposition in San Diego. In the next 3 months, the museum will commemorate its anniversary with an exciting list of special exhibitions, world-renowned lecturers, compelling round table discussions and, of course, festive celebrations. Through a museumwide exhibit entitled "The View from Here: 75 Years at the Museum of Fine Arts," visitors may take a retrospective look at its history and collections. During the gala celebration weekend of November 13–15, visitors will be treated to a free tour, reception and symposium, "New Mexico Past and Present," which features oral histories offered by descendants of the museum's early artists.

Please join me in recognizing the accomplishments and contributions of the Museum of Fine Arts over the past 75 years, and in wishing the museum a long future of success.•

IN APPRECIATION OF JIMMY LYONS

Mr. SEYMOUR. Mr. President, I rise today in anticipation of the 35th annual Monterey Jazz Festival which will be held from September 18 to September 20 in Monterey, CA, and in appreciation of its founder and guiding force, Jimmy Lyons.

The festival began as so many great American traditions begin—with one man's vision. That man was Jimmy Lyons, who moved to Big Sur in 1953 and sowed the seeds for the festival that was to bloom in 1958. Since then, Jimmy Lyons has served continuously with the nonprofit organization that sponsors the festival.

I ask my colleagues to join with me in recognition of our one truly American artform—jazz music—and in appreciation of Jimmy Lyons for all he has done to foster the employment and advancement of jazz.

At this point, I ask that Mr. Lyons biography be inserted in the RECORD.

The biography follows:

BIOGRAPHY OF JIMMY LYONS

Jimmy Lyons began in broadcasting in 1939, when he was hired as an announcer on Southern California radio station KVOE, "the Voice of the Orange Empire." Three years later, he began working as an announcer with the Stan Kenton Band in Balboa, California. After a stint with NBC, Lyons was drafted and assigned to Armed Forces Radio, where he produced AFR's jazz program, the Jubilee Show. It was during the war years that Lyons made many of his contacts with the brightest stars in jazz.

In 1948, after working as advance man for the Woody Herman Band, Lyons began producing a jazz show on KNBC radio in San Francisco, soon becoming one of the Bay Area's most popular deejays. Lyons moved to Big Sur in Central California in 1953 and began to sow the seeds that were to bloom as the Monterey Jazz Festival in 1958. The first festival's headliners read like a who's who of jazz, including Dizzy Gillespie, Billie Holiday, The Modern Jazz Quartet, Ernestine Anderson, Max Roach, Harry James, Dave Brubeck and Mel Lewis. The festival has continued to attract the top players in mainstream jazz throughout its 35 year history.

REAUTHORIZATION OF THE OLDER AMERICANS ACT

• Mr. SARBANES. Mr. President, as a consistent and vigorous supporter of measures to benefit older Americans, I am very pleased that the Congress has passed legislation to reauthorize the Older Americans Act through fiscal year 1995.

First enacted in 1965, the Older Americans Act has evolved from its original mandate to promote independent living among those older citizens with the greatest social and economic need to today's dynamic network of community and home-based services, including congregate and home-delivered nutrition programs, employment and legal services, transportation and long-term care ombudsman programs, and information and referral networks. In spite of drastic cuts by the Reagan and Bush administration in the early eighties and attempts to delay this critical legislation during the current Congress, Older Americans Act programs continue to serve 57 State agencies on aging, 670 area agencies on aging and over 25,000 service providers.

Mr. President, older Americans constitute a rapidly increasing segment of our Nation's population. In fact, the most rapidly growing segment of our population are those individuals who are 85 and older. In my own State of Maryland, there are over 750,000 individuals over the age of 60 representing 15.6 percent of Maryland's total population. By the year 2000, that percentage is expected to increase to 16.2 percent, slightly higher than the national average. This demographic transformation poses significant challenges and opportunities to our economy and society and the Older Americans Act provides an excellent framework from which to address these challenges well into the next century.

In light of such changes, the Special Committee on Aging held a series of workshops in 1990 to evaluate what policy changes would be necessary or beneficial as part of the reauthorization process. I am pleased that many of the recommendations that were made in the workshops were included in the reeauthorizing legislation we passed earlier this month. The Older Americans Act amendments create an Office of Long-Term Care Ombudsman Programs within the Administration on Aging as well as contain provisions to improve access to information regarding programs available through the Older Americans Act, including legal assistance. Title III reexamines intrastate funding formulas so that States with disproportionately large low-income elderly populations would receive some needed relief. Provisions are included to offer supportive services to individuals who provide in-home services to the frail elderly. Finally, the legislation we have passed recognizes the richness of experience and wisdom held by our older citizens and taps into that knowledge by creating intergenerational services at meal sites in public schools to promote activities to benefit at-risk children.

Mr. President, while the Older Americans Act is obviously very important to those seniors who participate in meal programs or senior center activities, it is also important to our society at large. Innovations resulting from older Americans programs have and will continue to influence the development of health care policy in our country, as well as redefining how we all view the inevitable process of growing older. I was pleased to join in sponsoring the reeauthorization of the Older Americans Act and look forward to continuing to work with my colleagues to ensure the success of this critical program.•

IN RECOGNITION OF PAUL CARUSO

• Mr. SEYMOUR. Mr. President, I rise today in recognition of Paul Caruso, who is being honored September 16 in Venice, CA, as the Boys and Girls Club Man of the Year.

Paul Caruso is a distinguished leader in the legal field and has received numerous awards and appointments throughout his legal career, including nomination by Governor Reagan in 1973 as a delegate to the law enforcement assistance administration. He has represented numerous well-known clientele in Los Angeles' entertainment community, including Kirk Douglas and his son Michael Douglas.

On a personal note, I must add that Paul is a retired major in the U.S. Marine Corps. As a marine myself, I would like to point out Paul's exemplary service record, including 2 years in the South Pacific in World War II and 2½ years on active duty during the Korean conflict.

Paul has long been active in community affairs, particularly as a member of the Vikings, a nonprofit organization which has raised millions of dollars for charitable youth organizations.

I ask my colleagues to join me in thanking Paul Caruso for his service to his country and his community and to congratulate him on being named the Venice Boys and Girls Club Man of the Year.•

TRIBUTE TO ATLANTA CONSTANCE SAMPSON

• Mr. DURENBERGER. Mr. President, few of us are able to share our God-given talents as has Atlanta Constance Sampson. Ms. Sampson has been blessed with the ability to express through art her perception of the beauty that surrounds us. Her work makes us take a moment to stand back and appreciate nature that we so often take for granted.

Ms. Sampson was born, and lived her first years, in my home State of Minnesota in 1896. From her family's farm, her painting led her to Detroit, Chicago, and New York. Until 5 years ago, Ms. Sampson's career was struggling, but, at the age of 91, thanks to fate and a discriminating art lover's eye, her life's labor was discovered in a window of a New York City delicatessen.

Since that day, Atlanta Sampson has had her own one woman exhibit at the National Arts Club. And, her work is currently on display in the rotunda of the Russell Senate Office Building until October 2.

The most amazing thing about Ms. Sampson is the fact that she lets nothing get in the way of her aspirations to be counted among serious contemporary artists. Her persistent drive to keep reaching her goal has been evident throughout her life. Her obsession called for courage and strength. It meant leaving her family farm in Minnesota and traveling to faraway cities in the East. It meant enduring and waiting for a break to come her way. Her dedication paid off.

Mr. President, today, Atlanta Sampson turns 96. She has caught the attention of her peers and gained many admirers through her beautifical, painted expressions. Ms. Sampson, happy birthday; and, thank you for sharing your talent and your vision with us. May you have many more creative and gifted years.•

TRIBUTE TO CARLISLE

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Carlisle in Nicholas County.

Carlisle is a small town with a population of less than 2,000 about 40 miles northeast of Lexington. Carlisle thrives for a community of its size, and relishes in maintaining its sense of historical charm.

This is especially evident in its downtown area. The courthouse and many other buildings have vintage exteriors which predate the turn of the century. The old jail has been fixed up and converted into a visitors center. There are 350 places listed as historic sites in Nicholas County. All this makes Carlisle, as often described, like a comfortable old home.

Carlisle's economy is based on both farming and industry. Though tobacco, corn, and cattle are the main sources of income for Carlisle residents, Jockey International, Inc., employs some 400 members of the community. This balance between farming and industry has allowed Carlisle's economy to remain relatively stable through the difficult economic times.

Carlisle would not be what it is today without the dedication and hard work of the local citizens. They have committed to keeping Carlisle in the mainstream of growth and progress. However, they also believe it is vital to maintain the town's historical presence. This is not just visible in the town's physical appearance. Recently, the citizens of Carlisle received a Kentucky League of Cities community development award for its program of dressing up in 19th century costumes to welcome passengers from the steam engine train which occasionally runs from Paris to Carlisle's refurbished depot.

I applaud the efforts of Carlisle to maintain its historical charm, but at the same time its move forward, making it one of Kentucky's finest towns.

Mr. President, please enter the following article from Louisville's Courier-Journal in today's CONGRESSIONAL RECORD.

The article follows:

OUR TOWNS

Population (1990): Carlisle, 1,639; Nicholas County, 6,725.

Per capita income (1989): Nicholas County, $11,320 or $2,503 below the state average.

Jobs (1989): Bench work (sewing, etc.), 594; structural assembling and repair, 345; services, 223; clerical, 194; agricultural, 113.

Big employers: Jockey International Inc., 442; Jockey International Textiles, 186; Magic Image Inc., 30.

Media: Newspapers—The Carlisle Mercury and The Nicholas News-Herald, both weeklies.

Transportation: Highways—Carlisle is served by U.S. 68 and Ky. 13, 32 and 36. Rail—TTI Railroad, a subsidiary of CSX, provides main line rail service. Air—Blue Grass Field is 40 miles southwest in Lexington. Trucking—22 companies serve the town.

Education: Nicholas County schools, 1,314 students.

Topography: Carlisle is on rolling, hilly ground—in what is known as the "Outer Blueglass"—between Paris and Maysville in northeastern Kentucky.

FAMOUS FACTS AND FIGURES

In the 1830s some prominent Carlisle residents opposed a new road through town because it might bring six-team express wagons with it—too much competition for the local wagon owners, according to a local history. The road, now U.S. 68, is three miles away.

Buried just outside Carlisle is Thomas Metcalfe, Kentucky's governor from 1828–32. Metcalfe was called "Old Stone Hammer" for his ability to build things. He laid the foundation for what is now the lieutenant governor's mansion in Frankfort. He also built Forest Retreat, an elegant stone home that still stands outside Carlisle.

Local historians remain a little miffed that when Robertson County was formed from part of Nicholas County in 1867 it took some of Nicholas County's history with it. Blue Licks Battlefield, where Indians and Canadians easily defeated a group of pioneers in one of the later battles of the Revolutionary War, is now just over the county line. The site is now a state park.

Nicholas County was named after Col. George Nicholas of Fayette County, a lawyer and Revolutionary War veteran whom one historian has also tied to the Civil War. According to historian Jasper B. Shannon, Nicholas was instrumental in bringing Kentucky into the Union as as slave state. If Kentucky had entered the Union without slavery, Shannon wrote, "the Civil War might well have been avoided. The tradition of one slave state for each free state would have been aborted and the bitter rivalry that ultimately led to the War Between the States prevented."

Among the famous people from Carlisle and Nicholas County are Barbara Kingsolver, author of books such as "The Bean Trees"; brothers Thomas Harris Barlow and Leason T. Barlow, pace-setters for the development of locomotives, a Civil War rifle cannon and the Barlow knife; and playwright Charles T. Dazey, author of "In Old Kentucky," which was popularized on Broadway with Lillian Russell and in a movie with Will Rogers.

A TOWN THAT TRIES TO GET THE MOST OUT OF WHAT IT HAS

(By Fran Ellers)

"You'll have to use your imagination," says Eugene Neal as we climb the stairs at the back of his store. The store consists of two vast, airy rooms filled with anything you could want—carpets and mattresses, recliners and washing machines, buckets, tools, farm implements, fresh peaches and potatoes and a 1923 Model T Ford.

"Stand right here," Neal says as we reach the top of the stairs.

The second floor is dusty and almost empty. In the doorway between the two rooms we crane our necks to see the ceilings, 18 feet high. It's easy to make out the faded green design that spreads across what used to be one big room. Part of a stage leans against a far wall.

"This," Neal announces, "is Mozart Hall."

The guide to the official walking tour of Carlisle explains that traveling musicians and singers performed here in the late 1800s for people who came from miles around to be entertained in style in Moazart Hall.

But who would have guessed that you could still feel Mozart Hall—except for Neal, who has worked in this building for 60 years, ever since high school.

It's almost impossible not to waltz from wall to wall, there's so much space. But it just looks empty, not abandoned. It's almost as if the hall were closed for the season, not since the last century.

Some people say that Neal, 77, likes to live in the past. But what makes his store all the more magical is that in Carlisle, a town of fewer than 2,000 people, the past is the present—and to some extent, the future.

You can tell this partly by looking. The courthouse and other buildings on the downtown square have vintage exteriors that predate the turn of the century. The storefronts have been dusted off and touched up, but they haven't been painted in pastels and padded with antiques—signs of suffering in other small towns that struggle to keep up appearances after a shopping center on the edge of town sucks the center dry.

On a weekday in downtown Carlisle—and downtown is almost all there is—a doctor's waiting room is still full at 5 p.m. Three restaurants are serving (including the first to deliver pizza), and two drugstores and two weekly newspapers compete. The Dollar Store is packed to the gills with merchandise. The square also contains the Nicholas County Courthouse, the library, the police department, City Hall, and the major Baptist, Methodist and Christian churches. Plus some old homes.

"We've got about everything that anybody else has, I mean, for a small town, we've got everything," says local historian Joan Conley.

She is not being wry. Her philosophy, shared by other community leaders, is that they must get the most out of what they have, rather than hope for too much more.

So Conley and her colleagues in the historical society have worked to tag everything that the county has for safekeeping—350 places are registered historic sites—and a museum in the old railroad depot keeps track of it all.

None of this is restrictive. Carlisle is like a comfortable old home, its treasured pieces sitting out and still in public use, its past public knowledge.

It escaped modernization because it sits three miles from a major highway, U.S. 68. You have to want to go to Carlisle to get there, and the townspeople know that. Most of the homes have front porches, even a trailer has a swing in the yard. There seems to be little fear of exposure. Instead, people are eager to see and be seen.

Just a few weeks ago, Carlisle got a Kentucky League of Cities community development award for its program to welcome passengers who take a train powered by an old steam engine that runs occasionally from Paris to Carlisle. Carlisle residents gather at the refurbished depot in period costumes, posing as historical figures such as Gov. Thomas Metcalfe and his friend Henry Clay, and offer local hospitality.

There's more color to the depot history but, again, the town doesn't sugarcoat it. Conley explains that the depot used to be segregated, that the room where blacks were required to wait is now the museum. The county history says that before the Civil War, one in six people in Nicholas County was a slave. That's part of the past, but a part that's important to remember.

People also remember a more recent controversy over a vote to legalize the sale of alcohol and make Carlisle County "wet." A lot of people spoke their minds. The wets won. Then everything returned to normal.

"Once it was over, it was over," say Doug Garrett, a local furniture store owner. Thinking about it, he is hard put to explain why.

"There's just something about Nicholas countians. It just seems like they feel more a part of the community."

They also recognize that they're fortunate to have some of the amenities that other towns don't have—a stable employer in Jockey International, the underwear plant, and hundreds of small farms.

Tobacco continues to be the main moneymaker for Carlisle families, although there is also plenty of corn and cattle.

But even in farming, everything old is new again. Nicholas County used to be known for the fat, wild blackberries that grew on briars all over, and it still celebrates the Blackberry Festival.

The tradition of picking blackberries died out years ago after the prickly briars became harder to find. Wayne Shumate has started growing and selling blackberries on a farm outside town and, by his account, is doing well.

Shumate—the major shareholder in the underwear plant before Jockey bought it, developer of a local restaurant and golf course, and owner of the Dairy Queen and a silk-screening business in Carlisle—is proof that one ambitious person can make a mark in a small town.

So is Gladys Shrout.

Shrout first rounded up people to wear the period costumes that have made the town so proud. She also had big ideas about tourism in Carlisle, and the importance of preserving its history.

She and other members of the tourism board have spent years fixing up the old jail on Main Street for a visitors center. Some of its rooms have been refurbished for meetings and receptions—there's even been a wedding there. Other rooms are being kept as they were. The work has been meticulous and slow. It literally took months to refinish the cherry banister and wood stairs.

But Shrout is consumed by the need to preserve all that she can. When she was younger, she said, she didn't care much about history in Nicholas County where her family has deep roots. But as she got older she realized that if she didn't try to protect some of the town's history, it would die with her. "I had to get on the ball," she said.

Today she's helping to organize projects around several events in Carlisle—the antique cars that are coming to town, a haunted house at the old jail, a quilt show.

She, Conley and others have more ambitious ideas. They're trying to convince the state to take over Forest Retreat, former Gov. Metcalfe's home, as a state park.

But the community knows it may be disappointed. Recently leaders were surprised but pleased when an out-of-town businessman appeared suddenly and leased the failing 19th Hole restaurant and club near lake Carnico.

They became worried when he didn't pay his employees, disturbed when he left town, then sick when he was found shot to death in another state.

Closer to home, a Carlisle police officer has been implicated in a robbery at a local grocery, another shock to the small town's system.

Mayor Frankie Hughes said he learned about the officer's involvement late one evening. "I couldn't hardly sleep." Hughes said. "I don't know what happened to that boy."

Hughes, a postal clerk, has become an enthusiastic devotee of dressing up in the period costumes and doing whatever else it takes to promote Carlisle. He and his family have fared well—his wife works at the 28-bed hospital and their three children are employed and making their living in Nicholas County.

But he acknowledges that the town has challenges. "There's too many automobiles now" taking people out of town to shop, he said.

Well, maybe all but one. Neal's 1923 Ford, which he has owned for more than 30 years, isn't going anywhere. It sits so far back in his store you almost miss it. But if you wander far enough you'll run into it and the other relics strewn throughout the store—Moore's Air Tight Heater up front, and old side saddle slung on a shelf, a sign in the back that Neal made in 1934 to advertise grocery specials, including two pounds of cocoa for 15 cents.

Like the little town he lives in, Neal has no doubt that Henry Ford's Tin Lizzie is a driving force, despite its age.

After all, it's lasted this long, Neal says, "I drove it in here."•

THE U.S. STRATEGIC COMMITMENT TO ISRAEL: MAINTAINING ISRAEL'S EDGE

• Mr. McCAIN. Mr. President, the pending sale of F-15's to Saudi Arabia poses an issue of great concern to the security of Southwest Asia, and in particular to Israel. In light of this proposed sale, I feel it is crucial for the United States to renew its commitment to Israel both militarily and economically. In a greater sense, however, the sale of F-15's to Saudi Arabia poses a question directly to the security of the United States. I believe that in our enthusiasm to maintain a secure Saudi Arabia, we must not neglect or retreat in our support for Israel, nor may we forget our own security interests abroad.

Thirty of my colleagues joined me and Senator LIEBERMAN in a letter to the President last week reaffirming our commitment to Israel. We wrote this letter not merely for Israel's sake, but for our sake as well. Israel is a trusted, invaluable ally in the post-cold-war world in a region rife with political and military instability, and is a necessary partner for our global strategy into the next century.

It is in our best interests as a nation to ensure that our allies in the Middle East remain strong militarily and economically. The dual realities of defense budget reductions and proliferation of weapons of mass destruction have created the potential for catastrophic instability in the Middle East. No longer can we expect our Armed Forces to provide wholly for the security of the Middle East. It is therefore imperative that we support our allies in the region in order to maintain a viable security network that can respond adequately in times of crisis.

We feel that our assurances of strategic and economic commitment to Israel require six actions by the United States. First, we must secure the absorption loan guarantees to Israel. These guarantees will help strengthen Israel's economy as it absorbs recently arrived Ethiopian and Soviet Jews, will provide humanitarian relief, and will improve its infrastructure.

Second, we must maintain our foreign military assistance to both Egypt and Israel in order to ensure Israel's security and stability in the region. This assistance must be adjusted to meet the increased prices of weaponry due to inflation. Our assistance to Israel must be coupled, however, with concurrent assistance to Egypt. Only by maintaining a vibrant, democratic, and strong Egypt may we ensure that the Camp David accords remain viable and that the peace negotiations come to a fruitful conclusion.

Third, we need to improve and expand our technical cooperation with Israel. Improving our cooperation will reduce Israeli dependence on foreign aid in the future by providing critical technologies for its economic infrastructure. We propose that Israel be allowed the same access to technology which we currently afford our NATO allies. Such cooperation on military research and development will both fortify Israeli security by increasing its military strength and supporting its military-industrial base, and diminish the need for an active U.S. military presence in the Middle East.

Similarly, we feel that we must enhance the technological civilian industrial base of Israel, and that such enhancement will be beneficial to both nations. Specifically in the field of space technology, a symbiotic relationship between the United States and Israel may readily be realized. We would be able to take advantage of Israel's success with small, low-cost systems. At the same time, we would provide Israel with help in developing civilian high-tech industries that are vital to its military-industrial base and to maintaining a strong economy.

Fifth, we urge the President to expedite the congressional initiatives designed to improve Israel's military edge and to increase U.S. power projection capabilities in the Middle East. Congress has already approved $300 million in pre-positioned materiel in Israel, $700 million in defense equipment as part of the draw-down of U.S. forces in the region, and a study regarding the feasibility of upgrading Haifa Port to a carrier-ready port. These initiatives are essential to meet Israeli security needs and to solidify the U.S. power projection posture in the Middle East.

Sixth, we feel it is important for the United States to endeavor to cooperate in future military exercises with Israel. Whether it be participating in joint naval exercises, using Israeli Air Force facilities for Apache helicopter training, or sharing intelligence, these activities will serve to increase the military contacts between the United States and Israel, thereby enhancing regional security while reducing our overall military commitment in the region.

The overriding principle of these six points is that we can and must enhance the security and defenses of our allies in the Middle East without compromising either Israeli security or the fragile regional stability. Israel would benefit from improved relations with the United States through an invigorated economy with an improved technological base and a reduced reliance upon U.S. assistance in the future. Furthermore, a strong and vibrant Israel would occupy a more prominent position in the ongoing peace negotiations, better able to negotiate a just and lasting peace.

Mr. President, the broad bipartisan support for my and Senator LIEBERMAN's letter indicates to me that it is imperative for the Congress and the executive to act on our recommendations. With the inclusion of these recommendations as part of our policy toward Israel, I believe that the day will approach when Middle East stability is no longer an impossible dream, but rather a foreseeable reality.•

TRIBUTE TO ARSENIO HALL

• Mr. SEYMOUR. Mr. President, I rise today to pay tribute to an outstanding entertainer, a social humanitarian, and my constituent, Arsenio Hall.

Mr. Hall's unique sense of humor, along with his ability to speak to such a wide and diverse audience, has brought a fresh and renewed sense of vitality to late night television. In fact, soon after his premier on Fox-TV back in 1987, it was evident that this was a style of entertainment we had not seen before, and the venerable institution of the celebrity talk show would never be the same.

There are maybe a dozen television programs that we may, with confidence, refer to as classics. Beyond that, only about once in a decade do we witness a program that is so entertaining, so in touch with its audience, and so brilliantly done that we may actually refer to it as the voice of its generation. If Milton Berle, Rowan and Martin, the Not Ready for Prime Time players, and David Letterman can be described in such terms, that honor today certainly belongs to Arsenio Hall.

This is the public side of Mr. Hall. But what is perhaps his greatest work is never recorded by a television camera. Much of his time away from the studio is spent with the DARE Program, offering young people alternatives in life so they may realistically say "no" to drugs. Mr. Hall's commitment to a drug-free community is solid; he recently spent $167,000 of his own funds to help rid a Los Angeles neighborhood of a dangerous crack house the authorities were unable to close down. And during the recent Los Angeles riots, he refused to cancel the taping of his show, thus providing a haven of normalcy while the city around him was engulfed in chaos.

Mr. Hall routinely downplays the significance he and his program have had on the community, and the Nation. But we know better. Although originally from Cleveland, he is undeniably one of California's most cherished natural resources, and it is my honor to pay tribute to him today.•

IN RECOGNITION OF THE ORANGE COUNTY VOLUNTEER FIREFIGHTERS OF STATION 21

• Mr. SEYMOUR. Mr. President, I rise today in recognition of the hard work and dedication provided by the volunteer firefighters of the Orange County Fire Department.

Since the 1940's, the citizens of Tustin have relied on volunteer firefighters to protect their community during times of emergency. These volunteers dedicate numerous hours to the community fighting fires and providing necessary assistance to the local fire department. It is their efforts and commitment to the community which greatly deserves our recognition.

The work of a firefighter is selfless. Firefighters risk their lives every day to help others in need. They put the lives of the public before their own. Therefore, when a person takes on this type of task as a volunteer, he or she deserves our admiration.

Mr. President, I would ask that the Members of the Senate join me today in extending our deepest gratitude and highest commendations to the volunteer firefighters of the Orange County Fire Department Station 21 for the vital role they play in serving the citizens of their community of Tustin, CA.•

THE COMPREHENSIVE MODEL, MENTAL ILLNESS IN LAW ENFORCEMENT: A PRESCRIPTION FOR CRISIS INTERVENTION

• Mr. GRASSLEY. Mr. President, I would like to make note of an award winning, innovative program in Waterloo, IA. The program, developed by a mental health professional, Richard V. Davenport II, is entitled, "The Comprehensive Model, Mental Illness in Law Enforcement: A Prescription for Crisis Intervention." This is the first comprehensive program of its kind in Iowa and possibly in the Nation.

The crisis intervention team, a unique and aggressive program in Waterloo, gives police officers the critical training and experience to resolve most crisis situations nonviolently and effectively. It helps them understand the frame of mind of mentally ill or highly distressed individuals and gives officers practical guidance to respond to the people. The program affords police officers the opportunity to learn and practice the skills that allow them to engage mentally ill individuals and recognize the warning signs of emotional danger before a situation escalates. This includes a working knowledge of various medications a mentally impaired individual may be taking, and their side effects.

The Waterloo Police Department's program equips officers with the necessary tools to interact better with the community they serve. Law enforcement officers continually find themselves in situations involving domestic violence, the mentally impaired, and those with suicidal tendencies. The Waterloo Police Department's crisis intervention team is trained to deal with potentially explosive situations before they escalate.

The following individuals are members of the Waterloo Police Department's crisis intervention team:

Officer Bernal F. Koehrsen, Jr., Lt. Allan Pryor, Sgt. Larry Hahn, Sgt. Ann Meyer, Sgt. John Beckman, Sgt. Marisue Roedema, Investigator Steve Nemmers, Officer Larry Coffin, Officer Doug Larrabee, Officer Carroll Kienol, Officer Hope Westphal, Officer Jeff Duggan, Sgt. Larry Thompson, and Richard V. Davenport II.

I commend the Waterloo Police Department and its crisis intervention team as well as Richard V. Davenport II, for their insight and for creating a program with well-trained officers and effective procedures to confront crisis situations involving persons suffering from emotional stress or various forms of mental illness. It is my hope that the comprehensive model will be studied by other cities and consideration be given to its adoption in those cities.•

NBS' COMMISSION ON THE FUTURE OF THE NATIONAL SCIENCE FOUNDATION

• Mr. ROCKEFELLER. Mr. President, I rise today to lend my support to the efforts of the recently established Special Commission on the Future of the National Science Foundation.

In August, the National Science Board, the policymaking arm of the National Science Foundation [NSF], established this special commission at the recommendation of Dr. Walter Massey, Director of the National Science Foundation. The purpose of the Commission is to recommend how NSF can best meet the nation's competitiveness challenges as we head into the 21st century. The charge to this Commission is to examine the potential for NSF to broaden its role in fostering the links between fundamental research and technology development, while maintaining the agency's unique role as a principal supporter of academic research and education.

For over 40 years, NSF has been the premier source of Federal support for scientific research and education. The continued strength of our Nation's research and education enterprise, however, depends on anticipating change and recognizing opportunities. In light of the many changes in both science and in world affairs—including the end of the cold war, the rise of the global economy, and the increasing inseparability of science and technology—the National Science Board decided that it is time for a new look at the direction in which NSF is headed.

The Commission is expected to issue its final report in November. The Commission's report will incorporate the views of scientists, industry leaders, university administrators, and educators. William H. Danforth, chancellor of Washington University in St. Louis, MO, and Robert W. Galvin, chairman of the executive committee of Motorola and former chief executive officer of that corporation, will serve as cochairs of the Commission.

In addition to William Danforth and Robert Galvin, the other members of the Commission are: Jacqueline K. Barton, professor of chemistry, California Institute of Technology; Lindy (Mrs. Hale) Boggs, former U.S. Representative from Louisiana; Lewis M. Branscomb, professor of public service, Harvard University; Peter M. Eisenberger, director, Princeton Materials Institute, Princeton University; Marye Anne Fox, Roland Petit Centennial professor of chemistry, University of Texas; C. Peter Magrath, president, National Association of State Universities and Land-Grant Colleges; Ruben F. Mettler, retired chairman of the board and chief executive officer, TRW, Inc.; Percy A. Pierre, vice president of research and graduate studies, Michigan State University; Frank H.T. Rhodes, president, Cornell University; Earl S. Richardson, president, Morgan State University; Ian M. Ross, president emeritus, AT&T Bell Laboratories; William J. Rutter, chairman of the board, Chiron Corp., Donna Shalala, chancellor, University of Wisconsin, Madison.

The Commission has scheduled three public meetings—September 17, October 16, and November 7. The meetings will be open to the public and will address a broad range of questions including: How should NSF maintain and enhance its role as the premier supporter of basic scientific research and education? Should NSF build on its traditional mission by pursuing a broader array of research and education objectives and doing more to link academia and industry? If so, how should NSF move in this direction, while preserving its traditional mission?

Mr. President, I commend the National Science Board for establishing this Special Commission on the Future of NSF. In the next decade, NSF and our Nation's colleges and universities will face growing challenges as research demands increase faster than research budgets. The Nation will increasingly look to science and engineering as the source of technological advances that are necessary for economic prosperity and improved quality of life.

I look forward to seeing the results of the work of this Commission.

For the RECORD, I have included a discussion paper which was presented by NSF's Director, Dr. Massey, to the members of the National Science Board. In the paper, Dr. Massey explains his views on the changes in science and technology, the future of NSF, and the need for the special Commission.

The discussion paper follows:

THE FUTURE OF THE NATIONAL SCIENCE FOUNDATION[1]

(By Dr. Walter E. Massey)

New products, new industries, and more jobs require continuous additions to knowledge of the laws of nature, and the application of that knowledge to practical purposes.—Vannevar Bush, "Science: The Endless Frontier."

The National Science Foundation is now developing a long-range strategy that will help frame its future activities and strengthen its ability to serve the nation. The new strategic plan will determine the direction of the agency's future evolution in an environment that is very different from the one we were in only five years ago. This plan must be grounded in continued strong support for academic research, but it must also recognize the changing nature of research and the changing context in which research is conducted.

For over 40 years NSF has enjoyed the status of being the premier source of Federal support for scientific research. During that period the Foundation has undergone a gradual but dramatic evolution. From its first year of full funding in 1952, NSF's budget has increased more than 100-fold in terms of real buying power. And times have changed for NSF in more ways than simple budget growth. NSF has taken on new areas of research and expanded its presence in traditional fields. NSF has achieved an international reputation in mathematics and science education. The Foundation has developed new ways of supporting fundamental research while continuing to serve as the mainstay for the individual investigator. Over the course of the past four decades, NSF has developed into a model for the evaluation, support, and dissemination of research and education.

NEW ENVIRONMENT FOR NSF

The continued strength of NSF and its ability to serve the nation depends not only on remaining flexible and adapting to new circumstances, but also on anticipating change and recognizing opportunities. Many of these opportunities result from changes in the nature of research itself. In recent years the interval between discovery and application has been dramatically shortened. Advances in fundamental science now often have near term utility in developing and improving products and processes. Incremental gains in fundamental knowledge can provide a comparative advantage in world markets.

This comes as no surprise in fields such as biotechnology, computing, or materials—where rapid innovation is almost cliché. Examples, however, also run the gamut of science: instruments developed to probe the furthermost points in the universe, such as radio and infrared detectors, have proven valuable in more earth-bound pursuits; lasers have progressed from being experimental laboratory devices to being indispensable tools in telecommunications, manufacturing, and medicine; and advances in our understanding of human behavior are now recognized as keys to increasing productivity in manufacturing and services. Furthermore, as the boundaries between "basic" and "applied" research have blurred, the role of feedback loops in the innovation process has been highlighted; scientific advance and technological progress have become ever more dependent on each other.

As these changes are occurring in science, the profound and dramatic changes underway throughout the world require a continuing reassessment of all aspects of science and technology policy. Superpower tensions have declined, and national security based on military strength will no longer be the predominant Federal research and development priority. The U.S. economy now competes in a global arena where success is increasingly linked to capitalizing on scientific advances and new technologies.

I think it is imperative that NSF determine its place in this new order. The continued public support of science requires that science policy both shape and reflect the national temperament. In the post-war years, this temperament was buoyed by an optimism that all problems would yield to scientific inquiry. At the height of the cold war, Americans viewed science as insurance against technological surprise from an adversary. With the rapid decline of the Soviet Union at a time of steady growth of economic power in Asia and Europe, the nation increasingly looks to science as the source of technological advances that are necessary for economic prosperity and an improved quality of life.

NSF AND THE IDEA-DRIVEN SOCIETY

NSF is uniquely charged with fueling the growth of an idea-driven society. It may be time for the Foundation to consider building on its success in supporting research ideas by accepting a major role in fostering the links between research and technology. Peter Eisenberger, Director, Princeton Materials Institute, captured the essence of this idea in a letter to me earlier this year. He said that academic research programs should seek to:

"* * * horizontally integrate efforts between the disciplines (especially between science and engineering departments) as well as to vertically integrate the research efforts so that industries and government agencies can participate in planning, implementing, and obtaining the knowledge generated for society's benefit."

In an essay in *The Scientist* based on his annual address to the members of the National Academy of Sciences, Academy President Frank Press stated his view that science is entering a new era, one that moves more fully toward the vision expressed in *Science, The Endless Frontier*, Vannevar Bush's landmark volume. Press predicts that:

"* * * it will be an era in which the boundaries between basic and applied research erode. More than ever, science will drive technology and technology will drive scientific progress. . . . What I have in mind includes not only fields with obvious applications, like computer science and material science, but others such as astronomy, botany, and mathematics, which we usually think of as being removed from the marketplace. This new reality will entail an increasingly direct connection between fundamental science and engineering and their commercial applications."

The Foundation has already begun to plan for and evolve toward this "new reality." Over the last decade, NSF has expanded its traditional support of science and engineering. The Foundation has reached out to new partners, notably industry and state government. The research centers initiated by NSF have provided a setting for multidisciplinary research and industry/university cooperation. The Foundation has also supported the development of generic technologies that push the frontiers of science and have great value to the nation.

OPTIONS FOR NSF

Most scientists would shudder at the thought of tomorrow's research enterprise looking exactly like today's (or even worse, as an impoverished version of the current research environment). In fulfilling its mission in support of science and engineering research, NSF should ensure that its programs progress and adapt to the times.

I believe that three broad options exist for the future of the National Science Foundation. As a first option, the Foundation could revert to its historical roots as a small agency predominately dedicated to the support of individual investigators and small groups at universities. This would almost certainly mean discontinuing the programs that have sought to connect basic research with the user community—science and technology centers, engineering research center, supercomputer centers, industry-university cooperative research centers, and other such activities.

A second option for the Foundation is to continue its present path, where the agency builds on its mission as a supporter of academic researchers with marginal and exploratory ventures in other areas, such as centers, initiatives in high performance computing and advanced manufacturing, and programs linking universities and industry. It is very likely that this would be a path of unstable equilibrium, because the importance of these "other areas" on the national agenda will require more than token efforts. It is likely that other agencies, new or existing, will be more than willing to devote serious efforts to such activities.

A third possibility, one that I prefer, is to build on our traditional mission and exercise new leadership across a broader spectrum of research areas. NSF would adopt an expanded portfolio of programs that would be integrated with ongoing activities and closely aligned with industry and other government agencies. While it is difficult now to provide a blueprint for NSF under this option, the agency would reflect some of the following characteristics:

The intellectual boundaries between disciplines and between types of research would be lowered and made more permeable.

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[1] Based on a presentation to the National Science Board, August 13 and 14, 1992.

NSF would encourage increased interaction in areas of national concern between different institutional actors: academia, industry (large and small), Federal, state, and local government.

Human resource development and education would be integrated and expanded into all aspects of research activities and would link industry, colleges and universities, two-year colleges, and technical institutes, and precollege students and teachers.

NSF would articulate and demonstrate in a more comprehensive manner the outcomes and benefits of public investments in research and education.

Increasing the knowledge base of science in ways that can be connected to improvements in the quality of our national life enjoys broad support and provides a compelling rationale for increasing Federal investments in basic research. By expanding its function, NSF would have the opportunity to build upon its role as the premier supporter of fundamental research while it assumes further responsibility for forging the links between science and technology. In partnership with the academic community and other agencies, NSF could promote opening research programs to greater participation by nonacademic personnel, making science and engineering education programs more responsive to the needs of industry, and developing stronger working relationships in the pursuit of cutting edge technology.

NSF is uniquely qualified to mobilize such a national effort. The agency's long-standing ties to the academic research community allow it to engage the best minds in the country and capitalize on our national strength in basic science and engineering. Furthermore, a hallmark of NSF since its inception has been the coupling of research and education. This coupling must be extended to meet the increased science and technology demands of the workplace.

NSF's presence in all fields of the natural and social sciences, mathematics, and engineering position it to respond to new ideas wherever they arise. This enables the agency to identify and respond to a variety of research challenges in areas of national concern. Already, NSF-supported centers conduct research in 20 of the 22 critical technology areas itemized in the Report of the National Critical Technologies Panel.

NSF's criteria for support of research have always been based on excellence, quality, and commitment to innovation. These criteria can become a national resource for undertaking the rigorous evaluations and review essential to assess innovative ideas and programs.

NSF has forged partnerships and cost-sharing programs with industry, academia, and government, and plays a leading role in the FCCSET initiatives, a role much larger than what is suggested by the size of the Foundation. NSF also has developed effective models for industry/university partnerships that keep academic research independent while giving industry access to recent advances in knowledge. One model to be drawn upon is a recent solicitation in cooperation with the chemical industry to study environmentally benign synthesis and processing. It encourages investigators to obtain substantial intellectual input from industry. Of course, any new activities must rest upon a strong and broad base of researchers and educators pursuing knowledge in an open and vital environment. This is the foundation for discovery—and for new opportunities that emerge.

NEXT STEP

It is too soon to specify in detail what NSF might look like in the next stage of its evolution. The decisions on where, when, and how to make changes must involve the staff, the National Science Board, and the larger community. Several ways to receive input from the external community are now in place, including a request for public comment in the Federal Register. In addition, the Board has established the Special Commission on the Future of the NSF to examine options available to NSF. A broad range of academic, industrial, and government leaders will participate in this endeavor. Their findings will be of crucial importance in helping to identify a vision that can guide the agency for decades to come. NSF's vitality depends on its ability to be as creative and forward looking in the future as it has been in the past.●

ORDERS FOR TOMORROW

Mr. CRANSTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. Thursday, October 1; that following the prayer, the Journal of proceedings be deemed approved to date; and that the time for the two leaders be reserved for their use later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9 A.M. TOMORROW

Mr. CRANSTON. Mr. President, finally, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 7:38 p.m., recessed until Thursday, October 1, 1992, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 30, 1992:

DEPARTMENT OF STATE

PAUL S. SARBANES, OF MARYLAND, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EDWARD JOSEPH PERKINS, OF OREGON, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ALEXANDER FLETCHER WATSON, OF MASSACHUSETTS, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

LARRY PRESSLER, OF SOUTH DAKOTA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

GLORIA ESTEFAN, OF FLORIDA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

IRVIN HICKS, OF MARYLAND, TO BE AN ALTERNATIVE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

SHIRIN R. TAHIR-KHELI, OF PENNSYLVANIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PARKER G. MONTGOMERY, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PREZELL RUSSELL ROBINSON, OF NORTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

MARGARETTA F. ROCKEFELLER, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE 47TH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

POSTAL RATE COMMISSION

WAYNE ARTHUR SCHLEY, OF ALASKA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 14, 1994, VICE HENRY R. FOLSOM, RESIGNED.

FEDERAL AGRICULTURAL MORTGAGE CORPORATION

THOMAS J. TAUKE, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION, VICE JOHN R. DAHL.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

JOHN K. ANDREWS, JR., OF COLORADO, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT, FOR A TERM EXPIRING SEPTEMBER 30, 1994, VICE CARL M. KUTTLER, JR.

EUGENE L. MADEIRA, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT, FOR A TERM EXPIRING SEPTEMBER 30, 1994. (REAPPOINTMENT)

EUNICE N. SATO, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT, FOR A TERM EXPIRING SEPTEMBER 30, 1994. (REAPPOINTMENT)

DALE P. GOLD, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT, FOR A TERM EXPIRING SEPTEMBER 30, 1995. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. DAVID N. BENNETT, U.S. NAVY [redacted]

THE FOLLOWING-NAMED REAR ADMIRAL (LOWER HALF) IN THE CIVIL ENGINEERING CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR TO AS PROVIDED BY LAW:

CIVIL ENGINEER CORPS

To be rear admiral

REAR ADM. (1H) PATRICK WILLIAM DRENNON [redacted] U.S. NAVY.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 594 AND 3353:

DENTAL CORPS

To be colonel

GINO L. VENTRESCA [redacted]

MEDICAL CORPS

To be lieutenant colonel

VIJAYA V. BAPAT [redacted]
SAMUEL I. GARCIA, [redacted]
ALVIN A. HARDMAN, [redacted]
JERRY L. HINER [redacted]
JEROLD Z. KAPLAN [redacted]
JEFFREY M. REINES [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTION 3370:

ARMY NURSE CORPS

To be colonel

PANDOR ANGELISANTI [redacted]
MYRNA L. ARMSTRONG [redacted]
DIANNE K. BALDWIN, [redacted]
ELAINE D. BARBER, [redacted]
DONNA F. BARBISCH [redacted]
PATRICIA A. BEACH [redacted]
STEPHEN BORDEN [redacted]
CAROLYN BRAUDWAY, [redacted]
CAROL N. BROWN, [redacted]
HARRIET K. BUSS [redacted]
MARY K. COBBS, [redacted]
ELIZABETH COLEMAN [redacted]
TERRY C. COLLINS [redacted]
JANE L. COMELLA [redacted]
BARBARA L. COTTON [redacted]
ALICE A. DAVIDSON, [redacted]
CAROL E. DAVIS, [redacted]
RUTH M. DELOOR, [redacted]
FRANCINE M. DIONNE, [redacted]
BETHANY DUSENBERRY [redacted]
JUDITH M. DZYAK [redacted]
DIANE M. EANES, [redacted]
CAROL J. EBERSOLE [redacted]
MARY P. EDMUND, [redacted]

SARA J. FERRIL [redacted]
SUSAN T. FLEMING, [redacted]
SHARON R. FRANKLIN, [redacted]
PATRI HIGGINBOTHAM, [redacted]
LULA B. HOLLAND, [redacted]
ROBERTSON B. HYDE, [redacted]
JOSEPH A. IORIO, [redacted]
GEORGIE W. LABADIE, [redacted]
STEPHEN W. LLOYD, [redacted]
FRANCES E. LOVELY, [redacted]
KATHALEEN J. LUTZ, [redacted]
JEAN A. MASSEY [redacted]
CHAPMAN MATHEWSON, [redacted]
RUTH A. MOONEY, [redacted]
SUE P. MOORHEAD, [redacted]
CATHERINE A. MOZDEN, [redacted]
SARAH C. MYERS, [redacted]
PAULA NELSON MARTEN, [redacted]
DIANA L. OBENAUER, [redacted]
DONNA F. OWEN, [redacted]
KATHRYN A. PLANT, [redacted]
VIVIAN H. PRESTON, [redacted]
PATRICIA A. PURCELL, [redacted]
JUDITH A. RAHM, [redacted]
HAZEL F. ROGERS, [redacted]
CAROLYN M. RORICK, [redacted]
JERRY A. RUYBALID, [redacted]
SYLVIA C. SCALLY, [redacted]
MARY F. SEARS, [redacted]
META E. SELTZER, [redacted]
GEORGIA M. SMITH, [redacted]
SUSAN I. SMITH, [redacted]
LINDA A. SPENCER, [redacted]
MARY J. SUMMAR, [redacted]
GERALDINE THOMPSON, [redacted]
RAE L. TUCK, [redacted]
WILLIAM W. WARREN, [redacted]
BARBARA R. WOOD, [redacted]
BEVERLY E. WRIGHT, [redacted]

DENTAL CORPS

To be colonel

PAT M. BATTLE, [redacted]
WILLIAM J. BLEECKER, [redacted]
WILLIAM H. BRINKMAN, [redacted]
NORMAN E. BUSSELL, [redacted]
WILFRED D. CALKINS, [redacted]
NORMAN R. CARLSON, [redacted]
CHARLES CARPENTER, [redacted]
ALLAN H. CASH, [redacted]
JACK W. CHEEK, [redacted]
CHARLES H. CRAWFORD, [redacted]
STEPHEN M. FELDMAN, [redacted]
ROGER H. GERLOFF, [redacted]
GARY M. HELMAN, [redacted]
JAMES E. JACKSON, [redacted]
WILLIAM T. JOHNSON, [redacted]
ROBERT D. JORDAN, [redacted]
PHILIP D. LEVINSON, [redacted]
THOMAS G. MACARY, [redacted]
RICHARD T. MANGUM, [redacted]
KARL H. MARAGIDES, [redacted]
MICHAEL NORRIS, [redacted]
ANTHONY A. PESOLA, [redacted]
DANIEL M. RAIFORD, [redacted]
JON E. SHELL, [redacted]
JOHN B. THORNTON, [redacted]
LEIGH B. TOOLSON, [redacted]
ROBERT L. UTLEY, [redacted]
DEAN T. WEDDLE, [redacted]

MEDICAL CORPS

To be colonel

MOHAMED ALIBRAHIM, [redacted]
ALLEN C. ALLEMAN, [redacted]
WILLIAM R. ALLEN, [redacted]
THOMAS J. ALLRED, [redacted]
ANTHON E. ANDERSON, [redacted]
JOHN P. ANDERSON, [redacted]
ROBERT C. ANDERSON, [redacted]
PHILIP M. ANDRESS, [redacted]
OSCAR P. ANSALDO, [redacted]
JONATHAN P. BACON, [redacted]
TARVER B. BAILEY, [redacted]
GORDON L. BALKA, [redacted]
GARY G. BECKER, [redacted]
JOHN G. BERGSTROM, [redacted]
TALMAGE L. BOURNE, [redacted]
REED J. BULLEN [redacted]
THOMAS H. BURTON, [redacted]
JOHN F. CARR, [redacted]
FRANK H. CHESKY, [redacted]
DANIELLE K. CHEUNG, [redacted]
RICHARD M. CLARY, [redacted]
TERRY P. CLEMMER, [redacted]
PETER B. COLLIS, [redacted]
DOUGLAS R. COOMBS, [redacted]
MARTIN D. CRAVEN, [redacted]
ROBERT S. CSERE, [redacted]
ROBIN DATTA, [redacted]
VIRGIL T. DEAL, JR, [redacted]
VINCENT DECIUTIIS, [redacted]
DENNIS L. DESILVEY, [redacted]
ANTHONY DIDOMENICO, [redacted]
IAN R. DUNCAN, [redacted]
JOHN E. ERPENBACH, [redacted]
BUENO C. FERNANDEZ, [redacted]
GILBERT N. FERRIS, [redacted]
ROBERT C. FLOREK, [redacted]
NORMAN P. FORESTER, [redacted]
CHARLES D. FOX, JR, [redacted]
THOMAS W. FURLOW, [redacted]
HAYWOOD S. GILLIAM, [redacted]
PATRICK A. GRIFFITH, [redacted]
RICHARD GRIFFITHS, [redacted]
OSC GUILLAMONDEQUI, [redacted]
VIRGIL L. HAYDEN, [redacted]
GUILLERMO HERRERA, [redacted]
ARNOLD J. HILL, [redacted]
BRACE L. HINTZ, [redacted]
ROBERT C. HOYE, [redacted]
JAMES G. HUNTER, [redacted]
HART JACOBSEN, [redacted]
ROBERT D. JONES, [redacted]
WILLIE L. JOSEY, [redacted]
STEPHEN KIRZINGER, [redacted]
OLEN E. KITCHINGS, [redacted]
JOHN I. LAURIDSEN, [redacted]
WAYNE M. LEDNAR, [redacted]
JOSE F. LEYSON, [redacted]
WITIZAP MARQUEZ, [redacted]
WILLIAM M. MAULDIN, [redacted]
EARL J. METTER, [redacted]
CRAIG M. MOFFAT, [redacted]
TERRY D. NEUMASTER, [redacted]
DAVID W. OXLEY, [redacted]
FRANCIS W. PARNELL, [redacted]
MICHAEL P. PARRINO, [redacted]
THOMAS G. PETERS, [redacted]
JAMES E. PHILLIPS, [redacted]
SUMATHY REDDY, [redacted]
FREDERICK L. RODDY, [redacted]
SHRIHARI SAKHADEO, [redacted]
SUSHAMA SREEKUMAR, [redacted]
WARREN I. TAMAMOTO, [redacted]
SIOK H. TAN, [redacted]
DALE G. WICKLUND, [redacted]
LIONEL WILLOUGHBY, [redacted]
ROBERT L. WILSON, [redacted]
ALVIN J. WRIGHT, [redacted]

MEDICAL SERVICE CORPS

To be colonel

DONALD O. BILLS, [redacted]
JOHN J. BOYLE, [redacted]
THERON A. BRACEY, [redacted]
STEVEN M. BYERS, [redacted]
CARL B. CHAPMAN, [redacted]
ROGER J. CLARK, [redacted]
JOE E. COLLINS, [redacted]
DONALD G. COLQUHOUN, [redacted]
DONALD T. CUTTIE, [redacted]
JOHN E. DOBBIN, [redacted]
LESLIE D. DORRIS, [redacted]
JOHN R. DURHAM, JR, [redacted]
JACK D. FROST, [redacted]
HERBERT I. GIBSON, [redacted]
DANIEL A. GOUPIL, [redacted]
BARRY A. GRIFFIN, [redacted]
TROY D. HALE, [redacted]
WILLIAM B. HARVEY, [redacted]
EUGENE G. HAYUNGA, [redacted]
DON A. HOLLIS, [redacted]
ALLAN A. KAUTZ, [redacted]
MICHAEL W. KIMBERLY, [redacted]
MILLARD J. KIMMEL, [redacted]
GEORGE A. KNIGHT, [redacted]
MARY F. KOEPPEL, [redacted]
LARRY E. LANCE, [redacted]
JOHN E. LEONARD, [redacted]
THOMAS D. LEWIS, [redacted]
ALVIN L. LIEVSAY, [redacted]
THOMAS J. MARTY, [redacted]
BRUCE D. METCALFE, [redacted]
ROBERT L. MURRAY, [redacted]
BERTRAM A. NICHOLAS, [redacted]
JOSEPH T. NIETUPSKI, [redacted]
COURTENAY OCONNELL, [redacted]
JOHN H. OGNIBENE, [redacted]
RONALD J. PUSATERI, [redacted]
DONNIE R. REVIS, [redacted]
GREGORY A. RHOA, [redacted]
THEODORE SAUNDERS, [redacted]
HAROLD C. SCHADE, [redacted]
STUART A. SIMON, [redacted]
JAMES D. SMITH, [redacted]
RODNEY R. SMITH, [redacted]
DUANE G. SONNEBORN, [redacted]
THOMAS R. SOUTHARD, [redacted]
MICHAEL D. STONER, [redacted]
LEO E. TEALDI, [redacted]
PAUL W. TIBBETS, [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be colonel

BONNIE M. ATHAS, [redacted]
GERALD A. BERRIER, [redacted]
CATHLEEN A. HOLMES, [redacted]
CHARLES F. MOYER, [redacted]
MILDRED A. NOONAN, [redacted]
ALLITA D. PAINE, [redacted]
SUSAN K. ST. JOHN, [redacted]
ROGER J. WEBER, [redacted]

VETERINARY CORPS

To be colonel

GARY F. BECK, [redacted]
RUSSELL W. CURRIER, [redacted]
CARL D. HUMBARGER, [redacted]

IN THE NAVY

THE FOLLOWING NAMED COMMANDERS OF THE RESERVE OF THE U. S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF CAPTAIN IN THE STAFF CORPS, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS OFFICERS

To be captain

RISE LAVONNE BARKHOFF
DEAN BROOKS BARNHOUSE
HOWARD C. BEAN, JR
JOHN FRANCIS BEARY, III
ROBERT JAMES BECK
JOHN W. BISHOP
MICHAEL JOSEPH BOSSE
DENNIS R. BRESNAHAN, JR
RICHARD A. BROWER
DAVID ALAN CLARK
GENE RAYMOND CONLEY
WILLIAM JOH CUNNINGHAM
THOMAS EDWARD DANIEL
DONNA PATRICIA DAVIS
GARY R. DAVIS
PAUL S. DEPAULO
MICHAEL HOBART EBERT
PAUL WILLIAM ESPOSITO
FRANCIS THOMAS FERRY
ROBERT STEPHEN FOSTER
DONALD JOSEPH HAGLER
KIM S. HAMELBERG
JOAN HARVEY
FRANCIS M. HAYES, JR
ROBERT A. HENRY, JR
JOHN ARNOLD HOUKOM
RODERICK SIDNEY KENT
ANJUM KHAN
BARBARA JEAN LEE
RONALD MICHAEL LESKO
STEPHEN M. LEVINE
WILLIAM ALAN LISTON
KARL FRENCH LOOMIS
JAMES PETER MARTIN
MICHAEL WHITF MCDONALD
JACOB WELLS MEIGHAN
JOSE P. MUTIA
CONSTANCE NAGI
NOEL FRANCIS NARUT
THOMAS E. NOLAN
MICHAEL LYNN ODELL
WILLIAM ROBERT PAGE
RUDY PANGANIBAN
RODNEY D. PEASE
LINDA JO RICE
BEETHOVEN TAGAL RUEDAS
GEORGE C. SAKAKINI
BARBARA JEA SCHEROKMAN
FRANK A. SCOTTI
MERYL A. SEVERSON, II
SYLVIA S. STROCK
RADFORD D. TANKSLEY, JR
JAMES WAYNE TERBUSH
GREGORY ALA TIMBERLAKE
KENNETH TREADWELL, JR
GILBERT HAROLD VORHOFF
FRANKLIN CARL J. WAGNER
SANFORD ELLISON WARREN
JOHN LAWRENCE WIBERG
ALAN LOUDON WILLIAMS
GARY P. ZALOGA

DENTAL CORPS OFFICERS

To be captain

MILTON FOREST BUTLER
DAVID GRAN DAUBENSPECK
DOUGLAS A. GILIO
WILLIAM A. KING
CRAIG ALAN MASON
DANIEL H. MENSER
ROBERT JOHN PHREANER
BILLY DON TINER

MEDICAL SERVICE CORPS OFFICERS

To be captain

CARL WAYNE CHILDRESS
JAMES HILLER LEWIS
JEANNE CECILE SCHEURER
JOE DAVID SIEMENS
BERNARD MARTIN WINKEL

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be captain

DAVID A. AAMODT
WILLIAM DUANE BENTON
RICHARD RALPH BLOXOM
JONATHAN JOSEPH BRIDGE
GLENN R. BROWN
ROBERT H. CARPENTER, JR
HOWARD CHARLES COHEN
JOHN A. DIRKS
DAVID S. DURBIN
MICHAEL ODONNELL EDENS
GARY MAURICE FELDER
GARY ALLEN FRIEDLE
CALIPH JOHNSON
JOHN MICHAEL JOHNSON
CAIN JAMES KENNEDY
LIZANN MALL LONGSTREET
ROY JOSEPH MAURER
CHARLES MELVIL NYSTEDT
THOMAS D. WRIGHT
WALTER JAMES YUND, JR

NURSE CORPS OFFICERS

To be captain

SALLY ANN ATKINSON
ANNIE RUTH BLAND
CAROL ANN BUSER
PATRICIA KAT CHRISTMAN
SUSAN GREEN COOKSEY
MARGARET ELLE CROCKETT
JULIA YASTISHO DYCKMAN
CATHERINE SUCH GREELEY
KAREN A. HARMEYER
ARLENE JANIC HIGHTOWER
SHARON N. HIRAKO
LOIS KRAUSE HOLMES
SUSAN S. JACKSON
CHERYL ANNE JANUS
DIANE RAY KETTER
SHERRYL LEE KNOX
NANCY FERRELL MAGGI
ROSE ANN MILROY
CAROLE ANN OBYRNE
MARJORIE WITMAN SLAGLE
JANET CATH TRINKWALDER

SUPPLY CORPS OFFICERS

To be captain

ARDINE LESLIE BJERKE
RONALD HENRY BOLDING
BERT MARTIN CARMODY
GARY DAVID CLAMURRO
LANCE DAVID EHMCKE
WALTER C. FRAMPTON, JR
DAVID PHILIP GESSNER
THOMAS KEVIN HANSON
MICHAEL JOSEPH KAMIN
MARY CLARE KLINGELBERGER
LARRY DEE LEE
WAYNE RICHARD LONG
DOUGLAS HUGH MCDONALD
JOHN BRADLEY MONTGOMERY
MATTHEW PETER OCONNELL
DAVID GRAYSON POTTS
WILLIAM JOHN REIMANN
CHARLES ANTHONY ROSS
MARK WILBERT SCHOWALTER
CHARLIE LOUIS STALLINGS

ALAN THOMAS TABER
WAYNE GARFIELD THOMPSON, JR
KEVIN PORTER THURSTON
PETER BYERRUM WELCH

SUPPLY CORPS OFFICERS (TAR)

To be captain

THOMAS CHARLES BUCK
STEPHEN JOSEPH PUTNAM

CHAPLAIN CORPS OFFICERS

To be captain

GARY RICHARD ALLEN
ROBERT A. BLACK
RAYMOND ORVILLE FOSTER
SOLLACE MITCHELL FREEMAN, JR
HAROLD LEONARD ROBINSON
EGIL ARTHUR SORTLAND

CIVIL ENGINEER CORPS OFFICERS

To be captain

AL GARY ALEXANDER, JR
BRIAN KARL ANDVIK
ERIC ROBERT BERG
RUSSEL ELMER BLUME
DONALD HARYFORD COSTELLO, JR
CHARLES DOUGLAS JEWELL, II
WILLIAM BRYAN KELLER
EARL FREDERICK NAAB
THOMAS RAY REID, II
DAVID EUGENE SHEPPARD
DONALD RAY UZARSKI
DEBERALL ANTHONY VALENTINE
MELVILLE JOHN VICKERMAN, JR
JACK GERALD WARD
ARTHUR EUGENE WICKERHAM

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be commander

MARK F. ABEL
JANETTE ALEXANDER
MICHAEL JAME ALLSHOUSE
GARY B. ANDERSON
SANDERS WOFFO ANDERSON
NANCY LEE BAKALAR
WILLIAM FREDERIC BELL
GERALD WARREN BOCK
TERRY JOHN BUCCAMBUSO
JOHN KEVIN BURNS
CLINTON J. BUTLER
TIMOTHY GEORGE CALL
BRUCE W. CARPENTER
TAMARA L. CHEATHAM
JOSEPH ROBERT COCKRELL
JONATHAN SCOTT COLLINS
DAVID J. CONNITO
DANA CURTIS COVEY
SUSAN C. CULLOM
DEAN S. CUNNINGHAM
CYNTHIA GAIL DAVIS
WILLIAM A. DELACEY
MICHAEL PAUL DINNEEN
MICHAEL CARLYLE DUBIK
RUSSELL EDGAR EBERSOLE
MARTIN JOSEPH EDELMAN
MAURA ANNE EMERSON
GREGORY PAUL FAZIO
STEPHEN DOUGLAS FOX
ROBERT W. FRENCK
CHERYL LYNN SMI GANDEE
RICHARD ERIC HAWKINS
CHARLES S. HAWORTH
FRASER C. HENDERSON
MALCOLM HOLMES HORRY
GARY RUSSELL HUDAK
LEONARD ALAN JOHNSON
PAUL JOSEPH JULIANO
BRIAN JOHN KELLY
KILTON DEROY KINGSMAN
RICHARD H. KOEHLER
JERONE THEOD LANDSTROM
ANTHONY LAROCCO, JR
FREDDYE M. LEMONS
MARILYN MITTL LUEBBERT
FRANCIS R. MACMAHON
JOHN M. MAHER
JESUS VELASQUE MALLARI
PETER J. MARTIN
AILEEN M. MARTY
PATRICK HAYES MCKENNA
DAVID LEE MCMILLAN
PATRICK MICH MCQUILLAN
TERESITA PADRE MENDOZA
BRUCE MICHAEL METH
JOSEPH FRAN MONDSCHEIN
GREGORY ROBERT MOORE
JOSEPH LEE MOORE
JEFFERY C. MORISSETTE
DAVID WILLIAM MUNTER
RICHARD LOUIS NEMEC
PETER N. OVE
JOHN ANGELO PERCIBALLI
HENRY OLIN PORTER, III
ANTHONY DENNIS QUINN
ROBERT FRANKLIN RASPA
ROBERT LLOYD J. RINGLER
DOUGLAS B. ROBINSON
ANGEL RAFAEL ROURE
MARSHALL ADRIAN SALKIN
RICHARD FRANCIS SALMON
RICHARD COLLIN SANBORN
MICHAEL EUGENE SAYERS
KENNETH WILSON SCHOR
JOHN WILLIAM SENTELL
MARK V. SHERIDAN
MARK BRIAN SKEEN
STEVEN MICHAEL SOVICH
STEPHANIE ANN SPINGARN
FRANCES IRENE STEWART
JOHN PHILLIP TERNES
JAMES LLEWELLY TIDWELL
DAVID BRYAN TURTON
EMILIO DE JESU VAZQUEZ
AMANDA C. ZAIDE

SUPPLY CORPS OFFICERS

To be commander

ERNEST G. ANASTOS
LARRY HUGH ARCEMENT, JR
JEFFERY PAUL BENNETT
KARL HEINZ BERNHARDT
JEFFREY DAVID BRADEN
GARY W. BURCHILL
GERALD ARTHUR BURLEIGH
GARY JON CHAPMAN
MICHAEL STEVEN CLIFT
NANCY SAGE COLE
WILLIAM E. CURTIS, JR
HARRY A. DEAMER
RICHARD MICHAEL DESCHAUER
HENRY JOHN DEVRIES
MORGAN LESLIE DONALDSON
JAMES DOUGHERTY DURSO
JAMES DAVID ELLISON
EDWARD THOMAS EVARD
JAMES ARTHUR FAWBUSH, JR
STEPHEN D. FERREE
WILLIAM M. FINK
BRUCE PRESTON GEAREY
THOMAS MICHAEL GRADY
JOHN OSCAR HAIMA
LAWRENCE HOUSTON HAMILTON
GORDON WILLIAM HANSEN
PATRICK W. HASSLER
KURT THOMAS HENDRIX
COY DAVIS HEWETT
ROBERT L. HOWARD
DONALD JEFFREY JAPALUCCI
PHILLIP MERLYN KIRCHOFF
JAMES STEPHEN KOBI
JOSEPH THOMAS LAPP
MICHAEL J. LYDEN
ROBERT NMN MASON
CHARLES DAVID MCDONALD
RICHARD BRUCE MCKENNA
GEORGE KERTZ MITCHELL, JR
EDWARD NMN MORGAN
CRAIG HOWARD NOSTRANT
HART SALBIDE ODOM
THOMAS PATRICK ODONNELL
RANDAL KIDD OLIVER
STEPHEN JEFFRY OLSON
CINDRA ELLA OTTO
JAMES ANDREW PEARSON
GLENN RAYMOND PINE
CRAIG A. PULVER
RUSSELL H. RHEA
LOUIS SCOTT RIZZO
DIANE LYNN SAGGUS
TODD RICHARD SCHONENBERG
ROBERT LOUIS SCHWANEKE
RICHARD LENARRELL SPEIGHTS
JOHN MICHAEL STANOVICH
RONALD JAY STEARNS
BRUCE WILLIAM STRYKER, JR
DOUGLAS JOHN SWEENEY
WENDELL DANIEL TANKS
SHAUN K. TAYLOR
IRENE TICHELAAR
WILLIAM MORLEY VANCLEAVE
STEVEN MICHAEL VAUSE
DOUGLAS WAYNE VERHAGEN
KEVIN R. WALTER
JEFFERY ALLEN WARMINGTON
PETER FRANCIS WILKINSON
THOMAS BROOKS WILLIAMS

CHAPLAIN CORPS OFFICERS

To be commander

ALLEN CAGLE ALLEN
MICHAEL O. BROWN
NORMAN FRANKLIN BROWN
ROBERT FRANCIS BURT
GEORGE PHILIP BYRUM
PATRICK PEARCE COYLE
TIMOTHY JAMES DEMY
JOHN LOUIS DIAZ
FREDERIC FRANCIS ELKIN
ROBERT H. FEAGLE
RONALD ARTHUR GISCHEL
JOHN MANION GUBBINS
JOHN STANLEY GWUDZ
ROBERT MILES HALE
HENRY WADE HENSLEY
LAWRENCE LEON HICKS
NORMAN DEWEY HOLCOMB, JR
EARNEST WARREN HOLLAND, JR
JOHN EDWARD KIRK
ALLEN LEE LANCASTER
RICHARD ANDREW LODGE
PAUL F. MCLAUGHLIN
ROBERT FRANCIS MILEWSKI
OLLIS JON MOZON, JR
HENRY NIXON, JR
DANIEL WILLIAMS PARRY
DAVID DEWAYNE REED
RONALD GENE SCHENK
GARY GALEN SIMONS
TIMOTHY CALHOUN SIMS
CHARLES SOTO
DAVID ALAN STARKEY
RONALD LEONARD SWAFFORD, SR
STEVEN ROBERT WINTERS

CIVIL ENGINEER CORPS OFFICERS

To be commander

JOHN LAMSON BALL
STEPHEN EUGENE BARKER
JOHN CHARLES BRANDT, III
GREGORY JAMES BUCHANAN
MARK D. CLAUSSEN
MICHAEL HAROLD CONAWAY
DONALD DUANE CURNUTT
WILLIAM M. ELVEY
GARY W. GUNTHER
JAMES LEE GUSTAFSON
RONALD W. HERTWIG
MICHAEL L. HILL
STEVEN BRANDT HINCHMAN
BRIAN ROBERT KELM
LARRY ALLEN LAWS
DIANN KARIN LYNN
PAUL G. MCMAHON
WILLIAM M. MENGEL
MARK PETER MIGLIORE
KEVIN EDWARD MIKULA
ROGER S. MUSTAIN
DENNIS ROGER PLOCKMEYER
HAROLD J. REDDISH
GERARD STEPHEN RUTKOWSKI
MARK B. SAMUELS
ERIC C. SMITH
ALBERT POL VERHOFSTADT
RICHARD A. WALL

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

MAUREEN ROSE BANNON
DENNIS GORDON BENGTSON
BYARD QUIGG CLEMMONS
JANE GILLILAND DALTON
THOMAS ALBERT J. DEVINS
JONATHAN PHILI EDWARDS
RICHARD THOMAS EVANS
THOMAS WILLIAM GREENE
MARY THERESA HALL
JULIAN D. MCCARTHY
HENRY RICHAR MOLINENGO
ALICIA MARIE NEMEC
STEPHEN ANTH STALLINGS
WILLIAM THOMAS STORZ
MICHAEL JOEL SUSZAN
RONALD STEPH WASILENKO
ROBERT BARRETT WITIES

DENTAL CORPS OFFICERS

To be commander

STEPHEN JOSEPH ADAMSON
RONALD PAUL BLANK
LYNDON BRUCE BROWN
WILLIAM BRENT CARROLL
CARLTON DALE CHERRY
MARK THOMAS HETZER
CHARLES EDWARD JEROME
GREGORY VAIL KEATING
WAYNE BENNETT LAPETODA
PAUL ANTHONY LINDAUER
LEAH MARIE LUDWIG
WALTER L. MELVIN
DAVID MARK SKWARA
BARTON REID WELBOURN
ALFRED HANNIBA WIEMANN
ELAINE RUTH WINEGARD
SAMUEL YOUNG

MEDICAL SERVICE CORPS OFFICERS

To be commander

EUGENE DEVINE J. BARRON
JUSTUS BENJAMIN, JR
CLAYTON A. BOENECKE
CLARENCE WILLIA BOWMAN
GREGORY BRAMMER
MARCEL WILLIAM BROOKS
MICHAEL ANDREW BROPHY
HENRY MICHAEL CHINNERY
JOHN EARL DEATON
ROBERT JOHN ENGELHART
RICHARD THORP ERICKSON
RICHARD JAMES FLETCHER
DENZEL EUGENE GARNER
PAUL BERNARD GILLOOLY
BILLIE GAYLE GOFF
ERNEST ROY GUIBLE, JR
ANTHONY ROBERT GUIDO
RICHARD MICHAEL HANN
JERRY ALAN HOLMBERG
CHARLES FRA HOSTETTLER
SUSHIL KUMAR JAIN
CRAIG ALEXA JIMERFIELD
ROBERT ALLAN MANN
JAMES CONNOL MCDONOUGH
JAMES AUGUST MOOS
BARRY ARTHUR MURPHY
CHRISTIAN GERHAR MUSIC
JAMES SCOTT NEWACHECK
ROBERT THOMAS OLEARY
CAROL ANN PICKEREL
GLEN WARREN ROVIG
LYNDA ANN SALMOND
DANNY ROY SCARBOROUGH
JOYCE H. SEIDMAN
KENNETH KARL SENN
JOHN LANTZ SEXTON
JONATHAN CLAUD SHERMAN
BRIAN S. SIEGEL
JOSEPH ERNEST SOUZA
DAVID LEE STILL
PATRICK JOHN WELTER
RICHARD WALDO WILLIAMS
DONALD JAME WILLIAMSON

NURSE CORPS OFFICERS

To be commander

CHRISTINE LEE ABELEIN
WILLIAM AIKEN, JR
FRANK ANTHONY ALAMIA
PATRICIA M. ALLUSHUSKI
PEGGY JOYCE ANDERSON
PATRICIA ANN BAINTON
WILLIAM T. BALBOA
JAMES WILLIAM BANKS, JR
JEFFREY ARTHU BASHFORD
LELAND DAVID BOWEN
VICKI LYNN BROUSSARD
ELLEN GORMAN BUCK
ALICE MARIE CAHILL
MOLLIE CALVERT
DEBORAH FRANCES CARMEN
CLARENCE KIN KEO CHONG
THOMAS EDWARD COLGAN
FRANCES LOUISE COX
SANDRA LEE DEGROOT
KAREN ANNE DOYLE
LINDA CATHERINE DRABEK
MARGARET MARY F. DREW
ROSE MARIE ESCOBEDO
DEBRA G. FLOWE
MELANIE DARLENE FRANK
MICHAEL JOSEPH GALDUN
ROGER GALLAGHER
STEVEN DOUGLAS GARDNER
CHARLES EDWARD GAZOO
RHONDA KAY GIBSON
LAWRENCE JOE GIRON
KRISTINE JULIA HANSON
ANNE TERESE HANZEL
LUISA MARIA HERRERA
LARRY LEE HICKS
NANCY LEA HILL
ELLEN MARIE HODGES
JAMES ROBERT HOFFOWER
MAUREEN PATRICIA HOGAN
PAULA DONAHUE JAMES
DEBRA LEE JANIKOWSKI
GRETA LOUISE JOHNSON
MARIE ELAINE KELLY
KATHLEEN MCDONALD KENT
JUDITH ANN KILLMAN
SUSAN MARIE KNUTSON
JANET ANN KUESTER
MAUREEN ANN KUSNIEREK
NANCY GWENDOLYN LAKE
KAREN ELIZABETH LANDRY
ALENE D. LAWMAN
SUSAN MAE LITTRELL
WILLIAM EDWARD LUKASIK
SUSAN ELAINE MARSHALL
MYRON LYNN MCCLEARY
PAMELA SU MCCONNAUGHEY
CAROLYN BISHOP MCCOSH
KORT JOSEPH MEYER
ALTHEA MARY MIXBRYAN
MARILYN A. MOONEY
MAGDALENE ANN MOOS
GERARDA MARY MUKRI
ANNE MARIE MULLIGAN
WILLIAM THOMAS NUNNS
PATRICIA TAGGA OFALLON
JOAN MARIE PATE
PATRICIA GIBSO PEIFFER
RUSSELL SCOTT POYNER
HECTOR J. QUILES
DONALD L. REIFSCHNEIDER
DONALD CAREY RILLING
MARTIN MIKELL ROBINSON
SHELLEY ANN SAVAGE
MARY EILEEN SCHATZ
CAROL ANN SHINSKY
KIM ALECE SINCLAIR
FRANCES RUTH SKUPSKI
CHARLES CAMPBELL SPEAR
DANIEL JONATHAN SPEECE
NANCY LEE STARK
MARION FRANCE SZEWCZYK
PAMELA KAY TANNER
FRANK JOSEPH TESAR
HARRY JOHN TILLMAN
CARLOS A. TORRES
MARLYS GAIL TUFTIN
PENNY BRADY TURNER
CATHERINE GLE TYMENSKY
DEBORAH LYNN ULASZEK
ELI SAMUEL VEGA
PATRICIA SUE WHITACRE
KENNETH ROB WHITTEMORE
BLANE MORGAN WILSON
NANCY GREATHOUSE WINES

LIMITED DUTY OFFICERS (STAFF)

To be commander

JOHN WILLIAM BATES
AUGUSTINE CHARLES HOLSTEIN
REYNOLD ANTHON SEFTON, JR

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

GLEN CHARLES ACKERMANN
DAVID WILBER ACTON
DAVID BRUCE ADLER
LAWRENCE STEPHEN AIELLO
SCOTT HARDESTY ALEXANDER
WILLIAM HAMILTON ALL, IV
ROBERT LEE ALTEMUS
CHARLES JOSEPH ALTMAN
DAVID LAVERN ANDERSLAND
EMILE RENOIR ANDERSON
ROBERT GLENN ANDERSON
SCOTT WILLIAM ANDERSON
JOHN SCOTT ANDREWS
KENNETH TYRONE ANGEL
KEVIN SHAWN APEL
WILLIAM BENSON ARCHER
SCOTT BURNETT ARMACOST
CLAYTON LEE ARMSTRONG
HERB IRVING ARNOLD
ROBERT AUGUST ARONSON
MICHAEL LUCAS ARTURE
ELIZABETH ANN ASHLEY
JOSEPH SAMUEL BAEHR
KATHERINE CHARLOTTE BAKER
STEPHEN MICHAEL BAKER
MICHAEL BALKUS

TERESA SUSAN BANDURDUVALL
CHUCK HOWARD BANE, JR
KATHY ANN BARAN
JANE ANN BARCLIFT
PETER EUGENE BARELLO
ROBERT DALE BARKUS
ROY THUMP BARNES, JR
PAUL EUGENE BARNEY, III
TRUDY JEAN BARNUM
SHARON LEIGH BARRETT
ROBERT JOHN BARSANTI, JR
MARK THOMAS BASICH
DAVID WAYNE BASTIEN
MICHAEL JOHN BATEMAN
DARRYL WAYNE BATES
PATRICIA MARA BATT
TIMOTHY ALAN BATZLER
THOMAS REAGAN BEALL
DAVID FAIRCHILD BEAN
BRIAN LOWELL BEATON
DAVID RAY BECKETT
FREDERICK ANTHONY BEDNARSKI
BRIAN KEITH BELCHER
DAVID PAUL BENN
ANN TODD BENNETT
JEFFREY LEE BENSON
JANE ELIZABETH BENTLEY
CHARLES JOSEPH BERDAR
KEVIN J. BICKEL
WILLIAM PERRY BINGHAM
GILMORE NUNN BIRKLUND
DOUGLAS ALAN BISCHOFF
JOHN KEVIN BISHOP
CRAIG RICHARD BLACK
RANDAL DEAN BLACK
MICHAEL JAMES BLASIK
VELLA MARIKA BLOOM
WILLIAM STANLEY BLYTHE
DEBRA ANN BODENSTEDT
ROBERT ALEXANDER BONNER
JAMES ROBERT BOORUJY
BRIAN PETER BOTHWELL
THOMAS AIDAN BOTHWELL
ELECHIA JOYCE BOTTCHER
IRVING GUSTAVUS BOUGH
ROSA SUSAN BOURGEOIS
STEPHEN JOSEPH BOWDREN
STEPHEN RAYMOND BOYCE
DANIEL TAYLOR BRACKETT
DANIEL EDWIN BRASWELL
STEPHEN GEORGE BRENNAN
BONNIE SUE BREWER
ROBERT ALLEN BREWER, JR
JAMES HENRION BRITTON, JR
RONNIE DEWAYNE BROADFOOT
STEVEN GRANT BROCKETT
STEPHEN LAWRENCE BROWN
THOMAS LEE BROWN, II
ROBERT DOUGLAS BUCHY
JOHN LEE BUCKLES
EDWARD J. BUCKLEY
NICHOLAS FREDERICK BUDD
DONALD DEAN BUDDEN, JR
JAMES LOWEL BUMGARNER
HARVEY BLAKE BURGESS
STEPHEN VERZA BURKE
WILLIAM NICHOLS BURNETTE
JERRY KEITH BURROUGHS
CLAUDIA SPENCER BUTLER
PETER BELOAT BUTLER
WILLIAM FREDERICK BUTTRUM
WILLIAM HOWARD CAMERON
ALFRED JOE CAMP, JR
JAYNE ELIZABETH CAMPBELL
MICHAEL ANTHONY CAPASSO
RONALD RAY CARLSON
EDWARD POLLISTER CARROLL, II
JAMES PAUL CARSON
EVON BERNARD CARTER
ROBERT LEE CARTER
DAVID FRANCIS CASHIN
SUE ANN CATHERMAN
BENJAMIN ANDREW CATHEY
NEIL ANDREW CATLETT
RICHARD GERARD CATOIRE
ERIC WEAVER CAUDLE
RICHARD CRAIG CECCONI
SIDNEY MICHAEL CHEEK
NICHOLAS STEPHEN CHEKAN
TERESA JANE CHERRY
JAY MADDOX CHESNUT
CURTIS SCOTT CHESNUTT
GREGORY ALLEN CLANCY
MARK DOUGLASS CLAPP
DAVID J. CLARK
ROBERT PATRICK CLARK
MICHAEL JOSEPH CLAYTON
MICHALE DERRELL COBB
KENNETH CHARLES COGGINS
DANNY JOE COHN
ALFRED COLLINS
ARNOLD EUGENE COLLINS
HAROLD JOHN COLLINS, III
KENNETH BRIAN CONLEY
CHRISTOPHER GERARD CONNORS
TRACY MICHAEL CONROY
HUGH H. COOK, III
TIMOTHY EARL COOLIDGE
WILLIAM THOMAS COONEY
JUSTIN DAVID COOPER, II
JOHN PETER CORAY
JOHN JOSEPH COSTELLO
JOHN EDWARD COSTER, JR
JOHN MICHAEL COUGHLIN
DALE MICHAEL COURTNEY
DAVID LAWRENCE COURTNEY
DAVID ROSS COVERDALE, JR
AMRY STOUT COX
PAMALA MARLINE CRAGO
THOMAS RUSSELL CRIGER
CAROLYN DYKE CROSBY
TIMOTHY BLAIR CROSS
RICHARD MANSFIELD CROWELL
JEFFREY S. CROY
HARRY MADDOCK CROYDER
ROBIN LEE CSUTI
STEVEN DREW CULPEPPER
JEFFREY SCOTT CURRER
RICHARD BARCLAY CUTTING
ERIC MARTIN DAHL
MICHAEL NOE DALFONSO
FRANK DUDLEY DALTON, JR
JEFFREY ROGER DANSHAW
MARK WAYNE DARRAH
JOSEPH WILFRED DARWOOD
PETER RAND DAVENPORT
STEPHEN FAIRBANK DAVIS, JR
WILLIAM GEORGE DAVIS
WILLIAM JOSEPH DAVIS, JR
ROBERT CHARLES DEES
EDWARD JOHN DELANEY
RENE RECENO DELROSARIO
SERGIO ALBANESE DIEHL
BRUCE ARCHIE DILLARD
NANCY ROSE DILLARD
FRED DAVID DILLINGHAM
KARL LEONARD DINKLER
KAY LYNN DINOVA
DAVID ROBERT DIORIO
DANIEL NOEL DIXON
JAMES CHARLES DIXON
STEVEN HOWARD DOHL
RICHARD PATRICK DOLAN
LISA CHRISTINE DOMBROSKIE
BRIAN THOMAS DONEGAN
KATHERINE MARIE DONOVAN
DAVID WAYNE DORNBIRER
THOMAS JAMES DOUGHTY
SCOTT DALE DOWNEY
JOHNNIE EARL DRAUGHON
STEVEN ANTHONY DREISS
CHRISTOPHER JOHN DRENNEN
MICHAEL AUGUSTUS DUDZINSKI
GERARD DUFFY
RICHARD ALLEN DUMAS
DAVID MATTHEW DURYEA
ERIC CHARLES DYSON
STEVEN ALLEN EATON
ANDREW WAYNE EDDOWES
MICHAEL JOHN EDDY
LAURA NELL EDWARDS
KENNETH OSCAR EKELUND, III
CAROL POPHAM ELLIOTT
MARK EDWARD EMMONS
DIANE MARIE ENBODY
MARK CHRISTIE ENDERSON
DELL WAYNE EPPERSON
CHERYL L. LANGLOIS ERICKSON
ALBERT VINCENT ESCOBEDO
DEBRA LYNN ESKRIDGE
MYLES ESMELE, JR
ROBERT FLOYD ESSMANN
MARY RUTH EVANS
RICHARD TAVELLE EYDE
EYTCHISONHARVEY
EUGENE EZELL
DAVID CHARLES FALK
PETER JOSEPH FANTA
BRIAN LOUIS FAULHABER
NANCY KING FERNEZIAN
DOROTHY LUCILLE FILBERT
ALAN LEE FINK
ROBERT LEE FIREHAMMER, JR
WILLIAM JOSEPH FLANAGAN, JR
DOUGLAS JAMES FLOYD
GARY LEE FOLK
KAREN PAULA FONDREN
SCOTT EDWARD FOOS
WILLIAM CHARLES FORGE, II
DOUGLAS LAMOINE FOSTER
MICHAEL A. FOX
STEVEN CHESTER FRAKE
DOUGLAS DAVID FREESEMAN
ORMAN KEITH FULLER
STEVEN PAUL FULTON
MARY ALICE FULTS
ROBERT JAMES GAINES
FRANK MICHAEL GALLO
ANTHONY RICHARD GALLOP
PAMELA JEAN GALLUP
CLAUDE VINCENT GALLUZZO
BRIAN RUSSELL GALVIN
TERRY KEITH GANTENBEIN
BRIAN ROBERT GATES
ROBERT KENT GERBERDING
JOHN BERNARD GIESSNER
LEE SCOTT GINGERY
ROBERT PAUL GIRRIER
TIMOTHY REID GLASOW
CURT WALTER GOLDACKER
WILLIAM HAUPT GOODALE, II
CHERYL ANN GOODMAN
DARLENE MEDLIN GOODWIN
JOHN FRANCIS GOUGH, JR
DAVID ERIC GOURLEY
KEVIN HIGHLEY GRAFFIS
JACQUELINE ANN K. GRAVELL
DONALD JOE GRAVES
JAMES GREGORSKI
CAROLYN LOUISE GREIFE
STERLING RAY GRENI
MICHAEL JACK GRIFFITH
KATHLEEN MARIE GRIPMAN
ANTHONY MARK GRUBER
THOMAS MICHAEL GUINN
ROSMARI RULAND GULICK
MATTHEW ALOYSIUS GUNTHORPE
MARK HAYES GYORGY
FRANK JOSEPH HALLER
JERRY WAYNE HAMM
JOSEPH WAYNE HANKINS
CHRISTOPHER DAVID HANNEMANN
JAMES C. HANSON
STEPHEN WILLIAM HARDGRAVE
JEFFREY A. HARLEY
ROBERT LACHLAN HARNED
RONALD LEE HARRELL
SINCLAIR MISCHAL HARRIS
ROBERT EDWIN HARRISON, JR
GARRETT JEFFERSON HART
SCOTT ALBERT HASTINGS
WILLIAM DECKER HATCH, II
DAVID WILBER HATTERY
TODD ALLEN HAUGE
ROBERT WILLIAM HAYES
MARK JOSEPH HELLSTERN
DAVID MURRAY HENDRICKS
THERON J. HENRY
RONALD LEE HERNDON
MICHAEL WILLIAM HEWITT
DAVID A. HILDEBRANDT
CHARLES R. HILL
JEFFREY MCNEIL HILL
PAUL DAVID HILL
JEFFREY ALLEN HILLIARD
MARTIN ROBERT HIRSCHKOWITZ
THOMAS HAYES HODGSON
JERRY MICHAEL HOEKSTRA
GEORGE FRANKLIN HOFFER
JANE ELLEN HOFFMAN
JAMES EDWARD HOGAN
JOHN MICHAEL HOHL
DONALD ALAN HOLCOMB
JAMES FRANCIS HOLDENER
NICHOLAS HAMPTON HOLMAN, IV
OWEN PAUL HONORS, JR
TERRY HOWARD HOPKINS
ELDRIDGE HORD, III
DAVID BENTON HORTON
JONATHAN PAUL HOUSER
RANDALL STEPHEN HOWES
JOSEPH STEPHEN HUEY
ROBERT ALFRIEND HUNT
JAMES FLETCHER HUNTER
CECILE ALLENE HUTTO
ELIZABETH JILL IHDE
BRICK ROGER IMERMAN
MICHAEL JOSEPH JACOBSEN
DOROTHY MARIE JANSON
PATRICK LESTER JECK
MICHAEL KEVIN JEFFRIES
JAMES MICHAEL JENISTA
DAVID DWIGHT JENNINGS
HAROLD DEAN JENNINGS, JR
JAMES MELVIN JEPSON
BRADLEY DEE JOHNSON
BRUCE LINLEY JOHNSON
KELLY MARK JOHNSON
STEPHANIE YVONNE JOHNSON
WILLIAM HART JOHNSON
JAY TODD JONES
BURNICE ELLIOTT JORDAN
WALTER SCOTT JOSEPHSON, IV
JOHN ALLEN JOYNER
GLEN EDWARD KAEMMERER, JR
HEIDI WHITE KALLIO
ROBERT CRAIG KALLIO
TIMOTHY TAKEHIKO KANEGAE
ERIC GREGORY KANIUT
CHARLES THOMAS KEEN, III
TERRY RON KEITZER
WILLIAM JOHN KELLERHALS
JAMES EDWARD KELLY
ROBERT DONALD KELSO
PAUL ROBERT BONNER KENNEDY
RONALD WALTER KENNEDY
BERNADETTE ANNE KERNEN
HAROLD SPENCLEY KING
BRIAN JOSEPH KINGSBURY
STEVEN EDWARD KLEMENCIC
EUGENE NMN KLIMSON
JAMES ERROL KNAPP, JR
LEO EDWIN KNAPP, JR
DANIEL TAYLOR KOACH
ALBERT HANS KOHNLE, JR
MARK STEPHEN KOROMHAS
KEVIN JOHN KOVACICH
SCOTT DAVID KRAMBECK
SCOTT EDWARD KREBS
MICHAEL MARTIN KRECHEL
GARY LYNN KREEGER
CAROLYN MARIE KRESEK
JAMES HENRY KRUSE
RODNEY LEE KRUSE
JAMES KENDEL KUHN
JOHN ALLEN KUMMER
HOLLIS HEIDE KUNIMURA
MICHAEL JOSEPH KURTZKE
BRYAN HENRI KUST
MARK THOMAS LAGIER
CHARLES W. LAINGEN
ROBERT ARTHUR LALLY
ELIZABETH CATHERINE LAPE
JOHN DALLAS LAPE
WILLIAM EARL LARGIN
JOSEPH A. LAROSE
STEVEN M. LARSON
MARK MICHAEL LEARY
MARGARET ANN LEE
YONG HO LEE
DAVID MICHAEL LEONARD
STEPHEN WINTER LESLIE
BERNARD OSCAR LESSARD
PHILIP GEORGE LEVASSEUR
DURWOOD LEE LEWIS
MERRILEE PATRICIA LIEB
DAVID LYLE LILLY
EDWARD NMN LINSKY
DESIREE DENESE LINSON
JOHN J. LITHERLAND
JOHN DEWITT LITTLE
JOHN WILLIAM LITTLE, JR
CHARLES M. LIVINGSTON, SR
MICHAEL LOCKETT
JOHN PATRICK LONG
LEWIS J. LONGENBERGER
BRIAN THOMAS LOONEY
BRIAN LEE LOSEY
JAMES ALTON LOWDER
FRANCIS CHARLES LUKENBILL
ANTHONY MICHAEL LYONS
ROGER MATTHEW MABE
DUNCAN JOHN MACDONALD
BRIAN XAVIER MACK
LEO SIDNEY MACKAY, JR
STEVEN CLEMENT MACKIE
ANDREW THOMAS MACYKO
RANDOLPH LOUIS MAHR
MARK RANDALL MAINES
STEVEN ANTHONY MALLOY
JAY ARTHUR MALMSTROM
ELIZABETH ARLINE MANNING
JOHN KENNETH MANNING
JOHN GARY MARCINIAK
JAMES MARK MARTENS
BRADLEY DEAN MARTIN
HELEN HELM MASEK
LAURA ELIZABETH MASON
DAVID FRANK MATAWITZ
PHILLIP CHRISTOPHER MAULDIN
ROBERT DONALD MAY, II
GERRIT LIVINGSTON MAYER
ARTHUR JAMES MAYFIELD, JR
JEFFERY MCGOWAN MAYGER
GARRY ROSS MAYNOR
DONALD RAY MCBRAYER
LOWELL V. MCCLINTOCK
ROBERT MILES MCCLOSKEY
LUKE MARTIN MCCOLLUM
WILLIAM CAMERON MCCOOL
PATRICK FRANCIS J. MCCORMACK
MARK THOMAS MCDONALD
JOHN DOUGLAS MCGARRY
SALLY ELAINE MCGINTY
FENTON THOMAS MCGONNELL, III
PAUL EDWARD MCGREEVY
PHILIP JOSEPH MCKENNA
JEFFREY ERIC MCLEAN
SCOTT WILLIAM MCLELLAN
RICK MARK MCQUEEN
PETER JAMES MCSHEA, JR
ROBERT BRUCE MCWHORTER
DAVID AUSTIN MEE
LOUIS ORVILLE MEIER, JR
KEITH BRIAN MENZ
MICHAEL FRANCIS MERCER, JR
CHARLES K. MERKEL, JR
MARK DAVID MIDLAND
JOEY ALAN MILLER
JOSEPH RAMON MILLER
MARK STEVEN MILLER
ROBERT WARREN MILLER
PATRICK MICHAEL MILLETT
JOHNNY ALLAN MINCE
ENRIQUE FRANCO MIRANDA
RUTH ANN MOHR
FREEMAN LESLIE MOORE, JR
LEONARD HAROLD MOORE, JR
RONALD BLAKE MORANVILLE
PAUL SCOTT MORGAN
JEFFREY ANDREW MORRIS
JOSEPH SAMUEL MORROW
MICHAEL LOUIS MORUA
JOSEPH DONALD MOSKAL, III
MARK DARYL MOULIN
DONALD CHARLES MUELLER
GREGORY COOLING MUIR
KEVIN PATRICK MULCAHY
STEPHEN PATRICK MULLOY
JOYCE CHRISTINE MUNLIN
LYLE VERNON MUNN
WILLIAM N. NAGY
DAVID JEFFREY NAMEROFF
MARK EDWARD NAVARRO
THOMAS JOHN NEEDHAM
SCOTT LAWRENCE NEGUS
SEAN GERARD NEILAN
DAVID ELROY NELSON
KEVIN PATRICK NEWMEYER
BRUCE ALAN NEWPORT
JONATHON ROBERT NICHOLLS
JOHN ROBERT NICHOLSON
WESLEY S. NIELSEN
DAVID WILLIAM NIEMY
JAMES ERIC NOCK
PAUL DAVID NORRIS
RONALD JOSEPH OARD, II
JOHN CARL OBERST
ANTHONY THOMAS OBRIEN
JAMES PATRICK OBRIEN
KENNETH GERARD OBRIEN
PAUL GERARD OCONNOR
JOHN ROBERT ODONNELL
CLIFFORD IRVING OLSEN
JONATHAN JAMES OLSON
MARK JARL OLSON
PAMELA JEAN OLSON
WAYNE DOUGLAS OLSON
BARRY KEITH OLVER
HENRY SPENCER ONEAL
DAVID MARK OSMUNDSEN
JOHN THOMAS OSTLUND
WILLIAM CARL OURAND
BRIAN JEAN OVERVIG
ROBERT LAWRENCE PACKER
HOWARD EDWARD PALMATIER
BURT TROY PALMER
GAIL J. F. PALMISANO
KIM ALAN PARKER
IONE IRENE PARSHALL
PHILLIP GEORGE PATTEE
JAMES TAYLOR PATTERSON
DAVID DEAN PAULS
DAVID SCOTT PAUTSCH
THOMAS JEFFREY PAYNE
JAMES ANTHONY PELKOFSKI
ALAN NEIL PEPPER
DAVID ARTHUR PERRETTA
ROBERT DONALD PETERSON
DAVID LEE PEVELER
DAVID TAYLOR PHILLIPS
MARK R. PILLING
JONATHAN RAY PITTMAN, III
JAMES RICHARD PLOSAY
JOHN MURPH POLLIN
RICHARD RUBIN PORTNOY
CRAIG DEAN POWELL
WALTER ANDREW POWELL
MARIONETTE DENISE PRIDE
DANIEL EDWARD PRINCE
MATTHEW JAMES PRINGLE
DEBRA DENISE PULLEN
ROBERT MILEY PURDOM
SEAN AVERELL PYBUS
LOYD EUGENE PYLE, JR
RAMON NMN QUINTANILLA
RAOUL A. RALL
DAVID GORDON RANDALL
FRANCIS FITZ RANDOLPH
DANIEL MARTIN RATLIFF
WILLIAM SAMUEL REID
KEVIN DUNHAM REILLY
THERESA SPRING REISENFELD
WARREN EDWARD RHOADES, III
PAUL JUDE RICCIUTI
CHRISTOPHER WAYNE RICE
MARKHAM KIKER RICH
RANDALL GEORGE RICHARDS
ALAN RUDOLPH RIEFFER
JOHN FORREST RIGGS
CATHERINE DEBORA RIPLEY
FRANZ JOSEF RITT
KATHLEEN ANN RIVINIUS
WILLIAM JOHN ROBERTSON
SUE FRANCES ROBERTSONTRUXAL
MATTHEW THOMAS RODAKIS
ANTHONY CARL RODGERS
DAVID SCOTT RODGERS
PHILIP DEAN RODGERS
MARIA ROGERS
RAYMOND BERNARD ROLL
KAREN LEE ROLSON
JOHN BRADLEY ROSANDER
WILLIAM HERBERT ROSS, JR
JAMES EDWIN ROWLANDS
GREGORY NMN RUCCI
JOHN LOUIS RUCK
DAVID ALAN RUTH
STEPHEN SCOTT RUTH
PAUL EDWARD RUUD
ANNA LOUISE RYBAT
EDMUND KENNETH RYBOLD, JR
SCOTT EDWARD SAGE
SUSAN BETH SALE
ADLIN HAYDEE SANCHEZ
MARK JEFFUS SANDLIN
PATRICK JAMES SCANLON
SHEILA ANNE SCARBOROUGH
MICHAEL DAVID SCAVONE
PAUL ANTHONY SCHACK

NATHAN BRUCE SCHLEICHER
CLAUDIA JANE SCHMIDLY
ANTHONY PETER SCHMIDT
ROBERT JOHN SCHMIDT
KEVIN LEE SCHMITZ
JOHN EBERHARDT SCHWERING, JR
JAMES GEORG SCOTT
EDWARD BENJAMIN SEAL
MARK TIMOTHY SEELEY
RICHARD STANLEY SEELEY, JR
ROBERT DAVID SELIGMAN
CLAY WILLIAM SELLERS
PETER FAIRFIELD SERGEANT
CHARLES HENRY SEWALL
ALBERT ROY SHARLOW, JR
CLIFFORD SEAWELL SHARPE
JOHN BRADLEY SHAULIS
JOHNATHAN DAVID SHAW
MICHAEL GEORGE SHEA
WILLIAM AUGUSTINE SHEEHAN
LINDA MAUREEN SHERFEY
PETER SANDS SHERMAN
SUSAN LEE SHERMAN
BERNARD VINCENT SHINAL
GARY LEE SHIPLE
WESLEY MILLS SHUMAKER
EDWIN ARTHUR SHUMAN, IV
DONALD RAYMOND J. SHUNKWILER
PAUL WILLIAM SIEGRIST
JAMES GLEN SIMERVILLE
JOHN BALLARD SIMMONS
MICHAEL THOMAS SIMMONS
ROBERT ANTHONY SIMS
JAMES ALLEN SINKIEWICZ
CHARLES JOSEPH SITARSKI
ALAN BARTOW SMITH
CAROLE JANET SMITH
CHARLES DONALD SMITH, JR
GREGG KELTON SMITH
HENRY CLAYTON SMITH
JACQUELYN BEATTY SMITH
JOHN WESLEY SMITH, JR
MICHAEL EDWARD SMITH
PAUL CHRISTOPHER SMITH
ROBERT ERWIN SMITH
ROYCE LEE SMITH
STEPHEN MICHAEL SMOOT
THOMAS CHARLES SNEAD
RICHARD PAUL SNYDER
JOHN DOUGLAS SOMMERS
ROBERT STEFAN SOMMERS
SEAN DOUGLAS SORENSEN
JAVIER SOTELO
JAMES DAVID SPERBECK
DAVID ROSS SPOERL
NANCY ANN SPOTTS
LOWELL SCOTT STANTON
MARK TAYLOR STAPLES
GLEN DAVID STEELEY
SEAN ALAN STEEVES
JOHN LEWIS STEINBERGER
PATRICK JOHN STEMRICH
JOHN CARL STERLING, JR
JOHN JASON STEVENS, III
NORA GAYE STEVENS
JANET DEANN STEWART
JAY THOMAS STOCKS
JOANN MARY THERESA STONE
LAWRENCE JOHN STREIFF
THOMAS DEAN STUART
GREGORY JOHN SULLIVAN
DANNY JOE SUTHERLAND
PETER BOWMAN ROUTH SUTHON
MICHAEL JOSEPH SWEENEY
STEVEN RIGHTON SWICEGOOD
CHARLES CLAYTON SWICKER
MEGAN ELISSA TABER
SUSAN GAIL TALLEY
MATTHEW THOMAS TAMMEN
MARGARET ANNE TAYLOR
DEBORAH SUGGS TENNANT
JAMES RUBLE THOMAS
DOUGLAS ALAN THOMPSON
LEROY DAVID THOMPSON
ROGER KENNETH THORSTENSON
JAMES AYOUB TINGLE
FRANK JOHN TINKER
VANCE SEAN TISDALE
BRUCE ANDREW TOMPKINS
MICHAEL ELVIS TOW
M. K. TRIBBIE
CHRISTOPHER TROEDSON
HENRY VIVIAN TURNER
DEBORAH SUE VALLEZ
RICHARD EDWARD VANDENHEUVEL
PERRY FRANKLIN VANHOOSER, II
RAYMOND EDWARD VANZWIENEN
JOHN THOMAS VARGO
WILLIAM AUGUST VAUGHN
ROBERT SCOTT VEENHUIS
DOUGLAS JAY VENLET
GREGORY VICKERS
EDWARD ALAN VINCZE
MICHAEL TERENCE VOGEL
ANTHONY ALLEN VRAA
WILLIAM ARTHUR WACHOLZ
MICHAEL JOHN WAGNER
WILLIAM BRADLEY WALKER
ELIZABETH ANNE WALLACE
CARL ROLAND WALLSTEDT
RICHARD WILLIAM WALTER, II
CHRISTINA CUMMINGS WARD
WILLIAM DOWNEY WARD
GARY KENNETH WARING
LAWRENCE ALBERT WARKENTIEN
TIMOTHY MARTIN WATERFIELD
NANCY HERRIMAN WATSON
RICHARD WARREN WATSON
CATHERINE RUTH WDOWIAK
MALCOLM LEAVITT WEATHERBIE
ALBAN WEBER
THOMAS ELLIS WEDDING
HARRY EDWARD WEDEWER
DENNIS EDWARDS WELLS

RANDALL WAYNE WENDE
CHRISTIAN P. WESTERMANN
PETER MATHEW WEYRENS, II
AILEEN ELIZABETH WHITAKER
MICHAEL STEPHEN WHITE
PETER SCOTT WHITE
JAMES LEE WHITTINGTON
MICHELE LYNN WILLIAMS
CARLENE DIANE WILSON
KEVIN JAY WILSON
WILLIAM HARBINSON WILSON, II
THOMAS ROSS WINCKLER
WILLIAM DOUGLAS WINEGAR
SCOTT JOSEPH WISE
GEORGE GRESHAM WOMACK
RANDOLPH LEE WOOD
ROBERT ANTHONY WOOD
CHARLES WILLIAM WOODARD
THOMAS JAMES WOODFORD
JAMES STUART WOODSON
BRUCE LEROY WOODYARD
DAVID DONALD YACKEL
MARION DOUGLASS YANCEY
DAVID JOHN YODER
JOSEPH BENNET YODZIS
ANDREW MORGAN YORK
STEPHEN ERIC YOXHEIMER
LANCE LEON ZAHM
JOHN ANTHONY ZANGARDI
STEVEN CARLSON ZARICOR
LINDA NMN ZINNIKAS
CLAY ARNOULD ZOCHER
ERIC ALLEN ZOEHRER
KEVIN SCOTT ZUMBAR

ENGINEERING DUTY OFFICERS

To be lieutenant commander

MARK RONALD ACHENBACH
BRIAN KENT ANTONIO
TIMOTHY ATKINSON
GARY ROBERT AYERS
ROBIN LYNN BELEN
TERRY JOSEPH BENEDICT
RICHARD DENNIS BERKEY
KRISTIAN PEDERSEN BIGGS
HOMER G. BLALOCK, III
BRYAN MICHAEL BLANCHETTE
JAMES LEE BOSSERMAN
NEIL ROBERT BOURASSA
LEO JOSEPH CARLING, IV
MATTHEW BENITEZ CISSEL
LAWRENCE WHITLEY COMERFORD
JAMES MATTHEW COUMES
STANLEY CUNNINGHAM
DWAYNE HAZEN CURTISS
DAVID FRANKLIN DAVIDSON
JAMES ALAN DAVITT, JR
NORBERT HENRY DOERRY
WILLIAM ALEXANDER FIELDS
CANDONINO PAGADUAN FRANCHE
WILLIAM JOHN GALINIS
ALBERT JOSEPH GRECCO
MARY ELIZABETH GWIN
VALERIE RUTH HOCKGRAVER
RICKY ROHEROLD HOLLAND
GUY VICTOR HOLSTEN
RICHARD JOHNSON
PATRICK JOSEPH KEENAN, JR
DANIEL ALLEN KELLETT
DAVID HOWARD KIEL
JOHN SAMUEL LASZAKOVITS
KAREN KAY LEHMAN
STEPHEN DOUGLAS LEWIA
ROBERT WALTER MAZZONE
JAMES JEFFREY MCGLOTHIN
SCOTT JOHN MCKERNAN
DOUGLAS PAUL MILLER
ANTHONY JOSEPH MULLARKY
TIMOTHY BUCK NACHTSHEIM
JOHN BAKER NEWELL
MARK JOSEPH OLECHOWSKI
GERALDINE LOUISE OLSON
CHRISTOPHER RAYMOND PIETRAS
JOHN WILLIAM RIPPON POPE, II
GERARD JOSEPH REINA
RICHARD ERIC REINKE, III
ROBERT OSCAR ROBLEDO
PAUL EDWARD ROWE
THOMAS JOHN SCHAUDER
DOUGLAS SCOTT SCHROEDER
DAVID MICHAEL SENDEK
JOHN SEROCKI
SOLOMON RAND SHERFEY, III
MELISSA CANNON SMOOT
MICHAEL BRIAN STANTON
JOSEPH FRANCIS STIGLICH
ELIZABETH HOLLEY STITZ
NEIL CHARLES STUBITS
JOHN WESLEY TAYLOR
GREGORY ROBERT THOMAS
PETTEN THOMAS LOUIS VAN
RICHARD EUGENE VOLKERT, JR
JAMES JAY WRIGHT

AEROSPACE ENGINEERING DUTY OFFICERS (ENGINEERING)

To be lieutenant commander

MATTHEW R. KERCHER
MARK M. RHOADES

AEROSPACE ENGINEERING DUTY OFFICERS (MAINTENANCE)

To be lieutenant commander

STEVEN LLOYD ARMSTRONG
ROBERT FRANKLIN BARR
RAYMOND S. BEDNARCIK, JR
WILLIAM JOHN BERGIN
KENT GEOFFREY CALDWELL
KENNETH RALPH CAMPITELLI
ELIZABETH ANNE CARLOS
JAMES KEVIN COLTON
DAVID IVIE DEEN
RICHARD JAMES DORN
JERRY LYNN GODDING
MICHAEL TROY HABERTHUR
TIMOTHY ALLEN HOLLAND
LISA JANE HOLLIDAY
AVGI IOANNIDIS
CINDY LOUISE JAYNES
GEORGE FRANCIS KILIAN
JERI SUE KING
STEVE ALLEN LUCAS
TIMOTHY STIRLING MATTHEWS
VINCENT MARSHALL SCOTT
FERNANDO TIRONA VILLANUEVA
JOHN DAVID WAITS
STEVEN EUGENE WEAVER

AVIATION DUTY OFFICERS

To be lieutenant commander

EDWARD ADOLPH CONTRERAS
LARRY EDWARD HEHR
KENNETH ALAN LILES
ANDREW WILLIAM ROBINSON
WALTER ALAN ROSSI

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be lieutenant commander

ROBIN CLAIRE BEDINGFIELD
JEFFREY JOSEPH BURTCH
STEVEN OSCAR CARDER
LEE STEPHEN CARDWELL
WILLIAM J. CUNNINGHAM
JAN ROLAND DRAY
JEAN MARY EBERHARDT
GERALD STANLEY FREESE
TIMOTHY LEE HOBBS
RICHARD THOMAS IRWIN
WILLIAM ROBERT JANIS
MARK CHARLES JOHNSON
CHARLES BRIAN JOHNSTON
CANDACE MARIE KNOWLES
KIM LESLIE KOTLAR
DAVID LYNN LEU
FORBES OWEN MACVANE
RICHARD DANIEL MCNAMARA
MARK DOUGLAS NEIGHBORS
GARY JOHN NELSON
ROY AMOS OBER, III
AMADO MICHAEL PARRA
ALLEN VINCENT POLLARD
DAVID WILLIAM STENDER
JAN ELIZABETH TIGHE
IAN RAMSAY SHERIDA TOWNSEND
JERRY LEROY WARWICK
CYNTHIA LUANNE WIDICK
LEON ELLIS WILDE
MARK ALAN WILSON
JAIME YSLAS
JAMES STANLEY ZMYSLO

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be lieutenant commander

RACHEL LYNNE APPLE
VERNON DALE BASHAW
PAUL BRIAN BECKER
JOEL PRESSLEY BRADBERRY
EDWARD NICHO BRANDSTOETTNER
CHRISTOPHER ELLSWORTH BROWN
CAROL LYNN CANBY
JEFFREY LEE CANFIELD
EUSTAQUIO CASTROMENDOZA
RAYMOND BRIAN CORRIGAN
THOMAS RAMSEY CROMPTON, JR
EDWIN JOSEPH DAUM, JR
JENNIFER ELIZABETH DYER
ERIC DOUGLAS EXNER
KAREN WINERING FAUL
JOSE ADAN GUTIERREZ
DEBORAH ANN HEADRICK
JAMES PATRICK HELD
ROBERT JOSEPH HIGGINSON
KEVIN MARK JOHNSON
THOMAS PARKER JONES, JR
STEPHEN ANDREWS KAPPES
BEVERLY JANE KELSEY
HEATH RICHARD KEMMAN
RICHARD DANA LEE, JR
TERENCE EUGENE LEEDS
THOMAS BENNETT LUKASZEWICZ
MARIA LYLES
ERNEST BRETT MARKHAM
ROBERT PRICE MARSTON
CHRISTOPHER GRANT MATTHEWS
JAMES FENTON MCDOUGALL
JEFFREY CURTISS MOULTON
BRADLEY THAYER MURPHY
ROBIN KEITH MYERS
ERIC KEMP PETIPRIN
STEPHEN PAUL RECCA
CHARLES ELPHICK SANFORD
JOHN MERRITT SANFORD
JOHN THOMAS SEGURA
JAMES JOHN SHAW
STEPHEN FOSTER TOOLE
ELIZABETH LANGDON TRAIN
PAUL WARD TRUESDELL
MARK KEVIN WARD
NEIL RICHARD WILEY
MICHAEL CHARLES WISNIEWSKI

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be lieutenant commander

SCOTT DAVID CAMPBELL
KENNETH H. CRONK
LAWRENCE TERRELL EVANS
WARREN CURRY GRAHAM, III
DAVID MARK KOONTZ
STEVEN CHARLES LOWRY
WARREN GAIR MACKENZIE, JR
MARVIN STEFFAN MASCHKE
ROBERT DOUGLAS RAINE
GREGORY JOHN SMITH
KATHERINE ELIZAB STEFANSSON
ROXIE MARIE THOMSEN

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be lieutenant commander

CHRISTOPHER LYNN ABBOTT
STANLEY AKINOBU AKAHOSHI
FRANK WILLIAM BAKER, JR
KEVIN FREDRIC BEDELL
ANDREW BROWN, III
CHRISTOPHER LEWIS BUTLER
JESSIE CATON CARMAN
STEPHANIE WARD HAMILTON
PAUL KARL HEIM, II
JOHN EDWARD JOSEPH
DENNIS RAY MILLER
ANTHONY NEGRON
MARJORIE ZAP NORDMAN
DONNA MARIE SENGELAUB
WILLIAM CHRISTOPHER SWETT
DONALD WALTER TAUBE
ERIC LEX WESTREICH
JONATHAN WICKLIFFE WHITE
KENNETH ALLEN WOS
JOSEPH AMOS YETTER, JR

LIMITED DUTY OFFICERS (LINE)

To be lieutenant commander

JON CHARLES ALLEN
TERRY EVAN ASHER
JOHN WILLIAM BABER
HERMAN FRANCIS BANKS
WAYNE D. BARCOMB
DAVID FRANCIS BAUMAN
COULSON CHARLES BEACH
FRANCIS ROY BEADLE, JR
JAMES LARRY BEAN
KAY LYNN BEARDSLEE
STEPHEN SHERMAN BISHOP
KENNETH RAY BOONE
JOHN LESTER BOTINE
HENRY KING BROOKS
ALBERT MICHAEL BROWN
THOMAS WAYNE BROWN
WAYNE ALAN BROWN
LAYTON MELDRIN CALLOWAY, JR
ALAN CLAY CAMPBELL
LAWRENCE MYERS CAUBLE, JR
PETER C. CHAPMAN
DONALD WOODROW CHEWNING
DOUGLAS WILLIAM CLARK
H. LAWRENCE CLARK, JR
FREDERICK JOHN COOPER
MARK E. CREP
MITCHELL DEAN CULBERT
BART ARTHUR DEVINE
DENNIS LAWRENCE DIUNIZIO
WILLIAM CHARLES DOUGLAS
PETER UWE DREXLER
MARY DIANE DUBAY
JERI DIANE EZELL
JAMES EDWARD FERRELL
DENIS MICHAEL FINNEGAN
JOHN BENJAMIN FUNKE
DONALD RONALD GALLUZZI
JACK ALAN GUSTAFSON
DAVID MICHAEL HARRIS
GILBERT WILSON HEIM, JR
JAMES G. HICKS
JOSEPH EARL HILYER
BARRY WAYNE HOLMAN
KEVIN ROBERT HOOLEY
GENE THOMAS HOWARD
MICHAEL DUANE JACKSON
PETER F. JOHNSON
FREDERICK ABSOLAN JONES, III
JAMES PETER KEMP
BILLY DEAN KENNEDY
OWEN MARTIN KINK
JAMES PHILLIP KISER, JR
DEAN RUSSELL LAIRD
JON THOMAS LAIRD
ALAN DALE LANE
TODD MILO LARSON
ROBERT ERNEST LILLGE, JR
MICHAEL EARL LOEBS
JOHN CHARLES LOWKE
SCOTT ALLEN MACDONALD
WILLARD ALEXANDER J. MALONEY
JIM DAN MANSFIELD
WILLIAM ROSS MARSHALL
FRANCIS JOSEPH I. MCLAUGHLIN
DAVID KARL MELGES
JOHN P. MILLS
DAVID LEE MORTENSON
THOMAS EDWARD MUELLER
JOHN PHILLIP MURRAY
MYRON EDWARD NELSON, JR
DION ALLAN NEWHOUSE
JACK MICHAEL PAVLAT
JOSEPH MICHAEL PAWELCZAK
GREGORY J. PETERSON
DALE WAINO PIIRAINEN
MICHAEL DAVID RIVENBARK
ROBERT LEWIS ROBIE
MARK CLINTON RUDDEFORTH
GEORGE SANDOR, JR
CLIFFORD HERMAN SCHILKE
ROBERT JOSEPH SHANNON, JR
ROBERT R. SHELDON
GORDY ANTHONY SPIRES
JACK L. SPRAGUE
LARRY EDWIN STANFORD
DONALD P. STEACY
TOMMY WAYNE STITES
WILLIAM GERALD STRINGFELLOW
DARYL DOUGLAS JOHN SWIGGS
MICHAEL TERRY THORNBURG
ROBERT CHARLES THORNE

STEPHEN LEE TOTTERER
BENNY LEE VANN
EUGENE THURMAN VEST, II
LARRY ELBERT WALLACE
KATHRYN BRANSON WEBB
MICHAEL LEE WEST
WILLIAM JAMES WHALEN
PAUL DIXON WHITE
MICHAEL EDWARD WHITEHEAD
JOHN MICHAEL WHITEHILL
DAVID MICHAEL WILHITE
JOSEPH STANLEY WOJTUNIAK
WILLIAM FRANKLIN WRIGHT
MICHAEL THOMAS ZANSKI
JOHN EDWARD ZARBOCK

IN THE NAVY

THE FOLLOWING NAMED LIEUTENANT COMMANDERS OF THE RESERVE OF THE U. S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF COMMANDER IN THE STAFF CORPS, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

MEDICAL CORPS OFFICERS

To be commander

JOEL MICHAEL ALCOFF
KEVIN PAUL ANDREWS
PATRICIA AGNES ASSAN
ANDREW J. AUERBACH
ROBERT C. BARNES
WILLIAM LLOYD BERRIDGE
MARK JOSEPH BULT
JAMES BENJAMIN BURKE
STEVEN MCGUIRE CARLTON
JOAN CHENG
MICHAEL ZANE CHESSER
RICHARD EDWIN CHINNOCK
WILLIAM B. CLARK
ANITA L. CLAYTON
JR JACK ANDREW COLEMAN
JOHN P. CONNOLLY
MICHAEL ELLIOT CURTIS
PAUL CARL DELL
SUSAN ELLEN DICKERSON
JOHN DOHM
WAYNE LA MARNE EASTER
GARY M. FEINBERG
MARVIN FRANKL FOJTASEK
DAVID N. GEIGER
DAVID BLACK GILLIS, JR
GARY S. HARRIS
THEODORE JOHA HEYNEKER
LESTER LEO HIMMELREICH
JOSEPH HOBSON
LOUIS WILLIAM IRMISCH
ANDY SAM JAGODA
CHRISTOPHER FRAN JAMES
ALAN HENRY JOHNSON
CLEMENT K. JONES
WILLIAM J. KEMERER, JR
KESTUTIS VIKT KURAITIS
DANIEL P. LAVERY
ROBERT C. MARTIN
VAN STEVEN MASK
JAMES T. MCGLYNN
BARRY ROSS MEISENBERG
NESTER EDWARDO MILIAN
GREGORY L. MILLER
RUBEN NEPOMUCENO
SAMUEL ROBERT NEWSOM
CATHRYN PENNINGTON
CLYDE WILLIAM PRAY, JR
JOHN DUDLEY PYEATT, III
JAMES ROBERT RAPPAPORT
RAMON SANCHEZ
ANDREA MA SCALISEGORDY
GEORGE RIC SCHOEDINGER
MELANIE BROOKS SHARPE
ERIC WYGANT STARK
JOHN A. STERBA
ROBERT JAMES TELLO
RAYMOND TOM
DANIEL PATRICK WALSH
HARRY JAMES WARD
ANDREW DAVID WEINBERG
MICHAEL DEE WELCH
JOHN M. WILLIAMS
ERIC JOSEPH ZANGHI

DENTAL CORPS OFFICERS

To be commander

ROBERT WILLIA ANDERSON
GARY WAYNE BACKER
DOUGLAS ALLEN BATDORF
DONALD EDWAR BELLEBAUM
MICHAEL GEORGE BENAC
LORNA MILLAR BRUNHOFER
JULIUS FRED CASE
OLLIE CHRISTOPH FISHER
PATRICK JOH FITZGERALD
DENNIS CALVIN FOSTER
STEVEN CHARLES FOX
JOHN PATRICK GIDDINGS
DOUGLAS CARL GLESMANN
REUBEN ARTHU JAMHARIAN
JOAN KUTZ KNUTH
ALAN KENDALL KULP
LISA TONI DAVIS KULP
DANA ROBERT MCMASTER
WILLIAM FRA MOLLENHOUR
RONALD EUGENE MYERS
TIMOTHY JOSEP NAWROCKI
GEORGE CHARLE ROHRBACH
ADDISON BERKLEY SALES
PAUL RICHARD SANTOYO
DANIEL MICHAEL SHEPARD
ROY A. SMITH
CRAIG WINSOR SPENCER
BARBARA QUICK STURTZ
DAVID HALL STURTZ
TODD RICHAR WELLENSIEK
DOUGLAS GRI WOERSCHING
DAVID SEYMOUR WOOD

MEDICAL SERVICE CORPS OFFICERS

To be commander

WILLIAM RICHARD BAKER
JAMES M. BEISLER
ROBERT ALAN BOOTT
JACK EVAN BRAUN
VINCENT LEE BROWN
WILLIAM RILEY CAMPBELL
THEODORE JOSEP COMMONS
LAWRENCE HAYES COPPOCK
DAVID DOYLE, JR
RONALD ALLEN FINK
STUART LEWIS FRANKEL
CHARLES FRED GALER
ARTURO AN GEIGELBUNKER
KAREN A. GINTZIG
LADISLAUS GOLLESZ
RICHARD BRIAN HETRICK
THOMAS F. HILTON
SALLIE BETH HOLLOWAY
DAVID MARCUS HUNT
JEFFREY ARNOLD LARSON
ZYGMUNT AN MAKSYMOWICZ
CARL DOUGLAS PATRICK
DAVIS ARBUTHN RICHARDS
GEORGE MACE SUMMERS
VIRGINIA JEANNE SWARTZ
JOHN OLIVER I. VINEYARD
DENNIS MERLE WAGNER
BRUCE DOUGLAS WEBSTER
MICHAEL WENDLING
JOHN ALBERT WILDIE
WALTER ABNER WILLIAMS
KIM RAYMOND WORKING

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

WILLIAM THOMAS ALBERTI
JOSEPH MICHAEL ANGELO
JORGE L. ARROYO
HENRY WIGGS AUSTIN, JR
STEPHEN FREDERI BELDEN
CLARENCE BELL
ERIC RAWSON BREDEMEYER
LANCE CRAIG CANTOR
MICHAEL A. CASAUS
TIMOTHY KIRKPATR CHISM
STEVEN LAWRENCE COHN
THOMAS WILLIAM CONNORS
KEVIN PAUL COOK
LOEVA JANE COOK
JAMES BRUCE COVINGTON
MAYNARD THOMAS CURRY
MICHAEL W. CURTO
DONEL LEE DAVIDSON
JOHN ALLEN DERIVAUX
CHARLES WILLIAM DOBRA
GENE WADE ELKINS
TIMOTHY THOMAS FLYNN
CHARLES LLOYD FORD
JEROLD ANSON GODDARD
MARTINEZ CARL GONZALEZ
RICHARD ALAN GRINLEY
LAURA S. GROCE
WILLIAM PAGE HARBESON
DIANE CAMPBELL HOWARD
JOHN KEVIN IANNO
SANDRA MCLEA JABLONSKI
RAY NMN JOHANSMEIER
BRUCE CHARLES KMOSKO
KENT MICHAEL LATSHAW
ANITA MARIE LEBLANC
VINCENT L. LEIBELL, III
ROGER DAVID LINN
ARTHUR FRANCIS LOEBEN
TERRY MILTON LOUIE
MILTON KIT LOW
FREDERIC EUGE MATTHEWS
RUSSELL RAYMO MCKINNEY
DAVID MERLE MCQUISTON
KATHLEEN PATRI MCTIGHE
JOEL KEVIN MEESE
JOHN GRATTAN METZ, JR
NEAL HENRY NELSON, JR
ELLEN MAREN NEUBAUER
TERRY LEE NORTON
STANLEY ANDRE OSTAPSKI
JAMES JOSEPH PARIS
ROBERT FRANCIS PARKER
JERRY DEANE PARR
MARIE E. PECKLLEWELLYN
THOMAS ROBER PERKERSON
CORNELIUS DURREL PERRY
JOHN WILLIAM PITCHER
BRITANYA ELLEN RAPP
ROBERT LEO RAWLS
CHERYL KAY RIFE
MICHAEL DEAN RIGG
EILEEN CARR RILEY
TERRY JO ROMINE
MICHAEL STEVEN ROYS
JEFFREY RICHAR RUSSELL
NORMAN AMBROSE RYAN
DAVID FRANCIS SANDERS
JUDITH ANN SCHEVTCHUK
RANDALL KEITH SCHMITT
WAYNE S. SHIMIZU
PHILIP MICHAEL SMITH
SUSAN L. SMITH
WALTER LEWIS SMITH, JR
PIETER G. STRASSER
RICHARD NORRIS SWANSON
STEVEN M. TALSON
THOMAS ROBERT TARBOX
ARTHUR F. THIBODEAU, III
LUCIE ANNE DION THOMAS
SEAN PATRICK WALSH
JAMES MARSHALL WARDEN
PAUL M. WASSERMAN
DAVID GERARD WEAVER
JAN MICHAEL WHITACRE
CHRISTOPHER S. WILLIAMS
MARK HENRY WOERNER

NURSE CORPS OFFICERS

To be commander

ROBERT CURTIS AHRENS
BRUCE EUGENE BALFOUR
RUTH BARROW BAR
JEAN M. BENNETT
RAY ALLEN BIAS
CAMILLA ANN BICKNELL
CLAUDIA ANN BODNAR
CHRISTINA MARTI BONNER
KATHRYN ESTHER BONNER
RANDAL TRAVIS BOSTON
MARY CATHERINE BOYD
SHEILA SUPPES BRACKETT
KATHERINE M. WI BRADLEY
PAULINE F. BRAULT
NANCY EDWARDS BRENNAN
JAMES THOMAS BROWN, JR
WILLIAM LAWRENCE BURT
REGINA CLAIRE BUTLER
MARY ANNE CHVALA
ELLEN MAE CITRANO
BONNIE BADER CLARK
LUCINDA LUCAS COLLIER
COLETTA BROST CROOMS
EVE APRIL CUSHING
PATRICIA A. DELANEY
JUDY ANN DIXON
MARGARET ELIZAB DOWNEY
DOREEN TRYON ELD
MARGARITA ENDLESS
PAMELA J. ERTEL
DIJON HARTMAN FASOLI
ROX ANNE VILENDR FRANK
JANET SHEA FULLER
NADA ROZI GALLAWAY
SUZANNE WEST GERLACH
JANET M. GIBBS
DELLA APOSTOLO GLASSON
LYNN PATRICIA GORMLEY
MICHAEL KENT GOULD
MARILYN CLARK GREGG
EVELYN BROWN HALL
BEATRICE ESTEL HARROLD
KATHERINE AN HUTCHISON
LETITIA MAE JACKSON
MARY KATHER JANCZEWSKI
ROBERT DEAN JOHNSON
WILLIAM LELAND JOHNSON
RUTH ANN KIRALY
MARGARET KNAPPENBERGER
JOANNE LOUISE KRAMER
MARY LOU KRAMER
KATHLEEN REYNDERS LANE
CAROLYN JANE LASSETER
ANNE ELLEN LEASE
GEORGENE SHEARY LEITER
GAIL LAND MANKO
DELANOR ANN MANSON
MARGARET MARY MARTIN
DOUGLAS R. MAUPIN
KATHRYN BRADSHAW MCGEE
STEPHANIE MARIE MIKULA
MARCIA ANNE MODICA
CLARICE ALDINE NASH
DEBORAH COUNSEL NORTON
BETTY ANN POWERS
CLAIRE BERNADET POWERS
SUZANNE VANGORD PRINCE
CHRISTINE ANN QUINONES
CATHERINE HADEN RATTO
PAMELA JEAN RAYBURN
JOHN EDWARD RETZLAFF
SANDRA LEE RICABAUGH
HEATHER ELIZA RICHARDS
EVELYN KAY RICHARDSON
MARGARET MARY ROES
ELIZABETH DAY ROLAND
SANDRA ANN ROYBAL
PATRICIA DAV SCHNEIDER
SUE ANN SEEMANN
MARIE ANN SHEEDER
CHRISTINA LORE SHELTON
SUSANNE BONNIE SILVIA
MARILYN ELIZABET SMITH
SUZANNE M. SMITH
LANA MARIE SPETHMAN
MARILIN BARBARA STATES
CYNTHIA DIVENS SWEENEY
DEBORAH GLEASON TAYLOR
RUTH KIYOMI TERASHIMA
ELIZABETH DOOLEY TRACE
JOAN WALSH TRELEASE
KAREN G. TRUEBLOOD
JOHN GERARD TWOMEY, JR
KAREN SU TYSON
MARIA TERES VALENZUELA
KEARNEY REED VEAZEY
NANCY JEAN VONTERSCH
DOROTHY JOY WADE
KATHRYN MONSEES WARD
DIANNE WATTAM
KRISTINE WARNER WHALEN
BARBARA JEAN WILLIAMS
SUSAN LYNN WOODRUFF
GRETCHEN RONITA WYATT
PATRICIA LEE YAMADA
KAREN ELIZABETH YERKES

SUPPLY CORPS OFFICERS

To be commander

DAVID WILLIAM ALEKSON
HARRIETTE CLAIRE ATKINS
JEFFREY JEROME BENKO
VANCE DAVID BERRY, JR
KENT DALE BROSTROM
WALTER W. BROWN
SEAN FRANCIS CREAN
CATHERINE M. CUNNINGHAM
STEVEN DEVLIN DODGE
ROBERT PATRICK DOLAN
PATRICK GEORGE DONOVAN
SARA GARLAND DRAPER
JOHN ROBERT EICH
PAUL CHARLES FERGUSON
CATHERINE ANN FISH
GREGORY ALLYN FISKE
FREDERICK GENUALDI
DAVID WILLIAM GERETY, JR
RICHARD MARSHALL GREENWOOD
DAVID DUANE GRIFFITH
WILLIAM T. GUICE
STEPHEN MARTIN HICKEL
JOHN RANDALL HICKMAN
MARTHA AILEEN HILL
LOUIS H. HLEBICZKI
GAIL MARIE HOERT
DENNIS DAVID HORSELL
JACK NEIL HOSTETTER
RANDALL CLARK HUGHES
STANLEY H. JOHNSON
TIMOTHY LEE JOHNSON
WESLEY H. JOHNSON
ALAN LOUIS KARTY
MICHAEL JAMES KING
JAMES PHILIP MAKOFSKE
CHARLES JOHN MARDEN, JR
DANIEL EDWARD MARTINEZ
JAMES GREGORY MAYO
ROGER WILLIAM NADEAU
JOSEPH HENDRIK ODEKERKEN
DENNIS JAMES OFFNER
JOSEPH ALAN PASQUALUCCI
PAUL ANTHONY PAYNE
THOMAS J. PETERS
JAMES NORMAN POND
CHARLES ALLEN REICH, JR
JOHN W. RICHMOND
MITCHELL LEE ROBINSON
RONAL ROGALSKY
TIMOTHY DANIEL SCHULER
EDWARD ROBERT SCHULTZ
GEOFFERY WILLIAM SEAVER
TIMOTHY OLOF SHERER
ALLAN MICHAEL STANCZAK
CALVIN C. STAUDT, JR
ERIC E. STEVENS
JANE CARLL TANT
JAYNE ALSTRUP TAYLOR
CHARLES HOWARD VAUGHAN
FRANKLIN NMN VENINGER
JOHN WILLIAM WALKER
TRACY JEANNE WHITAKER
JOEL TEAGUE WILLIAMS
JAMES CASSOW WILTSE

SUPPLY CORPS OFFICERS (TAR)

To be commander

ERIC WILLIAM CARLSON
RICHARD HOWARD ETT
BRUCE PHILIP NEUBECK
RONALD ROSKOWSKI

CHAPLAIN CORPS OFFICERS

To be commander

THOMAS DALTON BAIRD
CALDWELL A. BARRON, JR
M. KATHY BROWN
ROBERT JAMES BURNS, JR
GLEN ALBERT BUSBY
LARRY DOYLE CRIPPS
REX G. DARLING
JAMES LEE DOSS
JAMES DANIEL DWYER
DAVID CHRISTIAN HACKMANN
EBEN THEALL CAREY HEDMAN
CHARLES DOUGLAS KROLL
WILLIAM ANDREW MAHLOW, JR
MARTIN GEORGE MCCAIN
PLEASANT LAWRENCE MURPHY, JR
LESLEY ARMSTRONG NORTHUP
KENNETH EDWARD PEPPER
DAVID AMEDEE POUCHOT
RICHARD M. POWERS
MICHAEL LEE SPANGLE
PAUL WILLIAM STEEL
MARIAN JULIAETTE WILKERSON

CIVIL ENGINEER CORPS OFFICERS

To be commander

JAMES MARSHALL BAKER
KEVIN KENT BALL
THEODORE W. BEIDLER
ALLAN J. BELLACICCO
JESSE DEES CANNON, JR
GARY FRAZER CARVER
RODERIC LANCE ELDER
ALBERT NMN GARCIA, III
GREGORY WILLIAM GEBHARDT
LAWRENCE ALLEN GILBERTSON
JERRY GLENN HOWELL
PAUL DEAN HUNSICKER
VERNON CLAYTON NEWTON, III
TIMOTHY LEE ORTEL
NORMAN WILLIAM SCHLEIF, JR
LARRY WAYLAN STARR
THOMAS WILLIAM STEVENS, JR
CARL ERIC SYVERSEN
JOHN PATRICK WALKER
ISAAC RAY WILLIAMSON

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be lieutenant commander

BRADLEY MCINT ANDERSON
NILS ANDERSON
STEPHEN H. ARGUE
NICHOLAS C. BAKRIS
DAVID A. BEATTY
JOHN LEWIS BERLOT
ROBERT G. BISHOP
RICHARD KEITH BRYCE
TERRENCE M. CALDER
LLOYD SCOTT CLEMENTS
MICHAEL J. COSTA
BRYAN K. DARLING
JOHN C. DAVIS
ANDREW C. DIRMEYER
JONATHAN EDG DOMINGUEZ
OLIN K. FEARING
ALAN P. GEGENHEIMER
MARJORIE B. GWYNN
BRETT HART
DAN CARLOS HUNTER
JOHN O. JOYCE
KIP L. KAERCHER
ROBERT J. KASTNER
JOHN H. KELLOGG
JOSEPH R. KILIANSKI
STEVEN M. KOPPEL
FRANK K. KUWAMURA
SCOTT T. LUCHSINGER
TIMOTHY LYONS
STEVEN L. MACKEY
KENNETH L. MENDELSON
DARREN M. NEAL

MARK E. REED
BARRY A. RIDDLE
JOSEPH M. SAENZ
RAY E. SANTOS
STEVEN J. SAPYTA
STEVEN J. SHERIS
STEVEN D. SMITH
TOWNSEND SMITH
ALAN R. STANFORD
ELIZABETH ANN TONON
MARK ROBERT VARGA
EDWARD J. WALSH
DALE L. WING

SUPPLY CORPS OFFICERS

To be lieutenant commander

SCOTT WILLIAM BAILEY
ROBERT WILLIAM BAIRD
CHRISTOPHER JOHN BARBER
DONALD LEE BROWN
TRACY LEE BROWN
CHARLES LEONARD BRYANT
DAVID STUART CAFFREY, JR
MANUAL CAPELLO, JR
BRIAN MICHAEL CERWONKA
WILBUR KEITH CHAPMAN
EDWARD SAMSON CLEMENTE
STANLEY KEITH CROZIER
CHARLES HENRY CUTSHALL
JAMES FRANCIS DOLAN
PAUL JOSEPH DOUR
ROBERT MICHAEL DRYER
KENNETH DANIEL DUNSCOMB
MICHAEL ELMER DYER
JACK ALAN DYKSTRA
TIMOTHY FRANCIS FRENCH
JOSEPH WHITNEY GREEN, JR
DENNIS THARON GREY
PARKE LELAND GUTHNER
WILLIAM CHARLES HARGROVE
SHERMAN TRAVIS HAYES
MICHAEL DAVID HOLCOMB
GARY DOUGLAS HOUGLAN
THOMAS EDWARD JABLONSKI
JOEL WILLIAM KERNEN
RONALD GLENN KINEMAN
LEONARD RICHARD KOJM, JR
KURT LANCE KUNKEL
BRUCE NEIL LEMLER
DIANA FRANCES LENDLE
FRANK ANDREW LINDELL
TERRY ALAN MCCUNE
THOMAS ARTHUR MUSICK
MICHAEL JOHN NEUMILLER
RICHARD TODD PALMER
STEVEN HOWARD POWELL
JOSE PUBILLONES
KARL FREDERICK RAU
CLARENCE DANIEL RICKARD
DAVID NEILL ROBERTSON
CALVIN ROBERT SCHEIDT, JR
DANIEL MARTIN SORENSEN
GLENN EDWARD TERRY
PAUL STORMER VANHOOSEN
THOMAS FREDERICK WIECHELT
MARK CHARLES WILSON
JACK FRANCIS WRIGHT
DANIEL FREDERICK ZEISE

CHAPLAIN CORPS OFFICERS

To be lieutenant commander

CHARLES JAMES ANDERSON
THEODORE RAYMOND BORGER
WALTER MALCOLM BROWN, JR
WILLIAM D. BROWN
ROBERT MILTON DAVIS, JR
KENNETH MIKE FRANKLIN
PHILLIP EDWIN GWALTNEY
CHRISTOPHER LYNN HUNT
JAMES W. JOSLYN
CHARLES ROBERT KESSLER
GLEN ALLEN KRANS
JUDY ALAIDE LAMB
TIMOTHY SPENCER LANTZ
JAMES CHARLES LEIBOLD
THOMAS WILSON STEARLY LOGAN
KENT MCCORD
AN BINH NGUYEN
JOSEPH CHARLES PAUL
CHARLES DAY QUARLES
JEFFREY ELLSWORTH RHODES
DEREK KEITH ROSS
RENDELL RAY ROZIER
WILLIAM THOMAS JAM SHUPPERT

RICHARD JAMES SILVEIRA
JAMES SHELDON TWAMLEY
CHRISTOPHER CLAI VANINWAGEN
BRYAN JAY WEAVER
ROBERT CARROLL WHEATLEY

CIVIL ENGINEER CORPS OFFICERS

To be lieutenant commander

PETER MORRIS ARN
DAVID CHARLES BRUNER
EVERETT LESTER BUTCHER
FRANCIS P. CASTALDO
THOMAS MARSHALL CUNNINGHAM
ANTHONY DIDOMENICO
PAUL THOMAS FULIGNI
WAYNE ORVILLE WALKER
APRIL FENTON HEINZE
HUGH RAME HEMSTREET
KEVIN ALAN LINDSEY
STEPHEN JOSEPH MARKEY
MICHAEL JUSTUS OCONNOR
CHARLES SCOTT SMITH
JAMES MICHAEL TEATE
RONALD UNGARO
ROBERT PAUL WALDEN

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be lieutenant commander

BRENDA ANN ARMSTRONG
DAVID LEE BAILEY
BRIAN JAMES BILL
MARGARET MARIE CARLSON
THERESA KERWI CRANFILL
MARSHA ANN DEERE
NANETTE M. DERENZI
WALTER MARTI FREDERICK
CATHERINE SUE KNOWLES
PAMELA ANN WHITE
RICHARD EARL WOOTTON

DENTAL CORPS OFFICERS

To be lieutenant commander

CHARLENE MELISSA AULD
TIMOTHY GAYLO BATTRELL
JEFFREYALAN BLOCH
DAVID D. CARRIER
EDWIN RAY CONNELLY
DANIEL OTIS ELLERT
ANN L. GILMORE
STEPHEN JOHN GLAWSON
GINA LOUISE HITCHCOCK
DONALD G. HOOIE
AUBREY RUSSELL HOPKINS
JOHN J. HUDGINS
WENDY STAVRIDES HUPP
JOSEPH W. KARITIS
CHARLES IRA KNAPP
MARC DAVID LEFTON
SYLVIA ROSEMARY MILLER
MICHAEL L. MINTEN
TIMOTHY JAMES MORRIS
HARVEY DWIGHT MOSS
CRAIG HUGH MULLETT
TIMOTHY JAMES NEUMANN
MICHAEL L. POTTER
THOMAS SAKO
PAUL DAVID SCHWARTZMAN

MEDICAL SERVICE CORPS OFFICERS

To be lieutenant commander

DEBORAH WEDGEWOOD AUTH
JOSE COLICO BELTRANO
ANN BOBECK
MICHAEL GERARD CAMPHOR
FLORENCE MARIE CROSBY
JOSEPH PAUL DAVIS
MICHAEL LEE DAVIS
RONALD ANTHONY DEIKE
RAYNARD KOON SUNG FONG
VINCENT DEPAUL GLOVER
STANLEY WILL GODLEWSKI
PAUL RICHARD GRASSO
PHILLIP CHAR HEINEMANN
THOMAS EUGENE HULL
RANDALL WAYNE KILLIAN
RONALD LEFFERTS
CURTIS MATTHEW LORDS
LOUIS LOUK, JR
JEANNETTE LUCAS
RONALD DEAN LUKA
KEVIN LEE MAGNUSSON
CHRISTOPHER JOHN MANN
HARRY JAMES MOORE

ROBERT C. MORASH, JR
JOHN RICHARD MORRISON
TERRY JOE MOULTON
ROBERT JOHN MULVANNY
TYRONE DANIEL NAQUIN
DONALD RICHARD PLOMBON
CORLEY ELGIN PUCKETT
CHRISTINE MARIE RADOIU
GARY LOUIS REBHOLZ
JOHN ROBERT RUMBAUGH
EDUARDO MARIA SALVADOR
VERNON RUSSELL SANFORD
GREGORY TERAN SMITH
DANNY DEAN URBAN
SALLY ELLEN VEASEY
FRANK ALEXANDER WALKER
DEBRA LYNN WARD
FRANCIS PAUL WARD, JR
POLLY ANNE WELLS
REX DEAN WERKING
EDWARD JOHN WOOD
MARIA DE LOS ZAYASHOOD

NURSE CORPS OFFICERS

To be lieutenant commander

JUDITH WILLEY ANDERSON
SUSAN MARIE ANDERSON
CHARLES DODDS BEVIS
JUANITA IRENE BISHOP
KARIENA JANE BROSTEN
JAMES FRANCIS CARROLL
JOHN HENRY CLARK
BRIAN LANE DAVIS
ROSA OBREGON DIRING
LINDA JEAN ETCHILL
MARY CHAFFEE HAMBIDGE
MARTHA JILL HANSEN
JOSEPH AUGUST KOLLY
JOHN WAYNE LARUE
RICK ALAN MADISON
KAREN RUTH MARKERT
KEVIN JAMES MARTY
KENNETH PETER MILLER
MICHAEL ALEXAND MILLER
JANICE MARIE PETERSEN
WANDA CASTLEB RICHARDS
ANNA REHMANN RIEGLE
JEAN LOUI ROBERTSHOULE
AUDERY ELAINE SANTANA
KATHRYN MARY SERBIN
MICHAEL DEWAIN STACY
TOMMY CURTIS STEWART

LIMITED DUTY OFFICERS (STAFF)

To be lieutenant commander

CARLOS G. BERNARDO
JOHN DAVID JENKINS
RICKY LEE SIBLEY
JOHN MICHAEL SOCHA
RANDELL LEE VANBUREN

CONFIRMATIONS

Executive Nominations Confirmed by the Senate September 30, 1992:

U.S. INSTITUTE OF PEACE

THOMAS E. HARVEY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE U.S. INSTITUTE OF PEACE FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 19, 1993.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

COMMUNICATIONS SATELLITE CORPORATION

BARRY M. GOLDWATER, SR., OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1995.

HOUSE OF REPRESENTATIVES—*Wednesday, September 30, 1992*

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 51:

Have mercy on me, O God, according to thy steadfast love; according to thy abundant mercy blot out my transgressions. Wash me thoroughly from my iniquity and cleanse me from my sin!

As You have assured us by Your word, we pray, Almighty God, that we will be filled with the promise of new lives, enlightened by Your assurance of forgiveness and pardon, and strengthened by Your promise of mercy. Having been renewed by Your spirit, may we go forward with integrity and honor and be of service and assistance to people whatever their need. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MONTGOMERY). Will the gentleman from Ohio [Mr. TRAFICANT] please come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair, after consultation with the minority, announces that any 1-minute requests will be postponed until later in the day.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON, AND PROVIDING FOR CORRECTIONS IN ENROLLMENT OF H.R. 5503, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 581 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 581

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. Upon the adoption of the conference report the House shall be considered to have adopted a concurrent resolution introduced by Representative Yates of Illinois (for himself and Representative Miller of California) on or before September 30, 1992, directing the Clerk of the House to make corrections in the enrollment of the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. At this time I yield the customary 30 minutes for the purpose of debate only, to the gentleman from California [Mr. DREIER]. Pending that I yield myself such time as I may consume.

Mr. GORDON. Mr. Speaker, House Resolution 581 provides for the consideration of the conference report on H.R. 5503, the Interior and related agencies appropriations for fiscal year 1993. The conference report is debatable for 1 hour.

The rule waives all points of order against the conference report and against its consideration. The rule also provides that the conference report will be considered as read.

Finally, upon adoption of the conference report, the House will be considered as having adopted a concurrent resolution jointly introduced by Representative YATES of Illinois and Representative MILLER of California. The concurrent resolution directs the Clerk of the House to make corrections in the conference report on H.R. 5503.

Mr. Speaker, Chairman SID YATES and ranking Republican RALPH REGULA should be commended for their hours of long, hard work.

They should also be commended for reporting a fiscally responsible bill. The conference report's new budget authority is $74 million below President Bush's funding request, and is $373 million below the fiscal year 1992 enacted levels. The conference report is also below the subcommittee's 602(b) allocations for budget authority and outlays.

Even though the funding levels in this conference report are below the President's request and well below last year's level, the committee was still able to fund many important programs like national park and battlefield land acquisition and preservation, energy conservation, and alternative fuels research.

I would like to once again commend Chairman YATES, RALPH REGULA, and their staff for their tireless efforts on behalf of so many important programs and policies. I would also like to personally thank Chairman YATES and his staff for their sincere commitment to the preservation of national parks and civil war battlefields.

Mr. DREIER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Tennessee [Mr. GORDON] for yielding me this time.

Mr. Speaker, I am sure many of my colleagues have come to the same conclusion that I have, that one cannot amend conference reports. I was taught that when I first came here. Yet we are about to do so with the adoption of this rule. The rule permits a concurrent resolution to be adopted along with the conference report that calls for the removal of certain projects that were not authorized by the Committee on the Interior.

I agree that unauthorized programs should not be funded. I am also pleased that the conference report is within the President's budget, and that it does not contain other legislative provisions affecting mining patents and grazing fees. For these reasons, in addition to our time constraints, which everyone has noted by the fact that we are here at 9 o'clock in the morning, I do not plan to oppose the rule.

However, I am concerned that this rule does set a bad precedent. This type of procedure is generally used to make technical changes, rather than substantive legislative changes. The unauthorized projects should never have been in the conference report in the first place. This process should never have gotten this far, Mr. Speaker. It is my hope that in the future these types of problems will be addressed without resorting to unusual procedures that only pervert the legislative process.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. GORDON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

CONFERENCE REPORT ON H.R. 5503, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. YATES. Mr. Speaker, pursuant to the provisions of House Resolution 581, I call up the conference report on the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 581, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Thursday, September 24, 1992, at page 27351.)

The SPEAKER pro tempore. The gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes and the gentleman from Ohio [Mr. REGULA] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, today I bring before the House the conference report on fiscal year 1993 appropriations for the Department of the Interior and related agencies. The total amount of new budget authority provided for these and many other important programs funded in the Interior bill is $12,150,342,000. This amount is within the allocation set by the budget agreement for both budget authority and outlays. It is also, Mr. Speaker, $74 million below President Bush's budget request for new budget authority. It is $373 million below the fiscal year 1992 enacted level, both of them amazing figures.

The activities in this bill are expected to generate receipts to the Treasury of approximately $8.2 billion, which will go a long way toward offsetting the appropriations made in this bill.

□ 0910

This has been a very difficult year for our committee. Not only were we faced with the daunting challenge of reconciling 160 amendments with more than 1,400 individual items in disagreement and meeting our 602(b) allocations for budget authority and outlays; but we also were faced with reducing the total budget authority in both the House and Senate versions of the bill by approximately $500 million to avoid a veto by the President. Mr. Speaker, we were able to do that in this bill.

The conference agreement provides for the continued operation of our national parks and wildlife areas as well as for the education and health programs which serve native Americans and Alaska Natives. In this bill, essential energy research and development programs are preserved, and special emphasis is placed on conservation programs, including alternative energy research and weatherization assistance.

Yes, we met our fiscal obligation, Mr. Speaker, to avoid the veto that President Bush had promised on our bill if it was higher than the level of funding that was set out in his budget. But at what cost, Mr. Speaker, at what cost to our vast natural resources, to the parks, the refuges, the wetlands, the other resources which we must preserve?

A number of agencies in this bill are funded below their figures for the previous year. The Fish and Wildlife Service, the U.S. Geological Survey, the Minerals Management Service, the Territories, and the Departmental Offices in the Department of the Interior; State and Private Forestry, the National Forest System, and Construction in the Forest Service; and Fossil Energy Research, and Development in the Department of the Interior, all are funded below the requests that would be needed ordinarily to carry on their activities.

In the land management agencies of the Department of the Interior, there are lower construction and land acquisitions funding as compared to fiscal year 1992. We have tried to provide for some increases in the operations accounts of those agencies to ensure the continued protection of our natural resources.

For the first time in all of the years that I have chaired this appropriations subcommittee, Mr. Speaker, I believe our natural resources are underfunded. Over the last number of years, there have been additional responsibilities placed on all of these agencies by the authorizing committees and by the Congress. The funds do not really take care of the additional duties that these agencies will be required to perform.

We are providing less money. We have no option except to do as we have done because of the President's ultimatum.

The Forest Service appropriation strikes a reasonable balance between environmental concerns, including endangered and threatened species, and the need for timber and the jobs related thereto. While funds for timber sales are almost 18 percent below the fiscal year 1992 level and timber road construction is 36 percent below 1992, a 7-percent increase is provided for recreation, a 5-percent increase is provided for wildlife and fish, and a 13-percent increase is provided for trails. The conferees also agreed to include a provision providing for an expanded Forest Service decisionmaking and appeals process. The process will allow for continued citizens' rights to participate in, and appeal decisions of, the Forest Service while providing for more timely consideration of such appeals.

There is a total of $286 million for land acquisition and State assistance in the conference agreement. Appropriations for Federal acquisition total $258 million which is $72 million less than last year. State grants from the fund are set at $28 million, an increase of $5 million over the 1992 amount. Requests to the subcommittee from Members of this House for land acquisition from all sources totaled well over $1 billion.

The projects in this bill include many worthy items, but most of the items had to be turned down, unfortunately, I believe, because so many of them should have been and will have to be taken care of at some time in the future.

I believe the agreements reached by the conference amount to a good compromise which balances our many needs.

I am particularly grateful, Mr. Speaker, for the fine cooperation tendered to me by my good friend and colleague from the other side of the aisle, the gentleman from Ohio [Mr. REGULA], who is the ranking minority member. I thank him for all of his efforts on this conference report.

For three of our members, this will be the last bill on which they have worked, and I want to thank them: The gentleman from Oregon [Mr. AUCOIN], the gentleman from Massachusetts [Mr. ATKINS], and the gentleman from California [Mr. LOWERY], for their service and wish them well in all of their pursuits.

The subcommittee has just this week been informed of a possible settlement within the Department of the Interior involving payments of certain funds to the Navajo and Hopi Tribes. This matter was brought to our attention too late to be addressed in the conference, and we request that the Bureau of Indian Affairs complete its examination of the facts in this matter and report to the Appropriations Committees before taking any further action.

I would like to make two corrections to the statement of the managers. In the section addressing the National Capital Arts and Cultural Affairs Program, the managers agreed that, in order to assure public funding does not displace the role of private sector support, no grant from this program may exceed 25 percent of an institution's annual income budget, as stated in House Report 102-626. Also, with regard to fossil energy research and development, amendment No. 104, in the seventh delineated item agreed to by the managers, the use of up to 5 percent of internal research and development funds for capital equipment also applies to the Western Research Institute.

Mr. Speaker, at this point in the RECORD I am including a table detailing the various accounts in the bill agreed to by the conferees.

Interior and Related Agencies, FY 1993 (H.R. 5503)

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	532,149,000	546,247,000	531,967,000	545,665,000	544,877,000	+12,728,000
Fire protection	120,473,000	119,560,000	119,560,000	119,310,000	119,310,000	-1,163,000
Emergency Department of the Interior firefighting fund	99,598,000	113,640,000	113,640,000	113,640,000	113,640,000	+14,042,000
Emergency contingency	....	(51,200,000)	(51,200,000)	(51,200,000)	(51,200,000)	(+51,200,000)
Construction and access	14,138,000	14,228,000	13,225,000	17,913,000	15,810,000	+1,672,000
Payments in lieu of taxes	103,677,000	105,000,000	105,000,000	105,000,000	105,000,000	+1,323,000
Land acquisition	25,003,000	42,090,000	25,940,000	24,550,000	28,034,000	+3,031,000
Oregon and California grant lands	89,137,000	83,622,000	83,122,000	83,932,000	83,122,000	-6,015,000
Forest ecosystems health and recovery	....	....	....	1,000,000	1,000,000	+1,000,000
Range improvements (indefinite)	10,687,000	10,747,000	10,747,000	10,747,000	10,747,000	+60,000
Service charges, deposits, & forfeitures (indefinite)	7,899,000	8,000,000	8,000,000	8,000,000	8,000,000	+101,000
Miscellaneous trust funds (indefinite)	7,285,000	7,380,000	7,380,000	7,380,000	7,380,000	+95,000
Total, Bureau of Land Management	1,010,046,000	1,050,514,000	1,018,581,000	1,037,137,000	1,036,920,000	+26,874,000
United States Fish and Wildlife Service						
Resource management	512,870,000	544,075,000	530,211,000	531,177,000	535,085,000	+22,215,000
Construction and anadromous fish	113,447,000	49,410,000	47,513,000	90,351,000	82,085,000	-31,362,000
Land acquisition	97,891,000	79,509,000	67,397,000	78,615,000	76,192,000	-21,699,000
National wildlife refuge fund	11,849,000	14,079,000	11,849,000	12,964,000	11,849,000	....
Rewards and operations	1,186,000	1,201,000	1,201,000	1,201,000	1,201,000	+15,000
North American wetlands conservation fund	....	15,000,000	7,500,000	11,000,000	9,250,000	+9,250,000
Natural resource damage assessment and restoration fund	4,315,000	5,000,000	5,000,000	4,365,000	4,685,000	+370,000
Cooperative endangered species conservation fund	6,621,000	5,700,000	6,621,000	6,621,000	6,621,000	....
Total, United States Fish and Wildlife Service	748,179,000	713,974,000	677,292,000	736,294,000	726,968,000	-21,211,000
National Park Service						
Operation of the national park system	953,498,000	1,031,813,000	992,059,000	989,282,000	992,431,000	+38,933,000
National recreation and preservation	22,799,000	30,991,000	22,715,000	23,791,000	23,765,000	+966,000
Historic preservation fund	35,478,000	40,931,000	36,931,000	36,931,000	36,931,000	+1,453,000
Construction	272,326,000	137,686,000	237,806,000	206,570,000	231,801,000	-40,525,000
Urban park and recreation fund	4,937,000	....	....	....	....	-4,937,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	....
Land acquisition and state assistance	105,227,000	144,404,000	106,500,000	119,271,000	118,911,000	+13,684,000
John F. Kennedy Center for the Performing Arts	22,656,000	13,556,000	13,556,000	20,806,000	20,806,000	-1,850,000
Illinois and Michigan Canal National Heritage Corridor Commission	247,000	....	250,000	250,000	250,000	+3,000
Total, National Park Service (net)	1,387,168,000	1,369,381,000	1,379,817,000	1,366,901,000	1,394,895,000	+7,727,000
United States Geological Survey						
Surveys, investigations, and research	582,619,000	540,267,000	587,668,000	570,821,000	581,692,000	-927,000
Minerals Management Service						
Leasing and royalty management	204,461,000	197,812,000	197,514,000	194,014,000	197,014,000	-7,447,000
Oil spill research	....	5,377,000	5,377,000	5,377,000	5,377,000	+5,377,000
Total, Minerals Management Service	204,461,000	203,189,000	202,891,000	199,391,000	202,391,000	-2,070,000
Bureau of Mines						
Mines and minerals	174,464,000	141,364,000	173,056,000	176,513,000	175,729,000	+1,265,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	109,700,000	112,282,000	112,674,000	112,674,000	112,674,000	+2,974,000
Receipts from performance bond forfeitures (indefinite)	1,481,000	1,200,000	1,200,000	1,200,000	1,200,000	-281,000
Total	111,181,000	113,482,000	113,874,000	113,874,000	113,874,000	+2,693,000
Abandoned mine reclamation fund (definite, trust fund)	187,803,000	156,151,000	188,041,000	191,041,000	189,541,000	+1,738,000
Total, Office of Surface Mining Reclamation and Enforcement	298,984,000	269,633,000	301,915,000	304,915,000	303,415,000	+4,431,000
Bureau of Indian Affairs						
Operation of Indian programs	1,274,322,000	1,256,483,000	1,354,151,000	1,335,944,000	1,353,899,000	+79,577,000
Construction	149,658,000	81,591,000	152,446,000	141,746,000	150,896,000	+1,238,000
Miscellaneous payments to Indians	87,617,000	31,709,000	39,109,000	35,109,000	38,609,000	-49,008,000
Navajo rehabilitation trust fund	3,950,000	....	4,000,000	4,000,000	4,000,000	+50,000
Indian direct loan program account	4,008,000	....	2,500,000	2,500,000	2,500,000	-1,508,000
(Limitation on direct loans)	(15,735,000)	....	(11,300,000)	(11,300,000)	(11,300,000)	(-4,435,000)
Indian guaranteed loan program account	9,412,000	9,770,000	9,770,000	9,770,000	9,770,000	+358,000
(Limitation on guaranteed loans)	(56,432,000)	(68,800,000)	(68,800,000)	(68,800,000)	(68,800,000)	(+12,368,000)

Interior and Related Agencies, FY 1993 (H.R. 5503), continued

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Technical assistance of Indian enterprises	987,000	2,987,000	1,987,000	1,987,000	1,987,000	+1,000,000
Total, Bureau of Indian Affairs	1,529,954,000	1,382,540,000	1,563,963,000	1,531,056,000	1,561,661,000	+31,707,000
Territorial and International Affairs						
Administration of territories	63,618,000	60,765,000	52,171,000	49,851,000	52,671,000	-10,947,000
Interest rate differential	29,047,000	1,260,000	28,980,000	28,980,000	28,980,000	-67,000
Total	92,665,000	62,025,000	81,151,000	78,831,000	81,651,000	-11,014,000
Trust Territory of the Pacific Islands	24,143,000	16,451,000	26,796,000	20,809,000	23,249,000	-894,000
Compact of Free Association	14,821,000	7,357,000	10,457,000	10,457,000	10,457,000	-4,364,000
Mandatory payments	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	
Total	24,821,000	17,357,000	20,457,000	20,457,000	20,457,000	-4,364,000
Total, Territorial and International Affairs	141,629,000	95,833,000	128,404,000	120,097,000	125,357,000	-16,272,000
Departmental Offices						
Office of the Secretary	63,633,000	72,279,000	63,633,000	63,633,000	63,633,000	
Oil spill emergency fund	3,851,000					-3,851,000
Office of the Solicitor	31,128,000	33,055,000	31,941,000	31,128,000	31,727,000	+599,000
Office of Inspector General	23,741,000	26,420,000	23,741,000	23,741,000	23,741,000	
Construction Management	2,215,000	2,330,000	2,191,000	2,215,000	2,191,000	-24,000
National Indian Gaming Commission	2,190,000	2,480,000	2,190,000	2,190,000	2,040,000	-150,000
Total, Departmental Offices	126,758,000	136,564,000	123,696,000	122,907,000	123,332,000	-3,426,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,204,262,000	5,903,259,000	6,157,283,000	6,166,032,000	6,232,360,000	+28,098,000
Appropriations	(6,234,262,000)	(5,933,259,000)	(6,187,283,000)	(6,196,032,000)	(6,262,360,000)	(+28,098,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
(Limitation on direct loans)	(15,735,000)		(11,300,000)	(11,300,000)	(11,300,000)	(-4,435,000)
(Limitation on guaranteed loans)	(56,432,000)	(68,800,000)	(68,800,000)	(68,800,000)	(68,800,000)	(+12,368,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest research	180,509,000	170,099,000	186,657,000	178,723,000	184,281,000	+3,772,000
State and private forestry	181,787,000	198,976,000	136,929,000	160,591,000	157,566,000	-24,221,000
Emergency pest suppession fund			(42,315,000)	(20,000,000)	(26,000,000)	(+26,000,000)
National forest system	1,342,529,000	1,367,727,000	1,312,937,000	1,306,077,000	1,318,481,000	-24,048,000
Forest Service fire protection	187,411,000	197,785,000	192,785,000	188,785,000	190,785,000	+3,374,000
Emergency Forest Service firefighting fund	110,589,000	187,000,000	187,000,000	187,000,000	187,000,000	+76,411,000
Emergency contingency		(188,000,000)	(188,000,000)	(188,000,000)	(188,000,000)	(+188,000,000)
Construction	271,711,000	310,525,000	241,449,000	258,570,000	257,447,000	-14,264,000
Timber receipts transfer to general fund (indefinite)	(-72,748,000)	(-75,366,000)	(-75,366,000)	(-75,366,000)	(-75,366,000)	(-2,618,000)
Timber purchaser credits	(113,000,000)	(110,669,000)	(110,669,000)	(110,669,000)	(110,669,000)	(-2,331,000)
Land acquisition	88,306,000	100,000,000	62,072,000	62,240,000	62,947,000	-25,359,000
Acquisition of lands for national forests, special acts	1,118,000	1,190,000	1,190,000	1,190,000	1,190,000	+72,000
Acquisition of lands to complete land exchanges (indefinite)	1,214,000	200,000	200,000	200,000	200,000	-1,014,000
Range betterment fund (indefinite)	5,369,000	5,309,000	5,309,000	5,309,000	5,309,000	-60,000
Gifts, donations and bequests for forest and rangeland research	96,000	105,000	105,000	105,000	105,000	+9,000
Total, Forest Service	2,370,639,000	2,538,916,000	2,326,633,000	2,348,790,000	2,365,311,000	-5,328,000
DEPARTMENT OF ENERGY						
Clean coal technology	-50,000,000	-25,000,000			-525,000,000	-475,000,000
Fossil energy research and development	452,332,000	311,325,000	412,597,000	422,669,000	421,939,000	-30,393,000
Rescission	-8,000,000					+8,000,000
Total (net)	444,332,000	311,325,000	412,597,000	422,669,000	421,939,000	-22,393,000
Alternative fuels production (indefinite)	-8,364,000	-7,500,000	-7,500,000	-7,500,000	-7,500,000	+864,000
Naval petroleum and oil shale reserves	232,335,000	238,094,000	238,094,000	238,094,000	238,094,000	+5,759,000
Energy conservation	536,322,000	521,430,000	591,859,000	571,288,000	583,866,000	+47,544,000
Economic regulation	14,585,000	13,865,000	14,565,000	14,565,000	14,565,000	-20,000
Emergency preparedness	8,195,000	9,097,000	9,247,000	9,247,000	9,247,000	+1,052,000
Strategic Petroleum Reserve	185,062,000	176,600,000	176,600,000	176,600,000	176,600,000	-8,462,000
SPR petroleum account	-107,775,000	-125,625,000	-125,625,000	-125,625,000	-125,625,000	-17,850,000
Energy Information Administration	76,260,000	81,730,000	83,427,000	82,627,000	82,627,000	+6,367,000
Biomass Energy Development (Transfer)		-44,000,000	-44,000,000	-49,000,000	-49,000,000	-49,000,000
Total, Department of Energy, new budget (obligational) authority	1,330,952,000	1,150,016,000	1,349,264,000	1,332,965,000	819,813,000	-511,139,000

Interior and Related Agencies, FY 1993 (H.R. 5503), continued

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,431,603,000	1,384,446,000	1,559,615,000	1,518,553,000	1,537,851,000	+106,248,000
Indian health facilities	274,351,000	267,006,000	338,596,000	329,079,000	336,500,000	+62,149,000
Total, Indian Health Service	1,705,954,000	1,651,452,000	1,898,211,000	1,847,632,000	1,874,351,000	+168,397,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	76,570,000	81,205,000	81,274,000	81,205,000	81,274,000	+4,704,000
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	25,842,000	30,935,000	28,935,000	27,935,000	27,935,000	+2,093,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	6,612,000	7,012,000	9,812,000	8,512,000	9,312,000	+2,700,000
Smithsonian Institution						
Salaries and expenses	281,183,000	311,000,000	298,656,000	290,645,000	298,094,000	+16,911,000
Construction and improvements, National Zoological Park	7,899,000	7,900,000	7,900,000	7,900,000	7,900,000	+1,000
Repair and restoration of buildings	23,599,000	24,400,000	24,400,000	24,900,000	24,400,000	+801,000
Construction	19,156,000	21,400,000	17,330,000	18,100,000	16,830,000	-2,326,000
Total, Smithsonian Institution	331,837,000	364,700,000	348,286,000	341,545,000	347,224,000	+15,387,000
National Gallery of Art						
Salaries and expenses	48,572,000	52,630,000	51,663,000	51,438,000	51,627,000	+3,055,000
Repair, restoration and renovation of buildings	3,555,000	3,900,000	3,600,000	3,750,000	3,561,000	+6,000
Total, National Gallery of Art	52,127,000	56,530,000	55,263,000	55,188,000	55,188,000	+3,061,000
Woodrow Wilson International Center for Scholars						
Salaries and expenses	5,744,000	6,252,000	6,252,000	6,252,000	6,252,000	+508,000
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	145,839,000	145,455,000	145,839,000	144,245,000	145,555,000	-284,000
Matching grants	30,116,000	30,500,000	30,116,000	30,500,000	30,400,000	+284,000
Total, National Endowment for the Arts	175,955,000	175,955,000	175,955,000	174,745,000	175,955,000	....
National Endowment for the Humanities						
Grants and administration	150,727,000	157,050,000	152,108,000	152,669,000	152,518,000	+1,791,000
Matching grants	25,228,000	30,009,000	26,826,000	26,009,000	26,416,000	+1,188,000
Total, National Endowment for the Humanities	175,955,000	187,059,000	178,934,000	178,678,000	178,934,000	+2,979,000
Institute of Museum Services						
Grants and administration	26,999,000	29,000,000	29,000,000	29,000,000	29,000,000	+2,001,000
Total, National Foundation on the Arts and the Humanities	378,909,000	392,014,000	383,889,000	382,423,000	383,889,000	+4,980,000
Commission of Fine Arts						
Salaries and expenses	722,000	785,000	791,000	791,000	791,000	+69,000
National Capital Arts and Cultural Affairs						
Grants	7,000,000	....	7,000,000	7,000,000	7,000,000	....
Advisory Council on Historic Preservation						
Salaries and expenses	2,623,000	2,798,000	2,757,000	2,757,000	2,757,000	+134,000
National Capital Planning Commission						
Salaries and expenses	4,775,000	6,100,000	5,400,000	6,100,000	5,750,000	+975,000
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	33,000	35,000	535,000	535,000	535,000	+502,000
Pennsylvania Avenue Development Corporation						
Salaries and expenses	2,807,000	2,686,000	2,686,000	2,686,000	2,686,000	-121,000
Public development	5,126,000	4,847,000	4,947,000	4,847,000	4,947,000	-179,000
Land acquisition and development fund	....	6,500,000	6,500,000	1,750,000	6,500,000	+6,500,000
Total, Pennsylvania Avenue Development Corporation	7,933,000	14,033,000	14,133,000	9,283,000	14,133,000	+6,200,000

Interior and Related Agencies, FY 1993 (H.R. 5503), continued

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
United States Holocaust Memorial Council						
Holocaust Memorial Council	10,866,000	18,504,000	21,450,000	18,504,000	21,450,000	+10,584,000
Total, title II, Related Agencies:						
New budget (obligational) authority (net)	6,319,138,000	6,321,287,000	6,539,885,000	6,477,417,000	6,022,965,000	-296,173,000
Rescission	(-8,000,000)					(+8,000,000)
(Timber receipts transfer to general fund, indefinite)	(-72,748,000)	(-75,366,000)	(-75,366,000)	(-75,366,000)	(-75,366,000)	(-2,618,000)
(Timber purchaser credits)	(113,000,000)	(110,669,000)	(110,669,000)	(110,669,000)	(110,669,000)	(-2,331,000)
TITLE III - GENERAL REDUCTION						
General reduction of appropriations			-48,016,000		-104,983,000	-104,983,000
Grand total:						
New budget (obligational) authority (net)	12,523,400,000	12,224,546,000	12,649,152,000	12,643,449,000	12,150,342,000	-373,058,000
Appropriations	(12,561,400,000)	(12,254,546,000)	(12,679,152,000)	(12,673,449,000)	(12,180,342,000)	(-381,058,000)
Rescissions	(-38,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(+8,000,000)
(Timber receipts transfer to general fund, indefinite)	(-72,748,000)	(-75,366,000)	(-75,366,000)	(-75,366,000)	(-75,366,000)	(-2,618,000)
(Timber purchaser credits)	(113,000,000)	(110,669,000)	(110,669,000)	(110,669,000)	(110,669,000)	(-2,331,000)
TITLE I -DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,010,046,000	1,050,514,000	1,018,581,000	1,037,137,000	1,036,920,000	+26,874,000
United States Fish and Wildlife Service	748,179,000	713,974,000	677,292,000	736,294,000	726,968,000	-21,211,000
National Park Service	1,387,168,000	1,369,381,000	1,379,817,000	1,366,901,000	1,394,895,000	+7,727,000
United States Geological Survey	582,619,000	540,267,000	587,668,000	570,821,000	581,692,000	-927,000
Minerals Management Service	204,461,000	203,189,000	202,891,000	199,391,000	202,391,000	-2,070,000
Bureau of Mines	174,464,000	141,364,000	173,056,000	176,513,000	175,729,000	+1,265,000
Office of Surface Mining Reclamation and Enforcement	298,984,000	269,633,000	301,915,000	304,915,000	303,415,000	+4,431,000
Bureau of Indian Affairs	1,529,954,000	1,382,540,000	1,563,963,000	1,531,056,000	1,561,661,000	+31,707,000
Territorial and International Affairs	141,629,000	95,833,000	128,404,000	120,097,000	125,357,000	-16,272,000
Departmental Offices	126,758,000	136,564,000	123,696,000	122,907,000	123,332,000	-3,426,000
Total, Title I - Department of the Interior	6,204,262,000	5,903,259,000	6,157,283,000	6,166,032,000	6,232,360,000	+28,098,000
TITLE II - RELATED AGENCIES						
Forest Service	2,370,639,000	2,538,916,000	2,326,633,000	2,348,790,000	2,365,311,000	-5,328,000
Department of Energy	1,330,952,000	1,150,016,000	1,349,264,000	1,332,965,000	819,813,000	-511,139,000
Indian Health	1,705,954,000	1,651,452,000	1,898,211,000	1,847,632,000	1,874,351,000	+168,397,000
Indian Education	76,570,000	81,205,000	81,274,000	81,205,000	81,274,000	+4,704,000
Office of Navajo and Hopi Indian Relocation	25,842,000	30,935,000	28,935,000	27,935,000	27,935,000	+2,093,000
Institute of American Indian and Alaska Native Culture and Arts Development	6,612,000	7,012,000	9,812,000	8,512,000	9,312,000	+2,700,000
Smithsonian	331,837,000	364,700,000	348,286,000	341,545,000	347,224,000	+15,387,000
National Gallery of Art	52,127,000	56,530,000	55,263,000	55,188,000	55,188,000	+3,061,000
Woodrow Wilson International Center for Scholars	5,744,000	6,252,000	6,252,000	6,252,000	6,252,000	+508,000
National Endowment for the Arts	175,955,000	175,955,000	175,955,000	174,745,000	175,955,000	
National Endowment for the Humanities	175,955,000	187,059,000	178,934,000	178,678,000	178,934,000	+2,979,000
Institute of Museum Services	26,999,000	29,000,000	29,000,000	29,000,000	29,000,000	+2,001,000
Commission of Fine Arts	722,000	785,000	791,000	791,000	791,000	+69,000
National Capital Arts and Cultural Affairs	7,000,000		7,000,000	7,000,000	7,000,000	
Advisory Council on Historic Preservation	2,623,000	2,798,000	2,757,000	2,757,000	2,757,000	+134,000
National Capital Planning Commission	4,775,000	6,100,000	5,400,000	6,100,000	5,750,000	+975,000
Franklin Delano Roosevelt Memorial Commission	33,000	35,000	535,000	535,000	535,000	+502,000
Pennsylvania Avenue Development Corporation	7,933,000	14,033,000	14,133,000	9,283,000	14,133,000	+6,200,000
Holocaust Memorial Council	10,866,000	18,504,000	21,450,000	18,504,000	21,450,000	+10,584,000
Total, Title II - Related Agencies	6,319,138,000	6,321,287,000	6,539,885,000	6,477,417,000	6,022,965,000	-296,173,000
TITLE III - GENERAL REDUCTION						
General reduction of appropriations			-48,016,000		-104,983,000	-104,983,000
Grand total	12,523,400,000	12,224,546,000	12,649,152,000	12,643,449,000	12,150,342,000	-373,058,000

Mr. Speaker, I reserve the balance of my time.

Mr. REGULA. Mr. Speaker, I yield myself such time as I may consume.

Mr. REGULA. Mr. Speaker, and my colleagues, I rise in support of this conference report.

The chairman has done an excellent job of explaining the changes, and I will not belabor the point. I would simply say that, in my 8 years as ranking Republican on this subcommittee, this is the first time that we have been below the President's request, and certainly it reflects the fact that we made a Herculean effort to get the numbers down below that request. The original House-passed bill was $500 million over the President's budget, and today we are $373 million below last year's appropriation and $74 million under the President's request. We have had to make some painful cuts in terms of land acquisition. We are $82 million below the President's request; parks, $43 million below the President's request; and this is true in many of the other agencies.

What this is going to mean is substantial belt tightening by the agencies.

I want to point at this time to the fact that there are really dedicated people in the Park Service, the Forest Service, the U.S. Geological Survey, the Bureau of Land Management, Fish and Wildlife Service, and that is one of the reasons that these programs can function. These individuals care about the land. They care about providing good experiences for the public. They care about the resources, and in many instances they have substandard housing they need to contend with and not all the tools they need. I have visited facilities where the people were purchasing items out of their own pocket because they found that they needed things in the way of tools, for example.

Also, the public has a love affair with our public lands. The visitor days grow in all of these areas, and especially some of the multiple-use agencies such as the Forest Service, and the Bureau of Land Management.

We regret that we cannot fund more visitor centers to allow the public to enjoy the facilities, and I think this is a problem we need to address in the future. One-third of the United States is owned by the Federal Government, and the people of the United States find these public lands a place of enjoyment, of solitude, an area to refresh the spirit, and we need to work hard to make sure they always have a good experience.

We had a couple of tough issues: the mining issue. We had a moratorium on patents that dropped out because of the Senate opposition to that, but we were also successful in keeping at the so-called mining reforms included in the Senate bill. I hope that the authorizing committees of this body can address the mining issue as well as the grazing issue in a responsible way.

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This, of course, is what happens when there is a need to compromise in order to get a bill that can be agreed to by both Houses. But these subjects properly belong in the authorizing committees and should be addressed there.

We had thousands of differences in the original bill. I certainly give the staff of both our Interior Subcommittee and the chairman's staff as well as mine great credit for working with the Senate staff to resolve many of the differences between the two Houses. I think it is indicative of their understanding of the bill and a recognition of where our priorities should be.

Also, as the chairman mentioned, I regret that the gentleman from California [Mr. LOWERY], the gentleman from Massachusetts [Mr. ATKINS], and the gentleman from Oregon [Mr. AUCOIN] will be leaving the committee. Certainly their contributions have been very important in the years past. They have all been dedicated members of this subcommittee.

Lastly, it has been a real joy to work with the chairman, as I have said many times before on this floor. It is a totally nonpartisan process. We both work together along with the other members on the subcommittee to provide the best management possible for the public lands of the United States, what I call the jewels of America, our parks, forests, fish and wildlife facilities and BLM facilities. I do not think we always realize what a treasure these lands represent, and how important it is that we manage them in the best possible way for the enjoyment of the people of this Nation.

I certainly urge my colleagues to support this conference report. It is a good report. We worked hard to bring it under the President's numbers, as evidenced by the fact that we are substantially below his request. And I think it should have the strong support of all of the Members of this House.

Mr. WHITTEN. Mr. Speaker, I want to congratulate the chairman of the subcommittee, the gentleman from Illinois [Mr. YATES] and the other members of the subcommittee, especially the gentleman from Ohio, the ranking minority member [Mr. REGULA] for the great job they have done in bringing this conference agreement to the floor.

This conference agreement provides investments in America—our public lands, wildlife refuges, fish hatcheries, national parks, and national forests. It provides funds for energy conservation and fossil energy development programs. It provides funds for Indian schools and hospitals. These programs are vital to the development and support of our country.

Mr. Speaker, what we spend here is going to enable us to help handle our national financial problems if they are going to be handled. Our country itself is our wealth; thus, it is imperative that we protect, preserve, and develop all of our country.

Examples of funding for other national programs in this conference agreement that are of special interest to my area and State include funds to continue construction of the Natchez Trace Parkway, the Natchez Historical Park, a Vicksburg park study, the Pvt. John Allen National Fish Hatchery, Marine Minerals Institute, forest research at Stoneville, Starkville, Gulfport, and Oxford, and magnetohydrodynamics research.

Mr. Speaker, against, the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA] and the other members of the subcommittee have done a great job.

I urge this conference report be adopted.

Mr. Speaker, I reserve the balance of my time.

Mr. YATES. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I thank the chairman of the subcommittee for yielding me the time.

Mr. Speaker, I would like to commend the committee for working with me on the buy-American provision for the first time, not only accepting it, but keeping it in the bill. Chairman YATES has some concerns, but he took the time to work with me, as he has done with many other Members, and has given us that opportunity, and I appreciate that, Chairman YATES.

I also want to take time to rise and commend my neighbor who is on the other side of the aisle, RALPH REGULA. I think it is common knowledge back in the area that I am a big supporter of RALPH, and I have never let R's and D's get in the way. And one of the reasons is that RALPH has been a supporter of the American worker, and he has a very pragmatic outlook on the American economy. I would just like to say that if we are not recycling cash, and not recycling an investment, how are we here in America going to ever come out of the economic shambles we are in?

In addition, I would like to give credit today to Chairman JOHN MURTHA of the Defense Subcommittee on Appropriations. The very first appropriations subcommittee that accepted in earnest my buy-American language and placed it in the bill was JOHN MURTHA's subcommittee, and I personally thank him, and also thank Chairman ROSTENKOWSKI for not raising points of order, and, in fact, having this provision knocked from the bill. Chairman ROSTENKOWSKI could have done that. I appreciate the fact that he worked with all of us and gave us this opportunity.

I would just like to say in closing that the last thing we want to do is to drive up prices and cause an inflationary problem in America. But one of our priorities should be, wherever possible, to encourage the American people to at least evaluate, shop, market, and purchase American made goods. If there are no American made goods, there are no workers making those goods, and there will be no consumers. And America is in the dilemma of this type of public economic policy right now.

So again I commend Chairman YATES and thank him for being accommodating, and thank my neighbor from Ohio, Mr. RALPH REGULA. I appreciate their help.

Mr. YATES. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MILLER], the chairman of the authorizing committee.

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to thank Chairman YATES and the gentleman from Ohio [Mr. REGULA] for their cooperation in dealing with the problem of the items that we on the Interior authorization committee disagreed with the Appropriations Committee that were included in their bill from the conference committee, and the Rules Committee for adopting a rule which provided for the concurrent resolution hopefully that will be taken up by the Senate so that those items that were not authorized in the appropriations bill will be taken from that bill. As the gentlemen on this committee know, this has been a matter of some concern to us where the authorizing committees have struggled to enact policy changes and to make determinations with respect to dollar amounts, and then to have that put in by Members of the Senate and others in the conference committee. And I want to thank Chairman YATES for his cooperation over the past year in trying to resist these efforts.

This is not a problem that is particular to this committee. It is a question I think of the institutional rules of the House, and to the extent to which we can separate and clear those lines between authorization and appropriation so that in fact we will know that we have given the best consideration we can to the expenditure of the public taxpayer dollars on each and every one of the projects that is appropriated by this committee. So I want to thank him for helping us resolve this issue for this year, and again I hope that we will see greater leadership on this matter with respect to the enforcement of the House rules against unauthorized provisions in an appropriations bill.

Mr. REGULA. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, the other evening when we were discussing another appropriation bill on the floor, the HUD, VA, Independent Agencies bill, there was a considerable discussion at that time about funding that was going to be given to the Office of Science and Technology Policy for a project known as CIESIN. At that point it was mentioned on the floor that that funding was supported by the director of the Office of Science and Technology Policy, and it was my response at that time that the director had no business doing that kind of thing.

I have since received a letter from Allan Bromley, the President's Executive Assistant or the President's Assistant for Science and Technology Policy who is the director of that office. He presents a quite different scenario in which the committee put the money, and then asked him on how it should be implemented. He has a fairly detailed letter about what actually took place. He is owed and apology by me for responding as I did to the chairman, but it seems to me the chairman also did not exactly present the situation as Mr. Bromley was involved.

Therefore, I include for the RECORD at the conclusion of my remarks a copy of the letter from Director Bromley that points out the accurate nature of his dealings on this particular project.

The letter referred to follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY POLICY,
Washington, DC, September 29, 1992.

Hon. ROBERT WALKER,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN WALKER: I feel that I must set the record straight concerning the debate you and Congressman Bod Traxler during Friday's consideration of the VA, HUD appropriation bill. Statements made by you and your colleague about my conduct and intentions were inaccurate and once you know the facts, I think you will agree that I an owed an apology.

The first I learned about $2 million being inserted into OSTP's budget for CIESIN came during the meeting of House and Senate conferees on Tuesday, September 22. The Conference report was read, $2 million for CIESIN had been inserted into OSTP's budget, and that was that. I did not, nor did anyone associated with OSTP seek this additional funding, and I was neither consulted nor informed until it was a fait accompli.

The next morning I called Chairman Traxler to find out how OSTP had been selected for this distinction, which effectively boosted OSTP's funding by one-third. I thanked the Chairman for restoring the better part of a cut that had been made in OSTP's budget by the Senate. While I was curious about the CIESIN funding, I was not enthusiastic. Chairman Traxler also wanted to know whether OSTP had grant-awarding authority and I replied that we did not. I was asked to submit language and did so; having been told that this CIESIN appropriation was a certainly, I felt that we in OSTP should have some control over the process.

As further evidence that I was trying to make the best of the situation, I also approached Chairman George Brown on this matter and asked him if he would consider an amendment or colloquy similar to his effort on the Energy and Water Appropriations bill. Chairman Brown thanked me for this "heads up," said that he would see what he could do but was not optimistic. A member of my staff talked with your Committee staff on the morning prior to your debate and conveyed everything we knew concerning the appropriation at that time.

Unfortunately, your Committee's bipartisan effort to battle earmarking and abuses in the appropriations process has mistaken OSTP and me for the enemy.

In OSTP's historical role as an "honest broker" in science policy, and in my own forthright opposition to the growing abuse of earmarking in appropriations bills, I have fought—and will continue to fight—for scientific merit-based peer review in the awarding of research grants. The public record—ranging from press interviews and speeches to congressional testimony before your committee—reflects my strong conviction on this issue.

I appreciate your willingness to hear me out and provide me with this opportunity to set the record straight.

Sincerely,

D. ALLAN BROMLEY,
Director.

Mr. MCDADE. Mr. Speaker, I rise to voice my strong support for the conference report on H.R. 5503, the Interior and Related Agencies Appropriations Act for Fiscal Year 1993.

The distinguished chairman from Illinois, Mr. YATES, and the ranking Republican, Mr. REGULA of Ohio, have done an outstanding job in bringing to the House floor a conference report that meets the needs of the Nation but still complies with the severe budget restrictions that were placed on the bill.

This bill meets the criteria set forth by the President by falling $74 million in budget authority under his request. It falls $725 million under the 602(b) allocation in BA and $50 million under in estimated outlays. In addition, the bill is $373 million less than fiscal year 1992. By any yardstick, the bill can be called fiscally responsible.

Of course, such numbers cannot be achieved without considerable pain. The decisions made by the conferees were extremely difficult, and many worthy programs and projects were underfunded or passed over. An across-the-board cut had to be made to comply with the President's spending request.

I am pleased that the bill provides funding for the completion of the Steamtown National Historic Site, a project that I am happy to report is progressing on time and on schedule.

Steamtown has been scaled back by $7 million in compliance with the legislation initiated by the authorizing committee and passed by the House earlier this year. In my view, and the view of the National Park Service as outlined in testimony at subcommittee hearings, the authorizing committee set an unwise precedent with unnecessary and unwarranted micromanagement provisos in the authorizing legislation.

The bill had its share of controversy, and the conferees made realistic choices on timber sales, holding fees on miners and grazing fees on federal lands. These decisions, although they may not please everyone, ensure that the bill will be acceptable to the majority in the House and Senate as well as the President.

The conferees have done an excellent job under extreme fiscal restrictions. I commend them for their skill and hard work, and I urge the strong support of my colleagues.

Mrs. VUCANOVICH. Mr. Speaker, I must express my deep disappointment that our conferees were unable to agree to the bipartisan amendment from the other body sponsored by Senators REID, DOMENICI, DECONCINI, and BRYAN, nor the amendment sponsored by Senators REID and BUMPERS. I refer, of course, to those provisions which addressed concerns of the environmental community, the National Taxpayers Union and other advocates of reform of the mining law of 1872. We have heard the rhetoric from Chairman RAHALL of the Mining Subcommittee, of which I am the ranking member, the mining law allows patenting of land for fast-food hamburger prices and condos will be built upon patented claims if we don't reform this law, and no reclamation of patented claims is required by the Federal Government.

Mr. Speaker, I know that antimining advocates referred to the Reid-Domenici and Reid-Bumpers amendments as sham reform because neither of these amendments got to the heart of what they seek. The radical reformers insist that approval of mining plans on the public lands—and perhaps even on private lands—must be completely discretionary with the Secretary of the Interior, or Agriculture as the case may be. In other words, plan denial need not be predicated upon the inability to meet environmental standards, as is the case under current law. This "Just Say No" approach is the holy grail to the antimining crowd, and unless it is contained in proposed reforms they would just as soon the mining law not be amended. Otherwise, what rhetorical drum is there to beat next year? Well, it looks like they will get their wish.

Mr. Speaker, sham reform is that reform which cannot become law. H.R. 918 fits this description, while the Reid-Domenici and Reid-Bumpers amendments did not. On October 1, 1992, or shortly thereafter, those Members who have railed against the giveaway of the mining law could have taken comfort in seeing a fair market value requirement become law. Furthermore, had miners put patented claims to nonmining use their interests would have reverted to the Federal Government under the non-adopted amendment. Lastly, reclamation of patented claims to the extent required of unpatented claims under Federal law or under State law would have been required, together with strict statutory bonding requirements.

But, instead, we have the prospect of debating, for 6 hours, H.R. 918—the inappropriately titled Mineral Exploration and Development Act of 1992 knowing full well that it will then die. The other body has spoken quite clearly on this issue and will not pick up that bill, nor would the President sign it into law. Therefore, I suggest that it is H.R. 918 which is the true sham on this body not the Reid-Domenici and Reid-Bumpers amendments.

Lastly, Mr. Speaker, the argument that the Senate amendments were rejected because it was legislation in an appropriations bill holds no water, either. The $100 per claim holding fee which the conferees did adopt is clearly legislative language. Where is the consistency?

Lest I be misunderstood, let me say again to my colleagues on the committee, I understand the pressures upon Chairman YATES and RALPH REGULA to bring back a conference report that can be approved by the full House, but I am nonetheless dismayed that the opportunity has passed us by to lay the 1872 mining law demons to rest this Congress.

Mr. PANETTA. Mr. Speaker, I rise in strong support of H.R. 5503, the fiscal year 1993 Department of Interior and related agencies appropriations bill. In doing so, I would like to thank Chairman SIDNEY YATES for his support of the $150,000 appropriation for a study of the Sierra Nevada Forests ecosystems contained in H.R. 5503. Due to the extreme health problems associated with the Sierra Nevada Forests, the development of a comprehensive strategy is needed to help restore this precious resource. The funds provided in this bill will help us achieve that goal.

Last week, the House Agriculture Committee reported legislation which I authored, H.R. 6013, establishing guidelines for the conduct of the Sierra Forest study. This provision was devised in agreement with the California Members whose districts are affected by the study and enjoys bipartisan support. I would like to clarify for the record that it is the House's intent that the study funded in H.R. 5503 be conducted in accordance with the provisions of H.R. 6013. The specific requirements of the study are detailed in H.R. 6013 and I would ask that a copy of the bill be submitted for the RECORD.

I would also note that, to provide interim protection to particularly sensitive areas of the Sierra Nevada Range during the study, H.R. 6013 prohibits the Forest Service from permitting any logging activities in roadless areas and riparian corridors until December 31, 1996. These management guidelines are detailed in H.R. 6013 and I would strongly encourage the Forest Service to abide by those guidelines during the study.

On behalf of all the Members involved with this project, I would like to thank Chairman YATES for his efforts to include the Sierra Nevada study in this bill and for his commitment to preserving one of our greatest national treasures, the Sierra Nevada Forests. I urge my colleagues to support the bill. A copy of H.R. 6013 follows:

H.R. 6013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sierra Nevada Forests Ecosystem Study Act of 1992".

SEC. 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "Sierra Nevada Forests" means Federal lands and interests in land that are included within the following national forests in the State of California: Lassen, Modoc, Plumas, Tahoe, Eldorado, Stanislaus, Sierra, Inyo, Toiyabe, and Sequoia; the area of the Lake Tahoe Basin Management Unit contained in the State of California; and the following national parks in the State of California: Lassen, Sequoia-Kings Canyon, and Yosemite.

(2) the term "Committee" means the Sierra Nevada Forests Scientific Committee established by section 3 of this Act; and

(3) the term "Secretaries" means the Secretary of Agriculture and the Secretary of the Interior.

SEC. 3. SIERRA NEVADA FORESTS SCIENTIFIC COMMITTEE.

(a) ESTABLISHMENT.—Within 3 months after the date of enactment of this Act, the Secretaries shall establish an 11-person Sierra Nevada Forests Scientific Committee. The Committee shall consist of the following members appointed by the Secretaries, acting jointly, from a list of candidates to be developed and submitted to the Secretaries by the National Academy of Sciences:

(1) One forest ecologist with expertise on old-growth (late seral stage) forest ecosystems.

(2) One forest ecologist with expertise on managed forests.

(3) One wildlife biologist.

(4) One forest economist.

(5) One silviculturist.

(6) One hydrologist.

(7) One fisheries biologist.

(8) One forest fire management specialist.

(9) One forest entomologist;

(10) One range ecologist.

(11) One risk analyst with, to the extent practicable, forestry expertise.

(b) CONFLICTS AND EXPERTISE.—Each candidate for appointment to the Committee shall be a recognized expert in the field for which the member is considered for appointment and shall be free of conflict of interest. To the extent possible and where relevant to the member's area of expertise, each member shall have substantial field experience in the Sierra Nevada Forests. The list of candidates provided by the National Academy of Sciences shall consist of at least 2 nominees for each of the positions specified in subsection (a).

(c) ADMINISTRATION OF COMMITTEE.—

(1) Except as provided in paragraph (2), members of the Committee each shall be paid at a rate not to exceed, and consistent with, the rate paid to employees of the United States performing similar duties with similar qualifications for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Committee. While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5, United States Code.

(2) Other than reimbursement of expenses pursuant to paragraph (1), members of the Committee who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Committee.

(3) The Chairperson of the Committee shall be elected by the members.

(4) The Committee, in consultation with the Secretaries, shall appoint a director for the Committee from individuals who have broad knowledge of, and experience in, the Sierra Nevada Forests.

(5) The director, with the approval of the Secretaries, may appoint and fix the pay of such additional personnel as the director, in consultation with the Committee, considers appropriate. The director and staff of the Committee may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, except that an individual so appointed, other than the director, may not receive pay in excess of the maximum annual rate of basic pay payable for GS-14 of the General Schedule.

(6) The director and the staff shall be free of conflict of interest with regard to the subject of the Committee's study and report.

(7) Upon request of the Committee, the head of any Federal agency shall provide facilities, equipment, personnel, data, and other types of support to the Committee to assist it in carrying out it duties under this Act.

(8) The Committee shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(9) The Committee shall terminate on December 31, 1996.

SEC. 4. COMMITTEE ACTIVITIES AND REPORT.

(a) DRAFT REPORT.—Not later than December 31, 1994, the Committee shall prepare and submit to the Secretaries a draft report which shall include the following:

(1) A delineation of the various ecosystems of the Sierra Nevada Forests.

(2) An inventory of the lands and resources in each such ecosystem, including inventories of the watersheds and late successional forests, and the species dependent thereon or associated therewith, in each such ecosystem.

(3) An evaluation of the health conditions and trends of each such ecosystem.

(4) An identification of the processes, activities, and other factors (including but not limited to drought, fire and fire suppression, timber harvesting and forest practices, disease infestations, livestock grazing, urban and residential development, water projects, forest regeneration, soil erosion, and air quality) which affect the health conditions and trends of each such ecosystem.

(5)(A) Recommendations of alternative management strategies to protect and enhance each ecosystem of the Sierra Nevada Forests and the resources thereof, including the watersheds and late successional forests and their dependent and associated species, including a determination of whether late-successional reserves are necessary for the maintenance of the health of the Sierra forest ecosystems and if such reserves are necessary, what lands should be included in such reserves.

(B) Each alternative shall include a discussion of the risks such alternative would pose to the ecosystem.

(C) An economic analysis of each alternative shall be conducted, including the impacts on jobs, revenues to counties, and supply of timber to local, State, and national markets.

(6) An examination of the Mediated Settlement Agreement, Section B, Sequoia Groves for the Sequoia National Forest and recommendations for scientifically based mapping and management of Sequoia groves and those additional lands, if any, to ensure the long-term health and survival of Sequoia ecosystems.

(b) FINAL REPORT.—Not later than March 31, 1995, the Committee shall—

(1) prepare a final version of the report described in subsection (a) of this section, which shall contain written responses to each of the peer review comments submitted pursuant to section 5 of this Act; and

(2) submit the final report to the Secretaries for immediate publication.

SEC. 5. PEER REVIEW.

Before submitting the draft report as required by section 4(a) of this Act, and again before submitting the final report as required by section 4(b) of this Act, the Committee shall submit its report to the National Academy of Sciences for technical peer review for a period of not more than 30 days. The Committee then shall consider the comments submitted in such peer review. Peer review comments shall be included in the records of the Committee and, together with a detailed response to such comments, in the submission of the report pursuant to sections 4(a) and (b) of this Act.

SEC. 6. INTERIM PROTECTION.

(a) Until December 31, 1996, the Secretary of Agriculture shall manage the national forests listed in section 2(1) of this Act in a manner consistent with the provisions of this section and applicable laws and land and resource management plans.

(b) Notwithstanding section 111 of the California Wilderness Act of 1984 (Public Law 98-425), the Secretary may not build or permit new roads or aerial and cable logging in areas which were identified as "roadless" in the Department of Agriculture second Roadless Area Review and Evaluation program (RAREII) and are roadless on the date of the enactment of this Act. Nothing in this subsection shall prohibit logging in areas accessible from existing roads.

(c) No management practices causing detrimental changes in water temperature, chemical composition, blockages of water courses, or deposits of sediment which would seriously and adversely affect water conditions or fish habitat, and no logging, may be conducted within 100 feet on either side of all permanent streams and 50 feet on either side of all seasonally flowing and intermittent streams.

(d) The provisions of subsection (b) of this section shall not apply to timber sales prepared as agreed to in the Mediated Settlement Agreement for the Sequoia National Forest.

(e) Notwithstanding subsections (b) and (c), the Secretary of Agriculture may conduct restoration projects in Sierra Nevada Forests damaged by fire or other natural disasters that require intervention to protect public safety, property, or water quality, after approval by the Committee. Only restoration projects that would sustain the Sierra Forest ecosystems can be approved. The Committee shall approve or disapprove a restoration project within 30 days after the project is submitted by the Secretary. The Committee may have an additional 30 days to review a project, upon notifying the Secretary. If the restoration project is needed to prevent imminent loss of property or is a threat to human safety, the Secretary may direct Committee review for approval or disapproval within 15 days of submission. Nothing in this subsection shall be construed to exempt such projects from other applicable law, regulations, policy, or guidelines.

(f) Timber sales under contract on or before September 30, 1992, in the national forests listed in section 3(a) shall not be prohibited by this Act. The Secretary shall offer substitute volume from areas outside areas subject to this section for those sales for which timber preparation has been completed by September 30, 1992.

SEC. 7. SUBMISSION TO CONGRESS.

At the time the reports are submitted to the Secretaries under sections 4 (a) and (b) of this Act, they shall also be submitted to the Committees on Interior and Insular Affairs and Agriculture of the House of Representatives and to the Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the Senate.

SEC. 8. STANDARD.

In no event may this Act be construed to afford a lessor standard of protection to lands within the Sierra Nevada Forests than would otherwise be required by any other provision of law, rule, regulation, or land and resource management plan or regional guides.

SEC. 9. COORDINATION WITH OTHER FEDERAL AND STATE EFFORTS.

To the maximum extent feasible, the Committee shall coordinate its studies, recommendations and activities with similar efforts being undertaken by other Federal agencies and the State of California, including (but not limited to)—

(1) the Forest and Range Resources Assessment Program;

(2) the California Spotted Owl Steering Committee;

(3) the Old-Growth Forest and Riparian Project;

(4) the Sierra Nevada Vegetation Mapping Project; and

(5) management of Calaveras Big Trees State Park, California.

SEC. 10. APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. BEREUTER. Mr. Speaker, first this Member would like to take the opportunity to recognize the conferees and specifically the chairman and the ranking minority member of the House Appropriations Subcommittee on Interior. The distinguished gentleman from Illinois [Mr. YATES] and the distinguished gentleman from Ohio [Mr. REGULA] have been longtime supporters of Interior related projects that are very important to Nebraska.

This Member is especially pleased and gratified for their continued support and, in fact, increased support for forest research at the Center for Semi-Arid Agroforestry in Lincoln, NE. The center's research is dedicated to resolving environmental problems before they are created. By planting the proper species of trees and shrubs strategically, agricultural producers can lessen the erosion impact on our streams, rivers, lakes, and ground water from runoff polution. Ultimately, these sound forestry conservation practices can save many millions of dollars in environmental cleanup costs.

This Member is also pleased that conferees approved $200,000 in funding for the center from State and private forestry funds for technology transfer and demonstration. These funds are necessary to guarantee that the valuable research being conducted at the center reaches those who will most benefit from the research.

Conferees also approved $198,000 for Fish and Wildlife Service endangered species research including Platte River wetlands studies at the University of Nebraska-Lincoln. The Platte River in Nebraska serves as a major environmental corridor throughout the State, especially as an internationally significant staging area for migratory birds.

Mr. Speaker, finally, this Member is especially pleased that conferees agreed to a $700,000 increase in funding for tribal colleges. With the overall increase in student population at tribal colleges, these funds are essential and will provide an invaluable service to native Americans in my State who attend Nebraska Indian Community College and similar colleges around our Nation.

Mr. LAGOMARSINO. Mr. Speaker, I rise today in support of the fiscal year 1993 Interior appropriations and to congratulate Chairman YATES for doing a tremendous job on the bill.

The chairman, the ranking minority member, Mr. REGULA, and the other members of the subcommittee have successfully trimmed the Interior budget well below its allocation and even the President's request. This is never an easy task—let alone during an election year—and they deserve our recognition.

I am particularly grateful for their support of an area of great importance to me, Channel Islands National Park. Nearly 13 years ago, I authored legislation creating the Channel Islands National Park. Since then I have sought funding to purchase the few remaining private inholdings from willing sellers in the park. Given the tremendous backlog of authorized land acquisitions, it has taken some time to appropriate funds for Channel Islands.

I am extremely thankful the committee was able to retain my request for $8 million in the final bill. The funds will help purchase half of the Gherini family property on Santa Cruz Island and a site for a visitors center. Thanks to the committee's efforts, Channel Islands National Park will take a major step toward completion, for the benefit of all Americans.

Again, let me thank Chairman YATES, Mr. REGULA, Mr. LOWERY, Mr. MCDADE, and Mr. SKEEN for their commitment in developing a bill we can all support.

Mr. AUCOIN. Mr. Speaker, in the Pacific Northwest our timber resource has become increasingly valuable as the supply has been reduced. I am concerned that every effort be taken to guarantee that any tree measurement system which the Forest Service adopts be at least as accurate as the system presently in use. But I am equally concerned about the economic impact a new tree measurement policy may have on the men and women in Oregon who currently scale timber sold from our national forests.

I want it to be clear to the Forest Service that the language we have adopted in our conference report directs the Forest Service to develop and implement a cruise standard at least as accurate as the scaling standards currently in place to prevent a net loss of revenue to the Treasury and that these new standards be in place as the Forest Service moves toward more tree measurement.

I also want the record to clearly show that in taking steps to ensure consistency and standardization of measuring practices, as directed by the conference report, the Forest Service should consult with those people most impacted by such a conversion, including representatives of the men and women who currently scale timber sold off our national forests prior to further modification to the agency's tree measurement policy .

Mr. BACCHUS. Mr. Speaker, I rise in strong support of the conference report to H.R. 5503, Interior appropriations for fiscal year 1993. I would like especially to commend the work and the leadership of the gentleman from Illinois [Mr. YATES], who has done a wonderful job in the face of some very difficult budgetary constraints.

I am pleased that the conference committee has agreed to a House provision recommending an increase of $100,000 over the administration's request for developing a habitat conservation plan [HCP] for the Florida scrub jay. The House Appropriations Subcommittee on Interior approved this increase after I brought to their attention the need to develop an HCP for the scrub jay in Brevard County, FL, in my district.

The proposed HCP will help reduce conflicts between endangered species and human activities by providing for both habitat conservation and appropriate development. More than half of the population of the Florida scrub jay, which is federally listed as a threatened species, is found in Brevard County. As a result, this HCP likely will become a model for other countries in Florida.

I urge the U.S. Fish and Wildlife Service to utilize these funds as intended to help develop a habitat conservation plan for the scrub jay in Brevard County as soon as possible. By acting now, we can avoid far greater conflicts later.

Mr. SLATTERY. Mr. Speaker, first of all, I want to thank Chairman YATES and his staff for the excellent work they have done on this bill. This bill represents a difficult task and I want to personally commend Chairman YATES and the conferees for their efforts.

I specifically would like to speak in support of the funding in this bill which recognizes the importance of native American higher education.

Haskell Indian Junior College, which is one of the only two national colleges for native Americans in the country and which is located in Lawrence, KS, has an important mission for native Americans across the country.

In the past Haskell has survived severe budgetary setbacks and has provided quality education to native Americans across the county despite efforts by the previous administration to shut it down.

I am pleased the conferees, under Chairman YATES' leadership, realized the importance of adequately funding Haskell, and I am especially pleased the final agreement includes provisions in both the Senate and House bills to restore $977,000 to Haskell's budget that President Bush had requested be cut.

This funding will bring Haskell's fiscal year 1993 instructional budget to the same level as the 1992 budget. More importantly, it will allow the popular and successful summer school and natural resources programs to continue next year.

Both the summer school and natural resources program are proven and effective. Cutting these programs, as proposed by the Bush administration, would have been a tragic mistake and posed a severe setback for Haskell.

The sum $100,000 was approved for necessary program development at Haskell. This funding will help Haskell implement its "vision 2000" plan, a comprehensive blueprint for improving the teacher training program at Haskell so that it will be possible for the school to achieve its goal of offering baccalaureate degrees in elementary education.

The ability to offer teaching degrees is critically important to the native American community given the well documented shortage of native American teachers, particularly on the reservations.

I would like to commend the conferees for including an additional $3 million which would allow Haskell to finance the construction of much needed on campus housing. Housing is a top priority for Haskell as overcrowding has become a serious problem. Haskell has been attempting to deal with a serious housing shortage for several years.

Finally, Mr. Speaker, I would like to say that it has been a privilege and an honor to represent Haskell Indian Junior College since I was first elected to this body in 1982. While I will continue to support funding for this critically important national higher education institution for native Americans, due to redistricting, Haskell will no longer be in the Second District and I regret that I will no longer be their Representative in Congress. I do look forward to supporting Haskell in any way I can in the future.

We have fought over the past 10 years for funding in order to achieve equity and quality in the education programs and conditions at Haskell. It has at times been a long and frustrating struggle but it has also been a rewarding one.

I have enjoyed working with many individuals at Haskell committed to high standards in education for native Americans and individuals devoted to creating opportunities for young native Americans in order to learn and be educated. People like the president of Haskell, Bob Martin and his staff including Hannes Combest and many others are to be commended for their efforts. Over the years, I have personally enjoyed the opportunity to visit with many of the students and alumni of Haskell. Their education at Haskell is now being put to use all over the country. I am confident that Haskell will continue to grow and respond to the educational needs of native American students across the country.

Mr. Speaker, if self-determination and independence from Government are to remain the benchmark of Federal efforts toward native Americans, then we must do all we can to see that this population has access to quality education. Haskell Indian Junior College provides the tools for such an endeavor.

I am grateful to my colleagues on the conference committee for recognizing that it would be a tragic mistake to jeopardize the quality of education at the single most important institution of higher learning in the native American community.

I urge my colleagues to support the conference report to H.R. 5503 and I urge President Bush to sign it.

Mr. VENTO. Mr. Speaker, I rise in reluctant support of the conference report on H.R. 5503, the fiscal year 1993 Interior and Related Agencies Appropriations Act. I support the land use and cultural programs that are funded by this appropriation. They are extremely important to the American public and deserve sound policy direction and the funding to facilitate such policy path.

Three months ago Chairman GEORGE MILLER and I appeared before the Rules Committee to express our deep concerns with several of the provisions of H.R. 5503. The provisions in question included authorizations on an appropriations bill and funding for unauthorized projects; and involved matters within the jurisdiction of the Committee on Interior and Insular Affairs. With the assistance of the Rules Committee, the House was able to address many of these matters and take appropriate action to uphold the authorization process and the rules of the House.

Unfortunately, the Senate, in considering H.R. 5503, saw fit to ignore these important House actions and overturned or otherwise negated the House provisions addressing the authorization process. In fact, the Senate went further and added a number of projects or provisions that, in the House, are violations of clause 2 of rule XXI of the House.

Prior to the House-Senate conference on H.R. 5503, I sent a letter to Representative YATES outlining my objections to the Senate provisions of H.R. 5503.

The conference report on H.R. 5503 contained numerous provisions constituting authorizations on an appropriations bill or funding for unauthorized projects that are in violation of the House rules. Several of these provisions are highly controversial and have significant policy implications. In fact, additional authorization language was agreed to by the conference committee that involved matters not committed to conference by either the House or Senate.

As a result of the deep concerns expressed by Chairman MILLER and myself of these violations of House rules and the authorization process, the rule on this conference report contained a provision providing for adoption of a House concurrent resolution—House Concurrent Resolution 365—introduced by Representative YATES and Representative GEORGE MILLER. House Concurrent Resolution 365 makes corrections in the enrollment of H.R. 5503. These corrections involve striking authorizing language in the conference report and making appropriations for unauthorized projects subject to a proper authorization.

The conference report on H.R. 5503 was seriously flawed and I regret that it was necessary to take the unusual step of the House concurrent resolution to correct these flaws. Nevertheless, the action by the House to adopt House Concurrent Resolution 365 is important to uphold the rules of the House and the authorization process.

Chairman MILLER and I are committed to seeing that this serious problem is not only addressed this time, but that steps are taken to correct it permanently. For too long appropriations bills have been used to bypass the authorizing committees and enact legislative policy and fund unauthorized projects of dubious value. We will continue to work with the leadership, the Appropriations Committee, and other Members of the House to resolve this important matter.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 5503, a bill making appropriations for the Department of the Interior and related agencies for fiscal year 1993.

The chairman of the Interior Subcommittee [Mr. YATES] and the ranking minority member [Mr. REGULA], are to be commended for the very fine job they did in this particularly difficult year in defending the interests of the House.

Despite the very severe spending restraints imposed on the conference committee, the bill before us today does a great deal to protect and allow for the better management of our natural resources, improve the health and educational opportunities of the native American population, and advance research and development in energy efficiency and fossil fuel technologies.

In particular, Mr. Speaker, I would like to thank the chairman and the ranking minority member for their ongoing attention to the many demands which my own State of California places on this very important bill. The members of the subcommittee have always paid very careful attention to, and have largely met, these competing needs, particularly with the help and leadership of Mr. LOWERY, who is leaving this body and will be sorely missed by us all and our State in particular. Despite the severe budget restraints imposed on this conference, this year was no different.

I am particularly grateful for the assistance of the House conferees in meeting the many land acquisition needs of my part of the State. The conference report provides $5 million to continue U.S. Fish and Wildlife willing seller acquisitions for the Sacramento River National Wildlife Refuge, $1 million for the BLM to purchase a tract that includes 3½ miles of sensitive river frontage on the upper Sacramento River, and $3 million to continue the Santini-Burton single family lot acquisition program in the Lake Tahoe basin to help reduce erosion and water quality degradation in Lake Tahoe.

Finally, Mr. Speaker, I would also like to thank Chairman YATES and Mr. REGULA for their efforts to help advance the newly designated Stone Lakes National Wildlife Refuge in southern Sacramento County and the Urban Forest Research and Education Center at Davis, CA. The conference report provides $300,000 in management funds for Stone Lakes that will allow the U.S. Fish and Wildlife Service to initiate a community educational program at the refuge as well as wetlands restoration efforts on land within the refuge boundaries that is already in public ownership.

And, the conference report's support for the urban forestry center, the only comprehensive urban forestry research and education program in the West, will allow the center to meet the growing demand for better information about how to use urban forestry techniques to make air quality improvements and promote energy and water conservation.

A testament to the need for this center, which was just dedicated in March of this year, is the fact that every major utility in California and a half dozen other utilities from other Western States have asked the center to develop information that will allow them to use urban forests to reduce peak generating loads, especially during the summer months. In addition, every dollar allocated in this bill for this center is being matched by the private sector, so it is clear that this center is performing a very vital and much needed service to this region of the country.

Mr. Speaker, again, this conference report is a good bill, and I urge its adoption.

Mr. MAZZOLI. Mr. Speaker, I rise in strong support of the conference report to accompany H.R. 5503, the Interior and Related Agencies appropriations bill for fiscal year 1993. I supported this measure when it first came before the House last July, and am proud to do so again today. I commend the conference committee for its fine work.

I am particularly pleased that the report maintained funding for three programs important to the Third District of Kentucky.

First, the conference report provides a total of $36.9 million for the Historic Preservation Trust Fund, $30.7 million of which is targeted to the fund's grant program. This grant program has made possible the rehabilitation and preservation of many historic structures in the Commonwealth of Kentucky, and in Louisville and Jefferson County. The program makes good economic sense, as well, because restoration of these structures provides jobs and increases tax revenues.

Second, the conference report provides $5.8 million for the Rivers and Trails Conservation Program, which is invaluable to communities along major rivers. Of course, Louisville sits along a major river—the Ohio—and this program has the potential to help establish a network of trails as part of the redevelopment of our historic waterfront. The program could also expand the use of the Jefferson Forest in southwest Jefferson County, and assist the Ohio River Valley Water Sanitation Commission in conducting a recreational-use survey for the Ohio River.

Third, the conference report funds the National Endowment for the Arts at a level of $175 million, and the National Endowment for the Humanities at $178 million. I have spoken before in support of these agencies, because on balance, I believe they are a net plus for our Nation and for my community. NEA grants have recently been awarded to the Louisville Orchestra and Stage One—Louisville's children's theater. Both of these arts organizations are nationally renown. And, an NEH grant helped fund the Kentucky Chautauqua Festival, which brought the history and lore of Kentucky to every corner of my State last summer.

Mr. Speaker, again, I commend the good work reflected in this conference report and urge its passage by the House.

Mr. DORGAN of North Dakota. Mr. Speaker, I want to commend Chairman Yates and the Interior Appropriations Subcommittee for their work in crafting the fiscal year 1993 Interior appropriations bill. The conference report shows a commitment to fiscal responsibility while also meeting essential Federal commitments to native Americans, energy research, national parks, and natural resource management.

I point out to my colleagues that the conference agreement funds these programs at a level $500 million under the House bill, $375 million below the 1992 level, and $74 million less than the President's request. This reflects the kind of restraint we need to help reduce the deficit. Within these constraints, the conferees have given increased attention to priority items.

For example, I am pleased that the conferees were able to increase funding above the President's request for the following Indian programs: tribal colleges $1 million; United Tribes Technical College, $460,000; Indian priority system accounts for tribal services, $19 million; the Aberdeen area regional youth alcoholism treatment center, $3.2 million; and staffing and facilities at the new hospital on the Turtle Mountain Reservation, over $2 million.

This is not a year in which Congress was able to expand funding for most areas of energy research and development, but this bill will assist North Dakota institutions and energy industries to continue important research for improved and cleaner use of coal and other fuels, and for continued advancement in methods of reclaiming mine sites.

The bill provides $1.5 million for the National Mine Land Reclamation Center, and a third of that will fund continuing work at the University of North Dakota on reclamation of western mining sites. The bill also provides $2 million for continuation of the basic energy research program conducted cooperatively by the Energy and Environmental Research Center at UND and the Department of Energy.

The appropriations for "refuge revenue sharing," which are funds for replacing the tax revenue local governments lose when the Federal Government buys land for wildlife refuges, was set at $11.8 million, the same as for 1992. Congress has a commitment to replace those lost revenues to local government, and the dollars appropriated represent 84 percent of meeting that commitment. We must try to raise that level next year.

In conclusion, the conference report manifests fiscal responsibility while continuing crucial programs that enjoy wide support.

Mr. REGULA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. YATES. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 365, MAKING CORRECTIONS IN ENROLLMENT OF H.R. 5503

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to House Resolution 581, House Concurrent Resolution 365, introduced today by the gentleman from Illinois [Mr. YATES], on behalf of himself and the gentleman from California [Mr. MILLER], is considered to have been adopted.

The text of House Concurrent Resolution 365 is as follows:

H. CON. RES. 365

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 5503) entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes", the Clerk of the House of Representatives shall make the following corrections, namely:

In the paragraph under the heading "Land Acquisition", Bureau of Land Management, after the figure "$28,034,000" insert ", of which $5,000,000 is for the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation and $23,034,000 is";

In the second proviso in the paragraph under the heading "Administrative Provisions", Bureau of Land Management, after the word "made" delete ", in fiscal year 1993 and thereafter," and after the word "expended" delete "for surveys of Federal lands and on a reimbursable basis for surveys of Federal lands and";

In the paragraph under the heading "Administrative Provisions", Bureau of Land Management, delete the third proviso;

In the paragraph under the heading "Operation of the National Park System", National Park Service, after the figure "$992,431,000" insert ", subject to authorization";

In the paragraph under the heading "National Recreation and Preservation", National Park Service, after the figure "$23,765,000" insert ", subject to authorization";

In the paragraph under the heading "Construction", National Park Service, after the figure "$231,801,000" insert ", subject to authorization";

In the second proviso under the heading "Construction", National Park Service, after the word "Illinois" insert ", subject to authorization";

In the paragraph under the heading "John F. Kennedy Center for the Performing Arts", National Park Service, after the figure "$20,806,000" insert ", subject to authorization"; and

Under the heading "Administrative Provisions, Forest Service" delete the following paragraph:

"As a pilot effort, for the purpose of achieving ecologically defensible management practices, the Kaibab, Dixie, Idaho Panhandle, and Coconino National Forests and the Lake Tahoe Basin Management Unit are authorized to apply the value or a reasonable portion of the value of timber removed under a stewardship end result contract as an offset against the cost of stewardship services received including, but not limited to, site preparation, replanting, silviculture programs, recreation, wildlife habitat enhancement, and other multiple-use enhancements on selected projects: *Provided*, That timber removed shall count toward meeting the Congressional expectations for the annual timber harvest.".

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material and tabular information on H.R. 5503 and the conference report thereon just agreed to by the House.

The SPEAKER pro tempore. It there objection to the request of the gentleman from Illinois?

There was no objection.

□ 0930

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair will take 1-minute on each side, at least one.

HOUSE SHOULD OVERRIDE MEDICAL LEAVE VETO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, U.S. flags are everywhere, the dollar is king, citizens want Cadillacs and Lincolns, American workers are admired, and the American system is held in the highest esteem.

Mr. Speaker, I am not talking about Ohio, Kentucky, California; I am talking about Russia, Mr. Speaker.

Even though the economy in America is in shambles, Europe and the rest of the world looks at our model. How nice it would be, in addition to having this model that looks so good to the rest of the world, that we begin to deal with the loss of manufacturing jobs, the tremendous growth in unemployment, the problems that exist in the workplace, and we could start today by overriding the President's veto on family medical leave.

Mr. Speaker, there is no excuse for a kinder and gentler America and certainly an administration that promotes same.

UPDATE ON THE HAMILTON/GRADISON COMMITTEE

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker and my colleagues, let me just say it has been 55 days now since the Hamilton-Gradison Committee on Congressional Reform was established. We on the Republican side have appointed our members. We are ready to go.

I understand that you, Mr. Speaker, have not yet appointed your members.

Mr. Speaker, time is waning, and we need to be able to act. We need to be able to give some guidance to both the Democratic caucus and the Republican conference. I would hope we could get these appointments made so that our committee could officially meet and begin the work of trying to reform this House.

REQUEST TO PROVIDE FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 553, CONTINUING APPROPRIATIONS, 1993

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House the joint resolution (H.J. Res. 553) making continuing appropriations for the fiscal year 1993, and for other purposes. Debate on the joint resolution shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. Moakley] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to my friend, the gentleman from New York [Mr. SOLOMON], for the purpose of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, during consideration of this resolution—Mr. Speaker, I withdraw the resolution at this time.

The SPEAKER pro tempore. The resolution is withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. The Chair will once again entertain requests by Members for 1-minute.

BUSH SPENDS HUNDREDS OF MILLIONS OF TAXPAYER DOLLARS TO SHIP OUR JOBS OVERSEAS

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, I was, frankly, stunned watching "60 Minutes" earlier this week. According to "60 Minutes," under the Bush and Reagan administrations the United States Agency for International Development has spent millions of dollars to encourage American firms to move to Central America. It sounds unbelievable. United States taxpayers pay for an ad campaign that encouraged businesses to move jobs to El Salvador. One of the ads went like this:

> Rosa Martinez produced apparel for U.S. markets on her sewing machine in El Salvador. You can hire her for 57 cents an hour. Rosa is more than just colorful. She and her co-workers are known for their industriousness. They make El Salvador one of the best buys. The ad was funded by FUSADES, an El Savadoran export promotion group that is almost entirely funded by U.S. tax dollars, and that has offices in the U.S. seeking to woo American firms. In a 1991 agreement, U.S. AID instructed FUSADES that within the U.S., the regions with the greatest concentration of relevant firms are likely to be in the Northeast and Southeast.

Mr. Speaker, the whole idea of U.S. tax dollars being spent to encourage U.S. firms to move jobs offshore is absolutely unconscionable.

In addition to that, Mr. Speaker, U.S. law prohibits duty-free imports from countries that violate fair labor standards, such as the right to organize unions. But a U.S. Government official taped by a "60 Minutes" hidden camera said that managers of the export zone will screen out potential workers who might want to join a labor union. Half a dozen managers of firms operating out of a U.S.-financed zone told CBS that workers who want to join unions can be fired on the spot, and their names placed on blacklists.

I think it is time for this administration and this President to explain to the American people what in the world they are doing with U.S. tax dollars. This is an outrage, Mr. Speaker, and it should be stopped.

Today I plan to introduce legislation that will make it clear that no employees of any U.S. Government agency will be spending tax dollars to encourage business to move jobs from this country offshore anywhere in the world. It is time this nonsense ends.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and received permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I take this time to try to alert the Members to a changing format here on the floor.

We were supposed to take up as the first order of business this morning a stopgap continuing resolution to keep the Government funded for 5 days. That was pulled. We then went to the rule on the Interior bill. We were then supposed to take up the continuing resolution rule after that, and now I understand that is no longer certain.

I do not mean to put you, Mr. Speaker, on the spot in any way, but the Members are calling in here wanting to know in what order legislation is going to be taken up this morning, so they can plan accordingly.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, it is my understanding that the reason why the schedule is being changed is that the Speaker wants to meet with 67 House Democrats to try to convince them to vote against the gentleman's effort to bring line-item veto onto the floor.

Sixty-seven House Democrats have indicated they would like to have a vote out here on the floor of this item. And the Speaker is attempting to dissuade them from voting with the gentleman in a few minutes on that particular matter. So, evidently, the House business is being held up so that the Democrats can try to muscle their people into line, not to support the line-item-veto effort that will be coming out or coming up on the floor a little bit later.

I just think the gentleman ought to understand that we are probably operating here on a basis of whether or not the proper conversations have taken place.

Mr. SOLOMON. I thank the gentleman for his observations. Again, I realize it is the Speaker's prerogative, but it is also the Speaker's obligation to let the membership know what is going on.

I would withhold any kind of action and just hope that the Speaker could have someone from the leadership come to the floor and explain to us what is going to take place for the next couple of hours. I thank the Speaker for his time.

□ 0940

RAISING TAXES

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, it looks like we are going to have a Presidential debate after all, let us hope so. Whether we have two or four, let us have them so the American public can have an insight into what these two or three candidates stand for.

I have noticed that Mr. Clinton is running around the country saying he wants to raise taxes, but only on the rich. When I have heard that plea coming from my colleagues in the House over the years that I have been privileged to serve here, and when any American taxpayer hears that some politician wants to raise taxes on the rich, you better have that person define the rich, because it has been my experience and I think this applies to Mr. Clinton, that Mr. Clinton and the Democrat liberals define a rich person as anybody with a job. If you work for a living in America and Bill Clinton makes his way into the White House, my friends, you are going to be in the class known as the stuckees if you are working for a living, because in the definition of liberal Democracts a rich person is anybody who works for a living.

I hope the American people will realize that we are in this fiscal mess not because we are undertaxed as a people, but because Congress, this institution, is spending too much money. If we want to get rid of these rascals who run this place, we have to identify those big spenders, and the National Taxpayers Union has a list of them. Those big spenders need to be retired, whether they are Democrats or Republicans, to save this Nation from national bankruptcy.

THE PRESIDENT AND CRIME

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, once again the President has proven that when it comes to crime, he can "talk-talk," but he cannot walk the walk.

When the President talks about crime, all he can do is repeat his favorite four-letter word, "veto." That is what he has been threatening to do for almost a year to the tough anticrime bill which includes the Brady bill. He has proved once again he would rather "talk-talk" and kowtow to the NRA than do what is right for the American people.

What he does not tell you is that the crime bill has the support of nearly every single law enforcement organization in the country. The cop on the beat knows he is outmanned and outgunned. Illegal firearms flow as freely in the inner cities as from a water tap.

What has the President done? He tried to toss the Brady bill behind bars and throw away the key.

Now the President says he wants stiffer penalties for carjacking. The House will soon take a tough comprehensive auto theft bill up that I introduced, along with the gentleman from Wisconsin [Mr. SENSENBRENNER], 6 months ago. It will make carjacking a Federal offense, but it goes further, taking the profit out of car theft, requiring parts labeling, something again backed by almost every police organization.

Where does the President stand on the bill? Right behind the roadblock. He has not even announced where he stands.

Mr. Speaker, in conclusion, it is time for the President to wake up to help get the Brady bill passed, help fight car theft, give the police the tools they need to win the war on crime. Only in that way will law-abiding citizens be able to come out of their homes without fear, without being caught in the political crossfire that envelops this town.

EXTENSION OF NONDISCRIMINATORY TREATMENT WITH RESPECT TO THE PRODUCTS OF ROMANIA

The SPEAKER pro tempore (Mr. MONTGOMERY). The unfinished business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 512.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the joint resolution, House Joint Resolution 512, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 88, nays 283, not voting 61, as follows:

[Roll No. 436]

YEAS—88

Alexander
Allard
Allen
Anderson
Anthony
Archer
Armey
Barrett
Barton
Bateman
Beilenson
Boehner
Broomfield
Callahan
Campbell (CA)
Conyers
DeLay
Duncan
Fascell
Feighan
Gilchrest
Gillmor
Goss
Gradison
Grandy
Guarini
Hamilton
Hammerschmidt
Hansen
Hastert
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones
Kennelly
Kolbe
Leach
Lehman (FL)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Marlenee
Martin
Matsui
McDade
McGrath
McMillan (NC)
Michel
Miller (OH)
Mrazek
Myers
Nichols
Nussle
Oakar
Orton
Oxley
Payne (VA)
Pease
Penny
Peterson (MN)
Pickett
Pickle
Quillen
Rose
Rostenkowski
Rowland
Schaefer
Schiff
Shays
Shuster
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Sundquist
Tallon
Thomas (GA)
Thornton
Vander Jagt
Vucanovich
Walsh
Whitten
Wolf
Wylie

NAYS—283

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Atkins
AuCoin
Bacchus
Ballenger
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Collins (IL)
Collins (MI)
Combest
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Evans
Ewing
Fawell
Fazio
Fields
Fish
Flake
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Green
Gunderson
Hall (OH)
Hall (TX)
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hoagland
Hobson
Hochbrueckner
Hopkins
Horn
Horton
Houghton
Hubbard
Hughes
Hunter
Inhofe
James
Johnson (TX)
Jontz
Kanjorski
Kennedy
Kildee
Kleczka
Kolter
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
Laughlin
Lehman (CA)
Levin (MI)
Lewis (GA)
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDermott
McEwen
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Murphy
Murtha
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Packard
Pallone
Panetta
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Petri
Porter
Poshard
Pursell
Ramstad
Rangel
Ravenel
Reed
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Snowe
Solomon
Spence
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torres
Towns
Traficant
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walker
Waters
Weldon
Williams
Wilson
Wolpe
Wyden
Yates
Yatron
Young (FL)
Zeliff
Zimmer

NOT VOTING—61

Aspin
Baker
Barnard
Bilirakis
Camp
Chandler
Coleman (TX)
Condit
Donnelly
Dymally
Engel
Espy
Foglietta
Ford (TN)
Gibbons
Hancock
Hertel
Holloway
Hoyer
Huckaby
Hutto
Hyde
Ireland
Jefferson
Kaptur
Kasich
Klug
Kopetski
LaFalce
LaRocco
Levine (CA)
Lipinski
McCrery
Morrison
Nagle
Olin
Olver
Patterson
Perkins
Price
Rahall
Ray
Riggs
Roberts
Roe
Sanders
Santorum
Shaw
Sikorski
Smith (FL)
Solarz
Spratt
Staggers
Torricelli
Traxler
Washington
Waxman
Weber
Wheat
Wise
Young (AK)

□ 1010

Messrs. MURPHY, COMBEST, NATCHER, MONTGOMERY, FAZIO, DINGELL, DURBIN, DANNEMEYER, HARRIS, McDERMOTT, SWIFT, SYNAR, DOOLEY, STUMP, MILLER of Washington, BLILEY, MARTINEZ, GLICKMAN, and UPTON changed their vote from "yea" to "nay."

Messrs. ROSE, SMITH of Iowa, GUARINI, and HASTERT changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. PATTERSON. Mr. Speaker, I regret that the record of votes taken does not show me as having voted on House Joint Resolution 512, a joint resolution to approve the extension of nondiscriminatory most-favored-nation treatment to the products of Romania, rollcall No. 436. The RECORD should state that I voted "nay."

PERSONAL EXPLANATION

Mr. CAMP. Mr. Speaker, I ask unanimous consent that the record show that on today, September 30, 1992, I was unavoidably detained due to mechanical difficulties on my flight back from Michigan and that the RECORD reflect that had I been present I would have voted "no" on rollcall vote 436 and "no" on rollcall vote 437.

□ 1012

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I would like to engage the majority leader in a colloquy about the schedule for the rest of the day.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this would be a good point to give Members a sense of what to expect for the rest of the day in terms of schedule.

In a moment the gentleman from California [Mr. DIXON] will make a unanimous consent request to take up the D.C. appropriations bill. My understanding is that there is not likely to be a vote on that.

We will then go on to House Joint Resolution 553, the short-term continuing appropriation. There will be a rule and then the vote on the bill, then on to a possible motion to instruct conferees on H.R. 11, the Revenue Act; then a vote on overriding the President's veto of H.R. 5318, the conditional extension of most-favored-nation status for China, and then the conference report on S. 2, the Neighborhood Schools Improvement Act; and then on to a vote on overriding the President's veto of S. 5, the Family and Medical Leave Act.

After that there will be possible votes or votes on four suspension bills: H.R. 3281, National Air and Space Museum Expansion Site Selection; S. 2681, Native Hawaiian Health Care; H.R. 2548, Lincoln Interpretive Center; and S. 1528, Mimbres Culture Monument.

We should be finished no later than 9 o'clock. It could be earlier than that. We would hope for an earlier time, but I think if Members are trying to plan their schedules they should be aware that we could go until that point this evening.

Mr. SOLOMON. I thank the majority leader. Would he just again, while the Members are here, explain what is going to happen with the D.C. appropriations conference report and what votes they might expect in the next 15 or 20 minutes to a half-hour?

Mr. GEPHARDT. If the gentleman will continue to yield, I do not expect a vote on the D.C. appropriation bill. We will then have an hour's debate on the rule on the continuing appropriation, so Members could expect the next vote at the end of that period of time.

Mr. SOLOMON. I thank the majority leader. There will be a vote on the rule for the continuing resolution for the purpose of bringing up a line-item veto provision. I thank the majority leader for explaining the schedule.

H.R. 5517, DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1992—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 5517, a bill providing appropriations for fiscal year 1993 for the District of Columbia.

Although I do not object to the funding provided by the bill, its language concerning the use of funds for abortion is unacceptable. I have stated my intention to veto any bill that does not contain language that prohibits the use of all congressionally appropriated funds to pay for abortions except when the life of the mother would be endangered if the fetus were carried to term. The limitation I propose is identical to the one included in the District of Columbia Appropriations Acts for FY 1989, FY 1990, FY 1991, and FY 1992.

H.R. 5517 would place such a limitation on the use of Federal funds to pay for abortion. However, the bill would permit congressionally appropriated local funds to be used for abortions on demand. As a matter of law, the use of local funds in the District of Columbia must be approved by the Congress and the President through enactment of an appropriations act. Under these circumstances, the failure of H.R. 5517 to prohibit the use of all funds appropriated by the bill to pay for abortions, except in the limited circumstances mentioned above, is unacceptable.

From the outset of my Administration, I have repeatedly stated my deep personal concern about the tragedy in America of abortion on demand. As a Nation, we must protect the unborn. H.R. 5517 does not provide such protection. I am therefore returning H.R. 5517 without my approval.

GEORGE BUSH.

THE WHITE HOUSE, *September 30, 1992*.

The SPEAKER pro tempore (Mr. MONTGOMERY). The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the veto message, together with the accompanying bill, H.R. 5517, be referred to the Committee on Appropriations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the veto of the bill, H.R. 5517.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

H.R. 6056, DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1992

Mr. DIXON. Mr. Speaker, I ask unanimous consent that it shall be in order at any time to consider in the House, any rule of the House to the contrary notwithstanding, the bill (H.R. 6056) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes, that debate be limited to 1 hour, the time to be equally divided between myself and the gentleman from New Jersey [Mr. GALLO], and that the previous question shall be considered as ordered on the bill to final passage without intervening motion, except one motion to commit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DIXON. Pursuant to the previous order of the House, I call up the bill (H.R. 6056) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 6056 is as follows:

H.R. 6056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I

FISCAL YEAR 1993 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1993, $624,854,400, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000.

No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9-188, signed by the Mayor of the District of Columbia on April 15, 1992.

PRESIDENTIAL INAUGURATION

For payment to the District of Columbia in lieu of reimbursements for expenses incurred in connection with Presidential inauguration activities, $5,514,000, as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 1-1803).

TRAUMA CARE FUND

For a Federal contribution to establish the Trauma Care Fund, $5,561,600, which shall be used to reimburse the actual cost of uncompensated care provided at Level I trauma centers in the District of Columbia: *Provided*, That no trauma center may receive an amount greater than its proportionate share of the total available in the fund, in any fiscal year, as determined by its proportionate share of total uncompensated care among Level I trauma centers in the District of Columbia for the most recent year such data is available: *Provided further*, That in no case may any trauma center receive more than 35 percent of the total amount available in any one fiscal year: *Provided further*, That these funds are available for obligation and expenditure upon enactment of this Act and shall be subject to any modifications that may be enacted in authorizing legislation.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $115,591,000: *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That $10,200,000 of the revenues realized from the "Water and Sewer Utility Payment in Lieu of Taxes Act of 1992" shall be available for the Mayor's youth and crime initiative, but shall not be obligated or expended until the Mayor submits to the Council a plan for the allocation and use of the funds: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds $10,292,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided further*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $102,888,000: *Provided*, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further*, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further*, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

(INCLUDING TRANSFER OF FUNDS)

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $945,551,000, together with $1,523,000 to be derived by transfer from the object classes providing personal services under the appropriation heading "Governmental Direction and Support": *Provided*, That the Metropolitan Police Department shall maintain a force of not less than 4,889 officers and members: *Provided further*, That $188,200,000 shall be allocated for the Police Officers and Fire Fighters' Retirement Fund and $4,300,000 shall be allocated for the Judges' Retirement Fund: *Provided further*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That none of the funds appropriated by this Act shall be used to pay any full-duty employee of the District of Columbia Fire and Emergency Medical Services Department who is detailed for more than 30 days annually from his or her assigned position in the Firefighting Division or Emergency Ambulance Division to an unfunded or unauthorized position with the exception of not to exceed four (4) full-duty employees who may be detailed for not to exceed 100 days annually to the Fire Department Training Academy solely for teaching purposes: *Provided further*, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1993, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1975: *Provided further*, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1993, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1985: *Provided further*, That funds appropriated for expenses under the District of Columbia Guardianship, Protection Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6-204; D.C. Code, sec. 21-2060), for the fiscal year ending September 30, 1993, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further*, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further*, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: *Provided further*, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further*, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1993, in relation to the Lorton prison complex: *Provided further*, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison: *Provided further*, That none of the funds provided in this Act may be used to implement any staffing plan for the District of Columbia Fire Department that includes the elimination of any positions for Administrative Assistants to the Battalion Fire Chiefs of the Fire Fighting

Division of the Department: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for the emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $713,592,000, to be allocated as follows: $513,552,000 for the public schools of the District of Columbia, of which not to exceed $1,600,000 shall be paid within fifteen (15) days of the enactment of this Act directly to the District of Columbia Public Schools Foundation for the continued implementation of the urban model demonstration initiative in mathematics, science, and technology known as the Anacostia Project ($1,000,000) and for the continued operation of the Cooperative Employment Education Project (not to exceed $600,000); $98,800,000 shall be allocated for the District of Columbia Teachers' Retirement Fund; $71,995,000 for the University of the District of Columbia, of which $2,000,000 shall be derived from revenues realized from the "Water and Sewer Utility Payment in Lieu of Taxes Act of 1992"; $20,978,000 for the Public Library, of which $200,000 shall be transferred to the Children's Museum; $3,527,000 for the Commission on the Arts and Humanities; $4,500,000 for the District of Columbia School of Law; and $240,000 for the Education Licensure Commission: *Provided*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1993, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $886,777,000: *Provided*, That $19,015,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $227,622,000: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $13,250,000.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $291,299,000.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,342,000, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

OPTICAL AND DENTAL BENEFITS

For optical and dental costs for nonunion employees, $3,423,000.

INAUGURAL EXPENSES

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–1803), $5,514,000, which shall be apportioned by the Mayor within the various appropriation headings in this Act.

FACILITIES RENT/LEASES

For the purpose of funding costs associated with the rental and leasing of facilities for governmental purposes, $16,682,000.

TRAUMA CARE FUND

For the purpose of establishing the Trauma Care Fund, $5,561,600, which shall be used to reimburse the actual cost of uncompensated care provided at Level I trauma centers in the District of Columbia: *Provided*, That no trauma center may receive an amount greater than its proportionate share of the total available in the fund, in any fiscal year, as determined by its proportionate share of total uncompensated care among Level I trauma centers in the District of Columbia for the most recent year such data is available: *Provided further*, That in no case may any trauma center receive more than 35 percent of the total amount available in any one fiscal year: *Provided further*, That these funds are available for obligation and expenditure upon enactment of this Act and shall be subject to any modifications that may be enacted in authorizing legislation.

FURLOUGH ADJUSTMENT

Each agency, office, and instrumentality of the District, except the District of Columbia Courts, shall furlough each employee of the respective agency, office, or instrumentality for one day in each month of the fiscal year ending September 30, 1993, or a proportional number of hours for part-time employees. The personal services spending authority for each agency, office, and instrumentality subject to this section is reduced in an amount equal to the savings resulting from the employee furloughs required by this section, for a total reduction of $36,000,000. The Council shall enact legislation to implement this section which may include but shall not be limited to procedures to ensure that public health and safety functions are carried out.

WITHIN-GRADE SALARY ADJUSTMENTS

Notwithstanding any other provision of law, no employee of any agency, office, or instrumentality of the District shall receive within-grade salary increases during the fiscal year ending September 30, 1993, and no time during the fiscal year ending September 30, 1993 shall accrue toward the waiting period for advancement to the following rate within the grade. The spending authority for each agency, office and instrumentality is reduced in an amount equal to the savings resulting from the adjustments required by this section, for a total reduction of $13,000,000.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $30,798,600, within one or several of the various appropriation headings in this Act.

CAPITAL OUTLAY

For construction projects, $393,639,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, secs. 9–219 and 47–3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85–692; D.C. Code, sec. 40–805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91–143; D.C. Code, secs. 1–2451, 1–2452, 1–2454, 1–2456, and 1–2457);

including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $13,779,000 shall be available for project management and $12,749,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor: *Provided further*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1994, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1994: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $251,630,000, of which $39,602,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects, and $12,200,000 collected as payment in lieu of taxes pursuant to the "Water and Sewer Utility Payment in Lieu of Taxes Act of 1992" shall be transferred to the general fund to provide $10,200,000 for the Mayor's youth and crime initiative, and $2,000,000 for the University of the District of Columbia.

For construction projects, $45,908,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title: *Provided further*, That not to exceed $22,705,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $8,450,000, to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,500,000.

STARPLEX FUND

For the Starplex Fund, an amount necessary for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.), of which $1,847,000 shall be transferred to the general fund: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately-owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1994, shall be transmitted to the Congress no later than April 15, 1993.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on General Services, Federalism, and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.

SEC. 115. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 116. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 117. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 118. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.).

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 120. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 121. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1992 shall be deemed to be the rate of pay payable for that position for September 30, 1992.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 122. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 123. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 124. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1993, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1993 revenue estimates as of the end of the first quarter of fiscal year 1993. These estimates shall be used in the budget request for the fiscal year ending September 30, 1994. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 125. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), as amended, is amended by striking "sold before October 1, 1992" and inserting "sold before October 1, 1993".

SEC. 126. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 127. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4-42; D.C. Code, secs. 1-299.1 to 1-299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1992, of the required reorganization plans, including but not limited to: the Office of Tourism, the Office of Banking and Financial Institutions, and the transfer of the functions of the Unclaimed Property Unit within the Department of Finance and Revenue to the Office of the Controller.

SEC. 128. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 129. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99-177), as amended.

SEC. 130. Section 133(e) of the District of Columbia Appropriations Act, 1990, as amended, is amended by striking "December 31, 1992" and inserting "December 31, 1993".

SEC. 131. For the fiscal year ending September 30, 1993, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 132. None of the funds provided in this Act may be used by the District of Columbia to provide for the salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiative of 1979, effective March 10, 1981 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 133. None of the funds made available in this Act may be used by the District of Columbia to operate, after June 1, 1993, the juvenile detention facility known as the Cedar Knoll Facility. The Mayor shall transmit a plan and timetable for closing the Cedar Knoll Facility to the Committees on Appropriations of the House of Representatives and the Senate by January 15, 1993.

SEC. 134. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1993 if—

(1) the Mayor approves the acceptance and use of the gift or donation; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 135. (a) None of the funds appropriated by this Act may be used to issue or renew a registration certificate or identification tag for any motor vehicle if unpaid fines, penalties and other costs for traffic violations in the District of Columbia are outstanding against any registered owner of such vehicle or against any authorized user of any vehicle of such registered owner.

(b) Subsection (a) shall not apply to an issuance or renewal if the Director of the Department of Public Works of the District of Columbia—

(1) determines that special circumstances require a waiver of such subsection with respect to such issuance or renewal;

(2) issues such waiver in writing, setting forth such circumstances; and

(3) submits a written notification of such waiver and circumstances to the Committees on Appropriations of the House of Representatives and the Senate and to the governmental agency having authority to approve such issuance or renewal.

SEC. 136. None of the funds made available in this Act may be used by the District of Columbia to impose, implement, collect, administer, transfer, or enforce a payment in lieu of taxes on the Water and Sewer Utility Administration that would increase payments required of suburban jurisdictions in Maryland or Virginia under the Blue Plains Intermunicipal Agreement of 1985.

SEC. 137. (a) LEGAL DOMICILE.—The first section of the Act entitled "An Act providing for the incorporation of certain persons as Group Hospitalization, Inc.", approved August 11, 1939 (referred to as "the Act"), is amended by adding at the end thereof the following: "The District of Columbia shall be the legal domicile of the corporation.".

(b) REGULATORY AUTHORITY.—

(1) IN GENERAL.—Section 5 of the Act is amended to read as follows:

"SEC. 5. The corporation shall be licensed and regulated by the District of Columbia in accordance with the laws and regulations of the District of Columbia.".

(2) REPEAL.—The Act is amended by striking section 7.

(c) REIMBURSEMENT OF REGULATORY COSTS BY THE CORPORATION.—The Act (as amended by section (b) of this Act) is amended by inserting after section 6 the following new section:

"SEC. 7. The corporation shall reimburse the District of Columbia for the costs of insurance regulation (including financial and market conduct examinations) of the corporation and its affiliates and subsidiaries by the District of Columbia.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and expire on September 30, 1993, or upon the enactment of specific authorizing legislation.

SEC. 138. Notwithstanding any other law, the District of Columbia Board of Elections and Ethics shall place on the ballot, without alteration, at a general, special, or primary election to be held within 90 days after the date of enactment of this Act, the following initiative:

SHORT TITLE

Mandatory Life Imprisonment or Death Penalty for Murder in the District of Columbia.

SUMMARY STATEMENT

This initiative measure, if passed, would increase the penalty for first degree murder in the District of Columbia.

A person convicted of this crime would be sentenced either to death or life imprisonment without the possibility of parole.

LEGISLATIVE TEXT

The legislative text of the initiative shall read as follows:

Be it enacted by the Electors of the District of Columbia, that this measure be cited as the "Mandatory Life Imprisonment or Death Penalty for Murder in the District of Columbia".

"Section 801 of the Act entitled 'An Act to establish a code of law for the District of Columbia', approved March 3, 1901 (D.C. Code 22-2404(a)), is amended—

"(1) by amending subsection (a) to read as follows:

"(a) The punishment of murder in the first degree shall be life imprisonment without the possibility of parole, or death.';

"(2) by striking subsection (b) and redesignating subsection (c) as subsection (b); and

"(3) by adding at the end the following new subsections:

"'(c) PENALTY.—A person who commits an offense under subsection (a) shall be punished by death or life imprisonment. A sentence of death under this subsection may be imposed in accordance with the procedures provided in subsections (d), (e), (f), (g), (h), (i), (j), (k), and (l).

"'(d) MITIGATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider whether any aspect of the defendant's character, background, or record or any circumstance of the offense that the defendant may proffer as a mitigating factor exists, including the following factors:

"'(1) MENTAL CAPACITY.—The defendant's mental capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired.

"'(2) DURESS.—The defendant was under unusual and substantial duress.

"'(3) PARTICIPATION IN OFFENSE MINOR.—The defendant is punishable as a principal (pursuant to section 908 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code 22-105)) in the offense, which was committed by another, but the defendant's participation was relatively minor.

"'(e) AGGRAVATING FACTORS.—In determining whether to recommend a sentence of death, the jury shall consider any aggravating factor for which notice has been provided under subsection (f), including the following factors:

"'(1) KILLING IN FURTHERANCE OF DRUG TRAFFICKING.—The defendant engaged in the conduct resulting in death in the course of or in furtherance of drug trafficking activity.

"'(2) KILLING IN THE COURSE OF OTHER SERIOUS VIOLENT CRIMES.—The defendant engaged in the conduct resulting in death in the course of committing or attempting to commit an offense involving robbery, burglary, sexual abuse, kidnapping, or arson.

"'(3) MULTIPLE KILLINGS OR ENDANGERMENT OF OTHERS.—The defendant committed more than one offense under this section, or in committing the offense knowingly created a grave risk of death to one or more persons in addition to the victim of the offense.

"'(4) INVOLVEMENT OF FIREARM.—During and in relation to the commission of the offense, the defendant used or possessed a firearm (as defined in paragraph (6) of D.C. Law 1-85 (D.C. Code 6-2302(6))).

"'(5) PREVIOUS CONVICTION OF VIOLENT FELONY.—The defendant has previously been convicted of an offense punishable by a term of imprisonment of more than 1 year that involved the use or attempted or threatened use of force against a person or that involved sexual abuse.

"'(6) KILLING WHILE INCARCERATED OR UNDER SUPERVISION.—The defendant at the time of the offense was confined in or had escaped from a jail, prison, or other correctional or detention facility, was on pre-trial release, or was on probation, parole, supervised release, or other post-conviction conditional release.

"'(7) HEINOUS, CRUEL OR DEPRAVED MANNER OF COMMISSION.—The defendant committed the offense in an especially heinous, cruel, or depraved manner in that it involved torture or serious physical abuse of the victim.

"'(8) PROCUREMENT OF THE OFFENSE BY PAYMENT.—The defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value.

"'(9) COMMISSION OF THE OFFENSE FOR PECUNIARY GAIN.—The defendant committed the offense as consideration for receiving, or in the expectation of receiving or obtaining, anything of pecuniary value.

"'(10) SUBSTANTIAL PLANNING AND PREMEDITATION.—The defendant committed the offense after substantial planning and premeditation.

"'(11) VULNERABILITY OF VICTIM.—The victim was particularly vulnerable due to old age, youth, or infirmity.

"'(12) KILLING OF PUBLIC SERVANT.—The defendant committed the offense against a public servant—

"'(A) while the public servant was engaged in the performance of his or her official duties;

"'(B) because of the performance of the public servant's official duties; or

"'(C) because of the public servant's status as a public servant.

"'(13) KILLING TO INTERFERE WITH OR RETALIATE AGAINST WITNESS.—The defendant committed the offense in order to prevent or inhibit any person from testifying or providing information concerning an offense, or to retaliate against any person for testifying or providing such information.

"'(f) NOTICE OF INTENT TO SEEK DEATH PENALTY.—If the government intends to seek the death penalty for an offense under this section, the attorney for the government shall file with the court and serve on the defendant a notice of such intent. The notice shall be provided a reasonable time before the trial or acceptance of a guilty plea, or at such later time as the court may permit for good cause. The notice shall set forth the aggravating factor or factors set forth in subsection (e) and any other aggravating factor or factors that the government will seek to prove as the basis for the death penalty. The factors for which notice is provided under this subsection may include factors concerning the effect of the offense on the victim and the victim's family. The court may permit the attorney for the government to amend the notice upon a showing of good cause.

"'(g) JUDGE AND JURY AT CAPITAL SENTENCING HEARING.—A hearing to determine whether the death penalty will be imposed for an offense under this section shall be conducted by the judge who presided at trial or accepted a guilty plea, or by another judge if that judge is not available. The hearing shall be conducted before the jury that determined the defendant's guilt if that jury is available. A new jury shall be impaneled for the purpose of the hearing if the defendant pleaded guilty, the trial of guilt was conducted without a jury, the jury that determined the defendant's guilt was discharged for good cause, or reconsideration of the sentence is necessary after the initial imposition of a sentence of death. A jury impaneled under this subsection shall have 12 members unless the parties stipulate to a lesser number at any time before the conclusion of the hearing with the approval of the court. Upon motion of the defendant, with the approval of the attorney for the government, the hearing shall be carried out before the judge without a jury. If there is no jury, references to "the jury" in this section, where applicable, shall be understood as referring to the judge.

"'(h) PROOF OF MITIGATING AND AGGRAVATING FACTORS.—No presentence report shall be prepared if a capital sentencing hearing is held under this section. Any information relevant to the existence of mitigating factors, or to the existence of aggravating factors for which notice has been provided under subsection (f), may be presented by either the government or the defendant, regardless of its admissibility under the rules governing the admission of evidence at criminal trials, except that information may be excluded if its probative value is outweighed by the danger of creating unfair prejudice, confusing the issues, or misleading the jury. The information presented may include trial transcripts and exhibits. The attorney for the government and for the defendant shall be permitted to rebut any information received at the hearing, and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any aggravating or mitigating factor, and as to the appropriateness in that case of imposing a sentence of death. The attorney for the government shall open the argument, the defendant shall be permitted to reply, and the government shall then be permitted to reply in rebuttal.

"'(i) FINDINGS OF AGGRAVATING AND MITIGATING FACTORS.—The jury shall return special findings identifying any aggravating factor or factors for which notice has been provided under subsection (f) and which the jury unanimously determines have been established by the government beyond a reasonable doubt. A mitigating factor is established if the defendant has proven its existence by a preponderance of the evidence, and any member of the jury who finds the existence of such a factor may regard it as established for purposes of this section regardless of the number of jurors who concur that the factor has been established.

"'(j) FINDING CONCERNING A SENTENCE OF DEATH.—If the jury specially finds under subsection (i) that 1 or more aggravating factors set forth in subsection (e) exist, and the jury further finds unanimously that there are no mitigating factors or that the aggravating factor or factors specially found under subsection (i) outweigh any mitigating factors, the jury shall recommend a sentence of death. In any other case, the jury shall not recommend a sentence of death. The jury shall be instructed that it must avoid any influence of sympathy, sentiment, passion, prejudice, or other arbitrary factors in its decision, and should make such a recommendation as the information warrants.

"'(k) SPECIAL PRECAUTION TO ASSURE AGAINST DISCRIMINATION.—In a hearing held before a jury, the court, before the return of a finding under subsection (j), shall instruct the jury that, in considering whether to recommend a sentence of death, it shall not consider the race, color, religion, national origin, or sex of the defendant or any victim, and that the jury is not to recommend a sentence of death unless it has concluded that it would recommend a sentence of death for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim. The jury, upon the return of a finding under subsection (j), shall also return to the court a certificate, signed by each juror, that the race, color, religion, national origin, or sex of the defendant or any victim did not affect the juror's individual decision and that the individual juror would have recommended the same sentence for such a crime regardless of the race, color, religion, national origin, or sex of the defendant or any victim.

"'(l) IMPOSITION OF A SENTENCE OF DEATH.—Upon a recommendation under subsection (j) that a sentence of death be imposed, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence of life imprisonment without the possibility of parole.

"'(m) REVIEW OF A SENTENCE OF DEATH.—

"'(1) The defendant may appeal a sentence of death under this section by filing a notice of appeal of the sentence within the time provided for filing a notice of appeal of the judgment of conviction. An appeal of a sentence under this subsection may be consolidated within an appeal of the judgment of conviction and shall have priority over all noncapital matters in the court of appeals.

"'(2) The court of appeals shall review the entire record in the case including the evidence submitted at trial and information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under subsection (i). The court of appeals shall uphold the sentence if it determines that the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor, that the evidence and information support the special findings under subsection (i), and that the proceedings were otherwise free of prejudicial error that was properly preserved for review.

"'(3) In any other case, the court of appeals shall remand the case for reconsideration of the sentence or imposition of another authorized sentence as appropriate, except that the court shall not reverse a sentence of death on the ground that an aggravating factor was invalid or was not supported by the evidence and information if at least one aggravating factor described in subsection (e) remains which was found to exist and the court, on the basis of the evidence submitted at trial and the information submitted at the sentencing hearing, finds that the remaining aggravating factor or factors that were found to exist outweigh any mitigating factors. The court of appeals shall state in writing the reasons for its disposition of an appeal of a sentence of death under this section.

"'(n) IMPLEMENTATION OF SENTENCE OF DEATH.—A person sentenced to death under this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States Marshal. The Marshal shall supervise implementation of the sentence in the manner prescribed by the law of a State designated by the court. The Marshal may use State or local facilities, may use the services of an appropriate State or local official or of a person such an official employs, and shall pay the costs thereof in an amount approved by the Attorney General.

"'(o) SPECIAL BAR TO EXECUTION.—A sentence of death shall not be carried out upon a woman while she is pregnant.

"'(p) CONSCIENTIOUS OBJECTION TO PARTICIPATION IN EXECUTION.—No employee of the District of Columbia government, and no person providing services to the government under contract shall be required, as a condition of that employment or contractual obligation, to be in attendance at or to participate in any execution carried out under this section if such participation is contrary to the moral or religious convictions of the employee. For purposes of this subsection, the term "participate in any execution" includes personal preparation of the condemned individual and the apparatus used for the execution, and supervision of the activities of other personnel in carrying out such activities.

"'(q) APPOINTMENT OF COUNSEL FOR INDIGENT CAPITAL DEFENDANTS.—A defendant against whom a sentence of death is sought, or on whom a sentence of death has been imposed, under this section, shall be entitled to appointment of counsel from the commencement of trial proceedings until one of the conditions specified in subsection (v) has occurred, if the defendant is or becomes financially unable to obtain adequate representation. Counsel shall be appointed for trial representation as provided in chapter 26 of title 11 of the District of Columbia Code (D.C. Code 11-2601 et seq.), and at least one counsel so appointed shall continue to represent the defendant until the conclusion of direct review of the judgment, unless replaced by the court with other qualified counsel. Except as otherwise provided in this section, chapter 26 of title 11 of the District of Columbia Code (D.C. Code 11-2601 et seq.) shall apply to appointments under this section.

"'(r) REPRESENTATION AFTER FINALITY OF JUDGMENT.—When a judgment imposing a sentence of death under this section has become final through affirmance by the Supreme Court on direct review, denial of certiorari by the Supreme Court on direct review, or expiration of the time for seeking direct review in the court of appeals or the Supreme Court, the government shall promptly notify the court that imposed the sentence. The court, within 10 days of receipt of such notice, shall proceed to make determination whether the defendant is eligible for appointment of counsel for subsequent proceedings. The court shall issue an order appointing one or more counsel to represent the defendant upon a finding that the defendant is financially unable to obtain adequate representation and wishes to have counsel appointed or is unable competently to decide whether to accept or reject appointment of counsel. The court shall issue an order denying appointment of counsel upon a finding that the defendant is financially able to obtain adequate representation or that the defendant rejected appointment of counsel with an understanding of the consequences of that decision. Counsel appointed pursuant to this subsection shall be different from the counsel who represented the defendant at trial and on direct review unless the defendant and counsel request a continuation or renewal of the earlier representation.

"'(s) STANDARDS FOR COMPETENCE OF COUNSEL.—In relation to a defendant who is entitled to appointment of counsel under subsection (q) or (r), at least one counsel appointed for trial representation must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the trial of felony cases in the Federal district courts. If new counsel is appointed after judgment, at least one counsel so appointed must have been admitted to the bar for at least 5 years and have at least 3 years of experience in the litigation of felony cases in the Federal courts of appeals or the Supreme Court. The court, for good cause, may appoint counsel who does not meet these standards, but whose background, knowledge, or experience would otherwise enable him or her to properly represent the defendant, with due consideration of the seriousness of the penalty and the nature of the litigation.

"'(t) CLAIMS OF INEFFECTIVENESS OF COUNSEL IN COLLATERAL PROCEEDINGS.—The ineffectiveness or incompetence of counsel during proceedings on a motion under section 23-110 of the District of Columbia Code in a case under this section shall not be a ground for relief from the judgment or sentence in any proceeding. This limitation shall not preclude the appointment of different counsel at any stage of the proceedings.

"'(u) TIME FOR COLLATERAL ATTACK ON DEATH SENTENCE.—A motion under section 23-110 of the District of Columbia Code attacking a sentence of death under this section, or the conviction on which it is predicated, shall be filed within 90 days of the issuance of the order under subsection (r) appointing or denying the appointment of counsel for such proceedings. The court in which the motion is filed, for good cause shown, may extend the time for filing for a period not exceeding 60 days. Such a motion shall have priority over all non-capital matters in the district court, and in the court of appeals on review of the district court's decision.

"'(v) STAY OF EXECUTION.—The execution of a sentence of death under this section shall be stayed in the course of direct review of the judgment and during the litigation of an initial motion in the case under section 23-110 of the District of Columbia Code. The stay shall run continuously following imposition of the sentence and shall expire if—

"'(1) the defendant fails to file a motion under section 23-110 of the District of Columbia Code within the time specified in subsection (u), or fails to make a timely application for court of appeals review following the denial of such a motion by a district court;

"'(2) upon completion of district court and court of appeals review under section 23-110 of the District of Columbia Code, the Supreme Court disposes of a petition for certiorari in a manner that leaves the capital sentence undisturbed, or the defendant fails to file a timely petition for certiorari; or

"'(3) before a district court, in the presence of counsel and after having been advised of the consequences of such a decision, the defendant waives the right to file a motion under section 23-110 of the District of Columbia Code.

"'(w) FINALITY OF THE DECISION ON REVIEW.—If one of the conditions specified in subsection (v) has occurred, no court thereafter shall have the authority to enter a stay of execution or grant relief in the case unless—

"'(1) the basis for the stay and request for relief is a claim not presented in earlier proceedings;

"'(2) the failure to raise the claim is the result of governmental action in violation of the Constitution or laws of the United States, the result of the Supreme Court's recognition of a new Federal right that is retroactively applicable, or the result of the fact that the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence in time to present the claim in earlier proceedings; and

"'(3) the facts underlying the claim would be sufficient, if proven, to undermine the court's confidence in the determination of guilt on the offense or offenses for which the death penalty was imposed.

"'(x) COMMUTATION OF SENTENCE OF DEATH.—The Mayor shall have power to commute a sentence of death under this section to a sentence of life imprisonment, without parole.

"'(y) DEFINITIONS.—For purposes of this section—

"'(1) "State" includes a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and any other territory or possession of the United States;

"'(2) "offense", as used in paragraphs (2), (5), and (13) of subsection (e) and in paragraph (5) of this subsection means an offense under the law of the District of Columbia, another State, or the United States;

"'(3) "drug trafficking activity" means a felony punishable under D.C. Law 4-29 (D.C. Code 33-501 et seq.) or a pattern or series of acts involving one or more such felonies;

"'(4) "robbery" means obtaining the property of another by force or threat of force;

"'(5) "burglary" means entering or remaining in a building or structure in violation of the law of the District of Columbia, another State, or the United States, with the intent to commit an offense in the building or structure;

"'(6) "sexual abuse" means any conduct proscribed by chapter 109A of title 18, United States Code, whether or not the conduct occurs in the special maritime and territorial jurisdiction of the United States;

"'(7) "arson" means damaging or destroying a building or structure through the use of fire or explosives;

"'(8) "kidnapping" means seizing, confining, or abducting a person, or transporting a person without his or her consent;

"'(9) "pre-trial release", "probation", "parole", "supervised release", and "other post-conviction conditional release", as used in subsection (e)(6), mean any such release, imposed in relation to a charge or conviction for an offense under the law of the District of Columbia, another State, or the United States; and

"'(10) "public servant" means an employee, agent, officer, or official of the District of Columbia, another State, or the United States, or an employee, agent, officer, or official of a foreign government who is within the scope of section 1116 of title 18, United States Code.'.".

This title may be cited as the "District of Columbia Appropriations Act, 1993".

TITLE II

FISCAL YEAR 1992 SUPPLEMENTAL DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(INCLUDING RESCISSION)

For an additional amount for "Governmental direction and support", $3,177,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1992 in the District of Columbia Appropriations Act, 1992, approved October 1, 1991 (Public Law 102-111; 105 Stat. 560), $5,427,000 are rescinded for a net decrease of $2,250,000: *Provided further*, That of the remaining funds, $1,724,000 shall be for the Mayor's youth and crime initiative in the City Administrator's Office, but shall not be obligated or expended until the Mayor submits to the Council a plan for the allocation and use of the funds, and $476,000 shall be for the Office of Personnel to conduct a management audit of personal and nonpersonal services: *Provided further*, That notwithstanding any other provision of law, there is hereby appropriated from the earnings of the applicable retirement funds an additional $1,694,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board.

ECONOMIC DEVELOPMENT AND REGULATION

(INCLUDING RESCISSION)

For an additional amount for "Economic development and regulation", $6,361,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1992 in the District of Columbia Appropriations Act, 1992, approved October 1, 1991 (Public Law 102-111; 105 Stat. 561), $5,094,000 are rescinded for a net increase of $1,267,000.

PUBLIC SAFETY AND JUSTICE

(INCLUDING RESCISSION)

For an additional amount for "Public safety and justice", $114,000: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1992 in the District of Columbia Appropriations Act, 1992, approved October 1, 1991 (Public Law 102-111; 105 Stat. 561), $22,356,000 are rescinded for a net decrease of $22,242,000: *Provided further*, That of the funds remaining for the personal services of the Metropolitan Police Department, $1,000,000 shall be redirected to non-personal services of the Department for equipment purchases and contractual services: *Provided further*, That not to exceed $700,000 shall be available from this appropriation, and funds under this heading in Public Law 102-111 (105 Stat. 561) for the Chief of Police for the prevention and detection of crime.

PUBLIC EDUCATION SYSTEM

(INCLUDING RESCISSION)

For an additional amount for "Public education system", $300,000, of which $260,000 is for the public schools of the District of Columbia and $40,000 is for pay-as-you-go capital projects for the public schools: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1992 in the District of Columbia Appropriations Act, 1992, approved October 1, 1991 (Public Law 102-111; 105 Stat. 563), $48,000 for the Education Licensure Commission are rescinded for a net increase of $252,000.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human support services", $45,565,000: *Provided*, That $2,196,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1992 in the District of Columbia Appropriations Act, 1992, approved October 1, 1991 (Public Law 102-111; 105 Stat. 564), $3,405,000 are rescinded for a net increase of $42,160,000.

PUBLIC WORKS

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1992 in the District of Columbia Appropriations Act, 1992, approved October 1, 1991 (Public Law 102-111; 105 Stat. 564), $31,308,000 are rescinded.

WASHINGTON CONVENTION CENTER FUND

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1992 in the District of Columbia Appropriations Act, 1992, approved October 1, 1991 (Public Law 102-111; 105 Stat. 564), $560,000 are rescinded.

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated under this heading for the fiscal year ending September 30, 1992 in the District of Columbia Appropriations Act, 1992, approved October 1, 1991 (Public Law 102-111; 105 Stat. 564), $2,544,000 are rescinded.

Repayment of General Fund Deficit

For an additional amount for "Repayment of general fund deficit", $2,245,000.

Resizing

For the purpose of funding costs associated with the Temporary Appeals Board, downsizing, and early-outs, $5,510,000, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable.

Facilities Rent/Leases

For the purpose of funding costs associated with the rental and leasing of facilities for governmental purposes, $16,667,000.

Capital Outlay

For an additional amount for "Capital outlay", $11,000,000, to remain available until expended: *Provided*, That of the amounts appropriated under this heading in prior fiscal years for the Law School Facility, $10,000,000 are rescinded for a net increase of $1,000,000: *Provided further*, That $150,000 shall be available for project management and $285,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor.

Water and Sewer Enterprise Fund

(INCLUDING RESCISSION)

For an additional amount for "Water and sewer enterprise fund", $62,327,000, of which $28,287,000 shall be transferred to the general fund to finance general fund operating expenses: *Provided*, That of the funds appropriated under this heading for the fiscal year ending September 30, 1992 in the District of Columbia Appropriations Act, 1992, approved October 1, 1991 (Public Law 102-111; 105 Stat. 566), $35,820,000 are rescinded for a net increase of $26,507,000: *Provided further*, That $38,834,000 of the amounts available for fiscal year 1992 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects instead of $38,006,000 as provided under this heading in the District of Columbia Appropriations Act, 1992, approved October 1, 1991 (Public Law 102-111; 105 Stat. 566).

The following provision under this heading for the fiscal year ending September 30, 1992 in the District of Columbia Appropriations Act, 1992, approved October 1, 1991 (Public Law 102-111; 105 Stat. 566) is repealed ": *Provided further*, That $25,608,000 in water and sewer enterprise fund operating revenues shall be available for pay-as-you-go capital projects".

Starplex Fund

For the Starplex Fund, an amount necessary for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85-300); D.C. Code, sec. 2-321 et seq.), of which $584,000 shall be transferred to the general fund.

General Provisions

SEC. 201. Section 134 of the District of Columbia Appropriations Act, 1992, approved October 1, 1991 (105 Stat. 571) is amended by inserting after subsection (c) the following new subsection:

"(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.".

SEC. 202. Notwithstanding any other provision of law, appropriations made and authority granted pursuant to this title shall be deemed to be available for the fiscal year ending September 30, 1992.

This title may be cited as the "District of Columbia Supplemental Appropriations and Rescissions Act, 1992".

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from California [Mr. DIXON] wil be recognized for 30 minutes, and the gentleman from New Jersey [Mr. GALLO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and I yield myself such time as I may consume.

Mr. Speaker, the House just a few minutes ago received a message from President Bush vetoing H.R. 5517, the first D.C. Appropriations Act for fiscal year 1993. President Bush states that he objects to language in the bill that allows the District of Columbia to use local revenues for abortions. He does not object to the underlying legislation; nor does he object to the level of funding in the bill.

But President Bush does object to allowing the District to use its local tax revenues for abortions.

And he objects even though the Supreme Court has upheld, in every case since the 1973 ruling in Roe versus Wade, the right of women to have abortions.

The most recent Supreme Court decision on June 29, 1992, in the case Planned Parenthood of Southeastern Pennsylvania versus Casey, ruled that States may not outlaw all abortions.

The law of the land makes no difference to President Bush when it comes to allowing the District to pay for abortions for women who do not have the money to pay. President Bush does not interfere with middle class or well-to-do women who want to have an abortion. Instead he picks on the less fortunate.

Mr. Speaker, the new bill—H.R. 6056—that is now before the House makes the change demanded by President Bush. Section 114, at the bottom of page 25 and the top of page 26 of the bill, reads:

> None of the funds contained in this act shall be used to perform abortions except when the life of the mother would be endangered if the fetus were carried to term.

The word "Federal" that was in the vetoed bill and was the root of President Bush's objections has been deleted.

That is the only change from the vetoed bill, H.R. 5517. All other general and legislative provisions that were in the vetoed bill are retained in their identical form in this new bill.

And let me emphasize that the total funding in this bill is exactly the same as in H.R. 5517—$688 million in Federal funds, and $3.2 billion in District funds.

Let me point out that there is no separate report accompanying H.R. 6056. Therefore, the executive branch and the District government are directed in their administration of H.R. 6056 to follow precisely the reports of the House and Senate Committees on Appropriations and the joint committee of conference as well as related floor debates on the previous bill—H.R. 5517. I am referring specifically to House Reports 102-638 and 102-906 and Senate Report 102-333. The only exception relates to the restriction on the use of local funds for abortions where it is performed to save the life of the mother.

Mr. Speaker, I urge Members to support this new bill so that the District government will have the funds necessary to carry out its responsibilities.

☐ 1020

Mr. GALLO. Mr. Speaker, I yield myself such time as I may consume and I rise in support of H.R. 6056, the revised D.C. Appropriations Act for fiscal year 1993.

While I disagree with the premise of the veto, we cannot hold the District of Columbia hostage. As a result, we have addressed the administration's objections, and we now ask for your approval of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DIXON. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I recognize that the District appropriation and the vote on abortion has become something of a ritual for this House. And yet I ask my colleagues to support us on H.R. 6056, and I ask it in this year in particular.

I recognize that this is a sensitive political year. But the fact is that the total inflexibility on this issue has not aided my colleagues on the other side of the aisle. There are many who vote with us on this issue who disagree with us on the question of abortion, but recognize this vote for what it is, a home rule vote and not an abortion vote.

It is perfectly consistent to support us on the basis of the Home Rule Act and yet maintain a position of your own against abortion. I asked the President to do that this year, recognizing his own strictures.

What we asked here was that the District of Columbia be allowed to spend its own money, no Federal money for abortions for poor women. There has not been an ability on the part of the District of Columbia to allow abortions for poor women who may be crack addicts and who in fact bear babies with AIDS. If those women desire an abortion, surely it is criminal to keep them from having one. If there is any doubt, one need only go to the D.C. General Hospital, as I have several times this year, to see babies born in this way, some of them kept alive and appearing to be in pain even as they are kept alive.

There have been so far only two Medicaid abortions in the District of Columbia this year. There was one last year and one the year before. Planned Parenthood has been of some considerable aid to other poor women, but the fact is that a terrible burden has fallen on our hospital system and on the residents of the District of Columbia because we are not able to give to women who are poor in the District of Columbia what is granted to women everywhere else in the United States of America.

My colleagues, in your own jurisdictions what we have is the rule of local control. Some areas allow abortions under some circumstances, and some vary the circumstances. But no other jurisdiction is kept from paying for abortions for poor women. That is the essence of federalist democratic rule under which we now operate.

I ask Members, however, to vote with us on H.R. 6056 to save the appropriation for the 650,000 residents of the District of Columbia.

Mr. DIXON. Mr. Speaker, I yield myself such time as I may consume.

Once again, Mr. Speaker, let me emphasize that the only change in this bill relates to the abortion language in section 114 that I have indicated now conforms to the President's desires as it relates to his veto. In all other instances the bill is the same.

Mr. GALLO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIXON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 160, not voting 42, as follows:

[Roll No. 437]

YEAS—230

Abercrombie
Ackerman
Alexander
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Atkins
AuCoin
Bacchus
Bateman
Beilenson
Bennett
Bentley
Berman
Bilbray
Blackwell
Bliley
Bonior
Borski
Boucher
Boxer
Brooks
Broomfield
Brown
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Clinger
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Darden
Davis
de la Garza
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Evans
Fascell
Fazio
Fish
Flake
Ford (MI)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Glickman
Gonzalez
Gordon
Grandy
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hubbard
Hughes
Hyde
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
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Levin (MI)
Lewis (GA)
Long
Lowery (CA)
Lowey (NY)
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Machtley
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Martinez
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Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
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Moakley
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Montgomery
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Neal (MA)
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Ortiz
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Peterson (FL)
Pickle
Porter
Price
Rangel
Reed
Regula
Richardson
Ridge
Rinaldo
Ros-Lehtinen
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Smith (IA)
Smith (NJ)
Spratt
Stark
Stokes
Swift
Synar
Tallon
Tanner
Thomas (CA)
Thomas (GA)
Thornton
Torres
Towns
Traficant
Traxler
Vander Jagt
Vento
Visclosky
Walsh
Waters
Waxman
Wheat
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—160

Allard
Andrews (TX)
Archer
Armey
Ballenger
Barrett
Barton
Bereuter
Bevill
Boehlert
Boehner
Brewster
Browder
Bruce
Bunning
Burton
Byron
Callahan
Campbell (CA)
Chandler
Chapman
Coble
Coleman (MO)
Combest
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
DeFazio
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Frank (MA)
Gallegly
Geren
Gillmor
Gingrich
Goodling
Goss
Gradison
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Hopkins
Hunter
Hutto
Inhofe
James
Johnson (CT)
Johnson (TX)
Kolbe
Kostmayer
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Markey
Marlenee
McCandless
McCollum
McEwen
Meyers
Miller (OH)
Miller (WA)
Moorhead
Murphy
Myers
Neal (NC)
Nichols
Nussle
Olver
Orton
Oxley
Packard
Pallone
Patterson
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Penny
Peterson (MN)
Petri
Pickett
Poshard
Pursell
Quillen
Ramstad
Ravenel
Rhodes
Ritter
Roemer
Rogers
Rohrabacher
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schroeder
Schulze
Schumer
Sensenbrenner
Shays
Shuster
Skelton
Slaughter
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (WY)
Unsoeld
Upton
Valentine
Volkmer
Vucanovich
Walker
Washington
Weldon
Williams
Wilson
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—42

Aspin
Baker
Barnard
Bilirakis
Camp
Coleman (TX)
Donnelly
Dymally
Edwards (OK)
Engel
Espy
Feighan
Foglietta
Ford (TN)
Gilman
Hansen
Hefner
Holloway
Hoyer
Huckaby
Ireland
Jefferson
Kasich
Klug
Levine (CA)
Lipinski
McCrery
McMillan (NC)
Nagle
Olin
Perkins
Rahall
Ray
Riggs
Roberts
Roe
Shaw
Smith (FL)
Solarz
Staggers
Torricelli
Weber

□ 1049

The Clerk announced the following pair:

On this vote:

Mr. Hoyer for, with Mr. Barnard against.

Messrs. VOLKMER, OLVER, and SCHUMER, and Mrs. UNSOELD changed their vote from "yea" to "nay."

Mr. FLAKE changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on the bill, H.R. 6056.

The SPEAKER pro tempore (Mr. MURPHY). Is there objection to the request of the gentleman from California?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 5058. An act to authorize appropriations for the American Folklife Center for fiscal year 1993; and H.R. 5399. An Act to amend the U.S. Commission on Civil Rights Act of 1983 to provide an authorization of appropriations.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 11. An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes; and

H.R. 2042. An act to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1216) entitled "An act to provide for the adjustment of status under the Immigration and Nationality Act of certain nationals of the People's Republic of China unless conditions permit their return in safety to that foreign state".

The message also announced that the Senate insists upon its amendment to the bill (H.R. 11) "An act to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes" and request a conference with the House on the disagreeing votes of the two Houses thereon and appoints Mr. BENTSEN, Mr. MOYNIHAN, Mr. BAUCUS, Mr. BOREN, Mr. MITCHELL, Mr. PRYOR, Mr. PACKWOOD, Mr. DOLE, Mr. ROTH, Mr. DANFORTH, and Mr. CHAFEE, from the Committees on Banking, Housing, and Urban Affairs; the Judiciary; and Labor and Human Resources; for the consideration of title VIII of the Senate amendment only: Mr. KENNEDY, Mr. RIEGLE, Mr. BIDEN, Mr. HATCH, and Mr. GRAMM to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4250) "An act to authorize appropriations for the National Railroad Passenger Corporation, and for other purposes" disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. EXON, and Mr. DANFORTH, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1491. An act to establish a partnership among the U.S. Fish and Wildlife Service, the States, and private organizations and individuals to conserve the entire diverse array of fish and wildlife species in the United States and to provide opportunities for the public to enjoy these fish and wildlife species through nonconsumptive activities; and

S. 1697. An act to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes.

□ 1050

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 553, CONTINUING APPROPRIATIONS, 1993

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House the joint resolution (H.J. Res. 553) making continuing appropriations for the fiscal year 1993, and for other purposes. Debate on the joint resolution shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. MCDERMOTT). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] for the purpose of debate only, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker. House Resolution 580 provides for consideration in the House of a 5-day continuing resolution, House Joint Resolution 553. In effect, the rule waives all points of order against the joint resolution and against its consideration.

The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Appropriations Committee. Finally, the rule makes in order one motion to recommit.

Mr. Speaker, the new fiscal year is upon us. While we have worked hard to get 13 fiscally responsibile bills promptly completed, we are not quite there. Here is where we stand. The House has passed all 13 appropriation bills.

Only one bill has been signed by the President. Four others are sitting on his desk. We just now adopted the Interior conference report and three other conference reports has been filed. On two bills, DOD and Labor, HSS, conferees were appointed and the conferences began on Tuesday. The last two bills, legislative branch and foreign operation await Senate action.

Mr. Speaker, House Joint Resolution 553 provides continuing appropriations in fiscal year 1993 for the projects and activities contained in the 12 appropriation bills not yet enacted. The continuing appropriations will last until October 5, 1992. Any fiscal year 1993 appropriation bill enacted after this continuing resolution but before October 5, will of course supersede the continuing resolution.

Any restrictions on appropriations set in fiscal year 1992 appropriation acts will continue to apply through the fifth or until a new bill is enacted.

If a fiscal year 1993 appropriation bill was passed in both Houses, the funding level for each project or activity is the lower of: First, the level in the fiscal year 1992 appropriation—current rate, or second, the House-passed fiscal year 1993 level, or third, the Senate-passed fiscal year 1993 level. If the project or activity is included in only one House version, the level is that version or current rate, whichever is lower.

A project funded in fiscal year 1992, but not funded in either fiscal year 1993 bill, will be funded at current rate. A project funded in fiscal year 1993 bill, but not funded in fiscal year 1992, must await enactment of the fiscal year 1993 bill.

Mr. Speaker, the joint resolution provides that D.C. government employees: First, may be furloughed in fiscal year 1993, second, may be denied within-grade salary increases, and third, may not count fiscal year 1993 employment toward the waiting period for salary-grade advancement. Finally, the continuing resolution specifically sets FCC salaries and expenses at current rate.

Mr. Speaker, this is a fair rule and I urge its adoption.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I say to the Members back in their offices, this may be your last chance to enact a line-item veto for the coming 1993 buget, so listen up.

Mr. Speaker, ordinarily, New Year's Eve is a time of joy and celebration. But I regret that on this fiscal new year's eve I must advise my colleagues to stow away their funny hats and noise makers. We still have much to do before we pop the champagne corks for the fiscal new year starting tomorrow.

Instead of considering a sine die adjournment resolution today, we are being asked in the rule before us to consider a 5-day, stop-gap funding resolution for the Federal Government.

So far, only 5 of the 13 regular appropriations bills have cleared both Houses, but we are making steady progress on the others, as my good friend, the gentleman from Massachusetts [Mr. MOAKLEY] has said.

It is my sincere hope that we will not need the full 5 days to complete our work on the remaining spending bills, and that certainly we can avoid a longer term CR.

Instead of heightening the anticipated joy in completing our work, the consideration of the various appropriations conference reports in these final days has only really exacerbated the tensions and conflicts that exist between the authorizing committees and the appropriations committees. We all saw that a few minutes ago when the Interior bill was on the floor.

Once again we are rushing head long and half blindly toward adjournment by approving massive spending bills without the usual 3-day layover period, and any opportunity to fully review all that is contained in those bills.

Mr. Speaker, some of the problems, abuses, and excesses in the form of special projects have come to light and have been dealt with and we have knocked them out of some of these bills. But I fear many others may not be fully known and publicized until after we have adjourned and we face the usual spate of stories about special interest goodies stuck into these bills. We know that is going to happen.

Mr. Speaker, I would like to tell my colleagues that there is a way we can deal with this problem before we leave town, and that is to give the President line-item veto or enhanced rescission authority over these fiscal 1993 appropriations bills.

I am asking my colleagues today, once again, to join me in defeating the previous question on this rule, so that I can amend it to make in order an amendment to give the President that line-item veto authority on a 1-year, trial basis only.

As my colleagues will recall, I have made similar attempts on four other occasions this year. On July 28 we fell just eight votes short of defeating the previous question on the supplemental appropriations bill to make in order just such an amendment.

Since then, the Rules Committee's Subcommittee on the Legislative Process, under the able chairmanship of the gentleman from South Carolina [Mr. DERRICK], has conducted two hearings on my proposals and related legislative line-item veto bills such as the one sponsored by the gentleman from Tennessee [Mr. DUNCAN].

While no recommendations have been made by the subcommittee on any of these proposals, I think it is fair to report that a large number of House Members agree on the need to give the President some special new rescission powers to deal with the abuses that take place in the appropriations process.

The President should not have to veto an entire appropriations bill to get at these special pork projects that comprise only a fraction of the total.

I think there was general agreement among all the witnesses that a legislative line-item veto will not make a substantial dent in the deficit and we all know that. But many argued that it would be a useful tool in reducing unnecessary spending. And most polls today, Mr. Speaker, indicate that 70 percent or more of the American people agree that any President should have that authority.

After all, 43 Governors now have the line-item veto under their State constitutions—including my own State of New York—many dating back a century or more.

So this is not a novel or untested concept. President Bush favors it, and Governor Clinton has it in Arkansas and supports it on the Federal level. Both Presidential candidates support it.

Mr. Speaker, a GAO report issued in January of this year finds that we could have reduced the deficit over the 6-year period between 1984 and 1989 by $70-billion if the President had had the line-item veto. "That ain't chicken feed; but it sure is pig chow."

Mr. Speaker, I realize that there are those who dispute those estimated savings and have doubts that the line-item veto at the Federal level would have the effects we claim.

I would agree that we really do not know for sure, but I would quickly add that we will not know unless we try it.

□ 1100

Mr. Speaker, this is all I am asking for today: That we give it a try on a 1-year trial basis for fiscal year 1993 appropriations only. Think what a message that would send back home to people: That we really intend to do something about this sea of red ink which is turning our country into a debtor Nation.

Under my amendment, Mr. Speaker, the President would have up to 20 days after the enactment of any fiscal 1993 appropriation bill to send to the Congress a message rescinding all or part of any budget authority for any item in that bill. Congress would then have 20 days of session in which to review it and pass a rescission disapproval bill. The President would then have the constitutional 10 days in which to sign or veto that bill, and if he vetoes it, as he is likely to, Congress would then have another 5 days of session in which to override the veto. If Congress adjourned before that 20-day review period had expired, the rescission would not take effect, but would be resubmitted on the opening day of the new Congress, and the review period would begin anew.

I ask how fair can it be? That takes care of all the concerns that have been expressed in past debates.

Mr. Speaker, some have objected to this approach on the grounds that, while it would take a majority of both Houses to pass a rescission disapproval bill, it would take two-thirds of both Houses to override the expected veto, and that is true.

I would simply point out, however, that in 33 of the 43 States, the same two-thirds majority is needed to override a line-item veto. In only five States is there a simple majority involved; and in the other, four States require a three-fifths override, and one a three-fourths override.

So, there is nothing radical in this approach. Mr. Speaker, let us give it a try. Let us vote down the previous question on this rule so that my amendment for the line-item veto can be made in order.

I say to my colleagues, "If we do that, we're going to send a message back home that we really do intend to get Federal spending under control. This is a great step in the right direction."

Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER], who has been a fighter for the line-item veto for all of the 14 years I have been here, and longer.

Mr. WALKER. Mr. Speaker, I want to thank the gentleman from New York [Mr. SOLOMON] for yielding this time to me and for his efforts on behalf of the line-item veto here on the floor today. It seems to me that the gentleman once again has targeted exactly the right bill for this effort to come forward.

The continuing resolution concept is basically kind of an extraconstitutional concept in and of itself. It is, in fact, an appropriation, but it is a massive appropriation of virtually all of the spending of the Federal Government, and it seems to me that that is one of the places where a lot of mischief gets done, or at least in years past mischief has been done.

So, Mr. Speaker, the gentleman comes to us with a proposal that in this particular area we ought to also consider line-item veto, which has caused some Members a lot of grief because they believe that it would, in fact, impinge upon the ability of the Congress to do its will. Well, the fact is that Congress doing its will in bills like continuing resolutions has often led to massive deficit spending. One way to make the President of the United States accountable in all of this spending that goes on is to give him specific authority to do something about each line item within the bill. The gentleman proposes that this is the time to discuss it. It seems to me that he is absolutely right.

Mr. Speaker, it would be nice if we could discuss the issues separately, if we could get it reported out of the Committee on Rules, bring it to the floor, and discuss it as a separate item out here, and vote up or down on line-item veto. The fact is we have gone for years and never have been able to get such a proposal on the floor. The fact is that it does not appear as though we are going to get such a proposal on the floor before the end of this Congress. This may be the last chance that we have to vote on this matter.

The gentleman from New York [Mr. SOLOMON] is correct that some months ago, or some weeks ago even, he was able to get almost a majority in the House to approve overruling the previous question in order to bring such an amendment to the floor. Here is another opportunity today, as we close out, for those in favor of line-item veto to have their opportunity on the floor today to deal with this issue, and I certainly hope that the House would approve the gentleman's motion so that we can bring up this very important topic and have one more tool for dealing with the deficit matter.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Speaker, I appreciate the gentleman from Pennsylvania [Mr. WALKER] yielding to me. I just want to ask him a question.

Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] and I do not disagree on the line-item veto, but does the gentleman think that the presence of a line-item veto would alter the deficit that the President requested for next year?

Mr. WALKER. Mr. Speaker, I would say to the gentleman from North Dakota [Mr. DORGAN] that I do believe that giving the President accountability for specific spending items would in fact be a device for lowering spending. I say to many audiences that I do not think line-item veto in itself is a silver bullet that absolutely lowers the deficit, but it does hold accountability in government. It ensures that Congress is held accountable for each item of spending; it ensures that the President is held accountable for each item of spending.

Now what happens now is, when the President is given massive bills, he has to veto the whole bill over one or two items in it that he finds objectionable. That is not a way in which we can hold him accountable.

Mr. Speaker, accountability is the name of the game here. The gentleman from New York [Mr. SOLOMON] is going to give us a chance to have enhanced accountability.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I appreciate the gentleman from Massachusetts [Mr. MOAKLEY] yielding this time to me. The reason I wanted the time was to simply amplify, once again, that while I support a line-item veto, and the gentleman from New York [Mr. SOLOMON] knows that I have voted with him on a number of occasions with respect to the line-item veto, I do not want anyone to be led to the belief that the presence of a line-item veto is going to materially affect the deficit. It is not, in my judgment, going to have any major impact on the deficit at all.

Without the line-item veto, Mr. Speaker, President Bush sent to this Congress a budget request beginning October 1 for the coming fiscal year to say, "I would like to spend $350 billion more than we take in during the next fiscal year." That is the budget request from a conservative President.

Now the same President is out across the country saying, You know we've got these awful deficits. Yes, we do. And they are very troublesome to this country, dangerous to our economic future.

The fact is we fail, as a Congress, with these deficits, but the fact is this President recommends them, and our failure is following the recommendations in a budget that, in my judgment, is seriously flawed.

Mr. Speaker, I just want everyone to understand that, while I support a line-item veto for a lot of reasons, it is not a panacea. I do not want to detail my support here, but Governors have it, I think the President ought to have it, Republican or Democrat. I think we ought to, in many instances, on the smaller issues that get tucked in the corner someplace, and we never get a shot at them; there we ought to have an opportunity to speak to those issues on the floor of the House and Senate.

But I just do not want people on the floor of the House to say, "But for a line-item veto we would have this deficit under control."

Nonsense. Nonsense. When the President sends his budget request, he does not have to have a line-item veto to decide what he wants to spend or what he does not want to spend. He says, "Here's what I want to spend money on; here's how much revenue I anticipate we bring in," and this President said for this fiscal year beginning October 1, "I recommend we have a deficit for this country of $350 billion."

Mr. Speaker, that is what the President requested. Without or with a line-item veto, that is the deficit he thought was appropriate.

Now I do not happen to think it is appropriate. I voted against that, and I voted against the Democrat budget.

But I just want people to understand the dimensions of this debate about the line-item veto.

Mr. SLATTERY. Mr. Speaker, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Speaker, when this discussion of the line-item veto comes up, it is a little bit like the balanced budget amendment. It gives Members an opportunity to say they have done something to deal with the deficit when in reality they have not.

Let me also just caution some of my colleagues about the danger of some of these line-item veto proposals, and let me be very specific.

Mr. Speaker, this Member spent hundreds of hours trying to find votes to terminate funding for the B-2 bomber program and also to terminate funding for the super collider program, and I would just observe that both of these huge spending programs were actively supported by President George Bush and President Ronald Reagan.

Now if they had the line-item veto authority, as some have proposed; and by the way, Mr. Speaker, I support a modified line-item veto authority; but had they had unlimited line-item veto authority, what they could have done is come to this Member and say, "Congressman SLATTERY, either you back off of your opposition to the B-2 bomber and you back off of your opposition to the super collider I want, or I'm going to go through every appropriation bill that hits my desk in an effort to find every appropriation that is of importance to your State, and I'll line-item that out and veto it."

Now, my colleagues, I contend that, if it is exercised in that way, which we can be assured it will be, the net effect of all this will be that spending will go up in the way the President wants, not down, and I think that there is a real danger to giving the President unlimited line-item veto authority. The much better approach is the enhanced rescission authority, as it has been named, which I call modified line-item veto authority, that will require this body to vote on those individual items in the appropriation bills that some of us would like to have a chance to vote on.

☐ 1110

So the President would be given the authority to pull individual items out, send them back to Congress, and ask Congress to vote on those individually.

I contend that if we do that, in fact we would significantly reduce spending, we would accomplish what the American people want, and we would do it in such a way as to not dramatically enhance the power of the President. We should not dramatically shift the balance of power, we have an obligation to this institution to protect the power of the Congress.

So I want to point out that this line-item veto authority, if not structured properly, can be very dangerous and can in fact give the President authority he should not have.

Mr. DORGAN of North Dakota. Mr. Speaker, reclaiming my time, I support what the gentleman from Kansas [Mr. SLATTERY] is doing on the rescission. The gentleman and others have done a lot of excellent work on it. I think it is another approach to a different form of line-item veto and I commend the gentleman for what he is doing.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me say first of all both gentlemen know I have great respect for both of them and have told them so many times.

Mr. Speaker, reasonable men can disagree. We have Members on this side of the aisle that make the same argument they do. The gentleman from Oklahoma [Mr. EDWARDS] does not like the line-item veto because he is afraid some President might veto the B-2 bomber, something the gentleman from Oklahoma supports.

Mr. Speaker, that is why my amendment today simply sets up a trial period for just 1 year. Maybe the gentleman from Kansas [Mr. SLATTERY] is right. If the gentleman is right, we ought to prove it. We ought to prove the point.

Let me just say this: My good friend, the gentleman from North Dakota [Mr. DORGAN], has voted for my amendment is the past. I appreciate that, and I know the gentleman is sincere. I hope the gentleman wil vote for it today.

I said in my opening remarks that this is not going to, even if we put it in for a 1-year trial period, make a significant major impact, because even over the last 4 years it would have only affected, according to the GAO report, $70 billion. That is not a major impact.

Mr. Speaker, let me say this: I came out of the private sector. I am a businessman. Most of the economy is affected not by the actions of this Congress. We sometimes build ourselves up to make us think so, but it is confidence. That is what the American people need, that is what American business and industry need.

Mr. Speaker, If we enact this line-item veto for just a 1-year trial period, it is going to make a tremendous difference in the confidence to the American people, that we are going to do something about trying to curtail spending.

Mr. DORGAN of North Dakota. Mr. Speaker, reclaiming my time, let me just say that the document that is going to inspire or diminish confidence in this country by far is the document sent to us by the White House, number one, the budget. I just wanted to say again that the President said for this next year, beginning October 1, "I would like a deficit of $350 billion."

The reason I come to the floor again in response is not because the gentleman said this time that this is a panacea for dealing with budget deficits. But it has been said in the past, and I think was alluded to earlier today in a discussion by others, that this would have a substantial impact on the deficit.

What will have a substantial impact on the deficit in my judgment is a fiscal policy created in a budget sent to us by a President that leads in the right direction and the courage here in Congress by both Democrats and Republicans to go along with the fiscal policy that moves us in the right direction. That has not been present in either case from the White House nor Congress, and I want to make that point.

Mr. SLATTERY. Mr. Speaker, if the gentleman will yield further, I agree with everything the gentleman from North Dakota [Mr. DORGAN] just said. I would go one step further to suggest that the gentleman from Wisconsin [Mr. OBEY] and I and others have cosponsored an amendment to the Constitution that really deals with the deficit problem that a lot of people are attempting to address with the line-item veto and the balanced budget amendment. Our spending lid amendment would give the President of the United States, the only person elected by all of the people in this great democracy of ours, the authority to set an aggregate spending level for the country. So you would have one person being held accountable for the aggregate spending level of the country.

The Congress, in turn, would have the authority to spend the money in a way that they ultimately chose to do, subject to the President's veto, of course, or signature.

Mr. Speaker, I would point out that if we did something like this we would have one person elected by all of the people that would be held accountable for the aggregate spending level of the country. Congress could spend the money differently, but they could not exceed the aggregate limit set by the President.

Mr. Speaker, this is the kind of constitutional amendment we should enact, and we should do it for a 10-year period and see how it works. Goodness knows, it could not be any worse than we have seen in the last 10 years.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Tennessee [Mr. DUNCAN], one of the prime sponsors of the line-item veto measure.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the efforts of the gentleman from New York [Mr. SOLOMON] in voting down the previous question so that we can once again offer an amendment which would give the President line-item veto and rescission authority in fiscal year 1993.

I think this 1-year experimental period that the gentleman is advocating is exactly the right way to go, will satisfy the largest number of Members in this Congress, and I salute and commend the gentleman for his valiant effort in regard to this particular issue.

Mr. Speaker, this amendment is identical to legislation that I introduced, H.R. 78, which now has over 130 cosponsors from both sides of the aisle, except that the amendment of the gentleman from New York [Mr. SOLOMON] would apply only to fiscal year 1993.

Those who voted against the line-item veto authority a few weeks ago in this Congress, and it was a very close vote, 207 to 199, said that they did so primarily because they wanted hearings to be held on this issue.

Those hearings were held in front of the Committee on Rules in the past couple of weeks. I would like to thank the gentleman from South Carolina [Mr. DERRICK], who is also one of the cosponsors of my legislation, for scheduling those hearings.

Mr. Speaker, obviously this is not a partisan issue. President Bush has endorsed this legislation. Governor Clinton said in support of the line-item veto:

> I strongly support the line-item veto because I think it is one of the most powerful weapons we could use in our fight against out of control deficit spending.

Mr. Speaker, this is not a partisan issue. As the gentleman from New York [Mr. SOLOMON] has pointed out, the Governors of 43 of our States have this authority, and the President should have it, too, whether that President is a Democrat or a Republican.

Mr. Speaker, the American people are disgusted. They are disgusted and fed up with a government that takes so much money from them and gives back so little in return.

The average person today pays 47.2 percent of his or her income tax just to pay his taxes at all levels, State, Federal, and local, counting income taxes, property taxes, sales taxes, Social Security taxes, and all of the other taxes, particularly the taxes they pay in the form of higher prices for all the corporations.

The people are disgusted with a government that is $4 trillion in debt today and which is continuing to lose over $1 billion a day on top of that every day of the year.

Almost every leading economist tells us that the main thing holding back our economy is our tremendous national debt and these continuing out of control deficits. We are hurting the working men and women of this country right where it hurts the most, in the pocketbook.

Earlier this year the Washington Post, at the time of the President's State of the Union speech, had a focus group made up of people all across the Nation, supposedly representative of all of us. They gave them little buttons to push to show whether they were in agreement or disagreement with statements that the President made, which ones they agreed with and which ones they did not agree with.

The one statement they agreed with the most was when the President said our Federal Government is too big and is costing too much. Ninety-four percent of the people in that Washington Post focus group said they agreed with that statement. There is no other issue on which there is so much agreement among the American people except to try to get our deficits and national debt under control.

The line-item veto power will not do it by itself, but it certainly will help.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. WYLIE], the senior ranking Republican on the Committee on Banking, Finance and Urban Affairs, whom we are going to miss dearly around here.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for the time and for his complimentary remarks.

Mr. Speaker, I rise in strong support of the motion of the gentleman from New York [Mr. SOLOMON] to defeat the previous question on the rule which would make in order an amendment to give the President the line-item veto authority for 1 year.

☐ 1120

In my last questionnaire, which I sent to the people in my district, by a nearly 4-to-1 margin over the next category they said that the Federal deficit is the most serious problem and the biggest problem facing our Nation today, and by a 2-to-1 margin they said yes to giving the President the line-item veto.

We have heard some good ideas from the other side of the aisle as to what we ought to do. I support a constitutional amendment that would provide for the line-item veto. I support a constitutional amendment to balance the budget, but that is not here and now.

Congress has not shown the collective discipline to reduce Federal spending. The line-item veto is something that people understand and they are demanding be done. It is time to consider the line-item veto approach on the Federal level, something that the Governors of 43 States have, including my own State of Ohio. The Governor has that authority to control State spending.

The proposal of the gentleman from New York [Mr. SOLOMON] to give the President line-item veto for 1 year is nearly identical to that of the gentleman from Tennessee [Mr. DUNCAN], H.R. 78, of which I am a cosponsor, and it is similar to my own bill, H.R. 28.

We cannot continue to saddle future generations with our debts. The line-item veto is not the only answer to the deficit problem, but it is a step in the right direction. Let us try it for 1 year and see what happens. I will most certainly vote with the gentleman from New York [Mr. SOLOMON] to defeat the previous question.

Mr. MOAKLEY. Mr. Speaker, I yield 9 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Speaker, I thank the gentleman for yielding time to me.

As we go through this debate today, Mr. Speaker, I find myself encouraged. I am encouraged because of the efforts of the gentleman from Ohio [Mr. WYLIE], the gentleman from New York [Mr. SOLOMON], and the gentleman from Tennessee [Mr. DUNCAN] and others which I think have the potential of coinciding and coming into agreement with the efforts of a number of people on our side, including the gentlewoman from South Carolina [Mrs. PATTERSON], the gentleman from Kansas [Mr. GLICKMAN], the gentleman from Texas [Mr. JOHNSON], the gentleman from Texas [Mr. STENHOLM], and myself.

We have worked in some cases separately over the last several years, in some cases jointly, to try to reach agreement on legislation that would compel Congress to vote on rescissions that the President sends to the Congress once he has signed an appropriations bill.

There is a reluctance, I think, on the part of the majority of Congress to give the President line-item veto power which would require a two-thirds vote by the House and Senate to override. I believe there is a majority of support for a proposal, certainly in the House, and my guess is in the other body as well, to require us to vote on Presidential rescissions and to give us the right to override that rescission with a simple majority.

I would hope, and the gentleman from New York [Mr. SOLOMON] and I have discussed and will continue to discuss, the possibility of us reaching final agreement on an approach that will indeed require the Congress to vote on Presidential rescissions for a 2-year period that would not protect from those rescissions unauthorized appropriations, that would limit somewhat the ability of the President to rescind authorized appropriations.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me, and I want to commend him for the effort that he and the gentleman from South Carolina [Mrs. PATTERSON] and others, Mr. JOHNSON, others on both sides of the aisle have been going about the legislative business over these last several days.

I would point out to our Members that one of our goals, even with the line-item veto, which I, too, have real reservations about a President with one-third plus one on a line-item veto, but have no difficulty at all with a presidential line-item veto with 50 percent plus one. That is the compromise we are working toward.

One of the things we are attempting to achieve in the waning moments of this Congress is to in fact keep the appropriation bills this year within budget and even within the request of the President. We believe that we are achieving that goal. That is a substantial win for many of us on both sides of the aisle.

What we are looking forward to is the 103d Congress. One of the things we would like to see is a vote on the proposal, the compromise that has been worked out on both sides. That is what we are still trying to work out is to see that we are in fact going to get that, we are in fact going to get the opportunity for Members of this body to state their positions before we go home regarding the modified rescission order process.

I hope in the spirit of negotiations, even as we speak, the things that are going on now, that we are going to find that spirit of compromise that will achieve the goal we want for this year, as well as lay the foundation and the groundwork for next year.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, let me again say that I have great respect for the gentleman from Delaware [Mr. CARPER] and for the gentleman from Texas [Mr. STENHOLM], both. They are good Members of this House, and I do not doubt their sincerity.

The problem is, this is the last chance we may have. This is a stopgap 5-day continuing resolution. If we get our act together, there may not be a final last-day continuing resolution.

Mr. CARPER. If the gentleman will yield, my understanding is there will be a final opportunity. That would be with respect to a long-term CR. We are operating under the impression that there will be a long-term CR.

Short of that, we are pushing for the opportunity to vote up or down on a variation of our line-item rescission bill on which the gentleman and I have discussed pushing for an up-or-down vote. That is being considered at this time by our leadership.

Mr. SOLOMON. If the gentleman will continue to yield, let me say that we have, on this side of the aisle, 166 Members. There are 67 Members on the other side who signed a letter to the Speaker asking for line-item veto authority for the President.

If the gentleman will add those two numbers up, I think it comes to 233. We only need 218 to make this the law. I am just afraid we are not going to get another opportunity. I would just hope that if the gentleman is right, and we do have a final CR on the last day of this session, and if the gentleman has been unable to bring his bill to the floor, and if he has made some concessions that I can reluctantly agree with and would support him on, I would then hope that the 67 of his Members would come and vote with us so we can at least have a 1-year trial of Presidential line-item veto authority.

Let us see if it works. Let us see if the gentleman from Kansas is right. If it works, then we have it and we can enact it into permanent law.

Mr. CARPER. If the gentleman will let me reclaim my time, I cannot speak for the other 66 people who have signed the letter to the Speaker. If we are unable to get an up-or-down vote on a variation of our line-item rescission bill that he and I have discussed prior to voting on the long-term continuing resolution, then I will certainly work in a cooperative spirit with the gentleman from New York to compel a vote as an amendment to that long-term CR that again embodies the bill, H.R. 2164, which the gentlewoman from South Carolina [Mrs. PATTERSON] and others and I have authored, with the help of the gentleman from Texas [Mr. ARMEY] and the former Congresswoman from Illinois, Lynn Martin.

Mrs. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I yield to the gentlewoman from South Carolina.

Mrs. PATTERSON. Mr. Speaker, I appreciate all the good work that has been done on this issue. As many of the Members know, this is something of great concern to me, but one of the things that I think we owe the people back home is to be as up-front as possible.

So often the voters at home are confused when we tack things on other bills. I think something as critical as the rescission, the line-item veto or the rescission, enhanced rescission, should be up-front on a vote on its own, rather than tacked on anything else. For that reason I am pushing for that, and I would like to see that before we go home this week or early next week.

I would just like to say to my colleagues, please let us make it a clear-cut up-or-down vote on that, rather than tacking it onto other important things, important matters that have to be completed before we go home.

Mr. CARPER. Let me thank the gentlewoman for her remarks, and also thank her very much for her leadership in pushing this issue and bringing it to the floor.

Mr. STENHOLM. Mr. Speaker, will the gentleman yield further?

Mr. CARPER. I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I also would like to respond to the gentleman from New York [Mr. SOLOMON] and his comments, because I, too, want to see something done this year. I realize the difficulty we have in trying to accomplish all of our game plans in the short remaining period of time, but also as one who fought the balanced budget amendment on this floor and lost, and went to work the next day with the Budget Enforcement Act, only to see that referred to two committees and buried, if the gentleman wants to look at a Member that has an extra added incentive of seeing that whatever CR's, short term and long term, are clean, within the spirit of which the leadership on our side is saying to the appropriations, "Keep it below what the President has asked, keep it below the budget."

Also, the message to the other body should be very clear. If we concede at this time and move back from a confrontation on the short term, there are certain things that must be done before we pass a long-term CR, even if we have to stay here until November 3.

☐ 1130

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. CARPER. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, now the gentleman is making my point. And so certainly is the gentlewoman from South Carolina, for whom I have the greatest respect; she is a great Member of this House. But what I am afraid of is exactly what she was talking about. If we pass a clean bill, up or down, we already know what is going to happen over in the Senate when Mr. BYRD gets his hands on it. It will be dead on arrival.

That is why we need to attach it to a continuing resolution so that at least we can go to conference. We will not ever even have the chance to sit down and negotiate with them, because it will be dead on arrival. That is why we need to do it on a CR, if we ever expect to be successful.

Mr. CARPER. I thank the gentleman.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. FAWELL], the chairman of the Porkbusters Task Force.

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the gentleman from New York [Mr. SOLOMON] and his plans to move to defeat the previous question in regard to the continuing appropriation resolution so that a line-item veto or an enhanced rescission amendment, which will sunset after only 1 year can actually be finally voted upon.

An enhanced rescission authority that would permit presidential rescissions for fiscal year 1993 only over all or part of the appropriations is something that we certainly need. It has to be submitted by the President within 20 days of enactment, and basically the conditions I think have been discussed.

Ross Perot was quoted yesterday in the Post as saying that the national debt is like a crazy aunt we keep down in the basement. All of the neighbors know she is there, but nobody wants to talk about her. I submit that this certainly sounds like and describes Congress' attitude about the $4 trillion debt and the $300 billion we now pay just to pay interest on the debt. We simply ignore it.

Now here we go again. Here we have pablum, and that is what I describe this enhanced rescission authority as, gentle pablum, easy on the political digestive tracts of Congress, not even a real line-item veto authority. The cards here, even if we pass this, are stacked fully in favor of the Congress, and more accurately fully in favor of the majority party. All Congress has to do to defeat a Presidential rescission, if this mild Presidential rescission bill were to pass, is to come up with a simple majority to disapprove, and that is all.

I still hear all kinds of defenses over there, even by my closest friends, "Not now, not now." They talk about the President having caused all of this. I do not defend the President for not having presented balanced budget amendments, but my gosh, the Congress cannot hide behind that fact. If the President jumps off a cliff, we are not going to follow him over the cliff, are we? We have got the responsibility here, and Republicans and Democrats alike should not have to use back alleys, and that is what we have to do all of the time, in order to have something that is gentle, and that is as innocuous as this bill, to be voted upon in the House.

The gentleman from New York [Mr. SOLOMON], is to be commended for his being so calm and not shouting here because he is so often beaten down. And he is quite right when he says if we do not attach this enhanced rescission proposal to something important it is not going to get anywhere, and Members know that. And when we had the Presidential rescission bills, which I was sponsoring, my good friends and I discussed the question of the enhanced rescission authority, and even then they said, "No, no. The leadership is going to promise us something and we will have a freestanding bill. We will eventually be able to do something here."

Everyone knows the President's rescission authority right now is a wet noodle. And when he presents it, the Congress does not have to do anything. If Congress does not do anything in *x* number of days, then that is the end of the Presidential rescission bills, and that is what the leadership wants. They want to keep the President shackled like that.

The time has come to at least give the President a line-item veto, under this enhanced rescission authority with sunset provisions, and at least give the President a chance to suggest what he thinks is pork. And we can at least debate it. But the majority has the majority. I mean a simple majority for instance, is all you need to disapprove, a constitutional majority in order to override the veto.

When in the world are we going to get serious? This of course is not a panacea, and it is not a cure all. Maybe it is a first step in a thousand-mile journey.

But I always hear the reasons why it cannot be done, manana, and tomorrow, and we have to eventually face our crazy aunt down there in the basement. We have to recognize she is there, and at least take a little itsy-bitsy step like this.

Can we not do it? We ought to be able to do it.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, on this question of a line-item veto and the idicoy of our Founding Fathers by considering it and rejecting it, I think the RECORD ought to show that the elected Federal official who has the greatest number of constituents to please with pork is the President of the United States. And the notion that the politicians who end up in the White House somehow become a paragon of frugality is falsified by fact and event, Democrat and Republican, throughout the history of this country.

I ask: Does the President of the United States need the line-item veto to put out the pork at Olmsted Air Force Base to get reelected? Does the President of the United States need the line-item veto to do the pork of these Navy ports that are suddenly being established in places where electrical votes count? Does the President of the United States need the line-item veto for all of the pork he is passing out in some desperation at the moment in this country?

I say that not to demean this President, because I have seen it with every President. The point is that the Founders were not idiots. They did know what they were doing by giving the President of the United States exactly one-sixth of the legislative power and all of the executive power. That is what the President has.

They talked it over. They did not make stump speeches and talk about how their party's man was some sort of holy angel. Neither party has one. And it does not make any difference, throughout history it has always been the same.

The balance of power in this Government will remain the same or we will get deeper in debt than we already are.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, I thank the gentleman for yielding the time and I rise to urge my colleagues to defeat the previous question and allow a vote on the line-item veto.

I have been a long-time advocate of the line-item veto. I know that this is not going to make the deficit go away. I know too that it has been an important tool that 43 Governors across this land have, and both President Bush and Governor Clinton want to see it established.

Last year, I can remember after serving for 5 years on the Committee on Public Works and Transportation when we dealt with a $153 billion highway bill. It was 2 o'clock in the morning. We had one copy for the Republicans, there was one copy for the Democrats, and there was one copy for the Speaker. The bill came out in a Xerox box. It was still warm. And all of us were swarming to see exactly what was in that bill. No one was able to read it and give it the kind of attention that we normally would do before a bill of this magnitude came to the House floor.

It passed by a big vote, and lo and behold, several weeks later we found out that there was a courthouse that was stuck in this highway bill for the State of New York that would cost the taxpayers $1 billion. Now Mr. Speaker, that is highway robbery.

The President was given a choice. Do you literally shut down highway projects across this country, eliminating perhaps tens of thousands of jobs, even drunk driving prevention programs, for goodness sake, to save a courthouse in New York? The President was given no choice. He signed the bill into law.

Now here it is virtually almost the eve of this session being over, and we have 12 of the 13 appropriation bills that have not found their way to the President's desk on the last day of the fiscal year. Who knows what is in 12 of those 13 spending bills, whether it is 5 day continuing resolutions, 5 months, or the rest of the year? It is very important that the President have a tool where he can go through and comb through some of these extra-special projects that have not seen the light of day so that he can exercise some judgment. We will in fact have a vote to override later on and decide the merits of each case. I urge my colleagues to defeat the previous question and allow this amendment to be offered and passed.

☐ 1140

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker and Members of the House, I thank the gentleman for yielding me this time so that I may also add my opposition to the rule and ask for its negative vote.

Here we are, it is September 30 again, and almost every year since I have been here we have reached the end of the fiscal year, and the Congress fails to do its duty. The law that the Congress passed says that we must have a budget fully implemented by September 30, and then we resort to the trickery and gimmickry and deceit that sometimes is enveloped in the continuing resolution, the stopgap appropriations, and then the President of the United States, forced to do so, has to sign a mammoth bill or else the Government of the United States will come to a crashing halt. Even while our young fellow Americans were amassing in Desert Shield just a few years back, this Government came to a grinding halt, and we had no Government for a period of time, a disgraceful event that occurred because we could not do our duty as a Congress by September 30.

On that basis, for several terms now I have introduced legislation to provide for an instant replay to say that if by midnight on September 30 the Congress has failed to enact the appropriations that it is duty bound to do, then an instant replay automatically, last year's appropriations, shall be passed until the Congress has the will and the determination later to pass a budget of its own.

When the gentleman from New York acceded to try in the Committee on Rules to present this very simple and workable plan, it was rejected, so as a pride of authorship, I now cannot abide by the rule that would not permit debate on this easy way to try to control the budget process.

The line-item veto and the instant replay are budget tools that we could utilize to bring this deficit monster somewhere under control.

I urge a negative vote on this rule.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. MILLER].

Mr. MILLER of Ohio. Mr. Speaker, I believe I heard a few minutes ago a comment that we should have a bill that would allow a constitutional amendment to basically make one person accountable for our country's financial affairs.

I believe we should clarify just where the other side stands. We hear from Bill Clinton's camp that one man is responsible right now, and that is President of the United States; he is responsible for the deficit and for the national debt. Yet here we have the Democrat side saying that we should have a constitutional amendment that will make one man, the President, responsible. Clearly, as this proposal suggests, the President, at present, does not have the responsibility authority Bill Clinton credits him with having. The public is being led to believe, because of what is being said by Bill Clinton, that the President is now responsible for every economic problem besetting our society. We should not forget that Congress have no small part in determining how much the Government spends and what it is spent on. I want to take the time to clear up the point that in the future the President alone may be responsible, but today he is not.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will just say to the Members that the gentleman from Indiana [Mr. Jacobs], my good friend, a former marine like me, asked a series of questions a few minutes ago. One of those questions was: Why does the President of the United States need the line-item veto?

Well, we know why. Back in 1974, the then President tried to impound the money that this Congress, in its infinite wisdom, had appropriated and authorized; and this Congress, in its infinite wisdom, took the President of the United States to the Supreme Court and made him spend the money. There was such a hew and cry from the American people at that time that Congress, in order to save face, enacted very complicated and weak rescission authority for the President.

Today the law says that any President can ask this Congress for permission not to spend money, but under the existing law enacted by this Congress, the Congress does not have to vote on it; by taking no action at all, by taking no action, we can turn it down. That means that not one of us is accountable to the American people. We have chickened out. We hide behind our own rule.

All I want to do is to reverse that procedure, I just want to require simply that Congress be up front and cast a recorded vote on rescission requests, by the President for next year only. That President could be Mr. Clinton, it could be Mr. Bush. But when the President asks for permission not to spend the money on a particular line item, this Congress should have the guts to stand up and vote on it. It is as simple as that, for a 1-year trial period.

Mr. Speaker, here is a statement of administration policy supporting my position today. Bill Clinton just the other day said, "I have that authority in Arkansas, and I want that authority as President of the United States." So let us give whomever our President is going to be, just for 1 year only, that opportunity. Let us see if it works.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I am happy to yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, things have changed a lot since 1974. In 1974, if I remember correctly, we had a President from Michigan, Gerald Ford, and Congress passed a tax cut, and he vetoed it and opposed it, because he said you should not have a tax cut when you are already in the red.

So, as I say, things have changed a great deal, and I do not care who wants the line-item veto, people in hell want ice water, and I do not care if it is Clinton or who it is, I think the Founders knew what they were doing.

Semper Fi.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman.

Mr. Speaker, the vote coming up in just a minute is going to be a vote to defeat the previous question. That means that if we vote no, we are going to make my amendment in order to allow an up-or-down vote on the question of 1-year, line-item veto authority for the President, whomever he might be. I would hope the 67 good Democrats on the other side of the aisle who strongly support the line-item veto would come over here and vote no on the previous question. That way they could put their vote where their mouth is along with the 166 Members of this side of the aisle who will vote unanimously for this motion to defeat the previous question. That will give us 234 Members who will send a message to the American people that we really intend to try to take the first step toward eliminating this sea of red ink which is really just ruining the American economy.

Mr. Speaker, I urge defeat of the previous question.

Mr. Speaker, I am including at this point in the RECORD the letter I referred to from the Office of the President, the statement of administration policy, and a list of organizations supporting defeat of the previous question.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC.

Hon. GERALD B. SOLOMON,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN SOLOMON: Thank you for your letter concerning your intention to press for an up or down vote on the line-item veto in the 102nd Congress.

The President's support for a line-item veto amendment to the Constitution is clear. He has also supported legislation to enhance the existing rescission procedures by requiring an up-or-down vote in Congress on Presidential rescission proposals. You can be sure that you have the Administration's full support in your effort.

Sincerely,

DAVID F. TAYLOR,
Associate Director for Legislative Affairs.

STATEMENT OF ADMINISTRATION POLICY

The Administration believes that providing for the operation of the government through continuing resolutions is an undesirable practice. If a continuing resolution is unavoidable, however, the Administration believes that it should be free of extraneous provisions and, consistent with the President's freeze proposal, provide funding at the lower of House, Senate or current rate. H.J. Res. 553 meets this test.

The Administration has no objection to passage of H.J. Res. 553, which would provide for the continuation of normal government operations through October 5, 1992.

The Administration supports Representative Solomon's effort to secure a separate up or down vote on the line-item veto in the 102nd Congress. The President's support for the line-item veto is clear.

ORGANIZATIONS SUPPORTING DEFEAT OF PREVIOUS QUESTION ON CR RULE TO PERMIT VOTE ON LINE-ITEM VETO AMENDMENT

Citizens Against Government Waste.
National Taxpayers Union.
Americans for Tax Reform.
Citizens for a Sound Economy.
The United States Business and Industrial Council.

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, September 29, 1992.

Hon. GERALD B. SOLOMON,
Capitol Building, Washington, DC.

DEAR MR. SOLOMON: I am writing to express our support for your efforts to pass line-item veto legislation this year. Specifically, the Council for Citizens against Government Waste (CCAGW) supports your efforts to defeat the previous question to H. Res. 580, the rule for the continuing appropriations resolution, so that a line-item veto amendment can be ruled in order. I urge all Members to vote to defeat the previous question.

There has never been a better opportunity for enacting line-item veto legislation. Both President Bush and Governor Clinton support it, as do a majority of the American people.

In addition, the line-item veto will significantly reduce wasteful, pork-barrel spending. According to a January, 1992 General Accounting Office report, if the President had had line-item veto authority from FY 1984 through FY 1989, the cumulative six-year savings would have been $70 billion.

A vote to defeat the previous question is a vote for the American taxpayer. Thank you for your continued commitment to restoring fiscal sanity to the federal budgeting process.

Sincerely,

TOM.

NATIONAL TAXPAYERS UNION,
Washington, DC, September 29, 1992.

Hon. GERALD SOLOMON,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE SOLOMON: The 200,000 member National Taxpayers Union supports your effort to make in order and offer a line item veto amendment to H.J. Res. 553, the continuing appropriations resolution.

Perhaps no one put it better than Democratic Presidential Nominee Bill Clinton during the primary season, when he said, "I strongly support the line item veto because I think it's one of the most powerful weapons we could use in our fight against out of control deficit spending."

The all too common Congressional tactic is to attach parochial, pork barrel appropriations to must-pass legislation that the President has little choice but to sign. Since most of these provisions are neither the subject of debate nor vote, many Members of Congress do not realize they exist. Your amendment would allow the President, Republican or Democrat, to draw attention to pork barrel provisions and force their proponents to justify them. Meritorious provisions would stand under Congressional scrutiny, and the rest would be eliminated.

Additionally, the line item veto would make the President more accountable on the issue of wasteful spending. Many Presidents repeatedly criticize Congress on spending. By giving line item veto authority to the President, Congress would be inviting him to work actively rather than rhetorically to trim wasteful spending.

Although the discretionary account of the federal budget is by no means the largest, it is an area of tremendous waste, causing cynicism among taxpayers who see the dollars they send to Washington squandered on blueberry research or bike paths. Our national debt is now over $3.8 trillion, and recent projections for the FY 92 deficit are $333.5 billion. Clearly Congress needs to re-evaluate its spending practices and take strong steps to restore fiscal discipline. The line item veto is one of those steps, and would be an important sign to taxpayers and voters nation-wide that Congress is finally taking our fiscal crisis seriously.

Again, thank you for your efforts. We strongly urge all Members to help you defeat the previous question on H. Res. 580, and make your amendment in order.

Sincerely,

JAMES DAVIDSON,
Chairman.

AMERICANS FOR TAX REFORM,
Washington, DC, September 26, 1992.

Hon. GERALD SOLOMON,
House of Representatives, Washington, DC.

DEAR JERRY: Thank you for all your leadership on the line-item veto issue.

Your efforts thus far have brought us closer to our shared goal of passing a Presidential line-item veto than we have been in ten years.

On behalf of all American taxpayers, I strongly urge your colleagues to join with you in voting 'No' on the previous question for the rule on the continuing appropriations resolution (H.J. Res. 553) on Wednesday so that you can make in order the consideration of a line-item veto rescission authority amendment.

Again, thank you for your leadership on this issue.

Sincerely,

GROVER NORQUIST.

SEPTEMBER 29, 1992.

DEAR REPRESENTATIVE: On behalf of the 250,000 members of Citizens for a Sound Economy, I urge you to vote against the previous question on the rule for H.J. Res. 553, the continuing resolution, and to support all subsequent votes that would lead to passage of a line-item veto.

CSE will count those votes as key votes on the line-item veto to be reported to our members in your district. These key votes will be used to determine your eligibility for our Jefferson Award, to be presented at the conclusion of this Congress.

Sincerely,

PAUL BECKNER,
President.

BUSINESS AND INDUSTRIAL COUNCIL,
Washington, DC, September 29, 1992.

Hon. GERALD B. SOLOMON,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN SOLOMON: On behalf of the 1500 member CEOs of the United States Business and Industrial Council, I would like to strongly endorse your effort to defeat the previous question on the rule on the continuing resolution, and to require the rule under which the House considers the CR to permit consideration of a Line Item Veto.

We have long supported the Line Item Veto; we consider this upcoming vote to be a definitive show of support for the Line Item Veto in the House of Representatives in the 102nd Congress.

We urge your colleagues to support your effort to secure a vote on Line Item Veto, and praise your effort to bring this about.

Sincerely yours,

JOHN P. CREGAN,
President.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to talk about the Solomon amendment.

Mr. Speaker, the Solomon amendment is not germane. The underlying bill is a 5-day continuing resolution covering those fiscal year 1993 appropriation bills not yet enacted.

The Solomon amendment expands the President's authority to rescind full-year funding for all fiscal year 1993 appropriations.

The Solomon amendment enhances the President's power and modifies congressional rules of procedure. When the text of the amendment was introduced as a bill, it was referred to Government Operations and to the Rules Committee, not to Appropriations. This is another indication that the amendment is not germane.

The precedents and traditions of the House are clear. One may not accomplish by indirect means that which is directly prohibited. Even if the previous question is defeated, the Solomon amendment to the rule would not be germane because the Solomon amendment to the bill is not germane.

I urge my colleagues to vote for the previous question and move on to the business at hand. Let us pass the clean, short-term CR and get down to work on the remaining individual appropriation bills.

Mr. Speaker, I yield the remainder of my time to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, we are in the waning days of this session. We all hope, regardless of party, to be finished this weekend.

There is only one group of people in this country that wants us to finish our work more than we do, and that is the American taxpayer.

The line-item veto is a good idea. I support it. Many members of the Democratic leadership and, I am told, over 100 Democrats support the line-item veto.

☐ 1150

I had the pleasure of having two hearings on the line-item veto. Excellent testimony came forth in support of a line-item veto. But there is no question that it would effect a substantial change in the balance of power between the Congress and the executive branch.

It is still something that we hope and, I believe, will become a part of our procedure next term. What we need to do now is vote for the previous question because the last thing we need is to put ourselves further behind in our goal of finishing this week. That is exactly what voting against the previous question would do. In my opinion, we would not accomplish anything because if we did vote down the previous question and the Solomon amendment were offered a point of order would be raised. Although I am not the parliamentarian, I believe the point of order would be sustained. We would go through this exercise to no avail.

What we need out of this body is a clean CR and to move ahead and go home.

I think there is a possibility that we might get a vote of some sort on this line-item veto proposal before we get out of here, although I cannot say that definitively. There are discussions going on about that. But right now the issue is whether we vote for or against the previous question. I ask that you vote for it.

FURTHER MESSAGES FROM THE PRESIDENT

Further messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 553, FURTHER CONTINUING APPROPRIATIONS, 1993

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MCDERMOTT). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 231, nays 186, not voting 15, as follows:

[Roll No. 438]

YEAS—231

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Beilenson
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland

Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Hutto
Jenkins
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Price
Rahall
Rangel
Reed
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Solarz
Spratt
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—186

Allard
Allen
Archer
Armey
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Campbell (CA)
Campbell (CO)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Condit
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Emerson
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (TX)
Kasich
Kennedy
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Murphy
Nichols
Nussle
Orton
Owens (UT)
Oxley
Packard
Pallone
Paxon
Penny
Petri
Porter
Poshard
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stump
Sundquist
Swett
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Williams
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Alexander
Barnard
Dymally
Edwards (OK)
Ford (TN)
Huckaby
Jefferson
Livingston
McCrery
Miller (CA)
Olin
Perkins
Ray
Smith (FL)
Staggers

□ 1214

Mr. PORTER, Mrs. ROUKEMA, Mr. RICHARDSON, and Mr. PENNY changed their vote from "yea" to "nay."

Mr. McMILLEN of Maryland changed his vote from "nay" to "yea."

Mr. HAYES of Louisiana changed his vote from "present" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McDERMOTT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 204, not voting 15, as follows:

[Roll No. 439]

AYES—213

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Beilenson
Berman
Bevill
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Cardin
Carper
Carr
Chapman
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cox (IL)
Coyne
Darden
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hubbard
Hughes
Jenkins
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
Laughlin
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Panetta
Parker
Pastor
Payne (NJ)
Pease
Pelosi
Peterson (FL)
Pickett
Price
Rahall
Rangel
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skelton
Slaugther
Smith (IA)
Solarz
Spratt
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOES—204

Allard
Allen
Andrews (TX)
Archer
Armey
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bruce
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Campbell (CO)
Chandler
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Cooper
Costello
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Dooley
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (SD)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
LaRocco
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Orton
Owens (UT)
Oxley
Packard
Pallone
Patterson
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickle
Porter
Poshard
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schroeder
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Slattery

Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stallings
Stearns
Stump
Sundquist
Tallon
Tanner
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Alexander
Barnard
Dellums
Dymally
Edwards (OK)
Ford (TN)
Huckaby
Jefferson
Livingston
McCrery
Olin
Perkins
Ray
Smith (FL)
Staggers

□ 1237

The Clerk announced the following pair:

On this vote:

Mr. Smith of Florida for, with Mr. Ray against.

Messrs. McDADE, JOHNSON of South Dakota, and DAVIS changed their vote from "aye" to "no."

Messrs. PICKETT, STENHOLM, PARKER, HARRIS, CARPER, TAUZIN, BROWDER, HALL of Texas, and ROWLAND changed their vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, it is our understanding that the votes were switched there a few minutes ago on the basis of a change in the legislative schedule and that now things are going to come to the floor that were not previously scheduled.

Is the Chair prepared to inform the House what the deal was and what the things are that will now come to the floor that were not previously scheduled?

The SPEAKER pro tempore. The gentleman's question is not a proper parliamentary inquiry.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

CONTINUING APPROPRIATIONS, 1993

Mr. NATCHER. Mr. Speaker, pursuant to House Resolution 580, I call up the joint resolution (H.J. Res. 553) making continuing appropriations for the fiscal year 1993, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 553

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 1993, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1992 or in Public Law 102–145 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1992 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 201 of Public Law 99–64 and section 701 of the United States Information and Educational Exchange Act of 1948;

The Department of Defense Appropriations Act, 1993, notwithstanding section 504(a)(1) of the National Security Act of 1947;

The District of Columbia Appropriations Act, 1993;

The Energy and Water Development Appropriations Act, 1993;

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993, notwithstanding section 10 of Public Law 91–672 and section 15(a) of the State Department Basic Authorities Act of 1956;

The Department of the Interior and Related Agencies Appropriations Act, 1993;

The Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993;

The Legislative Branch Appropriations Act, 1993;

The Military Construction Appropriations Act, 1993;

The Department of Transportation and Related Agencies Appropriations Act, 1993;

The Treasury, Postal Service, and General Government Appropriations Act, 1993; and

The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1993: *Provided*, That whenever the amount which would be made available or the authority which would be granted in these Acts is greater than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1992, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1992, pertinent project or activity shall be continued at a rate for operations not exceeding the current rate or the rate permitted by the action of the House or the Senate, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1992 or in Public Law 102–145: *Provided*, That where an item is included in only one version of an Act as passed by both Houses as of October 1, 1992, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1992 or in Public Law 102–145.

(c) Whenever an Act listed in this section has been passed by only the House as of October 1, 1992, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the House, at a rate for operations not exceeding the current rate or the rate permitted by the action of the House, whichever is lower, and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1992 or in Public Law 102–145: *Provided*, That where an item is funded in applicable appropriations Act for the fiscal year 1992 or in Public Law 102–145 and not included in the version passed by the House as of October 1, 1992, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by applicable appropriations Acts for the fiscal year 1992 or in Public Law 102–145, at a rate for operations not exceeding the current rate and under the authority and conditions provided in applicable appropriations Acts for the fiscal year 1992 or in Public Law 102–145.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1992 or prior years, for the increase in production rates above those sustained with fiscal year 1992 funds, or to initiate, resume, or continue any project, activity, operation, or organization which is defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1992, except projects, activities, operations, or organizations relating to "Operation Desert Shield/Desert Storm": *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quality procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1992.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1992 or in Public Law 102–145, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 5, 1992, whichever first occurs.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in any appropriations Act for the fiscal year 1993 referred to in section 101 of this joint resolution that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provisions of law governing the apportionment of funds.

SEC. 111. Notwithstanding any other provision of this joint resolution, except section 106, or any other law, each agency, office, and instrumentality of the District of Columbia government, except the District of Columbia Courts, shall furlough each employee of the respective agency, office, or instrumentality for one day in each month of the fiscal year ending September 30, 1993, or a proportional number of hours for part-time employees.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, or any other law, no employee of any agency, office, or instrumentality of the District of Columbia government shall receive within-grade salary increases during the fiscal year ending September 30, 1993, and no time during the fiscal year ending September 30, 1993, shall accrue toward the waiting period of advancement to the following rate within the grade.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, activities funded in the Federal Communications Commission's Salaries and Expenses account shall be maintained at the current rate of operations.

□ 1240

The SPEAKER pro tempore (Mr. TORRES). The gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include tabular and extraneous material, on House Joint Resolution 553, the legislation now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Members know, tomorrow we will begin a new fiscal year. That portion of the budget submitted to the Congress by the President within the jurisdiction of our committee was divided into 13 parts. We had our 13 appropriation bills, and with the help of everyone in this House on both sides of the aisle, and every member of the Committee on Appropriations, we succeeded in passing all 13 of our appropriation bills through the House by July 30. Only one of our bills has been signed into law. That is the bill that appropriates the money for the Department of Agriculture.

We have now at the White House ready for consideration by the President and for his signature the energy and water development bill, the District of Columbia bill that, with the House action this morning, is now being sent back following the President's veto. Other bills that are ready include the military construction bill, and the VA, HUD and independent agencies bill. House action on the Interior bill this morning makes this bill ready for Senate concurrence prior to presentation to the President.

Mr. Speaker, we also have conference reports filed and pending for House action on the bills that appropriate the money for the Departments of Commerce, State, and Justice; for the Department of Transportation; and for the Department of Treasury and the Post Office.

There are two bills, Mr. Speaker, that are still in conference of the 13 bills that I just mentioned.

We have Labor, Health and Human Services, and Education, which goes into conference today at 3 o'clock. The Defense conference started yesterday, Mr. Speaker. It began at 2 o'clock.

We also have the foreign operations and the legislative branch appropriations bills that have not been acted on in the other body.

House Joint Resolution 553, the measure before the House, would continue Government operations through October 5 at rates that would be the lower of the House bill, the Senate bill, or the current rate.

Mr. Speaker, this is a clean CR. It should be adopted, and we recommend its adoption by the House.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this continuing resolution, which is backed also by the administration. We have a statement of administration policy to that effect.

As my dear friend, the acting chairman, the gentleman from Kentucky [Mr. NATCHER] has explained, the fiscal year begins tomorrow and all the bills are not yet in place. It is our hope and expectation that they soon will be. That is why this CR is cleaner than a hound's tooth and runs only until the fifth. None of us wants to see an extended continuing resolution. We are hopeful that the authorizing committees that are still completing their work product will complete their work product in order that we might complete all the rest of the appropriation bills.

Mr. Speaker, the gentleman from Kentucky [Mr. NATCHER], as he always does, has done an excellent job of informing the House on the content of the resolution. There is no need for me to repeat it. I, therefore, Mr. Speaker, urge the adoption of the resolution.

Mr. WHITTEN. Mr. Speaker, fiscal year 1993 begins tomorrow. We have not yet completed action on all 13 appropriations bills.

The Committee on Appropriations began hearings on the fiscal year 1993 appropriations bills on January 23, 1992. Our committee took testimony from over 5,600 witnesses on 254 hearing days, which was printed in 90 hearing volumes, over 99,500 pages.

All 13 bills passed the House by July 30 by substantial margins. These bills were all within the committee's allocation pursuant to the current budget resolution. The Senate has passed all but two bills.

The committee's action continues to result in reduced spending. Since 1945, the committee has held the total of all appropriations bills $188.8 billion below the total requested by Presidents.

One bill has been signed into law. Conferees have concluded action on eight other bills. Two other bills are in conference, and the final two are awaiting initiation of conference pending completion of Senate action. We will not be able to complete work on these last four bills before tomorrow.

We need a short-term continuing resolution to keep the Government operating until action on the remaining bills is completed. House Joint Resolution 553 keeps the Government operating through October 5. It continues programs under 1992 terms and conditions at: First, the lower of House or current rate for bills passed only by the House; or second, the lower of House, Senate, or current rate for bills passed by both the House and the Senate.

No extraneous issues are included in this resolution. The provisions of this continuing resolution apply only until October 5, 1992, or until the regular annual appropriations bills are enacted into law, whichever one comes first.

Mr. Speaker, I want to take this time to compliment the members of the committee for the work done this year and for the way they have done it. I also want to thank the staff of the committee—each and every one—all who have worked hard and well all year long—those who do the typing as well as those who talk with us and their Senate counterparts throughout the process.

I recommend the adoption of this resolution so that the Government does not have to close. We need the additional time provided by this CR to complete our few remaining appropriations bills.

Mr. Speaker, I yield back the balance of my time.

Mr. NATCHER. Mr. Speaker, we urge adoption of the resolution. I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. Pursuant to House Resolution 580, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 300, nays 104, not voting 28, as follows:

[Roll No. 440]

YEAS—300

Abercrombie
Ackerman
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Bateman
Beilenson
Bennett
Bentley
Berman
Bevill
Bilbray
Blackwell
Bliley
Boehlert
Bonior
Borski
Boxer
Brewster
Brooks
Browder
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeLauro
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hughes
Hutto
Hyde
James
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickle
Price
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Rinaldo
Roe
Roemer
Rogers
Ros-Lehtinen
Rostenkowski
Roukema
Rowland
Roybal
Sabo
Sanders
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schumer
Serrano
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Solarz
Spratt
Stallings
Stark
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tanner
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Waters
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Young (FL)

NAYS—104

Allard
Allen
Archer
Armey
Baker
Barrett
Barton
Bereuter
Bilirakis
Boehner
Broomfield
Bunning
Burton
Callahan
Camp
Coble
Costello
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Ewing
Fawell
Fields
Gekas
Gillmor
Goss
Hancock
Hansen
Hastert
Henry
Herger
Hobson
Holloway
Hopkins
Hubbard
Hunter
Inhofe
Jacobs
Johnson (CT)
Johnson (TX)
Lagomarsino
Lewis (CA)
Lewis (FL)
Marlenee
McCandless
McEwen
Miller (WA)
Molinari
Moorhead
Nichols
Nussle
Packard
Pallone
Paxon
Pease
Penny
Petri
Pickett
Porter
Poshard
Pursell
Quillen
Ramstad
Ridge
Riggs
Ritter
Roberts
Rohrabacher
Roth
Russo
Sangmeister
Schaefer
Schroeder
Schulze
Sensenbrenner
Shays
Shuster
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Walker
Walsh
Weber
Weldon
Young (AK)
Zeliff
Zimmer

NOT VOTING—28

Alexander
Barnard
Boucher
Brown
Chandler
DeFazio
Dymally
Edwards (OK)
Ford (TN)
Gilman
Gingrich
Hatcher
Huckaby
Ireland
Livingston
Manton
Martin
McCrery
McCurdy
Olin
Perkins
Rose
Smith (FL)
Staggers
Tallon
Tauzin
Washington
Yatron

□ 1304

Mrs. SCHROEDER, Mr. RITTER, and Mr. MILLER of Washington changed their vote from "yea" to "nay."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 11, REVENUE ACT OF 1992

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11) to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of tax enterprise zones, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Illinois?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. ARCHER

Mr. ARCHER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ARCHER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 11, be instructed to disagree to sections 3102 and 3103 of the Senate amendment.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my motion to instruct conferees on H.R. 11 is an attempt on the part of Republicans in the House to increase the possibility that the conference report on H.R. 11 will result in a bill the President can sign into law.

I must admit that the motion provides no guarantee, only an improved chance for success. None of us know at this point what the final conference product might contain which could prompt a veto. I am confident, however that a veto will occur if the Senate's extension of the personal exemption phaseout and cut in itemized deductions remain in the bill.

When this process started in the wake of the Los Angeles riots, it was viewed by proponents as an urban relief package designed to stimulate economic activity in depressed areas in order to reduce pressures that contribute to urban unrest.

The centerpiece of that effort was the enactment of the President's $2½ billion enterprise zone initiative, but that was just the starting point.

By the time the Ways and Means Committee finished its work, the House bill contained a series of other popular items.

Extension of expiring tax provisions, repeal of the so-called luxury tax, changes in the passive-loss rules for real estate, modification of corporate alternative minimum tax provisions, additional spending on welfare and the JOBS program, a credit for employers to offset FICA taxes paid on tips, and other provisions which enjoy broad bipartisan support in this Chamber.

But those provisions did not come without a price. All that added up to some $19.6 billion in spending and tax reductions which was mostly offset by some $19.1 billion in tax increases and other revenue raisers.

By the time the Senate finished its work, the cost of the bill had skyrocketed to $36.6 billion, mostly offset by $36.1 billion in tax increases and other revenues. Christmas arrived a bit early in the other body, and the tax-and-spend policies of its majority were resoundingly reaffirmed.

Even without the onerous cuts in personal exemptions and itemized deductions in the final conference report, there is no certainty that conferees will be able to develop a bill that can be signed into law.

The size of the overall package certainly will have a bearing on the President's decision, as well as whether the conference report contains other tax increases the President cannot endorse.

Much will depend upon how the conference will proceed. The chances of its success may hinge upon the extent to which the majority leadership decides to involve House and Senate Republicans and the administration in shaping a compromise.

We are certainly willing to help make the attempt, if we are allowed to do so, and given a voice in a sincere attempt to send the President a bill he can sign.

I would sound a word of caution on that note. We Republicans have no interest in merely providing political cover in some grand scheme designed to embarrass the President. Hopefully, that is not what this exercise is all about.

Chairman ROSTENKOWSKI has expressed his personal interest in sending the President a bill he can sign. I respect that position, I appreciate it, and I hope that other conferees will share that commitment.

Based on the Senate vote to phaseout personal exemptions and cut itemized deductions last week, I have my doubts. The majority in the Senate seems far less inclined to achieve that worthy goal. That is why this motion to instruct is an important step in the direction of crafting a signable bill.

It underscores the clear House position which calls for no extension whatsoever, permanent or temporary, of the personal exemption phaseout and cut-in itemized deductions.

We should maintain that clear position and insist upon it adamantly in conference. I urge adoption of the motion to instruct conferees.

Mr. Speaker, I reserve the balance of my time.

□ 1310

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to point out that the House passed H.R. 11 by 300 votes last July, without these two provisions in it. I have only 1 objective in conference—and that is to get a bill to the President that he can sign. If passage of this motion will facilitate that goal, I have no objection to the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TORRES). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARCHER].

The motion was agreed to.

A motion to reconsider was laid upon the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees and reserves the right to appoint additional conferees and to specify terms of their appointment: From the Committee on Ways and Means, for consideration of the House bill, and the Senate amendment, and modifications committed to conference; Messrs. ROSTENKOWSKI, GIBBONS, PICKLE, RANGEL, STARK, ARCHER, VANDER JAGT, and CRANE. Provided, that solely for consideration of sections 6211–14 and 7101–62 of the House bill, and sections 6211–14, 7101–77, and 7180–81 of the Senate amendment, Mr. DOWNEY is appointed in lieu of Mr. STARK and Mr. SHAW is appointed in lieu of Mr. CRANE; that solely for consideration of sections 6201 and 7001–14 of the House bill and sections 6201, 7001–06, 7178, and 7179 of the Senate amendment, Mr. JACOBS is appointed in lieu of Mr. STARK and Mr. BUNNING is appointed in lieu of Mr. CRANE; that solely for consideration of sections 2171–85, 6220–51, and titles XIV–XVI of the Senate amendment, Mr. GRADISON is appointed in lieu of Mr. CRANE; and that solely for consideration of title V of the House bill, and title V of the Senate amendment, Mr. SCHULZE is appointed in lieu of Mr. CRANE.

There was no objection.

UNITED STATES–CHINA ACT OF 1992—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto of the President on the bill (H.R. 5318) regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes.

The question is, will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 1 hour.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 30 minutes to the gentleman from Texas [Mr. ARCHER], the ranking member of the Committee on Ways and Means, and I ask unanimous consent that he be allowed to allocate the time to his membership.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the President's veto of H.R. 5318.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge my colleagues to override the President's veto of H.R. 5318, the China most-favored-nation conditionality bill. As all Americans know, the hard-line leadership of China brutally suppressed a peaceful demonstration for democracy in June 1989. Since then, the House has voted numerous times for legislation to increase pressure on the Chinese Government to improve its behavior in the areas of human rights, trade, and weapons nonproliferation. At each stage, the administration said that such legislation was unnecessary. They said the Chinese hard-liners would be won over by diplomatic persuasion, rather than by hard and fast legislative requirements. They are still saying the same thing, as is evidenced by the President's most recent veto of H.R. 5318.

Let me make it clear that I do not want to isolate China from the positive influences of Western democracies, nor undermine the influence of the growing moderate, free-market forces within China. For that reason, H.R. 5318 has been carefully crafted to establish objectives that the Government of China can reasonably meet, in order to retain its most-favored-nation status. Indeed, this bill provides for less sweeping sanctions and greater Presidential flexibility than did a similar bill vetoed by the President earlier this year.

In this regard, H.R. 5318 establishes a number of new but reasonable human rights, trade, and weapons nonproliferation conditions—in addition to those contained in current law—which China must meet in order for the President to recommend a continuation of China's most-favored-nation status in 1993. However, if China fails to satisfy these conditions, most-favored-nation treatment will only be withdrawn for those Chinese exports to the United States that are produced or exported by Chinese state-owned enterprises. Exports from businesses or joint ventures that are not state-owned would continue to receive most-favored-nation treatment.

Mr. Speaker, those opposed to this bill have argued that the behavior of China's leaders has improved recently and that enactment of this bill will be counterproductive. I do not agree that the administration's current policies are working. Too many Tiananmen Square demonstrators remain unaccounted for. Negotiations to open China's restrictive trade practices have not made significant progress. Reports continue to surface about possible sales of Chinese missiles to volatile regimes around the world.

Mr. Speaker, the House of Representatives approved H.R. 5318 by a vote of 339-62 on July 21, 1992. This bill was drafted in a way that constructively takes into account objections of the administration to past congressional initiatives in this area. For that reason, I am disappointed that the President still saw fit to veto the bill. However, I believe now, more than ever, that enactment of this bill will send the right message to China's leadership—that the United States wants and expects more responsible behavior in the areas of human rights, trade, and weapons nonproliferation, in return for continued free access to the United States market.

Mr. Speaker, I urge my colleagues to join me in voting to override the President's veto of H.R. 5318.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the debate on this measure has been endless. The question is whether the Congress will dictate to an unwilling President the content of United States foreign and economic relations with China. I believe the answer should be a resounding "no."

The confrontation between the President and the Congress over H.R. 5318—which would impose stringent new conditions on trade with China and likely bring the trading relationship to a halt—serves only to undermine United States influence over that vast and strategically important country. It demonstrates that Congress only wants to dictate and refuses to work with the President to achieve a unified and effective China policy.

The Framers of our Constitution clearly recognized that the President must be the leader of foreign policy. They gave Congress the lead on foreign trade. However, in our complicated world these two objectives cannot be achieved independently. To be effective, United States policy toward China must not only be coherent at home but coordinated with our major allies abroad.

Under the leadership of President Bush—whose experience in dealing with China is unmatched—the United States has made a tremendous impact on China.

Through trade and the pursuit of clear foreign policy objectives, we continue to have an important influence on China's behavior toward its citizens, the direction of its economy, and its cooperation in international organizations.

☐ 1320

H.R. 5318 ignores those successes in favor of focusing only on areas needing improvement. It punishes United States businesses that have risked much to penetrate the Chinese market and to become a part of that emerging economy. The President is right to veto this legislation.

Our goal as a Congress should be to work with the President to develop a unified policy toward China that is realistic and effective—one that reinforces our own economic and foreign policy interests. We have worked at cross-purposes long enough.

Mr. Speaker, I urge my colleagues to vote "no" on the question of repassing H.R. 5318, the objections of the President notwithstanding. The responsible thing to do is to stand beside the President and sustain his veto of this destructive legislation.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 7½ minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

I also want to commend him for bringing this legislation to the floor, giving us this opportunity for the veto override. His speech today spelled it all out very well. I just want to add some additional comments to it, as well as speaking for some of our colleagues who will not be able to have time on the floor today.

Mr. Speaker, I rise today in support of the override of the President's veto of H.R. 5318, legislation authored by our esteemed colleague, Representative PEASE, to condition most-favored-nation [MFN] trading status for China. Unfortunately, this House is once again faced with a Presidential veto of a China bill that has received overwhelming bipartisan support in this Chamber.

The President should have signed this bill for two reasons, I believe. First, the bill was carefully crafted to strengthen China's growing private sector. It focuses economic pressure directly on the Chinese regime by conditioning MFN for state enterprises only.

This is a difference in the bill from previous attempts to condition MFN. It responds to the concerns of businesses who have said that we might stifle the growth of private sector business and joint ventures there and exempts them from any action of this bill.

The second reason I believe the President should have signed this bill is that it responds to a Chinese regime that has been emboldened by its political successes since the Tiananmen Square massacre. At that time when we objected to their actions, the Chinese regime said the United States is a paper tiger. We will do whatever we want and they will respond to us because of business.

This month, China announced it would sell a nuclear reactor to Iran. In response to the administration's sale of F-16's to Taiwan, it also pulled out of U.N. arms talks aimed at stopping nuclear proliferation. To appease the Chinese, the administration then responded to these dangerous developments by approving a sale of satellite technology long desired by the Chinese regime, which has military applications.

Then, on September 25, China conducted an underground nuclear explosive test at their Lop Nor test site. The explosion was apparently of a relatively low yield, about 1-20 kilotons TNT—the nuclear bomb dropped on Hiroshima had a yield of 12 kilotons TNT. Some experts believe that the test was either part of an ongoing effort to modernize China's weaponry, or was related to the design and reliability of the fission triggers to China's thermonuclear weaponry. If the initial reports were correct, the testing configuration was also suitable for conducting experiments on the effects of nuclear explosives on military equipment.

I take the time to mention this, Mr. Speaker, because this vote, I mentioned there were two reasons why the President should have signed it, one, that the bill is more focused, and two, that the conditions in China have worsened because of the arrogance of the Chinese regime. Every Member who says they want to vote with the President on this has to remember that he or she must answer for his or her own vote when we are talking about nuclear proliferation.

I am just mentioning that these are just a few examples of how China is escalating regional and global tensions.

Mr. Speaker, at this point I will submit into the RECORD a more comprehensive list of China's nuclear and missile proliferation activities over the past 18 months.

CHINESE NUCLEAR AND MISSILE PROLIFERATION

(Compiled by Jon B. Wolfsthal, Arms Control Association)

September 11, 1992.—Bush grants export waivers allowing China to launch six U.S. satellites (or satellites with U.S. components). Certification includes a determination that China is obeying the guidelines of the Missile Technology Control Regime (see November 1991). State Department briefing.

September 11, 1992.—PRC to build 300 megawatt nuclear reactor for Iran. Would improve Iranian nuclear know-how that could indirectly aid in the development of nuclear weapons. The New York Times, 9/11/92, Elaine Sciolino.

May 10, 1992.—Installation of a Chinese-supplied 300 megawatt reactor in Pakistan had begun and the reactor was expected to begin operation in 1998. Pakistan is not a member of the NPT and is suspected of having nuclear weapons. JPRS Proliferation Issues.

April 10, 1992.—China has agreed to sell Syria a nuclear research reactor. JPRS Proliferation Issues.

March 10, 1992.—China accedes to the Nuclear Nonproliferation Treaty. Obligates China not to assist non-nuclear-weapon states acquire nuclear weapons. IAEA Press Release.

July 30, 1992.—China is negotiating the sale of nuclear power plants to Iran, Egypt, and Bangladesh. United Press International.

March 1992.—China reportedly sold India at least 130 tons of heavy water between 1982 and 1987. Nuclear Fuel, 2/17/92.

February 1992.—It was reported that China shipped at least 60 metric tonnes of unsafeguarded heavy water, useful in the production of plutonium, to Argentina between 1981 and 1985. Nucleonics Week, 2/13/92 and the Christian Science Monitor, James Tyson, 3/10/92.

January 31, 1992.—U.S. intelligence reports indicate China, in violation of its pledge to abide by the Missile Technology Control Regime (MTCR) has exported to Syria 30 tons of chemical used in the production of solid-rocket motors for missiles. The New York Times, 1/31/92.

January 22, 1992.—Defense Intelligence Agency Director, General James Clapper, reports to SASC "China is currently assisting many of the nations that we estimate will acquire a ballistic missile capability by the end of the decade."

January 1, 1992.—China announced that it will sell Pakistan a 300 Megawatt nuclear reactor. China is believed to assisted Pakistan in its nuclear weapons development program. The deal was signed in November, 1989. The Washington Post, January 1, 1992, Steve Coll and Nucleonics Week, November 23, 1989.

November 14, 1991.—The Bush Administration acknowledged the Iranian-Chinese nuclear link even though it had assured congress earlier that no such link existed. Aviation Week and Space technology, November 4, 1991. (Richard Soloman Ass't. Sec of State and Carl Ford, Dep. Ass't Sec. Defense before SFRC, Oct. 30, 1991.)

November 5, 1991.—China admits to nuclear deal with Iran. Foreign Ministry statement: "Chinese and Iranian companies signed commercial contracts * * * in 1989 and 1991" for China to provide the Iranians "with a electromagnetic separator [calutron] for producing isotopes and a mini-type reactor * * *" While neither piece of equipment could be directly used in a nuclear weapon program, the technology could be adapted for such use. This admission contradicts press statement of August 2, 1991 (see below). Philadelphia Inquirer, November 5, 1991.

November 1991.—China verbally agrees to abide by the terms of the MTCR in exchange for the U.S. dropping sanctions against the Chinese launch of U.S. satellites. Sanctions were imposed by the U.S. over China's missile proliferation activities.

September 30, 1991.—PRC is accused of aiding India nuclear weapons development program. PRC is also believed to have given India heavy water, which could have aided in India's nuclear weapons program. The Washington Post, September 30, 1991.

August 2, 1991.—In a letter to the Washington Post, the Chinese Press Counselor to the PRC embassy in Washington states "China has struck no nuclear deals with Iran." The Washington Post, 7/2/91.

May 5, 1991.—Iraq reportedly acquired 1.8 metric tonnes of low-enriched uranium from China. Such material could have significantly decreased the time Iraq would have needed to develop nuclear weapons.

May 2, 1991.—Up to 15 Iranian nuclear scientists have undergone training on nuclear reactor design and research in China under a secret Iranian-PRC nuclear cooperation agreement. Nucleonics Week, May 2, 1991, Mark Hibbs.

April 1991.—China denied it had supplied Algeria with a 10 megawatt nuclear research reactor and then, later, admitted to the sale. The reactor will be put under IAEA safeguards. Nucleonics Week, April 18, 1991, Mark Hibbs.

China has made little progress on human rights, a fact which even the President admits. He continues to argue, however, that his failed policy is working. But look at the reality. Last month, China's rulers promised that Chinese scholars studying abroad could return home without fear of arrest. Two weeks later, the regime arrested Shen Tong, a prominent prodemocracy activist who returned home to Beijing in order to promote democratic reform from within. They also arrested two other dissidents along with Shen Tong and we have reliable reports that at least three of the people who met with Shen Tong in South China have also been arrested.

No information has been released on the whereabouts and condition of the arrested dissidents.

For the RECORD, I will submit some of the actions Shen Tong's mother has taken for his release. Basically it comes down to the regime saying "so what," to her.

In August, just weeks after China signed an agreement with the administration promising to stop the use of prison labor to make goods for export, Asia Watch released documents proving that labor camps in Lingyuan Province were not only producing exports, but also brutally torturing prodemocracy activists. There is also growing concern about the failing health of and the lack of medical attention to the prodemocracy activists.

As the administration struggles at the negotiating table to get the Chinese to lower tariff barriers to American products, China's trade surplus with the United States continues to grow. It is already 64 percent higher than last year, and may reach $20 billion by the end of 1992, while America's workers face layoffs here at home.

Even if you could forget, Mr. Speaker, which I doubt we can, the human rights violations, and even if we could ignore the nuclear proliferation, to your own peril, how can we explain to American workers how this Congress of the United States can allow China to block our products going into their market?

As I mentioned, it could go to $20 billion this year. That is going in the wrong direction; $6 billion in 1989, $9 billion in 1990, $12 billion in 1991, and perhaps up to $20 billion this year, while America's workers face layoffs here at home.

It is clear that, despite the President's much-acclaimed personal relationships with China's leaders, diplomatic efforts have not produced significant results since Tiananmen Square. The Chinese hard-liners know that although MFN gives them the hard currency they need to stay in power, this administration will not use it as leverage. As long as this situation continues, the regime has little incentive or reason to respond to U.S. concerns about nuclear proliferation, unfair trade practices, and the denial of basic freedoms.

Mr. Speaker, it is hard to defend a vote in support of the President when the evidence is so clear that because of China, the world is a more dangerous place, American workers are losing their jobs and those struggling for freedom and democracy in China are being suppressed.

Yesterday, I had the honor of meeting with Han Dongfang, a leading China labor leader and prodemocracy activist, and I will submit for the RECORD in the interest of time the conversation that I had with him.

H.R. 5318 is the right approach to our diplomatic impasse with China.

The gentleman from Texas mentioned that Congress is trying to take some of the President's jurisdiction by helping to make foreign policy, but in fact issues of trade are the jurisdiction of this Congress of the United States, and I do not believe we should abdicate our jurisdiction in that regard.

The bill of the gentleman from Ohio [Mr. PEASE] demonstrates our strengthened resolve to use our economic leverage for a safer world, fairer trade, and a freer political climate in China.

Mr. Speaker, I strongly urge my colleagues to override the President's veto and make this bill become law.

I again thank the chairman of the committee and commend the gentleman from Ohio [Mr. PEASE] for their leadership on this important legislation. It is smart legislation.

I urge my colleagues again to make this law of the land.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE], a distinguished member of the Committee on Ways and Means.

Mr. CRANE. Mr. Speaker, I thank my distinguished vice chairman of the Committee on Ways and Means for yielding time to me on this important subject.

Mr. Speaker, once again we face the President's veto of a thoroughly objectionable bill designed to abolish all reasonable trade relations with China. The President has consistently opposed such short-sighted, if well-intentioned, legislation. Last year a similar bill also was vetoed and the veto was sustained. This year the same outcome is expected.

What have we gained by this process of confrontation? The battle perhaps has intensified the spotlight on unacceptable Chinese practices, but it has done little to affect them. On the other hand, the President's policy of employing targeted sanctions, trade law actions, and concerted joint efforts with our allies has resulted in measurable success.

Taiwan's membership in the GATT is now moving forward with Chinese cooperation. China has acceded to the Nuclear Nonproliferation Treaty and other technology control guidelines. The United States is confronting China, under a section 301 case, on China's restrictive trade practices. China has supported United States positions in the United Nations and has aided peace efforts in Cambodia.

As recently as this week, China has announced that it will slash output quotas and redirect its central planning toward market principles, under the leadership of pro-reformists. United States businesses continue to be active in the Chinese market and provide an unparalleled example of the benefits of free market principles and respect for human rights.

All these examples demonstrate what the United States can achieve through concerted and coordinated efforts. They also show what the United States stands to lose if we remove MFN and retreat from all trade with that country. The specter of an isolated China, intensified human rights abuses, and a crushed Hong Kong economy is real.

If we pass H.R. 5318 over the President's veto, we will reverse all our hard-fought efforts to bring China into the mainstream of world economic, foreign policy, and human rights practices. We will be turning our backs on Taiwan, Hong Kong, and the coastal regions of China where market forces have thrived.

Mr. Speaker, H.R. 5318 is misguided legislation that will imperil the relationship between the United States and China. The President was right to veto it. Congress should instead work with the President to develop a unified policy toward that important nation and to stand together in holding China responsible for its actions.

Mr. Speaker, this legislation does nothing to force China to be responsible for the leadership position it has taken in the world. It only undermines our own interests. I urge my colleagues to vote "no" on the question on the question of passing H.R. 5318 over the objections of the President.

□ 1330

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. PEASE], the sponsor of this legislation.

Mr. PEASE. Mr. Speaker, I rise today to urge my colleagues to vote to override the President's veto of the United States-China Act of 1992. This legislation does use trade as leverage to bring about positive change in China's human rights and weapons nonproliferation policies. The bill also links MFN to China's dispensing with unfair trade practices such as transshipment.

There are those who argue that in utilizing such linkage, the United States Government runs the risk of provoking a hard-line retaliatory reaction from Beijing. In my view, this assertion does not hold water.

I view United States-China trade relations as somewhat akin to a game of commercial chicken between two national players. Consider, if you will, the relative bargaining power of each, that is, what each stands to win and what each stands to lose.

China stands to gain 1 more year of preferential trading rights with the market that will generate as much as $20 billion in hard currency this year.

The People's Republic of China stands to lose a good portion of this money, since retaliatory action against the United States would result in the reimposition of significantly higher, non-MFN tariff rates.

If the United States wins this game, we look forward to a commercial alliance with the Chinese based on fair, rather than unfair trading practices. Also, if China moves in the direction of political and social reform as suggested by this bill, Washington will most certainly see a surge in entrepreneurial activity similar to what we are witnessing in the south provinces.

Finally, if China were persuaded to honor its commitments to nonproliferation of weapons, the United States would gain the peace of mind that comes with containment of lethal nuclear technology.

It is hard to pinpoint a down side for the United States to the passage of this bill. The conditions in this measure are reasonable and achievable and the President is given more than adequate wiggle room in determining whether they have been met.

In sum, if I were a betting man, I would be placing my wager on the United States to win. Vote to support passage of H.R. 5318.

Mr. MARKEY. Mr. Speaker, today, Congress has the opportunity to override the President's veto of H.R. 5318, a bill to place conditions on most-favored-nation [MFN] status for China. A vote to override the veto is a bipartisan vote for democracy and the nonproliferation of illegal missile and nuclear weapons.

Contrary to the President's claims, H.R. 5318, would ensure that China make overall significant progress in three specific areas of human rights, trade, and weapons nonproliferation.

I have always firmly believed that United States must take a stand with the octogenarian leaders of China. Now more than ever, I stress the importance of this legislation. Recently, prodemocracy activist Shen Tong, a graduate of Brandeis University and a resident of my district, was arrested by the Chinese Government. He returned to China only after Chinese officials had promised that prodemocracy activists would not be prosecuted for their participation in the Tiananmen Square democracy movement. But shortly after he arrived, Shen Tong was arrested and was thrown in prison. Is this the so-called progress in human rights that has taken place in China?

How about in the area of missile and nuclear weapons proliferation? What progress has China made in preventing the spread of these weapons of mass destruction? Let's review China's record:

Provided nuclear facility design information and nuclear technical training to Iran, including a recent sale of a 300-megawatt nuclear reactor;

Supplied Syria with a nuclear research reactor;

Negotiated the sale of nuclear power plants to Egypt and Bangladesh;

Exported to Syria 30 tons of chemicals used in the production of solid-rocket motors for missiles, violating the missile technology control regime;

Continued to aid Pakistan's covert nuclear weapons program, including providing nuclear materials, nuclear weapons design information, and critical information about nuclear reactor technology;

Aided India's nuclear weapons development program, and transferred unsafeguarded heavy water;

Sold enriched uranium to both Iraq—significantly decreasing the time Iraq would have needed to develop nuclear weapons—and Brazil;

Trained up to 15 Iranian nuclear scientists on nuclear reactor design and research in China under a secret Iranian-People's Republic of China nuclear cooperation agreement;

Supplied nuclear reprocessing technology to North Korea;

Obtained highly sensitive nuclear weapons secrets from the Lawrence Livermore National Laboratory, and;

Announced that they will not take part in the next session of nonproliferation talks with the United States, Russia, Britain, and France.

The United States has given China every opportunity to improve their record—including allowing China to accrue a favorable trade surplus of over $20 billion in 1992—a surplus that many argue is the result of prison labor and other illegal trade practices.

It is time for the United States to send China a clear message that it will not tolerate their antidemocratic and reckless behavior. By placing conditions on MFN, we can demonstrate not only our commitment to human rights and open emigration, but renewed American leadership in halting the spread of nuclear weapons.

Once again, I urge you to vote to override the President's veto of H.R. 5318. This legislation will help to ensure the safety and future of all our constituents from the tyranny of the Butchers of Beijing.

Mrs. UNSOELD. Mr. Speaker, with his veto of H.R. 5318 in the waning hours of September 28, the President again placed America on the wrong side of history and in opposition to our founding principles. Let us send the message once again that the vast majority in this House stand with those who are fighting for freedom in China and in Tibet.

For the third time Congress has passed a bill which would condition the renewal of most-favored-nation trade status for China on the curtailing of human rights abuses by the Beijing Government. It allows them time to take a few limited steps to avoid an interruption of normal trade ties. It is designed to use the leverage created by our sizable trade deficit—expected to reach $20 billion this year—to bring about positive change.

Those of us who believe in fighting for human rights will not give up. If we fail this week, NANCY PELOSI and others will be back to lead this battle again in 1993. Hopefully, we will have a new occupant in the White House, someone who doesn't just pay lipservice to a new world order but seeks to build one.

It saddens me when the President of the United States does nothing as a group of aging despots trample upon the fundamental rights of one quarter of the world's population. The principles of freedom and justice are universal and should not be sacrificed at the cynical and outdated altar of balance-of-power politics. Neither should they be sacrificed to guard an export market for grain or airplanes or to protect the importation of cheap clothing. That is not an appropriate way to celebrate the 200th anniversary of our Bill of Rights.

We all need to listen to our own rhetoric from the last few years. Freedom really is busting out all over the place. It has been a part of the American ethos that democracy and freedom will ultimately triumph in this world, and in our time more than in any other our faith in freedom and human nature has been proven correct. Now, at the brink of this remarkable moment in world history, are we suddenly to cower and shrink away? That is what we will be doing if we turn our backs on the brave men and women in China and Tibet who risked their lives for freedom.

When freedom comes to China and Tibet, and it will come, will those who have fought for it say they were strengthened during their years of struggle by the knowledge that America stood with them? Or will they tell their children the United States cannot be trusted to stand up for principle? Vote for the future. Vote for freedom and principle. Vote to override the President's veto.

Mr. ARCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. TORRES). The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 345, nays 74, answered "present" 1, not voting 12, as follows:

[Roll No. 441]

YEAS—345

Abercrombie
Ackerman
Allen
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Bacchus
Ballenger
Barton
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Camp
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Cox (CA)
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gejdenson
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Jenkins
Johnson (TX)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Mavroules
Mazzoli
McCloskey
McCollum
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moorhead
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Petri
Pickle
Porter
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traxler
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Walker
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (FL)
Zeliff
Zimmer

NAYS—74

Allard
Anderson
Applegate
Archer
Armey
Baker
Barrett
Bateman
Boehner
Broomfield
Callahan
Campbell (CA)
Clinger
Crane
Davis
DeLay
Dickinson
Dreier
Ewing
Fawell
Gaydos
Gekas
Gillmor
Goss
Gradison
Grandy
Hammerschmidt
Hansen
Hastert
Johnson (CT)

Johnson (SD)
Kolbe
Kopetski
Leach
Lent
Lewis (CA)
Lightfoot
Livingston
Lowery (CA)
Marlenee
Martin
Matsui
McCandless
McDade
Michel
Miller (OH)
Montgomery
Myers
Nichols
Nussle
Oxley
Packard
Peterson (MN)
Pickett
Pursell
Quillen
Roberts
Roe
Roemer
Roth
Shays
Shuster
Smith (IA)
Smith (OR)
Stump
Sundquist
Thomas (CA)
Thornton
Vander Jagt
Vucanovich
Weber
Williams
Wylie
Young (AK)

ANSWERED "PRESENT"—1

Traficant

NOT VOTING—12

Alexander
Barnard
Coughlin
Dymally
Edwards (OK)
Ford (TN)
Gephardt
Huckaby
Ireland
McCrery
McCurdy
Staggers

□ 1359

Mr. BARRETT changed his vote from "yea" to "nay."

Mr. JOHNSON of Texas, Mr. LEWIS of Florida, and Mr. KASICH changed their vote from "nay" to "yea."

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TORRES). The Clerk will notify the Senate of the action of the House.

□ 1400

PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION ACT OF 1992

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3006) to provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Texas?

Mr. FISH. Mr. Speaker, reserving the right to object, I do so for the purpose of asking the distinguished chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], to explain the provisions of S. 3006.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, the purpose of this unanimous-consent request is to take up the Senate version of legislation to permit the expeditious disclosure of records related to the assassination of President John F. Kennedy, adopt this Senate version, and send it to the President. The Members will recall that the House passed its version of this legislation, House Joint Resolution 454, on August 12, 1992.

Mr. Speaker, the principal difference between the House and Senate versions of this legislation relates to the method of appointment of the Board which would be established to review documents related to the JFK assassination. The House bill was drafted to deal with the cloud cast over the initial presidentially appointed Warren Commission by establishing an independent panel, appointed by the Federal judiciary, in order to remove any possible political taint. The Senate bill, on the other hand, included a provision, which is supported by the administration, permitting the President to appoint the members of the Review Board, with Senate confirmation.

Mr. Speaker, I am making this request to adopt the Senate bill with some misgivings. I certainly would not be making this request if I thought that in doing so the House was lending any credence to the spurious arguments of the administration, calling into question the constitutionality of the appointment process which was contained in the House bill. This matter has been laid to rest by the Supreme Court, and the arguments are rebutted in the Judiciary Committee's report on House Joint Resolution 454 (H. Rept. 102–625, Pt. 2). While I think it is unwise to replicate the very appointment procedure which has unleashed the public outcry for the JFK records, I will not permit petty posturing to deflect us from the higher goal of securing public access and official accountability.

Mr. Speaker, other Members of the House who have played a part in fashioning this legislation including Mr. MOAKLEY, Mr. STOKES, Mr. ROSE, and Mr. CONYERS, also have some concerns about specific provisions in the Senate bill. But, like me, they are committed to achieving an enacted law before the end of this Congress. I commend them for their cooperative attitude in moving this legislation along.

Mr. FISH. Mr. Speaker, further reserving the right to object, I do so in order to yield to the gentleman from New York [Mr. HORTON], the distinguished ranking member of the Committee on Government Operations.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. HORTON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of S. 3006, the President John F. Kennedy Assassination Records Collection Act of 1992, which establishes procedures for the release of assassination records. This bill is virtually identical to legislation which was originally passed by the Committee on Government Operations, on which I served as the ranking minority member.

I want to take this occasion to commend the chairman of our committee, the gentleman from Michigan [Mr. CONYERS], for his indulgences and for holding the hearings, and for expeditiously moving this bill out of the Committee on Government Operations. He asked me in his absence today to indicate his support for this legislation.

It has been almost 30 years since that tragic day in Dallas. I was serving my freshman term in the House of Representatives that year. I could not have guessed that 30 years later—in my final term in the House—we would still be debating the circumstances surrounding that assassination.

Thirty years has become the more or less standard timeframe to release Government records. But more important, the continuing controversy circling this tragedy—promoted by the release of the movie "JFK"—requires that all appropriate records be released.

Mr. Speaker, I would like to specifically thank the distinguished chairman of the Judiciary Committee, my good friend JACK BROOKS, for his cooperation in moving this bill. Chairman BROOKS had some legitimate concerns, as we have heard over the appointment procedures of the review board, which I fully appreciate, and he should be commended for his spirit of cooperation.

Mr. Speaker, at this point I include for the RECORD, a letter from the Department of Justice dated August 10, addressed to the Speaker, in which it says that:

> I am writing to express the views of the Department of Justice on Senate 3006, the "President John F. Kennedy Assassination Records Collection Act of 1992," as passed by the Senate * * *. We are pleased to report that we would recommend that the President sign this bill.

Then it continues in the final paragraph, "The Office of Management and Budget has advised that there is no objection to this report from the standpoint of the administration's program."

I would also like to point out that during 3 days of hearings in our Committee on Government Operations no one person, including administration witnesses, objected to the purposes of this bill. In fact, the administration has specifically supported the bill. After 30 years, I hope this matter can finally be put to rest.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, August 10, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing to express the views of the Department of Justice on S. 3006, the "President John F. Kennedy Assassination Records Collection Act of 1992," as passed by the Senate on July 27, 1992. We are pleased to report that we would recommend that the President sign this bill.

As you may know, the Department expressed serious concerns about earlier versions of this legislation, including H.J. Res. 454. We have worked closely with congressional staff in an effort to address those concerns so that materials relating to the assassination of President Kennedy could be released in a constitutionally appropriate manner. As a result of that process, S. 3006 is a substantial improvement on those earlier versions of the legislation. In particular, we note that the provisions concerning appointment of the Review Board are much improved. In light of this appointment process and other revisions, we urge the House to pass S. 3006.

If you have questions regarding this or any other matter, please do not hesitate to contact me.

The Office of Management and Budget has advised that there is no objection to this report from the standpoint of the Administration's program.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

Mr. FISH. Mr. Speaker, further reserving the right to object, I do so to yield to the distinguished gentleman from Ohio [Mr. STOKES], the driving force and the prime sponsor of House Joint Resolution 454, the legislation that brings us to the floor today.

Mr. STOKES. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I just would like to say that I would like to commend the chairman, the gentleman from Texas [Mr. BROOKS], for the great leadership he has given in the passage of this legislation, and also to commend the gentleman from New York [Mr. FISH] and the gentleman from New York [Mr. HORTON] for their leadership on this matter.

Mr. FISH. Mr. Speaker, further reserving the right to object, I am pleased that this body today is taking up S. 3006, the Senate-passed version of legislation designed to facilitate prompt disclosure of materials relating to the assassination of President John F. Kennedy.

Although major investigations over the years have added volumes of documentation to the public record, the fact that extensive materials remain publicly unavailable leads millions of Americans to ask whether important information is being concealed. Public cynicism toward government can only be tempered by disclosure. We need to resolve doubts about the integrity of our governmental institutions and shed new light—if possible—on the circumstances that led to the commission of a heinous crime.

By accepting the Senate version of this legislation, we endorse an appointment process for members of the Assassination Records Review Board that will avoid a serious potential legal challenge. Judicial appointment of board members—a feature of House Joint Resolution 454—raises significant constitutional concerns. S. 3006's provision for appointment by the President with the advice and consent of the Senate, by contrast, clearly is consistent with the Constitution's allocations of authority to the different branches of our National Government. I believe we act prudently in relying on an appointment process that we can be confident will pass constitutional muster. The safeguards inherent in the involvement of both the executive and legislative branches in the appointment process—which have served our country so well for 200 years—will work well in the context of this legislation.

I am pleased to express my support for final passage of S. 3006.

Mr. CONYERS. Mr. Speaker, in passing the Assassinations Materials Disclosure Act of 1992, today the Congress has taken an important first step in restoring the public's tarnished perception of this institution. By releasing nearly 1 million pages of documents relating to the assassination from the files of the FBI, CIA, Rockefeller and Warren Commissions, and the House Assassinations Committee, the American people will now have the means in their grasp to lift the fog of controversy which has surrounded that tragic day in Dallas, nearly 30 years ago.

At long last, the U.S. Government has come to realize that denying its citizens access to all the facts for fear that they may be unable to handle the truth is a policy which can only breed distrust and suspicion. It is imperative that the people of the America have the opportunity to decide for themselves because ever since the Warren Commission issued its findings on the Kennedy assassination, doubt and confusion have gnawed at the conscience of the American people.

The opening of the assassination files serve two separate, but equally important objectives. First, to restore the American public's faith in their Government to be forthcoming and open about the information they have obtained regarding the circumstances surrounding the death of President Kennedy. Second, by providing access to the facts, to put to an end the ever-increasing theories and speculations about the assassination which have for so long overshadowed a Presidency filled with vision and hope cut short.

The loss of John F. Kennedy's inspired leadership haunts America today, as his vision of common sacrifice for the common good is now far too often displaced by the cynical politics of self-interest and greed. Now, if the President signs this bill, the files will be open, and together as a Nation we can move forward.

I would like to commend my colleagues on their efforts on behalf of this bill. In particular, Mr. HORTON, MR. STOKES, AND MR. BROOKS all deserve recognition for their hard work to make sure this bill becomes law.

Mr. STOKES. Mr. Speaker, I rise in strong support of Senate Resolution 3006, the Assassination Materials Disclosures Act of 1992, the conference report on legislation I introduced earlier this year to expedite release of files pertaining to the assassination of President John F. Kennedy. We would not be here today, acting on this initiative, had it not been for the leadership of certain individuals whose determination to enact this bill this year has been steadfast. Several of my colleagues in the House are deserving of special mention.

First, I want to recognize the distinguished gentleman from Michigan and chairman of the Committee on Government Operations, JOHN CONYERS, for the tireless efforts his committee undertook in deliberating this legislation. I also want to commend the gentleman from Texas [Mr. BROOKS], the distinguished chairman of the Committee on the Judiciary, for the tremendous work put forth to guide this legislation through his committee. The gentleman from Massachusetts [Mr. MOAKLEY], the distinguished chairman of the Committee on Rules, and the gentleman from North Carolina [Mr. ROSE], the distinguished chairman of the Committee on House Administration are also to be complimented for their efforts in assisting in the enactment of this measure. I want to thank these individuals for the many courtesies each of them extended to me throughout this process. I also want to express my sincere appreciation to Speaker FOLEY who, from the very beginning, supported my desire to prepare and to introduce this bill, and whose office helped guide our efforts during the most critical moments.

I want to also recognize the work of our Senate colleagues, the distinguished chairman of the Senate Government Affairs Committee and my personal friend from Ohio, Senator GLENN, for the leadership he showed in guiding this bill through the Senate and the distinguished chairman of the Senate Select Committee on Intelligence, Senator DAVID BOREN, who cosponsored this measure in the Senate.

Mr. Speaker, I would be remiss if I did not take this opportunity to express my deep gratitude to Prof. G. Robert Blakey of the Notre Dame University Law School, the former counsel of the House Select Committee on Assassinations, who worked closely with all parties involved in these deliberations. Let the record show that he graciously contributed his services pro bono.

I also want to express my heartfelt appreciation to the staffs of the House Committee on Government Operations, Committee on the Judiciary, Committee on Rules, the Committee on House Administration, the Senate Government Affairs Committee, and the Senate Intelligence Committee, who along with Leslie Atkinson, Joyce Larkin, and other members of my staff diligently reviewed thousands of documents and deftly reached a compromise on this important piece of legislation we bring before the House today.

Mr. Speaker, it is no small feat that I stand before this body in support of a measure that I began to draft over 9 months ago. Since the first of the year, when this issue resurfaced in the public eye, countless hours have been devoted to hearings, meetings, and negotiations by Members of Congress, staff and Federal agencies. This is not to mention the numerous obstacles that we had to overcome. My office alone has handled over 3,000 letters and at various times been totally inundated with telephone calls on this issue. Who would have imagined that, after nearly 30 years, one issue could continue to generate so much controversy and demand so much time and effort? These sentiments have been echoed by numerous individuals who have been involved in the deliberations of this measure.

And while this measure represents the culmination of many months of intense debate for most of the parties involved, for me it is the culmination of work that I began nearly 16 years ago when I chaired the House Select Committee on Assassinations.

Mr. Speaker, as you know, the House Select Committee on Assassinations, after months of deliberations released a comprehensive 12-volume report that detailed its investigation into the assassination of President John F. Kennedy. After completing its investigation on March 29, 1979, the committee filed its final report with the House of Representatives. Our committee released everything that it had the time and the resources to release, and all other records were placed in the National Archives under a House of Representatives rule—rule XXXVI—Requiring that all unpublished records routinely by sealed for 30 to 50 years.

Although, the select committee provided the American people with a significant amount of previously unreleased data, agencies and organizations such as the CIA, FBI, Secretary Service, the State Department, and the Department of Justice, continued to maintain hundreds of thousands of unreleased documents. Because the public's search for knowledge and truth concerning information on the Kennedy assassination remained unabated after the release of the select committee's report, I deemed it in our national interest to produce the bill that we are deliberating today.

Mr. Speaker, this bill will not completely satisfy all the concerns relative to the release of these documents. However, I am proud that we have developed a good piece of legislation forged with the best interests of all concerned parties in mind. The true value and merit of their legislation is that it will open up to the American public historic documents relating to the assassination of an American President heretofore unreleased. They are entitled to judge for themselves the question of conspiracy and complicity. Above all, they must be satisfied that there was no coverup by their government. By our action today we restore confidence in the phrase, government of the people, by the people, and for the people.

Mr. Speaker, the action taken by this body today will bring to a close another chapter in American History. I am pleased that it was my legislation that guided our Nation in the right direction 30 years after the tragic assassination of a great American President.

Mr. FISH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of [Mr. BROOKS] the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "President John F. Kennedy Assassination Records Collection Act of 1992".

SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.

(a) FINDINGS AND DECLARATIONS.—The Congress finds and declares that—

(1) all Government records related to the assassination of President John F. Kennedy should be preserved for historical and governmental purposes;

(2) all government records concerning the assassination of President John F. Kennedy should carry a presumption of immediate disclosure, and all records should be eventually disclosed to enable the public to become fully informed about the history surrounding the assassination;

(3) legislation is necessary to create an enforceable, independent, and accountable process for the public disclosure of such records;

(4) legislation is necessary because congressional records related to the assassination of President John F. Kennedy would not otherwise be subject to public disclosure until at least the year 2029;

(5) legislation is necessary because the Freedom of Information Act, as implemented by the executive branch, has prevented the timely public disclosure of records relating to the assassination of President John F. Kennedy;

(6) legislation is necessary because Executive Order No. 12356, entitled "National Security Information" has eliminated the declassification and downgrading schedules relating to classified information across government and has prevented the timely public disclosure of records relating to the assassination of President John F. Kennedy; and

(7) most of the records related to the assassination of President John F. Kennedy are almost 30 years old, and only in the rarest cases is there any legitimate need for continued protection of such records.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for the creation of the President John F. Kennedy Assassination Records Collection at the National Archives and Records Administration; and

(2) to require the expeditious public transmission to the Archivist and public disclosure of such records.

SEC. 3. DEFINITIONS.

In this Act:

(1) "Archivist" means the Archivist of the United States.

(2) "Assassination record" means a record that is related to the assassination of President John F. Kennedy, that was created or made available for use by, obtained by, or otherwise came into the possession of—

(A) the Commission to Investigate the Assassination of President John F. Kennedy (the "Warren Commission");

(B) the Commission on Central Intelligence Agency Activities Within the United States (the "Rockefeller Commission");

(C) the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the "Church Committee");

(D) the Select Committee on Intelligence (the "Pike Committee") of the House of Representatives;

(E) the Select Committee on Assassinations (the "House Assassinations Committee") of the House of Representatives;

(F) the Library of Congress;

(G) the National Archives and Records Administration;

(H) any Presidential library;

(I) any Executive agency;

(J) any independent agency;

(K) any other office of the Federal Government; and

(L) any State or local law enforcement office that provided support or assistance or performed work in connection with a Federal inquiry into the assassination of President John F. Kennedy,

but does not include the autopsy records donated by the Kennedy family to the National Archives pursuant to a deed of gift regulating access to those records, or copies and reproductions made from such records.

(3) "Collection" means the President John F. Kennedy Assassination Records Collection established under section 4.

(4) "Executive agency" means an Executive agency as defined in subsection 552(f) of title 5, United States Code, and includes any Executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government, including the Executive Office of the President, or any independent regulatory agency.

(5) "Government office" means any office of the Federal Government that has possession or control of assassination records, including—

(A) the House Committee on Administration with regard to the Select Committee on Assassinations of the records of the House of Representatives;

(B) the Select Committee on Intelligence of the Senate with regard to records of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities and other assassination records;

(C) the Library of Congress;

(D) the National Archives as custodian of assassination records that it has obtained or possesses, including the Commission to Investigate the Assassination of President John F. Kennedy and the Commission on Central Intelligence Agency Activities in the United States; and

(E) any other executive branch office or agency, and any independent agency.

(6) "Identification aid" means the written description prepared for each record as required in section 4.

(7) "National Archives" means the National Archives and Records Administration and all components thereof, including Presidential archival depositories established under section 2112 of title 44, United States Code.

(8) "Official investigation" means the reviews of the assassination of President John F. Kennedy conducted by any Presidential commission, any authorized congressional committee, and any Government agency either independently, at the request of any Presidential commission or congressional committee, or at the request of any Government official.

(9) "Originating body" means the Executive agency, government commission, congressional committee, or other governmental entity that created a record or particular information within a record.

(10) "Public interest" means the compelling interest in the prompt public disclosure of assassination records for historical and governmental purposes and for the purpose of fully informing the American people about the history surrounding the assassination of President John F. Kennedy.

(11) "Record" includes a book, paper, map, photograph, sound or video recording, machine readable material, computerized, digitized, or electronic information, regardless of the medium on which it is stored, or other documentary material, regardless of its physical form or characteristics.

(12) "Review Board" means the Assassination Records Review Board established by section 7.

(13) "Third agency" means a Government agency that originated an assassination record that is in the possession of another agency.

SEC. 4. PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION AT THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.

(a) IN GENERAL.—(1) Not later than 60 days after the date of enactment of this Act, the National Archives and Records Administration shall commence establishment of a collection of records to be known as the President John F. Kennedy Assassination Records Collection. In so doing, the Archivist shall ensure the physical integrity and original provenance of all records. The Collection shall consist of record copies of all Government records relating to the assassination of President John F. Kennedy, which shall be transmitted to the National Archives in accordance with section 2107 of title 44, United States Code. The Archivist shall prepare and publish a subject guidebook and index to the collection.

(2) The Collection shall include—

(A) all assassination records—

(i) that have been transmitted to the National Archives or disclosed to the public in an unredacted form prior to the date of enactment of this Act;

(ii) that are required to be transmitted to the National Archives; or

(iii) the disclosure of which is postponed under this Act;

(B) a central directory comprised of identification aids created for each record transmitted to the Archivist the under section 5; and

(C) all Review Board records as required by this Act.

(b) DISCLOSURE OF RECORDS.—All assassination records transmitted to the National Archives for disclosure to the public shall be included in the Collection and shall be available to the public for inspection and copying at the National Archives within 30 days after their transmission to the National Archives.

(c) FEES FOR COPYING.—The Archivist shall—

(1) charge fees for copying assassination records; and

(2) grant waivers of such fees pursuant to the standards established by section 552(a)(4) of title 5, United States Code.

(d) ADDITIONAL REQUIREMENTS.—(1) The Collection shall be preserved, protected, archived, and made available to the public at the National Archives using appropriations authorized, specified, and restricted for use under the terms of this Act.

(2) The National Archives, in consultation with the Information Security Oversight Office, shall ensure the security of the postponed assassination records in the Collection.

(e) OVERSIGHT.—The Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate shall have continuing oversight jurisdiction with respect to the Collection.

SEC. 5. REVIEW, IDENTIFICATION, TRANSMISSION TO THE NATIONAL ARCHIVES, AND PUBLIC DISCLOSURE OF ASSASSINATION RECORDS BY GOVERNMENT OFFICES.

(a) IN GENERAL.—(1) As soon as practicable after the date of enactment of this Act, each Government office shall identify and organize its records relating to the assassination of President John F. Kennedy and prepare them for transmission to the Archivist for inclusion in the Collection.

(2) No assassination record shall be destroyed, altered, or mutilated in any way.

(3) No assassination record made available or disclosed to the public prior to the date of enactment of this Act may be withheld, redacted, postponed for public disclosure, or reclassified.

(4) No assassination record created by a person or entity outside government (excluding names or identities consistent with the requirements of section 6) shall be withheld, redacted, postponed for public disclosure, or reclassified.

(b) CUSTODY OF ASSASSINATION RECORDS PENDING REVIEW.—During the review by Government offices and pending review activity by the Review Board, each Government office shall retain custody of its assassination records for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of records for purposes of conducting an independent and impartial review;

(2) transfer is necessary for an administrative hearing or other Review Board function; or

(3) it is a third agency record described in subsection (c)(2)(C).

(c) REVIEW.—(1) Not later than 300 days after the date of enactment of this Act, each Government office shall review, identify and organize each assassination record in its custody or possession for disclosure to the public, review by the Review Board, and transmission to the Archivist.

(2) In carrying out paragraph (1), a Government office shall—

(A) determine which of its records are assassination records;

(B) determine which of its assassination records have been officially disclosed or publicly available in a complete and unredacted form;

(C)(i) determine which of its assassination records, or particular information contained in such a record, was created by a third agency or by another Government office; and

(ii) transmit to a third agency or other government office those records, or particular information contained in those records, or complete and accurate copies thereof;

(D)(i) determine whether its assassination records or particular information in assassination records are covered by the standards for postponement of public disclosure under this Act; and

(ii) specify on the identification aid required by subsection (d) the applicable postponement provision contained in section 6;

(E) organize and make available to the Review Board all assassination records identified under subparagraph (D) the public disclosure of which in whole or in part may be postponed under this Act;

(F) organize and make available to the Review Board any record concerning which the office has any uncertainty as to whether the record is an assassination record governed by this Act;

(G) give priority to—

(i) the identification, review, and transmission of all assassination records publicly available or disclosed as of the date of enactment of this Act in a redacted or edited form; and

(ii) the identification, review, and transmission, under the standards for postponement set forth in this Act, of assassination records that on the date of enactment of this Act are the subject of litigation under section 552 of title 5, United States Code; and

(H) make available to the Review Board any additional information and records that the Review Board has reason to believe it requires for conducting a review under this Act.

(3) The Director of each archival depository established under section 2112 of title 44, United States Code, shall have as a priority the expedited review for public disclosure of assassination records in the possession and custody of the depository, and shall make such records available to the Review Board as required by this Act.

(d) IDENTIFICATION AIDS.—(1)(A) Not later than 45 days after the date of enactment of this Act, the Archivist, in consultation with the appropriate Government offices, shall prepare and make available to all Government offices a standard form of identification or finding aid for use with each assassination record subject to review under this Act.

(B) The Archivist shall ensure that the identification aid program is established in such a manner as to result in the creation of a uniform system of electronic records by Government offices that are compatible with each other.

(2) Upon completion of an identification aid, a Government office shall—

(A) attach a printed copy to the record it describes;

(B) transmit to the Review Board a printed copy; and

(C) attach a printed copy to each assassination record it describes when it is transmitted to the Archivist.

(3) Assassination records which are in the possession of the National Archives on the date of enactment of this Act, and which have been publicly available in their entirety without redaction, shall be made available in the Collection without any additional review by the Review Board or another authorized office under this Act, and shall not be required to have such an identification aid unless required by the Archivist.

(e) TRANSMISSION TO THE NATIONAL ARCHIVES.—Each Government office shall—

(1) transmit to the Archivist, and make immediately available to the public, all assassination records that can be publicly disclosed, including those that are publicly available on the date of enactment of this Act, without any redaction, adjustment, or withholding under the standards of this Act; and

(2) transmit to the Archivist upon approval for postponement by the Review Board or upon completion of other action authorized by this Act, all assassination records the public disclosure of which has been postponed, in whole or in part, under the standards of this Act, to become part of the protected Collection.

(f) CUSTODY OF POSTPONED ASSASSINATION RECORDS.—An assassination record the public disclosure of which has been postponed shall, pending transmission to the Archivist, be held for reasons of security and preservation by the originating body until such time as the information security program has been established at the National Archives as required in section 4(e)(2).

(g) PERIODIC REVIEW OF POSTPONED ASSASSINATION RECORDS.—(1) All postponed or redacted records shall be reviewed periodically by the originating agency and the Archivist consistent with the recommendations of the Review Board under section 9(c)(3)(B).

(2)(A) A periodic review shall address the public disclosure of additional assassination records in the Collection under the standards of this Act.

(B) All postponed assassination records determined to require continued postponement shall require an unclassified written description of the reason for such continued postponement. Such description shall be provided to the Archivist and published in the Federal Register upon determination.

(C) The periodic review of postponed assassination records shall serve to downgrade and declassify security classified information.

(D) Each assassination record shall be publicly disclosed in full, and available in the Collection no later than the date that is 25 years after the date of enactment of this Act, unless the President certifies, as required by this Act, that—

(i) continued postponement is made necessary by an identifiable harm to the military defense, intelligence operations, law enforcement, or conduct of foreign relations; and

(ii) the identifiable harm is of such gravity that it outweighs the public interest in disclosure.

(h) FEES FOR COPYING.—Executive branch agencies shall—

(1) charge fees for copying assassination records; and

(2) grant waivers of such fees pursuant to the standards established by section 552(a)(4) of title 5, United States Code.

SEC. 6. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS.

Disclosure of assassination records or particular information in assassination records to the public may be postponed subject to the limitations of this Act if there is clear and convincing evidence that—

(1) the threat to the military defense, intelligence operations, or conduct of foreign relations of the United States posed by the public disclosure of the assassination is of such gravity that it outweighs the public interest, and such public disclosure would reveal—

(A) an intelligence agent whose identity currently requires protection;

(B) an intelligence source or method which is currently utilized, or reasonably expected to be utilized, by the United States Government and which has not been officially disclosed, the disclosure of which would interfere with the conduct of intelligence activities; or

(C) any other matter currently relating to the military defense, intelligence operations or conduct of foreign relations of the United States, the disclosure of which would demonstrably impair the national security of the United States;

(2) the public disclosure of the assassination record would reveal the name or identity of a living person who provided confidential information to the United States and would pose a substantial risk of harm to that person;

(3) the public disclosure of the assassination record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest;

(4) the public disclosure of the assassination record would compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or a foreign government, and public disclosure would be so harmful that it outweighs the public interest; or

(5) the public disclosure of the assassination record would reveal a security or protective procedure currently utilized, or reasonably expected to be utilized, by the Secret Service or another Government agency responsible for protecting Government officials, and public disclosure would be so harmful that it outweighs the public interest.

SEC. 7. ESTABLISHMENT AND POWERS OF THE ASSASSINATION RECORDS REVIEW BOARD.

(a) ESTABLISHMENT.—There is established as an independent agency a board to be known as the Assassination Records Review Board.

(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint, without regard to political affiliation, 5 citizens to serve as members of the Review Board to ensure and facilitate the review, transmission to the Archivist, and public disclosure of government records related to the assassination of President John F. Kennedy.

(2) The President shall make nominations to the Review Board not later than 90 calendar days after the date of enactment of this Act.

(3) If the Senate votes not to confirm a nomination to the Review Board, the President shall make an additional nomination not later than 30 days thereafter.

(4)(A) The President shall make nominations to the Review Board after considering persons recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(B) If an organization described in subparagraph (A) does not recommend at least 2 nominees meeting the qualifications stated in paragraph (5) by the date that is 45 days after the date of enactment of this Act, the President shall consider for nomination the persons recommended by the other organizations described in subparagraph (A).

(C) The President may request an organization described in subparagraph (A) to submit additional nominations.

(5) Persons nominated to the Review Board—

(A) shall be impartial private citizens, none of whom is presently employed by any branch of the Government, and none of whom shall have had any previous involvement with any official investigation or inquiry conducted by a Federal, State, or local government, relating to the assassination of President John F. Kennedy;

(B) shall be distinguished persons of high national professional reputation in their respective fields who are capable of exercising the independent and objective judgment necessary to the fulfillment of their role in ensuring and facilitating the review, transmission to the public, and public disclosure of records related to the assassination of President John F. Kennedy and who possess an appreciation of the value of such material to the public, scholars, and government; and

(C) shall include at least 1 professional historian and 1 attorney.

(c) SECURITY CLEARANCES.—(1) All Review Board nominees shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(2) All nominees shall qualify for the necessary security clearance prior to being considered for confirmation by the Committee on Governmental Affairs of the Senate.

(d) CONFIRMATION HEARINGS.—(1) The Committee on Governmental Affairs of the Senate shall hold confirmation hearings within 30 days in which the Senate is in session after the nomination of 3 Review Board members.

(2) The Committee on Governmental Affairs shall vote on the nominations within 14 days in which the Senate is in session after the confirmation hearings, and shall report its results to the full Senate immediately.

(3) The Senate shall vote on each nominee to confirm or reject within 14 days in which the Senate is in session after reported by the Committee on Governmental Affairs.

(e) VACANCY.—A vacancy on the Review Board shall be filled in the same manner as specified for original appointment within 30 days of the occurrence of the vacancy.

(f) CHAIRPERSON.—The Members of the Review Board shall elect one of its members as chairperson at its initial meeting.

(g) REMOVAL OF REVIEW BOARD MEMBER.—(1) No member of the Review Board shall be removed from office, other than—

(A) by impeachment and conviction; or

(B) by the action of the President for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties.

(2)(A) If a member of the Review Board is removed from office, and that removal is by the President, not later than 10 days after the removal the President shall submit to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate a report specifying the facts found and the grounds for the removal.

(B) The President shall publish in the Federal Register a report submitted under paragraph (2)(A), except that the President may, if necessary to protect the rights of a person named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report until the completion of such pending cases or pursuant to privacy protection requirements in law.

(3)(A) A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia.

(B) The member may be reinstated or granted other appropriate relief by order of the court.

(h) COMPENSATION OF MEMBERS.—(1) A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(i) DUTIES OF THE REVIEW BOARD.—(1) The Review Board shall consider and render decisions on a determination by a Government office to seek to postpone the disclosure of assassination records.

(2) In carrying out paragraph (1), the Review Board shall consider and render decisions—

(A) whether a record constitutes an assassination record; and

(B) whether an assassination record or particular information in a record qualifies for postponement of disclosure under this Act.

(j) POWERS.—(1) The Review Board shall have the authority to act in a manner prescribed under this Act including authority to—

(A) direct Government offices to complete identification aids and organize assassination records;

(B) direct Government offices to transmit to the Archivist assassination records as required under this Act, including segregable portions of assassination records, and substitutes and summaries of assassination records that can be publicly disclosed to the fullest extent;

(C)(i) obtain access to assassination records that have been identified and organized by a Government office;

(ii) direct a Government office to make available to the Review Board, and if necessary investigate the facts surrounding, additional information, records, or testimony from individuals, which the Review Board has reason to believe is required to fulfill its functions and responsibilities under this Act; and

(iii) request the Attorney General to subpoena private persons to compel testimony, records, and other information relevant to its responsibilities under this Act;

(D) require any Government office to account in writing for the destruction of any records relating to the assassination of President John F. Kennedy;

(E) receive information from the public regarding the identification and public disclosure of assassination records; and

(F) hold hearings, administer oaths, and subpoena witnesses and documents.

(2) A subpoena issued under paragraph (1)(C)(iii) may be enforced by any appropriate Federal court acting pursuant to a lawful request of the Review Board.

(k) WITNESS IMMUNITY.—The Review Board shall be considered to be an agency of the United States for purposes of section 6001 of title 18, United States Code.

(l) OVERSIGHT.—(1) The Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board, and shall have access to any records held or created by the Review Board.

(2) The Review Board shall have the duty to cooperate with the exercise of such oversight jurisdiction.

(m) SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide administrative services for the Review Board on a reimbursable basis.

(n) INTERPRETIVE REGULATIONS.—The Review Board may issue interpretive regulations.

(o) TERMINATION AND WINDING UP.—(1) The Review Board and the terms of its members shall terminate not later than 2 years after the date of enactment of this Act, except that the Review Board may, by majority vote, extend its term for an additional 1-year period if it has not completed its work within that 2-year period.

(2) Upon its termination, the Review Board shall submit reports to the President and the Congress including a complete and accurate accounting of expenditures during its existence, and shall complete all other reporting requirements under this Act.

(3) Upon termination and winding up, the Review Board shall transfer all of its records to the Archivist for inclusion in the Collection, and no record of the Review Board shall be destroyed.

SEC. 8. ASSASSINATION RECORDS REVIEW BOARD PERSONNEL.

(a) EXECUTIVE DIRECTOR.—(1) Not later than 45 days after the initial meeting of the Review Board, the Review Board shall appoint one citizen, without regard to political affiliation, to the position of Executive Director.

(2) The person appointed as Executive Director shall be a private citizen of integrity and impartiality who is a distinguished professional and who is not a present employee of any branch of the Government and has had no previous involvement with any official investigation or inquiry relating to the assassination of President John F. Kennedy.

(3)(A) A candidate for Executive Director shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(B) A candidate shall qualify for the necessary security clearance prior to being approved by the Review Board.

(4) The Executive Director shall—

(A) serve as principal liaison to Government offices;

(B) be responsible for the administration and coordination of the Review Board's review of records;

(C) be responsible for the administration of all official activities conducted by the Review Board; and

(D) have no authority to decide or determine whether any record should be disclosed to the public or postponed for disclosure.

(5) The Executive Director shall not be removed for reasons other than by a majority vote of the Review Board for cause on the grounds of inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the responsibilities of the Executive Director or the staff of the Review Board.

(b) STAFF.—(1) The Review Board may, in accordance with the civil service laws but without regard to civil service law and regulation for competitive service as defined in subchapter 1, chapter 33 of title 5, United States Code, appoint and terminate additional personnel as are necessary to enable the Review Board and its Executive Director to perform its duties.

(2) A person appointed to the staff of the Review Board shall be a private citizen of integrity and impartiality who is not a present employee of any branch of the Government and who has had no previous involvement with any official investigation or inquiry relating to the assassination of President John F. Kennedy.

(3)(A) A candidate for staff shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(B) A candidate for the staff shall qualify for the necessary security clearance prior to being approved by the Review Board.

(c) COMPENSATION.—The Review Board shall fix the compensation of the Executive Director and other personnel in accordance with title 5, United States Code, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(d) ADVISORY COMMITTEES.—(1) The Review Board shall have the authority to create advisory committees to assist in fulfilling the responsibilities of the Review Board under this Act.

(2) Any advisory committee created by the Review Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 9. REVIEW OF RECORDS BY THE ASSASSINATION RECORDS REVIEW BOARD.

(a) CUSTODY OF RECORDS REVIEWED BY BOARD.—Pending the outcome of the Review Board's review activity, a Government office shall retain custody of its assassination records for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of records for reasons of conducting an independent and impartial review; or

(2) such transfer is necessary for an administrative hearing or other official Review Board function.

(b) STARTUP REQUIREMENTS.—The Review Board shall—

(1) not later than 90 days after the date of its appointment, publish a schedule for review of all assassination records in the Federal Register; and

(2) not later than 180 days after the date of enactment of this Act, begin its review of assassination records under this Act.

(c) DETERMINATIONS OF THE REVIEW BOARD.—(1) The Review Board shall direct that all assassination records be transmitted to the Archivist and disclosed to the public in the Collection in the absence of clear and convincing evidence that—

(A) a Government record is not an assassination record; or

(B) a Government record or particular information within an assassination record qualifies for postponement of public disclosure under this Act.

(2) In approving postponement of public disclosure of an assassination record, the Review Board shall seek to—

(A) provide for the disclosure of segregable parts, substitutes, or summaries of such a record; and

(B) determine, in consultation with the originating body and consistent with the standards for postponement under this Act, which of the following alternative forms of disclosure shall be made by the originating body:

(i) Any reasonably segregable particular information in an assassination record.

(ii) A substitute record for that information which is postponed.

(iii) A summary of an assassination record.

(3) With respect to each assassination record or particular information in assassination records the public disclosure of which is postponed pursuant to section 6, or for which only substitutions or summaries have been disclosed to the public, the Review Board shall create and transmit to the Archivist a report containing—

(A) a description of actions by the Review Board, the originating body, the President, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings conducted by the Review Board with regard to specific assassination records; and

(B) a statement, based on a review of the proceedings and in conformity with the decisions reflected therein, designating a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act.

(4)(A) Following its review and a determination that an assassination record shall be publicly disclosed in the Collection or postponed for disclosure and held in the protected Collection, the Review Board shall notify the head of the originating body of its determination and publish a copy of the determination in the Federal Register within 14 days after the determination is made.

(B) Contemporaneous notice shall be made to the President for Review Board determinations regarding executive branch assassination records, and to the oversight committees designated in this Act in the case of legislative branch records. Such notice shall contain a written unclassified justification for public disclosure or postponement of disclosure, including an explanation of the application of any standards contained in section 6.

(d) Presidential Authority Over Review Board Determination.—

(1) Public disclosure or postponement of disclosure.—After the Review Board has made a formal determination concerning the public disclosure or postponement of disclosure of an executive branch assassination record or information within such a record, or of any information contained in an assassination record, obtained or developed solely within the executive branch, the President shall have the sole and nondelegable authority to require the disclosure or postponement of such record or information under the standards set forth in section 6, and the President shall provide the Review Board with an unclassified written certification specifying the President's decision within 30 days after the Review Board's determination and notice to the executive branch agency as required under this Act, stating the justification for the President's decision, including the applicable grounds for postponement under section 6, accompanied by a copy of the identification aid required under section 4.

(2) Periodic review.—Any executive branch assassination record postponed by the President shall be subject to the requirements of periodic review, downgrading and declassification of classified information, and public disclosure in the collection set forth in section 4.

(3) Record of presidential postponement.—The Review Board shall, upon its receipt, publish in the Federal Register a copy of any unclassified written certification, statement, and other materials transmitted by or on behalf of the President with regard to postponement of assassination records.

(e) Notice to Public.—Every 30 calendar days, beginning on the date that is 60 calendar days after the date on which the Review Board first approves the postponement of disclosure of an assassination record, the Review Board shall publish in the Federal Register a notice that summarizes the postponements approved by the Review Board or initiated by the President, the House of Representatives, or the Senate, including a description of the subject, originating agency, length or other physical description, and each ground for postponement that is relied upon.

(f) Reports by the Review Board.—(1) The Review Board shall report its activities to the leadership of the Congress, the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the President, the Archivist, and the head of any Government office whose records have been the subject of Review Board activity.

(2) The first report shall be issued on the date that is 1 year after the date of enactment of this Act, and subsequent reports every 12 months thereafter until termination of the Review Board.

(3) A report under paragraph (1) shall include the following information:

(A) A financial report of the expenses for all official activities and requirements of the Review Board and its personnel.

(B) The progress made on review, transmission to the Archivist, and public disclosure of assassination records.

(C) The estimated time and volume of assassination records involved in the completion of the Review Board's performance under this Act.

(D) Any special problems, including requests and the level of cooperation of government offices, with regard to the ability of the Review Board to operate as required by this Act.

(E) A record of review activities, including a record of postponement decisions by the Review Board or other related actions authorized by this Act, and a record of the volume of records reviewed and postponed.

(F) Suggestions and requests to Congress for additional legislative authority needs.

(G) An appendix containing copies of reports of postponed records to the Archivist required under section 9(c)(3) made since the date of the preceding report under this subsection.

(4) At least 90 calendar days before completing its work, the Review Board shall provide written notice to the President and Congress of its intention to terminate its operations at a specified date.

SEC. 10. DISCLOSURE OF OTHER MATERIALS AND ADDITIONAL STUDY.

(a) Materials Under Seal of Court.—

(1) The Review Board may request the Attorney General to petition any court in the United States or abroad to release any information relevant to the assassination of President John F. Kennedy that is held under seal of the court.

(2)(A) The Review Board may request the Attorney General to petition any court in the United States to release any information relevant to the assassination of President John F. Kennedy that is held under the injunction of secrecy of a grand jury.

(B) A request for disclosure of assassination materials under this Act shall be deemed to constitute a showing of particularized need under Rule 6 of the Federal Rules of Criminal Procedure.

(b) Sense of Congress.—It is the sense of the Congress that—

(1) the Attorney General should assist the Review Board in good faith to unseal any records that the Review Board determines to be relevant and held under seal by a court or under the injunction of secrecy of a grand jury;

(2) the Secretary of State should contact the Government of the Republic of Russia and seek the disclosure of all records of the government of the former Soviet Union, including the records of the Komitet Gosudarstvennoy Bezopasnosti (KGB) and the Glaynoye Razvedyvatelnoye Upravleniye (GRU), relevant to the assassination of President Kennedy, and contact any other foreign government that may hold information relevant to the assassination of President Kennedy and seek disclosure of such information; and

(3) all Executive agencies should cooperate in full with the Review Board to seek the disclosure of all information relevant to the assassination of President John F. Kennedy consistent with the public interest.

SEC. 11. RULES OF CONSTRUCTION.

(a) Precedence Over Other Law.—When this Act requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other law (except section 6103 of the Internal Revenue Code), judicial decision construing such law, or common law doctrine that would otherwise prohibit such transmission or disclosure, with the exception of deeds governing access to or transfer or release of gifts and donations of records to the United States Government.

(b) Freedom of Information Act.—Nothing in this Act shall be construed to eliminate or limit any right to file requests with any Executive agency or seek judicial review of the decisions pursuant to section 552 of title 5, United States Code.

(c) Judicial Review.—Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

(d) Existing Authority.—Nothing in this Act revokes or limits the existing authority of the President, any executive agency, the Senate, or the House of Representatives, or any other entity of the Government to publicly disclose records in its possession.

(e) Rules of the Senate and House of Representatives.—To the extent that any provision of this Act establishes a procedure to be followed in the Senate or the House of Representatives, such provision is adopted—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 12. TERMINATION OF EFFECT OF ACT.

(a) Provisions Pertaining to the Review Board.—The provisions of this Act that pertain to the appointment and operation of the Review Board shall cease to be effective when the Review Board and the terms of its members have terminated pursuant to section 7(o).

(b) Other Provisions.—The remaining provisions of this Act shall continue in effect until such time as the Archivist certifies to the President and the Congress that all assassination records have been made available to the public in accordance with this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

(b) Interim Funding.—Until such time as funds are appropriated pursuant to subsection (a), the President may use such sums as are available for discretionary use to carry out this Act.

SEC. 14. SEVERABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 3 days in which to revise and extend their remarks, and include extraneous matter, on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUESTING THE PRESIDENT TO RETURN H.R. 3379, WITH RESPECT TO AUTHORITIES OF ADMINISTRATIVE CONFERENCE, AND PROVIDING FOR ITS REENROLLMENT

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 366) requesting the President to return the enrolled bill (H.R. 3379) with respect to the authorities of the Administrative Conference, and providing for its reenrollment with technical corrections, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 366

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is requested to return to the House of Representatives the enrolled bill (H.R. 3379) with respect to the authorities of the Administrative Conference. The Clerk of the House is authorized to receive such bill if it is returned when the House is not in session. Upon the return of such bill, the action of the Speaker of the House of Representatives and the Acting President pro tempore of the Senate in signing it shall be deemed rescinded and the Clerk of the House shall reenroll the bill with the following corrections:

Strike "574" and insert "594".

In the title of the bill, strike "574" and insert "594".

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

□ 1410

Mr. FISH. Mr. Speaker, reserving the right to object, I do so for the purpose of yielding to the gentleman from Texas [Mr. BROOKS], chairman of the committee, to explain the technical corrections.

Mr. BROOKS. Mr. Speaker, I would say to my distinguished friend, the gentleman from New York [Mr. FISH], that the purpose of this resolution is to correct a technical error in the bill, H.R. 3379, relating to the Administrative Conference of the United States. It makes no substantive change in the bill; it just resolves a difficulty that occurred in the other body.

Mr. FISH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the request of the gentleman from Texas?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 2, NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

Mr. FORD of Michigan. Mr. Speaker, I call up the conference report on the Senate bill (S. 2) to promote the achievement of national education goals, to measure progress toward such goals, to develop national education standards and voluntary assessments in accordance with such standards, and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Friday, September 25, 1992, at page 27736.)

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to yield the time of the majority for control to the chairman of the subcommittee and the author of the bill, the gentleman from Michigan [Mr. KILDEE].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. KILDEE] is recognized for 30 minutes.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference agreement on the Neighborhood Schools Improvement Act is a compromise between the House and Senate bills.

It retains the House emphasis on systemwide reform recognizing that sustained improvements will not occur without coordinated changes in all parts of the education system.

At the same time, it includes provisions from the Senate bill directing most of the funds to local schools once reform plans have been developed at the State and school district levels.

As in the House bill, systemic reform proposals would be developed at the State and local levels by panels made up of representatives of the many entities which have a stake in improving schools.

These stakeholders include Governors, State legislators, parents, and representatives of education, business, and other community leaders.

However, the plan requirements have been significantly streamlined to focus primarily on the key elements of systemic reform.

These elements include identifying high goals for student achievement and ensuring that State and local curricula, assessments, and teacher-training programs support the attainment of those goals.

At the school district level, funds may be used for developing and carrying out districtwide reform plans including school restructuring.

As I mentioned earlier, once the systemwide reform plan has been developed, the majority of the funds go to support reform activities in local schools.

The conference agreement contains an illustrative list of the types of activities that can be included in a school district's systemic reform package.

As in the House bill, this list is illustrative, not exclusive.

The activities include: Early childhood education; school-based decisionmaking; activities which maximize parental involvement; expanded use of technology; and professional development for teachers and local administrators.

The conference agreement approaches the issue of national education standards and testing in a cautious way.

It authorizes the development of voluntary national content standards and voluntary national school delivery standards.

The national education content standards will set high goals toward which all students can strive and can serve as a focal point for reform efforts throughout the Nation.

The voluntary national school delivery standards will provide a tool that can be used to determine whether students have an opportunity to learn the material in the content standards.

Additionally, the bill formally establishes the National Education Goals Panel to oversee the development of these voluntary national standards.

Again, as in the House bill, all the standards would be voluntary.

With regard to testing, the conference agreement supports research in new forms of assessment and provides funds for the development of different types of model assessments tied to the national standards for mathematics developed by the National Council of Teachers of Mathematics and any science standards that may be developed.

The development of model assessments is limited to these subject areas because math is the only area where standards currently exist and science is the only other area where standards may be completed within the 2-year authorization provided in the conference agreement.

The conference agreement also includes a demonstration program which authorizes the waiver of certain Federal requirements at the preschool, elementary school, and secondary school levels so that schools can experiment with new approaches to meeting the multiple education needs of disadvantaged children.

However, where the House bill had authorized such waivers in 300 schools, the conference agreement expands the number of schools that can participate to 750.

The regulatory flexibility provisions do not change the money flowing to schools but allows flexibility within schools regarding its use.

The conference agreement dropped many of the extraneous provisions in both bills.

However, it does retain authority for a commission to look at ways for teaching values in schools.

It also authorizes a review of the evaluations of the Parents as Teachers Program that will provide useful guidance for future Federal action in this area.

When H.R. 4323 was considered on the House floor in August, I pointed out that this legislation represents a major departure from the way that the Federal Government has assisted education in the past.

It is the first effort to use limited Federal funds as an incentive for public school districts and schools to undertake broad reform.

It also is the first piece of a two-part process for helping to improve our Nation's schools.

The second part of the strategy will take place in the next Congress when all the major Federal elementary and secondary education programs come up for reauthorization.

Building on the framework provided for in this conference agreement, the subcommittee will review and revise existing Federal education programs with an eye toward making them more effective as part of a coordinated Federal approach to improving the instruction and achievement of all students.

Mr. Speaker, I would like to point out that the conference agreement has the support of the National Alliance of Business.

To my knowledge, this is the first time the Alliance has gone on record in support of an education conference report.

I quote from the letter I received from William H. Kolbert, president of the National Alliance of Business: "We view this bill as one important step in the bipartisan effort to improve American education."

Mr. Speaker, the neighborhood schools improvement bills were approved in the House by a vote of 279 to 124 and in the Senate by a vote of 92 to 6.

I urge the adoption of the conference agreement.

☐ 1420

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a funny thing happened on the way to the national election, and that funny thing is than in 18 years we have always came to the floor from this committee with an education bill that everybody was jumping up and down wanting to take credit for. Everybody wanted pride of authorship. I have not found anybody this time, although I was happy to learn who the author was just a few minutes ago.

Unfortunately, we started out with the idea that we would do something to bring about systemic change in the way education is run in this country. If all the reports are true, we thought that something must be done, and something big had to be done.

Unfortunately, at this time, nothing has changed. First of all, we create a national body, and we suggest how every local school provides an education including national criteria for curriculm, teacher training, books, materials, and all other local school policies, and this is counter, of course, to the American tradition of local control of schools.

Then someone might say, "but are not the delivery standards voluntary?" Yes, it says they are voluntary in one section of the bill, but under the neighborhood schools program, each State must, and I underline must, develop school delivery standards. Putting these two provisions together makes it less than a voluntary activity.

Well, we do get to the neighborhood schools, and we say that we will not provide any sound foundation for any kind of reform. Innovation, according to S. 2, is early childhood education, dropout prevention, staff development, and parent involvement. Are they not something new on the horizon? All of those at the present time are common practice. All of them are provided for in existing education law. Truly innovative reform measures that were contained in the House and Senate bills such as Charter Schools, Merit Schools, New American Schools, et cetera, were removed in conference.

I would like to point out how easy it will be to get this grant. I mean, it is a very simple procedure. All you have to do is look at the bureaucracy that is set up, and you will find out how easy it is. For example, at the State level, the SEA and the State panel consults on the plan. Then the chief State school officer develops a plan. Then the panel develops the plan. Then the panel submits the plan to the SEA, who can modify the plan. Then the panel reviews the plan, and their comments are attached to the final plan submitted to the Department of Education.

At the local level, the LEA obtains funds for planning. The local committee develops the plan, which can be totally revised by the LEA. At the same time, schools would develop their own plans, individual schools, and they would submit them to the LEA. The LEA then would choose school plans for funding, and then send the LEA plan and the school plans chosen for funding to the State for consideration.

By that time, they have thrown up their hands and decided it is not worth it to go through all of that.

Now, does it really provide for education reform? Because that is what we started out to do. That is what we had hoped we could accomplish. Well, we have the local program focused on chapter 1, and we have had chapter 1 for 25 years. We do not seem to have any studies that show that we have made much progress with chapter 1 as far as improving the education of children, and so this entire system of education must be reformed, not just a part of it. You cannot reform just Head Start, and you cannot just reform chapter 1, you have to reform the whole system.

But the way it is written, very little money will get to very many Members in the Congress of the United States, and if any gets there, it will be extremely limited, so here we have a bill that just does more of the same over and over and over again, and that is not what we set out to do.

Then we got to flexibility. We have had hearing after hearing after hearing, year after year after year. Local and State educators tell us that if they had a little more flexibility they could get the end result we seek, but they could do it for better than they are presently doing it. Well, we have a great part in here that deals with flexibility. In a sense this creates but one more categorical program for disadvantaged students and could actually work against them. This is a far cry from the orginal idea behind flexibility, which was allowing schools to design innovative programs to help raise the academic achievements of all students, while at the same time striving for the same goals. An example: It could result in funds going to the school, being combined to serve disadvantaged; however, in fear of audit problems, it is possible that disadvantaged students could be placed in separate classrooms, isolated from their more advantaged peers, and then unfairly labeled. This is certainly not what we should be doing.

Again, I hope the election, let us see, that is November 3, and that would be my hope that we really get serious about trying to reform the way schools operate in this country. We possibly could do that before whenever we are getting out on Monday or whatever, but I doubt that, but I agree with my chairman of the subcommittee, but I do not agree with him when he said this is a bipartisan effort, and I almost choked on that, but I do agree with him on the fact that after the election perhaps we can get serious and really do something in the reauthorizing programs next year and really come up with something that will change the direction our schools are presently going in.

Mr. Speaker, I reserve the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I point out to my good friend, the gentleman from Pennsylvania, that it was the National Alliance of Businesses that characterized this as a bipartisan bill, probably because they watched all the work that we have put into this bill for many, many months, and felt that while it is not a perfect bill, and the only perfect law I am ever aware of being written was written on Mount Sinai, but this is Capitol Hill, but it is a good bill. I think it is a very good bill.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. SAWYER], who has worked hard on this bill.

Mr. SAWYER. Mr. Speaker, I rise today in support of the conference report on the Neighborhood Schools Improvement Act.

I want to express my profound admiration for my subcommittee chairman, DALE KILDEE, and his staff, who have successfully guided this proposal through a perilous political minefield.

Mr. Speaker, I think it is easy to forget the fact that when we talk about making fundamental changes in our Nation's schools, we are talking about altering that institution in the lives of most Americans that is second only to their families in importance.

The two most enduring organizing principles of our system of public education are that schools provide educational opportunities equally to all American children and that its governance is the primary concern of local communities.

That has not changed.

But the world has changed and so too has the mission of our schools. We are asking schools to produce more at a time when financial resources are declining.

What has been conspicuously absent in education reform proposals of the past—on the State and Federal level—is a clear sense of national purpose and direction.

That is exactly what the Neighborhood Schools Improvement Act has to offer—purpose and direction.

The national message we are sending is that the education of our elementary and secondary school students is the responsibility of entire communities. We have created a mechanism that will encourage the business, civic, and volunteer communities to work side by side with educators and administrators to confront the problems of the present and plan for the challenges of the future.

Second, by authorizing the creation of national content standards—in math, science, english, geography, history, and others—we are finally acknowledging that there is a body of knowledge in each subject matter that students should know. By and large the decline in American achievement levels is associated with how students learn. For far too long most instruction has been grounded in the memorizing of isolated facts and data, devoid of any meaningful context. Everything we now know about learning tells us that real knowledge is based on the ability to understand concepts and to develop the ability to build bridges between concepts.

Once these national content standards are approved and certified, curriculum will begin to change to reflect these standards. This is crucial—it is the blueprint that teachers will use to develop, and guide, the way their students learn.

Third, in this bill we are recognizing that the current array of tests, or assessments, are totally inadequate. Currently, we have no real idea what we are measuring when we test and it is the exception, rather than the rule that information distilled from tests are used for the purpose of diagnosis and remediation. We have taken a first step by authorizing the development of model assessment in math and science. To measure what students have learned and to hold schools and teachers accountable for how well students achieve. The way we test must develop to reflect the way we learn.

Fourth, we are calling for the development of school delivery standards which will help determine whether the student is failing at school or whether the school is failing the student. National content standards, and even the best tests in the world will not mean a thing in those schools whose textbooks are 10 years out of date and who are unable to attract qualified teachers. We don't know what those standards will look like and I suspect it will be the hardest of those things we call for in this bill—but we have to make a start.

Mr. Speaker, this bill contains no gimmicks or magic, painless solutions. We will continue the work we begin here in the next Congress when we reauthorize the core Federal elementary and secondary programs.

But we can now place ourselves firmly on the side of progress. I urge my colleagues in the House to vote for this conference report and I hope the President will sign it.

Again, I thank my subcommittee chair for his peerless work and determination.

☐ 1430

Mr. GOODLING. Mr. Speaker, I yield myself 15 seconds only to say to my chairman that I realize we could not climb Mount Sinai because our collective age is against us, but I had hoped we could at least walk in the Garden of Academe.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. I thank the gentleman for yielding.

Mr. Speaker and colleagues, let me begin by saying a special "thank you," and I mean this sincerely, to my leaders on both sides of the aisle of this committee because I think everybody ought to know, regardless of where you are on this bill, that in a bipartisan basis, I think, and I do believe, that these gentlemen and their staffs really, really do want a bipartisan education reform package.

I would hope that they would admit, and others would admit who have followed this debate, that second to them the gentleman in the well wants education reform on a bipartisan basis as much as anybody in this Congress.

Mr. Speaker, it is no secret that we have aggressively pursued the issue of education reform in my district, and I have a number of schools and communities who are involved in this process. And all along I have told them what I anticipated the Federal legislation would be. It is no secret that because of that I have tried to go the extra mile throughout this process to support passage of an education reform bill and, very frankly, some on my side of the aisle, including the Secretary of Education, were not very happy with me when I voted for the Democratic bill that left this House a few weeks ago.

Having said all that, I have to tell you that I have come to the regrettable conclusion that we would all be better if we would start again next session, that the bill that is in front of us, through no fault of the House members on that conference committee, is so fundamentally different from the concepts of education reform and the premise for which that reform should exist and operate, that I think we have to simply say this bill should not pass; it should either go back to conference and we start over or we start over in the next session.

The basic problem with this conference report is that it is trying to create concentration grants, No. 2.

I am all for chapter 1; it is the very best part of education at the Federal level, to our local schools. I supported, in the last reauthorization of the Elementary and Secondary Act, the concept of concentration grants to direct more money to those schools with a high percentage or a high number of educationally disadvantaged students within their school system.

But, ladies and gentlemen, that is fundamentally different from the concept of education reform for all, being premised on a formula based on the number or the percent of educationally disadvantaged within your local education agency.

Worse than that concept is the fact that this bill, by nature of that formula, guarantees a paperwork, a reporting, and a bureaucratic structure that will so limit the amount of funds for the majority of schools in our States that they will not participate in the process.

I believe I have 40 different communities in my congressional district alone that are at some point involved in educational reform. And, unfortunately, I have to stand here today and tell you I do not believe one of those schools would qualify for funding under this bill for their education reform program because they are not going to be qualified by virtue of having over half, in terms of numbers. These are small, rural school districts, and they are not going to qualify in terms of percentage because, very frankly, most of them are simply middle America.

Now, to their credit, they are trying to design programs that early intervention and children at risk in making sure we achieve goal No. 1, which is that the kids start school ready to learn. But unfortunately this bill tells them that they are not going to participate in that process.

Second, I want you to understand the bureaucracy that is involved in this bill. Let me take it simply at the local education level: First, you have to create a 15-member local council to do the reform and develop the plan. They then submit the plan to the local education agency, which is obviously the school board.

The school board then indicates that they are going to seek a grant, so they must hold public hearings on that proposal, modify it, send it back, or change it totally and send it up to the State.

But before they ask for a grant from the State, they have to turn around and tell every school in their local education agency that, "If you want some of the money from this grant, we are going to have a competitive subgrant here in our school district for which you can apply for those funds."

Then that local school board will review those different plans from the school buildings that apply, and they will submit those along with their plan to the State. The State will establish a peer review process to look at it and allocate the grants and awards to the local LEA's, and they will refer those back to those schools.

Interestingly enough, during the review and monitoring process that the local planning council, whose plan may have been totally rejected by the school board, still must report to the State the progress that is made, perhaps even on a plan on which they were totally rejected.

Now, there are a couple of other points here that I think are very important as well. Many of us in this Congress on both sides of the aisle have advocated the concept of education flexibility. The problem with the education flexibility in the bill before you is that the only people who can have educational flexibility are the disadvantaged programs.

On page 87, line 19, it says, "You can only waive statutory requirements if the requirements well impede the delivery of services to disadvantaged students."

□ 1440

If the concept of eliminating Federal and State regulations has merit to allow and to provide incentives for that local school to do what works there in new, bold, innovative ideas to enhance the quality of education in that community, you cannot limit it only to those programs directed to the disadvantaged.

To be honest with you, I hope there is not a regulation in effect today that impedes programs for the disadvantaged. So by its very nature, that means there can be no flexibility because there is no rule today that impedes that program, so there is no rule or regulation that can be eliminated for the concept of flexibility.

Now, there is one other thing in here that I think every Member of Congress ought to understand, and in particular my colleagues on the Democratic side of the aisle and those who are very concerned about the mix between public and private schools.

I want to tell everyone that, to my knowledge, in a phone call received just before I came to the well of the floor to speak, the National Education Association has not made a decision on whether they will or will not consider this a pro- or an anti-education vote.

My guess is that part of the reason they have not made that decision is because there is a provision on page 74 of this bill that simply says:

> Any local education agency which uses funds under this part for teacher and administrator training—

And I am quoting now—

> shall provide in its plan for the training of teachers and administrators in private schools located in a geographical area served by such agency.

Let me tell you what the possible implications of this are. I am going to take either the LaCrosse or the Eau Claire school districts, the largest city school districts in my congressional district. Each of them has two public high schools. Each of them has a series of elementary schools. Under this plan as it exists today, the LaCrosse School District cannot have a districtwide educational reform program. The reason they cannot is because this bill mandates that every school has to compete with every other school building in LaCrosse for those funds. So the net effect of that is LaCrosse Central might get the funds and LaCrosse Logan might not. One high school gets them, the other does not, and the same at the elementary level.

But worse than that, if LaCrosse Central uses those funds for teacher training, retraining, and upgrading their skills, then the LaCrosse School Board must make sure that those funds also have to go to LaCrosse Aquinas High School teachers and the administrators, even though they might not go to LaCrosse Logan teachers in the other public school.

I do not enjoy saying what I am saying here this afternoon, because I know that no Member of Congress more wanted to vote for it, to speak for this bill than I did. Those of you who know me know that I have worked my heart out back home to try to get education reform, not to beat up on education, but to lift up education all over this country. I have spoken around my State. I have had the privilege of speaking around the country on this whole concept of what works and what does not work.

I think next year we are going to reauthorize the elementary and secondary education programs, and I have come to the conclusion that we ought to figure out at that time what are we going to do to better assist the disadvantaged under chapter 1 and other such programs, and what are we going to do to promote educational reform? But we cannot do both those things under the same formula.

So unfortunately, I ask you to vote yes on the motion of the gentleman from Pennsylvania [Mr. GOODLING] to return this bill to the conference committee to have it revised, and if that fails, I regrettably ask you to vote "no" on final passage.

Mr. KILDEE. Mr. Speaker, I am really very grateful to the gentleman from Wisconsin [Mr. GUNDERSON], because he certainly has labored hard on this bill. I regret that he differs with us on the conference report, but that does not detract from the fact that he has been a great contributor to the bill.

I would just like to respond to one thing. He referred to a provision in the bill saying that maybe it was the reason the NEA has not decided yet whether to support the bill or call it as one of their educational bills, I want to point out to the gentleman that language is really ancient language. It dates back about 30 years. The same language is found in chapter 1. The same language is found in the Eisenhower science and math bill, so it is nothing new. The NEA is very familiar with the language and they supported both those bills.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. FORD], the chairman of the full committee.

Mr. FORD of Michigan. Mr. Speaker, I am pained to see the members of my committee one after another explain how painfully they are progressing toward killing this bill.

I would simply like to observe that everybody seems to be dancing around the paternity question here. I think I could suggest the paternity of this legislation. It was initiated by the White House. It was much ballyhooed across the country by the White House and the Secretary. It was considered by the Committee of the House and of the Senate and considered in joint action by the Committee of the House and of the Senate, and it comes here in this form.

Now, people who were wildly enthusiastic about it a year-and-a-half ago are not so sure of it anymore, and I would like to join that long list of people who say, "I am really sad to see a bill that has as little support for it come to the floor as the conference report."

But I think it should be made clear that nobody ought to be pointing the finger at anyone else on the paternity of this thing. Everybody, as you have noticed, will get up here and critically say it is somebody else's fault, but everybody has had a part of the action, and that is what happens when a willful administration injects itself between the Members of Congress on the committee from both parties and proceeds to try to write legislation in their own image.

If you need further proof of that, look at the letter that was sent to our leaders today by the Secretary of Education in which he says that he is going to recommend that the President veto this. This is what he says, and this comes on the heels of the gentleman from Wisconsin from the other party being concerned about how the NEA is going to feel about this. I quote the Secretary.

> This bill epitomizes what is wrong with American education today. It evidences the cozy relationship between the majority members of the Education Committees and the entrenched education special interests who are most responsible for the current state of American schools and who have a vested interest in preventing any real and legitimate change.

He then goes on to criticize this bill for sending 90 percent of the money directly to local school districts and to local school buildings for every single decision. No other bill that we have ever passed here for education has sent so much of its resources to the local school district to make the decision. That does not fit the pattern of the administration's original idea of national testing, national standards, a national system of education, and for that reason I think this is a vast improvement over the original bill as introduced and should be adopted.

The Neighborhood Schools Improvement Act is the first significant school reform bill the Congress has considered. The funds authorized for the first year are modest, only $800 million. Far too little money in my opinion. But the bill is still very symbolic.

All prior education bills have focused on individual groups of children or on particular problems. This bill, by contrast, calls for sweeping restructuring in the education of all children.

Let me briefly describe the five characteristics of the conference report which make it so different from the programs we have considered in the past.

First, S. 2 calls for the development of voluntary national standards for education. Never in our two-century history as a Nation have we had standards to describe what children should know and be able to do. Educators tell us that we must have these standards now in order to have a focal point for national education reform.

Second, S. 2 creates a framework to improve the education of all children. Not since the Federal Government set aside land to create public schools in the 18th and 19th centuries have we at the national level been concerned with the education of all children.

Third, S. 2 calls for systemwide reform in education. As I have already mentioned, current Federal programs now focus on one population of students or another, or on one problem or another. None seek broadbased improvement of the entire system of public education.

Fourth, S. 2 calls for school delivery standards. This means that this legislation not only makes the students accountable but also provides the mechanism which insures that schools be held accountable by providing adequate resources, qualified school personnel, a proper environment, and all of the other necessary elements which must be provided in order to promote maximum learning opportunities.

Fifth, S. 2 emphasizes educational achievement instead of concentrating on the educational process. The conference report permits a sample of 750 schools to ease Federal and State rules and regulations in exchange for students achieving higher grades.

The Congress has never been concerned before about achieving such broadbased school reform and, therefore, we have had to think differently as we have crafted this legislation. As I already mentioned, the major disappointment I have is that the bill calls for spending only $800 million in the first year.

The Neighborhood Schools Act is the first step of a two-part process at the Federal level to improve education. S. 2 will establish the general framework for school reform but then next year we will have an opportunity to refashion the array of Federal programs to fit within this framework.

Ten billion dollars of current Federal aid expires next year and must be reauthorized. This will be our chance to update Federal programs and hone them to achieve broad reform.

Mr. Speaker, I urge adoption of the conference report.

Mr. Speaker, I include the letter from the Secretary of Education, as follows:

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
September 30, 1992.

Hon. ROBERT H. MICHEL,
Minority Leader, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR BOB: The President will have signed 10 major education bills during the 102nd Congress. I have strongly recommended that he veto S. 2, the Kennedy-Ford bill.

This bill epitomizes what is wrong with American education today. It evidences the cozy relationship between the majority members of the Education Committees and the entrenched education special interests who are most responsible for the current state of American schools and who have a vested interest in preventing any real and legitimate change.

First, the Kennedy-Ford bill pokes the Federal government's nose too far into local decisions. It creates at least the beginnings of a national school board that could make day-to-day school decisions on curriculum, discipline, teacher training, textbooks, and classroom materials. Such decisions belong with communities, parents, teachers and local school boards. A federal recipe book dictating how to operate a local school does not make schools better.

Second, this legislation gives money to bureaucrats and their entrenched bureaucracies, not children. It even adds new layers of unworkable bureaucracy. In the first year, 100 percent of the money goes to administrative costs instead of classrooms. After that, 30 percent is set aside for similar purposes.

Third, and perhaps most critically, this bill fails to help change our schools. Five-hundred days ago the President asked Congress to appropriate nearly $700 million dollars for AMERICA 2000 legislation. Communities, teachers and families have literally reinvented education and want the best schools in the world. The President asked to cut red tape in all 110,000 schools . . . to get federal regulations out of the way so teachers are free to teach. The Kennedy-Ford bill gives them minimal freedom in less than one percent of those schools. The President asked to move rapidly ahead with higher standards and a voluntary national examination system; Congress has slowed the process down.

The President also asked Congress to give middle and low-income families more choices of all schools. Choice is absolutely necessary to give consumer power to parents to change our schools. The Kennedy-Ford bill fails to give parents greater choice even of public schools.

The President asked Congress for a half billion dollars to help communities create New American Schools. Today, more than 2000 communities are rethinking the way their schools educate their children and 686 design teams are in place to help them do that, with businesses raising $200 million to fund the effort. Yet Congress has refused to appropriate any money for New American Schools.

Congress has delayed so long, it now has not one penny left this year for this bill or any K-12 education bill. For all of these reasons, I am recommending that the President reject such cynical end-of-the-session high jinks. This is not an education bill; it is a monument to business-as-usual thinking.

Sincerely,

LAMAR ALEXANDER.

Mr. Speaker, I also include the following response:

ALEXANDER'S VETO THREAT: A RESPONSE

First, the bill "pokes the Federal Government's nose too far into local decisions."

An odd complaint since Bush recommended a national education test. We rejected that idea.

Second, the bill "gives money to bureaucrats."

S. 2 is the first Federal bill that will require at least 90% of local grants to be used in individual schools under the control of teachers and principals. Bush did not ask for that; it was Senator KENNEDY's idea and we adopted it.

Third, the bill "fails to help change our schools."

The National Alliance of Business endorses this conference report because it is a "constructive effort to legislate the education reform agenda initiated by the President and the Governors" and because it is an "important effort to improve American education."

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY], who has worked very hard on this bill.

Mrs. LOWEY of New York. Mr. Speaker, I rise in strong support of this conference report. I want to congratulate my chairman, the gentleman from Michigan [Mr. KILDEE] and the gentleman from Michigan [Mr. FORD], the committee chairman, for their outstanding work in moving this bill through the process.

Mr. Speaker, I rise in strong support of the conference report.

In a year consumed with partisan squabbling and Presidential politics, it is not surprising that this legislation gets mixed reviews.

But that does not change the facts: Amidst all the talk about fundamental change, this bill is quietly delivering real change.

We all know that the traditional Federal role in education has been restricted to the area of special needs. But as the evidence of a national education crisis mounts, it is clear that we must go further: The Federal Government must be a leader in education reform.

This legislation begins that landmark change. For the first time in our Nation's history, it gives the Federal Government a leading role in education policy.

But this innovative proposal goes much further. Recognizing that the failure of school reform over the past 15 years can be attributed primarily to its piecemeal nature, this bill supports comprehensive, systemic reform. It calls on States and local communities to join in sweeping plans to transform all schools for all students.

That means every family in America can be a part of this process, not just one-half of 1 percent of the schools in America, as the President proposed. No other plan envisions reform on this ambitious scale.

This conference report contains a vision that is based on the knowledge that we are capable of excellence.

It contains a strategy for achieving that vision by reaching all of our communities.

And it supports innovative reform techniques that will make a real difference in our children's lives.

The naysayers can snipe away at some details, but they will leave the broad picture unchanged: This is one small step for Congress, and one giant leap for education reform.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 553. Joint resolution making continuing appropriations for the fiscal year 1993, and for other purposes.

□ 1450

CONFERENCE REPORT ON S. 2, NEIGHBORHOOD SCHOOLS IMPROVEMENT ACT

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. GOODLING] for yielding this time to me, and let me say at the outset that I am imploring the Members of this body to do the responsible thing and vote for the Goodling motion to recommit. Should that fail, then I would ask the Members of the body to vote against this conference report.

Mr. Speaker, there is no more serious business that any civilization or culture can undertake than the education of their young people, and the American people take this business very, very seriously. We spend over $400 billion a year, at the State and local level, and even at the national level, on education for our young people. The least amount of that spending is done at the Federal level, less than 8 percent. The American people quite readily understand that local control, local administration, of their schools is in the best interests of their children. If in fact this legislation should put more control of the schools in the hands of the Federal Government, it would do exactly the wrong thing with respect to the preference and the desires of the American people.

This legislative reform effort began over 500 days ago when the President initiated America 2000 on behalf of the school children of America. Any relationship of this work product to that effort by the President to provide incentive for real educational innovations is purely accidental. The fact of the matter is the President's recommendations met a rigorous hostility in the committees. The Democrat chairmen of both the House and the Senate committees worked hand in hand with the National Education Association, the largest union in America, to see to it that the spending under this bill met the needs of that large union's special interest in total disregard of the needs of the children of America. They were, in fact, offended by the President's proposal to the extent that the chairman of the House committee pulled all the work product of any participation in the committee from his side or ours and unilaterally submitted the National Education Association's bill.

So, Mr. Speaker, let me say that this conference report was written by the gentleman from Michigan [Mr. FORD], chairman of the Committee on Education and Labor, and Chairman KENNEDY of the other body in conjunction with the National Education Association in total disregard to the mission of education on behalf of the children of this Nation, in total disregard to the efforts of the President and totally on behalf of the largest union in America.

I implore the people of this country, when given a choice between voting for the families and the children of this country and the National Education Association, to vote for the children. Let us take this snake back into its hole, and let us start over again with a legitimate, serious bill in the next Congress that concerns itself with the children of this Nation.

Mr. Speaker, I rise in strong opposition to this conference report, legislation that the Secretary of Education has called "worse than worse than awful." This report—more aptly called "Christmas comes early for the NEA" is dead on arrival. The President is going to veto this bill precisely because it is simply another manifestation of the chronic disease afflicting much of what we do here. Since coming to Washington, I've observed this sickness. The majority in this Chamber consistently responds to problems in one fashion, they recognize a problem and then they throw money at it. Mr. Speaker, that is precisely what has been done with this conference report. I don't deny that there is a problem in our Nation's schools. I deny that this bill will be able to address it.

This legislation will not help children, it will not make our Nation more competitive, it will not empower parents. It will only enrich education bureaucrats. Even the chairman of the Education and Labor Committee has admitted as much.

From the beginning when President Bush first introduced the America 2000 proposal, it was clear that the American people wanted the Federal Government to spur initiative and reform. It was also clear that the American people did not want the Federal Government to micromanage or take over our communities' schools. This report rejects that consensus. It won't spur reform and it takes us down the path to federally run schools, both public and private. Adopting this bill will lead us to a national curriculum and who knows what in the day-to-day operations of local schools.

The conference report would also make bureaucrat funding its primary emphasis. The first year 100 percent—that's $800 million—goes for administrative costs outside the classroom. This is supposed to be reform.

The President's package—which I can say unabashedly I support—was submitted to this Congress more than 500 days ago. We have communities all across the Nation working on a mostly volunteer basis to reform and reinvigorate our community's schools in anticipation of this bill. Unfortunately, it was for nought. Not only has this Congress prevented America 2000 from receiving any funding, but the majority in this Congress has also failed to even allow the regulatory waiver that the President sought. Out of 110,000 schools which would have been eligible for regulatory relief, the Kennedy-Ford bill allows 75. That's right, a maximum of 75 schools. This is called reform.

Perhaps even more critical than any other reason why the President will veto this bill is the fact that it bans school choice—public or private. Despite being recognized as the most innovative reform to be considered in education, the majority on this committee has banned. Sadly, the majority replaced competition and improvement with bureaucratic ineptitude and failure. I will say that the majority did include one cost-savings measure in this conference report. Remarkably, there is a provision allowing public schools to use their Federal dollars to publicize their successes to private schools. Since I don't expect to see these successes or interest on the part of private schools of adopting these so-called successes, I assume that it is a cost-saving measure.

Also I am particularly concerned about the potential that H.R. 4323 authorizes Federal support for school-based clinics that provide birth control and abortion counseling services. I might add that this could be done without parental consent or any age limit. Such a move would be significant change in Federal education policy and should not be considered in this legislative vehicle. The administration has outlined their concerns about this, and we have sought a clear ban in the bill. Unfortunately, the majority could not make such commitment, apparently because the education bureaucracy supports this measure. This is supposed to be reform.

The House Committee on Education and Labor was given an opportunity to be the catalyst for education reform in this Nation. President Bush in conjunction with the Nation's Governors promulgated a sweeping plan to revitalize our schools, seeking such goals as achieving a 90-percent high school graduation rate; adopting voluntary national examinations; accomplishing universal literacy among others.

Instead of drafting and adopting language which would accomplish this objective, the committee has chosen to respond to the concerns of entrenched bureaucratic interests. Innovations such as choice and competition are the most important reforms capable of turning our schools around. Rather than create incentives for excellence in education utilizing these components, the Kennedy-Ford bill gives its approval to a new block grant authorizing federally funded field trips, movies, school clinics, and other activities either not directly related to or counterproductive to the mission of education. This is unfortunate, perhaps even more so now that it is becoming increasingly clear that the opposition to reform is predicated on partisanship.

Today we spend 33 percent more per pupil than we did just 10 years ago, and yet we've not seen 33 percent improvement in educational achievement. In fact, just the opposite has been the case. For instance, in 1983, our students scored among the lowest in average science achievement when compared with 17 other countries. Less than 1 in 10 American students demonstrate basic knowledge of our Government and its operations.

In conclusion, despite near universal acclaim for the efficacy of reforms like school choice as an agent for competition and improvement of our schools, the Kennedy-Ford bill will instead reward the majority's supporters from the education bureaucracy.

Mr. Speaker, let me close by saying that I don't believe that the conference report is at all likely to stimulate the major changes in our communities vital for our country as it heads into the 21st century. It is for the sake of our young people that we insist that we do better. I urge Members to vote for children and against this bill.

Mr. KILDEE. Mr. Speaker, I yield 6 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Speaker, I rise in strong support of the conference report on the Neighborhood Schools Improvement Act because it recognizes that our children cannot achieve world-class standards if they are condemned to attend Third World-class schools.

This legislation authorizes assistance for the development of content standards in science, history, English, and other subject areas which would set out what our children should know to compete effectively in the national and world economy and to participate successfully in our society. This is an important activity which I fully support. Parents, policymakers, school administrators, teachers, and students themselves will find this kind of information very useful. But our schools need more. They also must know what our policymakers must do to assure that our children have the means and resources to master the knowledge set out in the content standards. For this reason, H.R. 4323 also authorizes the development of school delivery standards which would set out criteria for the quality of the education a school must deliver every child to provide that child with a fair opportunity to attain the knowledge and skills outlined in the content standards. These standards will encompass the qualifications of teachers, the kinds of resources provided to support learning in and out of the classroom, the quality of the instructional materials, and other elements of the school environment.

Just as the content standards will provide us with a benchmark against which to evaluate the performance of our children in school, telling us whether our students are meeting world-class standards, school delivery standards will provide us with a benchmark we can use to evaluate the performance of Governors, mayors, legislators, school board members, and others in meeting our children's educational needs, telling us whether our policymakers are providing our students with world-class schools. They promise to become a critical instrument for holding policymakers accountable for the way they treat our schools and a vital lever to drive greater equity and opportunity into an educational system which now cheats so many poor and minority children of a fair opportunity to learn.

Addressing these inequities is essential to meaningful educational reform. Here is the richest and most educated nation in the world, we have in our midst schools whose squalor rivals that of the worst Bantu schools in South Africa. In his book "Savage Inequalities," Jonathan Kozol has graphically cataloged the daily atrocities committed against the children who today attend schools which are starved of the most basic resources: Classes conducted in closets; hallways flooded with raw sewage; science labs without any equipment; bathrooms without running water; history textbooks two decades old; untrained teachers; unheated, dirty classrooms. The list of abuses perpetrated against the children of the American Bantu schools is literally endless. As the Chicago Tribune put it in its shocking series of articles about the Chicago public schools, the conditions in these schools amount to institutionalized child neglect.

These dysfunctional, destructive schools are not a random occurrence. South Africa's Bantu schools are for the children of poor and minority families—the most powerless members of the society—and so are ours. America's Bantu schools proliferate in inner cities and rural communities and wherever else there are concentrations of low-income families, African-Americans, Hispanics, and others with limited political and economic power to fight back.

The school delivery standards which will be developed through this bill will provide parents, teachers, and others in these communities with a valuable new tool with which they can confront and combat the indifference and contempt of the politicians who permit America's Bantu schools to thrive. It is for this very reason that the President and congressional Republicans oppose school delivery standards. The same administration experts who pound the podium demanding that our children be held accountable for their work in school, the same people who want to test our kids until their fingers bleed, run screaming from the room at the suggestion that policymakers, too, should be held accountable for their actions. Insisting our children meet world-class standards, apparently, is one thing. Insisting our politicians provide our children with world-class schools is another. What hypocritical nonsense that is.

Opponents of school delivery standards have worried aloud that these standards might force Federal, State, and local governments to increase their spending on education and jettison inequitable funding formulas. Let us hope for the sake of our children and our Nation that they are right. Far-reaching reform is urgently needed throughout our education system if we are to meet the national education goals promulgated by the President and the Governors and ratified here in this legislation. But our first task must be to ensure that our schools are adequately and equitably funded. The Bantu schools must go. Without this, reform and restructuring is doomed to failure.

I urge my colleagues to vote for the conference report. With its support for the development of school delivery standards and other provisions, the legislation will move us forward to assuring that every child in America is given a world-class education.

Mr. KILDEE. Mr. Speaker, will the gentleman yield?

Mr. OWENS of New York. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Speaker, it appears that the minority will be offering a motion to recommit with instructions, and, reading over that proposed recommittal, it seems that they are striking national standards for schools, but, in effect, keeping national standards for kids.

Does that sound reasonable to the gentleman from New York? If we are going to hold kids to a certain national standard, should we not hold the schools to a certain national standard?

□ 1500

Mr. OWENS of New York. Mr. Speaker, the fact that the motion to recommit singles out delivery standards plays out the drama of hypocrisy to the fullest. In America 2000, the President's proposal for reforming schools, there is not a single statement about standards and the resources necessary to make those resources possible. It is an attempt to sell the American people reform without putting anything behind it in terms of resources.

Opponents of school delivery standards are worried that these standards might force some Federal, State, and local governments to increase their spending on education, and this is exactly what we need. We need these school delivery standards because these school delivery standards tell us where we have to place the resources.

Mr. Speaker, you cannot have world-class schools, you cannot have world-class students, unless you provide them with world-class schools. And world-class schools mean the right amount of equipment, books, laboratory equipment, and qualified teachers.

Mr. Speaker, I urge my colleagues to vote for this conference report and provide for the school delivery standards necessary to go forward to make America's schools world-class schools.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I thank the ranking Republican for granting the time.

Mr. Speaker, I would like to begin by congratulating the ranking Republican, the gentleman from Pennsylvania [Mr. GOODLING], and the chairman of the committee, the gentleman from Michigan [Mr. KILDEE]. The work these gentlemen have put into an earlier version of this bill in subcommittee was truly done in a bipartisan way in response to the President's introduction of America 2000 and in response to the crisis that is affecting all of our children across America.

Unfortunately, their efforts all along the way have been dismantled, and what we have before us is another charade. It is a bill that has been brought to this floor so that we cannot be criticized for not dealing with the education problem in this country.

It is not going to drive any real reform through the system. It is not going to empower parents and communities to involve themselves in our schools, because that is where the real effort needs to be done if we are going to have structural change in those institutions so that our children have an education where they can go on as productive members of our society once they are out of school. It really is unfortunate, given the work of both sides of the aisle, given the commitment from Members that we ought to have real structural reform, that throwing more money at the system is not the answer without real change in the system.

Mr. Speaker, today I think it is time to vote for the Goodling recommittal motion, and, if that does not pass, it is time to say no, let us not play another charade across the American people. Let us try to do something that is real and significant. Unfortunately, this bill before us today is not.

Mr. KILDEE. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I rise today in support of the conference report on the Neighborhood Schools Improvement Act.

This act is the first step toward nationwide systemic school reform guided and supported by national resources. This bill provides critical assistance to States, local districts, and schools to plan and undertake systemwide reform. With broad public participation, schools would be able to establish new education standards, innovative curricula, assessment systems, and teacher and administrator training programs.

But while the funds available to local school districts must be spent to implement reforms, the bill does not prescribe or mandate the specifics of a local reform program.

This legislation codifies the national education goals and establishes Federal objectives to help meet the goals. This legislation also establishes a National Education Goals Panel and the National Education Standards and Assessment Council to determine national education standards for both student performance and school accountability, and provides for research on the impact and content of these standards.

I believe this bill marries Federal resources with local know-how, a key component of education reform. It's a small step in assisting local schools, but it's a step forward and I urge my colleagues to support it.

Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I urge a "no" vote on the conference report. The Committee on Education and Labor was before this body several months ago urging support for the Higher Education Assistance Act. Members will recall that the chairman of the full committee, the gentleman from Michigan [Mr. FORD], the ranking Republican from Pennsylvania [Mr. GOODLING], and any number of us from both sides of the aisle, had concluded that that was worthy, constructive, and helpful legislation, even though at the time the administration had expressed reservation and objection to the legislation. On a bipartisan basis, we urge support of that bill.

The situation is quite different today. In fact, when this bill left the Committee on Education and Labor, the chairman of the committee protested the legislation, acknowledging that it made no revolutionary changes and was of no great consequence relative to the educational reform agenda.

The ranking Republican, the gentleman from Pennsylvania [Mr. GOODLING], said essentially the same thing.

Now, if the Democratic chairman does not want to defend the bill, and if the ranking Republican does not want to defend the bill, why in the world are we being asked to vote for it today?

There are $800 million of public funds at issue. Not one penny, not one penny in the first year, reaches into any of your local school districts, or into any particular classroom, or to help any particualr teacher get professional development.

I heard the gentleman from New York [Mr. OWENS] when he was talking about Jonathan Kozol's book, "Savage Inequalities." It is a good book. I recommend it to my colleagues. I just finished reading it myself several weeks ago.

Why not, if we have $800 million, simply put the money into chapter 1 and address some of those inequalities? Why not, given the fact that the Elementary and Secondary Education Act is up for reauthorization next year, hold back and save that money so we can do something substantive by way of millage equalization, or chapter 1, chapter 2, and get that money into the schools to help the kids and the teachers in the classroom.

None of that is true of this legislation. Every single penny of the $800 million in the first year goes into planning committees, your local, your intermediate, and at your State level, planning and talking and coordinating. But not one penny goes into the action of doing. And that is what my colleagues have to understand.

There is nothing, and I am going to stress that, nothing of the President's initiatives here, nothing by way of new American schools funding. Nothing by way of innovation in educational choice, even for public schools. Put private schools aside. The entire America 2000 agenda is stripped from this bill. I urge my colleagues to vote "no."

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think one of the most important elements of this conference report and of the House bill is national delivery standards. We fought very long and very hard to retain national delivery standards during the progress of this bill.

Now, if we abandon national delivery standards and let a State or a consortia of States develop their own State delivery standards, we could find that a State or two States with the lowest per pupil expenditure and perhaps the lowest achievement could set delivery standards which reflect the poor educational standards already existing in that State or States.

That is why I think it is very important that we retain national delivery standards. We are competing in a global economy.

□ 1510

While education is a local function, and we certainly strengthen the levels of local function in this bill while it is a State responsibility, and we certainly recognize that State responsibility in this bill, it is a very, very important Federal concern, a deep Federal concern for two reasons.

First of all, we are in a very mobile society. The person educated in Mississippi may end up living in Michigan or vice versa. Plus we are competing in a global economy. We have certain national interests in education, and that is why we feel it is important to retain and maintain in this bill certain national delivery standards if we are going to recognize the mobility of our society and the fact that we are competing in a global economy.

That national delivery standards section of this bill is very important. It is essential. It will help move this country along the path of real school reform. Any attempt to strike national delivery standards should be fought very, very hard by this body.

Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, 44 years ago, when I came to this Congress, the first bill I introduced was one to assist in the education of people in this country. At that time I was more or less restricted in my thinking by the fact that the Constitution did not provide for education being a function of the Federal Government.

Today times have changed considerably, and we have a national interest that is very paramount to getting ahead in the field of education.

The bill before us, it seems to me, this conference report, addresses this and addresses it well. There may be too much bureaucracy in it. There may be things in it we would like to change in future years. But the thrust forward to acknowledge the fact that today our educational system must be improved and made available to everybody is something which I think everybody can agree upon.

We thank very much the committee for bringing this before us. I hope it will pass overwhelmingly.

Mr. KILDEE. Mr. Speaker, I yield 2½ minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Speaker, I rise in support of the conference report. I do not think we should have any illusions about this legislation.

It is a modest attempt to move the debate on school reform forward. It contains some very valuable elements: specifically, a more firmer grasp on the issues of standard setting throughout the Nation; specifically, again, the issue of school delivery standards. And these are something that I think will be a very valuable precursor to the reauthorization of the Elementary and Secondary Act next Congress.

But I am a little bit amazed at some of the discussion I have heard from the opponents of this bill, flailing away at the issues of school choice, talking about new American schools.

I find it a little bit difficult to accept Members who are talking about choice but are unwilling to support school delivery standards. How can a parent go about choosing a school if there is no independent evaluation of how that school is doing?

The whole issue of school delivery standards attempts to establish that independent evaluation.

Also, we have talked about choice. It has been bandied about back and forth. We started with the President's proposal for choice among every type of school, public or private. It has been narrowed down to public school choice. But nowhere in the conference, in the debate, did we focus in on what we are talking about. Is this intradistrict choice? That is being done already by many school districts throughout the country.

That issue, I think, has become more a slogan than a real message of reform.

With respect to the issue of new American schools, unlike some of the other proposals that we have heard in our committee meetings, charter schools, the new American schools is really, I think, an approach that can be simply dissolved to a simple mathematical equation.

As the President proposed it, new American schools equals one school equals $1 million. The $1 million is no longer there, and what the new American schools have become is simply a slogan.

I do not think we should waste our time in the last few moments of this Congress debating about slogans. I think we should pass this legislation, take a step forward in terms of establishing national standards, including school delivery standards, and use this as a solid basis to go forward into the next Congress and to reauthorize in a systematic and comprehensive way the Elementary and Secondary Act.

For that reason, I urge passage of this important legislation.

[Mr. GOODLING addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. Speaker, I yield back the balance of my time.

□ 1520

Mr. KILDEE. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I think we are on the road to a new departure on Federal aid for education. I think for the first time we are giving local school districts and States the opportunity to really look at their school systems and look at systemic reform. In the past we have addressed special populations and special programs. Very often school districts and States are strapped for money, just for those specific programs, and they do not have the resources, particularly at the local level, to look at systemic reform.

I believe we should take this step, start this process. I do look forward to next year, working with the gentleman from Pennsylvania [Mr. GOODLING] to reauthorize all of the K-12 programs as part of the next step.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report on S. 2, the Neighborhood Schools Improvement Act, our national education reform bill.

It is no secret that America's future is at risk because we are falling short in our responsibility to give our children the education that they need. The Children's Defense Fund has revealed that, in 1988, American 13-year-olds ranked last in their ability to solve math problems. They were behind their peers in the United Kingdom, Spain, Ireland, Korea, and three Canadian provinces.

Almost 29 percent of our students who entered the ninth grade in 1984 failed to graduate from high school by 1988. And fewer than half of them can understand, summarize and explain the kind of material that is found in encyclopedias or high school texts. Over a quarter of our 13-year-olds cannot add, subtract, multiply and divide using whole numbers, and only 40 percent of our students are able to solve abstract math problems or those requiring at least two steps. Only half of our 17-year-olds who are still in school can compute using decimals, fractions and percents. Educational reform in America is long overdue.

In response to our educational crisis, the Neighborhood Schools Improvement Act provides the systemwide education reform that we need so badly here in America today. It supports a broad-based effort of support for States and local school districts so that they can, in turn, provide our elementary and secondary level students with the skills and knowledge that they need to compete in today's changing world. S. 2 will improve the quality of education for all American students.

Educators—from both my district and throughout the State of California and the Nation—have stressed the importance of resources and flexibility if they are to do their jobs and do them well. This bill provides both.

First, S. 2 establishes a national education goals panel to coordinate the development of voluntary national education standards—content standards that describe what students should know and what they should be able to do, and school delivery standards that describe the kinds of resources that any school should have in order to provide the kind of instruction that will enable students to acquire the knowledge and skills described in the content standards.

Second, the bill specifies six education goals for the year 2000: That all children start school ready to learn; that the high school graduation rate increase to at least 90 percent; that students leave grades 4, 8, and 12 with demonstrated competency in challenging subjects, including English, mathematics, science, foreign languages, history, and geography; that our students become the first in the world in mathematics and science achievement; that every American be literate; and that every school be drug free and violence free and offer a disciplined environment conducive to learning.

S. 2 then sets up a new program of grants to States to support systemwide education reform, fund innovative activities, and provide technical assistance to school districts so that the national education goals can be met. A State can apply for 5 years of funding at one time, and the Federal Government will, in turn, pay all of the costs in each of the first 3 years of the grant. The State is then required to match proportionately greater amounts of its Federal funding during the remaining years of its program.

Also, during the first year of a grant, although a State may choose to pass some of its funds on to local school districts, S. 2 provides that all of a State's funds can be retained at the State level to help develop the statewide system reform plan. However, in the second and succeeding years, a State may keep only 20 percent of its allocation, and 80 percent must go to its school districts for developing and implementing local reform plans. In turn, during the second year of the grant, a school district must turn over 85 percent of its allocation directly to its individual schools and, during succeeding years, the district must pass on 90 percent of its funding to them.

Each State also has to establish a panel to coordinate the development of a State reform plan—a plan which must include a competitive process for awarding funds to school districts. School districts must also establish broadly representative local committees to develop and oversee the implementation of local plans. These local committees will include representatives from among local government, the school district, and the business community, and may also involve parents, principals, teachers, curriculum experts, and representatives from local higher learning institutions. S. 2 will thereby facilitate Federal and State government working in conjunction with local communities to effect much-needed change in our educational system.

American's economic health depends on our ability to adequately educate all of our children, and we have always relied on our public education system to prepare them for the future. If we are to continue to place that kind of trust in the system—as we should—we cannot shirk our responsibility to support it with the resources that it needs to do its job.

Mr. FRANKS of Connecticut. Mr. Speaker, today we have an opportunity to better this country's school system for our children and for future generations.

I come to the floor today in the hope that we will bring legislation that will reform our current system. However, the other party continues to reward a system that has fallen to the bottom of the world standings. A system that has left our children among the world's poorest in math and science. A system that does not hold schools accountable for their quality of academics, and a system that does not reward teaching excellence.

Unfortunately, the Democrats feel it is important to keep rewarding this system. S. 2, the conference report on the Neighborhood Schools Improvement Act, does not come close to reform and does not meet the standard we should set for our children. It also appears that they feel that this system is not in need of reform.

However, I disagree with them. We cannot continue to accept the system we have now. We must make sure that our children receive the highest degree of academic excellence. I do not believe the conference report meets this goal.

I favor the alternative legislation put forward by my colleague Congressman GOODLING when the House first considered this legislation in August. The Goodling substitute included many of the reform alternatives which were included as part of the America 2000 proposal. This proposal was developed as part of the discussion the President had with the Nation's Governors.

The Goodling alternative put forth new and creative ideas which sought to transform our Nation's schools. For example, the Goodling substitute provided funding for break the mold schools. These are schools which challenge conventional wisdom and look to new and creative ideas which will propel our schools out of the old world system. Most importantly, these new schools will look to meet world class standards and put American children at the forefront of education in the world. Unfortunately, this conference agreement does not include incentives for break the mold schools.

In addition, the Goodling substitute would have set the standards for excellence in education. It would have put forth a voluntary national examination system which will give educators an indication of how our students are progressing. Most of all, it would have given students something to strive for, something which would challenge them and a goal which they can focus on to better prepare them for continued education and the work force. It also would have recognized students who excel by rewarding and recognizing excellence. It would give students the confidence they need to compete in our ever-changing global economy.

The Goodling substitute also looked to bring fairness and equality to the current system by giving parents a choice in where their children may strive for their educational future. We know that the haves already have a choice in where to send their children, while the have nots must leave that decision up to local bureaucrats. The Senate-passed bill included a choice provision, but unfortunately the conferees decided not to give parents a choice and did not include and choice provisions in this conference agreement.

However, I realize there are problems that have to be worked out in this area, but if we are looking to reform our schools we must at the very least look to choice as a bright alternative.

Choice promotes the family by allowing parents to get involved with decisions affecting their children. It creates a competitive environment where schools will have to strive to be the best in order to attract students.

Finally, this bill comes dangerously close to creating a national school board. The legislation provides funds to establish a council which would set national school delivery standards prescribing conditions at each level of the education system. I believe that this tramples the fundamental and traditional role of States and localities in developing our Nation's education system.

Mr. Speaker, in closing, we have an opportunity today to reform a system that needs fixing. We have an opportunity to invest in the future of this country, and to invest in the future of our children. Unfortunately, this conference report has let this opportunity slide right by.

Mr. FAWELL. Mr. Speaker, I rise in reluctant opposition to this conference report. When the House Education and Labor Committee first began work on education reform proposals, it was a truly bipartisan effort. An earlier version of this legislation, H.R. 3320, reflected much of the testimony received at hearings on the President's "America 2000" proposal, which is designed to improve education, raise academic achievement, and provide the systematic reform necessary for our Nation's students to meet the national education goals. In October of last year, the committee approved H.R. 3320 with strong bipartisan support.

However, this spring, under pressure from special interest groups, Representative BILL FORD, chairman of the committee, recalled H.R. 3320 and substituted his own measure, H.R. 4323. In drafting the new bill, Congressman FORD removed or watered down many of the innovative approaches to educational reform including the President's new American schools initiative, merit schools, and regulatory waiver program.

Some of my colleagues have lambasted this bill as a do nothing bill and business as usual. While the bill is only a shell of the original bipartisan version, I believe it is somewhat better than this. The conference report would establish and fund local community panels, formed for the sole purpose of reforming the education system. While it is true that the school board would have final authority over the plan and that many activities unrelated to reform could be funded under the "guise of reform," communities truly committed to reform would, to some degree, be empowered under this bill.

I recently had the opportunity to meet with Dr. Len Sirotzski, the project director of the new American school design team in Bensenville, IL. In February 1991, residents of Bensenville began meeting on a regular basis to discuss what must be done to bring their students to world class standards in education. These meetings culminated in the development of the 1 of 11 break the mold designs selected by the New American Schools Development Corp., a privately funded corporation formed to invent and establish a new generation of American schools. The Bensenville plan calls for the entire community to take part in the educational process. Students from kindergarten through the 12th grade will study subject matter not only in the classroom, but also in banks, technology centers, libraries, news rooms and government offices. The Bensenville school will operate on a year-round basis and will be open to students from 6 a.m. to 10 p.m. During our meeting, Dr. Sirotzski indicated that the Bensenville community is committed to reform and would have proceeded with their plans even if they had not received the grant.

I mention the Bensenville community not only to applaud what is being done in Illinois, but to contrast it with what we have been doing here in Congress. More than 500 days after the President sent his education reform proposal to Congress, we are asked to approve a bill which neither the majority nor the minority are particularly excited about. Even Congressman FORD, the bill's sponsor, has stated that the bill will do nothing to revolutionize education. Furthermore, while Congress, in its usual manner, has been endlessly debating education reform, we failed to include any appropriation for education reform in this year's appropriation bill. Even the $100 million set aside last year for reform has dried up since Congress took no definitive action by June 1.

Usually, members of the committee work closely in a bipartisan matter on education matters. The administration is strongly opposed to this bill and Secretary Alexander has recommended that the President veto the measure. House and Senate Democrats repeatedly rejected attempts of congressional Republicans to develop a compromise bill. This conference report was produced with virtually no Republican input. It is apparent that those pushing this bill would rather have a political issue, than legislation to truly reform our education system. Next year, we will be reauthorizing all Federal elementary and secondary education programs. I believe that in a less political environment, we can do better than this and urge my colleagues to vote no.

Mrs. LLOYD. Mr. Speaker, I rise in support of H.R. 4323, the Neighborhood Schools Improvement Act. The issue on the topmost list of priorities for Americans today is education, and with good reason. That is certainly true in my district. However, the recession has taken a real toll on many communities, as they look for resources, to fund books, supplies, busing, extracurricular activities, and teachers salaries. Many school districts have been forced to make drastic cut backs in their budgets, thus depriving our children of an adequate education. The Neighborhood Schools Act will provide our schools with funds to help implement systemwide reform and allow our students to learn in a conducive learning environment. This legislation will encourage schools to create innovative curriculums and make educational resources more accessible. In addition, the bill includes a provision that will create a values in school commission, which will work to develop ways of promoting values, ethics, and democratic principles in the classroom.

Mr. Speaker, education is the key to opportunity, especially in today's competitive and global marketplace. Our schools must prepare children now for doing business throughout the world tomorrow. In order to accomplish that objective, we need to ensure that each child comes to school ready to learn with access to up-to-date educational resources and information. The Neighborhood Schools Improvement Act is a step in the right direction. This bill incorporates the six education goals established by the Nation's Governors, and focuses on academic achievement of all children through a strong emphasis on results. Improvement in our educational system is only possible by working toward clear goals. Education is an essential investment in our Nation's future. We will all benefit by making a commitment to education reform.

Mr. KILDEE. Mr. Speaker, I move the previous question on the conference report.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. TORRES). Is the gentleman opposed to the conference report?

Mr. GOODLING. I certainly am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit the conference report with instructions that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 2, the Neighborhood Schools Improvement Act, insist that the conferees report the following provisions:

In section 8104 of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2), in subsection (a)(1) strike "and the voluntary national school delivery standards"; in subsection (a)(2) strike ", voluntary National school delivery standards,"; and in subsection (a)(3) strike "and the voluntary national school delivery standards".

Strike section 8111 of the Elementary and Secondary Education Act of 1965, as added by section 201(a)(2), and insert in lieu thereof:

"SEC. 8111. DEVELOPMENT OF VOLUNTARY NATIONAL SCHOOL DELIVERY STANDARDS.

"The Secretary shall make grants to the Governor of a State or consortia of such Governors in order for the State or consortia of States to develop school delivery standards that meet the needs of the State or consortia with respect to providing each student with an opportunity to learn."

Strike section 8114(a)(1)(A) of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2) and renumber accordingly.

In section 8307 of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2), in subsection (c)(1)(G) strike "and" the second time it appears; in subsection (c)(1)(H) strike the period and insert: "; and (I) provide support for local school reform such as Merit Schools."

In section 8309 of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2), in subsection (c)(6) strike "and" and in subsection (c)(7) strike the period and insert: "; and (8) New American Schools."

In Part C of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2) the House should recede to the Senate on the number of local educational agencies eligible for participation in the demonstration program and the Senate should recede to the House with respect to the specific program activities allowable for inclusion in the demonstration project.

POINTS OF ORDER

Mr. KILDEE. Mr. Speaker, I raise a point of order against the motion to recommit offered by the gentleman from Pennsylvania [Mr. GOODLING].

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. KILDEE. Mr. Speaker, under the precedents, "a motion to recommit a conference report generally may not include instructions which would be inadmissible if offered as an amendment in the House." I quote Deschler's Procedure, chapter 33, section 26.6. Similarly, the instructions may not instruct the conferees to do something which is beyond their power under the Rules of the House, such as add new matter, which would be in violation of clause 3 of rule XXVIII—beyond the scope.

The pending motion instructs the conferees to go beyond the scope of conference and, therefore, is not in order.

Specifically, the motion to recommit is outside the scope of conference on this ground: It writes in a new use of funds which appears in neither bill in their sections authorizing use of funds at the State level; namely, funding merit schools at the State level. It is the amendment called for in section 8307.

Mr. GOODLING. Mr. Speaker, I raise a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GOODLING. Mr. Speaker, the Chair put the question already before the point of order was raised by the gentleman from Michigan [Mr. KILDEE]. I do not believe that is the way we proceed in the House. The Chair had already put the question before us on my motion.

Mr. KILDEE. Mr. Speaker, I was on my feet.

The SPEAKER pro tempore. The Chair will state that the gentleman was already on his feet to make the point of order.

Mr. GOODLING. Mr. Speaker, the gentleman was not there, or at least, the Chair did not recognize him beforehand.

Mr. KILDEE. Mr. Speaker, I claim my rights. I was on my feet.

Mr. GOODLING. Mr. Speaker, the gentleman did not address the Chair at all. I addressed the Chair.

Mr. KILDEE. Mr. Speaker, I was on my feet well before the motion was made.

Mr. GOODLING. Mr. Speaker, he did not address the Chair. The Chair put the question on my motion.

The SPEAKER pro tempore. The Chair observed the gentleman standing seeking recognition as the Chair put the question, so the gentleman was on his feet.

Is the gentleman from Michigan finished addressing his point of order?

Mr. KILDEE. Mr. Speaker, I had made my point of order in accordance with the rules of the House.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania [Mr. GOODLING] wish to be heard on this point of order?

Mr. GOODLING. Yes, Mr. Speaker, I do.

Mr. Speaker, I would indicate that everything that was in the motion to recommit was discussed and debated. It was part of either the House bill or the Senate bill. At all times we were debating back and forth whether it would be local, whether it would be State. Therefore, I see nothing in the motion to recommit, as revised, that would in any way be beyond the scope of the conference.

The SPEAKER pro tempore. The Chair would ask the gentleman from Pennsylvania in this case if either the House or Senate passed versions, provided for State financed plans for merit schools. That would be the question. The Chair is aware of a House passed provision on local funding for merit schools.

Mr. GOODLING. Mr. Speaker, neither one provided it. As I said, the debate was back and forth, State and local, State and local. Both were discussed. It was part of the discussion during the entire conference, so it must have been conferenceable.

The SPEAKER pro tempore (Mr. TORRES). The Chair can only go by what was in the House and Senate passed bills at this point. The Chair would rule at this time for the reason stated by the gentleman from Michigan [Mr. KILDEE], the point of order with respect to inclusion of State plans for merit schools must be sustained.

MOTION TO RECOMMIT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. GOODLING] be permitted to substitute a new amendment that meets the requirements of the rules for the amendment just ruled out of order.

Mr. GOODLING. Mr. Speaker, I appreciate it, but I do not think it is necessary.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GOODLING moves to recommit the conference report with instructions that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the amendment of the House to the bill S. 2, the Neighborhood Schools Improvement Act, insist that the conferees report the following provisions:

In section 8104 of the Elementary and Secondary Education Act of 1965, as added by section 201(a)(2), in subsection (a)(1) strike "and the voluntary national school delivery standards"; in subsection (a)(2) strike ", voluntary national school delivery standards,"; and in subsection (a)(3) strike "and the voluntary national school delivery standards".

Strike section 8111 of the Elementary and Secondary Education Act of 1965, as added by section 201(a)(2), and insert in lieu thereof:

"SEC. 8111. DEVELOPMENT OF VOLUNTARY NATIONAL SCHOOL DELIVERY STANDARDS.

"The Secretary shall make grants to the Governor of a State or consortia of such Governors in order for the State or consortia of States to develop school delivery standards that meet the needs of the State or consortia with respect to providing each student with an opportunity to learn."

Strike section 8114(a)(1)(A) of the Elementary and Secondary Education Act of 1965, as added by section 201(a)(2) and renumber accordingly.

In section 8309 of the Elementary and Secondary Education Act of 1965, as added by section 201(a)(2), in subsection (c)(6) strike "and" and in subsection (c)(7) strike the period and insert: "; and (8) New American Schools."

In part C of the Elementary and Secondary Education Act of 1965, as added by section 201(a)(2) the House should recede to the Senate on the number of local educational agencies eligible for participation in the demonstration program and the Senate should recede to the House with respect to the specific program activities allowable for inclusion in the demonstration project.

Mr. GOODLING (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and the Speaker pro tempore announced that the noes appear to have it.

Mr. GOODLING. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 166, nays 254, not voting 12, as follows:

[Roll No. 442]

YEAS—166

Allard
Allen
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boehner
Broomfield
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Dannemeyer
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Emerson
Ewing
Fawell
Fields
Fish
Franks (CT)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Horton
Houghton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Machtley
Marlenee
Martin
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison
Myers
Nichols
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pursell
Quillen
Ramstad
Ravenel
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Santorum
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)

Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—254

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gilman
Glickman
Gonzalez
Gordon
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Hoyer
Hughes
Jacobs
Jefferson
Jenkins
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Reed
Richardson
Roe
Roemer
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Stallings
Stenholm
Stokes
Studds
Swett
Swift
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—12

Barnard
Chandler
Dymally
Edwards (OK)
Ford (TN)
Gibbons
Guarini
Huckaby
Lehman (FL)
McCrery
Staggers
Stark

□ 1550

Mrs. BOXER, Mr. NAGLE, and Mr. LEWIS of Georgia changed their vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. TORRES). The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair would state that without objection the House will insist on its amendment to the title.

Mr. KILDEE. Mr. Speaker, I was on my feet asking for a record vote.

The SPEAKER pro tempore. The Chair would rule that the gentleman was too late on that.

CONTINUATION OF HAITIAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the FEDERAL REGISTER and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Haitian emergency is to continue in effect beyond October 4, 1992, to the FEDERAL REGISTER for publication.

The crisis between the United States and Haiti that led to the declaration on October 4, 1991, of a national emergency has not been resolved. The assault on Haiti's democracy represented by the military's forced exile of President Aristide continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the resolutions of the Organization of American States with respect to Haiti. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure to the de facto regime in Haiti.

GEORGE BUSH.

THE WHITE HOUSE, *September 30, 1992.*

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the conference report on the Senate bill, S. 2, the Neighborhood Schools Improvement Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FAMILY AND MEDICAL LEAVE ACT OF 1992—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mrs. KENNELLY). The unfinished business is the further consideration of the veto message of the President on the Senate bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes.

The question is: Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Michigan [Mr. FORD] is recognized for 1 hour.

Mr. FORD of Michigan. Madam Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Pennsylvania [Mr. GOODLING], pending which I yield 30 seconds to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the gentleman for yielding.

Madam Speaker, today we are going to find out in this veto override who is for kids and who is just kidding. We are going to find out who is for families and who is just faking.

And no matter what you hear, no matter what arguments come before you today regarding the fact that business will be burdened, the truth is if you are for kids and if you are for families, you will join with the majority in this House and override this President.

Mr. FORD of Michigan. Madam Speaker, I did not make a point of order against the debate by my good friend, the gentleman from Pennsylvania, but I want to serve notice that the bill before us is not the bill that was just discussed by the previous speaker. The rules of the House require the debate to be on the bill or matters relevant thereto, even matters, as a matter of fact, that would be germane amendments if offered to the bill. The gentleman described something that was neither.

Madam Speaker, I yield 1 minute to the gentlewoman from Washington [Mrs. UNSOELD], a Member who has worked for many years on this legislation.

Mrs. UNSOELD. Madam Speaker, amidst the crossfire of statistics about this bill, we should not forget that the Family and Medical Leave Act would make a real difference for real families. I want to take the case of Shirley Rector, in my State.

Several years ago, Shirley was putting her husband through school when she learned she would never be able to have any children of her own. The Rectors desperately wanted a family, so they decided to adopt. With encouragement from the adoption agency, they bought baby clothes, they picked out names, they made all the plans excited new parents make.

But the agency required that they take a 3-to-4 month leave of absence to bond with their new child. And when Shirley asked her employer for time off, she was flatly told "no."

The Rectors were forced to choose between the baby they dreamed about and the job they needed to stay afloat. That is not a choice anyone should have to make—certainly not in our great Nation. Please join me in supporting the Family and Medical Leave Act for our families and our futures.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. SHAW].

Mr. SHAW. Madam Speaker, I thank the gentleman for yielding me this time.

I am a little disturbed about some of the opening remarks that were made in this debate, saying this is about children, this is about family.

I would submit to my colleagues that there is no Member on this floor today nor a Member of this body who is not for children and not for families. That is not the issue.

I, for one, am very much in favor of maternity leave. I have a daughter who just had a baby girl and she is on maternity leave from her employer. I think it is extraordinarily important.

The question is not on whether or not maternity leave is a good thing or a bad thing. The question here before this body is the approach to family leave, the approach to maternity leave. That is what is separating this body from the President's approach and the approach of the committee.

Would it not be better to have a bill that is going to apply to a vast number of workers far in excess of the workers covered by this bill? By this bill we are creating two classes of workers in this country, those who work for big employers, and those who work for small employers?

In doing so, we are saying that the vast number of American workers in this country are not going to be covered by maternity leave. They are not going to be covered by maternity leave in this particular bill. We are setting up two classes of workers. That is wrong.

We are also going about it as a mandate to business. Congress knows best. Congress is going to tell the American business people, the American workers, how they are going to operate, and we are going to negotiate these benefits for the workers of America. That is not the right approach.

The right approach is one of giving business incentives, and to apply it to a vastly larger number of businesses, some 90 percent more businesses. That is the approach that we are taking by supporting the President's bill. This is the approach of the bill on which I am an original cosponsor. That is the type of bill that we should be talking about in this House today, instead of being gagged and not having the opportunity to bring this up as a substitute for this bill.

So Madam Speaker, I would say that if you are for mandates, then you are for this bill. If you are for two classes of workers, employees of big businesses and employees of small businesses being lesser class citizens, then support this bill; but if you are for a larger number of people being covered, if you are for incentives instead of mandates, then let us keep our powder dry. Let us sustain the President's veto. Let us come back with a bill that I think this whole House can support. A pro-family bill, not a political statement.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. MURPHY], the chairman of the Subcommittee on Labor Standards of the Committee on Education and Labor.

Mr. MURPHY. Madam Speaker, I thank my chairman for yielding me this time.

Madam Speaker, how the President of the United States can go throughout our country today talking about family values, after having last week vetoed the most important family bill before this Congress in this session, and that is the bill we are discussing now, the family and medical leave bill.

My friends, this is unpaid leave for a very short period of time, only when the employee finds it necessary. There is no cost to the employer for paying that person's wage or salary.

Let me remind you that when a person who is a wage earner finds it necessary to take off a week or two weeks for a vital family necessity, for a child, for a sick parent, then certainly when they are willing to give up their salaries, their wages for that period of time, it is important to them.

What the other side is advocating is that the taxpayers pay the employer a tax credit so that he can let that employee have time off. We are not asking for that. We are not asking for the taxpayer to pay. We are only asking for the very large employers who have 50 or more employees to be able to sacrifice a very limited amount of time for family values.

Mr. GOODLING. Madam Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr FAWELL. Madam Speaker, I thank the gentleman for yielding me this time.

I rise in opposition to the Family and Medical Leave Act and urge my colleagues to join me in sustaining the President's veto of this well-intentioned, but misguided legislation.

Madam Speaker, I support the concept of unpaid leave for employees for family and medical reasons. I object with equal conviction to the naive notion that a national personnel leave plan can be mass produced out of Washington. Let me cite five reasons:

First, such a national personnel plan blithely ignores the diversity of America's public and private employers—for-profit and not-for-profit. Personnel leave plans must dovetail with the unique missions of employers and employees. For instance, a big city police or fire department, or trauma unit operating in a busy urban hospital, surely have unparalleled needs to guarantee that frontline service employees will show up for work. If an employer lacks basic control in this regard and vital health, safety or fire protection services are not rendered due to employees taking unpaid leave, people could die. Employers involved therefore in vital public safety and health services need strict and particularized personnel controls which would not necessarily be needed at a McDonald's hamburger outlet.

Second, the health problems which trigger the act's mandates, though described as a "serious health condition" are so broadly defined as to cover anyone under the care of a health care provider with any "illness, injury or impairment, or physical or mental contrition." In turn, the definition of "health care provider" includes not only a physician, but any person "determined by the Secretary (of Labor) to be capable of providing health care services." What qualifies the Secretary of Labor to determine which type of various health care providers may function under the bill is not explained.

This language, in effect, gives employees very liberal discretion as to when to take unpaid leave and when to return to the job, as documented by health care providers who need not even be a physician. If, upon return, the employee's job is no longer in existence, the employee is entitled to an "equivalent position with equivalent employment benefits, pay and other terms and conditions of employment." The employer is not even given discretion to delay reinstatement until an equivalent position is available. In instances where the employer's physician believes the employee's health condition, upon return to his or her former job, would jeopardize the safety of co-workers or be a danger to the public, the employer would apparently nevertheless be obligated to defer to the decision of the employee's health care provider in that regard. Such are some of the anomalies of this bill.

Third, this one-size-fits-all mandate unnecessarily interferes with employer-employee negotiations. It restricts the opportunity employees generally have to choose from a cafeteria of benefit options increasingly afforded under various employee welfare benefit plans, such as early retirement, a flex-leave policy, a 4-day work week, home work, life and health insurance, education, extended vacations, legal aid, early retirement, elder care, child care, ad infinitum. Why should Congress choose to mandate unpaid leave rather than any other employee benefit plan? Is Congress so omniscient that it knows best which of the many employee benefit options are best or most wanted by employees? Of course not. If Congress mandates unpaid leave, they must realize that they are correspondingly limiting other employee benefit options. Columnist Stephen Chapman has rightly observed that "in a competitive market place, the mix of employee benefits reflects the mixed views of employers and employees, not the demands of politicians."

Fourth, the simple fact is that mandated leave—even unpaid leave—is not without cost. The bill requires employers to continue the same level of health insurance benefits for an employee taking unpaid leave until the date the employee is reinstated. In addition, an affected employer has to find a replacement for the departing employee, expend time and resources in training the replacement, and pay for the replacement's unemployment compensation benefits at the time of termination. The cost of this mandated benefit, estimated to be $1,995 per employee or $3.3 billion in the first year, would have to be borne by either the employer, the employee, consumers, or some combination thereof.

In addition, a federally mandated leave policy would ultimately harm the very people its sponsors claim it would help. Single-worker families, particularly female-headed households, and low-income workers are least able to afford 3 months off in 1 year without pay. Thus, according to a recent study by the Congressional Joint Economic Committee, "low-income workers will stay on the job and be forced to work longer and harder to compensate for lost productivity due to higher paid co-workers taking leave."

Finally, the bill throws the U.S. Department of Labor into yet another massive and costly bureaucracy. No one has estimated what the cost will be to administer and enforce this act. The mandates in S. 5 far exceed anything any State has passed. Employers will be subject to a Federal jury trial and potential damages, including court costs, witness fees, and legal fees each time there is an accusation that one or more of the esoteric provisions of this new law have been violated. Possible awards include liquidated—that is, punitive—damages capped at double the amount of any salary, employment benefits or other compensation lost, plus interest, as a result of the violation of the act.

One need only look at the cost and difficulties of administering workman's compensation laws, whether injuries proscribe an employee from doing his or her job, to understand the legal quagmire involved in determining whether an employee has a right to take leave because of his own health condition or that of a family member as determined by a designated health care provider.

Of course, Congress is spared the threat of being sued in Federal court for damages, despite the fact that they employ roughly 21,000 employees, because both Houses are directed to self-administer the provisions of the act. The ignoble experience of being sued and dragged into Federal court is reserved only for the public and private employers of America who have the misfortune to be fully subject to this Act. As for Congress, employee complaints will be handled in house, so to speak, where Congress will be prosecutor, judge, and jury. Very efficient.

Congress should abandon its efforts to micromanage employee benefit programs. It is my hope that the House will sustain the President's veto of S. 5.

☐ 1610

Mr. FORD of Michigan. Madam Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY], one of the original authors of this bill.

Mr. CLAY. Madam Speaker, I rise to urge my colleagues to join with me in voting to override the President's veto of the Family and Medical Leave Act. This legislation will make it possible for working men and women to care for seriously ill children or ailing parents without the fear of losing their jobs. The Family and Medical Leave Act gives substance to our shared concern for family values.

The President's veto of this much-needed, pro-family legislation has condemned thousands of workers who need to care for a newborn baby, sick child, or dying parent to the unemployment lines. In his veto message, President Bush said, leave it to the private sector. Well, that is exactly what we have been doing, and look at what is happening—people are losing jobs.

The tax credit proposal offered by the administration, at the very last moment, is nothing more than a smoke screen. It is too little, too late. The administration's proposal would do nothing to ensure that workers are not fired because they need to be at home during a family or medical emergency. Those experiencing a medical crisis need guaranteed job security, not tax credits. Tax credits don't do a thing for Federal workers or those employed by nonprofit organizations.

The President's proposal would add over $2.7 billion to the Federal deficit over the next 5 years.

The Family and Medical Leave Act has undergone six major, compromises in the last 7 years to address concerns raised by the business community. I remind my colleagues that there are safeguards throughout this legislation to ensure that it is not unduly burdensome for employers and that the protection afforded workers is not abused. Over 95 percent of all businesses, all small, are exempt from the legislation, but 50 percent of the workers will be covered. Part-time workers, key employees, and small and isolated worksites are also exempt. Employees must provide a doctor's certification of the need for medical leave or leave to care for a family member. Leave in any year is limited to 12 weeks, and leave is without pay.

This legislation does not hurt business. It does, however, protect families.

If we do not enact this legislation today, I assure you that similar legislation will nevertheless become law. I personally intend to make good on the promise that working parents never again are forced to choose between the jobs they need and the families they love. If the House fails to override the President's veto I pledge to reintroduce the Family and Medical Leave Act, once again, on the first day of the 103d Congress.

I urge my colleagues to vote to override the President's veto.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Madam Speaker, this is not a happy day for me. To take to the floor and urge a vote to override the President's veto—my President whom I support and have worked for and worked with for many, many years.

But my commitment to families makes it necessary to rise above party and give my loyalty to a higher order of things. That is—the family values that so many in this body love to give lip service to. Today, on this issue, with this vote, we go beyond lip service to the reality of who really cares about the American family.

My own commitment to this cause has been solidified by my own experience. This is not an abstract subject to me. I know from personal experience the emotional trauma that envelopes a family when serious illness strikes. When our son Todd became ill with leukemia and needed the care during the terminal weeks, I was there to give him the loving care he needed.

But then, I had a choice. I did not have to choose between my child and the job I needed for economic survival.

This bill is about survival for the millions of men and women who need their jobs and love their families. They should not be forced to make that heartbreaking choice.

This is a day and age when more men and women are working out of economic necessity—to pay the mortgage, the doctor bills, the tuition, to hold their families together.

I find it bizarre that in this United States of America—the richest and most advanced country on the face of this Earth—that we should be debating this humane, family values bill.

In this day and age, are we really going to say to America's hard working, tax-paying men and women—take care of your own family at your own risk?

Are we really going to tell a working mother whose child is terminally ill with leukemia—go find another job?

Is this what the bottom line has come to mean?

I, and other probusiness Republicans, have done everything we can to make this bill flexible to meet the legitimate demands of the business community.

Businesses of fewer than 50 employees are exempt. Key employees are exempt. Only permanent employees are covered. Medical certification is required. I could go on and on.

This bill has been carefully crafted with no loopholes nor ambiguities.

Its costs have been greatly exaggerated by its opponents. The bottom line is that it costs more to recruit and train a new employee than to grant leave to a current employee.

To be fair, I must acknowledge the President's offer for tax credits for business as an incentive. But the offer has come much too late for serious consideration in this Congress. It could be a useful proposal for next year's tax bill. But, in no way can it be considered as a substitute for this minimum labor standard of job security. Tax credits could possibly be a supplement to the job security protection of this legislation, but in no way can it be a substitute.

So what does this bill come down to? Mandates? If this is a mandate by your definition—not mine—so what? You have voted for some heavy duty mandates within the last 3 years—the ADA, the Clean Air Act, to name just two.

These were all big time, costly mandates supported overwhelmingly by this Congress. And yet some of you are voting against this minimalist bill without raising an eyebrow or a murmur.

This vote today is not about who is for and who is against mandates or benefits packages. It is about human values and family values. It is about hard-working Americans. It is about who cares. Who cares for the tax-paying Americans—especially the women.

With your vote today, you can say clearly, I care.

Mr. GOODLING. Madam Speaker, I yield 3 minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Madam Speaker, sometimes a single issue helps to illuminate an entire election campaign. The Family and Medical Leave Act veto override vote is just such an issue. The President and vast majority of our Republicans believe there should be voluntary incentives offered to businesses to provide family and medical leave. We believe the free decisions of employees and employers, reasoning together in thousands of different cases, is the best way to address this particular question. We believe specific, limited, targeted Federal policies can help such a process. And we Republicans believe in the wisdom of workers and businesses to craft appropriate benefits according to individual circumstances. Some may, in fact, prefer a shorter paid leave than a longer unpaid leave policy. Asking clumsy big government to handle this complex issue is like asking a gorilla to play the violin.

Madam Speaker, there is a better, more effective way. The President has proposed giving all small- and medium-sized businesses an incentive to provide their employees family and medical leave.

I support the idea of the President's refundable tax credit covering a variety of costs associated with offering such benefits. I have, in fact, cosponsored the legislation which was introduced by our colleague, the gentleman from Pennsylvania [Mr. GOODLING], last week.

The President's plan covers those businesses with 50 employees or fewer, not covered by the Democrats' bill, who may be most in need of such family and medical leave policies. The President has indicated that he would be willing to sign legislation providing a tax credit which represents a strong incentive and a flexible mechanism under which benefits can be negotiated between employers and employees, and we want to help that process of freedom of choice.

So, Madam Speaker, count me among those who will vote to sustain the President's position on this particular issue.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER]

Mrs. SCHROEDER. Madam Speaker, I thank the gentleman from Michigan [Mr. FORD] for yielding this time to me, and I am delighted to follow the minority leader because I agree with him. This issue frames this campaign. Yes, it is about who is really for families, and I think all of us should vote to override.

I think the President's proposal is nothing but asbestos underwear to cover his backside at the last minute, in the middle of an election campaign. This bill was introduced 7 years ago. There have been 17 days of hearing, six major bipartisan compromises. There has been every opportunity for the President to come negotiate, and he did not do it until days ago when he realized his own rhetoric was getting wrapped around his record, and people were beginning to see through it.

This bill covers all sorts of people the President would not cover in nonprofits, in the public sector, and in the House and Senate. We would like for it to be even broader, and we would think that this might be some kind of a complement, but this is the absolute floor, and I hope everyone finally votes today to make America's work place more family friendly and to finally catch up with the rest of the world on this very important family issue.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Madam Speaker and colleagues, there is probably no issue and no circumstance that better indicates why the American people are frustrated with the paralysis and gridlock in government than this particular issue and this particular override. The fact is we stand here today because we are unwilling to compromise beyond 12 weeks.

I want to tell my colleagues about a discussion I had yesterday afternoon with a news reporter in my district. He brought up the issue. He asked, "How do you stand?"

I said, "Look, the problem with the bill is people want 12 weeks or nothing. There is no attempt to find some reasonable middle ground."

Madam Speaker, I come from Wisconsin. We have a 6-week parental leave. We have a 2-week family and medical leave.

I said, "Think about it. How many people do you know who can afford to take 12 weeks off with unpaid leave?"

And he looked at me, and he said, "There's no way."

I said, "It's better than that. This is 12 weeks for you and 12 weeks for your wife."

He said, "Do you mean to tell me those people in Congress are thinking about telling us that we, in order to get any kind of parental leave, have to have up to a half year without wages?" He said, "What family in middle America can afford it?"

I said, "That's the point. They can't afford it. We could have tried to find some reasonable number the President would have accepted, but there was no attempt to do that. There was no attempt to reflect generally what State legislatures have done if we decide there's a basis for a Federal preemption."

So, the real issue here today, unfortunately, is: Stick it to the President. Play politics.

□ 1620

There is no intent to try to craft a reasonable, justifiable family leave bill that can and should become Federal law. I am willing to vote for something. I have said that time and time again. There has been no attempt to come up with a reasonable middle ground. That is the issue, and it is called, unfortunately, politics, not protection of the family.

Mr. FORD of Michigan. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would observe for the gentleman from Wisconsin [Mr. GUNDERSON] who was just in the well that I remember no amendment the gentleman offered that we did not accept.

Mr. GUNDERSON. Madam Speaker, if the gentleman will yield, did not I and my colleague, the gentleman from Wisconsin [Mr. PETRI], offer the Wisconsin plan as a substitute?

Mr. FORD of Michigan. On this bill?

Mr. GUNDERSON. Yes, we did, when it was considered in committee this time and on the floor last time.

Mr. FORD of Michigan. Madam Speaker, I would ask the gentleman, did the committee accept his amendment?

Mr. GUNDERSON. No; I thought the gentleman just said he would be willing to accept it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Madam Speaker, I have served two terms in the House, and in each of those terms, the Family and Medical Leave Act has been passed by the House and vetoed by the President. Although I support the intent of this legislation and have administrative, medical, and family leave policies in my own office, I favor a carrot to a stick in terms of asking businesses to implement such practices. For that reason, I have voted against this legislation each time it has been presented, and today, I intend to vote to sustain the President's veto.

In voting against this legislation, I had hoped that the President would work with the Congress to craft legislation that would provide workers with the leave opportunities and businesses with the incentive to implement those policies. Instead, the legislation was vetoed with the understanding that it could not be overridden, and the legislation died. This impasse does not mean that the President wins, and it does not mean that the Congress loses. It means that American families are losing. They are losing their jobs for taking leave to tend to sick children, and this is yet another example of how roadblocking rather than leading and compromising has hurt this country.

Should I be elected to the next Congress, I sincerely hope that we will be able to adopt a Family Leave Act that encourages businesses to implement family-friendly policies rather than ordering them to do it. For 4 years, I have fostered this idea, and for 4 years, I have voted against the legislation even though I firmly believe it is on the right track. I will continue to press for the carrot over the stick, but I can not continue to vote against legislation that would be so beneficial for American families.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I join my colleagues today in supporting the motion to override the veto of S. 5, the Family and Medical Leave Act. I have been a supporter of this legislation since it was first introduced. I appreciate the concerns raised by opponents of this legislation; however, working families in this country should not be placed in the position of forcing a choice between starting and maintaining a family, or a career.

S. 5 is a pro-family bill, simply providing unpaid leave for working family members for purposes of the birth or adoption of a child, or to care for a seriously ill family member. Moreover, this legislation exempts small businesses employing up to 50 from its mandates, covers only full time employees, and gives flexibility to employers located in remote worksite areas.

As ranking minority member on the Committee on Post Office and Civil Service, I reluctantly accepted provisions conforming civil service leave to that given in the private sector. This legislation truly reflects compromise on the parts of all supporters in order to achieve a fair legislative solution to the problems experienced by working families.

S. 5 is fair legislation. It ought to be enacted promptly. As more women enter the work force the need for such leave becomes even greater. We should establish a national policy encouraging responsibility on the part of family members to care for one another in times of serious illness. The Federal Government has an affirmative obligation to see that workers should not be penalized when family necessities compete with job demands.

S. 5 goes to great lengths to see that any disruptions in the workplace associated with an employee taking unpaid leave are minimal at best. Worker morale, productivity, and retention will be enhanced by a clear stated policy not subject to arbitrary changes and discretionary grants of leave. Accordingly, Madam Speaker, I urge my colleagues to join in supporting the motion to override the President's veto of S. 5.

Mr. GOODLING. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Madam Speaker, I thank the distinguished ranking member of the authorizing committee for yielding.

Madam Speaker, the timing of this vote to override the veto is election year politics at its cynical worst. Just to briefly review, we have had two extensive debates on this bill. This legislation would not apply to 90 percent of American businesses. It would not apply to 60 percent of American employees.

I have heard from female constituents who worry that it could result in a subtle form of discrimination, a backlash of sorts against them, if they are of childbearing age.

I have also heard from constituents who have expressed concerns that this legislation could ultimately result in the reduction of other benefits in their particular or respective workplace.

Madam Speaker, this legislation would be much improved if in fact we went back to the original Goodling proposal and said all employers had to offer this benefit, but as part of a menu of other benefits subject to management-labor negotiations in the workplace.

But do not take my word for it. I have stood on this floor a couple of times before and cited a guest commentary in the Wall Street Journal by George McGovern about his firsthand experiences.

Mr. McGovern wrote in the Wall Street Journal on June 1 of this year,

> In retrospect, I wish I had known more about the hazards and difficulties of running a business. My business associates and I lived with federal, state, and local rules that were all passed with the objective of helping employees, protecting the environment, raising tax dollars for schools, protecting our customers from fire hazards, et cetera. While I never have doubted the worthiness of any of these goals, the concept that most often eludes legislators is: "Can we make consumers pay the higher prices for the increased operating costs that accompany public regulation and government reporting requirements with reams of red tape."

Mr. McGovern wrote, "It is a simple concern that is nonetheless often ignored by legislators," as it is being ignored again today.

Madam Speaker, he concluded his commentary in the Wall Street Journal by saying, "In short, one-size-fits-all rules for business ignore the reality of the marketplace. And setting thresholds for regulatory guidelines at artificial levels, for example, 50 employees or more," the threshold being applied in this legislation, "$500,000 in sales, takes no account of other realities, such as profit margins, labor intensive versus capital intensive businesses, and local market economic conditions."

Madam Speaker, this legislation is not good legislation. It is literally the camel's nose under the tent. It imposes a mandate on the private sector that sets a very bad precedent for other Congresses I fear to follow.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, what a sad day when such a basic issue as a right of a person to be able to stay home and care for a loved one in times of great emergency has to choose between that kind of family love and the right to hold a job. That is all this bill is. Yet the President has vetoed it and has taken away from thousands of families all across the country the comfort of knowing that if this crisis occurred in their family, they would not have to choose between their job and their family responsibility.

Madam Speaker, I am so sorry that the President has put before the Nation this kind of callous disregard for human feelings. The President campaigns on the issues of family values as something important to his party, and yet when it comes to really protecting the interests of the family and giving the worker the feeling that the employer will have to understand their personal tragedy and give them time off, unpaid, and that is all this is, unpaid regard for family values, he vetoes the legislation.

Madam Speaker, I urge this House to override the veto.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, irrespective of the rather feeble intellectual gymnastics that we have seen here to try to connect this Federal mandate to family values, I remain opposed to this legislation on behalf of the working men and women in this country.

It did not take a Federal mandate to get health care benefits for workers. It did not take a Federal mandate to get paid maternity leave for female workers. It does not take a Federal mandate for any of the more valued benefits that workers are able to choose from today in cafeteria plans.

What it takes a Federal mandate for is to impose on every working man and woman in this country a benefit that they do not want and have not asked for, but a benefit that suits the needs of special interests here in Washington, DC.

Madam Speaker, let me give Members one example of how sincerely these special interests hold this legislation. When the gentleman from North Carolina [Mr. BALLENGER] offered in committee an amendment that would have exempted from this mandate any employer in America that was already doing as much or more by way of providing this unpaid leave, it was voted down. It was voted down because without the mandate, the Government cannot be forcing the issues and the special interest attorneys cannot file lawsuits.

Madam Speaker, the best reason to oppose this legislation and the reason I applaud the President for his willingness to stick by the American working man and woman and veto it is that the harm comes to working people that have their freedom reduced and their well-being reduced by unnecessary and unwarranted intrusion against their rights by Government working on behalf of special interests.

□ 1630

The SPEAKER pro tempore (Mrs. KENNELLY). The Chair wishes to advise that the gentleman from Michigan [Mr. FORD] has 22 minutes remaining, and the gentleman from Pennsylvania [Mr. GOODLING] has 15 minutes remaining.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Rhode Island [Mr. REED], a member of the committee.

Mr. GOODLING. Madam Speaker, I reserve the balance of my time.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Madam Speaker, I urge my colleagues to vote to override the veto of S. 5. With all the current talk about the need to return to family values, there is no legislation that is more profamily than the Family and Medical Leave Act.

By now, every Member should be familiar with the statistics: That we are the only industrialized Nation without a family and medical leave policy; that only 37 percent of all female workers and 18 percent of all male employees in companies with 100 or more workers are covered by unpaid family leave. With the many changes that have been made to address the concerns of the business community, the bill now provides a modest leave program affecting only 5 percent of the businesses in this country.

Madam Speaker, too many American workers have been forced to choose between their families and their jobs. Today's families already face tremendous stress, and that stress is having a serious impact on our children. This bill would finally allow families to take care of family emergencies and childbirth without risking their economic self-sufficiency.

The Family and Medical Leave Act is profamily legislation that is desperately needed. I urge my colleagues to vote to override the veto.

Mr. FORD of Michigan. Madam Speaker, I yield 30 seconds to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Madam Speaker, I thank the chairman for yielding time to me, and I thank my friend, the gentlewoman from Hawaii [Mrs. MINK] for her kind words.

Madam Speaker, today is the day. Today is the day that Congress can really do something about family values. Today Congress can pass the Family and Medical Leave Act over the President's unfortunate objection and his veto.

This is a bipartisan bill. This is a very sensible bill, carefully drafted by the committee to avoid encumbering and burdening small business who would be particularly hard-pressed to find substitutes for their workers.

This bill, I might say, was endorsed by Business Week in its September 28, 1992, issue. It is good for business; it is good for families; and it is good for America.

Mr. GOODLING. Madam Speaker, against my better judgment, I yield 30 seconds to the gentlewoman from Maine [Ms. SNOWE].

Mr. FORD of Michigan. Madam Speaker, I proudly yield an additional 30 seconds to the gentlewoman from Maine [Ms. SNOWE].

The SPEAKER pro tempore. The gentlewoman from Maine [Ms. SNOWE] is recognized for 1 minute.

Ms. SNOWE. Madam Speaker, I thank both gentleman for their good judgment.

Madam Speaker, I rise in support of overriding the Presidential veto of the Family and Medical Leave Act. This is the third time that we have considered this legislation in the House of Representatives over a 7-year period.

If we fail to override the President's veto, then we are no closer to understanding and acknowledging the truth or the realities that working families face today and the daily conflicts that they experience.

This legislation has been compromised down to the barest skeleton of a leave policy. Before us today is the most basic, minimal leave policy with safeguards to address businesses' concerns.

I would be the first to accept a voluntary effort by businesses to offer family and medical leave. But the fact of the matter is, more than a majority of the businesses in this country do not offer this benefit to their employees.

If we fail to override the President's veto, we are saying we just do not get it. We are saying that pregnancy or childbirth or illness of a spouse or a child or a family member is a legitimate reason for dismissal.

I urge all of the Members of this House to stand up and override the President's veto and stand up for the working families of America.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR], who has worked on this legislation for many years.

Ms. OAKAR. Madam Speaker, either we are for family values or we are not. We have heard a lot of talk, and it is rhetoric.

Now we have a chance to put all the talk into action. The Family and Medical Leave Act is an all-American act. It is a modest attempt to address the majority of American families in times of serious need. It does not even require wage reimbursement.

It simply provides for a modest period of unpaid leave for an employee who has a new-born child, a sick child, or a sick parent or, if the employee is medically unable to work, up to 12 weeks.

What good parent would leave his or her child at home alone in a critically ill stage because that parent is afraid he or she is going to lose his or her job? No good parent would do that, and what we are saying is, give this parent unpaid leave to take care of the child. Let that parent have his or her job back.

I urge support of the override.

Mr. GOODLING. Madam Speaker, I yield 1 minute to the kinder and gentler gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Madam Speaker, this debate has begun to fall into the trap that other debates that we have had over the last year on this subject have also fallen into. That is, the debate over whether we ought to have family and medical leave policies.

The fact is, that is not what this debate is about. This debate is about whether the Federal Government ought to mandate a one-size-fits-all approach to all employers in this country, and I think not.

Employers are dealing with this in a very responsible way. Why? Because they are caring.

Second, because it is in their best interest, because success depends upon the ability of their company and their employees, working together for the benefit of the company and their jobs.

The President was right when he vetoed this bill. What we ought to do is we also ought to do the right thing by supporting his veto and sustaining it.

There has been a lot of talk about family values. Now I am beginning to believe that we think that we can mandate and legislate family values in this country, and we cannot.

Vote no and sustain the veto.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Madam Speaker, today the House has a historic opportunity and a profound obligation as we consider the President's veto of family and medical leave legislation. It is not often that we have an opportunity to provide such assistance to families at so little cost.

Today, we can tell a young mother that she can stay with her newborn child during the first precious weeks of life.

Today, we can tell a father that he can take unpaid leave to care for a sick child or parent.

Today, we can tell the millions of families in which both parents are forced to work to make ends meet, that we care enough about their families to ensure they are able to return to their job after an illness or the birth of a child.

Or, today, we can tell these families that all the talk about family values was just political rhetoric; that the President cares more about a showdown with Congress than about the American family; and that we lack the commitment to press beyond his limited vision.

I urge my colleagues to vote to override this veto and provide this needed assistance to families.

□ 1640

Madam Speaker, I urge my colleagues to vote to override this veto and provide this needed assistance to families.

Mr. GOODLING. Madam Speaker, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Speaker, Governor Clinton tells us that the Democrat Party has changed. They claim they are no longer antibusiness because they recognize that it is the businesses of this country that provide jobs for our citizens allowing Americans to support their families and maintain a good standard of living.

Well, Madam Speaker, I think they still don't get it. They don't get that the ability of American businesses to create jobs is directly related to the burden government places on their backs. They don't get that mandating family and medical leave is just one more burden added to the long list of social benefits being pushed by Members of Congress who know they could never get such a benefit through the legislative process in these tight budget times. Mandating that business pick up the tab for these benefits allows them to advance their agendas without spending Federal dollars. And, as the saying goes, "The best tax is a hidden tax."

Madam Speaker, mandated leave is a chapter taken directly from the same old Democrat playbook of social engineering at the expense of job creation for American families.

Forcing the President to veto this bill at a time when Governor Clinton and the Democrat party are attempting to paint themselves as probusiness sheds some light on what kind of economic growth we can expect under a Clinton administration.

I urge my colleagues to sustain the President's veto.

Mr. FORD of Michigan. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Georgia [Mr. JENKINS].

Mr. JENKINS. Madam Speaker, for the past 6 or 7 years I have supported this legislation, or something similar to this. This is not a last-minute item. This is something that is truly needed in the American work force.

I have heard every conceivable argument, but I will just ask the Members this: Why do the Members think that most of the women from this side of the aisle and from the other side of the aisle have spoken in support of this legislation? Have they stopped to think for just a moment why that occurs?

First of all, they bear the children, and they are the ones many times that are in the work force that have to try to choose between staying an extra week with a child or giving up their home, giving up their job.

Second of all, in a two-spouse work force today, when a child gets sick or when the parent gets sick, it is generally the wife that drops out of work to look after that sick spouse or that sick child.

We are talking about, here, as Members of this House, trying to do something for families. There is nothing wrong with an unpaid leave national policy. There is nothing wrong with the President's policy, if the Members want to complement this next year. The truth of the matter is that the only bill that we have a chance to pass in this session of Congress is this vote that the Members will make today.

Members may hide behind other wonderful potential pieces of legislation and Members may say to their constituents, "This was not good enough. I want to wait until next year to do something else." The truth of the matter is that if Members want to vote for a profamily unpaid sick leave family leave policy, this is the only opportunity that Members are going to have.

It is up or down, it is for families or against, and members can have all of the excuses they want, but this is the only vote that counts.

Mr. GOODLING. Madam Speaker, I yield 1 minute to the gentleman from Indiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Madam Speaker, I rise here to ask what happened to unions in this country. What is the purpose of unions? What is the purpose of employee-employer relations in this country?

I think we forget that. I think we think that is Congress' role, is to be the union. They ought to start paying us the dues and forget paying them to the unions, because that is what we are here for today.

I am an employer of 40 employees, and I might have 50 if we would let us run our businesses, but it is sad to say that Congress tells us how to run them. A person calls me in the morning and asks me can they be off, their mother is going to the doctor. Naturally, you tell the employee, if you have a good employee, "Take the day off," if you can possibly do it.

What are the numbers that we are talking about here? Maybe 1 percent in this Nation who have bosses that basically want to be brutal to their employees and make them go to work when they need to be at home?

I think this is an issue that we are in the wrong place deciding it. It is an issue that the unions and the companies and the companies and their employees should negotiate and work out, without Government doing it for us. I ask the Members of this Congress to sustain the President's veto.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER], who has been a long-time supporter of this bill.

Ms. SLAUGHTER. Madam Speaker, I will bet this is similar to the debate that took place around preventing child labor. Business could not afford it, we could not do it, it was a foolish choice.

Some of our Members, none of whom are mothers, believe workers do not want this opportunity. Given the choice, they would choose another benefit. Let me tell the gentlemen, when it comes to a sick child at home, there is no other choice that a woman would make other than to be home with her child. There is no other choice that the child would make than that her mother or father would be there with her.

The only industrialized workers in the world today that has to make that rotten, dreadful choice between parenthood and job is the American worker. Every one of our trading competitors in every industrialized country in the world has a leave program. They are far more generous than we are, because they want the race to continue. They believe business will profit when babies are born and children grow up to pay taxes and to buy goods.

I will not say that American industry is so weak and so incapable of surviving that if this veto is overridden, they can't survive. Both parents have to work to provide for their families. Don't increase their burdens—vote to override.

Mr. GOODLING. Madam Speaker, I yield 2 minutes to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN. Madam Speaker, I rise as a sponsor of this legislation. Though I really feel that very few will ultimately benefit, I do not think very many will be hurt, either. The frustration that I had is with those very few employers that will not work with an employee that has a problem, and hence I sponsored this legislation. I very seldom bring mandates down on the American people with my vote.

Sometimes I hear some of the statements that are made in favor of this legislation, though, and I wonder how this country has endured lo these 200 years without it. I have conceded all along that President Bush has some concerns. I have my concerns. One concern is, Is this the first step? The next thing, we are going to have unemployment benefits paid, and the step beyond that, it is not a Herculean leap, to saying that this has to be paid leave.

I will tell the Members, I have my frustrations with the way we do business around here, too. For the last 18 months it is this Member's opinion that this body and the other body have done nothing more than to work night and day to bash and beat President Bush. Last week, for instance, we had to put this vote over until today to give the majority an opportunity to change some votes on that side, to once again bash George Bush. I do not like that.

I think this is a beautiful place. We try to do our work, but it has just been raw rancor, antipolitics, for the last 18 months. I want to say to my colleagues and to those who have worked so hard to make an embarrassment to President Bush come true, "You might have counted on one too many votes."

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I have been lobbied by many leaders of American business to vote against this bill. They have come to my office and sat down and said that it would be absolutely horrible if we had a national policy of family leave. I have asked each and every one of these business leaders the same question: "What is your policy at your business?" In every instance they have told me that trusted employees who have been with them are allowed to leave for medical emergencies at home and they do not fire them.

Let us look at the conclusion that we have to draw from that. This bill will not affect good businessmen, good businesswomen, who are leading good businesses. What these people are doing is lobbying to protect their sleazy competitors who would treat their employees like chattel. This bill will make sure that we have a national standard to protect workers, to protect men and women on the job, and to recognize that American families today need a helping hand to deal with the medical and family emergencies that so many of them face.

I urge the Members to override the President's veto.

□ 1650

Mr. GOODLING. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, just in review I would like to indicate there are those who said there is no cost to the employer. I would say there is a cost for insurance and other benefits. There is a cost to train substitutes.

I would also remind Members that this probably only covers about 50 percent of the private work force. It is a one-size-fits-all. We reduce any local effort to determine what benefits they should get.

Madam Speaker, 73 percent of people polled said they already received these benefits when they requested them from their employer, and 70 percent probably could not even afford to take them. It discriminates, therefore, between those that have and those that have not.

It is difficult to change your vote at this particular time, so I suppose this has been an exercise in futility, because obviously there are plenty of votes to sustain the veto. I would not think close to election that someone would change their vote. It might be difficult to explain that back in the district.

Madam Speaker, I reserve the balance of my time.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, many people have no idea of what it is like to have a sick relative at home. I myself had a mother who had a massive stroke in 1987, and I am an only child. And there was no one to care for my mother at that time but me. And were it not for the fact that I was able to stay with her during those critical hours and those critical days, I am pretty sure that my life would not be as complete as it is today because I was able to satisfy both myself, be by her side and with my family during those terrible heartbreaking days when she lay in a coma.

I think every employee has the right or at least should have that right to be with their loved ones in their time of need. I think that every employer in this Nation should give that unpaid leave right to every employee when he/she has an illness of a child or an aged parent. My mother at the time was 87 years old. I think it does the country good, it does business morale good, and family/medical leave makes for a more stable family, it is humane, it is caring, it is nurturing, and it is what this country needs.

Override the veto.

Madam Speaker, for a President who claims to be interested in families Mr. Bush sure has a funny way of showing it. His veto of the Family Medical Leave Act, a measure that would allow parents to get unpaid time off to care for their sick children or elderly parents shows that he could not care less about family values. However, it does indicate that he is willing to ignore the human, nurturing, caring needs of the family unit.

His principal complaint that this measure is too expensive just does not wash. Investments of this kind always pay off high dividends in more solid families and better performing workers. Everyone knows that when we help families have more secure domestic lives, which is what this act provides, we make it easier for them to deal with the day-to-day stresses and consequently improve their chances of surviving and prospering as a cohesive unit.

This modest, commonsense measure is not the danger to small businesses that Mr. Bush portrays. His fears run counter to the experience of States which have passed similar legislation.

If we really want to support family values we must start by overriding the President's shortsighted veto of the Family Medical Leave Act. Vote yes to override the President's veto of the conference report S. 5.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Madam Speaker, I thank the gentleman for yielding the time.

Madam Speaker, the problem with youth in America today is that parents do not spend enough time with their children. Yet the President's pronouncements on family values do not have the support of public policy.

By adopting a family leave policy, we will help the President keep his word, and we will establish family values as a public policy.

I urge my colleagues to join me in voting to override the President's veto.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, American families are crying out for help. They fear that the American dream may be slipping away. They recognize this bill won't solve all their problems, but they know it can provide peace of mind and family security when they need it most.

In the name of family values, all they are asking for is 12 weeks, no pay. Twelve weeks to welcome a newborn into the family, tend to a sick child, or care for a terminally ill parent or spouse.

In the name of family values, all they are asking for is a little help in saving their jobs. This bill saves jobs.

Without the Family and Medical Leave Act, over 150,000 American workers who have a family emergency will lose their jobs next year. With the worst job creation record of any President since Herbert Hoover, American families are outraged that the President would not do everything possible to help them avoid this economic catastrophe.

Mr. Speaker, President Bush vetoed the family leave bill, which is ironic since with vetoes like this, it will be his family who will soon be leaving.

Mr. GOODLING. Madam Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. HENRY] for the purposes of a unanimous-consent request.

Mr. HENRY. Madam Speaker, I have asked to address the House briefly to offer an apology relative to my conduct as a Member of this House.

Madam Speaker, I want to offer to Members of the House on both sides of the aisle an apology relative to the way in which the body's time is being taken by this bill. In offering my judgment it is an illustration as to how poorly the House Education and Labor Committee has done its work, and as a member of that committee I want to express my personal share of the blame for that fact. It is very obvious from the debate——

POINT OF ORDER

Mr. FORD of Michigan. Madam Speaker, I hate to do it to the gentleman. As unenlightened as he may be on this floor, he has no right to take the time of the people of this country for this kind of a back-door tirade against the committee, and I make a point of order that the gentleman is out of order.

The SPEAKER pro tempore. The gentleman from Michigan is proceeding in order and may continue.

Mr. GOODLING. Madam Speaker, I yield 1 minute to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Madam Speaker, I did not think I was engaging in a tirade. We will look at the RECORD and see who was engaging in a tirade. I was simply pointing out that I do not think the nature of this debate is such that it is really contributing to any intellectual reflection as to the changing of votes so much as it is simply an attempt to create a political record, and also at this point in time when any opportunity to have made compromises on either side of the issue has long gone by. And I regard that as very unfortunate.

This is the second bill before the House today in the waning days and hours of the 102d Congress in which this committee has demonstrated its inability to reach consensus. I have often suggested in jest that a way in which the House could save its time would be to have the votes, and then have general debate and votes on amendments after we had disposed of the legislation. I suggest that only in jest.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Madam Speaker, President Bush wanted to be known as the environmental President, the education President. The truth is he is now known as the godfather of the Capitol, Veto Bush. Out of the kindness of his gentle heart, he vetoes the family and medical leave bill. And just think, 4 short years ago all Mr. Bush wanted was a kinder and gentler America.

If this is a kinder, gentler America, then all of us in here are a bunch of masochists. I say override the President's veto, and let us keep his word that he is profamily.

Mr. FORD of Michigan. Madam Speaker, I yield 1 minute to the gentleman from New York [Mr. SCHEUER].

□ 1700

Mr. SCHEUER. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I am astonished at the President's reason for vetoing this bill. He says it should be voluntary with the corporations.

Since when has the executive branch and the Congress abdicated to corporations the right to establish national public policy on important issues? We did not do it 50 years ago with child labor, we have not done it in the last half century for conditions governing the workplace, and for legislation mandating worker health and safety.

By what criterion do we abdicate our responsibilities to set national public policy on something as important as this when every other developed country in the world has worker leave?

I think it is aberrational that the President should do this, and it defines the President, defines the kind of person the President is.

Mrs. ROUKEMA. Madam Speaker, will the gentleman yield?

Mr. SCHEUER. I am happy to yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. The gentleman made an excellent point. We do not have to go back into 50 or 60 years of labor law, although the gentleman has been very correct in what he said.

This is not a radical idea. It is completely consistent with American labor law. We can only go back a few short years to the day when President Bush signed the Americans with Disabilities Act which did establish very high standards and mandates on all corporations, businesses, public and private, in this country, and they were big-time mandates compared to this minimalist bill.

I thank the gentleman for his observations.

Mr. SCHEUER. I thank the gentlewoman. She is exactly right.

Mr. FORD of Michigan. Madam Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Madam Speaker, Members of the House, "Write down on our hearts these words," George Bush said in a prayer on his inauguration day. "Use power to help people."

Like so many of the President's promises these last 4 years, that prayer has been nullified by the President's actions on this veto. He has used his veto power to hurt people, and such are the consequences of his veto of family and medical leave.

This veto is truly a triumph of rhetoric over reality, words over deeds, politics over governing, and cynicism over principle. It must be overridden if we want to keep the power and the reputation of the Congress on the side of the people that we come here to represent.

Understand the simple justice and idea of this legislation. Under current work rules, if a family has a terminally ill child, the parents must choose between their job and their responsibilities to stay at home, stay at the hospital, stay at the child's side when they are needed there.

This bill mandates a period of unpaid leave, and the President regards this benefit as too costly for business to offer even though it is offered in most, if not all, other industrialized countries. "Forget family values," the President's veto says; watch what he says, not what he does.

More than 30 times the President has scorned the majority in the country and ignored the majority will of the Congress, and he has done it again with this bill. He has made an obsession of having Congress sustain his vetoes, and he has made the American people and some of our Republican colleagues here in the House captives to that obsession.

I ask my colleagues on both sides of the aisle to treat this issue with greater seriousness. This is not about mastery over the Congress with vetoes. This is not about whether the President can thwart the majority will. This is about whether we have the courage to use our vote, our power, our responsibility to help people.

Vote to override this veto, vote to enact family leave, and vote to keep families together in the midst of a crisis without the fear of losing their jobs, losing their livelihood.

We can override this veto in the name of the good of American families and the American people.

Mr. GOODLING. Madam Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. GRANDY].

Mr. GRANDY. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I would, of course, concur with the majority leader that we should use our power to help people, but I think that argues for sustaining the President's veto. I think that argues for beginning the debate rather than closing it, which we will clearly do if we try and override today and force into statute a bill that would not include small employers and their employees.

It would not allow them to help people, because they would be exempted from the threshold, and although we learn as we debate these labor statutes that if you set an arbitrary small employee threshold, you can buy votes in the business community, you do not necessarily provide leave. You do not provide a benefit.

I would hope that in sustaining the President's veto today we will begin a debate on the benefit side of this argument, not the mandate side. Talk about the incentives.

Now let me just say to those people that have argued this bill for so long, and it has certainly extended through my tenure in Congress, this bill today is arguably better than the one that I fought against when I was a freshman Member of this body. This bill has only 12 weeks of leave as opposed to 18; this bill does not have treble damages, which used to be the pain and suffering attached to an employer if they did not comply with this legislation. So it is getting better. But it is still not good enough to deserve this body's full support of the President's full signature.

Let me just say one thing to those people who have argued for passage of this bill, because it comports with what our industrialized nations around the world are doing. It is true, there is some form of statutory entitlement in most industrialized democracies, but I want to point out to all of the Members that are listening to this debate still, and maybe those one or two that have not made up their mind, that in almost every one of those other countries we are talking about a benefit that is administered on an insurance basis and funded by payroll deductions. In other words, the employee very often pays into the benefit which he or she then takes out. Funding for these programs is very often a fixed percentage of wages up to a certain ceiling which are contributed by the employer and the employee directly into a separate program. Very often there is a waiting period before the employee can draw out the paid benefit.

Madam Speaker, again, what is the point of creating a benefit program that the vast majority of beneficiaries could not use? We all know on either side of the debate that the real game is over paid leave, a benefit that people can use regardless of how sick their children are. They still have to pay their bills. They still have to get wages replaced.

That debate only moves forward if we sustain today.

I would also point out that if we are talking about moving the debate to another plane to include all of the employers in this country, not just ones with an arbitrary threshold of employees and providing a benefit that everybody needs and can use which is paid, then we should be talking more about how we, as a Congress, can create a human resource fund which is not defined by a family or medical qualifier but is a benefit that employers and employees pay into such as on insurance to provide a benefit that people can use. That is why we should sustain today, because we want to use our power to help people to get beyond the debate that has so far distinguished this particular argument over this labor law.

Mr. GOODLING. Madam Speaker, I yield the remainder of my time to the distinguished gentleman from Georgia [Mr. GINGRICH].

□ 1710

Mr. GINGRICH. I thank the gentleman.

Madam Speaker, let me say I really rise on two accounts. The first is to urge Members to sustain the President's veto.

But the second is, frankly, to urge the Democratic leadership to schedule either today or tomorrow the tax credit for family relief. The fact is this Congress does have the potential to pass a bill which would cover 6 million businesses, which would offer help to 48.7 million employees, by providing the kind of tax credit for small business that would allow us to genuinely help families. I want to emphasize this point: For Congress to simply pass another mandate and then say to people out in the business world, "Now you may have to lay some people off, you may have to eat the cost, you may have to absorb what is involved, but go ahead and do it automatically, and we are not going to have anything to do with helping you," I think would simply be to have, in effect, a mandated increased unemployment bill.

But by providing a tax credit, we actually help businesses deal directly with the cost of providing family leave.

So I would urge my colleagues, first, vote to sustain the president's veto and, then, second, I would ask my colleagues to join in asking the Democratic leadership if not today, then certainly no later than tomorrow, to please schedule the family leave tax credit bill so that we can actually pass family leave in a signable form and get it passed into law and, frankly, in early October we can have businesses beginning to change their plans knowing what the new law would be and in a position to help families. I think it would be much sadder if purely for narrow partisan reasons we would end up in a situation where at the end of this Congress we have not passed a signable family leave and businesses still would not have any opportunity to have that kind of assistance from the Government.

So, my last principle: It is easy for Congress to mandate without paying, because then somebody else will pay and the people who will pay are the workers who are laid off and lose their jobs. On the other hand, if we do the responsible thing and vote for a tax credit for family leave, we have actually helped the businesses create that opportunity to take care of families.

Thank you, and I want to yield back to my colleague who had done such a tremendous job on this, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Madam Speaker, If I have any time left, I would like to close by saying that there are at least three polls that indicated that most of the employees out there, a large percentage of employees out there, in the case of the Washington Post, revealed that only 3 percent responded that they thought that this was one of the most important things they need.

When asked by the Gallup organization, only 1 percent of 1,000 respondents listed parental leave as their most valuable employee benefit.

Penn & Schoen conducted a survey. When asked to choose between the Federal Government mandating fringe benefits or leaving this decision up to employers and employees, 89 percent of 1,000 respondents said they preferred that employee benefits be decided privately. And so do I.

Sustain the President's veto.

Mr. FORD of Michigan. Madam Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Madam Speaker, I rise in support of the attempt to override the President's veto.

Madam Speaker, today we will vote to override the President's veto of a bill that makes it illegal for an employer to fire a mother for having a child, to fire a father or mother for caring for a child, or to fire a child for caring for a father or mother.

Opponents of the bill, trying to reconcile their position with their family values rhetoric, say this will bankrupt thousands of businesses and cost us hundreds of thousands of Jobs.

Nonsense, Madam Speaker, a review of the national maternity leave of industrialized countries published in the December 17, 1990, issue of Businessweek, shows that: Canada requires that 17 weeks of leave be paid at up to 60 percent of wages; Italy requires that 20 weeks of leave be paid at 80 percent of wages; Sweden requires that 12 weeks of leave be paid at 90 percent of wages; the United Kingdom requires that 18 weeks of leave be paid at 90 percent of wages; Japan requires that 14 weeks of leave be paid at 60 percent of wages; West Germany requires that 14 weeks of leave be paid at 100 percent of wages; and the United States requires that zero weeks of leave be paid at zero percent of wages.

In this we are equaled by South Africa; and South Africa is not a country whose treatment of its citizens I think we should emulate.

Let's take a step toward joining the family of civilized nations. Let's override the President's veto and pass the family and Medical Leave Act.

Mr. FORD of Michigan. Madam Speaker, I yield such time as he may consume to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Madam Speaker, I rise in strong support of the veto override.

Madam Speaker, last November I joined my colleagues in passing the Family and Medical Leave Act and most recently, on September 10, I voted in favor of the conference agreement. Not to leave a job unfinished, I rise today in support of overriding President Bush's veto of S. 5, the Family and Medical Leave Act.

I find it hard to believe that a President who claims himself to be a profamily advocate, has rejected this fair, profamily, proworker initiative. While opponents to family and medical leave claim that mandated unpaid leave would severely harm small businesses, they are being proven otherwise.

A September 21, 1992, editorially in Cranes New York Business, a well-respected New York business weekly and successful small business, supports family and medical leave. The company has voluntarily put in practice flexible working arrangements, including shortened work weeks, splitting a position, and unpaid leave. The editorial concludes that "not only can (we) manage more flexible arrangements to accommodate the needs of working parents, but it is in (our) own best interest to do so." I ask unanimous consent that this editorial be entered into the RECORD.

While many businesses have concluded that flexible work arrangements are beneficial for both employee and employer, others have lacked the foresight and sound business sense in establishing such programs. That is why Federal legislation is required.

I urge my colleagues to vote in favor of the veto override. It's a vote for family values and good business practices.

[From Crain's New York Business, Sept. 21, 1992]

THIS SMALL FIRM FOUND HOW FAMILY LEAVE CAN WORK

Once again, President Bush vows to veto legislation requiring that most companies grant workers 12-week unpaid leaves after the birth or adoption of a child or in the event of a serious illness. The president says such a burden would severely harm small businesses. I know he's wrong.

We at Crain's New York Business believe we know a lot about small companies, devoting considerable resources to both covering small businesses, and to arguing their cause. Essentially, I run a small business, the 22-person Crain's editorial staff. What I've learned in recent years is not only that I can manage more flexible arrangements to accommodate the needs of working parents, but that it is in my own best interest to do so.

The issue of granting a 12-week unpaid leave seems to me almost absurd, especially as the father of a four-month-old who still isn't sleeping through the night. Crain's reporters and editors are offered a three-month leave after the birth of a child followed by three months of part-time schedules. (Paid leave varies between four weeks to eight weeks.) We fill in with free-lancers and part timers. Sometimes our coverage of an industry slips somewhat during such times. But it would as well if the reporter, up night after night with a baby, was too tired to concentrate or if we had to hire a replacement. For the record, I always come out ahead financially.

Schedules for working parents (in our experience to date mothers) seemed more complicated for a while, involving endless negotiation, the potential for resentment from colleagues and possible harm to the paper. But it also became clear that I had little choice. One of our best reporters decided she just wouldn't work full time following the birth of her second child. We noticed her loss almost immediately. Eventually, some of our valuable staffers would decide that working full time at Craine's simply was incompatible with their family responsibilities. It was far from certain if their replacements would be as good.

In reality, allowing flexibility wasn't complicated at all. We have two reporters on three-day schedules, splitting a position. We have two staffers on four-day weeks. That accommodates varying needs for health insurance (there isn't coverage for three days a week), job satisfaction and time with the kids. We manage our work somewhat more efficiently, we use free-lancers to fill in and no one resents the situation.

My wife, by the way, just returned to work on a four-day schedule. She wanted three; the business library where she's employed wanted five; they settled on four. Everyone's happy.

If I can manage such arrangements, so can other small businesses. That they won't is why federal legislation is required. I think that's what family values are all about. And I don't think George Bush or Dan Quayle understand at all.

Mr. FORD of Michigan. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mrs. KENNELLY). The gentleman from Michigan is recognized for 4 minutes.

Mr. FORD of Michigan. Madam Speaker and Members of the House, for 7 years as chairman of the Committee on Post Office and Civil Service, and as the ranking member and then-chairman of the Committee on Education and Labor, I have worked for the enactment of the Family and Medical Leave Act. Over the years we have compromised and compromised, many times to accommodate the stated concerns of the President and those of the interests he thinks most important.

As a result, this bill is not as good as that we first introduced, nor will it be if we get the opportunity to pass it now. But I want to make you this pledge: that this bill will be a much better bill if it goes down now, and I am returned to the House and I am selected once more to be the chairman of the Committee on Education and Labor; I promise you I will put a good bill on President Clinton's desk and he will sign it.

Now, that is the choice you have got today. You want to take what you beat us down to? You better take it while you have got the chance because this is the last time you are ever going to see as watered-down the rights of American workers to the point where we have to be shamed in the eyes of people all over the world in virtually every country in the world except South Africa, not one that I feel that we ought to be likened to.

Now, this is a unique piece of legislation. It is a rare bill that unites both ends of the debate over family values.

Those who are pro-choice and those who are pro-life. The Catholic Church supports the Family and Medical Leave Act, and the same commitment intensity is put forth by the Women's Legal Defense Fund.

I am pro-choice, but I appreciate and agree with the arguments made by Bishop James Malone and by HENRY HYDE and others that family leave protection can help prevent women from making a choice between choosing abortion or their job.

Working women deserve to know that if they have a baby and it takes 3 months to take care of that infant, their job will be there for them when they return to work.

That is what family values are all about.

This is the first opportunity all of the people who talk family values on both sides of the abortion issue have to come together and put your money where your mouth is. Do not go out of here with the sophistry we have just heard from the other side, "Oh, I spent my whole career opposing this legislation. I remember opposing it when I was a freshman because it was 18 weeks. Now it is only 12, it is better. However, it is not good enough because it is not paid leave."

Now, who are we kidding? The arguments coming from over here that we are taking benefits away from workers and that is why they are opposing protecting the jobs while they have a baby or take care of a sick child, would be, if I was not on the floor of the House, characterized as sophistry.

Ladies and gentleman, you have a chance. You have a chance.

Now, the minority leader started the debate today by saying rarely had he seen an issue define a campaign like this issue. He spoke resentfully of us bringing this bill here today to define the President's veto as an important issue in the upcoming campaign.

The minority leader said it, I did not say it; but I agree with the minority leader, this is a defining issue. But it does not define just the President, it defines everybody who is going on the rollcall today.

You will be known by your deeds today, not by what you have been saying and what you have been writing home to the folks.

You have got a chance, you can come forward and be saved and vote to override, or you can go on the record books for all of history as one who passed the chance when it was offered to you.

Mr. WELDON. Madam Speaker, I rise today in very strong support of the Family and Medical Leave Act. For several years, I have voted in favor of this legislation, which would guarantee job protected leave for up to 12 weeks in the case of a family and/or medical emergency. As the parent of five children, I appreciate the need for this law.

Although I am dedicated to the enactment of this legislation, I feel compelled to express my great disappointment over the handling of the bill. For my colleagues on both sides of the aisle, I have just one simple question. Why did Congress wait almost an entire year to complete consideration of the Family and Medical Leave Act? This question bothers me a great deal.

Many of the bill's proponents have argued that we waited to complete action on the bill in order to broker some sort of compromise with President Bush. While that explanation certainly sounds reasonable, I'm not so sure that it's true.

Since passage of H.R. 2 in the House on November 13, 1991, I have witnessed few attempts to enter into a serious dialog with the administration. Of course, Madam Speaker, many of my colleagues and I have contacted the White House on many occasions to urge the President to support this legislation. But, I'm not sure that a couple of letters and a few phone calls conveyed a message of compromise.

Regrettably, I fear that our long delay was based partially on partisan considerations. Of course, I fully understand how tired the sponsors are of watering down this legislation to meet the objections of the administration. While I sympathize with them, I have my doubts about the sincerity of their most recent attempts.

In this light, the delay certainly makes sense. Why compromise with the administration when you feel you have already compromised enough? Why not try and score a few political points?

While I am not pleased with the administration's refusal to sign this bill, I am also disappointed that this debate is being used as a weapon in the Presidential campaign. Instead of scoring political points with the various interest groups, we should have just tried to enact some version of this legislation to help our constituents. Both sides are guilty of this type of gamesmanship.

I urge my colleagues on both sides of the aisle to override the veto and to get on with the serious business of this Nation.

Mr. FAZIO. Madam Speaker, I rise in support of overriding the veto of S. 5, the Family and Medical Leave Act—the bill that is based on the belief that American workers should not risk losing their jobs when they are confronted by family responsibilities or a serious illness.

This bill is the product of many years of negotiations and compromise. The drafters of this legislation have taken great care to produce a fair, balanced bill that provides much needed relief for American families while, at the same time, not overly burdening America's small businesses.

The Family and Medical Leave Act will require employers with 50 or more employees to provide their employees with up to 12 weeks of unpaid leave each year for either caring for a new or seriously ill child, parent, or spouse, or for medical leave if the employees themselves are seriously ill. During the leave, the employee's job and health insurance benefits would be protected.

Because the act only applies to employers with 50 or more employees, only 5 percent of employers and 50 percent of workers would be covered. Small businesses are truly exempt from the Family and Medical Leave Act.

In spite of the fact that millions of American workers are trying to juggle the responsibilities of work and family, most of our employers have failed to adapt their policies to these circumstances. Yet, employees are entitled to a certain amount of job security when they have family and health needs that must be met. They should not have to lose their jobs in order to take care of home.

When our workers who do not have parental and medical leave need it, they end up receiving a greater share of public assistance. These costs amount to well over $4 billion annually in unemployment compensation and other public benefits, and cost workers and taxpayers much more than what it will cost employers to implement leave programs. But, a standard for family and medical leave would provide significant benefits to both American businesses and workers at a low cost.

Yet, ours is the only developed, industrialized country that does not set a minimum family leave standard for its workers. In fact, most of the 125 countries that do provide some sort of leave for their workers give them paid leave.

Madam Speaker, American families want and need this bill. The American people overwhelmingly support the notion that they should be with their children during the first weeks of life, and should care for their family members during illnesses, without having to risk losing their jobs.

And this is not a benefit that the American worker will take lightly or abuse. In all too many instances, employees will not be able to afford to stay home to take care of pressing family priorities. But there will be times when they have no other choice—when they must have the option of staying home, without pay, and without having to worry about whether or not they have a job to come back to. A new mother should not be forced back to work and a sick spouse or parent should have the support of their loved ones. During these times, the Family and Medical Leave Act will help give workers and their families peace of mind by presenting them with choices they can live with. It will help families solve the conflict between family and work, and give them one less thing to worry about so that they can focus on their priorities at home.

In spite of all of these compelling reasons, the President has vetoed this bill, just as he vetoed similar legislation 2 years ago. In spite of his commitment to family and his belief in the so-called family values theme that has been repeated throughout this Presidential campaign, the President has refused to support this measure.

Madam Speaker, I urge my colleagues—on both sides of the aisle—to join me in this attempt to override the President's veto and to provide some job protection for American workers during family emergencies.

Mr. STENHOLM. Madam Speaker, I rise in opposition to this bill and any mandated leave legislation. I do so because a Federally mandated benefit can never be flexible enough to adapt to the diverse needs of employers and employees across the country.

This bill was well-intentioned. I think we all agree that every employer who can provide the kinds of benefits outlined in this bill ought to do so. But not every good idea makes a good law, for the whole Nation, regardless of the circumstances, needs, or preferences of individual workers and employers.

I believe that this bill will harm many more employees than it helps. Passage of this bill will not expand the benefit pie, but simply locking in one benefit, which will limit the ability of employers to offer other family-friendly benefits and reduce the flexibility of employees and employers to negotiate a benefit package that is best for both. The assertion that Congress can legislate a free lunch—a benefit without a cost—defies common sense.

I am disappointed that the President waited so long to provide an alternative, and believe his alternative to be inadequate. However, we are not left simply with the two choices of burdensome mandates on businesses as embodied by S. 5 or inadequate tax credits which the President proposes. Members who are philosophically uncomfortable with either of the two extreme positions just mentioned may feel far more at home with the idea I have promoted in H.R. 1270, the American Family Protection Act. I offered this bill as a substitute amendment when H.R. 2 was initially considered by the House.

My alternative, which would require that an employee returning from qualifying leave be rehired if and when his/her previous job or a comparable job again comes open, goes much farther than a simple business tax credit. By providing that an eligible employee be given preferential status for rehiring for a period of 6 years, this legislation asks of business a serious commitment to family life that is workable and beneficial for both employee and employer. However, unlike S. 5, it does not lead us down the slippery slope of mandating specific employment benefits but promotes the principle that the workplace should be flexible. Unlike the mandated approach of S. 5, this bill does not require that an employer fire a replacement worker in order to fill the job with a returning employee. Finally, in contrast to both proposals, it recognizes that parents want and need to spend more than 12 weeks at home to care for their children. This proposal is both pro-family and pro-business.

We should allow employers and employees to work together to meet their mutual needs. This bill does not provide this flexibility and, therefore, I urge my colleagues to support the veto.

Mr. DORGAN of North Dakota. Madam Speaker, I rise today to express my support for the Family and Medical Leave Act and to urge my colleagues to vote to override the President's veto of this landmark legislation.

In the last several months, we've heard a lot about family values, and a lot of discussion about what family values mean. To me, family values mean, first and foremost, supporting family members when they need you most. And today, we have the chance to give millions of working Americans the opportunity to be there for their families and to strengthen the family ties that are the lifeblood of this Nation.

The Family and Medical Leave Act will provide up to 12 weeks of unpaid leave to employees to care for a seriously ill family member, a new baby, or their own serious illness. This is what family is all about—working together as a family to overcome new challenges and tragedies. Without this act, working Americans will continue to be forced to choose between keeping their jobs and supporting their families. And I don't think that's a fair choice to require them to make.

I agree with those who say that Congress should be careful that employee leave legislation doesn't create such burdens for businesses that it makes them unable to function effectively. That's why I opposed initial proposals for family and medical leave that would have applied stringent leave requirements to small businesses. A business with 5 or 10 employees depends fully on every employee every day, and doesn't have the flexibility that larger companies do to provide extended leave benefits. I was at the forefront of the fight to make sure that those small businesses were protected.

The Family and Medical Leave Act that I'm voting for today has an exemption for small businesses, and imposes leave requirements only on employers with 50 or more employees. The act also has a key employee exemption for businesses of all sizes to make sure that no business is unduly burdened by this law.

This legislation is not overly burdensome or expensive, and I think it makes good business sense for America's employers. A 1989 GAO study estimates that compliance with the law will cost employers only about $7.10 per covered worker per year. That's a small price to pay to retain experienced, productive employees who return to their jobs after responding to a family emergency.

I'm supporting the Family and Medical Leave Act because I think that it's probusiness and profamily. This is the real family values issue of 1992. We can help families stay together—by overriding the President's veto on this bill today.

Mr. OWENS of Utah. Madam Speaker, today I rise in support of overriding the President's veto on the Family and Medical Leave Act. Over the past several months we've heard so much talk about family values from our President, but who is President Bush trying to kid? In a recent speech in Georgia, he said he has a "belief * * * in strong families and in leaving the world a better and more prosperous place for the young kids here today." Earlier the President had this to say, "* * * every piece of legislation * * *, we're looking at it to see that it does nothing but strengthen the American family * * *. We must strengthen family values. And I will do my level-best to do just that."

But, then the President vetoed the Family and Medical Leave Act. His policy—conceive, but don't expect leave—belies family values.

This bill requires employers with 50 or more employees to provide 12 weeks unpaid leave to their employees to care for a newborn baby or a sick family member. Some 95 percent of all businesses would not be affected by this legislation. This bill also restricts employee eligibility to those who have worked at least 25 hours a week for at least one year. Employers may also exempt key employees, the highest paid 10 percent of the work force, from coverage under the act.

This leave cannot be used for a holiday, nor for play, but only for the caring and nurturing of family members, and that, President Bush, is what family values is all about.

What else has our President been saying? He wants to help the economy? According to a Cornell economist, since Mr. Bush first vetoed the Family and Medical Leave Act in 1990, 300,000 workers with serious illnesses had to choose between family and job, and gave up their jobs because there was no medical leave policy where they worked. This same study shows that providing family and medical leave is more cost effective than permanently replacing employees who need leave.

Our country is the only industrialized country in the world that does not offer family and medical leave. In fact, many countries offer more time and paid leave, not leave at the employee's own expense.

Enactment of the Family and Medical Leave Act would be a positive investment in our work force and could be implemented easily and inexpensively, without placing an undue burden on the business community. This is an investment we can no longer afford to delay.

Mr. COX of Illinois. Madame Speaker, today we have the opportunity to follow in the footsteps of the other body and override the President's veto of the Family and Medical Leave Act legislation. This would provide workers in companies with over 50 employees 12 weeks of unpaid leave per year to care for a sick child, a new child, parent, or spouse, or to use for the employee's own medical treatment. I urge my colleagues to vote yes.

It was too long ago that the father was the breadwinner in the family while the mother remained at home raising the children and running the household. Today, however, things are changing. Families are finding it increasingly difficult to survive on a single income, and women—either by choice or necessity—are moving into the work force and away from the home. Thus, workers are torn between the physical and emotional needs of their families and the money and job they need to survive. This is a choice that no one should have to make. If you vote yes, many will not.

The Family and Medical Leave Act gives us the opportunity to relieve the American family of that burden. By offering 12 weeks of unpaid leave to workers, while still providing health insurance coverage, we let them know that we understand their dual role as provider and caregiver.

Many companies have already implemented such a program for their workers; I commend their efforts. Many have not seen fit to offer this benefit, which should be as basic as health insurance and pension plans. The time has come to realize the true value of the American worker and of the American family. If we fail to override the President's veto, we send a message to the struggling work force in this country: We know there is a severe recession, we know you are having trouble making ends meet, we understand your obligations to your family, but we cannot help.

Businesses should realize that this is a positive move toward employee satisfaction, thus improved production and profit. Many workers will never need to take advantage of this benefit, but they will know that they have it if necessary.

Madam Speaker, I fear that the term "family values" has been used so many times in this election year that we have all forgotten the true meaning. We, as a body, must stand back and look at the value of this legislation to keeping our families healthy and happy. We must also ask ourselves what we are doing for families if we fail to enact this legislation. The answer is nothing—nothing but dealing yet another harsh blow to American families.

I urge a yes vote to override the veto of the Family and Medical Leave Act.

Mr. MINETA. Madam Speaker, I rise today in strong support of the vote to override the

Presidential veto of the Family and Medical Leave Act conference report.

Unlike the 1950's, and the idealized, family paragons of Ward and June Cleaver, the America of the 1990's has more single-parent families than ever before, and in an increasing number of two-parent families both parents work outside of the home.

A new American family has been evolving in which men and women share household responsibilities and both parents follow individual career paths. Unfortunately, as part of this evolution, many American children are bearing the brunt of these changes. That is why it is crucial that we vote to override President Bush's veto of the Family and Medical Leave Act conference report here today.

We have a President who claims that he believes in so-called family values, but he has vetoed this legislation before and has done so again. Why? Because the only American family he sees in our Nation are the Cleavers. That shortsightedness is forcing other Americans to choose between having a job and having a family, and no American should ever have to make that choice.

The initiative that the House and the Senate has adopted is one that is needed throughout the United States. American women will benefit greatly from the realities of life recognized in this law. Women now represent the fastest growing segment of our Nation's work force. Sixty percent of women with children ages 3 to 5 years old have careers. California has long recognized these realities, and established a visionary family and medical leave program. It is now time to make that standard available to all Americans by overriding President Bush's veto of the Family and Medical Leave Act conference report.

Mr. BUNNING. Madam Speaker, I rise in support of the president and in support of his veto of the family and medical leave bill.

This bill is not a family bill. It is antijob. It is antibusiness.

This bill would cost jobs. And real families need jobs and security a heck of a lot more than they need more Government mandates. Benefits like this should be left to negotiations between employers and their employees—not dictated from on high by the Members of the U.S. Congress.

The new labor costs associated with this bill are estimated to exceed $3.3 billion the first year—that means a loss of 60,000 jobs, most of which will come from low-income and low-skilled workers. These are precisely the people who can least afford to lose their jobs, and I, with good conscience, cannot vote for something that will result in massive job loss.

Congress should not be sticking its nose into business that's better left up to the employer and employee. Passage of this bill would put us on the brink of upsetting that delicate balance of the system of voluntarily-provided employee benefits

Employers should grant leave to employees in the special cases covered under this bill. However, mandating them to do so is not the answer. Employers should be able to take into account the special needs and unique circumstances of the company. The Federal Government cannot pass a "one-size-fits-all" leave policy. I urge my colleagues to sustain the President's veto.

Mr. FORD of Michigan. Madam Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is: Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 258, nays 169, not voting 5, as follows:

[Roll No. 443]

YEAS—258

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Brown
Bruce
Bryant
Bustamante
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chapman
Clay
Clement
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hatcher
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Hoyer
Hubbard
Hughes
Hyde
Jacobs
James
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickle
Poshard
Price
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Richardson
Rinaldo
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Skaggs
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Solarz
Solomon
Spratt
Stark
Stokes
Studds
Swett
Swift
Synar
Tallon
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (AK)
Young (FL)
Zimmer

NAYS—169

Allard
Allen
Archer
Armey
Aspin
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Brewster
Broomfield
Browder
Bunning
Burton
Byron
Callahan
Camp
Carr
Chandler
Clinger
Coble
Combest
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gingrich
Glickman
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Houghton
Hunter
Hutto
Inhofe
Ireland
Johnson (TX)
Kasich
Kolbe
Kyl
Lagomarsino
Lancaster
LaRocco
Laughlin
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Luken
Marlenee
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Montgomery
Moorhead
Myers
Neal (NC)
Nichols
Nussle
Olin
Orton
Oxley
Packard
Parker
Patterson
Paxon
Payne (VA)
Penny
Petri
Pickett
Porter
Pursell
Quillen
Ray
Rhodes
Ridge
Riggs
Ritter
Roberts
Rogers
Rohrabacher
Roth
Rowland
Santorum
Sarpalius
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton
Slattery
Smith (OR)
Spence
Stallings
Stearns
Stenholm
Stump
Sundquist
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Wolf
Wylie
Zeliff

NOT VOTING—5

Barnard
Dymally
Huckaby
McCrery
Staggers

☐ 1739

The Clerk announced the following pair:

On the vote:

Mr. Barnard for, with Mr. Staggers and Mr. Dymally against.

Mr. YOUNG of Alaska changed his vote from "nay" to "yea."

So, two-thirds not having voted in favor thereof, the veto of the President was sustained, and the bill was rejected.

The SPEAKER pro tempore (Mrs. KENNELLY). The Clerk will notify the Senate of the action of the House.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the question on the override of the Presidential veto of S. 5, the Family and Medical Leave Act of 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SUNLIGHT AND FRESH WINDS COMING SOON

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, Senator AL GORE was right to speak out to the American public about the duplicity, covert dealings and special favors of this administration in tilting toward Iraq right up until the day of the Iraqi invasion of Kuwait. The sorry spectacle of this administration propping up that brutal regime of Saddam Hussein through tax subsidized programs—like the Agricultural Commodity Credit Loan Program—is an outrage, particularly when many of the U.S. backed dollars were used to purchase military equipment, not farm equipment. So much for the foreign policy brilliance and expertise of this administration.

I might add that it is getting a bit confusing to keep up with the foreign policy imbroglios coming to light but never discussed forthrightly by the policymakers themselves—first, Iran Contra, now Iraq. Obviously, the power keg region of the Persian Gulf has not been a forte of the Bush foreign policy team.

But equally troubling to me is the administration's dogged pursuit of covering up their track—by altering documents submitted to Congress, by holding back information, and by blatant misinformation and disinformation—when investigators sought to get a full accounting.

There is no dispute that documents in the Commerce Department were altered to hide the fact that agricultural loan programs were being corrupted by permitting military vehicles to be exported to Iraq. When these and other actions were presented to the Attorney General by the House Judiciary Committee, he refused to appoint an independent counsel to provide an objective look at the actions of high-level officials in obstructing justice and misleading Congress and the American people. He also rejected any investigation into the handling of the BNL case in which U.S. prosecutors confined their indictment to three bank officials in Atlanta for diverting billions of dollars to Iraqi-front companies. Justice refused to interview Iraqi and Italian officials or United States officials, instead concentrating on a bank manager and two assistants. The Federal judge in the case, disturbed by the sudden plea bargain and silence of the principal defendant, also called for an independent counsel, all to no avail.

So the tilt toward Iraq still remains the secret province of the executive branch which initiated it, which refused to allow the sunlight of an independent investigation to look into it, and which now trumpets its foreign policy prowess as a reason to continue in government.

Let us hope that with fresh winds blowing in the executive branch very soon, the American people will learn precisely how and why the United States formulated its special handling of a tyrant and how it proceeded to compound the felony by cover up, deception, and the hope that the joy surrounding Desert Storm would somehow wash over these illegalities. It won't, and the facts will come out.

□ 1740

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. KENNELLY). Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, September 29, 1992, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3281, S. 2681, H.R. 2548, and S. 1528.

NATIONAL AIR AND SPACE MUSEUM EXPANSION SITE SELECTION ACT OF 1992

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3281, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. FROST] that the House suspend the rules and pass the bill, H.R. 3281, as amended, on which the yeas and nays are ordered.

PARLIAMENTARY INQUIRY

Mr. YATES. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. YATES. Madam Speaker, is it the intention of the Chair to ask for 5-minute votes for the next three votes?

The SPEAKER pro tempore. Yes, it is the intention of the Chair to have a 15-minute vote, and the next three votes will be 5-minute votes.

The vote was taken by electronic device, and there were—yeas 106, nays 317, not voting 9, as follows:

[Roll No. 444]

YEAS—106

Ackerman
Alexander
Allard
Annunzio
Atkins
Bacchus
Bentley
Berman
Bilbray
Bonior
Brown
Campbell (CA)
Campbell (CO)
Cardin
Clay
Clement
Collins (IL)
Cox (CA)
Crane
de la Garza
DeFazio
Dellums
Dorgan (ND)
Dornan (CA)
Downey
Edwards (CA)
Fazio
Flake
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Gilchrest
Glickman
Hayes (IL)
Hefley
Hoagland
Hochbrueckner
Hoyer
Jefferson
Jones
Jontz
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Levine (CA)
Lewis (GA)
Lowey (NY)
Markey
Matsui
Mazzoli
McDermott
McMillen (MD)
McNulty
Mfume
Miller (CA)
Moody
Morella
Murtha
Natcher
Oakar
Ortiz
Packard
Panetta
Payne (NJ)
Pelosi
Peterson (MN)
Pickle
Price
Rangel
Richardson
Rohrabacher
Rose
Roybal
Russo
Sabo
Schaefer
Schroeder
Schumer
Skaggs
Slattery
Smith (FL)
Smith (IA)
Stallings
Stokes
Swift
Thomas (WY)
Torres
Torricelli
Traficant
Traxler
Vento
Visclosky
Vucanovich
Walsh
Waxman
Whitten
Williams
Wolpe
Yates
Young (FL)

NAYS—317

Abercrombie
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Anthony
Applegate
Archer
Armey
Aspin
AuCoin
Baker
Ballenger
Barrett
Barton
Bateman
Beilenson
Bennett
Bereuter
Bevill
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Carper
Carr
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Cunningham
Dannemeyer
Darden
Davis
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Doolittle
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fascell
Fawell
Feighan
Fields
Fish
Foglietta
Ford (MI)
Ford (TN)
Franks (CT)
Gallegly
Gallo
Gaydos
Gekas
Geren
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hobson
Holloway
Hopkins
Horn
Horton
Houghton
Hubbard
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Johnson (CT)
Johnson (SD)
Johnson (TX)
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Klug
Kolbe
Kopetski
Kyl
Lagomarsino
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Luken
Machtley
Manton
Marlenee
Martin
Martinez
Mavroules
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morrison
Mrazek
Murphy
Myers
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle

Oberstar
Obey
Olin
Olver
Orton
Owens (NY)
Owens (UT)
Oxley
Pallone
Parker
Pastor
Patterson
Paxon
Payne (VA)
Pease
Penny
Perkins
Peterson (FL)
Petri
Pickett
Porter
Poshard
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland
Sanders
Sangmeister
Santorum
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schiff
Schulze
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Studds
Stump
Sundquist
Swett
Synar
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thornton
Towns
Unsoeld
Upton
Valentine
Vander Jagt
Volkmer
Walker
Washington
Waters
Weber
Weldon
Wheat
Wilson
Wise
Wolf
Wyden
Wylie
Yatron
Young (AK)
Zeliff
Zimmer

NOT VOTING—9

Barnard
Dymally
Huckaby
Ireland
Jenkins
Lowery (CA)
McCrery
Nagle
Staggers

□ 1801

Messrs. MARKEY, COX of California, ROHRABACHER, SMITH of Florida, and PACKARD changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. KENNELLY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules in which the Chair has postponed further proceedings.

NATIVE HAWAIIAN HEALTH IMPROVEMENT ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2681, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. WYDEN] that the House suspend the rules and pass the Senate bill, S. 2681, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 194, not voting 10, as follows:

[Roll No. 445]

YEAS—228

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bacchus
Beilenson
Bennett
Berman
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brewster
Brown
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Davis
de la Garza
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hughes
Jacobs
Jefferson
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Peterson (FL)
Porter
Price
Rangel
Reed
Richardson
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Skaggs
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swift
Synar
Tanner
Tauzin
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weber
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—194

Allard
Allen
Andrews (NJ)
Andrews (TX)
Archer
Armey
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Brooks
Broomfield
Browder
Bruce
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carr
Chandler
Chapman
Coble
Coleman (MO)
Combest
Condit
Costello
Cox (CA)
Cramer
Crane
Cunningham
Dannemeyer
Darden
DeLay
Derrick
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Ford (TN)
Franks (CT)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Holloway
Hopkins
Hubbard
Hunter
Hutto
Hyde
Inhofe
James
Johnson (CT)
Johnson (TX)
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Laughlin
Leach
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Marlenee
Martin
McCandless
McCollum
McCurdy
McEwen
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Myers
Neal (NC)
Nichols
Nussle
Olin
Orton
Oxley
Packard
Pallone
Parker
Patterson
Paxon
Payne (VA)
Penny
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Regula
Rhodes
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Walsh
Weldon
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Barnard
Dymally
Huckaby
Ireland
Jenkins
Lowery (CA)
McCrery
Ridge
Riggs
Staggers

□ 1810

Mr. SHAYS and Mr. HARRIS changed their vote from "yea" to "nay."

Mr. McDADE and Mr. ESPY changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ABRAHAM LINCOLN RESEARCH AND INTERPRETIVE CENTER

The SPEAKER pro tempore. (Mrs. KENNELLY). The unfinished business is the question of suspending the rules and passing the bill, H.R. 2548, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2548, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 298, nays 121, not voting 13, as follows:

[Roll No. 446]

YEAS—298

Abercrombie
Ackerman
Alexander
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Broomfield
Brown
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carr
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Cox (IL)
Coyne
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Green
Guarini
Hall (OH)
Hamilton
Hammerschmidt
Hansen
Hastert
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Hoyer
Hughes
Hyde
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones
Jontz
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lantos
LaRocco
Leach
Lehman (CA)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowey (NY)
Luken
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price
Quillen
Rangel
Regula
Rhodes
Richardson
Rinaldo
Roberts
Roe
Roemer
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schulze
Schumer
Serrano
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Solarz
Solomon
Spratt
Stallings
Stark
Studds
Sundquist
Swett
Swift
Synar
Tauzin
Thomas (CA)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weber
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (FL)

NAYS—121

Allard
Allen
Andrews (ME)
Archer
Armey
Bacchus
Baker
Ballenger
Barrett
Bilirakis
Bliley
Boehner
Brooks
Browder
Bunning
Burton
Callahan
Camp
Campbell (CA)
Carper
Chapman
Coble
Condit
Cramer
Crane
Cunningham
Dannemeyer
Derrick
Dickinson
Doolittle
Dreier
Duncan
Erdreich
Ewing
Fawell
Fields
Ford (TN)
Frank (MA)
Gekas
Geren
Gilchrest
Gillmor
Goodling
Goss
Gradison
Grandy
Gunderson
Hall (TX)
Hancock
Harris
Hatcher
Hefley
Herger
Holloway
Hopkins
Horton
Houghton
Hubbard
Hunter
Hutto
Inhofe
James
Johnson (TX)
Klug
Kolbe
Kyl
Lancaster
Laughlin
Lewis (FL)
Lloyd
Machtley
Marlenee
McCandless
McCollum
McMillan (NC)
Meyers
Moorhead
Neal (NC)
Nichols
Nussle
Oxley
Packard
Patterson
Penny
Petri
Porter
Pursell
Rahall
Ramstad
Ravenel
Ray
Reed
Ridge
Riggs
Ritter
Rogers
Rohrabacher
Ros-Lehtinen
Santorum
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Smith (OR)
Snowe
Spence
Stearns
Stenholm
Stump
Tallon
Tanner
Taylor (MS)
Taylor (NC)
Valentine
Vander Jagt
Walker
Weldon
Wylie
Young (AK)
Zimmer

NOT VOTING—13

Barnard
Chandler
Dymally
Huckaby
Ireland
Jenkins
Lehman (FL)
Lowery (CA)
McCrery
Staggers
Stokes
Thomas (WY)
Zeliff

☐ 1818

Mr. HEFNER and Mr. PAXON changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MIMBRES CULTURE NATIONAL MONUMENT ESTABLISHMENT ACT OF 1992

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the Senate bill, S. 1528, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 1528, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 179, nays 243, not voting 10, as follows:

[Roll No. 447]

YEAS—179

Abercrombie
Ackerman
Alexander
Anderson
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
AuCoin
Beilenson
Bennett
Bereuter
Berman
Bilbray
Blackwell
Bonior
Borski
Boucher
Boxer
Brown
Bustamante
Campbell (CO)
Cardin
Carper
Clay
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Coyne
Darden
Davis
de la Garza
DeFazio
Dellums
Dicks
Dixon
Donnelly
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Foglietta
Ford (MI)
Frank (MA)
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Hall (OH)
Hamilton
Hayes (IL)
Hefner
Hertel
Hoagland
Hobson
Hochbrueckner
Horn
Houghton
Hoyer
Hughes
Johnson (SD)
Johnston
Jones
Jontz
Kaptur
Kennedy
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lantos
LaRocco
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Livingston
Long
Lowey (NY)
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDermott
McHugh
McNulty
Miller (CA)
Mineta
Mink
Mollohan
Moody
Moran
Morella
Mrazek
Murphy
Murtha
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Payne (NJ)
Pease
Pelosi
Perkins
Price
Rahall
Rangel
Richardson
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Smith (FL)
Solarz
Stark
Stokes
Studds
Swift
Synar
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Washington
Waters
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—243

Allard
Allen
Andrews (ME)
Andrews (NJ)
Applegate
Archer
Armey
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Brewster
Brooks
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Carr
Chapman
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Costello
Coughlin
Cox (CA)
Cox (IL)
Cramer
Crane
Cunningham
Dannemeyer
DeLauro
DeLay
Derrick
Dickinson
Dingell
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Edwards (TX)
Emerson
English
Erdreich
Ewing
Fawell
Fields
Fish
Flake
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gekas
Geren
Gilchrest
Gillmor

Gilman
Glickman
Goodling
Goss
Gradison
Grandy
Green
Guarini
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Holloway
Hopkins
Horton
Hubbard
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jefferson
Johnson (CT)
Johnson (TX)
Kanjorski
Kasich
Kennelly
Klug
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leach
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Lloyd
Luken
Marlenee
Martin
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Moakley
Molinari
Montgomery
Moorhead
Morrison
Myers
Nagle
Neal (NC)
Nichols
Nussle
Olin
Orton
Oxley
Packard
Patterson
Paxon
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Poshard
Pursell
Quillen
Ramstad
Ravenel
Ray
Reed
Regula
Rhodes
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland
Sanders
Sangmeister
Santorum
Sarpalius
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stump
Sundquist
Swett
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Weber
Weldon
Wilson
Wolf
Wylie
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Barnard
Chandler
Dymally
Gingrich
Huckaby
Ireland
Jenkins
Lowery (CA)
McCrery
Staggers

☐ 1828

Mr. GILCHREST changed his vote from "yea" to "nay."

Mr. CARDIN and Mr. HUGHES changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. YATRON. Madam Speaker, I was unavoidably detained at a human rights meeting on the Senate side of the Capitol and did not know the vote on House Joint Resolution 553 was taking place. I would like the record to show that had I been present, I would have voted "aye" on House Joint Resolution 553, rollcall 440.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5678, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102–959) on the resolution (H. Res. 582) waiving points of order against the conference report to accompany the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes, and against the consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON, AND PROVIDING FOR CORRECTIONS IN ENROLLMENT OF, H.R. 5488, TREASURY, POSTAL SERVICE, AND GENERAL APPROPRIATIONS ACT, 1993, AND AGAINST CONSIDERATION OF CONFERENCE REPORT

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102–960) on the resolution (H. Res. 583) waiving points of order against the conference report to accompany, and providing for corrections in the enrollment of, the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993, and for other purposes, and against consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1637, BLACK LUNG BENEFITS RESTORATION ACT OF 1991

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102–961) on the resolution (H. Res. 584) providing for the consideration of the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR COMPLETION OF ACTIVITIES OF TASK FORCE TO INVESTIGATE CERTAIN ALLEGATIONS CONCERNING HOLDING OF AMERICANS AS HOSTAGES IN IRAN IN 1980

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 102–962) on the resolution (H. Res. 585) providing for the completion of the activities of the Task Force to Investigate Certain Allegations Concerning the Holding of Americans as Hostages in Iran in 1980 in the second session of the 102d Congress, which was referred to the House Calendar and ordered to be printed.

☐ 1830

EXTENSION OF AUTHORIZATION OF USE OF OFFICIAL MAIL IN LOCATION AND RECOVERY OF MISSING CHILDREN

Mr. CLAY. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate bill (S. 3279) to extend the authorization of use of official mail in the location and recovery of missing children, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mrs. KENNELLY). Is there objection to the request of the gentleman from Missouri?

Mrs. MORELLA. Madam Speaker, reserving the right to object, I yield to the gentleman from Missouri [Mr. CLAY] for a brief explanation of this important bill.

Mr. CLAY. I thank the gentlewoman for yielding. Madam Speaker, S. 3279 reauthorizes the Government Missing Children Mailing Program for an additional 5 years.

Since 1984, when Congress passed the Missing Children Assistance Act, widespread dissemination of pictures of missing children has been one of the techniques employed to raise public awareness of the need for assistance in locating missing children. Pictures have been disseminated through the use of television, inserts in utility bills, milk cartons, grocery bags, and posters. In 1985, Congress provided for the use of official mail as an additional means of disseminating the pictures of missing children.

It is widely believed that the widespread dissemination of these pictures into thousands of homes each month by means of House and Senate official mail serves to keep public awareness of the problem of missing children at a higher level and enhances the effectiveness of all other means of dissemination. Members who use this program are provided the pictures from the National Center for Missing and Exploited Children. The Center has been in the forefront of locating missing children around the Nation since 1984.

The problem of missing children is of great concern to the public and one of the greatest fears of all parents. This is a worthy program that helps to locate and recover missing children and I hope my colleagues support this important legislation.

Mrs. MORELLA. Madam Speaker, further reserving the right to object, this is very important legislation, as has been mentioned. It really has helped police departments and the public, alerting them to missing children.

I support it wholeheartedly.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORIZATION OF USE OF OFFICIAL MAIL IN THE LOCATION AND RECOVERY OF MISSING CHILDREN.

The Act entitled "An Act to amend title 3, United States Code, to authorize the use of penalty and franked mail in efforts relating to the location and recovery of missing children", approved August 9, 1985 (39 U.S.C. 3220 note; Public Law 99-87) is amended—

(1) in section 3(a) by striking out "June 30, 1992" and inserting in lieu thereof "June 30, 1997"; and

(2) in section 5 by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1997".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CLAY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on S. 3279, the Senate bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5006, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent that the managers may have until 12 midnight tonight, September 30, 1992, to file the conference report on the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 1992

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2322) to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, with a Senate amendment to the House amendments thereto and concur in the Senate amendment.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments as follows:

Senate amendment to House amendments: In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1992".

SEC. 2. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1992, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Rate Amendments of 1991 (Public Law 102-152; 105 Stat. 985). The increase shall be made in such rate and limitations as in effect on November 30, 1992, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et. seq.) are increased effective December 1, 1992, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (2 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 214(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1992, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

Mr. MONTGOMERY (during the reading). Madam Speaker, I ask unanimous consent that the Senate amendment to the House amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Mississippi?

Mr. STUMP. Madam Speaker, reserving the right to object, I yield to the gentleman from Mississippi for an explanation of the bill.

Mr. MONTGOMERY. Madam Speaker, will the gentleman yield?

Mr. STUMP. I yield to the chairman of the committee.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Madam Speaker, S. 2322, as amended, would direct the Secretary of Veterans Affairs to increase the rates of disability compensation and dependency indemnity compensation payable to service-disabled veterans and their survivors by the same percentage as the cost-of-living increase that will be provided in the Social Security legislation. This is a COLA increase for service-connected combat veterans.

Mr. STUMP. Madam Speaker, further reserving the right to object, I urge my colleagues to support this measure.

Madam Speaker, I support S. 2322 and urge its immediate passage.

This bill provides a clean COLA which we can all support.

When the actual Consumer Price Index figure is announced, S. 2322 will permit the VA to make the appropriate changes in these rates so they will be effective December 1, 1992, and reflected in January compensation checks of these beneficiaries.

I urge my colleagues to support this measure so that our service-connected disabled veterans can keep up with inflation.

Mr. HAMMERSCHMIDT. Madam Speaker, I rise today in strong support of S. 2322, a bill to provide a cost-of-living increase in the rates of veterans' compensation and dependency and indemnity compensation [DIC].

This is legislation that our Nation's veterans count on us to pass in a timely fashion. As my colleagues know, compensation rates for veterans and DIC rates for their dependents, are not subject to automatic indexing and must be considered by the Congress in separate legislation each year.

I urge my colleagues to pass a clean COLA bill so that veterans can count on having this cost-of-living increase in their January checks.

Mr. STUMP. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Mississippi?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2322, the bill just considered, and also on S. 775, the bill that will be considered next.

The SPEAKER pro tempore. Is there objection to the requests of the gentleman from Mississippi?

There was no objection.

VETERANS BENEFITS IMPROVEMENT ACT OF 1991

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 775) to improve the compensation of certain veterans for exposure to ionizing radiation, to improve the administration of veterans benefits programs, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 775

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Benefits Improvement Act of 1991".

SEC. 2. CLARIFICATION OF SCOREKEEPING RULE FOR COST-OF-LIVING INCREASES IN COMPENSATION RATES.

For the purpose of calculating the baseline under section 257(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)) with respect to the increase in veterans' compensation for a fiscal year, the amount by which each rate of compensation is increased is assumed to be rounded to the nearest whole dollar.

SEC. 3. REDUCTION IN PENSION FOR VETERANS' SURVIVORS WHO ARE RECEIVING MEDICAID-COVERED NURSING HOME CARE.

(a) REDUCTION IN PENSION.—Paragraph (2) of section 5503(f) of title 38, United States Code, is amended to read as follows:

"(2)(A) Not more than $90 per month may be paid under chapter 15 of this title to or for any person described in subparagraph (B) for any period that a nursing facility furnishes such person with services covered by a Medicaid plan. The restriction in the preceding sentence applies to periods after the month of the person's admission to the nursing facility.

"(B) A person referred to in subparagraph (A) is a person—

"(i) who is covered by a Medicaid plan for services furnished such person by a nursing facility; and

"(ii) who is (I) a veteran who has neither spouse nor child, or (II) a surviving spouse who has no child.".

(b) CONFORMING AMENDMENTS.—Section 5503(f) of such title is amended as follows:

(1) In paragraph (3)—

(A) by striking out "a veteran" and inserting in lieu thereof "a person referred to in paragraph (2)(A)"; and

(B) by striking out "such veteran under paragraph (2) of this subsection" and inserting in lieu thereof "such person under such paragraph".

(2) In paragraph (4)—

(A) by striking out "A veteran" and inserting in lieu thereof "A person referred to in paragraph (2)(A)";

(B) by striking out "the veteran" both places it appears and inserting in lieu thereof "the person"; and

(C) by striking out "the veteran's" and inserting in lieu thereof "the person's".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on November 1, 1991, and apply with respect to months after October 1991, and shall expire in accordance with section 5503(f)(6) of title 38, United States Code.

SEC. 4. ACCESS TO INFORMATION NECESSARY FOR THE ADMINISTRATION OF CERTAIN VETERANS' BENEFITS LAWS.

Section 1113 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413) is amended by adding at the end the following new subsection:

"(p)(1) The provisions of this title do not apply to a disclosure of information requested pursuant to paragraph (2).

"(2) Subject to paragraph (3), the Secretary of Veterans Affairs may request a financial institution to disclose to the Department of Veterans Affairs the name and address of any customer who is receiving or has received payment of disability compensation, dependency and indemnity compensation, or pension under the provisions of title 38, United States Code, or section 10 of Public Law 85-857 (72 Stat. 1263) by direct deposit in the customer's account at that financial institution.

"(3)(A) The Secretary may make a request referred to in paragraph (2) only if the Secretary determines that the requested information—

"(i) is necessary in order for the Department of Veterans Affairs to administer the provisions of law referred to in such paragraph; and

"(ii) cannot be secured by a reasonable search of records and information of the Department.

"(B) The Secretary shall include a certification of the determination referred to in subparagraph (A) in each request presented to a financial institution.

"(4) Information disclosed pursuant to a request referred to in paragraph (2) may be used solely for the purpose of the administration of benefits programs under laws administered by the Secretary of Veterans Affairs if, except for the exemption in paragraph (1), the disclosure of that information would otherwise be prohibited by any provision of this title.

"(5) For the purposes of this subsection, the term 'direct deposit' means a process in which funds are disbursed (by electronic transfer or otherwise) from the Treasury of the United States to a financial institution and are deposited in one or more accounts in that financial institution pursuant to instructions provided by the Secretary of the Treasury.".

SEC. 5. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR CERTAIN RADIATION-EXPOSED VETERANS AND ELIMINATION OF LATENCY-PERIOD LIMITATIONS.

(a) IN GENERAL.—Section 1112(c) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking out "to a degree" and all that follows through "subsection)";

(2) in paragraph (2), by adding at the end the following new clauses:

"(N) Cancer of the salivary gland.

"(O) Cancer of the urinary tract.";

(3) by striking out paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on May 1, 1992.

SEC. 6. IDENTIFICATION OF CERTAIN ACTIVITIES RELATING TO EXPOSURE TO IONIZING RADIATION.

The Veterans' Dioxin and Radiation Exposure Compensation Standards Act (38 U.S.C. 1154 note) is amended by adding at the end the following new section:

"IDENTIFICATION OF ACTIVITIES INVOLVING EXPOSURE BEFORE JANUARY 1, 1970"

"SEC. 10. (a) IDENTIFICATION OF ACTIVITIES INVOLVING EXPOSURE BEFORE JANUARY 1, 1970.—(1) In order to determine whether veterans (other than veterans who participated in the tests or occupation activities referred to in section 5(a)(1)(B)) suffer from disabilities as a result of the exposure of such veterans to ionizing radiation during the active military, naval, or air service of such veterans that occurred before January 1, 1970, the Advisory Committee established under section 6 shall—

"(A) review all available scientific studies and other relevant information relating to the exposure of such veterans to ionizing radiation during such service; and

"(B) on the basis of such review, submit to the Secretary of Veterans Affairs a report containing the recommendation of the Advisory Committee on the feasibility and appropriateness for the purpose of the determination under this paragraph of any additional investigation with respect to any activity of such veterans during such service.

"(2) Upon the request of the Advisory Committee, the Secretary of Veterans Affairs (after seeking such assistance from the Secretary of Defense as is necessary and appropriate) shall make available to the Advisory Committee records and other information relating to the service referred to in paragraph (1) that may assist the Advisory Committee in carrying out the review and recommendation referred to in that paragraph.

"(3) The Advisory Committee shall submit to the Secretary of Veterans Affairs the report referred to in paragraph (1)(B) not later than September 30, 1992.

"(b) INVESTIGATION PLAN AND REPORT OF SECRETARY OF VETERANS AFFAIRS.—(1) Upon receipt of the report referred to in subparagraph (B) of subsection (a)(1), the Secretary of Veterans Affairs shall—

"(A) identify which of the activities referred to in that subparagraph, if any, that the Secretary intends to investigate more fully for the purpose of making the determination referred to in that subsection; and

"(B) prepare a plan (including a deadline for the plan) to carry out that investigation and make that determination.

"(2) Not later than April 1, 1993, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

"(A) a list of the activities identified by the Secretary pursuant to paragraph (1)(A) and the basis of such identification; and

"(B) the plan referred to in paragraph (1)(B).".

SEC. 7. EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO MAINTAIN THE REGIONAL OFFICE IN THE PHILIPPINES.

Section 315(b) of title 38, United States Code, is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1996".

SEC. 8. REDESIGNATION OF CERTAIN POSITIONS WITHIN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) REDESIGNATION OF POSITION OF CHIEF MEDICAL DIRECTOR.—Section 305(a)(1) of title 38, United States Code, is amended by striking out "a Chief Medical Director," and inserting in lieu thereof "an Under Secretary for Health, who is the Chief Medical Director and".

(b) REDESIGNATION OF POSITION OF CHIEF BENEFITS DIRECTOR.—Section 306(a) of such title is amended by striking out "a Chief Benefits Director," and inserting in lieu thereof "an Under Secretary for Benefits, who is the Chief Benefits Director and".

(c) CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking out the following:

"Chief Medical Director, Department of Veterans Affairs.

"Chief Benefits Director, Department of Veterans Affairs.";

and inserting in lieu thereof the following:

"Under Secretary for Health, Department of Veterans Affairs.

"Under Secretary for Benefits, Department of Veterans Affairs.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the date of the enactment of this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Madam Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MONTGOMERY: Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Radiation Exposure Amendments of 1992".

SEC. 2. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE CONNECTED FOR CERTAIN RADIATION-EXPOSED VETERANS AND ELIMINATION OF LATENCY-PERIOD LIMITATIONS.

(a) IN GENERAL.—Section 1112(c) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking out "to a degree" and all that follows through "subsection)";

(2) in paragraph (2), by adding at the end the following new subparagraphs:

"(N) Cancer of the salivary gland.

"(O) Cancer of the urinary tract.";

(3) by striking out paragraph (3); and

(4) by redesignating paragraph (4) as paragraph (3).

"(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1992.

SEC. 3. IDENTIFICATION OF CERTAIN ACTIVITIES RELATING TO EXPOSURE TO IONIZING RADIATION.

The Veterans' Dioxin and Radiation Exposure Compensation Standards Act (38 U.S.C. 1154 note) is amended by adding at the end the following new section:

"IDENTIFICATION OF ACTIVITIES INVOLVING EXPOSURE BEFORE JANUARY 1, 1970

"SEC. 10. (a) IN GENERAL.—(1) In order to determine whether activities (other than the tests or occupation activities referred to in section 5(a)(1)(B)) resulted in the exposure of veterans to ionizing radiation during the service of such veterans that occurred before January 1, 1970, and whether adverse health effects have been observed or may have resulted from such exposure in a significant number of such veterans, the Advisory Committee established under section 6 shall—

"(A) review all available scientific studies and other relevant information relating to the exposure of such veterans to ionizing radiation during such service;

"(B) identify any activity during which significant numbers of veterans received exposure; and

"(C) on the basis of such review, submit to the Secretary of Veterans Affairs a report containing the recommendation of the Advisory Committee on the feasibility and appropriateness for the purpose of the determination under this paragraph of any additional investigation with respect to any activity of such veterans during such service.

"(2) Upon the request of the Advisory Committee, the Secretary of Veterans Affairs (after seeking such assistance from the Secretary of Defense as is necessary and appropriate) shall make available to the Advisory Committee records and other information relating to the service referred to in paragraph (1) that may assist the Advisory Committee in carrying out the review and recommendation referred to in that paragraph.

"(3) The Advisory committee shall submit to the Secretary of Veterans Affairs the report referred to in paragraph (1)(C) not later than August 1, 1993.

"(b) INVESTIGATION PLAN AND REPORT.—(1) Upon receipt of the report referred to in subparagraph (C) of subsection (a)(1), the Secretary of Veterans Affairs shall—

"(A) identify which of the activities referred to in that subparagraph, if any, that the Secretary intends to investigate more fully for the purpose of making the determination referred to in that subsection; and

"(B) prepare a plan (including a deadline for the plan) to carry out that investigation and make that determination.

"(2) Not later than December 1, 1993, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

"(A) a list of the activities identified by the Secretary pursuant to paragraph (1)(A) and the basis of such identification;

"(B) a copy of the report of the Advisory Committee referred to in subsection (a)(1)(C); and

"(C) the plan referred to in paragraph (1)(B).".

SEC. 4. REVIEW OF BRONCHIO-ALVEOLAR CARCINOMA.

(a) ADVISORY COMMITTEE REVIEW.—The Secretary of Veterans Affairs shall direct the Advisory Committee on Environmental Hazards to review pertinent scientific data relating to bronchio-alveolar carcinoma to determine whether such disease entity should be considered to be radiogenic. Based on its review, the Advisory Committee shall report its findings to the Secretary.

(b) DECISION BY SECRETARY.—The Secretary, based on the Advisory Committee's findings, shall, not later than April 1, 1993, submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report setting forth the Secretary's decision as to whether such disease entity should be presumed to be service connected if suffered by a radiation-exposed veteran (as defined by section 1112(c)(4)(A) of title 38, United States Code).

Mr. MONTGOMERY (during the reading) Madam Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. MONTGOMERY. I thank the gentleman for yielding.

Madam Speaker, on August 4, the House passed H.R. 3236, which would add 2 additional disabilities to the list of 13 presumptive disabilities for certain veterans who were exposed to ionizing radiation while in military service by adding cancers of the salivary gland and urinary tract. It would also require further investigation by the Secretary of Veterans Affairs concerning activities that are not covered under current law which also might have resulted in exposure to radiation and added health risks. H.R. 3236 as passed by the House contained provisions that are very similar to certain provisions in S. 775 which includes these two cancers and would require further studies of other possible radiation-risk activities involving service members. The differences in the two bills are relatively minor.

During the August recess we began working with our counterparts to reach a compromise between the two bills. The amendment I am proposing today reflects what has been agreed to with the leadership of the committee in the other body.

Madam, Speaker, there follows a joint explanatory statement on the provisions of S. 775.

JOINT EXPLANATORY STATEMENT ON S. 775

S. 775 reflects a compromise agreement that the Senate and House of Representatives Committees on Veterans' Affairs have reached on certain bills considered in the Senate and the House of Representatives during the 102d Congress. These are S. 775, which the Senate passed on November 20, 1991 (hereinafter referred to as "Senate bill") and H.R. 3236, which the House passed on August 4, 1992 (hereinafter referred to as "House bill").

The Committees on Veterans' Affairs of the Senate and House of Representatives have prepared the following explanation of S. 775 as amended (hereinafter referred to as the "compromise agreement"). Differences between the provisions contained in the compromise agreement and the related provisions in the above-mentioned bills are noted in this document, except for clerical corrections, conforming changes made necessary by the compromise agreement, and minor drafting, technical, and clarifying changes.

EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE CONNECTED FOR CERTAIN RADIATION-EXPOSED VETERANS AND ELIMINATION OF LATENCY-PERIOD LIMITATIONS

Current law: Section 1112(c) of title 38, United States Code, provides a presumption of service connection for 13 diseases in veterans who participated in a radiation-risk activity. These diseases are: leukemia (other than chronic lymphocytic leukemia), multiple myeloma, lymphomas (except Hodgkin's disease), primary liver cancer (except if cirrhosis or hepatitis B is indicated), and cancers of the thyroid, breast, pharynx, esophagus, stomach, small intestine, pancreas, bile ducts, and gall bladder. Section 1112(c)(4) defines "radiation-risk activity" as participation onsite at an atmospheric nuclear weapons test; participation in the occupation of Hiroshima or Nagasaki, Japan, during World War II from August 6, 1945, to July 1, 1946; or internment as a prisoner of war in Japan during World War II, or service on active duty in Japan following such internment, resulting in an opportunity for exposure to radiation.

Senate bill: Section 5, effective May 1, 1992, would, (a) repeal the requirement that, to be presumed service connected, diseases listed in section 1112(c) of veterans who participated in radiation-risk activities become at least 10-percent disabling within a specified time after the veterans' last exposure to radiation, and (b) add to the list of diseases cancer of the salivary gland and cancer of the urinary tract.

House bill: Section 2 is substantively identical to the Senate provision, except it would take effect October 1, 1992.

Compromise agreement: Section 2 contains this provision with the October 1, 1992, effective date.

IDENTIFICATION OF CERTAIN ACTIVITIES RELATING TO EXPOSURE TO IONIZING RADIATION

Current law: Section 6 of the Veterans' Dioxin and Radiation Exposure Compensation Standards Act of 1984, Public Law 98-542, established the Veteran's Advisory Committee on Environmental Hazards. The Agent Orange Act of 1991, Public Law 102-4, modified the Advisory Committee's responsibilities to include only the review and evaluation of scientific studies on the health effects of exposure to ionizing radiation. The Advisory Committee submits to the Secretary recommendations concerning administrative and legislative actions the Advisory Committee considers appropriate to recognize disabilities possibly related to exposure to radiation during veterans' participation in an atmospheric nuclear weapons test or the occupation of Hiroshima or Nagasaki during World War II.

As noted above, section 1112(c) of title 38 provides a presumption of service connection for 13 radiogenic diseases that applies to veterans who participated in "radiation-risk" activities, which include atmospheric nuclear weapons tests, the occupation of Hiroshima or Nagasaki during World War II, or internment in Japan during the war, or service in Japan following such internment, that resulted in an opportunity for exposure to radiation.

Senate bill: Section 6 would amend Public law 98-542 to establish a mechanism to determine whether veterans who participated in activities not considered "radiation-risk" activities under current law suffer from disabilities as a result of exposure to radiation during active duty prior to January 1, 1970. It would require the Advisory Committee to review all available scientific and other relevant information concerning these veterans' exposure to radiation during their service and, by September 30, 1992, report to the Secretary on its recommendations on the feasibility and appropriateness of additional investigation to determine whether the veterans suffer from radiogenic disabilities.

The Secretary would be required, upon request of the Advisory Committee and after seeking the assistance of the Secretary of Defense, to submit to the Advisory Committee information that would assist the Advisory Committee in carrying out its review and making its recommendations.

The Secretary, after receiving the Advisory Committee's report, would be required to identify which activities, if any the Secretary intends to investigate more fully to determine whether these veterans suffer from radiogenic disabilities. The Secretary also would be required to prepare a plan for carrying out the additional investigation and making the required determination, including a deadline for completing the plan. The Secretary would be required to submit a report to the Veterans' Affairs Committees by April 1, 1993, listing the activities the Secretary intends to investigate further and containing the plan for the investigation and required determination.

House bill: Section 3 is similar to the Senate provision, except that the Secretary would be required to determine whether there are activities that could have resulted in radiation exposure without the benefit of monitoring systems during pre-1970 military service, rather than determining whether there are veterans who suffer from disabilities from such exposure. The Advisory Committee would be required to identify activities during which significant numbers of veterans received unmonitored exposure to radiation.

The Advisory Committee would report to the Secretary by April 1, 1993, and the Secretary would report to the Committees on Veterans' Affairs by August 1, 1993. The Secretary's report would be required to include a copy of the Advisory Committee's report to the Secretary.

Compromise agreement: Section 3 contains a provision derived from these provisions which would amend the Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98-542). The Advisory Committee would be required to identify any activity during which significant numbers of veterans were exposed to radiation. The Secretary would be required to identify which, if any, of those activities the Secretary intends to investigate more fully in order to determine whether the identified activities (other than those currently considered radiation-risk activities) resulted in the exposure of veterans to ionizing radiation during pre-1970 military service and whether adverse health effects have been observed or may have resulted from the exposure in a significant number of these veterans.

The Advisory Committee would report to the Secretary by August 1, 1993, and the Secretary would report to the Committees on Veterans' Affairs by December 1, 1993. The report also would be required to include a copy of the Advisory Committee's report to the Secretary.

REVIEW OF BRONCHIO-ALVEOLAR CARCINOMA

Current law: There is no presumption of service connection for bronchio-alveolar cancer in current law.

Senate bill: No provision.

House bill: Section 4 would require the Secretary to direct the Advisory Committee on Environmental Hazards to review pertinent scientific evidence to determine whether bronchio-alveolar carcinoma should be considered radiogenic and to report its findings to the Secretary. The Secretary would be required, by April 1, 1993, to report to the Committees on Veteran's Affairs on the Secretary's decision whether, based on the Advisory Committee's report, bronchio-alveolar carcinoma should be presumed to be service connected for radiation-exposed veterans.

Compromise agreement: Section 4 contains the House provision.

Madam Speaker, I urge my colleagues to support the proposed House amendment.

Mr. STUMP. Madam Speaker, I support S. 775, the Veterans' Radiation Exposure Amendments of 1992.

This measure illustrates what a bipartisan legislative process can accomplish, and I want to applaud DOUG APPLEGATE, LANE EVANS, and CHRIS SMITH for their contributions to the formulation of this bill.

I would also like to express my appreciation to my good friend and chairman, SONNY MONTGOMERY, for his leadership, and to the Members of the other body for their efforts in achieving a compromise on this measure.

I urge my colleagues to support S. 775.

Mr. HAMMERSCHMIDT. Madam Speaker, I rise today in strong support of S. 775, the Veterans' Radiation Exposure Amendments of 1992.

As my colleagues have pointed out, this bill expands the current list of 13 cancer-related diseases eligible for compensation under Public Law 100–321, the Radiation-Exposed Veterans Compensation Act of 1988, to include cancer of the salivary gland and cancer of the urinary tract. Additionally, H.R. 3236 removes the current requirement that any of these diseases suffered by radiation-exposed veterans be manifested within 40 years after exposure.

It is only fair that our Nation's veterans who were exposed to various levels of ionizing radiation during World War II, as well as during subsequent nuclear testing, be justly compensated for their suffering.

I urge my colleagues to support S. 775.

Mr. STUMP. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Mississippi [Mr. MONTGOMERY].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Madam Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title Amendment offered by Mr. MONTGOMERY: Amend the title so as to read: "An Act to improve the program of compensation for veterans exposed to ionizing radiation while in military service.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

□ 1840

PERSONAL EXPLANATION

Mr. RIGGS. Madam Speaker, earlier today I was unavoidably detained and missed rollcall vote No. 436, MFN to Romania, and rollcall No. 437, the D.C. appropriation conference report. Had I been present, I would have voted "aye" on rollcall No. 436 and "aye" on rollcall No. 437.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the Chairman of the Committee on Public Works and Transportation which was, without objection, referred to the Committee on Appropriations:

COMMITTEE ON
PUBLIC WORKS AND TRANSPORTATION,
Washington, DC, September 24, 1992.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Enclosed are copies of resolutions adopted today by the Committee on Public Works and Transportation. These resolutions authorize studies of potential water resources projects by the Army Corps of Engineers in accordance with the provisions of section 4 of the Act of March 4, 1913.

Sincerely,

ROBERT A. ROE,
Chairman.

There was no objection.

ECONOMIC SANCTIONS AND TRANSACTIONS REGULATIONS RELATING TO HAITI—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

1. On October 4, 1991, in Executive Order No. 12775, I declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States caused by events that had occurred in Haiti to disrupt the legitimate exercise of power by the democratically elected government of that country (56 FR 50641). In that order, I ordered the immediate blocking of all property and interests in property of the Government of Haiti (including the Banque de la Republique d'Haiti) then or thereafter located in the United States or within the possession or control of a U.S. person, including its overseas branches. I also prohibited any direct or indirect payments or transfers to the de facto regime in Haiti of funds or other financial or investment assets or credits by any U.S. person or any entity organized under the laws of Haiti and owned or controlled by a U.S. person.

Subsequently, on October 28, 1991, I issued Executive Order No. 12779 adding trade sanctions against Haiti to the sanctions imposed on October 4, 1991 (56 FR 55975). Under this order, I prohibited exportation from the United States of goods, technology, and services, and importation into the United States of Haitian-origin goods and services, after November 5, 1991, with certain limited exceptions. The order exempts trade in publications and other informational materials from the import, export, and payments prohibitions, and permits the exportation to Haiti of donations to relieve human suffering as well as commercial sales of five food commodities: rice, beans, sugar, wheat flour, and cooking oil. In order to permit the return to the United States of goods being prepared for U.S. customers by Haiti's substantial "assembly sector," the order also permitted, through December 5, 1991, the importation into the United States of goods assembled or processed in Haiti that contained parts or materials previously exported to Haiti from the United States. On February 5, 1992, it was announced that this exception could be applied for on a case-by-case basis by U.S. persons wishing to resume a pre-embargo import/export relationship with the assembly sector in Haiti.

2. The declaration of the national emergency on October 4, 1991, was made pursuant to the authority vested in me as President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. I reported the emergency declaration to the Congress on October 4, 1991, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)). The additional sanctions set forth in my order of October 28, 1991, were imposed pursuant to the authority vested in me by the Constitution and laws of the United States, including the statutes cited above, and implemented in the United States Resolution MRE/RES. 2/91, adopted by the Ad Hoc Meeting of Ministers of Foreign Affairs of the Organization of American States ("OAS") on October 8, 1991, which called on Member States to impose a trade embargo on Haiti and to freeze Government of Haiti assets. The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c), and discusses Administration actions and expenses directly related to the national emergency with respect to Haiti declared in Executive Order No. 12775, as implemented pursuant to that order and Executive Order No. 12779.

3. On March 31, 1992, the Office of Foreign Assets Control of the Department of the Treasury ("FAC"), after consultation with the Department of State and other Federal agencies, issued the Haitian Transactions Regulations ("HTR"), 31 C.F.R. Part 580 (57 FR 10820, March 31, 1992), to implement the prohibitions set forth in Executive Orders No. 12775 and No. 12779. Since my last report, there have been two amendments to the HTR.

On June 5, 1992, new section 580.211 was added (57 FR 23954, June 5, 1992) prohibiting vessels calling in Haiti on or after that date from entering the United States without authorization by FAC. This amendment is explained more fully in section 6 of this report. In addition, effective August 27, 1992, new section 580.516 (57 FR 39603, September 1, 1992) authorizes the exportation to Haiti of certain additional food items (corn and corn flour, milk (including powdered milk), and edible tallow), as well as the issuance of specific licenses permitting, on a case-by-case basis, exports of propane for noncommercial use. Copies of these amendments are attached to this report.

4. The ouster of Jean-Bertrand Aristide, the democratically elected President of Haiti, in an illegal coup by elements of the Haitian military on September 30, 1991, was immediately repudiated and vigorously condemned by the OAS. The convening on September 30, 1991, of an emergency meeting of the OAS Permanent Council to address this crisis reflected an important first use of a mechanism approved at the 1991 OAS General Assembly in Santiago, Chile, requiring the OAS to respond to a sudden or irregular interruption of the functioning of a democratic government anywhere in the Western Hemisphere. As an OAS Member State, the United States has participated actively in OAS diplomatic efforts to restore democracy in Haiti and has supported fully the OAS resolutions adopted in response to the crisis, including Resolution MRE/RES. 2/91 and MRE/RES. 3/92.

5. In the first year of the Haitian sanctions program, FAC has made extensive use of its authority to specifically license transactions with respect to Haiti in an effort to mitigate the effects of the sanctions on the legitimate Government of Haiti and on the livelihood of Haitian workers employed by Haiti's export assembly sector having established relationships with U.S. firms, and to ensure the availability of necessary medicines and medical supplies and the undisrupted flow of hu-

manitarian donations to Haiti's poor. For example, specific licenses have been issued (1) permitting expenditures from blocked assets for the operations of the legitimate Government of Haiti, (2) permitting U.S. firms with pre-embargo relationships with product assembly operations in Haiti to resume those relationships in order to continue employment for their workers or, if they choose to withdraw from Haiti, to return to the United States assembly equipment, machinery, and parts and materials previously exported to Haiti, (3) permitting U.S. companies operating in Haiti to establish, under specified circumstances, interest-bearing blocked reserve accounts in commercial or investment banking institutions in the United States for deposit of amounts owed the *de facto* regime, (4) permitting the continued material support of U.S. and international religious, charitable, public health, and other humanitarian organizations and projects operating in Haiti, and (5) authorizing commercial sales of agricultural inputs such as fertilizer and foodcrop seeds.

6. The widespread supply of embargoed goods, particularly petroleum products, to Haiti by foreign-flag vessels led to the adoption on May 17, 1992, by the Ad Hoc Meeting of Ministers of Foreign Affairs of the OAS of Resolution MRE/RES. 3/92 urging, among other things, a port ban on vessels engaged in trade with Haiti in violation of the OAS embargo. There was broad consensus among OAS member representatives, as well as European permanent observer missions, on the importance of preventing oil shipments to Haiti. Vessels from some non-OAS Caribbean ports and European countries have been involved in trade, particularly oil supplies, that undermines the embargo.

In response to Resolution MRE/RES. 3/92, section 580.211 was added to the HTR on June 5, 1992, prohibiting vessels calling in Haiti on or after that date from entering the United States without FAC authorization. Vessels seeking such authorization must demonstrate that all calls in Haiti on or after June 5 were (1) for transactions exempted or excepted from the applicable prohibitions of the HTR, (2) specifically licensed by FAC, or authorized by an OAS Member State pursuant to Resolution MRE/RES. 3/92, or (3) made under a contract of voyage that was fully completed prior to the vessel's proposed entry into a U.S. port.

Strict enforcement of the new regulation has benefitted from the close coordination between FAC, the U.S. Embassy at Port-au-Prince, the U.S. Customs Service, the U.S. Navy, and the U.S. Coast Guard in monitoring vessel traffic to and from Haiti.

7. Since the issuance of Executive Order No. 12779, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of Haiti has an interest) are identified and interdicted and that permitted imports and exports move to their intended destinations without undue delay. Violations and suspected violations of the embargo are being investigated, and appropriate enforcement actions have been initiated.

Since my last report, penalties totalling more than $30,000 have been collected from U.S. banks for violations involving unlicensed transfers from blocked Government of Haiti accounts or the failure to block payments to the de facto regime. Additional penalties totaling nearly $175,000 have been proposed for other violations of the HTR, including penalties against the masters of vessels violating the new regulation, effective June 5, 1992, applicable to vessels calling in Haiti on or after that date.

8. The expenses incurred by the Federal Government in the 6-month period from April 4, 1992, through October 3, 1992, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to Haiti are estimated at $2.3 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC, the U.S. Customs Service, and the Office of the General Counsel), the Department of State, the U.S. Coast Guard, and the Department of Commerce.

9. The assault on Haiti's democracy represented by the military's forced exile of President Aristide continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of this crisis through its actions implementing the resolutions of the OAS with respect to Haiti. I shall continue to exercise the powers at my disposal to apply economic sanctions against Haiti as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

GEORGE BUSH.

THE WHITE HOUSE, *September 30, 1992*.

NATIONAL CHILDREN'S DAY

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 319) to designate the second Sunday in October of 1992 as "National Children's Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Reserving the right to object, Madam Speaker, I yield to the gentleman from Massachusetts [Mr. KENNEDY], the chief sponsor of this legislation.

Mr. KENNEDY. Madam Speaker, first I would like to thank Chairman TOM SAWYER of the Subcommittee on Census and Population, and ranking member Congressman TOM RIDGE for their efforts in bringing this important commemorative to the House floor.

Madam Speaker, on Sunday October 11, this country will celebrate the fourth annual National Children's Day. It is a time to honor our kids, celebrate their many triumphs, listen to their hopes and concerns, and reflect for a moment on the world they are living in and the world we are leaving them.

Each year in America, we honor mothers and fathers with special days that let them know how important they are to this Nation and to each individual family. But we still have not permanently designated a single day of the year honoring the most cherished member of the American family, and the hope of this country's future—our children.

In honor of National Children's Day, the National Children's Day Foundation has sponsored 40 youth ambassadors to come to Washington DC, from across the country to participate in 3 days of activities. These children come from all walks of life, and have overcome significant social and economic hardships in their struggle to succeed. You will have the opportunity to meet many of these children during their scheduled hearings, personal appointments, and a congressional luncheon to be held this week. I hope you will join me in welcoming them to Washington, and will take the time to listen to their concerns, their hopes, and the dreams.

The message of Children's Day is to set aside 1 day a year, in the tradition of Father's Day and Mother's Day, to honor our children. If every adult set aside some time each day to be with their children—to take them camping, or to a baseball game, or even just to read with them—we can begin to rebuild the foundation of love and support our children need to reach their full human potential.

Today I hope that the House will pass this resolution that designates Sunday, October 11 as National Children's Day. I hope the Congress of the United States will lead the way by saying we value our children—and that our children deserve our love, our support, and our recognition. Please join with me today in taking this small step to help our kids be all that they can be.

On National Children's Day, and everyday, I hope you will take the time to listen to what these exceptional young people have to say and that you will rededicate yourselves to their cause and to improving their lives. Our future literally depends on it.

Mr. GILMAN. Further reserving the right to object Madam Speaker, I am pleased to rise in support of Senate Joint Resolution 319 which designates October 11 as National Children's Day, and I would like to commend the gentleman from Massachusetts [Mr. KENNEDY] for his staunch efforts in bringing this important measure to the floor of the House of Representatives.

Madam Speaker, as we review our current education policy and review the statistics on child welfare, we cannot help but to conclude that our Nation is not taking care of its children. Birth weights are down, illiteracy is up, and more children live in poverty in the United States than in other developed countries. The most important priority we as legislators could have is our children. Our national policy should first be directed toward bettering the condition of our next generation, who indeed are our future. If we fail them, we are failing our Nation.

Madam Speaker, I welcome designating the second Sunday in October as "National Children's Day." This national day will help draw necessary attention to the plight of children in the United States, and I urge my colleagues to join in support.

Mr. GILMAN. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 319

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should not be allowed to feel that their ideas and dreams will be stifled because adults in the United States do not take time to listen;

Whereas many children face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to remain at home;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas parents, teachers, and community and religious leaders should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second Sunday in October of 1992 is designated as "National Children's Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5820

Mrs. KENNELLY. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Missouri [Mr. COLEMAN] be removed as a cosponsor of H.R. 5820. His name was added by mistake.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

NATIONAL BONE MARROW DONOR AWARENESS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 551) designating October 4, 1992, through October 10, 1992, as "National Bone Marrow Donor Awareness Week" and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Reserving the right to object, Mr. Speaker, I do so in order to yield to the gentleman from Florida [Mr. YOUNG] the chief sponsor of this resolution.

Mr. YOUNG of Florida. Mr. Speaker, I want to thank the chairman and the ranking minority member, the gentleman from New York [Mr. GILMAN] for bringing this resolution up this evening.

I want to especially thank those who are the original cosponsors of this bill, the gentleman from New York [Mr. GILMAN], the gentleman from New Jersey [Mr. SAXTON], the gentleman from California [Mr. FAZIO], and the gentleman from Florida [Mr. JAMES], who are all very strong supporters of this Bone Marrow Donor Program.

I would like to say, Mr. Speaker, that these gentlemen are heroes, as is every Member of this House, because every Member of this House has supported the National Bone Marrow Donor Program, and they are heroes.

In addition to the Members of the Congress are those people who worked on the program out in the country, and those who are donors, and the nearly 700,000 Americans who are in this registry to be potential bone marrow donors.

I reported to the House earlier this summer that our colleague, the gentleman from Florida [Mr. JAMES], himself, was a donor in that time period, and we are extremely proud of that.

When we began this program, we were told that it would never succeed, that there probably would not be 50,000 people who would be part of this registry. Today I am happy to report that we are right at 700,000 Americans, and growing. As a matter of fact, we are international in that we signed agreements with 10 other nations, meaning that our registry has expanded dramatically.

Mr. Speaker, I call this resolution to your attention, and I ask for its support. It is a recognition of the many, many heroes in this Congress and in this country who are willing to make a minor donation of bone marrow to give another American an opportunity to live, where they have no chance to live today.

Mr. RIDGE. Continuing my reservation, Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN], an original cosponsor, one of the heroes that the gentleman from Florida [Mr. YOUNG] was talking about.

Mr. GILMAN. Mr. Speaker, I rise today in support for House Joint Resolution 551, designating the week of October 4 to October 10 as, "National Bone Marrow Donor Awareness Week." I would like to commend the gentleman from Florida [Mr. YOUNG] for introducing this important measure, for his hard work on this measure, and I am pleased to cosponsor this resolution.

There are over 9,000 patients searching for a bone marrow donor. One of these patients is a constituent of mine, Jay Feinberg, who is 23 years of age and is dying of leukemia. His only hope of a cure is a bone marrow transplant. Without such a transplant, Jay will not survive.

These leukemia patients need to find unrelated donors—people who have offered to give the living gift of life to a specific patient in need. As the pool of potential marrow donors increases, so do the odds of a match for the thousands of patients in need. The chance that a patient will find a matching, unrelated donor in the general population is between 1 in 100 and 1 in 1 million.

Currently, there are over 650,000 names in the National Marrow Donor Program registry in the United States. Registries in Canada and Europe contain thousands more names, and computer links enable any leukemia patient access.

But, the odds are still long. In 1990, of the 331,656 people tested as possible bone marrow donors, only 733 were matched with a marrow receiver.

It is crucial that the public be made aware that they have it within themselves to save lives. To be typed as a potential bone marrow donor requires a small and simple blood test. If a volunteer is identified as a match, the donation itself requires only 2 to 5 percent of the body's marrow, which regenerates in full within 3 weeks.

The requirements to be a marrow donor are few. To be a marrow donor, you must be between 18 and 55 years old and be in good health. All it takes is 10 minutes and two tablespoons of blood to join the National Marrow Donor Program registry.

Mr. Speaker, its saddens me to know that the technology is available to save countless lives, if only our national registry was large enough to find each one of them a compatible donor.

Therefore, I would like to take this opportunity to urge all of my colleagues to support this measure, and urge eligible people to give the living gift of life by joining the national marrow donor registry.

□ 1850

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 551

Whereas more than 10,000 Americans are in need of a bone marrow transplant for the treatment of leukemia, aplastic anemia, and 60 other fatal blood-related diseases;

Whereas only 30 percent of such patients have a matching sibling to donate bone marrow;

Whereas a bone marrow transplant between matched, unrelated individuals is the preferred therapy for certain diseases;

Whereas very precise tissue typing is required to identify unrelated patients and donors, with the odds between 1 in 100 and 1 in 1,000,000 that the bone marrow of any 2 unrelated individuals will match perfectly;

Whereas the National Marrow Donor Program was established by the Congress in 1987 to provide a computerized registry through which patients can find matching unrelated donors;

Whereas in the 5 years since the National Marrow Donor Program was activated, more than 700,000 Americans have volunteered to take the simple blood test required to be listed in the national registry as a potential bone marrow donor;

Whereas the national registry is growing at a rate of 20,000 potential donors per month through a wide variety of donor recruitment efforts, which include family and community drives, corporate-sponsored education and recruitment programs, Department of Defense-wide drives, targeted minority recruitment efforts, and international agreements to expand the donor pool overseas;

Whereas the National Marrow Donor Program has entered into or is negotiating formal agreements with registries in more than 10 other nations;

Whereas the success of the National Marrow Donor Program depends on people who are willing to sign up to provide the living gift of life to someone who is not related to them;

Whereas many patients have received a life-saving bone marrow transplant from a donor found through the National Marrow Donor Program, but many others continue the search for their miracle match; and

Whereas increasing the size of the volunteer donor pool will better the chances of finding a matching bone marrow donor for every patient in need of a transplant: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 4, 1992, through October 10, 1992, is designated as "National Bone Marrow Donor Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities designed to encourage Americans to volunteer to be bone marrow donors.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL FIREFIGHTERS DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 523) designating October 8, 1992, as "National Firefighters Day," and ask for its immediate consideration.

The Clerk read the title to the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, I reserve the right to object solely to identify my friend and colleague, the gentleman from Pennsylvania [Mr. WELDON] who is not only the chief sponsor of this resolution, but the originator and the founder of the fire service caucus, which is the largest caucus in the Congress of the United States and is comprised of 430 Members of the House and Senate. He is the prime mover, the chief source of the energy behind it.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I thank my friend and colleague, the gentleman from Pennsylvania [Mr. RIDGE], for yielding this time to me, and I thank both the Chairman, the gentleman from Ohio [Mr. SAWYER], and the ranking member, the gentleman from New York [Mr. GILMAN], in addition to my good friend, the gentleman from Pennsylvania [Mr. RIDGE], for their cooperation in again allowing us to bring forth this important piece of legislation to this body.

Mr. Speaker, House Joint Resolution 523 in fact designates October 8 of this year as the national day during which we can honor those 1.5 million men and women across this country who devote their lives and their energies to protecting the lives and property of neighbors in cities and towns all across America. It is appropriate that we do this bill today, and I would hope that this is a first of a series of legislative initiatives that I expect to have brought up on this floor this week in recognition of the fire service, another one calling for the minting of a special coin honoring the firefighters, and a third series of bills dealing with enhancing Federal fire protection standards.

But this particular act is important because it sets aside one day during Fire Prevention Week which is held each year, as designated by the National Fire Protection Association, from October 4 through October 10, and following that week we have the annual fallen firefighters memorial at Emmitsburg, the National Fallen Firefighters Memorial at National Fire Academy, where this year we will honor the families of well over 125 firefighters from all over America who gave their lives.

Mr. Speaker, it is especially significant that we have this day this year because America has seen a number of terrible tragedies. We just witnessed Hurricane Hugo, we witnessed the storms in Guam, in Hawaii. We witnessed the terrible tragedies of the wild lands fires in Idaho, California, Yellowstone, the Loma Prieta earthquake, and the one similarity in each of these disasters in America is that they have been responded to by America's domestic defenders. The American domestic defenders are the men and women of the fire service, be they paid or volunteer.

In every city, every town, every municipality, Mr. Speaker, there is an organized effort to protect the lives and the property of the American people. They are the best example of what America is all about, people who are willing to put back into their communities, oftentime without compensation and just ask for the support and the recognition of various levels of government.

Mr. Speaker, by passing this resolution today we send a signal that we honor these brave heroes, that they, in fact, are the best of what America has to offer, and we pledge to provide them the kind of support that they so desperately need and deserve.

I thank my colleagues for allowing this bill to come up today. I thank the members of the subcommittee and full committee for their full support and cooperation in this effort. I also thank my colleague, the gentleman from Pennsylvania [Mr. RIDGE] for having yielded to me.

Mr. RIDGE. Mr. Speaker, we are certainly pleased to join with our colleague, the gentleman from Pennsylvania [Mr. WELDON] in this meaningful recognition of the sacrifices and contributions of the professional firefighters, be they compensated or not compensated. They are there whenever we need them.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 523

Whereas there are over 2,000,000 professional firefighters in the United States;

Whereas firefighters respond to more than 2,300,000 fires and 8,700,000 emergencies other than fires each year;

Whereas fires annually cause nearly 6,000 deaths and $10,000,000,000 in property damages;

Whereas firefighters have given their lives and risked injury to preserve the lives and protect the property of others;

Whereas the contributions and sacrifices of valiant firefighters often go unreported and are inadequately recognized by the public; and

Whereas the work of firefighters deserves the attention and gratitude of all individuals in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 8, 1992, is designated as "National Firefighters Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POLISH-AMERICAN HERITAGE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 305) to designate October 1992 as "Polish-American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I simply wish to acknowledge the work of our colleague, the gentleman from Pennsylvania [Mr. BORSKI], who is the chief sponsor of this legislation, the companion piece that I believe was passed in the Senate.

Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN] to speak on this matter.

Mr. GILMAN. Mr. Speaker, I rise today in support of Senate Joint Resolution 305, a measure designating October 1992 as "Polish-American Heritage Month." I wish to thank the gentleman from Pennsylvania [Mr. BORSKI] for introducing this measure.

Since the beginning of this Nation's struggle for independence, millions of Poles have emigrated to America and made invaluable contributions to our Nation's success. It is fitting that we honor Polish-Americans and recognize them nationwide by establishing Polish-American Heritage Month.

Many Poles, including Thaddeus Kosciuszoo, who helped the Colonists defeat the British in the Battle of Saratoga, fought for our Nation's independence in the Revolutionary War. Since that time, countless Polish-Americans have served with distinction in many capacities, ranging from our industries and Armed Forces to foreign policy positions and the fields of medicine, law, and education to further the democratic way of life in this country.

In their homeland, democracy has triumphed over the totalitarianism under which Poland labored for so many years. Now, Polish-Americans who have enjoyed the freedom of the United States turn to the land of their ancestors with joy and excitement as it establishes its fledging democracy.

Mr. Speaker I urge my colleagues to join me in supporting House Joint Resolution 305, and thereby honoring the Polish-Americans who have made such important contributions to the American way of life.

Mrs. MORELLA. Mr. Speaker, I rise in favor of designating October 1992 as "Polish-American Heritage Month."

There are numerous ties between Poland and the United States of America. Polish people fought in the American Revolutionary War and soon after the adoption of the American Constitution, Poland adopted a constitution styled after the American Constitution.

We have recently witnessed the great transformation in Poland, spearheaded by Lech Walesa. As Americans salute this achievement and wish for Poland the very best. Poland is leading the way in Europe during this transition from communism to democracy.

There is much for Poland that we have assimilated into American culture. We listen to music composed by Polish composers and admire art by Polish artists. Currently, we adore American athletes who are of Polish ancestry. Polish-Americans have contributed much to America in arts, science, government, and, in fact, all spheres of life.

I want to wish the best to the Polish-American Congress as they celebrate their 48th anniversary this year. I also want to recognize my constituent, Michael S. Pawlowski, who has been elected President of the Polish-American Congress for the Washington Metropolitan Area and the president of the Polish Club of Rockville.

Mr. Speaker, I hope that my colleagues will support this important measure recognizing the accomplishments and commitment of Polish-Americans to our country.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 305

Whereas the first Polish immigrants to North America were among the first settlers of Jamestown, Virginia, in the seventeenth century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contribution to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas the Polish Constitution of May 3, 1791, was modeled directly on the Constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Poles and Americans of Polish descent take great pride and honor in the greatest son of Poland, his Holiness Pope John Paul the Second;

Whereas Poles and Americans of Polish descent and people everywhere applauded the efforts of Solidarity's leader and now President in fighting for freedom, human rights, and economic reform in Poland;

Whereas the Polish American Congress is observing its forty-eight anniversary this year and is celebrating October 1992 as "Polish-American Heritage Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1992 is designated "Polish-American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ITALIAN-AMERICAN HERITAGE AND CULTURE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 400) designating October 1992 as "Italian-American Heritage and Culture Month," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, and I take this time in order to acknowledge the work of our colleague, the gentleman from New York [Mr. ENGEL], who is the chief sponsor of this resolution.

Mr. Speaker, I yield to another colleague and friend, the gentleman from New York [Mr. GILMAN].

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Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of House Joint Resolution 400, legislation to designate October 1992 as "Italian-American Heritage and Culture Month." I am pleased to have cosponsored this legislation and wish to commend the gentleman from New York [Mr. ENGEL] for his sponsorship of this legislation.

Italian-Americans in the United States represent one of the largest ethnic groups in our Nation. With 20 million Americans of Italian descent it would be difficult, if not impossible, to name the many contributions they have made to the formation and development of our great Nation.

Perhaps the greatest contribution made by an Italian is being celebrated this year. Of course, I am speaking about the 500th anniversary of the Discovery of America by Christopher Columbus.

Mr. Speaker, it is a pleasure to rise in support of House Joint Resolution 400, and I urge my colleagues to support this measure.

Mr. ENGEL. Mr. Speaker, I rise today to thank my colleagues for joining me for the fourth year in a row in passing House Joint Resolution 400, legislation which will designate the month of October as Italian-American Heritage and Culture Month.

During the past 4 years, the month of October has become a time of great celebration for the Italian-American community. In addition, 1992 marks the quincentenial commemoration of Christopher Columbus' historic voyage to the Americas, giving added meaning to Italian-American Heritage and Culture Month. Already, hundreds of activities have been planned on both the local and national levels in recognition and celebration of the achievements of Italian-Americans.

As you know, some 25 million citizens make up the Italian-American community, representing one of the largest ethnic groups in the United States. There are thousands of Italian-American organizations and clubs throughout the United States who greatly contribute to the prosperity and progress of our Nation on a yearly basis, not to mention the individual Italian-Americans who have contributed to the United States in all aspects of life including art, science, civil service, military service, athletics, education, and politics.

Italian-American Heritage and Culture Month gives the American people the opportunity to highlight the many contributions and achievements of Italians and Italian-Americans throughout history. Most celebrated, of course, is this year's quincentenial celebration of Christopher Columbus' historic voyage to the Americas. In addition, as the recent publication "Columbus in the Capitol" illustrates, Columbus and Italian artisans have played an important role in developing and implementing the decorative style found in the Capitol Building. Columbus' historic role in American history is a recurrent theme within the Halls of the Capitol. This theme has often been conceived and implemented by Italian artisans, such as sculptors Enrico Causici and Antonio Capellano. Several frescos of Constantino Brumidi can also be found within the Capitol.

In addition, Philip Mazzei, an Italian patriot and immigrant, is credited with coining the Declaration of Independence phrase "all men are created equal." During the American Revolution, he devoted much of his time and energy to the preservation of both religious and political freedom in America. Also to be remembered are the contributions made by Enrico Fermi, one of the early pioneers of nuclear physics, and William Paca, an original signed of the Declaration of Independence.

Finally, Italian-American Heritage and Culture Month gives us the opportunity to reflect upon the many common values and ideals shared between the American and Italian people. The importance of individuality, the protection of basic human rights and freedoms, and the advancement of mankind, are but a few of shared beliefs that bond our two nations together.

Mr. Speaker, we are giving a great honor to one of the largest ethnic communities in this country by passing this resolution and I am thankful for the many contributions that they have made to our society. I look forward to continuing this tradition in the many years ahead.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 400

Whereas Italians and Italian-Americans have contributed to the United States in all aspects of life, including art, science, civil service, military service, athletics, education, law, and politics;

Whereas Italian-Americans make up one of the largest ethnic groups in the United States;

Whereas in recognition of the accomplishments of Christopher Columbus, recognized as one of the greatest explorers in world history and the first to record the discovery of the Americas, a national observance day was established in October of every year;

Whereas 1992 is the quincentennial commemoration of the historic voyage of Christopher Columbus to the Americas;

Whereas the phrase in the Declaration of Independence "All men are created equal", was suggested by the Italian patriot and immigrant Philip Mazzei;

Whereas the people of the United States take great pride in the accomplishments of the many outstanding men and women of Italian descent who have enriched our Nation's history such as Fiorello La Guardia, the beloved Mayor of New York City, and Enrico Fermi, who won the 1938 Nobel Prize in Physics;

Whereas Italy enjoys a rich cultural heritage and has given the world the great works of Dante, the breathtaking art of Giotti and Michelangelo, and the inspirational music of Antonio Vivaldi and Domenico Scarlatti;

Whereas the Americas were named after the Italian explorer Amerigo Vespucci;

Whereas Giuseppe Verdi, one of the world's most renowned opera composers, was born October 10, 1813;

Whereas William Paca, an Italian-American, was one of the signers of the Declaration of Independence; and

Whereas during October 1992 special attention will be directed at National, State, and local programs that promote Italian heritage and culture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1992 is designated as "Italian-American Heritage and Culture Month". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MENTAL ILLNESS AWARENESS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 287) to designate the week of October 4, 1992, through October 10, 1992, as "Mental Illness Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so in order to recognize the work of our colleague, the gentleman from Oregon [Mr. WYDEN], the chief sponsor of this resolution. Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Joint Resolution 287, a measure to designate the week of October 4, 1992, through October 10, 1992, as "Mental Illness Awareness Week." I would like to commend the gentleman from Oregon [Mr. WYDEN], who introduced similar legislation in the House.

As we know, since 1973, Federal law has prohibited discrimination on the basis of mental illness in federally funded programs. Those provisions, however, have not removed all the barriers that have kept our Nation's mentally disabled people from participating fully on the job and in the activities of daily life.

Unfortunately, many of these remaining barriers result from ignorance and misunderstanding. Mental Illness Awareness Week is intended to help to dispel the basis for much of the discrimination against the mentally disabled by education and by recognition.

Mr. Speaker, I urge my colleagues to join in support of this measure, and to provide the mentally disabled with the help and recognition they so richly deserve.

Mr. WYDEN. Mr. Speaker, I am pleased to be able to announce that 239 of our colleagues have agreed to cosponsor House Joint Resolution 476, authorizing the President to designate the week of October 4–10, 1992, as "Mental Illness Awareness Week." The companion resolution, Senate Joint Resolution 287, introduced by Senator SIMON, has already passed the Senate.

The purpose of this joint resolution is to focus public attention on concerns surrounding, and the advances made in, the treatment of mental illness. A Mental Illness Awareness Week resolution has been passed by Congress for the last 8 years. This resolution has for the past 8 years served as a focal point for educating the public about conditions such as phobias, depression, anxiety, and schizophrenia.

Mental illness is a problem of staggering proportions. One in five American families will be affected by serious mental illness. Mental illness strikes all social levels and all ethnic groups in equal proportion.

According to the American Psychiatric Association, 15 to 25 percent of the elderly suffer from significant symptoms of mental illness. In addition, approximately 12 million children under the age of 18 suffer from mental disorders such as depression, hyperactivity, and autism. About 15 percent of Americans will suffer a major depressive episode. One-third of the homeless on our streets are victims of mental illness.

But many people with mental illness are suffering needlessly. Many mental disorders are diagnosable, treatable, and even curable. But fewer than one-fifth of those who have mental disorders seek or receive the treatment they need. Many do not even realize that they have an illness which can be effectively treated.

Nine out of ten patients suffering from major depression or anxiety can recover; 7 of 10 suffering from manic depression can return to normal lives; 1 in 4 with schizophrenia can recover.

We can help turn this problem around by letting people know that help is available for mental illness. Of all the resolutions that will be considered by Congress this year, I hope you will agree that Mental Illness Awareness Week has particular merit. Its passage will help bring-much needed attention to the fact that so many mental disorders can be attacked and conquered.

The inspiration for Mental Illness Awareness Week comes from such groups as the American Psychiatric Association [APA] and the National Alliance for the Mentally Ill. APA members conduct research and provide treatment necessary for those suffering from mental illness. The alliance which was formed in 1979 for families of the mentally ill, supports education, advocacy, and research in the mental health field.

Few diseases have the potential which mental illness has to disrupt the lives of the sufferers, and their families and friends. And no other disease is more clouded by misunderstanding.

Only through an increased understanding of the causes and treatments available will the fear and ignorance surrounding mental illness become a thing of the past.

Mental Illness Awareness Week provides us with an opportunity to reach out and help fellow Americans understand this disease and encourage those afflicted to seek appropriate care. I thank my colleagues for their support of this important resolution.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 287

Whereas mental illness is a problem of grave concern and consequence in the United States and it is widely, but unnecessarily, feared and misunderstood;

Whereas on an annual basis 40,000,000 adults in the United States suffer from clearly diagnosable mental disorders, including mental illness, alcohol abuse, and drug abuse, which create significant disabilities with respect to employment, school attendance, and independent living;

Whereas more than 17,000,000 United States citizens are disabled for long periods of time by schizophrenia, manic depressive disorder, and major depression;

Whereas 33 percent of homeless persons suffer serious, chronic forms of mental illness;

Whereas alcohol, drug, and mental disorders affect almost 22 percent of adults in the United States in any 1-year period;

Whereas mental illness interferes with the development and maturation of at least 12,000,000 of our children;

Whereas a majority of the 29,000 American citizens who commit suicide each year suffer from a mental or an addictive disorder;

Whereas our growing population of elderly persons faces many obstacles to care for mental disorders;

Whereas 20 to 25 percent of AIDS patients will develop AIDS-related cognitive dysfunction and as many as two-thirds of AIDS patients will show neuropsychiatric symptoms before they die;

Whereas mental illnesses, alcohol abuse, and drug abuse result in staggering costs to society, estimated to be in excess of $249,000,000,000 in direct treatment and support and indirect costs to society, including lost productivity;

Whereas the Federal research budget committed to the Alcohol, Drug Abuse, and Mental Health Administration represents only about 1 percent of the direct treatment and support costs of caring for persons with alcohol, drug, and mental disorders;

Whereas mental illnesses are increasingly treatable disorders with excellent prospects for amelioration when properly recognized;

Whereas mentally ill persons and their families have begun to join self-help groups seeking to combat the unfair stigma of mental illness, to support greater national investment in research, and to advocate an adequate continuum of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (somatic, psychosocial, and service delivery) for some of the most incapacitating forms of mental illness, including schizophrenia, major affective disorders, phobias, and phobic disorders;

Whereas appropriate treatment of mental illness has been demonstrated to be cost effective in terms of restored productivity, reduced use of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 4, 1992, through October 10, 1992, is designated as "Mental Illness Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HIRE A VETERAN WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 542) designating the week beginning November 8, 1992, as Hire a Veteran Week, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I want to acknowledge the work of our colleague, the gentleman from California [Mr. BROWN], the chief sponsor of this resolution. Mr. Speaker, I yield to our friend, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Joint Resolutions 542, designating the week beginning November 8 as Hire a Veteran Week. I commend the gentleman from California [Mr. BROWN] for his work in bringing this measure before the House in such a timely fashion so that it may be well publicized before Veterans Day, 1992.

Mr. Speaker, we are well-aware that our Nation no longer faces the threats that we did during the cold war. Accordingly, our military will be reduced in size. This reduction will necessarily include personnel cuts. Many men and women in uniform who served their country faithfully and hoped to make a career in the military will find themselves without a job.

By enacting Hire a Veteran Week, we will help publicize to employers the skills and knowledge that our veterans possess. Our veterans are highly trained and skilled in a number of occupations: veteran electricians and mechanics, engineers and managers, are eager to put their skills to work in the private and public sectors.

In addition, the publicity generated by Hire a Veteran Week will help make veterans aware of the array of employment services available to them through State veterans and labor agencies. We all must also take this opportunity to apprise the private sector of the services that State and local labor and veterans organizations can provide to employers, such as matching of job listings with veterans possessing the requisite skills.

Mr. Speaker, once again I commend the gentleman Mr. BROWN, for introducing this measure, which will benefit all our Nation's veterans, and I urge my colleagues to unanimously support it.

Mr. RIDGE. Mr. Speaker, I would like to associate myself with the comments and remarks of our colleague, the gentleman from New York [Mr. GILMAN]. Nobody can say it better than that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 542

Whereas the people of the United States have a deep appreciation and respect for the men and women who serve our Nation in the Armed Forces;

Whereas, although veterans possess special qualities and skills which make them ideal candidates for employment, many veterans encounter difficulties in securing employment;

Whereas military spending cuts and reductions-in-force in the Armed Forces will send tens of thousands of veterans looking for employment in the job market;

Whereas it would be inconsiderate and contrary to the economic competitiveness of our Nation to neglect the post-military needs of the men and women who served our Nation in the Armed Forces; and

Whereas the Department of Veterans Affairs, the Department of Labor, the Office of Personnel Management, and many State and local governments administer veterans programs and have veterans employment representatives both to ensure that veterans receive the services to which they are entitled and to promote employer interest in hiring veterans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 8, 1992, is hereby designated as "Hire a Veteran Week", and the President is authorized and requested to issue a proclamation calling upon employers, labor organizations, veterans organizations, and Federal, State, and local governmental agencies to lend their support to the campaign to increase employment of the men and women who have served our Nation in the Armed Forces.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 6056. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5503) "An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes."

NATIONAL VISITING NURSE ASSOCIATIONS WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 484) designating the week beginning February 14, 1993, as "National Visiting Nurse Associations Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, certainly we on this side support this resolution, but I wish to continue our reservation in order to give my neighbor of a couple of districts away, the gentlewoman from Ohio [Ms. OAKAR], my friend and colleague on the Committee on Banking, Finance and Urban Affairs, an opportunity to speak. The gentlewoman is the chief sponsor of this resolution.

Mr. Speaker, I yield to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I want to thank my colleague and neighbor, the gentleman from Pennsylvania [Mr. Ridge]. The gentleman represents the area where my mother was born, and I am proud of that region.

Mr. Speaker, I would like to thank the gentleman from Ohio [Mr. SAWYER], chairman of the Subcommittee on Census and Population, as well as the gentleman from Pennsylvania [Mr. RIDGE], the ranking minority member, for their fine leadership and efforts on that subcommittee. I would also like to thank the gentleman from Missouri [Mr. CLAY] for his distinguished leadership on the full committee, of which I am proud to be a member. Gratitude is also due to Senator BRADLEY and Senator HATCH for their companion bill which is under consideration in the other body. I would also like to thank the gentleman from Indiana [Mr. BURTON], who is also one of the sponsors of this resolution.

Mr. Speaker, we are talking tonight about the Visiting Nurse Associations movement in the United States of America. it is as diverse as the Nation which the Visiting Nurse Associations serve.

Mr. Speaker, we have to pay special tribute to the health providers who call themselves nurses. They are the ones who spend more time with patients than frankly any other health providers, and especially those who are visiting nurses, who go into homes.

Mr. Speaker, in every community in America, from inner city areas to sprawling farms, these vibrant associations involved registered nurses, nurses' aides, medical specialists, counselors, therapists, and volunteers to provide quality professional home care to nearly 1 million of our Nation's neediest citizens, regardless of the patient's ability to pay.

Mr. Speaker, I was privileged to serve on the Pepper Commission which studied the health care needs of our people, and I know that we are facing a crisis with respect to affordability and access to health care in the United States. We also face a crisis with respect to the need for long-term care.

Eight million people need home care. They do not want to institutionalize their children if their children have chronic diseases. We have 70-year-old children taking care of 90-year-old parents today.

Mr. Speaker, the visiting nurses are the ones who go into the homes and give dignity and compassion to those who are ill and those who are terminally ill. They go into hospice situations, they go into counseling situations, personal care situations, physical therapy situations, and social service situations. So people of all ages, races, and cultures benefit from the continued success of the Visiting Nurse Associations in America. Today they are carrying on a tradition in health care as they have since coming into existence.

□ 1910

They remain in the forefront of maternal child care as well as home intravenous therapy and respiratory care. and in many cities, such as my own city of Cleveland, they have developed special shelters where the homeless can receive attention they would not get otherwise. So it is fitting, I think, that we honor the Visiting Nurse Association by having a special week devoted to them so that we tell all Americans that they mirror one of the most important needs of our country, and that is the generalized area of home care.

VNA's should also be commended as one of the first groups to recognize the home care needs of aids victims. Nearly every time circumstances have conspired to create a health care need, VNA's have been the first to identify and respond to that need.

To add to the skills of talented and dedicated health care professionals, Visiting Nurse Associations have successfully incorporated the spirit of volunterism into their good work. Community volunteers assist VNA's wherever they can help by delivering meals, running errands, fundraising, and in general, serving as an extension of the compassionate spirit that surrounds VNA's in our Nation. It is essential that Congress recognize the efforts of volunteer and not-for-profit organizations that help to reduce health costs. As a compassionate, unique method of health care delivery, VNA's certainly merit such distinction. We should encourage their growth.

I thank my colleague Mr. BURTON for his efforts in their bipartisan legislation. By naming the week beginning February 14, 1993, as "National Visiting Nurse Association Week," we extol the endeavors of these modern day samaritans to ensure that they get the appreciation and recognition they so justly deserve. February 1993 will mark the fifth year our Nation will celebrate National Visiting Nurse Associations Week. This resolution recognizes all the medical professionals and volunteers in each community who enable Visiting Nurse Associations to advance their innovative and essential role in America's changing health care system.

I want to pay special tribute to my own hometown, my own Visiting Nurse Association of Cleveland and its president and CEO Mary Lou Stricklin. They go beyond the call of duty and this not-for-profit organization should be commended.

I want to thank my colleagues for reserving this week for them.

Mr. Speaker, I include for the RECORD a letter from Mary Lou Stricklin.

MARCH 23, 1992.

Congresswoman MARY ROSE OAKAR,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN OAKAR: As you are aware, the Visiting Nurse Association of America (VNAA) is beginning its efforts to have a resolution introduced in Congress designating February 14-20, 1993 and February 13-19, 1994 as National VNAA Weeks.

Since you were instrumental in establishing the first National VNAA Week by introducing legislation in 1988, we would like to request that you, once again, serve as House Sponsor for our resolution to salute the dedicated staff members of the Visiting Nurse Association who are committed to helping people become healthy and independent.

Your generous support of the VNA and dedication to home healthcare issues result in thousands of patients—from the terminally ill to premature newborns—having the opportunity to remain in their homes for the healthcare they need.

We look forward to your continued support and thank you, in advance, for your consideration of the resolution sponsorship.

Sincerely,

MARY LOU STRICKLIN,
President and Chief Executive Officer.

Mr. RIDGE. Mr. Speaker, further reserving the right to object, I want to thank the gentlewoman for her statement.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 484

Whereas visiting nurse associations have served homebound Americans since 1885;

Whereas such associations annually provide home care and support services to more than 1,500,000, men, women, children, and infants;

Whereas such associations serve 422 urban and rural communities in 45 States;

Whereas such associations adhere to high standards of quality and provide personalized and cost-effective home health care and support, regardless of an individual's ability to pay;

Whereas such associations are voluntary in nature; independently owned, and community based;

Whereas such associations ensure the quality of care through oversight provided by professional advisory committees composed of local physicians and nurses;

Whereas such associations enable hundreds of thousands of Americans to recover from illness and injury in the comfort and security of their homes;

Whereas such associations ensure that individuals who are chronically ill or who have physical or mental handicaps receive the therapeutic benefits of care and support services in the home;

Whereas, in the absence of such associations, thousands of patients with mental or physical handicaps or chronically disabling illnesses would have to be institutionalized;

Whereas such associations provide a wide range of services, including health care, hospice care, personal care, homemaking, occupational, physical, and speech therapy, friendly visiting services, social services, nutritional counseling, specialized nursing care by registered nurses, and meals on wheels;

Whereas, in each community serviced by such an association, local volunteers support the association by serving on the board of directors, raising funds, visiting patients in their homes, assisting patients and nurses at wellness clinics, delivering meals on wheels to patients, running errands for patients, working in the association's office, and providing tender loving care; and

Whereas the need for home health care for young and old alike continues to grow annually: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning February 14, 1993, is designated as "National Visiting Nurse Associations Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, a motion to reconsider was laid on the table.

NATIONAL MILITARY FAMILIES RECOGNITION DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 503) acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 23, 1992, as "National Military Families Recognition Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so to yield to the gentleman from Mississippi [Mr. ESPY], who has championed this cause annually.

Mr. ESPY. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him and the gentleman from Ohio [Mr. SAWYER] for helping me to pass for the fourth time the National Military Families Recognition Day, which is listed as House Joint Resolution 503.

Mr. Speaker, in these waning hours of the 102d Congress, I am very pleased that 222 of my colleagues have joined me in sponsoring National Military Families Recognition Day to be celebrated on November 23, 1992, the Monday before Thanksgiving.

This, as I said, marks the fourth consecutive year that we have so designated the Monday before Thanksgiving in this way; and I think it is very appropriate that we do so. During the week of Thanksgiving there are of course, football games, parades, and general goodwill across America. It is a time when families try to get together in one way or another.

Mr. Speaker, there are 2,815,000 children and spouses who are part of the 4,880,000 persons in the active duty military community. Members of the Reserves in paid status account for 1,320,000 of the 2,470,000 individuals in the Reserves community. These families are called upon in peacetime and in times of national security threats to stand steadfast and supportive of the military service member in the household. These families are at the core of the morale of our military and Reserves communities.

The emotional and mental readiness of the U.S. military personnel around the world is tied to the well-being and satisfaction of their families. We are truly indebted to military families for facing adversities, including extended separations from their service members, frequent household moves due to reassignment, and restrictions on their employment and educational opportunities.

Mr. Speaker, with reduced global military tensions after the end of the cold war, our military will undoubtedly undergo downsizing and refocusing of national priorities to strengthen the American economy and competitiveness in the global marketplace. Military families need to know that we will be with them during this restructuring of our national defense requirements.

In conclusion, let me say that I appreciate the support of Chairman SAWYER and Mr. RIDGE for moving to bring House Joint Resolution 503 to the floor today and a special personal thanks to our military personnel stateside and abroad in hopes that they will know that Monday, November 23, is a special day for them and their families.

☐ 1920

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I want to thank the gentleman for his strong statement. I am pleased to be associated with his remarks. I think it is important that we have an annual reminder that when a man or woman takes upon himself or herself the responsibility and the obligation to this country and puts on their uniform, that their spouse and their children are subject to the dictates and the demands of this country.

The fact that the gentleman takes time out on an annual basis to ensure that there is some kind of public recognition, that it is not only the men and women in uniform but their spouses and children that are also subject to the call of their country, is something I am pleased to be associated with, and I am sure that my colleague, the gentleman from Ohio [Mr. SAWYER], is as well.

Mr. Speaker, the minority certainly supports this very valuable public recognition of military families.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 503

Whereas the Congress recognizes and supports the Department of Defense policies to recruit, train, equip, retain, and field a military force that is capable of preserving peace and protecting the vital interests of the United States and its allies;

Whereas military families shoulder the responsibility of providing emotional support for their service members;

Whereas, in times of war and military action, military families have demonstrated their patriotism through their steadfast support and commitment to the Nation;

Whereas the emotional and mental readiness of the United States military personnel around the world is tied to the well-being and satisfaction of their families;

Whereas the quality of life that the Armed Forces provide to military families is a key factor in the retention of military personnel;

Whereas the people of the United States are truly indebted to military families for facing adversities, including extended separations from their service members, frequent household moves due to reassignments, and restrictions on their employment and educational opportunities;

Whereas 72 percent of officers and 54 percent of enlisted personnel in the Armed Forces are married;

Whereas families of active duty military personnel (including individuals other than spouses or children) account for more than 2,815,000 of the more than 4,880,000 individuals in the active duty community, and spouses and children of members of the Reserves in paid status account for more than 1,320,000 of the more than 2,470,000 individuals in the Reserves community;

Whereas spouses, children, and other dependents living abroad with members of the Armed Forces total nearly 450,000 and these family members at times face feelings of cultural isolation and financial hardship;

Whereas the significantly reduced global military tensions after the end of the Cold War have led to a down-sizing of the national defense and a refocusing of national priorities to strengthening the American economy and competitiveness in the global marketplace;

Whereas the Congress is grateful for such sacrifices and is committed to assisting the service members and their families who undergo the transition from active duty to civilian life; and

Whereas military families are devoted to the overall mission of the Department of Defense and have accepted the role of the United States as the military leader and protector of the free world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress acknowledges and appreciates the commitment and devotion of present and former military families and the sacrifices that such families have made on behalf of the Nation; and

(2) November 23, 1992, is designated as "National Military Families Recognition Day". The President is authorized and requested to issue a proclamation calling on the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YEAR OF AMERICAN CRAFT: A CELEBRATION OF THE CREATIVE WORK OF THE HAND

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution [S.J. Res. 218] designating the calendar year, 1993, as the "Year of American Craft: A Celebration of the Creative Work of the Hand," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to acknowledge the work of our colleague, the gentleman from Maine [Mr. ANDREWS], who is the chief sponsor of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 218

Whereas the twentieth century has witnessed an outpouring of creative craftsmanship and it is appropriate that we now pay tribute to excellence in craftsmanship;

Whereas the value of creative work of the hand through craft remains clear even as the most industrialized century of our history draws to a close;

Whereas peerless craftsmanship, once commonly associated with American industry, is now a theme of renewed importance and interest;

Whereas the traditional values of craftspeople such as dedication to the qualities of excellence, perseverance, self-discipline, and integrity, affirm the work of the hand invested with energy of mind and spirit and will serve as a continuing force in the improvement of life and culture;

Whereas craft is the hand print of all cultures and through craft we commemorate the multicultural heritage of our Nation and pay tribute to the artistic diversity that exists among all people;

Whereas craft forms the root of our cultural richness, variety, and vitality and serves as a material record that functions as a bridge between past and present;

Whereas craft is an art form that is easily accessible to many individuals;

Whereas Americans of all ages should be provided with opportunities to experience the pleasures of the creative work of the hand through craft;

Whereas the dedicated craftsperson is a role model worthy of emulation by our young;

Whereas craft, inspired by tradition, may be lost unless it is nurtured and unless the economic and social well-being of its practitioners is advanced; and

Whereas the Congress of the United States recognizes the artistry of today's American craftspeople: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The calendar year, 1993, is designated as the "Year of American Craft: A Celebration of the Creative Work of the Hand".

SEC. 2. PROCLAMATION BY THE PRESIDENT.

The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the Year of American Craft with appropriate ceremonies and activities.

SEC. 3. PROCLAMATIONS BY STATE OFFICIALS.

Each State Governor and each chief executive of each political subdivision of each State is urged to issue a proclamation or other appropriate official statement calling upon the citizens of such State or political subdivision to observe the Year of American Craft with appropriate ceremonies and activities.

SEC. 4. CEREMONIES AND ACTIVITIES.

The ceremonies and activities referred to in sections 2 and 3 should—

(1) bring attention to craft throughout America;

(2) recognize the breadth of the contributions made by the craft community in America; and

(3) demonstrate that craft, as an expression of values, is a link that joins humankind.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL WOMEN AND GIRLS IN SPORTS DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 546) designating February 4, 1993, and February 3, 1994, as "National Women and Girls in Sports Day," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to our colleague, the gentleman from New York [Mr. GILMAN] to speak on this matter.

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 546, designating February 3, 1993, and February 4, 1994, as "National Women and Girls in Sports Day." I commend the gentlewoman from New York [Ms. MOLINARI] for introducing this important measure.

Female athletes and sporting events often do not receive the attention and praise heaped upon their male counterparts. This measure attempts to remedy that. Generations of young men have learned the importance of hard work, physical fitness, endurance, and teamwork from playing sports. Alongside them, however, often unnoticed, many young women were taking home the same virtues from their athletic contests. These young women have grown up to become the parents, laborers, educators, and business and political leaders that have made our Nation great.

As was apparent at the 1992 Olympics, numerous women represented our country to the world in a fair and friendly competition. These women represented all the best America has to offer to the world: dedication, perseverance in the face of adversity, and a commitment to be the very best. As we glory in their triumphs, let us not forget the thousands of hours of practice behind their achievements, as well as the millions of other women who have traveled the same path, playing and practicing and competing far from the bright lights and network TV cameras. Surely we can set aside a single day to show our appreciation for these remarkable women.

Mr. Speaker, I urge my colleagues to vote in favor of House Joint Resolution 546.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I want to also acknowledge the work of the gentlewoman from New York [Ms. MOLINARI], who is the chief sponsor of this legislation.

□ 1920

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 546

Whereas women's athletics is one of the most effective avenues available for women of the United States to develop self-discipline, initiative, confidence, and leadership skills;

Whereas sports and fitness activities contribute to emotional and physical well-being;

Whereas women need strong bodies as well as strong minds;

Whereas the history of women in sports is rich and long, but there has been little national recognition of the significance of women's athletic achievements;

Whereas the number of women in leadership positions as coaches, officials, and administrators has declined drastically since the passage of title IX of the Education Amendments of 1972;

Whereas there is a need to restore women to leadership positions in athletics to ensure a fair representation of the abilities of women and to provide role models for young female athletes;

Whereas the bonds built between women through athletics help to break down the social barriers of racism and prejudice;

Whereas the communication and cooperation skills learned through athletic experience play a key role in the contributions of an athlete at home, at work, and to society;

Whereas women's athletics has produced such winners as Flo Hyman, whose spirit, talent, and accomplishments distinguished her above others and exhibited the true meaning of fairness, determination, and team play;

Whereas parents feel that sports are equally important for boys and girls and that sports and fitness activities provide important benefits to girls who participate;

Whereas early motor skill training and enjoyable experiences of physical activity strongly influence lifelong habits of physical fitness;

Whereas the performances of female athletes in the Olympic games are a source of inspiration and pride to the United States;

Whereas the athletic opportunities for male students at the collegiate and high school levels remain significantly greater than those for female students; and

Whereas the number of funded research projects focusing on the specific needs of women athletes is limited and the information provided by the projects is imperative to the health and performance of future women athletes: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) February 4, 1993, and February 3, 1994, are designated as "National Women and Girls in Sports Day"; and

(2) the President is authorized and requested to issue a proclamation calling on local and State jurisdictions, appropriate Federal agencies, and the people of the United States to observe the day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IRISH-AMERICAN HERITAGE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from the further consideration of the joint resolution (H.J. Res. 500) designating March 1993 as "Irish-American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so to acknowledge the work of our colleague, the gentleman from New York [Mr. MANTON], who is the chief sponsor of this resolution.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from New York, Mr. BEN O'GILMAN.

Mr. GILMAN. Begorra, Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I am pleased to rise in support of House Joint Resolution 500, designating Irish-American Heritage Month. And I would like to commend my colleague from New York [Mr. MANTON] for introducing this resolution.

The Irish, and, in particular, the New York Irish, have had a proud and rich history in the United States of America.

In particular, I would like to commend the many Irish organizations who have worked over the years to keep Irish tradition alive and to ensure peace and justice for Irish-Americans as well as the many Irish in Northern Ireland who face persecution and discrimination daily.

Mr. Speaker, I am pleased to rise in support of this measure, and I urge my colleagues as well to join in support of this important measure.

Mr. RIDGE. Mr. Speaker, continuing my reservation of objection, I yield to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I want to commend all the gentlemen and the gentleman from New York [Mr. GILMAN] for this resolution. There is no question that the Irish in America have made significant cultural contributions. I was always fortunate to have gone to St. Patrick's Elementary School, where learning all the Irish songs and learning the Irish set was mandatory or you did not graduate from St. Patrick's.

Seriously, Mr. Speaker, the truth of it is that we have in Greater Cleveland an Irish organization which is an Irish political action committee that really functions not only in endorsing candidates, in talking about the wonderful culture of the Irish people, but it also is very concerned about human rights violations that have taken place in particular in Northern Ireland.

I think that one of the real negligent areas, it seems to me, of our foreign policy is not to speak out more forcefully about the human rights violations that have taken place and continue to take place in Ireland. It is for that reason, when we are honoring the Irish culture, that we never forget that there is still work to be done.

Our country as the leader of the world and as a leader for human rights ought to speak out more clearly and definitively in support of the Irish who are still persecuted to this day.

Mr. MANTON. Mr. Speaker, I rise today in support of House Joint Resolution 500, a resolution I introduced to proclaim the month of March 1993 as "Irish-American-Heritage Month." I am pleased that 218 of my colleagues have joined me in sponsoring this important resolution. I would also like to thank Chairman SAWYER for bringing this resolution to the floor.

House Joint Resolution 500 celebrates the heritage of over 40 million Americans of Irish descent. Irish-American Heritage Month is designed to honor all Irish-Americans and complement the hundreds of parades and activities sponsored around the United States every March in honor of St. Patrick's Day.

Mr. Speaker, Irish-Americans have played an important role in U.S. history. Irishman James Hoban assisted in the construction of the U.S. Capitol over 200 years ago. Eight signers of the Declaration of Independence were of Irish origin. Eighteen Presidents have proudly proclaimed their Irish-American heritage. Irish-born John Barry was the first naval hero of the American Revolution and became known as the Father of the U.S. Navy 190 years ago. The U.S.S. *Sullivans* was commissioned as a naval memorial to the famed Irish-American Sullivan brothers who made the ultimate sacrifice for democracy and freedom in the world 50 years ago. In short, Irish-Americans have contributed greatly to the enrichment of all aspects of life in the United States.

The idea for an Irish-American Heritage Month was first conceived by the late John W. O'Beirne, chairman of the American Foundation for Irish Heritage. The enactment of Irish-American Heritage Month will again serve as a tribute to his hard work and dedication to increase the awareness of Irish-American heritage.

Mr. Speaker, again, I would like to thank my friend Mr. SAWYER for bringing House Joint Resolution 500 to the floor today. I urge my colleagues to join me in supporting this important resolution.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 500

Whereas by 1776 nearly 300,000 natives of Ireland had emigrated to the colonies that would become the United States;

Whereas following the victory at Yorktown over the English, a French Major General reported that the Congress owed its existence, and America possibly owed its preservation, to the fidelity of the Irish;

Whereas at least 8 signers of the Declaration of Independence were of Irish origin;

Whereas 18 Presidents have proudly proclaimed their Irish-American heritage;

Whereas 200 years ago, Irish-born James Hoban and Irish immigrants assisted in the construction of the United States Capitol;

Whereas 190 years ago, Irish-born John Barry was the first naval hero of the American Revolution and became known as the "Father of the United States Navy";

Whereas 180 years ago, Commodore Oliver Perry, an Irish-American, achieved his major naval victory in the Battle of Lake Erie;

Whereas 50 years ago, the USS Sullivans was commissioned as a naval memorial to the famed Irish-American Sullivan brothers who made the ultimate sacrifice for democracy and freedom in the world; and

Whereas the Governors and mayors of 37 states and cities have designated March 1992 as "Irish-American Heritage Month": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 1993 is designated as "Irish-American Heritage Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CREDIT EDUCATION WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate Joint Resolution (S.J. Res. 252) to designate the week of April 18 through 24, 1993, as "National Credit Education Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I do so simply to acknowledge the patience of the chairman, and we thank the gentleman from Illinois as we move through these 11 or 12 commemoratives.

I certainly join with our colleague, the gentleman from California [Mr. TORRES], who is the chief sponsor of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 252

Whereas consumer credit is an integral part of the free enterprise economy of the United States;

Whereas the vast array of credit products has increasingly complicated the problem and opportunities for consumers;

Whereas the benefits consumers receive from using credit depend upon the prudent use of credit and the prompt discharge of credit obligations;

Whereas educated consumers who know their choices, rights, and responsibilities are better able to use credit wisely, thus increasing economic stability and marketplace competition;

Whereas the increasing sophistication and complexity of the financial marketplace necessitates that consumers be given simple and understandable information about financial products in order to make informed decisions; and

Whereas businesses, schools, community organizations, and individuals should educate the people of the United States concerning consumer credit: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 18, 1993, is designated as "National Credit Education Week", and the President is authorized to request to issue a proclamation calling on the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ON KILLING OF POLICE OFFICER AND THE NEED FOR CRIME BILL

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, early last Friday, a uniformed Minneapolis police officer was shot in the back, execution style, as he was taking a break in a south Minneapolis pizza parlor frequented by cops.

I have sat with Officer Jerry Haaf and the other third precinct cops at the very cop table where he was shot, drinking coffee and listening to his fishing stories.

Jerry was a regular guy, a good cop who was gunned down simply because he was wearing the uniform.

Mr. Speaker, the two killers of Officer Haaf—alleged gang members who walked into a crowded restaurant and shot a cop in the back—deserve the death penalty.

That's one reason we need to pass the Omnibus Crime Control Act, which imposes the death penalty for some 50 crimes, including the killing of a police officer.

Mr. Speaker, we cannot bring officer Jerry Haaf back, but we can put politics aside and address the problem of violent crime.

Before time runs out on this Congress, let us pass the Violent Crime Control Act of 1991.

VIOLENT CRIME CONTROL ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed.

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Violent Crime Control Act of 1992." Also transmitted is a section-by-section analysis.

In a speech I delivered recently at the DeSales Catholic Church in Fox Park, Missouri, I outlined my crime agenda for the remainder of this Congress and for next year. I discussed several issues of particular concern to the families of this country such as carjacking, sexual and domestic assault, and gang violence. The enclosed legislative proposal addresses these critical problems.

As you know, I first proposed a comprehensive crime bill to the Congress on June 15, 1989. I again submitted a bill to the 102nd Congress on March 11, 1991. That bill, which has yet to be enacted, includes provisions for restoring and expanding the Federal death penalty, ending the abuse of habeas corpus, reforming the exclusionary rule, and establishing additional crimes and penalties involving the criminal use of firearms. The failure of the Congress to pass these pro-law enforcement proposals is particularly frustrating in light of the broad bipartisan support they enjoy.

I know that there is currently an effort being made to forge a genuine compromise that would include effective death penalty provisions and a version of habeas corpus reform that would be acceptable to me. It is my hope that the Congress will present me with such a compromise, one that is truly meaningful for Federal, State, and local law enforcement. This apparent willingness to work realistically on crime legislation provides the basis for me to call on this Congress to act quickly in its final days to pass the additional crime-fighting measures I am today proposing.

The bill I am transmitting today addresses several of the most significant current threats to public safety. It includes:

1. *New tools for fighting sexual violence* such as increased penalties, new rules of evidence and conduct for trial lawyers, expanded restitution for victims, and grants to State and local law enforcement.
2. *Anti-carjacking provisions* in the form of a new Federal crime, expanded use of law enforcement grants to the States, and a study of devices to prevent carjacking.
3. *Provisions for combating domestic violence* such as a new Federal offense covering spouse abuse, violations of protective orders, and stalking, and a comprehensive grant program to fight domestic violence and enforce child support obligations.
4. *Anti-gang amendments*, including a new RICO-type offense for street gang activities, a new offense for involving a minor in the commission of a violent crime, and broadened adult prosecution of violent juveniles.
5. *New laws for child support enforcement* that will give the Federal Government the ability to punish criminally "deadbeat dads" who leave a State in order to avoid child support or who are significantly late in the payment of child support obligations. The legislation will also assist the States in the enforcement of child support orders.
6. *Increased penalties for crimes against the elderly* that will punish and deter criminals from assaulting or defrauding senior citizens.
7. *New crimes and penalties for the criminal use of firearms* such as a mandatory 10-year sentence for using a semiautomatic firearm in the course of a violent or drug trafficking crime, and a mandatory 5-year sentence for possession of a gun by a dangerous felon.

As the 102nd Congress draws to a close, the Congress has an opportunity to pass legislation that will have a major impact on many of the most serious crime problems facing Americans. The public wants decisive action from government to combat the menacing presence of violent criminals. Let us address this unfinished agenda now.

GEORGE BUSH.

The White House, *September 30, 1992.*

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COMMUNICATION FROM HON. NANCY L. JOHNSON, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. HAYES of Illinois) laid before the House the following communication from the Honorable NANCY L. JOHNSON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

Attention: Steve Ross/Mike Murray

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L of the rules of the House that I have been served with a subpoena issued by the Superior Court of the State of Connecticut in connection with a trial that is ongoing in that court.

After consultation with the General Counsel, I will notify you of my determinations as required by the Rule.

Very truly yours,
NANCY L. JOHNSON,
Member of Congress.

ORDER OF BUSINESS

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent to transpose the names in the Special Order Calendar on October 2, 1992, of the gentleman from Nebraska [Mr. HOAGLAND] and the gentleman from North Carolina [Mr. ROSE].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

NEW ZEALAND, THE UNITED STATES AND THE NEW WORLD ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. LEACH] is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, it is perhaps a trite but nevertheless valid observation that in the post-cold war world international relations are increasingly being characterized by reliance on multilateral diplomacy. On issues of war and peace, neither the United States nor any other country is prepared to assume the mantle of lone guarantor of the new world order. Likewise, the strategic challenge posed by the proliferation of weapons of mass destruction cannot be successfully countered by the few, but can only be surmounted with the help and cooperation of the many. And in an interdependent but competitive and market-oriented world economy no nation—or regional grouping of nations—can promote environmentally sustainable prosperity isolated behind exclusionary and discriminatory trade walls.

This vision of a new world order based on multilateral diplomacy, collective security, open trade, fundamental freedoms, and the rule of law is today more widely shared than at any time since the end of World War II. It is expressed in the foreign policies of former adversaries on the Eurasian land mass, like Russia and several of the successor States to the former Soviet Union. And it is also expressed in the foreign policies of historic allies in the South Pacific, like our important strategic partner in Australia and our old and dear friends in New Zealand.

As the Honorable Don McKinnon, New Zealand's Deputy Prime Minister and Minister of External Relations and Trade, observed recently: "No country—least of all New Zealand which in a geographical sense is so isolated—can afford to stand alone." In this regard, despite the strains in our bilateral relationship caused by the nuclear issue, it should be understood that New Zealand has historically made, and continues to make, impressive contributions to strengthening both international as well as regional peace and security.

New Zealand's commitment to international collective security was demonstrated anew during the gulf war. At that time, Wellington sent two C–130 transport aircraft and two medical teams to demonstrate New Zealand's solidarity with the multinational forces confronting Iraqi aggression in the Persian Gulf. More broadly, over the years New Zealand has contributed personnel to U.N. peacekeeping endeavors in almost every corner of the globe: in Korea, Egypt, Jordan, Syria, Lebanon, Israel, Kashmir, the Congo, Yemen, Cyprus, the Golan Heights, the Iran-Iraq border, Afghanistan, Pakistan, Namibia, Nicaragua, Angola, the former Yugoslavia, and Cambodia. In fact, since 1950 New Zealand has participated in 15 of the U.N.'s 26 peacekeeping operations. Unlike the United States, New Zealand consistently makes full and prompt payment of its peacekeeping assessment.

Given this record of impressive commitment to the U.N. system and collective security, I would hope that the administration would give very serious consideration to New Zealand's announced candidacy for election to one of the two U.N. Security Council seats available to the Western European and other states group [WEOG] for the 2-year term 1993–94.

New Zealand has also been an active participant in helping to strengthen regional peace and security. Wellington has demonstrated its commitment to improving the efficacy of the U.N. as an instrument of collective security most dramatically in its own backyard, the Asia-Pacific, by contributing almost 100 personnel to the unprecedented U.N. peacekeeping operation in Cambodia. New Zealand continues to play an important role in the five power defense arrangements—which recently concluded its 12th annual exercises—involving Australia, Malaysia, Singapore, the United Kingdom as well as New Zealand, which are playing an important role in providing stability in southeast Asia. New Zealand is also seeking to upgrade the capability of its navy by following through on frigate purchases from Australia. As a complement to New Zealand's security commitments, the great bulk of Wellington's foreign assistance is spent promoting economic development in the South Pacific and southeast Asia. Likewise, New Zealand plays an important and vigorous role in providing humanitarian assistance and disaster relief throughout the South Pacific. New Zealand has also shown its commitment to regional cooperation through its participation in the 15-member South Pacific Forum.

Like the United States, New Zealand understands that the key to future world growth is expanding economic opportunities through open markets and free trade. Wellington's top priority for 1992 has been working with the United States and others to achieve a successful result in the Uruguay round of the General Agreement on Tariffs and Trade [GATT]. New Zealand and the United States are also working closely to cooperate through the Asia Pacific Economic Cooperation [APEC] process to stimulate cooperative, open, and outward-looking approaches toward strengthening economic and trade links in the Asia-Pacific region.

In point of fact, despite our sticky differences on the nuclear ship visit and NCND issue, the United States and New Zealand enjoy an enormous commonality of values and interests. In particular, each shares elements of common heritage and shared sacrifice in the great war of this century. Each shares a vision of international relations based on cooperative problem solving, peaceful settlement of disputes, and collective security. With continued good will and farsighted leadership on both sides, our common efforts to support the U.N. system and a liberal international order should make it easier to resolve our differences over the nuclear issue and revive the ANZUS alliance.

In this regard, I have enjoyed the high privilege of working with a senior colleague on the Foreign Affairs Committee who has long recognized America's important and multifaceted interests in the South Pacific, with New Zealand, and in ANZUS: our retiring distinguished ranking member, Representative WILLIAM BROOMFIELD.

Under our constitutional framework, U.S. foreign policy can only succeed with bi-institutional as well as bipartisan cooperation. I know of no Member of Congress who has done more in his many long years in this body to promote this cooperative spirit, in word and in deed, than my distinguished colleague from Michigan. He has worked with Republican and Democrat administrations, as well as Members on both sides of the aisle, to do what is right, and at all times act in the national interest. Our committee and our country will miss his leadership.

It is especially appropriate, therefore, that I bring to the attention of my colleagues an important article by our distinguished ranking Member on the subject of our bilateral relations with New Zealand. I commend it highly.

[From the Christian Science Monitor, Sept. 1, 1992]

NUKES, THE NAVY, AND NEW ZEALAND

(By William S. Broomfield)

Despite a history of close ties based on shared interests and values, relations between the United States and New Zealand have been strained since 1985, when New Zealand's former Labour government decided no longer to allow visits by US Navy vessels if they are nuclear powered or potentially nuclear armed. In 1986 the Reagan administration cut off security links with our former ally. Based on development in New Zealand and the wider world, however, I believe the time has come to consider lifting sanctions and restoring military relations.

The action of then Prime Minister David Lange's government precluded full military cooperation with the US, including under the ANZUS alliance among Australia, New Zealand, and our country. It also affected US interests elsewhere in the world, where the nuclear issue is often raised in connection with US military operations. That's because the US, for security reasons, will neither confirm nor deny the presence of nuclear weapons with US forces.

Despite calls for broader action, the response of the Reagan administration was confined to the security area. The US cut off military relations, including intelligence sharing, and withdrew the security assistance and arms-export preferences enjoyed by New Zealand under its allied status. It also limited high-level contacts on military and security matters. The US's alliance commitments toward New Zealand were suspended.

The US and New Zealand have had a long and friendly relationship. Many Americans became familiar with New Zealand during World War II and as a result of its participation in the Korean and Vietnam Wars. More recently, New Zealand lent logistical support and medical assistance during the military conflict with Iraq. Influenced by antinuclear activists, however, the Labour government provoked a confrontation with the US over ship visits, actually forcing the Navy frigate Buchanan to turn around enroute. Not content merely to adopt a policy that excluded US naval vessels, the Labour government enacted it as law.

In 1987 I proposed legislation that would have reciprocated for the actions of the Labour government by enacting the Reagan administration's restrictions on security assistance into law. My intent in so doing was not to punish New Zealand, but to highlight the issue and keep up the pressure for its resolution. I felt then, and feel now, that to allow relations to continue in their current form would damage our long-term interests in the South Pacific and elsewhere in the world.

Since the rupture in our security relationship, the preparedness of the New Zealand military has declined. This affects not only New Zealand's traditional role in the South Pacific, but also its ability to play a constructive role in security developments outside the region, such as international peacekeeping operations.

Under the current National Party government in New Zealand, the atmosphere of bilateral relations has improved markedly. Prime Minister Jim Bolger has responded positively to President Bush's decision to remove nuclear weapons from US warships except strategic submarines, and has in effect invited the US Navy back. I believe that we should respond by moving to solve this problem as speedily as possible and consider resuming port calls as well as other aspects of the military relationship.

Granted, it would be difficult for the US to resume normal military contacts, possibly even an alliance relationship, at this time. The New Zealand antinuclear legislation remains on the books and the current government, which is preoccupied with economic problems, may not seek to amend it during its present term. (The government has taken tentative steps on the nuclear-power issue by appointing a commission to study the safety of nuclear propulsion.)

Even if security ties cannot be completely resumed, however, consideration should be given to relaxing current sanctions to permit limited military and intelligence contacts. Despite the risks, Washington should seize the current opportunity to help the New Zealand government bring its country back into the Western system of military relations and alliances.

TRIBUTE TO GERALD AND JANICE SALOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CARR] is recognized for 5 minutes.

Mr. CARR. Mr. Speaker, it is with great pride that I rise today to pay tribute to an outstanding couple, Gerald and Janice Salow. I urge my colleagues to join me in saluting this remarkable couple, and in congratulating them on being chosen as this year's recipient of the 1992 Ingham County Farm Bureau's Distinguished Service to Agriculture Award.

The success of America is a result of the hardworking men and women, like Gerald and Janice Salow, who work every day of the year to produce food for America's table and for much of our world. I am truly thankful that our agriculture community has been represented so strongly through their service, dedication, and hard work. Their contributions to Michigan agriculture and in promoting the prosperity and well-being of farmers throughout our Nation are truly deserving of our appreciation and praise.

In addition to managing a successful farming operation, the Salows have a long list of involvement in numerous agriculture organizations including the Ingham County Farm Bureau where Mr. Salow has served as president for the past 3 years; the Michigan Farm Bureau; 4-H; and the American Farm Bureau. The Salows have provided critical leadership in the areas of agriculture promotion, education, policy development, and in membership activities.

The Salows have spent virtually a lifetime together, forging a true union of partnership in their 40 years of marriage. Success and devotion are qualities they both possess, qualities that shine through in their marriage and in their contributions to their community and church. The Salows are longtime members of the Stockbridge United Methodist Church, and Mrs. Salow recently received the Second Century Award from the Methodist Women's Committee for her achievements. In addition to their agricultural gifts, the Salows have been bestowed with 6 loving children and have graciously opened their home to 28 foster children.

At this time when everyone is talking about family values, I am proud to stand here today to say that no one has better and more true values than my friends, Gerald and Janice Salow. They are a symbol of what every American should aspire to be, and the people of our community can look to them with pride and inspiration.

It is my hope that the Salows will continue to play an important role in our community for decades to come. I urge my colleagues to join me in saluting this outstanding couple for their tremendous accomplishments, and in wishing them the best of luck in their future endeavors.

TAIWANESE MEMBERSHIP IN GATT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, yesterday, GATT Council Ministers began consideration of Taiwan's application for membership to GATT [the General Agreement for Tariffs and Trade] the world's largest and most important trade body.

Taiwan has long sought membership in this important body both to gain international recognition and to gain new markets for its exports. Claiming its historical status as a major trading territory, Taiwan wishes to be GATT's newest member.

While this Member welcomes this important and long-awaited initiative to consider Taiwan's application for membership in GATT, it is extremely important to point out that Taiwan must substantially reform many of its restrictive trade practices before it can be accepted into this world body.

Nearly 2 months prior to the GATT deliberations, this Member spoke about Taiwan's excessive tariffs and nontariff barriers to United States agricultural products despite its $9.8 billion trade surplus with the United States in 1991. Today, those substantial barriers and obstacles to trade remain unchanged.

In order to become a member of GATT, it has been agreed upon by GATT's 104 members that Taiwan will have to enter as a developed country. That means that Taiwan must abide by all new and existing international trade agreements to reduce their significant barriers to imports.

Unfortunately, Taiwan has a long way to go to satisfy these criteria. The USDA reports that Taiwan has continually denied access to many high value United States agricultural products through excessively high tariffs, de facto import bans, or other nontariff barriers. Despite numerous commitments from Taiwan authorities, the USDA also reports that Taiwan has slowed down their reforms—even resorted to greater protection—to control the import of United States agricultural products.

For example, Taiwan's food management law constitutes a very real and substantial threat to United States exports of feed grains, soybeans, and wheat valued at $1.2 billion in 1991. De facto import bans virtually exclude from Taiwan rice, chicken, pork, peanuts, sugar, and wheat flour from the United States. United States beef exports face exorbitant tariffs and most high-value and consumer oriented agricultural products from the United States—like apples, pears, citrus, peaches, grapes, fruit juices, soups, raisins, and dried fruits—are subject to tariffs between 40 and 50 percent.

It is clear that, together, these unreasonable restrictions on United States agricultural exports to Taiwan makes it extremely difficult for otherwise highly competitive United States agricultural industries to sell their products to Taiwanese consumers. Taiwanese consumers also suffer because they are forced to pay some of the highest prices in the world for their food.

A recent article on Taiwan in the USDA's August publication of Agricultural Trade Highlights states that young Taiwanese consumers are hungry for United States food products and therefore concludes that Taiwan should be among the best markets for United States food consumer products during the next 3 to 6 years.

However, unless Taiwan representatives decide to substantially reform their excessive barriers to United States agricultural products, these Taiwanese consumers will pay substantially more or be flatly denied their choice of United States food products. Such blatant obstacles to trade, unless removed, must be predominantly considered when GATT members make their determination on whether to accept Taiwan's application for membership into the world trade body.

Mr. Speaker, certainly, this Member would have strong reservations about the acceptance of Taiwan into GATT unless these protectionist measures are adequately addressed. This Member encourages the Office of the U.S. Trade Representative, the U.S. Department of Agriculture, and other Members of Congress to advocate and negotiate an equally strong position that Taiwan make these reforms before it can become a member of GATT.

INTRODUCTION OF JOINT RESOLUTION TO HONOR WORLD WAR II ERA PHILIPPINE SCOUTS AND FILIPINO VETERANS OF U.S. ARMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California, Mr. PANETTA, is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce a joint resolution which would pay long overdue tribute to the World War II-era Philippine Scouts and Filipino veterans who honorably served the U.S. Army. These dedicated individuals demonstrated unique courage and resolve in support of the allied war effort and they deserve our gratitude and recognition.

This year marks the 50th anniversary of the fierce battle at Corregidor and the Bataan death march in the Philippines. Yet for those who fought under the command of Gen. Douglas MacArthur in the heroic defense of Bataan and Corregidor against Imperial Japan and who survived the infamous Bataan death march and captivity in Japanese prison camps, these memories have not faded. During these historic events and throughout the war, the Philippine Scouts displayed selfless sacrifice rivaling any other military unit. In addition to the Philippine Scouts, many Filipinos also served in the U.S. Army and again the courage and dedication of the Filipino people was displayed. Unfortunately, this same bravery which was demonstrated during World War II has gone virtually unacknowledged in the intervening years.

I am pleased to make note that this important issue was the subject of hearings and attention by the Subcommittee on Libraries and Memorials during the 100th Congress. The truth is, however, that the dream of a memorial for the Scouts and Filipino Americans is a long way from realization.

Mr. Speaker, let us allow this integral segment of the U.S. Armed Forces to fulfill their dreams and establish a tangible memorial for all to reflect on their contributions.

It is important to emphasize that the Philippine Scouts were not foreign soldiers; they were a vital part of the U.S. Army from the date of the unit's creation in 1901. At the onslaught of war in the Pacific, when the Japanese attacked Pearl Harbor and invaded the Philippine Islands, these soldiers became the key to our entire South Pacific strategy. Against overwhelming odds, faced with superior numbers and equipment, devoid of air cover against constant bombings by the Japanese, and ravaged by malaria and beri-beri, these men helped hold the Bataan Peninsula for 98 days. Over 1,000 went on the fight another 5 weeks in Corregidor. This determined resistance denied the Japanese an essential base for the projected thrust into the South Pacific. The enemy was also forced to retain a large army and navel force in the Philippines, which otherwise could have been deployed against allied shipping of men and materials to Australia and New Caledonia from the United States and the Middle East.

Frankly, it was the Scouts' protracted defense of these islands that allowed the United States to recover from the first blows of the war and regroup for what would utlimately prove to be a successful counterattack. Their contributions and sacrifice have been noted in historical accounts of the war. Indeed, General MacArthur described the Scouts as "excellent troops, completely professional, loyal and devoted." However, they have never received the gratitude and the honor from the United States that they rightly deserve. The time has come to give them this recognition.

The joint resolution I am again introducing would authorize the establishment of a memorial to the World War II-era Philippine Scouts in the Washington, DC, area. Specifically, this joint resolution would authorize the Philippine Scouts and U.S. Veterans' Association of America to establish a memorial which would recognize and honor the contributions of the Philippines Scouts in Bataan and Corregidor. The responsibility for raising the necessary funds for the establishment of this memorial would be left solely to the Philippine Scouts association named in the resolution. No Federal dollars would be used to establish the memorial.

World War II was a war fought on fronts that could not have been won without strategic ties to other peoples. We have consistently paid tribute to the cooperation of our European allies, but have virtually ignored our similar relationship with our friends in the Pacific. It is time that we recognize the achievements and sacrifices made by the people of the Filippino-Americans during World War II. I urge my colleagues to join me in this effort to demonstrate our deep gratitude for the faithful and gallant Philippine Scouts by cosponsoring this joint resolution as a sign of their support in this final week of the 102d Congress.

H.J. RES. —

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The Philippine Scouts and United States Veterans' Association of America is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor Filipino veterans who served in the United States Army during World War II.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes" approved November 14, 1986 (40 U.S.C. 1001, et seq.).

SEC. 2. PAYMENT OF EXPENSES.

The Philippine Scouts and United States Veterans' Association of America shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the memorial. No Federal funds may be used to pay any expense of the establishment of the memorial.

SEC. 3. DEPOSIT OF EXCESS FUNDS.

If, upon payment of all expenses of the establishment of the memorial (including the maintenance and preservation amount provided for in section 8(b) of the Act referred to in section 1(b)), or upon expiration of the authority for the memorial under section 10(b) of that Act, there remains a balance of funds received for the establishment of the memorial, the Philippine Scouts and United States Veterans' Association of America shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8(b)(1) of that Act.

TRIBUTE TO DEPARTING MEMBERS OF OHIO DELEGATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, I want to thank my colleagues for joining me today in this special tribute to Members of the Ohio Democratic congressional delegation. On our side of the aisle, four distinguished Members of our delegation will depart at the close of this legislative session. Collectively, Representatives DONALD PEASE, DENNIS ECKART, EDWARD FEIGHAN, and CHARLES LUKEN have amassed more than 37 years in the Congress. Individually, they have represented the State of Ohio and their congressional districts in an outstanding manner over the years.

With their departure, our State and the Nation lose the services of four dedicated, hard working and talented legislators. As dean of the Ohio Democratic delegation, I am honored to lead my colleagues in this special order recognizing the contributions of DON PEASE, DENNIS ECKART, ED FEIGHAN, and CHARLES LUKEN to this body.

Mr. Speaker, DON PEASE is completing his eighth term in the Congress, having been elected in 1976 to represent Ohio's 13th Congressional District. He brought to the House of Representatives his experience as member of the Oberlin City Council and the Ohio General Assembly, where he served as both a State representative and as State senator.

In the Congress, DON has served on the House Committee on Foreign Affairs and Science and Technology. Currently, he served on the Ways and Means Committee and its Subcommittee on Trade. On the subcommittee, DON has focused his efforts on reforms that will enable American businesses to compete in the global marketplace, as well as legislation to help local industry and workers adjust to the changing world. DON PEASE is also a key architect of legislation representing the most comprehensive overhaul of our Nation's trade laws in 20 years. DON PEASE has been able to actively demonstrate his commitment to human rights as a member of the Trade Subcommittee. He is well known for his efforts to link a country's eligibility for trade benefits to its respect for human rights and workers rights.

Mr. Speaker, DON was also appointed as a member of the Budget Committee. He is an advocate of reforming our current tax system to make it simpler and more fair. DON was a conferee on the landmark Tax Reform Act of 1986.

Mr. Speaker, throughout his tenure in the Congress, DON PEASE has been an influential voice on State, national, and international issues. He has earned the respect and admiration of his colleagues in the Ohio delegation for his leadership in coordinating our delegation meetings. He is valued as a hard working individual; a conscientious legislator; and a staunch advocate on behalf of his constituency. It has been an honor and privilege to serve in the Congress with this distinguished gentleman and I wish him much continued success.

Mr. Speaker, DENNIS ECKART came to the Congress in 1980 to represent Ohio's 11th Congressional District. Many of us can recall that he advanced quickly up the ladder. During his first term in Congress, DENNIS was elected freshman whip, a unique and outstanding accomplishment. During his first term, he was also cited repeatedly for his legislative ability, and quickly labeled as an outstanding new Member of the 100th Congress.

In the House, DENNIS has served with distinction as a member of the House Energy and Commerce Committee. In addition, he chairs the Subcommittee on Antitrust, Deregulation, and Ecology of the House Committee on Small Business. DENNIS also devotes considerable efforts to monitoring legislation and laws that impact the Northeast region, serving as vice chairman of the Northeast-Midwest congressional coalition.

Mr. Speaker, DENNIS ECKART has successfully authored key environmental legislation here in the Congress. He sponsored legislation to update the Superfund Program to reform management of dangerous toxic chemcial waste sites; he sponsored the Safe Drinking Water Act to protect the quality of our Nation's drinking water; and the Great Lakes Research and Management Act to remove toxins threatening the quality of the Great Lakes. In addition, DENNIS is the author of many key provisions of the historic Clean Air Act, including those relating to urban smog and acid rain.

Throughout his tenure in Congress, meeting the needs of his constituency has been the cornerstone of his legislative career. In the 11th District, DENNIS ECKART has won the respect of his constituency for his hard work on their behalf. He is an exceptional legislator and he is concerned about those for whom he have been chosen to speak. I respect DENNIS ECKART as my colleagues and I have valued his friendship over the years.

EDWARD FEIGHAN was elected to the Congress in 1982, representing the 19th Congressional District of Ohio. This was not, however, his first legislative assignment. At the age of 24, ED FEIGHAN was elected as a member of the Ohio General Assembly. He is also a former Cuyahoga County Commissioner.

Early in his first term in this body, ED was named chairman of the House Foreign Affairs Task Force on International Narcotics Control. By virtue of his election, he became the first freshman Member to hold a chairmanship during the 98th Congress. ED continues to chair this important task force.

ED FEIGHAN also serves as a member of the House Foreign Affairs Committee and its Subcommittee on Europe and the Middle East, and the International Economic Policy and Trade Subcommittee. In addition, ED is a member of the Subcommittee on Africa. In the area of foreign affairs, ED FEIGHAN has been a strong and consistent supporter of the State of Israel. He has also worked tirelessly to expand foreign assistance to the poorest sections of the Third World. He is respected by his colleagues and well known outside this body for his expertise in foreign affairs.

As a member of the Judiciary Committee, ED has made a name for himself on several key issues. He is a member of the Subcommittee on Crime and Criminal Justice and the Subcommittee on Economic and Commercial Law. In the Congress, ED FEIGHAN will be remembered for his sponsorship of the Brady bill, which imposed a 7-day waiting period on the sale of handguns. ED FEIGHAN has also developed legislation to ban the sale of plastic guns; to ban semiautomatic weapons; provide scholarships for law enforcement personnel, and set national standards for bulletproof vests.

Mr. Speaker, I have enjoyed a close working relationship with ED FEIGHAN over the years. Often he and I have had opportunities to work together on projects to benefit the Greater Cleveland area. I have enormous respect for his skills as a legislator. More importantly, however, I value ED FEIGHAN's friendship and admire his dedication on behalf of his constituency and our Nation. His name will always be remembered in these Halls and I join others in wishing him well.

Mr. Speaker, CHARLES J. LUKEN was elected to the House in 1991 to represent Ohio's First Congressional District. Many of us in this body were honored to serve with CHARLIE's father, Tom Luken, during his distinguished career in the House.

Prior to his election to Congress, CHARLIE was a member of the Cincinnati City Council from 1981 to 1984. In 1984, he was elected mayor of Cincinnati where he enjoyed a distinguished record of service to his constituency.

In the House, CHARLIE has worked tirelessly as a member of the Committee on Banking, Finance and Urban Affairs. His subcommittee assignments include Financial Institutions Supervision, Regulation and Insurance, the Subcommittee on Economic Stabilization and the Subcommittee on Policy Research and Insurance.

CHARLIE LUKEN was also appointed to the Committee on Government Operations. As a member of the Subcommittee on Environment, Energy and Natural Resources, CHARLIE has been directly involved in the debate on the environmental, safety and health concerns associated with the Department of Energy's nuclear weapons complex. He is also a member of the Subcommittee on Employment and Housing.

Mr. Speaker, it has been an honor to serve with CHARLIE LUKEN in this body. He has earned a reputation as a hard worker and he has served his constituency and the Nation in an outstanding manner.

☐ 1940

Mr. Speaker, I am pleased at this time to yield to the distinguished dean of the Ohio congressional delegation, who is himself also retiring at the end of this Congress.

I want to say that while we paid honor to him a few nights ago in a special order on this floor that I want to reiterate what a pleasure it has been for me to work with him as co-dean of our delegation. It has been an experience where together we have put many meetings together for the purpose of our delegation meetings, generally at least once a month, and in other cases when necessary. He and I have had an excellent working relationship, and I deem it an honor to yield to him at this time.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased that the gentleman from Ohio [Mr. STOKES], the gentleman in the well, asked me to join him in paying tribute to four department members of our Ohio delegation, DON PEASE, ED FEIGHAN, DENNIS ECKART, and CHARLIE LUKEN.

☐ 1950

I would just like to thank my friend, the gentleman from Ohio, Mr. LOU STOKES, with whom I have had the pleasure and honor of serving as, as he mentioned, co-dean, and I will say co-chairman, of the Ohio delegation. We have worked well together, and I think in working well together we have contributed enormously to the success of the Ohio delegation's influence as far as getting things done for the State of Ohio.

One of the sadnesses I feel is due to the fact that I will not be serving with LOU in the 103d Congress. He has been a gentleman, and it has been my pleasure to work with him.

As a member of a party on the other side of the aisle from those we honor, it is only natural and I would not always see eye to eye with them on legislation. But I note that each of these gentlemen has represented their country, the State of Ohio, and their districts diligently and with honor.

DON, ED, DENNIS, and CHARLIE have contributed in the areas of public service to their country, and it has been a high honor and pleasure to have served with them.

In addition to his distinction as a member of the Committee on Ways and Means DON PEASE, should be recognized for the hard work he has done as part of the Ohio delegation, for being a catalyst who put together nonpartisan meetings that Congressman LOU STOKES and I have had the honor of chairing.

DON, you have brought in people who were knowledgeable speakers, and you have helped to keep us advised very well on various issues of mutual concern to our State. I think as a result of that the fact that LOU STOKES, DON PEASE, and I worked together with Gov. George Voinovich and State officials, that we have brought benefit to the State of Ohio and have enhanced the process of bringing programs to our State.

I would also like to commend the gentleman from Ohio, ED FEIGHAN, for his yeoman service on the Committee on Foreign Affairs and the Committee on the Judiciary. Particularly, I commend him for his diligent effort on behalf of the Brady bill, which I had the honor to cosponsor with him and speak in favor of.

I know on occasion it was a lonely fight for ED, but his commitment to overcome any and every obstacle prevailed and did him justice and honor.

DENNIS ECKART has worked very hard on the important Committee on Energy and Commerce, as the gentleman in the well has mentioned, in helping shape critical environmental legislation, on such issues as clean air and hazardous waste disposal.

I also note he has been one of the all-stars on the congressional baseball team. If weather cooperates, he will be representing his party on the diamond this weekend.

Now, there is where I draw the line, I am sorry. I must root for the other team, Ohioan or not.

Mr. Speaker, CHARLIE LUKEN has only been on the House Committee on Banking, Finance and Urban Affairs for 1 term, but he is one of those young men who is knowledgeable on the issue of banking. He has worked honorably and well, and I would say he has supported me on several issues which I felt were important to banking legislation. And I am grateful for that.

I want to wish him the very best in his new field of endeavor, which will be journalism. I know his father, who served in this body honorably and effectively, and who is a friend of mine. I know he is proud of CHARLIE's services in Congress, and I know he will be glad to get his son home as will his nice family.

So I would congratulate each and every one of these gentleman for the contributions they have made in making our country a better place in which to live and serve.

Mr. Speaker, the people of the 2d, 11th, 13th, and 19th Districts of Ohio should be proud of their retiring Members of Congress.

May I say it is indeed a privilege for me to have served with these hardworking men.

My wife, Marjorie, and I want to wish each of them and their families happiness and satisfaction in the years to come.

Mr. STOKES. I thank the distinguished gentleman for his contribution. Mr. Speaker, I am pleased at this time to yield to my distinguished friend and colleague, who also represents Cleveland, OH, and does so in such a distinguished manner, the gentlewomen from Ohio [Ms. OAKAR].

Ms. OAKAR. I thank the dean of our delegation for having this special order. I want to certainly identify myself with the chronology of work that the four individuals have done. I will not repeat them.

I also want to pay tribute to two other Members on the other side of the aisle who are not going to come back to this body.

First, CHALMERS WYLIE, the minority leader on the Committee on Banking, Finance and Urban Affairs, has done a tremendous amount of work in his wonderfully moderate style and added so much to the dignity and the lives of the American people, not only in areas related to banking but also in areas relating to the wonderful field of housing.

Mr. Speaker, he has been tremendously cooperative in a bipartisan way.

So, CHALMERS, I want to say how sorry I am that you decided not to run. You are an excellent person, and Ohio loses significantly by your not being on that committee and not returning.

You have served this body and the country and all Ohioans with great dignity.

Mr. Speaker, the same is true for CLARENCE MILLER.

Mr. STOKES. Mr. Speaker, I yield momentarily to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. I thank the gentleman for yielding.

Mr. Speaker, I think I would be remiss, after hearing those nice remarks about me, if I did not say "thanks" to the gentlewoman from Cleveland, and I would say it has been a pleasure to serve and to work with her on the Committee on Banking, Finance and Urban Affairs. She is a very sensitive person who is a fighter for causes in which she believes. I know that is true in the area of housing, which she just mentioned. We are working together on a housing conference right now, working together to provide housing for people who are most in need of housing.

So, as I say, it is a pleasure to work with the gentlewoman from Ohio, and I will miss our association.

Ms. OAKAR. I thank the gentleman.

Mr. Speaker, also CLARENCE MILLER, who is a long-time Member of this body from the southern part of our State, has served on the Committee on Appropriations with great dignity and service to his community and our State.

We are losing, as Congressman STOKES has said, with respect to the Democratic Members who decided not to run for office, 40 years of accumulated service in Congress, four key Democratic Members: DON PEASE, my classmate, ED FEIGHAN, DENNIS ECKART, and CHARLIE LUKEN.

Mr. Speaker, all have made major contributions during their time in office here, and their constituents and the Nation, I think, have been better served because of their service.

Mr. Speaker, I just want to give a capsule view of these colleagues from my point of view. I know there are many others who want to speak tonight.

Mr. Speaker, DON PEASE and I came into Congress together in 1977. He has represented, among other places, our neighboring Lorain County.

I think DON is a man of enormous integrity who worked tirelessly in so many areas as a senior member of the Committee on Ways and Means.

I will always remember him especially for his work as whip of our delegation and his wonderful way of asking you to support certain issues and the very conscientious way of trying to get the Ohio delegation organized.

I also think one of the key areas that sometimes is overlooked that DON has done so much on is the area of displaced workers, those people who lost their jobs because of some of the unfair trade practices and so on.

Some of the areas that DON and others have represented have double-digit unemployment. If it were not for DON PEASE'S legislation and work, I suppose these people would have lost not only their economic security but their survival. So I am proud to have served with DON.

□ 2000

DENNIS ECKART, as Congressman STOKES mentioned, rose very, very rapidly in this House. I think from my point of view he is especially well known for his diligence as a member of the Committee on Energy and Commerce, the Superfund, the toxic wastes, all those areas that influence our lives in a very negative fashion. I think DENNIS has done some very fine work in those areas of legislation, along with legislation relative to the cable industry and consumer-oriented legislation that was recently passed.

CHARLIE LUKEN served on the Banking Committee with CHALMERS and myself. He was a welcome addition. He was very conscientious in the brief time that he has been a Member of Congress, and of course, his family has a record of public service. His father, Tom, was an excellent Member in his own right.

I had heard of CHARLIE when he was mayor of Cincinnati, the beautiful city of Cincinnati, and did such a wonderful job. I think it is with great regret that someone as young and conscientious has decided not to run again, but he is putting his family first, and really that is very understandable.

Congressman ED FEIGHAN and I have a long history of mutual support in our public lives. I remember working on ED's first campaign when he ran for state representative, a campaign that people thought he could not win and ended up winning handily.

I think so much about ED relates to his compassion for people less fortunate than himself.

He was courageous in going to Korea to protest and to assure that human rights were not violated, and he risked his life, really, to go there.

He has gone to Central America and attempted to deal with the problems of inequity that existed, and the list goes on, and his wonderful service on the Foreign Affairs Committee; but I think the lasting imprint that I will always feel no one will ever be able to take away is his wonderful work on the Brady bill. It took a lot of courage to introduce that bill. He had very powerful lobbyists against him, and yet I really believe that the public awareness of this issue, the whole issue of having handguns being bought in a wholesale fashion and not being able to have any kind of standards and a waiting period, et cetera, will be ED's lasting legacy not only to this body, but the country.

I really believe from the bottom of my heart that that legislation will in the awareness that we all have from it, will save thousands and thousands of lives. No one can ever take that kind of service away.

His family has a legacy of public service. There have been many Feighans who have consistently won in our area, and ED did his family very proud by his years of service.

So Mr. Speaker, we are seeing here tonight men who brought special talents to the House of Representatives. Sometimes with all the negative things that are written these days about Members of Congress, you wonder if anyone will ever say things that are aboslutely true about Members who have served. Perhaps no one will ever write a book about these gentlemen and their service, but I feel very, very strongly that they have achieved notable success in pursuing their respective legislation.

I also believe that the quality of life of the residents of Ohio and the United States have been served very, very well.

I hope their successors bring the same degree of honor to this greatest deliberative body in the world, the greatest parliament in the world, the Congress of the United States.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentlewoman for her contribution to this special order.

Mr. Speaker, I am pleased now to yield to my very distinguished friend and colleague from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I want to associate myself with the remarks of the gentleman for Ohio as stated earlier, and also the remarks of Chairman WYLIE, who I am saddened to see leaving the Congress, and Chairwoman OAKAR.

Being in the Congress now for four terms, I have had an opportunity to work closely with these Members.

I want to first of all commend the gentleman from Ohio [Mr. PEASE] for his tremendous service on the Tax Committee.

I want to thank him personally for helping me at a time when we had a company in my district that got in the middle of the investment tax scenario. They had made an investment, but the rules were changed in the middle of the game and they were sort of left hanging.

I want to thank DON PEASE for helping me with North Star Steel. We were able to work that out and get language in the transition rule of the tax bill which helped my company. I think that is the legacy of DON PEASE. In a quiet way, he has helped a lot of people.

I want to echo the remarks of Chairwoman OAKAR. I think he made sure that in all these trade bills, which many of us may not support, he took after the welfare of many of those workers who were adversely affected by some of those policies and actions.

DENNIS ECKART, my neighbor to the north, has developed into a leader. I think he had his fingerprints all over Superfund and many of the other energy and commerce initiatives. He did a tremendous job. I think everybody in the Congress recognizes his tremendous ability. We will miss him.

ED FEIGHAN, I was very glad to support ED in his efforts with the Brady bill, and I think anything that is said about that is not enough. I think he did take on some powerful lobbies in the Congress, but he went full steam ahead. He also will be missed.

Although we did not spend a whole lot of time and get to know CHARLIE LUKEN very well, I knew his dad quite well. I think that he is beginning to make a mark here. He could be here probably as long as he wanted to be. I think it is indicative of his insight that he had other priorities. He decided to go back home. I think that says a little bit about Mr. LUKEN.

CHALMERS WYLIE and CLARENCE MILLER, both on the other side, I was glad to have worked with them. I can say this, Mr. Speaker, before I yield back, Ohio is taking a big hit. It will be many years before these Members and their absence will be replaced. I do not believe that we can do that. It will be very hard to fill the shoes of these Members. I think their years of experience and their legislative effectiveness is really going to hurt Ohio. So I think that Ohio has a tough job ahead of us. I think we all look toward the gentleman from Ohio [Mr. STOKES] to carry on for us.

Mr. STOKES. Mr. Speaker, I thank the gentleman for his contribution to this special order.

Mr. Speaker, I am pleased now to yield to my distinguished friend and colleague, the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding to me, and commend him for reminding all of us in the busy closing days of this Congress, the 102d Congress, of the distinguished service of the Members from the delegation.

Last week I had the privilege to put a statement in the RECORD with regard to CHALMERS WYLIE.

I certainly want to recognize the service of the gentleman from Ohio [Mr. MILLER] on the Republican side of the aisle. Both men have been long-term Members and have made significant contributions, but tonight appropriately we recognize our fellow Democrats who served with us in the caucus, who have been helpful this last term and beyond, way beyond in terms of our service and the work that we do in terms of public policy.

CHARLES LUKEN just came a couple years ago to us on the Banking Committee. I had the privilege of serving with him. He has performed well in that role.

The Banking Committee is not the committee everyone seeks to serve on these days because of tough decisions dealing with the S&L's and banking; but I can report to this body and to others that he proved himself very well and did very well on that particular assignment and was a key in a number of tough decisions that have had to be made.

Of course, he did not come to it new. He had the seasoned experience of having worked on the city council and city government in Cincinnati. He will be a loss.

I think he has a promising career ahead of him. There is life after Congress, and certainly for him he will have I am sure a bright career back home in Cincinnati, OH.

DENNIS ECKART I think has served many years in this body, served on the Energy and Commerce Committee. It was apparent from the beginning that DENNIS ECKART was someone who did his homework and took that information and applied it.

He worked as one of our whips on the Democratic side. He was one of the people, as Congressman STOKES noted tonight, had worked on a lot of key legislation that has truly been the hallmark of the 1980's in terms of clean air and Superfund that moved through that committee.

DENNIS really was one of the key people working with the leadership of that committee. In fact, he knew how to demonstrate a certain amount of independence, but I think also a lot of collaboration and cooperation.

We wish DENNIS well as he goes on to his future, a bright young person who I think this Nation has been well served by.

□ 2010

And of course ED FEIGHAN had been mentioned, his work in human rights, his work on tough legislative questions when special interests were stacked against him. He persisted.

Mr. Speaker, we only had 120 votes on handgun control. I was one of them, and the gentleman from Ohio [Mr. STOKES] was another one, and in the end we turned that around with some drastic success. This session, hopefully, we will see that handgun waiting period signed into law before we leave here.

In any case, Mr. Speaker, I think all of us recognize the type of work and the type of pressure that he took on in fighting those types of tasks, and I think, while it is demonstrated more in that particular case, it really proves the character.

Finally, Mr. Speaker, tonight I just would like to comment a little more at length about the gentleman from Ohio [Mr. PEASE], someone who I served with for 16 years and I think has done an outstanding job in terms of serving this Nation, serving the great State of Ohio.

I say to the gentleman from Ohio [Mr. STOKES] that, as he has noted, serving as a whip for our then incoming class in 1977, time goes by so quickly that it is hard to reflect that it has been 16 years of work because in many respects I think DON looks the same and has maintained his demeanor throughout these 16 years.

In any case, Mr. Speaker, I think that the shape of public law, whether it deals with welfare reform, whether it deals with trade adjustment and trade laws, whether it deals with workers rights, I remember one of his first actions was we took on working on the Committee on Foreign Affairs. There was DON PEASE who actually served in another committee around here before he was promoted, I guess, to the Committee on Ways and Means. He served in the Committee on Foreign Affairs, and he took on the brutal dictator in Africa and really led the then Carter administration to focus on the policy of Idi Amin and the problems that were occurring in Africa at that time, and so often, I think, these nations that are less developed, have less focus, are not that we are very much European-centric, as it were, in terms of our foreign policy, but I think that the gentleman from Ohio [Mr. PEASE] in that case played a very important role as the conscience of the House and, finally, of the Nation, to deal with the type of repression that was going on in Uganda at that time. And so I can remember when he started out.

Then, of course, he slipped from the Committee on Ways and Means and did the yeoman service that has really characterized, I think, more his contributions in the future, and while his name—he had to be satisfied being in an omnibus tax bill, an omnibus welfare bill, an omnibus trade bill, I do not think—I think that we understand the measure of success.

I am very happy now that I have talked to DON, and DON is going to take his famous walking, his legendary walking, programs in the parks and public lands, and he is going to do a personal oversight work for me in these areas. So, I will be well equipped and armed to come back here and to hold accountable the Park Service, the Forest Service and others because of DON PEASE's work and the work of his walking shoes in those areas. So, I am looking forward to getting that information back and employing his as one of my agents out in the broad parks and public lands of this Nation. I know he is looking forward to fulfilling that new mission that I am assigning to him this evening.

I thank the gentleman from Ohio [Mr. STOKES] for having yielded to me.

Congressman DON PEASE has been an outstanding Member, indeed an ideal Member of Congress throughout his service over the past 16 years in the U.S. House of Representatives.

DON PEASE and I began our service together and over the course have become good friends. While assigned to different committees, we found significant common interests and concerns with regards to many public and policy issues.

I will miss his thoughtful analysis and objective review of the issues before his committee that he shared with the Members and specifically with this Member and our informal commutes back and forth to the Hill when we could share, in depth, the issues before our respective committees. Certainly, this type of synergy is what underlies the basic strength of the legislative branch of our Government.

While DON PEASE has been satisfied to contribute behind the scenes to the big tax bills or the omnibus reconciliation measures or welfare reform, he is surely recognized by Members as a major author of significant public policies that have led to creative, meaningful laws serving our Nation today.

Too often in these past sessions we have been left to defend existing programs and National Government commitments, trying to hold together a semblance of Federal Government, rather than free to cooperatively tackle evolving issues and new problems that have been visited upon the people we represent. DON PEASE held up well throughout this process, building the support for time honored trade laws and the trade adjustment assistance program, key to working people in this Nation.

Surely this Congress will miss the reasonable and effective work of DON PEASE, but I take some satisfaction in knowing that he will be available for consultation and no doubt a special advocate for our common interest in conservation issues. I expect him to do most of his famed walking in the national parks and forests and return to me all the oversight information that we will need to craft more effective policy for these areas that we share a mutual love for as part of the American heritage.

I wish DON and his spouse, Jeanne, all the best in the future and hope that we will see them often in years ahead. Their contributions and friendship have had a special meaning to me and my family.

Mr. STOKES. Mr. Speaker, I thank the gentleman from Minnesota [Mr. VENTO] for his significant contribution here, too, this evening.

Mr. Speaker, I am very pleased now to yield to another distinguished Member of the Ohio delegation, the gentleman from Akron, OH, Mr. SAWYER.

Mr. SAWYER. Mr. Speaker, I first want to thank our distinguished dean, the gentleman from Ohio [Mr. STOKES], for having taken this hour this evening in order to recognize the distinguished contributions of our colleagues we recognize tonight. I would be remiss if I did not mention the friendship, the collaboration, the working together that all of us have done with our colleagues, CHALMERS WYLIE and CLARENCE MILLER.

Mr. Speaker, they, like the four whom we come here tonight to speak about, are good friends and will be well remembered in this body.

Mr. Speaker, one of the things that has distinguished our delegation, in addition to all of the extraordinary and exemplary service that we have heard detailed prior to what I have to say tonight, one of the things that distinguishes this delegation is the remarkable amount of overlapping services that we have had with one another over the years. Fully two-thirds of us have overlapping service over the last 25 to 35 years in the Ohio General Assembly. We have graduated from that graduate school of parliamentary procedure and practical politics in a way that I, as one who has followed these four into this Chamber, can appreciate perhaps as well as any of us. We have been through battles together over many years.

DON PEASE, I recall in the general assembly session in Ohio between 1974 and 1976, was one of the leaders in a substantial public utility reform measure on which I was a legislative agent on behalf of the public utilities commission of the State of Ohio, and I will always remember coming before his committee and just being bombarded with one incredibly complex question after another until I got to PEASE, and he just kept serving up one softball after another. It was perhaps the greatest service that one could do to a young spokesman on behalf of complex legislation.

Mr. Speaker, the kind of work that really has characterized what DON PEASE, and DENNIS ECKART, and ED FEIGHAN have done since they have come to this Chamber is the kind of work that even on those relatively rare occasions where they disagreed, their capacity to work within this delegation to serve the better interests of the whole State of Ohio is no accident. It comes from years and years of working together.

CHARLIE LUKEN and I, in addition to the kind of overlapping service that the other three and I have had in legislative settings in Columbus, CHARLIE and I served together as mayors, he of Cincinnati, and I of Akron, and I can say without qualification that, as I looked across the State at that handful of colleagues of mayors of major cities that there was no one in Ohio that was better loved, more respected, for his balance, for his even-handedness, for his recognition of the breadth of the needs of all of his constituents than CHARLIE LUKEN. He brought that attitude, that notion that there is no Republican or Democrat way to pave a sidewalk, or to resurface a street, or to build a bridge.

Mr. Speaker, he brought that to this U.S. Congress, and, as a result, the kind of work that he has done here has reflected that willingness to continue to build, to pave sidewalks, to resurface streets and to rebuild bridges, not only cross rivers, but among Members whose differences sometimes are greater than they needed to be.

Mr. Speaker, as those of us who come here tonight turn and look back across that service that all four have given, it is with a sense of genuine affection, lasting respect and the desire to use the example that they have set to inspire our work as we go on that we come here tonight to offer genuine honor to them.

I want to thank our dean, the gentleman from Ohio [Mr. STOKES] for the opportunity to be a part of this.

Mr. STOKES. Mr. Speaker, I thank my distinguished friend and colleague, the gentleman from Ohio [Mr. SAWYER] for his contribution here this evening.

I am pleased now to yield to the distinguished gentlewoman from California [Ms. PELOSI].

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Ms. PELOSI. Mr. Speaker, I wish to thank the chairman very much for calling this special order in honor of our colleagues from Ohio and our colleagues in this House of Representatives. I am pleased to join with the gentleman in having this opportunity to acknowledge our colleagues CHALMERS WYLIE and CLARENCE MILLER on that side of the aisle who are leaving. I had the opportunity to serve with BRUCE VENTO and CHALMERS WYLIE on the Banking Committee. I know he will be missed there as the ranking member, and certainly Mr. CLARENCE MILLER will be sorely missed.

However new CHARLIE LUKEN was to the Congress, we knew about him long before he came here from his father who served so long and well, and we wish him success in his young years, as he just came here for one term, to go forward. Our colleague TOM SAWYER has very beautifully spoken of his contribution, both in this body and then civically across the board, not only in the Congress, but in the community.

ED FEIGHAN, of course, is a champion on human rights, a champion for human rights in Greece and Cyprus, a leader in the gun control issue, as Mr. VENTO has referred to. I will not repeat all of those kind things that have been said about him, except to say that I too will miss him.

DENNIS ECKART, this young man going out into the world, having served so long and well in the Congress of the United States. What is remarkable about him, and his constituents should know this, is that until the last day, and we only have 3 or 4 more days, but until the last minute you would think he was going to be here for the next 10 years. He is part of all of the planning and part of all of the bringing together of people for the future of legislation in this body now and down the road, ever trying to reach solutions.

I guess I would think the temptation might be when you are just about ready to leave that you might be wrapping up your own office, your own affairs, saying goodbye. But DENNIS is in the fray every day on behalf of his constituents and on behalf of the country, and I think that is another demonstration of his commitment. I know he will do well out in the world there, out beyond Congress, and the community will be well served by the experience he gained here.

It is with particular pleasure that I join my colleagues in honoring one of our finest members, DON PEASE, but it is also with much regret that this occasion means the loss of such a valuable individual from this institution. I am one of the many fortunate Members who have benefited from working with Congressman PEASE. When DON PEASE speaks, people listen. And with good cause. When he looks at an issue from all sides, his distinguished service in the field of journalism is obvious. He is an intelligent and thoughtful man who doesn't operate on whims but on well-reasoned, logical decisionmaking. This Nation needs more leaders like DON PEASE. DON has been a tireless advocate for the oppressed and downtrodden in what is sometimes a cruel and callous world. He has also been a leader in pushing for the improvement of workers' rights. And his work on human rights, from highlighting the atrocities in Idi Amin's Ugandan regime to finding creative ways to fight against abuses in China, is exemplary of the good work that should be accomplished in this body.

As you know, Congressman PEASE introduced the United States-China Act of 1992, which would condition China's most-favored-nation [MFN] status on improvement in human rights, trade and weapons proliferation, before China can have most favored nation treatment for its state-run industries. It has been an honor for me to be able to work so closely with Mr. PEASE, whose commitment to workers rights and human rights worldwide is a model for us all. His absence will be deeply felt by those of us who have served with him, and in fact, by all Americans.

Mr. Speaker, it is a sad farewell to Mr. PEASE, Mr. ECKART, Mr. FEIGHAN, Mr. LUKEN, and to our colleagues across the aisle. I again thank you, Mr. Chairman, for calling this special order.

Mr. STOKES. I thank the gentlewoman from California [Ms. PELOSI] for her very kind and warm words on behalf of these departing Members.

I am pleased to recognize my distinguished friend and colleague, the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, I thank the dean of our delegation, my good friend and distinguished Member, Congressman STOKES, for hosting this special order this evening on behalf of our departing Ohio Members. I do not know how many other States are going to lose 20 percent of their delegation, but we are certainly going to experience a loss come next January that will be irreplaceable to us.

It gives me great pleasure tonight to commend my colleagues who will be departing, but also great sadness for those of us who will remain, because their friendship will now be more distant.

First for DON PEASE, a member of our delegation with great seniority, who incidentally was born in Toledo, OH, and graduated from Scott High School and has had such a distinguished career here, and his wife Jeanne, whom I have seen many evenings walk with him down the dimly lit corridors of this Congress, a couple that seemed to be able to handle this job and a marriage and a family better than most I know, and I think they are an example to all of us.

To DON, whom I consider to be one of my closest friends in the Congress, what a loss you will be to us. Your knowledge on the Committee on Ways and Means and the Trade Subcommittee of what the 21st century is going to be all about will not be replaced.

I do not care how many Members get elected here and who gets appointed to that committee, they will not replace DON PEASE. Your knowledge of trade, the trade adjustment assistance program, you have been its champion now when others, including this administration and the one before, tried to zero it out. Without your presence we would not have that in place for the millions of citizens across this country who have been able to keep their homes and families together when their jobs have been moved elsewhere or completely eliminated from the face of the Earth.

All of your careful effort on unemployment compensation legislation, your ability to understand those complex formulas that elude most Members not on the committee, and your ability to try to provide decent service to our Nation's unemployed workers through our bureaus of unemployment compensation, an irreplaceable set of knowledge that you hold in your head, will leave that committee.

The gentlewoman from California [Ms. PELOSI], such a fine member herself, referencing your work on China, I know firsthand the patience that you exhibited far beyond my ability to exhibit patience with the Japanese parliamentarians, trying to actually open a dialog. My heavens, I watched you labor in those sessions with good humor. I think you would make a fine trade ambassador for this country, and I hope that the Clinton administration does not look further than Lorain, OH, when they need real talent to put out there on the trade front for our country.

I think that the fact that you were a journalist before coming here, a skilled writer and a fine researcher, have helped to contribute to this institution in a way that others really do not.

I certainly will miss you. I will miss Jeanne, and I know she will be glad to have you back under more normal circumstances than sitting in the Longworth Building offices. But I wish to say thank you on behalf of the citizens of our community, our State, and our country that you have so ably served while here. God bless you and your family.

To DENNIS ECKART and his wife Sandy and his little son that I watched take the oath of office with his father here a couple of times, your great leadership on the Energy and Commerce Committee, and in so many of the internal forums that we have here, our congressional campaign efforts and so forth, we were given much selfless service by you, and we are appreciative of your work in our delegation.

When I think of RCRA, forever I will remember you and the importance of the environment in resource recovery and all of the provisions you helped write into the law and all of the ideas you have as we move into the next century. What a loss to us as a State your departure truly is. The leadership you have shown on telecommunications, your ability to understand some of the most complex legal issues that come before that committee, whose jurisdiction is so broad, and your absolutely impeccable demeanor and your knowledge of the issues where one could go to you and you would always tell us in very straightforward terms what was contained in a given vote.

□ 2030

We wish you well. You are very young. You have a long future ahead of you, and we expect to see the name ECKART in several forums in the years ahead.

And to my friend ED FEIGHAN, a classmate, and his wife Nadine, I remember the first White House dinner we went to together after your election. We thank you for your service here in the arcane areas of foreign affairs and the Committee on the Judiciary. And for your absolutely unwavering commitment to the Brady bill, toward trying to bring some reason to what happens across this country. We will miss your good humor.

I will miss watching you eat all those chocolate bars back in the Cloakroom and still maintaining your fine physique throughout. And we will miss the intelligence of ED FEIGHAN and his absolutely dogged determination on issues where he took the lead in this Chamber.

Finally, to CHARLIE LUKEN, a former mayor of Cincinnati, son of a former Member, Tom Luken, who was absolutely overjoyed upon your election and swearing in to this Chamber, we wish you well as you move home to Cincinnati and to devote more time to your family and to your personal affairs in Cincinnati.

We are sorry we could not have more opportunity to serve with you and to get to know you better, but I am sure with your incredible talent that you will put it to work in many locations that will benefit the citizens of our State and our country.

I thank the dean of our delegation for sharing some of his time with me this evening. We wish all these fine, fine Members Godspeed.

Mr. STOKES. Mr. Speaker, I thank the distinguished gentlewoman for her contribution here this evening.

Mr. Speaker, in closing, as dean of the Ohio Democratic delegation, I can say quite honestly that the individuals whom we honor this evening are more than deserving of all the accolades that have been spoken here this evening. Over the years they have labored on behalf of their constituency and our region.

I am honored to have had the opportunity to serve in the Congress with DON PEASE, DENNIS ECKART, ED FEIGHAN, and CHARLIE LUKEN. Their service, leadership, and expertise has been greatly appreciated.

On behalf of the Ohio Democratic delegation, I extend my best wishes to each of them.

I also would be remiss if I were not to take just a moment to also say what a pleasure it has been to get to know over the years Sandy Eckart, Nadine Feighan, and Jeanne Pease. I have never had the pleasure of meeting Marcia Luken, but I have had the opportunity of knowing these other three wives very well.

They have been an integral part of everything that their husbands have stood for in this body. They have been their companions; they have been great representatives of their husbands' constituencies right here in Washington and back in their congressional districts.

It is not unusual at all on any given morning to see Jeanne Pease making the breakfasts around here with DON PEASE and diligently going through these Halls just as earnestly and conscientiously as he does.

So I think their constituents can be proud of the fact that while these men served them so well here in the Congress, their wives and their families were also serving them with an equal amount of dignity.

Mr. Speaker, I also want to express my appreciation to many of the other colleagues in this body who have submitted their statements for inclusion in the RECORD.

Mr. OXLEY. Mr. Speaker, CHARLIE LUKEN entered Congress 2 years ago with an excellent working knowledge of his constituents and the industries in his district. He also understands how the policies decisions in Washington could have a very real effect on Cincinnati.

His positions on the Committee on Banking, Finance and Urban Affairs and the Committee on Government Operations were helpful in insuring that the voices of his constituents were heard on the national policymaking stage.

Listening to and responding to the concerns of his constituents was always one of CHARLIE'S strong points. This skill was honed by his three terms as mayor of Cincinnati. While in this position, he responded to the needs of the people by reducing crime. He also crafted fiscal policies which kept Cincinnati solvent while other major cities were beginning to go into debt.

It is a shame that the sun is finally setting on the Luken dynasty on Capitol Hill. Nevertheless, I am confident that a new and broader horizon exists for CHARLIE LUKEN in the future. Good luck and goodbye.

Mr. Speaker, EDWARD FEIGHAN has made an indelible impression on Congress and Ohio over the last decade. He had an impressive beginning in the 98th Congress when he was named chairman of the House Foreign Affairs Task Force on International Narcotics Control. He was the only first-term Congressman during this session to hold a chairmanship. He has used this position to push for tougher economic pressures against nations that are the source of illegal drug exports to the United States.

Congressman FEIGHAN also extended his record of protecting the citizens of Ohio, during his tenure. Prior to coming to Washington, he served, along with me, in the Ohio House. During his stint in the Ohio House, EDWARD concentrated on housing issues. In fact, he chaired the Subcommittee on Housing.

EDWARD FEIGHAN has made a career out of making Ohio and the Nation better places. It is my hope that he will continue in this vein after he leaves the Hill.

ED—good luck and goodbye.

Mr. Speaker, since DENNIS ECKART first entered Congress, he has been viewed as a leader amongst his peers. He was elected freshman whip and named one of the outstanding new House Members by U.S. News & World Report in his first term.

With such a propitious start, it is hardly surprising that he has gone on to be an influential Member of Congress. I believe one reason for this is a penchant for thorough investigation into all sides of an issue before embarking on his mission. Furthermore, he has always been willing to break away from party lines in order to cast a vote for what he believes is correct. These characteristics have earned him much respect from his colleagues. I personally regard him as an excellent foil, a dedicated ally, and a laborious colleague.

DENNIS, ever mindful of his national influence on the Energy and Commerce Committee, has always remembered the needs of his fellow Ohioans. He has done an excellent job of finding a balance between his activist environmental stances and the industrial base of his constituents in Cleveland. In doing so, he has crafted innovative legislation which resulted in techniques such as pollution credits, which ease the burdens on industrial businesses while creating a cleaner environment for Ohio.

DENNIS, as a fellow Congressman and Ohioan, I will miss you. Good luck.

Mr. Speaker, Ohio and the Nation will be losing a good friend and hard worker in Congress when DON PEASE retires. He has managed to use his long tenure and positions on influential committees to balance out the needs of the Nation with those of his constituents back home. I, for one, am thankful for his presence and his work, since our districts border one another and have very similar interests.

He has used his position on the Committee on Ways and Means as podium from which to protect the needs of Ohio's citizens. He has also employed his influence in Congress to protect the interests of Ohio. For example, when Federal wetlands regulations began to threaten the industries of his districts, he became involved. DON tried to strike a balance between the needs of the environmentalists, landowners, and developers.

DON has also made international human rights one of his top priorities. He has often encouraged linking a country's eligibility for valued U.S. trade benefits to its respect for human and worker's rights. He has most recently embarked on this tactic with regards to China's eligibility.

DON, as a fellow Ohioan, I will miss your friendship and leadership in the future. Goodbye and good luck.

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to a distinguished colleague, DENNIS ECKART, who is retiring from the House of Representatives after serving Ohio's 11th District.

During his 12 years in Congress, DENNIS accomplished the difficult task of fulfilling both constituent needs and national concerns. Nowhere is this more evident than in his tireless efforts to strike a balance between pressing ecological problems and the concerns of his constituency. During the 101st Congress he fought for the passage of the Clean Air Act and also led the way for legislation that forced the Federal Government to comply with its own solid and hazardous waste regulations. However, he was also sensitive to the economic needs of Ohio.

I very much appreciate the support DENNIS gave me over the years on a number of issues important to me and to my constituents. I am particularly grateful for his personal attention to a bill I introduced this year to save the Dayton Area Health Plan which provides health care to low-income residents in my district. With his assistance, the bill was quickly enacted into law.

DENNIS is a long-time colleague who served with me in the Ohio General Assembly and I will miss him in Congress. He will be remembered by all as an honorable, ethical man who served the House of Representatives with dignity.

Mr. DINGELL. Mr. Speaker, during my tenure as chairman of the House Committee on Energy and Commerce, I have had the opportunity to work with a number of bright and fine individuals. And, over time, many of these friends and colleague have grown and contributed greatly to the committee.

One of these fine individuals is DENNIS ECKART.

The day DENNIS finally decided that he was not going to seek reelection to the next Congress, I attempted to persuade him to stay. I reminded him that he had made many fine contributions to the committee and the Congress—and to me personally. He told me that he couldn't remain in Congress because of his mounting frustrations with certain aspects of the electoral process and that he, quite frankly, had other things he would rather do.

This is why it is difficult to say goodbye to DENNIS. He is not the kind of person you can lightly dismiss and just send on his way. Since his first term in Congress in 1980, DENNIS ECKART was chosen by U.S. News and World Report and Congressional Quarterly as one of the outstanding new House Members. The National Journal dubbed Dennis as one of 13 rising stars noting that his "influence with energy Members transcends what his seniority would otherwise bestow."

DENNIS cleared that quote with me before he used it.

In all seriousness, DENNIS has been a first-rate member of the Energy and Commerce Committee, and his contributions will be remembered by its entire membership on both sides of the aisle. DENNIS was a major player in making changes to a number of pieces of legislation before the Energy and Commerce Committee. In particular, I would like to note his superb legislative ability, during the committee's consideration of superfund reauthorization legislation, in crafting language and developing the strategy to reform management of dangerous hazardous waste sites. His persistent efforts also resulted in major improvements in legislation authorizing the sale of Conrail.

But where I saw DENNIS at his best was during the committee's tumultuous revision of the Clean Air Act. I cannot think of too many other Members, other than DENNIS ECKART, who was so intensely scrutinized from both the environmentalists and industry. This was most evident on the acid rain reduction section of the legislation, where DENNIS had the unenviable duty of trying to balance the needs of his Ohio constituency with his strong desire to write a bill our friends in the environmental community could tolerate. He took a number of hard hits from both sides—but his skills as legislator, negotiator, and salesman thrust him into the role of a master juggler who played a key role in engineering an acid rain provision that accomplished the goal of reducing sulphur dioxide while protecting the options of his midwest electric utility ratepayers.

While serving in this institution, DENNIS has had a life outside the Energy and Commerce Committee. He is a member of the Small Business Committee, where he chairs the Subcommittee on Antitrust, Deregulation, and Ecology. Since 1987, he has served as co-chairman of the Democratic Congressional Campaign Committee, and was elected this Congress to serve as 1 of the 12 regional representatives to the Democratic Steering and Policy Committee and also serves as vice-chairman of the Northwest-Midwest Congressional Coalition.

In closing, I want to say with all sincerity that DENNIS has been a great friend and a highly-valued colleague who will be greatly missed. I know that after walking through the doors of this Chamber for the last time, that it will not be the last we will hear of DENNIS ECKART.

We will see DENNIS on the high ground, where he's always remained while a part of this institution, probably using his unique talent at improving legislation or public policy.

I will miss DENNIS, and he will always be remembered.

Mr. HOBSON. Mr. Speaker, I rise today to honor CHARLIE LUKEN, a fellow colleague and Member of the Ohio delegation.

Mr. LUKEN is retiring after serving one term and he will be missed in Congress. As a new Member of Congress, he brought enthusiasm and fresh ideas to this institution at a time when this Nation was ready for change. Although he served only 2 years, CHARLIE LUKEN has a long history of public service. He served Cincinnati well as a city council member from 1981 to 1984 and as mayor from 1984 until he was elected to Congress in 1990 to succeed his father, Thomas Luken.

CHARLIE LUKEN is a lifelong resident of Cincinnati, the city in which I was born and raised. My mother and sister reside in Cincinnati and hold CHARLIE LUKEN in the highest regard, as I do, for his dedication to the city and the citizens of Cincinnati.

I had the opportunity to work with CHARLIE LUKEN before we were both elected to Congress in 1990. In 1984, the Ohio Department of Mental Retardation and Developmentally Disabled was facing considerable problems, and CHARLIE, as mayor, worked with me to coordinate hearings in Cincinnati to overhaul the department. I commend him for the courage and leadership he showed during that time.

In addition, CHARLIE LUKEN was a good friend to me during my first days as a fellow freshman Member of Congress. I have had the opportunity to work with CHARLIE LUKEN on a number of local projects, particularly those which affect southwestern Ohio, and I appreciate his insight and input. He has continued in Congress, as in his previous offices, to work on behalf of the constituents of the First Congressional District of Ohio.

CHARLIE LUKEN has also made an impact with his work on the Banking and Urban Affairs Committee, and I have enjoyed working with him on the Government Operations Subcommittee on Energy, Environment, and Natural Resources.

Mr. Speaker, I have greatly enjoyed serving my first term in the U.S. Congress alongside a fellow Ohioan, CHARLES LUKEN. He has a strong record of serving the city, State, and Federal Governments with dedication and I wish him the best as he begins his career in news broadcasting.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in honoring the Congressman from Ohio's First District, CHARLES LUKEN.

I have had the pleasure of working with Mr. LUKEN on the Committee on Banking, Finance and Urban Affairs, and he has served as a bright newcomer on my Subcommittee on Financial Institutions Supervision, Regulation, and Insurance.

Many of us knew his father, Thomas, during his seven terms in this House, but CHARLES LUKEN has distinguished himself on his own here, both as a member of the Banking Committee and as a member of the Government Operations Committee. Prior to his service here in the House, he had established a fine record as a city council member and three-term mayor of his native Cincinnati.

As the chairman of the Financial Institutions Subcommittee, I commend CHARLES for his many legislative contributions to the subcommittee, and for his personable outlook and fresh approach.

As he leaves the Congress to assume other responsibilities, I wish for CHARLES LUKEN good luck and Godspeed in the years ahead.

Mr. MILLER of Ohio. Mr. Speaker, I want to take a moment to thank my fellow member of the Ohio congressional delegation, LOUIS STOKES, for taking this special order to collectively honor four Ohioans who are leaving Congress at the end of this session. I am grateful for your leadership in this matter, and I know that our other members are as well.

With this special order, we are recognizing the service and the outstanding legislative contributions in the House by CHARLES LUKEN, DONALD PEASE, DENNIS ECKART, and EDWARD FEIGHAN. While their service in the Congress is varied with regard to the number of years they've served, they nevertheless have the common bond of being extremely conscientious legislators who have consistently devoted their energy and abilities to the best interests of the citizens they represent.

Each came to Congress with an impressive history of public service: CHARLES LUKEN was an effective member of the Cincinnati City Council and served the River City as its mayor. DENNIS ECKART, DONALD PEASE, and ED FEIGHAN all served Ohio well as members of the Ohio General Assembly before coming to Washington. In each case, these men brought an appreciation for government at the grassroots with them to the Nation's Capital. In each case, they clearly understood the demands Washington places on local and State Government to abide by rules and regulations that oftentimes prove to be more burdensome than helpful.

In addition to their vast experiences in public service, each man we're honoring with this special order includes in their background involvement in civic organizations which have helped to promote the economic and social well-being of the communities in which they reside and work.

In DON's case, I know he came to Congress extremely well prepared: He obtained both his undergraduate and graduate degree from Ohio University in Athens, which is in the heart of the congressional district I have been privileged to serve for the past 26 years in Congress. DON has proven to be a tremendously important member of the House Ways and Means Committee and his sharp eye on the Federal budget as a member of the Budget Committee has always been welcomed and deeply appreciated.

CHARLES LUKEN, too—in just one term—proved his worth as an effective member of the House Banking, Finance and Urban Affairs Committee and the House Government Operations Committee. ED was a valued member of the House Foreign Affairs Committee during the Nation's most trying experience in recent years—the Persian Gulf war. As a member of the House Judiciary Committee, he applied his legal background and expertise on many occasions in the consideration of legislation important to Ohio.

DENNIS was a valued member of the Energy and Commerce Committee during the consideration of some of the most important environmental legislation brought before the House. While I might have differed with this assessment of some of that legislation, I respected DENNIS' ability to make a point, take a position, and defend it in the face of what had to be significant odds, at times.

Mr. Speaker, the census has reduced Ohio's voices in the Congress by two. Ohio is going to have to adjust to that fact. In addition, Ohio will have to adjust to the loss of these four Members and I am sure that their constituents will miss their solid representation in the House just as they will be missed by those remaining here. I want to express my personal thanks to all four men—DENNIS, DON, CHARLES, and ED—for a job well done.

Thank you very much and may I wish all of you the very best.

Mr. FASCELL. Mr. Speaker, I take great pleasure in joining the Ohio delegation today to honor our colleagues DENNIS ECKART, ED FEIGHAN, CHARLES LUKEN, and DONALD PEASE.

I am sure that their contributions not only to the people of Ohio, but to all the people of the United States whom they have served during their tenure in the Congress will be long remembered and much appreciated. As they venture forth on new paths of endeavor, our best wishes go with each of them for a long and prosperous life.

I want to take his opportunity to single out ED FEIGHAN and to express my most sincere appreciation to him. ED and I have served together with the Committee on Foreign Affairs for years now, so I am well acquainted with the dedication and attitude of service that he has always brought to our Foreign Affairs deliberations. His leadership as chairman of the task force in the fight against drugs and to promote an international approach to the enforcement problem will continue as a benchmark for years to come.

I want to tell ED and all of you here today how much his work and input was appreciated by all members of our committee. ED was also very active on both the Europe and Middle East and the Africa subcommittees. In addition, he did considerable work as a member of the Helsinki Commission through the years.

My best wishes to ED. We will miss him and the Congress will miss him. Best of luck and Godspeed.

Mr. PANETTA. Mr. Speaker, I would like to join in the tribute to my distinguished colleagues from the State of Ohio, who will be leaving us after so many years of faithful service. Among them, they have 40 years of experience on Capitol Hill. Their record of achievement should serve as a shining example to the people of Ohio, to their colleagues, and to those who will have the privilege of succeeding them in office.

DON PEASE, with whom I have had the honor of working closely on our efforts to reduce the Federal budget deficit, has served with distinction in this House for 16 years. I would like to offer my public compliments to DON for his unstinting work, his keen insight on fiscal, tax, and economic issues, and his sound judgment as a Representative of the people. DON has been a valued colleague on the Budget Committee, and his contributions to our deliberations and actions have been invaluable.

DON'S quiet courage and long hours of analysis enabled him to produce serious efforts to resolve our most intractable issues in the face of the familiar opposition from his more callow colleagues. He has been one of the few to grasp the nexus of economic, tax, and budgetary issues and to show Members on both sides of the aisle what hard choices are needed and what steps must be taken.

I salute you DON, for your character, perseverance and record of accomplishments, and I wish you, your wife, Jeanne and your daughter, Jennifer, the best of luck in all your future endeavors.

DENNIS ECKART has received many accolades this year on and off the Hill in which he is invariably described as a promising future leader. But let us be very clear about DENNIS' tenure here. He has more than fulfilled his potential. DENNIS ECKART has been an outstanding Congressman and advocate for the people of Ohio. His contributions to our Nation's environmental laws have been manifold, marked by intellectual acuity and steady, concentrated effort. I would like to thank DENNIS for his expertise and achievements in this area of the law. Environmental cleanup proponents are losing a valuable ally in DENNIS ECKART, a man who never shied from close examinations of administration positions and personnel on behalf of the environment and the public health.

Through his dedication, culminating in the last several weeks, DENNIS helped to pass several pieces of legislation which will be critical in preserving our precious water resources and in holding the Federal Government and private businesses to the same high standard. His work on the Clean Drinking Water Act, the Great Lakes Research and Management Act, and the Superfund law will protect and preserve the environment for generations of Americans to come. I am sure that DENNIS will continue to contribute his talents to the service of the public trust, and I am grateful for this chance to pay tribute to his fine record in the House.

ED FEIGHAN has spent over 2 years in the service of the public trust, starting with his election to the Ohio General Assembly in 1972. As a distinguished member of the Judiciary Committee, ED sponsored the Brady bill, which passed the House last year. Long an advocate of gun control legislation, his efforts in this area will make our Nation's streets safer. ED is a kind and good man of notable integrity and probity, and I want the world to know that he has served with distinction and dedication. No one ever worked harder on behalf of his constituents. Thank you, ED, for your contributions to the Congress. I would like to extend my best wishes to you and your family as you embark upon a well-deserved new career.

Finally, to CHARLIE LUKEN, I want to say that it has been a pleasure to work with you on occasion these past 2 years. CHARLIE'S energy and enthusiasm is matched by his judgment and intelligence. In 2 years CHARLIE has managed to make serious contributions to the Banking, Finance and Urban Affairs Committee, and has established a record of which he and his constituents can be proud. It has been a pleasure and privilege to have worked with CHARLIE LUKEN.

Mr. RINALDO. Mr. Speaker, I rise today to pay tribute to our distinguished colleagues and good friends, DENNIS ECKART, ED FEIGHAN, CHARLES LUKEN, and DONALD PEASE.

DENNIS ECKART was first elected to Congress in 1980, and was quickly recognized as a talented and able legislator. He has been an extremely effective member of the Energy and Commerce Committee, and has successfully guided numerous pieces of legislation through the Congress, including improvements to the Superfund program, the Safe Drinking Water Act, legislation to assist in retraining dislocated workers, and the Great Lakes Management Act, which seeks to remove toxins threatening the quality of the Great Lakes. He also wrote many key provisions in the landmark Clean Air Act, including sections to curb urban smog and acid rain.

DENNIS has also served with distinction on the Small Business Committee, where he chairs the Subcommittee on Antitrust, Deregulation, and Ecology.

Before coming to Congress, DENNIS served three terms in the Ohio House of Representatives, and was an assistant Lake County prosecutor prior to that. He graduated cum laude from Xavier University in Cincinnati, and was a 1974 graduate from the Cleveland Marshall College of Law of Cleveland State University.

DENNIS is leaving Congress to spend more time with his family, and also because of the legislative gridlock that has taken hold in Congress. the U.S. Congress and the American people have certainly benefited from his dedication and hard work, and I wish him the very best for the future.

ED FEIGHAN was elected to Congress in 1982, and has provided the people of Ohio's 19th District with able service ever since.

ED is perhaps best known for his tireless work in the House to win passage of the Brady bill, legislation to mandate a national 7-day waiting period for handgun purchases. His interest in combating firearms violence dates back to his service in the Ohio House of Representatives from 1973 to 1979, and was spurred by an incident in 1984 when a gunman went on a rampage in a Cleveland public library, killing and wounding several people.

The passage of the Brady bill in the House was a notable achievement for ED. It was, as he put it, "a chance to save some lives * * * a chance to prevent some of the carnage on America's streets." I hope that Congress will pass this common sense initiative to provide the American people with a needed safety net to prevent criminals from obtaining handguns through retail outlets.

In addition to his skilled work on the House Judiciary Committee, ED distinguished himself on the Foreign Affairs Committee as well, earning a strong reputation as an ardent human rights activist.

ED'S soft-spoken, down-to-earth style has earned him deserved praise. He has been an able legislator and a credit to this institution, and I wish him the very best.

CHARLIE LUKEN has only been with us for a short period of time, but he has quickly demonstrated his keen abilities as an effective legislator. He has distinguished himself on both the House Banking, Finance and Urban Affairs Committee and the Government Operations Committee.

CHARLIE was born in Cincinnati, and has devoted much of his life to public service. He received a bachelor of arts degree from the University of Notre Dame and a law degree from the University of Cincinnati College of Law. He served on the city council from 1981 to 1984, and was elected mayor in 1984, and served in that capacity until he took office in the House of Representatives in January 1991.

CHARLIE LUKEN is but one of many good, decent people who are leaving Congress for various reasons. I for one will be sorry to see him go, and I wish him, his wife Marcia, and their three children the very best for the future.

DON PEASE was first elected to the U.S. House of Representatives in 1976, and served the people of Ohio's 13th Congressional District ever since.

DON was born and raised in Toledo, OH, and attended Ohio University where he received a B.S. In journalism and an M.S. in government. He also attended the University of Durham, England, on a Fulbright Scholarship, and he has been awarded two honorary doctor of law degrees, one from Ohio University and one from Oberlin College.

DON served in the U.S. Army and later became the editor-publisher of the prize-winning Oberlin News-Tribune. His public service began in 1961, with his election to the Oberlin City Council, followed by a decade of service in the Ohio General Assembly.

In Congress, DON has served with distinction on the Foreign Affairs Committee, the Science, Space, and Technology Committee, the Ways and Means Committee, and since last year, the Budget Committee.

DON demonstrated a strong commitment to human rights early in his career, leading the successful drive in Congress to ban United States coffee imports from Uganda in protest against the genocidal regime of Idi Amin.

Later on, DON worked very diligently to make improvements in the U.S. Tax Code, serving on the conference committee for the landmark Tax Reform Act of 1986. He has also focused his efforts toward programs that will assist American businesses to compete in the global marketplace, and was a major force behind the passage of the Omnibus Trade and Competitiveness Act of 1988.

DON has demonstrated a sincere commitment to the well-being of the American worker. He will leave Congress this year, but he will be able to look back upon a notable and distinguished legacy of accomplishments. I want to extend to him, to his wife Jeanne, and their daughter my very best wishes for the future.

Mr. SCHAEFER. Mr. Speaker, as my colleagues well know, it is difficult for a day to go by that we are not reminded of the generally unfavorable impression the American people have of this institution. While this, in itself, is disturbing, it is particularly so when one considers that many of their criticisms are justified. Of those, perhaps most concerning is the belief that the public interest has fallen victim to partisan politics.

For the most part, the Energy and Commerce Committee has been an exception to that assessment. In taking on enormous legislative tasks of paramount importance to the American people—superfund, clean air, rail strike, et cetera—its members have repeatedly risen above the political gridlock to produce responsible, balanced, and bipartisan results. In each of these instances, DENNIS ECKART established himself as a leader.

For to DENNIS ECKART, a common goal takes precedence over a common party affiliation. Over the course of the last 5 years, I have had the opportunity to work closely with DENNIS on an issue of mutual importance: Environmental compliance at the Nation's Federal facilities. A strong ally in this effort, he proved unselfish when it came to taking credit for his successes. Instead, he was more concerned with the results.

Far more than a capable colleague, however, DENNIS is a friend. His departure marks a loss not only for the committee, but personally for those who have gotten to know him. Most important, his leaving will cost Congress one of its best arguments against the thought that we in Washington care more about politics than policy.

I imagine, given his youth, potential, and commitment, that DENNIS ECKART and public service will not be divorced for long. On behalf of the American people, particularly those who need their faith in Government restored, I certainly hope that is the case.

Mr. HALL of Ohio. Mr. Speaker, amid charges that confusion and caprice reigns in government these days, DON PEASE has always brought reason, deliberation, and common sense to the proceedings of the House of Representatives. For that reason all of us will surely miss DON when he retires at the end of this Congress.

DON set high goals for Congress and he worked to fulfill them. As a former newspaperman, he was dedicated to openness in the governmental process. Yet, as an experienced legislator, he never let process get in the way of efficiency.

DON'S work on the tax bill in 1990 is an example of his sense of fairness in the Tax Code. It also stands as a monument to his ability to work with his colleagues on both sides of the aisle as well as the administration.

Don and I served together on the Foreign Affairs Committee. Though neither of us still sits on that committee, we have continued to work together on issues related to international human rights.

Don will be remembered by his constituents for tireless service, listening sessions, and town meetings. Here, he will be remembered for his modesty, professional demeanor, and keen humor. The Nation will miss him for his dedication to good government and his ability to put his ideas into action.

Fortunately, Don's work will continue when he teaches political science at Oberlin. There he will be able to instill into future generations the same knowledge and respect he has shown this institution for so many years.

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to four of my Ohio colleagues who will retire at the end of the 102d Congress. They are Congressmen Don Pease, Ed Feighan, Dennis Eckart,and Charlie Luken.

"One of the standing jokes in Congress," a scribe once wrote, "is that the new Congressman always spends the first week wondering how he got there, and the rest of the time wondering how the other Members got there."

This observation was found in the pages of the Saturday Evening Post nearly 100 years ago. Yet, I would suggest that it is a statement worth examining as we salute these four men today.

First of all, at least in the case of Charlie Luken, we learn that we should amend this observation. Charlie has served his one term in Congress during the most turbulent and frustrating time this institution has seen in many decades. His retirement reminds us that, in this day and age, a Member of Congress not only wonders how he got here and how other Members got here, but he also spends his time figuring out how he can get out of here.

Second, as a relatively new Member of Congress myself, it has never been a mystery to me how people like Charlie, Dennis, Ed, and Don earned a spot in the U.S. Congress. While I sit on the opposite side of the political aisle, I know that these four gentlemen have served the people they represent with admirable diligence, keen intellect, and exemplary commitment.

I have known these gentlemen for many years. I served with three of them—Don Pease, Dennis Eckart, and Ed Feighan—in the Ohio Legislature. I remember each of them then as I would characterize them now: Hard-working, honest, with the interest of the people they represent always at heart.

When I was Ohio Senate president, I had the good fortune of meeting local elected officials from every corner of our State. It was in that capacity that I had the opportunity to work with Charlie Luken. While he was mayor of Cincinnati, I could always count on Charlie to represent his community in a reasoned, professional manner.

Mr. Speaker, Don, Dennis, Ed, and Charlie have seen many issues through a different lens than I have. This partisan divide does nothing to mitigate the regard I have for each of them. It is with this in mind that I take this opportunity to offer a personal, going-away wish to each of these four gentlemen.

To Denny Eckart, I wish you the best of luck in your new role as a television commentator in Cleveland. Now you will get a taste of real power.

To Charlie Luken, I wish you a future in which you do not look back on your 2 years in Washington in the same light Terry Anderson thinks of his years in Lebanon.

To Don Pease, I take note of the fact that your home in Oberlin will, because of redistricting, lie just near the border of the congressional district I represent. So today I would like to make you an honorary constituent, and want you to know my door will always be open to you. Whether or not you consider that an honor is another matter.

And finally, to Ed Feighan, I wish you the comfort that comes from never again having to explain the shape of your district, a geographic phenomenon no less mysterious than the rings around Saturn.

I wish all of you—Denny, Charlie, Don, and Ed—the very best in the days ahead. I hope you and your families enjoy the pride that comes from knowing that you have given your all and left your mark in the public arena.

Mr. HOBSON. Mr. Speaker, I rise today to recognize a fellow member of the Ohio delegation, Dennis Eckart, and his 12 years of exemplary service to this body of Congress.

Dennis Eckart was elected to Congress after serving as an assistant Lake County prosecutor and as an Ohio State representative for 6 years. He has often been recognized as a star in Congress and with good reason. He was elected to a leadership role during his first term in 1980, to serve as freshman whip, and during his second term he was selected as a member of the powerful Energy and Commerce Committee.

His leadership on the House Energy and Commerce committee will be missed. He has worked to protect the interest of his industrial district in Cleveland, while also striking an equitable balance with the environmentalists. He has authored a number of measures to improve our Nation's drinking water, the quality of the Great Lakes, and the management of the Superfund Program.

I have had the opportunity to work with Dennis Eckart on Ohio projects and have a high level of respect for him. We share a mutual friend. Denny Wojtanowski of Columbus, with whom we both have enjoyed working over the years.

I would like to take this opportunity to thank Dennis Eckart for his hard work in the U.S. Congress on behalf of the citizens of Ohio's 11th Congressional District. I wish Mr. Eckart the best of luck in his future, I am sure he will be met with continued successes.

Mr. REGULA. Mr. Speaker, one of the satisfactions of serving in this body has been the excellent cooperation that has characterized the Ohio delegation. I do not know of one instance wherein there has been a division on any issue important to Ohio.

There is always strong bipartisan support for projects and policies that benefit Ohio regardless of which district is directly benefited.

Dennis Eckart, Ed Feighan, Charles Luken, and Donald Pease have all been very valuable members of the Buckeye team. Because of the influential committee assignments of Don, Dennis, Ed, and Charles, the Ohio delegation has influence that gives each member leverage that enables Members to achieve benefits for their constituents in individual districts.

The retirement of these four Members will be a great loss to Ohio and the Nation.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman Don Pease of the 13th District of Ohio for his 16 years of outstanding service in the House of Representatives.

The 13th District, where factory workers predominate, could not have chosen a better Representative than Don Pease. He has taken the concerns of the blue-collar workers—not just from his district, but from all over America—and made them his number one priority. During his service on the Ways and Means Committee, he has worked with vigor and dedication to protect the industrial economy of his district and the jobs of his constituents as well as all Americans.

Don has also demonstrated a marked ability to see both sides of an issue, a skill he learned perhaps during his days as the editor of the Oberlin News-Tribune. Republicans and Democrats alike are familiar with his mastery of the art of compromise without which no bill could become public law. A limit on tax deductions, the Pease plan for renewing trade relations with China, and the push for international labor standards all came about as a result of his legislative dexterity.

Don Pease has compiled an excellent record of achievement during his service in the Congress. As he leaves to assume other responsibilities, I congratulate him and wish him well in all of his endeavors.

Mr. GIBBONS. Mr. Speaker, when Don Pease leaves the Congress, it is the American people who will be the great losers.

I have known Don for his entire congressional career and have had the privilege of working with him. He is a fine, clear-thinking person who takes his responsibility seriously. And, fortunately for all of us, he has the skills to handle the challenge. He is conscientious in his consideration of the issues, and he is diligent in seeking good solutions. He is a gentleman—a thoughtful, considerate person, and he has contributed much to all of us in his years of service.

Don and his wife Jeanne are a wonderful couple. They work well together, and they strengthen each other. I will miss Don Pease as a friend, but I will miss him even more as a fine, constructive legislator.

Martha joins me in wishing Don and Jeanne the very best for the future.

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to Mr. Edward Feighan, a fellow Ohioan who will retire at the end of the 102d Congress after five terms as a Member of the House of Representatives.

As a lifelong resident of Lakewood, OH, Ed Feighan has a long history of faithful public service. In 1972, he was elected to the Ohio General Assembly where he served for 6 years. In 1978, he was elected to the Cuyahoga County Board of Commissioners on which he served until his successful bid for U.S. Representative of the 19th Congressional District of Ohio in 1982.

During his first term in Congress, Ed Feighan was appointed as the chairman of the House Foreign Affairs Task Force on International Narcotics Control, the only freshman

Member appointed to a chairmanship during that session of Congress. With this chairmanship and his membership on the Foreign Affairs Committee, he has taken a tough antidrug stance and pushed for strong policies toward countries which are major sources of illegal drug trafficking.

ED FEIGHAN has been a champion of handgun control legislation throughout his 10 years in Congress. He was a sponsor of the Brady bill to mandate a national 7-day waiting period for handgun purchases and worked hard to gain support for the measure which passed the House of Representatives last year.

As a member of the Foreign Affairs Committee and the Commission on Cooperation and Security in Europe, also known as the Helsinki Commission, Mr. FEIGHAN has demonstrated his dedication to human rights issues. This has transferred to his local constituent service where he has been successful in assisting local ethnic families in obtaining emigration rights for their families in the Soviet Union.

Mr. FEIGHAN will be missed by the constituents of the 19th Congressional District and by his fellow members of Congress. I would like to wish ED FEIGHAN the best of luck with his new restaurant business. Being a restaurateur myself, I know that he will be as successful in the restaurant business as he was in Congress.

Mr. CRANE. Mr. Speaker, the congressional labors of DONALD PEASE will long be remembered in both the House of Representatives and the House Ways and Means Committee on which we both serve. For over a decade and a half he has served his Nation and his State well. DON has decided to retire at the conclusion of this 102d Congress.

DON PEASE was first elected to Congress 16 years ago. Before that he gained legislative experience while serving in the city council of his native Oberlin, as well as the Ohio State Senate and House of Representatives.

Conflicts between the press and legislative councils are not unknown to him. He has been on both sides of the fence in this area. His background, besides revealing legislative knowledge, also shows that he has held the titles of editor, coeditor, and copublisher of the Oberlin News-Tribune.

As a fellow member of the Trade Subcommittee of the House Ways and Means Committee, I viewed DON PEASE as one who sought a solution to this Nation's trade problems. We have disagreed on a number of matters, but I have always acknowledged his desire to search for an answer to trade difficulties.

It should be noted that DON also served his country in the U.S. Army in 1955 to 1957.

DON's retirement will bring to an end a distinguished career which spanned 16 difficult years.

Mr. HUGHES. Mr. Speaker, I rise today to honor 11 years of distinguished service to this House by my friend, DENNIS ECKERT of Ohio.

DENNIS has a record of accomplishment in this House of which he has reason to be proud. His contributions as a member of the Energy and Commerce Committee have been numerous. His tireless work to forge a compromise on clean air legislation were critical to helping the passage of that landmark legislation through the House. His efforts to increase accountability in the nuclear industry when accidents occur is also of vital importance.

DENNIS has well served his 11th District of Ohio, and the country with integrity. I am pleased to join with his constituents and our colleagues, in expressing my sadness that DENNIS has completed his time in the House. I wish him well in whatever new and exciting challenges await him.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman EDWARD FEIGHAN of the 19th District of Ohio for his 10 years of distinguished service in the House of Representatives.

His vigorous and unswerving efforts to restrict access to handguns have in large measure been responsible for passage in the House of the Brady bill which mandates a 7-day waiting period on handgun purchases. Other measures which Ed has championed to thwart criminals include standardizing the requirements for bullet-resistant vests and reducing the illegal use of drugs.

In his position on the Foreign Affairs Committee, he has worked diligently to aid his Eastern European constituents, to assist troubled regions in the Third World, and to fight for international human rights.

When the 19th District was created in 1982, the voters in that district selected ED FEIGHAN to represent them. During the subsequent decade, their confidence in him has been more than amply justified.

As he retires from the Congress, I extend to ED my congratulations and best wishes for continuing success in all of his future endeavors.

Mr. HOBSON. Mr. Speaker, I rise today to honor DONALD PEASE as he prepares for his retirement after 16 years as a faithful Member of the U.S. House of Representatives. It is an understatement to say that he will be missed.

DONALD PEASE has a long history of dedicated public service, beginning in 1961 with his election to the Oberlin City Council. He then spent 10 years in State politics serving as a State representative and State senator until he was elected to Congress in 1976.

DON PEASE has been a strong and influential force within the Ohio delegation. He is to be commended for bringing this delegation together to work on projects that benefit the State of Ohio. Through his leadership, the delegation has met on a regular basis. He has been successful in creating a more cohesive environment among the Ohio members. His presence will continue to be felt long after his departure.

DON PEASE currently serves on the Budget and Ways and Means Committees. Through his work as a former member of the Foreign Affairs Committee and as a member of the Trade Subcommittee of the Ways and Means Committee, he has earned a reputation as a champion of human rights. He has linked U.S. trade policy to a country's human and worker's rights, and is presently urging Members to consider China's progress in the human rights arena when deciding whether to extend most-favored-nation trading status to China.

In addition to his work to improve human rights, DON PEASE is also an advocate of tax reform. As a member of the Ways and Means Committee, he has been a supporter of lowering the capital gains tax as well as general reforms to make the tax system more equitable for the middle-class worker.

DON PEASE has served the 13th Congressional District with honesty and integrity. He worked to bring economic development to the area and aid in his district's recovery from the recession. He secured $8.7 million to complete the Route 250 bypass project and worked with the local school board to obtain a much needed $1.7 million grant. In addition, he has been instrumental in securing Federal funds for a number of local projects, thus demonstrating his responsiveness to his constituents.

I have greatly enjoyed having the opportunity to work alongside DON PEASE. We have had numerous discussions on issues of which I have thoroughly enjoyed his insight and intelligence. I would also like to take this opportunity to say that Mrs. Jeanne Pease and her presence in Washington has also been a pleasure. Mr. Speaker, I wish DONALD PEASE the best of luck in his retirement from the U.S. Congress.

Mr. HALL of Ohio. Mr. Speaker I rise to recognize a distinguished colleague from Ohio, ED FEIGHAN, who will be leaving the House of Representatives after 10 years of service.

ED will be remembered as the man who had the courage to fight for his convictions. This is especially true in his work as the leading sponsor of the Brady bill when he refused to back down despite some disappointments and strong opposition. ED has also been a strong advocate for the nation of Israel. He argued successfully for United States funds to help Israel with the resettling of Soviet Jews in 1990 and again in 1991. As a former seminarian he has even taken his concern for Israel to the Vatican, asking for full diplomatic recognition of the Israeli Government.

ED FEIGHAN will be remembered as a skilled legislator who served the 19th District of Ohio with honor. I will miss ED and the determination that he brought to the Ohio congressional delegation.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman DENNIS ECKART of the 11th District of Ohio for his 12 years of distinguished service to the House of Representatives.

During his first term, DENNIS merited a whip's position, and subsequently, was named a regional chairman on the Democratic Congressional Campaign Committee.

During his service on the Committee on Energy and Commerce, Mr. ECKART compiled an impressive record of accomplishments, working to improve the industrial economy through measures to provide antipollution credits and safety enhancement incentives while at the same time protecting our Nation's environment through passage of the Clean Air Act Amendments and similar bills. Those of us in the House who have watched DENNIS in action truly admire his grasp of the complicated technical issues pending before the Commerce Committee.

DENNIS ECKART's positive and balanced approach to reaching a consensus on controversial legislation will be missed, but at the same time he leaves a legacy of solid environmental legislation on which the Members of the 103d Congress can build confidently.

In the years ahead, I wish for DENNIS continuing success in all of his endeavors.

Mr. HUGHES. Mr. Speaker, I rise today to join with my colleagues in saluting 9 years of distinguished service to this House by my friend ED FEIGHAN of Ohio.

ED has assembled a record of legislative accomplishments of which he has reason to be proud. I had the opportunity to work closely with ED on a number of crime-related initiatives. His tireless efforts on behalf of sensible gun control measures transformed the Brady bill from an impossible longshot to a household expression. ED'S leadership and tenacity was invaluable to the momentum of this critical legislation and I enjoyed working with him. ED'S concern about crime and violence in America is genuine and his dedication is complete.

ED has served with effectiveness and integrity. He well represented the constituents of his district, which I had the pleasure of visiting with him. I am pleased to join with his constituents, and my colleagues in the House, in expressing my sadness that ED has completed his service in the Congress. I wish him the best in whatever new challenges lay ahead.

Mr. HALL of Ohio. Mr. Speaker, I rise to pay tribute to my friend and colleague, CHARLES LUKEN, who is retiring from the House of Representatives.

CHARLIE'S term as a Member of Congress caps a distinguished record of public service to the people of Ohio. He started his career in public office as a member of the Cincinnati City Council and was later elected mayor. Though he will be leaving elected office, CHARLIE'S next job, as a Cincinnati television news anchor, will keep him in the public eye.

In giving a reason for retiring from the House, CHARLIE stated that he did not like being away from his family while representing his constituents in Washington. I am very sympathetic to that reason.

I wish CHARLIE success in his new career.

Mr. HORTON. Mr. Speaker, I want to pay tribute to EDWARD FEIGHAN who will be retiring from the Congress at the end of the year. EDWARD FEIGHAN has served this Nation with distinction as a Member of this body for 10 years.

Through his work on the Committee on the Judiciary, EDWARD FEIGHAN has helped move this Nation's business forward. Although I did not serve with him on that committee, I nevertheless know of his reputation for preparation, attention to details, and passionate belief in the principles he holds.

EDWARD FEIGHAN also played an important role on the Foreign Affairs Committee. His commitment to human rights is well known and well thought of. His retirement marks yet another significant loss to that panel which will lose so many of its fine members at the end of this year.

My wife, Nancy, joins me in extending our best wishes to EDWARD FEIGHAN and his family. We wish him the best of luck in all of his future endeavors.

Mr. HORTON. Mr. Speaker, I want to pay tribute to DON PEASE who will be retiring from the Congress at the end of the year. DON PEASE has served this Nation with distinction as a Member of this body for 16 years.

Through his work on the Committee on Ways and Means, DON PEASE has helped move this Nation's business forward. From his position on Ways and Means, DON PEASE helped to shape tax legislation so it would help the working man and woman. As one who shares his inclination to protect the little guy, I want to salute the gentleman from Ohio for his outstanding efforts over the years. His voice on trade issues and other key concerns will certainly be missed next year.

And although it is fashionable in some circles to denigrate this institution and its Members, our colleagues who remain behind and our successors would do well to look to the career of DON PEASE as one to emulate. The essence of the Congress is for Members of different views to come together to discuss the issues, hash out the differences, and forge public policy that incorporates the best elements of the varying positions. DON PEASE contributed to that process.

My wife, Nancy, joins me in extending our best wishes to DON PEASE and his family. We wish him the best of luck in all of his future endeavors.

Mr. HORTON. Mr. Speaker, I want to pay tribute to DENNIS ECKART who will be retiring from the Congress at the end of the year. DENNIS ECKART has served this Nation with distinction as a Member of this body for 12 years.

Through his work on the Committee on Energy and Commerce, DENNIS ECKART has helped move this Nation's business forward. Although I did not serve with him on that committee, I nevertheless know of his reputation for commitment to issues of concern to those of us from the Northeast and Midwest. As the founder and former cochair of the Northeast Midwest Congressional Coalition, I truly appreciate Mr. ECKART'S skill as a legislator and an advocate for our region of the country.

It has long been my philosophy that Members with different views should come together to discuss the issues, hash out the differences, and forge public policy that incorporates the best elements of the varying positions. DENNIS ECKART contributed to that process. His insight and leadership will be missed.

My wife, Nancy, joins me in extending our best wishes to DENNIS ECKART and his family. We wish him the best of luck in all of his future endeavors.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this special order.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Ohio?

There was no objection.

VACATING OF SPECIAL ORDER AND REINSTATEMENT OF SPECIAL ORDER

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to vacate my 60-minute special order tonight and, in lieu thereof, be permitted to address the House for 5 minutes.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

A TRIBUTE TO WILLIAM BROOMFIELD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, I rise to express my deep appreciation and respect for our distinguished ranking Republican or our Foreign Affairs Committee, the gentleman from Michigan [Mr. BROOMFIELD]. Following 8 years of service in the Michigan Legislature, BILL has served on our Foreign Affairs Committee for over 30 years—longer than any Republican since the founding of our party in 1854. BILL has served as ranking member of our committee since 1975. He is one of only three Members of Congress to serve as the Republican leader on the committee for nine terms since the founding of our Great Nation.

BILL BROOMFIELD has worked with 8 Presidents and 10 Secretaries of States. He has always been a strong advocate of bipartisan foreign policy. BILL has participated in more than 20 interparliamentary conferences and his experience spans decades of involvement in the formulation and implementation of our Nation's foreign policy.

In 1967, BILL BROOMFIELD was named by President Johnson to serve as a U.S. Ambassador to the 22d General Assembly of the United Nations.

The world has changed dramatically since BILL BROOMFIELD first came to the Congress. The Soviet Union, Yugoslavia, and the East Bloc exist no more. The world is increasingly free, increasingly democratic—the cold war is over.

I firmly believe that these great changes in our world, changes which mean a preeminent role for the United States are changes which BILL BROOMFIELD helped significantly to bring about.

One of BILL'S latest foreign policy accomplishments was his outstanding stewardship of the Russian aid bill through the House and then subsequently through the conference process. BILL can be proud of his work on this important measure.

Many of us worked closely with BILL throughout the years. His prudence, his wisdom, and his friendship will be sorely missed. We know BILL will enjoy spending more time with his lovely wife, Jane, his children and his grandchildren.

We will miss BILL'S sage counsel on our Foreign Affairs Committee, but we know he will always be there for us to call on him for advice when the going gets rough. I join all of our colleagues in thanking BILL for his outstanding service to our Nation. We wish him the very best of good health and happiness in his retirement.

Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman for yielding to me.

I am looking forward to hearing the special order of the gentleman from Pennsylvania [Mr. WALKER] on some of the scandals around here, and then I am looking forward to doing a special order on some of the scandals involving national candidates that have never served in this Chamber like running for the Presidency.

I just wanted to join the gentleman from New York [Mr. GILMAN] to say that without 1 ounce of exaggeration, BILL BROOMFIELD is one of the finest quality Americans and patriots that it has been my honor to serve with in this Chamber over a 16-year span.

☐ 2040

No matter how dark the period of history, he was always in a good mood, a positive mood, positive about America, positive about what we could do in foreign affairs, positive about the impact of this Chamber with resolutions of either condemnation or congratulation to emerging democracies around the world, or in the case of condemnation to the despotic regimes we have seen come and go over the course of this century.

BILL told me he was going to be watching the special order of the gentleman from Pennsylvania [Mr. WALKER] tonight and my special order, so I know he is listening.

I was shocked to just learn that the gentleman from Michigan [Mr. BROOMFIELD] and the gentleman from Illinois [Mr. MICHEL] have served longer than any Republicans since the party was founded in Ripon, WI, in 1854, and I just hope that in this crop of freshmen coming in here in both parties that they have one-tenth of the dedication and the love of country and the love of family and love of history and love of this institution that WILLIAM BROOMFIELD has had. We are surely going to miss this quality gentleman.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California for his kind remarks, and I want to thank the gentleman from Pennsylvania [Mr. WALKER] for allowing us to proceed out of order.

Mr. GOODLING. Mr. Speaker, I would like to take the opportunity today to honor a good friend, a responsible legislator, and a respected citizen, Mr. WILLIAM BROOMFIELD.

Since his election to Congress in 1956, and his appointment to the Foreign Affairs Committee in 1961, Mr. BROOMFIELD has been a Member commanding respect in the House of Representatives, from the White House, and from dignitaries around the world. Having served as long as my good friend, BOB MICHEL, these two men share the distinction of having served longer in the minority than any other Congressmen in history. So I suppose these two gentlemen have established a new threshold for pain.

Just to put his longevity in perspective, when Mr. BROOMFIELD took office, John Foster Dulles was Secretary of State. In all, he has served with 8 Presidents and 11 Secretaries of State. Mr. BROOMFIELD has always believed in a bipartisan foreign policy, which explains the excellent reputation of the Foreign Affairs Committee today. I had the opportunity to work with him during my years on the House Foreign Affairs Committee, and I sought his counsel and advice on many critical issues. I guarantee that men of his stature and character are few and far between in this day and age.

In January, Mr. BROOMFIELD will be completing his 16th term, and unfortunately for this country, his excellent service as a Member of the House of Representatives. We would all be wise to emulate his actions, and work not just for one or another party, but for the good of the Nation. His family's gain is this country's loss. And we will miss him dearly.

Mr. SPENCE. Mr. Speaker, I am pleased to be able to participate with my fellow colleagues in this special order this evening. It is a privilege to offer a few words on behalf of my trusted friend, BILL BROOMFIELD.

BILL announced earlier this year that he was going to leave Congress to devote more time to his family. I was saddened by this announcement, for as a Member of Congress since 1971, I have grown to admire BILL for his judgment, respect him for his views, and appreciate him for his friendship.

BILL is in the unique position of having witnessed the beginning, and the finale of the cold war. He has served under eight Presidents and has negotiated with some of the most powerful leaders of our time. Throughout these years, BILL led legislative efforts in Congress to ameliorate our relations with friends and foes alike, and knew that strength and honesty are two integral elements in every negotiation. Since those first days in Congress, his tenure has been marked by a clear and concise comprehension of the intricacies of foreign policy.

In the last years, the world has experienced some of the most dramatic events in the history of mankind. We have seen dynasties fall, regimes shattered, and democracies flourish in countries which had only known authoritarian repression. And increasingly, we are presented with revisionist accounts of what has happened in this 20th century. While some of it may be end-of-the-century angst, other analysis has offered us a balanced perspective of our global community in the last several decades. That analysis has shown that the leadership of people like BILL who believed that compromise is different than giving in, and that strength and the ability to fight can be a catalyst to peace, has been instrumental in creating our new and safer world order.

And now while in retrospect, it is deceptively simple to cast our foreign policy successes over the last four decades as inevitable, we would do well to remember that our successes stem only from the expertise, understanding, and diplomacy of statesmen such as BILL BROOMFIELD.

On a more personal note, BILL is a gentleman of the first order, and is a throwback to an era when poise and scholarship characterized the ideal public servant. BILL is such a servant. Time and time again, BILL served not only his constituency in Michigan, but also the national constituency of American citizens. The Nation will miss his scholarly, reflective, and thoughtful approach to international relations. His understanding of the world and the volatile interplay among nations is an understanding that can never be replaced and will be lacking when Congress convenes for the 103d Congress. I believe it is due to the efforts made by BILL BROOMFIELD and a handful of others like him that we can say today that the Soviet Empire has fallen and his fight for freedom around the world has now permitted former Warsaw Pact members to embrace the ideals of democracy and liberty.

BILL, we will miss you around these corridors, but know that you will enjoy time spent with your family. And while you're back in Michigan, I hope you will remember that your legacy will live on in these hallowed Halls, and we are truly grateful for your many achievements. As someone who has worked with you for the past 20 years, I wholeheartedly say, "well done, thy good and faithful servant."

Mr. VANDER JAGT. Mr. Speaker, it is certainly with mixed emotions that I join my colleagues in saluting my good and dear friend, and Michigan colleague, BILL BROOMFIELD. Carol and I are delighted to wish him and his lovely wife Jane all the very best during retirement years that, I hope, will be as pleasant as the years of friendship we have shared.

But I share with many of my colleagues, and, I am sure, foreign affairs specialists in governments around the world, the sense of loss which his leaving will visit upon this body's contribution to sound U.S. foreign policy. For 30 years BILL BROOMFIELD has listened, and digested, and contributed to the foreign policy and the foreign affairs structure of the United States. In the recent past, as the ranking Republican on the House Committee on Foreign Affairs, his steady insight has been invaluable as the Nation has witnessed the fall of communism and the rise of a new era of freedom around the world.

His coming to Congress during the administration of a general who both brought victory on the fields of war and warned of the tyranny of an unsettled peace is a fitting beginning to a career which contributed, in no small measure, to ending that tyranny and sowing fields of peace and prosperity for nations around the world.

I have, of course, a special affection for BILL as a colleague and mentor from Michigan. His decade in the House before my arrival prepared him to be a wise and generous counselor—and a leader in our delegation over the years. The combination of his prudent diplomatic skills and wise judgment have been a true well of inspiration for the consideration of my efforts to well and ably represent not only the people of Michigan's Ninth District and our State, but the Nation.

BILL BROOMFIELD is the man in whose image the decorum of this House is reflected: A gentleman, a thoughtful man, and a man of God, family, and country. This body will miss his wise counsel, the Nation will miss his leadership, and we, most of all, will miss him. Again, Carol and I hope that he and Jane will enjoy a long and happy retirement secure in the knowledge that he and they have served well.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues to recognize the many accomplishments and impressive public service record of the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD is an individual of high principle and abiding conviction who has the strength of his convictions and the years of experience to back it up with action.

He has been a steadying influence in the area of foreign policy as the ranking Republican on the House Foreign Affairs Committee since 1975.

In a body that has often been described as 435 individuals who want to be Secretary of State, Mr. BROOMFIELD has had the fortitude to resist efforts by some to try to run our foreign policy out of the Capitol Building, but at the same time, he has never been willing to be a rubber stamp for any administration.

In the best sense, and to the benefit of the Nation, Mr. BROOMFIELD has been an honest broker in the process of foreign policy development in a democracy.

That is a very difficult task, because it encompasses two often conflicting principles—the responsibility of representative government to reflect the will of the people, on one hand, and the absolute necessity that we speak with one voice, as one nation, when we deal with other nations.

Mr. BROOMFIELD has walked this fine line with skill and with a well-honed sense of our place in the global community of nations.

And, throughout these years of service in the area of foreign policy, Mr. BROOMFIELD has never lost touch with the needs of his constituents in the 18th District of Michigan.

Mr. Speaker, I want to take this opportunity to thank our colleague from New York, Mr. GILMAN, for his leadership in organizing this special order.

I join with my colleagues on both sides of the aisle in recognizing the many accomplishments of the gentleman from Michigan [Mr. BROOMFIELD], and join with them also in wishing him all the best.

Mr. HAMILTON. Mr. Speaker, I rise to join my colleagues in honoring our esteemed colleague, BILL BROOMFIELD, of Michigan. BILL BROOMFIELD has served in Congress with distinction since 1956. I am told he is the third longest-serving Member in the history of the Committee on Foreign Affairs. I am not surprised that he has achieved such a milestone.

For more than 30 years, he has been a member of the Committee on Foreign Affairs. It has been a pleasure for me to serve with him on the committee for 28 of those years. BILL has been an effective legislator and has been fair and thorough in his oversight work. His wit, his frankness and his wise counsel have helped him and helped the committee. His steadying influence has helped to bridge differences and to build effective coalitions that have strengthened American foreign policy. His long service and active participation in the committee will be missed by all of us.

BILL BROOMFIELD has time and again made important contributions to critical and sensitive foreign policy debates—on the Middle East, on issues throughout the Eastern Mediterranean, on Yugoslavia and on the crisis in the Balkans. He has served with 8 Presidents and 10 Secretaries of State. Many of them have sought his counsel and advice.

BILL can take pride in his many accomplishments. He can look back on a career with a full measure of satisfaction and a sure sense of a job well done. He will also leave us with an incredible asset—signatures of scores of world leaders with whom he has met during the last three turbulent decades. This is a treasure for any family and a recognition of the hundreds of hours BILL has spent with guests of this Nation seeking the counsel of the Committee on Foreign Affairs.

Today, we salute BILL and Jane Broomfield. As a team, they have brought honor to the work of the Committee on Foreign Affairs and this institution. Their energy and quiet grace will be missed. We wish them well in retirement, and hope our dear friends BILL and Jane will stay in touch with us.

Mr. MILLER of Ohio. Mr. Speaker, I consider it a tremendous honor to join with my House colleagues in this tribute to our good friend and outstanding legislator, BILL BROOMFIELD. BILL, as we all know, announced his retirement from the House Last April, and I must admit that it seemed that things around here, ever since, have not—or will not be—the same.

We will miss his leadership. That is a foregone conclusion. He is the outstanding ranking minority member on the House Foreign Affairs Committee and his contributions to our Nation's success in the difficult Persian Gulf conflict cannot be overstated or praised enough. His counsel during that situation was widely—and wisely—sought, and I know that millions of Americans are extremely grateful for his part in bringing that conflict to a successful and swift conclusion.

BILL noted that he has witnessed dramatic changes in the world in the past 36 years—the post-World-War II era, the Korean conflict, the Vietnam experience, Watergate, the fall of the Soviet Union, the significant changes in Europe and the awesome impact of the space age and its global influence on technology. While BILL might say that he's been fortunate to witness such events, I might offer that he has been a part of making history. He has been a part of the efforts undertaken by our Nation to make the world safe and to assure a sound future for out children and our grandchildren.

BILL BROOMFIELD is a doer. He has served Presidents back to Dwight Eisenhower and his counsel has been sought by those in the White House ever since. I know he has agonized over some of the difficult decisions he has had to make. But BILL would simply say that tough decisions and difficult choices come with the turf. It's part of the job—what Harry Truman always referred to in his comments about not kitchens.

I consider myself a fortunate person, indeed, to include BILL among my best friends in the Congress. He's been a neighbor during recent years, with his office just down the hall from mine in the Rayburn Building. We're both leaving this great institution shortly. I wish BILL the very best in retirement and I hope that his legacy is carried on by those who endeavor to make the Congress a body of, by and for the people.

BILL BROOMFIELD is the definition of honor in Government and integrity in serving our citizens.

Mr. SENSENBRENNER. Mr. Speaker, the world significantly changed over the last 36 years, but one thing has remained constant for the residents of Michigan's 18th District—the diligent representation of WILLIAM BROOMFIELD, who is retiring following this term.

Since 1956, BILL distinguished himself on the House Foreign Affairs Committee, as ranking Republican member for most of that time. Serving under the tenure of eight different Presidents since he first came to Congress, BILL witnessed and impacted numerous changes making the world safer for democracy. He brought a tremendous knowledge and understanding to the Foreign Affairs Committee in shaping U.S. foreign policy.

His expertise and work on foreign policy did not cause him to lose focus on important issues facing his district and the Nation. He faithfully has provided excellent constituent services and has been rewarded by reelection to the House 17 times. In addition, BILL has fought for a reduction in wasteful Government spending, winning recognition from citizen's groups.

I have appreciated the chance to serve with BILL and join my colleagues in offering him best wishes for the future.

Ms. ROS-LEHTINEN. Mr. Speaker, for our distinguished colleague, WILLIAM BROOMFIELD, the past 36 years have indeed been interesting times. But it has always been his nature to see the blessing as well as the curse. The opportunity as well as the danger.

Reflecting on his career, Representative BROOMFIELD said

> Little did I know when driving to Washington in late 1956 to begin serving in Congress that I would be sitting across the table from hundreds of world leaders such as Chaing-Kai-Shek, Deng Xiaoping, Mikhail Gorbachev, Queen Elizabeth II, Margaret Thatcher and Anwar Sadat, not to mention eight Presidents * * *.

Starting in 1956 Representative BROOMFIELD was witness to events ranging from the suppression of the Hungarian revolution to the final collapse of the Soviet Empire. The building of the Berlin Wall in 1961 to the destruction of the symbol of oppression in 1989. He has watched from his vantage point on the Foreign Affairs Committee, the rise of Castro and the Cuban missile crisis. We hope that from the vantage point of a well earned retirement he will soon see the end of communism in this hemisphere.

He has taken a special interest in solving the tragedy of Cyprus. In 1990 he was awarded the Silver Cross by the Patriarchate of Constantinople for his fearless advocacy of religious freedom, human rights and special justice for all mankind.

Throughout his legislative career, Representative BROOMFIELD has stood for a bipartisan approach to foreign policy. He has carried forward the idea, expressed by Arthur Vandenberg, that politics should stop at the water's edge. As a freshman Member I was grateful for his advice and seasoned judgment.

As he and DANTE FASCELL both leave us this year, we know that we may never see their like again. We wish you a long, healthy and happy retirement with your wife, Jane, your daughters and grandchildren. At the same time we promise to strive for the standards you have set in this House.

Mr. HORTON. Mr. Speaker, I join with my colleague BEN GILMAN in paying tribute to the gentleman from Michigan, Congressman BILL BROOMFIELD, who will not be returning for the 103d Congress. I consider it an honor and a privilege to call BILL BROOMFIELD a close, personal friend.

BILL and I have served together in this body for three decades, and have seen a lot of changes. But one thing that has remained steadfast through the years is BILL's wise counsel which was always given in a calm, fair-minded manner.

It is truly a shame that BILL never had the opportunity to chair the Committee on Foreign Affairs since we Republicans have been in the minority for his entire tenure. If given the opportunity, I am confident that he would have continued to work with both Democrats and Republicans to forge good police policy, just as he has done as the ranking Republican. BILL BROOMFIELD's desire to seek practical solutions makes him the epitome of the statesmanship.

BILL BROOMFIELD and I have shared many experiences over the years including sitting together through countless historical addresses to joint sessions of Congress. As Members of Congress we sometimes get caught up in the various legislative and political battles that are constantly being waged here, but we often lose sight of the history that we witness and help to shape. When I think back on the countless historic addresses of the last three decades, such as the *Apollo 11* astronauts, various world leaders, and the yearly State of the Union Addresses, to name a few, I recall sitting next to BILL BROOMFIELD and listening to his expert commentary. Together, we have played our role in history.

Mr. Speaker, BILL BROOMFIELD is one of the finest men ever to have served in this body. And though his leadership and guidance will certainly be missed next year, BILL can retire knowing that he leaves this body having helped to make this country and the world a better and safer place to live.

My wife, Nancy, joins me in extending our best to BILL, his lovely wife, Jane, and their family for a healthy and happy retirement. For a man who has devoted so much of his life to the Nation's business, he has earned the right to spend more with his family.

Mr. MICHEL. Mr. Speaker, when a good friend decides to retire from the House, it is always difficult to reconcile ourselves to the fact. But when that friend happens to be a House classmate of yours, the loss is all the more hard to take.

BILL BROOMFIELD and I were Members of the freshman class of 1956 and I have long benefited from his counsel and his example. Since 1981, as minority leader of the House, I have had the opportunity to work closely with BILL on foreign policy matters ranging from strategic arms reduction to the attempt of Communists to take over Central America. As ranking Republican on the Foreign Affairs Committee he has always demonstrated an informed understanding of the issues, a desire to seek workable solutions, and a commitment to basic American values.

Foreign policy is not the easiest area for a Congressman because—except for a few cases—there is no built-in constituency, no direct political payoff for making tough calls on foreign policy issues. Most Americans are not as concerned with foreign affairs as they are with domestic, paycheck matters. Except in times of great national peril, it is difficult to convey to voters the link between a strong American position in the world and a strong domestic economy—but the link is there, and leaders like BILL BROOMFIELD understand that. BILL BROOMFIELD has known that if we are to remain strong and free and competitive in a world economy, our foreign relations have to be conducted with care.

BILL, it has been an honor working with you. As your House classmate of 1956, I just want to say that you and I have been privileged to witness and play a role in a dramatic period in American history. You have done so very much to make certain that during this time of international turmoil and change, the values and the interests of our Nation were promoted and protected around the world.

Mr. RINALDO. Mr. Speaker, I rise today to pay tribute to our distinguished colleague, and my dear friend, WILLIAM BROOMFIELD.

First elected to Congress in 1956, BILL has provided the country with distinguished service for 36 consecutive years. As the ranking minority member of the House Foreign Affairs Committee, BILL has brought a unique measure of wisdom to the foreign policy process. His service has spanned virtually the entire cold war, and he has provided numerous Presidents, Secretaries of State, and national security advisers with sound, commonsense advice on foreign policy decisions.

There is no questioning the fact that BILL's foreign policy expertise has been a valuable asset to this country. He has served on numerous international and parliamentary conferences, as well as Presidential commissions. He was appointed by President Lyndon Johnson to serve as a U.S. Ambassador to the 22d United Nations Assembly. He has also focused considerable attention toward resolving the ongoing conflict over Cyprus. In 1990, he was awarded the Silver Cross of the Order of St. Andrew of the Ecumenical Patriarchate of Constantinople in recognition of his fearless advocacy of religious freedom, human rights, and social justice for all mankind.

In 1992, BILL was awarded the Periclean Award by the American Hellenic Educational Progressive Association in recognition of his more than 30 years of non-partisan leadership on the House Foreign Affairs Committee.

BILL has also provided very able service to the House Small Business Committee, and has been recognized by the U.S. Chamber of Commerce for his work that has helped create an environment in which businesses large and small can prosper.

BILL's career in public service began in 1948, and he served for 8 years in the Michigan House of Representatives and the State Senate. He was youngest speaker pro-tem of the house in Michigan history, serving from 1953 to 1954. He also has the distinction of serving longer in Congress than any Republican in the history of the state.

BILL has decided to retire at the end of the 102d Congress to spend more time with his wife Jane and his children and grandchildren. He leaves behind a lasting legacy of distinguished service and achievement. This institution is losing a great friend and a fine legislator. I wish him and his family the very best for the future. He will be sorely missed.

Mr. MAVROULES. Mr. Speaker, I feel a sense of both happiness and sadness today as we pay tribute to a wonderful human. BILL BROOMFIELD will be retiring at the end of this Congress in order to spend more time with his wife, children, and granchildren.

I certainly feel happy for my good friend from Michigan because his retirement means he will be able to spend more time with his wife, children, and grandchildren. However, it is with a touch of sadness that I realize we here in Congress will no longer be working with one of the House's most respected Members.

I have had many wonderful experiences working with Mr. BROOMFIELD, most notably on issues affecting Greece. In fact, his work on behalf of Greece and Cyprus has been recognized by many organizations.

Mr. Speaker, I had the pleasure of being toastmaster for the biennial AHEPA meeting here in Washington. BILL was honored with the Periclean Award for 1992. Here is the citation that accompanied the award.

> For his exemplary contributions during a lifetime of service to our country and to humanity, for more than 30 years of nonpartisan leadership on the House Foreign Affairs Committee, for his untiring efforts in promoting the longstanding friendship between the United States and Greece, and his support for the rule of law for everyone, including Cyprus, it is with greatful appreciation and recognition, therefore, that the order of AHEPA does herewith present to United States Representative William Broomfield the AHEPA Periclean AWARD for 1992.

For all your dedicated years of service BILL, I thank you.

Mr. BLILEY. Mr. Speaker, I would like to take the opportunity of this special order to say a few words about my good friend and esteemed colleague, BILL BROOMFIELD, upon his retirement from the House of Representatives. I have had the great pleasure of knowing BILL for 12 years that I have served in the House. On numerous occasions over the years I have sought BILL's insight on matters of importance to the Nation's foreign policy, relying on his abundant wisdom accumulated from serving 36 years in Congress. As one of the two most senior Republican Representatives, BILL's advice frequently has been depended on by those of us with less seniority.

As ranking minority member on the House Foreign Affairs Committee, BILL has helped shape foreign policy during some of the most tumultuous years of American history and has worked with eight Presidents. A World War II veteran himself, he has watched our Nation's young soldiers go off to foreign soil to fight in the name of freedom, most recently in the Persian Gulf. He has seen the collapse of communism, the breakup of the Soviet Union, and the fall of the Berlin Wall. He has been a strong supporter of aid to Israel, and the rights of Soviet Jews, meeting with Mikhail Gorbachev to present a list of Jewish refuseniks to him.

As a fellow member of the North Atlantic Assembly Delegation, I have enjoyed spending time with BILL on our trips overseas to the

NATO Assemblies. Those trips have given me the chance to get to know him and his wife, Jane, away from the pressures of Washington. I must admit that the announcement of his retirement shocked me as well as most of his colleagues. Not only was Bill the 50th of our colleagues to voluntarily depart the House this Congress, but I was selfishly saddened at the prospect of losing such a well-respected colleague to the allure of retirement.

There can be no doubt that Bill has earned his retirement after dedicating 36 years to serving his constituents. I hope that he and Jane enjoy spending some well-deserved time together and with their children and grandchildren. But it is also my wish that he won't become a stranger to these marble Halls. Those of us who return next year, as well as the many new Members of the freshman class of the 103d Congress, will always be in need of some of his well-seasoned advice.

Mr. GREEN of New York. Mr. Speaker, I rise today to pay tribute to my good friend and colleague, Bill Broomfield, who is retiring at the end of the 102d Congress after 36 years of outstanding public service.

I should like to thank my colleague from new York, Mr. Benjamin Gilman, for sponsoring tonight's special order in Bill's honor.

As Bill has the most seniority of any Republican Member, he has a long list of achievements. Throughout his three decades in Congress, Bill served on the Foreign Affairs Committee. His wisdom has guided us through critical times, and his expertise will be sorely missed. In addition to his work on the Foreign Affairs Committee, I thank Bill for his efforts on the Small Business Committee.

At this time, I should like to offer Bill my very best upon his retirement. He has earned the deserved respect of all of those who have had the pleasure of working with him in this body. I know that our colleagues join me in thanking him for his dedication to the State of Michigan and to the Nation.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman Bill Broomfield of Michigan for his 36 years of outstanding service to the House of Representatives.

As the senior Republican Member of this body, along with my good friend Bob Michel of Illinois, Bill Broomfield has served this House as a model of intelligence, creativity, integrity, and dedication to the people of the United States of America. Since he first came to Congress from the Detroit suburbs in 1956, Bill Broomfield has served his constituents honorably and effectively.

As the ranking Republican on the Foreign Affairs Committee, Mr. Broomfield has helped to maintain a bipartisan front against Communist aggression from the dark days of the cold war through the demise of the Soviet Union in 1991. At the same time, he has advanced the cause of human rights throughout the world.

I am certain that Bill Broomfield's dedication to principle inspired his courageous opposition to President Bush's China policy following the 1989 massacre in Tiananmen Square.

Without seeking attention for himself, Mr. Broomfield challenged President Bush again in 1990 for failing to consult with Congress on the issue of war in the Persian Gulf.

Beyond his invaluable work in the House, Mr. Broomfield has participated in many vitally important programs and organizations, including the United Nations, NATO, and the Strategic Arms Limitation Talks. And, as we honor Rosh Hashanah this week, we should remember that the freedom-loving people of Israel have long known Bill Broomfield as a trusted friend.

Congressman Broomfield unquestionably ranks as a man whose knowledge, experience, and sound judgment have earned him the respect and admiration of colleagues on both sides of the aisle. But what impresses me even more is the fact that he has never allowed his foreign policy work to distract from the needs of his constituents in Michigan's 18th Congressional District. For nearly four decades, Congressman Broomfield has maintained close ties with his constituents. He has responded forcefully to questions ranging from Social Security to highway construction—not to mention foreign affairs. I credit Mr. Broomfield's success in Congress with his ability to balance local concerns against problems in faraway lands.

Mr. Speaker, Bill Broomfield—along with myself and many other colleagues—has announced he is retiring at the conclusion of the 102d Congress. I am extremely proud to have served with this gracious, dependable, and sincere man who symbolizes so much of what it takes to serve this Congress with honor.

I would very much like to wish Mr. Broomfield a happy retirement, and I extend to him my sincerest congratulations on his many contributions to the United States of America.

Mr. QUILLEN. Mr. Speaker, tonight I am pleased and honored to rise with my colleagues to pay tribute to my good friend from Michigan, Bill Broomfield.

In his 36 years of continuous service in the House of Representatives, Bill has become known as one of the hardest working Members of Congress. For 32 of those years, he has been a member of the Foreign Affairs Committee, becoming its vice chairman in 1975. Bill's expertise and experience in the field of foreign relations are unparalleled, and his counsel is widely respected on both sides of the aisle.

Bill served in the Michigan State House of Representatives, rising to become the youngest Speaker pro tempore in that body's history. He has also served as a U.S. Ambassador to the U.N. General Assembly, and has received honors and awards too numerous to list for his meritorious public service.

Bill is fond of pointing out that he, along with Bob Michel, has served longer as a member of the House minority than any other Member in the history of the House of Representatives. It is sad that someday, when the Republican Party finally regains the majority in this great institution, Bill won't be around to see it.

I have been privileged to know Bill Broomfield for my entire career in Congress. The State of Michigan is losing a wonderful advocate on Capitol Hill, and we are all losing a good friend. His record of service is one to which we all should aspire, and he will be sorely missed.

Mr. CRANE. Mr. Speaker, a generation of Americans have witenessed the effective, if often quiet, congressional efforts of Michigan's William Broomfield. For over a third of a century he has done an outstanding job of representing his constituents in Michigan. And now he nears his voluntary retirement from the House of Representatives.

Bill Broomfield's legislative history goes back to 1948, when he was first elected to the Michigan House of Representatives, where he rose to speaker pro tem before seeking, and winning, election to the Michigan State Senate.

If most of us feel Bill Broomfield has been here as long as we can remember, it is because he has been. He was first elected to this Chamber in 1956. No current member of the Republican Party has served longer in the House than Bill. And everyone acquainted with his record knows that he has served well during that span which began nearly four decades ago.

No one is better qualified to speak of his nation's foreign policy than Bill Broomfield. He will leave office as the vice chairman of the House Foreign Affairs Committee, a committee he joined in 1961.

Bill Broomfield has played an important role during his service here in forwarding the interests of the United States in international diplomatic dealings as affected by congressional action.

He can say with pride that he didn't permit political considerations to influence his foreign policy decisions. Bipartisan was more than a word to him—it was the direction of his foreign policy reasoning. On more than one occasion, he left the ranks of his party's leadership to follow a foreign policy he believed to be more proper.

He has not sought headlines over the years as he worked diligently in the foreign policy arena that was filled with headline hunters.

All of his colleagues will miss Bill Broomfield after he leaves this Chamber. And the country will miss his leadership.

Mr. HUGHES. Mr. Speaker, I rise today to join with my fellow colleagues in saluting 36 years of distinguished service to this House by my friend Bill Broomfield. In this magnificent institution, Bill has been an institution in his own right.

Bill has served the foreign affairs committee, to which he has devoted most of his career, with integrity, wisdom, and effectiveness. We have all witnessed remarkable changes in the world. The history unfolding before our eyes is sometimes too extraordinary to fully comprehend. Bill's vision and experience have been invaluable to the Foreign Affairs Committee and his country through the cold war to the Persian Gulf war.

In his 36 years, Bill never forgot his constituents of the 18th District of Michigan, and he has served them well. I am pleased to join with his constituents, and our colleagues, in expressing my sadness that Bill has completed his service in the Congress. Yet, I know he will enjoy the time with his family and grandchildren.

Mr. PORTER. Mr. Speaker, I am pleased to join my colleagues on both sides of the aisle in paying tribute to our friend Bill Broomfield, who is retiring from Congress after 36 years of distinguished service. It is a bittersweet occasion, for even as we bid him farewell, we also acknowledge that this House is losing one of its most respected and effective Members.

BILL's career in Congress has spanned the tenure of eight Presidents and decades of shifting political winds. But through it all, he has been a rock-solid voice of reason and sound judgment, especially regarding foreign policy. His outstanding service as ranking Republican on the House Foreign Affairs Committee has been marked, as our colleague BEN GILMAN observed, by "wisdom and prudence," qualities that are sadly becoming all too rare in this institution.

BILL's great personal warmth and decency are well-known to all, and although he refrained from heated rhetoric, the Almanac of American Politics noted that he was often passionate in debate when the moment demanded it. There is no question that on many occasions, his wide-ranging knowledge of issues and sound reasoning helped move this House and the Congress in the right direction on matters of domestic and foreign policy alike.

The people of Michigan and of our Nation have benefited greatly from BILL BROOMFIELD's contributions in Congress, and all of us who have been fortunate enough to work with him and call him our friend will deeply miss him. As BILL retires to spend more time with his family—his wife, Jane, and his children and grandchildren—I join every Member of this House in wishing him the very best of health and happiness. He leaves behind a proud legacy of statesmanship and leadership.

Mr. HUTTO. Mr. Speaker, I appreciate the opportunity to participate in this special order honoring Bill Broomfield, our good friend from Michigan who is retiring at the end of the 102d Congress.

BILL BROOMFIELD, no doubt about it, is one of the outstanding gentlemen serving in this Congress and he has a world of friends on both sides of the aisle and throughout America. Although a staunch Republican, BILL is the kind of person who relates well to everyone and if we had more members like this I believe that we could accomplish much in a bipartisan manner. BILL BROOMFIELD has been an outstanding ranking minority member on the House Foreign Affairs Committee and working with its outstanding chairman, my colleague DANTE FASCELL from Florida, has been instrumental in giving us leadership in international relations for a longtime. BILL will be sorely missed because of his expertise in foreign affairs.

I would like to take this opportunity to congratulate our colleague, BILL BROOMFIELD, for his many years of service to America. He is a person of high integrity, understanding, and ability who has been a great asset to this institution and a good role model for those who follow. I know that this is a tremendous loss of the people of his congressional district as well as for the Nation. My wife, Nancy, has gotten to know Jane Broomfield and both she and I have the greatest admiration for this couple. We wish God's greatest blessing upon BILL, Jane, and their family.

Mr. BEREUTER. Mr. Speaker, this Member is especially pleased to join with the distinguished gentleman from New York [Mr. GILMAN] to pay special tribute to a very distinguished departing Member of this body, Representative WILLIAM S. BROOMFIELD of Lake Orion, MI. He has been a Member of this body longer than any other currently serving Republican, a distinction he enjoys with our distinguished minority leader. For 36 years BILL BROOMFIELD has served the Nation. For 32 of those years, he has served as a member of the Foreign Affairs Committee. In time he became the ranking member of that important committee, and it is in that capacity that this Member came to observe and work with our distinguished colleague, BILL BROOMFIELD.

BILL BROOMFIELD'S tenure on the Foreign Affairs Committee has coincided with some of the most dramatic moments in the history of U.S. foreign policy. He served on the committee through much of the cold war. As a junior member he witnessed the United States involvement in Vietnam unfold. He witnessed what has been called the decade of decline in the 1970's. Then in a leadership role he was in there for and part of the great American resurgence in the 1980's. And, has been a leading force as we have witnessed the return of democracy to Eastern and Central Europe.

Mr. Speaker, the issues that are considered by the Foreign Affairs Committee stir great passion, and are oftentimes divisive. Often it has seemed that there is no room for compromise between the supporters and opponents on issues of U.S. foreign policy. But BILL, together with former Chairman Clem Zablochi and Chairman DANTE FASCELL, would work tirelessly to forge a proper bipartisan consensus when it seemed that no such consensus was possible. At times he took a high profile public leadership role, but on many other occasions he often acted quietly and behind the scenes, eschewing the limelight while organizing support for a crucial policy or position. Few people realize, for example, the absolutely critical role BILL BROOMFIELD played in forging a consensus in support of the President's recent decisive and successful actions in the Persian Gulf. Without BILL BROOMFIELD'S efforts, it would have been much more difficult to gain and maintain the positive relationship between the executive branch and the Congress during the period around Operation Desert Shield and Operation Desert Storm.

Having been the ranking Republican on the Foreign Affairs Committee while we had presidents from both political parties, BILL BROOMFIELD repeatedly demonstrated first-hand, the importance of a bipartisan foreign policy. His actions have been guided by a commitment to principle, combined with a desire to reach a consensus. In this, his service paralleled another great Michigander, Senator Arthur H. Vandenberg. Our distinguished colleague BILL BROOMFIELD said the following about his famous Michigan predecessor: "Senator Vandenberg pointed out that bipartisanship is not only good patriotism, but the best kind of Republican politics, as well. But I also agree with him that we should not be afraid to offer vigorous and vigilant criticism, when and where deserved."

Mr. Speaker, in this Member's 10 years of service on the Committee on Foreign Affairs, I have gained an enormous and ever-growing respect for my ranking member. BILL and his talented staff have been enormously gracious and always helpful with their time, talent and energy. His leadership, support and guidance have been invaluable, and for these and many other reasons this Member is very appreciative. While all of us will certainly miss his presence as ranking member, I have no doubt that present and future American leaders will continue to seek out BILL BROOMFIELD for his insights and advice on foreign policy and national security matters. Thus, I fully expect that BILL BROOMFIELD will continue to make very important contributions to our Nation. BILL, your Nation, the Congress, and this Representative is indebted to you for your dedicated, and highly effective public service. You can know in leaving the House that the United States of America is stronger and better because of your legislative contributions. No legislator can ask for a greater reward.

BILL, I wish you and your lovely wife, Jane all the best in the years ahead.

Mr. SOLOMON. Mr. Speaker, I rise today to join my colleagues in paying tribute to our friend from Michigan, BILL BROOMFIELD. And while we all may regret the circumstance that makes this special order possible—BILL's Retirement—this is also an opportunity to give BILL the accolades he richly deserves.

The world has turned over many times since BILL BROOMFIELD came to the House of Representatives nearly 36 years ago. By virtue of his long service on the Foreign Affairs Committee, BILL has seen it all. He served his country and the cause of freedom during one of the most tumultuous periods in human history.

Throughout these 36 years, BILL adhered unswervingly to the principles of containment, peace through strength, and bipartisanship in foreign policy. It was these principles that enabled the free world to win the cold war. And it was the commitment of people like BILL BROOMFIELD who kept hope alive.

If there is one example that best typifies BILL'S leadership, I think it would have to be his efforts 10 years ago this summer—in 1982—to defeat the so-called nuclear freeze. That concept—the freezing of United States and Soviet Nuclear Forces at levels which would have guaranteed a strategic advantage to the Soviet Union—was one of the most dangerous and ill-conceived propositions ever debated by this House.

Unfortunately, it was supported by far too many Members who should have known better. But BILL BROOMFIELD was never fooled. He saw the nuclear freeze for what it really was—bogus arms control and a de facto accommodation to Soviet power.

BILL led the effort to defeat the nuclear freeze. He marshalled the arguments against it, planned the floor strategy and the amendments that gutted it, and managed the debate. If that was the only thing BILL had done in his 36 years in Congress, the country would owe him a debt of profound gratitude. Instead of some half-baked nuclear freeze, our country now has genuine and far-reaching arms control agreements in place. Such are results of peace through strength.

If there is one word that describes BILL BROOMFIELD's 36 years in Congress, it would have to be "consistency." BILL did the right thing, supported the right policies, and put the national interest first—with consistency.

Contrary to popular notions in some fashionable and frivolous circles today, the free world's victory in the cold war was never a sure thing. BILL BROOMFIELD always understood that the cold war could only be won after a long struggle. He never gave up—and he never ceased to remind his colleagues of the stakes involved in winning that struggle.

BILL, yours has been a career well spent. You can retire from this great house, which you love so well, secure in the knowledge that you have earned the respect of your colleagues and have gained an honored place in the history of this great institution—the people's House.

BILL, you will be missed. But you have served our country well. And you deserve a happy, healthy, and prosperous retirement with Jane, your children, and grandchildren.

Godspeed, good friend. And don't stay away—come back and visit your old colleagues. We will always be glad to see you.

Mr. WYLIE. Mr. Speaker, It is with great pleasure that I pay tribute to our retiring colleague from my neighboring State of Michigan, BILL BROOMFIELD.

Being the senior member of the Republican Party in the House of Representatives, BILL has certainly seen a lot of changes in the world over the years. Who could have possibly expected when he was first elected to Congress in 1956 that he would see the downfall of communism in the West with the demise of the Soviet Union and the Eastern bloc countries as well as the demolition of the Berlin Wall.

BILL has served with 8 Presidents and 10 Secretaries of State from both political parties. As the ranking Republican on the important House Foreign Affairs Committee, BILL has always been an advocate of the policy that partisan politics should stop at the water's edge and America should present a unified front on foreign policy. He is highly respected on both sides of the aisle and by leaders of nations throughout the world for his knowledge of foreign affairs and his reputation as a consensus builder on highly complex and often controversial issues.

BILL is a hall mate of mine. I have walked past his office to go vote for 10 years. We frequently run into each other. On one occasion several years ago I said to BILL, it sure would be nice to be chairman just once. He said it certainly would, Mr. Chairman. Since then he calls me Mr. Chairman and I call him Mr. Chairman. The title sounds great and would certainly fit in BILL'S case. But regretfully it is a goal neither of us will ever realize.

The people of the 18th District of Michigan are indeed fortunate to have BILL as their Congressman. His absence from the House will leave a void that will be heard to fill, and he will be sorely missed by both Republicans and Democrats alike. It has been a great honor for me to have served with BILL in the House and it has been a privilege to call him a friend.

My wife, Marjorie, and I want to wish BILL, Jane, and the rest of the family the very best in the years to come.

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in tribute to the gentleman from Michigan, BILL BROOMFIELD. BILL has been a fair and effective ranking Republican for our Foreign Affairs Committee, and a stalwart member of the Small Business Committee. I count myself doubly lucky for being able to serve with him on both of these committees.

On the Foreign Affairs Committee, BILL has fought hard to promote the cause of freedom and the interests of the United States. He came to this Congress during the height of the cold war, and through his significant efforts to support the foreign policy of Ronald Reagan and George Bush, was able to be present for our final victory in that twilight struggle. The only shame is that he never got the chance to be chairman of that committee; a task he would have fulfilled very well.

I am so very sorry that when the 103d Congress convenes next January, BILL BROOMFIELD will not be there to provide his able leadership, wise counsel, and good fellowship. But he is leaving for the best reason I can think of, to spend more time with his wife Jane and his family. Good luck and Godspeed BILL. We'll miss you.

Mr. LAGOMARSINO. Mr. Speaker, I rise to pay tribute to a dear friend and colleague, BILL BROOMFIELD. BILL is the kind of friend everyone needs—intelligent, thoughtful, experienced, always ready to help with good counsel, and advice whenever you need it.

When I was first elected to Congress and assigned to the House Foreign Affairs Committee in 1974, BILL had already made his mark in the international arena. His service in Congress and on various international commissions and delegations had given him the expertise and knowledge that was to prove so vital when he assumed the vice chairmanship of the committee a year later. His steady hand and stalwart support of democracy provided an unwavering beacon for nations caught in the grip of tyranny. During his tenure as ranking Republican, new democracies sprouted in Central and South America, Central Europe and the former Soviet Union. The Berlin Wall fell, and freedom flourished.

Working with Presidents Reagan and Bush to implement the peace through strength policy, BILL expertly guilded the committee and Congress through difficult negotiations with our allies and our enemies on arms control and international security, helping to restore the United States to a position of respect throughout the world. It's no exaggeration to say that because of BILL'S work, generations of Americans today can sleep sounder and safer than previously.

Mr. Speaker, it's difficult to sum up in a few words the long career of a true statesman, or to thank a friend for the guidance, support and kindness he has provided through the years. I only know that my life has been fuller and my Nation safer because of BILL BROOMFIELD, and I will always owe him my deepest respect and friendship. Norma joins me in saluting you and Jane, BILL, and wishing you the best in all that you do.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add extraneous material on the subject matter of the special order just taken.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NEW DISCLOSURES ON HOUSE BANK

The SPEAKER pro tempore (Mr. HAYES of Illinois. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

TRIBUTE TO BILL BROOMFIELD

Mr. WALKER. Mr. Speaker, I also thank the gentleman from New York [Mr. GILMAN] for his special order on behalf of BILL BROOMFIELD. I, too, want to go on record as being complimentary of BILL BROOMFIELD for his years of service in the House. BILL BROOMFIELD has brought to this House a distinguished career, and he is someone who will be sorely missed in this Chamber.

Mr. Speaker, what I am about to do is difficult for me, but I have come into information about the House Bank scandal which sheds new light and which I believe I would be negligent not to discuss with my colleagues. The more I learn about the scandal in the former House bank, the more disturbed I become. I say that in sadness, because I now believe that the mismanagement of the House bank has resulted needlessly in the destruction of valued political careers and has compromised the integrity of this House, but I also believe that we have not been told the whole story about the House bank.

I believe the House leadership knew as early as December 1989 that activities in the House bank could embarrass the House and that overdrafts amounted to short-term loans. The importance of that latter point is that the recent conviction of a House post office staffer was based on her overdrafts which became, in effect, short-term loans financed with taxpayer money. If similar activity occurred in the House bank, it raises the specter of potential criminality.

Let me say that I know of no Member of Congress who specifically committed a criminal act. What I do know now is that the General Accounting Office suspected potential criminal problems of some kind, and so informed House leaders. I emphasize that I know that now because it has taken me months to acquire the documentation for what I am about to reveal.

What is apparent is that all of the talk about Judge Wilkey's investigation being a political witch hunt without any legal foundation is simply unfounded. It is certainly clear from the data I have gathered that serious questions, including questions of potential criminality, do exist.

I have tried to handle the information in my possession responsibly. I wrote the Speaker, raising questions which occurred to me upon reviewing the material I received. He was good enough to answer, but did not address the specificity of my questions.

In the course of tonight's discussion, I will talk about the letter and his response, but let me begin with the information provided me by the GAO as a basis for spelling out my concerns. The GAO, in a letter to the former Sergeant at Arms, Jack Russ, provided a draft report on their audits dated April 3, 1991. The importance of that financial audit and this draft is language that was included in that draft audit that says, and I quote:

> Further, bank officials have not taken action to suspend or terminate any account holders, even though many of these account holders have demonstrated a continuing pattern of cashing checks when there are insufficient funds in their accounts to cover the checks. This indicates that the check cashing procedures are not being consistently enforced. Also, account holders are receiving what amounts to interest-free short term loans when they overdraft their accounts and do not have to pay for this privilege.

I want to repeat that last sentence.

> Also, account holders are receiving what amounts to interest-free short term loans when they overdraft their accounts and do not pay for this privilege.

The importance of that statement as it appears in the draft report is that in fact it was the opinion of the auditors of what was going on in the House bank, and never appears in the final draft.

The GAO, in their errata sheet, explains that they removed that particular sentence, and let me read to the Members their explanation. They said:

> Also deleted was a statement that account holders of insufficient fund checks had received interest-free loans. Because GAO lacked information on the circumstances behind each check, agency reviewers concluded this generalization was too broad and could be misleading. However, GAO felt it important that a statement be added to specify that no penalties were imposed on account holders who overdrew their accounts.

That is what took place. That is what GAO claims. Now, I want to go to what I wrote to the Speaker in this regard, give you his response, and then indicate why I believe that both the errata sheet and the Speaker's response are inadequate as an answer to this particular problem.

Understand, I am raising this issue about that line that was deleted because that line implies criminality. It implies the potential criminality based upon the same set of circumstances that ended up having a member of the House Post Office staff convicted just recently.

Here is language from my letter to the Speaker with regard to this matter. I wrote to the Speaker and said:

> What disturbs me is that the language of the draft report referring to a criminal violation does not appear in the final report. I am told that the deletion took place after discussions with House officials, including members of your staff. Is that true?
>
> The errata sheet provided by GAO describes the changes occurring because the auditors themselves reconsidered. That reconsideration, I am informed, took place under pressure from the House. Is that true?
>
> Furthermore, the auditors were asked to retract a position that had been personally communicated to you months earlier by the Comptroller General. What was done to pursue this indication of criminal activity at that time?
>
> Public statements made thus far indicate that the concerns of the Comptroller General were responded to by asking the Sergeant at Arms, Jack Russ, to correct the problem, this despite the fact that the letter contained a long list of Russ's personal overdrafts amounting to $104,825. How is it an appropriate response to GAO's concerns to turn the solution over to someone who may be in criminal violation himself?

The Speaker wrote back to me answering those questions in this way:

> The GAO routinely provides a draft copy of its report to an institution it inspects, thereby affording an opportunity for comments. Whether the GAO then makes changes lies wholly within its prerogative and independent judgment. I presume such was the case with respect to the reports to which you refer.
>
> In fact, with respect to the language you cite about the overdrafts, which GAO edited, GAO has explained in its internal memorandum you provided to me that "because GAO lacked information on the circumstances behind each check, agency reviewers concluded this generalization was too broad and could be misleading."
>
> You charge that criminal activity took place with respect to overdrafts by account holders at the former House bank. I continue in the strong conviction that no overdraft by a Member of the House constituted a criminal act. As you know, the Attorney General's Special Counsel, Judge Malcolm R. Wilkey, has already written the vast majority of Members with one or more overdrafts letters which inform them that the Department's review of their records and practices of the former House bank had led him to conclude that there was no basis for pursuing any further inquiry regarding any possible criminal violation with respect to their accounts.
>
> Further, the process of furnishing such letters continues.

□ 2050

Now all of that sounds blissful except that the problem is that the Speaker, of course, did not respond to the specific questions that I raised.

You will remember that I raised the question of whether or not the House in any way participated in discussions, whether House officials including members of the Speaker's staff participated in discussions about the draft report. The Speaker does not answer that question. I further asked whether or not the reconsideration that is in the errata sheet took place under pressure from the House. The Speaker does not answer that question. I further raised the question of what was done to pursue the charges which I am about to talk about of the Comptroller General when he made similar kinds of charges months earlier. The Speaker does not answer that question. I further asked an appropriate response to turn it over to an official to solve the problem who may have problems himself. I did not receive an answer to that question.

So none of the specific questions that I asked were answered and, in fact, my charge that there may be criminal conduct in the bank was never specifically answered either, except that the Speaker says that he continues in the strong conviction that no overdraft by a Member of the House constituted a criminal act. However, that does not speak to the question of whether or not there may be criminality in the bank that goes beyond Members.

But I want to go back to the fundamental point here, whether or not GAO auditors were right in assuming that the overdrafts amounted to short-term loans, and whether or not someone thought that was a problem. Evidently, it was felt it was enough of a problem to pull it out of the final report. But this is not the first time the House had been informed of such a condition and such a charge.

In fact, the Speaker received a letter on December 19, 1989, from the Comptroller General of the United States, Mr. Bowsher. In that letter, which has been reported on in the press, but one line in that letter has not been focused upon, and that line is, and I quote, "During this time," referring to the time when depositors received credit to their accounts in the House bank, it says, "During this time, the makers or depositors of these checks have what could be considered an interest-free loan from the House Members' deposits at the bank."

So back in December 1989 the Comptroller General himself raised this question of interest-free loans in the House bank. Again, I go back and say interest-free loans are a problem because they constitute the same criminal class as was recently indicated in the conviction of a House staffer at the House post office.

The point that I raise with regard to the Comptroller General is the auditors in 1991 were saying nothing different than what the Speaker heard directly from Mr. Bowsher in 1989. And I want to also make another point. And that is that Mr. Bowsher regarded this letter as so serious that he met personally with the Speaker at that time and members of the Speaker's staff and informed him of the serious nature that he believed this letter constituted.

Now what happened? In 1989 after this information was revealed to the Speaker, that is what I referred to in my letter as a situation where having been informed of the situation the matter was turned over to the Sergeant at Arms to solve.

Now I struggled with that particular concept because it does not exactly strike me that that is what you would typically do in these kinds of cases, particularly when included as a part of the letter from the GAO were a list of checks from the House bank which had been overdrafted by staff people in the House bank. Included in that, as was mentioned in my letter, was a list of $104,000 worth of checks, a little better than $104,000 of checks that had been overdrafted and returned to the Sergeant at Arms himself. It is an interesting list of checks, and it is something that raises real questions. It was something that raised questions when the Ethics Committee investigated.

On one particular day, for example, Mr. Russ had returned to him, and this is July 27, 1989, had three checks returned to him amounting to $5,000, $11,000, and $9,000. Two of those checks, after they had bounced once, he attempted to put through again, and again the $11,000 check and the $9,000 check were again refused payment on August 11, 1989.

Now what disturbs me about those checks, and what I believe lies at the base of why they could not move outside the scope of the House, was that the information I have is that those checks were written to cover gambling debts of Members in the House of Representatives. Now that is a disturbing aspect of all of this because I believe that that is the reason why then the criminality could not be pursued any further.

I can give specific check numbers. The check numbers were check 1365, check 1367, and check 1378 were the checks that were returned to the House Bank on July 27. Beyond that, there was a $10,000 check, No. 1394 written on 8/22/89, on August 22, 1989, that was returned. That was the date it was returned. It also then was rejected. And then on September 6, 1989, this $10,000 check was again rejected. Again, the information that I have indicates that those checks were in fact to pay gambling debts of Members of the House of Representatives.

That may explain why the matter could not be pursued any further than it was, and why there was an attempt, in my view, to cover up the extent to which Members' overdrafts amounted to short-term loans.

Now the question that arises is how do I make the case that these were in fact short-term loans of a nature that could cause a major problem. To that I go to another document that I received recently from the GAO which is the job file from the GAO when they looked at the situation within the House Bank. In that job file I learned that there was a special account known as the general ledger account 53. General ledger account 53 was the account into which Members were entered when they went past the 1-month latitude in their overdraft at the bank.

Now understand how this system operated, and what we have been told all the way along up until now was that this really was not overdrafting because what Members were doing was they were overdrafting their accounts, but actually they had money coming to them and so, therefore, it was not really an overdraft in the truest sense of the word. They were simply getting a little bit of money in advance, and it was all paid for at the end of the month. And in most cases that was probably true, and there probably is no question that that does not involve any kind of criminal activity because of the nature of the way the House operated. But what is interesting is general ledger account 53 called Members' unpaid checks.

□ 2100

Let me describe or let me read to you how the auditors describe general ledger account 53. They said:

> The checking services provided for the Members differs from other financial institutions in that the Members may write checks on their accrued salaries during the month even though that salary will not be physically deposited in the House bank until the 1st of the subsequent month. Members' unpaid checks held over from the previous month are charged against the respective Member's account on the assumption that they will be cleared by the Member's salary transfers on the 1st of the month. Where any Member's salary transfer amount will not cover their unpaid checks, such check amounts are removed from the Member's account and reentered in general ledger account 53, Members' unpaid checks.

Now, why is that important? Well, because what that suggests is that there was a ledger account where Members had overdrawn their accounts to an extent further than what they could pay for out of their month's salary, meaning that this was a draw against taxpayers' money in the appropriated account held at Treasury.

Now, how do I know that? If I go into the job file again, I find that particular account described. It is account No. 4831. Let me read to you what the auditors say in the job file.

> Generally deposit funds are funds in the Members' checking accounts that are handled by the House bank and placed in the Treasury. A separate checking account, symbol 4828, is maintained for these moneys. The designations 'disbursing funds' or 'appropriated funds' refer to an entirely separate set of accounts which are maintained at the Treasury to account for the appropriations and disbursements for Members' salaries and mileage. Checking account symbol 4831 is maintained by the Sergeant at Arms with the Treasury for withdrawals of these moneys. Appropriated funds are funds appropriated for the payment of Members' compensation, mileage, and gratuities to widows or widowers and heirs of deceased Members. The Sergeant at Arms acts as disbursing officers for these funds, using checking account symbol 4831 for disbursements. For those Members who desire the service, salaries are transferred directly into the House bank deposit fund, checking account symbol 4828, monthly. This is accomplished by the bookkeeping department, whose entry totals must tie to salary control totals developed monthly by the Sergeant at Arms. For those Members not desiring this service, their salary checks drawn on account 4831 are delivered to them or their designated depository through an arrangement between the House bank and the House Postmaster.

Now, the importance again of that statement is that the drawdown from the Treasury is on a monthly basis into these various accounts which means that anybody who is over that monthly period is in fact having their loan, if you will, secured by the taxpayers. That does not meet with Federal law, and that raises severe questions. And that is my concern out of all of this is that thus far we have not had an adequate explanation to the House for the fact that we were informed of these kinds of circumstances early on in December of 1989.

Mr. RANGEL. Mr. Speaker, will the gentleman yield? Would the gentleman just yield for a clarification of his statement?

Mr. WALKER. I yield to the gentleman from New York.

Mr. RANGEL. As I understand the gentleman's remarks, he is saying that when it appears as though a check is applied to the outstanding checks, when the Congressman's paycheck, if, indeed, it does not cover the outstanding indebtedness to the Sergeant at Arms or the so-called bank, that the shortfall is transferred to a different account?

Mr. WALKER. Yes. What happened was that at that point, if they did not have money to cover it, it was put in this general ledger account 53 named "Members' unpaid checks."

Mr. RANGEL. And so when the Member got their bank statement then that overdraw would not appear on that statement?

Mr. WALKER. Well, none of the overdrafts appear on any Member's statements.

Mr. RANGEL. I think the gentleman is making a great contribution, because I think it is important to a lot of Members who are not aware of this transaction which you received, and, therefore, what happens is that they receive a statement indicating they are not overdrawn, and so it appears as though they are in better financial status than it actually was.

Mr. WALKER. The gentleman may not have been here when I made my original remarks. I said one of the reasons I am making this statement is because I believe that the mismanagement, and this is what I said earlier, that the mismanagement of the House bank has resulted needlessly in the destruction of valued political careers and compromised the integrity of the House. The gentleman is exactly making my point.

Mr. RANGEL. Will the gentleman yield further? I think the gentleman is making a great contribution. Will the gentleman yield further?

He said he has sources of information as to why these overdrafts took place. In other words, it seems as though the gentleman received information as to the spending habits of the Members, you know, gambling, women, drink or whatever.

Mr. WALKER. No. I did not mention women or drink. I do believe that there is testimony at the ethics committee, and that there is information which has been developed which would, in fact, indicate that checks that I mentioned, and I mentioned specific checks, were used to pay gambling debts of Members.

Mr. RANGEL. You know, this is a very serious accusation. I assume the Member in the well would not have this cloud hang over all of the Members that are in the Congress unless he was prepared to state for the record his source of information.

Mr. WALKER. My source of information is the fact that I have the specific numbers of the checks that I believe, I have every reason to believe, were written for that purpose.

Mr. RANGEL. When you say you have every reason to believe, unless you are a bookie or unless you are involved in the transaction, you know, I know you would not want to embarrass your colleagues here. Right? I mean, not deliberately. And so, therefore, if I were to get in the well and to say that I believed that you used money for a purpose, you would have every right, as a gentleman, to ask me what is my source of reaching that belief, and since I have had 63 checks that may have come under that category, I would hate for my wife to read the CONGRESSIONAL RECORD and ask was I gambling merely because you said that somebody was gambling and misusing the bank funds.

So if you really are saying that you just believe this, but you do not know what you are talking about as a fact, I think that would be enough to amend the record.

Mr. WALKER. No; I do know that this is a fact.

Mr. RANGEL. Oh, you do know it is a fact?

Mr. WALKER. I am very confident of the factual nature of what I have said, and I have also indicated that it is not my purpose to use this to accuse any Member of any activity, but I do believe that this is a very serious charge. I would agree with the gentleman on that.

Mr. RANGEL. It is a serious charge.

Mr. WALKER. But it is something where if, for example, if the gentleman would join me in asking that the transcripts of the House post office investigation and the House bank investigation be made public, I think at that point we could clear this matter up. I believe that there was information developed there that will corroborate this point.

Mr. RANGEL. Is the gentleman suggesting for the public record that you are making statements that are in fact privileged information concerning your colleagues? Is that what the gentleman is suggesting?

Mr. WALKER. No; I am not making that statement at all. I am simply saying that I believe that this information does exist. I believe that everything I said here is factual, and I believe it goes to the heart of what I regard as a very strong odor of mismanagement at the House bank, and I am attempting to try to work through why it was what the House was not given, if the gentleman will allow me to make my point, why the House was not given the information in a timely manner, why this matter was not handled in a way that did not end up embarrassing hundreds of Members of Congress and did not end up destroying, in some cases, political careers. I believe that there had to be underlying reasons as to why this information could not be dealt with in a responsible manner, at the time it was first developed, and I am telling the gentleman that my understanding of the situation is that it is, in part, tied to the fact that an investigation and a handling of the information at that time would have revealed this pattern where the House Sergeant at Arms was drawing personal checks in order to pay Members' gambling debts.

Mr. RANGEL. My only question to you is: Did you reach these conclusions based on privileged documents or private documents that are not public? That was my only question.

Mr. WALKER. I have seen no documents.

Mr. RANGEL. Then the information that you are sharing with us is public information?

Mr. WALKER. It is now.

Mr. RANGEL. It is either public or private. I am not trying to play games with you.

Mr. WALKER. Well, at the moment it is certainly public information. What was not public about it I have certainly just made public.

Mr. RANGEL. What you have made public is what you believe?

Mr. WALKER. That is right, and I will say that in large part we operate in the House based upon what we believe.

□ 2110

I have tried to document insofar as information has been made available to me, virtually all of the charges that I have made here. I have documented it with GAO materials. I have documented it with correspondence, and I do believe that everything that I have said constitutes a factual base.

Mr. RANGEL. OK, but your speculations are not a part of the public record.

Mr. WALKER. In my view, it is not a matter of speculation at all. I believe that every word of that is in fact true.

Mr. CLAY. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. CLAY. In your opening statement you state that the General Accounting Office has determined, and you read from a letter, that overdrafts amounted to short-term loans and that they were interest-free loans.

Mr. WALKER. That was in the draft.

Mr. CLAY. Yes. And then you emphatically stated that overdrafts constituted criminal acts. Now, the——

Mr. WALKER. No, the short-term loans do.

Mr. CLAY. Short-term loans.

Mr. WALKER. Yes. And the reason I say that is because you will remember that we have a House staffer who was recently convicted of exactly that, taking short-term loans from the post office that involved taxpayers' money.

Mr. CLAY. May I continue and ask my question?

Mr. WALKER. Surely.

Mr. CLAY. You emphatically state that these overdrafts constitute criminal acts.

Mr. WALKER. Well, I am saying——

Mr. CLAY. No, interest-free loans, they constitute interest-free loans.

Mr. WALKER. That is what I said.

Mr. CLAY. Short-term loans which, in your opinion, constitutes——

Mr. WALKER. Well——

Mr. CLAY. You have not heard my question. Will you listen?

Mr. WALKER. I just wanted to clarify. I do not want the gentleman to put his own interpretation on what I said. I said that the statement made by the GAO would, if taken at its face value, constitute a potential criminal activity, in my opinion.

Mr. CLAY. And you are an attorney, I assume?

Mr. WALKER. No, I am not.

Mr. CLAY. OK. Then the attorney investigating these so-called criminal activities, according to your opinion, has sent letters exonerating people who have had overdrafts of over 500 checks, 600 checks, 400 checks. Why would a U.S. attorney exonerate somebody who has committed a criminal act, according to your interpretation?

Mr. WALKER. Well, of course, I am not privileged. I have no idea. I have no contact with Judge Wilkey whatsoever. But I will tell you that I do not know that any Member who had his accounts in general ledger 53——

Mr. CLAY. No, no, the overdrafts you say would constitute a criminal act.

Mr. WALKER. No.

Mr. CLAY. Some of these people——

Mr. WALKER. Understand, because of the nature of the House bank, there is a lot of discussion about whether once the accounts flowed from the Treasury into the Members' accounts, whether or not that did constitute a real overdraft. There is a legal question there.

Mr. CLAY. What are you constituting as a criminal act? The overdrafts which you——

Mr. WALKER. No.

Mr. CLAY. Which you say constituted the act or the transfer to account 53?

Mr. WALKER. I am saying that the GAO raised that question.

Mr. CLAY. No, you said—the GAO did not say there were criminal acts.

Mr. WALKER. Yes, they did. They said——

Mr. CLAY. You said there were criminal acts.

Mr. WALKER. Receiving what amounts to interest-free short-term loans when they overdraft their accounts and not have to pay for the privilege.

Mr. CLAY. Wait a minute.

Mr. WALKER. I am saying to you——

Mr. CLAY. Well, tell me where the GAO said there were criminal acts.

Mr. WALKER. Well, I am saying——

Mr. CLAY. Please read—you have inserted it into the RECORD.

Will the RECORD tomorrow show that the GAO said these were criminal acts, or did you interpret them to be criminal acts?

Mr. WALKER. All I am simply doing is taking what has already been a conviction for a criminal act of another Member of the House—of a member of the House post office and saying——

Mr. SCHUMER. Will the gentleman yield?

Mr. WALKER. And saying this is in exactly the same league as that particular item.

So I think it does amount to a very serious charge and one would have to wonder, one would have to wonder why so much effort was put in taking that language out of the draft report if indeed it did not constitute a problem for the House.

Mr. SCHUMER. Will the gentleman yield

Mr. WALKER. Sure.

Mr. SCHUMER. For one further question.

Mr. WALKER. Sure.

Mr. SCHUMER. Because I think the gentleman is talking about apples and oranges. If I am wrong, let him correct me.

He is saying that the GAO, in draft language, for reasons—I am sure the gentleman has made corrections to his initial draft of statements too, for no nefarious reason. So it is quite a leap to say——

Mr. WALKER. Well, if the gentleman was here, he would have——

Mr. SCHUMER. If I may ask my question.

Mr. WALKER. Let me make my point, however—he would know that I also indicated the reason why this particular revision was so strange is because the Comptroller General, himself, had written exactly the same charge about 15 months earlier, and that was never retracted. And in fact it exists on the record.

I would be happy to yield.

Mr. SCHUMER. Well, then the gentleman ought to quote the Comptroller General and not the GAO. But my question is this——

Mr. WALKER. The Comptroller General heads the GAO.

Mr. SCHUMER. Yes. No, you are quoting a GAO report there.

Mr. WALKER. Yes, and the Comptroller General is the head of the GAO.

Mr. SCHUMER. Yes.

Mr. WALKER. And he is the one who wrote the letter to the Speaker making exactly the same charge.

Mr. SCHUMER. Then quote the language from the 15 months previously.

Mr. WALKER. Sure.

Mr. SCHUMER. Well, this is my point to the gentleman: The gentleman is saying that language in the draft report said that what was done in the House bank was the equivalent of short-term, interest-free loans.

Mr. WALKER. I am saying it has that potential, that is right.

Mr. SCHUMER. That is what the gentleman is saying. Then he goes on to say that his analogy is that it is a criminal act because an employee of the House post office had interest-free loans and that was—he was indicted or convicted.

Mr. WALKER. Convicted of that.

Mr. SCHUMER. Right. Were those interest-free loans from the same House bank?

Mr. WALKER. No, they were from——

Mr. SCHUMER. Well, then I—I mean the gentleman is making a flawed analogy. He is saying apples equals oranges, pears equals bananas, therefore apples are bananas. That is not logic by any stretch of the imagination. And I would say to the gentleman——

Mr. WALKER. I love where the gentleman is coming from. But the fact is——

Mr. SCHUMER. Well, the gentleman is——

Mr. WALKER. In fact, the Federal law, the Federal law covers not only the post office activity, it covers other activities as well. It is the general law that says you cannot take interest-free loans out of taxpayer money.

Mr. SCHUMER. Yes, and the House bank——

Mr. WALKER. That applies to the House Post Office, it appears to the House bank.

Mr. SCHUMER. Is the House bank established to be taxpayer money?

Mr. WALKER. Well, if the gentleman bothered to listen——

Mr. SCHUMER. I have listened.

Mr. WALKER. Instead of a diatribe, if he started to listen to—what I am saying is that——

Mr. SCHUMER. That is a broad stretch, I would say to the gentleman, a broad leap that one ought to be very careful before making, because when you accuse someone of criminal activity, at the very least you ought to lay out that there is quite a difference between a loan from the House bank and a loan from taxpayer funds.

Mr. WALKER. I am sure that is the gentleman's opinion.

Mr. SCHUMER. I think that would be most people's opinion.

Mr. WALKER. Well—have I yielded to the gentleman?

Now, I have been trying to be patient here, but the gentleman continues to interrupt me.

Mr. SCHUMER. Well, we have been quite patient here, too, I would say to the gentleman.

Mr. TAYLOR of North Carolina. Would the gentleman yield?

Mr. WALKER. But it is my time, it is my time. So let me say to the gentleman that I was referring him to General Ledger Account 53, because that is obviously an account where Members did not have the money assigned to them, where it was in fact backed by Treasury money. That is the whole point of this job file.

Mr. SCHUMER. I would simply—if the gentleman would yield for one final comment, and then I will let him go on with these leaps in logic which, at least in my opinion, are great leaps in logic—that you still have not made the case that the House bank was taxpayer dollars and that is the whole thrust of the gentleman's argument. But he passes right over that, at least until questioned.

Mr. WALKER. If the gentleman would allow me to get to it, I would be happy to further inform him, but let me say to the gentleman that the——

Mr. WHEAT. Will the gentleman yield for a question?

Mr. WALKER. I am going to yield over here on this side first, but instead of interrupting me, you know, would you let me finish a sentence along the way? Since it is my time.

Mr. WHEAT. Well, you raised——

Mr. WALKER. I would say to the gentleman that I do not believe that if I paraded a witness onto the floor, that the gentleman is going to believe me. I mean he has made up his mind. He does not like the information I am presenting to the House. I understand that but——

Mr. WHEAT. Would the gentleman yield?

Mr. WALKER. But the information that is in my possession, I think the House deserves to know about the nature of this mismanagement.

Let me yield to the gentleman from North Carolina, who has been very patient.

Mr. TAYLOR of North Carolina. I thank the gentleman. I hesitate, as a first-term Member, to jump into the middle of this heavy jurisprudence and arguments and all the lawyering that is going on here. But I heard the gentleman earlier say: Is it true and did you read and quote from your statement that the Sergeant at Arms wrote something like $104,000 worth of interest-free checks?

Mr. WALKER. Let us be clear here. Some of those were duplicate amounts because they were checks that were bounced on a couple of different occasions. They were very large amounts, and they were checks that were not paid for on a couple of different reasons. My point is not the $104,000 as much as it is that a number of those very, very substantial checks were written to pay gambling debts of Members of the House.

□ 2120

That is the basic point I am making.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. Yes, I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Has the Sergeant at Arms testified before the Ethics Committee or has he been called before the Ethics Committee?

Mr. WALKER. He was called before the Ethics Committee, and I think his gunshot wound occurred the day before he was to appear at the Ethics Committee. I am not aware that they ever took a sworn deposition from him.

Mr. TAYLOR of North Carolina. The Sergeant at Arms resigned or left the Sergeant at Arms position which oversaw the bank some months ago?

Mr. WALKER. That is my understanding, that is right.

Mr. TAYLOR of North Carolina. Is he in fact on the House payroll today and being paid by the taxpayers in any capacity?

Mr. WALKER. I really do not know. He may be, but that I do not know.

Mr. TAYLOR of North Carolina. Where would one address that question?

Mr. WALKER. I assume to the Clerk.

Mr. TAYLOR of North Carolina. I would ask one further question.

It is difficult in going through the maze of transactions, almost a year ago when this first started, for us to tell whether or not tax funds were being used in this matter.

I know there have been statements that there were no tax funds involved in the House bank, and of course we know there were certain tax funds involved in the operation and collection of overdrafts and so forth. But what happened if Members' deposits did not cover the overdrafts in the House bank at any given time?

Mr. WALKER. That is the point that the gentlemen on the other side do not want to acknowledge and do not want to understand.

The fact is that what happened when Members' salaries would not cover the overdrafts that they were already responsible for, those things were entered into this general ledger account 53.

Now, it is interesting to me that Members of the Ethics Committee evidently did not have this material before them and did not even consider general ledger account 53. It is not included in the House Ethics Committee report in any way, shape or form; however, here it is in the job file of the GAO.

Now, general ledger account 53 is important, because what it means there are Members who are then listed as people who do not have the money to cover the overdrafts already in place.

Somehow those moneys are being covered. Those moneys are being covered out of Treasury accounts. There is no pool of money there for them to be covered. As I read earlier from that same account, that pool of money only comes monthly. So therefore, Members who are overdrawn for more than a month are being backed by taxpayer money. That is the question here.

Mr. WHEAT. Mr. Speaker, will the gentleman yield there for a point of clarification?

Mr. WALKER. I will in a moment. I think I have been reasonably generous, and I will in a moment.

Mr. WHEAT. All right.

Mr. WALKER. The point being here that this was a fairly unique institution. In any other bank in the country, this kind of practice would certainly constitute criminal activity. The only reason why it did not perhaps do it here, even on those who overdrafted for the first month without paying for the privilege, without any kind of interest payments, is because of the rather unique nature of the House bank as a cooperative arrangement; but you cannot have a cooperative arrangement of moneys that you do not have. The moneys that were there that were the funds deposited to the Members' salaries, that is one thing.

The accounts that are in House general ledger account 53 did not have any salary money to cover them. So therefore they had to be covered by the taxpayer's money on account in the Treasury. That is the point I am making.

Mr. WHEAT. Mr. Speaker, will the gentleman yield for a question?

Mr. WALKER. Sure. I am happy to yield to the gentleman from Missouri.

Mr. WHEAT. The gentleman has raised so many points, I hardly know where to begin, but this general ledger account 53 disturbs me for a moment, because I have read this entire account of how the House bank operated. I have learned a great deal more about how banks operate and how banks did not operate, because the House bank was, as we know, not a bank, than I ever hoped to know.

But one of the things I was always clear about, or at least I thought I was clear about, is that there was always at all times a surplus of Member funds on deposit in the House bank, perhaps not for each individual account, that is how these individual so-called overdrafts occurred. But collectively, was there not always a surplus of funds in the House bank?

Mr. WALKER. Well, I do not know about a surplus.

Mr. WHEAT. Was there ever any point in time that the gentleman is aware of when Treasury funds were used in order to pay checks?

Mr. WALKER. Does the gentleman want an answer?

Mr. WHEAT. I would like to have an answer. I have seen the answer in the public press that this never happened.

Mr. WALKER. Mr. Speaker, the gentleman keeps talking and will not let me answer.

Mr. WHEAT. I am more than willing to hear the gentleman's answer.

Mr. WALKER. I thank the gentleman. The GAO auditor, I will tell the gentleman what they said about the deposits in the account to which the gentleman referred.

For those Members who desire the service, meaning service in the bank, salaries are transferred directly into the House bank deposit fund checking accounts, symbol 4828, monthly. This is accomplished by the bookkeeping department whose entry total was tied to the salary control totals developed monthly by the Sergeant at Arms. For those Members not desiring the service, and it goes on to say that they are sensitive to the other kinds of institutions.

Well, the point being here that the moneys were transferred out of the Treasury into the particular fund account each month.

The point is that these Members who had their funds in the general ledger account 53 did not have monthly moneys to cover that.

Mr. WHEAT. Now, the gentleman is losing me. Try to work through it very carefully and very slowly with me, if the gentleman would.

Mr. WALKER. Sure.

Mr. WHEAT. Let us say we had well in excess of a majority of the Members who were paid through the Sergeant at Arms, a huge number of Members, perhaps 300, perhaps even 400 Members, and all of this money went into the Sergeant at Arms, and this constituted the entire arrangement of funds that were in the Sergeant at Arms bank.

Mr. WALKER. Transferred monthly.

Mr. WHEAT. Was there ever any time with these funds transferred in monthly when there was a deficit in the bank as an entity?

I know there were individual accounts that were overdrawn, but was there ever a deficit for the entire institution?

Mr. WALKER. I do not know; but the point is that the institution was still not in a position of being able to cover those moneys with anything other than taxpayers' money or they would not have had the general account No. 53.

Mr. WHEAT. The gentleman is saying there was always a surplus of funds.

The SPEAKER pro tempore (Mr. HAYES of Illinois). The gentleman from Pennsylvania controls the time.

Mr. WALKER. Yes, and every time I attempt to speak, the gentleman attempts to talk over me.

Mr. WHEAT. I have one very simple question.

Mr. WALKER. I think the Chair has some responsibility to maintain order in the House.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] controls the time.

Mr. WALKER. I thank the Chair. Now, if the Chair would please maintain order, it would be very much appreciated. I have been very happy to yield to the gentleman——

Mr. WHEAT. I think we can maintain order between the two of us. May I restate my question to the gentleman?

Mr. WALKER. The gentleman keeps saying he wants to restate the question, but then he never wants to listen to the answer. He continues to talk over me when I go to answer. I will be very happy to yield to the gentleman again for a question. I would appreciate, however, if the gentleman then would not try to talk over me when I attempt to give my answer on my time.

Mr. WHEAT. I will be happy to stick with those ground rules, but obviously I have not been stating my question well, because I have never gotten a specific answer to the specific question, the same kind of thing the gentleman complained about in the letter to the Speaker, that the gentleman did not get an answer with specificity. That is what I am looking for

Mr. WALKER. In that letter, I did not get any answer to any of my specific questions.

Mr. WHEAT. What the gentleman is suggesting is that somehow these funds or these checks in General Ledger Account No. 53 were covered with Treasury funds, because there was a shortfall in funds.

Mr. WALKER. No; I did not say there was a shortfall in funds.

Mr. WHEAT. Well, then, is the gentleman aware of any statement anywhere that suggests there was a shortfall of funds in the bank that would have required that these checks or any other checks in the bank be covered with Treasury funds?

Mr. WALKER. Well, I do not know that, no. I am not aware of any such thing.

Mr. WHEAT. That is the question.

Mr. WALKER. All right, fine. I have answered that I do not know, but I will tell the gentleman, I have just answered an irrelevant question.

Mr. CLAY. Mr. Speaker, is the gentleman interested in an answer? May I tell the gentleman the answer?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] still controls the time.

Mr. WALKER. Well, I thank the Chair.

The SPEAKER pro tempore. The Chair suggests that we follow the procedure. If the gentleman wants to yield time, then yield it.

Mr. WALKER. Well, I am certainly trying to be generous with the yielding. These gentlemen do not seem to wish to follow the procedures here.

The SPEAKER pro tempore. The Chair will remind all of those speaking on this special order, the gentleman from Pennsylvania has remaining 12 minutes.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Let me see if I understand what the gentleman from Pennsylvania [Mr. WALKER] is saying. All the money has come from the U.S. Treasury, the taxpayers?

Mr. WALKER. Right.

☐ 2130

Mr. TAYLOR of North Carolina. They come in and were administered through the House bank for payment of one's salary on a monthly basis.

Mr. WALKER. And a lot of that money coming in was previously earned since we are basically paid 1 month late.

Mr. TAYLOR of North Carolina. Yes. But if I went past my 1 month's earnings, and there were not sufficient funds, what we in fact had to do was to reach into the Treasury account and, in fact, make an early withdrawal.

Is that correct?

Mr. WALKER. No.

Mr. TAYLOR of North Carolina. All right.

Mr. WALKER. Mr. Speaker, did my colleagues hear my answer? I said, "No."

Mr. TAYLOR of North Carolina. Explain to me.

Mr. WALKER. Now, as I said, I said, "No." That is not the case. But the fact is that those that were in account ledger No. 53 were in fact people who were well overdrawn, so, if we take their individual account, something had to be securing their individual account.

Now these folks all want to claim that what was securing their individual accounts was money from other Members, that the gentleman and I were securing their accounts. I will say that the House bank never told anybody that. There was never a time when anybody was told that my money that was kept on deposit in the House account was being used to do everything from covering other Members' overdrafts to covering gambling debts. No one ever suggested that that is the way the House bank operated.

But now, having had problems in the House bank, they now want to claim that we had this big cooperative and there was this big pool of money there. The fact is the way the House bank operated was that the individual Members' accounts were drawn out of the Treasury.

Now what I am suggesting is that any Member whose salary did not cover it, who ended up in general ledger account No. 53, was not being necessarily secured by other Members' money, that it may well be that it was being covered by money on account in the Treasury, and, if my colleagues read the job file, they find that that is exactly the pattern which certainly could be in place here.

Now, as my colleagues know, I would appreciate having officials answer a lot of these questions. The fact is that the officials have not wanted to answer. When I raised questions of this type with the Speaker, he gave me generalized responses, not specific responses. We have not had anybody come forth to explain.

The Select Committee on Ethics very nicely narrowed the scope of its investigation so that we could not get to some of these questions, and I think that we have got some serious questions that have occurred, and particularly, as I say, when my colleagues look at the GAO materials, and they look at the attempts that were made to scrub the GAO materials of any hint of this kind of activity, they do in fact have a major problem.

Mr. Speaker, I yield to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I would like to know what the source is. Could the gentleman from Pennsylvania [Mr. WALKER] tell the Members of the body what the source of his information is that Members used the so-called House bank to pay gambling debts? Could he tell us the source?

Mr. WALKER. That is based upon talking to principals who were involved in the investigation.

Mr. LEWIS of Georgia. Mr. Speaker, I say to the gentleman, "Do you know what I think, Mr. WALKER? You owe the House, every Member, every single Member of this body, an apology."

Mr. WALKER. Not if it is the truth, Mr. LEWIS, and I say to the gentleman, "Mr. LEWIS, it's the truth."

Mr. LEWIS of Georgia. It is an insult to every Member of this body. The gentleman from Pennsylvania [Mr. WALKER] has issued a blanket indictment. It is a shame and a disgrace what he has done here tonight.

The SPEAKER pro tempore (Mr. HAYES of Illinois). The gentleman from Pennsylvania [Mr. WALKER] still controls the time.

Mr. WALKER. Mr. Speaker, the gentleman from Georgia [Mr. LEWIS] and a number of Members on his side came to me and asked me specifically not to name names here this evening. Does the gentleman want me to begin naming names?

Mr. LEWIS of Georgia. Mr. Speaker, I want the gentleman from Pennsylvania to explain the source.

Mr. WALKER. No, no.

Mr. LEWIS of Georgia. If it is privileged, confidential information, explain the source.

I ask the gentleman, "How did you get it and none of us have it?"

Mr. WALKER. I specifically said that I would not come to the floor, that I did not think that that was necessary as a part of my presentation here tonight about the problems in the House bank, to name names.

Mr. LEWIS of Georgia. Mr. Speaker, I am not asking for a list of individuals. I am asking for the source.

Mr. WALKER. It seems to me that, if the gentleman wants the information, then he will have to understand then that I have to give then the totality of the information including the names. I do not really want to do that. I do not think that is necessary. I am simply telling the gentleman that, as a matter of fact, as a matter of truth, as a matter of speaking the truth on this issue, that it is clear to me that Members' gambling debts were paid by the specific checks that I cite.

Now, if the gentleman has different information than that, then I would be very pleased to receive it. But I do not think there is different information.

Mr. LEWIS of Georgia. I say to the gentleman, "Mr. WALKER, it is strange to me that some people can get confidential information and others cannot."

Mr. WALKER. And, Mr. Speaker, I would say to the gentleman from Georgia, "Look, look. You folks were the ones that voted the other day to allow HENRY GONZALEZ to release top secrets out here in special orders. You all voted in favor of letting him do it. Now don't come to me and suggest that there is some level of confidence that exceeds the top secret information of the United States Government, and so on."

Mr. LEWIS of Georgia. Mr. Speaker, the gentleman from Texas [Mr. GONZALEZ] told us he got it from the CIA. Where does the gentleman from Pennsylvania get his information from?

Mr. WALKER. Well, I said that my information came out of the House Select Committee on Ethics information.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield? I know he only has a few minutes left.

The SPEAKER pro tempore. He has only got, just to be specific, 6 minutes remaining.

Mr. TAYLOR of North Carolina. Let me tell the gentleman from Pennsylvania [Mr. WALKER] that, as a freshman who was enticed into the House Bank but who refused to open an account there, I was never told when I was being solicited, in effect, for the House Bank that my accounts were going into a cooperative that was being used to fund overdrafts, that I had the right to overdraft, that I would be ensnarled in some sort of situation that might impugn my character, as well as other Members of the House, and yet apparently that was known regularly by those who were participating in it.

Now I will tell the gentleman that it took us, the seven of us who were freshmen, 6 months to get just a little bit of information toward trying to see what was happening. It took a tremendous amount of public effort to get this matter actually brought forward and disclosed and to start a movement that actually gives us this much information as we have now.

Mr. Speaker, I appreciate the fact that the gentleman from Pennsylvania [Mr. WALKER] is trying to get further information, and I would hope the whole House could cooperate in this.

Mr. WALKER. Well, it took me some months, I will say to the gentleman, to get copies of these GAO draft reports because I heard there were variances between the draft reports and final reports. When I finally got the draft reports, I found what I find to be a serious discrepancy between the two, and in particular this line was removed that obviously carries with it the potential of alleging criminal activity, and so that was, in fact, one reason why I think the House was not given these draft reports prior to this, and it has only been within the last couple of days that I was able to get the job file which further revealed the existence of this special general ledger account.

So, I think there are serious questions to be raised here. I do not pretend to know all the facts. I was not a part of the House Select Committee on Ethics investigation. All I have is a series of very serious questions based upon real data. I have got real data from GAO. I have real information. I am raising those questions.

I would love to have the Speaker of the House come to the well and answer those questions. I think that that would make a very clear indication of what the real circumstances are, and it would be, I think, a very useful thing. I think it would be a useful thing to have the Speaker sit down with the gentleman from Illinois [Mr. MICHELL] and maybe a couple of others of us who have this particular issue, and hash out these things and find out.

I would be perfectly willing, within a private session, to talk about names of people who I believe are involved in the gambling activities that I talked about. I do not think that is the kind of thing that ought to be discussed because my effort here is not to impugn anyone. My effort here is to ensure that we know all there is to know about the House bank. I think up until now that we have only received a little bit of information. We have basically been told what the majority wanted us to know about the House bank situation. I think now, as we get more documentation, that we find out the realities of the House bank and that there was much more going on there than anybody had been led to believe.

So, I am taking the questions that I have, bringing them to the House floor, telling people what I believe the circumstances were based upon a large amount of evidentiary material that I have in my possession.

□ 2140

Some Members obviously are upset with the idea that anybody would come to the floor and speak the truth as he knows it. I cannot help that.

Mr. RANGEL. Mr. Speaker, could the gentleman yield on that point?

Mr. WALKER. Sure.

Mr. RANGEL. First of all, I think we are all in accord that many Members of this House, even those that have been here many years longer than the freshmen, did not know that other Members' accounts were covering a shortfall in their accounts, and you have said it.

Many of us never even had the slightest idea that if the account was short, that it would be transferred to some other cockamamy account which you have a number for.

Mr. WALKER. Not all accounts were though. I am not suggesting all accounts were. If you never went over in one month, you never got into general ledger account 53.

Mr. RANGEL. But if you went over several months——

Mr. WALKER. At that point you would be in general ledger account 53.

Mr. RANGEL. No notice was given that you would go into the special account. I am only going into the question of the allegation of criminal behavior, because I think the three of us on this floor, and you said earlier in your statement that many Members never were protected, you said, by the leadership because they never knew.

Mr. WALKER. That is right.

Mr. RANGEL. If you never knew, how in the heck could you be involved in criminal activities? Really, if you did it for any purpose and you never knew you were violating any House rules, if you never knew you were violating the laws, I ask the gentleman in the well what difference did it make what you used the money for?

Mr. WALKER. Well, I think it is very clear. The gentleman has just helped make a case, and I thank him for it, that it is probably the reason why Judge Wilkey is clearing so many Members. He is probably coming to that conclusion too. That does not mean, however, there may not have been criminal activity there and at some point we are going to find a few Members or non-members who are involved in banking activities charged with certain crimes connected with the bank.

My point is simply that I believe there was criminal activity in the bank, and I believe that therefore the investigation by Judge Wilkey is entirely appropriate, unlike remarks I have heard on the floor on several occasions indicating that they thought that Judge Wilkey was on some kind of political witch hunt. I do not think that is the case at all. I think we have enough documentation here now to know that there is a real potential for criminal activity in the House bank.

Mr. RANGEL. The gentleman in the well said he had no knowledge, that Members had no knowledge of the fact their overdraw would throw them into a special account.

Mr. WALKER. That is right.

Mr. RANGEL. Your speculation of criminal behavior or what that money was used for is where most of us really take issue with you.

Mr. WALKER. I understand that.

Mr. RANGEL. You have no basis to speculate when what you are saying is that Members should have known how the accounts were being used. That is what hurts.

Mr. WALKER. I am saying that the GAO makes allegations which I think the House should be informed of because they at least border on criminality.

TRIBUTE TO THE HONORABLE FRANK ANNUNZIO

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. LaFALCE] is recognized for 60 minutes.

Mr. LaFALCE. Mr. Speaker, I rise today in tribute to a Member who has served an honored and distinguished career in this House, the gentleman from Illinois [Mr. ANNUNZIO]. It has been my pleasure to have served with him for 18 years not only as a Member of Congress, but also as a member of the Banking Committee.

Mr. ANNUNZIO chaired first the Consumer Affairs and Coinage Subcommittee and then the Financial Institutions Subcommittee with a flair that few Members could imitate. His hearings were often designed to ensure that the point he was trying to make was made in an unforgettable way.

In 1987, he had introduced legislation authorizing the minting of commemorative coins to raise money for our Nation's Olympic athletes. Most chairmen would have been content to simply bring in some Olympic officials to testify on the need for funding for Olympic teams. Other chairmen might have brought in some Olympic athletes to testify.

But FRANK ANNUNIZO was no ordinary chairman. He brought in Olympic athletes, all right, but they did more than just testify. For 1 day, the Banking Committee hearing room was transformed into an Olympic gymnasium. Olympic athletes whirled, leaped, and turned through the air, performed gymnastic feats on the balance beam and parallel bars. The space in the hearing room, which is usually occupied only by the sounds of witnesses and Members, was filled with astounding gymnastic performances. Needless to say, the legislation subsequently sailed through the House and Senate without a slip. Sale of the coins raised $23 million for our 1988 Olympic athletes.

That was not the only hearing at which the gentleman from Illinois used something out of the ordinary to illustrate a point. During the 1982 recession, he held a hearing on the effect that high interest rates were having on the economy. Not unusual, he had a witness from the Federal Reserve testify. But to illustrate his point that the Fed's tight money policy was hurting small businesses, he had a scoreboard in the hearing room. The scoreboard was labeled, "The Business Bankruptcy Scoreboard," and it was set to zero. As soon as Chairman ANNUNZIO brought the hearing to order the score changed to one. The chairman announced that the clock would keep track of the number of businesses that failed during the course of the hearing, based on the rate of business bankruptcy filings at the time. Every few seconds throughout the hearing, the count on the scoreboard increased by one. The scoreboard was a powerful reminder to all in the room of the effect that the Federal Reserve's tight money policies were having on America's main streets.

Mr. ANNUNZIO has long been an advocate of interest rate ceilings for consumers. A number of years ago, he held a hearing on whether the Federal Government should preempt State usury laws. He argued that the Federal Government should not preempt State laws. A witness before the subcommittee was arguing that the marketplace should determine interest rates, or consumers would suffer because credit would be cut off. The chairman said to the witness, "Well, you know that without usury ceilings interest rates could go way up." The witness replied that he was aware of that. With that the gentleman from Illinois reached underneath the podium and took out a large box.

"I want to show you what will happen if usury ceilings are lifted," said Mr. ANNUNZIO, "Interest rates will go way up." With that he opened the lid of the box and a balloon labeled "interest rates" shot out of the box and went to the ceiling of the hearing room.

The photograph of the gentleman from Illinois and the interest rate balloon ascending appeared in newspapers throughout the Nation.

Mr. ANNUNZIO has never been afraid to fight for what he though was right, especially when it came to defending the common man. His fights for consumers over credit card interest rates are well known. His tenacity in the battle over the 1984 Olympic coin program shows that one Member with strong convictions can make a difference.

In 1982, the Los Angeles Olympic Organizing Committee, under the direction of Peter Uberroth, was riding high. The committee was seeking a coin program to raise money for the Olympics. Rather than approach Congress or the gentleman from Illinois, who was then the chairman of the Consumer Affairs and Coinage Subcommittee, the Los Angeles Olympic Organizing Committee struck a deal to market the coins privately.

The U.S. Mint would be turned over to the marketers. The Mint would assume the risks, and the marketers would reap the profits. Very little money would ever reach the athletes.

Washington's finest lobbyists were hired to have Congress ratify the plan. The administration endorsed the plan, the Senate promptly ratified it, and the then-chairman of the Banking Committee endorsed it. A steady stream of Olympic officials and athletes were brought to Washington to urge its passage.

Only one man stood in the path of this lobbying juggernaut—FRANK ANNUNZIO. He had looked over the plan and come to the conclusion that the Olympic athletes had been sold out. He was convinced that an Olympic coin plan that he devised would raise more money for the athletes by cutting out the marketing middlemen.

Since the program had been designed by the marketers to benefit themselves, FRANK ANNUNZIO had placed himself squarely across their path, and they were bearing down on him like an 18-wheeler 2 hours behind schedule.

But FRANK ANNUNZIO fought on. He hammered away, day after day in 1-minute speeches on the floor, that the athletes were being left out. He held hearings in which the ordinary coin collectors who were the marketers target came in and testified that they could not afford the marketers multiple coin programs. He publicized the marketers contract with the Los Angeles Olympic Organizing Committee, showing how the athletes would be shortchanged.

It seemed like his efforts would hardly matter. The lobbyists were working just as hard against him. They had an unlimited budget, and much greater resources on their side. The Senate had ratified their plan. The administration supported it. Finally, even the Banking Committee, at the urging of its then-chairman had cleared it for the floor. Now it was just a matter of time before it passed.

But FRANK ANNUNZIO did not give up. He organized a living-room lobby, ordinary citizens who pledged to buy Olympic coins from his program, and not from the marketers plan.

He went to the Rules Committee and convinced it to allow him to offer his plan as a substitute. Perhaps the Rules Committee was simply showing a courtesy to a subcommittee chairman, I do not know. But the committee agreed to give him his last stand on the floor of this House.

The day came for the floor debate. FRANK ANNUNZIO was a tiger. He spoke on the rule. He argued during general debate on the bill. He spoke passionately and from the heart when he offered his substitute.

And an extraordinary thing happened. Members hearing the debate in their offices started to take notice. Other Members on the floor for other business started to listen. And when it came time to vote, FRANK ANNUNZIO won. His substitute got 304 votes. Only 89 Members voted against it. That was less than the number of Members who had cosponsored the plan supported by the marketers.

Mr. Speaker, it was an extraordinary day. I have been in this House 18 years and have seen only a handful of occasions in which the floor debate actually changed the outcome of a vote, especially one in which all the lobbying is on one side.

FRANK ANNUNZIO had reached out and singlehandedly turned the Olympic coin program around. It was now a program that would benefit the Olympic athletes, not marketers. His lonely fight had ended in a glorious victory. He had broken the marketers and his program quickly became law.

And the result was just what FRANK ANNUNZIO had predicted. His 1984 Olympic coin program produced over $70 million to support American Olympic athletes.

In winning the Olympic coin battle, the gentleman from Illinois was recognized as the congressional coin expert. And that title was justified. In 1986, his coin program in commemoration of the Statue of Liberty and the contribution of immigrants to America raised over $75 million to help restore the Statue of Liberty and Ellis Island, the gateway to America for so many millions of immigrants to America.

This year Congress enacted FRANK ANNUNZIO'S final commemorative coin program—one commemorating the quincentennary of the discovery of America by Christopher Columbus. As a fellow Italian-American, I was proud to be a cosponsor of that legislation.

Some people questioned whether these coins should be issued. They argued that Columbus was not even the first European to come to America. The Vikings and St. Brendon had their advocates. Here the wit of FRANK ANNUNZIO came to the rescue. "Others may have been first," he replied, "but when Columbus discovered America, it stayed discovered."

But even in this coin program, the gentleman from Illinois did not forget a topic close to his heart—education. FRANK ANNUNZIO started out as a teacher. The Columbus coin bill contains the aptly named Frank Annunzio Act, which establishes a Columbus Fellowship Foundation. The foundation will award Christopher Columbus fellowships to scholars working on discoveries which will benefit mankind. These Columbus scholarships will be an enduring legacy of FRANK ANNUNZIO.

Upon becoming chairman of the Financial Institutions Subcommittee in 1989, FRANK ANNUNZIO was plunged into chairing the hearings and markups of the bills that were needed to resolve the savings and loan crisis that year, and the bank insurance fund crisis last year.

He handled the tasks with a smoothness and grace which Members on both sides of the aisle appreciated. Under his firm and steady hand, Members were given the opportunity to be heard, while he always kept the process moving along.

The gentleman from Illinois was not afraid to share the glory and the limelight with other Members of the subcommittee. He appointed task forces to focus on issues he deemed particularly important.

For example, he recognized that U.S. financial institutions must compete in the global marketplace. Under his direction, the Financial Institutions Subcommittee held hearings on international competitiveness. These were milestone hearings and included representatives from some of the world's largest and most active international banks. While he could have continued to monopolize control over this topic, he was aware of my interest and appointed me to chair the International Competitiveness Task Force.

Mr. Speaker, for the past 28 years this Chamber has benefited from having my good friend and fellow Italian-American from Chicago, FRANK ANNUNZIO, serve in the House. The next Congress will be a poorer place without him. I will sorely miss him.

Ms. PELOSI. Mr. Speaker, I rise today to pay special tribute to Representative FRANK ANNUNZIO, the gentleman from Chicago, IL. I am pleased to have the opportunity to express my appreciation to this distinguished Member of Congress who over his 28 years in the House has contributed so much to this body. I feel particularly close to FRANK due to our shared Italian-American ancestry.

I had the pleasure of working with Congressman ANNUNZIO when I was on the Banking Committee and he was the chairman of the Subcommittee on Consumer Affairs and Coinage. He held that position for 14 years and always took the issues before his subcommittee seriously. At the same time, his hearings were always fun. We never knew who would show up as witnesses.

Mr. ANNUNZIO has approached his goals with tireless dedication, be they truth-in-lending legislation or enactment of a bill for the Christopher Columbus Foundation. FRANK has been a strong opponent of unscrupulous debt collectors and credit card abuses, and he led the charge to "put the savings and loan crooks" in jail. He authored legislation to allow $1 million per day civil penalties for violations of bank fraud laws and he sponsored a bill passed by the House to permit revocation of the charter of financial institutions convicted of money laundering. The positions he has taken on these issues are indicative of the way he has spent his entire political career looking out for the interests of the common man.

To say that this Congress will miss FRANK ANNUNZIO and his commonsense viewpoint is a great understatement. In his work as chairman of the Subcommittee on Financial Institutions Supervision, Regulation and Insurance, and of the House Administration Committee he has greatly contributed to his constituents and to all Americans.

Mr. Speaker, the House will feel the absence of FRANK ANNUNZIO very deeply. He has been an inspiration to us all, and I for one have learned from his example.

Mr. WYLIE. Mr. Speaker, I am honored to join my colleagues in paying tribute to one of the truly great Members of this body, FRANK ANNUNZIO of Illinois, who will retire from the Congress at the end of this year. Not only are we losing a valued and distinguished colleague who has served in the House for 28 years, but the American taxpayers are losing an important ally. During his career, FRANK has been a leader on banking, consumer, coinage and law and order issues. He has been in the forefront on issues affecting the working men and women and the elderly of the Nation.

I have had the pleasure of serving with FRANK on the Banking Committee since coming to Congress in 1967. For many years, I served as the ranking minority member of the Consumer Affairs Subcommittee and the Financial Institutions Subcommittee while FRANK chaired those subcommittees. He was always fair to all members of the subcommittees, regardless of party or seniority.

As a Chairman, FRANK was a doer. He was a chairman who took up bills to get them passed, not simply to get headlines. He would work to compromise when possible so that a bill could move forward rather than die. It was always a pleasure to work with him.

His hearings were always informative, and often entertaining. He brought in masked debt collectors, credit card crooks, and money launderers to tell the subcommittee about the seamy side of their activities.

He released helium-filled balloons marked "interest rates" to make a point about rising interest rates.

At one markup he waved American flags and played patriotic music to make the point that an amendment that he was offering was an all-American amendment. Needless to say, the amendment passed.

I recall with fondness that at the time when automated teller machines first appeared, he scheduled a hearing in my home of Columbus, OH. He and I went to the Ohio State University campus one day and watched a steady stream of students walk up to the machine, put a card in, push some buttons, and walk away with cash. No student ever put money in though, they just kept taking it out. I guess they counted on their parents to replenish their accounts.

Looking back, we were probably lucky that no one called the police about the two suspicious-looking guys eyeing the students taking money from the ATM machine. Maybe everybody thought that we were the police.

As a result of those hearings in Columbus, we passed the Electronic Funds Transfer Act.

That legislation spelled out the important consumer protections which now govern ATM machines and other electronic consumer banking transactions. I will always be proud to have worked with FRANK ANNUNZIO in passing that forward looking legislation.

Four years ago, FRANK moved into a political firestorm as chairman of the Banking Committee's Financial Institutions Subcommittee. The savings and loan industry deposit insurance fund was collapsing, threatening the life savings of millions of Americans.

As chairman of the Financial Institutions Subcommittee, FRANK moved rapidly to stop the hemorrhaging. He ably directed the subcommittee to quickly approve the S&L reform bill that would reform, restructure, and revitalize the thrift industry—no easy task when being pulled from all sides. Through the consideration of hundreds of amendments he kept the bill moving. It was important that the bill not get bogged down, and he made sure that it did not.

FRANK then moved into other areas of concern in the financial services industry, pushing for more stringent laws to fight drug dealers by giving harsher penalties for money laundering and providing more funds to search out and jail S&L crooks.

He also investigated the Resolution Trust Corporation, the agency established to dispose of the assets of insolvent thrifts, in an effort to improve and streamline the RTC's operations. He stood out as a tough overseer of the Resolution Trust Corporation, arguing that the RTC was moving too slowly in selling off the assets. He had the courage to support funding for the RTC, so that the Government could honor its pledge to American depositors that the Federal Government would protect their deposits.

He prodded the Justice Department and the Federal Deposit Insurance Corporation to be more vigorous in collecting millions of dollars of court-ordered penalties from convicted S&L crooks. He sponsored legislation to enhance the collection of court-ordered restitution from convicted financial institutions criminals. It was good legislation, and I joined him as the original cosponsor.

FRANK introduced and pushed legislation to revoke the charters of banks abetting money launderers. It has been a pleasure to work with him on this issue. With the passage of H.R. 6048 yesterday, the House has now passed needed money laundering legislation sponsored by FRANK ANNUNZIO four times since 1990.

FRANK left his mark on the House Banking Committee Subcommittee on Consumer Affairs and Coinage which he chaired from 1974 until 1989. A colleague on the subcommittee once described FRANK as "the father of America's commemorative coin programs. Indeed, every commemorative coin program that has been enacted since 1981 carries FRANK ANNUNZIO's stamp upon it."

His coinage efforts have saved taxpayers funds and brought millions of dollars into the U.S. Treasury. His commemorative coin laws have raised millions of dollars for worthy causes. The Olympic coins raised more than $75 million to stage the 1984 games in Los Angeles and provided training for thousands of young men and women athletes and coaches.

He also was instrumental in seeking passage of a commemorative coin bill to raise funds for the Olympics to be held in Atlanta in 1996. The Statute of Liberty coin in 1986 raised $73 million to restore the monument and the immigration facilities on Ellis Island.

He was also the mover of numerous bills to recognize achievements and honored individuals such as Joe Louis, Adm. Hyman Rickover, Danny Thomas, John Wayne, and George and Ira Gershwin.

He also proudly played a role in spearheading the Polish Freedom Fighters and Polish Legions of American Veterans Federal charter bills for which he was adopted as "a son of Poland."

As he retires, I commend the gentleman from Illinois, Congressman FRANK ANNUNZIO, for his contributions to the country in the past, and for the outstanding model of public service he leaves for the future.

Mr. Speaker, Marjorie and I wish FRANK, his lovely wife Angeline, and all his family the best in the years ahead.

Mr. MINETA. Mr. Speaker, I would first like to thank our friend and colleague, JOHN LAFALCE of New York, for requesting this time to pay tribute to our retiring colleague, FRANK ANNUNZIO of Illinois.

It is always sad to note the pending retirement of a colleague and his experienced service to the Nation. But with the end of this Congress, FRANK ANNUNZIO ends his 28 years of service in the House, where he has helped represent the Chicago area with great distinction and care. One reason for his length of service among us, I believe, is that FRANK—one of the hardest working Members of the House in the last three decades—has remained close to his hard-working constituents.

In fact, Mr. Speaker, for nearly 50 years FRANK ANNUNZIO has been a powerful voice for working America, starting his advocacy career with the United Steelworkers in the 1940's and later as Illinois Gov. Adlai Stevenson's labor director. Here in the House, he has served with distinction on the Banking, Finance and Urban Affairs Committee, and as chair of the House Administration Committee.

Mr. Speaker, it has been my privilege to serve with FRANK ANNUNZIO, and to work with him to build a better America. Again, I thank our colleague, Mr. LAFALCE, for reserving this time. And I extend my congratulations to FRANK ANNUNZIO as he concludes his many years of distinguished service in Congress.

Mr. YATES. Mr. Speaker, FRANK ANNUNZIO and I have served together from adjoining districts for 28 years. He is my good friend and it saddens me that FRANK will be leaving the House at the end of this session.

FRANK has been a most effective Member of this House and a consistent champion of the consumer and working men and women. He deserves much credit for his work on the Banking Committee and I think it is clear that the savings and loan debacle could have been avoided or greatly mitigated if the then-chairman of the committee would have listened to FRANK ANNUNZIO.

Working with FRANK has always been a pleasure, and I am proud of what we accomplished together for Chicago and our State. I thank him for his friendship and I know we will see him often as he begins a busy and productive retirement.

Mr. EWING. Mr. Speaker, I join my colleagues today in recognizing the outstanding service of my departing colleague and friend, FRANK ANNUNZIO. While I am new to the U.S. Congress, my years in Illinois politics have made me well aware of FRANK's service to his hometown of Chicago, to Illinois, and to the Nation.

As a teacher, a businessman, and a champion of labor interests, FRANK acquired experience that has been indispensable in his later career as a U.S. Congressman. As an active participant in State politics in the 1940's and 1950's, he developed a valuable understanding of State government and its role.

Ultimately, however, FRANK ANNUNZIO will be remembered for his work as a Representative to the U.S. Congress from Illinois. His keen interest in, and understanding of, the inner workings of the House will be greatly missed by his colleagues here, and particularly those of us in the Illinois delegation. I wish I could have had the opportunity to work longer with the gentleman from Illinois; I have enjoyed the time that I had.

Mr. BEVILL. Mr. Speaker, I rise to pay tribute to my good friend, my colleague and neighbor in the Rayburn Building, FRANK ANNUNZIO.

FRANK is leaving the House after 28 years of dedicated and distinguished service to his constituents in the 11th District of Illinois and to our Nation.

I have enjoyed serving with FRANK and I have admired him for many years for his deep and abiding interest in the welfare of the average American consumer. He has been instrumental in passing legislation to protect consumers in a number of areas including credit and other financial affairs. I have no doubts that he has saved the American consumer millions of dollars.

He authored the Equal Credit Opportunity Act and the Fair Credit Billing Act, providing consumers with needed safeguards in their credit transactions. As chairman of the Consumer Affairs and Coinage Subcommittee of the House Banking Committee, he passed more consumer protection legislation than had ever been previously enacted.

He also provided very strong leadership on coinage matters and is highly regarded for his efforts in shepherding a number of successful commemorative coin programs.

FRANK ANNUNZIO is well-known and appreciated by coin collectors across the country.

I have appreciated FRANK's friendship over the years and I will miss his good company.

His accomplishments will long be remembered.

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to my dear friend and colleague, FRANK ANNUNZIO, who will be leaving this body after serving a very distinguished career of 28 years. FRANK will be sorely missed.

FRANK began his brilliant career of public service in his home State of Illinois. After graduating from DePaul University in 1942 with a master's degree in education, FRANK joined one of the most important and noble of professions and became an educator, teaching in the Chicago public school system from 1935 to 1943. It was his outstanding leadership skills which led him to the United Steelworkers of America in Chicago, becoming their legislative and educational director, and then to the Illinois Department of Labor to assume the position of director from 1949 to 1952. FRANK's many talents and great desire to serve the public continued to thrive and he was first elected to the U.S. House of Representatives in 1964. It was here that I first became acquainted with my dear friend, FRANK ANNUNZIO.

It did not take long for FRANK to distinguish himself as a savvy, determined, and caring legislator. As chairman of the Subcommittee on Consumer Affairs and Coinage, FRANK was instrumental and ingenious in passing consumer protection legislation and in authorizing commemorative coin programs, such as the George Washington half dollar, the U.S. Olympic coins, and the Statue of Liberty coins, as well as other major coinage legislation. Then, as chairman of the House Banking, Finance and Urban Affairs Subcommittee on Financial Institutions Supervision, Regulation and Insurance, FRANK tackled the many challenges facing the savings and loan industry. His outstanding legislative record leaves no doubt that his leadership and insight will be deeply missed.

FRANK ANNUNZIO is a thoughtful, warm, and generous man. In his 28 years as a Member of Congress, he has always been sensitive to the needs of his constituency in the 11th Congressional District of Illinois. He has continuously demonstrated strong leadership to benefit his constituents and our Nation. During these years, we have all, no doubt, profited from his guidance and determination.

FRANK, my dear friend, best wishes of happiness, great joy, and good health to you and your family in the many more years ahead.

Mr. BROOMFIELD. Mr. Speaker, there is no more partisan time than a quadrennial election, but in the midst of this highly charged campaign I'd like to make a few bipartisan and thoroughly respectful remarks about a good friend of mine on the other side of the aisle.

FRANK ANNUNZIO is retiring after 28 very productive years in Congress. He was elected to Congress in the Johnson landslide of 1964. Where others first elected that year may have taken the massive Democratic victory as a mandate to turn the world upside down, FRANK wisely saw his victory first and foremost as a mandate to give the people of his district his close attention, hard work, and good judgment.

FRANK blends the best of the old politics with the best of the new. He is fiercely loyal to his constituents and he knows he was elected to represent their interests, not his. Yet despite his diligent work on behalf of his district he has not overlooked his duties here. On the Banking Committee he has represented the interests on the little guy with dogged determination.

Others will no doubt discuss his participation in the great banking issues of the era, but I'd like to mention an issue that others might overlook.

FRANK ANNUNZIO is one of the best friends that America's coin collectors have ever had. Over the years I have collected coins. It's an interesting, enjoyable hobby, and one pursued by many Americans. Coin collectors may not have the most powerful lobby in America, but we certainly have had the most determined legislator representing our interests.

It was FRANK ANNUNZIO, for example, who made sure that the coins commemorating the 1984 Olympics in Los Angeles were minted by the U.S. Treasury and had the authority and prestige of the U.S. Government behind them.

Over the years FRANK has been a good friend, an occasional luncheon companion, and a source of thoughtful observations about the work we do in Congress.

FRANK is a man of strong loyalties—to his family, his church, his district, and his country. He is returning to his family and many friends and admirers in Chicago. Their gain is our loss. Like many of my colleagues, I will miss him.

Mr. GUARINI. Mr. Speaker, I join my distinguished colleagues in this tribute to my good and dear friend, FRANK ANNUNZIO, whom I had the privilege of serving with over the last 14 years. In his 28 years of distinguished service in the House, FRANK has been the voice of the voiceless—a real advocate and conscience for his constituents. Through his service, he has brought nothing but honor and distinction to his beloved State of Illinois.

He is known as a champion of consumer rights. In fact, there is a legend around here about his pennypinching ways while growing up in the 1920's. And his thriftiness prepared him well for his ultimate role on the House Banking Committee. As chairman of the Consumer Affairs and Coinage Subcommittee, he passed more bills to protect consumers' rights than anyone else in that position. He exposed corrupt debt collectors, and fought against surcharges on credit card sales. He initiated the Electronic Fund Transfer Act to prevent electronic banking abuses.

When FRANK became chairman of the Financial Institutions Subcommittee, he had the formidable task of dealing with the savings and loan crisis. He played a key role in resolving the situation by initiating the Financial Institutions Reform, Recovery and Enforcement Act of 1989. He wrote bills that would impose fines of up to $1 million a day for bank fraud laws, and permit the revocation of charters of financial institutions convicted of money laundering.

FRANK is known among coin collectors as the father of modern commemorative coins. When private businesses wanted to market Olympic coins in the early eighties, FRANK fought for the Treasury's right to sell the coins—and saved our country's taxpayers $70 million. FRANK's Statue of Liberty Commemorative Coin Act raised $74 million for the renovation of the Statue of Liberty—a task I am especially grateful for, since Lady Liberty is located so close to my home district in northern New Jersey. And FRANK has worked on another event which holds special significance for me—the 500th anniversary of Columbus' voyage to America. FRANK has written legislation which will create fellowships in honor of that historic journey, and they will be paid for by commemorative coins that are being issued this year. These fellowships would be an enduring legacy for the scholars of our Nation, and will serve as a testament to the outstanding public service of our most distinguished colleague, FRANK ANNUNZIO.

I will miss his congeniality and his wise counsel, and his constituents will miss his many accomplishments on their behalf. I wish him Godspeed in his new endeavors. I know I express the sentiments of all those whose lives he touched that he will be "one tough act to follow."

Mr. STOKES. Mr. Speaker, I want to thank the gentleman from New York, Mr. LAFALCE, for reserving this time to pay tribute to our good friend and colleague, FRANK ANNUNZIO. FRANK will depart the House at the conclusion of this legislative session, completing 28 years of public service. He brings to a close a distinguished career as the Representative of Illinois' 11th Congressional District. His constituency and our Nation have benefitted from his tireless efforts.

FRANK ANNUNZIO came to the U.S. Congress in 1964. During his tenure, he has amassed an impressive list of legislative accomplishments and gained a reputation as a strong consumer advocate. As chairman of the Consumer Affairs and Coinage Subcommittee of the House Banking Committee, FRANK passed more consumer protection legislation than was ever passed before. He headed investigations to expose fraudulent debt collecting practices and criminalize credit card fraud. He is also responsible for the enactment of legislation, the Equal Credit Opportunity Act, which prohibits discrimination in credit transactions, and the Consumer Leasing Act, which provides consumers with uniform disclosure and protection in long-term leases.

FRANK's tenure on the Consumer Affairs and Coinage Subcommittee has also been considered one of intense activity and accomplishments in the coinage legislation field. No other Member of this body has garnered as much influence in determining the kind of commemorative coins and medals that are made for collectors. The George Washington half dollar, the U.S. Olympic coins, and the Statue of Liberty coins are just a few of the projects which FRANK undertook during his chairmanship.

Mr. Speaker, a few years ago I worked closely with FRANK on the development of a Congressional Gold Medal to honor Olympic hero Jesse Owens, posthumously. Due to FRANK ANNUNZIO's efforts through his subcommittee, the legislation was signed into law and the lovely remembrance was presented to the family of Jesse Owens. I will always remember FRANK's strong support of this measure.

FRANK ANNUNZIO is hailed by many as a great legislator. Many of us in this body also consider him a good friend. Despite his legislative schedule, FRANK is always available for counsel or just a friendly chat. It has been an honor to serve in this body with FRANK ANNUNZIO. His service to his congressional district and to the Nation will always be remembered. I join my colleagues in wishing FRANK well and I am pleased to participate in this special tribute honoring him.

Mr. ROSTENKOWSKI. Mr. Speaker, it is with great pleasure that I take this opportunity to pay tribute to a friend and colleague for many years, Representative FRANK ANNUNZIO.

FRANK ANNUNZIO has ably served the people of Chicago's 11th district and the State of Illinois during his 28-year tenure in the House of Representatives. His varied experiences as an engineer, teacher, businessman, labor official, and director of the Illinois Department of Labor have given him a unique perspective on the needs and concerns of his constituents. As a member of the House Committee on Banking, Finance and Urban Affairs and chairman of the Subcommittee on Financial Institutions he has fought to improve the soundness of the Nation's banking industry. He has been a congressional delegate to the North Atlantic Assembly and a member of the Economic Committee of NATO and has dedicated himself to the achievement of freedom and democracy for Eastern Europe.

During his years of service, FRANK has received numerous awards including the Illinois Congressional Award, the Reserve Officers Association Minuteman of the Year Award, the Order Sons of Italy in America Marconi Award, the Polish-American Congress Distinguished Service Award, the Baltic Freedom Award and the Goodwill Industries Public Servant of the Year Award. I am sure, however, that he will hold his numerous accomplishments as a Member of this body as his finest achievement.

I, and the people of Chicago, will miss FRANK. I am sure, however, that he will continue to work for the betterment of Chicago in all of his future endeavors. I join my colleagues in thanking him for his friendship and dedication. Best of luck FRANK.

Mr. FASCELL. Mr. Speaker, I rise today, to join our colleagues in saluting a fellow Member, FRANK ANNUNZIO, a staunch defender of the rights of the working class who has also dedicated his career to ensuring that the American public is aware of the many contributions made by the Italian-American community to our country. It has been a privilege to serve with FRANK, who came to Congress in 1965, having served earlier as Illinois secretary of labor. During his tenure in Congress, FRANK has endeared himself to the people of the 11th District of Illinois with his dedication to advancing consumer rights.

FRANK has always been sensitive to the needs of members of the working class and vigorously pursued a legislative agenda which sought to improve their lives. As chairman of the Banking Subcommittee on Consumer Affairs and Coinage, he tirelessly fought to bring credit card interest rates under control and succeeded in bringing this issue to our attention. After serving 14 years as chairman of the Subcommittee on Consumer Affairs and Coinage, FRANK was thrust into the new role of chairman of the Banking Subcommittee on Financial Institutions Supervision, Regulation and Insurance. He handled this move with the courage and zeal we have come to expect of him. FRANK has been a longtime advocate of savings and loans because of their role in financing home mortgages, particularly for wage earners who have trouble getting loans from commercial banks. He believes that savings and loans are institutions that belong to the average American, the common American, the middle-class American. In FRANK's role as chairman, he wanted to ensure the financial soundness of the S&L industry but also guarantee that S&L's would continue to serve average Americans. FRANK also pushed for stronger penalties for S&L fraud, including civil penalties of $1 million a day for violations. On any issue, no one can doubt where FRANK stands. He speaks boldly for what he believes and is always willing to confront complex issues with tenacity.

As an Italian-American, FRANK is acutely aware of the challenges ethnic differences pose to our society. As one of the founders of the National Italian American Foundation [NIAF], of which I am also a member, FRANK has been instrumental in increasing Americans' awareness of the contributions that Italian-Americans and their descendants have made in social, economic, and political circles. FRANK's devotion to enhancing our knowledge of these contributions is an integral ingredient of NIAF's success story. As a result of his toils, NIAF has been able to fund cultural and education programs and projects; award scholarships and internships; and monitor the media to ensure a fair and balanced portrayal of Italian-Americans. Annually, NIAF's gala awards dinner draws nearly 3,000 people from the United States and abroad. NIAF has honored such Italian-Americans as Antonin Scalia, Frank Sinatra, Joe DiMaggio, Lee Iacocca, A. Bartlett Giamatti, John Sirica, and Liza Minnelli, as well as Luciano Pavarotti and Sophia Loren. Every sitting President has attended the dinner since it was launched in 1975.

Throughout FRANK's service in the U.S. Congress, he has labored with dignity and fortitude. He will be remembered for his compassion for the issues which matter most to the working class, and his courage to speak out on such issues. His presence will indeed be missed by his constituents, Italian-Americans, and his colleagues. FRANK can be proud of his accomplishments, and I wish him the best in his future endeavors.

Mr. LaROCCO. Mr. Speaker, I rise today to join my colleagues from the Banking Committee in paying tribute to the retiring chairman of our Financial Institutions Subcommittee, Mr. FRANK ANNUNZIO of Illinois.

As a first term member of the Banking Committee, it has been my good fortune to be a member of Mr. ANNUNZIO's subcommittee and to experience him as a chairman.

Throughout this Congress, under Mr. ANNUNZIO's leadership, all of the members of the Financial Institutions Subcommittee have been treated honorably.

All of us—even the newest members—have been given the opportunity to speak, to have our ideas and our amendments considered, and to pursue issues of importance to us.

Mr. Speaker, FRANK ANNUNZIO has been a valuable Member of this body, and I join with my colleagues in wishing him a long, happy and productive retirement.

Mr. VENTO. Mr. Speaker, I rise today to honor one of my mentors and great leaders of this distinguished body, FRANK ANNUNZIO. For 28 years, FRANK has been the consummate public servant watching out for the citizens of the 11th District of Chicago as well as for the working class, elderly and consumers throughout this Nation.

First and foremost, FRANK ANNUNZIO has always remembered from where he came as well as who sent him to Congress and he has been a man of the people. He was comfortable shaking hands of constituents, whether union folk, students or business executives and chatting over a cup of coffee at the neighborhood senior citizens center. His common touch with people is evident in Congress as well. He knew what taking the time to listen to the concerns of the private citizen would make him a far more effective public legislator, and this knowledge served him very well throughout his tenure.

FRANK's fervent protection of the common man against the evergrowing onslaught of powerful special interest lobbyists and big business representatives is evident in numerous pieces of legislation and policy he guided to enactment.

As chairman of the Subcommittee on Consumer Affairs and Coinage for 15 years, he shepherded through the Truth in Lending Act, the Fair Credit Billing Act, the Consumer Leasing Act, the Fair Debt Collection Practices Act, and the Electronic Funds Transfer Act. All of these bills made banking and business more readily understood, and protected the average consumer.

More recently, as chairman of the Financial Institutions Subcommittee, FRANK's leadership helped guide this Nation through the biggest financial disaster since the Great Depression by crafting comprehensive reform legislation and holding timely oversight hearings and investigations. Under his leadership, the subcommittee drafted the Financial Institutions Reform, Recovery and Enforcement Act, the Resolution Trust Corporation Refinancing, Restructuring and Improvement Act, and the Federal Deposit Insurance Corporation Improvement Act. All of these measures increased the safety of our Nation's savings deposits and decreased the likelihood of any future wide-scale financial disasters. These measures bear the stamp of common sense law that Chairman ANNUNZIO espoused.

FRANK'S impact could be found on far more than banking legislation. He helped reform the Small Business Administration, advocated the liberalization of archaic immigration quota systems, attached loan sharking and money laundering, and introduced numerous commemorative coin acts which raised hundreds of millions of dollars for the U.S. Treasury. He was also a faithful soldier and supporter of a strong Medicare and Social Security system.

FRANK has had two great loves in his life—his citizens and his family. For the past 28 years he has put a lot of time into representing his citizens. Now, he is going to go home and spend some quality time with his wife, Angie, and their three children, seven grandchildren, and one great-grandchild. I know that FRANK will not stop fighting on behalf of what he feels is right. As FRANK has been fond of noting lately: he is leaving Congress—he is not leaving the people. That's good news for all.

Mr. FLAKE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to my distinguished colleague, chairman and good friend, FRANK ANNUNZIO, who is retiring at the end of this year. FRANK is now in his 28th year of service and I am honored to have had the privilege of serving with him for 6 years on the Committee on Banking, Finance and Urban Affairs.

As chairman of the Subcommittee on Financial Institutions Supervision, Regulation and Reform, FRANK has afforded me the benefit of his wisdom and knowledge on issues that came before the committee and the House that impacted the financial services industry. FRANK is truly a leader and it was under his leadership that we, as members of his subcommittee attempted to salvage the savings and loan industry from the brink of ruin, while at the same time holding those individuals who had abandoned their fiduciary responsibility accountable for their actions.

FRANK has dedicated his life to public service. His constituents and the Nation have been well-served by him. As his colleague, I will certainly miss FRANK and I pray that his life in retirement will be spent enjoying the company and comfort of his wife and family.

Mr. PANETTA. Mr. Speaker, I appreciate the chance to pay public tribute to my distinguished colleague and good friend, FRANK ANNUNZIO. Many today will pay tribute to FRANK's innumerable accomplishments in his 28 years in the House, but I want to add to his high honors a few comments on FRANK's qualities as a colleague and friend. He is a man of great warmth, large heart, and steadfast loyalty. FRANK ANNUNZIO welcomed me to the House, as he as welcomed many, with generosity and good-humored instruction on the finer points of the House's politics and procedures, and my trust in his counsel and his word has never wavered.

I have had the privilege of serving with FRANK on the House Administration Committee, where he has greeted all issues with a commitment to fairness and collegiality and has contributed his valuable institutional memory to the work of the committee on all issues for years and years. I have valued his leadership on the committee, and I know that our colleagues share my thanks for his expertise and camaraderie.

After 28 years in the Congress, the sheer volume and quality of FRANK'S achievements overwhelm those of us who would honor him. Suffice it to say, then, that he is a great man, a great Representative of the people of Chicago, a great American, and a great friend. I thank him and honor him for his good works, and I wish him all the best in all the years to come as he enjoys a well-deserved and distinguished retirement.

Mr. RINALDO. Mr. Speaker, I am proud to join in paying tribute to my good friend and colleague, FRANK ANNUNZIO.

FRANK began his career in the House of Representatives in January 1965, the beginning of the great 89th Congress. As a freshman Congressman he participated in the enactment of some of the most important legislation ever passed, which established new programs to assist the elderly, the poor, and the unemployed, programs to improve our education system at the elementary and secondary levels, and programs to make a college degree more accessible to students. Throughout his 28 years in Congress, FRANK has continuously supported programs designed to help those most in need.

FRANK ANNUNZIO was a distinguished chairman of the House Committee on Administration who dealt fairly and honestly with his colleagues on both sides of the aisle. I will always be grateful for his many courtesies to me over the years. His help on many occasions made my life easier.

FRANK is also one of the Nation's most outstanding Italian-American legislators. His leadership in the House of Representatives is a source of great pride to all of us of Italian descent. As the dean of the Italian-American delegation in Congress, FRANK has been actively involved in promoting a strong relationship between the United States and Italy and contributing to a positive image for Italian-Americans.

I am honored to have served with FRANK ANNUNZIO, a man whose patriotism, loyalty, and dedication to the public good serve as an example to all Americans, and I am proud to call him my friend.

Mr. BENNETT. Mr. Speaker, Chairman FRANK ANNUNZIO is leaving the House after 28 years of very able and dedicated service to our country and to the people he represents.

FRANK has a host of wonderful qualities, which he has shown us all here, but if I had one to pick out as most outstanding it would be his compassion for people who need help. He is one Congressman that has put at the top of his list of priorities making life better for those who are having a tough time and there are many of them. Congress will miss him greatly in the years to come, but America has been well served by him and he has earned the right to retirement in every way.

We all wish him Godspeed and a happy retirement for him and his family.

Mr. HYDE. Mr. Speaker, one of the great losses to this Congress will occur when my good friend FRANK ANNUNZIO retires at the end of this session.

He has been a friend, a mentor and a role model for anyone who cares about people and their many problems. He has been a kind and generous colleague and one of the most knowledgeable Members concerning banking legislation.

This place will not be the same without him, and his warm cordiality. But he and his lovely wife, Angie, can take great satisfaction in completing many years of serving the people of his district with energy, compassion, and the universal appreciation of all who knew him as a Congressman and community leader and a friend. I wish FRANK and Angie many more years of health and happiness.

Mr. RUSSO. Mr. Speaker, it is a pleasure today to pay tribute to our distinguished colleague, the Honorable FRANK ANNUNZIO. After 28 years here, FRANK has amassed an impressive record of achievements and the people of his district and of America have been well served.

This is a man who, it should be noted, had the foresight to see what was happening in the banking industry in this country and to try to warn us prior to the savings and loan crisis. It also should be noted how proud the Italian-American community is of him, and it is understandable that he has been so honored by them. In his work here, he has, indeed, brought honor on himself. It was a special pleasure for me to serve with him on the House Administration Committee, and to count him as a friend.

I know my colleagues join with me in commending FRANK and wishing him all the best in the future.

Mr. CRANE. Mr. Speaker, a good friend and colleague of almost a quarter of a century is about to retire from Congress. FRANK ANNUNZIO of Illinois will retire at the conclusion of this 102d Congress.

My path crossed that of FRANK ANNUNZIO in the early days of my congressional career. After my first election to Congress in 1969, I served on two committees with FRANK, the Banking Committee and the House Administration Committee.

Zio FRANCO—Uncle FRANK—was always sincere, considerate, and helpful, and did his best to assist a freshman Member during the initial period of congressional service.

While my committee work has taken me to other areas, Congressman ANNUNZIO remainded with the Banking and House Administration Committees. He will leave the House as ranking Democratic member of both committees, with a record of having served as chairman of the House Administration Committee during some of our more trying years.

We share another calling in common—we both taught history. Congressman ANNUNZIO was a civics and history teacher at Harper High School in Chicago in the early forties.

Civics and history lessons led to his becoming educational and legislative representative of the United Steel Workers of America. When Adlai Stevenson won election as Governor of Illinois in 1948, he turned to FRANK ANNUNZIO to serve as his director of labor.

He has never forgotten his labor background here in the House of Representatives—always a leader in drives to protect the interests of the American worker.

In recent year he has played an outstanding role in congressional efforts to solve the crisis of the savings and loan industry. He has been a leader, also, in the battle to straighten out the problems facing the banking industry.

FRANK ANNUNZIO's friendship will always be warmly remembered. He will be missed by all of us.

Mr. HUGHES. Mr. Speaker, I rise today to honor a man who has served this house with great dignity and devotion for 28 years, my colleague, FRANK ANNUNZIO.

As chairman of the Banking Subcommittee on Financial Institutions, FRANK worked hard to protect the consumer, while considering the needs of large financial institutions. During his tenure as chairman of the House Administration Committee he oversaw the transition to the computerized system which has contributed to our increased efficiency.

When I came to Congress in 1972 FRANK was one of the first people I met. Since then I have come to know FRANK as a caring man who has selflessly devoted himself to the concerns of his Nation as well as his district. The people of the 11th District of Illinois have had an honest hardworking man representing them for the last 28 years.

FRANK has served this House and his constituents well. I am pleased to join our colleagues, in expressing my sadness that Frank has completed his service in the Congress. Yet, I am happy that he will now have more time to spend with his family.

Mr. PORTER. Mr. Speaker, I rise today to join my colleagues in acknowledging the distinguished record of my fellow Illinoisan, FRANK ANNUNZIO, who will be leaving the House after 28 years of dedicated service.

FRANK has spent almost his entire life in service to his community and his state, as a public schoolteacher, legislative and educational director for the United Steel Workers of America, director of the Illinois Department of Labor, a Chicago-area businessman, and finally as a Member of Congress. He has brought to each of these positions his strong dedication and down-to-earth manner that is true to his roots and the people he represents.

FRANK'S career is particularly distinguished by his efforts on behalf of consumers, especially his legislative work to regulate and prevent abusive practices by debt collection agencies and to criminalize credit card fraud. In addition, as an active Banking Subcommittee chairman, he became known, in one writer's words, as the "czar of the nation's coinage." He has also been an outstanding representative of, and spokesman for, Chicago's rich ethnic community of Italians, Poles, Lithuanians, Czechs, Slovaks, Ukranians, Romanians, and the many other peoples who have contributed so much to our Nation's strength and diversity.

I join every member of this House on saluting FRANK for his many years of service and in sending him our very best wishes for the future.

Mr. NEAL of North Carolina. Mr. Speaker, FRANK ANNUNZIO was one of the first people I met when I attended my first Banking Committee meeting many years ago. FRANK was kind and friendly to newcomers, and I recall that he gave me a lot of good advice about how the committee worked.

The thing I like best about FRANK ANNUNZIO, Mr. Speaker, is that you always know where he stands. He will tell you, in no uncertain terms, what he thinks about any matter. He is also a man of his word; if he makes you a promise, you can count on it.

FRANK has been a leader and a great influence on the Banking Committee for many years. He has worked to promote safe and sound banking practices. He has been vigilant in defense of the taxpayers. Mr. Speaker, no member of Congress has been a greater champion of the consumers of America than FRANK ANNUNZIO.

FRANK has worked hard to put the S&L crooks in jail and make them pay restitution. He also led the way in passing a bill to stop drug dealers from laundering their money through banks.

FRANK has rendered especially important service in his recent terms as chairman of the important Subcommittee on Financial Institutions Supervision, Regulation and Insurance. I have been honored to serve with him on that subcommittee over the years.

As chairman, Mr. Speaker, FRANK is fair and even-handed. He is respectful of his colleagues' views and always eager to have them advance ideas and opinions. Because of FRANK, every member of the Financial Institutions subcommittee has had the opportunity to participate in the development of legislation.

FRANK also is admirably clear and plain spoken. He can cut through the jargon and gobbledygook with which we deal and get to the heart of the matter. That is no small gift around here, Mr. Speaker.

I have had the opportunity to sit beside FRANK ANNUNZIO in full committee sessions for quite a few years now. I am going to miss him. I have often drawn on his experience and expertise, and I will miss that, too.

FRANK, I wish for you a happy and satisfying retirement. I trust that you will stay in touch with your old colleagues and maybe visit them once in a while. We will miss you and hope to see you often.

Mr. SANGMEISTER. Mr. Speaker, it is with great pride and pleasure that I rise to pay tribute to my good friend and distinguished colleague from Illinois, FRANK ANNUNZIO. For 28 years, FRANK has championed the causes of the working men and women of Illinois with strong leadership and dedicated service in the U.S. House of Representatives.

Indeed, FRANK has dedicated his life to service for those who needed an advocate. Former Illinois Governor and two-time Democratic Presidential nominee, Adlai Stevenson—a man blessed with a great judge of character and widely known for his integrity—knew what he was doing when he appointed the youthful FRANK ANNUNZIO as Director of Labor for his administration in 1948. FRANK did not disappoint Governor Stevenson. He proved himself capable in that important post and in all other challenges he has faced.

From his days as a teacher of history to those as a legislative representative of the U.S. Steel Workers, FRANK developed a deep commitment to building a better future for the Nation and in protecting the interests of our working men and women. His impressive experience has served him well in his distinguished service as a Member of the U.S. House of Representatives.

His contributions in the legislative areas of education, employment, worker's rights, and social services are key steps in the evolutionary path toward a greater American civilization. FRANK understood that a democracy cannot survive unless it grows. He believed if it did not stand for equal opportunity for all, then it did not stand for anything.

As his colleague, I am grateful for the 4 years I was privileged to serve in this body with FRANK ANNUNZIO. Time and time again, we have witnessed his diligent and tireless efforts on behalf of his constituency. We can all be grateful that FRANK ANNUNZIO chose to enter public service and did not back away from the battles that had to be fought in the name of liberty and justice for all. As important as the memories of those of us to know and have served with FRANK ANNUNZIO, is the legacy he is leaving for those who follow.

I am honored to have served with FRANK ANNUNZIO, a truly dedicated public servant. FRANK, my friend, I wish you Godspeed.

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to Congressman FRANK ANNUNZIO of Illinois Eleventh district. He has had a long and illustrious career in Congress. As a colleague and friend, I will miss him.

As the chairman of the Banking Subcommittee on Financial Institutions, he has been instrumental in shaping legislation to bail out the savings and loan industry. Previously he chaired the Banking Subcommittee on Consumer Affairs and Coinage and has served on the House Administration Committee. Without FRANK's perseverance, there could not be a Christopher Columbus coin nor would there be such camaraderie among the Congressional Italian-American Caucus. FRANK is proud of his heritage.

I feel fortunate to have served in Congress with FRANK ANNUNZIO. Illinois and the Nation will miss his earnest and intelligent leadership. I offer him my best wishes for success with his future plans.

Ms. OAKAR. Mr. Speaker, I rise today to join my colleagues in paying tribute to an outstanding Member of the House, Congressman FRANK ANNUNZIO of Illinois, who will retire at the end of the 102d Congress after 28 years of dedicated service. It has been my pleasure to serve alongside FRANK ANNUNZIO since I first came to the House in January 1977, and we have shared many a mutual battle as members of the House Banking and Urban Affairs Committee.

FRANK ANNUNZIO has been an outstanding and innovative legislator during his years in Congress.

Over the years, FRANK and I have worked together on a number of other legislative issues, ranging from intricate banking legislation to the exceedingly important matters faced by working men and women and the elderly citizens of this Nation.

When FRANK leaves the House, the Nation's little people will be losing a true friend. No one has spent as much time and effort trying to see that those in the United States who have a difficult time were able to have a voice in the Congress.

During his congressional career, FRANK has worked on investigations that ended loansharking in the military services, cleaned up the Small Business Administration, and exposed operations of corrupt debt collectors who took millions of dollars from the American public each year through threats and harassment.

He also led the fight to eliminate the national origins quota system for immigration which prevented many families from being reunited in America because of arbitrary rules and regulations.

From 1974 until 1989, FRANK chaired the House Banking Subcommittee on Consumer Affairs and Coinage. It was during that period he became known as the father of America's commemorative coin programs. His efforts have saved taxpayers funds and brought millions of dollars into the U.S. Treasury. His commemorative coin laws have raised millions of dollars for worthy causes.

His most recent accomplishment was the culmination of a 3-year battle to establish a Christopher Columbus Fellowship Foundation from the proceeds of commemorative coins created to honor the 500th anniversary of the Italian explorer in the New World.

Called the Frank Annunzio Act, the measure authorizes the Treasury to mint gold, silver, and copper-nickel coins in commemoration of the arrival of Columbus in America. If all the coins are sold—and the mint began selling them last month—the Foundation will begin operations with an endowment of $51.5 million.

Considered a friend of consumers, FRANK has guided the passage of such legislation as the Fair Credit Billing Act, which protects the consumers against unfair and inaccurate billing practices, the Equal Credit Opportunity Act, which forbids the denial of credit based on sex or marital status, the Consumer Leasing Act, which provides consumers with information about true cost and terms of consumer leases, and the Electronic Fund Transfer Act, which protects consumers against potential

problems encountered in electronic fund transfers, among others.

For the past 4 years, FRANK has chaired the Financial Institutions Subcommittee. Although I am no longer a member of that subcommittee, I have seen the results of his work in the full Banking Committee.

FRANK spearheaded the legislation to reform and restructure the savings and loan industry and held oversight hearings afterwards to learn whether the administration was carrying out the mandate of the Congress to straighten out the disaster which has been described as the worst since the Great Depression.

During the debate on the bailout bill in 1989, FRANK pushed for stronger penalties for S&L fraud, including an amendment that instituted civil penalties of at least $1 million a day for violations. Later, in the last Congress, he advocated funding for stepped-up Justice Department investigations of financial fraud.

I join my colleagues today in paying tribute to FRANK ANNUNZIO and wishing him and his family well. He will be greatly missed in this body. However, his record of legislative service to the Nation will never be forgotten.

GENERAL LEAVE

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from New York?

There was no objection.

ORDER OF BUSINESS

Mr. DORNAN of California. Madam Speaker, I am going to do an hour special order every night until we adjourn. It is about the Presidency. It is about honor. It is about courage. It is about an extremely important issue to me.

I have been asked by some of my colleagues to defer for another special order, because it involves a very dear man who, although he came from the opposite side of the ideological spectrum from me, we always got along. He was as hard working as anybody here. He was always a good gentleman in a debate.

I am speaking of Mr. TED WEISS of New York. We were about to work together on something for the first time in earnest, the women's breast cancer.

I am going to miss him because he was the key in that issue, and we were both born on the same island and the same city, New York City.

I think that whenever a Member passes on, particularly when he gives every last ounce of his energy and goes to his immortal reward while still serving, that every Member should do something they can to put aside their own mortal interests and honor the request for the family and the friends of our, I repeat, very dear Congressman.

Mr. SCHUMER. Madam Speaker, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, I do not want to interrupt our special order, which I will speak on later. I just want to thank the gentleman from California. I think it shows the best of this body that Members from different ideologies can work together. And it shows his decency and compassion knowing that some of the family of the late TED WEISS have been waiting for his special order.

Mr. DORNAN of California. Mr. Speaker, I assumed they were watching, and I tip my hat to them and would that every Member served as well and right up to the very last days of their life. I honor you for doing this special order.

Mr. SCHUMER. Madam Speaker, I thank the gentleman for his decency.

Mr. DORNAN of California. Madam Speaker, I ask unanimous consent that the special order of the gentleman from New York [Mr. HORTON] proceed at this time, after which I will begin my special order.

The SPEAKER pro tempore (Ms. WATERS). Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO THE LATE HONORABLE TED WEISS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HORTON] is recognized for 60 minutes.

Mr. HORTON. Madam Speaker, I rise today to pay tribute to a very good friend and a very dedicated public servant, Congressman TED WEISS.

I wanted to thank the gentleman for permitting me to proceed.

Mr. DORNAN of California. Madam Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from California.

Mr. DORNAN of California. Madam Speaker, just very briefly, I was afraid that some people who had been waiting for my special order would think that I am letting the gentleman swallow mine. I am going to wait around patiently, take as much time as you want. I will do mine tonight.

Mr. HORTON. Madam Speaker, I really want to thank the gentleman because TEDDY's widow is here, along with his two sons. And we do appreciate his consideration because the hour is late.

And I do apologize to the family for them having to wait so long. The session was long today, and there have been some special orders before mine. And we do want to let them know our deep gratitude for the service that TED WEISS gave when he served in this Congress.

□ 2200

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. WATERS). Under the rules of the House, Members should refrain from referring to anyone in the gallery.

Mr. HORTON. Madam Speaker, I rise, as I said, to pay tribute to the gentleman from New York, Mr. TED WEISS. His unexpected death a few weeks ago shocked all of us. The country will miss his leadership, and the State of New York will, as well. I will personally miss his friendship.

As a Congressman, TED WEISS served his constituents of New York's 17th Congressional District as capably and with as much dedication as any Member could ever serve, but more importantly, he conducted the responsibilities of his office with a level of integrity, honesty, and character that was of the highest standard.

It was my great privilege and pleasure to serve with TED in two important professional capacities: First, as the chairman of New York's bipartisan congressional delegation, I worked closely with him on matters affecting the State which both of us represent. He served as secretary of the delegation. When it came time to fight for jobs in New York, for equality in the distribution of Federal resources, TED WEISS was on the front lines. He was effective and he knew how to make things happen. Every member of our congressional delegation salutes him for his work and contribution over the years.

As the ranking minority member of the House Committee on Government Operations, I worked with TED in his capacity as chairman of the Committee on Government Operations' Subcommittee on Human Resources and Intergovernmental Relations, and he and I served the entire time that he was on the Committee on Government Operations, we served together, he as the chairman of the subcommittee, I as the ranking minority member of the committee.

Pharmaceutical companies trembled at the thought of one of his investigations. So, too, did the FDA officials from time to time. He pursued issues ranging from the approval of particular drugs to problems with those drugs; from the drug approval process itself to particular efforts for the treatment of such a dreaded disease as AIDS.

He was a lightning rod for public attention and debate on important issues. Some of his most recent work focused attention on the problems associated with breast implants and breast cancer, which has already been referred to by the gentleman from California [Mr. DORNAN] and others, I am sure.

He was someone you hoped was on your side, for if on your side, there was no better ally. Against you, there was no more formidable adversary. He was an articulate spokesman, an inquisitive questioner, a skilled debater, an expert investigator. In short, he knew his stuff.

I also knew TED WEISS, the individual. I know from my own association with him of his loyalty to friends, his commitment to family, and to his constituents. I know his compassion, which was boundless, especially for those in our society with inadequate food and jobs, little education, and not much opportunity. Those were the people he cared most about, and he cared about them deeply, and he was a champion for their causes.

My wife Nancy and I went up to the funeral services in New York City. At that time we were tremendously impressed by those who spoke and witnessed the life of this talented person, a man who was born in Hungary, who came to this country at a time when many people were fleeing Hungary, and he became the champion of the underdog.

Harry Belafonte spoke eloquently. The Speaker of the House of Representatives, the gentleman from Washington [Mr. FOLEY] spoke eloquently of his contributions. The gentleman from New York, CHARLIE RANGEL, of our delegation spoke eloquently, as did family members, and particularly the two sons, Stephen and Thomas. It moved my wife and I tremendously.

On the way back we shed tears as we thought about this rich life that had been taken away. We will never forget it, my wife and I, never forget the tributes that were paid to TED WEISS on that particular occasion.

I miss TED WEISS, and the Congress misses him. He was a great man and a great Congressman. His untimely death saddens me, as I know it does many others. I am here to pay tribute to him, to salute him for a job well done as a colleague, to thank him for all that he did for his constituents, and for the work that he did in the Congress.

To his wife, Sonya, to his two sons, Stephen and Thomas, both my wife, Nancy, and I offer our condolences, but we want you to know how much we value the times we had and shared with your husband and your father. We share in your grief and we wish you well.

I would say parenthetically that one of the things that we miss most in this House, we deal with people, and I dealt with TED almost every day when we were in session in one way or another, yet we do not have the time to really get to know the person and the family and to get to know, really, where they come from and what they stand for. Probably that funeral and the people that spoke there gave us more insight into the life of this stalwart warrior than any that I could ever imagine.

Again, we share the grief of the family and we wish them well.

Mr. SCHEUER. Madam Speaker, will the gentleman yield?

Mr. HORTON. I am happy to yield to the gentleman from New York [Mr. SCHEUER], who is the chairman or vice chairman of the New York congressional delegation and who was also there at the funeral.

Mr. SCHEUER. Madam Speaker, I thank my colleague. I not only have the honor to serve with my colleague, Mr. HORTON, from Rochester as vice chairman of the New York State delegation, but I have the honor to serve as chairman of the New York City delegation.

I have known TED WEISS for a long, long time. He was a young leader in the organization of the reform Democratic movement in New York City. I was a somewhat more aged leader, even in those days 25 or 30 years ago.

TEDDY brought a remarkable combination of skills that had been honed in the work place of America. He came as a soldier, with the skills of a GI. He came as a prosecutor, with investigatory skills, and he honed and sharpened his high intelligence to do a workmanlike job in investigating sometimes the very complicated backgrounds of the causes that he was engaged in.

He was a city councilman, and he knew and loved New York City. Then, finally, he became a Congressman in the decade of the seventies, so he had a wide variety of truly excellent skills.

We never would have predicted when TEDDY came to Congress, even with his rather unusual background, that his imagination and his intellect and his sense of compassion and commitment would have drawn him into the incredible variety of areas in which he dedicated himself fiercely, with incredible determination. I might say that TEDDY was a very mild and friendly and warmhearted person, never got personal, never got excited, but in his commitment to the causes that seized his imagination he was absolutely dogged and intrepid and committed with a high degree of determination, and the length and breadth of the issues that galvanized his imagination was really quite remarkable.

He was interested, as my chairman said, in the silicon breast implant. He was interested in agent orange. He was interested in the Medicaid bills. He was fascinated and committed to the question of human rights abuses, not only at home here, but around the world, in South Africa, in China, and in El Salvador.

He was totally dedicated to eliminating what he thought were the evils of racism and sexism in our country, including discrimination against gays, against all kinds of sexual and racial and ethnic discrimination. He was concerned with the problems of defense workers who were going to be let out of jobs as we downsized our defense establishment, and he fought for several years for a piece of legislation that gave them job training and skills upgrading so they could be integrated into the civilian economy.

He was rewarded for his efforts, and recognized for his efforts by a very great variety of organizations, including the Consumer Federation of America, the NAACP, and the Vietnam Veterans of America.

TEDDY was the consummate legislator who was dedicated to righting wrongs as he saw them in very professional, very effective, very hard-hitting ways. He did not just identify the wrong, he brought to it his whole tool bag of skills to right the wrong.

□ 2210

He was very result-oriented and he brought an incredible variety of talents and skills to make stick the remedies that he perceived were proper and appropriate.

Let me say that TEDDY in a way was the conscience of this House, in a very real way. There were a large number of Members that did not follow TEDDY down every path that he went. Probably the Manhattan West Side was one of the very few districts in the country that would have nourished a TED WEISS. It is ultra-liberal. It is composed largely of people who came here from abroad as a result of oppressions and persecutions of one kind or another, and TEDDY reflected that. And he reflected the highest intelligent, liberal, committed orthodoxy of a Manhattan West Side. And most Members did not follow him, as I said, on every road, but all Members respected him, admired him, and I think today cherish his memory deeply as I do. We all feel that TED WEISS made a remarkable contribution to this House in terms of the breadth of his views and concerns and the depth of his compassion, and the total decency, the total compassion, the total integrity and the total professionalism with which he approached all of the problems that aroused his conscience.

We revere his memory, and I want to tell his wife, Sonny Hoover, and the members of his family who are sitting in back of us, that TEDDY's memory will last for a long long time here. TEDDY's contribution will not be forgotten. TEDDY's memory will be deeply cherished.

I thank the gentleman.

Mr. HORTON. I want to thank the gentleman for his comments.

Another area in which TED WEISS gave great leadership to the House was the chairmanship of the Arts Caucus, a large organization. I served with him in that capacity as a member of the Executive Committee of the Arts Caucus, and he did a great service in representing the arts in the House, and he worked with the Senate very closely. I know because I talked to JIM JEFFORDS and others, and his leadership is missed very much as far as the Arts Caucus is concerned.

Madam Speaker, I am glad to yield to the gentleman from Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, it seems strange on a Wednesday night to be standing here in the well of the House talking about TED WEISS. Usually we were at dinner together. There were a group of about 18 or so of us who once a week got together and discussed things, and it was probably one of the nicest parts of being in the Congress, that dinner. And TED WEISS brought something to that dinner in the way of his thoughtfulness, and his compassion that I think we will miss more than we can put into words.

I wish to thank my colleague, FRANK HORTON, for calling this special order so that Members may publicly express our sadness at the loss of our distinguished colleague. I include myself as one of TED's many friends and admirers here in the House, and I appreciate having the opportunity to say a few words about him.

With the death of TED WEISS, the Congress has lost a great Member. I would not say that about everybody. TED served this body and his constituents in New York in this House very well during his tenure in the House of Representatives.

He was a man of integrity and conviction, often willing to stand alone on an issue he believed in. It did not bother him if he was one of three, or four, or five votes on something. If he thought it was right, he came out here and voted that way, and was willing to accept what everybody said about it. We know among ourselves, unfortunately, that this is not always an easy thing to do in this body. But throughout his 16 years in the House, TED expressed his belief in and fought for the policies that respected the rights of individuals and brought about peace. He fought for arms control and a just foreign policy in areas such as South Africa and Central America.

He fought for civil rights and tolerance in this country, and policies that truly benefited children and families, no matter what their shape.

His stance on these issues led many observers to declare him a great liberal, and he wore that badge with absolutely no apologies.

I knew about TED WEISS before I ever arrived in Congress. You wonder how somebody from Seattle could have known him. Many of my constituents said, "When you get to Congress, you watch how TED WEISS votes, and that will be a good way for you to figure out."

Actually, my colleague from New York [Mr. SCHEUER] mentioned one of the issues, conversion to a peacetime economy. TED was way ahead of the rest of the Congress. He dropped in his bill on conversion year after year after year, and everybody kind of laughed and thought what a far-out idea that is. And suddenly the Berlin Wall fell down and history caught up to TED. He was always ahead of history.

I personally worked with him most closely on policies to combat the HIV/AIDS epidemic. TED fought from the very beginning of this terrible epidemic in the early 1980's to ensure that the Congress paid attention when very few people were willing to learn about HIV/AIDS or to speak out on behalf of people afflicted with this illness. Many of his constituents were touched by the epidemic, and TED felt it was crucial to let every Member of this body know that AIDS know no class, no region, no ethnic, no religious boundaries. He fought for increased during in AIDS research and for stepped-up prevention and education efforts.

He and I cochaired together the Congressional Task Force on International AIDS. He joined me in examining the global epidemic and the U.S. response so that we could learn from what was happening in other countries where the disease had already had a devastating impact. TED WEISS's conviction on these issues and so many others was unwavering throughout his career, and he continued to champion them over the last few months, despite when it was clear to some of us at least that his own health was not as good as he sometimes led us to believe.

I think the greatest testimony to his dedication to his constituents and his work in the House was his overwhelming victory in the New York primary 1 day after his death. Most of us wonder how people would vote the day we died.

The people of New York and the House will miss TED WEISS's thoughtfulness, his integrity and his fighting spirit. And so will millions of people all over this country and the world who may never know of him. Congress needs these qualities perhaps now more than ever during these uncertain times. I hope we will all remember TED and what he has done for this great body.

Mr. HORTON. I want to thank the gentleman for his comments.

Madam Speaker, I am glad to yield to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Madam Speaker, I thank the gentleman for yielding, and want to thank you, FRANK, for your leadership of this delegation for so long, and for taking out this special order for my friend, and the friend of so many of us, TED WEISS.

The thing I guess when you think about everything about somebody you know well, and I was privileged again to be one of TED WEISS's friends and part of the dinner group that JIM mentioned, and that I know TEDDY looked forward to every Tuesday night, and we liked it so much that it sometimes became Tuesday night, and Wednesday night, and Thursday night, but when I think of all of the many aspects of TED, and it is hard to figure out which ones you want to touch on and talk about with somebody you know well and somebody you respect and admire and love, and miss so much as TED, but to me there is one that just stands out above all of the rest. And it amazes me to this moment. That is that TED on the one hand had such fierce conviction, and yet was such a gentle man.

Madam Speaker, I have seen so many people, and I guess we all have, who love humanity in the abstract, and they fight hard for this group of people or that group of people, or another group of people, and they are really devoted people, and they are people we admire. And then the closer, and closer and closer you get to them, especially when you are in political life, you sort of see that something is sort of awry. I have never been able to figure it out myself.

□ 2220

And that is that while they love humanity in the abstract, when they deal with individual people, that love seems to be gone, and I am sure the psychiatrists or some others would have some explanation for it. And all of us have our foibles. I do not hold it against anybody, but TED was truly unique in that he was just as gentle and compassionate and caring about each individual he dealt with as he was about the people en masse he dealt with.

It never ceased to amaze me the combination of fierce dedication and gentleness, devotion to mankind, peoplekind, am I allowed to say mankind anymore, NANCY, mankind in the abstract, humankind, thank you, humankind in the specific.

Everything TED did had, and I think at his funeral one of the speakers mentioned this, and it may have been one of the children, he had a consistency through and through. The innermost part of TED's heart and brain radiated just outward, and it was clear to me all along that while TED fought very hard, had his frustrations and was certainly angry at times, he was a man at inner peace.

There were not the usual inconsistencies and discombobulations and things that were ajar in almost all of us, certainly in myself, that they were not there with TEDDY. And I think that, maybe more than anything else, made him the great public servant that he was.

I am sure it has been mentioned before, and I will mention it again, when TED WEISS went to the well of this House, people may have agreed with him, people may have disagreed with him. Nobody doubled that it came right from the heart, that there was not somebody calculating the ricochets, there was not somebody figuring out the angles. TED had that internal gyroscope which I think guided his life and guided his actions, and when he got up on the floor, people knew here there was a sincere man.

I remember it was late one night. We were all trying to get home. But TEDDY felt that something was wrong, and he got up there, and he delayed the proceedings, because it was wrong. People were angry, and they wanted to go home, but nobody impugned why TED WEISS was doing it. They simply said, "That's TEDDY. He believes it. Nothing is going to stand in his way."

And, you know, it is a true gift. Maybe it had to do with, you know, TED's upbringing and all everything he went through at the beginning. Maybe it had to do or maybe it is just a gift from heaven that somehow God picked TEDDY to have his inner peace and consistency and beauty, but he had it. Everyone knew it, and everyone saw it.

I would just like to share one other moment. This was when I spoke to my wife, Iris, and she, too, was a friend and admirer of TEDDY's and of Sunny's; again, I said, "Well, what do you remember about TED?" And one thing that she remembered, and again just because he was a full person, but I just thought I would share it, because it meant something. One summer, I think it was in 1983 or 1984, we were in England. Iris and I took a trip ourselves, but we knew TEDDY was going to be there with Mike Timmeny, who was my AA, and then TEDDY's AA, so it may have been a little later than that. We decided we would meet at this place, and I think it is called Brown's. It was a hotel, and they were famous for having these scones with the clotted cream. TED had just finished one of his many operations on his heart. He once explained to me, and I guess that was what did him in, he had blood that made these chemicals that just did not stop making them. I am sure a lesser person would have lived to much less an age. But we went to Brown's, and he had finished one of these operations, and the waiter brought over these scones with the clotted cream. And TEDDY's face just lit up almost like a little boy, and he just went into that cream, which is sort of like butter, with almost reckless abandon. He had the same joy pursuing those scones that he did pursuing justice, pursuing peace, pursuing equality, but basically pursuing the sort of gentleness in humankind.

TEDDY, we will all miss you, but I still look up at that board, and many of us did, to see, "How is TEDDY voting?"; well, we still look up at that board and say, "How would TEDDY have voted?"

His deeds will live on, his memory will live on, and his beacon will live on, and that is a happy thought, because he left us all so much.

Mr. HORTON. I thank the gentleman very much. A beautiful tribute.

I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman from New York [Mr. HORTON] very much, and I thank you very much for calling this special order about what I can say about, I think, for every Member in this body, our mutual good friend, TED WEISS.

You know, when you are in politics the way we are, and especially as privileged as we are to serve in this body, we have many thrills, many privileges that come to us in terms of meeting people, whether they are heads of state or whether they are people who have been pioneers in their own country in the struggle for democracy, especially lately meeting people of that caliber. There are many honors we can do in pursuing public policy, changing the law of the land to make life better for people.

But one of the greatest thrills that I will ever have in my life was the honor of being asked by TEDDY's family to speak at his service in New York.

Because of all the reasons that you have mentioned, and I heard the gentleman from Washington [Mr. MCDERMOTT], the gentleman from New York [Mr. SCHEUER], and you, the gentleman from New York [Mr. HORTON], from my office, and the lovely remarks of our colleague, the gentleman from New York [Mr. SCHUMER], for all of these reasons, the person that TEDDY was, this beautiful person, probably the best person in the world, it was such a thrill to be included among his close friends that day.

And, Mr. HORTON, I heard you earlier talk about the service that day when we were regaled with TEDDY stories by our colleague, Mr. RANGEL.

Mr. HORTON. I should have mentioned your name, too, because you sat right next to my wife, NANCY, and I.

Ms. PELOSI. And listened to you sing all of those songs.

Mr. HORTON. It was beautiful.

Ms. PELOSI. I was not saying it for that reason. I was just saying it was such an incredible service, to hear Harry Belafonte sing and hear stories about TEDDY, and what is interesting to me about services of that kind is when you go to a funeral, and I think this is probably a universal thing, you find out different things about your friend you might not have known. The family finds out about how a person is respected at work, and the people at work find out the truly important things, so much more about the person's family life, and which is really the true legacy, and it is in some ways cause for celebration.

It is always a cause for bonding people together who have shared the experience of knowing this very special person. And we told stories about, as well as TEDDY's family members telling stories, of when TED's family came from Hungary 50 years ago. Well now, it is about 54 years ago. But the day TEDDY came to the well and observed in his 1-minute that 50th anniversary of the arrival in this country of his family, and how he now represented the very area where they disembarked in New York and how proud he was and how he smiled, and his eyes twinkled when he told us that story.

I referenced at the service that I again saw that smile and twinkle when he saw the lines for his new district, because that had been preceded by all the Members of the New York delegation having much apprehension of what would come, but TEDDY was so pleased, because it meant that he would be able to serve those people longer and fight for the values that they cared about.

□ 2230

The gentleman from New York [Mr. HORTON] mentioned in his remarks about the arts caucus, because of TED WEISS' love of the arts, but also because of his love of free expression and the fight that he waged there. Also, his concern for the support of the arts that he thought our country should have.

In that discussion we talked about how remarkable he was as a leader that he even got MARTY RUSSO to become a member of the arts caucus, and how other Members of this body were, shall we say, impressed, surprised to hear MARTY go up to them and say, "Have you joined the arts caucus yet?" Now, that was not one of MARTY's typical places for focusing his activities. But, as Mr. SCHUMER said, MARTY was not standing in line for the Matisse Exhibit. He was doing that to build up the membership of the arts caucus for TEDDY and to help TEDDY get elected as head of the arts caucus. But it was unnecessary because TEDDY's friends were there to vote for him because they knew of his great commitment. I think the only other thing that could compare to it was to look down from that podium in the synagogue and see 60, at least, maybe 100 of our colleagues in yarmulkes. That was, I think, the largest gathering of Members of Congress in yarmulkes that I had ever seen, once again in TEDDY's name.

Madam Speaker, in the interest of time, I would like to submit a statement about TEDDY for the RECORD.

I join my colleagues today in mourning the passing of an extraordinary human being, TED WEISS. As we reach out to his family, we extend our sympathy and surround them with our love to try to help them through this very difficult time.

The institution of Congress can be a difficult place to serve. And yet, when I think of a guiding light here, I think of TED. He was ever a gentle man in a business that is so often brutal. He maintained his great sense of civility in an environment that can become heated and outright harsh.

One hallmark of TED's life and his public service was his undying commitment to helping those who others overlooked or simply ignored. His family's early flight from anti-Semitism contributed to his deep and abiding commitment to stopping man's inhumanity to man. For TED, human rights was his guiding principle.

His definition of oppression was not a narrow one—he saw and fought oppression in many places, in human rights, in health care, in housing, and in the economy.

TED was known for his outspoken commitment to the truth. He was, at times, almost a long voice crying in the wilderness. Always, that voice was clear, strong, and unwavering.

In the world of politics, maintaining one's sense of balance and perspective is not easy for some. Yet, one of the things I admired most about TED was his firm grounding in reality. He knew what was right and what was wrong. Being in the minority on an issue did not sway him. Public opinion did not sway him. He spoke out, and voted his conscience. You could always count on TED to do what he believed was right. He was a moral leader who knew instinctively and intellectually what leadership really means.

As one of a relatively small group of progressive Members of Congress, TED had to fight a good fight. Over and over and over, he had to repeat, reshape, and reframe arguments to colleagues, for funding for AIDS research and care, for access to alternative therapies, for human rights at home and in other countries, for uncensored artistic expression, and against U.S. foreign policy aggression and invasions of other lands.

TED was also a kind, caring, and loving man to his family and to his friends. As an immigrant fleeing persecution and hatred, he learned how important refuge is and how life-sustaining a community can be. And, in one of the world's largest cities, rumored by many to be a tough place to survive, he thrived. TED through his work and his life, helped to create a sense of community that has sustained many who would otherwise have been cast aside.

His advocacy for people with AIDS, for example, was early, it was unrelenting and its results have been immeasurable. His work on behalf of human rights in Central America, in South America, and in Africa have assisted thousands who did not even know of his efforts. Yet those very efforts blossom daily in the continuing lives of people around the world who, because of TED WEISS, are overcoming government and government-sanctioned repression, bureaucratic obstacles, and intolerable oppression.

TED WEISS, above and beyond all of his other qualities, was readily recognizable character on Capitol Hill. He will be missed not only by those who knew and loved him, his absence will also be felt by the entire congressional community. What we can, and will do, to celebrate and to honor TED's life is to keep his ardent flame of commitment to human goodness alive. We will keep up TED's work until the oppressed are free, the sick are healed, and all children can live, not merely survive.

In his memory and out of love and respect, we will continue TED's work.

But I just want to make one observation in closing, and that is, of course, I extend my deepest sympathies to the family—to Sonja and the boys and Teddy's extended family—whom he loved very much and talked about a great deal.

I just want to share a thought that Congressman MILLER and I, our colleague, GEORGE MILLER, and I discussed when we entered the synagogue. You know, you are struck by so many things. It was packed and jammed, flowing into the street, filled to the rafters with Teddy's friends and admirers. The Governor of the State of New York, everybody you could think of in the political arena, the arts, and other areas, people who were his friends in the synagogue. There was TEDDY, who seemed big. The presentation, it seemed like it was.

He was draped in a flag. We all thought, "Right on, TEDDY." Even the flowers were a flag, if the gentleman from New York [Mr. HORTON] would recall, red, white, and blue, the flowers were shaped like an American flag. Then he was draped in an American flag. I thought, "Right on, TEDDY. I don't know anybody in America who deserves to have that flag draped over him more than you do, for the fight you put up for the Constitution and for the right of every person in this country to be treated with full rights," and not only that, his dedication to human rights and the spread of democracy throughout the world.

We will miss him terribly, obviously. But he will always be with us.

I thank the gentleman from New York.

Mr. HORTON. I thank the gentlewoman from California. Her comments reminded me, I think that is the first time—I have been in the synagogue many, many times, but that is the first time I have ever heard them sing "Amazing Grace." But it was beautiful.

Ms. PELOSI. Teddy was quite an ecumenical fellow.

Mr. HORTON. I yield to the gentleman from California [Mr. MINETA].

Mr. MINETA. Madam Speaker, I would first like to thank our colleague from New York, FRANK HORTON, for requesting this time in tribute to our friend and colleague TED WEISS of Manhattan.

Madam Speaker, when TED WEISS passed away on September 14, he left a legacy of forceful advocacy for the least advantaged among us, the most determined among us, and the hopes of us all for a better America.

The people TED WEISS represented directly live in communities spanning the boardrooms of Wall Street, the cutting rooms of the garment center, the marquetas and shuls of Washington Heights, and the Williamsbridge neighborhood in the Bronx.

TED WEISS spoke here in the House on their behalf with great skill and affection throughout his 16 years in Congress.

But TED WEISS knew that to be a representative of his constituents also meant speaking out on issues that affected people who had never ventured anywhere near Spuyten Duyvel, the Cloisters, or Grant's Tomb. And in this sense of conscience, TED WEISS had a profound sense of why our Nation was founded, and what it meant to be an American.

One could argue, Madam Speaker, that he felt these truths as he did because, unlike most of us who serve in Congress—those of us who were born Americans—the road that led TED WEISS to America began in Hungary and ended just before the sweeping madness of the Holocaust during the Second World War.

Throughout his life here in the United States, TED WEISS stood up and was counted, first as an attorney and later as a member of the New York City Council, starting in 1961.

When he was elected to the House 16 years later, TED WEISS fought for arms control, compensation for agent orange victims among our Vietnam veterans, increased AIDS research, and against restrictions on the National Endowment for the Arts.

Madam Speaker, TED WEISS was one of our strongest voices for a more progressive America.

It is our great loss that his voice has been silenced, but we are richer for having had that voice among us for so long.

I ask that our colleagues join with me in extending our deepest condolences to his wife, Sonja Hoover Weiss, and to TED's sons, Stephen and Thomas.

Mr. HORTON. I thank the gentleman for his remarks.

Madam Speaker, at this time I yield to the gentleman from Georgia [Mr. LEWIS]

Mr. LEWIS of Georgia. Madam Speaker, I want to thank the gentleman from New York [Mr. HORTON] for holding this special order in honor of a great friend and a great Member of this body.

Tonight, Madam Speaker, we mourn the loss and pay tribute to one of the most able members of the House of Representatives. TED WEISS was perhaps the most progressive and most liberal voice in the Congress. The American people, those who believe in fairness, in civil and human and consumer rights, have lost a truly dear, good friend. He was a good and decent man, a strong man, a man of conviction, a man of courage.

Madam Speaker, he will be deeply missed not only by the people of New York that he served so well but by people throughout America. He was a champion for the weak, for those who did not have much of a voice, for those who had very little power.

Madam Speaker, I have known and admired the good work of TED WEISS long before I came to Congress. I heard about him, I read about him.

During the past 6 years we have had an opportunity to chat on many occasions about issues and problems confronting our Nation and our world. From time to time some of us, including the dear gentlewoman from California, NANCY PELOSI, the gentleman from the State of Washington, JIM MCDERMOTT, and I would get together and break bread. I can recall just a few days ago when we all gathered at a little restaurant here in Washington to eat together after the service for TED in New York. We all ordered our meal, and at the table we had a plate with food for TED and an empty seat.

TED will be missed. He will be missed by some of us who feel so dearly about the future of our land and our country, about issues small and large, for we all knew where TED stood on the great issues, the great issues of our time.

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Madam Speaker, all of us in America have lost a friend. For the family and friends of TED WEISS, they have my prayers and the prayers of my family.

Mr. HORTON. Madam Speaker, I thank the gentleman.

I now yield to the gentleman from New York [Mr. RANGEL], one of the speakers at the funeral.

Mr. RANGEL. Madam Speaker and our dear dean, we thank the gentleman for his consideration, as always, not only for taking out this special order, but for sticking with us and prodding us and reminding us. We appreciate it. And also to the gentleman from California [Mr. DORNAN], who so fiercely believes in what he has to say tonight that he is prepared to stay until the lateness of the hour, but his courtesy that was extended not just to the Members, but more importantly to the family of our friend, TED WEISS, is deeply appreciated.

I suppose at a time like this that we have to say how lucky we are, how lucky we are to have known a man as strong as TED, to have had a husband and a partner not only in terms of love, but in terms of his political ideals and to share them and outperform them; how lucky we are to have a brother like that and know that so many people never had a brother or sister, but to have one that is so respected.

Indeed, when people talk about family values, I guess that is what TED WEISS was all about, values and how much we appreciate it.

I was struck by the remarks of the gentlewoman from California in talking about TED and the flag, because I think all of us in some way believe that as we come to the Congress that we know what that flag means and we know what the Constitution means; but we always know what it means the way we look at it. That is the difference in TED WEISS.

How could a person like the gentleman from California [Mr. DORNAN] say that he agreed with TED WEISS? No one doubts his patriotism, his belief in what the Constitution is about, and what the Congress should be doing. Everyone comes down here with that belief, but the continuity, the consistency, as CHUCK SCHUMER talked about, the treasure that has been left to us, the legacy that has been left to us is that we do not have to look at that board anymore, because we know what the right thing to do is.

The question is, Does our self-interest, do our political interests allow us the courage to do what TED WEISS has done?

Some would suspect that it was his constituency that gave him the luxury to do it. Others might say that he had the intellect, the wit, and the charm to persuade his constituents to let him do it.

God knows I will not be able to do it, because I was his neighbor. We shared the same community, and more often than that we voted alike; but you are right. Right on this House floor he held up a Veterans' Administration bill. "That ain't no ordinary bill to hold up."

But somehow or other, the chairman and the committee members forgot to put in the funds for agent orange victims. The easiest thing in the world that he would have been able to say is, "Next time we'll correct it"; but it was late at night and he stood up and he stopped it.

It is easy to love a person when you can find things that you agree with that he has done and that you want to do; but every time our Nation does not do the right thing, yes, he earned that flag.

Was it the invasion in Panama? Was it the day we hurriedly went into the Persian Gulf? Was it the invasion in Granada? Was it the way we treated the people in Haiti? You did not have to worry what the issues were, because TED WEISS saw this country the way it should have been seen, from afar, not someone who was born here and sees the country from his block, from his community and from his family.

But I guess it is different when you see this country with the Statue of Liberty guiding us to this country, with all the dreams you have as to what it should be, and to dedicate your life to justice in the district attorney's office, to the mechanics of government from 15 years on the city council, and to reach the Congress and saying that you want to make this country as great as it was to you to give you the opportunity. That is what we all dream, that our country can really reach that full potential, that everyone does not have to look and find out what your religion was. I think that was proven at the synagogue.

Certainly, you do not have to check someone's color to find out what he should believe. If the 435 of us truly represented the United States of America and what that shining Constitution should be, not only to ourselves but a symbol for the entire world that seeks democracy, then TED WEISS would not be the exceptional person that he was. We all should have so much of that TED WEISS in us that we all will be just one of the gang and we all will just be doing the right thing.

But I guess CHUCK SCHUMER said it. Yes, we looked up at that board, because we knew that was the symbol for the right thing, whether we were prepared to vote that way or not.

I guess we can say the right thing without even looking up at that board.

We know the strength of our country. We know when she is right. We know when she is wrong, and we can give each other the courage to do the right thing, as TED gave us the cover and the courage to do the right thing.

We are indeed the luckiest legislators in the world. We have taken away from us the excuse of not knowing, but given to us what that great torch can be when someone can stand in this well and say that what he is saying has no political significance, except that is what the Constitution is about, to come into this well and talk about AIDS at a time that even doctors were not talking about it, and we have ministers today who will not discuss it, to talk about stopping a war and creating peace, to talk about agent orange when all the heroes of the House and the Senate say it just does not exist, that is the kind of courage that heroes are made out of, and that is what makes this body so great, because from time to time it gives us the opportunity to say that we are a part of that body.

So after the tributes are over and the pain will be with us, we have to remember some way to thank God for picking us out as very, very special people, that he shared TED WEISS with, because it is going to be a long time when we find conservatives, liberals, Jews and gentiles, Protestants and Catholics, blacks and whites, saying that Ted says and does what he truly believes.

So if we are that lucky, I might suggest that when the pain, the longing and the missing and the empty chair is being stared at, we might pause and thank God for how lucky we were that he picked us to share the beloved TED WEISS with.

Mr. HORTON. Madam Speaker, I thank the gentleman from New York [Mr. RANGEL] for his comments. They have been very eloquent.

Madam Speaker, I am glad to yield to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Madam Speaker, I want to join FRANK HORTON, the chairman of the New York State delegation, in thanking our colleagues from across this great land of ours, many of them from California, from Georgia, and the State of Washington. It speaks volumes for TED WEISS that they would appear here and it speaks volumes about these Members, our respected and admired colleagues.

I would also like to express our profound appreciation to Congressman

BOB DORNAN of California for having yielded his time, for having shown the grace, the gentleness, the kindness to have made it possible for all of us and Ted Weiss' friends to have heard these words before his special order.

BOB, it was a very generous act and we are all very grateful to you.

Mr. HORTON. Madam Speaker, one other thing I would like to add, today coincidentally we had the meeting of the New York congressional delegation, which was a regularly scheduled one. At the last meeting, as I mentioned to the delegation today, at the last meeting TED WEISS was there, sat to my immediate left as he did at every one of those meetings. I commented on the fact that we missed him and then the delegation had a moment of silence in his memory.

I speak for the entire delegation in saying that we have lost a real friend and we certainly will continue to think of TEDDY WEISS as one of our colleagues and a leader who has not gone away from us.

Madam Speaker, I have statements from Members who could not be here, and I will include the statements of Congressmen BEN GILMAN, JOHN LAFALCE, HENRY NOWAK, and SID YATES in this proceeding.

Mr. LAFALCE. Madam Speaker, I want to thank the gentleman from New York [Mr. HORTON] for requesting this special order so that we might pay a special tribute to our friend and longtime colleague TED WEISS.

TED WEISS will be missed by all of us here, because he touched all of our lives in some special way. As for myself, I had the privilege of working with TED in at least three important areas: as a member of the New York congressional delegation, as a member of the arts caucus, and as member of the House Banking Committee.

As a member of the New York congressional delegation, I could not help but be impressed by TED'S commitment to his district and the people of New York City. He was an ardent and passionate defender of those he served, especially those in special need. Whether it was the homeless who needed shelter or those afflicted with AIDS, TED was a tireless and effective advocate.

TED brought that same compassion and zeal to the arts caucus, which he helped found in 1981. Elected chairman of the caucus in 1991, TED was a strong and vocal defender of the arts. When the National Endowment for the Arts came under severe attack a few years ago, TED WEISS was quick to return the fire. When America's art community needed help, TED WEISS was there and I'm glad he was.

I also know TED from his recent work on the Banking Committee. It should come as a surprise to no one that in being appointed to the committee he chose to serve on the Consumer Affairs Subcommittee. For TED, after all, was always a champion of the American consumer. For TED, the little guy always came first.

And that certainly extended to his work on the other committees on which he served. As chairman of the Government Operations Subcommittee on Human Resources, he led the fight to protect consumers from dangerous drugs and helped stop fraud and abuse in health care programs. As a member of the Select Committee on Children, Youth, and Families, he worked aggressively on behalf of programs like Head Start, WIC, and child immunization programs.

I think I can say without fear of contradiction that TED WEISS will be sorely missed by those whom he served in New York City and by those of us who were fortunate enough to serve with him as a Member of the House of Representatives.

Mr. NOWAK. Madam Speaker, it is with a sense of great sadness that I join my colleagues in honoring our late friend and colleague, Congressman TED WEISS. He will be sorely missed by the New York delegation and this entire institution.

TED WEISS was the personification of the American dream. He was only 11 years old when he came to this country in 1938 with his family, fleeing Hungary and the menace of Nazi Germany. He served in the U.S. Army from 1946 to 1947 and earned undergraduate and law degrees from Syracuse University.

His adult life was dedicated to public service, first as a member of the New York City Council for 15 years and then as a member of the House of Representatives for the last 16 years. During all that time he was an unwavering man of principle and integrity.

He was dogged in pursuing issues of importance to him, whether that was advocacy of Israel, humanitarian assistance for Ethiopia, expanding access to health care and education for those without, and for gun control. He was an outspoken leader in Congress urging countries around the world to extend basic human rights to their people. He was also an early advocate for eliminating billions of dollars worth of needless weapons systems in light of the end of the cold war and for providing assistance to defense contractors as they convert to commercial production. Congress will miss his leadership on these and other important issues.

TED WEISS, however, was not a man focused solely on national and international affairs. He was deeply committed to the welfare of both the city and State of New York and worked tirelessly to obtain a greater Federal commitment to the area's pressing needs.

It is a testament to his drive and determination that he accomplished so much. He was a role model that any young American could look to for inspiration and pride. My sympathies and very best wishes go to his wife Sonya and sons, Tom and Stephen.

Mr. YATES. Madam Speaker, TED WEISS was a man of unusual humanity, courage and vision. I was deeply saddened by the news of his death earlier this month. I have lost a dear friend and colleague.

TED loved these United States and he worked very hard to make this a more just and caring Nation. I remember when he was first elected and how pleased I was when he came to the House in 1976. From the very first day, TED took a strong stand in support of the Bill of Rights and economic and social justice, and he never changed. TED believed that Government has a fundamental responsibility to help the poor and disadvantaged in society. He stood for a humane foreign policy that respected basic human rights and he spoke eloquently and voted consistently in support of these principles. TED demanded comprehensive Federal action to meet the Nation's health needs and he worked most effectively to protect the Federal role in encouraging the arts. Many of the positions that he advocated were not popular across the Nation during most of the time he was here but he was right. The country is beginning to see that his vision of a humane and active Government is necessary and needed.

I thank him for his strength and vision and I salute his memory. I extend my most personal sympathy to Sonya and all the Weiss family.

Mr. EDWARDS of California. Madam Speaker, the House of Representatives lost a little bit of its soul when our colleague TED WEISS passed away on September 14. I don't think there is another member of this House more ardent, more passionate or more committed in working on behalf of his constituents and pursuing his legislative goals than the gentleman from New York. Always he was guided by his deeply held belief that we can create an America on equal opportunity and social justice for all of its people and an America at peace with the global community.

TED WEISS served the people of New York as an elected official for 30 years. After serving on the New York City Council for 15 years, he was elected to the House of Representatives in 1976. Since then, he has faithfully represented the liberal ideals of Manhattan's West Side.

He has been one of this body's most stalwart champions of individual rights. As the author of the Civil Rights Amendments Act, he fought for enactment of this legislation to prohibit discrimination on the basis of sexual orientation. He was a champion of the first amendment—courageously standing up for freedom of speech even when it might not have been politically popular to do so. When the Congress considered a constitutional amendment to protect the American flag, TED WEISS was not afraid to speak up and point out the amendment for what it was—an unprecedented narrowing of the protections of our Bill of Rights. As chairman of the Subcommittee on Civil and Constitutional Rights, I knew that I could count on TED to be eloquent and determined in standing up for our constitutional freedoms whenever they were threatened.

TED worked tirelessly for peace. As a distinguished member of the Foreign Affairs Committee, TED was one of the Congress' strongest opponents to Contra aid and helped to end our Nation's support for attempts to overthrow the Nicaraguan Government. He was quick to point out the folly of the U.S. invasion of Grenada and the abuse of the Constitution implicit in the Reagan administration's military action there.

He recognized the urgent need to reign in the Pentagon budget and to cease development and production of dangerously destabilizing weapons systems. But he also recognized that we must reach out to local communities whose economies were heavily dependent on Pentagon spending. To that end, he fought for the Defense Economic Adjustment Act to help local economies adjust to the closure of military bases and lessen their reliance on military expenditures.

TED was also a champion of the right of every American to adequate health care. Through his work on the Government Operations Committee and his chairmanship of the Subcommittee on Human Resources and Intergovernmental Relations, TED fought for accountability in Federal health care expenditures. He worked for increased resources for AIDS research to enable drugs to combat AIDS to be brought to the marketplace as expeditiously as possible. He also was a vigilant watchdog of the Food and Drug Administration, working to ensure the safety of food additives and the efficacy and safety of medicines.

I've mentioned some of TED's more notable achievements and crusades here. But let me finish by coming back to the point I made at the beginning of my remarks. TED worked tirelessly for the causes in which he believed. He did not bow to the political winds or fear taking on an unpopular cause. In all matters, he did what he thought was right and in the best interests of our country.

While we will miss TED deeply, his life and his career continue to provide inspiration to each of us. And for that, and for being such a good friend and ally, I thank him.

Mr. GILMAN. Madam Speaker, I rise today to join my colleagues in expressing my most sincere condolences to the family and loved ones of our good friend TED WEISS. His death on September 14 was a profound shock to all of us in this House, in great part due to TED's exceptional vitality. Throughout the nearly 16 years that TED WEISS was our colleague, we were always impressed with his tremendous energy, his overwhelming dedication to the tasks before us, and his absolute fearlessness in standing up for the principles he believed in. Congressman TED WEISS was a tremendous font of dynamism who inspired us all and who was a role model for all of our Members. He taught us to aspire to greatness.

The loss of Representative TED WEISS was a great loss to all of us here in Congress, as well as to the 17th Congressional District of New York and our Nation as a whole. Though TED and I may not have agreed on every issue, I always respected TED's point of view and will miss his insightful input in the days to come.

As a youngster, TED WEISS and his family were victims of rising anti-Semitism in Hungary, their native land. His experiences as a victim of the Holocaust and as a refugee from war-ravaged Europe served as a living memorial for all of us who had the pleasure of working with him on the House Foreign Affairs Committee. TED WEISS constantly reminded us of what could happen if the United States stuck its head in the sand and refrained from intervening for humanitarian causes throughout the world. The hardships TED WEISS and his family were forced to endure could be repeated if we as a free people do not constantly remain diligent. TED WEISS, although never the type to call attention to himself, always served as a living reminder of the need to constantly work for freedom and justice in our world.

Whether he was arguing in support of increased funding for AIDS research, improved social programs, or defense budget cuts, TED WEISS always conducted himself in an admirable fashion. He was always personable, but was never afraid to stand firmly for what he believed in; and he always worked diligently and persistently to further worthy causes. In addition, TED never failed to support his arguments with the latest facts and figures, making it difficult for anyone to dispute his viewpoint.

He perservered through three defeats in the primaries before he was finally elected to the House in 1976. Since then, TED has been a leader among his colleagues, holding positions on the Foreign Affairs Committee, Human Rights and International Organizations, the Education and Labor Committee, and chairman of the Subcommittee on Intergovernmental Relations and Human Resources. As my colleague on the Foreign Affairs Committee, Mr. Speaker, I will attest that TED's ardent support for humanitarian aid to Africa and the Middle East was an invaluable asset to our relief efforts. We were especially appreciative of how TED always recognized that support for Israel, the only democracy and our only true ally in that crucial part of the world, was in America's best interest.

In his congressional district, TED worked hard to represent the diverse, progressive viewpoints held by his constituency. His district, the Upper West Side of Manhattan, has always been known as one of the more diverse melting pots in our Nation. In the 1950's, TED helped found the reform-oriented Committee for Democratic voters and the New Democratic Coalition. In 1961, he was elected to the city council where he wrote the city's gun control law. More recently, he led the congressional arts caucus and supported continued federal arts funding, even for controversial artists.

Mr. Speaker, the death of TED WEISS was a great loss to all of us. He was a man of admirable character and personal warmth. He was also undaunted in his efforts to promote worthy causes and represent the interests of his constituency. He set an example that we all should strive to emulate. I extend my deepest sympathies to his wife Sonya, his sons Thomas and Stephen, and all of his other friends and loved ones as they endure this great loss.

Mr. GUARINI. Madam Speaker, when my good friend TED WEISS announced he was going to run for a ninth term, he summed up his political aspirations beautifully. He said, "For me, politics is about fighting for change and trying to do the right thing." TED spent his entire 16 years in Congress proving those words to be true.

TED was a champion of many noble causes. His flight from Nazi persecution in Hungary just before the Second World War gave him great empathy and understanding for those who suffered at the hands of others. As the senior member of the House Foreign Affairs Committee, TED worked tirelessly to end human rights abuses around the world, from South Africa to China to El Salvador.

TED's concern and compassion extended into many different areas. As chairman of the House Committee on Human Resources and Intergovernmental Relations, TED was the first Member of Congress to hold a congressional hearing on the devastating effects of the AIDS virus. That was back in 1983, before most of us had even heard of the disease. From that moment on, TED was relentless in pursuing increased funding for those afflicted with the deadly disease.

TED led the charge in other health-related matters as well. After discovering poor quality of care and even illegal activity in so-called Medicaid mills, TED introduced a bill that requires a strict screening process for physicians involved in Medicaid. His concern about the safety of silicone breast implants led to the first controlled study of implants by the Food and Drug Administration. TED's investigation into the effects of agent orange on U.S. servicemen in Vietnam led to legislation that provides assistance to soldiers who were exposed to the harmful defoliant.

TED also recognized that with the end of the cold war, we must turn our attention to enemies here at home, namely crime and drugs. He led efforts to transfer defense spending to domestic programs, focusing on drug treatment and prevention and early education. He also looked out for American workers who would lose their jobs due to defense cutbacks, by writing a bill that would provide work force retraining and factory retooling for civilian production.

Above all, TED will be remembered as one who cared and provided protection for those who needed help. Whether he was standing up for the rights of gays and lesbians, or the oppressed citizens of developing countries, people know they could turn to TED for protection of their inalienable rights. At a time when there seems to be a shortage of compassion for our fellow human beings in the world, TED's death leaves an especially large void. His legacy will never be forgotten. He left behind a legion of friends, and a record that will stand as a tribute to his outstanding public service.

Mrs. LOWEY of New York. Madam Speaker, we are all deeply saddened by the passing of TED WEISS.

Our Nation has lost one of its most dedicated, principled, and hard-working leaders.

And those of us who had the pleasure of knowing TED personally have lost a treasured friend whose deep personal commitment and gentle nature were a source of comfort and inspiration.

TED came to this Nation, as millions before and since, fleeing persecution abroad and seeking a haven of freedom and tolerance in America.

And from the moment that he sailed into New York Harbor as a child and glimpsed the Statue of Liberty, his love of America was unsurpassed.

As an immigrant, TED uniquely understood the great privilege and enormous opportunity that is afforded to each American citizen. That is why he devoted his entire life to protecting the principles for which this Nation stands, fighting zealously to make certain that the ideas that built this Nation would never be forgotten, and to ensure that all Americans would have the same opportunity that he did to build a better life in a country that respects individual rights. He understood that once we start taking these rights for granted or diluting them we become accomplices in their destruction.

TED's life embodied the concept of service to the public. As a soldier, as a prosecutor, as a city councilman, and as a Member of Congress, his first allegiance was to the people that he represented. He was known by everyone as a man who stood firmly on principle and as one who would not, under any circumstances, alter his stand for political advantage.

In Congress, he was one of the most unshakable and vocal advocates of fundamental change in Federal budget priorities. His calls for increased investment in human needs—and his strong opposition to wasteful military spending—were a constant in Congress, even when these concerns were not popular within the institution or with the public.

TED served ably on the Education and Labor Committee for some time, fighting to improve education for American students. His work on the Foreign Affairs Committee was aimed at ensuring that American foreign policy respected human rights and international law. And the investigations of his Subcommittee on Government Operations frequently exposed inadequate or flawed Government policymaking in the areas of food and drugs, veterans affairs, and civil rights.

TED's life and his contributions to his Nation are a model and an inspiration for us all. He valued every moment that he spent as an American citizen, and he felt a deep commitment to give something back to the Nation he loved so much. And that is what he did.

TED gave to this Nation a lifetime of commitment to making it a better place to enhancing opportunity for all Americans to education, economic opportunity, and social justice.

And today, there is no more fitting tribute to the life of TED WEISS, no greater compliment that we could pay to his memory than to acknowledge that his presence here in this body has truly made this Nation greater.

TED WEISS gave his all for America, and we are all better off for it. Our rights are more secure. Our families are stronger. And our prospects for the future are brighter.

On the very somber occasion of saying goodbye to a friend we loved, trusted, and admired, we can also draw solace and inspiration in knowing that his dream has lifted us all to a higher plane and helped us do what is right for the future of our Nation.

Mr. FASCELL. Madam Speaker, TED WEISS' career of public service to his country and to the people of New York will be long remembered in these halls—and I feel honored to have this chance to pay tribute to his memory today.

As our colleagues know, TED was one of the foremost champions of civil rights, civil liberties and social justice. While we cannot help but mourn his sudden passing, the accomplishments of TED's lifetime will continue to serve as an inspiration to all who work for the cause of social justice.

TED WEISS and I served together for many years as members of the Committee on Foreign Affairs. It would have been difficult for any Member to match the high level of preparation and dedication that he brought to our legislative deliberations. When TED WEISS took the floor to speak, you could rely on the fact that he came well prepared and his arguments for his point of view were always succinct and perceptive.

Born in Hungary, TED WEISS came to this country as a young boy, attended public schools in New Jersey, and eventually, was graduated from Syracuse University's College of Law.

As a young assistant district attorney in New York, TED started to form his approach and his dedication to solving the problems of life's common folk. As a member of the council of the City of New York for more than 15 years, he became a defender and protector of the people's rights and liberties.

Elected in 1976 to represent the famous West Side of Manhattan here in the U.S. House of Representatives, TED WEISS ably followed in the footsteps of his predecessor, Bella Abzug. Many would argue that he carried the cause of civil liberties far beyond any of those who went before him in his district.

We will miss TED WEISS on the Committee on Foreign Affairs. We will miss him in the House of Representatives. And, with proper cause, the people of the 17th District of New York and the West Side of Manhattan will surely miss him because they have lost an able representative and a noble champion. God bless his memory and the cause to which he dedicated his service.

Mr. ENGEL. Madam Speaker, it is with great fondness that I rise today to remember TED WEISS. TED was a good friend who we miss a great deal.

I knew TED for many years from our work in the Democratic reform movement in New York. It was a pleasure to get to know TED better while serving with him as a Member of Congress.

TED was a man who always stayed true to his principles, even if it meant being the only person who took a particular view. TED was passionate about many important issues, including AIDS research, abortion rights, gay and women's rights, and human rights around the world. I know that there were many people in the House who did not agree with TED's politics, but everyone respected him because his positions were always so well thought out. TED also had a knack for pointing out the side of an issue that had been overlooked.

During the past year, TED and I became particularly close because neither of us knew whether or not we were going to have districts to run from. We spoke daily about the outcome of redistricting and what we would do if we did not have congressional districts. I will remember those talks forever.

People like TED WEISS are rare. He is already missed by his colleagues in the House and also by the many important causes he championed. My heart goes out to TED's widow, Sonny, and the rest of his family. It was a pleasure to know TED and serve with him.]

Mr. RINALDO. Madam Speaker, I rise today to pay tribute to our distinguished colleague, and my dear friend, TED WEISS.

First elected to the U.S. House of Representatives in 1977, Congressman WEISS served the people of New York for 15 consecutive years. During that time, he rose to leadership positions on the House Committees on Banking, Finance & Urban Affairs, Foreign Affairs, and Government Operations. In addition, he has been a compassionate voice on the Select Committee on Children, Youth, and Families, as well as the chairman of the Congressional Arts Caucus.

TED was born in Hungary in 1927, and arrived in the United States with his mother and sister in 1938. He served in the U.S. Army from 1946 to 1947. He later attended Syracuse University where he received Bachelor of Arts and Law degrees. He served as Assistant District Attorney of New York County for 4 years, and later was elected to the New York City Council where he served for 15 years before being elected to Congress.

TED has left behind a legacy of accomplishments and a distinguished record of service. His dedication and compassion have been displayed in many ways, from efforts to address the homelessness problem, AIDS, hunger, and the need for safe prescription drugs, to protecting basic human rights throughout the world.

He has earned numerous awards through his work in Congress, including the Consumer Federation of America's Public Service Award, the NAACP's National Legislative Award, and the Industry Award from the Foundation for a Creative America. He has also received the Vietnam Veterans of America's highest award for his work championing the rights of our Nation's veterans.

TED commitment to serving the basic needs of the people has earned him a lasting place of honor in this institution. While we are saddened by this passing, he has left behind a great legacy of service that will long be remembered.

Mr. VENTO. Madam Speaker, TED WEISS was a friend and colleague that contributed greatly to the qualify of the Congress and this nation.

TED joined the Congress in 1977, a classmate of mine, after 15 years of service in the New York City Council. From the beginning TED approached his role as a member of Congress with enthusiasm and passion. Because of the stiff competition he faced serving in local government and the fact that he had made several attempts to gain a congressional seat, TED relished his work in the House, where he was very obviously at home.

TED WEISS' first years, with the support of a Democrat administration, permitted him to work on numerous projects that were of some satisfaction. I recall vividly his efforts concerning educational testing and the serious questions he raised that have today resulted in major reforms. TED played an active role in the national Government's renewed commitment to education in his first terms. As the 1980's ushered in a changed policy, Representative WEISS was not discouraged, he shifted gears and found real action in health related issues and the serious problem of AIDS, which wasn't being seriously addressed by the National Government.

TED WEISS' work in Congress sought to provide a voice for those who had no power or voice, surely a job that had a limited political reward, but it was evident that this role was part of the very fabric of TED WEISS. A quality that I greatly admired in my friend, TED WEISS.

During the most difficult days of liberal political life, it was TED WEISS who took on the chairmanship of the Americans for Democratic Action, the Hubert Humphrey-established national organization which advocated a strong and proud liberal tradition. TED WEISS helped keep that flame of liberalism alive during the

1980's when few wanted to be thought of as a liberal much less the point man of that mission. This action defines TED WEISS more than many others. TED WEISS, it seems to me, loved such a challenge and had assumed similar roles throughout his long distinguished public career.

TED WEISS surely didn't go along to get along, he respected all and in return earned and deserved the common respect and admiration of his colleagues and friends. We shall miss TED WEISS but we shall not forget his spirit and lessons. My regrets to his constituents and family and especially Soni Hoover, his spouse.

Mrs. MINK. Madam Speaker, it is with great sadness and a deep sense of respect that I rise with my colleagues today to pay tribute to the Hon. TED WEISS of New York.

When I returned to Congress in 1990 I took heart in the fact that TED was still quick to his feet when he sensed a threat to the rights and privileges of his fellow citizens. Whether the issue was civil rights or AIDS, poverty or human rights, TED's voice was always one of the first heard, and it was always one of the strongest.

TED also had the tenacity to stick to his beliefs regardless of the opinions that others might have of them. If he did not agree with the President, he fought him tooth and nail even when he had to do it alone. If he was troubled by the potential implications of a piece of legislation, he opposed it despite the fact that he ran the risk of appearing to be on the wrong side of an important issue. Such actions take courage and integrity—TED had an abundance of both.

Mr. Speaker, it is not enough to say that TED WEISS will be missed from this body—he was irreplaceable, and we are less without him.

In the early eighties, TED took his convictions and the strength of his beliefs to the American people as president of Americans for Democratic Action. As a former president of ADA myself, I had the pleasure of working with him during those years. I remember how clearly he articulated our organization's goals and vision. TED's passion for justice kept us firmly committed to working for the equal treatment of all individuals, and ensuring that all have an equal opportunity for a fruitful and satisfying life.

I'm going to miss TED WEISS, and I will think of him whenever this Congress confronts issues that may prove dangerous for the lives and futures of other Americans, and that force each of us to take positions that may be unpopular, such as when we undertook the difficult question of whether we should go to war. At times like that we realize that we carry an enormous burden of responsibility as members of this institution. That burden will seem heavier without TED here to help us carry it.

Mr. Speaker, TED WEISS was our conscience, and the people of New York performed a great service for this Nation and this institution when they sent him to Congress for the last 15 years. We owe them our thanks, and we share with them our deepest respect for the good and honorable man we had the privilege of calling our colleague.

Mr. FAZIO. Madam Speaker, I am honored today to take part in this special tribute to our late friend and colleague, the Honorable TED WEISS. His loss falls heavy on all of us; on his family, his friends, the constituents he served, and this institution as a whole.

Since his election to Congress in 1976, TED worked tirelessly on the issues he and his constituents held dear. TED fought to bring to light the dangers of silicone breast implants and battled to bring compensation to Vietnam veterans exposed to Agent Orange. Most notable among his healthcare efforts, TED was largely responsible for bringing the great tragedy of the AIDS crisis into the congressional spotlight when he was the first to hold hearings on the topic in 1983. Almost 10 years later, we now see just how crucial his early efforts were in fighting the AIDS epidemic.

TED was also an unfailing advocate of enacting legal barriers to discrimination on the basis of sexual orientation. For over 12 years TED sponsored the Civil Rights Amendments Act, legislation to extend the protections of the Civil Rights and Fair Housing Acts to gays and lesbians.

Among his many accomplishments, TED may very well be remembered most for his work with the Congressional Arts Caucus. He was a true champion of the arts of every discipline, and he helped to protect and preserve an environment that allowed the arts to flourish and thrive in this country. Acting on his heart-felt convictions that the Government should take an active role in nurturing the arts, TED led many a fight in Congress to defend the National Endowment for the Arts. I am confident that future generations will look back on his work on behalf of the arts, and recognize how his contribution made this world a richer place for each one of us.

We will sadly miss TED's caring leadership on so many issues dear to so many of us. It was a great honor to have served with him and to have called him my friend.

Mrs. COLLINS of Illinois. Madam Speaker, I join my colleagues on both sides of the aisle today in honoring a Member and a friend who will be greatly missed by all of us. Representative TED WEISS died on September 14 but he will not be forgotten by those of us who worked beside him here in Congress.

I worked closely with TED for many years on the Government Operations Committee. During this time, I earned a tremendous amount of respect for him as a person and as a legislator. What struck me the most about TED was his unwavering dedication to his beliefs and his constituents. In order to be true to what he believed, he was willing to work as long and as hard as was necessary and he was willing to push for what he believed was right even if he was the only one fighting for a particular cause. Combined with his intelligence, this dedication and hardwork made him an effective and outstanding public servant.

At a time when the press is filled with stories of legislators without compassion or concern for their constituents and their needs, who vote according to the amount of campaign contributions they have received, Representative TED WEISS is a shining example of what is best in public service and he will continue to serve as a role model for the rest of us in years ahead.

Mr. MANTON. Madam Speaker, I rise today to pay tribute to an exceptional and courageous man, TED WEISS, who represented New York in Congress for 16 years until his untimely death earlier this month. I want to thank my colleagues, the dean of the New York delegation, FRANK HORTON, for taking this special order to honor our late dear friend.

Madam Speaker, TED WEISS was a man of conviction and a man of his word. He loved politics but he shunned political expediency. TED measured the righteousness of an issue, not on its popularity, but on his own strongheld beliefs and values. If he believed an issue was right, there was not a political poll to be found that could change his mind.

When it became unfashionable to be considered a liberal, TED wore the liberal badge with pride and honor. Indeed, he remained an unabashed and unapologetic liberal throughout his career.

He was a tireless and unyielding defender of civil liberties in America and human rights abroad. He also was a strong and consistent leader in the struggle to improve the health and welfare of our Nation's less fortunate.

TED was always a step ahead on important national issues. Before the AIDS crisis became national headlines, TED was fighting for additional funding for AIDS research and treatment. As chairman of the Government Operations Subcommittee on Human Resources, he pushed the Food and Drug Administration to fast-track approval of AZT and forced the National Institutes of Health to conduct further experiments in drug treatment.

Madam Speaker, TED WEISS was a dedicated and committed public servant. New York and the Nation have lost a true hero, but his steadfast devotion to his beliefs and ideals will serve as his legacy for generations to come.

Madam Speaker, TED will be sorely missed. My most heartfelt sympathies go out to TED's widow, Sonya, and his children.

Mr. PANETTA. Madam Speaker, I rise in tribute to our late and distinguished colleague from New York, my good friend TED WEISS. Throughout his career, TED fought for the underdog, the disenfranchised, and the voiceless. TED championed the rights of the underrepresented: human rights, civil rights and socio-economic rights not just in the United States but across the globe.

He did so with passion and limitless commitment, but he was not without humor and the long perspective of one who had devoted his life to battles against larger forces. One remembers many illustrative moments of a dear friend's career. I will relate only one moment that seemed to capture TED's position in this House, his life's work, and his responsive wit. As a group of us discussed how best to organize the opposition to the President's commitment of troops to the Persian Gulf without congressional authorization in the fall of 1990, TED set forth his characteristically thoughtful analysis of the best strategy and tactics to employ. In so doing, he took a defiant yet pragmatic stance against the supporters of the Bush administration. He pointed out that the opposition to the use of force without the Congress's authorization ought to reserve its attacks for the central purpose. One of TED's junior colleagues responded by urging the group to fight the good fight and damn tactics for the sake of what was right. TED's withering reply: "Look, I don't need any pointers on fighting lost causes." If any Member of Congress were entitled to that phrase, after 14 years in the House and 15 years on the New York City Council, Ted Weiss was.

I will not attempt to list all of his feats, but I would like to note several highlights of his illustrious and productive career. Ted promoted organizations and programs reflecting his emphasis on rights, including gay and lesbian rights, the National Endowment for the Arts, and the Freedom of Choice Act. He was a perennial force for justice and reform in Central America as well as limitations on the nuclear madness that gripped this Nation until the fall of the Soviet Union. He was relentless in his support for gun control, and he brought public attention to the AIDS issue and the dangers of silicone breast implants. As the chairman of the Government Operations Subcommittee on Human Resources and Intergovernmental Relations, Ted's efforts protected consumers from dangerous drugs and ended fraud, waste, and abuse in our health care system. Emphasizing the importance of education while on the Select Committee on Children, Youth and Families, he pushed for Head Start and child immunization programs.

Ted Weiss' legacy will live on in New York, in our own hearts here in the Congress and in the many programs he initiated, upheld and protected. I have appreciated this chance to offer my public tribute to a good friend, a great public servant, and a decent man of unblemished integrity. Ted's remarkable record as an immigrant, activist, and elected official stands as a mark by which we and those who follow should continue to measure ourselves. I honor his memory and I celebrate his life.

Mr. CONYERS. Madam Speaker, what was most extraordinary about Ted was his work-ethic. In Congress, he was a Titan; indefatigable and single-minded in pursuit of a better world at home and abroad, and a government that was more responsive to the people.

These qualities are illustrated by Ted's work with the Committee on Government Operations.

Beginning with the 98th Congress in 1983, he was chairman of our Subcommittee on Human Resources and Intergovernmental Relations. For almost a decade, the Subcommittee, under his leadership, drew the Nation's attention to critical health care problems. His hearings required senior officials and the heads of agencies to publicly explain their actions or, in many cases, lack of action.

Ted was one of the leading voices in America on public safety, protecting us from poisonous foods, making sure our medical devices actually worked, and insuring that our drugs would not harm us but nurse us back to health. There was no more ardent and forceful crusader in the war against AIDS than he.

The six subcommittee oversight reports that will be offered tomorrow for final approval by the committee illustrate the breadth of his vision: "Continuing Deficiencies in Veterans Medical Care," "Is Science for Sale? Transferring Technology from Universities to Foreign Corporations," "The Politics of AIDS Prevention at the Centers for Disease Control," "The Quayle Council's Plans for Changing FDA's Drug Approval Process," "Fraud and Abuse in Head Injury Rehabilitation Industry," and "Is the FDA Protecting Consumers from Dangerous Off Label Uses of Medical Drugs and Devices."

Ted said what he believed, regardless of whether it favored Democrats or Republicans. His tenacity in pursuing the truth is demonstrated by the issuance of a subpoena last fall to the Food and Drug Administration, following a unanimous vote by the subcommittee, when the FDA was told by the White House not to turn over to the subcommittee FDA documents dealing with the Vice President's Council on Competitiveness.

Ted also used the legislative jurisdiction of the subcommittee. In this Congress he held two hearings on the Local Partnership Act, and his suggestions greatly strengthened the bill as it moved this year from the subcommittee through the committee. He emphasized that Congress must help poor rural areas as well as large cities like New York City if we are to ameliorate our social problems.

We are all saddened that ill health has taken him from us prematurely, but his work and contributions will continue to nurture the health and safety of many, many people throughout this country.

Mr. MAVROULES. Madam Speaker, I rise today to pay my respects for one of the most esteemed Members ever to have graced the Halls of Congress. The sudden death of Ted Weiss shocked us all and is a tragic loss for the people of the 17th Congressional District of New York and for the Nation.

Ted always had the interests of not only his constituents, but the Nation as a whole, in mind whenever he prepared legislation. I saw his commitment in action. He was one of the first Members with the vision to see the need for economic conversion to aid our workers and industries hardest hit by cutbacks in defense spending. He was one of the first to expose the magnitude of the AIDS crisis and the harmful side effects of silicone breast implants. As the chairman of the Congressional Arts Caucus, Ted was always taking the lead in fighting efforts to eliminate funding for the National Endowment for the Arts.

Madam Speaker, my friend Ted Weiss was one of the Nation's most respected lawmakers and he will be sorely missed.

Mr. GREEN. Madam Speaker, it is with great sadness that I rise this evening to pay tribute to the memory of my colleague Ted Weiss.

Ted and I have worked together for many years on issues of concern to Manhattan and to New York. He was my neighbor to the west in the city and truly represented his constituents in the finest manner. His care and concern were evident in the causes he espoused: health care, AIDS research and education, peace and arms control, to name a few.

I join my colleagues in sending condolences to his family and his fine staff. We shall miss Ted Weiss.

Mr. RUSSO. Madam Speaker, sometimes we're lucky because the fates do conspire to send a man to this institution at the time he is most needed here and at the time the country most needs him. Sometimes we must face a terrible loss and grief when his time with us is all too short.

In paying tribute today to the late and honorable Ted Weiss, I search for the words that will do him justice, and truly, justice itself was the cause to which Ted Weiss devoted his considerable talents and energy. Here was a man of principle, a great liberal who fought long and hard for his beliefs with a determination that belied his gentle nature.

When someone with Ted Weiss' compassion enters the public arena, it is then that the less fortunate have a champion. This distinguished public servant, who well deserved this accolade, was a voice for the many who have no voice, and he was uncompromising in his commitment.

We have lost a decent and loving human being, a true American jewel whose passing leaves us sad but the richer and wiser for having known him.

Mr. LENT. Madam Speaker, it is with a great sense of sadness that I rise today, because in so doing I mark the passing of a good and decent man, one who was a friend to each and every Member of this House.

Ted Weiss was a gentleman and a person of great kindness and respect. Over the years Ted and I may have disagreed over politics and policy, but through all that time I cannot remember a harsh word stated or unkind thought expressed by him. He conducted himself with dignity and honor, and will be long remembered for his dedication and commitment to his ideals.

This House and all of its Members have been enriched by the presence of Ted Weiss, and while we mourn his passing, we celebrate with joy the memories we share of this caring and thoughtful man.

Mr. STOKES. Madam Speaker, I want to thank the gentleman from New York [Mr. Horton] for reserving this time to pay tribute to our late colleague, Ted Weiss. With his passing, the 17th Congressional District of New York has lost its greatest advocate and indeed our Nation has lost a great leader. I join others in mourning the loss of our colleague and friend. We gather today to reflect upon the accomplishments of this distinguished individual.

Ted Weiss began his career in public service in 1961 as a member of the New York City Council. During his 15 year council tenure, he authored tough gun control legislation, chaired the Council's Committee on Environmental Protection and introduced the first civilian review board bill. Ted earned a reputation as a hard worker on behalf of his constituency.

Madam Speaker, Ted Weiss was elected to the House in 1976. His legislative accomplishments during his tenure are vast. Ted served on the Select Committee on Children, Youth and Families where he worked to expand Head Start, WIC, and child immunization programs for at-risk children.

In the House, Ted was a member of the Government Operations Committee and chaired the Subcommittee on Human Resources and Intergovernmental Relations. In his role as subcommittee chairman, he conducted field hearings on the Federal response to the AIDS crisis, the plight of the homeless, and the Food and Drug Administration's regulation of illegal and safe drugs.

As a ranking member of the Foreign Affairs Committee, Ted served on the Subcommittees on Western Hemisphere Affairs; Arms Control; International Security and Science; and Human Rights and International Organizations. In the Congress, Weiss has been a strong supporter of the State of Israel; he has championed efforts to bring humanitarian relief to drought-stricken countries; and he has been one of the leading advocates for human rights around the globe.

During the 102d Congress, TED was elected to chair the Congressional Arts Caucus where he led efforts to provide funding for the arts and promote artistic freedom. It was under TED WEISS' leadership that the Arts Caucus recently completed its 11th annual "Artistic Discovery" competition, saluting the artistic talents of our Nation's high school students.

As we gather today, many of us have fond memories of TED WEISS. He worked tirelessly on behalf of his constituency, yet he always found time for a friendly chat; he was always available for counsel; and he was at all times a gentleman. I read with interest the statement issued by TED in which he announced his candidacy for reelection in New York's new Eighth Congressional District. In his remarks he said, "There are some who want to be in Congress only because they want to hold office—because they like the title. For me, politics is about fighting for change and trying to do the right thing."

Madam Speaker, the legislative accomplishments of TED WEISS here in the Congress will stand as strong testimony of his belief. We are saddened over the death of our friend and we extend our sympathy to his wife, Sonya, and his family.

Mr. EVANS. Madam Speaker, on Monday, September 14, we lost a dear friend and valued colleague, TED WEISS.

TED was a man deserving of this Nation's respect. No matter what the issue, he always followed his principles. He consistently fought Presidents Reagan and Bush's cuts to domestic programs knowing he harm that they would inevitably cause.

TED cared deeply about people, whether they were his constituents or not. And he believed that our Government should be held accountable for its actions. Taken together, these two beliefs made TED a strong ally of America's veterans.

In fact, if it wasn't for TED veterans exposed to agent orange would most likely still be denied care and benefits. Not only did TED direct his subcommittee to review the Government studies of agent orange exposure and publish the report, "The Agent Orange Coverup: A Case of Flawed Science and Political Manipulation," he also prevented the House Committee on Veterans' Affairs from continuing to ignore the suffering of Vietnam veterans exposed to agent orange.

When the chairman attempted to pass a COLA bill by unanimous consent that lacked the agent orange provisions which the House had passed earlier, TED stood up and objected. An action that Paul Egan of the Vietnam Veterans of America called heroic.

TED was a true friend and ally to veterans. His enthusiasm, insight, principles, and friendship will be missed by us all.

I also would like to express my deepest sympathy to TED's wife, Sonya, and his sons, Tom and Steven. I can only hope that they find comfort in the fact that TED was special individual who managed to improve and ease the lives of millions of people.

Mr. CARR. Madam Speaker, TED WEISS was my friend. And, I was his. He was a remarkable man. Kind, unassuming in personal contact, but a giant of intellect and commitment to principles he held dear in his professional life, he had the best of all traits. Though we rarely, if ever, worked together as legislators, we did work together in support of the arts. He was gracious in victory and defeat and that always pointed to the future task ahead and the promise of a productive tomorrow. I will miss him.

Ms. OAKAR. Madam Speaker, I was saddened to hear of the death of Representative TED WEISS of New York.

TED WEISS entered public life as a councilman in New York City in 1961, where he compiled a distinguished legislative record. In 1976, he was elected to Congress to represent the lower west side of Manhattan. That was the same year that I was elected, and TED was my first friend in Congress when we took our seats in 1977.

During this current Congress, I had the additional pleasure of serving with Representative WEISS on the House Banking Committee.

Over many years, I was associated with TED WEISS in efforts to have Congress enact defense economic conversion legislation, about which I would like to comment further.

Beginning in his first year (1977), TED WEISS introduced bills to encourage transition from an economy with a heavy defense emphasis to a more peace-oriented economy. This was long before such a policy became popular in Congress or in the Nation.

TED WEISS' quiet dignity in this cause radiated intellectual and moral conviction.

In 1988, according to the Arms Control and Disarmament Agency, global expenditures for weapons and armies reached $1 trillion, displacing development world-wide and imposing crushing burdens on many nations and peoples.

TED WEISS spoke out on this subject. On June 13, 1989, he appeared as a witness before the Subcommittee on Economic stabilization, which I chaired at the time, to assist us in drafting a bill that would launch a defense conversion program and would be acceptable to the House of Representatives.

His testimony was helpful. It reflected the writings of prominent academicians. He also expressed his long-held belief that labor and management should work together toward these goals.

When the end of cold war came suddenly, at the end of 1989, the cause of economic conversion gained momentum. In 1990, as directed by the majority leader Representative GEPHARDT, I drafted a composite bill, drawing on the work of all advocates of defense conversion (H.R. 3999). This proposal became the basis for the $200 million program of defense economic adjustment assistance to workers, communities, and businesses that was enacted as division D of the Defense Authorization Act for 1991 (P.L. 101-510, a process in which the gentleman from Massachusetts, Representative MAVROULES, was instrumental.

Two years later, we are discussing a $1 billion defense conversion program in the Defense Department authorization conference. That is progress.

In the debates that marked the coming of age of this legislation, TED WEISS often waited his turn to speak, although his foresight and dedication to this issue qualified him to be among the first to speak.

So, in a sense, the acceptance of defense economic adjustment and conversion legislation by the Congress can be regarded, in part, as a living tribute to TED WEISS.

I think of that man of peace when I read in the daily newspapers that the President, several times in the past 2 weeks, has announced massive arms sales:

Six billion dollars in sales of 150 F-16 fighters to Taiwan on September 2.

Nine billion dollars in sales of 72 F-15 fighters to Saudi Arabia on September 12.

If Representative WEISS were on the floor of the House today, I wonder what he would be saying about the wisdom, timing, and morality of these "military moves with political overtones"—Washington Post, September 3, 1992. For this and many other reasons, I am sorry that TED WEISS is no longer with us.

For more than three decades, Representative WEISS was the embodiment of conviction and courage in public life. He merits in death what he fought for in life—peace.

Mrs. SCHROEDER. Mr. Speaker, I want to pay special tribute to my friend and colleague, TED WEISS, who died this week. His death took from us a man who fought long and hard for the important issues. Not the splashy or sexy issues, but always the ones that really count for the people of the country—supporting efforts to improve the well-being of children and families, making sure that programs worked for the people for whom they were intended, fighting for attention and resources needed to combat the AIDS epidemic, and on and on. He was among the original members of the Select Committee on Children, Youth, and Families and it was a special privilege working with him on the committee over the last 10 years. As the committee's chairwoman for the last 2 years, I knew that I could always count on TED to speak out. His health was not the best in recent years, but his commitment and persistence never flagged. I was in the middle of a committee hearing when I learned of his death, and while in shock at the loss, I knew he would be pleased that his committee was tackling the high costs of college education to make it more accessible and affordable for families. I will miss him and so will this body.

Mr. HUGHES. Mr. Speaker, today we pay tribute to our former colleague, TED WEISS, who served in this House with distinction for 15 years.

In those 15 years, TED never faltered in his beliefs, regardless of the degree of their popular appeal. He was caring and compassionate. TED championed the causes in which he believed with tenacity, and did not yield. He was opposed to injustice and took action to correct it where he perceived it. He cared deeply about the people of this country and those around the world.

TED was certainly a friend to the arts community, and was dedicated to promoting and protecting the arts. He served as chairman of the Congressional Arts caucus with characteristic effectiveness. When the National Endowment for the Arts was subjected to criticism, TED defended its many positive contributions because he felt people need to be exposed to art, and the Government should have a role to play in achieving this.

TED was a good man of integrity who added much to the House of Representatives. He well represented his constituents, whose respect for him was illustrated last week by their overwhelming demonstration of support in the primary held after his death. In addition to serving the House, and his New York District, TED well served his country. His death is a loss to all of us, and we will miss him.

Mr. FASCELL. Mr. Speaker, I'd like to take this opportunity to pay tribute to our distinguished colleague, TED WEISS, whose untimely death earlier this month robbed the Congress—and the country—of one of its most ardent champions of human rights.

An active and able member of the Committee on Foreign Affairs and of the Subcommittee on Human Rights, TED worked tirelessly to promote universal respect for human rights. While TED is well-known for his liberal convictions, his outrage about human rights abuses transcended political ideology. Dictators of the right and left earned his rebuke. He defended equally and with conviction the rights of Soviet Jews to emigrate, of Guatemalan workers to organize, of Chinese students to demonstrate, of Chileans to vote, and of Zairians to be free from the yoke of corruption and tyranny. TED founded both the Congressional Working Group on Chile, to encourage his colleagues to pressure the Pinochet Government to allow democratic reforms, and the Chinese Political Prisoners Adoption Program, whereby Members work for the release of individuals imprisoned in China for their pro-democracy activities. It was TED'S principled and consistent commitment to promoting respect for the human rights of all that earned him the respect of his colleagues and ensured the effectiveness of his efforts.

I am pleased to insert into the RECORD several letters I have received from members of the international human rights community attesting to the invaluable contribution TED WEISS made to the cause of human rights and democracy. Included are letters from human rights activists in China, Columbia, Mauritania, and Guatemala, individuals whose lives were touched by TED and whose plight he sought to alleviate. I want to thank Holly Burkhalter, Washington, director of Human Rights Watch, for compiling these moving and well-deserved tributes to TED WEISS.

The letters follow:

HUMAN RIGHTS WATCH,
September 22, 1992.

Hon. DANTE FASCELL,
Chairman, House Foreign Affairs Committee, Washington, DC.

DEAR MR. CHAIRMAN: I write to express my profound condolences to you and your colleagues on the death of Representative Ted Weiss. My colleagues and I at Human Rights Watch have worked closely with Ted over the years: we had no better friend in Congress. I wanted to take this opportunity to mention a few of the causes we worked on together, and to pass on to you some letters from human rights advocates from around the world who knew of Ted's commitment and wished to express their appreciation for it.

We at Human Rights Watch have worked with Ted Weiss since our organization was founded. Throughout the decade, he was a particular champion of human rights in Central America. He and his wonderful staff visited the region many times and there was never a time that they were too busy to send a cable or a letter or make a phone call protesting an arrest, a disappearance, or a killing. Ted led efforts to limit U.S. military aid to regimes which engaged in gross abuses in human rights, and worked hard to implement U.S. laws which link human rights to foreign aid.

Ted Weiss wasn't selective about human rights: he helped us on Cuban cases and Guatemalan, Nicaraguan and Chinese, Soviet and Somali. One effort that we particularly appreciated was his Chinese political prisoner adoption program, in which he distributed Chinese cases for other Members of Congress to help with.

Some of Ted's projects never made the news and were probably not known to many in the U.S., but what a difference they made to human rights activists abroad! I remember the resolution on human rights in Mauritania which Ted wrote, adopted by your Committee and by the full House in 1991. Representative Weiss was outraged by the Mauritanian Government's campaign of terror against its black citizens—which led to the torture and death of some 500 black political prisoners—and the continued practice of slavery in Mauritania. His resolution condemned these and other abuses, and called on the authorities to prosecute and punish the military and police officials responsible for them. We translated the resolution into French and gave it to Mauritanian human rights activists who had been expelled from their country and were living in dusty refugee camps in Senegal. Their joy at knowing that the United States Congress cared about them and the plight of their people was very moving.

Ted Weiss's contributions to the human rights cause are too numerous to enumerate, but I want to add a final note. In my many years working with Members of Congress, I have never known one with more integrity and generosity than Ted Weiss. We will miss him very much. As his staff people now move on to new jobs, I close by offering our warmest thanks for their efforts on behalf of human rights and our best wishes for the future.

Sincerely,

HOLLY BURKHALTER,
Washington Director,
Human Rights Watch.

Rego Park, NY, September 23, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House,
Washington, DC.

DEAR SPEAKER OF THE HOUSE FOLEY: I would like to take this opportunity to recognize the late Congressman Ted Weiss for his efforts in promoting human rights throughout the world, most specifically, in China.

In 1990, Congressman Weiss initiated the Chinese Political Prisoners "Adoption" Program. Through this program, members of Congress would "adopt" a prisoner from a list provided by Asia Watch, for whom the Congressman could write letters to the Chinese officials on a prisoner's behalf, raise his/her case when meeting with Chinese officials, maintain contact with family members, or take any appropriate actions to ensure humane treatment during imprisonment. Most importantly, this program has helped keep alive the spirit of the pro-democracy movement in China.

As a former political prisoner, I am aware of the debilitating and demoralizing effects of physical and mental torture by prison officials. Despite the guards, the barbed wire and walls that surround the prisons, words from the outside world are able to penetrate. Any words of comfort and encouragement are taken to heart by the prisoners and give them the strength to live through their ordeals.

Congressman Weiss' actions on behalf of political prisoners in China have proved indispensable in helping to bring to attention human rights abuses. It is my hope that his desire to ensure human rights for all lives on, not only in memory, but also in action.

Sincerely,

LIU QING.

Barrancabermeja, Colombia,
September 21, 1992.

Hon. THOMAS FOLEY,
Speaker of the House,
Washington, DC.

DEAR SPEAKER FOLEY: It is with great sadness that we have learned of the death of Representative Ted Weiss. Representative Weiss has long supported respect for basic human rights around the world, and took a special interest in the Andean region's human rights conditions. Members of his staff made fact-finding trips to Colombia, and often travelled to remote, dangerous regions to meet with human rights monitors and relatives of victims. We also understand that during congressional hearings and meetings with Colombian officials he often raised human rights concerns.

Representative Weiss's compassion for the victims of human rights abuses and his tireless efforts to defend those victims will be missed. We sincerely thank him for his efforts.

Sincerely,

JORGE GOMEZ LIZARAZO,
President,
Regional Committee for Human Rights.

MAURITANIA ACTION NETWORK,
Washington, DC

Hon. THOMAS FOLEY,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER FOLEY: I am writing to express my condolences for the loss of Congressman Ted Weiss and to honor his particular contribution to alerting the world about the plight of black Mauritanians. I know, I speak for Mauritanians living in exile and especially those who live in asylum and fear in Mauritania itself.

On the behalf of all victims of human right abuses in Mauritania, I express my deep appreciation for the work done by Congressman Weiss. He will be in our memory for many years to come.

Sincerely yours,

MOCTAR TOUMBOU.

The Council of Ethnic Communities "Runujel Junam" ("We Are All Equal") [Consejo de Comunidades Etnicas "Runujel Junam" (CERJ)], before national and international public opinion,

Expresses:

That with sadness and consternation, it has received the news of the death of the respected and distinguished Representative Ted Weiss, who from Congress of the United States of America carried out an unyielding fight in defense of human rights in our country.

Ted was a true friend of human rights monitors in Guatemala, especially during difficult times.

We will always remember him for his valiant contribution to our work in Guatemala promoting and defending Human Rights. His example will help guide us in the difficult and rough path that we yet must travel in our country.

CERJ offers its most sincere condolences to the distinguished and respected family of Representative Ted, to his wife and children, and to his friends.

Guatemala, September 23, 1992.

WASHINGTON OFFICE ON LATIN AMERICA,
Washington, DC, September 28, 1992.
Chairman DANTE B. FASCELL,
House Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN FASCELL: At the Washington Office on Latin America (WOLA) we have all long felt a special affinity with Ted Weiss. He cared deeply and fought hard for human rights in Latin America. Over the years he was often on the losing side, but he was willing to fight again and again, because it was the right thing to do. In this era when "compromise" and "pragmatism" seem to have displaced moral outrage in the hearts of so many foreign policy makers, when so few care about international issues unless their district or their state is affected in some way, Ted Weiss never resigned himself to accepting policy that failed to embody fundamental principles of decency and generosity.

Our causes were frequently not popular politically or significantly geopolitically. But they were his causes as well. He kept human rights in Peru and Guatemala on the map in Congress and worked for the establishment of democracy in Chile. He was always counted in the never-ending battles to end aid to a brutal military in El Salvador and to end the Contra war that took so many Nicaraguan lives. He seemed able to draw from deep wellsprings in his own experience to identify with people far away displaced by war or brutalized by tyranny, and it showed in every policy stand he took.

Ted Weiss chose the most capable of staff people, who—following his lead—were never too busy to take a call or talk to a visiting Latin American, even when they worked overtime. When meeting with his staff, we would sometimes see him coming in or out of his office, looking a little rumpled or tired, not the kind of man one imagines riding in a limousine or schmoozing at a State dinner, though he doubtless did his share of both. He was not an "insider" but a far more rare (and increasingly endangered) type of Congressman, one who was genuinely unafraid to speak truth to power.

We drew real sustenance from Ted Weiss, a public man who stood for what is truest and best in what we do as a people. All of us at WOLA deeply mourn his loss, and we will miss him on the frontlines.

Sincerely,

ALEX WILDE, *Director.*

LAWYERS COMMITTEE
FOR HUMAN RIGHTS,
Washington, DC, September 29, 1992.
Hon. DANTE FASCELL,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN FASCELL: I am honored to have the opportunity to pay tribute to Ted Weiss. I am saddened that this letter is occasioned by his untimely death. As a representative of a non-governmental human rights organization, I am also writing in behalf of folks around the world whose human rights struggles he so powerfully represented over the years. Many of the people whose cause he so effectively championed never even knew his name, but were beneficiaries of his steadfast advocacy and persistent pleading. Through law, legislation, and petitions, Congressman Weiss left an inspired legacy of compassion. He recognized early on that the United States, a great and powerful nation, needs laws which seek the protection of the defenseless both here and abroad. Indeed his many initiatives in behalf of human rights and fundamental fairness were rooted in an unshakable solidarity with those whose dignity has been transgressed by governments.

Mr. Weiss was a man who recognized the urgent need for law tempered by mercy. His life was a testimony to the simple idea that all people, regardless of race, class, or place of birth, ought to be able to claim human rights as a fundamental birthright. He also made it unmistakably clear that defense of that birthright is a charge we all must keep. Indeed that conviction helped illuminate the path for the rest of us. We will greatly miss his companionship and leadership.

Sincerely,

JOSEPH ELDRIDGE.

Mrs. SCHROEDER. Mr. Speaker, I want to pay special tribute to my late colleague and friend, TED WEISS. His death took from us all a man who cared and fought for the important issues. Not the splashy or sexy issues, but always the ones that really count for the people of the country—supporting efforts to improve the well-being of children and families, making sure that programs worked for the people for whom they were intended, fighting for attention and resources needed to combat the AIDS epidemic, and on and on. He was among the original members of the Select Committee on Children, Youth, and Families and it was a special privilege working with him on the committee over the last 10 years. As the committee's chairwoman for the last 2 years, I knew that I could always count on TED to speak out and then to act on what he said. Although he was not well in recent years, his commitment and persistence never flagged. I was in the middle of a committee hearing when I learned of his death, and while in shock at the loss, I knew he would be pleased that his committee was tackling ways to make higher education more accessible and affordable for families. We owe him much for his legacy of leadership and service. I will miss him.

Mr. McNULTY. Mr. Speaker, with the untimely passing of Congressman TED WEISS, we lost one of our most distinguished and beloved colleagues.

TED WEISS was called the conscience of the House, and he merited this honor. A victim of European anti-Semitism, he fought it as strenuously as he sought to eliminate all forms of hatred from human society.

His mission in life was to serve—to extinguish the ills that plague our society. When he saw suffering, he sought to relieve it. When he saw injustice, he sought to correct it.

TED was an outspoken champion of the democratic process and devoted his life to protecting and advancing it.

Mr. Speaker, we shall miss him and always remember what he stood for. He has left this House—and America as a whole—a rich legacy. And we are grateful for it.

Mr. PAYNE of New Jersey. Mr. Speaker, I rise to commemorate the memory of Representative TED WEISS. I think I speak for many of my colleagues when I say his presence, which exemplified leadership, brotherhood, and friendship, will be deeply missed.

TED WEISS was born in Hungary and immigrated to the United States in 1938. He received his B.A. at Syracuse University and his law degree at Syracuse University College of Law in 1952.

As an immigrant, he understood very well the position of America's underprivileged. He served as our conscience in the Halls of Congress and as the voice of the underclass, when their calls for help went unanswered.

Since my election to Congress, I had the distinct honor and pleasure of serving on the Government Operations Subcommittee on Human Resources and Intergovernmental Relations with him.

As chair of this subcommittee, he took his oversight responsibilities very personally and very seriously.

He was respected by everyone who knew him, even those who disagreed with him, and both his colleagues and his critics could always count on him to stand on the strength of his convictions. Chairman TED WEISS demonstrated leadership and commitment to ensuring the safety of the American public. He was a man of unmeasured compassion for this country's most disadvantaged citizens. He championed causes that many felt were not worth pursuing.

The recent passing of Chairman WEISS is a loss to us all and the undeserved American has lost a strong voice in Congress.

I want to extend my deepest sympathies to his wife, Sonya, and his sons, Thomas and Stephen, and to his devoted staff, who worked very closely with a man who improved the quality of the lives of those he encountered.

Mrs. BOXER. Mr. Speaker, I rise today to honor an exceptional Congressman and true friend who served in the House of Representatives for 16 years: Representative TED WEISS. I am sure that I speak for all of us who were shocked and saddened to learn of his untimely death.

TED was a leader in the House on many issues, including human rights, women's rights, gay and lesbian rights, and against censorship of the arts. TED was one of the first to demand that the Federal Government treat the AIDS epidemic as a serious health crisis and he was instrumental each year in securing the necessary funding for AIDS research and prevention programs.

The Subcommittee on Human Resources and Intergovernmental Relations which he chaired, led the investigations into the possible health risks of silicone breast implants. He stood out on the Foreign Affairs Committee as a voice for respect of basic human rights in every country. He has been an articulate and sometimes lonely champion of freedom of expression.

I was proud to serve with TED on the Government Operations Committee and the Congressional Arts Caucus. His wisdom, humor, and leadership on so many issues which we both believed to be critical, will be sorely missed in Congress. I join my colleagues in honoring TED for all his years of outstanding service to Congress and the Nation.

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to the late Congressman TED WEISS of New York's 17th District. He was a man of principle who unabashedly championed the issues in which he believed. His constituents and the Nation have lost a great legislator and an outstanding leader.

Congressman WEISS was a strong proponent of improved Federal health-care legislation. He worked diligently to expedite the process for testing experimental drugs for AIDS, and he sought greater Federal funding and increased assistance for AIDS research and education. I testified before two hearings he held on these issues. As chairman of the Government Operations Subcommittee on Human Resources and Intergovernmental Relations, he worked ceaselessly to monitor the Food and Drug Administration, and he also fought to extend veterans benefits to those who had been exposed to agent orange.

Congressman WEISS was also on the Foreign Affairs Committee, where his opposition to military conflict was well known. He was a champion of international accountability on human rights, often suggesting sanctions or condemnations against oppressive governments. He was a great believer in the arts; expertly and graciously he led the Congresssional Arts Caucus, to which I belong.

New York has lost a powerful legislator. The Nation has lost a great leader. The Congress will mourn TED WEISS for his enormous intellectual ability and his huge heart. I will miss an irreplaceable colleague and friend.

GENERAL LEAVE

Mr. HORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the subject of my special order tonight.

The SPEAKER pro tempore (Ms. WATERS). Is there objection to the request of the gentleman from New York?

There was no objection.

BILL CLINTON'S RUN FROM HONOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Madam Speaker, as my colleagues who enjoy serving in the majority and will never know the agony of being here over a 16-year span in the minority, I will never know the joy that my friends in the Speaker's chair know to sit up there in that great historical American Speaker's chair and preside over this House.

Let me say that my subject matter tonight in the fourth special order that I am doing on the Presidency to come, either a second term for President George Bush or a 4-year uncertain run for the Governor of Arkansas, Mr. Clinton, is that one of my staffers pointed out to me this week by telephone, when I was home in California, the striking difference between some of the writings of Mr. Clinton and the unbelievably moving and poignant letter by Union officer and major of the 2d Rhode Island Regiment to his wife Sarah. It was probably the high point for me of the whole incredible 11–12 hour series on the Civil War that PBS has already aired twice. Public Broadcasting thinks so highly of this letter of Maj. Sullivan Ballou that, when they have their subscription drives, they offer this letter on simulated parchment from the Civil War period, and I could never come within light years of reading it in the same beautiful manner as the excellent narrator's voice in that Civil War series, but I am going to do it to set the tone of what I think is the essence of pure honor and pure sacrifice when it comes to the ugliest of all mankind's shortcomings: Warfare.

This was the letter written at Camp Clark, very close here to Washington, DC. I will find out exactly where this Camp Clark was on today's map. It was written on July 14, 1861, and it begins:

> My Dear Sarah, the indications are very strong that we will move in a few days, perhaps tomorrow. Lest I should not be able to write again, I feel impelled to write a few lines that may fall into your eye when I shall be no more.
>
> I have no misgivings about, or lack of, confidence in the cause in which I am engaged, and my courage does not halt or falter. I know how strongly American civilization now leans on the triumph of the government and how great a debt we owe to those who went before us through the blood and sufferings of the Revolution, and I am willing, perfectly willing, to lay down all my joys in this life to help maintain this government and to pay that debt.
>
> Sarah, my love for you is deathless. It seems to bind me with mighty cables that nothing but omnipotence can break, and yet my love of country comes over me like a strong wind and airs me irresistibly on with all these chains to the battlefield. The memory of the blissful moments I have spent with you come creeping over me, and I feel most gratified to God and to you that I have enjoyed them so long, and hard it is for me to give them up and burn to ashes the hopes of future years when, God willing, we might have lived and loved together and seen our sons grow up to honorable manhood around us.
>
> I have, I know, but few and small claims upon divine providence, but something whispers to me. Perhaps it is the wafted prayer of my little Edgar that I shall return to my loved ones unharmed. If I do not, Dear Sarah, never forget how much I love you, and when my last breath escapes me on the battlefield, it will whisper your name.
>
> Forgive me my many faults and the many pains I've caused you, how thoughtless and foolish I have ofttimes been, how gladly I would wash out with my tears every little spot upon your happiness.
>
> But oh, Sarah, if the dead can come back to this earth and flit unseen around those they loved, I shall always be near you in the gladdest days and in the darkest nights always, always, and if there be a soft breeze upon your cheek, this shall be my breath as the cool air fans your throbbing temple. It shall be my spirit passing by.
>
> Sarah, do not mourn me dead. Think I am gone, and wait for me for we shall meet again.

Maj. Sullivan Ballou was killed just a few days later at the First Battle of Bull Run very close to where my family lives here when the House is in session, that sacred ground out there at what the South calls Manassas and the North calls Bull Run. It was the beginning of the greatest agony in the history of our country, Madam Speaker: 618,000 dead Americans, most of them dead to disease.

Madam Speaker, there were a lot of people that did not share Major Ballou's cause. Forty percent or more of this country fought on a different side. Very few of them were slave-owners, but they were tragically—even the revered Gen. Robert E. Lee—fighting a perpetual cause that would have perpetuated the second greatest evil in this country—I believe the greatest evil to be abortion, and I am entitled to that opinion—but slavery, the stealing of men's lives, and women's lives, and children's lives, but at least letting them live. That is an equal horror, and in some cases, maybe for those in the most suppressed situations, painful.

Continuing this series of special orders about a man who has overcome incredible odds, Bill Clinton, to carry the nomination of the party that has the highest registration in our country, when he finds himself coming out of his convention with double digits; it may be 20–30 points ahead, when people are writing it is his race to lose, I am questioning his honor, and people have a right to know something about me.

Just a brief sketch:

☐ 2300

I joined at 19, because like Bill Clinton, I had a fantasy of someday becoming President of the United States. I thought it might be possible. I dreamed about it often during the course of my life, setting a goal in politics, this Chamber or the other side. And I set a high standard for myself, a standard that in the main I have tried to cling to. I could be a better or more charitable person, but nobody is shredding my reputation about, breaking my marital vows, or using drugs, or letting someone else wear the uniform of my country in my place.

I was watching JOHN LEWIS speak tonight, beautifully, eloquently, and I thought about sitting in the second row in front of the Lincoln Memorial, watching JOHN at 29 years of age address a quarter of a million people that had marched with Martin Luther King.

I was in that audience. I had marched with Dr. King, and I was proud of it. I had nothing to bring to that at 30 years of age except to wear my Air Force captain's uniform.

I remember a little lad, a little child of African-American descent, came up to me and said, "Sir, sir." He was about 6 or 7 years of age. He said, "Are you guarding, or marching?"

I said, "I am marching, son." And he slipped his hand in mine. From somewhere around 8th and 9th Street, I marched all that distance, holding this little beautiful body's hand, and then lost him somewhere around the Memorial.

I sat with a delegation of people who were mostly liberals and proud of it from Hollywood. Hollywood was a different community then. The liberal cause was generally civil rights. A few old timers that had praised Stalin and Lenin and were sorry for it, but they knew how to apologize in those days. But it was not a city of violent films, cocaine, sexual promiscuity, and the death of storytelling. It was a pretty good group, and I was proud to be with those liberals.

I have an impulse as an investigative reporter, which is causing me to get on Governor Clinton's trail and try to find the truth.

I swam the Chappaquiddick Channel on Mary Jo Kopechne's birthday, 1 week after somebody else did not swim it. Nobody in this Chamber or the other has negotiated that channel by swimming except this Member.

I have been to the Soviet Union 10 times. I have been to Vietnam 10 times, only once in uniform for a couple of days, ferrying an airplane. I never could get my Government to bring me back on active duty. The shame of it is I had no right with five children under 9 years of age to even dare to ask to go back on active duty, when I had served my time honorably in the most dangerous profession, one of certainly the most top two or three most dangerous professions in the military, flying supersonic aircraft.

Bill Clinton describes himself as a boy at 23. On this floor the other day I said that I felt I was a man, that I was training to be an element leader.

I met one of my pilots that I checked out today over in the Cannon Caucus Room. He works for the National Security Council, David Palmer. I have not seen him in years.

I just recalled the other day that I bailed out of an F-86 Sabrejet August 22, 1960. I had only turned 23 a few months before, on April 3. I bailed out a second time when I was 26. When I bailed out the second time I had four children. I was flying in the California Guard, not on active duty.

I used to laugh. You get back on the horse that throws you. If you love flying and want to serve the country and wear the uniform, you do not take those brushes with death as some cowardly excuse to say not for me anymore. Now, 23 is a man.

I find out now historically the most peculiar thing in the world. I know now that the people in Clinton's headquarters watched this. Young George Stephanopolous insulted me with some name like lunatic. What does that young punk know?

I am going to show you a picture in a minute, George—Stephen, I mean, Stephen Stephanopolus—I am going to show you the antithesis of the man you are dedicating your life to. I will tell you something about heroes.

He became an ace, Richard Bong, who dropped out of college to join the Air Force months before Pearl Harbor. Richard Bong became an ace at 23 years of age, Betsey, and Didi, and Steve, and all the people down there at the Clinton headquarters.

Did you ever hear of the Sullivan brothers? Reading Sullivan Ballou's letter made me think of the Sullivan brothers. I remember crying in that movie when I was a young boy about the Sullivan brothers.

I have been reading about Guadalcanal because we are going through the 50th anniversary of the longest battle in the history of the United States. It started August 7, 1942, and it wasn't over until February 9, 1943. That is a long, long time for young marines and then finally backed up by young Army soldiers to battle in those jungles.

Japanese soldiers used to capture an occasional marine and torture him and put a megaphone or a public address system in front of his mouth, and the other marines would hear him screaming as he was tortured to death. "Marine, tomorrow you die." I grew up in a time of heroes.

These five Sullivan brothers were all killed when the light cruiser USS *Juneau* was torpedoed during one of the many sea battles off Guadalcanal. They died, that anniversary is coming up here, the 50th anniversary, we will be adjourned, 10 days after the election, November 13.

Listen to these deaths, Madam Speaker. I want Bill Clinton to be aware of these deaths. These were all men. George, 29; Francis, 26; Joseph, 23, a man, not a boy, Governor; Madison, 22; and Albert, 20.

Albert was the age that George Bush was when he was shot down in the same Pacific Ocean twice 10 months later.

They all had worked, these five Sullivan brothers, for the Rath Packing Co., and vowed to enlist and fight together after the death of a boyhood friend, and all went down on that light cruiser together.

I was thinking about Eddie Rickenbacher who looked almost 10 or 15 years older than he was, our ace of aces in World War I who shot down 22 airplanes and 4 enemy balloons. He was 26 when he had his first few victories, so I guess that is not close enough to suit Governor Clinton to 23 years of age.

Here is what drives me on to do these special orders on Clinton's lack of honor. It is simply the way he speaks, the way he twists things, the way he deceives.

Here is a press release from the Association of the Medal of Honor Society.

"J. Elliott Williams, President of the Congressional Medal of Honor Society, today," and this was 2 days ago, "criticized Bill Clinton for misleading the public into believing that the Medal of Honor group supported the Democratic nominee. During an interview this morning on NBC's Today Show," that would be Monday, "Bill Clinton indicated that he was backed by," now, get this clever wordage, "all the Medal of Honor winners who have endorsed me. They know the facts."

"But according to Williams, only three of the 205 surviving recipients of the Congressional Medal of Honor have actually endorsed the Governor. His statements indicating support of 'all' recipients of the Medal of Honor is blatantly false and misleading," Mr. Williams said.

"I personally feel that Clinton continues to lie about the draft issue and he lies about our endorsement. We cannot endorse, nor do we endorse, Bill Clinton for President."

Now, one of the articulate women that serve in this House got up following me the other day and said Bill Clinton will be the greatest President of this century. I immediately flashed on the Roosevelts, particularly Teddy Roosevelt. I though about five-star General Eisenhower, who walked through the concentration camps and looked at the emaciated bodies of the people he had liberated in what he called the Great Crusade.

I said here the other night he had the "Our Father," composed by Jesus Christ our Savior, pumped out over the public address system of 5,000 invasion ships, and how politically incorrect that would be today.

This office of the Presidency is special to me. I can rattle off all 41 in a few seconds. I said the other day, that came from a punishment by a good nun in the seventh grade, Sister Miriam Rita.

When I was in beginning pilot training in 1953, I strived to be the highest ranking cadet out of about 1,500, and I miraculously made it. I was the Aviation Cadet Corps Commander, Colonel, Cadet Col. Robert K. Dornan.

I had gotten that position partly by memorizing what was called cadet memory. The best of all the cadet memory was a general order, a GO, sent out by Gen. George Washington to his troops at Valley Forge.

This is why honor is important to me, the quality of our first President, the Father of our Country.

□ 2310

He sent this order out in the winter of 1777 to men who were combatants without boots, a third of them, about foul speech. I put the Gennifer Flowers tapes in the RECORD the other day. I did it partially thinking about what George Washington would have thought of someone running for the Presidency with these tapes out there and the news media suppressing them, not knowing about them at all, really.

Here is the way he felt about men combatants in the presence of only men, not in the drawing rooms of Philadelphia society or in front of women and children but just men around men.

Here is what George Washington said.

> The General is sorry to be informed that the foolish and wicked practice of profane cursing and swearing, a vice heretofore little known to an American Army, is growing into fashion. He hopes the officers will endeavor to check it and that both they and the men will reflect that we can have little hope of the blessing of heaven upon our arms if we insult it by our impiety and follow. Added to this, it is a vice so mean and so low, without any temptation that every man of sense and character detests and despises it.—George Washington, 1777, Valley Forge.

That is a quality human being, and that is a strain that more often than not comes down through Jefferson and Madison and Jackson and Lincoln, right down into these times. And George Bush, I believe, is that type of quality man, as a father and a grandfather and a man who tried to compromise with leaders in this Chamber and the other Chamber and was taken to the cleaners on a tax increase that I am beginning to think was a cleverly devised plan looking forward to the 1992 election season to destroy a compact that the President had with his supporters and with thousands upon thousands of Reagan Democrats not to raise taxes.

I went out this weekend, again on the road for the President, a week ago I was in New Haven and White Plains, NY. A week before that, Colusa County and up in California. This weekend, I went to Phoenix, Tucson for the President. When I was in Tucson, because of the special orders of last week, one of the veterans of the 355 TAC Fighter Wing that flew out of Takli, we had two amazing bases in the center of Thailand, Korat, in Takli, these were our two F-105 Thunderstreak bases, Thunder Chief bases.

The men gave a nickname to their planes, Thud, the sound of it hitting the ground. It was a beautiful airplane, and it carried the heaviest burden on the Air Force side of attacking Route pack 5 and 6 over North Vietnam.

These men, if they had been given the proper orders by Robert Disgraceful Strange McNamara, they would have succeeded in stopping the aggression of the Communists in North Vietnam over the South.

One of the people who had been a veteran of this wing came to this gathering of 220 people, the Tucson Trunk, as in elephant, Trunk and Tusk Republican Club. And there were a couple of Congressmen there, a couple of my colleagues that I was appearing for.

There were many candidates who were State Senate Assembly, one of the congressional challengers in my party was there, all sorts of chairmen and party leaders.

I asked how many of them had ever read a single word of the Gennifer Flowers tapes. Not a single hand went up. I asked how many of them had ever known till they saw my special order that Bill Clinton never graduated from Oxford, is not an Oxford man, barely got through half the program and spent all of this time creating demonstrations in Europe and Oslo and now we find out in Moscow. Hardly anybody knew.

I asked them what they knew about the chronology or his record of draft dodging. Hardly anybody knew. These are smart, politically active people.

At the end of it, this retired colonel came up and presented me with something, and it moved me because he compared me to the symbolic type of composite hero that I thought I could join and help in the Vietnam war, but it was my fate to be a journalist and try and track the noble men and noble women in a noble cause.

Here is what the colonel gave to me. It is a picture that says at the bottom, the "Fighter Pilot." It is by Maxine McCaffrey, the late Maxine McCaffrey, who became the most beautiful artist capturing the spirit of our fighting men and women in Vietnam.

It says, "Dedicated to the fighter pilot who flew in Southeast, 1964," when that year ended and we only had 23,000 people there, "to 1973. Their mission was to fly and fight and they didn't forget it."

It says, "To United States Congressman Robert K. Dornan, an American Patriot, from Tucson River Rats, September 28, this year."

River Rats are those men who flew missions over Northeast Vietnam in both the Navy, Air Force, and many marines also.

And I think that this picture is the antithesis, the very antithesis of Bill Clinton.

This is the type of hero that Bill Clinton is not. This is the type of man that did his duty knowing that this Chamber and the U.S. Senate and the White House was manipulating him and his life in a political way so that he was not allowed to achieve victory in Vietnam.

You notice the colors are the colors of the flag of South Vietnam, free Vietnam, red and yellow. You notice the frame is bamboo. I will treasure this.

Now, there are two articles that I could submit to the RECORD, Madam Speaker. I choose to read them. I think they are so important.

The first one, today's Los Angeles Times, by Harry G. Summers, Jr. He is a retired colonel. I think he was the best of all the former military experts who the networks utilized to try and bring us some understanding of Desert Shield and then the 42-day air war over land and the last 4 days by the brilliant 4-day land war called Desert Storm.

Harry Summers is a retired Army colonel, a lecturer in strategy and a distinguished fellow at the Army War College.

Here is what he says today:

"Which side are you on, Bill? Not Clinton but those who served and fought communism are vindicated by history."

The column begins,

> Amazing! Almost a quarter of a century later, after all that has transpired, Governor Bill Clinton still sticks by the slogans of the anti-American rallies that he organized in England and maybe in some Scandinavian countries during his student days there. Most of his contemporaries have long since thought better of their actions, given the horror of the reeducation concentration camps, where 400,000 Vietnamese were imprisoned for decades after the war.

And good Colonel, you leave out 68,000 executed by death squads of people who trusted us, looked up to us, believed in us and in many cases loved us. We were not the French. They did not want us to leave.

□ 2320

He goes on,

> The unspeakable suffering of the almost 1 million boat people and the grinding poverty engendered by the rigid Marxist economic policies of the Communist victories, most people who wave National Liberation Front banners and shouted, Ho, Ho, Ho Chi Minh, the NLF is going to win, now realize that their loyalties were terribly misplaced. But not Clinton. One may question his morals or his patriotism, but one cannot fault his tenacity. In an interview published about a year ago in the October 5 Army Times, Clinton tells of how he worked for 2 of his college years on the staff of the Senate Foreign Relations Committee under Fulbright.
>
> "I became convinced that our policy (in Vietnam) was a tragic mistake, that we weren't going to win, we weren't trying to win, we couldn't win."
>
> If he had stopped there, most Americans, including most who fought in Vietnam, would have nodded in agreement, but Clinton had to show his moral superiority to those who did serve by defending the slogans of his youth.
>
> "We weren't supporting the sides that were capable of prevailing." And who might that have been? At the time, according to Senator Fulbright and his ilk, that meant the National Liberation Front, the supposedly autonomous collection of South Vietnamese freedom fighters opposing the tyranny of the Saigon government. Sure enough, the National Liberation Front did prevail, only to then contemptuously reveal to those they had duped that they were in no sense an independent entity. Organized in Hanoi in December, 1960, the NLF was totally controlled and directed by the Communists in North Vietnam. Even at the time Clinton was shouting his slogans, soldiers of the North Vietnamese army (NVA), constituted more than 70 percent of the Viet Cong "guerilla" forces in the south, and in Great Spring Victory", the account of his multi-division cross-border blitzkreig that overwhelmed South Vietnam in 1975, North Vietnamese Army General Van Tien Dung hardly mentions the role of the Viet Cong or the Liberation Front.
>
> "It turned out," this is General Van Tien Dung, now, "the sides that were capable of winning—

Excuse me, that is Clinton's quote—

"were not the VC or the NFL, they were North Vietnam's regular armed forces. It was not black pajama-clad Viet Cong guerillas that broke down the front gate of the presidential palace in Saigon in April, 1975. It was a T-54 tank of the North Vietnamese Army."

Clinton could be forgiven for not foreseeing that in 1968-69—

His first year at Oxford, when I have to assume he did go to class.

Many people were misled by North Vietnamese propaganda, including not only Fulbright but many Viet Cong cadres as well. But to persist in that ignorance in 1992 is unconscionable.

Almost 10 years ago in his landmark 1983 work, "Vietnam: A History," former Washington Post correspondent Stanley Karnow—

And he is the central figure played by Sam Waterson in the amazing film "Killing Fields—

Karnow described the NLF as a "true communist front organization which took their orders from the Politburo in Hanoi," and he is a liberal writer.

He described the betrayal of their South Vietnam supporters as well, a quote from Dr. Duoung Quynh Hoa. He says, "I have been a communist all my life." He is one of the 16 founders of the NLF. "But now for the first time I have seen the realities of communism. It is a failure—mismanagement, corruption, privilege, repression. My ideals are gone," gone with the wind.

In his 1990 book, "Flashbacks: On Returning To Vietnam," CBS News correspondent Morley Safer corroborated Karnow's findings. Remember, Morley Safer was the one that showed the Marine lighting the hooch on fire and a corps Marine officer, and said, "We have to burn this village to save it." A good piece of film, Morley. We must have seen it a thousand times during the rest of the effort to save the Vietnamese from communism.

Morley Safer corroborates Karnow's findings. "They called it a people's revolution," said former VC Colonel Pham Xuan An. But of course, the people were the first to suffer. The people were immediately forgotten. They still haven't remembered the people.

A quarter of a century ago when Bill Clinton was leading his anti-war rallies through the streets of London, I do not think Colonel Summers knows he was traveling to Moscow, I will straighten Harry out tomorrow, "he undoubtedly believed that he occupied the moral high ground, but Clinton failed to notice that the ground has been shifted dramatically beneath his feet. Time has shown conclusively that it was not the National Liberation Front and their supporters among the American anti-war movement who were on the side of history, it was those who Clinton 'loathed,' the young American men and women who served in his stead to oppose the spread of communism that have been vindicated. "That Clinton still just doesn't get it, that he still cannot admit that he was wrong, is a sad commentary indeed on the depths of his intellectual ignorance."

Since my special order on Friday I have learned out of the mouth of his press secretary exactly when he arrived in Moscow. Get your pencils, help me, Madam Chairman; work with me, people. He arrived on New Year's Eve, the 31st of December, a Wednesday, the last day of the year, 1969. That means when he woke up somewhere in Moscow with housing undoubtedly supplied by the KGB, I have to give young boy Clinton the benefit of the doubt that he didn't know that, but every peace group was manipulated by Soviet secret police, KGB-controlled. They used their word "peacemir" like a hammer to pursue their goals in Afghanistan, Angola, Cuba, Nicaragua, and yes, Vietnam, Cambodia, and Laos and Mongolia and in all the captive nations before that in East Europe. It was always "peace" they were fighting for.

If they could find a young American that would violate the sense of decency and honor to travel to Great Britain and arrange demonstrations against better men than he, who probably hated the war worse than he did, because they were the warriors who had to put up with the unbelievable political manipulations, MiG sanctuaries, I mentioned the other day, so these Soviet MiG fighters just on the outskirts of Moscow shipped to Vietnam could take off from a Robert McNamara dishonorably created sanctuary, and our young pilots would see the sun glint off their wings, knowing the next time they would see them is when they were coming at them from 40, 45, 50,000 feet to make one run to kill some Lieutenant on his first mission, who graduated from college with better grades than Bill Clinton, who understood that when there is a window of opportunity and your country needs you, as I quoted Churchill the other night, particularly if you ever want to lead men into battle or serve in a political position on an Armed Services Committee or Secretary of Defense or President of the United States, Commander in Chief, if you ever aspire to that, you do not let one, two, three, and four young men take your place and wear the uniform of your country.

Here is another article today. By the way, I said I swam the Chappaquiddick channel, marched with Martin Luther King. What quirk of fate put me in Moscow that very week? I kind of felt something Friday night when I was on the floor here, that he was going to turn out to have been in the Soviet Union in the very early part of 1970.

Remember, all I had to go on was one of those vague lines of his that he was there sometime in the early seventies. You can't get any earlier than January 1, 1970, and a few days later, as I said the other night, I arrived with Carol Hanson, Connie Hessel, Pat Hardy, Pat Mearns. We arrived there on a nonstop flight from Cairo, Egypt, and we were arrested at the airport because we didn't have the greased visa that Bill Clinton had gotten at the Russian Embassy in Moscow, where some agent came up to him pretending he was a fellow student and said, "You are a wonderful American demonstrating against this evil imperialistic interventionist war of American capitalism, stopping the poor Viet Cong from controlling their own fate."

This is great, that you have the guts to demonstrate against your own country with these skulls and crossbones and caskets and singing and chanting right here in Grosvenor Square in front of the statue to the American Eagle Squadron and under the nose of Franklin Roosevelt, the Commander in Chief that helped pull Russia's chestnuts out of the fire against the German blitzkreig, the Nazi conquest, Operation Barbarossa, right in that square Bill Clinton was recruited to come on by the Russian Embassy, I will give you that address tomorrow, and to come to the Soviet Union in the dead of winter.

You know what the wives and I remembered that temperature to be? Twenty-six degrees below zero. I had the U.S. Weather Service do a search over the last 2 days. You know what the average temperature was that whole week he claims he was in Moscow? We don't know that he was there, but 2 weeks, 3 weeks, 4 weeks, who says it was a week? Everything else he twists and distorts.

That week the average temperature was 22.3 degrees below zero. What student from Oxford, as DeDe Meyers, his spokesman, said in response to my three special orders last week, "Oh, it is a ridiculous insinuation. He was there like any other student traveling on a winter break." No, no, no tourists were going there. It was not very friendly, as he describes it. It was not a period of detente. This was the height of the Vietnam war. I repeat again what I said Friday, Soviet fighter pilots were flying MiG-23's against the Israelis because the Israelis shot down five of them. Soviet pilots may have been flying in Vietnam killing our men, and we know for certain they were training the North Vietnamese.

☐ 2330

No, this was the height of the war. Here are the exact statistics. The day he left for Moscow, and we do not know whether he flew in on a plane or came in a car, because none of the people, Madam Speaker, none of the media people in this country pinned him up against the wall yet and said, "How did you get to Moscow? Train or plane? When did you go? When did you show up in Oslo? Was it December 18? Was it a month after? How did you get there?"

Here is how many men died when he was there: December 31, 2; January 1, 19; January 2, another 19; January 3, 15; January 4, 18; January 5, 21; January 6, 26; 120 men, and any one of them might have been one of the soldiers that took his place. It is incredible.

What were the casualties for the Vietnamese in that same week? There were 304 of our allies killed, 786 wounded. And when I kept track of this every day off of the front page of the L.A. Times, and I have a scroll that goes from here to the other end of the

Speaker's area, Madam Speaker, I always recorded the so-called enemy boys because they were peasant kids. They did not know what they were fighting for under Ho Chi Minh. There were 1,999 young men from North Vietnam who suffered the ultimate death fighting to turn their country into the economic basket case that it is now.

There is the date. I am trying to find out when Clinton was in Oslo. Sometime after December 12, not November as I said Friday. Where did he go from Oslo on December 12 before he claims through the "mir" that he shows up on New Year's Eve, 26 degrees below zero in Moscow? What hotel did he stay at, what youth hostel? Wherever he stayed, I will bet you that the Soviet Government picked up the bill, the KGB, and we just know that is the case. And it will come out, and the horror of it is that all of this will come out after he is President, because then he picks up that radioactivity of the leader of the free world.

When I was a young fighter pilot we used to have an expression. I just saw it in an aviation magazine, 35 years later. We used to say that there are only three jobs worth having in the United States, a super rock star, and notice the word "super," a super rock star, President of the United States, or fighter pilot. That is how we loved our profession.

Well, this man avoided the third, and his saxophone certainly is not going to get him in the first category, and he is going to end up the President of the United States. Then he takes on the special aura of the office. Then what his alter-ego that he has been working with since that group worked for McGovern in east Texas as youth organizers in 1972 he and Betsy Wright then will have to worry about the bimbo expression. That is her expression, not Mary Matalin's. Then the bimbo eruption will be able to get hard coinage of the realm of Hard Copy, or Current Affair, or Maury Povich, or Philly Donahue, and they will all be looking for these people. A lot of them will be frauds like the flying saucer type people. But a lot of them will be the real ones that are going to start to pop up, and they are going to be telling the stories of I traveled to Moscow with the future President of the United States. We worked with people that on reflection I have to admit were probably KGB. We worked for peace. We did not realize we were part of the Evil Empire and were being used, because as Colonel Summers says, where are the admissions of youth in full naivete with the reflection of history. He is still clinging to the chants of those disloyal marchers in foreign countries.

Here is the September 9 Wall Street Journal, "Clinton ignores history's lessons in Vietnam," Peter R. Kann, who happens to be the publisher of the Journal.

Bill Clinton was back onstage last week explaining his actions of 23 years ago in avoiding the draft and Vietnam. His complex maneuvers then, and convoluted explanations now, make it unlikely his "one final statement on the subject will be his last." I think that is the one he made at the American Legion.

Yet, the real issue isn't where Bill Clinton's heart and feet were in 1969, but rather where his head is in 1992.

What he did 23 years ago and why is less relevant to being President than how he explains those actions today. But even that so-called character issue is less germane to his potential Presidency than what he now thinks about the rightness or wrongness, the causes and effects, of the American experience in Vietnam.

When Bill Clinton says that 23 years ago, and interestingly, that is precisely half his life ago since he is now 46, when Bill Clinton says that 23 years ago he "believed strongly our policy in Vietnam was wrong," he was reflecting a then common view of a controversial, politicized, "conflict." I added "politicized."

When, 23 years later, he says "I still believe that," it reflects obliviousness to the lessons of two decades of history in Vietnam, Asia and beyond.

For those of us of Bill Clinton's generation, the late sixties and the early seventies were a testing time. At the poles of our generation were those whose convictions led them to volunteer for Vietnam, and those whose convictions led them to resist the draft. In between, of course, were the many who went because some combination of draft and duty called, the many more who straddled, fiddled, and found sanctuary—from graduate schools to National Guard Units—and later the many who lucked out with high lottery numbers.

Conviction, convenience, class, courage, cowardice and simple luck all shaped the actions of our generation. Two decades later, most might agree that it's only those who went and served—or the families of those who did not return—who truly inhabit a high ground from which to cast stones at Bill Clinton and the rest. This high ground isn't populated by many politicians, pundits, press people or others positioned to play moral arbiter.

Morality aside, the political and military issues of the Vietnam era confused many Americans. Containing communism in a period of developing "detente"; defending an often imperfect ally;—

Pardon me, like France, you know, and like a lot of people that we have defended, or like South Korea. There are a lot of countries that we have defended and shed blood over that turned out to be imperfect.

Supporting distant Asian dominoes; sowing democratic seeds in soil that frequently seemed infertile; waging the war with too much firepower, or too little—all this was eminently arguable two decades or more ago. So too were the questions of what price was worth paying for victory and what cost might be paid for defeat.

All fair issues in 1969. But now it's 1992. And it is hard to think of any issues or any place in the world where hindsight offers a cleaner spotlight in which to distinguish right from wrong and success from failure.

"The postwar history of Vietnam—the revenge of the reeducation camps, the exodus of more than 1 million boat people," 500,000 or 600,000 drowned at sea, were ravaged to death by sharks, or from days of dehydration on otherwise paradise-looking islands. So there is a misery that still goes on there. The crowded little cubby-hole hovels that people live in in Hong Kong at this minute as I read this. "* * * the economic misery and political repression that was the lot of those left behind—surely has made it obvious even to former flower children of the sixties," flower children of the sixties, the blooming idiots of today, that is my aside, "that the Vietnamese Communists were not, as one of the friends of my youth put it, 'those groovy little people in the jungle,' but rather the hardest and harshest of Communist cadres. These events in Vietnam—and in the killing fields of Cambodia and poisoned villages of Laos—" remember yellow rain, red rain, the poison that came from Moscow, the same kind of thing that Saddam Hussein is doing today, botulism, nerve gas, mustard gas, all of these poison gases first tested in Ethiopia and then in Laos?

"As to the rest of Asia, it did not go Communist, of course, but rather emerged—free, prosperous and stable—as the model for the developing world and the pride of the developed one. Surely it isn't because we left or lost Vietnam that this has all come about, but rather because we stayed so long and fought so hard.

"Our long and painful Vietnam experience bought the time for the rest of Asia to build foundations of free enterprise economics and freer societies, to create the prosperity and personal dignity that precludes communism taking root."

The President of Singapore told me that to my face, Lee Kuan Yew. BEN BLAZ, our colleague from the island of Guam was there and stayed back. He actually stayed back and I stayed back to talk to him.

□ 2340

BEN BLAZ told him "I have never heard such eloquence as you are expressing how our sacrifice in Vietnam bought you freedom, Malaysia freedom, Thailand freedom." The President of Singapore understands these words.

These one-time political dominoes that we now call economic tigers, they, not Vietnam, were the war's winners, and it is we who were and are their role model like this composite symbolic heroic fighter pilot.

What about the wider world, the expansionist, totalitarian ideology we sought to resist in Vietnam? Two decades later it collapsed in Stalin's satellites, and then in Vladimir Lenin's own land. In China, in Vietnam, and a few other outposts, the ideology lingers on trying to compromise with capitalism while repressing people, a combination unlikely to last. Do not forget Cuba and North Korea.

Communism, however, did not simply collapse of its own accord. That is probably Clinton's opinion. That is McGovern's opinion, his hero of his youth. It collapsed because the U.S. and other free societies waged a long twilight struggle from the 1940's through the 1980's, late 1980's, from Harry Truman's Berlin Airlift to Ronald Reagan's Pershing missile development, from Europe to Vietnam to Afghanistan. We won some battles, and we lost some battles, but even the lost battles, for those who view Vietnam as a loss, were part of winning the wider war.

For Bill Clinton or any of us to have foreseen and fathomed all of this in 1969 would have required a gift of wisdom if not of prophecy to understand it, and in 1992, it requires merely common sense.

In the same week that Mr. Clinton was reaffirming that America was wrong in Vietnam, the Far Eastern Economic Review of Dow Jones magazine published out of Hong Kong was reporting an extraordinary story titled "The Rebels That Time Forgot." I will get this story, because I missed it. It is about a lost army of mountain tribesmen, totally isolated in the remotest jungles of Indochina, like the Hmong people in the Pleiku area in the little village of Kontum that put this bracelet on my wrist in September 1968. Oh, yes, that was the month Bill Clinton was starting his sojourn with no tests, no quizzes, no book reports, no papers, no thesis to write or turn in. That was a quarter of a century ago that I put this bracelet on. The village chieftain put it on, and said, "Please, do not take it off until they stop killing my people."

These tribesmen, the rebels time forgot, totally isolated in the remotest jungles of Indochina, continued to wage a lonely struggle to defend their culture, their religion, and their freedom against Vietnamese Communists. These tribesmen, however, trapped in a time warp, still understand the difference between what is right and what is wrong.

It is also important for Presidents.

Madam Speaker, in the remaining 8 minutes I have I would like to tell a story about that September 1968. I did not realize I was going to think of this tonight.

I was going as a journalist with a USO tour, a handshaker, it was called. The American performers went over there by ones and twos, and they could go way out right to the front lines, and I went over with a boyhood friend and schoolmate, Gary Crosby, Bing Crosby's son, and Gary and I went to all four corps areas, went to wooden platforms built on the top of mountains along the edge of the DMZ in I Corps, all the way down to some of the jungle camps in the Huminh Forest in the IV Corps area south of the delta, and it was in a hospital somewhere, I believe, in the III Corps area, in the area where the 11th Cavalry Regiment, a beautiful emblem, red and white diagonal with a black reared-up stallion on it, and it was commanded by General Patton's son.

We went into one of the hospitals, and they always wanted the handshake tours to go in the hospitals. This was September 1968, the third week of September, that the mini-Tet offensive, the major Tet offensive being all of February, the month that McNamara resigned on New Year's Eve day, February 29, with blood on his hands, walked off the battlefield, gave the last year of Johnson's Secretary of Defense leadership role to Clark Clifford, who has got his own problems right now. McNamara, 7 years of disgraceful service, and he dumped out in the last year to Clark Clifford.

February was the major Tet offensive. This is September, the mini-Tet, and Gary and I go into a hospital. We always met with the Army nurses. We were so impressed with the courage of these courageous women.

One of the nurses said, "Gary, I want you to come here and meet somebody, a fan of your father's, knows you, grew up with you," cover of Life magazine when you were 16 singing Sam's Song. "He wants to talk to you." If Gary is listening now, he will choke up listening to this. He kneels down next to this trooper lying in a bed on his face. His face was over the end of the bed. His head was shaved. He had metal stitches in his skull. I had never seen that. Both his arms were gone. He had part of one arm. Part of one leg, but both his legs really were gone, and a big piece of his face and his chin was gone, but he was able to speak. His face was in a net looking down at a bowl where he was bleeding, not bleeding as much as just saliva leaving his body, but he could talk clearly, and he started talking to Gary.

Gary choked and could not speak. He stood up, and came over to me and said, "Please, go over and talk to this trooper." And I said, "OK." I thought because Gary could not, that maybe I could. I could not speak either when I knelt down, and he said, "Gary, is that you?" And finally I got a response out and said, "Yeah, yeah, it is." And he said, "Gary, I am from Chicago. They tell me people in my home town are flying Vietcong and North Vietnamese flags. Is that true?"

Go back, go to your local library, and look at the September and late August issues of Time and Newsweek and look at the pictures in Grant and Lincoln Parks with these flower children flying these enemy flags that have so torn up Indochina, these Communist flags. I said, "Well, yeah. It is just a few creeps. Do not worry about it. It is not the country. The people still support what you are trying to do here. We have just got to figure out how to resolve this thing, depoliticize it." He said, "Well, Gary, will you make me a promise? Promise me you will never, never let any of these people fly an enemy flag in front of you."

You have got to picture this probably very handsome young guy with his arms and legs all gone, but one arm, and his face in this mesh, staring straight at the floor, trying to turn his head. I said to him, "I swear to you I will never let an enemy flag fly in front of my face." And I have seven of them in a box in my cellar at home. Four or five of them I picked up right out at the Mall here April 23, 1971.

That was the day I saw a Massachusetts Navy lieutenant with the Navy Cross throw his medals at the Capitol. They are on his wall now over in the U.S. Senate. He said he had borrowed somebody else's medals that he was throwing that asked him to, but I remember the press conferences on a day in 1971, and they said they were his medals.

I kept my promise to that trooper. He did not want to be in Vietnam. He let himself be drafted, and in a sense was volunteering. There were so many excuses to get out of there.

Tomorrow, when I pick up my next special order, I am going to try and make sense of a lot of this.

What is the first casualty of politics? The truth. I am going to compare some of Clinton's quotes back and forth, what he said last year and what he is saying now. Then I want to analyze the information in that letter to Colonel Holmes where Colonel Holmes said, what he said alone, in his December 3, 1969, letter, would have restricted Bill Clinton from ever qualifying to be an officer in the U.S. military. This is why Holmes placed that letter in the ROTC files, to make sure that Clinton would never again be able to become an officer in the United States.

I just found out today that Clinton took and failed his Air Force officer physical in 1969; he took and failed a Navy officer physical in 1969. He sought Federal employment that would bring a deferment in 1969.

Through influence, he had a Navy Reserve billet set aside for him in a unit that was full. That was in 1968. He had Senator Fulbright's chief of staff, his AA, exert pressure on that same ROTC commander, Colonel Holmes, so that he would go to the draft board, which he did, to take Clinton in under extraordinary arrangement, take him into the ROTC, and in a 2-hour conversation at the colonel's house about his deferment, he concealed from Colonel Holmes the fact that he had already received two draft induction notices, been involved and been a leader in organizing antiwar activities in a foreign country, and that information alone would have had the colonel say, "Get out of my house"; sought draft avoidance with an Oxford classmate through Winthrop Rockefeller, and it goes on and on.

Madam Speaker, I will pick up tomorrow with more inserts to discuss why I do not believe, or why I believe the Governor of Arkansas does not have the honor, the principle, and the character to be the President of the United States and the Commander in Chief.

□ 2350

The SPEAKER pro tempore (Ms. WATERS). Under a previous order of the House, the gentleman from Utah [Mr. OWENS], is recognized for 60 minutes.

[Mr. OWENS of Utah addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. LEACH, for 5 minutes, today.

Mr. MILLER of Ohio, for 5 minutes each day, today and on October 1, 2, 3, and 4.

Mr. MILLER of Ohio, for 15 minutes, on October 5.

Mr. RIGGS, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

(The following Members (at the request of Mr. TRAFICANT) to revise and extend their remarks and include extraneous material:)

Mr. PANETTA, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. CARR, for 5 minutes, today.

Mr. WASHINGTON, for 60 minutes, today.

Mr. HUGHES, for 60 minutes, on October 1.

Mr. NATCHER, for 60 minutes, on October 2.

Mr. TAUZIN, for 60 minutes each day, on October 1 and 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RAMSTAD) and to include extraneous matter:)

Mr. COUGHLIN.
Mrs. ROUKEMA.
Mr. LAGOMARSINO in three instances.
Mr. LEACH.
Mr. GINGRICH.
Mr. BLILEY.
Mr. FIELDS.
Mr. HASTERT.
Ms. MOLINARI.
Mr. PETRI.
Mr. ROTH.
Mr. WELDON.
Mr. LIVINGSTON.
Mr. SCHULZE.
Mr. GOODLING.
Mr. HUNTER.
Ms. ROS-LEHTINEN.
Mr. HOPKINS.
Mr. LEWIS of Florida.
Mrs. JOHNSON of Connecticut.
Mr. YOUNG of Alaska.
Mr. GUNDERSON.
Mr. GILMAN in two instances.
Mr. SHAW.

(The following Members (at the request of Mr. TRAFICANT) and to include extraneous matter:)

Mr. TRAFICANT.
Ms. DELAURO.
Mr. ROSTENKOWSKI.
Mr. CLEMENT.
Mr. THOMAS of Georgia.
Mr. MAZZOLI, in three instances.
Mr. FASCELL.
Mr. LANTOS, in two instances.
Mr. DICKS.
Mr. MILLER of California.
Mr. ANDREWS of New Jersey.
Mr. DOWNEY, in two instances.
Mr. WYDEN.
Mr. HOCHBRUECKNER.
Mr. ENGEL.
Mr. HUBBARD.
Mr. MATSUI.
Mr. KOSTMAYER.
Mr. MANTON.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1491. An act to establish a partnership among the United States Fish and Wildlife Service, the States, and private organizations and individuals to conserve the entire diverse array of fish and wildlife species in the United States and to provide opportunities for the public to enjoy these fish and wildlife species through nonconsumptive activities; to the Committee on Merchant Marine and Fisheries.

S. 1697. An act to amend title IX of the Civil Rights Act of 1968 to increase the penalties for violating the fair housing provisions of the Act, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5058. An act to authorize appropriations for the American Folklife Center for fiscal year 1993.

H.R. 5399. An act to amend the United States Commission on Civil Rights Act of 1983 to provide an authorization of appropriations.

H.R. 5503. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

H.R. 5679. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes.

H.R. 6056. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes.

H.J. Res. 553. Joint resolution making continuing appropriations for the fiscal year 1993, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1216. An act to provide for the adjustment of status under the Immigration and Nationality Act of certain nationals of the People's Republic of China unless conditions permit their return in safety to that foreign state.

S. 2344. An act to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes.

ADJOURNMENT

Mr. DORNAN of California. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, at 11 o'clock and 50 minutes p.m. the House adjourned until tomorrow, Thursday, October 1, 1992, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4333. A letter from the Director, Office of Management and Budget, transmitting a Soil Conservation Service plan for the Town Branch Watershed, Gentry County, MO, and an environmental impact statement, pursuant to 16 U.S.C. 1005; to the Committee on Agriculture.

4334. A letter from the Director, Office of Management and Budget, transmitting a Soil Conservation Service plan for the East Yellow Creek Watershed, Sullivan, Linn, and Chariton Counties, MO, pursuant to 16 U.S.C. 1005; to the Committee on Agriculture.

4335. A letter from the Assistant Secretary of Defense, transmitting the third report of the Commission on Alternative Utilization of Military Facilities, pursuant to Public Law 100-456, section 2819(b)(4) (102 Stat. 2120); to the Committee on Armed Services.

4336. A communication from the President of the United States, transmitting a report pursuant to section 3140 of the Fiscal Year 1992 National Defense Authorization Act, pursuant to Public Law 102-190, section 3140 (105 Stat. 1581); to the Committee on Armed Services.

4337. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed lease of defense articles to France (Transmittal No. 21-92), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

4338. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Victor Jackovich, of Iowa, to be Ambassador to the Republic of Bosnia and Hercegovina, and of E. Allan Wendt, of California, to be Ambassador to Slovenia, and of Mara M. Letica, of Michigan, to be Ambassador to Croatia, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

4339. A letter from the Director, ACTION Agency, transmitting a copy of a final regulation issued by ACTION to exempt a system of records from certain provisions of the Privacy Act of 1974, pursuant to 42 U.S.C. 5060(d); to the Committee on Government Operations.

4340. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 5620, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on Government Operations.

4341. A letter from the Comptroller General, General Accounting Office, transmitting a copy of a report entitled "Customs Service: Trade Enforcement Activities Impaired by Management Problems," pursuant to 31 U.S.C. 719(h); jointly, to the Committees on Ways and Means and Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Public Works and Transportation. H.R. 5352. A bill to coordinate and promote Great Lakes activities, and for other purposes; with an amendment (Rept. 102-742, Pt. 2). Ordered to be printed.

Mr. DE LA GARZA: Committee on Agriculture. S. 1696. An act to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes (Rept. 102-958, Pt. 1). Ordered to be printed.

Mr. DERRICK: Committee on Rules. House Resolution 582. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes, and against the consideration of such conference report (Rept. 102-959). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 583. Resolution waiving points of order against the conference report to accompany, and providing for corrections in the enrollment of, the bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993, and for other purposes, and against consideration of such conference report (Rept. 102-960). Referred to the House Calendar.

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 584. Resolution providing for the consideration of the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act (Rept. 102-961). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 585. Resolution providing for the completion of the activities of the Task Force to Investigate Certain Allegations Concerning the Holding of Americans as Hostages in Iran in 1980 in the second session of the One Hundred Second Congress (Rept. 102-962). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. S. 1696. An act to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes; with an amendment; referred to the Committee on Merchant Marine and Fisheries for a period ending not later than October 1, 1992, for consideration of such provisions of the bill and the amendment recommended by the Committee on Interior and Insular Affairs as fall within the jurisdiction of the Committee on Merchant Marine and Fisheries pursuant to clause 1(n) of rule X (Rept. 102-958, Pt. 2). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DIXON:

H.R. 6056. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations discharged; considered and passed.

By Mr. ACKERMAN:

H.R. 6057. A bill to amend the Communications Act of 1934 to prohibit the Federal Communications Commission from waiving the collection of penalties for violations of the alternative operator services requirements of such act; to the Committee on Energy and Commerce.

By Mr. ALLEN (for himself and Mr. BATEMAN):

H.R. 6058. A bill to designate the Federal building located at 600 Princess Anne Street in Fredericksburg, VA, as the "Samuel E. Perry Postal Building"; to the Committee on Post Office and Civil Service.

By Mr. BACCHUS:

H.R. 6059. A bill to authorize the construction of Department of Veterans Affairs medical facilities in Brevard County and Orange County, FL, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BUSTAMANTE:

H.R. 6060. A bill to establish certain environmental protection procedures within the area comprising the border region between the United States and the Republic of Mexico; jointly, to the Committees on Energy and Commerce, Foreign Affairs, and Public Works and Transportation.

By Mr. COBLE:

H.R. 6061. A bill to require that if the Greensboro-Winston-Salem-High Point, NC, Metropolitan Statistical Area is combined with the Burlington, NC, Metropolitan Statistical Area, the official title of the resulting MSA shall include the name of each area within the new MSA; to the Committee on Post Office and Civil Service.

By Mr. ENGEL:

H.R. 6062. A bill to promote the growth of environmental science and technology in the United States; to the Committee on Science, Space, and Technology.

H.R. 6063. A bill to amend title XVIII of the Social Security Act to provide for coverage of expanded nursing facility and in-home services for dependent individuals under the Medicare Program, to provide for coverage of outpatient prescription drugs under part B of such program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. KLUG:

H.R. 6064. A bill to provide for assistance in the preservation of Taliesin in the State of Wisconsin, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MANTON:

H.R. 6065. A bill to amend the Federal Aviation Act of 1958 to impose conditions relating to employment on certain transfers of air carrier certificates of public convenience and necessity; to the Committee on Public Works and Transportation.

By Mr. MARKEY (for himself, Mr. BRYANT, and Mr. FRANK of Massachusetts):

H.R. 6066. A bill to establish procedures to prevent and resolve disputes concerning telephone toll fraud, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MILLER of California (for himself, Mr. FORD of Michigan, Mr. SANDERS, Mr. AUCOIN, Mr. SABO, Mr. HAYES of Illinois, Mr. TORRES, Ms. NORTON, Mr. BERMAN, and Ms. PELOSI):

H.R. 6067. A bill to amend the Fair Labor Standards Act of 1938 to provide that the minimum wage rate under that act will be indexed to the cost of living in the same manner as Social Security benefits are indexed; to the Committee on Education and Labor.

By Mr. OWENS of Utah:

H.R. 6068. A bill to amend the Small Business Act to increase authorization levels for loan guarantee programs of the Small Business Administration; to the Committee on Small Business.

By Mr. PETRI (for himself, Mr. DANNEMEYER, Mr. ZIMMER, Mr. DORNAN of California, Mr. COX of California, Mr. LIPINSKI, Mr. RIDGE, and Mr. ARMEY):

H.R. 6069. A bill to amend the Federal Deposit Insurance Act to protect taxpayers against deposit insurance losses, to provide for a system of insuring the deposits of depository institutions through a self-regulating system of cross-guarantees, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RHODES:

H.R. 6070. A bill to establish a demonstration project under which payment shall be made under the Medicare Program for transportation services for dialysis patients residing in rural areas; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. SKELTON:

H.R. 6071. A bill to permit States to waive application of the Commercial Motor Vehicle Safety Act of 1986 with respect to certain farm vehicles operated more than 150 miles from a person's farm; to the Committee on Public Works and Transportation.

By Mr. YOUNG of Alaska:

H.R. 6072. A bill to direct expedited negotiated settlement of the land rights of the Kenai Natives Association, Inc., under section 14 (h)(3) of the Alaska Native Claims Settlement Act, by directing land acquisition and exchange negotiations by the Secretary of the Interior and certain Alaska Native corporations involving lands and interests in lands held by the United States and such corporations; to the Committee on Interior and Insular Affairs.

By Mr. ZIMMER:

H.R. 6073. A bill to amend title 11 of the United States Code to make nondischargeable claims of governmental units for costs that are incurred to abate hazardous substances and for which the debtor is liable under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, certain claims under the Solid Waste Disposal Act, and claims under State laws similar in subject matter to such acts; to the Committee on the Judiciary.

By Mr. BROWN:

H.R. 6074. A bill to provide that a Federal employee who is separated, due to a reduction in force, within 18 months before becoming eligible for an early retirement annuity may elect to continue in Government service, without pay, until the age and service requirements for such an annuity are met; to the Committee on Post Office and Civil Service.

By Mr. BROWN (for himself, Mr. OBEY, Mr. SLATTERY, Mr. GUARINI, Mr. CLEMENT, Mr. ANDREWS of Maine, Mrs. LLOYD, Mr. POSHARD, and Mr. DEFAZIO):

H.R. 6075. A bill to prohibit the use of foreign assistance or other U.S. Government funds to support certain activities that encourage U.S. businesses to locate or relocate their business operations outside the United States; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. PANETTA:

H.J. Res. 556. Joint resolution authorizing the Philippines Scouts and United States Veterans' Association of America to establish a memorial in the District of Columbia or its environs to honor Filipino veterans who served in the United States Army during World War II; to the Committee on House Administration.

By Mr. YATES (for himself and Mr. MILLER of California):

H. Con. Res. 365. Concurrent resolution making corrections in the enrollment of H.R. 5503; considered adopted pursuant to H. Res. 581.

By Mr. FRANK of Massachusetts:

H. Con. Res. 366. Concurrent resolution requesting the President to return the enrolled bill (H.R. 3379) with respect to the authorities of the Administrative Conference, and providing for its reenrollment with technical corrections; considered and agreed to.

By Mr. CAMPBELL of Colorado:

H. Con. Res. 367. Concurrent resolution authorizing the presentation of a program on the Capitol grounds; to the Committee on Public Works and Transportation.

By Mr. FASCELL (for himself and Mr. TORRICELLI):

H. Res. 586. Resolution commending the Ad Hoc commission of El Salvador upon the completion of its work in compliance with the January 1992 Peace Accords and expressing the confidence of the House of Representatives in President Alfredo Cristiani as he undertakes the actions necessary to implement fully, and in a timely manner the recommendations of the Ad Hoc Commission; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

516. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to providing Federal funding for fishing industries and for studies of evacuation routes and protection levees in south Louisiana in light of the damage done and losses inflicted by Hurricane Andrew; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 551: Mr. RICHARDSON.

H.R. 856: Mr. HYDE and Mr. PANETTA.

H.R. 1311: Mr. TAYLOR of North Carolina and Mr. CAMPBELL of Colorado.

H.R. 1312: Mr. SANDERS, Mr. SHUSTER, Mr. TAYLOR of North Carolina, and Mr. CAMPBELL of Colorado.

H.R. 1515: Mr. BOEHLERT.

H.R. 1752: Mr. DOWNEY, Mr. BLAZ, and Mr. HOAGLAND.

H.R. 1943: Mrs. JOHNSON of Connecticut.

H.R. 3058: Mr. HOAGLAND.

H.R. 3164: Mr. DOOLEY.

H.R. 3561: Mr. GINGRICH.

H.R. 3605: Mr. CUNNINGHAM.

H.R. 3806: Mr. GUNDERSON.

H.R. 4206: Mr. BRUCE.

H.R. 4399: Mr. PICKETT.

H.R. 4418: Mr. COLEMAN of Texas.

H.R. 4507: Mr. MINETA and Mr. HATCHER.

H.R. 4725: Mr. SPENCE and Mr. DOOLEY.

H.R. 4953: Mr. STARK, Mrs. MINK, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mr. DORGAN of North Dakota, Mrs. COLLINS of Michigan, Mr. RANGEL, Mr. TORRES, Mr. CONYERS, Mr. ALLARD, Mr. EDWARDS of California, Mr. GONZALEZ, Mr. GEREN of Texas, Mr. ANDREWS of New Jersey, Mr. FALEOMAVAEGA, Mr. SAWYER, Mr. ATKINS, Mr. BROWN, Ms. NORTON, Mr. BRUCE, Mr. ZELIFF, Mr. KOSTMAYER, Mr. HAYES of Illinois, and Mr. BUSTAMANTE.

H.R. 4962: Mr. JOHNSON of South Dakota, Mr. EMERSON, and Mr. NAGLE.

H.R. 4963: Mr. EMERSON and Mr. NAGLE.

H.R. 5070: Mr. DOWNEY, Mr. MILLER of Washington, Mr. COLEMAN of Texas, and Mr. CONYERS.

H.R. 5106: Mr. ERDREICH.

H.R. 5208: Ms. SLAUGHTER.

H.R. 5250: Mr. SPENCE, Mr. QUILLEN, Mr. COX of California, Mr. ZELIFF, and Mr. SCHULZE.

H.R. 5308: Mr. INHOFE.

H.R. 5316: Mr. MACHTLEY.

H.R. 5317: Mr. RAHALL.

H.R. 5464: Mrs. MORELLA.

H.R. 5550: Mr. COX of California.

H.R. 5551: Mr. COX of California.

H.R. 5552: Mr. PAXON.

H.R. 5556: Mr. ANDREWS of Maine.

H.R. 5573: Mr. MORAN and Mr. TORRICELLI.

H.R. 5591: Mr. ROTH.

H.R. 5610: Mr. SHAYS.

H.R. 5614: Mr. RICHARDSON.

H.R. 5681: Mr. OBERSTAR.

H.R. 5703: Mr. STUMP.

H.R. 5713: Mr. EVANS and Mr. LIPINSKI.

H.R. 5720: Mr. SPENCE.

H.R. 5737: Mr. SHAYS, Mr. TOWNS, Mr. JOHNSTON of Florida, Mr. LIGHTFOOT, and Mr. HUTTO.

H.R. 5743: Mr. HUBBARD, Mr. LEWIS of California, Mr. TAYLOR of Mississippi, Mrs. BYRON, Mr. HALL of Texas, Mr. SARPALIUS, Mr. SCHAEFER, Mr. QUILLEN, Mr. COBLE, Mr. CONDIT, Mr. SKEEN, Mr. FLAKE, Mr. SUNDQUIST, Mr. MCCANDLESS, Mr. ENGLISH, and Mr. GEKAS.

H.R. 5745: Mr. ENGLISH.

H.R. 5776: Mr. FROST.

H.R. 5815: Mr. FAWELL, Mr. WYDEN, Mr. LAFALCE, Mr. ANDREWS of Texas, Ms. SLAUGHTER, Mr. YATRON, Ms. NORTON, Mr. ATKINS, Mr. MILLER of California, and Mr. HERTEL.

H.R. 5846: Mr. FRANK of Massachusetts.

H.R. 5927: Mr. FAWELL.

H.R. 5936: Mr. BARNARD.

H.R. 5973: Mr. ABERCROMBIE, Ms. PELOSI, and Ms. NORTON.

H.R. 6003: Mr. RITTER and Mr. PACKARD.

H.R. 6051: Mr. BORSKI.

H.J. Res. 78: Mr. TOWNS, Mr. ACKERMAN, and Mrs. KENNELLY.

H.J. Res. 106: Mr. TAUZIN.

H.J. Res. 357: Mr. CUNNINGHAM.

H.J. Res. 380: Mr. THOMAS of Georgia, Mr. KENNEDY, Mr. DIXON, Mr. DOOLITTLE, Mr. EVANS, Mr. ANDREWS of New Jersey, Mr. DOWNEY, Mr. OBERSTAR, Mr. ENGEL, Mr. MOLLOHAN, Mr. DINGELL, Mr. LANCASTER, Mr. KILDEE, Mr. LIVINGSTON, Mr. ABERCROMBIE, Mr. GALLO, Mr. NEAL of Massachusetts, Mr. SMITH of New Jersey, Mr. MCDADE, Mr. MCHUGH, Mr. BACCHUS, Mr. ROBERTS, Mr. BURTON of Indiana, Mr. LEVINE of California, Ms. OAKAR, Mr. SYNAR, and Mr. PASTOR.

H.J. Res. 458: Mr. ANTHONY, Mr. BURTON of Indiana, Mr. COUGHLIN, Mr. CARPER, Mr. CHANDLER, Mr. KOLBE, Mr. GOODLING, Mr. LEWIS of California, Mr. LAGOMARSINO, Mr. OWENS of New York, Mr. ROYBAL, Mr. SWIFT, Mr. VANDER JAGT, and Mr. WYLIE.

H.J. Res. 463: Mrs. BENTLEY, Mr. KOPETSKI, Mr. LEACH, Mr. ROWLAND, and Mr. SWIFT.

H.J. Res. 479: Mr. PAYNE of Virginia, Mr. CARR, Mr. RINALDO, Mr. TAUZIN, Mr. ROTH, Mr. DICKINSON, Mr. SABO, Mr. GILCHREST, Mr. SLATTERY, Mr. HERTEL, Mr. BATEMAN, Mr. EDWARDS of California, Mr. STAGGERS, Mr. OWENS of New York, and Mr. ROWLAND.

H.J. Res. 495: Mr. PARKER, Mr. UPTON, Mr. ABERCROMBIE, Mr. JENKINS, Mr. HOYER, and Mr. REED.

H.J. Res. 538: Mr. LAROCCO, Mr. ALEXANDER, Mr. BOEHLERT, Mr. ATKINS, Mr. BLACKWELL, Mr. BONIOR, Mr. COYNE, Mr. EARLY, Mr. FASCELL, Mr. JONES of Georgia, Mrs. KENNELLY, Mr. KILDEE, Mr. MAVROULES, Mr. MRAZEK, Mr. NEAL of North Carolina, Mr. RUSSO, Ms. SLAUGHTER, Mr. ROSE, Mr. STOKES, Mr. TAUZIN, Mr. OWENS of Utah, Mr. ORTON, Mr. COX of Illinois, Mr. TORRES, Mr. WHEAT, Mr. TRAXLER, Mr. SHARP, Mr. REED, Mr. BERMAN, Mr. TRAFICANT, Ms. KAPTUR, Mr. GLICKMAN, Mr. DORGAN of North Dakota, Mr. KOPETSKI, Mr. GIBBONS, Mr. SYNAR, Mr. WYDEN, Mr. FOGLIETTA, Mr. BREWSTER, Mrs. COLLINS of Michigan, Mr. PARKER, Mr. HOAGLAND, Mr. JOHNSON of South Dakota, Mr. WISE, Mr. KENNEDY, Mr. PRICE, Mr. ABERCROMBIE, Mr. ERDREICH, Mr. BILIRAKIS, Mr. BROOMFIELD, Mr. CAMP, Mr. CLINGER, Mr. EWING, Mr. FISH, Mr. FRANKS of Connecticut, Mr. GILCHREST, Mr. GILMAN, Mr. GUNDERSON, Mrs. JOHNSON of Connecticut, Mr. KLUG, Mr. LEWIS of California, Mr. PORTER, Mr. UPTON, Mr. ZIMMER, Mr. LANTOS, Mr. HAYES of Louisiana, Mr. SIKORSKI, Mr. JEFFERSON, Mr. SARPALIUS, Mrs. LOWEY of New York, Mr. SMITH of Florida, Mr. CARDIN, Mr. MOODY, Mr. ORTIZ, Mrs. COLLINS of Illinois, Mr. VISCLOSKY, Mr. ACKERMAN, Mr. LEHMAN of California, Mr. MILLER of California, Mr. POSHARD, Mr. THORNTON, Mr. SOLARZ, Mr. HALL of Ohio, Mr. MINETA, Mr. DREIER of

California, Mr. PERKINS, Mr. EDWARDS of California, Ms. SNOWE, Mr. BOUCHER, Mr. BUSTAMANTE, Mr. KASICH, Mr. KOLTER, Mr. PETERSON of Florida, Mr. WOLPE, and Mr. EVANS.

H.J. Res. 540: Mr. SUNDQUIST, Mr. GEREN of Texas, and Mr. HEFNER.

H.J. Res. 547: Mr. RINALDO, Mr. KILDEE, Mr. MORRISON, Mr. PURSELL, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. HASTERT, Mr. OXLEY, Mr. HERGER, Mr. RIDGE, Mr. FIELDS, Mrs. LOWEY of New York, Mr. ZIMMER, Mr. ROGERS, Mr. TORRES, Mr. SISISKY, Mr. MAVROULES, Mr. JONES of Georgia, Mr. MARTIN, Mr. GEJDENSON, Mr. KLUG, Mr. FRANKS of Connecticut, Mr. HALL of Texas, and Mr. LEWIS of California.

H.J. Res. 550: Mrs. BYRON, Mr. CARDIN, Mr. DELLUMS, Mr. ENGEL, Mr. GALLO, Mr. GEREN of Texas, Mr. GORDON, Mr. HERTEL, Mr. HOYER, Mr. HUGHES, Mr. IRELAND, Mr. KASICH, Mr. KILDEE, Mr. KLECZKA, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. MCMILLEN of Maryland, Mr. MCCLOSKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MURPHY, Mr. OWENS of Utah, Mr. OBERSTAR, Mr. SABO, Mr. TORRICELLI, Mr. WALSH, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. MAVROULES, Mr. SPENCE, Mr. STUDDS, Mr. BUSTAMANTE, Mr. CLINGER, Mr. DURBIN, Mr. ROSE, Mr. JONTZ, Mr. OWENS of New York, and Ms. NORTON.

H.J. Res. 551: Mr. BRUCE, Mr. TORRICELLI, Mr. PASTOR, Mr. ABERCROMBIE, Mr. LIGHTFOOT, Mr. ALLEN, Mr. ARMEY, Mr. BALLENGER, Mrs. BENTLEY, Mr. BUNNING, Mr. CARR, Mr. COBLE, Mr. DELAY, Mr. DREIER of California, Mr. GEKAS, Mr. GLICKMAN, Mr. GREEN of New York, Mr. HASTERT, Mr. HOLLOWAY, Mr. HOPKINS, Mr. HOUGHTON, Mr. HUNTER, Mr. JOHNSON of Texas, Mr. LENT, Mr. MCEWEN, Ms. MOLINARI, Mr. MURPHY, Mr. MYERS of Indiana, Mr. NICHOLS, Mr. OWENS of Utah, Mr. PAXON, Mr. RHODES, Mr. RITTER, Mr. SCHAEFER, Mr. SCHULZE, Mr. SCHUMER, Ms. SNOWE, Mr. STUMP, Mr. SUNDQUIST, Mr. GINGRICH, Mr. COX of California, Mr. DORNAN of California, Mr. MCDADE, Mr. PURSELL, Mr. HAYES of Illinois, Mr. DWYER of New Jersey, Mr. FORD of Michigan, Mr. WAXMAN, Mr. PORTER, Mr. CONYERS, Mr. ECKART, Mr. DE LUGO, Mr. JACOBS, Mr. ANDERSON, Mr. DIXON, Mr. BUSTAMANTE, Mr. MILLER of Ohio, Mr. MCHUGH, Mr. RAVENEL, Mr. LEVINE of California, Mr. MCDERMOTT, Mr. MARKEY, Mr. MARTIN, Mrs. MEYERS of Kansas, Mr. LOWERY of California, Mr. COLORADO, Mr. LIVINGSTON, Mr. HEFNER, Mr. MAVROULES, Mr. MILLER of Washington, Mr. SHAYS, Mr. PALLONE, Mr. MCGRATH, Mr. LEHMAN of California, Ms. PELOSI, Mr. OXLEY, Mr. VENTO, Mr. SARPALIUS, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. UPTON, Mr. WELDON, Mr. WOLPE, Mr. WYLIE, Mr. ZELIFF, Mr. ZIMMER, Mr. ROSE, Mr. STOKES, Mr. EARLY, Mr. SMITH of Iowa, Mr. KOLTER, Mr. PICKETT, Mr. DEFAZIO, Mr. LEWIS of Georgia, Mr. SLATTERY, Mr. THOMAS of California, and Ms. WATERS.

H.J. Res. 552: Mr. ROE, Mr. MARTINEZ, Mr. TRAFICANT, and Mr. OWENS of New York.

H. Con. Res. 282: Mr. ROGERS and Mr. SABO.

H. Con. Res. 337: Mr. GEJDENSON.

H. Con. Res. 362: Mr. HASTERT, Mr. MACHTLEY, Mr. RITTER, Mr. PORTER, and Mrs. JOHNSON of Connecticut.

H. Res. 538: Mr. JONTZ and Mr. PAXON.

H. Res. 565: Mr. RHODES.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5820: Mr. COLEMAN of Missouri.

EXTENSIONS OF REMARKS

INTRODUCTION OF THE TELEPHONE TOLL FRAUD REMEDIES ACT OF 1992

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. MARKEY. Mr. Speaker, today I am pleased to be introducing the Telephone Toll Fraud Remedies Act, a bill created to establish procedures to prevent and resolve disputes concerning telephone toll fraud, and to protect both long distance carriers and customers from suffering large financial losses due to fraud and continuous legal disputes.

Long distance toll fraud is a national problem of enormous proportions. It has grown from an occasional college prank into a highly lucrative crime perpetrated by organized criminal rings. The impact on individual business customers is substantial, usually tens and sometimes hundreds of thousands of dollars per occurrence.

Customer premises equipment [CPE] toll fraud is defined as unauthorized access to private on site telecommunications systems for the purpose of stealing long distance service. This includes, but is not limited to, private branch exchanges [PBX's], dial up remote access ports, voice message systems, and automatic call distribution systems.

The number of serious instances of customer instances of CPE toll fraud is disturbingly large. Some examples include Mitsubishi, which lost approximately $430,000, and Procter & Gamble, which lost $300,000. Government agencies also incurred large losses, such as the NYC Human Resources Administration, which has lost $529,000.

Because of the absence of uniform guidelines from the FCC to resolve toll fraud disputes, the burden of paying for this loss has been with the defrauded consumer. This financial burden and liability placed solely upon customers is unfair. A marketplace approach to this issue, while telephone thieves continued to steal long distance service, is unacceptable.

In this issue, there is a lot of blame to go around. Some customers have not been diligent to protect themselves. Manufacturers did not issue warnings to their customers about the risks of being victimized by telephone toll fraud experts. Long-distance carriers failed to monitor this illegal activity and refused to intervene, leaving often unsuspecting CPE users with little protection from much organized criminal rings. Local exchange carriers have not been prompt to block access from vulnerable points.

This problem is not new. Rather, it is an extension of the familiar historical long-distance network-based toll fraud. New technology such as out-of-band signaling and conversion to digital switching has reduced the vulnerability of common carriers' telephone networks, thus making CPE—a much weaker link in the system—more vulnerable to telephone hackers.

Consumers, who are victims of toll fraud, are left unprotected with few options. They must either pay or wait to be sued or threatened with a cut-off of phone service. Common carriers hold that even if such charges were incurred without the customer's knowledge they are still liable. The common carriers claim that the customer rather than the long-distance companies are in the best position to combat this fraud. It is their argument that while the customers can take measures to increase their system security, no one, not even the carriers, can guarantee against the occurrence of toll fraud.

The FCC has yet to offer any guidance and they have not been helpful in proclaiming policy measures to deal with this problem. The common carriers and CPE manufacturers are not doing all they can do to combat or prevent this crime. The LECs do not take a strong stand and support the long distance company collection efforts as their billing agents. CPE dealers do not pre-warn customers as to the risk of hackers compromising CPE security. In the subcommittee's June 11, 1992 hearing on telephone toll fraud, the witnesses made it abundantly clear that they were unaware of the risks of CPE toll fraud and that even when the fraud was occurring they did not discover its existence or magnitude until much later—usually upon the receipt of their phone bills.

Unless Congress provides a national policy that will relieve telephone toll fraud liability, the common carriers will have little incentive to use their technology to eliminate security loopholes which allow for telephone hackers to penetrate telephone networks. It has already been proven that the CPE toll fraud problem is too large in scope to be dealt with at the common carrier level, and the litigation involving telephone toll fraud has only penalized the victims and has done little to actually solve the problem.

It is clear that the problem of CPE-based toll fraud must be addressed at the national level. Furthermore, the FCC must be actively involved in its resolution. This legislation provides a national framework capable of fairly dealing with the problem and placing the proper incentives on all parties to reach a solution.

With this act, the FCC will have the power to regulate the resolution of telephone toll fraud disputes. This bill provides appropriate measures to alleviate victims of telephone toll fraud from being held completely liable for the crime that has been committed against them. In addition, it serves as a design for fair and unbiased arbitration between long distance carriers and CPE customers who have been victimized. In doing so, it will force long distance carriers CPE manufacturers to take more responsible actions toward warning consumers of telephone toll fraud and aiding in its prevention.

I urge my colleagues to support this legislation as a way of providing a consistent and regulatory means of protecting CPE consumers. I have included a section-by-section analysis.

SECTION-BY-SECTION ANALYSIS OF THE TELEPHONE TOLL FRAUD REMEDIES ACT OF 1992

Section One states the short title of this Act as "Telephone Toll Fraud Remedies Act of 1992."

Section Two states that Congress finds that telephone toll fraud has incurred up to $1,000,000 with customer premises incurring the largest losses. Many businesses, State, and local government offices have also suffered large financial losses, and these losses are not discovered until the receipt of their long-distance phone bills. Both customers and common carriers must prevent such losses within the equipment they use.

Section Three states that the purpose of establishing a Federal program is to help prevent toll fraud by warning the customer of telephone toll fraud at the time customer premises equipment is acquired, as well as to provide a consistent means for resolving toll fraud liability.

Section Four calls for the FCC to enact the guidelines stipulated 120 days after this bill becomes a law, the final regulations to be effective within one year. The contents of such regulation should include provisions forcing equipment manufacturers to issue warnings regarding toll fraud and the means to avoid it, as well as possible financial exposure. It also should include permission for common carriers to share toll fraud information with other carriers for preventive purposes, and establish security guidelines for use by customers in protecting their equipment. Section four also calls for common carriers to provide a means of blocking international calls on customer premises equipment, and to place additional technology on public networks to detect and secure them from fraud.

This section also states that arbitration surrounding billing disputes shall be conducted. The cost of these proceedings shall not be borne by the customer. If the customer is not found negligent and is removed from the proceedings, the customer shall be held liable for no more than one-third of the amount in question. All toll fraud that occurs prior to enactment may be subject to arbitration proceedings, and instances when the disputed amount has already been paid by the customer should.

Small carriers may be exempted from these provisions as deemed necessary by the FCC.

Section Five defines the terms used in this Act. The term "security guidelines" means guidelines established by the FCC to prevent toll fraud and protect customers.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

THE GENIUS OF COUNTRY MUSICIAN VINCE GILL

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. CLEMENT. Mr. Speaker, tonight, the Country Music Association will present awards to the year's best artists, songwriters, and musicians.

Cohosting the televised program for the first time is singer-songwriter Vince Gill. He will join country star Reba McEntire, who is hosting the show for the third consecutive year.

For those who are unfamiliar with Vince Gill, I am reprinting an article which appeared last week in the Nashvillian that profiles this multitalented entertainer.

Hosting the CMA Awards is yet another item in the long list of roles Vince has played in the music industry throughout his career. A triple winner at the 1991 CMA Awards, taking home honors for male vocalist of the year, song of the year, and vocal event of the year as part of the new Nashville Cats, Vince has proved that he has come into his own after years of being in the background as a successful session singer and guitarist.

Vince first got his start playing in the bluegrass band Mountain Smoke while still attending high school. From there he joined the pop group Pure Prairie League, singing lead on such hits as "Let Me Love You Tonight" and "I'm Almost Ready." But despite success in the pop field, he decided to return to his country roots. It was then that he gained a reputation as one of Nashville's most sought after singer/musicians, working with such artists as Reba McEntire, Patty Loveless, Rodney Crowell, and countless others.

It was clear, however, that such a multitalented entertainer could not stay in the background for long. With the release of his two MCA LP's "When I Call Your Name" and "Pocket Full of Gold," the Grand Ole Opry member established himself as one of country music's most prolific and versatile artists. Among his hits are "When I Call Your Name," which was the 1991 song of the year, "Lisa Jane," and "I Still Believe in You," the title cut from his newest LP.

Tonight's Country Music Awards gala will be broadcast live from the Grand Ole Opry House in Nashville.

[From the Nashvillian, Sept. 17, 1992]

THE GENIUS OF VINCE GILL

(By Bruce Honick)

If he gets the chances to ad-lib during the Country Music Association Awards, co-host Vince Gill may steal the show. He's that funny, and he comes by it naturally: Gill's mom and dad have well-developed funnybones and call him often with their latest yuks. The lighter side of Vince Gill isn't as well known as the musical side, but it's just as endearing.

So is the fact that he seems so, well, normal. He prefers the cheeseburgers at Sportsman's Grill to haute cuisine, and hanging with his non-show-biz friends to mingling with the music crowd. "It's a blast not having to talk about music all the time," he explains. "I'd rather talk baseball trades and basketball, and great golf courses and the shots you hit."

His parents are "real pleased" with his success, and he adds, "I don't think they ever said, 'Why don't you give up this goofy stuff and be normal?' which I think is pretty neat."

Rehearsals start two days before the Sept. 30 national telecast (CBS). It's Gill's first time to host the CMA Awards, and he's tied with Travis Tritt for most nominations—five. Even if he sticks to the script during the two-hour special, Vince, who already owns four CMA trophies and two Grammys, will be extraordinarily entertaining.

"They want me to get together with the writer and try to be humorous and put stuff in my own words," the 35-year-old singer/songwriter/musician tells Nashvillian. "It's hard when somebody else writes and puts words in your mouth that you wouldn't normally use. So maybe this will give Reba [McEntire] and me the freedom to ruin the show."

He's kidding, of course; Gill doesn't fail at many things, and that includes marriage (12 years to the former Janis Oliver, 38, who is half of the country duo Sweethearts of the Rodeo), fatherhood (daughter Jenifer is 10), golf, and of course music. He started out at 16 playing bluegrass; served time (1979–82) with the pop group Pure Prairie League (Vince sang lead on their hit, "Let Me Love You Tonight"); and sang background and supplied guitar licks on hundreds of recordings by such names as Bonnie Raitt, Emmylou Harris, Rodney Crowell, Tammy Wynette and Reba McEntire.

Long before he attained stardom in Nashville, he was the toast of Music Row. In 1990 he even was invited by Mark Knopfler to join rock supergroup Dire Straits full time.

"Someone like Vince puts you in your place if you think you're hot stuff," Knopfler told Musician. "Puts me in my place. He writes, sings on all the best records in Nashville, makes his own records and goes platinum, plays guitar like a god, of course, and then can do it on mandolin or something else! It's not enough to be a killer singer and musical genius, he's also got to play guitar like Albert Lee! Also—he plays golf like a professional. Of course! Nothing else would do, would it? I wouldn't be surprised if he's got a couple of Olympic medals."

But seriously folks, the most improbable scenario of his career found him and his bluegrass group opening for the glam-rock band Kiss in 1976, due to a last-minute cancellation. Gill was all of 19. "I never heard 7,000 people boo at one time before," he told the Los Angeles Times.

Vince attributes the success of his marriage to "the fact that my wife does exactly the same thing I do. We don't love being apart, but the fact that we understand [it's part of their jobs] makes it a moot point and not worth fighting about. Maybe other couples do [fight]." He used to frequent the Bluebird Cafe and other nightspots. "But now I get to come home for only a few days, and I feel guilty if I go out running," says the native of Oklahoma. (Yes, two native Oklahomans are hosting this year's CMA Awards, Gill and Reba McEntire. Garth Brooks, another country superstar, is also from there. "It's the water," Vice deadpans.)

The only downside to success is "just missing my family," he continues. "You have periods of guilt that you're not with your kid enough, not with your wife enough. That's really the only drag. It's good for families to get a break from one another, but that's the one thing I wish I didn't have to do so much: travel. But it's just a part of the deal. My daughter is well-adjusted to it and seems to understand.

"We're an independent bunch."

He met his future wife while living in California. A friend told him about her before he moved out there, and predicted they would meet, fall in love and get married. They did meet, but it was three years before Janis finally agreed to go out with him. They wed in 1980 and moved to Nashville three years later. "We are opposites in many, many ways," she told People. "I listen to classical music, and he listens to bluegrass. He plays golf, and I sew. He's the most unorganized person you've even seen, and I have to have it spotless or I can't be normal. He's laid back, and I'm stressed out."

And when she and sister Kristine Arnold were racking up five Top Ten hits in the late 1980s, Vince labored in virtual anonymity. Yes, the Sweethearts and Gill have "recorded together quite a bit, but just not anything that's been a hit for either one of us," he says. "Me and Rodney Crowell did a duet with them, so it was a duet-duet, if that makes any sense, an Everly Brothers song called 'So Sad.'"

According to MCA, the "turning point" in his career came at the CMA Awards in 1990 when he and labelmate Patty Loveless performed "When I Call Your Name," the title cut from his debut MCA album. The pair reunited on the title cut of his second LP, "Pocket Full Of Gold," which also contains the CMA-nominated "Look at Us."

Sweethearts of the Rodeo are looking for another record label (they left Sony earlier this year). Gill records for MCA and is looking forward to cutting a Christmas album next spring. "Kind of big, orchestrated," he says of that project. "I'll try to write some new songs and do it really neat, like Johnny Mathis would. A pretty album, not a country guy trying to make a country Christmas album."

Vince knows pretty. His high tenor voice is "more reminiscent of Roy Orbison—a high, pretty voice—than the traditional country people," he acknowledges. "There haven't been many men in country music, the real giants, who were high singers." Vince writes the melodies first, and then "I mold them to where they suit my voice." His third and current MCA album is "I Still Believe In You."

He laughingly recalls that "kids in bands say to me that they'd like to do 'When I Call Your Name' [his 1990 breakthrough hit] but they can't sing high enough. I tell them, 'Lower the key.' That's not very hard to figure out."

His 1992 CMA Award nominations: Entertainer of the Year, Male Vocalist of the Year, Single of the Year ("Look at Us," produced by Tony Brown), Song of the Year ("Look at Us," co-written with Max D. Barnes), and Music Video of the Year ("Look at Us," directed by John Lloyd Miller).

"Look at Us" is a love ballad Gill hopes will be the country wedding song of the '90s.

He enjoys award shows "a lot," explaining, "You get to see everybody dressed up, hopefully. It's a chance, obviously, for us to shine and be proud of our accomplishments, not only for ourselves but country music doing so well. Everybody used to laugh at country music. It's pretty cool now, isn't it?"

With Pure Prairie League, Gill says he was the "countriest" member of the "hard-core pop" group. "Amy," one of the singles for which the band is fondly remembered, amazingly reached only #32 on the charts. "Let Me Love You Tonight," their other hit, reached the pop Top Ten but was #1 on the adult-contemporary charts. PPL toured with Marshall Tucker, ZZ Topp, the Little River Band, the Charlie Daniels Band, Poco, the Dixie Dreggs—"a little bit of everybody," he recalls.

He has toured this year with Reba McEntire, Mary-Chapin Carpenter and George Jones, and played fairs this summer "solo." In fact, he's been gone all summer. "I'm so out of touch with what's going on in town, it's scary.

"We probably did 60 shows in the last 70 days without much break. I basically have been out since July 7. I got to miss the humid summer days of Nashville this year. What a drag," he says, tongue wedged firmly in cheek.

On tour, he rides on the bus with his band—"no stateroom with mirrors and closets and all that crap"—just a plain ol' bunk. "I don't like preferential treatment," he explains. "I don't mind it; I just don't expect it."

What are the demographics of his concert audiences? "It's amazing but it's pretty much across the board. At fairs you get younger people and older people. There's a pretty big female following, and a lot of young kids are getting into it. And songs like 'Look at Us' and 'When I Call Your Name' have attracted a wide cross-section of people."

How different are the audiences he entertained with Pure Prairie League and those at his concerts today? "I think the rock 'n' roll crowds were a little more rambunctious, a lot more vocal. But the stronger that my solo career gets, the more frenzied the crowds become, you know? So maybe there's not as much difference now from those [rock] days as it was two years ago" before his star rose.

He says country music's phenomenal popularity for the last couple of years has nothing to do with "people running from other forms of music," such as rap and heavy metal, which is one school of thought. Gili says this, he adds, "because I don't deal in negatives."

And he sees nothing wrong with today's country artists sounding like the rock stars of an earlier generation: "The influences of the Sixties and Seventies are going to influence this generation of performers, period. Just like Sixties and Seventies artists in country music were influenced by those of the Forties and Fifties. I hear these bands and think it sounds like an Eagles record I heard 15 years ago, but so what? The [Nashville] artists that are selling a lot are staying pretty country, but there are parameters within country music that have made it very healthy for everybody."

The Gilis live in "Area 10," he jokes. Their two-story Georgian-style home looks out on Temple Hills Golf Club, but he plays mostly at The Golf Club of Tennessee and Nashville Golf & Athletic Club. He seriously considered a career as a professional golfer before music took over. "Golf is my passion. It's the only reason I'm in the music business, to keep me in golf money. I play every chance I get."

Earlier this year he shot the best score of his life—a 66 at Nashville Golf & Athletic Club. No big secret to it: "I just crawled off the bus after a tour and went out there one morning and hit it naked [close] every hole."

His golfing buddies include Belmont University Basketball Coach Rick Byrd, businessman Toby Wilt and PGA tour pro Bob Wolcott. Gill once named President Bush to his "dream" foursome, for a magazine article. "The only reason I had him in there was so we could play any course in the country," quips the singer, whose golf handicap is "about a 2."

Will he vote for Bush? "I'm not sure yet. I've been a [Bush supporter] in the past. I'm sort of watching this one to see what [Bush and Bill Clinton] have to say." But he does think "family values" is a viable issue in this election year "because over the years it has deteriorated." What should a president do about family values? "Lead by example," Gill replies.

Belmont's Byrd struck up a friendship with Gill and got him interested in the school. Now, the entertainer accompanies the coach on recruiting trips and serves as honorary chairman of a celebrity basketball game each November which benefits the university's athletic department and music business program.

Vince stands "six-two or six-three, depending on who does my hair." He played various sports in high school and was a "pretty good athlete. I know if I wasn't involved in music I'd be involved in athletics in some way—who knows at what level."

It's been a great two years for the boy-next-door of country music, who has managed to remain remarkably sane in an insane business. "It's sane to me," he insists. "It's all I've ever done, riding on a bus and playing music. To an outsider it might look like we're nuts, but if it's all you've ever done, it's pretty normal. I don't let it affect my ego. It's just three or four chords and a bus. That's all we're doing."

A TRIBUTE TO DR. ALFRED HABEEB

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. ESPY. Mr. Speaker, I rise to honor Dr. Alfred Habeeb, a pioneer in anesthesiology. Dr. Habeeb, an immigrant from Lebanon who made Vicksburg, MS, his hometown in the United States, has helped speed developments in medicine throughout the country and especially in the South.

On October 7, 1992, friends and colleagues of Dr. Habeeb will officially dedicate in his name a $1 million chair in anesthesiology at the University of Alabama at Birmingham. The dedication will honor Dr. Habeeb for his more than 50 years of service and endless contributions in the field of medicine. The endowment will fund a faculty position and research programs.

After studying at Mississippi College, the University of Mississippi, and the University of Tennessee, Dr. Habeeb returned to Vicksburg to work at the Vicksburg Charity Hospital. When finishing school, Dr. Habeeb decided to move to TCI Hospital, now Lloyd Noland Hospital, for an internship following graduation. In 1940, the doctor opted to stay at TCI and soon became chief of anesthesiology. For several years afterward, Dr. Habeeb traveled across the country expanding his knowledge of anesthesiology before receiving his board certification in 1947.

Dr. Habeeb helped develop anesthesiology in Alabama and the Southeastern United States. He and his colleagues founded the State's first professional organization for anesthesiologists. And he helped to establish physician-practiced anesthesiology in Alabama and lay the groundwork for one of the first academic departments of anesthesiology in the Southeastern United States.

Access to health care, especially in rural southern communities, has been a dream rather than a reality for many. Because of the work by pioneers like Dr. Habeeb, more and more Americans are gaining access to quality care. I want to commend Dr. Habeeb for dedicating his life to making advances in health care.

We are proud that Dr. Habeeb and his family have roots in Vicksburg, MS. His service will resonate for generations to come.

HONORING LA CASA DE LA RAZA: RECIPIENT OF THE 1992 SANTA BARBARA HISPANIC ACHIEVEMENT COUNCIL AWARD

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to La Casa de la Raza, a cultural organization which has been of great benefit to the residents of California's central coast for over 20 years.

A local newspaper has recently called La Casa de la Raza "a social, cultural, and educational mecca," and that it is. La Casa is committed to helping people become part of the greater community, while simultaneously retaining their distinctive ethnic and cultural heritages. Over the years, La Casa has established a variety of services for those in need, ranging from legal, medical, and educational assistance to programs in the arts and the support for the youth of the future.

La Casa de la Raza certainly lives up to its theme, "Si Se Puede," which translates "Yes, it can be done."

As a Representative of the great State of California, I salute the achievements of La Casa de la Raza, which in English means "The House of the Races." It is very appropriate for La Casa to be honored this year by the prestigious Santa Barbara Hispanic Achievement Council.

TRIBUTE TO PULASKI DAY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to bring attention to Pulaski Day, a day honoring the great Polish war hero of the American Revolution, Count Cosimir Pulaski. October 11 marks not only the celebration of Pulaski's contributions to the struggle of freedom for the American people, but also the inspiration he has provided to the millions of U.S. citizens of Polish heritage.

It can be said that Casimir Pulaski was destined to be a freedom fighter. Born in Warka, Poland, about 1748, Pulaski became involved in rebel activities at the age of 19 when he joined the fight to preserve Polish freedom from the invading armies of Prussia, Russia, and Austria. He fought bravely for several years, but in 1772 his native Poland succumbed to the greater firepower of its adversaries and was partitioned by the three countries. Pulaski fled to Turkey, where for 3 years he attempted, though unsuccessfully, to persuade the Turks to invade Russia.

Pulaski went to Paris in 1775, where he met Benjamin Franklin and Silas Deane—Ambassadors for the young American colonies fighting British rule. The Americans were so impressed by the Pole's military background and experience that they asked him to help the American cause in fighting the British in America. With a letter of introduction from Franklin to George Washington, then Commander in Chief of the Continental Army, the Polish Count set sail from France for America in June of 1771. In September 1777, Pulaski was appointed to the rank of brigadier general in the Continental Army and given command of some newly formed cavalry units. Pulaski fought bravely in several battles, but because of his inability to speak English and subordinate his superiors, he became unhappy with his role. Following his resignation from the Army in March 1778, Pulaski got permission from the Continental Congress to form an independent cavalry corps. Although his units suffered several defeats at the hands of the British, Pulaski continued to fight for the patriotic cause.

On October 9, 1779, Pulaski led a valiant frontal cavalry assault on a British defense around Savannah, GA. He was mortally wounded in the heroic attack and died 2 days later on October 11, 1779. Pulaski Day now serves to honor this great war hero on the anniversary of his tragic death.

Observation of Pulaski Day was begun in 1915 by the Military Order of Pulaski. Groups such as the Polish National Alliance and the Polish Army Veterans Association lend much support to these celebrations. On October 11, of this year, a Pulaski Day celebration in Youngstown will be held as part of a month of activities honoring Polish-American heritage.

As always, I am pleased to have the opportunity to participate in this patriotic celebration. Polish Americans have made significant contributions to the rich heritage of our Nation. The heroic exploits of Count Cosimir Pulaski are but a few of the many examples of how this country has benefited from the contributions of the Polish community. I have also cosponsored House Joint Resolution 532, legislation which would designate October of this year as "Polish American Heritage Month." All across this great Nation of ours, Americans will be observing Pulaski Day in honor of a great American who gave his life for the cause of freedom.

THE QUINCENTENARY OF COLUMBUS' VOYAGE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Ms. DELAURO. Mr. Speaker, this October 12 marks the 500th anniversary of a tremendous event in global history: Christopher Columbus's arrival in America. Congress has established a Quincentenary Jubilee Commission, and across the United States, States and local communities are celebrating this special year. In my own hometown, the Greater New Haven Columbus Commission is coordinating a series of festivities. This exciting celebration is a reflection of the extraordinary impact that Columbus had on our Nation and our world.

A native of Genoa, Italy, Columbus made his greatest voyages for Spain. Columbus—perhaps more than any other single person—used his personal vision and zeal for discovery to expand the horizons of Europe and bring into contact the old world and the new. His voyages changed forever the way the world was viewed, and the impact of his voyage continues to affect us all. In revolutionizing Europeans' view of the world, Columbus helped plant the seeds for the massive immigration to America which brought our country into existence.

The origins of the United States rest upon Columbus' legacy of discovery, immigration, and yearning for change. We live in a country of diverse people, always searching for ways to make life better for their families and their society. Many of our families came here to create new lives—to escape persecution, to find work, to start businesses, to build homes. Once in the United States, these men and women cherished the right to practice their chosen religions, and to perpetuate their distinct cultures.

As a Nation, we are enriched by the differences among these cultures and strengthened by the traits that all Americans share. Most of all, while we appreciate our rich history, we are a forward-looking Nation. People came here to build their future, and we continue to embrace the sort of hopeful, imaginative spirit that animated Christopher Columbus.

In this 500th anniversary year, Columbus Day is a time to celebrate our diversity and our opportunities, and to pay tribute to one of history's great figures, whose spirit and ideas changed the world when he sailed for the Indies five centuries ago. Americans of Italian descent are especially proud of the honor that this remarkable man brought to his native land. Like Amerigo Vespucci, the Italian cartographer and explorer who lent his name to an entire hemisphere, Columbus exemplified the qualities of great daring, enlightened vision, steadfast determination, and a willingness to strike out on his own, against conventional wisdom.

Columbus was a rare individual—the kind whose personal achievements profoundly shape the course of future events. He was a bold adventurer, who possessed not only extraordinary vision but also the unrelenting determination to achieve that vision.

Columbus' voyages altered the world forever. He helped to change people's perspective and to expand their prospects; his travels demonstrated that Asia and Africa were not the only alternatives to Europe, and forged a path for generations of future migrants. My own family took that path, as have millions of other people over the centuries. The achievements of Christopher Columbus are a particular source of pride for Italian-Americans, but they deserve the admiration and the gratitude of all Americans.

ETHNIC ALBANIANS IN MACEDONIA CONTINUE TO SEEK AUTONOMY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. LANTOS. Mr. Speaker, as in the past, I am compelled to call to the attention of my colleagues the desperate situation of ethnic Albanians in the former Yugoslavia, particularly in Macedonia. As the ethnic strife in the Balkans continues to spin out of control, as the bloodshed increases and the misery multiplies, it is imperative that we give vigilant attention to the crisis facing the Albanians.

Even in the best of times, the Albanians of Macedonia have been subject to subtle and not-so-subtle repression. The Albanian language, Albanian cultural traditions, and the teaching of Albanian history is virtually outlawed. It is estimated that Albanians make up 40 percent of the total population, but account for only 3 percent of the officials in the state administration, 2 percent of the judiciary, and 3 percent of the private sector managers. Moreover, only 3 percent of secondary school students in Macedonia are Albanian. Albanians are routinely fired from their jobs and fined by Macedonian officials simply because of their ethnic background.

But these, obviously, are not the best of times in the former Yugoslavia. Given the history of persistent and institutionalized oppression of the Albanians in Yugoslavia and its successor states, the potential for escalating violence has never been greater.

As we are reminded daily, the rule of law no longer applies in vast areas of the former Yugoslavia. In the absence of political, economic and social stability, it is the ethnic Albanians who are particularly vulnerable.

Mr. Speaker, the Albanian-American Civic League has prepared a paper entitled, "The Albanians in Macedonia: Their Position and Demands for Freedom, Equality and Democracy." It speaks to the issue of autonomy for ethnic Albanians in Macedonia in these volatile times. I insert it in today's RECORD and I urge my colleagues to read it carefully:

THE ALBANIANS IN MACEDONIA: THEIR POSITION AND DEMANDS FOR FREEDOM, EQUALITY AND DEMOCRACY

Macedonia is one of the six republics of former Yugoslavia which represents the small countries in the Balkans. It's citizens are of different national and confessional origins. Over 90 percent of the population are of Macedonian and Albanian national origin. Since the foundation of the Republic of Macedonia in 1945, the government belonged almost entirely to the Macedonian nationality.

This government has always had the support of the rest of the Slavs in former Yugoslavia; especially the Serbs. During these 47 years, the government has had a policy of discrimination against other nationalities, especially the Albanians.

Today the Albanians in Macedonia are among the most oppressed people on the continent. They are less developed economically and among the most discriminated against people in all of Europe.

The Albanians of Macedonia have only 3 percent representation in the organs of state administration, 2 percent representation in the organs of the judiciary, and in the social sector only 3 percent representation.

In the secondary schools, only 4 percent of pupils are Albanian; at the university of Macedonia, only 1 percent. The Albanian language has never received equal treatment in Macedonia and the Albanian culture and history has never been cultivated. The cultural information has always been presented badly and insufficiently.

The Albanians have been differentiated against for many years. Set apart from the other elements of the Macedonian society, fired from their jobs and fined for no reason other than Albanian background.

(1) After World War II, almost half of the Albanian population was left outside the administrative borders of Albania against their will. The greater part of these Albanians live in Kosova and Macedonia. Of a total population of 2.1 million inhabitants in Macedonia, almost 40 percent are Albanians; whereas, the rest of the inhabitants are other nationalities including Macedonians, Turks, Greeks, and Rumanians.

Albanians in Macedonia live in 18 municipalities out of a total of 34 municipalities. In some of them, they represent an absolute majority and, in some others, a plurality.

Because the census of 1991 did not warrant conditions for an objective and fair count of the population, the Albanians did not participate in it.

(2) Having in mind this fact, we have demanded from the Republic of Macedonia and the various international organizations a new census of the whole population—taken under international supervision, in order to get a real picture of the ethnic structure of the Republic.

(3) At the beginning of the disintegration of Yugoslavia, 4 of 6 of the former Yugoslav Republics, including Macedonia, had already proclaimed their independence. Macedonia conducted its referendum on September 8, 1991 and Albanians, being dissatisfied with their position, did not participate in it.

Albanians have never been against the independence of Macedonia, but only under the condition that they will be as equal to the Macedonians.

(4) After the proclamation of independence, the parliament of Macedonia started the procedure to adopt a new Constitution in which all requests of the Albanians for equality were totally refused. That is why the Albania Deputies did not vote for that constitution. The parts of the preamble and articles 7, 44, 48, 78, 115, to name several, were absolutely unacceptable to the Albanian people, but were points on which the government would not negotiate.

(5) Being dissatisfied with their position, the Albania Deputies handed over to the Republic of Macedonia the "Declaration for Equal Status for Albanians in Macedonia" on the 29th of July, 1991. In October 1991, the Albanian Deputies handed over a memorandum to the Yugoslav Peace Conference for special status of the Albanians in Macedonia and the state constituent element in Macedonia.

(6) On the 11th and 12th of January, 1992, the Albanians conducted a referendum for political and territorial autonomy in Macedonia in which 99.9% of Albanians voted for autonomy.

(7) Since all these requests have never been taken into account by the government of Macedonia, on the 19th of January, 1992, we again addressed the Yugoslav Peace Conference. We informed the Conference that, when analyzing the request of Macedonia for international recognition, they must also consider the request of the Albanians living in Macedonia for equality and autonomy.

At the initiative of the Yugoslav Peace Conference, on the 17th of June, 1992, the Tri-Lateral Talks Peace Conference began. The Talks are composed of representatives of the government of Macedonia, representatives of the Yugoslav Peace Conference and representatives of the Albanians residing in Macedonia. So far, there have been six meetings organized and all of our concerns have been raised, although many things have not yet moved forward.

Being conscious of the authority of the United States, we ask the Congress of the United States and the Bush Administration to contribute as much as possible for the resolution of our problems. The moral authority held by the United States, as the beacon for all those who seek to live free and unencumbered by the constraint of authoritarian regime, is an important weapon for us in our struggle to live as equal, free and autonomous members of the society in Macedonia. It is my sincere hope that you, the Members of the United States Congress, will follow our struggle in the coming months and that you will do all that you are able to insure that we are not deprived of our rights as human beings.

INTRODUCTION OF THE AMERICAN JOBS RETENTION ACT OF 1992

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. BROWN. Mr. Speaker, last Sunday night, I appeared in a "60 Minutes" broadcast that details how the U.S. Agency for International Development [AID] and other Federal agencies are spending American taxpayers' dollars to export U.S. manufacturing jobs to Third World countries, especially in foreign export processing zones [EPZs] in Central America and the Caribbean. In follow-up, Ted Koppel and ABC News "Nightline" have devoted two whole shows (last night and this evening at 11:30 P.M.) to further analysis of AID's job exporting activities that I have unearthed in collaboration with the National Labor Committee in Support of Worker and Human Rights in Central America and a "60 Minutes" investigative team during the past year.

Predictably, many Americans are justifiably outraged upon learning for the first time now that AID and other Federal agencies are spending U.S. taxpayers' dollars to target and finance the export of U.S. manufacturing jobs. That is why I am introducing legislation that will immediately halt the most egregious aspects of AID's job-exporting operations—no U.S. taxpayers' dollars, directly or indirectly, for either the creation or development of foreign export processing EPZs, for the operations of foreign business or business-related organizations within the United States and its territories and possessions, or for activities or projects in foreign countries that contribute to violations of internationally recognized worker rights. I call this the American Jobs Retention Act of 1992.

I also intend to work with members of the House Appropriations Committee to maximize prospects for incorporation of this legislation in the conference report on the fiscal year 1993 foreign operations appropriations bill or any continuing resolution that may come before us before adjournment.

CHILDREN OF CHERNOBYL RELIEF FUND

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. DOWNEY. Mr. Speaker, one of the worst disasters in history transpired at the Chernobyl nuclear power plant on April 26, 1986. Approximately 5 million people in the Ukraine and Byelorussia were hit with dangerous levels of radiation. Damage is estimated at over $350 billion. It is estimated that over the next 70 years, more than 1 million cases of cancer will be diagnosed as a direct result of the Chernobyl disaster. These are some of the horrifying facts that have arisen amidst the aftermath of this appalling catastrophe.

As more and more effects of Chernobyl became known, the rest of the world worked to set up relief and funds to aid the victims. The Children of Chernobyl Relief Fund, based in Short Hills, NJ, is one such organization. I learned of the fine work this group has done when I met the president of the Suffolk County New York Chapter of the Children of Chernobyl Relief Fund, Alla Hejko. Through their efforts and hard work, this relief group has been able to arrange 11 airlifts since November, 1989. Over 650 tons of supplies including food, vitamins, antibiotics, medical supplies, computers and equipment, valued at over $20 million, has already been sent to aid the victims. Because of these efforts, the people of the Ukraine have been better prepared to handle the situation.

Relief funds such as this rely heavily on donations from communities and corporations. Hopefully, with continued support, The Children of Chernobyl Relief Fund will be able to continue to provide much needed supplies to an area which will continue to feel the effects of this calamity for years to come.

HERB PETRY: GREAT PUBLIC SERVANT

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. PICKLE. Mr. Speaker, last week Texas and our Nation lost one of its most distinguished citizens, the Honorable Herb Petry, former chairman of the Texas Highway Commission, and former president of Lions International. He passed away in his beloved city of Carrizo Springs, TX.

Petry was internationally known as the No. 1 Lion throughout the world. And, his extensive travels and years of devotion to Lionism, particularly the Kerrville, TX, Crippled Children Camp, was well established. In many civic and diplomatic ways, Herb Petry was one of our country's distinguished ambassadors of good will. As one of Texas' outstanding attorneys, he earned a reputation as one of the most respected barristers throughout our State.

Mr. Speaker, it was my privilege to know and work with Mr. Petry for over 50 years. He was one the strongest and most respected State leaders we have ever had. The road system of Texas is stark evidence of his planning and execution of the highways throughout Texas, and I think he helped our State gain and maintain its reputation for having one of the best highway systems in America. In south Texas, he was recognized as their leading citizen; he was named "Mr. South Texas" in 1966.

We have lost one of our most brilliant orators and administrators, and our State and particularly our University of Texas systems, will remember Herb for many years. This next week many members of the Delta Theta Phi legal fraternity will gather in Texas at Gov. John Connelly's ranch. And, among other things, with love and affection we will retell again the outstanding story of Herb Petry, our brother and our friend.

To his beloved wife Jo Petry and his family, we pay our sincere respects.

Mr. Speaker, I hereby enclose the attached article for inclusion in the RECORD.

[From the San Antonio Express News, Sept. 27, 1992]

PETRY SERVED ON HIGHWAY BOARD

CARRIZO SPRINGS.—Herbert C. Petry Jr. was a longtime member of the Texas Highway Commission.

He served as the chairman of the commission for 18 years.

"He was appointed to the position by three governors." said his wife, Josephine W. Petry of Carrizo Springs.

He also was president of Lions International and was active in the organization after he vacated the position, his wife said.

Petry, 75, died Friday in his home of heart failure.

A lifelong resident of Dimmit County, Petry was born Aug. 10, 1917, in a little town outside Carrizo Springs, his wife added.

HELPED RUN FARM

As a young boy, Petry moved to Asherton with his family, where he helped run the family dairy farm.

Petry lived in Dimmit County all his life.

He graduated from Carrizo Springs High School in 1934.

To pay his way through college, Petry worked two jobs.

He received an associate of arts degree in 1936 from Westmooreland University, now Trinity University.

He was honored as a distinguished alumnus of the university in 1968.

He earned his law degree from the University of Texas Law School in 1939.

Petry practiced law in Dimmit County until his death, she said.

In 1947, he married Josephine White of Carrizo Springs.

Petry became involved in the highway commission in 1956.

The couple spent about a week of every month in Austin when Petry worked with the commission, setting policy for the state highways, his wife said.

Petry often made speeches on the commission's policy-making around the state, she said.

He was named "Mr. South Texas" in 1966.

"He was involved in all community affairs of Dimmit County," his wife added.

They also traveled around the world as part of Petry's involvement with Lions International.

"He held all the major positions," she said.

The Texas Lions club's main charity was the Crippled Children's Camp in Kerrville.

In January 1991, ground was broken at the H.C. Petry Jr. Sports Complex in Kerrville.

It was dedicated later that year.

Additional survivors include two sons, Boothe Wright Petry of San Antonio and John Wright Petry of Carrizo Springs; one brother, Frank Petry of San Antonio; 10 grandchildren; and four great-grandchildren.

TRIBUTE TO LEWIS E. BAUGHMAN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. TRAFICANT. Mr. Speaker, I proudly rise to pay tribute to a man who has excelled as both a businessman and citizen of my district. Mr. Speaker, today I honor the Mahoning Valley Man of the Year, Lewis E. Baughman.

Mr. Baughman distinguished himself as a wise, heady businessman while serving as president and chief executive officer of the Second National Bank of Warren. During his tenure, assets at the bank increased from $61 million to $285 million as four new branch offices were opened. In addition, a $5.25 million main office expansion and renovation was completed, symbolizing the growth and success of Mr. Baughman's operation.

His shining performance at Second National did not go unnoticed. He was selected to serve on the board of directors for several local corporations and as president of the Ohio Bankers Association.

But, Mr. Speaker, Mr. Baughman has not confined his good works to his business dealings. He has exemplified benevolence and charity in the city of Warren, sharing his wealth of experience with the American Cancer Society, Boy Scouts, Junior Achievement and the First Presbyterian Church, among others. He has also chaired numerous campaigns, including the $897,000 YMCA Building Fund and the $5 million Trumbull Memorial Hospital Building Fund.

Mahoning Valley's leaders will soon gather to salute Mr. Baughman for his role in the continual success of the area's business and civic communities. I join them in their praise.

God Bless, Mr. Baughman. Thank you for your dedication and service.

A LONG ISLAND LANDMARK

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. DOWNEY. Mr. Speaker, this year, the Sagtikos Manor, located in the town of Islip on Long Island, celebrates its 300th anniversary. Built in 1692, the manor is filled with a rich, historic tradition.

Originally, the land was owned by the Secatogue Indians and then sold to the Gardiner family on October 1, 1692. The original house possesses a distinct architectural gradeur indicative of the period in which it was built. During the Revolutionary War, the manor served as a rest stop for the British Army. At one point, approximately 300 troops were housed there. Throughout the war, many British officers were quartered there, most notably, Gen. Sir Henry Clinton, who was in command of the British forces on Long Island. Visitors to the house can still see the room furnished in the same manner as when the general used it. After the War for Independence was won, Sagtikos Manor was used as a rest stop for the first President of the fledgling democracy, George Washington, when he made a tour of Long Island in 1790.

Generations of Long Islanders can take pride in the historical significance of Sagtikos Manor. Sagtikos Manor has stood as a major landmark on Long Island, for 300 years. The care exhibited in the preservation of the mansion throughout the years has allowed children and adults to learn an important part of Long Island's history. I have no doubt that this historic landmark will continue to be a source of living history for generations to come.

END DISCRIMINATION AGAINST GAY MEN AND LESBIANS NOW

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. KOSTMAYER. Mr. Speaker, over the next 4 days, I will be inserting into the RECORD the results of a comprehensive study that the Philadelphia Lesbian and Gay Task Force released today.

Titled "Discrimination and Violence Against Lesbian Women and Gay Men in Philadelphia and the Commonwealth of Pennsylvania," the study represents the largest survey of its kind in the United States. In it 2,600 gay men and lesbians from Philadelphia, its surrounding suburbs, and 35 counties throughout Pennsylvania report their experiences of discrimination, harassment, and violence.

Although not all Members of Congress will agree with the study's recommendations and conclusions, I feel that the Philadelphia Lesbian and Gay Task Force has made an important contribution to the policy debate regarding the desperate need for civil rights protections for the millions of people who encounter discrimination based on their sexual orientation. I commend the Task Force for undertaking such a worthy project, and I urge all of my colleagues to read the study.

The first installment of the study follows:

INTRODUCTION

In December of 1987, Bucks County resident Anthony Milano was brutally murdered by two strangers who slashed his throat and stabbed him for no reason except that they thought he was gay. In May 1988, Rebecca Wight and Claudia Brenner were hiking on the Appalachian Trail through Pennsylvania when there were shot by a stranger who knew only that they were lesbians; Rebecca Wight died of multiple gunshot wounds. In June and July 1989, seven gay men were brutally murdered in Philadelphia. While relatively few lesbian women and gay men have been the victims of homicidal attacks, there are few if any lesbian women and gay men whose lives have not been touched by homophobic violence and heterosexist discrimination. Those of us who have not been directly victimized can testify all too readily to the experiences of friends and lovers who have not been so lucky.

In 1984 the Philadelphia Lesbian and Gay Task Force conducted the first systematic exploration of discrimination and violence against lesbian women and gay men in Philadelphia, surveying a total of 167 residents of Philadelphia (Aurand, et al, 1985). In 1988 we conduct a second, much larger study that reached 437 Philadelphians and 284 citizens of the Commonwealth of Pennsylvania residing outside Philadelphia (Gross, et al, 1988). These two studies revealed a distressing pattern of increased discrimination and violence directed against lesbian women and gay men because of the sexual orientation; the rates of violence reported by our 1988 sample were double those found in the 1984 study. In the four years since we released our second study numerous articles and at least two books have been published (Comstock, 1991; Herek and Berrill, 1992) that amply document the sad fact that these findings are replicated in many parts of the United States. In the summer of 1991 the Philadelphia Lesbian and Gay Task Force undertook a third study.

The present report represents by far the largest and most diverse sample yet surveyed in a systematic study of anti-lesbian and anti-gay discrimination and violence: 2652 lesbian women and gay men, of whom 1413 reside in the city of Philadelphia and 1239 in other parts of the Commonwealth of Pennsylvania. In addition to reaching a much larger sample we have also succeeded in reaching a more diverse and representative sample. However, while the quality of our data has improved, the quality of our lives has not. The results of this study show that, as before, anti-lesbian/gay violence and discrimination continue to be major problems in Philadelphia and throughout the Commonwealth of Pennsylvania, just as they are elsewhere in the United States.

In March 1992 the National Gay and Lesbian Task Force issued its seventh annual report on *Anti-Gay/Lesbian Violence, Victimization and Defamation* which summarized data collected in New York, Boston, Chicago, Minneapolis/St. Paul and San Francisco. Their study found a 31% increase over 1990 in the incidence of harassment, threats, assaults, vandalism, arson, police abuse and murder. NGLTF Anti-Violence Project Director Kevin Berrill noted that this violence took place in a political atmosphere characterized by "venomous anti-gay attacks" by politicians like Patrick Buchanan.

Since Berrill made his comments Patrick Buchanan has repeated his assault on lesbian and gay Americans from the podium of the Republican National Convention in Houston, at the start of four days of unprecedented attacks on lesbian and gay people by the leaders of the Republican party. *Time* magazine has asked whether gay people are becoming the Willie Horton of the 1992 campaign (Painton, 1992), and it appears that the answer may be yes. When the President's men use the bully pulpit of a national convention as a forum for hate-mongering, it is no wonder that the bigoted and the hate-filled feel free to violate our rights and to attack us.

It isn't only politicians who have recently spoken out against the rights of lesbian and gay people. Despite growing popular support of civil rights protection for lesbian and gay citizens,[1] some protestant and Catholic leaders have mounted an attack on our rights. Morris Chapman, president-elect of the Southern Baptist Convention predicts that, "in the 1990s homosexuality will be what the abortion issue has been in the 1980s" (Torque, 1992, p. 37). In June 1992 the Congregation for the Doctrine of the Faith in the Vatican sent a document to U.S. bishops titled "Some Considerations Concerning the Catholic Response to Legislative Proposals on the Non-Discrimination of Homosexual Persons" (Gallagher, 1992). This statement reiterates church teaching, as outlined by the Congregation for the Doctrine of the Faith in a notorious 1986 document, that homosexuality is "an objective disorder" that "prevents one's own fulfillment and happiness by acting contrary to the creative wisdom of God." In the spirit of the 1986 document, which explained that antigay violence was an understandable reaction to efforts to secure civil rights for lesbian and gay people,[2] the recent statement urges Catholic bishops to oppose the passage of lesbian and gay rights legislation, because such bills "may in fact have a negative impact on the family and society." The moral authority of the Vatican is invoked here to claim that gay rights jeopardize "the public morality of the entire civil society," and it is thus "inappropriate for Church authorities to endorse or remain neutral towards" legislation that protects lesbian and gay citizens from discrimination. While some U.S. Catholic prelates, such as the Archbishop of Seattle and the Bishop of Honolulu, have defied this edict and endorsed equal rights for lesbian and gay people, Catholic leaders in Philadelphia and throughout the Commonwealth of Pennsylvania have not distanced themselves from the reactionary position of the Vatican. We can only speculate what role the bigotry of politicians and church leaders has played in licensing and encouraging acts of discrimination and violence against lesbian and gay people. What is undeniable is their unforgivable betrayal of fundamental principles of justice and respect for the rights of all people.

In 1987, the National Institute of Justice of the U.S. Department of Justice commissioned a study by Abt Associates, Inc., of Cambridge, Mass., on the topic of the response of the criminal justice system to bias crime. The authors of the report, Peter Finn and Taylor McNeil, defined bias crime, or hate violence, as "words or actions designed to intimidate an individual because of his or her race, religion, national origin, or sexual preference." They went on to say that, "these types of offenses are far more serious than comparable crimes that do not involve prejudice because they are intended to intimidate an entire group. The fear they generate can therefore victimize a whole class of people * * * (B)ias crime tears at the whole fabric of our society." In their summary, Finn and McNeil state that, "The most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homosexuals are probably the most frequent victims. Verbal intimidation, assault, and vandalism are the most commonly reported forms of hate violence" (Finn and McNeil, 1987, emphasis added). The AIDS crisis has only exacerbated anti-gay bias and serves to trigger anti-gay attacks by those already imbued with the homophobia so prevalent in our society.

Lesbian women and gay men in Pennsylvania still have no civil rights protections at the federal or state levels. At the local level, Philadelphia (1982), Harrisburg (1983), and Pittsburgh (1990) have enacted legislation to prohibit discrimination in employment, housing and public accommodations on the basis of sexual orientation. In January 1988, Governor Robert Casey issued Executive Order 1988-1, which states, "no agency under the jurisdiction of the Governor shall discriminate against any employee or applicant because of race, color, religious creed, ancestry, union membership, age, sex, sexual orientation, national origin or non-job-related handicap or disability" (emphasis added). However, the Executive Order provides no monitoring or enforcement mechanism to assure compliance with its non-discrimination provision in state employment and state contracts, and Governor Casey has consistently refused to meet the representatives of the lesbian and gay community in order to discuss our very serious concerns about the discrimination and violence we encounter.

Despite the slight progress represented by the Federal Hate Crimes Statistics Act, signed into law in 1990, which mandates the Justice Department to collect and publish annual statistics on crimes motivated by prejudice based on sexual orientation among other characteristics, the absence of civil rights protection at the state and federal level exacerbates the growing problem of anti-gay and anti-lesbian violence. The fear of revictimization by authorities and the implicit threat of public disclosure discourages gay and lesbian people from reporting incidents of violent victimization. The inadequate response of official agencies and the very limited mechanisms of redress available discourage the reporting of discrimination against lesbian and gay citizens. For these reasons it is imperative that the Pennsylvania legislature enact the bill introduced by Representative Babette Josephs that would add 'sexual orientation' to the categories currently included in the Commonwealth's Ethnic Intimidation Act, and that they amend the Pennsylvania Human Relations Act to provide civil rights protection to lesbian and gay citizens.

SUMMARY

It is very important to note that despite a much larger and more diverse group of respondents, our study sample, like those in previous studies, is predominantly white, highly educated, and the average age is thirty-four. U.S. Department of Justice statistics indicate that such people are among those in society least likely to be victimized. Therefore, our study findings must be understood to underestimate the actual levels of discrimination and violence experienced by the general lesbian and gay population of Philadelphia and the Commonwealth of Pennsylvania. Nonetheless, the amount of victimization reported in our study is distressingly high:

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[1] In a national poll conducted for Newsweek by the Gallup Organization in August 1992, 78% agreed that "homosexuals should have equal rights in job opportunities" (Torque, 1992, p. 36)

[2] The 1986 Letter to the Bishops of the Catholic church on the Pastoral Care of Homosexual Persons condemns claims that "the homosexual condition is not disordered," and continues, "When such a claim is made and when homosexual activity is subsequently condoned, or when civil legislation is introduced to protect behavior to which no one has any conceivable right, neither the Church or society at large should be surprised when other distorted notions and practices gain ground, and irrational and violent reactions increase" (Congregation for the Doctrine of the Faith, Vatican City, 1986, p. 9).

Annual Discrimination Rates: 25% of the men and 31% of the women in the Philadelphia sample reported experiencing employment, housing or public accommodations discrimination in the preceding 12 months, despite the enactment in 1982 of legislation outlawing such discrimination on the basis of sexual orientation. Among the Pennsylvania sample, in the four suburban counties around Philadelphia 27% of the men and 24% of the women reported experiencing employment, housing or public accommodations discrimination in the same 12 month period. Among respondents from the rest of Pennsylvania, 29% of both gay men and lesbian women reported some experience of discrimination in the past 12 months.

Lifetime Discrimination Rates: 50% of the men and 53% of the women in the Philadelphia sample have experienced discrimination based on sexual orientation at some point in their lives. Among the suburban sample the rates are 52% of the gay men and 44% of the lesbian women; for the rest of the Commonwealth the figures are 50% of men and 52% of women reporting some experience of discrimination during their lifetime.

Public Accommodations Discrimination: Among the most startling results was the rise in reports of discrimination in public accommodations, more than double the levels reported in earlier studies. In the Philadelphia sample, 17% of the gay men and 24% of the lesbian women reported such incidents in the past 12 months (compared to 8% and 10%, respectively, in 1988), as did 17% of both men and women in the suburban counties, and 21% of the men and 24% of the women from other parts of Pennsylvania. Lifetime rates of public accommodations discrimination ranged from a high of 40% among Philadelphia lesbians to a "low" of 33% of suburban dwelling lesbian women.

Fear of Discrimination: Among Philadelphians, 78% of the men and 87% of the women fear some form of discrimination despite the legal protections provided by the Fair Practices Act (the corresponding figures for the suburban sample are 82% and 88%, for the PA sample 81% and 89%).

Concealment of Sexual Orientation: Among those Philadelphians who fear discrimination, 76% of the men and 81% of the women conceal their sexual orientation at least some of the time to avoid discrimination (85% and 90% among suburban residents, and 81% and 87% among other Pennsylvanians).

Verbal Abuse: Among the Philadelphia sample, 65% of the men and 50% of the women experienced verbal abuse in the previous 12 months on the basis of their sexual orientation (55% and 38% among suburbanites, and 65% and 48% among other Pennsylvanians). Lifetime rates of encountering verbal abuse rise to 89% of the Philadelphia men (82% of suburban and 90% of the other PA men) and 74% of the Philadelphia women (67% of the suburban and 77% of other PA women).

Annual Violent Victimization Rates: In the 12 month period prior to our survey, 24% of the Philadelphia men surveyed and 16% of the women were victims of criminal violence on the basis of their sexual orientation; among suburban residents 15% of males and 7% of females reported being victims of violence, as did 27% of the men and 8% of the women living elsewhere in Pennsylvania. These annual rates of victimization are more than six times higher for Philadelphia gay men and more than seven times higher for Philadelphia lesbian women than the criminal violence victimization rates for the U.S. adult population, according to statistics compiled by the U.S. Department of Justice. The respective ratios for the suburban sample are 4 times for men and 3 times higher for women; for the Pennsylvania sample the ratios are 7 times higher for gay men and 3 times higher for lesbian women.

Comparison with Previous Study: The rates of victimization can be compared with the findings of our 1986–87 survey for Philadelphia respondents and for respondents on other parts of the Commonwealth, Philadelphia lesbian women report the same rate of violent victimization as did our 1986–87 respondents (on both annual and lifetime bases), and similar consistency across surveys can be seen for male and female Pennsylvania respondents. Suburban residents report lower rates of violent victimization than either Philadelphia or other Pennsylvania respondents. For the previous 12 months, Philadelphia gay men in the 1991–92 sample report a much lower rate of being threatened and chased than did their counterparts in 1986–87; however, the rates of more serious victimization, such as assault, are unchanged.

Lifetime Violent Victimization Rates: 57% of the Philadelphia men and 35% of the women (45% and 21% in the suburbs, 60% and 28% among other Pennsylvanians) have been victims of violence at some point in their lives on the basis of their sexual orientation.

AIDS-Related Abuse: Of those reporting verbal abuse, physical attacks or vandalism in the previous 12 months, 18% of the Philadelphia men and 4% of the women reported that the attack was accompanied by AIDS-related abuse. Similar patterns were reported by 10% of the suburban males, 5% of suburban females, 14% of males and 8% of females from other portions of Pennsylvania.

Lifetime Police Victimization Rates: 24% of the men and 13% of the women in the Philadelphia sample have experienced violence and/or harassment from the police at some point in their lives on the basis of their sexual orientation; among African-Americans gay men 33% report such police abuse. Among the suburban sample the figures were 18% of the men and 9% of the women. For the respondents from the rest of Pennsylvania such abuse was encountered by 25% of the men and 12% of the women.

Lifetime School Victimization Rates: 57% of the Philadelphia men (58% in the suburban and 59% in the PA sample) and 30% of the Philadelphia women (24% in the suburban and 34% in PA) experienced violence or harassment in junior high school, or college, from classmates or teachers.

Lifetime Family Victimization Rates: 31% of the Philadelphia men and women each reported experiencing harassment and/or physical violence from family members on the basis of their sexual orientation; the suburban sample figures were 30% and 32% respectively, for the rest of the Pennsylvanians, 31% of men and 38% of women.

Relationship and Parenting: Over two-thirds of the lesbian women and approximately half of the gay men in our sample are currently in a couple-relationship; these relationships to date have lasted on between 4 and 6 years. Approximately 15% of the women and nearly 10% of the men have children. Of those respondents with children, many have faced court challenges to their custody or visitation rights. Within the Philadelphia sample, African-Americans men and women are much likely than are white men and women to have children and to have faced custody challenges.

Gender and Race-related Patterns. As in our previous studies, gay men are far more likely to be victims of violence than are lesbian women. While white men are more likely to report having been the victims of violence at some point in their lives, among our Philadelphia sample African-Americans gay men are more likely than white men to have been victimized in the previous 12 months (31% vs. 23%), which may suggest an increase in the rate of attacks on African American gay men (this difference may also be due, in part, to the fact that the African American respondents are, on average, younger than the white respondents). As we have also noted previously, in contrast to the patterns of violent victimization, in the case of discrimination men and women are much more equal in their likelihood of victimization. Within the Philadelphia sample African American and white women (28% and 32%), and African American men (35%) were all more likely to report discrimination in the past 12 months that were white men (22%). In the suburban counties and in other parts of the Commonwealth the differences between men and women in the rates of discrimination were less marked.

METHODS

Between June and September of 1991 we distributed over 14,000 questionnaires. Three thousand were mailed to people in the Philadelphia Lesbian and Gay Task Force database and an additional 11,299 were distributed with the aid of 43 organizations in Philadelphia and 23 organizations in other parts of the Commonwealth of Pennsylvania. Among those assisting the Task Force were 11 minority community organizations in Philadelphia that distributed 1561 English language and 560 Spanish language questionnaires; 3 student groups around the state; four Harrisburg and six Pittsburgh organizations (a complete list of participating organizations can be found in Appendix 1). In addition, questionnaires were distributed at women's concerts and festivals, as well as at Philadelphia's Lesbian and Gay Pride Celebration in June, and at lesbian and gay bars. The Philadelphia lesbian/gay newspaper, *Au Courant*, published the questionnaire as a full-page insert on several occasions.

QUESTIONNAIRE

In order to reach a large sample than in our two previous studies, and to be able to print the questionnaire in the gay press, the survey instrument and condensed from the eight page instrument used in 1986–87 to two pages (see Appendix 2). The questionnaire includes 33 questions (four of these have dependent follow-up questions). The first group of questions request the respondents to identify themselves in demographic and sexual orientation categories. We also asked about respondents' current domestic situation: are they part of a couple, do they have children. Finally, this section asked about the extent of others' knowledge of the respondent's sexual orientation.

The second section, beginning on the reverse side of the one-page questionnaire, documents employment, housing and public accommodations discrimination experienced by a respondent because of his or her sexual orientation. We asked about experiences of discrimination over two time periods: in the 12 months prior to the survey and over the respondent's lifetime, thus giving us data on both lifetime levels of discrimination and on the previous twelve months.

The third section documents anti-lesbian/gay violence and harassment, which is defined in each question as an attack of some sort (e.g. being chased, punched, assaulted, having property vandalized, being sexually assaulted) directed against the respondent by non-gay individuals because of the respondent's sexual orientation. Incidents of violence and harassment were also identified separately for the previous 12 months and over the respondent's lifetime. This section includes questions specifically addressed to harassment and/or violence inflicted by police officers or by family members. A further question addressed verbal or physical abuse or vandalism by non-gay people that was specifically AIDS-related.

The fourth section inquired about experiences of anti-lesbian/gay harassment or violence when the respondent was in junior high school, high school or college; asking separately whether the attack(s) reported came from classmates or from teachers or school officials.

The fifth section asked whether respondents ever experienced anti-lesbian/gay incidents that "could have been reported to the police," and if so, how many were reported to the police? If any incidents were reported, we inquired about the nature of the police response.

The final questions asked whether respondents believed that they "could" experience discrimination because of their sexual orientation and, if so whether they conceal their sexual orientation because of this belief.

TRIBUTE TO 100 YEARS OF OSTEOPATHIC MEDICINE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. ANDREWS of New Jersey. Mr. Speaker, throughout the month of October, the University of Medicine and Dentistry of New Jersey will be celebrating 100 years of osteopathic medicine. For the record, I would like to submit a press release on the history of field and the UMDNJ-School of Osteopathic Medicine. I wish the UMDNJ continued success in the future.

AT UMDNJ-SCHOOL OF OSTEOPATHIC MEDICINE MONTH-LONG CELEBRATION TO MARK 100 YEARS OF OSTEOPATHIC MEDICINE

A month-long celebration during October will mark 100 years of osteopathic medicine in America at the UMDNJ-School of Osteopathic Medicine, Stratford. Family Fun Day on Saturday, October 3, will kick off a series of events, all scheduled on the school's Stratford, N.J., campus.

The medical school joins osteopathic medical associations, medical schools and hospitals nationwide in celebrations centering on the theme "Osteopathic Medicine: A Century of Making a Difference."

Except for a 5K (3.1 miles) race, which has a registration fee, all events in Stratford are free and open to the public. Highlighting Family Fun Day on the campus at 301 South Central Plaza, off Laurel Road, are:

Saturday, October 3.—9:30 a.m.: A 5K race through the Borough of Stratford: registration ($12), 8 a.m. at the Health Care Center (HCC); early registration ($10), call 609-782-6000. Male and female runners of all ages and ability levels; prizes and cash awards for winners; commemorative T-shirts for all. Individuals and teams from area corporations, organizations, schools, police and fire departments and ambulance squads are encouraged to compete. Proceeds benefit musculoskeletal and sports medicine research.

11 a.m., on the mobile stage near the HCC: Awards and prizes to race winners; loading of time capsule to be placed in the cornerstone of the Academic Center, now under construction. Chairmen of each medical school department will place historical items into the capsule. Congressman Rob Andrews (D-1st) will be guest speaker.

12 to 3 p.m. at the stage: Refreshments; continuous entertainment for children and adults, Groups include T.W.C. (Together We Chill), whose music includes jazz, rhythm and blues, rap and New Jack Swing. Foobie, a redeyed roving robot, will intersperse tips on life skills and drug abuse prevention with gags and tricks that will delight children and adults alike.

12 to 3 p.m., HCC parking lot: Health screenings for cholesterol, diabetes, blood pressure, vision, hearing, pulmonary functions; sports fitness evaluation, strength test, body fat assessment and more; free health education materials.

12 to 3 p.m., Center for Wellness and Health Promotion; tours and opening of the new University Back Pain Center; free musculoskeletal evaluations by back pain experts.

Tuesdays and Thursdays, Oct. 6 through 29 and Wednesdays, Oct. 21 and 28; all at 7 p.m., suite 1400 of the HCC—Free Public Health Awareness Seminars featuring medical school experts on topics from AIDS to zoster. For topics and speakers, call 609-782-6149.

Sunday, Oct. 18, 12 Noon at Main Street, Voorheas; rain or shine.—The one-mile UMDNJ Walk of Champions to benefit women and children living with AIDS. Free health screening and AIDS information.

"We want our centennial celebration to emphasize wellness and education," said Dr. Frederick J. Humphrey, II, dean of the osteopathic medical school, "but at the same time to be fun and entertaining for the whole family."

Dr. Humphrey said Dr. Andrew Taylor Still first articulated in 1874 what is now considered the basis of the osteopathic approach to patient care. "He emphasized the study and practice of health promotion and disease prevention," Dr. Humphrey said. "His approach stressed treatment of the whole person and an idea which was novel for his time—that human beings possess an innate capacity to overcome disease."

Dr. Still also introduced osteopathic manipulative therapy, O.M.T., which involves manual manipulation for treatment of musculoskeletal disorder, including back and neck pain.

Because the first osteopathic medical school opened its doors in 1892 in Kirksville, Mo., osteopathic physicians observe that year as their profession's beginning, and 1992 as its centennial.

While D.O.s comprise only five percent of all physicians, they account for 15 percent of physicians in areas where fewer than 10,000 people live. Dr. Humphrey said many UMDNJ-School of Osteopathic Medicine graduates choose to practice in medically underserved areas in rural Southern New Jersey, as well as in cities such as Camden, Vineland and Atlantic City.

Fifty-five percent of the medical school's graduates choose to practice in primary care, rather than subspecialties. Primary care includes areas such as family medicine, pediatrics, internal medicine and obstetrics and gynecology. More than half of D.O.s world-wide practice in primary care.

The UMDNJ-School of Osteopathic Medicine is the sixth and newest academic unit of UMDNJ, New Jersey's university of the health sciences. Founded in 1976, it is Southern New Jersey's only four-year medical school and the state's only osteopathic medical school. Since 1981, when it conferred its first 24 D.O. degrees, the school has graduated 511 osteopathic physicians. Today, the school has 231 medical students and 216 interns, residents and fellows at seven affiliated teaching hospitals and 96 ambulatory clinical training sites.

The school's core teaching affiliates are the three divisions of Kennedy Memorial Hospitals-University Medical Center at Stratford, Cherry Hill, and Washington Township. The school's other affiliated teaching hospitals include Our Lady of Lourdes Medical Center, Camden; Atlantic City Medical Center, Atlantic City and Pomona; and Union Hospital, Union Township.

In 1991, the University of Medicine and Dentistry of New Jersey broke ground in Stratford for a $25 million Academic Center and laboratory addition to its Science Center. Dr. Humphrey said the new construction, scheduled for completion in 1993, will provide critically needed space to remedy overcrowding at the medical school.

"Some research and other programs currently in Camden will join the other departments in Stratford, unifying all of the school's programs on a single campus," he said. "The Center will provide a wide variety of academic and other resources to greatly enhance our ability to prepare osteopathic physicians as primary care-givers to the citizens of New Jersey."

The medical school built its Health Care and Science Centers at Stratford in 1987 and 1990. The school also purchased the adjacent Professional and Administrative Center (formerly the Kennedy Professional Mall) to house offices and temporary classrooms. Some administrative offices, lecture rooms and research laboratories remain at the school's Camden campus until the new buildings are completed.

For further information about osteopathic medicine or Centennial events, call 609-782-6000.

FACT SHEET: OSTEOPATHIC MEDICINE IN NEW JERSEY AND THE UNITED STATES

D.O.s in U.S.: 30,924; 5% annual professional growth rate; 1,300 new osteopathic physicians per year.

D.O.s in New Jersey: approximately 2,000

Percentage of D.O.s in primary care: 58%

Percentage of UMDNJ-School of Osteopathic Medicine graduates in primary care: 55%

Total American Osteopathic Association (AOA)-accredited hospitals: 143

Total AOA-accredited hospitals in New Jersey: 5

Annual patient visits to primary care D.O.s nationally: 84 million

Weekly patient visits to primary care D.O.s nationally: 1,768,421

Students enrolled at osteopathic medical colleges for 1990-91: 6,726

Students enrolled at UMDNJ-School of Osteopathic Medicine for 1992-93: 231

Minorities enrolled at osteopathic medical schools for 1991: 7.8%

Minorities in 1992 first-year class at UMDNJ-School of Osteopathic Medicine: 10%

Women enrolled in osteopathic medical schools for 1991: 33.4%

Women enrolled at UMDNJ-School of Osteopathic Medicine for 1991: 38.5%

Forecast for D.O.s in U.S.—1995: 36,602 D.O.s; 17.52% female; 2000: 42,219 D.O.s; 19.80% female; 2005: 48,250 D.O.s; 21.31% female; 2010: 53,230 D.O.s; 22.78% female.

(National figures are taken from the AOA 1991 directory and 1990 census, the most recent data available.)

PROCLAMATION

Whereas, the University of Medicine and Dentistry of New Jersey School of Osteopathic Medicine, recognized by a proclamation of the Governor of the State of New Jersey, celebrates 100 years of osteopathic medicine, principles and practices and proclaims today 3 October, Nineteen-hundred and ninety-two to be Osteopathic Medicine Heritage day in the State of New Jersey; and

Whereas, the UMDNJ-School of Osteopathic Medicine and other institutions and Doctors of Osteopathy collaborate to supply the people of the world with comprehensive holistic health care; and

Whereas, the UMDNJ-School of Osteopathic Medicine provides continuing medical education to encourage development and improvement in the quality of medical services; and

Whereas, Osteopathic physicians and scientists provide the teaching, research, patient care and means to a healthier and productive life for the citizenry of this State and the citizenry of the world; now, therefore

Be it resolved by the Governor of the State of New Jersey and the undersigned medical physicians and scientists:

That Governor James J. Florio and the undersigned physicians and scientists upon the occasion of the 100th anniversary, pays tribute to the dedication and commitment of its many members, and extends best wishes for the continued success and vigor of the profession; and

Be it further Resolved, That the day of October 3, 1992 be declared "Osteopathic Medicine Day."

Given, under the hands of medical professionals and my hand and the Great Seal of the State of New Jersey, this 3rd day of October in the year of Our Lord one thousand nine hundred and ninety-two and the independence of the United States, the two hundred and sixteenth.

THE THREAT OF LEBANESE HEROIN

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. COUGHLIN. Mr. Speaker, Lebanon has become a major new battleground in the war against drugs. But a variety of obstacles has prevented a concerted Western effort to fight the drug problem. However, a review of the current situation indicates that, with the hostages being released and the Lebanese civil war coming to an end, there exists a real opportunity to attack the Lebanese narcotics trade.

Little is known about the Lebanese drug trade due to the dangers and political conditions of the country. Nonetheless, what information has been coming out of the country from reporters based in the region suggests that Lebanon's network of drug growers, processors and traffickers have switched from their traditional crop of cannabis to the more profitable opium crop. Centered in the Bekaa Valley, the opium trade is deeply entangled in Lebanon's 15-year civil war.

A BRIEF HISTORY OF DRUGS IN LEBANON

The Bekaa Valley in central Lebanon, with the warm Mediterranean sun beating down on it, is one of the most ideal places in the world to cultivate cannabis and poppies. Before the civil war in Lebanon began in the late 1970's drug production was minimal. Lebanon was a prosperous country. Beirut was known as the "Paris of the East" and tourists, not drug crops were soaking up the Sun.

Then war destroyed Lebanon and its economy. Numerous factions, each with their own militias, split up and occupied different parts of Lebanon. Each needed a source of income for weapons and ammunition to supply their armies. Many illegal activities were tried such as counterfeiting and kidnapping, but eventually the narcotics trade came to be seen as the most effective way to raise money. As the war continued and weapons became increasingly expensive and more difficult to get, drug production increased as well. Battles would often be fought over fertile fields and drug crops. Narcotics growing and trafficking became a way of life for an entire generation in Lebanon. Today cannabis or opium crops cover almost 75 percent of the 4,280 square kilometer Bekaa Valley.

FROM GROWING TO SMUGGLING: THE COMPLETE PROCESS

With almost 15 years of experience, all aspects of the drug trade, including the drug routes out of Lebanon and the money routes into the country, are very well established. Since the profits are so large, farmers are more than willing to cultivate their fields with cannabis or opium. Just like any other commodity, hashish and opium prices are listed in the local newspapers. The farmers need not worry about protection for their crops because it is already provided. The militias and the Syrian military, which control most of the Bekaa Valley, protect and escort the narcotics trade throughout the entire process in Lebanon.

The processing of cannabis into marijuana and opium into heroin occurs in Lebanon also. They have no need to take the raw cannabis and opium elsewhere, because no government authority is stopping them from setting up labs adjacent to the fields. The warlords of Lebanon have brought in experts from the West and elsewhere to set up their labs. They have done virtually everything to make their processing system the most efficient it can be. Farmers bring in their crops soon after harvest directly to the labs, where it is processed and purified. It is then packed into shipment containers bound for Cyprus where it is sent on to Europe and the United States.

Surprisingly, it is a little more difficult bringing money in from Europe than it is getting drugs out of Lebanon. Both Turkey and Cyprus have a series of laws that makes it very difficult for money laundering to take place there. As a result, money enters Lebanon directly or gets channeled to other offshore accounts where it is accessible for arms purchases.

The whole system of narcotics trafficking from Lebanon, from the farmer on the local level to arms purchases on the international level, is very smooth. Probably the greatest advantage Lebanese traffickers have over their foreign counterparts is that they only have to worry about getting narcotics and money past European or American borders, since there are essentially no border controls in Lebanon, and no serious domestic law enforcement, interdiction or eradication programs.

FOREIGN INVOLVEMENT IN THE DRUG TRADE

One of the most worrisome aspects of the drug trade in Lebanon is the involvement of the Syrian military. With tens of thousands of troops stationed in the Bekaa, according to reporters, Syria can and does control virtually everything that goes on within the valley. While President Hafez Assad has not been tied to the Lebanese drug trade, his brother Rifaat and other high ranking Syrian military officials have been. Apparently Syrian soldiers jump at a chance to get a tour in the Bekaa because fortunes and futures are made there. At every exchange and checkpoint soldiers routinely receive bribes and often collect extortion money. Not only does the Syrian military turn a blind eye to drug trafficking, reports suggest they aid and abet it as well. There are many reports that Syrian military equipment is used in the transportation of narcotics and that mobile labs are often built into military trucks. While Syria has promised stricter narcotics control and has made several large, highly publicized seizures, Lebanon's drug trade remains uncontrolled by Syrian authorities.

International terrorism is also benefiting from Lebanon's growing drug trade. Hezbollah, the Iranian backed Moslem fundamentalist militia, is the largest single militia in the Bekaa. The largest city in the valley, Baalbeck is the headquarters of Hezbollah. In addition to Lebanese cannabis, Hezbollah may be trafficking heroin out of Iran and distributing it through their Lebanon-based cannabis trafficking network. Money from narcotics goes to support Hezbollah's militia within Lebanon, and presumably also to support their terrorist attacks around the world.

THE FUTURE OF DRUGS IN LEBANON

The narcotics trade in Lebanon represents a significant portion of the country's GNP. Estimated to be worth between $4 and $6 billion dollars, the drug trade may be the biggest industry in the country. Close to $1 billion of this goes to the Syrians and the rest is split up among the many militias. With production of 32 metric tons of opium and 50,000 metric tons of cannabis a year (according to the National Narcotics Intelligence Consumers Committee June 1991 report), the street value of the Lebanese drug trade is estimated at $150 billion.

A major factor in the proliferation of the Lebanese drug trade is the lack of any real political life within Lebanon. There has not been any significant national government in Lebanon for 15 years and thus obviously, no national policy to combat drugs. International efforts on controlling Lebanese drug production have been virtually nonexistent because of the tremendous danger to foreigners, especially Westerners. Another reason that Western governments have been unable to address Lebanon's drug problem has been the seemingly endless hostage crisis. The same groups who held Western hostages were the ones with extensive drug processing and smuggling operations. For fear of angering the groups holding the hostages and endangering the safety of the hostages, Western powers were reluctant to press the drug issue.

However, the situation is now dramatically different. With the release of all Western hostages and the establishment of an increasingly legitimate and effective government, all major barriers preventing a strong antidrug policy have been eliminated. In fact there is presently a strong national will among many Lebanese to rid themselves of drugs. Given a choice, the Lebanese would like to return to the days old, when people flocked to Beirut for its culture and climate. The only way to do that is to stop drug production and end the civil war.

There is a common tale told that all Lebanese refugees, no matter where they are or how comfortable their life is, keep a suitcase packed for the time when the civil war ends and they can return to their beautiful homeland. Like Americans, Lebanese share feelings of extreme patriotism for their country and speak very fondly of it. The time is right for Congress and the President to develop, in concert with the international community, a program to help Lebanon responsibly deal with its severe drug problem and make it possible for Lebanon's exiles to finally come home.

IN HONOR OF MR. TOMMASO SALOMONE OF THE BRONX

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. ENGEL. Mr. Speaker, I rise today in honor of Mr. Tommaso Salomone whose great contributions to the Italian-American Community are being celebrated at the Salerno Club ed Amici's third annual dinner dance on October 3, 1992.

Mr. Salomone came from Salerno, Italy in 1948, and settled in the Bronx with his wife Giuseppina. Upon his arrival, Mr. Salomone began a long career of activism and philanthropy, bringing to the forefront the important issues concerning the Italian-American community. He began by founding the Italian Club ed Amici. His many years of organizing and leadership led him to found the Italian-American Federation of the Bronx and lower Westchester.

In 1966, he became founder and president of the Radio Announcers Association. In this capacity, he raised funds to help areas in Italy damaged by earthquakes and floods. He also raised funds so that a child from Compania could get a kidney graft. Salomone also initiated a radio campaign in 1977 against Erickson Day. Ten thousand people responded to his campaign by sending letters to President Carter. Many Italian-American politicians joined the campaign and Erickson Day was eliminated.

In 1986, at the centennial of the Statue of Liberty, Salomone created a committee and proposed that Domenico Scaglione be among the many immigrants singled out that year to receive congressional medals for having made great contributions to this country. Originally, no Italian-Americans were awarded this honor, but thanks to Salomone's activism in organizing the community, Domenico Scaglione and four other Italian-Americans were awarded Congressional medals.

Salomone also helped to organize a protest against Ted Turner because of a television broadcast in which he slandered the Italian people, saying they were connected with crime and the mafia. Another protest campaign was organized by Salomone against a law that was approved by Congress in 1972 that created the Social Security notch. He continues this fight to this day.

Mr. Salomone is a member of several Italian-American organizations including the Italian-American Federation of the Bronx and lower Westchester, the Salerno Club ed Amici, the board of the Italian Cultural Institute, and the Italian Professional and Businessmen Association. Salomone has received many awards for his service to the public from the Governor, Senators and other public officials.

He loves the Salerno Club ed Amici and is a good friend of all its members. I am glad that Mr. Salomone is such an active member of the Bronx-Westchester community and am pleased to see him honored by the Salerno Club ed Amici.

IN HONOR OF WILLIE MAE THURMOND WRIGHT

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. ESPY. Mr. Speaker, I rise today to give tribute to Mrs. Willie Mae Thurmond Wright for her 44 years of unselfish service as a midwife for the residents of Holmes County, MS. During this time, Mrs. Wright delivered more than 3,833 babies and shared countless hours and days of training and helping new mothers.

Mrs. Wright has always provided compassion and healing knowledge for every mother she helped and constantly worked in harmony with the physicians of the community. She maintained her skills and knowledge of midwifery by attending classes in Jackson, MS, even while such training was not required.

Because access to quality health care in rural communities is many times very difficult, Mrs. Wright has provided an extremely important service to the residents in this Delta County of Mississippi.

Mrs. Wright deserves even further admiration for raising a family of seven with her husband, Mr. George C. Wright, while excelling in her professional life. Mrs. Wright serves as an excellent role model for all working parents.

The Holmes County Board of Supervisors recently honored Mrs. Wright by designating Saturday, August 8, 1992, as a day of appreciation for her compassion and years of service. I would like to add my voice to the many who honor Mrs. Wright for her 44 years of true public service.

TRIBUTE TO DR. F. WARREN LOVELL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to Dr. F. Warren Lovell, who is retiring this year as chief medical examiner-coroner of the county of Ventura, CA, after 12 years of service.

Dr. Lovell's impressive career in medicine and forensics began in the early 1950's, when he graduated from Northwestern University. After receiving his degree as medical doctor, Dr. Lovell went on to study pathology, forensic pathology, and aviation medicine.

Dr. Lovell's career also includes 38 years of military service with the U.S. Air Force. He retired from the Air Force in 1977 as a colonel, having served as rated pilot-physician, flight surgeon, Commander of Medical Service Squadron, and Assistant Surgeon of Air Defense Command, among other positions.

On the international scene, Dr. Lovell served as secretary of the joint committee on aviation pathology, addressing the United States, Canada; and the United Kingdom. Additionally, he was consultant to Canada's department of transportation and Taiwan's civil aviation administration.

At the Federal level, Dr. Lovell was chief of aerospace pathology at the Armed Forces Institute of Pathology, consultant to NASA on Project Mercury, consultant to the Federal Air Surgeon of the Federal Aviation Administration and consultant to U.S. Department of Justice, regarding stun gun hazard.

At the State level, he served as consultant to the committee on public safety of the California State Assembly, and is currently a member of the advisory council on sudden infant death syndrome of the State department of health.

Mr. Speaker, on behalf of the U.S. House of Representatives, it is my pleasure to commend Dr. Lovell on his distinguished career and his unlimited devotion to his chosen field, and to wish him well in future endeavors.

THE AMERICAN WORK ETHIC

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. GINGRICH. Mr. Speaker, recently Mr. Dan L. Swift of Marietta, GA, wrote to me about the American work ethic and what we must do to get America on the right track again.

As Mr. Swift states, the United States has always been the land of opportunity and the American work ethic is second to none in the world. However, the liberal welfare state is rapidly crippling our ability to compete in the global marketplace. If we are to continue to be the most productive and prosperous nation in the world, we must instill a sense of quality and efficiency throughout the American marketplace and American Government. We must work with the private sector to encourage job creation and economic growth. At the same time, it is imperative that we teach and promote individual responsibility and hard work so that we give all Americans the tools to become a success.

The cumbersome Government bureaucracy cannot do what one individual small business can do to bring economic prosperity and personal achievement to an individual. We cannot continue to waste the tax money earned by the sweat and labor of the American people on a system which is not serving to dynamically improve the lives of these same people.

Mr. Speaker, I urge my colleagues to read Mr. Swift's letter and learn from someone who has been actively engaged in the American marketplace for a number of years. Then, perhaps, they too will begin to see that if we are to maintain the tradition of the American work ethic upon which this great Nation was built, we must implement true health care reform to get health care costs under control, educational reform to provide an environment for quality lifetime learning, judicial reform to control the destructive litigation that is clogging our courts and threatening the honest hard working people of the United States, and welfare reform to encourage personal responsibility and hard work, as well as reduce the burdensome Government regulations and Federal mandates which are stifling creativity and strangling the growth of the private sector.

Again, I urge my colleagues to read this letter and work with me to revolutionize America to prepare for the next century.

Marietta, GA, July 26, 1992.

Hon. NEWT GINGRICH,
Rayburn House Office Building, Washington, DC.

DEAR MR. GINGRICH: Being an American used to mean the freedom to achieve as much as one could without limitation and certainly without government intervention. This truly was the "land of opportunity", attracting people from all over the world. One could literally perform any vocation, knowing he could reach ultimate success without any person or body of persons dictating how much he might achieve. There was a work ethic in America that was second to none in the world. There was no other system available except just plain hard work. With a little luck, cleverness, and innovation, some became more successful than others. The realization that some had succeeded used to make one want to try harder to achieve. Because they had seen it happen for others, they knew it could happen for them. They also could achieve the "American Dream". People didn't expect the government to take from the achievers and give to them without it being earned.

I am tired of hearing about climbing unemployment among the working class and how the administration over the last twelve years has sent manufacturing jobs overseas or across the border to Mexico. There is much more involved. To attempt to simplify this issue in such a manner is ignoring the truth of the situation.

I have worked in the Apparel Manufacturing industry nearly eighteen years. Our company sells products used in the construction of clothing. Our survival depends on the survival of this industry. I've seen many manufacturing plants close, resulting in a substantial amount of production being sent to Caribbean countries or Mexico. It is true that the labor costs are much lower in those countries. This is only a small part of the picture. There are other elements that force a manufacturer to close a manufacturing facility in which he has a substantial investment.

Employers offering health insurance as a benefit have seen the costs skyrocket over the last ten years. This is an expense, as you know, which comes strictly from gross profits. Another major element and "enemy" of the American manufacturer is the out of control Workmen's Compensation system. Again the costs are skyrocketing and it is no secret that many employees see a chance for a free ride, or at least a way to obtain a large sum of money "for free". I know of some large manufacturing plants that have closed for this reason alone.

Due to a better retail sales condition in this country and a smaller manufacturing base, apparel plants are very busy and have been for eight or nine months. The largest hurdle now facing manufacturing plants is the inability to get employees. This is a common denominator among our customer base throughout the South.

I know a very good company employing over 200 tax-paying workers. One hundred and thirty people were hired by this company in a twelve-month period. At the end of that year the factory had four less employees than before. I know manufacturers who have never achieved the number of employees needed and just can't get them. Some would show up for a few days, then just quit. Some wouldn't be on time regularly and would have to be dismissed. Many knew just how long to work to re-qualify for more government handouts. Plant managers tell me of employees who refuse to work more than a certain number of hours or deliberately limit their productivity. If they make above a certain amount of money, they lose some form of their government subsidy. This destructive system has taken the heart out of the great American work ethic. When you add up all the elements, you see why some companies have been very frustrated and in many cases have "thrown in the towel" on manufacturing in the United States. Until government sends the message that the way to achieve success is through hard work, we are headed for a socialized system in which 70% to 80% of our earnings would be needed just to cover the social budget. We simply must control the givaway programs. When there is very little manufacturing left in this country and low to middle income people have little incentive to work, all the money will have to come from the very few who have achieved wealth. History records such eras as times of anarchy.

Government must ease the stranglehold on business in general and reduce the regulations, so business can realize more profits and expansion, creating more jobs for Americans.

I am very angry with a government philosophy seemingly determined to destroy the American work ethic. The American Work Ethic is the very foundation upon which free enterprise was built. There are jobs out there. If the job does not provide the income one wants, and is not the vocation one seeks, well, that is not a perfect situation, but let's go to work then look for something better.

The purpose of this letter is not to insult anyone who is unemployed through no fault of their own. There are many cases where jobs have ended and the job market in that particular geographical area is worse than others. Health is sometimes a problem. People with legitimate problems must be cared for—a reasonable length of time. I wouldn't have it any other way. But the many abusers of the system are going to destroy it for the truly needy.

Mr. Gingrich, due to my feelings about having less government strain on manufacturing companies in this country and the belief in the freedom of achievement, I am sure you know which political party is most compatible with my philosophy. This letter is directed to you because of my immense respect for you and your policies. You understand that private business, not government, creates jobs. This still can be the "land of opportunity". I know you are extremely busy, but your response would be greatly appreciated.

Sincerely,

DAN L. SWIFT.

WORDEN SCHOOL OF SOCIAL SERVICE: 50 YEARS OF COMMITMENT TO THE POOR

HON. HENRY B. GONZALEZ

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 30, 1992

Mr. GONZALEZ. Mr. Speaker, this year marks the 50th year of service for the Worden School of Social Service of Our Lady of the Lake University in the heart of my congressional district in San Antonio. It is the oldest school of social service in Texas. When established in 1942 it was only the seventh Catholic school of social work in the Nation and was the first of any kind in the entire Southwest.

Out of the destruction left by the Great Depression grew the beginnings of a 50-year-old educational tradition. Gone were the extended families and closely knit communities that helped relatives and others that fell on hard times. Tens of thousands were without incomes, housing, healthcare, education, and emotional support.

The archbishop of San Antonio, the late Robert E. Lucey, believed that the establishment of a graduate school to produce a corps of professional social workers would help solve the many social problems facing Texas. For help in creating this new graduate school, the archbishop went to the Sisters of Divine Providence at Our Lady of the Lake College, now a university since 1975.

The sisters had already successfully transformed the pasture lands west of the city into a nationally known college preparatory high school (1896) and liberal arts college (1911).

In October 1942 the sisters turned the archbishop's vision into reality when they opened Our Lady of the Lake College Graduate School of Social Service. The graduate school established by the Sisters of Divine Providence has since grown far beyond the scope envisioned by Archbishop Lucey.

Although it has a Catholic affiliation, the graduate school has served and been strongly supported by all religious and ethnic groups and has drawn students from throughout the world. Thanks largely to its location, the school has from its inception emphasized the importance of understanding the cultural patterns of minority groups. The school has always had as its mission the application of the Christian principle of brotherly love in understanding and addressing the complex problems of modern society. To achieve these goals, the school set out to teach basic scientific knowledge and to impart and inculcate professional attitudes, discipline, judgment, and skills.

In its first year, the graduate school's student body consisted of two students. Today, more than 100 students earn their master's degrees in social work each year. Totally, more than 2,500 social work degrees have been awarded by the OLLU graduate school. In 1949, the social service graduate school was renamed for philanthropist Mary Worden, a Houstonian, who donated more than $1 million to the school.

Serving those in need has taken Worden School alumni to the remotest regions of the Yucatan and the poorest neighborhoods of this country's cities. And while their techniques vary as much as their jobs, they all retain that distinct commitment of service to others established during their time at OLLU.

Ray Cryer, a 1969 graduate now working in Rusk, TX, as a social worker for the Department of Correctional Justice, earlier worked for 20 years in the Yucatan jungle to help one of the region's poorest communities. Guadalupe Gibson, a 1952 graduate, and Dr. Ernesto Gomez, a 1976 graduate, cofounded Centro Del Barrio, a health and social service agency serving low-income Hispanic families. Rosemary Stauber, a 1980 graduate, founded the Bexar County Women's Center, a shelter for battered women in San Antonio. Gloria Rodriguez, a 1973 graduate, founded Advance, a program that teaches parenting and nurturing skills to mothers who live at the poverty level.

Another graduate, Mary Jo Alvarez-Rodriguez, is the developer and director of Project COPE—Children of Offenders Prevention and Education. Based at OLLU's Worden School of Social Service, it is the only program of its kind in the Nation. COPE assists children of jailed parents, and the parents of children at risk of substance abuse.

Weekly classes, designed to build self-esteem, are conducted by COPE for the children at three different school districts, a low-income housing project, and the city's downtown children's shelter.

Parents attend classes in jail and at an outreach site when they are released. The parents of children at risk of substance abuse also attend COPE's outreach parenting classes.

Many Worden School alumni serve the public in non social worker positions. Carol Haberman, a 1969 graduate, is a judge for the 45th district court; Ciro Rodriguez, a 1972 graduate, is a Texas State representative and a professor at the Worden School. Louise Locker Elliot, a 1970 graduate, is the founder of the Elf-Louise Program in San Antonio that guarantees even the poorest child will have a toy and a cheerful holiday at Christmas. Archbishop Emond Carmody, a 1973 graduate, is the archbishop for the Tyler Diocese of Texas.

In response to increased interest and the need for additional social workers, OLLU's Worden School now offers evening and weekend classes leading to a bachelor of social work degree. The evening and weekend classes will enable employed adults to earn a college degree in one of the Nation's fastest growing and most needed professional fields. Students enrolled in the program, who have no previous college work, should typically earn the degree in 5½ years. OLLU's bachelor of social work is recognized by every State licensing and certification agency in the United States.

Faculty members include Dr. Larry Ortiz, who is active nationally with the Council on Social Work Education, and Assistant Dean Carl Zimmer, who was recently elected president of the board of directors for the Archdiocese of San Antonio's Catholic Family and Children's Services organization.

As well as being the oldest of the social service graduate schools in the State, the Worden School is one of only four schools in Texas offering a master's degree in social service. The Worden School's influence is especially felt in San Antonio where many alumni work in the more than 150 social service organizations serving the city.

However, alumni from all over the world are being invited back to Our Lady of the Lake University campus to celebrate the Worden School's golden anniversary beginning in October 1992, according to the Worden School Dean, Dr. Santos Hernandez. Dr. Hernandez is the only Hispanic dean of one of the 96 accredited social service schools in the Nation.

The schedule of events includes an ecumencial service on October 2 celebrated by the archbishop of San Antonio Patrick F. Flores. Other activities include a lecture series that will continue through April 1993, as well as a homecoming celebration in April.

DR. CECIL M. CRIGLER RETIRES

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. FIELDS. Mr. Speaker, I would like to take a moment to salute a Houstonian whose long and distinguished medical career has helped thousands of men and women throughout the greater Houston area. It was with great sadness that Dr. Cecil Morrison Crigler announced recently that after more than 61 years of practicing medicine, he is retiring from the active practice of urology. I was just as sad to learn of his decision.

Dr. Crigler is an institution in Houston medical circles, and justifiably so. No medical doctor has demonstrated a greater concern for the well-being of his patients, and no one has more closely followed medical advances and utilized those advances for the benefit of his patients.

Dr. Crigler, who now is 88 years old, was born and raised on a farm near Glasgow, MO. Through the eighth grade, he attended a modest, one-room schoolhouse near his family's farm. In later years, he rode a horse into town to attend classes at the larger local high school. Even today, he takes great pride in having never missed a single day of school—a fact that I've always believed was a testament to his dedication, and his keen desire to learn.

Following high school, Dr. Crigler attended Pritchett College in Glasgow, before transferring to Central College in Fayette, OH, from which he was graduated in 1924. Deciding to pursue a career in medicine, he traveled to St. Louis, MO, to attend Washington University. In 1928, he obtained his MD degree from that institution. After graduating from medical school, he spent a 1-year residency at Ohio State University, in Columbus, OH.

Dr. Crigler moved to Houston in 1929, assisting two local urologists before opening his own practice in February 1932. Dr. Crigler's knowledge and caring allowed him to build a highly successful private practice, and in 1949, he moved that practice to the Hermann Professional Building in what is now the Texas Medical Center.

Also in 1949, he began a residency program in urology—a residency program that over the years has allowed more than 40 urology residents to benefit from his experience and skill. In the ensuing years, Dr. Crigler served with distinction as the chief of staff at Hermann Hospital and as the first professor of urology at the University of Texas Medical School in Houston. He continues to serve as the professor emeritus of urology at the University of Texas Medical School.

In October 1991, the Cecil M. Crigler chair of urology at the University of Texas Medical School was dedicated at a dinner which many of the doctor's friends, colleagues and even patients attended. With the support of those friends, colleagues and patients, the chair is approaching its endowment goal of $1 million, and will provide much-needed scholarships for urology residents.

Dr. Crigler and his wife, Trudy, have been married for almost 6 years. The couple met at M.D. Anderson Hospital in Houston when Dr. Crigler, who had been widowed, was serving as the chief of urology, and his future wife was working as a nurse anesthetist. While they love Houston, and have lived in Houston for many years, the couple is planning to move to nearby Shoreacres now that Dr. Crigler is retired. Dr. Crigler has one son, Cecil M. Crigler, Jr., of Houston; one granddaughter; and one great-granddaughter—with another great-granddaughter expected in October.

Mr. Speaker, as someone who has, on occasion, visited Dr. Crigler and benefited from his skill and knowledge, I will always be grateful for the expert care he has provided to me and so many others; I will very much miss his counsel and expertise; and I will wish him and his wife, Trudy, the very best in the years ahead. Dr. Crigler's long and distinguished medical career has helped many Houstonians over the years, and I know all of them join with me in wishing this remarkable man much happiness and good health in the future.

SUHARTO'S HYPOCRISY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, one of the gravest continuing violations of human rights that we encounter in the world today is the oppression of the people of Timor by the Government of Indonesia. Last week the Boston Globe editorialized eloquently and accurately about the terrible mistreatment of the people of Timor. Nothing better serves the purposes of oppressors than for the world to remain silent about oppression. The administration's unwillingness to put any serious pressure on the Indonesians to moderate their behavior further undercuts their assertion that this is an administration that cares deeply about human rights. I ask that the thoughtful editorial by the Boston Globe on this outrageous example of inhumanity be printed here.

SUHARTO'S HYPOCRISY

The U.N. General Assembly will host a shameful bout of hypocrisy today when it is addressed by Gen. Suharto, the despot who has ruled Indonesia for 27 years. Suharto will speak to the General Assembly in his new role as chairman of the Non-aligned Movement.

At the movement's summit earlier this month, Suharto exhorted the members to "ensure that the new world order does not turn out to be but a new version of the same old pattern of domination of the strong over the weak and the rich over the poor." The sentiment was laudable, but since the fall of the Third Reich no strong state has committed genocidal crimes against a weak people to match Indonesia's butchery of the Timorese.

After Suharto's army invaded East Timor in 1975—with U.S. arms and a green light from President Ford and Secretary of State Henry Kissinger—between 100,000 and 200,000 Timorese were uprooted out of a population of 700,000.

Human rights organizations report that Indonesia continues to subject the Timorese to extrajudicial executions, torture and arbitrary arrests. The massacre of more than 100 Timorese mourners in a funeral procession last November, filmed by a British cameraman, gave the outside world a glimpse of the inferno Suharto's occupation forces have created in East Timor.

A letter to U.N. Secretary General Boutros Boutros-Ghali, signed by 150 members of Congress and 142 Japanese legislators, suggested that "a U.N. presence in East Timor should be established to monitor the human rights situation" and that the people of East Timor be permitted "to freely and fairly exercise their right to self-determination, a right affirmed by General Assembly and Security Council resolutions."

Suharto's regime has defied U.N. resolutions on East Timor, committed crimes against humanity and annexed a people that yearns for independence. He has no right to pretend to represent the weak who need protection from the strong.

OPPOSITION TO H.R. 5555

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 29, 1992

Ms. SNOWE. Mr. Speaker, I wanted to express opposition to the measure brought under suspension of the rules this week, H.R. 5555. This bill directs the Justice Department to establish six new immigration preinspection stations at foreign airports. Foreign nationals planning to travel to the United States would be checked at these stations to ensure that they have the appropriate documentation to visit our country.

The ostensible reason for this bill is to help to reduce illegal immigration to the United States by detecting possible illegal emigres before they reach the country. In reality, however, H.R. 5555 would simply change the airports that currently perform preinspections from domestic to foreign ones with little impact, other than that which typically accompanies an unnecessary increase in spending.

Mr. Speaker, the Immigration and Naturalization Service has stated that stationing inspectors overseas costs significantly more than it does to keep them at the United States to perform the same tasks. Also, in a world fraught with the danger of terrorism, uniformed service officers overseas could be an inviting target for extremists with an axe to grind against our country. Why endanger the lives of U.S. citizens to perform inspections that have been successfully conducted at U.S. airports for years?

Mr. Speaker, there really is no good reason for this bill. I would hope that should the House get another opportunity to address this legislation, the Members will be given a reasonable opportunity to debate the bill's merits. Once this kind of legislation is aired out in public, I am sure that my colleagues will agree with me that it makes bad Federal policy.

HUMBOLDT EXEC FIRM'S DRIVING FORCE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. TANNER. Mr. Speaker, I rise today to bring to the attention of my colleagues Mr. Pat Sharbel, president of Humboldt Express, a trucking company headquartered in Tennessee. In his present capacity, he manages three companies with more 700 trucks and 800 employees.

At a time when many Americans share some degree of cynicism about American business, we can all take heart in Mr. Sharbel's attitude toward his profession. He is known by his friends and acquaintances as honest, serious and fair, a hard worker, and the original straight shooter, all characteristics that successful and people with integrity share.

Moreover, he is proud of his profession and understands that competition is what makes our economic system work. He knows the formula for success is not so complicated: just do what you do better than anyone else, and he strives to achieve that goal.

His personal traits and business habits have met with obvious success. The companies over which he presides anticipate gross sales of about $70 million this year with earnings comparable to the $32 million they made in 1991.

I insert a recent newspaper article profiling Mr. Sharbel in the RECORD, and urge my colleague to take the time to read it:

HUMBOLDT EXEC FIRM'S DRIVING FORCE

(By Adam Tanner)

The trucking industry deserves more appreciation, says Pat Sharbel, president of Humboldt Express, Tennessee's largest trucking company.

"I wish the industry got more positive publicity or at least less negative publicity," Sharbel says. "Most people don't know what's involved in the trucking business unless they're involved with it on a regular basis.

"Everything around you is basically moved by truck."

According to the American Trucking Association, an estimated 40 percent of all freight in American is moved by truck, generating far more revenue than the once dominant rail system.

Even as America has suffered through sluggish economic times over the past two years, Humboldt has grown and enjoyed solid profits, Sharbel says.

"The economy has been pretty decent as far as trucking goes," Sharbel says. "So far, we've had a good year, but not as good as '91" in terms of profits:

Nonetheless, he expects to generate $37 million-$38 million in sales this year, up from $32 million in '91. That's because Humboldt recently expanded service to Florida and in October 1991 formed a partnership with Trans Canada Truck Lines to give direct service to all of Canada.

Sharbel serves as president of Humboldt as well as chief executive officer of Star and South Freight—three companies with a total or more than 700 trucks and 800 employees, and expected to gross about $70 million in 1992.

The son of immigrants from Lebanon, Sharbel, 54, grew up in Nashville with 12 brothers and sisters.

"I always had someone to play with," he says. Sharbel says his father inspired a strong set of personal values that guide him in his personal and professional life such as "be honest, do what's right, stay out of trouble."

That straight-arrow code of ethics remains a strong part of Sharbel's personality today, friends say.

"This is the original straight shooter; he's a very honest person," says James Hampton, owner of Hampton Crane Service. "If he tells you something, you can take it to the bank."

Sharbel did engage in the occasional act of mischief as a youth, friends recall.

For example, he would sneak into downtown movie theaters from time to time on the way home from school, according to schoolmate Tom Bateman, now a vice president at AG Edwards.

Sharbel attended elementary classes at Assumption School and then Holy Name Catholic School, both now defunct, and then high school at Father Ryan. He often hitchhiked to class from his home in East Nashville, remembers Bateman.

Even as a boy, Sharbel demonstrated the dependability and quiet resolve that would characterize his professional life later on, friends say.

"Pat was smaller than me at the time . . . yet he was a really tough, wiry kid and he wouldn't back down from anybody," Bateman said. "I think that he has carried that on through his professional life as well."

Added Randall Wyatt, a Criminal Court judge who attended Father Ryan High School:

"He's quiet but tough, not to be taken lightly. He's a guy that's serious and fair."

After graduation, Sharbel spent two years in the Marine Corps from 1956 to 1958, and then took his first job in the trucking industry as a billing clerk. He attended one quarter at Middle Tennessee State University, but eventually found it impossible to work full-time and attend school.

The trucking business has kept Sharbel busy ever since.

"You don't get bored in this business," he says. "It's something different every day."

He moved several times from Nashville to other trucking companies in other areas before settling down with Humboldt Express in 1974.

He takes great pride in Humboldt's expansion over the past decade, "watching this company go from a six terminal, $6 million carrier to where it is today—36 terminals," making $32 million in 1991.

The game plan for continued success and expansion in the trucking business is simple, Sharbel says.

"Competition is what makes this business tick," he says. "The people that are going to survive in this business are ones that do it better than everyone else."

Sharbel lives in Green Hills with his wife, Judy. His hobbies include golfing and fishing.

"He drank an occasional beer, but you didn't get him to go out very often," recalls Ed Taylor, who worked with Sharbel three decades ago. "He didn't have too many hobbies. He was a hard worker and still is."

One hobby Sharbel seems to have abandoned is attending hockey games, after an errant puck struck him while spectating in 1990.

"It almost put his eye out," remembers Hampton, who attended the game with Sharbel.

"We haven't been to a hockey game since."

IN HONOR OF DEREK JASON VAUGHT

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. ESPY. Mr. Speaker, I rise today to give tribute to my constituent Derek Jason Vaught for his outstanding accomplishments in the sport of karate. Earlier this month, Derek Vaught traveled to Anchorage, AK, to compete in the International Shotokan Karate Federation Championships. He captured two gold medals in individual competition for kata and kumite and was named an all-american.

Vaught, a 9-year old fourth grader at the Lourdes Elementary School in Greenville, MS, is not unaccustomed to faring well in competition. In August, at the national competition in Dallas, TX, he captured the silver medal in kata while bringing home the gold in kumite. Earlier in the summer, Vaught, who competes as a junior black, belt, won gold medals in kumite in three other tournaments on his way to the international competition in Alaska.

Derek is coached by a husband and wife couple, Jerry and Millie Kattawar, at the local YMCA. He has also received additional coaching from Darryl Adams who is the chief instructor of the Delta State University Shotokan Karate Club in Cleveland, MS. Derek's parents, Brewer and Sherry Vaught, have also played an important role in their son's accomplishments. I would like to honor these individuals as well as they have shown their dedication to Derek and have been instrumental in his successes.

I am proud that Derek, his parents and his coaches have roots in the Mississippi Delta. I too am an avid practitioner of the martial arts, and I know the dedication and commitment it takes to succeed. Derek's accomplishments thus far in karate will have far-reaching effects as he matures as a young man in karate and throughout his bright future.

IN RECOGNITION OF DR. FRANCIS J. MERTZ, PRESIDENT OF FAIRLEIGH DICKINSON UNIVERSITY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mrs. ROUKEMA. Mr. Speaker, I rise to call the attention of my colleagues to ceremonies underway this afternoon to mark the 50th anniversary of Fairleigh Dickinson University and the installation of Dr. Francis J. Mertz as the school's fifth president.

In 1942, New Jersey had a critical need for higher education facilities statewide. It was that year that Dr. Peter Sammartino and his wife Sally founded Fairleigh Dickinson College as a 2-year junior college. In 1948, as it expanded to a 4-year school, Fairleigh Dickinson received its first accreditation from the Middle States Association of Colleges and Schools and in 1956, the New Jersey State Board of Education acted to change the school's name to Fairleigh Dickinson University.

From the original campus located in Rutherford on a piece of property donated by Col. Fairleigh S. Dickinson, and with the steadfast, and continuous support of the Dickinson family, FDU has grown to include three major campuses in northern New Jersey and a campus in England. It has included a college of dental medicine, a 2-year college offering associate degrees with highly personal instruction, a Saturday college for part-time study, a laboratory in the West Indies island of St. Croix, and a Ph.D. program in clinical psychology among other programs.

For 50 years, FDU has remained a shining jewel in New Jersey's crown of higher education serving the families and communities of New Jersey and the region. Approximately 70 percent of the nearly 80,000 graduates remain in New Jersey and many are employed with the numerous major corporations which are located here.

There were dark years, however. In the late 1980's, as was the case with many businesses, Fairleigh Dickinson University became burdened with debt and escalating costs. It was then that Dr. Francis Mertz was appointed to an interim term as president of the university and charged with the task of restoring the school to a sound financial condition.

Mr. Speaker, if ever there were a man or woman right for the job it is Frank Mertz. Dr. Mertz describes himself as "a hard worker with a sense of urgency and driven by goals." How true that is.

Dr. Mertz holds a B.A. degree from St. Peter's College in Jersey City and a law degree from New York University Law School. He returned to St. Peter's from 1962 to 1978 and served as vice president for development and assistant to the president for special projects. More recently, he served as president of the Independent College Fund of New Jersey from 1982 until last year. Frank and his wife, Gail, reside in Watchung and have six children: Jonathan, Amy, Lynn, Christopher, Suzanne, and David.

Frank Mertz has worked tirelessly to reinvent FDU. He is in touch with the students and faculty and seeks to provide both with a top-notch, all-encompassing learning experience. For instance, Dr. Mertz is working to expand volunteer opportunities for the students in nearby urban areas thus providing educational opportunities beyond what can be taught alone in the classroom. His mix of old fashioned business sense and new educational ideas have brought newfound pride to the university.

Mr. Speaker, under the leadership of Frank Mertz, Fairleigh Dickinson University has the economic and academic preparation to face the next 50 years as a leader in quality education. I ask my colleagues to join with me and the entire Fairleigh Dickinson University family as we recognize the accomplishments of both the university and it's fifth president, Dr. Francis J. Mertz.

THE REPUBLIC OF CHINA CELEBRATES ITS 81ST NATIONAL DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. GILMAN. Mr. Speaker, this October, the Republic of China is celebrating its 81st National Day. The President of the Republic of China on Taiwan, Lee Teng-hui, has done an outstanding job of maintaining the economic and political peace set by his predecessor, Chiang Ching-Kuo, since his swearing in on May 20, 1990.

I am proud to announce that today Taiwan exemplifies an ideal model of democracy and the free market way of life. In fact, citizens of Taiwan enjoy the highest standard of living in Asia. President Lee Teng-hui has initiated a $300 billion, 6-year national development plan to support such worthy causes as public housing, highway improvements, and oil refineries. This project has created many new jobs and spurred greater economic prosperity.

Mr. Speaker, President Lee Teng-hui wrote an article which appeared in the Taipei Central Daily News on July 17, 1992, entitled "Journey into Faith." It describes the personal conflicts he encountered while facing the challenge of leading his country and how his conversion to Christianity helped him resolve these conflicts to become the exemplary leader that he is today.

Mr. Speaker, at this time I would like to insert President Lee Teng-hui's article "Journey into Faith," translated by Professor Nathan Mao of Shippensburg University in Pennsylvania, at this point in the CONGRESSIONAL RECORD:

"JOURNEY INTO FAITH"

When I was little, my father was a minor landlord. At festivals or the lunar new year, tenant farmers would always bring us chickens or ducks as gifts, hoping they would be permitted to rent the fields from us the following year. At the time I was very sympathetic toward them, but I could not do very much for them except to give them a few odds and ends.

At the age of seven or eight I was beginning to understand the world around me. I wondered: Why would some people work so hard and still would have so much trouble getting three meals a day? Why should there be other people living a luxurious life without working at all? Those with power can always put down those without power. Some people are born with high status, whereas many others are born with low status. Every time I saw social injustice I was inwardly upset.

As I grew older, at age 15 or 16 I began to face the ego problem. At the time I was possessed with self importance. I was very arrogant. I could not get along with friends at school. At home I argued with parents. So I questioned myself: Why couldn't I be an obedient child? Why do I feel so self important? Why am I insisting on my own viewpoints?

When I was 17 or 18, a close relative died. Questions of life and death began to trouble me. Why must man die? If man is mortal, why must he be born? These questions disturbed me for long periods of time. I could not find any answers to them.

From my early childhood, questions such as social injustice, ego and mortality continued to affect me all the time, knowingly and unknowingly. Frequently and seriously I pondered these questions, especially about one passage in FAUST: "Last time something appeared before me. I didn't know what it was because my vision was not good. When it comes again this time, I must see it clearly. I must think of a way of finding out what it is and I must understand what it is." This passage made me think that it was imperative to understand what "man" is.

Gradually I sensed that I lacked something in my life. But I had no clue as to what it was. The answer did not come until I had been inspired by God and saved by Jesus Christ.

Unfair social systems breed social injustice. Once I became a Christian, I realized that social ills must be rectified gradually. The Bible is interested in changing the way man thinks; it is not interested in political or economic theory. What I have said so far seems unrelated to societal changes. And yet to change the way man thinks is critical to promoting reforms in society. Although social systems and man's thinking are equally important, it must be noted that if man does not change the way he thinks, people's livelihood can not be improved and society can not make its reforms.

Today, the biggest problem in the world is everyone's desire to show off his importance, known as megalomania. But if a man excessively boasts of his own greatness, he can not really survive in society. We must revert to childhood. It means we must learn from children, as Jesus told us. Children are full of innocence and do not have big egos. We must return to childhood's purity.

When relatives die, we begin to see life's finiteness and we become fearful of death. When my son died, it was excruciatingly painful for me. I knew the road that he traveled would be the same one taking me. I also knew that I will be with him some day. The Bible says: "A corn of wheat fall into the ground and die, it abideth alone; but if it die it bringeth forth much fruit. He that loveth his life shall lose it; and he that hates his life in this world shall keep it unto life eternal." Hating one's life means to change one's selfish existence into one that is God-centered and people-oriented. Our life will become one dedicated to loving our fellow men and suppressing our own desires. We live for high ideals and true faith. Our existence thus would have permanent meaning and value.

The road to Heaven is paved with gladness. Whatever we do, we must not dread hard work. Whatever difficulty or challenge we face, if we seek our Lord Jesus Christ, He will give us wisdom. A lot of hazards lie ahead. I must pray to Him and beseech Him, in faith. He will most certainly give me wisdom and the ability to overcome all the difficulties.

THE ENVIRONMENTAL EDUCATION ACT OF 1992

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. ENGEL. Mr. Speaker, today I am pleased to introduce the Environmental Education Act of 1992. This legislation is designed to assist our Nation's nonprofit zoos, museums, planetariums, and libraries in promoting knowledge of environmental science and technology to American students of all ages.

Specifically, the Environmental Education Act will authorize the Secretary of Energy and the Administrator of the Environmental Protection Agency to establish a joint program of competitive, merit-reviewed awards to environmental science and technology nonprofit organizations. These much-needed funds may be used toward the purchase of audiovisual equipment, interactive displays, and other educational material, as well as providing and upgrading facilities and equipment.

The need for this program is tremendous. Growing national and international awareness of our environment and its man-made and natural problems have placed added demands on our environment-science-technology centers. Their role as research institutions, information resources, and educational centers has increased dramatically.

For example, in my hometown of Bronx, NY, the education department at the Bronx Zoo has led the effort to define this emerging role. Zoos, which serve an annual audience of 112 million people, have a vast capacity to engender environmental awareness. Unfortunately, the current and growing demands placed on these nonprofit organizations cannot be met through current programs and funding levels. There is relatively no current Federal grants program which assists our highly valued, nonprofit, environment-science-technology organizations with bricks and mortar rehabilitation and construction projects.

This is, indeed, an injustice. Our local zoos, museums, planetariums, and libraries provide a vital teaching service, utilizing both formal and informal educational methods. These institutions have numerous resources which greatly enhance the education of environmental science that are not easily available to public and private schools. In addition, these institutions provide hands-on experiences, making the learning process more fun and effective.

Finally, as we approach the 21st century, the increasing importance of a global economy is evident. If the United States is to maintain a competitive edge on its foreign counterparts in this international setting, it is vitally necessary for our society to become knowledgeable in technology and environmental science. Educational goals and programs will be key components in assuring that the United States maintains its competitive edge.

I invite my colleagues to cosponsor the Environmental Education Act of 1992. The important work of our communities' zoos, museums, planetariums, and libraries must continue. Let us help these organizations maintain and expand their environmental and educational resources. Our children and Nation are depending on it.

SHERIFF OF SMALL BUSINESS—JERRY LAWSON

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. IRELAND. Mr. Speaker, today after 20 years of dedicated Federal service, one of our country's most unique and interesting Federal employees, Mr. Gerald T. Lawson, will retire. Most of his Federal career has been as an employee of the Small Business Administration. It is in that role that I first met Jerry more than a decade ago. Since that time he and I have worked together on many occasions, solving problems faced by individual small businessmen and women as well as more general problems confronting the entire small business community.

Jerry Lawson was born in my hometown of Cincinatti, OH. He is a Korean war era veteran of several years in addition to his later 20 years of Federal Government service. After he left the military, Jerry had several interesting jobs. To this day he is still remembered in Hamilton County, OH, as a legendary deputy sheriff. After that service he entered the business world and was involved with several ventures, primarily in the restaurant area. His small business experiences were to serve as a superb training ground for his later efforts at the Small Business Administration.

Jerry Lawson is a truly unforgettable character. Make no mistake about it, one will find individuals both within and outside of Government here in Washington who won't offer a kind word when Jerry's name is uttered. What that should tell anyone who knows and understands today's Washington is that Jerry Lawson performed his job well and was willing to step on toes to do what was right for small business and to get the job done. Mr. Speaker, Jerry Lawson like many people in Washington, is one individual who constantly, over the years, has sung the praises of small business and recognized small business's importance to our economy. What distinguishes him from most of the people who act in this manner is that Jerry Lawson actually believed what he said and would on each and every occasion he was called upon, go all out in a no holds barred manner. If the small business community had a few more Jerry Lawsons working on its behalf in both the public and private sectors, not only would the community be better off, but so would the entire Nation.

Mr. Speaker, it was with regret that I learned that Jerry had decided to retire from Government service and leave Washington. He and his lovely wife, Sharon, will be moving to my home area in Florida. Obviously, I wish them the very best. Jerry Lawson has performed his mission and performed it well during his time here in the Nation's Capital. There definitely will be a note of sadness as Sheriff Lawson rides out of town for the last time. However, I could not salute Jerry and his fine work without mentioning the fact that his son, Jerry Jr., is staying with us here in Washington. Jerry Jr. is a valued member of the U.S. Capitol Police assigned to duty in the Senate.

Mr. Speaker, on behalf of all those small businessmen and women Jerry Lawson has come in contact with and helped over the last two decades, I will simply say thank you and good luck and God-speed upon your retirement.

REPORT AND RECOMMENDATIONS OF FORMER CONGRESSMAN ERNEST L. KONNYU ON THE CURRENT SLAUGHTER IN BOSNIA AND THE REPUBLICS OF THE FORMER YUGOSLAVIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. LANTOS. Mr. Speaker, Ernest L. Konnyu is a former Member of Congress who represented a congressional district in California adjacent to my district from 1987–1989. He recently returned from a visit to Hungary and Central and Eastern Europe where he spoke with a number of journalists and high-ranking government officials.

Ernie approaches this region of the world with an instinctive understanding. Like me, he was born in Hungary. He left with his family after the unsuccessful anti-Communist revolution of 1956 and settled in California.

Mr. Speaker, on the basis of his recent visit to Central and Eastern Europe, Ernie has drafted a perceptive analysis of the problems of the break-up of the former Yugoslavia, the current fratricidal war in Bosnia-Hercegovina, and suggestions regarding what must be done to bring peace to the Balkans.

Ernie and I are in agreement, Mr. Speaker, that the United States must assume a more aggressive leadership role in the resolution of that tragic conflict which has thus far claimed tens of thousands of lives and made some two million people homeless. Those tragic figures are likely to grow substantially as winter comes to this area, where millions of refugees and millions more who are not yet refugees are living in difficult conditions without adequate shelter, food, and heat. It is important that action be taken as quickly as possible to alleviate this tragedy.

Mr. Speaker, I insert Ernest Konnyu's thoughtful analysis in the CONGRESSIONAL RECORD, and I urge my colleagues to read it carefully:

REPORT ON THE BALKAN SLAUGHTER AND RECOMMENDATIONS FOR AMERICAN POLICY

(By Ernest L. Konnyu)

The conflict between the Southern Slav nations has a long history. The Orthodox and Eastern-oriented Serbs and the Catholic and Western-oriented Croats have been at each other's throat, off and on, for centuries. "What is new," as Hungary's American-educated Deputy Defense Secretary, Dr. Rudolf Joo, told me during my recent visit to Budapest, "is that we are witnessing in this war the most bloody conflict of the entire European continent since 1945."

What caused the systematic mass killings, erection of refugee camps, artillery bombardments, and creation of concentration camps? Here is what I learned during my recent European visit which included discussions with Hungarian government leaders and refugees from the fighting in Croatia.

The quasi-communist leaders of Serbia consider themselves in charge of the 8 million Serbs including 3.3 million living in neighboring countries. They quickly realized last year that greater Yugoslavia was not viable. So they created a "new" 10 million-person-sized Yugoslavia made up of the state of Serbia (57 million people) and Montenegro (0.6 million people). Also included were the provinces of Kosovo (1.6 million people), containing 1.2 million Moslem ethnic Albanians, and Vojvodina (2.1 million people), having 0.5 million ethnic Hungarians. Intense Serb nationalism reared its ugly head concerning the two million or so Serbs included in Croatia and Bosnia-Hercegovina. So, the Serb leaders decided to carve out most Serb areas from Croatia and Bosnia-Hercegovina and attach it to the "new" Yugoslavia.

Their first step was to foment, through the resident Serb minorities, civil wars in Croatia and Bosnia-Hercegovina. The goal was for Serb irregulars (as opposed to the Yugoslav military) to "cleanse" as many as possible Croatians and Bosnian Muslims from selected cities and towns. Serb targets were areas with Serb majorities or significant Serb minorities or towns that were needed geopolitically to connect these target areas to Serbia. Practically speaking, irregulars using Yugoslav provided and captured weapons depopulated towns through both open offensives and sniper attacks. At least two million refugees and thousands of deaths quickly resulted.

"Ethnic cleansing" is still going on. Here are two examples of just what that means.

One of the Serb target cities was Osijek, Croatia. Reporter Imre Tausz described the effect of artillery bombardments and sniper attacks in the May 7, 1992, issue of *Magyar Kepes Ujsag*, a Hungarian-language newspaper which is published in Croatia: "On April 8 fifty wounded were taken to the Osijek hospital. Four of those died, over twenty were seriously wounded, and the rest were sent home after treatment." The military commander washed his hands of that day's bloodshed, claiming the war was over for his troops. The publisher of this magazine told me that Osijek was chosen for "ethnic cleansing" because Croats living there were in the minority. Thus, by killing and wounding a "few" Croats and Hungarians, the Serbs forced the evacuation of most of the non-Serb population. The absence of half the town, in turn, allowed the creation of a Serb-majority town. Soon the Serb immigrants poured in to take possession of the abandoned homes. The publisher told me that similar events occurred in Baranya, his hometown. To prevent Croat and Hungarian refugees from ever reclaiming their appropriated houses, the irregulars burned the offices containing official property title records. Serbian control of the "cleansed" areas, despite the presence of U.N. peacekeeping forces, is a fact. The inability of former non-Serb residents to return in the face of Serb guns is a sad reality.

While the fighting in Croatia has quieted, the civil war in Bosnia-Hercegovina has erupted into the most vicious fight to date. The 1.3 million Serbs have been waging war against the 1.6 million Muslim Slavs and the 0.7 million Croats. For a while the world saw daily on television the Serb concentration camps in strangely named towns along the southern border of Croatia—Prijedor, Omarska, Trnopolje, Brcko, Banja Luka, and Bosanski Samac.

On other fronts, a respected former U.S. Senate foreign policy staff member said that "ethnic cleansing" will begin inside the "new" Yugoslavia. He said, "The Yugoslavs don't want plebiscites called within their borders." With enlarged eyes, a raised voice, and a barber-style up and down motion of his right hand, he said excitedly, "The southern Serbs are 'sharpening their knives' for the Albanians! They are next!" He was speaking of the 1.2 million ethnic Albanians of the province of Kosovo. "It will be tough for them! They will fight," he concluded. "Albania and perhaps Turkey will help them directly, and the rest of the Moslem world will help them indirectly. In such an event, especially because Turkey is a NATO member, the U.S. will become directly involved; therefore, American diplomacy must head off such a threat to our peace."

Several Hungarian leaders expressed concern that Serbs will "cleanse" the Hungarian minority living in the northern part of the province of Vojvodina. They explained that the Serbs fear the nearly half million ethnic Hungarians would vote to rejoin Hungary where economic conditions are much better. The Serbs deny that Vojvodina Hungarians have a right to ask for a plebiscite, while they continue to demand that same right for Serbs in Croatia and Bosnia-Hercegovina, The target lands would be the areas north of the Drava and Danube Rivers. One of the first steps the Serbs took this year to help change the outcome of a potential plebiscite was to "settle" 100,000 Bosnian Serb refugees in Vojvodina. Hungary's official policy rejects interest in formerly held lands (such as Vojvodina) and publicly supports existing borders. Nevertheless, the Hungarians I spoke with feel that the Serbs will not chance a plebiscite. Only the political reality that Hungary has the same size population as the "new" Yugoslavia and the Hungary has strong ties to the European Economic Community and Western European nations make the Serbs think twice about "Hungarian cleansing."

I repeatedly raised the potential Vojvodina "cleansing" issue in Budapest. Hungary's leaders, whether in the Executive or in the Parliament, were firm in their replies. Both Foreign Minister Geza Jeszenszky and Secretary Joo answered that Budapest is committed to protect ethic Hungarians in all countries including "new" Yugoslavia and Croatia. Nevertheless, if such "cleansing" were to begin, they would clearly opt for a multilateral response. They referred to the European institutions designed to create security in Central Europe, such as the Conference on Security and Cooperation in Europe, as Hungary's avenues to solve such conflicts.

American diplomatic leadership, as expected from the world's greater economic and military power, can and must prevent a widening of the Balkan War. Here are some recommendations that our State Department should consider to meet that end.

PHASE ONE: STOP FURTHER SERB MILITARISM

1. Lift the U.N. arms embargo against all combatants except Serbia and Montenegro.

2. Institute a total economic blockade against Serbia and Monetenegro so that no shipment of goods or people will enter or leave the country by air or ground.

3. Inform the government of "new" Yugoslavia that the economic blockade will not be lifted until all of her military is withdrawn to within her borders, she stops all arms shipments outside the territory of "new" Yugoslavia and until she agrees to allow peaceful and binding U.N.-supervised plebiscites in Kosovo Province and in that portion of Vojvodina Province north of the Drava and Danube rivers. Such plebiscites should be restricted to those who were residents prior to the beginning of hostilities with a date of residence before January 1, 1992.

PHASE TWO: CREATING LASTING PEACE

1. Inform the governments of Croatia and Bosnia-Hercegovina that it will be necessary for them to authorize U.N. supervised peaceful and binding plebiscites in all towns and counties where at least one quarter of the adult population requests it. Voters shall be restricted to those who were residents prior to the hostilities with a date of residence before January 1, 1992. Until they agree none of the below positive conditions shall be placed into effect.

2. Obtain Western European agreement to integrate the Yugoslavian successor states into their economy.

3. Obtain agreement from each of the successor states on the principle that reasonable political sacrifices, including institutional real Western style democracy, are worth making in exchange for improved economic conditions and a peaceful life.

4. The Yugoslav successor states shall guarantee ethnic, cultural and religious freedoms.

5. Each successor state shall give proportional representation, based on a timely new national census, to all remaining significant minorities in local, regional and national governmental bodies.

6. Each successor state shall guarantee the freedom to import and export, including interest and profits, of investment capital and the right to buy and sell interest in most any business.

7. Successor state-owned businesses should, with rare exceptions, be privatized during a ten year completion period and should include stock dividends and stock sales to employees.

8. Each successor state should be considered for associate membership in the European Community.

America can and must lead to solve the Balkan crisis. The Visegrad Three Agreement on security and economic cooperation, as executed by Poland, the Czech and Slovak Republic and Hungary, is a model for cooperation among the Yugoslav successor states. If we fail to provide strong leadership, the tragedy of 1914 could be replayed. If so, America must remember that our entries in two World Wars in 1917 and 1941 proved that the United States will eventually be dragged into a Europe-wide conflict whether we want that or not. Common sense tells us that the sacrifices we and Western Europe shall have to make to avoid such a catastrophe are small, morally right and well worth it.

THE BENEFITS AND NUTRITIONAL VALUE OF MILK

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. ROTH. Mr. Speaker, this morning I was sitting at my breakfast table, drinking my glass of milk and eating my cereal, when I opened the newspaper. Unbelievably, an article in the paper claimed that I was in danger—in danger from drinking milk.

Suddenly, the news media is full of stories questioning the nutritional value of milk. Quite frankly, I think it is outrageous. Milk is nature's most perfect food.

It is completely irresponsible to mislead consumers this way. None of this is new, and none of these stories are based on any kind of medical study or report doubting the dietary value of milk. Instead, the media is simply repeating the absurd allegations that Dr. Frank Oski has been making for decades. It's disgraceful that they are frightening the public with these baseless claims.

Dr. Oski is obviously on the fringe. A pediatric doctor who suggests that children eat kale or broccoli instead of drinking milk. Obviously, he never sat down at the dinner table and tried to get a child to eat green vegetables. As the father of three, I can tell you with authority that no child is going to believe you when you say that kale is yummy.

Milk is one of the most nutrient filled foods available. Drinking milk ensures that children get both the nutrients and the calories they need. The American Medical Association agrees with this statement, so does the American Academy of Pediatrics, and the American Dietetic Association. Furthermore, none of these groups have endorsed Dr. Oski's claims.

It's wrong to scare parents this way. Even Dr. Spock has urged parents not to overreact. Dr. Oski, however, unilaterally condemns cow's milk, and mothers who don't breast feed, for whatever reason. Yet, many of the problems he associates with cow's milk are also found with breast milk—such as the presence of antibodies that cause allergies. Overall, the percentage of people adversely affected by milk is very limited. For example, less than one half of 1 percent are troubled by milk protein.

I would also like to point out that the dairy industry is required to meet extremely high food safety standards, especially in my home state of Wisconsin. Each and every load of milk is tested. If a load tests positive for residues, then the whole load, up to 40,000 lbs. of milk must be destroyed. Dairy producers and processors go out of their way to guarantee the wholesomeness of their milk.

These are the facts. Milk is wholesome, milk is nutritious, and we should drink milk. We should not throw away centuries of nutritional common sense on unfounded and distorted claims.

I invite all of you in Congress to join me in thanking our dairy farmers for their hard work and the countless hours they devote to producing nature's most perfect food—milk. We're proud of and we appreciate America's dairy farm families.

TAIWAN CELEBRATES 81ST NATIONAL ANNIVERSARY

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. ESPY. Mr. Speaker, colleagues, I wish to bring to your attention a great celebration to take place on Saturday, October 10, 10,000 miles from here on a small island nation in the South China Sea. The Republic of China on Taiwan will celebrate its 81st national anniversary.

Taiwan has been a model of economic success and political liberalization in recent years. Its economy has become one of the worlds largest, boosting foreign currency reserves of nearly $75 million in 1991. By the end of 1992, Taiwan's gross national product will pass the $200 billion mark this year, placing it 20th among the nations of the world. Moreover, the per capita income of this nation of 20 million people will reach $10,000 this year and its foreign trade prowess ranks it 14th in the world at $150 billion.

Politically, Taiwan continues to make progress toward full democratization, and has demonstrated a strong commitment to a fully representative government. Every member of Taiwan's legislative and representative bodies have now been chosen through open elections. The fundamental aspects of a democratic government are being promoted and exercised, and as time passes, the multiparty-political system which is new to the people of Taiwan, will be as common as its work ethic.

Taiwan clearly is a country on the move. In a recent Wall Street Journal article, Arthur Waldron had this to say: "The tide of history is with Taipei * * * for the United States that means * * * moving to end Taipei's second class international citizenship." And I am also sure that as Taipei exercises the leadership and responsibilities of a first class nation, it will receive its due status.

In a couple of months, I plan to make my third visit to this island nation. I will be joined by several of our colleagues, who share a strong interest in Taiwan's democratic progress and economic growth.

May Taiwan be ever successful in assuming its proper international role in the years to come.

IN RECOGNITION OF REGULA JOSI, RECIPIENT OF THE 1992 WOMAN OF MERCY AWARD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Ms. KAPTUR. Mr. Speaker, on Thursday evening, a very special high honor will be bestowed upon a very special citizen of northwest Ohio. Regula Josi will be awarded the 1992 Woman of Mercy Award by Mercy and St. Charles Hospitals.

The Woman of Mercy Award is one of the highest honors that can be awarded to a resident of our community. Each year those affiliated with Mercy and St. Charles Hospitals select an individual whose personal achievements, on a national, State, or local level, reflect the spirit of Mercy, as exemplified by Sisters of Mercy founder Catherine McAuley.

Ms. Josi moved to the United States from Switzerland in 1966. It was at that time that she first became aware of the obstacles facing those who live in our Nation's inner cities. Shocked by these conditions, Ms. Josi quickly went to work to better the lives of these children by working in an inner city, after school program.

Frustrated that she could not do more, Ms. Josi became one of the first individuals to volunteer for the Court Appointed Special Advocate [CASA] Program in northwest Ohio. The CASA Program was established in our area in 1981 and was one of the first of its kind in the Nation. It has been so successful that it has been replicated in 520 communities in 49 States. One of the reasons for its success is due to dedicated volunteers like Regula Josi.

As a CASA guardian, Ms. Josi is appointed by the juvenile court to investigate all the circumstances surrounding a child abuse or neglect case. She appears in court on behalf of the child to make recommendations and to advocate for what she feels is in the child's best interest. In addition to her factfinding role, Ms. Josi monitors the child's progress and keeps track of any services required for the welfare of the child.

While most CASA volunteers are only able to take on 3 or 4 cases at a time, Ms. Josi carries a load of 20 cases. Her commitment to the cause of children is so great that she often devotes 240 hours a month bettering the lives of the children in our community. It is truly the mark of a caring and dedicated individual who does all of this on a volunteer basis. Hundreds of children in our area have Ms. Josi to thank for her tireless commitment to making their lives better and safer.

Ms. Josi's efforts have earned her national recognition as well. She has been honored by President Bush as a Daily Point of Light for her volunteer work. She has also been a recipient of the Junior League's Woman of the Year Award, the United Way's J.C. Penney 1990 Golden Rule Award, as well as the First Annual CASA Award in 1986.

Regula Josi became a citizen of the United States in 1973. Even before that time, however, she embodied the American spirit of volunteerism. Our community cannot thank Ms. Josi enough for all she has done for our children over the years. I know I join with many others in thanking and congratulating her on the work she has done and the recognition she deserves.

EMMA S. CLARK MEMORIAL LIBRARY'S 100TH ANNIVERSARY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. HOCHBRUECKNER. Mr. Speaker, I rise with great pleasure to congratulate the Emma S. Clark Memorial Library of Setauket, NY, which is celebrating its 100th anniversary on October 3, 1992.

The Setauket library has progressed a long way from the small building erected in 1892 and filled with founder Thomas G. Hodgkins' personal book collection. Hodgkins gave the community the library in memory of his niece, Emma S. Clark, who died on August 2, 1889. The anniversary of her birth was chosen as the library's opening day, October 3, 1892. The distinct qualities that make up the three village community are reflected in the expanded Emma S. Clark Library which has continued to grow and change in an attempt to satisfy the needs and expectations of a diverse population.

The words from John Elderkin's opening day speech still ring true today:

> There is something in the very nature of books at once unobstrusive and of such far-reaching and wonderful influence that they command our respect as do no other objects of man's handiwork. Reading, when it becomes a habit, is the greatest resource against idleness and ennui that the world offers to an intelligent being, as well as furnishing the only antidote of ignorance.

Mr. Speaker, I ask my colleagues to join me in recognizing the Emma S. Clark memorial Library on its 100th anniversary.

TRIBUTE TO A GROUP OF EXCEPTIONAL WOMEN OF THE CALIFORNIA'S 36TH DISTRICT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. BROWN. Mr. Speaker, it is with great pride that I rise to pay tribute to a group of exceptional women who reside in California's 36th Congressional District which I represent. The people of the Inland Empire have chosen these women as citizens who have made outstanding contributions to the community. A luncheon will be held in their honor on October 13 at the Raddison Hotel in San Bernardino.

Mr. Speaker, I would now like to recognize Jackie Ansler, Jennifer Blakely, Jane Block, the Honorable Ellen Brodie, Rosemary Colunga, Mary Curtin, Barbara Fasenmyer, Eloise Gomez-Reyes, Ruth Harris, Gloria Harrison, Gwendolyn Heard, Elizabeth Hughbanks, Ann Ivey, Judy James, Judith S. Jordan, Kathy Kinley, Lorna Kenney, Alice Krueper, Ruth Mercer, Janet Nix, Myrtle Ross, Charlyn Singleton, and Ola Faye Stephens.

All of these women share a commitment to bringing better neighborhoods, workplaces, schools, and an overall living environment to the Inland Empire. They serve as role models in their careers and in their service to the community. It is impossible to count the number of lives that have been touched by these women as a result of the outstanding leadership they have displayed in the Inland Empire. I am sure that each person that has known them owes them deep gratitude for their powerful work and involvement in both the public and private sector as well as in their own homes and neighborhoods. They are an inspiration to us all.

A BILL TO RENAME THE MAIN POST OFFICE IN FREDERICKSBURG, VA, TO THE SAMUEL E. PERRY POSTAL BUILDING

HON. GEORGE ALLEN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. ALLEN. Mr. Speaker, I rise to introduce a bill to dedicate the main post office in Fredericksburg, VA, in the seventh Congressional District of Virginia to the memory of Samuel E. Perry.

Sam Perry, who died on August 19 of this year, lived in Fredericksburg for all of his 87 years and was one of the most beloved people who ever lived in the region and that puts him in some powerful company, including that of George Washington, his mother Mary Washington, and James Monroe.

I believe my proposed legislation is entirely fitting for a number of reasons, not the least of them that Sam Perry worked for 42 years in the main post office in Fredericksburg, retiring in 1961 as superintendent of mails.

Sam also served for 37 years as a member of the Fredericksburg City Council and when a new post office was built in the city was instrumental in persuading the city to purchase from the government the old post to renovate it in a new city hall. As a result, Fredericksburg's City Hall is distinctive, well-arranged, and blends in with the historic nature of its downtown.

But beyond that there were many reasons Sam Perry was widely known and loved as Fredericksburg's "Good Samaritan".

He joined the Fredericksburg rescue squad in 1942, shortly after it was organized and up until he reached the age of 86 annually ran more that 1,500 calls, more that any other member. He devoted more than 40 hours a week to the squad, saved countless lives, and by his own estimation delivered more than 50 babies. At the time of his death he was still secretary of the squad, a position he had held more than 30 years.

For more than 70 years, Sam Perry was a member of the Fredericksburg Volunteer Fire Department and for more than three decades was its president. A fire substation within the city was named in his honor a few years ago in recognition of service that included responding to thousands upon thousands of fire calls over the course of seven decades.

Sam Perry was never too busy, however, to practice his faith. He was member of the Fredericksburg Baptist Church for more than 70 years and a life deacon. People who attended the church with Sam recall that even in his latter years they would see him down on the floor playing with kids who attended Sunday school. They especially looked forward to the special bow tie he wore at Christmas, the one that lighted up.

The awards conferred on Sam Perry are far too numerous to mention. Just a few years ago he was named as winner of the Governor's Award for Volunteering Excellence. His home town rescue squad now calls its top honor the Samuel E. Perry Outstanding Member Award.

Those who knew Sam Perry always remarked on his outgoing personality, his sense of compassion and trust in people, his joy in living and his remarkable sense of humor. Fredericksburg Mayor Lawrence A. Davies, who arranged for flags to be flown at half-mast in the city upon Sam's death, told a newspaper reporter that, "Sam Perry brightened the day of everyone with whom he came in contact. He had an inexhaustible energy to serve others and invested his life in people and was fabulously wealthy in friends as a result."

Asked once why he has devoted so much of his life to volunteer service, Sam Perry smiled and said, "You can't live in this world by yourself. You try to help out when you can."

Mr. Speaker, Sam Perry lived a remarkable life and left a legacy of assistance to people that will live on for generations to come. He was inspiration to those who knew him and should serve as a role model for all of us. It is with a tremendous sense of respect and admiration for Sam Perry's memory that I today introduce a bill that will dedicate the Fredericksburg post office to that memory.

POSTON MEMORIAL MONUMENT DEDICATION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. MATSUI. Mr. Speaker, I rise today to honor the dedication of the Poston Memorial Monument, marking the site of 1 of the 10 internment camps built during World War II. On Tuesday, October 6, 1992, many will gather to pay tribute to those 17,867 men, women, and children who were incarcerated during those difficult times.

On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066 that forced those persons of Japanese descent, many of whom were American citizens, to leave their homes, farms, businesses, and friends and be transported to desolate concentration camps. These internees, like my parents, lost property, income, and in many instances, their livelihoods. Tragically, they were branded as disloyal and identified as a threat to national security despite the fact this claim was never substantiated. While their rights were being violated, their achievements being destroyed, and their futures made uncertain, they continued to have faith in themselves and in their country.

The Poston Monument is dedicated to those who suffered these countless hardships and indignities. Many attending the dedication ceremony will have the opportunity to renew friendships and relationships with those whose support was invaluable. Additionally, the monument will hold many personal connections; for this is where my wife, Doris, and her family spent 2½ years. While serving as a historical landmark of peace, courage, and patriotism, the Poston Monument will play an even greater role for the entire country. It will emphasize the importance of preventing any similar injustices in the future, and it will remind us how our Nation was misguided by wartime hysteria, racial prejudice, and fear.

I also would like to commend the Colorado River Indian Tribes, which include the Mohave, Hopi, Chemehuevi, and Navaho Tribes for their tremendous assistance in making this monument a reality. They generously cooperated and provided the land to build and erect the Poston Memorial Monument. Their valuable assistance will always be appreciated.

Mr. Speaker, I ask my colleagues to join me in saluting the dedication of the Poston Memorial Monument, located in Poston, AZ. It is with pride that I commend those who worked hard and long to accomplish this lifetime goal.

NEGOTIATE SETTLEMENT WITH KENAI NATIVES ASSOCIATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today to direct that the Department of the Interior expedite negotiations for the negotiated settlement of land use associated with the Kenai Natives Association, Inc. [KNA]. For the past 4 years, I have pursued a land exchange involving KNA lands which the regional office of the Department approved in 1983. A technicality prevented the execution of the exchange agreement at that time.

I firmly believe that the exchange is meritorious and should be approved by the Department of the Interior and ratified by Congress if needed. However, in view of the time remaining in this session of Congress, I believe the best course of action is to begin an expedited negotiation for the acquisition of certain lands owned by KNA and the Cook Inlet Region, Inc. along the Kenai and Moose Rivers in Alaska so that the land use issues which have prevented KNA from using lands conveyed to the corporation under the Alaska Native Claims Settlement Act may be finally resolved.

The legislation I am introducing today would direct a negotiation to take place between the two Alaska Native Corporations involved [KNA and CIRI] and the Department of the Interior with the purpose of resolving these land use issues within 6 months through the execution of appropriate land acquisition and/or exchange agreements. If the Department fails to reach an agreement in this timeframe—a result I hope does not occur since the matter has been under consideration for some time—it would be required to report to Congress why the effort failed. Finally, the Department would be required to take into account the valuation of third party appraisals and, most significantly, value the lands to be conveyed to KNA, if any, with regard only to those lands which would be conveyed to or from the Federal Government. Lands which are retained in KNA ownership may not be valued in any exchange with the Federal Government since they are not being conveyed.

Mr. Speaker, over the years, I have heard a great deal of sympathy expressed over the KNA land situation. I commend the distinguished chairman of the Interior and Insular Affairs Committee for his effort in this matter. As for others who have expressed sympathy, I say now is the time to help resolve this issue once and for all. Under the bill, there is up to 6 months to achieve that result. If those involved sincerely desire to resolve the pending land use conflict and obtain these acquisitions, I will say again, now is the time.

TRIBUTE TO ANNA M. PITTMAN

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. HUBBARD. Mr. Speaker, I take this opportunity to pay tribute to a longtime friend, Anna M. Pittman, of Central City, KY, who died at age 64 last Sunday at St. Thomas Hospital, Nashville, TN.

Ann Pittman was a very well-liked, lovely and admirable lady who was known by thousands of western Kentuckians. The huge crowds visiting Tucker Funeral Home at Central City yesterday and today were expressing their sympathy to Ann Pittman's family.

Ann Pittman was highly respected by all who knew her. When I visited Tucker Funeral Home yesterday to pay tribute to Ann Pittman, I heard several say they "knew of no one who disliked Ann Pittman."

She was a native and a lifetime resident of Muhlenberg County, KY.

Ann Pittman was the very successful advertising manager of the Leader-News, a weekly newspaper serving Muhlenberg County.

She was a member of Calvary Baptist Church in Central City.

Her husband, Bill Pittman, died in September 1965. Their son, Mike Pittman, died in August 1989.

Survivors include a daughter, Janie McDonald of Owensboro; three grandchildren; and two sisters, Wanda Strader of Central City and Margaret Jenkins of Oak Park, MI.

The funeral was 11 a.m. today at Tucker Funeral Home. I would have been present at the funeral, except for the business of the U.S. House of Representatives.

Again, I extend my sympathy to the family of my dear friend Ann Pittman.

MOVE FORWARD WITH THE BUSINESS AT HAND

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. LEWIS of Florida. Last week, this body took up the conference report on the fiscal year 1993 D.C. appropriations bill. From the beginning, the President promised he would veto the bill if it contained one particular controversial provision. It did, and the House passed the bill anyway. Later, after both Chambers of Congress passed the conference report containing the same language, the bill went to the President's desk. And he vetoed it as he promised, as he had done every year previous. This House has become so used to this game that within 10 minutes of receiving his veto message today we had removed the offending language and voted on the clean bill.

To many of my colleagues this should sound familiar. The same thing happened in the D.C. appropriations for fiscal year 1992. And fiscal year 1991. And fiscal year 1990. And fiscal year 1989. Why? Not because those who support the provision feel they stand a chance of winning this fight: They've lost by wide margins for years and didn't even try to override the veto this time. Year after year after year, we're made to spend our time jumping through these same hoops for the sake of Members who want this body to make politics, not policy.

The Congress has many roles. The Constitution assigns us numerous duties, including raising revenue, paying debts, regulating commerce, declaring war, and making laws necessary for the governance of our Nation. We should realize we have a job to do and pass the clean bill we all know will emerge at the end of the political game, and get on to the other work at hand in the limited time we have.

When we spend time debating and voting on dead end bills with no hope of becoming law, we ignore these important responsibilities and forsake valuable time best spent on other important legislation. It is my hope the future will bring a new recognition of this sacred trust.

TRIBUTES TO BOB TRAXLER, DENNIS HERTEL, HOWARD WOLPE AND OTHER DEPARTING MICHIGANITES

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. PANETTA. Mr. Speaker, I regret that prior commitments prevented me from joining in the tribute to several departing colleagues on September 16. Today I would like to honor these distinguished members of the Michigan delegation to the House of Representatives who will not be returning to the 103d Congress. They are fine men, they have served with distinction in this body, and their presence and contributions will be missed. Their years of service and dedication to their office, to their communities, and to their country, are deeply appreciated. For those of us who had the privilege to know and to work with them, their absence will be sorely felt.

BOB TRAXLER is a very good friend of mine. As chairman of the Appropriations Subcommittee for VA, HUD, and Independent Agencies, BOB has done much to fund important housing, environment, and veterans programs. He has been a leader in the effort to increase the role and the presence of the EPA in many areas around the country, and provided funding for research to reduce nonpoint source pollution. BOB has been a good friend of the people of the central coast of California as well. I will miss his fairness, his good humor, his independence and his friendship. His contributions to this Nation and to this House have been many and will not soon be forgotten.

As chairman of the Oceanography and Great Lakes Subcommittee, DENNIS HERTEL has authored the Coastal Zone Management Reauthorization Act of 1990 and the National Coastal Programs Reauthorization Act of 1990. He is a great friend of the California coast and has done much to protect the natural beauty and the invaluable resources of the Nation's coastal regions, oceans, and Great Lakes. I will always be very grateful to DENNIS for his expertise and leadership in these areas and particularly for his irreplaceable assistance in designating the Monterey Bay as a National Marine Sanctuary. I wish to thank him for all of his years of dedicated and expert service on behalf of the environment and the coastal States. Again, we will sorely miss DENNIS's years of experience and commitment.

HOWARD WOLPE is a good man. He is a friend, a hardworking professional, and a responsible Representative of his constituents. As a member of the Foreign Affairs Committee and chairman of the Africa Subcommittee, HOWARD WOLPE has been a very good friend of the disenfranchised around the world and particularly in Africa. He, too, has been a staunch defender of the environment and a proponent of constructive progress in scientific and technological issues from his post on the Science, Space, and Technology Committee. He has been a staunch opponent of apartheid and has worked tirelessly to relieve hunger in Africa. he has also sponsored several important environmental waste reduction initiatives. We have deeply appreciated HOWARD's thoughtful contributions to the work of the House. Would that more were like him.

BILL BROOMFIELD, GUY VANDER JAGT, CARL PURSELL, and BOB DAVIS will also be leaving the Michigan congressional delegation. They, too, have contributed many years of combined service to their communities, and I would like to pay tribute to their hard work, integrity, and fair play. They have served honorably, and they deserve recognition for their sincere service to the public.

Mr. Speaker, I join in recognizing the untold achievement of these seven distinguished colleagues. To them I offer my profound gratitude, my tribute to their records of service and my pledge to carry on their good works.

TRIBUTE TO DR. RICHARD S. OSTENSO

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. GUNDERSON. Mr. Speaker, it is with pleasure that I pay tribute to Dr. Richard S. Ostenso, of Eau Claire, WI, who was honored on September 28, 1992, as the recipient of the 1992 Good Samaritan Award at the 22d annual meeting of the Good Samaritan Club of Eau Claire.

Dr. Ostenso is a member of the American College of Surgeons and American Academy of Otolaryngology, and a board-certified Otolaryngologist. During his career as a physician and tenure as president of the Eau Claire Medical Association, he devoted many years of service to Luther Hospital of Eau Claire. Dr. Ostenso recently retired from the practice of medicine.

Dr. Ostenso received B.A. and M.D. degrees from the University of Wisconsin, Madison. He completed residencies at Gorgas Hospital, Ancon Canal Zone and the University of Pennsylvania Hospital. Prior to establishing medical practice in Eau Claire, he was a member of the medical staff of the Marshfield Clinic in Marshfield, WI.

During World War II, Dr. Ostenso served in the American Field Service Volunteer Ambulance Corps and was stationed in the Indian arena. While in India, he joined the American Red Cross. He was later transferred to China as director of the American Red Cross in the China theater. During his service in China, he met Victoria Akit and they were married in Hong Kong. Dr. and Mrs. Ostenso have resided in Eau Claire for 28 years and their 10 children attended Eau Claire public schools.

The 1992 Good Samaritan Award recognizes Dr. Ostenso's contributions to Luther Hospital and the Eau Claire medical community, as well as many voluntary activities on behalf of nonprofit organizations. He is an active member of the Lake Street Methodist Church, participating in numerous committees and programs. Dr. Ostenso has also been involved with the area Boy Scouts—he is himself an Eagle Scout—and the Eau Claire Hockey Association.

Dr. Ostenso's dedication to enhancing the quality of life in northwest Wisconsin is exemplified by his contribution to local communities, as a volunteer physician, to assist hearing-impaired children. I am pleased to join in honoring my constituent, Dick Ostenso, for his contribution to the health and well-being of the Third District of Wisconsin.

EVELYN BARTLETT CELEBRATES 105 YEARS YOUNG

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. SHAW. Mr. Speaker, on Wednesday, September 30, 1987, I paid tribute to Evelyn Fortune Bartlett on the occasion of her centennial birthday. Today, 5 years later, I am still proud to represent and honor this remarkable and caring woman.

In 1931, Evelyn Bartlett came to Florida with her beloved husband, the late Frederic Clay Bartlett. To this day she still winters at Bonnet House, a 35-acre oasis of green nestled amidst the expansive development of Ft. Lauderdale beach. As Bonnet House steps quietly into its future, we cannot help but be in awe of the overwhelming gesture of philanthropy made by Mrs. Bartlett. Her determination to preserve the estate resulted in her deeding of the property to the Florida Trust for Historic Preservation in 1983. It is now listed on the National Register of Historic Places.

S. Dillon Ripley, the Secretary Emeritus of the Smithsonian Institution, has called Bonnet House "overlooking its broad, sheltered lagoon, as if floating, preserved in time * * * a reminder of things past and precursor for the coming age."

Through these 105 years, Mrs. Bartlett continues to remain humble, reserved, and very private. As we honor this true humanitarian today on her 105th birthday, her quiet wit, love of nature, and eye for color is sharper than ever.

The people of the 15th District of Florida and all who continue to visit Bonnet House owe a debt of gratitude to Evelyn Bartlett who continues to give, selflessly, to the residents and visitors of south Florida. I would like to thank her for the legacy she leaves for our future generations to enjoy and wish her a very happy 105th birthday today and many more to come.

THE FAIR WAGE ACT OF 1992

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. MILLER of California. Mr. Speaker, Today I am introducing the Fair Wage Act of 1992, legislation which will assure financial parity for the lowest paid working men and women of this Nation. My legislation amends the Fair Labor Standards Act of 1938 to provide that the minimum wage rate under that act will be indexed to the cost of living in the same manner as Social Security benefits are indexed.

To compensate for the effects of inflation, Social Security beneficiaries receive a cost-of-living adjustment [COLA] in January of each year. This COLA, in turn, triggers identical percentage increases in supplemental security income [SSI], veterans' pensions, and railroad retirement benefits, and causes other changes in the Social Security and Medicare programs.

The Federal Civil Service Retirement System and the Federal military retirement program use the same method for computing their formulas.

For hundreds of thousands of Americans, these cost-of-living adjustments mean increased financial security in these troubled economic times, permitting them to keep pace with the increased costs of utilities, food, and consumer goods.

The lowest paid working men and women of American deserve no less than an annual cost of living increase. Their salaries should permit them to keep pace with the increased costs of living in today's society.

The concept that the Federal minimum wage should be a living wage, enabling workers to support their families, has become a myth. Throughout most of the 1960's and the 1970's, the minimum wage was sufficient to bring a family of three out of poverty. Sadly, that is not the case in 1992.

At $4.25 per hour, the minimum wage is inadequate to keep workers out of poverty. Today, a full-time minimum wage worker with one child is below the poverty line. And because their incomes are below the poverty level, full-time minimum wage workers in more than half the States remain eligible for welfare and Medicaid. In most States, the minimum wage family qualified for food stamps, low-income energy assistance, and free school meals for their children. Uncle Sam, in effect, indirectly subsidizes the employers of these low-paid workers.

There is no doubt that the purchasing power of the minimum wage has dramatically eroded during the past decade. In February 1992, the value of the $4.25 minimum wage rate was only $2.65 measured in 1981 dollars. That is, whatever consumer goods and services could be purchased with $2.65 in 1981 would cost consumers $4.25 in 1992.

In addition, studies have shown that minimum wage workers are largely nonunionized and hold jobs with little or no benefits. Many only work part-time. Many assume that minimum wage workers are teenagers working part-time at last food restaurants.

But half of all minimum-wage workers are employed full-time, and nearly two-thirds of all minimum wage workers are women. The women working at minimum wage are important wage earners for their households. For these families, employment no longer offers an incentive for leaving welfare, or the assurance of economic security for themselves and their children.

Today, in my own State of California, it is estimated that if the minimum wage retained the purchasing power it had in 1968, poverty among California women and children would be reduced by 7.8 percent.

A cost-of-living adjustment to the Federal minimum wage is fair and just. It will provide those American workers at the bottom of the pay scale with a small but significant increase to enable them to remain economically self-sufficient.

BRISTOL OLYMPIANS BRING HOME THE GOLD

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mrs. JOHNSON of Connecticut. In Barcelona, Spain, during the Summer Olympics, two of Bristol, CT's best and brightest young women were recognized for their dedication, determination, talent, and heart as they brought home the gold in the duet synchronized swimming competition.

Sarah and Karen Josephson have achieved what many will only have the opportunity to dream of. They, and their family, have experienced disappointment and triumph, sacrifice and fulfillment, challenge and accomplishment. Together, the Josephson's have achieved much more than we acknowledge this evening, by honoring Karen and Sarah on their gold medal victory this summer.

The Josephson's have dedicated more than two decades of their lives to synchronized swimming, 12 years to representing their country on the U.S. National Team, and they have served as fine role models for young Americans through their combined academic and athletic accomplishments. We stand in proud salute tonight, of Karen and Sarah's achievements and their personal integrity, perseverance, values, and dedication—all qualities which have contributed to their great success and that are so vital to the success of our young citizens, today and tomorrow.

TRIBUTE TO THE SOUTH LEXINGTON BABE RUTH ALL-STARS

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. HOPKINS. Mr. Speaker, I rise today to recognize the South Lexington, KY, Babe Ruth All-Stars, a team of 12-year-old boys who won the Bambino World Series in Alchua, FL, on August 22.

South Lexington achieved a perfect record of 12–0, climaxed by a 9–2 victory over Miami, FL, in the final game enroute to the world championship.

Leading the way to the title were the Big Three: world series most valuable player Donnie Gillespie and all world series team members Austin Kearns and J.R. Stephens.

Gillespie, a pitcher and center fielder, broke four world series batting records and pitched a six-hit complete game in the championship contest against Miami. Gillespie also became the first player in Bambino history to hit five home runs in the World Series, the first player to ever to get eight RBI's in one game, and the first player to drive in 16 runs in a series.

All world series team members, Austin Kearns and J.R. Stephens were sizzling at the plate with .750 percent batting averages to set a new Bambino record.

Offense was not the only thing that helped the South Lexington team to win its first world championship. Defense was also a key. Among the defensive standouts are first baseman Chris Wilkie and left-fielder Derrick Langfels. Both were selected for the world series all defensive team. They also batted .333 and .350, respectfully.

I am proud to enter this remarkable athletic achievement in the CONGRESSIONAL RECORD and commend members of the team, their coaches, managers and sponsors, parents, and fans for bringing honor to themselves and their community. The 1992 world champion South Lexington Babe Ruth All-Stars team is composed of:

Manager: Donnie Warner.

Coaches: Devin Onkst and Danny Adins.

Players: John Allen, Ricky Foxworthy, Donnie Gillespie, Jason Hurd, Tray Johnson, Austin Kearns, Derrick Langfels, Brian Leonard, Seth Parsons, Chris Roth, Chad Southworth, Adam Spiller, J.R. Stephens, Robbie Turner, and Chris Wilkie.

IN HONOR OF EDMUND AND LYNN FUSCO

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Ms. DELAURO. Mr. Speaker, on October 18, the New Haven chapter of the American Committee on Italian Immigration will honor two of the leading members of our community. Edmund and Lynn Fusco, father and daughter, will receive the organization's humanitarian and community service awards, respectively. As a longtime friend and admirer of the

Fuscos, I would like to join in paying tribute to the extraordinary impact the family has had on New Haven and Connecticut.

A lifelong resident of New Haven, Edmund J. Fusco served our country as an Air Force navigator during World War II. After earning a degree in civil engineering from Yale University, he went to work in his father's construction business. Over the course of more than four decades, he has expanded and diversified that business, making the Fusco Corp., an important force in local economic development, and a crucial source of jobs. Both in his role as president and CEO of the company, and through his involvement in numerous civic and charitable organizations, Ed has always demonstrated a deep concern for others. This accomplished business leader is also a rare human being, and his recognition is well-deserved.

Ed's daughter, Lynn R. Fusco, is another worthy award recipient. An outstanding professional woman, crucial to the family business, she is particularly distinguished as a leading contributor to the community. From her work with the downtown council and Special Olympics, to her role with New Haven's Boys and Girls Club, Lynn is a compassionate activist who applies her expertise on behalf of the public good. She is a consistent advocate of progress—in education, the arts, and the treatment of children. She has touched many lives, and her leadership is a source of inspiration for us all.

A proud and respected organization whose dedicated members continue to assist new immigrants, the American Committee on Italian Migration embodies the best qualities of our community. As the New Haven chapter recognizes Ed and Lynn Fusco, I would like to congratulate them both, and to express my appreciation for everything they have done.

TRIBUTE TO RICHARD ZARICK

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Ms. MOLINARI. Mr. Speaker, on Friday October 2, the tenth anniversary banquet of the St. Nicholas Home in Brooklyn will take place. I would like to take this opportunity to pay tribute to a special person who has given so much and has been a major reason why the St. Nicholas Home has been so successful; Mr. Richard Zarick.

In 1978, Dick Zarick acquire an old landmark building previously known as the Bayridge Hospital. He had to deal with a skeptical community who did not believe he could be successful after the death of Father Gregory Abboud, the founder of the St. Nicholas Home. On July 13, 1978, Dick was voted chairman of the board of St. Nicholas Home, and he has devoted his time and energy to make the Home a success.

Through Dick Zarick's guidance, the home was renovated and filled with people by October 1982. He made sound decisions as chairman of the board, turning those skeptics into benefactors. The Home has emerged as a solid success in a world filled with divisions, by being built on a philosophy that it belongs to everyone regardless of religious beliefs. As a result of this conviction, St. Nicholas Home is a nonsectarian not-for-profit charitable residence that does not receive one cent from Federal, State, or city governments.

That St. Nicholas Home does not receive any assistance, makes Dick Zarick's accomplishments even more admirable. Last year, with the assistance of countless others, through hard work, determination, and faith, the Home paid off its mortgage early, leaving St. Nicholas Home with all debts paid in full.

But no man can do all of this on his own. Usually there is a person who gives him the strength and the inspiration to continue. Dick Zarick is fortunate to have such a person, his wife Florence. She has been and continues to be one of the largest contributors to the St. Nicholas Home. She has given her time and talent, and has shared with the community her special treasure, her husband.

Mr. Speaker, it is an honor for me to have the opportunity to pay tribute to such a special person. He is truly a point of light in our community. Dick Zarick helped to build the St. Nicholas Home by relying on the generosity of others instead of relying on Government funds. He and the many others connected with the Home built it with determination, initiative and love. Dick Zarick has given a special gift to our community, a residence opened to all senior citizens that gives more than it receives, and enhances everyone's lives—the St. Nicholas Home.

TRIBUTE TO JUDGE JERRY HAYES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Judge Jerry Hayes of Portage County Common Pleas Court, recently honored by the Foundation for the Improvement of Justice for 1 of its 10 annual awards for accomplishment in improving the justice system.

Judge Hayes is being recognized for his work as host and writer of "The Benchbook," a daily legal-affairs program on 89.7 WKSU-FM. Judge Hayes, who researches, writes, and hosts the weekly 3-minute broadcast, will be honored later next month.

Foundation for the Improvement of Justice is a public not-for-profit institution founded in 1985 for the purpose of improving local, State, and Federal systems of justice within the United States. The foundation annually awards 10 nominees with a certificate, a gold medal, and a modest cash prize.

Mr. Speaker, I am proud to stand here to recognize Judge Jerry Hayes for his work. Judge Hayes provides his listeners with vital information that only a judge could provide. I thank him for providing this service and congratulate him on his distinguished award.

A CONGRESSIONAL SALUTE TO RANCHO SAN PEDRO AND THE HOUSING AUTHORITY OF THE CITY OF LOS ANGELES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. ANDERSON. Mr. Speaker, on Saturday, October 31, 1992, the community of Rancho San Pedro will celebrate its golden anniversary. A series of events have been scheduled that will highlight this historic occasion and give recognition to those who have contributed to the community's past and present. On behalf on the residents of Rancho San Pedro and the housing authority of the city of Los Angeles, I would like to share with you the roots of this novel and very special community.

One year following President Franklin D. Roosevelt's signing of the Housing Act of 1937, the housing authority of the city of Los Angeles was established. Rancho San Pedro was one of the first public housing communities owned and operated by this newly created commission. Originally intended as temporary housing for Los Angeles' World War II workers, the community of Rancho San Pedro was completed on August 15, 1942. Since its inception, Rancho San Pedro has been home to scores of low-income families and continues to provide housing for hundreds of people.

Throughout its history, the residents of Rancho San Pedro have demonstrated exceptional pride in their homes and community. They have organized a resident advisory council and elected council officers to oversee community projects and activities. Recently, Rancho San Pedro was named a recipient of a HOPE I planning grant by the U.S. Department of Housing and Urban Development and is entering into the initial phase of an ambitious planning and training program. This program will empower the community's low-income tenants to take an active role in the control of their environment and will assist them in the area of home ownership.

Mr. Speaker, on this momentous occasion I commend the housing authority of the city of Los Angeles for providing quality housing to the residents of Rancho San Pedro for over 50 years. In addition, I congratulate the residents and resident advisory council of Rancho San Pedro on the 50th anniversary of their community. My wife, Lee, joins me in extending our best wishes to them for continued years of growth, development, and success in their ventures.

A TRIBUTE TO JEREMY MORRIS SHMALO'S BAR MITZVAH CELEBRATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pleasure that I recognize Jeremy Morris Shmalo, the son of Cathy and Mitchell

Shmalo, who swill be celebrating his Bar Mitzvah on Saturday, October 31, 1992, at Congregation Shaare Zion/Young Israel of Miami Beach, FL. This important development in Jeremy's life will be shared with family and friends. Jeremy's Bar Mitzvah will be a momentous event for Jeremy when he will read from the Torah and Haftorah. Afterwards, friends and family will meet for a Kiddush and luncheon at the Tower Suite Restaurant. The simcha continues with a Melave Malkah in Jeremy's honor at the Shmalo home on Saturday night.

Jeremy is a seventh grader at Mesivta Yeshiva in Miami Beach. As he enters adulthood, Jeremy has already begun to assume community obligations. After Hurricane Andrew, Jeremy helped to organize a drive to assist those whose lives were disrupted by the storm. Additionally, Jeremy has distinguished himself on the soccer field over the past 5 years.

Mr. Speaker, I am eager to wish Jeremy and his family the best of times with this most joyous event of Jeremy's Bar Mitzvah.

MCCAW CELLULAR COMMUNICATIONS EFFORTS DURING HURRICANE ANDREW

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. DICKS. Mr. Speaker, today I rise to pay tribute to a company from my home State of Washington who recently demonstrated the true definition of public service. McCaw Cellular Communications, based in Kirkland, WA, which operates under the name of Cellular One in many cities across the United States, including several in the State of Florida, went above and beyond the call of duty in their efforts to help the victims of Hurricane Andrew. In its wake, the hurricane left devastation in all of south Florida. Thousands of people were left with no way to communicate to their loved ones that they were alive and safe. McCaw Cellular/Cellular One immediately responded by flying in portable cell sites, technicians, and hundreds of thousands of dollars worth of phone equipment, to meet the needs of the many who were without any means of communication.

With conventional land lines rendered unusable, cellular became the only method of practical field communication. For example, at Turkey Point Nuclear Plant, McCaw Cellular/Cellular One provided the only method of communication immediately following the storm at this critical site. While sustaining damages, McCaw's cellular system remained functional throughout the storm. In hard hit Dade County the system remained 60-percent operational the day of the storm and 100-percent operational by the end of the week.

Both during the storm and the several weeks of cleanup after the hurricane, McCaw Cellular/Cellular One contributed over 2,000 phones and over $1 million in relief efforts, such as cellular phones, service, and manpower, so that people could communicate with each other at this most critical time. An example of McCaw's willingness to assist the community was seen when McCaw Cellular/Cellular One provided moving "Calling Centers" to allow victims of the hurricane to make free calls to loved ones around the country, support which will continue throughout the cleanup. In addition, they provided numerous government agencies including the National Guard, the American Red Cross, FEMA, Florida Department of Insurance, the U.S. Army, the White House Advance Team, and Florida Governor Lawton Chiles office with communications during his dire emergency.

In sum, without the efforts of all involved, the relief endeavor might have been as disastrous as the hurricane itself. Without the efforts of our friends at McCaw, this most vital resource might not have been available during this time of dire need.

TRIBUTE TO WILLIAM CADY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to William A. Cady, who is retiring this year as assistant chief of police of Oxnard.

Bill has been with the city of Oxnard Police Department since 1965, and has served as assistant chief since 1987. Prior to his service in Oxnard, he was a sergeant in Independence, MI.

Bill received his bachelor of arts in administration of justice from the University of Laverne. Since receiving his bachelor's, he has gone on to achieve his associate's degree in political science, his management certificate from the California Commission on Peace Officer Standards and Training, and his lifetime teaching credential from the State of California. Additionally, he attended the 132nd session of the FBI National Academy.

In addition to his thirst for knowledge, Bill has a strong commitment to community service. He is associated with several organizations, including Boy Scouts of America, Kiwanis of Oxnard, Education Partnership Program, Comprehension Drug and Alcohol Prevention Program, and he teaches at Ventura College. His law enforcement affiliations include: Oxnard Police Officers Association, Police Officer's Research Association of California, FBI National Academy Associates, California Career Criminal Apprehension Program, Serious Habitual Offender Program and Office of Juvenile Justice and Delinquency Prevention.

After a lifetime of service, Bill now looks forward to the good life of retirement, with his wife, Donna.

Mr. Speaker, on behalf of the U.S. House of Representatives, it is my pleasure to commend Bill Cady on his distinguished public career and his civic service, and to wish him well in his future endeavors.

THE LAST LIGHTHOUSE KEEPER IN TEXAS

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. PICKLE. Mr. Speaker, last month, I was privileged to visit again the historic lighthouse at Aransas Pass, TX, one of the oldest—originally known as the Lydia Ann Light—lighthouse in Texas. Mr. Ricky Pratt and his wife Cameron, gave us a special trip to this naval landmark, and I was thrilled to see it.

Mr. Pratt may be the last lighthouse keeper in Texas, and perhaps one of the best few remaining lighthouse operators in the United States. This magnificent old lighthouse played a part in the Civil War when Yankee troops used it for target practice from offshore. Confederate troops, concerned that the Yanks might attempt to take the tower and use it to control shipping, tried to dynamite the top off the tower. Not succeeding, they took the lens out and buried it in the marshland surrounding the lighthouse until the war left the coastal bend.

When the tower was built, the pass it guards was constantly shifting north and south until it was captured by the granite jetties in its current location. By the mid-1950's, the town of Port Aransas was large enough that the Coast Guard decided it was more convenient to house their people in town and therefore moved the beacon to the northern tip of Mustang Island and decommissioned the lighthouse station.

After several years, the station was sold at public auction. The present and third owner, Charles Butt, reestablished at his own expense the light on July 3, 1988, with an antique 4th Order Fresnel lens. The original signature for the light is being used: a fixed white beacon which can be seen up to 9 miles offshore. Mr. Charles Butt is a businessman and member of one of the most prominent families in Texas, the H.E.B. family.

Today it operates as a personal project of Mr. Butt. No government money is involved, and by arrangement visitors can climb the lighthouse, which towers approximately 100 feet above the coastline, and see the light come on at night, and see how much this has meant to our coastal area of Texas.

Mr. Speaker, the entire lighthouse and the surrounding structures have been restored exactly as they were 100 years ago, and they are carefully maintained. Our State and Nation owes a great deal to Mr. Butt for his historic project.

THE UNITED STATES-MEXICO BORDER ENVIRONMENTAL ZONE PROTECTION ACT

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. BUSTAMANTE. Mr. Speaker, today I am introducing the United States-Mexico Border Environmental Zone Protection Act. I believe it is necessary to ensure that the quality of our environment at the United States-Mexico border is protected from the adverse effects which may occur due to rapid population and industrial growth in light of the recent conclusion of the North American Free-Trade Agreement talks [NAFTA]. The effort to protect the environment becomes unmanageable when it is compounded with inadequate infrastructure and facilities, nonexistent emergency plans and a lack of cooperation between governing entities. The legislation I am introducing today will protect the quality of the environment at the border by creating a border environmental zone in which existing problems can be addressed and new problems averted before they occur through cooperative efforts to plan, monitor, and anticipate environmental conditions at the border.

First, this legislation clearly identifies and designates the 100 kilometer area on either side of the border as defined in the La Paz agreement, as the border environmental zone. A $10 million fund is established which can be expended to investigate, identify sources, and respond to conditions which present a substantial threat to the land, air, or water resources within this zone.

A lack of cooperative effort among counties, Federal, State, and local authorities can be a major obstacle to environmental agreements. This bill encourages cooperative and coordinated responses to environmental emergencies among all international, Federal, State, local, or other appropriate entities by establishing an information-sharing and early warning system identifying environmental problems affecting the border environmental zone. It also authorizes joint, cooperative responses to correct border environmental emergencies including the construction of facilities and the establishment of general response plans to protect the health and welfare of citizens living in the border environmental zone.

The bill also establishes international and domestic Advisory Committees which will monitor the conditions within the environmental border zone, as well as plan and make recommendations for ongoing environmental protection of the area.

Mr. Speaker, it is clear that the border is growing and a NAFTA will bring accelerated growth to the area. It is essential that our response to the changes that are occurring there protect the health and welfare of the citizens. Through our cooperative efforts, the monitoring of, and planning for, environmental emergencies, as established by this legislation, we can realize the benefits of expanded economic growth and at the same time protect our environment.

I urge you to support this important piece of environmental legislation.

EQUI-SPORTS INTERNATIONAL CELEBRATES THE QUINCENTENNIAL YEAR OF THE HORSE

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. HUNTER. Mr. Speaker, throughout history, horses have played an integral role in our country's exploration, conquest, agriculture, and commerce. The horse changed the culture of entire peoples and today represents a multibillion dollar industry involving millions of Americans and countless other countries.

In celebration of the quincentenary year of the horse, Equi-Sports International has organized five educational events to take place over a 17-month period, from October 1992 to November 1994. The first event will be the Wild Joy of Running Free Art Exhibit, which will be comprised of original equestrian works of art, including paintings and sculptures. The proceeds from the exhibit will benefit the Wild Horse Sanctuary, a 5,000-acre preserve for wild Mustang horses located in northern California.

The second of the five events will be the Hoofbeat of America Cross-Country Ride. Mr. Charles W. Thompson, president of Equi-Sports International will embark on October 31, 1992, from the Museum of Natural History on a 3,430 mile "Pony Express" type horseback ride, retracing portions of the Butterfield Overland Stage Route. If successful, Mr. Thompson will become the first person in America's history to cross the Nation on horseback within 30 days.

The Spirit of the Horse Wagon Train and Trail Ride will feature a ten-wagon train traveling from the east coast to the west. Various Federal, State, and local officials will be invited to participate in specific legs of this journey to generate support for a similar future event, the Hoofprints Across America Educational Wagon Train. This event will feature a 100-wagon wagon train carrying from 700 to 1,000 school-age children on an educational pilgrimage project following the route set forth by the Spirit of the Horse Wagon Train and Trail Ride. Every 7 days a new group of youngsters will rotate onto the wagon train for an unforgettable experience.

Finally, the Spirit of the Horse International Exposition will provide a forum in which to showcase athletic and educational programs and exhibitions. The activities included in this event will run the gamut, from trail rides, endurance rides, and horse races to performances by top country western musical celebrities.

I am sure that my colleagues will join me in commending Mr. Thompson and Equi-Sports International for organizing these excellent educational opportunities and wishing all the participants the best of luck in their endeavors.

CLYDE AND CATHIE HOLLOWAY CELEBRATE 25TH WEDDING ANNIVERSARY

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. LIVINGSTON. Mr. Speaker, I rise today to salute my good friend and distinguished colleague, Congressman CLYDE HOLLOWAY, who represents the Eighth District of Louisiana. Mr. Speaker, CLYDE HOLLOWAY and his wife, Cathie, are today celebrating their 25th wedding anniversary. I know I speak for the entire House in congratulating CLYDE and Cathie on this memorable occasion. I am proud to call CLYDE and Cathie Holloway my friends. They are a truly outstanding couple, the proud parents of four children.

Mr. Speaker, CLYDE and Cathie Holloway could serve as examples to every couple. They care about their family, their community, and their country. Together CLYDE and Cathie HOLLOWAY have made a difference. It is my privilege to congratulate them as they celebrate 25 years of marriage.

TRIBUTE TO RICHARD F. DUNLAP

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. WELDON. Mr. Speaker, I would like to recognize the contributions and achievements in the field of education by Richard F. Dunlap, principal of Indian Lane Elementary School in Media, PA. Mr. Dunlap was selected to represent Pennsylvania's Outstanding Educators in Washington, DC, as the 1992 recipient of the prestigious National Distinguished Principal Award from the National Association of Elementary School Principals [NAESP] and the U.S. Department of Education.

Mr. Dunlap has been chosen for this award by his fellow Pennsylvania principals for his achievements above at least those expected in the school program. He will be 1 of 60 educators to be recognized for their efforts. Mr. Dunlap was instrumental in getting a program started which mainstreamed physically handicapped students from the Delaware County Intermediate Unit into standard classes.

With a teaching degree from West Chester University, Mr. Dunlap has served admirably as an elementary principal in the Rose Tree Media School District since 1969. He has been an invaluable principal in his tenure at the Glenwood Elementary School where he led the staff, parents, and students to the national recognition as a school of excellence during the 1989–90 school year. Gov. Robert P. Casey awarded Glenwood Elementary School $20,000 as a Pennsylvania School Incentive Grant for improvement in math and reading scores.

It is clear that Richard Dunlap is committed to his students. He has continuously worked to improve and enhance his school and the education it provides. This service to the community, and his students is an example that should be followed around the country. He is an example of the goals, standards, and pursuit of excellence that should be the norm in our education system.

I am proud to recognize the outstanding efforts of Mr. Dunlap, and am proud that he is serving children in my district. My hat goes off to his outstanding achievements and I call upon educators across my State, and across the Nation to follow his lead.

IN HONOR OF REV. DR. MARSHALL LORENZO SHEPHERD, JR.

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to celebrate a man whose devotion to Jesus Christ and humanity has been felt throughout Philadelphia, all across our Nation and all over the world. Since he began his ministry 36 years ago, the Reverend Dr. Marshall Lorenzo Shepherd has worked ceaselessly to spread God's love through his commitment to education, health care, and economic advancement for the disadvantaged and disenfranchised people of the world.

Mr. Speaker, when Reverend Shepard succeeded his late father as pastor of the Mount Olivet Tabernacle Baptist Church in 1967, he immediately began to add new buildings onto the Mount Olivet Church, in order to expand the ministry. He also has brought technology to the church by installing fax machines, a satellite system, and computers to more efficiently serve his congregation. And because of his belief in the principle of neighborhood becomes brotherhood, he expanded on the church's local ministry through scholarship programs, a 4M program to aid students in higher learning, a Vacation Bible School for younger members, and a community outreach program.

Mr. Speaker, on October 2, 1992, the Mount Olivet Church will celebrate Reverend Shepherd's 36 years of dedication as counselor, brother, and leader with a dinner in his honor. I invite my colleagues to join the tabernacle in celebrating this advocate of Black religion, this committed disciple of Christ, the Reverend Dr. Marshall Lorenzo Shepherd, Jr.

THE CENTER FOR SUBSTANCE ABUSE

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. SCHULZE. Mr. Speaker, at a time when all of us are becoming increasingly alarmed at the extent to which many of our young people are becoming victims of drug abuse, I want to call attention to a prevention and treatment program that is working and making a difference. That program is the Student Assistance Program developed by the Center for Substance Abuse in McKeesport, PA.

The program recently received an award from the National Organization of Student Assistance Programs and Partners, and I want to commend the Center for Substance Abuse, Director Gerald Taylor, and the center's excellent staff, for being judged one of the Nation's outstanding programs.

The Center for Substance Abuse services 17 schools in 7 school districts. Drug and alcohol specialists, together with prevention specialists, provide prevention and education services to each school. In the middle and senior high schools, trained staff members identify students at risk for substance abuse and/or behavioral problems. Specialists assess the nature and degree of the problems, and the students are then assisted through individual and group sessions, and through an array of services that meet the needs of students and families requiring help. In the elementary schools, the program identifies students with attendance and/or behavioral problems, and refers them to prevention specialists.

I would encourage school officials everywhere to consider such programs, if they have not yet done so, and to get more details about award-winning programs such as those of the Center for Substance Abuse.

SUPER IRA'S INCREASE SAVINGS? MERRILL LYNCH'S SHAKY AND SELF-SERVING ASSERTION

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 30, 1992

Mr. PEASE. Mr. Speaker, Merrill Lynch is continuing to trot out its self-serving advertisements extolling the virtues of the Super IRA proposal. The firm's latest full-page ad in Roll Call harkens back to the debate over whether IRA's increase savings.

I am not alone in my belief that IRA's did not work to increase savings. For example, Dr. Jane Gravelle, the noted economist with the Congressional Research Service, stated in a spring 1991 article that "conventional economic theory and evidence strongly suggests that IRA's were not effective savings incentives." This article is particularly interesting because Dr. Gravelle explains the theory behind the studies that Merrill Lynch cited to support their position that IRA's increase savings.

She concludes that the results obtained in the Venti and Wise study, for example, were "predetermined by how they set up the theory * * *" In fact, a recent study by Gale and Scholz came to the exact opposite conclusion reached by Venti and Wise, despite the fact that both studies used essentially the same data. Many other experts have expressed concerns about the Venti and Wise study as well.

Dr. Gravelle testified before Congress that the finding of the Feenberg and Skinner study "tells us nothing about whether IRA's increased saving * * *." She also pointed out the flaws in the Carroll and Summers study and noted that their conclusions seem ambiguous.

The Super IRA proposal will ultimately cost over $11 billion per year at current income levels, although you wouldn't know it from the sleight-of-hand gimmicks used to finance the proposal. It would confer most of its benefits on upper-income Americans. I suggest we take positive action by looking beyond the vested interests that pay for those full-page ads and deleting the Super IRA proposal from the tax bill. Quite frankly, we would be better off increasing national savings the old fashioned way, by reducing the deficit.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 1, 1992, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 2

9:30 a.m.

Joint Economic

To hold hearings to examine the employment-unemployment situation for September.

SD–628

POSTPONEMENTS

OCTOBER 1

10:00 a.m.

Budget

To hold hearings on defense overhead waste and mismanagement.

SD–608

SENATE—*Thursday, October 1, 1992*

(Legislative day of Wednesday, September 30, 1992)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Thus saith the Lord, What iniquity have your fathers found in me, that they are gone far from me, and have walked after vanity, and are become vain?—Jeremiah 2:5.

Mighty God our Father, You have rebuked us through Jeremiah the prophet, in reminding us of our propensity to forget You—to forget the God of our fathers—to ignore the One without whom we never could have risen as a Nation. Jeremiah reminds us that we are incurably religious. We must have a god. If we will not worship the true God, we will find a substitute, even if that substitute is a no-god with a capital "N." We are reminded that we become like the god we worship; walk after vanity, become vain. Empty god, empty souls; hollow god, hollow souls.

We ask Your forgiveness for our strange inclination not to believe in the One who is the Lord of history, Ruler of the nations. Forgive us for abandoning the God whom our Founding Fathers took seriously. Help us to see that the emptiness, the hollowness in our culture, the crises we face economically, morally, socially, will not be remedied until we, in humility, acknowledge our need. Restore us to the faith of our fathers.

We pray in the name of Jesus, Giver of Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 1, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order leadership time is reserved.

FAMILY PLANNING AMENDMENTS ACT OF 1992—VETO

The ACTING PRESIDENT pro tempore. Under the previous order there will now be 1 hour for debate on the veto message on S. 323 equally divided and controlled between the two leaders and/or their designees.

(The text of the President's veto message is printed on page 27927 of the CONGRESSIONAL RECORD of September 25, 1992.)

The Senate proceeded to consider the bill.

Mr. KENNEDY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield such time as I might use.

PRIVILEGES OF THE FLOOR

Mr. President, I ask unanimous consent that Karen Lightfoot, legislative fellow of the staff of the Labor Committee, be granted floor privileges during the Senate consideration of S. 323.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, today, the Senate has one final opportunity this year to block the notorious gag rule. This is the day that the Bush administration's disgraceful attempt to deprive women of needed health care information will go into effect unless we act to stop it. I urge my colleagues to override the President's veto of the Family Planning Amendments Act of 1992, and to pass this bill.

In his veto message, President Bush made this preposterous assertion, and I quote:

> Unfortunately, the Congress has seen fit to entangle this family planning program in the politics of abortion.

Nothing could be further from the truth. The family planning program had been functioning well for 18 years, until 1988, when the Reagan administration suddenly decided out of the blue, in the last year of its 8 years in office, to inject the politics of abortion into the program. For President Bush now to accuse Congress of this step is the height of hypocrisy and the depth of duplicity.

Let me review for the Senate the events that have brought us to this point.

The title X family planning program was created in 1970. Over the course of two decades, title X has become one of the most successful, cost-effective health care programs in the history of this country. These clinics provide high quality reproductive health services to millions of American women, many of whom have no other source of affordable, accessible care.

Consistent with the intent of Congress, title X funds have never been used to pay for abortions. But the clinics were always permitted to furnish complete and accurate information about abortion, nondirective abortion counseling, and appropriate referrals to women who sought them.

Then in 1988, without any intervening congressional action, right-to-life extremists in the Reagan administration pushed through regulations that distorted the title X program and doomed it to 4 years of controversy and confusion. These regulations, which have come to be known as the gag rule, prohibited doctors and other health care professionals at family planning clinics from counseling women about abortion or even providing basic information to women about their health care options.

Congress never intended to gag health care professionals and it would have flatly rejected any attempt to legislate such a rule. But the Reagan administration never proposed legislation to implement the gag rule—it acted arrogantly and unilaterally, in a way that flatly defied the intent of Congress. The right wing's contempt for the needs of low-income women was surpassed only by its contempt for Congress and for the will of the people.

In 1991, the Supreme Court narrowly sustained the gag rule in Rust versus Sullivan, a 5 to 4 decision by Chief Justice Rehnquist that ignited a new round of protest. The Bush administration tried to defuse the issue by publishing a directive supposedly intended to ungag doctors at the clinics.

But the Bush directive was riddled with ambiguity and was issued without an opportunity for public comment, a clear violation of the Administrative Procedures Act.

In any event, the administration knows full well that most of the health care professionals who staff the title X clinics are not doctors, but nurses, nurse-practitioners, physicians' assistants, and licensed social workers. These professionals would remain gagged under the new directive. Patients at title X clinics would continue to be kept in the dark, and that's exactly what the rightwing wanted.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Four months ago, a Federal district court here in Washington issued an injunction against the directive because it was improperly issued and because it made an arbitrary and capricious distinction between doctors and other clinic personnel.

I invite any Member in this body just to read that holding. It would take them about 5 minutes. It illustrates as convincingly as possible the confusion surrounding the administration's regulations. The administration appealed the ruling, and obtained a stay of the district court's order pending the outcome of the appeal. The Department of Health and Human Services has announced that as of today, clinics must comply with the gag rule or face the loss of all Federal funds.

At this moment, a Federal judge is weighing the possibility of a new injunction that would give the clinics another temporary reprieve. But the courts cannot and will not provide a permanent solution to this problem. That is now the responsibility of Congress, and we must take the necessary legislative action.

I just want to point out, Mr. President, as we saw in the newspapers this morning Judge Richey is considering even while we debate this issue, the new appeal and what action the court should take. The circuit court again has been alerted that if Judge Richey makes an order that the administration does not favor; the administration will move to stay that order.

Clearly, over 4 years, this issue has been clouded. But we are not only talking about the gag rule, but also the implications in terms of health care for women. We are finding that in some States because of the limitation many of the clinics are being closed, with all the implications that has on women's health. We have heard a great deal of debate here on the Senate floor about the importance of women's health, and we are going to have another opportunity to address that issue later this week when we consider the NIH legislation that contains worthwhile programs in terms of women's health.

But today we consider another women's health issue, which includes all preventative services offered in these clinics.

For years this matter has been tied up in the courts.

We have an opportunity here, this morning, to make a judgment, to make a decision that will clarify this public policy issue, most importantly, a health care issue for millions of women in this country.

There is mounting concern among family planning clinics across the country. Last week, Planned Parenthood of Tennessee announced that it will reject title X funding and close five of its eight clinics. They are going to close the clinics that are lifelines to needy women in our country.

Governor Sundlun of Rhode Island declared that his State would refuse to comply with the gag rule and forsake Federal funding. Many States and clinics will soon follow suit. Unless we override this veto, services will be cut, clinics will close, and women will suffer.

A vitally needed public health program initiated with strong bipartisan support 20 years ago is being jeopardized because this administration is willing to suppress information women need to exercise their constitutional rights. The issue is free speech, not abortion. No Federal funds are being used to perform abortions. The issue is whether health care workers in clinics receiving Federal funds have a right to discuss health care with their patients in the way they see fit, or whether the Federal Government can dictate what they say. These are health professionals licensed in these States. Licensed in the States. We will hear that we do not really need to, or should not let, the health professionals provide that kind of information.

Well, the States are the ones making judgments about whether health professionals are competent to provide health information. The administration makes no case that they are not qualified, and they are highly qualified. But again this is thrown to confusion.

A 1970 congressional task force report on family planning found that millions of American women lacked basic information about reproductive health. The task force concluded—listen to this, Mr. President—that "this inaccessibility of knowledge undermines the morals of our society and is not in keeping with the basic principles of a democratic system." Ironically the report's author was a young, moderate Republican Congressman from Texas named George Bush, before he veered right on abortion.

The suppression of information under the gag rule interferes with a woman's constitutional right to choose, deprives medical personnel across the country of their first amendment right to practice medicine and counsel patients according to the highest professional standards, and in addressing this point in his Rust versus Sullivan dissent, Justice Blackmun wrote:

> The majority professes to leave undisturbed the free speech protections upon which our society has come to rely, but one must wonder what force the first amendment retains if it is read to countenance the deliberate manipulation by the Government of the dialogue between a woman and her physician.

Every major medical organization, including the American Medical Association, the American Academy of Family Physicians, and the American Nurses Association, have urged us to reverse the gag rule. Real doctors must be free to treat patients as they see fit, without interference from spin doctors at the White House.

For years, Congress has worked to provide quality health care to all Americans, regardless of their ability to pay. Title X is a major part of that strategy. The gag rule regulations subvert this goal in an insidious fashion. The regulations do not affect the ability of affluent women to get the information they need to exercise their legal rights and make informed decisions on family planning. But low-income women facing the same decisions and needing the same information get to hear a misleading bureaucratic script instead. The health care offered to low-income women depends on the tender mercies of Government censors.

This double standard is wrong. It is unacceptable to limit anyone's access to information about health care. It is time for Congress to put the gag rule controversy to rest by overriding this ill-advised veto.

In addition to repealing the gag rule, the bill that the President has vetoed would reauthorize the Title X Family Planning Program for the next 5 years. Reauthorization of this program is long overdue, and is itself a strong reason to override the veto.

Title X is a program that works. Each year, a network of 4,000 public and private clinics around the country provides medical and educational services to over 5 million low-income women.

Many do not realize that title X clinics provide more than contraceptive services. They offer a full range of preventive health care. They are often the first place where low-income women—especially teenagers—receive medical attention. The clinics offer health screening assessments, and treatments or referrals for anemia, hypertension, cervical cancer, breast cancer, sexually transmitted diseases, kidney disease, diabetes, and many other conditions.

Rightwing critics of title X often raise the false claim that family planning programs promote abortion. Since its enactment in 1970, the statute has included an explicit prohibition on the use of title X funds for abortion. An investigation by the General Accounting Office found that title X providers are scrupulous in their adherence to this prohibition.

Not only have title X funds never been used to pay for an abortion, it is irrefutable that title X is the most effective Government effort in reducing the need for abortion. Each year, it is estimated that family planning services prevent 1.2 million unintended pregnancies. Without these services, there would be an additional 509,000 unwanted births and an additional 516,000 abortions each year.

The title X program is highly cost effective. Every public dollar for contraceptive services saves $4.40 in taxpayer funds that would otherwise be spent on medical care, welfare, and other mandated social services. Family planning actually saves over $1.8 billion a year.

Title X is the front line of defense against adolescent pregnancies. It is hard to overstate the seriousness of this matter. Over 1 million teenagers become pregnant each year. More than three-quarters are unmarried, and 84 percent of these pregnancies are unintended. Almost half of these pregnancies will end in abortion. Far too many of them are carried to term at risk of infant mortality, future child abuse, and future welfare dependency.

More than half of all AFDC payments go to women who were teenage mothers. Welfare-related costs for teenage pregnancy, including AFDC, food stamps, and Medicaid, cost $25 billion a year. If the teenage birth rate were cut in half, the savings would be monumental.

These statistics explain the strong support for title X among State and local officials of both parties. The Southern Governors' Association Project on Infant Mortality has urged Congress to strongly support the Title X Family Planning Program, which provides 1.5 million teenagers with preventive health services to reduce unintended pregnancies and to improve maternal and child health. Similarly, the U.S. Conference of Mayors endorses reauthorization and full funding of the Title X Family Planning Program.

These mayors and Governors know firsthand about the vast unmet need for family planning services. Many women cannot obtain services, and the cost of serving existing clients has skyrocketed. The cost of pap smears, which are critical to the detection of cervical cancer, has increased nearly fourfold over the last 3 years. Norplant, the newest contraceptive method, will cost clinics $350 for the device and an additional $200 to $300 for each implantation—too much for most clinics to pay. Increasing numbers of title X patients must be treated for sexually transmitted diseases, including AIDS.

As a result of increased costs, clinics have been forced to ration health care in unacceptable ways. They have been compelled to cut services, charge higher fees, maintain long waiting lists for appointments, and reduce community outreach. They have found it difficult to preserve, much less expand, other types of services urgently needed in low-income communities.

Even though the demands on family planning clinics are expanding, public funding for the clinics has declined in real dollars. After adjusting for inflation, title X funding has been slashed 58 percent in the past decade. This legislation will reauthorize the program and call for needed increases in funding.

The pending bill will require title X grantees to comply with applicable State law on minor's access to abortions. No facility that performs abortions will be eligible for title X funding unless it certifies that it is in compliance with its State law regarding parental notification or consent for the performance of an abortion on a minor. This has been one of the controversies surrounding the program in recent years, and the bill now before us deals effectively with that issue.

The Title X Family Planning Program merits the support of Members on both sides of the aisle, regardless of their views on the issue of abortion.

For two decades, despite enormous pressures, these clinics have done the job Congress asked them to do. Now it is time for Congress to do its job. It is time to get the clinics out of court and back into the business of providing high quality health care. I urge the Senate to override this veto and enact this bill into law.

I know there are other Members and I will withhold the remainder.

I want to pay tribute to the Senator from Rhode Island, as well as the Senator from Oregon, who have been involved in this debate for a long, long period of time. They have made very important contributions in moving this whole issue forward, and demonstrating the breadth of concern among Republicans, and Democrats alike on this particular issue.

How much time would the Senator like?

Mr. CHAFEE. Might I have 9 minutes?

Mr. KENNEDY. Yes.

Mr. President, I yield 9 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the legislation before us today is extremely important for the health and well-being of millions of American women. It does two critical things, and I think it is important to remember this:

First, it reauthorizes for 5 years the title X program which is the only Federal program solely devoted to family planning services for the poor. That is the first thing. It reauthorizes title X.

The second thing that this legislation before us does that has been vetoed, it overturns regulations that were promulgated by the Department of Health and Human Services, and those regulations said there can be no discussion of abortion in a title X funded family planning clinic. The legislation overturns that, permits the woman to receive advice when she asks for it. That bill has been vetoed.

Now, the title X program, I think it is important to remember, Mr. President, has not been reauthorized since 1985. We are grateful to the appropriators who provided money for the program, albeit in modest amounts. But with no authorization, there is an inhibition on the part of the appropriators against making bold increases and, indeed, even making adequate increases to stay even with inflation.

So this program has drastically declined over the past several years. In 1980 it was $160 million. Currently, 12 years later, it is $150 million. This authorization gradually increases it to $219 million, 5 years from now in 1997.

What does the title X program do? It provides family planning services to approximately 5 million low-income women each year and they obtain these services at some 5,000 different clinics, community health centers, hospitals, neighborhood health centers, planned parenthood affiliates, and others.

The primary purpose of the title X program is to provide contraceptive information to women to help avoid unwanted pregnancies, unintended pregnancies. There are approximately 3 million unintended pregnancies every year in this country, 1 million of them amongst teenage girls. Of these 3 million unintended pregnancies, 1.6 million result in an abortion. The Alan Gutmacher Institute predicts that without publicly funded services, there would be 1,200,000 additional pregnancies every year resulting in one-half million additional instances of abortion.

The point I am making is, for those who are opposed to abortion, they should enthusiastically back the title X legislation, because, as a result of the information that the women are unable to obtain, they avoid unwanted pregnancies. They stop the pregnancy from occurring in the beginning, thus, obviating any need for abortion.

But the title X program does more than that. It offers related health care services such as gynecological examination, screening for blood pressure and breast and cervical cancer, pregnancy testing and testing for sexually transmitted diseases.

Very often, Mr. President, the only route that the low-income woman has is through the title X program. This is exactly what we want. We want to bring these women into the health care system so that we can take good care of them.

Who are these 5 million women who receive the title X services? Eighty percent of them fall into the category of low income, and you know, Mr. President, that low income is indeed low income in this Nation. Fifteen percent of these 5 million patients are 17 years of age or younger. So this is a vital program.

Mr. President, title X statute has always prohibited using the funds to promote abortion. There is no question about that. Never has a title X recipient used the funds to promote abortion. As part of the law since its inception 20 years ago, the program has provided, and indeed it had this in the regulations up until 1988 that when a woman discovered she was pregnant and she asked what are my options, she was required to be told in a nondirective way three things—whatever the answer is. She is told these are her options: to carry the baby to term, putting the baby up for adoption, or foster care or terminating the pregnancy.

In 1988, as the distinguished Senator from Massachusetts pointed out, after nearly 18 years of successful operation—and, mind you, 8 of those years were under President Reagan, and nobody ever said he was enthusiastic about abortion or would countenance anything dealing with abortion—after 18 years, and 8 of them under President Reagan, suddenly the Department of HHS changed the rule. These new rules, which were promptly dubbed the gag rule, prohibited health care professionals from telling women what they asked. They asked a question; they are not given a legitimate answer.

Mr. President, some will say, oh, well, it is provided—although not in the regulation; it is a little fuzzy whether this is accurate—it is provided that a doctor can tell the woman.

That is no help, because in these clinics doctors are not drifting around available to consult with every woman who comes in. There are not doctors frequently in these clinics full time. A doctor is incredibly busy and cannot be there to consult. Who does the woman see when she comes in? She sees a health care professional. It might be a registered nurse, a practical nurse, it might be a counselor of some type. These are the people the woman sees, and these are the people who are prohibited from giving a direct answer. The gag rule creates a two-tiered system where low-income women receive more limited information than those women who can afford private health care services.

Mr. President, the regulations, as has been pointed out, went up through the courts as far as the Supreme Court where, by a 5-to-4 decision, the gag rule was sustained. So the only route we had was legislation. I introduced such legislation, and that is the measure that is before us today.

This amendment, this legislation, that has been improved twice, once in September 1990, another time when offered by Senator HARKIN to a Labor—HHS appropriations bill in 1992, this is not a new subject to us.

Now, as has been pointed out, what is happening is just what we said would happen when this gag rule went in. The clinics were faced with a terrible quandary. Every single one of these clinicians are desperate for money, but at the same time they want their clients—that is, who come to them—to be treated fairly. And, in the instance that has been pointed out in my home State of Rhode Island, they have announced they are giving up the title X funds, desperately needed though they are, because they feel that to abide by these regulations would deceive and mislead the patients of those clinics. There are 42,000 women and teenagers who are at risk in my State for unintended pregnancy. One thousand pregnancies occurred with Rhode Island teenagers under the age of 17, 1,000 in our little State, and with title X, we feel we had a far greater chance with proper contraception advice to forestall those pregnancies from occurring.

I might say it is with regret that I take the floor this morning to ask my colleagues to vote to override the administration veto. I respect and have great affection for our President, who I have known for over 40 years.

Also, Mr. President, this issue has clearly been politicized. My legislation to overturn the gag rule passed the Senate in July 16, 1991, over a year ago. It was combined with a House bill that was approved by the House 6 months ago. So this legislation easily could have come before us earlier, but it did not, and I think that is regrettable. But, nonetheless, here is where we are. This legislation is critical to millions of low-income women across our country. They deserve the same kind of advice that those women with higher incomes receive.

So I urge my colleagues to override this veto, and I thank you, Mr. President, and I thank the floor manager.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from Oregon.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Oregon for 3 minutes.

Mr. PACKWOOD. Mr. President, I thank the Chair and my good friend from Massachusetts.

Mr. President, today's vote to override the veto on S. 323 is more than academic, and it is more than political. Our override today is critical to the very survival of title X programs in this country.

The gag rule goes into effect today unless something stops it. Temporary restraining orders and forcing family planning organizations to spend their precious resources on court battles are not the answer; legislative action is.

On August 24, having defeated the most recent injunction against the gag rule, HHS moved to enforce it on October 1, giving clinics barely 30 days to comply.

In Oregon, our State health division is the major title X grantee. They promised to comply with the gag rule. I emphasize they promised to comply with it. They do not like it but they are promising to comply with it. But they need a reasonable amount of time to do such things as change their accounting procedures and retrain personnel in dozens of clinics.

After waiting weeks for a reply, Oregon learned this week it cannot get an extension. So my State's title X program is thrown into mayhem. Perhaps their funding stops today, but neither they nor I have been able to find out.

Many of your States face the same obstacles and are in the same predicament. And I am not just talking about putting massive numbers of title X clinics into jeopardy, but in addition about the 5 million women who depend on title X for health care.

To say that I am upset with the uncertainty confronting Oregon's title X program would be an extreme understatement. I am outraged that a State which is willing to comply, I emphasize again, unhappily, but willing to comply with a Federal mandate cannot get what seems to me like reasonable cooperation to give them the time sufficient to come into compliance.

Our Nation's family planning clinics have lived with the uncertainty of whether and when the gag rule would be unleashed on them for far too long. We can end this nightmare, and I hope we do.

I urge a vote for the veto override and I thank the Chair and my friend from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 7 minutes and 47 seconds.

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Ohio.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized for 4 minutes.

Mr. METZENBAUM. I thank the Chair and the Senator from Massachusetts.

Mr. President, people who are pro-life and pro-choice agree that the Title X Family Planning Program works and should be reauthorized. Since 1970, it has provided quality health care services to over 4 million low-income women each year. Yet despite the need, the accomplishments, and the cost-effectiveness of title X, the program has not been authorized since 1985. At a time when Congress is authorizing billion dollar programs for defense systems that do not work and military planes that cannot fly, our failure to support a public health program that has been working for over 21 years is a national disgrace. It is no wonder that the American people are fed up with politicians that cannot dispense with the rhetoric and reauthorize a program so deserving of support.

The title X program is in dire straits this year only because of the politics of abortion. S. 323 makes clear that the title X program has no funding of, or involvement in, the provision of abortions. But the President vetoed S. 323 because he claims title X promotes abortion. Such a claim not only ignores the specific and clear language of the bill, but also ignores the evidence that thousands of unintended pregnancies and abortions have in fact been prevented because of title X services. S. 323 contains a conscience clause that allows clinic employees to be excused from counseling or referring for abortion. The bill also requires clinics to comply with the applicable State law a minor's access to abortion.

President Bush specifically opposes the provision in S. 323 that overturns the administration's gag rule. The gag rule restricts title X clinic health care providers from giving complete and responsible information to patients facing unwanted pregnancies. S. 323 makes clear that pregnant women who request information should receive nondirective counseling and referral on all legal and medical options. This provision expresses the original congressional intent of the title X program—to provide quality health care to poor women and put the politics of abortion aside. Yet despite this clear and worthy intent, the President cannot pass up one more opportunity during this election year to play politics with the health and lives of American women.

Mr. President, clinics have already closed and others have curtailed their services to poor women rather that compromise the care they provide in order to comply with the President's gag rule. If we fail to override the Presidents veto and overturn the gag rule, many more women will be denied critical health care and face unintended pregnancies. Let's put the politics of abortion aside once again and have a government that works. I strongly urge my colleagues to vote to override the veto of S. 323.

I thank the Senator from Massachusetts.

Mr. HATCH. Mr. President, I yield 7 minutes to the distinguished Senator from Indiana.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Indiana for 7 minutes.

Mr. COATS. Mr. President, today we are considering the President's veto of S. 323, legislation overturning a portion of the Supreme Court's Rust versus Sullivan case. The Rust decision, which I support, upheld the validity of Federal regulations implementing the title X Family Planning Program. S. 323 is a very important piece of legislation. It redefines the entire scope and focus of a program already plagued with controversy.

I regret being in this posture today, because I am generally supportive of the title X program's goals. In fact, I wish we were spending this time reauthorizing the title X program with the safeguards provided by the administration's regulations intact. However, that will not be possible, and the title X program will go yet another year unauthorized. And the reason is that the sponsors of S. 323 seem to care more about promoting abortion, which in my opinion has no place in a preventative family planning program, than they do providing the contraceptive services this program was designed to provide.

It is clear to me, Mr. President, that Congress never intended that abortion counseling be a part of our Family Planning Program.

Section 1008 of the Public Health Service Act contains the following prohibition which has not been altered since 1970: "None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning." This is the issue we are debating today. Not free speech, but whether abortion is a method of family planning. I maintain it is not. Rather, abortion is the result of failed family planning. Those of us who believe abortion is not birth control, not family planning, find the administration's regulations very reasonable. If abortion is not family planning then why should Federal taxpayer funds be used to include abortion information in a federally funded family planning program. To do so is simply illogical and inconsistent with existing law.

The title X statute and regulations clearly create a wall of separation between title X programs and abortion. They embody a view shared by a majority of Americans—that abortion is inappropriate as a method of family planning. The Supreme Court has, on several occasions, recognized abortion as "inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life."

Mr. President, it is important to remember that these regulations were not promulgated without a purpose. They were in response to programmatic difficulties, concerns from former title X clients, and several audits conducted by the inspector general and the General Accounting Office. In 1982, both the department's office of the inspector general and the General Accounting Office urged the department to give more specific, formalized direction to programs about the extent of prohibition on abortion as a method of family planning.

The inspector general, after auditing 32 title X clinics, found that the department's failure to provide specific program guidance regarding the scope of section 1008 had created confusion about precisely which activities were proscribed by the section 1008 and had resulted in variations in practice by grantees. In particular, the GAO, in a report based on an audit of 14 title X clinics, found that the clinics were relying on the departments policy of permitting both title X family planning services and separately funded, abortion-related activities to be provided at the same site. In the report, GAO found that some of these providers had engaged in a number of practices which did not present alternatives to abortion, clinic referral practices which went beyond HHS referral policy, and clinic literature promoting abortion as a method of family planning. These were findings at specific title X facilities.

The extensive facilitation of abortion—such as setting up appointments, making transportation arrangements, making arrangements for payment of the abortion—that many consider to have been common practice have never been permissible in the title X program. The administration's regulations make sure that scarce family planning resources are used for the purposes for which they have been appropriated—and not for abortion services.

Planned parenthood, which receives $35 million from title X while being the Nation's single largest provider of abortion services, maintains that given the regulation's requirement that abortion not be a part of federally funded title X programs, they would reject title X funds. Thus, they argue, a net loss of services to the population currently served by title X would result and possibly a third of current patients may become unintentionally pregnant within 12 months if their services are interrupted.

Mr. President, there is no reason for title X services to be interrupted. Let me repeat that. There is no reason for any legitimate title X services to be interrupted. All present title X grantees can continue to receive Federal funds and provide family planning services, the purpose for which they were established in the first place. It is only those organizations which are ideologically more committed to promoting abortion than to providing family planning will no longer get funds. Title X funds will continue to be provided to clinics committed to providing legitimate family planning services to title X clients.

Let me repeat that. Title X funds will continue to be provided to legitimate family planning title X clinics. Thus, the regulations help to assure that scarce resources are allocated to preventative family planning and infertility services, not to the inappropriate referral of pregnant clients to abortion clinics.

I urge my colleagues to support the administration's regulations and reject the premise that abortion is a method of family planning. I plan to vote to sustain the President's veto of S. 323.

Mr. President, I yield back whatever time I have not consumed and thank the Senator from Utah for yielding me this time.

Mr. HATCH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I thank the distinguished Senator from Indiana for his cogent remarks and for the seriousness with which he takes this matter. I take it very seriously too, because I am a supporter of title X. I believe that the family planning program is an effective and appropriate way to go.

I have long said, let us not get the abortion issue mixed up with family planning, because if we do that, then the bill is going to be vetoed, the House is going to sustain the veto, and you will not do for family planning that which needs to be done. I mean, it is as simple as that.

However—and I am certainly not accusing anybody in this august body of doing this—there is no question that there are some on Capitol Hill who would rather have the abortion issue as a political against the President—who will veto this bill if it ever gets to the White House—they would rather have the abortion issue than they would a family planning program.

So who is right and who is wrong here? I believe that it is wrong to tie up the politics of an abortion issue with the family planning program, where it should never be a part. Tying the two issues together will stop the family planning bill from going through—this is wrong.

Mr. President, when the U.S. Congress enacted the title X program in 1970, the issue of abortion was raised. The Congress, back before abortion was legalized, understood that abortion should never be a method of family planning. It was specifically decided. They appropriately decided that the U.S. taxpayers should not pay for programs where abortion is promoted as a method of family planning.

It makes sense, Mr. President, to keep abortion out of a program that helps women and families with family planning. The title X program enables families to decide or plan whether or not to have children, before pregnancy occurs. Abortion, quite conversely, stops a beating heart. Abortion is clearly the intentional killing of innocent human life after conception.

The fact is, Americans overwhelmingly disapprove of abortion as a method of birth control. A March 1991 Gallup Poll showed that 88 percent of the American people oppose abortion in the first 3 months of pregnancy "as a repeated means of birth control."

In the United States today, there are more than 4,100 abortions per day. Statistically, we know that many of these occur for reasons of convenience or birth control. That is a tragedy in itself, Mr. President, and we should not compound that statistic by asking the Government to fund the promotion of abortion as a birth control method. Unfortunately, that is what this legislation would do. That is why the President wisely vetoed this legislation. S. 323 would require title X clinics to counsel on, and make referrals for abortion. Even if a grantee is opposed to doing so on moral or religious grounds, they would be required to refer a client to someone who will.

Now, as I mentioned earlier, in 1970, Congress debated and decided to include section 1008. This section, here on this chart, reads as follows:

> None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

That is section 1008 of title X of the Public Health Service Act, 42 U.S.C., et cetera.

That is a pretty important, direct statement. And it has always been, I think, the intention of Congress. Many of my colleagues may have been here over the years. Some of them were probably here at the time of this debate. It seems obvious from this language that this prohibition means more than just paying for an abortion.

In fact the 1970 conference committee explained that:

> With the "prohibition of abortion", the committee members clearly intended that abortion is not to be encouraged or promoted in any way through this legislation. Programs which include abortion as a method of family planning are not eligible for funds allocated through this Act.

Unfortunately, this statement has not always been understood by some of the title X grantees. In 1982, a GAO report recommended that the Department of Health and Human Services needed to "make its guidance in this area more specific and consistent." Final regulations were issued in 1988.

Those of us who are in favor of family planning—and I am one—but opposed to abortion—and I am one—are consistent. Let me cite a well-known figure who passionately holds this view. Then Congressman George Bush was a sponsor of the Family Planning and Population Act of 1970, which became the title X law in 1970. On July 16, 1970, Congressman Bush explained the intent of the bill as being strictly a family planning measure:

> This legislation is not by any stretch of the imagination a population control measure. Population control is not a proper function of any government. Family planning is a component of maternal and child health care services and is a great deal more than merely the dispensing of birth control information and devices. * * * It is a health care issue that emphasizes fertility regulation putting this aspect of health care in its proper order of concern with the other aspects of health care we practice.

As George Bush knew then, he knows now, that title X is intended to be a preventive prepregnancy program. Thousands of women rely on title X for family planning counseling and limited reproductive health care services. There are numerous other federally funded clinics, such as the Maternal and Child Health Program, that provide continuing care for pregnant women. Clearly, any post pregnancy counseling is outside the scope of title X.

In 1988, regulations were issued to correct alleged abuses in the title X program regarding abortion promotion. The regulations make clear once and for all that abortion counseling and referral is not a proper function of federally funded family planning clinics.

Despite arguments to the contrary, no woman will be denied any health services or treatment in an emergency situation because she will be automatically referred to experts who are qualified to take care of them.

Keep in mind that title X, being a preventive program, provides limited health care services. Most clinics do not have a physician on staff. That is why women, who may be pregnant or have an emergency situation, must be referred to doctors in full services centers for appropriate care.

Here is a chart showing a citation in the Federal Register on February 2, 1988, the day on which the title X regulations were issued. I have enlarged section 59.8 which explains "referrals."

It says:

> Because title X funds are intended only for family planning, once a client served by a title X project is diagnosed as pregnant, she must be referred for appropriate prenatal and/or social services by furnishing a list of available providers that promote the welfare of mother and unborn child. She must also be provided with information necessary to protect the health of mother and unborn child until such time as the referral appointment is kept. In cases in which emergency care is required, however, the title X project shall be required only to refer the client immediately to an appropriate provider of emergency medical services.

It is pretty clear. I do not see how anybody can disagree with it. And it says the client must be referred for appropriate prenatal and/or social services. She must also be provided with information necessary to protect her health and that of her unborn child. Where an emergency occurs the family planning providers have to act quickly to refer the client for appropriate medical services. They have legal liability under these regulations to do just that. How could, really, anybody disagree with that particular regulation?

I believe these regulations are good for women's health. If a woman is pregnant or desires comprehensive health services, she must be referred to another provider because those services are outside the scope of title X. There she may learn about all of her legal options from physicians. Title X is a limited health service because it deals only with dispensing birth control and treating sexually transmitted diseases. However, the program promotes prenatal care in a time when many women are not receiving this basic care for themselves and their unborn child. We have a crisis of a high rate of infant mortality in our Nation. One of the causes, I am told, is a lack of prenatal care, especially among teens.

Should not the Federal Government be promoting care that would reduce the incidence of infant mortality by advocating prenatal care, which this regulation does? The built-in referral process does this. Pregnant women should be having healthier babies because they were encouraged to seek prenatal care early. I believe this approach, which exists under the current regulations, is much better than allowing the Government to promote abortion counseling and referral as would happen under S. 323.

In an emergency situation, there is no question that a woman will be immediately referred for proper medical treatment, just as she would be in any other federally funded health program.

That is as it should be. And this regulation requires that. If the facility, the Federal facility, or the facility using Federal funds, does not do that, they can be found liable for not having done so.

The bill that the President vetoed would put abortion into the family planning program by requiring "nondirective counseling of pregnancy management options." According to the legislation, pregnancy management options means childbirth, adoption and foster care, and abortion. But how will the Federal Government possibly define, or enforce, "nondirective counseling?"

A title X provider, usually a nurse or nurse practitioner, is the main facilitator of the choice for a particular birth control method.

A title X provider or counselor may even not have nursing experience or nurse practitioner experience. They may be qualified to give social advice. Some counselors have just on-the-job training or are volunteers. Certainly some of them are not qualified to give medical care or treatment or advice. This must be taken into consideration.

Counseling on pregnancy options is radically different than counseling on the choice between family planning practices. Different preventive birth control methods all share the same intent.

Once there is a pregnancy, however, the alternatives of raising a child, putting a child for adoption, or aborting the child, could not be more extreme opposites. There are no standards for training title X personnel in this area.

They just assume that if they want to refer for abortion, they can. They do not have to give any understanding one way or the other. They do not really give them a real choice.

The particular problem of putting abortion on an equal playing field as the other two choices is that, in most cases, abortion is a moral decision, not a medical one.

Should the American taxpayers be supporting a program that treats the killing of an unborn child as just another birth control option?

I think not. I hope my colleagues will agree and vote in favor of family planning by opposing attempts to inject a highly emotional and controversial issue into the program.

I encourage all my colleagues to support the President and sustain his veto of S. 323.

Could I ask, Mr. President, how much time I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 9 minutes and 30 seconds.

Mr. HATCH. 9 minutes?

Mr. BRADLEY. Will the Senator yield 1½ minutes for another purpose?

Mr. CHAFEE. Mr. President, I wonder—we are sort of short on time here. Is that a separate subject?

Mr. BRADLEY. That is a separate subject.

Mr. HATCH. I yield 1½ minutes to the distinguished Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. BRADLEY. I thank the Chair.

(The remarks of Mr. BRADLEY pertaining to the introduction of S. 3291 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HATCH. Mr. President, I yield the distinguished Senator from Pennsylvania 1 minute, and my colleague yields 4 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank my colleagues for jointly yielding me 5 minutes.

I urge the Senate to override the veto on the gag rule so that medical personnel may be able to counsel women on a variety of options in accordance with basic principles of freedom of speech in this country.

In my opinion, Mr. President, this issue goes beyond the controversy of pro-choice–pro-life and really deals with the fundamentals of freedom of speech.

When the Family Planning Act was legislated many years ago, I believe in 1970, this kind of counseling was permitted. Then in the late 1980's, 1989, I believe, there was a change in the regulation which was upheld in the case of Rust versus Sullivan, a highly unusual Supreme Court decision where there was a modification on what is essentially congressional intent, although Congress had allowed that interpretation to stand for many, many years.

Mr. President, that is one of the fundamental problems that we have with the Supreme Court today in terms of its legislating and in terms of not following congressional intent, where we have a longstanding interpretation of a statute and Congress has ample time to make a modification. There is a sound legal conclusion that in the absence of that modification, the law stands in terms of what Congress had intended.

Then in Rust versus Sullivan, the Supreme Court of the United States, by a narrow decision, sustained the new interpretation of the gag rule because, in effect, the political considerations changed and public opinion, which ought not to be a basis under any circumstance for a Supreme Court decision.

Mr. President, by overriding the veto, a position that this Senator has consistently taken, a position which this Senate overwhelmingly took in a vote last year, we will be articulating a clearcut statement of congressional intent that medical personnel ought to be able to counsel pregnant women on all their ranges of options. The dissenting opinion of Justice Sandra Day O'Connor was by far the most persuasive of all the opinions in Rust versus Sullivan when Justice O'Connor articulated the basic principles of freedom of speech. A doctor, nurse, medical personnel ought to be able to counsel to convey their professional judgments to any extent on all circumstances.

I believe this is very fundamental. It is rock bed, and I urge my colleagues to vote to override this veto. I thank the Chair and yield the floor. I thank my colleagues for yielding me the time.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, how much time do we have?

The ACTING PRESIDENT pro tempore. The Senator from Utah has 5 minutes, 40 seconds remaining.

Mr. HATCH. And how much time does the other side have?

The ACTING PRESIDENT pro tempore. The other side has 5 minutes and 30 seconds remaining.

Mr. HATCH. Mr. President, I do not intend to take all this time. I will just say this in closing. In this country today, we have somewhere between 1.6 and 2 million abortions a year. It is, other than one or two other countries, the most permissive country in the world on abortion.

This issue has become a very big lightning rod issue. It has stopped all kinds of legislation around here that might otherwise be good, one way or the other. The prolife side is not the only one stopping legislation. The so-called pro-choice side does, too. Neither side in the extreme care to get together. Both believe they are standing for principle. Millions of Americans support one side or the other.

I believe the vast majority of all Americans would support family planning programs and would support title X in the hope that by supporting these programs, we will be able to prevent unwanted pregnancies and even more abortions. I certainly feel that way. I have seen statistics that show family planning programs lead to even more sexual promiscuity, even more abortions. But I choose to believe that if young people are given a choice as to how to avoid pregnancy, teens who are going to be sexually active anyway, that it is better for us to try and give them that choice.

So I support the Title X Family Planning Program. It grieves me to be here on the floor arguing against this bill because the abortion issue has been injected right in the middle of it.

The President was criticized under the so-called—and it is a very, very unfair characterization—gag rule. The proposed regulations would have prevented even medical advice on abortion at family planning clinics because medical advice at those clinics in many cases, in many clinics across the country, was advice to simply have an abortion without presenting the young woman options at all. It was not an informed—or really free choice. These vulnerable young women were generally pushed into abortion in some of these clinics and many people know that.

The President was blasted for excluding even physicians. I believe that physicians should not be foreclosed from telling their patients anything that is in the best physical and emotional interest of their patients. Regardless of whether you disagree or agree on abortions, literally, doctors should not be stopped from presenting their patients with all the facts and options needed to make an informed decision.

The President saw the light of that and clarified the rules. He said that we should not have people who are not physicians informing these clients. Under this program regulation, these clinic providers have all kinds of ways of referring these young women to full service and appropriate health care givers who can advise them on their full range of options including abortion. Every family planning clinic can do that. That seems reasonable to me rather than have nonphysicians or nonmedical experts telling these women what they should or should not do. In many cases, some of these nonmedical experts are persuading these women that their only option is abortion.

Mr. President, I understand there are sincere people on both sides of this issue. It is a tough and difficult issue, but let me bring it down to where it is.

Mr. President, the President has vetoed this bill. His veto may be overridden in the Senate but it is going to be sustained in the House. The question is, do the proponents of this bill want the abortion issue or do they want a family planning program, knowing that—and, there is no question about it, these are reasonable program regulations—that they solve the problem. So why not reauthorize the family planning legislation that most of us agree upon, whether we are pro-life or pro-choice, and not get into this terrible battle over the moral and ethical dilemma of who is and is not pushing abortion or who is or who is not supporting abortion.

Mr. CHAFEE. Mr. President, I wonder if the Senator will yield for just a quick question?

Mr. HATCH. Sure, I will be delighted to yield.

Mr. CHAFEE. Mr. President, as the Senator knows, for 18 years individual health care providers in these clinics were allowed to answer in a nondirect way a question that is posed by a woman. That went on very peacefully and in splendid fashion for 18 years. Why the change? What is the difference if there are all these ominous overtones of abortion here, yet a doctor can answer the question but a registered nurse cannot?

The ACTING PRESIDENT pro tempore. The time of the Senator from Utah has expired.

Mr. HATCH. If I could just answer.

Mr. KENNEDY. How much time remains?

The ACTING PRESIDENT pro tempore. Five minutes and 20 seconds.

Mr. KENNEDY. Thirty seconds.

Mr. HATCH. The General Accounting Office—the GAO's report showed that there are all kinds of disparities in following the program guidelines. This is not a peaceful program that went along just without any problems for 17 or 18 years. There were all kinds of problems with the program, and in all honesty as important as nurse practitioners or social workers are, they are not physicians. We are talking about offering an option of an intrusive medical procedure that could affect the real life and health of a woman. So I think that answers the question of the distinguished Senator from Rhode Island.

I thank my colleague for giving me that time.

Mr. GORTON. Mr. President, since May of 1991 when the Supreme Court upheld the administration's pregnancy counseling regulations in Rust versus Sullivan, I have supported every attempt to fight implementation of the gag rule. I have supported S. 323, the Pregnancy Counseling Act, since it was introduced by Senator CHAFEE and today I join him in voting to override the Presidential veto of this legislation.

Last April, I sent a letter to the President asking him to reconsider his support for the gag rule. In that letter, I explained how disappointed I and others were with the new regulations that were announced on March 20, 1992. Although the guidelines were less restrictive than anticipated, they were still far too burdensome on health care providers and their patients.

I also explained that most Americans understand that the patients in title X funded family planning clinics are not likely to see physicians. They are examined by specially trained nurse clinicians and, if a pregnancy is disclosed, counseled by them or by trained pregnancy option counselors. The gag rule then results in one kind of health care for women who can afford to go to private doctors, and another kind for those who must have their health care subsidized—the poor. Physicians will not have the ability to refer patients to an abortion provider, even though specialty abortion clinics provide the safest, most cost effective procedures available.

As title X grantees struggle with the ethics of providing less than full information to their patients, many will decide to give up their grants rather than offer what they consider to be second rate medical care. For many providers, this will mean a significant loss of funds, resulting in fewer family planning patients seen.

In addition, the partial lifting of the restriction on doctors has created a firestorm within nursing groups. Nurses have worked for many years to be allowed to use their training to the maximum. Being told that doctors can talk to women about abortion but nurses can't, even when they have had special training in reproductive health care, unnecessarily antagonizes a vital element of the professional health care field.

In May of this year, a Federal district court struck down the gag rule on administrative procedure grounds relating to the impact of the regulation on nonphysicians, such as nurses, who perform abortion counseling. That case was appealed to the court of appeals which is expected to hand down a decision in November. However, the Department of Health and Human Services declared that implementation of the gag rule will go into effect today, October 1, 1992. Clinics that do not comply with the regulations will lose their Federal funding.

The Pregnancy Counseling Act would not only preclude the implementation of the gag rule, it would reauthorize title X, the federally funded Family Planning Program and authorize $182 million for fiscal year 1993. This money does not finance abortions. It supports birth control counseling and teen pregnancy prevention that is so desperately needed today. In addition, title X clinics offer adoption information and parenting counseling. For many women, especially teens, these clinics are the only hope when they are desperate and fearful.

Mr. President, the Pregnancy Counseling Act would simply require nondirective counseling by family planning clinic personnel on a woman's options. That was the status quo before the first gag rule regulations were promulgated in 1988.

I support nondirective counseling because a woman in need should be able to receive the best medical information on all of the options that are legally available to her. A health care professional who has dedicated his or her life to helping those who cannot help themselves should not have his or her professional judgment circumscribed by the Federal Government. Although abortion is the most tragic option for a woman to choose, it is her difficult choice, and information pertaining to that option must be made available to her. Because I believe the Federal Government should return to a neutral and nonintrusive role in pregnancy counseling, I will vote to override the President's veto on S. 323, the Pregnancy Counseling Act.

Mr. DURENBERGER. Mr. President, I rise today to explain my reasons for voting to sustain the President's veto of S. 323, the Title X Pregnancy Counseling Act of 1991.

As Yogi Berra would say, this is deja vu all over again. Here we are, spending the limited time we have left on a piece of legislation that is doomed to go nowhere. We knew that Congress would pass it and send it to the President. We knew the President would veto it. We know that the veto will be sustained, if not by this body then by the House of Representatives. What are we accomplishing?

I do not know what my colleagues heard during the August recess, but I got an earful from Minnesotans about their utter frustration with the games we play here in Washington. This is exactly the kind of exercise that frustrates them: hours of passionate rhetoric devoted to a subject, which changes no one's mind, because the outcome is a foregone conclusion.

I am doubly frustrated because this bill contains something that I very firmly believe we should do—reauthorize the Title X Family Planning Program.

The title X program provides funding to nearly 4,000 clinics which provide family planning services, primarily to low income women. Through this program, millions of women who could not otherwise afford it are able to get services to help them plan and prevent pregnancy.

Title X programs have played an invaluable role in reducing the tragic number of unwanted pregnancies in America. Title X should be reauthorized and funded at a healthy level, not only because it is the compassionate thing to do, but also because it is fiscally smart. Every dollar we spend on pregnancy prevention saves the taxpayer four times as much in the long run.

If this was a pure reauthorization of title X, I would wholeheartedly be behind it, and I believe the President would have signed it. The reauthorization could have been law by now.

But the chances for a reauthorization this year have once again been torpedoed because the issue of abortion has been dragged into the debate.

From its inception, the Federal title X program was designed to separate family planning services from the contentious issue of abortion. Every time that these issues have been connected, the title X program has suffered.

The mission of title X is to provide focussed services before a pregnancy occurs. Once a pregnancy is discovered, a woman necessarily requires services that are outside the scope of title X. Today's debate centers around what happens when a woman discovers she is pregnant in a title X project.

Reversing administration regulations, S. 323 would require title X projects to counsel and refer pregnant women to abortion. By connecting the emotional issue of abortion with the provision of family planning services, the proponents of this bill have ensured that the title X program will continue to be hamstrung by controversy.

The enacting statute for title X specifically prohibits the use of title X funds in programs where abortion is a method of family planning. Health and Human Services interpreted this to require that information regarding abortions that are not medically necessary be obtained outside the title X setting.

When the Supreme Court upheld the administration's regulations in Rust versus Sullivan, I was concerned that a woman who walks into a title X project and discovers that she is pregnant might be left out in the cold. But there is a compassionate way to help this woman deal with her pregnancy without forcing taxpayers to subsidize the promotion of abortion.

During the debate on S. 323 last year, I offered an amendment that would have removed the abortion controversy from title X projects, and would have ensured that women receive complete medical information about their pregnancy through referrals to prenatal and obstetrical care providers—health professionals who specialize in pregnancy.

My amendment would have removed pregnancy counseling from the family planning setting, and would have facilitated entry of pregnant women into the next step in the health care system. Unfortunately, this amendment failed.

But last November, the President sent a letter to the Secretary of Health and Human Services to clarify the purpose of the regulations. This letter incorporated much of the language that I offered in my amendment. Through this directive, the President addressed the concerns of those who feel that the regulations violate the freedom of speech or the confidentiality of the doctor/patient relationship. The President ordered an interpretation of the regulations that will conform with the highest standards of medical care.

First, the President stated that "Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician." In other words, no doctors in title X clinics will be "gagged." They may answer any questions a patient asks and discuss any medical information—including information about abortion.

The President also outlined the responsible manner in which referrals should be made when women require services that are outside the scope of title X:

> Title X projects are to provide necessary referrals to appropriate health care facilities when medically indicated.
>
> If a woman is found to be pregnant and to have a medical problem, she should be referred for complete medical care, even if the ultimate result may be the termination of her pregnancy.
>
> Referrals may be made by title X programs to full-service health care providers that perform abortions, but not to providers whose principle activity is providing abortion services.

Health and Human Services has ordered an interpretation of the regulations that is consistent with the President's directive. This interpretation ensures that the health of pregnant women will not be placed at risk. It ensures that title X physicians will not be gagged. This interpretation conforms with good medical practice, and very importantly, frees the valuable title X program from the debate about abortion.

I want to see the Title X Family Planning Program succeed on its merits. S. 323 tosses the title X program into the waters weighted down by the abortion controversy. Did anyone really doubt that it would sink?

Mr. President, I see the desperate needs of poor women for more access to community family planning being bogged down by the abortion debate. I see low-income women having less, not more, access to needed pregnancy prevention advice. In Minnesota, 31 of our 87 counties lack title X services.

I will continue to work toward strengthening the title X program. I will work to ensure that the program is adequately funded and protected from the political fortunes that swirl around the abortion debate.

I hope my colleagues will sustain the President's veto of this bill, and join me in working to preserve title X's great strides in providing quality family planning services to millions of low income women.

Mr. BRADLEY. Mr. President, I rise in support of this legislation to state clearly that women who are seeking medical advice are entitled to the best help that medical professionals can offer, unrestricted by anyone's political agenda.

Congress determined that adequate family planning services were in the Nation's interest. Accordingly, a program was established under title X of the Public Health Service Act to provide contraceptive information and services in order to help lower the incidence of unintended pregnancy, improve maternal and infant health, and reduce the incidence of abortion. The law provides that no abortions may be provided with title X funds and both the GAO and Secretaries of HHS have certified that no Federal funds have been utilized for those purposes.

Yet, year after year these programs are blocked, hindered, diluted, or filibustered, not because they are not needed, not because they do not work, but because of an ideological faction that wrongly sees these programs as a battleground against a woman's right to choose a safe and legal abortion.

But, Mr. President, the services the Government should be providing in these programs are safe, unbiased health services. We should not be using taxpayer dollars to promote anyone's political agenda. Politics has no place shaping what a doctor may or may not say to a woman seeking sound medical advice. Yet, that is precisely what the current regulations, insisted upon by the administration and consistently rejected by Congress, provide.

It is a sad irony that the family planning information established under these programs is supposed to give women knowledge about alternatives and choices that, if allowed to function without interference, will ultimately reduce the number of abortions. It will also reduce the number of low birth weight babies, the number of babies born to mothers who are not emotionally or financially prepared to give them a good life, and the number of children who die before their first birthdays.

Mr. President, we may not be willing right now to devote resources to a basic, cost-effective preventive health network to address grave problems of maternal and child health, but to deny women information—to prevent doctors from offering the best possible medical care—out of a misguided ideological crusade, is an outrage. I urge my colleagues to join me in strongly supporting S. 323, so that we can get on with the business of saving America's children. This legislation will clarify, beyond a shadow of a doubt, that Congress' intention as to help poor women get the best care available, so that their children will be born healthy and survive. To do so, we must let doctors speak freely and advise patients professionally about all their legal health options.

Mr. RIEGLE. Mr. President, in 1988, the Reagan administration issued a regulation prohibiting federally funded family planning clinics from counseling women on all of their pregnancy options. Health care workers at clinics that receive funding under title X of the Public Health Service Act should be responsible for counseling pregnant women about the medical risks and benefits associated with various family planning options available to them. This includes prenatal care, adoption services, infant and foster care and pregnancy termination. In an attempt to address this concern, the administration now supports allowing physicians to counsel their patients about abortion. However, most women at title X clinics are counseled by nonphysician practitioners. The administration's gag rule still prevents these health care workers from giving the patient all of the information they need to make informed decisions about their pregnancy.

Patients rights also would be restricted by this policy. The title X family planning program funds clinics serving primarily low-income women. There are over 4,000 clinics serving at least 5 million women each year. The gag rule would prevent these women from receiving critical information about choices affecting their health. This may have a devastating effect on women with serious health problems or a very high risk pregnancy.

I am pleased that a sufficient number of Senators voted to override President Bush's veto of S. 323, and I urge my colleagues in the House to do the same so that this important legislation can be enacted.

Mr. DANFORTH. Mr. President, the issue of whether to prohibit family planning clinic workers from counseling clients about abortion raises a conflict between two principles to which I strongly adhere. I believe that life is sacred and we should do everything within our power to protect it. And I believe that free expression is central to democracy and we should do everything in our power to protect it.

Today, as we vote on whether to sustain or override President Bush's veto of the Family Planning Amendments Act of 1992, neither option enables us to uphold these two principles equally. If we vote to override the veto, we will put the Federal Government in the position of mandating that abortion be discussed. I am not comfortable with such a governmental endorsement of abortion. On the other hand, if we vote to sustain the veto, we will keep the Federal Government in the position of prohibiting speech. I am not comfortable with using the hook of Federal funds to restrict speech.

Last year, when we debated the abortion counseling regulations, an amendment was offered by my colleague from Mississippi, Senator COCHRAN, which was neutral on the question of abortion counseling. His amendment attempted to pull in the reins on the Supreme Court's decision in Rust versus Sullivan. Senator COCHRAN's amendment said that the Secretary of Health and Human Services must not prohibit health professionals from providing, upon request, information concerning any legal option regarding pregnancy. But neither would his amendment have required speech about abortion. I voted in favor of that amendment, along with only a handful of my colleagues. It is distressing that such a reasonable approach, which probably most closely represents the views of the general public, should be so soundly rejected. The polarization on this issue, and the extreme choices before us today, indicate the dire need in this country to bridge the wide gap, to find some common ground, and to heal the wounds inflicted by this divisive issue.

But the reasonable approach is not before us today. And faced with the choice of having the Federal Government endorse abortion by requiring clinics to counsel about abortion and the choice of prohibiting the staff of family planning clinics from offering abortion counseling, I must cast my vote in favor of a principle that must not be diminished: the sanctity of human life. Thus I will vote today to sustain the President's veto and I urge my colleagues to do the same.

Mr. KENNEDY. Mr. President, I yield 3 minutes to myself.

Mr. President, as has been pointed out during the course of this debate, and most recently in the inquiry of the Senator from Rhode Island, nondirective information was effectively the law of the land for a period of 18 years. During that period of time there were those who said that these various health clinics, these family planning clinics were really promoting abortion in this country, and so we saw Inspector General of the Department of Health and Human Services review clinics to find out whether that was the case, and the IG said no. Then we asked the General Accounting Office to take a look at it and see if it was the case. The GAO said no. Then we asked the Secretary of HHS to look at it, Secretary Heckler, and she reviewed it and testified before the Congress that that was not the case. So that is not a position that can be justified during the course of this debate.

The real purpose of this legislation is to take this issue out of this Chamber, out of the courts. For 4 years this issue has been in the courts. We want to take it out of the courts and permit the medical profession and individuals in these family planning clinics to provide complete and full medical information.

Why is it right for a middle-income or wealthy woman to be able to get nondirect information, the best in terms of health care information, and on the other hand a poor woman to get censored information, bureaucratic information, as a result of Government decision? That is wrong as a matter of health care policy. It is wrong in terms of free speech. It is wrong for Government to be interfering with the appropriate kind of medical information. That is what this issue is about, and I hope our colleagues will vote to override the veto.

I yield my final 2 minutes to the Senator from Maine.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. There is one simple test by which every Member of the Senate can judge this vote. Would any Member of the Senate permit his or her daughter or wife to be treated in the manner which this gag rule treats people who go to clinics? The answer is very clear. Not one Member of the Senate would permit his daughter to be treated that way. Not one Member of the Senate would permit his spouse to be treated that way.

Every Member of the Senate would demand the best possible treatment for his or her daughter or spouse and the most complete information for his or her daughter or spouse. And we have no right to say to American women who are not as well off as our children, they are not going to get the same kind of treatment. That ought to decide this vote.

I urge my colleagues to vote to make it possible for every American woman to receive the same kind of information that our children would receive in a similar situation—full information, complete information, uncensored information, and the ability to make a decision on their own.

Mr. HATCH. Will the Senator yield for just a question?

The Senator said that not one Senator—I happen to be the father of 3 daughters and quite a few granddaughters, 9 of them to be exact—no it is 10 of them, to be exact. I tend to lose track. I—as I believe that any Senator would want—would want my daughters to have the best possible medical advice they could get. I would not want them receiving medical advice or medical care from social workers, as important as they are, as important a role in public life as they play. And I think the distinguished Senator from Maine makes our case. We are just saying look, the women in these programs should be entitled to a physician's advice in deciding on which medical or surgical option they should choose. If they are not true, experienced, medical practicers, physicians, they should not be advising young girls on surgical procedure including abortions.

Mr. MITCHELL. Mr. President, if I might respond, every one of these persons is licensed by the State. And let us be clear. The Senator's daughters do not go to public health clinics. Let us be clear about that. Have the Senator's daughters gone to public health clinics to get their medical care?

Mr. HATCH. The Senator asked what Senator in here would want their daughter to be treated as these women are treated. I am saying that if my daughter went there, I would want her to have good medical advice from the person best trained to offer her a full range of options—a physician, not advice from social workers—social workers are licensed by the State to practice social work not medicine.

Mr. MITCHELL. I asked if his daughter went. The answer is obvious; no Senator's daughters go to public health clinics. We all know that.

Mr. HATCH. I consider all of these women my daughters as I am sure all of my colleagues in this esteemed body do. Every young woman who has to go to one of these programs is daughter to all of us.

The PRESIDING OFFICER. (Mr. SHELBY). All time has expired.

UNITED STATES-CHINA ACT—VETO

The PRESIDING OFFICER (Mr. SHELBY) laid before the Senate a message from the House of Representatives, which was read, as follows:

The House of Representatives, having proceeded to reconsider the bill (H.R. 5318) entitled "An Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States to the House of Representatives, as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 5318, the "United States-China Act of 1992," which places additional conditions on renewal of China's most-favored-nation [MFN] trade status.

I share completely the goals of this legislation: to see greater Chinese adherence to international standards of human rights, free and fair trade practices, and international non-proliferation norms. However, adding broad conditions to China's MFN renewal would not lead to faster progress in advancing our goals. To those who advocate this approach, let me set the record straight.

Our policy of comprehensive engagement lets the Chinese know in no uncertain terms that "business as usual" is not possible until they take steps to resolve our differences. Through multiple, focused measures, we are eliciting the results we seek.

This year China joined global efforts to control the spread of nuclear weapons and ballistic missiles by declaring adherence to the Missile Technology Control Regime's [MTCR] guidelines and parameters and signing the Nuclear Proliferation Treaty [NPT]. Chinese behavior remains MTCR-consistent, and we have begun a dialogue with the Chinese on their responsibilities under the NPT. We continue to monitor vigilantly China's weapons export practices. We have used the sanction authorities available successfully and remain prepared to do so again if necessary.

We have made progress on the resolution of outstanding trade issues with our agreements to protect Intellectual Property Rights and to ban prison labor exports. I will not allow, however, market access to remain a one-sided benefit in China's favor while our bilateral trade deficit grows. If China fails to reduce trade barriers, we are prepared to take trade action under the statutory guidelines of section 301 of the Trade Act of 1974.

The limited steps China has taken on human rights are inadequate. But our human rights dialogue gives us an avenue to express our views directly to China's leaders. Significant improvement in China's human rights situation, including freedom for all those imprisoned solely for the peaceful expression of their beliefs, remains our objective. It is easy to be discouraged by the pace of progress in this area. But it would be a serious mistake to let our frustration lead us to gamble with policies that would undermine our goals.

Withdrawing MFN or conditioning it, such that it will be withdrawn at a later date, will not promote these goals. H.R. 5318 imposes unworkable constraints on our bilateral trade. Among the casualties of this bill would be the dynamic, market-oriented regions of southern China and Hong Kong, as well as those Chinese who support reform and rely on outside contact for support.

The impact of this bill would extend beyond the state enterprise system, harming independent industrial and agricultural entries that have sprung up in China since the advent of economic reform and its opening to the outside. These family-owned and operated entities are interlinked in the manufacturing process with large, state-controlled factories and marketing agencies. They would not be shielded from the effects of this bill.

Americans too would be affected. This year our exports to China will climb to about $8 billion. China's retaliation for the loss of MFN would cost us this growing market and thousands of American jobs. We would cede our market share to our foreign competitors who impose no restrictions on their trade with China, at a time when China is taking market-opening measures that our trade negotiators fought to obtain.

Out policy seeks to address issues of vital concern to us and looks to the future of our relations with a country that is home to almost one-quarter of the human race. MFN is a means to bring our influence to bear on China. Comprehensive engagement is the process we use to transform this influence into positive change. The relationship between these two key elements of our China policy is a powerful one, and the absence of one element diminishes the potency of the other. We continue to advance broad U.S. objectives without imposing economic hardship on Americans because both elements of our policy are in place.

Engagement through our democratic, economic, and educational institutions instead of confrontation offers the best hope for reform in China. MFN is the foundation we need to engage the Chinese. H.R. 5318 places conditions on MFN renewal for China that will jeopardize this policy and includes a requirement that infringes upon the President's exclusive authority to undertake diplomatic negotiations on behalf of the United States.

In order to protect the economic and foreign policy interests of the United States, I am returning H.R. 5318 to the House of Representatives without my approval.

GEORGE BUSH.

THE WHITE HOUSE, *September 28, 1992.*

The Senate proceeded to consider the bill (H.R. 5318), entitled "An Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes," returned to the House by the President on September 29, 1992, with his objections, and passed by the House of Representatives, on reconsideration, on September 30, 1992.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objection of the President of the United States to the contrary notwithstanding?

There shall now be 40 minutes for debate equally divided and controlled between the two leaders or their designees.

Who yields time? The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I yield myself 10 minutes.

Could I ask a question of order first? Refresh my memory as to the order of votes starting at 10:40 or 10:45.

The PRESIDING OFFICER. The first vote will be on the resolution of ratification on START. The second vote will deal with the veto override of S. 323. The third vote will be on the override of H.R. 5318. And the fourth vote is on foreign operations appropriations.

Mr. PACKWOOD. I thank the Chair.

Mr. President, I yield myself such time as I may need.

Mr. President, this will close the third year in a row that Congress has debated the conditional China MFN bill. Within the past 13 months the Senate has voted numerous times on nearly identical legislation. I think all Members have heard the full range of arguments on both sides of this issue, and I think we all know how this is going to turn out.

The vetoed conditional MFN bill we are considering today is very similar to previous bills, with one exception. If the President cannot certify that the conditions of the legislation have been met, he must deny MFN to products made by State-owned enterprises. Unfortnately, this change in the legislation does nothing to address the problems associated with placing any conditions on extension of MFN. The fact remains that this legislation invites retaliation against U.S. exports; is impossible for the United States to enforce; and jeopardizes ongoing United States-China negotiations.

Focusing the remedy on State-owned enterprises doesn't in anyway address or alleviate the problem that China will retaliate against United States exports. In fact, it may make it worse. State-owned enterprises—or to put it in the vernacular, the Chinese Government because the Chinese Government owns the enterprise is the same sector which decides where to purchase large scale quantities of agriculture, aerospace, telecommunications, chemical products and heavy equipment. If the United States were to take action specifically against the Chinese State sector, it is clear that the State sector will simply refuse to buy United States products. This is particularly true when the products are readily available from other sources—EC, Japan, Canada, Australia, Taiwan. Almost all of the $6 billion worth of United States exports to China is sold to the State sector.

If the remedy is focused on state-owned enterprises, it would be nearly impossible for the United States Customs Service to determine whether the Chinese goods bound for the United States were made by State-owned enterprises or by privately-owned enterprises. In China's mixed economy, state and private elements are intermingled in producing and exporting goods and commodities. The legislation's attempt to define and identify State-owned enterprises, provides little guidance on how to resolve the problem.

Passing any conditional MFN bill risks isolating China and will only lead to further regression in the areas of human rights, weapon proliferation and trade. This is particularly true with the new MFN bill because we are giving the ultimatum directly to the Chinese Government—as the remedy is specifically tailored against products made by the Chinese Government.

Mere passage of the bill will jeopardize several United States-China bilateral negotiations. This includes

The recently concluded United States-China intellectual property agreement. Last year, the Chinese agreed to provide greater enforcement and make sweeping changes to its inadequate intellectual property laws. This agreement was a great boon to United States intellectual property rights industries—who estimated that they lost $400 million a year to Chinese cheating. If the legislation is passed, the Chinese will most likely renege on its commitments, and the agreement will be useless.

In addition, by mid-October, the United States and China must conclude bilateral market-access negotiations under section 301 of United States trade law. If these negotiations are successful, China will eliminate a whole array of tariff and nontariff barriers to United States exports. If the conditional MFN legislation is passed, there is little to no incentive for the Chinese Government to continue to participate in the negotiations.

Finally, the United States and China recently agreed to new policies to address United States concerns about China's exports of goods made by convict labor. Under the agreement, for the first time, United States Embassy officials are allowed to visit Chinese prisons. If the legislation is passed, the Chinese will surely renege on its commitments.

I have long maintained that the congressional debate on China MFN debate is a double standard.

How can we debate China's human rights policies when we do not look at Iran, Libya, Syria, Iraq, countries that are bastions of democracy—ridiculous—and protectors of civil liberties—ridiculous. We all know the human rights violations in those countries, and yet we do not apply the same standard to them.

How can we question China's international trade practices when we don't look at Japan, India, or Brazil—countries who maintain a whole array of trade barriers to United States goods and services?

How can we criticize China's weapons proliferation policies now, when we have known about them for years?

As a matter of fact, I had our computer system run a check of just the Washington Post and the New York Times articles from 1985 on how many articles could they find indicating we knew that the Chinese were selling arms, and selling them to the Middle East.

As I recall, it was 45 or 50 articles over a 4-year timeframe. We clearly knew what they were doing. To use the argument, oh, heavens, we have discovered they are selling weapons, almost begs the issue. We have known it for years.

Senator MITCHELL has claimed—and it may be perfectly true—that while there may be other countries that individually have poor human rights, weapon proliferation, or trade policies, China is the only country that has the worst record in all three areas.

In response, I just want to remind my colleagues that according to the statutory emigration requirements of the Jackson-Vanik amendment, China is legally entitled to an unconditional extension on MFN.

The Jackson-Vanik amendment says, if you are a Communist country—China still is—you can still have most-favored-nation status if you allow free immigration. China, indeed, does that. The problem with Chinese immigration is not that China will not let enough people out; it is that the rest of the world will not let all the people in that want to get out of China.

If Congress wants the statutory conditions broadened, that is a fair debate—but it should be across the board and not focused specifically on China. In the meantime, applying these standards only to China's MFN status will do nothing to improve China's policies and only hurt United States economic interests.

When it comes measuring the impact that revocation or conditioning China's MFN status will have on Oregon there is no question that it will seriously injure Oregon consumers, importers, exporters, and most importantly workers.

To sum it up, no one has stated it better than my colleague from Oregon, Congressman AUCOIN, when he said in way back in 1979: Normal trade relations with China "would translate into dollars, cents, and paychecks for Oregon workers" and be of substantial economic and political benefit to the United States. He later added that "trade with China means more exports, more jobs and more income for Oregonians. * * *"

I agree with him totally. Those words are as true today as they were then, and it would be irresponsible for me or any Member of Congress from Oregon to vote against his own State's interest in such a blatant way as revoking or conditioning most-favored-nation status for China.

In conclusion, we all share the goal of wanting to see greater respect for internationally recognized human rights, a stronger commitment to global nonproliferation and continuing political and economic reform within China. But how can cutting off the dialog and closing the door on China help to resolve these issues? The better way is a more carefully targeted approach which addresses these concerns in a systematic way. That is exactly what the administration has been doing—and they have been getting results. While none of us believe that China is there yet, let us not stop the progress by conditioning most-favored-nation status for China.

I reserve the remainder of my time.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, once again we are occupying the Senate's time with a debate over China.

As with past efforts to condition MFN, I will vote against this bill today. In my view, this bill would sever the most effective bridge we have for transporting American ideals into China. This bill would cost tens of thousands of Americans their jobs. And finally, this bill would fly in the face of better reasoned, targeted efforts to promote reform in China.

TRADE AS A BRIDGE

Last August, I traveled to Taiwan, Hong Kong, Malaysia, and Singapore. One of my goals was to obtain a better understanding of China by talking to people who are much closer to the issues than the United States Congress. Frankly, I was surprised at the uniformity of opinion. I can tell you this legislation is totally out of step with the rest of the world.

Take the case of Taiwan—a place which no one can accuse of being soft on China. While many in the United States Congress spent the summer drafting legislation to limit trade with the PRC, Taiwan's legislature was drafting the "Statute for Relations Across the Taiwan Strait."

This landmark legislation paves the way for expanded economic and political links between Taipei and Beijing—a dramatic reversal of a 40-year-old policy.

What about Hong Kong? For us in Congress, the debate over human rights in China takes place in the abstract. Hong Kong does not enjoy this luxury. In 1997, Hong Kong will revert to Chinese rule. No one in the world has a greater vested interest in human rights in China than the people of Hong Kong. I didn't meet a single person there who believes conditions on MFN will promote reform in China.

There is one image of Hong Kong that had an incredible impact on me. I took a helicopter tour of the border between Hong Kong and the PRC. From the air, for as far as you can see, a massive highway is being built north from Hong Kong into China. There is already massive construction for 5 miles in either direction of this new road—factories and buildings to support the burgeoning trade.

In many ways, the highway from Hong Kong into China is a perfect metaphor for this entire debate. Ideas are traded along with goods. Through trade, Western ideas are sweeping northward. If we maintain these links, we will see Hong Kong take over China in 1997, not the reverse.

I believe that the experiences of Taiwan and Hong Kong argue strongly against a policy of restricting MFN.

AMERICAN JOBS

There is another important element to the China debate. We have talked a lot lately about jobs. In formulating United States-China policy, it's important to consider the impact of trade restrictions on the United States economy. The last thing we need is a repeat of the Soviet grain embargo fiasco.

The hard truth is that unilateral U.S. restrictions on MFN would prompt swift retaliation against U.S. exports. The Chinese will cut off purchases of planes from the State of Washington, autos from Michigan, and fertilizers from Louisiana. The Wall Street Journal recently estimated that restrictions on MFN could cost the United States 100,000 export related jobs.

SMART WEAPONS

If restrictions on MFN were the only way to address United States concerns with China, I might well support this bill. But proponents of this legislation create a false choice—between this bill or doing nothing.

Do not get me wrong. I have the same list of concerns with China as everyone in this Chamber. At various times since Tiananmen, I have found the administration to be much too timid when it comes to China.

Last summer, I wrote a letter to the President requesting a new China policy—a policy founded on tough, targeted actions to address our specific concerns with China. The President responded with a series of strong new actions.

This policy has not achieved all of our goals. We must be honest about the areas where more must be done. But we must also be honest about the important results achieved.

For example, the United States concluded an agreement protecting intellectual property under Special 301, and initiated the broadest ever section 301 case to address our general trade concerns.

Now we must make sure that the section 301 negotiations are successful. That means a steadfast willingness to retaliate if China will not remove its trade barriers. The outside deadline for these talks is October 10. By October 11, one of two things should have happened. Either China should be a signatory to a broad trade agreement addressing all of the United States major trade concerns, or the United States should have in place trade retaliation against China.

In the area of arms control, we succeeded in getting China to sign the Nuclear Nonproliferation Treaty and to abide by the principles of the Missile Technology Control Regime.

Now we must make sure that China lives up to its obligations. I am deeply concerned about the recent reports of China selling nuclear technology to Iran. Frankly, the administration's recent decision to lift restrictions on satellite transfers to China sent the wrong signal.

I will say forthrightly that I am disappointed with the progress made in the area of human rights. There have been limited successes. For example, China signed a memorandum of understanding allowing United States access to Chinese prisons. But on the whole China continues to flout international standards for human rights.

NEW SMART WEAPONS

The bottom line is that we must continue to push China with targeted measures. In late July, I wrote the President a new letter suggesting a continuation of the smart weapons approach he adopted last year. The administration responded with a new list of tangible initiatives.

In response, the administration agreed to publish a retaliation list of goods to be targeted should the current negotiations fail. The list helps to ensure the credibility of the October 10, deadline.

The President also announced that the United States will seek new negotiations with China to gain PRC adherence to the test limits established in the Threshold Testban Treaty. The United States and Russia both adhere to these limits.

The President also announced important new human rights initiatives in the area of human rights. The United States will undertake a program significantly expanding Voice of America broadcasts to China, an important conduit for Western ideas and news.

I am also very pleased that the President has directed the State Department to formulate a proposal for the establishment of a bilateral human rights commission modeled after the Helsinki Commission. Such a commission could work to resolve general human rights problems, and also address specific cases. China would do well to reconsider its opposition to such a commission.

I do not claim that any of these initiatives is a silver bullet. Unfortunately, there are not any silver bullets or magic solutions with China—or for any other country for that matter.

But I think this new round of initiatives represents a substantive and realistic attempt to push forward reform in all critical areas—a clear alternative to the approach in this bill.

Mr. President, formulating the appropriate China policy is one of the most challenging issues facing this Congress. The more I learn about Asia, the more the complexities become apparent.

I understand the desire to lash out at China. We all have that instinct. But having recently returned from Asia, I am more convinced than ever that passing this bill would be a serious mistake.

Instead of conditions on MFN, we need a two-pronged approach. First, we must actively promote trade with China—it is our most powerful tool for promoting the reforms we all seek. Second, we must push hard with targeted measures addressing everything from human rights to arms control.

By contrast, the legislation before us would neuter U.S. influence, and trade hollow rhetoric for American jobs.

I ask unanimous consent that both letters I mentioned be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, July 30, 1992.

DEAR MR. PRESIDENT: Once again, Congress is debating U.S. policy toward China. This debate is not about goals. Everyone seeks change in China; no one is satisfied with the pace of reform. There is disagreement, however, over how best to achieve our shared goals.

Last year, you announced an important new China policy. The policy recognized that ideas are traded along with goods, and therefore rejected the use of blunt unilateral trade sanctions. Instead, you employed a wide range of "smart weapons"—carefully targeted measures to achieve specific goals. We support this policy and continue to believe that MFN is the wrong tool to win reform in China.

It is important to note the significant achievements of this new policy. At the same time, we must frankly recognize areas in which more can be done.

The United States has made substantial progress in addressing China's unfair trade practices. In January, the U.S. successfully used "Section 301" to win a new agreement protecting American intellectual property. To address general trade concerns, the U.S. in October initiated a broad case under "Section 301"—the largest such case ever undertaken. These steps represent the type of tough, targeted actions the U.S. should be taking. However, it is time to ratchet up the pressure. For example, the Administration could counter Chinese foot-dragging by more vigorously prosecuting the current Section 301 negotiations.

Weapons proliferation remains a source of deep concern. This year, the U.S. achieved two long-time goals in this area. We successfully pushed China to sign the Nuclear Non-Proliferation Treaty and to submit to the principles of the Missile Technology Control Regime. Today, the key proliferation issue is enforcement of these commitments. It is vital that the Chinese appreciate the seriousness of proliferation sanctions under existing U.S. statutes. For example, the Administration could articulate and enforce a stricter policy concerning the transfer of so-called "dual use" items.

On a related issue, the U.S. must address reckless Chinese behavior in the area of nuclear testing. At a minimum, the Administration could initiate negotiations to ensure that China adheres to the limits established in the Threshold Test Ban Treaty. The United States and the former Soviet Union have both adhered to these limits since 1990.

Progress in the area of human rights continues to be frustratingly slow. Occasionally China releases a political prisoner, but hundreds remain. The United States and China may soon sign a memorandum of understanding on prison labor that allows U.S. officials to inspect suspect Chinese prisons.

Clearly, though, human rights is an area in which we must redouble our efforts. Trade, itself, has improved conditions for Chinese citizens in those provinces where the greatest degree of economic liberalization has occurred. But you could also take significant new steps. For example, the Administration could expand. Voice of America broadcasts into China, and could vigorously seek to establish a bilateral human rights commission to address both general concerns and individual cases. Though efforts have been made, U.S. leverage on international lending to China could be applied more aggressively.

Last year, Congress and the Executive established a cooperative process that led to a more meaningful U.S. China policy. This new process should continue. Towards that end, we urge you to take additional steps addressing our common concerns with China. We also request a comprehensive update of the Administration's current efforts, along with your evaluation of the transition towards 1997 in Hong Kong, and the status of Taiwan's GATT application.

We look forward to your response.

Sincerely,

Max Baucus, Quentin Burdick, Richard Shelby, J. Bennett Johnston, Bob Dole, Trent Lott, Alan Simpson, Mitch McConnell, Bill Roth.

THE WHITE HOUSE,
Washington, August 13, 1992.

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: Once again, we find ourselves in agreement on how best to advance our objectives on China. Over the past year, I have worked with Congress to advance our human rights, trade and non-proliferation agenda. The success we have achieved with carefully targetted measures has demonstrated the effectiveness of our current approach.

On the trade front, the Chinese have agreed to establish a model intellectual property rights regime. We are similarly resolved to conclude our market access talks in August—earlier than the statutory deadline—or we will publish a proposed retaliation list. The Chinese are on notice that only an agreement providing for meaningful market access will be sufficient to conclude our 301 investigation and avoid U.S. retaliatory action.

Significant accomplishments have also been achieved in the non-proliferation area. China has acceded to the Nuclear Non-proliferation Treaty and has declared its observance of Missile Control Technology Regime guidelines. These are important steps, but, of course, implementation is the key. I assure you that we are closely monitoring China's compliance; China must live up to its commitments.

In this connection we have been direct with the Chinese about the seriousness of proliferation sanctions under existing U.S. policy and statutes, and about our determination to invoke them if there are Chinese violations. We are equally determined that our policies in the proliferation area, including the implementation of our controls over dual use exports to the PRC, continue to be as effective as possible in advancing China toward our nonproliferation objectives.

To advance our nonproliferation dialogue with China, we will press Beijing to adopt Nuclear Supplier Guidelines and a full-scope safeguards policy as a requirement for all nuclear exports. We have addressed the matter of Chinese observance of the bilateral standard we and the former Soviet Union have adhered to in the Threshold Test Ban Treaty. I have directed Arms Control and Disarmament Director Lehman to begin discussions with the Chinese on this issue.

Like you, I want to see the human rights situation in China improved. I strongly endorse your proposal for the establishment of a bilateral human rights Commission. The Department of State has been tasked with formulating a proposal and presenting it to Beijing on a priority basis. While the bilateral nature of the proposal means we cannot simply create the commission unilaterally, I am confident that the priority I have assigned will demonstrate to the Chinese the seriousness of the initiative.

Although we want to see accelerated action on China's part, our policy is already achieving results in the human rights area. On August 7, we signed an agreement with the Chinese that will prevent Chinese exports of prison labor products to the U.S., including provision for U.S. inspections of facilities in China. While respect to international financial institution lending to China, we have made it clear to the Chinese that we will only support those loans that pertain to basic human needs. On Taiwan, our position is firm that Taiwan's application to the GATT should be resolved favorably; we will not waiver in that commitment. We would be pleased to arrange a briefing for you on Hong Kong. In addition, the administration has recently taken the initiative to expand VOA broadcasts to China and East Asia (described in the enclosure).

Working together, the Administration and Congress constitute a strong force for positive change in China. Your support for our continued commercial engagement with the PRC, advanced by unconditional Most-Favored-Nation status, is a powerful vote for market oriented economic reform in China.

I appreciate your careful consideration of the issues before us and I urge you to support the administration's policy.

Sincerely,

GEORGE BUSH.

VOICE OF AMERICA CHINA BROADCASTS

VOA Mandarin broadcasts have been a major source of objective and reliable news for and about China for some 40 years. Developments in China and around the world over the past few years have heightened the need for more and better in-depth broadcasting to China. VOA's listeners in China constitute our largest audience by far in any country.

VOA now broadcasts to China in four languages. Mandarin (ten hours a day), Cantonese (one hour a day), Tibetan (one-half hour a day) and English (seven hours a day). Our broadcasts to China focus on Chinese regional and world news, information about the United States, interviews, music and popular culture, and discussion programs on a wide range of topics.

To better meet the information needs of the Chinese audience, VOA has recently expanded its broadcasts and taken major initiatives to enhance its programming to the region:

China Focus.—In order to meet the goals of the Administration and Congress for more targeted broadcasts to China, VOA has developed China Focus, a three-hour daily program of news, information and interviews on key issues affecting the region. China Focus will include not only regional news and analysis, but in-depth cross-reporting from other parts of Asia, and from the post-Communist societies in Europe, interntional coverage of commentary on events in China, and cultural affairs. News bureaus would be expanded in Beijing, and opened in Shanghai, Guangzhou, and Chengdu in China, as well as Tokyo, with stringers in other major Asian capitals. When fully operational, China Focus will have an annual budget of $6.03 million, and estimated one time costs of $2.61 million.

Hong Kong News Bureau.—Opened in April, 1992, VOA's Hong Kong News Bureau has improved VOA's ability to stay abreast of events in China, especially the rapid economic changes in the south. The Bureau has two bilingual staff correspondents who cover local and regional events for all VOA broadcast services, with natural special focus on the interests of Chinese listeners.

China Research Service.—In-depth targeted programming demands extensive research and analysis. A Hong Kong research office was recently opened to examine local and regional developments. It will be expended in FY-93.

Increase Stringer Network.—In addition to full-time news bureaus in Beijing, Hong Kong, and Bangkok, VOA plans to improve its regional coverage by developing a network of part-time stringers and area specialists. Local reporters and researchers will prepare language-specific programs in Mandarin, Cantonese, and Tibetan, as well as Korean, Cambodian, Vietnamese, and Burmese.

Additional Staff for VOA Language Services.—VOA's FY-93 budget calls for the addition of at least seven new staff members as well as formal constitution of the Cantonese Service, which has existed only as a contract service since its reintroduction three years ago.

Mr. CHAFEE. Mr. President, I think it is important to remember that this—with all of the business of the U.S. Senate, busy throughout the year—is the second time this calendar year we will have voted on this subject. Indeed we voted on it just 6½ months ago. Yet, here we are doing it all over again.

I would like to use a couple of quotes that I think apply particularly to this situation. These are quotes used in connection with another measure:

> This legislation has no chance of being enacted. Everybody in the Senate knows that. Everybody in the Senate understands that. Notwithstanding that, certainly, we have been required to endure this waste of time. But let no member of the public be fooled or misled by what has occurred here. This is a political exercise, an effort to create material for 30-second packed television spots in the fall campaign.

Well, Mr. President, that is a perfect description of what is taking place here. This, of course, is a quote from the majority leader on July 1 of this year.

Mr. President, the question before us is—and I know it will be argued that we are not cutting off MFN for China, but in effect that is what we are doing—shall we keep open lines of communication with China, a nation with one-fifth of the world's population?

No other trading partner of China fails to extend most-favored-nation status, and indeed those countries are laughing up their sleeves as we go through this routine once again, and I am sure they are all hoping we will deny most-favored-nation status to China. If we do not like their human rights policy, their sale of arms, their ways of getting at it, this process that is being suggested here will not solve the problems.

Mr. PACKWOOD. Mr. President, I yield 2 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I believe the continuum of change in China is ongoing, and that our policies are working.

Mr. President, I ask unanimous consent that an article from the September 28 edition of Forbes magazine, entitled "The Chinese Way," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CHINESE WAY

(By Andrew Tanzer)

After communism, what? Russia hasn't yet found the answer. Its economy is in chaos, its government scarcely governing. In its pragmatic way, China seems to be moving toward building a new society—and to hell with ideology. In the first half of this year China's gross national product expanded by 12% in real terms, industrial production by 18% and retail sales by 14%. Since economic reform began in 1979, China's annual GNP growth has averaged 9% to 10%, one of the highest rates in the world.

The country's trade volume has exploded from $29 billion in 1979 to over $135 billion this year. China's trade surplus with the U.S. will approach $15 billion this year, and foreign reserves should top $50 billion by the end of 1992. Net foreign debt is minuscule, and foreign investment pours in: $15 billion approved in the first half of 1992, three times as much as in the corresponding period last year. Many economists believe that China's currency, the renminbi, will be made convertible within a few years.

Why is China adapting to change so much more skillfully than Russia? In good part because of the practicality of the Chinese. Russia went for shock therapy, the big bang, sudden price decontrol and almost overnight privatization of state-run enterprises. China, by contrast, did not step boldly into capitalism. It kind of sneaked in. Under its wily untitled leader, 88-year-old Deng Xiaoping, China's reform since 1979 has been of the gradual, trial and error, two-steps-forward-and-one-backward kind. There was no announcement: We are abandoning socialism. But abandon it the Chinese have.

Deng has quietly encouraged the nonstate, market-oriented sector to flourish. Most of the industrial growth in China's economy derives from the nonstate sector, which includes private enterprises, foreign-invested and joint venture firms, and entrepreneurial village and township companies. The government did not dump state-owned enterprises; it simply left them to fester in their own inefficiency. Since 1979 the heavily subsidized state-run enterprises' share of manufacturing output has dropped from 80% to 50%. Beijing recently estimated the share would fall to 25% by the year 2000.

Whereas in Russia economic reform has created a terrible problem of joblessness, in China the market-oriented sector is creating sufficient jobs to absorb those leaving socialist enterprises. The reassurance provided by these new, nonstate jobs and the growing economy keep the populace happy and willing to go along with change. Adding to the popular content, the government is developing a national pension system that will support retired state workers.

Instead of freeing prices overnight, China has gradually, but steadily freed prices. If private companies can sell more cheaply than state firms, tough luck for the state firms. But the process is gradual and natural, not imposed from above. Nicholas Lardy, a China economy specialist at the University of Washington, estimates that 80% of consumer goods in China and 50% of capital goods are now market-determined goods.

Deng's reform program may lack a grand sweep, but it is clever politics. "The job of a reformer is to build a broad coalition of interest groups that see further reform as in their interests," says William Overholt, Hong Kong-based executive director of Bankers Trust Co. "Deng understood that magnificently."

In Russia, by contrast, the sudden and dramatic collapse of socialism has so far hurt rather then helped a large part of the population. "Thy only groups who see major benefits from Russia's reforms are intellectuals and foreigners," Overholt opines.

Calculating that the way to his countrymen's hearts was through their stomachs, Deng's first reforms were targeted at agriculture. Up went food production, up went food supply. China's peasants, who numbered 80% of the work force, responded instantly to the incentive-based system launched in 1979: Real farm incomes quadrupled in eight years. "Eight hundred million [farmers] isn't a bad start for a coalition," jokes Overholt.

Deng next moved on to light and medium industries—apparel, toys, footwear and the like—businesses that don't require a great deal of capital but do provide lots of gainful employment. His government attracted foreign investors with capital and technology to special economic zones where they could utilize cheap Chinese labor to produce for world markets. The zones are similar in some ways to the enterprise zones Jack Kemp has suggested to help develop America's inner cities.

Deng even sweetened the taste of capitalism for the powerful Chinese military. He persuaded them that only through foreign trade could the military get the money it needed to buy advanced equipment and technology to modernize.

The People's Liberation Army is permitted to keep 100% of its foreign exchange earnings. Since the early 1980s China's military-industrial complex, controlled by the army, has become a big exporter of everything from electric fans to refrigerators to motorcycles—in addition, of course, to arms.

Deng and the Chinese communists have some historical advantages over their Soviet counterparts. Whereas the vestiges of capitalism were eradicated in Russia more than seven decades ago, they persisted much longer in China. In the 1930s and even before, Shanghai was the greatest industrial and commercial capital of the Orient. Small-scale family-based businesses flourished in other coastal cities such as Tianjin and Guangzhou. Family-based, market-oriented farms flourished in China until the communes were formed in the 1950s.

Once reforms began in China in 1979, entrepreneurs began to resurface, in some cases the same businessmen who operated before Mao's revolution. "Chinese vitality draws upon an indigenous entrepreneurial tradition, which lay dormant during Mao's revolution," says Michael Oksenberg, president of Hawaii's East-West Center. "We had no idea that underneath all the oppression of the Maoist era these roots could still exist."

Helping nourish those roots were the tens of millions of overseas Chinese, including Taiwanese and Hong Kong residents. Many of them retain a strong affinity for their ancestral home. Overseas Chinese have accounted for an estimated 70% to 80% of all the foreign investment in China since 1979.

Russia has no equivalent overseas pool of funds, entrepreneurship and marketing know how.

What lessons are there in the contrasting experience of these two great nations for other developing countries throwing off the shackles of socialism? The biggest lesson: Put economic reform ahead of political reform. This was the case in Taiwan, South Korea and Singapore. Let people taste and smell the advantages of personal freedom before you immerse them in it. As Bankers Trust's Overholt put it: "When you give people freedom and destroy the economy, you don't have viable coalition. There's a wave of disillusionment setting in the Eastern Europe already."

As he nears his tenth decade, Deng Xiaoping can permit himself a broad smile as he prepares for what will probably be his last Chinese Communist Party Congress in October. In the U.S. he is vilified for the Tiananmen Square massacre. History will certainly put this down in his record as a terrible blemish, but it will inevitably record him as well, as one of the great reformers of the 20th century. By comparison, Mikhail Gorbachev was halfhearted, Boris Yeltsin a well-intentioned blunderer.

Mr. MITCHELL. Mr. President, I yield myself such time as I may require.

Mr. President, President Bush's veto of this legislation continues his failed China policy. The Senate today has the opportunity to change that policy. The failures of the administration's China policy are clear and conclusive; they are indisputable.

Instead of creating a new world order, where nations honor their obligations to respect international standards of behavior, the administration's policy continues the practice of the old order, an old order which should have fallen away with the collapse of Soviet Communism.

Instead of encouraging China to recognize and respect the rights of its own citizens as human beings, the administration's policy—and its supporters in the Senate—has reconfirmed the Chinese Communist leaders, reassured the Chinese Communist leaders in their arrogant disregard for human decency. Instead of earning respect for American trade laws, and encouraging other countries to observe those laws, the administration's policy—and its supporters in the Senate—lets the Chinese Communist Government profit by unfair trade at the expense of American workers and American businesses.

Instead of giving life to the honorable American ideal of national self-determination, the administration's policy and its supporters in the Senate contributes to the continued enslavement of Tibet, the continued exploitation of Tibetan lands, the eradication of Tibetan culture, the suppression of Tibetan religion.

Time after time I have stood on this Senate floor and asked those Senators who support the President's policy to dispute the assertion made to this Congress by the Dalai Lama, the spiritual leader of the people of Tibet, that the Chinese Communists murdered 1 million Tibetans. I have said over and over again, I do not know whether that is true.

Not once has anyone from the administration, not once has any Senator supporting the President's policy, disputed that assertion. If they failed to do so, where is the outrage over the murder of 1 million innocent people, nearly 20 percent of the entire population of a country? Every day this Senate Chamber overflows with speeches against atrocities in which 6, 8, 23, 97 people are killed. But when 1 million Tibetans are murdered, not a word from those who support the President's policy.

Communist tyrants in China are immune to international criticism, because they have a friend in the White House. It ought to be a source of shame that instead of standing for change and working for democracy, self-determination and human rights, this administration has paid lip serve to American ideals and continues it right here this morning on the Senate floor, makes excuse after excuse after excuse for the conduct of the Chinese Communist dictators.

The administration's policy has not moved China toward democracy. It is still run by Communist tyrants. It is not making China respect international trade law. It is not turning China into a reliable member of the international community. It is a failure on all counts.

The President said he vetoed the bill, because it would throw thousands of Americans out of work. What he did not say is that for each billion dollars of trade deficit up to 20,000 Americans lose their jobs.

Our trade deficit with China is growing rapidly. It is now nearly $20 billion a year. So the president's policy has already thrown nearly 400,000 Americans out of work. It is true that some Americans profit from exporting to China, but it is the narrowest definition of self interest to suggest that we would disregard the effect of China's unfair trade policies on the other hundreds of thousands of Americans who have lost their jobs.

Under the policy pursued by the administration there has been no progress in advancing our goals with China, Mr. President. I emphasize, the bill that the President vetoed would not cut off or place at risk private trade with China. It conditions MFN trade status only for straight owned enterprises controlled by the Communist government. Private enterprises and joint business ventures are not affected.

The growth of a vigorous private sector in China would not be set back. In fact the private sector would gain important leverages against the state-owned agencies.

This veto makes no sense, whether judged by common sense, free-market principles, the national interest, or American ideals. It is a reflection of a highly personalized foreign policy which is at odds with our Nation's interests, at odds with any decent kind of new world order.

The administration's policy has rested on a hope, a hope that the Chinese regime would improve its behavior. That hope has not been realized. It is time to replace personal hope with national incentives for change. The vetoed bill is a real incentive for change. It is narrowly targeted to the real source of the problem, the Chinese Communist leaders, not the Chinese people. It asks only that China live up to international commitments already freely accepted by China, the same thing the world community expects of every other nation. Nothing more. It does not place our policy in a straitjacket.

Mr. President, I want to emphasize that. Every one of the conditions in this bill is something that the Chinese have previously said they would do. So all this bill does is ask them to live up to their word. But the administration and the opponents of the bill know that the Chinese Communists have repeatedly broken their word, so they are unwilling even to condition MFN status on the Chinese Communists simply honoring the commitments they have already made.

I will have more to say, Mr. President, later with respect to the issue of the proliferation of nuclear arms which is an important aspect of this subject.

But on the subject of the national interest in terms of jobs, this veto costs American jobs.

On the subject of human rights, no one disputes that, in fact, it is clear that our colleagues who support the President's policy join in condemning China's human rights policy not one of them have asserted—and I do not think any will—that China's human rights policy has improved or they are not engaging in repressive practices any longer.

There are no grounds to sustain this veto. The House rejected the veto overwhelmingly, Democrats and Republicans alike. That is the right and sensible action. I hope my colleagues will join the House in voting to override the veto.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, is the leaders' time reserved?

The PRESIDING OFFICER. Yes.

Mr. DOLE. I ask to use part of my leader time then on this matter.

The PRESIDING OFFICER. The distinguished Republican leader.

MFN FOR CHINA

Mr. DOLE. Mr. President, the Senator from Rhode Island said I am pleased we are near adjournment so we will not have to bring this up again this year. And do not get me wrong, the issue is very important in terms of America's security and political interests in Asia and in terms of America's economic interest at home and around the world.

We have had this debate again and again. The details change a bit, but the substance remains the same. The arguments may change a little around the edges, but their basic thrust remains essentially the same. And most importantly, the outcome of the vote, while it might change by a vote or two, will be the same this time as it has been every other time we have considered the issue. The President's veto will be sustained, and that is good news for America.

So with the outcome more or less a foregone conclusion, are we really here doing this again because of policy differences? Or, are we here once again having the same debate, and the same vote, because some may perceive this as giving one side or the other some political advantage?

I do not think the question is very elusive. This is not primarily an opportunity to bash the Chinese for their various and sundry abuses. It is an opportunity to bash George Bush, just one more time, one more time, 33 days before the Presidential election.

But this is important. As I indicated, this is serious business. So, for the umpteenth time, let us review the stakes.

The first thing at stake is our unanimous wish for fundamental reform in China, both political and economic. Let me say, as I have so many times before: The issue is not who wants to encourage reform in China, and who does not. The issue is whether MFN is the right tool to try to push the Chinese leadership toward reform.

To me the answer is clear. To others it is not clear, but to me the answer is clear. Denying, or conditioning MFN will not move the process of reform in China forward 1 millimeter. In fact, terminating MFN will hurt the Chinese leadership very little, especially since no other nation on Earth has the slightest intention of joining us in imposing trade sanctions on China. Where are the countries in the world? Where is the outcry from other countries?

Indeed, our friends in Japan, and Australia, and Western Europe, and every other country that competes in the China market, would jump for joy if we override the President's veto and if we start a trade sanctions war with the PRC.

But denying or conditioning MFN will severely hurt the very forces in China which are the strongest proponents of reform—the younger, entrepreneurial class concentrated in southern China, where most American commercial activity is also concentrated.

The second thing at stake is the fate of Hong Kong and its several million people. In 1997, Hong Kong will become a part of China. If Hong Kong at that point remains a strong, vibrant, free-market enclave, it can inject into the Chinese system a massive and much needed dose of experienced entrepreneurship. Under those circumstances, Hong Kong can change China a lot more than China changes Hong Kong.

But Hong Kong can play that positive, catalytic role only if it remains the kind of large, vibrant, free market it is now. In the next few years, Hong Kong will remain very, very dependent on the strength of the economy of southern China, and on the economic relations between China and the United States, for which it frequently acts as middle man.

So it is as simple as this: Pulling the plug on MFN will also mean pulling the plug on Hong Kong.

As important as these factors are, though, they pale in comparison to one other factor—the well-being of the United States of America.

All these other things are important, but what is in it for us? What is in it for the American people? What is in it for the American taxpayer, the businessmen or businesswomen?

Because jobs—hundreds of thousands of American jobs—are at stake.

Exports: billions of dollars of American exports are at stake.

Imports: billions in low-cost, high-quality goods that are essential to the lives of middle- and lower-income Americans—are at stake.

That is the heart and soul of this issue. That is what is decisive for me. And I believe that is what will be decisive for most Senators as they cast their votes.

So let us talk turkey. Denying MFN means a trade war with China. We can pretend it will not happen; we can fantasize it will not happen. But it will.

And that trade war will mean a drastic drop in exports to China, and the loss of countless jobs in America. A trade war will mean that those low cost, high quality goods we now import from China, that so many Americans depend on to keep their budgets in balance and their checks from bouncing, will disappear from American shelves.

When the Finance Committee considered this issue, I pointed out that many pieces of legislation are so-called jobs bills, but the one could accurately be called a no jobs bill. One trade organization has estimated that denying MFN to China would cost us 300,000 jobs in the first year.

Just this year, for example, China signed contracts with the big three auto makers to import billions of dollars worth of American cars—and create several thousand jobs. Will China go through with those contracts if we terminate MFN? A majority of the Senate may be willing to take that risk—but what about those people, auto workers, or farmers, or factory workers, whose jobs are actually at stake? Maybe we should at least think about them before we decide whether to risk their livelihood in an attempt to embarrass George Bush, or so we can feel good.

President Bush made the comment in another context, but it fits equally well here: the three most important reasons to sustain the President's veto are jobs, jobs, and jobs.

So auto workers in Michigan and around the country are going to be watching how their Senators vote.

Aircraft workers in Washington, Kansas, Connecticut, and elsewhere around the country are going to be watching how their Senators vote.

Farmers in the Midwest, Northwest, and Southeast are going to be watching how their Senators vote.

These Americans know what is at stake here. It is their jobs, and their future.

Mr. President: I ask unanimous consent to have printed in the RECORD the executive summary of a report done by the International Business and Economic Research Corp., which lays out just how much damage terminating MFN for China would do to the American economy.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

INTERNATIONAL BUSINESS AND
ECONOMIC RESEARCH CORP.,
Washington, DC, September 1992.

THE COSTS TO THE UNITED STATES ECONOMY THAT WOULD RESULT FROM REMOVAL OF CHINA'S MOST-FAVORED-NATION TRADE STATUS

EXECUTIVE SUMMARY

The Congress has passed legislation which would remove China's most favored nation status.[1] The bill will probably be vetoed by the President and returned to the Congress which will vote on overriding the veto. If finally enacted, this legislation would cause great harm to U.S. consumers, businesses and workers. U.S. consumers would pay as much as $14 billion annually as a result of higher prices on a wide range of goods in the U.S. market. In addition, as a result of the likely Chinese retaliation against U.S. exports, 157,000 jobs in U.S. firms exporting to China would be at risk, as would projected U.S. exports of over $8 billion and U.S. investments in China estimated at $5 billion.

I. The Proposed Legislation Would Affect Nearly All U.S. Trade With China

Under the legislation, MFN status could be removed in mid-1993 on exports from China to the United States, if the products were (1) produced or manufactured by a state-owned enterprise; or, (2) marketed or otherwise exported by a state-owned enterprise, or (3) both, unless China met certain conditions dealing with human rights, trade and weapons proliferation. State-owned enterprises (or affiliates) are defined, in part, as enterprises where "production, purchase of inputs, and sales of inputs, in whole or in part, are subject to state, sectoral or regional plans."

Supporters of the legislation claim that it would target only Chinese state-owned firms, as opposed to private or joint venture firms. However, it is our view that the definitions are so broadly drawn that the practical effect of the bill would be nearly identical to a total removal of MFN on all Chinese exports to the United States. China would surely retaliate against U.S. exports and U.S. firms with investments in China, even if loss of MFN was limited to products from state-owned firms. Since state-owned firms are the principal customers for U.S. exports, targeting state-owned enterprises practically ensures retaliation. With respect to imports, it will be extraordinarily difficult to determine which Chinese exports will retain MFN and which will not. The uncertainty of this situation will likely have nearly the same adverse effect on imports as complete withdrawal of MFN.

II. Removal of China's MFN Status Would Cost U.S. Consumers as Much as $14 Billion

If China lost MFN status, the duty paid, cost of most Chinese goods in the U.S. would increase in the range of 10.0 to 70.0 percent, with most of the increases exceeding 20.0 percent. Should this occur, imports of nearly all items from China would be reduced or entirely eliminated and U.S. consumers would then have to pay as much as $14 billion for the remaining imports from China which would be assessed at extremely high non-MFN tariffs as well as higher prices from other suppliers whose products would replace Chinese imports.

To relate this cost directly to the U.S. economy, $14 billion equates to an average tax of $150 per year on each of the 93 million U.S. households.

III. 157,000 U.S. Jobs Are at Risk Should China Lose MFN Status

Should China lose MFN and retaliate by restricting imports from the United States, approximately 157,000 U.S. jobs would be at risk. This figure is based on estimated 1993 U.S. exports to China of $8.25 billion[2] coupled with a U.S. Department of Commerce finding that an average of 19,100 U.S. jobs are created for each billion dollars of exports.

IV. U.S. Exports to China Would Drop Should China Lose MFN Status

China's leaders have stated clearly that there would be retaliation against U.S. exports should China lose MFN status, and U.S. exports projected at approximately $8.5 billion in 1993 would be vulnerable.

Looking at the following list of major exports to China, it is apparent that several sectors of the U.S. economy could be hurt should exports to China be curtailed:

Major United States exports to China, 1991

(In millions of dollars)

Commodity:	*Value*
Aircraft and Parts	1,143
Fertilizer	982
Chemicals	403
Wheat	361
Raw Cotton	319
Measuring, recording, medical and surgical instruments	310
Plastics and plastic products	294
Electrical machinery, sound equipment, transmission apparatus, etc	271
Textile products other than raw cotton	195
Oil and gas field and mining machinery	184
Wood and wood products	168
Paper and paperboard	153
Data processing equipment and parts	108
Articles of iron and steel	91
Vehicles, other than railway	65
Petroleum products	55
Total, this list	5,102
Total 1991 United States Exports to China	6,238

Should the United States' exports to China be curtailed, U.S. products and services will be replaced by those of competing countries. As a result, the United States' competitive position throughout Asia will be weakened as the scale of operations of other countries in that region will increase.

V. Potential Loss to U.S. Investors Should China Lose MFN Status

It is estimated that direct investment commitments by U.S. firms in China amounted to approximately $5 billion by the end of 1991, representing as many as 2000 individual projects. Revoking China's MFN status would jeopardize the invested capital as well as the future earning potential of these investments.

Meanwhile, Hong Kong, Japan, Taiwan and Western Europe are markedly expanding their presence in China through direct investment and provision of credit. Removal of MFN by the United States could undo 10 years of development by U.S. firms in China and severely restrict the ability of many U.S. firms to compete in a global marketplace by leaving the China market open to America's aggressive, international competitors.

Mr. DOLE. Mr. President, none of this is to suggest any complacency about the very real and serious problems we have with China.

You name it—human rights, trade abuses, irresponsible arms sales—we've got a lot of work to do to try to get the Chinese to act humanely and fairly and responsibly.

But let's not use MFN as an all-purpose club to beat the Chinese over the head on every issue under the sun. That is not what MFN is for, and using MFN for these purposes just won't work.

Equally important, we have a host of other tools to use to fight the real battles we will have. We have the kind of diplomatic clout that goes along with being the world's only superpower, and the predominant military power, and one of the big economic powers in the region.

We have the so-called 301 process and other mechanisms to handle trade disputes.

We have an important relationship with Taiwan, which—as recent events once again show—give us real leverage vis-a-vis the PRC.

We have the key which will unlock the door to China's membership in the IMF, World Bank and other international economic institutions.

We have technology that China wants, and an export licensing system that lets us calibrate what we sell to China and when.

We have these and a host of other relevant, useful tools. We need to keep using them aggressively. Maybe we need to use them better, but throwing them in the wastebasket, and instead trying to turn MFN into the atomic bomb that can obliterate all of our problems in one big bang just doesn't make any sense.

Mr. President, I also want to say a few words about one matter that has been especially troubling to me—a recent threat reportedly made by some unnamed Chinese agriculture ministry official that the PRC might retaliate for our sale of F-16's to Taiwan by cutting off wheat purchases from the United States.

I have spent a lot of time these past couple of weeks working to make sure that the Chinese do not follow through on that reckless threat.

I have met the Chinese Ambassador in my office. I have spoken to him several times on the phone. I have joined eight other Senators, including the Senator from Montana [Mr. BAUCUS], in signing a letter to him, putting him, and his Government, on clear notice that those kinds of threats are intolerable. I and my staff have had countless conversations with administration officials, and others in touch with the Chinese Government, to urge that the message be sent to Beijing in the strongest possible terms: Knock it off.

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[1] Only six countries do not have most favored nation (MFN) status and are not presently under consideration to receive MFN: Afghanistan, Cambodia, Cuba, Laos, North Korea and Vietnam.

[2] U.S. exports to China in 1991 were $6.24 billion. If this level of trade increased by 15 percent in 1992 and 1993, the 1993 level would be $8.25 billion.

And, while I cannot say categorically that I have unequivocal and precise commitments from the Chinese Government that it has backed off, I can inform the Senate that the totality of the communications I have had make me very confident that the Chinese now understand the inappropriateness of even considering retaliation through wheat purchases, for something that has nothing whatsoever to do with wheat or any other trade issue or with MFN.

If I did not feel that way, I would not vote the way I am about to vote.

And if any further communication to China be necessary, let me make clear: I, and many other Senators, are watching very closely future Chinese activities in this area. For now, we believe we have made our point. Hopefully, we will not be proven wrong.

Mr. President, I ask unanimous consent that the full text of the letter to the Chinese Ambassador that I just mentioned be included in the RECORD, for the information of all Senators.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, September 25, 1992.

His Excellency ZHU QIZHEN,
Ambassador, People's Republic of China, Washington, DC.

DEAR MR. AMBASSADOR: Last week, several of us had the opportunity to discuss with you our deep concern about threats reportedly made by officials of your Government to retaliate for the recent U.S. decision to sell F-16 aircraft to Taiwan by halting or reducing Chinese purchases of American wheat. In this letter, all of us—in the past strong supporters of continued MFN for China—want to reaffirm how distressed we are at these unwarranted and counterproductive threats of trade retaliation.

During the aforementioned meeting, you made a strong and persuasive case that issues such as our disagreement over the F-16 sale should not impact on U.S. policy on MFN. We agree wholeheartedly that no such direct linkage should exist. However, that is also precisely the reason that we have found the threat of trade retaliation by officials of your Government so surprising, and totally unacceptable. If F-16 sales to Taiwan should not be linked to MFN for China, then neither should those sales be linked to the Chinese purchase of American wheat.

Let us be very clear. If your Government follows through on those recent threats and retaliates for our decision on F-16s for Taiwan by halting or reducing wheat purchases, the strongest argument we have been able to make on the Floor of the Senate for continuing MFN—that it should not be linked to other issues or disagreements between our Governments—goes into the trashcan. Candidly, under those circumstances, it will be extremely difficult for the President to muster the votes he will need to sustain a veto of legislation terminating or conditioning MFN.

We sincerely hope you will insure that this letter is made available to the appropriate senior officials of your Government in Beijing, and that you will urge them to give it the most serious consideration.

Sincerely yours,

Bob Dole, Max Baucus, Jocelyn Birch Burdick, Kent Conrad, Nancy Landon Kassebaum, Larry Pressler, Alan K. Simpson, Richard G. Lugar, Dan Coats.

Mr. DOLE. I also ask unanimous consent that several letters I have received from American business groups, urging a vote to sustain the President's veto, and pointing out the damage to America that a contrary vote would cause, also be included in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ASSOCIATED MERCHANDISING CORP.,
Washington, DC, September 30, 1992.

Hon. ROBERT DOLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOLE: Over the next few days, the Senate will be considering an effort to override the President's veto of H.R. 5318, a bill which would impose conditions on most-favored-nation (MFN) status for China. We urge you to support the President and continue the renewal of MFN without conditions.

The Associated Merchandising Corporation is the world's largest retail marketing organization, representing retailers across the United States. AMC currently is celebrating our 76th year as a supplier of quality merchandise from the United States and around the world. Our international focus, with offices in 35 countries in Europe, South America and the Far East, gives AMC a unique perspective on sourcing opportunities for American consumers.

We strongly support continued close Sino-U.S. economic ties as the best way to maintain a positive American influence on China's future economic and political reforms. We recommend this rejection of conditional MFN status fully aware that our relations with China have been strained lately by many factors, including a bilateral trade deficit, trade frictions in key sectors and continuing human rights problems. These are important concerns and should be pursued with the Chinese Government.

Removing MFN or placing conditions on its renewal is not the way to address them. MFN status is not "special" treatment offered only to our close allies—rather MFN serves as the basis for all international trade. Loss of MFN would injure the very foundation of our relationship with China and reduce our own ability to make progress in opening up the Chinese system.

Thank you for the opportunity to share our views on this important issue. We hope that the Congress and the Administration will use other means than MFN status to resolve the current problems with China.

Sincerely,

ZACH SOLOMON,
President and CEO.

AMOCO CORP.,
Chicago, IL, August 24, 1992.

Hon. ROBERT J. DOLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOLE: I am writing to express my support for extending Most Favored Nation (MFN) trading status—without conditions—to the People's Republic of China.

MFN is the standard tariff treatment extended to almost all of our trading partners. Withdrawing MFN status or subjecting MFN to restrictive conditions would effectively abrogate the 1980 U.S.-China Trade Agreement and destroy a long standing framework for bilateral trade. Denial of MFN would jeopardize nearly $6.5 billion in U.S. exports to China and over 100,000 U.S. jobs. Further, revocation of MFN would cripple the market-oriented sector of the Chinese economy, destroying much of the economic and social progress already realized as a direct result of the bilateral commercial interchange. Meanwhile, the long-term competitive position of the American business interests in China would be severely damaged.

Equally unworkable would be any attempt to "target" MFN treatment to non-state enterprises. The Congressional Research Service has admitted that with China's mixed, complicated economy, implementation of targeting provisions would be impossible. Furthermore, the Chinese government would view targeting as an abrogation of the U.S.-China Trade Agreement and would retaliate against American products and other business interests.

It is essential that we maintain our trade and investment relations if the U.S. is to remain a positive force for progress in China. Extending China's MFN status without conditions is crucial to China's economic evolution and to our own national interests.

Very truly yours,

H.L. FULLER,
Chairman, President, and CEO.

BUSINESS COALITION
FOR U.S.-CHINA TRADE,
July 29, 1992.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: The business and agricultural associations listed below represent thousands of American companies and farms that are engaged in trade with China. We are writing to urge your opposition to the Mitchell bill (S. 2808) which would condition continued MFN tariff treatment for China upon particular actions by the Chinese government in the areas of human rights, trade and weapons sales.

While we agree with proponents of S. 2808 that the government of China must make progress in protecting the human rights of its citizens, opening its markets to foreign products and abiding by international agreements restraining the sale of dangerous weapons systems, we do not believe that linking progress in these areas to continued extension of MFN will further those objectives. Instead, we believe that enactment of the legislation would ultimately undermine the progress made to date on these issues, would badly damage U.S. companies exporting to China, and would harm the embryonic private sector beginning to flourish in China, despite provisions of the bill intended to limit the adverse effects of any withdrawal of MFN to "state-owned enterprises."

Enactment of the legislation would put U.S. exports to China at risk. Almost all of the $6 billion of American exports to China including agriculture products, aerospace, chemicals, and heavy equipment is sold to the state sector. Since the legislation attempts to target retaliation against state-owned enterprises in the event the U.S. does not extend MFN treatment to China, it is almost certain that China would counter-retaliate against these American products, leaving those markets to our competitors in Japan and Europe.

Enactment of the legislation would poison the bilateral relationship at a time when progress is occurring in opening Chinese markets and gaining greater protection for American intellectual property in China. Such enactment would threaten implementation of the intellectual property agreement negotiated early this year, and could detail current negotiations to eliminate a variety of market access barriers under Section 301.

The emerging private sector and U.S. investors in China, as well as U.S. importers, and consumers will be adversely affected if any legislation is enacted, despite the intention of the bill's sponsors to limit the adverse effects of the withdrawal of MFN to state-owned enterprises. In China's mixed economy, state and private elements are intermingled in producing and exporting goods and commodities. Therefore, identifying an export produced by a state-owned or controlled enterprise is inherently difficult and problematic. We believe no formula could be constructed to implement the bill's intention of targeting only state-owned enterprises. Due to the complex, interrelated nature of the Chinese economy, attempts to target state-owned enterprises would only result in uncertainty and confusion, harming U.S. companies engaged in U.S.-China trade and the emerging private sector in China.

Finally, we believe that enacting the legislation would undermine the forces of reform in China, and limit the ability of the U.S. to influence China on trade, human rights and weapons proliferation issues in the future. American farmers, exporters, investors, importers and consumers, in the end, would pay a heavy price.

Sincerely,

Aerospace Industries Association.
American Association of Exporters and Importers.
American Business Conference.
American Electronics Association.
American Farm Bureau Federation.
American League for Export and Security Assistance.
The Business Roundtable.
Committee: ACT (Advance China Trade).
Computer & Communications Industry Association.
Computer Business Equipment Manufacturers Association.
Construction Industry Manufacturers Association.
Consumers for World Trade.
Electronic Industries Association.
Emergency Committee for American Trade.
The Fertilizer Institute.
Footwear Distributors & Retailers of America.
International Mass Retail Association.
Millers National Federation.
National Association of Manufacturers.
National Association of Stevedores.
National Association of Wheat Growers.
National Barley Growers Association.
National Foreign Trade Council.
National Forest Products Association.
National Grain Trade Council.
National Grange.
National Retail Federation.
National Turkey Federation.
North American Export Grain Association.
Petroleum Equipment Suppliers Association.
Pharmaceutical Manufacturers Association.
Phosphate Chemicals Export Association, Inc.
Pro Trade Group.
Retail Industry Trade Action Coalition.
Toy Manufacturers of America, Inc.
U.S. Chamber of Commerce.
United States-China Business Council.
U.S. Council for International Business.
USA-ITA.

WEYERHAEUSER,
Tacoma, WA, July 1, 1992.

Hon. ROBERT DOLE,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR DOLE: I am writing to encourage you to support extension of MFN for China without attaching conditions that would stifle growing U.S. market opportunities.

Our company's trade relationship with China has grown to the point that it is now our fourth largest overseas market. We were the first forest products company to trade with China and this year we celebrate our 20th year in that market. Denial of MFN could lead to retaliation against our forest products exports to China, and would certainly undercut our Nation's, and our company's, reputation as a responsible and reliable supplier.

Further, withdrawal of MFN status would undoubtedly lead to a reduced American business presence in China. We believe that the human rights and related issues being raised can more properly be addressed through other vehicles and in an environment of stronger trading relationships between our two nations. The termination of MFN status, or the attachment of unreasonable conditions to MFN extension, will serve only to prevent or delay those issues from being resolved.

I strongly urge you to support the President in meeting a meaningful MFN renewal for China.

Sincerely,

JOHN W. CREIGHTON, Jr.,
President.

INTERNATIONAL MASS RETAIL ASSOCIATION,
Washington, DC, June 30, 1992.

Hon. BOB DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: I am writing on behalf of the International Mass Retail Association (IMRA) to urge you to oppose S. 2808, the United States-China Act of 1992, which would place conditions on the continuation of most-favored-Nation (MFN) tariff status for the People's Republic of China.

IMRA represents 120 mass retail stores including discount department stores, home centers, dollar stores, and warehouse clubs. Collectively, our retail members operate over 40,000 stores in all 50 states, employ over 1.5 million people, and represent the majority of nearly $170 billion mass retail industry in the United States. Most of our member companies are actively engaged in trade with China, or rely upon China as a source for low-cost merchandise including apparel, footwear, toys, sporting goods and consumer electronics.

IMRA's members believe that China must make progress on such issues as respect for human rights, barriers to international trade, and compliance with international weapons proliferation agreements if it is ever to take a place among the civilized trading nations of the world. While S. 2808 is aimed at achieving this progress, we believe it would be an extremely blunt instrument for affecting changes within China. Removing China's MFN benefits will only isolate China from the international commerce and trade relationships that have thus far been a positive force for economic and political reform within China. Isolating China—going back in time to the early 1970s—will not achieve the results that S. 2808 hopes for.

More parochially, China represents one of the most important sources for low-cost consumer products for IMRA's member firms. Eliminating MFN tariffs status for China will make Chinese exports prohibitively expensive. Low cost apparel, footwear, sporting equipment and toys would be especially hard hit. In our view, other countries would be unable to provide alternative, price competitive merchandise for many lines. This is especially true for apparel products, which are managed by world-wide quotas. Low income American consumers—those who regularly shop at our member stores—will be the largest losers if this bill goes forward.

For all these reasons we urge you to vote against S. 2808 when the Senate considers it later this year.

Sincerely,

ROBERT J. VERDISCO,
President.

Mr. DOLE. Mr. President, in conclusion, I want unanimous consent to include in the RECORD the text of a letter I have received from President Bush on this issue. Concisely and persuasively, it makes the case to continue MFN for China. I hope all Senators will read the President's words and heed their logic.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, August 13, 1992.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Once again we find ourselves in agreement on how best to advance our objectives in China. Over the past year, I have worked with Congress to advance our human rights, trade and non-proliferation agenda. The success we have achieved with carefully targeted measures has demonstrated the effectiveness of our current approach.

On the trade front, the Chinese have agreed to establish a model intellectual property rights regime. We are similarly resolved to conclude our market access talks in August—earlier than the statutory deadline—or we will publish a proposed retaliation list. The Chinese are on notice that only an agreement providing for meaningful market access will be sufficient to conclude our 301 investigation and avoid U.S. retaliatory action.

Significant accomplishments have also been achieved in the non-proliferation area. China has acceded to the Nuclear Nonproliferation Treaty and has declared its observance of Missile Control Technology Regime guidelines. These are important steps, but, of course, implementation is the key. I assure you that we are closely monitoring China's compliance; China must live up to its commitments.

In this connection we have been direct with the Chinese about the seriousness of proliferation sanctions under existing U.S. policy and statutes, and about our determination to invoke them if there are Chinese violations. We are equally determined that our policies in the proliferation area, include the implementation of our controls over dual use exports to the PRC, continue to be as effective as possible in advancing China toward our nonproliferation objectives.

To advance our nonproliferation dialogue with China, we will press Beijing to adopt Nuclear Supplier Guidelines and a full-scope safeguards policy as a requirement for all nuclear exports. We have addressed the matter of Chinese observance of the bilateral standard we and the former Soviet Union have adhered to in the Threshold Test Ban Treaty. I have directed Arms Control and Disarmament Director Lehman to begin discussions with the Chinese on this issue.

Like you, I want to see the human rights situation in China improved. I strongly endorse your proposal for the establishment of a bilateral human rights commission. The Department of State has been tasked with formulating a proposal and presenting it to Beijing on a priority basis. While the bilateral nature of the proposal means we cannot simply create the commission unilaterally, I am confident that the priority I have assigned will demonstrate to the Chinese the seriousness of the initiative.

Although we want to see accelerated action on China's part, our policy is already achieving results in the human rights area. On August 7, we signed an agreement with the Chinese that will prevent Chinese exports of prison labor products to the U.S., including provision for U.S. inspections of facilities in China. With respect to international financial institution lending to China, we have made it clear to the Chinese that we will only support those loans that pertain to basic human needs. On Taiwan, our position is firm that Taiwan's application to the GATT should be resolved favorably; we will not waiver in that commitment. We would be pleased to arrange a briefing for you on Hong Kong. In addition, the administration has recently taken the initiative to expand VOA broadcasts to China and East Asia (described in the enclosure).

Working together, the Administration and Congress constitute a strong force for positive change in China. Your support for our continued commercial engagement with the PRC, advanced by unconditional Most-Favored-Nation status, is a powerful vote for market oriented economic reform in China.

I appreciate your careful consideration of the issues before us and I urge you to support the administration's policy.

Sincerely,

GEORGE BUSH.

Mr. DOLE. Mr. President, it is nearly time to vote. Let us do what makes sense for America, and for the American people, instead of what plays best in the politically correct media, or gives some fleeting partisan advantage to the critics of President Bush.

Let us vote to continue MFN for China, because that makes sense for America.

Mr. DOLE. Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, let me address the issue of jobs.

According to the Bush administration's Department of Commerce, every billion dollars in trade deficit costs about 20,000 American jobs. In the past few years, our trade deficit with China has been increasing rapidly; that is, for every dollar of exports of United States goods to China, many more dollars of China's goods are shipped into the United States.

We gain jobs in this country from what we export. We lose jobs from what we import from China. And the balance has been tipping rapidly and decisively in China's favor.

What sense does it make to gain one American job and lose 10 American jobs and then continue a policy that means next year we will gain another American job and lose 15 American jobs?

We have already lost 400,000 American jobs, and the number is growing rapidly as the deficit increases. Why should we pursue a policy that, on balance, loses American jobs, especially since the reason we have lost American jobs is that China is engaged in unfair trade practices, using forced labor to produce goods that are sold in the United States that American producers cannot compete with and so Americans lose their jobs?

Textile workers in South Carolina and North Carolina and all over this country ought to watch how Senators vote on this bill, because their jobs are in jeopardy. Textiles are produced in China, some of them with forced labor. How can an American manufacturer compete with the Chinese product made with forced labor? Our law prohibits the import, and yet our colleagues and the President want to do nothing but let that continue. That does not make any sense at all.

Let me make another point. Yesterday, the Senate voted unanimously—without dissent—to adopt an amendment that would restrict United States assistance for Russia unless Russia ceases the export of military and military-related goods and services to Iran. That was our policy on Russia less than 24 hours ago. Now we know that the Chinese are shipping nuclear-related technology to Iran. They acknowledged it.

Today, consistent with the practice of so many of our colleagues, we are going to have one standard for China and one standard for anybody else. Do not deal with anyone who ships nuclear or military-related materials to Iran, but it is OK if China does it. Do not benefit anyone who engages in unfair trade practices, but it is OK if China does it. Do not help anyone who murders their own citizens, but it is OK if China does it.

Mr. President, the Chinese Communist leadership has shown its willingness to sell missiles to some of the world's most dangerous countries—Syria, Iran, Libya—and yet: Do not let anybody else do it, but it is OK for China to do it. Why are we coddling the Chinese Communists?

Once again, the United States confronts a choice between a dictatorship, which suppresses its people, and the surge for freedom among the people themselves in China. And, once again, this administration is putting us on the wrong side, siding with Communist dictators who murder their own people, who put them in jail if they ask for freedom, who violate international trade laws, who throw thousands of Americans out of work, who sell missiles to countries like Syria, Iran, and Libya, and our policy is to side with them against the Chinese people who want freedom and democracy and hope.

Mr. President, it is as certain as day follows night that these aging Communist leaders are going to be gone and a new leadership, a leadership committed to democracy and human rights, will emerge in China. And what will that leadership think of an America which refused to help them, which refused to side with them, and which once again sided with the dictatorship of Communist tyrants? Mr. President, the other point that ought to be made about this trade deficit—and it relates to the debate yesterday on aid to Russia—is that the Communist Chinese use the hard currency obtained from their trade surplus with the United States to purchase sophisticated military weapons from the former Soviet Union. If we are worried about the sale of sophisticated equipment from the former Soviet Union, the policy being pursued today is helping that to occur.

On human rights grounds, on economic grounds, on grounds of the proliferation of nuclear weapons and missile technology, sustaining this veto makes no sense for America. I urge my colleagues to vote to override the President's veto.

CHINA'S IRRESPONSIBLE NUCLEAR POLICY WITH IRAN

Mr. DECONCINI. Mr. President, recently I spoke on this floor during the debate on legislation denying China MFN status. But this issue merits continued public attention. So I rise again today to condemn the current administration's decision to extend unconditional most-favored-nation trade status to the Peoples' Republic of China, and to express my concern for that country's decision to assist in the development of nuclear programs in certain potentially aggressive nations such as Iran. In addition, I must once again remind this body of China's abominable record on basic human rights.

I am deeply disappointed by the President's decision to extend MFN status to China since that nation has failed to institute fundamental reforms, has continued its human rights abuses, and has supported the proliferation of nuclear weapons. Until such time as these reprehensible actions cease, I will not support MFN status for China.

Therefore, Mr. President, I am pleased that the Senate unanimously approved the conditional MFN bill introduced by the distinguished majority leader, Senator MITCHELL, and I eagerly await this body's override of the President's veto message. I am hopeful that my colleagues will join me in sending this message to the White House—that we will not condone human rights atrocities and we will not support any policy that assists a country which blatantly disregards the Nuclear Nonproliferation Treaty.

Mr. President, I am prompted to make this statement because of media reports earlier this month that confirmed what had long been suspected by our own intelligence community and the Bush administration: that China will be assisting the development of Iran's nuclear energy program through the sale of a 300-megawatt nuclear reactor for what Iran claims to be peaceful purposes. Intelligence sources quoted in the Chicago Tribune on September 18, confirmed that China, along with Argentina and Pakistan, are "providing expertise and the equipment which would enable Iran to switch gears and make [nuclear] weapons within 8 years." If this is the case, China will be in blatant violation of the Missile Technology Control Regime as well as the Nuclear Nonproliferation Treaty.

Considering that China has already been involved in helping Iran establish its biological weapons capability, we cannot dismiss as hearsay the possibility of a nuclear weapons development program. The insistence of China's foreign minister, Qian Qichen, that nuclear reactors do not constitute weapons and that the sale poses no threat to the region certainly cannot be taken as fact. To quote a September 18 editorial from the Jerusalem Post, "Surely China must know that anything which assists the development of a nuclear capacity in radical, volatile countries endangers peace." Although Iran is a signatory to the nonproliferation pact, its record of adherence is spotty at best. To cite its obligation to that treaty is to, as the Jerusalem Post editorial put it, "mock Middle Eastern reality."

If President Bush is to trust the denials made by the Chinese regarding the transfer of nuclear capabilities to Iran, he will simply be doing as he has always done in the past when it comes to the Communist Chinese Government. He will be resorting to his all too familiar practice of "hear no evil, see no evil, speak no evil." The problem with this policy is that the world knows China's record and the United States looks like a pawn of the Chinese Government. The President can no longer escape that reality.

United States long-term policy interests were further undermined by President Bush's ill-timed, election year about-face on the sale of F-16's to Taiwan which throws an even bigger wrench into the effort to reach consensus among the nuclear powers on a uniform nonproliferation policy.

The President was elected to lead—the United States and, at times, a reluctant world. It is time for the President to send a message to the Chinese Government. It is the same message that we will send President Bush when, hopefully, we pass this legislation over his veto—that we in Congress will no longer remain silent about China's atrocious human rights record and nor will we grant economic assistance to any country in violation of the nonproliferation agreement.

Mr. President, I must ask: Is President Bush asserting—as demonstrated by his advocation of unconditional MFN status—that China should, as a November 10, 1991, Washington Post article put it, "get a break after it massacres demonstrators at Tiananmen Square, makes money off of forced labor, engages in widespread infanticide to control its population and sells nuclear arms to hotheads?' If we grant MFN status to China—as proposed by Bush—it is the opinion of this Senator that we will be sending a message to the rest of the world that such heinous actions by one nation are acceptable and condoned by the United States Government.

Mr. President, without significant changes by the Chinese Government it will be a long time before this Senator is able to support any legislation providing economic support for China—a nation that clearly operates contrary to the American principles of personal freedom and democracy. Our foreign policy cannot operate in a vacuum. We cannot call for respect for human rights in some countries while ignoring the very same issue in other corners of the world. As I have said in previous statements on this floor, a foreign policy based on personalities, and not on principles, is doomed to failure. China has not sufficiently demonstrated to this Senator that it is, at the very least, even considering moving away from its historically oppressive and suppressive system of government. Once again, I express my strong opposition to the President's position on this issue, and urge him to reconsider his ill-fated, pro-China policy. Once again, I urge my colleagues to override the President's veto.

Mr. President, I ask unanimous consent that three articles from the New York Times and a timeline documenting recent Chinese actions on nuclear and missile proliferation compiled by the Arms Control Association be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 11, 1992]

CHINA WILL BUILD A-PLANT FOR IRAN

(By Elaine Sciolino)

WASHINGTON, September 10.—In an indication of closer nuclear cooperation, China will provide Iran with its first nuclear power plant, the two Governments announced today.

In disclosing the agreement during a four-day visit to Beijing, President Hashemi Rafsanjani of Iran said that there were no plans for new military agreements between the two countries, and Chinese officials emphasized that Iran had agreed to allow the International Atomic Energy Agency to inspect the nuclear power plant.

China is currently building a small nuclear research reactor for Iran in Isfahan, and has provided it with a mini-calutron, a small version of the machine that Iraq was mass-producing as one component of its nuclear weapons program.

The new plant would have to be a much larger, 300-megawatt reactor to produce electricity. Because it would be subject to international inspection, and diversion of nuclear fuel into a weapons program would be easy to prevent.

STILL CLOSER COOPERATION

But the undertaking would solidify Iran's already close technical cooperation with China, which Mr. Rafsanjani said he hoped would expand. "Our cooperation with China has constantly been increasing," he said at a news conference today. He added that his visit to China "'will help to enhance our cooperation and make it more comprehensive in many new areas."

The project would also significantly enhance Iran's nuclear capability and inject dozens, perhaps hundreds, of Chinese nuclear experts into Iran. It could also help Iran develop related processes that would directly help a nuclear weapons program.

"The actual installation may never be misused," said Leonard S. Spector, a nuclear weapons expert at the Carnegie Endowment for International Peace. "China and Iran are both adhering to the letter of their non-proliferation obligations, but the transfer will enhance Iran's nuclear capability, create new skills and provide a cover for it."

In 1990, Iran and China signed a 10-year agreement for scientific cooperation and the transfer of military equipment and technology.

Both Governments have repeatedly emphasized that their nuclear cooperation is for peaceful purposes and an inspection of Iran's nuclear installations by the Vienna-based International Atomic Energy Agency this year found no evidence of nuclear weapons research. But the United States and other Western governments are convinced that Iran is intent on developing nuclear weapons with the help of technology from China.

In testimony before Congress in February, Robert M. Gates, the Director of Central Intelligence, said that Iran was looking to China to supply missiles and nuclear technology as part of an effort to develop its military capability.

The Bush Administration is opposed to any nation helping Iran develop a nuclear program, whether peaceful or not, and has repeatedly urged China to stop cooperating with Iran in its nuclear program. Both countries are parties to the Nuclear Non-Proliferation Treaty, but the Administration has repeatedly expressed doubts about Iran's intentions to live up to the treaty.

Iran is aggressively shopping for nuclear-related technology, including equipment like computers and fuses, and has tried to attract nuclear scientists to Iran, foreign diplomats in Teheran say. When Iran tried to buy enriched uranium that was not compatible with peaceful nuclear purposes from Argentina, for example, the United States successfully pressed the Argentines to cancel the deal.

U.S.-CHINA TIES STRAINED

Disclosure of the nuclear plant agreement coincides with increasingly strained relations between Washington and Beijing following a decision by the Bush Administration to sell up to 150 advanced F-16 fighter planes to Taiwan.

Mr. Rafsanjani was accompanied to Beijing by the Iranian Defense Minister, Akbar Torkan, and other military officials. Neither he nor Chinese officials disclosed the financial details of the deal, and some Administration officials speculated that the announcement today might represent only a vague agreement in principle.

Earlier this week, the Itar-Tass news agency reported that Russia would be willing to sign an agreement to build two to four 440-megawatt nuclear power plants in Iran.

[From the New York Times, September 1, 1992]

IMPRISONED CHINA PRO-DEMOCRATS CHARGE TORTURE

(By Nicholas D. Kristof)

BEIJING, August 31.—Pro-democracy campaigners imprisoned in northeast China have smuggled out a letter in which they charge that they are often beaten, shocked with electric cattle prods and forced to work 12 or more hours a day making matchboxes.

The letter, which was made public today by Asia Watch, a division of Human Rights Watch, accuses prison officials of torturing some political prisoners so severely that they passed out. It also says the officials often call on common criminals to beat and humiliate the pro-democracy prisoners.

The best-known of the political prisoners reportedly subjected to this treatment is Liu Gang, a 30-year-old physicist who has campaigned since the mid-1980's for a free press and multi-party democracy. Mr. Liu is now in the fourth year of a six-year sentence for "counter-revolutionary conspiracy to subvert the government."

It had been known that Mr. Liu and other political prisoners were being kept at the Lingyuan Prison complex in Liaoning Province in the northeast. But until now little has been known about their condition.

The letter asserts that Mr. Liu has been beaten, kept in 20-pound leg irons and repeatedly tortured with an electric prod on his genitals. He is also said to have been forced to sit motionless on a bench from 8 A.M. until 9 P.M. each day, during which his legs swell.

In November, Mr. Liu announced that he was going on a hunger strike, and 12 political prisoners joined him. According to the letter, the prison officials denounced this as a "prison riot" and isolated Mr. Liu from the other democracy campaigners. Since then, he has been kept with common criminals, one of whom, Li Chuanbo, is said to be allowed or encouraged to punch Mr. Liu often in the head.

"But Liu Gang kept his spirits in these extremely harsh circumstances," the letter says. It says he wrote many letters to world leaders, "appealing to the international community to pay greater attention to human rights conditions in China." These letters presumably were seized by the guards.

Other political prisoners have not seen Mr. Liu since April 11, when they met briefly before he was dragged away, and there is no word about his condition after that date.

The conditions described in the letter, whose authenticity Asia Watch says it confirmed, generally correspond to those that former prisoners have described for a variety of Chinese penal institutions. The Government, however, denies that torture is common, saying guards are punished if they are caught beating inmates.

[From the New York Times, Sept. 3, 1992]

CHINA FLUNKS A FREEDOM TEST

China would like Americans to applaud its economic reforms while averting their eyes from abuses like arbitrary arrest, torture and slave labor. But such selective vision now becomes much harder after two disturbing events.

A report was smuggled out of China documenting the harsh torture of political prisoners. And Chinese police, striking at night, arrested a peaceful democracy campaigner. Shen Tong, and two young associates. The disposition of their case remains unclear.

The United States does not have to stand idly by while human rights are so outrageously violated. The best way to encourage a long-overdue political thaw in China is for the Senate to approve a House-passed trade bill that would penalize China for human rights abuses.

Shen Tong, a leader of the 1989 democracy movement in Tiananmen Square, returned to China a month ago following three years of exile in the United States. He was arrested just hours before he was to address a press conference to inaugurate the first Chinese chapter of the Democracy for China Fund, the movement Mr. Shen helped launch from the U.S.

Shen Tong's brave plans challenged Beijing to clarify its attitude toward freedom of association. While China remains a Communist police state, its leaders brag that political stability has been restored. They recently invited student exiles to return home without fear of retribution.

But when confronted with the prospect of public criticism. Chinese authorities spectacularly failed the test. Along with Shen Tong, they seized Qi Dafeng and Qian Liyun, and expelled Ross Terrill, a scholar from Boston accompanying them. The police also confiscated notebooks and computer disks, placing at risk all Chinese who may have spoken with Mr. Shen or his friends.

Yesterday the Times Op-Ed page published a plea by Shen Tong for peaceful change, along with a document smuggled out of Lingyuan prison detailing barbaric tortures now being inflicted on the imprisoned democrats of Tiananmen Square. International pressure is needed to protect Shen Tong and his colleagues from a similar fate.

Americans have a ready vehicle for demanding an early end to China's outrageous treatment of those who dare to call for democracy and civil rights. The Senate will soon be voting on President Bush's request to exempt China from the high tariffs it would otherwise face because of its Communist system and its failure to permit free emigration.

The House has wisely ignored the President, approving a bill to impose selective tariffs if abuses continue. This bill carefully protects the reform-minded private sector of China's coastal enclaves, reserving penalties only for state industries and only if they persist in defying international recognized human rights for another year.

Enacting that legislation, by the necessary veto-proof margin, would place America on the side of political as well as economic reform. That, not the side of torture and repression, is where America belongs.

CHINESE NUCLEAR AND MISSILE PROLIFERATION

(Compiled by Jon B. Wolfsthal, the Arms Control Association)

September 11, 1992—PRC to build 300 megawatt nuclear reactor for Iran. Would improve Iranian nuclear know-how that could indirectly aid in the development of nuclear weapons. *The New York Times*, 9/11/92, Elaine Sciolino

May 10, 1992—Installation of a Chinese-supplied 300 megawatt reactor in Pakistan had begun and the reactor was expected to begin operation in 1998. Pakistan is not a member of the NPT and is suspected of having nuclear weapons. JPRS Proliferation Issues.

April 10, 1992—China has agreed to sell Syria a nuclear research reactor. JPRS Proliferation Issues.

March 10, 1992—China accedes to the Nuclear Nonproliferation Treaty. Obligates China not to assist non-nuclear-weapon states acquire nuclear weapons.—IAEA Press Release.

July 30, 1992—China is negotiating the sale of nuclear power plants to Iran, Egypt, and Bangladesh. United Press International.

March 1992—China reportedly sold India at least 130 tons of heavy water between 1982 and 1987. Nuclear Fuel, 2/17/92.

February 1992—It was reported that China shipped at least 60 metric tonnes of unsafeguarded heavy water, useful in the production of plutonium, to Argentina between 1981 and 1985. Nucleonics Week, 2/13/92 and the Christian Science Monitor, James Tyson, 3/10/92.

January 31, 1992—U.S. intelligence reports indicate China, in violation of its pledge to abide by the Missile Technology Control Regime (MTCR) has exported to Syria 30 tons of chemical used in the production of solid-rocket motors for missiles. *The New York Times*, 1/31/92.

January 22, 1992—Defense Intelligence Agency Director, General James Clapper, reports to SASC "China is currently assisting many of the nations that we estimate will acquire a ballistic missile capability by the end of the decade."

January 1, 1992—China announced that it will sell Pakistan a 300 Megawatt nuclear reactor. China is believed to have assisted Pakistan in its nuclear weapons development program. The deal was signed in November, 1989. The Washington Post, January 1, 1992.

November 14, 1991—Steve Coll and Nucleonics Week, November 23, 1989. The Bush Administration acknowledged the Iranian-Chinese nuclear link even though it had assured congress earlier that no such link existed. Aviation Week and Space Technology, November 4, 1991. (Richard Soloman Ass't. Sec of State and Carl Ford. Dep. Ass't Sec. Defense before SFRC, Oct 30, 1991.)

November 5, 1991—China admits to nuclear deal with China. Foreign Ministry statement—"Chinese and Iranian companies signed commercial contracts . . . in 1989 and 1991" for China to provide the Iranians "with a electromagnetic separator [calutron] for producing isotopes and a mini-type reactor. . . ." While neither piece of equipment could be directly used in a nuclear weapon program, the technology could be adapted for such use. This admission contradicts press statement of August 2, 1991 (see below). Philadelphia Inquirer, November 5, 1991.

September 30, 1991—PRC is accused of aiding India nuclear weapons development program. PRC is also believed to have given India heavy water, which could have aided in India's nuclear weapons program. The Washington Post, September 30, 1991.

August 2, 1991—In a letter to the Washington Post, the Chinese Press Counselor to the PRC embassy in Washington states "China has struck no nuclear deals with Iran." The Washington Post, 7/2/91.

May 5, 1991—Iraq reportedly acquired 1.8 metric tonnes of low-enriched uranium from China. Such material could have significantly decreased the time Iraq would have needed to develop nuclear weapons.

May 2, 1991—Up to 15 Iranian nuclear scientists have undergone training on nuclear reactor design and research in China under a secret Iranian-PRC nuclear cooperation agreement. Nucleonics Week, May 2, 1991, Mark Hibbs.

April 1991—China denied it has supplied Algeria with a 10 megawatt nuclear research reactor and then, later, admitted to the sale. The reactor will be put under LAEA safeguards. Nucleonics Week, April 18, 1991, Mark Hibbs.

Mr. GORTON. Mr. President, the issue of whether or not to condition our most-favored-nation trade status with the People's Republic of China is one of the most difficult of all the debates considered by this Senate. Its outcome will shape the United States' entire policy toward the PRC. Even those who have favored conditioning MFN with China—and I can be considered in this group—realize that it is a delicate process, demanding the full attention of the Senate. Today, the Senate will not give this issue that attention.

Rather, in the Senate leadership's view, the bill's greatest virtue is that the President has been forced to veto it, and that there is a possibility of his veto being overridden 1 month before the presidential election. I will not allow my vote to be used in this effort; I will vote to sustain the President's veto.

I remain gravely concerned about our relationship with the PRC. The United States' efforts to improve the PRC's human rights practices have met little success and our trade deficit with the PRC has grown substantially in each of the past several years. To some degree, I am heartened by the administration's recent decisions to challenge the PRC on trade barriers, but I urge the administration to take further steps to gain access to the PRC's market. We are on the verge of engaging ourselves with a trade regime that is both repressive and closed to our goods.

I regret that we are not considering this bill in a genuine effort to fix that trade deficit or to improve the PRC's human rights. But because this is solely an effort to embarrass the President at a time when it would be most politically damaging to him, I will vote to sustain the veto.

Mr. EXON. Mr. President, when the Senate last considered most-favored-nation [MFN] status for the People's Republic of China, I voted to impose conditions and voted to override the President's veto. That decision followed an extraordinary closed session where chilling information about China's weapons transfers were discussed. I voted to impose conditions on MFN status, because I wanted to send a clear message to Beijing that their weapons policies were entirely unacceptable and contrary to American national interests. As a traditional supporter of MFN status for China, and with the expected close vote, I thought that my vote would be noticed.

In recent months, although I am unable to discuss this with any detail in open session, I have been encouraged that there has been a slowdown in weapons transfers from China to political hot spots around the world. It is apparent that the close vote in the United States Senate on MFN conditions was a warning heard and appropriately heeded by the political hierarchy in China.

Since the last vote, the President of the United States also changed the calculus of political stability in the region with the sale of F-16 jets to Taiwan. I have long valued our Nation's relationship with Taiwan and have been most appreciative of Taiwan's buy American trade policies, especially when it comes to Taiwan's welcome grain purchases from Nebraska. I have, however, questioned the President's surprise election year decision to sell F-16's to this island nation. My concern is that the action could be destabilizing to the region. I also fear that the President's decision weakens our Nation's persuasiveness in encouraging China to abandon weapons sales when the United States is presently rearming China's neighbor.

Ironically, because of my concerns about the President's jet fighter sale to Taiwan, I have come to support the President on unconditional MFN status for China this year. Given that the weapons sales will not be overturned by the Congress, the symbolic isolation of China through overturning the President's veto of MFN conditions could be viewed as a piling on and could be dangerous at this unique point in history. In spite of the President's actions, I am compelled to put the interests of the U.S. ahead of any political interest.

My vote in support of the President should not be interpreted as endorsement of China's human rights policy, which I feel is terrible, its trade policy which I feel is unfair, its foreign policy which continues to cause me concern, or its actions in Tibet which I feel are immoral. I am particularly concerned about recent arrests of Chinese dissidents, which are a chilling reminder of the Tiananmen Square massacre. Vigorous efforts should be taken to confront these issues, but with precise tools of foreign policy, and not the blunt instrument of MFN status. My vote with the President is a recognition of some progress on weapons transfers, an attempt and to foster peace in Asia and an effort to maintain influence with the most populous nation in the world.

Of course, I have serious concerns about MFN conditions harming those innocently caught in the middle of this controversy, namely American farmers depending on Chinese food purchases, American firms operating in China, and our friends in Hong Kong. I believe that economic reform in southern China holds the key to political reform in greater China. I encourage those with economic interests in China who are vulnerable in the MFN debate to use their considerable influence to advance human and political rights in China. Until there is fuller reform and more responsible behavior by the Chinese Government, the future of MFN status will remain uncertain.

The Congress reviews the President's decision on MFN status for China on an annual basis. I fully reserve the right to alter my present position in response to actions by China when the Congress next considers this issue. In the coming months, I will continue to closely monitor China's weapons and human rights policies.

Mr. President, this is a difficult decision, but one given considerable thought and reflection. I will vote to sustain the President's veto of legislation to place conditions on MFN status for China.

Mr. MITCHELL. Mr. President, President Bush's veto of the United States-China Act of 1992 continues his failed China policy.

The Senate today has the opportunity to change that policy.

The failures of the administration's China policy are clear and conclusive. Instead of creating a new world order where nations honor their obligation to respect international norms of behavior, the administration's policy continues the practices of the old order, a world order fallen away with the collapse of Soviet communism.

Instead of encouraging China to recognize and respect the rights of its own citizens as human beings, the administration's policy has reconfirmed the Chinese Communist leaders in their arrogant disregard for human decency.

Instead of earning respect for American trade laws, the administration's policy lets the Communist Chinese Government profit by unfair trade at the expense of American workers and businesses.

Instead of giving life to the American ideal of national self-determination, the administration's policy contributes to the continued enslavement of Tibet, the continued exploitation of its land, the eradication of Tibetan culture, the suppression of Tibetan religion.

The Communist leaders of China are immune to international criticism because they have a friend in the White House.

It is a source of shame that instead of standing for change and working for a genuinely new world order based on democracy, self-determination and human rights, this administration has instead paid lip service to American ideals and made excuse after excuse for the conduct of the Chinese regime.

The administration's policy hasn't moved China toward democracy, it isn't making China respect international trade laws, it isn't turning China into a reliable member of the international community. It's a failure on all counts.

President Bush says he vetoed the bill because it would throw thousands of Americans out of work.

What he didn't say was that for each billion dollars of our trade deficit with China, up to 20,000 American workers have already been thrown out of work.

Our trade deficit with China is nearly $20 billion. So the President's policy has already thrown up to 400,000 Americans out of work.

The President said that "placing broad conditions to China's MFN renewal would not lead to faster progress in advancing our goals."

But under his policy there has been no substantive progress toward those goals.

The bill the President vetoed would not cut off or place at risk private trade with China. It conditions MFN trade status only for state-owned enterprises controlled by the Communist government. Private enterprises and joint business ventures aren't affected. The growth of a vigorous private sector in China would not be set back. In fact, the private sector would gain leverage against the state-owned agencies.

This veto makes no sense whether judged by common sense, free market principles, the national interest, or American ideals.

It is a reflection of a personalized foreign policy at odds with the Nation's interests, at odds with any decent kind of new world order.

The administration's policy has rested on hope that the Chinese regime would improve its behavior. That hope has not been borne out by China's behavior. It's time to replace personal hopes with real incentives for a change.

The vetoed bill is a real incentive for change. It's narrowly targeted to the real source of the problem—the Chinese Communist leaders, not the Chinese people. It asks only that China live up to international commitments freely accepted by China—the same thing the world community expects of every nation, nothing more. It doesn't place policy in a straitjacket.

The House of Representatives has rejected this veto. That's the right and sensible action and I urge my colleagues in the Senate to vote to override the President's veto.

Mr. BENTSEN. Mr. President, today, the Senate considers for the second time this year whether to override President Bush's veto of legislation defining United States policy toward China for the 1990's.

Mr. President, the administration calls its policy toward China one of comprehensive engagement. But let us remember just what kind of behavior the current Chinese leadership itself has been engaged in.

These are the same leaders who engaged in butchering hundreds of prodemocracy students in Tiananmen Square in 1989; who torture political prisoners; who employ prison laborers to manufacture goods that are then exported to the United States; and, who are reportedly engaged in near genocide in Tibet.

These are the leaders who have manipulated their trade accounts to China's advantage and to our detriment. As a result, we are heading toward a $20 billion trade deficit with China this year.

And these are the same leaders engaged in spreading dangerous nuclear and ballistic missile technologies in the Middle East.

Mr. President, clearly, this administration's policy of comprehensive engagement is not working. It is time for a change because the cost to the America people of this policy is too high.

China's protectionist import barriers and its aggressive, unfair export drive cost us American jobs as surely as this President's neglect of the American economy.

China's weapons sales into the most volatile areas of the world cost each and every American, today and for future generations, their peace of mind.

And China's repressive and callous treatment of its own people imposes a moral cost on the American people as it offends the most deeply held, democratic convictions of our people.

Today in a world without the Soviet Union and its threatening military power, there is no longer any reason to coddle Communist China. It is time to place our relations with the aging totalitarians in Beijing on a new plane, one that takes into account our economic and security interests while still being true to our democratic ideals. That is the purpose of this bill.

Mr. President, this bill makes only modest demands of China. It tells China that if it wants to continue its highly profitable trade relationship with the United States, then it must open its market to our exporters, refrain from selling weapons to those who threaten world peace, and, perhaps most importantly, treat its own people with a certain dignity and respect.

The conditions set forth in this legislation for continuing China's most-favored-nation status next year are reasonable. They are not extreme as some will claim.

The bill vetoed by the President asks only for a credible demonstration on China's part that it will account for, and release, citizens arrested for the peaceful expression of political beliefs. It asks China to fulfill its promises to the Secretary of State regarding free emigration. And it asks China to abide by United States laws that forbid imports of products made through forced labor. Finally, the bill asks China to make progress in ceasing religious persecution, in ending its unfair trade practices, and in abiding by international guidelines on weapons proliferation.

Apparently, however, the President believes even these modest demands are too much to ask of the Beijing dictators.

Moreover, this bill protects the most progressive forces, and growing market economy, in China. If the President cannot certify that China meets the conditions set forth in the legislation, most-favored-nation status is only withdrawn for goods produced or traded by China's state-trading companies. Goods made by private companies and joint ventures would continue to receive favorable tariff treatment.

Mr. President, with this vote today, the Senate has the opportunity to put our China policy on a new path. I urge my colleagues to join me in voting to enact this bill.

Mr. HELMS. Mr. President, the Senate will overwhelmingly—and, I am convinced, mistakenly—approve the START I Treaty, while the main outlines of a new START II deep-cuts treaty, fundamentally changing and improving START I, have already been agreed upon by President Bush and Russian President Yeltsin.

I believe that the Senate would be wise to defer giving its advice and consent to START I until the START II Treaty is completed and integrated into it, thereby repairing the main flaws of START I.

Mr. President, my views on the START I Treaty consist of many pros and cons—that is, if START I's reduction of strategic force levels on both sides is real, it will be in the best interest of world peace and international security. The United States and the former Soviet Union can certainly both reduce their strategic nuclear forces down to lower levels, because we have long had far too many nuclear warheads on both sides.

The amount of nuclear destructive power on each side staggers the imagination.

Deterrence of nuclear war can surely be preserved at much lower levels of weaponry on each side. Indeed, computer-driven arsenal exchange studies have demonstrated for years that deterrence is quite safe at much lower levels of forces on each side.

Both sides have far too much nuclear capability. Thus I believe that it is absolutely essential for the United States and the former Soviet Union to reduce their respective nuclear forces substantially, and I strongly support deep cuts in nuclear forces on both sides. Moreover, the likelihood of conventional war in Europe escalating to intercontinental nuclear war between the United States and Russia has greatly receded, perhaps forever. This threat reduction has been achieved because of the conventional force equality and crisis stability codified in the 1991 Conventional Forces in Europe Treaty. The danger which has haunted the West for the past 45 years—an escalation to intercontinental nuclear war following a conventional Soviet and Warsaw Pact attack upon the NATO alliance—is largely gone. Thus the CFE Treaty has contributed enormously to strategic nuclear stability, assuming that the problems acknowledged by even the State Department with the former Soviet force false data and their reneging on full on-site inspection procedures can be promptly worked out.

Mr. President, the Warsaw Pact is demolished, the Red Army is no longer so red—and it is withdrawing from Eastern Europe. The Soviet Union has disintegrated and collapsed. All of these events have enormously strengthened the prospect of world peace.

Moreover, the danger of United States-Russian intercontinental nuclear war is vastly reduced because of the demise of the communist party throughout the former Soviet Union. It was the Marxist-Leninist, Communist ideology—not the vast and superior nuclear capability possessed by the former Soviet Union—which was the most significant threat to world peace.

This is because the main aggressive impulse for the former Soviet Union was the Marxist-Leninist ideology. With the demise of the Communist party of the former Soviet Union and the disintegration of the evil empire, the danger of nuclear war has receded, and the world is clearly much safer.

The reductions entailed in START I must be equal and verifiable, and must result in a more stable and balanced strategic situation.

The Jackson amendment to SALT I in 1972 is the law of the land on our objectives in arms control negotiations. The Jackson amendment requires equal levels of forces between the United States and the former Soviet Union in any permanent strategic arms limitation treaty. START I, therefore, must be equal—it must result in equal levels of United States and former Soviet forces after the reductions have occurred.

Equality at sharply lower levels could, if properly implemented, result in greater stability and balance in the world.

And last, verification and compliance must be assured if START I is to be acceptable.

The Soviet Union's violations of all past and existing arms control treaties are well known. Such violations must not be repeated. Further Russian violations would be particularly destabilizing, especially when the democratically elected Russian reformist President Boris Yeltsin has told a joint session of the United States Congress that there will be no more lies, ever in Russian foreign policy.

I hope that Boris Yeltsin is correct, and that indeed there will be no more lies and cheating in Russian foreign policy—ever—as he promised.

But I am gravely concerned about Boris Yeltsin's ability to control the hardliners in his own Russian military and defense-industrial establishment. Russia seems now to be dominated by the hardliners in the military, and the Russian violations of the Biological Weapons Convention, recently acknowledged by Yeltsin, will take years to correct.

So, Mr. President, here are my views on START I.

First, I would have preferred that START I be renegotiated, to make it more equitable and remove some of its flaws, such as its allowance of a monopoly on heavy ICBM's and mobile ICBM's for the former Soviets. Moreover, I am deeply concerned that START I places no constraints on nondeployed missiles.

I have advocated the renegotiation of START I since October 1991. After the collapse of the Soviet Union in December 1991, and the deposing of Gorbachev, START I was obsolete; it was no longer legally a viable treaty. Therefore, I strongly advocated the renegotiation of START I last February as well. I was glad that Secretary Baker partially followed my advice when he negotiated the May 23, 1992, Lisbon protocol which converted START I from a bilateral to a multilateral treaty. But START I's other flaws were not corrected. I still believe that START I should be renegotiated.

Again, the main result of my advocacy of renegotiation appears to be the successful achievement of the May 23, 1992, Lisbon protocol changing the legal status of START I from a bilateral to a multilateral treaty in the wake of the demise of the Soviet Union.

More significantly, President Bush also recognized the main flaws of the START I Treaty, as evidenced by his attempts to negotiate a START II Treaty removing these flaws. The successful June 17, 1992, joint understanding on START II de-MIRVing deep cuts treaty, signed by both President Bush and Russian President Yeltsin, contains a total ban on MIRV'd ICBM's, removing the Russian monopoly on heavy ICBM's in START I.

Indeed, the United States-Russian joint understanding on a START II deep cuts, de-MIRVing Treaty has eliminated many of the flaws in the START I Treaty now before the Senate.

Thus, Mr. President, it would have been my preference to delay the Senate's advice and consent to START I until the Senate has received the START II deep cuts treaty. The START II deep cuts treaty would eliminate all former Soviet MIRV'd ICBM's, and all heavy ICBM's, of which the former Soviets have a monopoly.

President Bush promised that the negotiations for the START II Treaty would be completed before Labor Day, and that the START II Treaty would be presented to the Senate before the end of this session of the 102d Congress, but unfortunately, this has not occurred. It was not President Bush's fault—the delay was caused by Russian hardline military intransigence in the negotiations. The START II negotiations are in fact bogged down in stalemate due to the Russian military's continued demands for unilateral advantages, and this is not a hopeful sign for the successful implementation of START I.

Our distinguished colleague, Senator WARNER, has made a valiant effort to try to condition the Senate's advice and consent to START I's entry into force to the notification of the Senate of the completion of START II, but unfortunately, he has not succeeded completely. But Senator WARNER has succeeded in attaching a condition to the START I resolution of ratification which will require the President to consult with the Senate before START I enters into force if the President has not achieved agreement by the four former Soviet nuclear armed republics to START I's verification and inspection procedures. This condition is quite necessary.

I wish that Senator WARNER had also succeeded in his efforts to condition START I's entry into force until the Senate could give its advice and consent to a completed START II Treaty correcting the flaws of START I. This would have been the best outcome.

Mr. President, our distinguished colleague, Senator WALLOP, has tried valiantly to incorporate the main feature of START II—a complete ban on MIRV'd ICBM's—into the START I Treaty, because both President Bush and Russian President Yeltsin have both already agreed to a ban on MIRV'd ICBM's when they signed the June 17, 1992, joint understanding. I was one of 16 Senators who voted for Senator WALLOP's historic MIRV ban amendment; I wish that it had passed, because then one of the main flaws of the START I Treaty—its allowance of thousands of MIRV'ed ICBM warheads on Russian heavy ICBM's—would have been eliminated.

I also voted for Senator WALLOP's amendment which would have closed the loophole allowing unlimited nondeployed missiles.

I supported Senator WALLOP's attempt to ban mobile ICBM's.

Some of Senator WALLOP's other proposed conditions also would have suspended START I's entry into force until completion and ratification of

START II. I would have supported this approach as well.

Unfortunately, Senator WALLOP did not succeed in correcting the main flaws of START I, even though both the American and the Russian Presidents have already agreed to an ICBM MIRV ban.

In sum, Mr. President, we are left with the question of what to do about the flawed START I Treaty. Reluctantly, I must oppose START I.

Here are my reasons:

First, the START I Treaty is not really an arms control or an arms reduction treaty, because START I allows an unlimited number of ballistic missiles and nuclear warheads to be retained by the former Soviet Union.

I repeat—the precise terms of the START I Treaty allow an unlimited number of ballistic missiles and unlimited number of nuclear warheads to be retained by the former Soviet Union. There is no limit on nondeployed missiles.

Moreover, START I does not require the destruction of even one ballistic missile, or the destruction of even one nuclear warhead. How can START I be described as an arms reduction treaty if it does not require the destruction of a single ballistic missile or the destruction of a single nuclear warhead?

START only requires the elimination of missile silos, trucks, submarine launch tubes, and some old bombers.

In addition, START I allows the unlimited production and retention of NEW ballistic missiles and nuclear warheads. I repeat, START I allows the unlimited production and retention of unlimited numbers of NEW ballistic missiles and nuclear warheads.

Because of these loopholes, it is absurd to call START I an arms reduction treaty. In reality, START I is an arms buildup treaty. Our only hope for stability under START is that the Russians will not have the political will or the economic resources to exploit the serious loopholes in START I.

Second, while the United States plans to have only about 5,000 nuclear warheads under START I, it allows the former Soviet Union to have at least 12,000 to over 15,000 strategic nuclear warheads. This fact is confirmed by the CIA and by the Armed Services Committee of the House of Representatives in classified and unclassified analyses. Again, this is not a reduction treaty—it is a buildup treaty.

Moreover, it is not an equal treaty, because while the United States plans to have only 5,000 warheads under START I, the former Soviets can have over 15,000 warheads. The Russians will have at least a 3-to-1 advantage under START I, counting their allowed nondeployed missiles and covert missile forces. Thus START I invalidates the Jackson amendment requirement for equal levels of forces, and the Jackson amendment is the law of the land on our arms control objectives.

Third, the Russians are still cheating on the INF Treaty, the ABM Treaty, the CFE Treaty, and already on START.

Already they have illegally encrypted the electronic telemetry on one of their ICBM's, in a violation of START I that the Russians and Kazakhstan have admitted and even the State Department has acknowledged.

Moreover, according to press accounts, the former Soviets are also selling Backfire bombers and even ICBM's to several third countries, in circumvention or violation of START I.

As I stated on the Senate floor yesterday, the former Soviets are selling TU-22M Backfire bombers to Iran.

Moreover, there are reports that the former Soviets are selling Backfire bombers and ICBM's to another third country.

But Backfire bombers are limited by a politically binding side agreement to START. Moreover, the former Soviets have promised in START not to circumvent START by selling strategic weapons to third countries. These sales of Backfires and ICBM's to third countries circumvent or violate START I.

Fourth, the former Soviets have produced over 100 fat boy missiles which are believed to be a follow-on, new-type mobile ICBM. But START requires the Russians to notify the United States if they have produced more than 20 prototypes for a new-type ICBM. They have told the United States virtually nothing about their fat boy, which they are going to great lengths to hide from us. This violates START I's notification and verification procedures.

Because of these many START I verification and compliance problems even before the treaty would be ratified, I supported Senator WALLOP's call for a closed top secret codeword session of the Senate to consider the details of these already existing compliance problems, before voting our advice and consent to ratifying the START I Treaty. I believe that Senators should inform themselves of these serious compliance problems before they vote for START I.

Finally, the four republics which have recently become states party to START I still cannot agree on unified command and control procedures for their nuclear forces. They are still arguing over which republic owns, controls, and will finance the nuclear forces. This bickering bodes ill for the successful implementation of START I.

Moreover, there are at least 8 civil wars ongoing between the 15 republics of the former Soviet Union, and within many of these republics there are civil and ethnic wars as well. There is, in short, dangerous instability. As the CIA Director has stated, there is a tumultuous military, political, and economic situation inside the former Soviet Union. I believe that this dangerous instability in the territories of our four new treaty partners could cause the implementation of the START I Treaty to break down. Who can assure the Senate that there will not be another coup by military hardliners, or a collapse of democratic reforms, or a reversion to authoritarian nationalism?

In sum, Mr. President, while I support deep reductions, and I support President Bush, I cannot in good conscience support the START I Treaty.

Mr. KERREY. Mr. President, I rise today to speak of the important role the United States must play in supporting the peace process in El Salvador.

To the extent that we are involved in providing aid to a foreign nation, we must use our influence to promote peace and democracy. I am strongly committed to permanently ending the civil war and helping bring peace and freedom to the people of El Salvador.

In recent years, I have felt the cause of peace was best served in El Salvador by scaling back United States military aid, and I have voted accordingly. I continue to support very limited military assistance in fiscal year 1993. Of the $40 million requested by the Bush administration for military aid in fiscal year 1993, I supported an allocation of $11 million for nonlethal military assistance and $29 million for the demobilization and transition to peace fund.

In light of recent developments in El Salvador, particularly with respect to steps taken by President Cristiani, I do not support a complete cutoff in military assistance at this time. It is important to point out, however, that the aid is contingent upon continued compliance with Mexico peace accords.

This was a difficult decision, but in the end the choice was clear. It is not a vote to perpetuate a misguided policy of support for the Salvadoran military, whose record of abuse is well known; rather, it is a vote cast with an eye toward substantially reducing the role of the military in a democratic El Salvador.

Mr. President, El Salvador stands at a crucial point in its history. The civil war has ended after 12 bloody years, but while the fighting has diminished greatly, the foundation for a peaceful democracy cannot be laid until the power of the military is permanently reined in.

To this end, President Cristiani has agreed to undertake a reduction and restructuring of the armed forces, beginning with a purge of military officers who have been involved in human rights abuses. A U.N. Ad Hoc Commission, comprised of three civilians, evaluated 232 high ranking officers on the basis of their conduct in relation to human rights abuses and willingness to sanction violations, and their perceived attitude toward the role of the military in a civilian democracy. As Eduardo Molina, a member of the Commission, said, "Never in the history of the world perhaps have three civilians evaluated * * * an entire high command. Not in Chile, not in Argentina, not in Uruguay, nor in Brazil." On Wednesday, September 23, the Commission presented its findings to Cristiani, and he expressed his willingness to abide by their recommendations.

This step is evidence of President Cristiani's commitment to furthering the peace process at a time of rising tensions, and for this he deserves our support. By allocating $11 of the $40 million requested for fiscal year 1993 military aid, and insisting on continued compliance with the peace accords, we can demonstrate our support for these steps while retaining our leverage. It is vital that the military accede to the ruling of the Commission and acknowledge the need to respect human rights, and I believe that withholding military aid at this point would limit our capacity to ensure their compliance.

Mr. President, in the 9 months since the signing of the U.N. peace accords enormous strides have been made, by the Government and by the FMLN, toward creating a peaceful and democratic El Salvador. There is reason to be hopeful for the future. Much work remains to be done, however, in continuing the demobilization of both armies, creating a civilian police force, achieving genuine land reform, and reforming the electoral and judicial systems. In the past 12 years we have provided over $5 billion in aid to this cold war battleground, and it is essential that we follow through on our commitment now that the fighting has stopped. While the issue of equitable land distribution and the reintegration of the FMLN into civilian life will ultimately determine the success of the peace process, it is my belief that providing limited, conditional military assistance offers our best opportunity to successfully reform the military, and to remain constructively involved in the rebuilding of a civilian society.

The next few months will be crucial in determining whether El Salvador continues down the road to a demilitarized society and a peaceful democracy. President Cristiani has 60 days to fashion a plan to implement the U.N. Commission's recommendations, and the world will be watching closely. It is my great hope that progress will continue, and that our strong voice for peace will continue to be heard.

Mr. KENNEDY. Mr. President, I urge the Senate to override this veto and impose long-overdue conditions upon United States-China trade.

For too many years, Chinese and Tibetan citizens have suffered under the repressive Beijing regime, while the United States has ignored human rights atrocities and pursued business as usual.

For many years, the Chinese Government has taken American business for a ride—dumping goods made from the slave labor of prodemocracy activists on the United States market, while closing its doors to products manufactured in America.

For many years, while the rest of the international community has sought to end the proliferation of nuclear warheads and other weapons of mass destruction, the infamous family networks running the Beijing government have enriched themselves by selling nuclear, chemical, and biological weapons to terrorist nations.

It is time to bring these outrageous practices to a stop.

Ever since the bloody Tiananmen Square massacre in June 1989 Congress has sought to condition United States trade with China. Time and again President Bush has insisted that conditioning the renewal of China's MFN status would undermine pro-Western, free-market forces in China.

The United States has vast trade leverage with China, and the President has used it himself to induce better Chinese behavior. Last year, his imposition of tariff penalties for trade infractions brought timely concessions from Beijing with respect to intellectual property rights. And he has threatened China with similar sanctions this year.

Yet, the President insists that linking tariff penalties to the release of prodemocracy activists, ending slave labor, improving human rights in Chinese-occupied Tibet, and honoring arms agreements would jeopardize free market reforms and hurt the Chinese people.

The White House continues to ignore the contradiction between its human rights policies and its trade policies. While the administration is prepared to challenge Beijing if it perceives its economic interests to be at stake, it does not care enough to do the same where human rights are concerned.

The legislation the President has vetoed conditions MFN status on improvements by China in human rights, trade, and arms sales. It prohibits the President from renewing China's MFN status in July 1993 unless he reports to Congress that the Government of China has:

First, taken steps to adhere to the Universal Declaration of Human Rights for China and Tibet;

Second, accounted for individuals detained in connection with the Tiananmen Square massacre and begun releasing individuals imprisoned for expressing their political beliefs;

Third, taken steps to prevent the export to the U.S. of products made from slave labor; and

Fourth, made overall significant progress in ending religious persecution in China and Tibet, ending unfair trade practices against the United States, and adhering to the Missile Control Technology Regime and the controls adopted by the Nuclear Suppliers' Group and the Australian Group on Chemical and Biological Arms.

In addition, in a provision added specifically to address the President's concerns on support for free-market forces in China, non-compliance with this bill will bring tariff increases only on goods produced by state-owned enterprises, thereby shielding China's emerging free-market sector. Accordingly, suspending China's preferential trading status will not directly affect American business or the Chinese civilian population.

By vetoing this measure, which imposes realistic and reasonable conditions on the Chinese Government, President Bush has once again ignored his responsibility to support human rights and democracy and achieve arms control.

It is now up to Congress to assume this task. As long as the Chinese Government pursues its repressive and irresponsible policies, China should be a least favored nation, not a most favored nation.

I urge the Senate to override the President's veto, and to enact this timely and important measure.

Mr. DODD. Mr. President, I rise in strong support of the pending measure. I want to commend the distinguished majority leader, Senator MITCHELL, for his commitment to this very important effort.

Mr. President, over the past few decades, there can be no doubt that China has changed. In a country once known for its centrally planned economy, free market principles have gained widespread support.

But political change has not yet come to China—and change has not come to an antiquated and outdated policy that continues to reward the dictators of Beijing with most-favored-nation trade status.

Mr. President, ever since the massacre in Tiananmen Square 3 years ago Congress has tried to bring an end to trade benefits for China. And for 3 long years the President has told us we should get out of the way and let China reform from within.

But here's how China has chosen to reform:

The Government of China continues to violate internationally accepted standards of human rights, including torture, arbitrary arrest and detention, and the use of prison labor.

The Government of China continues to deny Chinese citizens the right of free emigration.

The Government of China continues to repress the Tibetan people who seek political and religious freedom.

The Government of China continues to control trade unions and harass accredited journalists.

The Government of China continues to sell missile technology to any third-world nation that asks.

Finally, the Government of China continues to engage in unfair trade practices against the United States, by raising tariffs, using discriminatory customs rates, imposing import quotas, falsifying country of origin documentation, and repressing the basic rights of its workforce.

All told, Mr. President, these unfair trade practices will create a trade deficit with China projected to be $20 billion in 1992. That's more than the $12.7 billion trade deficit with China in 1991, and well over the 1989 deficit of $6 billion. Mr. President, the conclusion is undeniable: In this time of recession, our trade policy with China is costing us jobs.

Mr. President, the legislation before us represents an effort by Congress to set United States-China relations on a wiser course. It would extend MFN for 1 year without conditions. But for the Chinese to gain an additional extension, they would have to demonstrate visible reform in the areas of human rights, trade policy, religious freedom and missile proliferation.

Mr. President, I have heard it said many times during this debate that trade policy should be separated from political pressures whenever possible. It is often said that MFN is a clumsy political tool, that other measures should always be attempted first. On this point I would agree.

But in the case of China, Mr. President, we have simply run out of options. We have held out the carrot; now it is time for the stick. The alternative is a policy that coddles a repressive and inhumane leadership in Beijing.

Mr. President, I urge the adoption of this legislation.

Mr. SIMPSON. Mr. President, I rise to expand on my earlier remarks in opposition to H.R. 5318, the bill which would place conditions on the extension of most-favored-nation treatment to the People's Republic of China. I know there has been a good faith effort on both sides of the aisle to resolve the philosophical difference that exist on this issue. The differences on how to deal with human rights and nuclear arms proliferation are legitimate, but what we are talking about here is trade—American jobs—plain and simple.

In this politically charged year, we must resist the temptation to be lured into believing that revocation or conditioning the most-favored-nation trade status for China is a cure-all for the differences that exist between our two countries. The President vetoed this bill because it does not make sense. It will not achieve the lofty goals its proponents claim it will.

It will not stop arms sales to the Middle East. It will not cause the release of one religious leader or political prisoner. And, it will not close the gap that exists in our trade relationship. We will only lose American jobs in the end.

The President vetoed this bill because its proponents have made this a foreign policy bill—not a trade bill. American businesses of all kinds have a vested interest in good trade relations with China. Many of them have factories and production facilities in Hong Kong and immediately across the border in China—which are producing goods for export—even to the United States. Termination of this trade relationship will retard the incredible industrial growth in Southeast China and Hong Kong overnight.

Requiring conditions will have negative consequences. It will cause the United States scarcity of some products now being manufactured or assembled in China and exported to the United States, increased prices for Chinese products, the loss of investment opportunities for the stockholders of many major American corporations, and the outright loss of American jobs in those companies largely involved in this development.

American corporations doing business in Hong Kong and in Southeast China are only now beginning to effectively tell their story, and it is compelling indeed. If we cut ourselves off, it won't be too long before industries based in other countries will move in to fill the void we leave in our established markets—such as grain, air transportation, and electronics. Indeed, the engines bringing free market enterprise to China will eventually come back to speed without us. We will have simply cut ourselves out of the action. That is reality.

In the decades that lie ahead, as China's more than one billion people become ever more productive and ever more involved in the global economy, we Americans will wonder what we were thinking when we isolated ourselves from that trade. And as China represents 22 percent of the world's population, doing so would be most shortsighted, no matter how politically expedient.

Let's think about the following. Seventy percent of the world's people live within a 5-hour jet ride from Hong Kong. Three million people from other areas of China have migrated to the Southeast in order to work in the factories that are springing up daily. Approximately 70 million Chinese people are under the very positive influence of the rapid economic growth in Southeast China—and are benefiting greatly from it. Many of those people are suddenly earning more than three times the national average salary of all Chinese people—which is in the range of $350-$400 (U.S.) per year.

We need to consider what that economic growth means to those individuals—and the political changes that prosperity will bring. If we are truly concerned about the human condition in China, and if we are taking these actions in order to improve the lives of people in China, we ought to carefully consider the importance of job opportunities that have never before existed for millions of people there. We are now helping to create conditions where many Chinese citizens can finally enjoy a lifestyle above bare subsistence.

There are still many places in China where a husband and wife own but a single pair of pants between them. Each wears the pants on alternating days, with only one of them able to leave the family home at a time. This is absolute reality. If we terminate MFN status for the PRC the result will be the instant loss of good jobs for many Chinese people and a return to the poverty from which they were finally beginning to emerge.

What American company will want to invest in China with the specter and uncertainty of this sort hanging over its head daily? Investment opportunities will be curtailed and American jobs will be threatened—in both the United States and China. As other countries and other international corporate entities pick up where we leave off, some of those jobs in China will return—but not the ones in the United States.

If this happens, it will be some time before the tremendously robust economy of southeast China is fully restored in the wake of what most of the rest of the world will have considered to be a very precipitous act by us. So if our effort is to make things better for the people of China and if it is true—and it is true—that threatening to terminate MFN, or actually doing so, will have virtually no effect on those people who are imprisoned and in some cases reportedly tortured, then what is the advantage to the Chinese people—even the ones imprisoned—of our pursuing this? I submit that there is no advantage to doing this to China—or to ourselves, save one: the advantage is a raw partisan politics, American style. That is most unfortunate indeed.

The dawning of the free market concept of economics which is driving this incredible economic growth in Southeast China does also have a very important and positive political potential. It is through this development that a growing understanding and appreciation for the outside world is brought to millions of people in China. They are coming to recognize the benefits of an economic process and the many freedoms we cherish. It is bringing things—Western things—to them and, just as importantly, it is bringing the power of information from the rest of the world.

Through this development, and through new contracts with the Western world, and through the buying power associated with increasing the standard of living for Chinese people, millions of individuals have access to American products, the American way of life, and a new understanding of the benefits of freedom and of free market economies. These are the values and concepts that we are desperately trying to instill in developing nations throughout the world. The things we desire to accomplish with regard to China's internal policies are being accomplished far more effectively through the existing trade policy than will ever be accomplished by threatening China's trading relationship with us, or in any other way—or by isolating China.

The very messages we are trying to communicate to people who have for so many years been isolated from our influence are being communicated in a thousand forms, all of them because of our economic and political foothold in Southeast China. That foothold is creating a deep footprint which is multiplying by the day and marching out across the rest of China. This influence, delivered directly to the people of China, will continue to exert more pressure on Chinese leadership than anything we can do on the Senate floor in threat to the Chinese leadership in Beijing.

Sure, we are outraged about human rights abuse and other offensive policies, but the more people in China who benefit from the development that our trade policy is causing to grow and spread through China, the more it becomes possible to achieve our goals of improving living conditions and rights and freedom and western values there.

The power and stability of international trade is the one thing which assures that the transition of Hong Kong to Chinese control in 1997 will be accomplished without jeopardizing a very important center of world commerce. That trade is the one instrument of further positive change—both economically and politically. It will cause the power of the Beijing leadership to further erode and the conditions of the Chinese people to continue to improve.

No amount of posturing and arm waving and threatening commentary by us is going to cause much of a change in the actions of Beijing leaders. We must understand that. To jeopardize MFN for China is to jeopardize the progress already made, and progress that will otherwise continue to be made in every issue important to us within the People's Republic of China.

How much more clear could this be? The best weapon we have to prevent atrocities in China, to pursue our free market concepts of commerce, to perpetuate our goals of equality and freedom for people is through the trade that is already demonstrably bringing improvements in all of those areas to China. It is the one ace we have. Chinese leaders cannot enjoy the benefits of trade without accepting all the benefits of information and "globalization" that are inextricably a part of it.

Continuing MFN for China is not rewarding tyrrany. Ending MFN for China would strike a blow at those who practice tyranny. Continuing MFN for China is the best possible way to wedge the door to China even wider and to let everything we believe in, value and endeavor to promote flow into that nation and into the lives of its people.

My fine colleague, the majority leader, stated during debate on this issue last year that, "Americans are not hostile to policies that clearly serve important national goals. They are hostile to policies that fly in the face of common sense." The dawning of the free market concept of economics which is driving incredible economic growth—and is spreading American values in Southeast China—is good common sense.

That economic growth has very potent and positive political potential to turn the tides toward democracy. The power and influence of the economic development that has sunk a tap root in Southeast China continues to be the most effective way to spur long-term positive changes in China.

I urge my colleagues to seriously consider their action today and support the veto message of the President.

Mr. SIMPSON. Mr. President, I rise to support the objections of the President to this bill which conditions the most-favored-nation trading status for China.

I know there has been a good faith effort on both sides of the aisle to resolve the philosophical differences that exist on this issue concerning human rights and nuclear arms proliferation. What we are talking about here is trade—American jobs—plain and simple.

In this politically charged year, we must resist the temptation to be lured into believing that revocation or conditioning the most-favored-nation trade status for China is a cure-all for the differences that exist between our two countries.

The President vetoed this bill because it is a bad bill. It will not achieve the lofty goals that its proponents claim.

It will not stop arms sales to the Middle East. It will not cause the release of one religious leader or political prisoner. And, it will not close the gap that exists in our trade relationship. We will only lose American jobs in the end. We will also lose any ability to influence the Chinese to change in any way.

Last week, I joined a few of my colleagues in signing a letter addressed to the Chinese Ambassador reiterating our deepest concerns for any retaliation against United States wheat exports in response to the sale of F-16's to Taiwan.

I received assurances from the Chinese Government that no retaliations shall result due to the sale of the F-16's. The Chinese Government concurred that trade should be separate from foreign policy on this issue.

In the decades that lie ahead, as China's more than 1 billion people become ever more productive and ever more involved in the global economy we Americans will wonder, if this becomes law, what we were thinking when we decided to isolate ourselves from that trade, and from 22 percent of the world's people as we address issues of global significance such as the population explosion, human rights, global warming and aspects of life on our common planet home. That would be most short sighted, no matter how politically expedient.

I urge my colleagues to support the President's veto.

Mr. BRADLEY. Mr. President, today I rise to vote to override the President's veto of H.R. 5318, the United States-China Act of 1992.

President Bush's veto is yet another example of his seriously flawed China policy. The President has told us to wait, that continued trade with China as a most-favored nation would have a positive impact, that our relations would lead to freer markets and greater liberty. This we heard even in the wake of China's brutal crackdown on students in 1989.

Well, Mr. President, we have waited long enough. And as we have waited, the Chinese Government has solidified its totalitarian control over the people. This past week I signed a letter to Premier Li Ping on behalf of three Chinese citizens. They were arrested for attempting to open an office which, ironically, was to support the democracy movement in China. As long as these kind of abuses occur, as long as the old faces in China's leadership keep the images of June 4, 1989, fresh in American minds, we cannot just continue business as usual with China.

Mr. President, human rights abuses stand to be the tip of the iceberg. On May 21, China set off its largest ever underground nuclear test. The implication is that the Chinese are trying to develop large-yield offensive nuclear warheads for long-range missiles. This complicates nonproliferation objectives by signaling other countries like India and Cuba to expand their nuclear programs.

And let us not forget their trade policy. China has taken advantage of our open markets while restricting our market access with a web of restrictions. We still have an active trade case open against China dealing with intellectual property rights. The trade deficit with China is soaring. In 1992 the trade surplus with the United States is expected to reach $20 billion—second only to Japan as a source of our trade deficit. Yet by continuing to assure the Chinese regime that we will continue to grant MFN status no matter what, we undercut our own bargaining position. Why should we unilaterally give up one of the strongest bargaining chips we have to encourage positive change?

H.R. 5318 simply asks China to abide by last year's promises. If conditions improve, we may extend MFN status. If we are forced to deny MFN status, this bill targets only Government-owned companies, so as not to penalize American and Chinese entrepreneurs. It is designed to send a message and to encourage reform. It is reasonable and it is right.

Mr. President, this veto must not stand. Through overriding this veto, we have an opportunity to send an important message to the Chinese Government. We have a responsibility to do so, for the Chinese people who are unable to send it for themselves.

Mr. DURENBERGER. Mr. President, as I have done repeatedly in the past, I rise to oppose efforts to condition most-favored-nation [MFN] trade status for China. I believe the Senate should sustain President Bush's veto of this latest variation on the MFN theme.

Several times in recent years, the Senate has debated and voted on this issue. This has been an important debate that has helped illuminate the many inter-related issues on the MFN matter.

Mr. President, let me state emphatically at the outset that neither President Bush nor this Senator believes that extending unconditioned MFN can be interpreted as condoning China's human rights practices, its irresponsible weapons proliferation policies, or its various troublesome trade practices.

China's human rights practices concern me deeply. I have listened and learned from the arguments in favor of conditioning MFN with so-called achievable objectives, particularly in the human rights area. I believe it is important that we vigorously pursue all appropriate means to address these very real concerns; I remain unconvinced, however, that unilateral trade actions will help achieve our objectives.

One month ago, Mr. President, I met with Minnesota representatives and advocates of the Tibetan refugee community. They shared with me their very deep concerns about the plight of their people and their homeland. They shared the horrors of Chinese rule in Tibet and very strongly urged me to support conditioning MFN on China's human rights behavior.

The Minnesotans, many of them newly arrived refugees, make a strong and compelling case. I admire their courage and determination to bring freedom and respect for basic human rights to Tibet.

But after carefully considering their arguments and the debate here in the Senate, nothing has changed my basic belief that it is fundamentally inappropriate for the United States, acting alone, to start and stop trade with other countries because of disputes over human rights matters. If we applied these same standards to any number of our other trading partners, we would be unilaterally restricting trade all over the Third World.

Attempting, as this bill does, to apply a complicated and practically unworkable formula defining what constitutes a product from a state-owned enterprise only makes matters worse. I would remind my colleagues of recent trade disputes between the United States and our good neighbor and close friend Canada regarding the domestic content of Honda Civics. The closest of friends and neighbors could hardly agree on what percentage of a Honda was produced in America or Canada.

It is difficult for this Senator to imagine how it will be any easier or effective to determine what portion of a Chinese transistor radio or wrist watch was produced by a state-owned or private enterprise. This bill's new formulation may appear a good idea on paper, but it hardly seems workable in the real world.

Mr. President, because the issues regarding conditioning of MFN are very well known by now, I will not waste the Senate's time by restating those positions in full.

I would, however, just summarize my perspective very briefly. First, I remain convinced that it is in our Nation's best economic and geopolitical interests to maintain normal trading relations with China. Several times, I have urged my colleagues to consider not only the likelihood that conditioning MFN would fail to achieve the desired objectives in China, but that it would profoundly damage United States economic and political interests.

Second, it is difficult for this Senator to envision what benefits our country derives from returning to a policy in which we actively seek to isolate China.

Third, I remain persuaded that unilaterally using trade as a foreign policy weapon only hurts the American exporter and consumer. Other countries will always step in to fill the void left by our unilateral withdrawal from a market. This is precisely what happened with the failed United States embargo against the Soviet Union in 1979.

More recent experience has also taught us that the corollary to this reality is also true. That is, that economic and trade policy can be a meaningful foreign policy tool only when applied multilaterally, in concert with the world's other trading partners. United Nations economic and trade sanctions against Iraq have had meaning only because the world acted in unison.

I ask my colleagues, will Japan follow our lead in restricting trade with China? Will France or Germany? Will Australia or Brazil? No, Mr. President, of course not. Their farmers and businesses will simply step in and take the business that we unilaterally sacrifice.

Fourth, I will say again, Mr. President, that it is inappropriate for the United States to unilaterally start and stop trade with other countries because of disputes over human rights matters. If we applied these same standards to any number of our other trading partners, we would be unilaterally restricting trade all over the Third World.

Last summer, I quoted at length from the publications of respected international human rights organizations regarding the records of various trading partners. No one is calling for revoking normal trade relations with Indonesia or Kenya, Mexico or Brazil, Turkey, South Korea or India. Acting alone, the United States cannot, regrettably, change the behavior of the rest of the world. The forum for addressing these issues is not through trade, but through vigorous diplomatic efforts.

Mr. President, I renew my call to President Bush and Secretary Eagleburger to keep the pressure on China to improve their various policies and practices that we and other responsible members of the international community rightly find so objectionable. Clearly, more needs to be done to persuade China to respect internationally accepted norms of behavior in areas such as human rights and weapons proliferation, etc.

But MFN is the wrong tool for the job. It is a blunt instrument that holds little promise for achieving otherwise laudable objectives. Effectively revoking MFN will only kick the legs out from under the negotiating table at which we address our very real and serious problems with China. That might give some of us a degree of short-term satisfaction, but precious little long-term gain.

Mr. President, I urge my colleagues to take the long-term view and oppose this latest variation on conditioning MFN for China.

Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks two recent letters I have written to Chinese officials regarding various human rights matters.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 17, 1992.

Hon. ZHU QIZHEN,
Ambassador, Embassy of the People's Republic of China, Washington, DC.

DEAR MR. AMBASSADOR: Please accept my warm and sincere welcome to the State of Minnesota. I am pleased that you have chosen to visit our state to discuss trade and business relations between Minnesota and China.

As you know, for more than ten years, Minnesota and China have cooperated very closely to build an expand these relations. Minnesota industry and agriculture have a great deal to offer China; and China, through its exports, has made an important contribution to Minnesota's economy.

There is no doubt that Minnesota farmers and businesses greatly value their trade activities with China. This expanding relationship between your country and our state is valuable to both, and I applaud your efforts, as highlighted by your visit here this week, to further strengthen economic ties with Minnesota.

In addition to trade relations, there are of course other matters of very great interest to many residents of Minnesota. They include deep concerns that many Minnesotans have for human rights in China and Tibet.

Just recently, I met with several refugees from Tibet who have recently come to Minnesota. They and their Minnesota sponsors spoke very movingly of their concerns for human rights in their home country.

During your visit here, in a spirit of good will and cooperation, I believe it is important to remind you of these concerns and urge your continued efforts to strengthen the dialogue through which we address these matters.

Again, let me welcome you to Minnesota. I am confident that you visit will further enhance the positive and productive relationship that has developed between Minnesota and China. I look forward to building on that relationship in the future.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

U.S. SENATE,
Washington, DC, July 14, 1992.
His Excellency QIAN QICHEN,
Foreign Minister, Peoples Republic of China.

DEAR MR. MINISTER: I write to you once again to express my deep concern about Bao Tong. I understand from press reports that his trial is due to begin very soon, and that his family has been informed that the proceedings will take place in secret.

You will recall that I last wrote to you about Bao Tong in March, 1992, at which time I urged your government to permit official observers from the U.S. Embassy in Beijing to attend the trial. The U.S. State Department has also urged China to ensure that Bao Tong receives a fair and just trial, and that international observers be allowed to attend. I want to reiterate my very strong appeal to your government that Bao Tong's trial be open, fair, and just. Further, I would hope that there could be a delay in the proceedings to permit Bao Tong's attorneys adequate time to prepare a defense.

As a supporter of Most Favored Nation trade status for China in the U.S. Senate, I value the bilateral relationship between our two countries and seek to foster a climate of understanding and cooperation. These efforts, however, are made much more difficult by the continuing trials and detention of peaceful advocates of democracy and reform. There is no doubt that many of my colleagues in the Senate, as we resume consideration of MFN for China, will be extremely interested in the way Bao Tong's case is handled, and that the outcome may affect relations between our two countries.

In addition, on humanitarian grounds, I urge you to convey my concern that Bao Tong be allowed regular family visits as well as access to a physician of his choice for treatment of his medical problems.

Thank you very much for your attention to these matters. I urge you to give this request the most serious consideration.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

Mr. WELLSTONE. Mr. President, I support S. 2808, the most recent version of the Majority Leader's important legislation to impose conditions on continued most-favored-nations status for China. I have supported earlier, tougher measures as well, including legislation to require the President to terminate MFN status for China 180 days after enactment unless China had fulfilled various criteria in the areas of human rights, trade, weapons proliferation, and forced labor. I urge my colleagues to vote to over-ride the President's veto of this measure.

This year's earlier votes in the House, the first to deny outright continued MFN status and the second to place conditions upon it, were powerful signals to the Government of China and to other nations which abuse the basic human rights of their citizens of the broad bipartisan consensus which has formed on this issue during the last 18 months.

More than 3 years after the brutal massacre in Tiananmen Square, with continued repression against supporters of the democracy movement in China and in occupied Tibet, the time is long past due for Congress to act decisively to demonstrate that unrelenting repression of basic human rights will not be condoned among our trading partners through extension of favorable trade conditions.

This effectively gives the Chinese Government another 9 months to demonstrate its willingness to observe internationally recognized human rights standards or face the consequences of its refusal. It prohibits the President from extending MFN tariff treatment to China as of July 1993, unless certain conditions have been met. MFN treatment may not be extended to state-owned enterprises after that time unless the President certifies to Congress that China has: First, significantly improved its human record; second, provided a complete and accurate account of individuals detained, accused or sentenced in connection with the June 4, 1989 Tiananmen Square massacre; third, taken steps to release those imprisoned because of the free expression of their nonviolent political beliefs during events that occurred during and after the repression in Tiananmen Square; fourth, taken action to prevent export of products manufactured by forced labor; fifth, made significant progress in ceasing religious persecution in China and Tibet; and sixth, adopted national policy limits and controls on nuclear, chemical, and biological weapons proliferation.

I have heard from many Minnesota farmers who could be affected by a potential slowing in grain exports to China, and who recognize that this legislation could be a two-edged sword. China is a major United States agricultural export market, although its rank fluctuates widely from year to year. For example, in 1986, it ranked 60th; the next year, it ranked 17th. According to the Congressional Research Service [CRS], in 1989 China was the eighth largest foreign market for United States agricultural exports, purchasing more than $1.4 billion worth of products. Last year, China ranked 11th among United States foreign agricultural markets, important about $800 million worth of agricultural products. China has participated in both the Export Enhancement Program and the Targeted Assistance Program in recent years. Overall, United State imports from China last year reached $19 billion.

But I have also talked with many farmers in Minnesota, most recently at the recent Minnesota State Fair. It is wrong to assume that farmers oppose automatically conditioning MFN status on human rights improvements and other reforms. Conditioning trade benefits on basic human rights is important to American farmers, in spite of the potential short-term burdens those conditions may impose. I urge my colleagues not to sell farmers short on their support of human rights worldwide. I realize that agricultural trade with China must remain a serious consideration as we seek to develop a more coherent trade policy, and as we link United States trade policy to overall foreign and human rights policy. I know the burdens that China could impose upon United States—including Minnesota—wheat farmers by retaliating against our refusal to condone China's troubling record on human rights, labor rights, unfair trade practices and arms exports.

Even so, the appalling Chinese record argues compellingly for changes in our trade relationship. The State Department's own human rights report cites continued detention, sentencing, and execution of members of China's prodemocracy movement. In addition, the Chinese Government has consistently refused to participate as a full and responsible party in international efforts to control the proliferation of sophisticated military technology and weapons, including biological, nuclear and chemical technologies. The United States must insist upon real changes on human rights practices before renewing MFN status to China.

In this exceptional case, where the human rights abuses have been flagrant and sustained, and where the Government of China has consistently ignored international calls for reform, I continue to believe that we should use legitimate trade-policy tools to prompt significant reforms in human rights, unfair trade practices, and weapons proliferation. While I have consistently said that I do not favor using food as a weapon, nor do I favor grain embargoes as a general tool of foreign policy, this is neither of those. MFN status is a benefit that can and should be revoked if circumstances warrant. I am hopeful that the measures included in this bill will result in positive movement on the part of China, not unjustified retaliation.

I urge my colleagues to underscore the importance of upholding basic standards of human rights by voting to override the President's veto. I urge my colleagues to signal once again to the Chinese leadership that MFN is a benefit that can no longer be taken for granted. Retention of preferential trade advantages under MFN status is gravely important to the Chinese Government. The United States should insist on real and substantial reforms in these areas before allowing unrestricted MFN status to continue. A foreign policy which fosters peace, democracy, respect for human rights and fair trade must continue to be our goal.

Mr. GLENN. Mr. President, the United States has many legitimate reasons to seek influence over China's foreign and domestic policies. Suffering under the effects of the current economic recession, companies throughout America could well benefit from greater access to China's vast market. Americans also want China to adopt a more democratic political system and a free-market economy. Progress in these directions serves the national ideals and self-interests of both countries.

American families, however, also sent thousands of young men and women to serve in the war in the Persian Gulf. Not long ago, these troops were faced with the prospect that nuclear, chemical, or biological weapons might be used against them; one night, an Iraqi missile killed 28 soldiers, including 3 women, and wounded 89. Literally overnight, that dreaded word, "proliferation," became converted from an abstraction that troubled a few specialists into a serious threat recognized by virtually all Americans.

Yesterday it was in the Middle East; tomorrow, devastating wars involving key United States interests could occur in east Asia and south Asia, or again in the Middle East, jeopardizing the lives of millions. Meanwhile, high-technology terrorism threatens to bring the horror of these weapons even to American citizens in their homes and workplaces. To the extent that China is contributing to such threats, we must not only voice our concerns, but be prepared to take the tough actions needed to defend our interests.

Just from this year alone, here are some notable items that have been spotted by a recent compilation prepared by the Arms Control Association:

September 11: On the same day the United States permits China to launch six United States satellites, press reports announce China has agreed to sell a 300-MW reactor to Iran.

July 30: China is reportedly negotiating the sale of nuclear power plants to Iran, Egypt, and Bangladesh.

May 10: China is reported to have begun installing a 300-MW reactor in Pakistan.

April 10: China reportedly agrees to sell Syria a nuclear research reactor.

February 17: China reportedly sold India at least 130 tons of heavy water between 1982 and 1987.

January 31: China reportedly sells Syria 30 tons of chemicals used in making rocket motors.

Clearly, our readiness to resume close relations with China should depend not on the words, assurances, or nonbinding policy statements coming from Beijing or Washington. It must instead depend on deeds, actions, and tangible evidence that progress is being made in realizing all of our important policy objectives. Experience, not hope, must be our principal guide as we chart the future course of our relations not just with China, but with all nations that threaten international security.

By all indications, however, the current debate over the renewal of China's most-favored-nation [MFN] trade status demonstrates that the road ahead will not be an easy one. In counterpoint to bipartisan congressional concerns about expansive administration claims of Presidential authority to regulate the Nation's foreign commerce, an authority granted to Congress under the Constitution, the President charged on May 27, 1991, that it is not moral for Congress to mandate human rights or nonproliferation conditions as terms for renewing China's MFN status.

The time has come to evaluate China's nonproliferation record not just in the context of the narrow MFN issue, but also in terms of some broader implications for United States foreign policy in the new world order.

THE QUESTION OF LINKAGE

I believe that America's renewal of China's MFN trade privileges should be linked to concrete progress on human rights and nonproliferation issues. I make no apologies for this position and hardly regard such as immoral.

The administration points to many alleged costs of this approach. We will lose export markets which will only be snatched up by other western competitors and Japan. We will lose our ability to give China an open society. We will hurt segments of Chinese society—such as China's southern coastal provinces and Hong Kong—that are adopting free-market principles. We will lose leverage needed to discourage China from nuclear and other forms of weapons proliferation. We must, in short, use free commerce as a vehicle both for creative change inside China and to restrain China's external behavior.

In response, I would argue that the administration's current policy toward China is replete with half-truths, contradictions, and wishful thinking.

U.S. POLICY ON SANCTIONS

While condemning legislative mandated sanctions and trade conditions as immoral, the White House has repeatedly heralded its past denials of satellite parts, supercomputers, munitions, and various forms of multilateral aid to China as evidence of the administration's commitment to nonproliferation. We must recall, however, that a White House fact sheet released on June 16, 1991, said nothing about any embargo of high performance computers to China—the release said only that such exports will occur only after extensive review to ensure that the proposed sale poses no threat to national security. The addition of supercomputers to this list is particularly interesting, given the White House's announcement in December 1990 that these sophisticated dual-use machines would be approved not only for export to China, but also to Brazil and India. At the time, none of these nations was a party to the Nuclear Non-Proliferation Treaty, and all of them continue to merit close international scrutiny today.

But what of the high-technology sanctions that the administration has reluctantly imposed in the past? Were these sanctions not also immoral? What about the alleged benefits from free trade in these commodities? Were we not throwing away our ability to use the leverage we would allegedly have gained from approving such exports?

The United States response to China's recent export of M-11 missile technology to Pakistan was truly a case of too little, too late. The Washington Post reported on April 6, 1991, that United States officials believe that China sent Pakistan a number of launch vehicles for Chinese-made M-11 ballistic missiles. On June 12, 1991, Secretary of State Baker testified before the Senate Foreign Relations Committee that China would face potentially profound consequences if it provided the M-11 missile to Pakistan or the M-9 to Syria. Fifteen days later, the Chinese Ambassador to the United States stated at the National Press Club that "Yes, I said we have sold some conventional weapons to Pakistan, including a tiny amount of short-range tactical missiles * * * I think here you call it M-11." And citing Bush administration officials as sources, the Washington Times claimed on July 2, 1991 that "a Chinese ship carrying Chinese-made M-9 missiles was being tracked to Cyprus from a factory in China * * * destined for Syria."

Some of these M-9 missiles may have made it to Syria—or may yet be sent in the future—and I find such reports especially disturbing in the context of

China's long-standing pattern of promoting missile proliferation around the world. Chinese leaders have evidently concluded, perhaps with good reason, that when we threaten tough sanctions, we just do not mean what we say.

I also find it ironic that the White House would point to the sanctions that were imposed against two Chinese trading firms as an indicator of its commitment to halting missile proliferation, especially given the vigor with which the administration opposed the congressional legislation creating those sanctions in 1990. Those sanctions, by the way, are limited only to a prohibition on exports of United States missile technology and on United States Government contracts with the two Chinese enterprises.

THE BURDEN OF SANCTIONS

On the broader issue of who in China will bear the burden of expanded trade sanctions, it is true that if the President ultimately determines that China is still engaging in egregious human rights abuses and promoting proliferation, sanctions may well impose some costs on friends of the free market and open society in China. But let us examine those costs.

Why does the Chinese leadership—including the old-line party bosses, military chiefs, trading companies, and family networks in the Chinese military-industrial complex—want continued easy access to United States money, markets, and possible military assets? Obviously, because such goods help to shore up their position at home; U.S. trade helps to confer power and legitimacy upon precisely those government officials who are responsible both for practicing dictatorship at home and proliferation abroad. To argue that the loss of free trade with the United States would only have impacts on the advocates of the open society and free market in China is absurd. Besides, if the administration's fervent belief that any rupture in United States, Chinese trading relations would be quickly made up by an influx of companies and capital from other Western, pro-free-market nations and Japan, then the net impact on China's free-market sector may not be as severe as the administration claims.

I also doubt that the United States is not without some influence over those other Western nations to ensure that whatever cooperation follows does not contribute either to proliferation or further human rights abuses in China. Perhaps one of the best instruments available to the Untied States is publicity: if other nations wish to promote dictatorial practices and proliferation by China, they are free to do so, but at the risk not only of jeopardizing friendly relations with the United States but of humiliating international exposure of such cooperation. America must tell the world where it stands on these issues.

But our concern about the effect of sanctions inside China should not lead us to neglect some harsh economic realities we face here at home as we pursue business as usual with China. We continue to have a whopping trade deficit with China and the trend seems to be just getting worse.

There is, clearly, not just economic benefit from trade with China. What about the United States exporters who have seen their patents and copyrights abused by unscrupulous Chinese entrepreneurs? What about United States manufacturers of retail merchandise who have been put out of business by the influx of cheap Chinese imports? What about China's sales of goods produced by convict labor and continued charges of dumping in the United States and other nations? America's economic gain from unfettered trade with China may not be as self-apparent as the administration would like Congress to believe.

If, in the worst case, China eventually loses its United States MFN trading privileges, United States exporters should ask their government: What are you doing to find alternative markets for U.S. goods? There is no law of nature that compels United States exporters to sell only to China. Indeed, it hardly seems supportive of United States interests for the administration to bemoan the loss of export income if Congress and the American people insist on some fundamental human rights and nonproliferation conditions on United States-Chinese trade. For United States policy to be credible, Chinese leaders must receive the sober message that if improvements are not made, the United States both can and will simply take its business elsewhere. Surely the United States has interests in cultivating expanded trade with Pacific rim nations, Eastern Europe, the newly independent nations of the former Soviet Union, the rapidly growing economies in Latin America, our friends in the Middle East and with the civilian market of the world's largest democracy, India. It hardly serves United States security interests to harp on the alleged burdens that would be borne by the American consumer as a result of a conditional MFN approval—such posturing only plays into the hands of the Chinese leadership and undercuts United States nonproliferation diplomacy.

Is our economy in such straits that it has now become hostage to the China market: must our foreign policy now be driven by fears about what it will mean for the United States consumer price index for the Congress to put a human rights condition on trade with China? The answer is not a partisan matter; as Abraham Lincoln once wrote, "Republicans * * * are for both the man and the dollar; but in cases of conflict, the man before the dollar."

Once again, if China's leaders accepted the administration's claim that trade and technology are America's secret weapons to undermine Chinese society, revolutionize the political system, and transform the economy, why are they so enthusiastically welcoming a closer relationship? The answer is that these leaders have evidently concluded that they will personally gain from renewed commercial ties with the West—if they thought that they would not be able to manage the undesirable side effects from this trade, they would not have sought it in the first place.

PROBLEMS IN BUYING COMPLIANCE

Not too long ago, this administration was arguing that increased trade would also advance the causes of human rights, democracy, a free economy, and nonproliferation in Iraq. Similar claims were made about the provision of billions of economic and military aid to Pakistan to alleviate Pakistan's alleged security fears and thereby halt its nuclear weapons program. The Reagan administration similarly tried a policy of constructive engagement with the apartheid regime of South Africa. We got burned in Iraq and Pakistan; our policy on South Africa was unproductive and a national embarrassment. We should expect no less from a sanctions-free policy toward China.

If trade, capital, and technology were truly useful as instruments of Chinese restraint in the field of weapons proliferation, why then is there so little to show by way of success in the years since President Nixon's historic trip to China in 1972? Prior to 1972, China had not to my knowledge ever transferred nuclear-capable missiles to other nations nor, according to many reliable reports, passed a nuclear weapon design to any other nation. Chinese nuclear and missile scientists were not turning up in sensitive foreign military facilities with the frequency they are appearing now. A good case could be made that the most outrageous Chinese activities in the field or proliferation occurred precisely during the period when United States economic and technological ties were strongest.

Yet whenever this issue comes up at recent congressional hearings, the subject is immediately avoided by administration witnesses and reserved for classified briefings; the general public seeking some facts on these proliferation issues, finds only the word, [deleted] in printed copies of congressional hearings. The President's Annual Report to Congress on Nonproliferation contains nothing on these issues; indeed, if it were not for the few items that appear in the media, the public would be kept completely in the dark.

"OPEN DOOR" FOR PROLIFERATION?

The administration at times seems to imply that China's evolution toward a freer market will even help induce restraint in China's international behavior. I simply cannot understand how

China's progress toward development of a capitalist economy bears upon the problem of curbing China's aggressive exports of dangerous weapons-related technologies. For all its other benefits, a free market in China may even encourage an open door in reverse, involving the laissez-faire international export of dangerous technologies and military hardware, many of which would have been produced with improved capabilities thanks to imports of Western know-how and materials.

Encouraging China to have a freer market and promoting human rights in China are important goals of United States policy; but let us not for a minute believe that progress on these fronts will necessarily make China any less willing or able to export weapons of mass destruction or the means to produce them.

A few years ago, the administration argued that Pakistan's recent democratic and economic reforms would tighten the reins on Pakistan's nuclear program; yet a recent Gallup Poll reports that 87 percent of respondent in Pakistan want the bomb, and in true representative fashion, their government appears to be willing to respond to this public demand. It appears that a nation's likelihood to engage in proliferation is less a function of the form of government or economy of the exporting nation than of international politics and strategic interest. China will stop engaging in proliferation when it recognizes that it stands to gain nothing and to lose a lot from such behavior. There is just no easy substitute for tough confrontation of China on a political and strategic level.

Finally, if trade is so important as an instrument of leverage, why does the administration not apply this logic to United States relations with North Korea, Cuba, Vietnam, and Libya? Should not these nations also have open societies and free-market economies? Do we not want leverage to restrain various international activities of these nations as well?

MFN AND THE "NEW WORLD ORDER"

The seriousness of the MFN issue goes far beyond the narrow bilateral relationship between the United States and China. There are more fundamental questions at stake here concerning broader interests of American foreign policy.

First, why do we need a foreign policy consensus?

This debate over China's MFN status involves a classic conflict concerning the separation of powers—there is little partisanship on Capitol Hill when it comes to the basic goals of advancing human rights and halting the global proliferation of weapons of mass destruction; there is conflict, however, both between and within the branches as to how best to achieve these goals.

Such conflicts are not new, but in a thermonuclear age undergoing revolutionary political transformations at national, regional, and global levels simultaneously, it is more important than ever for politics to stop at the water's edge and for the country to unite behind a foreign policy that represents the consensus of the nation. The unity of the American people in revulsion to the events at Tiananmen and to China's irresponsible peddling of arms and dangerous military technology in the Middle East and South Asia, however, is now under assault by an administration that refuses to acknowledge the failure of past policy approaches. Our policy now appears to be driven by, in Washington Irving's memorable words, the almighty dollar.

A strong foreign policy has a strong foundation of support at home—the administration's efforts to construct a foreign policy based on a simple ability to sustain presidential vetoes seems destined not only to ensure divisiveness at home but to foster the perception of U.S. weakness from abroad. United States foreign policy is dangerously close to being all sail and no anchor, a fragile basis indeed for new world order.

My second question asks, is free trade sufficient for peace?

To answer this, I would like to review some of the history of United States-China relations. The Yankee merchant ship *Empress of China* docked for the first time in Canton harbor in 1784. Sixty years later, China granted the United States MFN status. Missionaries came with a determination to transform Chinese society spiritually just as the traders sought to transform it materially; as one United States diplomat put it in 1990, "We are a moral as well as a material force. We are a civilizing as well as an exploiting agency." (John Barret, North American Review, August 1900). While the bountiful dream of the China market grew in the public imagination, especially after the economic depression of 1893, diplomats also came to see China as an arena for strategic competition between Russian, Japanese, European, and American interests. The United States unilaterally sent its famous open door diplomatic notes in 1899 and 1900 both to defined America's trade interests and to protect China's territorial integrity. The press at that time hailed the opening of the greatest of world markets, a market of enormous possibilities with 400 million customers. The United States acquired Hawaii, the Philippines, and dug a canal through Panama, all largely intended to open further the path to the China Market.

President Theodore Roosevelt was primarily interested in preserving a stable balance of power in East Asia: Japan would balance Russia and the United States would pursue its interest through cordial diplomacy, with appropriate shows of force. However, Roosevelt's Secretary of War, William Howard Taft, was especially enthusiastic about the China market: in a speech in 1908 he predicted that "should China progress industrially, you can be sure that * * * the wealth of that country will be showered upon us * * *" When President Taft, interestingly enough, a Yale graduate, came to office a year later, he made it clear that United States interests in China would be given a priority unsurpassed by any previous administration. The use of the machinery of the foreign policy establishment to promote trade and investment in China was soon to be labeled "Dollar Diplomacy," a practice that has been carried on in various forms to the present day. In 1910, Taft's Secretary of State, Philander C. Knox, stated that the application of dollar diplomacy in China was a high moral duty.

Unfortunately, both the open door and dollar diplomacy produced unsatisfactory results, both for U.S. business and strategic interests. The east Asian balance of power was altered to Japan's benefit as Japan continued to pursue its special interests in Manchuria; even the large United States banking houses were able to find more lucrative investments in Japan and other countries. China, meanwhile, was in the midst of revolutionary turmoil: a bloody Boxer rebellion in 1900 and a full-scale revolution in 1911 led to a long period of reconstruction and development.

President Harding's inaugural address in March 1921 heralded an era of good feeling to mark the birth of a new order. In terms of foreign policy, the new order would rest on the proposition that ties of trade bind nations in closest intimacy and none may receive except as he gives. A month earlier, he stated, "I would rather have indissoluble ties of righteous trade promote international friendship than all the compacts ever written in the world. (New York Times, February 26, 1921)

Herbert Hoover, both as Secretary of Commerce under Calvin Coolidge and as President, also sought to promote trade with China but not at the cost of engaging in any political commitments. Hoover was a strong believer in unconditional MFN clauses in commercial treaties, the United States customarily used only conditional MFN clauses until the mid 1920's, as was the administration of Franklin Roosevelt. Having worked earlier in China as an engineer, Hoover believed he had a personal appreciation for the commercial and strategic value of China. Yet when Japan invaded China in the early 1930's, the United States imposed no sanctions and announced only that it would not recognize any territory acquired by conquest, the so-called Stimson Doctrine. Hoover saw no need for economic sanctions against Japan; in his words, the United States "should not go around sticking pins in tiger." In frustration over United States hostility to economic sanctions against the Japanese invasion of Manchuria, a Chinese observer described the Stimson Doctrine as having the head of a dragon and the tail of a rat.

The policies of Harding, Coolidge, and Hoover toward the new Soviet Government were largely the same: trade and commerce were seen as the best way to promote United States interests abroad. Similarly, trade was seen by these administrations and by the Roosevelt administration as a means to influence Mussolini; when Italy invaded Abyssinia in 1935 and used chemical weapons, the United States agreed to an embargo on arms sales to all belligerents but continued to sell oil to Italy, its most precious import commodity. Trade was also seen in the 1930's as one way to influence Hitler; in 1937, Thomas J. Watson of IBM told the International Chamber of Commerce in Berlin that there would be "world peace through world trade." After the war was underway, Senator Harry Truman and his colleagues on a special committee investigated the extensive role of United States companies in arranging secret production agreements with German firms concerning the production of chemicals, rubber, and aviation fuel.

President Roosevelt's policy for curbing Japanese expansionism also relied heavily on moral exhortation and the avoidance of economic sanctions; his Secretary of State, Cordell Hull, was a strong believer in free trade as a basis of world peace. In 1933 he stated that "restoration of fair, friendly and normal trade relations among nations at present would not only avoid serious economic, military and political differences between countries in the future, but would go far toward composing those now existing." New York Times, April 30, 1933. A year later, he stated, "Friendly, orderly international trade * * * is not only indispensable to the domestic prosperity of most countries; it is also one of the greatest educators, civilizers, and peacemakers." New York Times, November 2, 1934. Building on this conviction, Hull strongly opposed the embargo on United States exports of oil to Japan until shortly before Pearl Harbor. He also rejected the advice of the U.S. Ambassador to Austria, George Messersmith, who urged that "economic pressure and practical isolation" be applied to Hitler's Germany. Messersmith opposed economic appeasement of Germany, saying in a letter in 1934 that "anything which we might do now would only tend to prop up the regime and lengthen its hold upon Germany."

Roosevelt himself, however, at least on one occasion acknowledged the weaknesses of economic instruments in America's policies toward China: "Dollar Diplomacy," he wrote in Foreign Affairs, July 1928, "as adopted by President Taft and Secretary Knox placed money leadership ahead of moral leadership in the Far East."

By the mid 1930's, the United States had abandoned one of the key objectives of the open door policy, protection of the territorial integrity of China, and eventually learned the hard lesson that while free trade offered many benefits, it was clearly an inadequate means to solve the world's political problems. The lesson here is that free trade has limited purchasing power when it comes to buying another nation's adherence to fundamental international norms, especially when that nation sees a strategic advantage in violating those norms.

In the cold war years, the United States broke its free trade tradition and organized a multilateral embargo on all sensitive trade with the U.S.S.R., China, and their client states. Although this embargo surely did not prevent the Soviets from acquiring sophisticated weapons, the National Academy of Sciences has recently acknowledged that the embargo "caused them to rely on less sophisticated technological approaches, and it has forced them to invest enormous resources in military-related research and development that might otherwise have been dedicated to civilian purposes." Finding Common Ground, 1991. In short, United States Presidents from both parties in the postwar period concluded that the security costs exceeded the potential economic gain that would result from free trade with the Soviet bloc. That conclusion was adjusted only after substantial political and economic changes occurred in Eastern Europe and the Soviet Union, which nevertheless still does not have MFN status, changes which have been throttled by the ruling Chinese leadership.

Yet on May 24, 1990, Assistant Secretary of State Richard H. Solomon testified at a joint hearing of two House Foreign Affairs subcommittees that "we must avoid the temptation to be excessively punitive with China. Shifting from an emphasis on sanctions to one on trade, Solomon testified on June 6, 1990, before a Senate Foreign Relations Subcommittee that "We should not underestimate the power of international commerce as a force for change." True, but when viewed in light of the hard experiences of Taft, Hoover, Hull, Roosevelt, and more recently, when appraised relative to the $1.5 billion dollars in dual-use goods that the United States licensed for export to Iraq over the last 6 years, neither should we overestimate the power of commerce to produce changes that advance key United States national security and foreign policy objectives.

Let us keep in mind, whenever we hear the slogan of "streamlining the export control process," that accomplishing this objective may cost us another war down the road, a war in which our adversaries will be using weapons of mass destruction built from goods that were Made-in-the-USA.

My third key question is: How will America demonstrate its leadership in the new world order?

On 22 May, 1991, Undersecretary of State Robert Kimmitt testified before the House Foreign Affairs Committee that in meetings at the White House in April and May 1990—before the Iraqi invasion of Kuwait but well after Iraq had violated its commitments under the Geneva Protocol by using chemical weapons in the Iran-Iraq War, tested a satellite launch vehicle, committed human rights atrocities, and broke its obligations under the Nuclear Nonproliferation Treaty—that only then had the United States explored new export controls to be employed against Iraq. Moreover, Kimmitt stated that a NSC meeting on this issue only decided to study the matter, since adoption of any new controls would have to be on a multilateral basis.

Similarly, Assistant Secretary of State John Kelly testified before the Senate Foreign Relations Committee on June 15, 1990, shortly before Iraq invaded Kuwait, that United States economic sanctions against Iraq would only "deny United States exporters the ability to compete with foreign exporters [to Iraq]."

Senator NANCY KASSEBAUM, my Republican colleague from Kansas, answered Secretary Kelly by saying that even if our allies would not immediately join us in imposing sanctions against Iraq's human rights record, "* * * it makes me weep to think that we are not doing more to call this to the world's attention, that we are sort of standing by and just saying, 'Well, we are trying through diplomatic channels' * * * I think we have to be prepared to stand up and be counted."

Are we so driven to improve U.S. competitiveness that we are willing to pay any price for that goal? Do we truly want a trade balance that rests on the backs of our soldiers who will be sent into battle tomorrow because of what we are exporting today?

If one element of the new world order will be that the United States must no longer show leadership in great international initiatives against breaches of international security or crimes against humanity, then our Nation will have taken a giant leap, not into the 21st century, but back to the 1920's and 1930's when similar logic contributed to the death of the League of Nations and the rise of international anarchy. What is needed now is not a retreat to Harding's "era of good feelings" but a leap to a new "era of good sense."

THE UNITED STATES-CHINA NUCLEAR COOPERATION AGREEMENT

I cannot conclude my statement today without reference to the Reagan administration's negotiation 7 years ago of a new agreement for nuclear cooperation with China. In his letter transmitting that agreement to Congress, President Reagan stated that

> * * * we can expect that China's policy of not assisting a non-nuclear weapon state to acquire nuclear explosives will be implemented in a manner consistent with the basic non-proliferation practices common to the United States and other suppliers.

As was often the case with nuclear agreements submitted during the Reagan administration, the same old themes were trotted out by the bureaucracy on behalf of this dubious agreement. Secretary of Energy, John Herrington, testified before the House Foreign Affairs Committee on July 31, 1985, that the agreement would "offer significant opportunities for U.S. industry to participate in what may well be a multibillion dollar market . . . the benefits, in terms of new jobs for our citizens and favorable effects on our foreign trade balances, are very clear." Pressing the economic theme, Herrington testified that "We need to get into this market. We need to be a player in it for leadership, for the survival of our own industry, and also for the information flow and cooperation agreements and relations that we can develop in this area."

With respect to security implications, Herrington added that the agreement "is a great step forward in promoting a stronger international nuclear nonproliferation regime [and that] the PRC has clearly indicated that it shares our concerns about any nuclear weapons proliferation."

Kenneth Adelman, as Director of the Arms Control and Disarmament Agency, similarly testified that the agreement with the Chinese helps ensure that they are part of the nonproliferation solution, rather than part of the problem.

Yet buried away in the public hearing documents relating to the agreement was a single, ominous sentence in a censored letter to the President from the Acting Chairman of the Nuclear Regulatory Commission saying, "We have concerns, however, regarding the adequacy of certain assurances provided by the PRC." Letter of July 19, 1985.

Indeed, because of China's notorious record of trafficking in unsafeguarded nuclear technology and materials—including covert dealings with Argentina, Pakistan, and even South Africa—I authored a joint resolution setting forth some specific nonproliferation criteria that would have to be met by China before United States licenses could be granted under the agreement. In particular, the President must first certify that certain basic nonproliferation standards had been met by China, including the following: That China not be actively assisting other nations to acquire nuclear weapons or relevant sensitive technology, that arrangements are in place that would be effective in ensuring that United States technology would only be used for peaceful purposes, and that the President must submit to Congress a report detailing the history and current developments in the nonproliferation policies and practices of the People's Republic of China.

As of October 1992, Congress has still not received the necessary certifications—not a surprising development, considering China's continued collaboration on secret nuclear projects in Pakistan, nuclear cooperation with Iran and Syria, and clandestine international sales of heavy water and other controlled dual-use goods. I am indeed proud to say that Congress deserves the credit for having placed the Nation's security concerns ahead of the bountiful and, it turns out, illusory, profits that would allegedly have come from nuclear sales to China. In taking this step, Congress was only following a tradition well summarized by President Gerald Ford, when he stated on October 28, 1976 that America "must be sure that all nations recognize that the U.S. believes that nonproliferation objectives must take precedence over economic and energy benefits if a choice must be made . . . The goal is to prevent proliferation, not simply to deplore it."

THE CHALLENGES AHEAD

Mr. President, the demands of the new world order will require all nations to show greater sensitivity to the collective threats posed by the global spread of weapons of mass destruction. Nonproliferation initiatives—both of the unilateral and multilateral variety—will have to get higher priority than they have received in the past. Our initiatives must not be limited to rhetorical flourishes and closed-door diplomacy. They must be deeply rooted in our national experience.

After looking over the recent record of United States policies with respect to Pakistan, Iraq, and China, I think the time has come for a serious review of the organization of our whole foreign policy establishment—why is our system so resistant to learning from the errors of the past? Why does our machinery of government so stubbornly refuse to learn from its experiences, especially in the face of information indicating that our actions are not only ineffectual and inadequate, but may in some cases be contrary to long-term U.S. national security interests?

When China or any other nation says it is advancing the cause of human rights and nonproliferation, yet our evidence tells us otherwise, we should believe what we see, not what we hear, and adjust our policies accordingly.

When special interests press forward with notions of bountiful profits and commercial solutions to these most fundamentally political of problems, we should recall our past experience from practicing such remedies in similar situations, and ensure that long-term national and global interests take precedence over the interests of the few.

We must learn from our past if we wish to build for the future. Let us show the world where human rights and nonproliferation issues stand on America's ranking of priorities. Let us show this determination by voting now on the right terms for resuming China's trade benefits. Let us lead the way to a new world order based not the pursuit of profits, but the achievement of peace, prosperity, and justice for all.

The PRESIDING OFFICER. The Senator from Oregon has 1 minute and 35 seconds. The majority leader has 4 minutes and 49 seconds.

Mr. PACKWOOD. Mr. President, I yield my remaining time to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would make a couple of corrections if I might in the statement of the distinguished majority leader. This is not a double standard as opposed to the vote that was taken yesterday. Yesterday's vote said we will not provide aid to the Russian Republics under certain circumstances. This has nothing to do with aid. The measure we are debating today, the MFN, most favored nation status, we grant to Iraq and practically every other nation in the world.

Second, the majority leader is incorrect when he says that $1 billion of imports costs 20,000 American jobs. That is not so. No one in Commerce has said that.

What they have said in Commerce is $1 billion of exports creates 20,000 jobs. But the reverse does not follow. That argument is not accurate, that $1 billion of imports automatically costs 20,000 American jobs. Indeed, the whole philosophy of the GATT and all the other measures is that trade swells the number of jobs, in both the exporter and importing Nation.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, we have a factual disagreement. I will place in the RECORD the documentation from Commerce with respect to the loss of jobs. The Senator can place what documentation he wants in and anyone can make a choice. I am relying on information from the Department of Commerce.

Let me just state two final points before we vote.

First, many of the Senators who today say it is wrong to deny China MFN status as a trade tool supported taking MFN status away from the Soviet Union during the cold war. Why did it make sense in the case of the Soviet Union's Communists but does not make sense in the case of Chinese Communists? The answer of course is that the position is totally inconsistent. If it made sense in the one, it ought to make sense in the other.

Finally, on the question of aid, there is absolutely nothing that the United States could do more for China than to continue the current trading status. A trade deficit for the United States that is exploding, a trade surplus for China that is of spectacular benefit to them—that is what they want and need. And the only way we are going to influence the behavior of the Chinese Communist dictators is to make clear to them that they are not going to continue to derive this benefit unless they change their ways.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START TREATY)

Mr. DURENBERGER. Mr. President, I rise to express my strong support for the START Treaty. This treaty represents a major milestone in our decade-long effort not simply to slow the growth of strategic weapons, but to actually reduce their overall numbers.

I wish to commend and congratulate President Bush for his determination to forge this agreement. And I thank as well the Foreign Relations, Armed Services, and Intelligence Committees for their efforts to lead the Senate in the execution of our advice and consent functions.

This treaty dramatically reduces the number of strategic, offensive nuclear weapons. It also restricts the total throw-weight of deployed land- and sea-based strategic missiles. Throw-weight is an important measure of a missile's overall destructive capacity. The treaty places further restrictions on long-range missile launchers, heavy bombers, ballistic missile submarines, and on certain types of facilities.

Mr. President, another extremely important aspect of the START Treaty is the far-reaching, intrusive inspection and verification regime that it establishes. This regime, which builds on the experiences of the INF Treaty, includes on-site inspections, special access visits, continuous on-site monitoring of certain facilities, and other inspection methods.

Of course, the principal means of verifying compliance remains our national technical means, that is, our satellites and other electronic capabilities. The on-site inspection regime, however, is a significant complement to technical means.

Mr. President, several very important objectives are served through our ratification of this treaty. Enhancing crisis stability has been an overriding objective since we began negotiating the treaty. We sought to limit the potential that a strategic crisis would get out of hand.

Although there is clearly less concern today about this kind of crisis stability than there was in 1982, START still regulates the arsenals and offers new opportunities for cooperation that will help ensure that the old threats do not return in any significant fashion.

Of course, START has the objective of reducing the actual strategic, offensive nuclear arsenals and of setting the stage for further reductions. START certainly achieves this objective.

Another goal of the START Treaty is to reduce the existing inequalities in each side's strategic arsenals and leave each side with equivalent capabilities. According to the report of the Foreign Relations Committee, "START accomplished this without any serious questions."

Needless to say, the issue of effective verification has been central not only to this treaty but to every arms control treaty we would consider entering into. The START verification regime is the most far-reaching and complex ever negotiated. Although 100 percent certainly in any enterprise of this magnitude is difficult to achieve, the consensus view is that the verification regime adopted for START will be quite adequate.

Mr. President, some observers have commented that this treaty is no longer necessary because of the dramatic changes in the former Soviet Union and because of other agreements already reached between Russia and the United States for even greater reductions. To a very limited degree, perhaps, START has been overtaken by events. But this Senator believes it is very important that we codify these START reductions into formal, legally binding international agreements.

Such a formal treaty provides for legal recourse if there are violations of the terms. It means that we do not rely simply on the word and good intentions of Russia or the other successor States. Formalizing the treaty codifies the verification regime as well, which sets an important precedent for future arms control arrangements.

Mr. President, in the final analysis, I believe this treaty is strongly in the best interest of the United States. I congratulate President Bush and Secretary Baker for their skill and determination in bringing this treaty to a conclusion and for their commitment to pursue even deeper reductions.

This is an important treaty for the United States, and I am pleased to offer my enthusiastic support for its ratification. Thank you, Mr. President. I yield the floor.

Mr. SIMPSON. Mr. President, I rise today to make a few brief comments about the START Treaty that the Senate has been considering for the past few days.

This treaty is not perfect and that point has been made very ably and clearly by my good friend and senior colleague Senator WALLOP. I believe Senator WALLOP has done the Senate a fine service by explaining the short comings of the treaty and the complex issues involved in arms control efforts. He is an accomplished student of defense and arms control issues and this debate has been enlightening.

No treaty is perfect and that is certainly true of the START Treaty. But arms control is a slow and arduous process of taking steps and of confidence building. While it is true that the Soviets do not have an unblemished compliance record with regard to other arms control agreements, I believe the unprecedented verification procedures agreed to in the START Treaty will go a long way toward ensuring that compliance improves in the future. I also believe that we will have new opportunities in the coming years to address any shortcomings in this agreement.

By ratifying this treaty we will be taking a step in the direction of solidifying mutual trust and cooperation with the Commonwealth of Independent States. This does not mean we should have blind trust, but that we should enter into this agreement with our eyes wide open and fully cognizant of past Soviet behavior in the area of arms control. The ratification of this treaty will mean that our national security will be enhanced and more importantly it will serve as a foundation for concluding more comprehensive arms control agreements in the future with these republics which could make the world an even safer place to live.

President Bush and Secretary of State Baker have worked hard to move us forward in the arena of arms control and enhanced national security. They are to be commended for their diligent efforts. The President has demonstrated outstanding leadership in pushing for and reaching an agreement with the Soviets. Now we must follow through with the actions he initiated and approve this valuable and historic international agreement. It is only one step, but it is a critically important step and I trust the Senate will ratify the START Treaty today.

START I TREATY

Mr. NUNN. Mr. President, I would like to begin my remarks on the pending START I Treaty by commending Senator PELL, Senator BIDEN, Senator LUGAR, and Senator HELMS for their leadership on the Foreign Relations Committee in bringing this important agreement before the Senate for its advice and consent. The Foreign Relations Committee began holding hearings on START I last September—2 months before the treaty was formally submitted to the Senate by President Bush. Between September 1991 and September this year, the Foreign Relations Committee held 17 hearings on the treaty. During these hearings, the Foreign Relations Committee received testimony from top administration officials responsible for arms control, the senior civilian and military leadership of the Department of Defense, and a wide range of outside experts—including, I might add, witnesses with regard to whom the label pro-arms control would not normally come to mind.

I would also like to congratulate Senators BOREN and MURKOWSKI for the excellent review of the verification and monitoring implications of the treaty conducted by the Intelligence Committee. On this treaty, as was true also with the CFR Treaty, the INF Treaty, and the TTPT and PNE nuclear testing treaties, the three Senate committees of jurisdiction and expertise in the arms control area coordinated their efforts very effectively. I believe the three committees managed to avoid overlap and redundancy while bringing their respective expertise to bear on different aspects of the treaty.

Credit is also due for the smooth passage of this treaty through the Senate ratification process to the Arms Control Observer Group and its leader and founder, Senator BYRD.

When Senator BYRD wrote then-President Reagan on December 13, 1984, to propose the creation of the Observer Group, he had a clear vision of the contribution such a group could make to facilitating a truly bipartisan and informed congressional executive relationship in the arms control treatymaking area. In his letter, he predicted that establishment of such a group "can only enhance the prospects for a successful outcome, should a treaty come before the Senate for ratification." In addition, he stated that the group "should be of great benefit to the knowledge and understanding of all Senators," and that "the informal reactions and views of Senators to the ongoing talks should be of real value" to the President and his negotiators.

I believe the record of the Observer Group has more than exceeded Senator BYRD's expectations. Since the Observer Group was established in January 1985, the U.S. Senate has given its advice and consent to four major arms control treaties—INF, TTBT, PNET, and CFE—and has begun ratification proceedings on three others, including the important treaty that is now before the Senate. In each case, the Senate's proceedings have been characterized by careful scrutiny of the accords, a high level of informed debate, genuine bipartisanship, an effective working relationship between the Senate and the executive branch, and close cooperation and coordination between the three committees of jurisdiction and expertise in the arms control area.

This impressive record, which stands in stark contrast to the bitter divisions over the SALT II Treaty, is in large measure a tribute to the Observer Group. Indeed, during Senate hearings on these treaties, senior negotiators and administration officials have repeatedly taken time to praise the Observer Group for its pivotal role in this process. These accolades in the truest sense reflect the realization of the high goals Senator BYRD envisioned for the group when he proposed its establishment 7½ years ago.

Mr. President, the Armed Services Committee completed its review of the START I Treaty earlier this month. In preparation for its hearings on START, the committee conducted many briefings and meetings, and was, of course, fully represented in the meetings, consultations, and visits to Geneva undertaken by the Observer Group. In July and August, the committee held four hearings on START, including two which were held jointly with the Intelligence Committee, and received testimony from executive branch officials, former administration officials, and public witnesses. These included a July 28 hearing with Secretary Cheney and General Powell and an August 4 hearing on the disposition of United States and Commonwealth of Independent States [CIS] strategic nuclear warheads under START with witnesses from the Departments of State, Defense, and Energy and outside experts.

After completing its review of the treaty, the Armed Services Committee submitted its views and recommendations to the Foreign Relations Committee on September 18. As noted in a letter to Senators PELL and HELMS from Senator WARNER and me, the Armed Services Committee reviewed the START I resolution of ratification approved unanimously by the Foreign Relations Committee on July 1 and, with two exceptions, concurred with the committee's action on this treaty. The exceptions concerned, first, the Condition proposed by the Foreign Relations Committee relating to the four former Soviet Republics' implementation arrangements, SFRC condition 5, and second, the Condition the committee proposes with regard to monitoring the disposition of nuclear warheads and fissile materials, SFRC condition eight. In its report, the Armed Services Committee also highlighted an important common understanding it reached with the administration in the course of our hearings concerning U.S. freedom of action for using the B–1 bomber in conventional roles.

With the exception of Senator GLENN and Senators WALLOP and SMITH, who filed separate dissenting views, and Senator MACK, who took no position on the report at the time we submitted it, all members of the Armed Services Committee concurred on balance with the report. A number of members of the committee also filed additional views. Let me now summarize the main points in the committee's report.

OVERALL ASSESSMENT

Mr. President, the Armed Services Committee has concluded that the START I Treaty would promote the national security interests of the United States and should be approved by the U.S. Senate. This conclusion is predicated on the committee's assumption that the United States will fully exercise its rights under both treaties, including in particular its rights with regard to verification, inspections, modernization, and the maximum deployment levels permitted under the various START I ceilings. The Armed Services Committee defers to the SSCI in providing the Senate with its views on these matters, which the committee recognizes are properly within that committee's jurisdiction.

The Armed Services Committee believes that the START I Treaty achieves the principal objectives that the United States established at the beginning of this long and difficult negotiation. First, the treaty enhances crisis stability by granting preferential treatment to such stabilizing systems as bombers and cruise missiles, which benefit from intentionally discounted weapons attribution rules for these systems. Second, the agreement mandates the first significant reduction in the strategic forces of the United States and the former Soviet Union, rather than simply attempting to regulate the buildup of such forces. Under START I, the United States will cut its current inventory of over 12,600 strategic nuclear warheads and bombs to about 8,500. Russia will reduce from over 11,000 to about 7,000. Finally, through its ceilings and its extensive data exchange, notification and inspection regime, the accord provides for both equality and predictability in the strategic balance between these respective nuclear forces.

Although the treaty incorporates many mutual concessions, its scope and limitations are much closer to the original United States proposal than the original Soviet proposal. For example, the United States succeeded in keeping many things out of START I that the Soviets had originally wanted in, including British and French nuclear forces, see-launched cruise missiles, and linkages to United States compliance with the ABM Treaty.

Nonetheless, by the time the Senate took up START I, questions were being raised as to its worth and relevance. With the cold war over, communism dead, and Russia even professing interest in joining NATO, many regarded the 15,000-plus nuclear warheads that could still be deployed under this accord as vastly excessive. As in the Peggy Lee song, many looked at START I and asked, "Is that all there is?"

Fortunately, two important diplomatic achievements late this spring infused the START I Treaty with new value and relevance. The first was the May 1992 Lisbon protocol. As a result of the dissolution of the Soviet Union last December, the Senate was not asked to approve the treaty until a protocol was concluded at a meeting of foreign ministers in Lisbon this May resolving a number of difficult legal succession issues. Under this protocol, the United States and Russia agreed to recognize Ukraine, Belarus, and Kazakhstan as coequal parties to the treaty. In return, these three nations agreed to eliminate all nuclear weapons and all strategic offensive arms from their territories by the end of 1999 and to accede to the Non-Proliferation Treaty as nonnuclear States in the shortest possible time. For the first time in history, nations had willingly agreed to divest themselves of nuclear weapons, and the START I Treaty became the means to this historic end.

If this historic achievement is to be realized, though, it is critically important that all the obligations undertaken at the Lisbon meeting by the four former Soviet Republics be fully honored. In this regard, and as I shall discuss at greater length presently, the Armed Services Committee is concerned by the failure to date of these four States to reach agreement on necessary implementation and verification arrangements among themselves, as required by article II of the Lisbon Protocol to START I. In recommending that the Senate approve the START I Treaty, the committee assumes that the former Soviet Republics that are parties to START I reach agreement on and carry out their obligations in this regard. Should disagreement among the Republics prevent the effective implementation or verification of START I, the viability and integrity of the treaty would have to be reassessed.

Second, the START I Treaty served as the springboard for the far more consequential START II agreement reached at the Washington summit in June. With agreement on these further reductions nailed down in principle at the June summit, including in particular the new requirement in START II to eliminate all multiple-warhead [MIRV'd] ICBM's, criticism of the meager reductions that would have attained had START I stood alone has been tempered.

RECOMMENDATIONS REGARDING THE SFRC RESOLUTION OF RATIFICATION ON START I

A. COMMON UNDERSTANDING REGARDING FREEDOM OF ACTION FOR CONVENTIONAL BOMBERS

Mr. President, paragraph 28 of article 5 of the START I Treaty prohibits the basing of strategic offensive arms outside each party's national territory. However, the eighth agreed statement to the treaty states, "With respect to heavy bombers, the provision of paragraph 28 of article 5 shall not preclude the temporary stationing of heavy bombers outside the territory of the party for purposes not inconsistent with the treaty."

According to the June 1992 Bomber Roadmap, the Air Force plans to use its fleet of 96 B-1 heavy bombers as the mainstay for conventional bombing missions in regional contingencies. Toward this end, the Air Force is proposing to spend substantial sums to upgrade the B-1's conventional bombing capabilities. The Air Force also intends to use the liberalized bomber exclusion rules of the START II Treaty to declare all 96 B-1's to be conventional bombers and hence not subject to the ceilings on strategic offensive systems provided for in this treaty. However, since the Air Force will not spend funds to physically modify the B-1's to prevent their employment in a nuclear role, all 96 B-1's will still count as nuclear bombers under START I and, as such, will be subject to the basing restrictions of article 5, as qualified by agreed statement eight.

The Armed Services Committee determined that if the United States is to have full freedom of action to use the B-1 fleet in a conventional role in future contingencies, including the option of maximizing its sortie generation rates and bombing effectiveness by using forward basing, it was essential that the Senate pin down the meaning of the terms "a purpose not inconsistent with the treaty" and "temporary" in article 5, agreed statement eight.

At its July 28 hearing, I asked Chairman Powell a series of questions to clarify this issue. During this exchange and in subsequent submissions the following assurances and clarifications were presented to the committee:

First, deployment of conventionally armed B-1's to Diego Garcia for use in a possible Persian Gulf war would be considered "a purpose not inconsistent with the treaty";

Second, deployment of conventionally armed B-1's to NATO bases in Europe in a crisis in which Russia was an antagonist would be considered "a purpose not inconsistent with the treaty";

Third, there is no definition of the word "temporary" and no quantitative time limit on such forward basings. The only restriction in this regard is that if more than 30 bombers are involved or if the forward deployment lasts more than 30 days, the United States must notify the other parties.

Fourth, the other parties to the START I Treaty do not have the right to inspect conventionally armed B-1's temporarily deployed outside the United States during a contingency or regional conflict, though they do have the right to raise such deployments for discussion in the Joint Compliance and Inspection Commission;

Fifth, were another party to the START I Treaty to demand a data update inspection of B-1's stationed in the United States while those bombers were engaged in long-range bombing missions from those bases in support of a regional conflict, the United States could invoke paragraph 3, section VII, of the protocol on Inspections and Continuous Monitoring Activities to temporarily exempt those air bases from inspection;

Sixth, during a major strategic exercise duly notified and conducted pursuant to paragraph 2, article XIII of the treaty, another party to the START I Treaty would not have the right to conduct inspections of the B-1 bombers involved in the exercise.

Consistent with the constitutionally based principles of treaty interpretation set forth in condition one of the resolution of ratification on the INF Treaty, the Armed Services Committee believes that in light of General Powell's authoritative representations on behalf of the President on this issue, the President and the Senate share a common understanding as to the meaning of paragraph 28 of article 5, as clarified by agreed statement eight. Accordingly, the United States shall not agree to or adopt an interpretation different from that understanding. The only exception to this rule would be in the unexpected circumstance that the President were to propose a different interpretation of this provision and that changed interpretation were to be approved pursuant to Senate advice and consent to a subsequent treaty or protocol, or the enactment of a statute.

As in all instances in which common understandings as to the meaning of a treaty are reached between the Senate and the President at the time the Senate gives its advice and consent to ratification, a declaration restating this common understanding need not be incorporated in the START I resolution of ratification to make that understanding binding.

B. EXCEPTION TO SFRC CONDITION ON IMPLEMENTATION ARRANGEMENTS (SFRC CONDITION FIVE)

Mr. President, article II of the May 23, 1992, Lisbon protocol to START I obligates Russia, Ukraine, Belarus, and Kazakhstan to "make such arrangements among themselves as are required to implement the treaty's limits and restrictions; to allow functioning of the verification provisions of the treaty equally and consistently throughout the territory of these four nations; and to allocate costs." During the Armed Services Committee's review of the START I Treaty, the administration expressed considerable optimism that the portions of this required four-party agreement dealing with START I implementation and verification would be completed prior to the Senate's return from the August-September recess. However, to date the agreement has not been signed, although a preliminary text evidently exists in draft form.

The fifth condition incorporated in the START I Resolution of Ratification adopted by the Foreign Relations Committee provides that if "by the date of entry into force of the treaty," Russia, Ukraine, Belarus, and Kazakhstan have not concluded the implementation and verification agreement required pursuant to article II of the Lisbon protocol, then the President "shall consult with the Senate regarding the effect on the START Treaty of such developments."

At the time the Armed Services Committee filed its report on START I, it was concerned that this condition did not go far enough. The condition proposed by the Foreign Relations Committee does not condition the entry into force of START I on the completion of this four-party agreement. Moreover, the Armed Services Committee believed that the condition could be read as not requiring the President even to consult with the Senate on this matter until after the treaty had entered into force.

The Armed Services Committee believes that it would not be advisable to enter the START I Treaty into force in a situation in which our treaty partners could not formally agree on how the accord was to be implemented and verified. The fact that the administration's optimistic estimates of when this agreement would be completed have not been met suggests that substantive difficulties may be involved and that the delay may be linked to larger disputes and underlying tensions between the four States. This concern was certainly magnified, Mr. President, by the public statements made by a delegation of Ukrainian Members of Parliament who visited Washington earlier this month.

When the United States and Russia reluctantly agreed at the Lisbon meeting to demands from Ukraine, Belarus, and Kazakhstan that these three former Soviet Republics be granted coequal status under the START I Treaty, the two Governments had to overcome their original concern that this action might be construed as indication that the United States and Russia recognize these three States as nuclear powers. The administration has rebutted this line of argument by emphasizing that the leaders of the three States have made a binding legal commitment to remove all nuclear arms and strategic offensive arms from their territories by the end of the 7-years START I reductions period.

However, if the United States were willing to enter the START I Treaty into force without first obtaining the other parties' compliance with article II of the Lisbon protocol, it would risk sending a signal that parts of the overall Lisbon compromise could be disregarded without repercussion. If the United States expects to hold Ukraine, Belarus, and Kazakhstan to their fundamental commitment to remove all strategic nuclear weapons from their territories and accede to the NPT as nonnuclear States, it is important that the United States not suggest that other obligations by these States in this agreement can be disregarded.

The Armed Services Committee is aware that the administration has argued that the United States can live with ambiguity in this regard and that it points to the INF Treaty as a precedent—a treaty which in most cases has continued to operate effectively without a formal agreement between these four States on treaty implementation and verification. The committee noted in its report, however, that all INF weapons were destroyed under that accord prior to the disestablishment of the former Soviet Union.

The Armed Services Committee also pointed to the INF Treaty in terms of another precedent—the precedent of the Senate's refusing to complete its advice and consent on a treaty in which critical verification implementation details had yet to be finalized. In March 1988, the Senate suspended its committee hearings on the INF Treaty until United States and Soviet negotiators had concluded a then-unresolved Memorandum of Understanding on verification.

Rather than risk having United States inspectors indefinitely face a potentially confused and inhibiting situation as they tried to carry out their responsibilities within these four States, the Armed Services Committee believes the United States should use the leverage that is presented by the prospective withholding of the exchange of the instruments of ratification of the START I Treaty to attain the agreement of Russia, Ukraine, Belarussia, and Kazakhstan on their respective responsibilities to implement the treaty's limits and restrictions and allow functioning of the verification provisions equally and consistently throughout the territory of all four States. The Armed Services Committee has no position on how the four States allocate the costs of these activities among themselves as long as the costs are met.

The Armed Services Committee therefore recommended that the text of the condition on this issue proposed by the Foreign Relations Committee either be revised to make completion of the implementation and verification arrangements required by article II of the Lisbon protocol a prerequisite for entering the treaty into force or, at a minimum, that the condition be amended to make it clear that the consultation and urgent high-level diplomatic meeting specified in subparagraphs (A) and (B) of the condition be accomplished prior to the President's entering the treaty into force.

After the Armed Services Committee submitted its START report to the Foreign Relations Committee, the Foreign Relations Committee filed its report to accompany the treaty. The condition proposed by the Foreign Relations Committee on implementation arrangements is discussed on pages 87–89 of that report. Let me read from that discussion:

> The committee condition on implementation arrangements sets the date of entry into force of the START Treaty as a time-limit for Byelarus, Kazakhstan, Russian and Ukraine to reach arrangement on implementing treaty limits and restrictions [and] the functioning of the verification provisions of the Treaty through their respective territories. * * * The executive branch has kept the Committee informed as to progress on these issues *and will report fully and formally prior to entry into force* (emphasis added)

Mr. President, I believe this citation provides an important clarifying interpretation of the language of this condition. As noted, the administration has pledged full and formal consultations with the Senate on this issue "prior to entry into force" of the treaty. I continue to believe, however, that the President should withhold entering the treaty into force if these implementation and verification arrangements have not been concluded by that time.

C. EXCEPTION TO SFRC CONDITION ON MONITORING DISPOSITION OF NUCLEAR WARHEADS AND FISSILE MATERIALS (SFRC CONDITION EIGHT)

Mr. President, in its START report and Armed Services Committee also expressed its concerns with regard to condition eight in the START I Resolution on Ratification approved by the Foreign Relations Committee. This condition would require the President, "in connection with any further agreement reducing strategic offensive arms," to "seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures, to monitor (A) the numbers of nuclear stockpile weapons on the territory of the parties to this treaty; and (B) the locations and inventory of facilities on the territory of the parties to this treaty capable of producing or processing significant quantities of fissile materials."

In its report, the committee assumed that the words "any further agreement reducing strategic offensive arms" apply to the June 17, 1992, United States-Russian Joint Understanding—that is, the prospective START II Treaty. However, it was not clear to the Armed Services Committee how the Foreign Relations Committee intended that the words "in connection with" be interpreted. If this language was intended to establish a precondition to the formalization in treaty form of the summit agreement, then it would have required a difficult and potentially protracted negotiation on issues which were not addressed in the talks which resulted in the June summit accord. The Armed Services Committee does not believe that the timetable for achieving START II should be jeopardized by any such requirement.

The Armed Services Committee shares the concern expressed in the preamble to the proposed condition regarding the dangers posed by the loss of control of nuclear warheads or fissile materials in the former Soviet Union. Indeed, this concern was the principal motivation for the committee's efforts in promulgating the "Soviet Nuclear Threat Reduction Act of 1991"—the Nunn-Lugar amendment. By virtually everyone's measure, the Nunn-Lugar program has been a major success in facilitating the disabling, transport, storage, and safeguarding of the nuclear weapons of the former Soviet Union.

On June 17, 1992, Presidents Bush and Yeltsin signed implementing agreements pursuant to the Nunn-Lugar legal framework in three nuclear-related areas: First, providing armored blankets to protect Russian nuclear weapons containers; second, providing equipment to improve Russia's ability to respond in an emergency to an accident involving a nuclear weapon; and third, providing containers used to store and transport the fissile material components from dismantled Russian nuclear weapons.

On August 28, agreements were reached between the United States and Russia on additional Nunn-Lugar programs, including providing safety modifications for Russian railcars and extending United States technical assistance in designing large storage facility for fissile material removed from Russian nuclear warheads. Russian officials have indicated that the United States will have joint operational control over this facility—even to the extent of a dual-key access system—to allow us to be sure that the facility will only be used in the manner for which Nunn-Lugar money was intended. Talks are continuing with good prospects in other areas, including providing sophisticated United States computer programs for improving Russia's accounting system for nuclear warheads and materials.

Two of the key conditions that are central to the Nunn-Lugar amendment were designed to address the committee's concern that in assisting Russia to reduce the nuclear threat to the United States and its allies, we not heighten proliferation dangers. Condition three of the Nunn-Lugar legislation requires the President to certify that the recipient state is "committed to forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons". Condition four of that legislation requires the President to certify that the proposed recipient is "committed to facilitating United States verification of weapons destruction" carried out under this program.

On April 8, Lawrence Eagleburger, the then-Deputy Secretary of State, certified that all conditions in the legislation were being satisfied, including the two outlined above. In response to a question submitted at the committee's August 4 hearing on START, Assistant Secretary Gallucci stated that the administration "stands by this certification" and added: "Our judgment is that Russia is committed to foregoing any use in new nuclear weapons, and preventing the transfer to other countries, of fissile material and other components of dismantled nuclear weapons."

In its START report, the Armed Services Committee also took note of the recent landmark agreement announced by the administration concerning highly enriched uranium [HEU]. This accord will provide for United States purchases of large volumes of Russian highly enriched uranium extracted from nuclear warheads and its conversion into low-enriched uranium [LEU] for use as commercial reactor fuel. This important accord, which further advances our common objectives in preventing nuclear nonproliferation, was reached in the negotiating channel established pursuant to the Nunn-Lugar amendment.

In conclusion, for a variety of reasons the Armed Services Committee did not agree that implementation of this treaty should be conditioned on the President's fulfillment of the condition proposed by the Foreign Relations Committee. These included:

First, the continuing progress in meeting our nonproliferation concerns being recorded under the Nunn-Lugar initiative;

Second, the questions raised at the committee's August 4 hearing as to the verifiability, advisability, and legality under current U.S. law of the reciprocal monitoring and inspection regime envisioned in the proposed condition; and

Third, the benefits to U.S. national security interests accruing from the START I Treaty that would be put in jeopardy were the START I Treaty to be held hostage to the proposed condition.

In its report, the Armed Services Committee recommended that the Foreign Relations Committee either delete condition eight from its START I Resolution of Ratification or recast it in the form of a nonbinding declaration expressing the sense of the Senate that the President should vigorously explore what additional measures, beyond those already being executed pursuant to the Nunn-Lugar program and other recent United States initiatives, could be developed with Russia, Ukraine, Belarus, and Kazakhstan to further reduce the dangers of the proliferation of nuclear weapons, nuclear know-how, and nuclear materials.

Mr. President, as I previously mentioned, the Armed Services Committee submitted its report on START before the Foreign Relations Committee filed its report. As a result, our committee unfortunately did not have the benefit of being able to review the clarifying language the Foreign Relations Committee decided should accompany this condition. As it turned out, the qualifying language provided by the Foreign Relations Committee is extremely significant.

Mr. President, I would direct my colleagues' attention to several key excerpts in language, as printed on page 92 of the Foreign Relations Committee report:

> Some administration officials have argued that a delay could result from seeking to include these monitoring arrangements in the treaty being developed pursuant to the landmark Bush-Yeltsin reductions accord of June, 1992. But the conditions say only that the President "shall seek an appropriate arrangement * * * in connection with" the follow-on to START. Furthermore, at the time of its passage, Senator Biden stated that he was only seeking "a good faith effort" to achieve agreement on this issue.
>
> The Condition does not require agreement on this new subject coincident with submission of the Washington Summit Agreement to the Senate for advice and consent.
>
> The Condition does not specify precisely what form this new arrangement should take. It does not specify what combination of measures are necessary. Nor does it require that sensitive information be made available to Russia or any other country. On the contrary, the Condition merely requires the Executive Branch to mount a serious effort to ensure the accountability and control of warheads and fissile material in the former Soviet Union. In so doing, the Committee recognizes that the Administration may have to make difficult choices between helping to prevent nuclear proliferation on the one hand and providing limited information about U.S. facilities on the other.
>
> The committee's language is intended to leave it up to the discretion of the President to determine the scope and terms of this arrangement.

In my opinion, the clarifications presented by the Foreign Relations Committee are so-far reaching as to remove my concern about the condition. Although the condition is still labeled a condition, the effect of the clarifying language in the Foreign Relations Committee's report is effectively to turn the condition into a nonbinding policy recommendation which affords the next President great flexibility and latitude. Accordingly, I would not object if the condition remains unchanged.

In conclusion, Mr. President, I recommend that the Senate give its approval to the pending resolution of ratification.

SUPPORT THE START AGREEMENT

Mr. KERRY. Mr. President, I strongly support this treaty, including the May 23 Lisbon protocol making it clearly applicable to the four nuclear-arms-possessing republics of the former Soviet Union.

There is no question that the START Treaty is a creature of the very first stages of the thaw in relations between the United States and the former Soviet Union. The painstaking process of negotiation has run well behind the breathtaking pace of political events.

Thus, it is clear that far more substantial arms reductions are possible than those required under this agreement. But START remains important because:

It goes beyond informal promise to formal agreement;

It is the first time there has been agreement actually to decrease, rather than merely limit the increase, in nuclear arms;

It sets a precedent for extensive and intrusive verification; and

Despite all the progress and despite all the change, there remains within the borders of the former Soviet Union a vast and deadly arsenal of nuclear arms.

The terms of the START agreement do not reverse the nuclear arms race, but they do apply the brakes. The definitions, procedures, and understandings provide a framework within which more substantial reductions in arms cannot just be promised, but reliably and verifiably achieved. Last June, Russia and the United States agreed to a 10-year plan slashing nuclear weapons, requiring the destruction of thousands of warheads and taking the hydra-headed monsters known as MIRV'd ICBM's off the strategic map. A treaty based on that agreement but tied, as well, to START terms of verification and procedures, will be considered by the Senate early next year.

Hanging over the celebration of the Soviet Union's breakup last December was the possibility that it might lead to the rapid proliferation or reckless handling of nuclear arms. That possibility remains with us, but negotiation of the Lisbon protocol clearly obligates Belarus, Kazakhstan, and Ukraine not to assert control over the nuclear arms on their territory and to enter the Nuclear Non-Proliferation Treaty as nonnuclear weapons states. This is not a trivial issue, since the weapons in these Republics exceed in potency the combined nuclear arsenals of France, Great Britain, and China. Within 7 years, all nuclear arms from the former Soviet Union must be concentrated on Russian soil.

Approval of the START agreement is just that—a start. If we are truly to end the nightmare threat of nuclear war, we must not stop here or relax now. We must insist on full enforcement. We must codify the June 1992 arms reduction outline. We must find the funds required safely to store, transport, and dismantle nuclear arms. We must work to strengthen the nuclear nonproliferation regime to prevent others from following the example of Iraq. We must move ahead with multilateral efforts to control the transfer of advanced nuclear and missile technology. And we should halt unnecessary nuclear testing.

The nuclear arms race was not only the most deadly in human experience, but also the most expensive and the most wasteful. Although the specific reductions required by START will produce few savings, the deep reductions to follow will save an estimated $130 billion over the next 20 years.

Mr. President, there may be a tendency on the part of some to downplay the significance of this agreement because of the changes that have occurred in the world since negotiations began. There may be a tendency to assume that agreements of this type are barely necessary, now that governments and attitudes have changed. There may be a tendency now to take the nuclear problem for granted, and to believe that because the threatening words have stopped, the threat itself is gone.

But this issue is too important to take for granted, or to rely on assumptions or to live on hope.

We want never to return to the age of civil defense drills, fallout shelter construction and attack-on-warning tests. We want never again to watch breathless as world leaders play nuclear poker with our lives. We want never again to ponder the consequences of human and machine miscalculation in a world where neither is perfect and a single such mistake could be Earth's last. We want to put behind us the endless jargon-ridden debates among the high priests of nuclear theory. We want to believe that our hopes, encouraged beyond any logical expectation by the events of the recent past, will prove real and that the arms race is truly over, the nuclear threat truly gone, the fear of armageddon truly a thing of the past.

We want Dr. Strangelove to stay retired.

I hope, and believe, that our desires on all these points can be fulfilled. But if our experience over the last half-decade proves anything, it is that the future is beyond our power confidently to predict. The START agreement provides no guarantee, but it leads the way away from the brink of disaster and down the path toward peace. In an uncertain and rapidly changing world, it is the best insurance available, and a policy we ought eagerly and overwhelmingly to embrace.

Mr. DODD. Mr. President, I rise in strong support of the pending resolution of ratification of the START Treaty. I want to commend the chairman of the Foreign Relations Committee, Senator PELL, as well as the senior Senator from Indiana, [Mr. LUGAR], for effectively guiding this measure through the committee and bringing it to the floor of the Senate.

This is a groundbreaking treaty in a number of ways. It is the first treaty to actually reduce—not just limit—the number of strategic nuclear weapons deployed in the United States and the former Soviet Union. It includes a verification regime that is more comprehensive and intrusive than any ever negotiated before. And it sets the stage for even deeper cuts in land-based multiple-warhead missiles and mobile missiles.

Our advice and consent to ratification of this treaty will signal our lasting intention to put the era of the cold war behind us. And it will be a very real step toward bringing an end to the global nuclear arms race. For this reason, I believe it is imperative that we give our unswerving approval to this resolution of ratification, and I urge my colleagues to vote in favor of this measure.

Mr. President, I have listened to the arguments of the treaty opponents in this Chamber. They have identified, and rightfully so, additional areas that future arms control measures could address. They believe we should continue to press for an accord that would eliminate multiwarhead ballistic missiles, eliminate heavy weapons like the deadly SS-18 missiles of the former Soviet Union, and ban all mobile missiles. I would take no issue with this argument.

But the opponents of this treaty then go on to say that until these breakthroughs have been achieved, we should not give our advice and consent to ratification of this treaty. And here I must strongly disagree. This treaty will bring substantial benefits on its own merits:

It will reduce the total number of nuclear weapons deployed in the United States and the former Soviet Union by one-third, from about 22,000 now to about 15,000 7 years from now.

It will eliminate half of the former Soviet SS-18 missiles and 48 percent of all former Soviet ICBM's and SLBM's.

It will reduce the average throw-weight of former Soviet missiles by 46 percent.

It will allow us to conduct 12 different types of on-site inspections, including 68 baseline inspections and 15 follow-up or suspect-site inspections per year, plus additional inspections for new facilities, formerly declared facilities, and several other categories.

It will ban the encryption of telemetry data and require comprehensive data exchanges.

But the most notable thing about START, Mr. President, is the simple fact that it has come before this body today. Let us not forget that this treaty was negotiated over 10 long years with an entity that used to be known as the Soviet Union. Today the Soviet Union no longer exists, and what was once a bilateral treaty has now become a multilateral accord including Russia, Ukraine, Kazakhstan, and Byelarus.

This treaty is most important because it affixes in international law the procedures by which the nuclear weapons of the former Soviet Union will be maintained and controlled by the successor Republics. It confirms and builds upon the Minsk declaration of

December 1991, at which all the successor States agreed to joint command and control of their nuclear weapons. It requires each of the four nuclear-armed Republics to abide by the provisions of the treaty. And it requires Ukraine, Byelaurus, and Kazakhstan to accede to the Nuclear Non-Proliferation Treaty of 1968 as nonnuclear States.

In doing so, the START Treaty not only succeeds in reducing nuclear weaponry, but also helps to govern and regulate the very breakup of the Soviet Union. This remarkable accomplishment alone is worth our advice and consent to ratification.

Mr. President, this treaty is an enormous step forward in bringing an end to the nuclear arms race. Even so, this treaty is only the beginning. The joint understanding signed by the United States and Russia on June 17 of this year would bring the level of deployed warheads down between 3,000 to 3,500 on each side. And most importantly, it would achieve the very bans in land-based mobile missiles and MIRV'd ICBM's that the opponents of this treaty would desire.

But if this new agreement is to be successfully completed and brought before the Senate, we must give our unflinching endorsement to the agreement before us today. I strongly urge my colleagues to vote in favor of this resolution of ratification.

START TREATY APPROVAL—FOUNDATION FOR A SAFER WORLD

Mr. PELL. Mr. President, this is a very proud day for the U.S. Senate. It has today approved for the first time, by an overwhelming and fully bipartisan majority, a treaty reducing strategic offensive arms.

The START treaty has a long pedigree tracing through the SALT I interim agreement signed by President Nixon, the Vladivostok accord signed by President Ford, the SALT II Treaty signed by President Carter, and finally the START Treaty negotiated under Presidents Reagan and Bush.

It has been a long process. The negotiation of the accord approved today, in fact, took almost a decade. There has been a lot of naysaying and skepticism along the way. At times, it appeared that the effort might be overwhelmed by antagonisms and skepticism and that we might lose ourselves in the trees looking for the forest. Fortunately, that START Treaty emerged from this process intact, with useful and valuable controls upon the strategic arms race. The final treaty was burnished by the fire of critics and able to withstand the closest scrutiny.

Thirty-two years ago, as I began my service in the Senate, President Dwight David Eisenhower gave a farewell address to the American people that I admired then and recall even now. President Eisenhower, who had seen the beginnings of the nuclear arms competition, expressed a strong sense of despair at the future he envisaged:

> Disarmament, with mutual honor and confidence, is a continuing imperative. Together we must learn how to compose differences, not with arms, but with intellect and decent purpose. Because this need is so sharp and apparent, I confess that I lay down my official responsibilities in this field with a definite sense of disappointment. As one who has witnessed the horror and the lingering sadness of war—as one who knows that another war could utterly destroy this civilization which has been so slowly and painfully built over thousands of years—I wish I could say tonight that a lasting peace is in sight.

The gloom of President Eisenhower was merited, unfortunately, when we went ahead with the strategic arms race and piled weapon upon weapon as the Soviets did the same. To the earlier gravity bombs and strategic bombers we added intercontinental ballistic missiles, submarine-launched ballistic missiles, and cruise missiles. The Soviet Union did the same.

I recall in the late 1960's arguing that it was in both sides' interest not to put multiple warheads on missiles. My counsel and that of other Senators, and even a Senate position on the matter in 1970, were ignored and the possibility of a ban on multiple warheads for missiles was never seriously discussed in the negotiations that led up to the SALT I interim agreement. The administration thought that we would lead in the development of multiple warheads and would outdo the Soviets. That notion, like so many aspects of the arms race, turned into a fool's game as the Soviet Union followed suit and the warhead totals mounted into the thousands on both sides.

Throughout this long period of a spiraling arms race, one had to be reminded of the dreadful accuracy of George Bernard Shaw's scathing comment in the "Man and Superman":

> There is nothing in Man's industrial machinery but his greed and sloth; his heart is in his weapons. This marvelous force of life of which you boast is a force of death: Man measures his strength by his destructiveness.

The distinguished Nobel Laureate, Dr. Hans Bethe told the Committee on Foreign Relations this year at a START hearing:

> If even a small fraction of these weapons were used in war, it would mean the end of our civilization. We would be lucky if our living standard then matched that of Bangladesh.

President John F. Kennedy was able to build upon the foundation created by President Eisenhower to achieve the Limited Test Ban Treaty of 1963—the first accord to limit strategic offensive arms. President Kennedy addressed the challenge that remained in a September 1963 address to the 18th General Assembly of the United Nations.

He told the assembled delegates in New York of the special responsibility the United States and the Soviet Union should be prepared to bear:

> The fact remains that the United States, as a major nuclear power, does have a special responsibility in the world. It is, in fact, a threefold responsibility—a responsibility to our own citizens; a responsibility to the people of the whole world who are affected by our decisions; and to the next generation of humanity. We believe the Soviet Union also has these special responsibilities—and that those responsibilities require our two nations to concentrate less on our differences and more on the means of resolving them peacefully. For too long both of us have increased our military budgets, our nuclear stockpiles, and our capacity to destroy all life on this hemisphere—human, animal, vegetable—without any corresponding increase in our security.

That special responsibility was recognized time and again in such documents as the Limited Test Ban Treaty, the Nuclear Nonproliferation Treaty, SALT I, and the Threshold Test Ban Treaty. Finally, at last, with START we have given evidence that we have taken our responsibility seriously since we now have taken a positive, even revolutionary, course and do our best to turn the arms race around and move away from the heavy dependence on nuclear weapons.

Even now, we are able to contemplate a treaty, START II, that will build upon the START I reduction of one-third in warheads by cutting the warheads available to the two sides by a second third. Experts tell us that it should be possible to go still further to the level of perhaps 1,000 warheads. In that task, we must be joined by the other nuclear weapon states—France, Britain, and China—so that together we can truly remove the threat posed by nuclear weapons.

This morning, we have demonstrated that the United States is up to the current challenge. Soon, I hope, the four former Soviet Union States with nuclear weapons—Russia, Kazakhstan, Byelarus, and Ukraine—will join us in ratifying the treaty.

All of those States except Russia have pledged to us in the May 23, 1992, Protocol to this treaty to eliminate all of their nuclear weapons within 7 years and to become parties to the Nuclear Non-Proliferation Treaty. This is no insignificant matter, since the three states now have on their territory nuclear arsenals several times greater than the total arsenals of France, Great Britain, and China.

No one can seriously question that—while it took far longer than it should and was more torturous than it need have been—we can point to considerable accomplishment in today's action. Nonetheless, many challenges remain as we attempt to go further. And we must go much further.

Looking ahead, I see these are the priorities that must be met:

First, we must ensure that the START Treaty is implemented carefully and expeditiously.

Second, we must move quickly to complete the START II Treaty based upon the June 1992 joint understanding between Presidents Yeltsin and Bush.

Third, we must build upon the momentous decision made by the Congress this year to bring about a comprehensive test ban, reinforce the Nuclear Non-Proliferation Treaty, and ensure that treaty's extension at the review conference in 1995.

There will be challenges facing us in the Congress next year: As chairman of the Committee on Foreign Relations, I look forward to meeting these challenges.

As of this date, it is not clear whether the Congress will pass S. 1128, the Omnibus Nuclear Proliferation Control Act, which I have authorized with the Senator from Ohio [Mr. GLENN] and the Senator from North Carolina [Mr. HELMS]. Because of problems on the House side, this bill remains unenacted. If we fail this year, it is vitally important that we succeed next year. That bill, when enacted into law, could be central in our efforts to control the spread of nuclear weapons and nuclear weapons technology in many troubled regions of the world and it will put the United States in the forefront of those nations willing to take tough action to stop nuclear proliferation.

We must also address next year the Chemical Weapons Convention approved this summer in Geneva and put it into place so that the development, manufacture, possession, and use of chemical weapons will be completely banned. The horrible Iraqi decision to gas its own citizens provided graphic evidence of the necessity for this legislation.

We must strengthen our own controls over chemical, biological and nuclear equipment, materials and technology trade so that those seeking weapons of mass destruction will be frustrated at every turn—the ability of our Government to deal effectively and in coordination on chemical, biological and nuclear proliferation issues will be the subject of a series of hearings, which I intend to chair next. We must also complete action on the Open Skies Treaty, which is so important to those European nations needing reassurance as to each others activities.

We will take on these tasks with resolve and with anticipation of success through perseverance. Dramatic changes in the world have opened the way to accomplishments in arms control and, equally important, to further steps that we do not now envisage.

We must not lose heart. We must not falter. We owe this to ourselves and we owe this to those that will inherit the world from us. As we look around the globe and see the problems of hunger, of disease, of continued strife, we must realize that there is a better way and that there is a desperate human need waiting to be met.

Mr. President, all Senators should be pleased with today's accomplishment in giving advice and consent to the ratification of the START Treaty.

This is the first treaty limiting strategic offensive arms ever to be approved by the Senate. I hope very soon that the second such treaty—START II—will be concluded and sent to the Senate for its consideration early next year.

At this time, I would like to give thanks to the ranking Republican member, the Senator from North Carolina [Mr. HELMS] and all the other Members who worked constructively together to achieve this result. During the committee's consideration of the resolution of ratification, which included seven conditions and five declarations, the Senator from Delaware [Mr. BIDEN] made the constructive contribution of an eighth condition on warhead and fissile material accountability.

I would particularly like to thank my friend and colleague, the Senator from Indiana [Mr. LUGAR] for his outstanding efforts in the committee deliberations and on the floor.

At the outset of our work on this treaty, the committee's staff director, Geryld B. Christianson, and I put together a staff team to see us through the process. They include George W. Ashworth, who first joined the committee in 1972 to staff SALT I and has led this effort; David W. Hafemeister, a physicist who has made a strong contribution to the committee's work on the CFE, TTBT, and START Treaties; Edwin K. Hall, the chief counsel to the committee, Steve Polansky, who assisted in the committee's evaluation of the military complications of the treaty, and Mary Stakem, who, with the assistance of Dawn Ratliff, kept the team glued together. Kenneth Myers of Senator LUGAR's staff made valuable contributions to this bipartisan effort. I would also like to express my appreciation for the excellent cooperation given in this work given by the committee's minority staff director, James W. Nance.

I would also like to extend my appreciation to the administration's START support team, led by Ambassador Linton Brooks, the Congressional Research Service, the Congressional Office of Technology Assessment, and the Congressional Budget Office for their considerable contributions to the work.

Mr. WELLSTONE. Mr. President, today we will vote on whether or not to grant the Senate's advice and consent to ratification of the Strategic Arms Reduction Treaty [START]. This treaty took 10 years to negotiate. It is an important step in the long process of winding down the cold war—a process that must be accelerated. In many ways, START has been eclipsed by history, by the changes that have dissolved the former Soviet Union into its constituent republics. Even so, the treaty is a modest beginning toward the deep cuts in superpower nuclear arsenals that must still be made, I urge my colleagues to support it.

This treaty has been approved unanimously by the Senate Foreign Relations and Intelligence Committees, and the Armed Services Committee has indicated its support for ratification. I commend Chairman PELL, Chairman BIDEN, and ranking minority member LUGAR for their dedicated efforts to bring this resolution of ratification to the Senate floor.

START is the first arms control agreement that requires superpowers actually to reduce their long-range strategic nuclear arsenals. Under the START Treaty, the United States will cut its strategic warheads from 1990 level of 13,000 to about 8,500. Russia will reduce from the Soviet Union's 1990 level of 11,000 to about 6,500 warheads; the other republics will eliminate all strategic nuclear weapons on their territory. The treaty enters into force when ratified, will stay in effect for 15 years, and can be extended for 5-year intervals thereafter. The programmed reductions in the agreement will take place over the 7-year period after the treaty becomes effective.

Under the START Treaty, there will be two phases of strategic arms reductions, the first by 1999, the second by 2003, which would bring total forces down to approximately 3,000 warheads on each side. Further, the agreement would eliminate all multiple-warhead land-based missiles, and set strict limits on sub-based warheads. We are ratifying the treaty subject to a set of conditions, one of the most important of which was written by Chairman BIDEN. This condition directs the President to seek appropriate arrangements to monitor the number of stockpiled weapons in START country member countries, and the location of facilities in those countries capable of producing or processing significant amounts to fissile materials. This information will be critical to future arms control and anti-proliferation efforts.

As we vote on this treaty, let us keep in mind that START is only the first step in a series of much deeper cuts to be negotiated in our nuclear arsenals. In June 1992, Presidents Bush and Yeltsin announced a far-reaching agreement to reduce by two-thirds, by the year 2003 strategic nuclear weapons held by the United States and Russia. For many months, negotiations toward a new treaty have been stalled. Recent reports have given me new hope that these discussions are moving forward now, after Acting Secretary Eagleburger's recent intervention. This informal agreement, which hopefully will lead soon to a new arms control treaty designed to implement deeper cuts, is too important to be caught up in election-year politics here in the United States, or in disagreements with Russian conservatives who have reportedly balked at its de-MIRV'ing provisions.

Of course, I hope and believe that both sides will go even lower than the Bush-Yeltsin agreement—much below 3,000 warheads, perhaps even to 1,000 or fewer. In addition, I believe we should not only reduce deeply the numbers of these weapons, but we must also dismantle them—and help the Russians dismantle theirs. Some say this effort is too expensive, but I believe that it is an investment in our future, and that of our grandchildren.

This is an important point. Simply removing and storing weapons components intact not the answer. We should dismantle these weapons completely, and then enter into tight agreements for reciprocal monitoring of these efforts. Such an agreement would increase confidence on both sides in the disarmament process considerably.

The June 1992 agreement between Bush and Yeltsin also raises the possibility of halting production of all nuclear fissile materials—plutonium, enriched uranium, even tritium. This should be vigorously pursued. Accelerating negotiations toward this goal would prevent us from wasting more and more money on production of additional weapons—even as we are scaling back substantially on others. This would enable us to put some of America's best scientists back to work on the most important issues of our day—developing new technologies and materials to make us more competitive, creating new medicines, teaching, and preparing us for the future. Of course, such large cuts in nuclear arsenals have enormous implications for wasteful and unnecessary programs like SDI, the B-2 bomber program, and the Trident II missile program. That's why many of us have argued for so long that we should vastly scale back these programs in anticipation of such cuts.

Another important element that must be pursued in negotiations involves strict international safeguards on fissile materials. We should keep in mind that while we move forward on arms control, others will be trying to gain access to these weapons, despite our best antiproliferation efforts. Tightening current safeguards would make an enormous contribution to these efforts.

I urge my colleagues to support this resolution of ratification today. I will continue to support, and to urge, much deeper cuts in strategic nuclear weapons programs on both sides. Arms control efforts like START are not only a test of our political will, but of our imagination. To imagine a world without the threat of nuclear holocaust, with strict controls on nuclear weapons proliferation, is today's real challenge.

FOREIGN OPERATIONS APPROPRIATIONS

Mr. GRASSLEY. Mr. President, I am pleased to offer my support to this year's foreign operations appropriations bill. The bill represents a cut in foreign aid—almost one-half billion dollars less than last year's foreign aid appropriation, and about $1 billion less than the amount requested by the President.

This bill includes loan guarantees for Israel's effort to resettle hundreds of thousands of new immigrants. This historic migration of Jews from the former Soviet Union, as well as Ethiopia, represents some two decades of work on the part of American leadership. And the loan guarantees represent the continued American commitment to the struggle for freedom for Soviet Jewry.

Israel has already taken in more than 400,000 new citizens over the last 2½ years. More than 600,000 are expected to arrive in the next several years. Few countries would welcome 1 million refugees with open arms. But Israel stands as a beacon to Jews everywhere.

But Israel can't provide for the absorption and integration alone. Israel needs a massive influx of new capital to expand her economy. In spite of this dramatic need, Israel did not ask the United States to provide a cash grant. Nor did Israel ask for direct loans from the United States. Instead, with this legislation, we are providing guarantees to back the massive loans Israel will be taking from private banks. But Israel has never defaulted on a loan, so providing these guarantees won't cost us anything.

Moreover, Israel has agreed to pay the insurance or scoring cost that must be set aside under the 1990 budget agreement. So, these loan guarantees won't cost the U.S. taxpayers one cent.

A year ago, these loan guarantees were needlessly caught up in the effort to convene a Middle East Peace Process Conference. These guarantees are humanitarian assistance, and they shouldn't be used like a political football. So I am pleased that President Bush and Prime Minister Rabin were able to quickly agree to terms and conditions for the guarantees. And as we can see from the continued bilateral and multilateral talks, providing this assistance won't sidetrack the peace talks.

Mr. DURENBERGER. Mr. President, I rise to offer my support for final passage of the fiscal year 1993 foreign assistance appropriations bill. I believe this bill represents a reaffirmation of this country's intention to remain engaged in world events and important international policy matters.

The end of the cold war presents a period of opportunity and hope unparalleled since the end of the Second World War. We are at the threshold of a new era, and I believe the United States has both a unique opportunity and responsibility to participate in the shaping of this era.

Foreign aid is never among the most popular Government programs, and is certainly less popular in these days of economic uncertainty. Yet it is essential that we recognize the unavoidable link between our foreign and domestic policies, between international events and conditions here at home. It is increasingly impossible to separate cleanly and neatly matters here at home and those abroad.

Clearly, we have many pressing domestic needs, but this does not require that we withdraw from the world. Just the opposite is true. A world community of free and prosperous nations is our best assurance of freedom and prosperity for America. The more we can promote democracy and free markets throughout the world, the more we are enriched right here in the United States. For instance, it is estimated that for every $1 billion increase in exports, 20,000 American jobs are created.

The end of the Cold War, while immensely positive, has not eliminated all sources of international concern for us. A variety of international issues will continue to require attention and leadership. Nuclear proliferation, environmental degradation, drugs, trade, terrorism, immigration and refugees, as well as the explosion of ethnic conflicts throughout the world remind us all of that global peace that remains elusive and that the United States still has international concerns.

Although many contend that foreign aid takes away from needy Americans, providing foreign aid and addressing our domestic problems are not mutually exclusive pursuits. It is important to note that the approximately $15 billion U.S. foreign aid budget—including economic, humanitarian, and military aid—comprises only about 1 percent of the Federal budget. Furthermore, a substantial amount of the economic and military aid we provide to other countries is returned to us through the purchase of U.S. goods and services.

I believe these programs, properly managed, are not handouts, but prudent and cost-effective investments in America's security and prosperity as well as a conscientious and vigorous advancement of American values. Our best interests are well served in a world where nations are freed of poverty, disease, ignorance, and insecurity.

Mr. President, this appropriations bill has many significant components, several of which I will comment on only briefly.

This bill provides the long-overdue loan guarantees to assist the people of Israel in their efforts to absorb the massive influx of immigrants from the former Soviet Union and Ethiopia. This legislation reflects the United States desire to follow through on our decades' long commitment to help free Soviet and Ethiopian Jewry from their repressive homelands.

Importantly, Mr. President, I would note that this legislation providing the loan guarantees requires no direct outlay of U.S. taxpayer funds. The United States is acting as the guarantor of loans Israel will secure in the financial markets. Israel itself will pay the so-called scoring costs that are required to cover potential default on the loans.

On another matter, Mr. President, this appropriations bill includes United States assistance to the former Soviet Union. This is an important element in President Bush's foreign policy initiatives toward Russia and the other successor States. It is extremely important for the United States not only to remain engaged with the former Soviet Union, but to actively support their efforts to build truly functioning democracies and free markets.

We here at home benefit immeasurably in the long run from a peaceful, stable, and prosperous Eurasian continent. Providing this assistance goes a long way toward achieving that objective.

Mr. President, this bill also includes a very responsible aid package for El Salvador. Since the signing of the peace accords in January of this year, El Salvador has made remarkable progress toward healing the wounds of the civil war. The road toward full peace, reconciliation, and reconstruction is long and difficult, but the people of El Salvador have repeatedly demonstrated their unending commitment to succeed in their courageous effort.

In January, the Senate passed 96 to 0 a resolution I introduced that commends and congratulates the people of El Salvador for achieving the long-sought peace accords. Importantly, the resolution also put the Senate on record as committing itself "to providing appropriate assistance to the government and people of El Salvador that promotes the process of reconstruction, reconciliation, and further strengthening of democracy and democratic institutions."

This appropriations bill lives up to that commitment, and I am pleased to have played a role, however modest, in ensuring that United States aid is properly balanced and effective in assisting the people of El Salvador help themselves.

Mr. President, not much attention has been given to another very encouraging aspect of this bill, but I want to highlight the increased U.S. contribution to international efforts to treat the victims of torture. The committee deserves commendation for increasing the U.S. contribution to the U.N. Voluntary Fund for Victims of Torture and for calling attention to the needs in this area of human rights.

In recent months, I have learned a great deal about the rehabilitative needs of torture victims. Minnesota is home to this country's first center designed specifically to treat victims of torture. Through its treatment and rehabilitation efforts, the Center for Victims of Torture in Minneapolis is meeting the desperate needs that so few of us even think about.

I want to thank Doug Johnson, the director of the center, for his efforts as a national and international leader to provide these kinds of services and to educate governments and publics about the needs of torture victims and the potential for successfully treating them. Doug and his staff in Minneapolis have contributed immeasurably to my understanding and appreciation of these matters, and I thank them for that.

Mr. President, at the appropriate time, I will ask unanimous consent to insert in the RECORD a letter I recently sent to Acting Secretary of State Eagleburger on the issues of torture and the treatment of its victims.

On one final note, Mr. President, I state my opposition to the provisions in this bill that appropriate funding for the U.N. Population Fund. This program has assisted China in its family planning programs, which are alleged to include such odious practices as forced abortions and coerced sterilizations. I am confident that the conference committee will remove these objectionable provisions from the bill so that President Bush will be able to sign it into law.

Overall, this is a very good bill, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks a letter to Secretary Eagleburger.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 16, 1992.

Hon. LAWRENCE EAGLEBURGER,
Acting Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY: Congratulations on your assuming the duties of Secretary of State. I am very confident in your leadership of the Department and your stewardship of U.S. foreign policy.

As you may know, I have long been concerned about international human rights. The incidence of torture, in particular, remains one of the most serious human rights challenges facing the international community. In its 1992 annual report on the state of human rights, Amnesty International indicates that of the 143 countries it reviewed, torture or ill-treatment of prisoners occurred in at least 104.

The U.S. delegation to the Preparatory Committee of the World Conference on Human Rights has proposed that the Conference make elimination of torture by the year 2000 one of its principal goals. It is my understanding that U.S. Ambassador Kenneth Blackwell urged that the Conference agree on steps to make this goal a reality.

Through its treatment and rehabilitation efforts, the Center for Victims of Torture in Minneapolis is helping to achieve that reality. It is the first center established in the United States to provide rehabilitation services to victims of torture. Such services are provided by a full range of health professionals enabling its clients to recover their lives and resume active roles in their communities.

The Center also has an international outreach program helping centers get started and maintained in countries where torture is or has been a problem. I have visited the Center twice in recent months and am very impressed with their program.

I believe that U.S. leadership in assistance to victims of torture should be an integral ingredient of our international human rights policy. Such leadership would:

First, acknowledge the wrongs that have been committed against torture victims and provide them with essential humanitarian relief;

Second, free societies from the fears of repression and thereby revitalize their ability to meet the social and economic needs faced by their peoples, and

Third, demonstrate by our actions that we will not tolerate the continuation of this deplorable practice.

During my recent visit to Turkey, I took a special interest in its human rights situation and, in particular, the prevalence of torture. The Department's own annual country report states that "most persons charged with—or merely suspected of—political crimes are tortured, while significant numbers of those detained for ordinary crimes are subjected to police brutality." I addressed these concerns directly in meetings with the Prime Minister and the Deputy Prime Minister.

I also visited the Human Rights Foundation of Turkey and met with its staff to discuss their efforts to provide rehabilitation and treatment services for victims of torture in Turkey. The Foundation, which has offices in Ankara, Istanbul, and Izmir, is committed to providing this assistance, but it lacks the resources to meet the demand.

It is understanding that they are interested in applying for support for their programs from the Agency for International Development. Our Embassy in Ankara indicated to me that they would follow up and provide me with an evaluation of the needs of the Foundation. I look forward to receiving that report.

Because of the critical nature of the problems of torture and the clear value of rehabilitation services, I urge you to take active leadership in encouraging the Department and A.I.D. to support rehabilitation services for victims of torture. I would further urge you to seriously consider assisting the Human Rights Foundation of Turkey.

Thank you very much for your consideration of these issues. I look forward to working with you on this and other important matters.

Sincerely,

DAVE DURENBERGER,
U.S. Senator.

Mr. DOMENICI. Mr. President, the Senate is now completing action on the 1993 foreign assistance appropriations bill.

The Senate bill provides $26.5 billion in budget authority and $5.7 billion in new outlays for the foreign assistance and export financing programs of this Nation.

When outlays from prior year budget authority and other completed action are taken into account, the Senate reported bill, as adjusted, totals $14.3 billion in budget authority and $13.3 billion in outlays.

The bill is less than the President's request and less than last year's level. It is less than 1 percent of the budget.

INTERNATIONAL MONETARY FUND AND RUSSIA

The largest single item—for $12.3 billion—does not result in any net outlays or increase our deficit. It is for the United States share of a 50-percent increase in the size of the International Monetary Fund.

The IME is key to the single major foreign policy issue of the 1990's: Whether there will be a successful transition toward a democratic market economy in Russia and other nations in Eastern Europe and Central Asia.

That's why I offered the amendment in full committee markup to provide the IMF appropriation.

If these East European countries and Russia—don't forget that they were Communist when President Bush took office—don't make it; if they follow the path taken in Yugoslavia, then we can forget about a safe, post-cold-war world.

We can forget about further savings from our defense budget.

The Senate cannot now provide much more for these emerging democracies. When we decide that we need to do more with them, we will not increase foreign aid.

We will have to take any increase for them from other foreign aid programs; from outdated cold war relics and from programs that discourage the development of free markets. For now we don't have to make that choice. We rely on the International Monetary Fund and other multilateral banks. Our IMF appropriation triggers matching funds. For every dollar the United States makes available for interest-bearing loans to the IMF, another $4 worth of yen, marks, and other currencies is provided by other countries. The IMF knows it doesn't have all the answers, but it provides sound advice and needed resources.

The subcommittee allocations are adjusted so that this IMF appropriation does not crowd out other items.

NEW APPROACHES TO FOREIGN AID CRITICAL

In closing, I would remind the Senate that this member has never opposed the notion of foreign aid. My voting record reflects that fact.

I long ago concluded that it is in America's interest to help others when we can, within the limits of our resources and capabilities.

This year, both presidential candidates indicate that the existing, unreformed cold war structure we use to provide foreign aid will be drastically changed after the election.

I would go further than they do. I would abolish the agency for International Development, dramatically restructure the State and Commerce Departments, and start over.

This bill does nothing to make it possible for the next administration to restructure American foreign aid. It does the opposite.

By increasing micromanagement and adding obscure earmarks, this bill generally cements in place the current mess. More than ever, this is the time to give the executive branch some flexibility. Let them reform, if we in Congress won't.

I have many reservations about the excessive micromanagement, the absence of restructuring, and the low priority assigned to programs encouraging market reforms.

Nonetheless, I will support the bill this morning in order to take the IMF funding to conference and secure minimal funding for Eastern Europe, Ukraine, Russia, and the other nations that have escaped communist rule.

Mr. BRADLEY. Mr. President, I rise today to thank my distinguished colleague, Senator LEAHY, and the Foreign Operations Subcommittee for including student exchanges in the overall funding under this bill to aid the former Soviet Union. This $50 million will go far to help instill a vision of democracy in the future leaders of the new countries, and to renew our own commitment to democratic ideals and hope for world peace.

Our most valuable resource is not our dollars, but our people. Americans are born with the understanding that in the democratic system, everyone counts; everyone is not only able to make a difference, but that it is their duty to try. This is a power that cannot be transferred through grain credits. It must come from person to person contact. We must pass this vision of democracy on to the future leaders who will be shaping new countries in the former Soviet Union. It is a tall order, but America is up to the challenge.

The Senate will soon take up the conference report on the Freedom Support Act. Included in this bill is $50 million in authorizations for greatly expanded exchanges of students, young businessmen, agriculture specialists, and local officials. This appropriations bill provides $50 million of the $60 million needed to implement the idea. It is now up to the agencies of the Government to get this program up and running as soon as possible. I will be urging these agencies to expedite this process by utilizing the experience and the expertise of the nonprofit sector to start these exchanges immediately.

Mr. President, the fragile reforms that President Yeltsin has set into place must be buttressed with dreams as well as reality. Through this bill, we have made this possible.

ON EXTENDING LOAN GUARANTEES FOR ISRAEL

Mr. BRADLEY. Mr. President, I rise to express my satisfaction that with the passage of the Foreign Operations appropriations bill today, we will finally extend the loan guarantees to Israel. It has been a long year of negotiations and debate. I am glad to see that we will finally honor Israel's legitimate request for assistance.

These guarantees were never meant to have been used as a political tool to influence Israeli policy. We should never have held these guarantees hostage to implement our own relationship with Israel almost to the breaking point. Over the past year, we have placed our ally in a precarious position.

Mr. President, I applaud the efforts of those who contribute to the continuing peace talks. The success in bringing all sides to the table is testimony to the hard work of those involved and the grave importance of achieving regional stability. Yet with our agenda, we are lucky that we did not sabotage these talks. The settlement issue has no place in a discussion on humanitarian aid. By demanding that Israel halt its settlements before we would guarantee loans, we undermined one of Israel's most valuable bargaining chips. As supposedly impartial facilitators, we interfered in the talks to the detriment of our ally.

With the demise of the Soviet Union, many Jews are for the first time able to consider the option of leaving. Israel, having been established as a haven for all Jews, is turning none away. Over 1 million immigrants are expected to arrive between 1990 and 1996, the largest wave of immigrants since the State's creation. No one can deny that Israel's need for access to capital is great.

By extending these guarantees, we now can make good on our commitment to Israel, just as it has made good on its promise to accept the emigres. Will remain consistent with our longstanding policy of pushing the Soviet Union to allow free emigration of all its citizens, and of supporting successive Israeli Government attempts to bring Jews home.

Mr. President, some have argued that we should not provide loan guarantees because we already spend too much on foreign aid. The loan guarantees are not foreign aid; they are guarantees for loans made by private banks—in other words, they are private loans backed by the U.S. Government. I believe that backing Israel makes good sense. Israel has an outstanding credit record. Since 1949, Israel has never defaulted on a loan nor received debt forgiveness from the United States. Israel has even agreed to reimburse us for the money we would have had to spend to set aside the loan. The actual dollar cost of these guarantees will be virtually zero.

Mr. President, I hope that the extension of these guarantees will restore Israel's faith in the United States as an ally. Israel must be sure that it can trust America if it is to continue to take risks in negotiations for peace.

LOAN GUARANTEE ASSISTANCE TO ISRAEL

Mr. DODD. Mr. President, almost two decades ago, with the passage of the Jackson-Vanik amendment to the 1974 Trade Act, our Nation made a commitment to support the principle of free emigration. This dream was partially realized just a few years ago, when the Soviet Union opened its doors to permit the emigration of Jews to Israel.

Today, with the passage of this appropriations bill, we take one more step toward fulfilling this solemn pledge. The bill before us today provides up to $10 billion of loan guarantee assistance to help Israel with the enormous task of absorbing the newest settlers to its land. I strongly urge my colleagues to support this vital initiative.

I would remind my colleagues that this is a task we could just as easily have accomplished some time ago. In fact, it was just 1 year ago this month that the President told a nationwide television audience he would withhold loan guarantee assistance to Israel until certain political conditions were met. The President made that statement in spite of the fact that more than 400,000 refugees had already flooded the land of Israel—and half a million more were expected to arrive by 1996.

What the President was saying, in effect, was that the same rules permitting loan guarantees to Iraq without conditions, the same rules permitting loan guarantees to Algeria without conditions, and the same rules permitting loan guarantees to El Salvador without conditions, somehow weren't good enough for Israel. That logic was wrong a year ago and it is wrong today.

Nonetheless, Mr. President, the delay in this legislation does not diminish in any way the urgent need these loan guarantees will address. And it does not diminish in any way the critical role these loan guarantees will play in helping the absorption of refugees in Israel. These loan guarantees are absolutely essential if Israel is to complete its remarkable mission of humanity.

Mr. President, the way these loan guarantees will work deserves some explanation. This is not a cash grant, nor is it a loan. Under this program, the United States will simply offer to underwrite up to $10 billion of private, commercial loans to Israel. These loans will be underwritten at a rate of $2 billion every year for a period of 5 years.

Mr. President, I think two additional comments are in order about this measure. First of all, I would note that under the legislation before us today Israel will provide the entire portion of the set-aside required under United States law to support these guarantees. Therefore, as long as these loan guarantees are repaid—and Israel has never defaulted on a loan in its 44-year history—there will be absolutely no cost whatsoever to the United States taxpayer.

I would also like to point out, Mr. President, that once the first year's portion of guarantees have been extended, the legislation provides the President with broad authority to determine the terms and conditions under which the rest of the guarantees are to be issued I want to express my very strong hope that the President will use this authority in a fair and responsible manner.

Mr. President, almost 2 years ago, in January 1991, Israel stood by the side of the United States and the Desert Storm coalition during the Persian Gulf war. The fortitude and resolve of the Israeli people did not come without a price. Indeed, the Scud attacks on Israel left a terrible scar on the psyche of that nation.

Today, with the legislation before this body, we have a means to repay that moral debt. Our obligation is clear: To approve this vital legislation without delay. I urge my colleagues to support this very important measure.

AID FOR BOSNIAN SELF-DEFENSE: A NECESSARY RESPONSE TO BARBARISM

Mr. BIDEN. Mr. President, 2 years ago, the President of the United States introduced a beguiling phrase into our public vocabulary. He spoke of a "new world order," in which wrongs would be put right through collective action.

The unfortunate truth is that the President invoked this phrase only after a sustained act of appeasement constituting a colossal foreign policy blunder.

On Tuesday, my colleague Senator GORE catalogued the full and lamentable story, which is nothing less than a saga of Presidential miscalculation. Only after propping up Saddam Hussein with loans, only after disregarding a mountain of incriminating evidence that Saddam was using American aid to buy arms, only after ignoring Saddam's genocidal slaughter of his own Kurdish citizens, only after fostering high-technology exports to Iraq even as Saddam provided safe haven for the world's most infamous terrorists, only after overlooking Saddam's manifest quest for chemical and nuclear weapons, only after supplying Saddam with military intelligence almost until the eve of his invasion, and only after first responding that the United States contemplated no military action—only then did the Bush administration summon itself to assemble a multinational coalition to evict Saddam from Kuwait and restore the Kuwaiti Emir to his royal throne.

Unfortunately, as our President basked in the heroic light cast by the gallant men and women of the American Armed Forces, his administration failed to realize the fruits of their endeavor in two critical respects.

First, captivated by a bizarre concern to maintain Iraq's territorial integrity, the President failed to drive Saddam from power. Instead, he ordered our forces to stand idle while this ruthless tyrant, whom the President had equated to Hilter, regrouped his defeated army to massacre tens of thousands—tens of thousands—of Kurds and shiites who had been inspired by the Bush rhetoric to rise in rebellion.

The Bush administration then failed further, by doing nothing in the many months thereafter to give any meaning whatsoever to the concept of a new world order, which it had trumpeted so loudly as a rallying cry for war.

There is little to add to Senator GORE'S detailed account of the Bush administration's moral and political failure in Iraq, which I ask be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIDEN. Mr. President, there is much more to be said about the Bush administration's overall foreign policy, and its abject failure to move purposefully in competent pursuit of a new world order.

I think it fair to assume that the President did not follow through with the concept of a new world order because he had not thought it through—just as the administration has consistently lacked any guiding principle that would give coherence to its policy toward Iraq. The new order apparently was no more than an expedient slogan—a rhetorical device as useful, and expendable, as a Willie Horton commercial.

But whatever the explanation, the Bush administration has neglected the very real promise of shaping of a new structure of international relations for the 21st century. As the November election nears, the administration's past blunders and pervasive inertia pose for the American people a question of historic consequence.

Must we continue to relate to the world with a stumbling myopia, a denial of real and looming problems, and a fear of bold commitment? Or can we, with the cold war behind us, discern a coherent and principled new agenda, that will guide our conduct, and successfully serve our Nation's global interests, as we move toward the third millennium?

My answer is that the moment is upon us to retrieve Mr. Bush's expedient slogan from cynical neglect, define a compelling concept of a new world order, commit ourselves to it, and lead the world in its realization. We will do so, I am convinced, only with the energy of a new administration and the leadership of a new President.

Some weeks ago, in a series of addresses on the new world order, I described a four-part American agenda I believe can give meaning to this concept in the decade that will carry us into the 21st century. That agenda must be:

Directed, politically, at cementing the democratic foundation on a new world order.

Directed, militarily, at protecting world peace through a new strategy of containment designed to stop the proliferation of dangerous weapons.

Directed, again militarily, at fortifying this containment strategy with an expanded commitment to secure the peace by collective military action where necessary; and finally.

Directed, in the economic-environmental realm, at launching a concerted, full-scale multilateral effort to promote, and reconcile, the broadening of global prosperity and the preservation of our global environment.

I believe that the United States of America cannot afford the continuation of an administration whose record, in each part of this agenda, is sadly wanting.

My focus today is on the third task in what I regard as the compelling American agenda for a new world order. In this task, which I call "organizing for collective security," the United States has two avenues for potential progress.

One involves a new role for NATO; the other, a stronger enforcement power for the U.N. Security Council. On neither of these fronts has the administration demonstrated serious leadership.

In NATO, the Bush administration has allowed itself to be diverted by a comparatively petty concern arising from the Franco-German initiative to form a small Euro force. In the process, the administration has failed to focus on the far more urgent business of rendering NATO relevant to real needs in the post-cold-war period. A transformation is required—involving the assumption of new NATO responsibilities beyond mere passive self-defense, and the President has not yet supplied the leadership to accomplish it.

The second avenue toward expanded readiness for collective military action is to equip the U.N. Security Council to exercise the police and enforcement powers set forth in the U.N. Charter—but rarely used. As affirmed in the collective security participation resolution now before the Foreign Relations Committee, the time has come that the United States, in conjunction with other key nations, should now designate forces under article 43 of the U.N. Charter.

Yet, from President Bush we have heard barely a whisper of any initiative to strengthen the U.N. Security Council at a moment when history is finally providing the opportunity to do so. If his rhetoric implies anything, it is that the United States will continue in the grandiose posture of trying to play Globo-Cop—or doing nothing at all.

The need for enhanced preparedness for collective military action is underscored by the ongoing disaster in Yugoslavia. There, a barbarism unexpected in modern Europe has unfolded in the face of outside disbelief and a growing recognition of the world's unreadiness, even after the gulf war, to act decisively with collective military force.

The unabated slaughter in Bosnia instructs us:

If our multinational bodies are to act when needed, we must first prepare them to act.

If we do not prepare for collective action, the end of the cold war could usher in not a new world order but an era of endless interethnic bloodletting.

If we are to have a new world order, we must build one.

Since this administration has not yet undertaken a serious effort to do so, we are left to take ad hoc measures. But the absence of a fully realized new order must not prevent us from taking actions embodying principles that must govern a new world order. Of these principles, none is more fundamental than the imperative that the international community not turn its back to blatant acts of ruthless and barbaric aggression.

The amendment to the Foreign Operations Appropriations Act which I offered yesterday, and which the Senate adopted, is designed to empower and encourage the President to lead the international community in providing the assistance by which the people of Bosnia can at least defend themselves against one of this century's most wanton acts of inhumanity.

The amendment speaks of the perverse effect to the current United Nations embargo against the Republics of the former State of Yugoslavia—an embargo that has achieved no other purpose than to leave the people of Bosnia-Hercegovina unarmed against a ruthless and heavily armed enemy.

The amendment provides this authorization: That at such time as the United Nations takes the corrective action needed to lift the embargo against Bosnia-Hercegovina, the President may, in conjunction with other allied nations—provide military assistance to that government, through a drawdown of up to $50 million in Defense Department stocks of military weapons and equipment.

The amendment is not a requirement, it is an authorization, with a strong implication that action is urgently needed.

Since the Senate last debated this issue, much more has been learned. We now know of the existence of death camps in which thousands of Bosnians have been exterminated. We now know that this winter—barring a dramatic change in their circumstances—more than 100,000 more Bosnians will die, having starved and frozen while under Serbian siege.

There is, I believe, some expectation that my amendment will now be dropped in conference. I urge that it not be.

Are we truly to adjourn, having done nothing?

I have no more desire than General Powell or any other American to see United States ground troops in combat in the former Yugoslavia. But that goal does not require self-imposed blindness or irresponsible inaction.

It has for some time been taken as a given that the Bush administration's strong suit is foreign policy. But mere acquaintance with foreign leaders, accompanied by stasis in the realm of action, is not a foreign policy.

Indeed, if a sound foreign policy is one that comprises coherent initiatives and responses in the world arena—directed at promoting well-conceived national interests—then the Bush administration is perilously close to being without a foreign policy.

President Bush began his administration with the homily that America has more will than wallet. But this administration has demonstrated that its limitation is quite the reverse. We are a wealthy and gifted Nation, in danger of squandering our human and material resources, and abdicating our duty to lead the world, because of a failure of leadership—of our President—to galvanize our national will.

With the imperatives now building around us, we can no longer afford an American foreign policy of denial and drift.

On Tuesday, Senator GORE laid out the sad story of the Bush administration's most ironic foreign policy failure—the Iraq policy for which it has tried to claim so much credit.

But there is a larger irony. It is that the entire foreign policy of this administration falls equally short of the grandiose claims that have been made for it. All told, it is a foreign policy of boast, of miscalculation, and of blunder—in Iraq and far beyond.

Congress can rectify one tragic consequence of this pattern of inaction. We must no longer stand idly, when we can at least cease the current perverse policy that denies to the people of Bosnia the means of their own defense. Let us take this one small step for mankind.

EXHIBIT 1

SPEECH BY SENATOR AL GORE, CENTER FOR NATIONAL POLICY, SEPTEMBER 29, 1992

One of the most important questions in this campaign involves the judgment of the candidates on foreign policy. The American people know the world is full of unexpected surprises and dangers—and as a result they want to know whether or not a president can handle these uncertainties, recognize unanticipated dangers, and realize when national policy must be changed to reflect new realities. The American people also want to know whether or not they can count on their president to tell them the truth.

President Bush, in his handling of our policy toward Iraq, has failed all these tests, and failed them badly. His poor judgment, moral blindness and bungling policies led directly to a war that should never have taken place. And because of his naïveté and lack of candor, U.S. taxpayers are now stuck with paying the bill for $1.9 billion President Bush gave to Saddam Hussein even though top administration officials were repeatedly told Saddam was using our dollars to buy weapons technology. Bush, of course, believes that the war with Iraq was his finest hour as the organizer and leader of a vast coalition of armed forces, united for the purpose of frustrating the designs of an evil dictator.

But the war with Iraq had deep roots, and if George Bush's prosecution of the war is part of his record, so too is his involvement in the diplomacy which led to it, both in the Reagan/Bush era, and far more so, during his presidency when he accelerated foreign aid and the sale of weapons technology to Iraq—right up until the invasion of Kuwait—in spite of repeated warnings that anyone with common sense would have had no difficulty understanding. The path leading us to that war, and the path which the President has followed after, are deeply shadowed in profound error, in duplicity, and in amoral disregard for our most basic values as a nation. There is also substantial evidence that his administration intentionally falsified export records, and reports to Congress—and in the process apparently violated a number of laws intended to prevent such horrendous mistakes.

Nineteen months ago, President Bush called Saddam Hussein a new Hitler who had to be stopped at all costs. Yet today, that same tyrant remains firmly in power, resisting by every means the will of the international community. No wonder so many Americans ask themselves whether our victory over Saddam will ultimately prove an illusion.

The conduct of the war will remain a proud memory for all Americans. But the full history must also include events before and after the war. That detailed record requires a little more time and effort to understand. And if we really want to judge President Bush's stewardship of policy, then we had better pay attention to that detailed record, which provides a deeply disturbing look at a blatant disregard for brutal terrorism, a dangerous blindness to the murderous ambitions of a despot, and what certain appears to be an ongoing effort to hide the facts from the American people whose tax dollars paid for this policy and whose sons and daughters risked and lost their lives in its pursuit.

George Bush wants the American people to see him as the hero who put out a raging fire. But new evidence now shows that he is the one who set the fire. He not only struck the match, he poured gasoline on the flames. So give him credit for calling in the fire department, but understand who started the blaze.

Let me begin by providing a basic historical frame of reference: In September of 1980, Iraq invaded Iran. Iraq was the odds-on favorite to win the war in short order. However, by May 1982, Iraq was clearly in trouble. It had lost a major battle with Iran. Our policy-makers began to imagine Iran under a radical Islamic government emerging as the dominant regional power: a nightmare. I believe that is why, in February 1982, President Reagan took Iraq off the list of states that sponsored terrorism. He did this not because Iraq had gone straight and given up terrorism, but because he wanted to help Iraq while there was time. By taking Iraq's name off the list, President Reagan opened the way for Iraq to receive U.S. credits through subsidized agricultural loan guarantees and Export-Import Bank credits. Reagan's decision also removed certain kinds of export controls intended to block the transfer of U.S. technology to countries on the official terrorism list.

In other words, for strategic reasons, the Reagan/Bush Administration would overlook virtually any unpleasant reality in Iraq, and apparently subvert U.S. laws in order to prop up Saddam Hussein's brutal regime.

George Bush claims he was an outsider in another momentous Reagan decision—to sell arms to Iran in exchange for American hostages. Of course by now, most people find that very hard to believe and the documentary record is closing in on him. Recently, we learned that former Secretary of State George Shultz and former Secretary of Defense Caspar Weinberger were outraged when they heard then Vice President Bush was disclaiming any knowledge of the Iran arms deal and the fact that the two senior cabinet officers had vigorously opposed it. Notes taken at the time of their telephone conversation about this event have Mr. Weinberger saying that Bush's comments were "terrible" and that, far from being ignorant of developments, Bush had been "on the other side" of the struggle over policy. Just last week, more evidence surfaced showing that Bush is recorded as having attended numerous meetings across a span of three years when White House senior officials debated the plan to sell arms to Iran and then were briefed on the status of the program. He was also present at the meetings in which the trade for arms for American hostages was explicitly discussed. And now two of the briefers have directly challenged the veracity of President Bush's claim that he didn't know arms were being swapped for hostages. Far from being "out of the loop", Bush seems to have been one of the most vigorous and vociferous advocates of the illegal side of the argument. Indeed, his arguments to the contrary are simply no longer credible. His national security advisor was clearly uncomfortable even going so far as to say that Bush's version was "possibly" true.

Now, new evidence about this policy toward Iraq directly contradicts President Bush's repeated statements to the American people that he did nothing that helped Saddam's effort to acquire weapons of mass destruction during the months and years preceding Saddam's invasion of Kuwait. To begin with, George Bush cannot even try to claim ignorance where policy toward Iraq was concerned. Not only was he directly in the loop, he was a principal architect of the policy from its earliest days. For example, in April of 1984, Bush personally lobbied the Ex-Im Bank's chairman—a friend from college days—to disregard the views of his own economists, and extend credits to Iraq. Doubts about Iraq's credit-worthiness were very well-founded. But the overriding issue was whether Iraq could continue to hold on in the war with Iran. That's all that seemed to matter.

In pursuit of that objective, the Reagan/Bush Administration would overlook the fact that it was an Iraq-based group that masterminded the assassination attempt against Israel's ambassador to the UK, which occurred in June 1982. This event triggered Israel's invasion of Lebanon—not exactly a minor consequence for US policy. The Reagan/Bush Administration was also prepared to overlook the fact that the terrorist who masterminded the attack on the Achille Lauro and the savage murder of American Leon Klinghoffer fled with Iraqi assistance. Nor did it matter that the team of terrorists who set out to blow up the Rome airport came from Baghdad with suitcase bombs.

Iraq not only stayed off the terrorist list no matter what, but in November 1984, full diplomatic relations were established with the country. The US government continued to exert every effort to channel assistance to Saddam Hussein—even with evidence that he was not only promoting terrorism, but was also pursuing a nuclear weapons program. As early as May of 1985, Assistant Secretary of Defense Richard Perle warned about the suspected diversion of US exports of dual-use technology to the Iraqi nuclear weapons program. But Bush ensured that the flow of technology continued.

In March 1987, Bush again took a prominent role: when Iraq's ambassador complained that our Defense Department was taking too long and being too cautious about export licenses for high tech items, Bush apparently agreed with him that the Defense Department was being capricious and had to get with the program.

There might have been a moment's pause for reflection when Iraqi aircraft intentionally attacked the USS Stark in May 1987, killing 37 sailors—but the Administration smoothed it over very fast. This was the spring when the Ex-Im Bank staff resisted another $200 million loan for Iraq, but again the loan was granted after Bush again personally intervened to stress its political importance. The loan went through in May, just two days before the attack on the Stark.

Now, let me make a point about foreign policy and the real world. The actual conduct of foreign policy often bears as much resemblance to academic theory as the conduct of domestic politics bears to a civics course. If we have to deal with someone bad in order to handle someone even worse, then for heaven's sake we should at least be ready to re-evaluate that relationship the moment it has outlived its value to the United States.

In other words, whatever the arguments for temporarily supporting Saddam Hussein as a barrier separating Saudi Arabia's oil from Iran's militant fundamentalists, Bush deserves heavy blame for intentionally concealing from the American people the clear nature of Saddam Hussein and his regime, for convincing himself that friendly relations with such a monster were possible, and for persisting in this effort far, far beyond the point of folly. Throughout this period, Saddam's atrocities continued. In March 1988, Saddam Hussein used poison gas on the Kurdish town of Halabja, brutally murdering some five thousand innocent men, women and children. None of us can ever forget the pictures of their bodies—of parents trying to shield their infants even in death—that were in our news media.

The Iran-Iraq War ended in August of 1988. Iraq had not prevailed, but neither had it been defeated. As a result, you would think that the Administration would give our policies a second look to see if they should be altered. But the Reagan/Bush Administration never hesitated even when the news became much, much worse. Within days of the end of the Iran-Iraq War, Saddam Hussein—seeing that he had gotten away with using poison gas against the Kurds previously—launched additional major gas attacks on them. The war was over, and he was determined to settle accounts. Saddam's attacks created, in addition to the wave of deaths, a flight of about a half million Kurdish refugees.

The effect of these events on the public and on Congress was electrifying. The outrage and disgust sparked action and ignited an intensification of efforts to pull the plug on US assistance to Saddam Hussein. I myself went to the Senate floor twice demanding tough action. But these efforts were resisted to the bitter end by the Reagan/Bush and Bush/Quayle Administrations. For example, they pulled out all the stops to defeat the Prevention of Genocide Act, after the US Senate had passed it unanimously in September of 1988.

Meanwhile, the US Customs Service was reporting that in 1988, it had marked a notable increase in the activity of Iraq's network of procuring agents and front corporations. A concerted effort was underway to obtain missile technology, chemical weapons technology, and biological weapons technology.

In January 1989, George Bush was sworn in as President. Based on plentiful evidence, he had reason to know that his ongoing policy regarding Iraq was already malfunctioning.

Just last week, we learned of a memorandum written in March, 1989, to Secretary of State Baker, as he prepared to meet with a senior Iraqi official in which the author noted that Iraq continued to cooperate with terrorists, that it was "meddling" in Lebanon, and that it was "working hard at chemical and biological weapons and new missiles." What is especially interesting about this memo is that it notes that in the months preceding this meeting Iraqi oil exports to the US had increased dramatically and on favorable terms. That point raised the question of a quid pro quo sought by Iraqi officials—cheap oil in exchange for "freer export licensing procedures for high tech." The memo's drafter notes—somewhat critically and impatiently—that export applications were being held up by the Commerce Department, and by the Defense Department, out of concern that the proposed exports could enhance Iraq's military capabilities.

These concerns were well-founded. In April 1989, a nuclear proliferation expert from the Department of Energy reported intelligence indicators that Iraq had a crash program underway to build an atomic bomb. In June, the Defense Intelligence Agency reported that Iraq was running a major European network to procure military goods that were not supposed to be sold. In August, the FBI raided the Atlanta Branch of the Italian Banca Nazionale del Lavoro (BNL) and seized evidence of over $4 billion in illegal loans to Iraq, as well as use of about $2 billion of those funds to buy nuclear and other military technologies. And on September 22nd, Assistant Secretary of State John Kelly wrote a memo acknowledging that money coming to Iraq through the Atlanta branch of the BNL did "appear to have been used" to finance acquisition of sensitive military technology. Also in September, the USDA reported kickbacks and possible diversions of US-supplied agricultural funds for military purposes.

Most significant of all, in the same month, the CIA reported to Secretary of State James Baker and other top Bush administration officials that Iraq was clandestinely procuring nuclear weapons technology through a global network of front companies.

Now, in the midst of this flood of highly alarming information, on October 2, 1989, President Bush signed a document known as NSD–26, which established policy toward Iraq under his Administration. This document is the benchmark for judging George Bush's record for the direction of American policy toward Iraq in the period that would ultimately lead to war. We have only a partial idea of what is in that document, since the version that was finally released to Congress has been heavily censored. But the core statement of purpose and the fundamental assumptions behind it are clear. And so is the incredibly poor judgment of George Bush.

NSD–26 mandated the pursuit of improved economic and political ties with Iraq on the assumption that Iraqi behavior could be modified by means of new favors to be granted. Perhaps so, if this were a state not under the complete control of a single man whose ruthlessness was already totally apparent. The text of NSD–26 blindly ignores the evidence already at the Administration's disposal of Iraqi behavior in the past regarding human rights, terrorism, the use of chemical weapons, and the pursuit of advanced weapons of mass destruction. Instead it makes a heroic assumption of good behavior in the future, on the basis of an interesting theory—namely, that Iraq would suddenly and completely change its ways out of a fear of economic and political sanctions.

It leaps from the page, that George Bush, both as Vice President and President, had done his utmost to make sure that no such sanctions would ever apply to Saddam Hussein. Consequently, the question is unavoidable: why should Saddam Hussein be concerned about a threat of action in the future from the same man who had resolutely blocked any such action in the past? To the contrary Saddam had every reason to assume that Bush would look the other way—no matter what he did.

In my view, the Bush Administration was acting in a manner directly opposite to what you would expect with all the evidence it had at the time. Saddam Hussein's nature and intentions were perfectly visible.

In October of 1989, representatives of the Departments of State and Agriculture met to discuss Iraq's diversion of US agricultural credits into the acquisition of US technology for its nuclear weapons program. Later that same month, however, on October 26th, Assistant Secretary of State Kelly sent Secretary Baker a memo jointly written with the State Department's legal counsel, Abe Sofaer, urging that Baker push an additional $1 billion in agricultural loan guarantees for Iraq, notwithstanding the mushrooming scandal surrounding the diversion of BNL loans by Iraq for nuclear purposes.

I will leave to others to debate whether Sofaer's efforts—or those of White House Counsel Boyden Gray's staff—to sound out the intentions of the Atlanta prosecutor constituted a crude form of intervention. My point is that before and after consecrating a policy that tied us hip and thigh to Saddam Hussein, George Bush had all the information he needed to know that he was in deep, deep * * * water. But he persisted, although in November the CIA again reported that Baghdad was shopping everywhere for chemical, biological, and nuclear technologies and for ballistic missile technology. And even though the CIA again reported a link between BNL funding and the Iraq nuclear and missile programs, in November the Administration agreed to go ahead with another billion dollars in US taxpayer subsidized loan guarantees to Iraq.

In January of 1990, President Bush issued a determination that exempted Iraq from section 512 of the Foreign Operations Appropriations Act of November 1989 prohibiting further loans to Iraq. On grounds of "national security," the President declared that the Act's prohibition would not apply. And yet, this was the season when the Rand Corporation reported that an estimated 1400 terrorists were operating out of Iraq.

In February 1990, Saddam Hussein called for the removal of US military forces from the Persian Gulf. And yet, the same month the Administration actually apologized to Saddam for the content of a Voice of America broadcast criticizing Iraq's human rights record. Coddling tyrants is a hallmark of the Bush foreign policy.

March, 1990, brought no improvement, when U.S. and British agents arrested several Iraqis in the act of trying to smuggle nuclear triggering devices into Iraq. In April, Saddam Hussein issued his infamous threat to burn up half of Israel with chemical weapons. Still, Bush toadied up to Saddam.

Also in April, the Federal Reserve Bank of New York noted that BNL money was diverted to purchase nuclear triggers in the United States, which had later been seized by British customs. That same month, British Customs also seized pipe sections heading for Iraq which were determined to have been parts of a super-gun. Similar shipments were seized in Greece, Turkey, Italy, West Germany and Switzerland.

Yet, on April 12th, at the personal request of Bush, Senator Bob Dole and Alan Simpson—the number one and number two Republican leaders in the Senate—travelled to Baghdad and told Saddam Hussein that President Bush was still ready to veto any sanctions bill that Congress might pass. They added—again at Bush's personal request—the conforming news that the author of the offending Voice of America criticism had been fired the same day in an effort to please Saddam.

In April and May, Commerce Under Secretary Dennis Kloske attended two meetings at the White House where he recommended that the U.S. tighten restrictions on exports of high technology, but he was overruled, and the flow of technology from the US continued. As a side-note, when Kloske testified about this before the House Foreign Affairs Subcommittee on International Economic Policy and Trade about a year later, he was fired within forty-eight hours. May arrives, and a terrorist attack on the public beaches of Tel Aviv was launched and thwarted. It was planned by a Palestinian group operating openly in Baghdad. On May 21, the USDA sent up another warning about diversions of funds from U.S.-guaranteed loans. But on June 15th, 1990, Assistant Secretary of State Kelly told the Senate Foreign Relations Committee that the Administration still opposed any Congressional sanctions against Iraq. And in July, as Iraqi tanks and soldiers massed on the Kuwaiti border, the Senate tried to pass another sanctions bill against Iraq * * * and the Administration opposed it. Not only that, but on the eve of the invasion, the Bush/Quayle Administration kept selling Saddam dual-use technology such as sophisticated computers, flight simulators, and equipment to manufacture gun barrels.

At that very moment, however, high level officials in the Administration, including Secretary of State James Baker, were finally forced to confront what they had known from the outset of Bush's administration: that Iraq had grossly abused the benefits extended to it by Bush. In July, a memo jointly drafted by four senior officers of the Department of State was sent to Secretary Baker and approved by him. According to this memorandum—the existence of which just came to light a few days ago—the Administration acknowledged that "Iraq is actively engaged in developing chemical and biological weapons and ballistic missile systems, and may be seeking to develop nuclear weapons as well. Iraq has been attempting to obtain items to support these proliferation activities from U.S. exporters, in some cases successfully." The memorandum concludes that the time had come for the Administration to "move now on Iraq because of its very active proliferation-related procurement efforts" and because "there is a danger that U.S. exporters could become implicated in these efforts."

Bear in mind that Saddam Hussein was then only one week away from an act of open aggression that would bring us to war. It had taken this long for an awareness of what was going on for years to be acknowledged within the Administration.

Much has been said about the record of our Ambassador to Iraq April Glaspie's famous interview of July 25th with Saddam Hussein. But the Ambassador's servile message was a clear expression of Bush's personal views. Her message was totally in line with U.S. policy as laid down by President Bush in October 1989, and clung to until August 2, 1990, when Iraq invaded, conquered, and annexed Kuwait.

Within a month, our sons and daughters were to be sent to risk their lives facing a threat that had been built up through U.S. technology and U.S. tax dollars by our own President, who now summoned them to battle. In answer to this charge, President Bush has explicitly denied that his policies enhanced Saddam Hussein's nuclear, biological and chemical capabilities. He denied this, not only in an official report to Congress in the fall of 1991, but as recently as June 13th and July 1st of this year, when Bush said: "We did not enhance Saddam Hussein's nuclear, biological, or chemical weapons capability." But as I have just mentioned, his own Secretary of State knew differently at least as of July 1990, and the actual record of our exports shows the facts rather differently than the President wants to remember them:

Almost 30% of our non-agricultural exports to Iraq between 1985 and 1990 went to the Iraqi military-industrial complex.

Of these exports, there were 162 items that were licensed for sale despite their potential nuclear applications.

The Administration permitted the sale of powerful computers comparable to those used in our own missile test ranges, despite objections from the Department of Defense.

It allowed shipment of high-tech equipment needed for Iraq's Condor II missile, which was to have been able to deliver a nuclear warhead at a range of more than 600 miles.

It allowed for the export of materials needed for the infamous "supergun" project, intended to have the ability to launch nuclear weapons like artillery shells over hundreds of miles.

Machine tools, lasers and other equipment for the manufacture of rocket casings used in SCUD missiles were sold. When UN inspectors got into Iraq, they found at Saddam Hussein's main nuclear weapons complex a carbide-tipped machine tool factory which had been built with technology and equipment licensed for export by the Bush Administration.

The Administration licensed technology and equipment for fabricating shapes out of glass fiber over the objections of the Department of Defense, which noted that the purchaser was part of the Iraqi military-industrial complex, and that this kind of equipment was needed for a nuclear weapons program. The Administration preferred to blindly accept the importer's ludicrous claim that the equipment would be used to make shower stalls.

Equipment for a "detergent" factory was licensed, yet this same factory was used to make chemical weapons.

17 licenses for the export of bacterial and fungus cultures to Iraq were granted, even though the CIA specifically linked the Iraqi government agencies involved to "biological warfare support and numerous other military activities."

The UN Special Commission, once it finally got inside Iraq, is reported to have found equipment from eleven American companies in Iraqi missile and chemical weapons plants.

It is astounding to look at the list of Iraqi customers approved by the Administration:

The Ministry of Industry and Military Industrialization (known as MIMI), which was headed by a brigadier general who was Saddam Hussein's son-in-law, and which the CIA identified as "controlling Iraq's nuclear network."

The Saddam State Establishment and Salah Al Din, called in an intelligence report "typical of Iraq's arms production facilities."

SAAD 16, identified back in 1986 as a key missile production site, where as much as 40% of the equipment was reported to be US-made.

The Administration even sold Saddam Hussein helicopters for his personal use, equipped with special infra-red guidance and defensive systems.

Incredibly, the Bush administration knew all along that the chief purchasing agent for much of this material was the head of an Iraqi weapons complex. "The tentacle of the octopus," as one law enforcement official put it, was a US company called Matrix-Churchill. It was a key player in Saddam Hussein's efforts to acquire nuclear and other weapons technologies. The chairman of this so-called "American" corporation was one Safa al-Habobi, who was simultaneously the Director General of the Iraqi Nasser State Enterprise for Mechanical Industries, well-known by our intelligence agencies as a major Iraqi military-industrial complex where missiles and nuclear weapons equipment were manufactured.

There was report after report linking Habobi's firm, Matrix-Churchill, to Iraq's global network of front companies and even back to the Iraqi Ministry of Industry and Military Industrialization (MIMI) and Saddam's son-in-law Hussein Kamal. But the Bush Administration kept issuing licenses.

And as for how Iraq paid for all this when it was already far over its head in debt as the result of the war with Iran and Saddam Hussein's economic policies, a large part of the answer is: on credit in the form of loans guaranteed by the Bush/Quayle Administration. In the fall of 1989, Bush pushed hard to make sure that $1 billion in new loan guarantees were provided to Saddam Hussein. It didn't matter that federal agencies were reporting severe abuses of prior loan guarantees from the United States. In the end, the US taxpayer has been left holding the bag for almost $2 billion of loans to Iraq which will never be repaid. After bailing out the savings and loans, American taxpayers are now being forced by Bush's poor decisions to bail out Saddam.

When it came time to confront the consequences of these years of serious mistakes, when it came time to confront Saddam Hussein's invasion of Kuwait with an international coalition united in its resolve and purpose, George Bush, all the way up until the moment the combat ended, displayed fortitude and skill. But the chestnuts he pulled from that fire were his own. His policies nurtured Saddam Hussein. He was deaf to information that to any other ear was a fire-bell in the night, ringing clearly that our policies were disastrously wrong.

And incredibly, immediately following the war, President Bush reverted to form. At President Bush's encouragement, an armed resistance to Saddam Hussein sprang up in Iraq. But at the critical moment, it was George Bush's decision to betray that resistance by tolerating Saddam Hussein's use of attack helicopters to put down the rebellions. That was a clear violation of the terms of the ceasefire, and it was a violation we had more than enough power to suppress.

Had we insisted on the terms of the ceasefire, there would have been a much better chance that today we would not be facing Saddam Hussein in power.

Should a man who mistook Saddam Hussein for a docile ally—and who then pursued that error to the point where the lives of hundreds of thousands of Americans had to be put on the line—have a second term as President of the United States? Has George Bush told the truth, the whole truth about a policy that left our nation facing a brutal, murderous dictator? If he will take credit for the victory, will he also take responsibility for the policy that made war inevitable? The answer to these questions is no.

George Bush sent loan guarantees to an oil rich dictator. George Bush sold dangerous technology to a criminal who was intent on developing and using lethal weapons. George Bush sent secret intelligence reports to a man who, by any stretch of the imagination, could not be trusted. George Bush refused to face the truth or hear the urgent warnings coming from his own Administration. And then, George Bush put American lives on the line to cover in a war that never would have happened except for his mistakes.

In so many ways, George Bush does not fit the requirements of the New World Order his own speechwriters once summoned up. We require a fresh approach from a new leader of vigor and high intelligence, of courage and vision, who believes to the core that the enemies of freedom cannot be anything but the enemies of our country. I think that the people of the United States have and will take the opportunity to select such a leader. Bill Clinton is that man.

Mr. PRYOR. Mr. President, I rise today to discuss my vote against H.R. 5368, the foreign operations appropriations bill. Before outlining the reasons for my vote, I want to make clear that I am not voting against assistance to Israel or our other long-time allies, nor am I voting against getting prudent amounts of assistance to the truly needy. Despite these commendable and worthwhile portions of the bill, my long standing concerns about waste, fraud, and abuse at the Agency of International Development [AID] forced me to conclude that I must oppose this bill.

Mr. President, I have long been concerned about AID's poor management of its consulting services. When I placed a cap on the amount of money AID could spend on consulting services in 1989, I based my amendment on the same figures that AID had submitted to the Congress. AID had requested $4 million to spend on consultants. I was surprised to be approached by AID officials after my amendment passed with a request that I allow the figure to be modified. It seems AID had made a mistake and they actually needed $44 million to purchase consulting services. The AID explanation was that the agency's accounting and contracting systems were not coordinated. This was my first hint that AID is an agency in need of drastic reform.

Mr. President, I then directed my Governmental Affairs staff to begin collecting some information on AID and its use of consultants. I ask unanimous consent to insert in the RECORD a speech I gave on March 21, 1991, in which I criticized AID for hiring a consulting firm to help it cooperate more fully with the Peace Corp. I was disappointed to learn that AID had not checked to determine if any of its inhouse workers could have performed this task, but instead awarded a contract for $100,000 to help AID talk to the Peace Corps.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1).

Mr. PRYOR. This contract for performing coordinating duties with another Federal agency was only the tip of the iceberg. I obtained a copy of the AID phone book and discovered that contractors are listed right along with AID employees and they occupy key positions throughout the agency. This is a graphic representation of an agency that has been taken over by contractors.

Mr. President, as far as I know, AID is the only Federal agency that permits private contractors to serve as contracting officers. Think of the problems inherent in allowing private individuals to obligate the Government for possibly millions of dollars. The rationale of AID is that they have so many places around the world where they have to award contracts they need to allow these private contractors to sign away our tax dollars.

Finally, Mr. President, last Sunday "60 Minutes" featured a segment on AID's role in exporting U.S. jobs to foreign countries. This information alarmed me and a number of my colleagues and heightened the attention on this agency. An earlier investigation by a CNN special investigation team, conducted about a year ago, dealt with the extensive public record of waste and fraud that has plagued this agency for years. This three part series had numerous examples of both criminal behavior on the part of persons associated with AID and also wasteful practices associated with our tax dollars.

Mr. President, while I am mindful of the fact that several congressional committees are working on reform packages that hopefully will begin to correct some of the incredible mismanagement that has taken place at AID for years, I could not in good conscience vote to allow AID to continue to misuse our tax dollars.

I would like to express my gratitude to the chairman, Senator LEAHY, and the other members of the Foreign Operations Appropriations Subcommittee for working long and hard on this bill. Furthermore, I am pleased that the compromise to the Israeli loan guarantee issue was addressed in this bill.

However, Mr. President, based on my continuing frustration with the mismanagement of the Agency for International Development, I cannot support this bill.

EXHIBIT 1

[From the CONGRESSIONAL RECORD, Mar. 21, 1992]

CONSULTING SERVICES

Mr. PRYOR. Mr. President, it is spring, finally, and it is that time of the year when we in Washington once again begin turning our attention to the subject of the Federal budget.

The Appropriations Committee and subcommittees are meeting to begin working with administration officials on what the spending levels will be for the next fiscal year. The Budget Committee is crunching numbers. Economists from everywhere are coming out of the woodwork, appearing before the proper committees, to prognosticate on what the fiscal situation is going to be in the coming year.

Mr. President, I urge my colleagues this afternoon to consider one component of the Federal budget that I think receives far too little attention; namely, how much is our Government spending on consulting services?

Mr. President, for 12 years, I have asked that question; for 12 years I have gotten the answer: We do not know. The Office of Management and Budget does not know that figure. The Congressional Budget Office does not know that figure. The General Accounting Office does not know that figure. And yet agencies go on spending and spending and spending on private consultants and consulting firms from a seemingly open money sack.

Mr. President, let me give you one example, just one of the type of activity that is going on every day throughout the entirety of the Federal Government.

Last summer, the Peace Corps, a fine institution, and the Agency for International Development, decided they really needed to begin cooperating more in their efforts, since they both worked in the less developed countries and often do similar work, similar jobs, similar missions. And it only makes sense, they decided, for them to better cooperate.

Mr. President, did the director of the Peace Corps and the Administrator of the Agency for International Development pick up the phone and call each other to set up a meeting to see how this new spirit of cooperation might be implemented? The answer is "no." Did anyone from either staff of the Agency for International Development or the Peace Corps, Mr. President, decide maybe we should get together and at least talk by phone to see how we might best coordinate our efforts? That answer, Mr. President, is "no."

What actually resulted and what actually happened is very simple, and it is what a lot of agencies in our Government do today, and they do it because it is so easy and no one looks at them; very few people audit them.

What they did was each of these agencies did go together on a joint venture, and they hired a consulting firm to act as a liaison between the Peace Corps and the Agency for International Development.

The cost of that contract, Mr. President, to get these two agencies talking to each other was $100,000. Was there any competition in that bid? We do not know. But we do know that the Agency for International Development and the Peace Corps had never even thought of hiring a consulting firm to perform this liaison or go-between service until a consulting firm walked in one day and said, "Do you know what you people need? You need to hire us, and for $100,000, we will get you talking to each other and better coordinating your activities." So they wrote them a check, Mr. President, for $100,000, and today I assume that the Peace Corps and the Agency for International Development are now talking to each other. But I find it impossible to understand why the American taxpayer had to fork over $100,000 to a private consultant so that two Federal agencies committed to the same tasks could talk to each other. It is beyond this Senator's comprehension.

Mr. President, we went a little further into this contract. This is just a $100,000 contract. In fact, there are hundreds and hundreds and perhaps thousands of contracts that are worse than this. But we decided we would take this contract and look at it. They decided to have some meetings between the Agency for International Development and the Peace Corps officials. Who prepared the agenda for the joint meetings of these two agencies? Of course, the consulting firm did. That was part of the way they earned their fee of $100,000. Who got up to tell everyone the purpose of these two Government agencies having a meeting? The private consulting firm.

Mr. President, we found some interesting memos to high-ranking agency officials going back and forth between these two agencies to tell them what to say to their counterparts at the other agency. Who prepared all of those memoranda that were circulated between these two agencies? The answer is simple. The consulting firm.

I cannot believe this is an appropriate and judicious role for a private consultant. Senior level administration officials certainly ought to be able to sit down with one another and talk, plan their objectives, and coordinate their services. They do not need to write a check for $100,000 to a private consultant to tell them what to say or what to do. They do not need to prepare memoranda to say what the policy of those agencies might be because, if these officials do not know what the policy is, in my opinion, those officials need to find another job. I think that Federal officials can arrange their own meetings, set their own agenda with other Federal agencies, and they do not need a consulting firm to do that job for them.

Finally, Mr. President—and here is where we really have to look at the danger of private contractors in this field—did either agency, AID or the Peace Corps, check one time to see who else this private consulting firm happened to be working for? The answer is, I doubt it. If they had checked, they would have discovered that this private company also works for less-developed countries.

In fact, one of the principals of this particular private consulting firm is a registered foreign agent for a textile concern in Latin America. How are the taxpayers going to ever believe that the other interests of this consulting firm will not influence their work for these two agencies?

Mr. President, I think all of us know the answer to that question.

I am convinced that the best way to avoid these potential conflicts of interest and to avoid the contracting out of work that can and should be performed by Government employees is for all of us to exercise some common sense.

Mr. President, the cycle is about to begin—the authorization committees and the appropriations committees, the budget resolutions and reconciliation. I am only hoping, before we appropriate money for any agency or any department or any function of Federal Government, we will exercise the good judgment to simply ask how much they are spending on consultants, why do they need to hire consultants in the first place, and is this contract really necessary. Before agency officials call down to the contract office and order a consulting contract to be written, they could and should ask: Is this a job we can do ourselves?

Mr. President, some contracting out may save money for the taxpayer, and that is good. However, I am not convinced that contracting out like this AID-Peace Corps type of contract ultimately saves money or is a good idea at all. Today I am urging agency officials and the proper committees in the Senate and the House involved with contracting to ask: Is this contract really necessary? This simple step may well save the taxpayers some dollars, and I think it will save our Government some additional embarrassment.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that each of the votes after the first vote, that is the second, third and fourth votes, be for 10 minutes in duration, and I ask all Senators remain in the Chamber to cast their votes so as not to inconvenience others so we do not have a lot of time running over.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START TREATY)—TREATY DOC. NO. 102-20

PROTOCOL TO THE TREATY WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS—TREATY DOC. NO. 102-32

The PRESIDING OFFICER. The Senate will now go into executive session to resume consideration of Executive Calendar Nos. 45 and 46.

The assistant legislative clerk read as follows:

Calendar 45, Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms;

Calendar 46, Protocol to the Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms.

The PRESIDING OFFICER. The Senate will now proceed to vote on the resolution of ratification accompanies the START Treaty.

The question is on the adoption of the resolution of ratification with conditions and declarations accompanying Executive Calendar No. 45, Treaty Document 102-20, Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms (The START Treaty); and Executive Calendar No. 46, Treaty Document 102-32, Protocol to the Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

The PRESIDING OFFICER (Mr. FOWLER). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 93, nays 6, as follows:

[Rollcall Vote No. 253 Ex.]

YEAS—93

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick, Jocelyn
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—6

Craig
Helms
Hollings
Smith
Symms
Wallop

NOT VOTING—1

Gore

The PRESIDING OFFICER. On this vote the yeas are 93, the nays are 6. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to, as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms signed at Moscow on July 31, 1991, including Annexes on Agreed Statements and Definitions; Protocols on Conversion or Elimination, Inspection, Notification, Throw-weight, Telemetry, and Joint Compliance and Inspection Commission, Memorandum of Understanding (all transmitted within Treaty Doc. 102-20), the Corrigenda of December 19, 1991, and the Protocol to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms signed at Lisbon, Portugal, on May 23, 1992, between the United States of America and the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine, as successor states of the former Union of Soviet Socialist Republics in connection with the START Treaty (transmitted within Treaty Doc. 102-32 and hereinafter referred to as the May 23, 1992 Protocol); all such documents being integral parts of and collectively referred to as, the "START Treaty", subject to the following:

(a) CONDITIONS.—The Senate's advice and consent to the ratification of the START Treaty is subject to the following conditions, which shall be binding upon the President:

(1) BINDING OBLIGATIONS.—That upon entry into force of the START Treaty, including the May 23, 1992 Protocol, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine shall be legally bound under international law to all the obligations of the Union of Soviet Socialist Republics set forth in the START Treaty, its two Annexes, six Protocols, Memorandum of Understanding and Corrigenda.

(2) LEGAL AND POLITICAL OBLIGATIONS OF U.S.S.R.—That the legal and political obligations of the Union of Soviet Socialist Republics reflected in the four related separate agreements, seven legally binding letters, four areas of correspondence, two politically binding declarations, thirteen joint statements and ten other statements on related issues transmitted in Treaty Doc. 102-20 for the information of the Senate with the START Treaty are included in the "obligations of the former Union of Soviet Socialist Republics under the Treaty" assumed by the Republics of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine pursuant to Article I of the May 23, 1992 Protocol, and that the legal obligations assumed therein are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these legal obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republics of Byelarus, the Republic of Kazakhstan, the Russian Federation and Ukraine, in such forms as he deems appropriate.

(3) BYELARUS, KAZAKHSTAN AND UKRAINE LETTERS.—That the letter from Chairman Shushkevich of the Supreme Soviet of the Republic of Byelarus to President Bush dated May 20, 1992; the letter from President Nazarbayev of the Republic of Kazakhstan to President Bush dated May 19, 1992; and the letter from President Kravchuk of Ukraine to President Bush dated May 7, 1992 (all having been submitted to the Senate as associated with the May 23, 1992 Protocol in Treaty Doc. 102-32), being obligations legally bind-

ing only in the event of ratification of the START Treaty, are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republic of Byelarus, the Republic of Kazakhstan and Ukraine, in such forms as he deems appropriate.

(4) NUCLEAR NON-PROLIFERATION TREATY.—That the obligations of the Republic of Byelarus, the Republic of Kazakhstan and Ukraine to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 as non-nuclear weapons States Parties in the shortest possible time, set forth in Article V of the May 23, 1992 Protocol, are of the same force and effect as the provisions of the Treaty. The United States shall regard actions inconsistent with these obligations as equivalent under international law to actions inconsistent with the START Treaty. This condition shall be communicated by the President to the Republics of Byelarus, the Republic of Kazakhstan and Ukraine in such form as he deems appropriate.

(5) IMPLEMENTATION ARRANGEMENTS.—If by the date which is ten days before the date upon which the President of the United States proposes to exchange the instruments of ratification of the START Treaty, the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine have not made arrangements to implement the START Treaty's limits and restrictions or to allow functioning of the verification provisions of the Treaty equally and consistently throughout the territory of the Republic of Byelarus, the Republic of Kazakhstan, the Russian Federation, and Ukraine, as agreed to in Article II of the May 23, 1992 Protocol, or have not worked out a basis to participate in the Joint Compliance and Inspection Commission, as agreed to in Article IV of the May 23, 1992 Protocol, then—

(A) the President—

(i) shall consult with the Senate regarding the effect on the START Treaty of such developments; and

(ii) shall seek on an urgent basis a meeting at the highest diplomatic levels to gain agreement on the completion of those arrangements, and

(B) the President shall take no action to allow the Treaty to enter into force until such consultation and such meeting have taken place.

(6) ELIMINATION OF NUCLEAR WEAPONS FROM BYELARUS, KAZAKHSTAN AND UKRAINE.—If the Republic of Byelarus, the Republic of Kazakhstan and Ukraine have not eliminated all nuclear weapons located on their territory and have not eliminated, in accordance with the procedures of the START Treaty, all strategic offensive arms located on their territory, within seven years following the date of entry into force of the START Treaty, as agreed to in legally binding letters submitted to the Senate in connection with the May 23, 1992 Protocol in Treaty Doc. 102-32, then the President—

(A) shall consult with the Senate regarding the effect on the START Treaty of such developments,

(B) shall, if the President determines that failure to eliminate, within seven years following the date of entry into force of the START Treaty, all nuclear weapons, including all strategic offensive arms, located on the territories of the Republic of Byelarus, the Republic of Kazakhstan and Ukraine is of such significance as to constitute a changed circumstance affecting the treaty's object and purpose, and if the President decides not to invoke the withdrawal right under Article XVII of the Treaty, the President shall request a meeting of the Joint Compliance and Inspection Commission in accordance with Article XV of the Treaty, to assess the viability of the Treaty and to ascertain if an amendment is needed to accommodate the change of circumstance, or the President shall undertake other appropriate diplomatic steps; and

(C) shall, if the President has made the determination and decision described in subparagraph (B)—

(i) submit for the Senate's advice and consent to ratification any change in the obligations of the States Parties under the Treaty that is designed to accommodate such circumstance and is agreed to by all States Parties, unless such change is a minor matter of an administrative or technical nature; or

(ii) if no such change in the obligations of the States Parties is agreed to by all States Parties but the President determines nonetheless that continued adherence to the START Treaty would serve the national security interests of the United States, the President shall seek a Senate resolution of support of such continued adherence, notwithstanding the changed circumstance affecting the Treaty's object and purpose.

(7) PRESIDENTIAL REPORT ON TREATY COMPLIANCE.—Within 180 days of the Senate's giving its advice and consent to ratification of the Treaty, the President shall submit to the Senate an updated and expanded compliance report in classified and unclassified form, setting forth—

(A) a listing and discussion of the actions which are violations or probable violations of the obligations of the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties, and the ultimate resolution of these issues;

(B) a listing and discussion of the actions which are in compliance with the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties; and

(C) a comparison of the military significance of those actions listed in subparagraphs (A) and (B).

(8) NUCLEAR STOCKPILE WEAPONS ARRANGEMENT.—In as much as the prospect of a loss of control of nuclear weapons or fissile material in the former Soviet Union could pose a serious threat to the United States and to international peace and security, in connection with any further agreement reducing strategic offensive arms, the President shall seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures, to monitor—

(A) the numbers of nuclear stockpile weapons on the territory of the parties to this Treaty; and

(B) the location and inventory of facilities on the territory of the parties to this treaty capable of producing or processing significant quantities of fissile materials.

(b) DECLARATIONS.—The Senate's advice and consent to ratification of the START Treaty is subject to the following declarations, which express the intent of the Senate:

(1) SUBSTANTIAL FURTHER REDUCTIONS.—Cognizant of the United States' obligation under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control", the Senate finds that the President entered into a Joint Understanding of June 17, 1992, on behalf of the United States, with President Yeltsin, on behalf of the Russian Federation, agreeing to conclude promptly a treaty providing for substantial further reductions in strategic offensive arms. The Senate encourages the conclusion of such a treaty at the earliest possible date and will give it prompt consideration upon submission by the President for advice and consent to ratification. In anticipation of the completion, ratification, and entry into force of a treaty with the Russian Federation for substantial further reductions in strategic arms, the Senate calls upon the other nuclear-weapons-states to give careful and early consideration to corresponding reductions of their own nuclear arsenals.

(2) MISSILE TECHNOLOGY CONTROL REGIME.—The Senate urges the President to seek the adherence by the Republic of Byelarus, the Republic of Kazakhstan and Ukraine to the guidelines of the Missile Technology Control Regime.

(3) ELIMINATION AND DISMANTLEMENT OF NUCLEAR WARHEADS.—The Senate commends the Republic of Byelarus, the Republic of Kazakhstan, and Ukraine for eliminating the tactical nuclear warheads from their territories and urges the rapid elimination of the strategic nuclear warheads from their territories pursuant to their obligations under the START Treaty. The Senate urges the President to instruct the Safety, Security and Dismantlement negotiators to proceed expeditiously to obtain the destruction of all nuclear warheads from eliminated systems and to facilitate secure safeguarded storage of the special nuclear material withdrawn from eliminated weapons.

(4) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the Resolution of Ratification with respect to the INF Treaty, approved by the Senate on May 27, 1988.

(5) FURTHER ARMS REDUCTION OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power set forth in Article II, Section 2, Clause 2 of the Constitution.

(6) ELIMINATION OF ICBM SILO LAUNCHERS IN AN ENVIRONMENTALLY SOUND MANNER.—In accordance with Article II of the Protocol on the Joint Compliance and Inspection Commission (relating to convening a session of the Commission), the United States upon the convening of a session of the Joint Compliance and Inspection Commission shall place on the agenda for discussion the elimination of ICBM silo launchers located in the United States of America in ways that would minimize the impact of such elimination on the environment, including the impact on water wells and aquifers.

Mr. LUGAR. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

FAMILY PLANNING AMENDMENTS ACT OF 1992—VETO

The PRESIDING OFFICER. The question is: Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The Chair will advise the body there are three subsequent rollcall votes, each of 10 minutes. This is the first, on S. 323, the family planning veto message of the President of the United States. The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—73

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Brown
Bryan
Bumpers
Burdick, Jocelyn
Byrd
Chafee
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Exon
Fowler
Glenn
Gorton
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Warner
Wellstone
Wirth
Wofford

NAYS—26

Breaux
Burns
Coats
Cochran
Craig
Danforth
Dole
Domenici
Durenberger
Ford
Garn
Gramm
Grassley
Hatch
Helms
Johnston
Kasten
Lott
Mack
McCain
Nickles
Pressler
Smith
Symms
Thurmond
Wallop

NOT VOTING—1

Gore

The PRESIDING OFFICER. On this vote, the yeas are 73 and the nays are 26. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

UNITED STATES-CHINA ACT—VETO

The PRESIDING OFFICER. The Senate will now proceed to vote on the veto message on H.R. 5318, an Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes.

The question is: Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

The yeas and nays are required.

The clerk will call the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—59

Adams
Akaka
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick, Jocelyn
Byrd
Cranston
D'Amato
Daschle
DeConcini
Dixon
Dodd
Ford
Fowler
Glenn
Graham
Harkin
Heflin
Helms
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Smith
Specter
Thurmond
Wallop
Wellstone
Wirth
Wofford

NAYS—40

Baucus
Bond
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Craig
Danforth
Dole
Domenici
Durenberger
Exon
Garn
Gorton
Gramm
Grassley
Hatch
Hatfield
Jeffords
Johnston
Kassebaum
Kasten
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Rudman
Seymour
Shelby
Simpson
Stevens
Symms
Warner

NOT VOTING—1

Gore

The PRESIDING OFFICER. On this vote, the yeas are 59 and the nays are 40. Two-thirds of the Senators present and voting, not having voted in the affirmative, the bill, on reconsideration, fails of passage.

FOREIGN OPERATIONS APPROPRIATIONS FOR FISCAL YEAR 1993

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senate will now proceed to vote on the passage of the bill H.R. 5368, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1992, and for other purposes.

The bill having been read a third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Tennessee [Mr. GORE] is necessary absent.

The PRESIDING OFFICER (Mr. WELLSTONE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 12, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—87

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Burdick, Jocelyn
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—12

Bumpers
Burns
Byrd
Craig
Garn
Helms
Hollings
Pryor
Roth
Smith
Symms
Wallop

NOT VOTING—1

Gore

So the bill (H.R. 5368), as amended, was passed.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. LEAHY, Mr. INOUYE, Mr. JOHNSTON, Mr. DECONCINI, Mr. HARKIN, Ms. MIKULSKI, Mr. BYRD, Mr. KASTEN, Mr. HATFIELD, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. NICKLES, and Mr. STEVENS, conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, in the bill just adopted by the Senate there was an amendment, number 3323, the so-called Leahy-Kasten jobs amendment.

I ask unanimous consent that the Senator from West Virginia [Mr.

ROCKEFELLER] be listed as an original cosponsor of that amendment, 3323.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I thank the Members of the Senate who supported this legislation. I would tell my colleagues again, we have a foreign aid bill which is substantially below the President's request in an effort to save money. It shows some of the largest cuts that I can remember being made and is one where we have worked very, very hard with each Senator to come out with a fiscally responsible piece of legislation.

I do want, on this side of the aisle, to compliment very much, Eric Newsom, who has spent much of the summer and early fall, working days, evenings, weekends as the staff director of the Foreign Operations Subcommittee in getting us into this position.

I yield the floor, Mr. President, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Mr. President, may I ask the order of business?

The PRESIDING OFFICER. There is no pending business.

The Senator from the State of Arizona is recognized.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 3295 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FORD. Mr. President, I ask unanimous consent the Senate proceed to morning business with Senators allowed to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 1992 OCTOBER QUARTERLY REPORTS

The mailing and filing date of the October Quarterly Report required by the Federal Election Campaign Act, as amended, is Thursday, October 15, 1992. All principal campaign committees supporting Senate candidates in the 1992 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. Senators may wish to advise their campaign committee personnel of this requirement.

The Public Records Office will be open from 8 a.m. until 9 p.m. on October 15th, to receive these filings. In general, reports will be available the day after receipt. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

REGISTRATION OF MASS MAILINGS

The filing date for 1992 third quarter mass mailings is October 26, 1992. If any office did no mass mailings during this period, please submit a form that states none.

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224–0322.

OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT OF 1992

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3294, a bill introduced earlier today by Senators SARBANES and MCCONNELL dealing with the Overseas Private Investment Corporation.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 3294) to amend the Foreign Assistance Act of 1961 to extend for one year the authority of the Overseas Private Investment Corporation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Is there debate?

If there is no objection, the bill is read a third time.

OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT OF 1992

Mr. FORD. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of H.R. 4996, and that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken, and that the text of S. 3294 be substituted in lieu thereof; the bill be deemed to have been read the third time and passed; that the motion to reconsider be laid upon the table; that the Senate insist upon its amendment; request a conference with the House; and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BROWN. Mr. President, there is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4996) was deemed read the third time and passed.

There being no objection, the Chair appointed Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. HELMS, and Mr. MCCONNELL conferees on the part of the Senate.

MEASURE INDEFINITELY POSTPONED—S. 3294

Mr. FORD. Mr. President, I ask unanimous consent that S. 3294 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, might I inquire what the business of the Senate is?

The PRESIDING OFFICER. The Senate is in morning business with each Senator allowed to speak therein for up to 5 minutes.

Mr. BURNS. Thank you, Mr. President.

FAA REAUTHORIZATION

Mr. BURNS. Mr. President, we are rapidly moving toward the end of the session and for that, I believe the country is grateful. the number of must-pass items are quickly dwindling and we will all be home soon to face our constituents.

And while we were quick to pass a continuing resolution to keep the Government bureaucracy running, I want to point out to my colleagues that an important program was allowed to lapse. The Nation's Airport Improvement Program [AIP], which funnels nearly $2 billion a year of airport construction funding into the economy, is suspended in the absence of authorization. The FAA reauthorization bill, S. 2642, is on the Senate calendar and could be passed in short order. It is a bill that Secretary Card and the administration would like to see passed because of its importance to aviation and the economy.

The economic importance should not be forgotten. In 1991, for example, my State of Montana received over $17 million in AIP funding. We cannot afford to lose or delay this money.

Just as highway construction funding creates jobs, it is estimated that for every billion dollars of airport construction funding, 50,000 jobs are created or sustained in the economy. Airports are economic engines in their local communities. We need these jobs right now. The airport bill is not only an important safety measure, it is also a job creator.

I urge my colleagues to take note of this problem and I urge the leadership to schedule the bill for consideration before we adjourn.

THE ENERGY BILL

Mr. BURNS. Mr. President, I also would like to congratulate the energy conference for finally working out all of the problems that we had between the Senate and the House on the energy bill.

I want to congratulate the leadership in the Senate for moving on this. Increasingly, we are handing over 50 percent of our energy needs to foreign interests. I think we have passed a bill, or agreed on a bill, a conference report, that I think is responsible. It moves us towards some kind of independence. This bill takes a responsible course, and we are very happy about that.

The bill has also some important provisions on energy conservation, the use of electricity, and hydropower, alternative fuels provisions, which are good for Montana and because of ethanol and methanol we can finally start using some fuels that can be produced from a renewable resource.

Also, we have passed in this session the tourism bill, which is the first time since 1981 we had a bill and reauthorized the USTTA; and as you know, tourism is one of our biggest exports in this country. It is in the black; $64 billion is spent in the United States by those who come here to visit our country. For right now, we have a policy that helps tourism, and also an important part of that is the Rural Tourism Foundation that would move our foreign visitors into the rural areas and heartlands of the United States and help out those areas that formerly were not helped.

I am also gratified to see the President sign the important legislation dealing with the Tongue River. And the Indian compact we have been working on so long between the northeastern Cheyenne in the State of Montana and the Federal Government. It is very significant for our part of the country, to get that out of the way and to move on down the line.

Mr. President, I thank you for the time and I yield the floor.

Mr. GRAHAM. Mr. President, am I correct that we are currently engaged in morning business with each Senator allowed to speak therein for up to 5 minutes each?

The PRESIDING OFFICER (Mr. ADAMS). The Senator is correct.

Mr. GRAHAM. I ask unanimous consent that I be allowed to speak for up to 10 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, the Senator is recognized in morning business for a period of 10 minutes.

Mr. GRAHAM. Thank you, Mr. President.

HAITI

Mr. GRAHAM. Mr. President, yesterday we celebrated the 1-year anniversary of the coup in Haiti through which the elected Government, President Jean-Bertrand Aristide, was overthrown by military thugs.

After months of trying to negotiate a return of democracy, we have almost nothing to show for our efforts.

Diplomacy has failed. After months of inconclusive debate, the Organization of American States last week dispatched an 18-member observer mission to Haiti. Its goal is to monitor human rights and evaluate economic conditions. But, according to reports, the mission is haphazardly organized, poorly equipped and without leadership.

Mr. President, I ask unanimous consent that a September 27, 1992, Miami Herald article by Mr. Don Bohning describing the mission be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. The economic embargo has also failed. In large part due to lack of strong U.S. leadership, the embargo has become a sieve. In fact, the United States earlier this year unilaterally decided to allow some United States businesses to continue to operate in Haiti. At the same time, our European allies continue to circumvent the embargo, delivering oil and other essential products to Haiti.

Failure is producing frustration that I fear is leading to accommodation with the rulers in Port-au-Prince. If we allow the coup in Haiti to stand, we will be making a number of serious policy errors.

First, we risk making a bad human rights situation even worse. The Lawyers Committee for Human Rights, respected for their objectivity, said in its August 1992 report to Haiti that the human rights in Haiti is worse than at any time since the Duvalier era.

Mr. President, I also ask unanimous consent that a report of Amnesty International for 1992, as it relates to human rights in Haiti, be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRAHAM. Second, Mr. President, our inaction will encourage even greater flows of refugees from Haiti. We have already experienced thousands of Haitians attempting to leave that beleaguered island. That flood is likely to increase.

Third, the past efforts by the administration to slow the flow of refugees has led to the United States having to place itself in a position of violation of its own principles—which recognize the right of an individual fleeing a foreign country to be able to present their case of political persecution—and we are operating in violation of international law.

Fourth, militaries around the hemisphere are carefully watching what is happening in Haiti. If we allow this coup to stand, we will send the wrong signal to the hemisphere that we are not serious about protection of democratic governments.

Rather than accommodation, we as a nation—we as the leader of the democracies of the Western Hemisphere—must recommit ourselves to the restoration of democracy.

Mr. President, I have reluctantly concluded that we now have one option and that is we must organize our democratic allies in the hemisphere to be prepared to use force to remove the illegal government now holding power, should such action ultimately be necessary.

Force, and the credible threat of its use, is the only currency the rulers in Port-au-Prince respect.

With diplomacy and economic pressure having failed, we finally have reached the point where we must either acquiesce to the permanence of the coup or be prepared to use force.

It is time to deliver an ultimatum to the cutthroats in Port-au-Prince. We should tell General Cedras that he has 48 hours to turn over the Government to President Aristide. Either Cedras leaves under his own power, or he and his henchmen get carried out.

Mr. President, we have no policy and no long-term strategy for Haiti. We continue to take incremental steps that are ineffective.

In today's Washington Post an article appears which talks about Haiti's impasse now 1 year old. This article begins with these sentences.

> A year after the violent overthrow of president Jean-Bertrand Aristide, his supporters and the military that ousted him remain in entrenched positions that make chances of his return to power bleak, according to diplomats and analysts.
>
> Officials of the United States and other countries in the 34-nation Organization of

American States that imposed an economic embargo following the coup appear to have formed a consensus that the trade cutoff has outlived its usefulness.

But at the same time, the military-backed government of Prime Minister Marc Bazin appears unable to get the army to make any concessions that would justify modifying or lifting the measure.

Diplomats and analysts here said that when the coup occurred a year ago, led by enlisted men, it appeared unlikely that the ragtag force of 7,000 would be able to survive the wrath of the international community, which vowed to show that military overthrows were no longer acceptable in this hemisphere.

Now, the sources said, Aristide's return as functioning president is unlikely, despite the fact that he appears to have retained the vast majority of the support that won him 67 percent of the vote in 1990.

"What we have are mutually exclusive positions. We are chasing our tails," said one analyst here. "We are on a slow descent to oblivion. A few people are getting very rich off the embargo, and the rest of the country is sinking almost to the point of no return."

Mr. President, I ask unanimous consent the full article from today's Washington Post be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. GRAHAM. Mr. President, Bob Pastor of the Carter Center recently asked the question that we each must ask ourselves. Is it humane to starve this country indefinitely, with no realistic strategy for restoring a constitutional system?

I submit that the only realistic strategy is military intervention.

Mr. President, there will be other Haitis in the future. Working with the Organization of American States, the time has come to establish an Inter-American defense force.

The Senate last week approved an amendment to the fiscal year 1993 Defense appropriations bill directing the Pentagon to study the feasibility of an Inter-American force. I urge conferees to support this amendment in conference.

For several years the United States has been uttering all of the right words in support of democracy in Haiti. But now our words will be tested by action. During the last year, we have failed that test. Let us hope that in the next 365 days, we take the necessary action to back up our verbal commitment to democracy with meaningful action.

EXHIBIT 1

[From the Miami Herald, September 27, 1992]

OAS OBSERVER MISSION TO HAITI IS LEADERLESS, OFF TO SHAKY START

(By Don Bohning)

PORT-AU-PRINCE, HAITI.—An 18-member observer mission dispatched to Haiti by the Organization of American States has gotten off to a shaky start, with the country's de facto government wondering whether it has accepted a Trojan horse.

One of the 18 left the country Wednesday at the government's request because of ties to exiled President Jean-Bertrand Aristide. Another may be on the way out for the same reason.

Additionally, perception of the mission by both the government and some foreign officials here is that it has been haphazardly organized with little or no preparation, no equipment and still leaderless, with its Trinidadian coordinator due in this week.

The mission, agreed on earlier this month by Haitian Foreign Minister Francois Benoit and the Rev. Antoine Adrien, Aristide's representative, was seen as a small but significant break in a yearlong political crisis that began with a Sept. 30 coup against Aristide.

The mission's mandate is to monitor human rights and evaluate economic conditions as a result of an OAS embargo, with an eye toward recommendations on humanitarian assistance.

The mission had planned to put two-member teams in each of Haiti's nine provinces.

DISPATCH DELAYED

But as it now stands, officials say the dispatch of teams to the countryside will be delayed some three weeks until vehicles and communications equipment arrive. There also has not yet been any coordination with the government about security, logistics and other technical details.

Adding to the confusion, it is still not clear whether former Jamaican Prime Minister Michael Manley will accept a role as special representative of OAS Secretary General Joao Baena Soares.

The government, when it agreed to accept Manley—albeit reluctantly because of his past statements and Jamaica's position in the crisis—thought he already had agreed to take the job.

MANLEY UNDECIDED

Diplomats in Haiti said they had been left with the same impression by the OAS, only to find out that Manley is still undecided.

In agreeing to both the mission and Manley, the de facto government headed by Prime Minister Marc Bazin had hoped the concessions would be a first step in modifying or ending the embargo.

Instead, officials are questioning the selection process for the members, who were recruited from around the hemisphere mainly on the basis of language ability and familiarity with Haiti.

PRO-ARISTIDE MEMBER

The government says it has yet to receive résumés of the members as it has requested, but in doing some checking on its own, it discovered that at least one member—John Kozyn—was an Aristide partisan.

Government officials said Kozyn, a Canadian, had been second-in-command at the Washington Office on Haiti, a pro-Aristide advocacy group, when it was headed by Fritz Longchamps, now Aristide's ambassador to the United Nations.

In addition, the officials say, Koyzn has been doing translation at the Haitian Embassy in Washington. The embassy is headed by Jean Casimir, Aristide's ambassador to both the United States and the OAS. On that basis, the government asked the OAS to withdraw Kozyn. He left Wednesday.

Government officials say they are also suspicious of a member from Argentina because of alleged links to Aristide partisans.

"I am very surprised that the OAS was not more careful in looking for an independent mission," Bazin said in an interview Friday. "For the mission to be objective, it has to be impartial. It's in the best interests of the OAS that they [mission members] are carefully chosen."

Another government official put it more bluntly, saying it looked like Aristide's backers were "trying to introduce a bunch of Trojan horses."

The Bazin government has said nothing publicly about the Kozyn case.

Neither has it said anything publicly about its concerns over Manley, whose government had taken one of the more aggressive positions—including suggesting foreign military intervention—to restore Aristide to power.

Manley, who resigned as Jamaica's prime minister in March for health reasons, was asked to take the role in Haiti because of his international stature and because he is from the Caribbean, rather than from Latin America, which many Haitians view as insensitive to their country.

"We have been led to believe he [Manley] has become more reasonable" regarding Haiti, a Bazin government official said. "He has more information about Aristide's seven months in the presidency and a more balanced attitude toward Haiti."

BISHOP WHO SUPPORTS ARISTIDE WAS DETAINED

(By J.P. Slavin)

PORT-AU-PRINCE, HAITI.—Monsignor Willy Romelus, the only Haitian bishop to support exiled President Jean-Bertrand Aristide publicly, was detained three times last week in western Haiti, and soldiers stormed the rectory he was visiting, a human rights official said.

At 1 a.m. Thursday, soldiers stormed a rectory in Lesirois, about 40 miles southwest of Jeremie, where Romelus is bishop, said Paul Dejean of the Haitian Platform for the Defense of Human Rights. Soldiers said they wanted to arrest Romelus, Dejean said, but left after other priests protested.

Before entering the rectory, soldiers beat the Rev. Alfred Dorestan, Romelus told Dejean.

Dejean said he learned of the assault after speaking to witnesses who arrived in the Haitian capital Saturday.

Driving northeast to Jeremie the next morning, Romelus was stopped in the village of Anse d'Hainault and interrogated by soldiers, Dejean said. He was detained for one hour.

Later, in Dame-Marie, about 15 soldiers stopped Romelus again, pointed their weapons at him, and detained him for two hours.

Romelus said he had also been stopped Tuesday on the way to Lesirois by soldiers who swore at him and searched his vehicle for weapons.

Romelus, a cousin of Aristide, was a leader in the popular uprising against the dictator Jean-Claude "Baby Doc" Duvalier in 1986.

[From the New York Times, Sept. 27, 1992]

HAITI'S PLIGHT: ARISTIDE SEEKS MORE THAN MORAL SUPPORT

(By Howard French)

PORT-AU-PRINCE, HAITI.—When he confidently strode to the podium of the General Assembly one year ago bearing news of democracy's triumph after nearly two centuries of bloody failures, Haiti's first elected President, the Rev. Jean-Bertrand Aristide, was the toast of the United Nations. This week, as Haiti's deposed President, overthrown in a military coop no sooner than he had returned home, Father Aristide will stand before the same audience to plead that the world not forget his country's tragedy.

He will surely be greeted with hearty applause, but it is much less certain that he will get anything beyond moral support. Diplomats say there is little chance that anything but the use or serious threat of force can now dislodge a Haitian army that has bloodily secured its hold on the nation while gorging itself on drug money and contraband since the coup last Sept. 30. Such a rescue seems remote. If anything, as time has passed, the world consensus against taking action on Father Aristide's behalf has hardened. For different reasons, likely defenders seem not to want to get involved.

At the United Nations, increasingly stretched by compelling crisis from Yugoslavia to Somalia, most diplomats agree there is little chance that the body will take up Father Aristide's expected call to actively work for his return. Nor is the Organization of American States as indignant as it once was. Having announced plans for a 500-member observer mission to Haiti, the O.A.S. is now ploddingly assembling a corps of 18.

As for the United States, since shortly after the overthrow—when Secretary of State James Baker echoed President Bush's famous "this aggression will not stand" statement about Iraq—little consideration has been given to backing up American principles in Haiti with American muscle.

Virtually all observers agree that facing down Haiti's ill-equipped and undisciplined 7,000-man army would take little in the way of force. Recently, an adviser of the provisional Government of the army-backed Prime Minister Marc L. Bazin repeated Father Aristide's longtime complaint when he said that "all it would take is one phone call" from Washington to send the army leadership packing. Certainly, in Haiti, it is keenly recalled that the United States played a critical behind-the-scenes role in forcing out the last military leader, Col. Prosper Avril, setting the stage for the democratic elections that Father Aristide won in a landslide.

Father Aristide has undoubtedly been frustrated that other nations have found ways to avoid effectively rallying to his cause. Mexico, for example, has invoked deep-seated opposition to American or even multilateral intervention by the O.A.S. in a member country's internal affairs. The European Community has failed to even slow its trade with Haiti.

Indeed, supporters and opponents of Father Aristide agree, nothing more threatening than a leaky and ineffective embargo, quickly imposed on Haiti after the coup, has ever been seriously contemplated, which reflects Washington's deep-seated ambivalence about a leftwing-tilting nationalist whose style diplomats say has sometimes been disquietingly erratic. Father Aristide rode to popularity on the wings of his calls for redemption for the hemisphere's poorest and most oppressed people and on stinging speeches that often depicted the United States as a citadel of evil and the root of many of his country's problems. His salutations have long invoked the name of Charlemagne Peralte, a leader of the Haitian resistance to the United States' occupation early in the century, so he himself recognizes trickiness of calling for stronger American measures.

Despite much blood on the army's hands, United States diplomats consider it a vital counterweight to Father Aristide, whose class-struggle rhetoric during his nearly eight months in office, threatened or antagonized traditional power centers at home and abroad. For months Washington has mixed almost rote-like public statements of the need to restore Haitian democracy with private comments that confess its unwillingness to take on the military.

"He wants us to get rid of his enemies for him so that he can have a free hand to mop up, and we're just not going to do that for him," a senior official said in a comment that has been repeatedly echoed in American diplomatic circles.

For Father Aristide there remains only the slim possibility that a new effort at mediation by the former Jamaican Prime Minister Michael N. Manley, who was recently recruited by the O.A.S. for the task, can revive diplomatic efforts to restore him to office. Failing that, Father Aristide's backers can only hope that a people who have so far remained quiescent, will rise up again, as they did in 1986 to cast off the Duvalier family dictatorship, and reclaim the right to choose their leaders.

"It is possible that the international community fails to find the instruments to help us and even that our civilian Government fails," said Father Aristide's Ambassador to Washington, Jean Casimi. "But time cannot help these gorillas, and given time, the Haitian people cannot lose."

EXHIBIT 2

AMNESTY INTERNATIONAL REPORT 1992

(A Comprehensive Report on Human Rights Violations Around the World)

HAITI

At least 20 political prisoners detained by the government of President Jean-Bertrand Aristide were held for up to seven months without charge or trial; other political prisoners apparently received unfair trials. Five people were apparently summarily executed in July. Following a violent military coup in September, security forces shot and killed hundreds of unarmed civilians. More than 300 people, including many prisoners of conscience, were arrested arbitrarily, and many of them were detained without charge for longer than the constitutional maximum of 48 hours. Many detainees were tortured or ill-treated. Prison conditions continued to be harsh.

In January Roger Lafontant, a prominent member of deposed President Jean-Claude Duvalier's government and the former head of the armed civilian militia known as the tontons macoutes, led an attempt to overthrow the government by force. He and his accomplices intended to prevent Father Jean-Bertrand Aristide, who had been elected President in December 1990, from taking office. The coup attempt failed, but about 30 people were reportedly killed in the ensuing wave of violence.

President Aristide took office in February. His government initiated some prosecutions against those responsible for human rights violations under previous governments. In March a landowner was arrested in connection with the 1987 killing of more than 200 peasants at Jean-Rabel by people who were acting on behalf of local landowners and were believed to include members of the tontons macoutes (see Amnesty International Report 1988). Two other people implicated in the same killings were arrested in April. In April Elysée Jean-François was convicted of murder in connection with the 1988 St Jean Bosco Church killings (see Amnesty International Report 1989) and sentenced to life imprisonment with forced labour. He was released after the September coup. Chefs de section (rural police chiefs), notorious for human rights abuses under past governments, were instructed to turn in their weapons and were placed under civilian authority in April. Some of those known to have committed the worst human rights abuses were dismissed. In August the government set up a commission on human rights workers and politicians to investigate human rights abuses committed between 1986 and 1990.

On several occasions crowds attacked or threatened suspected political opponents of President Aristide leading to violent incidents in which a number of people died. In August, for instance, a senator thought to support a proposed motion of no confidence in the government was attacked and beaten. President Aristide appeared to condone several such incidents.

On 29 September a military coup overthrew the democratically elected government of Haiti. President Aristide was deposed and went into exile in Venezuela. In October Supreme Court judge Joseph Nerette was appointed provisional president; Jean-Jacques Honorat, Executive Director of the Centre haïtien des droits et libertés publiques (CHADEL), Haitian Human Rights Centre, became provisional prime minister. The coup was condemned by the United Nations (UN) General Assembly and other international bodies. The Organization of American States (OAS) mediated in negotiations between the new authorities and deposed President Aristide, who was still in exile at the end of the year.

In December the de facto authorities granted an amnesty to all those "arrested, prosecuted, tried or convicted for political crimes committed between 16 December 1990 and 27 September 1991". Many of those covered by the amnesty had been convicted of committing serious human rights violations and had reportedly been released immediately after the coup.

In February Haiti acceded to the International Covenant on Civil and Political Rights.

During President Aristide's administration more than 20 people accused of plotting against the security of the state were held for prolonged periods without charge or trial. At least two of them, Major Isidore Pongnon and Anthony Virginie St-Pierre, were former government officials allegedly involved in past human rights abuses.

Roger Lafontant and 21 others charged with crimes against state security following the failed January coup attempt were tried and convicted in July. Their lawyers were refused access to them before the trial, thereby infringing their right to have adequate time and facilities for the preparation of their defence. Roger Lafontant was sentenced to life imprisonment with forced labour, although the Penal Code stipulates a maximum sentence of 15 years' imprisonment for such an offence. He was shot and killed inside the National Penitentiary on 30 September in circumstances which remain unclear.

At least 21 men deported from the United States of America after completing prison sentences there were arrested upon arrival in Haiti early in 1991 and held for several months without any apparent legal basis at the National Penitentiary.

Ill-treatment by the security forces decreased after February but continued to be reported. In May lawyer Monique Brisson was beaten by a prison officer at the National Penitentiary when she presented a court order for the release of a client. According to her testimony, the officer refused to release the prisoner, then slapped Monique Brisson and hit her with a metal object on the head, causing her to bleed profusely. She was locked in a cell for several hours and denied medical treatment.

Five people were apparently summarily executed in July. Stevenson Desrosiers, an 18-

year-old student, was shot dead by a police officer identified by eye-witnesses as the chief of the *Service d'investigation et de recherches anti-gang*, Anti-Gang Investigation Service. Four witnesses to the shooting, Jacques Nelio and three teenagers who had been in Stevenson Desrosiers' car, were taken away in a police vehicle. Their bodies were found at the General Hospital morgue the following day, riddled with shotgun wounds and bearing signs of ill-treatment. The police claimed that the young men were criminals killed while resisting arrest. One police lieutenant was arrested and the chief of the Anti-Gang Investigation Service was suspended during an investigation which had not been completed by the time of the coup.

The days immediately following the 29 September coup were marked by violent repression, particularly in impoverished communities where support for President Aristide had been strongest. Many people were killed by soldiers in circumstances suggesting they had been extrajudicially executed. Soldiers deliberately opened fire into crowds, killing and wounding hundreds of people, including children, sometime in the course of demonstrations against the coup. In Gonaives, Artibonite department, six people were shot dead by the security forces after demonstrators set up barricades in the city. After a soldier was killed by a crowd in Lamentin 54, Port-au-Prince, soldiers reportedly raided private homes and shot more than 30 unarmed people dead, then forced relatives and other local people to bury the bodies.

Jacques Gary Simeon, known as Jacky Caraibe, a journalist and director of Radio Caraibe, was seized on 30 September by a group of soldiers who arrived at his home and beat him severely in the presence of his family. The soldiers took him to an unknown destination. His bullet-riddled body was later found in the Delmas 31 district of Port-au-Prince, bearing the marks of severe tortune.

In the aftermath of the coup over 300 people, including many prisoners of conscience, were arbitrarily arrested by the military. They were often held without charge for longer than the 48 hours laid down by the Constitution before being released.

There were widespread reports of torture by members of the armed forces, including severe beatings and the use of the technique known as the djak — a baton is wedged under the thighs and over the arms of the victim who is then beaten repeatedly. Many torture victims who sustained serious injuries were repeatedly refused medical attention.

On 7 October Evans Paul, the mayor of Port-au-Prince and a prominent supporter of President Aristide, was arrested at the airport by about 20 soldiers. He was on his way to meet OAS representatives, and was then scheduled to travel to Venezuela for talks with the ousted President. Before his arrest, Evans Paul had reportedly received assurances of safety from General Raoul Cedras, commander-in-chief of the armed forces. Evans Paul was severely beaten and otherwise ill-treated in custody. He suffered fractured ribs, a back injury, eye damage and severe burns. He was released later in the evening of 7 October and subsequently went into hiding.

In October soldiers arrested Aldajuste Pierre, the leader of a rural cooperative and a member of the *Mouvement paysan de Papaye* (MPP), Papaye Peasant Movement. He was reportedly accused of possessing a clandestine newspaper, and was severely beaten before being transferred to a military hospital in Hinche, where he remained in custody. At least two other MPP members were also briefly detained, apparently for their membership of that organization.

In November about 20 street children, aged between 10 and 15 years, were arrested and detained at the National Penitentiary. They were apparently held because they came from *Lafanmi Selavi*, the orphanage founded by President Aristide. They had reportedly been released by the end of the year.

On November uniformed policemen and men in civilian clothes broke up an apparently peaceful student demonstration in support of the return of President Aristide, at the National University. According to their testimonies, many students were attacked with sticks and rifle butts. More than 100 students and eight journalists were arrested, and taken in army vehicles to the Anti-Gang Investigation Service and to the National Penitentiary, where they were again severely beaten. One student, Marie-Claude Paul, suffered a broken arm. About 30 students remained in detention without charge at the end of the year.

At least one person reportedly "disappeared" in military custody. In November a military street patrol in Port-au-Prince discovered Adelin Télémaque writing a pro-Aristide political slogan on a wall. The soldiers beat him severely in front of witnesses before taking him away. The military later denied holding Adelin Télémaque, and his fate and whereabouts remained unknown.

Conditions at the National Penitentiary, Saint-Marc, Gonaïves, Cap Haïtien and other detention centers were harsh throughout the year. Beatings and other ill-treatment were frequently reported. Many inmates suffered from malnutrition and lack of medical treatment. Boys aged between 11 and 17 were held with adults at the National Penitentiary and Cap Haïtien prison, sometimes for several months. In June, following a prisoners' protest at the National Penitentiary, the government promised to end prison beatings and to establish a permanent commission to examine prison conditions.

In May Amnesty International delegates visited Haiti, met human rights organizations and individuals, and presented the organization's concerns to the government. In October and November Amnesty International wrote to the new Haitian authorities to communicate its concerns in the aftermath of the coup. No response was received.

In February in an oral statement to the UN Commission on Human Rights, Amnesty International welcomed the Commission's decision in 1990 to give increased scrutiny to the human rights situation in Haiti.

EXHIBIT 3

[From the Washington Post, Oct. 1, 1992]

HAITI'S IMPASSE NOW A YEAR OLD

(By Douglas Farah)

PORT-AU-PRINCE, HAITI, September 30.—A year after the violent overthrow of president Jean-Bertrand Aristide, his supporters and the military that ousted him remain in entrenched positions that make chances of his return to power bleak, according to diplomats and analysts.

Officials of the United States and other countries in the 34-nation Organization of American States that imposed an economic embargo following the coup appear to have formed a consensus that the trade cutoff has outlived its usefulness.

But at the same time, the military-backed government of Prime Minister Marc Bazin appears unable to get the army to make any concessions that would justify modifying or lifting the measure.

Diplomats and analysts here said that when the coup occurred a year ago, led by enlisted men, it appeared unlikely that the ragtag force of 7,000 would be able to survive the wrath of the international community, which vowed to show that military overthrows were no longer acceptable in this hemisphere.

Now, the sources said, Aristide's return as functioning president is unlikely, despite the fact that he appears to have retained the vast majority of the support that won him 67 percent of the vote in 1990.

"What we have are mutually exclusive positions. We are chasing our tails," said one analyst here. "We are on a slow descent to oblivion. A few people are getting very rich off the embargo, and the rest of the country is sinking almost to the point of no return."

Since Monday, the military has been on maximum alert to head off any pro-Aristide rallies. Police with bullhorns rode through main streets today, ordering people to keep moving so no crowds could assemble.

But Aristide's followers said they had asked supporters not to take to the streets. "It has demoralized supporters, yes, but we must accept that," said the Rev. Antoine Adrien, an adviser to Aristide. "I think enough blood has been shed."

The sources said that the military, by denying Aristide's return for a year while perpetrating extensive human rights abuses with immunity, has crossed an important psychological threshold—giving officers more confidence that they can survive the embargo without making significant concessions.

The embargo has grown porous enough that for those with money, virtually anything is now available. There are no longer any fuel shortages.

Knowledgeable sources here said that while much of the business community and the poor have been devastated by the embargo, some of the very rich, along with some top military officers, have made fortunes in contraband and drug smuggling, diminishing their enthusiasm for ending the embargo.

At the same time, Aristide, 38, a priest turned politician and Haiti's first democratically elected president, has succeeded in depriving the de facto Bazin government of legitimacy in the eyes of the international community. The result is virtually the same stalemate that existed the day Aristide was overthrown.

"There is, of course, a psychological threshold being reached with the one-year anniversary," said Michel-Rolph Trouillot, a Haiti analyst at Johns Hopkins University. "But it is not exactly that things are going well. One year has not created any legitimacy for the government."

Among formulas under discussion here is having the military recognize Aristide as president, but not allowing him to return or exercise any real power. In exchange, the embargo would be lifted and the Bazin government recognized.

But, according to sources here, many in the military feel that even accepting Aristide's title would give Aristide authority to begin demanding a return and the right, if not the power, to name key officials, something they will not accept.

Complicating matters, the monied elite, who helped finance the coup, according to diplomats and knowledgeable sources here, have refused to pay taxes or import duties, except for a one-time contribution in July, depriving Bazin of the base he needs to keep the country afloat economically.

"The elite and military want to have their cake and eat it too," said a veteran diplomat here. "They want things the old way, without an embargo, where they pay no taxes and no duties, and no Aristide return. In return they want to give up nothing."

A source familiar with the thinking of the military said that even its recent "concession," allowing 18 OAS observers here to monitor human rights and evaluate needs for humanitarian assistance, had angered the officers. Originally, 500 observers were envisioned for the task. One of the 18 monitors has been forced to leave because the military found him unacceptable because he was viewed as too sympathetic to Aristide.

Those familiar with the OAS effort said the observers had carried out no missions yet. Bazin's supporters said the prime minister could offer no further concessions and if the international community did not ease the embargo within months, the army could opt for another coup to replace Bazin with one of their own.

Adrien said any formula that stripped Aristide of his constitutional powers and obligated him to exile was "unacceptable." But many in the U.S. administration and the OAS now view Aristide as part of the problem. These officials said his intransigence and fiery rhetoric of revenge have served only to harden the military's position.

Aristide sounded defiant when he addressed the United Nations on Tuesday, calling for a full U.N. embargo of Haiti and attacking the de facto government as enemies.

"This is a conflict without compromise between Aristide and the military," said one diplomat. "There is a palpable fear on both sides, the fear of revenge. And that makes mutual trust-building impossible."

TRIBUTE TO SENATOR JAKE GARN

Mr. THURMOND. Mr. President, I rise today to pay tribute to my esteemed colleague and good friend Senator JAKE GARN of Utah, who will be retiring at the end of this session. Senator GARN is a man of character, courage, compassion, and capacity, and he has done an outstanding job representing the State of Utah in the U.S. Senate for the past 18 years.

Senator GARN is a man of many talents, as his record shows. He served with distinction as a Navy pilot, achieving the rank of lieutenant, and is a retired brigadier general in the Utah Air National Guard. He has also been a successful businessman, working as an insurance executive for 8 years, and his previous public service includes stints as both city commissioner and mayor of Salt Lake City.

Probably the one thing about Senator GARN which has most captured the imagination of the public is his brief but renowned career as an astronaut. In 1985, the Senator was part of the crew on a flight of the space shuttle *Discovery*, performing various medical tests and serving as a payload specialist.

Throughout his career in the Senate, Senator GARN has been an effective representative of his State and a conscientious advocate for the American people. He is known for his strong adherence to conservative principles and his passionate dedication to those causes he holds dear. He is also known as a good man to have in your corner, and his colleagues on both sides of the aisle respect him for his knowledge, hard work, and integrity.

During the past 18 years, Senator GARN has established himself as a proponent of a strong national defense, an opponent of wasteful spending, and one of the most eloquent and forceful spokesmen for the space program. He served as chairman of the Banking, Housing and Urban Affairs Committee for 6 years, and is currently its ranking member. He is also a member of the Appropriations Committee, the Energy and Natural Resources Committee, and the Senate Rules Committee.

Mr. President, Senator JAKE GARN is a living example of the hard work and determination which earned his home State the title of the Industrious State. He is a man of intelligence, ability, and principle, a true patriot, a loving husband and father, and an outstanding Senator. He will be deeply missed in Washington, especially by this Senator, and I wish him and his lovely wife Kathleen the very best in the future.

OUTCOMES RESEARCH OF DISEASE PREVENTION AND HEALTH PROMOTION

Mr. GRAHAM. Mr. President, on June 4, 1991, I introduced S. 1213 to expand and improve the Federal Government's involvement in the outcomes research of disease prevention and health promotion services.

The bill would require the Centers for Disease Control [CDC] to make grants to evaluate which disease prevention and health promotion activities achieve the highest cost-benefit, cost-efficacy, and health improvement.

The data will be utilized to consider and rank certain procedures and activities in terms of quality, cost, short and long term improvement and to set practice guidelines. The information would be made available by the Federal Government through a clearing house within CDC.

Over the past few months, I have heard from various groups who strongly believe that such legislation needs to be enacted. To make this happen, Senator KENNEDY, chairman of the Labor and Human Resources Committee, and I have worked diligently to include parts of this legislation in various measures up for reauthorization. I want to thank the distinguished chairman for his cooperation in this regard.

The bill has been reorganized in the following manner. The CDC will be authorized to conduct disease prevention and health promotion evaluations which include these services: blood pressure screening and control; early cancer screening; blood cholesterol screening and control combined with stress management; smoking cessation programs; substance abuse programs; dietary and nutrition counseling including nutrition assessments; physical fitness counseling; stress management; diabetes education and screening; and intraocular pressure screening. An additional $6 million will be authorized for the evaluations.

The CDC clearinghouse will be authorized to disseminate models and standards in the areas of health information and health promotion, preventive health services, education, and the insurance coverage of these services for the appropriate use of health care. This information would be accessible to practitioners, health care providers, employers and employees to improve quality of life.

In addition, the Agency for Health Care Policy and Research [AHCPR] is authorized to produce a set of disease prevention and health promotion practice guidelines which include not fewer than three conditions that account for significant national health expenditures.

Finally, the Administrator of the AHCPR will consult with the Director of the CDC concerning dissemination of disease prevention and health promotion data and practice guidelines.

As Congress considers health care reform in the coming year, it is crucial that the acute-care bias of the system is debated. Outcomes research in the disease prevention and health promotion area will further a wellness approach in our health care system. It would encourage both public and private entities to begin disease prevention and health promotion activities which in turn reduce long-term health costs and premature disease and mortality, and overall, provide a better quality of life for all.

Again, Mr. President, I thank the distinguished chairman for his assistance in enacting this important provision.

WALLINGFORD, CT'S BANDECCHIS CELEBRATE DIAMOND JUBILEE ANNIVERSARY

Mr. LIEBERMAN. Mr. President, I rise today to honor the diamond jubilee anniversary of Julia and Reno Bandecchi of Wallingford, CT. This is one of the most wonderful occasions that two people can ever share, and I am honored to have this opportunity to pay tribute to the Bandecchis' enduring marriage of 70 years.

The Bandecchis were married September 12, 1922, in Wallingford and have lived their entire married life on Orchard Street. They raised 4 children and have since been blessed with 12 grandchildren and 30 great-grandchildren.

Mr. and Mrs. Bandecchi both emigrated from Italy early in this century and met through mutual friends soon after they settled in Wallingford. The couple grew up in the neighboring Italian cities of Pisa and Lucca, but did not meet until they arrived in the United States.

A marriage of 70 years is certainly a milestone and one that is seldom seen in this day and age. Mrs. Bandecchi declared that in her generation, "When you got married, you got married for life." They are the living truth of that statement.

The kind of love, respect, and mutual commitment that they share is an example to our children and a symbol of hope. Their marriage has exemplified the values that we hold dear, and it offers a model to others who would strive to emulate the strength of their bond.

On this special occasion, it was heartening to see the Bandecchis surrounded by family and friends, enjoying the memories of a wonderful life together. On behalf of the Senate, I wish Mr. and Mrs. Bandecchi much happiness in this, their 70th year of marriage, and more to come.

THE ECONOMY

Mr. RIEGLE. Mr. President, I sought the time to share with colleagues an item that has just come across the AP wire relating to the economy. The headline of the AP story, dateline today, is: "Variety of Reports Show Widespread Economic Weakness."

I want to just read it verbatim.

> Economists said taken together, all of the reports showed that the sluggish U.S. economy stumbled further in recent weeks.
>
> "All of today's reports were weaker than expected," said Bruce Steinberg, an economist at Merrill Lynch in New York. "All of us have been guilty of looking for a recovery that hasn't happened."
>
> The jobless claims report said that the number of Americans filing new claims for unemployment benefits climbed to 429,000 in mid-September, the highest level in six weeks.
>
> The jump was blamed in part on higher layoffs in the auto industry and the continued effect of Hurricane Andrew.
>
> The Labor Department said the level of first-time claims rose by 15,000 for the week ending Sept. 19 from a revised level of 414,000 for the previous week.
>
> The latest weekly increase was the fifth in a row and it pushed the jobless claims level to the highest point since Aug. 8, when 474,000 Americans filed first-time claims. That weekly number was skewed by a temporary shutdown of General Motors plants.
>
> Economists said the deterioration in recent weeks reflected a worsening job picture as the weak economy failed to generate enough jobs to take care of new entrants into the labor market.
>
> More bad news was expected Friday when the government reports the unemployment rate for September. In advance of that report, many economists were looking for the jobless rate, at 7.6 percent in August, to climb perhaps as high as 7.8 percent, matching an eight-year high set in June.
>
> The Friday report will be the last release of the most politically sensitive of all the economic statistics before the November election.
>
> The deterioration in labor markets was widespread in mid-September. A total of 44 states and territories reported higher claims levels for the week ending Sept. 19 while only nine reported declines.
>
> The four-week moving average of claims, which helps to smooth our erratic weekly movements in the figures, also rose for the latest week, climbing to 409,000, the highest level since Aug. 29.
>
> The state with the largest number of layoffs was Michigan, where the increase was 11,373, a jump blamed on layoffs in the auto industry, followed by California, which reported an increase of 7,614.
>
> Three new economic reports today showed that an already weak economy lost more steam as the summer ended.
>
> The Labor Department said that the number of Americans filing first-time claims for unemployment benefits climbed for a fifth straight week in mid-September while a key gauge of American industry dipped back into recession territory.
>
> The National Association of Purchasing Managers said its widely followed index fell sharply to 49 percent last month, down from an August reading of 53.7 percent.
>
> It marked the first time the index has fallen below 50 percent since last February. A reading below the 50 percent mark is generally viewed as a signal that the industrial section of the economy is in recession.
>
> A third gloomy report today showed that construction spending fell 0.8 percent in August. It was the steepest decline in nine months and was led by a sharp fall in spending for non-residential projects, which fell to their lowest level in more than eight years.

I will not read the rest of this except to say that this data today, just off the AP wire, indicates that the economy is in deep trouble. The problem is getting worse, not better. We need a new economic strategy in the country that can start to create jobs in America.

We have a jobs crisis these days. People are looking for work, cannot find it. People with all kinds of background training—graduate degrees, excellent work records—have lost their jobs, have been laid off, their jobs have been eliminated, their plants have been closed. They cannot find alternative work in our economy.

We need a new economic plan. I have said before I think we need a new administration, a new President to help put that plan in effect. But it is essential that we pay attention to this data and insist on a change in economic strategy so we can reverse these trends that are apparent in today's news.

I thank the Chair and yield the floor.

IN SUPPORT OF YOUTHBUILD ACT OF 1991

Mr. LAUTENBERG. Mr. President, I rise today in support of the Youthbuild Act of 1991, which was incorporated in title IV of the National Affordable Housing Act Amendments approved by the Senate in mid-September. I am proud to be a cosponsor of that act. As the housing bill goes to conference today, Mr. President, I urge the conferees to preserve the Youthbuild provisions of that legislation.

Youthbuild has three goals, Mr. President: to build homes for the Nation's homeless and poor, to train economically disadvantaged young adults to construct those homes, and to provide them in the process with the educational and employment skills that they need to become self-sufficient when their Youthbuild experience is over.

In a nutshell, Mr. President, Youthbuild makes it possible for 30 to 40 young adults between the ages of 16 and 24 to rehabilitate an abandoned building in their community. Typically, program participants are low or very low income and most dropped out of high school. But, by the time their 12 to 18 months in Youthbuild are over, Mr. President, these young men and women have learned a trade well enough to qualify for entry level jobs in construction or a related industry. Having spent half their time in the classroom, they've also earned their high school equivalency diplomas. Counseling, peer support, driver's license training and cultural activities also are available.

We have heard many times on the floor of this Senate, Mr. President, about the need to provide meaningful education and good jobs for the disadvantaged youth of our country, and about the need to provide affordable, quality housing for homeless and lower-income Americans. Youthbuild programs, Mr. President, will contribute to meeting all of these needs and more. Without question, our support will increase the number of young lives, and quality homes, that these programs can build across America.

Youthbuild could not be better named, Mr. President. It has built self-respect, cognitive skills, and literacy while exposing teenagers and young adults at high risk to the construction trades, leadership opportunities, and cultural events. In the process, Mr. President, it has gained the support of organizations in almost 300 of the Nation's poorest communities in 43 States.

More than a dozen communities to date have gained screly needed housing, Mr. President, and nearly 20 others, including Atlantic City, Camden, Jersey City, Mendham, Newark, and Princeton in my State of New Jersey, are in the advanced planning stages. The funds authorized by the bill will bring Youthbuild to scores of other communities across the country.

It's time to rebuild America, Mr. President, child-by-child and home-by-home. I urge my colleagues as they confer today to join with Senator KERRY, me, and S. 1100's other cosponsors to support unequivocally the Youthbuild provisions of the National Affordable Housing Act Amendments of 1992.

Thank you, Mr. President. I yield the floor.

INTELLECTUAL PROPERTY PROTECTION ACT OF 1993

Mr. ROCKEFELLER. Mr. President, on August 11, I introduced S. 3172 to address one of the most critical trade issues facing U.S. businesses around the world at the present time: intellectual property rights protection. Intellectual property is the seed corn that builds our national income, our social well-being, and our international competitiveness. When the intellectual property of Americans is not protected, our country loses not only jobs, production, and profits today, but also our ability to undertake the research and the investments that lead to further technological progress tomorrow. This hurts not only today's workers and investors, but also future generations of Americans.

The legislation I introduced addressed these critical issues through an amendment to section 337 of the Tariff Act of 1930. Section 337 is one of the most effective laws available to U.S. businesses to enforce intellectual property rights against infringing imports and to deal with other unfair trade practices. But section 337 has a real problem that needs to be fixed. It has been found to be in violation of our international obligations under the General Agreement on Tariffs and Trade [GATT] because it provides different treatment for foreign violators of our intellectual property rights than we provide for domestic violators. Inevitably, we will have to bring the law into line with our obligations.

By preserving and enhancing the authority section 337 grants to the U.S. International Trade Commission, the bill I sponsored will help ensure that foreign companies cannot steal U.S. technology and then use that stolen property to compete here in the United States against the rightful owners and against American workers. With this protection against intellectual property rights infringement, U.S. competitiveness, and U.S. jobs can be preserved.

Mr. President, the Congress will not have sufficient time this session to act on S. 3172, but the problem it addresses will not go away. I therefore wish to indicate today that I plan to reintroduce this legislation, to be called the Intellectual Property Protection Act of 1993, at the beginning of the 103d Congress.

In anticipation of the Senate's examination of the problem and this proposed solution, I would like to share with the Senate an endorsement of S. 3172 that I received this week from the U.S. Chamber of Commerce. Mr. William T. Archey, the chamber's senior vice president for policy and congressional affairs, wrote on behalf of the Chamber:

> The U.S. Chamber of Commerce Federation of local and state chambers of commerce, businesses, and associations strongly supports Section 337 as a proven and effective remedy against the import of goods by those who seek to benefit unfairly from American invectiveness. On March 23, 1990, the Task Force wrote to the Office of the U.S. Trade Representative in response to a Federal Register Notice request and offered suggestions for amending Section 337. * * * The Task Force reviewed S. 3172 since its introduction and has concluded that the bill substantially accords with the position the Task Force communicated to the Trade Representative.

Mr. President, I ask unanimous consent that the full text of the Chamber of Commerce's letter be printed at the conclusion of my remarks. I also want to comment on a very important issue that Bill Archey raised in this letter.

He wrote:

> A major concern by industry is that actions under Section 337 continue to be expeditiously handled, and we are pleased to note that S. 3172 speaks of this issue and calls for the International Trade Commission to establish target dates for completion of its investigations under Section 337. We strongly recommend that the legislative history for S. 3172 emphasize this aspect of the bill and give specific indications of the times that Congress would consider reasonable for the Commission's target dates, which in our view should continue to be the 12-month and 18-month times that are currently required under the statute.

As part of the legislative history to which Bill Archey refers, my statement today will clearly indicate that, as the author of the bill, I believe that the removal of the statutory time limits from section 337—something the United States is required to do to comply with our GATT obligations—should not, and indeed will not, result in the determinations of the U.S. International Trade Commission taking any longer than they have in the past. There are three specific reasons for this belief.

First, I want to make clear that my amendment to section 337 does not in any way change the very strict 90-day or 150-day time limits on the Commission's determinations with respect to petitions for temporary exclusion orders. Furthermore, my proposal that a temporary exclusion order be enforced by the posting of a bond "in an amount determined by the Commission to be sufficient to protect the complainant from any injury" will make these temporary exclusion orders even more effective than they were previously. These temporary orders, which can remain in place until a final determination is made, were found by the GATT panel to be consistent with our obligations.

Second, the language I have proposed for the Commission's final determinations says, "The Commission shall conclude any such investigation and make its determination under this section at the earliest practicable time after the date of publication of notice of such investigation." The Commission has repeatedly and consistently demonstrated that it is practicable for it to conclude investigations and make determinations within 12 months, or within 18 months in especially complicated cases. This record clearly sets the standard for "the earliest practicable time" that I expect the Commission to maintain.

Third, to ensure the Commission can meet this expectation, my amendment states: "To promote expeditious adjudication, the Commission shall establish, in consultation with the parties, a target date for its final determination." I do not expect these target dates to be any later than the 12 to 18 months deadlines now in the statute. In fact, because the U.S. International Trade Commission has repeatedly and consistently demonstrated that it can finish its work before those deadlines, I anticipate that the target dates established by the Commission will be well within those deadlines.

I also want to make a clear that these target dates are established by the Commission "in consultation with the parties". This does not mean negotiated with the parties or established with the agreement of the parties. It means established by the Commission unilaterally after it hears the views of the parties.

I hope this statement, which I am making to establish clearly in the legislative record what my bill means, will help move this proposal very rapidly in the next Congress. The situation we have now should not be allowed to continue. The use of the International Trade Commission's section 337 process has fallen significantly since the USTR acquiesced in the adoption of the GATT panel report. I have been told by U.S. businesses that the drop in such cases is not due to greater respect by foreign companies for U.S. intellectual property rights. Rather it is because some potential U.S. complainants fear that any determination they obtained in the Commission could be invalid because the U.S. Government has accepted the GATT ruling against the current procedures, or that an investigation could be stopped part way through, after a company has spent a great deal of time and money, when the rules change.

Mr. President, the intellectual property rights of U.S. businesses—their copyright, patent, trademark, and computer chip mask work registrations—are too important to be left without effective protection from imports which violate these rights. With the enactment of the bill I will introduce in January 1993, we can maintain and reinforce the authority section 337 of the Tariff Act of 1930 gives the International Trade Commission to enforce intellectual property rights against infringing imports, and to deal with other unfair trade practices. I will urge the Senate to take expeditious action on this proposal.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, September 24, 1992.
Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate, Washington, DC

DEAR SENATOR ROCKEFELLER: This letter is to advise you of the views of a representative cross-section of U.S. business on S. 3172, the bill which you introduced on August 11, 1992, to amend Section 337 of the Tariff Act of 1930. These views were developed by the U.S. Chamber of Commerce Intellectual Property Task Force, a diverse group of 45 member companies which has been considering possible amendments to Section 337 since the U.S. government unblocked the GATT Panel Report that calls for changes in Section 337.

The U.S. Chamber of Commerce Federation of local and state chambers of commerce, businesses, and associations strongly supports Section 337 as a proven and effective remedy against the import of goods by those who seek to benefit unfairly from American inventiveness. On March 23, 1990, the Task Force wrote to the Office of the U.S. Trade Representative in response to a Federal Register Notice request and offered suggestions for amending Section 337. A copy of that letter is attached. The Task Force has reviewed S. 3172 since its introduction and has concluded that the bill substantially accords with the position the Task Force communicated to the Trade Representative.

A major concern by industry is that actions under Section 337 continue to be expeditiously handled, and we are pleased to note that S. 3172 speaks to this issue and calls for the International Trade Commission to establish target dates for completion of its investigations under Section 337. We strongly recommend that the legislative history for S. 3172 emphasize this aspect of the bill and give specific indications of the times that Congress would consider reasonable for the Commission's target dates, which in our view should continue to be the 12-month and 18-month times that are currently required under statute.

In addition we recommend that any legislation to amend Section 337 include enabling provisions to make the bill effective only upon successful completion of negotiations on Trade Related Aspects of Intellectual Property Rights (TRIPS) taking place in the Uruguay Round of GATT trade talks. In our view, U.S. interests would be best served by awaiting evidence of responsiveness by our GATT partners as reflected in a successful conclusion to the intellectual property negotiations in the Uruguay Round trade talks.

If you would like additional information or assistance, please contact Wolf Brueckmann at (202) 463-5478.

Sincerely,

WILLIAM T. ARCHEY.

ANTISTALKING LEGISLATION

Mr. ROCKEFELLER. Mr. President, I rise today in support of S. 2922, the antistalking legislation, which was introduced by my distinguished colleague Mr. COHEN. This bill has been added as an amendment to the supplemental appropriations bill. In the past, I have introduced and supported legislation for the protection of domestic violence victims, and I am proud to be a cosponsor of this bill. This legislation is of vital importance to ensure the protection of victims of domestic violence and victims of stalkers.

Domestic violence and stalking victims have, in the past, been unable to receive adequate protection for two reasons: One, the lack of physical proof, and two, the request is often dismissed as a domestic dispute. Not only is it difficult for the victims to receive protection, but the protection for these victims is generally issued through the use of noneffective restraining orders.

The majority of stalking incidences are an outgrowth of domestic violence, beginning when one partner decides that she, or he, is fed up with the abuse of the other. Many women within my State of West Virginia have been victims of stalkers. The West Virginia State Police Department of Public Safety has recorded that 14 females murdered within West Virginia in 1991 were related to domestic violence.

Due to the increased awareness of stalking, West Virginia has passed antistalking legislation that includes imprisonment of the stalker for a 6-month period, if convicted. In addition, the West Virginia legislation, enacted in 1991, would allow a restraining order, without probable cause, to protect victims. The West Virginia legislation has good intentions, but it is limited to protecting victims who have had intimate relationships with the stalker. Although the majority of reported stalkings are perpetuated by domestic violence incidences, legislation needs to be broadened to protect people who are the focus of someone's obsession, including that of a stranger.

Senator COHEN has stated that presently 21 States have enacted antistalking laws. many of these statutes are well-intended for the protection of stalked victims, but are generally too broad, or too restrictive.

S. 2922 permits drafting of a constitutional and enforceable antistalking law that can be used by all States. This legislation enhances the national attention of this issue, and ensures that those convicted of stalking will be criminally punished.

Mr. President, I sincerely hope this legislation receives the serious attention that I believe it deserves.

A TRIBUTE TO DANTE FASCELL

Mr. DECONCINI. Mr. President, I rise today to pay tribute to DANTE FASCELL, an energetic human rights advocate who will retire from the House of Representatives at the end of the current session. As cochairman of the Commission on Security and Cooperation in Europe, I can attest to the significant contribution DANTE has made to the Helsinki process. Mr. FASCELL served as the Commission's first chairman, from its establishment in 1976 until 1985. During the formative years, he built the Commission into a respected organization recognized for its expertise and commitment to advancing human rights in the CSCE participating States.

Chairman FASCELL was never timid in speaking out on behalf of individuals denied their human rights and fundamental freedoms. He insisted that the governments which had signed the Helsinki Final Act live up to their human rights commitments. He pressed officials for the release of political prisoners and the resolution of outstanding refusenik cases.

From the outset FASCELL played an active role in the Helsinki process, serving as vice chairman of the United States delegations to the Belgrade and Madrid followup meetings. He used these and other occasions to raise individual human rights cases with foreign leaders. He kept the pressure throughout the difficult years following the Soviet invasion of Afghanistan and the imposition of marshal law in Poland to the downing of the Korean passenger jetliner.

Eventually, hundreds of political prisoners were set free and thousands of families were reunited. A number of these human rights activists went on to play leading roles in the peaceful revolutions which toppled Communism in Central and Eastern Europe and the Soviet Union.

I commend Chairman FASCELL for his dedication and diligence in defense of human rights during his many years of service on the Helsinki Commission. I wish him every success in his future endeavors.

AMENDMENT NO. 5013

Mr. SANFORD. Mr. President, I rise to express my thanks to my Senate colleagues for their support of H.R. 5013 and amendment No. 3354, which the Senate approved last night, and which will bring about very important corrections to the Coastal Barrier Resources Act [CBRA]. I appreciate the good will and cooperation of Senators CHAFEE and MOYNIHAN as they maintained the House language of this bill and also agreed to this amendment which benefits the people of North Carolina. I am pleased to have been a cosponsor of the amendment.

My good friend, the late Congressman Walter Jones, saw the need to correct a few mistakes made by the Government in 1990 when Congress added units to the coastal barrier resources system and designated other areas as otherwise protected. Several tracts on North Carolina's Outer Banks were improperly designated as "otherwise protected areas" [OPA's], thereby preventing these properties from being eligible for Federal flood insurance. Congressman Jones added language to H.R. 5013 to correct those maps used by the Department of the Interior in 1990 to determine which areas should receive OPA status. This language makes certain that privately owned tracts in the Roosevelt Natural Area in Carteret County, and in the Pine Island Bay area of Currituck County, will be eligible for Federal flood insurance.

In addition to maintaining the House language regarding OPA status for a number of properties in North Carolina, I am pleased that the Senate Environment Committee agreed to designate, through amendment No. 3354, approximately 5,221 acres of valuable wetlands and diverse wildlife habitat as a unit of the coastal barrier resources system. This Federal protection is welcomed by the conservation community and many coastal North Carolinians who hope to continue to enjoy the natural qualities of our Outer Banks.

Mr. President, I am pleased that H.R. 5013 was improved in such a way as to directly benefit both private landowners and the environment of coastal North Carolina. I am also glad that Congress accepted its responsibility and took this opportunity to correct errors made by the Federal Government.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt run up by the U.S. Congress stood at $4,045,288,956,151.50, as of the close of business on Tuesday September 29.

Anybody familiar with the U.S. Constitution knows that no President can spend a dime that has not first been authorized and appropriated by the Congress of the United States.

During the past fiscal year which ended last night, it cost the American taxpayers $286,022,000,000 just to pay the interest on Federal spending approved by Congress—spending over and above what the Federal Government collected in taxes and other income. Averaged out, this amounts to $5.5 billion every week, or $785 million every day, just to pay the interest on the existing Federal debt.

On a per capita basis, every man, woman, and child owes $15,745.06—thanks to the big spenders in Congress for the past half century. Paying the interest on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

What would America be like today if there had been a Congress that had the courage and the integrity to operate on a balanced budget?

ELIZABETH AND LAWRENCE REGHITTO OF CAPE COD—MAKING A DIFFERENCE IN CROATIA

Mr. KENNEDY. Mr. President, I want to call the attention of my colleagues to a recent article in the Cape Cod Times about an extraordinary effort of compassion being made by a local couple on behalf of the displaced families in Croatia.

Elizabeth Reghitto is one of the skilled and compassionate nurses who provides care to my mother in Hyannis Port. She and her husband Lawrence, the parents of five children, decided recently that they wanted to make room in their wonderful family for one more—and they decided to adopt a child from Croatia.

When they began making inquiries and talking with international agencies, they became aware of the urgent needs of vast numbers of families in that war-torn country. They decided that while they were waiting for their own adopted child, they would organize an effort to help as many others in Croatia as possible.

The result is a relief effort they have organized to collect urgently needed clothing and other materials for Croatian families before the harsh winter sets in. Elizabeth and Lawrence Reghitto are shipping the materials overseas at their own expense. They are providing much needed humanitarian assistance, and they are also providing an example to their own children and to all the rest of us about effective ways to reach out to those less fortunate than ourselves.

The same dedication and caring that Elizabeth Reghitto has given to my family is now being brought to the needy in Croatia. I commend the Reghitto family for their outstanding service, and for the impressive difference they are making for desperate families in Croatia.

I ask unanimous consent that the article on the Reghitto family may be placed in the RECORD so that our colleagues in the Congress may be aware of their magnificent enterprise.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Cape Cod Times, Sept. 13, 1992]

POWER OF CARING—ONE FAMILY MAKES A DIFFERENCE; CAPE CLOTHING DRIVE TO HELP CROATIANS

(By Karen Jeffrey)

WEST BARNSTABLE.—A West Barnstable couple with five children of their own have started a relief effort for displaced families in Croatia.

And next weekend they will collect women's and children's clothing, which they say is badly needed in the war-ravaged country before winter arrives.

"The need is so great that they will take anything," said Elizabeth Reghitto, who corresponds regularly with a Roman Catholic nun in Zagreb, Croatia, and who is organizing the relief effort.

"They especially need underclothes, shoes, boots and winter outer clothing for children because so many people have lost everything because of the war, and the winters there are very harsh," she said.

The supplies will be collected from 9 a.m. to 5 p.m. Saturday and next Sunday at Our Lady of Victory Church in Centerville.

Ms. Reghitto and her husband, Lawrence, an orthopedic supply salesman, are making arrangements to ship the materials overseas at their own expense.

Specifically the Reghittos are requesting winter shoes, socks, boots, coats, mittens and hats for women and children. Used clothing, boots and shoes are acceptable, she said.

Also needed are "pencils, papers, crayons, and games for children because there are so many kids in the refugee camps and in orphanages who have nothing left," said Ms. Reghitto, who works as a private duty nurse for Rose Kennedy.

She said the list was compiled by Sister Angelica Sokic, with whom Ms. Reghitto speaks several times a week.

The relief effort began initially when the Reghittos decided they wanted to adopt a child from Croatia and Ms. Reghitto began calling agencies in the United States, at the United Nations and finally in Croatia.

One telephone call led to another, until she connected with Sister Angelica.

"When this started I would get up at 3 in the morning—one of the quietest times around the house—and I'd call various government offices in Croatia. The more I talked with people, the more convinced I became that even though we are proceeding with our efforts to adopt a child, there is something immediate we can do to help people," she said.

"If people cannot donate clothing, there is an organization based in Connecticut which is seeking financial donations, Americares, 161 Cherry St., New Canaan, Conn. 06840," she said.

The Reghittos still hope to adopt a child from Croatia and are working with a number of international agencies in hopes of seeing this happen. But they know that conditions are in such a state of flux in Croatia, that there are no guarantees.

"So many children have been orphaned, but many more may have a parent who is in a prison camp. The government is wary of placing children out for adoption in foreign countries if there is a chance that a parent will survive," she said.

Nonetheless, the Reghittos have gone through the various state and federal examinations, including home visits by social workers, and having their wellwater tested by the state and their fingerprints taken as part of a criminal background check—all are necessary in order to adopt a child in Massachusetts and to adopt a foreign child. If they do not adopt a child this year, they hope to do so in the future.

"Unfortunately there is no shortage of wars and famine which leave children in need of families," Ms. Reghitto said.

"Before we were married we talked about having children and about some day adopting a child, so this is not an instance of seeing pictures of children on television and acting on impulse. This is something we've talked about for several years, and something we've discussed with our children," she said.

"This seems like the perfect opportunity," her husband said.

"We are very fortunate in our lives. We are able to provide for our own children and we are blessed with the kind of resources that mean we can help others. We are at a time and place in our lives that it seems only natural to share our resources with a child who needs a family," he said.

The children, Elisa, 12, Sarah, 11, Lindsey, 5, Andrew, 4, and Michael, 2, are excited about the prospect of having a new brother or sister.

"We included the older children in discussions. While it wasn't their decision to make—whether or not we adopt a child—we recognize the big impact this can have on their lives. A child who has been traumatized by war or separation can have very serious adjustment problems," Ms. Reghitto said.

But bringing a new brother or sister in the family is not all the Reghittos discussed with their children.

"We want our children to understand there is more you can do than just talk about problems. We want them to know that every one individual can make a difference, even if it is something like one schoolchild giving a pencil for a child in another country," she said.

"Sometimes people feel so overwhelmed because there is so much bad happening in the world, so much famine, the hurricane, wars, all of that. But we want to help and we want our children to know that they too can make a difference if they care," Ms. Reghitto said.

TRIBUTE TO SENATOR BROCK ADAMS

Mr. THURMOND. Mr. President, I rise today to pay tribute to my friend and colleague, Senator BROCK ADAMS, who will be leaving the Senate at the end of this term. Senator ADAMS has been an effective and energetic representative for the people of Washington during his 6 years in the Senate and 12 years in the House, and I wish him well in the future.

Senator ADAMS has had a long and varied career. Following 2 years' service in the Navy, he was graduated summa cum laude from the University of Washington with a degree in economics. He went on to earn his juris doctorate from Harvard Law School in 1952, and practiced law for several years. His public service career includes 3 years as a U.S. attorney for the western district of Washington, and 2 years as Secretary of Transportation under the Carter administration.

While Senator ADAMS and I subscribe to widely differing political beliefs, I have enjoyed serving with him, and I respect his achievements. I would like to take this opportunity to extend my best wishes to Senator ADAMS as he returns to private life.

CELEBRATING MR. AND MRS. ELDON W. KINDER'S GOLDEN WEDDING ANNIVERSARY

Mr. BOND. Mr. President, I rise today to urge my colleagues in the U.S. Senate to join me in paying tribute to Mr. and Mrs. Eldon W. Kinder on their 50th wedding anniversary. They were united in holy matrimony September 26, 1942, in Richmond, MO.

Mr. and Mrs. Kinder were born in Carroll County, MO, and lived there until 1952. Mr. Kinder was employed by Sinclair Pipe Line Co. and later transferred to Salt Lake City, UT. He was also employed by Engineers Unlimited until 1960. In 1960 the Kinder family decided to move to Trotter Township. They wanted to pursue the family's great love for farming and life in the country.

Mrs. Kinder worked many years in retailing. She owned and operated the Mode O'Day Dress Shop in Carrollton for 10 years before retiring. Mr. and Mrs. Kinder are members of the United Methodist Church in Carrollton, MO. They have been active in 4-H youth programs. Mr. Kinder has also been active in the Carroll County Pork Producers and the I.O.O.F. Lodge for several years. Mrs. Kinder has also been active with the university homemakers extension for many years.

The Kinder's have two children, Rex Eldon and Cathy Minnis Kinder. They also have four lovely grandchildren. Mr. and Mrs. Kinder are both retired and continue to enjoy their life in the country, especially relaxing in their chairs on the back porch.

Mr. President, I would like to extend my sincere congratulations to Mr. and Mrs. Kinder on their golden wedding anniversary. I hope this day brings much happiness and wonderful memories of their 50 years together. Best wishes to them both on this wonderful occasion.

THE PLEDGE OF ALLEGIANCE COIN BILL

Mr. SIMPSON. Mr. President, I rise to express my enthusiastic support for the Pledge of Allegiance Commemorative Coin Act. This bill was introduced by Senators HARKIN and GRASSLEY on May 16, 1991, so I am a bit late in joining this cause. Nonetheless, I believe that their proposal is a thoughtful and appropriate means by which to commemorate the 100th anniversary of the Pledge of Allegiance.

The Pledge of Allegiance is a most special and remarkable expression of American patriotism. Although Francis Bellamy originally authored this memorable pledge for the occasion of the 400th anniversary of the discovery of America, generations of Americans—both young and old—have since come to appreciate and treasure the Pledge of Allegiance as a unique symbol in its own right.

As a small child in my early years of schooling, I clearly recall the daily recitation of this short passage as a sign of respect for the American flag. As adults, we may no longer recite the Pledge of Allegiance on a daily basis, but the words still carry that special ring of honor and reverence for our flag and our Nation. They serve as an important reminder of our rich national heritage and our enduring commitment to liberty and justice for all.

So I believe it is very fitting that Congress should act to observe the 100th anniversary of the Pledge of Allegiance with a commemorative coin. I am also pleased that this legislation will enable the United States Capitol Historical Society to expand upon its education activities with new programs that promote patriotism and respect for the flag of the United States. The bill accomplishes this by directing half of the proceeds from the sale of this coin to the United States Capitol Historical Society, while devoting the other half toward reducing the national debt.

I can think of no better organization than the Capitol Historical Society to entrust the responsibility of educating Americans on the history of our flag and the Pledge of Allegiance. For 30 years, this congressionally chartered, nonprofit entity—under the able leadership of the Honorable Fred Schwengel—has produced a wide range of educational materials on the history of Congress, our flag, and other aspects of our national heritage. Fred Schwengel, a former U.S. Congressman from Iowa, is an extraordinary man with tremendous energy, foresight, and ability. Yes, it was he alone who was responsible for the creation and success of the Capitol Historical Society. He has worked doggedly and invested his life into this remarkable organization. He is to be richly commended.

Those of us who are familiar with the work of the Capitol Historical Society have a special appreciation for its many contributions and its strong commitment to honoring our Nation's history. This legislation provides us with an opportunity to help the society strengthen this commitment and, at the same time, to commemorate the centennial of the Pledge of Allegiance. I urge my colleagues to join me in supporting this worthy proposal.

I ask unanimous consent to insert in the RECORD a brief history on the founding of the United States Capitol Historical Society.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAPTER 1. THE FOUNDING OF THE UNITED STATES CAPITOL HISTORICAL SOCIETY, 1962

On July 17, 1962, fifteen men and women met in room F18 of the United States Capitol to establish the United States Capitol Historical Society (USCHS). The meeting had been called by Republican Congressman Fred Schwengel, who had represented Iowa's First District since 1955. The meeting marked the beginning of a new historical society, but it was also only part of a chain of events that began with Congressman Schwengel's initial interest in history.

Fred Schwengel's interest in history antedated his congressional service. As a college student-athlete in Missouri three decades earlier, he had heard the great American poet and biographer Carl Sandburg speak about Lincoln. That experience stimulated his interest in Lincoln, Republican politics, and American history. As a businessman in Davenport, Iowa, he continued to build a collection of books, pamphlets, and art relating to Lincoln that is today housed in a special collection at his alma mater, Northeast Missouri State University in Kirksville. In Congress he initiated the commemoration of the sesquicentennial of Abraham Lincoln's birth in 1959, and he played key roles in the congressional celebrations of the centennials of the 16th President's first and second inaugurals. He was also a member of the Civil War Centennial Commission.

Given Fred Schwengel's interest in history it was logical for him to seek out like-minded colleagues. Soon after his arrival he sought to join a historical society but found that none existed in Congress. Research indicated that there had been a short-lived American Historical Society (1835–1840) on Capitol Hill, whose president had been Congressman John Quincy Adams, but none had been organized since that time. He held several conversations with friends in the history community, including Allan Nevins, Carl Sandburg, and Professor Walter Rundell. Congressman Schwengel had also developed a friendship with Speaker of the House Sam Rayburn who, although a Democrat, was also equally devoted to the Capitol and its history. As Fred retells the story, one Saturday morning over breakfast in the House restaurant he had been lamenting the lack of a historical society when Rayburn interrupted, "By damn, let's do something about it." It was from that abrupt but pragmatic suggestion that the July 17, 1962 meeting later developed.

Congressman Schwengel opened the meeting by reading from a prepared statement on the importance of the Capitol and its history. In concluding the statement he touched upon the need for a historical society: "It seems to me that the millions of people, adult and youth, who come here need somehow to be helped while they are here to catch something of the fire that burned in the hearts of those who walked and talked in these halls . . . It seems to me that we must try to do a better job of educating our people on these things. This can be done with publications, producing films, better identification of pictures and statues and through organized effort. The development of a wider and more avid interest in this place we proudly call our Capitol will be good for America."

Representative Marguerite Stitt Church of Illinois then moved that an organization, either chartered as a non-profit group under the laws of the District of Columbia or chartered by act of Congress, be established "for the purpose of presenting information about the Capitol and the work done therein." The resolution was unanimously approved, as was a motion by Dr. Richard Howland of the Smithsonian Institution to name the organization the United States Capitol Historical Society. Senator Carl Hayden, who was present, was named honorary chairman, and Congressman Schwengel was appointed chairman of a steering committee to present recommendations on the form of the permanent organization, its officers and objectives.

In the ensuing weeks the founders of this fledgling endeavor reached decisions that would shape the future of the organization. A membership committee meeting on July 26, 1962, addressed the basic question of financing—would the Society be self-supporting or would it rely upon congressional appropriations? The memorandum of the meeting records their decision: "It is the sense of your Committee that the objectives of the Society could best be achieved if it were self-supporting." The recommendation to avoid government subsidization had originated earlier from conversations with Senator Hubert Humphrey, who had argued that congressional funding would jeopardize the Society's nonprofit status and its independence of action. The membership committee believed that the Society could be privately financed through a combination of grants, membership fees, and sales receipts.

At the organization's second meeting on July 31, the question of annual versus lifetime membership dues was debated. Helen Bullock from the National Trust for Historical Preservation recommended annual dues, as did Melvin Payne of the National Geographic Society (NGS), who reasoned that annual memberships would create "a more dynamic, active organization." Although the minutes do not record a vote on this question, the Society adopted a policy of lifetime memberships and established several classifications with dues as low as one dollar. It was Congressman Schwengel's belief that the Society belonged to all the people and should be as open as possible to the widest participation. In a statement inserted in the Congressional Record, Congressman Robert R. Barry (R–NY) explained the Society's unique concept of membership: "Mr. Speaker, the Capitol Historical Society, by the will of those who created it and the Constitution already adopted that now governs it, proposes to become the most open, the most integrated, the numerically largest, and the most democratic society of men, women and children in the world and, very likely, in the history of societies. In fact we shall consider ourselves 100 percent organized only when, under certain respective categories, we shall have attained a possible membership of 187 million people, or when we shall have enlisted as members the total population of the United States. . . .

"We are to be, of course, a nonprofit society, financed not through Federal appropriation, but through grants from private funds and through subscriptions deliberately planned to be modest and widely attractive. . . . For we want the people of the United States, all our people everywhere, to be themselves learners and scholars, teachers and missionaries of their own great and remarkable history."

The Articles of Incorporation were adopted at a meeting held on August 28, 1962. The key provision was the statement of purposes and objectives found in article three: "The purpose for which the corporation is formed, and the business and the objects to be carried on and promoted by it are to encourage in the most comprehensive and enlightened manner an understanding by the people of the founding, growth and significance of the Capitol of the United States of America as the tangible symbol of their representative form of government; to undertake research into the history of the Congress and the Capitol and to promote the discussion, publication and dissemination of the results of such studies; to foster and increase an informed patriotism of the land in the study of this living memorial to the founders of this nation and the continuing thread of principles as exemplified by their successors."

The last clause in this article was inspired by an episode in Congressman Schwengel's life. As a schoolteacher in Kirksville, Missouri, he had been introduced to Harry Truman at a Masonic meeting. Informed that Brother Schwengel was a fellow Baptist and a history teacher, but also a Republican, Truman replied that although some might call him a "goddamned Republican," he shared an interest in history: "Young man, you've gotta know your history if you want to be a good citizen." Convinced that an appreciation of history was inextricably linked with good citizenship, Congressman Schwengel believed that this new society could become a history teacher to the nation.

The August 28th meeting also heard a report from the Plans and Program Committee presented by Dr. Howland. The primary goal, the report revealed, was the production of a historical guidebook to the Capitol that would follow the model of the recently-produced guide to the White House by the White House Historical Association. Howland's report estimated that the Society would need to raise $200,000 to finance publication of the book and to hire a small staff and set up offices. The report also suggested the possibilities of producing an educational film and contributing to the restoration and refurbishing of the Capitol. Officers were then elected: Congressman Schwengel was elected president, and the five vice presidents selected were Representative Marguerite Stitt Church, Senator Hubert Humphrey, Melvin Payne, Allan Nevins and Carl Haverlin. Lillian Kessel was elected secretary and Victor M. Birely, treasurer.

The Articles of Incorporation were filed with the Office of Superintendent of Corporations of the District of Columbia on August 8, and the seal was affixed to the document on October 3, 1962. The first meeting of the incorporators took place on the following day at which time a proposed constitution, largely written by counsel Arthur Hanson, was adopted and the officers were again elected. The Internal Revenue Service ruled on October 17 granting the Society tax-exempt status as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code.

Within the space of three months Fred Schwengel's dream of a historical society on Capitol Hill had become a reality. A small group of dedicated men and women had taken a concept and created an organization complete with a statement of purpose, a constitution and bylaws, elected officers, a program of publications, and a plan for a self-supporting financial base.

The USCHS was created at a time when Congress was divided over the creation of a bipartisan Commission on Art and Antiquities of the Capitol proposed in the Senate by Mike Mansfield and Everett Dirksen. The news media interpreted the founding of the privately-funded USCHS as an alternative to the Senate plan for a federally-funded curator for the Capitol.

The creation of the Society also followed closely upon the success of the White House Historical Association, chartered on November 3, 1961 with the encouragement of Mrs. Jacqueline Kennedy and with the assistance of the National Geographic Society. The White House Historical Association's book, "The White House: An Historic Guide," was produced as a public service by the NGS in 1962. The National Geographic Society was also to play a key role in the publication of the USCHS's first and most widely distributed publication, "We, the People: The Story of the United States Capitol."

THE $100 CLAIM RENTAL FEE AND SMALL MINER EXEMPTION

Mr. STEVENS. Mr. President, I appreciate the opportunity to explain the $100 claim rental fee contained in the Interior appropriations bill and the small-scale miner exemption to the fee. The bill passed yesterday after it was received by the House. I offer these clarifying remarks on the $100 fee and the exception.

The administration has proposed a $100 per mining claim holding fee for several years. This year, the fee was included in the final version of the House bill. It was included in the Senate bill, but was altered by my amendment in the Senate passed bill. A further modification was adopted by the conferees.

I have already had a colloquy with the Senator from Arkansas on one aspect of the conferees' modification, but I would like to address other parts of the provision.

I understand that, under the conferees' agreement, the fee will be in place for two fiscal years. Fiscal year 1993 and fiscal year 1994 fees, if applicable, will be due in August 1993.

The terminology of the administration's proposal which placed a holding fee on mining claims was changed by my amendment.

I prefer to call the fee a claim rental fee because a holding fee implies inaction on the part of claimants. And this is most often not the case. Claim rental fee, on the other hand, implies that the claimholder is paying for a privilege to utilize Federal land for mining or mine development activities before it is patented.

I want to stress that the claim rental fee required by this bill, if applicable, is in lieu of assessment work for the next 2 years. I hope not to hear the argument in the future that these claims are stale and all a claimant must do is pay a fee for them each year. The fee was not the idea of the mining community.

The concept of assessment work has not necessarily vanished. When the fee expires in 2 years, assessment work will again be required generally if Congress has not reinstituted the fee. And if a claimholder qualifies for the small miner exemption, assessment work is still required.

In addition, the terminology in the Senate passed language referring to claims held in an integrated operating area was dropped by the conferees. This was done because no definition of the term exists and it would have made the statute more difficult to administer.

However, as passed, when assessment work is applicable under the small miner exemption, it can be done on a part of the block of 10 claims. The claims do not necessarily need to be contiguous.

The easiest way to explain how the amendment works is to run through a quick analysis to illustrate the intent on qualifying for the small-scale miner exemption to the holding fee.

To qualify, the claims must be covered by a valid notice or plan of operation and the miner must be either producing or exploring for mineralization. If the claimholder is producing, gross revenues can be no less than $1,500 and no more than $800,000. Up to 10 claims may be exempted from the holding fee.

Total surface disturbance from the production activity or exploration must be less than 10 unreclaimed acres. This is a great incentive for the miner to keep his unreclaimed area less than 10 acres. The mined area includes areas such as the surface area of physical extraction, stockpiling, or disposal of ore, overburden, tailings, processed materials, settling ponds and the like. Once reclamation is completed for some portion of the mined area, it can be removed from the 10-acre maximum and other new acres can be mined.

For purposes of the calculation of the 10 acres, unreclaimed surface disturbance includes only areas actually disturbed by mining activity and is therefore different than the areas included in the calculation for purposes of the BLM 5-acre rule. It would not include, for example, an airstrip.

The claimholder must make proper certification of these factors.

Some claim holders may not have access to their claims. The claim rental fee is structured so that it is to be paid in lieu of assessment work and FLPMA filing requirements. Thus, if a claimholder qualifies for in the unavoidable contingencies escape from assessment work under the general Mining Law, 30 U.S.C. 28b, 28c, 28d, and 28e, the claimholder would not be required to pay the fee.

We have miners in Alaska and I know there are miners in other States who have inaccessible inholdings, for example, who qualify for the deferment or tolling of assessment work requirement.

Under current regulation, unavoidable contingencies include circumstances in which access across adjacent land to the claim has been denied, is in litigation, or is being acquired under State law. Included also are access impediments and other legal impediments which affect the right of the claimant to enter the surface of such claims or to gain access to the boundaries of such claims. If such a situation exists, claimholders would not be required to pay the fee because they would not be required to do the assessment work under current law. During the years that the fee is imposed, it is in lieu of assessment work.

This intention is generally in line with basic concepts of fairness: Congress and the Secretary should not exact rentals for property, including a mining claim, when its occupation or enjoyment is prohibited. That is particularly true in situations such as mining claims in wilderness study area or in inaccessible National Park areas. When Congress by law, or agencies by regulation or fact, impose such restrictions, rental fees for such claims rental fees should not be charged. Certainly that was an implied assumption when we dealt with the concept of the claim rental fee this year.

I expect that the Secretary, in promulgating and implementing regulations for the rental fee, to provide for temporary deferment of rental payment for unpatented mining claims, mill and tunnel sites which are inaccessible because of Government action or the other factors I mentioned, whether in a wilderness study area or a park inholding. I also expect that the Secretary will make the fee easy to comply with.

THE KINGDOM OF SAUDI ARABIA

Mr. MOYNIHAN. Mr. President, there can be no doubt of the importance and complexity of our relationship with the Kingdom of Saudi Arabia. In recent years this relationship has been damaged, however, by the serious violations of human rights there. Moreoever, there is very good reason to be concerned about the human rights of American citizens working or doing business in Saudi Arabia. I am not alone in the Senate or on the Committee on Foreign Relations in believing that more is required from the Government of Saudi Arabia in order to improve, strengthen and, perhaps, even to preserve a positive relationship between our governments. What is needed is a demonstrated willingness on the part of the Saudi Government—clearly absent to date—to respect the fundamental rights of its own citizens and of American citizens in Saudi Arabia.

In 1991 the State Department reported that [h]uman rights continue to be subject to pervasive abuse in Saudi Arabia. It cites recent instances of the tortune of Saudi nationals as well as foreigners while in the custody of Saudi police and military authorities. It cites a pattern of arbitrary arrest and detention. It notes a wholesale disregard for the most fundamental civil liberties. On the seven-point scale in the respected annual Freedom House report "Freedom in the World" Saudi Arabia rates a bottom-of-the barrel seven on political rights and a next-to-last six on civil liberties. Its status: Not free.

It is Saudi Government policy, in the words of the State Department report, not to respond to such criticisms. Neither does the Saudi Government respond to individual complaints of abuse. Repeatedly Saudi Government institutions have proven themselves incapable of preventing abuses, punishing perpetrators or compensating victims. Again, the State Department is candid in reporting that there is no semblance of an independent judiciary or of equal treatment before the law. Nor are there standards for adjudicating claims or compensating victims in accordance with minimum standards of international law.

This situation has severe consequences not solely for Saudi citizens, but, as I mentioned, also for foreigners who are induced to work and live in Saudi Arabia. Among these are even American citizens who have made credible claims of having been the victims of arbitrary detention and torture at the hands of the Saudi Government, some of whom have been left scarred and crippled as a result, and to whom the Saudi system offers no effective recourse.

Of these cases, the best known is that of Scott Nelson, an American citizen left permanently disabled because of the abuse he suffered at the hands of Saudi officials. It is a matter of some concern that when Mr. Nelson sought to have his claims against the Saudi Government adjudicated here in the United States the Department of State sought to intervene in the case on the Saudi side. Scott Nelson, an American citizen, should have an opportunity to have his claims heard; he has no effective recourse in Saudi Arabia. It is most disturbing that the Department argued that his case should be thrown out of court. Surely the Saudi Government has more than adequate resources to make its case before the court without the Department of State siding with a foreign government against a U.S. citizen.

I am, therefore, pleased that our distinguished Acting Secretary of State, Lawrence Eagleburger, has declared that "the U.S. Government places a high priority on the swift and equitable resolution of the Nelson case and other similar cases involving American citizens." According to the Secretary, it is "our own strong view that the Saudi Government should resolve these cases." I am confident that with this expression of concern by the Department of State, combined with the strong concern expressed in recent days in the Senate, will result—finally—in a resolution of this and other similar cases. Certainly I intend to pursue this issue and to stay abreast of our Government's efforts to bring about a satisfactory resolution to these cases.

Mr. President, I ask unanimous consent that Secretary Eagleburger's letter to me be placed in the RECORD, along with certain questions I submitted to President Bush's nominee to be Ambassador to Saudi Arabia, John Bookout, and his answers to those questions.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, DC, September 30, 1992.
Hon. PATRICK J. MOYNIHAN,
U.S. Senate.

DEAR SENATOR MOYNIHAN: I am writing to say that the Department of State shares your deep concern over the alleged mistreatment of American citizens in Saudi Arabia.

Various members of the Senate Foreign Relations Committee have made it clear that allegations by Americans, including Scott Nelson, that they were tortured or otherwise abused by Saudi officials are causing very serious damage to our bilateral relations. Because this is a matter of such serious import, I can assure you unequivocally that we will convey to King Fahd the Committee's concern over this particular case and others and our own strong view that the Saudi Government should resolve these cases. Because it is so much in the interests of Saudi-American comity, we will explain that the United States Government places a high priority on the swift and equitable resolution of the Nelson case and other similar cases involving American citizens.

Since we are aware of your strong and continuing interest in these matters, we would also undertake to inform you of any progress being made in resolving the Nelson case and other similar cases.

Sincerely,
LAWRENCE S. EAGLEBURGER,
Acting Secretary.

QUESTION FOR THE RECORD SUBMITTED TO MR. JOHN F. BOOKOUT, SENATE FOREIGN RELATIONS COMMITTEE, SEPTEMBER 24, 1992

Q. Senator Moynihan (3) Do you believe that Americans who are subject to unlawful arrest, detention, harassment or torture in Saudi Arabia have adequate judicial recourse within Saudi Arabia? If so, what is that judicial recourse? Can you provide any examples in which an American citizen suffering such abuse has been successful in pursuing recourse through the Saudi judicial system? Can you provide any example in which any Saudi official accused of wrongdoing by an American citizen has been penalized by Saudi authorities?

A. I have not done a thorough study of the Saudi judicial system. I would agree with what I think is the thrust of your question that the system does not provide guarantees which our system considers basic rights. The State Department's annual human rights reports point to these inadequacies. That said, I am not aware of a case in which an American has attempted to use the Saudi judicial system to gain redress for wrongful arrest, detention, harassment or torture. In the cases of which I am aware, the claimant has declined to take a case before the Saudi court. It follows that I cannot provide the names of officials punished as a result of such actions.

Q. Senator Moynihan (4) In your testimony you spoke of the Saudi Government Grievance Board. It is my understanding that under the Board's Charter it is not permitted to investigate matters of "sovereign" character. Is this correct? I also understand that the government of Saudi Arabia has taken the position that arrests and allegations of abuse and torture involving "sovereign" acts beyond the Board's purview. Is that correct?

A. That is not my understanding. From my briefings on the cases alleging abuse or torture it is my understanding that the Government of Saudi Arabia has repeatedly indicated that the Board of Grievances is, indeed, the correct venue to which to bring such claims.

Q. Senator Moynihan (5) If American citizens tortured in Saudi Arabia cannot bring suit in the United States, what recourse do you believe they should pursue for their injuries.

A. My understanding from the briefings I have received, is that the United States follows accepted international practice. A person who claims injury—personal or financial—must first exhaust local remedies, in the courts of the country where the alleged injury occurred. If it is demonstrated that the judicial system could not or would not consider the claim and render justice, the U.S. Government could then take up the case and espouse it.

Q. Senator Moynihan (6) If confirmed, would you feel that it was your responsibility to encourage the government of Saudi Arabia to compensate American citizens who have been victims of unlawful arrest, torture or other abuses? Would you espouse the credible claims of such American citizens?

A. If confirmed I would give the highest priority to the well-being of American citizens living in Saudi Arabia. I would certainly press for compensation of credible claims. I would encourage settlement of claims whenever appropriate, and I would certainly recommend espousal when it was determined that local remedies were inadequate.

Q. Senator Moynihan (7) What is your understanding of the U.S. Government position concerning whether Scott Nelson, an American citizen who claims to have been tortured in Saudi Arabia, should be permitted to bring suit against Saudi authorities in the U.S.? Do you agree with this policy, if so why?

A. My understanding is that Mr. Nelson has sought to have his case heard in Federal District Court under a new, and extremely broad interpretation of the commercial exclusion clause of the FSIA, an interpretation which the U.S. Supreme Court is currently reviewing. The U.S. Government believes this interpretation to be flawed. Further, it has been suggested to me that such an interpretation would expose Americans and American businesses abroad to suits not previously countenanced by foreign courts. I am not a lawyer and I will not attempt my own, independent analysis. If confirmed I will as a government official carry out the law of the land.

Q. Senator Moynihan (8) Are you aware of other Americans who claim to have been tortured or otherwise abused by Saudi authorities? Of which cases are you aware?

A. I am aware that there are other American who have alleged torture or mistreatment. One such case I believe involved Mr. James Smrkowski, who has testified before a Senate Committee.

SOMALIA

Mr. RIEGLE. Mr. President, while the world focused its attention on the problems in Bosnia-Hercegovina and the former Soviet Union during the past year, it tragically managed to avert its eyes from the growing crisis that affects people like Abdi Hussein and thousands of other starving Somali refugees. Hussein, a farmer whose 7 children have all died from malnutrition or fighting between warring clans, is just one of 1.5 million Somalis facing the threat of starvation, according to the Red Cross.

Hundreds of thousands of helpless Somalis have already died in towns like Baidoa, where between 200 and 300 people continue to die each day. At the national level, the U.N. Special Envoy for Somalia reports that as many as 5,000 children die daily and more than 4.5 million more Somalis of all ages, virtually the entire population of Somalia, are in dire need of relief and medical assistance.

Although I support President Bush's efforts to work with other nations to send food and medical aid to Somalia, I am disturbed by the fact that millions of lives had to be placed in jeopardy before the Bush administration would act. Moreover, not only has this country acted too slowly, but our commitment to humanitarian aid has not kept pace with the explosion of need in the region. Since 1988, Africa's emergency food needs have grown from 1.1 million tons to 7.1 millions tons this year. The crisis has reached such cataclysmic proportions that feeding centers must turn away hundreds of exhausted, famished Somalis every day.

Exacerbating the problem are leaders of the Somali warring factions who have objected to the delivery of food and medical assistance into the territories they control. I strongly believe that the need has become so great that the international community must provide aid with or without the consent of the belligerents. The United States must support and assist efforts, such as the United Nation's recent airlift of 500 Pakistani troops, to override the selfish actions of regional warlords and to act in the interest of those Somalis most in need. Furthermore, I have written to Assistant Secretary of State for African Affairs Herman Cohen and Ronald Roskins, the Administrator of the Agency for International Development requesting that United States Government agencies mobilize as quickly as possible in an effort to save hundreds of thousands of Somali lives. Only through swift and sustained action can we alleviate the suffering of innocent Somalis.

HEALTH CARE

Mr. DOLE. Mr. President, the question of health car has become a core issue this year. Various plans and proposals have been discussed and analyzed throughout the year. Among the many bills under consideration is the Russo Bill (H.R. 1300). This bill incorporates a number of principles from the Canadian plan.

Present deficit problems indicate that an additional $600 billion in spending annually, as proposed by the Russo bill, would do nearly irreparable damage to an already fragile economy.

We all need to look very closely at such a proposal and its potential impact. I ask unanimous consent that the following staff analysis of this bill be printed in the RECORD in its entirety.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL HEALTH EXPENDITURES—1992

[In billions of dollars]

National health expenditures	Source of funds			
	Private	State and local	Federal	Total
A. Health services and supplies:				
1. Personal health care:				
a. Nursing home	30.4	13.2	21.4	64.9
b. Home health	2.3	1.4	4.8	8.5
c. All other (hospital, physician, drugs, vision, dental, and so forth)	380.1	70.8	192.3	643.2
2. Administrative costs and insurance profits	34.4	5.4	6.0	45.9
3. Government public health (Centers for disease control and the like)	0	18.7	2.5	21.2
B. Research and construction	10.2	3.3	11.7	25.2
Totals by Source and grand total	457.4	112.8	238.8	809.0

Source: Health Care Financing Administration. National health expenditures from all sources: $809.0 billion.

TAXES IN RUSSO BILL

Preliminary Joint Committee on Taxation and Congressional Budget Office estimates of the revenue proposals in the Russo health care reform bill:

Attachment No. 1 describes the proposals.

Attachment No. 2 is a chart showing the average annual revenue produced and the total revenue produced over the next five years (1993–1997).

REVENUE PROPOSALS IN RUSSO SINGLE PAYER BILL

The Russo bill contains a variety of revenue proposals to pay for his health care plan. For some revenue proposals, Russo uses what the Federal government receives under current law in addition to any new revenues. For other revenue proposals, Russo uses only new revenues and ignores current law revenues.

For example, when he increases the HI tax on employers, he claims the current law revenues and the new revenues due to the change in the payroll tax rate. When he increases the personal income tax rate, he only claims the new revenue raised from the change in the tax rate.

The following is a description of the various tax proposals in the Russo bill:

1. *Employer HI Tax.*—Employers currently pay a 1.45 percent Medicare payroll tax (HI tax). The Russo bill would increase the employer HI tax by 6 percentage points. Therefore, the total HI payroll tax under the Russo bill on employers is 7.50 percent (the tax is really 7.45 percent, but Russo rounds it up in his bill). The Russo bill also eliminates the cap on the taxable wages subject to the HI payroll tax ($130,200 in 1992). The current law employer HI tax and the new revenues from the changes produce an average of $220 billion per year over the next 5 years.

2. *Employee HI Tax.*—Employees currently pay a 1.45 percent HI payroll tax. The Russo bill continues this tax and eliminates the cap on taxable earnings subject to the HI tax. The combination of the current law HI payroll tax and the new revenues from eliminating the cap on taxable wages would produce an average of $51 billion per year over the next 5 years.

3. *State and Local Government HI Tax.*—Under this proposal:

a. State and local employees not currently covered by Medicare would be required to pay the 1.45 percent HI payroll tax;

b. Sate and local governments would be required to pay the proposed 7.50 percent HI tax on these remaining uncovered employees; and

c. The cap on taxable wages would be eliminated. New revenues from previously uncovered state and local government workers and their employers produces an average of $5 billion per year over the next 5 years.

4. *State effort.*—States would be required to contribute to the Federal government a fee equal to:

a. $85 per resident; and

b. 85 percent of current state Medicaid payments.

These two new revenues produce an average of $74 billion per year over 5 years.

5. *Senior premium.*—The current Medicare Part B premium of $31.80 per month would be replaced with a new $55 per month premium. The new premium would only apply to people over the age of 65 with incomes above 120 percent of the poverty line. The new $55 per month premium produces an average of $18 billion per year over the next 5 years.

6. *Corporate income tax.*—The corporate tax rate is increased from 34 percent to 38 percent for businesses with over $75,000 of profits. The new revenue raised from the increased corporate tax income rate produces an average of $10 billion per year over 5 years.

7. *Personal income tax.*—The personal income tax rates are increased as follows:

a. The 15 percent stays at 15 percent;

b. The 28 percent rate goes to 30 percent;

c. The 31 percent goes to 34 percent; and

d. A new 38 percent tax rate is added for families with income over $200,000.

The effect of these changes is to raise taxes on incomes over $40,000 (couples) and $25,000 (singles). The new revenues from the rate increases produce an average of $27 billion per year over 5 years.

8. *Tax on Social Security Benefits.*—The taxable portion of Social Security benefits for higher income elderly is increased from 50 percent to 85 percent. The new revenues produce an average of $6 billion per year over the next 5 years.

REVENUE ATTRIBUTED TO PROPOSALS IN RUSSO BILL FOR FISCAL YEARS 1993–97

[In billions of dollars]

	Annual average	5-year total
1. Increase employer HI tax rate from 1.45 percent to 7.5 percent and eliminate wage cap	[1]220	[1]1,095
2. Eliminate wage cap on employee HI tax of 1.45 percent	51	255
3. Impose HI tax on remaining State and local government employers (7.5 percent) and employees (1.45 percent) with no wage cap	5	24
4. Require State contribution of: $85 fee per resident and 85 percent of State Medicaid spending	74	370
5. Replace Medicare Part B premium with new 55 monthly premium on seniors	18	90
6. Increase corporate income tax rate from 34 percent to 38 percent	10	48
7. Increase personal income tax rates on incomes over $40,000 (couples) and $25,000 (singles)	27	137
8. Increase tax on Social Security benefits from 50 percent to 85 percent	6	30
Grand total	411	2,049

Note.—This number includes revenue generated under current law and new revenue generated by the Russo change.

Sources.—Preliminary estimates by Joint Committee on Taxation and the Congressional Budget Office.

INDIVIDUAL AND CORPORATE INCOME TAXES

The President's FY 1993 Budget estimates the following FY 1992 revenue will be raised from income taxes:

	Billions
Individual	$480
Corporate	90
Total	570

If a national health care program costing $600 billion was paid for by tax increases of $300 billion in individual income taxes and $300 billion in corporate income taxes, individual income taxes would increase 65 percent and corporate income taxes would increase 333 percent.

Note: A corporate tax increase of 333 percent, which would raise $300 billion, would be confiscatory because total corporate taxable income for 1991 is estimated to be in the $250-$300 billion range.

FINANCING OF HEALTH CARE REFORM

Total health care expenditures—$809,000,000,000:

Total national health care expenditures for 1992 are estimated to be $809 billion. Based upon calculations done by the Congressional Research Service, a payroll tax rate of 28.4 percent would be needed to pay for total national health care expenditures of $809 billion. (The payroll tax rate estimate assumes a cap on taxable earnings equal to the limit set for the Medicare payroll tax—$130,200 in 1992.)

Total non-Federal health care expenditures—$570,000,000,000:

Total non-Federal health care expenditures for 1992 are estimated to be $570 billion ($809 billion total health care expenditures less Federal expenditures of $239 billion). A payroll tax rate of 20 percent would be needed to pay for expenditures of $570 billion. (The payroll tax rate estimate assumes a cap on taxable earnings equal to the limit set for the Medicare payroll tax—$130,200 in 1992.)

IMPROVED ENERGY EFFICIENCY CONFERENCE REPORT

Mr. DOLE. Mr. President, I am very pleased there has been agreement reached in conference on energy legislation. I commend the chairman of the Energy Committee, Senator JOHNSTON, and the ranking Republican member, Senator WALLOP. I think this is so important. It has been 25 years, 25 years since we have had a comprehensive energy bill pass the Congress of the United States. If there is any one thing that ought to keep us here until we complete this session, it should be this energy bill.

Now, we still have a portion of the energy bill, the revenue section, which has not yet been agreed upon by the House and Senate conferees on the Finance and Ways and Means Committee, and it is my hope that can be done yet today. So we have an opportunity we have not had for almost a quarter of a century and we should not let it slip away in the last few days of this session.

I urge my colleagues particularly on the Finance and Ways and Means Committees—I am a member of the Finance Committee—to complete the revenue section and complete the conference report no later than this evening or sometime tomorrow. There is no reason we should not pass that bill and meet our adjournment schedule of Monday, October 5.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may at any time turn to the consideration of the legislative appropriations bill, H.R. 5427; that the committee amendments be agreed to for the purposes of original text, and that no point of order be waived by this agreement, and that the only other amendments in order be the following, and that the listed amendments be in the first degree with no second-degree amendments in order. The amendments are:

An amendment by Senators SEYMOUR and BROWN reducing spending, on which there will be 20 minutes for debate, equally divided;

An amendment by Senator DANFORTH regarding nominees' legal expenses, 20 minutes for debate, equally divided;

An amendment by Senator GRASSLEY regarding Federal travel accountability, on which there will be 20 minutes equally divided for debate;

A managers' amendment on behalf of the majority and minority leaders, on which there will be 40 minutes for debate, with 10 minutes under the control of the majority leader and 30 minutes under the control of the Republican leader, or manager;

A managers' amendment on behalf of the majority and minority leaders, on which there will be 10 minutes equally divided; that there be 20 minutes for debate on the bill; that all time for debate be equally divided in the usual form, except where noted; that no motions to recommit be in order and that when the amendments are dispensed with and all time is used or yielded back, the Senate vote, without any intervening action or debate, on passage of the bill.

I further ask unanimous consent that all rollcall votes ordered in relation to this unanimous-consent request be stacked following final debate of all of the amendments on the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993

Mr. REID. Mr. President, after having consulted with the majority leader and the Republican leader, I ask that the clerk present to the Senate H.R. 5427 for consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5427) making appropriations for the legislative branch for the fiscal year ending September 30, 1993, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

MILEAGE AND EXPENSE ALLOWANCES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $69,895,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,431,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $432,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,076,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $644,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $942,000 for each such committee; in all, $1,884,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $362,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $172,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $11,715,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $33,739,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,133,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $16,307,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,080,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $833,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $1,199,100 for each such committee; in all, $2,398,200.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $77,000,000.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $336,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,452,500.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $82,944,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $6,748,000: Provided, That funds appropriated under this heading for fiscal years 1991 and 1992 pursuant to S. Res. 239 (102d Congress agreed to November 27, 1991), shall remain available until September 30, 1993.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $185,768,000.

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, $825,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $20,000,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. Effective October 1, 1992, section 111(a) of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 61–1 note) is amended by striking "$149,286" and inserting, "an amount equal to 3 times the maximum annual gross rate of compensation that may be paid to an employee of the office of a Senator".

SEC. 2. (a) The Secretary of the Senate is authorized to establish a Senate Gift Shop for the purpose of providing for the sale of gift items to Members of the Senate, staff, and the general public.

(b) All moneys received from sales and other services by the Senate Gift Shop shall be deposited in the revolving fund established by subsection (c) and shall be available for purposes of this section.

(c) There is established in the Treasury of the United States a revolving fund within the contingent fund of the Senate to be known as the Senate Gift Shop Revolving Fund (hereafter referred to in this section as the "fund"). The fund shall consist of all amounts collected or received by the Secretary of the Senate from sales and services by the Senate Gift Shop. All moneys in the fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate in connection with the operation of the Senate Gift Shop, including supplies, equipment, and other expenses. In addition, such moneys may be used by the Secretary of the Senate to reimburse the Senate appropriations account, appropriated under the heading "SALARIES, OFFICERS AND EMPLOYEES" and "OFFICE OF THE SECRETARY", for amounts used from such account to pay the salaries of employees of the Senate Gift Shop.

(d) The provisions of section 4 of the Act of July 31, 1946 (40 U.S.C. 193d), shall not be applicable to any activity carried out pursuant to this section.

(e) To provide capital for the fund, the Secretary of the Senate is authorized to transfer, from moneys in the Stationery Revolving Fund in the contingent fund of the Senate, to the fund such sum as he may determine necessary, not to exceed $300,000.

(f) For the purpose of acquiring supplies, equipment, and meeting other initial expenses in implementing subsection (a), the Secretary of the Senate is authorized, upon the date of the enactment of this Act, to expend, from moneys appropriated to the appropriations account, within the contingent fund of the Senate, for expenses of the Secretary of the Senate, by the Legislative Branch Appropriations Act, 1991, such amounts as may be necessary to carry out this section.

(g) Disbursements from the fund shall be made upon vouchers approved by the Secretary of the Senate, or his designee.

(h) The Secretary of the Senate is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

SEC. 3. Section 69a of title 2 of the United States Code is amended by striking "$4,000" and inserting "$10,000".

SEC. 4. Section 7 under the heading "Senate" and "Administrative Provisions" of Public Law 101–163 (103 Stat. 1046) is amended—

(1) by striking "enter into an agreement with the Secretary of Education to" in the first sentence thereof;

(2) by striking the second sentence thereof; and

(3) by striking in the last sentence "Miscellaneous Items" and inserting in lieu thereof "Secretary of the Senate."

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES (PRIOR YEARS)

(RESCISSION)

Of the funds appropriated in the Legislative Branch Appropriations Act, 1991, for the House of Representatives under the heading "SALARIES AND EXPENSES", there is rescinded a total of $6,775,642.83, in the amounts specified for the following headings and accounts:

(1) "HOUSE LEADERSHIP OFFICES", $308,988.51, as follows: (A) "Office of the Speaker", $17,647.07; (B) "Office of the Majority Floor Leader", $36,233.46; (C) "Office of the Minority Floor Leader", $183,097.26; (D) "Office of the Majority Whip", $61,579.53; and (E) "Office of the Minority Whip", $10,431.19.

(2) "COMMITTEE ON THE BUDGET (STUDIES)", $8,261.37.

(3) "STANDING COMMITTEES, SPECIAL AND SELECT", $2,171,051.63.

(4) "ALLOWANCES AND EXPENSES", $2,592,737.63, as follows: (A) "Official Expenses of Members", $2,196,821.48; (B) "supplies, materials, administrative costs and Federal tort claims", $3,108.30; (C) "net expenses of purchase, lease and maintenance of office equipment", $292,766.95; and (D) "stenographic reporting of committee hearings", $100,040.90.

(5) COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)", $955,144.83.

(6) "OFFICIAL MAIL COSTS", $41,210.33.

(7) "SALARIES, OFFICERS AND EMPLOYEES", $698,248.53, as follows: (A) "Office of the Postmaster", $1,000.53; (B) "Office of the Parliamentarian", $119,087.71; (C) "for salaries and expenses of the Office of the Historian", $54,324.08; (D) "for salaries and expenses of the Office of the Legislative Counsel of the House", $198,559.05; (E) "six minority employees, $85,315.44; (F) "the House Democratic Steering Committee and Caucus", $123,537.90; (G) "the House Republican Conference", $94,273.55; and (H) "other authorized employees", $22,150.27.

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $699,109,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $5,561,000, including: Office of the Speaker, $1,383,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $994,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,348,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $1,095,000, including $5,000 for official expenses of the Majority Whip and not to exceed $405,830, for the Chief Deputy Majority Whip; and Office of the Minority Whip, $741,000, including $5,000 for official expenses of the Minority Whip and not to exceed $97,330, for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of official and representative duties, $228,313,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $70,950,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $389,000.

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $57,900,000.

Committee on House Administration

HOUSE INFORMATION SYSTEMS

For salaries, expenses and temporary personal services of House Information Systems, under the direction of the Committee on House Administration, $22,885,000, of which $8,139,000 is provided herein: *Provided*, That House Information Systems is authorized to receive reimbursement for services provided from Members and Officers of the House of Representatives and other Governmental entities and such reimbursement shall be deposited in the Treasury for credit to this account: *Provided further*, That amounts so credited for fiscal year 1992 and not obligated shall be available for obligation in fiscal year 1993.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $222,737,000, including: Official Expenses of Members, $78,545,000; supplies, materials, administrative costs and Federal tort claims, $19,116,000; net expenses of purchase, lease and maintenance of office equipment, $4,427,000; furniture and furnishings, $1,720,000; stenographic reporting of committee hearings, $1,055,000; reemployed annuitants reimbursements, $1,039,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $116,203,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $632,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $6,631,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the House of Representatives, as authorized by law, $47,711,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $50,778,000, including: Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $22,354,000; Office of the Sergeant at Arms, including not to exceed $500 for official representation and reception expenses, $1,369,000; Office of the Doorkeeper, including overtime, as authorized by law, $10,750,000; Office of the Postmaster, $4,079,000; Office of the Chaplain, $123,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $854,000; for salaries and expenses of the Office of the Historian, $310,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,403,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,155,000; six minority employees, $735,000; the House Democratic Steering and Policy Committee and the Democratic Caucus, $1,461,000; the House Republican Conference, $1,461,000; and other authorized employees, $1,724,000.

Administrative Provisions

SEC. 101. (a) Amounts appropriated for any fiscal year for the House of Representatives under the heading "ALLOWANCES AND EXPENSES" may be transferred among the various categories of allowances and expenses under such heading, upon approval of the Committee on Appropriations of the House of Representatives.

(b) Amounts appropriated for any fiscal year for the House of Representatives under the heading "SALARIES, OFFICERS AND EMPLOYEES" may be transferred among the various offices and activities under such heading, upon approval of the Committee on Appropriations of the House of Representatives.

(c)(1) Amounts appropriated for any fiscal year for the House of Representatives under the headings specified in paragraph (2) may be transferred among such headings, upon approval of the Committee on Appropriations of the House of Representatives.

(2) The headings referred to in paragraph (1) are "HOUSE LEADERSHIP OFFICES", "MEMBERS' CLERK HIRE", "COMMITTEE EMPLOYEES", "STANDING COMMITTEES, SPECIAL AND SELECT", "HOUSE INFORMATION SYSTEMS", "ALLOWANCES AND EXPENSES", "OFFICIAL MAIL COSTS", and "SALARIES, OFFICERS AND EMPLOYEES".

SEC. 102. The provisions of H. Res. 199, approved April 1, 1991, establishing 114 civilian support positions for the Capitol Police with respect to the House of Representatives, shall be the permanent law with respect thereto.

SEC. 103. (a) Upon the transfer of any function to the Director of Non-legislative and Financial Services or the Office of General Counsel by reason of the House Administrative Reform Resolution of 1992, and upon the commencement of operation of the Office of Inspector General, the applicable amounts appropriated by the Legislative Branch Appropriations Act, 1992, or by this Act for the purposes specified in subsection (b) shall be available to the Director, the Office of General Counsel, and the Office of Inspector General for the carrying out of such function or operation, upon the approval of the Committee on Appropriations of the House of Representatives. *In no case shall the transfer of any function referred to in the preceding sentence include the transfer of any function of the Capitol Guide Service.*

(b) The purposes referred to in subsection (a) are (1) salaries and expenses of the House of Representatives under the headings "ALLOWANCES AND EXPENSES" and "SALARIES, OFFICERS AND EMPLOYEES"[, AND (2) JOINT ITEMS UNDER THE HEADING "CAPITOL GUIDE SERVICE"].

SEC. 104. (a) There is established a subaccount in the appropriation account for salaries and expenses of the House of Representatives for the deposit of fees received from Members and officers of the House of Representatives for services provided to such Members and officers by the Office of the Attending Physician. The amounts so deposited shall be available, subject to appropriation, for the operations of the Office of the Attending Physician.

(b) This section shall take effect at the beginning of the first month after the month in which this Act is enacted.

JOINT ITEMS

For joint committees, as follows:

Joint Committee on Inaugural Ceremonies of 1993

For construction of platform and seating stands and for salaries and expenses of conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 1993, in accordance with such program as may be adopted by the joint committee authorized by Senate Concurrent Resolution 102, One Hundred Second Congress, agreed to March 25, 1992, $906,000, to remain available until September 30, 1993. Such funds shall be available for payment, on a direct or reimbursable basis, for such construction, salaries, and expenses, whether incurred on, before, or after, October 1, 1992.

Joint Economic Committee

For salaries and expenses of the Joint Economic Committee, $4,020,000.

Joint Committee on Printing

For salaries and expenses of the Joint Committee on Printing, $1,391,000.

Joint Committee on Taxation

For salaries and expenses of the Joint Committee on Taxation, $5,759,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month each to two assistants and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $973,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,509,000, to be disbursed by the Clerk of the House.

Capitol Police Board

Capitol Police

SALARIES

For the Capitol Police Board for salaries, including overtime, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, [$62,852,000] *$64,093,000*, of which [$31,000,500] *$31,741,500* is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and [$31,851,500] *$32,351,500* is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided, That of the amounts appropriated for fiscal year 1993 for salaries, including overtime, and Government contributions to employees' benefits funds under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.*

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including purchasing and supplying uniforms; the purchase, maintenance, and repair of police vehicles, including two-way police radio equipment; and contingent expenses, including advance payment for travel for training, protective details, and tuition and registration, expenses associated with the implementation of the Capitol Police Employee Assistance Program, including but not limited to professional referrals, and expenses associated with the awards program not to exceed $2,000, expenses associated with the relocation of instructor/liaison personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $85 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $2,029,000, to be disbursed by the Clerk of the House: *Provided*, That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed $4,000: *Provided further*, That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed $4,000: *Provided further*, That, notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1993 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

ADMINISTRATIVE PROVISION

SEC. 105. Of the amounts appropriated for fiscal year 1993 for "Capitol Police Board", "Capitol Police," such amounts as may be necessary may be transferred between the headings "Salaries", and "General expenses", upon approval of the Committees on Appropriations of the Senate and House of Representatives.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,644,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, **[**$292,000**]** *$366,000*, to be disbursed by the Secretary of the Senate.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the One Hundred Second Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $20,0000, to be paid to the persons designated by the chairman of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92–484), including official reception and representation expenses (not to exceed $3,500 from the Trust Fund), and expenses incurred in administering an employee incentive awards program (not to exceed $1,800), rental of space in the District of Columbia, and those expenses necessary to carry out the duties of the Director of the Office of Technology Assessment under 42 U.S.C. 1395ww, and 42 U.S.C. 1395w–1, $21,025,000: *Provided*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92–484, except that funds shall be available for the assessment required by Public Law 96–151: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or shall be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not to exceed $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $22,542,000: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98–63.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; and other personal services; at rates of pay provided by law, **[**$8,286,000**]** *$8,144,000*.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $50,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000**[**, which shall remain available until expended**]**.

CONTRACT STUDY OF GAO

To enable the Architect of the Capitol to obligate and expend funds, as contracting officer, for the expenses of the General Accounting Office Peer Review Committee, including the expenses of engaging, by contract or otherwise, the services of accountants or accounting firms and persons or entities with expertise in the fields of auditing and public program and policy analysis, for the purpose of conducting audits, examinations, and studies of the organization, administration, management, and operations of the General Accounting Office, as provided by section 316 of this Act, $2,000,000, to remain available until expended.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase and installation of security systems which are approved by the Capitol Police Board, as authorized by House Concurrent Resolution 550, Ninety-Second Congress, agreed to September 19, 1972, the cost limitation of which is hereby further increased by **[**$300,000**]** *$340,000*; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, **[**$23,515,000**]** *$24,040,000*, of which **[**$4,245,000**]** *$4,645,000* shall remain available until expended: *Provided*, That of the funds to remain available until expended, $1,328,000 shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, **[**$5,256,000**]** *$6,000,000, of which $200,000 shall remain available until expended.*

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $47,339,000, of which $11,339,000 shall remain available until expended: Provided, That of the funds to remain available until expended, $2,000,000 shall be available for obligation without regard to section 3709 of the Revised Statutes, as amended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, including the position of Superintendent of Garages as authorized by law, $32,387,000, of which $2,940,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office; and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $32,088,000, of which $665,000 shall remain available until expended: *Provided*, That not to exceed $3,200,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1993.

ADMINISTRATIVE PROVISION

SEC. 106. There is established in the Treasury a revolving fund for the House of Representatives gymnasium. The Architect of the Capitol shall deposit in the fund such amounts as the Architect may receive as gymnasium dues or assessments from Members of the House of Representatives and other authorized users of the gymnasium. The amounts so deposited shall be available for obligation by the Architect for expenses of the gymnasium.

LIBRARY OF CONGRESS

Congressional Research Service

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, **[**$56,583,000**]** *$58,000,000*: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further*, That notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

Congressional Printing and Binding

For authorized printing and binding for the Congress; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $89,591,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1993".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

Salaries and Expenses

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, **[**$2,906,000**]** *$10,131,000 of which $7,225,000 shall remain available until expended***[**: *Provided*, That effective upon enactment of this Act, such amount, not exceeding $500,000, deemed necessary for preparation of working drawings, specifications, and cost estimates for renovation of the Conservatory of the Botanic Garden may be transferred to the Botanic Garden appropriation from among the various Architect of the Capitol appropriations, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate**]**.

Administrative Provision

SEC. 201. Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c), not more than $6,000,000 shall be accepted and not more than $6,000,000 of the amounts accepted shall be available for obligation by the Architect of the Capitol for constructing, equipping, and maintaining the National Garden.

LIBRARY OF CONGRESS

Salaries and Expenses

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, **[**$200,073,000**]** *$206,252,000*, of which not more than $7,500,000 shall be derived from collections credited to this appropriation during fiscal year 1993 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,500,000: *Provided further*, That of the total amount appropriated, $7,669,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That, notwithstanding the provisions of 2 U.S.C. 150, as amended, $303,000 is to be available to support the catalog cards service: *Provided further*, That, of the total amount appropriated, $3,186,000 is to remain available until expended for the rental *or purchase* and outfitting for a warehouse and book storage facility away from Capitol Hill.

Copyright Office

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, **[**$26,040,000**]** *$26,417,000*, of which not more than $14,500,000 shall be derived from collections credited to this appropriation during fiscal year 1993 under 17 U.S.C. 708(c), and not more than $2,217,000 shall be derived from collections during fiscal year 1993 under 17 U.S.C. 111(d)(2), 116(c)(1), 119(b)(2), and 1013: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $16,717,000: *Provided further*, That $200,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies.

Books for the Blind and Physically Handicapped

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), $43,144,000, of which $10,377,000 shall remain available until expended.

Furniture and Furnishings

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,490,000.

Administrative Provisions

SEC. 202. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $175,690, of which $54,800 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 203. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 204. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 205. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 206. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 207. All sums ordered by any judicial or administrative authority as restitution to the Library of Congress for lost, stolen, damaged, or destroyed books, periodicals, newspapers, or other materials from the Library of Congress collections shall be credited to funds appro-

priated to the Library of Congress for the acquisition of the same, and said restitution sums shall remain available until expended.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $9,733,000, of which $860,000 shall remain available until expended.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $911,000, of which $781,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,082,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $120,000: *Provided further*, That funds, not to exceed $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1989 and 1990 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles not to exceed a fleet of twelve: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and Expenses" together may not be available for the full-time equivalent employment of more than 4,950 workyears: *Provided further*, That the revolving fund shall be available for expenses not to exceed $500,000 for the development of plans and design of a multi-purpose facility: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15, nor to any employee involved in the in-house production of printing and binding: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

[ADMINISTRATIVE PROVISION

[SEC. 207. (a) Section 206 of the Legislative Branch Appropriations Act, 1991 (44 U.S.C. 501 note) shall not apply with respect to funds appropriated for fiscal year 1993.

[(b)(1) None of the funds appropriated for fiscal year 1993 by this Act or any other law may be obligated or expended by any entity of the executive branch for the procurement of any printing related to the production of Government publications (including forms, CD-ROM's, and map/chart products), unless such procurement is by or through the Government Printing Office.

[(2) Paragraph (1) does not apply to (A) individual printing orders costing not more than $1,000, if the work is not of a continuing or repetitive nature, and, as certified by the Public Printer, cannot be provided by the Government Printing Office, (B) printing for the Central Intelligence Agency, the Defense Intelligence Agency, or the National Security Agency, or (C) printing from commercial sources that is specifically authorized by law.

[(3) As used in this subsection, the term "printing" means the process of composition, platemaking, presswork, silk screen processes, binding, microform, and CD-ROM replication, and the end items of such processes.]

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); [$442,167,000] *$440,167,000*: *Provided*, That not more than $1,200,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1993: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an approprfate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That, notwithstanding any other provision of law, $2,191,000 of this appropriation shall be available for the planning, administering, receiving, sponsoring and such other expenses as the Comptroller General deems necessary to represent the United States as host of the 1992 triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAI): *Provided further*, That the General Accounting Office is authorized to solicit and accept contributions to be held in trust, which shall be available without fiscal year limitation, not to exceed $20,000, for any purpose related to the 1992 triennial Congress.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

(b) As used in this section—

(1) the term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

(2) the term "telecommunications system" means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

(c) This section shall apply with respect to fiscal years beginning after September 30, 1992.

[SEC. 306. Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of purchase, rental, lease, or other agreement, of storage and warehouse space for use by the Library of Congress during fiscal year 1993, and to incur incidental expenses in connection with such use.]

SEC. 306. Notwithstanding any other provision of law, and subject to approval by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, amounts may be transferred from the appropriation "Library of Congress, Salaries and expenses" to the appropriation "Architect of the Capitol, Library buildings and grounds, Structural and mechanical care" for the purpose of purchase, rental, lease, or other agreement, of storage and warehouse space for use by the Library of Congress during fiscal year 1993, and to incur incidental expenses in connection with such use.

SEC. 307. The amounts deposited in the account established by section 312(d)(1)) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)) shall be available for salaries and expenses of the House of Representatives Child Care Center without fiscal year limitation, subject to the approval of the Committee on Appropriations of the House of Representatives.

SEC. 308. (a) Section 316(a) of the Legislative Branch Appropriations Act, 1990 as so redesignated by section 311(h)(3) of the Legislative Branch Appropriations Act, 1991 (39 U.S.C. 3210 note) is amended—

(1) in the matter before paragraph (1), by striking out "or a Member of the House of Representatives"; and

(2) in paragraphs (1) and (2), by striking out "or Member" each place it appears.

(b) The amendments made by subsection (a) shall take effect on October 1, 1992.

SEC. 309. (a) Section 3210 of title 39, United States Code, is amended—

(1) in subsection (a)(7), by striking out "of the Member, except" and all that follows through the end of subparagraph (B) and inserting in lieu thereof "from which the Member was elected."; and

(2) in subsection (d)(1), by striking out "delivery—" and all that follows through the end of subparagraph (B) and inserting in lieu thereof "delivery within that area constituting the congressional district or State from which the Member was elected.".

(b) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 310. Effective November 5, 1990, section 106(a) of Public Law 101-520 is amended by striking out "(a) The" and inserting in lieu thereof "Section 9 of the".

[SEC. 311. No part of any appropriation contained in this Act shall be used to carry out the provisions of subsections (b)(1) and (b)(3) of section 5 of Public Law 100-480, approved October 7, 1988, as those provisions relate to interior security of the Federal Judiciary Building.]

SEC. 311. (a) Paragraphs (1) and (3) of subsection (b) of section 5 of the Judiciary Office Building Development Act (40 U.S.C. 1204(b)) are amended by deleting "and interior" and by adding the following new subsection:

"(c) The United States Capitol Police are authorized to police the building and other improvements constructed pursuant to the Judiciary Office Building Development Act, including the interior and exterior thereof, and to make arrests within the interior and exterior of such building and other improvements for any violation of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto.".

(b) Subsection (a) of section 9 of the Judiciary Office Building Development Act (40 U.S.C. 1207(a)) is amended by deleting "and interior".

SEC. 312. Section 316 of Public Law 101-302 is amended in the first sentence of subsection (a) by striking "1992" and inserting "1993".

SEC. 313. Section 12 of the Act of November 5, 1990 (2 U.S.C. 58c-1) is amended by deleting "the lesser of $100,000 or 50 percent of the amount allocated to such Member for mass mail" and inserting in lieu thereof "$100,000 of the amount allocated to such Member".

SEC. 314. Section 734 of title 31, United States Code, is amended by adding "a" at the beginning of the first paragraph, and the following new paragraph after the period at the end of the first paragraph "(b) Any committee of the Congress or a joint committee of Congress shall reimburse the Comptroller General for the pay of each officer or employee of the Office for the time the officer or employee is assigned or detailed to the committee or joint committee beginning after March 1, 1993."

SEC. 315. (a) There is established the Independent General Accounting Office Peer Review Committee (hereafter in this section referred to as the "Committee"). The Committee shall consist of 11 members as follows—

(1) the Comptroller General of the United States; and

(2) 10 members who—

(A) are not officers or regular employees of the General Accounting Office;

(B) have expertise in government program analysis, public policy analysis, financial and auditing review; and

(C) are appointed by the Comptroller General of the United States in consultation with the chairman and ranking members of the Senate Committee on Governmental Affairs, the House of Representatives Committee on Government Operations, and the chairman and ranking minority member of the Subcommittee on Legislative Branch of the Committee on Appropriations of the Senate, and the chairman and ranking minority member of the Subcommittee on Legislative of the Committee on Appropriations of the House of Representatives.

One of the members appointed pursuant to paragraph (2) shall be appointed chair of the Committee.

(b) The Committee shall conduct a review of the organization, administration, management, and operations of the General Accounting Office, including the way the General Accounting Office conducts its reports, studies, and reviews. To conduct the review, the Committee shall engage the services of accountants or accounting firms and persons or entities with expertise in the fields of auditing, and public program and policy analysis pursuant to the appropriation under the heading "CONTRACT STUDY OF GAO". In planning the review the Committee shall take into account generally accepted standards for an external quality review of an auditing organization. In conducting the review the Committee shall—

(1) select a sample of General Accounting Office reports, studies, and reviews conducted over the past 24-month period preceding the date of the enactment of this section, which shall encompass a variety of topics, sectors, and subjects that adequately reflect the endeavors of the General Accounting Office;

(2) submit the sample reports, studies, and reviews to independent analysis by organizations, selected by the Committee, with recognized expertise in the relevant field of the selected reports, studies, and reviews to assess the accuracy, fairness, and professionalism of the reports, studies, and reviews; and

(3) ensure that the Committee or the organization responsible for conducting the analysis includes in each report of the independent analysis—

(A) a thorough examination to determine the objectivity, integrity, validity, and timeliness of each General Accounting Office product;

(B) the requesting and clearance procedures to maintain objectivity in analysis;

(C) the number of and reasons for the use of outside consultants and contract services required to complete the final General Accounting Office report;

(D) the contents and findings of any other support agencies' reports for duplication of scopes of work, and related efforts designed to solicit different findings and recommendations;

(E) the costs associated with preparing the final reports by the General Accounting Office, and the costs incurred by other support agencies in preparing similar or identical scopes of work; and

(F) a review of the final submission process to determine how the information was released to the appropriate congressional Members or committees, to the public, and to any relevant Federal departments or agencies.

(c) In conducting the review and analysis under subsection (b), the Committee shall ensure that Federal departments and agencies, Members of Congress, appropriate congressional staff, and any other relevant organizations or individuals are consulted concerning their input, participation in, and responses to General Accounting Office studies, reports, and reviews with the intention of determining the objectivity and integrity of the final analysis.

(d) No later than 12 months after the date of the enactment of this Act, the Committee shall consolidate all analyses and submit a report of the review conducted under this section to the Comptroller General of the United States, the chairman and ranking minority member of the Subcommittee on Legislative Branch of the Committee on Appropriations of the Senate, and the chairman and ranking minority member of the Subcommittee on Legislative of the Committee on Appropriations of the House of Representatives, and to the chairman and ranking minority member of the Senate Committee on Governmental Affairs, and the chairman and ranking minority member of the House of Representatives Committee on Government Operations. Such report shall include an overall summary with recommendations for ways in which the General Accounting Office can accomplish its mandates in the most efficient and professional manner, at the most reasonable cost, with minimal duplication of other support agencies and Office of Inspector General undertakings, and with maximum objectivity and integrity.

(e) The provisions of the Federal Advisory Committee Act shall not apply to the Committee, except the Committee shall consult the guidelines established under section 7(d) of such Act.

(f) The Committee shall terminate 30 days after the date of submitting the report under subsection (d).

(g) In addition to the funds appropriated by this section, funds appropriated to the General Accounting Office shall be available for the purpose of carrying out the provisions of this section.

SEC. 316. (a) The Senate Committee on Rules and Administration shall promulgate regulations—

(1) pertaining to the services provided by the Attending Physician and the operation and use of the Senate health and fitness facilities; and

(2) requiring the payment of fees for services received from the Attending Physician and for the use of the Senate health and fitness facilities pursuant to such regulations.

(b) The Secretary of the Senate is authorized to withhold fees from the salary of an individual authorized by such regulations to receive such services from the Attending Physician and to use the Senate health and fitness facilities.

(c) The Secretary of the Senate shall remit all fees required by subsection (a)(2) that are collected pursuant to subsection (b) or by direct payment to the General Fund of the Treasury as miscellaneous receipts unless otherwise provided by law.

(d) The provision of this section shall take effect on April 9, 1992.

This Act may be cited as the "Legislative Branch Appropriations Act, 1993".

[On page 34, strike line 17, beginning with "Notwithstanding" through line 20, ending with "amounts" and insert in lieu thereof "Amounts".

[On page 34, insert on line 3 after "use" the following: ": *Provided*, That no such amounts may be transferred before the date of the enactment of an Act authorizing the use of funds for that purpose".]

The PRESIDING OFFICER. Pursuant to the order the committee amendments are agreed to and are original text for the purposes of further amendment.

The Senator from Nevada is recognized.

Mr. REID. Mr. President, H.R. 5427, the legislative branch appropriations bill for fiscal year 1993, contains a total of $2,314,106,057 in new discretionary budget authority. This is, according to CBO scorekeeping, within the subcommittee's 602(b) allocation and is $29,349,543 in budget authority and $118,538,000 in outlays below currently enacted levels.

(Mr. AKAKA assumed the Chair.)

Mr. REID. Let me emphasize this point, Mr. President. The net result of the committee's actions will be to reduce, I repeat reduce, the actual spending level for the agencies in this bill by $118,538,000 below the current fiscal year. So, the bill the committee is recommending is 5.2 percent below a freeze in outlays.

The amounts in the bill are also $356 million less than the amounts requested in the President's budget, a reduction of 13.3 percent from the budgets proposed for the Congress and related agencies.

As anyone familiar with organizational financing knows, a reduction in funding below current levels cannot be achieved without risking a significant loss in functional capability. This is especially true in organizations that are, like those of the legislative branch, personnel intensive. So the cuts included in this bill are going to involve some real pain, to and by the time we finish this bill there will be some real, real pain. The Congress and the support agencies are going to have some tough adjustments to make.

In some cases, it is going to mean that staff positions will be abolished or go unfilled; in other cases; it will mean that needed investments in the maintenance, modernization, and rehabilitation of physical infrastructure will be deferred; and in still other cases, agencies will have to postpone the acquisition and upgrading of their computer and telecommunication equipment.

The overall result will inevitably entail some impairment in the ability of the support agencies to respond to requests for information and analysis. So my colleagues should be on notice that they can expect some delays and backlogs when they ask the General Accounting Office, the Office of Technology, Assessment, the Congressional Research Service, or the Congressional Budget Office for a study on some issue, policy question, or even a constituent inquiry.

They will not be as prompt as they have been. As you know, Mr. President, with all due respect to these agencies, and they work very hard, in many instances today they are not very prompt. So this will make it even worse.

These constraints will also have an effect here in the Senate. The amount appropriated for the Senate is $18 million less than the amount now available to this body. To stay within that limit will require individual Senators, committees, and the other organizations of the Senate to reduce costs. To achieve the necessary savings it will be necessary to reduce staff, defer the purchase of supplies and equipment, and/or cut back on travel and other administrative expenses.

Mr. President, I have tried in the past to explain that this is not just an appropriations bill for the Congress. This is the legislative branch appropriations bill. The House and the Senate are only part of this appropriations bill. In this bill, for example, a little less than half the funding is for the direct operations of the House and Senate. Moreover, the related agencies that are included in title I, the congressional operations title, are much more than mere appendages to the Congress. They also produce services and products that have important benefits for all our citizens. That is, citizens in Hawaii, Nevada, Washington, Colorado, every State in the Nation will benefit.

This applies, even more strongly, of course, to the organizations funded in title II. The Library of Congress, Government Printing Office, and the General Accounting Office have very significant functions and responsibilities in their own right that have little, if anything, to do with the direct operations of the Congress.

As I said Mr. President, I have tried to make this point every time I have come to the floor with this bill. But some of my colleagues and some elements of the media apparently have not been listening to what we have said. I do not know how else to explain the continuing stream of misinformation, misrepresentation, and arrant nonsense that continues in articles, TV talk shows, and—worse yet—on this floor.

As an example, Mr. President, I see it repeated time after time that Members of Congress get free haircuts. I went in to get my haircut over here to the man that cuts my hair, and I said: "Mario, I keep reading about these free haircuts. Is there something I am missing?"

I do not remember the exact date. He said in either 1967 or 1976, or years ago, they stopped that. There was a time that some staff and Members of Congress got free haircuts but that was a long, long time ago, Mr. President. But you keep seeing these things in the press. And we are trying to correct the continuing stream of misinformation but it is difficult.

HIGHLIGHTS

The report accompanying the bill, Senate Report 102-418, provides a detailed explanation of the committee recommendations for each of the accounts in the bill. But I want to take a few moments here to highlight the impact that a $120 million reduction from current spending levels will have on specific agencies.

LIBRARY OF CONGRESS

The Library of Congress is one of only five agencies that is above a freeze in this bill. We are recommending appropriations of $314,086,000 which is a reduction of $18,525,000 below the request, but an increase of $9,195,000 over the amount available for fiscal 1992. In addition, the Library will have authority to spend $24,217,000 in receipts from copyright registrations and sales of cataloging data for the Library of Congress.

The amount we are recommending is an increase of $7.9 million over the House level and restores the equivalent of 139 positions not funded by the House. However, the committee allowance will still cut the Library staff by at least 57 positions.

The committee was reluctant to accept the House level for the Library of Congress, because it really represents a program reduction of 6 percent when inflation and mandatory salary costs are taken into consideration. In the decade of the 1980's, Library staff declined by 568 positions or about 10 percent due to funding constraints. This down sizing occurred at the same time congressional and public demand for the Library's services sharply increased in all categories.

Perhaps the best single measure of the resulting loss in the Library's capacity was the development of what is called the arrearage in collected but unprocessed materials. This arrearage, Mr. President, is constituted of materials that the Library has acquired but, due to staffing shortages has been unable to sort, catalog, and shelve. It includes items ranging from books to manuscripts to music to maps. All of these unprocessed materials are inaccessible to the library community at large and to researchers and the general public. By the year 1989, this backlog of uncataloged and unusable materials had grown to a total of over 38,000,000 items.

When I became chairman of the subcommittee I saw that we had to do something about this deterioration in the Library's services and about the arrearage problem in particular. So beginning in fiscal year 1991, we began to try to rebuild the Library's staffing base. Putting first things first, we provided the funds required to fill 164 positions dedicated to reducing the backlog of materials in the Library collections. In the meantime, we have sought to restore some of the positions supporting other core Library functions that had been lost over the years.

The House allowance would maintain support for the arrearage effort but would reverse the progress we have made in these other Library activities.

One million two-hundred thousand dollars of the increase over the House allowance is to restore 19 of the 38 positions not funded by the House for the Congressional Research Service. These 19 positions are for information and reference support to the Congress provided through reference centers, reading rooms, and its congressional reference quick response capability. It should be noted, however, that CRS will still have 19 fewer positions this coming fiscal year than at present.

GENERAL ACCOUNTING OFFICE

We are recommending for the General Accounting Office an appropriation of $440,167,000 plus authority for $1.2 million in offsetting collections. This is a reduction of $47,316,000 below the request and $2,480,000 below the enacted level. In addition, GAO will be required to reduce its staffing by 162 average positions from the current level of 5,062.

Since fiscal year 1984 GAO's budget, when adjusted for inflation and mandatory pay increases, has grown by about 4 percent. The agency has been the same size for 15 years.

The funding and staffing reductions contained in this bill will result in a smaller GAO with fewer resources available to support its congressional request workload. Specifically, the agency will have to curtail significantly travel, consultant and expert services, contractor services, time sharing, and data base resources in carrying out its congressional request work. Although GAO is committed to managing within this constrained level, these reductions coupled with the staffing reduction will result in an increase in the current backlog of congressional requested jobs from 261 to 374 an increase of 113 or 50 percent.

The bill includes a general provision establishing an independent peer review committee to oversee a comprehensive audit of GAO. This provision reflects the ideas of Senators GORTON, BOND, and DOMENICI, and myself. I believe the audit and the comprehensive review mandated by the language will help to clear the air with respect to questions that have arisen about GAO's mission and the quality of its work.

OFFICE OF TECHNOLOGY ASSESSMENT

The recommended bill contains $21,025,000 for OTA activities in fiscal 1993. This is the same level as was provided in fiscal 1992 and is $2,643,000 below the request.

The committee recommendation will force OTA to eliminate merit pay increases, to reduce project-oriented staff and contractual services, and to provide facilities management with temporary employees.

OTA provides Congress with thorough, impartial analyses of the potential role of science and technology in creating and addressing the pressing concerns of today—and tomorrow.

In these times of limited economic resources, OTA's analyses of domestic problems—unemployment, lack of affordable health care, illiteracy—as well as global problems—climate change, loss of control over nuclear weapons, increasing tensions between the economic haves and have nots—are important to the Congress.

CONGRESSIONAL BUDGET OFFICE

The bill includes $22,542,000 for the Congressional Budget Office which is the same level as was fiscal 1992 and is $1,353,000 below the budget request.

For more than a decade, the Congressional Budget Office has had no real growth in its budget. Annual budget increases have averaged just 3.8 percent, virtually even with inflation, leaving CBO with no more purchasing power today than it had in 1984. The hard freeze contained in this bill is a real cut in the agency's funding level, and will force CBO to cut 2 to 4 staff years from its current level, to reduce planned merit pay increases by 50 percent, and to postpone needed analytical model updates in critical areas such as Medicare costs and defense budget reductions.

CBO is best known for its budget-related functions. It gives the Congress an independent and nonpartisan source of budgetary and economic analysis. It is an invaluable antidote to politicized data from OMB.

But CBO also presents the Congress with options and alternatives in a wide range of subject areas beyond the budget per se. CBO's annual analysis of the President's budget and its semiannual updates of the budget and economic outlook are of particular value to the overall work of this committee. But CBO studies help to inform policymaking in almost every domain, from defense and national security to agriculture and human resources.

ARCHITECT OF THE CAPITOL

Mr. President, the bill includes $171,962,000 to support the operations under the Architect of the Capitol, including the Botanic Garden. This is a reduction from the request of $31.1 million or 15.3 percent. It is, overall, barely 1 percent more than the amounts available in the current fiscal year.

Mr. President, the Architect of the Capitol is responsible for the supervision of all structural and mechanical improvements, additions, alterations, and repairs to: The Capitol Building and surrounding Grounds; Senate Office Buildings; House Office Buildings; Library of Congress Buildings and Grounds; Supreme Court Building and Grounds; Robert A. Taft Memorial; and the Botanic Garden.

These facilities, aside from their intrinsic historical and architectural significance, constitute invaluable capital investments. Their care, maintenance, and enhancement is a public trust of the highest order.

The virtual freeze in resources the committee is recommending means that the Architect will be required to absorb nondiscretionary compensation costs, reduce staffing levels by 48 positions, and curtail or defer a number of projects important to the preservation and enhancement of the Capitol complex.

Moreover, the general funding level is somewhat misleading, because the committee has provided funding for the costs of several unavoidable and expensive new initiatives within that total. For example, we have provided $2 million for acquisition of a dormitory for Senate pages, $6 million for the expenses of leasing and occupying space in the Postal Square facility, $2 million for a contract audit of the General Accounting Office, and $7 million for the initial phases of the reconstruction of the conservatory at the Botanic Garden. As a result, it has been necessary to cut even more deeply below current levels into the budgets for other programs and activities under the jurisdiction of the Architect.

SENATE

The total recommended for the Senate in fiscal year 1993 is $451.5 million. This represents a decrease of $17.9 million below the enacted level and is a reduction of $54.7 million from the request. The committee allowed no increases with the exception of the new Office of Fair Employment Practices, for which $825,000 is included. The effect, taking the unfunded January COLA and other inflation-related costs into account, is a real cut below the Senate's current funding level of over 7 percent.

In closing, let me again express my appreciation to Senator GORTON, the ranking member, for his assistance in bringing this legislation to the Senate. We have worked closely together in the development of the bill and it reflects a good many of his ideas and suggestions. It is a pleasure to work with him and his staff.

As always, our full committee chairman, Senator BYRD and his staff have been especially helpful and supportive in moving this bill. Having his advice and counsel is of incalculable value. No one understands this institution better nor exemplifies its best qualities more fully than the President pro tempore. It is an honor to serve under his leadership.

Senator HATFIELD, the ranking member of the full committee, also has a longstanding interest in the welfare of the Senate and the legislative branch. His commitment to protecting and improving this institution, its sister Chamber, and related organizations is well known to everyone in this Chamber. But, in a larger sense, he deserves the thanks of the American people. For this is, after all, their branch of the Government. Be that as it may, I want him to know that I admire his effort on our behalf and value his counsel.

Mr. President, I am just going to talk about some of the highlights in this bill.

The report accompanying the bill provides detailed explanations of the committee recommendations for each of the accounts in this bill. They are public record. I want to take a few moments though to highlight the impact that a $120 million reduction from current spending levels will have on specific agencies.

The Library of Congress is one of the only five agencies that is above a freeze in this bill. We do that, because the ranking member, Senator GORTON, the ranking Republican on this full committee, Senator HATFIELD, and many others, including this Senator, have great affection and admiration for the Library of Congress. It is the Library of Congress but also the library of the American public. It is one of the greatest institutions that has ever been developed by government. Because of the many good things it does for us as a country, we are recommending appropriations of $314 million which is below the request but an increase of about $9 million over the amount available for this year.

In addition, the Library will have authority to spend $24 million in receipts from copyright registrations and sales of cataloging data. I am not going to go into a lot more detail, but we have made great strides with the Library of Congress, with taking care of materials that were laying around in a fashion that they were being destroyed. There simply was not enough manpower to catalog and put these materials where they are supposed to be. We have done a lot in taking care of that great backlog. We have done other things in the Library of Congress, but the most important thing we have been able to do is to maintain the Library of Congress as a library of the American public. All over this country there are libraries that use the resources of the Library of Congress. So I am sure that Senator GORTON will say more, because he has expressed publicly and privately, as has Senator HATFIELD, and others, their great commitment to this institution.

THE OFFICE OF TECHNOLOGY ASSESSMENT

The recommended bill contains $21 million for OTA activities in fiscal year 1993. This was the same level that was provided in 1992 and is about $2½ million below the request. OTA provides Congress with a thorough analysis and impartial analysis of the potential role of science and technology in creating and addressing the pressing concerns of today and more importantly, Mr. President, the pressing concerns of tomorrow. I wish we could have fully funded the request for OTA. They do a great job and I think we as a country should be proud of the work they do.

CONGRESSIONAL BUDGET OFFICE

This bill includes about $22½ million for the Congressional Budget Office which is the same level as last year and is about $1.3 million below what they requested. For more than a decade the Congressional Budget Office has had no real growth in its budget. The annual budget increases have averaged just about 3½ percent, virtually even with inflation, leaving CBO with no more purchasing power today than they had in 1984.

The PRESIDING OFFICER. The manager's 10 minutes have expired.

Mr. GORTON. Mr. President, I yield 5 minutes from my time to the distinguished manager.

Mr. REID. I thank the Senator.

Mr. President, we have the Architect of the Capitol which we have funded below what is required to maintain the great infrastructure we have here in the Capitol. But we have done the best we can.

THE GENERAL ACCOUNTING OFFICE

We have a provision in this bill that will require an extensive study of the GAO. In effect, the GAO is going to have done to them what they do to others. And I say that on a positive note. They are going to be audited. That is included in this legislation. I think it is long overdue.

We have had a lot of concern from both sides of the aisle about GAO performance, and I think this will do it in the right way. Rather than doing a dramatic cut, we are going to study the General Accounting Office to make sure that they are meeting their obligations under law.

The total recommended for the Senate in fiscal year 1993 is about $451.5 million. This represents a decrease of almost $18 million below the enacted level, and is a reduction of about $5 million from the request.

The committee allowed no increase with the exception of the new Office of Fair Employment Practices for which $825,000 is included.

Mr. President, in closing let me express my appreciation to Senator GORTON, the ranking member, for his assistance in bringing this legislation to the Senate. We have worked together closely. I hope there are other subcommittees in the Congress that work as closely as we do. If that in fact is the case, it speaks well of us as a body.

We have worked closely together in the development of this bill, and it reflects a good many of his ideas and suggestions. It is a pleasure to work with him and his staff.

Also, our full committee chairman, Senator BYRD, and his staff have been especially helpful.

I have already thrown a bouquet or two toward Senator HATFIELD. He also has had a longstanding interest in the Senate and in the legislative branch of Government, and I appreciate his commitment. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from Nevada has eloquently and persuasively outlined the provisions of this bill and has outlined the important facts that actually include significantly fewer dollars for the operation of the legislative branch that was requested for the appropriations for fiscal year 1993.

He has pointed out that this will create some difficulty but that this nevertheless follows the general directions of this body.

I need not repeat his details by any stretch of the imagination, but I can reciprocate by saying that I believe that he has operated in the most responsible possible fashion given the very difficult limitations imposed upon him in producing this bill.

The legislative branch of course, Mr. President, includes more than just the Congress of the United States. It includes most particularly the Library of Congress, one of the great adornments of American civilization. That is a facility for all of the people of the United States, one which the Senator from Nevada and I agree should constantly be supported in a way which is adequate to keep it up to date in its acquisitions and in the way in which it stores and retrieves knowledge.

The legislative branch includes the Botanical Garden, for example, which also adorn most particularly this Capitol, and a number of other agencies which deal in information, information of value not only to Members but to the people of the United States as a whole.

We must therefore, Mr. President, take great care in the way in which we support institutions which have literally been passed down to us from the first generation in the Congress of the United States operating under the Constitution of the United States.

As a consequence, this is a responsible bill. It deals appropriately with our need for knowledge. It deals appropriately with our need to correspond with our constituents. It deals with those portions of the legislative branch which are for all of the people of the United States and not for the convenience especially of Members of the Congress of the United States itself.

This marks the last of the 13 appropriations bills to be considered on this floor; last not by accident but because this bill always creates more controversy than, in the mind of this Senator, is warranted under the circumstances, it is responsible. It is a good bill.

I hope that we can pass it promptly during the course of this afternoon without great damage to its provisions and that a conference committee can quickly work out differences so that we are no longer working under a continuing resolution by early next week.

Mr. President, on behalf of the Committee on Appropriations, Senator REID and I bring to the Senate today the committee's recommendations on the Legislative Branch Appropriations Act for Fiscal Year 1993. Those recommendations are supported by the narrative contained in our committee report, Senate Report 102-418. I also direct my colleagues' attention to our hearings on the fiscal year 1993 Legislative Branch budget. Those hearings are printed and available as Senate hearing document 102-658.

The funding recommended in this bill costs $2,314,106,057, representing a reduction of $29,939,543 in budget authority from the amounts appropriated for the current fiscal year. The amounts requested in the budgets for the various entities covered by this bill total $2,670,364,500 in budget authority, so the committee's recommendations are $356,258,443, or 13 percent below the amounts requested for fiscal year 1993.

The Congressional Budget Office has stated that this bill will result in $2,187,629,000 in outlays in fiscal year 1993. That represents a reduction of $119,280,000, or 5.2 percent, from fiscal year 1992 outlays. That is a very significant reduction, Mr. President. I think we can say with conviction that we are doing our part.

I hope the Senate will support the committee's recommendations on this bill. It will undoubtedly be difficult for the legislative branch to make do with less money next year than is available this year, but the funding constraints necessitated by our continuing fiscal crisis demand that we do so. To go much further than the committee recommends in making reductions, however, would be irresponsible.

TITLE I—CONGRESSIONAL OPERATIONS

Mr. President, title I of the bill is formally titled the "Congressional Operations Act, 1993." This title covers the operations of the House and Senate and the agencies providing direct support to Congress. The committee's recommendations for appropriations in this title total $1,575,552,700, which is a reduction of $31,686,900 below the current year level and $280,154,800 below the requested amount for fiscal year 1993. That is a 15 percent reduction below the amount requested. Our recommendations are displayed in a summary table on page 4 of the committee report.

SENATE

For the Senate, the committee recommends a total fiscal year 1993 appropriation of $451,450,700, a reduction of $17,987,000 below the fiscal year 1992 level and nearly $55,000,000 below the amount requested. All Senate items are at or below fiscal year 1992 levels—no increases have been recommended. Senators' personal office funding, committee funding, the leadership offices, the party conferences, and policy committees are all held at current year levels. In three notable areas—the office of the Secretary of the Senate, the office of the Sergeant at Arms and Doorkeeper of the Senate, and Senate official mail costs—the amount recommended for fiscal year 1993 is a reduction from fiscal year 1992 levels.

All of the committee's recommendations for fiscal year 1993 Senate operations are duly authorized with two minor exceptions. The committee is recommending continued funding for the U.S. Senate Caucus on International Drug Control, in the amount of $336,000. This caucus was created by section 814 of Public Law 99-93, the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, and first funded in the fiscal year 1986 Legislative Branch Appropriations Act. The original authorization expired in 1987, and was extended 1 year by the omnibus continuing resolution for fiscal year 1988 (Pub L. 100-202). Since that time funding has been provided without authorization.

The second matter pertains to the Senate's Albert Einstein Fellowship Program. Funding for this program was authorized by Senate Resolution 239, adopted November 27, 1991, for fiscal years 1991, 1992, and 1993. The costs of the program are shared with a private, nonprofit organization, and delays in reaching a contractual agreement with that organization have prompted us to modify the original authorization by extending the availability of funds appropriated for the Senate's share of program costs.

HOUSE OF REPRESENTATIVES

For the House of Representatives, the committee recommends concurrence with the House allowance of $699,109,000. This is in keeping with the longstanding tradition of comity between the Houses on matters pertaining solely to one House. However, the House did include matter in one of its admistrative provisions changing the status of the Capitol Guide Service from a joint item to a matter within the jurisdiction of the House. The committee has been advised that this was an inadvertence, and has stricken the provision.

JOINT ITEMS

The balance of title I of the bill provides funding for nine joint items, the Office of Technology Assessment, the Congressional Budget Office, the Architect of the Capitol, except operations concerning the Library of Congress, the Congressional Research Service, and the congressional printing and binding activities of the Government Printing Office.

For joint items, the committee recommends a total of $81,737,000, which is $6,124,000 below the request and $1,021,000 above the fiscal year 1992 level. We recommend agreement with the House on most of these items, but differ with our colleagues on a few. The committee is recommending $906,000 for the joint committee on inaugural ceremonies, a new item which came too late for House consideration.

On the appeal of the Senate Sergeant at Arms, we are recommending $64,093,000 for the salaries of the Capital Police, an amount which is $1,241,000 over the House allowance but is the same as the fiscal year 1992 level. The Sergeant at Arms and the Chief of the Capital Police have assured us this will be sufficient to maintain necessary operations and respond to unforeseen circumstances as they arise.

I direct the attention of the Chief of the Capitol Police to language in the committee report concerning traffic violations in the various intersections around the Senate office buildings. It has been the committee's observation that there is increasing disregard of traffic signals by vehicles and pedestrians alike, and increasing hazard to members of the Senate community and the citizenry at large. The committee encourages the Chief, therefore, to consider assigning officers to improve traffic control at the various intersections.

We are recommending the full amount of $366,000 requested for the Special Services Office. This is an increase of $74,000 above the current year level and the House allowance, but we believe the Congress must have the resources necessary to provide special assistance to the disabled. We also differ from our House colleagues in providing the $20,000 requested for the preparation of the statements of appropriations volumes, which the complied jointly by the Senate and House Committees on Appropriations pursuant to a directive in the Legislative Appropriations Act of June 7, 1924.

For OTA, CBO, the several joint committees, and the Office of the Attending Physician, we recommend concurrence with the House allowance at the fiscal year 1992 level. For the Capitol Guide Service, there is a recommendation of $1,644,000, the same as the House allowance but $41,000 above fiscal year 1992. The committee recommends an increase above fiscal year 1992 to maintain services to the millions of annual Capitol visitors.

ARCHITECT OF THE CAPITOL

For the activities of the Architect of the Capitol funded in title I of the bill, the committee recommends a total of $152,098,000. This amount is $26,257,000 below the request of $178,355,000, and only $464,00 above fiscal year 1992. Our recommendation is $50,466,000 over the house allowance, but the other body did not consider the request for Senate office buildings or the items in the Capitol buildings and grounds appropriations that pertain solely to the Senate.

There are a few matters pertaining to the Architect that I should emphasize before a general discussion of the committee's funding recommendations.

Last year, the committee asked the Architect to prepare his budget request with a presentation of new projects and ongong activities in some sort of priority order. The Architect complied with that request, presenting his budget with programs listed as "critical," "highly desirable," and "desirable." That presentation has been helpful to the committee in evaluating the architect's budget. As the committee report declares, however, the Architect should be more judicious in his characterization. The committee does not believe, for example, that all the new positions can or should be described as critical.

I also wish to emphasize and direct the attention of the Architect to a committee directive concerning the obligation of funds from contingent expenses, miscellaneous improvements, of similar accounts. For years, the committee has directed that it be notified of obligations from the contingent expenses appropriation. While the Architect has complied with that directive, it has too often been after the fact. The committee has also found that funds in the Senate office buildings appropriation have been obligated to undertake projects about which the committee is not informed until work has already been initiated. The installation of hydraulic delta barriers and the construction of guardhouses on C Street NE, between First and Second streets is an example. The committee was not given an explanation of this work until staff inquiry was made well after work had begun. The Architect did seek the approval of the Committee on Rules and Administration, but did not bother to inform the Committee on Appropriations of his intention to spend appropriated funds.

Mr. President, the Architect of the Capital spends considerable time and effort putting together his annual budget requests, and the committee takes some care in reviewing and assessing that request. When we recommend funding for programs the Architect has requested, we expect that the money will be spent for those purposes. We understand there will be changes in a multimillion-dollar budget prepared a year in advance of the work proposed to be undertaken. But if new projects or activities not justified in the budget presentation are to be undertaken, the committee must be notified in advance and its approval sought.

Accordingly, I direct the Architect's attention to the committee directives in this regard in the contingent expenses, Capitol buildings, Capitol Grounds, and Senate office buildings accounts.

The committee's funding recommendations for the activities of the Architect are only slightly above the fiscal year 1992 amount. For the immediate office of the Architect, the committee recommends $8,144,000, the same as for fiscal year 1992 and $142,000 below the House allowance. For contingent expenses, the recommendation is $100,000, the same as the request, the current year, and the House allowance. The committee does not agree with the request to appropriate this money on a no-year basis.

CAPITOL BUILDINGS AND GROUNDS

For the Capitol buildings account, the recommendation is $24,040,000, a reduction of $5,038,000 from the request and $3,571,000 below the fiscal year 1992 enacted amount. The recommendation of $525,000 above the House allowance is for Senate related items not addressed by the other body.

Under the Capitol Grounds account, the committee is recommending $6,000,000, which is $734,000 above the fiscal year 1992 level, $744,000 over the House allowance, and $400,000 over the fiscal year 1993 request. This is an area in which I personally am very interested, and Senator REID has joined with me to promote improvements in the Capitol Grounds. This is an area where a relatively small amount of money can yield great benefit to all the citizens of Washington, DC, and millions of visitors. We are recommending approval of the Architect's full request for Capitol Grounds, plus additional projects identified by the Landscape Architect, and funds for three new positions for the labor-intensive activities of the gardening division.

SENATE OFFICE BUILDINGS

The Architect's budget request for the Senate office buildings account was $58,861,000. The committee recommends a fiscal year 1993 appropriation of $47,339,000, a reduction of 20 percent. The amount recommended is over the fiscal year 1992 amount by $2,233,000, but it should be noted that our recommendation provides $2,000,000 for the acquisition and renovation of property for a Senate page dormitory facility, and $6,000,000 for leasing costs at Postal Square for Senate operations that will be moving there in the coming year. We also recommend $881,000 for Postal Square furnishings. There are only two other new projects funded in our recommendation—$500,000 to begin the work on relocating the Senate library from the Capitol to the Dirksen Building, and $300,000 to construct a staircase from the ground floor to the basement of Dirksen.

With regard to the relocation of the Senate library, the committee notes the testimony of the Secretary of the Senate that the library's reading rooms in the Capitol will be kept open, and wholeheartedly agrees with the Secretary that those rooms should be kept open for the use of Senators and staff.

The committee has also directed the Architect to prepare his design of the soon-to-be vacated space in Dirksen to permit the relocation of those elements of the Senate Legislative Counsel's office sufficient to allow the opening of the sixth floor corridor from the Dirksen Senate Office Building to the Hart Senate Office Building. Keeping this corridor closed presents not only an inconvenience but also a potential safety hazard to Senators, staff, and visitors on the seventh floor of Hart.

HOUSE OFFICE BUILDINGS

The committee recommends agreement with the House allowance of $32,387,000 for House office buildings. As a matter of comity, the committee does not express an independent judgment on matters pertaining solely to the other body.

REMAINING TITLE I ITEMS

For the Capitol Power Plant, the committee recommends $32,088,000, an increase of $85,000 over fiscal year 1992 that is driven primarily by mandatory items and an increase in the purchase of electrical energy. For the congressional printing and binding activities of the Government Printing Office, the committee recommends $89,591,000, a reduction of $2,000,000 from the current fiscal year and $28,004,000 from the request.

Finally, for the Congressional Research Service in the Library of Congress, we recommend $58,000,000, an increase of $1,417,000 above the House allowance and the fiscal year 1992 level. This is one of the few instances where the committee is recommending an appropriation above the fiscal year 1992 amount. We are still $3,274,000 below the request.

TITLE II

Title II of the bill provides funding for those entities whose work goes beyond direct support to the Congress. These include the Botanic Garden, the Library of Congress operations exclusive of CRS, the operations of the Government Printing Office exclusive of congressional printing and binding requirements, the Copyright Royalty Tribunal, and the General Accounting Office.

The General Accounting Office is by far the largest of these accounts. The Comptroller General's request for fiscal year 1993 was $487,483,000, an increase of 10 percent above the fiscal year 1992 enacted level of $442,647,000. The committee recommends denial of that request, and has provided $440,167,000 for the upcoming fiscal year. This recommendation is $2,000,000 below the House allowance, and a reduction of $2,480,000 below the fiscal year 1992 level. The recommendation will provide for 4,900 positions, a reduction of 162 positions from the current level.

There has been a great deal of concern expressed recently by Senators on both sides of the aisle regarding the work of the GAO. The methodology and conclusions of reports have been questioned. The way reports are initiated has been challenged. The number and cost of GAO detailees to Congress has come under scrutiny. The committee has responded to these concerns with several legislative provisions.

At Senator REID's urging, the committee has proved $2,000,000 from the GAO budget to conduct an independent management audit of the GAO, under the guidance and control of the joint leadership of the Congress. This audit will scrutinize every aspect of missions and methodologies. The committee has also included, at the request of Senators BOND and DOMENICI, a provision establishing a peer review process for GAO reports. And we have provided that the cost of detailing GAO employees to committees of Congress must be reimbursed to GAO by those committees, effective at the beginning of the next committee budget year. The committee believes that these recommendations will create a more efficient, less costly, and more credible General Accounting Office.

For the Botanic Garden, the committee is recommending a fiscal year 1993 appropriation of $10,131,000, an increase of $7,269,000 above the fiscal year 1992 level and $7,225,000 over the House allowance. This significant increase is almost exclusively attributable to the committee's recommendation of $7,000,000 for the reconstruction of the conservatory structure at the Garden, which has been dismantled for safety reasons. The conservatory is an historic structure which should not sit in unused ruin and significantly reduce the operations and contributions of the Botanic Garden to our citizens. The committee believes that this is one area where a significant increase in funding is warranted, and has so recommended.

For the Library of Congress' salaries and expenses account, the committee recommends an appropriation of $198,752,000 combined with the authority to spend receipts of $7,500,000, for total fiscal year 1993 resources of $206,252,000. This is $15,251,000 below the request, $7,778,000 above fiscal year 1992, and $6,179,000 above the House allowance. The increase above the House allowance is upon the appeal of the Librarian of Congress, who wrote the committee urging the restoration of these funds.

For the books for the blind and physically handicapped program of the Library of Congress, for which a separate appropriation is made, the committee agrees with the House in providing $43,144,000, a reduction of $2,873,000 from the request and an increase of $960,000. The committee is informed that the increase will be sufficient to provide an adequate number of cassette machines in fiscal year 1993 for current and anticipated new readers.

For the Copyright Office, the committee recommends an appropriation of $9,700,000, which is $377,000 above the House allowance but is a reduction of $946,000 below the request and is $361,000 below the fiscal year 1992 amount. Even with that reduction, the committee recommendation will fund nine positions over the House allowance because of our recommendation for an increase in the authority to spend receipts.

For Library furniture and furnishings, the committee recommends $4,490,000, the same amount provided for the current fiscal year and the House allowance. Our recommendation is a reduction of $3,168,000 from the request.

For the care and maintenance of the Library buildings and grounds under the auspices of the Architect of the Capitol, the committee recommends $9,733,000, which is the same as the House allowance and is a reduction of $5,454,000 from the current fiscal year level. I refer Senators to our committee report for information on the projects to be undertaken with these funds.

For the Copyright Royalty Tribunal, the committee recommends a direct appropriation of $130,000, the same as the fiscal year 1992 amount and the House allowance. In addition, we agree with the House in recommending an increase over fiscal year 1992 in the authority to spend receipts, from $735,000 to $781,000, for a grand total of $911,000 in spending authority for the Tribunal.

And finally, Mr. President, the committee recommends $29,082,000 for noncongressional requirements of the Government Printing Office, an amount which is $2,000,000 above fiscal year 1992 and is $1,901,000 below the request.

That concludes my remarks, Mr. President. I emphasize again that the legislative branch appropriations bill for fiscal year 1993 is a very responsible piece of legislation. We are recommending less money for the upcoming fiscal year than we are spending in this fiscal year. While reducing funding for congressional operations, we are maintaining the operations and services of our valuable national institutions, such as the Library of Congress and the Botanic Garden. We are instituting important reforms in the General Accounting Office, and sharply reducing its funding. I congratulate our subcommittee chairman, Senator REID, for fashioning this bill and thank him for continuing his bipartisan approach. Both sides of the aisle work together on this bill, Mr. President, and it is an enjoyable task.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California [Mr. SEYMOUR] is recognized.

AMENDMENT NO. 3357

Mr. SEYMOUR. Mr. President, on behalf of myself and Senator BROWN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mr. SEYMOUR], for himself and Mr. BROWN, proposes an amendment numbered 3357.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

Notwithstanding any other provision of law total obligations for the accounts covered by this Act shall not exceed 95 percent in fiscal year 1993, 90 percent in 1994, and 85 percent in 1995 of the amounts obligated in fiscal year 1992. No unobligated funds for any year may be expended in any subsequent fiscal year, and any such funds shall be returned to the Treasury in order to reduce the deficit. An independent firm jointly selected by the Speaker of the House, the minority leader of the House, the majority leader of the Senate, and the minority leader of the Senate, shall conduct a study of the staff needs of the Congress, to be funded out the contingency funds of the House and Senate.

Mr. SEYMOUR. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SEYMOUR. Mr. President, I rise in support of this amendment, along with my colleague, Senator BROWN, because although the Senator from Nevada and the Senator from Washington have, I am certain, made every attempt they can to pare back the continuing growth in the budget of Congress, I think we need to go much further.

As a matter of fact, Mr. President, the last 10 years of Congress spending, particularly the last 5, is a glaring example of congressional exemption. Indeed, past history is proof that, when it comes to controlling its own spending, Congress has been part of the problem, not the solution.

Mr. President, during the fiscal years of 1970 to 1992, the total budget of Congress has moved in one straight forward direction—up. Indeed, total spending during this period rose from $343 million in 1970, to $2.3 billion in 1992. And in the past 12 years, from 1981 to 1992, the cost of Congress to the American taxpayer has more than doubled.

We have today far many more employees than I am sure the Founding Fathers ever thought this body would go to with over 20,000 staff and employees.

Indeed, Mr. President, ours is the most expensive legislature in the world. The $2.3 billion congressional price tag for this year is nearly 10 times the cost of Canada's 346-member parliament.

But let me focus, Mr. President, on spending for our own operations just here in the Senate.

Taking a look at this chart, this chart shows that in 1981, Mr. President, the U.S. Senate cost the American taxpayer roughly $160 million. In the fiscal year 1992, the Senate cost the taxpayers of this country $488 million. In other words, the cost of the Senate, just the Senate, has tripled in the last 10 years. And in the last 4 years, from 1988 to 1992, the cost has risen by nearly 40 percent.

Looking at it another way, the annual percentage of growth of the Senate over the past 12 years exceeded that of many vital Federal programs, surpassing Head Start, Federal job training, and emergency homeless assistance services.

Indeed, to truly understand why we need to control our own spending, I would direct our colleagues' attention to this chart which compares the average growth rates in legislative operations with other crucial programs.

As you can see, the rate of spending growth in the operation of the U.S. Senate exceeds spending for vital programs. Just look at it. Our growth rate exceeds the cost growth of Medicare, unemployment, mandatory programs such as food stamps, Social Security, defense programs, welfare, and so forth.

Mr. President, the operations of Congress taken together grew faster from 1981 to 1992 than the growth of all our mandatory spending program combined, including Medicare, the earned income tax credit, veterans benefits, housing assistance and food—nutrition assistance for our children.

It is time the Congress no longer serve as the example of what is wrong with spending policies, but it is time that we set the example of future fiscal responsibility. In times of $1 billion a day deficits and limited Government resources, Congress must take the lead and demonstrate that it is capable of controlling its own spending.

So, in this amendment that we have before us now—and this is but a small step, Mr. President, this is not a giant step—what we are asking for in this amendment is to reduce the legislative branch budget by 15 percent over the next 3 years. Furthermore, the amendment would prohibit the carrying over of funds from one year to the next. And finally and most important of all, it would require an independent audit of the current staff needs of this Congress, something that is sorely needed. This will be, if this is successful, the first time that the budget has truly been cut. Indeed, it is modest.

You recall, Mr. President, in April of this year I offered an amendment to the Senate budget resolution asking for a 25-percent cut over a 2-year period. And that was agreed to by more than a majority in this house. I understand the give and take of this process. Although I would prefer to see a 15-percent cut, as was approved by this body before, I believe this is probably the best we are going to be able to get right now.

For those who would say that this is draconian, I would only point to my State of California. When I was a State senator there some 23 months ago, I had supported an initiative that was overwhelmingly passed by the people of California that not only set term limitations on members of the State legislature, and I think that is a good idea for Congress as well, but it also cut the legislature's budget by 40 percent; 40 percent, Mr. President, not 15 over 3 years.

Was that draconian? Some would say yes. But the California legislature survived. They survived that 40 percent cut and they are still in operation today.

I would like to take a moment to recognize the efforts of Senator REID, chairman of the legislative branch subcommittee and Senator GORTON, the distinguished ranking member. I know how tough it is. But I am hopeful that we will now join together to go beyond that level of spending that they have proposed and, in fact, enact this amendment which I think is reasonable—I think is altogether reasonable and appropriate.

Mr. President, I also ask unanimous consent that Senator MCCAIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SEYMOUR. I yield the remainder of my time to Senator BROWN.

The PRESIDING OFFICER. The Senator from Colorado is recognized. The Senator has 3 minutes remaining.

Mr. BROWN. Mr. President, this amendment marks a major step forward indeed, if it is agreed to. It is a dramatic change because it is a 15-percent cut over 3 years, 5 percent a year. If it is agreed to it will be the first real dramatic cut the Congress has faced.

The amendment it calls for an independent commission to analyze the appropriate staffing level for Congress. It also eliminates the slush fund that can be used to carry money unspent in 1 year, over to another year. This is a dramatic reform.

But no one should believe that this measure is enough. No one should believe that Congress has faced up to the task of bringing its budget on line. This is a very modest measure because we want it passed and we think it has a chance of passing.

But take a look at the facts right now. Congress has a staff nine times bigger than that of any country in the world. We are not just the gold medal winners, we are nine times bigger than the silver medal winners.

GAO has 10 accountants for every Member of Congress. That is every Member of the House and every Member of the Senate; there are 10 times that number in accountants. How many accountants do you need?

We have several policemen for every Member of Congress, enough to follow us around all day long should that be necessary. The Government Printing Office has nine printers—actually a few more—for every Member of Congress.

The architect manages to spend $171,962,000 under this bill. They are not all architects. Some of the elevator operators on automatic elevators come there.

But no one should believe that this is an austere budget even with the cut. The Library of Congress has nine librarians for every Member of Congress. We are talking in this budget bill about almost $10 million for maintenance and almost $4.5 million for new furniture. Anyone who believes there is not room for further cuts in this bill has not taken a close look at the bill.

The truth of the matter is this. If America is going to face up to its deficit problem, this Congress has to provide the leadership. Mr. President, I do not know if I will have an opportunity but I believe a cut ought to be made in the Executive Office of the President budget as well. I think the President's call for cuts in both branches is appropriate and right on track.

There is one other comment I might share and I hope the distinguished chairman of the subcommittee might comment. As I read the amendment, I believe it gives the Congress discretion in where to allocate these cuts in spending. I am wondering if the distinguished Senator from Nevada would agree with my interpretation of the language of the amendment in that regard?

Mr. REID. Yes. I would respond to my friend from Colorado: The amendment does give discretion that we can apportion the reductions the amendment mandates. I think that is one of the merits of the amendment. Rather than a willy-nilly cut here and there—we are going to take a look at this and do it the right way. We will determine where there is too much fluff and where there is not enough capacity. It does give us discretion. I think that is the way it should be.

Mr. BROWN. I thank my friend from Nevada. Mr. President I simply close with this thought.

Over the years I have had an opportunity to deal with a number of people on the Appropriations Committees, both in the House and Senate, that work in this area. I must say I have never found two such distinguished public servants as the distinguished Senator from Nevada and the distinguished Senator from Washington more willing to face up to the tough problems of our country in developing a responsible budget for the Congress.

I salute them for the efforts they made.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, I will take a brief few minutes. As I indicated earlier, I do believe that this amendment has the potential to do great good for this body. We all recognize that there are going to have to be some cuts made. One of the provisions in this legislation calls for a study group—that is not made up of us, not made up of Members of Congress—but an independent auditing agency to look at how we spend our money and whether we spend it on the right things or the wrong things. I look forward to the results of this study.

On a much smaller scale, I know when I had my little business we called in experts to find out whether we had too many secretaries, whether we had enough bookkeepers, whether we had the personnel developed correctly in the office. No matter how long we were at the business, a fresh, independent, outside body could always come up with unique ways of saving money.

I hope the same can take place here. In short, I agree with the objectives of this amendment. The deficit must be reduced. We all acknowledge that. And we need to do our share.

But we also have to be fair when we talk about how many accountants each Member of Congress has. Remember, these auditors, these GAO accountants that my friend from Colorado talked about, they are not doing work for you and me and him and her. They have wide responsibilities dealing with large projects—for instance the General Accounting Office is looking at whether too much money is being spent in star wars, or not enough.

We have the same idea in mind, the same objective. I hope as time goes on we can come back with some information that will allow us to do this in a constructive fashion. That is why the committee has reduced spending in this bill already by 5.2 percent in outlays. That is significant.

I am pleased to work with Senators SEYMOUR and BROWN. They have been hard, but I think objective. And I think as a result of their dedication, we are going to attempt to do even a better job in this legislation than we have done. The amendment is well-intentioned and we will continue to do our part.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

Mr. GORTON. Mr. President, in the presence of the Senator from Colorado, for the purposes of determining legislative intent, I want to agree with the answer from my distinguished subcommittee chairman. This amendment and the cuts which it proposes would not be required to be equal in every element of the legislative appropriation.

There would be discretion to cut more deeply in some areas and less deeply in others.

I also want to express one narrow form of agreement with the amendment by saying that I think that an objective outside study of expenditures on the part of the legislative branch is appropriate. With the thrust of the amendment, however, I am in disagreement.

First, I do not believe that this Congress can bind three future Congresses with respect to what those Congresses wish to appropriate for their own operations.

But, second, I do not believe much is gained by engaging in exercises of this sort.

I believe that the functions of the legislative branch are important ones. To say there are nine librarians in the Library of Congress for every Member of Congress is a meaningless statement. They are not there for every Member of Congress. They are there for the people of the United States. The number of people working in that library do not seem to me to be excessive, given this central function and the civilization of this country.

To force a reduction in the legislative branch at a time of increasing complexity, and a time when problems facing us and the need for knowledge constantly increase seems to me more likely to inhibit the operation of Congress and the public interest than it will be to enhance it.

Mr. DODD. Mr. President, I rise in support of the Seymour amendment.

As the 102d Congress draws to a close, I am reminded that we have discussed the budget deficit countless times on the floor of the Senate this year. We have debated budget walls, line-item vetoes, balanced budget amendments, rescission bills, and the annual appropriations measures. We have voted to shave the administrative expenses from Federal agencies, and have voted on killing the superconducting super collider.

The reason is clear: All of us recognize that the budget must be balanced in order to safeguard the future of our Nation, and of our children.

Make no mistake about it. Balancing the budget will require tough choices. It will require sacrifice shared by all Americans, so that the burden does not fall disproportionately on any one group. And the effort must get underway now, without further delay.

The Seymour amendment is a step in the right direction. It will help force Congress to do its part, by cutting the budget for the legislative branch by 15 percent over the next 3 years. Moreover, the independent audit mandated by the amendment will help to pinpoint areas for reduction to meet this target.

Cutting and trimming is not easy. It will require all of us to make do with less. But if we are to lead the way on balancing the budget, we must do so by example. The Seymour amendment fulfills that purpose, and I urge my colleagues to support it for that reason.

Mr. REID. Mr. President, under the order previously entered, I will yield back my time on this amendment.

AMENDMENT NO. 3358

(Purpose: To provide for the payment of attorney's fees incurred by a nominee in connection with the consideration by the Senate of a nomination to Federal office made by the President)

Mr. DANFORTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. DANFORTH] proposes an amendment numbered 3358.

Mr. DANFORTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 23, strike all that follows through page 6, line 2 and insert:

"For miscellaneous items, $7,748,000: *Provided*, That funds appropriated under this heading for fiscal years 1991 and 1992 pursuant to S. Res. 239 (102d Congress, agreed to November 27, 1991), shall remain available until September 30, 1993: *Provided further*, That there is established within this account a line item entitled Legal Counsel for Presidential Nominees' and not to exceed $1,000,000 of the funds appropriated under this heading shall be available to the Secretary of the Senate out of such line item to pay reasonable attorney's fees and expenses for legal counsel rendered to a nominee of the President to a Federal office in the context of the consideration by the Senate of the nomination: *Provided further*, That payment of attorney's fees and expenses out of the line item referred to in the preceding proviso shall be made at the request of a nominee for legal counsel if the chairman or ranking minority member of the Senate committee of jurisdiction finds that such payment is reasonably necessary to protect the interests of the nominee.".

Mr. DANFORTH. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DANFORTH. Mr. President, this amendment creates a $1 million line item which would be available to nominees, people who have been nominated by the President of the United States, to hire legal counsel to defend them in Senate confirmation proceedings.

The drawing of funds from this line item would have to be approved by either the chairman or the ranking member of the committee with jurisdiction over the nomination in question.

It is, of course, a small amount of money by governmental standards, $1 million, and generally a rollcall vote would not be asked for such an amount. But, Mr. President, it is being asked for on this particular amendment because, while the amount of dollars is small, the principle is a very large one, and the statement that the Senate will be making whether it votes for or against this amendment is, I think, a major statement to make.

The point that is being made by the amendment is this: Confirmation proceedings before the Senate are, for the most part, the overwhelming majority of them, very, very ordinary. They really do not amount to much of a threat to the nominee. There is an inquiry as to the qualifications of the nominee, as to the position of the nominee on various issues. But in some confirmation proceedings, particularly in recent times, the confirmation of a Presidential nominee has come more to represent a kind of trial, relating not so much to qualifications for the job as to the personal background and activities of the individual in question.

We have had, in very recent times, very visible confirmation rights in the U.S. Senate in which an assortment of personal allegations have been made against nominees. Nominees have been accused, for example, of public drunkenness, of drug use, of womanizing, of sexual harassment, of racism, of false statements on their resumes, of receiving improper gifts from defense contractors, of receiving illegal campaign contributions, and so forth.

The proceedings before the committees handling the confirmation are like trials, but they are trials without rules, without the nominee being represented by legal counsel, and without any real protection being provided to the nominee.

I think that this is an important problem that exists and a problem which we should begin trying to remedy.

The White House does have legal counsel in the White House. They are very competent. But the problem is that the White House is not the nominee. The reputation of an individual is at stake, and the interests of the White House are not necessarily concurrent with the interests of the nominee. It is somewhat like the interests of a corporation not necessarily being the same as the interests of an employee.

In nominations, very frequently Members of the Senate attempt to defend the nominee before the committee. But the Senators on a particular committee are not necessarily skilled trial attorneys. The Senators do not owe a primary obligation to the client, but rather to their constituents. And it is clear that Senators who try to defend nominees may do so at considerable political peril to themselves. Therefore, the position that is taken in this amendment is that there should at least be the possibility, with the approval of the chairman or the ranking member of the committee, for a nominee to hire the nominee's own attorney and to have that attorney compensated by the Senate, which is the body that has created the situation in the first place.

Mr. President, this is a little amendment by Senate standards and dollar amounts. It is an amendment that makes a big point. The point that it makes is that Presidential nominees often are at risk when they become nominated. They are people generally who have perfectly fine reputations at the time that they are nominated. Those reputations are at risk.

The nominees are not adequately protected under the present system, and the nominees should be entitled to legal representation during the confirmation process.

I reserve the remainder of my time.

Mr. REID. Mr. President, I would like to direct a question to my friend from Missouri. It is my understanding that there is no intent to make this retroactive. It would be prospective in nature.

Mr. DANFORTH. This would create a fund which is prospective only. It only applies to a fund created by this bill. There is apparently a doubt as to whether such funds could be made available under the current law. That is a matter that has been raised before, I understand, and generally has required a vote on the floor of the Senate. So it may be that there is at least the possibility. But I want a clear fund to exist that could be designated by the chairman or ranking member. Of course, that would only be prospective.

Mr. REID. Mr. President, I understand, having spoken briefly a few minutes ago to the Senator from Missouri, that this amendment is to add $1 million to the Senate's miscellaneous items account, as he has explained very clearly, for the purpose of underwriting any legal expenses incurred by nominees in the course of their confirmation hearings.

I think that the direction that the Senator from Missouri is taking could be appropriate at the right time. As I also indicated to my friend from Missouri, there has been some talk in the Senate about perhaps providing similar assistance to those Members of the Senate who are brought before the Ethics Committee under bogus allegations, under allegations that have no foundation or merit, but they are required to spend thousands and thousands of dollars in legal fees on a fallacious complaint.

Is it right that they have to bear those expenses? I would think that the Senator's proposal and something along the lines that I have described, is something that the Rules Committee should seriously consider. I believe that what the Senator is proposing may have some merit, but I think we should have some hearings on it. I do not think this is the right place and time for this to be done. I suggest that Senator STEVENS and Senator FORD from the Rules Committee should be the ones leading on this.

I would be happy to join my friend from Missouri in the next Congress in looking at this problem. As I said, I would be happy to join my friend in the next Congress, but I do not think this is the right way to do it—an amendment in the waning days of Congress. I know that the Senator from Missouri was very closely and personally involved in the last set of confirmation hearings before the Senate Judiciary Committee regarding a Supreme Court nominee, and that did bring to mind a lot of things that were not fair, perhaps. But I think it would be best left to the next Congress to take a look at this. I do not think we have enough information to set aside $1 million out of the very limited moneys that we have.

Mr. DANFORTH. Mr. President, how much time do I have?

The PRESIDING OFFICE. The Senator has 4 minutes, 10 seconds remaining.

Mr. DANFORTH. First of all, with respect to the money, this is $1 million. It is my understanding that it is within the budget, and that it is well under the amount which was requested by the administration.

I want to say to Senator REID that I agree that this is a general subject that should be taken up by the Rules Committee. I made the same point to the Rules Committee and to the chairman of the Rules Committee. I believe that we should have rules. Now we do not have any. I think we should have rules on how we handle confirmations. I believe that in confirmations, particularly the contested confirmation, there should be the right to counsel, there should be the right to take depositions of witnesses, to question witnesses, and to subpoena documents. There should be more of the general rights that are afforded to parties in civil cases, much less criminal cases.

So I absolutely agree that this should be a matter for the Rules Committee. But I do not think we should wait for the Rules Committee to develop what I hope would be a full set of rules to handle confirmation proceedings. I think we have a more immediate problem. What trial attorneys are skilled at doing is helping people who are in a jam, people who, today, without rules, appear before Senate committees for confirmation and often find themselves to be people in a jam. What they have spent their lifetimes building up can be torn down very, very quickly.

It has become something of an art to tear down people's reputations. It is a method of operation. In fact, there is a word that has been developed. The word is "Borking" nominees.

I hope we will not wait for the rules to be developed, although I hope that the rules are developed. And I hope that we would at least provide a fund so that reasonable attorney's fees are paid, or can be paid, in the case of people who under the present set of circumstances find themselves in a jam. A million dollars, by Washington standards, is about as small an amount of money as you can spend on anything. Just out of a sense of basic fairness to the next nominee, for whatever position, who finds himself or herself in a very difficult personal situation, fighting for his or her reputation, I believe this is the least we can do.

Mr. REID. Mr. President, I yield the remainder of my time.

Mr. DANFORTH. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Pursuant to the order, the yeas and nays having been ordered, the vote on the amendment by Senator DANFORTH, No. 3358, will occur immediately before the vote on passage of the bill.

AMENDMENT NO. 3359

(Purpose: To establish a bipartisan Senate Task Force to determine which laws can or should appropriately be extended to the Senate)

Mr. REID. Mr. President, I send an amendment to the desk on behalf of Mr. MITCHELL and Mr. DOLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. MITCHELL, for himself, and Mr. DOLE, proposes an amendment numbered 3359.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . (a) There is established in the Senate a Bipartisan Task Force on Senate Coverage (referred to in section as the "Task Force") which shall consist of—

(1) the Majority Leader and the Minority Leader, as ex officio members;

(2) 3 Senators appointed by the Majority Leader;

(3) 3 Senators appointed by the Minority Leader;

(4) 4 representatives appointed jointly by the Majority Leader and the Minority Leader, who are drawn from the administrative offices of the Senate, including—

(A) the Office of Secretary of the Senate;

(B) the Office of the Sergeant at Arms; and

(C) the Office of the Architect of the Capitol.

(b) The Task Force is authorized to consult with the Senate committees with jurisdiction over the statutes referred to in subsection (c)(2).

(c)(1) The Task Force shall—

(A) review all existing statutes under which the Senate is covered;

(B) review Senate rules to determine whether the Senate is effectively complying with other statutes that could be applied to the Senate such as those listed in paragraph (2); and

(C) recommend the extent to which, and the way in which, these statutes should be applied to the Senate.

(2) The statutes referred to in paragraph (1) are—

(A) conflict statutes;

(B) the Freedom of Information Act;

(C) the Privacy Act; and

(D) labor laws such as the Fair Labor Standards Act of 1938 and the Occupational Safety and Health Act.

(d) The Task Force shall use existing Senate staff to carry out its responsibilities under this section.

(e) The Task Force shall report its findings and recommendations to the Majority Leader and the Minority Leader not later than September 1, 1993.

Mr. REID. Mr. President, what this amendment does is establish a task force on Senate coverage. This amendment would create a bipartisan task force, and when I say bipartisan, I mean an equal number of Democrats and an equal number of Republicans, to review the extent to which the Senate is covered, or should be covered, under several laws, including OSHA, the Fair Labor Standards Act, the Privacy Act, and the Freedom of Information Act.

The majority and minority leader will each appoint three Senators to the task force, as well as representatives from the administrative office of the Senate; that is, the Secretary of the Senate, Sergeant at Arms, and the Architect of the Capitol. The task force would be authorized to work with committees of jurisdiction in reviewing various statutes.

Last year, as the Senate will recall, we passed legislation expanding the rights and protections of the Civil Rights Act to Senate employees. The Senate has fully implemented that law. It has been very difficult, but it has been implemented, including the formation of the Office of Senate Employment Practices. We, in this bill, have appropriated almost a million dollars for that office to make sure it functions right, and so that Senate employees are treated fairly.

There are other laws which could be applied to the Senate, and this task force will take up where the Civil Rights Act left off. It will review a variety of labor and other laws to determine the extent to which and the way in which these laws should be applied to the Senate as a body.

I personally support the efforts of the majority and minority leaders to deal with the issue of Senate coverage and hope that the task force recommendations will result in equitable and effective coverage of the Senate under these laws.

I know that my friend, the junior Senator from Oklahoma, is concerned about this. During the time that he served as ranking member of this subcommittee, this was a matter of frequent conversation, and I know that this is something that he personally feels strongly about. I am eager to hear his feelings on this issue before the Senate at this time.

Mr. GORTON. Mr. President, on behalf of the Republican leader, I join in advocating this current amendment, which will cause a thorough and bipartisan study of the ways in which the Congress of the Untied States ought to have applied to it other laws that apply so generally throughout our society.

This proposal was drawn up as a result of the concern which the Senator from Oklahoma and others had shown last year in several amendments on this bill with respect to the general custom of Congress to exempt itself from laws applicable to others.

So the Republican leader joins with the majority leader, and I join with the Senator from Nevada in advocating this particular amendment, but the remainder of the 30 minutes on this side has been reserved for the Senator from Oklahoma and for at least two other Senators who wish to speak on the issue.

Mr. President, I first yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 5427, the legislative branch appropriations bill for fiscal year 1993.

The bill, as reported, provides $2.3 billion in new budget authority and $2 billion in outlays for the Congress and other legislative branch agencies, including the Library of Congress, the General Accounting Office, and the Government Printing Office, among others.

I want to commend the distinguished chairman and ranking member of the Legislative Branch Subcommittee for producing a bill that is within their 602(b) allocation.

I would also like to thank them for including language Senator BOND and I requested which would establish an Independent Peer Review Committee for the General Accounting Office. As the chairman and ranking member know, for some time now I have been concerned about the direction in which GAO seems to be heading—that it seems to be more interested in making policy pronouncements and grabbing headlines, rather than performing its traditional accounting and auditing functions.

My concerns have been expressed to the authorizing committee and the Legislative Branch Subcommittee. Last year, I introduced S. 1400, the General Accounting Office Reform Act, to bring attention to and to address some of these issues.

I am not the only person voicing these concerns. When I mentioned that I was working on this legislation, many Members of the Senate, Members of the other body, and heads of executive agencies related to me their problems and apprehensions regarding this agency.

Much to my disappointment, the authorizing committee has declined to examine any of the issues raised with regard to GAO. Therefore, I felt compelled to offer this language that addressed at least one of the issues.

The purpose of this legislation is to examine both the general procedures used in report generation, review, and issuance, as well as the methodologies employed in producing the reports.

This legislation would set up a panel, headed by the Comptroller General, composed of various experts in the field of government program analysis, including representatives from other congressional support agencies.

The Independent Peer Review Committee would draw a representative sample of GAO reports and testimony for review by independent nongovernmental experts in relevant fields. For example, the agriculture department of a major university might be chosen to review agriculture-related reports to evaluate the appropriateness of the methodology, the size and composition of the data sample, and other factors that could affect the objectivity of the conclusion.

These analyses would be given to GAO and the Independent Peer Review Committee, as well as appropriate congressional committees, who would then determine whether corrective actions need to be taken in this area.

The Review Committee would also be responsible for ensuring the evaluation of internal GAO procedures relating to the objectivity, confidentiality, and integrity of the work product.

GAO has contributed much in its role as the Government's watchdog, and hopefully this modest reform will help GAO operate in a more efficient and effective manner.

I urge the adoption of the bill.

Mr. GORTON. Mr. President, I yield such time as the Senator from Oklahoma may desire to use.

The PRESIDING OFFICER. The Senator from Oklahoma [Mr. NICKLES] is recognized.

Mr. NICKLES. Mr. President, first I thank my colleagues, Senator GORTON and Senator REID, for their courtesy and also their assistance in this amendment.

Mr. President, I will tell you as far as this Senator is concerned this amendment is not really as much as I would like. As I stated to my colleagues, it is my intention to introduce legislation identical to legislation we introduced last year called the Congressional Accountability Act and require Congress to live under 11 laws that it found itself convenient to be exempt from.

I happen to be one, for example, who believes that Congress would learn a lot if we had to live under the same laws, with the same rules, and with the same enforcement as the private sector as everybody else in America.

Unfortunately, when I tried that last year we only had 38 voting, and frankly the votes have not changed. So if I pursued that I do not think we would be successful.

I do believe that the legislation as introduced by the managers of the bill on behalf of the leaders of the Senate is a step in the right direction and so it is better than nothing. I want something. I want something to come out of this bill that will help us lead toward the effort of making sure that Congress has to live under all the other laws that everybody else in America has to.

I will just give a couple of examples. I ran a manufacturing plant before coming to the Senate. We frequently had inspections by the Office of Health and Safety Administration. The OSHA inspectors would come in and inspect our plant to make sure it was safe and we welcomed those inspections as long as they were done in an effort to try and really improve plant safety and not try to just raise money for the Federal Government, because, of course, every employer is interested in plant safety and worker safety and improving our work environment but not necessarily interested in the hostile activity by some bureaucrats that sometimes we find.

Even Congress could learn a lot if they also had to live under that type of regulation. So that is the reason why I introduced this last year. That is the reason I support the language that has now been offered by the managers of the bill. This will call for creation of a tax force that will review the statutes that we now find ourselves exempt from.

I might mention to my colleagues these statutes go all the way back. This is not something Congress has done in the last couple years. This goes all the way back to 1935. The Congress exempted itself from the National Labor Relations Act. Congress exempted itself from the Fair Labor Standards Act in 1938, the Equal Pay Act in 1963, the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1972, the Age Discrimination Act of 1967 and 1975, the Occupational Safety and Health Act of 1970, the Rehabilitation Act of 1973, the Americans with Disability Act of 1990, and the Privacy Act of 1974, and Ethics in Government Act in 1978. That is title VI of the Ethics in Government Act.

Mr. President, I do not think that is right. I will tell my colleagues right now that this voluntary compliance system that we now have in Congress does not work. I will tell my colleagues right now if they went into the basement of the Capitol, this Capitol would fail an OSHA inspection and it would fail it miserably. If you looked at the wiring right now in the basement of the Capitol, it would fail even if the inspector was visually impaired. It is in deplorable shape.

One Congressman, Congressman BOEHNER from the State of Ohio, asked for an inspection of his office and they found numerous violations and said he could have been assessed $1,500 in fines, and on and on.

Mr. President, I might mention some of the fines includes such real hazards as a file cabinet, a four-drawer file cabinet, that if you load it very heavily on top it might fall over on someone.

I am glad that OSHA is trying to protect everyone from every type of occurrence. They also have potential hazards because there might be a snag in the carpet.

Mr. President, I ask unanimous consent that an article from Roll Call, dated August 3, 1992, entitled "OSHA Inspects a Congressional Office, Finds Workplace Safety Violations Galore" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Roll Call, Aug. 3, 1992]

OSHA INSPECTS A CONGRESSIONAL OFFICE, FINDS WORKPLACE SAFETY VIOLATIONS GALORE

(By Timothy J. Burger)

In an inspection designed to show what would happen if Congress were subject to the same laws as private business, OSHA found a House office was in violation of 15 existing or proposed federal workplace safety regulations.

The office, that of Rep. John Boehner (R-Ohio) at 1020 Longworth, could have been assessed some $1,500 in fines for the infractions, which included ragged carpets and overloaded electrical outlets. But Congress is exempt from the rules OSHA (the Occupational Safety and Health Administration) imposes on the private sector.

Boehner persuaded OSHA to conduct the examination of his office in May, as a "demonstration"—a means of helping his staffers who deal with related legislative issues "have some idea of what these people are all about.

"And then there's the Congressional coverage issue," he added. Boehner is one of several GOP Members who insist that Congress should be covered by the same laws it imposes on the private sector.

In the past, Congress has exempted itself from most of the civil rights, labor, and workplace safety laws it passes. But the House and Senate, in recent years, have placed themselves under the strictures of such legislation as the Fair Labor Standards Act and the Americans with Disabilities Act.

But there remains a host of laws which don't apply to Congress, including the Occupational Safety and Health Act of 1970 (which empowers OSHA), the Rehabilitation Act of 1973, the Freedom of Information Act of 1966, and the Privacy Act of 1974, according to the office of Sen. Charles Grassley (R-Iowa), who has fought such exemptions.

Architect of the Capitol George White oversees a "proactive voluntary compliance" program which seeks to ensure that Hill facilities are safe for their occupants and uses OSHA standards as general guidelines according to Bill Raines, administrative assistant to White.

Boehner and others maintain that for Congress to understand the true burdens and ramifications of laws like those driving OSHA, Congress must have to abide by those laws as well.

"I think the thing we learned was just how far-reaching OSHA inspections are," said Boehner. Compared with a factory inspection, an office examination is "about as simple an inspection as there is," but many deficiencies were nonetheless found, Boehner said.

"We don't have a fire extinguisher" and no one in the office is trained in the use of such equipment. "We don't have escape routes posted. We've got wires running all over [for computers, for example] which violate regulations."

Reading from one citation, Boehner said: "The four-drawer file cabinets were not designed so as to eliminate the possibility of tipping over should two or more drawers be open.

"Remember, it can fall over on you," Boehner deadpanned. OSHA recommended that, at the very least, signs be posted to warn of the file-cabinet-tipping danger. Another OSHA observation was that, in the Congressman's office, the "carpet had ragged edges. Oooooh! Right in front of my desk," Boehner said with a touch of sarcasm. Other rug problems related to the seams where two pieces met. These were cited as "trip hazards."

Specifically, Boehner's office was issued a "Notice of Unsafe or Unhealthful Working Conditions" on May 6. The document states:

"29 CFR Part 1960 requires that a copy of this Notice be posted in a prominent place at or near the locations of the violations(s) cited below. This Notice must remain posted until the unsafe or unhealthful working conditions have been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. This Notice describes violations of Federal Regulations. You must abate the violation(s) by the date(s) listed below, or in accordance with an established abatement plan."

The "date by which the violation must be abated" is listed as June 6, 1992, and the transgression is described as follows:

"29 CFR 1910.22(b)(1): Aisles and passageways were not kept clear and in good repair with no obstructions across or in aisles that could create a hazard: (a) In front of Congressman's desk—Carpet had ragged edges. (b) Doorway to larger annex office—Missing threshold and curled-up carpet edges. (c) Doorway to smaller annex office—Missing threshold and curled-up carpet edges."

And that's only one set of violations. In another, OSHA inspectors found that "the lighting is too low" when only desk lamps are used. "Then," Boehner said, OSHA found that, "when you turn the overheads on, it's too bright."

Actually, OSHA standards for lighting have not yet received final approval. Neither have those for the number of square feet per employee which must be provided in an office, nor have office air quality standards.

But Boehner said his staff was told that if these standards had been in effect, his office was all but certain to have violated them. The air-quality problem, he said, came in the photocopier room, where fumes from toner and other chemicals concentrate in the small space available.

"God bless these people who were here [doing the inspection]. They were just as serious as they could be, and at times you just wanted to roll over and start laughing," Boehner said. "I didn't see where anything that they pointed out was going to cause harm to the health or welfare of my employees.

"Secondly, most of the issues, the more serious issues, are nothing that I have control over."

In the latter category, Boehner included the lighting and fire safety questions. He did, however, have the hole in his carpet fixed because it was unsightly.

Raines declined to comment on specifics because of the continuing GAO study of Congressional coverage under OSHA and other such laws. But he said White makes a good faith effort to keep Hill work space safe and the Architect's office has done so "since the late '60s."

Raines said that "as soon as we find any kind of safety deficiency, we address these issues and attempt to make these corrections as quickly as possible."

Mr. NICKLES. Mr. President, I think again our colleagues would learn something if we had to comply with all the rules and regulations, including OSHA, and maybe we would find some of the rulings and some of the regulations go too far, and then maybe we would use a little more common sense and use some of our oversight capacity and appropriations capacity to make sure that some of the regulations do not go so far that they are unwarranted, that when they do not make sense that we would repeal those.

I might just mention, Mr. President, this is not a new idea. The idea that Congress should impose laws on the Nation that will not live under itself is not new. A quote by James Madison in the Federalist Papers clearly states this:

> Congress should make no law which will not have its full operations on themselves and their friends as well as on the great mass of society.

James Madison was exactly right.

Mr. President, I hope that my colleagues will adopt this resolution. I am sure they will, because of the sponsorship by the managers and also by the leaders in the Senate. I am also hopeful that this is not going to be a task force that is going to fig leaf. This is a task force that is going to seriously review all the legislation that I have mentioned that we find ourselves exempt from, that they will seriously review the legislation that we will study it, we will figure that, yes, Congress should comply, Congress should live under the laws and Congress should have the same enforcement mechanisms as everyone else in the country.

I yield to my colleague.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. NICKLES. I am happy to yield.

Mr. REID. Does my friend from Oklahoma agree along the same lines but maybe off a little bit that it would be a good idea every time a government agency promulgated a regulation there be a cost estimate affixed to that and every time we voted on legislation that there be a cost estimate affixed to that?

Mr. NICKLES. I appreciate my colleague's statement. He and I have been working together for some time on having what we call an economic impact statement on proposed regulations and legislation so we know how much the legislation will cost, what it costs in jobs, what it costs the State governments to comply, what it will cost the municipalities to comply. The Federal Government should comply as well as to what the real cost would be in the private sector both in jobs and dollars.

I appreciate the colleague's statement. Certainly, that should apply to Congress as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield back my time on this amendment unless the Senator from Washington has some statement.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent that the Senator from Oregon [Mr. PACKWOOD] and the Senator from Iowa [Mr. GRASSLEY] be included as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise in support of the leadership amendment to create a task force to study the application of generally applicable laws to Congress. I have long been concerned about Congress exempting itself from the laws it passes for others, but too often found my efforts to eliminate such exemptions frustrated. I am glad this issue is now getting the serious recognition it deserves from the Senate.

Almost 1 year ago, we had a 2-day debate on the Senate floor over this issue when I offered an amendment to subject the Senate to the antidiscrimination laws. Tempers flared. Some Senators were very upset over the idea of applying civil rights laws to their own offices. But, finally, common sense prevailed. We decided to establish a fair employment practices office, whose rulings can be appealed to the Federal circuit. This is an important first step. But our work is not complete.

Congress remains exempt from a variety of basic employment-regulating laws, including the Fair Labor Standards Act, the National Labor Relations Act, and the Occupational Health and Safety Act. Our employees are denied the right to organize and bargain collectively, basic wage and hour protection, and workplace safety. And we don't give our employees the same civil rights protections as other citizens. For example, Senate employees are not entitled to a jury trial.

I had considered offering an amendment to this bill to require congressional coverage under the labor laws. But in light of the leaders' serious attention to this issue, by creating a task force to study congressional coverage, I will defer until the task force comes forward with recommendations.

Hopefully, the task force will call for serious congressional coverage under the laws. For us to legislate wisely, we must know how the citizens of Main Street have to run their shops, plants and offices. To do this, we must give our employees the same rights as private sector employees have.

James Madison said it most persuasively in the Federalist Papers, when he wrote that Congress "can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society." He predicted that if Congress imposed laws that it was not obliged to follow, the people would "be prepared to tolerate anything but liberty."

Democracy demands that we have a taste of our own legislative medicine. I look forward to the work of the task force, and thank the leaders for their attention to this issue.

Mr. GORTON. Mr. President, I announce the other Senator who wished to speak on this amendment will not be present.

Therefore, I yield back the remainder of my time.

Mr. REID. Mr. President, we have concluded debate on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3359) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I extend to my friend from Washington my appreciation for his timely guidance on this last matter. I was busy going to this next matter.

AMENDMENT NO. 3360

(Purpose: To modify the reimbursement requirements of title III of Public Law 102-166)

Mr. REID. Mr. President, on behalf of Senator BYRD, and majority and minority leaders, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BYRD, for himself, Mr. MITCHELL, and Mr. DOLE, proposes an amendment numbered 3360.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Section 309(a) of Public Law 102-166 (2 U.S.C. 1209) is amended by striking "or any Member of the Senate" through "a Member of the Senate and" and inserting "and".

(b) Section 323 of such Act is repealed.

Mr. REID. Mr. President, I ask unanimous consent that a statement in explanation of this amendment be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF EXPLANATION

The Senate on October 30, 1991, passed S. 1745, the Civil Rights Act of 1991, which became Public Law 102-166. This legislation contains title III of the act, which provides procedures to protect the right of Senate employees to be free from discrimination with respect to their public employment. The provisions of title III were enacted by the Senate as an exercise of the rulemaking power of the Senate.

In the course of providing procedures to protect the civil rights of Senate employees, the Senate unwisely added to the act section 323, which makes Members of the Senate personally liable for damages.

The stated intent of the authors of title III was to ensure that employees of the Senate whose civil rights were violated would have the same remedies for discrimination as employees in the Federal and private sectors. This included the opportunity for judicial review.

Because some Members of the Senate opposed judicial review of Senate discrimination cases, the language in section 323 was included in an unsuccessful attempt to defeat the legislation.

As the Senate now attempts to organize itself to operate under this law, it has become apparent that a fair and uniform application of title III in conjunction with section 323 may be impossible to achieve. Due to the sparse legislative history on this provision, it is unclear under what circumstances section 323 would apply. The resulting confusion over this section could, therefore, impede the appropriate disposition of discrimination cases to the detriment of the Senate employees for whose protection title III was enacted.

The fact is that section 323 is inconsistent with the civil rights laws which apply to the rest of the Nation. An employee of the Federal sector who is discriminated against by a fellow officer of the Federal Government has, under the civil rights laws, a cause of action against the employing institution—an agency of the Federal Government. When an individual wins a money judgment in a discrimination case against any Federal agency, it is paid out of the Federal Treasury. Federal law provides for the appropriation of necessary amounts from the Treasury in such cases for awards assessed against an officer or employee of the U.S. Government. Similarly, in the private sector it is the employing corporation that pays the costs of damages and settlements incurred due to the discriminatory conduct of its officers and employees.

Removing section 323 from the act will ensure that:

First, discrimination cases in the Senate are treated the same as all civil rights cases in the public and private sectors;

Second, no delay will arise in discrimination cases in the Senate due to questions regarding the personal liability of Senators;

Third, employees are assured of a certain ability to collect judgments against Senate employers; and

Fourth, there are no differing standards for discriminatory practices by Members, officers, and employees of the Senate.

It is also important to note that section 219 of the act reaffirms rule XLII of the Standing Rules of the Senate which prohibits discriminatory employment practices by any Member, Officer, or employee of the Senate. Under this rule, a Senator found guilty of discriminatory practices may be expelled from the Senate or may be subject to other disciplinary action. This enforcement scheme is in addition to the procedures and protections provided under title III of the act.

Mr. REID. Mr. President, this amendment has been cleared on both sides. I ask that it be adopted.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from Nevada is correct. This amendment has been cleared and it is appropriate for adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 3360) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

Mr. BYRD. Will the Senator withhold his suggestion?

Mr. REID. I am happy to.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I want to congratulate the distinguished Senator from Nevada, the chairman of the Legislative Branch Subcommittee, Mr. REID, and his coworker and counterpart, the distinguished Senator from Washington, the ranking minority member of the subcommittee, Mr. GORTON, for their diligent work in shepherding this very difficult piece of legislation through the committee process and to this point in the deliberations of the Senate.

As Members know, this is the 13th regular appropriations bill to be considered by the Senate for fiscal year 1993. I wish to thank all Members and their staffs for their work on this, the final appropriations bill for the year, as well as for their work on all the other appropriations bills that we have considered.

This bill is within the subcommittee's 602(b) allocation, and I certainly hope for its adoption.

Mr. President, I yield the floor.

Mr. REID. Mr. President, while the President pro tempore of the Senate and the chairman of the Senate Appropriations Committee is on the floor, I would like publicly to express my appreciation to him for his able guidance not only with respect to this legislative branch bill, but the other subcommittees upon which I serve—the Interior Subcommittee, Labor-HHS, and Military Construction—and to spread across the record of this Senate my appreciation for all the courtesies he has extended to me and the committee and for his leadership not only for the Senate but this country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Nevada suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are ready to proceed with the matter before the Senate.

What is that, Mr. President?

The PRESIDING OFFICER. Are there further amendments to the legislative appropriations bill?

AMENDMENT NO. 3361

(Purpose: To regulate congressional travel)

Mr. GORTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. GRASSLEY, proposes an amendment numbered 3361.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 55, between lines 11 and 12, insert the following:

SEC. . (a) No part of the funds appropriated in this Act shall be used for congressional foreign travel unless such travel is in accordance with this section.

(b) Such congressional foreign travel shall be—

(1) approved in advance by recorded vote of the committee involved, or approved in advance by the appropriate authority, as the case may be;

(2) accomplished by the most economical means conveniently possible;

(3) accomplished by United States commercial carrier, unless, as determined by the committee involved or appropriate authority, an alternative means is more economical; and

(4) in accordance with committee guidelines established pursuant to subsection (c) or established by an appropriate authority pursuant to subsection (e).

(c)(1) Each committee of the house of Representatives and each committee of the Senate shall—

(A) in order to prevent duplicative and unnecessary trips, establish guidelines for congressional foreign travel by members and employees of the committee; and

(B) not later than the end of each calendar quarter, file a report with respect to congressional foreign travel by members and employees of the committee during the preceding calendar quarter.

(2) Each report filed pursuant to paragraph (1) shall with respect to each trip—

(A) specify the purpose and agenda of the trip;

(B) identify each member and employee of the committee and any other person who accompanies the member or employee at Government expense;

(C) in the case of travel by other than United States commercial carrier, describe any determination under subsection (b)(3);

(D) state the accomplishments of the trip; and

(E) categorize all expenses incurred for the trip.

(3) Each report under this section—

(A) in the case of the House of Representatives, shall be filed with the Clerk of the House of Representatives; and

(B) in the case of the Senate, shall be filed with the Secretary of the Senate.

(d) Not later than 15 days after a report is filed under this section, the Clerk of the House of Representatives, or the Secretary of the Senate, as applicable, shall—

(1) make the report available for public inspection; and

(2) provide copies of the report to any person, either upon payment of a fee sufficient to cover the expense of reproduction and mailing (other than any salary expense) or at a lesser fee if, as determined by the Clerk, or Secretary, as applicable, such lesser fee is in the public interest.

At the end of the 6-year period after the date of filing, each report shall be destroyed unless such report is required in an ongoing investigation.

(e) In the case of any Member of the Senate or House of Representatives, including a Delegate and Resident Commissioner, or other officer or employee of the Senate or the House of Representatives, including an officer or employee of Congress or of an agency of the legislative branch, not otherwise subject to subsection (c), the appropriate authority shall issue guidelines and reports comparable to those required by subsections (c) and (d).

(f) Guidelines and reports implementing subsection (e) shall be issued—

(1) by the Majority Leader and Minority Leader of the Senate, or their designee, with regard to each office of the Senate;

(2) by the Speaker of the House of Representatives, or his designee, with regard to each office of the House of Representatives;

(3) by the Majority Leader and Minority Leader of the Senate and the Speaker of the House of Representatives, or their designee, with regard to any joint committee of the Congress;

(4) by the Architect of the Capitol with regard to officers and employees of the Office of the Architect of the Capitol; and

(5) by the Comptroller General of the United States, or his designee, with regard to each agency of the legislative branch not covered by paragraphs (1) through (4).

(g) As used in this section—

(1) the term "congressional foreign travel" means official foreign travel by a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress, by an employee (including an elected officer) of the Senate or the House of Representatives, by an employee of a committee of the Senate or the House of Representatives, or by an employee of a joint committee of Congress, or an officer or employee of an agency of the legislative branch;

(2) the term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and any other entity in the legislative branch;

(3) the term "foreign travel" means travel outside the United States;

(4) the term "United States", where used in a geographical sense, means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States; and

(5) the term "appropriate authority" means the appropriate authority providing guidelines and reports implementing subsection (e) and specified in subsection (f).

Mr. GRASSLEY. Mr. President, last fall, I introduced a bill to address one of the ongoing problems facing our Nation today: Government waste by an imperial Congress that too often is not accountable to the people.

Everyday we hear about another scandal relating to Congress and the American people are sick of it. If my mail tells me anything, it is that Iowans are tired of the self-indulgent behavior of their Representatives.

One of the areas of excess that I hear about is the unnecessary junkets that many Members take. I say unnecessary because some factfinding—as opposed to fun-finding—trips are legitimate. Iowans are particularly irritated by the foreign junkets that Members take.

Mr. President, I am sure many of my constituents would like to have a job that paid for free foreign travel. Most do not. They are busy making ends meet and do not have the financial means to take foreign trips.

They wonder if we have such a budget deficit, how can our Nation afford for Members to have this luxury at taxpayer expense? They think that certainly there must be better ways to spend our limited Federal dollars.

Well, Mr. President, I agree.

I am introducing this amendment to add greater accountability for congressional foreign travel. The rule for foreign travel will be that it should be "accomplished by the most economical means conveniently possible." Mr. President, this is the rule used by American families every day and it is a rule that should apply to Congress as well.

Not only does this amendment require economical travel, it also requires that a report be filed that includes information on the purpose and agenda of the trip, the employees who will travel at taxpayer expense, and accomplishments of the trip and a record of all expenses incurred.

I do not believe this is too much to ask when congressional employees travel abroad at taxpayer expense. I think the American people will agree.

The amendment specifically requires that American carriers be used unless a foreign carrier is more economical. It also requires that the reports filed under the amendment shall be available for public inspection within 15 days of the filing.

The current rules of the Senate on foreign travel are described in Senate Resolution 179, agreed to on May 25, 1977.

This resolution established that foreign travel is authorized if it is official business and is approved by the leadership, in the case of travel by individual Members, or by the chairman, in the case of travel on behalf of a committee.

It further established, and I quote, that "ordinary and necessary expenses" includes, in the case of a group of Members engaged in authorized foreign travel, such special expenses as the chairman, or, if there is no chairman, the ranking member, deems appropriate.

That is a pretty loose standard.

The amendment I am introducing simply establishes the rules which will govern how funds will be appropriately spent for foreign travel, whether it is for individual Members, committee staff, or congressional agencies. Let's take steps to be more disciplined in our spending of taxpayer money.

I urge my colleagues to support this amendment.

Mr. GORTON. Mr. President, I know of no further debate on the amendment and the managers I believe are willing to accept the amendment.

Mr. REID. Mr. President, we have reviewed the amendment. It is complicated legislation. We would be happy to take this to conference and give it consideration. We have no objection to the amendment.

The PRESIDING OFFICER. Has all time been yielded back?

Mr. GORTON. All time is yielded back.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3361) was agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

OFFICIAL MAIL PROVISION

Mr. FORD. Mr. President, this legislative branch appropriations bill includes a $20 million appropriation for official mail. The amount appropriated takes into account the fact that Members have been very responsible in the use of mass mail.

As Members will recall, the regulations governing mass mail are based upon a formula that assumes that each Member will have funds for at least one statewide mailing each year. The formula is then adjusted to the actual appropriation on a pro rata basis.

Full funding would require a $35.7 million appropriation. With a $20 million appropriation, Members will receive 54.68 percent of the amount that they would have received with full funding. The same formula will remain in effect. The amount allocated will simply be pro rated.

Mr. President, I would also like to advise Members that under the bill as reported official mail funds cannot be carried forward from 1993 to 1994.

Members should be aware of these provisions since they have an impact on the official mail allocations for 1993.

THE DETAILEES PROVISION

Mr. FORD. Mr. President, committee chairman should be aware of the provision in the legislative branch appropriations bill regarding detailees from the General Accounting Office. Under this bill, committees will be required to reimburse the GAO for detailees effective March 1, 1993.

STATEMENT ON LEGISLATIVE BRANCH APPROPRIATIONS

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 5427, the legislative branch appropriations bill and has found that the bill is under its 602(b) budget authority allocation by $14 million and under its 602(b) outlay allocation by $2 million.

I compliment the distinguished manager of the bill, Senator REID, and the distinguished ranking member of the Legislative Branch Subcommittee, Senator GORTON on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the legislative branch appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 5427

LEGISLATIVE BRANCH SUBCOMMITTEE SPENDING TOTALS

[In millions of dollars]

Bill summary	Budget authority	Outlays
Domestic discretionary	2,314	2,305
Senate 602(b) allocation	2,328	2,307
Difference	−14	−2
Mandatory Total	88	88
Senate 602(b) allocation	88	88
Difference	0	0
Bill total	2,402	2,393
Senate 602(b) allocation	2,416	2,395
Difference	−14	−2
Domestic discretionary above (+) or below (−):		
President's request	−356	−289
House—passed bill	2	−7
Senate—reported bill		

THE LIBRARY OF CONGRESS

Mr. STEVENS. Mr. President, for the record the Members should know what will happen to various agencies whose budgets are contained in the legislative branch appropriations bill if there are further reductions. One agency I want to specially single out is the Library of Congress which not only provides support services to the Congress but services to individuals and institutions throughout the Nation. One legislative institution that certainly serves the Nation is the Libary of Congress.

"No matter what you are looking for," an author recently wrote, "you can find it at the world's largest library," the Library of Congress. It has been called a "time capsule of human knowledge," a "storehouse of our national memory," and a "national treasure." The Library's collections total almost 100 million items—books, manuscripts, music, film, recordings, maps, prints, photographs—covering virtually every subject in formats that vary from papyrus to optical disk.

Collections of the Library include reading materials in 468 languages. Its 22 reading rooms are used annually by more than a million researchers. Services provided by the Library of Congress are used by the executive, legislative, and judicial branches of the Federal Government, and libraries in every State in the Union and throughout the world.

The Library's dual role as both a legislative library and the national library has attracted the attention of large numbers of foreign visitors eager to draw upon the experience of the Library of Congress in developing similar resources in their own nations.

The Library of Congress is an unparalleled intellectual resource. As the American copyright depository, the Library also plays a key role in helping to enforce American copyrights as well as international copyright conventions. During an era of fiscal constraints on many local public libraries as well as college and university libraries, when books cannot be located anywhere else, the Library's interlibrary loan programs have proven to be of invaluable assistance. Through the Library's national service for the blind and physically handicapped, more than 22 million talking books—and the machines to enable patrons to enjoy them—are lent to more than 730,000 disabled readers annually.

Where else in the world can you walk in, sit down, and physically handle the musical manuscripts of George Gershwin, Richard Rodgers and Oscar Hammerstein, Irving Berlin, Leonard Bernstein, Victor Herbert, and Aaron Copland or European masters such as Beethoven and Brahms. The same afternoon you might also decide to look at the rough draft of the Declaration of Independence in Jefferson's own hand with the changes made by Benjamin Franklin and John Adams, watch one of Thomas Edison's early movies, or listen to a radio broadcast of the fighting during World War II.

Last month I invited Jim Billington, Librarian of Congress, to join me on the Alaska delegation's weekly television program for Alaskan citizens. He talked about how the Library of Congress serves Alaskans at home as well as in Washington, DC, through the Center for the Book which is affiliated with the Alaska Center for the Book; through the Library's cataloging services that benefit all libraries; through the National Library Service for the Blind and Physically Handicapped that provides free reading services to the blind and disabled; through the distribution of surplus books to nonprofit organizations in the State; and by providing online access through the State library to many of its automated databases. These services are offered not only to Alaska but to every State.

The preservation of this grand intellectual storehouse and the continuation of its multifaceted services to the Nation and to the world is in no small measure dependent upon what we do here today. While funding in the current bill is stringent and lower than the Library requested and will require the Library of Congress to make sacrifices, additional funding cuts will mean cutting a variety of services that are critical to libraries, public institutions, businesses, and citizens from all walks of life across the country. It is the consequences of further cuts that I want to emphasize.

Every library in the Nation is economically dependent upon Library of Congress cataloging information before they are able to make books available to the public. A conservative estimate of savings to the Nation's libraries for this service is $370 million annually—more than the entire appropriation for the Library of Congress. Even under current funding levels, the Library still has a backlog in cataloging of more than 2 million printed materials.

The history books used in our classrooms are richly illustrated with photographs and prints from the Library's collections, as are most of the current books being published about the United States. More than 11 million photographs and graphic materials, however, await Library processing and are not available for use. An additional 2.6 million motion pictures and sound recordings—including the voices and faces of Babe Ruth, and Presidents Herbert Hoover, Franklin D. Roosevelt, and John F. Kennedy—need to be processed before they can be made available to the American people.

Another casualty would be some of the services of the Law Library, which has the largest foreign legal literature collection in the world. In our shrinking world, knowledge of the laws of other nations is essential. Yet, the Law Library, because of a lack of resources, already has more than 300,000 legal documents, publications, reports, and so forth, that have not been cataloged and are not routinely available to the Congress, the State Department, or the international legal community in the United States.

Even if we adopt the Senate language to reduce funding to legislative branch agencies we will be asking the Library of Congress to reduce its services to the Nation and the world.

Any further reductions could also:

Reduce the hours the Library's various reading rooms could serve the public, limiting access to individuals who travel to Washington from around the world to use the collections;

Limit the Library's acquisition of new books, periodicals, recordings, and other materials;

Delay the cataloging of current library materials;

Increase the processing time for copyright certification, which would have an adverse impact on the creative community;

Affect the amount of deteriorating materials that might be preserved;

Further threaten the security of the Library's priceless collections;

Delay a long-range effort to disseminate the Library's vast stores of information via modern technology; and

Cripple ongoing staff development programs designed to provide employees the requisite knowledge and skills to provide services responsive to modern-day information needs.

The Library of Congress, is of course, much more than simply collections of books and documents. The staff of this great institution are talented scholars in scores of disciplines, people who are on the cutting edge of library technology, from cataloging to preservation—individuals who are experts in everything from constitutional law to cartography, from American folklife to Latin American studies. Without their experience and talents, there would be no Library of Congress as we now know it. I urge my colleagues to support the Library of Congress by resisting efforts to reduce any further the funding levels requested for this great national treasure.

Mr. McCAIN. Mr. President, I want to express my strong support for the amendment by the Senator from California [Mr. SEYMOUR] and the Senator from Colorado [Mr. BROWN]. I am pleased to be a cosponsor. Quite simply, the amendment slashes legislative appropriations by 5 percent for next year, by 10 percent in fiscal year 1994, and by 15 percent in fiscal year 1995.

Mr. President, to be frank, I am not sure this amendment goes far enough. There is no reason the Congress should lavishly fund itself when our Nation is facing a huge, out of control Federal budget deficit. Time and time again, I have come to the floor to force the Senate to vote on reform measures that our Nation's citizens support overwhelmingly.

The American people have had it with a Congress that is out of touch with the people who elected it to serve. Yet the Congress has refused to enact reform measures that would stop the tax-and-spend policies that have become the rule in this place. It has ignored the demands of the American people to take meaningful action to reduce the unconscionable and wasteful way the Congress spends their hard earned tax dollars.

I strongly urge my colleagues to support this amendment. It may be a small step, but it is certainly one that is headed in the right direction.

I also want to express my support for the amendment offered by the President pro tempore, Mr. BYRD, the Senate majority leader, Mr. MITCHELL, and the Senate Republican leader, Mr. DOLE to create a task force on Senate coverage. For years, I have called on the Congress to end its status as our country's "last plantation." I have fought against the Congress' practice of passing laws that we require the people of our country to abide by, but from which Congress is exempt. This is wrong.

I have consistently supported and voted for legislation to make the laws of the land apply to Congress. Recently, I came to the Senate floor to point out that the Congress was not in compliance with the Americans with Disabilities Act. I supported making the Civil Rights Act of 1991 apply to the Congress. In addition, last year I offered an amendment to the Civil Rights bill that requires all committee reports to include a section specifically stating whether or not the legislation applies to the Congress and if so, to what extent. I was very pleased that this amendment was accepted by the Senate.

Nevertheless, we must do more. We must end the status of Congress as some kind of elite class of American royalty that does not have to comply with the law. I am hopeful that this task force will lead to meaningful action on this issue that the Congress simply must address. The Congress must come into compliance with the laws it has passed, and I will do everything I can to see that it does.

Mr. GORTON. Mr. President, this side yields back the remainder of the time on the bill.

Mr. REID. As does the majority.

I suggest to the Chair there is a request that for final passage there be a rollcall vote.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question occurs on the Seymour-Brown amendment, amendment numbered 3357.

The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. DIXON] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 85, nays 13, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—85

Adams
Akaka
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick, Jocelyn
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Craig
D'Amato
Danforth
Daschle
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Graham
Gramm
Grassley
Hatch
Heflin
Helms
Hollings
Inouye
Jeffords
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Reid
Riegle
Robb
Roth
Rudman
Sanford
Seymour
Shelby
Simpson
Smith
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wellstone
Wirth
Wofford

NAYS—13

Biden
Byrd
Cranston
DeConcini
Gorton
Harkin
Hatfield
Johnston
Pell
Rockefeller
Sarbanes
Sasser
Simon

NOT VOTING—2

Dixon
Gore

So the amendment (No. 3357) was agreed to.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993—CONFERENCE REPORT

Mr. HOLLINGS. Mr. President, I submit a report of the committee of conference on H.R. 5678 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective House this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 1992.)

Mr. HOLLINGS. Mr. President, I am pleased to present the conference report to H.R. 5678, the fiscal year 1993 Commerce, Justice, and State, the Judiciary and related agencies appropriations bill. In total, this bill provides $22.478 billion in new discretionary spending.

This is a bill that I am confident the Senate will endorse and the President will sign. The conferees have resolved the language issues regarding the Legal Services Corporation that the administration found troubling. And, we have dropped our FCC spectrum provision in light of the Commission's recent decision which accomplishes the objectives of the Senate amendment.

Mr. President, before proceeding, I want to underscore that this bill is $463.8 million in budget authority and $860.6 million in outlays below the President's budget proposal for this bill. So, the conference report spends a lot less than the administration requested.

The conference agreement before the Senate presents a good compromise. We did not get everything we wanted, nor did the House. But, this agreement supports many of the objectives of the Senate bill that passed this body on August 3.

HIGHLIGHTS

First, the conference agreement supports law enforcement. It provides $9.4 billion for the Department of Justice. That is an increase of $472.5 million in discretionary spending or 5 percent over the current fiscal year. We have increased justice assistance to State and local governments—$81 million above the budget request. And we have included funds to continue to support the FBI, DEA, and U.S. attorneys in the war on violent crime and drugs.

Second, it funds priority programs needed to help American industry compete. We have provided $384 million for the National Institute of Standards and Technology. That is $73.3 million above the budget request and $133 million above the House bill. The House has now joined our effort to rebuild the Institute's R&D facilities, and we have continued to provide increases for the Advanced Technology and Manufacturing Technology Center grant programs.

Third, we have placed a priority on modernization of the National Weather Service. It sometimes takes severe weather like Hurricanes Andrew and Iniki to get everyone to remember just how important the Weather Service is to protecting the public. The conference agreement provides the Weather Service with $573.9 million, an $86 million increase over the current fiscal year, including funding for new weather technologies. This will ensure that no weather stations across the Nation will be closed.

Fourth, within our defense allocation, we have been able to accommodate a significant increase for the Ready Reserve Force of the Maritime Administration. Operation Desert Storm underscored sealift as the weak link in our defense programs. The United States had to rely on foreign ships and crews to get our troops and supplies to the Persian Gulf. So, the conferees have provided for increases in Ready Reserve Force ship acquisitions and maintenance, and we have established a new loan guarantee program to build ships that are useful to the Department of Defense in times of war. In total, we have provided $564.2 million for the Maritime Administration—that is a $206.5 million increase over this year's level.

Fifth, we have provided the international community with the resources necessary to expand operations in the Republics of the former Soviet Union. The agreement provides $99.2 million for the activation of new diplomatic posts and $140 million to complete our new secure Embassy building in Moscow, Russia. And we have increased the U.S. Information Agency Exchange programs, such as Fulbright, by $23.5 million.

Because of differences in funding allocations between the House and Senate subcommittees this year, our conference was delayed for quite some time. I had hoped to go to conference in August, but, our House colleagues could not do so. We finished our conference last Friday, but House rules and holidays have forced final passage to be held over until today.

The final 602(b) allocations reduced this subcommittee's domestic discretionary allocation by $113 million in outlays below the Senate-passed bill. And, to get this level, we had to make some real reductions. And, again I refused to agree to Federal Communications Commission user fees, as the House suggested. So, every Member should be aware that many programs had to be reduced below the level in H.R. 5678 as passed the Senate.

DEFENSE CONVERSION

I also should note that this conference agreement does not include the defense conversion initiative proposed in the Senate-passed bill. The Senate version of H.R. 5678 contained $229 million in defense economic conversion funding for the National Institute of Standards and Technology, EDA, and the Small Business Administration. Our initiative sought to help the communities, individuals, and firms that are hurt by cutbacks in defense spending.

Unfortunately, the President's Office of Management and Budget worked hard to make sure that this initiative did not survive conference. OMB, unlike the Congressional Budget Office, claimed that these defense conversion programs were domestic discretionary programs and were not appropriate defense expenditures. OMB threatened to sequester other domestic programs—many of which were unrelated to defense—such as the Justice Department.

OMB's position is wrong. It is insensitive to the hundreds of communities and thousands of workers who will be affected by defense cutbacks. And it is inconsistent with President Bush's statements to defense workers and communities during the campaign. But, the House and Senate conferees could not responsibly bring back a bill that would trigger a sequester. We had to reluctantly recede on the Senate's defense conversion amendments. We are all hopeful that this issue will be addressed by Senator INOUYE and Senator STEVENS in the Department of Defense appropriations conference.

RECOGNITION OF CHAIRMAN BYRD

Mr. President, I would like to thank our committee chairman, ROBERT C. BYRD. For 2 years in a row, he has refused to agree to the domestic discretionary allocations proposed by the House Appropriations Committee. His recommended 602(b) allocations for the Commerce, Justice, and State Subcommittee have been above the House—this year $275 million in outlays above the House allocation. He has taken this action out of an appreciation for the importance of the programs within this subcommittee's jurisdiction—and especially law enforcement. His support is greatly appreciated.

Mr. President, I ask unanimous consent to print in the RECORD highlights of the conference agreement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS

DEPARTMENT OF JUSTICE

Overall, the conference agreement provides the Department of Justice with a total availability of $9,541,772,000. This level of funding reflects the amount appropriated plus an additional $130 million made available through various fee proposals.

The conference agreement for the Department of Justice reflects an increase of $472,539,000 or 5 percent above last year, and $596,401,000 above the House bill.

State and Local Assistance: The conference agreement provides $665,299,000 for Justice Assistance—$81 million above the budget request, preserving the State and local drug grant program, Juvenile Justice assistance, and other programs targeting drug and violent crime throughout the country.

Weed and Seed: The conference agreement includes $13 million to provide second year funding at $1.5 million to all existing Weed and Seed sites.

General Legal Activities: The conference agreement provides adjustments to base and $2.5 million in program increases for implementation of the Americans with Disabilities Act (ADA).

U.S. Attorneys: The conference agreement provides a $48 million increase over last year, reflecting full adjustments to base.

U.S. Marshals: The conference agreement provides a $20 million increase over last year, reflecting full adjustments to base.

Support of Prisoners: The conference agreement provides an increase of $42.6 million over last year, fully funding the cost of housing unsentenced federal prisoners in State and local jails.

Organized Crime Drug Enforcement: The conference agreement provides an increase of $22 million over last year, fully funding adjustments to base, as well as the DEA & FBI's Regional Drug Intelligence Squads (RDIS).

Federal Bureau of Investigation: The conference agreement provides a total availability of $1,986,935,000 for the FBI. This reflects $75.4 million for the continued automation of the Identification Division, as well as $11.5 million for RDIS in the OCDE account.

Drug Enforcement Administration: The conference agreement provides a total availability of $741,384,000 for the DEA. This reflects $12 million in diversion fees, and $10.7 million in State and local overtime costs provided under the OJP account. The conference agreement provides for adjustments to base plus $8.4 million in program increases for the State and local task force program.

Prisons: The conference agreement provides a total availability of $1,784,822,000 for the operation of the federal prison system. This reflects an increase of $186 million over last year, provides for necessary adjustments to base, and increases necessary to activate new prisons coming on line.

Prisons, Construction: The conference agreement provides fully for the President's request of $339,225,000 to expand the capacity of the federal prison system by 3,482 beds.

DEPARTMENT OF COMMERCE

NIST: The conference agreement provides $384,000,000. Of this amount, $105,000,000 is for a new initiative to rebuild NIST's research facilities. This is the result of a Senate proposed initiative not included in the budget request. And, we have included $86,067,000 for NIST extramural research and development programs—Advanced Technology and Manufacturing Technology programs. That's an increase of $22,354,000 for these programs.

NOAA: The agreement provides $1,649,282,000. Included is $573,927,000 for the National Weather Service. Of this amount, $128,621,000 is for procurement of new radars, and observing systems and $50,484,000 is for NEXRAD/weather station construction. $150,864,000 is provided for the National Ocean Service; $217,926,000 is provided for the National Marine Fisheries Service; and $202,172,000 is provided for the Office of Oceanic and Atmospheric Research. $352,178,000 is provided for satellite and related programs. The conferees have taken action to ensure continuity of the NOAA polar-orbiting weather satellite program, and we have increased funding for acquisition management. Finally, the conferees have provided $22,000,000 to convert a Navy T-AGOS ship for use as a NOAA mapping and charting vessel. This capitalizes on an fiscal year 1992 Senate initiative to rebuild the NOAA fleet.

International Trade Administration: The agreement provides $213,851,000, which is $11,693,000 above the budget request and $19,702,000 above the House allowance. Included is an increase of $4,500,000 for anti-dumping/countervailing duty cases and $4,500,000 to create new United States Foreign and Commercial Service posts in the republics of the former Soviet Union. Also included is $10,597,000 for textile research and $2,500,000 for the Market Cooperator program.

Export Administration: The agreement provides $41,015,000. Included is bill language earmarking $1,880,000, an increase of $300,000, for the Office of Anti-Boycott compliance.

Economic Development Administration: The conference agreement provides $244,118,000 for Economic Development Administration. So we have again refused the President's proposals to terminate economic development for American communities.

THE JUDICIARY

The conference agreement provides the Judiciary with $2,474,337,000. Including receipts from a fee for the mailing and processing of bankruptcy notices, the total increase for the Judiciary is $111,547,000 or 4 percent above the amount enacted to date. While the increase provided the Judiciary will fully fund the requested increases for the Supreme Court, and increases for the salaries of Article III Judges, the conference allocation was insufficient to provide the Judiciary with many adjustments to base and program increases.

MARITIME ADMINISTRATION

Ready Reserve Force: The conference agreement provides significant increases for the Maritime Administration's Ready Reserve Force. The conferees have provided $440,500,000, of which $200,000,000 is for fleet acquisitions. Bill language emphasizes the American ships must be purchased for the RRF, except for Roll-On/Roll-Off ships, and that any ships must be converted and repaired in United States shipyards.

Military Useful Vessel Obligation Guarantees: The conference agreement includes $52,000,00 for a new loan guarantee program to build militarily useful ships. Of this amount, $48,000,000 is for credit subsidy appropriations, which we believe will guarantee $960,000,000 in new construction.

SMALL BUSINESS ADMINISTRATION

Salaries and Expenses: The conference agreement provides $248,800,000 for SBA Salaries and Expenses. In conjunction with S&E type appropriations in the Business Loan and Disaster Loan accounts, a total of $423,901,000 for SBA administrative expenses and grants is provided. $67,000,000 is provided for the Small Business Development Center program, an increase of $6,500,000 over 1992.

Credit: The conference agreement provides $20,479,000 to subsidize $87,156,000 in SBA direct loans. This includes $29,465,000 for the Micro-loan program. The agreement provides $213,920,000 to subsidize $4,190,572,000 in loan guarantees. No new guarantee fees or credit changes are included as proposed by the Administration. The agreement also provides $80,657,000 to subsidize $376,900,000 in disaster loans.

STATE DEPARTMENT

Salaries and expenses: The conference agreement provides $2,134,700,000 for State Department operations. In addition, it provides $14,000,000 for the Buying Power Maintenance fund to cover foreign currency losses, $24,055,000 for the Inspector General, and $20,000,000 in a new appropriation for New Diplomatic Posts. In total, the conference agreement provides $99,200,000 for new State Department posts in the former Soviet Union, and Southeast Asia. The conferees also have included $31,500,000 for the Bureau of Oceans and International Environmental and Scientific Affairs for grants, contracts and other activities to conduct research and promote international cooperation. This includes $25,000,000 for climate and global change research.

Acquisition and Maintenance of Buildings Abroad: The conference agreement provides $570,500,000 for State Department buildings and facilities. This includes $140,000,000 for the new secure facility in Moscow, Russia.

USIA

The conference agreement provides $1,164,083,000 for United States Information Agency programs. This is $20,044,000 more than the budget request and $37,381,000 above the House allowance. The agreement provides $736,693,000 for Salaries and Expenses, $223,447,000 for Exchanges, and $30,000,000 for the National Endowment for Democracy. The agreement provides an increase of $23,447,000 for exchange programs such as the Fulbright program.

Mr. HOLLINGS. Mr. President, let me at this point thank particularly our staffs that have been working around the clock: Scott Gudes, Dorothy Seder, Liz Blevins, and Jolene Lavria Sullens on our staff, and, particularly, John Shank on the Republican side. They have done the lion's share of the work, trying to hammer out all the particular differences. We have met from time to time, but the real work has been done by this outstanding staff.

RECOGNITION OF SENATOR RUDMAN

Otherwise, Mr. President, I have to note publicly—I said this in the markup—that this brings to an end the official association between myself and the distinguished senior Senator from New Hampshire, Senator WARREN B. RUDMAN.

WARREN RUDMAN is a real exception, as we all recognize here, as he voluntarily retires from service in the U.S. Senate. In all my years of serving here I have known no Senator who is harder working, more intelligent, more dedicated, and more selfless. We have worked over all kinds of issues with respect to the Commerce Department, which few people really understand, all the ramifications not only of economic development, but also of the census and the foreign commerce program, the International Trade Administration, the various NOAA, National Oceanic and Atmospheric Administration, responsibilities.

We go across to the distinguished State Department and we are very proud of the economies we have made there because the State Department, for one, has many, many properties the world around. Senator RUDMAN and I have been required from time to time to visit and keep accounting there. We really initiated the institution of property officer within that Department.

It was our intent and now finally the body has agreed upon it that we not only have ensured the intelligence security of our Embassy facilities in Moscow, but more particularly we tried to save the money.

We have worked very diligently with respect to law enforcement. No one in this body has been a finer leader on the subject, for example, of legal services. Senator RUDMAN and I have been in lockstep on the Drug Enforcement Administration, the FBI, the Justice Department, the Attorney General's Office, and we have tried to keep step with a burgeoning kind of need in our society. WARREN RUDMAN has led the way.

I think publicly this ought to be stated at some time in the RECORD—I know I will be around when he is here for his last session—but I want to express my sincere gratitude to him for his leadership and his dedication, not just on behalf of the citizens of New Hampshire but more particularly on behalf of the citizens of all these United States.

I yield the floor.

Mr. RUDMAN. Mr. President, I join the Senator from South Carolina in presenting the conference report for fiscal year 1993 for the Departments of Commerce, Justice, and State, the Judiciary and related agencies. The revised section 602(b) allocation for the subcommittee made it impossible to achieve the higher levels in the Senate-passed bill, but the conference agreement is a reflection of the priority given to law enforcement by the Senate. The level of $9.4 billion for the Justice Department is $300 million below the Senate level, but is an increase of $466 million over the House. In addition to the budget authority included in the conference agreement, the subcommittee has taken action to provide the Bureau of Prisons with $40 million in excess criminal fines to offset its expenses.

I know many members are concerned about the funding levels for the Judiciary. I share that concern, but I would like to point out that this conference agreement represents an increase of 4 percent, or $101.5 million, above the 1992 enacted level. Overall, appropriations for the judiciary have increased $770 million, or 45 percent, since fiscal year 1990.

I do not want to mislead anyone that the levels in this conference report will allow agencies to operate on a business-as-usual basis. Many agencies will be severely constrained by the funding levels contained in this bill, but the conferees simply did not have the allocation necessary to meet even current services levels for most programs. In addition, the conferees followed the Senate lead of stressing public safety programs, such as the National Weather Service and the law enforcement programs of the Justice Department.

Within the allocation for international programs, the conference agreement provides for the full request for peacekeeping operations. In addition, funds have been provided to the Department of State and the U.S. Information Agency to open new posts in the Confederation of Independent States.

Finally, I would like to thank my chairman, FRITZ HOLLINGS, for his leadership and cooperation. Since 1984 I have served as either the acting chairman, chairman, or ranking minority member of the subcommittee. I have been honored to serve throughout that period with the Senator from South Carolina at my side. We have always worked as a team in a bipartisan fashion, whether on this bill or in such deficit reduction efforts as Gramm-Rudman-Hollings. He has always put the public interest above particular interests, and my work with him will be one of the things I will miss most when I leave the Senate.

It is a credit to him and to the staff of the subcommittee that this method of operation has continued and, indeed, has intensified as funding constraints have tightened. In that regard, let me thank Scott Gudes, Dorothy Seder, and Elizabeth Blevins of the majority staff for the assistance they have provided over the years.

Mr. President, again let me state my support for this conference report. I urge the Senate approve it.

STATEMENT ON COMMERCE, JUSTICE, STATE APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 5678, the conference report on the Commerce, Justice, State appropriations bill, and has found that the bill is under its 602(b) allocations in budget authority by $373 million and is under its 602(b) allocations in outlays by less than $1 million.

I compliment the distinguished manager of the bill, Senator HOLLINGS, and the distinguished ranking member of the subcommittee, Senator RUDMAN, for all of their hard work.

Mr. President, I have a table from the Budget Committee showing the official scoring of the conference report on the Commerce, Justice, State appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 5678

COMMERCE, JUSTICE, STATE SUBCOMMITTEE SPENDING TOTALS

[In millions of dollars]

Bill summary	Budget authority	Outlays
Domestic discretionary	15,991	15,786
Senate 602(b) allocation	16,220	15,786
Difference	−229	−(1)
International	5,691	5,511
Senate 602(b) allocation	5,695	5,511
Difference	−4	−(1)
Defense 796	796	626
Senate 602(b) allocation	937	626
Difference	−141	−(1)
Mandatory total	661	654
Senate 602(b) allocation	661	654
Difference	0	0
Bill total	23,140	22,577
Senate 602(b) allocation	23,513	22,577
Difference	−373	−(1)
Domestic discretionary above (+) or below (−):		
President's request	−802	−1,052
House—passed bill	670	161
Senate—reported bill	−246	−113
Senate—passed bill	−237	−104
International above (+) or below (−):		
President's request	29	32
House—passed bill	106	47
Senate—reported bill	4	0
Senate—passed bill	90	70
Defense above (+) or below (−):		
President's request	309	160
House—passed bill	84	171
Senate—reported bill	−138	1
Senate—passed bill	38	−1

[1] Less than $500,000.

Mr. SMITH. Mr. President, I have some great concerns with the result of this conference on this legislation. I just want to remind the Senate that by a vote of 50 to 32, the Senate voted to hold this amendment, which I had placed on this legislation, in order.

This amendment, just a quick summary, would repeal the Washington, DC, effort to effectively impose a national ban on semiautomatic weapons. It would do this by requiring gun manufacturers and dealers to pay for the criminal misuse of the weapons that they produce. The expectation of the District government is that once the first lawsuit is brought, no manufacturer or dealer could afford to subject itself to the legal liability imposed by this act.

The Senate, Mr. President, adopted this, as I said, by a vote of 50 to 32.

If my friend from South Carolina will engage in a colloquy with me in this, I would like to know, since the Senate did recede, why? Why did the Senate recede and allow this portion of this amendment to be taken out of the bill?

Mr. HOLLINGS. Mr. President, the House was not for it. There are two big reasons they did not accept it. And we, on the Senate side, also had a reason and that was that at that time on the floor and right after that vote, if you will remember, a filibuster began. At that particular time, I said, let us not continue the filibuster, extended debate, for the main and simple reason that it is not germane. Even though I agree with the sentiment of the particular amendment, and, in fact, a cosponsor of the Senator's bill which overturns the D.C. law, it is not going to stay on our bill.

The conferees have been very assiduous in making certain we do not open the door to things not within the jurisdiction of the State, Justice, Commerce appropriations bill. The Smith provision is a matter of jurisdiction in the District of Columbia bill.

We had the same kind of threat of extended debate with respect to legal services. In fact, the distinguished Senator from New Hampshire joined in the warning to us, that we were trying to associate provisions of appropriations for legal services with an authorization bill yet to have been passed. Mr. President, I ask unanimous consent a letter to Senator BYRD dated September 21, 1992 be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 21, 1992.

Hon. ROBERT BYRD,
Chairman of the Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BOB: We understand that the conferees will meet next week to consider H.R. 5678, the Commerce, State, Justice, and the Judiciary Appropriations for FY93. We are particularly concerned about Sec. 610 governing funding for activities of the Legal Services Corporation.

This provision ties LSC funding to the terms of authorization bills which have not become law. If Sec. 610 is not amended, spending on LSC programs in FY93 and beyond would be governed by proposals not approved by Congress or the President.

The appropriateness and extent of Legal Services-funded activities has been controversial since the program's inception. Whatever a Senator's personal convictions are on issues such as lobbying, abortion rights, union organizing and similar matters, it's inappropriate to draw the authorization process into the appropriations bill.

We urge you to strike this provision from H.R. 5678 until such time as the authorizing committee is able to bring an LSC reauthorization bill to the floor under customary legislative procedures. This will give all Senators an opportunity to fully discuss the present legal services system's strengths and weaknesses.

Retaining Sec. 610 in its present form will delay H.R. 5678. The White House has promised to veto the bill unless the LSC language is stricken, and the margin of passage in the House in July was sufficient to sustain the eventual veto.

Further, we intend to object to passage of H.R. 5678 in the strongest possible terms unless the objectionable language is removed and the LSC is permitted to continue operating under current law.

Thank you for your consideration.

Sincerely,

JESSE HELMS.
DAN COATS.
BOB SMITH.
LARRY E. CRAIG.
TRENT LOTT.
STEVE SYMMS.

Mr. HOLLINGS. There were six Senators who signed that letter, and including the Senator from New Hampshire, admonished us, "wait a minute, even though you have the vote, you cannot do that; it has yet to be authorized, and we will engage in not only raising the point but extended debate."

Of course, the House agreed with that particular admonition given by the distinguished Senator from New Hampshire and others that we ought to avoid it and get on with a conference report that would not be held up by a filibuster.

We are in the very closing days. These bills are all compromises. The Senator's amendment was acceded to mainly on the basis that it really just did not belong in this bill.

Mr. SMITH. If I understand my friend's statement, then his side of the conference voluntarily receded from a position that the Senate directed be maintained, is that correct?

Mr. HOLLINGS. I am not trying to defend it and say that in any defense of it. I said on the floor that we were going to have to recede. Look at the open record at the time this bill was passed.

Mr. SMITH. It does not sound to me that the Senator supports my legislation.

Mr. HOLLINGS. I voted for the Senator's amendment. I oppose the District's law, and am a cosponsor of the Senator's free-standing bill, as I stated earlier.

Mr. SMITH. Well, with all due respect, the opportunity to keep this amendment in the legislation, and the fact that came out, it came out in conference directly as a result of the Senator's action.

Mr. HOLLINGS. It came as a result of all of our actions—every member of the Commerce, Justice, State Subcommittees have signed this report. Conferences represent compromises. The House particularly opposed this provision and would not take it. It was not in the House bill. District of Columbia matters were not in the bill on the House side.

Mr. SMITH. Is it the Senator's testimony that the House was opposed to this?

Mr. HOLLINGS. Yes. That is not my testimony. That is my statement.

Mr. SMITH. I said testimony. I say, is it the Senator's statement that the House position was that they did not support this amendment?

Mr. HOLLINGS. That is exactly my statement.

If I remember correctly, there was only one ranking member on the Republican side who had raised any question at all about it. I think it was Mr. ROGERS of Kentucky. But other than that, a majority of the House Members readily agreed it should not be in the bill.

Mr. SMITH. I think one of the reasons the American people have some difficulty understanding how we operate around here is that when the Senate—and there were several Members, I might add, who were absent and could not be here that day, who would have voted with us so the vote would have been larger than 50 to 32—gives direction that in conference the Senate maintain a position, even before any formal action is taken by the House side to recede, we recede voluntarily. To me it basically is compromising direction that was given.

I find that objectionable and somewhat difficult to understand, with all due respect. The Senator from South Carolina has been here a lot longer than I have and is much more familiar with parliamentary procedures, and so forth. But I think this is one of the things that the American people do not understand. We do not have any recorded vote here. We just go into a room somewhere, hold a conference, take out legislation, an amendment that was added to the bill, and the Senator at least has the courage of his convictions to admit that he did assume responsibility for that, but there is no recorded vote. It just simply happens.

Although the Chair said it was a nongermane amendment, the Senate said otherwise and overruled the Chair.

Mr. HOLLINGS. Right. These things do occur. I guess the Senator did not have the understanding, perhaps, I would say, that Senator RUDMAN did. On legal services, Senator RUDMAN's amendment—a provision fully supported by the Senate—was also dropped in conference as a result of the letter of the Senator from New Hampshire in which several other Senators joined in, opposing the language in the Senate-passed bill with regard to the Legal Services Corporation. Like the Senator's amendment, Senator RUDMAN's provision was dropped in the conference agreement also.

Look, that is what a conference is. There are many things having passed both Houses that are either dropped or modified in conference. That is what the conference is about. The Senate does not get everything it wants, nor does the House. For example, we are now in conference with the defense appropriations bill. I do not know how many items we have this year, but I remember just a couple years ago we had 3,333. It took 2 months to mark it up. We have a similar challenge right now that Senator INOUYE is leading.

There will be many, many things the Senate voted for that will be receded upon and many, many things that the House will have voted for that will be receded upon. That is how you get the conference concluded and that is how you get legislation to the President for his signature. And these are appropriation bills. We have to keep law enforcement agencies like the FBI and DEA operating.

The signature of the members themselves is vote enough. That is a sort of written agreement. They agreed to it. We had a vote. Every member of the conference signed this agreement.

As far as accepting responsibility, I do not mind accepting it. I am trying to answer accurately as to the misgivings the distinguished Senator has. I would accept the responsibility on the one hand, but again, all the members signed the conference report. That is representative of their vote of support. There was nothing conducted behind closed doors, or tricky, or nobody talk or whatever. And I admonished at the time the Senate considered the amendment, I said this is not going to stay in this bill. I said I knew Mr. SMITH of Iowa, the chairman on the House side, was not going to allow it. I knew his practices and his policy. And it did not stay in. We stand by that conference report.

Mr. SMITH. I will just continue for a few more moments. There were no amendments in disagreement on this, after it came out of conference, which is a little bit unusual, and obviously parliamentarily keeps me now from offering any aspect of the amendment again. And given all the provisions in the conference report that were not there in either version before we went in, I find it somewhat interesting that we would have that parliamentary condition come out of the conference as well.

But I might just say to the Senator that a resident now of his State, using South Carolina as an example, if he or she legally purchases a semiautomatic firearm manufactured in another State and you assume that that firearm is stolen and then transported into the District of Columbia, where it is used by a drug dealer to shoot another drug dealer or some person, under the D.C. gun law, the injured drug lord could sue the company in the other State and the South Carolina dealer as well to recover damages, and the only party under that D.C. gun law that would not be allowed to be sued is the criminal who shot him.

I know the people in New Hampshire would be particularly outraged by that kind of law which reaches into our States.

The D.C. gun law is not directly involved with the D.C. residents. It reaches into our States to the gun manufacturers, innocent, hardworking men and women who produce these products and sell them. They are certainly not responsible, as the Senator knows, for crimes that are committed in Washington, DC. We are responsible for it because we do not have the guts to do anything about it, to be very candid, and the Government of the District of Columbia as well, to take the criminals off the streets, but that is another issue.

The point is that is why the Senate felt so strongly about this and put this amendment on the bill. I just find it preposterous that unilaterally it is taken out because of some parliamentary procedure, because NEAL SMITH or somebody else does not want it in there. I think the American people deserve to know who did not want it in there and why they did not want it in there, and it ought to be recorded. I know it is not going to be, but that is part of the problem around here.

Mr. HOLLINGS. Mr. President, in all respect to our distinguished colleague from New Hampshire, the State-Justice-Commerce appropriations bill does not have jurisdiction over the District of Columbia, over my hometown, the city of Charleston, or the distinguished Senator's hometown, the city of Manchester in New Hampshire. We just do not have jurisdiction over the city of Washington, and that is the answer to his misgiving. We are just not going to start managing the District of Columbia on this bill. We are not going into the Interior Department; we are not going into the Energy Department; we are not going into these other departments. It is just not within our jurisdiction. It was so stated at the time your amendment was presented. And the distinguished Senator realizes that, I know.

I will be glad to join in a further colloquy.

Mr. SMITH. I yield the floor, Mr. President.

Mr. HOLLINGS. I urge adoption of the report.

The PRESIDING OFFICER. Is there any further debate?

If not, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the report was agreed to.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I understand we have a request for a rollcall on the conference report.

I ask unanimous consent that the order that has just been entered be vitiated so that we can have that rollcall vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the vote on the adoption of the conference report occur after the final vote on the adoption of the legislative appropriations bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HOLLINGS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. I yield the floor.

Mr. JOHNSTON. Mr. President, I was extremely gratified to learn the conference report now under consideration requests the Secretary of Transportation and the Secretary of Defense to expedite the obligation of up to $3 million of the new $48 million military useful vessel loan guarantee fund to subsidize the cost of the loan guarantee application for a replacement vessel for the sulfur tanker *Nordic Louisiana*. However, Mr. President, the conference report states that the pending loan application is for $3 million, which is the subsidy appropriation required under the Federal Credit Reform Act of 1990. The credit level guaranteed is approximately $43 million. Would the chairman be good enough to state whether my interpretation of the intent of the conference report is correct?

Mr. HOLLINGS. I am pleased to confirm that the senior Senator from Louisiana is correct in his interpretation. The $3 million figure in the conference report refers to the costs of the $43 million loan guarantee as required by the Credit Reform Act.

Mr. BREAUX. Mr. President, as the chairman is aware, the provision accepted in conference limiting tanker and other vessel acquisitions for the Ready Reserve Force to vessels acquired from U.S. sources if they are available, had its origin in the amendment we offered during our consideration of S. 3026 which restricted all vessel acquisitions for the Ready Reserve Force to ships registered in the United States on or before January 1, 1992. I rise merely to seek confirmation and clarification that the limitation on vessel procurement to only U.S. sources used in the conference amendment and explanatory statement is intended to restrict RRF vessel acquisition to U.S.-owned, U.S.-flagged, and U.S.-built vessels.

Mr. HOLLINGS. Absolutely, the Senator is correct. The conferees intend the term "from only U.S. sources" to mean sourcing RRF vessels from truly U.S. ships with respect to their ownership, flag, and construction.

Mr. ROBB. Mr. President, we are all familiar with the Warner Bros. cartoons, in which the laws of physics are stretched and broken regularly. In that world, roadrunners can zip through tunnels painted on hillsides. Coyotes aren't subject to gravity until they realize they aren't standing on anything. And rabbits can fly by twirling their ears.

The administration has apparently succumbed to one of the most basic fallacies of Warner Bros. physics. In cartoons, placing an electric fan aboard a sailboat so that it blows into the sail makes the boat surge forward. But we live in the real world, Mr. President, and in real world physics, the force of the fan on the sail in one direction is exactly balanced by the Newtonian reaction of the fan in the opposite direction. In the real world, the sail will puff, but the boat will not move.

The administration has declared itself committed to the cause of defense conversion. The Commission empaneled to devise administration plans for defense conversion was here just today, taking testimony; in fact, I testified before the Commission not 3 hours ago. But the administration's behind-the-scenes actions with regard to this very bill make it clear that their real intent is not to move the boat, but to make the sail billow impressively.

The Commerce, State, Justice appropriation, as approved by the Senate, included part of the Senate's comprehensive approach to defense conversion. The appropriations bill included many provisions designed to help small, defense-dependent businesses survive the transition to a peacetime economy, to assist individuals leaving the military start their own businesses, and to stimulate economic activity.

But the administration, through the Office of Management and Budget, torpedoed these plans by using the closest thing they have to a line-item veto. We have a fairly complicated procedure for keeping track of Government spending these days, Mr. President, which will have to do until we get real deficit reduction in hand. Part of that tangled process requires OMB to score spending according to what part of the budget a particular appropriation comes from. If too much is scored in one category, the entire budget in that category is sequestered, chopped across the board.

The Senate's bill—properly, in my view—scored the defense conversion package as defense spending. But OMB changed that designation, by scoring the defense conversion provisions of the Commerce bill as domestic discretionary spending. In that one act, OMB took education, nutrition, and the whole range of domestic programs hostage. This action, in one stroke, revealed that OMB has more budget power than the President of the United States. And they're apparently not willing to use it in favor of real efforts at defense conversion.

The conference committee is not able to reverse this change in scoring. In response, they reluctantly and under duress eliminated the defense conversion package from their report.

Mr. President, no task facing our country today has greater implications for America's economy and our place in the future world than assuring an orderly transition from the wartime economy to the new peacetime economic order. Because this bill no longer addresses that issue, I will vote against it.

Let me make clear that I will vote against it not due to any action by the distinguished subcommittee chairman, Senator HOLLINGS, nor by any of the members of the conference. I will vote against this report to protest the zealous exercise of veto authority by the OMB. And I vote against it as a plea—a plea that this Government engage in real, substantive, and straightforward deficit reduction, without mirrors or artifice.

A decade of fiscal irresponsibility has led us to adopt a dire cure. We see today that the alleged cure may not be much better than the disease. Mr. President, we must stop the budget madness and get back to firm land before we realize that, like the coyote, our feet are on nothing but air.

Mr. GRAHAM. Mr. President, throughout the debate on the appropriations bills for fiscal year 1993 I have offered amendments to bring to the attention of the Senate, the issue of reducing the Federal budget deficit and rebuilding the credibility of Congress in the public eye.

The Federal effort at serious deficit reduction must start somewhere. As I have stated before, Congress is an institution which by its nature is inductive and incremental. We can no longer wait until the day Congress is ready to tackle the issue of comprehensive deficit reduction. We must act immediately to begin, bit by bit, to trim the Federal budget.

In my opinion, and in the opinion of many of my colleagues, the administrative accounts of the major executive departments and of Congress, is the place to begin this process.

Although I have offered amendments to the other appropriations bills, I will not offer such an amendment to the legislative branch appropriations bill that is before us today.

As I reviewed the committee's proposed bill, I found that the committee had held the salaries, officers, and employees account of the Senate at 1992 levels.

I want to take this opportunity to commend the subcommittee chairman and ranking member, my distinguished colleagues from the State of Nevada and the State of Washington, for including these freezes in their subcommittee's legislation.

Mr. KENNEDY. Mr. President, throughout the 102d Congress my colleagues and I have put forth a number of initiatives to strengthen the economic well-being of our Nation, including proposals to stimulate job growth in the small business sector, provide support for technology transfer, enhance U.S. manufacturers' quality and productivity, and lower the U.S. trade deficit through increased exports. As our country continues to experience the effects of recession, we must make a significant commitment now and in the future to support innovative programs which increase the competitiveness of American business and industry.

In this regard, I would like to bring to the attention of my colleagues an outstanding initiative in Massachusetts that will have a significant impact on the competitiveness of American business in the changing global economy. Babson College's proposed Center for Global Competitiveness and Entrepreneurship represents a bold approach for assisting U.S. companies to improve their international capabilities and corporate development.

As we enter the 21st century, American businesses face enormous challenges in the international marketplace. Advanced communications and the gradual elimination of national trade barriers are creating a more closely integrated global economy. Many companies have not been able to take full advantage of new foreign markets, and they have not capitalized on emerging international opportunities. As a result, these companies have become less competitive internationally. Corporate leaders must develop new strategies and practices to reverse this negative trend. While emerging, growth companies account for an overwhelming amount of the Nation's economic growth, they often lack the expertise and institutional resources necessary to compete effectively and efficiently in the global marketplace. For any meaningful change to occur, small businesses and companies hoping to compete in the international marketplace must develop a thorough understanding of the new international framework.

To successfully meet this challenge, Babson College proposes to establish a Center for Global Competitive and Entrepreneurship as a resource for these businesses. Babson College seeks to accomplish two important goals with this new center: first, increasing the international competitiveness of emerging growth companies as well as other corporations seeking to expand their international operations; and second, educating present and future managers through participation in actual business problem solving and exposure to new curriculum.

Babson College will accomplish these goals through a range of new programs and activities, which include organizing original training programs, establishing comprehensive information systems for international data and statistics, conducing market analyses, and developing new publications and case studies on the methods and success of emerging, growth companies in achieving international competitiveness.

Through partnerships with industry, Babson College will utilize its extensive international programs and expertise in management education to teach managers the necessary skills to compete in this new environment. In turn, this corporate outreach will offer students the opportunity to participate in actual corporate problem-solving.

Babson College offers a perfect setting for this type of center. Under the bold leadership of President Bill Glavin, the college has distinguished itself in recent years as one of the best small business schools in the Nation. The college has received national recognition as a business specialty school, most notably for its entrepreneurship and executive education programs. U.S. News & World Report recently ranked it as a leader in business education, even though it does not possess the resources of large universities. To augment its current efforts, the new center will provide a valuable resource for emerging, rapid growth companies seeking to expand their international operations.

A recent Boston Globe article, "Remaking the MBA," described the curriculum reform currently underway at Babson College and Babson's impressive vision for the future. The article characterized the college in the following manner.

> The drastic (curriculum) overhaul * * * is an example of the way in which smaller, less hidebound institutions can serve as incubators for new ideas. If the new curriculum is successful, it would provide a model for change at bigger and more prestigious universities. Babson's "aggressive approach to curriculum renewal * * * could be seminal in the field of management education" concluded a team from the New England Association of Schools and Colleges, the accrediting body for the region's colleges and universities.

Mr. President, the new center at Babson College is exactly the type of initiative the Nation should be undertaking to assist our businesses in meeting the challenge of a changing global environment. I commend the college for its vision, and I look forward to the center's success in the years ahead.

Mr. DOMENICI. Mr. President, I rise in support of the Commerce-Justice-State appropriations bill reported by the committee of conference.

This bill provides $22.4 billion in budget authority and $16.4 billion in new outlays for fiscal year 1993 discretionary programs of the Departments of Commerce, Justice and State, the Judiciary, and related agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill, as adjusted, totals $23.1 billion in budget authority and $22.6 billion in outlays for fiscal year 1993.

The conference agreement is slightly less than the Senate-passed bill, and it is below the President's overall request.

I want to thank the committee for its approval of $173.5 million for the Department of Justice to fully fund the Radiation Exposure Compensation Act of 1990, as requested by the President.

This act, which I originally introduced in 1978, authorizes the payment of claims filed by persons against the Government for health effects associated with radiation fall-out from open-air nuclear testing and radiation mining in the southwest during the cold war.

The funding action taken by the conferees represents a major step toward fulfilling the long-awaited restitution for the health effects associated with these Federal activities.

Mr. BIDEN. Mr. President, I oppose the amendment of Senator DANFORTH, which would establish a fund to reimburse private attorneys' fees for Presidential nominees.

It has been suggested that this amendment is necessary because the interests of the White House and the interests of the President's nominees are not one and the same.

To date, there has been no evidence of such divergent interests, and certainly no evidence that any Supreme Court nominee, at least, has incurred private attorneys expenses.

Indeed, nominees before the Senate Judiciary Committee are well-prepared after generous assistance from the administration. For example, in the case of nominees who come before the Judiciary Committee, the Justice Department supplies copious resources to candidates in preparation for and during confirmation hearings.

One concern, of course, is that if there were a fund established through this amendment, then nominees would be inclined to use it; the Justice Department, nonetheless, would still supply representation; and costs would just go up.

I, for one, would want to see an accounting of the time and expenses incurred by the Justice Department on behalf of the nominee before we decided whether spending more taxpayer dollars was warranted, and before we concluded that the Justice Department was inadequate to represent a nominee.

Perhaps the idea of private representation would make more sense if it were combined with a requirement that the administration have no contact with the nominee prior to the confirmation hearings. Quite frankly, some people have become very concerned about the amount of time administration attorneys—attorneys with a particular ideological persuasion—spend working with a nominee in preparation for confirmation hearings.

I'd be interested in working with the Senator on legislation that insulated a nominee from Justice Department influence, just as the nominee is currently insulated from influence by the Senate, until the confirmation hearings begin.

Senator DANFORTH has also suggested that a fund is needed because recent confirmation proceedings have lacked rules adequate to protect nominees. Let me remind my colleagues that in the case of the last confirmation hearings, at least, the reason that the process was so rushed, the reason why all the niceties of formal rules could not even be considered, was that the nominee and his supporters in the Senate insisted that the investigation of charges against him occur as quickly as possible.

My colleagues will recall that the Senate was operating under a unanimous-consent agreement when the issues surrounding the Hill/Thomas hearings arose, so that any Senator was in a position to block an agreement to postpone the vote. And that is what occurred—supporters of the nominee said, OK, investigate these charges, but don't take more than 6 days to do so. So we postponed the vote—but for 1 week only.

I am entirely in favor of a more orderly process. But we should have a clear historical record of what occurred the last time around.

Moreover, while I agree that nomination hearings are serious and significant events—and reputations are to some extent at risk—there is more to consider.

Senator DANFORTH's amendment, as I understand it, says nothing about compensation for witnesses who may find themselves in a difficult position. Clearly in the last hearings, Professor Hill's character was attacked every bit as vigorously as the Senator from Missouri believes the nominee's character was attacked.

If we are truly concerned about helping citizens who get caught up in a potentially damaging set of hearings in a public arena, we would need to rethink this amendment to make it more comprehensive.

In short, I am as concerned about fairness to nominees in confirmation hearings as any Senator in this body—I believe my record as chairman of the Judiciary Committee is unequivocal evidence of that. I am concerned about fairness to witnesses, as well.

If I became convinced that the further expenditure of public funds were necessary to ensure fair treatment, I would join the Senator from Missouri in proposing an appropriate mechanism for doing so.

However, I need to be shown more evidence before I will vote for a proposal such as the one the Senator is advocating.

Mr. MITCHELL. Mr. President, there are three votes to follow immediately on this bill, including final passage. I ask unanimous consent that the remaining three votes be for 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I encourage all Senators to remain in the Chamber so as to accommodate their colleagues and permit the prompt disposition of these votes.

I yield the floor.

The PRESIDING OFFICER. Under the order, the question is on agreeing to the Danforth amendment No. 3358.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. DIXON] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 11, nays 87, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—11

Bentsen
Bond
Craig
Danforth
Durenberger
Hatch
McConnell
Roth
Simpson
Symms
Wallop

NAYS—87

Adams
Akaka
Baucus
Biden
Bingaman
Boren
Bradley
Breaux
Brown
Bryan
Bumpers
Burdick, Jocelyn
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Dodd
Dole
Domenici
Exon
Ford
Fowler
Garn
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Smith
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NOT VOTING—2

Dixon
Gore

So the amendment (No. 3358) was rejected.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1993

The PRESIDING OFFICER. The question now occurs on H.R. 5427, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. DIXON] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—75

Adams
Akaka
Baucus
Bentsen
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick, Jocelyn
Burns
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Glenn
Gorton
Graham
Grassley
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Packwood
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—23

Biden
Brown
Coats
Conrad
Craig
Fowler
Garn
Gramm
Hatch
Heflin
Helms
Kasten
Lott
Mack
McConnell
Nickles
Pressler
Roth
Seymour
Smith
Specter
Symms
Wallop

NOT VOTING—2

Dixon
Gore

So the bill (H.R. 5427), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate insist on its amendments and request a conference with the House and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer appointed Mr. REID, Ms. MIKULSKI, Mr. ADAMS, Mr. BYRD, Mr. GORTON, Mr. BOND and Mr. HATFIELD conferees on the part of the Senate.

VOTE ON CONFERENCE REPORT ON H.R. 5678

The PRESIDING OFFICER. The question now occurs on agreeing to the conference report on H.R. 5678, the Commerce, State, Justice appropriations bill.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Illinois [Mr. DIXON] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

The result was announced—yeas 82, nays 16, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—82

Adams
Akaka
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick, Jocelyn
Burns
Byrd
Chafee
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gorton
Gramm
Grassley
Harkin
Hatch
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Reid
Riegle
Rockefeller
Rudman
Sanford
Sarbanes
Sasser
Seymour
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wirth
Wofford

NAYS—16

Brown
Coats
Conrad
Craig
Graham
Heflin
Helms
Kohl
Metzenbaum
Pressler
Pryor
Robb
Roth
Smith
Symms
Wallop

NOT VOTING—2

Dixon
Gore

So the conference report was agreed to.

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRAHAM. Mr. President, I ask unanimous consent that I may proceed in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR TREATMENT OF AIRLINE EMPLOYEES

Mr. GRAHAM. Mr. President, it is my understanding that soon we will be considering the conference report on the appropriations bill for the Department of Transportation, and the distinguished Presiding Officer has led the Senate effort in this regard. I wish to extend my congratulations to him for the outstanding representation that he has given to the interests of the United States, and particularly to the American public, in terms of advancing our national transportation system.

This bill will authorize funds for thousands of critical infrastructure projects across America and can appropriately, therefore, be labeled as a jobs bill.

Mr. President, during the original consideration of this legislation in the Senate, there was another way in which this could have been called a jobs bill. The Senate adopted, by a voice vote, an amendment which was fashioned by the Senator from Missouri, Senator DANFORTH, and myself. The goal of this amendment was to provide a level of job security to American workers affected by international airline route transfers. At the heart of this amendment is the belief that the Federal Government has a fundamental responsibility to help save American jobs. I underline "American jobs."

Mr. President, our amendment ended up on the administration's blacklist of veto provisions.

I ask unanimous consent to place in the RECORD immediately after my remarks a letter submitted to the Honorable ROBERT DOLE on September 22, by the Office of Management and Budget, Mr. Richard Darman, Director.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, as you well know, this letter contained a section entitled "Provisions Subject to Veto Recommendations." Paragraph 5 of that section of the letter led with the following sentence: "The Senate version of the bill would make the preferential hiring of certain airline employees a priority criterion for the Secretary of Transportation in approving international route transfers. This preferential hiring would make the transfer of international routes more difficult and would endanger the jobs of employees of both selling and acquiring carriers."

Despite support by the conferees, both from the Senate and from the House of Representatives, on the merits of the amendment which had been fashioned by Senator DANFORTH and myself, it was not included in the bill before the Senate because the conferees adopted a position that they would not endanger the totality of the bill by including subjects which had appeared on the blacklist of those items that would have led to the total bill being vetoed.

I think, therefore, Mr. President, it is appropriate for me to explain to our colleagues and also to the American people how this amendment would have saved American jobs. I believe that this amendment also will give us an understanding of how this administration approaches its responsibility for American jobs.

To put this in context, while domestic commercial aviation has been largely deregulated, including the right of carriers to fly from city to city without prior authorization or governmental sanction, this is not the case with international air routes. They continue to be highly regulated, the subject of binational or multinational treaties. When one carrier desires to take over the authority to fly an international route from another, that carrier must receive the approval of all countries involved in that route.

In the case of the United States, the responsibility is placed with the U.S. Department of Transportation. Under U.S. law, for the Secretary of Transportation to approve such a transfer of an international air route, he must make a number of determinations which equate to what is in the public interest. One of those factors in arriving at the public interest is what happens to the employees of the airline which is transferring its routes.

Unfortunately, the effect of the proposed route transfer on employees is, in my judgment and in the judgment of the U.S. Senate, not being properly measured.

Let me give you an example of how route transfers that inadequately consider the effect on employees is detrimental to the public interest and to the jobs of American workers.

When Pan American Airlines went bankrupt in December 1991, thousands of American employees of that airline were left jobless. Many of those remain jobless still today.

I make the distinction, Mr. President, of American employees for this reason: Based on information which I have received from numerous former Pan American employees, foreign Pan American employees were able to keep their jobs when new carriers took over Pan American's international routes. But Americans were terminated wholesale.

The reason for this, Mr. President, is because by the law of most European and Latin American nations, job protection is provided for their nationals, in the case of an international air route transfer. For instance, a route between the United States and Argentine, the transfer of which requires the approval of both the Argentine Government and the United States Government, the Argentine Government says: As a condition of approving this transfer, we are going to require that the airline continue to employ the same number of Argentine nationals that had been employed in the predecessor airline serving that route.

I met with one gentleman in Miami recently who had worked for 30 years with Pan American. Most recently, he had been a crew chief in a German maintenance base of Pan American. When Pan American went bankrupt and another airline began to fly the route, he lost his job. But all the German nationals who were working at the same Pan Am station did not.

According to a special study by the Congressional Research Service, a predominance of foreign countries have statutory protections for their citizens when a business changes ownership.

Mr. President, let us look at the cost of the public interest of the Federal Government's refusal to provide some protection for Americans in international air route transactions. Since December 1991, when Pan American went bankrupt, the American taxpayers have paid for former Pan Am employees in just two States—New York and Florida—over $13 million on retraining funds and countless millions in unemployment benefits.

Unfortunately, the U.S. Department of Transportation does not calculate the cost to the public when it weighs the public interest. Nor does it weigh the human toll when long-term unemployment has affected individuals and their dependents. The current administration will tell you that they care about American jobs and are putting forth policies that put Americans first.

What is the American Government doing to assist employees of the airline industry? These are professionals, proud Americans, and they do not want a handout, they do not want to be on unemployment. What they want is a job. What would the amendment that the Senate adopted by a voice vote, which I believe the Presiding Officer would indicate had substantial support within the conference committee, but which was placed on the black list of items that would have resulted in the entire Department of Transportation appropriations being vetoed, what is this malicious provision? What is so bad that it would have had the consequence of taking down the entire funding for America's transportation system?

Mr. President, I ask unanimous consent to have printed in the RECORD immediately after the previous items, the Danforth-Graham amendment, which was adopted by the Senate and which was the subject of the threatened veto.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GRAHAM. Let me read the salient provision, which is the so-called requirement of an employment plan. It states:

"Upon application for approval of a certificate transfer"—that is the transfer of an international air route from one carrier to another—"the acquiring carrier shall submit its plan for employment that projects the number of employees of the transferring carrier who will be hired by the acquiring carrier, the crafts and national origin of those employees, and a timetable for implementation of that employment plan."

Second, "the Secretary may approve the transfer of a foreign air transportation route certificate only if the Secretary makes specific findings that, one, the unemployment plan submitted * * * does not discriminate on the basis of race, color, religion, national origin, sex, age, or disability; two, reasonable attempts have been made by the acquiring carrier to provide employment opportunities for employees of the transferring carrier; three, the employment plan would not adversely affect the viability of the transaction."

Mr. President, those are the salient provisions of an amendment which this administration said was so heinous that it would call for the veto of the entire transportation bill.

This provision, I submit, is wholly consistent with the statutory mandate that the Department of Transportation judge whether an international route transfer is in the best public interest. It is hard to believe that the administration cares anything about saving American jobs when it threatens to veto a provision which simply asks the U.S. Department of Transportation to consider American workers when approving route transfer.

Mr. President, I hope this administration will reevaluate its standards of what is in the public interest, and for economic reasons, to save the Government money, and lessen the incidence of the mass unemployment of American workers; and for fairness reasons, treat American workers fairly in relationship to workers of other nationalities, and for the jobs and well-being of American families.

Thank you, Mr. President.

EXHIBIT 1

OFFICE OF MANAGEMENT AND BUDGET
Washington, DC, September 22, 1992.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: The purpose of this letter is to express the Administration's views on H.R. 5518, the Department of Transportation and Related Agencies Appropriations Bill, FY 1993, as passed by the House and by the Senate. Your consideration of these views would be appreciated.

In his FY 1993 Budget, the President proposed to freeze domestic discretionary spending at FY 1992 levels, and to cut defense discreationary spending below the FY 1992 level. The President has indicated that he will veto any bill that exceeds his request. On the basis of OMB's preliminary scoring, the House version of H.R. 5518 exceeds the President's request for discretionary budgetary resources by $903 million. The Senate bill exceeds the President's request by $501 million. If the bill presented to the President were to exceed his request for discreationary budgetary resources of $35,922 million, the President would veto the bill. Enclosed is a table that provides OMB's prelminary scoring of the bill.

The Conferees could develop an acceptable bill by funding priority programs and reducing excessive funding for other programs. These other programs include highway demonstration projects, mass transit, the Northeast Corridor Improvement program, local rail assistance, and aviation University Center Grants.

PROVISIONS SUBJECT TO VETO RECOMMENDATIONS

The President's senior advisers would recommend that the President veto this bill if it were to include the Obey amendment to the House bill. This amendment breaches the firewalls established in the Budget Enforcement Act (BEA). It would increase the FY 1993 deficit by $0.4 billion and the FY 1994 deficit by $1.2 billion above the deficits that would otherwise occur were the firewalls not breached. If Congress were to abandon the mutually agreed-upon discipline of the BEA, it could trouble financial markets and cause interest rates to rise, thereby slowing economic recovery and threatening job creation.

The President's senior advisers also would recommend that the President veto this bill if it were to include the following provisions; abridgement of the terms of the Panama Canal Treaty; restrictions on the operations of the Interstate Commerce Commission (ICC); unneeded labor protection requirements related to international route transfers; and flight and duty time restrictions for flight attendants. These provisions are discussed below.

The Senate version of the bill would limit the ability of the Panama Canal Commission to make annuity payments to the Government of Panama. Prior to making these payments, the Senate would require that Panama improve its enforcement of the MARPOL treaty. These payments are required by the Panama Canal Treaty and the 1979 Panama Canal Act.

A Senate provision would prohibit the Interstate Commerce Commission (ICC) from granting an exemption from regulation if the exemption would directly or indirectly affect rail transportation of agricultural commodities. Separate analyses by the Department of Agriculture and the ICC indicate that railroads compete intensely on rates and service to win agricultural transport business. Moreover, open public hearings at the ICC are the appropriate forum for all involved parties to present evidence to permit the full and fair evaluation of the merits of this issue.

The Senate version of the bill would make the preferential hiring of certain airline employees a priority criterion for the Secretary of Transportation in approving international route transfers. This preferential hiring would make the transfer of international routes more difficult and would endanger the jobs of employees of both selling and acquiring carriers. The Senate verison extends to 1995 the period of eligibility under the burdensome "first right of hire" provisions of the 1978 Deregulation Act. These provisions expired in 1988. In an era when U.S. airlines face growing international competition, a statutory mandate for such unneeded labor protection is highly objectionable.

Section 337 of the House version of the bill and section 331 of the Senate version mandate flight and duty time restrictions for airline flight attendants. Most airlines already have collective bargaining agreements or work rules that address duty and rest time for flight attendants. The proposed restrictions would unnecessarily involve the Federal government in the relationship between management and labor.

LEVELS OF FUNDING

The Administration strongly supports funding for Federal-aid highways at the President's requested level of $19.2 billion. The Senate version of the bill includes total recommended funding for Federal-aid highways of $18.5 billion, $713 million below the President's request. The House version funds Federal-aid highways at approximately the President's request by breaching the firewalls. The Administration believes that the Federal-aid highway program can be funded at the President's requested level without breaching the firewalls by redirecting funds from lower priority programs.

The Senate version of the bill, which would fund implementation of the Chief Financial Officers Act at approximately the President's requested level, is preferable to the House version. These funds are needed to provide for program oversight and effective financial controls.

The House and Senate versions of the bill have virtually deleted funding for magnetic levitation (maglev) transportation research and development. Funding at the requested level is necessary to continue critical studies of economic, technical, and safety issues in FY 1993. Full-scale prototype development, as provided by the Senate, would be premature absent the results of these studies.

SCORING ISSUES

OMB is reviewing the Senate's classification of $403 million of Coast Guard programs as defense discretionary spending. OMB is prepared to classify as defense spending no more than a total of $303 million for Coast Guard programs (a level consistent with precedent), provided that no more than $303 million is included in the Defense appropriations bill for the Coast Guard.

Additional Administration concerns regarding the House and Senate versions of the bill are contained in the enclosure. We look forward to working with the Committee to address our mutual concerns.

With best regards,

RICHARD DARMAN,
Director.

EXHIBIT 2

SEC. . EMPLOYEE CONSIDERATION IN AIRLINE ROUTE TRANSFERS.

(a) IN GENERAL.—Section 401(h) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371(h)) is amended by adding at the end the following new paragraph:

"(4) Employee Considerations.—

"(A) Consideration of Employment Opportunities.—In reviewing a proposed transfer of a foreign air transportation route certificate, the Secretary of Transportation shall give consideration to assuring employment opportunities for employees of the air carrier transferring the certificate. Those opportunities shall not discriminate on the basis of race, color, religion, national origin, sex, age, or disability. Consideration shall also be given to provisions for seniority integration as provided for in the seniority integration protections specified in Tiger International Seaboard Acquisition Case, CAB Docket 33712.

"(B) Employment Plan.—Upon application for approval of such a certificate transfer, the acquiring carrier shall submit its plan for employment that projects the number of employees of the transferring carrier who will be hired by the acquiring carrier, the crafts and national origin of those employees, and a timetable for implementation of that employment plan.

"(C) Mandatory Findings.—The Secretary may approve the transfer of a foreign air transportation route certificate only if the Secretary makes specific findings that—

"(i) the employment plan submitted under subparagraph (B) does not discriminate on the basis of race, color, religion, national origin, sex, age, or disability;

"(ii) reasonable attempts have been made by the acquiring carrier to provide employment opportunities for employees of the transferring carrier; and

"(iii) the employment plan would not adversely affect the viability of the transaction.

"(D) Evaluation.—Within 1 year after the approval by the Secretary of a transfer of a foreign air transportation route certificate, the Secretary shall conduct an evaluation of the implementation of the employment plan submitted under subparagraph (b).".

(b) DUTY TO HIRE PROTECTED EMPLOYEES.—Section 43(d)(1) of the Airline Deregulation Act of 1978 is amended by striking "10" and inserting in lieu thereof "17".

(c) Effective Date.—The amendments made by subsection (a) shall apply with respect to any application filed after the date of enactment. With respect to any application filed after July 26, 1991, but before the date of enactment, the acquiring carrier must submit the employment plan specified in paragraph (B) and that the provisions in paragraph (D) apply.

Mr. GRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I ask unanimous consent to address the Senate as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRUTH ABOUT PRESIDENT BUSH'S RECORD ON IRAQ

Mr. MCCAIN. Mr. President, there is nothing new about political rhetoric that reinvents history, particularly in an election year. There is nothing new about 20-20 hindsight, or selective memory. I am saddened, however, that several of my distinguished colleagues—most notably Senator GORE—have chosen to reinvent the recent history of the Middle East and our relations with Iraq.

For example, Senator GORE has said in his speech to the Center for National Policy that the Bush administration made a "heroic assumption * * * that Iraq would suddenly and completely change its ways out of fear of economic and political sanctions."

The fact is that the United States sought to moderate Iraqi activity over time by using a mix of limited incentives and strong disincentives. The fact is that we were correct to try, and the fact that we did try was a major factor that later made it possible to assemble a victorious U.N. coalition.

Our relations with Iraq have never been easy. At the same time, we have never been able to ignore the fact that Iraq plays a critical role in the balance of power in the gulf, and in a region with nearly 60 percent of the world's proven oil reserves.

No American President or senior foreign policy official, operating in the diplomatic and strategic climate of the 1980's could ignore the need to avoid having Iran or Iraq dominate the gulf. No President or official could avoid trying to moderate Iraqi behavior, or trying to persuade Saddam Hussein that he would gain more from peaceful relations with the West and southern gulf States than from confrontation, radicalism, and aggression.

This policy had universal support within the Arab world at the time, and had this support down to the final hours before Iraq's invasion of Kuwait. Kuwait strongly and consistently supported it. So did moderate states like Egypt. So did every European power, so did virtually every American expert on the Middle East.

There is also nothing secret about the fact the United States followed this policy. No one has ever denied that we provided Iraq with economic and political support during the latter phases of the Iran-Iraq war in an effort to prevent Iran from winning and dominating the gulf.

In fact, there was a broad bipartisan consensus behind this policy. There was no stealth in the U.S. naval intervention in the gulf. We debated and approved Operation Earnest Will. Our intelligence committees reviewed and concurred with our activities in the region.

No one seriously challenged our policy of trying to move Iraq toward moderation during the Iran-Iraq War or in the months between the August 1988 cease-fire in the Iran-Iraq War and the August 1990 invasion of Kuwait.

Senator GORE, Senator WIRTH, Senator LEAHY—among others—forget these facts in their speeches attacking President Bush.

Certainly Senator GORE forgets them when he makes an incredible accusation like charging that, "He (President Bush) is the one who started the fire."

We all know that Saddam Hussein started the fire. We all know that it was George Bush that put it out. And, we all know that many on the opposite side of the aisle opposed his efforts to do so, and voted against them.

Sentor GORE and his colleagues show an equally convenient degree of amnesia when they selectively use the result of months of effort by the Democratic Party to find every single case in which the United States provided aid to Iraq, transferred dual capable technology, or made a hard choice between condemning Iraq and trying to moderate it.

They assemble these facts, and no other facts, to try to make it look like the United States was supplying Iraq with massive amounts of arms, and with the technology necessary for proliferation. They try to create a history where President Bush appears to have tolerated terrorism or Saddam's worst excesses.

Mr. President, there is only one way to fully refute what Senator GORE, Representative GONZALEZ, and other Democrats have put into their speeches and the CONGRESSIONAL RECORD. We would have to do what any honest and reputable historian would have done in place of their attacks on President Bush. We would have put the incidents that Senator GORE lists in the full context of all the actions taken by the United States during the period from 1982 to August, 1990.

We would have to publish the record of all the efforts we made to halt proliferation, and halt terrorism. We would have to list all of the efforts of the executive branch to halt technology transfer. We would have to mention the fact that it was a joint British-American sting operation that uncovered key supergun equipment transfers.

We would have to mention that Iraq's most critical efforts to acquire chemical weapons technology from the United States failed. We would have to trace the true record of support for the terrorist movements Senator GORE mentions, little of which have anything to do with Iraq.

If we paid any attention to the full record, and to the true history of events, we would never see a record that remotely justifies Senator GORE's statement that President Bush's "poor judgment, moral blindness, and bungling polices led directly to a war that should never have taken place."

Instead, we would see a record that is already well documented in book after book on modern Iraqi politics, the Iran-Iraq war, and the events that led up to the gulf war.

We would see a clear and consistent effort to moderate Iraq. We would see a clear and consistent effort to work with our allies in halting the transfer of technology that could give Iraq weapons of mass destruction. We would see U.S. policies that had the broad support of Members of both the Senate and the House.

It is my hope that as the media examines what Senator GORE has said, they too will examine the full record. It is my hope that they will look through the CONGRESSIONAL RECORD and see how many prescient Democrats disagreed with the efforts to moderate Iraq and check Iran, and how many still failed to understand how serious the situation was when we voted on authorizing President Bush to use force against Iraq after it invaded Kuwait.

I also hope they will examine the record contained in the Arms Control and Disarmament Agency data on arms transfers to Iraq during the period before the gulf war, and in the work of Richard F. Grimmett of the Congressional Research Service on such arms transfers, when they examine the credibility of a statement like Senator GORE's claim that "our sons and daughters were to be sent to risk their lives facing a threat that had been built up through U.S. technology and U.S. tax dollars."

Mr. President, Saddam Hussein built up his military machine with $100 billion of his own money, and money lent him by his neighbors during the Iran-Iraq War. The impact of any U.S. origin technology and weapons was at most negligible.

If the media and my colleagues look at the most recent ACDA document, and examine arms transfers to Iraq during the period Senator GORE made so much of, they are going to find that Iraq imported some 22.75 billion dollars' worth of arms during 1985–89. They are also going to find out that even if we accept the strange premise that every dual use item the United States exported to Iraq was actually used for military purposes, their total value does not add up to one-hundredth of 1 percent of those arms transfers.

In spite of some Democrat efforts to trivialize history, the United States played no meaningful role in arming Iraq. It provided no meaningful dual capable technology or arms transfers during any time before 1985, and none between 1985–89.

It was Russia that provided 13 billion dollars' worth of arms, other Warsaw Pact States that provided $2.9 billion, the People's Republic of China that provided $1.6 billion, France that provided $1.7 billion, Britain that provided $20 million, Germany that provided $90 million, other European states that provided $1.5 billion, other Middle Eastern states that provided $420 million, Latin America that provided $1.3 billion, and other states that provided $200 million.

In fact, Mr. President, Senator GORE would have much more credibility if he blamed Argentina, Chile, and Brazil for Iraq's invasion of Kuwait, rather than President Bush. These states were comparatively small suppliers to Iraq, but what they supplied was far more arms than the United States did.

Similarly, Richard Grimmett's latest study of conventional arms transfers shows that the same trends existed after the Iran-Iraq War. If you examine the data in CRS documents 92–577F and 91–578F, you find that Iraq imported 8.9 billion dollars' worth of arms between 1988 and 1991. None of these arms came from the United States. Instead, $4.1 billion came from Russia, $1 billion from China, $1.1 billion from major West European countries, $1.7 billion from other European countries, and $1 billion from countries other than the United States.

It is totally and absolutely absurd to imply that the limited transfers of dual capable equipment from the United States, and limited amounts of United States aid played a significant role in Iraq's arms buildup.

The record is clear that they did not, and this becomes even more clear the moment you examine the more detailed information on the weapons holdings of Iraq contained in the annual Military Balance of the International Institute for Strategic Studies.

Look at the 1989–90 edition of this document, which shows Iraq's arms holdings before the invasion of Kuwait. These data have been informally reviewed by DIA, but there is not one American-made weapon or major item of equipment listed for any of Iraq's military services.

Similarly, look at the Middle East Military Balance of the Jaffe Center for Strategic Studies. The 1989–90 edition of this document also shows that every weapon in Iraq's order of battle—which contained hundreds of thousands of weapons—came from other countries.

The same situation affects the long series of charges that the United States provided equipment that aided Iraq in developing missiles and weapons of mass destruction. There is no doubt that some such equipment was smuggled from the United States and that Iraq did use some dual-use equipment.

It is a sad fact of life that no export control system is perfect. It is a commercial fact of life that when dual use equipment is readily available in uncontrolled form from other countries, there is little point in denying U.S. exports.

But, Mr. President, I invite anyone who is possibly interested and every Member of this body to read through the United Nations inspection reports on Iraq. It is not the United States that provides Iraq with missiles. It is not the United States that created Iraq's chemical weapons industry. It is not the United States that provided the key equipment and facilities that Iraq was using to develop nuclear weapons.

It was the United States that was taking the lead in creating the Missile Technology Control Regime, that advocated strengthening the Nuclear Nonproliferation Treaty, that was deeply involved in strengthening the Nuclear Suppliers Group and Australia Group, that sought a meaningful Chemical Weapons Convention, and sought to strengthen the Biological Weapons Convention. It was the United States that helped develop a steadily more effective multilateral export control system.

Speaking personally, I have long advocated that both President Bush and the Congress take far stronger measures regarding proliferation. I have fought hard for such legislation, and I have strongly encouraged President Bush, Secretary Baker, and Secretary Cheney to do even more than they have.

It is simply ridiculous, however, to take a few memos and cases out of context and to imply we played a major role in Iraq's proliferation or that the Bush administration was soft on proliferation. This is simply politically motivated nonsense, and the U.N. inspection reports, and studies on proliferation by groups like the Carnegie Foundation, make it clear that this is the case.

In fact, I would be most interested to hear Senator GORE explain why his speech before the Center for National Policy does not cite a single U.N. source, UNSCOM inspection, IAEA inspection or report, or any major study on proliferation, or contain a single word that puts the size of any United States transfers to Iraq in context.

I would like to know what real evidence he had that anything like 40 percent of the equipment used in the SAAD 16 facility came from the United States, and how he can explain the apparent gap between the sources he cites and the information the United Nations has disclosed.

I would like him to explain how he could forget to list the critical items we did deny, like high temperature furnaces. How he could forget that it was the United States and Britain that worked together early in 1990 to stop the sale of nuclear triggers and catch Iraq in the act.

I would like him to explain how he could neglect to ask how many items we did deny Iraq. How he could ignore the fact that we denied export licenses for some 362 items that could have contributed to Iraq's military programs.

I would like him to list the so-called dual capable items he mentions and indicate how many items like trucks and out-of-date, low-performance computers—that are easily available from other countries—are on this list. I would like him to explain whether he realizes that the total contract value of such items during 1985-90 was $1.5 billion, and that $1 billion of this total involved trucks which were never shipped to Iraq.

He might also want to explain the justification for several of the statements in his speech. For example, he says that:

> U.S. taxpayers are now stuck with paying the bill for $1.9 billion President Bush gave to Saddam Hussein, even though top administration officials were repeatedly told Saddam was using our dollars to buy weapons technology.

The fact is that the United States did not give one single dollar to Saddam. The $1.9 billion was given to American grain exporters to compensate them for grain sold to Iraq after United Nations sanctions were placed on Iraq for its invasion of Kuwait.

Senator GORE might explain why he said that the Bush administration had conducted, "An ongoing effort to hide the facts from the American people * * *." Why he did not mention that his speech was based on the selective use of literally thousands of documents that the administration provided to Senator GORE and his colleagues, at a cost of tens of thousands of man-hours, and hundreds of thousands of dollars.

At the same time, he might want to explain for the record the practical problems of trying to conduct any effort to moderate Iraq if the United States had not taken Iraq off of the list of terrorist states. Senator GORE might want to discuss the practical problems inherent in keeping Iraq on the terrorist list, and describe how he would have dealt with the situation in a way different from President Bush.

He might want to trace the actual history of Iraqi support for terrorism, and note that this support dropped sharply as the result of the negotiations with the United States that led to Iraq being dropped from the list. He might note that Iraq was only dropped after it agreed to sever its relations with Abu Nidal, and that his organization was expelled from Baghdad in 1983.

He might provide a chronology of the various messages the United States sent protesting Iraqi involvement in terrorism whenever this occurred during the 1980's. He might note that the Bush administration requested a reexamination of Iraq's role in terrorism in the spring of 1990, when it received reports that Abu Nidal had been allowed to reopen an organization in Baghdad, and that the Department asked for another intelligence assessment that summer.

If Senator GORE does not provide such data, I would encourage the media to start asking some very probing historical and factual questions in these areas. I would also urge them to check the record, and remind Senator GORE that the Iran-Iraq war was a very close contest, and that Iran was still in the midst of an offensive that threatened Iraq as late as February of 1988. I urge the Senator to check the record and ask how the United States could have dealt with Iraq in any way that did not involve the Iraqi military-industrial complex or the Ministry of Industry and Military Industrialization.

Mr. President, I do not want to belabor this issue at more length, but I do request unanimous consent that a detailed comparison of the various charges Senator GORE has made and the actual historical record be printed in the CONGRESSIONAL RECORD after my statement.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCAIN. Mr. President, let me close by reminding my colleagues that we all know the real reason for this sudden revision of history. It is because they have a candidate with no proven credentials in foreign policy or national security. It is because the American people realize that we still live in a threatening and uncertain world, and may well remember this in November. There is an old saying that truth is the first casualty in war. My distinguished colleagues from the other side of the aisle are now proving that history is the first casualty of politics.

EXHIBIT 1

THE BUSH ADMINISTRATION RECORD ON IRAQ: THE CHARGES AND THE FACTS

A. U.S. POLICY TOWARD IRAQ

1. General

The documentation on U.S. policy toward Iraq during the 1980s and in 1990, including NSD 26, show that the internal and external efforts of the Reagan and Bush Administration were consistent. Both were seeking to block the expansion of the sort of Islamic fundamentalism personified by Iran's Ayatollah Khomeini, and to cultivate Iraq as a force for regional moderation and stability.

During the 1980s, Khomeini's disciples had sought to overthrow regimes in Saudi Arabia, Kuwait, and Bahrain. They were well entrenched in Lebanon and most likely had a hand in the assassination of Egypt's President Anwar Sadat.

After the Iran-Iraq war, Saddam was on good terms with moderate governments in the region, particularly Egypt, Jordan, and Saudi Arabia. There were solid indications that he was more anxious to rebuild his economic base than to seek new military adventures.

The United States never "coddled" Saddam Hussein. We attempted a measured approach of incentives and disincentives to seek to moderate Iraqi behavior.

Indeed, our policy was so firm at the time that our Arab allies—including Kuwait—cautioned us about its harshness.

The fact that the United States and other countries were ultimately unable to restrain

Saddam does not mean that it was the wrong policy to try.

Today it is easy to take for granted the remarkable U.S. success in mobilizing Arab states against Iraq. But had the United States pursued a more aggressive strategy toward Iraq before the invasion, it would have had a tough time rallying support for its efforts in the Gulf and elsewhere.

2. Human rights

The United States was among the foremost critics of Iraqi human rights practices throughout the 1980s. Our annual human rights reports gave an accurate picture of the abysmal Iraqi record of brutality and torture.

We denounced Iraq's human rights record and sought international condemnations of Iraq.

Although our Embassy in Baghdad was severely limited in its ability to gather information, we sought to document Iraqi practices, and took the lead in the International Human Rights Commission in seeking a formal resolution condemning Iraq.

However, that does not mean that human rights was the only factor prudent policymakers had to consider in shaping a policy toward Iraq consistent with both vital American interests and American values. Other competing considerations had to be carefully balanced and weighed, including the security of our friends in the area and the importance of Gulf oil supplies for the world economy.

This argued for a strong U.S. effort to influence the conduct of the state which emerged at the end of the 1980s as the dominant military power in the region.

3. Intelligence sharing

The U.S.-Iraqi intelligence relationship took place primarily from 1982 until 1989. The exchange was implemented in the context of seeking to prevent Iran from winning the Persian Gulf War.

Between August 1988 (the time of the ceasefire) and October 1989, there were limited exchanges with Iraq on the Iranian military situation.

Military intelligence sharing with Iraq ended in October 1989, almost one year before Iraq invaded Kuwait.

There was limited civilian liaison relationship through the first part of 1990.

4. Iraq's sponsorship of terrorism

Throughout the 1970s, Iraq was one of the principal sponsors of Palestinian and other international terrorism, as a leader of the so-called "rejection front" of states opposed to U.N. Security Council Resolution 242 and any Arab-Israeli negotiations. The Department designated Iraq as one of the original state sponsors of terrorism in December 1979 following passage of the Export Administration Act.

After the start of the Iran-Iraq war in the early 1980s, Iraq's support for international terrorism dropped sharply.

In 1982, after Iraq promised that it would sever its relationship with the Abu Nidal Organization (ANO) and it significantly reduced its support for terrorism, Iraq was removed from the list of state sponsors of terrorism. The ANO was expelled from Baghdad in 1983.

We continued to use the leverage our relationship with Iraq gave us to work to reduce Iraq's support for terrorist groups during the 1980s. Indeed, our stiff messages plus Iraq's need for a relationship with the U.S. and the West acted to restrain Iraqi behavior during this period.

While Iraq's record was far from perfect, there was significant progress. Our annual reports to Congress gave an accurate picture of the situation: progress, but no complete clean bill of health.

In the spring of 1990, the Department received reports that the ANO had been allowed to reopen an office in Baghdad, and the Department asked the intelligence community to assess the new situation to determine whether Iraq should be placed on the terrorist list. While the assessment confirmed that Baghdad was expanding contacts with radical Palestinian groups, providing safehaven to terrorists, and killing Iraqi dissidents, the assessment contained no smoking gun.

The Department asked for an additional assessment in early August 1990.

It was clear that after Iraq's invasion of Kuwait, Baghdad's interest in securing the support of radical Palestinians and using terrorism against its enemies outweighed its concern about respectability in the international community.

Indeed, it appeared that the factors which had kept Iraq from using terrorism to attack Western and specifically American targets throughout the 1980s were no longer present.

We therefore placed Iraq back on the list of state sponsors of terrorism.

5. CCC program for Iraq

The CCC program guaranteed purchases by Iraq of U.S. agricultural commodities. Iraq never received money under the CCC program. Instead, because of the CCC program, Iraq paid out money to U.S. agricultural exporters, rather than to those of other countries.

Approximately 90 percent of the $5 billion in credit guarantees extended to Iraq between 1983 and 1990 for the purchase of U.S. agricultural exports was provided prior to fiscal year 1990 and received broad support among members of Congress and by American farmers and commodity groups.

The only approval by the Bush Administration of CCC guarantees for Iraq came in November 1989, more than eight months before Iraq invaded Kuwait.

At this time, CCC extended only one tranche of $500 million in credit guarantees to Iraq.

Of this $500 million, over 20 percent of it did not become effective because of the Gulf War.

Despite Congressional criticism that Iraq was not sufficiently creditworthy to be included in the CCC program, Iraq met all of its financial obligations under the program and made all payments for commodities purchased right up to the point that the U.S. Government froze Iraqi assets in August 1990.

Accordingly, from November 1989 to August 1990, CCC extended $392 million in guarantees to Iraq, while Iraq actually made hard currency payments for U.S. commodities of $847 million. This *reduced* CCC's exposure with regard to Iraq by $455 million.

Shortly after the U.S. Attorney's office in Atlanta initiated its investigation of Banca Nazionale del Lavoro (BNL) in August 1989, the Department of Agriculture reached an agreement with BNL that BNL would *not* participate in the CCC Program.

Accordingly, BNL was *not* involved in any of the guarantees extended in November 1989 for the Iraqi purchase of U.S. agriculture exports.

We are not aware of any intelligence indicating that Iraq diverted any of the $5 billion in CCC guarantees for military purposes.

No investigation to date—by the U.S. Attorney in Atlanta or by any federal agencies—has established a diversion to third countries of commodities sold to Iraq or Iraqi misuse of the CCC program to purchase military weapons.

Any possible diversions would have played only a minor role in Iraq's arms build-up, because Iraq earned $120 billion in oil sales during the 1980s and ran its overall foreign debt to $88 billion. Thus, if any diversions occurred, they would have accounted for a miniscule share of Iraqi's military purchases.

The October 13, 1989 memorandum, to which certain members of Congress and the media have repeatedly referred, merely speculates about allegations on Iraq's use of CCC guarantees. The allegations at issue in that memorandum have not, to date, been established.

6. Control of exports to Iraq

U.S. export control policy toward Iraq was tougher than that of any other industrial country, and to our knowledge tougher than that of any country except for Israel and Iran.

Both the Reagan and the Bush Administrations followed a strict policy of denying the export of weapons or weapon systems to Iraq.

Since the creation of the Missile Technology Control Regime (MTCR) in 1987, we denied all license applications for export to Iraq of any goods or technology controlled by the MTCR.

The United States has had a longstanding policy of no nuclear cooperation with Iraq. No exports were approved for nuclear reactors, uranium enrichment, or plutonium reprocessing equipment or related technology. The policy also applied to nuclear-related dual-use exports.

Licenses for all chemical and biological weapons agents on the U.S. munitions list have been denied to Iraq. Starting in 1984, a growing list of chemical precursors was controlled, with a specific policy of denial to Iraq. No items listed by the Australia Group have ever been approved for export to Iraq.

The media has erroneously reported that in 1987 we licensed the sale of missile countermeasures systems for Saddam's presidential aircraft and helicopters. No such licenses were ever approved or issued.

Our U.S. export control policy tightened as Saddam's irresponsibility and refusal to moderate his policies became clearer. We actively pushed throughout 1990 for tougher multilateral controls on Iraq.

The United States had approved $1.5 billion for dual-use exports deemed not of concern for conventional or non-conventional military reasons.

Most of these licenses were for low-level commuters, heavy duty trucks, and the like.

The Administration has generally tried to allow benign sales of dual-use equipment in order to allow U.S. companies a more equal opportunity in the marketplace.

Only about $500 million of these items were actually shipped.

The 40 UNSCOM and IAEA inspections conducted since the Gulf War are confirming that U.S. export controls worked.

The Iraqi weapons of mass destruction (WMD) programs used scant U.S. material, with the vast bulk of components and equipment having originated in the Soviet Union, China, and Western Europe.

Most of the limited amount of U.S. equipment UNSCOM and IAEA have encountered—mostly computers—was either stolen from Kuwait or purchased by third countries and diverted to Iraq.

UNSCOM and IAEA have uncovered no evidence that items on the U.S. munitions list were used in Iraqi WMD programs.

Given the very limited nature of U.S.-licensed high-tech exports to Iraq, cutting off even these exports would not have affected Iraq's weapons of mass destruction programs.

The Administration was spending a sufficiently tough message to Saddam that he directly complained to us in July 1990 that "there is nothing left for us to buy from America . . . only wheat. Because every time we want to buy something, they say it is forbidden."

7. An alleged "cover-up"

The suggestion that the Administration has sought to "cover up" its policy toward Iraq is nonsense.

Few U.S. Government policies have been so carefully and so extensively examined by the Congress and by the media as this one.

The State Department has provided to the Congress several thousand pages of documents at a cost of over several hundred thousand dollars in employee hours. Other agencies have provided large quantities of documents as well.

The Administration has turned over these documents without once asserting executive privilege. That is precisely how members of Congress have the very materials that have been selectively leaked to the press.

The Department of Justice has conducted the investigation and prosecution of the BNL matter in accordance with the standard practices and procedures followed in all criminal cases, without interference by any other agency or department.

When members of the House Committee on Banking, Finance and Urban Affairs knowingly and without authorization disclosed classified materials, the Administration determined, in accordance with its obligations under Executive Order 12356, not to permit further release of classified documents to that Committee until it received appropriate assurances regarding the storage and protection of such materials.

There are, after all, 535 members of Congress and thousands of Congressional staffers, and it is an intolerable situation if each of these individuals on his own can judge that documents are worthy of being declassified and placed into the Congressional Record. There are established procedures for the declassification of documents which the House Banking Committee must follow.

However, the Administration is in no way inhibiting Congress' ability to examine all relevant documents. Failing assurances from the Chairman of the House Banking Committee on the safe keeping of classified materials, the Administration is prepared to make available documents to the Speaker of the House or to members or committees that he might designate.

B. RECENT ALLEGATIONS REGARDING IRAQ

1. Charge: obstruction of justice

A lawyer from the White House Counsel's office made phone calls to the U.S. Attorney in Atlanta and thereby improperly intervened in a criminal investigation and sought to obstruct justice.

Response

The calls in question took place in November 1989 and were for an entirely proper and, indeed, laudatory purpose.

It was at this time that the Administration was considering whether to extend any further CCC credit guarantees to Iraq. In order to ensure that Iraq was not in any way abusing the CCC program, a lawyer from the White house called the U.S. Attorney to see if anything in the investigation of the BNL scandal had indicated a reason why the Government should not extend CCC credit guarantees to Iraq.

The U.S. Attorney stated that the investigation had not indicated any reason not to go forward with the CCC program.

Accordingly, contrary to allegations that the White House was seeking to obstruct justice, it was undertaking a "due diligence" search as to whether there were any reasons not to provide CCC credit guarantees to Iraq.

To this day, no investigation—by the U.S. Attorney in Atlanta or by any federal agencies—have established a diversion to third countries of commodities sold to Iraq or Iraqi misuse of the CCC program to purchase military weapons.

Moreover, promptly after the U.S. Attorney's office in Atlanta initiated its investigation of Banca Nazionale del Lavoro (BNL) in August 1989, the Department of Agriculture reached an agreement with BNL that BNL would not participate in the CCC program.

Accordingly, BNL was not involved in any of the CCC guarantees extended in November 1989 for the Iraqi purchase of U.S. agricultural exports.

2. Charge: lying about U.S. assistance

Because the CIA issued a report on November 6, 1989 indicating that Iraq was using BNL loans to purchase military-related technology, the President lied when he asserted that the Administration "did not know" of diversions of U.S. assistance by Iraq for the purchase of weapons.

Response

The critics are deliberately and improperly merging the charges against BNL with allegations about the misuse of U.S. assistance (the CCC program).

Any wrongdoing by BNL does not implicate the U.S. Government unless the U.S. Government in some way knowingly participated in that wrongdoing.

The U.S. Government did not participate—knowingly or otherwise—in any activities of BNL, and once allegations about BNL were raised, the U.S. Government made certain that BNL no longer took assignment of any CCC credit guarantees.

In short, the effort by critics to taint the Administration with the activities of BNL are misleading and incorrect. The Administration never dealt directly with BNL, the substantial majority of BNL's loans to Iraq were unrelated to the CCC program, the Administration excluded BNL from any participation in the CCC program once there was the first indication of any wrongdoing, and no money has been paid to BNL by the U.S. Government for claims under the CCC program.

3. Charge: knowingly assisting Iraq obtain weapons

Because 1985 Department of Defense memos indicated that Saddam Hussein was not trustworthy and was probably seeking to develop nuclear weapons, the Administration knowingly assisted Saddam by continuing to provide CCC credit guarantees and by licensing dual-use exports.

Response

While the United States sought to provide incentives to Iraq to moderate its behavior, the U.S. Government was also well aware of Iraq's regional ambitions and actively took steps to prevent weapons or weapons systems from being transferred to Iraq.

At the same time that the U.S. Government approved CCC credit guarantees for Iraq—which was the only form of U.S. assistance—the U.S. Government's export control policy toward Iraq was tougher than that of any other industrial country.

Both the Reagan and the Bush Administrations followed a strict policy of denying the export of weapons or weapons systems to Iraq.

Since the creation of the Missile Technology Control Regime (MTCR) in 1987, we have denied all license applications for export to Iraq of goods or technology controlled by the MTCR.

The United States did not approve any exports for nuclear reactors, uranium enrichment, or plutonium reprocessing equipment or related technology to Iraq. This policy of denial also applied to nuclear-related dual-use exports.

Licenses for all chemical and biological weapons agents on the U.S. munitions list have been denied to Iraq. Starting in 1984, a growing list of chemical precursors was controlled, with a specific policy of denial to Iraq.

Our U.S. export control policy tightened as Saddam's irresponsibility and refusal to moderate his policies became clearer. We actively pushed throughout 1990 for tougher multilateral controls on Iraq.

Only about $500 million of the $1.5 billion licensed for dual-use exports (deemed not of concern for conventional or non-conventional military reasons) were actually shipped to Iraq.

The 40 UNSCOM and IAEA inspections conducted since the Gulf War have confirmed that U.S. export controls worked.

The Administration was sending such a tough message to Saddam that he directly complained to us in July 1990 that "there was nothing left for us to buy from America . . . only wheat. Because every time we want to buy something, they say it is forbidden."

4. Charge: Iraq's lack of creditworthiness

The Administration improperly approved CCC credit guarantees for Iraq in November 1989 despite Iraq's lack of creditworthiness.

Response

Despite criticism that Iraq was not sufficiently creditworthy to be included in the CCC program, Iraq met all of its financial obligations under the program and made all payments for commodities purchased right up to the point that the U.S. Government froze Iraqi assets in August 1990.

It is wrong to say that Iraq "defaulted" on CCC credit guarantees; the decision by the U.S. Government to freeze Iraqi assets led Iraq to halt further payments under the CCC program.

Moreover, during the period from November 1989 to August 1990, Iraq actually made hard currency payments under the CCC program of $847 million while receiving only $392 in credit guarantees. This reduced CCC's exposure with regard to Iraq by $455 million.

In light of the affirmation in U.N. Security Council Resolution 687 of Iraq's continued liability for outstanding debts, as well as our own freezing of Iraqi assets, the Administration intends to assert claims against Iraq for debts owed to the United States.

5. Charge: Iraq policy was a failure

The President's policy toward Iraq, rather than being his greatest foreign policy success, was his greatest foreign policy blunder.

Response

Resonable people can argue as to whether the Administration was late in confronting Saddam Hussein. But it certainly confronted Saddam earlier and more powerfully than its critics in the Congress.

The very individuals now criticizing the Administration's policy toward Iraq were much too accommodating even after it was clear to the world just what a monster Saddam was and once it was time to go to war.

If the Administration had followed the policy of its critics in late 1990 and early 1991, Saddam would still have his vast military arsenal and nuclear weapons program intact, and Kuwait would still be occupied by Iraq.

Today it is easy to take for granted the remarkable U.S. success in mobilizing Arab states against Iraq. But had the United States pursued a more aggressive strategy toward Iraq before the invasion, it would have had a thought time rallying support for its efforts in the Gulf and elsewhere.

As it turned out, the fact that the United States had followed a measured policy toward Iraq, rather than having sought unilaterally to isolate the Iraqis, proved to be a critical factor in our ability to assemble a coalition—which included Arab countries—to expel Saddam from Kuwait and, ultimately, to devastate his military capabilities.

Moreover, had the Administration spurned Saddam in late 1988 and early 1989, moderate Arabs and current critics would have claimed that U.S. policy had pushed Saddam into a corner from which he had to lash out.

The world is a much safer place today because of the successful conduct by this country of the Gulf War. The outcome may only seem imperfect when measured against the impossible ideal of creating a democratic regime in Iraq.

The purpose of the multilateral coalition was to force Iraq to leave Kuwait and, when it refused, to eject it forcibly.

It was never an objective of the multilateral coalition—and it would not have been realistic then or now—to change the internal structure of Iraq, to rearrange political alignments, or to create a democracy there.

While these are all lofty goals for Iraq or for other troubled areas of the world, they are simply not within the capabilities of the United States or other countries, and are not the appropriate standard for measuring the enormous success of the Gulf War.

C. CONTROL OF EXPORTS TO IRAQ 1983–1991

1. Overview

U.S. export control policy on Iraq was tougher than any other industrialized country had in place, and tougher than any country's except Israel and Iran.

About $300 million in U.S.-controlled exports were licensed and shipped between 1985 and August 1990.

This Administration had been seeking stronger multilateral controls in the various non-proliferation force, and was moving forward on the EPCI initiative (with specific targeting on Iraq when the invasion occurred.

Congress has criticized:

high tech exports permitted because Iraq was not subject to U.S. counterterrorism controls;

blocking of an alleged Kloske effort in early 1990 to toughen U.S. high tech controls;

Administration opposition to legislation embargoing U.S. high tech exports;

several specific munitions list exports; and lack of US demarches to our allies concerning their arms sales to Iraq.

2. U.S. licensing policy

a. Munitions: U.S. policy was to deny exports to Iraq of all defense goods and services.

Between 1983 and 1989, 12 exceptions were made, valued at $3.28 million. Ten licenses were for various pieces of electronic communications equipment valued at $3.27 million. Several members of Congress have been briefed on why we and DOD permitted these sales.

In 1984 one license was issued to Saddam's son Quzsy. While visiting the U.S. Quzsy ordered 18 firearms; we permitted the export of two revolvers and one pistol (collector items).

The press erroneously reported that around 1957 we licensed the sale of missile countermeasures systems for Saddam's presidential aircraft and helicopters. No such license was ever approved or issued. However, we would have permitted the export of one of our less-advanced systems, in accordance with US policy to protect heads of state.

b. Missile Tech: Since the creation of the Missile Technology Control Regime in 1987, no license applications for any MTCR items (missiles, major subsystems, and components, to include dual-use) have been approved for export to Iraq.

c. Nuclear: The US had a longstanding policy of no nuclear cooperation with Iraq. Only rare exceptions for exports of low technology dual-use items for health and safety projects were permitted.

US policy supported benign trade by limited approval of dual-use commodities (not technologies) to non-nuclear end-users for non-nuclear end use. Very strict review criteria were applied in an effort to ensure that items of significance for nuclear purposes were not approved and that approved exports would not be misused. By early 1990, even more stringent export review criteria were being applied owing to increasing concerns about Iraqi activities.

d. CBW: Licenses for all chemical and biological weapons agents (ie., nerve/gas or biological weapons) on the US munitions list have been denied since before 1980.

Starting in 1984, a growing list of chemical dual-use precursors was controlled, with a policy of denial to Iraq when there was reason to believe such items would be used for CBW purposes. No items, once listed by the Australia Group, have ever been approved for export to Iraq. In February 1989, an additional list of chemicals were added to the US control list, and none has been approved for export to Iraq since.

Prior to 1989, Commerce granted 18 licenses for the sale of viruses, bacteria, and fungi. These sales were, as far as we knew, for normal civilian uses in developing vaccines and related work. The end-user in some cases was the Iraqi Atomic Energy Commission, later identified as associated with Iraq's BW program. In 1985, the Centers for Disease Control made three shipments of the rare West Nile Fever Virus to Iraq for "research on viruses".

e. Counter-Terrorism: Up to 1982, Iraq was subject to anti-terrorism controls on dual-use exports. These involved foreign policy review for civil aircraft (to any end-user) and other COCOM-controlled items when destined for the military and valued at over $7 million. Such items were not embargoed, and could be approved if consistent with US foreign policy.

After 1982, most of these items remained subject to other control programs administered by Commerce (dual-use items remained under control for national security, nuclear, regional stability, and human rights purposes). Licenses were permitted after 1985 for $1.5 billion in exports, with about $500 million actually shipped.

Congressional legislation in the late 80's would have embargoed all COCOM-controlled exports to Iraq.

3. 1989–1990 Iraq-specific efforts

Iraq became the focus of US non-proliferation efforts in 1989. The efforts were multifaceted, and included improving controls in the multilateral force, intel-sharing on Iraqi programs, and a new initiative targeting CBW and missile projects (EPCI).

a. Fall/Winter 1989:

President issues NSR-17 directing a review of US nonproliferation policy; Sept. 26, the President requests a study of CW initiatives, including export controls. Options papers focus on Iraq.

US demarche on Sweden and Switzerland re sale of equipment that could be useful for producing biological weapons.

Non-proliferation consultations held with the Soviet Union, US addressed Iraqi missile and chemical weapons programs and the need for controls.

Australia Group partners briefed by US on Iraqi proliferation activities and agreement achieved to expand the AG control lists.

Continuation of US demarches to potential suppliers of nuclear-related trade with Iraq concerning Iraqi procurement interests and the need for extreme caution.

MTCR partners briefed by the US on the 12/5/89 Iraqi missile launch, and on the need to express their concerns to Iraq (as had been done by the US).

Non-Proliferation PCC asked DOC to review controls on missile-related items to ensure their adequacy.

b. Winter/Spring 1990:

US demarches in February to all Australia Group members urging vigilence against Iraqi CW precursor procurement efforts.

Followed by extensive briefing at the June AG meeting concerning Iraqi capabilities and procurement activities. Agreement was reached at the meeting to a list of additional precursor controls.

US demarches in February to MTCR partners and other supplier countries on the Iraqi missile program, to include warning and description of the clandestine Iraqi procurement network.

Followed by repeated demarches to Mauritania and others concerning Mauritania's agreement to provide Iraq with a missile test site.

Also, at the July MTCR meeting, the US shared more detailed intel on the program, and urged extreme caution on dual-use exports with possible missile applications. Partners agreed to US proposal to strengthen the MTCR control lists.

Beginning in February, US demarches to 23 supplier countries concerning Iraqi attempts to acquire specific dual-use technologies useful in uranium enrichment, and about the dangers posed by Iraqi procurement efforts.

Followed arrests of Iraqis in the UK and additional indictments in the US for attempts to export military electric components illegally from the US.

Beginning in March, options papers on enhancing proliferation controls were prepared and vetted inter-agency by State.

The need to enhance existing commodity controls with project-specific controls cited, as the problem of low-tech exports was explored.

April 16 Deputies meeting tasked the Non-Proliferation PCC to develop and implement an initiative addressing Iraq's nonconventional weapons proliferation. State stressed the need for effective action, to include multilateral action.

On July 25, Secretary Baker wrote to Mosbacher requesting the imposition of new US controls, with primary emphasis on Iraq. This initiative became EPCI.

June and July discussions with the Soviets, Hungarians, Czechs, Poles, Romanians and Yugoslavians concerning the need for effective controls, and Iraqi proliferation threat was specifically highlighted.

Soviets endorsed the MTCR guidelines at the June Summit, and were asked to use their influence with Iraq to halt its missile and CBW programs.

4. Overall U.S. export policy

a. U.S. export control policy was tough. The U.S. was the world's toughest industrialized country on arms and on the non-proliferation front. Recall, coalition forces did not encounter a single U.S. export.

The U.S. had a policy of denial for all defense goods and services.

The U.S. denied all goods or technology controlled for missile proliferation reasons.

The U.S. denied all exports that were deemed of possible nuclear significance.

The U.S. denied all CW precursors listed by the Australia Group. Its controls on other items of possible CBW concern increasingly stiffened, and were specifically aimed at Iraq.

b. U.S. control policy tightened as Saddam's irresponsibility and refusal to moderate his policies became clearer.

The U.S. actively pushed via the non-proliferation force for tougher multilateral controls on Iraq. It approached all its partners, the Soviets and the Eastern Europeans concerning Iraqi procurement efforts and the need for greater vigilance.

A supplemental control initiative (EPCI) better targeting Iraqi CBW and missile projects was tasked and developed by July, 1990.

5. Why $1.5 billion in sensitive exports were approved

These approvals were for dual-use exports deemed not of concern for conventional or nonconventional military reasons. Most of these licenses were for low-level computers, heavy duty trucks, and the like.

The Bush Administration generally tried to allow benign sales of dual-use equipment, to allow U.S. workers a more equal opportunity in the marketplace.

Only about $500 million were actually shipped, equal to the value of the licenses that were not approved.

The UNSCOM and IAEA inspections conducted since the war are confirming that US export controls worked. The Iraqi weapons of mass destruction programs used scant US material (the vast bulk of the components and equipment found originated in western Europe). And what little has been found appears to have been illegally exported.

6. Charges that the administration opposed congressional efforts to toughen U.S. controls

The legislation in question would have embargoed U.S. exports of dual-use items controlled by COCOM.

Benign commercial exports would have been precluded, and the real problem not addressed. The need, which the Administration was pursuing, was more effective controls—both U.S. and multinational—targeted on Iraqi proliferation projects.

7. Charges that the administration should have been sending a tougher message

The U.S. message was such that Arab League Ambassadors, led by Ambassador Saud Nasser of Kuwait, on May 18, 1990, expressed deep concern to U/S Kimmit about the "U.S. campaigns against Iraq".

In July, Saddam complained that "There is nothing left for us to buy from America . . . only wheat. Because every time we want to buy something, they say it is forbidden. I am afraid that one day you will say, 'You are going to make gunpowder out of wheat.'"

8. Kloske wanted tougher controls, but WH and State blocked

To the contrary, the U.S. was looking at how its proliferation controls could be made more effective. This initiative was specifically tasked to the PCC on Nonproliferation at the April 16 Deputies Committee meeting. Interagency discussions then led to the proposal included in the Baker letter of July 25.

9. Charges that the U.S. was soft on arms selling munitions items to Saddam and ignoring sales by our partners

The primary supplier was the Soviet Union. China and France were also suppliers of weapons systems. The U.S. was not.

After the Iraq-Iran war, when it became apparent Iraq was developing nonconventional weapons, we undertook a series of initiatives to curtail foreign sales of sensitive items to Iraqi projects.

This included non-proliferation consultations with the Soviets, the U.S. urging Soviet missile and CBW precursor controls towards Iraq, and the use of Soviet influence on Saddam's proliferation efforts.

D. U.S. COMPANY INVOLVEMENT IN IRAQ UNCOVERED BY UNSCOM AND THE IAEA

About 40 UNSCOM and IAEA inspections to date have uncovered scant information about US-origin equipment used in Iraq's Weapons of Mass Destruction programs.

Based on the very limited amount of U.S. material that UNSCOM or IAEA have seen in Iraq, we can say with confidence that U.S. export controls worked.

Most of the limited amount of U.S. equipment UNSCOM and IAEA have encountered—mostly computers—was either stolen from Kuwait or apparently was purchased by third countries and diverted to Iraq.

UNSCOM and IAEA have uncovered no evidence that items on the U.S. Munitions List, licensed by the State Department, were used in Iraqi WMD programs.

The U.S. law enforcement community continues to investigate the possibility that U.S. firms illegally exported to Iraq.

Given the very limited nature of U.S.-licensed high-tech exports to Iraq, cutting off even these exports would not have affected its weapons of mass destruction programs.

The Iraqis came to realize that the U.S. high-tech market was virtually closed to them, causing them to seek other suppliers.

Saddam, in July of 1990, stated publicly that "there is nothing left for us to buy from America . . . only wheat . . . I am afraid that one day you will say 'you are going to make gunpowder out of wheat.' "

UNSCOM's comprehensive inspections have uncovered massive non-U.S. complicity in Iraq's WMD effort. The vast bulk of components and equipment found at Iraqi faciliities originated in Western Europe, principally in Germany.

E. GEJDENSON PRESS CONFERENCE

1. "Jim Baker signed off on a memo admitting that the opposite (of the President's statements) was true in fact".

The facts

Baker signed off on a memorandum culminating some six months of effort to strengthen U.S. export controls on missile and chemical weapons-related items—which were already the toughest in the world. This effort resulted in the Enhanced Proliferation Control Initiative.

It was no secret that Iraq was seeking—and indeed had used—weapons of mass destruction. The Administration repeatedly condemned Iraq's use of chemical weapons in the Iran-Iraq war and against its own Kurdish population. Iraq's pursuit of missile and nuclear capabilities were also well known.

2. "Baker knew that the Administration had been selling Saddam Hussein the wherewithal to make ballistic missile systems, chemical weapons, biological and nuclear weapons."

The facts

The Administration wasn't selling Saddam anything that could possibly have provided such wherewithal. Even Cong. Gejdenson's charges address export licensing decisions, not an Administration policy to provide assistance to Iraq. Nor was the Administration financing, facilitating, or cooperating in any way with Iraq's mass destruction weapons program.

Rather, Baker knew that the Administration had:

(a) the toughest nonproliferation controls in the world;

(b) the lead internationally on taking steps to crack down on Iraq's proliferation activities;

(c) decided to strengthen our unilateral controls even though this would cost US jobs.

From the beginning of the Bush Administration, we pressed other governments bilaterally and in all the multilateral non-proliferation groups to refrain from exporting to Iraq equipment and technology which could help development of weapons of mass destruction. The Administration also took the lead in successful multilateral efforts to upgrade international controls on non-proliferation related items.

Indeed, postwar UNSCOM/IAEA inspections of Iraq's weapons facilities demonstrate that U.S. export controls were effective. Virtually all of the equipment in Saddam's laboratories and weapons plants came from non-U.S. sources. The few U.S. items which were identified were either illegally exported (and subject to criminal investigation) or so low tech that they were not controlled under U.S. or other countries non-proliferation controls.

3. The 1990 State Department memo: Rep. Gejdenson charges that this memo demonstrates "shocking examples" of exports to Iraq.

The facts

The bacteria and fungal cultures were placed under control to Iraq in 1989. (Note that the State memo discusses cases from 1986–89. Previous licenses issued to Iraqi end-users reflect the fact that legal authority to control these items existed only to prevent diversion to the Soviet bloc. Note also that there are legitimate medical applications for some of the cultures exported.)

The other examples cited are items like low-level computers which are commonly used in the civilian sector, but could also be used for weapons purposes. Because of the relatively low level of technology involved, these items were not generally controlled to destinations like Iraq before 1991. The Administration however, was determined to prevent any U.S. exports—whatever their technological significance—from reaching end-users linked to WMD programs. To do so, we instituted the policy review which led to EPCI regulations which controlled any export going to CW or missile end uses, rather than a list of specific commodities. This State Dept document was part of that policy process, and indeed demonstrates that the Administration was addressing this very complex issue in a responsible way.

Even if all of these items were diverted to Iraq's WMD programs, the total contribution to Iraq's capabilities would have been minuscule. Keep in mind the vast scale of Iraq's program: billions of dollars in investment, hundreds of factories and research facilities, much of it imported from European suppliers. A handful of U.S.-origin computers and electronic instruments would not—and did not—make a difference to Saddam's capabilities.

4. Administration's own computer printout reveals 771 high tech sales were approved to Iraq.

The facts

Over two-thirds of the value of the licenses approved was for trucks. Most of the rest were for low-level computers, oil-drilling equipment, and other classic dual-use commodities which had genuine benign uses in Iraq, and were available to Iraq from every other foreign competitor in the world.

5. 162 of these had nuclear application and the legitimacy of the end users was only checked three times.

The facts

Adminsitration policy only permitted approval of dual-use commodities (not technologies) to non-nuclear end-users for non-nuclear end use. Very strict review criteria were applied in an effort to ensure that items of potential nuclear application were not approved and approved exports would not be misused. Any such approval required interagency—including DOD and ACDA—consensus. No other country had nuclear nonproliferation controls as tight.

By early 1990, even more stringent export review criteria were being applied owing to increasing concerns about Iraqi activities.

6. "Baker . . . resisted attempts to tighten controls on Iraq."

The facts

Far from resisting efforts to tighten nonproliferation controls. Sec. Baker and the State Department took the lead in the interagency process in pushing for stronger controls covering Iraq and all other potential proliferators. The very memos cited by Rep. Gejdenson are evidence that State was the world's leader on this issue.

7. "Baker decided in July it was time to start covering for himself."

The facts

The July memo reflects an ongoing policy initiative. Discussions of new controls had been ongoing since December, led by lower-level State Department officials, and with broad involvement by the interagency policy community.

Other memos referred to by Rep. Gejdenson demonstrate that throughout this period State was advocating and implementing active efforts with other countries—who were in fact the principal suppliers to Iraq's program—to tighten up on proliferation-related exports.

There was no need for a cover-up. We had the best track record of any government in the world.

8. DOD, DOC, State, and Energy knew that the US was selling Iraq nuclear components.

The facts

No nuclear components or any other nuclear items were ever approved to Iraq.

No nuclear cooperation of any sort was ever permitted. The only sales licensed were for low-level dual-use commodities to non-nuclear and users for non-nuclear end-uses.

9. At the April 16 Deputies Committee meeting, Kimmitt argued for business as usual with Saddam Hussein.

The facts

The documents, including those that Rep. Gejdenson has had access to, show that:

(a) The PCC on Nonproliferation was tasked to develop a strategy for further multilateral action on Iraqi proliferation activities, and to review proposals for tighter US and multilateral export controls;

(b) a paper was tasked concerning possible options for further action re our serious concerns over Saddam's human rights record, threats, and nuclear, chemical, and missile proliferation.

(c) State was in the lead concerning the need to take further steps to stop Saddam's proliferation campaign. State's point on proliferation controls was that though Iraq was our largest concern, we wished to take multilateral action concerning other proliferators as well.

10. Gejdenson: Within the last week, we have learned from the Commerce Department that of the 162 nuclear licenses granted, the legitimacy of the end user was only properly checked out 3 times.

Fact

We are not sure what the Congressman means by the phrase "not properly checked out". Every expert license application received by the Department of Commerce is thoroughly reviewed. End-users are screened against lists of possible questionable end users. The Commerce Department also consults with other agencies and with the intelligence community. In some cases, in-country pre-license checks are conducted that further verify the bona fides of a particular transaction. When adverse information is uncovered, licenses are not approved.

11. Gejdenson: In his letter of July 25, 1990, to Commerce Secretary Mosbacher, Secretary Baker says: Quote "I have just had a memorandum forwarded to your Executive Secretary requesting that additional controls be placed on items that could contribute to Iraq's chemical and biological weapons and missile programs. Iraq's extraordinary aggressive weapons proliferation efforts make this situation urgent. I therefore ask that these controls be instituted as quickly as possible." Signed Jim.

Fact

During the spring and summer of 1990, the Administration was actively examining ways to expand export controls toward Iraq in the light of new intelligence information about Iraqi proliferation activities. The memo from Secretary Baker spells out the Administration's decision to move ahead with those expanded controls. However, Iraq's invasion of Kuwait, one week after the signing of the memo by Secretary Baker, resulted in a complete embargo of all sales to Iraq.

Mr. McCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that a fellow in our office Bob Frank, be permitted privilege of the floor during this period of morning business and that I be allowed to proceed as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 3300 are located in today's RECORD under "Statements of Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

Mr. DOLE. Are we in morning business?

The PRESIDING OFFICER. We are in morning business.

SALUTE TO CONGRESSMAN DICK NICHOLS

Mr. DOLE. Mr. President, I want to take just a few minutes to salute a friend and colleague who will not be returning to the House of Representatives this January.

When DICK NICHOLS ran for Congress in 1990, he knew that he would, in all likelihood, just serve one term. He knew that reapportionment would cost Kansas one seat in the House of Representatives and that his Fifth District would be carved up.

But all this suited DICK NICHOLS just fine. He did not run for Congress seeking to make a career in politics, he ran, instead, to make a difference.

When DICK NICHOLS came to Washington, he brought with him a lifetime of experience as a farm broadcaster, a member of the State board of agriculture, a community banker, and a McPherson, Kansas civic leader.

This experience, combined with a strong dose of Kansas common sense has made DICK NICHOLS a very effective Congressman.

Over the past 2 years:

Congressman NICHOLS stood beside President Bush in voting to authorize the use of force to remove Saddam Hussein from Kuwait.

He took the lead in fighting for the repeal of the ill-fated luxury tax—a tax which led to a loss of jobs for thousands of Kansans and Americans;

He fought for fiscal restraint, twice introducing the Nichols balanced budget amendment; and

He was one of the leaders in demanding full disclosure of the House bank scandal.

It is also worth noting that Congressman NICHOLS has been honored for his work in support of free enterprise, and to reduce Government spending by the Council for Citizens Against Government Waste, the chamber of commerce, the watchdogs of the Treasury, and the National Federation of Independent Business.

The courage that DICK NICHOLS has shown in Washington, DC, comes as no surprise to those who have known him over the years.

Many of us remember the day in 1986, when DICK and his wife sustained serious stab wounds when attacked by a deranged man who killed two and wounded five aboard the Staten Island Ferry.

After visiting DICK in the hospital, then-New York Mayor Ed Koch said, "He ended up comforting me instead of me comforting him."

I should also say that courage is a trait that runs in the NICHOLS' family.

Congressman NICHOLS' wife, Connie, who has always been a full partner in all endeavors—has been fighting a courageous battle against cancer.

I know that my colleague, Senator KASSEBAUM, joins with me in saying our thoughts and prayers remain with Connie, and in saluting Congressman NICHOLS for his 2 years of making a difference in Congress, and his lifetime of making a difference in Kansas.

SALUTE TO BROCK ADAMS

Mr. DOLE. Mr. President, very few people in American history have served in the U.S. House of Representatives, the U.S. Senate, and in the President's Cabinet.

One person who has, however, is our colleague BROCK ADAMS.

During his 12 years in the House, Senator ADAMS served as chairman of the House Budget Committee, during its historic first 2 years of implementing the new congressional budget process.

As Secretary of Transportation, Senator ADAMS was one of the first to call for airbags and mileage requirements.

And as a Senator from the State of Washington, BROCK ADAMS has done yeoman's work in matters of importance to the other Washington—our Nation's Capital.

As chairman of the Appropriations' District of Columbia Subcommittee, Senator ADAMS has worked diligently on issues that offer little in terms of political benefits.

We all know that Washington, DC, has many problems, and Senator ADAMS has worked with this city's leaders to make the situation better.

I know that many of Senator ADAMS' colleagues are a bit envious of the fact that he will soon be able to return to the fresh air and beautiful scenery of the Pacific Northwest.

RETIREMENT OF PEGGY HARRIS

Mr. DOLE. Mr. President, I rise today to pay tribute to a lady who has devoted 30 years of her life in service to the U.S. Senate. She was hired by Joseph Duke in 1962 and worked for nine Sergeants at Arms before her retirement on September 1, 1992. The lady I am speaking of is Mrs. Maggie Harris.

She is known to her friends and family as Peggy. Married to Mr. John H. Harris for 34 years, they have been blessed with four fine children, Patricia, Raymond, John III, and Stephen and two grandchildren, Shane and Allyson.

Peggy began her career on September 1, 1962, as a part-time duster in the custodial services department of the Sergeant at Arms. She diligently worked her way up to housekeeper and in 1988 she was promoted to chief housekeeper.

During her last year of service, Peggy served as acting assistant supervisor of custodial services for the Sergeant at Arms.

Peggy's presence will be missed in the Capitol. Her quiet demeanor and earnestness were a fine example to all—especially those who served under her tutelage.

We salute Peggy for her years of service to the Senate. With great admiration and appreciation, we wish her well in her retirement.

CLINTON-GORE ATTEMPT TO REWRITE HISTORY

Mr. DOLE. Mr. President, following on what Senator MCCAIN was speaking about earlier, and I know this is not the place for getting into Presidential politics, in this particular case I was mentioned in a speech and I want to set the record straight.

Mr. President, on Tuesday the Clinton-Gore ticket opened up a new campaign offensive, using Saddam Hussein as a prop in their cynical attempt to rewrite history in the Middle East so that America is the bad guy. It is the same old Democrat song: Blame America, bash America, and be ashamed of America.

Curiously, it was AL GORE doing the bashing, with Bill Clinton staying out of sight, hidden from the probing media, as is his strategy these days. After all, some brave reporter might ask the Governor to explain the draft again. But that is another story.

I will not try to detail all the wild charges tossed around on Tuesday at Senator GORE's speech to a liberal think tank. But, I can boil it all down to one basic fact: Ever since America won a smashing victory in the Persian Gulf war, most Democrats have been desperately trying to rewrite history, trying to find some way to make their votes and quotes on the war look better.

It is cheap second guessing, election year doubletalk designed to shift focus away from a ticket that is dangerously weak on foreign policy and national security.

I did notice that the Clinton-Gore team of all-American armchair quarterbacks took to the Senate floor to join in the pep rally AL GORE started Tuesday. And at least one of the cheerleaders blasting away at President Bush on the Senate floor was the very Senator who ran to the floor to admonish me 2 weeks ago for asking Bill Clinton to come clean on the draft.

But, I have reviewed the Gore speech, and since the Senator from Tennessee decided to include me in his rewriting of history—his cosmetic makeover for weak-kneed Democrats—I have a responsibility to set the record straight.

First, let us keep this election year gimmick in perspective: It does not mean much coming from a Senator who shopped his vote on the Persian Gulf war on the basis of how much TV exposure he would get during the historic Senate debate.

So, let me set the record straight:

First, the senior Senate delegation I led to Israel, Syria, Jordan, Iraq, and Egypt was bipartisan, and included senior Senate Democrat HOWARD METZENBAUM of Ohio.

Second, the delegation did not go to the Middle East, or Iraq, at the personal request of Bush—or the indirect request of Bush, or with any reference to Bush at all. I made the decision to go based on the suggestions of other Middle East leaders such as President Mubarak and King Hussein of Jordan.

I might add, as an aside, both these gentlemen wanted us desperately to meet with Saddam Hussein to try to bring him to his senses, in a way, and they both made personal phone calls, I might add, when we were in Jordan and Egypt to Saddam Hussein saying you ought to meet with this very senior and very important delegation to the United States.

So all my colleagues went along and decided to accompany me voluntarily. Republicans, and Senator METZENBAUM, the Democrat, all decided to go. We did inform President Bush that we were going. We thought it was important. We were not even certain when we left here whether we were going to go to Iraq.

Third, both of the specific assertions in AL GORE's speech about my delegation's trip are dead wrong. We delivered no message from President Bush about his intentions to veto any legislation. We delivered no message from President Bush about the voice of America reporter. Both topics were discussed—but not in the context of delivering any message from President Bush. And on these points, and others, we were absolutely clear in telling Saddam that our views were our own, and not the President's or the administration's.

Fourth, the delegation delivered a tough message to the Iraqi dictator, as detailed in a letter to Saddam signed by all five members of the delegation. That is a matter of public record.

For the record, one more bit of evidence that proves the Clinton/Gore handlers did not do their home work—our Senate delegation met with Saddam Hussein not in Baghdad, as was said in Senator GORE's speech but in Mousul, some 200 miles from Baghdad.

That is about how far they are from the truth in everything else in that speech—about 200 miles from the truth.

Democrats may be desperate to rewrite history, but there is one quote that cannot be erased from the history books. It is Bill Clinton's classic words on the Senate vote to authorize the use of force in the gulf. Here is what he said: "I guess I would have voted with the majority if it was a close vote, but I agree with the arguments the minority made."

Mr. President, I know this is a difficult time for all of us in politics whether we be Democrats or Republicans. But I just suggest in those cases where those of us were directly involved, when we know flat out that there are false assertions made in the speeches, we have an obligation and responsibility to point out what did happen and to set the record straight.

I know the liberal media does not have any interest in this. But I want a record made somewhere, and I guess the CONGRESSONAL RECORD is about as safe as anyplace. Nobody reads that, particularly the liberal media. But in the event somebody might be watching on C-SPAN or somebody might be watching somewhere or might read the CONGRESSIONAL RECORD, I want them to understand precisely what happened. I suggest that the record is one thing. The speech is quite another.

And I would challenge my colleague, Senator GORE, to set the record straight, to admit he made a mistake, to admit his speech is about 200 miles from the truth. That is about the distance between Baghdad and Mosul. We did not meet in Baghdad. We met in Mosul with Saddam Hussein for some time. We had a very heated discussion with Saddam Hussein; all five of us.

We were there for that purpose—to give him the message, to tell him the facts. We were not there as lackeys for President Bush or agents for President Bush or anybody else in the U.S. Government. In fact, we finally arrived there, as I recall, because President Mubarak picked up the phone in our presence and placed a call to Saddam Hussein and sort of iced the deal—the phone call sort of pulled down all the barriers. Because of his efforts we were able to have some time with Saddam Hussein.

I do not know whether it made any difference. But we had a fairly tough message. But there was a transcript released by the Iraqi Government that a lot of the press fell for, and apparently my colleague, Senator GORE, fell for it which was sort of the Saddam Hussein spin.

Those of us who were there know precisely what happened. I have tried to set that out in my statement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEMOCRATS' SECRET TAXES

Mr. GRASSLEY. Mr. President, during this period of time, I would like to bring to the attention of my colleagues one of the secret taxes that the Democrats in the other body are pushing that I think will devastate rural and small business in America.

We see the Democrats and their standard-bearer, Governor Clinton, literally falling all over themselves to raise taxes, but somehow this is camouflaged as they try to couch these taxes in terms of what they call taxing the so-called rich. But history has shown us that when Democrats talk about taxing the rich, the middle- and lower-income taxpayers end up getting hit the hardest.

I would like to take a look at the 1990 tax bill. While the House Democrats were talking about taxing the rich, they were proposing to get rid of indexing, which is an across-the-board tax increase on middle-income America. In addition, they were increasing the gas tax, which is a very regressive tax that hits the poor and the middle class the hardest.

Well, just what is the latest gimmick of House Democrats to tax the rich? I want to point out that this is bill H.R. 4848. It was introduced by the House Democratic majority leader and by a Congressman from California, Mr. WAXMAN. H.R. 4848 would severely reduce the estate tax exemption from the current $600,000 all the way down to $200,000. That means that the estate tax on farms and small businesses would kick in on assets which would be over $200,000, instead of the present $600,000; so that $400,000 more in assets will be subject to Federal taxes.

Of course, this falls neatly into the Democrats' rhetoric of taxing incomes of over $200,000. But now we know who they are really talking about. They are talking about taxing family farmers and small business people, the very backbone of our country, the people that are inhabitants of every State in this Nation. So estate planners have advised me that lowering the estate tax exemption would hurt farmers more than any other group, because of the high proportion of the estate contained in land and equipment. The average farm size in Iowa is around 340 acres, so just in regard to land value alone, most farmers would be devastated if the unified credit were lowered to $200,000. Just in case 240 acres sounds like a lot of land and just in case the amount of capital that it would take to own that farm and the capital to operate it might sound like an awful lot of money that could easily be taxed, let me say that is the amount of money that it takes to create one job in rural America, one on-the-farm job in my State, and that is an average.

So you are talking about a lifetime of borrowing, a lifetime of saving, a lifetime of paying off the mortgage, a lifetime of accumulation of equipment to create one job, and somehow there are people in the other body who do not have enough understanding of what it takes to create a job in rural America that somehow that is riches out there that are just waiting to be taxed. Not only is it bad economics, but it shows a lack of understanding of what it takes to create a job in rural America.

I only hope that if and when H.R. 4848 comes up for a vote, Members of this body have the sense to defeat this ill-conceived and downright dangerous attempt to bankrupt family farms and small businesses of America.

THE RECENT SPEECH OF CHIEF JUSTICE REHNQUIST

Mr. GRASSLEY. Mr. President, Chief Justice Rehnquist is a fine jurist and a thoughtful analyst of our Federal judicial system. But notwithstanding my respect for the Chief Justice, I offer some thoughts about his recent Kastenmeier lecture at the University of Wisconsin-Madison on the future of the Federal courts.

The Chief Justice based his Court reform proposals on the following thesis:

> Time and again, the Nation has looked to the Federal courts to handle a larger and larger proportion of society's problems. One can certainly doubt the wisdom of this trend, and particularly some of its specific examples, but that is not the point. The point is that as a result of people looking to the Federal courts these courts have become overburdened and the system has become clogged.

However, I believe that where a significant problem requires a Federal response, there may be a need for Federal court involvement. That is not to say that Federal jurisdiction should be expanded carelessly.

But when the Chief Justice compares the workload of a judge today with that of the sole Federal judge in Phoenix in 1958, a judge who left town entirely during the summer, and observes that Phoenix "somehow got along very well," I believe that he values nostalgia above what Congress over the past third of a century has felt Federal courts must do.

Since 1958, Congress has properly expanded the opportunities for citizens to resort to the Federal courts. Who got along very well in 1958 without the access to Federal courts that now exists? Did minorities and women who were discriminated against in employment? Did citizens who faced a deteriorating environment? How about Senate employees that were victims of sexual harassment?

Congress has passed many important laws since the 1960's that make this country safer, fairer, and better in many ways. Without the ability of these laws to be enforced in court—including Federal court—the progress we have made in a wide variety of areas since 1958 never would have occurred.

Today, other needs require new Federal legislation and corresponding access to Federal courts.

For example, antitrust laws, which have not only been thought proper for Federal courts to hear, but whose interpretation is vested solely in the Federal courts, must be expanded to reflect our global economy. The world has not stood still since 1958, Congress has not stood still, and the Federal courts cannot stand still.

The Chief Justice also criticized Congress for expanding the criminal jurisdiction of the Federal courts. Perhaps Congress should consider the appropriateness of some of the provisions in the Federal Criminal Code. But all levels of Government have an important obligation to protect the first civil right of all Americans: To be safe in their homes and on the streets. Crime has increased enormously since 1958. National and global crime and drug rings pose a severe threat that the States alone cannot fully address. Under these circumstances, Federal criminal jurisdiction will necessarily expend.

Of course, we do need to explore alternative measures in handling Federal cases. I have been a longtime advocate of alternative dispute resolution, an approach endorsed by the Federal Courts Study Committee in 1990. Federal agencies now use ADR under a law I sponsored—the Administrative Dispute Resolution Act of 1990.

And ADR must be utilized in more Federal court cases. I have a proposal on the table as part of the Access to Justice Act. It would create multidoor courthouses enabling litigants to resolve their disputes in ways that would not burden scarce judicial resources.

Additionally, Senator HEFLIN and I have introduced a bankruptcy bill that passed the Senate by a 97–0 vote.

This bill will clear up a number of questions in the fastest growing area of Federal jurisdiction, and will hopefully improve dispute resolution in that area. I expect that the Review Commission established by that bill will have many suggestions in this regard, and I look forward to House consideration of this important measure.

Finally, with all respect to the Chief Justice, not all the overburdening of the Federal courts in the last 35 years is due to Congress. The courts themselves must bear a large share of the blame. Activist judges often seek to expand their own power by creating new causes of action and validating questionable legal theories—from the so-called right to panhandle to the so-called right to receive ideas in a public library. They have been a major cause of the growing desire of citizens to litigate rather than turn to the political branches for reform.

Indeed, I regret to say that even the Rehnquist court has contributed to this trend. Let me cite just one example.

Section 1983 is the leading civil rights statute for individuals to obtain redress primarily for violations of their constitutional rights by State and local officials, and section 1983 cases are a large proportion of Federal civil cases. Which rights does section 1983 protect? For many years, the Court had limited recovery—essentially to Bill of Rights and 14th amendment violations.

It had rejected notions that violations of the supremacy clause or the contracts clause could give rise to a section 1983 claim. But last year, the Supreme Court ruled, despite clear legislative history, that the commerce clause also could form the basis for a section 1983 claim.

Now there will not only be many new Federal cases alleging violations of the commerce clause under section 1983, but at some point, the Federal courts, and ultimately I fear the Supreme Court, will be forced to spend valuable time deciding which Federal constitutional provisions give rise to a section 1983 action and which do not, on an individual clause-by-clause basis.

At least congressional expansions of Federal cases serve societal goals beyond creating litigation; the court-created litigation I have just described will not.

I agree with Chief Justice Rehnquist that we need to carefully consider the appropriate role for the Federal courts. But there are areas of Federal concern that require a congressional determination that the role of Federal courts be expanded.

We in the Congress should also seek to improve the process by which Federal courts operate, pass laws to bring order to unsettled Federal legislative areas, and think critically about whether Federal jurisdiction should be created. The courts, however, also have a responsibility to respect the role of the political branches, and to apply bright line rules wherever possible that provide legal certainty, not that undermine it.

I look forward to future efforts by this body and the courts to improve the functioning of the Federal courts.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PELL). The clerk will call the role.

The assistant legislative clerk proceeded to call the role.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

REVISION OF CERTAIN ADMINISTRATIVE PROVISIONS RELATING TO THE COURT OF VETERANS APPEALS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 666, S. 2974, relating to the U.S. Court of Veterans Appeals; that the committee amendments be adopted; that the bill be deemed read as third time and passed; that the motion to reconsider be laid upon the table and any statements relative to the passage of this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments are agreed to as follows:

S. 2974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONFIRMATION OF CHIEF JUDGE.

Section 7253(b) of title 38, United States Code, is amended by striking out "The judges" and inserting in lieu thereof "The chief judge and the associate judges".

SEC. 2. MAILING OF NOTICES OF APPEAL TO THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—Sectuib 7266(a) of title 38, United States Code, is amended to read as follows:

"(a)(1) In order to obtain review by the Court of Veterans Appeals of a final decision of the Board of Veterans' Appeals, a person adversely affected by such decision shall file a notice of appeal with the Court within 120 days after the date of which notice of the decision is mailed pursuant to section 7104(e) of this title.

"(2) An appellant shall file a notice of appeal under this section by delivering or mailing the notice of the Court.

"(3) A notice of appeal shall be deemed to be received by the Court as follows:

"(A) On the date of receipt by the Court, if the notice is delivered.

"(B) On the date of the United States Post Service postmark stamped on the cover in which the notice is posted, if the notice is mailed.

"(4) For a notice of appeal mailed to the Court to be deemed to be received under paragraph (3)(B) on a particular date, the United States Postal Service postmarked on the cover in which the notice is posted must be legible. The Court shall determine the legibility of any such postmark and the Court's determination as to legibility shall be final and not subject to the review by any other Court.".

(b) APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to notices of appeal that are delivered or mailed to the United States Court of Veterans Appeals on or after that date.

SEC. 3. DISCIPLINARY PROCEDURES.

Section 7253(a) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) The provisions of paragraphs (7) through (15) of section 372(c) of title 28, regarding referral or certification to, and petition for review in, the Judicial Conference of the United States and action thereon, shall apply to the exercise by the Court of the powers of a judicial council under paragraph (1) of this section. The grounds for removal from office specified in subsection (f)(1) of this section shall provide a basis for a determination pursuant to paragraph (7) and (8) of section 372(c) of title 28, and certification and transmittal by the Conference shall be made to the President for consideration under subsection (f).

"(3)(A) In conducting hearings pursuant to paragraph (1) of this subsection, the Court may exercise the authority provided under section 1821 of title 28 to pay the fees and allowances described in that section.

"(B) The Court shall have the power provided under section 372(c)(16) of title 28 to award reimbursement for the reasonable expenses described in that section. Reimbursements under this subparagraph shall be made from funds appropriated to the Court.".

SEC. 4. AVAILABILITY OF REVIEW BY COURT OF VETERANS APPEALS.

(a) AVAILABILITY.—Section 402 of the Veterans' Judicial Review Act (38 U.S.C. 7251 note) is amended by striking out "in which a notice of disagreement" and all that follows through the end of the section and inserting in lieu thereof "in which the Board of Veterans' Appeals makes a final decision under section 7104 of title 38 United States Code, after November 18, 1988, and apply to cases in which the Board of Veterans' Appeals makes a final decision under section 7104 of title 38, United States Code, on or after that date.

(2)(A) Notwithstanding paragraph (1), a person referred to in subparagraph (B) shall be entitled to obtain review by the Court of Veterans Appeals of a final decision referred to in clause (ii) of that subparagraph if the person files a notice of appeal with the Court of Veterans Appeals with respect to that decision not later than 180 days after the notification date referred to in subparagraph (C).

(B) Subparagraph (A) applies to a person who—

(i) filed a notice of disagreement with the Board of Veterans' Appeals before November 18, 1988; and

(ii) received a final decision by the Board on the matter subject to the notice of disagreement on or after such date.

(C) The Secretary of Veterans Affairs shall, to the maximum extent practicable, notify each person referred to in subparagraph (B) of the eligibility of the person to file a notice of appeal with the Court under subparagraph (A). The date of such notification shall be deemed to be—

(i) the date of such notification, in the case of actual notification; or

(ii) the date of the postmark stamped on the cover in which the notification is posted, if the notice is mailed.

So the bill (S. 2974) was deemed read the third time and passed, as follows:

S. 2974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONFIRMATION OF CHIEF JUDGE.

Section 7253(b) of title 38, United States Code, is amended by striking out "The judges" and inserting in lieu thereof "The chief judge and the associate judges".

SEC. 2. MAILING OF NOTICES OF APPEAL TO THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—Section 7266(a) of title 38, United States Code, is amended to read as follows:

"(a)(1) In order to obtain review by the Court of Veterans Appeals of a final decision of the Board of Veterans' Appeals, a person adversely affected by such decision shall file a notice of appeal with the Court within 120 days after the date on which notice of the decision is mailed pursuant to section 7104(e) of this title.

"(2) An appellant shall file a notice of appeal under this section by delivering or mailing the notice to the Court.

"(3) A notice of appeal shall be deemed to be received by the Court as follows:

"(A) On the date of receipt by the Court, if the notice is delivered.

"(B) On the date of the United States Postal Service postmark stamped on the cover in which the notice is posted, if the notice is mailed.

"(4) For a notice of appeal mailed to the Court to be deemed to be received under paragraph (3)(B) on a particular date, the United States Postal Service postmark on the cover in which the notice is posted must be legible. The Court shall determine the legibility of any such postmark and the Court's determination as to legibility shall be final and not subject to review by any other Court.".

(b) APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to notices of appeal that are delivered or mailed to the United States Court of Veterans Appeals on or after that date.

SEC. 3. DISCIPLINARY PROCEDURES.

Section 7253(g) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) The provisions of paragraphs (7) through (15) of section 372(c) of title 28, regarding referral or certification to, and petition for review in, the Judicial Conference of the United States and action thereon, shall apply to the exercise by the Court of the powers of a judicial council under paragraph (1) of this subsection. The grounds for removal from office specified in subsection (f)(1) of this section shall provide a basis for a determination pursuant to paragraph (7) or (8) of section 372(c) of title 28, and certification and transmittal by the Conference shall be made to the President for consideration under subsection (f).

"(3)(A) In conducting hearings pursuant to paragraph (1) of this subsection, the Court may exercise the authority provided under section 1821 of title 28 to pay the fees and allowances described in that section.

"(B) The Court shall have the power provided under section 372(c)(16) of title 28 to award reimbursement for the reasonable expenses described in that section. Reimbursements under this subparagraph shall be made from funds appropriated to the Court.".

SEC. 4. AVAILABILITY OF REVIEW BY COURT OF VETERANS APPEALS.

(a) AVAILABILITY.—Section 402 of the Veterans' Judicial Review Act (38 U.S.C. 7251 note) is amended by striking out "in which a notice of disagreement" and all that follows through the end of the section and inserting in lieu thereof "in which the Board of Veterans' Appeals makes a final decision under section 7104 of title 38, United States Code, after November 18, 1988.".

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect as of November 18, 1988, and apply to cases in which the Board of Veterans' Appeals makes a final decision under section 7104 of title 38, United States Code, on or after that date.

(2)(A) Notwithstanding paragraph (1), a person referred to in subparagraph (B) shall be entitled to obtain review by the Court of Veterans Appeals of a final decision referred to in clause (ii) of that subparagraph if the person files a notice of appeal with the Court of Veterans Appeals with respect to that decision not later than 180 days after the notification date referred to in subparagraph (C).

(B) Subparagraph (A) applies to a person who—

(i) filed a notice of disagreement with the Board of Veterans' Appeals before November 18, 1988; and

(ii) received a final decision by the Board on the matter subject to the notice of disagreement on or after such date.

(C) The Secretary of Veterans Affairs shall, to the maximum extent practicable, notify each person referred to in subparagraph (B) of the eligibility of the person to file a notice of appeal with the Court under subparagraph (A). The date of such notification shall be deemed to be—

(i) the date of such notification, in the case of actual notification; or

(ii) the date of the postmark stamped on the cover in which the notification is posted, if the notice is mailed.

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I urge my colleagues to support S. 2974, a bill to amend the Veterans' Judicial Review Act, the legislation which established the U.S. Court of Veterans Appeals, so as to improve the functioning of the Court.

Mr. President, I introduced S. 2974 on July 2 to address four issues that had developed subsequent to the enactment of the Veterans' Judicial Review Act in 1988. The Committee on Veterans' Affairs received testimony on the bill at the committee's July 22 hearing, and approved it, with a clarifying amendment I offered, at the committee's August 7 meeting. Because the bill as reported, which I will refer to as the committee bill, is substantively very similar to the bill as introduced, I will at this time merely summarize the provisions and highlight certain aspects which I would believe are particularly noteworthy. For a more detailed discussion of the background on and the provisions of this legislation, I refer my colleagues to my statement on introducing the bill, which appears in the RECORD for July 2, 1992, beginning on page S9828, and the committee report (S. Rept. 102–400).

SUMMARY OF S. 2974 AS REPORTED

Mr. President, the committee bill would:

First, require that the appointment of an associate judge of the Court of Veterans Appeals to be chief judge, be by and with the advice and consent of the Senate.

Second, require that a notice of appeal that is mailed within the 120-day statutory filing period be accepted as timely filed if it bears a legible U.S. Postal Service postmark date within that period.

Third, provide that the court's determination as to the legibility of a postmark is final and not subject to review by any other court.

Fourth, authorize review by the Judicial Conference of the United States of judicial conduct or disability actions taken by the Court with respect to judges of the court.

Fifth, authorize the payment of per diem and transportation costs for witnesses in connection with judicial conduct or disability hearings conducted by the Court of Veterans Appeals.

Sixth, modify the court's jurisdiction, which, under current law, is limited to the review of final Board of Veterans' Appeals [BVA] decisions in cases in which the claimant filed a notice of disagreement on or after November 18, 1988, so as to allow for review by the Court of cases in which a claimant filed a notice of disagreement before November 18, 1988, and the BVA rendered a final decision after that date.

Seventh, require the Secretary of Veterans Affairs, to the maximum extent practicable, to notify each person whose case would be made eligible for Court review by the modification in the Court's jurisdiction of such persons' eligibility for such review.

Eighth, establish a 180-day period, beginning on the date a person is notified by the Secretary that the person's case has become eligible for review by the court by virtue of the jurisdictional modification, during which the person could file a notice of appeal with the court.

BACKGROUND

Mr. President, the United States Court of Veterans Appeals was established under article I of the Constitution with the enactment of the Veterans' Judicial Review Act [VJRA] (Public Law 100-687). The court is an appellate tribunal with exclusive jurisdiction to review, on the record of proceedings, decisions rendered by the BVA, the highest adjudicatory body within the Department of Veterans Affairs. Prior to the establishment of the Court, the review of BVA decisions was prohibited.

The enactment of the VJRA brought to a conclusion a 12-year effort to secure judicial review of claims for veterans benefits, and the final compromise was reached in the closing hours of the 100th Congress. Since the enactment of the VJRA and as the court has progressed to full operation with a full complement of judges, the Senate and House committees on Veterans' Affairs have continued to work on legislation to enable the court and the judges to function more effectively and on a par with other Federal courts. The committee bill would make needed clarifications in the VJRA with respect to the confirmation process of the chief judge, the manner of considering cases of judicial conduct or disability, and the timeliness of appeals that are mailed to the court within the statutory filing period. The committee bill would also expand the court's jurisdiction to allow for review of cases in which claimant appealed to the BVA before the VJRA was enacted but decided by the BVA after that date.

POSTMARK OF NOTICES OF APPEAL

Mr. President, I would like to comment briefly on section 2 of the committee bill, which would require that the court accept as timely filed notices of appeal that were mailed within the 120-day filing period prescribed in section 7266(a) of title 38. Rule 4 of the court's rules of practice and procedure requires that a notice of appeal be actually received by the court within 120 days after the date on which the BVA decisional notice was mailed. This rule has led to a series of cases in which the court has dismissed the appeals of prospective appellants who mailed their notices of appeal prior to the expiration of the 120-day period but in which the court received the notices after the filing deadline had passed. Section 2 of the committee bill would ease compliance with the statutory filing requirements and avoid unfortunate dismissals in the event the mail delivery takes longer than usual. Such a postmark rule for filing purposes would be consistent with similar rules required or authorized for the Tax Court, the U.S. Court of Military Appeals, the Court of International Trade, and the U.S. Court of Appeals for the Federal Circuit, which exercises appellate jurisdiction over the Court of Veterans Appeals.

REVIEW OF JUDICIAL DISCIPLINARY PROCEEDINGS

Mr. President, I also note section 3 of the committee bill, which would authorize review by the Judicial Conference of the United States of judicial conduct or disability actions taken by the Court with respect to judges of the court. Currently, the court is charged with responsibility for deciding such cases involving judges of the court. The procedures applicable to nearly all other Federal courts under section 372(c) of title 28 include the opportunity for outside review of such decisions by the Judicial Conference. However, review of Court of Veterans Appeals decisions by the Judicial Conference is not available—and the Judicial Conference currently exercises no administrative authority over the court except with respect to the filing of financial disclosure reports—because the court is an article I court. Section 3 of the committee bill would ensure that judges of the Court of Veterans Appeals have the opportunity for outside review in judicial conduct or disability cases in a manner similar to that available to other Federal judges.

Mr. President, as I noted when I introduced this legislation on July 2, the Judiciary Committee has been provided with all the relevant background materials on this latter provision and has been informed of the Veterans' Affairs Committee's intent to seek enactment during this Congress. I have been informed that the Judiciary Committee has no objection to the passage of this provision.

CONCLUSION

Mr. President, the committee bill would enhance the ability of the Court of Veterans Appeals to fulfill its important role of providing judicial review of veterans claims, and I urge all of my colleagues to support this important measure.

U.S. COURT OF VETERANS APPEALS

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs, I am pleased to join with the committee chairman, Senator ALAN CRANSTON, in support of S. 2974, a bill to revise certain administrative provisions relating to the U.S. Court of Veterans Appeals, CVA. The bill has four provisions.

First, the bill would clarify the process by which the chief judge of the Court of Veterans Appeals would be appointed by clarifying that all nominations to the position of chief judge—including the nomination of a sitting associate judge to that position—would be subject to Senate confirmation.

Second, the bill would provide that an appeal to the Court of Veterans Appeals would be filed in a timely manner if it is postmarked within the 120 statutory filing period specified in section 7266 of title 38, United States Code. Under current court rules, timeliness depends on actual receipt of an appeal by the court, which is physically located in Washington, DC. In enacting a postmark rule, the committee seeks to place all appellants on an equal footing relative to the issue of the time allowed for the preparation and filing of an appeal.

Third, the bill would provide that complaints of judicial misconduct or disability regarding Court of Veterans Appeals judges would be subject to review by the Judicial Conference of the United States, the body which reviews such complaints with respect to other Federal judges. Current law does not provide for such review. The chief judge has advised the committee that such review would be desirable, and the Judicial Conference has indicated a willingness to assume the role.

Fourth, the bill would expand the court's jurisdiction to include those cases which were pending at the Board of Veterans Appeals on November 18, 1988, but which were not decided until after that. Under current law, the court's jurisdiction is limited to cases in which a claimant began the appellate processs—by filing a notice of disagreement at the Regional Office level—before November 18, 1988, the effective date of the legislation creating the court.

When the court was created in 1988, there were sound reasons for limiting appeals to cases where the administrative appellate process was only beginning. Before cases came to the court, time was needed, for example, to nominate and confirm the court's judges, to establish the court's procedures, and to secure a physical location for the court. Since that process is complete, it is appropriate, in my view, to allow appeals by claimants who received adverse decisions after the creation of the court, but who filed their notices of appeal before that date.

I thank the committee staff for its work on this bill: Thomas Tighe, Bill Brew, and Ed Scott from the majority staff and Quent Kinderman, Bill Tuerk, and Tom Roberts of my staff.

I have always been, Mr. President, a strong supporter of judicial review of veterans' claims. I was proud to work with Senator CRANSTON, SIMPSON, and MURKOWSKI on the legislation which finally provided that review. This bill would improve that landmark legislation.

I urge my colleagues to support this important measure.

FEDERAL PROGRAM PERFORMANCE STANDARDS AND GOALS ACT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 747, S. 20, a bill to provide for the establishment and evaluation of performance standards and goals for expenditures in the Federal budget; that the committee amendment be agreed to, and the bill, as amended, be deemed read three times, passed and the motion to reconsider be laid upon the table; that the title amendment be agreed to and that any statements appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The commitee amendment was agreed to as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Performance and Results Act of 1992".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) waste and inefficiency in Federal programs undermine the confidence of the American people in the Government and reduces the Federal Government's ability to address adequately vital public needs;

(2) Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness, because of insufficient articulation of program goals and inadequate information on program performance; and

(3) congressional policymaking, spending decisions and program oversight are seriously handicapped by insufficient attention to program performance and results.

(b) PURPOSES.—The purposes of this Act are to—

(1) improve the confidence of the American people in the capability of the Federal Government, by systematically holding Federal agencies accountable for achieving program results;

(2) initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;

(3) improve Federal program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction;

(4) help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality; and

(5) improve congressional decisionmaking by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending.

SEC. 3. STRATEGIC PLANNING.

Chapter 3 of title 5, United States Code, is amended by adding after section 305 the following new section:

"§306. Strategic plans

"(a) No later than September 30, 1997, the head of each agency shall submit to the Director of the Office of Management and Budget a strategic plan for program activities. Such plan shall contain—

"(1) a comprehensive mission statement covering the major functions and operations of the agency;

"(2) general goals and objectives, including outcome-related goals and objectives, for the major functions and operations of the agency;

"(3) a description of how the goals and objectives are to be achieved;

"(4) a description of how the performance goals included in the plan required by section 1115(a) of title 31 shall be related to the general goals and objectives in the strategic plan;

"(5) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

"(6) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations.

"(b) The strategic plan shall cover a period of not less than five years forward from the fiscal year in which it is submitted, and shall be updated and revised at least every three years.

"(c) The performance plan required by section 1115 of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

"(d) When developing a strategic plan, the agency shall consult with the Congress, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan.

"(e) For purposes of this section the term 'agency' means an Executive agency defined under section 105 and the United States Postal Service, but does not include the Central Intelligence Agency, the General Accounting Office, the Panama Canal Commission, and the Postal Rate Commission.".

SEC. 4. ANNUAL PERFORMANCE PLANS AND REPORTS.

(a) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(29) beginning with fiscal year 1999, a Federal Government performance plan for the overall budget as provided for under section 1115.".

(b) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by adding after section 1114 the following new sections:

"§1115. Performance plans

"(a) In carrying out the provisions of section 1105(a)(29), the Office of Management and Budget shall require each agency to prepare an annual performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

"(1) establish performance goals to define the level of performance to be achieved by a program activity;

"(2) express such goals in an objective, quantifiable, and measurable form unless permitted an alternative form under subsection (b);

"(3) establish performance indicators to be used in measuring or assessing the relevant outputs, service levels, and outcomes of each program activity;

"(4) provide a basis for comparing actual program results with the established performance goals; and

"(5) describe the means to be used to verify and validate measured values.

"(b) If an agency, in consultation with the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective and quantifiable form, the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

"(1) include separate descriptive statements of—

"(A) a minimally effective program, and

"(B) a successful program,

with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of either description; or

"(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

"(c) In preparing a comprehensive and informative plan under this section, an agency may aggregate, disaggregate, or consolidate program activities, provided that any aggregation or consolidation does not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

"(d) An agency may prepare a classified or non-public annex to its plan covering program activities or parts of program activities relating to—

"(1) national security;

"(2) the conduct of foreign affairs; or

"(3) the avoidance of interference with criminal prosecution or revenue collection.

"(e) For purposes of this section and sections 1116 through 1119, and section 9704 the term—

"(1) 'agency' means an Executive agency defined under section 105 of title 5, United States Code, and the United States Postal Service, but does not include the Central Intelligence Agency, the General Accounting Office, the Panama Canal Commission, and the Postal Rate Commission;

"(2) 'outcome measure' refers to an assessment of the results of a program activity compared to its intended purpose;

"(3) 'output measure' refers to the tabulation, calculation, or recording of activity or effort and can be expressed in a quantitative or qualitative manner;

"(4) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement shall be compared, including a goal expressed as a quantitative standard, value, or rate;

"(5) 'performance indicator' refers to a particular value or characteristic used to measure output or outcome;

"(6) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

"(7) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.

"§1116. Program performance reports

"(a) No later than March 31, 2000, and no later than March 31 of each year thereafter, the head of each agency shall prepare and submit to the President and the Congress, a report on program performance for the previous fiscal year.

"(b)(1) Each program performance report shall set forth the performance indicators established in the departmental or agency performance plan, along with the actual program performance achieved compared with the performance goals expressed in the plan for that fiscal year.

"(2) If performance goals are specified by descriptive statements of a minimally effective program activity and a successful program activity, the results of such program shall be described in relationship to those categories, including whether the performance failed to meet the criteria of either category.

"(c) The report for fiscal year 2000 shall include actual results for the preceding fiscal year, the report for fiscal year 2001 shall include actual results for the two preceding fiscal years, and the report for fiscal year 2002 and all subsequent reports shall include actual results for the three preceding fiscal years.

"(d) Each report shall—

"(1) review the success of achieving the performance goals of the fiscal year;

"(2) evaluate the performance plan for the current fiscal year relative to the performance achieved towards the performance goals in the fiscal year covered by the report;

"(3) explain and describe, where a performance goal has not been met, including when a program activity's performance is determined not to have met the criteria of a successful program activity under 1115(b)(2)—

"(A) why the goal was not met;

"(B) those plans and schedules for achieving the established performance goal; and

"(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

"(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title; and

"(5) include the summary findings of those program evaluations completed during the fiscal year covered by the report.

"(e) The agency head may include all program performance information required annually under this section in an annual financial statement required under section 3515 if any such statement is submitted to the Congress no later than March 31 of the applicable fiscal year.

"§1117. Exemption

"The Director of the Office of Management and Budget may exempt from the requirements of sections 1115 and 1116 and section 306 of title 5, any agency with annual outlays of $20,000,000 or less.".

SEC. 5. MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.

(a) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by adding after section 9702, the following new section:

"§9703. Managerial accountability and flexibility

"(a) Beginning with fiscal year 1999, the performance plans required under section 1115 may include proposals to waive administrative procedural requirements and controls, including specification of personnel staffing levels, limitations on compensation or remuneration, and prohibitions or restrictions on funding transfers among budget object classification 20 and subclassifications 11, 12, 31, and 32 of each annual budget submitted under section 1105, in return for specific individual or organization accountability to achieve a performance goal. In preparing and submitting the performance plan under section 1105(a)(29), the Office of Management and Budget shall review and may approve any proposed waivers. A waiver shall take effect at the beginning of the fiscal year for which the waiver is approved.

"(b) Any such proposal under subsection (a) shall describe the anticipated effects on performance resulting from greater managerial or organizational flexibility, discretion, and authority, and shall quantify the expected improvements in performance resulting from any waiver. The expected improvements shall be compared to current actual performance, and to the projected level of performance that would be achieved independent of any waiver.

"(c) Any proposal waiving limitations on compensation or remuneration shall precisely express the monetary change in compensation or remuneration amounts, such as bonuses or awards, that shall result from meeting, exceeding, or failing to meet performance goals.

"(d) Any proposed waiver of procedural requirements or controls imposed by an agency (other than the proposing agency or the Office of Management and Budget) shall be endorsed by the agency that established the requirement, and the endorsement included in the proposing agency's performance plan.

"(e) A waiver shall be in effect for one or two years. A waiver may be renewed for a subsequent year. After a waiver has been in effect for three consecutive years, the performance plan prepared under section 1115 may propose that a waiver, other than a waiver of limitations on compensation or remuneration, be made permanent.".

SEC. 6. PILOT PROJECTS.

(a) PERFORMANCE PLANS AND REPORTS.—Chapter 11 of title 31, United States Code, is amended by inserting after section 1117 (as added by section 4 of this Act) the following new section:

"§1118. Pilot projects for performance goals

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency, shall designate not less than ten agencies as pilot projects in performance measurement for fiscal years 1994, 1995, and 1996. The selected agencies shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall undertake the preparation of performance plans under section 1115, and program performance reports under section 1116, other than section 1116(c), for one or more of the major functions and operations of the agency. A strategic plan shall be used when preparing agency performance plans during one or more years of the pilot period.

"(c) No later than May 1, 1997, the Director of the Office of Management and Budget shall submit a report to the President and to the Congress which shall—

"(1) assess the benefits, costs, and usefulness of the plans and reports prepared by the pilot agencies in meeting the purposes of the Government Performance and Results Act of 1992;

"(2) identify any significant difficulties experienced by the pilot agencies in preparing plans and reports; and

"(3) set forth any recommended changes in the requirements of the provisions of Government Performance and Results Act of 1992, section 306 of title 5, sections 1105, 1115, 1116, 1117, 1119 and 9704 of this title, and this section.".

(b) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Chapter 97 of title 31, United States Code, is amended by inserting after section 9703 (as added by section 5 of this Act) the following new section:

"§9704. Pilot projects for managerial accountability and flexibility

"(a) The Director of the Office of Management and Budget shall designate not less than five agencies as pilot projects in managerial accountability and flexibility for fiscal years 1995 and 1996. Such agencies shall be selected from those designated as pilot projects under section 1118 and shall reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall include proposed waivers in accordance with section 9703 for one or more of the major functions and operations of the agency.

"(c) The Director of the Office of Management and Budget shall include in the report to the President and to the Congress required under section 1118(b) the following—

"(1) an assessment of the benefits, costs, and usefulness of increasing managerial and organizational flexibility, discretion, and authority in exchange for improved performance through a waiver; and

"(2) an identification of any significant difficulties experienced by the pilot agencies in preparing proposed waivers.

"(d) For purposes of this section the definitions under section 1115(e) shall apply.".

(c) PERFORMANCE BUDGETING.—Chapter 11 of title 31, United State Code, is amended by inserting after section 1118 (as added by section 6 of this Act) the following new section:

"§1119. Pilot projects for performance budgeting

"(a) The Director of the Office of Management and Budget, after consultation with the head of each agency shall designate not less than five agencies as pilot projects in performance budgeting for fiscal years 1998 and 1999. At least three of the agencies shall be selected from those designated as pilot projects under section 1118, and shall also reflect a representative range of Government functions and capabilities in measuring and reporting program performance.

"(b) Pilot projects in the designated agencies shall cover the preparation of performance budgets. Such budgets shall present, for one or more of the major functions and operations of the agency, the varying levels of performance, including outcome-related performance, that would result from different budgeted amounts.

"(c) The Director of the Office of Management and Budget shall include, as an alternative budget presentation in the budget submitted under section 1105 for fiscal year 1999, the performance budgets of the designated agencies for this fiscal year.

"(d) No later than March 31, 2001, the Director of the Office of Management and Budget shall transmit a report to the President and to the Congress on the performance budgeting pilots which shall—

"(1) assess the feasibility and advisability of including a performance budget as part of the annual budget submitted under section 1105;

"(2) describe any difficulties encountered by the pilot agencies in preparing a performance budget;

"(3) recommend whether legislation requiring performance budgets should be proposed and the general provisions of any legislation; and

"(4) set forth any recommended changes in the other requirements of the Government Performance and Results Act of 1992, section 306 of title 5, sections 1105, 1115, 1116, 1117, 1118, and 9704 of this title, and this section.

"(e) After receipt of the report required under subsection (d), the Congress may specify that a

performance budget be submitted as part of the annual budget submitted under section 1105.".

SEC. 7. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a performance goal. Any such action shall have the effect of superseding that goal in the plan submitted under section 1105(a)(29) of title 31, United States Code.

(b) GAO REPORT.—No later than June 1, 1997, the Comptroller General of the United States shall report to Congress on the implementation of this Act, including the prospects for compliance by Federal agencies beyond those participating as pilot projects under sections 1118 and 9704 of title 31, United States Code.

SEC. 8. TRAINING.

The Office of Personnel Management shall, in consultation with the Director of the Office of Management and Budget and the Comptroller General of the United States develop a performance measurement training component for its management training program and otherwise provide managers with an orientation on the development and use of strategic planning and program performance measurement.

SEC. 9. TECHNICAL AND CONFORMING AMENDMENT.

(a) AMENDMENT TO TITLE 5, UNITED STATES CODE.—The table of sections for chapter 3 of title 5, United States Code, is amended by adding after the item relating to section 305 the following:

"306. Strategic plans.".

(b) AMENDMENTS TO TITLE 31, UNITED STATES CODE.—

(1) AMENDMENT TO CHAPTER 11.—The table of sections for chapter 11 of title 31, United States Code, is amended by adding after the item relating to section 1114 the following:

"1115. Performance plans.
"1116. Program performance reports.
"1117. Exemptions.
"1118. Pilot projects for performance goals.
"1119. Pilot projects for performance budgeting.".

(2) AMENDMENT TO CHAPTER 97.—The table of sections for chapter 97 of title 31, United States Code, is amended by adding after the item relating to section 9702 the following:

"9703. Managerial accountability and flexibility.
"9704. Pilot projects for managerial accountability and flexibility.".

SEC. 10. EFFECTIVE DATES AND PROCEDURES.

(a) IN GENERAL.—The provisions of this Act and amendments made by this Act shall take effect on the date of the enactment of this Act, except sections 3, 4, 5, and 6(c) of this Act, and the amendments made by such sections, shall take effect on the date of enactment of the resolution described in subsection (b).

(b) RESOLUTION APPROVING PERFORMANCE PLANS.—

(1) RESOLUTION DESCRIBED.—A resolution referred to in subsection (a) is a joint resolution the matter after the resolving clause of which is as follows: "That Congress approves the development of departmental and agency strategic plans, performance plans and reports pursuant to section 306 of title 5, United States Code, pursuant to sections 1105(a)(29) and 9703 of title 31, United States Code, and pursuant to sections 1115, 1116, 1117, and 1119 of title 31, United States Code (as amended by sections 3, 4, 5, and 6 of the Government Performance and Results Act of 1992).".

(2) INTRODUCTION OF RESOLUTION.—No later than 30 days after the transmittal by the Comptroller General of the United States to the Congress of the report referred to in section 7(b), a resolution as described in paragraph (1) shall be introduced in the Senate by the chairman of the Committee on Governmental Affairs of the Senate, or by a Member or Members of the Senate designated by such chairman, and shall be introduced in the House by the chairman of the Committee on Government Operations of the House of Representatives, or by a Member or Members of the House designated by such chairman.

(3) REFERRAL.—A resolution described in paragraph (1), shall be referred to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the Senate or the House of Representatives, respectively, within 30 calendar days following the date of such resolution's introduction.

(4) DISCHARGE OF COMMITTEE.—If the committee to which is referred a resolution introduced pursuant to paragraph (2) (or, in the absence of such a resolution, the first resolution introduced with respect to the same departmental or agency plans and reports) has not reported such resolution or identical resolution at the end of 30 calendar days after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(5) PROCEDURE AFTER REPORT OR DISCHARGE OF COMMITTEE; VOTE ON FINAL PASSAGE.—(A) When the committee has reported, or has been deemed to be discharged (under paragraph (4)) from further consideration of a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is passed or rejected shall not be in order.

(C) Immediately following the conclusion of the debate on the resolution and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1), shall be decided without debate.

(E) If, prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to departmental or agency strategic plans, performance plans and reports from the other House, then—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(F) It shall not be in order in either the Senate or the House of Representatives to consider a resolution described in paragraph (1), or to consider any conference report on such a resolution, unless the Comptroller General of the United States transmits to the Congress a report under section 7(b).

(6) RULEMAKING POWER OF CONGRESS.—The provisions of this section are enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Amend the title so as to read: "A bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.".

So the bill (S. 20) was deemed read the third time and passed.

The title was amended so as to read: "A bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.".

Mr. ROTH. Mr. President, this legislation, the Government Performance and Results Act, represents a major and fundamental reform in the way the Federal Government does business. It will bring about a new form of accountability to the American taxpayers—an accountability by Federal agencies for the results they achieve when they spend tax dollars.

For much too long, this focus on program performance and results has been missing from the Federal Government. Agencies and managers are expected to follow proper procedures and spend their funds in an appropriate manner—to cross all the "t's" and dot all the "i's"—but rarely are their programs held accountable for achieving measurable results toward any pre-established goals. Is it any wonder, then, that program performance suffers, and that public frustration with Government increases?

In an effort to address this concern, last year I introduced S. 20, now titled the Government Performance and Results Act. It has bipartisan cosponsorship that spans the entire ideological range of the Senate. And I am pleased to acknowledge the interest and support of the chairman of our committee, Senator GLENN, in this bill and in helping to bring it to the floor.

That this legislation is really aimed at improving Government performance in a positive way, is reflected in the strong support this reform has received from the National Academy of Public Administration and the American Society for Public Administration. Both organizations, whose members include many esteemed present and former Government managers, not only endorsed the need for this type of legislation, but also made valuable suggestions in the shaping of the bill now before us.

This is because most Government managers truly do want to do a good job. But to do this, they need a clear understanding of specifically what it is their programs should accomplish, and then accurate, timely information on program performance. In that way, they are no different than managers in the private sector.

So too does the Congress need information on program performance and results—especially for purposes of oversight. We need an objective way for determining whether a program is working well—for measuring its efficiency and effectiveness. Unfortunately, all too often that information is not available or is difficult to obtain, and its interpretation is entirely too subjective.

What is needed is for each agency to develop a strategic plan, with a set of specific, long-term program goals. Each agency should then develop an annual performance plan, also with measurable program goals, aiming its day-to-day activities at achieving the long-term objectives. And then each agency needs to publish an annual performance report, showing what it achieved compared to those goals.

That is what this legislation is about. It begins by testing those concepts—5-year strategic plans, annual performance plans, and annual performance reports—on a pilot project basis, in 10 agencies for 3 years. Then, if Congress is satisfied with the results of those pilot projects, we would approve a resolution implementing the requirements Governmentwide. I have little doubt that by then, we will all see the great value of this type of performance planning and reporting, and will be anxious to see it mandated throughout Government.

Mr. President, this reform is long over-due. The American people are demanding change in the way Government operates in Washington. They want more value for their tax dollars—more bang for the buck. In other words, they want better performance for the money they are already spending. This legislation is a major reform, which will go a long way toward bringing us to that better governmental performance. I urge my colleagues to support the bill.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1991

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar order No. 308, S. 1095, the Uniformed Services Employment and Reemployment Rights Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1095) to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed Services Employment and Reemployment Rights Act of 1991".

SEC. 2. REVISION OF CHAPTER 43 OF TITLE 38.

(a) RESTATEMENT AND IMPROVEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF PERSONS WHO SERVE IN THE UNIFORMED SERVICES

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"Sec.
"4301. Purposes; sense of Congress.
"4302. Relation to other law; construction.
"4303. Definitions.
"4304. Character of service.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"4321. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
"4322. Reemployment rights of persons who serve in the uniformed services.
"4323. Reemployment positions.
"4324. Reemployment by the Federal Government.
"4325. Reemployment by certain Federal agencies.
"4326. Seniority, insurance, and other employment rights and benefits.
"4327. Employee pension benefit plans.
"4328. Entitlement to rights and benefits not dependent on timing or nature of service.

"SUBCHAPTER III—ASSISTANCE IN SECURING EMPLOYMENT AND REEMPLOYMENT RIGHTS; ENFORCEMENT

"4331. Definitions.
"4332. Assistance in securing reemployment or other employment rights or benefits.
"4333. Enforcement of rights with respect to the Federal executive agencies.
"4334. Enforcement of rights with respect to certain Federal agencies.
"4335. Enforcement of rights with respect to a State or private employer.

"SUBCHAPTER IV—INVESTIGATION OF COMPLAINTS

"4341. Conduct of investigation; subpoenas.

"SUBCHAPTER V—MISCELLANEOUS

"4351. Regulations.
"4352. Outreach.

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"§4301. Purposes; sense of Congress

"(a) The purposes of this chapter are—

"(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

"(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service under honorable conditions; and

"(3) to prohibit discrimination against persons because of their service in the uniformed services.

"(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the reemployment practices provided for in this chapter.

"§4302. Relation to other law; construction

"(a) Nothing in this chapter shall supersede, nullify or diminish any provision of Federal or State law (including any local law or ordinance), or any provision of a plan provided, contract entered into, or policy or practice adopted, by an employer, which establishes a right or benefit that is more beneficial to a person than a right or benefit provided for such person in this chapter or is in addition to a right or benefit provided for such person in this chapter.

"(b) This chapter supersedes any State law or employer plan, contract, or policy or practice that would have the effect of limiting in any manner any right or benefit provided by this chapter, including any State law or employer plan, contract, or policy or practice that establishes a prerequisite to the exercise of any such right or the receipt of any such benefit that is not a prerequisite established by or under this chapter.

"(c) Nothing in this chapter shall be interpreted to limit in any way any of the rights conferred by the Americans with Disabilities Act of 1990 (Public Law 101–336; 42 U.S.C. 12101 et seq.).

"§4303. Definitions

"For the purposes of this chapter:

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

"(2) The term 'benefit' or 'benefit of employment' means any advantage, profit, privilege, gain, status, account, or interest that accrues by reason of an employment contract or an employer practice or custom (other than wages or salary for work performed) and includes rights under a pension or health plan, insurance coverage and awards, rights under an employee stock ownership plan, bonuses, severance pay, any supplemental unemployment benefit, an entitlement to leave with or without pay, work hours, and the location of employment.

"(3)(A) Except as provided in subparagraph (B), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including—

"(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

"(ii) the Federal Government;

"(iii) a State; and

"(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph.

"(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

"(4) The term 'Federal executive agency' includes the United States Postal Service, the Postal Rate Commission, any nonappropriated fund instrumentality of the United States, and any Executive agency (as that term is defined in section 105 of title 5) other than an agency referred to in section 2302(a)(2)(C)(ii) of title 5.

"(5) The term 'Federal Government' includes any Federal executive agency, the legislative branch of the United States, and the judicial branch of the United States.

"(6) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(7) The term 'reasonable accommodation' has the meaning given such term in section 101(9) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(9)).

"(8) Notwithstanding section 101(1) of this title, the term 'Secretary' means the Secretary of Labor.

"(9) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

"(10) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

"(11) The term 'undue hardship' has the meaning given such term in section 101(10) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(10)).

"(12) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, and the commissioned corps of the Public Health Service.

"§ 4304. Character of service

"A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

"(1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

"(2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.

"(3) A dismissal of such person permitted under section 1161(a) of title 10.

"(4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"§4321. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

"(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, service, or obligation.

"(b) An employer shall be considered to have denied a person initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can demonstrate that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation.

"(c)(1) An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"§4322. Reemployment rights of persons who serve in the uniformed services

"(a) Subject to subsections (b) and (c), any person who is absent from a position of employment by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if—

"(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

"(2) except as provided in subsection (c) of this section, the cumulative length of the absence and of any previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

"(3) the person reports to, or submits an application for reemployment to, such employer in accordance with the provisions of subsection (d).

"(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

"(c) A person referred to in subsection (a) shall be entitled to the rights and benefits referred to in such subsection even though the cumulative length of the person's service in the uniformed services exceeds five years if the service which results in a cumulative period in excess of five years is a result of—

"(1) service required to complete an initial period of obligated service;

"(2) service from which, through no fault of that person, the person could not obtain a discharge or release in time to prevent the cumulative absences from exceeding 5 years;

"(3) service required under section 270 of title 10 or section 502(a) or 503(a) of title 32 or required to fulfill additional training requirements determined by the Secretary concerned to be necessary for professional development or for completion of skill training or retraining;

"(4) service pursuant to—

"(A) an order to, or retention on, active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10;

"(B) an order to, or retention on, active duty (other than for training) under any other provision of law during a war or national emergency declared by the President or by Congress;

"(C) an order to active duty (other than for training) in support (as determined by the Secretary concerned) of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) an order to active duty in support (as determined by the Secretary concerned) of a critical mission or requirement of the uniformed services;

"(E) an order to active duty under section 712 of title 14; or

"(F) a call into Federal service under chapter 15 of title 10 or section 3500 or 8500 of such title; or

"(5) any other category of service specified by the Secretary, in consultation with the Secretary of Defense, in regulations prescribed pursuant to section 4351 of this title.

"(d)(1) Subject to paragraphs (2) and (3), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

"(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer—

"(i) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period for the safe transportation of the person from the place of that service to the workplace of the employer; or

"(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

"(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

"(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 31 days after the completion of the period of service.

"(D) In the case of a person whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service.

"(2) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated by, the performance of a period of service in the uniformed services shall report to the person's employer (in the case of a person described in subparagraph (A) or (B) of paragraph (1)) or submit an application for reemployment with such employer (in the case of a person described in subparagraph (C) or (D) of such paragraph) at the end of the period (not to exceed two years) that is necessary for the person to recover from such illness or injury.

"(3) A person referred to in subparagraphs (A) or (B) of paragraph (1) who fails to report to an employer within the time period referred to in such paragraph shall be considered to have failed to report for such work on schedule but may be treated by the employer no less favorably than the employer treats other absent employees pursuant to the employer's established policy or the general practices of the employer relating to employee absences.

"(e)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (d)(1) shall provide to the person's employer (upon the request of such employer) documentation to establish that—

"(A) the person's application is timely;

"(B) the person has not exceeded the service limitations set forth in subsection (a)(3) (except as permitted under subsection (c)); and

"(C) the person's entitlement to the benefits under this chapter has not terminated under section 4304 of this title.

"(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

"(3) An employer shall reemploy a person in accordance with the provisions of this chapter notwithstanding the failure of the person to provide documentation that satisfies the regulations prescribed pursuant to paragraph (2) if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in clauses (A) through (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

"§4323. Reemployment positions

"(a) Subject to subsections (b) and (c), a person entitled to reemployment under section 4322 of this title upon completion of a period of service in the uniformed services shall be promptly reemployed in a position of employment as follows:

"(1) In the case of a person who is not disabled and whose period of service in the uniformed services was for less than 31 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, if the person is not qualified to perform the duties of the position referred to in clause (A).

"(2) In the case of a person who is not disabled and whose period of service in the uniformed services was for more than 30 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a similar position of like status and pay, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like status and pay, the duties of which the person is qualified to perform, if the person is not qualified to perform the duties of a position referred to in clause (A).

"(3)(A) In the case of a person who is disabled, one of the following positions in the order of priority in which the positions are listed:

"(i) The position referred to in paragraph (1) (A) or (B), as the case may be, if the person's period of service in the uniformed services was for less than 31 days.

"(ii) The position referred to in paragraph (2) (A) or (B), as the case may be, if the person's period of service in the uniformed services was for more than 30 days.

"(iii) A position similar to a position referred to in clause (ii) that is consistent with the circumstances of the person's case, the duties of which the person is qualified to perform.

"(iv) A position of lesser status and pay than a position referred to in clause (iii) that is consistent with the circumstances of the person's case, the duties of which the person is qualified to perform.

"(B) An employer shall employ a person in a position referred to in clauses (i) through (iv) of subparagraph (A) even if the employer must make a reasonable accommodation for the disability of such person (and any limitations related to such disability) to facilitate the person's ability to perform the duties of that position.

"(b) A person shall be considered qualified to perform the duties of a position of employment under subsection (a) if the person can perform the essential functions of the position or will be able to perform such functions (1) after receiving a reasonable amount of training provided by the employer to refresh or update the necessary skills of that person, or (2) through other reasonable efforts undertaken by the employer.

"(c)(1) An employer is not required to reemploy a person under this chapter if the employer's circumstances have so changed as to make such reemployment impossible or unreasonable.

"(2) An employer is not required to make an accommodation under subsection (a) or provide training or undertake any other effort under subsection (b) if such accommodation, training, or effort would impose an undue hardship on the operation of the business of the employer to do so.

"(3) In any administrative or judicial proceeding involving an issue of whether (A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, or (B) any accommodation, training, or effort referred to in paragraph (2) would impose an undue hardship on the operation of the business of the employer, the employer shall have the burden of proving the impossibility or unreasonableness or undue hardship.

"(d)(1) If two or more persons request reemployment under this chapter in the same position of employment by reason of an interruption of employment resulting from service in the uniformed services, the person whose continuous employment was so interrupted earlier shall have a superior right of reemployment.

"(2) Any person entitled to reemployment under this section who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to be reemployed as follows:

"(A) In the case of a person who is not disabled, in any other position referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case.

"(B) In the case of a person who is disabled, in any other position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case.

"§4324. Reemployment by the Federal Government

"(a)(1) Paragraph (2) shall apply in the case of—

"(A) a person whose reemployment in a Federal Government position or as a National Guard technician under section 4323 of this title is not feasible; and

"(B) a person whose reemployment in an agency referred to in section 4325(a) of this title is not feasible or practicable.

"(2) The Director of the Office of Personnel Management shall ensure that a person referred to in clause (A) or (B) of paragraph (1) is offered an alternative position of employment in a Federal executive agency that satisfies the requirements of section 4323(a) of this title.

"(b)(1) For the purposes of subsection (a), the Director of the Office of Personnel Management shall determine whether the reemployment of a person in a position in a Federal executive agency is feasible.

"(2) For the purposes of subsection (a), the Director of the Office of Personnel Management shall accept a determination that the reemployment of a person in a position described in clause (A) or (B) is not feasible from the official referred to in that clause, as follows:

"(A) In the case of a position in the legislative branch or the judicial branch, the officer or employee authorized to appoint a person to that position.

"(B) In the case of a National Guard technician position in a State, the adjutant general of that State.

"(3) For the purposes of subsection (a), the Director of the Office of Personnel Management shall accept a determination that the reemployment of a person in a position in an agency referred to in section 4325(a) of this title is not feasible or practicable from the officer of such agency designated to make such determination under section 4325(c) of this title.

"(c) Subsection (a) does not apply to a person whose reemployment in a legislative or judicial branch position or in a position as a National Guard technician is not feasible if such person is not eligible to acquire a civil service status necessary for transfer to a position—

"(1) in the case of a person whose position of employment would be in the legislative or judicial branch, in the competitive service in accordance with section 3304(c) of title 5; or

"(2) in the case of a person whose position of employment would be as a National Guard technician, in the competitive service in accordance with section 3304(d) of such title.

"(d) A person's entitlement to reemployment under this section does not entitle such person to retention, preference, or displacement rights over any person who, without regard to the provisions of this chapter, has superior retention, preference, or displacement rights under the provisions of title 5 that relate to veterans and other preference eligibles (as defined in section 2108 of such title).

"§ 4325. Reemployment by certain Federal agencies

"(a) The head of each agency referred to in section 2302(a)(2)(C)(ii) of title 5 shall prescribe—

"(1) the conditions under which persons who are absent from positions of employment with such agency by reason of service in the uniformed services shall be reemployed by such agency; and

"(2) procedures for ensuring that the persons who satisfy such conditions are reemployed by such agency.

"(b) In prescribing conditions and procedures under subsection (a), the head of the agency shall ensure, to the maximum extent practicable, that—

"(1) the conditions under which persons shall be reemployed by the agency are similar to the conditions for the entitlement of a person to reemployment rights under section 4322 of this title; and

"(2) the procedures for the reemployment of such persons provide for the reemployment of such persons by the agency in a manner that is similar to the manner described in section 4323 of this title.

"(c)(1) In prescribing conditions and procedures under subsection (a), the head of the agency shall designate an officer of the agency who shall determine if the reemployment of a person by the agency under this section is not feasible or practicable.

"(2)(A) Upon making a determination that the reemployment of a person is not feasible or practicable, such officer shall notify such person and the Director of the Office of Personnel Management of such determination.

"(B) The head of each agency shall, on an annual basis, submit to the Senate Select Committee on Intelligence and the Permanent Select Committee on Intelligence of the House of Representatives a report of the number of persons whose reemployment with the agency was determined to be not feasible or practicable during the year preceding the report and the reason for each such determination.

"(3) A determination under paragraph (2)(A) shall not be subject to judicial review.

"§4326. Seniority, insurance, and other employment rights and benefits

"(a) A person who is reemployed under section 4323, 4324, or 4325 of this title shall be entitled to the same seniority such person would have had if the person's employment had not been interrupted by service in the uniformed services.

"(b) A person who is serving in the uniformed services shall be considered to be on a leave of absence while performing service in the uniformed services and shall be entitled to such rights and benefits as are provided to other employees of the employer who are on furlough or leave of absence under a plan, contract, or policy or practice in force at the beginning of the period of such service or which becomes effective during such period. Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to such plan, contract, or policy or practice.

"(c)(1) A person whose civilian employment with an employer is interrupted by a period of service in the uniformed services shall retain, if such person requests with respect to the period of retention, existing coverage under any insurance policy or program or health plan provided by the employer for its employees in accordance with conditions generally applicable to employee participation during a furlough or leave of absence and the provisions of this subsection.

"(2) If a person's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment for purposes of performing service in the uniformed services, the person shall have the right to elect to continue health-plan coverage acquired through civilian employment in accordance with this paragraph so that such coverage continues for a maximum of 18 months after such absence begins. Such continuation of employer-sponsored health-plan coverage shall be in lieu of, to the extent it would duplicate, any health-plan coverage the person is entitled to elect pursuant to section 4980B the Internal Revenue Code of 1986 (26 U.S.C. 4980B), sections 601 through 608 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1161-1168), title XXII of the Public Health Service Act (42 U.S.C. 300bb-1 et seq.), section 8905a of title 5, or other similar law of the United States or any State. A person who elects to continue health-plan coverage under this paragraph may be required to pay not more than 102 percent of the full premium associated with such coverage for the employer's other employees, except that in the case of a person who performs a period of service in the uniformed services for less than 31 days, such person may not be required to pay more than the employee share, if any, for such coverage.

"(3)(A) Except as provided in subparagraph (B), in the case of a person whose coverage by an employer-sponsored health plan as an employee is terminated by reason of the service of such person in the uniformed services, an exclusion or waiting period may not be imposed in connection with coverage of such person upon reemployment by the employer under this chapter, or in connection with any other individual who is covered by the health plan by reason of the reinstatement of the coverage of such person upon reemployment, if an exclusion or waiting period would not have been imposed under such health plan had coverage of such person by such health plan not been terminated as a result of such service.

"(B) Subparagraph (A) shall not apply to a condition of a servicemember that the Secretary of Veterans Affairs has determined was incurred or aggravated in the line of duty in the military, naval, or air service.

"(d) A person who is reemployed in a position of employment by an employer under section 4323 or 4324 of this title may not be involuntarily removed from such position, except for cause—

"(A) within one year after the date of reemployment, if the person's period of service before the reemployment of the person in the position was more than 180 days; or

"(B) within 180 days after the date of reemployment, if the person's period of service before the reemployment of the person in the position was more than 30 days but less than 181 days.

"(e)(1) Any person described in paragraph (2) whose employment with an employer referred to in that paragraph is interrupted by a period of service in the uniformed services shall be permitted, upon request of that person, to use during such period of service any vacation or annual leave with pay accrued by the person before the commencement of such service.

"(2) A person entitled to the benefit described in paragraph (1) is a person who—

"(A) has accrued vacation or annual leave with pay under a policy or practice of a State (as an employer) or private employer; or

"(B) has accrued such leave as an employee of the Federal Government pursuant to subchapter I of chapter 63 of title 5.

"§4327. Employee pension benefit plans

"(a)(1) In the case of a right provided pursuant to an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or a right provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this subsection.

"(2)(A) A person reemployed under this chapter shall be treated as not having incurred a break in service with the employer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services.

"(B) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the employer or employers maintaining the plan for purpose of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

"(b)(1) An employer reemploying a person under this chapter shall be liable to an employee benefit pension plan for funding any obligation of the plan to provide the benefits described in subsection (a)(2). For purposes of determining the amount of such liability and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) or any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed under subsection (a) to be service with the employer shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement.

"(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (a) that are contingent on the making of, or derived from, employee contributions only to the extent the person makes payment to the plan with respect to such contributions. No such payment may exceed the amount the person would have been permitted or required to contribute had the person remained continuously employed by the employer throughout the period of service described in subsection (a)(2)(B).

"(c) Any employer who reemploys a person under this chapter and who is an employer contributing to a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of such reemployment, provide notice of such reemployment to the administrator of such plan.

"§4328. Entitlement to rights and benefits not dependent on timing or nature of service

"Except as provided for in this chapter, a person's entitlement to a right or benefit provided under this chapter is not affected by the timing, frequency, or duration of the person's performance of service in the uniformed services or the nature of such service in the uniformed services.

"SUBCHAPTER III—ASSISTANCE IN SECURING EMPLOYMENT AND REEMPLOYMENT RIGHTS; ENFORCEMENT

"§4331. Definitions

"For the purposes of this subchapter, the term 'wrongful personnel action' means the following:

"(1) In the case of a State (as an employer) or a private employer, an action taken by the employer in violation of a provision of this chapter or a failure by the employer to take an action required by the provisions of this chapter.

"(2) In the case of the Federal Government (as an employer)—

"(A) an action taken by an officer or employee of the Federal Government in violation of a provision of this chapter or a failure by such an officer or employee to take an action required by the provisions of this chapter; or

"(B) a failure of the Director of the Office of Personnel Management to take an action required of the Director under section 4324 of this title.

"§4332. Assistance in securing reemployment or other employment rights or benefits

"(a)(1) Any person who claims to have been subject to a wrongful personnel action may submit a complaint regarding such action to the Secretary.

"(2) A complaint submitted under paragraph (1) shall be in a form prescribed by the Secretary and shall include—

"(A) the name and address of the employer or potential employer against whom the complaint is directed; and

"(B) a summary of the allegations upon which the complaint is based.

"(b) The Secretary shall investigate each complaint submitted pursuant to subsection (a). If the Secretary determines as a result of the investigation that the wrongful personnel action alleged in such complaint occurred, the Secretary shall make reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

"(c) If the efforts of the Secretary with respect to a complaint under subsection (b) are unsuccessful, the Secretary shall notify the person who submitted the complaint of—

"(1) the results of the Secretary's investigation; and

"(2) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4333 of this title (in the case of a person submitting a complaint against the Federal Government) or 4335 of this title (in the case of a person submitting a complaint against a State or private employer).

"(d) In carrying out the responsibilities of the Secretary under this section, the Secretary—

"(1) shall use the Assistant Secretary of Labor for Veterans' Employment and Training; and

"(2) may use (A) existing Federal and State agencies engaged in activities similar or related to such responsibilities, and (B) the assistance of volunteers.

"§4333. Enforcement of rights with respect to Federal executive agencies

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4332(c) of this title of an unsuccessful effort to resolve a complaint relating to a wrongful personnel action on the part of a Federal executive agency may request that the Secretary refer the complaint for litigation before the Merit Systems Protection Board. The Secretary shall refer the complaint regarding such wrongful action to the Office of Special Counsel established by section 1211 of title 5.

"(2)(A) If the Special Counsel determines that the wrongful personnel action alleged in such complaint occurred, the Special Counsel (upon the request of the person submitting the complaint) may appear on behalf of, and act as attorney for, the person and initiate an action regarding such complaint before the Merit Systems Protection Board.

"(B) If the Special Counsel decides not to initiate an action and represent a person before the Merit Systems Protection Board as authorized under subparagraph (A), the Special Counsel shall notify such person of that decision.

"(b)(1) A person referred to in paragraph (2) may submit directly to the Merit Systems Protection Board a complaint alleging a wrongful personnel action on the part of a Federal executive agency. A person who seeks a hearing or adjudication under this paragraph may be represented at such hearing or adjudication in accordance with the rules of the Board.

"(2) A person entitled to submit a complaint to the Merit Systems Protection Board under paragraph (1) is a person who—

"(A) has chosen not to apply to the Secretary for assistance regarding a complaint under section 4332(a);

"(B) has received a notification from the Secretary under section 4332(c) of this title;

"(C) has chosen not to be represented before the Board by the Special Counsel pursuant to subsection (a)(2)(A); or

"(D) has received a notification of a decision from the Special Counsel under subsection (a)(2)(B).

"(c)(1) The Merit Systems Protection Board shall adjudicate any complaint brought before the Board pursuant to subsection (a)(2)(A) or (b)(1).

"(2) If the Board determines that a Federal executive agency has not complied with the provisions of this chapter relating to the employment of a person by the agency, the Board shall enter an order requiring the agency to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by such person by reason of such lack of compliance.

"(3) Any compensation received by a person pursuant to an order under paragraph (1) shall be in addition to any other right or benefit provided for by this chapter and shall not be deemed to diminish any such right or benefit.

"(4) If the Board determines as a result of a hearing or adjudication conducted pursuant to a complaint submitted by a person directly to the Board pursuant to subsection (b)(1) that such person is entitled to an order referred to in paragraph (2), the Board may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(d) A person adversely affected or aggrieved by a final order or decision of the Merit Systems Protection Board under subsection (c) may petition the United States Court of Appeals for the Federal Circuit to review the final order or decision. Such petition and review shall be in accordance with the procedures set forth in section 7703 of title 5.

"(e) A person may be represented by the Special Counsel in an action for review of a final order or decision issued by the Merit Systems Protection Board pursuant to subsection (c) that is brought pursuant to section 7703 of title 5 unless the person was not represented by the Special Counsel before the Merit Systems Protection Board regarding such order or decision.

"§ 4334. Enforcement of rights with respect to certain Federal agencies

"(a) This section shall apply to any person who alleges that—

"(1) the reemployment of such person by an agency referred to in section 4325(a) of this title was not in accordance with the procedures for the reemployment of such person prescribed under such section; or

"(2) the failure of such agency to reemploy the person under such section was wrongful.

"(b) Any person referred to in subsection (a) may submit a claim relating to the allegation to the Inspector General of the agency. The Inspector General shall investigate and resolve the claim pursuant to procedures prescribed by the head of the agency.

"(c) The head of each agency referred to in section 4325(a) shall prescribe procedures for the investigation and resolution of allegations submitted under subsection (b). In prescribing procedures under this subsection, the head of the agency shall ensure, to the maximum extent practicable, that the procedures are similar to the provisions relating to the investigation and resolution of a claim by the Secretary under section 4332(b) of this title.

"§4335. Enforcement of rights with respect to a State or private employer

"(a)(1) A person who has submitted a complaint of a wrongful personnel action by a State (as an employer) or a private employer to the Secretary pursuant to section 4332(a) of this title and who has received a notification of the unsuccessful resolution of the complaint under section 4332(c) of this title, may request that the Secretary refer the complaint to the Attorney General. If the Attorney General determines that the wrongful personnel action alleged in the complaint occurred, the Attorney General may appear on behalf of, and act as attorney for, the person submitting the complaint and commence an action for appropriate relief on behalf of such person in an appropriate United States district court.

"(2)(A) A person referred to in subparagraph (B) may commence an action for appropriate relief in an appropriate United States district court.

"(B) A person entitled to commence an action for relief with respect to a complaint under subparagraph (A) is a person who—

"(i) has chosen not to apply to the Secretary for assistance regarding the complaint under section 4332(a);

"(ii) has chosen not to request that the Secretary refer the complaint to the Attorney General under subsection (a)(1); or

"(iii) has been refused representation by the Attorney General with respect to the complaint under such subsection.

"(b) In the case of an action against a State as an employer, the appropriate district court is the court for any district in which the State exercises any authority or carries out any function. In the case of a private employer the appropriate district court is the district court for any district in which the private employer of the person maintains a place of business.

"(c)(1)(A) The district courts of the United States shall have jurisdiction, upon the filing of a complaint, motion, petition, or other appropriate pleading by or on behalf of the person entitled to a right or benefit under this chapter—

"(i) to require the employer to comply with the provisions of this chapter;

"(ii) to require the State or private employer, as the case may be, to compensate the person for any loss of wages or benefits suffered by reason of such employer's wrongful personnel action; and

"(iii) to require the employer to pay the person an amount equal to the amount referred to in clause (ii) as liquidated damages, if the court determines that the employer's wrongful personnel action was willful.

"(B) Any compensation under clauses (ii) and (iii) of subparagraph (A) shall be in addition to, and shall not be deemed to diminish, any of the benefits provided for in the provisions of this chapter.

"(2)(A) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

"(B) In any action or proceeding commenced by a person under subsection (a)(2) and in which such person is the prevailing party, the court may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(3) The court may use its full equity powers, including temporary or permanent injunctions and temporary restraining orders, to vindicate fully the rights of persons under this chapter.

"(4) An action under this chapter may be initiated only by a person claiming rights or benefits under the provisions of subchapter II of this chapter, and not by an employer, prospective employer, or other entity with obligations under this chapter.

"(5) In any such action, only the State, private employer, or potential employer (as the case may be) or, in the case of benefits described in section 4327 of this title, an employee pension benefit plan referred to in that section, shall be considered a necessary party respondent.

"(6) No State statute of limitations shall apply to any proceeding under this section.

"(7) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"SUBCHAPTER IV—INVESTIGATION OF COMPLAINTS

"§4341. Conduct of investigation; subpoenas

"(a) In carrying out any investigation under this chapter, the Secretary shall have reasonable access to documents of the complainant or an employer that the Secretary considers relevant to the investigation. The Secretary may examine and duplicate such documents.

"(b) In carrying out investigations under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and after a request by the Secretary, the Attorney General may apply to the district court of the United States for any district in which such disobedience or contumacy occurs for an order enforcing the subpoena.

"(c) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful inquiry under this chapter. The district courts shall have jurisdiction to punish a failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

"SUBCHAPTER V—MISCELLANEOUS

"§4351. Regulations

"(a) The Secretary, in consultation with the Secretary of Defense, may prescribe regulations relating to the implementation of this chapter

with respect to reemployment and the provision of other employment rights and benefits by States (as employers) and private employers.

"(b) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations relating to the implementation of this chapter by Federal executive agencies (as employers). This subsection does not authorize the Director to prescribe regulations relating to any matter for which regulations may be prescribed under subsection (c).

"(c) The following entities (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations to carry out the activities of such entities under this chapter:

"(1) The Merit Systems Protection Board.

"(2) The Office of Special Counsel referred to in section 4333(a) of this title.

"(3) Agencies referred to in section 2303(a)(2)(C)(ii) of title 5.

"§ 4352. Outreach

"The Secretary and the Secretary of Veterans Affairs shall take such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and such employers under this chapter.".

(b) TABLE OF CHAPTERS.—The tables of chapters at the beginning of title 38, United States Code, and the beginning of part III of such title are each amended by striking out the item relating to chapter 43 and inserting in lieu thereof the following:

"43. Employment and reemployment rights of persons who serve in the uniformed services .... 4301".

(c) OUTREACH PROGRAM.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor, after consultation with the Secretary of Defense, the Secretary of Transportation, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs, shall make available to persons who are eligible for benefits under the provisions of chapter 43 of title 38, United States Code (as added by subsection (a)) and the employers of such persons information relating to the reemployment and employment rights, benefits, and obligations of such persons and employers under the provisions of such chapter.

(d) REPORT RELATING TO IMPLEMENTATION OF REEMPLOYMENT RIGHTS PROVISIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Labor, the Attorney General, and the Special Counsel referred to in section 4333(a)(1) of title 38, United States Code (as added by subsection (a)), shall each submit a report to the Congress relating to the implementation of chapter 43 of such title (as added by such subsection).

SEC. 3. EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of clause (E);

(2) by striking out the period at the end of clause (F) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new clause;

"(G) to benefits under chapter 43 of this title.".

SEC. 4. REPEAL OF TITLE 5 PROVISIONS RELATING TO REEMPLOYMENT RIGHTS OF RESERVISTS.

(a) REPEAL.—Subchapter II of chapter 35, title 5, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the items relating to subchapter II and section 3551.

SEC. 5. CONFORMING AMENDMENTS.

(a) TITLE 5.—Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 2023" and inserting in lieu thereof "chapter 43".

(b) TITLE 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 2021" and inserting in lieu thereof "chapter 43".

SEC. 6. TECHNICAL AMENDMENT.

Section 9(d) of Public Law 102–16 (105 Stat. 55) is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

SEC. 7. TRANSITION RULES AND EFFECTIVE DATES.

(a) APPLICABILITY OF CHAPTER 43 TO PERSONS COMMENCING SERVICE AFTER DATE OF ENACTMENT.—

(1) AFTER 90 DAYS AFTER SUCH DATE.—The provisions of chapter 43 of title 38, United States Code (as amended by section 2(a) of this Act), and section 5303A(b)(3)(G) of such title (as added by section 3(3) of this Act) shall apply to persons who commence periods of service in the uniformed services after the 90-day period beginning on the date of the enactment of this Act.

(2) WITHIN 90 DAYS AFTER SUCH DATE.—(A) Any person who commences the performance of a period of service in the uniformed services during the 90-day period referred to in paragraph (1) shall be covered by the provisions of chapter 43 of title 38, United States Code (as amended by section 2(a) of this Act), and section 5303A(b)(3)(G) of such title (as added by section 3(3) of this Act).

(B) Except as provided in subparagraph (C), for the purposes of section 4322(a)(1) of such title (as added by section 2(a) of this Act), a person referred to in subparagraph (A) shall be deemed to have satisfied the notification requirement referred to in such section.

(C) Any person referred to in subparagraph (A) who, but for the enactment of this Act, would otherwise be subject to the requirement to request a leave of absence referred to in section 2024(d) of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), shall be subject to the notification requirement referred to in section 4322(a)(1) of title 38, United States Code (as added by section 2(a) of this Act).

(b) APPLICABILITY OF CHAPTER 43 TO PERSONS PERFORMING ACTIVE DUTY ON DATE OF ENACTMENT.—

(1) IN GENERAL.—(A) Subject to paragraph (2), any person who is performing service in the uniformed services on the date of the enactment of this Act shall be covered by the provisions of chapter 43 of title 38, United States Code (as amended by section 2(a) of this Act), and section 5303(A)(b)(3)(G) of such title (as added by section 3(3) of this Act).

(B)(i) Except as provided in clause (ii), for the purposes of section 4322(a)(1) of such title (as added by section 2(a) of this Act), a person referred to in subparagraph (A) shall be deemed to have satisfied the notification requirement referred to in such section.

(ii) Any person referred to in subparagraph (A) who, but for the enactment of this Act, would otherwise be subject to the requirement to request a leave of absence referred to in section 2024(d) of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), shall be subject to the notification requirement referred to in section 4322(a)(1) of title 38, United States Code (as added by section 2(a) of this Act).

(C) For the purposes of calculating the cumulative length of service performed by a person referred to in this paragraph under section 4322(a)(2) of such title (as so added), any service in the uniformed services (other than service referred to in section 4322(c) of such title (as so added) shall be included.

(2) ALTERNATIVE REPORTING REQUIREMENT.—Notwithstanding paragraph (1), a person referred to in subparagraph (A) of such paragraph shall report to work in accordance with the provisions of section 2024(d) of title 38, United States Code, in effect on the day before the date of the enactment of this Act.

(c) SPECIAL RULE FOR APPLICABILITY OF INSURANCE PROVISIONS.—Notwithstanding subsections (a)(2)(B) and (b)(1), a person referred to in such subsections shall be covered by the provisions of section 2021(b)(1) of title 38, United States Code (relating to insurance benefits), in effect on the day before the date of the enactment of this Act until the person has received notice of the provisions of section 4326(c) of such title (as added by section 2(a) of this Act) and has had a reasonable opportunity to elect to be covered by the provisions of such section 4326(c) (as so added).

(d) REEMPLOYMENT OF DISABLED PERSONS.—

(1) IN GENERAL.—Section 4323(a)(3) of chapter 43 of title 38, United States Code (as added by section 2(a) of this Act) shall apply to reemployments initiated on or after August 1, 1990.

(2) REPEAL.—(A) Effective as of August 1, 1990, section 2027 of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), is repealed.

(B) Effective as of August 1, 1990, the table of sections at the beginning of chapter 43 of such title (as in effect on the day before the date of the enactment of this Act) is amended by striking out the item relating to section 2027.

(e) DISCRIMINATION.—The provisions of section 4321 of title 38, United States Code (as added by section 2(a) of this Act) and the provisions of subchapters III and IV of such title (as so added), to the extent that the provisions of those subchapters are necessary for the implementation of such section 4321, shall become effective on the date of the enactment of this Act.

(f) SAVINGS PROVISION.—Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act do not effect rights, benefits, and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of the pertinent provision of this Act.

(g) DEFINITION.—For the purposes of this section, the term "service in the uniformed services" shall have the meaning given such term in section 4303(10) of title 38, United States Code (as added by section 2(a) of this Act).

SEC. 8. USE OF EDUCATIONAL ASSISTANCE FOR SOLO FLIGHT TRAINING.

(a) MONTGOMERY G.I. BILL.—

(1) ACTIVE-DUTY PROGRAM.—Section 3032(f)(1) of title 38, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(2) SELECTED RESERVE PROGRAM.—Section 2131(g)(1) of title 10, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(b) POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Section 3231(f)(1) of title 38, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to flight training received under chapters 30 and 32 of title 38, United States Code, and chapter 106 of title 10, United States Code, on or after the first day of the second month following the date of the enactment of this Act.

Amend the title so as to read: "A bill to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.".

AMENDMENT NO. 3362

(Purpose: To clarify and improve certain provisions relating to reemployment and pension benefits, and for other purposes)

Mr. BUMPERS. Mr. President, I send an amendment to the desk on behalf of the Senator from California [Mr. CRANSTON] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. CRANSTON, proposes an amendment numbered 3362.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 13, strike out "1991" and insert in lieu thereof "1992".

On page 58, line 11, strike out "(3) An" and insert in lieu thereof "(3)(A) Except as provided in subparagraph (B), an".

On page 58, below line 23, insert the following:

"(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4327(a)(2)(A) of this title.".

On page 59, beginning on line 7, strike out "In the case of a person who is not disabled and" and insert in lieu thereof "Except as provided in paragraph (3), in the case of a person".

On page 59, beginning on line 22, strike out "In the case of a person who is not disabled and" and insert in lieu thereof "Except as provided in paragraph (3), in the case of a person".

On page 60, line 13, strike out "who is disabled," and insert in lieu thereof "whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position,".

On page 63, line 3, strike out "In the case of a person who is not disabled," and insert in lieu thereof "Except as provided in subparagraph (B),".

On page 63, line 10, strike out "who is disabled," and insert in lieu thereof "whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position,".

On page 65, strike out line 3 and all that follows through page 65, line 15.

On page 65, line 16, strike out "(d)" and insert in lieu thereof "(c)".

On page 67, strike out line 19 and all that follows through page 68, line 4, and insert in lieu thereof the following:

"(b)(1)(A) Subject to paragraphs (2) through (7), a person shall be deemed to be on furlough or leave of absence while serving in the uniformed services and shall be entitled to such rights and benefits (including, upon request of the person, health-plan benefits, life insurance, and accidental death and disability benefits) as are generally provided to employees of the employer who are on furlough or leave of absence under a plan, contract, policy, or practice which is in force at the beginning of the person's period of service in the uniformed services or which becomes effective during such period.

"(B) The seniority rights and benefits of a person deemed to be on furlough or leave of absence under this paragraph shall be determined under subsection (a).

"(C) A person provided with rights or benefits under this paragraph may be required to pay the cost, if any, of any benefit continued pursuant to such plan, contract, policy, or practice.

"(2) A person is entitled under this subsection to any right or benefit that is provided by the employer of the person to employees of the employer who are on furlough or leave of absence (other than the rights or benefits provided to employees on furlough or leave of absence by reason of special circumstances such as maternity or paternity leave (including leave for adoption of a child), disability leave, sick leave, or other leave as a result of the occurrence of an event affecting the employee's health or the health of a family member). A person on leave of absence while serving in the uniformed services shall not be entitled under this section to any benefits to which the person would not otherwise be entitled if the person were not on a leave of absence.

"(3) A person is not entitled under this subsection to coverage under a health plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(4) A person is not entitled under this subsection to coverage, under a life insurance policy, of a death incurred by the person as a result of the person's participation in, or assignment to an area of, armed conflict to the extent that such coverage is excluded or limited by a provision of such policy.

"(5) A person is not entitled under this subsection to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty in excess of 31 days to the extent that such coverage is excluded or limited by a provision of such policy.

"(6) A person is not entitled under this subsection to a right or benefit provided under an employee pension benefit plan.

"(7)(A) Except as provided in subparagraph (B), the requirement that an employer provide rights or benefits under paragraph (1) to a person deemed to be on furlough or leave of absence shall expire on the earlier of—

"(i) the date of the end of the 18-month period that begins on the date on which the person commences the service referred to in paragraph (1); or

"(ii) the date on which the person completes the performance of such service.

"(B) To the extent provided in a plan, contract, policy, or other practice referred to in paragraph (1)(A), the period of coverage described in subparagraph (A) for a person who voluntarily enters into service in the uniformed services (other than a person who voluntarily enters into service in a reserve component) shall be—

"(i) 18 months,

"(ii) the period ending on the date on which the person completes the performance of service in the uniformed services, or

"(iii) the period of the person's employment with the person's employer immediately before the person's entrance into such services,

whichever is shortest, but not less than 31 days.

On page 68, strike out line 5 and all that follows through page 68, line 13.

On page 68, line 14, strike out "(2) If a" and insert in lieu thereof "(c)(1)(A) Subject to subparagraphs (B) through (D), if a".

On page 68, beginning on line 21, strike out "Such continuation" and all that follows through "State." on page 69, line 5.

On page 69, line 7, insert "(determined in the same manner as the applicable premium under section 4980B(f)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)(4))" after "full premium".

On page 69, between line 12 and line 13, insert the following:

"(B) A person who elects to continue health-plan coverage under this paragraph shall not be entitled to coverage under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(C)(i) Except as provided in clause (ii), the period of coverage of a person and the person's dependents under a continuation of health-plan coverage elected by the person under this paragraph shall be the lesser of—

"(I) 18 months; or

"(II) the period of the person's service in the uniformed services.

"(ii) In the case of a person who voluntarily enters into service in the uniformed services (other than a person who voluntarily enters into service in a reserve component) the period of coverage referred to in clause (i) shall be—

"(I) 18 months,

"(II) the period ending on the date on which the person completes the performance of service in the uniformed services, or

"(III) the period of the person's employment with the person's employer immediately prior to the person's entrance into such service,

whichever is shortest, but not less than 31 days.

"(D) A person described in subparagraph (C)(ii) shall not be entitled to elect to continue health-plan coverage under this paragraph if the employer of the person at the time of the person's commencement of service in the uniformed services employs fewer than 20 persons".

On page 69, line 13, strike out "(3)(A)" and insert in lieu thereof "(2)(A)".

On page 69, beginning on line 17, strike out "in connection with coverage of such person upon reemployment" and insert in lieu thereof "by any person in connection with coverage of the person who served in the uniformed services upon reemployment".

On page 71, line 16, strike out "A person" and insert in lieu thereof "Except as provided in section 4322(e)(3)(B) of this title, a person".

On page 72, after the period at the end of line 15, insert the following: "In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period described in subsection (a)(2)(B))."

On page 72, line 19, insert "or elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986)" after "contributions".

On page 72, line 20, insert "or deferrals" after "contributions".

On page 72, line 21, insert "or employer" after "person".

On page 72, after the period at the end of line 24, insert the following: "Any payment to the plan described in this paragraph shall be made during any continuous period (beginning with the date of reemployment) as the employer and the person may agree, except that such period shall not end before the earlier of the date which is—

"(A) 5 years from the date of reemployment; or

"(B) the last day of the first 1-year break in employment beginning after such date.

"(3) For purposes of computing an employer's liability under paragraph (1) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

"(A) shall be computed at the same rate as the employee received from the employer immediately before such period; or

"(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(4) Unless the plan provides otherwise—

"(A) no earnings shall be credited to an employee with respect to any contribution prior to such contribution being made; and

"(B) any elective employer contributions, or any forfeitures, during the period described in subsection (a)(2)(B) shall not be allocated to persons reemployed under this chapter".

On page 73, between lines 9 and 10, insert:

"(d) No provision of this section shall apply to the extent it—

"(1) requires any action to be taken which would cause the plan, participant, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986; or

"(2) requires contributions to be returned, or additional contributions to be made, with respect to employees not reemployed under this chapter".

On page 74, line 9, strike out "or".

On page 74, line 13, strike out "title." and insert in lieu thereof "title; or".

On page 74, between line 13 and line 14, insert the following:

"(C) a failure of the Executive Director of the Federal Retirement Thrift Investment Board to issue regulations in accordance with section 4327 of this title or the failure of an employing agency to take any action required by such regulations.

On page 74, line 17, insert "(other than a wrongful personnel action described in section 4331(2)(C) of this title)" after "action".

On page 75, line 19, insert "(other than a complaint arising out of a wrongful personnel action referred to in section 4331(2)(C) of this title)" after "a complaint".

On page 77, line 7, insert "(other than a wrongful personnel action described in section 4331(2)(C) of this title)" after "action".

On page 79, between line 9 and line 10, insert the following:

"(f) A person who claims to have been subject to a wrongful personnel action referred to in section 4331(2)(C) of this title is entitled to file an action with respect to such claim pursuant to section 8477 of title 5."

On page 83, line 13, insert after the comma at the end of the line the following: "or, in the case of a wrongful personnel action referred to in section 4331(2)(C) of this title, the Executive Director of the Federal Retirement Thrift Investment Board referred to in that section,".

On page 85, between line 18 and line 19, insert the following:

"(d) The Executive Director of the Federal Retirement Thrift Investment Board shall issue regulations applying the provisions of section 4327 of this title to the Thrift Savings Plan (described in subchapters III and VII of chapter 84 of title 5). The regulations shall include provisions for the investigation and resolution of allegations of the occurrence of wrongful personnel actions referred to in section 4331(2)(C) of this title. The regulations may specify the period of time after reemployment within which a person may elect to make payment, the total amount the person may contribute, and the period of time over which the person may make contributions under section 4327 of this title."

On page 88, strike out line 16 and all that follows through page 89, line 12, and insert in lieu thereof the following:

(2) WITHIN 90 DAYS AFTER SUCH DATE.—Any person who commences the performance of a period of service in the uniformed services during the 90-day period referred to in paragraph (1) shall be covered during such 90-day period by the provisions of chapter 43 of title 38, United States Code, in effect on the day before the date of the enactment of this Act.

On page 89, strike out line 13 and all that follows through page 89, line 21, and insert in lieu thereof the following:

(b) APPLICABILITY OF CHAPTER 43 TO PERSONS PERFORMING ACTIVE DUTY ON DATE OF ENACTMENT.—

(1) IN GENERAL.—Any person who is performing service in the uniformed services on the date of the enactment of this Act shall be covered during the 90-day period beginning on such date by the provisions of chapter 43 of title 38, United States Code, in effect on the day before such date.

(2) CONTINUING SERVICE.—(A) Any person whose service in the uniformed services described under paragraph (1) continues after the 90-day period referred to in that paragraph shall be covered during the period of such service after that 90-day period by the provisions of chapter 43 of title 38, United States Code, as amended by section 2(a) of this Act, and section 5303A(b)(3)(G) of such title (as added by section 3(3) of this Act).

On page 90, strike out line 3 and all that follows through page 90, line 11, and insert in lieu thereof the following:

(ii) Any person referred to in subparagraph (A) who was subject to the requirement under section 2024(d) of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), of requesting a leave of absence with respect to the service described in that subparagraph from the person's employer shall be deemed to have met the requirement of notifying the person's employer under such section 4322(a)(1) if the person requested the leave of absence.

On page 90, line 18, strike out "(2)" and insert in lieu thereof "(3)".

On page 90, line 19, strike out "Notwithstanding paragraph (1), a person referred to in subparagraph (A) of such paragraph" and inserting in lieu thereof "A person referred to in paragraph (1)".

On page 90, beginning on line 25, strike out "(a)(2)(B) and (b)(1)," and insert in lieu thereof "(a)(2) and (b)(2),".

On page 92, between line 4 and line 5, insert the following:

(f) EMPLOYEE PENSION BENEFIT PLAN.—Section 4327 of title 38, United States Code (as amended by section 2(a) of this Act), shall apply to reemployment initiated on or after August 1, 1990.

On page 92, line 5, strike out "(f)" and insert in lieu thereof "(g)".

On page 92, line 11, strike out "(g)" and insert in lieu thereof "(h)".

On page 93, below line 11, add the following new sections:

SEC. 9. IMPROVEMENT OF PROGRAM OF FEDERAL EMPLOYMENT OF VIETNAM ERA VETERANS.

Section 4214(b)(2)(A) of title 38, United States Code, is amended—

(1) at the end of clause (i), by striking out "or";

(2) at the end of clause (ii), by striking out "and" and inserting in lieu thereof "or"; and

(3) by adding at the end the following new clause:

"(iii) was discharged or released from active duty after December 31, 1979, under conditions other than dishonorable; and".

SEC. 10. REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS.

(a) REVISION IN CONTRIBUTIONS RELATING TO MILITARY SERVICE.—Subsection (e)(1) of section 8422 of title 5, United States Code, is amended by inserting after the first sentence the following new sentence: "The amount of payment of an employee or Member under this paragraph for a period of military service may not exceed the amount that would have been deducted or withheld for a period of civilian service, if any, under subsection (a)(1) if the employee or Member had not performed the period of military service.".

(b) TECHNICAL AMENDMENT.—Subsection (a)(2)(A)(ii) of such section is amended by striking out "1954" and inserting in lieu thereof "1986".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 1990 and shall apply to periods of military service that begin on or after that date.

SEC. 11. REDUCTION IN PENSION FOR VETERANS AND VETERANS' SURVIVORS WHO ARE RECEIVING MEDICAID-COVERED NURSING HOME CARE.

(a) REDUCTION IN PENSION.—Paragraph (2) of section 5503(f) of title 38, United States Code, is amended to read as follows:

"(2)(A) Not more than $90 per month may be paid under chapter 15 of this title to or for any person described in subparagraph (B) for any period that a nursing facility furnishes such person with services covered by a Medicaid plan. The restriction in the preceding sentence applies to periods after the month of the person's admission to the nursing facility.

"(B) A person referred to in subparagraph (A) is a person—

"(i) who is covered by a Medicaid plan for services furnished such person by a nursing facility; and

"(ii) who is (I) a veteran who has neither spouse nor child, or (II) a surviving spouse who has no child.".

(b) CONFORMING AMENDMENTS.—Section 5503(f) of such title is amended as follows—

(1) In paragraph (3)—

(A) by striking out "a veteran" and inserting in lieu thereof "a person referred to in paragraph (2)(A)"; and

(B) by striking out "such veteran under paragraph (2) of this subsection" and inserting in lieu thereof "such person under such paragraph".

(2) In paragraph (4)—

(A) by striking out "A veteran" and inserting in lieu thereof "A person referred to in paragraph (2)(A)";

(B) by striking out "the veteran" both places it appears and inserting in lieu thereof "the person"; and

(C) by striking out "the veteran's" and inserting in lieu thereof "the person's".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 1992, and apply with respect to months after June 1992.

(d) DELETION OF EXPIRATION DATE.—Section 5503(f) of such title is amended by striking out paragraph (6).

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge my colleagues to give their unanimous approval to S. 1095, the proposed Uniformed Services Employment and Reemployment Rights Act of 1992, as reported by the Veterans' Affairs Committee on November 7, as it will be amended by a committee modification that I am proposing. This measure, which I will refer to as the committee bill, would completely revise chapter 43 of title 38, United States Code, in order to clarify veterans' reemployment rights [VRR] law provisions and to make improvements in various aspects of this law.

Mr. President, for over 3 years, an executive branch task force on VRR law, including representatives of the Departments of Labor, Defense, Justice, and the Office of Personnel Management worked to develop a revision of chapter 43. H.R. 1578, the Uniformed Services Employment and Reemployment Rights Act of 1991, as passed by the House on May 14, 1991, is similar to and largely derived from the administration's March 5, 1991, draft entitled the "Uniformed Services Employment Rights Act of 1991." Our committee was greatly assisted by the efforts of those Departments, OPM, and the House Committee on Veterans' Affairs, and we worked closely with representatives from each of the Federal agencies responsible for administering the VRR law in developing S. 1095.

BACKGROUND

Mr. President, the VRR law, first enacted in 1940 and now codified in chapter 43 of title 38, provides job security to employees who leave their civilian jobs in order to enter military service, voluntarily or involuntarily. Within certain limits, the law generally entitles the individual who serves in the military to return to his or her former civilian job after being discharged or released from active duty under honorable conditions. For purposes of seniority, status, and pay, the employee is entitled to be treated as though he or she had never left. The effect of this law is often characterized—by the courts and others—as enabling the returning veteran to step back on the seniority escalator at the point he or she would have occupied without interruption for military service. The law applies both to active-duty service and to training periods served by reservists and members of the National Guard.

Mr. President, the VRR law is intended to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which occur as a result of such service. The measure that we are considering today would help ensure that the VRR law effectively and fairly serves this purpose.

The committee bill is also aimed at clarifying the law. It is important that both employees and employers be able to understand the VRR law clearly so that active-duty servicemembers and reservists, whether they serve on active duty during an extended conflict or participate in routine training, do not experience unnecessary delays or disputes in returning to their former civilian jobs. Unfortunately, over the last 50 years the VRR law has become a confusing and cumbersome patchwork of statutory amendments and judicial constructions that, at times, hinder the resolution of claims. Thus, the committee bill would amend the VRR law to restate past amendments in a better organized, clearer manner and to incorporate important court decisions interpreting the law. The substantive rights at the heart of the VRR law would remain as valuable protection to those who provide this country with noncareer service in the uniformed services.

Mr. President, Congress has long recognized that the report of civilian employers is necessary if the uniformed services are to be able to recruit and retain noncareer personnel. I sincerely appreciate the very cooperative and patriotic manner in which the vast majority of employers have carried out their responsibilities under the VRR law. This measure is designed to take into account the legitimate interests and needs of employers and to assist by stating their obligations in a clear fashion.

Mr. President, as my colleagues are aware, Operations Desert Shield and Desert Storm and the mobilization of more than 228,000 reservists and National Guard members in connection with the Persian Gulf conflict brought to Congress' attention both the VRR law and another measure, the Soldiers' and Sailors' Civil Relief Act of 1940, enacted near the onset of World War II. As a result, certain amendments to both laws were enacted in the last year in an effort to address the most immediate needs of reservists and active-duty personnel serving in connection with the Persian Gulf conflict. With respect to the VRR, the Soldiers' and Sailors' Civil Relief Act Amendments of 1991 (Public Law 102-12) enacted on March 18, 1991, amended chapter 43 of title 38 to:

First, provide for the reinstatement of health insurance for certain reservists called to active duty and their families; and second, clarify existing reemployment rights for reservists called to active duty for periods of 90 days or longer. The Persian Gulf War Veterans' Benefits Act of 1991 (title III, C of Public Law 102-25), enacted on April 6, 1991, amended chapter 43 to require employers to (a) take affirmative steps to provide necessary retraining for persons seeking reinstatement under the VRR law; and (b) make reasonable accommodations for certain disabled veterans seeking reinstatement. These were important changes, but our work with the VRR law on these occasions made it abundantly clear that the entire law needed to be revised.

Mr. President, because the various provisions in the committee bill are described in detail in the committee's report accompanying this measure, Senate Report No. 102-203, I will at this time just set forth a summary of the provisions and then discuss some selected provisions that I want to highlight. I refer my colleagues and all others with an interest in the committee bill to the committee report for more complete information on it.

SUMMARY OF MAJOR PROVISIONS

Mr. President, the committee bill would restructure, clarify, and improve chapter 43 of title 38, United States Code. As modified by the committee bill, chapter 43 would:

First, provide that the scope of reemployment rights and benefits encompasses individuals who serve voluntarily or involuntarily in the uniformed services, that is, the Army, Navy, Air Force, Marine Corps, and Coast Guard, and the reserve components of those service branches, the Army National Guard, and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, and the commissioned corps of the Public Health Service.

Second: (a) provide that an individual who serves in the uniformed services, or who has past service or an obligation or plan for future service, may not be denied employment, reemployment, continuation of employment, promotion, or any other benefits of employment on the basis of service or the obligation or plan to serve; and (b) prohibit employer reprisals against employees who have taken an action to enforce their employment or reemployment rights or against witnesses in such cases.

Third, place a 5-year limit, with certain exceptions, on the cumulative length of time that an individual may be absent from a position of employment and still be eligible for reemployment rights with respect to that position.

Fourth, repeal the exclusion of individuals who held temporary positions from reemployment protection.

Fifth, generally base requirements as to the time within which the individual must return to work or apply for reemployment on the length of the individual's absence for service. For an absence of less than 31 days, an individual would be required to return to work at the beginning of the first regularly scheduled work period following the expiration of 8 hours after a period for safe transportation from the place of service to the employer's workplace. For an absence of more than 30 days but less than 181 days, an individual would be required to submit an application for reemployment no later than 31 days after the completion of service. For an absence of more than 180 days, an individual would be required to submit an application for reemployment no later than 90 days after the completion of service. Individuals who are hospitalized for or convalescing from a service-connected injury or illness would be required to apply for reemployment before the end of the period, not to exceed 2 years, necessary for recovery.

Sixth, require employers to provide training necessary to refresh or update the skills of an individual who needs training in order to qualify for reemployment.

Seventh, require employers to make reasonable accommodation to the needs of disabled veterans seeking reemployment.

Eighth, maintain the so-called escalator principle under which an individual who has been absent from employment by reason of service in the uniformed services is entitled, upon being reemployed, to the seniority and all perquisites of seniority the individual would have had if his or her employment had not been interrupted by service.

Ninth, provide for, at the individual's request, a continuation of employer-sponsored health plans for up to 18 months after an individual enters on duty in a uniformed service. The individual generally could be required to pay no more than 102 percent of the full premium for such coverage, and an individual serving for less than 31 days could not be required to pay more than the normal employee share of any premium.

Tenth, provide that: First, a reemployed individual whose period of service was more than 30 days but less than 181 days could not be removed without cause for 6 months; and second, an individual whose period of service was more than 180 days could not be removed without cause for 1 year.

Eleventh, provide that an individual, upon submitting a written request to his or her employer, would be able to use accrued vacation or annual leave while serving in the uniformed services.

Twelfth, provide that, for pension purposes, an individual must be treated as not having incurred a break in service with the employer; service in the uniformed services would be considered service with the employer for vesting and benefit accrual purposes; the employer who reemploys the individual is liable for funding any resulting obligation; and the reemployed individual would be entitled to any accrued benefits from employee contributions only to the extent that the individual makes payments with respect to the contributions.

Thirteenth, provide that entitlement to reemployment protection does not depend upon the timing, frequency, duration, or nature of an individual's service.

Fourteenth, provide that, following an individual's submission of a complaint of a wrongful personnel action, the Secretary of Labor must investigate the complaint and make reasonable efforts to ensure compliance with the reemployment law and, if the efforts of the Secretary are unsuccessful, notify the individual who submitted the complaint of the results of the investigation and the individual's right to pursue the complaint further—generally in Federal district court or, in the case of a Federal executive agency employee, before the Merit Systems Protection Board [MSPB].

Fifteenth, authorize the Secretary of Labor to require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation.

Sixteenth, enable Federal executive agency employees whose cases are not resolved successfully by the Department of Labor to receive representation by the Office of Special Counsel before the MSPB and the U.S. Court of Appeals.

Seventeenth, provide that a Federal executive agency employee who claims to have been subject to a wrongful personnel action may submit a claim to the MSPB if; first, the individual chose not to apply to the Secretary of Labor for assistance; second, the Secretary was unable to resolve the complaint; third, the individual chose not to be represented before the Board by the Special Counsel; or fourth, the Special Counsel decided not to represent the individual before the Board.

Eighteenth, provide that an individual would be able to petition a U.S. Court of Appeals to review a decision of the MSPB and that both the MSPB and Courts of Appeals would have the authority to award reasonable attorneys' fees, expert witness fees, and other litigation expenses to individuals who prevail.

Ninetheenth, require the heads of intelligence agencies, which are otherwise exempt from enforcement procedures of the reemployment laws applicable to Federal agencies, to prescribe the conditions under which individuals who are absent from employment by reason of service in the uniformed services will be reemployed and the procedures for ensuring that those who satisfy the conditions are reemployed. In cases where it is not feasible or practicable to reemploy an individual, the agency head would be required to notify the individual and the Director of OPM. The Director of OPM would be required to place the individual in a comparable position elsewhere in a Federal executive agency. The head of each intelligence agency would also be required annually to report to the Senate Select Committee on Intelligence and the Permanent Select Committee on Intelligence of the House of Representatives the number of individuals whose reemployment with the agency was determined to be infeasible or impracticable and the reasons for each determination. Employees of intelligence agencies could submit reemployment claims to the inspector general of the agency, who would be required to investigate and resolve the claim in accordance with procedures prescribed by the head of the agency. The head of each intelligence agency would be required, to the maximum extent possible, to make the agency's conditions and procedures for reemployment, investigation, and resolution of claims similar to those applicable to employees of other Federal agencies.

Twentieth, authorize the Attorney General to decide whether an individual who has been denied reemployment with a State or private employer will receive representation by a U.S. attorney in Federal court.

Twenty-first, authorize the award of attorney's fees and expenses to employees who choose to be represented by private counsel and who prevail in court.

Twenty-second, in a case in which an employee prevails in court and the court determines that the employer's wrongful action was willful, provide for liquidated damages in an amount equal to the compensatory damages awarded.

Twenty-third, require the Secretaries of Labor and Defense to conduct an ongoing outreach and public information program with respect to reemployment and related rights and require the Secretary of Labor, after consultation with the Secretaries of Defense, Transportation, Health and Human Services, and Veterans Affairs, to make a special effort to inform individuals covered by this measure and employers in general about the provisions of the new law.

Twenty-fourth, require the Secretary of Labor, the Attorney General, and the Special Counsel to each submit to Congress not later than 1 year after the date of enactment a report on the implementation of the new law.

Twenty-fifth, for the remainder of the current temporary program under which veterans may use VA educational benefits for flight training, that is, through fiscal year 1994, authorize the use of benefits for solo flying hours up to the minimum required by the Federal Aviation Administration for the rating or certification based on such hours.

PROHIBITION AGAINST DISCRIMINATION AND ACTS OF REPRISAL

Mr. President, the proposed new section 4321 of title 38 would provide that individuals who have performed, apply to perform, or have an obligation to perform service in the uniformed services may not be denied initial employment, retention, promotion, or any benefit of employment by an employer on the basis of that service or obligation. This would recodify and expand the current prohibition against discrimination, which provides that a person may not be denied hiring, retention in employment, or any promotion or other incident or advantage of employment because of any obligation as a member of a Reserve component of the Armed Forces. This measure would also prohibit employer reprisals against employees who have taken an action to enforce their employment or reemployment rights or against witnesses in such cases, whether or not the witnesses had performed service in the uniformed service.

Mr. President, to maintain a strong and effective reserve force, it is necessary to ensure reservists that they will not have to sacrifice their civilian job security and advancement because of an obligation for service in the uniformed services. This provision would strengthen considerably the current-law proscription of discrimination against members of the Reserve and National Guard.

SCOPE OF COVERAGE

Mr. President, under current law, an individual is eligible for reemployment rights only if the position held prior to absence for service in the uniformed services was other than temporary. As first proposed by the distinguished chairman of the Committee on Labor and Human Resources, Mr. KENNEDY, in S. 336, the committee bill would repeal the exclusion of temporary positions from the scope of reemployment rights.

There is no definition of temporary for reemployment purposes in current law, and the scope of the exclusion is unclear. Over the past 50 years, the courts have determined that many positions that employers would describe as temporary are covered by current law. As a general rule, the courts have held that a position will not be considered temporary and thus excluded from reemployment rights protection if the employee had a reasonable expectation that the employment would continue for a significant or indefinite period. Thus, I believe that, although deletion of the exception for temporary positions will simplify the administration of reemployment rights, it will not constitute a major expansion of the scope of chapter 43.

In proposing the application of the reemployment rights law to temporary positions, the committee intends to remove one potentially contentious issue—whether a particular job was temporary or not—that could create an unnecessary obstacle to prompt reemployment. The inclusion of temporary positions would not alter for employers the fundamental protection in current law—and incorporated in our bill—against having to reemploy an individual when the employer's circumstances have changed so as to make it impossible or unreasonable to do so. I also note that the employer is only obligated to restore the individual to a position that he or she would have attained by continuous employment without interruption for service in the uniformed services. If the position would have terminated during the period of service and would not have recurred, as a seasonal job would, the employer would have no reemployment obligation.

APPLICATIONS FOR REEMPLOYMENT

Mr. President, under current law, distinctions are made among types or categories of military training or service for the purposes of reemployment rights. For example, the time periods during which a person must report back to work vary depending on the type of service, and an employee who is ordered to active duty as a reservist is treated differently than an employee who is inducted into the Armed Forces.

Under proposed new section 4322 all types of service would be treated as service in the uniformed services and the time periods within which an individual must return to work or make an application for reemployment would be based on the length of his or her period of service. Different lengths of service would invoke different requirements.

In addition, the proposed new section 4322 would provide for extending reemployment reporting or application dates for up to 2 years for individuals who are hospitalized for or convalescing from a service-connected injury or illness. In my view, the current extension of up to 7 years during hospitalization does not allow sufficient time for recovery or rehabilitation in some cases. Appropriate physical and vocational rehabilitation can take a considerable amount of time during and beyond hospitalization. The committee bill would afford individuals with service-connected disabilities a more reasonable amount of time for recovery and rehabilitation.

REASONABLE ACCOMMODATION OF DISABLED PERSONS

Mr. President, as I noted earlier, the Persian Gulf War Veterans' Benefits Act of 1991, title III,C of Public Law 102–25, amended the VRR law to require employers to make reasonable accommodation—as that term is defined in the Americans With Disabilities Act of 1990 [ADA] (42 U.S.C. 12111(9))—for disabled individuals seeking reemployment. That provision was derived from a provision of S. 336 as introduced by Senator KENNEDY. However, in conference with the House, exemptions from this requirement were added for certain employers, primarily certain small businesses that are exempt from the reasonable accommodation requirements under the ADA. The committee bill would eliminate these exemptions. However, I note that the committee bill would not require, as the ADA does not require, the employer to make accommodations when doing so that would create an undue hardship for the employer's operation.

RETRAINING

Mr. President, the committee bill would provide that an individual seeking reemployment is considered qualified to perform the duties of a position if he or she either; first, can perform the essential functions of that position; or second, would be able to perform those functions either after receiving a reasonable amount of training provided by the employer to refresh or update necessary skills or through other reasonable efforts by the employer.

Under current law, the concept of retraining is reflected only in the establishment of periods of time after reinstatement—1 year in the case of an individual who has been inducted and 6 months for certain members of a Reserve component—during which an employee may not be discharged without cause. These periods of protection apparently were initially intended to allow a returning servicemember to become reacclimated to his or her former position and to prevent a mere perfunctory and meaningless reinstatement for a brief period.

Mr. President, I understand that at times being away from a job may cause an employee's skills to become rusty. Also, rapidly changing technology in the workplace may require that employees be given a significant period of time to learn how the job has changed. For example, we intend that, under this training requirement, returning employees be provided with the opportunity to refresh their skills and with training on new equipment installed in their absence. Thus, before an employer could make a good faith determination that a returning employee is not qualified, the committee believes that the employer generally first would have to provide refresher training or make other reasonable efforts to update the employee's skills.

EMPLOYMENT RIGHTS AND BENEFITS

Seniority and other rights and benefits: Mr. President, current law provides that an individual reemployed under the VRR law is to be considered as having been on furlough or leave of absence during the period of training and service. Thus, the reemployed individual is entitled to participate in benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time the individual enters active duty.

Proposed new section 426 would expand upon the current protection by clarifying that the individual in the uniformed services would be considered to be on a leave of absence while serving and would be entitled to rights and benefits under agreements and practices in force at the time he or she left the employment and to those that become effective during the period of service.

Individuals could be required to pay the employee share, if any, of the cost of any benefit that would be continued during service under section 4326.

The committee does not intend in this legislation to change current law regarding vacation, sick pay, bonus payments, and other benefits accorded as compensation for services currently rendered. Thus, for example, the pending legislation would not provide for an employee to accrue vacation leave at his or her civilian job while serving on active duty.

Continuation of insurance coverage: Proposed new section 4326 would provide that, if an individual's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment to perform uniformed service, the servicemember could elect to continue temporarily coverage for a maximum of 18 months after the absence begins. The employee generally could be required to pay no more than 102 percent of the full premium associated with such coverage for the employer's other employees, except that individuals who perform a period of service for less than 31 days may not be required to pay more than the normal employee share of any premium.

When Congress enacted in the Consolidated Omnibus Budget Reconciliation Act of 1985 a similar health benefit provision for civilian employees in general, it exempted group health plans sponsored by the Federal Government and certain church-related organizations, as well as plans maintained by employers with fewer than 20 employees in the previous year. The proposed new section would eliminate those gaps and provide the health-care option for all employees entering a uniformed service.

In addition, proposed new section 4326 would provide that, if an individual's employer-sponsored health plan is terminated by reason of military service, upon reemployment an exclusion or waiting period may not be imposed in connection with coverage of the servicemember or any other individual covered by the health plan through the servicemember if an exclusion or waiting period would not have been imposed had coverage not been terminated. An exception would apply to disabilities that VA has determined to be service connected.

A similar provision was enacted in section 5 of the Soldiers' and Sailors' Civil Relief Act Amendments of 1991 (Public Law 102-12) in response to concerns relating to gaps in health-plan coverage for reservists who were activated during the Persian Gulf war and their families. Thus, current law was amended to prohibit the imposition of an exclusion from or waiting period for reinstatement of employer-offered health plans for a condition of a servicemember, or of any individual covered by reason of the servicemember's coverage, if the condition arose before or during the period of training or service, an exclusion or waiting period would not otherwise have been imposed, and the condition has not been determined by VA to be service connected.

The new section would close a loophole that arguably might have been created unintentionally by the health-benefit amendment enacted in Public Law 102-12. The prohibition in current law against the imposition of exclusions or waiting periods expressly applies only to cases involving coverage of a condition that preexisted reinstatement. Thus, if the current entitlement to restoration of insurance coverage were interpreted as allowing a waiting period with respect to a servicemember who returned in perfect health, a literal interpretation of the amendment might allow for the imposition of a waiting period and a subsequent exclusion for coverage for conditions that arose during the waiting period. Proposed new section 4326 would clarify that a waiting period or exclusion may not be imposed in any case—by either a health insurer or an employer—in which coverage would have been provided if the servicemember's coverage had not been interrupted as a result of service in the uniformed services.

Employee pension benefit plans: Proposed new section 4327 would clarify conflicting Federal case law regarding employee rights to various pension benefits plans while on active duty with the uniformed services. All pension benefit plans described in the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or under Federal or State laws governing pension benefits for governmental employees—whether a defined-benefit (DB) plan, which is funded on a group basis and promises a specific benefit at retirement age, or a defined—contribution (DC) plan, the funds for which are accumulated in individual accounts for each employee and the benefits of which depend on investment performance—would be covered by the new law.

Under this new section, for pension purposes, an individual would be treated as not having incurred a break in service with the employer; service in the uniformed services would be considered service with the employer for the purpose of determining the nonforfeitability of the individual's accrued benefits and for the purpose of determining the vesting and accrual of benefits under the plan; the employer who reemploys the individual would be liable for funding any resulting obligation; and the reemployed individual would be entitled to any accrued benefits based on employee contributions to the extent that the individual makes the requisite payments.

This is consistent with the proposal made by the distinguished Senator from Michigan [Mr. LEVIN] in his measure, S. 1255, and my colloquy with him on March 14, 1991, during the debate on the Department of Defense Desert Storm Supplemental Authorization and Military Personnel Benefits Act (page S 3340 of the RECORD for that date).

OUTREACH

Mr. President, the best way to ensure timely reemployment is to provide employers and employees with accurate information regarding their rights, benefits, and obligations under the law. Thus, the committee bill would require the Secretary of Labor, as soon as practicable after the date of enactment, after consultation with the Secretaries of Defense, Transportation, Health and Human Services, and Veterans Affairs, to make available to individuals eligible for benefits under chapter 43 and their employers, information relating to the reemployment and employment rights, benefits, and obligations of chapter 43 as revised by the committee bill. After an initial outreach to individuals and entities under this subsection, a permanent program of information dissemination would be continued under new section 4352.

COMMITTEE MODIFICATION OF THE BILL AS REPORTED

Mr. President, at this point I will discuss provisions that I am offering on behalf of the committee as a modification of S. 1095 as reported. The modification deals with the insurance, pension, and other employment rights and benefits of individuals who are reemployed after service in the uniformed services; clarifies the level of disability that makes applicable a special order of priority of the types of positions to which the returning individual is entitled to be restored; expands the rights of individuals whose reemployment in a Federal legislative or judicial branch position, or in a position as a National Guard technician, is not feasible; establishes certain VRR responsibilities for the Federal Retirement Thrift Investment Board; adjusts the effective dates of the act; reinstates the veterans' readjustment appointment [VRA] authority for certain Vietnam-era veterans; conforms the requirements of Federal civil service retirement payments to VRR provisions; and provides for the cost savings to offset the direct-spending costs in this measure and other legislation that our committee will be proposing this year.

In summary, the provisions of the committee modification would:

First, amend proposed new section 4322(e)(3) to add a new subparagraph (B) that would allow an employer who reemploys a person who was absent for more than 90 days for active-duty service to require that person to provide documentation regarding his or her service before he or she would become entitled to pension benefits with respect to the period of service.

Second, amend proposed new sections 4323(a)(3)(A) and 4323(d)(2)(B) so as to clarify that the level of disability at which an individual is entitled to certain special protection is where the disability requires an accommodation by the employer for the person to be able to perform the duties of the position.

Third, amend proposed new section 4324 so as to provide an individual whose reemployment in a legislative or judicial branch position, or as a National Guard technician, is not feasible with rights to alternative Federal employment comparable to the rights of an executive branch employee.

Fourth, amend proposed new section 4326(b) to reorganize that subsection and to add to paragraph (1) thereof a new subparagraph (B) that would distinguish proposed subsection (b) of new section 4326 from subsection (a) by expressly clarifying that the employment rights and benefits derived from being deemed to be on furlough or leave under subsection (b) do not include employment seniority rights and benefits, which are covered by subsection (a).

Fifth, amend proposed new section 4326(b) to add a new paragraph (2) that would provide that the rights and benefits to which a person who is considered to be on furlough or leave of absence from employment, by reason of service in the uniformed services, is entitled do not include the rights or benefits provided only to employees on furlough or leave of absence by reason of special circumstances, such as maternity or paternity leave, disability leave, sick leave, or other leave related to the health or the employee or a family member. New paragraph (2) would also clarify that a person on leave of absence while serving in the uniformed services would not be entitled under proposed new section 4326(b) to any benefits to which the person would not otherwise be entitled if the person were not on a leave of absence.

Sixth, amend proposed new section 4326(b) to add a new paragraph (3) that would provide that a person in the uniformed services who is entitled under the VRR law to an extension of his or her civilian employer's health-plan coverage is entitled to such coverage to the extent that he or she is not entitled to care and treatment from the Federal Government as a result of his or her service in the uniformed services.

Seventh, amend proposed new section 4326(b) to add a new paragraph (4) that would provide that a person in the uniformed services who is entitled under the VRR law to an extension of his or her civilian employer's life insurance policy is entitled to the coverage of a death incurred as a result of participation in, or assignment to an area of, armed conflict to the extent that that coverage is not excluded or limited by any provision of the plan or policy.

Eighth, amend proposed new section 4326(b) to add a new paragraph (5) that would provide that a person in the uniformed services who is entitled under the VRR law to an extension of his or her civilian employer's disability insurance policy is not entitled to the coverage of an injury or disease incurred or aggravated during a period of active duty in excess of 31 days to the extent that that coverage is excluded or limited by any provision of the plan or policy.

Ninth, amend proposed new section 4326(b) to add a new paragraph (6) that would clarify that section 4326(b) does not deal with or detract from any rights or benefits under an employment pension benefit plan—since pension rights and benefits are provided for by proposed new section 4327.

Tenth, amend proposed new section 4326(b) to add a new paragraph (7)(A) that would limit to 18 months the period during which an employer is required to provide rights or benefits to a person deemed to be on a furlough or leave of absence while he or she is in the uniformed services.

Eleventh, amend proposed new section 4326(c) to strike a reference to the Consolidated Omnibus Budget Reconciliation Act [COBRA] which was initially included for clarification but is now being deleted because of Finance Committee concerns regarding a jurisdictional conflict.

Twelfth, amend proposed new section 4326(c) to clarify that the premium that may be required of a person who continues his or her employees' health-plan coverage for up to 18 months after entering the uniformed services will be determined in the same manner as the applicable premium under COBRA associated with that coverage for the employer's other employees.

Thirteenth, amend proposed new section 4326(c)(1) to add a new subparagraph (B) that would provide that a person who elects to acquire extended employee-health-plan coverage for 18 months while he or she is in the service will not be entitled to coverage under that plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of the person's service in the uniformed services.

Fourteenth, amend proposed new section 4326(b)(7) to add a new subparagraph (B), and amend proposed new section 4326(c)(1) to add a new subparagraph (C), that would provide that in the case of a person, not in the reserves or National Guard, who voluntarily enters active duty, the period of health-plan coverage during active-duty service will be the lesser of 18 months or the period of the person's employment immediately prior to entry on active duty—but in no event less than 31 days.

Fifteenth, amend proposed new section 4326(c)(1) to add a new subparagraph (D) that would provide that a person, not in the Reserves or National Guard, who voluntarily enters active duty would not be entitled to elect to continue health-plan coverage under the VRR law if his or her employer at the time the servicemember begins service employs fewer than 20 persons.

Sixteenth, amend proposed new section 4327(b)(1) so as to provide that, in a multiemployer defined contribution pension plan, the sponsor maintaining the plan may allocate among the participating employers the liability of the plan for pension benefits accrued by individuals who are absent for service in the uniformed services. If no cost-sharing arrangement is provided, the full liability to make the retroactive contributions to the plan would be allocated to the last employer employing the person before the period of uniformed service.

Seventeenth, amend proposed new section 4327(b)(2) so as to provide that a returning employee's payments into the pension plan may be made, as the employer and employee may agree, during a period of up to 5 years from the date of reemployment or the last day of the first 1-year break in service beginning after that date.

Eighteenth, amend proposed new section 4327(b) to add a new paragraph (3) that would provide, for the purposes of determining an employer's liability or an employee's contributions under a pension benefit plan, that the employee's reconstructed compensation during the period of his or her service in the uniformed services would be based on first, the rate of pay the employee received from the employer immediately before the period of service; or second, if the employee's compensation was not based on a fixed rate, on the basis of the employee's average rate of pay during the 12-month period immediately preceding his or her entry into service—or, if shorter than 12 months, the period of employment immediately preceding entry into service.

Nineteenth, amend proposed new section 4327(b) to add a new paragraph (4) that would provide that unless a pension plan provides otherwise: First, no earnings would be credited to an employee with respect to any contribution prior to the contribution actually being made to the plan, and second, any elective employer contributions, or any forfeiture of contributions made by other participants, for any year during the period of service would not be allocated to the returning servicemember.

Twentieth, amend proposed new section 4327 to add a new subsection (d) that would provide that no provision of new section 4327 regarding employee pension benefit plans would apply to the extent it requires any action to be taken which would cause the plan, participant, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986 or would require contributions to be made with respect to employees not reemployed under the VRR law.

Twenty-first, with respect to Federal employees—

(a) Require the Executive Director of the Federal Retirement Thrift investment Board [FRTIB] to issue regulations applying the provisions of new section 4327 to the thrift savings plan;

(b) Expand the term "wrongful personnel action" to include: First, a failure of the Executive Director of the FRTIB to issue regulations covering employee pension benefit plans in accordance with the new VRR provisions, or second, a failure of an employing agency to take any action required by those regulations;

(c) Exclude from the causes for which a person could submit a complaint to the Secretary of Labor or to the MSPB a wrongful personnel action consisting of a failure of the Executive Director is issue those regulations or the failure of an employing agency to take any action required by those regulations and, instead, authorize a person complaining of either kind of failure to bring a civil action in Federal district court; and

(d) Include the Executive Director among those who would be considered a necessary party respondent in a chapter 43 action in a Federal district court in the case of a wrongful personnel action involving the failure of the Executive Director to issue the regulations.

Twenty-second, amend section 7(a)(2) of the bill so as to provide that any person who begins uniformed service within 90 days after the date of enactment would be covered during that 90-day period by the VRR law in effect on the day before the date of enactment.

Twenty-third, amend section 7(b) so as to provide that any person who is in the uniformed services on the date of enactment would be covered by the VRR law in effect on the day before the date of enactment for a period of 90 days beginning on the date of enactment. Thereafter, coverage would be by the new provisions.

Twenty-fourth, amend section 7 to add a new subsection (f) that would provide that the VRR pension-benefit-plan provisions, contained in the proposed new section 4327 of title 38, would apply to reemployment initiated on or after August 1, 1990.

Twenty-fifth, add a new section 9 that would ensure that all Vietnam-era veterans are afforded a minimum of 10 years of eligibility for veterans readjustment appointments [VRA's] by providing that the VRA authority under section 4214 of title 38 would be restored to Vietnam-era veterans who are discharged or released from active duty after December 31, 1979.

Twenty-sixth, add new section 10 that would provide that, effective August 1, 1990, the amount of Federal civil service retirement payments for a period of military service may not exceed the amount that would have been deducted or withheld for a period of civilian service if the employee had not performed the period of military service.

Twenty-seventh, add a new section 11 that would—

First, repeal the September 30, 1992, expiration date of section 8003 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), which limits pension payments to $90 a month for Medicaid-eligible veterans receiving VA needs-based pension who have no dependents and who are in nursing homes participating in Medicaid; and

Second, expand section 8003 of OBRA, effective July 1, 1992, to cover similarly situated veterans' survivors who are receiving VA pension. This position is substantively identical to section 4 of S. 775, which the Senate passed on November 20, 1991.

DOCUMENTATION

Mr. President, proposed section 4322(e)(3) would provide that an employer must reemploy a person notwithstanding the person's failure to provide documentation that the application is timely, the person is within the service limitations of the VRR law, and the person's entitlement to VRR benefits has not terminated, if the failure to provide the documentation occurs because the documentation does not exist or is not readily available at the time of the employer's request.

It was brought to our attention that an unforeseen consequence of the committee's policy to have servicemembers promptly reemployed even though proper documentation was not immediately available was that employer pension contributions to a defined contribution plan could possibly be withdrawn prior to an employer's discovery that the person did not have VRR eligibility.

Although the Department of Defense is not required to provide discharge documentation for active-duty service of less than 31 days—2 week annual training exercises being the most common example of when documentation would not be available upon the servicemember's return to work—documentation should generally be available for longer periods of uniformed service. From an employer's perspective, retroactive pension payments would be fairly small when an employee has been absent for a short period of uniformed service. In striking a balance between interests of employees and employers, the committee modification would allow the employer to insist on documentation before providing pension benefits to those who were absent for more than 90 days.

POSITIONS FOR DISABLED PERSONS

Mr. President, the committee modification would amend new sections 4323(a)(3)(A) and 4323(d)(2)(B) of title 38, as proposed in the bill as reported, to provide that the special order of priority of positions for disabled individuals applies only to those whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position. In the bill as reported, a determination as to whether the returning servicemember is disabled would have had to be made in each case in order to decide which position-priority listing applies. The committee realizes that not all disabilities have a bearing on the type of position that should be offered to a returning servicemember. Moreover, in the cases of most minor disabilities and others that have very little or no bearing on job performance, that determination would be wasteful and cause an undue invasion of the individual's privacy. The modification, therefore, is intended to clarify the committee's intent and make the special priority listing applicable in only appropriate cases.

REEMPLOYMENT BY THE FEDERAL GOVERNMENT

Mr. President, the committee modification would delete subsection (c) of the proposed new section 4324 in order to expand the rights of an individual whose reemployment in a Federal legislative or judicial branch position, or in a position as a National Guard technician, is not feasible. As reported by the committee, proposed new section 4324(c) would require such an individual to be eligible for civil service status under title 5 of the United States Code before OPM would be required to find alternative employment in a Federal executive agency for the individual. That requirement limits the rights of these persons very substantially.

Section 3304(c) of title 5 provides that a returning servicemember whose previous position of employment had been in the legislative branch is eligible for competitive civil service status only if he or she served for at least 3 years in the legislative branch in a position in which he or she was paid by the Secretary of the Senate or the Clerk of the House of Representatives. Section 3304(c) also provides that one whose position of employment had been in the judicial branch is eligible for competitive civil service status if he or she served for at least 4 years as a secretary or law clerk, or both, to a Justice or judge of the United States. Under section 3304(d), a person whose position of employment had been as a National Guard technician is eligible for competitive civil service status if he or she served for at least 3 years as a technician.

Mr. President, in accordance with the declaration in proposed new section

4301(a)(3) of title 38 that it is the sense of Congress that the Federal Government should be a model employer in carrying out veterans' reemployment practices, I believe that individuals whose previous Federal employment had been in the legislative or judicial branch, or as a National Guard technician, should be provided the same reemployment rights as individuals whose positions were in an executive agency. Executive branch employees are not faced with restrictions relating to length of prior civilian service and categories of position as conditions for obtaining an alternative position in another agency. In the committee's view, OPM should ensure that all individuals who were in a Federal Government position, or were National Guard technicians, and whose reemployment in the entity they left when they went into uniformed service is not feasible should be offered an alternative position of employment that satisfies the requirements of proposed new section 4323(a) of title 38.

Mr. President, some employees of the legislative and judicial branches and some National Guard technicians are currently provided OPM assistance in Federal executive agency placement if reemployment in their original entity is determined to be feasible. The concept of personnel movement between branches of the Federal Government is not new. All that is new is the proposed expansion of that concept.

CLARIFICATIONS REGARDING CATEGORIES OF BENEFITS

Mr. President, the bill as reported by our committee addressed in proposed new section 4326(a) the employee rights and benefits derived from employment seniority, and in proposed new section 4326(b) the nonseniority rights and benefits generally provided to employees on furlough or leave of absence, including health-plan benefits, life insurance, and accidental death and disability benefits. To clarify that subsections (a) and (b) apply to different categories of employment rights and benefits, the committee modification would add to proposed new section 4326(b)(1) a new subparagraph (B) that would clarify that proposed new section 4326(b) is not intended to deal with the employee rights and benefits that would be derived from employment seniority as covered by proposed new section 4326(a).

Mr. President, it was brought to our attention that in the bill as reported proposed new section 4326(b) would provide that a person in the uniformed services would be entitled to the rights and benefits that are provided to employees on a furlough or leave of absence and that employee pension benefits—expressly covered in detail in proposed new section 4327—might be interpreted as also being included under proposed new section 4326(b). That was not our committee's intention. To clarify this matter, the committee modification would add to proposed new section 4326(b) a new paragraph (6) that would clarify that entitlement of a servicemember to a right or benefit under an employment pension benefit plan would be determined under the provisions of proposed new section 4327.

EXCLUSION OF INAPPLICABLE TYPES OF LEAVE

Mr. President, as I have noted, proposed new section 4326(b) provides that an individual leaving civilian employment to enter into the uniformed services is to be deemed to be on furlough or leave of absence and is to be given the same nonseniority rights that are generally extended to other employees during a period of furlough or leave of absence.

The committee modification of proposed section 4326(b) would amend proposed new section 4326(b) to add a new paragraph (2) that would provide that the nonseniority rights and benefits to which a person who is considered to be on furlough or leave of absence from employment, by reason of service in the uniformed services, is entitled do not include the nonseniority rights or benefits provided only to employees on furlough or leave of absence by reason of special circumstances, such as maternity or paternity leave, disability leave, sick leave, or other leave related to the health of the employee or a family member. The committee modification would also clarify that a person on leave of absence while serving in the uniformed services would not be entitled under VRR to any benefits to which he or she would not otherwise be entitled if he or she were not on a leave of absence.

WAR-EXCLUSION CLAUSES

Mr. President, many civilian employer life insurance policies contain war-exclusion clauses that would exclude or limit coverage for deaths that occur in an area of armed conflict.

The bill as reported by our committee could have been interpreted to override war-exclusion clauses for a person in the uniformed services who was entitled under the VRR law to an extension of his or her civilian plan or policy. The committee modification would amend proposed new section 4236(b) to add a new paragraph (4) that would specify that the legislation does not override such clauses.

DISABILITY INSURANCE LIMITATION

Mr. President, I also understand that some civilian employer disability insurance policies contain clauses that would limit coverage for disabilities that occur as a result of an injury or disease incurred or aggravated during a period of active duty.

The bill as reported by our committee also could have been interpreted to override disability insurance policy clauses limiting certain coverage for a person in the uniformed services who would be entitled under the VRR law to an extension of his or her civilian plan or policy.

Since the Federal Government provides compensation for service members who have an injury or disease incurred or aggravated during a period of active duty, and since the period of active duty for most reservists and National Guard members is less than 1 month in length each year, it seems appropriate to give recognition to potentially overlapping coverage for the service member but still provide full protection for reservists who perform short-term training. The committee modification, in amending new section 4326(b)(5), would provide that a person is not entitled under new proposed section 4326(b) to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty in excess of 31 days to the extent that such coverage is excluded or limited by a provision of that policy.

TIME LIMITATION FOR CERTAIN EMPLOYEE BENEFITS

Mr. President, under the VRR law, an individual is deemed to be on furlough or leave of absence while he or she is in the uniformed services and is entitled to the nonseniority rights and benefits generally provided to an individual in that status under his or her employment plan, contract, policy, or practice.

Since VRR entitlement is provided for periods of service of up to 5 years, the bill as reported by our committee could impose a significant burden on employers who are required to provide insurance and other nonseniority rights and benefits for the full term of VRR protection.

The committee modification, in new section 4326(b)(7)(A), would place an 18-month limit on the period during which an employer is required to provide nonseniority rights or benefits to a person who is deemed to be on a furlough or leave of absence by reason of service in the uniformed services. This limitation conforms the coverage for those under an employer plan for leave of absence to the period of extended coverage provided to those whose employer-sponsored health-plan coverage would otherwise terminate and who have the right to elect to continue health-plan coverage. The maximum period of coverage for both would be 18 months.

Mr. President, we have reviewed the concern regarding potential abuse by individuals who would work for a short period of time before voluntarily entering into service, but under the bill as reported, would be able to obtain 18 months of continued coverage. To address this concern, the committee modification would provide in proposed new sections 4326(b)(7)(B)(ii) and 4326(c)(1)(C)(ii) that, in the case of a person who voluntarily enters into the uniformed service, the period of coverage would be the lesser of 18 months or the period of the person's employment with the person's employer immediately prior to the person's entry into the uniformed services, but not less than 31 days.

EXEMPTION FOR SMALL EMPLOYERS

Mr. President, it has been brought to our attention that extending health-plan coverage to employees deemed to be on furlough or leave of absence while in the uniformed services may create a heavy financial burden for very small employers. To address this concern, the committee modification would provide, in proposed new section 4326(c)(1)(D), that employers with less than 20 employees would be exempt from having to provide a person who voluntarily enters into the uniform services with the right to elect continued employer-sponsored health-plan coverage when he or she is not entitled to such coverage under a plan, contract, policy, or practice for persons considered to be on a furlough or leave of absence. This limitation would not apply to National Guard members or reservists who enter active duty.

REFERENCE TO THE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985

Mr. President, the bill as reported by our committee provided in proposed new section 4326(c) that continuation of employer-sponsored health-plan coverage would be in lieu of, to the extent it would duplicate, any health-plan coverage the person is entitled to elect under the Consolidated Omnibus Budget Reconciliation Act of 1985 [COBRA]. This provision had been added as a matter of clarification.

However, in deference to an indication from the Finance Committee that such a reference raises a jurisdictional conflict, our committee proposes to strike the COBRA reference. Because our committee had intended the COBRA provision to be only a clarifying one, we do not believe or intend that its deletion will have a substantive effect.

Mr. President, the committee does not intend for the employer obligations of the VRR law to alter or be at issue with those imposed by COBRA when both apply, nor does the committee intend, except where specifically provided, that the employer obligations of COBRA be incorporated into the VRR law. The committee simply intends to assure all persons entering on active duty the right to elect to continue health-plan coverage acquired through civilian employment for up to 18 months after their absence begins.

Mr. President, it should be noted that the proposed bill provides no specific means by which an employee would be notified of his or her right to elect continued health-plan coverage under the VRR law. If an employer is required by COBRA to provide its employees with a notice of their right to elect continued health-plan coverage, that requirement would not be obviated by the VRR law. However, if an employer is not required by COBRA to provide its employees with notice of their right to elect continued health-plan coverage, our proposed legislation would not create such a new requirement by virtue of the new right to so elect.

Mr. President, the committee expects that most of the elections for continued health-plan coverage under VRR law will be by reservists and members of the National Guard who are ordered to active duty. The committee further expects the Department of Defense to provide those persons with notice of their right to elect to continue health-plan coverage as part of their orientation and processing when they are called to active duty.

Mr. President, the bill as reported by our committee provided that a person who elects to continue health-plan coverage under proposed new section 4326(c) may be required to pay not more than 102 percent of the full premium associated with such coverage for the employer's other employees. As a point of clarification, our committee modification adds that the full premium would be determined in the same manner as under COBRA.

DUPLICATIVE COVERAGE

Mr. President, an individual is provided complete health-plan coverage by the Federal Government while he or she is in the uniformed services. By providing that the individual could elect to continue civilian employment health-plan coverage for up to 18 months, the bill as reported would create unnecessary duplicative coverage for the servicemember.

Thus, our committee modification, in proposed new section 4326(b)(3), would provide that a person entitled to acquire health-plan coverage under proposed new section 4326(b) will not be entitled to care or treatment under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of that person's service in the uniformed services.

A similar limitation would also be imposed in proposed new section 4326(c)(1)(B) for a person who elects to acquire health-plan coverage under proposed new section 4326(c).

These provisions would not apply to the dependents of a servicemember who elects to continue health-plan coverage acquired through civilian employment.

MULTIEMPLOYER PENSION PLANS

Mr. President, multiemployer pension plans are negotiated between a consortium of employers in an industry and a labor union. One example of this kind of arrangement is that of construction workers who move among various firms in the industry and earn credits under a common pension plan in each job. Such plans are funded jointly by employers, who contribute a negotiated amount per hour of labor to the fund, and are administered by a sponsoring organization. As I explained earlier, most multiemployer plans are defined-benefit [DB] plans, but a growing number are defined-contribution [DC] plans.

When a veteran who, before entering service, had been employed by a member or members of a multiemployer plan is employed after service by one of the employers, the question arises as to which firm or firms must pay for the contributions for the period of absence for uniformed service, since there is no way to know where the servicemember would have worked had his or her civilian employment not been interrupted. I believe the fairest approach would be to make it possible for the sponsor maintaining the plan to have discretion as to how best to allocate any liability of the plan. The committee modification would so provide. The default position—should the sponsor maintaining the plan not provide specifically for returning service- members—would be to allocate full liability for making retroactive payments to the last employer employing the person before the commencement of the period of service in the uniformed services.

ELECTIVE SALARY REDUCTION CONTRIBUTIONS

Mr. President, an employee who had been in the service for a long period of time, especially one whose military pay was significantly lower than his or her civilian pay, often would not have the necessary cash on hand to take advantage of the opportunity to make a large retroactive contribution to a retirement plan for the time spent away from the job if he or she were required to make it in a short period of time. Thus, there should be a substantial period of time over which retroactive contributions to pension plans cold be made, and employers and employees should be given reasonable latitude in setting the time limits for the making of contributions. In order to achieve both of these goals, the committee modification of proposed new section 4327(b)(2) would provide (a) that any payment to the plan must be made during any continuous period (beginning with the date or reemployment) as the employer and the reemployed servicemember may agree, but that (b) the period for repayment would not end before the earlier of (1) the date which is 5 years from the date of reemployment, or (2) if there is a break of a year or more in employment after the returning servicemember is reemployed, the last day of the first year that post-service employment is interrupted.

COMPUTATION OF COMPENSATION DEEMED TO HAVE BEEN RECEIVED

Mr. President, the committee modification would also provide, for pension-benefit purposes, for the computation of the level of compensation that the individual will be deemed to have received if he or she had stayed on the job rather than serving in the uniformed services. Contributions to be allocated under a DC plan and benefits to be accrued under a DB plan are often a function of the level of the individual's compensation, but in most cases the individual receives no compensation during his or her absence while in the uniformed services. The committee modification clarifies what compensation is to be deemed to have been received during the absence for the sole purpose of calculating an employee's compensation with regard to pension benefits. Thus, under proposed new section 4327(b) as amended by the committee modification, the employee's compensation during the period of his or her service in the uniformed services would be based either on (a) the rate of pay the employee received from the employer immediately before the period of service, or (b) if the employee's compensation was not based on a fixed rate, on the basis of the employee's average rate of pay during the 12-month period immediately preceding his or her entry into service or, if shorter than 12 months, the period of employment immediately preceding entry into service.

The level of compensation used to compute pension benefits would have no effect on the compensation, if any, actually provided to a returning servicemember for the time he or she was serving in the uniformed services, nor would it have any effect on determining the compensation level for the position to which the returning servicemember is reemployed. The level of compensation upon reemployment would be determined by the basic escalator principle I noted earlier.

EARNINGS, ELECTIVE CONTRIBUTIONS, AND FORFEITURES

Mr. President, contributions for participants under DC plans are placed in individual participant accounts, which thereafter increase or decrease based on the plan's investment return. The committee modification would clarify that, unless the plan so provides, retroactive contributions would not be required to include earnings or losses that would have been realized or incurred if the contributions had been made during the individual's active-duty service. Thus, the requirement is only that the employer make retroactively the contributions that would have been made had the employee remained continuously on the job.

The committee modification would make a similar clarification with respect to two specific forms of contributions. In some DC plans the amount of the employer's contribution is discretionary with the employer. The committee modification would clarify that an employer is not required to make retroactively any contribution that the plan did not require to be made for the period of uniformed service.

In some DC plans a similar issue may arise when some participants forfeit their rights to contributions—typically by terminating their employment in midyear—and the amounts forfeited are reallocated at year end among the remaining participants. The committee modification would clarify that, unless the plan provides otherwise, forfeited amounts that were reallocated during the servicemember's absence would not be required to be reallocated to provide the reemployed veteran a share.

CONSISTENCY WITH INTERNAL REVENUE CODE

Mr. President, the provisions of the committee bill as amended by the committee modification that require that the pension benefits of all servicemembers who are reemployed under the VRR law be reinstated, whether their plans are DB plans or DC plans, would have certain tax consequences for both employers and employees.

Under current law, reinstated veterans are required to be given full credit in DB plans for the period they served in the uniformed services. As discussed in the committee report, beginning on page 52, the courts are split on the issue of whether current law requires reinstated veterans to be given full credit under DC plans, and the bill as reported would provide that protection.

However, the bill as reported by our committee did not deal with certain tax consequences of clarifying that rights under DC plans would be safeguarded. For example, the retroactive contributions to a DC plan that would be required by the bill as reported could exceed applicable annual limits on employer-employee contributions under section 415 of the Internal Revenue Code of 1986 [IRC] or on annual salary reduction contributions under section 402(g) of the IRC, or cause the employer's plan to violate the nondiscrimination test applicable to salary reduction plans under section 401(m) of the IRC.

Mr. President, any potential adverse tax consequence that could flow from clarifying the coverage of DC plans ideally should be avoided through legislation enacted together with the clarifying provisions. Unfortunately, the conforming provisions that would accomplish that goal necessarily affect the application of the IRC and would cause the bill to be seen as a revenue measure.

Mr. President, as my colleagues are aware, the Constitution requires revenue measures to originate in the House of Representatives, and I cannot envision a procedural route at this point to include conforming tax provisions in the committee's proposed legislation without raising that issue. Thus, in order not to jeopardize the whole of the VRR bill, I will not now propose the addition of several amendments that I believe are needed to conform the bill to the legislative goal, of both Houses, that the pension plans of all servicemembers who are reemployed under the VRR law be fully reinstated, whether their pension plans are DB or DC plans. Rather, I urge the distinguished chairman, Mr. BENTSEN and ranking Republican member, Mr. PACKWOOD of the Finance Committee to include appropriate provisions in an appropriate tax bill as soon as possible.

For the interim period prior to the enactment of the necessary conforming IRC amendments, it is necessary for the legislation to provide that nothing in new section 4327, regarding employee pension benefit plans, would apply to the extent that it would require any action to be taken which would cause the plan, participant, or employer to suffer adverse tax or other consequences under the IRC or requires contributions to be made with respect to employees not reemployed under the VRR law.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Mr. President, the Federal Retirement Thrift Investment Board [FRTIB] is an independent agency that administers the Thrift Savings Plan. Under existing regulatory authority, the FRTIB establishes the obligations of the various employing agencies regarding thrift savings plan benefits, much like OPM does in the area of the other Federal retirement programs. However, Congress made it clear in chapter 84 of title 5 of the United States Code that the FRTIB is to have independent regulatory authority with respect to its program, free from administration regulatory review or control. Moreover, also unlike OPM, the FRTIB's decisions concerning the operation of the thrift savings plan are not subject to Merit Systems Protection Board review or appeal to the Federal Circuit. Rather, Congress carefully considered and included in section 8477 of title 5 separate provisions for pursuing claims involving the thrift savings plan.

Given this structure, Mr. President, the committee modification would take into account the unique characteristics of the thrift savings plan.

Proposed new section 4351(d), would require the Executive Director of the FRTIB to issue regulations applying the provisions of proposed new section 4327, regarding employee pension benefit plans, to the thrift savings plan. We intend that the regulations would specify the period of time after reemployment within which an election to make payments would be made, the total amount the employee may contribute, and the period of time over which the employee may make pension contributions. The regulations should also include provisions for the investigation and resolution of allegations that a wrongful personnel action as described in proposed new section 4331(2)(C) has occurred.

Proposed new section 4331(2)(C) would expand the term "wrongful personnel action" to include a failure by the Executive Director of the FRTIB to issue regulations in conformance with proposed new section 4327 or the failure by an employing agency to take any action required by the regulations. This amendment would clarify a Federal employee's cause of action against the FRTIB as well as his or her employing agency.

Under proposed new section 4333(f), a person who claims to have been subjected to a wrongful personnel action described in proposed new section 4331(2)(C) would be entitled to bring a civil action in the district courts of the United States pursuant to section 8477 of title 5. Proposed new section 4335(c)(5) of title 38 would be modified to include the Executive Director of the FRTIB among those who would be considered a necessary party respondent.

The committee modification would also exempt a wrongful personnel action under proposed new section 4331(2)(C) from the procedures for submitting a complaint to the Secretary of Labor, and for submitting a complaint directly to the Merit Systems Protection Board.

EFFECTIVE DATES

Persons Commencing Service After Date of Enactment.—Mr. President, the bill as reported by our committee would provide in section 7(a)(1) that the provisions of the proposed bill would apply to persons who begin their period of uniformed service after the 90-day period beginning on the date of the enactment. Proposed section 7(a)(2) provided that during the 90-day period after the date of enactment the provisions of the proposed bill would also apply and that a servicemember would be deemed to have satisfied the notification requirement referred to in proposed new section 4322(a)(1) except for a reservist otherwise subject to a requirement to request a leave of absence referred to in current law section 2024(d) of title 38.

It was brought to our attention that employers would need time after enactment to set up systems for individuals leaving employment who would be eligible for ongoing health and other insurance coverages mandated by the bill. Thus, the committee modification, in an amendment to section 7(a)(2), would provide that any person who begins service in the uniformed services during the 90-day period following the date of enactment would be covered during that 90-day period by the provisions of VRR law in effect on the day before the date of enactment.

Persons Performing Active Duty on Date of Enactment.—Mr. President, the bill as reported by our committee would provide in section 7(b) that the provisions of the proposed bill would apply to any person who is performing uniformed service on the date of enactment and a servicemember would be deemed to have satisfied the notification requirement referred to in proposed new section 4322(a)(1) except for a reservist otherwise subject to a requirement to request a leave of absence referred to in current law section 2024(d) of title 38.

In keeping with the change to the proposed bill that I have just discussed regarding persons who begin service after the date of enactment, our committee modification would amend section 7(b)(1) of the bill to provide that persons performing active duty on the date of enactment would be covered during the 90-day period beginning on that date by the provisions of VRR law in effect on the day before that date. Our committee modification would also amend section 7(b)(2) to provide that any person who is performing active duty on the date of enactment and whose uniformed service continues after the 90-day period beginning on the date of enactment would be covered during the period of service after that 90-day period by the provisions of the proposed bill, and any reservist who was subject to section 2024(d) of title 38 (as in effect on the day before the date of enactment) with respect to a request for a leave of absence would be deemed to have met the requirement of notification if the person requested the leave of absence.

Pensions.—Mr. President, proposed new section 7(f) of the committee bill, as amended by the committee modification, would provide that the VRR pension provisions, proposed new section 4327 of title 38, would apply to reemployment initiated on or after August 1, 1990, the beginning date of the Persian Gulf war for veterans' benefits purposes. Over 228,000 reservists and National Guard members were ordered to active duty during the months following the beginning of hostilities in and around Kuwait and many were away from their civilian employment for 6 or more months. Without this provision for retroactive application of the new law, many of the reservists and National Guard members who answered the call of their country during its most recent crisis would be left with a significant gap in their civilian retirement plans.

VETERANS READJUSTMENT APPOINTMENTS

Mr. President, the committee modification would add to the committee bill a new section 9 to reinstate the Veterans' Readjustment Appointment [VRA] authority for certain veterans of the Vietnam era who were discharged or released from active duty after December 31, 1979, and have not had a 10-year opportunity to use VRA eligibility. This new section 9 would amend current section 4214(b)(2)(A) of title 38, so that those veterans would be eligible to receive such an appointment during the period ending 10 years after the date of their last discharge or release from active duty, or December 31, 1993, whichever is later.

All veterans of the Vietnam era were eligible for VRA's—limited noncompetitive appointments that can lead to full civil service status—in the Federal Government through December 31, 1989, at which time the statutory authority for them expired. Section 407(a) of Public Law 101-237, the Veterans' Benefits Amendments of 1989, extended the VRA authority to December 31, 1993, but, during that extended period, eligibility for an appointment was limited to Vietnam-era veterans who were service-disabled or had received a campaign badge during the Vietnam era, and to post-Vietnam-era veterans. Post-Vietnam-era veterans included only those who first entered on active duty after May 7, 1975. Section 9(b) of Public Law 102-16 made the VRA authority permanent but limited eligibility for Vietnam-era veterans to those covered by Public Law 101-237. For Vietnam-era veterans who received a campaign badge, Public Law 102-16 also extended their VRA eligibility to 10 years after the date of their last discharge or release from active duty, or December 31, 1993, whichever is later. Since January 1, 1990, however, Vietnam-era veterans who are not service disabled nor authorized a campaign badge have not been eligible for a VRA appointment, even though they are leaving the service at the same time as post-Vietnam-era veterans who have such eligibility.

Mr. President, we all know that the Vietnam era has been over for many years and recognize that most of those who served their country during that period and who were discharged shortly thereafter have long ago successfully made the transition into the civilian workplace. For them, readjustment is not an issue. For those who remained on active duty after the Vietnam era or who joined the selected reserves and were activated during Desert Storm, readjustment to civilian employment may very well be a major and currently disturbing issue in today's economy. This population of Vietnam-era veterans—those who recently have been released or who are scheduled to soon be released under the Department of Defense's down-sizing plans, but who are not eligible for a VRA appointment—would be assisted by this provision.

Also, the committee modification, by restoring eligibility to those discharged after December 31, 1979, would be restoring equity to the VRA program by providing a total 10-year opportunity for receipt of a VRA appointment similar to that available to other veterans eligible for VRA, whether they be from the Vietnam or post-Vietnam era. With the committee modification, all veterans who served from the beginning of the Vietnam era forward would at some point have VRA eligibility for not less than 10 years.

FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS

Mr. President, the committee modification would also add to the committee bill section 10, which would provide that Federal civilian employees enrolled in the Federal Employees' Retirement System [FERS], who generally are required to pay 3 percent of their military pay in order to have their military time credited toward retirement, would not be required more than 0.8 percent of what their civil service pay would have been if they had remained in continuous civilian service.

Under current law, there are some situations in which Federal workers who interrupt their civilian employment to serve on active duty in the military must pay more to receive Federal civilian retirement credit for that service than they would have had to pay had they not gone on active duty.

During the Persian Gulf war many Federal employees who are military reservists or members of the National Guard spent substantial time on active military duty, thereby interrupting their civilian employment and their accrual of pension credits under the Federal civilian retirement systems.

In order to receive Federal civilian retirement credit for military service, Federal employees who are enrolled in the civil service retirement system [CSRS] are required to deposit into the retirement fund 7 percent of their military wages. This is the same rate that is applied to their civilian wages for CSRS coverage.

However, employees who are enrolled in FERS are required to pay 3 percent of their military pay in order to receive retirement credit for that service, but they pay only 0.8 percent of the civilian wages they receive while in civilian Federal employment. As a result, some individuals might pay a larger dollar amount to retirement credit for their military time than they would have paid had they remained in their civilian jobs. This would occur where 3 percent of their military pay exceeds 0.8 percent of their civilian pay. Like CSRS benefits, FERS benefits are unrelated to the amount paid and the retirement benefit is the same regardless of which rate is paid. However, if no payment is made, no retirement credit is received for active-duty military service. The payment cap imposed by the committee modification would ensure that Federal employees are not worse off for having served on active military duty during an interruption in civilian service.

COST-SAVING PROVISIONS

Finally, Mr. President, the committee modification would add to the bill a section 11 that would make very substantial savings in order to offset new direct spending that would result from enactment of the committee bill and from other legislation that our committee plans to act on this year.

Mr. President, the committee modification, effective July 1, 1992, would extend to wartime veterans' survivors who receive VA's needs-based pension the provisions of section 8003 of the Omnibus Budget Reconciliation Act of 1990 [OBRA], which limit monthly pension payments to $90 a month for Medicaid-eligible veterans receiving VA needs-based pension who have no dependents and who are in nursing homes participating in Medicaid, except those who are in State veterans homes. Except for the proposed effective date, this provision is substantively identical to section 4 of S. 775, which the Senate passed on November 20, 1991. The provision would also make permanent section 8003 of OBRA by repealing its September 30, 1992, expiration date.

Prior to the enactment of OBRA, veterans in non-VA nursing homes who received Medicaid did not have their pension benefits reduced, but were required under the Medicaid law to apply their VA pension toward the cost of their nursing-home care.

Section 8003 of OBRA applied the $90-a-month limit on pension payments to Medicaid-eligible veterans who have no dependents and who are in nursing homes that participate in Medicaid.

The OBRA provision does not reduce the amount of VA pension that a veteran actually receives, since the pension payments affected by OBRA were passed through to the nursing home in which the veteran was receiving care. Following implementation of section 8003, Medicaid payments fully replace the VA pension payments for the veteran's nursing-home care.

From the veteran's standpoint, the OBRA provision protects $90 a month of the VA pension from various State Medicaid rules that required the veteran to use almost all of the pension for his or her care, except for a "personal allowance," an amount that is less than $90 a month in every State. Thus, the OBRA provision effectively ensures that veterans whose VA pension is reduced under that provision actually receive more personal spending money than they were allowed to keep under prior law. This new provision would extend this advantage to survivors who receive VA pension.

CONCLUSION

Mr. President, in closing I express my deep appreciation to the ranking Republican member of our committee, Mr. SPECTER, for his excellent cooperation and assistance on this measure and to all other members of the committee for their help in the development of and action on this legislation.

I am also grateful for the contributions of the Senate Veterans' Affairs Committee staff members who have worked on this legislation—on the minority staff, Scott Waitlevertch, Charlie Battaglia, Bill Tuerk, and Tom Roberts; and on the majority staff, Shannon Phillips, Tom Hart, Chuck Lee, Bill Brew, and Ed Scott—for the technical advice and expert assistance of Jim Storey, Ray Schmitt, and Carolyn Merck of the Congressional Research Service, and for the very diligent work of Charles Armstrong, Greg Scott, and Jim Fransen of the Senate Legislative Counsel's Office in the crafting of the measure.

Mr. President, it is important to our men and women when they put on the uniform that we show our support and do all we can to provide them with strong and effective employment protection. Thus, I urge the Senate to give its unanimous approval to the pending measure.

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs and as an original cosponsor, I am pleased to support passage of S. 1095, the "Uniformed Services Employment and Reemployment Rights Act of 1991," which revises and updates the law which protests the rights of citizens called to active military duty. This legislation is significant for two reasons.

First, it represents the combined efforts of the executive branch working in close cooperation and consultation with the Committees on Veterans' Affairs of both the House and the Senate. It demonstrates that where the interests and concerns of our veterans are at stake, both branches of Government will readily join ranks.

For over 3 years, Mr. President, an executive branch task force comprised of representatives from the Departments of Labor, Defense and Justice, and from the Office of Personnel Management, worked to develop a revision of the current reemployment rights law. Since the spring of this year, the Committees on Veterans' Affairs, in a bipartisan effort, worked together with these administration officials to produce this important legislation.

Second, and more importantly, S. 1095 would amend the veterans' reemployment right [VRR] law—chapter 43 of title 38, United States Code—to provide a complete revision and reorganization of the law affecting the reemployment rights of veterans. It will assure that returning service members are protected in all aspects of their employment as if they had been continuously employed during their period of service.

Since 1940, veterans, reservists and members of the National Guard have enjoyed varying degrees of protection that assured their return to their civilian employment following military duty. But the law protecting those rights, last recodified in 1974, has been badly in need of update.

Over the last 50 years, the veteran reemployment rights law has increased in complexity, size, and in terms of the number of cases of litigation. Since that time, more than 600 court cases have further defined the limits of the law. Not surprisingly, occasional confusion has resulted and has led to the need for this legislation. While legislation will not solve all problems affecting veterans employment and reemployment rights, it will go a long way to their resolution.

In addition, the committee has been working as diligently as possible to accommodate as many concerns about the bill as possible. For example, it has acceded to the Senate Finance Committee to accommodate their concerns about aspects of the bill which would affect revenue. It is our understanding that the Finance Committee intends to seek enactment of technical legislation this year affecting the Internal Revenue Code treatment of employers and veterans defined contribution plans. Also, the committee has met with groups representing industry to listen to their concerns about the legislation and to clarify legislative and report language accordingly.

To the individual citizen-soldiers, the men and women on whom this Nation has proudly relied in times of military crisis, reemployment rights are critical. With military downsizing and the Nation's base force personnel policy, the United States has become more dependent than ever on the men and women comprising our Reserve and National Guard components for essential military readiness. This was clearly demonstrated during Operation Desert Shield and Operation Desert Storm. Let us remember that many of our loved ones, friends, and neighbors unhesitatingly traded business attire for desert fatigues to serve the national security interests of their country—thousands of miles from home. For our part, the Congress must ensure that while these brave men and women protect the rights of others in defense of freedom, we protect their rights to a livelihood.

Mr. President, I commend all committee members for all their hard work in fashioning a meaningful bill. In addition, I would also like to recognize the task force from the executive branch whose 3 years of hard work was the genesis of this legislation.

Finally, I would like to compliment the work of the committee staff, especially Chuck Lee, Bill Brew, and Ed Scott from the majority staff, and Scott Waitlevertch, Bill Tuerk, Quent Kinderman, Charles Battaglia, and Tom Roberts of my staff.

Mr. President, this bill keeps faith with our pledge to let our uniformed men and women return to the roles as citizens.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3362) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to engrossed for a third reading and was read the third time.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 1578, the House companion, and that the Senate then proceed to its immediate consideration; that all after enacting clause be stricken and the text of S. 1095, as amended, be inserted in lieu thereof; that the bill be advanced to third reading, passed and the motion to reconsider laid upon the table; further, that the title be appropriately amended; and that upon disposition of H.R. 1578, S. 1095 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1578) was deemed read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 1578) entitled "An Act to amend title 38, United States Code, with respect to employment and reemployment rights of veterans and other members of the uniformed services" do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed Services Employment and Reemployment Rights Act of 1992".

SEC. 2. REVISION OF CHAPTER 43 OF TITLE 38.

(a) RESTATEMENT AND IMPROVEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF PERSONS WHO SERVE IN THE UNIFORMED SERVICES

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"Sec.
"4301. Purposes; sense of Congress.
"4302. Relation to other law; construction.
"4303. Definitions.
"4304. Character of service.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"4321. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
"4322. Reemployment rights of persons who serve in the uniformed services.
"4323. Reemployment positions.
"4324. Reemployment by the Federal Government.
"4325. Reemployment by certain Federal agencies.
"4326. Seniority, insurance, and other employment rights and benefits.
"4327. Employee pension benefit plans.
"4328. Entitlement to rights and benefits not dependent on timing or nature of service.

"SUBCHAPTER III—ASSISTANCE IN SECURING EMPLOYMENT AND REEMPLOYMENT RIGHTS; ENFORCEMENT

"4331. Definitions.
"4332. Assistance in securing reemployment or other employment rights or benefits.
"4333. Enforcement of rights with respect to the Federal executive agencies.
"4334. Enforcement of rights with respect to certain Federal agencies.
"4335. Enforcement of rights with respect to a State or private employer.

"SUBCHAPTER IV—INVESTIGATION OF COMPLAINTS

"4341. Conduct of investigation; subpoenas.

"SUBCHAPTER V—MISCELLANEOUS

"4351. Regulations.
"4352. Outreach.

"SUBCHAPTER I—PURPOSES, RELATION TO OTHER LAW, AND DEFINITIONS

"§4301. Purposes; sense of Congress

"(a) The purposes of this chapter are—

"(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

"(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service under honorable conditions; and

"(3) to prohibit discrimination against persons because of their service in the uniformed services.

"(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the reemployment practices provided for in this chapter.

"§4302. Relation to other law; construction

"(a) Nothing in this chapter shall supersede, nullify or diminish any provision of Federal or State law (including any local law or ordinance), or any provision of a plan provided, contract entered into, or policy or practice adopted, by an employer, which establishes a right or benefit that is more beneficial to a person than a right or benefit provided for such person in this chapter or is in addition to a right or benefit provided for such person in this chapter.

"(b) This chapter supersedes any State law or employer plan, contract, or policy or practice that would have the effect of limiting in any manner any right or benefit provided by this chapter, including any State law or employer plan, contract, or policy or practice that establishes a prerequisite to the exercise of any such right or the receipt of any such benefit that is not a prerequisite established by or under this chapter.

"(c) Nothing in this chapter shall be interpreted to limit in any way any of the rights conferred by the Americans with Disabilities Act of 1990 (Public Law 101–336; 42 U.S.C. 12101 et seq.).

"§4303. Definitions

"For the purposes of this chapter:

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

"(2) The term 'benefit' or 'benefit of employment' means any advantage, profit, privilege, gain, status, account, or interest that accrues by reason of an employment contract or an employer practice or custom (other than wages or salary for work performed) and includes rights under a pension or health plan, insurance cov-

erage and awards, rights under an employee stock ownership plan, bonuses, severance pay, any supplemental unemployment benefit, an entitlement to leave with or without pay, work hours, and the location of employment.

"(3)(A) Except as provided in subparagraph (B), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including—

"(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

"(ii) the Federal Government;

"(iii) a State; and

"(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph.

"(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

"(4) The term 'Federal executive agency' includes the United States Postal Service, the Postal Rate Commission, any nonappropriated fund instrumentality of the United States, and any Executive agency (as that term is defined in section 105 of title 5) other than an agency referred to in section 2302(a)(2)(C)(ii) of title 5.

"(5) The term 'Federal Government' includes any Federal executive agency, the legislative branch of the United States, and the judicial branch of the United States.

"(6) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(7) The term 'reasonable accommodation' has the meaning given such term in section 101(9) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(9)).

"(8) Notwithstanding section 101(1) of this title, the term 'Secretary' means the Secretary of Labor.

"(9) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

"(10) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

"(11) The term 'undue hardship' has the meaning given such term in section 101(10) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(10)).

"(12) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, and the commissioned corps of the Public Health Service.

"§ 4304. Character of service

"A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

"(1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

"(2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.

"(3) A dismissal of such person permitted under section 1161(a) of title 10.

"(4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"§4321. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

"(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, service, or obligation.

"(b) An employer shall be considered to have denied a person initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can demonstrate that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation.

"(c)(1) An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"§4322. Reemployment rights of persons who serve in the uniformed services

"(a) Subject to subsections (b) and (c), any person who is absent from a position of employment by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if—

"(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

"(2) except as provided in subsection (c) of this section, the cumulative length of the absence and of any previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

"(3) the person reports to, or submits an application for reemployment to, such employer in accordance with the provisions of subsection (d).

"(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

"(c) A person referred to in subsection (a) shall be entitled to the rights and benefits referred to in such subsection even though the cumulative length of the person's service in the uniformed services exceeds five years if the service which results in a cumulative period in excess of five years is a result of—

"(1) service required to complete an initial period of obligated service;

"(2) service from which, through no fault of that person, the person could not obtain a discharge or release in time to prevent the cumulative absences from exceeding 5 years;

"(3) service required under section 270 of title 10 or section 502(a) or 503(a) of title 32 or required to fulfill additional training requirements determined by the Secretary concerned to be necessary for professional development or for completion of skill training or retraining;

"(4) service pursuant to—

"(A) an order to, or retention on, active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10;

"(B) an order to, or retention on, active duty (other than for training) under any other provision of law during a war or national emergency declared by the President or by Congress;

"(C) an order to active duty (other than for training) in support (as determined by the Secretary concerned) of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) an order to active duty in support (as determined by the Secretary concerned) of a critical mission or requirement of the uniformed services;

"(E) an order to active duty under section 712 of title 14; or

"(F) a call into Federal service under chapter 15 of title 10 or section 3500 or 8500 of such title; or

"(5) any other category of service specified by the Secretary, in consultation with the Secretary of Defense, in regulations prescribed pursuant to section 4351 of this title.

"(d)(1) Subject to paragraphs (2) and (3), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

"(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer—

"(i) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period for the safe transportation of the person from the place of that service to the workplace of the employer; or

"(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

"(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

"(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 31 days after the completion of the period of service.

"(D) In the case of a person whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service.

"(2) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated by, the performance of a period of service in the uniformed services shall report to the person's employer (in the case of a person

described in subparagraph (A) or (B) of paragraph (1)) or submit an application for reemployment with such employer (in the case of a person described in subparagraph (C) or (D) of such paragraph) at the end of the period (not to exceed two years) that is necessary for the person to recover from such illness or injury.

"(3) A person referred to in subparagraphs (A) or (B) of paragraph (1) who fails to report to an employer within the time period referred to in such paragraph shall be considered to have failed to report for such work on schedule but may be treated by the employer no less favorably than the employer treats other absent employees pursuant to the employer's established policy or the general practices of the employer relating to employee absences.

"(e)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (d)(1) shall provide to the person's employer (upon the request of such employer) documentation to establish that—

"(A) the person's application is timely;

"(B) the person has not exceeded the service limitations set forth in subsection (a)(3) (except as permitted under subsection (c)); and

"(C) the person's entitlement to the benefits under this chapter has not terminated under section 4304 of this title.

"(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

"(3)(A) Except as provided in subparagraph (B), an employer shall reemploy a person in accordance with the provisions of this chapter notwithstanding the failure of the person to provide documentation that satisfies the regulations prescribed pursuant to paragraph (2) if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in clauses (A) through (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

"(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4327(a)(2)(A) of this title.

"§4323. Reemployment positions

"(a) Subject to subsections (b) and (c), a person entitled to reemployment under section 4322 of this title upon completion of a period of service in the uniformed services shall be promptly reemployed in a position of employment as follows:

"(1) Except as provided in paragraph (3), in the case of a person whose period of service in the uniformed services was for less than 31 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, if the person is not qualified to perform the duties of the position referred to in clause (A).

"(2) Except as provided in paragraph (3), in the case of a person whose period of service in the uniformed services was for more than 30 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a similar position of like status and pay, the duties of which the person is qualified to perform; or

"(B) in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like status and pay, the duties of which the person is qualified to perform, if the person is not qualified to perform the duties of a position referred to in clause (A).

"(3)(A) In the case of a person whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position, one of the following positions in the order of priority in which the positions are listed:

"(i) The position referred to in paragraph (1) (A) or (B), as the case may be, if the person's period of service in the uniformed services was for less than 31 days.

"(ii) The position referred to in paragraph (2) (A) or (B), as the case may be, if the person's period of service in the uniformed services was for more than 30 days.

"(iii) A position similar to a position referred to in clause (ii) that is consistent with the circumstances of the person's case, the duties of which the person is qualified to perform.

"(iv) A position of lesser status and pay than a position referred to in clause (iii) that is consistent with the circumstances of the person's case, the duties of which the person is qualified to perform.

"(B) An employer shall employ a person in a position referred to in clauses (i) through (iv) of subparagraph (A) even if the employer must make a reasonable accommodation for the disability of such person (and any limitations related to such disability) to facilitate the person's ability to perform the duties of that position.

"(b) A person shall be considered qualified to perform the duties of a position of employment under subsection (a) if the person can perform the essential functions of the position or will be able to perform such functions (1) after receiving a reasonable amount of training provided by the employer to refresh or update the necessary skills of that person, or (2) through other reasonable efforts undertaken by the employer.

"(c)(1) An employer is not required to reemploy a person under this chapter if the employer's circumstances have so changed as to make such reemployment impossible or unreasonable.

"(2) An employer is not required to make an accommodation under subsection (a) or provide training or undertake any other effort under subsection (b) if such accommodation, training, or effort would impose an undue hardship on the operation of the business of the employer to do so.

"(3) In any administrative or judicial proceeding involving an issue of whether (A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, or (B) any accommodation, training, or effort referred to in paragraph (2) would impose an undue hardship on the operation of the business of the employer, the employer shall have the burden of proving the impossibility or unreasonableness or undue hardship.

"(d)(1) If two or more persons request reemployment under this chapter in the same position of employment by reason of an interruption of employment resulting from service in the uniformed services, the person whose continuous employment was so interrupted earlier shall have a superior right of reemployment.

"(2) Any person entitled to reemployment under this section who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to be reemployed as follows:

"(A) Except as provided in subparagraph (B), in any other position referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case.

"(B) In the case of a person whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position, in any other position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case.

"§4324. Reemployment by the Federal Government

"(a)(1) Paragraph (2) shall apply in the case of—

"(A) a person whose reemployment in a Federal Government position or as a National Guard technician under section 4323 of this title is not feasible; and

"(B) a person whose reemployment in an agency referred to in section 4325(a) of this title is not feasible or practicable.

"(2) The Director of the Office of Personnel Management shall ensure that a person referred to in clause (A) or (B) of paragraph (1) is offered an alternative position of employment in a Federal executive agency that satisfies the requirements of section 4323(a) of this title.

"(b)(1) For the purposes of subsection (a), the Director of the Office of Personnel Management shall determine whether the reemployment of a person in a position in a Federal executive agency is feasible.

"(2) For the purposes of subsection (a), the Director of the Office of Personnel Management shall accept a determination that the reemployment of a person in a position described in clause (A) or (B) is not feasible from the official referred to in that clause, as follows:

"(A) In the case of a position in the legislative branch or the judicial branch, the officer or employee authorized to appoint a person to that position.

"(B) In the case of a National Guard technician position in a State, the adjutant general of that State.

"(3) For the purposes of subsection (a), the Director of the Office of Personnel Management shall accept a determination that the reemployment of a person in a position in an agency referred to in section 4325(a) of this title is not feasible or practicable from the officer of such agency designated to make such determination under section 4325(c) of this title.

"(c) A person's entitlement to reemployment under this section does not entitle such person to retention, preference, or displacement rights over any person who, without regard to the provisions of this chapter, has superior retention, preference, or displacement rights under the provisions of title 5 that relate to veterans and other preference eligibles (as defined in section 2108 of such title).

"§ 4325. Reemployment by certain Federal agencies

"(a) The head of each agency referred to in section 2302(a)(2)(C)(ii) of title 5 shall prescribe—

"(1) the conditions under which persons who are absent from positions of employment with such agency by reason of service in the uniformed services shall be reemployed by such agency; and

"(2) procedures for ensuring that the persons who satisfy such conditions are reemployed by such agency.

"(b) In prescribing conditions and procedures under subsection (a), the head of the agency shall ensure, to the maximum extent practicable, that—

"(1) the conditions under which persons shall be reemployed by the agency are similar to the conditions for the entitlement of a person to reemployment rights under section 4322 of this title; and

"(2) the procedures for the reemployment of such persons provide for the reemployment of such persons by the agency in a manner that is similar to the manner described in section 4323 of this title.

"(c)(1) In prescribing conditions and procedures under subsection (a), the head of the agency shall designate an officer of the agency who shall determine if the reemployment of a person by the agency under this section is not feasible or practicable.

"(2)(A) Upon making a determination that the reemployment of a person is not feasible or practicable, such officer shall notify such person and the Director of the Office of Personnel Management of such determination.

"(B) The head of each agency shall, on an annual basis, submit to the Senate Select Committee on Intelligence and the Permanent Select Committee on Intelligence of the House of Representatives a report of the number of persons whose reemployment with the agency was determined to be not feasible or practicable during the year preceding the report and the reason for each such determination.

"(3) A determination under paragraph (2)(A) shall not be subject to judicial review.

"§4326. Seniority, insurance, and other employment rights and benefits

"(a) A person who is reemployed under section 4323, 4324, or 4325 of this title shall be entitled to the same seniority such person would have had if the person's employment had not been interrupted by service in the uniformed services.

"(b)(1)(A) Subject to paragraphs (2) through (7), a person shall be deemed to be on furlough or leave of absence while serving in the uniformed services and shall be entitled to such rights and benefits (including, upon request of the person, health-plan benefits, life insurance, and accidental death and disability benefits) as are generally provided to employees of the employer who are on furlough or leave of absence under a plan, contract, policy, or practice which is in force at the beginning of the person's period of service in the uniformed services or which becomes effective during such period.

"(B) The seniority rights and benefits of a person deemed to be on furlough or leave of absence under this paragraph shall be determined under subsection (a).

"(C) A person provided with rights or benefits under this paragraph may be required to pay the cost, if any, of any benefit continued pursuant to such plan, contract, policy, or practice.

"(2) A person is entitled under this subsection to any right or benefit that is provided by the employer of the person to employees of the employer who are on furlough or leave of absence (other than the rights or benefits provided to employees on furlough or leave of absence by reason of special circumstances such as maternity or paternity leave (including leave for adoption of a child), disability leave, sick leave, or other leave as a result of the occurrence of an event affecting the employee's health or the health of a family member). A person on leave of absence while serving in the uniformed services shall not be entitled under this section to any benefits to which the person would not otherwise be entitled if the person were not on a leave of absence.

"(3) A person is not entitled under this subsection to coverage under a health plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(4) A person is not entitled under this subsection to coverage, under a life insurance policy, of a death incurred by the person as a result of the person's participation in, or assignment to an area of, armed conflict to the extent that such coverage is excluded or limited by a provision of such policy.

"(5) A person is not entitled under this subsection to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty in excess of 31 days to the extent that such coverage is excluded or limited by a provision of such policy.

"(6) A person is not entitled under this subsection to a right or benefit provided under an employee pension benefit plan.

"(7)(A) Except as provided in subparagraph (B), the requirement that an employer provide rights or benefits under paragraph (1) to a person deemed to be on furlough or leave of absence shall expire on the earlier of—

"(i) the date of the end of the 18-month period that begins on the date on which the person commences the service referred to in paragraph (1); or

"(ii) the date on which the person completes the performance of such service.

"(B) To the extent provided in a plan, contract, policy, or other practice referred to in paragraph (1)(A), the period of coverage described in subparagraph (A) for a person who voluntarily enters into service in the uniformed services (other than a person who voluntarily enters into service in a reserve component) shall be—

"(i) 18 months,

"(ii) the period ending on the date on which the person completes the performance of service in the uniformed services, or

"(iii) the period of the person's employment with the person's employer immediately before the person's entrance into such services,

whichever is shortest, but not less than 31 days.

"(c)(1)(A) Subject to subparagraphs (B) through (D), if a person's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment for purposes of performing service in the uniformed services, the person shall have the right to elect to continue health-plan coverage acquired through civilian employment in accordance with this paragraph so that such coverage continues for a maximum of 18 months after such absence begins. A person who elects to continue health-plan coverage under this paragraph may be required to pay not more than 102 percent of the full premium (determined in the same manner as the applicable premium under section 4980B(f)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)(4)) associated with such coverage for the employer's other employees, except that in the case of a person who performs a period of service in the uniformed services for less than 31 days, such person may not be required to pay more than the employee share, if any, for such coverage.

"(B) A person who elects to continue health-plan coverage under this paragraph shall not be entitled to coverage under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(C)(i) Except as provided in clause (ii), the period of coverage of a person and the person's dependents under a continuation of health-plan coverage elected by the person under this paragraph shall be the lesser of—

"(I) 18 months; or

"(II) the period of the person's service in the uniformed services.

"(ii) In the case of a person who voluntarily enters into service in the uniformed services (other than a person who voluntarily enters into service in a reserve component) the period of coverage referred to in clause (i) shall be—

"(I) 18 months,

"(II) the period ending on the date on which the person completes the performance of service in the uniformed services, or

"(III) the period of the person's employment with the person's employer immediately prior to the person's entrance into such service,

whichever is shortest, but not less than 31 days.

"(D) A person described in subparagraph (C)(ii) shall not be entitled to elect to continue health-plan coverage under this paragraph if the employer of the person at the time of the person's commencement of service in the uniformed services employs fewer than 20 persons.

"(2)(A) Except as provided in subparagraph (B), in the case of a person whose coverage by an employer-sponsored health plan as an employee is terminated by reason of the service of such person in the uniformed services, an exclusion or waiting period may not be imposed by any person in connection with coverage of the person who served in the uniformed services upon reemployment by the employer under this chapter, or in connection with any other individual who is covered by the health plan by reason of the reinstatement of the coverage of such person upon reemployment, if an exclusion or waiting period would not have been imposed under such health plan had coverage of such person by such health plan not been terminated as a result of such service.

"(B) Subparagraph (A) shall not apply to a condition of a servicemember that the Secretary of Veterans Affairs has determined was incurred or aggravated in the line of duty in the military, naval, or air service.

"(d) A person who is reemployed in a position of employment by an employer under section 4323 or 4324 of this title may not be involuntarily removed from such position, except for cause—

"(A) within one year after the date of reemployment, if the person's period of service before the reemployment of the person in the position was more than 180 days; or

"(B) within 180 days after the date of reemployment, if the person's period of service before the reemployment of the person in the position was more than 30 days but less than 181 days.

"(e)(1) Any person described in paragraph (2) whose employment with an employer referred to in that paragraph is interrupted by a period of service in the uniformed services shall be permitted, upon request of that person, to use during such period of service any vacation or annual leave with pay accrued by the person before the commencement of such service.

"(2) A person entitled to the benefit described in paragraph (1) is a person who—

"(A) has accrued vacation or annual leave with pay under a policy or practice of a State (as an employer) or private employer; or

"(B) has accrued such leave as an employee of the Federal Government pursuant to subchapter I of chapter 63 of title 5.

"§4327. Employee pension benefit plans

"(a)(1) In the case of a right provided pursuant to an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or a right provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this subsection.

"(2)(A) Except as provided in section 4322(e)(3)(B) of this title, a person reemployed under this chapter shall be treated as not having incurred a break in service with the em-

ployer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services.

"(B) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the employer or employers maintaining the plan for purpose of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

"(b)(1) An employer reemploying a person under this chapter shall be liable to an employee benefit pension plan for funding any obligation of the plan to provide the benefits described in subsection (a)(2). For purposes of determining the amount of such liability and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) or any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed under subsection (a) to be service with the employer shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period described in subsection (a)(2)(B)).

"(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (a) that are contingent on the making of, or derived from, employee contributions or elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986) only to the extent the person makes payment to the plan with respect to such contributions or deferrals. No such payment may exceed the amount the person or employer would have been permitted or required to contribute had the person remained continuously employed by the employer throughout the period of service described in subsection (a)(2)(B). Any payment to the plan described in this paragraph shall be made during any continuous period (beginning with the date of reemployment) as the employer and the person may agree, except that such period shall not end before the earlier of the date which is—

"(A) 5 years from the date of reemployment; or

"(B) the last day of the first 1-year break in employment beginning after such date.

"(3) For purposes of computing an employer's liability under paragraph (1) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

"(A) shall be computed at the same rate as the employee received from the employer immediately before such period; or

"(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(4) Unless the plan provides otherwise—

"(A) no earnings shall be credited to an employee with respect to any contribution prior to such contribution being made; and

"(B) any elective employer contributions, or any forfeitures, during the period described in subsection (a)(2)(B) shall not be allocated to persons reemployed under this chapter.

"(c) Any employer who reemploys a person under this chapter and who is an employer contributing to a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of such reemployment, provide notice of such reemployment to the administrator of such plan.

"(d) No provision of this section shall apply to the extent it—

"(1) requires any action to be taken which would cause the plan, participant, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986; or

"(2) requires contributions to be returned, or additional contributions to be made, with respect to employees not reemployed under this chapter.

"§4328. Entitlement to rights and benefits not dependent on timing or nature of service

"Except as provided for in this chapter, a person's entitlement to a right or benefit provided under this chapter is not affected by the timing, frequency, or duration of the person's performance of service in the uniformed services or the nature of such service in the uniformed services.

"SUBCHAPTER III—ASSISTANCE IN SECURING EMPLOYMENT AND REEMPLOYMENT RIGHTS; ENFORCEMENT

"§4331. Definitions

"For the purposes of this subchapter, the term 'wrongful personnel action' means the following:

"(1) In the case of a State (as an employer) or a private employer, an action taken by the employer in violation of a provision of this chapter or a failure by the employer to take an action required by the provisions of this chapter.

"(2) In the case of the Federal Government (as an employer)—

"(A) an action taken by an officer or employee of the Federal Government in violation of a provision of this chapter or a failure by such an officer or employee to take an action required by the provisions of this chapter;

"(B) a failure of the Director of the Office of Personnel Management to take an action required of the Director under section 4324 of this title; or

"(C) a failure of the Executive Director of the Federal Retirement Thrift Investment Board to issue regulations in accordance with section 4327 of this title or the failure of an employing agency to take any action required by such regulations.

"§4332. Assistance in securing reemployment or other employment rights or benefits

"(a)(1) Any person who claims to have been subject to a wrongful personnel action (other than a wrongful personnel action described in section 4331(2)(C) of this title) may submit a complaint regarding such action to the Secretary.

"(2) A complaint submitted under paragraph (1) shall be in a form prescribed by the Secretary and shall include—

"(A) the name and address of the employer or potential employer against whom the complaint is directed; and

"(B) a summary of the allegations upon which the complaint is based.

"(b) The Secretary shall investigate each complaint submitted pursuant to subsection (a). If the Secretary determines as a result of the investigation that the wrongful personnel action alleged in such complaint occurred, the Secretary shall make reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

"(c) If the efforts of the Secretary with respect to a complaint under subsection (b) are unsuccessful, the Secretary shall notify the person who submitted the complaint of—

"(1) the results of the Secretary's investigation; and

"(2) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4333 of this title (in the case of a person submitting a complaint (other than a complaint arising out of a wrongful personnel action referred to in section 4331(2)(C) of this title)against the Federal Government) or 4335 of this title (in the case of a person submitting a complaint against a State or private employer).

"(d) In carrying out the responsibilities of the Secretary under this section, the Secretary—

"(1) shall use the Assistant Secretary of Labor for Veterans' Employment and Training; and

"(2) may use (A) existing Federal and State agencies engaged in activities similar or related to such responsibilities, and (B) the assistance of volunteers.

"§4333. Enforcement of rights with respect to Federal executive agencies

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4332(c) of this title of an unsuccessful effort to resolve a complaint relating to a wrongful personnel action on the part of a Federal executive agency may request that the Secretary refer the complaint for litigation before the Merit Systems Protection Board. The Secretary shall refer the complaint regarding such wrongful action to the Office of Special Counsel established by section 1211 of title 5.

"(2)(A) If the Special Counsel determines that the wrongful personnel action alleged in such complaint occurred, the Special Counsel (upon the request of the person submitting the complaint) may appear on behalf of, and act as attorney for, the person and initiate an action regarding such complaint before the Merit Systems Protection Board.

"(B) If the Special Counsel decides not to initiate an action and represent a person before the Merit Systems Protection Board as authorized under subparagraph (A), the Special Counsel shall notify such person of that decision.

"(b)(1) A person referred to in paragraph (2) may submit directly to the Merit Systems Protection Board a complaint alleging a wrongful personnel action (other than a wrongful personnel action described in section 4331(2)(C) of this title) on the part of a Federal executive agency. A person who seeks a hearing or adjudication under this paragraph may be represented at such hearing or adjudication in accordance with the rules of the Board.

"(2) A person entitled to submit a complaint to the Merit Systems Protection Board under paragraph (1) is a person who—

"(A) has chosen not to apply to the Secretary for assistance regarding a complaint under section 4332(a);

"(B) has received a notification from the Secretary under section 4332(c) of this title;

"(C) has chosen not to be represented before the Board by the Special Counsel pursuant to subsection (a)(2)(A); or

"(D) has received a notification of a decision from the Special Counsel under subsection (a)(2)(B).

"(c)(1) The Merit Systems Protection Board shall adjudicate any complaint brought before the Board pursuant to subsection (a)(2)(A) or (b)(1).

"(2) If the Board determines that a Federal executive agency has not complied with the provisions of this chapter relating to the employment of a person by the agency, the Board shall enter an order requiring the agency to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by such person by reason of such lack of compliance.

"(3) Any compensation received by a person pursuant to an order under paragraph (1) shall

be in addition to any other right or benefit provided for by this chapter and shall not be deemed to diminish any such right or benefit.

"(4) If the Board determines as a result of a hearing or adjudication conducted pursuant a complaint submitted by a person directly to the Board pursuant to subsection (b)(1) that such person is entitled to an order referred to in paragraph (2), the Board may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(d) A person adversely affected or aggrieved by a final order or decision of the Merit Systems Protection Board under subsection (c) may petition the United States Court of Appeals for the Federal Circuit to review the final order or decision. Such petition and review shall be in accordance with the procedures set forth in section 7703 of title 5.

"(e) A person may be represented by the Special Counsel in an action for review of a final order or decision issued by the Merit Systems Protection Board pursuant to subsection (c) that is brought pursuant to section 7703 of title 5 unless the person was not represented by the Special Counsel before the Merit Systems Protection Board regarding such order or decision.

"(f) A person who claims to have been subject to a wrongful personnel action referred to in section 4331(2)(C) of this title is entitled to file an action with respect to such claim pursuant to section 8477 of title 5.

"§ 4334. Enforcement of rights with respect to certain Federal agencies

"(a) This section shall apply to any person who alleges that—

"(1) the reemployment of such person by an agency referred to in section 4325(a) of this title was not in accordance with the procedures for the reemployment of such person prescribed under such section; or

"(2) the failure of such agency to reemploy the person under such section was wrongful.

"(b) Any person referred to in subsection (a) may submit a claim relating to the allegation to the Inspector General of the agency. The Inspector General shall investigate and resolve the claim pursuant to procedures prescribed by the head of the agency.

"(c) The head of each agency referred to in section 4325(a) shall prescribe procedures for the investigation and resolution of allegations submitted under subsection (b). In prescribing procedures under this subsection, the head of the agency shall ensure, to the maximum extent practicable, that the procedures are similar to the provisions relating to the investigation and resolution of a claim by the Secretary under section 4332(b) of this title.

"§4335. Enforcement of rights with respect to a State or private employer

"(a)(1) A person who has submitted a complaint of a wrongful personnel action by a State (as an employer) or a private employer to the Secretary pursuant to section 4332(a) of this title and who has received a notification of the unsuccessful resolution of the complaint under section 4332(c) of this title, may request that the Secretary refer the complaint to the Attorney General. If the Attorney General determines that the wrongful personnel action alleged in the complaint occurred, the Attorney General may appear on behalf of, and act as attorney for, the person submitting the complaint and commence an action for appropriate relief on behalf of such person in an appropriate United States district court.

"(2)(A) A person referred to in subparagraph (B) may commence an action for appropriate relief in an appropriate United States district court.

"(B) A person entitled to commence an action for relief with respect to a complaint under subparagraph (A) is a person who—

"(i) has chosen not to apply to the Secretary for assistance regarding the complaint under section 4332(a);

"(ii) has chosen not to request that the Secretary refer the complaint to the Attorney General under subsection (a)(1); or

"(iii) has been refused representation by the Attorney General with respect to the complaint under such subsection.

"(b) In the case of an action against a State as an employer, the appropriate district court is the court for any district in which the State exercises any authority or carries out any function. In the case of a private employer the appropriate district court is the district court for any district in which the private employer of the person maintains a place of business.

"(c)(1)(A) The district courts of the United States shall have jurisdiction, upon the filing of a complaint, motion, petition, or other appropriate pleading by or on behalf of the person entitled to a right or benefit under this chapter—

"(i) to require the employer to comply with the provisions of this chapter;

"(ii) to require the State or private employer, as the case may be, to compensate the person for any loss of wages or benefits suffered by reason of such employer's wrongful personnel action; and

"(iii) to require the employer to pay the person an amount equal to the amount referred to in clause (ii) as liquidated damages, if the court determines that the employer's wrongful personnel action was willful.

"(B) Any compensation under clauses (ii) and (iii) of subparagraph (A) shall be in addition to, and shall not be deemed to diminish, any of the benefits provided for in the provisions of this chapter.

"(2)(A) No fees or court costs may be charged or taxed against any person claiming rights under this chapter.

"(B) In any action or proceeding commenced by a person under subsection (a)(2) and in which such person is the prevailing party, the court may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(3) The court may use its full equity powers, including temporary or permanent injunctions and temporary restraining orders, to vindicate fully the rights of persons under this chapter.

"(4) An action under this chapter may be initiated only by a person claiming rights or benefits under the provisions of subchapter II of this chapter, and not by an employer, prospective employer, or other entity with obligations under this chapter.

"(5) In any such action, only the State, private employer, or potential employer (as the case may be) or, in the case of benefits described in section 4327 of this title, an employee pension benefit plan referred to in that section, or, in the case of a wrongful personnel action referred to in section 4331(2)(C) of this title, the Executive Director of the Federal Retirement Thrift Investment Board referred to in that section, shall be considered a necessary party respondent.

"(6) No State statute of limitations shall apply to any proceeding under this section.

"(7) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"SUBCHAPTER IV—INVESTIGATION OF COMPLAINTS

"§4341. Conduct of investigation; subpoenas

"(a) In carrying out any investigation under this chapter, the Secretary shall have reasonable access to documents of the complainant or an employer that the Secretary considers relevant to the investigation. The Secretary may examine and duplicate such documents.

"(b) In carrying out investigations under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and after a request by the Secretary, the Attorney General may apply to the district court of the United States for any district in which such disobedience or contumacy occurs for an order enforcing the subpoena.

"(c) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful inquiry under this chapter. The district courts shall have jurisdiction to punish a failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

"SUBCHAPTER V—MISCELLANEOUS

"§4351. Regulations

"(a) The Secretary, in consultation with the Secretary of Defense, may prescribe regulations relating to the implementation of this chapter with respect to reemployment and the provision of other employment rights and benefits by States (as employers) and private employers.

"(b) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations relating to the implementation of this chapter by Federal executive agencies (as employers). This subsection does not authorize the Director to prescribe regulations relating to any matter for which regulations may be prescribed under subsection (c).

"(c) The following entities (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations to carry out the activities of such entities under this chapter:

"(1) The Merit Systems Protection Board.

"(2) The Office of Special Counsel referred to in section 4333(a) of this title.

"(3) Agencies referred to in section 2303(a)(2)(C)(ii) of title 5.

"(d) The Executive Director of the Federal Retirement Thrift Investment Board shall issue regulations applying the provisions of section 4327 of this title to the Thrift Savings Plan (described in subchapters III and VII of chapter 84 of title 5). The regulations shall include provisions for the investigation and resolution of allegations of the occurrence of wrongful personnel actions referred to in section 4331(2)(C) of this title. The regulations may specify the period of time after reemployment within which a person may elect to make payment, the total amount the person may contribute, and the period of time over which the person may make contributions under section 4327 of this title.

"§ 4352. Outreach

"The Secretary and the Secretary of Veterans Affairs shall take such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and such employers under this chapter.".

(b) TABLE OF CHAPTERS.—The tables of chapters at the beginning of title 38, United States Code, and the beginning of part III of such title are each amended by striking out the item relating to chapter 43 and inserting in lieu thereof the following:

"43. Employment and reemployment rights of persons who serve in the uniformed services .... 4301".

(c) OUTREACH PROGRAM.—As soon as practicable after the date of the enactment of this Act, the Secretary of Labor, after consultation with the Secretary of Defense, the Secretary of

Transportation, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs, shall make available to persons who are eligible for benefits under the provisions of chapter 43 of title 38, United States Code (as added by subsection (a)) and the employers of such persons information relating to the reemployment and employment rights, benefits, and obligations of such persons and employers under the provisions of such chapter.

(d) REPORT RELATING TO IMPLEMENTATION OF REEMPLOYMENT RIGHTS PROVISIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Labor, the Attorney General, and the Special Counsel referred to in section 4333(a)(1) of title 38, United States Code (as added by subsection (a)), shall each submit a report to the Congress relating to the implementation of chapter 43 of such title (as added by such subsection).

SEC. 3. EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of clause (E);

(2) by striking out the period at the end of clause (F) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new clause;

"(G) to benefits under chapter 43 of this title.".

SEC. 4. REPEAL OF TITLE 5 PROVISIONS RELATING TO REEMPLOYMENT RIGHTS OF RESERVISTS.

(a) REPEAL.—Subchapter II of chapter 35, title 5, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the items relating to subchapter II and section 3551.

SEC. 5. CONFORMING AMENDMENTS.

(a) TITLE 5.—Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 2023" and inserting in lieu thereof "chapter 43".

(b) TITLE 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 2021" and inserting in lieu thereof "chapter 43".

SEC. 6. TECHNICAL AMENDMENT.

Section 9(d) of Public Law 102-16 (105 Stat. 55) is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

SEC. 7. TRANSITION RULES AND EFFECTIVE DATES.

(a) APPLICABILITY OF CHAPTER 43 TO PERSONS COMMENCING SERVICE AFTER DATE OF ENACTMENT.—

(1) AFTER 90 DAYS AFTER SUCH DATE.—The provisions of chapter 43 of title 38, United States Code (as amended by section 2(a) of this Act), and section 5303A(b)(3)(G) of such title (as added by section 3(3) of this Act) shall apply to persons who commence periods of service in the uniformed services after the 90-day period beginning on the date of the enactment of this Act.

(2) WITHIN 90 DAYS AFTER SUCH DATE.—Any person who commences the performance of a period of service in the uniformed services during the 90-day period referred to in paragraph (1) shall be covered during such 90-day period by the provisions of chapter 43 of title 38, United States Code, in effect on the day before the date of the enactment of this Act.

(b) APPLICABILITY OF CHAPTER 43 TO PERSONS PERFORMING ACTIVE DUTY ON DATE OF ENACTMENT.—

(1) IN GENERAL.—Any person who is performing service in the uniformed services on the date of the enactment of this Act shall be covered during the 90-day period beginning on such date by the provisions of chapter 43 of title 38, United States Code, in effect on the day before such date.

(2) CONTINUING SERVICE.—(A) Any person whose service in the uniformed services described under paragraph (1) continues after the 90-day period referred to in that paragraph shall be covered during the period of such service after that 90-day period by the provisions of chapter 43 of title 38, United States Code, as amended by section 2(a) of this Act, and section 5303A(b)(3)(G) of such title (as added by section 3(3) of this Act).

(B)(i) Except as provided in clause (ii), for the purposes of section 4322(a)(1) of such title (as added by section 2(a) of this Act), a person referred to in subparagraph (A) shall be deemed to have satisfied the notification requirement referred to in such section.

(ii) Any person referred to in subparagraph (A) who was subject to the requirement under section 2024(d) of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), of requesting a leave of absence with respect to the service described in that subparagraph from the person's employer shall be deemed to have met the requirement of notifying the person's employer under such section 4322(a)(1) if the person requested the leave of absence.

(C) For the purposes of calculating the cumulative length of service performed by a person referred to in this paragraph under section 4322(a)(2) of such title (as so added), any service in the uniformed services (other than service referred to in section 4322(c) of such title (as so added) shall be included.

(3) ALTERNATIVE REPORTING REQUIREMENT.—A person referred to in paragraph (1) shall report to work in accordance with the provisions of section 2024(d) of title 38, United States Code, in effect on the day before the date of the enactment of this Act.

(c) SPECIAL RULE FOR APPLICABILITY OF INSURANCE PROVISIONS.—Notwithstanding subsections (a)(2) and (b)(2), a person referred to in such subsections shall be covered by the provisions of section 2021(b)(1) of title 38, United States Code (relating to insurance benefits), in effect on the day before the date of the enactment of this Act until the person has received notice of the provisions of section 4326(c) of such title (as added by section 2(a) of this Act) and has had a reasonable opportunity to elect to be covered by the provisions of such section 4326(c) (as so added).

(d) REEMPLOYMENT OF DISABLED PERSONS.—

(1) IN GENERAL.—Section 4323(a)(3) of chapter 43 of title 38, United States Code (as added by section 2(a) of this Act) shall apply to reemployments initiated on or after August 1, 1990.

(2) REPEAL.—(A) Effective as of August 1, 1990, section 2027 of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), is repealed.

(B) Effective as of August 1, 1990, the table of sections at the beginning of chapter 43 of such title (as in effect on the day before the date of the enactment of this Act) is amended by striking out the item relating to section 2027.

(e) DISCRIMINATION.—The provisions of section 4321 of title 38, United States Code (as added by section 2(a) of this Act) and the provisions of subchapters III and IV of such title (as so added), to the extent that the provisions of those subchapters are necessary for the implementation of such section 4321, shall become effective on the date of the enactment of this Act.

(f) EMPLOYEE PENSION BENEFIT PLAN.—Section 4327 of title 38, United States Code (as amended by section 2(a) of this Act), shall apply to reemployment initiated on or after August 1, 1990.

(g) SAVINGS PROVISION.—Except as otherwise provided in this Act, the provisions of this Act and the amendments made by this Act do not effect rights, benefits, and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of the pertinent provision of this Act.

(h) DEFINITION.—For the purposes of this section, the term "service in the uniformed services" shall have the meaning given such term in section 4303(10) of title 38, United States Code (as added by section 2(a) of this Act).

SEC. 8. USE OF EDUCATIONAL ASSISTANCE FOR SOLO FLIGHT TRAINING.

(a) MONTGOMERY G.I. BILL.—

(1) ACTIVE-DUTY PROGRAM.—Section 3032(f)(1) of title 38, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(2) SELECTED RESERVE PROGRAM.—Section 2131(g)(1) of title 10, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(b) POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM.—Section 3231(f)(1) of title 38, United States Code, is amended by striking out "(other than tuition and fees charged for or attributable to solo flying hours)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to flight training received under chapters 30 and 32 of title 38, United States Code, and chapter 106 of title 10, United States Code, on or after the first day of the second month following the date of the enactment of this Act.

SEC. 9. IMPROVEMENT OF PROGRAM OF FEDERAL EMPLOYMENT OF VIETNAM ERA VETERANS.

Section 4214(b)(2)(A) of title 38, United States Code, is amended—

(1) at the end of clause (i), by striking out "or";

(2) at the end of clause (ii), by striking out "and" and inserting in lieu thereof "or"; and

(3) by adding at the end the following new clause:

"(iii) was discharged or released from active duty after December 31, 1979, under conditions other than dishonorable; and".

SEC. 10. REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS.

(a) REVISION IN CONTRIBUTIONS RELATING TO MILITARY SERVICE.—Subsection (e)(1) of section 8422 of title 5, United States Code, is amended by inserting after the first sentence the following new sentence: "The amount of payment of an employee or Member under this paragraph for a period of military service may not exceed the amount that would have been deducted or withheld for a period of civilian service, if any, under subsection (a)(1) if the employee or Member had not performed the period of military service.".

(b) TECHNICAL AMENDMENT.—Subsection (a)(2)(A)(ii) of such section is amended by striking out "1954" and inserting in lieu thereof "1986".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 1990 and shall apply to periods of military service that begin on or after that date.

SEC. 11. REDUCTION IN PENSION FOR VETERANS AND VETERANS' SURVIVORS WHO ARE RECEIVING MEDICAID-COVERED NURSING HOME CARE.

(a) REDUCTION IN PENSION.—Paragraph (2) of section 5503(f) of title 38, United States Code, is amended to read as follows:

"(2)(A) Not more than $90 per month may be paid under chapter 15 of this title to or for any person described in subparagraph (B) for any period that a nursing facility furnishes such *person with services covered by a Medicaid plan. The restriction in the preceding sentence applies to periods after the month of the person's admission to the nursing facility.*

"(B) A person referred to in subparagraph (A) is a person—

"(i) who is covered by a Medicaid plan for services furnished such person by a nursing facility; and

"(ii) who is (I) a veteran who has neither spouse nor child, or (II) a surviving spouse who has no child.".

(b) CONFORMING AMENDMENTS.—Section 5503(f) of such title is amended as follows—

(1) In paragraph (3)—

(A) by striking out "a veteran" and inserting in lieu thereof "a person referred to in paragraph (2)(A)"; and

(B) by striking out "such veteran under paragraph (2) of this subsection" and inserting in lieu thereof "such person under such paragraph".

(2) In paragraph (4)—

(A) by striking out "A veteran" and inserting in lieu thereof "A person referred to in paragraph (2)(A)";

(B) by striking out "the veteran" both places it appears and inserting in lieu thereof "the person"; and

(C) by striking out "the veteran's" and inserting in lieu thereof "the person's".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 1992, and apply with respect to months after June 1992.

(d) DELETION OF EXPIRATION DATE.—Section 5503(f) of such title is amended by striking out paragraph (6).

Amend the title so as to read: "An Act to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.".

The title was amended so as to read: "A bill to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes.".

VETERANS HOME LOAN PROGRAM REVITALIZATION ACT OF 1992

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 673, S. 3108, relating to housing loans for homeless veterans; that the committee amendments be agreed to; and that the bill be deemed read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to, as follows:

S. 3108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Home Loan Program Revitalization Act of 1992".

SEC. 2. ADJUSTABLE RATE MORTGAGE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program under this section during fiscal years 1993 through 1997 to demonstrate the feasibility of guaranteeing mortgages that provide for periodic adjustments by the mortgagee in the effective rate of interest charged. A mortgage may be guaranteed under this section only if it meets the requirements of chapter 37 of title 38, United States Code, except as those requirements are modified by this section.

(b) ADJUSTMENTS AUTHORIZED.—Interest rate adjustments or a mortgage guaranteed under this section shall—

(1) correspond to a specified national interest rate index approved in regulations by the Secretary, information on which is readily accessible to mortgagors from generally available published sources;

(2) be made by adjusting the monthly payment on an annual basis on the anniversary of the date on which the loan was closed;

(3) be limited, with respect to any single annual interest rate adjustment, to a maximum increase or decrease of 1 percentage point; and

(4) be limited, over the term of the mortgage, to a maximum increase of 5 percentage points above the initial contract interest rate.

(c) UNDERWRITING STANDARDS.—The Secretary shall promulgate underwriting standards for loans guaranteed under this section, taking into account—

(1) the status of the interest rate index referred to in subsection (b)(1) and available at the time an underwriting decision is made, regardless of the actual initial rate offered by the lender;

(2) the maximum and likely amounts of increases in mortgage payments that the loans would require;

(3) the underwriting standards applicable to adjustable rate mortgages insured under title II of the National Housing Act; and

(4) such other factors as the Secretary finds appropriate.

(d) REGULATIONS.—The Secretary shall issue regulations requiring that the mortgagee make available to the mortgagor, at the time of loan application, a written explanation of the features of the adjustable rate mortgage, including a hypothetical payment schedule that displays the maximum potential increases in monthly payments to the mortgagor over the first 5 years of the mortgage term.

(e) LIMITATIONS.—The aggregate number of mortgages and loans guaranteed under this section, may not exceed 10 percent of the aggregate number of mortgages and loans guaranteed by the Secretary under chapter 37 of title 38, United States Code, during the preceding fiscal year.

(f) REPORTS.—Not later than 1 year after the date on which the Secretary first exercises the authority to guarantee loans under this section, and for each of the four years thereafter, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the pilot program under this section. Each report shall contain a summary of loan activity for loans guaranteed under this section, including information pertaining to defaults and comparisons with the default rates for fixed-rate loans guaranteed under chapter 37 of title 38, United States Code, fixed-rate and adjustable rate loans insured under title II of the National Housing Act, and loans made in the conventional mortgage market.

SEC. 3. ENERGY EFFICIENT MORTGAGES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program under this section during fiscal years 1993 and 1994 to demonstrate the feasibility of guaranteeing mortgages for the acquisition of an existing dwelling and the cost of making energy efficiency improvements to the dwelling. A mortgage may be guaranteed under this section only if it meets the requirements of chapter 37 of title 38, United States Code, except as those requirements are modified by this section.

(b) IMPROVEMENTS AUTHORIZED.—The cost of energy efficiency measures that may be financed by a loan guaranteed under this section may not—

(1) exceed the greater of—

(A) $4,000; or

(B) an amount that is equal to 5 percent of the value of the dwelling before installation of the energy efficiency improvements but does not exceed $8,000; or

(2) increase the monthly payment for principal and interest by an amount greater than the likely reduction in monthly utility costs resulting from the energy efficiency improvements.

(c) GUARANTEE.—The Secretary shall guarantee a loan under this section in the same proportion as the guaranty that would be provided under section 3703(a)(1)(A) of title 38, United States Code, for the dwelling without the energy efficiency improvements. The amount of a veteran's entitlement, calculated in accordance with section 3703(a)(1)(B) of title 38, shall not be affected by the incremental amount of the guaranty provided for the portion of the loan necessary to finance the energy efficiency improvements.

(d) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

(e) LIMITATIONS.—The pilot program under this section shall be carried out in not fewer than 5 nor more than 10 States. The aggregate number of mortgages and loans guaranteed under this section, may not exceed 1,250 during fiscal years 1993 and 1994.

(f) OUTREACH.—The Secretary shall take appropriate actions to notify eligible veterans, participating lenders, and interested realtors in the States in which the pilot program will be carried out of the availability of loan guarantees under this section and the procedures and requirements that apply to the obtaining of such guarantees.

(g) TERMINATION.—If the Secretary finds that the aggregate incremental cost of the pilot program under this section will exceed a total of $2,000,000 during fiscal years 1993 and 1994, the Secretary may terminate the program under this section prior to the close of fiscal year 1994.

(h) REPORTS.—Not later than 1 year after the date on which the Secretary first exercises the authority to guarantee loans under this section, and for each of the 5 years thereafter, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the pilot program under this section. Each such report shall contain information pertaining to default rates on the mortgages guaranteed under this section and information on the effect of energy efficiency improvements on resale values and home utility consumption and costs.

(i) EFFECT ON OTHER LAW.—This section does not supersede or otherwise affect the guarantee authority under section 3710(a)(7) of title 38, United States Code.

SEC. 4. NEGOTIATED INTEREST RATES.

(a) IN GENERAL.—Section 3703(c) of title 38, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "the Secretary of Housing and Urban Development considers necessary to meet the mortgage market for" and inserting "applicable to"; and

(B) by striking all that follows "(12 U.S.C. 1709(b))" and inserting a period; and

(2) by adding at the end the following:

"(4)(A) In guaranteeing or insuring loans under this chapter, the Secretary shall elect to require that such loans bear interest at a rate that is—

"(i) agreed upon by the veteran and the mortgagee; or

"(ii) established under paragraph (1).

The Secretary may, from time to time, change the election under this subparagraph.

"(B) Any veteran, under a loan described in subparagraph (A)(i), may pay reasonable discount points in connection with the loan. Discount points may not be financed as part of the principal amount of a loan guaranteed or insured under this chapter.

"(C) Not later than 10 days after an election under subparagraph (A), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a notification of the election, together with an explanation of the reasons therefor.

"(D) This paragraph shall expire on December 31, 1994.".

(b) REPORT.—Not later than March 1, 1994, the Secretary of Veterans Affairs shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on whether the Secretary has implemented the authority to guarantee and insure loans that bear negotiated interest rates and points. If the Secretary has implemented that authority, the Secretary shall include in the report an assessment of the effect of that action on—

(1) the ability of veterans to obtain guaranteed and insured loans;

(2) the interest rates applicable to the loans bearing negotiated rates; and

(3) the prices paid by veterans for homes securing the loans bearing negotiated rates.

SEC. 5. EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY.

Section 3720(h)*(2)* of title 38, United States Code, is amended by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1995".

SEC. 6. ELIGIBILITY OF SELECTED RESERVE FOR HOUSING LOANS.

(a) ELIGIBILITY.—Chapter 37 of title 38, United States Code, is amended—

(1) in section 3701(b), by adding at the end the following:

"(5)(A) The term 'veteran' also includes an individual not otherwise eligible for the benefits of this chapter who has completed a total of service of at least 6 years in the Selected Reserve and who, following the completion of such service, was discharged from service with an honorable discharge, was placed on the retired list, was transferred to the Standby Reserve or an element of the Ready Reserve other than the Selected Reserve after service in the Selected Reserve characterized by the Secretary concerned as honorable service, or continues serving in the Selected Reserve.

"(B) In this paragraph, the term 'Selected Reserve' means the Selected Reserve of the Ready Reserve of any of the reserve components, as required to be maintained under section 268(b) of title 10."; and

(2) in section 3702(a)(2), by adding at the end the following:

"(E) Each veteran described in section 3701(b)(5) of this title.".

(b) FEES.—(1) Section 3729(a)(2) of such title is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding after subparagraph (C) the following new subparagraph:

"(D) in the case of a loan under this chapter made to, or guaranteed or insured on behalf of, a veteran described in section 3701(b)(5) of this title, the amount of such fee shall be—

"(i) two percent of the total loan amount;

"(ii) in the case of a loan for any purpose specified in section 3712 of this title, one percent of such amount; or

"(iii) in the case of a loan for a purchase (other than a purchase referred to in section 3712 of this title) or for construction with respect to which the veteran makes a downpayment of 5 percent or more of the total purchase price or construction cost—

"(I) 1.50 percent of the total loan amount if such downpayment is less than 10 percent of such price or cost; or

"(II) 1.25 percent of the total loan amount if such downpayment is 10 percent or more of such price or cost.".

(2) Subparagraphs (A) and (B) of section 3725(c)(2) of such title are each amended by inserting "(other than loans described in section 3729(a)(2)(D) of this title)" after "for each loan".

(c) EFFECTIVE DATE; SUNSET.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1992, and expire on December 31, 1998.

(d) REPORT BY SECRETARY OF VETERANS AFFAIRS.—Not later than September 30, 1997, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the veterans provided housing loan benefits under chapter 37 of title 38, United States Code, as a result of the amendments made by subsection (a). The report shall contain information on—

(1) the number of individuals provided such benefits under that chapter by reason of such amendments during the period beginning on October 1, 1992, and ending on the date of the report;

(2) the default rates on loans provided to such veterans under that chapter by reason of such amendments during that period; and

(3) the extent to which such default rates differ from the default rates on other loans provided under that chapter during that period.

So the bill (S. 3108) was deemed read the third time.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 939, the House companion; that the Senate proceed to its immediate consideration; that all after enacting clause be stricken and the text of S. 3108, as amended, be inserted in lieu thereof; that the bill be deemed read a third time and passed; that the motion to reconsider be laid upon the table; that any statements relative to the passage of this item be inserted at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 939) was deemed read the third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 939) entitled "An Act to amend title 38, United States Code, with respect to housing loans for veterans, and for other purposes" do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Home Loan Program Revitalization Act of 1992".

SEC. 2. ADJUSTABLE RATE MORTGAGE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program under this section during fiscal years 1993 through 1997 to demonstrate the feasibility of guaranteeing mortgages that provide for periodic adjustments by the mortgagee in the effective rate of interest charged. A mortgage may be guaranteed under this section only if it meets the requirements of chapter 37 of title 38, United States Code, except as those requirements are modified by this section.

(b) ADJUSTMENTS AUTHORIZED.—Interest rate adjustments or a mortgage guaranteed under this section shall—

(1) correspond to a specified national interest rate index approved in regulations by the Secretary, information on which is readily accessible to mortgagors from generally available published sources;

(2) be made by adjusting the monthly payment on an annual basis on the anniversary of the date on which the loan was closed;

(3) be limited, with respect to any single annual interest rate adjustment, to a maximum increase or decrease of 1 percentage point; and

(4) be limited, over the term of the mortgage, to a maximum increase of 5 percentage points above the initial contract interest rate.

(c) UNDERWRITING STANDARDS.—The Secretary shall promulgate underwriting standards for loans guaranteed under this section, taking into account—

(1) the status of the interest rate index referred to in subsection (b)(1) and available at the time an underwriting decision is made, regardless of the actual initial rate offered by the lender;

(2) the maximum and likely amounts of increases in mortgage payments that the loans would require;

(3) the underwriting standards applicable to adjustable rate mortgages insured under title II of the National Housing Act; and

(4) such other factors as the Secretary finds appropriate.

(d) REGULATIONS.—The Secretary shall issue regulations requiring that the mortgagee make available to the mortgagor, at the time of loan application, a written explanation of the features of the adjustable rate mortgage, including a hypothetical payment schedule that displays the maximum potential increases in monthly payments to the mortgagor over the first 5 years of the mortgage term.

(e) LIMITATIONS.—The aggregate number of mortgages and loans guaranteed under this section, may not exceed 10 percent of the aggregate number of mortgages and loans guaranteed by the Secretary under chapter 37 of title 38, United States Code, during the preceding fiscal year.

(f) REPORTS.—Not later than 1 year after the date on which the Secretary first exercises the authority to guarantee loans under this section, and for each of the four years thereafter, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the pilot program under this section. Each report shall contain a summary of loan activity for loans guaranteed under this section, including information pertaining to defaults and comparisons with the default rates for fixed-rate loans guaranteed under chapter 37 of title 38, United States Code, fixed-rate and adjustable rate loans insured under title II of the National Housing Act, and

loans made in the conventional mortgage market.

SEC. 3. ENERGY EFFICIENT MORTGAGES.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program under this section during fiscal years 1993 and 1994 to demonstrate the feasibility of guaranteeing mortgages for the acquisition of an existing dwelling and the cost of making energy efficiency improvements to the dwelling. A mortgage may be guaranteed under this section only if it meets the requirements of chapter 37 of title 38, United States Code, except as those requirements are modified by this section.

(b) IMPROVEMENTS AUTHORIZED.—The cost of energy efficiency measures that may be financed by a loan guaranteed under this section may not—

(1) exceed the greater of—

(A) $4,000; or

(B) an amount that is equal to 5 percent of the value of the dwelling before installation of the energy efficiency improvements but does not exceed $8,000; or

(2) increase the monthly payment for principal and interest by an amount greater than the likely reduction in monthly utility costs resulting from the energy efficiency improvements.

(c) GUARANTEE.—The Secretary shall guarantee a loan under this section in the same proportion as the guaranty that would be provided under section 3703(a)(1)(A) of title 38, United States Code, for the dwelling without the energy efficiency improvements. The amount of a veteran's entitlement, calculated in accordance with section 3703(a)(1)(B) of title 38, shall not be affected by the incremental amount of the guaranty provided for the portion of the loan necessary to finance the energy efficiency improvements.

(d) REGULATIONS.—The Secretary shall issue such regulations as may be necessary to carry out this section.

(e) LIMITATIONS.—The pilot program under this section shall be carried out in not fewer than 5 nor more than 10 States. The aggregate number of mortgages and loans guaranteed under this section, may not exceed 1,250 during fiscal years 1993 and 1994.

(f) OUTREACH.—The Secretary shall take appropriate actions to notify eligible veterans, participating lenders, and interested realtors in the States in which the pilot program will be carried out of the availability of loan guarantees under this section and the procedures and requirements that apply to the obtaining of such guarantees.

(g) TERMINATION.—If the Secretary finds that the aggregate incremental cost of the pilot program under this section will exceed a total of $2,000,000 during fiscal years 1993 and 1994, the Secretary may terminate the program under this section prior to the close of fiscal year 1994.

(h) REPORTS.—Not later than 1 year after the date on which the Secretary first exercises the authority to guarantee loans under this section, and for each of the 5 years thereafter, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the pilot program under this section. Each such report shall contain information pertaining to default rates on the mortgages guaranteed under this section and information on the effect of energy efficiency improvements on resale values and home utility consumption and costs.

(i) EFFECT ON OTHER LAW.—This section does not supersede or otherwise affect the guarantee authority under section 3710(a)(7) of title 38, United States Code.

SEC. 4. NEGOTIATED INTEREST RATES.

(a) IN GENERAL.—Section 3703(c) of title 38, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking "the Secretary of Housing and Urban Development considers necessary to meet the mortgage market for" and inserting "applicable to"; and

(B) by striking all that follows "(12 U.S.C. 1709(b))" and inserting a period; and

(2) by adding at the end the following:

"(4)(A) In guaranteeing or insuring loans under this chapter, the Secretary shall elect to require that such loans bear interest at a rate that is—

"(i) agreed upon by the veteran and the mortgagee; or

"(ii) established under paragraph (1).

The Secretary may, from time to time, change the election under this subparagraph.

"(B) Any veteran, under a loan described in subparagraph (A)(i), may pay reasonable discount points in connection with the loan. Discount points may not be financed as part of the principal amount of a loan guaranteed or insured under this chapter.

"(C) Not later than 10 days after an election under subparagraph (A), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a notification of the election, together with an explanation of the reasons therefor.

"(D) This paragraph shall expire on December 31, 1994.".

(b) REPORT.—Not later than March 1, 1994, the Secretary of Veterans Affairs shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on whether the Secretary has implemented the authority to guarantee and insure loans that bear negotiated interest rates and points. If the Secretary has implemented that authority, the Secretary shall include in the report an assessment of the effect of that action on—

(1) the ability of veterans to obtain guaranteed and insured loans;

(2) the interest rates applicable to the loans bearing negotiated rates; and

(3) the prices paid by veterans for homes securing the loans bearing negotiated rates.

SEC. 5. EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY.

Section 3720(h)(2) of title 38, United States Code, is amended by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1995".

SEC. 6. ELIGIBILITY OF SELECTED RESERVE FOR HOUSING LOANS.

(a) ELIGIBILITY.—Chapter 37 of title 38, United States Code, is amended—

(1) in section 3701(b), by adding at the end the following:

"(5)(A) The term 'veteran' also includes an individual not otherwise eligible for the benefits of this chapter who has completed a total of service of at least 6 years in the Selected Reserve and who, following the completion of such service, was discharged from service with an honorable discharge, was placed on the retired list, was transferred to the Standby Reserve or an element of the Ready Reserve other than the Selected Reserve after service in the Selected Reserve characterized by the Secretary concerned as honorable service, or continues serving in the Selected Reserve.

"(B) In this paragraph, the term 'Selected Reserve' means the Selected Reserve of the Ready Reserve of any of the reserve components, as required to be maintained under section 268(b) of title 10."; and

(2) in section 3702(a)(2), by adding at the end the following:

"(E) Each veteran described in section 3701(b)(5) of this title.".

(b) FEES.—(1) Section 3729(a)(2) of such title is amended—

(A) by striking out "and" at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof "; and"; and

(C) by adding after subparagraph (C) the following new subparagraph:

"(D) in the case of a loan under this chapter made to, or guaranteed or insured on behalf of, a veteran described in section 3701(b)(5) of this title, the amount of such fee shall be—

"(i) two percent of the total loan amount;

"(ii) in the case of a loan for any purpose specified in section 3712 of this title, one percent of such amount; or

"(iii) in the case of a loan for a purchase (other than a purchase referred to in section 3712 of this title) or for construction with respect to which the veteran makes a downpayment of 5 percent or more of the total purchase price or construction cost—

"(I) 1.50 percent of the total loan amount if such downpayment is less than 10 percent of such price or cost; or

"(II) 1.25 percent of the total loan amount if such downpayment is 10 percent or more of such price or cost.".

(2) Subparagraphs (A) and (B) of section 3725(c)(2) of such title are each amended by inserting "(other than loans described in section 3729(a)(2)(D) of this title)" after "for each loan".

(c) EFFECTIVE DATE; SUNSET.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1992, and expire on December 31, 1998.

(d) REPORT BY SECRETARY OF VETERANS AFFAIRS.—Not later than September 30, 1997, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the veterans provided housing loan benefits under chapter 37 of title 38, United States Code, as a result of the amendments made by subsection (a). The report shall contain information on—

(1) the number of individuals provided such benefits under that chapter by reason of such amendments during the period beginning on October 1, 1992, and ending on the date of the report;

(2) the default rates on loans provided to such veterans under that chapter by reason of such amendments during that period; and

(3) the extent to which such default rates differ from the default rates on other loans provided under that chapter during that period.

Amend the title so as to read: "An Act to amend title 38, United States Code, with respect to housing loans for veterans.".

So the title was amended so as to read:

Amend the title to read as follows:

"To amend title 38, United States Code, with respect to housing loans for veterans.".

Mr. CRANSTON. Mr. President, as Chairman of the Committee on Veterans' Affairs, I urge my colleagues to support S. 3108, the proposed Veterans Home Loan Program Revitalization Act of 1992 as reported by our committee on August 12, 1992. The reported measure, which I will refer to as the committee bill, would establish pilot programs of VA-guaranteed adjustable rate mortgages and energy efficient mortgages, allow veterans to negotiate interest rates on VA-guaranteed loans, extend VA's enhanced loan-asset sale authority, and extend eligibility for VA-guaranteed home loans to members of the Selected Reserve and the National Guard who have served at least 6 years.

Mr. President, the committee bill is derived from S. 3108 as introduced and an amendment offered in our committee by Senator AKAKA adding provisions, derived from his bill, S. 2958, to extend VA home-loan eligibility to reservists. The provisions of the committee bill are described in detail in the committee's report accompanying this measure (S. Rept. No. 102-405). I only will summarize the bill and briefly discuss certain provisions.

SUMMARY OF PROVISIONS

Mr. President, the committee bill would:

ADJUSTABLE RATE MORTGAGES

First, establish a pilot program, in fiscal years 1993-1997, of VA-guaranteed home loans bearing an adjustable interest rate.

Second, require these adjustable rate mortgages, ARM's to provide for annual adjustments in the interest rate on the anniversary date of the loan closing, based on an index that is to be specified in regulations promulgated by the Secretary and readily accessible to mortgagors from generally available sources.

Third, limit (a) the annual interest-rate adjustment to no more than 1 percentage point higher or lower than the interest rate of the loan at the time of the adjustment, and (b) the maximum interest rate at any time during the term of the loan to no more than 5 percentage points above the initial rate.

Fourth, require the Secretary to promulgate underwriting requirements for these loans that take into account (a) the interest rate derived from the most recent VA-specified index available at the time the underwriting decision is made; (b) the maximum and likely increases in mortgage payments that the loans would require; (c) the underwriting standards that apply to adjustable rate mortgages insured by the Federal Housing Administration; and (d) any other factors specified by the Secretary.

Fifth, limit the number of ARM's VA may guarantee each fiscal year to no more than 10 percent of the total number of all loans VA guaranteed during the previous fiscal year.

Sixth, require the Secretary to submit to the Committees on Veterans' Affairs five annual reports on the ARM pilot program.

ENERGY EFFICIENT MORTGAGES

Seventh, establish a pilot program of energy efficient mortgages, EEM's, under which VA could guarantee up to a total of 1,250 EEM's during fiscal year 1993 and 1994 in at least 5, but not more than 10, States.

Eighth, allow EEM's only for existing homes for which the energy efficiency improvements are likely to reduce monthly energy costs by at least as much as the increase in the borrower's monthly mortgage payments attributable to the EEM.

Ninth, require VA to guarantee the loan for the energy efficiency improvements in the same proportion as the guaranty that VA would provide for the underlying loan—without the energy efficiency improvements—provided that the cost of the energy efficiency measures is no more than the greater of (a) $4,000, or (b) 5 percent of the value of the home without the energy efficiency improvements, not to exceed $8,000.

Tenth, provide that the portion of the guaranty attributable to energy efficiency measures may be in addition to the current applicable maximum guaranty and shall not affect the loan-guaranty entitlement to which the borrower otherwise is entitled.

Eleventh, require VA to encourage participation in the program by notifying eligible veterans, participating lenders, and interested realtors in the States in which the pilot program will be carried out about the availability of loan guaranties under the pilot program and the procedures and requirements to obtain these loans.

Twelfth, provide the Secretary with authority to halt the demonstration project if the Secretary estimates that the total incremental costs—Government subsidy—attributable to the 2-year pilot program will exceed $2 million.

Thirteenth, require the Secretary to submit to the Committees on Veterans' Affairs six annual reports on the program.

Fourteenth, provide that the pilot program would not affect the VA EEM program currently operated under section 3710(a)(7) of title 38, United States Code.

NEGOTIATED INTEREST RATE

Fifteenth, through December 31, 1994, require the Secretary to establish for VA-guaranteed home loans either (a) a uniform maximum interest rate and general prohibition on a borrower paying discount points, as required under current section 3703(c) of title 38, or (b) procedures for allowing interest rates to be negotiated between borrowers and lenders.

Sixteenth, authorize the Secretary to change between uniform maximum rates and negotiated rates.

Seventeenth, provide that, if the Secretary allows negotiated interest rates, the Secretary also must allow a borrower to pay reasonable discount points on the loan, as negotiated between the borrower, the seller, and the lender, but prohibit the discount points from being financed as part of the VA-guaranteed loan.

Eighteenth, require the Secretary, within 10 days after exercising the authority to provide for negotiated rates or returning to a uniform maximum rate, to provide the Committees on Veterans' Affairs with an explanation of the reasons for the change in policy.

Nineteenth, require the Secretary to report to the Committees on Veterans' Affairs no later than March 1, 1994, on whether the Secretary has implemented negotiated interest rates and discount points under the authority of this legislation and, if so, the effects of this policy on borrowers' ability to obtain VA-guaranteed loan, the interest rates of the loans, and the prices paid for the homes.

EXTENSION OF ENHANCED LOAN ASSET SALE AUTHORITY

Twentieth, extend from December 31, 1992, to December 31, 1995, the expiration date of section 3720(h) of title 38, United States Code, which authorizes VA to guarantee payments on VA securities backed by VA vendee loans.

ELIGIBILITY OF SELECTED RESERVE FOR HOUSING LOANS

Twenty-first, establish, effective October 1, 1992, through December 31, 1998, a pilot program extending eligibility for VA-guaranteed home loans to individuals who have served for at least 6 years in the Selected Reserve (which generally includes the National Guard); require these individuals to pay VA a loan fee 0.75 of a percentage point above the fee that veterans pay; and require the Secretary to submit to the Committees on Veterans' Affairs by September 30, 1997, a report on reservists' participation in the home-loan program.

BACKGROUND

Mr. President, VA-guaranteed home loans have been providing housing opportunities for our Nation's veterans since Congress enacted the VA home-loan program as part of the Servicemen's Readjustment Act of 1944. VA-guaranteed home loans have been especially helpful to veterans who, because of their military service, have been unable to save enough money to make a downpayment on a home or to establish the credit history necessary to obtain a loan without one. Since 1944, VA has guaranteed approximately 13,300,000 loans totaling more than $375 billion.

Mr. President, in 1989, Congress enacted major changes to the loan-guaranty program, in title III of the Veterans' Benefits Amendments of 1989, Public Law 101-237, that strengthened the program's financial stability.

The 1989 law has helped to control losses in the program, but it was not designed to address the continuing decline in the use of VA-guaranteed home loans. The market share that VA-guaranteed mortgages represent has dropped from over 10 percent in 1983 to under 3 percent today. The declining market share largely results from the program's failure to keep pace with a changing and increasingly complex mortgage market.

Most disturbing, Mr. President, the declining market share reflects the declining value of this veterans benefit. Congress must act to reverse this tend and restore the value of this vital program.

Mr. President, the bill we are considering today would help achieve this goal by authorizing VA to guarantee adjustable rate mortgages, establish a pilot program of energy efficient mortgages, allowing veterans to bargain for better interest rates and sales prices during a 2-year test of negotiated interest rates, and extending eligibility for VA-guaranteed loans to certain members of the Reserve or National Guard.

NEGOTIATED INTEREST RATES

Mr. President, the negotiated interest rate provision in the Committee bill is a fair, limited test of eliminating administratively set interest rates on VA loans. This test is long overdue.

Under current law, VA administratively establishes a national maximum interest rate for VA-guaranteed loans. Veterans are prohibited from paying "discount points" on a VA loan in order to obtain a lower interest rate. This means that when a buyer wants to use a VA-guaranteed loan, the seller must pay all of the points. That makes many sellers reluctant to sell their home to veterans who plan to use VA-guaranteed loans.

To illustrate, in January of this year, the VA interest rate was 8 percent, and the market rate was rising. Just before VA finally raised its rate to 8.5 percent, lenders were charging 4.5 points for an 8-percent VA-guaranteed loan. When the VA maximum rate lags behind the market rate, lenders are willing to make VA-guaranteed loans only if they can receive a substantial upfront premium in the form of discount points. Since, under current law, the seller always pays the points when a VA-guaranteed loan is involved, sellers typically make up the difference by requiring a higher purchase price from veterans desiring to use a VA loan.

Veterans also suffer in a declining market. On July 6, 1992, VA lowered the maximum rate from 8.5 to 8 percent. Immediately prior to this change, most lenders were charging no points for 8.5-percent VA-guaranteed loans, since that interest rate had become higher than the market rate. But when the VA rate dropped to 8 percent, sellers suddenly were required to pay 1 or 2 points to complete the transaction. According to testimony at our Committee's July 22 hearing, this caused many sellers to cancel sales involving a VA-guaranteed loan.

Mr. President, for the next 2 years, this bill would make it possible for VA to put these veterans on a level playing field with potential purchasers who plan to use conventional, FHA-insured, or other types of mortgage loans. Veterans who want to use their VA-guaranteed home-loan entitlement would not start at a disadvantage when they bid for a house against other potential purchasers.

Those who are apprehensive about negotiated rates say that the administered rate acts as a drag chute on volatile interest rates. Certainly that is one of the goals of the administered rate. But there are no data to support the conclusion that the administered rate has that effect, and, in the modern mortgage market, veterans suffer whenever the VA-set rate is even slightly out of synch with market rates.

Mr. President, in the highly competitive mortgage lending industry, I believe that the interest-rate competition that this bill would allow ultimately will reduce veterans' costs for housing.

ADJUSTABLE RATE MORTGAGES

Mr. President, the Committee bill also would provide authority for VA to guarantee adjustable rate mortgages for the first time. VA-guaranteed loans are the only segment of the single-family mortgage market that does not offer adjustable rate mortgages.

I have been very cautious about pushing VA into guaranteeing this type of loan because ARMs inherently are more risky for the borrower. In the first years that adjustable rate mortgages were offered, abuses were rampant and default rates were high.

The market for ARMs has matured, however, and limitations placed on interest-rate adjustments have brought defaults down to reasonable levels, although ARMs still have default rates somewhat higher than fixed-rate mortgages.

Typical ARMs in the conventional-mortgage market limit annual interest-rate adjustments to no more than 2 percentage points up or down and limit the rate at any time during the term of the loan to no more than 6 percentage points above the initial rate. This "2/6" limitation dampens the wide swings in monthly payments that could occur with some early versions of ARMs.

ARMs insured by the Federal Housing Administration are even more conservative. The annual adjustment cap for FHA-insured loans is 1 percent up or down and the lifetime cap is 5 percent. FHA also imposes strict underwriting requirements to ensure that a borrower will remain able to make monthly payments even if those payments increase significantly as a result of annual interest-rate adjustments. FHA also requires disclosure to loan applicants of the maximum increases that could occur under the adjustable rate mortgage.

The 5-year ARM pilot program that this bill would establish for VA generally adopts the conservative limitations that apply to FHA-insured ARMs. The bill itself expresses these limits, so VA could not adopt less-stringent standards.

Mr. President, the reports that the bill would require will, at the end of the 5-year trial period, place Congress in a well-informed position to decide whether ARMs should be a permanent part of the VA-guaranteed home-loan program and, if so, whether the ARM product in this bill contains the appropriate limitations and requirements.

During the Committee's July 22, 1992, hearing on a draft of this legislation, I was pleased to hear the Administration support a pilot ARM program for the first time.

ENERGY EFFICIENT MORTGAGES

Mr. President, this measure also would establish a pilot program of energy efficient mortgages to encourage veterans who buy existing homes to incorporate energy-saving improvements into the home. The program would allow veterans to finance the greater of $4,000 or 5 percent of the home's price up to $8,000 as part of the original loan for the property. The additional amount of the guaranty would not count against the veteran's entitlement or against the regular guaranty limits.

Mr. President, the true value of energy efficiency often goes unrecognized in traditional appraisals of a property's value. Especially when the measures are innovative and relatively uncommon, such as solar hearing, appraisers often cannot find the traditional three comparable recent home sales against which they can compare the value of the house with energy efficiency improvements.

Thus, the appraisal might not support the additional financing necessary to make the improvements, even when it is easy to show that the improvements immediately would reduce energy costs by more than the amount of the associated increase in mortgage payments.

Under its existing EEM program, VA estimates that it has guaranteed an average of fewer than 10 EEM's nationwide each year since the program started in 1980. But VA also claims that its procedures for tracking EEM's is so faulty that the number of EEM's is severely underreported.

In my view, the problem with the current VA program is the appraisal situation I just described. Although current VA underwriting rules for EEM's allow a lender to consider energy savings in determining whether a veteran can afford the loan, VA procedures still require a supporting appraisal for significant energy efficiency improvements. This has made current EEM's impractical and inconvenient. Many veterans—and lenders—are unaware that the lender can consider potential energy savings that would result from energy efficiency improvements financed as part of the original loan. Indeed, very few veterans know that VA EMMs are available, or how to apply for one, before they learn about them in the course of obtaining a VA-guaranteed loan.

Mr. President, the committee bill would create a streamlined process for obtaining one of the pilot-program

EEM's. If the applicant can demonstrate that the energy savings will exceed the increased monthly mortgage costs, there would be no need for an appraisal that specifically supports the energy efficiency improvements. In short, these new EEM's would substitute an energy efficient standard for an appraised value standard for the portion of the loan that would finance the energy efficiency improvements.

Mr. President, the committee bill would be consistent with the national energy policy adopted by the Senate when it passed S. 2166, which contained a similar provision, in section 6102, that applied to both FHA-insured and VA-guaranteed home loans.

CONCLUSION

Mr. President, Congress must not allow VA-guaranteed home loans to become obsolete. The improvements in this bill would help to restore and increase the value of this benefit by making VA-guaranteed loans a more competitive, modern tool to assist veterans in achieving the American dream of home ownership. I urge all of my colleagues to support this measure.

Mr. President, it has been a pleasure to work with the distinguished ranking Republican member of the committee, Senator SPECTER, on this measure and I am very grateful to him and the other members of the committee for their help and cooperation in developing this legislation. I particularly would like to thank my good friend and fellow committee member, Senator AKAKA, for his help with this legislation. I express my appreciation to the staff who worked so hard on this legislation—on the minority side, Quentin Kinderman and Tom Roberts; the committee's editorial director, Roy Smith; and on the majority staff, Neil Koren, Michael Cogan, and Ed Scott; and John Tagami of Senator AKAKA's staff.

Mr. President, I am delighted that we have been able to develop a measure that will improve the VA home-loan guaranty program. This bill, I believe, will modernize the VA-guaranteed loans and make this a more valuable veterans benefit.

Mr. President, I urge all of my colleagues to support this important measure.

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs, I am pleased to support passage of S. 3108.

This bill would provide significant improvements to the VA Home Loan Program, and enhance both the program's utility to the veterans who use it, and its ability to compete with other programs in today's competitive lending marketplace.

Generally, the bill would provide for a pilot program of adjustable rate mortgages and energy efficient mortgages. It would authorize the Secretary of Veterans Affairs to approve mortgages with negotiated interest rates, and would also authorize a 6-year pilot program extending loan guaranty benefits to Reserve and National Guard members who have served 6 years.

The purpose of this bill, Mr. President, is to bring the VA program up to date with modern practice in the lending industry. Adjustable rate mortgages have been generally accepted in the marketplace. It is time to determine if they are suitable and appropriate for the unique goals of the VA program, and a pilot test is the best way to find out.

We face a similar situation with the alternative of the current VA fixed interest rate versus the commonly accepted "negotiated" rate, in which market conditions set the interest rate. This bill would allow the Secretary the latitude to institute a negotiated rate program if this appears to be in the best interest of the veteran borrowers. The energy efficient mortgage provision would supplement an existing program while setting slightly different criteria for approval. Again, the use of a pilot program is the best way to test this concept.

I was pleased to support Senator AKAKA's amendment at our August 7 markup to extend loan guaranty benefits to members of the Reserve and the National Guard. These men and women have clearly demonstrated the important role that they play in our Nation's total force concept.

Taken together, these provisions should go a long way toward reinvigorating the VA Loan Guaranty Program, and help this program remain responsive to the veteran community in the future.

In closing, I would like to thank the staff who worked so hard to prepare this bill: John Tagami of Senator AKAKA's staff, Neal Koren, Michael Cogan, Bill Brew, and Ed Scott of the majority staff, and Quent Kinderman, Bill Tuerk, Charlie Battaglia and Tom Roberts from my staff.

Mr. President, it is important that we keep the Nation's veterans programs vital and responsive to the changing needs of the veteran population. This can only be achieved if we are willing to attempt to try new ideas.

Because this bill takes important steps in this direction, I urge my colleagues to support S. 3108.

Mr. AKAKA. Mr. President, I rise in strong support of S. 3108, the Veterans Home Loan Program Revitalization Act of 1992, which would establish a pilot program of VA-guaranteed adjustable rate mortgages, create a pilot program of energy efficient mortgages, and authorize negotiated interest rates and discount points on VA-guaranteed loans for the next 2 years.

I am particularly supportive of section 6 of the bill, which is based on S. 2958, legislation I introduced earlier this year and cosponsored by Senators INOUYE, BOND, DECONCINI, and SANFORD, to extend eligibility for the Department of Veterans Affairs [VA] Home Loan Guaranty Program to certain members of the Selected Reserve. Similar legislation has already passed the House twice, most recently last March.

At its July 22 hearing on home loan issues, the Veterans' Affairs Committee received favorable testimony on S. 2958 from the administration, veterans organizations, Guard and reservist groups, and the financial and housing industries. Of the organizations represented, only VA and the Veterans of Foreign Wars expressed opposition to extending the positive comments offered at the hearing, the committee voted 8-4 in favor of a modified version of S. 2958 which I offered as an amendment to S. 3108.

Section 6 of S. 3108 would establish a 6-year pilot program making reservists and National Guard members who serve for 6 years, and either receive an honorable discharge or continue to serve in the Guard or Reserve, eligible for VA-guaranteed home loans. These are servicemembers who otherwise have not qualified for veterans status by fulfilling the active duty service requirement. It is estimated that 7,650 new reservists would obtain VA-guaranteed loans each year under this provision.

Those who qualify for the program would have to pay VA an origination fee of 2 percent of the total loan amount without a downpayment, 1.5 percent if he or she makes a downpayment of at least 5 percent, and 1.25 percent if the borrower makes a downpayment of 10 percent or more. In contrast, the indemnity fee for veterans is 1.25, 0.75, and 0.5 percent, respectively. The disparity in fee schedules acknowledges and recognizes the legitimate differences between veterans and reservists.

VA would be required to submit a report to Congress in the fifth year of the 6-year trial period, in order to allow members to evaluate the impact of the pilot program on the VA Loan Guaranty Program as well as on veterans and veterans' survivors for whom the program was originally intended. The report would provide Congress with the basis for continuing the program on a temporary basis, extending the benefits on a permanent basis, or allowing the initiative to lapse at the end of the sixth year.

Mr. President, the end of the cold war has forced us to reassess the role, size, and structure of our Armed Forces. With the decline in East-West tensions, we can at least afford to turn our eyes homeward to deal with our serious domestic problems and the budget deficit. In this environment, Congress and the administration alike have understood the need to downsize our active duty military forces. In fact, over the next 5 years, the armed services is expected to discharge a minimum of 400,000 military personnel, and to lose another 300,000 per year through attrition. As a consequence, the Reserve and National Guard are expected to play a much more prominent role in the total force. Indeed, the outstanding performance of the 235,000 reservists called up for Desert Storm/Shield reflects their importance in the new military calculus.

Mr. President, by extending the VA-Guaranty Program to cover members of the Reserve and Guard, we explicitly recognize the significance of their current and potential contributions. By improving the benefits package, we ensure that Reserve and Guard service is rendered much more attractive to qualified individuals. This is of critical importance during an era when the civilian sector is competing for the same pool of applicants, as well as when warfare is becoming increasing complicated, demanding only the most intelligent, motivated, and technically competent individuals. It is also of immediate importance at a time when the economic and personal hardships brought on by quick mobilization for the Persian Gulf war are causing many soldier-citizens to reevaluate their participation in the Selected Reserve.

In addition, aside from the recruitment and retention issue, expanding the program would also benefit the VA Home Loan Guaranty Program itself. As a House report indicates, it is commonly acknowledged that reservists and guardmembers "are, generally, an older, more mature and more stable group with longtime civilian job histories. Many are familiar with the costs and responsibilities of home ownership. Therefore, this group may help to financially stabilize the program through an influx of loan fees with fewer claims to be paid on their behalf." In other words, Mr. President, reservists and guardmembers, especially those who have served at least 6 years, are likely to be better risks than the average veteran since they have established civilian jobs, have roots in their local communities, and have not had to forego opportunities to save for a house or to obtain an adequate credit history.

Finally, passage of this legislation would help stimulate local economies, through investment in one of the engines in economic growth, our real estate and construction industry. Lest we forget, the original home loan program established in 1944—which to date has helped 13 million veterans obtain more than $350 billion in VA-backed private loans—arguably helped avert a potential depression after the Second World War.

For those of my colleagues who are concerned that a new entitlement would only add to the deficit, I have comforting news. According to the Congressional Budget Office [CBO], this provision will not cost the taxpayer a dime. In fact, CBO estimates that the legislation will actually result in a positive cash flow to the Government of $5 million over the fiscal year 1993–97 period, presumably as a result of the higher origination fees required of reservists under this legislation.

Thank you, Mr. President. I urge my colleagues to support this important measure. Section 6 supports our total force policy, it will help stabilize the Veterans Home Loan Guaranty Program, it will stimulate the economy, and it will enable thousands of dedicated reservists to fulfill the dream of home ownership.

Before closing, however, I would be remiss if I did not thank Chairman CRANSTON for his cooperation in bringing this measure to the Senate floor. I also wish to commend members of the Veterans' Affairs Committee staff, particularly Ed Scott, Michael Cogan, and Neil Koren, for their help in working out language on the reservists home loan initiative that was acceptable to most committee members.

Thank you, Mr. President. I yield the floor.

Mr. BUMPERS. Mr. President, I ask unanimous consent that Calendar Order No. 673 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

READY TO LEARN ACT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 705, S. 3134, the educational and instructional video bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3134) to expand the production and distribution of educational and instructional video programming.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ready to Learn Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to—

(1) expand the availability of educational and instructional video programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(2) to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. READY TO LEARN PROGRAMS.

The General Education Provisions Act is amended by inserting after section 405 (20 U.S.C. 1221e) the following new section:

"READY TO LEARN TELEVISION

"SEC. 405A. (a) IN GENERAL.—The Secretary is authorized to implement programs to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children in order to facilitate the achievement of the national education goals. In administering such programs, the Secretary shall ensure that such programming is made widely available to young children, their parents, child care workers and Head Start providers with support materials as appropriate to increase the effective use of such programming.

"(b) DUTIES OF THE SECRETARY.—In administering the programs under subsection "(a), the Secretary shall—

"(1) set priorities regarding the educational needs of preschool and elementary school children that can be addressed through video technologies;

"(2) award grants for the development and dissemination of educational and instructional programming, in accordance with the priorities established under paragraph (1), for preschool children, children in transition programs from early childhood education to elementary school grades, and elementary school children;

"(3) award grants for the development and dissemination of training materials, including—

"(A) interactive programs, designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2); among parents, Head Start providers, in-home and center based, day care providers, early childhood development personnel and elementary school teachers, and after school program personnel caring for preschool and elementary school children;

"(4) establish and administer a Special Projects of National Significance program to award grants to public and nonprofit private entities for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(5) establish within the Department a clearinghouse to compile and provide information, referrals and model program materials obtained or developed under this section to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this section;

"(6) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to the grantees of those Federal programs that have major training components for early childhood development, including Head Start and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education; and

"(7) provide consultation to the Secretary of Commerce regarding what the educational and informational needs of preschool and elementary school children are for the purposes of im-

plementing section 103 of the Children's Television Act of 1990 (Public Law 101–437) and coordinate the activities funded under this Act with the activities of the National Endowment for Children's Educational Television established under subpart B of part IV of title III of the Communications Act of 1934.

"(c) Development and Distribution of Educational Programming for Children.—

"(1) Grants.—To carry out the provisions of subsection (b)(2), the Secretary shall award grants to eligible applicant entities to—

"(A) facilitate the development or acquisition, directly or through contracts with producers, of children's television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(B) contract with entities experienced in the distribution of such programming, such as public broadcasting entities and those funded under the Star Schools Assistance Act, for the dissemination of programs developed under this paragraph to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(2) Eligible entities.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) be a nonprofit, nongovernmental entity with a demonstrated record of facilitating the development and distribution of educational and instructional television programming for preschool and elementary school children; and

"(B) have a demonstrated record of contracting with the producers of children's television programming for the purpose of developing or acquiring educational television programming for preschool and elementary school children.

"(3) Cultural experiences.—Programming developed or acquired under this subsection shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"(d) Development and Distribution of Training Materials.—To carry out the provisions of subsection (b)(3), the Secretary may award grants to public or private nonprofit entities with demonstrated expertise and experience in the development of video or other educational materials regarding child development and early childhood education for parents and child care providers, to—

"(1) develop, directly or through contracts, training and support materials for the purpose of informing and training parents and personnel in accordance with subsection (b)(3); and

"(2) produce such materials for distribution to the broadest audience appropriate to be served, including parents, day care providers, public libraries and Head Start centers.

"(e) Reports and Evaluation.—

"(1) Annual report to the Secretary.—The entity receiving funds under subsection (c) shall prepare and submit to the Secretary an annual report that shall contain such information as the Secretary may require. At a minimum the report shall contain a description of the program activities undertaken with funds received under this section, including—

"(A) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(B) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(C) the means by which programming developed under this section has been distributed, including the technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(D) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(2) Report to congress.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report to include the following information—

"(A) a summary of the information made available under subsection (d)(1);

"(B) a description of the training materials made available under subsection (b)(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

"(f) Ready To Learn Satellite Channel.—The Secretary may enter into a contract with a public broadcasting entity for the distribution of educational video programming for preschool and elementary school children, parents, and child care providers, on at least one channel under a satellite interconnection authorized under section 396(k)(10) of the Communications Act of 1934 (47 U.S.C. 396(k)(10)). Such channel shall be designated as the Ready to Learn Channel.

"(g) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997. Not less than 60 percent of the amounts appropriated under this paragraph for each fiscal year shall be used to carry out subsection (c).

"(2) Special projects.—Of the amount appropriated under paragraph (1) for each fiscal year, not to exceed 10 percent of such amount shall be utilized in each such fiscal year for activities under subsection (b)(4).

"(h) Administrative Costs.—With respect to the implementation of subsection (c), entities receiving a grant from the Secretary may use up to 5 percent of the amounts received under a grant under such subsection for the normal and customary expenses of administering the grant.".

SEC. 4. AMENDMENTS TO CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT.

(a) Spending of Funds by States.—Section 658J(c) of the Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858h(c)) is amended—

(1) by striking out "obligated" and inserting in lieu thereof "expended"; and

(2) by striking out "succeeding fiscal year" and inserting in lieu thereof "succeeding 3 fiscal years".

(b) Payments Excluded from Income.—The Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858a et seq.) is amended by adding at the end thereof the following new section:

"SEC. 658S. MISCELLANEOUS PROVISIONS.

"Notwithstanding any other provision of law, the value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under this subchapter shall not be treated as income for purposes of any other Federal or Federally-assisted program that bases eligibility, or the amount of benefits, on need.".

(c) Technical and Conforming Amendments.—

(1) Correction in citation.—Section 5082 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) is amended by striking out "title IV" and inserting in lieu thereof "title VI".

(2) Definitions.—Section 658P of the Child Care and Development Block Grant Act Amendments of 1992 (42 U.S.C. 9858n) is amended—

(A) in paragraph (7), by striking out "4(b)" and inserting in lieu thereof "4(e)"; and

(B) in paragraph (14), by striking out "4(c)" and inserting in lieu thereof "4(l)".

SEC. 5. TECHNICAL ASSISTANCE, TRAINING, AND STAFF QUALIFICATIONS.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (a) by striking paragraph (2) and inserting the following: "(2) training for specialized or other personnel needed in connection with Head Start programs, including funds from programs authorized under this subchapter to support an organization to administer a centralized child development and national assessment program leading to recognized credentials for personnel working in early childhood development and child care programs, training for personnel providing services to non-English language background children, training for personnel in helping children cope with community violence, and resource access projects for personnel working with disabled children."; and

(2) by adding at the end thereof the following new subsections:

"(c) The Secretary shall—

"(1) develop a systematic approach to training Head Start personnel, including specific goals and objectives for program improvement and professional development, a process for continuing input from the Head Start community, and a strategy for delivering training and technical assistance; and

"(2) report on such approach to the Committee on Labor and Human Resources of the Senate and the Committee on Education and Labor of the House of Representatives.

"(d) The Secretary may provide, either directly or through grants to public or private nonprofit entities, training for Head Start personnel in the use of the performing and visual arts and interactive programs using electronic media to enhance the learning experience of Head Start children.".

SEC. 6. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) Effective Date.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) Application of Amendments.—The amendments made by this Act shall not apply with respect to fiscal years beginning before October 1, 1992.

AMENDMENT NO. 3363

Mr. SIMPSON. Mr. President, I offer a substitute amendment on behalf of Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report the substitute amendment.

The assistant legislative clerk read as follows:

The Senator from Wyoming, [Mr. SIMPSON], for Mr. COCHRAN, proposes an amendment numbered 3363:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ready to Learn Act".

SEC. 2. FINDINGS ON DISTANCE LEARNING.

The Congress finds that—

(1) the rapid development of telecommunications technology has resulted in distance learning systems that are powerful, flexible and increasingly affordable;

(2) distance learning technology can increase contributions to the goals of "America 2000", as established by the President, including school readiness;

(3) distance learning expands the availability of educational and instructional video

programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(4) distance learning expands the availability of educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) expand the availability of educational and instructional video programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(2) to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. READY TO LEARN PROGRAMS.

The General Education Provisions Act is amended by inserting after section 405 (20 U.S.C. 1221e) the following new section:

"READY TO LEARN TELEVISION

"SEC. 405A. (a) IN GENERAL.—The Secretary is authorized to implement programs to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children in order to facilitate the achievement of the national education goals. In administering such programs, the Secretary shall ensure that such programming is made widely available to young children, their parents, child care workers and Head Start providers with support materials as appropriate to increase the effective use of such programming.

"(b) DUTIES OF THE SECRETARY.—In administering the programs under subsection "(a), the Secretary shall—

"(1) set priorities regarding the educational needs of preschool and elementary school children that can be addressed through video technologies including distance learning networks;

"(2) award grants for the development and dissemination of educational and instructional programming, in accordance with the priorities established under paragraph (1), for preschool children, children in transition programs from early childhood education to elementary school grades, and elementary school children;

"(3) award grants for the development and dissemination of training materials, including—

"(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2);

among parents, Head Start providers, in-home and center based, day care providers, early childhood development personnel and elementary school teachers, and after school program personnel caring for preschool and elementary school children;

"(4) establish and administer a Special Projects of National Significance program to award grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State education agency, local education agency, local school, institution of higher learning, or community based organization of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

"(5) establish within the Department a clearinghouse to compile and provide information, referrals and model program materials obtained or developed under this section to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this section; and

"(6) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to the grantees of those Federal programs that have major training components for early childhood development, including Head Start and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

"(c) DEVELOPMENT AND DISTRIBUTION OF EDUCATIONAL PROGRAMMING FOR CHILDREN.—

"(1) GRANTS.—To carry out the provisions of subsection (b)(2), the Secretary shall award grants to eligible applicant entities to—

"(A) facilitate the development or acquisition, directly or through contracts with producers, of children's television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(B) contract with entities experienced in the distribution of such programming, such as public broadcasting entities and those funded under the Star Schools Assistance Act, for the dissemination of programs developed under this paragraph to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) be a nonprofit, nongovernmental entity with a demonstrated record of facilitating the development and distribution of educational and instructional television programming for preschool and elementary school children; and

"(B) have a demonstrated record of contracting with the producers of children's television programming for the purpose of developing or acquiring educational television programming for preschool and elementary school children.

"(3) CULTURAL EXPERIENCES.—Programming developed or acquired under this subsection shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"(d) DEVELOPMENT AND DISTRIBUTION OF TRAINING MATERIALS.—To carry out the provisions of subsection (b)(3), the Secretary may award grants to public or private nonprofit entities with demonstrated expertise and experience in the development of video or other educational materials regarding child development and early childhood education for parents and child care providers, to—

"(1) develop, directly or through contracts, training and support materials for the purpose of informing and training parents and personnel in accordance with subsection (b)(3); and

"(2) produce such materials for distribution to the broadest audience appropriate to be served, including parents, day care providers, public libraries, Head Start centers, and distance learning networks.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) SPECIAL RULE.—Each eligible entity desiring a grant under subsection (b)(2) shall include in the application submitted pursuant to paragraph (1) documentation of such entity's eligibility in accordance with subsection (c)(2).

"(f) REPORTS AND EVALUATION.—

"(1) ANNUAL REPORT TO THE SECRETARY.—The entity receiving funds under subsection (c) shall prepare and submit to the Secretary an annual report that shall contain such information as the Secretary may require. At a minimum the report shall contain a description of the program activities undertaken with funds received under this section, including—

"(A) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(B) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(C) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(D) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report to include the following information—

"(A) a summary of the information made available under subsection (d)(1);

"(B) a description of the training materials made available under subsection (b)(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997. Not less than 60 percent of the amounts appropriated under this paragraph for each fiscal year shall be used to carry out subsection (c).

"(2) SPECIAL PROJECTS.—Of the amount appropriated under paragraph (1) for each fiscal year, at least 10 percent of such amount shall be utilized in each such fiscal year for activities under subsection (b)(4)(C).

"(h) ADMINISTRATIVE COSTS.—With respect to the implementation of subsection (c), entities receiving a grant from the Secretary may use up to 5 percent of the amounts received under a grant under such subsection for the normal and customary expenses of administering the grant.

"(i) DEFINITION.—For the purposes of this section, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.".

Mr. COCHRAN. Mr. President, I am pleased to join with Senator KENNEDY in sponsoring the Ready to Learn Act, S. 3134. This bill authorizes the Secretary of Education to set priorities regarding the educational needs of preschool and elementary school children that can be addressed through television programming. Once these priorities are identified, the Department will make grants based on these priorities to develop, produce, and distribute new educational programs for this audience.

Today, television is in many instances the most powerful teacher a young child has. In busy households with both parents working, in single-parent homes, and crowded day care facilities, television fills a gap created by today's lifestyles.

Public television programs like "Sesame Street" and "Reading Rainbow" have offered young children quality educational programming for over 25 years.

By taking advantage of the significant number of hours of television most children watch every day, we have an opportunity to build a foundation for future learning. The Department of Education supports this proposal and wants to take a more active role in supporting the development of educational television materials.

This bill establishes a partnership between the U.S. Department of Education and producers of children's programming to develop criteria for educational television programming targeted to the preschool audience, which will then be used as guidelines for the solicitation and selection of projects to be funded. This strategy draws on the strong commitment of Secretary Alexander to support early childhood education and the Corporation for Public Broadcasting's years of expertise in providing young children with quality educational television.

In States like Mississippi, educational television has helped provide students opportunities to learn that would not otherwise be available. In fact, Mississippi ETV currently offers six educational networks, providing more than 65 hours of educational programming each day for students, teachers, individuals, and families. This bill will expand the educational programming available to preschool children.

Another strong component of this bill is that it will offer parents, teachers, libraries, and daycare providers with specially designed supporting materials to enhance the value of the television programming. These supporting materials will be developed through grants to local educational television networks.

The bill authorizes $50 million for the development and dissemination of quality preschool educational programs for public television. It is my hope that this Federal investment will encourage and leverage greater corporate and other private support for more good television for the youth of America.

I urge Senators to support this bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3363) was agreed to.

The PRESIDING OFFICER. This bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to engrossed for a third reading was read the third time, and passed, as follows:

S. 3134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ready to Learn Act".

SEC. 2. FINDINGS ON DISTANCE LEARNING.

The Congress finds that—

(1) the rapid development of telecommunications technology has resulted in distance learning systems that are powerful, flexible and increasingly affordable;

(2) distance learning technology can increase contributions to the goals of "America 2000", as established by the President, including school readiness;

(3) distance learning expands the availability of educational and instructional video programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(4) distance learning expands the availability of educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) expand the availability of educational and instructional video programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(2) to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. READY TO LEARN PROGRAMS.

The General Education Provisions Act is amended by inserting after section 405 (20 U.S.C. 1221e) the following new section:

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"SEC. 405A. (a) IN GENERAL.—The Secretary is authorized to implement programs to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children in order to facilitate the achievement of the national education goals. In administering such programs, the Secretary shall ensure that such programming is made widely available to young children, their parents, child care workers and Head Start providers with support materials as appropriate to increase the effective use of such programming.

"(b) DUTIES OF THE SECRETARY.—In administering the programs under subsection "(a), the Secretary shall—

"(1) set priorities regarding the educational needs of preschool and elementary school children that can be addressed through video technologies including distance learning networks;

"(2) award grants for the development and dissemination of educational and instructional programming, in accordance with the priorities established under paragraph (1), for preschool children, children in transition programs from early childhood education to elementary school grades, and elementary school children;

"(3) award grants for the development and dissemination of training materials, including—

"(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2);

among parents, Head Start providers, in-home and center based, day care providers, early childhood development personnel and elementary school teachers, and after school program personnel caring for preschool and elementary school children;

"(4) establish and administer a Special Projects of National Significance program to award grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State education agency, local education agency, local school, institution of higher learning, or community based organization of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

"(5) establish within the Department a clearinghouse to compile and provide information, referrals and model program materials obtained or developed under this section to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this section; and

"(6) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to the grantees of those Federal programs that have major training components for early childhood development, including Head Start and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

"(c) Development and Distribution of Educational Programming for Children.—

"(1) Grants.—To carry out the provisions of subsection (b)(2), the Secretary shall award grants to eligible applicant entities to—

"(A) facilitate the development or acquisition, directly or through contracts with producers, of children's television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(B) contract with entities experienced in the distribution of such programming, such as public broadcasting entities and those funded under the Star Schools Assistance Act, for the dissemination of programs developed under this paragraph to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(2) Eligible entities.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) be a nonprofit, nongovernmental entity with a demonstrated record of facilitating the development and distribution of educational and instructional television programming for preschool and elementary school children; and

"(B) have a demonstrated record of contracting with the producers of children's television programming for the purpose of developing or acquiring educational television programming for preschool and elementary school children.

"(3) Cultural experiences.—Programming developed or acquired under this subsection shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"(d) Development and Distribution of Training Materials.—To carry out the provisions of subsection (b)(3), the Secretary may award grants to public or private nonprofit entities with demonstrated expertise and experience in the development of video or other educational materials regarding child development and early childhood education for parents and child care providers, to—

"(1) develop, directly or through contracts, training and support materials for the purpose of informing and training parents and personnel in accordance with subsection (b)(3); and

"(2) produce such materials for distribution to the broadest audience appropriate to be served, including parents, day care providers, public libraries, Head Start centers, and distance learning networks.

"(e) Application.—

"(1) In general.—Each eligible entity desiring a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) Special rule.—Each eligible entity desiring a grant under subsection (b)(2) shall include in the application submitted pursuant to paragraph (1) documentation of such entity's eligibility in accordance with subsection (c)(2).

"(f) Reports and Evaluation.—

"(1) Annual report to the secretary.—The entity receiving funds under subsection (c) shall prepare and submit to the Secretary an annual report that shall contain such information as the Secretary may require. At a minimum the report shall contain a description of the program activities undertaken with funds received under this section, including—

"(A) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(B) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(C) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(D) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(2) Report to congress.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report to include the following information—

"(A) a summary of the information made available under subsection (d)(1);

"(B) a description of the training materials made available under subsection (b)(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

"(g) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997. Not less than 60 percent of the amounts appropriated under this paragraph for each fiscal year shall be used to carry out subsection (c).

"(2) Special projects.—Of the amount appropriated under paragraph (1) for each fiscal year, at least 10 percent of such amount shall be utilized in each such fiscal year for activities under subsection (b)(4)(C).

"(h) Administrative Costs.—With respect to the implementation of subsection (c), entities receiving a grant from the Secretary may use up to 5 percent of the amounts received under a grant under such subsection for the normal and customary expenses of administering the grant.

"(i) Definition.—For the purposes of this section, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.".

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table. The motion to lay on the table was agreed to.

CORRECTION IN THE ENROLLMENT OF H.R. 3379

Mr. BUMPERS. Mr. President, I ask unanimous consent that Senate proceed to the immediate consideration of House Concurrent Resolution 366, a concurrent resolution to request the President to return the enrolled bill H.R. 3379, a bill relating to the authorities of the administrative conference, and correct the enrollment of that bill that is now at the desk; that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 366) was agreed to.

TECHNICAL AMENDMENTS TO CERTAIN INDIAN STATUTES

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 746, H.R. 5686, a bill to make technical amendments to certain Federal Indian statutes.

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

A bill (H.R. 5686) to make technical amendments to certain Federal Indian statutes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs, with an amendment on page 3, after line 3, insert the following:

SEC. 4. AUTHORITY TO CONVEY LANDS.

Notwithstanding any other provisions of law, the Mississippi Band of Choctaw Indians is authorized to sell, convey, and warrant to National Disposal Systems, Inc, without further approval of the United States, all the Band's interests in real property located in Noxubee County, Mississippi, that it acquired from National Disposal Systems, Inc. Nothing in this *section is intended to authorize the Mississippi Band of Choctaw Indians to sell any of its lands that are held in trust by the United States.*

SEC. 5. AMENDMENTS TO 99-YEAR LEASE STATUTE.

The second sentence of subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended by inserting immediately after "Oklahoma," the following: "lands held in trust for the Pueblo of Santa Clara, lands held in trust for the Confederated Tribes of the Colville Reservation,".

SEC. 6. AMENDMENTS TO THE SAN CARLOS IRRIGATION PROJECT DIVESTITURE ACT OF 1991.

The San Carlos Indian Irrigation Project Divestiture Act of 1991 (Public Law 102–231; 105 Stat. 1722 et seq.) is amended by—

(1) deleting in sections 4(a) and 10(b) the date "December 31, 1992" and inserting in lieu thereof the date "July 31, 1993";

(2) inserting immediately before the period at the end of paragraph (1) of subsection 5(a) the phrase "and otherwise administer all customer accounts"; and

(3) deleting "5(a)(2)" in the second sentence of section 6 and inserting in lieu thereof "5(a)(5)".

SEC. 7. EXPENDITURE OF LEDGER ACCOUNT.

The Secretary of the Interior is authorized to expend not to exceed $1,300,000 of receipts, including interest, generated from the Wapato Indian Irrigation Project, currently available in the Bureau of Indian Affairs's Account for Operation and Maintenance, Indian Irrigation Systems (Appropriation Account 14X5240), which includes principal collected under the authority of the Act of February 14, 1920, for purposes of rehabilitation and betterment of the irrigation system at the Wapato Indian Irrigation Project, and to which the principal sums collected shall be credited in a manner which reduces the obligations for repayment of construction costs for those units of the Wapato Indian Irrigation Project from which such funds were generated.

SEC. 8. TECHNICAL AMENDMENTS TO SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT OF 1982.

(A) SHORT TITLE.—This section may be cited as the "Southern Arizona Water Rights Settlement Technical Amendments Act of 1992".

(B) TECHNICAL AMENDMENTS.—The Southern Arizona Water Rights Settlement Act of 1982 is amended as follows:

(1) in section 313(b)(1)(A), delete "paragraph (3)" and insert in lieu thereof "paragraph (2)";

(2) in clauses (i), (ii) and (iii) of section 313(b)(1)(B), delete "(adjusted as provided in paragraph (2))" each place it appears and insert in lieu thereof "which has been";

(3) in section 313(b)(1)(C), immediately before the period at the end thereof, insert a comma and the following: "including all interest which has accrued to the Fund since the Fund was established and all interest which accrued on contributions and appropriations to the Fund from October 12, 1985, to the date of the enactment of the Southern Arizona Water Rights Settlement Technical Amendments Act of 1992";

(2) in subsection (b), delete paragraph (2) and renumber paragraph (3) as paragraph (2);

(5) amend section 313 by adding at the end thereof the following new subsection:

"(g)(1) Notwithstanding the provisions of subsection (e), if no funds contributed to the Cooperative Fund pursuant to subsection (b)(1)(B) (or accrued interest thereon) have been returned to any of the contributors, the Cooperative Fund shall not be terminated; except that, if the final judgment in the lawsuit referred to in section 307(a)(1)(C) does not dismiss all claims against the defendants named therein, the Cooperative Fund shall be terminated and the Secretary of the Treasury shall return all amounts contributed to the Fund (together with a ratable share of the remaining accrued interest) to the respective contributors.

"(2)(A) If the share contributed to the Cooperative Fund by the United States has been deposited in the General Fund of the Treasury pursuant to subsection (e), there is authorized to be appropriated to the Cooperative Fund the amount so deposited in the General Fund of the Treasury, adjusted to include an amount representing the additional interest which would have been earned by the Cooperative Fund if that portion had not been deposited in the General Fund of the Treasury.

"(B) If the final judgment in the lawsuit referred to in section 307(a)(1)(C) does not dismiss all claims against the defendants named therein, the share of the Cooperative Fund contributed by the United States shall be deposited in the General Fund of the Treasury.";

(6) in section 304(e)(2), delete ", as long as such water is used for irrigation of Indian lands";

(7) in section 306(c), by adding at the end thereof the following new paragraph:

"(3) For the purpose of determining allocation and repayment of costs of the Central Arizona Project as provided in article 9.3 of contract numbered 14–06–W–245 between the United States of America and the Central Arizona Water Conservation District, dated December 1, 1988, and any amendment or revision thereof, the costs associated with the delivery of Central Arizona Project water under the sales, exchanges or temporary dispositions herein authorized shall be nonreimbursable, and such costs shall be excluded from such District's repayment obligation."; and

(8) in sections 313(c)(1)(A), 304(c)(1) and 305(d)(1), immediately after "10 years" each place it appears, insert "and 9 months".

SEC. 9. AMENDMENTS TO THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS.—The second sentence of section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(a)) is amended by striking ", subject to the availability of funds appropriated under the authority of section 816(c),".

(b) DEFINITION.—Section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c) is amended—

(1) in paragraph (4) by striking "; and" at the end,

(2) in paragraph (5) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(6) the term 'Native American Pacific Islander' means an individual who is indigenous to a United States territory or possession located in the Pacific Ocean, and includes such individual while residing in the United States.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking subsection (c), and

(2) by redesignating subsection (d) as subsection (c).

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTION OF LAND DESCRIPTION WITH RESPECT TO THE GRAND RONDE RESERVATION.

Section 4(b) of Public Law 100–425 (25 U.S.C. 713f note) is amended by striking "SE¼NE¼" in the fourth column of the description of the 47th tract of land listed in such subsection and inserting the following: "SE¼NE¼,E½SW¼".

SEC. 2. EXTENSION OF DEADLINE WITH RESPECT TO PONCA ECONOMIC DEVELOPMENTAL PLAN.

Section 10(a)(3) of the Ponca Restoration Act (25 U.S.C. 983h(a)(3)) is amended by striking "2" and inserting "3".

SEC. 3. EXPENDITURE OF JUDGMENT FUNDS.

(a) CROW TRIBE JUDGMENT FUND.—Notwithstanding any other provision of law, or any distribution plan approved pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary of the Interior may reprogram, in accordance with Crow Tribal Resolution 91–14, any and all remaining funds (principal and interest accounts) which were awarded in satisfaction of the judgments in Indian Claims Commission Docket No. 54 (1961) and United States Claims Court Docket Nos. 796–71 and 797–71 (1981).

(b) SHOSHONE-BANNOCK JUDGMENT FUND.—Notwithstanding any other provision of law, or any distribution plan approved pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary of the Interior may reprogram, in accordance with Shoshone-Bannock Tribal Resolution GNCL–91–0616, dated July 19, 1991, any and all remaining funds (principal and interest accounts) which were awarded in satisfaction of the judgment in Indian Claims Commission Docket No. 326–C–2 (1985).

SEC. 4. AUTHORITY TO CONVEY LANDS.

Notwithstanding any other provision of law, the Mississippi Band of Choctaw Indians is authorized to sell, convey, and warrant to National Disposal Systems, Inc., without further approval of the United States, all the Band's interests in real property located in Noxubee County, Mississippi, that it acquired from National Disposal Systems, Inc. Nothing in this section is intended to authorize the Mississippi Band of Choctaw Indians to sell any of its lands that are held in trust by the United States.

SEC. 5. AMENDMENTS TO 99-YEAR LEASE STATUTE.

The second sentence of subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended by inserting immediately after "Oklahoma," the following: "lands held in trust for the Pueblo of Santa Clara, lands held in trust for the Confederated Tribes of the Colville Reservation,".

SEC. 6. AMENDMENTS TO THE SAN CARLOS IRRIGATION PROJECT DIVESTITURE ACT OF 1991.

The San Carlos Indian Irrigation Project Divestiture Act of 1991 (Public Law 102–231; 105 Stat. 1722 et seq.) is amended by—

(1) deleting in sections 4(a) and 10(b) the date "December 31, 1992" and inserting in lieu thereof the date "July 31, 1993";

(2) inserting immediately before the period at the end of paragraph (1) of subsection 5(a) the phrase "and otherwise administer all customer accounts"; and

(3) deleting "5(a)(2)" in the second sentence of section 6 and inserting in lieu thereof "5(a)(5)".

SEC. 7. EXPENDITURE OF LEDGER ACCOUNT.

The Secretary of the Interior is authorized to expend not to exceed $1,300,000 of receipts, including interest, generated from the Wapato Indian Irrigation Project, currently available in the Bureau of Indian Affair's Account for Operation and Maintenance, Indian Irrigation Systems (Appropriation Account 14X5240), which includes principal collected under the authority of the Act of February 14, 1920, for purposes of rehabilitation and betterment of the irrigation system at the Wapato Indian Irrigation Project, and to which the principal sums collected shall be credited in a manner which reduces the obligation for repayment of construction costs for those units of the Wapato Indian Irrigation Project from which such funds were generated.

SEC. 8. TECHNICAL AMENDMENTS TO SOUTHERN ARIZONA WATER RIGHTS SETTLEMENT ACT OF 1982.

(a) Short Title.—This section may be cited as the "Southern Arizona Water Rights Settlement Technical Amendments Act of 1992".

(b) Technical Amendments.—The Southern Arizona Water Rights Settlement Act of 1982 is amended as follows:

(1) in section 313(b)(1)(A), delete "paragraph (3)" and insert in lieu thereof "paragraph (2)";

(2) in clauses (i), (ii) and (iii) of section 313(b)(1)(B), delete "(adjusted as provided in paragraph (2))" each place it appears and insert in lieu thereof "which has been";

(3) in section 313(b)(1)(C), immediately before the period at the end thereof, insert a comma and the following: "including all interest which has accrued to the Fund since the Fund was established and all interest which accrued on contributions and appropriations to the Fund from October 12, 1985, to the date of the enactment of the Southern Arizona Water Rights Settlement Technical Amendments Act of 1992";

(4) in subsection (b), delete paragraph (2) and renumber paragraph (3) as paragraph (2);

(5) amend section 313 by adding at the end thereof the following new subsection:

"(g)(1) Notwithstanding the provisions of subsection (e), if no funds contributed to the Cooperative Fund pursuant to subsection (b)(1)(B) (or accrued interest thereon) have been returned to any of the contributors, the Cooperative Fund shall not be terminated; except that, if the final judgment in the lawsuit referred to in section 307(a)(1)(C) does not dismiss all claims against the defendants named therein, the Cooperative Fund shall be terminated and the Secretary of the Treasury shall return all amounts contributed to the Fund (together with a ratable share of the remaining accrued interest) to the respective contributors.

"(2)(A) If the share contributed to the Cooperative Fund by the United States has been deposited in the General Fund of the Treasury pursuant to subsection (e), there is authorized to be appropriated to the Cooperative Fund the amount so deposited in the General Fund of the Treasury, adjusted to include an amount representing the additional interest which would have been earned by the Cooperative Fund if that portion had not been deposited in the General Fund of the Treasury.

"(B) If the final judgment in the lawsuit referred to in section 307(a)(1)(C) does not dismiss all claims against the defendants named therein, the share of the Cooperative Fund contributed by the United States shall be deposited in the General Fund of the Treasury.";

(6) in section 304(e)(2), delete ", as long as such water is used for irrigation of Indian lands";

(7) in section 306(c), by adding at the end thereof the following new paragraph:

"(3) For the purpose of determining allocation and repayment of costs of the Central Arizona Project as provided in article 9.3 of contract numbered 14–06–W–245 between the United States of America and the Central Arizona Water Conservation District, dated December 1, 1988, and any amendment or revision thereof, the costs associated with the delivery of Central Arizona Project water under the sales, exchanges or temporary dispositions herein authorized shall be nonreimbursable, and such costs shall be excluded from such District's repayment obligation."; and

(8) in sections 313(c)(1)(A), 304(c)(1) and 305(d)(1), immediately after "10 years" each place it appears, insert "and 9 months".

SEC. 9. AMENDMENTS TO THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) Financial Assistance for Native American Projects.—The second sentence of section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(a)) is amended by striking ", subject to the availability of funds appropriated under the authority of section 816(c),".

(b) Definition.—Section 815 of the Native American Programs Act of 1974 (42 U.S.C. 2992c) is amended—

(1) in paragraph (4) by striking "; and" at the end,

(2) in paragraph (5) by striking the period at the end and inserting "; and", and

(3) by adding at the end the following:

"(6) the term 'Native American Pacific Islander' means an individual who is indigenous to a United States territory or possession located in the Pacific Ocean, and includes such individual while residing in the United States.".

(c) Authorization of Appropriations.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking subsection (c), and

(2) by redesignating subsection (d) as subsection (c).

Mr. INOUYE. Mr. President, I ask the Senate to approve passage of H.R 5686, a bill to make technical changes to certain Federal Indian statutes.

As passed by the House in August, the bill contained three sections. Section 1 corrects a land description in the Grand Ronde, OR, Reservation Act. Section 2 amends the Ponca Restoration Act to allow the Bureau of Indian Affairs and the Ponca Tribe an additional year to develop an economic plan under the tribe's restored status. Section 3 permits the Secretary of the Interior to reprogram certain trust accounts for the Crow Tribe of Montana and the Shoshone-Bannock Tribe of Idaho.

As reported by the Select Committee on Indian Affairs, six new sections are part of the bill now being considered. Section 4 authorizes the Mississippi Band of Choctaw Indians to deed back certain lands to the original owners of the land. Section 5 of the bill allows two tribes to lease lands for up to 99 years for economic development purposes. The tribes are the Santa Clara Tribe of New Mexico and the Confederated Tribes of the Colville Reservation in Oregon. Section 6 amends the San Carlos Indian Irrigation Project Act to extend, by 7 months, the deadline for ensuring the provisions of the act are met. Section 7 authorizes the Secretary of the Interior to use funds in an appropriation account for emergency repairs at the Wapato Indian irrigation project at the Yakima Indian Reservation in Washington. Section 8 amends the Southern Arizona Water Rights Settlement Act to ensure that the cooperative fund established by that act operates to provide financing for any lease of settlement water by the Tohono O'Odham Nation until construction of a farm where the water will ultimately be used. Section 9 amends the Native American Programs Act to provide a definition for Pacific islanders and to remove the current set-aside for Pacific islanders that is now part of the act.

Mr. President, in addition to these amendments, the chairman of the House Interior and Insular Affairs Committee has requested that the Senate amend section 2 of the bill so that the Cahuilla Band of Indians of California may lease its lands for 99 years. In addition, I am offering six additional amendments on behalf of other Members of the Senate to assist tribes in their States. All of these amendments are either very technical or, if not, are revisions of measures that have previously passed the Senate but on which the House, for various reasons, has yet to act.

I ask the Senate to agree to these amendments and I further ask the Senate to pass H.R. 5686, as amended.

WAPATO INDIAN IRRIGATION PROJECT

Mr. ADAMS. Mr. President, I would like to clarify two points with the distinguished chairman of the Indian Affairs Committee relative to the provision in this bill dealing with the Wapato Indian Irrigation Project. The first is whether we are authorizing the appropriation of any new money. I understand that the funds identified as "operations and maintenance, Indian irrigation systems" are currently available for expenditure by the BIA and that this amendment simply assures that the Bureau has the legal authority to expend them for rehabilitation and betterment of the project.

Second, I would like to know if there is anything in this amendment that would prohibit the BIA from using a small portion of these funds for a hydropower feasibility study of irrigation canals and other appurtenances of the project?

Mr. INOUYE. Mr. President, the understanding of the Senator from Washington is correct. We are not authorizing new appropriations but merely complying with a request from the BIA that we clarify and approve the Bureau's authority to expend funds from a currently accessible operation and maintenance account which includes principal collected from assessments as well as interest said principal has earned.

On the second point, as part of the rehabilitation and betterment of the irrigation and electrical components of the project, there is absolutely nothing in this amendment that would prohibit the BIA from using some of these funds for a feasibility study of increased hydropower potential at the Wapato Project. I am aware of and support the joint correspondence from my two Washington State colleagues to the BIA addressing the need to not only repair this project but to determine the feasibility of increased power production from water flowing through the project.

In responding to that letter, BIA Commissioner Dave Matheson wrote a reply on April 7, 1992, indicating that he was supportive of the $66,000 hydropower study request made by the Yakima Indian Nation. I would think that increased hydroproject capability at Wapato would be considered a betterment of the project within the parameters of this amendment. I commend the commissioner and my two colleagues from Washington State for their commitment to this important project and to this amendment that will benefit all of the various parties involved.

AMENDMENTS NO. 3364 THRU 3367

Mr. SIMPSON. Mr. President, I send to the desk two amendments for Senator McCAIN and amendments for Senators STEVENS and MURKOWSKI and that they be considered and agreed to en bloc and that any statements thereon appear at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments considered and agreed to en bloc are as follows:

AMENDMENT NO. 3364

At the end of the bill, add the following new section:

"SEC. . TECHNICAL AMENDMENTS TO AK-CHIN WATER USE ACT OF 1984

"(a) SHORT TITLE.—This Act may be cited as the 'AK-Chin Water Use Amendments Act of 1992'.

"(b) AUTHORIZATION OF USE OF WATER.—Section 2(j) of the Act of October 19, 1984 (Public Law 98–530; 98 Stat. 2698) is amended to read as follows:

"'(j) The Ak-Chin Indian Community (hereafter in this Act referred to as the 'Community') shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational or other beneficial use, in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into an option to lease, extend leases, exchange or temporarily dispose of water to which it is entitled for beneficial use in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1: Provided, That the term of any such lease shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, extends leases, exchanges or temporarily disposes of water, such action shall be pursuant to a contract that has been accepted and ratified by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary.'"

Mr. McCAIN. Mr. President, I ask the Senate's consideration of an amendment to H.R. 5686 that would authorize certain uses of water by the Ak-Chin Indian Community in Arizona. Under the amendment, which is identical to S. 2507 that was passed by the Senate on September 9, 1992, the Ak-Chin Indian Community may lease, exchange or temporarily dispose of off-reservation, portions of the Colorado River water to which it is entitled under the terms of the 1984 amendments to the Community's 1978 water rights settlement act. A complete explanation of the situation that gives rise to the need for this amendment can be found in Senate Report 102–317.

AMENDMENT NO. 3365

At the end of the bill, add the following:

SEC. . AMENDMENT.

The Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes", approved October 15, 1977 (91 Stat. 1159), is amended by adding at the end thereof the following:

"SEC. 502. GENERAL ASSISTANCE PROGRAM.

"(a) SHORT TITLE.—This section may be cited as the 'Indian Environmental General Assistance Program Act of 1992'.

"(b) PURPOSES.—The purposes of this section are to—

"(1) provide general assistance grants to Indian tribal governments and intertribal consortia to build capacity to administer environmental regulatory programs that may be delegated by the Environmental Protection Agency on Indian lands; and

"(2) provide technical assistance from the Environmental Protection Agency to Indian tribal governments and intertribal consortia in the development of multimedia programs to address environmental issues on Indian lands.

"(c) DEFINITIONS.—For purposes of this section:

"(1) The term 'Indian tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

"(2) The term 'intertribal consortia' or 'intertribal consortium' means a partnership between two or more Indian tribal governments authorized by the governing bodies of those tribes to apply for and receive assistance pursuant to this section.

"(3) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(d) GENERAL ASSISTANCE PROGRAM.—(1) The Administrator of the Environmental Protection Agency shall establish an Indian Environmental General Assistance Program that provides grants to eligible Indian tribal governments or intertribal consortia to cover the costs of planning, developing, and establishing environmental protection programs on Indian lands.

"(2) Each grant awarded for general assistance under this subsection for a fiscal year shall be no less than $75,000, and no single grant may be awarded to an Indian tribal government or intertribal consortium for more than 10 percent of the funds appropriated under subsection (h) of this section.

"(3) The term of any general assistance award made under this subsection may exceed one year. Any awards made pursuant to this section shall remain available until expended. An Indian tribal government or intertribal consortium may receive a general assistance grant for a period of up to four years in each specific media area.

"(e) NO REDUCTION IN AMOUNTS.—In no case shall the award of a general assistance grant to an Indian tribal government or intertribal consortium under this section result in a reduction of Environmental Protection Agency grants for environmental programs to that tribal government or consortium. Nothing in this section shall preclude an Indian tribal government or intertribal consortium from receiving individual media grants or cooperative agreements. Funds provided by the Environmental Protection Agency through the general assistance program shall be used by an Indian tribal government or intertribal consortium to supplement other funds provided by the Environmental Protection Agency through individual media grants or cooperative agreements.

"(f) EXPENDITURE OF GENERAL ASSISTANCE.—Any general assistance under this section shall be expended for the purpose of planning, developing, and establishing the capability to implement programs administered by the Environmental Protection Agency and specified in the assistance agreement. Purposes and programs authorized under this section shall include the development and implementation of solid and hazardous waste programs for Indian lands. An Indian tribal government or intertribal consortium receiving general assistance pursuant to this section shall utilize such funds for programs and purposes to be carried out in accordance with the terms of the assistance agreement.

"(g) PROCEDURES.—(1) Within 12 months following the date of the enactment of this section, the Administrator shall promulgate regulations establishing procedures under which an Indian tribal government or intertribal consortium may apply for general assistance grants under this section.

"(2) The Administrator shall publish regulations issued pursuant to this section in the Federal Register.

"(3) The Administrator shall establish procedures for accounting, auditing, evaluating, and reviewing any programs or activities funded in whole or in part for a general assistance grant under this section.

"(h) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of this section, $15,000,000 for each of the fiscal years 1993 and 1994.".

Mr. McCAIN. Mr. President, I ask the Senate's consideration of an amendment to H.R. 5686 that would authorize the Administrator of the EPA to provide general assistance grants and technical assistance to Indian tribal governments to develop and administer environmental programs. The amendment is virtually identical to S. 668, the Indian Environmental Assistance Program Act of 1991 which the Senate passed on August 2, 1991. The single exception is that this amendment would provide for a 2-year authorization rather than a 5-year period. A complete explanation of the situation that gives rise to the need for this amendment can be found in Senate Report 101–125.

AMENDMENT NO. 3366

At the appropriate place, insert a new section as follows:

SEC. . Notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to enroll the following-named individuals as Natives under the Alaska Native Claims Settlement Act (Public Law 92-203): Yvonne LeCornu Salazar and Andres Manuel Salazar. Each individual is entitled to receive 100 shares of stock in Shaan-Seet, Inc. and such other benefits as the board of directors of that corporation may approve. No individual enrolled pursuant to this Act shall be entitled to share in any dividends or Alaska Native Claims Settlement Act distributions made by the United States or Shaan-Seet, Inc. prior to the individual's enrollment. Nor shall this Act alter said individual's rights to receive dividends or Alaska Native Claims Settlement Act distributions made by Sealaska Corporation prior to the individual's enrollment in Shaan-Seet. Enrollment of these individual's shall not alter the entitlement to or distribution of land to any corporation under the terms of the Alaska Native Claims Settlement Act.

Mr. STEVENS. Mr. President, this amendment corrects an error in the enrollment of Yvonne LeCornu and her son Andres Manual Salazar under the Alaska Native Claims Settlement Act. Under that law Alaska Natives were permitted to enroll in regions and villages based on their heritage. Enrollment led to stock ownership in the corporations created under the act.

Ms. LeCornu is a long-term resident of Craig, AK. Her parents lived there and she attended school there. Her family continues to live there today. Mr. Salazar is Ms. LeCornu's son. He attended Craig High School and has lived in Craig.

In early 1973, during the original enrollment period Ms. LeCornu completed applications for herself and her then infant son Andres. Shortly thereafter Ms. LeCornu wrote and asked that the original applications be modified from enrollment with Sealaska at large to permit enrollment with Sealaska and the Craig village corporation. The BIA granted this modification and in December 1973 Ms. LeCornu and Mr. Salazar received stock certificates from Sealaska indicating they were enrolled in a village corporation. In 1974 they each received stock certificates from Shaan Seet Inc, the Craig village corporation.

For some reason between 1973 and 1975 BIA dropped Ms. LeCornu and Mr. Salazar from the enrollment for Craig. As a result their stock in the corporation was cancelled. The BIA records do not explain why this error occurred.

Ms. LeCornu has been trying to correct this error for many years. The BIA does not believe they have the ability to correct the problem because the final Alaska Native Roll has been completed.

Litigation to address this problem would be expensive and time consuming and the courts may not have the ability to grant a remedy to correct this problem.

Ms. LeCornu is ill and has had three heart surgeries. She wishes to have this error corrected before her death. The Board of Shaan-Seet does not oppose the effort to correct this error.

The amendment would permit Ms. LeCornu and Mr. Salazar to become members of the Shaan-Seet corporation and to receive all benefits of membership after the effective date. Past distributions made by the corporation will not be affected and will not be paid to Salazar and Lecornu. The land distributions under ANSCA will not be altered. The amendment simply corrects an administrative error.

AMENDMENT NO. 3367

At the end of the bill, add the following new section:

SEC. . TRANSFER OF BUREAU OF INDIAN AFFAIRS' ADMINISTRATIVE SITE IN BETHEL, ALASKA TO THE YUKON KUSKOKWIM HEALTH CORPORATION.

(a) CONVEYANCE.—To the extent consistent with this section and applicable Federal and State environmental laws, the Secretary of the Interior, notwithstanding section 1302(h) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)), shall convey, in fee, the buildings of the former Bureau of Indian Affairs Bethel Agency, Bethel, Alaska, and lands necessary for the use of these buildings, but not to exceed 27 acres of the Agency site, to the Yukon Kuskokwim Health Corporation (hereafter referred to as the "Corporation"). Such conveyance shall be made on terms mutually agreed on between the Secretary of the Interior and the Corporation. The Secretary may require that the Corporation, as exclusive consideration for this conveyance, enter into an agreement under which the Corporation agrees to indemnify the United States Fish and Wildlife Service and the Bureau of Indian Affairs for any liability arising out of the operation and maintenance of any response at the property concerning asbestos. The conveyance required by this section shall be made, subject to subsection (b)(2), prior to September 30, 1993.

(b) ENVIRONMENTAL RESPONSE.—Prior to the conveyance of the property to the Corporation pursuant to subsection (a), for responses that are necessary under applicable Federal and State laws to protect human health and the environment with respect to any hazardous substance or hazardous waste remaining on the property, the Secretary of the Interior and the Secretary of the Air Force shall—

(1) complete and equally share the cost of such response, or

(2) grant and equally share the cost of such grant to the Corporation an amount equal to the cost of such response, except that such grant shall be used to complete such response prior to the conveyance of the property.

(c) Notwithstanding any other Federal law, except with respect to liability arising from the operation and maintenance of the property, the United States Fish and Wildlife Service and the Bureau of Indian Affairs shall not be liable under any Federal law for any additional response necessary for asbestos at the property following its conveyance to the Corporation pursuant to the authority of subsection (a). Nothing in this section shall affect any liability of any person other than the United States Fish and Wildlife Service and the Bureau of Indian Affairs.

(d) EASEMENT.—The conveyance under this section shall reserve an easement for access to adjacent areas of the Yukon Delta National Wildlife Refuge, if determined necessary by the Secretary.

(e) DEFINITIONS.—As used in this section:

(1) The terms "response", "hazardous substance", "person", and "environment" as used herein shall have the meaning of such terms as provided in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.).

(2) The term "hazardous waste" shall have the meaning of such term as provided in the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

Mr. MURKOWSKI. Mr. President, the Yukon Kuskokwim Delta Regional Hospital in Bethel, AK, is a 50-bed, 24-hour emergency service hospital providing over 2,000 inpatient admissions and 80,000 outpatient visits per year. The hospital serves 50 villages in an area the size of the State of Oregon. With a Native population that numbers over 18,000 and is steadily growing, the demands on the hospital to maintain and improve the quality and scope of the health care provided is rapidly increasing. The harsh environment and the lack of suitable housing contribute to the difficulties in recruiting and retaining staff at all levels, and thus in meeting the health care needs of the Delta region.

Presently, the housing situation at the hospital has reached a critical point. On-compound housing is full and there are no units available to accommodate staff hired to fill vacancies at the hospital or their families. The housing market in the city of Bethel is just as overtaxed. Most of what is available on a rental basis in Bethel and at the hospital is substandard.

The Yukon-Kuskokwim Health Corp. [YKHC], which runs the hospital, has spent the last 4 years actively attempting to address this critical housing shortage. The Indian Health Service [IHS] has documented the need for 79 additional units of housing. IHS has slated funding and construction of these needed housing units as one of their top three priority projects.

At the same time, the Bureau of Indian Affairs declared as excess a housing facility just outside of Bethel. This site was used by the BIA as administrative offices for their agency's operation in the Bethel area. Two years ago, they abandoned the site for offices in downtown Bethel.

This site has several residential and maintenance buildings that would be suitable, with renovation, for staff housing for YKHC. My amendment would transfer the portion of the old BIA Administrative site that contains these buildings—27 acres of the original 45—and the buildings to YKHC.

These buildings, remodeled into 27 apartment units, would take care of 34 percent of the critical housing need for YKHC. YKHC estimates that renovation of the old BIA buildings will save IHS approximately $17 million by avoiding construction of new buildings. The site will also allow for future growth for both housing and new health care programs.

Both the Air Force, the site owner before the BIA, and the BIA have done renovation and environmental assessment work and determined that asbestos and some daily fuel use soil contamination will need to be addressed before the transfer can take place. My amendment requires the BIA and the Air Force to address these problems before the transfer date of September 30, 1993—either by doing the work themselves or granting YKHC the necessary funds. They have both agreed to do so equally and have already set aside the funds to do so. It is likely that the response action for the asbestos will include management in place; a typical technique used in old building renovation. YKHC has agreed to take on the responsibility to properly manage and maintain whatever asbestos remains on site in order to protect public health and safety. YKHC has also agreed to shoulder all of the liability associated with the asbestos during its operation and maintenance of the building through an indemnification agreement with the BIA in consideration for the conveyance of the site. The Fish and Wildlife Service has not involved in any way with the site, however, because the site is technically part of the Yukon Delta National Wildlife Refuge, it is possible that should something unforeseen occur, they could be included in the liability chain. That is not our intention and so, my amendment also releases them from any potential liability arising out of the operation and maintenance of the facility by YKHC.

Mr. President, this amendment is a win-win situation for all involved. The Federal Government saves $17 million, YKHC gets relief from a critical housing shortage for their professional staff, Alaska Natives served by the Yukon-Kuskokwim Delta Regional Hospital are assured that they can continue to rely on quality health care and an abandoned facility which is not consistently vandalized and a dangerous nuisance to local residents will be cleaned up and put to good use.

The managers of the bill have both agreed to include this amendment in H.R. 5686. I appreciate their understanding of the importance of this amendment and in the time they and their staff dedicated to working out the details.

AMENDMENT NOS. 3368 THRU 3370

Mr. BUMPERS. Mr. President, I send to the desk amendments for Senators INOUYE, BAUCUS, and DASCHLE and ask that they be considered and agreed to en bloc and that any statements thereon appear at the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments considered, and agreed to, en bloc are as follows:

AMENDMENT NO. 3368

"In section 5, after 'the Colville Reservation,' insert 'lands held in trust for the Cahuilla Band of Indians of California,'."

Mr. INOUYE. Mr. President, section 5 of the technical amendments bill amends the Indian lands leasing statute to allow the Pueblo of Santa Clara and the Confederated Tribes of the Colville Indian Reservation to enter into leases up to 99-years for economic development purposes. The intent of the amendment I now offer is to include this 99-year leasing authority for lands held in trust for the Cahuilla Band of Indians of California. The tribal government has requested the Committee to include this amendment.

AMENDMENT NO. 3369

At the end of the bill, add the following:

SEC. . REGULATION OF CLASS III GAMING.

(a) IN GENERAL.—Notwithstanding section 11(d)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(1), during the six-month period beginning on the date of the enactment of this Act, any class III gaming activity conducted on Indian lands in the State of Montana shall be lawful if such gaming activity—

(1) is conducted in accordance with State law made applicable by the Indian Gaming Regulatory Act; and

(2) was owned or being conducted on May 1, 1988.

(b) INAPPLICABILITY OF ACT OF JANUARY 2, 1951.—During the six-month period specified in subsection (a), the provisions of section 5 of the Act of January 2, 1951 (15 U.S.C. 1175), shall not apply to any gaming activity described in such subsection which meets the requirements of paragraphs (1) and (2) of such subsection.

SEC. 2. DEFINITIONS.

For purposes of this section, the terms "Indians lands" and "class III gaming" have the meaning given such terms in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

SEC. 3. CONFORMING AMENDMENT.

Section 4(7)(E) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(7)(E)) is amended by striking "or Montana".

Mr. BAUCUS. Mr. President, the amendment offered by Senator BURNS and I will reinstate a 1-year gaming grace period that Congress enacted for Montana Indian reservations last year, but which the U.S. attorney for Montana has found to be invalid on technical grounds. By doing so, the amendment will prevent further economic hardship and give tribes and the State a final opportunity to negotiate acceptable gaming compacts for the six Montana reservations for which they have not yet done so.

By way of background, the Indian Gaming Regulatory Act [IGRA] requires that Indian tribes and States negotiate compacts regarding the terms and conditions of certain types of gaming activities on Indian reservations. IGRA provided a "grace period" for tribes to continue conducting previously established gaming activities while compacts were being negotiated. Subsequently, Congress extended the grace periods for various States, including Montana.

The Montana grace period was scheduled to expire at the end of 1991. Shortly before the expiration date, Congress enacted a provision, as part of a technical corrections act, extending the Montana and Wisconsin grace periods for another year. This was done, the committee report explained, because, "[d]ue to unforeseen circumstances, tribes in those two States have been unable to complete negotiations to enter into tribal/State compacts" with respect to video keano and video poker games.

On June 25, 1992, the U.S. Attorney for Montana announced that she was prohibiting all gaming on Montana reservations and would prosecute anyone who violated the prohibition. She explained that the 1991 law providing a further extension of the grace period had failed to expressly address the Johnson Act of 1951, which prohibited the operation of certain gaming devices on Indian reservations, and that the 1991 law, therefore, had no legal effect.

The announcement came as a complete surprise; chaos ensued. A request for injunctive relief was denied, and all gaming activity ceased. As a result, Montana reservations have suffered extreme economic hardship. Tribes have lost hundreds of thousands of dollars in badly needed revenue; non-Indians also have been affected, with several businesses closing and scores of employees laid off in reservation communities.

I believe, Mr. President, that the U.S. Attorney's action was unfortunate. After all, we're not talking about high-stakes casinos. We're talking about video keano and video poker—the same kind of games that are played legally in the rest of Montana. And, despite the hypertechnical reasoning of the U.S. Attorney's announcement, Congress clearly intended to permit the existing games to continue when it enacted the one-year grace period in 1991; otherwise, the 1991 law would be meaningless.

The amendment that Senator BURNS and I are offering would correct the purported flaw in the 1991 law by expressly addressing the applicability of the Johnson Act of 1951. By doing so, it would reinstate the grace period. To account both for the 4 months lost since the U.S. attorney's announcement occurred and for the 2 months remaining in the grace period, the proposed technical correction would reinstate the grace period for 6 months from the date of enactment. This has the additional virtue of extending the grace period until several months after the new Montana State administration is inaugurated, thereby providing reasonable time for compact negotiations to be completed.

Finally, Mr. President, I should note that the amendment is supported by all of the affected tribes and by Montana's Governor and attorney general.

I urge the adoption of the amendment.

Mr. REID. I understand the concern of the Senator from Montana about reinstating the grace period. I am concerned, however, about further extensions of the Montana grace period. I believe it now is appropriate for final compacts to be negotiated and put in place. I would like to ask my colleague whether he will propose or support any further extensions.

Mr. BAUCUS. I share the Senator's concern. It now is time for the State and the tribes to work out final compacts. I can assure the Senator from Nevada that I will not propose or support any further extension of the Montana grace period. I also should note that this amendment is carefully crafted to simply reinstate the 1991 law, by protecting gaming that was occurring on May 15, 1988.

AMENDMENT NO. 3370

At the end of the bill, add the following new section:

SEC. . The Act of October 25, 1972 (86 Stat. 1168), is amended by adding at the end thereof the following new section:

"SEC. 306. AUTHORITY TO SETTLE ACTION.

"Notwithstanding any provision of this Act or any other provision of law, the Attorney General is authorized to negotiate and settle any action that may be or has been brought to contest the constitutionality or validity under law of the distribution to all other Sisseton and Wahpeton Sioux provided for in section 202 of this Act."

Mr. DASCHLE. Mr. President, I ask the Senate's consideration of an amendment to H.R. 5686 that would authorize the Attorney General of the United States to settle any action that may be or has been brought to contest the constitutionality or validity under law of the act of October 25, 1972 (86 Stat. 1168). In exercising his discretion to settle any such action, the Attorney General may agree that all or any part of the distribution to lineal descendants provided for in section 202 of the 1972 act be distributed instead to the Sisseton-Wahpeton Sioux Tribe, the Devils Lake Sioux Tribe, and the Sisseton-Wahpeton Sioux Council of the Assiniboine and Sioux Tribes. The Attorney General may also settle any such action on any other terms as he may deem appropriate. Any settlement negotiated under this section shall be subject to court approval.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to read third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 5686), as amended, was passed.

Mr. BUMPERS. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REACTION TO SENATOR GORE'S CRITICISM OF PRESIDENT BUSH

Mr. SIMPSON. Mr. President, I want to relate that I think there has been a rather remarkable reaction—on our side of the aisle at least, and through the country—to a speech by our colleague, Senator AL GORE, and his criticism of President Bush in the media, both print and electronic. Frankly, I could not believe what I was reading and seeing because Senator GORE accused President Bush of "poor judgment, moral blindness, and bumbling policies."

An article said that Clinton-Gore campaign aides billed the speech as a "major foreign policy address," which was certainly news to us all that the Clinton-Gore ticket really spoke forcefully in that area.

I do not need to spend a great deal of time responding to this. But I will just make a few short points.

One of the most serious and somber votes that I ever made in this body was the authorization to use force in the Persian Gulf. I was very proud of the way in which that debate was conducted. It seemed to me it look place on a much higher plain than usual for some of the things we do and some of the issues we deal with here. I think everyone would admit that. It was a very close vote, 52 to 47, if I recall.

There can never be a vote more significant than the decision on whether to possibly send young men and women to their deaths. It was not a time for posturing or manipulating of the process for political gain.

However, the same Senator GORE who accused George Bush of poor judgment and moral blindness shopped his vote on the basis of which Senate leader, GEORGE MITCHELL or BOB DOLE, would guarantee him the most prime-time exposure during that historic Senator debate.

I found that absolutely appalling. I think most Americans will find it appalling because we will continue to talk about it in these next days.

Senator DOLE has covered it very thoroughly in the past few days, with regard to presenting clear information as to what did occur. I urge you to review those documents.

I know that at this time in the campaign, and with the great affinity that the media have toward the duo on the Democratic ticket, that it would be very unlikely that anything will probably be printed about that—or seen. But nevertheless we will have the opportunity in the next 30 days to do that out through the land.

Senator DOLE has very clearly discussed that previously in public on a television program. He has since elaborated on that a bit.

Let me tell you what the word "shopping" means to those of us who are involved in legislative and political activity. During this tremendously vital and critical vote at which time everyone was voting from deep down within their interior about this tough, gut-hard issue, whether to send people to fight and die, Senator GORE inquired of Senator DOLE how much time he could receive from Senator DOLE if he were to vote on the side of the President. Then he went to Senator MITCHELL and asked Senator MITCHELL how much time he could have if he were to vote for their position, and also asked whether it might be during prime time.

On our side of the aisle, we have sometimes referred to him as "Prime Time AL." And that happened right here in this Chamber, on a vote where no one was "shopping" the issue.

Well, you might note that Senator GORE voted with the majority, joined the majority, so to speak. The record will disclose when he spoke, and how long he spoke. He spoke, and then he voted with the majority after being assured that he would get more time if he voted that way and a better time slot—which to me is a total act of hypocrisy—and then to speak of George Bush as someone with "moral blindness."

Now today we are also advised that George Bush is not really the environmental President. He is an evil ogre who is trying to destroy the planet. Senator AL GORE has been in the middle of that debate.

I can tell you that I have been in the middle of the Clean Air Act debate with bipartisan leadership from Senator MAX BAUCUS, Senator GEORGE MITCHELL, Senator JOHN CHAFEE, and many others on our side of the aisle, and on the other side of the aisle. We worked for months to put together a Clean Air Act. Nothing had been done for 12 years. The reason it had not been done is because the extremist environmental groups who are absolutely extraordinary laudatory of everything that the Senator from Tennessee has done were the very people who would allow us to do nothing.

So for 12 years we belched 50 million tons of SO_2 a year into the atmosphere because the greenie groups who support the Senator from Tennessee would not allow us to go forward because of their own degrees of the definition of "perfection."

If we had simply taken the Clean Air Act report that had been placed here on our desks in 1980 by Senator Gary Hart of Colorado, who did a splendid job on a tough issue, we would have been ahead by 10 years. But it was not good enough for the groups that supported Senator GORE.

So for all those years we did nothing. Then finally with good bipartisan support we did something, and only because George Bush put a Clean Air Act bill on the table.

During the negotiations on that, we met in Room 224 here, right off Senator MITCHELL's office—I can hardly recall Senator GORE's presence there more than just a few minutes in all those months. He talked continually about it, and did nothing about it, which is a very common trait at least in this body.

What I say may sound harsh. It is not. All of this is recorded.

When the bill came forward all of us know that there were several areas, where if we did not succeed in warding off those amendments, we would have no Clean Air Act. So a group of us, Democrat and Republican alike, got together and said we have to have these certain things. We know what will happen. There will be an assault on these measures. We will be belittled, and beheaded. We will be called the "Dirty Dozen", and all the things which go with that when you are not on the side of the "angels in green."

All right. We moved forward on that, and we did it. There were several occasions, and all you need to do is go back and look at the amendments that were pending of Senator GORE'S—the amendments he wanted to propose to the Clean Air Act, which were so outrageous, so bizarre, so unrealistic, that they were actually rejected on his side of the aisle. Go look at them.

There were evenings and days during the debate of the Clean Air Act when Senator GORE would say "I have an amendment" and, of course, we knew it was a populist, prime time amendment, and we were able to beat those back either by telling him to withdraw them or else simply beating them.

Not one contribution was made by the Vice Presidential candidate to the Clean Air Act—not one—as far as I recall. If it was, it was something that had to have been approved by Senators MITCHELL and BAUCUS, and very few items of his work product were accepted because they were so unrealistic, but they pleased the people out by the elevator. That is about all the function was, to please the people out by the elevator, who lurk there to be sure that you have "met the test."

Well, I think that is worth saying.

But, for me, a most extraordinary adventure with Senator GORE with regard to prime time politics was the bill with regard to satellite television dishes. That was the issue of the dish owners and the scrambling issue. Senator GORE had a lot of support in the country, legitimate support. He also had a lot of public relations support.

So he put the bill in on September 16 of 1986 in the Senate, and then he said, among other things: "I am sure that practically all of our colleagues have received hundreds, even thousands of complaints by beleaguered owners of home dishes who believe they have been unfairly treated." He went on to say: "* * * support for this measure will be considered support for fair viewing rights for dish owners. The opposition will send the signal to dish owners that we are not prepared to act upon as simple and modest a proposal as we have today."

In it went. Then on October 2, 1986, I was here on the floor in my duties as assistant leader, and I visited with Senator AL GORE. And he said, "I have to speak tonight on the issue at 8 o'clock."

I said, "Well, we will certainly try to accommodate you, although the accommodation must be on your side of the aisle with your leadership, but we will certainly determine whether we can do that here."

He said, "I must have a time specific."

It is my memory that that time specific was 8 o'clock. I remember distinctly that he was very impatient.

I said, "Is there something we can accommodate you with regarding this legislation?"

He said, "Yes, it must be done by 8 o'clock or near that hour."

So, finally there was an accommodation, as we do with each other here through the majority leader's auspices and our side of the aisle. He rose there on that side of the aisle at the appropriate hour—at least it was the hour that he had told his supporters and those who would generate the phone calls and the faxes and the mail, that that would be the hour he would speak on this issue on the U.S. Senate floor.

And at that hour, he rose and he spoke about the satellite television dish bill. He described it as "political pressure, tremendous political pressure, out there,"—on us, mind you—an outrage of the satellite dish owners throughout the United States. He said what was going to happen; and he made it very clear what was happening, because "the cable industry controls totally the supply of programs for the home satellite dish market."

"They have a stranglehold on it," he said, "and they will not let go." He said, "call up HBO, if you live in rural Tennessee or Kentucky"—and more.

And he went on to describe what to do.

This is also the same Senator GORE who has shelled the President for his comments and his activity with regard to the cable television bill. It is easy to see why we should keep that in context.

But then Senator GORE went on, in the CONGRESSIONAL RECORD, pages S14664, October 2, and when he wanted to get a little bit sinister with us all. He said:

"The vote which will occur on this amendment may occur on a procedural motion to make it possible to have the vote on the amendment, and every Member of this body should be very clear about the fact that that vote is not going to be viewed as a procedural vote. There have been almost a million letters arriving at the U.S. Senate over the last few weeks"—all generated by the people who were supporting him at his insistence.

He went on to say that telephone calls and letters were geared to this procedural vote. He had thus alerted them to the fact that it would not be an up-or-down vote. It would be a procedural vote.

And then he said, "We have tried for 2 years to get this through. This is the last opportunity. It must be done."

He went on to say again: "And everyone out there that has been made aware of this problem will understand clearly that this is the vote. This is it. This is the one; if you vote in favor, you are going to solve this program. If you do not, you are going to be in the pocket of the powerful vested interests."

And there it was. He laid that out on that evening, and I listened to some of it. I was not supportive of it. It was not a partisan vote. There was a good debate, and the vote was held.

There were Democrats and Republicans opposed, and his amendment failed by a vote of 54 to 44. Republicans and Democrats were all over the lot on that. But it failed.

I went back to my office and my staff told me that the phone lines had just blinked out of existence, that the fax machines were stuffed. And this was at night, mind you, at night.

Colleagues were stunned, and the reason they were stunned is because Senator GORE had arranged the entire debate in accordance with a remarkable public relations campaign, paid for by these people that he was speaking for on the floor of the U.S. Senate, to do a number right then on the Members of the U.S. Senate and upon the Congress, which they did.

We came back in for further activity that night, and I remember distinctly people came up to me when we were here in the well, and they said: what in the world happened tonight in our offices? They were referring to phone calls, FAX's, ringing off the hook, when no one was there, or just a short skeleton crew, because it was a night session.

I went to Senator GORE, and I said, "Did you arrange this for this hour so that the response could come as if it were some spontaneous response from the people of America, or was this all contrived, and is that why you wanted to have a time certain to do the vote at that particular moment?"

He said, "I think that is an unfair question."

I said, "I do not think it is unfair. I think it has to do with operating the U.S. Senate." If the U.S. Senate is going to be operated on the basis of who is going to go to their desk and get prime time at 7 o'clock or 8 o'clock, or 10 o'clock, this place cannot function.

And that is exactly what happened that evening in this Chamber on October 2, 1986. I was here, and I suggested to Senator GORE that this is a misuse of the procedures of the U.S. Senate.

I said that at the time, I would say it again, and I would say it at each time at each opportunity I have the opportunity.

I will just be another moment and the Senator from Arkansas may speak.

It was then, during the course of the evening that Senator Goldwater, our revered leader, rose and spoke. He said—please hear this—on page 14668:

"Mr. President, I oppose this amendment."

He originally supported it.

"I want to say that it is entirely different from the amendment I thought I was going to have to oppose, different from the one that was on my desk last night."

And then Senator Goldwater went on to say, "In view of the fact that the amendment has been substantially changed, I hope that the public relations people who have been handling this across the country will recognize that and inform their listeners that Senator Goldwater had nothing to do with denying them time. I was kept awake all last night and the night before and had to talk to them all day in my office."

Mr. PRYOR. I wonder if the Senator will yield for a question.

The PRESIDING OFFICER. Does the Senator from Wyoming yield for a question?

Mr. SIMPSON. Yes.

Mr. PRYOR. I wonder if the Senator is familiar with rule XIX of the U.S. Senate.

Mr. SIMPSON. I am familiar with it.

Mr. PRYOR. I wonder if the Senator from Wyoming would be so kind as to read rule XIX.

Mr. SIMPSON. Rule 19.2.

Mr. PRYOR. I wonder if the Senator would read that rule into the RECORD.

Mr. SIMPSON. That rule is this:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming of a Senator.

Mr. PRYOR. I wonder if my friend would agree with me that the reference to one of our colleagues, Senator GORE from Tennessee, referring to him as "Prime Time AL," and engaging in "prime time politics," I wonder, Mr. President, if the Senator from Wyoming considers this to be imputing or questioning the motive of our colleague from Tennessee.

Mr. SIMPSON. Mr. President, I have been here on the floor as long as the Senator from Arkansas. We came here at the same time, Senator PRYOR and myself. And I have stood here on this floor and listened for the past many months as the Senator from Tennessee has absolutely unraveled the President of the United States is some of the harshest, nastiest terms that I have ever heard in public life.

First, it was the environment, then the Clean Air Act, then the Rio Summit, then about a stumbling boobish President—we could go through the entire computer list as to what the Senator from Tennessee has said about the President of the United States, who happens to be a very close personal friend of mine. When you do that, I think you face the consequences of what happens to you when you choose to step across those lines.

Mr. PRYOR. Mr. President, the Senator from Arkansas is not questioning what the Senator from Wyoming is saying with regard to a Senator questioning a President. The Senator from Arkansas is challenging the Senator from Wyoming at this time on the fact that the Senator from Wyoming is challenging and questioning the motives of a colleague of ours in the U.S. Senate, which is covered by rule XIX, section 2.

And this is the concern that I have, Mr. President, that the Senator from Wyoming has proceeded uninterrupted to question the motives of a colleague of ours, which is specifically prohibited by one of the rules of the Senate, rule XIX, section 2.

Mr. SIMPSON. Mr. President, the phrase I have described and used with the Senator from Tennessee is part of the public domain. That is not my statement. I said he was referred to—and I will be glad to obtain it and place it into the RECORD—as Prime Time AL. That is not my definition; that is a definition that is in a press release and in the public domain.

Furthermore, Mr. President, if you like, I will enter into the RECORD a transcript from the Evans and Novak program of July 25, 1992, with regard to the shopping incident to which I referred, which is also in the public domain. I so ask unanimous consent.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. EVANS. Gore favored the war in the Gulf. Did Teddy Kennedy favor the war in the Gulf?

Senator DOLE. You know, Gore favored the war in the Gulf, but before he voted, he came to me and said, if I vote with you, how much time will you give me tomorrow morning? This was late in the evening, he came to me. Then he went to Mitchell, said how much time would he get if he voted against?

Mr. NOVAK. The Democratic leader, George Mitchell.

Senator DOLE. Yeah.

Mr. EVANS. During the debate, this is?

Senator DOLE. No, this was after it. He said, I'm anguishing over this, I've got to decide, but I don't know whether to vote with the president or against the president. Can you give me 20 minutes of prime time? Now, if that's commitment, it's a new kind of commitment.

Mr. EVANS. He did vote——

Senator DOLE. Yeah, he voted but then he——

Mr. EVANS. You're saying he was trying to bargain?

Senator DOLE. He was shopping. He was seeing where he could get the most prime time on television, if he voted for or against the Gulf. He ended up voting for it, but it was quite an inside joke around the Senate, the way he played it.

Mr. EVANS. All right, just to continue that for a minute. He was a sterling character at the Democratic Leadership Council, which is of course a centrist Democratic body. I don't think Teddy Kennedy ever had anything to do with the DLC.

Senator DOLE. Well, being a member of something doesn't means that you're a moderate or a conservative. If it were Sam Nunn—Sam Nunn, I'd say is a moderate. I can say that with a straight face. I can't say that Al Gore is a moderate. He's a good person, I like him, but he's a liberal. Why shouldn't he get up and say he's a liberal?

Mr. EVANS. Mr. Leader, back to the campaign. In June, you said Bush should keep on the economic program, the economic problem, just the way he was going. Then a month later, in July, you said he should come up with a very strong growth program. Which is the real Bob Dole?

Senator DOLE. Well, we were getting mixed signals, like everybody else in America, that we're getting out of the recession, we didn't need to do anything. What we didn't want is to get more government involvement, pass a lot of programs that might not have any impact. We couldn't get our good ones through. If we could get capital gains rate reduction that George Mitchell's sort of held up for four years, that would have been a plus two or three years ago.

I'm not certain what we can do now that's going to change anything between now and November.

Mr. PRYOR. Mr. President, the Senator from Wyoming, who is my friend, made reference to the fact that we came to the Senate together, and we did in the election of 1978, and we started serving together in this great body in 1979. But Mr. President, I am must say that I am very, very disappointed, I am extremely disappointed that my colleague from Wyoming would take the floor of the U.S. Senate and literally trash one of our colleagues, Senator GORE, of Tennessee, a very distinguished, fine Member of this body. I think that any Senator who speaks in this way of one of our colleagues should at least have the courtesy of informing that colleague that he or she is going to take the floor for a public trashing so that that Senator may be on the floor and have the opportunity to respond.

The Senator from Wyoming, to the best of my knowledge, has not informed Senator GORE that he was going to trash him as he did tonight, and, Mr. President, I must say that I am extremely saddened by the decision of the Senator from Wyoming to take this opportunity in the United States Senate to make these statements about our colleague, Senator GORE, of Tennessee, when he is not here to defend himself, to speak for himself, to answer these onerous allegations about him. I am saddened by it, Mr. President.

Sometimes I think we let things go by, and before long they fester. I know recently another of our colleagues made a very derisive remark on this floor about the State of Arkansas. That is also covered in rule XIX, but it is section 3, Mr. President. "No Senator in debate shall refer offensively to any State of the Union." There was an offensive remark, derisive remark made about my State of Arkansas, and, Mr. President, when I heard about it, it was too late to challenge that Senator on what he had said. But I did happen to note that the next day in the RECORD, without getting unanimous consent, that Senator who had made that statement about the State of Arkansas had it expunged from the RECORD. It is on tape, it is on video and systems.

I think we let things go unchallenged around here. All I can do tonight, because Senator GORE is not here to clear his name, all I can say, Mr. President, is to express the depth of my disappointment in my friend from Wyoming in the manner that he has chosen to attack Senator GORE, from Tennessee.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I can understand completely my friend from Arkansas. He speaks from friendship with regard to his friend Senator GORE and his friend Governor Clinton. I understand that. There will be many occasions in the next 30 days where he will respond through his friendship and loyalty on behalf of his friends. I understand that. That is where I come from, my friendship and loyalty to the President.

I just say that no one responded here to a continual drumfire of activity about the President of the United States until Senator WIRTH put the full statement in the RECORD calling the President, I quote: "Guilty of poor judgment, moral blindness, and bungling policies."

Moral blindness. That is a pretty good phrase, but that does not match half the phraseology of the Senator from Tennessee over the past months with regard to the President of the United States.

And what I was speaking of—and I hope the Record is quite clear there. I do not know that I intend to change a word of it. I was talking about a very unfortunate way to legislate, to come to this body on October 2, 1986, and legislate on the basis of—that being the hour that the Senator had told, or one other of us had told, our supporters to "show up to listen to the debate," which was all one-sided, "and then to immediately contact the Members of the U.S. Senate." And that is what took place. I thought that was a very unfortunate and disappointing way to do the Nation's business, and I told that to the Senator from Tennessee. I still think today it is a very unfortunate way to do the Nation's business. I do not believe we should make policy based on C-SPAN 2 coverage or prime time, and that is what I said then, and that is what I am saying now.

If my friend from Arkansas is disappointed, I can assure you I am just as disappointed in the conduct of the Senator from Tennessee as I have sat here for the past many months and watched and listened to the most extraordinary comments made about the President of the United States with apparent immunity, without response. And then when Senator GORE's major policy address was placed into the RECORD by Senator WIRTH, along with a great cacophony of accompanying material, which was greeted on the House of Representatives side of the Capitol with special 1-minute orders, to simply trash—and that is the word I will use also, trash—the President of the United States.

This is a contact sport. We are all in it. There are 30 days to go. The Senator from Tennessee is ready to go. I can see he is geared and ready to rip. The Senator from Nebraska may well be ready. And let me tell you, we are not going to have any of the old business of just one side doing it and the other side is supposed to sit still. And when the other side responds, then it is a vicious trashing attack, when actually the frontal part of that is just as vicious and just as much of a trashing. That is the way it works in real-life politics.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I am going to conclude. I am not going to challenge the Senator from Wyoming on this rule tonight. I probably might regret it, because I think the Chair might well agree that the Senator from Wyoming has gone beyond what we consider to be the decorum and the dignity and conceivably has violated a rule of the Senate, rule XIX, section 2.

But Mr. President, I can say this, and I think my colleagues probably on both sides of the aisle, because most of our colleagues believe in fair play and believe in due process, they believe in giving a colleague warning if you are going to do something to him or certainly say something about him or her. But, Mr. President, I would like to say that this evening the distinguished Senator from Wyoming, in his remarks, has truly violated the dignity of this Senate, and I also think what he has done is a hit below the belt.

Mr. SIMPSON. Mr. President, that is unfortunate that my friend from Arkansas feels that. But I think he feels the sting of the lash with his friends, just as I feel the sting of the lash with my friends, and that is the way it is in politics. It was not me that described this as a contact sport, but for every erroneous, bizarre, and crude statement about this fine man whom I know as President of the United States, I, indeed, will pull in the perpetrator of that activity, and we will discuss that person, and I shall continue to do that without any diminution in my affection, regard, and fealty toward rule XIX, too.

I have been here 14 years and listened to a lot of debate, and we have not even touched near the core of some of the debates that I have heard in here where some have said to others in the first person some things that quickly changed the next day in the CONGRESSIONAL RECORD. I said what I intended to say. It had to do particularly with the environmental record of the Senator from Tennessee, who did nothing of any great import with regard to the Clean Air Act and the satellite dish issue. If that is a violation of 19.2, please define it for me.

And then particularly what happened right here in this Chamber on October 2, 1986, when the entire country was orchestrated to meet a single schedule, which I helped to arrive and accommodate, I think that is a serious mistake.

And if I have a view—and I will review the rules of the Senate—I think that is a violation of the rules of the Senate. That is not what we are here for.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to at this juncture return to the order of business that was contemplated.

I ask unanimous consent that it be in order to proceed to the amendments in disagreement to H.R. 5518, the transportation bill, and that the Senate dispose of these amendments prior to the adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I am not going to object, because I know the Senator from New Jersey is very interested in moving this bill.

But, Mr. President, I have something I want to say to my dear friend from Wyoming—and I mean that sincerely—and I will have to reserve that for another time.

I happened to have talked to Senator GORE the day he made that vote on the Persian Gulf war. He was laboring up to the day he made his speech on the floor. It was not contrived. The Senator can leave an image here that he was attempting to manipulate. He was not. He was like this Senator. He was not sure. And he wanted to be sure before he cast his vote. And to leave aspersions out here that he manipulated this body and the American public is a travesty, in my judgment.

And I will have to continue that, because I know the Senator from New Jersey is interested in proceeding with this legislation.

But I overheard this and I happened to have a little conversation with the Senator and I know how he labored on this. And this was not a political contriving based on the time. He wanted to make a decision that he felt was right and he made it. He came down on the side of the President.

And anybody that would leave an impression here that he did that because he could get better TV time does not know AL GORE or does not know any other Senator in this body.

I would not accuse the Senator from Wyoming or anybody else of doing that, because I do not think it happened. And I think it is absurd that we would leave that impression toward the Senator from Tennessee.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, before proceeding with the distinguished chairman's bill, I feel called upon to say a word here on behalf of my junior colleague from the State of Tennessee.

I have been away from the Senate this evening and have only just returned and had reported to me some of the things that have been said here on the floor this evening.

And I must say, Mr. President, that I find this to be a very sad day indeed in the history of the U.S. Senate. We have one of our own, a Member of this body, running for Vice President of the United States on a national ticket, running for Vice President on the ticket of one of the great national parties.

Now he is not of the political affiliation of those who have taken the floor this evening to disparage him in, what has been reported to me, the most personal terms. Frankly, I think the Senator from Arkansas is kind in his evaluation that there has been a violation of rule XIX on the floor of the U.S. Senate this evening. I served in this body for 16 years and I do not recall any Senator taking this floor to reflect unfavorably or adversely or impute improper motives to any Senator for their vote.

Mr. CHAFEE. Mr. President, I would ask for the regular order.

Mr. SASSER. I still have the floor, Mr. President.

Mr. CHAFEE. Regular order, Mr. President.

The PRESIDING OFFICER. Does the Senator from Tennessee object?

The Senator from Tennessee has the floor.

Mr. SASSER. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey has the floor.

Mr. LAUTENBERG. I thank you. I did ask unanimous consent, and the Senator from Tennessee asked to reserve for an objection, and I think he is speaking under that condition and I do not intend to interrupt.

But I wanted to be certain that it is understood that I control the floor.

The PRESIDING OFFICER. The Senator from New Jersey has the floor; that is correct.

Mr. SASSER. Mr. President, I renew my objection, or reserve the right to object to the distinguished Senator's unanimous-consent request.

And I shall not delay the Senate unduly here this evening, but I do believe that the basic tenets of fair play call for some reply to the statements made here on the floor of the U.S. Senate concerning my junior colleague from the State of Tennessee. And I do believe, Mr. President, that statements have been made here about him in his absence that in my view are unworthy and do indeed violate rule XIX, section 2.

Now, there ought to be a basic fair play here. Simply because one of our colleagues happens to be campaigning on a national ticket away from this Chamber and away from this floor, unable to defend himself, should not give license to others to come to the floor and impute to him improper motives. And that is precisely what has occurred here this evening.

Now, I have had the pleasure of serving in the Congress of the United States 16 years with my junior colleague; 8 years here in the U.S. Senate and 8 years when he served in the House of Representatives. In all of that time, I have never heard, until this evening, improper motives imputed to him for any vote that he has cast.

Indeed, he has established a national reputation as one of the leading political figures in this country. He has established a national reputation as a leader in the environmental movement. He is recognized as one of the brightest political stars and leaders in the country. And that is the reason this evening he serves in, or is running in the No. 2 slot on a national ticket.

Now, to say that simply because the junior Senator from Tennessee or other Senators have come to the floor and criticized the administration or criticized the President gives license to attack our colleagues in a way that I think is unbecoming, is something I think that should not be done. And I think this is indeed a mean evening in the U.S. Senate. There is a meanness here that I have not encountered in my 16 years of services.

And why they are taking the floor, some of our colleagues on the other side of the aisle are taking the floor this evening to attack my junior colleague from Tennessee, I do not know. I have no idea what their motives are or what their reasons are.

He served in this body, as I said, for 8 years. And during those years, not a word was said that I can recall from the other side to disparage my junior colleague.

So Mr. President, I hope that we will put this behind us and I hope there will not be any other evenings in the U.S. Senate similar to this.

I think it is unfortunate and I think it reflects adversely on the Senate as a whole that these statements have been made here this evening. Each Senator must carry the burden of proof for the statements that he or she has made. Each Senator must make their own judgment as to the truth and veracity of statements made on the floor of the U.S. Senate.

But I must say I do not think there is much doubt in the minds of those Senators who have heard the Statements made here this evening that some very unfair, improper, and uncalled for allegations have been leveled against one of our colleagues who is not present to defend himself.

So, Mr. President, let me just wind up by saying this. In the spirit of fair play, in the spirit of comity, indeed in the spirit of plain decency, I hope that we will have no more episodes such as occurred on the floor of the Senate this evening. I deeply regret it.

The PRESIDING OFFICER. There is objection to the request of the Senator from New Jersey?

Mr. LEAHY. Reserving the right to object.

Mr. LAUTENBERG. Mr. President, if I may say, when the Senator from Wyoming asked for the floor, though I do not know that there was a unanimous-consent request, it was in respect to the transportation bill that was about to come up. And he said then that at the moment that we were prepared to move ahead, that he was prepared to end his comments.

Things ensued that enlarged the discussion significantly. And I, frankly, Mr. President, do not want to cut off that discussion. That is not my mission.

I have a different mission, however, at this moment. There is no doubt that

I have a view on the debate that is taking place. But this in my estimation is not the proper moment. I have a transportation bill here that everybody has an interest in.

We are talking about some 34 billion dollars' worth of funds that go into the communities to create jobs and to get on with the construction jobs that are begging to be tended to.

Again, I hope that my colleagues who are interested in continuing the debate that has been going—and I would be interested too, I would like to speculate a little bit with that—but I would honestly like to move ahead with the Transportation bill. And I, once again, ask unanimous consent that it be in order to proceed to the amendments in disagreement to H.R. 5518, and that the Senate dispose of these amendments prior to the adoption of the conference report.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, and I shall not object. I shall be very brief because I know the burden the Senator from New Jersey carries. He is probably one of the hardest working appropriations subcommittee chairman I have known in my 18 years in the Senate.

But I was very, very concerned about comments made earlier about my colleague and close friend, Senator GORE. I was concerned because I thought they were unfair and I thought they were out of place. I thought they were unfair and out of place under the rules of the Senate. I thought they were also unfair and out of place under the normal rules of debate in a Presidential and Vice Presidential election.

Senator GORE made a very important, a very factual, and a very accurate speech here in Washington, DC, on Tuesday. It was appropriately reported. The press was there, available to ask any questions they want of him; and did. He is campaigning all over the country where anybody could ask any questions they want. He will be taking part in debates with Vice President QUAYLE, and again available to answer any questions.

He is not here on the floor of the U.S. Senate where he could defend himself this evening, and I think it is unfair to take him on because of that.

I was particularly interested in the speech he gave because so much of it reflected things that the Congress itself has found out on Iraq. Certainly even in my own committee, the Agriculture Committee, we have seen a number of questions raised about the use of agricultural credits, either to purchase weapons or more likely, I believe, to free up other money of Saddam Hussein, so he could purchase weapons.

The importance of that, of course, Mr. President, is that the American taxpayers signed on and cosigned notes with Saddam Hussein so he could have his own money freed up, not to buy food for his people—something he needed to do—but to use U.S. money, in this case U.S. foreign aid money, to buy food for his people so he could use his own money to buy weapons. Certainly throughout these various investigations we saw where material was sold to him from the United States that could be used to make nuclear weapons. And it was sold on the basis that Saddam Hussein promises of course he would not use them for nuclear weapons; of course he would not use them for chemical weapons. Believing Saddam Hussein in that was like believing a pyromaniac—

Mr. CHAFEE. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. So, Mr. President——

Mr. CHAFEE. Mr. President—we are on an appropriations bill. Can we move to it?

Mr. LEAHY. Oh, Mr. President, those who made the unfair charges against Senator GORE now feel it hurts very much. I think the point has been made, Mr. President.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Jersey?

Mr. LAUTENBERG. Mr. President, once again we have a unanimous-consent request on the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993—CONFERENCE REPORT

Mr. LAUTENBERG. Mr. President, I submit a report of the committee of conference on H.R. 5518 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 1992.)

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Senate concur en bloc on the amendments of the House to the amendments of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5518) entitled "An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes.".)

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 12, 41, 42, 43, 48, 53, 94, 102, 107, 121, 150, 159, 173, 229, 231, and 232 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$2,558,000,000, of which $253,000,000 shall be available only to the extent transferred from the Department of Defense;*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$56,565,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 28 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$123,685,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 33 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *$73,000,000, of which $50,000,000 shall be available only to the extent transferred from the Department of Defense*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 34 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$27,815,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 44 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$2,350,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 45 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$2,159,000,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$15,326,750,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 62 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

BALTIMORE-WASHINGTON PARKWAY

For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 and section 1069 of Public Law 102-240 for the Baltimore-Washington Parkway, to remain available until expended, $15,000,000.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 80 to the aforesaid bill, and concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $82,080,000, to remain available until September 30, 1995: Provided, That the Secretary of Transportation shall not permit transfer of title of the national advanced driving simulator from the Government of the United States: Provided further, That no provision under this head shall be interpreted in a manner which would affect the site selection for the national advanced driving simulator.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 90 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: Provided further, That the unexpected balances available for drunk driving prevention programs under 23 U.S.C. 410 shall be available for alcohol-impaired driving countermeasures programs under 23 U.S.C. 410, as amended by Public Law 102-240 and this Act, except for amounts necessary for the State of New Mexico to continue its drunk driving prevention program under 23 U.S.C. 410 as in effect before the date of enactment of Public Law 102-240

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 92 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$17,152,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 99 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$25,205,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 100 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum stricken by said amendment, insert: *$650,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 149 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$4,500,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 151 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: *$25,500,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 156 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$12,650,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 157 to the aforesaid bill, and concur therein with an amendment as follows:

Delete the words: "*on a monthly basis*"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 158 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$880,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 160 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the first sum named in said amendment, insert: *$5,886,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 162 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the second sum named in said amendment, insert: *$10,300,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 165 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

$38,000,000: Provided, That not more than $1,000,000 of the funds made available under this head shall be available for implementation of Public Law 101-576

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 167 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

: Provided further, That notwithstanding any other provision of law, the Secretary of State shall communicate to the Government of Panama, within three months of the enactment of this section, the dissatisfaction of the Government of the United States concerning inadequate compliance by Panama with the enforcement provisions of Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), and the Secretary of State and the Secretary of Transportation, in consultation with the Commandant of the Coast Guard, shall further provide no later than March 15, 1993, a written report to the Congress describing and assessing (1) the actions taken by the Government of Panama since August 1, 1992, to investigate and, where appropriate, penalize Panamanian flag ships which have been reported by other nations to have violated the provisions of Annex V of MARPOL 73/78, (2) any efforts taken by the Government of Panama to ensure improved compliance with the provisions of Annex V of MARPOL 73/78 on the part of Panamanian flag ships, and (3) the actions by the Government of the United States in the implementation of its new enforcement policy for Annex V of MARPOL 73/78, including penalty actions taken against foreign flag vessels by the Coast Guard for violations of those vessels occurring within the exclusive economic zone of the United States

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 172 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

, not more than $2,400,000 for section 6015 of Public Law 102-240, and not more than $750,000 for section 5002 of Public Law 102-240

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 174 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

, and notwithstanding any other provision of law, not distribute $7,500,000 of the obligation limitation established by this Act for Federal-aid highways and highway safety construction: Provided, That such undistributed obligation limitation shall be available for administrative costs and allocation to States under section 1302(d) of the Symms National Recreational Trails Act of 1991: *Provided further, That amounts for section 1081 of Public Law 192-240, section 5002 of Public Law 102-240, section 6015 of Public Law 102-240, and section 1302(d) of the Symms National Recreational Trails Act of 1991 shall be deemed necessary for administration under section 104(a) of title 23, United States Code*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 185 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 330. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Federal Aviation Administration's flight service stations at Red Bluff Airport in Red Bluff, California, Tri-City Airport in Bristol, Tennessee, and Bert Mooney Airport in Butte, Montana.

SEC. 331. Notwithstanding any other provision of law, the Federal Aviation Administration has the authority to enter into grants with the City of Kissimmee, Florida; the Douglas County Port Authority and the Chelan County Port Authority, Washington; and the Jackson-Madison County Airport Authority, Tennessee, to assist in the construction of non-Federal air traffic control towers; Provided, That funds for such towers shall be derived from the unobligated balances of the "Facilities and Equipment" account of the Federal Aviation Administration.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 186 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SEC. 332. Section 1064(e) of Public Law 102-240 is amended by adding: "For further purposes of this section, the access road from Interstate Business Route 75 to the Sugar Island Ferry Service in Chippewa County, Michigan, and the access road from United States Route 31 to the Beaver Island Ferry Service in Charlevoix County, Michigan, shall be treated as principal arterials."

SEC. 333. Notwithstanding any other provision of law, funds provided in this or subsequent Acts for necessary expenses to carry out the provisions of section 1069 of Public Law 102-240 are to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 194 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 337. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction, and Improvements shall be available after the fifteenth day of any quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committees on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: Provided, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: Provided further, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: Provided further, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: Provided further, That all information submitted in such reports shall be current as of the last day of the preceding quarter.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 195 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "333", insert: *338*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 196 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "334", insert: *339*

In lieu of the sum "$12,000,000", insert: *$9,600,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 197 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "335", insert: *340*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 198 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "336", insert: *341*

In lieu of the words "National Highway", in both instances, insert: *Dwight D. Eisenhower*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 199 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "337", insert: *342*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 200 to the aforesaid bill, and concur therin with an amendment as follows:

In lieu of the section number "338", insert: *343*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 201 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "339", insert: *344*

Resolved, That the House recede from its disagreement to the amendment of the Sente numbered 202 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "340", insert: *345*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 204 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "342", insert: *346*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 205 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 347. Notwithstanding any other provision of law, any unspent balance of funds previously earmarked for the Long Island Expressway Fourth Lane project shall be applied instead to the Rober Moses Causeqay rehabilitation project and to the Loop Parkway Bridge rehabilitation project.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 206 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 348. (a) DENIAL AND REVOCATION.—Chapter 121 of title 46, United States Code, is amended by adding at the end the following new section:

"§12123. Denial and revocation of endorsements

"The Secretary of Transportation is authorized to deny the issuance or renewal of a trade or recreational endorsement on a certifiecate of documentation issued under this chapter and to revoke such endorsement if that vessel's owner has not paid an assessment of a civil penalty after final agency action for a violation of law for which an assessment has been made by the Secretary.".

(b) LIMITATIONS ON VESSEL OPERATIONS.—Section 12110(c) of title 46, United States Code, is amended by striking all of the first sentence through the first comma and inserting in lieu thereof the following: "When a vessel is operated after the Secretary has denied issuance or renewal of an endorsement or revoked the endorsement under section 12123 of this title and before the endorsement is reinstituted, or is employed in a trade for which an endorsement is required, without a certificate of documentation with an appropriate endorsement for that trade,".

(c) TECHNICAL AMENDMENTS.—(1) Section 12103(a) of title 46, United States Code, is amended by striking "On" and inserting in lieu thereof "Except as provided in section 12123 of this title, on".3

(2) The analysis for chapter 121 of title 46, United States Code, is amended by adding at the end the following new item:

"12123. Denial and revocation of endorsements.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 207 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "345", insert: *349*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 208 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "346", insert: *350*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 209 to the aforesaid bill, and concur therein with and amendment as follows:

In lieu of the section number "347", insert: *351*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 210 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 352. Notwithstanding any other provision of law, none of the funds in this Act or previous Acts shall be used for the widening of U.S. Highway 93 between Somers and Whitefish, Montana, until the Federal Highway Administration has completed a feasibility study of design alternatives: Provided, That such study shall be completed by September 30, 1993, and shall be conducted in consultation with the Montana Department of Transportation and local authorities in Flathead County, Montana: Provided further, That such study shall address the cost, safety, aesthetics, and land use planning impacts of each design alternative: Provided further, That the federal share of funding for such study shall be 100 percent of the cost of such study.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 212 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 353. Section 345 of the Department of Transportation and Related Agencies Appropriations Act, 1992, is amended by adding at the end thereof the following:

"(d)(1) In addition to its functions under subsection (b), the Metropolitan New York Aircraft Noise Mitigation Committee shall review aircraft noise complaints within the airspace over the States of New York and Connecticut lying within a 110-nautical-mile radius of La Guardia Airport, and advise the Administrator with regard to aircraft noise mitigation within such radius, and the locations and boundaries of noise impact areas defined by such complaints. The Committee shall obtain the participation of citizens, community associations, and other public organizations concerned with aircraft noise in carrying out the functions of the Committee under this section.

"(2) The Administrator, from time to time, shall consult with the Committee regarding aircraft noise mitigation and such aircraft noise complaints. The Committee shall make recommendations to the Administrator regarding such aircraft noise mitigation and complaints.

"(3) Any vacancy in a position on the Committee shall be filled in the same manner as the original appointment to that position.

"(4) The Chairman of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(5) Costs and other expenses not to exceed $100,000 incurred by the Committee in carrying out its functions under this section shall be paid from appropriations to the Department of Transportation for administrative expenses.

"(6) The Metropolitan New York Aircraft Noise Mitigation Committee shall be permanent.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 214 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "352", insert: *354*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 215 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 355. The Motor Vehicle Information and Cost Savings Act is amended by adding at the end of title II thereof the following:

"SEC. 210. Labeling Requirements for Automobiles—

"(a) Short Title. this section may be cited as the "American Automobile Labeling Act"

"(b) LABEL REQUIREMENT.—(1) Each manufacturer of a new passenger motor vehicle distributed in commerce for sale in the United States shall annually establish for each model year and cause to be affixed, and each dealer shall cause to be maintained, on each such vehicle manufactured on or after October 1, 1994, in a prominent place, one or more labels—

"(A) indicating the percentage (by value) of passenger motor vehicle equipment installed on such vehicle within a carline which originated in the United States and Canada to be identified with the words "U.S./Canadian content";

"(B) indicating the final assembly point by city, State (where appropriate), and country of such automobile;

"(C) in the case of any country (other than the United States and Canada) in which 15 percent or more (by value) of equipment installed on passenger motor vehicles within a carline originated, indicating the names of at least the 2 countries in which the greatest amount (by value) of such equipment originated and the percentage (by value) of the equipment originating in each such country;

"(D) indicating the country of origin of the engine for each passenger motor vehicle; and

"(E) indicating the country of origin of the transmission for each passenger motor vehicle;

"(2) The percentages required to be indicated by this section may be rounded to the nearest 5 percent by the manufacturers. Such percentage shall be established at the beginning of each model year for such carline and shall be applicable to that carline for the entire model year.

"(3) The disclosure requirement of subparagraph (1)(B) of this section supersedes the disclosure requirement of section 3(b) of the Automobile Information Disclosure Act (15 U.S.C. 1232(b)). A manufacturer who indicates the final assembly point as required by this section shall be deemed to have satisfied the disclosure requirement imposed by section 3(b) of the Automobile Information Disclosure Act.

"(c) FORM AND CONTENT OF LABEL.—The form and content of the label required under subsection (b), and the manner and location in which such label shall be affixed, shall be prescribed by the Secretary by rule. The Secretary shall permit a manufacturer to comply with this section by allowing such manufacturer to disclose the information required under this section on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232), on the label required by section 506 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006), or on a readily visible separate label.

"(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Treasury, shall promulgate such regulations as may be necessary to carry out this section, including regulations to establish a procedure to verify the labeling information required by this section. Such regulations shall provide to the ultimate purchaser of a new passenger motor vehicle the best and most understandable information possible about the foreign and U.S./Canada origin of the equipment of such vehicles without imposing costly and unnecessary burdens on the manufacturers. The regulations shall be promulgated promptly after the enactment of this section in order to provide adequate lead time for all manufacturers to comply with this section. The regulations shall include provisions applicable to outside and allied suppliers to require such suppliers to certify whether a component provided by such suppliers is United States, U.S./Canadian or foreign and to provide such other information as may be necessary, as determined by the Secretary, to enable the manufacturer to reasonably comply with the provisions of this section and to rely on such certification and information. The regulation applicable to all suppliers shall be enforceable as a regulation of the Secretary under the appropriate provisions of this Act.

"(e) VIOLATIONS AND PENALTIES.—Any manufacturer of automobiles distributed in commerce for sale in the United States who willfully fails to affix to any new automobile so manufactured or imported by him for sale in the United States the label required by this section, or any dealer who fails to maintain such label as required by this section, shall be fined not more than $1,000. Such failure with respect to each automobile shall constitute a separate offense.

"(f) DEFINITIONS.—For purposes of this section—

"(1) The term "manufacturer" means any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

"(2) The term "person" means an individual, partnership, corporation, business trust, or any organized group of persons.

"(3) The term "passenger motor vehicle" has the meaning provided in section 2(1) of this Act, except that it shall include any multipurpose vehicle and light duty truck that is rated at 8,500 pounds gross vehicle weight or less.

"(4) The term "passenger motor vehicle equipment" means any system, subassembly, or component received at the final vehicle assembly point for installation on, or attachment to, such vehicle at the time of its initial shipment by the manufacturer to a dealer for sale to an ultimate purchaser. The term "component" shall not include minor parts, such as attachment hardware (nuts, bolts, clips, screws, pins, braces, etc.) and such other similar items as the Secretary, in consultation with manufacturers and labor, may prescribe by rule.

"(5) The terms "originated in the United States and Canada", "U.S./Canadian", and "of U.S./Canadian origin", in referring to automobile equipment, mean:

"(A) for outside suppliers, the purchase price of automotive equipment which contains at least 70 percent value added in the United States and Canada; and

"(B) for allied suppliers, the manufacturer shall determine the foreign content of any passenger motor vehicle equipment supplied by the allied supplier by adding up the purchase price of all foreign material purchased from outside suppliers that comprise the individual passenger motor vehicle equipment and subtracting such purchase price from the total purchase price of such equipment. Determination of foreign or U.S./Canadian origin from outside suppliers will be consistent with subparagraph (A).

"(6) The term "new passenger motor vehicle" means a passenger motor vehicle the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

"(7) The term "dealer" means any person or resident located in the United States, including any territory of the United States, or the District of Columbia, engaged in the sale or the distribution of new automobiles to the ultimate purchaser.

"(8) The term "Secretary" means the Secretary of Transportation.

"(9) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

"(10) (A) The term "value added in the United States and Canada" means a percentage derived as follows:

"Value Added equals the total purchase price, minus total purchase price of foreign content, divided by the total purchase price.

"Costs incurred or profits made at the final vehicle assembly point and beyond (i.e., advertising, assembly, labor, interest payments, profits, etc.) shall not be included in such calculation.

"(B) In determining the origin and value added of engines and transmissions, the following groupings will be used:

(1) Engines of same displacement produced at the same plant.

(2) Transmissions of the same type produced at the same plant.

"(11) The term "carline" means a name denoting a group of vehicles which has a degree of commonality in construction (e.g., body, chassis). Carline does hot consider any level of decor of opulence and is not generally distinguished by such characteristics as roof line, number of doors, seats, or windows, except for light duty trucks. Light duty trucks are considered to be different carlines than passenger cars.

"(12) The term "country of origin", in referring to the origin of an engine or transmission, means the country in which 50 percent or more of the dollar value added of an engine or transmission originated. If no country accounts for 50 percent or more of the dollar value, then the country of origin is the country from which the largest share of the value added originated. The estimate of the percentage of the dollar value shall be based upon the purchase price of direct materials as received at individual engine or transmission plants of engines of the same displacement and transmissions of the same transmission type. For the purpose of determining the country of origin for engines and transmissions, the United States and Canada shall be treated separately.

"(13) When used in reference to passenger motor vehicle equipment which is of U.S./Canadian origin, the term "percentage (by value)" means the resulting percentage when the percentage (by value) of such equipment not of U.S./Canadian origin that will be installed or included on such vehicles produced within a carline is subtracted from 100 percent. Value shall be expressed in terms of purchase price. For both outside suppliers and allied suppliers the value used shall be the purchase price of the passenger motor vehicle equipment as paid at the final assembly point.

"(14) The term "final assembly" point shall mean the plant, factory, or other place at which a new passenger motor vehicle is produced or assembled by a manufacturer and from which such vehicle is delivered to a dealer or importer in such a condition that all component parts necessary to the mechanical operation of such automobile are included with such vehicle whether or not such component parts are permanently installed in or on such vehicle.

"(15) The term "allied supplier" means a supplier of passenger motor vehicle equipment that

is wholly owned by the manufacturer, or in the case of a joint venture vehicle assembly arrangement, any supplier that is wholly owned by one member of the joint venture arrangement.

"(16) The terms "foreign" or "foreign content" means passenger motor vehicle equipment not determined to be U.S./Canadian origin.

"(17) the term "outside supplier" means a supplier of passenger motor vehicle equipment to a manufacturer's allied supplier or anyone other than an allied supplier who ships directly to the manufacturer's final assembly point.

"(g) EFFECT ON STATE LAW.—(1) Whenever a content labeling requirement established under this section is in effect, no state or political subdivision of a State shall have the authority to adopt or enforce any law or regulation relating to the content of vehicles covered by such Federal requirement.

"(2) Nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing requirements with respect to content of automobiles procured for its own use.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 216 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 356. Notwithstanding the provisions of any other law, rule, or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 217 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "355", insert: *357*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 218 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "356", insert: *358*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 220 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "358", insert: *359*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 221 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "359", insert: *360*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 222 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 361. Notwithstanding any other provision of law, the Secretary of Transportation shall waive the state matching share for the construction of any portion of an international road project located outside of the borders of any State of the United States for which funds are earmarked in the Intermodal Surface Transportation Efficiency Act of 1991 or in the Department of Transportation and Related Agencies Appropriations Act, 1992.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 223 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 362. COLLEGIATE TRAINING INITIATIVE.

(a) The Administrator of the Federal Aviation Administration may hereafter continue the Collegiate Training Initiative program, by entering into new agreements, and by maintaining existing agreements, with post-secondary educational institutions, as defined by the Administrator, whereby such institutions prepare students for the position of air traffic controller with the Department of Transportation, as defined in section 2109 of title 5, United States Code.

(b) The Administrator may establish standards for the entry of institutions into such program and for their continued participation in it.

(c) The Administrator may appoint persons who have successfully completed a course of training in such program to the position of air traffic controller noncompetitively in the excepted service, as defined in section 2103, of title 5, United States Code. Persons so appointed shall serve at the pleasure of the Administrator, subject to section 7511, of title 5, United States Code (pertaining to adverse actions). However, an appointment under this subsection may be converted from one in the excepted service to a career-conditional or career appointment in the competitive civil service, as defined in section 2102, of title 5, United States Code, when the incumbent achieves full performance level air traffic controller status, as determined by the Administrator. The authority conferred by this subsection to make new appointments in the excepted service shall expire at the end of five years from the date of enactment of this Act, except that the Administrator may determine to extend such authority for one or more successive one-year periods thereafter.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 224 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "362", insert: *363*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 225 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number "363", insert: *364*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 226 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 365. Notwithstanding any other provision of law, the Coast Guard shall utilize $2,000,000 in funds provided for "Research, development, test, and evaluation" in this Act or in previous appropriations Acts to enter into a grant agreement with the International Oceanographic Foundation, Inc. for the purpose of establishing the South Florida oil spill research center.

SEC. 366. Notwithstanding any other provision of law, the Federal Aviation Administration is required to remedy any existing contamination problems related to asbestos and PCBs at its Sayville facility and to remove the facility prior to the transfer of associated lands to the U.S. Fish and Wildlife Service.

SEC. 367. Notwithstanding any other provision of law, the Secretary of Transportation shall make available $4,100,000 in fiscal year 1993 from section 1105(f)(16) of Public Law 102–240 to section 1108(b)(25) of Public Law 102–240.

SEC. 368. Notwithstanding any other provision of law, section 1105(e)(2) of Public Law 102–240 is amended by adding at the end the following new sentence: "A study may be conducted under this subsection to determine the feasibility of constructing a more direct limited access highway between Peoria and Chicago, Illinois.".

SEC. 369. Notwithstanding any other provision of law, section 1108(b)(17) of Public Law 102–240 is amended by striking the current project description and inserting, "Conduct environmental studies, preliminary engineering, and construction for the Las Vegas beltway, including those portions linking McCarran International Airport and I–15.".

SEC. 370. Notwithstanding any other provision of law, in selecting projects to be carried out with funds apportioned to it under section 104 of title 23, United States Code, the State of Illinois shall give priority consideration to reconstruction of Meridian and Glen Crossing Roads in Madison County, Illinois.

SEC. 371. Notwithstanding any other provision of law, section 1105(g) of Public Law 102–240 is amended by adding a new paragraph (9) to read as follows: "(9) The States of South Dakota and Nebraska may, at their discretion, utilize funds allocated to them for the project described in section 1105(f)(17) of this Act to support the Nebraska/South Dakota feasibility study described in section 1105(f)(7) and may also utilize funds allocated for that study for the project described in section 1105(f)(17).".

SEC. 372. Notwithstanding any other provision of law, the Federal Railroad Administration, in its oversight of railroad employees' duty hours, shall presume to be lawful the Long Island Railroad's current practice of considering as commuting time the travel time of an employee to any reporting point, regardless of whether the employee has more than one reporting point.

SEC. 373. Notwithstanding any other provision of law, section 1069(t) of Public Law 102–240 is amended by striking the period in the last line, inserting a comma, and adding: "and funds provided pursuant to this provision shall not be subject to any limitation on obligations for federal-aid highways and highway safety construction programs.".

Sec. 374. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1995, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

Sec. 375. Notwithstanding any other provision of law, the Secretary is directed to waive the non-federal share for NASA Road 1 near Houston, Texas.

Sec. 376. Notwithstanding any other provision of law or regulation, before July 1, 1993, no lanes on any highway located on federally-owned land, whether subject to easement or otherwise, may be restricted to high occupancy vehicles if those lanes have been constructed or maintained through the use of toll receipts.

Sec. 377. Treatment of Certain Bus Revenue Mileage.—For purposes of the apportionment of funds under section 9 of the Federal Transit Act for fiscal year 1993, the total bus revenue vehicle miles provided by the Duke Power Company in the year ending June 30, 1990, shall be treated as having been provided by the City of Durham, North Carolina.

Sec. 378. Notwithstanding any other provision of law, section 1104(b)(17) of Public Law 102–240 is amended by striking the project description and inserting: "Study and construction of a bicycle system to serve as an alternative form of *commuter transportation, to reduce air pollution, and to enhance recreation".*

Sec. 379. Notwithstanding any other provision of law, section 1106(a)(2)(69) of Public Law 102–240 is amended by adding to the project description the following: "; plan, design, and construct related, adjacent, or interlocking facilities, preserve any related historical remnants, and acquire the necessary lands or interests in lands for such facilities".

Sec. 380. Congestion Mitigation and Air Quality Improvement Program.—Section 149(b) of title 23, United States Code, is amended by adding at the end the following new sentence: "In areas of a State which are nonattainment for ozone or carbon monoxide, or both, and for PM–10 resulting from transportation activities, the State may obligate such funds for any project or program under paragraph (1) or (2) without regard to any limitation of the Department of Transportation relating to the type of ambient air quality standard such project or program addresses.".

Sec. 381. Baltimore-Washington Transportation Improvements Program.—Section 3035(nn)(2) of Public Law 102–240 is amended—

(1) by striking "Waldorf" and inserting "mass transportation improvements to the Waldorf area"; and

(2) by adding after the first sentence the following new sentence: "The transit improvements in the corridor from the Waldorf area to the Washington, D.C. area shall be based on the locally preferred alternatives that result from the Southern Maryland Mass Transportation Alternatives Study of the Tri-County Council for Southern Maryland and shall include any additional work needed on that study, detailed planning and engineering to be carried out by the Maryland Department of Transportation in conjunction with the Tri-County Council, advanced land acquisition in the transit corridor, and implementation of interim and long-range transit improvements in the transit corridor.".

Sec. 382. Section 3035(ccc) of Public Law 102–240 is amended by striking "the municipality of metropolitan Seattle, Washington" and inserting "a qualified local sponsor"; and, on page 66, line 4 of the House engrossed bill, H.R. 5518, delete "Sec."; and, on page 66, beginning on line 4, of the House engrossed bill, H.R. 5518, delete ". (a) Title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421–1433) is amended by adding at the end the following new section:"

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 227 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

TITLE IV—HIGHWAY TECHNICAL CORRECTIONS

Sec. 401. Section 1107(b) of Public Law 102–240 is amended by striking—

(a) in subsection (167) the project description and inserting in lieu thereof:

"Grading and surfacing from U.S. Highway 2 at Michigan southerly to ND Highway 15 at McVille and on FAS 3220 from ND 1 easterly to the county line."

(b) in subsection (168) the project description and inserting in lieu thereof:

"Widening and surfacing from I–94 north and east through Spiritwood, then north to ND Highway 9, FAS 4718 from ND 20 east to FAS 4745, and FAS 4712 from ND 20 to ND 9."

(c) in subsection (174) the project description and inserting in lieu thereof:

"Grading and surfacing of FAS 2750 from U.S. 85 west."

(d) in subsection (178) the project description and inserting in lieu thereof:

"Grading and surfacing, starting 3 miles west of ND 28 on FAS 3828, thence one mile west and four miles north and then west to FAS 3809."

(e) in subsection (179) the project description and inserting in lieu thereof:

"Grading and surfacing of FAS 3025 and FAS 3020 from ND 49 southeasterly to FAS 3033."

(f) in subsection (183) the project description and inserting in lieu thereof:

"For a bypass around the west of Ford Lincoln State Park from Mandan South."

(g) in subsection (184) the project description and inserting in lieu thereof:

"Grading and surfacing from U.S. 281 around the access loop roads and parking facilities in the International Peace Garden."

(h) in subsection (185) the project description and inserting in lieu thereof:

"Grading and surfacing of FAS 3331 from ND 200A at Hensler southerly to ND 25 and FAS 3304 from FSA 3331 east to FAS 3339 and FAS 3339.".

SEC. 402. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(i) The State of North Dakota may elect to utilize the total amount of funds authorized for such State under section 1107(b) in any given year for any project or projects in the State of North Dokota as authorized under section 1107.".

SEC. 403. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(j) Any balance of funds authorized by this section that remains after construction is completed on any project authorized by subsection (b) in North Dakota may be transferred and used to pay the costs of any projects authorized by subsection (b) in North Dakota.".

SEC. 404. Delete the first sentence of section 6058(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) and substitute: "The Federal share payable on account of activities carried out under section 6056, as well as operational test activities carried out under this part (other than section 6056), shall not exceed 80 percent of the cost of such activities.".

SEC. 405. Section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 56 by striking "I–55" and inserting "I–59".

SEC. 406. The Secretary of Transportation shall revise the Manual of Uniform Traffic Control Devices to include—

(a) a standard for a minimum level of retroreflectivity that must be maintained for pavement markings and signs, which shall apply to all roads open to public travel; and

(b) a standard to define the roads that must have a center line or edge lines or both, provided that in setting such standard the Secretary shall consider the functional classification of roads, traffic volumes, and the number and width of lanes.

SEC. 407. (a) TECHNICAL CHANGE.—Section 1014(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) in the heading, by striking "91" and inserting "81"; and

(2) by striking "United States Route 91 from Belleville, Kansas" and inserting "United States Route 81 from Concordia, Kansas,".

(b) INNOVATIVE PROJECTS.—The table in subsection (b) of section 1107 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 154, by striking "7–15 miles Belleville to Concordia" and inserting "from Concordia to the Nebraska border".

(c) EXPENDITURE OF FUNDS.—Section 1014(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following new paragraphs:

"(4)(A) Except as provided in subparagraph (B), notwithstanding any other provision of law, the amounts made available for the construction of the Hutchinson Bypass between United States Route 50 and Kansas Route 96 in the vicinity of Hutchinson, Kansas, under section 1107(b) shall be expended prior to the expenditure of the amount obligated for such purpose pursuant to paragraph (1) of this subsection.

"(B) If the appropriate official of the State of Kansas determines that in order to carry out to completion the construction project described in paragraph (A), the expenditure of an amount obligated pursuant to paragraph (1) of this subsection is necessary, the State may expend such amount.

(5) Notwithstanding any other provision of law, the amounts allocated to the State of Kansas for fiscal years 1996 through 1997 pursuant to section 160 of title 23, United States Code, and not obligated under this subsection or any other provision of this Act, shall remain available to the State of Kansas to carry out activities eligible for funding under title 23, United States Code.".

SEC. 408. HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROJECT.—Subsection (c)(1) of section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 144 note) is amended by striking "on rural Federal-aid highways" and inserting "on public roads".

SEC. 409. PERIOD OF AVAILABILITY.—Section 118(b)(1) of title 23, United States Code, is amended—

(1) in the first sentence by inserting "(other than Massachusetts)" after "in a State"; and

(2) in the last sentence by striking "before" and inserting "after".

SEC. 410. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 129 of title 23, United States Code, is amended as follows—

(1) in subsection (b) by striking "approved under section 103(b) or (b) of this title as a part of one of the Federal-aid systems" and inserting in lieu thereof "classified as a public road"; and

(2) by amending subsection (c)(2) to read as follows—"(2) The operation of the ferry shall be on a route classified as a public road within the State and which has not been designated as a route on the Interstate System. Projects under this subsection may be eligible for both ferry boats carrying cars and passengers and ferry boats carrying passengers only.'.

SEC. 411. Section 1069(y) of the Intermodal Surface Transportation Efficiency Act of 1991, is amended by adding at the end of the last sentence: "Funds provided to carry out the provisions of this section are to remain available until expended.".

SEC. 412. NONDISCRIMINATION.—Section 140(b) of title 23, United States Code, is amended in the last sentence by striking "¼ of 1 percent" and inserting "½ of 1 percent".

SEC. 413. HELL GATE BRIDGE.—Notwithstanding any other provision of law, the Hell Gate Viaduct shall be considered a federally-owned bridge solely for the purposes of determining the Federal share under section 1021(d) of Public Law 102–240 as regards the project to upgrade, repair and paint the Hell Gate Viaduct authorized by section 1107 of Public Law 102–240.

SEC. 414. Notwithstanding any other provision of law, the funds provided for projects in Idaho by sections 1104 and 1107 of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102–240, may be obligated for any such projects.

SEC. 415. Notwithstanding any other provision of law, the State of Nevada may elect to utilize the total amount of funds authorized for such State under sections 1104(b), 1105(f), 1107(b), and 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102–240 *within any given fiscal year for any project or projects in the State of Nevada as authorized under said sections.*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 228 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

Sec. 416. Notwithstanding any other provision of law, the funds provided for projects in Minnesota by sections 1103, 1105, 1106, 1107, and 1108 of Public Law 102–240 may be obligated for any such projects: Provided, That the total amount of any project shall not be reduced.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 230 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

TITLE V—TRANSIT TECHNICAL CORRECTIONS

SEC. 501. Section 3012 of Public Law 102–240 is amended by adding at the end of section 8(h)(4) the following sentence: "Any transit project that has an approved draft Environmental Impact Statement would be exempt from complying with highway National Environmental Policy Act requirements.".

SEC. 502. MATCHING SHARE FOR TRANSFERRED FUNDS.—(a) Section 8(k) of the Federal Transit Act is amended by adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(b) Section 134(k) of title 23, United States Code is amended by adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(c) Section 3(h) of the Federal Transit Act is amended by adding a new subparagraph as follows:

"(7) Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among urbanized areas eligible under paragraphs (1), (2) and (3) in accordance with the apportionment formula contained in section 3(h) for the succeeding fiscal year.".

(d) Section 3 of the Federal Transit Act is amended by adding at the end the following new subsection;

"(n) Funds made available under this section which are deobligated may be used for any purpose under this section.".

(e) Section 8(h)(5) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead: "under title 23, United States Code".

(f) Section 8(i)(4) of the Federal Transit Act is amended by striking "pursuant to this title" and inserting instead: "pursuant to this title" and inserting instead: "pursuant to title 23, United States Code".

(g) Section 8(m)(1) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead "under title 23, United States Code".

(h) Section 8(p) of the Federal Transit Act is amended by adding at the end the following: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reappointed among the states for the succeeding fiscal year.".

(i) Section 8 of the Federal Transit Act is amended by adding the following new subsection (q):

"(q) The statewide planning and programming requirements of section 135, title 23, United States Code, shall apply to grants made under sections 3, 9, 9B, 16 and 18 of this Act.".

(j) Section 12(l)(1)(B) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(k) Section 16(c)(4) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(l) Section 18(c) of the Federal Transit Act is amended by adding at the end the following: "All funds made available under this section may be used for operating assistance, whether derived from the Mass Transit Account of the Highway Trust Fund under section 21(a)(1) or from general fund appropriations authorized under section 21(a)(2).".

(m) Section 21(a)(1) of the Federal Transit Act is amended by inserting after "section", "8".

(n) Section 21(a)(2) of the Federal Transit Act is amended by inserting after "sections", "8".

(o) Section 21(c) of the Federal Transit Act is amended by striking "subsection 8(p)" and inserting instead "subsection (a)".

(p) Section 21(c)(1) of the Federal Transit Act is amended by striking "8(f)" and inserting instead "8(n)".

(q) Section 21(d)(3) of the Federal Transit Act is amended by striking "1996" and inserting instead "1997".

(r) Section 26(a)(2)(A) of the Federal Transit Act is amended by adding at the end: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year.".

SEC. 503. SPECIAL RULE FOR TRANSPORTATION MANAGEMENT AREAS THAT DO NOT CONTAIN AN URBANIZED AREA OVER 200,000 POPULATION.—(1) Funds attributed to a transportation management area, established under section 134 of title 23, United States Code, and not containing an urbanized area over 200,000, under 23 U.S.C. 133(d)(3)(A)(ii), shall be obligated in that transportation management area.

(2) Section 9(m)(1) of the Federal Transit Act (49 U.S.C. App. 1607(a)(m)(1)) is amended by striking in the first sentence "urbanized areas of 200,000 or more population" and inserting the following: "transportation management areas established under section 8(i)".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 233 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

TITLE VI—ALCOHOL TRAFFIC SAFETY GRANTS

SEC. 601. MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.

Section 410 of title 23, United States Code, is amended—

(1) by striking subsection (g);

(2) by redesignating subsections (c) through (f) as (d) through (g), respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) MAXIMUM PERIOD OF ELIGIBILITY FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 5 fiscal years beginning after September 30, 1992. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

"(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.".

SEC. 602. BASIC GRANT ELIGIBILITY.

Section 410(d) of title 23, United States Code, as so redesignated by section 601 of this title, is amended—

(1) by striking "4 or more of the following:" and inserting in lieu thereof "5 or more of the following:"; and

(2) in subsection (1)(C), by striking "within the time period specified in subparagraph (F)"; and

(3) by adding at the end the following new paragraph:

"(6) Establishment of a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 20 days of community service, of any person convicted of driving while intoxicated more than once in any 5-year period.".

SEC. 603. AMOUNT OF BASIC GRANTS.

Section 410(e) of title 23, United States Code, as redesignated by section 601 of this title, is amended to read as follows:

"(e) AMOUNT OF BASIC GRANT.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) shall equal 30 percent of the amount apportioned to such State for fiscal year 1992 under section 402 of this title.".

SEC. 604. SUPPLEMENTAL GRANTS.

Section 410(f) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking "A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section" each place it appears and inserting in lieu thereof "Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title".

SEC. 605. ADMINISTRATIVE EXPENSES.

Section 410(g) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking ", and the remainder shall be apportioned among the several States".

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 410(j) of title 23, United States Code, is amended to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for each of fiscal years 1994 through 1997. Amounts made available to carry out this section are authorized to remain available until expended.".

SEC. 607. EFFECTIVE DATE OF AMENDMENTS; TRANSITION RULES.

(a) EFFECTIVE DATE.—The amendments made by sections 601 through 606 shall take effect October 1, 1992.

(b) STATES ELIGIBLE FOR BASIC GRANTS UNDER SECTION 410 BEFORE DATE OF ENACT-

MENT.—A State that received a basic grant in fiscal year 1992 under section 410 of title 23, United States Code, as in effect on September 30, 1992, and that continues to meet the criteria for a basic grant, as in effect on September 30, 1992, shall be eligible for a basic grant under such section 410, as amended by this title.

Mr. LAUTENBERG. I ask unanimous consent that the vote by which the amendments were adopted be reconsidered.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

STATEMENT ON TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 5518, the conference report on the transportation and related agencies appropriations bill, and has found that the bill is under its 602(b) allocations in budget authority by $165 million and is under its 602(b) allocations in outlays by less than $1 million.

I compliment the distinguished manager of the bill, Senator LAUTENBERG, and the distinguished ranking member of the subcommittee, Senator D'AMATO, for all of their hard work.

Mr. President, I have a table from the Budget Committee showing the official scoring of the conference report on the transportation and related agencies appropriations bill and I ask unanimous consent that it be inserted in the RECORD at the appropriate point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SENATE BUDGET COMMITTEE SCORING OF H.R. 5518

TRANSPORTATION SUBCOMMITTEE SPENDING TOTALS

[In millions of dollars]

Bill summary	Budget authority	Outlays
Domestic discretionary	12,551	33,479
Senate 602(b) allocation	12,715	33,479
Difference	−164	−([1])
Defense discretionary	100	80
Senate 602(b) allocation	100	80
Difference	0	0
Mandatory total	564	566
Senate 602(b) allocation	564	566
Difference	0	0
Bill total	13,214	34,125
Senate 602(b) allocation	13,379	34,125
Difference	−165	−([1])
Domestic discretionary above (+) or below (−):		
President's request	171	−33
House–passed bill	−118	−295
Senate–reported bill	−6	−69
Senate–passed bill	−5	−76
Defense discretionary above (+) or below (−):		
President's request	100	80
House–passed bill	100	80
Senate–reported bill	−303	−235
Senate—passed bill	−303	−235

[1] Less than $500,000.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I have only heard part of the discussion that has occupied the attention of the Senate for the last half hour or 45 minutes. I have heard part of the talk made by my friend and colleague from the neighboring State of Wyoming.

I would only say to him that, if he thinks AL GORE was playing politics with his vote on the gulf war, I say in all honesty and in all candor to my friend from Wyoming, that for what it is worth, this Senator thinks he was misinformed. And I hope that, as much as possible, we all can exercise some restraint during the last few days of this Senate before we adjourn sine die.

I recognize there is great temptation to come to the floor of the Senate because it is a forum. Some people call it a debating society and we want to debate everything that comes up.

I do not know, nor do I care to make judgment on whether or not the Senator from Wyoming has violated one of the rules of the Senate. I do know that my friend from Wyoming is a very dedicated scrapper. He will stand up for what he believes in, and I admire him for that.

I would simply say, and urge all of us, do not try and incite strictly partisan political debate on the floor of the U.S. Senate. Therefore, I hope, if it is the will of the Senator from Wyoming, that he might rephrase and strike from the RECORD some of the remarks that he has made. He may have thought that they were correct, but I want to assure my friend from Wyoming that I think he is very much incorrect.

But he certainly has the right to make whatever statements he wants, so long as he maintains within the rules of the U.S. Senate.

And I say to my colleagues on this side of the aisle—who I thought were very eloquent in protecting and answering some of the charges that were made against our brilliant and talented junior Senator from Tennessee—were proper, indeed, given the charges that were made.

I would simply say to all of my colleagues on this side of the aisle, let us be a little bit forbearing. Let us be a little bit understanding of the situation that the Senator from Wyoming finds himself in because, I suspect that he, along with others, have been seeing the recent polls that have been pouring out. And the one that came out today that shows that the Vice Presidential candidate of the Democratic Party, the first-rate junior Senator from Tennessee, and the top of that ticket, are appearing to reach run-away status in the Presidential campaign.

I can fully understand and I hope my colleagues can that that might cause some consternation from that side of the aisle. But given that, I hope maybe we can return to a little bit more of what we generally expect from the U.S. Senate. I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

EASTERN PARKWAY

Mr. DOLE. Mr. President, I was disappointed that the conference committee was unable to add $8.2 million for the Eastern Parkway project in Lawrence, KS. This is an urgently needed project in my State. The Lawrence area is one of the fastest growing parts of my State, unfortunately, this growth is in danger of being strangled by traffic congestion. This project would provide a direct route from K-10 to two of the major highways in the region—U.S. Highway 40 and U.S. Highway 59—and eliminate highway traffic through neighborhood streets.

I ask the distinguished chairman and ranking member of the Transportation Appropriations Subcommittee if they could give me any assurances that the project will be included in next year's Senate Transportation appropriations bill.

Mr. LAUTENBERG. As the Senator knows, because of the tight budget constraints that the Transportation Subcommittee faced we could not accommodate all the requests received from colleagues. This was particularly true in the highway project area. Because of the constraints the committee adopted a no "new start" rules which meant the committee funded only projects previously funded by Appropriations Committee. This was done without prejudice to the Eastern Parkway. This rule applied to many of the requests received. Next year I hope the committee will have sufficient resources to help.

Mr. D'AMATO. I regret that we were not able to convince the House to include the distinguished Republican leader's project in the conference report. Despite my best efforts, the House conferees remained completely intractable on adding new projects.

The Senator from New York will continue to do what he can to get action on this project. I will fight to get the Eastern Parkway included in next year's bill and I will fight to keep it in the conference report. The leader has my complete commitment on this project.

THE FISCAL YEAR 1993 TRANSPORTATION APPROPRIATIONS BILL

Mr. WARNER. Mr. President, I rise today to discuss the minimum allocation program and the maintenance of current law of this program in the conference report on the Transportation appropriations bill.

Despite objections from many Senators, including myself, the Senate version of the fiscal year 1993 Transportation and related agencies appropriations bill proposed capping the spending of the minimum allocation program.

I am pleased that the conferees recognized the importance of this program to donor States and agreed not to modify this minimum allocation.

Many Senators who represent donor States—those States who contribute more to the highway trust fund than they receive—strongly opposed this provision. Minimum allocation is the only surface transportation program designed as a safety net for over 20 States, including Virginia, to ensure that they receive no less than a 90 percent return on the taxes their highway users pay into the highway trust fund.

During the long and sometimes contentious reauthorization process that resulted in the Intermodal Surface Transportation Efficiency Act of 1992 [ISTEA], the treatment of donor States dominated the debate in both the Senate and the House.

Early on, based on a report prepared by General Accounting Office entitled, "Highway Funding, Federal Distribution Formulas Should Be Changed," I was among the Senate leaders advocating a revision of these formulas based on a proposal known as FAST. The Federal Aid Surface Transportation Act [FAST] embodied many of the GAO recommendations to modernize these distribution formulas to more accurately reflect highway usage.

When the authorization process failed to address these outdated formulas, donor States once again relied solely on the minimum allocation program to bring some equity and fairness to the 1992 reauthorization bill.

Specifically, the minimum allocation program was raised from 85 percent to 90 percent. To further ensure a greater degree of equity in the program, many Senators relied on a chart prepared by the Federal Highway Administration at the request of the conferees to the 1992 authorization bill. In referring to that chart today, it is clear that of the 13 program categories, 4 categories were established to provide some equity to donor States because the outdated formulas so distort the distribution of the highway trust fund.

Of the four minimum allocation categories, it was clear that the 90 percent minimum allocation would remain outside of the obligation ceiling as it had been since 1982. The conferees also understood that the other minimum allocation categories would be subject to the appropriations process. At that time, donor States accepted this compromise.

At the conclusion of work on the authorization bill, I supported the conference report not so much for what it did in meeting America's transportation needs, but because of the pledge and statutory provision to give donor States a 90 percent minimum allocation program.

I strongly objected to the provision included in the fiscal year 1993 Transportation and Related Agencies Appropriations bill for two fundamental reasons. The first reason being that the appropriations provisions to place the minimum allocation program within the obligation ceiling breaks the pledge the Congress gave to donor States. That pledge recognized that although the formulas are so inadequate and warped in distributing Federal highway dollars, the minimum allocation program ensures a funding floor below which no State will fall. The second reason for my opposition to the appropriations provision was that this matter is within the jurisdiction of the Committee on Environment and Public Works and this issue has been decided in the 1992 authorization bill—ISTEA.

Now, Mr. President, I would also like to take this opportunity to respond to several statements made during the Senate debate on minimum allocation in the fiscal year 1993 Transportation and Related Agencies Appropriations bill, and particularly the provision's impact on Virginia.

One rationale offered for capping minimum allocation at a certain funding level was that given the very difficult budget constraints faced by the committee this year, it was impossible to fund any program at its fully authorized level and that many worthwhile programs were taking a cut. It is true, as we all know, that often appropriations for a variety of programs are below the authorization level. However, Mr. President, from the evidence I have already presented, minimum allocation is one of the few programs the Congress has on three occasions excluded from the obligation ceiling. Minimum allocation is not one of the programs over which the Transportation Committee has spending control.

Mr. President, I have long supported efforts to gain control of Congress' spending habits, but this provision does not save money. It simply takes money from States already shortchanged by the distribution formulas and gives the money to other States who currently receive more than their fair share.

Another argument implies that States really don't need this money because in 1992 over half of the funds provided to minimum allocation States under section 157 have not been obligated. The minimum allocation program, like interstate maintenance, national highway system, surface transportation program and congestion mitigation, allows States 4 years to obligate these funds before they are returned to the Federal Highway Administration for redistribution. This position simply does not reflect a particular State's need for these funds.

A further reason sited by the proponents of capping minimum allocation funding was that no State would actually lose money. States would retain contract authority under this program to obligate these funds sometime in the future. Mr. President, from a minimum allocation State's perspective, this is nothing more than an empty promise which leaves our States once again with an empty pocket. Contract authority is not money. Minimum allocation is funding received by the States to use to meet their immediate transportation needs.

Lastly, the most abused argument to defend the committee's position is yet another infamous chart comparing the distribution of formula funds to each State under the committee provision or under the amendment offered by Senator BOND during the Senate debate.

I recall vividly that as one Senator who was actively involved in the Senate debate and as a conferee on the reauthorization bill last year, charts depictinge amount of funding States would receive under various funding formulas were plagued with inaccuracies—incorrect assumptions and just honest mathematical mistakes. The chart sites by the committee during the Senate debate was not provided to the full Senate so we do not know the assumptions used by the Federal Highway Administration in calculating the distribution of these funds. I can only state, that because the outdated formulas are so egregious, so out of touch with America's highway needs, minimum allocation is only the safety net for donor States. To support my views on this matter, I ask unanimous consent to print in the RECORD a letter from the Virginia Secretary of Transportation, John Milliken, indicating the State's steadfast opposition to restricting funds for the minimum allocation program.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
Richmond, VA, August 12, 1992.

Hon. JOHN W. WARNER,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR WARNER: I am writing to thank you for your efforts on behalf of the Commonwealth with regard to the 1993 Senate Transportation Appropriations Bill.

Throughout the transportation authorization process you worked tirelessly to craft a transportation bill that reduced inequities in contributions made by so-called "donor" states. The resulting legislation, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), promised donor states a minimum allocation of 90 percent of what they contributed to the Highway Trust Fund.

The Senate Appropriations Committee abrogated the goodfaith agreement made in ISTEA by placing the minimum allocation under the obligation ceiling cap in the 1993 Transportation Appropriations Bill. This action by the committee continues the unfair system whereby a few states receive significantly less in federal highway funds than they contribute, and it will cost Virginia needed Federal Highway Funds.

I want to express the Commonwealth's appreciation for your efforts in support of the Bond Amendment to move minimum allocation outside the obligation ceiling cap and following the failure of the Bond Amendment to pass, your vote against the Transportation Appropriations Bill.

Sincerely,

JOHN G. MILLIKEN.

Mr. WARNER. Mr. President, it is important to recall why the minimum allocation issue is so critical to donor States and why the program even exists. It is and has been simply an issue of basic fairness and equity to a number of States who are mistreated by the highway formulas.

By 1982, when the minimum allocation program was established, it had become clear that the rate of return for States who contribute historically more into the highway trust fund than they receive in return.

In December 1982, following action by the Senate on the Surface Transportation Assistance Act of 1982, the House took similar action by adopting an amendment offered by Congressman House, chairman of the Public Works and Transportation Committee, which specifically stated, "Obligation limitations for Federal-aid highways and highway safety construction programs established by this Act or any subsequent Act shall not apply to obligations made under this section * * *"

By 1982, the donor-donee issue was pervasive in the debate on the reauthorization of the surface transportation bill. It was recognized that as a result of the commitment to build a national highway system there was throughout the history of the highway trust fund a discrepancy between the amount of money that some States contribute into the fund and the amount of money they receive from the fund.

Since the 1950's when the highway trust fund was established, America's transportation policy was in pursuit of a common goal—the construction of a major interstate highway system across the country. In 1982, Congressman Howard stated further that achieving this goal was sufficient to justify the logic that the amount of money going into the trust fund from a State had no relationship to the needs of that State.

So in the national interests, the States were allocated funds to build the interstate system no matter how much it cost and without regard to the funds that a State paid into the highway trust fund.

The establishment of the minimum allocation program in 1982 in the conference report to Public Law 97-424 stated that "obligation ceilings shall not apply to these amounts."

During the Senate Environment and Public Works Committee hearings on the 1987 Surface Transportation Assistance Act, the administration proposed a limitation of $250 million on the minimum allocation program. At that time, Senator BENTSEN indicated that a cap on the cost of minimum allocation breaks faith with the 1982 legislative agreement and does not guarantee every State a minimum of an 85-percent return on their payments into the highway trust fund.

The Senate passed version of the reauthorization bill modified the program to add allocations as well as apportionments to the program calculation.

During the House floor debate on the 1987 bill, an amendment was offered by Congressman MOODY in response to the growing dissatisfaction from the donor States that the 85-percent minimum allocation does not include the discretionary spending programs—demonstration projects, interstate discretionary, bridge discretionary, and so forth. The Moody amendment included discretionary spending—except emergency relief and interstate discretionary funds—in the calculation of minimum allocation. Unfortunately, that amendment was defeated.

The conference report on the Surface Transportation Assistance Act of 1987, Public Law 100-17, included the Senate provision to calculate minimum allocation based on a State's allocations and apportionments.

From the debate on the surface transportation reauthorization bills in 1982, 1987, and 1991, it is clear that specific provisions were made in the statute which provide that the minimum allocation program is not subject to obligation ceilings. The express purpose was to ensure that the pledge that the State would receive less than a certain percentage of what they contribute to the highway trust fund would be fulfilled, regardless of the cost of the program.

Mr. President, this conference report complies with the statutory provisions of the Intermodal Surface Transportation Efficiency Act [ISTEA] and keeps the pledge made to donor States for a 90-percent minimum allocation program. For this reason, I am pleased to support the conference report.

Mr. DOMENICI. Mr. President, I rise in support of the conference report accompanying H.R. 5518, the Transportation and related agencies appropriations bill for fiscal year 1993.

I endorse the difficult but successful effort made by the conference committee on this bill, in arriving at an agreement which is within the subcommittee's 602(b) allocation.

This bill provides $13.2 billion in budget authority and $12.1 billion in new outlays for the programs of the Department of Transportation and related agencies.

When outlays from prior-year budget authority and other adjustments are taken into account, the conference agreement totals $13.2 billion in budget authority and $34.1 billion in outlays. The bill also contains $19.2 billion in limitations on obligations under the Federal-Aid Highway Program, for airport grants and related transportation programs.

Mr. President, I do not agree with all the funding priorities contained in this bill, and I particularly regret the low level of the highway obligation limitation.

As the country examines ways to reinvest in America, there is probably no program with stronger bipartisan support than that enjoyed by the Federal-Aid Highways Program.

I do believe that it is very important, however, that we get a bill to the President in a timely manner, which is acceptable to the administration in terms of spending totals.

While I know the administration will disagree with various funding levels in this bill, the bill's total outlays are slightly below the President's request—a requirement the President has insisted upon.

This bill does contain a number of programs and projects important to the State of New Mexico, and I appreciate the subcommittee's support, given the difficult task of meeting spending constraints.

Mr. President, I urge adoption of this bill.

CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM

Mr. LAUTENBERG. Mr. President, within the fiscal year 1993 Transportation appropriations conference report is an ISTEA technical correction to the Congestion Mitigation and Air Quality Improvement Program [CMAQ], section 149(b) of title 23, United States Code. The correction can be found on page 79 of the conference report, section 380.

A cursory reading tells me that this technical correction states that CMAQ funds may be used for PM-10 reduction in areas which are also in nonattainment for carbon monoxide and ozone. I know the Senator from Washington has an interest in this program and wonder if he would like to speak on this subject.

Mr. GORTON. The Senator is correct, I do have an interest in this subject because of its importance to the people in the city of Spokane, WA.

Mr. LAUTENBERG. I also recall that the Senate fiscal year 1993 Transportation appropriations report included report language, at the request of the Senator from Washington, on the CMAQ program.

Mr. GORTON. The Senator is again correct. I did include report language which described the use of CMAQ funds with regard to PM-10 nonattainment areas. If the Senator would yield for a moment I would be delighted to elaborate on this subject.

Mr. LAUTENBERG. The Senator would be happy to yield to the Senator from Washington.

Mr. GORTON. In order to ensure that CMAQ funds could be used for PM–10 reduction, I asked that report language on this subject be included within the Senate Transportation fiscal year 1993 appropriation report. Mr. President, I ask unanimous consent that a copy of the report language, pages 94–95, from the Senate Transportation fiscal year 1993 appropriations report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. GORTON. Mr. President, if one reads both the report language from the Senate Report, just included within the record, and then the Conference Report technical correction, the intent of the CMAQ program with regard to PM–10 becomes clear.

Implicit within the conference report language on the CMAQ program is this: areas which are in non-attainment for carbon monoxide, ozone and PM–10 are eligible for CMAQ program funds. In addition PM–10 only areas are also eligible for CMAQ program funds. The states, in consultation with metropolitan planning organizations (MPOs) and the regional Environmental Protection Agency (EPA) may use, at their discretion, CMAQ funds to reduce transportation related PM–10 emissions in PM–10 nonattainment areas to achieve an ambient air quality standard, as defined by the Clean Air Act Amendments of 1990.

Mr. BURNS. Will the Senator yield?

Mr. GORTON. The Senator will.

Mr. BURNS. I, too, have an interest in this subject because of the impact it has on the people in my state of Montana. We have quite a few areas which are adversely effected by PM–10. In particular, Montana has many areas which are PM–10 only areas.

I agree with the Senator that Section 380 clarifies that CMAQ funds can be used in areas of solely PM–10 non-attainment and in no way reduces the flexibility available to the states in using CMAQ funds.

I thank the Senator from Washington.

SENATE TRANSPORTATION FISCAL YEAR 1993

REPORT 102–351

Congestion mitigation and air quality [CMAQ].—The Congestion Mitigation and Air Quality Improvement Program is intended to improve air quality in nonattainment areas for ozone and carbon monoxide. The Committee recognizes that, under the provision of the Clean Air Act, some communities may be designated as non-attainment areas primarily or solely because of high levels of PM–10 (particulate matter). The Committee believes that after consultation with the appropriate metropolitan planning organization [MPO] and regional EPA, the States should have the discretionary authority to use their CMAQ funds to reduce transportation-related emissions in PM–10 nonattainment areas to achieve an ambient air quality standard, as defined by the Clean Air Act Amendments of 1990.

VARIOUS AIRPORTS FOR PRIORITY CONSIDERATION

Mr. GARN. Mr. President, I wish to verify the meaning of certain language used by the committee in designating various airports for priority consideration by the Federal Aviation Administration. For example, with respect to the Ogden-Hinkley Airport in Ogden, UT, the committee directs FAA to give priority consideration to the grant request for the upgrade or replacement of terminal facilities to meet Federal security, Americans with Disabilities Act and seismic requirements. When that language was placed in the committee report it was our understanding that priority consideration would result in funding by FAA to accomplish the stated objectives. I have subsequently learned that on occasion, and I believe this happened in at least two cases involving Wyoming airports, FAA will give priority consideration to a project and then declare they will not fund it.

I ask that the chairman verify that by the use of language directing FAA to give a project priority consideration that the committee intends that the project be funded out of the airport accounts within a reasonable period of time. In the case of Ogden-Hinkley, this reasonable time would be by the end of fiscal year 1994. Am I correct in my understanding of the committee's intent in using this language?

Mr. LAUTENBERG. The Senator is correct.

Mr. President, I yield to the Senator from Utah [Mr. GARN].

Mr. GARN. Mr. President, I thank the Senator for yielding time to me. I rise to request a clarification that is needed within the Federal aviation Administration's [FAA] Airway Science Program. The conference report expresses support for FAA's efforts to approve 2-year and community college airway science curriculum programs, and directs that $1 million be available to support efforts in this area. FAA is directed to work with the Utah Valley Community College [UVCC] in Provo and the Pima Community College in Tucson to develop approved airway science curriculum programs. Does the Senator from New Jersey agree that FAA should be directed to provide this funding from unobligated funds with FAA's Airway Science Program?

Mr. LAUTENBERG. I agree with the Senator from Utah that FAA should provide the $1 million in funding from unobligated funds to help UVCC and the Pima Community College in Tucson to develop approved airway science curriculum programs.

Mr. GARN. I appreciate the Senator's clarification of that matter. In addition, UVCC has already applied to the FAA and is awaiting receipt of the FAA's new 2 year Associate Degree Airways Science curriculum. The college expects to receive final approval of the curriculum and programs within 60 days of receipt. As soon as this approval is made funding will be needed to build facilities for the Airway Science Program. UVCC has a serious crowding problem with over 10,000 students on a campus designed for an enrollment of 4,500. In light of this information, I would like to know if the Senator from New Jersey agrees that FAA should be directed to provide $1 million towards building construction from unobligated funds within the Airway and Science Program in support of the airway science program at Utah Valley Community College in Provo, UT, following approval of participation in the program.

Mr. LAUTENBERG. The Senator from Utah has provided important information and I agree that FAA should be directed to provide $1 million from unobligated funds towards construction.

Mr. GARN. I thank the Senator from New Jersey for his assistance on this matter.

NORTHERN MAINE LONG-RANGE RADAR SYSTEM

Mr. MITCHELL. Mr. President, along with Senator COHEN, I would like to ask the chairman of the Senate Appropriations Subcommittee on Transportation for clarification of a provision in the conference report. I already greatly appreciate the efforts the chairman has made on this bill.

Mr. LAUTENBERG. I will be glad to provide whatever clarification I can, and appreciate the majority leader's understanding of the efforts of the Senate conferees.

Mr. COHEN. I also thank the chairman. Our concern today involves a conference report provision, which because of a different House position in the House report on the bill, failed to accept the Senate's direction for installation of a long-range radar [LRR] system for the Northern Maine region which is currently served by radar at Loring AFB. The House report only encouraged the Federal Aviation Administration to consider inclusion of an LRR system in its fiscal year 1994 budget request.

Mr. LAUTENBERG. That is correct.

Mr. MITCHELL. However, the House committee report did express hope that adequate service can be maintained without interruption and requested the FAA to work with the Air Force to try to minimize the loss of coverage during the period between the closure of Loring AFB and the commissioning of the LRR system.

Mr. LAUTENBERG. Yes, that is correct. The two Senators from Maine are referring to a correct reading of the original House position on this issue. I would add that the House report also recognized that after Loring AFB closes in 1994, critical radar coverage will be lost unless an LRR system is installed. The House report explicitly recognized that the loss will exacerbate already extreme economic consequences of the base closure in northern Maine.

Mr. MITCHELL. In reading the conference report, I understand that the conferees were unable to agree on the Senate position, and instead agreed that out of fiscal year 1993 funds, the FAA is to study the need for LRR coverage in northern Maine and to perform an analysis of potential sites. The conferees also made clear that this activity shall not affect implementation of LRR coverage in Bucks Harbor, MA, or other currently funded LRR sites.

Mr. LAUTENBERG. That is correct.

Mr. MITCHELL. Our concern is the fact that no time period is specified in the conference report. In light of the original House committee position that the FAA should consider the LRR project for northern Maine for its fiscal year 1994 budget, would an accurate and fair interpretation be that any study should be conducted with at least that goal in mind?

Mr. LAUTENBERG. Yes, I believe that would be an accurate and fair interpretation of the conferees' agreement. I also hope that the FAA study will be completed before January 1, 1993.

Mr. MITCHELL. I will note for the RECORD that the FAA already has been considering this issue since 1981. A New England Radar Network Plan submitted to the Washington headquarters in 1984 identified Boston Air Traffic Control radar coverage for northern Maine as inadequate. The New England region has sought this LRR system for some time, and it is our understanding that the region already has recommended it for inclusion in the fiscal year 1994 budget. The Senate committee position had hoped only to accelerate the project.

Mr. COHEN. I also wish to add for the RECORD that the Department of Defense and the Armed Services Committees also have recognized the severity of the radar coverage problem that will be created when Loring AFB closes. The Senate Armed Services Committee recognized that the LRR project may be funded in 1993, but even if that schedule were to have been met, it would still have been unclear whether the installation could have become operational before the Air Force closes Loring AFB in 1994. The timing of the project, and therefore the study, is important. The Air Force has agreed to leave its radar equipment in place after Loring AFB closes. The Senate Armed Services Committee also has directed the Air Force, as part of the Defense Bill, to fund its continued operation through fiscal year 1995 or until the FAA is able to bring its new northern Maine radar into operation, whichever occurs first.

Mr. LAUTENBERG. There is indeed a timing concern. The concern has not been limited to the Senate Appropriations Transportation Subcommittee. The Department of Defense and other Congressional committees have shared our concern, and I hope that the FAA will take note of the breadth of that concern.

Mr. MITCHELL. I also have spoken with the Secretary of Transportation on the issue, who I know appreciates the concern for northern Maine's radar coverage. I also would add that the Defense Bill provides that in the event it should be more practical for the FAA to operate the Air Force radar at Loring AFB after its closure, the Armed Services Committee supports the Air Force and FAA exploring a reimbursement arrangement. Under either scenario, there will be an ongoing cost to the Federal Government, which makes it even more imperative that the FAA complete its report in a timely manner on what the New England region already has acknowledged is a need for the region.

Mr. LAUTENBERG. I agree completely with the Senators from Maine. I will want to see the project reconsidered, and will support doing so next year. I will expect the FAA to be ready with their report in January 1993, in response to the broad, stated concerns both in Congress and the administration.

Mr. MITCHELL. We both thank the distinguished Chairman, and appreciate his understanding of the problem and his efforts to remedy it.

VERRAZANO-NARROWS BRIDGE

Mr. MOYNIHAN. I rise in support of the conference report to accompany the fiscal 1993 Transportation appropriations bill. As ever, Senator LAUTENBERG deserves our thanks and congratulations.

I am however, disappointed with one particular provision in the conference report: an amendment mandating continuation of one-way tolls on the Verrazano-Narrows bridge in New York City. The current practice is the result of an amendment to the 1986 Department of Transportation Appropriations bill. It has resulted in marked increases in traffic eastbound on the Staten Island Expressway, the Gowanus/Brooklyn-Queens Expressway and westbound through lower Manhattan. Air quality has suffered and the amendment costs the residents of New York City an estimated $7.8 million annually on lost toll revenues. The environmental impacts of the 1986 amendment are the subject of an ongoing study by the Triborough Bridge and Tunnel Authority which operates the Verrazano-Narrows Bridge. The bridge, I must add, was constructed without Federal funds.

What this amendment amounts to is an unwarranted, unjustified, and costly Federal intrusion into a local transportation issue. It is wholly inconsistent with the central themes of last year's Intermodal Surface Transportation Efficiency Act, particularly its increased emphasis on local planning. I would like to inform the distinguished chairman and my colleagues in the Senate that when the 103d Congress convenes next year, I will seek repeal of this amendment at the earliest possible time.

INTERSTATE COMMERCE COMMISSION, INSPECTOR GENERAL APPROPRIATIONS

Mr. GLENN. Mr. President, it is my understanding that the Appropriations Committee's intention was for the ICC office of inspector general to be allocated four staff positions in the fiscal year 1993 budget. Is that also his understanding?

Mr. LAUTENBERG. Yes, that was the intention of the committee. We believe that this will enhance the efficiency and effectiveness of the office of the inspector general.

Mr. GLENN. I just wanted to clear this matter up. I thank the Senator for his assistance and support of the inspector general.

SECTION 373

Mr. HATFIELD. Mr. President, I would like to take this opportunity to thank the chairman and ranking member of the Transportation Subcommittee and clarify the conferees intent with regard to section 373 of the bill so there is no confusion as to the intent of the provision.

Section 373 was agreed to by the conferees in order to clarify the terms and conditions of interstate maintenance discretionary funds that the State of Oregon receives subject to section 1069 (t) of the Intermodal Surface Transportation Efficiency Act of 1991.

Mr. LAUTENBERG. It is clearly the intent of this chairman and of the conference committee that interstate maintenance discretionary grant funds received by the State of Oregon should be provided in addition to that State's annual obligation limitation. In addition, the conferees intend that section 373 will exempt any funds the State receives for the I-5 corridor in fiscal year 1992 through fiscal year 1997 under section 118(c)(2) of title 23, U.S.C. from being treated as allocations for Interstate maintenance under section 157(a)(4) of 1015(b)(1) of the Intermodal Surface Transportation Efficiency Act of 1991.

Mr. HATFIELD. I thank the Senator for the clarification. I also note that the conferees have made clear in the statement of managers that the North Santiam River Bridge on I-5 is an extremely high priority and that FHwA should fund this project in fiscal year 1993 pursuant to section 1069(t) of ISTEA.

Mr. LAUTENBERG. The Senator from Oregon is correct.

Mr. HATFIELD. I thank the Senator.

CHARLOTTE-DOUGLAS INTERNATIONAL AIRPORT

Mr. SANFORD. Mr. President, I would like to call upon the distinguished Senator from New Jersey to discuss an issue related to the growth and expansion of the Charlotte-Douglas International Airport.

Mr. LAUTENBERG. I would be happy to discuss this issue with the junior Senator from North Carolina.

Mr. SANFORD. Earlier this year, I contacted the Transportation Appropriations Committee to request $2.5 million for a category II/III instrument landing system and supporting equipment to meet the runway extension deadline at the Charlotte-Douglas International Airport. The runway extension is expected to reach completion by September 1, 1993. A delay in installing this equipment will result in derogation of capability and generate operational disruption that will cost in excess of $5 million.

I understand that due to the fiscal climate, there were not sufficient funds available to fully fund this project in fiscal year 1993. However, I appreciate the $750,000 that has been made available to Charlotte-Douglas for the ILS installation.

It was clear that the language adopted by the Senate in this transportation appropriation report expressed the intent of the Congress that the Charlotte-Douglas ILS system should be installed consistent with the runway completion date. I hope that if funds become available from other programs, that reprogramming those funds for the installation of instrument landing systems at Charlotte-Douglas would be supported. I understand that the FAA intends to include a category II/III ILS for Charlotte-Douglas in its fiscal year 1994 budget request. I appreciate the administration's support, but believe we need to provide more timely funding so that by September 1, 1993, the expected date of the runway extension at Charlotte-Douglas, a new category II/III instrument landing system can be installed.

Mr. LAUTENBERG. I want to assure the Senator from North Carolina that I support Charlotte-Douglas' efforts to acquire and install an ILS system consistent with the runway expansion deadline. I regret it was not possible to make available the total amount requested for this project in this fiscal year. However, if it is possible, I will support a reprogramming request to provide funds for the Charlotte-Douglas category II/III ILS installation.

Mr. SANFORD. I thank the Senator from New Jersey for his support and his attention to this matter.

Mr. LAUTENBERG. Mr. President, as the chairman of the Transportation Appropriations Subcommittee, I am pleased to bring before the Senate the conference report on H.R. 5518, the appropriations bill for the Department of Transportation and related agencies for fiscal year 1993.

Last year, in the ISTEA legislation, the Congress made the most far-reaching changes in the Federal Surface Transportation Program since the creation of the Interstate Highway Program. The transportation appropriations conference agreement now before us provides the funding for flexible, multimodal, productive investment in critical national transportation infrastructure.

The conference report before us, I am pleased to say, takes some critical steps to address our infrastructure needs, not only by investing in our traditional highway, aviation, rail and water programs but in investing in important projects utilizing new technologies that will be critical to the transportation needs of the future; new technologies such as magnetically levitated rail systems, intelligent vehicles/intelligent highway systems, and the complete electrification of the Northeast corridor.

These technological enhancements all promise to relieve congestion both on the highways and in the air, as well as reduce air pollution and improve mobility.

This conference agreement is a responsible and balanced package that reflects the extraordinary constraints of the budget resolution and our allocation, and considering the large number of requests that both the House and Senate subcommittees received from our colleagues. Obviously, we were not able to provide for every request—we have, however, done the best we could to accommodate Members' priorities.

Let me note that the President's budget for transportation proposed several cuts, some of which were devastating to certain critical programs. These cuts were achieved largely by severely reducing operating subsidies for Amtrak, eliminating some highway projects, and cutting mass transit operating subsidies by over 70 percent.

The administration's proposal did include increased funding for the Coast Guard's operating and capital expenses, and increases for the Federal Aviation Administration's operating and capital accounts.

In other words, Mr. President, as in previous years, the President's budget proposed to pay for the recognized necessary increases for the Coast Guard and the FAA by severely reducing financial assistance for mass transit and Amtrak, and by reducing highway expenditures as well. This was not acceptable.

I am pleased that in the transit area, the bill continues transit operating assistance at $802 million, a freeze of last year's level. Further cuts in this amount would have resulted in fare increases, leading inevitably to increased congestion and air pollution. I am also pleased that, for Amtrak, the bill contains $331 million for operations, $146 million in mandatory payments, $165 million for capital grants, and $204.1 million for improvements to the Northeast corridor, including the electrification of the final segment from New Haven to Boston. This critical support for transit and intercity passenger rail will help ensure that the balanced transportation system promised by ISTEA will become a reality.

For the conference, the Transportation Subcommittee had a discretionary spending ceiling of $12.7 billion in budget authority and $33.48 billion in outlays. The conference agreement before you, as scored by CBO, spends the entire allocation in outlays.

The conference report before us obligates $1.8 billion for the airport improvements grants program and provides a total of $18 billion for the Federal-Aid Highway Program. These funds will benefit every State and enable every region of the country to get on with the important job of fixing the crumbling roads and bridges and expanding our airports' ground capacity. The bill also includes more than $8.9 billion for operations, construction, acquisitions, and research for the Federal Aviation Administration, and proposes almost $3.6 billion in operations, acquisitions, and research for the Coast Guard. These funds will ensure safety in the air and at sea and move these agencies forward in executing their critical responsibilities.

Mr. President, we had 233 amendments in conference. The conferees have agreed to a resolution of all of these amendments. The result is a package that I believe preserves a balanced transportation program for the Nation.

Mr. President, I believe this accurately and fairly summarizes the overall contents of our agreement. Before I yield, however, I want to thank my friend and ranking member, Senator D'AMATO from New York, for his help in getting this bill through the committee, the floor, and the conference with the House.

I also want to pay tribute to my House counterparts, Chairman BILL LEHMAN and the subcommittee's ranking member, LARRY COUGHLIN, both of whom are retiring from congressional service at the end of the 102d Congress. Chairman LEHMAN and Mr. COUGHLIN have been unfailingly courteous and cooperative in working out reasonable accommodations between the two Houses on the transportation bills we have produced together over the past 6 years, and they will both be sorely missed by this Senator.

I am also indebted to my colleagues who serve with me on the Transportation Subcommittee. Senators BYRD, HARKIN, SASSER, MIKULSKI, D'AMATO, KASTEN, DOMENICI, and HATFIELD, have been a constant source of sensible counsel and steadfast support.

Finally, Mr. President, I want to express my appreciation to the staff of the committee for their many hours of hard work that made this conference agreement possible. I want to recognize Patrick McCann, Peter Rogoff, John Jaskot, and Joyce Rose of the majority staff and Anne Miano and Dorothy Pastis of the minority staff, Jeff Morales of my staff, as well as their colleagues on the House side.

I believe Senator D'AMATO has some remarks he would like to offer at this time, and I yield the floor.

NEW JERSEY PRIORITIES IN THE CONFERENCE REPORT BILL

Mr. LAUTENBERG. Mr. President, as chairman of the conference committee that reached agreement on the fiscal year 1993 transportation appropriations bill, I worked to ensure that the bill helped address New Jersey's, as well as the Nation's, pressing transportation needs.

New Jersey is a transportation State. Our roads, rail systems and airports handle incredible volumes of people and commerce, with destinations throughout the region and across the country. We understand the need for a balanced transportation system as much as any State in the country.

With that understanding in mind, I have worked to direct transportation resources to initiate, complement, and boost State and local efforts in New Jersey. These funds are not just an infusion of needed funds, but an investment in New Jersey's future. Infrastructure, including transportation, creates a base for economic growth, and greatly influences our ability to compete in ever-tougher markets. These investments will pay off not only in the short-term benefits of sorely needed jobs—about 17,000 of them—but also in terms of long-term growth for New Jersey.

In the highway area, the conference report provides $451 million in formula highway funds, approximately 60 percent of which is flexible, able to be used for highways or transit. It also funds a number of key projects throughout New Jersey, including: authority for New Jersey to spend approximately $100 million to build HOV lanes on I-287, between Route 22 and I-80; priority consideration of funding for noise walls on I-78 in the vicinity of Union Township and Millburn, at an estimated cost of $17,000,000 and for study of noise walls on I-80 at the Waterloo Center for Arts; for Rte. 21 widening, $1,200,000; for the I-280 downtown connector, Newark, $1,200,000; for the I-78 downtown connector/Peddie St., Newark, $1,504,000; for the Rte. 21 viaduct advanced property acquisition, $2,880,000; for the Route 73/30 bridge replacement, Camden County, $15,000,000; priority consideration for funding under the Scenic Highway program of Route 29, Lambertville-Phillipsburg, estimated at $2,000,000; and priority consideration for timber bridge research funding for Delaware & Raritan Canal crossings, estimated at $300,000. $1,000,000 is included for the development of a model system for computerizing and analyzing accident records.

The conference report also funds a number of projects that were authorized under the Intermodal Surface Transportation Efficiency Act of 1991, including: for Rte. 21 completion, Passaic County, $18,200,000; for Molly Ann's Brook, $1,700,000; for I-78 access ramps, Newark, $1,300,000; for United Hospitals garage, Newark, $900,000; for Rte. 1 widening, Middlesex County, $1,360,000; for I-280 improvements, Parsippany-Troy Hills, $570,000; for Rte. 17/4 interchange, Paramus, $1,050,000; for the Hackensack-Kinderkamack Bridge, Hackensack, $1,050,000; for the Rte. 21 Viaduct, Newark, $2,700,000; for Rte. 21 widening, Newark, $2,560,000; for replacement of the Longport-Ocean City bridge, $3,400,000; for the Beckett Street Terminal, Camden, $1,500,000; and for the Paulsboro bridge, $368,000.

An important area of attention in the conference agreement is the implementation of the Intelligent Vehicle-Highway Systems program. I authored the IVHS authorization act in ISTEA, and believe that it is going to play a critical role in moving traffic more efficiently in New Jersey. Implementation of IVHS can improve productivity, reduce fuel consumption, and improve air quality. It will mean less time wasted on the roads, and more time spent at home with families, at work, or at play. The conference report funds the following IVHS projects in New Jersey: for Statewide traffic signal computerization, $7,000,000; for toll road electronic toll collection/traffic management, $7,000,000; for the Metropolitan Area Guidance Information Center [MAGIC] traffic management system, $6,290,000; for Transcom, $2,400,000, including $500,000 for an enhanced traffic advisory/diversion system at the intersection of the turnpike and parkway, $400,000 for an expansion of traffic monitoring along the I-287/Tappan Zee Bridge corridor, and $1,500,000 for a system of enhanced, integrated variable message signs on the turnpike; and for the State police on the New Jersey Turnpike, $3,500,000, including $1,250,000 for communications/computer equipment for integration of State police traffic enforcement activities, $1,000,000 for communications equipment at the proposed new State police facility, $450,000 for 6 additional highway advisory radio [HAR] sites to provide drivers with traffic updates, and $125,000 for completion of work on a closed circuit TV/HAR system at exit 16W on the turnpike.

The conference report also makes key investments in our transit systems. One of my top priorities in putting the Senate bill together, and throughout the conference, was to protect transit operating assistance. I am pleased to note that the conference agreement retains the full amount, $802 million, provided in the Senate bill, rather than the $720 million allocated by the House. The administration's proposal was even more severe than the House, and would have provided only $217 million, meaning New Jersey would have lost 96 percent of its operating assistance. With the retention of the $802 million, we can help keep fares down, and keep service accessible to those who depend on transit.

The Urban Core, a project to link the State's rail lines into a coordinated, efficient network, will receive $65,430,000. With the Urban Core, rail commuters will be able to travel easily from one part of New Jersey to another, and have more direct access to Manhattan. It will not only make existing rail lines more efficient and convenient, it will help open up rail service to thousands of New Jerseyans who now must drive.

$4,500,000 is provided for preliminary work on upgrading the Hawthorne-Warwick line for commuter rail service, and $3,000,000 is provided for work on the Lakewood-Freehold-Matawan/Jamesburg line. $17,850,000 is provided for a new bus maintenance facility in Atlantic City.

In the area of intercity rail, the conference report provides $35 million for various safety and communications upgrades between New York and Washington through the Northeast corridor improvement project, and $5.5 million for construction of a much-needed parking garage at the Metropark station, which will help increase capacity there significantly.

Important provisions are included relating to New Jersey's aviation network, as well. Priority consideration is given to the acquisition of airport rescue and firefighting equipment at Morristown Airport, and to $18,000,000 in funding for the Atlantic City Airport capital program.

To address important local concerns, the FAA is directed to withhold the release of a $554,000 airport improvement program for Princeton Airport. Before releasing the funds, the FAA is to assess alternatives for approach patterns at the airport, with a goal of minimizing impacts on local residents.

Finally, important measures are included to tackle the ongoing problem of aircraft noise in New Jersey. One provision freezes pay increases for FAA employees responsible for air noise policy until the environmental impact statement, or EIS, on the expanded east coast plan is submitted. The EIS has been delayed for far too long, and inclusion of this measure will force the FAA to get on with its mandated task, and issue the EIS. While a measure like this is an unusual one, the frustration of affected residents in New Jersey calls for extraordinary measures.

To assist the citizens of New Jersey in assessing the draft EIS and evaluating options for alleviating noise over residential areas, $50,000 is provided to procure technical assistance. These funds are not for legal assistance, but for professional technical assistance, similar to that provided under the Superfund Program for citizens residing near hazardous waste sites.

Mr. President, the conference agreement on the fiscal year 1993 transportation appropriations bill provides for significant investments in New Jersey's transportation systems, and addresses important transportation-related issues in my State. I urge my colleagues to support this important legislation.

Mr. President, I think that concludes the work on the Transportation appropriations bill for fiscal year 1993. I would simply like to say thanks to my colleague, the distinguished Senator from New York [Mr. D'AMATO] for his cooperation and hard work, as well as the chairman of the full committee, the President pro tempore, Senator BYRD, whose commitment is well known to investing in our Nation's infrastructure, and to the ranking member of the full committee and a distinguished member of the subcommittee, Senator HATFIELD, whose advice and, assistance is always appreciated and valued.

Mr. President, we are, in the interest of moving the business of the Senate, expediting this process. There are many things that ought to be said about this bill, about the way it was created, about the steps. I will forego that opportunity because there are many other matters of important business awaiting our attention. That concludes the work of the Senate on this bill.

Mr. D'AMATO. Mr. President, I join my colleague Senator LAUTENBERG, in support of adoption of this conference report on the fiscal year 1993 appropriations bill for the Department of Transportation. This conference report contains a grand total of $36 billion in new budget obligational authority, limitations on obligations, and exempt obligations. It is $373 million under the President's request.

This bill contains vital funding for the State of New York, as well as for the Nation. Approximately $1.7 billion in highway aid, mass transit capital and operating aid, aviation grants and capital projects, and other transportation programs will flow to the State of New York. I am very pleased that operating aid for large urban areas like New York City, Buffalo, Albany, and other cities has been preserved; this program brings about $100 million in total to New York State. Nationally, transit operating aid has been funded at $802 million.

I am extremely disappointed that two labor provisions were deleted from the conference report with respect to aviation workers. The labor protective provisions for air carrier employees displaced by international route transfers, and the flight attendant duty time provisions were deleted as a result of a strong veto threat from the administration.

Both of these labor provisions are necessary to bring fundamental fairness to the handling of current problems facing the aviation workforce. The bankruptcy of Pan American Airways has thrown thousands of skilled people out of work in New York State and elsewhere. Our bill would have assisted them in securing new positions in the fields for which they are trained. It is ironic that foreign governments protect their airline workers when international routes are transferred while our Government will not. The duty time provisions would have maximized safety for millions of airline passengers by ensuring that flight attendants can properly attend to their basic duties. I remain committed to seeing that both these issues are addressed in the next Congress.

There are many other areas of interest in H.R. 5518. Chairman LAUTENBERG has outlined them in detail in his statement. I encourage my colleagues to vote for this conference report which contains billions of dollars to build needed transportation infrastructure projects and will put millions of Americans to work in the process.

I urge the adoption of the conference report.

Mr. President, let me thank staff on both sides. They have done a magnificent job.

I want to thank the chairman, Senator LAUTENBERG. It has been a pleasure working with him and the chairman, Senator BYRD. Without their cooperation we never would have come to this point. I think it is a good bill. I think it really begins to move us in the right direction. Again, I want to commend all of those who have made it possible for us to reach this point.

Mr. LEVIN. Mr. President, I am pleased to be able to support the conference report accompanying the Department of Transportation and related agencies appropriations bill for fiscal year 1993.

The Senate's version of this bill had contained provisions which have broken the deal that was made during passage of the most recent highway authorization bill, better known as ISTEA. The agreement on highway funds distribution that we reached during debate on ISTEA ensured a minimum allocation of 90 percent to States, like Michigan, that have been donating more to the Federal Treasury in gas taxes than they have been getting in highway funds in return.

This conference report dropped the provisions that would have reversed the ISTEA agreement, to Michigan's disadvantage. I joined with 43 of my colleagues in sending a letter to the conferees expressing or opposition to these objectionable provisions. If the conference had retained those provisions, I could not have supported the conference committee's report. This is not to say that I am satisfied with the ISTEA formula.

Michigan still deserves a fairer share. But, at least we did not lose any ground in this appropriations bill. Those of us from the minimum allocation States are prepared to continue fighting to get a more equitable distribution of highway funds.

Mr. President, I would also like to thank the conferees for including in the conference report a number of important highway projects throughout the State.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Vermont, Mr. LEAHY, with the understanding that I do not lose my right to the floor. I understand he wishes me to yield for 4 minutes. I yield for 4 minutes without losing my right to the floor.

SENATOR AL GORE

Mr. LEAHY. Mr. President, I thank the distinguished chairman for his usual courtesy. I just wanted to complete a point I made—and I will speak longer at another time—when I was interrupted by a procedural request from the other side of the aisle.

I feel very strongly that the attack on Senator GORE was wrong, it was unfair, but it also was not factual. I do not yield in my respect for him to anybody in this body. I have known Senator GORE all the time I have been here. I have enormous respect for his credibility, his honesty, and his integrity.

I know how he agonized on the question of the war, whether to vote for or against it because I had long discussions with him at that time. While he and I had different conclusions, I thoroughly respect the way he came to his decision. It was a decision based on his conscience, based on the study of the issues and for no other reason. I am totally convinced of that.

I also know that in his speech the other day, he made a very important point that should not be overlooked. I rather suspect that some of the things we have heard on this floor tonight and some of the attempt to stop some of the comments made on the floor tonight is that some Members of this body are somewhat nervous about the point that Senator GORE made, which is: The American taxpayers are today spending $1.9 billion basically in foreign aid to Saddam Hussein, spending it today because this Nation cosigned notes for Saddam Hussein. Can you imagine anything that crazy?

When an attempt was made on the floor of the Senate to stop that, some of the same people who sit in the Senate today led the charge in trying to allow those notes to go forward and to allow that crazy idea to go forward; some of the same people now object, certainly when the Senator from Vermont stands up to speak to this issue.

The fact is, Senator GORE has pointed out it was a colossal mistake. He should not be silenced on that because I think it is an issue. He spoke the truth, he spoke it accurately and he spoke it in a way that if somebody wants to debate it, then debate it face to face with him. Do not debate it when he is not here to respond.

I thank the distinguished chairman from West Virginia, my good friend and a man I have enjoyed serving with these 18 years, for this courtesy in yielding.

Mr. BYRD. I thank the Senator. Mr. President, I understand the distinguished Senator from Illinois wishes me to yield 5 minutes.

Mr. President, I am going to at some point soon, hopefully, to ask to proceed to the consideration of the conference report—I am not doing it now—on the Treasury, Postal appropriations bill, H.R. 5488.

I yield 5 minutes to the distinguished Senator. I am not going to do that until Senator METZENBAUM is on the floor, but I am going to hold the floor so that nobody can get it and talk for an hour and a half or 2 hours before we get started with it. So I yield to the distinguished Senator for 5 minutes with the understanding that I not lose my right to the floor.

DIFFER WITH RESPECT

Mr. SIMON. Mr. President, I assure the President pro tempore I will not speak for an hour and a half or 2 hours.

Mr. President, I was not here when my good friend, and he is my friend, Senator ALAN SIMPSON, spoke. But I received a phone call from my wife saying you ought to get over to the floor and respond to what was said. I heard the general nature of what was said.

Senator SIMPSON, like Senator SIMON and Senator CHAFEE and Senator BYRD and Senator DECONCINI and Senator PRYOR, once in a while goes off the deep end. Even the Presiding Officer, Senator WELLSTONE, once in a while may be guilty of that.

I think one of the things that we ought to do is to differ, but differ with respect. Let me give a very practical example.

There is probably no Member with whom I vote more differently than the senior Senator from North Carolina, Senator HELMS, and yet I have seen him go out of his way as a gentleman to constituents from Illinois and other States, and personally we get along. While I differ with him strongly, I respect his sincerity.

It seems to me that is the basis of how we operate here. We differ, differ strongly, but if we assume the other person is just as sincere in motivation as we are, generally speaking, we are going to be right. Once in a while we are going to err, but let us err on the side of generosity.

I would add that for a free system to work—and I would defer to Senator BYRD on this, who is much more of a student of history than I am, but I think it is safe to say that for a free system to work, a certain amount of self-restraint is essential.

I have differed with AL GORE. Four years ago, some of you may remember, if you have real good memories, I was a Presidential candidate, and Senator GORE and I were out campaigning, and sometimes we had very sharp exchanges. I am sure, if you go through the record, you will find PAUL SIMON differing with AL GORE on some things, as we did on Desert Storm. But I think we can learn from each other.

One of the things Senator GORE contributes that I think really is significant, AL GORE, as much as any Member of this Senate, takes the long-term look at things. I told his father, Albert Gore, Sr., shortly after the word spread about AL GORE being the nominee, I thought that was one of the contributions Senator ALBERT GORE, JR. will make to the Nation. He is going to take the long-term look at things.

I hope, Mr. President, in these final 72 hours, or whatever time is remaining around here, that, yes, we are going to have our differences, but as we have our differences, let us respect one another. I think that is true for the Democrats, when we speak about George Bush and DAN QUAYLE. I think it is true for the Republicans, when they speak about Bill Clinton and AL GORE. Let us exercise a little self-restraint and our system will be better off.

It is a little like when we go out in the campaign and we start knocking the Senate. It is an easy thing to do, easy to demagog, but ultimately we hurt ourselves doing it. And when we become excessive in our partisan positions, Mr. President, we hurt ourselves and we hurt the process.

Mr. President, if I have any time remaining out of that 5 minutes, I yield it back to the Senator from West Virginia.

RECESS FOR 5 MINUTES

Mr. BYRD. Mr. President, would the Chair momentarily protect my right to the floor.

The PRESIDING OFFICER. The Chair will do so, without objection.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes, and that I be recognized upon the resumption of the Senate's business.

There being no objection, the Senate, at 8:36 p.m. recessed until 8:42 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WELLSTONE].

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, the Senator from West Virginia is prepared to ask consent to proceed to the consideration of the conference report on the Treasury-Postal Service bill.

Mr. President, I ask unanimous consent that, on the completion of the business that the two leaders are about to engage the Senate in, I be recognized again.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR 5 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes, under the previous order.

There being no objection, the Senate, at 8:52 p.m., recessed until 8:58 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WELLSTONE].

RECESS FOR 10 MINUTES

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 10 minutes, and that I be recognized upon the resumption of the Senate session.

There being no objection, the Senate, at 8:59 p.m., recessed until 9:09 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. WOFFORD].

The PRESIDING OFFICER. The President pro tempore.

TREASURY, POSTAL SERVICE, EXECUTIVE OFFICE OF THE PRESIDENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993—CONFERENCE REPORT

Mr. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 5488 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 28, 1992.)

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, I would like to take a few minutes to explain what is in this bill. I know there are some Senators here who want to discuss an issue regarding authorization of Federal buildings.

Before I review what we have in this bill for Customs and for ATF and for postal revenue foregone, et cetera, I will be glad to yield the floor.

I do want, before I do that, to advise that my ranking member, Senator DOMENICI, is not here right now, but he has indicated to me that we may proceed this evening with the bill and he may be able to get down here.

I will be glad to yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the subject I would like to address this evening is the matter of those buildings, and perhaps 55 of them that appropriations have been provided for when, in many instances, and I say practically all instances, there was no authorization by the authorizing committee, which is the Environment and Public Works Committee.

Mr. President, that came about in several instances, and I would say in nearly all instances, because of difficulties that arose within the committee—I am talking of the authorization committee—due to the illness of our chairman at the time and then some gaps that arose following his untimely death.

So, as a result, I think it is fair to say that there was a gap and that the Appropriations Committee moved ahead and filled that gap, operating upon some assurance from representatives of staff and the committee that it was proper to so proceed.

Mr. President, we look on that as water over the dam. That is done. What occurred was unfortunate, and, as I say, some of the blame resides in the authorizing committee, which is in the Environment and Public Works Committee.

Mr. President, there are two points that I would like to make this evening in a colloquy, if I might, and I know that the distinguished Senator from Ohio, a member of the committee, might also want to contribute to this.

My two points are as follows. And I am speaking this evening, Mr. President, on behalf of the chairman of the committee, who I have been in discussions with, Senator MOYNIHAN, and he is in complete agreement with the approach that I am taking.

First, I hope that we can receive some assurance from the chairman of the appropriating committee, the distinguished Senator from Arizona, that in the future this will not occur, that if there were buildings that members of his committee were anxious to proceed on, there would be communication between the two committees so that either we could authorize them or not authorize them. And by that I mean, Mr. President, choose to reject the authorization rather than just have a gap arise in which there is a vacuum in which the Appropriations Committee is left not knowing just what the status is and what they should do.

What I hope is that we receive assurances that there would be no appropriations without the authorization, and, if they are going to proceed, to promptly speak with us and see if we cannot iron it out. Maybe we cannot. Then there would be a headlong clash of some type. At least everybody would know where everybody stood on it. That is my first request.

My second request deals with three specific buildings in the District of Columbia—the Army Corps Headquarters, $50 million; the FBI field office, $53.8 million; and the U.S. Secret Service building, $150.6 million.

On those particular buildings, in which, indeed, prospectuses were received by the Environment Committee, but they never were scheduled. They were in a somewhat different category than most of the other buildings that, as I mentioned before, we failed to get to. These were not in that category that we failed to get to. They were not even moving on the radar range, if you would, on the radar screen.

On those particular three buildings I hope that the chairman of the appropriating subcommittee will join with us in a request that the head of the GSA would not proceed with those buildings unless the authorizing committee, indeed, did authorize them, and it is our responsibility in the authorizing committee to take these under consideration within the first 3 months of the following year.

So that is my request of the chairman of the appropriating subcommittee.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I merely want to identify with the concerns expressed by the Senator from Rhode Island, the ranking member of the Environment Committee. I have been on the committee much less time than most other members of the committee, but I have found, over a period of time, that our Government expenses its funds and makes contracts in a manner that one has some difficulty in comprehending, and sometimes I have the feeling that the efforts of the Government to purchase land as well as buildings, build buildings, or lease buildings is not always what appears to this Senator, at least, as being in the public interest. I think there is a somewhat cavalier attitude on the part of some of the officials, and maybe part of it has to do with insufficient experience.

It is a fact that three of the projects that are in the appropriations bill—the Army Corps, $50 million; the FBI field office, $53 million; and the U.S. Secret Service, $150 million—some have been discussed somewhat previously, some not at all that I know of. The FBI field office has been rather extensively discussed and, frankly, there has been some disagreement as to whether or not the Government was overpaying for the land before they even got to the construction aspects of it.

As I understand the Senator from Rhode Island indicated that perhaps we can get some assurances from the Senator from Arizona that we would try to work in the future with a better arrangement where we would try to see that the authorizing committee does act with dispatch and either agrees or disagrees to go forward before it gets to the Appropriations Committee; and, second, some assurance that he would join with us in urging the GSA not to go forward with the expenditure of any significant funds until such time as the authorizing committee had a chance to examine into the issue and conduct such hearings that would be necessary, and certainly that the Environment Committee would be constrained to act with dispatch and not to delay the matter, and it would not be expected that the GSA would in any way violate or terminate any of the contracts which have, heretofore, been entered, although I do not think there have been any such.

I think that these assurances were given, and the ranking member—speaking on behalf of himself as well as the chairman, and chairman of the appropriations subcommittee—all were in agreement that the GSA would withhold action subject to the fact that it would not be prejudicing the Government's position or violating any contractual rights, I think this matter could be resolved. I think the government's interests would be served. And I do not think there would be any harmful effect as far as the agencies concerned are involved.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Let me assure my distinguished friend from Rhode Island and my friend from Ohio that this committee tries its best. I realize people can dispute what the best is. But we try our best to cooperate with any authorizing committee. Because we appropriate money for the GSA, we obviously have to have a good relationship, or at least a relationship, with the authorizing committee.

In the past we have done that. And this year we have done that. We have contacted that committee. I talked to the staff of that committee regarding one particular building in Fargo, ND, that had not been authorized. My staff talked to the committee.

I understand and appreciate what the Senator from Rhode Island says about the committee situation this past year, and perhaps that had a lot to do with the dispute, or unauthorization.

But let me make it very clear so nobody misunderstands. I believe there are only two buildings in this bill out of the 36 buildings, that have been authorized by the Senate. One of the ones is the Senator from New York's building, Senator MOYNIHAN's courthouse building. The other one is the late Senator Burdick's building in North Dakota, at Fargo.

The rest of these, all these courthouses have not been authorized. I do not blame anybody. I do not blame the late Senator Burdick, Senator CHAFEE, or any committee. That is up to them.

But I think it is very important as we go through here, and I hope to give my friends enough assurance of my earnest belief that we should have authorization here—we need to understand or at least correct, if I am not correct—I am under the impression that the way Federal buildings are authorized today in the Senate is a bit different than say the defense authorization committee, or the Interior energy authorization committee, or the Commerce authorization committee where a bill is passed and certain projects are authorized. A House comparable bill is passed and certain projects are authorized. Then there is a conference. They agree on which ones, and they come back, and then we have a lump sum of authorized courthouses or other Federal buildings.

I am under the impression, and I appreciate the Senator from Rhode Island correcting me if I am wrong, that this process in the Senate, at least, is not the normal process for consideration of authorization.

In the House—let me explain how it has been told to me that the House works. In the House, the Subcommittee on Public Buildings and Grounds reviews and considers prospective requests from the GSA. It makes recommendations to the Public Works and Transportation Committee and by committee resolution the projects are authorized.

There is no vote on the House floor, and there is no conference with the Senate on what they might do. And the Senate, I understand, operates somewhat in the same way. That if they are going to authorize a building, the committee authorizes it, then they send a letter of authorization so there is no authorization bill out on the floor.

When you talk about authorization, I am talking about real authorization, and it seems only right that if we are going to have authorization the committee that has jurisdiction should hold hearings. This Senator should have the right to represent his constituents and come before that committee and argue and plead the necessity for a new courthouse for the District Court of Arizona. Which, it just happens, the judges want one, and GSA was willing to do one. It is not in this bill because I did not think it was—we oversaw it, and it was not a good, sound judgment on the part of GSA or the judges, and they are working on it.

But next year I need consideration of the committee and I will bet other Members here do too, where we can make our case for a Federal courthouse in Phoenix, AZ. And if the committee does not act on it for whatever reasons? If they do hold hearings and decide, boy, it is not justified, we do not have the money, we are not going to authorize it—I will not like it, but well and good. And if it comes to the floor and I want to try to add it on to a bill of authorization and I get beat—well and good. I lose.

But if the committee in its circle of 15 or 17 Members decides we are not going to authorize it, and it never gets to the floor where I have a chance to plead my case or I have a chance to plead my case before the committee, I do not think I am asking too much for suggesting that that is not real authorization.

Now, to deal with the problem we have tonight. This bill is one bill that there are no amendments in disagreement to, so it is not amended. The Senator from Ohio has certainly every right, and I respect it and I compliment him for it, about watching the taxpayers' dollar. But let me assure my colleagues, the Senator from New Mexico, the Senator from Arizona do not sit hour after hour listening to the GSA or Secret Service—we do not have FBI—and other agencies come who want buildings and just say: Sure, do whatever you want.

We have argued with the Secret Service. We made them go back. We made them come back. They reduced the amount at our request. I am not saying our judgment is any better than that of the Senator from Ohio but I want him to know the Senator from New Mexico and I ask many questions and ask them to present it to us. Why? Because they have not been authorized. Second, they have been submitted and requested to be authorized.

And here we are caught in the dilemma. If we consider the building a necessity, if the committee has not written to us and said do not authorize this—I mean do not appropriate money for this—which we did not hear from the committee—we marked up the bill in July. It sat printed in everybody's desk here, or in their office all through the recess. We had 2 days on the floor. Nobody questioned the lack of authorization of any bill here.

I know everybody is busy.

So we proceeded—that, there being no objection we could certainly proceed with our conference, which we did.

Now, the House has the same procedure and problem over there. They had some buildings. Some are authorized and some are not. We go to conference, we agree. Now we are here.

Now the real problem for, I think the Senator from Ohio and the Senator from Rhode Island, are three major buildings, big, expensive buildings. They are the Secret Service building for $150 million I believe, the FBI building, $53, million, and the Corps of Engineers building for $50 million.

So we have three large buildings. They have not been authorized. We all know they have not been authorized when they have come on to the floor in an authorization bill—but they have not even been authorized in this quasi-authorization process of the committee getting together. I do not say that critical—it just has not happened.

So what I am prepared to say as part of the genuine spirit of being sure that buildings are properly pursued, authorized, scrutinized, money is not wasted, is when this bill becomes law and the money is appropriated and set forth in the law, available to GSA to spend it on those buildings, that this Senator will join—or do it separately—and talk to the director, the head of the GSA, and ask them not to spend the money and to come before the committee for an authorization hearing or whatever the process may be.

I want it to be very clear that if the committee does not act and if the committee does pass a bill that specifically says we deauthorize, or we refuse to authorize, or whatever action there is, and this Senator may agree with you if you do that, particularly if you go through an authorization process—better it will be for the Government than to have it—we cannot stop the spending of this money. So I do not want anybody to have any impression that the money could not go ahead and be spent if this becomes law.

But this Senator intends to do what he can to influence the GSA, so the GSA will come before it, as requested by the committee, present the justification on these three buildings or any other buildings, and that the committee will vote on it.

Now, I have already talked to the distinguished chairman from New York, and I would like to have an arrangement, as other appropriations committees have, where they work hand in hand, if they are going to appropriate money for something that is unauthorized, they tell the chairman. And he has an opportunity to oppose it and what have you.

But what I have to ask the distinguished chairman from New York and the ranking member is that they do an authorization bill, and that they bring that bill to the floor in a timely manner, before we appropriate.

I will live by what the law is or do my level best. And if I disagree so strongly as an appropriator that we should appropriate money for a courthouse because the roof is falling in or whatever it is—I will tell them. And we may do it. And then we can argue about it on the floor and they can move to strike it.

There will not be anything going on under the table or in secret. So I am prepared to commit myself to work with that committee. I would feel better.

But I have to have a commitment from that committee, I cannot speak for the Senator from New Mexico—from that committee that they are going to do truly authorization of these projects. It is a big job. You have Members who want courthouses—half the Members here. And they are going to want to come and make a plea. You have judges who are going to be calling you, not to mention the U.S. attorneys and marshals that are going to want new courthouses and new Federal buildings. And you are going to have constituents, Social Security people who are in dilapidated buildings in your cities and they are going to want to be heard by your committee. And I hope that the committee will do that.

If the committee goes through the authorization process I have no problem. But quite frankly I just hope the Senator from Ohio, the Senator from Rhode Island, understand that I have been caught with no authorization. And really no process except talking to the committee. And in this particular case, except for one example where I talked to the late Senator from North Dakota in his hospital room a few weeks before his demise about one authorization of one building, we have been dealing with the staff and the staff said: "Authorize this building. We are not objecting to whatever you have to do." That is what they told us.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I was unaware the bill was going to come up at the time it did. And I was not present here on the premises.

So I was not here to join my friend and chairman, Senator DECONCINI. I understand the concern of my friend, Senator CHAFEE.

While I have not heard from Senator METZENBAUM yet, I think I understand what he is going to say.

Mr. President, I wonder if I might just recap the situation on these Federal buildings this way: This conference report recommends a total fiscal year 1993 limitation of $677,377,000 on the new construction activity of the Federal Buildings Fund. This compares with a total limitation of $600,953,000 requested by the President. It is not as if these buildings were brought down out of the sky somewhere. The President of the United States asked for most of them.

The House bill proposed $684,952,000 for new construction, and $670,377,000 was proposed in the Senate bill which we passed here. We voted on it.

We sent Senators DECONCINI, DOMENICI, and a couple of other Senators on each side to conference having already approved these new construction projects in the Senate and the House bill had a few more buildings. We went to conference and we ironed out the differences and brought back a bill that has what we already approved plus some that the House approved that we did not. That is the way we do things here.

With reference to a number of these projects, just so the RECORD will reflect, we are talking about something that has been on the planning boards for a long time. I will just pick one that is contentious tonight—the Secret Service Headquarters Building.

Six years ago, the Secret Service began to work on the consolidation of its headquarters at one location. Its current lease expires in 1995. The initial plans were for the Service to consolidate in leased space. However, during review of the Service's prospectus in 1991, a determination was made that it would be more cost-effective for the Service to be housed in a federally owned facility as opposed to leasing.

Given the permanent nature of the Secret Service's requirements, a proposed lease would have been structured with a 20-year term and the required leasing proposal would have constituted a capital lease under current budget agreements and scoring conventions. Life-cycle costs associated with a lease facility would have been higher than a comparable federally owned building.

Based on this analysis, the President's budget contained a request for construction of this building under a prospectus that was sent to the Congress for consideration.

The Senate authorizing committee has not yet acted on the prospectus. However, the House authorizing committee approved a resolution authorizing $150,569,000 for the headquarters building. The House resolution indicates that GSA is authorized to meet the Service's headquarters consolidation needs through a building purchase if it proves more cost-effective. What is included in this conference report for this project complies with this action. We have provided $150,569,000 for this project.

Frankly, it is time. We should not delay another year and have the Secret Service of the United States on a premise with an expired lease when they have been working to consolidate for this many years.

We did not come to the Senate with unauthorized buildings in the sense that we just invented them or that we are here for the first time, sort of de novo tonight saying why do you not approve this. Thirty of the thirty-six projects in this conference agreement were already approved by a vote of the Senate.

There are two others that seem to be contentious. Both of them were requested by the White House. Both of them are of longstanding need. The FBI has been seeking to relocate its field office since as far back as 1984 I believe. It seemed to us that staff to staff there were of merit. This is a rather informal arrangement, but there is plenty of assurance in this process. Most of these buildings have gone through GSA and the Executive process to assure their maturity and the fact that the U.S. Government is meeting its needs in the most cost-effective manner.

The others I will not go into in detail, but they are very similar to the Secret Service project as described.

I, too, would say to my friend, Senator CHAFEE—and he is here speaking for Senator MOYNIHAN—I think it is imperative when the President sends us a $670 million request for buildings determined to be needed that somebody get on with giving some authorization in some informal way rather quickly and that we have some arrangement to make sure that is being done. I would like authorization, too. Frankly, I think this will always be done rather informally.

I do not think we did a bad job. I hope the Senate approves this bill. We spent a lot of time on the needs of the Internal Revenue Service and the law enforcement agencies, and the other programs in this bill to make sure they have proper funding, not just these particular buildings.

Before we close, I will make a statement on the Competitiveness Council where I disagree wholeheartedly with the statement of managers. Other than that, I support the statement and conference report on this bill and hope we will agree to it quickly tonight.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to thank the managers of the bill and on the part of the authorizing committee, and I can speak for the chairman on this, I know, one, we will move promptly with consideration of the request; two, we will give opportunities and notice to the best of our ability to Senators to appear when we are considering this prospectus that deals with the particular building that will be of concern to those Senators.

In other words, I think it is perfectly fair and correct that Senators should have an opportunity to argue for the buildings that they would like. I can only assume those buildings would be within the borders of their States.

Those are two things.

The distinguished chairman of the subcommittee asked that we then proceed with an authorizing bill that would come to the floor. I cannot make that commitment on behalf of the committee. I am not authorized. The chairman and I have not discussed that.

I know the problems would come not so much with the Senate but with our relationships with the House because it is my understanding that in some past years—indeed, this is the way it was done—a lot of problems arose with the House of Representatives in connection with that.

So I think there is virtue in sticking with the system we have, but certainly more notice has to go out to the affected Senators. I can guarantee that will take place.

So, in summary, we make that commitment.

Second, the ranking member and the chairman of the subcommittee will proceed only with authorized buildings or, if they do not want to, then at least they will let us know and we will have a chance to speak with them, why we did not authorize it, what our rationale was, and a chance to argue back and forth.

Finally, in these three particular buildings, the commitment is that we talk with the GSA, that is our committee and the chairman and I presume the ranking member with the GSA and urge them to hold up actions on these particular buildings, Army headquarters, FBI Field Office, and U.S. Secret Service, with no further action unless contractual actions have been entered into, and we understand that, until the authorizing committee does authorize. We have to get to it within the first 3 months. We will move expeditiously, I certainly can guarantee that.

Mr. DECONCINI. Will the Senator yield?

Mr. CHAFEE. Yes.

Mr. DECONCINI. I would like to discuss with the Senator for a moment about some time.

Does the Senator have any idea? And I realize the chairman is not here, but I hate for this to happen the month of September 1994.

Mr. CHAFEE. You mean next year? No, I made a commitment within the first 3 months we would move to these three buildings.

Mr. DECONCINI. The first 3 months of 1993.

Mr. CHAFEE. Yes, 1993.

Mr. DECONCINI. I did not realize that.

Mr. CHAFEE. Yes. Frankly, I took the outside. As the Senator knows, not much happens around here in January. I am not sure when we come back. Whatever it is I know the chairman will want to move quickly. When I say the first 3 months of 1993, that is the outside limit. I would hope we can move much faster.

Mr. DECONCINI. Mr. President, I think it has been a healthy discussion, and I want to thank my colleagues and the Senator from Ohio. He is a very tenacious individual, a very good friend of mine. I have the greatest respect for him. I respect what he does and tries to do. I may disagree with his approach from time to time, but I appreciate his effort. I know he is sincere in trying to make Government more effective.

I just want to tell the good Senator that Senator DOMENICI and I had tried to do the same thing with this bill. We have not thrown money away in the bill, and we will continue to work with the authorizing committee with the sincere hope of reaching some mutual agreement. And if we cannot, we cannot. That is how this process works.

When you have a commitment by the Senator from Rhode Island on behalf of the chairman to take these three buildings, or any other buildings, and try to determine from the authorization point of view what is necessary and what is justified, if it turns out to be less than this, I will do everything I can to see that the GSA does not spend the money or alters it or makes some changes, because that is what we want. It may be that they will justify it should be more. The real estate market may turn upwards between now and the first 3 months of 1993. So who knows. But that is what we will have to go through.

Mr. MOYNIHAN. Mr. President, if I may just say that with regard to the projects referred to by the Senator from Rhode Island and the Senator from Ohio, which are the proposed Washington field office of the FBI, the proposed new headquarters of the Army Corps of Engineers, and the proposed new headquarters for the Secret Service, that I concur wholeheartedly with the remarks the two Senators have made.

In the past, the position of the Committee on Environment and Public Works may not have been clear on the issue, which is to say that objections were not raised as a matter of course to the inclusion of authorizing language for GSA projects in other bills. This is just to let the Senate know that this is a thing of the past. Our committee cares deeply about the endeavors of the GSA and has definite opinions on which projects should be authorized and which should not.

We have asked for assurances from the GSA that these three projects will not proceed unless and until the Committee on Environment and Public Works has disposed of the prospectuses submitted to us by the GSA regarding these projects. We are confident that the GSA will respect our wishes and those of the Senator from Arizona on this matter.

Mr. President, I thank the Senator from Arizona for his hard work and his gentlemanly cooperation in this matter.

Mr. DECONCINI. Mr. President, I am pleased to bring before the full Senate the conference report accompanying H.R. 5488, an act making appropriations for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for fiscal year 1993.

The conference report totals $27.486 billion. This amount is $59 million below the House-passed bill, $95 million below the Senate-passed bill, and $117 million below the President's budget request. It is also $2.896 billion above the fiscal year 1992 enacted level. The bulk of the increase above the fiscal year 1992 level, $2.5 billion, is for mandatory programs of the Office of Personnel Management which provide payments to Federal employees and retirees to cover health benefit and retirement costs. These mandatory costs are not within the control of the Appropriations Committee.

For discretionary spending, the conference report contains $11.283 billion or $117 million below the President's budget request.

Mr. President, very quickly, I will go over some of the highlights of the conference report.

For the General Services Administration, the bill contains $626 million for new courthouses and Federal office space to meet the expanding requirements of the Federal judiciary and executive branch agencies.

For the Department of the Treasury, the bill contains $7.1 billion for the Internal Revenue Service, an increase of $433 million or 6 percent above the fiscal year 1992 enacted level.

For the U.S. Customs Service, the bill contains an increase of $10.5 million for 300 new Customs inspectors to man new and expanding ports of entry which will be coming online in fiscal year 1993.

For the Bureau of Alcohol, Tobacco and Firearms, the bill contains an increase of $13 million to cover the full-year costs of 200 new Federal enforcement agents to fight violent crime in cities across the Nation.

For the Office of National Drug Control Policy, the bill contains $86 million for assistance to Federal, State, and local law enforcement agencies to enhance antidrug efforts in the 5 designated high-intensity drug trafficking areas. It also contains $75 million for a variety of drug treatment and enforcement programs which will be funded by the proceeds from seized drug assets.

For the payment to the Postal Service fund for subsidies to preferred rate mailers, the bill contains $121.9 million, the same amount funded by the House. This amount is the same as the President's budget request but $360 million below the level the Postal Service says it needs to provide the full subsidy to maintain current rates to preferred rate mailers. The conference report includes language adopted by the House prohibits the Postal Service from raising the rates of preferred rate mailers in fiscal year 1993 if there is insufficient funds to cover the costs of subsidies.

In closing, Mr. President, I want the Members of this body to know that this is a lean conference report. It is within the President's requested level and the committee's 602(b) allocations and I urge its adoption.

ADOPTION OF THE CONFERENCE REPORT

Mr. President, if there is no further debate, I urge the adoption of the conference report.

Mr. DOMENICI. Mr. President, we present for the Senate's approval today the conference report on H.R. 5488, the Fiscal Year 1993 Treasury, Postal Service, and General Government Appropriations Act.

This conference agreement provides total appropriations of $22.5 billion for the Department of the Treasury, the Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending on September 30, 1993.

Including congressional budget scorekeeping adjustments and prior-year spending actions, the total discretionary spending recommended by this conference agreement is $11.283 billion in budget authority and $12.003 billion in outlays. These levels are within the fiscal year 1993 discretionary spending limitations established for this appropriations conference report.

I am pleased to report to my colleagues that the President is expected to sign this appropriations measure. Total spending provided by the conference agreement is below the administration's level. In addition, the conferees have deleted or modified language previously included in the bill to satisfy the administration's most serious objections, eliminating prior potential veto threats.

Not every item in conference has been resolved in the manner I would have preferred, but settling-out differences between the House and Senate always entails compromise and sacrifice on the part of both bodies and the individual Members. And given this, I believe we have reached a fair compromise.

As my colleagues know, the administration raised serious objections to the House-bill provision prohibiting funds for the President's Council on Competitiveness or any successor organization. In conference, the House receded to the Senate position to delete this language from the bill.

While the conference committee dropped the statutory language prohibiting funding for the Council, the majority of the conferees agreed to include language in the statement of managers accompanying the conference report relative to procedures which should be followed by the Council. As I said, the majority of the conferees agreed to this statement of managers language. I objected to this language. It does not reflect my position.

I made my views known on this issue at length during the Senate's consideration of this appropriations measure. It continues to be my position that the Council is a Cabinet-level body established by the President to oversee Federal policy. The Council is not a regulatory agency; it does not issue regulations. The Administrative Procedures Act must be adhered to by the Federal agencies that issue regulations; nothing the Council does changes this fact.

Having said this, Mr. President, in closing, I would like to thank the chairman of the subcommittee, my colleague from Arizona, Senator DECONCINI, for his leadership and hard work on this bill this year. It has not been an easy process.

I urge the adoption of this conference report.

Mr. DASCHLE. Mr. President, the conference report on H.R. 5488, the fiscal year 1993 Treasury-Postal appropriations bill, includes an important provision with a significant impact on native Americans and the general population. I commend the members of the Treasury-Postal Appropriations Subcommittee in the Senate and all the conferees for their support of this amendment.

The amendment to which I refer requires the Bureau of Alcohol, Tobacco and Firearms [ATF] to deny any application for a certificate of label approval, including a certificate already issued, authorizing the use of the name Crazy Horse on an alcoholic beverage, but allows for the use up of product stocks in existence as of September 15, 1992.

Mr. President, to clarify the intent of this amendment for the legislative history, I want to explain how we reached this point. (For further background, I would refer my colleagues to the CONGRESSIONAL RECORD of September 10, 1992, pages S13235–S13236.)

There have been many concerns about the use of the name Crazy Horse for the purpose of marketing an alcoholic beverage, specifically the marketing of the Original Crazy Horse Malt Liquor by Hornell Brewing Co., Inc., of Brooklyn, NY. The two primary concerns have been: First, that use of the word "crazy" in the product name and the overall product packaging undermine public health efforts to reduce alcohol abuse; and second, that use of the name "Crazy Horse" and the overall product packaging unfairly exploit the name of Crazy Horse, a great Oglala Sioux leader.

I would like to emphasize the first concern regarding the impact of the marketing of alcoholic beverages using the name Crazy Horse on public health efforts. As the U.S. Surgeon General and others have testified before Congress, the use of the term "crazy" on a clear, 40-ounce bottle of overproof beer, whose appearance is strikingly similar to that of hard liquor, could suggest to consumers that drinking the product will promote drunkenness, or craziness. The use of the name Crazy Horse would also appear to be an attempt to attract native American consumers. Alcohol abuse is a serious problem across all socio-economic and cultural boundaries and poses the No. 1 health threat to native Americans on and off reservations.

The rate of alcoholism among native Americans is six times greater than that of the general population. Accidents and chronic liver disease, cirrhosis, are the leading causes of death for native Americans ages 22 to 44. Native American infants are 20 times more likely to be born with fetal alcohol syndrome than other U.S. infants. Eighty percent of suicides among native Americans are alcohol related.

Section 629 of the House bill included a prohibition on any ATF action to approve any certificate of label approval which authorizes the use of the name Crazy Horse on any distilled spirit, wine, or malt beverage product. The Senate committee, in an attempt to obviate the need for legislation, encouraged the Oglala Sioux Tribe and the marketer of the Original Crazy Horse Malt Liquor, Hornell Brewing Co., Inc., to continue negotiations and enter into a binding agreement that would result in a voluntary withdrawal of the product label "in a way that does not cause undue hardship on the marketer, its suppliers, and its wholesale customers and their retail outlets." The parameters of such negotiations, which were agreed to by both parties, were to be limited to an agreement allowing a use up of existing product stocks by a date certain and a mutually acceptable brand name or names to replace the withdrawn brand.

After negotiations were deemed unsuccessful, the Senate adopted this amendment, which became section 630 of the Senate bill. During the conference on H.R. 5488 the House receded to the Senate, and the Senate amendment was included in the final version of the bill.

Mr. President, questions have been raised about the constitutionality of this provision. We have made every effort to approach this matter in a sensible and fair-minded way. Furthermore, my office has consulted with constitutional experts at the Library of Congress and has been advised that the provision is constitutional and should withstand a challenge on either first or fifth amendment grounds.

I am hopeful that passage of the conference report on H.R. 5488, and enactment of the fiscal year 1993 Treasury-Postal appropriations bill, will send a clear message to those who may be considering the employment of similar tactics in the marketing of alcoholic beverages. I hope that the 103rd Congress will build on this effort and work with ATF to combat other inappropriate labeling and marketing for alcohol and other federally regulated substances. I am also optimistic that this will further enhance our efforts to address the critical needs facing Indian people and the entire country with respect to the fight against alcohol and substance abuse and fetal alcohol syndrome.

FEDERAL INFORMATION CENTER

Ms. MIKULSKI. Will the chairman yield for a question?

Mr. DECONCINI. I am happy to yield to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, in this conference report, the conferees agreed to a funding level of $46,419,000 for the General Services Administration's Information Resources Management Services. One of the programs carried out under this office of GSA is the Federal Information Center [FIC] Program.

As the chairman knows, the FIC Program provides a 1-800 telephone service that any citizen can call and get information about our complex Federal Government. The FIC responds to more than 8,000 callers per day, and several thousand letters per month, seeking information on a diverse range of Federal Government questions.

I understand that with the funds made available in this conference report, GSA is expected to restore the planned reduction of $1.7 million to the FIC, and continue operating this program at its current level with no adverse impact on the approximately 100 people employed in Cumberland, MD who are providing FIC services. Is this correct?

Mr. DECONCINI. The Senator from Maryland is correct. Under the funding level provided in the conference report for GSA's Information Resources Management Services Office during fiscal year 1993, it is my intent that GSA continue the FIC program at its current level.

Ms. MIKULSKI. I thank the chairman, and I yield the floor.

Mr. GRAHAM. Mr. President, I have offered amendments to bring to the attention of the Senate, the issue of reducing the Federal budget deficit and rebuilding the credibility of Congress in the public eye.

The Federal effort at serious deficit reduction must start somewhere. As I have stated before, Congress is an institution which by its nature is inductive and incremental. We can no longer wait until the day Congress is ready to tackle the issue of comprehensive deficit reduction. We must act immediately to begin to trim the Federal budget.

The administrative accounts of the major executive departments and of Congress is the place to begin this process.

As I reviewed the conference report on fiscal year 1993 Treasury, Postal Service, and general government appropriations, I found that the conference committee held only the operating expenses account of the official residence of the Vice President and the salaries and expenses account of the Office of Procurement Policy at 1992 levels.

It is with great disappointment that I must advise my colleagues that the conference committee rejected 9 of the 12 amendments that were accepted by the Senate.

The 12 amendments reduced the Senate funding amounts by $23.2 million.

The conference report appropriates $31 million over 1992 levels in the administrative accounts of the Department of the Treasury, the Executive Office of the President, the General Services Administration, and the Office of Personnel Management.

Mr. President, I thank the chairman and ranking member of the subcommittee, Senators DECONCINI and DOMENICI, and their staffs for their help in crafting and passing these amendments. However, in light of the outcome of the conference committee, I must vote against the conference report.

Mr. President, I wish to express my appreciation to the chairman and the ranking member and their staffs for the great cooperation that they extended during the Senate consideration of this bill in reference to developing a series of 12 amendments, the purpose of which was to recognize those areas in which the agencies within the responsibility of this subcommittee had been assigned new responsibilities, but, beyond that, to hold the agencies to their 1992 level of funding for their general administrative central office expenses.

This is consistent with amendments that have been offered or had been adopted in subcommittee on all of the executive agencies relative to freezing overhead costs at the 1992 level.

As the Presiding Officer will recall, earlier today we went much further than that as it relates to the legislative budget with a cut which will amount to some 10 percent this year and eventually as much as a 20- to 25-percent cut over the next 2 or 3 years in terms of the legislative budget.

It is, therefore, with disappointment I note that 9 of the 12 amendments adopted by the Senate were rejected by the conference committee. I know the commitment that our Senators had to this proposition, but, unfortunately, the bill before us today in these overhead accounts is some $23-plus million above the levels in those same accounts when the bill was voted on by the Senate.

It is especially disappointing to me, Mr. President, when you look at the agencies that are included.

As an example, the Office of Management and Budget, which is supposed to be the agency most concerned with the efficient operation of the Federal Government, the Senate had appropriated $51,934,000 for that agency. The conference report appropriates some $1,047,000 more than the Senate had appropriated; the Office of Personnel Management, the Senate had appropriated $116.5 million; the conference report, $119 million or $2.5 million more than the Senate appropriated.

I think not only the dollar amounts, that $23 million, is important, but it is the statement of commitment to a frugal Government by the very agencies that should be in the lead in that frugality. I believe the Senate took a position of leadership early today relative to its own budget. I am disappointed that these executive agencies are not taking the same position in terms of their budgets.

Mr. DECONCINI. Mr. President, I thank my distinguished friend from New Mexico for his long patience in working with this bill and his staff and my staff and everybody who has put in a lot of hours.

I urge adoption of the conference report.

Mr. ROTH. Mr. President, there are two matters that I wish to note that are contained within the conference report on the Treasury-Postal appropriations bill.

First, I find it curious that the conferees agreed to delete a House provision to defund the President's Council on Competitiveness but then inserted in the statement of managers a gratuitous discussion of how the Council should conduct business. This discussion is totally inappropriate, in my opinion. The conferees agreed that the statutory language be silent. Since the language says nothing about the Council, it seems to me there is nothing to explain.

The essence of the gratuitous advice given is that the Council should conduct itself in accordance with the provisions of S. 1942, a bill reported by the Committee on Governmental Affairs but never acted on in the Senate or the House. The pros and cons of S. 1942 are discussed in Senate Report 102-256. I will not repeat them here. But I will note that OMB believes that S. 1942 would effectively terminate regulatory review. The Justice Department has provided a written opinion that S. 1942 is unconstitutional.

This is a very controversial matter that should not be judged except after thorough study and debate. That has not taken place; yet advice has been given.

This advice is not sound. Rather than crush the regulatory review process, which would be the result if the advice were heeded, the better solution is to authorize regulatory review by statute, to provide standards for review, and to require enough disclosure to make intelligible what the reviewer has done. The answer is balance—not the extremism that frequently arises in the heat of political campaigns.

We face in America a very serious problem—the cost of regulations to our economy versus the benefits of regulations to society. Various tunnel-visioned interest groups are wont to focus on their particular part of the problem. Some in Congress have responded to these groups. But the answer is not to suffocate the regulatory review process in paperwork but to make it work for the benefit of society by balancing various competing costs and benefits. I have attempted to achieve that goal by introducing S. 2172 last January. Unfortunately, the statement of managers seems unaware of that solution.

Second, I am concerned with an attempt to restrict Presidential appointees in the Office of National Drug Control Policy from making public appearances for political campaigns. The legislation provides that after January 1, 1993, no funds made available under the bill may be used for the payment of salaries or expenses for any official for such public appearances.

Since the operative language is effective only between January 1 and September 30, 1993—a period in which no political campaign is underway, the language fortunately will have no effect. However, I am concerned that it could serve as a precedent for future appropriation bills.

While the legislation purports to restrict such public appearances as defined by section 7324(a) of title 5, this section does not define the terms "public appearance" or "political campaign." The language in the conference reports lacks definition and is probably unenforceable.

During consideration of the Hatch Act in 1939, the Congress considered the unique role played by Presidential appointees and voted to exclude these positions from coverage under the law. This exception stands on very strong ground. Our Government structure comprises a corps of civil servants, protected by the Hatch Act, to guarantee the impartial administration of the laws. Above them are Presidential appointees, excepted from the Hatch Act, who assist the President in creating and implementing public policy. It seems to me clear that any President, no matter what party, necessarily must have the right to appoint of top officials who will implement his policies. Implementing policies and achieving policy goals are indistinguishable from politics.

By attempting to use the Hatch Act to muzzle the President's political appointees, the proponents of this language fail to comprehend the underlying rationale for the Hatch Act. A law to protect civil servants is not an appropriate weapon to be used against the drug czar.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the conference report.

The conference report was agreed to.

Mr. DECONCINI. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I, too, want to extend my appreciation to the distinguished chairman, Senator DECONCINI, of Arizona, and his staff and mine for their hard work. I appreciate it. It has been good working with them. I think it is a good bill.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL BREAST CANCER AWARENESS MONTH

Mr. PELL. Mr. President, today marks the beginning of National Breast Cancer Awareness Month. For 3 years, I have had the privilege of introducing in the Senate a joint resolution to call attention to this important month. Each year, I have been gratified by the response of my colleagues, who have supported strongly both this resolution and the special effort of health advocates across the Nation to educate Americans about breast cancer during National Breast Cancer Awareness Month.

Mr. President, each year as I have introduced this resolution, I have reported the latest statistics on breast cancer mortality. I have the unfortunate task today of reporting that the statistics we cite in our 1992 resolution—estimating that a woman has a one in nine lifetime, through age 85, risk of developing breast cancer—are already outdated. The newest numbers, according to the National Cancer Institute as reported in the New York Times of September 27, 1992, which include the population of women over age 85, are one in eight. I ask unanimous consent to have printed in the RECORD at the end of my statement the article entitled "Chance of Breast Cancer is Figured at 1 in 8."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, as our resolution points out, it is estimated that breast cancer will strike an estimated 180,000 women and kill about 46,000 women in 1992. And we know that, as the population ages, breast cancer is likely to increase further, since a woman's risk of developing breast cancer increases as she ages.

It is my hope that National Breast Cancer Awareness Month will not only highlight these statistics, but also give women a sense of hope. We know that while we are not yet able to prevent breast cancer altogether, we can significantly reduce breast cancer mortality through early detection: self-examination, clinical examination by a qualified health care provider, and screening mammography. In fact, some 50 years ago, the 5-year survival rate for localized breast cancer was only 78 percent; now it is over 90 percent. And the American Cancer Society estimates that the use of a combination of early detection procedures can boost the 5-year survival rate for localized breast cancer to nearly 100 percent.

I also hope that National Breast Cancer Awareness Month will help to educate men about their own risk of breast cancer. While a man's risk is much smaller, men can and do get breast cancer. About 1,000 men will develop breast cancer in 1992, and 300 men will die of the disease. For these men and their families, breast cancer is very real, and very tragic.

Mr. President, educating about early detection, addressing concerns about self-examination and mammography, teaching survivors how to live with and after breast cancer—these issues are what National Breast Cancer Awareness Month is all about. But perhaps most importantly, we should be sure to communicate the simple but crucial message that, while breast cancer can kill, it can also be conquered.

Mr. President, I intend to do what I can in the State of Rhode Island to call attention to breast cancer and make this National Breast Cancer Awareness Month a meaningful one. I urge all of my colleagues to do the same.

EXHIBIT 1

[From the New York Times, Sept. 27, 1992]

CHANCE OF BREAST CANCER IS FIGURED AT 1 IN 8

WASHINGTON.—One in eight American women will get breast cancer sometime during her life, the National Cancer Institute now calculates.

The institute had previously said that one in nine American women would contract breast cancer by age 85. That figure is still valid, the institute said, but expanding the pool to include women over age 85 leads to the higher figure.

The institute said the higher figure is also a result of better documentation of breast cancer cases and women's longer lifetimes. Risk of getting the disease increases with age, and about 80 percent of breast cancers develop in women over age 50. Nearly 30 percent of those who develop the cancer die from the disease.

The cancer institute had planned to make the breast cancer figures public next week, along with new statistics on other types of cancer, said a spokeswoman, Nancy Volkers.

But Rep. Mary Rose Oakar, Democrat of Ohio, announced the new statistic on Friday while publicizing efforts to have the Government spend more on breast cancer research.

"We spend $1.1 billion on AIDS research," she said. "If you take the total amount spent, it's about $185 million for breast cancer."

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

LET THE SENATE ALONE IMPEACH

Mr. BYRD. Mr. President, on Monday, September 28, 1992, the New York Times published an editorial entitled, "Let the Senate Alone Impeach." The editorial addresses the recent decision by U.S. district court Judge Stanley Sporkin with respect to the impeachment of Alcee Hastings. As Senators may recall, Judge Sporkin ruled that the Senate's treatment of the impeachment proceedings was unconstitutional. The New York Times editorial takes the position that the Congress is the sole arbitrator of impeachment and in such areas should not be subject to judicial interpretation. It is my firm belief that the Senate acted both competently and responsibly in this matter. A similar case is before the Supreme Court, and it is my hope that the Supreme Court will uphold the Senate's judgement.

I ask unanimous consent that the editorial by the New York Times be printed in the CONGRESSIONAL RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 28, 1992]

LET THE SENATE ALONE IMPEACH

Who says nobody can tell the U.S. Senate what to do? Judge Stanley Sporkin of the U.S. District Court in Washington has just instructed the legislators to hold a new impeachment trial for another Federal judge. He would require the entire Senate to hear all the evidence instead of leaving that task to a committee.

Judge Sporkin's ruling would disrupt the Senate's ability to conduct it other business—and is almost certainly judicial overreach. Federal judges have no more power than anyone else to tell Congress how to handle impeachments.

The Constitution is explicit. The House votes to bring charges of impeachment against a President or a judge, and the Senate "shall have the sole power to try all impeachments." Lately the Senate, rather than tie up all 100 members, has appointed special committees to hear witnesses and sift evidence, saving floor time for special evidence and arguments on each side.

However, Judge Sporkin ruled that the removal of Alcee Hastings from a Florida judgeship "must be overturned and remanded to the Senate for a trial that comports with constitutional requirements." Due process of law, he said, requires that all senators who vote on the impeachment be present to hear all the evidence.

Judge Hastings was indicted on bribery charges but acquitted in a criminal trial. Later the Senate, impeaching him for misconduct, found that he took the bribe and falsified his defense at the trial. The law is settled that separate criminal trials and impeachment proceedings do not expose an official to double jeopardy.

The Senate's use of committees, and the ability of courts to review that use, is before the Supreme Court in the separate case of former Judge Walter Nixon of Mississippi. Lower courts already have ruled out review for an official like Judge Nixon who was convicted of the crimes for which he was removed.

But Judge Sporkin argues that without a prior guilty verdict the crucial evidence against Judge Hastings involved live witnesses whose credibility each senator must evaluate in person. A good argument—for the Senate, not the courts.

Under the Constitution, impeachment and removal are classic political actions not designed for further litigation. Taking its burden seriously, the Senate has conducted its own version of a trial with its own definition of fairness. Wise judges will recognize that they have no special competence or constitutional authority to judge the Senate.

STEVE SYMMS

Mr. CRANSTON. Mr. President, it is easy for each of us to speak well of those with whom we agree. After all, they reinforce and justify our own beliefs. On the other hand, to speak kindly of someone with whom we do not always—or even often—see eye to eye does not come quite as naturally. It requires that we put ourselves in the other person's shoes and appreciate opposing convictions.

I take this step when speaking of the senior Senator from Idaho STEVE SYMMS. It is true that he and I have rarely found ourselves in agreement. But it is also true that I respect him for his steadfast beliefs. STEVE SYMMS came to Washington nearly 20 years ago as a spokesman for conservative causes and he has maintained that voice throughout his career. I admire him for remaining faithful to his principles.

One of the tenets of his conservative creed, a call for less Government, has been the cornerstone of his political victories. In 1972, STEVE SYMMS was elected to the U.S. House of Representatives on such a platform. In 1980, he brought that agenda to this body, defeating a 24-year incumbent, a man I knew over many decades, and greatly admired, Frank Church, and he was reelected in 1986, defeating a 10-year sitting Governor, by continuing to promote a conservative ideology. The people of Idaho have a tradition of supporting conservative principles and STEVE SYMMS has obviously struck a chord with them—his repeated victories demonstrate that.

For all of our differences, we have had a friendly relationship. And there have been occasions when STEVE SYMMS and I have found ourselves strongly in agreement. A recent time was during the passage of the highway bill. Both of us shared the position that highway funding must be flexible. STEVE SYMMS was one of the first on the Environment and Public Works Committee to articulate this. He was also one of the most active participants in getting the highway legislation through Congress. For this I thank him and commend him.

STEVE SYMMS is a man of earnest belief and determined action. All of us in this body should respect in our colleagues strength of conviction and tireless effort—I know I do. And these are the qualities I respect in STEVE SYMMS. I wish him the best in the future and have no doubt that he will continue to fight for his ideals.

BROCK ADAMS

Mr. CRANSTON. Mr. President, there is an expression we are all familiar with that describes an individual overly concerned with the details who fails to see the big picture. We say that the person cannot see the forest for the trees. However, a criticism sometimes leveled at Members of Congress is that after arrival in our Nation's Capital they forget all about individuals in their concentration on making policy. Fortunately for the American people and, in particular for the residents of Washington State neither of these reproaches could be directed at the State's senior Senator.

Even a cursory review of BROCK ADAMS' record of accomplishment here in the Senate shows that he has never forgotten that good policy can only be defined as what makes a positive difference in the lives of each person it affects. His achievements demonstrate that he understands that to countless Americans there is no such thing as a national problem. There is simply a problem that they as individuals face which thousands or millions of others face as well.

Perfect examples of the excellent use to which Senator ADAMS has put this knowledge include his commitment to improving health care in America—in particular, to making sure that women's health concerns receive the same attention and the same high priority that men's health concerns do. His successes include, of course, the Breast Cancer Safety Screening Act, which created national requirements for personnel, equipment and quality control for mammography facilities and the Breast and Cervical Cancer Mortality Prevention Act, which helped increase access to health care for low-income women.

BROCK ADAMS has worked to ensure that women and minorities be included as subjects in clinical research funded by the National Institutes of Health; he has written legislation, the Infertility Prevention Act, because he recognized the need to stop the spread of diseases and infections which cause infertility in women; he helped lead the successful fight to fund the Ryan White AIDS Care Act; and he sponsored legislation to provide pediatric outreach and health care for disadvantaged children.

BROCK ADAMS was also one of the earliest cosponsors of my legislation, the Freedom of Choice Act, and has been active in the fight to overturn the gag rule sought by those who believe that American women have no right to learn about the family planning options available to them.

As a champion of individual workers, BROCK ADAMS has fought cuts in crucial job training assistance, fought to ensure that workers are notified if the factory where they work is going to close down, fought to extend unemployment benefits. Of course, it is a shame that each one of these benefits for the American worker had to be fought for over the objections of the White House, but they did.

Senator ADAMS, representing one of the most beautiful States in the Nation, has worked tirelessly to protect the environment. Recognizing the threat to our Nation posed by drugs, he has worked to secure more funding for treatment and prevention programs. Believing that Congress has a moral obligation to ensure equal rights under law to all Americans, he was an original cosponsor of the Civil Rights Act of 1990.

A great expert on transportation, he has been a leader and a great source of strength on every major struggle on that front.

Amazingly, BROCK has also somehow found the time to be a force on major foreign policy issues as well—like in the ongoing struggle between the Congress and the executive branch over the power to declare war.

BROCK ADAMS has served his Nation well—in the Cabinet, in the House of Representatives and in the Senate. He has a record of accomplishment of which he and his family can be very proud. I wish my friend only the best in the days and years to come.

FAMILY PLANNING AMENDMENTS ACT

Mr. KERRY. Mr. President, the debate concerning the appropriate use of funds under title X of the Public Health Service Act has once again brought us to consideration of the role of the Federal Government in the decision making process of women considering whether to have children. Title X programs have not been reauthorized since 1985. Regulations governing, and restricting, the use of title X funds have been in effect since 1988. And while we have not been able to reach a consensus on certain issues related to the use of title X funds, women who rely on clinics receiving Federal funds have not been able to have complete information outlining the choices available to them. Maybe these women have made the family planning decisions that are best for them. But, Mr. President, maybe in this case is not good enough.

Programs receiving funds under title X operate family planning clinics, train family planning workers and provide information on family planning. Yet health care professionals cannot use their expertise to counsel their clients fully and women who turn to federally funded clinics cannot receive the same level of service as other women who can afford to go to private clinics. The objective of title X funding, providing comprehensive family planning information to women, is undermined by prohibiting them from providing certain information.

In Massachusetts, the State government has made a commitment to make up the difference in lost Federal funds if health care professionals in clinics discuss abortion as one family planning options with clinic clients. Some clinics will try to access other funding sources or somehow separate any discussion of abortion from the larger context of family planning. A clinic in the District of Columbia has vowed to defy the gag rule and continue to provide comprehensive counseling to clients, including abortion counseling. States with available resources may be able to fill the funding gap if they choose to, but clinics in other States will not be so fortunate, and will be forced to gamble that quality of health care they provide will not suffer under the restrictions. The women who rely on public clinics will also gamble that the restrictions do not undermine their ability to make appropriate choices for their lives.

Large numbers of women in our inner cities and rural communities lack adequate prenatal care, have pregnancies complicated by poor nutrition or give birth to low birth weight babies. Extending health care to these women and others in similar circumstances is at the heart of our national debate about comprehensive health care reform. All women, regardless of income level, deserve uncensored medical information from health care professionals. The actions of the Senate today will indicate whether that is our belief also.

In the discussion about family values and family preservation, the focus is usually on programs that keep families together, including expanded delivery of social services, mentoring to adults and at-risk children and additional job training opportunities so that families can remain or become self-sufficient. Inevitably, decisions about the family include decisions about children. It is hypocritical to give lip service to the importance of strengthening families without supporting policies that permit women to make their own educated decisions about whether or when to have children.

A double standard in health care or in family planning is wrong. Additional information, far from encouraging women to have abortions, will reduce the need for abortions. Facilities receiving title X funding do not use the funds to perform abortions and a veto override of this bill will not change that. A vote to override the veto of S. 323 simply will return the power to choose to the women in this country who currently are denied that right.

FAMILY PLANNING AMENDMENTS ACT

Mr. ADAMS. Mr. President, I rise today to voice my strongest support to lift the administration's gag rule and urge my colleagues to override the Presidential veto.

Mr. President, I am outraged that a President would be willing to support his own granddaughter's decision to have an abortion but would deny the 4 million women and families who depend on federally funded family planning clinics for information and counseling about abortion.

The President could have been fair. He could have set one standard for access to vital health care information for all women. He could have withdrawn the regulations and avoided this vote. But he turned his back on the low-income and young women who depend on federally funded title X clinics for their health care.

Today the administration will begin enforcing the gag rule. Title X clinics must comply or lose Federal funding. Already, clinics have closed and others have curtailed their services to poor women rather than compromise the care they receive.

The administration claims to exempt doctors from the gag rule. But the American people can't be fooled. Such a claim is meaningless. The health care professionals who provide the majority of counseling services in title X clinics are nurses, nurse practitioners, and social workers.

The administration is playing politics with women's lives over abortion. It's time for Congress to put an end to this sham and vote to override the administration's ban.

I urge my colleagues to vote to override.

FAMILY PLANNING AMENDMENTS ACT

Mr. SEYMOUR. Mr. President, I rise today to urge my colleagues to vote to override the President's veto of S. 323.

The objections to this bill seem to center around abortion. However, S. 323, is not really about abortion—it is about truth. It is about walking into a clinic and being able to know that you will get all the information you need to make one of the most important decisions of your life. A woman has the right to make an informed decision about her pregnancy and it is not the Government's place to deny that right.

Even though the administration has loosened its interpretation of the gag rule to allow physicians to counsel for abortions; this is not far enough. Full repeal of the gag rule is necessary so that all women can have access to all of the information.

If the gag rule is implemented we will find ourselves faced with a two-tiered system of health care whereby low-income women using federally subsidized clinics receive more limited information and services than women who can afford private health care services. The title X program was created to provide low-income people with access to services they could not afford elsewhere.

Allowing only physicians to counsel for abortion is inconsistent with the health goals we have been trying to achieve, increased access to better services at lower cost. In trying to reduce costs of health care and increase access, we have been promoting increased use of allied health professionals. Title X clinics are a very appropriate use of nurse practioners and trained health counselors to replace physicians, particularly in the role of counseling. Under the existing structure and cost constraints, having only a physician permitted to counsel for abortion is impractical and unnecessary.

Beyond the overturn of the gag rule, we need to remember the importance of title X services. S. 323 will reauthorize title X clinics for the first time in 5 years. Family planning clinics are often the only health care service sought out by low-income women. The clinics have helped in early detection of breast and cervical cancer, various sexually transmitted diseases including AIDS, and other illnesses.

Each year, 1.5 million teenagers depend on title X services for preventive health services to reduce unintended pregnancies and to improve maternal child health. Had these title X services not been readily available to these youth, the number of unwanted pregnancies, sexually transmitted diseases and other health problems would have increased exponentially over the last several years. According to Planned Parenthood, each year family planning services such as those provided by title X clinics prevent 1.2 million unintended pregnancies, resulting in 509,000 unwanted births and 516,000 abortions.

We're not arguing for or against the right to have an abortion, nor are we arguing the moral implications of abortion. We are needlessly debating the fundamental right of millions of women access to safe, comprehensive health care counseling and information.

Not a day nor vote passes on the floor of the Senate without mention of fiscal responsibility in relation to the national debt, taxation, or inflation. Today we will not make an exception.

According to Planned Parenthood, every public dollar spent to provide contraceptive services saves $4.40 in first year taxpayer funds that would otherwise go toward medical care, welfare, and other mandated social services, an overall total of $1.8 billion in savings annually.

Let me share some statistics from my own State of California for a moment. In 1988–89, California's 200 title X clinics served approximately 400,000 low-income clients. Twenty-six percent of clients seen in these title X clinics are teenagers under 20 years of age. According to the California Family Planning Council, every dollar spent on family planning programs in California saves $7.70 in public costs associated with unintended pregnancy such as MediCal delivery and continuing maternity and infant care, MediCal abortions, AFDC, food stamps, and other social service costs.

California, nor the Federal Government can afford to discontinue these vital services. Each client that enters a title X clinic costs the federal government $35 annually. However, an unintended pregnancy averages $9,383 in MediCal delivery, AFDC, WIC, and food stamps for those women who carry their pregnancies to term. Otherwise, MediCal pays $360 to cover the cost of abortions.

Aside from the financial benefits of title X clinics, we should focus more importantly, on the humanitarian benefits. These clinics provide persons with special needs such as recent immigrants, the disabled, and teenagers with affordable, safe health care services in a supportive environment.

Mr. President, we as legislators have an obligation to the people of the United States to uphold the Constitution and to uphold the rights of each individual to the best of our ability. It is not our right as legislators to withhold information which is vital to the health, happiness and well-being of the citizens of this country. Therefore, we should not have the right to prohibit health care professionals from their legal and ethical obligation to fully inform their clients of all health care options, be it open-heart surgery, or family planning.

In the most minimal sense, this gag rule violates the congressional requirement and intent that family planning services be fully integrated with other health care services as part of a comprehensive health care program for clients seeking subsidized care.

As a legislator, as a husband, as a father, and as a grandfather, I cannot quietly stand by and allow this body to pass legislation which prohibits the most important people in my life, and the lives of the millions of women in this country, the access to all information regarding family planning. I urge my colleagues to overturn the gag rule. I thank the Chair.

OVERTURNING THE "MEXICO CITY POLICY"

Mr. LAUTENBERG. Mr. President, I rise in support of the fiscal year 1993 Foreign Operations bill. Among other important things, this bill overturns the so-called Mexico City policy or the international gag rule.

I commend the distinguished chairman of the Foreign Operations Subcommittee and the members of the Appropriations Committee for approving the provision to vitiate the Mexico City policy.

The Senator from Vermont [Mr. LEAHY] understands the need for international family planning and the link between population stabilization and economic development in Third World countries. Because of his leadership, this bill also contains a $100 million increase in population assistance programs, including family planning.

Mr. President, I think that it is important to explain what the Mexico City policy is and why the committee bill seeks to overturn it. Pure and simple, the Mexico City policy is an international gag rule. We have discussed the domestic gag rule extensively on the Senate floor, so I won't discuss this limitation on free speech any further. But the similarities between the two gag rules are remarkably striking.

Like the domestic gag rule, the Mexico City policy was adopted by fiat without any direction from Congress or warning to the public. In 1984, President Reagan simply announced this policy—period, end of discussion.

Like the gag rule, the Mexico City policy limits the free speech of health care professionals and is an intrusion in the confidential doctor-patient relationships. It prohibits discussion of a legal medical procedure and sets the parameters of what a doctor can say to a patient.

Mr. President, this policy is an insult to women who live in other countries who are trying to acquire information on legal reproductive options.

Mr. President, we can see the consistency here between the Mexico City policy and the gag rule. The contempt for poor women is clear, since poor women typically use publicly family planning services both here and overseas. There is a clear double standard with regard to the health care we provide for rich members of society and poor members.

I ask my colleagues, is there any Member of the Senate who would want a female family member to go to a health clinic where her medical advice would be censored by the Government?

Mr. President, the Mexico City policy was unilaterally adopted by the Reagan administration under pressure from antichoice forces. The premise of this decision was that by putting a gag in the mouths of health care workers overseas and intruding in the doctor-patient relationships in family planning clinics, there would be fewer abortions in other countries.

This is twisted logic. It is also ironic in the cruelist way. What this policy has done is force organizations like Planned Parenthood Federation of America have been forced to forfeit family planning money and curtail its efforts rather than submit to this policy. This affects operations in the countries including Egypt, Sierra Leone, Zambia, Honduras, Ghana, Malawi, Sri Landa, and Pakistan.

After protracted litigation, the Mexico City policy took effect in 1990. Since then, the Mexico City policy has left hundreds of thousands of women in poor countries without access to family planning services.

What this means is that a poor Pakistani woman will not have access counseling, family planning information and contraceptives. And what will that mean?

It will mean that there will be even more unwanted pregnancies because women in countries like Pakistan may never be able to visit a family planning clinic. In addition, countries experiencing population explosions will continue to experience them. Ultimately, this will mean that these third world countries will remain just that, third world countries.

How are we affected by this, one may ask. Pakistan is a long way away from the United States. We are affected because population growth in other countries is placing a great drain on our world's natural resource base. Overpopulation contributes to increasing scarcity of water, staple foods and arable soil. Military conflicts like the one in Somalia often result from the lack of basic resources.

Overall, overpopulation leads to malnutrition, poor health conditions, environmental destruction and low income growth. These basic conclusions were reaffirmed at the Rio summit.

If anyone doubts that overpopulation is a problem, consider some of the United Nations population projections from 1950 to 2010;

The population of India and Indonesia will double.

The population of Egypt, Brazil, the Philippines, Turkey and El Salvador will triple.

The population of Mexico and Pakistan will increase fourfold.

The population of Zimbabwe and Nicaragua will increase fivefold.

The population of Nigeria and Syria will increase sixfold.

So not only is the Mexico City policy a limitation on freedom of speech, an intrusion in the doctor-patient relationship, a blow to international family planning, poor environmental policy and defense policy, it is simply cruel.

Mr. President, this policy is also inconsistent and punitive. The Mexico City policy only gags private, nongovernmental organizations who receive Federal funds. Foreign governments who receive AID assistance may provide ungagged family planning services. It is clear that we didn't want to insult foreign governments by attaching a gag rule to their family planning funds, but we didn't mind gagging private organizations.

Who suffers from this policy? It is the women who depend on family planning services in countries where the host government does not provide family planning services. There are hundreds of thousands of such women.

Mr. President, I would like to set the record straight on a few matters mentioned by supporters of the Mexico City policy.

First, the provision in the committee bill in no way alters the Helms amendment which prohibits the use of Federal funds for abortion services.

Second, the committee bill does not allow nongovernmental family planning agencies to discuss abortion in countries where abortion is not legal. This is the case in Mexico where abortion is not legal in most cases. Thus, international family planning organizations who operate clinics in Mexico may not discuss illegal abortion services.

Third, this amendment does not authorize international family planning organizations to encourage women to have abortions. The original Population Assistance Act of 1961 charged international family planning recipients with the responsibility of providing unbiased options counseling.

Mr. President, I wanted to note for the record that a Federal audit of the Agency for International Development [AID] found no violations of the Helms amendment, provisions respecting the restrictive abortion laws of other countries, or the unbiased counseling portion of the 1961 statute.

Mr. President, once again, this bill:

First, simply allows private, nongovernmental agencies to receive U.S. family planning funds and discuss legal reproductive options with patients.

Second, allows private, nongovernmental agencies the same freedom of speech that foreign governments are allowed when providing family planning services.

Third, allows private family planning organizations to return to countries where abortion is legal and continue family planning efforts that poor countries need to economically develop.

I urge my colleagues to support the Committee bill which overturns the Mexico City policy, or better labeled the "international gag rule."

FAMILY PLANNING AMENDMENTS ACT

Mr. LEAHY. Mr. President, once again President Bush demonstrated his utter disregard for the women of this Nation by vetoing the gag rule repeal. And once again the Senate expressed the will of the American people by voting overwhelmingly to reject the President's position.

The title X program provides information and contraceptives to millions, and has been successful in decreasing unintended pregnancies. The gag rule is an unacceptable limitation on information that can be provided to women through this program. Congress has twice repealed it, and President Bush has twice vetoed the will of the majority.

The gag rule is premised on the insulting theory that providing full information to women will influence them to have abortions. Women deserve credit and respect to make up their own minds after receiving full and accurate information.

The President's position on the gag rule shows yet again that women's health issues take a backseat to political expediency in this administration.

Unfortunately this disregard comes as no surprise. Recently, the President vetoed legislation to reauthorize the National Institutes of Health—despite the fact that it called for greater attention to women's health issues—because of his unreasonable position on fetal tissue research.

And yesterday we learned that despite a clear Senate mandate, the Office of Management and Budget was willing to accept increased expenditures on prostate cancer research, but not on research into breast cancer. This arrogant, sexist determination is the most egregious example of this administration's insensitivity to women's health concerns.

Breast cancer is killing our mothers, our daughters, our wives, and our sisters. Today, 1 in 9 women in America will develop this terrible disease. Women in Vermont are particularly at risk because our State ranks fourth in the Nation in per capita breast cancer deaths.

The title X program should be a priority as well. Millions of women throughout the country rely on the title X program for their reproductive needs, including full information.

Why does the President ignore the interests of American women in favor of partisan politics?

THE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar numbers 563, 594, 654, 706, 719, 720, 727, 734, en bloc; that the committee substitute amendments and committee amendments, where appropriate, be agreed to en bloc; that the several bills each be deemed read a third time, passed, that the motion to reconsider the passage of these items be laid upon the table, en bloc, that the title amendment where appropriate be agreed to; that the consideration of each bill be included separately in the RECORD; that statements with respect to the passage of each bill be included in the RECORD where appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RANGER FAIR HOUSING ACT

The Senate proceeded to consider the bill (S. 1704) to improve the administration and management of public lands, national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land Management Agency Housing Improvement Act of 1992".

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "public lands" means Federal lands administered by the Secretary of the Interior or the Secretary of Agriculture; and

(2) "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture.

SEC. 3. EMPLOYEE HOUSING.

(a)(1) To promote the recruitment and retention of qualified personnel necessary for the effective management of public lands, the Secretaries are authorized to—

(A) make employee housing available, subject to the limitations set forth in paragraph (2), on or off public lands, and

(B) rent or lease such housing to employees of the respective Department at a reasonable value.

(2)(A) Housing made available on public lands shall be limited to those areas designated for administrative use.

(B) No private lands or interests therein outside of the boundaries of Federally administered areas may be acquired for the purposes of this Act except with the consent of the owner thereof.

(b) The Secretaries shall provide such housing in accordance with this Act and section 5911 of title 5, United States Code, except that for the purposes of this Act, the term—

(1) "availability of quarters" (as used in this Act and subsection (b) of section 5911) means the existence, within thirty miles of the employee's duty station, of well-constructed and maintained housing suitable to the individual and family needs of the employee, for which the rental rate as a percentage of the employee's annual gross income does not exceed the most recent Census Bureau American Housing Survey median monthly housing cost for renters inclusive of utilities, as a percentage of current income, whether paid as part of rent or paid directly to a third party;

(2) "contract" (as used in this Act and subsection (b) of section 5911) includes, but is not limited to, "Build-to-Lease", "Rental Guarantee", "Joint Development" or other lease agreements entered into by the Secretary, on or off public lands, for the purposes of sub-leasing to Departmental employees; and

(3) "reasonable value" (as used in this Act and subsection (c) of section 5911) means the base rental rate comparable to private rental rates for comparable housing facilities and associated amenities: Provided, That the base rental rate as a percentage of the employee's annual gross income shall not exceed the most recent American Housing Survey median monthly housing cost for renters inclusive of utilities, as a percentage of current income whether paid as part of rent or paid directly to a third party.

(c) Subject to appropriation, the Secretaries may enter into contracts and agreements with public and private entities to provide employee housing on or off public lands.

(d) The Secretaries may enter into cooperative agreements or joint ventures with local governmental and private entities, either on or off public lands, to provide appropriate and necessary utility and other infrastructure facilities in support of employee housing facilities provided under this Act.

SEC. 4. SURVEY OF RENTAL QUARTERS.

The Secretaries shall conduct a survey of the availability of quarters at field units under each Secretary's jurisdiction at least every five years. If such survey indicates that Government owned or suitable privately owned quarters are not available as defined in section 3(b)(1) of this Act for the personnel assigned to a specific duty station, the Secretaries are authorized to provide suitable quarters in accordance with the provisions of this Act. For the purposes of this section, the term "suitable quarters" means well-constructed, maintained housing suitable to the individual and family needs of the employee.

SEC. 5. SECONDARY QUARTERS.

(a) The Secretaries may determine that secondary quarters for employees who are permanently duty stationed at remote locations and are regularly required to relocate for temporary periods are necessary for the effective administration of an area under the jurisdiction of the respective agency. Such secondary quarters are authorized to be made available to employees, either on or off public lands, in accordance with the provisions of this Act.

(b) Rental rates for such secondary facilities shall be established so that the aggregate rental rate paid by an employee for both primary and secondary quarters as a percentage of the employee's annual gross income shall not exceed the Census Bureau American Housing Survey median monthly housing cost for renters inclusive of utilities, as a percentage of current income, whether paid as part of rent or paid directly to a third party.

SEC. 6. SURVEY OF EXISTING FACILITIES.

(a) Within two years after the date of enactment of this Act, the Secretaries shall survey all existing government owned employee housing facilities under the jurisdiction of the Department of the Interior and the Department of Agriculture, to assess the physical condition of such housing and the suitability of such housing for the effective prosecution of the agency mission. The Secretaries shall develop an agencywide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement or initial construction, as appropriate. The survey and priority listing study shall be transmitted to the Committees on Appropriations and Energy and Natural Resources of the United States Senate and the Committees on Appropriations and Interior and Insular Affairs of the United States House of Representatives.

(b) Unless otherwise provided by law, expenditure of any funds appropriated for construction, repair or rehabilitation shall follow, in sequential order, the priority listing established by each agency. Funding available from other sources for employee housing repair may be distributed as determined by the Secretaries.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Theer are authorized to be appropriated such claims as may be necessary to carry out this Act.

ALASKA LAND STATUS TECHNICAL CORRECTIONS ACT

The bill (H.R. 3157) to provide for the settlement of certain claims under the Alaska Native Claims Settlement Act, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

IDAHO LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 1893) to adjust the boundaries of the Targhee National Forest, to authorize a land exchange involving the Kaniksu National Forest, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Idaho Land Exchange Act of **[**1991**]** *1992*".

SEC. 2. TARGHEE NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Targhee National Forest are adjusted as generally depicted on the map entitled "Targhee National Forest Proposed Boundary Changes" and dated March 1, 1991.

(b) MAP AND LEGAL DESCRIPTION.—

(1) PUBLIC ACCESS.—The map described in subsection (a) and a legal description of the lands depicted on the map shall be on file and available for public inspection in the Regional Office of the Intermountain Region of the Forest Service.

(2) TECHNICAL CORRECTIONS.—The map and legal description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture (referred to in this Act as the "Secretary") may correct clerical and typographical errors.

(c) RULE OF CONSTRUCTION.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Targhee National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

SEC. 3. CLARK FORK LAND EXCHANGE.

(a) FINDINGS.—Congress finds that, over the past 10 years—

(1) the University of Idaho has utilized the Clark Fork Ranger Station within the Kaniksu National Forest as the Clark Fork Field Campus, under a Granger-Thye permit; and

(2) the University of Idaho has made substantial improvements in order to maintain and utilize the buildings as a campus facility.

(b) Land Exchange.—

(1) Conveyance by the Secretary.—

(A) In general.—In exchange for the conveyance described in paragraph (2) and subject to easements that are considered necessary by the Secretary for public and administrative access and to valid existing rights, the Secretary shall convey to the State of Idaho, acting through the Regents of the University of Idaho, all right, title, and interest of the United States to Parcel A.

(B) Parcel A.—As used in this section, the term "Parcel A" means the approximately 35.27 acres comprising the Clark Fork Ranger Station within the Kaniksu National Forest, as depicted on the map entitled "Clark Fork Land Exchange—Parcel A" and dated **[**July 9,**]** *July 1*, 1991.

(2) Conveyance by the State of Idaho.—

(A) In general.—In exchange for the conveyance described in paragraph (1) and subject to valid existing rights of record acceptable to the Secretary, the State of Idaho shall convey to the Secretary, by general warranty deed in accordance with Department of Justice title standards, all right, title, and interest to Parcel B.

(B) Parcel B.—As used in this section, the term "Parcel B" means the approximately 40 acres depicted on the map entitled "Clark Fork Land Exchange—Parcel B" and dated **[**July 9,**]** *July 1*, 1991.

(3) Maps and legal descriptions.—

(A) Public access.—The maps described in paragraphs (1)(B) and (2)(B) and the legal descriptions of the lands depicted on the maps shall be on file and available for public inspection in the Regional Office of the Northern Region of the Forest Service.

(B) Technical corrections.—The maps and legal descriptions shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors.

(c) Land Valuation.—

(1) In general.—Subject to paragraph (2), if the lands exchanged between the United States and the State of Idaho, as authorized by subsection (b), are not of equal value, the values shall be equalized in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(2) Exception.—The value of the improvements made by the University of Idaho on Parcel A under the Granger-Thye permit shall be excluded from consideration in a valuation conducted pursuant to paragraph (1).

(d) National Forest Boundary Adjustment.—

(1) In general.—Upon acquisition of Parcel B by the United States, the boundaries of the Kaniksu National Forest shall be adjusted to include Parcel B.

(2) Rule of construction.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Kaniksu National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

KEWEENAW NATIONAL HISTORICAL PARK ACT

The Senate proceeded to consider the bill (S. 1664) to establish the Keweenaw National Historical Park, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) The oldest and largest lava flow known on earth is located on the Keweenaw Peninsula of Michigan. This volcanic activity produced the only place on earth where large scale economically recoverable 97 percent pure native copper is found.

(2) The Keweenaw Peninsula is the only site in the country where prehistoric, aboriginal mining of copper occurred. Artifacts made from this copper by these ancient indians were traded as far south as present day Alabama.

(3) Copper mining on the Keweenaw Peninsula pioneered deep shaft, hard rock mining, milling, and smelting techniques and advancements in related mining technologies later used throughout the world.

(4) Michigan Technological University, located in the copper district, was established in 1885 to supply the great demand for new technologies and trained engineers requested by the area's mining operations. Michigan Technological University possesses a wealth of both written and photographic historic documentation of the mining era in its archives.

(5) Michigan's Copper Country became a principal magnet to European immigrants during the mid-1800's and the cultural heritage of these varied nationalities is still preserved in this remarkable ethnic conglomerate.

(6) The corporate-sponsored community planning in Calumet, Michigan, as evidenced in the architecture, municipal design, surnames, foods, and traditions, and the large scale corporate paternalism was unprecedented in American industry and continues to express the heritage of the district.

(7) The entire picture of copper mining on Michigan's Keweenaw Peninsula is both represented by three components: the Village of Calumet, the Former Calumet and Hecla Mining Company properties (including the Osceola #13 mine complex), and the former Quincy Mining Company properties. The Village of Calumet best represents the social, ethnic, and commercial themes. Extant Calumet and Hecla buildings best depict corporate paternalism and power, and the themes of extraction and processing are best represented by extent structures of the Quincy Mining Company.

(8) The Secretary of the Interior has designated two National Historic Landmark Districts in the proposed Park area, the Calumet National Historic Landmark District and the Quincy Mining Company National Historic Landmark District.

(b) Purposes.—The purposes of this Act are:

(1) To preserve the nationally significant historical and cultural sites, structures, and districts of a portion of the Keweenaw Peninsula in the State of Michigan for the education, benefit, and inspiration of present and future generations, and;

(2) To interpret the historic synergism between all the geological, aboriginal, sociological, cultural, technological, and corporate forces that relate the story of copper on the Keweenaw Peninsula.

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "Commission" means the Keweenaw Historic Preservation Advisory Commission established by section 9.

(2) "park" means the Keweenaw National Historical Park established by section 3(a)(1).

(3) "Secretary" means the Secretary of the Interior.

SEC. 3. ESTABLISHMENT AND ADMINISTRATION OF PARK.

(a) Establishment and Administration.—(1) There is hereby established as a unit of the National Park System the Keweenaw National Historical Park in and near Calumet and Hancock, Michigan.

(2) The Secretary shall administer the park in accordance with the provisions of this Act, and the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (16 U.S.C. 1, 2-4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes," approved August 21, 1935 (16 U.S.C. 461 et seq.):

((b) Boundaries and Map.—(1) The boundaries of the park shall be as generally depicted on the map entitled "Keweenaw National Historical Park, Michigan", numbered NHP-KP/20012-B and dated June, 1992. Such map shall be on file and available for public inspection in the office of the National Park Service, Department of the Interior, Washington, D.C., and the office of the village council, Calumet, Michigan.

(2) Within 180 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register a detailed description and map of the boundaries established under paragraph (a)(1).

SEC. 4. ACQUISITION OF PROPERTY.

(a) In General.—Subject to subsections (b) and (c), the Secretary is authorized to acquire lands, or interests therein, within the boundaries of the park by donation, purchase with donated or appropriated funds, exchange, or transfer.

(b) State Property.—Property owned by the State of Michigan or any political subdivision of the State may be acquired only by donation.

(c) Consent.—No lands or interests therein within the boundaries of the park may be acquired without the consent of the owner, unless the Secretary determines that the land is being developed, or is proposed to be developed in a manner which is detrimental to the natural, scenic, historic, and other values for which the park is established.

(d) Hazardous Substances.—The Secretary shall not acquire any lands pursuant to this Act if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)).

SEC. 5. COOPERATION BY FEDERAL AGENCIES.

(a) Any Federal entity conducting or supporting activities directly affecting the park shall—

(1) consult, cooperate, and, to the maximum extent practicable, coordinate its activities with the Secretary and the Commission;

(2) conduct or support such activities in a manner that—

(A) to the maximum extent practicable, is consistent with the standards and criteria established pursuant to the general management plan developed pursuant to section 6; and

(B) will not have an adverse effect on the resources of the park; and

(3) provide for full public participation in order to consider the views of all interested parties.

SEC. 6. GENERAL MANAGEMENT PLAN.

Not later than 3 fiscal years after the date of enactment of this Act, the Secretary shall prepare, in consultation with the Commission, and submit to Congress a general management plan for the park containing the information described in section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)). Such plan shall interpret the technological and social history of the area, and the industrial complexes of the Calumet and Hecla, and Quincy Mining Companies, with equal emphasis.

SEC. 7. COOPERATIVE AGREEMENTS.

The Secretary, after consultation with the Commission, may enter into cooperative agree-

ments with owners of property within the park of nationally significant historic or other cultural resources in order to provide for interpretive exhibits or programs. Such agreements shall provide, whenever appropriate, that—

(1) the public may have access to such property at specified, reasonable times for purposes of viewing such property or exhibits, or attending the programs established by the Secretary under this subsection; and

(2) the Secretary, with the agreement of the property owner, may make such minor improvements to such property as the Secretary deems necessary to enhance the public use and enjoyment of such property, exhibits, and programs.

SEC. 8. FINANCIAL AND TECHNICAL ASSISTANCE.

(a) In General.—The Secretary may provide to any owner of property within the park containing nationally significant historic or cultural resources, in accordance with cooperative agreements or grant agreements, as appropriate, such financial and technical assistance to mark, interpret, and restore non-Federal properties within the park as the Secretary determines appropriate to carry out the purposes of this Act, provided that—

(1) the Secretary, acting through the National Park Service, shall have right of access at reasonable times to public portions of the property covered by such agreement for the purpose of conducting visitors through such properties and interpreting them to the public; and

(2) no changes or alterations shall be made in such properties except by mutual agreement between the Secretary and the other parties to the agreements.

(b) Matching Funds.—Funds authorized to be appropriated to the Secretary for the purposes of this section shall be expended in the ratio of 1 dollar of Federal funds for each 4 dollars of funds contributed by non-Federal sources. For the purposes of this subsection, the Secretary is authorized to accept from non-Federal sources, and to utilize for purposes of this Act, any money so contributed. Donations of land, or interests in land, by the State of Michigan may be considered as a contribution from non-Federal sources for the purposes of this subsection.

SEC. 9. KEWEENAW NATIONAL HISTORICAL PARK ADVISORY COMMISSION.

(a) Establishment and Duties.—There is established the Keweenaw National Historical Park Advisory Commission. The Commission shall—

(1) advise the Secretary in the preparation and implementation of a general management plan described in section 6;

(2) advise the Secretary on the development of and priorities for implementing standards and criteria by which the Secretary, pursuant to agreements referred to in sections 7 and 8, will provide financial as well as technical assistance to owners of non-Federal properties within the park;

(3) advise the Secretary on the development of rules governing the disbursal of funds for the development of non-Federal properties;

(4) advise the Secretary with respect to the selection of sites for interpretation and preservation by means of cooperative agreements pursuant to section 7;

(5) assist the Secretary in developing policies and programs for the conservation and protection of the scenic, historical, cultural, natural and technological values of the park which would complement the purposes of this Act;

(6) assist the Secretary in coordinating with local governments and the State of Michigan the implementation of the general management plan, and furthering the purposes of this Act;

(7) be authorized to carry out historical, educational, or cultural programs which encourage or enhance appreciation of the historic resources in the park, surrounding areas, and on the Keweenaw Peninsula; and

(8) be authorized to seek, accept, and dispose of gifts, bequests, or donations of money, personal property, or services, received from any source, consistent with the purposes of this Act and the park management.

(b)(1) The Commission may acquire real property, or interests in real property, to further the purposes of the Act by gift or devise; or, by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, to further the purposes of this Act.

(2) For the purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States.

(3) Any real property or interest in real property acquired by the Commission shall be conveyed by the Commission to the National Park Service or the appropriate public agency as soon as possible after such acquisition, without consideration, and on the condition that the real property or interest in real property so conveyed is used for public purposes.

(4) The value of funds or property, or interests in property, conveyed to the National Park Service by the Commission may be considered as non-Federal, the Commission's discretion.

(c) Membership.—

(1) Composition.—The Commission shall be composed of seven members appointed by the Secretary, of whom—

(A) two members shall be appointed from nominees submitted by the Calumet Village Council and the Calumet Township Board;

(B) one member shall be appointed from nominees submitted by the Quincy Township Board and the Franklin Township Board.

(C) one member shall be appointed from nominees submitted by the Houghton County Board of Commissioners;

(D) one member shall be appointed from nominees submitted by the Governor of the State of Michigan; and

(E) two members who are qualified to serve on the Commission because of their familiarity with National Parks and historic preservation.

(2) Chairperson.—The chairperson of the Commission shall be elected by the members to serve a term of 3 years.

(3) Vacancies.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(4) Terms of Service.—

(A) In General.—Each member shall be appointed for a term of 3 years and may be reappointed not more than three times.

(B) Initial Members.—Of the members first appointed under subsection (b)(1), the Secretary shall appoint—

(i) two members for a term of 1 year;

(ii) two members for a term of 2 years; and

(iii) three members for a term of 3 years.

(5) Extended Service.—A member may serve after the expiration of that member's term until a successor has taken office.

(6) Meetings.—The Commission shall meet at least quarterly at the call of the chairperson or a majority of the members of the Commission.

(7) Quorum.—Five members shall constitute a quorum.

(d) Compensation.—Members shall serve without pay. Members who are full-time officers or employees of the United States, the State of Michigan, or any political subdivision thereof shall receive no additional pay on account of their service on the Commission.

(e) Travel Expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(f) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(g) Staff.—The Commission may appoint and fix the pay of such personnel as the Commission deems desirable. The Secretary may provide the Commission with such staff and technical assistance as the Secretary, after consultation with the Commission, considers appropriate to enable the Commission to carry out its duties, on a cost reimbursable basis. Upon request of the Secretary, any Federal agency may provide information, personnel, property, and services on a reimbursable basis, to the Commission to assist in carrying out its duties under this section. The Secretary may accept the services of personnel detailed from the State of Michigan or any political subdivision of the State and reimburse the State or such political subdivision for such services. The Commission may procure additional temporary and intermittent services under section 3109(b) of title 5 of the United States Code, with funds obtained under section 9(a)(6), or as provided by the Secretary.

(h) Hearings.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may not issue subpoenas or exercise any subpoena authority.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS

(a) Except as provided in subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out this Act, but not to exceed $5 million for the acquisition of lands and interests therein, $25 million for development, and $3 million for financial and technical assistance to owners of non-Federal property as provided in section 8.

(b) There are authorized to be appropriated annually to the Commission to carry out its duties under this Act, $100,000, except that the Federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

Mr. LEVIN. Mr. President, with the Senate's passage of this bill today, we are taking a giant step toward finally recognizing how the Keweenaw Peninsula's copper boom of the mid-to-late 1800's played a pivotal role in this Nation's technological, cultural and labor relations history. Michigan's Copper Country showcases a unique period in our country's past and the industrial revolution. Passage of this bill is a victory for the people of the Keweenaw, the State of Michigan, and the entire Nation. I deeply hope that the House will be able to act on this matter quickly to ensure that we are able to present it to the President soon.

The bill that the Senate now sends on to the House, for what I hope will be swift passage, is a somewhat different version than the one which I introduced in August 1991. It is the product of a necessary compromise between and consultation with the National Park Service, the Senate Energy and Natural Resources Committee, and the people of the Keweenaw. The bill's main purpose is still the same, however, which is to preserve the nationally significant historical and cultural sites, structures, and districts of a portion of the Keweenaw Peninsula in the State of Michigan for the education, benefit, and inspiration of present and future generations.

The major differences are that the Commissions in the earlier bill have been merged into one Keweenaw National Historical Park Advisory Commission, which will be less managerial at the National Park Service's insistence. The Commission will not have loan and grant authority, but it will have certain powers regarding the conveyance and disposition of donated lands, property, or funds. Also, at the National Park Service's insistence, authority to receive appropriations is limited to $5 million for the acquisition of lands and property interests, $25 million for development, and $3 million for financial and technical assistance to owners of non-Federal property within the park's boundaries.

This last major change will require the participation of the State of Michigan and private sources of capital in order to accumulate the capital necessary to utilize the entire $3 million because of the Park Service's insistence that this money may only be expended in the ratio of $1 of Federal capital funds for every $4 of non-Federal capital funds. A unique feature of this bill allows the value of donations of land by the State of Michigan desired by the Federal Government to count as non-Federal capital funds at the discretion of the Commission.

Mr. President, though it has been necessary to make these changes to make this bill acceptable to all my colleagues, I believe that the resulting bill will still recognize and preserve the nationally significant nature of the copper mining industry's history on the Keweenaw Peninsula. The National Park Service has officially recognized the valuable technological and cultural historical resources present within the proposed park's boundaries. The Calumet and Hecla, and Quincy Mining Companies National Historical Landmarks are clear evidence of that recognition.

The administration supports this park. The 1992 and 1993 budget request includes funds for land acquisition and planning and preservation activities for this park. The Interior appropriations conference report for fiscal year 1993 provides the National Park Service with the ability to use 1993 appropriations to begin planning the park as soon as it is authorized.

Mr. President, I am pleased that the Senate has passed S. 1664, my bill to establish the Keweenaw National Historical Park. I would like to thank Senators BUMPERS, JOHNSTON, and WALLOP, and all my colleagues for allowing this bill to come to the floor in an expeditious manner. I would particularly like to thank David Brooks on the Senate Energy Committee for his help on this bill. But, most of all, I would like to thank the people of Calumet, Hancock, and those elsewhere on the Keweenaw Peninsula of the Upper Peninsula of Michigan, for their patience, encouragement, and strong belief in the need to preserve an important part of this Nation's history.

CIVIL RIGHTS IN EDUCATION: BROWN VERSUS BOARD OF EDUCATION NATIONAL HISTORIC SITE ACT

The Senate proceeded to consider the bill (S. 2890) to provide for the establishment of the Civil Rights in Education: Brown versus Board of Education National Historic Site in the State of Kansas, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "**[**Civil Rights in Education:**]** Brown v. Board of Education National Historic Site Act of 1992".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "Secretary" means the Secretary of the Interior.

(2) The term "historic site" means the **[**Civil Rights in Education:**]** Brown v. Board of Education National Historic Site as established in section 4.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) The Supreme Court, in 1954, ruled that the earlier 1896 Supreme Court decision in Plessy v. Ferguson that permitted segregation of races in elementary schools violated the fourteenth amendment to the United States Constitution, which guarantees all citizens equal protection under the law.

(2) In the 1954 proceedings, Oliver Brown and twelve other plaintiffs successfully challenged an 1879 Kansas law that had been patterned after the law in question in Plessy v. Ferguson after the Topeka, Kansas, Board of Education refused to enroll Mr. Brown's daughter, Linda.

(3) Sumner Elementary, the all-white school that refused to enroll Linda Brown, and Monroe Elementary, the segregated school she was forced to attend, have subsequently been designated National Historic Landmarks in recognition of their national significance.

(4) Sumner Elementary, an active school, is administered by the Topeka Board of Education; Monroe Elementary, closed in 1975 due to declining enrollment, is privately owned and stands vacant.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations, the places that contributed materially to the landmark United States Supreme Court decision that brought an end to segregation in public education; and

(2) to interpret the integral role of the Brown v. Board of Education case in the civil rights movement.

(3) to assist in the preservation and interpretation of related resources within the city of Topeka that further the understanding of the civil rights movement.

SEC. 4. ESTABLISHMENT OF THE CIVIL RIGHTS IN EDUCATION: BROWN V. BOARD OF EDUCATION NATIONAL HISTORIC SITE.

(a) IN GENERAL.—There is hereby established as a unit of the National Park System the **[**Civil Rights in Education:**]** Brown v. Board of Education National Historic Site in the State of Kansas.

(b) DESCRIPTION.—The historic site shall consist of the Monroe Elementary School site in the city of Topeka, Shawnee County, Kansas, as generally depicted on a map entitled "**[**Civil Rights in Education:**]** Brown v. Board of Education National Historic Site," numbered Appendix A and dated June 1992. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. PROPERTY ACQUISITION.

The Secretary is authorized to acquire by donation, exchange, or purchase with donated or appropriated funds the real property described in section 4(b). Any property owned by the States of Kansas or any political subdivision thereof may be acquired only by donation. The Secretary may also acquire by the same methods personal property associated with, and appropriate for, the interpretation of the historic site: *Provided, however,* That the Secretary may not acquire such personal property without the consent of the owner.

SEC. 6. ADMINISTRATION OF HISTORIC SITE.

(a) IN GENERAL.—The Secretary shall administer the historic site in accordance with this Act and the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535), and the Act of August 21, 1935, (49 Stat. 666).

(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with private as well as public agencies, organizations, and institutions in furtherance of the purposes of this Act.

(c) GENERAL MANAGEMENT PLAN.—Within two complete fiscal years after funds are made available, the Secretary shall prepare and submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a general management plan for the historic site.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,250,000 to carry out the purposes of this Act including land acquisition and initial development.

Mr. DOLE. Mr. President, the Senate is about to consider S. 2890, a bill to designate the Monroe School in Topeka, KS a national historic site dedicated to interpreting the Brown versus the Board of Education case.

Much of the credit for this bill should go to Cheryl Brown Henderson. Establishing a national historic site at the Monroe School to interpret the Brown decision has been a personal battle for her. Cheryl is one of the three daughters of Rev. Oliver L. Brown, who, in the fall of 1951, joined with 12 other families and the NAACP attorneys, to file suit against the Topeka Board of Education for preventing their children from enrolling in the neighborhood school—the all-white Sumner Elementary School. Today, Cheryl Brown Henderson is a respected advisor to the very same Topeka school system that discriminated against her sister some 40 years ago.

I would like to thank Senator BUMPERS for moving this bill through the Energy Committee in record time. Senator BUMPERS is committed, as I am, to a National Park System that Americans of all racial and ethic backgrounds can take pride in. Currently less than 5 percent of the national historic landmarks and national historic sites relate directly to the role of African-Americans. According to the Park Service, "The Topeka sites depict a significant historic theme which is not adequately represented elsewhere in the National Park or the National Historic Landmark Systems. No NPS units and only two NHLS today serve to commemorate a significant U.S. Supreme Court decision—let alone one of the magnitude of Brown versus the Board of Education."

I hope the Senate will join me, Cheryl Brown Henderson, and the National Park Service in supporting the Brown versus the Board of Education National Historic site bill.

TRANSFER OF CERTAIN LANDS IN LOUISIANA

The Senate proceeded to consider the bill (S. 3100) to authorize and direct the Secretary of the Interior to convey certain lands in Cameron Parish Louisiana, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF LANDS.

(a) IN GENERAL.—Subject to the limitations set forth in this section, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is directed to **[**convey,**]** *convey by quitclaim deed* without monetary consideration, all right, title and interest of the United States in and to certain lands located in Cameron Parish Louisiana, as described in **[**section 3,**]** *section 2*, to the West Cameron Port Commission for use as a public port facility or for other public purposes.

(b) RESERVATION OF MINERALS.—The United States hereby excepts and reserves from the provisions of subsection (a) all minerals underlying the lands referred to in section 2.

(c) REVERSION TO THE UNITED STATES.—If the lands conveyed by the United States pursuant to this Act cease to be operated by the West Cameron Port Authority for use as a public port facility or for other public purposes, such lands shall revert to the United States.

(d) RETENTION OF ENCUMBRANCES.—(1) The Secretary shall not convey any right, title, and interest held by the United States on the date of enactment of this Act in or to the following encumbrances on the property identified as subparcel H on the map referred to in section 2—

(A) a revocable permit (number 08-430 P 59) granted to the United States Army, to install and maintain an automatic tide gauge for recording storm and hurricane tides; and

(B) height restrictions in relation to the radio beacon tower located in the area identified as subparcel G on such map.

(2) The Secretary, after consultation with the Coast Guard, may include in the deed of conveyance any other restrictions the Secretary determines necessary for the benefit of the Coast Guard, including but not limited to restrictions on height of structures and requirements to shield seaward facing lights.

[SEC. 2. LAND DESCRIPTION.

The lands to be conveyed pursuant to this Act comprise approximately 64 acres within the irregular section 32, township 15 south, range 10 west, Louisiana Meridian, and include those lands east of State Highway 27/82 and the area commonly known as "Monkey Island", all as generally depicted on the map entitled "Cameron Parish Land Conveyance" and dated July 1, 1992.**]**

SEC. 2. LAND DESCRIPTION.

"The lands to be conveyed pursuant to this Act comprise approximately 162 acres of Federal lands located within the irregular Section 32, Township 15 South, Range 10 West, Louisiana Meridian, as generally depicted on the map entitled 'Cameron Parish Land Conveyance' and dated September, 1992.

DAYTON AVIATION HERITAGE PRESERVATION ACT OF 1992

The Senate proceeded to consider the bill (H.R. 2321) to establish the Dayton Aviation Heritage National Historical Park in the State of Ohio, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dayton Aviation Heritage Preservation Act of 1992".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to establish a unit of the National Park System in Dayton, Ohio, consisting of certain lands and structures associated with Wilbur and Orville Wright and the early development of aviation; and

(2) to create partnerships among Federal, State, and local governments and the private sector to preserve, enhance, and interpret for present and future generations the historic and cultural structures, districts, and artifacts in Dayton and the Miami Valley in the State of Ohio, which are associated with the Wright brothers, the invention and development of aviation, or the life and works of Paul Laurence Dunbar, and which, as a whole, represent a nationally significant resource.

TITLE I—DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK

SEC. 101. ESTABLISHMENT OF THE DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—There is established, as a unit of the National Park System in the State of Ohio, the Dayton Aviation Heritage National Historical Park (hereinafter in this Act referred to as the "park").

(b) AREA INCLUDED.—The park shall consist of the following sites, as generally depicted on a map entitled "Proposed Dayton Aviation Heritage National Historical Park", numbered NHP-DAH 80,000, and dated February 1992:

(1) A core parcel in Dayton, Ohio, which shall consist of the Wright Cycle Company *building*, Hoover Block, and lands between.

(2) Huffman Prairie Flying Field, Wright-Patterson Air Force Base, Ohio.

(3) The Wright 1905 Flyer and Wright Hall, Dayton, Ohio.

(4) The Paul Laurence Dunbar home, Dayton, Ohio.

SEC. 102. PROTECTION OF HISTORIC PROPERTIES.

(a) ACQUISITION OF PROPERTIES WITHIN THE PARK.—Within the boundaries of the park the Secretary shall, *subject to the availability of appropriated funds*, acquire the Wright Cycle Company building and Hoover Block, and may acquire other properties, or interests therein, referred to in section 101(b), by donation, purchase with donated or appropriated funds, exchange, or transfer.

(b) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with other Federal agencies, State and local public bodies, and private interests and organizations relating to the preservation, development, use, and interpretation of properties within the boundaries of the park in order to contribute to the appropriate use and management of such properties consistent with the purposes of this Act. Such agreements shall provide, whenever appropriate, that—

(1) the public may have access to any such property at specified reasonable times for purposes of viewing such property or the exhibits or attending programs established by the Secretary under this subsection; and

(2) the Secretary may make such improvements to any such property as the Secretary deems necessary after consultation with the Commission to enhance the public use and enjoyment of such property and programs.

SEC. 103. PARK GENERAL MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 complete fiscal years after the date of enactment of this Act, the Secretary, with the advice of the Commission, shall prepare and submit to the Congress a general management plan for the park which includes but is not limited to the information described in section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a-7(b)), and which takes into account the preservation and development plan developed under section 202.

(b) PARK PARTNERSHIPS.—The management plan shall identify partnership opportunities between the Secretary and other Federal, State, and local governments and the private sector for the development, use, and interpretation of properties within the park.

SEC. 104. STUDIES.

The Secretary shall study the following properties **[**described in this section**]** to determine the feasibility and suitability of including them within the park:

(1) Properties within the Wright-Dunbar Historic District.

(2) Wright Company Factory, Dayton, Ohio. A report of the study of such properties

shall be submitted as part of the general management plan required by section 103.

SEC. 105. GENERAL ADMINISTRATIVE FUNCTIONS.

(a) IN GENERAL.—The park shall be administered in accordance with this Act and with the provisions of law generally applicable to units of the National Park System, including, but not limited to, the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4).

(b) DONATIONS.—The Secretary may accept donations of funds, property, or services from individuals, foundations, corporations, and other private entities, and from public entities, for the purposes of managing the park.

(c) PROGRAMS.—The Secretary may sponsor, coordinate, or enter into cooperative agreements for educational or cultural programs related to the park as the Secretary considers appropriate to carry out the purposes of this Act.

(d) IDENTIFICATION AND MARKING OF SIGNIFICANT HISTORICAL SITES.—The Secretary may identify other significant sites related to the Wright brothers, the history of aviation, or Paul Laurence Dunbar in the Miami Valley which are related to the park, and, with the consent of the owner or owners thereof, may mark the sites appropriately and make reference to them in any interpretive literature. The Secretary may provide interpretive markers along transportation routes leading to units of the park.

(e) INTERPRETATION OF HUFFMAN PRAIRIE FLYING FIELD.—The Secretary may provide interpretation of Huffman Prairie Flying Field on Wright Brothers Hill, Wright-Patterson Air Force Base, Ohio.

SEC. 106. COOPERATION OF FEDERAL AGENCIES.

Any Federal entity conducting or supporting activities directly affecting the park shall—

(1) consult with, cooperate with, and to the maximum extent practicable, coordinate its activities with the Secretary; and

(2) conduct or support such activities in a manner which—

(A) to the maximum extent practicable is consistent with the standards and criteria established pursuant to section 202(b)(9); and

(B) to the maximum extent practicable will not have an adverse effect on the historic resources of the park.

SEC. 107. COORDINATION BETWEEN THE SECRETARY AND THE SECRETARY OF DEFENSE.

[Except in the case of properties subject to this Act which are under the control of the Secretary of Defense and which are affected by a national emergency declared by the President, at which time the decisions of the Secretary of Defense shall prevail, for those properties under the control of the Secretary of Defense, the Secretary of the Interior and the Secretary of Defense shall coordinate preservation efforts to the maximum extent practicable through a Memorandum of Agreement.]

The decisions concerning the execution of this Act as it applies to properties under control of the Secretary of Defense shall be made by such Secretary, in consultation with the Secretary of the Interior.

SEC. 108. ASSISTANCE.

(a) TECHNICAL AND PRESERVATION ASSISTANCE.—The Secretary may provide to any owner of property within the park, and to any organization having an agreement with the Secretary under section 102(b), such technical assistance as the Secretary considers appropriate to carry out the purposes of this Act.

(b) INTERPRETIVE MATERIALS.—The Secretary is authorized to publish interpretative materials for historic aviation resources in the Miami Valley.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated such sums as may be necessary to carry out this title.]

There is authorized to be appropriated such sums as may be necessary to carry out this title: Provided, That the amount to be appropriated for the operation, development or restoration of non-federally owned properties within the boundaries of the park shall not exceed $200,000.

TITLE II—DAYTON AVIATION HERITAGE COMMISSION

SEC. 201. DAYTON AVIATION HERITAGE COMMISSION.

(a) ESTABLISHMENT.—There is established the Dayton Aviation Heritage Commission to assist Federal, State, and local authorities and the private sector in preserving and managing the historic resources in the Miami Valley, Ohio, associated with the Wright brothers, aviation, or Paul Laurence Dunbar.

(b) MEMBERSHIP.—The Commission shall consist of 13 members as follows:

(1) 3 members appointed by the Secretary, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least one of whom shall represent the National Park Service.

(2) 3 members appointed by the Secretary from recommendations submitted by the Governor of the State of Ohio, who shall have demonstrated expertise in aviation history, black history and literature, aviation technology, or historic preservation, at least one of whom shall represent the Ohio Historical Society.

(3) 1 member appointed by the Secretary of Defense, who shall represent Wright-Patterson Air Force Base.

(4) 3 members appointed by the Secretary from recommendations submitted by the City Commission of Dayton, Ohio, at least one of whom shall reside near the core parcel of the park (as described in section 101(b)(1)).

(5) 1 member appointed by the Secretary from recommendations submitted by the Board of Commissioners of Montgomery County, Ohio.

(6) 1 member appointed by the Secretary from recommendations submitted by the Board of Commissioners of Greene County, Ohio.

(7) 1 member appointed by the Secretary from recommendations submitted by the City Council of Fairborn, Ohio.

(c) TERMS.—(1) Members shall be appointed for terms of 3 years. A member may be reappointed only 3 times unless such member was originally appointed to fill a vacancy pursuant to subsection (e)(1), in which case such member may be reappointed 4 times. A member may serve after the expiration of his term until a successor is appointed.

(2) The Secretary shall appoint the first members of the Commission within 30 days after the date on which the Secretary has received all of the recommendations for appointment pursuant to subsections (b) (2), (4), (5), (6), and (7).

(d) CHAIR AND VICE CHAIR.—The chair and vice chair of the Commission shall be elected by the members of the Commission. The terms of the chair and vice chair shall be 2 years. The vice chair shall serve as chair in the absence of the chair.

(e) VACANCY.—(1) Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made, except that the Secretary responsible for such appointment shall fill any such vacancy within 30 days after receiving a recommendation for the position.

(2) A member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. A member may serve after the expiration of his term until his successor has taken office.

(f) QUORUM.—A majority of the members of the Commission then serving shall constitute a quorum, but a lesser number may hold hearings.

(g) MEETINGS.—The Commission shall meet not less than 3 times a year at the call of the chair or a majority of its members.

(h) PAY.—(1) Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission.

(3) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

(i) FACA.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(j) TERMINATION.—The Commission shall cease to exist on January 1, 2004.

SEC. 202. DAYTON HISTORIC RESOURCES PRESERVATION AND DEVELOPMENT PLAN.

(a) IN GENERAL.—Within 2 years after the date on which the Commission conducts its first meeting, the Commission shall submit to the Secretary a preservation and development plan which may include the Wright-Dunbar Historic District, the Dunbar Historic District, the Ed Sines House and the Daniel Fitch House, and the 45 sites identified in Appendix A of the document entitled "Study of Alternatives Dayton's Aviation Heritage, Ohio" published by the National Park Service. Within 90 days after the receipt of such plan, the Secretary shall approve such plan or return it with comments to the Commission. If the Secretary has taken no action after 90 days upon receipt, the plan shall be considered approved. If the Secretary disapproves a plan, the Commission shall submit a revised plan to the Secretary. The plan shall include specific preservation and interpretation goals and a priority timetable for their achievement. The Secretary shall forward copies of the approved plan to the Congress.

(b) CONTENTS OF PLAN.—The plan referred to in subsection (a) shall—

(1) set detailed goals for the preservation, protection, enhancement, and utilization of the resources of [the district and] sites referred to in subsection (a);

(2) identify properties which should be preserved, restored, developed, maintained, or acquired;

(3) include a tentative budget for the subsequent five fiscal years;

(4) propose a management strategy for a permanent organizational structure to enhance and coordinate such resources, and aviation-related properties, and institutions;

(5) recommend methods for establishing partnerships with Federal, State, and local governments and the private sector to foster development and to preserve and enhance such resources;

(6) propose transportation links, including pedestrian facilities and bicycle trails among historic aviation sites including an interurban between [the district] *the Wright-Dunbar Historic District* and the historic resources at Wright-Patterson Air Force Base;

(7) address the use of private vehicles, traffic patterns, parking, and public transportation;

(8) propose educational and cultural programs to encourage appreciation of such resources;

(9) establish standards and criteria applicable to the construction, preservation, restoration, alteration, and use of the properties among such resources;

(10) establish an index which shall contain documentary evidence of historical and cultural significance and which includes property in the Miami Valley associated with the Wright brothers, the history of aviation, or Paul Laurence Dunbar.

(c) CONSULTATION.—In developing the plan, the Commission shall consult with appropriate officials of any local government or Federal or State agency which has jurisdiction over historic aviation resources in the Miami Valley area. The Commission shall also consult with property owners and business, historic, professional, neighborhood, and citizen organizations affected by the actions proposed in the plan.

SEC. 203. GENERAL POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable.

(b) DONATIONS.—Notwithstanding any other provision of law, the Commission may seek and accept donations of funds, property, or service from individuals, foundations, corporations, and other private entities and public entities for the purpose of carrying out its duties.

(c) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of such money to make a contribution in order to receive such money.

(d) MAIL.—The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(e) USES OF ACQUIRED ASSETS.—Any revenues or other assets acquired by the Commission by donations, the lease or sale of property, or fees for services shall be available to the Commission, without fiscal year limitations, to be used for any function of the Commission.

(f) HISTORICAL AND CULTURAL PROGRAMS.—The Commission is authorized to carry out historical, educational, or cultural programs which encourage or enhance appreciation of the historic resources in the Miami Valley associated with the Wright brothers, aviation, or the life and works of Paul Laurence Dunbar.

(g) TECHNICAL AND PRESERVATION ASSISTANCE.—The Commission may provide technical and preservation assistance to owners of property within the districts, sites, and properties referred to in section 202(a) consistent with the purposes of this Act.

(h) OBTAINING PROPERTY.—(1) The Commission may obtain by purchase, rental, donation, or otherwise, such property, facilities, and services as may be needed to carry out its duties except that the Commission may not acquire any real property or interest in real property otherwise than under paragraph (2).

(2) Subject to paragraph (3), the Commission may acquire real property, or interests in real property, in the districts, sites, and properties referred to in section 202(a)—

(A) by gift or [device;] *devise;* or

(B) by purchase from a willing seller with money which was given or bequeathed to the Commission on the condition that such money would be used to purchase real property, or interests in real property, in such district and sites.

(3) Any real property or interest in real property acquired by the Commission under paragraph (2) shall be conveyed by the Commission to an appropriate public agency, as determined by the Commission. Any such conveyance shall be made—

(A) as soon as practicable after such acquisition;

(B) without consideration; and

(C) on the condition that the real property or interest in real property so conveyed is used for public purposes.

SEC. 204. STAFF OF COMMISSION.

(a) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission.

(b) ADDITIONAL PERSONNEL.—The Commission may appoint and fix the pay of such additional personnel as the Commission deems necessary. Such staff may include specialists in areas such as interpretation, historic preservation, black history and literature, aviation history and technology, and urban revitalization.

(c) TEMPORARY SERVICES.—Subject to such rules as may be adopted by the Commission, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates determined by the Commission to be reasonable.

(d) DETAIL.—Upon request of the Commission, the head of any Federal agency represented by a member on the Commission may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this Act.

(e) ADMINISTRATIVE SUPPORT.—The Administrator of the General Services Administration shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(f) STATE AND LOCAL SERVICES.—The Commission may accept the services of personnel detailed from the State or any political subdivision of the State and may reimburse the State or such political subdivision for such services.

(g) INAPPLICABILITY OF CERTAIN PROVISIONS OF TITLE 5, UNITED STATES CODE.—The director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for grade GS-15 of the General Schedule.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated annually to the Commission to carry out its duties under this Act $350,000, except that the Federal contribution to the Commission shall not exceed 50 percent of the annual costs to the Commission in carrying out those duties.

Mr. GLENN. Mr. President, I rise today to express my strong support for the passage of H.R. 2321, the Dayton's Aviation Heritage Historical Park Act. This bill will create a national park in Dayton, OH, to honor the Wright brothers, Paul Laurence Dunbar, and others who assisted in the development of manned, powered flight. It was in Dayton that the Wrights performed their initial experiments prior to the historic first flight in Kitty Hawk, NC, and where they later perfected their invention. It was in Dayton that Paul Laurence Dunbar composed many of his poems and where the Wrights printed his newspaper, the Tattler.

It was almost 2 years ago that a locally organized group of community leaders and citizens in Dayton approached me with their idea to establish a national park in Dayton to honor Dunbar and the Wrights. At that time the 2003 Committee, so named for the year of the flight's centennial, had a vision and a dream. Mr. President, today we as a Congress have an opportunity to transform that dream into a reality.

The park, which enjoys strong community support, will coordinate several existing sites, bringing them under the direction of the National Park Service for the first time. Included in the park are the Wright brothers' bicycle shop, the Wright B Flyer, the Paul Laurence Dunbar home, and Huffman-Prairie Flying Field, the field where the Wrights performed most of their experiments.

Mr. President, the Wright brothers' invention truly changed the world and opened the door for me to make a career as an aviator. Senator METZENBAUM and I have joined together in support of this park that will celebrate all that their invention has brought to our Nation and modern society. I ask that my colleagues join with me in wholeheartedly endorsing this park.

LITTLE RIVER CANYON NATIONAL PRESERVE ACT OF 1992

The Senate proceeded to consider the bill (H.R. 3665) to establish the Little River Canyon National Preserve in the State of Alabama, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Little River Canyon National Preserve Act of 1992".

SEC. 2. ESTABLISHMENT.

(a) IN GENERAL.—In order to protect and preserve the natural, scenic, recreational, and cultural resources of the Little River Canyon area in DeKalb and Cherokee Counties, Alabama, and to provide for the protection and public enjoyment of the resources, there is established the Little River Canyon National Preserve (referred to in this Act as the "Preserve").

(b) AREA INCLUDED.—The Preserve shall consist of the lands, waters, and interests in lands and waters generally depicted on the boundary

map entitled "Little River Canyon National Preserve", numbered NA-LRNP-80,001C, and dated March 1992.

(c) MAP.—The map referred to in subsection (b) shall—

(1) be on file and available for public inspection in the offices of the National Park Service of the Department of the Interior in Washington, District of Columbia; and

(2) be filed with the appropriate offices of DeKalb and Cherokee Counties in the State of Alabama.

(d) PUBLICATION OF DESCRIPTION.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior (referred to in this Act as the "Secretary") shall publish in the Federal Register a detailed description of the boundaries of the Preserve.

SEC. 3. ADMINISTRATION.

(a) IN GENERAL.—The Preserve shall be administered by the Secretary in accordance with this Act and in accordance with the laws generally applicable to units of the National Park System, including—

(1) the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) HUNTING AND FISHING.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary shall permit hunting, trapping, and fishing on lands and waters under the jurisdiction of the Secretary within the Preserve in accordance with applicable Federal and State laws.

(2) TIME AND PLACE RESTRICTIONS.—Subject to such terms and conditions as the Secretary considers necessary in furtherance of this Act, and after consultation with the Department of Conservation and Natural Resources of the State of Alabama and owners of lands adjacent to the Preserve, the Secretary may designate zones where, and establish periods when, the activities described in paragraph (1) will not be permitted within the Preserve for reasons of public safety, administration, fish and wildlife habitat, or public use and enjoyment.

(3) RESTRICTIONS IN BOUNDARY AREAS.—After consultation with the Department of Conservation and Natural Resources of the State of Alabama and with the owners of lands adjacent to the Preserve, the Secretary may restrict hunting in areas within the Preserve that are adjacent to the boundaries of the Preserve where the restriction is necessary or appropriate to protect public safety.

(4) CONGRESSIONAL INTENT.—Nothing in this Act is intended to affect the jurisdiction or responsibilities of the State of Alabama with respect to fish and wildlife.

(c) WATER RESOURCES PROJECTS.—Subsection (a) of section 7 of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) shall apply to that portion of the Little River that flows through the Preserve in the same manner and to the same extent as such subsection applies to the rivers referred to in such subsection. The application of such subsection to the Preserve shall not affect any determination of the value of the lands, waters, or interests in lands and waters within the boundaries of the Preserve.

(d) COOPERATIVE AGREEMENTS WITH STATE.—

(1) LAW ENFORCEMENT AND FIRE PREVENTION.—In administering the Preserve, the Secretary may enter into cooperative agreements with the State of Alabama, or any political subdivision of the State, for the rendering of—

(A) rescue, fire fighting, and law enforcement services; and

(B) cooperative assistance by law enforcement and fire preventive agencies located in the vicinity of the Preserve.

(2) PREPARATION OF MANAGEMENT PLAN.—To facilitate the purposes of this section, the Secretary may enter into cooperative agreements with the State of Alabama and directly affected political subdivisions of the State to provide professional assistance in the preparation of the management plan for the Preserve.

(e) DESOTO STATE PARK.—If lands within DeSoto State Park are acquired by the Secretary, at the request of the Department of Conservation and Natural Resources of the State of Alabama, the Secretary shall enter into a cooperative agreement with the Department for the continued management by the Department of the lodge and other facilities that, as of the date of enactment of this Act, are part of DeSoto State Park. The cooperative agreement shall provide for the management and operation of the lodge and facilities in a manner that, to the maximum extent practicable, is consistent with similar operations elsewhere in the National Park System.

(f) PUBLIC INVOLVEMENT.—

(1) PUBLIC AWARENESS AND PARTICIPATION PROGRAM.—The Secretary shall develop and conduct a program to promote and encourage awareness of and participation in the development of the general management plan for the Preserve by persons owning property in the vicinity of the Preserve, other interested groups and individuals, State, county, and municipal agencies, and the general public. Prior to final approval of the plan, the Secretary shall hold public meetings in DeKalb and Cherokee Counties.

(2) CONSIDERATION OF PUBLIC COMMENT.—In preparing and implementing the plan described in paragraph (1), the Secretary shall give full consideration to the views and comments of the individuals, groups, and agencies described in paragraph (1).

(g) GREEN PITCHER PLANT.—Upon the transfer by Alabama Power Company to the United States of any lands within the boundaries of the Preserve that contain the Green Pitcher Plant (Sarracenia oreophila), all rights and obligations of Alabama Power Company under the agreement entered into between the company and the Department of the Interior (including the United States Fish and Wildlife Service) on May 12, 1983, in settlement of the action brought on September 24, 1980, against the Secretary and the Director of the Fish and Wildlife Service in the United States District Court for the Northern District of Alabama (Civil Action No. CV 80-C-1242-M), shall be extinguished.

SEC. 4. ACQUISITION.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary is authorized to acquire lands, waters, and interests in lands and waters within the boundaries of the Preserve by donation, purchase with donated or appropriated funds, or exchange.

(2) CONSENT OF THE OWNER.—The Secretary may not acquire lands, waters, or interests in lands and waters for the Preserve without the consent of the owner.

(3) STATE LANDS.—Lands, waters, and interests in lands and waters within the boundaries of the Preserve that are owned by the State of Alabama, or any political subdivision of the State, may be acquired only by donation or exchange.

(b) NEGOTIATIONS FOR ACQUISITION.—

(1) COMMENCEMENT OF NEGOTIATIONS.—Immediately after publication of a description of the boundaries of the Preserve in accordance with section 2(d), the Secretary shall commence negotiations for the acquisition of the lands, waters, and interests in lands and waters within the boundaries of the Preserve.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit, in writing, a detailed schedule of actions and a progress report regarding the acquisition to—

(A) the Committee on Energy and Natural Resources of the Senate;

(B) the Committee on Interior and Insular Affairs of the House of Representatives; and

(C) the Committees on Appropriations of Congress.

(3) ACQUISITION DEADLINE.—The Secretary shall substantially complete the acquisition of the lands, waters, and interest in lands and waters within the Preserve, in accordance with the purposes of this Act, not later than 2 years after the date of enactment of this Act, subject to the availability of funds.

(c) ENVIRONMENTAL AUDITS.—

(1) AVAILABILITY TO OWNER.—Promptly following completion of any environmental audit performed by or on behalf of the Secretary with respect to any property proposed to be acquired for the purposes of this Act, the Secretary shall make available to the owner of the property a copy of the audit.

(2) INCLUSION IN DOCUMENTS TRANSFERRING TITLE.—Any audit described in paragraph (1), and any environmental audit performed by the owner of the property and submitted to the Secretary prior to the date of the acquisition, shall be included as part of the documents transferring title to the property to the United States.

(d) FUTURE ADDITIONS.— No lands or interest in lands may be added to the Preserve after the date of enactment of this Act without specific authorization by Congress and the consent of the owner of the lands or interest.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. SYMMS. I have several concerns about the legislation before us today, and I wonder if my friend, the junior Senator from Alabama and chief sponsor of the bill, would answer a few questions about it.

Mr. SHELBY. I will be pleased to respond to the questions of my friend from Idaho.

Mr. SYMMS. Mr. President, H.R. 3665 would create a national preserve out of parks and other lands in Alabama. I understand that only three landowners remain inside the boundaries of the proposed Little River Canyon National Preserve—the State of Alabama, Cherokee County, and the Alabama Power Company. Is that correct?

Mr. SHELBY. That is correct.

Mr. SYMMS. However, I also understand the National Park Service boundary map dated March 1992 and referenced in the committee reported bill on page 8, lines 11-13, may contain errors in boundary lines and mislabeling of parcels, such that lands owned by private individuals inadvertently may have been included within the boundaries of the Little River Canyon National Preserve. Is that the Senator's understanding and is it the Senator's intention that this national preserve include any lands owned by private individuals?

Mr. SHELBY. I would say to the Senator from Idaho that it definitely is not my intention nor my understanding that the Little River Canyon National Preserve will include within its boundaries any lands owned by private individuals. I have reviewed the map to which the Senator referred and have been assured by my colleagues on the committee and committee staff that the boundaries of the Little River Canyon National Preserve, as indicated on the map, do not include any lands owned by private individuals. As a member of the authorizing committee, I would not have encouraged the committee to report the bill had the map included such lands, and I can assure the Senator that it does not.

Mr. SYMMS. I am satisfied with those assurances, and I appreciate the Senator taking this time to address my concerns.

Mr. SHELBY. I thank the Senator for his interest in this matter.

MEASURE INDEFINITELY POSTPONED—S. 1625

Mr. FORD. Mr. President, I ask unanimous consent that Calendar No. 577 be indefinitely postponed.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, as if in executive session I ask unanimous consent that the Committee on Labor and Human Resources be discharged from consideration of the following nominations for the National Institute for Literacy and that they be placed on the Calendar:

John Corcoran, of California;
Jon Deveaux, of New York;
Jim Edgar, of Illinois;
Badi Foster, of Illinois; and
Ronald M. Gillum, of Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES INDEFINITELY POSTPONED

Mr. FORD. Mr. President, I ask unanimous consent that Calendar Nos. 207, S. 45, Jena Band Choctaws-LA; 233, S. 1717, Native American Programs; and 352, S. 1869, San Carlos Indian Irrigation be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR A CORRECTION IN THE ENROLLMENT OF H.R. 2042

Mr. DOLE. Mr. President, on behalf of Senator JEFFORDS, I send to the desk a concurrent resolution and I ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 138) to authorize a correction in the enrollment of H.R. 2042.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. JEFFORDS. Mr. President, I offer a concurrent resolution to instruct the Clerk of the House to make corrections in the enrollment of H.R. 2042, and more particularly, an amendment I offered to that bill when it was passed by the Senate on September 29.

There was some concern that my amendment might add to the regulatory authority of the Department of Labor. That was not my intent, but I want to remove any doubt by offering this resolution.

The text of my amendment is virtually identical to the text of S. 353. It is my belief that the committee report on that legislation, Senate Report 102-253, should serve as guidance. That report at several points states that it is not our intent that this legislation should expand the regulatory authority of the Department of Labor.

The PRESIDING OFFICER. The question now is on agreeing to the concurrent resolution.

Without objection, the concurrent resolution is agreed to.

So the concurrent resolution (S. Con Res. 138) was agreed to, as follows:

S. CON. RES. 138

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (H.R. 2042) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes, the Clerk of the House of Representatives shall make the following corrections: With respect to section 209—

(1) strike out subparagraph (A) of subsection (d)(1) and insert in lieu thereof the following new subparagraph:

"(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed with regard to employee transported releases of hazardous materials; and"; and

(2) strike our paragraph (2) of subsection (d) and insert in lieu thereof the following new paragraph:

"(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate, pursuant to the Secretary's authority under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), such regulations or standards as determined to be appropriate not later that 3 years after such determination.".

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSTRUCTION OF THOMAS PAINE MONUMENT

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of H.R. 1628, a bill to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes; that the Senate proceed to its immediate consideration; that the bill be deemed read for the third time, passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1628) was deemed read for the third time and passed.

THOMAS PAINE

Mr. SYMMS. Mr. President, I rise today to make some final remarks about Thomas Paine.

Seventy-eight Senators cosponsored Senate Concurrent Resolution 110, my legislation to allow the private sector to finally honor Thomas Paine.

Over 235 Representatives cosponsored H.R. 1628, similar legislation in the House, prior to passing it unanimously.

Over 140 presidents, department chairs, professors, and members of our Nation's most prestigious universities, colleges, and organizations endorsed Senate Concurrent Resolution 110, including the 12,000-member Organization of American Historians.

Most Senators have received letters asking them to support Senate Concurrent Resolution 110, and most have done so.

I would prefer that the will of the majority of Senators might have prevailed on this issue, however, I have today accepted the offer of the chairman and ranking member of the Rules Committee to support passage of H.R. 1628, with their pledge to vigorously advocate that Thomas Paine be memorialized in an appropriate, distinguished and prominent location in Washington, DC, pursuant to the Commemorative Works Act.

I appreciate their offer, and look forward to the day when children can visit Washington, DC with their parents and see this privately funded memorial to the agitator for freedom who is credited in their textbooks with creating the political will for our revolution.

Mr. President, on the evening of Friday, April 20, 1992, an evening incidentally, which the junior Senator from West Virginia and some of our pages and clerks may recall, I introduced Senate Concurrent Resolution 110 with 71 cosponsors.

Prior to that, on June 8, 1990, my friend and then-senior Senator from Idaho Jim McClure and I introduced S. 2717, the first Federal legislation in U.S. History to honor Thomas Paine.

Mr. President, Thomas Paine has been dead for nearly 200 years.

His ideas on liberty and representative, constitutionally limited, democratically elected government are as vibrant and relevant today as they were in the bleak days of 1775 and 1776 when an oppressive monarchy was sucking the life-blood out of our Nation.

In the President's room of the Capitol last Thursday, September 24, I sponsored a reception honoring Dr. Thomas Clark, the Kentucky historian laureate for life, hosted by the Thomas Paine Association through private donations.

Among the Senators, pundits, and government officials, priests, and professors, were a couple of young people who were on an exchange program from Hungary and a young woman who is a student here from Bosnia.

Mr. President, Thomas Paine is not dead to them.

They, like many others, may be puzzled why we do not honor our "son who made us natives." However, a piece of bronze, or the whereabouts of his bones is of little consequence to these young people and their perception of the emerging democracies of the world.

They cling to his words, his ideas, and his unwavering commitment to the rights of man.

When I introduced Senate Concurrent Resolution 110 in April, I spoke of what Thomas Paine did for our revolution. Today, I want to remark what Thomas Paine's revolution has done for us.

During my 20 years in Congress, I have frequently been in the minority. While my 92 to 8 votes in the Senate may not have radically changed the course of history, I was never jailed for casting a vote based on my beliefs. Thomas Paine was—and nearly lost his life for it. Thomas Paine stood for and vigorously defended the rights of the minority.

In January 1776, in Common Sense, Paine called for independence and identified "there is something absurd in supporting a Continent to be perpetually governed by an island." We have enjoyed for 200 years the benefits of that pronouncement.

Thomas Paine wrote his first public defense for the working man in 1772. As a result he had lost his job as an excise man by 1774. Soon thereafter, Ben Franklin's vision for our Nation included Thomas Paine and consequently he urged him to emigrate to Pennsylvania, where he became an influential and successful publisher of Pennsylvania Magazine.

Incidently, Paine never became a rich man—as he might have had he not donated the proceeds from his widely successful "Common Sense" and "The American Crisis" to the cause of our revolution along with his rather meager salary as a soldier.

In "Common Sense", he identified the need for the unconditional separation from England. In it he also wrote the first widely-distributed call for a written constitution to protect the civil, property, and religious rights of men and women of all races.

"Virtue is not hereditary", wrote Paine when describing the need for a government of laws not men.

This "charter" as he called it, must recognize that "* * * our strength is continental, not provincial." The purpose of Mr. Paine's "charter" was for securing freedom and property to all men, and above all things, the free exercise of religion, according to the dictates of conscience. . ."

Could these words be heard today in Hungary? * * *. in Czechoslovakia? * * * Are they heard, or simply whispered in Cuba?

Does Fidel Castro like Thomas Paine any more than old King George? Of course not. Are the framers of the governments of the emerging democracies in Eastern Europe paying attention to the writings of Paine and the model established in these United States? Of course.

Mr. President, if it is free speech that one values, remember Thomas Paine, one of the fathers of "pamphleteering" and journalism. If it is the protection of private property, the free exercise of religion without government interference, then remember Thomas Paine. If it is a constitutionally limited government, then remember Thomas Paine.

Mr. President, tonight the Senate is writing one of the last chapters of the history of ignoring Thomas Paine.

As one of the young people who has contacted me on this issue wrote.

"It is true that there is no lack of monuments in Washington, DC, and Paine himself would probably consider his anonymity inconsequential as long as the principles he held so dear were flourishing.

However, we must recognize this man—not merely to express gratitude, honor and respect, all of which he richly deserves—but for selfish reasons: for ourselves * * * Our nation needs his inspiration. We need to remember his perseverance, thoughtfulness, and foresight * * *."

In closing, I wish to offer special thanks to the senior Senators from Kentucky, Mr. FORD and Alaska, Mr. STEVENS, for their pledge of assistance in the coming process of compliance with the Commemorative Works Act. Also I wish to thank Representative NITA LOWEY for her efforts, and those of Heather Howard of her staff in the House of Representatives and David Henley, Washington, DC. director of the memorial project of the Thomas Paine National Historical Association. Additionally I would like to thank Doug Cooper, president of the association, Trevor Norris of my staff, the hundreds of people worldwide who have supported this effort and the millions of people throughout history who have struggled against tyranny to keep Thomas Paine's vision of liberty alive.

Mr. President, throughout the remainder of my service in the Senate, and the 102d Congress, I will continue to bring information about Mr. Paine, and efforts to appropriately honor him to the attention of our colleagues.

CORRECTION IN THE ENROLLMENT OF H.R. 1628

Mr. DOLE. Mr. President, on behalf of Senator SYMMS, I send to the desk a concurrent resolution, to authorize the correction in the enrollment of the bill that just passed the Senate, H.R. 1628, and I ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 139) to authorize the correction in the enrollment of H.R. 1628.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. Without objection, the concurrent resolution is considered and agreed to.

So the concurrent resolution (S. Con. Res. 139) was agreed to, as follows:

S. CON. RES. 139

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (H.R. 1628) to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes, the Clerk of the House of Representatives shall make the following corrections: In section 1(a) and section 3, strike "U.S.A. Memorial Foundation".

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEMORIAL TO AFRICAN-AMERICANS WHO SERVED IN THE CIVIL WAR

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on

Rules and Administration be discharged from further consideration of House Joint Resolution 320, a resolution to authorize the government of the District of Columbia to establish a memorial to African-Americans who served with the Union forces during the Civil War; that the Senate proceed to its immediate consideration; and that the joint resolution be deemed read for the third time, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREEDOM SUPPORT ACT—CONFERENCE REPORT

Mr. FORD. Mr. President, I submit a report of the committee of conference on S. 2532 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2532) entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

Mr. PELL. Mr. President, today, the Senate considers the conference report on the Freedom Support Act, which authorizes assistance to the States of the former Soviet Union. I am pleased that the Congress is on the verge of passing a law to respond to one of the greatest events of the 20th century: the fall of communism in what was the Soviet Union. Passage of this conference report represents the culmination of months of bipartisan efforts to ensure that democratic and free market principles take root in the newly Independent States.

At various stages on the way to passage of this legislation, I have reaffirmed my view that it is an act of fundamental national self-interest for us to help Russia and the other countries of the former Soviet Union. I believe that the conference report before us serves our foreign policy, as well as domestic interests.

The conference report preserves the authorities and conditions in the bill passed by the Senate on July 2, and it gives the administration the authorities that it requested in the legislation that it sent to Congress last spring. In terms of format, the conference report differs from the Senate bill in that it is not freestanding, but rather, it is an amendment to the Foreign Assistance Act. It is the product of a closely coordinated effort among the Senate and House committees with jurisdiction over various provisions in the bill.

Let me summarize the major provisions of the conference report. The bulk of United States assistance to the countries of the former Soviet Union will be channeled through United States participation in a multilateral aid effort agreed to by the G-7 countries in the wake of the Soviet Union's dissolution. Accordingly, a centerpiece of the conference report is an authorization to the U.S. Governor of the International Monetary Fund to consent to an increase of the U.S. quota in the Fund, an amount estimated to be $12.3 billion.

According to the Treasury Department, the IMF expects that approximately $4 billion of the total increase of $60 billion—of which the United States share is $12 billion—will be made available to Russia. Treasury projects the total amount of IMF assistance for all of the former Soviet Union over the next 2 or 3 years could reach $15 billion.

As was discussed during floor consideration of the Senate bill, transactions between the U.S. Treasury and the IMF are monetary exchanges through which the United States receives an international reserve asset, and exchanges are not budgetary receipts or expenditures. There are thus no net budgetary outlays associated with the IMF quota increase.

In terms of bilateral assistance, the conference report authorizes $410 million for fiscal year 1993. This figure was arrived at by subtracting the $50 million authorized for exchange programs in section 808 of the conference substitute from the executive branch request of $460 million for fiscal year 1993.

The conference substitute sets forth 13 generic categories of assistance activities, drawn from both the Senate and House bills, that may be conducted in the countries of the former Soviet Union. It requires the President, in providing this assistance, to take into account not only relative need, but also the extent to which an independent state is acting on 11 different criteria.

It further specifies that assistance shall be terminated to: Any government the President determines is engaged in a consistent pattern of gross violations of internationally recognized human rights or of international law; any government the President determines has failed to take constructive actions to facilitate the effective implementation of applicable arms control obligations; any government the President determines has knowingly transferred missile or missile technology under the missile technology control regime, or any material equipment or technology that would contribute significantly to the ability of a country to manufacture any weapon of mass destruction; any government that is prohibited from receiving assistance by sections 669 or 670 of the Foreign Assistance Act or sections 306(a)(1) and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991; or for the Government of Russia if it has failed to make significant progress on the removal of CIS or Russian troops from Estonia, Latvia, and Lithuania, or if it has failed to undertake good faith efforts, such as negotiations, to end other military practices that weaken the sovereignty of the Baltic States.

It includes two additional ineligibility provisions: a prohibition of assistance to any independent state that withholds books or other documents of religious or historical significance and a prohibition of assistance to the Government of Azerbaijan until the President determines and reports to Congress that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabagh.

In addition to the generic list of activities authorized in title II, the conference report contains separate titles authorizing: activities that promote business and commercial development, including the establishment of American business centers; the establishment of a democracy corps; nonproliferation and disarmament programs and activities; space trade and cooperation; agricultural trade; and exchanges, scholarships, and training programs. With regard to exchanges, $50 million is specifically authorized to be appropriated for this purpose.

The conference report also contains a provision requiring the executive branch to notify the Congress prior to building a new radio transmitter in Israel for broadcasting to the former Soviet Republics of Central Asia. In adopting this provision, the conferees does not in any way indicate either opposition to construction of the transmitter, or an intent to deauthorize funding for it. Rather, adoption of the provision reflects the conferees' interest simply in allowing the project to be reviewed by the authorizing committees in both Houses in the next Congress.

Broadcasting to Central Asia remains vitally important. The rise of Islamic fundamentalist influences calls for more, not less, broadcasting to that region. At the same time, a number of new and popular broadcasting demands, such as that for Radio Free Asia, have emerged in the past year. In view of these broadcasting needs, it is not likely that the funding for the Israeli would be in jeopardy.

Finally, the conference report authorizes $25 million to be appropriated in fiscal year 1993 to the Department of State and the U.S. Information Agency for the establishment and operation of new diplomatic posts in the Independent States of the former Soviet Union.

In my view, the Freedom Support Act is an historic, forward-thinking piece of legislation. In passing this conference report, the Congress will signify its understanding that in this greatly changed world, domestic and foreign policies cannot be separated.

The benefits of aiding the newly independent countries are vast. We will be able to make large savings on our military budget, savings that will far exceed, even on an annual basis, the amount of assistance we need to provide to the countries of the former Soviet Union. As the new States recover from more than 70 years of communism they will become important trading partners and their economic growth will contribute to our own prosperity much as the earlier recoveries in Western Europe benefited us in the 1950's. If we fail to take advantage of this effort, we will lose out to other countries on the trade and economic benefits.

If democracy and economic reform do not survive in the former Soviet Union, new threats to peace and stability in Europe and elsewhere are likely to arise. We must not allow this to happen. In the 1950's, the Congress mustered the bipartisan will necessary to fight communism. Now, 40 years later, a bipartisan effort is just as necessary to help rebuild countries devastated by more than 70 years of dictatorship, repression, and economic ruin. By passing the Freedom Support Act conference report, we take an important step toward that goal.

Mr. LUGAR. Mr. President, today is a remarkable day for the development and promotion of a new and more coherent policy toward the new States of the former Soviet Union. The conference report on the Freedom Support Act offers a new policy that puts behind us the vestiges of the cold war in favor of one which seeks to assist in the 0construction of a new strategic partnership with the successor States that strive toward democratic institution-building and market economics.

This morning, the Senate formally consented to the ratification of START Treaty limiting and reducing the strategic arsenals of the former Soviet Union and the United States, and this evening we will approve the Freedom Support Act which provides modest, but drastically needed, assistance to help stave off disaster in the newly independent states of the former Soviet Union.

When combined with the additional funds for defense conversion, particularly for the dismantlement and destruction of the nuclear weapons of the nuclear States of the former Soviet Union in the Defense authorization and appropriations bills, these three legislative actions truly mark an extra-ordinary contribution to a safer and more stable world.

Despite the economic difficulties and hardships here at home, the American people have demonstrated in poll after poll a sense of responsibility in assisting the peoples of the former Soviet Union in making the transition from totalitarianism to democracy. They recognize that it is in our short-run and long-run interest to do so.

The Freedom Support Act is not a charity and is not a give away. It is in the clear national interest of the United States; it is an investment in political, economic and social reform in these new States. It is an investment in our own security and well-being.

Among the many features of the conference report is the emphasis it gives to the role of the private sector in assisting the new States. Many of the programs in the act encourage and provide incentives to American firms to become more fully engaged in these States. Indeed, it will be the American private sector that will be the cutting edge in a new partnership with the States of the former Soviet Union. This is where the knowhow lies, where much of the technical expertise is found and where investment and trade interest will originate. American private enterprise, in addition, will be able to realize a fair profit from this investment in the former Soviet Union that will repay our near term and modest financial contribution in the conference report before us tonight.

Mr. President, the conference report includes most of what President Bush sought when he originally proposed this legislation earlier this spring. It retains much but not all the flexibility needed to implement a sensible and constructive program of assistance to the former Soviet Union. But, it clearly spells out the conditions and considerations which the new States must meet and the President must consider if the funds provided in the act can be made available to these new States.

At a time when our attention and energies are almost exclusively focused on domestic considerations, the approval of the Freedom Support Act reminds us that, despite our pre-occupations at home, the rest of the world continues at its own pace. For this reason alone, it is important that this legislation be approved. In fact, approval of this foreign policy legislation will be an important element in improving our domestic economy and our national well-being. Such is the interrelationship between the outside world and our internal, domestic needs.

Among the objectives authorized in the Freedom Support Act are programs intended to promote democracy, to help transform the command economy to free market principles, to promote human rights practices, to improve the energy sector of their economies, to provide humanitarian assistance, sponsor student and other exchanges with the United States, encourage and underwrite trade and investment, stimulate defense conversion, promote civilian nuclear reactor safety, environmental protection and other worthwhile objectives.

The conference report authorizes very limited funds given the enormity of the needs and the importance of the task of helping the former Soviet Union avoid chaos and total disintegration. The bill authorizes some $470 million in bilateral U.S. assistance for this historic purpose. Additional assistance that will not insure costs to the American taxpayer is also authorized in the bill in the form of guarantees and other programs.

Finally, Mr. President, I want to offer my congratulations to Senator PELL with whom I worked on moving this bill, as well as the START Treaty, through the Senate. These are the most recent pieces of legislation that he and I have guided through the Senate on behalf of the Committee on Foreign Relations, and I know that he is as pleased as I am with the conference report that is before us tonight.

Mr. DOMENICI. Mr. President, tonight is the 6-month anniversary of the president's request for Congress to pass legislation setting forth United States policy regarding Russia, Ukraine, and the other New Independent States of the former Soviet Union. In a model of bipartisan action during this Congress, we have managed to consider and pass this bill in only 180 days. That is indeed a record this year.

It is a week since the conferees announced that they had completed work on the bill, but the conference agreement was not filed and available for review until midafternoon today. My comments, then, reflect a very cursory review by me and my Budget Committee staff.

I commend the conferees for crafting a bill that reflects a comprehensive and generally thoughtful approach to the challenging task of helping these former Communist nations. Much of the executive branch flexibility requested by the President is provided, though for a 1-year trail basis only.

The conference agreement goes some way toward consolidating the various activities this country is being urged to undertake in the former Soviet Union. There is still duplication, though, which may yet require additional consolidation into a single American center in each republic or major city.

The report language encouraging the executive branch to utilize, to the maximum extent possible, private and nongovernmental American entities already engaged in these countries is encouraging. It also encourages the use of for-profit American firms. We don't want to see the traditional aid contractors migrate into Russia and Ukraine from the very different cultures of Africa and Asia.

Finally, I want to commend the conferees for including the authorization for the United States share of an increase in the financial resources of the International Monetary Fund. This will enable the IMB to work with Russia and the other new nations without having to return next year for more borrowing authority. Other countries will contribute $4 worth of their own currencies for every American dollar. We need those other currencies, because this Nation can not expand its own foreign aid at this time.

RUSSIAN AID

Mr. SYMMS. Mr. President, I am disappointed this conference report includes only the framework but not the guts of an amendment I offered during consideration of the Senate bill. Through that amendment, I sought to ensure that some of this aid would be used to support the establishment of a modern transportation system in the countries of the former Soviet Union.

My amendment included language ensuring the United States would provide technical assistance in developing laws for the procurement of transportation construction-related services; preparing effective transportation feasibility studies, project designs, specifications and management; and utilizing newer and more advanced transportation infrastructure construction services and products, including materials, equipment, and supplies. The amendment also provided that these activities should be undertaken using the services and expertise of transportation associations, academic institutions, and private entities whenever possible.

Unfortunately, the conferees deleted all of the specific direction with respect to the types of transportation technical assistance to be provided. I presume the language was deleted to give the State Department some greater latitude; however, the language retained in the conference report does not preclude providing exactly the types of technical assistance envisioned in the Symms amendment, and I urge the President to see that this important technical assistance is a part of the transportation aid provided under this legislation.

Mr. KERRY. Mr. President, I fully endorse the conference report on the Freedom Support Act [FSA] and would like to clarify, for the record, the purpose of the section placing conditions on United States assistance to the Government of Azerbaijan.

This section of the conference report is a modified version of a provision that I first offered in the Senate Foreign Relations Committee. As accepted by the conference committee, the provision prohibits assistance to the Government of Azerbaijan unless and until the President determines, and so reports to Congress, that Azerbaijan "is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabach".

I feel it necessary to clarify the purpose of this provision because the term "demonstrable steps" is not self-defining and because the Bush administration position on the provision has flip-flopped since the Senate first approved it.

I want to make it clear, first of all, that a major change from current policies and practices will be required if the Azeri Government is to meet the condition in the bill. It is not my intention, as sponsor of the language, and I am sure it is not the intention of the Senate, that this provision be dismissed or taken lightly by the President. By "demonstrable steps", we do not mean words, we mean actions, and those actions must reflect a sustained commitment on the part of the Azeri Government to end the violence in Nagorno-Karabach and to lift permanently the blockades against Armenia and Nagorno-Karabach.

Unfortunately, Azeri policies appear at the moment to be headed in precisely the wrong direction. The blockade against Armenia remains in place and Azerbaijan military forces have been fighting for months to close the humanitarian Lachin corridor between Armenia and Nagorno-Karabach. Just this past week, moreover, Azerbaijan launched a major offensive against the Armenian minority in Nagorno-Karabach, including the bombing of residential districts in Stepankert. As a result of the recent violence, an additional 50,000 refugees have been forced to flee to Armenia, bringing the total to more than 300,000 since the fighting began.

Any perception that Azerbaijan is without fault for the continued violence is rebutted by reports from Azerbaijan, itself. Only a few days ago, Azeri television reported that: "The Azerbaijani Armed Forces have conducted yet another successful military operation. The Fizuli subunits of the national army, having launched an advance, liberated the city of Martuni * * * as well as the Khodzhaven settlement. Simultaneously, our valiant fighters occupied the two strategically important heights of Koynekhtepe and Kyultepe and one other Armenian post in the direction of Gadrut. As a result of this operation, 5 tanks and 7 guns were destroyed and more than 200 enemy soldiers were killed. Operations continue on other fronts, as well."

Meanwhile, Armenian President Ter-Petrosyan continues to call for a normalization of relations with Azerbaijan and for cooperation in economic and political development. Armenia has renounced any territorial claims against Azerbaijan, expressed strong support for a ceasefire within Nagorno-Karabach and for discussions between Azerbaijan and Nagorno-Karabach to settle peacefully the latter's status. Armenia also remains willing to discuss directly with Azerbaijan the means by which the two republics might achieve lasting peace and stability within the region.

As I said at the time the Freedom Support Act was first approved by the Senate, "It should not be United States policy, and it is not the intent behind the language in this bill, that the United States side with one party or the other in the conflict over Nagorno-Karabach. It is not we who will have to live with the outcome of that conflict. Nor do we wish to encourage other outside powers to intervene. Our neutrality, however, does not extend to the issue of principle. We are not neutral about abduction torture or murder. We are not neutral about blockades designed to starve out populations. We are not neutral about mortarfire and shelling that kill indiscriminately. And we are not neutral about the issue of whether disputes over territory and self-determination ought to be settled through peaceful negotiation rather than violence".

At the time I made that statement, the Bush administration was on record in support of placing conditions on assistance to Azerbaijan. On June 10, Assistant Secretary of State Richard Armitage told the House Foreign Affairs Committee that the provision now in the conference report had the support of the administration.

During deliberations of the conference committee, however, the administration reversed field 180 degrees and urged that the language, approved by both the House and Senate, be dropped. The refusal of the conferees to remove or weaken the language stands, therefore, as a strong expression of congressional intent. Upon enactment of this legislation, the law of the land will clearly bar any United States aid or other benefits under this bill from going to Azerbaijan unless the government of that country makes a sustained and demonstrable commitment to cease its economic and military aggression against its neighbor and to seek a just and peaceful resolution of the crisis in Nagorno-Karabach.

Mr. BRADLEY. Mr. President, the dramatic changes we have all witnessed in the world in recent years prompt us to reflect on America's task in years ahead: How should we adapt to an altered world?

I believe that recent events lead us to redefine our superpower role. We will continue to exercise our leadership, but in a new form. In a multipolar, multicultural world, we must lead by example. We should be able to lead the world by our example of a pluralist nation that is a free and democratic society—a nation striving to accommodate ethnic and religious minorities, a nation of economic opportunity. Although our society has faults, how we acknowledge and deal with our problems is in itself a lesson in democratic society.

But in order to lead by example, we should give the citizens of the republics of the former Soviet Union the chance to see for themselves what a free market democracy means and how our institutions work. The educational exchanges this legislation proposes will do just that. Only through person-to-person contact—not dollars—will we create the bonds to construct an era of mutual respect to replace the cold war era of mutual suspicion.

The citizens of the former Soviet Union have many immediate needs. Yet for self-sufficiency over the long-term, even more than food or supplies, they need a vision. They need to build skills and build institutions so that they can begin the process of building new nations. All of this will require increased understanding of democratic and free market principles. And by accepting students into their homes and lives, Americans can help. This program calls for a personal involvement that other aid programs do not demand of Americans. Instead of the United States shipping over a plane full of advisers, we will bring in a plane full of talented citizens from the former Soviet Union. They will come into our communities to live, to study, to work. I believe this is what the situation demands.

The bill before us authorizes about $400 million in aid for the former Soviet Union. Included in this total is $60 million for citizen exchanges. I believe the key component is high school exchanges. This bill authorizes $20 million for next year for this purpose, sufficient to fund about 5,000 students exchanges over the next year. These youths will live with families, attend schools, and return to their own homes having learned about our institutions, skills, and values. They will have acquired a better appreciation of how they—the future leaders—can create their own institutions.

Because the need is so extensive, this bill is targeted to bringing as many students as possible over to study in the United States. But we want their experiences to be meaningful. For this reason, the legislation favors longer-term programs over short-term stays.

To ensure that the students gain an understanding for the foundation of our working democracy, we should enlist the help of American programs that expose students to the inner workings of our government. Such programs, like Close Up, share the philosophy of this legislation.

Most of the funds authorized by this program are aimed at bringing students from the former Soviet Union to the United States. Yet a percentage of the funds are set aside to send American high school students to the CIS. Cultural exchanges benefit both sides. Not only would we be assuring peaceful ties between these nations and ours, we can also learn much. Americans can learn from having foreign students in their homes and classrooms. Americans studying in Kiev, St. Petersburg, Vilnius, and Alma-Alta will return with a better understanding of the people of these new republics; they will also have the unique privilege of witnessing first hand the new frontiers of democratic capitalism.

The second component of the exchange legislation authorizes money to fund exchanges of older students and professionals from the public and private sectors. The $30 million authorized for these purposes could fund as many as 5,000 exchanges of students, agricultural experts, government officials and young business men and women over the next year.

As in the high school exchanges, the undergraduate and graduate exchanges will allow future leaders of the former Soviet Union to study and experience American society. They would also create links between our universities, colleges, and community colleges, and their institutions of higher learning.

The small business exchanges would provide a means for young managers to work with small businesses in the United States and experience first hand what it means to be an entrepreneur. We would like to see them spread to each of our 435 congressional districts, with local community groups helping to sponsor the trainees.

United States businesses serving as sponsors to young managers from the former Soviet Union will be establishing future business contacts in a market that includes 300 million potential new consumers. Their ability to get involved in the new states depends to a certain extent on their knowledge of local conditions, opportunities and their ability to work with people who are already familiar with Western business practices.

The last component of the legislation authorizes $10 million to expand the Fulbright program into the countries of the former Soviet Union.

The Iron Curtain between our societies has parted, Mr. President, but contact between our people and the people of the former Soviet Union remains woefully limited. In the 1990–91 school year, the total number of undergraduate and graduate students from the former Soviet Union on USIA exchanges was 1,210. China had almost 40,000 for the same period. Even Switzerland had more students at American universities than did the former Soviet Union. The time has come to address the gravest need, and expand our contact and influence in the former Soviet Union.

It is my hope that in the years ahead we will see tens of thousands more students over here with the passage and implementation of this bill. This year's bill must be only a beginning. I am encouraged that this body has acted swiftly to address an urgent long-term need of both our new-found ally, and by extension, the United States. We must continue the momentum. The fragile reforms that President Yeltsin has set into place must be buttressed by dreams as well as reality.

Mr. President, earlier this week, the Senate passed the Foreign Operations appropriations bill. Included in that bill was $50 million for exchange programs with the former Soviet Union. In addition, the Commerce, Justice, State, and Judiciary appropriations bill contained about $10 million for Fulbright fellowships with the former Soviet Union. The bill now before us—the Freedom Support Act—directs how those funds will be spent. It is imperative that these programs are up and running as soon as possible in 1993. I will urge the Government agencies which will be handling the administration of these programs to expedite the process by utilizing the experience and the expertise of the nonprofit sector. The Government should contract out to nonprofit organizations as much as possible to remove the exchanges from the bureaucracy that could delay their immediate implementation.

The people of the newly Independent States must be brought out of their isolation now. We must make up for 40 years of barriers between our citizens and theirs. We cannot afford to be complacent. A slow response risks retrenchment of economic and democratic reforms. It also risks the growth of new versions of authoritarian rule. Mr. President, we are at a crossroads and the time is short. We must embrace this opportunity.

Mr. SIMPSON. Mr. President, for some months, I have been following the progress of antidumping investigations involving imports of uranium and enriched uranium from the Republics of the former Soviet Union.

Last fall, a coalition of domestic uranium producers and the union which represents many of the industry's workers, filed a petition seeking relief from the dumping of all forms of uranium by the Soviets.

The massive increase in imports from the Soviet Republics began in 1990, when they surged to over 6 million pounds. Imports from the Republics doubled in 1991, amounting to over 30 percent of the U.S. market.

Last December, the U.S. International Trade Commission voted 3–0 that there was a reasonable indication that the domestic uranium industry was being injured by imports of uranium from the Republics. In May, the U.S. Department of Commerce made a preliminary determination that the Republics were dumping uranium in the United States at prices that were 115.82 percent below fair market value.

On September 16, following extensive negotiations with representatives from both sides, the Commerce Department announced that it had initialled proposed quantitative restraint agreements with five Republics of the Commonwealth of Independent States. These are: the Russian Federation, Kazakhstan, Uzbekistan, Ukraine, and Kyrgyzstan.

For each Republic, these agreements set quota limits which are determined by the market price of uranium in the United States. No uranium from the Republics would be permitted to enter this country until the market price reaches $13 a pound, which is considered to be the marginal cost of production of the most efficient U.S. producers. As the market price rises above this level, driven by market supply and demand, more imports would be allowed.

Mr. President, it should be emphasized that these proposed agreements represent a major gain for the Republics. In the first place, if the agreements are finalized, the antidumping proceeding would be suspended. The prospect of heavy antidumping duties being imposed on imports from the Republics would be eliminated. These duties, if put in place, could well be large enough to discourage virtually all imports of Soviet uranium.

Second, the proposed agreements provide the republics with a significant share of the U.S. uranium concentrate and enrichment market. For example, at the price level of $17 a pound, the allowed quotas would exceed 15 percent of U.S. requirements. Access to our market will be unlimited once uranium prices reach $21 a pound.

Third, the proposed agreements give the Republics much higher returns than they have previously for their uranium exports since the market price had been depressed as a result of their own dumping. To the extent that they maintain and increase prices, they will be rewarded with higher quotas.

Finally, the certainty of the quota system in the proposed agreements should make it easier for the republics to sell directly to utilities in the United States rather than relying on intermediaries, thereby further increasing their profits.

Mr. President, I commend the Secretary of Commerce, Mrs. Franklin, and Assistant Secretary Alan Dunn for their Personal involvement and leadership in negotiating these agreements with the Republics. They clearly understand that our laws addressing unfair trade must be applied to the CIS Republics, just as they are to all other trading partners. They have sought to resolve this antidumping investigation in a way which ultimately benefits the CIS Republics by assuring continued access to our uranium market—which remains the largest in the world.

I also commend the domestic uranium industry for its willingness to resolve this trade dispute through a settlement agreement instead of insisting on the imposition of tariffs. The suspension agreements effectively stop the dumping of CIS uranium while permitting the new Republics to participate in our market and learn the value and benefit of assuming internationally accepted standards of free market commerce. Our domestic uranium industry is much smaller today than it was a decade ago. Last year it supplied less than 20 percent of domestic requirements, but is among the world's leaders in efficient and environmentally sound uranium production. On a fair trade basis, U.S. producers will successfully compete for their share of the U.S. market.

The Secretary of Commerce must now determine that the proposed agreements are in the public interest. The final agreements must be signed by October 16, 1992, the date for the final determination in the antidumping proceeding. On the basis of information now available, these agreements appear to benefit all parties. I trust they will be signed so that further proceedings under the antidumping investigation may be suspended.

Mr. WELLSTONE. Mr. President, I want to thank Foreign Relations Committee Chairman PELL and the other members of the conference committee for their hard work on this historic legislation to provide assistance for the republics of the former Soviet Union. I am especially pleased that the conferees retained the State and local government exchange program provided for in my amendment to the Senate version of this bill.

The conference report provides substantial economic assistance, including loans through multilateral institutions like the World Bank and the International Monetary Fund, and authorizes additional assistance to help the republics dismantle and destroy their nuclear weapons. In addition, it authorizes extensive business, educational, cultural, student, agricultural, and regional and local government exchange. I applaud these exchange efforts, because I believe that such large-scale transfers of talent and technical assistance are central to the reform process. I would like to focus on the local and regional government exchange program in my statement.

I believe the program of regional and local government exchanges provided for in the conference report is especially promising, and I am confident it will be a success. I consulted broadly with the U.S. Information Agency [USIA] and a large number of private organizations of elected government officials nationwide to develop the program, and I believe it reflects their many thoughtful contributions.

Russian Federation President Boris Yeltsin has promised that he will continue to press his democratic reform program, and I believe the exchange provided for in this conference report are a modest means by which we can help move that reform agenda forward. It is extremely important that we help his Government and the Russian people establish a democratic polity and strong democratic traditions.

The comprehensive people-to-people Government exchange program authorized by this legislation is designed to help the Republics build strong, vital democratic institutions of local and regional governance. Establishing such governments throughout the Republics that are responsive to local problems is critical to their democratic transformation.

The success of their efforts to democratize their system of government and privatize their economy will depend in large part on the willingness of their diverse regional and local governments to stay in the Federation, maintain peaceful relations, and develop methods to address the problems and concerns of the people of those Republics on the local level. As I have observed on this floor before, reform will falter if local courts fail to protect individual rights, if law enforcement officials fail to protect individuals rights, if law enforcement officials are unable to enforce the laws, if local governments are unable to provide for a system which allows for the free flow of goods and services across local and regional jurisdictional lines, or to promote economic development and social welfare through efficient and equitable tax and regulatory systems. This program, to be administered by the USIA, is designed to provide urgent technical assistance to local and regional governments in these and other areas.

Last year, I traveled to the former Soviet Union for a conference on federalism sponsored by the Foundation for Social and Political Research in Moscow, which included Parliamentarians and other public officials from the various republics, and experts and prominent scholars from all over the world, committed to establishing a workable system of Federal Government there rooted in and responsible to local needs. Many of the Russian officials at this conference expressed a strong desire for extensive consultations with knowledgeable and experienced administrators and officials from the West who could help them to develop a democratic polity and establish democratic institutions. They especially underscored their need to develop expertise both to deal with the everyday problems confronting local and regional governments and to manage the dramatic changes that will flow from the establishment of autonomous and democratic institutions of local Government.

To demonstrate the pressing need to establish viable democratic local and regional governments, let me briefly describe the acute problems of governments, let me briefly describe the acute problems of governance now faced by Russia, which to varying degrees are shared by other independent States of the former U.S.S.R.

The sudden collapse of the central totalitarian regime in the former Soviet Union resulted in a flowering of nongovernmental institutions, such as civic associations, unions, and economic cooperatives. Unfortunately, there has not been a comparable development of democratic local government. Beyond the reach of central authorities, local governance in some areas remains under the sway of communist apparatchiks. For the most part, democratic governance is confined to the upper echelons of Yeltsin's government, the Russian parliament, and the city councils of Moscow, St. Petersburg, and a few other cities. Despite Yeltsin's appointment of "representatives of the president" to most oblast governments, veteran party bureaucrats continue to dominate the scene.

Not surprisingly, frictions between the national government and regional and local governments are on the rise. In rural areas, rural governments need to be created to replace collective farm officials who formerly held sway and to provide such services as maintaining farm-to-market roads. Local governments must be given the know-how to provide efficiently a wide variety of public services needed by citizens. I understand this is especially true in the area of local and regional law enforcement, which in many areas is still controlled by officials of the old regime. I believe that efforts to reform the often cumbersome and bureaucratic institutions of local and regional law enforcement, central to developing a measure of confidence among the Russian people in their government and laws, should be encouraged and supported through this program.

The program will depend on contractor support from such organizations as the National Governors' Association, the National Association of Counties, the U.S. Conference of Mayors, the National Academy of Public Administration, the Advisory Commission on Inter-governmental Relations, the National Council of State Legislatures, the National Association of Counties, the International Center, the Council of State Governments, the National Association, and others. These, and similar organizations, can mobilize the most able and experienced of America's State and local officials to provide training and other technical assistance to their counterparts in the former U.S.S.R. National associations of State and local officials are well-suited to help build democratic regional and local governments and to develop mechanisms to promote intergovernmental and interethnic cooperation. They have experience in carrying out the kind of assistance activities proposed in my amendment; they operate extensive technical training programs for their memberships, and many have in the last year been inundated with requests for such technical assistance from the republics. All have indicated their desire to participate in such a program, and many have been preparing to do so for many months. Most already provide technical assistance, training and support to their own members. They have recently formed a consortium of groups ready to implement such an exchange program, and have been working with USIA under existing authorities to prepare their program plans. Of course, if there are other experienced groups able to provide such assistance in addition to these, I believe USIA should give their proposals every consideration as well.

Mr. President, economic assistance alone will not guarantee the survival of democracy in the former Soviet Republics. Without the development of local and regional institutions that make democratic self-government possible, and without a democratic policy taking root across the Russian Federation, there will be no real reform. In contrast to the United States, the peoples of the former U.S.S.R. have virtually no history of local democracy and little experience with local self-government. They are now asking us to provide them with the expertise we have gained from over 200 years of democratic self-rule. If we are concerned about the fate of democracy in the independent States of the former Soviet Union, we dare not turn them down.

Mr. President, the fragility of the political situation prevailing in many regions of the former U.S.S.R. underscores the urgency of adopting this conference report. We must reiterate clearly U.S. support for reform efforts in the Republics, especially in this critical period as they move into their second winter of freedom facing increasing want and growing political and economic instability. I urge my colleagues to vote to adopt this historic measure, and I urge President Bush to sign it immediately into law.

Mr. CRANSTON. Mr. President, I want to express my strong, strong support for the Freedom Support Act, a glorious opening chapter in a new partnership between the world's oldest democracy and those emerging in the Republics of the former Soviet Union. I and others have worked hard for many, many months to move this extremely important measure to enactment.

As I have said many times before, there are few measures that this body has voted on since I arrived here in 1969 that I believe are as important to human freedom or critical to our security as a Nation as this act.

Mr. President, the chilling certainty of bipolar conflict—measured in megatons, and mutually assured destruction and scores of Third World conflagrations—has been swept away.

In its place, this certainty has been converted into a world in which diversity is a challenge as well as a potential strength, where old structures wither, and a healthy debate about how to build a better world has been joined with vigor.

For more than four decades policymakers in Washington—the best and the brightest, as well as those of lesser talents—have been obsessed with one overarching challenge, that of deciphering Soviet intentions, and frustrating any hostile intentions to peace, freedom and democracy.

All the wars fought and all the police actions sustained, in which millions of people died; a huge portion of our foreign aid budget, and even the way our Federal highway system was designed—all these things were subsumed and secondary to this larger purpose.

The fundamental questions addressed by our national security establishment were: What were Soviet intentions? Did they plan to attack, and if so, when? And how much warning would we receive? And what should be our response?

Throughout my near quarter of a century in the Senate, I have focused a great deal of my time on efforts on ending the cold war and the threat of a nuclear holocaust by promoting better relations with the Soviet Union and ratifying arms control and arms reduction treaties.

Our planet escaped nuclear holocaust and the bipolar world instead crumbled into dust. The security threats we now face—environmental damage, nuclear proliferation, ethnic conflict, the internationalization of crime—are more diffuse, less treatable with the mere accumulation of weapons of mass destruction.

To some this cacophony of uncertain and shadowy threats is disconcerting. Yet, the hands of the doomsday clock of nuclear destruction have been pushed back, far back. And thus we are all safer, here in the United States and there in the rest of the world. And thus the importance of the bill we are considering for final passage now.

The Freedom Support Act is crucial if we are to bury the last shreds of cold war rivalry and replace them with a new dynamic partnership with the republics of the former Soviet Union.

It is proof positive that our interest in that area of the world was not limited merely to the containment and potential destruction of a foe, but rather extends also to a concern of the plight of its people.

Democratic institutions and market economies cannot flourish overnight, nor can they grow from nothing, or in a vacuum. At the end of a century marked by hideous war, at a time when the global village is no longer a concept but a reality, we must extend our hand of friendship to those for whom our friendly embrace is a lifeline.

Mr. President, in 1985 when Mikhail Sergeyevich Gorbachev was named General Secretary of the Communist Party of the Soviet Union, he embarked upon a bold and innovative program to restructure the Soviet system. He prepared the Soviet Union for freedom, democracy, and economic growth, leaving behind a legacy of epic accomplishment, and offering a realistic opportunity to end the madness of the nuclear arms race.

This prospect now depends on the success of the democratic and free market reforms in the now-independent 15 Republics. We have a responsibility to ensure that the unprecedented opportunities for peace are realized. If we fail, we will not only once again risk a nuclear holocaust, but also we will have to pour billions into our defense again, cheating Americans out of the peacetime benefits they need and deserve.

The Freedom Support Act does that. I am proud, very proud, to have been a conferee on the important legislation and I congratulate both my good friend and distinguished colleague from Rhode Island [Mr. PELL] and the distinguished Senator from Indiana [Mr. LUGAR] for their leadership in getting this measure passed before the end of this session.

Mr. President, there are several parts to this legislation about which I wish to make specific reference.

PLOWSHARES

Last November, the distinguished Senator from Rhode Island [Mr. PELL] and I introduced legislation designed to help dispose of Soviet nuclear warheads. This swords-into-plowshares concept was subsequently embraced by President Bush and is specifically referenced in the legislation passed last night.

At my request, the Congressional Research Service prepared an excellent study, "Swords Into Energy: Nuclear Weapons Materials After the Cold War." I congratulate Zachary Davis, Marc Humphries, Carl Behrens, Mark Holt, and Warren Donnelly of the CRS for their contributions to this valuable effort. I ask unanimous consent that the summary, introduction, and part I of the study be included at the end of my remarks, together with a recent column I wrote for the Russian news agency TASS on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. CRANSTON. Mr. President, I note that the conference report included language provided by this Senator concerning the role of the private sector in bringing this constructive and promising concept to fruition.

It is my hope, and was certainly my intent, that the plowshares concept contained in the section on nonproliferation and disarmament, be used by the President to encourage the role of private U.S. companies to implement its provisions.

The private sector has the know-how, experience, and financial resources to assume major responsibilities in the destruction of weapons and munitions of all kinds. It has the capacity to acquire, store, and convert high enriched uranium [HEU] to low enriched uranium [LEU] for use in commercial nuclear reactor fuel.

The announcement by the President on August 31 of this year of the agreement between the United States and Russia for the purchase of HEU from the Russian stockpile should be complemented now by appropriate involvement by the private sector.

Mr. President, the U.S. private sector can quickly acquire these other HEU stocks using its own financial resources. The HEU can be received at private NRC-licensed facilities and be quickly reprocessed to weapons-grade concentration for indefinite and safe storage.

This material can then be custom blended to reactor grade and marketed to commercial nuclear powerplants throughout the world over an extended period of time, in accordance with the terms and conditions of the Nuclear Non-Proliferation Act of 1978.

Marketing plans would be approved by the President prior to the granting of import licenses so as to minimize disruption of domestic markets. Unlike the Department of Energy, which must await the outcome of the negotiations and the proposed privatization of its enriched uranium program, the private sector is prepared to move rapidly.

KYRGYZSTAN

Mr. President, from August 28–September 8, I traveled to the three Baltic Republics: Lithuania, Latvia, and Estonia, and to three Central Asian Republics: Kyrgyzstan, Kazakhstan, and Turkmenistan to analyze how the United States governmental and private sectors can be of assistance to these Republics in their first years of independence.

In Kyrgyzstan, I enjoyed a unique opportunity to discuss democracy and educational reform with professors and students at Osh University. In each of our meetings, I raised the issues of minority rights, militarization, privatization of land, the role of religion, foreign relations, and U.S. assistance.

The overwhelming message I received there, as in the other Republics, is that all of these countries, to varying degrees, are seeking free market reform which can come only with democracy. Each new country is grappling with these challenges in separate manners, based on their own histories, traditions, and populations.

While each of the three Central Asian countries I visited has evolved in distinctly different ways, all share a common economic crisis. A bad economic system has been replaced by a no economic system. How the West responds to this crisis will help determine whether these countries will become partners in a democratic world or whether Central Asia will be yet another region overtaken by chaos.

The United States has moved swiftly to establish diplomatic relations with new countries, but the promise of a substantial relationship remains unfulfilled. U.S. assistance programs have been slow to get underway and, so far, are not meeting the needs of the governments in the region.

Even more threatening, the Bush administration seems to be indicating that Turkey should be the West's agent in Central Asia. While there are ties of culture and ethnicity between the Central Asian countries and Turkey, these are far less significant than American policymakers seem to appreciate. More important, the people of Central Asia are not looking to Turkey as a model for their political and economic development. Rather, they look to the United States. To too many in Central Asia, it appears as if the United States is turning its back on their aspirations.

I am particularly hopeful that the country of Kyrgyzstan will develop political democracy and a free market economy. Kyrgyzstan has chosen a remarkably sophisticated democrat, physicist Askar Akayev, as its President, and the country has taken major steps to institutionalize democratic principles. Kyrgyzstan is writing a democratic constitution, and is working to protect fully basic freedoms within the context of a multiparty system.

In Kyrgyzstan basic freedoms are protected by law and in practice. There is a free press that is more hampered by a newsprint shortage and the lack of a journalistic tradition than by any government restriction. Government critics have many complaints but harassment is not one of them, and all praise Akayev for his commitment to human rights.

Kyrgyzstan has also decided not to build an army. President Akayev recognizes that an army will not enable such a small country to defend itself, but will be a costly drain on scarce resources. Further, he recognizes, as did Costa Rica's President Pepe Figueres a generation earlier, that most armies in developing countries are more of a threat to democratic government than they are a deterrent to any foreign aggression.

Because Kyrgyzstan will not have an army, assistance provided to this country will be devoted to an all-out national effort to enhance the quality of life. If Akayev succeeds, Kyrgyzstan's approach to military issues may in time become a model for other states in the region.

Central Asia is understandably a lower priority for the United States than some other parts of the former Soviet Union. It is remote, economically backward, and without the ethnic connections that bind the United States to the European parts of the old empire. The evolution of Russia from an aggressive totalitarian state to a democratic partner is critical to a safer and more peaceful world. The United States is right to focus its attention, above all, on Russia.

However, the United States should not ignore Central Asia. We have a strong interest in avoiding chaos in the area, and, in the long term, its natural resources will make it economically important. I urge the Congress and the administration to give special attention to Kyrgyzstan, to help it succeed economically so that its exciting experiment in democracy might prosper.

ADMINISTRATION OF JUSTICE

Mr. President, I am very pleased that the Freedom Support Act contains authorization for administration of justice programs to be carried out in the Republics of the former Soviet Union, as well as in Eastern Europe. I believe that existing Government agencies, such as the International Criminal Investigative Training Assistance Program [ICITAP], the U.S. Bureau of Prisons, and the National Academy of the Federal Bureau of Investigation, should take a leading role in providing such assistance.

I am also very pleased that the prohibition on involvement by the Department of Defense, in force in current administration of justice programs in Central and South America, have also been extended to the regions covered under this act.

The programs that we offer to the new and emerging democracies of the former Soviet Union and Eastern Europe must necessarily reflect those principles that have made our own democracy so successful. Primary among these is the principle of posse comitatus, which prohibits—except in the most extraordinary circumstances—the military from being involved in internal security.

This is a wise injunction, and one we would be well to keep in mind, not only in considering foreign assistance such as that contained in the Freedom Support Act, but also when seeking to address our own problems at home.

[EXHIBIT 1]

SWORDS INTO ENERGY: NUCLEAR WEAPONS MATERIALS AFTER THE COLD WAR

(By Zachary Davis, Marc Humphries, Carl Behrens, and Mark Holt)

SUMMARY

Retirement of large number of nuclear weapons in the United States and the former Soviet Union raises the question of what to do with the highly enriched uranium (HEU) and plutonium in the warheads. Plutonium will probably be stored in the near term, but HEU can be converted to use in commercial nuclear powerplants. Thus Russian HEU is a potential source of low-cost fuel to the United States, and of hard currency to Russia.

An agreement between the United States and Russia, initialled August 31, 1992, set the broad outlines of converting Russian weapons-grade uranium to fuel for Western nuclear reactors, but many points remain to be negotiated. Part I of this report discusses the costs and savings that would result from using HEU for reactor fuel, facilities available for conversion, protection of U.S. uranium producers, possible barter of U.S. agricultural products for Russian HEU, and the vulnerability of HEU to nuclear weapons proliferation. Part II analyzes storage and disposal options for plutonium from dismantled warheads.

Nuclear fuel derived from Russian HEU could disrupt an already shaky uranium enrichment market. On the other hand, access to low-cost HEU could ease problems for DOE's uranium enrichment enterprise; DOE could cut costs by substituting Russian HEU for some contracted enrichment services.

Russian HEU would also affect the marginal U.S. uranium mining, milling and processing industry, which has accused Russia of unfairly dumping natural uranium on the market in recent years. DOE could protect the uranium industry from the effect of Russian HEU, and still cut its own enrichment costs, by "overfeeding" its enrichment plants to use the same amount of natural uranium as it would without the HEU. But overfeeding would cut sharply into the total potential savings resulting from using HEU.

The U.S.-Russian agreement provides for participation by the U.S. private sector, and protection of jobs in the uranium mining or processing industries, presumably by the overfeeding process. A contract setting the price to be paid to Russia for HEU will be negotiated within a year, according to the agreement.

While negotiating the details of the agreement, the United States could propose to barter food and agricultural products for Russian HEU. At first sight, food-for-HEU seems an unlikely candidate for barter. Russia has little incentive to agree to accept U.S. payment for the HEU in the form of food. However, in order to reduce the risk of default on the food loans, the United States might be willing to offer a higher price for HEU if part of the payment were made in food.

Purchasing HEU from dismantled Russian warheads, while providing a means of disposing of weapons-grade materials, could pose a risk that nuclear weapons material would fall into the hands of proliferators during the process. However, these new risks appear to be worth taking. Safeguarding plutonium is more difficult, since there is no market for it today comparable to that for HEU. Other options, for storage and ultimate disposal, must be considered.

INTRODUCTION

With the retirement of large numbers of nuclear weapons in the United States and the former Soviet Union, the question of what to do with the highly enriched uranium (HEU) and plutonium in the warheads has become urgent. In the case of plutonium, the most probable near-term solution is storage under careful safeguards. HEU, on the other hand, can be readily converted to use in commercial nuclear powerplants. Converting HEU to fuel would cost less than enriching natural uranium to the level used by most nuclear plants in the world. Thus Russian HEU is a potential source of low-cost fuel to the United States and of hard currency to Russia.

Efforts to bring about the sale of Russian HEU for nuclear fuel reached a milestone August 31, 1992, with the initialling by Russia and the United States of an agreement to conclude a contract under which the U.S. Department of Energy would purchase Russian HEU for conversion and sale as commercial reactor fuel. The White House said it hoped to sign a contract within a year.

The agreement, if successful in leading to a contract, will determine the broad outlines of converting Russian weapons-grade uranium into fuel for Western nuclear reactors. Many points remain to be negotiated, however, and many details remain unanswered. Part I of this report identifies questions that have been answered and discusses those that are still open. Among those detailed are:

Costs and savings that would result from using HEU for reactor fuel;

The facilities available to convert HEU;

The protection of U.S. uranium producers not only from the effects of using Russian HEU but the ongoing threat of dumping of Russian natural and low-enriched uranium;

An assessment of possible barter arrangements involving U.S. agricultural products and Russian HEU; and

The vulnerability of HEU to nuclear weapons proliferation.

Part II is an analysis of storage and disposal options for plutonium recovered from dismantled warheads. While plans to use Russian HEU to fuel U.S. reactors are proceeding, fueling reactors with plutonium faces significant economic, technological, and political obstacles. Options for the storage and disposal of plutonium also are likely to be controversial. Legislation aimed at safeguarding both HEU and plutonium, but most relevant to the greater proliferation threat of plutonium, is also discussed in Part II.

PART I. THE GRAND URANIUM BARGAIN[1] USE OF HIGHLY ENRICHED URANIUM AS COMMERCIAL NUCLEAR REACTOR FUEL

The world nuclear fuel market and Russian HEU

The world uranium market has been in the doldrums for more than a decade, the result of a sharp slowdown in nuclear powerplant construction. The high-cost U.S. uranium industry has been especially hard hit. Similarly, the U.S. government-owned enrichment industry has faced increasing competition from lower-cost foreign facilities

Uranium is generally categorized by the percentage of uranium 235 that it contains; U-235 is the uranium isotope that most readily splits, or fissions, to release energy. The major categories of uranium are HEU, low-enriched uranium (LEU), natural uranium, and depleted uranium. Natural uranium contains only 0.7 percent U-235, with most of the remainder consisting of the non-fissile isotope U-238. Uranium enrichment plants can remove some or most of the U-238 in natural uranium to produce uranium with higher concentrations of the desirable U-235. LEU for commercial reactors contains about 3.6 percent U-235. Uranium enriched to 20 percent or more U-235 is considered HEU, but the concentration of U-235 in weapons-grade HEU is about 95 percent. Depleted uranium consists of the tails, or waste product, from enrichment plants, generally containing 0.3 percent U-235 or less.

Domestic demand for natural uranium is currently about 40 million pounds per year,[2] 80 percent of which was imported in 1991.[3] World production of natural uranium in 1991 was 86 million pounds.[4] Enrichment of natural uranium for reactor fuel required 11 million separative work units (SWUs)[5] in the U.S. enrichment facilities (for both foreign and domestic customers). Worldwide enrichment activity amounted to 30 million SWUs.[6]

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[1] Footnotes at end of article.

It has been estimated that 500 metric tons (mt) of HEU in the former Soviet Union, plus another 500 mt in the United States, could be made available through dismantling thousands of nuclear warheads.[7] The August 31, 1992, agreement between Russia and the United States proposes to introduce Russian HEU at a rate of at least 10 mt per year for five years, and 30 mt per year thereafter. Ten mt per year would displace between 1.5 and 2 million SWUs per year (assuming that 1 kg of HEU would displace 175 SWUs), an amount equal to between 5 to 7 percent of world SWU production. Conservative estimates for growth in world demand are about 1.5 percent per year through the year 2005,[8] and close to 2 percent per year until 2020. Increasing HEU to 30 mt after 5 years would replace about 15 percent of projected world demand for enrichment.

Introduction of large amounts of nuclear fuel converted from Russian highly enriched uranium could disrupt an already shaky market. On the other hand, access to low-cost HEU could ease problems for DOE's uranium enrichment operations.[9] DOE's high-cost enrichment facilities face a declining share in the world enrichment market; DOE cold cut costs and increase competitiveness by substituting Russian HEU for some of the Department's contracted enrichment services.

Russian HEU would also affect the marginal U.S. uranium mining, milling and processing industry, which has accused Russia of unfairly dumping natural uranium on the market. From 1981 to 1990, employment in the U.S. uranium industry shrank from 13,700 full-time-equivalent workers to 1,300, while production fell from 43 million pounds of natural uranium concentrate to 8 million pounds.[10]

Even though natural uranium would be needed to dilute the Russian HEU into reactor-grade LEU (3.6 percent U-235), the use of HEU would reduce total demand for natural uranium. This is because bringing natural uranium, which is only 0.7 percent U-235, up to the required level of enrichment requires about 8 kilograms of natural uranium for each kilogram of enriched 3.6 percent product. The remaining 7 kilograms of enrichment "tailings" normally contain only about 0.2–0.3 percent U-235. Those 7 kilograms would not be needed if HEU is blended down to reactor-grade uranium. (See Appendix A to Part I.) Ten metric tons of HEU would back out about 500,000 pounds of natural uranium demand, about 1.3 percent of total U.S. demand in 1991, or 6.5 percent of U.S. production.

The effect of HEU on demand for natural uranium could be mitigated by "overfeeding" the enrichment process: that is, by running the plant to leave enrichment tailings of 0.4 percent or more U-235. This would reduce the number of SWUs required for each kilogram of reactor uranium, with consequent savings, and would increase the amount of natural uranium used, compensating for that displaced by HEU. (See Appendix A.)

Since the price of natural uranium is low and expected to remain there, and DOE's cost of enrichment is high, there is the option of using more uranium and saving money on SWUs. As the later section on costs indicates, however, overfeeding would sharply reduce the savings to be gained by using blended HEU. Another possible drawback to overfeeding would be the increased disposal problem posed by the greater volume of tails that would be produced, as well as the increased radioactivity of the tails resulting from the higher percentage of U-235 they would contain.

Features of the U.S.-Russian agreement

As noted in the introduction, the crux of the August 31 agreement is to be a contract by which DOE would buy HEU from Russia, at a price to be determined, and convert it to reactor-grade uranium. Russia would have the option to use some of the proceeds to build its own conversion plant and sell reactor-grade uranium to DOE. The total amount converted would be no less than 10 mt per year for 5 years, and no less than 30 mt per year subsequently. Among the features of the agreement are:[11]

The U.S. private sector would participate in the process, presumably in converting HEU to reactor-grade uranium;

Russia would use some of the proceeds to upgrade the safety of nuclear reactors in the former Soviet Union, and at its option, to build its own blending facilities;

DOE would pay for the HEU from savings in its enrichment operations;

Purchase of the HEU "would have no adverse impact of U.S. consumers or jobs in the uranium mining or processing industries";

The transaction would be "consistent with all applicable nonproliferation, physical security, material accounting and control, and environmental requirements."

Private participation

Prior to announcement of the U.S.-Russian agreement, some private efforts were underway to deal with Russian HEU. In one of them, Nuclear Fuel Services, Inc., and Allied-Signal Corporation reached a preliminary agreement with the Russian Ministry of Atomic Energy (Minatom) and the Russian Academy of Sciences to blend HEU to low enriched uranium (LEU) for use as commercial fuel. Under the agreement, NFS would work through DOE's enrichment program to market the fuel. NFS anticipated the Russian HEU being made available over a period of 20 years beginning 1993. Initially, 10,000 kg per year (10 metric tons) would be available.

Another proposal to blend down HEU was presented to the Russians and DOE by General Atomic (GA) and Babcock and Wilcox. The proposal would bring the blended HEU on stream around 1996 and for 10 years thereafter. Production volume would be calculated so as to minimize the impact on prices in the enriched uranium and natural uranium markets. The GA proposal would not involve the Government enrichment enterprise. However, this agreement, like the NFS proposal, would have to be approved by both the Russian and U.S. Governments.

Blending technology, facilities, and costs

A variety of feasible methods appear to be available for blending HEU into LEU at relatively low cost. Several U.S. facilities, owned by DOE as well as the private sector, could probably handle most steps in the process, although some new facilities could be needed. A substantial amount of uncertainty exists about the process, because HEU—formerly considered a highly valuable defense material—has never been blended down on a commercial scale.

Possible blending methods

Blending down HEU essentially involves a simple physical mixing of the correct amounts of HEU and natural uranium or other uranium feed material containing relatively little U-235. The difficult and costly separation of the uranium isotopes U-235 and U-238 that is required to make enriched uranium would be unnecessary during blending, because it was already done in making the HEU. The Russian HEU represents a vast storehouse of previous "separative work" carried out by former Soviet uranium enrichment plants; that previous work is what gives HEU its potential commercial value today.

Although blending down HEU to make LEU would be much simpler than making LEU in a uranium enrichment plant, several important criteria would have to be met by the selected blending process. The overriding concern in working with HEU is that criticality safety be maintained at all times; that is, there must be no chance that enough HEU could collect at any point to form a critical mass and begin a spontaneous nuclear chain reaction. A related concern is that the blending of HEU and low-U-235 feed be thorough enough that the correct isotopic ratio does not vary significantly throughout the mixture, to ensure that the resulting nuclear fuel behaves as expected. Nuclear fuel manufacturers would also want the low-enriched uranium mixture in a form they could handle, as explained below.

Most of the HEU stockpile in Russia and the United States is currently in the form of uranium metal, but some may consist of oxides, uranium hexafluoride (UF6), nitrates, or other forms. Blending could be carried out with the HEU in any form, as long as the low-enriched feed material were in the same form (metal, oxide, UF6, or nitrate solution). Also, the HEU could be blended down to a certain level in one form and converted to another form for further blending; for example, Russian HEU metal could be blended in Russia to below the 20 percent U-235 threshold for LEU and then shipped to the United States and converted to oxide for final blending. Such preliminary blending would eliminate the material's immediate usefulness for weapons and therefore ease the stringency of shipping safeguards.

Several proven processes are available for converting uranium metal to oxide, as well as for converting oxide to gaseous UF6. Blending down highly enriched uranium dioxide powder (U02) would yield a material that in principle could then immediately be pressed into commercial fuel pellets. However, the quality control processes of commercial fuel manufacturers currently require feed material in the form of UF6, which is produced by existing uranium enrichment plants. Because manufacturers probably will not accept oxide, the blended oxide would have to be converted to UF6 before delivery. Another potential problem with blending oxide powder, unlike blending in any other form, is that it may be possible to pick out the HEU particles to make weapons without the difficulty of re-enrichment.

Many other permutations of the available uranium conversion and blending techniques might also prove feasible. For example, the HEU metal could be dissolved in nitric acid to produce a liquid solution that could be blended and then converted to UF6, or the HEU oxide could be converted to UF6 before being blended to LEU, so the blended product would already be in a form acceptable to fuel fabricators.

Blending feed materials

Three basic uranium feed materials are feasible for blending down HEU: natural uranium, depleted uranium, and uranium that has been slightly enriched. Blending with natural uranium would produce about 30 times as much commercial reactor fuel as the original HEU volume (depending on the desired enrichment level of the blended product).

Depleted uranium, the low-U-235 "tailings" left over from the enrichment process, is essentially a free waste material of which DOE holds enormous inventories. However, because it contains much less U-235 than natural uranium, it would produce about 10 percent less blended product. Conversely, slightly enriched uranium would produce more blended product than natural uranium (depending on the enrichment level), but would be much more expensive.

Besides cost, another factor in the choice of blending material may be the industry standard for commercial nuclear reactor fuel (ASTM Standard C 753-88), which limits the isotope U-234 to 10,000 micrograms per gram of U-235. That standard is designed to protect nuclear fuel workers from radiation emitted by U-234. Because HEU contains an elevated ratio of U-234 to U-235, the standard cannot be met unless the HEU is blended with slightly enriched uranium—allowing maximum dilution of the HEU. But fuel fabricators may be able to modify their uranium-handling procedures and equipment to allow higher levels of U-234 without affecting worker safety. The standard gives fuel fabricators the option, if they believe their procedures are safe, to accept up to 11,000 micrograms of U-234—which could be achieved with HEU blended with natural uranium. However, even that level still could not be met by depleted uranium.

Facilities

A number of facilities in the United States may be able to handle at least some of the steps required to convert HEU into commercial nuclear fuel, although their capacity might have to be expanded. But at least one step—conversion of enriched uranium into UF6—probably cannot be carried out at existing commercial conversion plants, which handle only unenriched uranium.

Nuclear fuel services (NFS)

The NFS plant at Erwin, Tenn., receives highly enriched UF76 from DOE's Portsmouth, Ohio, uranium enrichment plant and converts it to a classified uranium material that is used for making naval reactor fuel. An NFS fact sheet says the Erwin plant includes a 21 acre high-security manufacturing area with more than 20 buildings and is licensed by the Nuclear Regulatory Commission (NRC) to handle any form of uranium. According to the company's chairman, the Erwin plant could carry out all the necessary blending and conversion steps involving Russian HEU with relatively modest purchases of new equipment. He says sharp cutbacks in the production of naval fuel material have left the plant with sufficient excess capacity to process the Russian HEU.[12]

Babcock and Wilcox (B&W)

B&W's Lynchburg, Va, plant receives highly enriched uranium material from NFS and makes finished naval fuel assemblies and reactor cores. According to a company fact sheet, the plant performs a wide range of HEU processing, including the purification of enough scrap material to recover about 1,200 kilograms of HEU per year. Because of the reductions in naval fuel production, the NRC-licensed plant has excess capacity that could be used for blending Russian HEU to below 20 percent, with room for additional capacity within the existing security perimeter, the company says. For final blending and conversion to UF6, B&W has formed a partnership with General Atomics (GA), which would carry out the work at its Sequoyah Fuels Corp. plant in Gore, Okla.

UF6 conversion plants

Two commercial U.S. plants currently convert natural uranium into UF6: GA's Sequoyah Fuels Corp. and Allied-Signal Inc.'s plant at Metropolis, Ill. However, neither of those plants currently can convert enriched uranium to UR6; a new or substantially modified conversion facility would apparently be required. As noted above, GA and B&W have proposed building such facilities at the Sequoyah Fuels plant. NFS plans to perform conversion work at its Erwin plant and has formed a partnership with Allied-Signal to provide additional UF6 conversion expertise. Enriched UF6 conversion capacity would also be useful for DOE's planned new enrichment technology, atomic vapor laser isotope separation (AVLIS), whose output, like the blended HEU, would be in oxide form and therefore unacceptable to fuel fabricators.

DOE facilities

DOE-owned facilities that could prove useful for HEU blending include the Y-12 Plant near Oak Ridge, Tenn, the Portsmouth Gaseous Diffusion Plant in Ohio, and the Fuel Manufacturing Facility at the Savannah River Site in South Carolina. Y-12 handles all forms of uranium for defense purposes and may have enough capacity to blend HEU metal down to below 20 percent enrichment, and to convert that material to oxide for further blending. Portsmouth, which produces highly enrich UF6, might be able to blend down small amounts of any Russian HEU immediately available in that form. The Fuel Manufacturing Facility, recently completed but mothballed because of overcapacity, was designed as a backup for the NFS Erwin plant and so might have similar capabilities.

DOE has conducted a preliminary analysis showing that DOE facilities could handle modest amounts of HEU. However, contending that those facilities would need substantial modification, the Administration currently plans to rely on the private sector for processing the Russian material.[13]

Russian facilities

The availability of Russian facilities for any of these steps is somewhat speculative, although it would seem likely that Russia would have some capabilities paralleling DOE's. An NFS technical team recently visited uranium facilities at Sverdlovsk in Central Russia and concluded that up to 10 tons of HEU per year could be blended there. The major drawback was that materials accounting could not meet international requirements.[14]

Costs

The cost of blending down HEU for commercial reactors can only be estimated, since it has never been done on a commercial scale, but it is almost certainly far less than the cost of enriching natural uranium for reactor fuel. Energy Resources International Inc. estimated the cost of blending and converting 250 metric tons of HEU (including $450 million in capital costs) to be approximately $3,600 per kilogram, about 20 percent of the estimated market value of the final blended LEU product.[15] NFS, anticipating much lower capital costs at its underutilized Erwin plan, projects blending and conversion costs of about $2,200/kg of HEU.[16]

To calculate those HEU blending costs in terms of the resulting LEU product, the costs per kilogram of HEU must be divided by 30, because blending down HEU yields about 30 times as much LEU product by weight. So the two estimates cited above, divided by 30, result in blending costs of $75 and $120 per kilogram of LEU product. Those costs correspond roughly to 15-25 percent of the current $460/kg spot-market price for LEU product. This indicates one measure of the Russian HEU's value: the market price of the blended product minus blending costs.

To DOE, however, the value of the Russian HEU probably depends on the net costs savings that could be achieved by the uranium enrichment program by using the material. There are two ways that blending down HEU into LEU could cut DOE's enrichment costs:

Reducing the amount of separative work (measured in SWUs) that the enrichment plants must carry out, and

Reducing the amount of natural uranium required by the enrichment plants.

Those cost reductions would be offset somewhat by the cost of blending the HEU. On purely economic grounds, it is unlikely that DOE would pay more for Russian HEU than the amount of net savings that it could achieve in its uranium enrichment program by using the material.

Because there are two major components of DOE's potential costs savings (SWUs and uranium), two scenarios can be generated for DOE's use of the Russian HEU. In the first scenario, DOE would use the HEU only to cut SWUs, with no reduction in natural uranium usage; in the second, DOE would reduce both SWUs and natural uranium usage. The second scenario produces substantially greater total cost savings (although the SWU savings probably would be slightly smaller), but it could adversely affect the uranium mining industry by reducing demand for natural uranium. The first scenario, while saving less, would fulfill the pledge in the Aug. 31 White House fact sheet to "have no adverse impact" on uranium miners.

Following are broad estimates of the potential costs savings DOE could achieve with each of the two scenarios, and the resulting value to DOE of the Russian HEU. These numbers, summarized in Table 1, are derived from an NFS analysis circulated earlier in the year.[17] DOE analysts called the NFS numbers rough but not unreasonable for discussion purposes.

Cost savings from SWU reductions

The NFS analysis finds that introduction of about 20 metric tons per year of HEU could reduce DOE's operating cost by a total of $156 million through a process called "overfeeding." This works out to $7,800/kg of HEU. In overfeeding under this scenario (see Appendix A), DOE would feed into its enrichment plants the same amount of natural uranium as currently planned but cut its costs by less intensive processing. Fewer SWUs would be used, more fissile uranium-235 than normal would be left in the waste product, or tails, and less enriched product would be produced.

This procedure would protect the domestic uranium production industry from reduced demand that might be caused by the Russian HEU, since the enrichment plants would require the same amount of natural uranium feed. The shortfall in LEU product caused by less intensive processing would be made up with blended HEU. The HEU's value to DOE in that case would be $7,800/kg (DOE's cost savings from "overfeeding") minus $2,200/kg (blending and conversion costs)—about $5,600/kg, or $5.6 million per metric ton. At that price, the entire 500 metric tons of Russian HEU would appear to be worth about $2.8 billion, but the actual value of the inventory is much more difficult to calculate, because it would be sold over a period of several decades.

Table 1.—Comparison of DOE Cost-Savings Scenarios From Using Russian HEU, Based on NFS Analysis

	SWU reductions only	SWU and uranium
Cost of blending HEU	$2,200/kg HEU	$2,200/kg HEU.
DOE cost savings:		
SWU's	$7,800/kg	$6,500/kg.
Uranium	0	$4,200/kg.
Net DOE savings	$5,600/kg	$8,500/kg.
Savings for 500 tons of HEU.	$2.8 billion	$4.3 billion.

Reducing SWU's and natural uranium feed

The NFS analysis finds that much greater value from the HEU could be realized by using the material to displace both SWUs and natural uranium. That is, DOE could not only reduce the output from its enrichment plants but also reduce the amount of natural uranium fed into them, and make up the difference with blended-down HEU.[18] With natural uranium currently selling for abut $20/kg, and each kilogram of blended-down HEU displacing 7 kg of natural uranium (because LEU made from HEU requires only one-eighth as much natural uranium as LEU produced by the enrichment plants), each kilogram of LEU made from HEU would displace about $140 worth of natural uranium.

Each kilogram of HEU, which makes abut 30 kilograms of blended LEU product, would then displace about $4,200 worth of natural uranium. According to the NFS analysis, DOE's net enrichment cost savings per kilogram of HEU would be somewhat less under this scenario, about $4,300, because overfeeding would no longer occur. But because of the savings in uranium, the maximum value of the HEU to DOE would rise to about $8,500/kg—$4,200 for displaced natural uranium plus $4,300 in net reductions in enrichment costs. That would translate into about $4.3 billion for 500 metric tons of HEU.

Measured by its possible spot-market value, instead of by its potential to reduce DOE's costs, the Russian HEU might appear to be worth even more. With LEU product currently selling for $460/kg,[19] and each kilogram of HEU able to yield 30 kilograms of reactor-grade LEU, the HEU would be worth about $13,800/kg, minus $2,200/kg in blending and conversion costs, for a total of $11,600/kg. As the previous discussion indicates, that would be much more than DOE would apparently be able to pay (unless perhaps DOE itself were to attempt to sell the blended Russian HEU on the spot market). At the spot-market price, the 500 metric tons could fetch the Russians about $5.8 billion. That assumes all the HEU could be sold quickly without reducing spot prices, which appears unrealistic; as with sales to DOE, spot-market sales would presumably take place over several decades.

The Administration's fact sheet on the tentative Russian HEU deal implies that the first scenario, in which the enrichment plants would be "overfed," is the one the Administration plans to adopt. That is apparently because such a plan would not reduce the amount of natural uranium required by the enrichment plants and would therefore protect the uranium mining industry from the effect of Russian HEU imports. But as the above scenarios show, such protection of the uranium industry greatly reduces DOE's potential cost savings from the HEU, and therefore the amount the United States could pay to the Russians. It is unknown whether the Russians would accept the lower payments implied by the "overfeeding" scenario, as opposed to the potentially higher value of their HEU if it were to displace natural uranium.

Protection of U.S. urnaium producers

The U.S. uranium mining industry is in financial trouble. The year 1991 was the eighth straight that the domestic uranium mining industry was declared "nonviable" by the Secretary of Energy under Section 170B of the Atomic Energy Act, as amended (P.L. 97-415). Though the U.S. uranium production industry has increased its U.S. market share since 1984, production has declined during that same period due to a declining share of the world market. U.S. concentrate production was nearly 8 million pounds in 1991, down from 26.8 million pounds in 1982. Further declines are expected in the near term. High production costs and low spot market prices are the primary factors for declining U.S. production. Meanwhile, imports of uranium concentrate to the U.S. have increased from 16 million pounds in 1988 to 24 million pounds in 1991.

Anti-dumping petition

The uranium production industry is naturally concerned about the details of any agreement to sell Russian HEU to DOE, even though the Administration in announcing the agreement claimed that it "would have no adverse impact" on the industry. Complicating the deal is the fact that Russian exports of natural uranium to the United States have increased sharply in recent years, to the point that U.S. uranium producers formally entered a charge of unfair trade practices. While Canada, which dominates world production with 26 percent, is the primary source of U.S. imports, nearly 7 million pounds were imported from the Commonwealth of Independent States (CIS) in 1991.

Dumping is generally defined as either selling exports at a price below the price of the same good sold on the exporter's domestic market or selling an export at a price below the cost of production. It is also a form of price discrimination. The Anti-Dumping Act of 1930, as amended in 1979 (P.L. 96-39, 19 USC 1673 a-i), is the mechanism for specifically addressing dumping concerns. Typically, if the final ruling on a dumping case is positive, the penalty for dumping is an import levy imposed on the good being traded. However, the process includes an opportunity to settle the case through a suspension agreement before the final ruling is made.

Anti-dumping petitions were filed in November 1991 by uranium producers and the Oil, Chemical and Atomic Workers Union against uranium producers in the CIS. The primary complaint was that natural uranium exports to the United States, which increased from next to nothing in 1988 to around 7 million pounds in 1991, were causing material injury to U.S. uranium producers.

A petition filed with the Department of Commerce is subject to the following process: The petition goes to the International Trade Commission (ITC) housed in the Department of Commerce. The ITA decides if the charge merits an investigation. If so, the ITC investigates the claim to determine whether material injury has occurred to the U.S. industry. If a positive preliminary ruling is issued by the ITC then the ITA determines the "dumping margin" (the price differential between the foreign selling price and the price offered in the United States). The ITA must continue to pursue the case and issue a final ruling on the dumping margin. If this ruling is positive, the ITC must also issue a final determination on the material injury. If both are positive then anti-dumping duties are be imposed by the ITA on the imported product.

In the uranium case, the ITA on May 29, 1992, issued a preliminary ruling that uranium from six CIS countries, including Russia, was being sold in the United States at less than fair value. The finding does not apply to HEU. While the Commerce Department review of the case continues, the issue was put squarely in the middle of the HEU agreement by Russian Ministry of Atomic Energy (Minatom) head Viktor Mikhailov. In mid-September Mikhailov said signing the agreement, which had only been initialed at that time, depended in part on the end of the "shameful dumping case."[20] A tentative agreement between the Commerce Department and five of the six CIS republics including Russia, was reached September 16, but a final agreement will still have to be reached.

U.S. purchases

Another attempt to defend the domestic uranium industry, included in the Senate version of the energy policy bill (H.R. 776) now in conference, also poses difficulties for the HEU agreement. A provision restricting U.S. agencies and instrumentalities to purchasing only uranium of domestic origin and by domestic uranium producers was opposed by the Administration as a violation of the U.S.-Canada Free Trade Agreement. It is unclear whether the restrictions would apply to purchases of Russian HEU or marketing reactor-grade uranium produced from Russian HEU.

Barter of food for HEU: An option?

While negotiating the details of the HEU agreement, the United States could propose to barter food and agricultural products for Russian HEU to be used for commercial purposes. The Department of Agriculture's Commodity Credit Corporation (CCC) has an ongoing and increasing program of loan guarantees for food to Russia and other CIS countries. By obtaining the HEU for food, the Federal Government could eliminate some of the loan guarantees, and thus reduce the risks to the U.S. taxpayer in the event of a default on loan repayments.

Barter involves the exchange of goods for goods. The Secretary of Agriculture has the authority to use barter as a method of trading surplus commodities acquired by the CCC. Past barter agreements typically traded surplus commodities for strategic materials needed in the National Defense Stockpile. In such transactions, commodities were prevented from deteriorating by being moved out of storage and into the market. Some of these agreements included premiums or discounts to world market prices, thereby allowing one of the parties to the barter to increase the value of its product. Some of these agreements involved private-sector exporters who would bid to sell commodities obtained through the CCC, then import the materials for the stockpile. Government-to-government transactions, such as a U.S.-Jamaican butter-for-bauxite agreement, have also occurred. Barter frequently can work well when there is a so-called "double coincidence of wants." Both countries may want to unload unwanted surpluses. As with any intergovernmental transactions, the food-for-HEU barter would affect world markets in both food and uranium, and the negotiators would have to take these effects into account.

At first sight, food-for-HEU seems an unlikely candidate for barter. The current food needs in Russia are enormous, but the new government also desperately needs hard currency to purchase other necessities. The United States is already committed to loan guarantees for food purchases by Russia, so Russia has little incentive to agree to accept part or all of the U.S. payment for the HEU in the form of food. However, in order to reduce the risk of default on the food loans, the United States might be willing to offer a higher price for HEU if part of the payment were made in food.

Food assistance to the CIS

Through July 1992, the United States has made available $4.5 billion in three-year agricultural export credit guarantees to the CIS. This includes almost $2.0 billion for FY1991 and about $2.5 billion for FY 1992. USDA recently announced $900 million in loan guarantees to Russia for FY1993. The U.S. taxpayer is exposed to risk through this arrangement. This clearly would have budgetary impact if a default were to occur.

In order to purchase U.S. commodities under the current program, Russia or other CIS countries would borrow U.S. currency from commercial banks, and pay for the commodities with the hard currency, backed by the USDA's financing arm, CCC. In the event of a loan default, the CCC would be held liable, and would repay the banks that lent the U.S. dollars to pay the commodity exporter for the food. The food exporters and the banks are in a low-risk arrangement with Russia.

One program, now being tested on a small scale, involves a third party buyer. The recent USDA announcement allows the sale of U.S. wheat exports to Russia using a third party buyer in the sales transaction. The third party is purchasing the wheat, taking advantage of export subsidies made available under USDA's Export Enhancement Program (EEP), which makes U.S. food exports more competitive in specific foreign markets. The third party is then bartering for other materials and or services from Russia or other buyers in the CIS. When announced on August 27, 1992, EEP subsidies were offered on 200,000 metric tons of wheat exports, of which 48,000 metric tons is left.

The third-party program suggests that Russia is open to barter for food. For example, out of $1 billion in Russian food assistance guaranteed by the CCC, a certain percentage could be offset by returning Russian HEU to the United States. How much HEU to obtain for the food would be negotiated. The U.S. commodities available would be from the open market and possibly CCC stocks. U.S. grain exporters would ship grain to Russia, and receive HEU as payment. The HEU would be shipped in accordance with international safeguards to the United States for further processing by DOE or designated private interests (such as NFS or GA). DOE would pay the grain exporters in cash for the HEU. Such a barter may involve an incentive whereby the United States offers the Russians a discount in terms of more wheat than would otherwise be made available under a cash payment agreement. The amount of food bartered would in effect reduce Russia's need for the loan guarantees.

Under the current agreement for the United States to acquire Russian HEU, plans are for Russia to use some of the hard currency earnings from a cash sale to upgrade its nuclear safety program and to build a facility to blend down HEU to LEU. But even with these hard currency needs of Russia, there may be some room to barter.

Advantages to the United States

A barter agreement could reduce the risk to the taxpayer in the event of a Russian default on food loans and could open the possibilities for other advantageous barter agreements.

The barter option may give the United States more flexibility in negotiating with Russia for the HEU, since U.S. hard currency payments apparently are limited to the level of cost savings DOE could achieve in its uranium enrichment program. This might increase the likelihood of reaching a deal for Russian HEU, bringing with it the advantages of improving DOE's enrichment enterprise and reducing proliferation concerns.

Disadvantages to the United States

A barter arrangement carries with it high transaction costs, particularly if private-sector negotiators are involved. Other transaction costs would involve the handling of the goods, shipping and safeguarding, and the arrangement between DOE and the grain exporter for items and payments. Of course, many of these details would have to be dealt with whether or not HEU was involved.

Questions involving trade subsidies might cause trouble in negotiations on the General Agreement on Tariffs and Trade (GATT).

A barter arrangement might require a very large premium in food to make it attractive to Russia.

Advantages to Russia

Russia might get a premium price for its HEU in a combination of hard currency and food aid, because the United States might be willing to provide more food aid than just hard currency alone.

Russia would have lower debt obligations.

Food aid might be greater and easier to get if some of it were paid for by HEU.

Barter would reduce the potential of default on loans to purchase foods.

A barter agreement would develop a mechanism for trade that could be used for future transactions with the United States.

Disadvantages to Russia

Russia would receive some payments for HEU in the form of food rather than more flexible hard currency payments.

Russia might prefer guaranteed loans for food to paying up front for food with HEU.

Nuclear proliferation and security

One advantage of acquiring Russian nuclear material would be to reduce its vulnerability to diversion in Russia. Weapons-grade HEU would be sought by potential proliferators or others who seek to profit from the sales of nuclear weapons materials. The agreement to purchase HEU from dismantled Russian warheads and use it as commercial reactor fuel provides a means of disposing of weapons-grade materials that could otherwise fall into the hands of proliferators. Consequently, one major benefit of the sale of Russian HEU to the U.S. Department of Energy would be to reduce certain proliferation risks. However, some proliferation risks will not be completely eliminated by the planned sale. Expanded levels of trade and commerce involving large quantities of bomb-quality materials in an already unstable political and economic situation raise concerns about the future security of weapons materials in Russia.

Some small quantities of Russian-origin nuclear materials have reached the black market since the collapse of the Soviet Union. Several arrests have been made in Europe during recent months in connection with attempted sales of nuclear materials thought to have been smuggled out of Russian nuclear power plants. So far, the materials seized have not been suitable for making nuclear weapons. Many of the reported sales of nuclear materials were hoaxes. Nevertheless, U.S. officials have expressed concerns regarding the ability of the Russian nuclear materials accounting system to detect diversions if they occur. The Russian nuclear export control system is also reportedly incapable of maintaining former levels of vigilance over commerce in nuclear materials. The proposed HEU sale could involve numerous transfers of large quantities of special nuclear material (SNM). In the short term, such transfers could complicate an already confused material accounting problem and create new opportunities for diversion, highjacking, or terrorism. In response to these potential problems, the U.S. has provided technical assistance to Russia and other republics of the former Soviet Union to upgrade their materials accounting and export control systems. However, some analysts have expressed doubts about the adequacy of these efforts to prevent mishandling of special nuclear materials.[21]

Dismantlement and storage

The estimated 500 metric tons of HEU involved in the recent Russian-DOE commercial arrangement corresponds to approximately 27,000 weapons. Some nuclear warheads are to be dismantled after being retired under the terms of the START treaty and its protocols. Additional Russian nuclear weapons are to be retired in connection with further reductions outlined in the Joint Understanding signed by President Bush and Russian President Yeltsin in June 1992. Removal of designated strategic weapons from active service will be verified under the terms of START. However, dismantlement of warheads is not required by START or the Joint Understanding, and no formal verification arrangements have been made for whatever dismantlement process is eventually implemented. Once weapons materials are removed from the weapons, HEU can then be transferred from military to civilian use. It is not yet clear how much HEU and plutonium exists in Russia, how much will be demilitarized, or who will have ultimate authority over the Russian materials. Without verification of the dismantlement process, knowledge about the total quantities of HEU and Pu derived from retired warheads and the precise locations of those materials are likely to remain speculative. Under such conditions, it could be difficult to detect diversions of nuclear materials.

Russian officials calculate their capacity for warhead dismantlement to be approximately 1,500 to 2,500 weapons per year—similar to the U.S. capacity. Initially, HEU and plutonium recovered from the weapons would be stored in metal form pending decisions on its ultimate disposition. Due to the consolidation of the former Soviet Union's nuclear weapons in Russia and the increase in the amount of weapons materials being processed, Russia has apparently run out of secure storage space for HEU and plutonium. The Russian government has indicated the lack of secure storage space is the top priority for U.S. assistance, and has held discussions with U.S. specialists on requirements for a new secure storage facility. Construction of such a facility would probably take five to six years, and could be constructed with U.S. assistance made available in the Soviet Nuclear Threat Reduction Act of 1992 (P.L. 102-228).[22]

Transportation

While the security of materials housed in the proposed new storage facility would probably be adequate, temporary storage and in-country transportation arrangements could remain vulnerable to diversion. The number of potential diversion points could increase if weapons-grade material is stored and processed in multiple locations. Some concern is likely to surface regarding plans to ship HEU from Russia to the United States. Existing U.S. and international standards for the physical protection and handling of nuclear materials can be assured with greater confidence once the materials sold to the West leave Russia. The risk of diversion in the U.S. is minimal.

Transporting weapons-grade materials in Russia—for example, between dismantlement and processing facilities—could increase risks of theft or accident. Russian officials have expressed their intention to convert some HEU to LEU in facilities that will eventually be built in Russia, perhaps with profits from initial HEU sales. Russian officials have also held discussions with German companies about possible future sales of technology that would enable Russia to make weapons-grade Pu into mixed oxide (MOX) reactor fuel. Depending on where HEU blending and MOX facilities are constructed, some in-country shipments of HEU and Pu can be expected in preparation for delivery of finished product to Western buyers. Such shipments could be vulnerable to attack, especially if they occur in chaotic political circumstances. One way to reduce the vulnerability of weapons materials while in transit would be to consolidate storage and processing at secure facilities such as the proposed new "nuclear Taj Mahal" storage facility at Tomsk, Siberia.

The United States has provided assistance to Russia to protect nuclear warheads and special nuclear materials while they are being transported. Using funds authorized by the Soviet Nuclear Threat Reduction Act, the United States has agreed to provide armored blankets to protect weapons and materials ($5 million), nuclear emergency response equipment ($10 million), secure rail cars for transporting weapons and weapons materials ($20 million), and fissile material containers ($50 million).[23] A major purpose of this aid was to assist the removal of nuclear weapons from the territories of the former Soviet Union. More assistance would probably be required to assure that adequate levels of safety and security are maintained for HEU and Pu from dismantled warheads over the long term.

International inspection

One option for enhancing controls on material from dismantled warheads would be to register the material for regular safeguards inspections by the International Atomic Energy Agency (IAEA).[24] Russia, which is a member of the IAEA, could declare the existence of the HEU to the IAEA once it is removed from weapons and enters the civilian sector. (IAEA does not safeguard military nuclear material.) IAEA maintains material balances on nuclear materials and facilities declared in accordance with safeguards agreements between the Agency and member states. Once the material is demilitarized, IAEA could place it under safeguards regardless of which options for storage or sale are eventually selected. IAEA safeguards could complement other bilateral and/or multilateral verification measures designed to minimize risk of diversion. So far, however, verification measures have not been implemented for the dismantlement process and materials from dismantled warheads have not come under safeguards.

FOOTNOTES

[1] A New York Times op-ed piece entitled "A Grand Uranium Bargain" by Professor Thomas L. Neff of the Massachusetts Institute of Technology on October 24, 1991 was a catalyst for much of the recent interest in acquiring HEU from Russian warheads. In Congress, Senator Cranston introduced legislation (S. 2011, November 21, 1991) directing the President to pursue the proposed HEU purchase.

[2] General Accounting Office Report, GAO/RCED-92-194, Uranium Enrichment, Unresolved Trade Issues Leave Uncertain Future for U.S. Uranium Industry, June 1992, p. 6.

[3] NUEXCO, 1992 Annual Review, p. 17.

[4] NUEXCO, p. 17.

[5] NUEXCO, p. 28. SWUs are the primary unit of measurement of the amount of work carried out by uranium enrichment plants.

[6] General Atomics, Interview with Walter A. Simon, July 1992.

[7] Estimates for both Russia and the United States are highly speculative. A speech by Frank von Hippel at the U.S. Council for Energy Awareness Fuel Cycle 92 conference in Charleston, SC (24 March 1992) is the source for the 500 ton estimate for both countries. Other estimates range up to 600 tons for the United States and 700 or more tons for Russia.

[8] Smith Barney, Harris Upham and Co., United States Uranium Enrichment Enterprise, May 1990, p. 20.

[9] The Comprehensive Energy Policy Act of 1992 (H.R. 776), now in conference, would create a government-owned Uranium Enrichment Corporation to take over DOE's enrichment activities. The savings from Russian HEU could be very important for the success of the new entity.

[10] Domestic Uranium Mining and Milling Industry 1990 Viability Assessment. U.S. Department of Energy. Energy Information Administration. DOE/EIA-0477(90). December 1991. p. 14, 22.

[11] Fact Sheet on U.S.-Russian Agreement on Highly-Enriched Uranium. The White House. Office of the Press Secretary. Aug. 31, 1992.

[12] Telephone conversation with Paul F. Schutt, Chairman, Nuclear Fuel Services, Inc., September 3, 1992.

[13] Eugene C. Schmitt, Director of the Office of Business Operations, DOE Office of Uranium Enrichment, telephone conversation, August 6, 19921.

[14] Paul Schutt, telephone conversation, September 17, 1992.

[15] Steyn, Julian J., and Meade, Thomas B. "Potential Impact of Arms Reduction on LWR Fuel Cycle." Energy Resources International Inc. Presented at U.S. Council for Energy Awareness Fuel Cycle '92 Conference, March 22–25, 1992.

[16] Schutt, op. cit.

[17] "A Pro Forma Analysis of Blending on DOE's Enrichment Enterprise." Nuclear Fuel Services, Inc. Undated.

[18] DOE normally does not buy natural uranium, but merely enriches uranium owned by utilities. However, if DOE did not overfeed as in the first scenario, the blended HEU would displace ⅞ of the natural uranium which utilities would have to supply for enrichment. DOE could charge the utilities for the uranium they did not have to buy.

[19] Telephone conversation with Paul F. Schutt, Chairman, Nuclear Fuel Services, Inc., Sept. 17, 1992.

[20] "Nuclear Fuel," September 14, 1992, p.1.

[21] See Mark Hibbs, "Bonn Agencies Say Safeguards, Protection Nearly Absent in CIS," "Nucleonics Week," August 20, 1992, p. 1.

[22] According to Russian estimates, the proposed Russian storage facility for HEU and plutonium would cost approximately $300 million. Weapons material would be sealed in specialized metal containers in the form of metal "pucks" (4–5 kg. Pu, 10 kg. HEU). Current plans call for it to be located in the Siberian city of Tomsk. An agreement in principle for U.S. assistance was signed pending a technical agreement. Report on International Workshops on Disposal of Separated Plutonium, Bonn (15–16 June, 1992) and London (18 June, 1992); Statement of Major General William F. Burns, U.S. Army, retired, Head of the U.S. Delegation on Safety, Security and Disarmament, before the Senate Foreign Relations Committee, July 27, 1992.

[23] William F. Burns, Head of the U.S. Delegation on Safety, Security and Dismantlement, Statement before the House Armed Services Committee, March 26, 1992; Statement for the Record by Frank C. Conahan, Assistant Comptroller General, National Security and International Affairs Division, General Accounting Office, before the Senate Committee on Foreign Relations, July 27, 1992.

[24] See William Sutcliffe, ed., "Fissile Materials from Nuclear Arms Reductions: A Question of Disposition, Center for Technical Studies on Security, Energy and Arms Control," Lawrence Livermore National Laboratory, 1991; Zachary Davis and Warren Donnelly, Nuclear Weapons: Disposing of U.S. and CIS Inventories, CRS Issue Brief, IB91129; Charles Hebel, Limiting and Reducing Inventories of Fissionable Weapons Materials, Center for International Security and Arms Control, Stanford University, 1991; Theodore Taylor, "Verified Elimination of Nuclear Warheads," "Science and Global Security," Vol. 1, Nos. 1–2, 1989; Federation of American Scientists, "Verifying the Dismantlement of Nuclear Warheads, The Technical Basis for Actions," June 1991; Lawrence Scheinman and David Fischer, "Managing the Coming Glut of Nuclear Weapon Materials," "Arms Control Today," March 1992.

[From the Telegraph Agency of the Soviet Union, Sept. 24, 1992]

SENATOR ALAN CRANSTON

America's decision to buy as much as 500 tons of weapons-grade uranium from Russia's dismantled nuclear warheads makes eminent good sense for both countries.

U.S. purchase of the highly enriched uranium for use in commercial nuclear power plants would help keep it from falling into the hands of terrorists' groups or irresponsible governments like Libya or Iraq.

And since the U.S. Energy Department's uranium plants are notoriously inefficient (they are described as "money-losing electricity guzzlers"), diluting the Russian uranium and feeding it to american power plants would require less electricity and save money.

As for the Russians, the sale also would provide a secure way to finance the expensive process of nuclear arms reduction and disposal that is only now beginning.

The deal is along lines proposed by Russian Atomic Energy Minister Victor Mikhailov when he was in Washington in July. It also echoes legislation I introduced in the U.S. Congress late last year with the support of Senator Claiborne Pell, chairman of the Senate Foreign Relations Committee.

My bill was called the "Nuclear Weapons Security and Plowshares Act". It would have allowed for the Commonwealth of Independent States to trade ex-Soviet special nuclear materials for U.S. Agricultural products at a time when food in many of the republics was sorely needed.

The new arrangement calls instead for outright U.S. purchase the uranium. This would give the Russian Government a substantial source of hard currency.

Most importantly, part of the money, I understand, would go for safety improvements on Soviet-built nuclear reactors still in operation in the CIS. The urgent need for safety improvements on these rickety power stations is something the U.S. Central Intelligence Agency (CIA) has warned about publicly.

The U.S. agreement to buy enriched uranium from Russia, details of which are to be worked out over the coming year, should help Russia make its nuclear power industry safer. I whole heartedly support the proposal.

The PRESIDING OFFICER. The question is now on the adoption of the conference report.

Without objection, the conference report is agree to.

So the conference report was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate delegation to the North Atlantic Assembly Fall Meeting during the 2d session of the 102d Congress, to be held in Bruges, Belgium, November 15–19, 1992:

The Senator from Texas [Mr. BENTSEN], chairman; the Senator from Alabama [Mr. HEFLIN]; the Senator from Maryland [Ms. MIKULSKI]; and the Senator from Hawaii [Mr. AKAKA].

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mr. FORD). The Senator from Nebraska.

STRENGTHENING OF AMERICA COMMISSION

Mr. KERREY. Mr. President, yesterday, two of our Members, Senator NUNN of Georgia and Senator DOMENICI of New Mexico, as cochairmen of a commission called the Strengthening of America Commission, released this Commission's first report, first of, I believe, five reports, on an action plan for strengthening the economy of the United States.

Mr. President, I ask unanimous consent that the executive summary of this report be printed in the RECORD.

There being no objection, the executive summary was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

A new chapter is opening in American history. We won the Cold War in large part because this nation maintained a strong, bipartisan strategy over four decades to preserve our external security. Following the same logic and principles, the bipartisan Strengthening of America Commission was formed 18 month ago under the aegis of the Center for Strategic and International Studies to look strategically at our country's economic future.

A group of 60 leading citizens from public and private life—chief executives, labor leaders, members of Congress, mayors, and specialists, with a wealth of expertise ranging from fiscal policy to education, science and technology—has now drawn up a plan for domestic renewal that is both realistic and politically viable.

Among the Commission's key recommendations are:

Balance the budget by 2002 with a detailed action plan to reduce federal deficits by $2 trillion over ten years. At the top of the agenda is getting our fiscal house in order. The Commission's comprehensive blueprint for fiscal reform will allow us to bring the budget into balance as quickly as we wisely can, while also permitting necessary, new investments in our human and physical resources. The plan will rely primarily upon spending reductions, reducing currently expected spending by 8 percent—saving $1.5 trillion—over the next decade. Placing a ceiling or cap on non-Social Security mandatory spending must be a critical part of this effort. The plan also includes increases in taxes that are 3 percent higher than expected revenues, producing $376 billion for deficit reduction.

Spending reductions would be legally locked in before the raising of any new revenues. Revenue increases would be limited to a ratio of no more than $1 for every $2.75 of spending reductions. Another $150 billion would be saved through reduced interest rates brought about by large deficit reductions. This discipline over ten years would balance the budget without using the Social Security surplus and create the basis for long-term growth and higher real income for the American people.

Abolish the current income tax system in favor of a new system that would stimulate greater savings, investment, and jobs. Our savings rate, which is a critical component of investment, productivity, and growth, is at an all-time low. It has dropped precipitously below that of our major competitors. The Commission calls for a phasing out of the current income tax system, which is biased against savings, and replacing it with a consumption-based income tax system that will gear the economy for growth and be both progressive and fair in its impact.

Create a $160 billion Endowment for the Future through increased federal investment in education, children, R & D, and technology. In our zeal to reduce deficits, we must not ignore the need to improve our human resources and our capacity to innovate. To pay for this investment over ten years, the Commission recommends terminating or scaling back lower priority programs. On education and training, the Commission's proposals include a new certificate of mastery, based on national educational standards; expanded programs of technical apprenticeship and training for the 50 percent of American youth who do not attend college; and a comprehensive effort to promote school readiness in young children.

To strengthen the industrial base, the Commission recommends devoting more R & D to manufacturing and dual use (commercial/defense) technology, and redeploying resources of the national laboratories to solve major problems in process as well as environmentally conscious manufacturing.

The Commission is releasing this first report at the height of the political season, in hopes that it will help shift the focus to the important, long-term issues which confront the nation. Other recommendations will follow over the coming year.

WHY WE MUST CHANGE

The facts are simple. We have the largest economy in the world, but we have vulnerabilities that run far deeper than the latest recession:

The growth rate of American productivity has slowed during the past 20 years, while the productivity growth rate of other major countries has accelerated. As a consequence, though our productivity and standard of living are the highest in the world, average American real income has stagnated since the 1970s.

The U.S. net national savings rate, which is a critical determinant of investment and growth, is at an all time low: it plummeted from an average of 9.8 percent of GDP in the 1960s to an average of 3.6 percent in the 1980s. In contrast, Japan and European Community countries save at a rate of over 10 percent of their GDPs.

Federal budget deficits are sapping the economic strength of our country. When the Treasury spends money it doesn't have, it must borrow money from U.S. citizens, corporations and businesses, and foreign investors. These borrowings absorb private savings that otherwise would be available for private investment—the primary growth engine of our economy.

Our current tax system is hostile toward saving and tilted toward immediate consumption. Its structure encourages a focus on cash flow and short-term profitability, its complexity imposes heavy costs, and many of its regulations create a handicap for U.S. firms in the global arena.

America's elementary and secondary education system, once the envy of the world, is performing well below the best international levels. Moreover, 50 percent of America's young people do not go on to college and receive little help moving from school to the work place.

U.S. companies spend twice as many resources on the development of new product ideas as they do on the process technologies to manufacture the products themselves. As good as American companies have been at invention, many are not nearly as fast or as effective as their competitors in turning inventions into high-quality products, and then getting those products into the hands of consumers.

Our nation's federal institutions were once regarded as a vital source of civic strength. Today, a disenchanted electorate views Washington with increasing cynicism and mistrust. The growing gap between our public servants and the public itself signals a potential crisis of confidence that cannot be ignored.

GETTING OUR FISCAL HOUSE IN ORDER

At the top of the Commission's agenda is the task of getting our fiscal house in order by getting control over the deficit and restructuring the tax system to tax consumption, not income.

Both the deficit and the tax code work against our long-term economic vitality. Both inhibit savings that are needed for investment, which would, in turn, stimulate a rise in American productivity and higher real income for the American people.

The Commission, in assessing what it will take to put our fiscal house in order, draws three basic conclusions:

First, there are no quick fixes. The challenge facing America is structural and the Commission recommends a realistic target date of 2002—a ten-year plan—to meet it.

Second, deficit reduction alone is not enough to get us from where we are to where we want to go. We need mutually reinforcing deficit reduction and tax restructuring strategies to generate growth through increased savings and investment.

Third, while the private sector is the engine for growth, new federal expenditures on children, education, infrastructure, technology, and R & D can contribute to our over-all economic performance. Any plan of action should meet these legitimate needs, either by setting new spending priorities or providing additional funding on a pay-as-you-go basis.

The Commission proposes a specific Blueprint for Action that combines budget deficit reduction with the replacement of the current tax code by a progressive consumption-based tax. The predominant view of the Commission is that this approach be guided by ten principles:

1. Balance the budget by the year 2002, without using the Social Security surplus;
2. Promote long-term economic growth without undue short-term economic disruption;
3. Base projections for deficit reduction on credible, realistic economic assumptions;
4. Follow a step-by-step agenda, legally locking in spending controls before raising revenues;

5. Limit revenue increases to a ratio of no more than $1 for every $2.75 of spending reductions;

6. Bring mandatory spending under control by putting a cap on the growth of spending on non-Social Security entitlement programs;

7. Enact comprehensive health care reform that controls costs and insures the uninsured;

8. Restructure the tax code to promote growth by encouraging savings and allocating resources more efficiently, while preserving the over-all progressivity of the code;

9. Make room for increased investment in education, children, R & D, and technology by reducing or terminating lower priority programs;

10. Fully implement the "good-government" measures—such as sunsetting programs, using the "total quality" approach to management, collecting revenues from tax cheats, and reducing waste—to make government more efficient.

BUDGET DEFICIT REDUCTION STRATEGY

The Commission's 10-year blueprint calls for balanced deficit reduction totalling $2 trillion over the next decade. Spending would be reduced 8 percent below projected levels—saving nearly $1.5 trillion over ten years. Projected revenue increases would be 3 percent over the decade, which would add nearly $376 billion. Another $150 billion would be saved through reduced interest rates. The total sum from these spending reductions, added revenues, and lowered interest rates would balance the budget.

The Commission's blueprint includes increased spending of $160 billion on children, education, R & D, and technology. It also calls for another $100 billion for highways, airports, and other physical public infrastructure, to be funded by fees or revenues outside the deficit reduction package.

The Commission bases its strategy for deficit budget reduction on realistic assumptions about economic growth. To assume significantly higher growth would be self-defeating because such optimistic assumptions would make our fiscal plans less credible. America's current fiscal situation suggests that discipline is needed and that growth must be earned, not assumed. But should our action plan result in the higher growth that is potentially within reach, the dividends to the country would be all the greater and would permit lower tax rates, increased public sector investment, or the retirement of part of the national debt.

The predominant view of the Commission is to recommend the following blueprint for restructuring fiscal policy:

(1) Allowing two years for enactment and a gradual phase-in, cap spending on non-Social Security mandatory programs beginning in 1995—saving $660 billion over 10 years, or 10 percent of such projected spending over the ten-year period.

(2) Abolish the present tax code and enact progressive consumption-based income taxation within two years. This decision would include a commitment to implement a full consumption-based income tax before the year 2002 and to specify the tax restructuring which would provide for transition. This restructuring should be permitted to raise nearly $376 billion by the year 2002 but no more than $1.00 in taxes for $2.75 in spending reductions. This represents a 3 percent increase in projected revenues and an 8 percent cut in projected spending over the course of the plan.

(3) Reduce defense spending in an orderly fashion from 20 percent to 13 percent of the federal budget, with the goal of saving $290 billion over 10 years, an additional 10 percent reduction in projected spending.

(4) Allow international spending to increase at half the rate of inflation, growing from $20 billion in 1993 to $24 billion in 2002, while placing a greater emphasis on supporting newly emerging democracies and market economies—saving $21 billion by the year 2002, a 9 percent reduction in projected spending.

(5) Permit domestic discretionary spending to increase from its current level of $234 billion to $255 billion in the year 2002. The Commission believes that domestic discretionary spending should be reprioritized so that it emphasizes investment-oriented programs that promote economic growth in the following manner:

In particular, the Commission recommends $160 billion of increased spending over current projected levels for the ten-year period on education, children, R&D, and technology.

To help pay for these high priority investments, the Commission recommends terminating, scaling back, or streamlining lower priority programs. The Commission recommends a number of programs that should be reviewed for possible termination.

All told, this reprioritization of domestic discretionary spending will produce net savings of $243 billion over a ten-year period, a nearly 9 percent reduction in projected spending.

(6) From 1993-2002, increase spending on physical infrastructure—roads, bridges, airports, and tunnels—by $100 billion over current projected spending to be paid for, by increased energy taxes or user fees (no net effect on budget over the ten years).

(7) Interest payments would be reduced—saving $237 billion over the ten-year period, an 8 percent reduction. Lower interest rates brought about by large deficit reductions would increase these savings to $387 billion, for a total reduction of 13 percent in projected interest costs.

The Commission fully understands that the proposed spending reduction and tax reform will be extremely difficult. But it should also be stressed that unless all of the key elements of the fiscal plan are implemented as a package, the country risks the real possibility of undermining America's international position without achieving its goal of a strengthened America at home. If we attempt to balance the budget by slashing national security and international programs, without restraining and reforming domestic discretionary and mandatory program spending, we will weaken ourselves both abroad and at home.

TAX RESTRUCTURING STRATEGY: THE CONSUMPTION-BASED INCOME TAX

The Commission recommends abolishing the current tax system and replacing it with a progressive consumption-based income tax system that would exempt savings and investment from taxation. This proposal has gained increasingly wide support from leading economists and tax experts of varying political persuasions.

By removing the bias in favor of consumption in the current income tax code, neither consumption nor saving would be subsidized. The Commission believes that significant new saving and other benefits will result from this change.

The consumption-based tax would be levied in very much the same way as the personal income tax. A taxpayer would take annual income, add gifts and bequests as well as net borrowings, and subtract all savings—basically net investments and the net change in his or her bank balance. The remainder would equal consumption, and the resulting amount minus exemptions would be taxed.

Under a pure consumption-based income tax, businesses would not be subject to taxation. To reduce the burden on individual taxpayers, the Commission recommends a tax on business cash flow as a key element of the new tax structure.

The Commission recognizes that, under the best of circumstances, it will take time to design and implement a consumption-based tax system. Toward that end, the Commission believes that the principles that should guide the transition from the present tax code are progressivity, fiscal responsibility, transparency, and internal consistency.

Progressivity. Any tax on consumption must preserve equity, so that our citizens, no matter what their income level, share the tax burden fairly. This can be accomplished through a progressive structure.

Fiscal responsibility. Over the transition, revenues must be raised consistent with the goal of $376 billion of additional revenue for deficit reduction. These revenues should be raised from measures consistent with the consumption-based tax recommended herein.

Additional tax measures now under discussion such as investment tax credits, capital gains differentials, R & D tax credits, if implemented, should not increase the deficit during the transition. If these growth incentives are put into play during the phase-in of the consumption-based tax, they must be paid for on a progressive basis by broadening the tax base, rate increases, or reduction in subsidies to high-income taxpayers.

Transparency. Progressive changes and adjustments in the tax code during the transition must be clearly and rightly understood by all taxpayers, so that there is no sense that tax reform is another set of "tax gimmicks."

Internal consistency. During the shift to a consumption-based tax, changes in the code must be all of a piece with the new consumption-based tax structure, deficit reduction, and economic growth.

The Commission strongly urges that a concerted effort be made to educate the public about deficit reduction and tax reform during the current presidential campaign and beyond. Voters cannot hold candidates accountable unless the media does as well.

AN INVESTMENT PROGRAM TO PROMOTE ECONOMIC GROWTH—EDUCATION

The key component of a public investment strategy is investment in human resources. Strong schools, strong work force training programs, and strong families are the components of a strong educational system. We cannot be a first-rate country with a second-rate school system. We cannot compete successfully in a global economy with a low-skilled, low-wage work force. Without supportive, involved families, we will play constant catch-up with children ill-prepared to learn. Government, the education community, and business must be partners in a long-term effort to revitalize the American educational system.

The Commission recommends three principal initiatives to support a human resources investment strategy in the 1990s: a new system of national standards at the secondary school level; expanded programs of training and apprenticeships for students who directly enter the work force after secondary schools, and expanded work force training programs for those already on the job; and a comprehensive effort to promote school-readiness in young children and strengthen their families.

A NEW SYSTEM OF NATIONAL STANDARDS

Compared to our competitors and to our own national needs, America's expectations for what the vast majority of our students should know and be able to do are minimal. To achieve both excellence and equity, our Nation should develop educational content and student performance standards in core subjects, such as math, English, science, and history. Meeting those standards by the time they graduate from high school would earn students a certificate of initial mastery that signifies preparation for democratic citizenship and readiness for high-productivity employment.

High quality standards should be supported by high quality student assessments. Student assessments should be linked to school curricula, should measure student achievement rather than aptitude, and require that students demonstrate not only the recall of facts but also their application.

To support the shift to higher expectations for student achievement at the secondary level, colleges, professional schools, and technical programs should raise their entry-level standards over a ten-year period. The Nation—through student assistance and national service programs at the federal level, through scholarship programs of colleges and universities, and through private scholarship programs—should ensure that financial need should no longer be an obstacle to higher education for students who have performed well in secondary school.

Federal, state, and local governments should ensure that schools have the requisite resources to prepare their students to meet new and more rigorous standards. The Commission recommends increasing federal investment in the Chapter 1 program, which helps educationally disadvantaged children. The assistance should extend over the next 10 years, contingent upon the reform program spelled out in this report, and earmarking some of these funds to support the nation's R&D as well as meeting the needs of disadvantaged children.

Teachers must be capable of helping students meet these demanding national standards. To improve the quality of America's teachers the Commission recommends, among other things, that:

Financial incentives be provided to attract new teachers into subject areas where teachers are in short supply; to attract the best and the brightest secondary and college students to pursue teaching careers; and to attract separated military and defense industry personnel to the teaching profession.

National standards be developed for state alternative teacher certification programs to allow qualified individuals who do not have an educational degree to enter the teaching profession.

The education community provide financial incentives for teachers to enhance their own skills and knowledge in order to enhance their students' abilities to meet higher standards.

STRENGTHEN THE WORK FORCE

Fifty percent of our young people do not go to college, but the United States, unlike its competitors, has no system to assist the transition from school to the work place. Nor do we have a system to educate and train front-line workers.

Structured on-the-job learning is the missing link in the partnership between schools and employers. Government, business, and labor should work together to establish apprenticeships that combine certifiable skill training, academic instruction, and work experience. Professionalized technical education in the form of "tech prep" programs, apprenticeship programs, and occupational training at both community colleges and technical schools should be expanded. A system of technical and professional certificates, recognized by employers and post-secondary institutions, should be developed to measure skill competencies gained through this education. This would allow workers to transfer from job to job or move from state to state as they wish.

American companies should also be encouraged to invest in their own workers. A target of 2 percent of payroll for training is reasonable. Congress should develop incentives and technical programs to increase training and upgrading of the work force, not just for top management, but also for front-line workers.

PROMOTE SCHOOL READINESS AND STRENGTHEN FAMILIES

The Commission strongly endorses the expansion of programs that promote school-readiness in young children and support families. These programs include:

"WIC" (the special supplemental food program for women, infants, and children that provides prenatal and nutrition programs);

Childhood immunization programs;

Head Start, which should be made available to all three- and four-year old children, with non-disadvantaged children participating on a completely reimbursable basis, and full-day options provided; and

"Inter-generational programs" that provide education, employment, and parenting skills programs for mothers of Head Start children.

While these programs and others can do much to promote school-readiness in children, by far the most influential teachers are parents. Parents' attitudes toward education, their expectations for their children, the values they impart, and the environment they provide for learning all have an enormous impact on educational success. In addition, parents should monitor the amount and content of their children's TV viewing. The Commission also believes that the TV industry and those who advertise on TV must take responsibility for their enormous impact on children. Finally, though they are no substitute for parents, schools should adopt strong programs on values and ethical behavior.

Families can be supported in their efforts by their employers. Parental leave, flexible work scheduling, working at home, and career sequencing all enable working parents to spend time with their children and meet family obligations. The Commission is united in advocating that working parents be given greater opportunity to spend more time with their children.

THE AMERICAN INDUSTRIAL BASE

The primary responsibility for producing competitive goods and services rests with the private sector. While American firms excel in some business sectors (e.g., pharmaceuticals, chemicals, aerospace and information services) American firms in other sectors (e.g., motor vehicles, telecommunications equipment, and computers) are being challenged by Asian and European companies.

In these industries and others, companies must develop new attitudes and strategies and learn new techniques to remain or become globally competitive.

The Commission points in particular to the path-breaking work produced by the MIT Commission on Industrial Productivity, Made in America, which documents how the 30 "best practice" American companies are meeting the challenge. Total quality management, just-in-time manufacturing, constant refinements in process technologies, and continuous training of front-line workers are among the management strategies that these companies use to become global competitors. The Commission strongly endorses these efforts.

At the same time, government can and should provide an economic environment that helps strengthen the American industrial base. As noted above, the federal government must put its fiscal house in order to increase the availability and decrease the cost of capital for productive business investment. In addition, the Commission recommends that government take these steps to leverage the efforts of private industry:

R&D tax credit. To encourage sustained private sector commitment to R&D, the Commission recommends extending the current 20% research and experimentation tax credit through the transition to a consumption-based tax. Its provisions should be amended to include expenditures on process technologies and cooperative research done at the national laboratories.

Increased resources to manufacturing technology. Manufacturing technology should be added as the "fifth horseman" to defense, health, energy, and space R&D. Less than 2 percent of the federal government's R&D budget was devoted to manufacturing technology in 1991. The Commission recommends that each federal agency support the development of manufacturing process technology as a concurrent and important aspect of ongoing R&D programs.

National laboratories. The national laboratories, an invaluable asset in meeting the military challenges of the past, must now help us meet the economic challenges of the future. The White House science and technology adviser, the national security adviser, appropriate members of the cabinet, and representatives of the private sector should establish a senior level working group to review and revise the missions of the labs to permit their best use. The labs can contribute immediately to large-scale projects such as environmental restoration, waste minimization, environmentally conscious manufacturing, energy efficiency and supply, advanced manufacturing, high-performance computing, and health care.

Increased resources for dual use technologies. The Defense Advanced Research Projects Agency (DARPA) should be transformed into the National Advanced Research Projects Agency (NARPA) in order to help integrate defense and commercial technologies into strong unified national technology base. NARPA would continue to support technologies of potential military importance as well as focus more heavily on dual-use technology. DOD would benefit by getting faster and cheaper access to commercial technology, and commercial firms would benefit by the availability of additional federal R&D dollars.

Increased resources for infrastructure. Increased federal and state resources should be devoted to highways, mass transit and aviation, including innovative technologies such as high-speed rail and intelligent vehicle systems. The Commission recommends that the federal government increase total spending on such programs by $100 billion over a ten-year period. Funding for these new physical investments would come from infrastructure taxes, energy taxes, and fees.

In addition, the Commission recommends the support of policies to encourage the development of public communications networks that will meet the advanced telecommunications needs of all Americans, including deployment of fiber optic systems or other efficient broad-band technologies.

MAKING GOVERNMENT WORK

To help break gridlock in government, the Commission recommends structural reforms within the Executive and Legislative branches.

To the President: To bring focus and coordination to economic issues at the highest level of government, the Commission recommends creating a National Economic Council (NEC), headed by a National Economic Advisor, on a level with the National Security Council and the National Security Advisor.

To the Congress: To end the quagmire of budgetary legislation, the Commission recommends creating a Joint Budget Committee, appointed by the joint leadership of both houses, to supplant the current budget committees; lengthening the budget cycle from one to two years; decreasing overlap among some 300 committees and subcommittees, and ending duplication inherent in the budget resolution/authorization/appropriation process. This streamlining would reverse the excessive growth of Congressional staff that has occurred over the past two decades.

If we stay our present course, we and our children and grandchildren will pay an increasing price. If we begin to make the tough decisions now, the rewards and benefits will be felt for generations to come.

We believe that, in many areas, fundamental change in our nation is required, urgent, and possible. Change will demand unity and strong leadership. The President alone cannot solve all of the problems. Neither can the Congress not one political party. There is much that American business and unions must do not make our economy stronger. There is much that local communities, schools, and parents must do. There is a role for every American, either in spirit or in deed, and we hope that the Commission's bipartisan findings will give thoughtful people a place to start.

Mr. KERREY. Mr. President, I will just say briefly that there have been many reports like this in the past, very often issued at the height of a political season such as this one.

There are typically two courses that can be taken when this sort of thing occurs. One is that the report is promptly forgotten and the members themselves remember the good old days when they participated in the development of the report; or it can be taken seriously and acted upon.

I offer this executive summary for the purpose of declaring my intent to join with Senator NUNN and Senator DOMENICI as they work in the Congress to try to put the details of this plan into effect.

Certainly, there will have to be some modification in it. I have an interest myself in the restructuring of the Federal Government. I have an interest as well in health care reform as a means to reduce this Nation's fiscal deficit.

This is a radical action plan, Mr. President, the details of which are alarming to some, but it seems to me appropriate for the times at hand.

And for myself, as enthusiastic as I am in joining the distinguished Senator from Georgia and the distinguished Senator from New Mexico, I hope that others in this body, as well as in the House of Representatives, will take up the call and come prepared next year to change the policies of this country to accommodate the, I believe, urgent need, particularly urgent economic need, to do so.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WOMEN VETERANS SEXUAL TRAUMA SERVICES ACT

Mr. KERREY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 682, S. 2973, regarding women veterans; that the committee substitute amendment be agreed to; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; that the title amendment be adopted; and that any statements relative to the passage of this item be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 2973) to amend title 38, United States Code, to improve the care and services furnished to women veterans who have experienced sexual trauma, to study the needs of such veterans, to expand and improve other Department of Veterans Affairs programs that provide such care and services, and for other purposes, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women Veterans Health Programs Act of 1992".

TITLE I—SEXUAL TRAUMA SERVICES

SEC. 101. CARE AND SERVICES FOR WOMEN VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

(a) REQUIREMENT TO FURNISH CARE AND SERVICES.—Chapter 17 of title 38, United States Code, is amended by adding at the end of subchapter II the following new section:

"§1720D. Counseling and treatment of women veterans for sexual trauma

"(a) A woman veteran who is diagnosed by a Department health professional designated by the Chief Medical Director (following an examination of the veteran by such professional) to be in need of counseling or treatment for sexual trauma resulting from events that occurred during the period of the woman veteran's service on active duty, shall be furnished care and services with respect to such trauma pursuant to sections 1710(a)(1)(A) and 1712(a)(1)(A) of this title, even though such trauma has not been determined to be service-connected.

"(b)(1) The Secretary may enter into contracts with appropriate non-Department facilities (as determined by the Secretary) in order to furnish women veterans with the care and services (including any diagnostic services) referred to in subsection (a).

"(2) Not later than March 31, 1994, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the use made of the authority provided under paragraph (1) before the date of the report. The report shall (A) describe the extent of the use of that authority and the types of care and services furnished to women veterans under contracts entered into under that authority, and (B) contain such recommendations regarding the extension or modification of that authority as the Secretary considers appropriate.

"(3) The Secretary may not enter into contracts under this subsection after September 30, 1994. Any contract entered into under this subsection shall expire not later than 90 days after that date.

"(c) For the purposes of this section, the term 'sexual trauma' means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, sexual harassment, or other act of sexual violence.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1720C the following new item:

"1720D. Counseling and treatment of women veterans for sexual trauma.".

SEC. 102. INFORMATION AND REFERRALS FOR WOMEN VETERANS.

(a) INFORMATION SYSTEM.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence the provision of information and referrals relating to the care and services referred to in paragraph (2) by means of a telephone information system utilizing a toll-free telephone number (commonly referred to as an 800 number).

(2) The care and services referred to in paragraph (1) are the care and services relating to sexual trauma that are available to women veterans in the communities in which such veterans reside, including care and services available under programs of the Department of Veterans Affairs (including the care and services available under section 1720D of title 38, United States Code (as added by section 101 of this Act)) and from non-Department agencies or organizations.

(b) SYSTEM REQUIREMENTS.—In providing information and referrals under subsection (a), the Secretary shall ensure that the telephone information system described in that subsection—

(1) is operated by Department personnel who are trained in the provision of the information and referrals described in that subsection to persons who have experienced sexual trauma;

(2) is operated in a manner that protects the confidentiality of persons who place telephone calls to the system; and

(3) operates at all times.

SEC. 103. REPORT ON NEED FOR CARE AND SERVICES OF VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

(a) REPORT.—Not later than December 31, 1993, the Secretary of Veterans Affairs shall submit to Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study carried out by the Secretary under subsection (b).

(b) STUDY.—(1) The Secretary, in consultation with and with the assistance of the Secretary of Defense, shall carry out a study of the needs of women veterans for counseling, medical care, and other services for sexual trauma.

(2) In carrying out the study, the Secretary of Veterans Affairs shall, to the extent feasible and to the extent that data are available, determine the following:

(A) The extent to which women have experienced rape, sexual assault, sexual harassment, or other acts of sexual violence while on active military, naval, or air service.

(B) The extent of any under-reporting of incidents of rape, sexual assault, sexual harassment, or other acts of sexual violence among the population of women members of the Armed Forces, and the extent to which the rate of such under-reporting differs from the rate of under-reporting of such incidents among the general population of women in the United States.

(C) The extent to which women members of the Armed Forces and women veterans who have experienced sexual trauma have utilized counseling, medical care, and other services furnished by the Department of Defense and the Department of Veterans Affairs in order to respond to such experiences.

(D) The same types of information with respect to men who are members of the Armed Forces and men who are veterans as is required under subparagraphs (A), (B), and (C) with respect to women members and veterans.

SEC. 104. REPORT RELATING TO SERVICES AVAILABLE TO VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

Not later than March 1, 1993, and December 31 of each of calendar years 1993 through 1997, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a comprehensive report on the care and services furnished by the Department of Veterans Affairs to veterans who have experienced sexual trauma. The report shall include the following:

(1) A detailed description and review of the medical care, counseling, outreach, and other services available under programs of the Department to veterans who have experienced sexual trauma resulting from events that occurred during the period of such veterans' service in the active military, naval, or air service, including the number of male and female counselors employed by the Department who have been provided specialized training in the counseling of persons who have experienced sexual trauma.

(2) An assessment by the Secretary of any quantitative or qualitative deficiencies in such programs in meeting the needs of such veterans for counseling, medical care, and other services in response to such experiences.

(3) A detailed description of the plans of the Secretary to eliminate such deficiencies and a schedule for implementation of such plans.

SEC. 105. PROVISION OF INFORMATION ON SERVICES TO WOMEN WHO ARE SEPARATING FROM THE ARMED FORCES.

The Secretary of Veterans Affairs and the Secretary of Defense shall jointly carry out a program to ensure that women who are being separated from active military, naval, or air service are provided information on (1) the counseling, medical care, and other services and assistance relating to sexual trauma that are available to women veterans under programs carried out by the Department of Veterans Affairs, and (2) the requirements of eligibility for or entitlement to, and the procedures for applying for, such counseling, medical care, and other services and assistance. The Secretaries shall ensure that such information is provided through an in-person interview conducted with the woman being separated.

SEC. 106. REPORT RELATING TO DETERMINATIONS OF SERVICE CONNECTION FOR SEXUAL TRAUMA.

(a) Not later than December 31, 1992, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the Secretary's assessment of—

(A) the difficulties that women veterans encounter in obtaining from the Department of Veterans Affairs determinations that disabilities relating to sexual trauma that are the results of events that occurred during active duty are service-connected disabilities; and

(B) the extent to which Department personnel fail to make determinations that such disabilities are service-connected disabilities; and

(2) the Secretary's recommendation of actions to be undertaken to respond in a fair manner to such difficulties and to eliminate such failures.

SEC. 107. DEFINITIONS.

In this title:

(1) The terms "Armed Forces", "service-connected", and "active military, naval, or air service" have the meanings given such terms in paragraphs (10), (16), and (24) of section 101 of title 38, United States Code, respectively.

(2) The term "sexual trauma" means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, sexual harassment, or other act of sexual violence.

TITLE II—HEALTH CARE FOR WOMEN VETERANS

SEC. 201. WELL-WOMEN CARE SERVICES.

(a) WELL-WOMEN CARE SERVICES.—Section 1701 of title 38, United States Code, is amended—

(1) in paragraph (6)(A)(i), by inserting "well-women care services," after "section 1762 of this title,"; and

(2) by adding at the end the following new paragraph:

"(9)(A) The term 'well-women care services' means health care services provided to women outside the maternity cycle, including counseling and services relating to the following:

"(i) Papanicolaou tests (pap smear).

"(ii) Breast examinations and mammography.

"(iii) General reproductive health care.

"(iv) The management of infertility.

"(v) Menopause.

"(vi) Physical or psychological conditions arising out of acts of sexual violence.

"(B) The term does not include the following services:

"(i) Pregnancy care (including prenatal and delivery care), except care relating to a pregnancy that is complicated, or in which the risks of complication are increased, by a service-connected condition.

"(ii) Abortion.".

(b) CONTRACTS FOR WELL-WOMEN CARE SERVICES.—Section 1703(a) of such title is amended by adding at the end the following new paragraph:

"(9) Well-women care services for veterans on an ambulatory or outpatient basis, but only under contracts that expire not later than December 31, 1994.".

(c) REPORT ON THE PROVISION OF HEALTH CARE TO WOMEN.—(1) Not later than January 1 of each of 1993 through 1997, the Secretary shall submit to Congress a report on the provision of health care services to women veterans.

(2) The report shall contain the following with respect to the most recent fiscal year before the date of the report:

(A) A description of the personnel of the Department who provided health-care services to women veterans, including the number of employees (including both the number of individual employees and the number of full-time employee equivalents) and the professional qualifications or specialty training of such employees and the Department facilities to which such personnel were assigned.

(B) A description of any actions taken by the Secretary to ensure the retention of the personnel described in subparagraph (A), and any actions undertaken to recruit additional personnel or personnel to replace such personnel.

(C) A description of the type and amount of well-women care services provided by such personnel, including information on—

(i) the type and amount of such services provided at each Department facility;

(ii) the number of women provided such services at each Department facility; and

(iii) the numbers of inpatient stays and the number of outpatient visits through which such services were provided.

(D) A description of the type and amount of well-women care services provided under contracts with non-Department facilities, including information on—

(i) the type and amount of such services provided under each contract;

(ii) the number of women provided such services through each non-Department facility under each contract; and

(iii) the numbers of inpatient stays and the number of outpatient visits through which such services were provided.

(E) An assessment by the Secretary of any difficulties experienced by the Secretary in the furnishing of such services and the actions taken by the Secretary to resolve such difficulties.

(F) A description of the actions taken by the Secretary to foster and encourage the expansion of research relating to health care issues of concern to women veterans.

(3) In this subsection, the term "well-women care services" has the meaning given such term in section 1701(8) of title 38, United States Code (as added by subsection (a)).

SEC. 202. EXPANSION OF RESEARCH RELATING TO WOMEN VETERANS.

(a) EXPANSION OF MEDICAL RESEARCH PROGRAM.—(1) Subject to paragraph (3), in carrying out the medical research program of the Department under section 7303 of title 38, United States Code, the Secretary, in consultation with the Chief Medical Director (who shall consult with the Director of Nursing Service, officials of the Central Office assigned responsibility for women's programs and the program carried out under section 7303, members of the Advisory Committee on Women Veterans established under section 542 of such title, and members of appropriate task forces within the Department of Veterans Affairs (such as the Task Force on Treatment of Women Who Suffer Sexual Abuse)), shall foster and encourage the initiation and expansion of research into the health consequences for women veterans of the matters referred to in paragraph (2).

(2) The Secretary shall foster and encourage the initiation and expansion of research under paragraph (1) on the following matters as they relate to women:

(A) Breast Cancer.

(B) Gynecological and hormonal matters.

(C) Cancer of the organs of the reproductive system.

(D) Alzheimer's Disease.

(E) Osteoporosis.

(F) Post-traumatic stress disorder.

(G) Substance abuse.

(H) Sexual violence.

(b) STUDY OF ADMITTANCE OF VETERANS TO DEPARTMENT MEDICAL CARE FACILITIES.—The Comptroller General of the United States shall carry out a study to determine—

(1) the percentage of all admissions of women veterans to Department facilities that are based on a diagnosis of psychotic illness;

(2) the percentage of all admissions of men veterans to such facilities that are based on a diagnosis of psychotic illness;

(3) an explanation of the difference, if any, in the percentages referred to in paragraphs (1) and (2), including an assessment of—

(A) the extent, if any, to which psychotic illness is more prevalent among women veterans who seek care at Department facilities than among men veterans who seek such care;

(B) the extent to which gender-related factors impede or complicate diagnoses made by Department personnel; and

(C) the extent to which, among veterans with psychotic illness, women and men seek and receive Department health-care services in different proportions.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) Funds are authorized to be appropriated for the Department of Veterans Affairs to carry out subsections (a) and (b) as follows:

(A) For fiscal year 1993, $1,500,000.

(B) For fiscal year 1994, $2,000,000.

(C) For fiscal year 1995, $2,500,000.

(2) Funds appropriated pursuant to the authorization of appropriations under paragraph (1) are in addition to other funds appropriated or otherwise made available to the Department of Veterans Affairs for research.

SEC. 203. RESEARCH OF THE DEPARTMENT OF VETERANS AFFAIRS RELATING TO WOMENS' HEALTH-CARE ISSUES.

Section 7303 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) To the extent that the Secretary determines that the quantity and nature of information available to Department personnel with respect to issues relating to health care for women veterans is inadequate to permit such personnel to carry out research relevant to the health-care needs of women veterans, the Secretary shall take actions to ensure that medical research carried out by the Secretary gives consideration to issues relating to the health of the general population of adult women in the United States, with particular emphasis on health conditions that affect large numbers of such women and therefore are likely to be prevalent to a significant degree among women veterans and health conditions for which the risk factors, treatment responses, and other factors determined relevant by the Secretary of women veterans may differ from those of the general population of adult women in the United States.

"(2) To the maximum extent practicable, the Secretary shall ensure that the personnel engaged in research pursuant to the research program described under paragraph (1)—

"(A) include—

"(i) personnel of the Department in facilities of the Department, including personnel of the geriatric research, education, and clinical centers designated pursuant to section 7314 of title 38, United States Code; and

"(ii) personnel of the National Center for Post-Traumatic Stress Disorder established pursuant to section 110(c) of the Veterans Health Care Act of 1984 (Public Law 98–528; 98 Stat. 2692); and

"(B) are informed of the existence and progress of other research relating to women veterans conducted by or under the jurisdiction of the Secretary.".

SEC. 204. POPULATION STUDY OF THE NEED OF WOMEN VETERANS FOR HEALTH-CARE SERVICES.

(a) STUDY.—(1) The Secretary shall conduct an on-going study to determine the needs of women veterans for health-care services.

(2) Before carrying out the study, the Secretary shall—

(A) request the advice of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code; and

(B) in consultation with the Secretary of Defense, request the advice of the Advisory Committee on Women in the Services.

(3)(A) In carrying out the study, the Secretary (with the assistance of the Secretary of Defense) shall—

(i) examine the medical, biopsychosocial, and demographic histories of an appropriate sample of women veterans and women members of the Armed Forces who are serving on active duty;

(ii) to the extent feasible, use data from the most recent decennial census and official census statistics; and

(iii) to the extent feasible, use information contained in the report submitted to the Secretary under section 102(b) of the Veterans' Health Care Amendments of 1983 (Public Law 98–160; 38 U.S.C. 1712A note).

(B) The sample referred to in subparagraph (A)(i) shall include women veterans and women members of the Armed Forces who are serving on active duty and shall, to the extent feasible, provide a representative sampling (as determined by the Secretary) of the ages, the ethnic, social, and economic backgrounds, the enlisted and officer grades, and the branches of service of all women veterans and women members of the Armed Forces.

(C) The protocol for the study shall meet standards for scientific merit prescribed by the Secretary.

(b) REPORTS.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives reports relating to the results of the study as follows:

(1) Not later than 6 months after the date of the enactment of this Act, an interim report on the study describing—

(A) the status of the study on the date of the report; and

(B) the information and advice obtained by the Secretary from the Advisory Committees referred to in paragraph (2)(A).

(2) Not later than April 1, 1994, a report describing the results of the report as of that date.

(3) Not later than April 1 of each of 1996, 1998, 2000, 2002, and 2004, a report describing the results of the study as of the date of such report.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Veterans Affairs $1,500,000 to carry out the purposes of this section. Amounts appropriated pursuant to this authorization of appropriations shall be available for obligation until expended without fiscal year limitation.

SEC. 205. REPORT ON RESEARCH RELATING TO WOMEN VETERANS.

Not later than July 1 of each of 1993, 1994, 1995, and 1996, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) a description (as of May 31 of the year in which the report is submitted) of the status of any research relating to women veterans being carried out by or under the jurisdiction of the Secretary (including the research carried out under section 7303(d) of title 38, United States Code (as added by section 203 of this Act)); and

(2) recommendations of the Secretary as to future research (including a proposal for any legislation relating to such research) relating to women veterans.

SEC. 206. SUPPORT FOR WOMEN VETERANS COORDINATORS.

The Secretary shall take appropriate actions to ensure that—

(1) sufficient funding is provided to each Department facility in order to permit the women veterans coordinator to carry out the functions of the coordinator at the facility;

(2) sufficient clerical and communications support is provided to each such coordinator for that purpose; and

(3) each such coordinator has direct access to the Director or Chief of Staff of the facility to which the coordinator is assigned.

SEC. 207. REGIONAL WOMEN VETERANS COORDINATORS.

(a) REQUIREMENT OF APPOINTMENT.—The Secretary shall appoint a regional women veterans coordinator to serve in each regional office of the Veterans Health Administration. A person appointed as a coordinator under this section shall serve in the position on a full-time basis.

(b) RESPONSIBILITIES.—Each regional women veterans coordinator shall—

(1) coordinate the training of women veterans coordinators who are assigned to Department facilities in the region under the jurisdiction of such regional coordinator; and

(2) provide appropriate technical support and guidance to Department facilities in that region with respect to outreach activities to women veterans.

SEC. 208. FUNDING FOR CERTAIN ACTIVITIES OF THE ADVISORY COMMITTEE ON WOMEN VETERANS.

From funds available to the Department of Veterans Affairs, the Secretary shall provide funds to be used for the members of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code, for the following purposes:

(1) For travel in connection with a reasonable number of visits to Department facilities in order to permit such members to carry out the responsibilities of the Advisory Committee.

(2) For the conduct of meetings of the Advisory Committee.

SEC. 209. DEFINITIONS.

For the purposes of this title—

(1) The term "Secretary" means the Secretary of Veterans Affairs.

(2) The term "Department" means the Department of Veterans Affairs.

(3) The term "Department facilities" means the following facilities at which the Secretary furnishes medical services:

(A) Facilities over which the Secretary has direct jurisdiction.

(B) Government facilities for which the Secretary contracts.

(4) The term "medical services" has the meaning given such term in section 1701(6) of title 38, United States Code (as amended by section 201(a) of this Act).

(5) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

The title was amended so as to read: "A bill to amend title 38, United States Code, to improve the care and services furnished to women veterans who have experienced sexual trauma while on active duty, to study the needs of such veterans, to expand and improve other Department of Veterans Affairs programs that provide care and services to women veterans, and for other purposes.".

THE WOMEN VETERANS HEALTH PROGRAMS ACT OF 1992

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs, I am pleased to support passage of S. 2973, the Women Veterans Health Programs Act of 1992. This bill addresses two key health issues facing women veterans: the needs of women who have been sexually assaulted or harassed while serving in the military; and access to and availability of health services for women veterans within the Department of Veterans Affairs [VA]. I am proud to note, Mr. President, that this bill, originally introduced by Senator CRANSTON, incorporates much of S. 2028, the Women Veterans Health Equity Act of 1991, which I introduced last November.

Our committee held three very important hearings this session to discuss issues affecting women veterans. On June 30, the committee received testimony from women veterans who relayed horrifying accounts of being harassed, assaulted, and raped while serving in the military. They spoke of their hesitancy, and that of fellow victims, to come forward and report their assaults. And even when a victim does come forward, witnesses told us of records being altered or lost, complainants ignored, and allegations not investigated. Because entitlement to VA treatment often depends on establishing service-connection, this lack of evidence can lead to the unavailability of VA treatment.

Title I of S. 2973 deals with the problem faced by victims when they lack evidence of a sexual assault. Under this bill, where a VA health professional concludes that a veteran incurred sexual trauma during active duty, VA would be required to provide health care services necessary to treat that trauma on the same priority basis as if the condition were service connected. The bill also requires that the Department of Defense [DoD] coordinate with VA a study of the extent of the unmet need for treatment and counseling for the aftereffects of sexual trauma while in the service and directs DoD to ensure that the proper education and advice are provided to all women upon separation from active duty.

The committee also held hearings on June 19 in Pittsburgh, which I chaired, and on July 2 in Washington on VA's ability to meet adequately the overall health care needs of women veterans. While we learned that VA has made great strides in recognizing the needs of the growing population of female veterans, it is evident from the testimony that more can and must be done.

Based on those hearings, as well as on my work in connection with S. 2028, I believe that the VA health care system must be redirected to serve the growing numbers of women veterans. Accordingly, title II of the bill would specifically authorize VA to provide "well-women care services"—such as Pap smears and mammograms—to ensure that VA will be able to provide these critical services to women veterans. Title II would also encourage VA to expand biomedical and behavioral research focusing on areas with health consequences for women, including breast cancer, gynecological and hormonal matters, cancer of the reproductive system, Alzheimer's disease, and osteoporosis.

I would like to thank the staff who have worked so hard on this bill: Janet Coffman, Virginia Rowthorn, Sandi Isaacson, Susan Thaul, Bill Brew, and Ed Scott from the majority staff; and Carrie Gavora, Yvonne Santa Anna, and Tom Roberts of my staff.

S. 2973 is a necessary step toward improving access to quality health care for women veterans. By recognizing the need for VA to do more in the area of counseling and health services for women veterans who have been sexually traumatized and providing a critical package of preventive health care services and biomedical and behavioral research relating to women veterans, I believe this bill will lead the way to a new and long-overdue emphasis on the needs of women patriots.

I urge my colleagues to support this important bill.

THE PROPOSED "WOMEN VETERANS PROGRAMS ACT OF 1992"

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge my colleagues to support S. 2973, the proposed Women Veterans Health Programs Act of 1992, as reported by the Committee on Veterans' Affairs on August 5, 1992.

I strongly believe that the provisions of this legislation are essential for the Department of Veterans Affairs to provide necessary health and mental health services to women veterans—especially for the long overlooked needs of those who were sexually assaulted during their military service. Women veterans and their specific health-care needs have received too little attention for far too long. The provisions of the legislation now before the Senate are designed to give appropriate recognition and assistance to the women who have served our Nation in the Armed Forces.

Mr. President, because the specifics of this bill are described in detail in the committee report—S. Report No. 102-409—I will at this time summarize the provisions of the bill and then discuss certain key provisions.

SUMMARY OF PROVISIONS

Mr. President, S. 2973 as reported, which I will refer to as the "committee bill," contains two titles—title I, entitled "Sexual Trauma Services," which is derived from S. 2973 legislation I introduced on July 2, 1992, and title II, entitled "Health Care for Women Veterans," which is derived from S. 2028.

TITLE I—SEXUAL TRAUMA SERVICES

Mr. President, the provisions of title I would: first, require VA, in the case of a woman veteran whom a designated VA health-care professional has found to be in need of counseling or treatment for sexual trauma that occurred during service, to provide her with health-care services necessary in connection with the trauma on the same basis as VA is required to provide care for service-connected disabilities.

Second, authorize VA, through December 31, 1994, to furnish these services through contracts with non-VA providers and require by March 31, 1994, a report on the use of this authority.

Third, require VA to provide for women veterans a toll-free, 24-hour information and referral telephone line, staffed by personnel trained to facilitate access to services relating to sexual trauma.

Fourth, require the Secretary of VA, in cooperation with the Secretary of Defense, to carry out and submit to the Congress by December 31, 1993, a study of the extent of veterans' needs for counseling, medical care, and other services as the result of experiencing rape, other sexual assault, or sexual harassment while serving on active duty, including the extent of sexual trauma experienced in the military service, the extent of underreporting of crimes of sexual violence in the Armed Forces, and the utilization of military and VA health-care services by servicemembers and veterans, respectively, who were the victims of rape, other sexual assault, or sexual harassment.

Fifth, require the Secretary of VA, by March 1, 1993, and by December 31 of each of calendar years 1993 through 1997, to provide the Veterans' Affairs Committees with a comprehensive report on VA services for veterans who experienced sexual trauma, including (a) information on medical care, counseling, outreach, and other services, and the numbers of male and female counselors provided specialized training in the counseling of women who have experienced sexual trauma; (b) an assessment of any deficiencies in meeting the veterans' needs; and (c) plans to correct those deficiencies.

Sixth, require the Secretaries of VA and Defense jointly to ensure that all women being separated from active duty are given appropriate, in-person advice (a) regarding the availability of VA counseling, medical care, and other services and assistance with respect to sexual trauma; and (b) the requirements for eligibility for or entitlement to, and the procedures for applying for, such counseling, medical care, and other services and assistance.

Seventh, require VA to submit to the Veterans' Affairs Committees by December 31, 1992, a report on (a) the difficulties veterans encounter in obtaining VA determinations that disabilities relating to sexual trauma that are the results of events that occurred during active duty are service-connected and the extent to which VA fails to make determinations that such disabilities are service-connected; and (b) what steps should be taken to respond in a fair manner to those difficulties and to eliminate these failures.

TITLE II—WELL-WOMEN HEALTH CARE SERVICES

Mr. President, the provisions of title II would: first, add "well-women health care services" to the definition of "medical care" in section 1701 of title 38, thereby authorizing the Secretary, in furnishing care and services to women veterans to furnish health-care counseling and services with respect to physical and psychological conditions which may affect the current or future physical or psychological health of the veteran even though such counseling and services may not be considered to be the care or treatment of a disability nor preventive health-care services.

Second, define the term "well-women care services" to mean health-care services provided to women outside the maternity cycle; (a) including counseling and services related to the following: Papanicolaou tests, breast examinations and mammography, general reproductive health care, the management of infertility, menopause, and sexual violence, but (b) specifically excluding (1) pregnancy care—including prenatal and delivery care—except in those cases in which the risks of complications of pregnancy or pregnancy outcome are increased secondary to a service-connected condition, and (2) abortion.

Third, provide the Secretary with a 2-year discretionary authority to contract with non-VA entities for the furnishing of well-women services on an outpatient basis.

Fourth, require the Secretary to submit an annual report, on January 1 of each of the next five years, providing information on VA's furnishing of well-women health-care services research involving health care concerns of women veterans.

Fifth, direct the Secretary to foster and encourage research involving the health care concerns of women veterans.

Sixth, require the Secretary to encourage and foster research by VA personnel in the following matters as they relate to women breast cancer, gynecological and hormonal matters, cancer of the organs of the reproductive system, Alzheimer's Disease, osteoporosis, posttraumatic stress disorder, substance abuse, and sexual violence.

Seventh, direct the General Accounting Office to study whether there are significant differences in the rates of VA hospital psychiatric admissions of male and female veterans and, if so, why.

Eighth, authorize the appropriation to VA of $1.5 million, $2 million, and $2.5 million for fiscal years 1993 through 1995, in addition to the appropriations that are otherwise appropriated for VA research, for research relating to health issues relating to women veterans.

Ninth, require the Secretary, to the extent that information relating to health care for women veterans is inadequate for the conduct of research relevant to the health-care needs of women veterans, to take action to ensure that VA's research gives consideration to the health of the general population of adult women in the United States.

Tenth, require the Secretary to take appropriate actions to ensure that VA researchers are informed of the existence and progress of other VA research relating to women veterans.

Eleventh, require VA to conduct an ongoing population study of women veterans' health-care-services needs; require the Secretary to submit to the Committees on Veterans' Affairs an initial status report on the study and then biannual reports through the year 2004; and authorize the appropriation of $1.5 million for the study.

Twelfth, require the Secretary to submit to the Committees on Veterans' Affairs by July 1 of each of the next four years a report that includes (a) a description of the status of any VA research relating to women veterans, and (b) the recommendations of the Secretary as to future research relating to women veterans.

Thirteenth, require the Secretary to provide funding to enable Women Veterans Coordinators [WVC] at each VA medical center to carry out their functions, provide WVCs with adequate clerical and rapid communications support, and ensure that each WVC has direct access to the Director or the Chief of Staff at the medical center to which the WVC is assigned.

Fourteenth, require the Secretary to appoint a fulltime regional women veterans coordinator at each Veterans Health Administration regional office to coordinate the training of WVCs within the region and to provide technical support and guidance with respect to outreach to women veterans.

Fifteenth, require the Secretary to make available travel funds (a) to enable members of VA's Advisory Committee on Women Veterans to make reasonable site visits to VA medical facilities, and (b) for meetings of the Committee.

SEXUAL TRAUMA SERVICES

Mr. President, title I of the Committee bill addresses in legislation for the first time a problem that this great nation cannot with honor fail any longer to address—the needs of women veterans who were the victims of rape, other sexual assaults, or harassment during their military service. When chairing our committee's June 30 hearing on this issue, I promised America's women veterans that we were emerging from a dark past in which the Federal Government ignored and neglected the heart-wrenching situations of those who suffered sexual violence while they served in the Nation's Armed Forces.

Since that hearing VA has formed a task force on treatment of women who suffer sexual abuse which first met in August to develop recommendations on ways to improve the services VA provides to such women. VA has also organized a conference of its women veterans' coordinators, which convenes this month in Birmingham. As part of this conference, WVCs will receive their first training in the area of sexual violence. In addition, VA provided the Readjustment Counseling Service [RCS] with a supplemental fiscal year 1992 travel allotment so that all Vet Center counselors could attend training conferences. Fiscal year 1992 RCS training conferences were the first to include sections on adult and child sexual trauma. In fiscal year 1993, training sections on sexual violence among women in the military will be added for the first time. RCS will also begin using a new data system in October that will facilitate collection of data regarding specific population groups, diagnoses, and other data. This information will be helpful in tracking trends and providing additional training to counselors when necessary.

On the Congressional front, already, Senator MIKULSKI, Chair of the VA, HUD, and Independent Agencies Appropriations Subcommittee, in response to my urging added $10 million above the administration's budget request for programs to address the needs of women veterans, expressly including their needs for counseling and treatment activities for female veterans who were sexually assaulted or harassed while serving in the military.

There are good first steps, Mr. President. But, the enactment of the provisions of title I of the pending measure are essential to the ability of VA, on behalf of the Nation, to do what needs to be done to meet its most solemn obligations to women veterans who were the victims of sexual violence during their service to the Nation.

BACKGROUND

Mr. President, at our committee's June 30 and July 2, 1992, hearings, we received testimony from women veterans who were victims of sexual trauma, experts in the counseling and treatment of sexual trauma victims, VA clinicians, VA officials, and veterans' organizations. Health professionals testified that victims of sexual violence experience trauma that can have very serious physical and mental consequences requiring professional attention. Further, several witnesses testified that, although similar to the counseling and treatment for PTSD from exposure to combat, the counseling and treatment of women veterans who are victims of sexual violence is unique and requires personnel with specialized skills. Those testifying also believed that VA is not well-prepared to care appropriately for women veterans who are victims of sexual violence.

The hearings also showed that, due to the great extent to which rape and other sexual assaults are underreported, women veterans who were the victims of sexual violence during service very often will have no military records to demonstrate that the incident occurred. Thus they will have great difficulty in establishing entitlement to needed care on grounds of service-connection.

Mr. President, the number of sexual assaults and rapes that occur in military has been and continues to be largely unknown and is difficult to establish. The services do not maintain consistent, useful data on sexual violence. Moreover, victims of sexual violence in the civilian community tend not to report the crime, and, as testimony at our hearings showed, there is good reason to believe that the degree of underreporting is more pronounced in the military.

The most extensive reliable information the committee found on the extent of the problem in the military is in a September 1990 Defense Manpower Data Center Report entitled "Sexual Harassment in the Military: 1988," to which approximately 12,500 active-duty military women responded. Five percent of the respondents reported actual or attempted rape or sexual assault during the most recent 12 months. If these figures are projected to the approximately 222,000 women on active duty in 1988, over 11,000 women in the military would have been victims of sexual violence in that 1 year alone.

Given the extent of the problem within the military, the implications for VA are astounding. There are currently 1.2 million women veterans. Applying the 5-percent figure to this population—a percentage that seems very conservative because women veterans' periods of service average approximately 7 years, in contrast to the 1-year period covered by the study—would indicate that 60,000 women veterans were raped or otherwise sexually assaulted during their service.

It is appalling that the startling results of this survey produced neither a concerted effort to eliminate sexual violence in the Armed Forces nor major efforts in the Department of Defense or VA to respond to the obvious and great needs of the victims of sexual violence. Even more remarkably, DOD failed to conduct followup studies to confirm and expand upon the 1988 study.

Mr. President, recently developed VA data suggest a possibly even more widespread problem than the 1988 DOD survey indicated. At the Committee's June 30 hearing, Jessica Wolfe, Ph.D., of VA's National Center for PTSD division located in Boston, reported the results of a study she and Joan Furey, R.N., of the VA's National Center for PTSD division located in Menlo Park, California, had conducted. The study involved 113 women Vietnam theater veterans who served in Vietnam between 1964 and 1975 and who volunteered for the study. These women were surveyed on a range of psychological and PTSD symptoms as well as on self-reported health problems. Dr. Wolfe reported that, of the 113 female Vietnam veterans, 29 percent experienced a sexual encounter accompanied by force or the threat of force during their service. Also, Susan Angell, M.S.W., Ph.D., manager of the VA's Readjustment Counseling Service [RCS], Pacific Western Regional Office, testified that an informal survey of two RCS regions found that out of a total of 173 women who were clients in February 1992, 30 percent had reported a history of sexual assault during active duty, and an additional 18 percent reported post-service assaults.

Mr. President, a most regrettable aspect of this issue is, as I have learned through our hearings and from the scores of women servicemembers and veterans who contacted me after the hearing, that the perpetrators of the rapes and other acts of sexual violence against women servicemembers are their male colleagues, often their superiors in the command structure.

COMMITTEE BILL

Mr. President, following the Committee's hearings, I introduced S. 2973, the provisions of which, with certain modifications, comprise title I of the Committee bill. I believe that these provisions will make desperately-needed improvements in the services VA provides to women veterans who experience sexual trauma while on active duty.

One of the most significant provisions of title I in terms of responding to women veterans' immediate needs, is section 101. Under this section, a woman veteran whom a VA designated health-care professional determines is in need of counseling or other services in connection with sexual trauma that occurred while on active duty would be entitled to care on the same priority basis as an individual with an adjudicated service-connected condition. Under this provision, a woman veteran seeking care for a condition related to sexual trauma would not have to go through the often lengthy adjudication process to determine if the condition is related to military service in order to receive needed medical or psychological attention. It became clear during the course of the Committee hearings on this matter that victims of sexual assault often do not report the incidents and, thus, lacking documentation of their assaults in their military records, would not be successful in having a claim for conditions relating to sexual trauma approved. I strongly believe that these women veterans must not be turned away from VA because of a lack of records reflecting the fact that they were raped or otherwise assaulted. Because conditions related to sexual trauma in the military are so clearly service-related, the federal government has a fundamental obligation to treat these women and to make such treatment as accessible as possible. This legislation, in a responsible fashion, would clear away major obstacles that currently make it difficult or impossible for VA to do so.

Mr. President, in light of VA's current lack of personnel with the specialized training necessary to counsel the victims of sexual assaults, the Committee bill authorizes the furnishing of services by contract. In this regard, I am pleased to note that, at my request, the distinguished chair of the VA-HUD and Independent Agencies Subcommittee of the Committee on Appropriations, (Ms. MIKULSKI), proposed an amendment to the fiscal year 1993 VA-HUD appropriations bill (H.R. 5679), which the Senate adopted, making $4 million available for such contracts if the Committee bill is enacted. I am very grateful to Senator MIKULSKI for her efforts in this regard.

Mr. President, another section of title I, section 102, would provide for a toll-free information and referral hotline for women veterans. The Committee learned through the course of its investigation into this issue that many women veterans are extremely reluctant to approach VA for assistance. They believe—and, unfortunately, experience too often has supported their view—that VA exists to serve male veterans, is filled with male veterans, and is unprepared to respond to the specific needs of women veterans. A number of women veterans have informed the Committee that, for years, they did not consider themselves veterans and were unaware that they were eligible for VA benefits. I believe that a toll-free hotline—and publicity regarding it—would provide a safe and reassuring way for women to contact VA and for VA to provide information about benefits and services to women veterans.

Mr. President, section 105 of the Committee bill would help to fill the crucial need for information by requiring the VA Secretary, in cooperation with the Secretary of Defense, to conduct a study of the extent of women veterans' needs for care and other services and assistance as a result of sexual violence or harassment during their service. The study must include the extent of sexual trauma experienced in the Armed Forces. This study is necessitated by the inexplicable failure to followup on the 1988 DoD survey that I noted earlier, which indicated a very extensive problem.

Mr. President, these provisions, along with the other provisions of title I, are designed to provide VA with the clear mandate and means to provide critically important assistance needed by women veterans suffering from the after effects of incidents that took place while they were serving their country. VA must take responsibility for the care of these women, and I am determined to do all that I can to secure the enactment of this legislation is order to ensure that VA is able to fulfill that responsibility.

TITLE II—HEALTH CARE FOR WOMEN VETERANS

Mr. President, I am pleased that, in addition to the essential services that are provided for in title I, S. 2973 contains provisions relating to the broader range of health-care needs of women veterans. These provisions are derived, for the most part, from S. 2028, legislation introduced by Senator Specter. It was a pleasure to work with Senator SPECTER in the development of these provisions in the Committee bill.

I have long been a strong advocate for women veterans and have worked to ensure that they have access to appropriate, high-quality VA health care and other VA benefits and services.

In January 1983, following the release of the General Accounting Office's 1982 report on women veterans' access to VA benefits and service, I introduced legislation to establish a VA Advisory Committee on Women Veterans and secured the enactment of those provisions in section 301 of Public Law 98-160. The advisory committee has played an important role in identifying problems regarding the furnishing of health-care services and other benefits to women veterans and in proposing and monitoring implementation of solutions to these problems.

That same law included a provision, also derived from legislation I introduced, that required VA to ensure that each of its health-care facilities is able, either directly or by contract, "to provide appropriate care, in a timely fashion, for any gender-specific disability * * * of a woman veteran" eligible for VA care. This provision represented a significant and vital step toward enhancing VA's health-care services for women veterans.

Pursuant to legislation I authored in 1986, VA has undertaken a triad of research studies involving the health of women who served in Vietnam. The results of a mortality study of women veterans were published in November 1991. Excess deaths from external causes, such as motor vehicle accidents, and possible excess deaths from cancers of the breast and pancreas were observed in women who had served in Vietnam compared with women Vietnam-era veterans who had served elsewhere. In December 1991, the Office of Technical Assistance approved work on a pilot project for a reproductive health study of women veterans, and VA announced on September 3 that it is proceeding with the pilot. The third prong of study of women Vietnam veterans involves the further analysis of data regarding physical and psychological health of women veterans from the National Vietnam Veterans Readjustment Study, which was conducted pursuant to section 102 of Public Law 98-160.

Mr. President, in response to my September 18, 1990, request to the Comptroller General for a followup assessment of how well VA has succeeded in implementing the recommendations in GAO's 1982 report, GAO reported that VA has made significant improvements in a number of areas, such as the furnishing of gynecological care and breast cancer screening, and also commended certain VA medical centers for establishing innovative programs for furnishing care to women veterans and monitoring the quality of their care. Although deficiencies persist, Secretary Derwinski has developed sound plans for correcting them.

At the Committee's July 2, 1992, hearing, the chair of the Advisory Committee on Women Veterans, Shirley Menard, R.N., M.S.N., testified that VA's funding of the Advisory Committee on Women Veterans has not been sufficient to allow members of that Committee to travel to VA facilities to perform adequate oversight duties. Section 208 of the Committee bill would require the Secretary to provide funds to be used for the travel of the members of the Advisory Committee in connection with oversight visits to VA facilities and for the conduct of Committee meetings. Advisory Committee members should not be faced with the choice of spending their own money to see what is happening to women veterans in VA facilities or not going to all.

Beginning in 1983, VA formed a Women Veterans Coordinator [WVC] Program, with a designated staff member in place at each VA medical center by 1985 and at each Veterans Benefits Administration regional office by 1986. Testimony at the Committee's July 2, 1992, hearing illustrated the need for program improvements. The most outstanding needs were for the WVCs at each VA medical center to have an effective communication channel with the facility Director and sufficient time allotted to carry out effectively the role of a WVC. Although some VA medical centers have assigned a high visibility to the WVC, most have assigned the title to a staff member, often a nurse or a social worker, with other pressing full-time responsibilities.

Mr. President, within the last 3 months, members of the Committee staff have called over 20 VA medical centers and asked the operator to connect them with the Women Veterans Coordinator. Not one of these calls went through without a hitch. Common VAMC operator responses included not knowing who the WVC was; noting that the WVC was on leave or otherwise unavailable and that there was no one designated to carry out her duties in her absence; responding that the women's coordinating work was done by volunteers who weren't there at the time; suggesting that the personnel department handles that issue; and indicating that there was no WVC designated, followed by a referral of the call to the Patient Representative, who often was also not available.

The Committee staff members reported that, during these calls, they were frequently put on hold for extended periods or were transferred a number of times to incorrect facility telephone extensions. Such delays and lack of attention may have very serious consequences when a women veteran calls for assistance. The Committee staff members knew and gave the VA title of the position and, knowing that such a position existed—at least nominally—at each facility, were able to persist in their demands to be contacted with the WVC. A women veteran with a health problem who calls a VA facility and says she'd like help faces a much greater obstacle to getting through to a WVC and the special assistance WVCs are supposed to provide.

Moreover, according to testimony the Committee received on July 2, the WVC often does not have the time or access to the VAMC management to facilitate changes needed to improve services for women veterans. I strongly believe that WVCs generally must have more time and greater access to top management in order to identify and succeed in correcting systemic problems which adversely affect women veterans seeking VA services.

To address the problem with WVCs, section 206 of the Committee bill requires the Secretary to ensure sufficient funding is provided to each VA facility in order to permit the WVC to carry out the functions of that position, in particular by providing sufficient clerical and communications support—so that women veterans can contact them or other VAMC personnel can inform the WVC of a Women in potential need of assistance—and direct access to the Director of Chief of Staff. Furthermore, the legislation requires that a full-time WVC serve in each regional office of the Veterans Health Administration to coordinate the training of the facility-based WVCs stationed at each facility and to provide appropriate technical support and guidance to those facilities regarding outreach activities to women veterans.

CONCLUSION

Mr. President, I thank Senator SPECTER and the other members of the Committee for their cooperation in the development of this important legislation.

I also thank Sandra Isaacson of GAO, who was detailed to the Committee staff this summer to work on these issues; the Committee's minority staff members, Yvonne Santa Anna, Charlie Battaglia, and Tom Roberts, and the Committee's majority staff members, Janet Coffman, Virginia Rowthorn-Apel, Susan Thaul, Bill Brew, and Ed Scott, for their work on this legislation to improve the health care of women veterans.

Mr. President, I urge my colleagues to support this measure of vital importance to the women who have served our Nation so well in the Armed Forces.

Mr. AKAKA. Mr. President, I rise in strong support of S. 2973, the Women Veterans Programs Act of 1992, as reported by the Committee on Veterans' Affairs early last month. I am proud to be an original cosponsor of both S. 2973, as first introduced by Senator CRANSTON last July, and S. 2028, introduced by Senator SPECTER last November, from which the committee bill is derived.

S. 2973 as reported addresses two major areas concerning women veterans health care—sexual trauma services and well-care services. Title II of the bill, which is derived from S. 2028, would authorize a variety of well-women services such as pap smears, mammography, and breast examinations; services for general reproductive health; and services for conditions arising out of acts of sexual violence. It would also authorize contract care for well-women care on an outpatient basis; encourage research on health care conditions of concern to women veterans; require studies on the availability of VA health care services for women; and, require the appointment of women veterans coordinators at VA medical centers to provide advocacy and outreach for women veterans seeking treatment.

Mr. President, title I of this bill, which is derived from S. 2973 as originally introduced by Senator CRANSTON, would require VA to furnish, either in VA facilities or by contract, priority counseling or treatment for sexual trauma incurred during their military service. This legislation would also establish a telephone hotline to help facilitate service for women veterans; require a study of the need for sexual-trauma services; require a report on VA services for veterans experiencing sexual trauma; require a report on the difficulties encountered by women in obtaining service-connection for sexual assault during service; and require VA and the military to provide women separating from service information on the availability of services for victims of sexual violence.

Title II of this legislation arises directly out of hearings held by the Veterans' Affairs Committee earlier this year which focused on the little known problem of sexual assault of female military personnel. Based on a 1988 Department of Defense study that reported that 5 percent of women surveyed had been subjected to rape, attempted rape, or sexual assault while in military service, the committee believes that at least 60,000 of the Nation's 1.2 million women veterans may have been victims of sexual abuse, with another 800,000 having experienced nonphysical forms of sexual harassment.

The committee heard moving testimony from women veterans who had been sexually abused in the military, who indicated that their superiors did little to punish the abusers or to help the victims obtain counseling or medical care. After their separation from service, the witnesses reported that VA was unable to provide them with adequate services to help them deal with the long-term aftereffects of their experiences. The witnesses who appeared at our hearing were exceptional in that they were willing to come forward with their experiences; because of the nature of the acts that were committed against them as well as the criminal unresponsiveness of authorities to aid them when some did report them, tens of thousands of other women have not been able to bring themselves forward, preferring to suffer in silence.

Mr. President, the committee hearings came in the wake of last spring's Tailhook scandal that has rocked the Navy, and the entire military profession, to its core. I joined many of my colleagues at that time to condemn the culture of sexism that has permeated the military and allowed acts of sexual violence to flourish in secrecy. It is obvious that the military's long acceptance of a double standard fostered an environment in which dedicated women such as Navy Lt. Paula Coughlin, a highly capable helicopter pilot, could have the clothes torn from her body by her erstwhile male comrades-in-arms at a so-called professional development conference. That environment also led her commanding officer, a two-star admiral, effectively to condone the attack by declining to take appropriate action after she reported the incident to him.

In my opinion, the military must do more than reassign an admiral or force the resignation of a Navy Secretary or discipline the men who took part in the attacks. For Tailhook is just the tip of a terribly large iceberg, the largest and most dangerous part of which floats hidden just beneath the surface. The Navy and the other services must revamp a culture that is sexist and inbred to the point where it threatens the viability of their mission. They must develop an infrastructure of programs and procedures that can effectively forestall sexual assault and provide psychological and medical care after a sexual attack takes place.

In this regard, VA also must look to revamp its policies with respect to the treatment of women veterans. In some respects, this is more important for women, since the psychological and physical effects of sexual assault are often long term, and many women veterans will not come forward until many years after the fact, if ever. VA must undertake a comprehensive review of all policies and programs, from eligibility rules to the types of medical and psychological services that need to be provided to help these suffering individuals.

Our legislation is the first step in this process, Mr. President. It requires the responsible agencies of Government to examine the extent of the problem and assess the availability of current resources, and it authorizes basic VA services that represent a significant first step toward fully addressing this terrible issue. I hope that the Senate will adopt this legislation and that the House will join us in enacting a strong bill that is responsive to the needs of a long-overlooked population. Any attempt to delay or weaken this measure will exacerbate an already untenable and unacceptable situation.

Thank you, Mr. Chairman. I would like to recognize the leadership of the chairman and ranking minority member, and their respective staffs, on this matter. In particular, Senator CRANSTON should be singled out for bringing the issue of services for women veterans who have been victims of sexual assault to the Senate's attention. Once again, as he has for his entire Senate career, ALAN CRANSTON has demonstrated that governance and compassion are two sides of the same coin.

DEPARTMENT OF VETERANS AFFAIRS NURSE PAY AMENDMENTS OF 1992

Mr. KERREY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 669, S. 2575 relating to nurses pay.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S.2575) to amend chapter 74 of title 38, United States Code, to revise certain pay authorities that apply to nurses and other health care professionals, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCE TO TITLE 38.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health Programs Improvement Act of 1992".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—NURSE PAY

SEC. 101. REVISION TO NURSE PAY GRADE SCHEDULE.

(a) REVISION.—Section 7404(b)(1) is amended in the matter relating to "NURSE SCHEDULE" by striking out "Director grade." and all that follows through "Entry grade." and inserting in lieu thereof the following:

"Nurse V.
"Nurse IV.
"Nurse III.
"Nurse II.
"Nurse I.".

(b) CONFORMING AMENDMENT.—Section 7451(b) of such title is amended by striking out "four" and inserting in lieu thereof "five".

SEC. 102. AUTHORITY TO ESTABLISH SPECIAL RATES OF PAY FOR EMPLOYEES OF FACILITIES LOCATED OUTSIDE THE CONTIGUOUS UNITED STATES, ALASKA, AND HAWAII.

Section 7451(a)(3) is amended—

(1) by striking out "(3) The rates" and inserting in lieu thereof "(3)(A) Except as provided in subparagraph (B), the rates"; and

(2) by adding at the end the following new subparagraph:

"(B) Under such regulations as the Secretary shall prescribe, the Secretary shall establish and adjust the rates of basic pay for covered positions at the following health-care facilities in order to provide rates that enable the Secretary to recruit and retain sufficient numbers of health-care personnel in such positions at such facilities:

"(i) The Veterans Memorial Medical Center in the Republic of the Philippines.

"(ii) Department of Veterans Affairs health-care facilities located outside the contiguous States, Alaska, and Hawaii.".

SEC. 103. AUTHORITY TO CARRY OUT CERTAIN SURVEYS OF LABOR MARKETS IN DETERMINING RATES OF COMPENSATION OF HEALTH CARE PROFESSIONALS.

Section 7451(d)(3) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraphs (C) and (D):

"(C) In the event that the director of a Department health-care facility who conducts a survey of beginning rates of compensation for corresponding health-care professionals in the labor-market area of the facility under subparagraph (B) determines (under regulations prescribed by the Secretary) that the size or composition of the labor-market area provides information that is not sufficient to permit the adjustments referred to in that subparagraph for the applicable covered positions, the director may conduct a survey of such rates of compensation in other comparable labor-market areas (as so determined). Any survey under this subparagraph shall be conducted in accordance with the provisions of subparagraph (B).

"(D) In the event that the director of a Department health-care facility who conducts a survey of beginning rates of compensation for certified registered nurse anesthetists in the labor-market area of the facility under subparagraph (B), and, if appropriate, a survey of such rates of compensation for such nurse anesthetists in comparable labor-market areas under subparagraph (C), determines (under regulations prescribed by the Secretary) that neither of the survey methods described in such subparagraphs is sufficient to permit the adjustments referred to in subparagraph (B) for such nurse anesthetists employed by the facility, the director may use data on the beginning rates of compensation paid to certified registered nurse anesthetists who are employed on a salary basis by entities that provide anesthesia services through certified registered nurse anesthetists in the labor-market area. For the purposes of this subparagraph, certified registered nurse anesthetists who are so employed by such entities shall be deemed to be corresponding health-care professionals to the certified registered nurse anesthetists employed by the facility. ".

SEC. 104. REVISION OF BASIS FOR CALCULATION OF COMPENSATION OF CORRESPONDING HEALTH CARE POSITIONS.

Section 7451(d)(6)(A)(i) is amended by striking out "established" and inserting in lieu thereof "paid".

SEC. 105. ADJUSTMENT IN GRADE OR STEP OF CERTAIN HEALTH-CARE PROFESSIONALS WHO TRANSFER TO OTHER DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) AUTHORITY TO ADJUST.—Subsection (e) of section 7452 is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following new paragraph (2):

"(2) The Secretary may establish for an employee referred to in paragraph (1) who transfers upon the request of the Secretary (but not pursuant to a disciplinary action otherwise authorized by law) to a new facility a rate of basic pay that is higher than the rate of basic pay otherwise paid by the new facility to an employee of that grade and step if the Secretary determines that such rate of pay is necessary to recruit the employee for employment in the new facility. Whenever the Secretary exercises the authority under the preceding sentence relating to the rate of basic pay of a transferred employee, the Secretary shall, in the next annual report required under section 7451(g) of this title, provide justification for doing so.".

(b) CONFORMING AMENDMENT.—Section 7451(g) is amended by adding at the end the following new paragraph:

"(9) The justification required by section 7452(e)(2) of this title.".

TITLE II—PREVENTIVE HEALTH CARE

SEC. 201. IMPROVEMENT OF PREVENTIVE HEALTH SERVICES.

(a) IN GENERAL.—The text of section 1762 is—

(1) transferred to section 1701; and

(2) redesignated as paragraph (9) of such section 1701.

(b) IMPROVEMENT.—Such paragraph (9) is amended—

(1) by striking out "For the purposes of this subchapter, the term 'preventive health-care services' means" and inserting in lieu thereof "The term 'preventive health services' means";

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (11) as subparagraphs (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), and (K), respectively; and

(3) by striking out subparagraphs (A) and (B) (as so redesignated) and inserting in lieu thereof the following:

"(A) periodic medical and dental examinations (including screening for high blood pressure, glaucoma, high cholesterol, and colorectal and gender-specific cancers);

"(B) patient health education (including education relating to nutrition, stress management, physical fitness, and stopping smoking);".

(c) CONFORMING AMENDMENT.—Section 1701(6)(A)(i) is amended by striking out "preventive health-care services as defined in section 1762 of this title," and inserting in lieu thereof "preventive health services,".

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on the date of the enactment of this Act.

SEC. 202. REPEAL OF PILOT PROGRAM.

(a) REPEAL.—Subchapter VII of chapter 17 is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by striking out the matter relating to subchapter VII.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

SEC. 203. NATIONAL CENTER FOR PREVENTIVE HEALTH.

(a) ESTABLISHMENT.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

"§7318. National Center for Preventive Health

"(a)(1) The Chief Medical Director shall establish and operate in the Veterans Health Administration a National Center for Preventive Health (hereafter in this section referred to as the 'Center').

"(2) The head of the Center is the Director of Preventive Health (hereafter in this section referred to as the 'Director').

"(3) The Chief Medical Director shall provide the Center with such staff and other support as may be necessary for the Center to carry out effectively its functions under this section.

"(b) The purposes of the Center are as follows:

"(1) To provide a central office for monitoring and encouraging the activities of the Veterans Health Administration with respect to the provision, evaluation, and improvement of preventive health services.

"(2) To promote the expansion and improvement of clinical, research, and educational activities of the Veterans Health Administration with respect to such services.

"(c) In carrying out the purposes of the Center under this section, the Director shall—

"(1) develop and maintain current information on clinical activities of the Veterans Health Administration relating to preventive health services, including activities relating to—

"(A) the on-going provision of regularly-furnished services; and

"(B) patient education and screening programs carried out throughout the Administration;

"(2) develop and maintain detailed current information on research activities of the Veterans Health Administration relating to preventive health services;

"(3) in order to encourage the effective provision of preventive health services by Veterans Health Administration personnel—

"(A) ensure the dissemination to such personnel of any appropriate information on such services that is derived from research carried out by the Administration; and

"(B) acquire and ensure the dissemination to such personnel of any appropriate information on research and clinical practices relating to such services that are carried out by researchers, clinicians, and educators who are not affiliated with the Administration;

"(4) encourage and monitor the implementation within the Veterans Health Administration of the recommendations on preventive health services of the Advisory Committee on Preventive Health Services established under section 7319 of this title;

"(5) ensure transmission to the Advisory Committee of inquiries of the Secretary or the Chief Medical Director, and the responses of the Advisory Committee to such inquiries;

"(6) facilitate the optimal use of the unique resources of the Department for cooperative research into health outcomes by initiating recommendations, and responding to requests of the Chief Medical Director and the Director of the Medical and Prosthetic Research Service, for such research into preventive health services; and

"(7) provide advisory services to personnel of Department health-care facilities with respect to the planning or furnishing of preventive health services by such personnel.

"(d) In this section, the term 'preventive health services' has the meaning given such term in section 1701(9) of this title.".

(2) The table of sections at the beginning of chapter 73 is amended by adding after the item relating section 7317 the following:

"7318. National Center for Preventive Health.".

(b) POSITION OF DIRECTOR OF CENTER.—

(1) POSITION.—Subsection (a) of section 7306 is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph (7):

"(7) The Director of the National Center for Preventive Health, who shall be responsible to the Chief Medical Director for the operation of the Center.".

(2) CONFORMING AMENDMENT.—Subsection (c) of such section is amended in the second sentence by striking out "and (4)" and inserting in lieu thereof "(4), and (7)".

(c) ANNUAL REPORT.—(1) Not later than August 31, 1993, and on an annual basis thereafter, the National Center for Preventive Health established under section 7318 of title 38, United States Code (as added by subsection (a)), shall issue a report on the programs, activities, and findings of the Department of Veterans Affairs on preventive health services during the 12-month period preceding the date of the report to health-care professionals and organizations that have an interest in the provision of such services.

(2) In this subsection, the term 'preventive health services' has the meaning given such term in section 1701(9) of title 38, United States Code (as added by section 201 of this Act).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,500,000 to the Medical Care General and Special Fund of the Department of Veterans Affairs for each fiscal year after fiscal year 1992 for the purpose of permitting the National Center for Preventive Health established under section 7318 of title 38, United States Code (as added by subsection (a)), to carry out research, clinical, educational, and administrative activities under such section 7318. Such activities shall be deemed to be part of the operation of health-care facilities of the Department without regard to the location at which such activities are carried out.

SEC. 204. ADVISORY COMMITTEE ON PREVENTIVE HEALTH SERVICES.

(a) ESTABLISHMENT.—Subchapter II of chapter 73, as amended by section 203 of this Act, is further amended by inserting after section 7318 the following new section:

"§7319. Preventive Health Services Advisory Committee

"(a) The Secretary shall establish a Preventive Health Services Advisory Committee (hereafter in this section referred to as the 'Committee').

"(b)(1) The membership of the Committee shall be appointed by the Secretary, upon the recommendation of the Chief Medical Director, from individuals who are not employees of the Department, and shall include individuals who are not employees of the Federal Government and who have demonstrated interest and expertise in research, education, and clinical activities related to the provision of preventive health services, and at least one representative of veterans who receive health-care services from the Veterans Health Administration.

"(2) The Secretary, upon the recommendation of the Chief Medical Director, shall invite appropriate representatives of other departments and agencies of the Federal Government to participate in the activities of the Committee.

"(3) The Secretary shall provide the Committee with such staff and other support as may be necessary for the Committee to carry out effectively its functions under this section.

"(c)(1) The Committee shall—

"(A) identify for the Secretary—

"(i) the types of preventive health services that are appropriate for particular groups of veterans; and

"(ii) the areas of inquiry within the field of such services that the Committee determines to be suitable for the pursuit of new or additional clinical research by the Department;

"(B) make recommendations to the Secretary on—

"(i) various means of initiating, enhancing, modifying, or discontinuing the provision of preventive health services by the Department in order to ensure that such groups of veterans are provided with appropriate preventive health services; and

"(ii) various means of ensuring the continued provision of preventive health services by the Department;

"(C) advise the Secretary on general developments in the fields of research and clinical activities related to preventive health services; and

"(D) respond to requests of the Secretary or the Chief Medical Director for information on specific research and clinical activities and ethical matters related to such activities.

"(2) The Committee shall transmit any identifications, recommendations, and advice to the Secretary under subparagraphs (A), (B), and (C) of paragraph (1) through the Chief Medical Director.

"(d)(1) Not later than August 1, 1993, and on an annual basis thereafter, the Committee shall submit to the Secretary a report on the activities of the Committee with respect to the matters referred to in subsection (c)(1) during the 12-month period preceding the date of the report.

"(2) The Committee shall submit to the Secretary, through the Chief Medical Director, such reports in addition to the reports referred to in paragraph (1) as the Committee considers appropriate with respect to the matters referred to in subsection (c)(1). Not later than 90 days after receipt of a report under this paragraph, the Secretary shall transmit the report, together with the Secretary's comments and recommendations thereon, to the appropriate committees of the Congress.

"(e) In this section, the term 'preventive health services' has the meaning given such term in section 1701(9) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7318, as added by section 203 of this Act, the following:

"7319. Preventive Health Services Advisory Committee.".

SEC. 205. REPORTS.

(a) REPORTS.—Not later than October 31, 1993, and on an annual basis thereafter, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report including the following:

(1) A description of the programs and activities of the Department of Veterans Affairs with respect to preventive health services during the 12-month period preceding the date of the report, including—

(A) the programs conducted by the Department—

(i) to educate veterans with respect to health promotion and disease prevention; and

(ii) to provide veterans with preventive health screenings and other clinical services, with such description setting forth the types of resources used by the Department to conduct such screenings and services and the number of veterans reached by such screenings and services;

(B) the means by which the Secretary addressed the specific preventive health services needs of particular groups of veterans (including veterans with service-connected disabilities, elderly veterans, low-income veterans, women veterans, institutionalized veterans, and veterans who are at risk for mental illness);

(C) the manner in which the provision of such services was coordinated with the activities of the Medical and Prosthetic Research Service of the Department and the National Center for Preventive Health;

(D) the manner in which the provision of such services was integrated into training programs of the Department, including initial and continuing medical training of medical students, residents, and Department staff;

(E) the manner in which the Department participated in cooperative preventive health efforts with other governmental and private entities (including State and local health promotion offices and not-for-profit organizations);

(F) the specific research carried out by the Department with respect to the long-term relationships among screening activities, treatment, and morbidity and mortality outcomes; and

(G) the cost effectiveness of such programs and activities, including an explanation of the means by which the costs and benefits (including the quality of life of veterans who participate in such programs and activities) of such programs and activities are measured.

(2) A specific description of research activities on preventive health services carried out during that period using employees, funds, equipment, office space, or other support services of the Department, with such description setting forth—

(A) the source of funds for such activities;

(B) the articles or publications (including the authors of such articles and publications) in which such activities are described;

(C) the Federal, State, or local governmental entity or private entity, if any, with which such activities were carried out; and

(D) the clinical, research, or staff education projects for which funding applications were submitted (including the source of the funds applied for) and upon which a decision is pending or was denied.

(3) With respect to the Preventive Health Services Advisory Committee established under section 7319 of title 38, United States Code (as added by section 204 of this Act)—

(A) the membership list of the Advisory Committee during the 12-month period preceding the date of the report;

(B) a description of matters referred by the Secretary or the Chief Medical Director of the Department to the Advisory Committee during that period;

(C) the most recent annual report submitted to the Secretary by the head of the Advisory Committee;

(D) the comments and recommendations of the Secretary, after consultation with the Chief Medical Director, with respect to that annual report; and

(E) a description of any activities of the Department to carry out any proposals or recommendations contained in that annual report.

(4) An accounting of the expenditure of funds during that period by the National Center for Preventive Health established under section 7318 of title 38, United States Code (as added by section 204 of this Act).

(b) DEFINITION.—In this section, the term "preventive health services" has the meaning given such term in section 1701(9) of title 38, United States Code (as added by section 201 of this Act).

TITLE III—STATE HOME FACILITIES

SEC. 301. TREATMENT OF COMPENSATION OF VETERANS UNDER CERTAIN REHABILITATIVE SERVICES PROGRAMS.

Section 1718 is amended by adding at the end the following new subsection:

"(g)(1) Neither a veteran's participation in a program of rehabilitative services that is provided as part of the veteran's care furnished by a State home and is approved by the Secretary as conforming appropriately to standards for activities carried out under this section nor a veteran's receipt of payment as a result of such participation may be considered as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

"(2) A payment made to a veteran under a program of rehabilitative services described in paragraph (1) shall be considered for the purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.".

SEC. 302. EXTENSION OF PERIOD FOR COMPLETION OF CONDITIONALLY APPROVED APPLICATIONS FOR CONSTRUCTION.

(a) EXTENSION OF PERIOD.—Section 8135(b)(6)(A) is amended by striking out "90 days" and inserting in lieu thereof "180 days".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992, and shall apply to projects conditionally approved on or after that date.

SEC. 303. LIMITED PROHIBITION ON OBLIGATION OF FUNDS FOR RESCINDED PROJECTS.

(a) PROHIBITION.—Section 8135(b)(6)(B) is amended by adding at the end the following: "In the event the Secretary rescinds conditional approval of a project under this subparagraph, the Secretary may not further obligate funds for the project during the fiscal year in which the Secretary rescinds such approval.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1992, and shall apply to rescissions made on or after that date.

SEC. 304. COMMENCEMENT DATE FOR RECAPTURE PERIOD.

(a) COMMENCEMENT DATE.—Section 8136 is amended by striking out "within 20 years after completion of any project" and inserting in lieu thereof "within the 20-year period beginning on the date of the approval by the Secretary of the final architectural and engineering inspection of any project".

(b) TECHNICAL AMENDMENT.—Such section is further amended by striking out "such facilities cease" and inserting in lieu thereof "the facilities covered by the project cease".

SEC. 305. COMMENCEMENT DATE FOR PAYMENT OF PER DIEM.

Section 1741 is amended by adding at the end the following:

"(e) Subject to section 1743, the payment of per diem for care furnished in a State home facility shall commence on the date of the completion of the inspection for recognition of the facility under section 1742(a) of this title if the Secretary determines, as a result of that inspection, that the State home meets the standards described in such section 1742(a).".

TITLE IV—RURAL HEALTH-CARE CLINICS

SEC. 401. RURAL HEALTH-CARE CLINIC PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 17 is amended by adding at the end of subchapter II the following new section:

"§1720D. Health care through rural clinics

"(a) During the three-year period beginning on October 1, 1992, the Secretary shall conduct a rural health-care clinic program in States where significant numbers of veterans reside in areas geographically remote from existing health-care facilities (as determined by the Secretary). The Secretary shall conduct the program in accordance with this section.

"(b)(1) In carrying out the rural health-care clinic program, the Secretary shall furnish medical services to the veterans described in subsection (c) through use of—

"(A) mobile health-care clinics equipped, operated, and maintained by personnel of the Department; and

"(B) other types of rural clinics, including part-time stationary clinics for which the Secretary contracts and part-time stationary clinics operated by personnel of the Department.

"(2) The Secretary shall furnish services under the rural health-care clinic program in areas—

"(A) that are more than 100 miles from a Department general health-care facility; and

"(B) that are less than 100 miles from such a facility, if the Secretary determines that the furnishing of such services in such areas is appropriate.

"(c) A veteran eligible to receive medical services through rural health-care clinics under the program is any veteran eligible for medical services under section 1712 of this title.

"(d) The Secretary shall commence operation of at least three rural health-care clinics (at least one of which shall be a mobile health-care clinic) in each fiscal year of the program. The Secretary may not operate more than one mobile health-care clinic under the authority of this section in any State in any such fiscal year.

"(e) Not later than December 31, 1996, the Secretary shall submit to Congress a report containing an evaluation of the program. The report shall include the following:

"(1) A description of the program, including information with respect to—

"(A) the number and type of rural health-care clinics operated under the program;

"(B) the States in which such clinics were operated;

"(C) the medical services furnished under the program, including a detailed specification of the cost of such services;

"(D) the veterans who were furnished services under the program, setting forth (i) the numbers and percentages of the veterans who had service-connected disabilities, (ii) of the veterans having such disabilities, the numbers and percentages who were furnished care for such disabilities, (iii) the ages of the veterans, (iv) taking into account the veterans' past use of Department health-care facilities, an analysis of the extent to which the veterans would have received medical services from the Department outside the program and the types of services they would have received, and (v) the financial circumstances of the veterans; and

"(E) the types of personnel who furnished services to veterans under the program, including any difficulties in the recruitment or retention of such personnel.

"(2) An assessment by the Secretary of the cost-effectiveness and efficiency of furnishing medical services to veterans through various types of rural clinics (including mobile health-care clinics operated under the pilot program conducted pursuant to section 113 of the Veterans' Benefits and Services Act of 1988 (Public Law 100–322; 38 U.S.C. 1712 note)).

"(3) Any plans for administrative action, and any recommendations for legislation, that the Secretary considers appropriate.

"(f) For the purposes of this section, the term 'Department general health-care facility' has the meaning given such term in section 1712A(i)(2) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1720C the following new item:

"1720D. Health care through rural clinics.".

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the Department of Veterans Affairs to carry out the rural health-care clinics program provided for in section 1720D of title 38, United States Code (as added by subsection (a)), the following:

(A) For fiscal year 1993, $3,000,000.

(B) For fiscal year 1994, $6,000,000.

(C) For fiscal year 1995, $9,000,000.

(2) Amounts appropriated pursuant to such authorization may not be used for any other purpose.

(3) No funds may be expended to carry out the rural health-care clinics program provided for in such section 1720D (as so added) unless expressly provided for in an appropriations Act.

TITLE V—TELEPHONE USE DEMONSTRATION PROJECT

SEC. 501. DEMONSTRATION PROJECTS TO EVALUATE TELEPHONES FOR PATIENT USE AT DEPARTMENT HEALTH-CARE FACILITIES.

(a) DEMONSTRATION PROJECTS.—In accordance with this section, the Secretary of Veterans Affairs shall carry out demonstration projects to evaluate the feasibility and desirability of—

(1) the installation of telephones in Department of Veterans Affairs health-care facilities; and

(2) the use of such telephones by the patients of such health-care facilities.

(b) DEMONSTRATION FACILITIES.—The Secretary shall carry out a demonstration project under this section at the following Department health-care facilities:

(1) Philadelphia Department of Veterans Affairs Medical Center, Philadelphia, Pennsylvania.

(2) Tucson Department of Veterans Affairs Medical Center, Tucson, Arizona.

(c) PROJECT ACTIVITIES.—(1) In carrying out a demonstration project under this section at a facility referred to in subsection (b), the Secretary shall—

(A) install and maintain telephones of an appropriate number and type (as determined by the Secretary) in patient rooms of the facility; and

(B) subject to paragraph (2), provide for the use of such telephones by patients who are assigned to such rooms while receiving care at the facility.

(2) The Secretary shall ensure that patients who use telephones pursuant to paragraph (1)(B) shall bear financial responsibility for the cost of any long-distance telephone calls made during such use.

(d) PROJECT EVALUATION.—In evaluating the feasibility and desirability of the installation and use of the telephones referred to in subsection (c), the Secretary shall determine—

(1) the cost to each health-care facility referred to in subsection (b) of the installation, use, and maintenance of such telephones, including—

(A) the cost to the facility of such installation, use, and maintenance;

(B) the amount of any savings which accrue to the facility by reason of such installation and use (including the amount of any savings that result from a decrease in the amount of assistance in using telephones that the staff of the facility would otherwise provide to patients); and

(C) any costs that result from the necessity of providing special telephones or other special equipment to facilitate the use of telephones by disabled veterans (including veterans who are receiving long term psychiatric care or nursing care or who are blind or hearing impaired); and

(2) the impact of the use of such telephones on the therapeutic course of veterans who receive care at the facility, including the veterans referred to in paragraph (1)(C).

(e) REPORT.—Not later than September 30, 1994, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing—

(1) the determinations of the Secretary under subsection (d);

(2) an assessment by the Secretary of the feasibility and desirability of providing telephones for patients in other health-care facilities of the Department; and

(3) any additional information and recommendations with respect to the provision and use of patient telephones at Department health-care facilities as the Secretary considers appropriate.

TITLE VI—PROCUREMENT OF PHARMACEUTICALS

SEC. 601. SHORT TITLE.

This title may be cited as the "Federal Health Programs Pharmaceutical Pricing Act of 1992".

SEC. 602. MASTER AGREEMENTS WITH GENERAL SERVICES ADMINISTRATION.

(a) IN GENERAL.—The Federal Property and Administrative Services Act of 1949 (40 U.S.C.

471 et seq.) is amended by adding at the end thereof the following new title:

"TITLE X—PHARMACEUTICAL PRICING AGREEMENTS

"SEC. 1001. MASTER AGREEMENTS.

"(a) IN GENERAL.—(1)(A) A manufacturer of a drug or biological may not—

"(i) sell drugs or biologicals to any Federal agency described under subsection (b),

"(ii) be deemed to have an agreement under section 1927 of the Social Security Act (42 U.S.C. 1396r–8), or

"(iii) receive payment for the purchase of a drug or biological directly or indirectly from any entity that receives funds under the Public Health Service Act (42 U.S.C. 201 et seq.),

unless such manufacturer enters into an agreement with the Administrator as described in subparagraph (B)(i) within 5 months of the date of the enactment of this title or, in the case of a drug or biological first marketed by such manufacturer after such date, such manufacturer complies with the requirements of paragraph (2).

"(B)(i) An agreement is described in this subparagraph if such agreement requires a manufacturer referred to in subparagraph (A) to enter into one or more pharmaceutical pricing agreements with Federal agencies desiring such agreements with respect to any drug or biological marketed by such manufacturer within 6 months of the date of the enactment of this title, or, if such a pricing agreement is not desired by a Federal agency within such period, within 30 days after such Federal agency requests such a pricing agreement.

"(ii) The Administrator shall prescribe procedures under which a Federal agency shall notify a drug or biological manufacturer that the Federal agency desires to enter into a pharmaceutical pricing agreement under clause (i).

"(2) Any manufacturer of a drug or biological first marketed after the date of the enactment of this title shall—

"(A) within 2 months after the date such marketing begins—

"(i) if the manufacturer has an agreement with the Administrator under paragraph (1)(A), enter into an amendment of such agreement with respect to such drug or biological, or

"(ii) if the manufacturer does not have an agreement with the Administrator under paragraph (1)(A), enter into such an agreement with respect to such drug or biological; and

"(B) enter into pharmaceutical pricing agreements with respect to such drug or biological—

"(i) within 3 months after the date such marketing begins; or

"(ii) if such a pricing agreement is not desired by a Federal agency within such 3-month period, within 30 days after such Federal agency requests such a pricing agreement.

"(b) FEDERAL AGENCIES.—Federal agencies described in this subsection are as follows:

"(1) The Department of Veterans Affairs with respect to sales to the Department of Veterans Affairs and State homes receiving funds under section 1741 of title 38, United States Code.

"(2) The Department of Defense.

"(3) The Department of Health and Human Services with respect to sales to the Public Health Service and certain clinics described in section 2145(a) of the Public Health Service Act.

"(c) PHARMACEUTICAL PRICING AGREEMENTS.—For purposes of subsection (a), the term 'pharmaceutical pricing agreement' means an agreement or amendments to an agreement in force on the date of the enactment of this title with any Federal agency described in subsection (b) or with the Department of Health and Human Services under title XIX of the Social Security Act regarding pharmaceutical pricing and subject to the following relevant provisions:

"(1) Subchapter VI of chapter 81 of title 38, United States Code.

"(2) Section 1107 of title 10, United States Code.

"(3) Section 1927 of the Social Security Act (42 U.S.C. 1396r–8).".

SEC. 603. PRICES OF DRUGS AND BIOLOGICALS UNDER THE FEDERAL SUPPLY SCHEDULE.

(a) IN GENERAL.—Chapter 81 is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—PROCUREMENT OF DRUGS AND BIOLOGICALS

"§8171. Definitions

"For the purposes of this subchapter—

"(1) The term 'additional price discount amount', in the case of the price of a drug or biological whose price is established under an agreement under this subchapter, means—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the amount of the difference, if any, between—

"(i) the Federal average price differential (as determined under paragraph (6)(A)); and

"(ii) the amount equal to—

"(I) the Federal average manufacturer price of the drug or biological for the 3-month period ending on the date that is 12 months before the last day of the last month before the effective date of the agreement for which price index data and price data for the drug or biological are available, multiplied by

"(II) the percentage increase in the price index during that 12-month period; or

"(B) in the case of a drug or biological for which such data does not permit the calculation of that price for as many months, the amount of the difference, if any, between—

"(i) the Federal average price differential (as determined under paragraph (6)(B)); and

"(ii) an amount equal to—

"(I) the Federal average manufacturer price of the drug or biological for the 3-month period beginning on the first day of the month next following the month in which marketing of the drug or biological begins, multiplied by

"(II) the percentage increase in the price index during the period beginning on such day and ending on the last day of the last month before the effective date of the agreement for which price index data are available.

"(2) The term 'covered drug or biological' means—

"(A) any drug marketed under a new drug application approved by the Secretary of Health and Human Services under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

"(B) any biological marketed under a product licensing application approved by the Administrator of the Food and Drug Administration pursuant to section 351 of the Public Health Service Act (42 U.S.C. 262).

"(3) The term 'depot' means a centralized commodity management system operated by the Department through which drugs and biologicals procured for the use of entities of the Department are—

"(A) received, stored, and delivered through—

"(i) a warehouse system under the jurisdiction and operation of the Department; or

"(ii) a commercial entity operating under contract with the Department; or

"(B) delivered directly from the manufacturer to the entity using the drugs or biologicals.

"(4) The term 'depot price' means the price of a drug or biological under an agreement between the Secretary and the manufacturer of the drug or biological to determine the price of the drug or biological for purchase through depots.

"(5) The term 'Federal average manufacturer price', with respect to a covered drug or biological and a specified period of time, means the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any cash discounts or similar price reductions, during that period by wholesalers (other than a price paid by the Federal Government).

"(6) The term 'Federal average price differential', with respect to a covered drug or biological whose price is established under an agreement under this subchapter, means—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months—

"(i) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the last day of the last month before the effective date of the agreement for which price data and price index data are available, minus

"(ii) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the date that is 1 year before the ending of such 3-month period; or

"(B) in the case of a drug or biological for which such data does not permit the calculation of that price for as many months—

"(i) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the last day of the last month before effective date of the agreement for which price data and price index data are available, minus

"(ii) the Federal average manufacturer price of the drug or biological during the 3-month period beginning on the first day of the first month next following the month in which marketing of the drug or biological begins.

"(7) The term 'manufacturer', with respect to a drug or biological, means—

"(A) an entity that both manufactures and distributes the drug or biological; or

"(B) if no such entity exists, an entity that distributes the drug or biological.

The term does not include a wholesale distributor of drugs or biologicals, a retail pharmacy licensed under State law, or a practitioner licensed under State law and authorized to dispense drugs or biologicals.

"(8) The term 'price index' means the Producer Price Index—Finished Goods published monthly by the Bureau of Labor Statistics.

"(9) The term 'weighted average price', with respect to a covered drug or biological and a specified period of time, means—

"(A) the sum of the products of—

"(i) the average price per unit of each package quantity of the drug or biological sold during the period, and

"(ii) the number of units of the drug or biological sold at that average price; divided by

"(B) the total number of units of the drug or biological sold during the period.

"§8172. Prices of drugs and biologicals under Federal Supply Schedule contracts

"(a)(1) In accordance with the provisions of this section, the Secretary may enter into agreements with the manufacturers referred to in paragraph (2) under which agreements the Secretary and such manufacturers shall provide for the price under the supply schedule of drugs and biologicals that are marketed by such manufacturers.

"(2) The Secretary may enter into agreements under this section with each manufacturer of a drug or biological that enters into a master agreement with the Administrator of the General Services Administration with respect to that drug or biological under section 1001 of the Federal Property and Administrative Services Act of 1949.

"(b) Subject to subsection (g), the price under an agreement under this section of a covered *drug or biological that was listed on the supply schedule on September 1, 1990, and is listed on the supply schedule on the date of the enactment of this Act, shall be as follows:*

"(1) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(A) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is positive—

"(i) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(ii) the additional price discount amount (as determined under section 8171(1)(A) of this title); or

"(B) in the case of a drug or biological whose Federal average price differential is not positive (as determined under section 8171(6)(A) of this title), the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

"(2) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(c) Subject to subsection (g), the price under an agreement under this section of a covered drug or biological that was listed on the supply schedule on September 1, 1990, but not listed on the supply schedule on the date of the enactment of this Act, shall be as follows:

"(1) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(A) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is positive—

"(i) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(ii) the additional price discount amount (as determined under section 8171(1)(A) of this title); or

"(B) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

"(2) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(d) Subject to subsection (g), the price under an agreement under this section of a covered drug or biological that was not listed on the supply schedule on September 1, 1990, but was approved by the Administrator of the Food and Drug Administration on or before the date of the enactment of this Act, shall be as follows:

"(1) During the 1-year period beginning on the effective date of the agreement—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(II) the additional price discount amount (as determined under section 8171(1)(A) of this title); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based); or

"(B) in the case of a drug or biological for which such data does not permit the calculation of Federal average manufacturer price for as many months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(B) of this title) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before the effective date of the agreement for which price data are available (as so based), minus

"(II) the additional price discount amount (as determined under section 8171(1)(B) of this title); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(B) of this title) is not positive, the Federal average manufacturer price of the drug or biological for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before the effective date of the agreement for which price data are available (as so based).

"(2) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(e) Subject to subsection (g), the price under an agreement under this section of a covered drug or biological that is approved by the Administrator of the Food and Drug Administration after the date of the enactment of this Act shall be as follows:

"(1) During the 1-year period beginning on the effective date of the agreement—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(II) the additional price discount amount (as determined under section 8171(1)(A) of this title); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based); or

"(B) in the case of a drug or biological for which such data does not permit the calculation of Federal average manufacturer price for as many months, the price shall be an amount no greater than .76 multiplied by an amount equal to the Federal average manufacturer price of the drug or biological (as so based) for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before such effective date for which such data are available.

"(2) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(f) Subject to subsection (g), the price under an agreement under this section of a covered drug or biological whose price under the supply schedule was determined under subsection (b), (c), (d), or (e), or under this subsection, pursuant to an agreement that is expiring, shall be as follows:

"(1) During the 1-year period beginning on the effective date of the agreement, the price may not exceed the price of the drug or biological under the expiring agreement during the 1-year period beginning on the effective date of the expiring agreement increased by the same percentage as the increase in the price index during the period beginning on the effective date of the expiring agreement and ending on the last day of the last month before the effective date of the agreement under this subsection for which price index data are available.

"(2) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(g)(1) In entering into an agreement under subsections (b) through (f) for the price under the supply schedule of a covered drug or biological, the Secretary may provide for a price of a drug or biological during the 1-year period beginning on the effective date of the agreement that is nominally in excess (as determined by the Secretary) of the price that would be determined for the drug or biological during that period under that subsection if the Secretary determines that such excess price is in the best interests of the Department.

"(2) If the Secretary exercises the authority under this section to establish an excess price with respect to the price of a drug or biological during a 1-year period, the determination of the amount of the increase in the price of the drug or biological for the succeeding 1-year period, if any, shall be based on such excess price.

"(h) The price under an agreement under this section of a drug or biological (other than a covered drug or biological) shall be jointly determined by the Secretary and the manufacturer of the drug or biological.

"(i)(1) Except as provided in paragraph (2), the Secretary shall enter into agreements with manufacturers under this section not later than the later of—

"(A) 6 months after the date of the enactment of this section; or

"(B) 30 days after the Secretary notifies the manufacturers of the Secretary's intention to enter into such agreements.

"(2) In the case of a drug or biological that is first marketed after the date that is 5 months after the date of the enactment of this section, the Secretary shall enter into an agreement referred to in paragraph (1) not later than the later of—

"(A) 3 months after the date such marketing begins; or

"(B) 30 days after the Secretary notifies the manufacturer of the Secretary's intention to enter into such an agreement.

"(j) The Secretary shall determine the term of any agreement entered into by the Secretary and a manufacturer under this section.

"§8173. Report and audit of prices of drug and biologicals

"(a)(1) The manufacturer of a covered drug or biological whose price is determined by an agreement under section 8172 or 8174 of this title shall report to the Secretary the Federal average manufacturers price of the drug or biological during each calendar quarter in which the agreement is in force. The manufacturer shall report such price not more than 30 days after the expiration of a covered quarter.

"(2) The reports required under paragraph (1) shall be in addition to the reports required under subparagraphs (A)(i) and (B) of subsection (b)(1), subparagraphs (A)(i) and (B) of subsection (c)(1), clauses (i)(I) and (ii) of subsection (d)(1)(A), clauses (i)(I) and (ii) of subsection (d)(1)(B), clauses (i)(I) and (ii) of subsection (e)(1)(A), and subsection (e)(1)(B) of section 8172 of this title, under clauses (i)(I) and (ii) of section 8174(c)(1)(A) of this title, and under subsections (d) and (e) of section 8174 of this title. The reports required under such subparagraphs shall be submitted upon the request of the Secretary.

"(b)(1) The Secretary may impose a civil monetary penalty in an amount equal to $10,000 on any manufacturer that fails to report the information required under paragraph (1) of subsection (a) on a timely basis. Such amount shall be paid to the Treasury. The amount of the penalty shall be increased by $10,000 for each day in which such information has not been reported, and such amount shall be paid to the Treasury. If such information with respect to a drug or biological is not reported within 90 days of the deadline imposed, the Secretary may prohibit the purchase of the drug or biological through the supply schedule or Department depots after the end of such 90-day period and until the date such information is reported but in no case shall such prohibition be for a period of less than 30 days.

"(2) Any manufacturer that knowingly reports false information to the Secretary under paragraph (1) of subsection (a) or the provisions of law referred to in paragraph (2) of that subsection is subject to a civil monetary penalty in an amount not to exceed $100,000 for each item of false information reported. Such amount shall be paid to the Treasury.

"(3) The civil money penalties described in paragraphs (1) and (2) are in addition to other penalties as may be prescribed by law.

"(c) In order to determine the accuracy of any price of a drug or biological that is reported to the Secretary under the provisions of law referred to in subsection (b)(2), the Secretary may audit—

"(1) the relevant records of any manufacturer of a covered drug or biological that is the subject of an agreement under subsections (b) through (f) of section 8172 or under subsections (c) through (f) of section 8174 of this title; and

"(2) the relevant records of any wholesaler that distributes such a drug or biological.

"(d) All information contained in a report submitted to the Secretary under this section by a manufacturer shall remain confidential.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by adding after the item relating to subchapter V the following new items:

"SUBCHAPTER VI—PROCUREMENT OF DRUGS AND BIOLOGICALS

"8171. Definitions.
"8172. Prices of drugs and biologicals under Federal Supply Schedule contracts.
"8173. Report and audit of prices of drugs and biologicals.".

SEC. 604. PROCUREMENT OF DRUGS AND BIOLOGICALS UNDER CONTRACTS RELATING TO DEPARTMENT OF VETERANS AFFAIRS DEPOTS.

(a) IN GENERAL.—Subchapter VI of chapter 81 (as added by section 603 of this Act) is amended by adding at the end the following new section:

"§8174. Procurement of drugs and biologicals through Department depots

"(a) The Secretary shall enter into agreements with manufacturers referred to in section 8172(a)(2) of this title under which agreements the Secretary and such manufacturers shall determine the prices of drugs and biologicals manufactured by such manufacturers and available for purchase through depots of the Department.

"(b) Notwithstanding section 8125(a) of this title, the Secretary may procure for any Department health-care facilities any drug or biological that is subject to an agreement under this section.

"(c)(1) Subject to paragraph (2), the price under an agreement under subsection (a) of a covered drug or biological that was the subject of a contract for procurement by the Department through a depot on September 1, 1990, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(II) the additional price discount amount (as determined under section 8171(1)(A) of this title); or

"(ii) in the case of a drug or biological whose Federal average price differential is not positive (as determined under section 8171(6)(A) of this title), the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(2)(A) In entering into an agreement under paragraph (1) for the price of a drug or biological, the Secretary may provide for a price of a drug or biological during the 1-year period beginning on the effective date of the agreement that is nominally in excess (as determined by the Secretary) of the price that would be determined for the drug or biological during that period under that paragraph if the Secretary determines that such excess price is in the best interests of the Department.

"(B) If the Secretary exercises the authority under this section to establish an excess price with respect to the price of a drug or biological during a 1-year period, the determination of the amount of the increase in the price of the drug or biological for the succeeding 1-year period, if any, shall be based on such excess price.

"(d) The price under an agreement under subsection (a) of a covered drug or biological that was not the subject of a contract referred to in subsection (c) on September 1, 1990, but was approved by the Administrator of the Food and Drug Administration on or before the date of the enactment of this Act, shall be determined in the manner set forth for the determination of the price of a drug or biological under section 8172(d) of this title.

"(e) The price under an agreement under subsection (a) of a covered drug or biological that is approved by such Administrator after such date, shall be determined in the manner set forth for the determination of the price of a drug or biological under section 8172(e) of this title.

"(f) The price under an agreement under subsection (a) of a covered drug or biological whose price was determined under subsections (c), (d), or (e), or under this subsection, pursuant to an agreement that is expiring, shall be determined in the manner set forth for the determination of the price of a drug or biological under section 8172(f) of this title.

"(g) The price under an agreement under subsection (a) of a drug or biological (other than a covered drug or biological) shall be jointly determined by the Secretary and the manufacturer of the drug or biological.

"(h)(1) Except as provided in paragraph (2), the Secretary shall enter into agreements with manufacturers under this section not later than the later of—

"(A) 6 months after the date of the enactment of this section; or

"(B) 30 days after the Secretary notifies the manufacturers of the Secretary's intention to enter into such agreements.

"(2) In the case of a drug or biological that is first marketed after the date that is 5 months after the date of the enactment of this section, the Secretary shall enter into an agreement referred to in paragraph (1) not later than the later of—

"(A) 3 months after the date such marketing begins; or

"(B) 30 days after the Secretary notifies the manufacturer of the Secretary's intention to enter into such an agreement.

"(i) The Secretary shall determine the term of any agreement entered into by the Secretary and a manufacturer under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by adding after the item relating to section 8173 (as added by section 603(b) of this Act) the following new item:

"8174. Procurement of drugs and biologicals through Department depots.".

(c) CONFORMING AMENDMENT.—Section 8125(a) is amended by striking out "this section," and inserting in lieu thereof "this section and section 8174(b) of this title,".

SEC. 605. PRICES OF DRUGS AND BIOLOGICALS PROCURED BY STATE HOMES.

(a) IN GENERAL.—Subchapter VI of chapter 81 (as amended by section 604 of this Act), is further amended by adding at the end the following new section:

"§8175. Prices of drugs and biologicals purchased by State homes

"In the event that a State home procures a drug or biological listed on the supply schedule, the price of the drug or biological shall be not more than the price of the drug or biological on the supply schedule on the date of the procurement.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by adding after the item relating to section 8174 (as added by section 604(b) of this Act) the following new item:

"8175. Prices of drugs and biologicals purchased by State homes.".

SEC. 606. UNIFIED PHARMACEUTICAL AWARD CONTRACTS.

(a) IN GENERAL.—Subchapter VI of chapter 81 (as amended by section 605 of this Act) is further amended by adding at the end the following new section:

"§8176. Unified pharmaceutical award contracts

"(a) The Secretary may, on behalf of the entities referred to in subsection (b), negotiate and enter into one or more unified pharmaceutical award contracts (hereafter in this section referred to as a 'UPAC') with manufacturers relating to the procurement by such entities under such contracts of drugs or biologicals that are manufactured by such manufacturers.

"(b)(1) Subject to paragraph (2), an entity on whose behalf the Secretary may enter into a UPAC under this section is any of the following entities that procures a drug or biological in connection with the furnishing of health-care services:

"(A) A department or agency of the Federal Government, including the Department of Veterans Affairs.

"(B) A department, agency, other division or unit of a State (including a State home), county, or municipality.

"(C) A Public Health Service clinic of the type described in section 2145(a) of the Public Health Service Act which the Secretary of Health and Human Services has certified is eligible to receive a discount under such section 2145.

"(2) The Secretary may not negotiate or enter into a UPAC on behalf of an entity unless the entity enters into an agreement with the Secretary—

"(A) to participate in a UPAC on a basis to be determined by the Secretary;

"(B) to purchase under the UPAC a quantity (as determined by the Secretary) of the drug or biological that is the subject of the UPAC;

"(C) to provide to the Secretary adequate evidence (as determined by the Secretary) of the entity's fiscal capability of making the purchase referred to in subparagraph (B);

"(D) to ensure that the drug or biological purchased through the UPAC is not resold; and

"(E) to pay into the revolving supply fund referred to in section 8121 of this title an amount that the Secretary determines is sufficient to cover any administrative costs of the Secretary in negotiating, entering into, or administering the UPAC.

"(c)(1) A entity on whose behalf the Secretary enters into a UPAC under this section with respect to a drug or biological may not—

"(A) resell or otherwise transfer the drug or biological to a person other than a patient of the entity;

"(B) purchase the drug or biological on behalf of any person or entity other than the entity on whose behalf the Secretary enters into the UPAC; or

"(C) dispense or administer, directly or through a contract, the drug or biological to an individual who is not receiving the drug or biological as a patient of the entity.

"(2)(A) An entity found to have sold, dispensed, or administered a drug or biological in violation of this subsection shall be subject to a civil penalty in the amount of $25,000 for each such violation. Such amount shall be paid to the Treasury.

"(B) The civil money penalty referred to in subparagraph (A) is in addition to any other such penalties as may be prescribed by law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by adding after the item relating to section 8175 (as added by section 605(b) of this Act) the following new item:

"8176. Unified pharmaceutical award contracts.".

SEC. 607. PROCUREMENT OF DRUGS AND BIOLOGICALS UNDER CONTRACTS RELATING TO DEPARTMENT OF DEFENSE DEPOTS.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§1107. Procurement of drugs and biologicals through depots

"(a) IN GENERAL.—(1) The Secretary of Defense may enter into agreements with manufacturers referred to in paragraph (2) under which agreements the Secretary of Defense and such manufacturers shall determine the price of drugs and biologicals manufactured by such manufacturers and available for purchase through depots of the Department of Defense.

"(2) The manufacturers referred to in paragraph (1) are any manufacturers of drugs or biologicals that have entered into an agreement with the Administrator of the General Services Administration with respect to such drugs or biologicals under section 1001 of the Federal Property and Administrative Services Act of 1949.

"(b) PROCUREMENT OF DRUGS AND BIOLOGICALS.—The Secretary of Defense may procure for any facility of the uniformed services any drug or biological that is subject to an agreement under this section.

"(c) PRICES.—(1) Subject to subsection (d), the price under an agreement under this section of a covered drug or biological that was the subject of a contract for procurement by the Department of Defense through a depot on September 1, 1990, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary of Defense by the manufacturer), minus

"(II) the additional price discount amount (as determined under subsection (h)(1)(A)); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(2) Subject to subsection (d), the price under an agreement under this section of a covered drug or biological that was not the subject of a contract referred to in paragraph (1) on September 1, 1990, but was approved by the Administrator of the Food and Drug Administration on or before the date of the enactment of this Act, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement—

"(i) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(I) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is positive—

"(aa) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary of Defense by the manufacturer), minus

"(bb) the additional price discount amount (as determined under subsection (h)(1)(A)); or

"(II) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based); or

"(ii) in the case of a drug or biological for which such data does not permit the calculation of Federal average manufacturer price for as many months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(I) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(B)) is positive—

"(aa) the Federal average manufacturer price of the drug or biological for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before the effective date of the agreement for which price data are available (as so based), minus

"(bb) the additional price discount amount (as determined under subsection (h)(1)(B)); or

"(II) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(B)) is not positive, the Federal average manufacturer price of the drug or biological for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before the effective date of the agreement for which price data are available (as so based).

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during such the most recent 12-month period before the

commencement of such succeeding 1-year period for which price index data are available.

"(3) Subject to subsection (d), the price under an agreement under this section of a covered drug or biological that is approved by the Administrator of the Food and Drug Administration after the date of the enactment of this Act, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement—

"(i) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(I) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is positive—

"(aa) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary of Defense by the manufacturer), minus

"(bb) the additional price discount amount (as determined under subsection (h)(1)(A)); or

"(II) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based); or

"(ii) in the case of a drug or biological for which such data does not permit the calculation of Federal average manufacturer price for as many months, the price shall be an amount no greater than .76 multiplied by an amount equal to the Federal average manufacturer price of the drug or biological (as so based) for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before such effective date for which such data are available.

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during such the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(4) Subject to subsection (d), the price under an agreement under this section of a covered drug or biological whose price was determined under paragraph (1), (2), or (3), or under this paragraph, pursuant to an agreement that is expiring, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement, the price may not exceed the price of the drug or biological under the expiring agreement during the 1-year period beginning on the effective date of the expiring agreement increased by the same percentage as the increase in the price index during the period beginning on the effective date of the expiring agreement and ending on the last day of the last month before the effective date of the agreement under this subsection for which price index data are available.

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(5) The price under an agreement under this section of a drug or biological (other than a covered drug or biological) shall be jointly determined by the Secretary of Defense and the manufacturer of the drug or biological.

"(d) EXCESS PRICE.—(1) In entering into an agreement under paragraphs (1), (2), (3), or (4) of subsection (c) for the depot price of a drug or biological, the Secretary of Defense may provide for a price of a drug or biological during the 1-year period beginning on the effective date of the agreement that is nominally in excess (as determined by that Secretary) of the price that would be determined for the drug or biological during that period under that paragraph if that Secretary determines that such excess price is in the best interests of the Department of Defense.

"(2) If the Secretary of Defense exercises the authority under this subsection to establish an excess price with respect to the price of a drug or biological during a 1-year period, the determination of the amount of the increase in the price of the drug or biological for the succeeding 1-year period, if any, shall be based on such excess price.

"(e) ENTRY INTO AGREEMENTS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall enter into agreements with manufacturers under this section not later than the later of—

"(A) 6 months after the date of the enactment of this section; or

"(B) 30 days after that Secretary notifies the manufacturers of that Secretary's intention to enter into such agreements.

"(2) In the case of a drug or biological that is first marketed after the date that is 5 months after the date of the enactment of this section, the Secretary of Defense shall enter into an agreement referred to in paragraph (1) not later than the later of—

"(A) 3 months after the date such marketing begins; or

"(B) 30 days after that Secretary notifies the manufacturer of that Secretary's intention to enter into such an agreement.

"(f) TERM OF AGREEMENT.—The Secretary of Defense shall determine the term of any agreement entered into by that Secretary and a manufacturer under this section.

"(g) REPORTS ON PRICES.—(1)(A) The manufacturer of a covered drug or biological whose price is determined by an agreement under this section shall report to the Secretary of Defense the Federal average manufacturers price of the drug or biological during each calendar quarter in which the agreement is in force. The manufacturer shall report such price not more than 30 days after the expiration of a covered quarter.

"(B) The reports required under subparagraph (A) shall be in addition to the reports required under clauses (i)(I) and (ii) of subsection (c)(1)(A), subclauses (I)(aa) and (II) of subsection (c)(2)(A)(i), subclauses (I)(aa) and (II) of subsection (c)(2)(A)(ii), subclauses (I)(aa) and (II) of subsection (c)(3)(A)(i), and subsection (c)(3)(A)(ii). The reports required under such subparagraphs shall be submitted upon the request of the Secretary of Defense.

"(2) The Secretary of Defense may impose a civil monetary penalty in an amount equal to $10,000 on any manufacturer that fails to report the information required under paragraph (1) on a timely basis. Such amount shall be paid to the Treasury. The amount of the penalty shall be increased by $10,000 for each day in which such information has not been reported, and such amount shall be paid to the Treasury. If such information with respect to a drug or biological is not reported within 90 days of the deadline imposed, the Secretary of Defense may prohibit the purchase of the drug or biological through the supply schedule or Department depots after the end of such 90-day period and until the date such information is reported but in no case shall such prohibition be for a period of less than 30 days.

"(3) Any manufacturer that knowingly reports false information to the Secretary of Defense under subparagraph (A) of paragraph (1) or the provisions of law referred to in subparagraph (B) of such paragraph is subject to a civil monetary penalty in an amount not to exceed $100,000 for each item of false information reported. Such amount shall be paid to the Treasury.

"(4) The civil money penalties described in paragraphs (2) and (3) are in addition to other penalties as may be prescribed by law.

"(5) In order to determine the accuracy of the price of a covered drug or biological that is reported to the Secretary of Defense under the provisions of law referred to in paragraph (3), the Secretary of Defense may audit—

"(A) the relevant records of any manufacturer of a covered drug or biological that is the subject of an agreement under this section; and

"(B) the relevant records of any wholesaler that distributes such a drug or biological.

"(6) All information contained in a report submitted to the Secretary of Defense under this section by a manufacturer shall remain confidential.

"(h) DEFINITIONS.—In this section:

"(1) The term 'additional price discount amount', in the case of the price of a drug or biological whose price is established under an agreement under this subchapter, means—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the amount of the difference, if any, between—

"(i) the Federal average price differential (as determined under paragraph (6)(A)); and

"(ii) the amount equal to—

"(I) the Federal average manufacturer price of the drug or biological for the 3-month period ending on the date that is 12 months before the last day of the last month before the effective date of the agreement for which price index data and price data for the drug or biological are available, multiplied by

"(II) the percentage increase in the price index during that 12-month period; or

"(B) in the case of a drug or biological for which such data does not permit the calculation of that price for as many months, the amount of the difference, if any, between—

"(i) the Federal average price differential (as determined under paragraph (6)(B)); and

"(ii) an amount equal to—

"(I) the Federal average manufacturer price of the drug or biological for the 3-month period beginning on the first day of the month next following the month in which marketing of the drug or biological begins, multiplied by

"(II) the percentage increase in the price index during the period beginning on such day and ending on the last day of the last month before the effective date of the agreement for which price index data are available.

"(2) The term 'covered drug or biological' means—

"(A) any drug marketed under a new drug application approved by the Secretary of Health and Human Services under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

"(B) any biological marketed under a product licensing application approved by the Administrator of the Food and Drug Administration pursuant to section 351 of the Public Health Service Act (42 U.S.C. 262).

"(3) The term 'depot' means a centralized commodity management system operated by the Department of Defense through which drugs

and biologicals procured for the use of entities of the Department of Defense are—

"(A) received, stored, and delivered through—

"(i) a warehouse system under the jurisdiction and operation of the Department of Defense; or

"(ii) a commercial entity operating under contract with the Department of Defense; or

"(B) delivered directly from the manufacturer to the entity using the drugs or biologicals.

"(4) The term 'depot price' means the price of a drug or biological under an agreement between the Secretary of Defense and the manufacturer of the drug or biological to determine the price of the drug or biological for purchase through depots.

"(5) The term 'Federal average manufacturer price', with respect to a covered drug or biological and a specified period of time, means the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any cash discounts or similar price reductions, during that period by wholesalers (other than a price paid by the Federal Government).

"(6) The term 'Federal average price differential', with respect to a covered drug or biological whose price is established under an agreement under this subchapter, means—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months—

"(i) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the last day of the last month before the effective date of the agreement for which price data and price index data are available, minus

"(ii) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the date that is 1 year before the ending of such 3-month period; or

"(B) in the case of a drug or biological for which such data does not permit the calculation of that price for as many months—

"(i) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the last day of the last month before effective date of the agreement for which price data and price index data are available, minus

"(ii) the Federal average manufacturer price of the drug or biological during the 3-month period beginning on the first day of the first month next following the month in which marketing of the drug or biological begins.

"(7) The term 'manufacturer', with respect to a drug or biological, means—

"(A) an entity that both manufactures and distributes the drug or biological; or

"(B) if no such entity exists, an entity that distributes the drug or biological.

The term does not include a wholesale distributor of drugs or biologicals, a retail pharmacy licensed under State law, or a practitioner licensed under State law and authorized to dispense drugs and biologicals.

"(8) The term 'price index' means the Producer Price Index—Finished Goods published monthly by the Bureau of Labor Statistics.

"(9) The term 'weighted average price', with respect to a covered drug or biological and a specified period of time, means—

"(A) the sum of the products of—

"(i) the average price per unit of each package quantity of the drug or biological sold during the period, and

"(ii) the number of units of the drug or biological sold at that average price; divided by

"(B) the total number of units of the drug or biological sold during the period.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended by adding after the item relating to section 1106 the following new item:

"1107. Procurement of drugs and biologicals through depots.".

TITLE VII—MISCELLANEOUS

SEC. 701. PERMANENT AUTHORITY TO FURNISH RESPITE CARE.

Section 1720B is amended by striking out subsection (c).

SEC. 702. EXTENSION OF AUTHORITY TO ENTER INTO CONTRACTS WITH RESPECT TO THE VETERANS MEMORIAL MEDICAL CENTER IN THE PHILIPPINES.

Section 1732(a) is amended in the matter above paragraph (1) by striking out "September 30, 1992," and inserting in lieu thereof "December 31, 1996,".

SEC. 703. PERMANENT AUTHORITY TO WAIVE CERTAIN LIMITATIONS APPLICABLE TO RECEIPT OF RETIREMENT PAY BY NURSES.

Section 7426(c) is amended by striking out the second sentence.

SEC. 704. EXTENSION OF AUTHORITY TO CARRY OUT HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM.

Section 7618 is amended by striking out "September 30, 1992" and inserting in lieu thereof "December 31, 1997".

SEC. 705. PERMANENT AUTHORITY TO MAKE GRANTS TO STATES RELATING TO STATE HOMES.

Section 8133(a) is amended in the first sentence by striking out "through September 30, 1992." and inserting in lieu thereof a period.

AMENDMENT NO. 3371

(Purpose: to modify certain provisions relating to pharmaceutical pricing agreements, to provide for the recovery from issuers of medicare supplemental insurance policies of certain costs of care and services provided to veterans who are issued such policies, to improve the care and services furnished to women veterans who have experienced sexual trauma while on active duty, to expand and improve other Department of Veterans Affairs programs that provide care and services to women veterans, and for other purposes)

Mr. KERREY. on behalf of Senator CRANSTON I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] for Mr. CRANSTON proposes an amendment numbered 3371.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3371) was agreed to.

AMENDMENT NO. 3175

(Purpose: To provide for the recovery from issuers of medicare supplemental insurance policies of certain costs of care and services provided to veterans who are issued such policies)

Mr. KERREY. Mr. President, I call up the Cranston amendment, number 3175, that is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY], for Mr. CRANSTON, proposes an amendment numbered 3175.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 706. MEDICAL CARE COST RECOVERY.

(a) RECOVERY OF CARE FURNISHED CHAMPVA BENEFICIARIES.—(1) Section 1729 is amemded—

(A) by striking out "veteran" and "veteran's" each place they appear and inserting in lieu thereof "VA beneficiary" and "VA beneficiary's", respectively;

(B) by striking out "veterans" in subsection (h)(1)(B) and inserting in lieu thereof "VA beneficiary", and

(C) by adding at the end of subsection (i) the following new paragraph:

"(4) The term 'VA beneficiary' means a veteran or a person eligible for care under section 1713 of this title."

(2) The amendments made by paragraph (1) shall apply with respect to care and services furnished under section 1713 of title 38, United States Code, after the date of the enactment of this Act.

(b) INCLUSION OF MEDICARE SUPPLEMENTAL INSURANCE IN CLASS OF THIRD-PARTY PAYORS.—(1) Subsection (i)(1)(A) of section 1729 is amended by inserting ", including a medicare supplemental insurance policy," after "arrangement".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(c) COST RECOVERY FROM ISSUERS OF MEDICARE SUPPLEMENTAL INSURANCE.—(1) Subsection (c) of section 1729 is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary shall collect or recover the cost of care or services furnished to VA beneficiaries under subsection (a)(1) from third party issuers of medicare supplemental insurance policies to such VA beneficiaries in accordance with the provisions of this paragraph.

"(B) The Secretary, in consultation with the Secretary of Health and Human Services, shall establish procedures for the treatment of claims of the Department for the recovery of the cost of care or services under this paragraph.

"(C) In establishing procedures under subparagraph (B), the Secretary shall provide for—

"(i) the review of such claims by an entity or entities jointly designated by the Secretary and the Secretary of Health and Human Services, for the purpose of determining the extent, if any, to which the cost of such care or services would be covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) if provided by a participating provider; and

"(ii) the transmittal to third party issuers of the results of such reviews and any additional information that may be necessary to determine the liability of such third party issuers for the cost of the care or services.

"(D) The results and information referred to in subparagraph (C)(ii) shall be transmitted to issuers of medicare supplemental insurance policies not later than the later of—

"(i) the expiration of the period provided for under title XVIII of such Act for the timely filing of claims; or

"(ii) the expiration of the period provided for in the medicare supplemental insurance policy for such filing.

"(E) The Secretary of Health and Human Services shall establish a fee for each claim reviewed by the entity or entities designated under subparagraph (C)(i) under the procedures established under that subparagraph. The amount of the fee (i) shall reflect the estimated cost of processing the claim for which the fee is collected, (ii) shall be paid to the entities designated under subparagraph (C)(i), and (iii) shall reduce the amount recovered by the Secretary of Veterans Affairs under this paragraph.".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to the recovery of costs for care and services furnished after that date.

AMENDMENT NO. 3372 TO AMENDMENT NO. 3175

(Purpose: To provide for price discounts with respect to certain drugs purchased by Public Health Service entities)

Mr. KERREY. On behalf of Senator KENNEDY, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] for Mr. CRANSTON proposes an amendment numbered 3372.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3372) was agreed to.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment (No. 3175).

The amendment (No. 3175), as amended, was agreed to.

The PRESIDING OFFICER. Without objection, the committee substitute is agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

AMENDING S. 2575 TO INCLUDE DISCOUNT FOR CERTAIN PUBLIC HEALTH SERVICE ACT GRANTEES

Mr. KENNEDY. Mr. President, today we are taking another step to expand access to health care and control spiraling health care costs. I am pleased to join with Senator HATCH to amend S. 2575, which guarantees favorable drug prices for the Department of Veterans Affairs and other Federal purchasers.

Our amendment extends comparable drug prices to the public health clinics, which are our first line of defense against drug and disease. These clinics include community and migrant health centers, black lung clinics, drug treatment clinics, community mental health clinics, and other public and nonprofit agencies providing health services to low-income patients a majority of whom have no public or private health insurance.

The public health system has only limited ability to absorb price increases. Their programs must compete for scarce Federal dollars. If they are forced to pay more for drugs, they have no choice but to cut back the services they provide.

Earlier this year, the Senate Labor Committee unanimously adopted legislation addressing drug prices for public health clinics, with the commendable participation and support of a number of pharmaceutical manufacturers, including Pfizer, Searle, Merck, Warner-Lambert, Syntex, Astra, and Lilly.

This amendment is based on the committee's action. It extends discount prices to Public Health Service clinics based on the Medicaid rebate. The Medicaid rebate is based on the best price for the drug or a flat rebate, whichever yields a lower price.

The flat discount is based on the average manufacturer's price for the drug, less 12½ percent in the first year following enactment, and 5 percent in the second year. The flat discount is adjusted upward for drug price increases which exceed the increases in the consumer price index.

The bill also includes important administrative safeguards, such as a prohibition against resale of discounted drugs, a provision to prevent multiple discounts under other Federal or State programs, and an audit and dispute-resolution provision.

In addition, the bill reduces administrative burdens and helps public health clinics purchase drugs more wisely, by providing the discounts up front—either through wholesalers or directly from drug manufacturers.

I have also been working with the Senate Veterans Affairs Committee to deal with the excessive price increases that some companies have charged the Veterans' Administration over the past 2 years. The extension of Federal Supply Schedule prices to public health clinics makes it especially important that we reach a satisfactory solution to this problem.

I commend Senators CRANSTON, SIMPSON, and ROCKEFELLER for their assistance and cooperation in this effort. The agreement they have negotiated for the Department of Veterans Affairs and other federal drug purchasers is an excellent compromise. Most important, with the addition of this amendment, this legislation will stem the practice of some drug companies of cost shifting among federally funded purchasers. This practice arose following the enactment of legislation in 1990 establishing discount prices for State Medicaid programs. Some drug companies responded by increasing prices for other purchasers including the Department of Veterans Affairs and public health clinics.

All of us have a strong interest in ensuring reasonable drug prices for veterans and public health clinics. To achieve our goals, it is important to avoid intra-government cost shifting. The most desirable approach is a comprehensive one that is sensitive to the concerns of all taxpayer-supported purchasers of prescription drugs. Clearly, the intent of the Medicaid rebate law is to reduce government expenditures for the $5 billion Medicaid prescription drug program—not shift them to other public health programs.

We also have concerns about the burdens of the Medicaid law on private drug purchasers such as HMO's. But veterans and public health clinics need help now. They should not have to wait any longer for lower drug prices, and I urge Congress to enact this bipartisan legislation before the end of this session.

TITLE IV, RURAL HEALTH-CARE CLINICS, VETERANS HEALTH PROGRAMS IMPROVEMENT ACT OF 1992

Mr. CONRAD. Mr. President, I am very pleased to rise in support of S. 2575, the Veterans Health Programs Improvement Act of 1992, and more specifically of title IV of S. 2575 relating to the improvement of health care services for veterans living in rural areas.

As my colleagues are aware, last year I introduced legislation, S. 1424, the DVA Mobile Health Care Clinic Act of 1991, to require the Department of Veterans Affairs to establish a permanent mobile health care clinic program for the purpose of providing health care assistance to veterans living in rural and remote areas of the country.

Under S. 1424, I proposed that funding be authorized, over a 5-year period, for the Department of Veterans Affairs to expand opportunities for veterans living in rural and remote areas to receive health care under a mobile health care clinic program. This program would be in 24 States that are not participating in the DVA pilot mobile clinic demonstration—all States with a significant rural veterans population. In North Dakota for example, 34,000 individuals—more than 50 percent of the States' veterans—live in counties 100 miles or more from the DVA Medical Center in Fargo, the only DVA health care facility in the State.

Because of where these veterans live, as well as the limitations on DVA funding to open new medical facilities or clinics, many are not receiving the health care benefits to which they are entitled at a DVA medical facility.

Over the summer months, at my urging, the Senate Committee on Veterans Affairs conducted a hearing to review health care issues for veterans living in rural areas, and specifically to consider S. 1424—to examine the possibility of expanding the current Department of Veterans Affairs pilot mobile health clinic demonstration. I am very pleased that the committee agreed in June to recommend the expansion of mobile health care clinic opportunities for rural veterans.

Taking into account the importance of examining various options for improving access to DVA health care for rural veterans, the Senate Committee on Veterans Affairs authorized the expansion of rural health care clinic opportunities for veterans living in geographical areas some distance from DVA medical facilities. Specifically, the committee reported a provision in S. 2575—title IV, rural health care clinics—which requires the Department of Veterans Affairs to establish and evaluate three options for furnishing health care services to rural veterans: First, mobile health care clinics equipped, operated and maintained by DVA personnel; second, part-time stationary clinics operated by DVA personnel; and third, part-time stationary clinics operated through contracts with non-VA entities.

Under title IV, the Department of Veterans Affairs would be authorized to expand the operation of rural health care clinics in three States annually, for a total of 9 clinics over a period of 3 years. The committee also requires that at least three of the nine new clinics established under the rural health care clinic program be mobile clinics. The Secretary of Veterans Affairs would have the discretion to determine what combination of mobile or part-time stationary clinics would be appropriate to meet the needs of rural veterans as well as the program's goals. Eighteen million dollars is authorized for the program in fiscal years 1993–97, $3 million in fiscal year 1993.

Mr. President, I am very pleased by the Senate Committee on Veterans Affairs' decision to support my legislation to improve the health care opportunities for veterans living in rural and remote areas of the country. The need for this rural health initiative for veterans cannot be underestimated. Because of where these veterans live, many are, without question, not receiving the benefits of health care to which they are entitled at a Department of Veterans Affairs medical facility. There is little doubt that the further away a veteran lives from a DVA health care facility, the less likely he or she is to travel the great distance for nonemergency care. As I have noted in testimony before the Senate Committee on Veterans Affairs, more than 131,000 veterans, according to the DVA, live in counties that are 2 hours from the nearest DVA medical facility. In North Dakota, as noted earlier, more than 50 percent of the total States' veterans population live in counties 2 hours or more from the nearest DVA medical facility.

Mr. President, there is no question that the expansion of rural health care options, including the use of mobile clinics, is a most important step in improving health care access for veterans in rural areas. Recently, the importance of these services from mobile health care clinics became abundantly clear when three mobile health care clinics—clinics that were just turned over to the Department of Veterans Affairs for use in Prescott, AZ; Spokane, WA; and Fayetteville, NC—were pressed into service to assist the victims of Hurricane Andrew in south Dade County, FL. These three clinics have contributed tremendously in helping to meet the immediate health care needs of thousands of individuals and families affected by the devastation from Hurricane Andrew. The mobile clinics have clearly proven their value and can be expected to significantly assist those veterans living in rural areas in Arizona, North Carolina, and Washington following their assignment in Florida.

Mr. President, I strongly urge my colleagues to support S. 2575, and the expansion of the mobile health care clinic program for rural veterans.

I also ask unanimous consent that an article from the Spokesman-Review of Spokane, WA regarding the assignment of the DVA mobile clinic from the Spokane DVA Medical Center to Florida to assist Hurricane Andrew victims be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEDICAL BUS FLOWN TO HURRICANE DISASTER AREA

(By Kelly McBride)

A medical crew from the Spokane Veterans Administration Medical Center relied a mobile clinic into the belly of one of the world's biggest places Saturday and headed for Miami to help victims of Hurricane Andrew.

"This is baptism by fire if there was such a thing," said Bill Lamb, chief of voluntary services for the Veterans Administration.

The $600,000 mobile medical clinic has yet to be used in the field. It is one of six in the country designed to bring medical care to rural veterans who might be reluctant to drive long distances to see doctors.

It is scheduled to start making rounds in Eastern Washington and North Idaho in October.

The V.A. central office in Washington, D.C., in an effort to help the Federal Emergency Management Assistance program, volunteered the clinic, along with a doctor, a nurse, two nurse practitioners, two counselors, an administrator and a driver.

"Our travel orders are to stay for 10 days," said John Williams, a nurse and the mobile clinic coordinator. "But we'll stay as long as we are needed."

Before their departure Saturday, the crew of seven said they aren't sure what to expect when they arrive in Miami. They likely will drive to a hospital or to Homestead Air Force Base and be dispatched from there. The crew could not fly into Homestead, because they were scheduled to arrive after dark and there is still no electricity at the base.

"We expect to be doing a lot of triage," said Dr. Alan Prentice. "We could also end up in a tent hospital somewhere."

The group is equipped to treat minor emergencies, stitch up cuts and stabilize patients in critical condition. Prentice said he expects to treat people who are sick from drinking contaminated water and eating spoiled food.

Hundreds of thousands of people have without water and electricity since the storm swept across south Florida on Wednesday.

The clinic, a custom built bus featuring three examination rooms, a bathroom and a reception area, needs nothing but fuel to keep it going.

"As long as we can get a hold of diesel we can go anywhere," Williams said. "All we have to do is turn on the engine."

But first the crew had to get to Florida. An Air Force CSA landed Saturday afternoon at Fairchild Air Force Base to shuttle the bus and crew to the disaster area.

Flying the 38,000-pound bus to Miami is no problem, But getting it in the plane was a challenge.

With little clearance above the ground, cargo masters worried the bus would scrape bottom as it drove up over the ramp and into the plane. After measuring and calculating and taping down everything inside the bus, the crew prepared to load the cargo.

They expected to be in Miami by midnight and treating patients at sunrise.

THE WOMEN VETERANS PROGRAMS AMENDMENT TO S. 2575

Mr. AKAKA. Mr. President, I rise in strong support of S. 2575, the Veterans Health Programs Improvement Act of 1992, which would improve recruitment and retention of registered nurses and make changes to certain health care personnel programs, improve preventive health services, improve the State Home program, establish a rural health care clinic pilot program, establish a telephone service demonstration project, and ensure that VA hospitals and clinics can purchase drugs and biologicals at reasonable prices.

The most important section of this legislation, the drug provision, helps correct an unintended result of the Omnibus Budget Reconciliation Act of 1990, which resulted in pharmaceutical companies dramatically raising the prices of drugs sold to VA in order to avoid reducing their prices for Medicaid programs. This provision, drafted under the leadership of Senator ROCKEFELLER, is expected to save VA as much as $100 million in 1993.

Mr. President, I also wish to express support for the committee amendment offered by Senator CRANSTON to incorporate the text of S. 2973, the Women Veterans Programs Act of 1992, as reported by the Committee on Veterans' Affairs early last month. I am proud to be an original cosponsor of both S. 2973, as introduced by Senator CRANSTON last July, and S. 2028, introduced by Senator SPECTER last November, from which S. 2973 as reported and the Cranston committee amendment are derived.

The committee amendment addresses two major areas concerning women veterans health care—sexual trauma services and well-care services. One section of the amendment, which is derived from S. 2028, would authorize a variety of "well-women" services such as pap smears, mammography, and breast examinations; services for general reproductive health; and services for conditions arising out of acts of sexual violence. It would also authorize contract care for well-women care on an outpatient basis; encourage research on health care conditions of concern to women veterans; require studies on the availability of VA health care services for women; and, require the appointment of women veterans coordinators at VA medical centers to provide advocacy and outreach for women veterans seeking treatment.

Mr. President, the second major part of the amendment, which is derived from S. 2973 as originally introduced by Senator CRANSTON, would require VA to furnish, either in VA facilities or by contract, priority counseling or treatment for sexual trauma incurred during their military service. This legislation would also establish a telephone hotline to help facilitate service for women veterans; require a study of the need for sexual-trauma services; require a report on VA services for veterans experiencing sexual trauma; require a report on the difficulties encountered by women in obtaining service-connection for sexual assault during service; and require VA and the military to provide women separating from service information on the availability of services for victims of sexual violence.

This amendment arises directly out of hearings held by the Veterans' Affairs Committee earlier this year which focused on the little-known problem of sexual assault of female military personnel. Based on a 1988 Department of Defense study that reported that 5 percent of women surveyed had been subjected to rape, attempted rape, or sexual assault while in military service, the committee believes that at least 60,000 of the Nation's 1.2 million women veterans may have been victims of sexual abuse, with another 800,000 having experienced nonphysical forms of sexual harassment.

The committee heard moving testimony from women veterans who had been sexually abused in the military, who indicated that their superiors did little to punish the abusers or to help the victims obtain counseling or medical care. After their separation from service, the witnesses reported that VA was unable to provide them with adequate services to help them deal with the long-term aftereffects of their experiences. The witnesses who appeared at our hearing were exceptional in that they were willing to come forward with their experiences; because of the nature of the acts that were committed against them as well as the criminal unresponsiveness of authorities to aid them when some did report them, tens of thousands of other women have not been able to bring themselves forward, preferring to suffer in silence.

Mr. President, the committee hearings came in the wake of last spring's Tailhook scandal that has rocked the Navy, and the entire military profession, to its core. I joined many of my colleagues at that time to condemn the culture of sexism that has permeated the military and allowed acts of sexual violence to flourish in secrecy. It is obvious that the military's long acceptance of a double standard fostered an environment in which dedicated women such as Navy Lt. Paula Coughlin, a highly capable helicopter pilot, could have the clothes torn from her body by her erstwhile male comrades-in-arms at a so-called professional development conference. That environment also led her commanding officer, a two-star admiral, effectively to condone the attack by declining to take appropriate action after she reported the incident to him.

In my opinion, the military must do more than fire the Secretary of the Navy or a few admirals. For, as is borne out by the Pentagon Inspector General's report released on Thursday, Tailhook is just the tip of the iceberg, the largest and most dangerous part of which floats hidden just beneath the surface. The Navy and the other services must revamp a culture that is sexist and inbred to the point where it threatens the viability of their mission. They must develop an infrastructure of programs and procedures that can effectively forestall sexual assault and provide psychological and medical care after a sexual attack takes place.

In this regard, VA also must look to revamp its policies with respect to the treatment of women veterans. In some respects, this is more important for women, since the psychological and physical effects of sexual assault are often long-term, and many women veterans will not come forward until many years after the fact, if ever. VA must undertake a comprehensive review of all policies and programs, from eligibility rules to the types of medical and psychological services that need to be provided to help these suffering individuals.

This amendment, of which I am pleased to be a cosponsor, represents an important first step in this process, Mr. President. It requires the responsible agencies of government to examine the extent of the problem and assess the availability of current resources, and it authorizes basic VA services that represent a significant first step toward fully addressing this terrible issue. I hope that the Senate will adapt this amendment, as well as the underlying measure, and that the House will join us in enacting a strong bill that is responsive to the needs of a long-overlooked population. Any attempt to delay or weaken this measure will exacerbate an already untenable and unacceptable situation.

Thank you, Mr. Chairman. I would like to recognize the leadership of the chairman and ranking minority member, and their respective staffs, in bringing both the women veterans amendment and the underlying health care bill to the floor. In particular, Senator CRANSTON should be singled out for bringing the issue of services for women veterans who have been victims of sexual assault to the Senate's attention. Once again, as he has for his entire Senate career, ALAN CRANSTON has demonstrated that governance and compassion are two sides of the same coin.

VETERANS HEALTH PACKAGE INCLUDING FEDERAL PROCUREMENT OF PHARMACEUTICALS

Mr. ROCKEFELLER. Mr. President, I rise to declare victory. A victory for our Nation's veterans and for our public health services. And a victory for the Members of the Senate who joined me in this year long crusade. I want each and every one of them to know how grateful I am for their contributions. Today, the Senate will enact legislation that will mean lifesaving and life-enhancing drugs will be made available to our Nation's veterans, and to citizens dependent on public health services, at a fair price.

This legislation was crafted in response to the outrageously escalating prescription drug costs that threatened the delivery of health care services at VA Medical Centers across this country. Those price increases also jeopardized the ability of our Public Health Service clinics to continue to furnish those drugs to their clients. This legislation, which I am very proud to have sponsored and pushed through this process, insures that the Veterans Administration and Public Health Service will be given significant discounts on the prescription drugs which they purchase. It helps to restore the VA's health care budget, recouping almost $100 million. It will go a long way to rebuilding the health care programs that suffered from skyrocketing drug prices, and it will stop that unsustainable price escalation.

An extraordinary coalition of members joined forces to forge a bipartisan agreement on this complicated issue. And again, I want to pay tribute to their hard work and tenacity. Our goal was simple, even though the task was not—we sought to alleviate the pressure of high prescription drug costs on VA and other Federal purchasers. Achieving it took good faith and tough compromises on all sides.

In the Senate Veterans' Affairs Committee, Chairman CRANSTON and I joined with Senators SIMPSON and MURKOWSKI to develop a compromise approach designed to address the specific concerns of VA.

In the Labor Committee, Senators KENNEDY and HATCH worked long and hard to develop a bipartisan measure to address the concerns of the Public Health Service clinics that have also been plagued by rising drug costs.

And I have been working since last year with a coalition of Members, including Senators CRANSTON, PRYOR, KENNEDY and MIKULSKI, to develop this legislation.

This issue first came to my attention in April, 1991, when I visited a West Virginia VA Medical Center. At a round table discussion on VA health care, the head of the pharmacy department asked me about an amendment in OBRA that caused the prices of prescription drugs to increase dramatically.

First, I explained that I voted for OBRA and strongly supported the Pryor amendment, which established the best price system to provide discounts to Medicaid. I explained that this would yield billions of dollars in Medicaid savings that would help pay for health care coverage for pregnant women and children. But the VA pharmacist told me that OBRA was having a devastating effect on VA drug prices. The last time I checked, this center had two vacancies in its pharmacy service, and they can't afford to fill them.

I learned that West Virginia was not the only State experiencing problems. According to surveys done annually by the House Veterans' Affairs Committee, VA Medical Centers across the country were reporting escalating prices for prescription drugs, and problems coping with the issue because of tight budgets. For example, San Antonio's VA totally exhausted its supply of some over-the-counter drugs in the last 2 months of fiscal year 1991, and patients were told they had to wait 2 months for prescriptions. To get further savings, San Antonio cut back on clinical care by reducing the number of cardiac catheterizations by half during the last 2 months. I understand that similar reductions in health care services and drugs available for veterans are happening across the country. It's alarming. We need to respond.

VA desperately needs relief. VA's budget of health care is stretched to the limit. Old medical equipment goes unreplaced in VA because they do not have the millions of dollars needed to replace the backlog of equipment. Some veterans who are considered discretionary patients cannot be served because their local VA medical center cannot afford it. Not all VA medical centers can afford new programs on PTSD or substance abuse treatment because of lack of funds.

VA is unlike most Federal health care programs because it is an appropriated expense, not an entitlement like Medicare and Medicaid. Consequently, it is essential to keep in mind that every extra dollar that must be spent on prescription drugs means a dollar less for other health care needs. It is that direct a relationship. Given the pressing financial needs of VA, it cannot be expected to absorb as much as $93 million more in prescription drug costs.

Once I became aware of the problem, I began working with a strong coalition of Members to find a fair, reasonable way to ensure that VA and other Federal purchasers would receive reasonable prices.

The coalition is comprised of Chairman CRANSTON, and Senators PRYOR, MIKULSKI and KENNEDY. We worked to develop a fair, comprehensive approach to this problem. My initial goal was to rollback prices for VA and all other Federal purchasers to the pre-OBRA levels, and I still believe this would be a reasonable approach, but it was subsequently modified to address grave concerns raised by the industry.

Our compromise will allow VA to negotiate fair prices by providing an exemption from best price calculations imposed by OBRA 1990.

But in developing our compromise, we were mindful of the concerns of the Chairman of the Finance Committee. We have crafted a solution that will maximize the benefits to the VA and provide optimum protection for veterans' health care in the future without disrupting the Medicaid rebate legislation, or encroaching on Senator BENTSEN'S jurisdiction.

This issue is a cross-jurisdictional concern. If we are going to be successful, we need Senator BENTSEN to help us finance this fix. If we're to protect VA health care, Senator BENTSEN'S concerns about the ramifications for the Medicaid population must be also addressed. They are concerns that we all share.

Chairman BENTSEN'S Finance staff suggested that we deal with the issues in the jurisdiction of the Finance Committee in a freestanding piece of legislation—separate and apart from the Veterans' Committee's concerns. That legislation will exempt the Federal Supply Schedule from best price calculation and it must be paid for. This exemption will be financed by a slight adjustment in the Medicaid flat rebate, similar to the provisions in the original amendment proposed by Senators SIMPSON and MURKOWSKI.

I also agreed to concede on the rollback, but we concurred—Democrats and Republicans—that VA deserves assurances that it would at least receive a discount equivalent to Medicaid's—and our bipartisan package will provide a 24 percent discount for VA drugs sold on the Federal Supply Schedule. This discount was calculated by CBO as the median Medicaid discount in the first quarter of fiscal year 1991. This is the time frame in which we began to realize the problem for VA.

Another key part of the compromise includes strong steps to ensure that drug companies continue to offer products on the Federal Supply Schedule by linking all Federal purchasers as an enforcement mechanism.

This is a critical enforcement mechanism that should insure that prescription drugs will remain available to VA. Under our compromise, drug companies will be asked to agree to sell their drugs to all Federal purchasers—on a drug by drug basis—at a reasonable price, or to decide to forego all their Federal business.

With the Federal Government's combined purchasing power of about 20 percent of the market, I believe there is plenty of incentive to make sure drug companies recognize it is in their best business interests to deal fairly with the Federal Government.

There are some other provisions in our compromise that will give VA the authority to negotiate fixed volume contracts for Federal purchasers like the Public Health Service. Initially this provision would have given the right to participate in this new buying group to all State, county and municipal health care programs, but we again compromised to address concerns raised. With this group purchasing arrangement, called the UPAC (Unified Pharmaceutical Award Contract), we are seeking to bring the effective negotiation tactics of the private market into the government procurement system.

I believe it will work and it will save VA—and American taxpayers—money.

But I also serve on the Finance Committee, and I am concerned about the problems all other Federal purchasers of prescriptions drugs face—Public Health Service Clinics; Indian Health Service Clinics. they, too, deserve relief from skyrocketing drug prices.

I believe that it makes the most sense to take a comprehensive approach for all Federal prescription drug purchasers. Senators KENNEDY and HATCH forged a compromise in the Labor Committee that responds to similar concerns that Public Health Clinics faced with escalating drug prices. I support this Kennedy-Hatch bill, and believe it ultimately should be part of the legislation we finally enact. Their legislation should be added as an amendment to our veterans bill momentarily.

This measure was also the result of bipartisan compromise, and I want to see it signed into law.

This whole bill is founded on the premise that the Federal Government is entitled to the best possible deal it can get for the American taxpayer. The Federal Government's prescription drug market share should dictate that we get a fail deal, but until OBRA 90, more often than not, we were not getting it. And whether it's the voluntary UPACs provision (the coalescing of Federal purchasers who want to organize their sizable, limited volume contracts) or the linking of all Federal purchasers that forms our enforcement mechanism, this bill greatly increases the likelihood that the government will get a fair deal. So this legislation heralds the advent of a new era of Federal purchasing—its about the government getting smart about the use of its health care dollars—the American taxpayers' dollars. We will do well to remember this as we pursue comprehensive health care reform.

I congratulate all the Members of my coalition and thank Chairman BENTSEN for his patience and invaluable assistance. We can all be proud of our accomplishment here today because veterans and the recipients of public health services will be better served as a result.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I urge approval of the pending measure, S. 2575, the proposed "Veterans Health Programs Improvement Act of 1992," as reported by the Committee on September 15, 1992, (S. Rept. No. 102-401), and as it will be amended by a Committee modification that I am proposing.

Mr. President, the measure as reported—which I will refer to as the committee bill—is derived from five measures:

S. 2575, legislation I introduced with Senators DECONCINI, AKAKA, and DASCHLE on April 9, 1992, with Senator GRAHAM joining later as a cosponsor, to improve nurse pay legislation enacted as the Department of Veterans Affairs Nurse Pay Act of 1990 and to extend expiring authorities for certain VA health-care programs;

S. 2740, which I introduced with Senators DECONCINI, ROCKEFELLER, GRAHAM, and AKAKA on May 19, 1992, to expand and improve VA's preventive health programs;

S. 2372, which I introduced with Senators SPECTER, GRAHAM, and DASCHLE on March 19, 1992, with Senators ADAMS, GORTON, and SEYMOUR joining later as cosponsors, relating to recipients of VA needs-based pension who participate in therapeutic work programs at State Veterans' homes;

S. 1424, introduced by Senators CONRAD and BURDICK on June 28, 1991, with Senators DECONCINI, ROCKEFELLER, GRAHAM, AKAKA, DASCHLE, REID, FORD, LEVIN, HEFLIN, SANFORD, PRESSLER, GORTON, EXON, BENTSEN, BAUCUS, WIRTH, BINGAMAN, KOHL, RIEGLE, LEAHY, SHELBY, ADAMS, BOREN, PRYOR, and WOFFORD joining later as cosponsors, to expand VA's mobile health-care clinic program; and

S. 2715, introduced by Senators DECONCINI and SPECTER on May 14, 1992, with Senator WOFFORD joining later as a cosponsor, to establish a telephone service demonstration project in two VA medical centers.

Other provisions of the legislation are derived from an amendment offered by Senators ROCKEFELLER, SIMPSON, MURKOWSKI, and myself at the Committee's August 7, 1992, markup to ensure that VA health-care facilities can purchase drugs and biologicals at reasonable prices.

The Committee modification is derived from an amendment I submitted on September 24, 1992, with respect to VA collections from Medigap insurers and the provisions of S. 2973 as reported by the Committee on August 7, 1992, the proposed "Women Veterans Health Programs Act of 1992".

SUMMARY OF PROVISIONS

Mr. President, the committee bill has seven titles—Nurse Pay, Preventive Health Care, State Home Facilities, Rural Health-Care Clinics, Telephone Use Demonstration Project, Pharmaceutical Pricing Agreements, and Miscellaneous Expiring Authorities—which can be summarized as follows.

TITLE I—NURSE PAY

Mr. President, the provisions of title I would:

First, replace the current four-grade VA nurse pay schedule with a schedule of five grades, designated Nurse I through Nurse V.

Second, authorize the Secretary of Veterans Affairs to establish and adjust the rates of basic pay for employees in covered positions at the Veterans Memorial Medical Center in the Philippines and the VA Medical Center in San Juan, PR, in order to provide rates of pay necessary to recruit and retain qualified employees at those facilities.

Third, authorize the Secretary to permit the director of a VA health-care facility, in conducting a local wage survey for purposes of the VA locality-pay system, to use data on (a) beginning rates of compensation for employees in a labor-market area outside the one in which the VA facility is located if that other labor-market area is comparable and the director demonstrates that sufficient data cannot be obtained within the local area to establish competitive salaries; and (b) compensation received by certified registered nurse anesthetists [CRNA's] employed in salaried positions by firms that provide anesthesia services on a contract basis within the local labor-market area, if the data on salaries paid to CRNA's employed by non-VA helath-care facilities in that area are not sufficient to establish competitive salary rates.

Fourth, require the director of a VA health-care facility to include in the survey on which locality pay is to be based the minimum rates of pay actually paid to—rather than established for—employees in covered positions by non-VA facilities in the local labor-market area.

Fifth (a) authorize the Secretary to increase the rate of basic pay of an employee in a position covered by locality pay who, upon the request of the Secretary, transfers to a comparable or more responsible position at a VA health-care facility at which the rate of pay for the position is lower than that paid for such a position at the VA facility from which the employee transferred; and (b) require the Secretary to include information on the use of this authority in the annual report to Congress on the implementation of the Department of Veterans Affairs Nurse Pay Act of 1990.

TITLE II—PREVENTIVE HEALTH CARE

The provisions of title II would:

First, require VA's Chief Medical Director [CMD] to establish within the Veterans Health Administration [VHA] a National Center for Preventive Health [Center].

Second, require the Secretary to establish a Preventive Health Services Advisory Committee [Advisory Committee], which would include members, appointed by the Secretary upon the recommendation of the CMD, who have demonstrated interest and expertise in preventive health services, including both persons who are and who are not Federal employees and representatives of veterans who receive health services from VA.

Third, require the Director of the Center to (a) acquire, maintain, and disseminate information on clinical practices and research concerning preventive health services; (b) monitor implementation of the recommendations of the Advisory Committee; (c) facilitate cooperative research concerning health outcomes resulting from various preventive services; (d) advise VA health-care personnel regarding the conduct of preventive health services activities and research; and (e) issue annual reports regarding VA's preventive health services activities and research findings.

Fourth, authorize annual appropriations of $2.5 million for the Center and specify that the costs of the Center are to be paid from VA's Medical Care account.

Fifth, require the Advisory Committee to (a) advise the Secretary, through the CMD, regarding developments in preventive health services research and clinical activities; (b) respond to requests of the Secretary or the CMD for information on specific activities; and (c) submit to the Secretary, through the CMD, an annual report and any other reports the Committee considers appropriate.

Sixth, require the Secretary to submit to the Committee on Veterans' Affairs of the Senate and House of Representatives within 90 days after receiving them, the reports of the Advisory Committee—other than the annual report, which would be transmitted with the Secretary's annual report to Congress—together with the Secretary's comments and recommendations.

Seventh, require the Secretary to submit to the Committees on Veterans' Affairs an annual report that would include detailed information concerning VA's preventive health services programs.

Eighth, revise the definition of the preventive health services that VA is authorized to furnish to include expressly periodic medical and dental examinations (including screening for high blood pressure, glaucoma, high cholesterol, and colorectal and gender-specific cancers), and patient health education (including education relating to nutrition, stress management, physical fitness, and smoking cessation).

TITLE III—STATE HOME FACILITIES

Mr. President, the provisions of title III would:

First, provide that neither a veteran's participation in or receipt of payments under a VA-approved State Veterans Home incentive therapy or compensated work therapy program would affect the veteran's eligibility for VA needs-based pension or the amount of the veteran's pension payments.

Second, extend from 90 to 180 days following conditional approval of a State's application for State Veterans Home Program grant, the period within which a State must meet all requirements for participation in the State Home Program.

Third, prohibit the obligation of funds for a State Home project until the beginning of the next fiscal year if a State fails to complete all requirements for participation in the State Home Program within the conditional-approval period.

Fourth, specify that the 20-year period during which VA may recapture funds for a facility no longer used as a State Home begins on the date on which the final architectural and engineering inspection is completed.

Fifth, require that VA payment of per diem for care furnished in a State Home facility commence on the date VA completes the inspection of the facility for recognition as a State Home if the Secretary subsequently determines, as a result of that inspection, that the facility meets VA's standards for recognition as a State Home.

TITLE IV—RURAL HEALTH-CARE CLINICS

The provisions of title IV would:

First, require VA, during the 3-year period beginning on October 1, 1992, to conduct a rural health-care clinic program in States in which significant numbers of veterans reside in areas geographically remote from existing health-care facilities, as determined by the Secretary.

Second, require VA to conduct the program through the use of (a) mobile health-care clinics equipped, operated, and maintained by VA personnel, and (b) part-time stationary clinics operated by VA personnel and through contracts with non-VA entities.

Third, require VA to furnish health-care services through the program at locations at least 100 miles from the nearest VA health-care facility, or in areas less than 100 miles from the nearest VA health-care facility which the Secretary determines to be appropriate for the furnishing of health-care services through the program.

Fourth, extend eligibility to receive health-care services through the program to all veterans who are eligible for VA health-care services.

Fifth, require VA to begin operating at least three rural health-care clinics, at least one of which must be a mobile health-care clinic, during each of the 3 fiscal years of the program.

Sixth, prohibit VA from operating as part of the program more than one rural health-care clinic in any State.

Seventh, require the Secretary, not later than December 31, 1996, to submit a report on the program.

Eight, authorize appropriations of $3 million in fiscal year 1993, $6 million in fiscal year 1994, and $9 million in fiscal year 1995 for the program, and permit only funds expressly appropriated for the program to be spent on it.

TITLE V—TELEPHONE USE DEMONSTRATION PROJECT

The provisions of title V would:

First, require VA to carry out at the Philadelphia and Tucson VA medical centers demonstration projects to assess the feasibility and desirability of installing telephones in VA health-care facilities and the use of such telephones by patients of VA health-care facilities.

Second, require VA to ensure that patients bear the financial responsibility for the cost of any long-distance telephone calls.

Third, require the Secretary to determine (a) the cost to each facility of the installation, use, and maintenance of telephones, and (b) the impact of the use of telephones on the quality of care furnished to veterans.

Fourth, require the Secretary, not later than September 30, 1994, to submit to the Committees on Veterans' Affairs a report on the demonstration projects.

TITLE VI—PARAMACEUTICAL PRICING AGREEMENTS

Mr. President, the provisions of title VI would:

First (a) require a manufacturer of a drug or biological, not later than 5 months after the date of enactment—as a condition of (1) selling the drug or biological to a Federal agency (the Department of Veterans Affairs (VA), the Department of Defense (DoD), or the Public Health Service (PHS)); (2) receiving payment for the drug or biological under the Medicaid Program; or (3) receiving payment for the drug or biological directly or indirectly from any entity that receives funds under the Public Health Service Act—to enter into a master agreement with the Administrator of the General Service Administration under which the manufacturer must agree to enter into Federal Supply Schedule [FSS], VA depot, and DoD depot pharmaceutical pricing agreements (described below); (b) require the manufacturer to enter into FSS, VA depot, and DoD depot pricing agreements for a drug or biological within 6 month of the date of enactment, or, if the Secretary of Veterans Affairs or Defense does not desire to enter into such an agreement during that time period, within 30 days after the Secretary concerned makes a request to enter into a pricing agreement; (c) require that prices charged to a Federal agency under FSS, VA depot, or DoD depot pharmaceutical pricing agreements be established in accordance with the provisions of the committee bill; (d) require that the Administrator of GSA prescribe procedures under which the Secretary of Veterans Affairs or Defense must notify a manufacturer of the Secretary's desire to enter into a FSS, VA depot, or DoD depot pharmaceutical pricing agreement; (e) with respect to a drug or biological first marketed after the date of enactment, require the manufacturer (1) within 2 months after the date on which such marketing begins (A) if the manufacturer has previously entered into a master agreement with GSA, to amend it to cover the new drug or biological, or (B) if the manufacturer has not previously entered into a master agreement, to enter into one, and (2) to enter into FSS, VA depot, and DoD depot pharmaceutical pricing agreements within 3 months after the drug or biological is first marketed or, if the Secretary of Veterans Affairs or Defense does not desire to enter into such an agreement during that time period, within 30 days after the Secretary concerned makes a request to enter into such a pricing agreement.

Second, provide that prices for single source and innovator multiple source drugs and biologicals procured through the FSS be determined as follows: (a) in the case of drug or biological that was on the FSS on September 1, 1990, an amount no greater than 76 percent of the Federal average manufacturer price [FAMP]—the average price paid by wholesalers—for the drug or biological during the most recent 12-month period prior to the effective date of a new FSS agreement for which FAMP data are available minus, in the case of a drug or biological for which the FAMP has increased during that 12-month period, an additional price discount equal to the amount, if any, by which the increase in the FAMP during that period exceeded the increase in the Producer Price Index-Finished Goods during that period; (b) in the case of a drug or biological that was not on FSS on September 1, 1990, but was approved for marketing by the Administrator of the Food and Drug Administration prior to the date of enactment of the committee bill, an amount no greater than 76 percent of the FAMP for the drug or biological during the shorter of (1) the most recent 12-month period prior to the effective date of a new FSS agreement for which FAMP data are available, and (2) the period beginning on the date on which marketing of the drug or biological begins and ending on the effective date of the agreement, minus, in the case of a drug or biological for which the FAMP has increased during the applicable period, the additional price discount amount; (c) for a drug or biological that is approved for marketing by FDA after the date of enactment of the committee bill, an amount no greater than 76 percent of the FAMP for the drug or biological during the shorter of (1) the most recent 12-month period prior to the effective date of a new FSS agreement for which FAMP data are available, and (2) the period beginning on the date on which marketing of the drug or biological begins and ending on the effective date of the agreement; (d) authorize the Secretary of Veterans Affairs to negotiate a price that is nominally higher, as determined by the Secretary, than the FSS price that would otherwise be established for that single source or innovator multiple source drug or biological under the mechanisms established under the committee bill, if the Secretary determines that price is in the best interests of VA; (e) provide, in the case of a multi-year FSS agreement, that the price of a drug or biological may be increased on an annual basis by a percentage no greater than the increase in the Producer Price Index-Finished Goods during the preceding year; and (f) provide that a price negotiated under a subsequent FSS agreement would not exceed the price for the drug or biological on the effective date of the expiring agreement increased by the percentage increase in the Producer Price Index-Finished Goods from the effective date through the expiration date of the expiring agreement.

Third, with regard to data on the FAMP of a drug or biological (a) require manufacturers to report FAMP data to the Secretary of Veterans Affairs (1) before entering into an FSS (or VA depot) pricing agreement, for the 12-month period prior to the effective date of such an agreement, and (2) not more than 30 days after the end of the previous calendar quarter for each calendar quarter in which the FSS (or VA depot) agreement is in force; (b) authorize the Secretary to impose civil monetary penalties on manufacturers that fail to report data on their FAMPs in a timely fashion or that report false information; (c) authorize the Secretary to audit the relevant records of the manufacturer, or of any wholesaler who distributes the drug or biological, to determine the accuracy of FAMP data reported to the Secretary; and (d) provide for FAMP data transmitted to the Secretary to remain confidential.

Fourth, provide for the Secretary to negotiate with manufacturers to establish FSS prices for generic and nonprescription drugs and biologicals.

Fifth, provide that prices for single source and innovator multiple source drugs and biologicals procured through VA depots be determined in the same manner as those procured through the FSS.

Sixth, authorize State Veterans Homes to purchase drugs and biologicals at FSS prices.

Seventh, authorize VA to negotiate and award pharmaceutical contracts, to be known as Unified Pharmaceutical Award Contracts [UPACs], on behalf of (1) governmental entities, including State Veterans Homes and other Federal, State, county, and municipal health-care programs, and (2) certain Public Health Service-funded clinics; (b) require an entity which desires to participate in a UPAC to (1) enter into an agreement with VA on a periodic basis, as determined by the Secretary, to participate in a UPAC, (2) make a commitment to purchase a certain quantity of the drug or biological during the UPAC contract period, (3) provide adequate proof of fiscal capability to meet the purchase volume commitment, (4) provide reasonable evidence that the drug will not be diverted to for-profit sales, and (5) pay to VA's revolving supply fund a contract user fee to offset VA's administrative costs relating to UPACs; (c) authorize the Secretary to determine, for each UPAC agreement, which Governmental entities will participate in the UPAC; (d) authorize the Seceretary to impose civil monetary penalties on any Governmental entity that diverts to for-profit sales any drug or biological procured through a UPAC agreement.

Eighth, provide that prices for single source and innovator multiple source drugs and biologicals procured through Department of Defense depots be determined in the same manner as those procured through the FSS.

Ninth, with regard to data on the FAMP of a drug or biological (a) require the manfuacturers to report FAMP data to the Secretary of Defense, in a manner determined by the Secretary (1) prior to entering into a DOD depot pricing agreement, for the 12-month period prior to the effective date of such an agreement, and (2) not more than 30 days after the end of the previous calendar quarter for each calendar quarter in which the DOD depot agreement is in force; (b) authorize the Secretary of Defense to impose civil monetary penalties on manufacturers that fail to report data on their FAMP's to the Secretary in a timely fashion or that report false information; (c) authorize the Secretary to audit the relevant records of the manufacturer of a drug or biological covered by a DOD depot contract, and of any wholesaler who distributes that drug or biological, to determine the accuracy of FAMP data; and (d) provide for FAMP data transmitted to the Secretary to remain confidential.

TITLE VII—EXPIRING AUTHORITIES

Mr. President, the provisions of title VII would:

First, make permanent VA's authority to furnish respite care to veterans eligible to receive VA hospital, nursing home, or domiciliary care.

Second, extend for 4 years and 3 months, through December 31, 1996, VA's authority to enter into contracts with the Veterans Memorial Medical Center in the Philippines for the United States to provide for payments for hospital care and medical services to eligible United States veterans.

Third, make permanent VA's authority to waive the restrictions on receipt of military retirement pay contained in section 5532 of title 5 if necessary to met special or emergency needs for registered nurses resulting from a critical shortage of well-qualified candidates.

Fourth, extend for 5 years and 3 months, through December 31, 1997, the authority for the Department of Veterans Affairs Health Professional Scholarship Program.

Fifth, make permanent VA's authority to make grants to States for the construction or renovation of State Veterans Homes.

Mr. President, because the various provisions in the committee bill are described in detail in the committee report (S. Rept. No. 102-401), at this time I will discuss only certain provisions that I want to highlight. I refer my colleagues and all others with an interest in this bill to the committee report.

NURSE PAY PROVISIONS

Mr. President, title I of the committee bill contains various amendments to the Department of Veterans' Affairs Nurse Pay Act of 1990, Public Law 101-366—which I will refer to as the Nurse Pay Act—that would further the act's goal of providing VA with the tools necessary to establish appropriate locally competitive salary rates for registered nurses [RN's] and certified registered nurse anesthetists [CRNA's] and for certain other health-care personnel for whom the Secretary identifies a need to implement a system of locally competitive wages. I note that H.R. 5192, a veterans' health-care measure reported by the House Committee on Veterans' Affairs on June 26, 1992, contains similar provisions.

BACKGROUND

The Nurse Pay Act replaced VA's national salary schedule for RN's and CRNA's with a locality-pay system under which salaries for RN's and CRNA's at each VA health-care facility are established in relation to salaries and other benefits provided to RN's and CRNA's by non-VA health-care facilities in the same local labor-market area and authorizes VA to establish locality pay systems for certain other health-care occupations.

Overall, the act appears to have been a success. Since its implementation in April 1991, recruitment and retention of RN's and CRNA's has improved significantly at many VA health-care facilities. As is often the case with new endeavors, however, some problems persist. The committee bill addresses certain matters that require legislative solutions.

ADDITIONAL NURSE PAY GRADE

Mr. President, the committee bill would add a fifth grade to the four-grade pay schedule for RN's and CRNA's. The Nurse Pay Act replaced the existing schedule of eight pay grades for RN's with a schedule of four pay grades that were designated as director, senior, intermediate, and entry grades. Soon after the new four-grade system was implemented, the committee began to receive reports that RN's in the upper steps of the intermediate and senior grade were experiencing serious pay compression.

Because VA chose to limit the number of steps and ranges of salary in a grade, the conversion from an eight-grade to a four-grade system reduced the total number of pay levels within the nurse pay schedule. This reduced the number of opportunities an RN would have for salary increases and limited VA's ability to make salary distinctions among RN's with various qualifications and responsibilities. Many RN's view the reduction in the number of opportunities for salary increases as a loss of potential earnings. Some RN's argue that pay compression discourages experienced RN's from remaining in clinical positions—despite the fact that encouraging them to do so had been one of the main goals of the 1990 Nurse Pay Act. In addition, under the four-grade system, RN's with disparate responsibilities are more likely to be assigned to the same step within a grade, a situation which may have a detrimental impact on morale at VA health-care facilities. For example, at some VA health-care facilities an experienced head nurse may earn a salary equal to or higher than the salary of an assistant chief nurse with fewer years of service, despite the fact that assistant chief nurses have greater administrative responsibilities than head nurses, including supervision of head nurses.

Mr. President, I continue to believe that a flexible, market-driven, locally competitive pay system enhances VA's ability to recruit and retain highly-qualified RN's. However, I also recognize the severity of the pay compression problem, especially among the approximately 27,000 RN's serving in intermediate grade positions.

Section 101 of the committee bill would enable VA to relieve the pay compression experienced by RN's in the intermediate and senior grades by replacing that four-grade system with a system of five grades. An additional grade for RN positions would establish additional pay levels in the nurse schedule that would allow for more equitable distinctions in rates of compensation paid to an extensive range of clinical and supervisory nurses. I expect VA to revise the qualification standards for the various grades to accomplish that purpose.

IMPORTATION OF DATA FROM COMPARABLE LABOR MARKET AREAS

Mr. President, section 103 of the committee bill would authorize the Secretary to permit the director of a VA health-care facility, in conducting a survey to establish locally competitive rates of pay for covered positions, to use data on beginning rates of compensation for employees in comparable positions at non-VA facilities in a labor-market area outside the area in which the VA facility is located if that other market area is comparable and the director demonstrates that sufficient data cannot be obtained within the local area to establish competitive salaries.

Directors of some VA health-care facilities, primarily facilities in rural areas, have experienced difficulty in obtaining sufficient data to establish competitive salaries, because their facilities are located in labor-market areas in which a very small number of non-VA facilities are located or in which no non-VA facilities employ personnel in certain covered positions. The ability to use data on salaries paid by non-VA facilities in comparable labor-market areas would give the directors of such facilities an additional tool to use in establishing appropriate salary rates. Use of this authority would be contingent upon a director's ability to demonstrate, in accordance with regulations prescribed by the Secretary, that sufficient data could not be obtained on salaries paid by non-VA facilities within the local labor-market area in which a VA health-care facility is located.

USE OF DATA ON SALARIES PAID TO CERTIFIED REGISTERED NURSE ANESTHETISTS BY ANESTHESIA CONTRACTORS

Section 103 also would authorize the director of a VA health-care facility to use, in accordance with regulations prescribed by the Secretary, data on compensation received by certified registered nurse anesthetists, CRNA's, employed on a salary basis by entities that provide anesthesia services on a contract basis within the local labor-market area, if the director demonstrates that data on salaries paid to CRNA's employed by health-care facilities in that area are not sufficient to establish competitive salary rates.

CRNA's have criticized the Nurse Pay Act because it requires VA to survey only salaries paid by non-VA health-care facilities despite the fact that many non-VA health-care facilities do not employ CRNA's but, instead, obtain their services through arrangements with firms that provide anesthesia services on a contract basis. These anesthesia services contractors compete directly with VA facilities for CRNA's. By authorizing VA facility directors, where necessary, to survey compensation paid to CRNA's employed by anesthesia contractors on a salary basis, section 103 would improve VA facility directors' ability to establish locally competitive rates of pay for CRNA's.

PREVENTIVE HEALTH

Mr. President, title II of the committee bill reflects my and our committee's longstanding efforts to improve and expand VA's preventive-health programs.

BACKGROUND

In this time of vigorous debate regarding the fate of our Nation's health-care system, prevention may be the one thing on which all parties can agree. Many of the health-care reform proposals introduced during the 102d Congress recommend expansion of preventive health services.

Mr. President, I feel quite strongly that VA's current preventive health efforts need to be strengthened. On paper, VA has a well-planned preventive services program. The areas covered include screening tests—for hypertension, cholesterol, and colorectal, cervical and breast cancer—influenza immunization, and inquiry and counseling—regarding smoking, alcohol abuse, nutrition and weight control, physical fitness and exercise, and seat belt usage.

With the exception of the annual preventive initiatives, most preventive interventions are performed in a sporadic and unsystematic manner. Overworked clinicians have little time to counsel patients or explore symptom patterns and, thus, find it difficult to offer any preventive services beyond rudimentary tests of vital signs and perfunctory dietary advice.

A Preventive Medicine Program Office was established in VA in 1985. However, no funds are dedicated specifically to preventive health services nor is there an official in VA Central Office with sole responsibility for implementing VA's preventive health goals. Each VA medical center is required to have a designated preventive medicine coordinator [PMC]. However, designation as a PMC does not constitute a full-time position but rather the assumption of additional duties which the individual may not have sufficient time to perform.

Title II of the committee bill contains provisions which encompass clinical practice, research, and health professional education. Clinical practice of preventive care, in and of itself, is a worthy endeavor. However, it benefits only those veterans receiving preventive health services. Clinical research on preventive health services, on the other hand, benefits both current and future VA patients, by enabling VA to determine which preventive health services are most effective. VA preventive health services research benefits nonveterans as well, as research findings are likely to have implications for the furnishing of preventive health services by non-VA providers. Similarly, integration of prevention into VA training programs for health professionals would provide these professionals with skills and knowledge they can use throughout their careers.

Section 203 of the committee bill would require the Secretary to establish a National Center for Preventive Health, which would be a focal point for the acquisition, development, and dissemination of information on VA and non-VA preventive-health clinical practices and research and would facilitate cooperative research concerning health outcomes resulting from various preventive services. Issues that the Center could address include the long-term relationships among screening activities, treatment, and the morbidity and mortality outcomes and the cost effectiveness of specific preventive health services.

The enactment of legislation establishing a VA National Center for Preventive Health would be a significant contribution to, and make clear the Congress' strong interest in, the improvement and expansion of the promising preventive health services programs currently operated by VA. It would signal to the rest of the health-care community, as well, Congress' firm belief in VA's potential to become a leader in preventive health research.

Section 204 of the committee bill would establish a Preventive Health Services Advisory Committee to assist the Secretary and the Chief Medical Director.

The Preventive Health Services Advisory Committee would include clinicians and researchers, health services researchers, as well as representatives of veterans who are furnished health-care services in VA facilities. It could serve as a conduit for information concerning the theory and practice of preventive health services in non-VA institutions. Furthermore, the Secretary could turn to the Advisory Committee for guidance and advice on matters or in situations where the ethical decisions are not clearly evident.

PHARMACEUTICAL PRICES

Mr. President, title VI of the committee bill contains the provisions of an amendment that Senators ROCKEFELLER, SIMPSON, and MURKOWSKI and I offered at the committee's August 7 markup. These provisions are designed to ensure that VA health-care facilities have access to reasonable prices for drugs and biologicals.

On November 5, 1990, legislation enacted in section 4401 of the Omnibus Budget Reconciliation Act of 1990 [OBRA 90] established the Medicaid Outpatient Prescription Rebate Program. That legislation, derived from S. 3029 of the 101st Congress, introduced by Senator DAVID PRYOR, and H.R. 5589 of the 101st Congress, introduced by Representatives RON WYDEN and JIM COOPER, was intended to reduce the approximately $5 billion in annual State and Federal expenditures for drugs prescribed to Medicaid beneficiaries on an outpatient basis. The Congressional Budget Office estimates that the rebate program yielded $176 million in savings in Federal Medicaid costs during fiscal year 1991 and will yield $705 million in such savings during fiscal year 1992.

The Medicaid Rebate Program appears to be achieving the goal of reducing Medicaid expenditures for pharmaceuticals. Unfortunately, the program also has resulted in unintended, adverse consequences for VA and other Federal agencies that directly furnish health-care services. I first became aware of the impact of the Medicaid Rebate Program on VA's pharmaceutical costs nearly 18 months ago. At a February 27, 1991, Committee on Veterans' Affairs hearing on VA's budget for fiscal year 1992, VA officials indicated that the administration's budget request would not be sufficient to absorb the unanticipated, dramatic increases they had begun to encounter in Federal supply schedule [FSS] and VA depot prices for drugs and biologicals. VA officials claimed that these increases were due in large part to some manufacturers' efforts to avoid having to provide State Medicaid programs—through the "best-price" mechanism—prices as low as pre-OBRA 90 FSS prices. VA's experience since that initial warning convinces me that Congress must not wait any longer to address this complex problem.

Since the enactment of OBRA 90, VA has made efforts to control pharmaceutical costs through management initiatives. VA officials have negotiated depot and single-award contracts—which are exempt from Medicaid best-price rebate calculations under OBRA 90—for some drugs and biologicals previously purchased solely through the FSS. Individual VA health-care facilities have instituted more rigid controls over physicians' prescribing practices, mandating use of generics and therapeutic equivalents in many circumstances. Some of these actions—which are described in the committee report—constitute prudent and appropriate efforts to manage scare resources. Others raise questions about the ability of individual VA health-care facilities to furnish high-quality health-care services.

The impact of drug-price increases on VA is not confined to its pharmacies. Many VA facilities are coping with increases in pharmaceutical costs by diverting to drug purchases funds from other aspects of their operations. Partly as a response to the increased costs of drugs and biologicals, some VA facilities have reduced their outpatient rolls, canceled outpatient clinics, instituted hiring freezes, and delayed maintenance projects, or are planning such actions. Such actions mean longer waiting times for scheduled appointments or loss of access to VA health-care services for individual veterans, fewer nurses on inpatient wards to respond to patient needs, and the continued use of worn-out or out-dated medical equipment. Because reduction of discretionary workload is one of VA's most widely utilized methods for reducing expenditures, the situation is particularly serious for veterans who are eligible for, but not entitled to, the VA health-care services they have received in the past and who otherwise may not have access to such services.

Mr. President, I will highlight briefly the four main components of title VI of the committee bill. First, the legislation would establish a 24-percent minimum percentage discount for single source and innovator multiple source—generally known as brand name—drugs and biologicals. The reasons for establishing a minimum percentage discount are twofold. First, it would ensure that manufacturers will once again provide discounts for drugs and biologicals purchased through the FSS and VA depots. Prior to the enactment of OBRA 90, FSS and VA depot prices were among the best prices available to any purchasers in the United States. Without a legislative remedy, such as the enactment of a minimum percentage discount, there can be no guarantee that VA will once again be able to purchase drugs and biologicals through FSS and VA depots at discounted prices. Use of a minimum percentage discount for FSS and VA depots to ensure VA's access to reasonable prices is consistent with the objectives of the basic rebate provisions of the Medicaid rebate statute, which require manufacturers to provide rebates to Medicaid equal to the lesser of the best price available to any other purchaser or a minimum percentage discount—12.5 percent in 1992 and 15 percent thereafter.

Second, this minimum-percentage-discount mechanism would also ensure that VA receives discounts for drugs and biologicals approved since the enactment of OBRA 90. During the coming years, increasing numbers of expensive, genetically engineered drugs are expected to be approved by the Food and Drug Administration. For example, within the next year, FDA is expected to approve a monoclonal antibody, known as HA-1A, to treat gram negative sepsis, an infection common among patients in intensive-care units. VA officials estimate that use of this potentially life-saving drug could cost VA $60 million per year. Because no therapeutic equivalents are likely to be available for many of these genetically engineered drugs, VA may have great difficulty negotiating discounts for these and other drugs and biologicals approved by FDA in the future unless legislation is enacted to provide minimum price discounts.

The minimum percentage discount contained in the committee bill reflects the Congressional Budget Office's estimate of the median percentage discount received by the Medicaid Program during the first quarter of calendar year 1991 under the best price and minimum-percentage-discount mechanisms. The median Medicaid discount for the first quarter of calendar year 1991 represents the closet possible approximation to pre-OBRA 90 best prices for drugs and biologicals. Since that time, the best prices for many drugs and biologicals have increased significantly, causing Medicaid's median percentage discount to decrease. In light of the need to stabilize FSS and depot prices at pre-OBRA 90 levels plus inflation, the committee views the use of this percentage as most appropriate. VA pharmacy officials estimate that a 24-percent discount likely would enable VA to recover the increased costs that VA estimates to be attributable to manufacturers' reactions to OBRA 90. According to the Congressional Budget Office, enactment of this legislation could yield $40 to $60 million per year in savings for VA for drugs and biologicals purchased through the FSS, which account for 50 percent of VA's total expenditures for drugs and biologicals.

Another feature of the committee bill, the additional price discount amount, is very similar to the additional rebate mechanism in the Medicaid rebate statute. The additional-price-discount mechanism would increase the minimum percentage discount for a drug or biological by an amount equal to the amount, if any, by which the increase in the FAMP exceeded any change in the producer price index-finished goods during the 12 months prior to a manufacturer's entering into an FSS, VA depot, or DOD depot price agreement. The net effect of the additional price discount mechanism is to contain the rate of inflation in pharmaceutical prices by providing manufacturers with a disincentive to increase their prices to VA at rates greater than the general rate of inflation.

Other provisions of the committee bill establish specific, fixed standards for FSS, VA depot, and DOD depot prices and ensure that future increases in such prices would not exceed increases in the general rate of inflation. Such criteria are necessary to ensure that the committee bill does not perpetuate a flaw of the Medicaid rebate statute. Under OBRA 90, Medicaid's best-price rebate for a drug or biological is determined on the basis of the manufacturer's price at the time of the rebate. In order to reduce the amount of these rebates, many manufacturers have eliminated or reduced the discounts they previously provided to the FSS and certain non-Federal bulk purchasers. Such actions precipitated significant increases in these purchasers' prices and may reduce the total savings Medicaid will achieve through the rebate program. Manufacturers would not have been able to do that if a fixed benchmark—rather then current prices—had been established to serve as a basis for Medicaid best-price rebate calculations.

Finally, the committee bill contains a mechanism to require manufacturers to sell drugs and biologicals through the FSS and Federal depots in accordance with the pricing mechanisms established in the legislation. The pharmaceutical industry is partially immune to many of the market forces which promote price competition in other industries. There are many drugs and biologicals for which no generic or therapeutic equivalents are available. Even when such drugs and biologicals are available for substitution, there are limits to the appropriateness of substituting one drug for another.

Moreover, VA's share of the U.S. pharmaceutical market—approximately 1 percent—is too small to provide a strong incentive for manufacturers to lower their prices to VA. Unless the market shares of these Federal agencies and federally funded health-care facilities are combined with those of other, larger, federally funded health care programs, theoretical market forces are not likely to be sufficient to ensure that these agencies and facilities are charged reasonable prices for and have access to all the drugs and biologicals they need.

Mr. President, I note that the committee bill is only one part, albeit a large part, of the solution required to ensure that VA and other Federal agencies have access to reasonable prices. The other integral part of the solution is an exemption of FSS prices from Medicaid best-price rebate calculations. Without an exemption, Medicaid would have access to FSS prices determined using the minimum discount mechanisms established under the Committee bill. To the extent these FSS prices would be the best prices charged to any purchaser for any drugs subject to Medicaid best-price rebate calculations, these prices would become Medicaid's net prices for such drugs.

The committee has never intended that the FSS prices established under the Committee bill would be subject to Medicaid best-price rebate calculations. The reason the Committee has not acted on legislation that would exempt FSS prices from Medicaid best-price rebate calculations is that any changes in the Medicaid rebate program fall under the jurisdiction of the Finance Committee. Thus, Senator ROCKEFELLER, Senator SIMPSON, Senator MURKOWSKI, and I have been working with Senator BENTSEN, Chairman, and Senator PACKWOOD, Ranking Republican member, of the Finance Committee, to develop legislation that would exempt FSS prices from Medicaid best-price rebate calculations and provide an appropriate offset for costs Medicaid may incur as a result of the exemption. One alternative would be to increase the Medicaid minimum rebate percentage by an amount sufficient to offset the estimated $40 million cost of the FSS exemption. However, I am certainly willing to consider any other proposal developed by the Finance Committee that would yield equivalent savings for the Medicaid program.

With regard to Finance Committee action on an exemption of FSS prices from Medicaid best-price rebate calculations, Senator BENTSEN stated in an August 6, 1992, letter to Senator ROCKEFELLER, "I continue to support an exemption of VA prices from Medicaid best price calculations." I note that Senator BENTSEN and the Finance Committee's ranking Republican, Senator BOB PACKWOOD, plan soon to bring before the Senate legislation that would contain provisions that would exempt FSS prices from Medicaid best-price rebate calculations and an appropriate offset for any costs Medicaid may incur as a result of the exemption. I urge my colleagues to support that legislation in order to ensure that the Committee's intent is carried out in this regard.

In addition, the Committee expects that, as a result of such an exemption of FSS prices from the Medicaid best-price rebate mechanism, prices paid for drugs and biologicals under contracts that reference FSS prices as a basis for rebates or discounts would not be used to calculate Medicaid best-price rebates. For example, at least one State program, New York's Elderly Pharmaceutical Insurance Coverage, EPIC, program, uses FSS prices as a basis for calculating rebates and discounts for drugs and biologicals dispensed to beneficiaries of its outpatient drug reimbursement program. If EPIC prices were to continue to be used as a reference for calculating Medicaid best-price rebates, FSS prices would remain the de facto Medicaid best prices for those drugs and biologicals for which the FSS price is the lowest price charged to any purchasers subject to Medicaid best-price rebate calculations. Such a result could undermine the Committee's goal that VA officials and manufacturers negotiate the lowest possible prices for all drugs and biologicals procured through the FSS. In order to ensure that FSS prices do not indirectly become the basis for best-price rebate calculations, I encourage the Finance Committee, in its drafting of the FSS exemption, to include a provision similar to that found in section 215 of S. 869 as passed by the Senate on November 20, 1991.

Mr. President, I urge my colleagues to support the Committee's efforts to secure enactment of VA drug price legislation before the end of the 102nd Congress. Time is running out for VA and other Federal agencies that purchase drugs and biologicals. Unless Congress acts quickly, the shortfalls in VA health-care facilities' pharmacy budgets will grow more severe, resulting in further cutbacks in VA health-care services. Our Nation's veterans and other beneficiaries of Federal health-care programs cannot afford to wait until next year for Congress to address this issue.

COMMITTEE MODIFICATION

Mr. President, at this point, I will discuss the provisions of the Committee modification that I am proposing. The provisions of this modification are derived from Amendment No. 3175, which I submitted on September 24, 1992, regarding VA reimbursements under Medigap insurance policies, and S. 2973 as reported by the Committee on August 7, 1992, the proposed "Women Veterans Health Programs Act of 1992." Other provisions of this modification amend title VI of the Committee bill, which concerns prices charged for drugs and biologicals purchased through the FSS, VA depots, and DoD depots. I will at this time summarize the provisions of the modification and discuss certain key provisions.

Mr. President, the Committee modification contains five changes in title VI of the Committee bill, which relates to the prices VA pays for pharmaceuticals. First, the Committee modification would replace the term Federal average manufacturer price (FAMP) with the term non-Federal average manufacturer price (non-FAMP) and would define that term so as to provide that, in the case of a drug or biological for which the majority of units sold are distributed to the retail class of trade, prices paid to wholesalers for distribution of the drug or biological to the retail class of trade would be used to calculate the non-FAMP. In addition, that term has been modified so as to require that only prices paid wholesalers in the United States be used to calculate the non-FAMP.

The Committee modification also would change the price index that would be used to determine additional price discount amounts and maximum annual price increases under multiyear FSS, VA depot, and DoD depot contracts. The Producer Price Index—Finished Goods would be replaced with the Consumer Price Index for all urban consumers (U.S. city average) (CPI). This modification reflects an effort to make the Committee bill consistent with other pharmaceutical price rebate and discount legislation. The CPI is used to determine additional rebate amounts under the Medicaid outpatient prescription drug rebate program. Under H.R. 2890, the proposed "Medicaid and Department of Veterans Affairs Drug Rebate Amendments of 1992," which the House of Representatives passed on September 22, 1992, the Secretary of Veterans Affairs would be required to use the CPI to determine additional price discounts for drugs and biologicals purchased through the FSS and VA depots.

Third, the Committee modification would revise provisions of the Committee bill relating to the second and all subsequent FSS, VA depot, and DoD depot contracts entered into after this measure is enacted. Under the Committee bill, the price for a drug or biological during the first year of the first FSS, VA depot, or DoD depot contract entered into after enactment of this bill could not exceed 76 percent of the Federal average manufacturer price (FAMP) for the preceding year less the additional price discount amount. The price during the first year of a subsequent contract could not exceed the price during the first year of the expiring contract increased by an amount no greater than the increase in the Producer Price Index—Finished Goods during the duration of the expiring contract. Since reporting the Committee bill, the Committee has reached the conclusion that this provision may thwart the Committee's goal of enabling VA and DoD to negotiate the lowest possible prices for drugs and biologicals. Under the Committee bill, a manufacturer might be reluctant to negotiate a discount greater than 24 percent plus the additional price discount amount under the first contract entered into after enactment, because that price would serve as a base for prices entered into under subsequent contracts. The Committee modification would alleviate this disincentive for deeper discounts by replacing the provisions of the Committee bill pertaining to subsequent contracts with provisions that would require that prices under subsequent contracts not exceed 76 percent of the FAMP for the preceding year less the additional price discount amount.

In addition, the Committee modification would modify the provisions of the Committee bill that authorize the Secretary to negotiate unified pharmaceutical award contracts (UPACs). Specifically, these modifications would clarify that only entities that directly furnish health-care services would be eligible to participate in UPACs; limit the types of entities eligible to participate in UPACs; provide that the Secretary's authority to negotiate UPACs would expire on December 31, 1997; and require the Secretary to submit to Congress a report on the use of this authority.

Under a UPAC, the market shares of various governmental entities that furnish health-care services would be combined to form a buying group that would commit to purchasing a large quantity of a drug or biological. Pharmaceutical manufacturers have expressed concern regarding the impact that UPACs might have on access to necessary medications for veterans and patients of other entities eligible to participate in UPACs. I want to reassure them that the Committee bill is not intended to change the practices by which VA and other eligible entities provide drugs and biologicals to their patients. VA and other entities participating in a UPAC would commit to purchasing a specified volume of a drug or biological but would not be prohibited from purchasing and prescribing other drugs and biologicals in the same therapeutic class.

Pharmaceutical manufacturers also have indicated that they do not believe that VA should take on the responsibility of negotiating contracts for the 83,000 governmental entities manufacturers estimate would be eligible to participate in UPACs. Although I continue to believe that the UPAC provisions of the Committee bill have the potential to enhance VA's ability to furnish high-quality health-care services, the Committee modification responds to this concern by limiting eligibility to participate in UPACs to entities funded by VA and other Federal agencies. Participation would be limited to VA, other Federal departments and agencies, State veterans homes, and the Public Health Service-funded entities eligible to receive discounts under the amendment being offered to the Committee bill by Senators KENNEDY and HATCH. This would still enable the UPAC concept to be implemented on a fairly large scale and, I believe, represents a sound approach for testing out this promising concept.

In addition, I reiterate that the price for a drug or biological under a UPAC would be freely negotiated between the Secretary of Veterans Affairs and the manufacturer. That price would not be subject to the 24-percent minimum discount and additional price discount provisions that would apply to the FSS and VA depot prices under other provisions of the Committee bill.

Finally, the Committee modification contains a provision which would correct a technical error in the definition of weighted average price in the Committee bill.

Mr. President, this modification also will add two new titles, "Sexual Trauma Services" and "Health Care for Women Veterans," and one new section, "Third-Party Reimbursements for VA-Furnished Health Care," to S. 2575.

The provisions of these two new titles are described in detail in the Committee report (S. Report No. 102-409) accompanying S. 2973.

THIRD-PARTY REIMBURSEMENTS FOR VA-FURNISHED HEALTH CARE

Mr. President, new section 906 of the bill, regarding reimbursements, would:

SUMMARY OF PROVISIONS

First, prospectively expressly include Medicare supplemental insurance carriers in the class of third-party payors from whom VA can collect reimbursement for care provided to beneficiaries of those policies.

Second, require the Secretary, in consultation with the Secretary of Health and Human Services, to establish procedures for the treatment of claims involving Medigap policies, including the review of such claims by an entity or entities jointly designated by the Secretaries of Veterans Affairs and Health and Human Services, to determine the extent to which the cost of such care or services would be covered under the Medicare program if furnished by a Medicare-participating facility, thereby making it possible to ascertain the amount for which the insurers would be liable.

Third, provide for the collection of a fee for each VA claim reviewed that would reflect the estimated cost of processing the claim.

Fourth, provide that the provisions of this amendment would apply with respect to the recovery of costs for care and services furnished after the date of enactment.

Fifth, replace the term "veteran" with "VA beneficiary" throughout section 1729, relating to VA's Medical Care Cost Recovery program, so as to authorize VA to collect from third-party payors the costs of care furnished to any VA beneficiary, which would include a veteran's dependent furnished care in a VA facility under section 1713.

BACKGROUND

Section 1729 of title 38, United States Code—which as enacted in April 1986 in the Consolidated Omnibus Budget Reconciliation Act of 1985 and amended in the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990)—authorizes VA to collect from third-party payors, other than Medicare and Medicaid, the reasonable costs of care furnished by VA to eligible veterans for nonservice connected conditions.

Mr. President, while a few Medigap carriers have paid VA for care furnished to veterans, others have disputed VA's billing under this authority. The carriers argue, in part, that the authority does not apply to Medigap policies because these policies are supplementary to Medicare and, since Medicare is excluded from VA's collection efforts, these policies should also be excluded. Three Federal district courts, in Alabama, Maryland, and Pennsylvania, have ruled in cases in which VA has pursued collections from Medigap carriers that current law does cover Medigap policies. The insurers are appealing those decisions. This provision is not intended to have any effect on those or any other cases relating to claims for reimbursement for care furnished by VA before the date of enactment.

Mr. President, the issue whether VA has the authority to bill Medigap carriers for care given by VA to veterans who are covered by Medigap policies has remained in dispute since 1986.

Part of the Medigap insurers' opposition to such coverage is based on their position that Medigap policies are organized differently from other health insurance policies. As their name suggests, Medicare supplemental insurance policies serve to cover the deductibles and copayments that Medicare beneficiaries are charged for Medicare-covered service—rather than generally cover the beneficiary's health-care costs as conventional health insurance policies do.

As of September 1, 1992, Medigap policies must conform to one of ten standardized plans, all of which must include a core benefit package including the daily copayments charged for lengths of stay over 60 days ($163 for the 61st through the 90th day in 1992); payments for Medicare's 60 lifetime reserve days ($326 per day in 1992); 100 percent of Medicare part A eligible expenses after all Medicare hospital benefits have been exhausted; the reasonable costs of the first three pints of blood per calendar year; and 20 percent of the coinsurance amount for part B services after the $100 annual deductible. Nine of the ten standard Medigap policies include coverage of the part A inpatient hospital deductible, which for 1992 is $652 per Medicare benefit period. Other plans may include varying amounts of coverage for certain foreign travel emergencies, at-home recovery, skilled nursing facility coinsurance, preventive medical care, and prescription drugs.

Mr. President, this provision would provide explicitly for VA recovery from medigap carriers. To facilitate the resulting billing effort, the provision would direct VA to arrange for billing review according to Medicare standards through an entity or entities chosen jointly by the Secretaries of Veterans Affairs and Health and Human Services. These reviewing entities might well be intermediaries with which HHS contracts for its reviews of Medicare claims.

A fee payable to the reviewing entity based on the cost of the billing-review process, would be deducted from the amount of the claim paid by the Medigap insurer. This arrangement would allow an intermediary to interpret VA's bill, determine for what services Medicare would have paid if the VA medical center had been a Medicare-participating provider, and submit that determination to the Medigap carrier. HCFA and the current Medicare intermediaries have the expertise and procedures to do this claims processing, but this provision would not mandate that the Secretaries choose them as the conduit for these bills.

Mr. President, I want to make one point clear: By submitting VA bills to a review that would determine what Medicare would have paid had these been Medicare claims, this provision would not place VA's medical care decisions under the jurisdiction of the Medicare program. VA is responsible for the quality of the care furnished in VA facilities, and its standards for quality of care are comparable to those required by the Medicare program. However, they are administered through different channels. The provision that I am proposing would not change that. The claims-review process would determine whether VA should be reimbursed and, if so, provide a basis for determining in what amounts. It would not have the responsibility or authority to direct or indicate what care VA should provide. I have consulted with insurers and VA regarding this approach—and all agree that it is a feasible and efficient one.

SECUAL TRAUMA SERVICES

Mr. President, the proposed new title VII of the Committee bill, as added by the Committee modification, contains the text of title I of S. 2973, the proposed "Women Veterans Health Programs Act of 1992," as reported by the Committee on Veterans' Affairs on August 7, 1992. These provisions are derived from S. 2973 as I originally introduced it on July 2, 1992. The bill is cosponsored by Committee members DENNIS DECONCINI, JOHN D. ROCKEFELLER, IV, BOB GRAHAM, DANIEL K. AKAKA, THOMAS A. DASCHLE, JAMES M. JEFFORDS, and Senators PAUL SIMON and JOHN F. KERRY. Joining later as cosponsors were Committee member GEORGE J. MITCHELL, and Senators EDWARD M. KENNEDY, ALAN J. DIXON, KENT CONRAD, BARBARA MIKULSKI, and the late Senator Quentin N. Burdick.

Mr. President, the provisions of new title VII of the Committee bill would:

SUMMARY OF PROVISIONS

First, require VA, in the case of a woman veteran whom a designated VA health-care professional has found to be in need of counseling or treatment for sexual trauma that occurred during service, to provide her with health-care services necessary in connection with the trauma on the same basis as VA is required to provide care for service-connected disabilities.

Second, authorize VA, through December 31, 1994, to furnish these services through contracts with non-VA providers and require by March 31, 1994, a report on the use of this authority.

Third, require VA to provide for women veterans a toll-free, 24-hour information and referral telephone line, staffed by personnel trained to facilitate access to services relating to sexual trauma.

Fourth, require the Secretary of VA, in cooperation with the Secretary of Defense, to carry out and submit to the Congress by December 31, 1993, a study of the extent of veterans' needs for counseling, medical care, and other services as the result of experiencing rape, other sexual assault, or sexual harassment while serving on active duty, including the extent of sexual trauma experienced in the military service, the extent of underreporting of crimes of sexual violence in the Armed Forces, and the utilization of military and VA health-care services by service members and veterans, respectively, who were the victims of rape, other sexual assault, or sexual harassment.

Fifth, require the Secretary of VA, by March 1, 1993, and by December 31 of each of calendar years 1993 through 1997, to provide the Veterans' Affairs Committees with a comprehensive report on VA services for veterans who experienced sexual trauma, including (a) information on medical care, counseling, outreach, and other services, and the numbers of male and female counselors provided specialized training in the counseling of women who have experienced sexual trauma; (b) an assessment of any deficiencies in meeting the veterans' needs; and (c) plans to correct those deficiencies.

Sixth, require the Secretaries of VA and Defense jointly to ensure that all women being separated from active duty are given appropriate, in-person advice (a) regarding the availability of VA counseling, medical care, and other services and assistance with respect to sexual trauma; and (b) the requirements for eligibility for or entitlement to, and the procedures for applying for, such counseling, medical care, and other services and assistance.

Seventh, require VA to submit to the Veterans' Affairs Committees by December 31, 1992, a report on (a) the difficulties veterans encounter in obtaining VA determinations that disabilities relating to sexual trauma that are the results of events that occurred during active duty are service connected and the extent to which VA fails to make determinations that such disabilities are service connected; and (b) what steps should be taken to respond in a fair manner to those difficulties and to eliminate these failures.

BACKGROUND

Mr. President, at our committee's June 30 and July 2, 1992, hearings, we received testimony from women veterans who were victims of sexual trauma, experts in the counseling and treatment of sexual trauma victims, VA clinicians, VA officials, and veterans' organizations. Health professionals testified that victims of sexual violence experience trauma that can have very serious physical and mental consequences requiring professional attention. Further, several witnesses testified that, although similar to the counseling and treatment for PTSD from exposure to combat, the counseling and treatment of women veterans who are victims of sexual violence is unique and requires personnel with specialized skills. Those testifying also believed that, VA is not well prepared to care appropriately for women veterans who are victims of sexual violence.

The hearings also showed that, due to the great extent to which rape and other sexual assaults are underreported, women veterans who were the victims of sexual violence during service very often will have no military records to demonstrate that the incident occurred. Thus they will have great difficulty in establishing entitlement to needed care on grounds of service connection.

Mr. President, the number of sexual assaults and rapes that occur in the military have been and continues to be largely unknown and is difficult to establish. The services do not maintain consistent, useful data on sexual violence. Moreover, victims of sexual violence in the civilian community tend not to report the crime and, as testimony at our hearings showed, there is good reason to believe that the degree of underreporting is more pronounced in the military.

The most extensive reliable information the committee found on the extent of the problem in the military is in a September 1990 Defense Manpower Data Center report entitled "Sexual Harassment in the Military: 1988," to which approximately 12,500 active-duty military women responded. Five percent of the respondents reported actual or attempted rape or sexual assault during the most recent twelve months. If these figures are projected to the approximately 222,000 women on active duty in 1988, over 11,000 women in the military would have been victims of sexual violence in that 1 year alone.

Given the extent of the problem within the military, the implications for VA are astounding. There are currently 1.2 million women veterans. Applying the 5-percent figure to this population—a percentage that seems very conservative because women veterans' periods of service average approximately 7 years, in contrast to the 1-year period covered by the study—would indicate that 60,000 women veterans were raped or otherwise sexually assaulted during their service.

It is appalling that the startling results of this survey produced neither a concerted effort to eliminate sexual violence in the Armed Forces nor major efforts in the Department of Defense or VA to respond to the obvious and great needs of the victims of sexual violence. Even more remarkably, DOD failed to conduct followup studies to confirm and expand upon the 1988 study.

Mr. President, recently developed VA data suggest a possibly even more widespread problem than the 1988 DOD survey indicated. At the committee's June 30 hearing, Jessica Wolfe, Ph.D., of VA's national center for PTSD division located in Boston, reported the results of a study she and Joan Furey, R.N., of the VA's National Center for PTSD division located in Menlo Park, CA, had conducted. The study involved 113 women Vietnam theater veterans who served in Vietnam between 1964 and 1975 and who volunteered for the study. These women were surveyed on a range of psychological and PTSD symptoms as well as on self-reported health problems. Dr. Wolfe reported that, of the 113 female Vietnam veterans, 29 percent experienced a sexual encounter accompanied by force or the threat of force during their service. Also, Susan Angell, M.S.W., Ph.D., manager of the VA's readjustment counseling service [RCS], Pacific Western Regional Office, testified that an informal survey of two RCS regions found that out of a total of 173 women who were clients in February 1992, 30 percent had reported a history of sexual assault during active duty, and an additional 18 percent reported post-service assaults.

Mr. President, a most regrettable aspect of this issue is, as I have learned through our hearings and from the scores of women service members and veterans who contacted me after the hearing, is that the perpetrators of the rapes and other acts of sexual violence against women service members are their male colleagues, often their superiors in the command structure.

Mr. President, this measure addresses in legislation for the first time a problem that this great Nation cannot with honor fail any longer to address—the needs of women veterans who were the victims of rape, other sexual assaults, or harassment during their military service. When chairing our committee's June 30 hearing on this issue, I promised America's women veterans that we were emerging from a dark past in which the Federal Government ignored and neglected the heart-wrenching situations of those who suffered sexual violence while they served in the Nation's Armed Forces.

Since that hearing VA has formed a task force on treatment of women who suffer sexual abuse which first met in August to develop recommendations on ways to improve the services VA provides to such women. VA has also organized a conference of its women veterans coordinators, which convenes this month in Birmingham. As part of this conference WVC's will receive their first training in the area of sexual violence. In addition, VA provided the readjustment counseling service [RCS] with a supplemental fiscal year 1992 travel allotment so that all vet center counselors could attend training conferences. Fiscal year 1992 RCS training conferences were the first to include sections on adult and child sexual trauma. In fiscal year 1993, training sections on sexual violence among women in the military will be added for the first time. RCS will also begin using a new data system in October that will facilitate collection of data regarding specific population groups, diagnoses, and other data. This information will be helpful in tracking trends and providing additional training to counselors when necessary.

On the congressional front, Senator MIKULSKI, chair of the VA, HUD, and Independent Agencies Appropriations Subcommittee, in response to my urging, added $10 million to the VA, HUD, and Independent Agencies Appropriations Act (H.R. 5679) above the administration's budget request for VA's medical care account for programs to address the needs of women veterans expressly including their needs for counseling and treatment activities for female veterans who were sexually assaulted or harassed while serving in the military. I am pleased that $7.5 million of the Senate-passed add-on was retained in the conference report on the appropriations bill.

These are good first steps, Mr. President. But, the enactment of the provisions of this title of the amendment are essential to the ability of VA, on behalf of the Nation, to do what needs to be done to meet its most solemn obligations to women veterans who were the victims of sexual violence during their service to the Nation.

Mr. President, following the Committee's hearing's I introduced S. 2973, the provisions of which, with certain modifications, comprise this new title of the committee bill. I believe that these provisions will make desperately needed improvements in the services VA provides to women veterans who experience sexual trauma while on active duty.

One of the most significant provisions, in terms of responding to women veterans' immediate needs, is section 701. Under this section, a woman veteran whom a VA designated health-care professional determines is in need of counseling or other services in connection with sexual trauma that occurred while on active duty would be entitled to care on the same priority basis as an individual with an adjudicated service-connected condition. Under this provision, a woman veteran seeking care for a condition related to sexual trauma would not have to go through the often lengthy adjudication process to determine if the condition is related to military service in order to receive needed medical or psychological attention. It became clear during the course of the committee hearings on this matter that victims of sexual assault often do not report the incidents and, thus, lacking documentation of their assaults in their military records, would not be successful in having a claim for conditions relating to sexual trauma approved. I strongly believe that these women veterans must not be turned away from VA because of a lack of records reflecting the fact that they were raped or otherwise assaulted. Because conditions related to sexual trauma in the military are so clearly service-related, the Federal Government has a fundamental obligation to treat these women and to make such treatment as accessible as possible. This legislation, in a responsible fashion, would clear away major obstacles that currently make it difficult or impossible for VA to do so.

In light of VA's current lack of personnel with the specialized training necessary to counsel the victims of sexual assaults, this title of the amendment would authorize the furnishing of services by contract.

Mr. President, section 702 would provide for a toll-free information and referral hotline for women veterans. The committee learned through the course of its investigation into this issue that many women veterans are extremely reluctant to approach VA for assistance. They believe—and, unfortunately, experience too often has supported their view—that VA exists to serve male veterans, is filled with male veterans, and is unprepared to respond to the specific needs of women veterans. A number of women veterans have informed the committee that, for years, they did not consider themselves veterans and were unaware that they were eligible for VA benefits. I believe that a toll-free hotline—and publicity regarding it—would provide a safe and reassuring way for women to contact VA and for VA to provide information about benefits and services to women veterans.

Mr. President, section 703 would help to fill the crucial need for information by requiring the VA Secretary, in cooperation with the Secretary of Defense, to conduct a study of the extent of women veterans needs for care and other services and assistance as a result of sexual violence or harassment during their service. The study must include the extent of sexual trauma experienced in the Armed Forces. This study is necessitated by the inexplicable failure to follow-up on the 1988 DoD survey that I noted earlier, which indicated a very extensive problem.

Mr. President, these provisions, along with the other provisions of this title, are designed to provide VA with the clear mandate and means to provide critically important assistance needed by women veterans suffering from the aftereffects of incidents that took place while they were serving their country. VA must take responsibility for the care of these women, and I am determined to do all that I can to secure the enactment of this legislation in order to ensure that VA is able to fulfill that responsibility.

HEALTH CARE FOR WOMEN VETERANS

Mr. President, the provisions of the proposed title VIII, as would be added by the committee modification, are derived from title II of S. 2973, the proposed "Women Veterans Health Programs Act of 1992", as reported by the Committee on Veterans' Affairs on August 7, 1992. These provisions are derived, for the most part, from S. 2028, legislation introduced by Senator SPECTER, and can be summarized as follows:

SUMMARY OF PROVISIONS

First, add "well-women health care services" to the definition of "medical care" in section 1701 of title 38, thereby authorizing the Secretary, in furnishing care and services to women veterans to furnish health-care counseling and services with respect to physical and psychological conditions which may affect the current or future physical or psychological health of the veteran even though such counseling and services may not be considered to be the care or treatment of a disability nor preventive health-care services.

Second, define the term "well-women care services" to mean health-care services provided to women outside the maternity cycle including counseling and services related to the following: Papanicolaou tests, breast examinations and mammography, general reproductive health care, the management of infertility, menopause, and sexual violence, but specifically excluding, (a) pregnancy care (including prenatal and delivery care), except in those cases in which the risks of complications of pregnancy or pregnancy outcome are increased secondary to a service-connected condition, and (b) abortion.

Third, provide the Secretary with a 2-year discretionary authority to contract with non-VA entities for the furnishing of well-women services on an outpatient basis.

Fourth, require the Secretary to submit an annual report (on January 1 of each of the next 5 years) providing information on VA's furnishing of well-women health-care services research involving health-care concerns of women veterans.

Fifth, direct the Secretary to foster and encourage research involving the health-care concerns of women veterans.

Sixth, require the Secretary to encourage and foster research by VA personnel in the following matters as they relate to women: breast cancer, gynecological and hormonal matters, cancer of the organs of the reproductive system, Alzheimer's disease, osteoporosis, posttraumatic stress disorder, substance abuse, and sexual violence.

Seventh, direct the General Accounting Office to study whether there are significant differences in the rates of

VA hospital psychiatric admissions of male and female veterans and, if so, why.

Eighth, authorize the appropriation to VA of $1.5, $2, and $2.5 million for fiscal years 1993 through 1995, in addition to the appropriations that are otherwise appropriated for VA research, for research relating to health issues relating to women veterans.

Ninth, require the Secretary, to the extent that information relating to health care for women veterans is inadequate for the conduct of research relevant to the health-care needs of women veterans, to take action to ensure that VA's research gives consideration to the health of the general population of adult women in the United States.

Tenth, require the Secretary to take appropriate actions to ensure that VA researchers are informed of the existence and progress of other VA research relating to women veterans.

Eleventh, require VA to conduct an ongoing population study of women veterans' health-care-services needs; require the Secretary to submit to the Committees on Veterans' Affairs an initial status report on the study and then biannual reports through the year 2004; and authorize the appropriation of $1.5 million for the study.

Twelfth, require the Secretary to submit to the Committees on Veterans' Affairs by July 1 of each of the next 4 years a report that includes (a) a description of the status of any VA research relating to women veterans, and (b) the recommendations of the Secretary as to future research relating to women veterans.

Thirteenth, require the Secretary to provide funding to enable women veterans coordinators [WVC] at each VA medical center to carry out their functions, provide WVC's with adequate clerical and rapid communications support, and ensure that each WVC has direct access to the Director or the Chief of Staff at the medical center to which the WVC is assigned.

Fourteenth, require the Secretary to appoint a full-time regional women veterans coordinator at each Veterans Health Administration regional office to coordinate the training of WVC's within the region and to provide technical support and guidance with respect to outreach to women veterans.

Fifteenth, require the Secretary to make available travel funds (a) to enable members of VA's advisory committee on women veterans to make reasonable site visits to VA medical facilities, and (b) for meetings of the committee.

BACKGROUND

Mr. President, I have long been a strong advocate for women veterans and have worked to ensure that they have access to appropriate, high-quality VA health care and other VA benefits and services.

In January 1983, following the release of the General Accounting Office's 1982 report on women veteran's access to VA benefits and services, I introduced legislation to establish a VA advisory committee on women veterans and secured the enactment of those provisions in section 301 of Public Law 98-160. The advisory committee has played an important role in identifying problems regarding the furnishing of health-care services and other benefits to women veterans and in proposing and monitoring implementation of solutions to these problems.

That same law included a provision, also derived from legislation I introduced, that required VA to ensure that each of its health-care facilities is able, either directly or by contract, "to provide appropriate care, in a timely fashion, for any gender-specific disability * * * of a woman veteran" eligible for VA care. This provision represented a significant and vital step toward enhancing VA's health-care services for women veterans.

Pursuant to legislation I authored in 1986, VA has undertaken a triad of research studies involving the health of women who served in Vietnam. The results of a mortality study of women veterans were published in November 1991. Excess deaths from external causes, such as motor vehicle accidents, and possible excess deaths from cancers of the breast and pancreas were observed in women who had served in Vietnam compared with women Vietnam-era veterans who had served elsewhere. In December 1991, the Office of Technical Assistance approved work on a pilot project for a reproductive health study of women veterans, and VA announced on September 3 that it is proceeding with the pilot. The third prong of study of women Vietnam veterans involves the further analysis of data regarding physical and psychological health of women veterans from the National Vietnam Veterans Readjustment study, which was conducted pursuant to section 102 of Public Law 98-160.

Mr. President, in response to my September 18, 1990, request to the Comptroller General for a followup assessment of how well VA has succeeded in implementing the recommendations in GAO's 1982 report, GAO reported that VA has made significant improvements in a number of areas, such as the furnishing of gynecological care and breast cancer screening, and also commended certain VA medical centers for establishing innovative programs for furnishing care to women veterans and monitoring the quality of their care. Although deficiencies persist, Secretary Derwinski has developed sound plans for correcting them.

At the committee's July 2, 1992, hearing, the chair of the advisory committee on women veterans, Shirley Menard, R.N., M.S.N., testified that VA's funding of the advisory committee on women veterans has not been sufficient to allow members of that committee to travel to VA facilities to perform adequate oversight duties. Section 808 of the committee bill, as added by the committee modification, would require the Secretary to provide funds to be used for the travel of the members of the advisory committee in connection with oversight visits to VA facilities and for the conduct of committee meetings. Advisory committee members should not be faced with the choice of spending their own money to see what is happening to women veterans in VA facilities or not going at all.

Beginning in 1983, VA formed a women veterans coordinator [WVC] program, with a designated staff member in place at each VA medical center by 1985 and at each veterans benefits administration regional office by 1986. Testimony at the committee's July 2, 1992, hearing illustrated the need for program improvements. The most outstanding needs were for the WVC's at each VA medical center to have an effective communication channel with the facility Director and sufficient time allotted to carry out effectively the role of a WVC. Although some VA medical centers have assigned a high visibility to the WVC, most have assigned the title to a staff member, often a nurse or a social worker, with other pressing full-time responsibilities.

Mr. President, within the last 3 months, members of the committee staff have called over 20 VA medical centers and asked the operator to connect them with the women veterans coordinator. Not one of these calls went through without a hitch. Common VAMC operator responses included not knowing who the WVC was; noting that the WVC was on leave or otherwise unavailable and that there was no one designated to carry out her duties in her absence; responding that the women's cooridinating work was done by volunteers who weren't there at the time; suggesting that the personnel department handles that issue; and indicating that there was no WVC designated, followed by a referral of the call to the Patient Representative, who often was also not available.

The committee staff members reported that, during these calls, they were frequently put on hold for extended periods or were transferred a number of times to incorrect facility telephone extensions. Such delays and lack of attention may have very serious consequences when a woman veteran calls for assistance. The committee staff members knew and gave the VA title of the position and, knowing that such a position existed—at least nominally—at each facility, were able to persist in their demands to be contacted with the WVC. A woman veteran with a health problem who calls a VA facility and says she'd like help faces a much greater obstacle to getting through to a WVC and the special assistance WVCs are supposed to provide.

Moreover, according to testimony the committee received an July 2, the WVC often does not have the time or access to the VAMC management to facilitate changes needed to improve services for women veterans. I strongly believe that WVC's generally must have more time and greater access to top management in order to identify and succeed in correcting systemic problems which adversely affect women veterans seeking VA services.

To address the problem with WVC's, section 806 of the Committee bill as added by the Committee modification, would require the Secretary to ensure sufficient funding is provided to each VA facility in order to permit the WVC to carry out the functions of that position. WVC's would be provided with sufficient clerical and communications support—so that women veterans can contact them or other VAMC personnel can inform the WVC of a women in potential need of assistance—and direct access to the Director or Chief of Staff. Furthermore, the legislation would require that a full-time WVC serve in each regional office of the Veterans Health Administration to coordinate the training of the facility-based WVC's stationed at each facility and to provide appropriate technical support and guidance to those facilities regarding outreach activities to women veterans.

CONCLUSION

Mr. President, I thank our committee's ranking Republican member, Senator SPECTER, for his continued support of and help with this legislation. I also am grateful to the other members of the committee for their support of this measure. I especially appreciate Senator ROCKEFELLER's diligent and persistent efforts regarding the pharmaceutical pricing provisions.

Thanks also to Carrier Gavora, Yvonne Santa Anna, Bill Tuerk, Charlie Battaglia, and Tom Roberts of the Committee's minority staff for their work on this legislation, and, for all their help on this measure, majority staff members Janet Coffman, Susan Thaul, Virginia Rowthorn-Apel, Thomas Tighe, Bill Brew, and Ed Scott. I also extend thanks to Barbara Pryor, Ellen Doneski, and Tamara Stanton of Senator ROCKEFELLER's staff, Marsha Simon of the Committee on Labor and Human Resources staff, Phyllis Albritton of Senator MIKULSKI's staff, and John Coster and Chris Jennings of the Special Committee on Aging staff for their assistance regarding the pharmaceutical pricing provisions in title VI of the committee bill. Thanks also to Charlie Armstrong of the Legislative Counsel's Office for the painstaking care he devoted to the legislation and to the VA officials who provided technical assistance to Committee staff in the development of various provisions.

I look foward to working with the chairman of the House Veterans' Affairs Committee, G.V. "SONNY" MONTGOMERY, and that committee's ranking Republican member, BOB STUMP, as well as with the other members of the House committee, to ensure swift action on this important legislation. With regard to the pharmaceutical pricing provisions, I also look forward to working with the House Energy and Commerce Committee's chairman, Representative JOHN DINGELL, and ranking Republican member NORMAN LENT, and with that committee's Health and the Environment Subcommittee chairman, Representative HENRY WAXMAN, and ranking Republican member WILLIAM DANNEMEYER.

Mr. President, for her help to the committee on the issue of sexual trauma among women veterans, I also thank Sandra Isaacson of GAO, who was detailed to the committee staff this summer to work on this issue.

Mr. President, I urge my colleagues to support this measure of vital importance to all veterans.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 5193, the House companion, that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 2575 as amended be inserted in lieu thereof; that the bill be deemed read a third time, passed; that the motion to reconsider be laid upon the table and that any statements relative to the passage of this item appear at the appropriate place in the RECORD.

So the bill (H.R. 5193), as amended, was deemed read the third time, and passed.

Mr. KERREY. Mr. President, on behalf of Senator CRANSTON I send a title amendment to the desk and ask it be considered and agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amend the title to read as follows:

"To amend title 38, United States Code, to revise certain pay authorities that apply to Department of Veterans Affairs nurses, to improve preventive health services for veterans, to improve health-care services for women veterans, and to enable the Department to purchase pharmaceuticals at reasonable prices, and for other purposes."

MEASURE INDEFINITELY POSTPONED—S. 2575

Mr. KERREY. I ask unanimous consent that Calendar No. 669 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM-286

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, as modified on April 11, 1986, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Labor and Human Resources, and the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report seven deferrals of budget authority, totaling $930.9 million.

These deferrals affect International Security Assistance programs as well as programs of the Agency for International Development and the Departments of Agriculture, Defense, Health and Human Services, and State. The details of these deferrals are contained in the attached report.

GEORGE BUSH.

The White House, *October 1, 1992.*

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes.

At 2:41 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolutions; each without amendment:

S. 3279. An act to extend the authorization of the use of official mail in the location and recovery of missing children, and for other purposes;

S.J. Res. 218. Joint resolution to designate the calendar year 1993 as the "Year of the American Craft: A Celebration of the Creative Work of the Hand";

S.J. Res. 252. Joint resolution designating the week of April 18 through 24, 1993, as "National Credit Education Week";

S.J. Res. 287. Joint resolution to designate the week of October 4, 1992, through October 10, 1992, as "Mental Illness Awareness Week";

S.J. Res. 305. Joint resolution to designate October 1992 as "Polish American Heritage Month"; and

S.J. Res. 319. Joint resolution to designate the second Sunday in October of 1992 as "National Children's Day."

The message also announced that the House of Representatives having proceeded to reconsider the bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes, returned by the President of the United States with his objections, to the Senate, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the amendments of the house to the bill (S. 2322) to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The message further announced that the House has passed the bill (S. 775) to improve the compensation of certain veterans for exposure to ionizing radiation, to improve the administration of veterans benefits programs, and for other purposes; with amendments, in which it requests the concurrence of the Senate.

The message also announced that the house has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2548. An act to authorize the Secretary of the Interior to establish an Abraham Lincoln Research and Interpretive Center;

H.J. Res. 400. Joint Resolution designating October 1992 as "Italian-American Heritage and Culture Month";

H.J. Res. 484. Joint resolution designating the week beginning February 14, 1993, as "National Visiting Nurse Associations Week";

H.J. Res. 500. Joint resolution designating March 1993 as "Irish-American Heritage Month";

H.J. Res. 503. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 23, 1992, as "National Military Families Recognition Day";

H.J. Res. 523. Joint resolution designating October 8, 1992, as "National Firefighters day";

H.J. Res. 542. Joint resolution designating the week beginning November 8, 1992, a "Hire a Veterans Week";

H.J. Res. 546. Joint resolution designating February 4, 1993, and February 3, 1994, as "National Women and Girls in Sports Day"; and

H.J. Res. 551. Joint resolution designating October 4, 1992, through October 10, 1992, as "National Bone Marrow Donor Awareness Week".

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 368. A concurrent resolution providing for corrections in the enrollment of the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes.

At 5:45 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 12, 41, 42, 43, 48, 53, 94, 102, 107, 121, 150, 159, 173, 229, 231, and 232 to the bill, and agrees thereto; and that the House recedes from its disagreement to the amendments of the Senate numbered 20, 27, 28, 33, 34, 44, 45, 58, 62, 80, 90, 92, 99, 100, 149, 151, 156, 157, 158, 160, 162, 165, 167, 172, 174, 185, 186, 194, 195, 196, 197, 198, 199, 200, 201, 202, 204, 205, 206, 207, 208, 209, 210, 212, 214, 215, 216, 217, 218, 220, 221, 222, 223, 224, 225, 226, 227, 228, 230, and 233 to the bill, and agree thereto, each with an amendment, in which it requests the concurrence of the Senate.

MEASURES REFERRED

The following bills, previously received from the House of Representatives, for concurrence were read the first and second times by unanimous consent, and referred as indicated:

H.R. 5323. An act to promote a peaceful transition to democracy in Cuba through the application of appropriate pressures on the Cuban Government and support for the Cuban people; to the Committee on Foreign Relations.

H.R. 5419. An act to amend the Marine Mammal Protection Act of 1972 to authorize the Secretary of State to enter into international agreements to establish a global moratorium to prohibit harvesting of tuna through the use of purse sein nets deployed on or to encircle dolphins or other marine mammals, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2548. An act to authorize the Secretary of the Interior to establish an Abraham Lincoln Research and Interpretive Center; to the Committee on Energy and Natural Resources.

H.J. Res. 400 Joint resolution designating October 1992 as "Italian-American Heritage and Culture Month"; to the Committee on the Judiciary.

H.J. Res. 484. Joint resolution designating the week beginning February 14, 1993, as "National Visiting Nurse Associations Week"; to the Committee on the Judiciary.

H.J. Res. 500. Joint resolution designating March 1993 as "Italian-American Heritage Month"; to the Committee on the Judiciary.

H.J. Res. 503. Joint resolution acknowledging the sacrifices that military families have made on behalf of the Nation and designating November 23, 1992, as "National Military Families Recognition Day"; to the Committee on the Judiciary.

H.J. Res. 523. Joint resolution designating October 8, 1992, as "National Firefighters Day"; to the Committee on the Judiciary.

H.J. Res. 542. Joint resolution designating the week beginning November 8, 1992, as "Hire a Veteran Week"; to the Committee on the Judiciary.

H.J. Res. 546. Joint resolution designating February 4, 1993, and February 3, 1994, as "National Women and Girls in Sports Day"; to the Committee on the Judiciary.

H.J. Res. 551. Joint resolution designating October 4, 1992, through October 10, 1992, as "National Bone Marrow Donor Awareness Week"; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 368. A concurrent resolution providing for corrections in the enrollment of the bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore [Mr. BYRD] announced that he had signed the following enrolled bills which had previously been signed by the Speaker of the House:

H.R. 5503. An act making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5679. An act making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 6056. An act making appropriations for the government of the District of Columbia and other activities changeable in whole or in part against the revenues of said District for fiscal year ending September 30, 1993, and for other purposes;

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1777. A bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes (Rept. No. 102-448).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittee of Budget Totals from the Concurrent Resolution for Fiscal Year 1993 (Rept. No. 102-449).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 790. A bill to amend the antitrust laws in order to preserve and promote wholesale and retail competition in the retail gasoline market (Rept. No. 102-450).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1101. A bill to require the Federal Communications Commission to prescribe standards for AM stereo radio broadcasting (Rept. No. 102-451).

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

H.R. 4773. A bill to provide for reporting of pregnancy success rates of assisted reproductive technology programs and for the certification of embryo laboratories (Rept. No. 102-452).

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 150. A resolution expressing the sense of the Senate urging the President to call on the President of Syria to permit the extradition of fugitive Nazi war criminal Alois Brunner.

By Mr. PELL, from the Committee on Foreign Relations, with amendments and an amended preamble:

S. Res. 301. A resolution relating to ongoing violence connected with apartheid in South Africa.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 346. A resolution to express the sense of the Senate regarding the capture on September 12, 1992, of the Peruvian communist and terrorist leader, Abimael Guzman, and for other purposes.

S. Res. 349. A resolution relating to hostilities between the Republics of Armenia and Azerbaijan.

S. Res. 351. A resolution to commend the people of Thailand for successfully conducting peaceful general elections and to congratulate Thailand's pro-democracy parties on their victory.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 2985. A bill to authorize the Board for International Broadcasting to support a "Radio Free China".

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 3275. A bill to amend the Foreign Service Act of 1980 to allow additional deductions by the Agency for International Development from the salaries of Inspector General Foreign Service criminal investigators for retirement purposes, to increase the mandatory retirement age of Foreign Service criminal investigators from 55 to 57 years of age and to include Administratively Uncontrollable Overtime as basic pay in computing the annuity of a noncommissioned Foreign Service criminal investigator.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S.J. Res. 325. A joint resolution entitled the "Collective Security Participation Resolution".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on foreign Relations:

Edward S. Walker, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be the Deputy Representative of the United States to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Paul S. Sarbanes, of Maryland, to be a Representative of the United States to the Forty-seventh Session of the General Assembly of the United Nations.

The following-named persons to be Representatives and Alternate Representatives of the United States of America to the Forty-seventh Session of the General Assembly of the United Nations:

REPRESENTATIVES

Edward Joseph Perkins, of Oregon.

Alexander Fletcher Watson, of Massachusetts.

Larry Pressler, of South Dakota.

Gloria Estefan, of Florida.

ALTERNATE REPRESENTATIVES

Irvin Hicks, of Maryland.

Shirin R. Tahir-Kheli, of Pennsylvania.

Parker G. Montgomery, of New York.

Prezell Russell Robinson, of North Carolina.

Margaretta F. Rockefeller, of New York.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees commitment to respond to requests to apper and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably three nomination lists in the Foreign Service which were printed in full in the CONGRESSIONAL RECORD of September 23, 1992, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 102-35. United Nations Framework Convention on Climate Change (Exec. Rept. No. 102-55).

TEXT OF RESOLUTION OF RATIFICATION

Resolved, (two-thirds of the Sentors present concurring therein), That the Senate advise and consent to the ratification of the United Nations Framework Convention on Climate Change, adopted May 9, 1992, by the Resumed Fifth Session of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change ("Convention"), and signed on behalf of the United States at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro on June 12, 1992.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated;

By Mr. BRADLEY:

S. 3291. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; to the Committee on Finance.

By Mr. HATCH:

S. 3292. A bill to establish the death penalty for certain violent crimes and provide procedures for its imposition, provide for habeas corpus reform, and codify the "good faith" exception to the exclusionary rule; to the Committee on the Judiciary.

By Mr. EXON (for himself, Mr. GORTON, and Mr. PRESSLER):

S. 3293. A bill to amend title 49, United States Code, to provide for certification of weights of loaded containers and trailers for intermodal transportation, and for purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SARBANES (for himself and Mr. MCCONNELL):

S. 3294. A bill to amend the Foreign Assistance Act of 1961 to extend for one year the authority of the Overseas Private Investment Corporation; read the first time.

By Mr. DECONCINI (for himself and Mr. CRANSTON):

S. 3295. A bill to amend title 10, United States Code, to establish within the Office of the Secretary of Defense the position of Director of Criminal Investigations; and for other purposes; to the Committee on Armed Services.

By Mr. WOFFORD:

S. 3296. A bill to direct the Secretary of Commerce to provide grants to States to provide technical and financial assistance to small and medium-sized manufacturers; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL:

S. 3297. A bill to strengthen the security of Federal computer systems, and for other purposes; to the Committee on Governmental Affairs,.

By Mr. ROBB:

S. 3298. A bill to authorize a certificate of documentation for the vessel Shoreline XV; to the Committee on Commerce, Science, and Transportation.

By Mr. BOREN (for himself and Mr. BREAUX):

S. 3299. A bill to contain health care costs and improve access to health care through accountable health plans and managed competition, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 3300. A bill to provide universal access to health care and contain health care costs through accountable health plans and managed competition, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRANSTON:

S. 3301. A bill to permit certain disabled former Peace Corps volunteers to enroll in a Federal employees health benefit plan, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. KASTEN, Mr. GARN, Mr. SEYMOUR, Mr. CRAIG, Mr. COCHRAN, Mr. DURENBERGER, Mr. COATS, Mr. CHAFEE, Mr. BURNS, Mr. PRESSLER, Mr. DOMENICI, Mr. AKAKA, Mr. GRAHAM, Mr. DECONCINI, Mr. REID, Mr. DIXON, Mr. GLENN, Mr. LIEBERMAN, Mr. HOLLINGS, Mr. SPECTER, Mr. BUMPERS, Mr. FOWLER, and Mr. METZENBAUM):

S.J. Res. 343. A joint resolution to designate the period commencing on October 24, 1992, and ending on November 1, 1992, as "National Red Ribbon Week for a Drug-Free America"; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S.J. Res. 344. A joint resolution to prohibit the proposed sale to Saudi Arabia of F-15 aircraft; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for Mr. JEFFORDS):

S. Con. Res. 138. A concurrent resolution to authorize a correction in the enrollment of H.R. 2042; considered and agreed to.

By Mr. DOLE (for Mr. SYMMS):

S. Con. Res. 139. A concurrent resolution to authorize a correction in the enrollment of H.R. 1628; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BRADLEY:

S. 3291. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; to the Committee on Finance.

INTERSTATE CHILD SUPPORT ENFORCEMENT ACT

Mr. BRADLEY. Mr. President, I rise today to offer the 1992 Interstate Child Support Enforcement Act, which is a comprehensive plan to overhaul the interstate child support collection process, based on the report and recommendations of the U.S. Commission on Interstate Child Support. I was proud to serve on this Commission.

It's time to revamp the way we collect interstate child support because the gaps in the system are a nightmare for everyone involved—the parents, the caseworkers, but above all, the children, who are caught in the middle of this whole mess.

This legislation would streamline child support enforcement by reforming paternity establishment programs, location techniques of noncustodial parents, support order establishment, enforcement techniques, staffing, and training.

Simply put, when parents cross State lines and evade their responsibility to their own children, the cost of neglect too often falls on the American taxpayer.

One-third of all child support cases are interstate, yet only $1 of every $10 collected is from an interstate case. Behind this delinquency rate are millions of families drowning in redtape trying to collect billions of dollars from noncustodial parents.

Recent studies show that, in 1989, $5 billion in outstanding child support went unpaid, and millions more were never owed because no support orders were established.

It is now time to tighten the interstate cases and ensure that parents meet their obligations to their children. I will continue to push this legislation in the next Congress and look forward to holding public hearings to discuss the merits of the plan.

Mr. President, the life-chances of our Nation's children should not have to be restricted on account of the fact that their parents live in different States. But all too often that is exactly what happens. All too often, children who do not live with their parents are made to suffer because one parent, usually the one who does not have custody of the children, does not pay for their support.

This is not the first time we have attempted to tackle the complex problems of child support enforcement. In 1984, we mandated several reforms, including wage withholding if a parent is 1 month in arrears on his or her child support and Federal and State income tax refund offsets to collect overdue child support. These changes produced positive results. Total child support collections, which amounted to $2 billion in 1983, were up to $4 billion in 1988. In New Jersey, child support collections increased from $140 million in 1983 to $250 million in 1988. In addition, the average number of nonwelfare cases where child support collections were made increased nationally from 500,000 in 1983 to 1 million in 1988.

In 1988, we mandated expanded paternity establishment, more vigorous efforts at finding noncustodial parents who fail to meet their obligations, and increased usage of wage withholding. Since 1988, the system has improved further, so that if one were to compare 1984 to 1990, one would see that child support collections on behalf of AFDC families increased 175 percent during the period and collections on behalf of non-AFDC families increased 321 percent.

Yet even with these improvements, no one would suggest that we have solved all the problems. Even with all the work that has been done in child support over the last few years, the fact is that $5 billion of owed child support remains unpaid by noncustodial parents and millions more is never owed because no child support order has been established. Despite some improvements, the system still fails to make collections in too many cases. In 1990, the full amount of child support was collected in only 12 percent of AFDC cases and only 28 percent of non-AFDC cases. Who pays for this tragedy? The American taxpayer and millions of children whose life-chances are severely restricted by the lack of money.

Mr. President, problems abound with the child support system as a whole, but interstate cases are the most difficult. Interstate cases are far less likely to receive support payments than in-state cases, despite the fact that parents in in-state cases and parents in interstate cases establish child support orders at similar rates. Although one-third of all child support cases are interstate, only $1 out of every $10 collected is the result of collections in an interstate case. The average interstate case in which enforcement of an existing order is requested takes 3 to 6 months, versus 3 to 9 weeks for in-state cases. Interstate enforcement is made far more complex by the lack of uniform State laws governing enforcement, service of process, and jurisdiction. It is burdened as well by the absence of a national information system that allows States to exchange up-to-date information on the location, resources, and obligations of absent parents.

I introduced the legislation which created the U.S. Commission on Interstate Child Support in 1988 because of my concern that conflicting State laws and practices, and the lack of uniformity in the system were hampering the effectiveness of child support enforcement across State lines. After an intensive 2-year effort at studying the problems associated with interstate enforcement of child support, the Commission recently provided Congress with a framework for improvement of the current system. I have chosen to highlight many of its recommendations in the bill I introduce today.

This bill seeks to make it easier for the millions of families who live in States different from the noncustodial parent to locate those noncustodial parents, establish paternity, establish support orders, and collect child support. It focuses mainly on issues concerning, locate and case tracking, establishment, parentage, enforcement, collection and distribution, and the respective roles of Federal and State government. I would just like to take a few minutes to discuss some of its provisions.

Expanded paternity establishment is key to improving interstate child support enforcement, Mr. President. As the number of births to unmarried women continues to rise, it is becoming increasingly necessary to spend resources establishing paternity. In 1990, there were over 1 million births to unmarried women, about one-fourth of all births that year. About 57 percent of black children, 23 percent of Hispanic children, and 17 percent of white children born in 1990 were born to unwed women. In 1990, 68 percent of all births to women between the ages of 15 to 19 were to unwed women.

Before a custodial parent can get a child support order, paternity must be established. And when you consider that it is more difficult to establish paternity when the father of the child lives in another State, you start to see why early paternity establishment is so important.

This bill requires States to establish hospital-based paternity establishment programs, such as the successful programs which now operate in Washington and Virginia, so that fathers can be identified in hospitals. About 85 percent of fathers are in touch with the child and mother at or soon after the birth of their children. Many fathers visit their children in the hospital or birthing center. Programs that target these fathers and provide advice to them about parentage can do a lot to cut down on the number of children for whom paternity has not been established.

Where the father was not targeted at the hospital, this bill contains provisions which would make it easier for paternity to be established. It makes it less difficult to locate out-of-state fathers by expanding the locate information and services available to custodial parents and child support professionals. It mandates changes in evidence standards which remove many of the obstacles that now exist to paternity establishment across State lines. This bill also promotes the use of paternity testing procedures which are very accurate at determining paternity.

Even where parentage is established, it is difficult to locate absent parents. When those parents live in other States it becomes even more difficult. Locating absent parents is made more difficult by the absence of an information network which allow custodial parents and child support officials access to up-to-date employment information.

In interstate cases, custodial parents always seem to be one step behind noncustodial parents. If a noncustodial parent gets a job, his or her employer does not usually inform the State's employment security agency that the new employee is on the payroll until the next quarter in which the employer has to report payroll information. By the time child support officials in the custodial parent's State get ahold of that information, the noncustodial parent has often moved to another job. Imagine the frustration, Mr. President, of custodial parents who find out where the noncustodial parent was working only after he or she has left the job. This scenario is played out over and over in interstate cases.

To eliminate this problem, this bill requires the printing of a new W-4 form. On that form, all new employees would have to disclose whether they are required to pay child support and if so, the amount they have to pay and whether it is to be paid by wage withholding. If the employee is required to pay child support through wage withholding, this bill requires the employer to begin the withholding immediately.

Just as important, Mr. President, the bill I introduce today requires that the W-4 form information be sent directly to the State employment security agency for referral to the State child support enforcement agency. The State child support enforcement agency would then broadcast the information over a national network, created by this bill, which links all the States and certain data bases of the Federal Government. The W-4 form information would be compared with information in electronic, State-based child support order registries across the country. If the new employee did not accurately acknowledge a child support obligation, the network would pick up this fact. Instead of always being one step behind the noncustodial parent, the custodial parent and the child support worker will be able to find the noncustodial parent much sooner. The combination of an electronic data bank of support order information, the national network, and the amended W-4 form deal a serious blow to noncustodial parents who are now successfully avoiding payment of child support.

To eliminate the problems associated with establishing a support order across State lines, my bill requires the States to expand their long-arm statutes to reach more out-of-State noncustodial parents. It requires States to recognize and enforce child support orders from other States, and it also requires all States to adopt the August 1992 Uniform Interstate Family Support Act adopted by the National Conference of Commissioners on Uniform State Laws verbatim so that inconsistencies between the States in case processing can be eliminated.

Even where a support order has been established, custodial parents still have problems collecting money, especially in interstate cases. This bill requires the States to take tougher measures against parents who do not pay their child support. It requires them to pass laws making it possible for delinquent parents to lose their professional and occupational licenses, hitting them in a sense at their livelihood. It requires the States to suspend the driver's licenses of delinquent parents. It calls for the expended use of credit reporting—it is interesting that a noncustodial parent can be delinquent on a car loan and that fact can be reported on a credit report, but the fact that he or she is delinquent on child support might not be reported. In addition, this bill requires the States to intercept lottery winnings, money judgments, and other income of noncustodial parents who owe child support. This bill also requires the States to make it easier to freeze the bank accounts of delinquent parents, and requires the States to make it a State crime to willfully fail to pay child support.

Finally, this bill responds to staffing and training issues which have plagued child support professionals for decades. In a GAO report I and the other Congressional members of the Commission requested, it was reported that the average case load per child support case worker is 1,000 cases. Can you imagine, Mr. President, 1,000 cases? This bill requires the Department of Health and Human Services to conduct staffing studies in every State and report such findings to this body and the States. It also requires the Office of Child Support Enforcement to make training assistance available to State child support agencies.

Mr. President, I realize that this is a very big and complicated bill and that others might have chosen different paths to reforming the child support system. However, I believe this bill and the recommendations upon which it is based will spark a lot of debate on the issue of child support enforcement. I also expect bi-partisan support for many of the bill's provisions. In fact, my colleague on the Commission, MARGE ROUKEMA, is today introducing a companion measure to my legislation in the House.

Mr. President, the failure of noncustodial parents to pay child support should be the concern of all Members of this body—not just because tax dollars are at stake but because nonpayment of child support is taking a heavy toll on the children of this Nation. Fifty percent of the marriages in this country end in divorce. A quarter of the children born every year are born to unmarried women. According to the National Commission on Children, nearly 75 percent of all American children growing up in single-parent families will experience poverty for some period during the first 10 years of their lives. These disturbing statistics suggest that millions of children can be helped if we toughen our Nation's child support laws and improve our ability to locate absent parents. In the Commission, we took a comprehensive look at the problem of child support enforcement, and I think this body will be very interested in the recommendations we produced. I stand ready to work with any member of this body on the provisions laid out in this bill.

I ask unanimous consent that the full text of my statement, and two summaries of the bill's provisions be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Interstate Child Support Enforcement Act".

(b) REFERENCE TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings, declarations, and purposes.

TITLE I—LOCATE AND CASE TRACKING

Sec. 101. Expansion of use of Federal parent locator system.
Sec. 102. Expansion of data bases accessed by parent locator systems.
Sec. 103. Expansion of access to national network for location of parents.
Sec. 104. Private attorney access to locate and enforcement services.
Sec. 105. National reporting of new hires and child support information.
Sec. 106. Access to law enforcement systems of records.
Sec. 107. State networks for broadcasting warrants.

TITLE II—ESTABLISHMENT

Sec. 201. Long-arm jurisdiction and full faith and credit.
Sec. 202. Service of process on Federal employees and members of the armed services relating to child support, alimony, and parentage obligations.
Sec. 203. Presumed address of obligor and obligee.
Sec. 204. Notification to custodial parents.
Sec. 205. State uniformity regarding determination of parentage and support, jurisdiction and venue, and Federal employee residential status.
Sec. 206. Fair Credit Reporting Act amendments.
Sec. 207. National Child Support Guideline Commission.
Sec. 208. Guideline principles.
Sec. 209. Duration of support.
Sec. 210. Evidence.
Sec. 211. Nonresident's telephonic access to forum.
Sec. 212. Uniform terms in orders.
Sec. 213. Social security numbers on marriage licenses and child support orders.
Sec. 214. Administrative subpoena power.

TITLE III—PARENTAGE

Sec. 301. Parentage.

TITLE IV—ENFORCEMENT

Sec. 401. Anti-assignment clauses amended.
Sec. 402. Direct income withholding.
Sec. 403. Priority of wage withholding.
Sec. 404. Definition of income subject to withholding includes workers' compensation.
Sec. 405. Consumer Credit Protection Act amendments.
Sec. 406. Election of remedies prohibition.
Sec. 407. Occupational, professional and business licenses
Sec. 408. Driver's licenses and vehicle registrations.
Sec. 409. Liens on certificates of vehicle title.
Sec. 410. Attachment of bank accounts.
Sec. 411. Lotteries, settlements, payouts, awards, and forfeitures.
Sec. 412. Fraudulent transfer pursuit.
Sec. 413. Full IRS collection.
Sec. 414. Bonds.
Sec. 415. Tax offset for nonAFDC post-minor child.
Sec. 416. Attachment of public and private retirement funds.
Sec. 417. Reporting to credit bureaus.
Sec. 418. Criminal nonsupport.
Sec. 419. Statutes of limitation.
Sec. 420. Interest.
Sec. 421. Health-care enforcement.
Sec. 422. Bankruptcy.
Sec. 423. Federal government cooperation in enforcement of support obligations of members of the armed forces and other persons entitled to payments by the Federal government.
Sec. 424. UIFSA endorsement.

TITLE V—COLLECTION AND DISTRIBUTION

Sec. 501. Priority of distribution of collections.
Sec. 502. Relationship of AFDC to CSE—limiting reimbursement claims to award amount.
Sec. 503. Fees for nonAFDC clients.
Sec. 504. Collection and disbursement points for child support.

TITLE VI—FEDERAL ROLE

Sec. 601. Placement and role of the Federal Child Support Agency.
Sec. 602. Training.
Sec. 603. Staffing.
Sec. 604. Funding and incentives for child support agencies.
Sec. 605. Child support definition.
Sec. 606. Audits.
Sec. 607. Child support assurance demonstration projects.
Sec. 608. Development of a children's trust fund.

TITLE VII—STATE ROLE

Sec. 701. Prohibition of residency requirement for IV-D services.
Sec. 702. Advocating for children's economic security.
Sec. 703. Duties of IV-D agencies.
Sec. 704. Broader access to services.
Sec. 705. Process for change of payee in IV-D cases.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there is a large and growing number of child support and parentage cases annually involving disputes between parents or presumed parents who reside in different States;

(2) the laws by which the courts of the various States determine their authority to establish, enforce, or modify a child support order, or to determine parentage are not uniform;

(3) those laws, along with the limits imposed by a Federal system, on the authority of each State to take certain actions outside its own boundaries, contribute to—

(A) the pressing problem of parties moving to avoid jurisdiction,

(B) inequities based solely on choice of domicile,

(C) disregard of court orders resulting in massive arrearages nationwide,

(D) excessive relitigation of cases,

(E) the establishment of conflicting orders by the courts of various States, and

(F) inter-jurisdiction travel and communication that is so expensive and time consuming as to disrupt parties' occupations and commercial activities; and

(4) among the results of these conditions are—

(A) the failure of the courts of such jurisdictions to give full faith and credit to the judicial proceedings of the other States,

(B) the deprivation of rights of liberty and property without due process of law,

(C) burdens on commerce among the States, and

(D) harm to the welfare of children and their parents and other custodians.

(b) DECLARATION.—Based on the findings stated in subsection (a), it is necessary to establish national standards under which the courts of each State will determine their jurisdiction to establish, enforce, or modify a child support order, or to determine parentage and the effect to be given by each State to such determinations by the courts of other States.

(c) PURPOSE.—The general purposes of this Act are to—

(1) expand the forums available to establish, enforce, or modify a child support order, or to determine parentage so that such actions may be heard in the State that has the strongest interest in the child's financial security;

(2) promote and expand the exchange of information and other forms of mutual assistance between States that are concerned with the same child;

(3) facilitate the enforcement of support decrees among the States;

(4) discourage continuing interstate controversies over child support in the interest of greater financial stability and secure family relationships for the child; and

(5) avoid jurisdictional competition and conflict between courts in matters relating to the establishment, enforcement, and modification of child support orders, and to the determination of parentage, which have resulted in the movement of parties among States and a low percentage of interstate cases with support orders, thereby adversely affecting children's well-being.

(d) STATE.—For purposes of this section, the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, and Indian country as defined in section 1151 of title 18, United States Code.

TITLE I—LOCATE AND CASE TRACKING

SEC. 101. EXPANSION OF USE OF FEDERAL PARENT LOCATOR SYSTEM.

Section 453 (42 U.S.C. 653) is amended—

(1) by striking "for the purpose of enforcing support obligations against such parent" in subsection (a) and inserting "for the purposes of parentage establishment, child support establishment, modification, and enforcement, and child visitation enforcement, provided that safeguards are in place to prevent release of information when it may jeopardize the safety of the children or either parent", and

(2) by inserting "and such reasonable fees" after "such documents" in subsection (d).

SEC. 102. EXPANSION OF DATA BASES ACCESSED BY PARENT LOCATOR SYSTEMS.

(a) ADDITIONAL INFORMATION FOR FEDERAL PARENT LOCATOR SERVICE.—Section 453 (42 U.S.C. 653) is amended—

(1) by striking "the most recent address and place of employment" in subsection (b) and inserting "the most recent residential

address, employer name and address, and amounts and nature of income and assets",

(2) by striking "the resident parent" in subsection (c)(3) and inserting "either parent", and

(3) by adding at the end of subsection (e) the following new paragraph:

"(4) The Secretary of the Treasury shall enter into an agreement with the Secretary to provide prompt access for the Secretary (in accordance with this subsection and section 6103(l)(6) of the Internal Revenue Code of 1986) to the quarterly estimated Federal income tax returns filed by individuals with the Internal Revenue Service.".

(b) STATE INFORMATION.—Section 466(a) (42 U.S.C. 666(a)) is amended by inserting after paragraph (10) the following new paragraphs:

"(11) Procedures under which the State agency shall have automated on-line or batch access (or, if necessary, nonautomated access) to information regarding residential addresses, employers and employer addresses, income and assets, and medical insurance benefits with respect to absent parents through various data bases. Such data bases shall include data bases belonging to:

"(A) the State revenue or taxation department;

"(B) the State motor vehicle registration department;

"(C) the State employment security department;

"(D) the State crime information system;

"(E) the State bureau of corrections;

"(F) the State recreational, occupational, and professional licensing department;

"(G) the Secretary of State's office;

"(H) the State bureau of vital statistics;

"(I) State or local agencies administering public assistance;

"(J) State or local real and personal property record departments;

"(K) publicly regulated utility companies located in the State;

"(L) credit reporting agencies located in the State; and

"(M) trade and labor unions located in the State.

"(12) Procedures under which the State agency shall maintain a child support order registry which shall include—

"(A) each child support order in the State in which the parties agree to the inclusion of such order in the registry; and

"(B) at the option of the State, all other child support orders in the State.".

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary of Health and Human Services should investigate pursuant to section 453(e) of the Social Security Act (42 U.S.C. 653(e)) accessing Federal data banks not already linked to the Parent Locator Service which are deemed more-than-marginally useful to locate absent parents.

SEC. 103. EXPANSION OF ACCESS TO NATIONAL NETWORK FOR LOCATION OF PARENTS.

(a) IN GENERAL.—Section 453 (42 U.S.C. 653) is amended by adding at the end the following new subsection:

"(g) The Secretary, through the Office of Child Support Enforcement, shall expand the Parent Locator System, established under this section to provide a national network based on the comprehensive statewide child support enforcement systems developed by the various States. Such an expansion—

"(1) would allow each State to—

"(A) locate any absent parent who owes a child support obligation, for whom an obligation is being established, or for whom an order for visitation is being enforced by—

"(i) accessing the records of other State agencies and sources of locate information directly from one computer system to another, and

"(ii) accessing Federal sources of locate information in the same fashion;

"(B) access the files of other States to determine whether there are other child support orders and obtain the details of those orders;

"(C) provide for both on-line and batch processing of locate requests, with on-line access restricted to cases in which the information is needed immediately (i.e., court appearances) and batch processing used to 'troll' data bases to locate individuals or update information periodically; and

"(D) direct locate requests to individual States or Federal agencies, broadcast requests to selected States, or broadcast cases to all States when there is no indication of the source of needed information;

"(2) provide for a maximum of 48-hour turnaround time for information to be broadcast and returned to a requesting State;

"(3) provide ready access to courts of the information on the network by location of a computer terminal in each court; and

"(4) access the registry of child support orders for public and private cases maintained at the State level by the State agencies as described in section 466(a)(12).".

(b) EXPANDED STATE INTERACTION WITH NATIONAL NETWORK.—Section 454(16) (42 U.S.C. 654(16)) is amended—

(1) by striking "and (E)" and inserting "(E)", and

(2) by striking "enforcement;" at the end of subparagraph (E) and inserting "enforcement, and (F) to provide access to the national network developed pursuant to section 453(g);".

SEC. 104. PRIVATE ATTORNEY ACCESS TO LOCATE AND ENFORCEMENT SERVICES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 102, is amended by inserting after paragraph (12) the following new paragraph:

"(13) Procedures under which private attorneys and pro se obligees are given access to information located in the State locate resources and through enforcement techniques of the State child support enforcement agency, for the limited purpose of establishing, modifying, and enforcing child support, visitation, and parentage orders, provided that safeguards are in place to prevent release of information when it may jeopardize the safety of the children or either parent. Such procedures may provide for reasonable fees for such access.".

SEC. 105. NATIONAL REPORTING OF NEW HIRES AND CHILD SUPPORT INFORMATION.

(a) FEDERAL IMPLEMENTATION OF SYSTEM.—

(1) IN GENERAL.—The Secretary of the Treasury, in consultation with the Secretary of Labor, shall establish a system of reporting of new employees by requiring employers to provide a copy of every new employee's W–4 form to the employment security agency of the State in which the employment is located.

(2) EXPANDED USE OF FORM.—The Secretary of the Treasury shall modify the W–4 form completed by the new employee to include—

(A) whether a child support obligation is owed by the new employee, and if so, to whom such obligation is payable and the amount of such obligation,

(B) whether payment of such obligation is to be by income withholding, and

(C) whether the new employee has health care insurance available.

(3) EMPLOYER WITHHOLDING OBLIGATION.—

(A) IN GENERAL.—Subtitle C of the Internal Revenue Code of 1986 (relating to employment taxes) is amended by inserting after chapter 24 the following new chapter:

"CHAPTER 24A—COLLECTION OF CHILD SUPPORT OBLIGATIONS AT SOURCE ON WAGES

"Sec. 3411. Child support obligations collected at source.

"SEC. 3411. CHILD SUPPORT OBLIGATIONS COLLECTED AT SOURCE.

"(a) REQUIREMENT OF WITHHOLDING.—Every employer making payment of wages shall deduct and withhold upon such wages a specified child support obligation amount.

"(b) SPECIFIED CHILD SUPPORT OBLIGATION AMOUNT.—For purposes of this chapter, the specified child support obligation amount with respect to any employee shall be determined based on information provided by the employee, such information to be confirmed or corrected by the State within which the employer is located under procedures described in section 466(a)(14) of the Social Security Act.

"(c) LIABILITY FOR PAYMENT.—The employer shall be liable for the payment of the specified child support obligation amount to the payee identified by the employee.

"(d) SPECIAL RULES.—For purposes of this chapter (and so much of subtitle F as relates to this chapter), any specified child support obligation amount shall be treated as if were a tax withheld under chapter 24 and rules similar to the rules of such chapter shall apply."

(B) CLERICAL AMENDMENT.—The table of chapters of subtitle C of the Internal Revenue Code of 1986 is amended by inserting after the item relating to chapter 24 the following new item:

"CHAPTER 24A. Child support obligations collected at source.".

(4) WITHHELD CHILD SUPPORT OBLIGATIONS REPORTED ON W–2 FORMS.—Subsection (a) of section 6051 of the Internal Revenue Code of 1986 (relating to receipts for employees) is amended by striking "and" at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ", and", and by inserting after paragraph (9) the following new paragraph:

"(10) the total amount of specified child support obligations withheld under section 3411.".

(b) STATE IMPLEMENTATION OF SYSTEM.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 104, is amended by inserting after paragraph (13) the following new paragraph:

"(14) Procedures under which the State shall—

"(A) impose monetary penalties on—

"(i) individuals who owe child support obligations who fail to report such obligations on Federal income tax W–4 forms at time of employment;

"(ii) employers who fail to forward such W–4 forms to the State employment security agency within 10 calendar days of the date of the payroll; and

"(iii) employers who fail to withhold the child support obligation and disburse such obligation to the individual owed such obligation within 10 calendar days of the date of the payroll, using electronic funds transfer, if possible, unless otherwise notified by such State agency;

"(B) confirm the information provided under subparagraph (A)(ii) or identify child support obligations that have not been reported by the new hire through the use of the Parent Locator System established under section 453;

"(C) notify the employer in cases where the employee has not correctly reported on the W-4 using a standard wage withholding notice developed by the Federal Office of Child Support Enforcement under section 452(a)(14);

"(D) broadcast over the Parent Locator System to other States information based on W-4 form information that has been sent to the State employment security agency; and

"(E) in the event of a match between the W-4 related information and the abstract of support orders on file in the State registry of child support orders, notify the individual owed a child support obligation or such individual's designee of such information.

If an individual owed a child support obligation who is not utilizing the State program under this part desires the wage withholding services described in this paragraph, such individual shall be required to apply for assistance under the State plan.".

SEC. 106. ACCESS TO LAW ENFORCEMENT SYSTEMS OF RECORDS.

(a) ACCESS BY CHILD SUPPORT ENFORCEMENT AGENCIES.—The head of the National Criminal Information Center, of the National Law Enforcement Telecommunications Network, and of any other national or regional system for tracking individuals shall—

(1) allow access to information the center, network, or other system to Federal, State, and local child support enforcement agencies; and

(2) if an access code is required to allow such access, provide an access code to each child support enforcement agency that applies for one.

(b) LOSS OF FEDERAL FUNDING.—A non-Federal system for tracking individuals that fails to comply with subsection (a) shall not be eligible to receive Federal funding for the system.

SEC. 107. STATE NETWORKS FOR BROADCASTING WARRANTS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 105, is amended by inserting after paragraph (14) the following new paragraph:

"(15) Procedures under which the State—

"(A) shall make available for broadcasting on its local and State crime information system failure-to-appear warrants, capiases and bench warrants issued by courts in civil and criminal parentage and child support proceedings; and

"(B) if a defendant or anyone on behalf of the defendant posts security after being arrested, shall remit any subsequent forfeiture to the individual owed the child support obligation to the extent of any arrearage in such obligation.".

TITLE II—ESTABLISHMENT

SEC. 201. LONG-ARM JURISDICTION AND FULL FAITH AND CREDIT.

(a) STATE LAW.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 107, is amended by inserting after paragraph (15) the following new paragraphs:

"(16) Procedures under which the State may validly assert personal jurisdiction over a nonresident in an action to establish, enforce, or modify a child support order, or to determine parentage if 1 or more of the following factors are met:

"(A) The nonresident was personally served with process in the State.

"(B) The nonresident submitted to the jurisdiction of the State by consent, by entering a general appearance, or by filing a pleading that effectively waived any contest to jurisdiction.

"(C) The nonresident resided in the State with the child during the child's lifetime;

"(D) The nonresident resided in the State and provided prenatal expenses for the child or support after the child's birth.

"(E) The child resides in the State as a result of the acts or directives of the nonresident.

"(F) The nonresident engaged in sexual intercourse in the State and the child may have been conceived by such intercourse.

"(G) The nonresident asserted parentage in a putative father registry maintained by the State.

"(H) There is any other basis consistent with the constitution of the State and the Constitution of the United States for the exercise of personal jurisdiction over the nonresident.

"(17) Procedures under which the State shall—

"(A) treat out-of-State service of process in child support and parentage actions in the same manner as in-State service of process;

"(B) require that notice for the exercise of jurisdiction over nonresident be given in a manner reasonably calculated to give actual notice and may be—

"(i) by personal delivery outside the State in the manner prescribed for service of process within the State;

"(ii) in the manner prescribed by the law of the place in which the service is made;

"(iii) by first-class mail addressed to the individual to be served (if allowed by the State's rules of civil procedure) or any other form of mail that includes a request for a receipt or signature of such individual, subject to the requirements of such rules of civil procedure; or

"(iv) as directed by the court, including publication if other means of notification are ineffective, subject to the requirements of the State's rules of civil procedure;

"(C) require that notice to commence a child support or parentage action be delivered, mailed, or published with sufficient time to allow for serving an answer or other response before any hearing in the State, in accordance with the otherwise applicable rule regarding the commencement of an original action in the State;

"(D) require notice of the commencement of a child support or parentage action to each party whose rights, privileges, duties, or powers may be affected by the action;

"(E) require that proof of service outside the State may be made by the affidavit of the individual who made the service, or in the manner prescribed by the law of the State, by the order under which the service is made, or by the law of the place in which service is made, and if service is made by mail, proof of service may be by a receipt signed by the addressee or other evidence of delivery to the addressee; and

"(F) require the availability of first-class mail service after the service of the summons and initial pleadings.".

(b) SENSE OF THE CONGRESS.—Pursuant to its powers to enforce the Due Process Clause of the Fifth Amendment, section 5 of the Fourteenth Amendment, the Commerce Clause, the General Welfare Clause, and the Full Faith and Credit Clause of the United States Constitution, it is the sense of the Congress that the courts of a State may, consistent with due process, exercise personal jurisdiction over a nonresident who is the parent or presumed parent of a resident child in order to establish, enforce, or modify a child support order or to determine parentage.

(c) INTERSTATE RECOGNITION OF CHILD SUPPORT AND PARENTAGE ORDERS.—

(1) IN GENERAL.—Chapter 115 of title 28, United States Code, is amended by inserting after section 1738A the following new section:

"§1738B. Full faith and credit to child support and parentage orders

"(a) DEFINITIONS.—As used in this section, the term:

" 'Child' means any individual under the age of 18 years, and any individual who has attained the age of 18 years or more for whom a child support order has been issued pursuant to the laws of a State.

" 'Child support' includes periodic and lump sum payments for current and past due economic support, payments of premiums for health insurance for children, payments for or provision of child care, and payments for educational expenses.

" 'Child support order' means a judgment, decree or order of a court requiring the payment of money, whether in periodic amounts or lump sum, for the support of a child and includes permanent and temporary orders, initial orders and modifications, ongoing support and arrearages.

" 'Child's State' means the State in which the child currently resides with a parent, or an individual acting as a parent.

" 'Contestant' means an individual, including a parent, who claims a right to receive child support or is under an order to pay child support, and includes States and political subdivisions to which support rights have been assigned.

" 'Court' means a court, administrative process, or quasijudicial process of a State that is authorized to—

"(1) adjudicate parentage;

"(2) establish the amount of support payable by a contestant; or

"(3) modify the amount of support payable by a contestant.

" 'Home State' means the State in which, immediately preceding the time involved, a child lived with his or her parents, a parent, or an individual acting as parent, for at least 6 consecutive months (including any periods of temporary absence), and in the case of a child less than 6 months old, the State in which the child lived from birth with any of such individuals.

" 'Individual acting as a parent' means an individual, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody.

" 'Modification' and 'modify' refer to a change in a child support order or an order adjudicating parentage that modifies, replaces, supersedes, or otherwise is made subsequent to such prior order, whether or not made by the same court that issued such prior order.

" 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, and Indian country as defined in section 1151 of title 18, United States Code.

"(b) FULL FAITH AND CREDIT.—The courts of each State shall recognize and enforce according to its terms a child support order or an order adjudicating parentage against an individual over whom personal jurisdiction has been exercised, including an order pursuant to a State law that authorizes the courts of the State to exercise personal jurisdiction over nonresidents to the extent permitted by the Constitution of the United States, and shall not modify such an order except as provided in subsection (f).

"(c) BASES OF JURISDICTION.—A court of a State has personal jurisdiction over a nonresident contestant if 1 or more of the following factors are met:

"(1) The nonresident was personally served with process in the State.

"(2) The nonresident submitted to the jurisdiction of the State by consent, by entering a general appearance, or by filing a pleading that effectively waived any contest to jurisdiction.

"(3) The nonresident resided in the State with the child during the child's lifetime;

"(4) The nonresident resided in the State and provided prenatal expenses for the child or support after the child's birth.

"(5) The child resides in the State as a result of the acts or directives of the nonresident.

"(6) The nonresident engaged in sexual intercourse in the State and the child may have been conceived by such intercourse.

"(7) The nonresident asserted parentage in a putative father registry maintained by the State.

"(8) There is any other basis consistent with the constitution of the State and the Constitution of the United States for the exercise of personal jurisdiction over the nonresident.

"(d) Continuing Exclusive Jurisdiction.—A court of a State which has made a child support order or adjudicated parentage consistently with the provisions of this section has continuing, exclusive jurisdiction of that order for so long as the State remains the child's State or the residence of any contestant, unless another State, acting in accordance with subsection (f), has modified such order.

"(e) Notice and Hearing.—Before a court of a State makes a child support order or adjudicates parentage, reasonable notice and opportunity to be heard shall be given to the contestants.

"(f) Modification.—A court of a State may modify a child support order or an order adjudicating parentage made by a court of another State if—

"(1) it has jurisdiction to make such an order; and

"(2) the court of the other State no longer has continuing, exclusive jurisdiction because—

"(A) the other State no longer is the child's State or the residence of any contestant; or

"(B) each contestant has filed written consent for the State to modify the order and assume continuing, exclusive jurisdiction of such order.

"(g) Enforcement of Prior Orders.—A court of a State which no longer has continuing, exclusive jurisdiction of a child support order or an order adjudicating parentage may enforce such order with respect to unsatisfied obligations which accrued before the date on which a modification of such order is made under subsection (f).

"(h) Withholding Exercise of Jurisdiction.—A court of a State shall not exercise jurisdiction in any proceeding for a child support order or an adjudication of parentage commenced during the pendency of a proceeding in a court of another State when the court of the other State is exercising jurisdiction consistently with this section unless—

"(1) the proceeding was filed in the State before the expiration of time allowed in the other State for filing a responsive pleading challenging the exercise of jurisdiction by the other State;

"(2) the contesting party timely challenges the exercise of jurisdiction by the other State; and

"(3) if applicable, the court is in the home State of the child.

"(i) Choice of Law.—(1) Except as provided in paragraphs (2) and (3), the forum State's law shall apply in a proceeding to establish, modify, or enforce a child support order or an order adjudicating parentage.

"(2) The courts of a State shall apply the law of the State that issued a child support order or an order adjudicating parentage in interpreting such an order.

"(3) In an action to enforce a child support order or an order adjudicating parentage, the statute of limitations under the laws of the forum State or the issuing State, whichever is longer, shall apply.".

(2) Clerical Amendment.—The chapter analysis for chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738A the following new item:

"1738B. Full faith and credit to child support and parentage orders.".

SEC. 202. SERVICE OF PROCESS ON FEDERAL EMPLOYEES AND MEMBERS OF THE ARMED SERVICES RELATING TO CHILD SUPPORT, ALIMONY, AND PARENTAGE OBLIGATIONS.

(a) In General.—Part D of title IV is amended by inserting after section 460 the following new section:

"SERVICE OF PROCESS ON FEDERAL EMPLOYEES AND MEMBERS OF THE ARMED SERVICES RELATING TO CHILD SUPPORT, ALIMONY, AND PARENTAGE OBLIGATIONS.

"Sec. 460A. (a) The head of each agency shall designate an agent for receipt of service of process for any employee or member of the armed services of such agency who is stationed outside the United States or its territories and possessions relating to any action filed in a State court to establish, enforce, or modify a child support order or an alimony order, or to determine parentage.

"(b) The agent designated under subsection (a) shall receive service of process—

"(1) at the designated post of duty or regular place of business of the employee or member of the armed services; or

"(2) at a location within the United States for an employee or member of the uniformed services whose post of duty is outside of the United States.

"(c) Nothing in this section shall be construed to prohibit any employee or member of the armed services from requesting or being granted a stay or continuance in any action in a Federal or State court, including any relief available under the Soldiers and Sailors Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.).

"(d) For purposes of this section, the term 'agency' means each agency of the Federal Government, including—

"(1) an Executive agency as defined under section 105 of title 5, United States Code;

"(2) the Department of Defense with regard to employees of such department and members of the armed services;

"(3) the United States Postal Service and Postal Rate Commission;

"(4) any agency of the government of the District of Columbia;

"(5) any agency of the legislative or judicial branch of the Government; and

"(6) any advisory committee to which the Federal Advisory Committee Act (5 U.S.C. App.) applies.".

(b) Conforming Amendment for Garnishment Proceedings.—Section 459(b) (42 U.S.C. 659(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) With respect to any Federal employee, including any member of the armed services, who is stationed outside the United States, the agent designated under paragraph (1) shall receive service of process—

"(A) at the designated post of duty or regular place of business of the employee or member of the armed services; or

"(B) at a location within the United States for an employee or member of the armed services whose post of duty is outside of the United States.

"(3) Nothing in this section shall be construed to prohibit any employee or member of the armed services from requesting or being granted a stay or continuance in any action in a Federal or State court, including any relief available under the Soldiers and Sailors Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.).".

(c) Regulations.—No later than 270 days after the date of the enactment of this Act, the head of each agency shall promulgate and publish regulations implementing the amendments made by this section.

SEC. 203. PRESUMED ADDRESS OF OBLIGOR AND OBLIGEE.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 201, is amended by inserting after paragraph (17) the following new paragraph:

"(18) Procedures under which the State shall—

"(A) require the filing of parents' residential addresses, mailing addresses, home telephone numbers, driver's license numbers, social security numbers, names of employers, addresses of places of employment, and work telephone numbers with the appropriate court or administrative agency, on or before the date the final order is issued;

"(B) create the presumption that for the purpose of providing sufficient notice in any support-related action other than the initial notice in an action to adjudicate parentage or establish a child support order that the last residential address of the party given to the appropriate agency or court is the current address of the party, unless the individual owed the support obligation in good faith provides a more accurate address, which then becomes the presumed address of the individual who owes such obligation; and

"(C) ensure that information concerning the location of a parent or child shall not be released to the other parent if there is a court order for the physical protection of one parent or child entered against the other parent.".

SEC. 204. NOTIFICATION TO CUSTODIAL PARENTS.

Section 454 (42 U.S.C. 654) is amended by striking "and" at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting "; and", and by inserting after paragraph (24) the following new paragraph:

"(25) provide that the agency administering the plan—

"(A) notify any individual owed a child support obligation of all hearings in which such obligation might be established, modified, or enforced, in a timely fashion to allow custodial parents the opportunity to attend and present evidence to the court, except that failure to actually notify such individual may not be used as a ground for delay and shall not prevent a court from rendering a decision if the agency made reasonable attempts to provide such notice; and

"(B) provide custodial parents with a copy of any order that establishes, modifies, or enforces a child support obligation within 14 days of the date of the issuance of such order.".

SEC. 205. STATE UNIFORMITY REGARDING DETERMINATION OF PARENTAGE AND SUPPORT, JURISDICTION AND VENUE, AND FEDERAL EMPLOYEE RESIDENTIAL STATUS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 203, is amended by inserting after paragraph (18) the following new paragraph:

"(19) Procedures under which within the State—

"(A) a party seeking both parentage adjudication and child support establishment shall be able to bring both in a single cause of action;

"(B) the venue for parentage adjudication shall be in the county of residence of the child, when the child and alleged parent who is the defendant reside in different counties within the State;

"(C) a court or agency that issues a parentage or child support order shall have continuing and exclusive jurisdiction over the order until that court or agency transfers jurisdiction to the appropriate court or agency in the county where the child resides, or the parties consent to be bound by another court or agency in the State that has subject matter jurisdiction;

"(D) proceedings for purposes of enforcement and modification shall be transferred to the city, county, or district where the child resides without the need for refiling by the plaintiff or re-serving the defendant;

"(E) a court or agency that hears parentage or child support claims shall have statewide jurisdiction over the parties, and the parentage and child support orders issued by the court or agency shall have statewide effect for enforcement purposes; and

"(F) visitation denial is not a defense to child support enforcement and the nonpayment of support is not a defense to visitation enforcement.".

SEC. 206. FAIR CREDIT REPORTING ACT AMENDMENTS.

Section 604 of the Consumer Credit Protection Act (15 U.S.C. 1681b) is amended by adding at the end thereof the following new paragraph:

"(4) To an agency administering a State plan under section 454 of the Social Security Act (42 U.S.C. 654) to use the information relevant to the setting of an initial or modified child support award, without the necessity of a court order.".

SEC. 207. NATIONAL CHILD SUPPORT GUIDELINE COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "National Child Support Guidelines Commission" (in this section referred to as the "Commission").

(b) GENERAL DUTIES.—The Commission shall convene a conference to study the desirability of a national child support guideline, and if such guideline is advisable, the Commission shall develop for congressional consideration a national child support guideline that is based on the conference's study of various guideline models, the deficiencies of such models and any needed improvements.

(c) MEMBERSHIP.—

(1) NUMBER; APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of 9 individuals appointed jointly by the Secretary of Health and Human Services and the Congress, not later than January 15, 1995.

(B) QUALIFICATIONS OF MEMBERS.—Members of the Commission shall be appointed from among those who are able to provide expertise and experience in the evaluation and development of child support guidelines.

(2) TERMS OF OFFICE.—Each member shall be appointed for a term of 2 years. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMMISSION POWERS, COMPENSATION, ACCESS TO INFORMATION, AND SUPERVISION.—The first sentence of subparagraph (C), the first and third sentences of subparagraph (D), subparagraph (F) (except with respect to the conduct of medical studies), clauses (ii) and (iii) of subparagraph (G), and subparagraph (H) of section 1886(e)(6) of the Social Security Act shall apply to the Commission in the same manner in which such provisions apply to the Prospective Payment Assessment Commission.

(e) REPORT.—Not later than 2 years after the appointment of members, the Commission shall report to the President and the Congress on the results of the study described in subsection (b) and the final assessment by the Commission of issues relating to a national child support guideline.

(f) TERMINATION.—The Commission shall terminate upon the submission of the report described in subsection (e).

SEC. 208. GUIDELINE PRINCIPLES.

Section 467 (42 U.S.C. 667) is amended by adding at the end the following new subsections:

"(d) The guidelines established pursuant to subsection (a) shall include the following principles:

"(1) A change in the child support amount resulting from the application of the guidelines since the entry of the last support order is sufficient reason for modification of a child support obligation without the necessity of showing any other change in circumstance. The State may set a minimum timeframe between reviews of modifications based on the guidelines, absent other changes in circumstances.

"(2) By not later than 1995, each State shall establish automatic child support order review procedures based on the automated calculation of the amount of support to which a child is entitled.

"(3) Any custodial parent who is not receiving aid for families with dependent children under part A of this title must agree to the review of a child support award. Such custodial parent shall be advised of a recalculated support amount based on such review and given an opportunity to decline the pursuit of the modification.

"(e) The guidelines established pursuant to subsection (a) may consider the treatment of the following:

"(1) Work-related or job-training-related child care expenses of either parent for the care of children of either parent.

"(2) Health insurance and related uninsured health care expenses, and school expenses incurred on behalf of the child of such parents for whom the child support order is sought.

"(3) Remarried parent's spouse's income.

"(4) Multiple family child raising obligations other than those for the child for whom the child support order is sought.".

SEC. 209. DURATION OF SUPPORT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 205, is amended by inserting after paragraph (19) the following new paragraph:

"(20) Procedures under which the State—

"(A) requires a continuing support obligation by one or both parents until at least the latter of when a child reaches the age of eighteen, or graduates from or is no longer enrolled in secondary school or its equivalent, unless a child marries, or is otherwise emancipated by a court of competent jurisdiction;

"(B) provides that courts with child support jurisdiction have the discretionary power, pursuant to criteria established by the State, to order—

"(i) child support, payable to an adult child, at least up to the age of 22 for a child enrolled in an accredited postsecondary or vocational school or college and who is a student in good standing;

"(ii) either or both parents to pay for postsecondary school support based on each parent's financial ability to pay;

"(C) provides for child support to continue beyond the child's age of majority provided the child is disabled, unable to be self-supportive, and the disability arose during the child's minority; and

"(D) provides that courts should consider the effect of child support received on means-tested governmental benefits and whether to credit governmental benefits against a support award amount.".

SEC. 210. EVIDENCE.

(a) NATIONAL SUBPOENA DUCES TECUM.—Section 452(a) (42 U.S.C. 652(a)) is amended by striking "and" at the end of paragraph (9), by striking the period at the end of paragraph (10), and by inserting after paragraph (10) the following new paragraphs:

"(11) draft and distribute a national subpoena duces tecum for use by local and State child support agencies and child support litigants to reach income information pertaining to all private, Federal, State, and local government employees, as well as any receivers of income, such subpoena duces tecum—

"(A) to be limited to evidence regarding the prior 12 months of income or evidence of accumulated income to date,

"(B) to be honored by payors with the timely mailing of the information to a supplied address on the subpoena,

"(C) to be enforced by a hearing held in the payor's State at which time the payor bears, under penalty of State sanction, the burden of specifying the reasons for not timely honoring the subpoena, and

"(D) the information of which is to be admitted once offered to prove the truth of the matter asserted; and

"(12) establish a simplified certification process and admissibility procedure for out-of-State documents in child support or parentage cases.".

(b) STATE LAWS.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 209, is amended by inserting after paragraph (20) the following new paragraph:

"(21) Procedures under which—

"(A) any certified copy of an out-of-State order, decree, or judgment related to child support or parentage shall be admitted once offered in the courts of the State if such order, decree, or judgment is regular on its face;

"(B) the introduction of electronically transmitted information and faxed documents to the court or administrative agency shall be allowed to determine the amount of the obligation and terms of the order, and electronically transmitted records of payment of a child support agency that are regular on their face may be offered in a child support or parentage proceeding and shall be admitted to prove the truth of the matter asserted;

"(C) out-of-State depositions, interrogatories, admissions of fact, and other discovery documents may be offered and shall be admitted in a child support or parentage proceeding to prove the truth of the matters asserted in the documents if regular on their face and if such documents comply with the appropriate discovery rule or law of the State where the discovery was conducted; and

"(D) written, videotaped, or audiotaped evidence related to a child support or parentage proceeding may be offered and shall be admitted to prove the truth of the matter asserted therein.".

SEC. 211. NONRESIDENT'S TELEPHONIC ACCESS TO FORUM.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 210, is amended by inserting after paragraph (21) the following new paragraph:

"(22) Procedures under which litigants in an interstate parentage or child support administrative or judicial action may appear and participate by telephonic means.".

SEC. 212. UNIFORM TERMS IN ORDERS.

Section 452(a) (42 U.S.C. 652(a)), as amended by section 210, is amended by striking "and" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting "; and", and by inserting after paragraph (12) the following new paragraph:

"(13) develop, in conjunction with State executive and judicial organizations, a uniform abstract of a child support order, to be used by all State courts to record the facts of a child support order in a registry of child support orders established under section 466(a)(12), such abstract to include—

"(A) the date that support payments are to commence;

"(B) the circumstances upon which support payments are to terminate;

"(C) the amount of current child support expressed as a sum certain, arrearages expressed as a sum certain as of a certain date, and any payback schedule for the arrearages;

"(D) whether the support award is in a lump sum (nonallocated) or per child;

"(E) if the award is lump sum, the event causing a change in the support award and the amount of any change;

"(F) other expenses, such as those for child care and health care;

"(G) names of the parents;

"(H) social security numbers of the parents;

"(I) names of all children covered by the order;

"(J) dates of birth and social security numbers of children covered by the order;

"(K) court identification (FIPS code, name and address) of the court issuing the order;

"(L) health-care support information; and

"(M) party to contact when additional information is obtained.".

SEC. 213. SOCIAL SECURITY NUMBERS ON MARRIAGE LICENSES AND CHILD SUPPORT ORDERS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 211, is amended by inserting after paragraph (22) the following new paragraph:

"(23) Procedures under which social security numbers of the individuals applying for a marriage license are listed on the license by each applicant's name.'.

SEC. 214. ADMINISTRATIVE SUBPOENA POWER.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 213, is amended by inserting after paragraph (23) the following new paragraph:

"(24) Procedures under which the State agency may issue subpoenas that require the individual served to produce and deliver documents to or to appear at a court or administrative agency on a certain date and may sanction an individual for failing to obey the subpoena's command.".

TITLE III—PARENTAGE

SEC. 301. PARENTAGE.

(a) STATE PLAN.—

(1) IN GENERAL.—Section 454 (42 U.S.C. 654), as amended by section 204, is amended by striking "and" at the end of paragraph (24), by striking the period at the end of paragraph (25) and inserting "; and", and by inserting after paragraph (25) the following new paragraph:

"(26) in order to encourage voluntary paternity acknowledgement, provide for—

"(A) the development and distribution of material at schools, hospitals, agencies administering the programs under part A of this title and title XIX, prenatal health-care providers, WIC programs, health departments, clinics, and other appropriate locations that describe the benefits and responsibilities of paternity establishment and the process by which paternity services may be obtained,

"(B) outreach programs at hospitals and birthing facilities and programs for prenatal care, child birth, and parenting, and

"(C) the use of consent procedures.".

(2) ENHANCED FEDERAL MATCH.—Section 455(a)(1) (42 U.S.C. 655(a)(1)) is amended by striking "and" at the end of subparagraph (B), by inserting "and" after the semicolon at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

"(D) equal to 90 percent (rather than the percentage specified in subparagraph (A)) of so much of the sums expended during such quarter as are attributable to costs incurred in carrying out the purposes of section 454(26);".

(b) STATE LAW.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 214, is amended by inserting after paragraph (24) the following new paragraph:

"(25) Procedures under which—

"(A) a signature by an individual on a signature line provided for a father on a State birth certificate shall create a rebuttable presumption of parentage of the signatory, and the birth certificate shall be admitted as evidence for the truth of the matter asserted;

"(B) a simple, civil consent procedure is available for individuals who agree to acknowledge parentage of a child;

"(C) an acknowledgement of parentage may be incorporated in a witnessed, written statement that includes a statement that—

"(i) the individual understands the consequences of paternity establishment,

"(ii) the individual is signing the statement voluntarily, and

"(iii) the individual does not object to the court entering an order for parentage, based on the acknowledgment, without notice prior to the entry of the order and without the requirement of pleadings, service, summons, testimony or a hearing;

"(D) collection of information for support determination may be done concurrently with the parentage acknowledgment process, so long as consistent with State constitutional law;

"(E) the State shall use a civil procedure (and not a criminal procedure) for the determination of parentage;

"(F) the standard of evidence for such determination is a preponderance of the evidence;

"(G) a party may bring a parentage action without joinder of the named child and the State's law regarding privity of the parties shall govern the res judicata effect of nonjoinder;

"(H) the State establishes a threshold percentage of probability of parentage or a threshold percentage of likelihood of exclusion of those wrongfully accused which creates a presumption of parentage if such parentage testing results are admitted and uncontroverted;

"(I) a resolution of parentage may be made against a noncooperative party who refuses to submit to an order by a court for parentage testing;

"(J) any objection to the parentage testing or to the results of that testing must be made in writing at least 21 days prior to trial, and if no objection is made, the test result is admitted to prove the truth of the matter asserted, without the need for the attendance of a representative of the hospital, clinic, or parentage laboratory, except that a party is not prohibited from calling an outside expert witness to refute or support the testing procedure or results, or the mathematical theory on which the test results are based;

"(K) the introduction and admission into evidence, without the need for third-party foundation testimony, of prenatal and postnatal parentage-testing bills is allowed and each bill is regarded as prima facie evidence of the amount incurred on behalf of the child for the procedures included in the bill;

"(L) the State may enter a default order in parentage cases upon proper showing of evidence of parentage and of service of process on the defendant, without requiring the personal presence of the plaintiff;

"(M) temporary support orders are entered if—

"(i) the parentage testing results create a presumption of parentage,

"(ii) the individual from whom support is sought has signed a verified statement of parentage; or

"(iii) other clear and convincing evidence is presented that such individual is the child's parent; and

"(N) a party whose parentage has been previously determined by law may not plead nonparentage as a defense to a child support action.".

TITLE IV—ENFORCEMENT

SEC. 401. ANTI-ASSIGNMENT CLAUSES AMENDED.

Section 462(f)(2) (42 U.S.C. 662(f)(2)) is amended by striking "(not including" and all that follows through "compensation)".

SEC. 402. DIRECT INCOME WITHHOLDING.

(a) STATE LAW.—Section 466(b) (42 U.S.C. 666(b)) is amended by adding at the end the following new paragraphs:

"(11) Any individual or entity engaged in commerce, as a condition of doing business in the State, shall honor income withholding notices or orders issued by a court of any other State. Service of the notice may be by first-class mail, or directly served on the income source. The individual or entity served shall immediately provide a copy of the notice to the employee. The individual or entity shall honor the withholding notice or order—

"(A) if such notice or order is regular on its face,

"(B) regardless of the location of the employee's workplace.

If such notice or order is fully complied with, the individual or entity may not be held liable for wrongful withholding.

"(12) In any case under this part, if a contest to or refusal to comply with an income withholding notice or order occurs, the State seeking withholding shall send an informational copy of the withholding notice or order to the registry established under subsection (a)(14) in the State in which the employee is employed or which is the source of the income.

"(13) If the employee requests a hearing to contest the withholding based on a mistake of fact, that hearing may be held in the State of the income source or the State of the employee's employment, with a determination made within 45 days of the mailing of the withholding notice or order to the income source. The State where any hearing is held shall provide the appropriate services in cases enforced under the State plan to ensure that the interests of the individual owed the child support obligation are represented.".

(b) UNIFORM WITHHOLDING NOTICE.—Section 452(a) (42 U.S.C. 652(a)), as amended by section 212, is amended by striking "and" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting "; and", and by inserting after paragraph (13) the following new paragraph:

"(14) develop a uniform withholding notice to be used in all income withholding cases, such notice to list the number of children covered by such notice and to be generic to allow for the service of the same notice on subsequent or concurrent sources of income without the necessity of obtaining from the decisionmaker a new, income-source-specific notice.".

SEC. 403. PRIORITY OF WAGE WITHHOLDING.

Section 466(b) (42 U.S.C. 666(a)), as amended by section 402, is amended by inserting after paragraph (13) the following new paragraph:

"(14) Procedures under which, absent a request by the custodial parent, the presumptive priority of withholding under a child support or income withholding order is—

"(A) payments on current support obligations,

"(B) payments of premiums for health insurance for dependent children, and

"(C) payments on past due child support obligations and unreimbursed health-care expenses.

In the case of multiple withholding orders affecting the same employee, payments shall be made to each child on a pro rata basis.".

SEC. 404. DEFINITION OF INCOME SUBJECT TO WITHHOLDING INCLUDES WORKERS' COMPENSATION.

Section 462 (42 U.S.C. 662(f)) is amended—

(1) by striking "For purposes of section 459" and inserting "For purposes of section 459 and, in the case of subsection (f), this part",

(2) by striking the period at the end of paragraph (2) of subsection (f) and inserting ", or", and

(3) by adding at the end of subsection (f) the following new paragraph:

"(3) workers' compensation benefits.".

SEC. 405. CONSUMER CREDIT PROTECTION ACT AMENDMENTS.

(a) PREEMPTION OF STATE LAWS.—Section 307 of the Consumer Credit Protection Act (15 U.S.C. 1677) is amended—

(1) by striking "This" and inserting "(a) IN GENERAL.—Subject to subsection (b), this";

(2) by striking "or" at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting ", or"; and

(4) by adding at the end the following:

"(3) providing a cause of action, either by the State or a private individual, to enforce a Federal or State law related to garnishment for the purpose of securing child support.

"(b) EXCEPTION.—Subsection (a)(1) does not apply to the laws of any State that prohibit or restrict garnishments for the purpose of securing support for any person.".

(b) OTHER FORMS OF INCOME.—Title III of the Consumer Credit Protection Act (15 U.S.C. 1671 et seq.) is amended by adding at the end the following new section:

"SEC. 308. OTHER FORMS OF INCOME.

"This title does not apply to forms of income that are not earnings within the definition contained in section 302(a).".

(c) PRIORITY OF DEBTS.—Title III of the Consumer Credit Protection Act (15 U.S.C. 1671 et seq.), as amended by subsection (b), is further amended by adding at the end the following new section:

"SEC. 309. PRIORITY OF DEBTS.

"If an individual's disposable earnings are not sufficient to pay—

"(1) a garnishment intended to satisfy a Federal debt; and

"(2) a garnishment intended to satisfy a debt related to the support of any child,

the Federal debt shall be satisfied through garnishment only after the debt related to child support has first been satisfied.".

(d) ADDITIONAL INDEBTEDNESS IN ANTI-DISCHARGE SECTION.—Section 304 of the Consumer Credit Protection Act (16 U.S.C. 1674) is amended by adding at the end the following:

"(c) The prohibition contained in subsection (a) shall apply to any employee whose earnings are subject to garnishment for more than one indebtedness, if the additional indebtedness arises from an order for the support of a child.".

SEC. 406. ELECTION OF REMEDIES PROHIBITION.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 301, is amended by inserting after paragraph (25) the following new paragraph:

"(26) Procedures under which the doctrine of election of remedies may not be invoked in child support cases.".

SEC. 407. OCCUPATIONAL, PROFESSIONAL, AND BUSINESS LICENSES.

(a) STATE HOLD BASED ON WARRANT OR SUPPORT DELINQUENCY.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 406, is amended by inserting after paragraph (26) the following new paragraph:

"(27) Procedures under which the State occupational licensing and regulating departments and agencies may not issue or renew occupational, professional, or business licenses of—

"(A) noncustodial parents who are the subject of outstanding failure to appear warrants, capiases, and bench warrants related to a child support proceeding that appear on the State's crime information system, until removed from the system; and

"(B) individuals who are delinquent in their child support obligation, until the pro se obligee, the obligee's attorney, or a State prosecutor responsible for child support enforcement consents to, or a court that is responsible for the order's enforcement orders, the release of the hold on the license, or an expedited inquiry and review is completed while such individual is granted a 30-day temporary license.".

(b) FEDERAL HOLD BASED ON SUPPORT DELINQUENCY.—No Federal agency may issue or renew occupational, professional, or business licenses of individuals who are delinquent in their child support obligation, until the pro se obligee, the obligee's attorney or a State prosecutor responsible for child support enforcement consents to, or a court that is responsible for the order's enforcement orders, the release of the hold on the license, or an expedited inquiry and review is completed while such individual is granted a 30-day temporary license.

(c) WAIVER OF FEDERAL IMMUNITY.—The Federal Government shall waive its sovereign immunity claims by statute for this limited purpose and cooperate fully with local and State officials regarding license issuances or renewals.

SEC. 408. DRIVER'S LICENSES AND VEHICLE REGISTRATIONS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 407, is amended by inserting after paragraph (27) the following new paragraph:

"(28) Procedures under which the State motor vehicle department—

"(A) may not issue or renew driver's licenses or vehicle registrations (other than temporary) of noncustodial parents who are the subject of outstanding failure to appear warrants, capiases and bench warrants related to a child support proceeding that appear on the State's crime information system, until removed from the system;

"(B) upon receiving notice that an individual holds a State driver's license or vehicle registration who is the subject of a warrant related to a child support proceeding, issues a show cause order to that individual asking that individual to demonstrate why his or her driver's license or vehicle registration ought not be suspended until the warrant is removed by the State responsible for issuing the warrant; and

"(C) in cases in which a show cause order pursuant to subparagraph (B) has been issued, may grant a temporary license or vehicle registration to such individual pending the show cause hearing or the removal of the warrant, whichever occurs first.".

SEC. 409. LIENS ON CERTIFICATES OF VEHICLE TITLE.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 408, is amended by inserting after paragraph (28) the following new paragraph:

"(29) Procedures under which the State shall systematically place liens on vehicle titles for child support arrearages, using a method for updating the value of the lien on a regular basis or allowing for an expedited inquiry to and response from a governmental payee for proof of the amount of arrears, with an expedited method for the titleholder or the individual owing such arrearage to contest the arrearage claimed or to request a release upon fulfilling the support obligation. Such procedures shall establish that such lien have precedence over all other encumbrances on the vehicle title other than a purchase money security interest, and that the individual owed such arrearage may execute on, seize, and sell the property if warranted.".

SEC. 410. ATTACHMENT OF BANK ACCOUNTS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 409, is amended by inserting after paragraph (29) the following new paragraph:

"(30) Procedures under which the State shall authorize post-judgment seizure of bank accounts without the need to obtain a separate court order for the attachment. The funds shall be frozen pending notice to and an expedited opportunity to be heard for the account holder or holders. If the account holder or holders do not successfully challenge the freeze, the part of the account subject to the freeze up to the amount of the child support debt shall be turned over to the individual or State seeking the execution.".

SEC. 411. LOTTERIES, SETTLEMENTS, PAYOUTS, AWARDS, AND FORFEITURES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 410, is amended by inserting after paragraph (30) the following new paragraph:

"(31) Procedures, in addition to other income withholding procedures, under which a lien is imposed against property with the following effect:

"(A) A lottery player's winnings from a State lottery or a gambler's winnings in a State-sanctioned or tribal-sanctioned gambling house or casino shall have the winnings held by the distributor until an inquiry is made to and a response is received from the State child support enforcement agency whether the recipient of the winnings owes child support arrearage. If the recipient does owe child support, an amount equivalent to the arrearage shall be paid out of the winnings and forwarded directly to such agency for distribution.

"(B) Insurance settlements or policy payouts must be held by the insurance carrier or the risk-holder until an inquiry is made to and a response received from such agency regarding whether the beneficiary of the settlement or payout owes child support arrearage. If the beneficiary does owe child support, an amount equivalent to the arrearage shall be paid out of the settlement or payout and forwarded directly to such agency for distribution.

"(C) Lawsuits filed in State or Federal court that result in awards, judgments, or settlements shall be held by either the attorney for the payor or the pro se payor until an inquiry is made to and a response is received from such agency regarding whether the successful litigant owes child support arrearage. If the litigant does, an amount equivalent to the arrearage shall be paid out of the money held and forwarded directly to such agency for distribution.

"(D) Property seized and forfeited to the State when an individual has been convicted of a crime involving forfeiture of property, shall be held by the State until an inquiry is made to and a response is received from such agency regarding whether the convicted individual owes child support arrearage. If the convicted individual does, an amount equivalent to the arrearage shall be paid out and forwarded directly to such agency for distribution, after attendant costs such as those for towing, storage, and selling are deducted, and before all other private or public claimants to the property have their claims satisfied.".

SEC. 412. FRAUDULENT TRANSFER PURSUIT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 411, is amended by inserting after paragraph (31) the following new paragraph:

"(32) Procedures similar to provisions of the Uniform Fraudulent Transfer Act or the Uniform Fraudulent Conveyance Act that provide indicia or badges of fraud that create a prima facie case that an individual who owes a child support obligation transferred income or property to avoid the individual owed such obligation.".

SEC. 413. FULL IRS COLLECTION.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Commissioner of the Internal Revenue Services should instruct the field offices and agents of the Internal Revenue Service to give a high priority to requests for the use of full collection in delinquent child support cases, and to set uniform standards for full collection to ensure its expeditious and effective implementation.

(b) SIMPLIFIED PROCEDURE.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall by regulation simplify the full collection process and reduce the amount of child support arrearage needed before an individual may apply for full collection.

SEC. 414. BONDS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 412, is amended by inserting after paragraph (32) the following new paragraph:

"(33) Procedures which allow the posting of a cash bond, security deposit, or personal undertaking with the State child enforcement agency if child support payments are not timely made, with the refund of funds (other than the costs of posting) if the individual who owes a child support obligation makes full payments for a prescribed period of time.".

SEC. 415. TAX OFFSET FOR NON-AFDC POST-MINOR CHILD.

Section 464(c) (42 U.S.C. 664(c)) is amended—

(1) by striking "(1) Except as provided in paragraph (2), as" and inserting "As", and

(2) by striking paragraphs (2) and (3).

SEC. 416. ATTACHMENT OF PUBLIC AND PRIVATE RETIREMENT FUNDS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 414, is amended by inserting after paragraph (33) the following new paragraph:

"(34) Procedures under which—

"(A) an individual owed a child support obligation may attach lump sum funds invested by the individual who owes such obligation or the employer of such individual in public and private retirement plans, including any funds that are prematurely reachable by such individual without loss of employment even if the distribution would cause a penalty or tax to such individual for early withdrawal;

"(B) all early withdrawal penalties or taxes remain the responsibility of the individual who owes such obligation; and

"(C) the attachment is made without the requirement of a separate court order, with notice and an expedited hearing provided if requested.".

SEC. 417. REPORTING TO CREDIT BUREAUS.

Section 466(a)(7)(A) (42 U.S.C. 666(a)(7)(A)) is amended by striking "$1,000" and inserting "one month's worth of support".

SEC. 418. CRIMINAL NONSUPPORT.

(a) STATE LAW.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 416 is amended by inserting after paragraph (34) the following new paragraph:

"(35) Procedures under which—

"(A) criminal nonsupport penalties may be imposed; and

"(B) the use immunity may be granted to compel testimony in civil child support proceedings where the defendant claims a Fifth Amendment privilege against self-incrimination, and once granted, bars Federal or other State prosecution for criminal nonsupport based on the testimony given in the civil proceeding in which use immunity was granted.".

(b) FEDERAL LAW.—

(1) IN GENERAL.—Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"§ 1075. Flight to avoid payment of arrearages in child support

"(a) Whoever, for the purpose of avoiding payment of an arrearage under a legal child support obligation, leaves or remains outside the State in which such obligation is imposed, shall be fined under this title or imprisoned not more than six months for the first offense and no more than two years for a second or subsequent offense. After serving time, a continued failure to pay for six months shall constitute a second offense hereunder.

"(b) As used in this section—

"(1) the term 'arrearage' means, with respect to a legal child support obligation, a judicially determined arrearage in payments under such obligation; and

"(2) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States; and

"(3) and an absence of six months without any payment of arrearage shall create a rebuttable presumption of intent to avoid arrearage payment.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 49 of title 18, United States Code, is amended by adding at the end the following:

"1075. Flight to avoid payment of arrearages in child support".

SEC. 419. STATUTES OF LIMITATION.

(a) IN GENERAL.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 418, is amended by inserting after paragraph (35) the following new paragraph:

"(36) Procedures which permit the enforcement of any child support order until at least the child's 30th birthday.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to orders entered before, on, and after the date of the enactment of this Act.

SEC. 420. INTEREST.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 419, is amended by inserting after paragraph (36) the following new paragraph:

"(37) Procedures under which the State child support enforcement agency is required to assess and collect interest on all child support judgments, at the rate determined for interest on money judgments, and in addition to any late payment fee imposed by the State under section 454(21).".

SEC. 421. HEALTH-CARE ENFORCEMENT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 420, is amended by inserting after paragraph (37) the following new paragraph:

"(38) Procedures under which—

"(A) a rebuttable presumption is established that the individual owed a child support obligation shall have the right to choose the appropriate health care insurance for the children of the parties;

"(B) in making the appropriate order for health care insurance, the court shall consider the availability, coverage, and cost of any proposed insurance plan;

"(C) the insurance premium and noncovered health care expenses are apportioned between the parents pursuant to a formula included in the State's child support guideline;

"(D) any insurance premium or sum-certain health care expense for which the individual who owes such obligation is responsible shall be included in the child support order;

"(E) the individual owed such obligation under the child support order may act in the place of the insured, including the right to make direct application for insurance, and to make claims and sign claim forms to the same extent as the insured could;

"(F) if the individual who owes such obligation is securing the insurance, such individual shall provide, within 30 days of the order, written proof to the individual owed such obligation and the State child support enforcement agency that insurance has been obtained or an application made for insurance, and the date the insurance coverage is to take effect;

"(G) each welfare benefit plan operating under the laws of the State is required to include in such plan that—

"(i) the employer or union shall release to the individual owed such obligation or the State child enforcement agency, upon request, information on the dependent coverage including the name of the insurer,

"(ii) the employer or union or insurer shall provide all necessary reimbursement forms to such individual, and

"(iii) the employer or union shall provide claim forms and enrollment cards to such individual and honor the signature of such individual on the claim form;

"(H) courts shall quantify 'reasonable cost' in the order providing for medical support; and

"(I) employers located in the State are required to provide notice, using an address provided by the State child support enforcement agency, to the custodial parent for children of any termination or change in benefit of an insurance plan under which children in the parent's care are covered.".

SEC. 422. BANKRUPTCY.

(a) Definition.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (12) the following new paragraph:

"(12a) 'debt for child support' means a debt to a child for maintenance for or support of the child within the meaning of section 523(a)(5).".

(b) Exception From Automatic Stay.—Section 362(b) of title 11, United States Code, is amended—

(1) by inserting "(A)" after "(2);

(2) by adding "or" after the semicolon; and

(3) by adding at the end the following new paragraph:

"(B) under subsection (a), of the commencement or continuation of a civil action or administrative proceeding against the debtor—

"(i) to establish parentage;

"(ii) to establish, review, adjust, or modify a judgment or order creating a debt for child support; or

"(iii) to enforce or collect on a judgment or order issued in such an action or proceeding;".

(c) Treatment of Debt for Child Support in Proceedings Under Chapters 11, 12, and 13.—

(1) Chapter 11.—Section 1123(a) of title 11, United States Code, is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(8) provide for the full payment when due of debts for child support, unless the parent in custody or guardian of the child agrees otherwise.".

(2) Chapter 12.—Section 1222(a) of title 11, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) provide for the full payment when due of debts for child support, unless the parent in custody or guardian of the child agrees otherwise.".

(3) Chapter 13.—Section 1322(a) of title 11, United States Code, is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) provide for the full payment when due of debts for child support, unless the parent in custody or guardian of the child agrees otherwise.".

(d) Assertion of Claim for Child Support.—

(1) In general.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following new section:

"§ 511. Assertion of claim for child support

"(a) In General.—A claim for payment of a debt for child support may be asserted by the filing of a claim form that describes the debt.

"(b) Fee.—No fee shall be charged for the filing of a claim described in subsection (a).

"(c) Requirements for Appearance.—A claim described in subsection (a) may be made in any court by a person appearing—

"(1) in proper person; or

"(2) through an attorney admitted to practice in any district court, without the attorney's being required to meet any admission requirements other than those applicable in the district in which the attorney is admitted to practice.".

(2) Bankruptcy rules.—Pursuant to section 2705 of title 28, United States Code, the Bankruptcy Rules shall be amended as necessary to implement section 511 of title 11, United States Code, as added by paragraph (1); until the Bankruptcy Rules are so amended, any provision of the Bankruptcy Rules or the rules of any court that is inconsistent with that section is superseded by that section.

(e) Clarification of the Nondischargeability of State Public Debts and Assigned Child Support Based On The Provision of Expenditures Under Parts A and E of Title IV of the Social Security Act.—

Section 523 of title 11, United States Code, is amended by adding at the end the following new subsection:

"(f) For the purposes of subsection (a)(5), a debt to a child of the debtor for maintenance for or support of the child includes State public debts and assigned child support based on the provision of expenditures under parts A and E of title IV of the Social Security Act (43 U.S.C. 401 et seq. and 470 et seq.).".

SEC. 423. FEDERAL GOVERNMENT COOPERATION IN ENFORCEMENT OF SUPPORT OBLIGATIONS OF MEMBERS OF THE ARMED FORCES AND OTHER PERSONS ENTITLED TO PAYMENTS BY THE FEDERAL GOVERNMENT.

(a) Availability of Current Locator Information.—The Secretary of Defense shall prescribe regulations providing for each worldwide personnel locator service of the Armed Forces and each installation personnel locator service of the Armed Forces—

(1) to include the residential address of each member of the Armed Forces listed in such service;

(2) in the case of a change of duty station or residential address of a member so listed, to be updated with regard to the residential address of the member within 30 days after the change of duty station or residential address; and

(3) to make the information regarding the member's residential address available, on request, to any authorized person (as defined in section 453(c) of the Social Security Act (42 U.S.C. 653(c)) for the purposes of part D of title IV of such Act.

(b) Facilitating the Granting of Leave for Attendance at Hearings.—

(1) Regulations required.—The Secretary of each military department shall prescribe regulations to facilitate the granting of leave to a member of the Armed Forces under the jurisdiction of that Secretary when necessary for the member to attend a hearing of a Court that is conducted in connection with a civil action—

(A) to determine whether the member is a natural parent of a child; or

(B) to determine an obligation of the member to provide child support.

(2) Waiver authority.—The regulations may authorize a waiver of the applicability of the regulations to a member of the Armed Forces when—

(A) the member is serving in an area of combat operations; or

(B) such a waiver is otherwise necessary in the national security interest of the United States.

(3) Definitions.—In this section:

(A) The term "Court" has the meaning given such term in section 1408(a) of title 10, United States Code.

(B) The term "child support" has the meaning given such term in section 462 of the Social Security Act (42 U.S.C. 662).

(c) Payment of Military Retired Pay in Compliance With Court Orders.—

(1) Date of certification of court order.—Section 1408 of title 10, United States Code, is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection (h):

"(h) Certification Date.—It is not necessary that the date of a certification of the authenticity or completeness of a copy of a court order for child support received by the Secretary concerned for the purposes of this section be recent in relation to the date of receipt.".

(2) Payments consistent with assignments of rights to states.—

(A) Authority.—Subsection (d)(1) of such section is amended by inserting after the first sentence the following: "In the case of a spouse or former spouse who, pursuant to section 402(a)(26) of the Social Security Act (42 U.S.C. 602(26)), assigns to a State the rights of the spouse or former spouse to receive support, the Secretary concerned may make the child support payments referred to in the preceding sentence to that State in amounts consistent with the assignment of rights.".

(B) Rule of construction.—Subsection (c)(2) of such section is amended—

(i) by inserting after the first sentence the following: "The second sentence of subsection (d)(1) shall not be construed to create any such right, title, or interest.";

(ii) by inserting "(A)" after "(2)"; and

(ii) by designating the last sentence as subparagraph (B).

(3) Arrearages owed by members of the uniformed services.—Part D of title IV (42 U.S.C. 651 et seq.) is amended by inserting after section 465 the following new section:

"SEC. 465A. PAYMENT OF CHILD SUPPORT ARREARAGES OWED BY MEMBERS OF THE UNIFORMED SERVICES.

"Any authority, requirement, or procedure provided in this part or section 1408 of title 10, United States Code, that applies to the payment of child support owed by a member of the uniformed services (as defined in section 101 of title 37, United States Code) shall apply to the payment of child support arrearages as well as to amounts of child support that are currently due.".

SEC. 424. UIFSA ENDORSEMENT.

Section 466 (42 U.S.C. 666) is amended by adding at the end the following new subsection:

"(f) In order to satisfy section 454(20)(A), each State must have in effect laws which adopt verbatim the officially approved version of the Uniform Interstate Family Support Act adopted by the National Conference of Commissioners on Uniform State Laws in August 1992.".

TITLE V—COLLECTION AND DISTRIBUTION

SEC. 501. PRIORITY OF DISTRIBUTION OF COLLECTIONS.

(a) State Distribution Plan.—Section 457 (42 U.S.C. 657) is amended by adding at the end the following new subsection:

"(e) The amounts collected as support by a State pursuant to a plan approved under this part during any fiscal year beginning after September 30, 1994 (except amounts collected through a tax refund offset), shall (subject to subsection (d) be distributed as follows:

"(1) To a current month's child support obligation.

"(2) After the fulfillment of the current month's obligation, to debts owed the family (other than obligations under this title); if any right to child support were assigned to the State, then all arrearages that accrued after the child no longer received assistance under this title are to be distributed to the family; States may include any preassignment family-debt arrearages at this priority level.

"(3) To reimburse the State making the collection for any assistance payments made to the family (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing).

"(4) To reimburse other States for payments described in paragraph (3) (in the order in which such payments occurred). The collecting State shall continue to enforce the order until all such payments have been reimbursed and to transmit the collections and identifying information to the other State.".

(b) STUDY AND PILOT PROJECTS.—The Comptroller General of the United States (hereafter in this subsection referred to as the "Comptroller General") shall analyze the existing child support distribution system under section 457 of the Social Security Act and authorize pilot projects for the distribution of arrearages in the following order:

(1) Application of all support collected first to a current month's child support obligation.

(2) Application of funds collected in excess of the amount of the current month's obligation to debts owed the family (other than obligations under this title).

(3) Using funds collected in excess of the debts to the family and in excess of the amount of the current support obligation, to reimburse the State making the collection for any assistance payments made to the family (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing).

(4) Using funds collected in excess of the current month's support obligation after the debt to the family and the collecting State have been satisfied, to reimburse other States for payments described in paragraph (3) (in the order in which such payments occurred). The collecting State shall continue to enforce the order until all such payments have been reimbursed and to transmit the collections and identifying information to the other State.

(5) Subject to paragraph (6), the priority of distribution of interest shall reflect the distribution priority for the child support installment or the title IV of the Social Security Act grant on which the interest accrued.

(6) A State's right to retain interest on assigned support is limited to the grant amount paid by that State. All additional interest is to be distributed to the individual owed such support

The pilot projects shall be awarded to States that allow for the indefinite tolling of the statute of limitations on debts under title IV of the Social Security Act and are not governed by Federal case law that allows for the dischargeability of such debts in bankruptcy. In analyzing each pilot project a cost-benefit analysis, a welfare-medicaid-food stamp cost-avoidance analysis, and an analysis of the family impact including a present value dollar valuation of the distribution scheme shall be reported to the Comptroller General. The Comptroller General shall report the results of the study and pilot projects to the Congress.

(c) REVISION OF FEDERAL INCOME TAX REFUND OFFSET.—Section 6402 of the Internal Revenue Code of 1986 (relating to authority to make credits or refunds) is amended—

(1) by striking "after any other reductions allowed by law (but before" in subsection (c) and inserting "before any other reductions allowed by law (and before", and

(2) by striking "with respect to past-due support collected pursuant to an assignment under section 402(a)(26) of the Social Security Act" in subsection (d).

(d) FIFTY-DOLLAR DISREGARDED FOR ALL MEANS-TESTED PROGRAM.—Section 457(b)(1) (42 U.S.C. 657(b)(1)) is amended by inserting "under this part or under any other Federal program which determines eligibility for assistance or amount of such assistance based on the income or assets of the applicant for or recipient of such assistance" after "during such month".

(e) FILL-THE-GAP POLICIES ENCOURAGED.—The Secretary of Health and Human Services shall, upon request by any State, grant a waiver under section 1115(a)(1) of the Social Security Act with respect to the date limitations under section 402(a)(28) of such Act.

SEC. 502. RELATIONSHIP OF AFDC TO CSE—LIMITING REIMBURSEMENT CLAIMS TO AWARD AMOUNT.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 421, is amended by inserting after paragraph (38) the following new paragraph:

"(39) Procedures under which any claims for the child's portion of the assistance under this title such State may have against a noncustodial parent shall be limited to the amount specified as child support under a court or administrative order.".

SEC. 503. FEES FOR NON-AFDC CLIENTS.

Clause (ii) of section 454(6)(E) (42 U.S.C. 654(6)(E)) shall be amended to read as follows:

"(ii) at the option of the State, from any individual other than the custodial parent;".

SEC. 504. COLLECTION AND DISBURSEMENT POINTS FOR CHILD SUPPORT.

Section 454 (42 U.S.C. 654), as amended by section 301, is amended by striking "and" at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting "; and", and by inserting after paragraph (26) the following new paragraph:

"(27) provide either one central, statewide collection, accounting, and disbursement point for cases under this part or several local or regional collection and disbursement points throughout the State for all cases.".

TITLE VI—FEDERAL ROLE

SEC. 601. PLACEMENT AND ROLE OF THE FEDERAL CHILD SUPPORT AGENCY.

Section 452(a) (42 U.S.C. 652(a)), as amended by section 402 is amended—

(1) by striking "under the direction of a designee of the Secretary" and inserting "to be known as the Office of Child Support Enforcement, under the direction of an assistant secretary appointed by the President with the advice and consent of the Senate";

(2) by inserting "using a methodology that reflects cost-avoidance as well as cost-recovery" after "the States and the Federal Government" in paragraph (10)(A);

(3) by inserting ", including a separate legal counsel for the Office" after "Enforcement" in paragraph (10)(B);

(4) by redesignating subparagraphs (H) and (I) of paragraph (10) as subparagraphs (I) and (J) of such paragraph, respectively, and by inserting after subparagraph (G) of such paragraph the following new subparagraph:

"(H) the budgetary allocation of the $50 pass through equally between part A and this part;"; and

(5) by striking "and" at the end of paragraph (13), by striking the period at the end of paragraph (14) and inserting "; and", and by inserting after paragraph (14) the following new paragraph:

"(15) initiate and actively pursue with other Federal agencies, such as the Department of Defense, coordinated efforts on Federal legislation.".

SEC. 602. TRAINING.

(a) FEDERAL TRAINING ASSISTANCE.—Section 452(a)(7) (42 U.S.C. 652(a)(7)) is amended by inserting "and training" after "technical assistance".

(b) STATE TRAINING PROGRAM.—Section 454 (42 U.S.C. 654), as amended by section 504, is amended by striking "and" at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting "; and", and by inserting after paragraph (27) the following new paragraph:

"(28) provide that the State will develop and implement a training program which provides training no less than annually to all personnel providing functions under the State plan.".

(c) REPORT.—Section 452(a)(10) (42 U.S.C. 652(a)(10)), as amended by section 601, is amended by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) the training activities at the Federal and State levels, the training audit, and the amount of funds expended on training;".

SEC. 603. STAFFING.

Section 452(a) (42 U.S.C. 652(a)), as amended by section 601, is amended by striking "and" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; and", and by inserting after paragraph (15) the following new paragraph:

"(16) conduct staffing studies for each State child support enforcement program, including each agency and court involved in the child support process, and report such results to the Congress and the State officials.".

SEC. 604. FUNDING AND INCENTIVES FOR CHILD SUPPORT AGENCIES.

(a) STUDY.—The Comptroller General of the United States shall study the incentive formula under section 458 of the Social Security Act (42 U.S.C. 458) and investigate the feasibility, costs, and benefits of the following:

(1) Encouraging States to centralize functions at the State level.

(2) Abolishing minimum incentives to States as well as the requirement that incentive funds be passed to local child support enforcement agencies.

(3) Exploring incentive formula that are based on increases in FFP for States that exceed performance criteria instead of the present percentage of collections formula.

(4) Promoting quality control.

(5) Providing financial incentives for the enforcement of health-care expenses.

(6) Providing for a Federal incentive formula that would include tying incentive amounts to performance criteria that include total collections as a denominator (not solely the amount of AFDC collections) and which are not solely based on cost-benefit criteria alone.

(b) REPORT.—The Comptroller General of the United States shall report the results of the study described in subsection (a) to the Congress not later than 1996.

SEC. 605. CHILD SUPPORT DEFINITION.

(a) IN GENERAL.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following new subsection:

"(j) For purposes of this part, the term 'child support' includes periodic and lump sum payments for current and past due economic support, payments of premiums for health insurance for children, payments for or provision of child care, and payments for educational expenses.".

(b) CONFORMING AMENDMENT.—Section 462(b) (42 U.S.C. 662(b)) is amended—

(1) by inserting "and lump sum" after "periodic", and

(2) by inserting "child care," after "clothing,".

SEC. 606. AUDITS.

(a) STUDY.—The Secretary of Health and Human Services shall contract for a study of the audit process of the Office of Child Support Enforcement to develop criteria and methodology for auditing State child support enforcement agencies established under part D of title IV of the Social Security Act. The study shall be designed to result in improvements to the auditing process that include—

(1) reduction in the resources required to perform the audit,

(2) simplified procedures for States to follow in obtaining samples,

(3) the feasibility of sampling cases for needed action as opposed to the present audit methods that require sampling plans for each audit criteria, and

(4) a more timely audit period of review.

The study shall also be designed to determine a penalty process that focuses on improving the delivery of child support services and not harming families, specifically a penalty that is not tied to the reduction of funds available to the States to provide payments under the Aid to Families with Dependent Children program. Such a plan should include the escrowing of funds withheld as penalties for use by States in a federally approved program improvement.

(b) REPORT.—The Secretary of Health and Human Services shall report the results of the study described in subsection (a) to the Congress not later than 90 days after completion of the study.

(c) CONTINUATION OF OCSE'S AUDIT REVIEW.—From the date of the report described in subsection (b), the audit review of the Office of Child Support Enforcement shall be limited to cases open on such date and cases closed within 180 days before such date, unless there is a specific need for a longitudinal review of State agency case handling that includes cases that have been closed for more than 180 days. The criteria for longitudinal reviews shall be established by regulation by the Secretary of Health and Human Services. The Office of Child Support Enforcement shall continue to impose timeframes for implementation and audit standards for each mandated function under part D of title IV of the Social Security Act.

SEC. 607. CHILD SUPPORT ASSURANCE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Secretary of Health and Human Devices (hereafter in this section referred to as the "Secretary") shall provide for demonstration projects to determine the feasibility and utility of such an economic assistance program to assure minimum child support payments and to test alternative administrative procedures, administering agencies, and funding processes.

(b) DEMONSTRATION PROJECTS DESCRIBED.—The Secretary shall provide for at least 6 demonstration projects within 90 days of the date of the enactment of this Act. In selecting the demonstration sites, the Secretary shall ensure, to the extent possible, that those States selected use a variety of support guideline models.

(c) APPROVAL OF APPLICATIONS.—The Secretary may approve an application under this section if the State agency administering the plan under part D of title IV of the Social Security Act demonstrates by such application that the agency will develop a project that will meet the following criteria:

(1) Any child with a living noncustodial parent for whom a child support order has been sought or obtained and any child who meets "good cause" criteria for not seeking or enforcing a support order is eligible for the assured child support benefit.

(2) To be eligible for the assured child support benefit, the child's caretaker must apply for services under part D of title IV of the Social Security Act.

(3) Child support assurance is available to the extent that a child does not receive a specified minimum level of child support from the noncustodial parent.

(4) The State is at or above the national median paternity establishment rate (as defined in section 452(g)(2) of the Social Security Act) and provides assurances it will continue to improve its performance in the number of cases in which paternity is established, the number of cases in which child support orders are collected, and the number of cases in which child support collections are made.

(5) The receipt of child support assurance creates an assignment of support rights, such as created by receipt of public assistance, to the extent of the amount of child support assurance received.

(6) If the Federal Government does become subrogated to the rights of the caretaker to enforce and collect the support order up to the amount of child support assurance provided, Federal regulations shall provide clear instructions regarding distribution of any support payments received from the individual who owes such support.

(7) The State will specify how receipt of child support assurance will affect a State's incentives and Federal financial participation.

(d) DURATION OF PROJECT.—The demonstration projects provided for in this section shall be conducted for a period of 5 years. The Secretary may cancel a project if the Secretary determines that such project is not being conducted consistent with or satisfactorily under this section.

(e) ANNUAL GRANTS.—The Secretary shall make annual grants to the agency of an approved demonstration project under this section in such sums as are necessary to carry out such project.

(f) REPORT.—The Secretary shall within 90 days after the completion of the last demonstration project under this section submit a report to the Congress detailing the findings, the cost-effectiveness of each project, and—

(1) the impact of the project on the economic well-being of children and adults in both custodial and noncustodial households;

(2) the impact of the project on participation rates under title IV of the Social Security Act; and

(3) the impact of the project on interstate collections as well as on intrastate collections from noncustodial parents.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

SEC. 608. DEVELOPMENT OF A CHILDREN'S TRUST FUND.

(a) DESIGNATION OF CONTRIBUTIONS.—

(1) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end thereof the following new part:

"PART IX—DESIGNATION OF CONTRIBUTIONS TO CHILDREN'S TRUST FUND

"Sec. 6097. Amounts for Children's Trust Fund.

"SEC. 6097. AMOUNTS FOR CHILDREN'S TRUST FUND.

"(a) IN GENERAL.—With respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that any contribution which the taxpayer includes with such return be paid over to the Children's Trust Fund.

"(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year—

"(1) at the time of filing the return of the tax imposed by chapter 1 for such taxable year, or

"(2) at any other time (after the time of filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary.

Such designation shall be made in such manner as the Secretary prescribes by regulations except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year, such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.".

(2) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Part IX—Designation of contributions for Children's Trust Fund.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1992.

(b) ESTABLISHMENT OF CHILDREN'S TRUST FUND.—

(1) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to the trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9512. CHILDREN'S TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Children's Trust Fund', consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFER TO CHILDREN'S TRUST FUND OF AMOUNTS DESIGNATED.—There is hereby appropriated to the Children's Trust Fund amounts equivalent to the amounts designated under section 6097 and received in the Treasury.

"(c) EXPENDITURES FROM TRUST FUND.—

"(1) IN GENERAL.—Amounts in the Children's Trust Fund shall be available as provided by appropriation Acts for making expenditures for programs regarding child support and the specific mandates described in part D of title IV of the Social Security Act, especially such mandates established by the amendments made by the Omnibus Interstate Child Support and Parentage Act.

"(2) ADMINISTRATIVE EXPENSES.—Amounts in the Children's Trust Fund shall be available to pay the administrative expenses of the Department of the Treasury directly allocable to—

"(A) modifying the individual income tax return forms to carry out section 6097,

"(B) carrying out this chapter with respect to such Trust Fund, and

"(C) processing amounts received under section 6097 and transferring such amounts to such Trust Fund.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Sec. 9512. Children's Trust Fund.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1992.

TITLE VII—STATE ROLE

SEC. 701. PROHIBITION OF RESIDENCY REQUIREMENT FOR IV-D SERVICES.

Section 454 (42 U.S.C. 654), as amended by section 602, is amended by striking "and" at the end of paragraph (27), by striking the period at the end of paragraph (28) and inserting "; and", and by inserting after paragraph (28) the following new paragraph:

"(29) provide that an applicant may not be denied services under the plan solely because of the applicant's nonresidency in that State.".

SEC. 702. ADVOCATING FOR CHILDREN'S ECONOMIC SECURITY.

Section 454 (42 U.S.C. 654), as amended by section 702, is amended by striking "and" at the end of paragraph (28), by striking the period at the end of paragraph (29) and inserting "; and", and by inserting after paragraph (29) the following new paragraph:

"(30) provide that the State agency administering the plan shall advocate to promote the greatest economic security possible for children, within the ability of the individual who owes a child support obligation to pay such obligation.".

SEC. 703. DUTIES OF IV-D AGENCIES.

Section 454 (42 U.S.C. 654), as amended by section 703, is amended by striking "and" at the end of paragraph (29), by striking the period at the end of paragraph (30) and inserting "; and", and by inserting after paragraph (30) the following new paragraph:

"(31) provide that the State agency administering the plan shall provide to all custodial parents—

"(A) a written description of available services and a statement articulating the priority of distribution and the degree of confidentiality of information;

"(B) a statement that before the agency consents to a dismissal with prejudice or a reduction of arrearages, the agency shall provide notice to the last known address at least 30 days before dismissal;

"(C) written quarterly reports on case status;

"(D) a statement that services under this part are mandatory if an individual is determined eligible under part A; and

"(E) a statement that while eligibility under part A is being determined, an applicant is eligible for services under this part and all application fees are deferred pending such determination.".

SEC. 704. BROADER ACCESS TO SERVICES.

It is the sense of the Congress that State and local child support enforcement agencies should provide—

(1) offices in easily accessible locations near public transportation,

(2) office hours that allow parents to meet with attorneys and caseworkers without taking time off from work, and

(3) office environments conducive to discussion of legal and personal matters in privacy (e.g., individual interview rooms and child care facilities).

SEC. 705. PROCESS FOR CHANGE OF PAYEE IN IV-D CASES.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 502, is amended by inserting after paragraph (39) the following new paragraph:

"(40) Procedures under which a change in payee may not require a court hearing or order to take effect and may be done administratively, as long as a statement by an agency official is included in the court or administrative file documenting the change.".

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect on January 1, 1996.

ABBREVIATED BILL SUMMARY FOR BRADLEY INTERSTATE CHILD SUPPORT ENFORCEMENT ACT

The recommendations of the U.S. Commission on Interstate Child Support provide a framework for improvement in child support enforcement across state lines without dismantling the current state-based system.

PATERNITY ESTABLISHMENT

1. Mandates hospital-based paternity acknowledgment programs
2. Designs voluntary paternity establishment processes
3. Mandates state outreach programs

LOCATE NON-CUSTODIAL PARENTS

1. Changes the federal W-4 form to provide for a line on which new hires have to note whether or not they are the subjects of a support order, and if so, whether that order requires wage withholding.
2. Requires every employer to submit a copy of every new employee's W-4 form to his state's employment security agency.
3. Establishes a computer network and requires that the W-4 information be broadcast over this national network in order to match information against an abstract of outstanding support orders to identify non-custodial parents who are sought for parentage or child support.

SUPPORT ORDER ESTABLISHMENT

1. Expands long-arm statutes in every state to allow states to reach out and assert jurisdiction over non-resident parents.

ENFORCEMENT TECHNIQUES

1. Suspends driver's and professional licenses of parents who do not pay child support.
2. Increases the use of credit reporting, liens on tangible property, interception of lottery winnings, lawsuit settlements and other awards.
3. Uses more actively the fraudulent conveyance laws to invalidate transfers of assets that were made to avoid paying child support.
4. Requires all states to make it a state crime to willfully fail to pay child support.

STAFFING AND TRAINING

1. Encourages staffing studies and training assistance from the federal government to the states.

DETAILED SUMMARY OF THE INTERSTATE CHILD SUPPORT ENFORCEMENT ACT

TITLE 1—LOCATE AND CASE TRACKING

Sec. 101: Expansion of the Use of the Federal Parent Locator System.

Allows the Federal Parent Locator System to be used for the purposes of parentage establishment, child support establishment, modification and enforcement, and child visitation enforcement, provided that safeguards are in place to prevent release of information when it may jeopardize the safety of the children or either parent.

Sec. 102: Expansion of Data Bases Accessed by Parent Locator Systems.

(1) Allows the Federal Parent Locator System access to the quarterly estimated Federal income tax returns filed by individuals with the IRS.

(2) Requires the states to have in place procedures under which the state agency responsible for child support enforcement shall have automated on-line or batch access to information regarding residential addresses, employers and employer addresses, income and assets, and medical insurance benefits of absent parents. Data bases to which the state child support agency shall have access include: (a) the state revenue or taxation department; (b) the state motor vehicle registration department; (c) the state employment security department; (d) the state crime information system; (e) the State bureau of corrections; (f) the state recreational, occupational, and professional licensing department; (g) the Secretary of State's office; (h) the State bureau of vital statistics; (i) state or local agencies administering public assistance; (j) state or local real and personal property record departments; (K) publicly regulated utility companies located in the state; (l) credit reporting agencies located in the state; and; (m) trade and labor unions located in the State.

(3) Requires the States to maintain child support order registries.

Sec. 103: Expansion of Access to National Network for Location of Parents.

(1) Requires the Department of Health and Human Services, through the Office of Child Support Enforcement to expand the Federal Parent Locator System to provide for a national network which allows states to: (i) access the records of other state agencies and federal sources to locate information directly from one computer to another; (ii) access the files of other states to determine whether there are other child support orders and obtain the details of those orders; (iii) process locate requests; and (iv) direct locate requests to individual states or Federal agencies, broadcast requests to selected states, or broadcast cases to all states when the source of needed information is not known.

(2) provides for a 90% FFP for expenses incurred by the states in developing the capacity to effectively take advantage of the network.

Sec. 104: Private Attorney Access to Locate and Enforcement Services.

(1) Requires that private attorneys and pro se obligees be allowed access to state locate resources, tax refund offsets and other public enforcement techniques for the limited purpose of locating individuals for parentage establishment, child support establishment, modification and enforcement of orders, and enforcement of visitation orders with appropriate privacy safeguards for the information provided.

Sec. 105: National Reporting of New Hires and Child Support Information.

(1) Requires the Secretary of the Treasury to modify the W-4 form completed by new employees to include a statement of whether: (a) a child support obligation is owed and, if so, to whom it is payable and the amount to be paid and (b) if payment is by income withholding; and (c) if the employee has health insurance available.

(2) Requires the Secretary of the Treasury to establish a system of reporting new em-

ployees by requiring all employers to provide a copy of every new employee's W–4 form to the employment security agency of the state in which the employer is located.

(3) Requires the states to confirm the information provided on the W–4 form or identify child support obligations that had not been reported through the use of the network established in the expanded Parent Locator System.

(4) Requires the states to notify the employer using a standard wage withholding notice developed by the Federal Office of Child Enforcement in cases where the employee has not correctly reported information regarding his or her child support obligations on the W–4 form and initiate immediate wage withholding of child support.

(5) Requires the states to broadcast and make available to other states over the network information based on the W–4 form that had been sent to the state employment security agency.

(6) Requires the states to notify a child support payee or payee's designee when there is a match between W–4 information broadcast over the network and the abstract of support orders on file in the state registry of child support centers.

(7) Requires the Secretary of Treasury to modify the federal income tax W–2 form to include a report of the amount of child support withheld for each employee by the employer.

(8) Makes it a federal crime for an employer to misappropriate a child support obligor's income that was purported to be withheld by the employer for the benefit of a child support obligee.

Sec. 106: Access to Law Enforcement Systems of Records.

Requires the heads of the National Criminal Information Center, the National Law Enforcement Telecommunications Network, and any other national or regional systems for tracking individuals to allow access to information held to federal, state and local child support agencies.

Sec. 107: State Networks for Broadcasting Warrants.

(1) Requires the states to broadcast on their local and state crime information systems failure-to-appear warrants, capiases, and bench warrants issued by courts in civil and criminal parentage and child support cases in their states.

(2) If a defendant posts security after being arrested, requires the states to remit any subsequent forfeiture to the child support obligee to the extent of any child support arrearage.

TITLE II—ESTABLISHMENT

Section 201: Long-arm Jurisdiction and Full Faith and Credit.

(1) Requires states to pass long-arm statutes which provide for jurisdiction over a non-resident in an action to establish, enforce or modify a child support order, or to determine parentage if one or more of the following conditions are met: (1) the non-resident was personally served with process in the State; (2) the non-resident submitted to the jurisdiction of the State by consent, by entering a general appearance, or by filing a pleading that effectively waived any contest to jurisdiction; (3) the non-resident resided in the state with the child during the child's lifetime; (4) the non-resident resided in the State and provided support for the child by paying prenatal expenses or support after the child's birth; (5) the child resides in the state as a result of the acts or directives of the non-resident; (6) the non-resident engaged in sexual intercourse in the State and the child may have been conceived by that intercourse; (7) the non-resident asserted parentage with a putative further registry maintained by the State; (8) there is any other basis consistent with the constitution of the State and the Constitution of the United States for the exercise of personal jurisdiction over the non-resident.

(2) Expresses the sense of the Congress that child-state jurisdiction is consistent with the Due Process clause of the Fifth and Fourteenth Amendments. Section 5 of the Fourteenth Amendment, the Commerce Clause, the General Welfare Clause, and the Full Faith and Credit Clause the U.S. Constitution.

(3) Requires the states to promulgate procedures under which the states shall treat out-of-state service of process in parentage and child support actions in the same manner as in-state service of process.

(4) Requires the states to provide for service of process outside a state by: (i) personal delivery according to the law relating to in-state service of process; (ii) personal delivery according to the law of the state in which the service is made; (iii) by mail, subject to the Rules of Civil Procedure of the state serving process; (iv) other means of notification which are consistent with state rules of civil procedure.

(5) Requires the states to recognize and enforce parentage and child support orders of other states where jurisdiction was properly asserted.

(6) Requires the states to maintain continuing, exclusive jurisdiction over the case for as long as the state remains the child's state or the resident of any contestant.

(7) Allows a state court to modify the parentage or child support order of a court of another state only: (1) if it has jurisdiction to make such order and (2) the court of the other state no longer has continuing, exclusive jurisdiction because (a) the other state no longer is the child's state or the resident of any contestant; (b) after notice and hearing, the court of the other state has declined in writing to exercise its jurisdiction to modify the order; or (c) all the parties consent to the exercise of jurisdiction by the forum court.

(8) Provides that a court in one state shall not exercise jurisdiction in a parentage or child support proceeding during the pendency of a proceeding in a court of another state which has jurisdiction unless: (1) the court considering the exercise of jurisdiction is the home state of the child; (2) the action was commenced in the home state before the expiration of time allowed in the other state for filing of the original responsive pleading challenging the exercise of jurisdiction by the other state; and (3) the contestant timely filed a challenge to jurisdiction in the other state.

(9) Requires courts of a state to apply the law of the forum state in an action to adjudicate parentage or to establish a child support order except when: (1) it is interpreting an order issued by a court of another state or (2) in permitting an action to collect child support arrearages to be maintained, when the statute of limitations of the forum state would preclude the action but the statute of limitations of the issuing state would permit the action.

SEC. 202: Service of Process on Federal Employees and Members of the Armed Forces Relating to Child Support and Alimony.

Requires the heads of each federal military agency to designate an agent for receipt of service of process of a child support action for any employee or member of the armed forces of such agencies.

SEC. 203: Presumed Address of Obligor and Obligee.

(1) Requires that parents' identification and locate information be left with the state court adjudicating parentage and child support actions.

(2) Requires the states to create a presumption that, for the purposes of providing sufficient notice in any child support-related action other than the initial notice in an action to adjudicate parentage or establish a child support order, the last residential address of the party given to the appropriate agency or court is the current address of the party.

Sec. 204: Notice to Custodial Parents

(1) Requires state child support agencies to notify custodial parents in a timely fashion of all hearings in which child support obligations might be established or modified.

(2) Requires state child support agencies to provide custodial parents with a copy of any order that establishes or modifies a child support obligation within 14 days of the issuance of such order.

Sec. 205: State Uniformity Regarding Determination of Parentage and Support, Jurisdiction and Venue, and Federal Employee Residential Status.

(1) Requires the states to allow parties seeking both parentage adjudication and child support establishment in a judicial proceeding to bring a joint action in a single cause of action.

(2) Requires the states to provide for venue for parentage adjudication in the county of residence of the child when the child and alleged parent who is the defendant reside in different counties within the state.

(3) Requires the states to mandate that a state court or agency that issues a parentage or child support order has continuing and exclusive jurisdiction over a child support case until that court or agency transfers jurisdiction to another court or agency that has jurisdiction in the county where the child resides, or the parties consent to be bound by the appropriate court or agency that has jurisdiction.

(4) Requires the states to provide for transfers of cases to the city, county, or district where the child resides for purposes of enforcement and modification, without the need for refiling by the plaintiff or re-serving the defendant.

(5) Requires the state child support agencies or state courts that hear child support claims to exert statewide jurisdiction over the parties and allow the child support orders to have statewide effect for enforcement purposes.

(6) Requires the states to make clear that visitation denial is not a defense to child support enforcement and the defense of nonsupport is not available as a defense when visitation is at issue.

Sec. 206: Fair Credit Reporting Act Amendments.

Allows state child support agencies to access and use credit reporting agencies for the purposes of obtaining information relevant to the setting of an initial or modified support order, without the necessity of obtaining a court order to authorize access.

Sec. 207: National Child Support Guideline Commission.

Creates a National Child Support Guidelines Commission no later than 1995, for the purpose of studying the desirability of national child support guidelines.

Sec. 208: Guideline Principles.

(1) Requires the states in promulgating their child support guidelines to make the application of the guidelines a sufficient rea-

son for modification of a child support obligation without the necessity of showing any other change in circumstances.

(2) Requires the states to establish by 1995 procedures for the automated calculation of the amount of child support to which a child is entitled based on the state's child support guideline for review purposes.

(3) Requires state guidelines to provide that any custodial parent who is not receiving AFDC must agree to the review of a child support order in IV-D cases. To ensure that IV-D agency resources are used effectively and that parents' rights are protected, the agency should notify the custodial parent of the time for a review and of the right to request an "opt-out."

(4) Requires that state child support guidelines take into account work-related or job-training related child care expenses of either parent or the children of these parents, health insurance and related uninsured health care expenses, the remarried parent's spouse's income and school expenses incurred on behalf of the child of these parents.

Sec. 209: Duration of Support.

(1) Requires the states to provide for a continuing support obligation by one or both parents until the date upon which a child reaches the age of 18 or graduates from or is no longer enrolled in secondary school or its equivalent, whichever is later. The support order would also cease when a child marries or is otherwise emancipated by a court of competent jurisdiction.

(2) Requires the states give their courts discretionary power to order: (1) child support payable at least up to the age of 22 for a child enrolled in an accredited post-secondary school or vocational school or college and who is a student in good standing; (ii) child support from either or both parents to pay post-secondary school support based on each parent's financial ability to pay.

(3) Requires the states to provide for the continuation of child support beyond the child's age of majority provided the child is disabled and unable to be self-supportive, and the disability arose during the child's minority.

(4) Requires the state courts to consider the effect of child support received on means-tested governmental benefits and whether to credit governmental benefits against a support award amount.

Sec. 210: Evidence.

(1) Requires the Office of Child Support Enforcement to draft and distribute to local and state child support agencies a national subpoena duces tecum with nation-wide reach to reach income information pertaining to all private, federal, state, and local government employees.

(2) Requires that the scope of the subpoena be limited to the prior 12 months of income.

(3) Provides that payors may honor the subpoena by timely mailing the information to a supplied address on the subpoena.

(4) Provides that the information provided pursuant to the subpoena shall be admitted once offered to prove the truth of the matter asserted.

(5) Requires the Office of Child Support Enforcement to establish a simplified certification process and admissibility procedure for out-of-state documents in parentage or child support cases.

(6) Requires the states to establish procedures under which certified copies of out-of-state orders, decrees, or judgments related to parentage or child support shall be admitted once offered in the courts of the stated if such orders, decrees, or judgments are regular on their face.

(7) Requires the states to establish procedures for the introduction of electronically transmitted information and faxed documents in child support or parentage proceedings.

(8) Requires the states to establish procedures under which out-of-state depositions, interrogatories, admissions of fact, and other discovery documents can be admitted once offered in a parentage or child support hearing to prove the truth of the matters asserted in the documents.

(9) Requires the states to promulgate procedures for the introduction of written, videotaped, or audiotaped evidence related to a parentage or child support proceeding.

Sec. 211: Nonresidential Telephonic Access to Forum.

Requires the states to develop procedures under which litigants in interstate parentage or child support cases can participate in those cases by telephonic means.

Sec. 212: Uniform Terms in Orders.

(1) Requires the Department of Health and Human Services to develop a uniform abstract of a child support order to be used by all states to record the facts of a child support order in a registry of child support orders.

(2) Requires that the uniform abstract of a child support order include: (a) the date that support payments are to commence; (b) the circumstances upon which support payments are to terminate; (c) the amount of current child support expressed as a sum certain as of a certain date, and any payback schedule for the arrearages; (d) whether the support award is in lump sum (nonallocated) or per child; (e) if the award is lump sum, the event causing a change in the support award and the amount of any change; (f) other expenses, such as those for child care and health care; (g) names of the parents; (h) social security numbers of the parents; (i) names of all children covered by the order; (j) dates of birth and social security numbers of children covered by the order; (k) court identification (FIPS code, name and address) of the court issuing the order; (1) health-care support information; and (m) the party to contact when additional information is obtained.

Sec. 213: Social Security Numbers on Marriage Licenses and Child Support Orders.

Requires the states to list on marriage licenses the social security numbers of persons applying for and receiving such marriage licenses.

Sec. 214: Administrative Subpoena Power.

Require the states to have and use laws that empower IV-D paternity and child support actions to produce and deliver documents to or to appear at a court or administrative agency on a certain date.

TITLE III—PARENTAGE

Sec. 301: Parentage.

(1) Requires the states to provide for hospital-based paternity establishment and the establishment of paternity outreach programs.

(2) Provides a 90% FFP for state paternity outreach programs.

(3) Requires the states to promulgate procedures under which the states may bring parentage actions without joinder of the named child.

(4) Requires the states to use civil, instead of criminal, procedures for parentage actions, including a preponderance of the evidence standard for finding parentage.

(5) Requires the states to determine a threshold percentage of probability of parentage or a threshold percentage of likelihood of exclusion of those wrongfully accused of parentage. Requires the states to create a rebuttable presumption if parentage of admitted and uncontroverted parentage testing results satisfy such thresholds.

(6) Requires the states to provide for a resolution of parentage against a noncooperative party who refuses to submit to an order by a court for parentage testing.

(7) Requires the states to provide for the use of temporary support orders were appropriate.

(8) Requires states to establish procedures by which a parentage finding is treated as res judicata to the same extent as any other civil judgment.

(9) Requires the states to establish procedures by which a signature by an individual on a signature line provided for a father on a state birth certificate shall create a rebuttable presumption of parentage of the signatory, and the birth certificate shall be admitted as evidence for the truth of the matter asserted.

(10) Requires the states to develop a simple civil consent procedure for persons who voluntarily acknowledge parentage.

(11) Requires the states to develop procedures that would allow the collection of information for support to be done concurrently with the parentage acknowledgment process, where such procedures would be consistent with state constitutional law.

(12) Requires the states to promulgate procedures which provide for the introduction and admission into evidence, without the need for third-party foundation testimony, of pre-natal and post-natal parentage-testing bills.

(13) Requires the states to establish procedures under which the state may enter a default order in parentage cases against the defendant upon a showing of evidence of parentage and service of process on the defendant, without the personal presence of the petitioner.

(14) Requires the states to establish procedures: (a) requiring that objection to parentage testing or its results be made in writing at least 21 days prior to trial; (b) specifying that if no objection is made, the test result will be admitted to prove the truth of the matter asserted, without the need for the attendance of a representative of the hospital, clinic, or parentage laboratory; (c) that make it possible for the parties in a parentage case to call on outside expert witnesses to refute or support the testing procedure or results, or the mathematical theory upon which the test results are based, if they so desire.

TITLE IV—ENFORCEMENT

Sec. 401: Anti-Assignment Clauses Amended.

Amends several anti-assignment provisions to make it possible for child support to be withheld from certain governmental sources, including veteran's disability, military disability, railroad workers disability and retirement, long shore and harbor workers benefits, black lung benefits, and federal health benefits.

Sec. 402: Direct Income Withholding.

(1) Requires states to mandate that any person or entity in commerce, as a condition of doing business in that state, honor income withholding notices issued by a child support tribunal of any state.

(2) Requires the Secretary of Health and Human Services to develop a uniform withholding notice to be used in all income withholding cases.

Sec. 403: Priority of Wage Withholding.

Requires the states to apply proceeds from income withholding in the following manner:

(1) payments on current support obligations; (2) payment of premiums for health insurance for the defendant's children; and (3) payments on past due child support obligations and unreimbursed health-care expenses.

Sec. 404: Definition of Income Subject to Withholding Including Workers' Compensation.

Allows worker's compensation income to be subject to income withholding.

Sec. 405: Consumer Credit Protection Act Amendments.

(1) Acknowledges that state and federal child support garnishment laws are not preempted by the Consumer Credit Protection Act.

(2) Prohibitions the country of child support garnishments against the more-than-one garnishment exception to the anti-discrimination section of the Consumer Credit Protection Act.

(3) Prohibits state discretion in setting garnishment limitations based on the obligor's disposable income.

(4) Requires that federal debts receive a lower priority than child support debts when the obligor's disposable income cannot satisfy both debts through withholding.

Sec. 406. Election of Remedies Prohibition.

Requires the states to provide that the election of remedies doctrine does not apply in child support cases, so that when mandatory wage withholding is expanded to most cases in 1944, alternative collection efforts, such as tax refund offset and contempt actions, are not prohibited.

Sec. 407. Occupational, Professional and Businesses Licenses.

(1) Requires the states to establish procedures under which the professional or occupational licenses of custodial parents who are the subjects of outstanding failure to appear warrants, capiases, and bench warrants related to child support cases may not be renewed.

(2) Requires the states to give pro se obligees, obligee's attorneys, state prosecutors, and courts authority to decide whether a professional or occupational license renewal request of a delinquent child support obligor should be approved.

(3) Requires the states to provide for the use of temporary occupational and professional licenses during a review of a delinquent child support obligor's request for a renewal of his or her license.

(4) Requires the federal government to withhold renewal of the professional, occupational, or business license of a delinquent child support obligor until the pro se obligee, obligee's attorney, or state prosecutor involved in the case against the obligor consents to renewal, a court responsible for the enforcement of the child support order the release of the hold on the license, or an expedited inquiry and review is completed while the obligor is granted a 30-day temporary license.

Sec. 408: Driver's License and Vehicle Registration.

(1) Requires the states to develop procedures under which motor vehicle departments may not issue or renew driver's licenses or car registrations of noncustodial parents who are the subject of outstanding failure to appear warrants, capiases or bench warrants related to a parentage or child support proceeding where such warrants, capiases or bench warrants appear on the state's crime information system, until removed from the state's crime information system, until removed from the system.

(2) Requires state motor vehicle departments, when receiving information that persons holding state driver's licenses are the subjects of in-state or out-of-state child support warrants, to issue show-cause orders to those persons asking them to demonstrate why their driver's licenses should not be suspended, until such warrants are removed by the states responsible for the warrants.

(3) Requires the states to provide for the use of temporary licenses or registration by the subjects of the warrants pending the show-cause hearing or the removal of the warrants pending the show-cause hearing or the removal of the warrants, whichever occurs first.

Sec. 409: Liens on Certificates of Vehicle Title.

(1) Requires the states to establish procedures to systematically place liens on vehicle title for child support arrearages.

(2) Requires the states to establish that such liens have precedence over all other encumbrances on the vehicle title other than purchase money security interests, and that the obligee may execute on, seize, and sell the property if warranted.

Sec. 410: Attachment of Bank Accounts.

Requires the states to authorize post-judgment seizure of bank accounts in child support cases without the need to obtain a separate court order for attachment.

Sec. 411: Lotteries, Settlements, Payments, and Awards.

Requires the states to establish procedures under which liens can be imposed against lottery winnings, gambler's winnings, insurance settlements or policy payouts, awards, judgments or settlements resulting from lawsuits, and property seized or forfeited to the state if the beneficiary owes past-due child support.

Sec. 412: Fraudulent Transfer Pursuit:

Requires the states to establish procedures that provide for indicia or badges of fraud that create a prima facie case that an obligor transferred income or property to avoid paying a child support creditor.

Sec. 413: Full IRS Collection.

(1) States that it is the sense of the Congress that the Commissioner of the IRS should instruct the field officers and agents of the IRS to give a high priority to requests for the use of IRS full collection of child support arrearages.

(2) Requires the Secretary of Treasury, in consultation with the Secretary of Health and Human Services, to simplify by regulation the full collection process and reduce the amount of child support needed before an individual may apply for full collection.

Sec. 414: Bonds.

Requires the states to develop procedures which allow the posting of a cash bond, security deposit or personal undertaking to provide for child support payments. This could prove helpful in cases where wage withholding is not optimal or appropriate.

Sec. 415: Tax Offset for Non-AFDC Post-Minor Child.

Makes it possible for a IV-D applicant with a child support arrearage who does not receive AFDC to use the federal and state tax refund procedures to collect the arrearage, regardless of the age of the child.

Sec. 416: Attachment of Public and Private Retirement Funds.

Requires the states to establish procedures under which a child support obligor may attach lump sum funds invested by the obligor or the employer of the obligor in public and private retirement funds. These funds include Keoghs, Simplified Employment Pensions (SEPs), and Individual Retirement Accounts (IRAs).

Sec. 417: Reporting to Credit Bureaus.

Requires the states to mandate reporting to credit bureaus of all child support obligations when the arrearages reach an amount equal to one month's payment of child support.

Sec. 418: Criminal Non-Support.

(1) Requires the states to have laws that provide for criminal penalties for non-support.

(2) Makes it a federal crime to willfully fail to pay child support to a child in another state.

Sec. 419: Statutes of Limitation.

Requires the states to permit the enforcement of any child support order until at least the child's 30th birthday.

Sec. 420: Interest.

Requires the states to have and use laws that assess interest on all child support judgments.

Sec. 421: Health Care Enforcement.

(1) Requires the states to establish laws which provide for a rebuttable presumption that the choice made by the child support obligee regarding health care insurance for the children is appropriate.

(2) Requires the states to provide that any insurance premium or sum-certain health care expense for which the obligor is responsible shall be included in the child support order.

(3) Requires the states to have and use laws that allow the obligee under a child support order to act in the place of the uninsured with respect to insurance claims relating to children who are beneficiaries of the child support order. The powers of the obligee would include the right to make direct application for insurance, the right to make claims, and the right to sign claim forms to the same extent as the obligor.

(4) Requires the states to mandate that the covered parent securing the insurance shall provide within 30 days of the health insurance order, written to the noncovered parent and/or the state IV-D agency, that insurance has been obtained or an application has been made for insurance, and the date the insurance is to take effect.

(5) Requires the states to require each welfare benefit plan operating under the laws of the state to include in the plan a commitment to: (i) releasing to the obligee or the state child enforcement agency, upon request, information on the dependent coverage, including the name of the insurer, (ii) providing all necessary reimbursement forms to the obligee; and (3) providing claim forms and enrollment cards to the obligee and honoring the signature of the obligee on the claim form.

(6) Requires the states to require employers located in the state to provide notice, using an address provided by the state child support agency, to the custodial parent of any termination or change in benefit of an insurance plan under which children in the parent's care are covered.

Sec. 422: Bankruptcy.

(1) Amends the U.S. Bankruptcy Code to allow parentage and child support case establishment, modification, and enforcement of child support to proceed without interruption after the filing of a bankruptcy petition.

(2) Treats the debt owed to child support creditors as debt outside the chapter 11, 12, or 13 plan, unless the child support creditor affirmatively acts to opt in as a creditor whose debt is part of the plan.

Sec. 423: Federal Government Cooperation in Enforcement of Support Obligations of Members of the Armed Forces and Other Persons Entitled to Payments by the Federal Government.

(1) Directs the U.S. military agencies to provide locate information on all military personnel that is updated within one month of a change in duty station or residential address.

(2) Directs the U.S. military agencies to provide for leave-granting procedures for use by service members facing parentage or support establishment hearings.

Sec. 424: UIFSA Endorsement.

Requires that each state adopt verbatim the officially approved version of the uniform Interstate Family Support Act, adopted by the National Conference of Commission on Uniform State Laws in August 1992.

TITLE V-COLLECTION AND DISTRIBUTION

Sec. 501: Priority of Distribution of Collections.

(1) Requires the states to, beginning on October 1, 1994, distribute child support collections in the following priority: (1) to a current month's child support obligation; (2) after the fulfillment of the current month's obligation, to debts owed the family; if any rights to child support were assigned to the state, then all arrearages that accrued after the child no longer received assistance are to be distributed to the family. States may include any pre-assignment family-debt arrearages at this priority level; (3) to reimburse the state making collection for any assistance payments made to the family (with appropriate reimbursement of the federal government to the extent of its participation in the financing); and (4) to reimburse other states for assistance payments they made to the family (in the order in which such payments were made).

(2) Authorizes the Comptroller General of the U.S. to analyze the existing child support distribution system and authorize, under certain circumstances, pilot projects for the distribution of arrearages in the following manner: (1) application of all support collected first to a current months' child support obligation; (2) application of funds collected in excess of the amount of the current month's obligation to debts owed the family; (3) using funds collected in excess of the amount of the current support obligation, to reimburse the state making the collection for any assistance payments made to the family (with appropriate reimbursement of the federal government to the extent of its participation in the financing); (4) using funds collected in excess of the current month's support obligation after the debt to the family and the collecting state have been satisfied, to reimburse other states for assistance payments to the family

(3) Precludes the counting of the $50 pass-through in AFDC cases for any means tested program.

Sec. 502: Relationship of AFDC to CSE—Limited Reimbursement Claims to Award Amount.

Requires the states to enact laws limiting any claims they may have against a noncustodial parent for reimbursement of the child's portion of the AFDC grant to the amount specified as child support under a court or administrative order.

Sec. 503: Fees for Non-AFDC Clients.

Allows the states to assess charges above the application fee for non-AFDC child support services against persons other than the custodial parent. Such fees are only to be collected after the current and past-due support and interest charges are collected.

Sec. 504: Collection and Disbursement Points for Child Support.

Requires the states to provide either one central state-wide collection, accounting, and disbursement point for child support cases, or regional collection and disbursement points throughout the state.

TITLE VI—FEDERAL ROLE

Sec. 601. Placement and Role of the Federal Child Support Agency.

(1) Changes the organizational structure of the Office of Child Support Enforcement so that it is headed by an assistant secretary who reports directly to the Secretary of Health and Human Services and is confirmed by the Senate.

(2) Allows the Office of Child Support Enforcement to have its own legal counsel.

Sec. 602. Training.

(1) Requires the states to provide training to child support personnel providing functions under the state plan.

(2) Requires the Department of Health and Human Services to provide training assistance to the states.

(3) Requires the Department of Health and Human Services to report annually to Congress on training activities.

Sec. 603: Staffing.

(1) Requires the Secretary of Health and Human Services to conduct staffing studies of each state's child support enforcement program.

(2) Requires the Secretary of Health and Human Services to report the results of such staffing studies to the Congress and the states.

Sec. 604: Funding and Incentives for Child Support Agencies.

Requires the Comptroller General to conduct a study of the incentive formula operating with respect to state child support agencies in the federal system. The study would investigate the feasibility, costs, and benefits of: (1) encouraging states to centralize functions at the state level; (2) abolishing minimum incentives to states, as well as the ramifications of imposing the requirement that incentive funds be passed to local child support enforcement agencies; (3) exploring incentive formula that are based on increases in FFP for states that exceed performance criteria, instead of the present percentage of collection formula; (4) promoting quality control; (5) providing financial incentives for the enforcement of health-care support; and (6) tying incentive amounts to performance criteria that include total collections as a denominator (not solely the amount of AFDC collections) which are not solely based on cost-benefit criteria.

Sec. 605: Child Support Definition.

Defines "child support" to include periodic and lump sum payments for current and past-due economic support, payments of premiums for health insurance for children, payments for or provisions of child care, and payments for educational services.

Sec. 606; Audits.

Requires the Secretary of Health and Human Services to commission a study of the audit process of the office of Child Support Enforcement to improve the criteria and methodology for auditing state child support enforcement agencies.

Sec. 607: Child Support Assurance Demonstration Projects.

(1) Requires the Department of Health and Human Services to fund 5-year demonstrations in selected states to determine the feasibility and utility of a child support assurance program. Projects would test alternative administrative procedures and agencies responsible for making payments and funding processes. The state agency administering the IV-D program would be an integral part of the planning and evaluation of the demonstration.

(2) Requires that the Secretary of Health and Human Services be satisfied of the following before approving applications for such demonstrations: (i) any child with a living noncustodial parent for whom a child support order has been sought or obtained and any child who meets "good cause" criteria for not seeking or enforcing a support order is eligible for the assured child support benefit; (ii) to be eligible for the assured child support benefit, the child's caretaker must apply for services under part D of title IV of the Social Security Act. (iii) Child support assurance is available to the extent that a child does not receive a specified minimum level of child support from the noncustodial parent; (iv) the state is at or above the national median paternity establishment rate and provides assurances it will continue to improve its performance in the number of cases in which paternity is established, the number of cases in which child support orders are collected, and the number of cases in which child support collections are made; (v) the receipt of child support assurance creates an assignment of support rights, such as created by receipt of public assistance, to the extent of the amount of child support assurance received; (vi) if the Federal Government does become subrogated to the rights of the caretaker to enforce and collect the support order up to the amount of child support assurance provided, federal regulations shall provide clear instructions regarding distribution of any support payments received from the obligor; (vii) the State will specify how receipt of child support assurance will affect the State's incentives and federal financial participation.

Sec. 608: Development of a Children's Trust Fund.

(1) Establishes a Children's Trust funded by voluntary contributions of taxpayers as indicated on their federal tax returns. This contribution would be in addition to the federal tax owed.

(2) Requires that the Children's Trust Fund be dedicated to programs aimed at the prevention of child poverty and limited to the federal programs of AFDC and child support.

TITLE VII—STATE ROLE

Sec. 701: Prohibition of Residency Requirement for IV–D Services.

Requires that the states not deny establishment, enforcement, or modification services to applicants because of their nonresidency in the state.

Sec. 702: Advocating for Children's Economic Security.

Clarifies that the mission of every IV–D agency is to promote the greatest economic security possible for children, within the obligor's ability to pay.

Sec. 703: Duties of IV–D Agencies.

Requires state IV–D agencies to provide all custodial parents with: (i) a written description of available services and a statement articulating the priority of distribution and the degree of confidentiality of information; (ii) a statement that before the agency consents to a dismissal with prejudice or a reduction of arrearages, the agency shall provide notice to the last known address at least 30 days before a dismissal; (iii) written quarterly reports on case status; (iv) a statement that services under the IV–D programs are mandatory to those who are eligible for such services; (v) a statement that while eligibility for services is being determined, an applicant is eligible for services under the program pending such determination.

Sec. 704: Broader access to Services.

Expresses the sense of the Congress that state and local child support enforcement agencies should provide: (i) offices in easily accessible locations near public transportation; (ii) office hours that allow parents to visit with attorneys and caseworkers without taking time off from work; and (iii) office environments conductive to discussion of legal and personal matters in privacy.

Sec. 705: Process for Change of Payee in IV-D Cases.

Requires the states to develop procedures under which a change in child support payee does not require a court hearing or order to take effect and may be done administratively, as long as a statement by an official is included in the court or administrative file documenting the change.

SECTION VIII—EFFECTIVE DATE

Sec. 801: Effective Date.

Provides that, unless otherwise stated, the amendments made by this shall take effect on January 1, 1996.

Mr. DODD. Mr. President, I want to address an issue critically important to the 16 million children who are growing up in single-parent homes. That issue is child support—and our Nation's dismal record of enforcement that leaves most of those children without adequate economic support from their absent parents.

Today Senator BRADLEY is introducing a package of major proposals for reform, based on recommendations of the U.S. Commission in Interstate Child Support. I commend him for his outstanding work on the Commission and for his initiative in developing this bill, the Omnibus Interstate Child Support and Parentage Act. His proposal will be a valuable foundation for reforms that I hope will be considered and enacted next year.

Mr. President, what would the American people say if three-quarters of taxpayers were allowed to skip out on their taxes? There would be an outrage, a national furor. Nowhere else do we let three-quarters of debtors walk away from their responsibilities—not from their taxes or their rent or their credit card bills. Parents shouldn't be allowed to skip out on the tab when it comes to providing a secure and happy home for their children.

At some time in their lives, half of American children—32 million children—will be eligible for child support. But only one in four will receive full child support. Imagine what it is like in the millions of households where child support isn't paid at all or only occasionally. In the words of a young woman who testified earlier this year before the Subcommittee on Children, Family, Drugs, and Alcoholism, "Not only did we lose our father, we also lost our mother because she was forced to leave the home at times when we needed her."

Consider the situation in Connecticut alone. We are a small State, and our State has one of the strongest records of child support enforcement. Yet only 39 percent of families in Connecticut with child support orders received payments last year. Our known child support delinquencies total over $400 million. In the wealthiest State in the Nation, 41 percent of our female-headed households live below the poverty level.

In my view, we must address the deplorable failure of our current system with changes in three critical areas. First, we must strengthen enforcement—through tougher penalties on delinquent parents, through better tracking and information systems, and through simplification of judicial procedures. Second, we must put low-income parents in the best possible position to earn enough to support their children. In my view, the best social program is a job. Rebuilding our economy will help many absent parents fulfill their child support obligations. Third, as a society, we cannot stand by and let children suffer when their delinquent parents somehow escape our toughest enforcement. Thus, as a last resort, when an absent parent does not pay—even after enforcement—a child should be guaranteed a minimum level of support.

In June 1991, I introduced a proposal to toughen enforcement by providing States with Federal funds if they make measurable improvements in paternity establishment, rates of support orders, and collections. When tougher enforcement does not produce payments, the funds would be used to guarantee a minimum level of support. My proposal tests this child support assurance concept on a demonstration basis in six States. I am pleased that Senator BRADLEY's omnibus bill includes a provision along these lines.

Again, I commend my colleague from New Jersey for his contribution today—his omnibus proposal will help to focus work in the months before the next Congress convenes. As chairman of the Senate Subcommittee on Children, Family, Drugs and Alcoholism and as chairman of the Senate Democratic Task Force on Child Support Enforcement, I look forward to working with Senator BRADLEY and others to tackle the formidable problem of child support, to examine far-reaching solutions, and to build broad consensus.

In closing, Federal policy should do the utmost possible to promote family stability and to strengthen families—to give parents the tools they need to nurture their children. In an ideal world, perhaps every child would grow up with two parents right there, in the home. But that is not today's reality. We cannot guarantee that all children will receive the love and guidance they need from their parents. Nonetheless, we can ensure they receive the economic support they deserve.

By Mr. HATCH:

S. 3292. A bill to establish the death penalty for certain violent crimes and provide procedures for its imposition, provide for habeas corpus reform, and codify the "good faith" exception to the exclusionary rule; to the Committee on the Judiciary.

FEDERAL DEATH PENALTY ACT OF 1992

Mr. HATCH. Mr. President, today I am introducing the Crime Control Act of 1992. It is time to take the handcuffs off of our Nation's police forces and put them firmly on criminals. The foremost obligation of the Government is to guarantee the personal security of its citizens. Quite frankly, the ability of both the State and Federal governments to perform this essential task has been undermined in recent decades by some unfortunate Supreme Court decisions and by some equally unfortunate policy determinations made by Congress. I believe that the provisions of the bill I am introducing today would remove some of the larger obstacles to law enforcement in this country. And this bill provides for real crime control, not gun control.

Title 1 of my bill restores the procedures for implementing the Federal death penalty. I would remind my colleagues that there has always been a Federal death penalty. Title 1 would adopt procedures to allow the Federal death penalties already on the books to be constitutionally carried out. In addition, the bill authorizes the death penalty for certain heinous offenses not previously punishable by death—such as retaliatory murders of witnesses and jurors in Federal trials and the use of weapons of mass destruction against American nationals.

Title 2 of my bill would restore the death penalty in the District of Columbia, with its soaring murder rate, is a laboratory where the liberal experiment has miserably failed. The fact is, Mr. President, that there are some people in this society so irredeemably evil that they will wantonly murder their fellow citizens, as we are saw in the Los Angeles riots several weeks ago. Instead of treating these marauders and cutthroats as victims of society, we should deal with them sternly and with dispatch. And in my judgment, after the legal process has run its course, the death penalty is appropriate for first degree murder.

Title 3 of my bill reforms the much-abused statutory writ of habeas corpus. Regrettably, Americans have come to believe that interminable criminal appeals are the ordinary course of things in our justice system, rather than an aberration foisted on them by the Warren court a few decades ago in what are literally case-studies of judicial activism. Title 3 provides for the first time a one-year time limit on filing habeas petitions, a rule of deference to State court determinations of issues that were fully and fairly litigated, and a limitation of second and other successive habeas petitions in capital cases to claims raising doubt concerning the guilt of the prisoner.

Title IV of the bill I am introducing today addresses one of the impediments on the ability of courts to determine the truth in criminal proceedings:

the exclusionary rule. Under the exclusionary rule, which was created by the courts, completely credible and probative evidence critical to conviction is excluded from trial. This is done because a court, deliberating weeks or months later, rules that the evidence was unreasonably seized. The criminal goes free.

The Supreme Court has chipped away at the exclusionary rule, and properly so. Under the 1984 Supreme Court decision in United States versus Leon, evidence obtained based upon an objectively reasonable belief in a search warrant's validity is admissible in court. Title IV of the bill I am introducing today takes the logical, sensible anticrime step of extending this good-faith exception to warrantless searches.

Mr. President, I do not suggest that the bill I am introducing today is a panacea that will alone reclaim our streets and communities from the criminal element. What I do suggest is that it is an important first step, one of several that we will have to take if we are to fully discharge our obligation to protect the American people from criminal predators. And it stands in contrast to the Democratic crime bill which emerged from the conference. That bill took the most liberal, procriminal, provisions on the death penalty, habeas corpus, and the exclusionary rule passed by either the Senate or the House of Representatives.

Mr. President, we need to have a means to carry out the Federal death penalty, we need a death penalty in the District of Columbia for first degree murder, we need to limit interminable habeas appeals, and we need to reform the exclusionary rule to permit the introduction of probative evidence in cases where the evidence was obtained in good faith. And I might add, these reforms are long overdue.

By Mr. EXON (for himself, Mr. GORTON, and Mr. PRESSLER):

S. 3293. A bill to amend title 49, United States Code, to provide for certification of weights of loaded containers and trailers for intermodal transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTERMODAL SAFE CONTAINER TRANSPORTATION ACT OF 1992

• Mr. EXON. Mr. President, as chairman of the Surface Transportation Subcommittee, I am pleased to introduce in the Senate the Intermodal Safe Container Transportation Act of 1992. This legislation addresses the problem of overweight shipping containers which has become acute for the Nation's trucking industry. The bill represents a consensus among the shipping community and the trucking, rail, and maritime industries, and I am pleased to have Senators GORTON and PRESSLER with me as original cosponsors.

For several years, the trucking, rail, maritime, and shipping industries have sought compromise legislation to address the problem of transporting containerized cargo safety when the hauling capacity of many containers exceeds the weights that can be legally transported over U.S. highways. Overweight containers raise key safety concerns for truckers and the motoring public through increased truck-stopping distances, decreased vehicle control, and increased mechanical stress on critical truck parts.

Although overweight intermodal shipments are illegal, trucking companies in particular have had no control over the weight and loading of containers and trailers and face fines and penalties when their loads are determined to be overweight. This problem has become more acute as intermodal transportation has grown through steady increases in international trade and containerization of both overseas and domestic freight.

The legislation I offer today builds on H.R. 3598, the Intermodal Safe Container Transportation Act, introduced on October 22, 1991, by Congresswoman HELEN BENTLEY. The House bill has 33 cosponsors and developed from negotiations on this issue by the motor carrier, railroad, steamship, and public port industries, as well as the shipping community. The legislation now before my colleagues in the Senate clarifies a number of ambiguities in H.R. 3598 and resolves the difficult issues posed by containers which may be overweight. In summary, the bill I have offered seeks to distribute equitably the responsibilities and liabilities of overweight intermodal shipments among all parties to an intermodal movement—shippers and carriers—and ensures that cargo weights and descriptions are provided by the tender of the load prior to highway transportation of the freight.

I urge my colleagues to join me in working to pass this important legislative initiative.•

By Mr. DECONCINI:

S. 3295. A bill to amend title 10, United States Code, to establish within the Office of the Secretary of Defense the position of Director of Criminal Investigations; and for other purposes; to the Committee on Armed Services.

ESTABLISHMENT OF POSITION OF DIRECTOR OF CRIMINAL INVESTIGATIONS IN THE OFFICE OF THE SECRETARY OF DEFENSE

Mr. DECONCINI. Mr. President, I want to speak for just a few moments on a very sensitive and important subject, and that is sex misconduct, and legislation I will introduce shortly.

Women in the U.S. Armed Forces are being subjected daily to sexual harassment ranging from verbal abuse to forcible rape. Who does the harassing? Men whom these women trust as fellow comrades-in-arms or—even worse—superiors who use their authority to sexually coerce lower echelon military women and then intimidate them into silence.

When victims of such abuse attempt to report it to higher military officials, they find their experience discounted as of minor importance, or as part of being in the military.

The Tailhook scandal is only one example of the military's efforts to cover up and discount the sexual abuse of military women. Hundreds of individual incidents occur every year. Both the incidents themselves and the subsequent cavalier treatment of the victims are unconscionable and cannot be tolerated.

At the present time, there is not sufficient reliable data on this problem of rape, other sexual assault, and sexual harassment against military personnel; however, I believe it is fair to say that military women are at least as likely to be victimized as civilian women.

With this in mind, consider that 13 percent of adult American women have experienced forcible rape. Forcible rape is defined as "* * * an event that occurred without the woman's consent, involved the use of force or threat of force, and involved sexual penetration. * * *"

A 1990 survey of 202 women Vietnam veterans indicated that 29 percent had experienced forcible rape during military service. This is more than double the experience of American women as a whole. Not one of these women was raped by the enemy. It is true that the survey was small, but I am afraid this survey accurately reflects what is going on in the military and we must put a stop to it. The fact that no other data exists highlights the shocking indifference to this problem.

The aftermath of rape may become even more disabling than the incident itself.

Fear, anxiety, and concern about personal safety are common immediately following an incident. Later, victims may become severely depressed, have suicidal thoughts, and experience social dysfunctions which affect not only personal quality of life, but also work performance.

Thirty-one percent of all rape victims develop rape-related posttraumatic stress disorder, known as RR-PTSD, similar to the post traumatic stress disorder experienced by Vietnam-era combat veterans. These women relive the trauma on an ongoing and intrusive basis. They are subject to daytime memories in performing their duties and nightmares accompanied by intense psychological distress. Many deliberately restrict contact with the outside world in order to avoid reminders of the trauma. Compared with women who have never been raped, those with RR-PTSD are *13.4 times* more likely to have major alcohol problems and 26 times more likely to have major drug abuse problems.

Trauma and other psychological disorders resulting from rape itself are compounded by an apparently permissive environment which encourages—or at least does not adequately discourage—the sexual mistreatment of military women.

On June 30, the Senate Committee on Veterans' Affairs, chaired by the distinguished Senator from California, Senator CRANSTON, held hearings which I attended. We heard testimony from three women veterans who, after being forcibly raped, were further brutalized by the indifference of higher echelon officers to whom they had turned for help. One, in fact, testified under oath that she was demoted while her abuser was promoted.

Another woman, a career military person, was raped by other military personnel on two separate occasions during her military service for her country.

Obviously, something must be done.

And something will be done.

Today I am introducing legislation to create an Office of Criminal Investigations at the Department of Defense. This new Office will have oversight and audit jurisdiction over all reports of sexual harassment, abuse, and assault, and other related offenses by active duty military personnel against other active duty personnel. The Secretary of Defense is also empowered to direct the new Office to investigate or assist in the investigation of cases being conducted by any military investigation service. Military victims of sexual assault will also be able to address their complaints directly to this office, rather than through the military chain of command. Most victims I have talked with simply do not believe that their allegations will be taken seriously today and that they will be pursued vigorously by their supervisors, particularly in a male-dominated profession. We need to assure victims that they will be seriously considered.

The Office of Criminal Investigations will have a separate investigation staff with, to the extent possible, professional expertise in sexual assault investigations. The unit will be totally independent, and will have absolute authority to collect evidence and compel testimony, to secure appropriate immediate medical treatment and psychological counseling for victims of sexual abuse. An important element of the Office will be the collection of data so that we can get a better handle on the extent of the problem including the number of cases that go to prosecution.

This legislation would also establish a new Federal crime for failure by any commanding officer to promptly notify this new Office of Investigations of any report of sexual misconduct. The failure to report shall be a felony punishable by imprisonment for up to 10 years.

Mr. President, a greater number of women choose to serve their country through careers in the military. American servicewomen should not be subject to humiliation. They should not be subjected to physical abuse or any abuse. They should not experience a sense of vulnerability engendered by the current, permissive military environment. They should not be subject to the terror and long-term incapacitation resulting from sexual assault. And they should not be subject to indifference from superiors who are responsible for their safety and well-being. We need to send a message to the military that such an environment and such behavior will not be tolerated. The military must be changed and will be changed. We can fix the problem by establishing an independent unit with jurisdiction over these offenses.

Mr. President, I ask unanimous consent that the full text of the bill and a summary of what the bill does be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIRECTOR OF CRIMINAL INVESTIGATIONS.

(a) ESTABLISHMENT.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 142. Director of Criminal Investigations

"(a) APPOINTMENT.—There is a Director of Criminal Investigations who is appointed by the Secretary of Defense from among civilians who have a significant level of experience in criminal investigations. The Director reports directly to the Secretary of Defense.

"(b) SENIOR EXECUTIVE SERVICE POSITION.—The position of Director of Criminal Investigations is a Senior Executive Service position. The Secretary shall designate the position as a career reserved position under section 3132(b) of title 5.

"(c) DUTIES.—Subject to the authority, direction, and control of the Secretary of Defense, the Director of Criminal Investigations shall perform the duties set forth in this section and such other related duties as the Secretary may prescribe.

"(d) DATA COMPILATION AND REPORTING.—(1) The Director shall obtain, compile, store, monitor, and (in accordance with this section) report information on each allegation of sexual misconduct of a member of the armed forces or of a dependent of a member of the armed forces against a member of the armed forces or against a dependent of a member of the armed forces that is received by a member of the armed forces or an officer or employee of the Department of Defense in the official capacity of that member, officer, or employee.

"(2) The information compiled pursuant to paragraph (1) shall include the following:

"(A) The number of complaints containing an allegation referred to in paragraph (1) that are received as described in that paragraph.

"(B) The number of such complaints that are investigated.

"(C) In the case of each complaint—

"(i) the organization that investigated the complaint (if investigated);

"(ii) the disposition of the complaint upon completion or other termination of the investigation; and

"(iii) the status or results of any judicial action, nonjudicial disciplinary action, or other adverse action taken.

"(D) The number of complaints that were disposed of by formal adjudication in a judicial proceeding, including—

"(i) the number disposed of in a court-martial;

"(ii) the number disposed of in a court of the United States;

"(iii) the number disposed of in a court of a State or territory of the United States or in a court of a political subdivision of a State or territory of the United States;

"(iv) the number disposed of by a plea of guilty;

"(v) the number disposed of by trial on a contested basis; and

"(vi) the number disposed of on any other basis.

"(E) The number of complaints that were disposed of by formal adjudication in an administrative proceeding.

"(3) The Director shall make the information obtained and compiled under this subsection available to the Secretary of Defense, the Secretaries of the military departments, Congress, any law enforcement agency concerned, and any court concerned.

"(e) DIRECT INVESTIGATIONS.—The Director shall investigate each allegation of sexual misconduct referred to in subsection (d) that—

"(1) is made directly, or referred, to the Director, including such an allegation that is made or referred to the Director by—

"(A) a commander of a member of the armed forces alleged to have engaged in the sexual misconduct or to have been the victim of the sexual misconduct;

"(B) an investigative organization of the Department of Defense; or

"(C) a victim of the alleged misconduct who is a member of the armed forces or a dependent of a member of the armed forces; or

"(2) the Secretary directs the Director to investigate.

"(f) OVERSIGHT AND QUALITY CONTROL OF OTHER INVESTIGATIONS.—(1) The Director shall monitor the conduct of investigations by units, offices, agencies, and other organizations within the Department of Defense regarding allegations of sexual misconduct.

"(2) In carrying out paragraph (1), the Director may inspect any investigation conducted or being conducted by any other organization within the Department of Defense, review the records of an investigation, and observe the conduct of an ongoing investigation.

"(3) The Director may report to the Secretary on any investigation monitored pursuant to in paragraph (1). The report may include the status of the investigation, an evaluation of the conduct of the investigation, and an evaluation of each investigator and the investigative organization involved in the investigation.

"(g) POWERS.—In the performance of the duties set forth or authorized in this section, the Director shall have the following powers:

"(1) To have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available in the Department of Defense which relate to the duties of the Director.

"(2) To request such information or assistance as may be necessary for carrying out the Director's duties from any Federal, State, or local governmental agency or unit thereof.

"(3) To require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the Director's duties, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

"(4) To serve subpoenas, summons, and any judicial process related to the performance of any of the Director's duties.

"(5) To administer to or take from any person an oath, affirmation, or affidavit whenever necessary in the performance of the Director's duties, which oath, affirmation, or affidavit when administered or taken by or before an employee designated by the Director shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(6) To have direct and prompt access to the Secretary of Defense, the Secretary of a military department, and any commander when necessary for any purpose pertaining to the performance of the Director's duties.

"(7) To obtain for any victim of sexual misconduct referred to in subsection (d)(1), from any facility of the uniformed services or any other health care facility of the Federal Government or, by contract, from any other source, medical services and counseling and other mental health services appropriate for treating or investigating—

"(A) injuries resulting from the sexual misconduct; and

"(B) other mental and physiological results of the sexual misconduct.

"(h) Referrals for Prosecution.—(1) The Director may refer any case of sexual misconduct described in subsection (d)(1) to—

"(A) a United States Attorney, or another appropriate official in the Department of Justice, for prosecution; or

"(B) to an appropriate commander within the armed forces for action under chapter 47 of this title (the Uniform Code of Military Justice) or other appropriate action.

"(2) The Director shall report each such referral to the Secretary of Defense.

"(i) Staff.—(1) The Director shall have—

"(A) a staff of investigators who have extensive experience in criminal investigations;

"(B) a staff of attorneys sufficient to provide the Director, the criminal investigators, and the Director's other staff personnel with legal counsel necessary for the performance of the duties of the Director;

"(C) a staff of counseling referral specialists; and

"(D) such other staff as is necessary for the performance of the Director's duties.

"(2) To the maximum extent practicable, the staff of the Director shall be generally representative of the population of the United States with regard to race, gender, and cultural diversity.

"(j) Reports to Director.—Each member of the armed forces and each officer or employee of the Department of Defense who, in the official capacity of that member, officer, or employee, receives an allegation of sexual misconduct shall submit to the Director a notification of that allegation together with such information as the Director may require for the purpose of carrying out the Director's duties.

"(k) Annual Report on Sexual Misconduct.—The Secretary of Defense shall submit to Congress an annual report on the number and disposition of cases of sexual misconduct by members of the armed forces and officers and employees of the Department of Defense.

"(l) Definitions.—In this section:

"(1) The term 'sexual misconduct' includes the following:

"(A) Sexual harassment, including any conduct involving sexual harassment that—

"(i) in the case of conduct of a person who is subject to the provisions of chapter 47 of this title (the Uniform Code of Military Justice), comprises a violation of a provision of subchapter X of such chapter (relating to the punitive articles of such Code) or an applicable regulation, directive, or guideline regarding sexual harassment that is prescribed by the Secretary of Defense or the Secretary of a military department; and

"(ii) in the case of an employee of the Department of Defense or a dependent subject to the jurisdiction of the Secretary of Defense or of the Secretary of a military department, comprises a violation of a regulation, directive, or guideline referred to in clause (i) that is applicable to such employee or dependent.

"(B) Rape.

"(C) Sexual assault.

"(D) Sexual battery.

"(2) The term 'complaint', with respect to an allegation of sexual misconduct, includes a report of such allegation.".

(b) Table of Sections.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following:

"142. Director of Special Investigations.".

SEC. 2. CRIMINAL FAILURE TO REPORT SEXUAL MISCONDUCT.

(a) Offenses.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246;

(2) by inserting after section 2244 the following new section:

"§ 2245. Failure to report sexual misconduct

"(a) Failure To Act on Allegation of Criminal Sexual Misconduct.—An officer or employee of the Department of Defense or a member of the Armed Forces of the United States who, in the official capacity of the officer, employee, or member—

"(1) receives an allegation of criminal sexual misconduct of a member of the Armed Forces of the United States or of a dependent of a member of the Armed Forces of the United States against a member of the Armed Forces of the United States or against a dependent of a member of the Armed Forces of the United States;

"(2) is required by law to initiate an investigation of, or to determine whether to take disciplinary action in the case of, the allegation; and

"(3) fails to submit a notification of the allegation to the Director of Criminal Investigations of the Department of Defense and to the immediate employment supervisor or immediate commander, as the case may be, of the alleged offender,

shall be imprisoned not more than 10 years, fined under this title, or both.

"(b) Failure To Act on Allegation of Civil Sexual Misconduct.—An officer or employee of the Department of Defense or a member of the Armed Forces of the United States who, in the official capacity of the officer, employee, or member—

"(1) receives an allegation of civil sexual misconduct of a member of the Armed Forces of the United States or of a dependent of a member of the Armed Forces of the United States against a member of the Armed Forces of the United States or against a dependent of a member of the Armed Forces of the United States;

"(2) is required by law to initiate an investigation of, or to determine whether to take disciplinary action in the case of, the allegation; and

"(3) fails to submit a notification of the allegation to the Director of Criminal Investigations of the Department of Defense and to the immediate employment supervisor or immediate commander, as the case may be, of the alleged offender,

shall be imprisoned not more than 1 year, fined under this title, or both."; and

(3) in section 2246, as redesignated by paragraph (1)—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(6) the term 'criminal sexual misconduct' means engaging in a sexual act or sexual contact in circumstances such that the act or conduct constitutes a criminal offense under this chapter, other Federal law, or State law; and

"(7) the term 'civil sexual misconduct' means engaging in a sexual act, sexual conduct, or other activity of a sexual nature in violation of a statute, rule, order, or other lawful authority that prohibits the activity but does not authorize imposition of a sentence of imprisonment for a violation.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 2245 and inserting the following:

"2245. Failure to report sexual misconduct.
"2246. Definitions for chapter.".

SEC. 3. PERSONNEL ADMINISTRATION MATTERS.

(a) Performance Evaluations and Benefits.—(1) The Secretary of Defense shall prescribe in regulations a requirement that the commitment of an officer or employee of the Department of Defense and a member of the Armed Forces of the United States to the elimination of sexual harassment in the officer's, employee's, or member's place of work or duty and at installations and other facilities of the Department of Defense be one of the factors considered in—

(A) the preparation of the evaluations of the officer's, employee's, or member's performance of work or duties;

(B) the determination of the appropriateness of a promotion of the officer, employee, or member; and

(C) the determination of the appropriateness of selecting the officer, employee, or member to receive a financial award for performance of work or duties.

(2) The Secretary shall submit to Congress an annual report on the implementation of the regulations required by paragraph (1). The report shall contain an assessment of the effects of the implementation of such regulations on the number, extent, and seriousness of the cases of sexual harassment in the Department of Defense. The annual report under this paragraph shall be separate from the annual report required by section 142(k) of title 10, United States Code, as added by section 1.

(b) Eligibility for Promotions and Awards.—The Secretary of Defense and the Secretary of the military department concerned may not approve for presentation of a financial award for performance of work or duties or for promotion any officer or employee of the Department of Defense or any member of the Armed Forces of the United States who—

(1) has been convicted of a criminal offense involving sexual misconduct; or

(2) has received any other disciplinary action or adverse personnel action on the basis of having engaged in sexual misconduct.

SEC. 4. PROTECTION OF PERSONS REPORTING SEXUAL HARASSMENT.

(a) REGULATIONS OF THE SECRETARY OF DEFENSE.—The Secretary of Defense shall prescribe regulations that prohibit officers and employees of the Department of Defense from retaliating or taking any adverse personnel action against any other officer or employee of the Department of Defense or any member of the Armed Forces of the United States for reporting sexual misconduct by an officer or employee of the Department of Defense or a member of the Armed Forces or for providing information in an investigation, disciplinary action, or adverse personnel action in the case of an allegation of sexual misconduct by any other such officer, employee, or member. The regulations shall include sanctions for violation of the regulations.

(b) REGULATIONS OF A SECRETARY OF A MILITARY DEPARTMENT.—(1) The Secretary of each military department shall prescribe regulations that prohibit members of the Armed Forces of the United States under the jurisdiction of that Secretary from retaliating or taking any adverse personnel action against any officer or employee of the Department of Defense or any member of the Armed Forces of the United States for reporting sexual misconduct by any other officer or employee of the Department of Defense or any other member of the Armed Forces or for providing information in an investigation, disciplinary action, or adverse personnel action in the case of an allegation of sexual misconduct by any other such officer, employee, or member.

(2) A violation of the regulations prescribed pursuant to paragraph (1) shall be punishable under section 892 of title 10, United States Code (article 92 of the Uniform Code of Military Justice).

SEC. 5. SEXUAL MISCONDUCT DEFINED.

In this Act, the term "sexual misconduct" has the meaning given that term in section 142(1) of title 10, United States Code, as added by section 1.

LEGISLATION OFFERED BY SENATOR DENNIS DECONCINI TO ELIMINATE SEXUAL MISCONDUCT IN THE U.S. ARMED FORCES

WHAT DOES THE LEGISLATION DO?

New Office of Criminal Investigations

A special investigative office of professional staff is to be established within the Department of Defense and responsible directly to the Secretary of Defense.

Professional Staff and Direction

Investigators in this unit will possess full federal law enforcement authority and will be authorized to refer any matters which constitute violations of federal law to the Department of Justice or the appropriate United States Attorney for prosecution as well as to utilize all remedial functions available within the Department of Defense or military services.

Direction and control of the office will be through a Director selected from the career Senior Executive Service. The Director must also have background and experience in law enforcement and prosecution issues. The office will be staffed by an appropriate mixture of professional federal law enforcement officers, attorneys, administrative support personnel, and counseling referral personnel. The federal investigators will be experienced senior criminal investigators. Staffing of this office will be required to be generally and appropriately representative of the population of the nation with regard to race, gender and cultural diversity.

Office Functions

A principal responsibility of the Office will be to gather, compile, store, track and report comprehensive data on investigations and prosecutions which involve allegations of conduct which has sexual overtones, including rape, sexual assault and battery and sexual harassment, and which involve military personnel or dependents as either victim or alleged perpetrator.

This office will be mandated to provide access to that data to all appropriate law enforcement and judicial authorities, medical and counselling personnel, military and Department of Defense managers, and to Congress to ensure that the problem of sexual abuse and harassment within the military is corrected.

A function of the Office will be oversight and quality control of all ongoing sexual misconduct investigations conducted by any agency or office of the military services.

The Office shall have authority to enter at any stage into any investigation into these subject matters conducted by any investigative arm of the military services under the jurisdiction of the Secretary of Defense and to observe and report to the Secretary upon the status, conduct and performance of any investigation, investigator or investigative office with respect to the allegations which are the responsibility of the office.

A special function of the Office will be the authority to conduct direct investigations into allegations of criminal activity involving sexual misconduct.

Direct investigation will occur at the direction of the Secretary of Defense or the Office Director following a request from a military commander, any criminal investigations office of military service branch investigating allegations of sexual misconduct or harassment, or from a victim.

Criminalize Coverups or Concealment

Defines a new federal criminal offense punishable as a Class D felony with potential penalties of 10 years in prison in addition to a fine for the willful and knowing conduct by any civilian or military person whose responsibility it is to take action upon reports of criminal sexual misconduct, including sexual harassment, who fails to report the allegations to the new investigative office and to that person's supervisors.

Also defines a separate federal offense punishable as a Class A misdemeanor for failing to report to the new investigative office and to the person's supervisor any allegation of sexual harassment.

Personal Responsibility for All Officers and Managers

Requires the Secretary of Defense immediately to place requirements in the personnel performance standards and to evaluate all Department of Defense personnel for their annual performance and for all military personnel before any promotion in rank or award related to consideration of each person's success in meeting the challenge of combatting sexual harassment.

Prohibits the Secretary of Defense from advancing in rank or for making any financial award for annual performance to any person convicted of criminal sexual misconduct or who has a civil or administrative finding of sexual harassment or who has retaliated against a reporting victim or witness in these types of cases.

Secretarial Accountability Through Annual Reports to Congress

Requires the Secretary of Defense to make an annual report to Congress on sexually-related violations and the status of prosecutions based upon information from the new investigative office's data compilation and investigative tracking functions.

Requires the Secretary of Defense to make a second and separate annual report to Congress concerning the Department of Defense's success in eliminating a climate favorable to sexual abuse and harassment and the status of the requirements that personnel evaluations and promotions be linked to individual success in eradication of this behavior.

Institutionalize Personal Accountability for Wrongful Acts

Requires the Secretary of Defense to issue regulations which insulate and protect any person from retaliation, disciplinary action or from separation from the military service as a result of reporting and/or providing information on sexual misconduct.

Requires the Secretary to make it a punishable offense under regulations of the respective military services for any military person to retaliate against any person for reporting a violation of criminal, civil or administrative requirements related to appropriate sexual conduct of service personnel.

Authority to Provide Outside Counseling and Medical Assistance

Provides the new Office with separate contracting authority to provide necessary support activities related to its data compilation function and for any necessary assistance to victims reporting criminal activity including, but not limited to, rape counseling, medical assistance and support, stress or trauma counseling services.

Office and Its Functions are Permanent

Permanently authorizes the new special investigation Office. No budget estimate has yet been prepared. Preliminary rough cost estimates range from $10 million to $20 million per year.

By Mr. WOFFORD:

S. 3296. A bill to direct the Secretary of Commerce to provide grants to States to provide technical and financial assistance to small and medium-sized manufacturers; to the Committee on Commerce, Science, and Transportation.

INDUSTRIAL INNOVATION ACT OF 1992

• Mr. WOFFORD. Mr. President, today I introduce legislation to help small- and medium-sized manufacturers boost their productivity and competitiveness. The Industrial Innovation Act of 1992 would provide technical and financial assistance to these businesses, allowing them to invest in modernization, market expansion, and new product development. This assistance would be provided to States in the form of block grants with the intention of leveraging existing efforts to upgrade our industrial base.

Pennsylvania offers a good example of how State programs can make a real difference for manufacturers. The Commonwealth's Industrial Resource Centers program has provided substantive services to over 1,000 Pennsylvania firms through the program's eight regionally-based IRCs. Federal support would allow the program to expand and assist even more of our State's 18,000 manufacturing firms, an investment that would pay off in better product quality, improved technology, and more jobs in the manufacturing sector.

The Commonwealth has also implemented a successful government-industry-university program, the Ben Franklin Partnership, which is uniquely positioned to commercialize state-of-the-art research—an area in which the United States must do better if we are to retain our technological leadership. Pennsylvania has already invested over $200 million in this innovative program.

Mr. President, our small- and medium-sized industrial companies—the same companies that helped us to become a superpower both economically and militarily—are suffering. As a member of the Senate Democratic task force on defense and economic conversion, I know that there are a lot of good ideas in Washington. But as a former Secretary of Labor and Industry for Pennsylvania, I know first-hand that there are a lot of good ideas outside the Beltway as well. I heard testimony on some of these ideas during a series of field hearings I recently held in the Commonwealth. This legislation will allow Pennsylvania and other innovative States to take these good ideas and test them, and I commend it to my colleagues.

I ask unanimous consent that the text of my bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; STATEMENT OF PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Industrial Innovation Act of 1992".

(b) STATEMENT OF PURPOSE.—The purposes of this Act are to help small and medium-sized businesses to utilize the best practices in quality processes, productivity, and marketing programs and to utilize such practices in human resource management.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions apply:

(1) SMALL AND MEDIUM-SIZED MANUFACTURER.—The term "small and medium-sized manufacturers" shall have such meaning as the Secretary, by regulation, shall prescribe.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(3) STATE.—The term "State" means each of the several States, the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for fiscal years 1993, 1994, and 1995 not more than $1,000,000,000 to carry out this Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization provided by subsection (a) shall remain available until expended.

SEC. 4. APPLICATION.

(a) GRANTS.—The Secretary is authorized to make grants to the States to enable the States to provide technical and financial assistance to small and medium-sized manufacturers in accordance with this Act.

(b) IN GENERAL.—To receive a grant under this Act, a State shall submit to the Secretary an application at such time and in such form and containing such information as the Secretary may require, including, but not limited to—

(1) the certifications required under subsection (c);

(2) identification of the impact of industrial job loss on the State, regions within the State, and particular communities;

(3) the need for services among manufacturing firms;

(4) the State and local efforts to address such needs;

(5) assurances satisfactory to the Secretary that the State will use amounts from a grant only for the eligible activities under section 5;

(6) identification, through a strategic plan, of how grant will leverage coordination of existing business service, financial assistance, and educational programs in support of objectives of the grant; and

(7) assurances satisfactory to the Secretary that the State will not provide technical and financial assistance under this Act to any small or medium-sized manufacturer who does not have a committee, comprised of management and employees other than management, advising on planning and new technology, and making recommendations concerning training needs and health and safety issues.

(c) CERTIFICATIONS.—The State shall certify to the satisfaction of the Secretary that—

(1) the State will provide funds from its revenues in an amount equal to $1 for every $10 of Federal funds from such grant for the purpose of providing technical and financial assistance to small and medium-sized manufacturers;

(2) the State will maintain its aggregate expenditures from all other sources for programs which provide technical and financial assistance to small and medium-sized manufacturers at or above the average level of such expenditures in the 2 fiscal years preceding the date of the enactment of this Act;

(3) the State will require each small and medium-sized manufacturer receiving financial assistance under section 5 to provide funds in an amount equal to and not less than $1 for every $1 of funds provided to the manufacturer in those cases where the State provides direct financial assistance under such section for the purpose of supplementing such funds; and

(4) the State will submit to the Secretary a report describing the use of such grant, including—

(A) the number of small and medium-sized manufacturers which received technical or financial assistance from such grant;

(B) oversight of the grant; and

(C) any other information the Secretary determines to be appropriate.

SEC. 5. ELIGIBLE ACTIVITIES.

(a) IN GENERAL.—A State shall use amounts from a grant under this Act only to provide technical and financial assistance to small and medium-sized manufacturers doing businesses in such State in accordance with the allocation requirements under subsection (b).

(b) STATE ALLOCATION.—The State will allocate amounts received from a grant under this Act in accordance with the following requirements:

(1) 50 percent of amounts received from the grant will be reserved by the State to provide technical and financial assistance to small and medium-sized manufacturers to make quality and productivity improvements and expand markets through various activities, including—

(A) developing and carrying out strategic planning for innovation and industrial modernization;

(B) developing and carrying out advanced manufacturing processes, practices and techniques, and best commercial practices;

(C) transferring advanced manufacturing technologies and best commercial practices;

(D) assessing export potential and undertaking export marketing programs;

(E) supporting manufacturing extension services;

(F) fostering supplier networks and other forms of collaboration among businesses to improve competitiveness;

(G) assistance in developing new products and technologies;

(H) market expansion assistance, including support for export trade, and procurement assistance centers that are recognized by the Small Business Administration;

(I) strategic financing assistance for export, new product development and the commercialization of new technologies; and

(J) planning development and design of projects for new commercial uses in critical technology areas such as high speed transportation technology, digital communications, and optical electronics; and

(2) 50 percent of amounts received from the grant will be reserved by the State to provide technical and financial assistance to small and medium-sized manufacturers to undertake human resource development initiatives essential for industrial modernization and the fulfillment of improved competitiveness strategies, including—

(A) developing and carrying out high performance workplace systems and employee involvement and Labor-Management Committees to—

(i) reduce overspecialization;

(ii) foster flexible work organization;

(iii) increase teamwork among workers across functional work units; and

(iv) expand employees' roles as partners with management in planning and managing change;

(B) developing and carrying out company and industry-specific training for workers required for the introduction of advanced manufacturing technologies and other industrial modernization initiatives;

(C) developing and carrying out work force literacy programs for industrial modernization; and

(D) developing and carrying out programs to encourage employee ownership.

(c) COORDINATION.—The Secretary of Commerce shall coordinate as necessary with the Secretary of Labor and States' employment services and Service Delivery Areas (as described in section 101 of the Job Training Partnership Act) and other pertinent State agencies to carry out the provisions of this Act.

SEC. 6. REPORT.

Not later than January 1, 1995, the Secretary shall submit to the Congress a report containing—

(1) a compilation of the information contained in the State reports received by the Secretary pursuant to section 4(c)(4); and

(2) an evaluation of the effectiveness of the grant program.●

By Mr. KOHL:

S. 3297. A bill to strengthen the security of Federal computer systems, and for other purposes; to the Committee on Governmental Affairs.

COMPUTER SECURITY ACT AMENDMENTS OF 1992

• Mr. KOHL. Mr. President, today I am introducing legislation which will strengthen the security of sensitive information stored on Government computer systems.

Last year testimony, before my Subcommittee of Government Information and Regulation showed that, despite the Computer Security Act of 1987, foreign hackers routinely broke into military computer systems that held sensitive information during Desert Storm and Desert Shield.

Teenage hackers from the Netherlands accessed sensitive information such as personnel records and weapon systems development data. Personnel records can be used to coerce employees to reveal even more sensitive information. Information on weapon systems development can identify weaknesses of weapons in the field. Fortunately, these hackers had no interest in using the information against us. But we shouldn't be relying on good fortune to protect our sensitive information.

It was clear from the testimony at my hearing that the problem lies with the implementation of the Computer Security Act, rather than with the act itself. While most agencies developed the security plans called for in the Computer Security Act, few moved to implement those plans.

These amendments are intended to augment the Computer Security Act by providing specific guidance for implementing computer security on Government computer systems.

These amendments call for first, the development of a report which documents the incidents where computer security has failed. Second, they require each agency to develop a system of audits to assure that their security plans are being implemented. Third, these amendments give OMB the responsibility to certify that agencies are in compliance with the Computer Security Act, and allow OMB to revoke an agency's authority to purchase computer equipment if the agency is not in compliance.

Some argue that computer security will improve slowly as more and more employees are educated about the problem. Others see it as a management failure, and what is needed is to make senior administrators aware of the problem. Unfortunately, there has been little change since the Computer Security Act was passed 5 years ago, and even in times of national crisis little attention is paid to computer security.

We cannot sit idly by and wait for things to improve. We have an obligation to the public to assure them that Government information is adequately protected. This legislation will force the Government to live up to that obligation.

I ask unanimous consent that a copy of the legislation and a section-by-section description of the legislation be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Security Act Amendments of 1992".

SEC. 2. COMPUTER SECURITY OF FEDERAL COMPUTER SYSTEMS.

The Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724 et seq.; 40 U.S.C. 759 note) is amended by redesignating sections 7 and 8 as sections 8 and 9, respectively, and inserting after section 6 the following new section:

"SEC. 7. SECURITY AND REPORTING REQUIREMENTS.

"(a) ANNUAL REPORT OF UNAUTHORIZED ACCESS.—(1) No later than the second Monday in January of each year, the head of each Federal department and agency shall submit to the Senate Committee on Governmental Affairs and the House of Representatives Committee on Science, Space, and Technology a report on—

"(A) the number of attempts by unauthorized users to access any computer which—

"(i) is capable of being remotely accessed by telephone link; and

"(ii) is part of a Federal computer system in which such department or agency, or a person under contract with such department or agency, is the operator of such Federal computer system;

"(B) the number of attempts described under subparagraph (A) that were successful;

"(C) with regard to the successful attempts described under subparagraph (A)—

"(i) the way in which unauthorized access was accomplished; and

"(ii) whether information was disclosed, copied, altered, or destroyed; and

"(D) the actions taken to identify and apprehend any person who makes a successful or unsuccessful attempt described under subparagraph (A).

"(2) Beginning with the second Monday in May in the year in which the second annual reports are required to be submitted under subsection (a), and no later than the second Monday in May in each year thereafter, the Office of Management and Budget shall submit to the Senate Committee on Governmental Affairs and the House of Representatives Committee on Science, Space, and Technology a report that—

"(A) summarizes all department and agency reports submitted under subsection (a) for the prior year;

"(B) assesses the improvement or deterioration of computer security for the prior year; and

"(C) describes plans of the Office of Management and Budget to improve computer security in the upcoming year.

"(b) AUDITING REQUIREMENTS.—(1) No later than 3 years after the date of the enactment of this subsection, each department and agency shall implement a plan which shall provide for an audit of each multiuser system by a system manager not assigned to such system to be conducted every 3 years. Each audit shall determine—

"(A) the number of multiuser systems audited;

"(B) the percent of all multiuser systems audited (both by side of system as measured by the number of users);

"(C) the number and percent of systems with one or more vulnerable passwords;

"(D) the number and percent of systems with one or more default software passwords unchanged; and

"(E) the number and percent of systems that experienced one or more security breaches since the previous audit.

"(2) The results of each audit shall be included in the annual report submitted by each department and agency under subsection (a).

"(c) SECURITY REQUIREMENTS.—(1) Each department and agency shall designate a system manager for each multiuser system of the department or agency. Such system manager shall—

"(A) receive sufficient training to establish a level of security for that system appropriate to the mission and sensitivity of that system, and to detect computer security problems in the system;

"(B) inspect the security state of the system and report any evidence of computer security infractions or other adverse events to the appropriate computer security officer no less than once a week;

"(C) file such reports for use in preparing the annual reports required under subsection (a); and

"(D) in cooperation with the appropriate computer security personnel of the department or agency, ensure that—

"(i) the multiuser system is checked for security of user and system passwords no less than once each month;

"(ii) vulnerable passwords in the multiuser system are disabled and secure passwords adopted;

"(iii) accounts that show no activity for any period of 6 months or more are disabled;

"(iv) each user of the multiuser system shall sign a statement describing the user's responsibilities and the usage privileges that are permitted or prohibited;

"(v) a message is installed in the system to any person when first accessing the system that shall inform such person that—

"(I) the system and the information contained therein are the property of the United States Government;

"(II) unauthorized use or access is subject to prosecution under United States law; and

"(III) if the system is monitored, their interactions are subject to monitoring; and

"(vi) each user account on the multiuser system shall be terminated when employment of the user is terminated, unless the system manager and his supervisor authorize in writing the continued use of that account and specifies the reasons for continuation of the account.

"(2) The department or agency may establish a full-time position for an employee to perform the duties of a system manager. An employee who is not performing the duties of system manager on a full-time basis, shall spend no less than 50 percent of each work week performing the duties of system manager.

"(d) ENFORCEMENT.—The Office of Management and Budget shall promulgate regulations establishing standards using the reports submitted under subsection (a) and the audits conducted under subsection (a) and the audits conducted under subsection (b) for determining whether a department or agency is in compliance with—

"(A) the provisions of this Act;

"(B) sections 20 and 21 of the Act of March 3, 1901 (15 U.S.C. 278g-3 and 278g-4); and

"(C) section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)).

"(2) If the Office of Management and Budget determines that a department or agency, or an administrative unit of a department or agency, is not in compliance with the provisions of law referred to under paragraph (1)(A), (B), and (C), the Office shall prohibit such department, agency, or administrative unit, from entering any contract for the procurement by lease or purchase of any computer equipment until the Office certifies to the head of such department or agency that the department or agency is in compliance with such provisions of law. Before making such certification, the Office shall conduct a series of unannounced audits of no less than 5 percent of all multiuser systems of the department or agency.

"(e) DEFINITION.—For purposes of this section the term 'multiuser system' means any Federal computer system which is capable of supporting 2 or more users simultaneously, or any Federal computer system which links 2 or more single user computers.".

SECTION-BY-SECTION ANALYSIS OF THE COMPUTER SECURITY ACT AMENDMENTS OF 1992

SECTION 1. SHORT TITLE

This Act may be cited as the "Computer Security Act Amendments of 1992".

SECTION 2. COMPUTER SECURITY OF FEDERAL COMPUTER SYSTEMS

The Computer Security Act of 1987 (P.L. 100-235; 101 Stat. 1724 et seq.; 40 R.S.C. 759 note) is amended by redesignating sections 7 and 8 as sections 8 and 9, respectively, and inserting after section 6 the following new section:

SECTION 7. SECURITY AND REPORTING REQUIREMENTS

(a) Annual Report of Unauthorized Access.

This section requires the head of each Federal department and agency to submit to the Senate Committee on Governmental Affairs and the House of Representatives Committee on Science, Space, and Technology a report on:

The number of attempts by unauthorized users to access any computer capable of being remotely accessed by telephone and is part of a Federal computer system;

The number of attempts that were successful;

The way in which successful attempts were accomplished;

Whether information was disclosed, copied, altered, or destroyed;

The actions taken to identify and apprehend any person who makes a successful or unsuccessful attempt;

And, requires OMB to submit a report which summarizes the agency reports, assesses improvement or deterioration of computer security, and describes the plans of OMB to improve computer security in the upcoming year.

(b) Auditing Requirements.

No later than three years after the date of enactment each department and agency shall implement a plan which shall provide for an audit of each multiuser system by a system manager not assigned to such system to be conducted each 3 years. Each audit shall determine:

The number of multiuser systems audited;

The percent of all multiuser systems audited;

The number and percent of systems with one or more vulnerable passwords;

The number and percent of systems that experienced one or more security breaches since the previous audit.

(c) Security Requirements.

Each department and agency shall designate a system manager for each multiuser system. Such system manager shall:

Receive sufficient training to establish an appropriate level of security for that system;

Inspect the security state of the system and report any evidence of security infractions to the appropriate computer security officer no less than once a week;

File such reports for use in preparing the annual reports required under subsection (a);

Ensure that the system is checked for security of user and system passwords no less than once a month;

Ensure that vulnerable passwords are disabled and secure passwords adopted;

Ensure that accounts that show no activity for any period of 6 months or more are disabled;

Ensure that each user of the system shall sign a statement describing the user's responsibilities and privileges that are permitted or prohibited;

Ensure that a message is installed in the system to any person when first accessing the system that shall inform such person that:

The system and information contained therein are the property of the United States Government;

Unauthorized access is subject to prosecution under U.S. law; and

If the system is monitored, that their interactions are subject to monitoring;

Ensure that each user account shall be terminated when employment of the user is terminated.

The department or agency may establish a full-time position for an employee to perform the duties of a system manager. An employee who is not performing the duties of system manager on a full-time basis, shall spend no less than 50 percent of each work week performing the duties of system manager.

(d) Enforcement.

The Office of Management and Budget shall promulgate regulations establishing standards using the reports submitted under subsection (a) and the audits conducted under subsection (b) for determining whether a department or agency is in compliance with:

The provisions of this Act;

Sections 20 and 21 of the Act of March 3, 1901 (15 U.S.C. 278g-3 and 278g-4) (These sections establish the computer security mission for the National Institute of Standards and Technology and establish the Computer System Security and Privacy Advisory Board); and

Section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d)) (This section charges the Secretary of Commerce, on the bases of standards and guidelines developed by the National Institute of Standards and Technology, with promulgating standards and guidelines pertaining to the security and privacy of Federal computer systems.)

If the Office of Management and Budget determines that a department or agency, or an administrative unit of a department or agency, is not in compliance with the provisions of law, OMB shall prohibit such department, agency, or administrative unit from entering any contract for the procurement by lease or purchase of any computer equipment until the Office certifies that the department or agency is in compliance with such provisions of law.

(e) Definition.

For purposes of this section the term "multiuser system" means any Federal computer system which is capable of supporting 2 or more users simultaneously, or any Federal computer system which links 2 or more single user computers.●

By Mr. BOREN (for himself and Mr. BREAUX):

S. 3299. A bill to contain health care costs and improve access to health care through accountable health plans and managed competition; to the Committee on the Finance.

MANAGED COMPETITION ACT OF 1992

● Mr. BOREN. Mr. President I rise today, with my good friend from Louisiana, Mr. BREAUX, to introduce a bill which I believe is a solid blueprint for comprehensive health care reform.

This bill, the Managed Competition Act of 1992, is a companion to H.R. 5936, which was introduced by Congressman JIM COOPER and others. It is designed—unlike any other major reform bill—to contain costs the old-fashioned way: through competition. This bill also ensures access to coverage by allowing individuals and small businesses to join together in health insurance purchasing cooperatives.

I would note, Mr. President, that Senator BREAUX and I decided literally within hours of each other to support this legislation. We share a commitment to comprehensive, market-oriented solutions to the health care crisis. And we are committed to working closely together, and with other Members of the Senate, so that we may craft a consensus-based reform plan next year that will become law.

Managed competition is an exciting concept, Mr. President. It will achieve the goal that liberals and conservatives share—affordable, accessible, high-quality health care—in a way that will bring people together across the ideological spectrum.

Under this legislation, providers and insurance companies will be encouraged through changes in the Tax Code to form improved and expanded versions of health maintenance organizations, called accountable health plans.

These health plans will compete to provide high-quality, low-cost care. The AHP's will operate under a variety of insurance reforms for which there is bipartisan support, including community rating, and a prohibition on exclusions for preexisting conditions. Additionally, under this bill, a national health board will be established to determine the contents of the standard benefits package which AHP's will compete to offer, and to provide information to consumers on the performance of the AHP's so that the can make informed and meaningful choices about their health coverage.

Unlike many other reform proposals, Mr. President, this bill can pay for itself. The major sources of financing will be the elimination of the limit on income which is subject to certain Medicare taxes, a cap on deductibility of health plan expenses at the price of the most cost-effective AHP, and a fold-in of Federal Medicaid spending.

Now, in introducing this companion to the H.R. 5936, I will say that this is only a first step. The bill itself can be improved and the concept fine-tuned. In particular, I intend to look closely at how managed competition can be made to work in rural, medically unreserved areas. But there should be no doubt that when the Congress reconvenes next year, the managed competition concept will be at the forefront of what is likely to be an energized, fast-moving, and substantive debate about the health care crisis. And it is primarily for that reason that we have introduced this bill today.

This bill will preserve the most rational elements of our current health care system, while also encouraging far greater efficiency and better access. Managed competition is an idea whose time has arrived, Mr. President, and I hope that the Senate will give this concept, as incorporated in our bill, the serious consideration which it deserves. The American people will expect prompt action from us when we return next year, and this bill—in combination with related proposals by Senators KASSEBAUM, BINGAMAN, DURENBERGER, and others—will lay a solid and fair foundation for that action.•

Mr. BREAUX. Mr. President, I rise today to introduce the Managed Competition Act of 1992. This legislation is a companion to H.R. 5936 as introduced in the House of Representatives on September 15 by Congressmen JIM COOPER, MIKE ANDREWS, CHARLIE STENHOLM, and a number of others. Its introduction in the Senate is a joint effort between Senator BOREN and myself.

The concept of managed competition as embodied in this legislation will serve as the foundation for real bipartisan action to reform the U.S. health care system during the upcoming 103rd Congress. It is my hope that all Members of the House and Senate and other interested parties will work with Senator BOREN and I and with the House sponsors of this legislation to make any needed changes and improvements in the bill over the coming months.

I will describe the basic contents of the bill in a moment, but what is every bit as important about the managed competition concept are the problem areas that it avoids. It does not impose a costly and inflexible burden on employers as would a pay-or-play system and it does not impose federally mandated budgets and price-setting on the provision of medical service. It also avoids the intrusive model of a nationalized health insurance system under which the Federal Government would act as the sole insurer. Instead, managed competition depends on market forces and competition generated by well-informed and well-positioned purchasers of health care services to accomplish the twin goals of reduced costs and increased access to health care.

The United States currently spends about $800 billion on health care and the costs are continuing to grow at an unsustainable rate. Health care costs already eat up 14% of our GNP and threaten to overwhelm the economy if this proportional growth continues. At the same time, more and more Americans find themselves either without any insurance at all or underinsured to the extent that a single major illness or accident in their family could mean destitution.

The so-called health care system in the United States is not a well-thought-out system. It is the product of what one policy expert has called chronic incrementalism. What has resulted is a system of well-intended but perverse incentives that have given us run-away inflation in the health care sector.

Fee-for-service insurance as we know it does not contain adequate incentives for providers or patients to pay attention to the costs of their care. Small groups and individuals do not have leverage in the market to purchase health insurance coverage efficiently. Risk-based skimming practices and experience rating by insurers make small group purchasing even less economically efficient. The current unlimited Federal tax deductibility of employer-provided health insurance benefits carries with it a disincentive for individuals or employers to choose the most price-competitive plans.

The legislation that we are introducing today would reform existing tax incentives to encourage providers and insurance companies to form health plan purchasing cooperatives and to give individuals and small employers the same buying power and negotiating leverage that is now available only to the largest groups and employers. It would also limit the deductibility of employers' health insurance costs to a level comparable to the costs of a competitively priced basic benefit plan.

At the same time, this legislation would introduce stability into the health insurance market and eliminate insurance companies' counterproductive risk-based skimming practices. Health plans would be prohibited from excluding individuals on the basis of preexisting medical conditions and from using experience rating to charge higher rates to individuals who have a history of higher medical expenses.

The bill contains provisions that will provide access to health care for millions of low-income Americans who currently do not have insurance. Individuals and families with incomes of up to 100 percent of poverty would be eligible for fully subsidized coverage. Those with incomes between 100 percent and 200 percent of poverty would receive subsidies on a sliding scale.

The Managed Competition Act addresses the needs of millions of Americans for basic access to care and will help to eliminate cost shifting, which is one of the single largest factors in health care cost inflation. Cost shifting occurs when individuals who have private insurance pay higher health care fees to health care providers to make up for the unreimbursed costs of treating indigent patients.

The bill also contains important provisions to encourage individuals to take advantage of preventive care, to reduce the amount of administrative paperwork in the health care system through the development of standardized claims forms and to address medical malpractice costs.

Mr. President, most of the credit for this legislation belongs to the House sponsors of the bill; Representatives COOPER, ANDREWS, STENHOLM, and others, who have brought it to its current form. We are introducing it today because the Managed Competition Act contains a number of important concepts that I strongly believe need to be a part of the debate on health care reform in the next Congress. I invite my Senate colleagues to join us in this important step toward realistic health care reform.

By Mr. BINGAMAN:

S. 3300. A bill to provide universal access to health care and contain health care costs through accountable health plans and managed competition, and for other purposes; to the Committee on Labor and Human Resources.

21ST CENTURY HEALTH CARE ACT

• Mr. BINGAMAN. Mr. President, as the 102d Congress draws to a close, I want to commend several of my colleagues for their efforts to reform our health care system.

A number of our distinguished colleagues have helped us grapple with the complex issues confronting our health care system. Senators MITCHELL, KENNEDY, KERREY, RIEGLE, DASCHLE, CHAFEE, DURENBERGER, ROCKEFELLER, LEAHY, and PRYOR have introduced bills that have moved the debate to a higher level.

We have not made the progress many of us hoped to achieve during this Congress, but we have taken some important steps. Our colleagues have helped us clarify and begin to reach consensus on the issues fundamental to health care reform. We are much closer to consensus than we were a year ago, or even 6 months ago. But we have not found all the answers. We need to continue searching for innovative solutions.

Earlier in this session, Senator DURENBERGER and I introduced S. 3165, the Health Insurance Purchasing Cooperatives Act. S. 3165 creates inventive solutions for the small employer health insurance market. Today, I am taking the next step: I am introducing the 21st Century Health Care Act, a comprehensive strategy built on the ideas in our earlier legislation.

The 21st Century Health Care Act is a prescription for innovative, comprehensive reform of the U.S. health care system. The 21st Century Health Care Act provides a unified policy that will result in efficient, equitable health care for all Americans.

Mr. President, for more than 150 years, the United States has avoided establishing a coherent national health policy. Instead, we have created a system, largely based on one's employment status, that is fragmented and inequitable. We have created—and perpetuated—a system doomed to failure.

It is time for a change. It is time, as we begin the global race toward leadership in the 21st century, that we reassess our Nation's potential economic weaknesses and recognize the competitive edge won by nations that have already embraced a national health care policy.

It is time that we adopt a national health care policy. To be effective, I believe our policy should be based on three fundamental principles:

First, every American has a right to affordable, competent health care;

Second, health care costs should not bankrupt our Nation or burden our next generation; and

Third, access to health care services should not be based on a person's employer or health history.

Our current system embodies none of these principles. It is best described, I believe, as an amalgamation of special interest, business enterprise, and often reluctant charity. Our health care system, like our judicial and education systems, reflects the pluralism and social stratification of our society, and it leaves almost 20 percent of our population out in the cold.

My prescription for change will not be embraced by everyone—some will argue, that we should continue to patch our current employer-based system. These individuals will argue that the cost of restructuring our system is too high. I believe, however, that we must take the difficult step we have avoided for too long. We must establish a health care system that provides access to health care to all Americans. Access must not be based on the generosity of one's employer; access must be determined by citizenship in a caring, humane Nation.

My decision to seek comprehensive change was not reached lightly. I came to this point only after extensive deliberation, and four key facts have convinced me that this is the right thing to do:

First, 36 million Americans lack health benefits;

Second, as many as 15 percent of all working Americans are locked in their current jobs because they fear losing health benefits if they change positions;

Third, risk rating as a basis for health insurance is wrong, but it is the current practice; and

Fourth, our current system has failed to control costs.

With regard to the first point, access, the Employee Benefits Resource Institute estimates that 36 million Americans lack health insurance benefits. Of the Americans lacking health insurance, 55.7 percent are employed, mostly in small firms. According to EBRI, 28 percent of the workers in firms with less than 25 employees have health coverage, while 71 percent of workers in firms with more than 1,000 employees have coverage.

Most unconscionable to me is that 15 million children in the United States are without health benefits. At a time when political rhetoric about family values assaults us each day, we allow 15 million of our children to be deprived of health coverage. There is no greater testimony to the failings of our health care system than our failure to protect those who cannot protect themselves.

Evidence that our employer-based health system is unraveling is also apparent in the number of Americans trapped in their current job by the need to maintain health insurance benefits. This phenomenon, called job lock, is caused by imposition of preexisting health clauses in health insurance policies and is related to the practice of risk rating. Job lock is one consequence of allowing insurance companies to competitively risk rate insurance. Competitive risk rating leads to discrimination against those most likely to need health services, the very individuals needing to insure themselves. It allows insurers to red line entire occupations, such as aviation, auto sales, hair stylists, construction, and restaurants, which are thought to be at higher risk for use of health services.

Risk rating burdens those most in need of help, and it cannot be defended on economic grounds; risk rating increases costs to those most needing services, thereby delaying access to services until a problem becomes an emergency, and through cost shifting, individuals with insurance are charged higher rates to cover the costs of the uninsured.

Warren Greenberg, an economist at George Washington University, estimates that 15 percent of the adult work force is locked into their current employment position. Greenberg argues that the productivity of these individuals is compromised by their inability to pursue promotions or additional education. According to Professor Greenberg, this lack of productivity costs the American economy $13.6 billion each year.

It is clear to me that we need to put an end to the practice of risk rating. I believe we should establish a practice of modified community rating, which recognizes the principle that every American, at some time during his or her life, will undoubtedly participate in the health care system.

Finally, I believe the escalation of health care costs demands that we reform the system. This issue has been widely discussed, so I will only point out that per capita spending has increased from $204 per person in 1965 to more than $2,500 per person in 1990. Indeed, the cost of health care in the United States, at the rate sustained over the last 10 years, will double every 7 years, and by the year 2000, we will spend more than 16 percent of our gross domestic product on health care.

The consequences of increasing health costs are becoming apparent in all aspects of our lives. Individual out-of-pocket expenses totaled $136 billion in 1990. Business spending on health over the same period grew from 2.2 percent to 8.3 percent of wages and salaries. Employer spending on health insurance has grown steadily since employer-based insurance was instituted in the late 1940's and now comprises 3.8 percent of the GNP and 6.3 percent of total employee compensation.

During the past 12 years, health care expenditures have grown much faster than the cost of other commodities. In 1965, spending on health—5.9 percent; education, 6.2 percent; and defense, 7.5 percent—were roughly comparable in terms of the gross national product. In 1990, the military's share fell to less than 6.0 percent, education rose slightly to 7.2 percent, and health care spending rose substantially to 13 percent. Federal spending on health services increased from 24 percent of all health spending to 29 percent. Spending on entitlements, including health programs, now comprises more than half the budget.

Mr. President, I have described the underlying flaws in our health care system—flaws in the mechanisms that control costs, finance health benefits, and ensure access to health care. I believe that only through substantial change can we eliminate these flaws.

It is a tremendous task: We are talking about restructuring a $800 billion system. In fact, modifying our health care system is akin to changing the entire economy of most nations. Comprehensive reform models like the one I am proposing must be viewed as strategies or templates for change, rather than specific recipes. We must create a model for comprehensive reform that is parsimonious, yet progressive and innovative. The program must effectively control costs, while minimizing regulation. We must recognize that markets, in the long run, are the most effective mechanisms of regulation. If we can successfully structure competition to focus the needs of the consumer, markets should effectively regulate cost.

Paul Starr, a noted sociologist and medical historian, states in his forthcoming book, "The Logic of Health-Care Reform":

> Managed competition, the design for reform introduced in 1977 by economist Alain Enthoven, is one of several models for using

market forces to control health costs and improve the system's performance. The basic idea is to get groups of providers to compete with each other in a framework that allows consumers to choose intelligently among them and that encourages cost-conscious decision making. Unlike some other market approaches, managed competition does not depend for its success on the implausible possibility that consumers will shop around for care when they are sick. Nor does it call for higher deductibles and copayments as a way of creating greater patient sensitivity to costs. In this approach, the key decision point is the annual choice of a health plan, a choice made at a time when consumers are not under the pressure of illness and can evaluate alternative plans at varying prices.

Some of my colleagues may think that it is impossible to combine managed competition with a budgeting process. I believe that it is impossible not to combine a national health program with a budgeting process. We must control Federal health expenditures and influence private health spending.

Any financing plan that raises revenue and then channels all payments to providers and hospitals through a single spigot creates a mechanism for public regulation of health care spending. We must use this opportunity to control health costs.

The bill I am introducing today reforms the American health care system and revolutionizes the health delivery system. Using a single spigot system, the 21st Century Health Care Act offers all Americans access to health care. Competition will be fostered by Health Insurance Purchasing Cooperatives [HIPC's], which will act as benefits managers, in each State. Health care will be delivered through Accountable Health Partnerships [AHP's] organized health systems designed to deliver health care in an efficient, effective manner.

All Americans, including those currently covered through private insurance, the Federal Employees Health Benefit Program, and Medicaid, will be automatically enrolled in this State-based program.

NATIONAL HEALTH BOARD

To oversee the program nationally, my bill establishes a National Health Board, an 11-member board appointed by the President, representing the spectrum of participants in our health care system. The Board will develop effective uniform benefit package and periodically review the benefits packages; establish data collection requirements for quality monitors, expense reporting, and health outcome and efficacy data; and establish a program for low-income assistance that includes requirements of eligibility, premium assistance, cost sharing, and assistance for items and services.

The National Health Board also will establish a Federal budget for financing the uniform health package, based on projected State expenditures and expenses incurred by efficient benefit plans. The Board will set a target budget for each State by adjusting the national average per capita costs to reflect differences among the States in wages, prices, and the need for health services. The Federal financial allocation to each State's target budget for uniform health benefits will consider: First, an amount to be financed by individual premiums and copayments, determined by applying nationally uniform standards, and second, the State's ability to finance remaining health costs. The Federal contribution will not be less than 50 percent, or exceed 85 percent of each State's target budget, less amounts paid by individual premiums and copayments. State governments will be responsible for financing overbudget expenditures.

Over time, the Board may refine its budget making by setting budget targets that reflect risk adjustors for specific medical conditions, advances in medical technology, outcomes research, changing health priorities, and professional practice guidelines and other measures.

In many areas of our rural and inner-city areas, health care competition is only a hope. To address this problem, the National Health Board will authorize the State HIPC's to establish reimbursement benchmarks derived from appropriate measures in areas with ineffective competition. These benchmarks may be used to establish capitation rates until effective competition develops.

The National Health Board will be assisted by four advisory boards:

First, the Health Outcomes Management Standards Board will make recommendations on the national data system and standards for collection of information from AHP's;

Second, the Health Benefits Standards Board will make recommendations on the uniform set of benefits; evaluate effective services to be used for uniform benefits; and assess medical technology, practice variations, and effectiveness of drug therapies as evidenced in the research literature;

Third, the Health Insurance Standards Board will make recommendations on standards for operation of AHP's and HIPC's, including financial reporting requirements for HIPC's and the treatment of uniform effective benefits and expenses in excess of AHP costs; and

Fourth, the Medicare Transition Board will make recommendations on the integration of Medicare with the programs established under the bill.

HEALTH INSURANCE PURCHASING COOPERATIVES

The 21st Century Health Care Act implements Health Insurance Purchasing Cooperatives [HIPC's] as health benefit purchasing agents. HIPC's will be established by States in districts, based on population and geography to achieve economy of scale. Each HIPC will act as the exclusive purchasing agents for all individuals within a district, soliciting bids for specific benefits packages and purchasing large blocks of insurance, thus motivating providers and carriers to provide high quality, cost-effective services, and coverage. HIPC's will inform individuals about their benefits and operate biannual open enrollment seasons for individuals.

ACCOUNTABLE HEALTH PARTNERSHIPS

Accountable Health Partnerships [AHP's] are another important feature of the 21st Century Health Care Act. AHP's are health plans capable of providing the uniform benefits, monitoring and reporting outcome information, and operating an effective grievance procedure. Under my proposal, AHP's will submit bids on standardized benefit plans to HIPC's using community ratings to determine premiums. Exclusion of coverage for preexisting conditions will be limited to no more than 6 months. AHP's may not duplicate coverage of the uniform benefits package but may provide other benefits.

NATIONAL DATA BASE

Finally, my bill establishes a comprehensive national data base for health information, based on the recommendations of the National Health Board. All HIPC carriers will issue standardized magnetic cards to their beneficiaries, which will contain information on billing, eligibility, and health outcomes. Using the card, providers will enter information into a patient's file on treatment, health outcomes, and billing. This data, provided in a standard format, will be conveyed electronically to regional data collection centers.

ANTITRUST EXEMPTIONS

An irony of our current system is that health care organizations wishing to join together to efficiently offer health services are prevented from doing so by current antitrust laws. Under this bill, two or more hospitals may petition for a waiver of antitrust laws to share expenses in the purchase of expensive technology or medical services as specified by the National Health Board.

Mr. President, I believe the comprehensive health program I am proposing incorporates the best features of the health care plans introduced in the 102d Congress, and it embodies a vision for the future. My plan combines the discipline of a single fiscal spigot with the power of markets to provide incentives for cost-effective delivery of health care. My proposal recognizes the needs of rural and inner-city areas, while encouraging the most powerful aspects of our current system in areas with many providers. Most important, the 21st Century Health Care Act creates a unified national policy that can guide health care in the United States.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY: 21ST CENTURY HEALTH CARE ACT

THE NEED

Our employer-based health care system is floundering:

Every seven years the cost of our health care system DOUBLES; Every 35 months an additional 1 percent of our GNP is consumed by health expenditures;

For every $1.00 we spend on education we spend more than $2.00 on health care;

Despite this spending, 2 million Americans lost health benefits between 1990 and 1991—as many as 36 million Americans, including 10 million children, do not have health benefits. The health of Americans is not better than the citizens of other industrialized countries.

The employer basis for our system is shrinking; employers spent 7.4 percent of payroll on health benefits in 1990, more than one in four Americans (26%) lacked health benefits at some point during a 28 month period between 1987 to 1989;

Since 1980, the share of health premiums paid by employers has dropped from 80 percent to 69 percent;

Up to 15 percent of working Americans are trapped in their job by their need to maintain health benefits;

THE SOLUTION

We need a health care system that provides affordable health care to all Americans, that is based on quality and economy, and that has the ability to control sky-rocketing costs.

OVERVIEW

The 21st Century Health Care Act reforms the American health care system and revolutionizes health delivery. Using a "single spigot" financing approach, the Act fosters competition and establishes Health Insurance Purchasing Cooperatives (HIPCs) in each state. HIPCs will act as benefit managers for consumers. Health care will be delivered through Accountable Health Partnerships (AHPs), organized health systems designed to deliver health care in an efficient, effective manner.

The Act also establishes the National Health Board and charges the Board with developing a package of health benefits that have been demonstrated to be effective. The National Health Board will be advised by four additional boards: the Outcome Management Board, the Health Benefits Standards Board, the Health Insurance Standards Board, and the Medicare Transition Board.

ELIGIBILITY AND ENROLLMENT

All Americans, currently covered through private insurance, self-insured health benefits programs, the Federal Employee's Benefit Program, and Medicaid will be automatically enrolled in the program. States must provide continuous coverage to all participants including brief absences from the state. The Medicare Transition Board will determine how Medicare can be incorporated into this program.

BUDGET AND FINANCING

The Board will establish a federal budget calculated to cover the expenses incurred by efficient benefit plans in providing the uniform effective benefit package. The Board shall determine a target budget for each state by adjusting the national average per capita costs to reflect differences among the states in wages and prices and the need for health services. The federal financial allocation to each state's target budget for uniform health benefits will consider: (1) an amount to be financed by individual premiums and copayments, determined by applying nationally uniform standards, and (2) the state's ability to finance remaining health costs. The federal contribution will not be less than 50, or exceed 85 percent of each state's target budget, minus amounts paid by individual premiums and copayments. State governments will be responsible for financing over-budget expenditures.

Over time, the Board may refine its budget-making by setting budget targets that reflect risk adjustors for specific medical conditions, advances in medical technology, outcomes research, changing health priorities, and professional practice guidelines and other measures.

The plan will be financed by premiums paid by all Americans. Premiums for individuals with low income will be subsidized. The National Health Board will develop a federal budget based on projected state expenditures. Cost of the uniform benefit package will be determined through competitive bids from AHPs in each state.

KEY FEATURES

HIPCs—

Established by states in districts, based on population and geography to achieve economy of scale;

Act as the exclusive purchasing agents for all individuals within a district, soliciting bids for specific benefits packages and purchasing large blocks of insurance, thus motivating providers and carriers to provide high quality, cost-effective services and coverage;

Act as a health benefits office for residents in the district providing comprehensive health services' purchasing, informing individuals about their benefits, and operating biannual "open enrollment seasons" for individuals.

AHP's—

Health plans capable of providing the uniform benefits, monitoring and reporting outcome information, and operating an effective grievance procedure;

Submit bids on standardized benefit plans to HIPCs;

Use adjusted community ratings to determine premiums; hold biannual open enrollment periods; and limit exclusion of coverage for preexisting conditions to no more than six months;

AHP's may not duplicate coverage of the uniform benefits package but may provide other benefits;

National Health Board.—The President will appoint an 11-member "National Health Board" (NHB), representing the spectrum of participants in our health care system. The Board will:

Develop an effective uniform benefit package and periodically review these packages;

Establish data collection requirements for quality monitors, expense reporting, and health outcome and efficacy data;

Establish a program for low-income assistance that includes requirements of eligibility, premium assistance, cost-sharing, and assistance for items and services;

Advisory Boards.—The National Health Board be assisted by four advisory boards:

1. Health Outcomes Management Standards Board shall make recommendations on the national data system and standards for collection of information from AHPs.

2. Health Benefits Standards Board shall make recommendations on the uniform set of effective benefits and effective services to be used for these benefits; and it will assess medical technology and practice variations, and effectiveness of drug therapies as evidenced in the research literature.

3. Health Insurance Standards Board shall make recommendations on standards for operation of AHPs and HIPCs, (including financial reporting requirements for HIPCs), and the treatment of uniform effective benefits and expenses in excess of AHP costs.

4. Medicare Transition Board shall make recommendation on the integration of Medicare with programs established in this act.

National Data System.—The Act establishes a comprehensive national data base for health information, based on NHB recommendations:

(a) All HIPC carriers will issue standardized magnetic cards to their beneficiaries. The card will contain information on billing, eligibility, and health outcomes, which will be conveyed electronically to Regional data centers. The regional centers will, in turn, pass the information on to the Secretary, governments, and communities.

(b) Using the card, providers will enter information into a patient's file on treatment, health outcomes, and billing. Data will be provided in a standard format, to be established by the NHB.

Antitrust Waivers.—Two or more hospitals may petition for a waiver of antitrust laws to share expenses in the purchase of expensive technology or medical services as specified by the National Health Board.

Areas with Ineffective Competition.—If the National Health Board determines there is ineffective competition in an area, the Board may authorize the state HIPC to establish reimbursement benchmarks derived from appropriate measures in areas with effective competition. These benchmarks may be used to establish capitation rates until effective competition develops.•

By Mr. CRANSTON:

S. 3301. A bill to permit certain disabled former Peace Corps volunteers to enroll in a Federal employees health benefit plan, and for other purposes; to the Committee on Governmental Affairs.

HEALTH BENEFITS FOR DISABLED FORMER PEACE CORPS VOLUNTEERS

• Mr. CRANSTON. Mr. President, as a longstanding, enthusiastic supporter of the Peace Corps, I today introduce S. 3301, legislation that would ensure that former Peace Corps volunteers who become disabled during their Peace Corps service will have access to affordable health insurance. The legislation would allow former Peace Corps volunteers to participate in the Federal Employees Health Benefits Program (FEHBP) if they sustain certain serious service-related disabilities and are unable to purchase health insurance at standard premium rates.

Mr. President, as the Peace Corps has carried out its simple yet noble mission over the past 31 years, the American people have formed many positive images and even romantic notions of Peace Corps service. The risks of serious injury, disease, disability, and even death are not among the things commonly associated with Peace Corps service. However, such risks are often present during the volunteer's service. Tragically, 217 Peace Corps volunteers have died during service since the agency was established in 1961, and there are currently over 200 former volunteers who are totally disabled from service-related causes.

Under existing law and current Federal programs, individuals who suffer health problems related to their Peace Corps service are provided certain health benefits through the Department of Labor [DOL] and, if they are unable to work due to health problems that arose during their service, they may receive Federal workers' compensation benefits. However, no program exists within either DOL or the Peace Corps to provide comprehensive health insurance coverage for conditions and illnesses not related to Peace Corps service. Consequently, former volunteers with serious service-related health conditions often face great difficulties securing health insurance to cover non-service-related conditions.

Mr. President, the legislation I am introducing today would provide former Peace Corps volunteers who become disabled during service with an opportunity to purchase health insurance at reasonable cost through the Federal Employees Health Benefits Plan, the federally sponsored voluntary contributory insurance program open to almost all Federal employees. This is a sound and equitable way to address the problems former volunteers with service-related conditions experience in attempting to secure health insurance coverage in the extremely restrictive insurance climate that currently exists.

SUMMARY OF PROVISIONS

Mr. President, the bill contains provisions that would:

First, permit a former Peace Corps volunteer to enroll in the Federal Employees' Health Benefits Program [FEHBP] established pursuant to chapter 89 of title 5, United States Code, if the individual is receiving either compensation for a total or partial disability pursuant to section 8105 of title 5, United States Code, or medical benefits under section 8103 of that title.

Second, require that former volunteers receiving medical benefits who wish to enroll in FEHBP certify to the Office of Personnel Management that they were unable to contract for health insurance coverage at standard rates by two insurers in order to be eligible and, if enrolled, to resubmit their certification every 2 years unless OPM determines that resubmission is unnecessary.

Third, require the Director of OPM, after consultation with the Director of the Peace Corps, to promulgate regulations to carry out these provisions.

Fourth, require the Peace Corps to make applicable Government premium contributions for any former volunteer covered under this section.

Fifth, require a former volunteer enrolled in the FEHBP under these provisions to make the applicable premium contribution to the FEHBP and authorize the contribution of a former volunteer receiving compensation under the FECA to be deducted from his or her FECA payments.

Sixth, require the Peace Corps, within 30 days after a volunteer or former volunteer is determined to be eligible to receive FECA compensation or medical benefits, to inform the individual of the availability of enrollment in the FEHBP pursuant to the provisions of this legislation.

Seventh, require the Director of OPM, within 30 days after enactment, to designate a period of open enrollment for former volunteers to enroll in the FEHBP under this section.

Eighth, require that the Government contributions required to be made on behalf of former volunteers participating in the FEHBP under this legislation be paid from the Peace Corps' annual appropriation.

Ninth, authorize the appropriation of funds necessary to carry out this bill.

BACKGROUND

Mr. President, as I noted earlier, if a Peace Corps volunteer contracts a disease or becomes disabled in the performance of duty, he or she is eligible for FECA assistance administered by DOL's Office of Workers' Compensation Programs. FECA applies generally to civilian employees of the United States and, under section 8142 of title 5, United States Code, to Peace Corps volunteers and provides, among other benefits, medical and compensation benefits for health problems and injuries sustained in the performance of duty. Pursuant to the FECA, the Federal Government assumes responsibility for the costs of medical services required because of service-related injuries or illnesses and provides monetary compensation for lost wages if the individual is unable to work due to a service-related injury. In recognition of the unusual nature of Peace Corps volunteer service, a volunteer is considered to be in the performance of duty—and thus covered by the FECA in the event of injury—at all times during overseas service. Although DOL administers the FECA, the costs of providing FECA benefits to former volunteers are borne by the Peace Corps out of its annual appropriation.

The Peace Corps' Office of workers' Compensation advises that, every year, approximately one-third of all Peace Corps volunteers completing their service, or about 2,000 individuals, file FECA claims with DOL.

In 1991, the Peace Corps paid $9.4 million for 1294 active FECA claims. Currently, 234 former volunteers are receiving benefits for temporary or permanent total disabilities.

NEED FOR LEGISLATION

Mr. President, despite FECA's coverage of medical costs for treatment of service-related conditions, the inability to purchase adequate health insurance coverage remains a problem remain for individuals who suffer from service-related medical conditions. This problem arises because FECA provides medical coverage for only service-related health conditions. For all other health problems, former volunteers with service-related health problems are on their own to secure health insurance—an effort that is made more difficult because of their health problems.

The experiences of former volunteers Ed George and Dan Anisman are illustrative of this problem. Both suffer from seriously disabling conditions that arose during their Peace Corps service, and, within the limits of FECA's schedule of maximum allowable medical charges, the costs of medical treatment for their service-related health conditions are covered. However, both individuals advised me that, when they attempted to obtain health insurance for conditions not covered by the FECA, they experienced repeated rejections from private health insurance companies because of their service-related disabilities. At present, Mr. George has no health insurance coverage, and Mr. Anisman depends on Medicare. These individuals have also advised that their inability to secure health insurance coverage has placed significant strain on their lives.

In July, I received a letter from another returned volunteer, Claudia Wieland of Florida, who developed health problems during her Peace Corps service and experienced similar difficulties obtaining private health insurance despite the fact that her service-related health condition was covered under the FECA. Ms. Wieland, who developed a pituitary gland condition during her volunteer service in 1989 to 1991, wrote that her condition "caused [her] to be denied by several major medical insurers." She noted that one insurer had agreed to sell her insurance with terms that would have excluded treatment for anything related to her service-related condition and which would have required a higher deductible than is normally imposed and an additional $1,200 per year in premiums. She also enclosed copies of three rejection letters from private health insurers, all of which cited her service-related condition as the basis of their rejection. Ms. Weiland wrote,

> If I had not volunteered for Peace Corps service, this condition would have occurred under major medical coverage [of employer-provided insurance] and not be the economic and health problem that it is today." Peace Corps suggests that volunteers continue major medical coverage during the twenty-seven months of service. This is unrealistic advice. A PCV would have to have saved several thousand dollars to maintain a policy overseas; possibly in addition to other financial obligations.

I would add, Mr. President, that volunteers' efforts to maintain major medical insurance coverage while overseas, as the Peace Corps suggests, might be further complicated because

Peace Corps service is, from an insurer's standpoint, a high-risk job, and insurers would likely demand higher premiums—if they offered insurance at all—in light of the heightened health risks associated with living and traveling overseas and what would likely be incompatible billing practices if treatment were received in a foreign country.

Mr. President, the experiences of Ms. Wieland, Mr. George, and Mr. Anisman are not unusual. I have received reports of similar experiences of several former volunteers who attended the 1992 Annual Conference of Returned Peace Corps Volunteers and were disabled during their Peace Corps service and are now unable to purchase health insurance at standard rates, if at all. These individuals, as is anyone with a pre-existing health condition who attempts to purchase health insurance in today's market, are in an untenable situation. The difference is that the pre-existing conditions which affect their ability to secure insurance are attributable to their service in the Peace Corps.

Former volunteers unable to purchase health insurance due to pre-existing, service-related conditions are victims of the private health insurance industry practice of risk rating, or setting premiums and other terms of policies for groups and individuals according to the age, sex, occupation, health status, and health risks of the policyholders or applicants. Spiraling health-care costs have led insurance companies to adopt practices designed to avoid providing health coverage to individuals who they believe may require expensive care. Insurers routinely use an individual's existing medical problems or potential problems to charge higher premiums, reduce coverage, exclude certain conditions from coverage, or deny coverage altogether. An article in the May 15, 1991, edition of "Journal of the American Medical Association" (JAMA) describes this practice and lists health conditions used by insurers to set premium levels and limit or deny coverage. The article notes that higher premiums are charged for, among other things, backstrain, allergies, and obesity. Coverage is denied for, among other things, ulcerative colitis, diabetes, AIDS, and epilepsy.

A 1988 Congressional Research Service publication, entitled "Health Insurance and the Uninsured: Background Data and Analysis," described the practice of risk-rating as an insurance industry attempt to keep premiums low in a time of rising health-care costs.

The JAMA article reported that denial of coverage for medical conditions is so routine that letters of rejection are not necessary to prove uninsurability for acceptance into Illinois' comprehensive health insurance program and that the program keeps a list of about 20 conditions, such as cancer, diabetes, and AIDS for which rejection is routine. The services coordinator of that program quoted in the article noted that Illinois could probably add to the list.

Mr. President, the bottom line is that, in today's marketplace, if an individual with a preexisting condition is not denied health insurance coverage outright, he or she might be charged an exorbitant price for coverage or experience steady cost increases over time. Such individuals also face the possibility of having their policies canceled at a moment's notice. Inability to secure or afford adequate health insurance can result in the threat of catastrophic health-care costs and extreme financial hardship. I believe former Peace Corps volunteers—who find themselves in such a situation as a result of service-related conditions—deserve better than this.

Mr. President, this legislation would ensure that former volunteers with service-related disabilities are provided the opportunity to purchase health insurance through the Federal Employees Health Benefits Program [FEHBP] at standard premium rates without regard to preexisting conditions.

The FEHBP, established under chapter 89 of title 5, United States Code, is a voluntary contributory program administered by OPM and open to almost all Federal employees. The FEHBP offers over 20 different health insurance plans including Blue Cross and Blue Shield and a number of health maintenance organizations [HMO's]. The Federal employing agency generally pays a portion of the cost of the plan, with employees paying their share through payroll deductions. In most cases, an individual eligible for FEHBP coverage is employed by the Federal Government. However, the program has been expanded over its 32-year history to allow, among other groups, certain former spouses of employees, survivors of former Federal employees, temporary and part-time Federal employees, and certain hostages and their families to enroll in the FEHBP. In addition, former Federal employees are allowed to remain enrolled in the FEHBP for 18 months following the termination of their Federal service but are responsible for the full premium cost if they elect to remain in the program. In light of the difficulty that individuals with Peace Corps service-related health problems experience in obtaining insurance, I believe it would be appropriate to allow such individuals to participate in this program.

ELIGIBILITY FOR FEHBP

Mr. President, the intent of this legislation is to allow only those former volunteers whose Peace Corps-related conditions prevent their obtaining adequate health insurance to participate in the FEHBP—not to establish an insurance program for all former volunteers. The two categories of individuals who would be eligible are (1) former volunteers who have a service-related condition so severe that they receive FECA compensation—which is payable to those who cannot work, and (2) former volunteers who receive medical benefits under the FECA for a service-related condition and who can demonstrate that they cannot obtain health insurance for premium rates. The distinction made by the bill—allowing individuals receiving FECA compensation to participate without any further documentation while requiring individuals receiving medical benefits to demonstrate that they have been denied insurance at standard rates from two insurance companies—is made in recognition of the fact that individuals receiving FECA compensation have necessarily demonstrated that their service-related condition is of a level of severity that prevents employment. In that situation, the Government's determination provides sufficient evidence of a seriously disabling condition that would obviously affect the individual's ability to obtain insurance. However, medical benefits under the FECA can, and often do, involve minor conditions that might not affect an individual's ability to obtain insurance. Thus, former volunteers receiving only FECA medical benefits would be required to certify to the OPM that they are not able to obtain private health insurance at standard rates, and would be required to make such certification every 2 years unless the Director of OPM determines that such recertification is unnecessary. In this way, a former volunteer receiving FECA benefits for a minor condition that does not affect his or her insurability would not be eligible for enrollment in the FEHBP.

AGENCY CONTRIBUTIONS

Mr. President, the bill would require the Director of the Peace Corps to make applicable agency contributions for former volunteers enrolled in the FEHBP under this legislation. As I mentioned earlier, almost all FEHBP enrollees contribute a portion of the cost of their FEHBP coverage through payroll deductions and their employing agencies pay the remainder according to a standard scale developed annually by OPM. This provision would require the Peace Corps to make standard agency contributions for each former volunteer enrolled in the program just as the Peace Corps does for its Washington-based and American overseas staff, who are currently allowed to participate in the FEHBP. I believe that the Peace Corps, by contributing to the cost of a former volunteer's FEHBP, would help fulfill the Government's obligation to assist volunteers who suffer from service-related conditions. By making standard contributions, the agency can provide former volunteers with an affordable and comprehensive health insurance coverage that they may not otherwise be eligible for or able to afford.

Mr. President, with respect to the funding of the program that would be established by this bill, the Government contribution on behalf of former volunteers enrolled in the FEHBP would be paid from the general appropriation made to the Peace Corps. This provision would require that, of the amount appropriated to the Peace Corps in a fiscal year, the Peace Corps make the applicable contributions out of those funds. It would also ensure that the pay-as-you-go procedures of the Omnibus Budget Reconciliation Act do not apply, because any direct spending required by the authorities established in the bill would be subject to the availability of appropriated funds.

Finally, Mr. President, I note that the National Council of Returned Peace Corps Volunteers has stated its strong support for this legislation and at their annual conference in Fayetteville, AR, unanimously adopted a resolution supporting it.

CONCLUSION

Mr. President, we often hear of individuals or families that have been devastated by astronomical medical bills because they do not have health insurance coverage. It is tragic that this situation befalls any American, but the situation is particularly unfortunate when it occurs to a person who cannot obtain insurance due to health problems which occurred during Peace Corps volunteer service. This legislation is directed at those individuals who freely gave years of their lives to work for peace throughout the world on behalf of our country and sacrificed their good health in doing so. As volunteers, they went overseas to assist others, often in the area of health care, and are now seeking our assistance with health care needs of their own.

I urge all my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL EMPLOYER HEALTH BENEFITS FOR DISABLED FORMER PEACE CORPS VOLUNTEERS.

(a) HEALTH BENEFITS.—Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)) is amended by inserting "(1)" after "(e)" and by adding at the end thereof the following new paragraph:

"(2)(A) An individual described under subparagraph (B) may enroll as an individual or for self and family in any health benefits plan that is available under chapter 89 of title 5, United States Code, to an employee as defined in section 8901 of such title.

"(B) The provisions of subparagraph (A) shall apply to an individual who served as a volunteer (as defined in section 8142 of such title), who—

"(i) is receiving compensation for a total disability under section 8105 of such title, or for a partial disability under section 8106 of such title, resulting from an injury or disease sustained while in the performance of duty as such a volunteer; or

"(ii)(I) is receiving medical benefits under section 8103 of such title resulting from an injury or disease sustained while in the performance of duty as such a volunteer; and

"(II) certifies to the Office of Personnel Management that such individual is unable to contract for health insurance coverage at standard rates.

"(C) The certification under subparagraph (B)(ii)(II) shall—

"(i) include a statement that the individual was denied such coverage by no less than two insurers; and

"(ii) be resubmitted every 2 yeas to the Director of the Office of Personnel Management unless the Director determines that such resubmission is unnecessary.".

(b) ADMINISTRATIVE PROVISIONS.—(1) The Director of the Office of Personnel Management, after consultation with the Director of the Peace Corps, shall promulgate regulations to carry out the provisions of this section and the amendments made by this section. Such regulations shall apply, to the greatest extent practicable, the provisions of chapter 89 of title 5, United States Code, to former Peace Corps volunteers (as made applicable under section 5(e)(2) of the Peace Corps Act) in the same manner as Federal employees.

(2) The Director of the Peace Corps shall make the applicable Government contributions under section 8906 of title 5, United States Code, for any person covered under a health benefits plan pursuant to section 5(e)(2) of the Peace Corps Act (as added by subsection (a) of this section).

(3) An individual's contributions required under section 8906 of title 5, United States Code, for a former Peace Corps volunteer (as made applicable by section 5(e)(2) of the Peace Corps Act)—

(A) may be deducted from any payment made to the former volunteer under section 8105 or 8106 of such title; and

(B) may not be deducted from any payment made to the former volunteer under section 8103 of such title.

(4) The provisions of this section and amendments made by this section shall apply notwithstanding section 8914 of title 5, United States Code.

(5) No later than 30 days after a Peace Corps volunteer or former volunteer is determined eligible to receive compensation under section 8105 or 8106 of title 5, United States Code, or medical benefits under section 8103 of such title, the Director of the Peace Corps shall notify the volunteer or former volunteer of the availability of enrollment in a health benefits plan pursuant to the provisions of and amendments made by this section.

(6) Within 30 days after the date of enactment of this section, the Director of the Office of Personnel Management shall designate a period of open enrollment for eligible former Peace Corps volunteers to enroll in a health benefits plan pursuant to the provisions of and amendments made by this section.

(7)(A) The authority provided by this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

(B) The Government contributions for health benefits for an individual described in paragraph (2)(B) of section 5(e) of the Peace Corps Act (as added by subsection (a)) shall be paid from the general appropriation made to the Peace Corps.

(C) There are authorized to be appropriated such sums as may be necessary to carry out this section.●

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. KASTEN, Mr. GARN, Mr. SEYMOUR, Mr. CRAIG, Mr. COCHRAN, Mr. DURENBERGER, Mr. COATS, Mr. CHAFEE, Mr. BURNS, Mr. PRESSLER, Mr. DOMENICI, Mr. AKAKA, Mr. GRAHAM, Mr. DECONCINI, Mr. REID, Mr. DIXON, Mr. GLENN, Mr. LIEBERMAN, Mr. HOLLINGS, Mr. SPECTER, Mr. BUMPERS, Mr. FOWLER, and Mr. METZENBAUM):

S.J. Res. 343. Joint resolution to designate the period commencing on October 24, 1992, and ending on November 1, 1992, as "National Red Ribbon Week for a Drug-Free America"; to the Committee on the Judiciary.

NATIONAL RED RIBBON WEEK FOR A DRUG FREE AMERICA

● Mr. MURKOWSKI. Mr. President, on behalf of myself and Alaska's senior Senator, Senator STEVENS, and 24 of our colleagues—Messrs. KASTEN, GARN, SEYMOUR, CRAIG, COCHRAN, DURENBERGER, COATS, CHAFEE, BURNS, PRESSLER, DOMENICI, AKAKA, GRAHAM, DECONCINI, REID, DIXON, GLENN, LIEBERMAN, LAUTENBERG, HOLLINGS, SPECTER, BUMPERS, FOWLER, and METZENBAUM—who are original cosponsors, I rise today to introduce a Senate joint resolution to designate the period of October 24–November 1, 1992, as "National Red Ribbon Week for a Drug-Free America." I invite all my colleagues to support this important resolution, and I am proud to be the Senate's original sponsor of this annual recognition.

Illegal and addictive drugs, Mr. President, are a scourge on our society and, if not stemmed, could virtually destroy our American way of life. Addictive drugs and the human misery and violence that surrounds the so-called drug culture are among the most dangerous threats to a free society. I cannot—and I know we will not—stand by and allow the career of drug addiction to imperil the future.

An important organization fighting drug abuse in our country is the National Federation of Parents for a Drug-Free Youth. This is a voluntary group that is dedicated to freeing our Nation from dependence on illegal drugs. The Federation coordinates activities of thousands of communities and millions of people in raising broad public awareness that educates our citizens on the perils of drug addiction. The Parents Federation especially focuses its work on school-age children—those most vulnerable to the dangers of drugs. Red Ribbon Week is as much a celebration of the success and effectiveness of the Parents Federation as it is a collective statement about drug abuse.

Mr. President, a Senate joint resolution on this vital topic lends credence and seriousness to the purposes of Red Ribbon Week, a true national grassroots initiative. The measure I introduce today is identical to a resolution already approved by the House of Representatives, House Joint Resolution 467, originally sponsored in the House by our colleague, Representative JOAN KELLY HORN of Missouri.

Mr. President, I urge all my colleagues to join both Senators from Alaska and 24 of our colleagues in cosponsoring and swiftly passing this Senate joint resolution to commemorate Red Ribbon Week for a Drug-Free America.•

By Mr. WELLSTONE:

S.J. Res. 344. Joint resolution to prohibit the proposed sale to Saudi Arabia of F-15 aircraft; to the Committee on Foreign Relations.

PROHIBITING THE SALE OF F-15 AIRCRAFT TO SAUDI ARABIA

• Mr. WELLSTONE. Mr. President, today I am introducing a joint resolution to delay the proposed sale of 72 sophisticated F-15 aircraft by the Bush administration to the Kingdom of Saudi Arabia.

I believe that the administration's failure to provide sufficient notice, or to consult in a timely manner with the Senate Foreign Relations or House Foreign Affairs Committees, contrary to both tradition and legal requirements, should prompt a serious effort by the Congress to prohibit the sale under the timetable proposed by the administration. Failing that, I believe the committee should act upon this legislation before we adjourn which would delay final action on the sale until we return early next year and until we have been given an opportunity to thoughtfully consider the important foreign policy and national security implications of the sale.

The administration's decision to bypass the traditional 20-day prenotification period, and even to fudge the legal 30-day notification period, must not be allowed to stand without some sort of congressional response.

Let me be clear. I oppose this sale because I believe it would represent a major escalation of the arms race in the Middle East. Contrary to the assertions of the administration, I do not believe the sale would advance the interests of the United States, nor would it do anything to protect the long-term job security of American aerospace workers.

I am astounded that the administration has decided to move forward on this sale in the wake of its arms control pronouncements during the Persian Gulf war. This is particularly troubling because shortly after the war, President Bush loudly proclaimed his support for multinational efforts to limit arms sales to the Middle East. At the height of the war, then Secretary of State Baker told the House Foreign Affairs Committee, "The time has come to try to change the destructive pattern of military competition and proliferation in the Middle East and to reduce the arms flow into an area that is already overmilitarized."

Instead, since the gulf war, the United States has sold over $16 billion of new weapons to buyers in the region. Instead of pursuing a nonproliferation policy in this region, we have became a major contributor to the Middle East arms race.

I believe the sale will only provide an added impetus to other Middle Eastern Nations to acquire more weapons to counter what they would view as a new Saudi threat. Unless we slow and then stop this arms race, United States troops could soon face the troops of Libya, Iran, Syria, or another Middle East nation armed with the deadliest and most destructive high-tech weaponry available in international arms markets, bent on achieving their own territorial ambitions by force.

How can we argue with a straight face to other countries that they ought to limit their dangerous arms transfers while we are a leader in arms sales? How can we tell the cash-strapped nations of Russia and China to restrain their sales under such conditions? And how can we expect our close allies, including Britain and France, to work with us in developing a responsible arms control regime if we proceed with unrestrained sales? The answer, obviously, lies in the question.

I had expected a full and vigorous debate on this issue in the Senate, and have been deeply disappointed that this debate has not happened. Last November, nearly two-thirds of the Members of the Senate expressed concern about the sale, and noted their profound anxiety that such a sale was being contemplated while the Middle East peace talks continued.

In fact, after waiting to see if members of the committee who might be concerned about the sale would act, I considered introducing a resolution of disapproval myself on the sale. But I recognize that with the time constraints imposed upon us by the administration, and considering the situation in the House, there is virtually no chance that such a resolution would be acted upon by the committee or by the full Senate—much less of its being enacted into law.

Since we only have a few days left before we will adjourn, I believe the only responsible alternative available to us is to delay the sale until the appropriate committees of the Congress are able to consider it fully in the next Congress. Since I understand the first planes are not scheduled to be delivered for almost 2 years, there is absolutely no reason not to delay the sale until at least March 1, 1993, while the appropriate Senate and House committees are given an opportunity to consider it.

I ask unanimous consent to include for the RECORD the executive summary of a report published earlier this month by the Congressional Budget Office titled "Limiting Conventional Arms Exports to the Middle East." The report provides an extensive analysis of the issues involving limitation of arms exports to the region, especially of the benefits of developing a comprehensive arms supplier regime. I commend it to the attention of my colleagues.

I hope the Foreign Relations Committee will act to delay this ill-conceived arms sale until a more thorough analysis can be made of its destructive implications for future Middle East conventional arms control efforts. I urge my colleagues to join me as cosponsors of the resolution, and ask unanimous consent that a full copy of the resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 344

Resolved, by the Senate and House of Representatives in Congress Assembled,

SECTION 1. PROHIBITION OF SALE

(a) EFFECTIVE DATE OF SALE.—The Sale described in subsection (B) may not take effect before March 1, 1993.

(b) DESCRIPTION OF SALE.—The sale referred to in subsection (A) is the proposed sale to Saudi Arabia of 72 F-15XP aircraft, and related defense articles, defense services, and design and construction services, that is described in the certification submitted to the Congress pursuant to section 36(b) of the Arms Export Control Act on September 14, 1992 (transmittal number 92-142).

[From CBO Study: "Limiting Conventional Arms Exports to the Middle East," September 1992]

SUMMARY

For perhaps the first time in its history, the United States is determining the size of its military forces largely in reference to the size and capabilities of the military forces of developing countries. Yet the United States and other major industrialized powers are also the main sources of modern weapon systems for those countries. The 1991 Gulf War provides a vivid demonstration of that paradox: the United States and its coalition allies undertook a major combined-arms operation to defeat a country that the coalition itself had armed.

Despite a recent decline in the volume of the arms trade with the Middle East, ongoing tension and conflict in the region could spark a new arms race there—especially when coupled with excess weapons inventories and production facilities in the chief supplier countries.

But there are reasons to believe that the dynamics of the Mideast arms trade can now be changed. The major powers—who are also the major weapons suppliers—have strategic interests in the Middle East that are not fundamentally incompatible. If the major powers are prepared to take the lead in ushering in new patterns of international relations in the post-Cold War world, the Middle East may provide fertile ground for fresh ideas and new policy. Judging by its efforts in behalf of peace in the region, the Administration appears to feel that way as well.

Should the trade in arms with the Middle East be limited? If so, how? What would be the military and economic effects of such limits, both in the United States and in other countries? This study discusses efforts by the Administration to apply certain nonbinding guidelines to the international arms trade with the Middle East. But it concentrates on the design and effects of several options based on multilateral, binding constraints. The study focuses on conventional arms, which exclude nuclear, biological, and chemical weapons.

TRENDS IN THE ARMS TRADE

The international arms trade increased about threefold between the beginning of the 1970s and the mid-1980s. By the 1980s, as much as $74 billion worth of defense goods was being transferred internationally each year. In the last two decades, countries in the Middle East, which together contain about 3 percent of the world's population, have imported over 30 percent of all weapons transferred among exporters and importers. That relatively high level of imports, coupled with the volatile nature of the area, accounts for the Mideast focus of this study.

In recent years, arms transfers to the Middle East have dropped off to less than half of their peak level in the 1980s. Lack of cash in some Mideast nations, fewer arms sales on favorable terms by nations of the former Soviet Union, and the international embargo on Iraq all helped produce the decline. It is possible that this downturn in arms transfers will prove durable.

But there are also good reasons it may not. Mideast tensions remain high, creating continued pressure to buy weapons. Pressures to sell them also remain high. In view of reduced domestic purchases, the survival of some defense firms—and the jobs of the people they employ—may depend on foreign sales. It is therefore not clear that, in the absence of effective limits, arms transfers to the Middle East will remain at their recent lower levels.

THE ADMINISTRATION'S APPROACH

In the spring of 1991, President Bush proposed multilateral efforts to control the transfer of weapons to the Middle East. Much of the initiative restated existing Administration policies regarding limits on nuclear, biological, and chemical weapons. In the realm of conventional weapons, the Administration proposed that the five permanent members of the U.N. Security Council (the "Perm-5" countries) share information confidentially and early in the sales process about agreements to transfer major weapon systems to the Middle East. The proposal came in the wake of Congressional actions aimed at imposing various limits on sales. The Perm-5 are still discussing U.S. initiatives. Some progress appears to have been made, but the outcome of the talks remains unclear.

The Administration argues that early sharing of information might discourage transfers that could contribute to a destabilizing build-up of military capability in the Middle East. At the same time, under this approach the United States could still provide arms and related services wherever it deemed it appropriate to do so. Only with such transfers, the Administration argues, can the United States help friendly regional powers improve their security.

Although the Administration's approach may constitute a reasonable first step toward curtailing the arms trade, it could have only a limited effect. Military and political analysts frequently disagree about which weapons are intrinsically destabilizing and which Mideast countries are intrinsically more trustworthy than others. Suppliers no doubt will frequently disagree about whether a particular sale would contribute to a dangerous arms race. In many cases, destabilization results not from one sale but from the cumulative effect of numerous transactions over a period of time. Those problems and ambiguities, coupled with strong economic pressure to sell arms, could undermine any nonbinding guidelines intended to limit sales.

Indeed, Administration officials may have acknowledged as much. In recent months, the Central Intelligence Agency has stated that Iraq is likely to rearm to pre-Gulf War levels by the end of the decade—which could only happen if major suppliers send large arms shipments to the Middle East. Not surprisingly, Administration officials have concluded that, no matter how many arms are sold to Saudi Arabia and other friendly countries in the region, the United States will have to remain the guarantor of Gulf security into the indefinite future.

BINDING LIMITS ON SUPPLY

Rather than rely on broad, nonbinding guidelines, supplier countries could band together and agree to impose mandatory, quantitative limits on the transfer of arms to the Middle East. Many questions would have to be answered in designing such limits.

PARTICIPANTS

Which countries must participate in supplier-imposed limits? To be workable and fair, the limits would have to cover the vast majority of weapons produced worldwide. That criterion, though stringent, could be met with an agreement involving relatively few supplier countries. In recent years, the Perm-5 countries produced about 86 percent of all major weapons traded internationally, as measured in dollar value (see Summary Table 1 for more detail). Even without China, whose willingness to abide by supplier-imposed limits is questionable, the four remaining countries—the United States, the United Kingdom, France, and Russia—accounted for about 80 percent of all exports.

Moreover, the United States might not find it any more difficult to gain the cooperation of several other key European countries, such as Germany, Italy, and Spain. It might also be able to persuade other supplier countries with which it has good relations at least to avoid expanding their arms shipments to the Middle East. Most sources of supply to the region might thereby be controlled.

Because it already frequently consults with major suppliers regarding arms transfers, the United States may be able to gauge the prospects for achieving binding limits before it announces any initiative publicly. In addition, it might be able to use its informal security relationships with several Mideast countries—such as Israel, Egypt, and Saudi Arabia—to solicit their advice and seek their understanding of its policy goals.

Summary Table 1.—Global Arms Transfers by the Five Permanent Members of the U.N. Security Council in the 1980s (as a percentage of Total Shipments by all Countries)

	Combined share of Perm-5 countries
Tanks	84
Armored Personnel Carriers	79
Supersonic Combat Aircraft	94
Subsonic Combat Aircraft	99
Field Artillery	73
Helicopters	87

Source: Congressional Budget Office based on data from the Arms Control and Disarmament Agency.

Note.—The five permanent members of the U.N. Security Council (Perm-5) during this period were the United States, the Soviet Union, the United Kingdom, France, and the People's Republic of China.

This is not to suggest, however, that negotiating binding limits would be easy or problem-free. The United States would need to ask the governments of the supplier nations to take positions that would sometimes be unpopular at home. Political relations with some Mideast importers could also become more strained.

HOW LIMITS MIGHT BE SET

Should quantitative limits apply to exports or imports? Limits imposed on aggregate exports to the Middle East might seem less of an affront to the sovereignty of importing countries. An across-the-board, regionwide limit on exports would not, however, prevent a Mideast country from garnering more than its traditional share of weapons and building up a large arsenal. Export limits also might "lock in" each supplier's share of the market in a way inconsistent with free economic competition. Limits on total imports by each Mideast country suffer from neither of these disadvantages but might be more difficult to design and implement.

Should quantitative limits apply to numbers of weapons or to their value, and at what level might limits be set? Limiting the numbers of weapons is a simple approach and has been used previously in arms control (for example, in the Conventional Forces in Europe Treaty). Dollar ceilings, although they involve difficult pricing issues, have the advantage of reflecting differences in the quality of weapons.

Establishing the level of any limit would certainly be difficult. The debate might be guided by the suggestion of experts that many developing countries reduce their military expenditures by about half and apply the resources to improving their economies. There is no guarantee that countries would simply accept externally imposed limits; they might try to expand domestic production or increase purchases of arms from suppliers not respecting limits. But reductions of 50 percent would not be so severe as to allow smaller suppliers outside the cartel to dominate the future Mideast market.

Limits might not apply to domestic production of arms. This exception would be of limited military significance because most Mideast countries cannot produce sophisticated arms on their own. But, to be effective limits probably should apply to coproduction, in which an exporter supplies key components and technologies and assists a Mideast country in manufacturing weapons. And limits probably should attempt to encompass the contributions to final weapon systems made by external suppliers—such as U.S. tank engines imported by Israel for its Merkava tank.

VERIFICATION AND ENFORCEMENT

Could limits on the arms trade be verified and enforced? Some Mideast countries probably would not allow on-site monitoring; after all, they are not assumed to be parties to the accord limiting arms sales. As a consequence, most verification would have to be done by the supplier countries, principally through use of satellites and other means of intelligence gathering and supplemented by detailed data bases on sales agreements and deliveries that the suppliers would share with each other.

Even with those tools, verifying transfers of smaller weapons and weapons components would probably be difficult. Monitoring the transfer of major weapons probably is feasible, however. Factories that are coproducing major weapons should also be detectable—even if their output rates could not be ascertained with complete precision. For these reasons, limits applying to major weapons probably would be effectively verifiable.

In the event that violations occurred and were detected, responses would be necessary. Significant violations, for example, could be redressed through a proportionate decrease in the offending country's allotment of weapons for the next year.

ILLUSTRATIVE APPROACHES

Supplier countries could choose one of three broad types of options: a limit on exports, a limit on imports, or a limit on both. Summary Box 1 provides more details about each of these approaches. The second, with a limit of $700 million a year on the imports of major weapons by any Mideast nation, serves as an illustrative example in much of the analysis in this study.

SOME ADVERSE ECONOMIC EFFECTS

The import limit used as an illustrative example in this study would have only slight macroeconomic effects on most countries. Under the example, sales of major weapons to the Middle East would be reduced by about 50 percent relative to levels typical of the 1980s; the total value of annual arms exports to the region might decline by 35 percent to 40 percent, or $7 billion to $8 billion. Even if the United States absorbed a disproportionate share of these cutbacks, U.S. exports probably would fall by no more than $3 billion a year—some 20 percent of the country's total annual arms exports. As sales to the Middle East fell, U.S. gross domestic product (GDP) would be reduced by only about 0.02 percent (assuming that all other arms sales were unaffected)—and even this very slight loss in GDP would be only temporary.

Reductions would also be tiny in most other supplier nations. However, the former Soviet republics—and especially Russia—could feel more significant effects because their arms sales are principal sources of hard currency.

If U.S. exports were reduced by $3 billion a year, forgone sales would represent 1 percent or more of 1990 output levels in only a few of the 420 major U.S. industrial sectors. By the mid-1990s, the percentage effects of reductions in exports would be modestly higher as domestic production falls.

In the specific case of the tank industry, however, effects could be more severe. Forgone exports under this study's illustrative example might reduce production by perhaps 15 percent to 20 percent of the potential total, if reductions in tank export orders were proportional to overall reductions in exports. It is possible that a small number of other defense industrial sectors could be significantly affected as well.

As many as 75,000 jobs might be lost in the U.S. defense sector if U.S. arms sales were reduced by $3 billion a year. This potential loss represents less than 0.1 percent of the nation's total employment and less than 2 percent of all defense-related employment. New nondefense employment opportunities generally would develop fairly quickly—although many of the individuals who lost their positions might not be quickly reemployed in jobs of comparable skill and wage levels.

Effects on European defense industries probably would be modestly greater than those in the United States because exports constitute a somewhat larger part of the European arms business. Still, most large European defense firms are more diversified than their U.S. counterparts, so civilian markets should provide a cushion against losses in defense orders.

Limits on the arms trade would harm only a handful of specific companies. But the effects on those companies could be substantial. In the 1990s, a few U.S. defense firms will depend heavily on foreign sales to sustain production of certain weapons. Limits on exports could in effect close some of their production lines, with adverse effects on employees and on the economies of the local areas where the companies are located. Most local areas would eventually recover fully—many quite quickly—from the economic setbacks. But there would be acute pain in certain areas.

Closing lines would also reduce or even eliminate the ability of the United States to manufacture certain military weapons; several years could be required to restart the lines if they again became needed. But the United States may not need to maintain the capability to produce all types of weapons on a continuous basis. Some weapons would be needed only in the distant future or in the event of a major war—which in the post-Cold War era presumably would occur only after several years' warning. For those weapons, it may be acceptable to close down lines and plan to restart production as needed. Alternatively, the government could pay to maintain low-rate production, or it could upgrade existing weapons to retain productive capability.

POTENTIAL IMPROVEMENT IN MILITARY OUTLOOK

Although there would be some short-term adverse effects in supplier countries, binding limits on the arms trade might improve the military outlook in the Middle East. Binding limits could prevent huge military buildups of the sort that have occurred in the region in recent years. Between 1981 and 1991, for example, the weapons potential of Iraq's ground forces more than doubled, and the weapons potential of its tactical air force roughly doubled. Buildups of that magnitude would be impossible if, in accordance with the illustrative example used in this study, that country's imports of major weapons were limited to $700 million a year. That amount equals roughly one-fifth of Iraq's average annual imports of major weapons during the 1980s.

Avoiding large military buildups, and generally slowing growth in military capability, could benefit key Mideast nations that are friendly to the United States. An import limit might benefit Israel, which historically has depended less on arms imports than have its Arab neighbors. Limits could be constructed that would tend to preserve the current balances of military forces between Israel and other countries in the region—balances that at present appear to favor Israel. Limits also might enhance Saudi Arabia's military capability, especially because they could be phased in and thereby allow existing agreements to be honored before becoming fully binding. If the imports of potential adversaries were restricted, Saudi Arabia's manpower limitations—which prevent that nation from maintaining large ground forces—might not be as serious a handicap.

With or without arms limits, however, it is unlikely that Saudi Arabia will be able to achieve a sufficiently strong military posture to be able to defend itself. Thus, the United States probably will have to remain the guarantor of Saudi Arabia's security.

The illustrative limit might also leave roughly unchanged the balance of military forces among a number of other Mideast countries. For example, the balance between Iraq and Iran probably would not shift substantially.

Binding limits may not be necessary to realize these benefits. Arms sales have recently declined below levels typical of the 1980s and, because of shortages of cash and fewer concessionary sales, may remain low. Mideast tensions and domestic pressures to export in the supplier countries, however, remain high. Without effective limits on the arms trade, therefore, imports could climb again. It may thus behoove the United States and other countries at least to consider how binding limits might be designed and implemented in case they seem necessary in the future.

ECONOMIC BENEFITS POSSIBLE FOR MIDEAST COUNTRIES

If limits on the arms trade can maintain or improve Mideast military security while also reducing defense expenditures, the countries of that region could obtain significant economic benefits. Mideast countries generally have been spending well over 10 percent of their annual gross domestic product on military forces. Of that amount, some 4 percent of GDP generally has financed arms imports. Under the illustrative example, arms imports would be reduced by at least one-third—probably freeing up significant resources in the majority of countries.

If devoted to consumption, the newly available resources could be used to raise living standards in the Middle East. Alternatively, some or all of the extra resources could be invested in that region. Doing that could increase the level of real GDP in major Mideast countries by 2.5 percent or more on average.

If either of these routes—consumption or investment—is chosen, increases in domestic aggregate demand in the Mideast countries in all likelihood would be accompanied by big increases in their nonmilitary imports. Such increases in nonmilitary imports would largely offset reductions in Mideast arms imports and thereby stimulate nonmilitary production in the developed countries.

EVENTUAL REDUCTIONS IN U.S. DEFENSE SPENDING

Limits on the arms trade also might eventually permit reductions in defense spending in the United States. According to the Joint Chiefs of Staff, the U.S. military is now being designed for sufficient capability to engage in two major regional wars simultaneously. The most demanding potential war probably would occur in the Middle East. So if Mideast countries were less well armed, the United States itself eventually might need less in the way of modern forces.

How much might the U.S. defense budget be reduced? A precise estimate cannot be made, but the potential magnitude can be illustrated. As noted earlier, the Central Intelligence Agency has estimated that, in the absence of limits on arms transfers, Iraq might—by the end of this decade—return to the force levels it maintained in 1990. Under the study's illustrative limits, however, Iraq's capabilities would be held to lower levels—particularly in ground forces.

If the weapons potentials of other countries in the region also are controlled and if the security environment in Europe further stabilizes, the United States might be able to reduce its forces by several ground divisions and tactical air wings, as well as by some naval units. The related savings in operations costs could amount to about $10 billion a year. Total savings could be larger still if the abatement of regional threats persuaded U.S. policymakers to scale back plans to modernize forces with new and expensive weapons.

However, such savings would not be guaranteed. Depending on one's assumptions, U.S. defense needs may or may not be strongly tied to Mideast force levels. Morever, even if limits on arms transfers did permit budgetary reductions, they might not be realized for many years.

One should not assume that additional cuts in the U.S. defense budget—beyond those the Administration has proposed—must necessarily await limitations on Mideast threats. Congressional leaders have proposed additional cuts that are not contingent on developments in the Middle East. But because the Middle East is an important factor in determining U.S. military needs, effective limits on the arms trade might lead to smaller U.S. defense budgets that would otherwise be likely to emerge from the budget process.

OBSTACLES REMAIN CONSIDERABLE—BUT SO DOES PROMISE

For reasons given above, achieving and sustaining a system of binding limits on arms transfers would not be easy. Any agreement would have to be negotiated at a high level of the U.S. government, requiring the time and attention of the Secretary of State and the President. Efforts to negotiate and implement limits could strain relations with some allies and would probably be viewed by some Mideast countries as politically offensive. Monitoring also would be challenging—and very important to the success of the limits. Most important of all, the major supplier countries would have to be willing to forgo some of the near term economic benefits of arms exports in hopes of eventually achieving improvements in security and reductions in their defense budgets.

The challenges, although considerable, may not be insuperable. The end of the Cold War may permit substantial cooperation between the United States and the former Soviet republics on issues such as limiting the arms trade—especially in the aftermath of the Gulf War. Washington retains close relations with most other major supplier countries, and for the most part they appear sensitive to the need for reshaping international security policy in the post-Cold War world.

The benefits of limiting the arms trade may justify the costs. A system of limits—if it can be made effective—could usher in a safer and more prosperous period in Mideast history while perhaps also easing the burden military spending imposes on the U.S. economy.

SUMMARY BOX 1—ILLUSTRATIVE OPTIONS FOR SUPPLIER-IMPOSED LIMITS ON ARMS SALES TO THE MIDDLE EAST

LIMIT EXPORTS

Each major supplier could be restricted in selling weapons beyond a certain number or a certain dollar value. For example, exports to the region by each supplier might be limited to a level equaling about one-half of past sales—perhaps somewhat less for the former Soviet republics.

LIMIT IMPORTS

Suppliers could restrict the number or the dollar value of weapons that any one Mideast country would be permitted to import. Domestic production would not be limited, but suppliers' contributions to coproduced major weapons would be.

LIMIT EXPORTS AND IMPORTS

Suppliers could initially impose modest limits on their own aggregate exports to the Middle East, showing self-restraint in an effort to minimize the affront that limits might cause to importing nations. More restrictive checks on imports could gradually be imposed to ensure that no country could amass a large stock of weapons.•

ADDITIONAL COSPONSORS

S. 1100

At the request of Mr. KERRY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1100, a bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families.

S. 1372

At the request of Mr. GORE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 2665

At the request of Mr. BINGAMAN, the names of the Senator from California [Mr. SEYMOUR] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 2665, a bill to establish a program to increase the level of science and technology cooperation between the United States and Latin America.

S. 2696

At the request of Mr. DOMENICI, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 2696, a bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes.

S. 2922

At the request of Mr. COHEN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 2922, a bill to assist the States in the enactment of legislation to address the criminal act of stalking other persons.

S. 3134

At the request of Mr. KENNEDY, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Alaska [Mr. STEVENS], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 3134, a bill to expand the production and distribution of educational and instructional video programming and supporting educational materials for preschool and elementary school children as a tool to improve school readiness, to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children, to expand services provided by Head Start programs, and for other purposes.

S. 3183

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 3183, a bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome, and for other purposes.

S. 3189

At the request of Mr. KERRY, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 3189, a bill to implement the Protocol on Environmental Protection to the Antarctic Treaty, and for other purposes.

S. 3195

At the request of Mr. GLENN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 3195, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the U.S. involvement in World War II.

S. 3228

At the request of Mr. BOREN, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 3228, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 to strengthen the protection of native biodiversity and to place restraints on clearcutting and certain other cutting practices on the forests of the United States, and for other purposes.

S. 3273

At the request of Mr. HOLLINGS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 3273, a bill to establish a wind engineering program within the National Institute of Standards and Technology.

SENATE JOINT RESOLUTION 311

At the request of Mr. SEYMOUR, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Idaho [Mr. SYMMS], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution

311, a joint resolution designating February 21, 1993, through February 27, 1993, as "American Wine Appreciation Week", and for other purposes.

SENATE JOINT RESOLUTION 315

At the request of Mr. SEYMOUR, the names of the Senator from Washington [Mr. ADAMS], the Senator from Louisiana [Mr. BREAUX], the Senator from North Dakota [Mr. CONRAD], the Senator from Alabama [Mr. HEFLIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Wisconsin [Mr. KOHL], the Senator from Michigan [Mr. LEVIN], the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. REID], the Senator from Maryland [Mr. SARBANES], the Senator from Alabama [Mr. SHELBY], the Senator from Colorado [Mr. BROWN], the Senator from Indiana [Mr. COATS], the Senator from Maine [Mr. COHEN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Joint Resolution 315, a joint resolution to designate September 16, 1992, as "National Occupational Therapy Day."

SENATE JOINT RESOLUTION 325

At the request of Mr. BIDEN, the name of the senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Joint resolution 325, a joint resolution entitled the "Collective Security Participation Resolution."

SENATE JOINT RESOLUTION 327

At the request of Mr. BRYAN, the names of the Senator from Louisiana [Mr. BREAUX], and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of Senate Joint Resolution 327, a joint resolution to designate October 8, 1992, as "National Firefighters Day."

SENATE JOINT RESOLUTION 338

At the request of Mr. GORE, the names of the Senator from new Jersey [Mr. LAUTENBERG], the Senator from Arkansas [Mr. PRYOR], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 338, a joint resolution designating the week beginning October 24, 1992 as "World Population Awareness Week."

SENATE CONCURRENT RESOLUTION 138—AUTHORIZING CORRECTIONS IN THE ENROLLMENT OF S. 2042

Mr. DOLE (for Mr. JEFFORDS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 138

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (H.R. 2042) to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, and for other purposes, the Clerk of the House of Representatives shall make the following corrections: With respect to section 209—

(1) strike out paragraph (A) of subsection (d)(1) and insert in lieu thereof the following new subparagraph:

"(A) determine if additional education about, emphasis on, or enforcement of existing regulations or standards is needed and will be sufficient, or if additional regulations or standards are needed with regard to employee transported releases of hazardous materials, and"; and

(2) strike out paragraph (2) of subsection (d) and insert in lieu thereof the following new paragraph:

"(2) ADDITIONAL REGULATIONS OR STANDARDS.—If the Secretary of Labor determines that additional regulations or standards are needed under paragraph (1), the Secretary shall promulgate, pursuant to the Secretary's authority under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), such regulations or standards as determined to be appropriate not later than 3 years after such determination".

SENATE CONCURRENT RESOLUTION 139—AUTHORIZING CORRECTIONS IN THE ENROLLMENT OF H.R. 1628

Mr. DOLE (for Mr. SYMMS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 138

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the text of the bill (H.R. 1628) to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes, the Clerk of the House of Representatives shall make the following corrections. In section 1(a) and section 3, strike "U.S.A. Memorial Foundation".

AMENDMENTS SUBMITTED

LEGISLATIVE BRANCH APPROPRIATIONS ACT, FISCAL YEAR 1993

SEYMOUR (AND OTHERS) AMENDMENT NO. 3357

Mr. SEYMOUR (for himself, Mr. BROWN, and Mr. MCCAIN) proposed an amendment to the bill (H.R. 5427) making appropriations for the legislative branch for the fiscal year ending September 30, 1993, and for other purposes, as follows:

At the appropriate place, add the following:

Notwithstanding any other provision of law total obligations for the accounts covered by this Act shall not exceed 95% in FY 1993, 90% in FY 1994, and 85% in 1995 of the amounts obligated in FY 1992. No unobligated funds for any year may be expended in any subsequent fiscal year, and any such funds shall be returned to the Treasury in order to reduce the deficit. An independent firm jointly selected by the Speaker of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate, shall conduct a study of the staff needs of the Congress, to be funded out the contingency funds of the House and Senate.

DANFORTH AMENDMENT NO. 3358

Mr. DANFORTH proposed an amendment to the bill H.R. 5427, supra, as follows:

On page 5, line 23, strike all that follows through page 6, line 2 and insert:

"For miscellaneous items, $7,748,000: *Provided,* That funds appropriated under this heading for fiscal years 1991 and 1992 pursuant to S. Res. 239 (102d Congress, agreed to November 27, 1991), shall remain available until September 30, 1993: *Provided further,* That there is established within this account a line item entitled 'Legal Counsel for Presidential Nominees' and not to exceed $1,000,000 of the funds appropriated under this heading shall be available to the Secretary of the Senate out of such line item to pay reasonable attorney's fees and expenses for legal counsel rendered to a nominee of the President to a Federal office in the context of the consideration by the Senate of the nomination: *Provided further,* That payment of attorney's fees and expenses out of the line item referred to in the preceding proviso shall be made at the request of a nominee for legal counsel if the chairman or ranking minority member of the Senate committee of jurisdiction finds that such payment is reasonably necessary to protect the interests of the nominee.".

MITCHELL (AND OTHERS) AMENDMENT NO. 3359

Mr. REID (for himself, Mr. MITCHELL, Mr. DOLE, Mr. PACKWOOD, and Mr. GRASSLEY) proposed an amendment to the bill H.R. 5427, supra, as follows:

At the appropriate place, insert the following:

SEC. . (a) There is established in the Senate a Bipartisan Task Force on Senate Coverage (referred to in section as the "Task Force") which shall consist of—

(1) the Majority Leader and the Minority Leader, as ex officio members;

(2) 3 Senators appointed by the Majority Leader;

(3) 3 Senators appointed by the Minority Leader;

(4) 4 representatives appointed jointly by the Majority Leader and the Minority Leader, who are drawn from the administrative offices of the Senate, including—

(A) the Office of Secretary of the Senate;

(B) the Office of the Sergeant at Arms; and

(C) the Office of the Architect of the Capitol.

(b) The Task Force is authorized to consult with the Senate committees with jurisdiction over the statutes referred to in subsection (c)(2).

(c)(1) The Task Force shall—

(A) review all existing statutes under which the Senate is covered;

(B) review Senate rules to determine whether the Senate is effectively complying with other statutes that could be applied to the Senate such as those listed in paragraph (2); and

(C) recommend the extent to which, and the way in which, these statutes should be applied to the Senate.

(2) The statutes referred to in paragraph (1) are—

(A) conflict statutes;

(B) the Freedom of Information Act;

(C) the Privacy Act; and

(D) labor laws such as the Fair Labor Standards Act of 1938 and the Occupational Safety and Health Act.

(d) The Task Force shall use existing Senate staff to carry out its responsibilities under this section.

(e) The Task Force shall report its findings and recommendations to the Majority Leader and the Minority Leader not later than September 1, 1993.

BYRD (AND OTHERS) AMENDMENT NO. 3360

Mr. REID (for Mr. BYRD, for himself, Mr. MITCHELL, and Mr. DOLE) proposed an amendment to the bill H.R. 5427, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Section 309(a) of Public Law 102-166 (2 U.S.C. 1209) is amended by striking "or any Member of the Senate" through "a Member of the Senate' and" and inserting "and".

(b) Section 323 of such Act is repealed.

GRASSLEY AMENDMENT NO. 3361

Mr. GORTON (for Mr. GRASSLEY) proposed an amendment to the bill H.R. 5427, supra, as follows:

On page 55, between lines 11 and 12, insert the following:

SEC. . (a) No part of the funds appropriated in this Act shall be used for congressional foreign travel unless such travel is in accordance with this section.

(b) Such congressional foreign travel shall be—

(1) approved in advance by recorded vote of the committee involved, or approved in advance by the appropriate authority, as the case may be;

(2) accomplished by the most economical means conveniently possible;

(3) accomplished by United States commercial carrier, unless, as determined by the committee involved or appropriate authority, an alternative means is more economical; and

(4) in accordance with committee guidelines established pursuant to subsection (c) or established by an appropriate authority pursuant to subsection (e).

(c)(1) Each committee of the house of Representatives and each committee of the Senate shall—

(A) in order to prevent duplicative and unnecessary trips, establish guidelines for congressional foreign travel by members and employees of the committee; and

(B) not later than the end of each calendar quarter, file a report with respect to congressional foreign travel by members and employees of the committee during the preceding calendar quarter.

(2) Each report filed pursuant to paragraph (1) shall with respect to each trip—

(A) specify the purpose and agenda of the trip;

(B) identify each member and employee of the committee and any other person who accompanies the member or employee at Government expense;

(C) in the case of travel by other than United States commercial carrier, describe any determination under subsection (b)(3);

(D) state the accomplishments of the trip; and

(E) categorize all expenses incurred for the trip.

(3) Each report under this section—

(A) in the case of the House of Representatives, shall be filed with the Clerk of the House of Representatives; and

(B) in the case of the Senate, shall be filed with the Secretary of the Senate.

(d) Not later than 15 days after a report is filed under this section, the Clerk of the House of Representatives, or the Secretary of the Senate, as applicable, shall—

(1) make the report available for public inspection; and

(2) provide copies of the report to any person, either upon payment of a fee sufficient to cover the expense of reproduction and mailing (other than any salary expense) or at a lesser fee if, as determined by the Clerk, or Secretary, as applicable, such lesser fee is in the public interest.

At the end of the 6-year period after the date of filing, each report shall be destroyed unless such report is required in an ongoing investigation.

(e) In the case of any Member of the Senate or House of Representatives, including a Delegate and Resident Commissioner, or other officer or employee of the Senate or the House of Representatives, including an officer or employee of Congress or of an agency of the legislative branch, not otherwise subject to subsection (c), the appropriate authority shall issue guidelines and reports comparable to those required by subsections (c) and (d).

(f) Guidelines and reports implementing subsection (e) shall be issued—

(1) by the Majority Leader and Minority Leader of the Senate, or their designee, with regard to each office of the Senate;

(2) by the Speaker of the House of Representatives, or his designee, with regard to each office of the House of Representatives;

(3) by the Majority Leader and Minority Leader of the Senate and the Speaker of the House of Representatives, or their designee, with regard to any joint committee of the Congress;

(4) by the Architect of the Capitol with regard to officers and employees of the Office of the Architect of the Capitol; and

(5) by the Comptroller General of the United States, or his designee, with regard to each agency of the legislative branch not covered by paragraphs (1) through (4).

(g) As used in this section—

(1) the term "congressional foreign travel" means official foreign travel by a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress, by an employee (including an elected officer) of the Senate or the House of Representatives, by an employee of a committee of the Senate or the House of Representatives, or by an employee of a joint committee of Congress, or an officer or employee of an agency of the legislative branch;

(2) the term "agency of the legislative branch" means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and any other entity in the legislative branch;

(3) the term "foreign travel" means travel outside the United States;

(4) the term "United States", where used in a geographical sense, means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States; and

(5) the term "appropriate authority" means the appropriate authority providing guidelines and reports implementing subsection (e) and specified in subsection (f).

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

CRANSTON AMENDMENT NO. 3362

Mr. BUMPERS (for Mr. CRANSTON) proposed an amendment to the bill (S. 1095) to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, as follows:

On page 44, line 13, strike out "1991" and insert in lieu thereof "1992".

On page 58, line 11, strike out "(3) An" and insert in lieu thereof "(3)(A) Except as provided in subparagraph (B), an".

On page 58, below line 23, insert the following:

"(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4327(a)(2)(A) of this title.".

On page 59, beginning on line 7, strike out "In the case of a person who is not disabled and" and insert in lieu thereof "Except as provided in paragraph (3), in the case of a person".

On page 59, beginning on line 22, strike out "In the case of a person who is not disabled and" and insert in lieu thereof "Except as provided in paragraph (3), in the case of a person".

On page 60, line 13, strike out "who is disabled," and insert in lieu thereof "whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position,".

On page 63, line 3, strike out "In the case of a person who is not disabled," and insert in lieu thereof "Except as provided in subparagraph (B),".

On page 63, line 10, strike out "who is disabled," and insert in lieu thereof "whose disability requires an accommodation by the employer for the person to be able to perform the duties of the position,".

On page 65, strike out line 3 and all that follows through page 65, line 15.

On page 65, line 16, strike out "(d)" and insert in lieu thereof "(c)".

On page 67, strike out line 19 and all that follows through page 68, line 4, and insert in lieu thereof the following:

"(b)(1)(A) Subject to paragraphs (2) through (7), a person shall be deemed to be on furlough or leave of absence while serving in the uniformed services and shall be entitled to such rights and benefits (including, upon request of the person, health-plan benefits, life insurance, and accidental death and disability benefits) as are generally provided to employees of the employer who are on furlough or leave of absence under a plan, contract, policy, or practice which is in force at the beginning of the person's period of service in the uniformed services or which becomes effective during such period.

"(B) The seniority rights and benefits of a person deemed to be on furlough or leave of absence under this paragraph shall be determined under subsection (a).

"(C) A person provided with rights or benefits under this paragraph may be required to pay the cost, if any, of any benefit continued pursuant to such plan, contract, policy, or practice.

"(2) A person is entitled under this subsection to any right or benefit that is provided by the employer of the person to employees of the employer who are on furlough or leave of absence (other than the rights or benefits provided to employees on furlough or leave of absence by reason of special circumstances such as maternity or paternity leave (including leave for adoption of a child), disability leave, sick leave, or other leave as a result of the occurrence of an event affecting the employee's health or the health of a family member). A person on leave of absence while serving in the uniformed services shall not be entitled under this section to any benefits to which the person would not otherwise be entitled if the person were not on a leave of absence.

"(3) A person is not entitled under this subsection to coverage under a health plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(4) A person is not entitled under this subsection to coverage, under a life insurance policy, of a death incurred by the person as a result of the person's participation in, or assignment to an area of, armed conflict to the extent that such coverage is excluded or limited by a provision of such policy.

"(5) A person is not entitled under this subsection to coverage, under a disability insurance policy, of an injury or disease incurred or aggravated during a period of active duty in excess of 31 days to the extent that such coverage is excluded or limited by a provision of such policy.

"(6) A person is not entitled under this subsection to a right or benefit provided under an employee pension benefit plan.

"(7)(A) Except as provided in subparagraph (B), the requirement that an employer provide rights or benefits under paragraph (1) to a person deemed to be on furlough or leave of absence shall expire on the earlier of—

"(i) the date of the end of the 18-month period that begins on the date on which the person commences the service referred to in paragraph (1); or

"(ii) the date on which the person completes the performance of such service.

"(B) To the extent provided in a plan, contract, policy, or other practice referred to in paragraph (1)(A), the period of coverage described in subparagraph (A) for a person who voluntarily enters into service in the uniformed services (other than a person who voluntarily enters into service in a reserve component) shall be—

"(i) 18 months,

"(ii) the period ending on the date on which the person completes the performance of service in the uniformed services, or

"(iii) the period of the person's employment with the person's employer immediately before the person's entrance into such services,

whichever is shortest, but not less than 31 days.

On page 68, strike out line 5 and all that follows through page 68, line 13.

On page 68, line 14, strike out "(2) If a" and insert in lieu thereof "(c)(1)(A) Subject to subparagraphs (B) through (D), if a".

On page 68, beginning on line 21, strike out "Such continuation" and all that follows through "State." on page 69, line 5.

On page 69, line 7, insert "(determined in the same manner as the applicable premium under section 4980B(f)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)(4))" after "full premium".

On page 69, between line 12 and line 13, insert the following:

"(B) A person who elects to continue health-plan coverage under this paragraph shall not be entitled to coverage under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(C)(i) Except as provided in clause (ii), the period of coverage of a person and the person's dependents under a continuation of health-plan coverage elected by the person under this paragraph shall be the lesser of—

"(I) 18 months; or

"(II) the period of the person's service in the uniformed services.

"(ii) In the case of a person who voluntarily enters into service in the uniformed services (other than a person who voluntarily enters into service in a reserve component) the period of coverage referred to in clause (i) shall be—

"(I) 18 months,

"(II) the period ending on the date on which the person completes the performance of service in the uniformed services, or

"(III) the period of the person's employment with the person's employer immediately prior to the person's entrance into such service,

whichever is shortest, but not less than 31 days.

"(D) A person described in subparagraph (C)(ii) shall not be entitled to elect to continue health-plan coverage under this paragraph if the employer of the person at the time of the person's commencement of service in the uniformed services employs fewer than 20 persons".

On page 69, line 13, strike out "(3)(A)" and insert in lieu thereof "(2)(A)".

On page 69, beginning on line 17, strike out "in connection with coverage of such person upon reemployment" and insert in lieu thereof "by any person in connection with coverage of the person who served in the uniformed services upon reemployment".

On page 71, line 16, strike out "A person" and insert in lieu thereof "Except as provided in section 4322(e)(3)(B) of this title, a person".

On page 72, after the period at the end of line 15, insert the following: "In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period described in subsection (a)(2)(B))."

On page 72, line 19, insert "or elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986)" after "contributions".

On page 72, line 20, insert "or deferrals" after "contributions".

On page 72, line 21, insert "or employer" after "person".

On page 72, after the period at the end of line 24, insert the following: "Any payment to the plan described in this paragraph shall be made during any continuous period (beginning with the date of reemployment) as the employer and the person may agree, except that such period shall not end before the earlier of the date which is—

"(A) 5 years from the date of reemployment; or

"(B) the last day of the first 1-year break in employment beginning after such date.

"(3) For purposes of computing an employer's liability under paragraph (1) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

"(A) shall be computed at the same rate as the employee received from the employer immediately before such period; or

"(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(4) Unless the plan provides otherwise—

"(A) no earnings shall be credited to an employee with respect to any contribution prior to such contribution being made; and

"(B) any elective employer contributions, or any forfeitures, during the period described in subsection (a)(2)(B) shall not be allocated to persons reemployed under this chapter".

On page 73, between lines 9 and 10, insert:

"(d) No provision of this section shall apply to the extent it—

"(1) requires any action to be taken which would cause the plan, participant, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986; or

"(2) requires contributions to be returned, or additional contributions to be made, with respect to employees not reemployed under this chapter".

On page 74, line 9, strike out "or".

On page 74, line 13, strike out "title." and insert in lieu thereof "title; or".

On page 74, between line 13 and line 14, insert the following:

"(C) a failure of the Executive Director of the Federal Retirement Thrift Investment Board to issue regulations in accordance with section 4327 of this title or the failure of an employing agency to take any action required by such regulations.

On page 74, line 17, insert "(other than a wrongful personnel action described in section 4331(2)(C) of this title)" after "action".

On page 75, line 19, insert "(other than a complaint arising out of a wrongful personnel action referred to in section 4331(2)(C) of this title)" after "a complaint".

On page 77, line 7, insert "(other than a wrongful personnel action described in section 4331(2)(C) of this title)" after "action".

On page 79, between line 9 and line 10, insert the following:

"(f) A person who claims to have been subject to a wrongful personnel action referred to in section 4331(2)(C) of this title is entitled to file an action with respect to such claim pursuant to section 8477 of title 5."

On page 83, line 13, insert after the comma at the end of the line the following: "or, in the case of a wrongful personnel action referred to in section 4331(2)(C) of this title, the Executive Director of the Federal Retirement Thrift Investment Board referred to in that section,".

On page 85, between line 18 and line 19, insert the following:

"(d) The Executive Director of the Federal Retirement Thrift Investment Board shall issue regulations applying the provisions of section 4327 of this title to the Thrift Savings Plan (described in subchapters III and VII of chapter 84 of title 5). The regulations shall include provisions for the investigation and resolution of allegations of the occurrence of wrongful personnel actions referred to in section 4331(2)(C) of this title. The regulations may specify the period of time after reemployment within which a person may elect to make payment, the total amount the person may contribute, and the period of time over which the person may make contributions under section 4327 of this title."

On page 88, strike out line 16 and all that follows through page 89, line 12, and insert in lieu thereof the following:

(2) WITHIN 90 DAYS AFTER SUCH DATE.—Any person who commences the performance of a period of service in the uniformed services during the 90-day period referred to in paragraph (1) shall be covered during such 90-day period by the provisions of chapter 43 of title 38, United States Code, in effect on the day before the date of the enactment of this Act.

On page 89, strike out line 13 and all that follows through page 89, line 21, and insert in lieu thereof the following:

(b) APPLICABILITY OF CHAPTER 43 TO PERSONS PERFORMING ACTIVE DUTY ON DATE OF ENACTMENT.—

(1) IN GENERAL.—Any person who is performing service in the uniformed services on the date of the enactment of this Act shall be covered during the 90-day period beginning on such date by the provisions of chapter 43 of title 38, United States Code, in effect on the day before such date.

(2) CONTINUING SERVICE.—(A) Any person whose service in the uniformed services described under paragraph (1) continues after the 90-day period referred to in that paragraph shall be covered during the period of such service after that 90-day period by the provisions of chapter 43 of title 38, United States Code, as amended by section 2(a) of this Act, and section 5303A(b)(3)(G) of such title (as added by section 3(3) of this Act).

On page 90, strike out line 3 and all that follows through page 90, line 11, and insert in lieu thereof the following:

(ii) Any person referred to in subparagraph (A) who was subject to the requirement under section 2024(d) of title 38, United States Code (as in effect on the day before the date of the enactment of this Act), of requesting a leave of absence with respect to the service described in that subparagraph from the person's employer shall be deemed to have met the requirement of notifying the person's employer under such section 4322(a)(1) if the person requested the leave of absence.

On page 90, line 18, strike out "(2)" and insert in lieu thereof "(3)".

On page 90, line 19, strike out "Notwithstanding paragraph (1), a person referred to in subparagraph (A) of such paragraph" and inserting in lieu thereof "A person referred to in paragraph (1)".

On page 90, beginning on line 25, strike out "(a)(2)(B) and (b)(1)," and insert in lieu thereof "(a)(2) and (b)(2),".

On page 92, between line 4 and line 5, insert the following:

(f) EMPLOYEE PENSION BENEFIT PLAN.—Section 4327 of title 38, United States Code (as amended by section 2(a) of this Act), shall apply to reemployment initiated on or after August 1, 1990.

On page 92, line 5, strike out "(f)" and insert in lieu thereof "(g)".

On page 92, line 11, strike out "(g)" and insert in lieu thereof "(h)".

On page 93, below line 11, add the following new sections:

SEC. 9. IMPROVEMENT OF PROGRAM OF FEDERAL EMPLOYMENT OF VIETNAM ERA VETERANS.

Section 4214(b)(2)(A) of title 38, United States Code, is amended—

(1) at the end of clause (i), by striking out "or";

(2) at the end of clause (ii), by striking out "and" and inserting in lieu thereof "or"; and

(3) by adding at the end the following new clause:

"(iii) was discharged or released from active duty after December 31, 1979, under conditions other than dishonorable; and".

SEC. 10. REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS.

(a) REVISION IN CONTRIBUTIONS RELATING TO MILITARY SERVICE.—Subsection (e)(1) of section 8422 of title 5, United States Code, is amended by inserting after the first sentence the following new sentence: "The amount of payment of an employee or Member under this paragraph for a period of military service may not exceed the amount that would have been deducted or withheld for a period of civilian service, if any, under subsection (a)(1) if the employee or Member had not performed the period of military service.".

(b) TECHNICAL AMENDMENT.—Subsection (a)(2)(A)(ii) of such section is amended by striking out "1954" and inserting in lieu thereof "1986".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 1990 and shall apply to periods of military service that begin on or after that date.

SEC. 11. REDUCTION IN PENSION FOR VETERANS AND VETERANS' SURVIVORS WHO ARE RECEIVING MEDICAID-COVERED NURSING HOME CARE.

(a) REDUCTION IN PENSION.—Paragraph (2) of section 5503(f) of title 38, United States Code, is amended to read as follows:

"(2)(A) Not more than $90 per month may be paid under chapter 15 of this title to or for any person described in subparagraph (B) for any period that a nursing facility furnishes such person with services covered by a Medicaid plan. The restriction in the preceding sentence applies to periods after the month of the person's admission to the nursing facility.

"(B) A person referred to in subparagraph (A) is a person—

"(i) who is covered by a Medicaid plan for services furnished such person by a nursing facility; and

"(ii) who is (I) a veteran who has neither spouse nor child, or (II) a surviving spouse who has no child.".

(b) CONFORMING AMENDMENTS.—Section 5503(f) of such title is amended as follows—

(1) In paragraph (3)—

(A) by striking out "a veteran" and inserting in lieu thereof "a person referred to in paragraph (2)(A)"; and

(B) by striking out "such veteran under paragraph (2) of this subsection" and inserting in lieu thereof "such person under such paragraph".

(2) In paragraph (4)—

(A) by striking out "A veteran" and inserting in lieu thereof "A person referred to in paragraph (2)(A)";

(B) by striking out "the veteran" both places it appears and inserting in lieu thereof "the person"; and

(C) by striking out "the veteran's" and inserting in lieu thereof "the person's".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on July 1, 1992, and apply with respect to months after June 1992.

(d) DELETION OF EXPIRATION DATE.—Section 5503(f) of such title is amended by striking out paragraph (6).

READY TO LEARN ACT

COCHRAN AMENDMENT NO. 3363

Mr. SIMPSON (for Mr. COCHRAN) proposed an amendment to the bill (H.R. 3134) to expand the production and distribution of educational and instructional video programming and supporting educational materials for preschool and elementary school children as a tool to improve school readiness, to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children, to expand services provided by Head Start programs, and for other purposes, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ready to Learn Act".

SEC. 2. FINDINGS ON DISTANCE LEARNING.

The Congress finds that—

(1) the rapid development of telecommunications technology has resulted in distance learning systems that are powerful, flexible and increasingly affordable;

(2) distance learning technology can increase contributions to the goals of "America 2000", as established by the President, including school readiness;

(3) distance learning expands the availability of educational and instructional video programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(4) distance learning expands the availability of educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) expand the availability of educational and instructional video programming and supporting educational resources for preschool and elementary school children as a tool to improve school readiness; and

(2) to develop and distribute educational and instructional video programming and support materials for parents, child care providers, and educators of young children.

SEC. 3. READY TO LEARN PROGRAMS.

The General Education Provisions Act is amended by inserting after section 405 (20 U.S.C. 1221e) the following new section:

"READY TO LEARN TELEVISION

"SEC. 405A. (a) IN GENERAL.—The Secretary is authorized to implement programs to develop, produce, and distribute educational and instructional video programming for preschool and elementary school children in order to facilitate the achievement of the national education goals. In administering such programs, the Secretary shall ensure that such programming is made widely available to young children, their parents, child care workers and Head Start providers with support materials as appropriate to increase the effective use of such programming.

"(b) DUTIES OF THE SECRETARY.—In administering the programs under subsection "(a), the Secretary shall—

"(1) set priorities regarding the educational needs of preschool and elementary school children that can be addressed through video technologies including distance learning networks;

"(2) award grants for the development and dissemination of educational and instructional programming, in accordance with the priorities established under paragraph (1), for preschool children, children in transition programs from early childhood education to elementary school grades, and elementary school children;

"(3) award grants for the development and dissemination of training materials, including—

"(A) interactive programs and programs adaptable to distance learning technologies that are designed to enhance knowledge of children's social and cognitive skill development and positive adult-child interactions; and

"(B) support materials to promote the effective use of materials developed under paragraph (2);

among parents, Head Start providers, in-home and center based, day care providers, early childhood development personnel and elementary school teachers, and after school program personnel caring for preschool and elementary school children;

"(4) establish and administer a Special Projects of National Significance program to award grants to public and nonprofit private entities, or local public television stations or such public television stations that are part of a consortium with one or more State education agency, local education agency, local school, institution of higher learning, or community based organization of demonstrated effectiveness, for the purpose of—

"(A) addressing the learning needs of young children in limited English proficient households, and developing appropriate educational and instructional television programming to foster the school readiness of such children;

"(B) developing programming and support materials to increase literacy skills among parents to assist parents in teaching their children and utilizing educational television programming to promote school readiness; and

"(C) identifying, supporting, and enhancing the effective use and outreach of innovative programs that promote school readiness; and

"(5) establish within the Department a clearinghouse to compile and provide information, referrals and model program materials obtained or developed under this section to parents, child care providers, and other appropriate individuals or entities to assist such individuals and entities in accessing programs and projects under this section; and

"(6) coordinate activities with the Secretary of Health and Human Services in order to—

"(A) maximize the utilization of quality educational programming by preschool and elementary school children, and make such programming widely available to federally funded programs serving such populations; and

"(B) provide information to the grantees of those Federal programs that have major training components for early childhood development, including Head Start and State training activities funded under the Child Care Development Block Grant Act of 1990 regarding the availability and utilization of materials developed under paragraph (3) to enhance parent and child care provider skills in early childhood development and education.

"(c) DEVELOPMENT AND DISTRIBUTION OF EDUCATIONAL PROGRAMMING FOR CHILDREN.—

"(1) GRANTS.—To carry out the provisions of subsection (b)(2), the Secretary shall award grants to eligible applicant entities to—

"(A) facilitate the development or acquisition, directly or through contracts with producers, of children's television programming, educational programming for preschool and elementary school children, and accompanying support materials and services that promote the effective use of such programming; and

"(B) contract with entities experienced in the distribution of such programming, such as public broadcasting entities and those funded under the Star Schools Assistance Act, for the dissemination of programs developed under this paragraph to the widest possible audience appropriate to be served by the programming by the most appropriate distribution technologies.

"(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under paragraph (1) an entity shall—

"(A) be a nonprofit, nongovernmental entity with a demonstrated record of facilitating the development and distribution of educational and instructional television programming for preschool and elementary school children; and

"(B) have a demonstrated record of contracting with the producers of children's television programming for the purpose of developing or acquiring educational television programming for preschool and elementary school children.

"(3) CULTURAL EXPERIENCES.—Programming developed or acquired under this subsection shall reflect the recognition of diverse cultural experiences and the needs and experiences of both boys and girls in engaging and preparing young children for schooling.

"(d) DEVELOPMENT AND DISTRIBUTION OF TRAINING MATERIALS.—To carry out the provisions of subsection (b)(3), the Secretary may award grants to public or private nonprofit entities with demonstrated expertise and experience in the development of video or other educational materials regarding child development and early childhood education for parents and child care providers, to—

"(1) develop, directly or through contracts, training and support materials for the purpose of informing and training parents and personnel in accordance with subsection (b)(3); and

"(2) produce such materials for distribution to the broadest audience appropriate to be served, including parents, day care providers, public libraries, Head Start centers, and distance learning networks.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring a grant under subsection (b) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

"(2) SPECIAL RULE.—Each eligible entity desiring a grant under subsection (b)(2) shall include in the application submitted pursuant to paragraph (1) documentation of such entity's eligibility in accordance with subsection (c)(2).

"(f) REPORTS AND EVALUATION.—

"(1) ANNUAL REPORT TO THE SECRETARY.—The entity receiving funds under subsection (c) shall prepare and submit to the Secretary an annual report that shall contain such information as the Secretary may require. At a minimum the report shall contain a description of the program activities undertaken with funds received under this section, including—

"(A) the programming that has been developed directly or indirectly by the entity, and the target population of the programs developed;

"(B) the support materials that have been developed to accompany the programming, and the method by which such materials are distributed to consumers and users of the programming;

"(C) the means by which programming developed under this section has been distributed, including the distance learning technologies that have been utilized to make programming available and the geographic distribution achieved through such technologies; and

"(D) the initiatives undertaken by the entity to develop public-private partnerships to secure non-Federal support for the development and distribution and broadcast of educational and instructional programming.

"(2) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the relevant committees of Congress a biannual report to include the following information—

"(A) a summary of the information made available under subsection (d)(1);

"(B) a description of the training materials made available under subsection (b)(3), the manner in which outreach has been conducted to inform parents and child care providers of the availability of such materials, and the manner in which such materials have been distributed in accordance with such subsection.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997. Not less than 60 percent of the amounts appropriated under this paragraph for each fiscal year shall be used to carry out subsection (c).

"(2) SPECIAL PROJECTS.—Of the amount appropriated under paragraph (1) for each fiscal year, at least 10 percent of such amount shall be utilized in each such fiscal year for activities under subsection (b)(4)(C).

"(h) ADMINISTRATIVE COSTS.—With respect to the implementation of subsection (c), entities receiving a grant from the Secretary may use up to 5 percent of the amounts received under a grant under such subsection for the normal and customary expenses of administering the grant.

"(i) DEFINITION.—For the purposes of this section, the term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.".

TECHNICAL AMENDMENTS TO CERTAIN FEDERAL INDIAN STATUTES

McCAIN AMENDMENT NOS. 3364 AND 3365

Mr. SIMPSON (for Mr. McCAIN) proposed an amendment to the bill (H.R. 5686) to make technical amendments to certain Federal Indian statutes, as follows:

AMENDMENT NO. 3364

At the end of the bill, add the following new section:

"SEC. . TECHNICAL AMENDMENTS TO AK-CHIN WATER USE ACT OF 1984.

(a) SHORT TITLE.—This Act may be cited as the 'Ak-Chin Water Use Amendments Act of 1992'.

(b) AUTHORIZATION OF USE OF WATER.—Section 2(j) of the Act of October 19, 1984 (Public Law 98–530; 98 Stat. 2698) is amended to read as follows:

'(j) The Ak-Chin Indian Community (hereafter in this Act referred to as the "Community") shall have the right to devote the permanent water supply provided for by this Act to any use, including agricultural, municipal, industrial, commercial, mining, recreational or other beneficial use, in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater management Act of 1980, laws 1980, fourth special session, chapter 1. The Community is authorized to lease or enter into an option to lease, extend leases, exchange or temporarily dispose of water to which it is entitled for beneficial use in the areas initially designated as the Pinal, Phoenix and Tucson Active Management Areas pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1: Provided, That the term of any such lease shall not exceed 100 years and the Community may not permanently alienate any water right. In the event the Community leases, extends leases, exchanges or temporarily disposes of water, such action shall be pursuant to a contract that has been accepted and ratified by a resolution of the Ak-Chin Indian Community Council and approved and executed by the Secretary.'"

AMENDMENT NO. 3365

At the end of the bill, add the following:

SEC. —. AMENDMENT.

The Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes", approved October 15, 1977 (91 Stat. 1159), is amended by adding at the end thereof the following:

"SEC. 502. GENERAL ASSISTANCE PROGRAM.

"(a) SHORT TITLE.—This section may be cited as the "Indian Environmental General Assistance Program Act of 1992".

"(b) PURPOSES.—The purposes of this section are to—

"(1) provide general assistance grants to Indian tribal governments and intertribal consortia to build capacity to administer environment regulatory programs that may be delegated by the Environmental Protection Agency on Indian lands; and

"(2) provide technical assistance from the Environmental Protection Agency to Indian tribal governments and intertribal consortia in the development of multimedia programs to address environmental issues on Indian lands.

"(c) DEFINITIONS.—For purposes of this section:

"(1) The term 'Indian tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601, et seq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

"(2) The term 'intertribal consortia' or 'intertribal consortium' means a partnership between two or more Indian tribal governments authorized by the governing bodies of those tribes to apply for and receive assistance pursuant to this section.

"(3) The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(d) GENERAL ASSISTANCE PROGRAM.—(1) The Administrator of the Environmental Protection Agency shall establish an Indian Environmental General Assistance Program that provides grants to eligible Indian tribal governments or intertribal consortia to cover the costs of planning, developing, and establishing environmental protection programs on Indian lands.

"(2) Each grant awarded for general assistance under this subsection for a fiscal year shall be no less than $75,000, and no single grant may be awarded to an Indian tribal government or intertribal consortium for more than 10 percent of the funds appropriated under subsection (h) of this section.

"(3) The term of any general assistance award made under this subsection may exceed one year. Any awards made pursuant to this section shall remain available until expended. An Indian tribal government or intertribal consortium may receive a general assistance grant for a period of up to four years in each specific media area.

"(e) NO REDUCTION IN AMOUNTS.—In no case shall the award of a general assistance grant to an Indian tribal government or intertribal consortium under this section result in a reduction of Environmental Protection Agency grants for environmental programs to that tribal government or consortium. Nothing in this section shall preclude an Indian tribal government or intertribal consortium from receiving individual media grants or cooperative agreements. Funds provided by the Environmental Protection Agency through the general assistance program shall be used by an Indian tribal government or intertribal consortium to supplement other funds provided by the Environmental Protection Agency through individual media grants or cooperation agreements.

"(f) EXPENDITURE OF GENERAL ASSISTANCE.—Any general assistance under this section shall be expended for the purpose of planning, developing, and establishing the capability to implement programs administered by the Environmental Protection Agency and specified in the assistance agreement. Purposes and programs authorized under this section shall include the development and implementation of solid and hazardous waste programs for Indian lands. An Indian tribal government or intertribal consortium receiving general assistance pursuant to this section shall utilize such funds for programs and purposes to be carried out in accordance with the terms of the assistance agreement.

"(g) PROCEDURES.—(1) Within 12 months following the date of the enactment of this section, the Administrator shall promulgate regulations establishing procedures under which an Indian tribal government or intertribal consortium may apply for general assistance grants under this section.

"(2) The Administrator shall publish regulations issued pursuant to this section in the Federal Register.

"(3) The Administrator shall establish procedures for accounting, auditing, evaluating, and reviewing any programs or activities funded in whole or in part for a general assistance grant under this section.

"(h) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of this section, $15,000,000 for each of the fiscal years 1993 and 1994.".

STEVENS AMENDMENT NO. 3366

Mr. SIMPSON (for Mr. STEVENS) proposed an amendment to the bill H.R. 5686, supra, as follows:

At the appropriate place, insert a new section as follows:

SEC. . Notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to enroll the following-named individuals as Natives under the Alaska Native Claims Settlement Act (Public Law 92–203): Yvonne LeCornu Salazar and Andres Manuel Salazar. Each individual is entitled to receive 100 shares of stock in Shaan-Seet, Inc. and such other benefits as the board of directors of that corporation may approve. No individual enrolled pursuant to this Act shall be entitled to share in any dividends or Alaska Native Claims Settlement Act distributions made by the United States or Shaan-Seet, Inc. prior to the individual's enrollment. Nor shall this Act alter said individual's rights to receive dividends or Alaska Native Claims Settlement Act distributions made by Sealaska Corporation prior to the individual's enrollment in Shaan-Seet. Enrollment of these individuals shall not alter the entitlement to or distribution of land to any corporation under the terms of the Alaska Native Claims Settlement Act.

MURKOWSKI AMENDMENT NO. 3367

Mr. SIMPSON (for Mr. MURKOWSKI) proposed an amendment to the bill H.R. 5686, supra, as follows:

At the end of the bill, add the following new section:

SEC. . TRANSFER OF BUREAU OF INDIAN AFFAIRS' ADMINISTRATIVE SITE IN BETHEL, ALASKA TO THE YUKON KUSKOKWIM HEALTH CORPORATION.

(a) CONVEYANCE.—To the extent consistent with this section and applicable Federal and State environmental laws, the Secretary of the Interior, notwithstanding section 1302(h) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)), shall convey, in fee, the buildings of the former Bureau of Indian Affairs Bethel Agency, Bethel, Alaska, and lands necessary for the use of these buildings, but not to exceed 27 acres of the Agency site, to the Yukon Kuskokwim Health Corporation (hereafter referred to as the "Corporation"). Such conveyance shall be made on terms mutually agreed on between the Secretary of the Interior and the Corporation. The Secretary may require that the Corporation, as exclusive consideration for this conveyance, enter into an agreement under which the Corporation agrees to indemnify the United States Fish and Wildlife Service and the Bureau of Indian Affairs for any liability arising out of the operation and maintenance of any response at the property concerning asbestos. The conveyance required by this section shall be made, subject to subsection (b)(2), prior to September 30, 1993.

(b) ENVIRONMENTAL RESPONSE.—Prior to the conveyance of the property to the Corporation pursuant to subsection (a), for responses that are necessary under applicable Federal and State laws to protect human health and the environment with respect to any hazardous substance or hazardous waste remaining on the property, the Secretary of the Interior and the Secretary of the Air Force shall—

(1) complete and equally share the cost of such response, or

(2) grant and equally share the cost of such grant to the Corporation an amount equal to the cost of such response, except that such grant shall be used to complete such response prior to the conveyance of the property.

(c) Notwithstanding any other Federal law, except with respect to liability arising from the operation and maintenance of the property, the United States Fish and Wildlife Service and the Bureau of Indian Affairs shall not be liable under any Federal law for any additional response necessary for asbestos at the property following its conveyance to the Corporation pursuant to the authority of subsection (a). Nothing in this section shall affect any liability of any person other than the United States Fish and Wildlife Service and the Bureau of Indian Affairs.

(d) EASEMENT.—The conveyance under this section shall reserve an easement for access to adjacent areas of the Yukon Delta National Wildlife Refuge, if determined necessary by the Secretary.

(e) DEFINITIONS.—As used in this section:

(1) The terms "response", "hazardous substance", "person", and "environment" as used herein shall have the meaning of such terms as provided in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.).

(2) The term "hazardous waste" shall have the meaning of such term as provided in the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

INOUYE AMENDMENT NO. 3368

Mr. BUMPERS (for Mr. INOUYE) proposed an amendment to the bill H.R. 5686, supra, as follows:

"In section 5, after 'the Colville Reservation,' insert 'lands held in trust for the Cahuilla Band of Indians of California,'."

BAUCUS (AND BURNS) AMENDMENT NO. 3369

Mr. BUMPERS (for Mr. BAUCUS, for himself and Mr. BURNS) proposed an amendment to the bill H.R. 5686, supra, as follows:

At the end of the bill, add the following:

SEC. . REGULATION OF CLASS III GAMING.

(a) IN GENERAL.—Notwithstanding section 11(d)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(1), during the six-month period beginning on the date of the enactment of this Act, any class III gaming activity conducted on Indian lands in the State of Montana shall be lawful if such gaming activity—

(1) is conducted in accordance with State law made applicable by the Indian Gaming Regulatory Act; and

(2) was owned or being conducted on May 1, 1988.

(b) INAPPLICABILITY OF ACT OF JANUARY 2, 1951.—During the six-month period specified in subsection (a), the provisions of section 5 of the Act of January 2, 1951 (15 U.S.C. 1175), shall not apply to any gaming activity described in such subsection which meets the requirements of paragraphs (1) and (2) of such subsection.

SEC. 2. DEFINITIONS.

For purposes of this section, the terms "Indians lands" and "class III gaming" have the meaning given such terms in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

SEC. 3. CONFORMING AMENDMENT.

Section 4(7)(E) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(7)(E)) is amended by striking "or Montana".

DASCHLE AMENDMENT NO. 3370

Mr. BUMPERS (for Mr. DASCHLE) proposed an amendment to the bill H.R. 5686, supra, as follows:

At the end of the bill, add the following new section:

SEC. . The Act of October 25, 1972 (86 Stat. 1168), is amended by adding at the end thereof the following new section:

"SEC. 306. AUTHORITY TO SETTLE ACTION.

"Notwithstanding any provision of this Act or any other provision of law, the Attorney General is authorized to negotiate and settle any action that may be or has been brought to contest the constitutionality or validity under law of the distribution to all other Sisseton and Whapeton Sioux provided for in section 202 of this Act."

DEPARTMENT OF VETERANS AFFAIRS NURSE PAY AMENDMENTS OF 1992

CRANSTON AMENDMENT NO. 3371

Mr. KERREY (for Mr. CRANSTON) proposed an amendment to the bill S. 2575 to amend chapter 74 of title 38, United States Code, to revise certain pay authorities that apply to nurses and other health care professionals, and for other purposes, as follows:

On page 43, strike lines 15 through 23 and insert in lieu thereof the following:

"(6) The term 'non-Federal average manufacturer price', with respect to a covered drug or biological and a specified period of time, means—

"(A) in the case of a covered drug or biological for which the majority of units were distributed to the retail class of trade during that period, the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any prompt payment discounts, cash discounts, rebates, or similar price reductions, during that period in the United States by wholesalers for distribution to the retail class of trade; or

"(B) in the case of a covered drug or biological for which the majority of units were not distributed to the retail class of trade during that period, the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any prompt payment discounts, cash discounts, rebates, or similar price reductions, during that period in the United States by wholesalers (other than a price paid by the Federal Government).

On page 43, line 24, strike "(6) The term 'Federal'" and insert in lieu thereof "(7) The term 'non-Federal'".

On page 45, line 9, strike "(7)" and insert in lieu thereof "(5)" and move that paragraph to page 43, between lines 14 and 15.

On page 45, beginning on line 20, strike out "the Producer Price Index—Finished Goods" and insert in lieu thereof "the Consumer Price Index for all urban consumers (U.S. city average)".

On page 46, line 6, strike out "at that average price" and insert in lieu thereof "of each package quantity".

On page 55, strike out line 23 and all that follows through page 56, line 8, and insert in lieu thereof the following:

"(1) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(A) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is positive—

"(i) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(ii) the additional price discount amount (as determined under section 8171(1)(A) of this title); or

"(B) in the case of a drug or biological whose Federal average price differential (as determined under section 8171(6)(A) of this title) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

On page 66, strike line 17 and insert the following:

SEC. 606. DEMONSTRATION PROJECT ON UNIFIED PHARMACEUTICAL AWARD CONTRACTS.

On page 66, between lines 21 and 22, insert the following:

"(a) The Secretary shall conduct a demonstration project to evaluate the cost and effectiveness of a unified contracting process for procuring pharmaceuticals on behalf of the entities referred to in subsection (d).

On page 66, line 22, strike "(a)" and insert "(b)".

On page 66, line 23, strike "(b)" and insert "(c)".

On page 67, line 4, strike "(b)" and insert "(c)".

On page 67, line 6, after "that", insert "directly furnishes health-care services and".

On page 67, line 12, strike out "department, agency, other division" and all that follows through the period on line 14 and insert in lieu thereof "State home.".

On page 67, line 15, strike "A Public Health Service clinic" and insert in lieu thereof "An entity".

On page 68, line 15, strike "(c)" and insert "(d)".

On page 69, line 10, strike the quotation marks and the second period.

On page 69, between lines 10 and 11, insert the following:

"(e) The authority of the Secretary to enter into unified pharmaceutical award contracts under this section shall terminate on December 31, 1997.

"(f) Not later than March 31, 1997, the Secretary shall transmit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report on the use of the authority under this section.".

On page 77, strike out line 24 and all that follows through page 78, line 9, and insert in lieu thereof the following:

"(A) During the 1-year period beginning on the effective date of the agreement, the price of the drug or biological shall be an amount no greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(II) the additional price discount amount (as determined under subsection (h)(1)(A)); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under subsection (h)(6)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

On page 85, strike out line 21 and all that follows through page 86, line 4, and insert in lieu thereof the following:

"(6) The term 'non-Federal average manufacturer price', with respect to a covered drug or biological and a specified period of time, means—

"(A) in the case of a covered drug or biological for which the majority of units were distributed to the retail class of trade during that period, the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any prompt payment discounts, cash discounts, rebates, or similar price reductions, during that period in the United States by wholesalers for distribution to the retail class of trade; or

"(B) in the case of a covered drug or biological for which the majority of units were not distributed to the retail class of trade during that period, the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any prompt payment discounts, cash discounts, rebates, or similar price reductions, during that period in the United States by wholesalers (other than a price paid by the Federal Government).

On page 86, line 5, strike "(6) The term 'Federal'" and insert in lieu thereof "(7) The term 'non-Federal'".

On page 87, line 16, strike "(7)" and insert in lieu thereof "(5)" and move that paragraph to page 85, between lines 20 and 21.

On page 88, beginning on line 3, strike out "the Producer Price Index—Finished Goods" and insert in lieu thereof "the Consumer Price Index for all urban consumers (U.S. city average)".

On page 88, line 14, strike out "at that average price" and insert in lieu thereof "of each package quantity".

On page 88, below the matter below line 21, insert the following:

TITLE VII—SEXUAL TRAUMA SERVICES

SEC. 701. CARE AND SERVICES FOR WOMEN VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

(a) REQUIREMENT TO FURNISH CARE AND SERVICES.—Chapter 17 is amended by adding at the end of subchapter II the following new section:

"§ 1720D. Counseling and treatment of women veterans for sexual trauma

"(a) A woman veteran who is diagnosed by a Department health professional designated by the Chief Medical Director (following an examination of the veteran by such professional) to be in need of counseling or treatment for sexual trauma resulting from events that occurred during the period of the woman veteran's service on active duty, shall be furnished care and services with respect to such trauma pursuant to sections 1710(a)(1)(A) and 1712(a)(1)(A) of this title, even though such trauma has not been determined to be service-connected.

"(b)(1) The Secretary may enter into contracts with appropriate non-Department facilities (as determined by the Secretary) in order to furnish women veterans with the care and services (including any diagnostic services) referred to in subsection (a).

"(2) Not later than March 31, 1994, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the use made of the authority provided under paragraph (1) before the date of the report. The report shall (A) describe the extent of the use of that authority and the types of care and services furnished to women veterans under contracts entered into under that authority, and (B) contain such recommendations regarding the extension or modification of that authority as the Secretary considers appropriate.

"(3) The Secretary may not enter into contracts under this subsection after September 30, 1994. Any contract entered into under this subsection shall expire not later than 90 days after that date.

"(c) For the purposes of this section, the term 'sexual trauma' means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, sexual harassment, or other act of sexual violence.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1720C the following new item:

"1720D. Counseling and treatment of women veterans for sexual trauma."

SEC. 702. INFORMATION AND REFERRALS FOR WOMEN VETERANS.

(a) INFORMATION SYSTEM.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence the provision of information and referrals relating to the care and services referred to in paragraph (2) by means of a telephone information system utilizing a toll-free telephone number (commonly referred to as an 800 number).

(2) The care and services referred to in paragraph (1) are the care and services relating to sexual trauma that are available to women veterans in the communities in which such veterans reside, including care and services available under programs of the Department of Veterans Affairs (including the care and services available under section 1720D of title 38, United States Code (as added by section 701 of this Act)) and from non-Department agencies or organizations.

(b) SYSTEM REQUIREMENTS.—In providing information and referrals under subsection (a), the Secretary shall ensure that the telephone information system described in that subsection—

(1) is operated by Department personnel who are trained in the provision of the information and referrals described in that subsection to persons who have experienced sexual trauma;

(2) is operated in a manner that protects the confidentiality of persons who place telephone calls to the system; and

(3) operates at all times.

SEC. 703. REPORT ON NEED FOR CARE AND SERVICES OF VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

(a) REPORT.—Not later than December 31, 1993, the Secretary of Veterans Affairs shall submit to Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study carried out by the Secretary under subsection (b).

(b) STUDY.—(1) The Secretary, in consultation with and with the assistance of the Secretary of Defense, shall carry out a study of the needs of women veterans for counseling, medical care, and other services for sexual trauma.

(2) In carrying out the study, the Secretary of Veterans Affairs shall, to the extent feasible and to the extent that data are available, determine the following:

(A) The extent to which women have experienced rape, sexual assault, sexual harassment, or other acts of sexual violence while on active military, naval, or air service.

(B) The extent of any under-reporting of incidents of rape, sexual assault, sexual harassment, or other acts of sexual violence among the population of women members of the Armed Forces, and the extent to which the rate of such under-reporting differs from the rate of under-reporting of such incidents among the general population of women in the United States.

(C) The extent to which women members of the Armed Forces and women veterans who have experienced sexual trauma have utilized counseling, medical care, and other services furnished by the Department of Defense and the Department of Veterans Affairs in order to respond to such experiences.

(D) The same types of information with respect to men who are members of the Armed Forces and men who are veterans as is required under subparagraphs (A), (B), and (C) with respect to women members and veterans.

SEC. 704. REPORT RELATING TO SERVICES AVAILABLE TO VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.

Not later than March 1, 1993, and December 31 of each of calendar years 1993 through 1997, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a comprehensive report on the care and services furnished by the Department of Veterans Affairs to veterans who have experienced sexual trauma. The report shall include the following:

(1) A detailed description and review of the medical care, counseling, outreach, and other services available under programs of the Department to veterans who have experienced sexual trauma resulting from events that occurred during the period of such veterans' service in the active military, naval, or air service, including the number of male and female counselors employed by the Department who have been provided specialized training in the counseling of persons who have experienced sexual trauma.

(2) An assessment by the Secretary of any quantitative or qualitative deficiencies in such programs in meeting the needs of such veterans for counseling, medical care, and other services in response to such experiences.

(3) A detailed description of the plans of the Secretary to eliminate such deficiencies and a schedule for implementation of such plans.

SEC. 705. PROVISION OF INFORMATION ON SERVICES TO WOMEN WHO ARE SEPARATING FROM THE ARMED FORCES.

The Secretary of Veterans Affairs and the Secretary of Defense shall jointly carry out a program to ensure that women who are being separated from active military, naval, or air service are provided information on (1) the counseling, medical care, and other services and assistance relating to sexual trauma that are available to women veterans under programs carried out by the Department of Veterans Affairs, and (2) the requirements of eligibility for or entitlement to, and the procedures for applying for, such counseling, medical care, and other services and assistance. The Secretaries shall ensure that such information is provided through an in-person interview conducted with the woman being separated.

SEC. 706. REPORT RELATING TO DETERMINATIONS OF SERVICE CONNECTION FOR SEXUAL TRAUMA.

(a) Not later than December 31, 1992, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) the Secretary's assessment of—

(A) the difficulties that women veterans encounter in obtaining from the Department of Veterans Affairs determinations that disabilities relating to sexual trauma that are the results of events that occurred during active duty are service-connected disabilities; and

(B) the extent to which Department personnel fail to make determinations that such disabilities are service-connected disabilities; and

(2) the Secretary's recommendation of actions to be undertaken to respond in a fair manner to such difficulties and to eliminate such failures.

SEC. 707. DEFINITIONS.

For the purposes of this title—

(1) The terms "Armed Forces", "service-connected", and "active military, naval, or air service" have the meanings given such terms in paragraphs (10), (16), and (24) of section 101 of title 38, United States Code, respectively.

(2) The term "sexual trauma" means the immediate and long-term physical or psychological trauma resulting from rape, sexual assault, sexual harassment, or other act of sexual violence.

TITLE VIII—HEALTH CARE FOR WOMEN VETERANS

SEC. 801. WELL-WOMEN CARE SERVICES.

(a) WELL-WOMEN CARE SERVICES.—Section 1701 is amended—

(1) in paragraph (6)(A)(i), by inserting "well-women care services," after "section 1762 of this title,"; and

(2) by adding at the end the following new paragraph:

"(9)(A) The term 'well-women care services' means health care services provided to women outside the maternity cycle, including counseling and services relating to the following:

"(i) Papanicolaou tests (pap smear).

"(ii) Breast examinations and mammography.

"(iii) General reproductive health care.

"(iv) The management of infertility.

"(v) Menopause.

"(vi) Physical or psychological conditions arising out of acts of sexual violence.

"(B) The term does not include the following services:

"(i) Pregnancy care (including prenatal and delivery care), except care relating to a pregnancy that is complicated, or in which the risks of complication are increased, by a service-connected condition.

"(ii) Abortion.".

(b) CONTRACTS FOR WELL-WOMEN CARE SERVICES.—Section 1703(a) is amended by adding at the end the following new paragraph:

"(9) Well-women care services for veterans on an ambulatory or outpatient basis, but only under contracts that expire not later than December 31, 1994.".

(c) REPORT ON THE PROVISION OF HEALTH CARE TO WOMEN.—(1) Not later than January 1 of each of 1993 through 1997, the Secretary shall submit to Congress a report on the provision of health care services to women veterans.

(2) The report shall contain the following with respect to the most recent fiscal year before the date of the report:

(A) A description of the personnel of the Department who provided health-care services to women veterans, including the number of employees (including both the number of individual employees and the number of full-time employee equivalents) and the professional qualifications or specialty training of such employees and the Department facilities to which such personnel were assigned.

(B) A description of any actions taken by the Secretary to ensure the retention of the personnel described in subparagraph (A), and any actions undertaken to recruit additional personnel or personnel to replace such personnel.

(C) A description of the type and amount of well-women care services provided by such personnel, including information on—

(i) the type and amount of such services provided at each Department facility;

(ii) the number of women provided such services at each Department facility; and

(iii) the numbers of inpatient stays and the number of outpatient visits through which such services were provided.

(D) A description of the type and amount of well-women care services provided under contracts with non-Department facilities, including information on—

(i) the type and amount of such services provided under each contract;

(ii) the number of women provided such services through each non-Department facility under each contract; and

(iii) the numbers of inpatient stays and the number of outpatient visits through which such services were provided.

(E) An assessment by the Secretary of any difficulties experienced by the Secretary in the furnishing of such services and the actions taken by the Secretary to resolve such difficulties.

(F) A description of the actions taken by the Secretary to foster and encourage the expansion of research relating to health care issues of concern to women veterans.

(3) In this subsection, the term "well-women care services" has the meaning given such term in section 1701(8) of title 38, United States Code (as added by subsection (a)).

SEC. 802. EXPANSION OF RESEARCH RELATING TO WOMEN VETERANS.

(a) EXPANSION OF MEDICAL RESEARCH PROGRAM.—(1) Subject to paragraph (3), in carrying out the medical research program of the Department under section 7303 of title 38, United States Code, the Secretary, in consultation with the Chief Medical Director (who shall consult with the Director of Nursing Service, officials of the Central Office assigned responsibility for women's programs and the program carried out under such section 7303, members of the Advisory Committee on Women Veterans established under section 542 of such title, and members of appropriate task forces within the Department of Veterans Affairs (such as the Task Force on Treatment of Women Who Suffer Sexual Abuse)), shall foster and encourage the initiation and expansion of research into the health consequences for women veterans of the matters referred to in paragraph (2).

(2) The Secretary shall foster and encourage the initiation and expansion of research under paragraph (1) on the following matters as they relate to women:

(A) Breast Cancer.

(B) Gynecological and hormonal matters.

(C) Cancer of the organs of the reproductive system.

(D) Alzheimer's Disease.

(E) Osteoporosis.

(F) Post-traumatic stress disorder.

(G) Substance abuse.

(H) Sexual violence.

(b) STUDY OF ADMITTANCE OF VETERANS TO DEPARTMENT MEDICAL CARE FACILITIES.—The Comptroller General of the United States shall carry out a study to determine—

(1) the percentage of all admissions of women veterans to Department facilities that are based on a diagnosis of psychotic illness;

(2) the percentage of all admissions of men veterans to such facilities that are based on a diagnosis of psychotic illness;

(3) an explanation of the difference, if any, in the percentages referred to in paragraphs (1) and (2), including an assessment of—

(A) the extent, if any, to which psychotic illness is more prevalent among women veterans who seek care at Department facilities than among men veterans who seek such care;

(B) the extent to which gender-related factors impede or complicate diagnoses made by Department personnel; and

(C) the extent to which, among veterans with psychotic illness, women and men seek and receive Department health-care services in different proportions.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) Funds are authorized to be appropriated for the Department of Veterans Affairs to carry out subsections (a) and (b) as follows:

(A) For fiscal year 1993, $1,500,000.

(B) For fiscal year 1994, $2,000,000.

(C) For fiscal year 1995, $2,500,000.

(2) Funds appropriated pursuant to the authorization of appropriations under paragraph (1) are in addition to other funds appropriated or otherwise made available to the Department of Veterans Affairs for research.

SEC. 803. RESEARCH OF THE DEPARTMENT OF VETERANS AFFAIRS RELATING TO WOMENS' HEALTH-CARE ISSUES.

Section 7303 is amended by adding at the end the following new subsection:

"(d)(1) To the extent that the Secretary determines that the quantity and nature of information available to Department personnel with respect to issues relating to health care for women veterans is inadequate to permit such personnel to carry out research relevant to the health-care needs of women veterans, the Secretary shall take actions to ensure that medical research carried out by the Secretary gives consideration to issues relating to the health of the general population of adult women in the United States, with particular emphasis on health conditions that affect large numbers of such women and therefore are likely to be prevalent to a significant degree among women veterans and health conditions for which the risk factors, treatment responses, and other factors determined relevant by the Secretary of women veterans may differ from those of the general population of adult women in the United States.

"(2) To the maximum extent practicable, the Secretary shall ensure that the personnel engaged in research pursuant to the research program described under paragraph (1)—

"(A) include—

"(i) personnel of the Department in facilities of the Department, including personnel of the geriatric research, education, and clinical centers designated pursuant to section 7314 of title 38, United States Code; and

"(ii) personnel of the National Center for Post-Traumatic Stress Disorder established pursuant to section 110(c) of the Veterans Health Care Act of 1984 (Public Law 98-528; 98 Stat. 2692); and

"(B) are informed of the existence and progress of other research relating to women veterans conducted by or under the jurisdiction of the Secretary.".

SEC. 804. POPULATION STUDY OF THE NEED OF WOMEN VETERANS FOR HEALTH-CARE SERVICES.

(a) STUDY.—(1) The Secretary shall conduct an on-going study to determine the needs of women veterans for health-care services.

(2) Before carrying out the study, the Secretary shall—

(A) request the advice of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code; and

(B) in consultation with the Secretary of Defense, request the advice of the Advisory Committee on Women in the Services.

(3)(A) In carrying out the study, the Secretary (with the assistance of the Secretary of Defense) shall—

(i) examine the medical, biopsychosocial, and demographic histories of an appropriate sample of women veterans and women members of the Armed Forces who are serving on active duty;

(ii) to the extent feasible, use data from the most recent decennial census and official census statistics; and

(iii) to the extent feasible, use information contained in the report submitted to the Secretary under section 102(b) of the Veterans' Health Care Amendments of 1983 (Public Law 98-160; 38 U.S.C. 1712A note).

(B) The sample referred to in subparagraph (A)(i) shall include women veterans and women members of the Armed Forces who are serving on active duty and shall, to the extent feasible, provide a representative sampling (as determined by the Secretary) of the ages, the ethnic, social, and economic backgrounds, the enlisted and officer grades, and the branches of service of all women veterans and women members of the Armed Forces.

(C) The protocol for the study shall meet standards for scientific merit prescribed by the Secretary.

(b) REPORTS.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives reports relating to the results of the study as follows:

(1) Not later than 6 months after the date of the enactment of this Act, an interim report on the study describing—

(A) the status of the study on the date of the report; and

(B) the information and advice obtained by the Secretary from the Advisory Committees referred to in paragraph (2)(A).

(2) Not later than April 1, 1994, a report describing the results of the report as of that date.

(3) Not later than April 1 of each of 1996, 1998, 2000, 2002, and 2004, a report describing the results of the study as of the date of such report.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Veterans Affairs $1,500,000 to carry out the purposes of this section. Amounts appropriated pursuant to this authorization of appropriations shall be available for obligation until expended without fiscal year limitation.

SEC. 805. REPORT ON RESEARCH RELATING TO WOMEN VETERANS.

Not later than July 1 of each of 1993, 1994, 1995, and 1996, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing—

(1) a description (as of May 31 of the year in which the report is submitted) of the status of any research relating to women veterans being carried out by or under the jurisdiction of the Secretary (including the research carried out under section 7303(d) of title 38, United States Code (as added by section 803 of this Act)); and

(2) recommendations of the Secretary as to future research (including a proposal for any legislation relating to such research) relating to women veterans.

SEC. 806. SUPPORT FOR WOMEN VETERANS COORDINATORS.

The Secretary shall take appropriate actions to ensure that—

(1) sufficient funding is provided to each Department facility in order to permit the women veterans coordinator to carry out the functions of the coordinator at the facility;

(2) sufficient clerical and communications support is provided to each such coordinator for that purpose; and

(3) each such coordinator has direct access to the Director or Chief of Staff of the facility to which the coordinator is assigned.

SEC. 807. REGIONAL WOMEN VETERANS COORDINATORS.

(a) REQUIREMENT OF APPOINTMENT.—The Secretary shall appoint a regional women veterans coordinator to serve in each regional office of the Veterans Health Administration. A person appointed as a coordinator under this section shall serve in the position on a full-time basis.

(b) RESPONSIBILITIES.—Each regional women veterans coordinator shall—

(1) coordinate the training of women veterans coordinators who are assigned to Department facilities in the region under the jurisdiction of such regional coordinator; and

(2) provide appropriate technical support and guidance to Department facilities in that region with respect to outreach activities to women veterans.

SEC. 808. FUNDING FOR CERTAIN ACTIVITIES OF THE ADVISORY COMMITTEE ON WOMEN VETERANS.

From funds available to the Department of Veterans Affairs, the Secretary shall provide funds to be used for the members of the Advisory Committee on Women Veterans established under section 542 of title 38, United States Code, for the following purposes:

(1) For travel in connection with a reasonable number of visits to Department facilities in order to permit such members to carry out the responsibilities of the Advisory Committee.

(2) For the conduct of meetings of the Advisory Committee.

SEC. 809. DEFINITIONS.

For the purposes of this title—

(1) The term "Secretary" means the Secretary of Veterans Affairs.

(2) The term "Department" means the Department of Veterans Affairs.

(3) The term "Department facilities" means the following facilities at which the Secretary furnishes medical services:

(A) Facilities over which the Secretary has direct jurisdiction.

(B) Government facilities for which the Secretary contracts.

(4) The term "medical services" has the meaning given such term in section 1701(6) of title 38, United States Code (as amended by section 801(a) of this Act).

(5) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

On page 89, strike out "**TITLE VII—MISCELLANEOUS**" and insert in lieu thereof "**TITLE IX—MISCELLANEOUS**".

On page 89, line 2, strike out "**701.**" and insert in lieu thereof "**901.**".

On page 89, line 6, strike out "**702.**" and insert in lieu thereof "**902.**".

On page 89, line 13, strike out "**703.**" and insert in lieu thereof "**903.**".

On page 89, line 18, strike out "**704.**" and insert in lieu thereof "**904.**".

On page 90, line 1, strike out "**705.**" and insert in lieu thereof "**905.**".

On page 90, below line 5, add the following:

SEC. 906. MEDICAL CARE COST RECOVERY.

(a) RECOVERY OF CARE FURNISHED CHAMPVA BENEFICIARIES.—(1) Section 1729 is amended—

(A) by striking out "veteran" and "veteran's" each place they appear and inserting in lieu thereof "VA beneficiary" and "VA beneficiary's", respectively;

(B) by striking out "veterans" in subsection (h)(1)(B) and inserting in lieu thereof "VA beneficiary"; and

(C) by adding at the end of subsection (i) the following new paragraph:

"(4) The term 'VA beneficiary' means a veteran or a person eligible for care under section 1713 of this title.".

(2) The amendments made by paragraph (1) shall apply with respect to care and services furnished under section 1713 of title 38, United States Code, after the date of the enactment of this Act.

(b) INCLUSION OF MEDICARE SUPPLEMENTAL INSURANCE IN CLASS OF THIRD-PARTY PAYORS.—(1) Subsection (i)(1)(A) of section 1729 is amended by inserting ", including a medicare supplemental insurance policy," after "arrangement".

(2) The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(c) COST RECOVERY FROM ISSUERS OF MEDICARE SUPPLEMENTAL INSURANCE.—(1) Subsection (c) of section 1729 is amended by adding at the end the following new paragraph:

"(3)(A) The Secretary shall collect or recover the cost of care or services furnished to VA beneficiaries under subsection (a)(1) from third party issuers of medicare supplemental insurance policies to such VA beneficiaries in accordance with the provisions of this paragraph.

"(B) The Secretary, in consultation with the Secretary of Health and Human Services, shall establish procedures for the treatment of claims of the Department for the recovery of the cost of care or services under this paragraph.

"(C) In establishing procedures under subparagraph (B), the Secretary shall provide for—

"(i) the review of such claims by persons or entities jointly designated by the Secretary and the Secretary of Health and Human Services, for the purpose of determining the extent, if any, to which the cost of such care or services would be covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) if provided by a participating provider; and

"(ii) the transmittal to third party issuers of the results of such reviews and any additional information that may be necessary to determine the liability of such third party issuers for the cost of the care or services.

"(D) The results and information referred to in subparagraph (C)(ii) shall be transmitted to issuers of medicare supplemental insurance policies not later than the later of—

"(i) the expiration of the period provided for under title XVIII of such Act for the timely filing of claims; or

"(ii) the expiration of the period provided for in the medicare supplemental insurance policy for such filing.

"(E) The Secretary of Health and Human Services shall establish a fee for each claim reviewed by the persons or entities designated under subparagraph (C)(i) under the procedures established under that subparagraph. The amount of the fee (i) shall reflect the estimated cost of processing the claim for which the fee is collected, (ii) shall be paid to such persons or entities, and (iii) shall reduce the amount recovered by the Secretary of Veterans Affairs under this paragraph.".

(2) The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and apply to the recovery of costs for care and services furnished after that date.

KENNEDY AMENDMENT NO. 3372

Mr. KERREY (for Mr. KENNEDY) proposed an amendment to amendment No. 3175 proposed by Mr. CRANSTON to the bill S. 2575, supra, as follows:

At the appropriate place, insert the following new section:

SEC. _____. DISCOUNTS FOR THE PURCHASE OF CERTAIN DRUGS.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) is amended—

(1) in the title heading by adding at the end thereof the following: "**AND CERTAIN DRUG PURCHASES**"; and

(2) by adding at the end thereof the following new part:

"Part E—Prices For The Purchase of Certain Drugs

"Subpart 1—General Provisions

"SEC. 2141. DEFINITIONS.

"As used in this part:

"(1) ADDITIONAL PRICE DISCOUNT AMOUNT.—The term 'additional price discount amount', in the case of the price of a drug or biological whose price is established under an agreement under this section, means—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the amount of the difference, if any, between—

"(i) the Federal average price differential (as determined under paragraph (8)(A)); and

"(ii) the amount equal to—

"(I) the Federal average manufacturer price of the drug or biological for the 3-month period ending on the date that is 12 months before the last day of the last month before the effective date of the agreement for which price data and price index data for the drug or biological are available, multiplied by

"(II) the percentage increase in the price index during that 12-month period; or

"(B) in the case of a drug or biological for which such data does not permit the calculation of that price for as many months, the amount of the difference, if any, between—

"(i) the Federal average price differential (as determined under paragraph (8)(B)); and

"(ii) an amount equal to—

"(I) the Federal average manufacturer price of the drug or biological for the 3-month period beginning on the first day of the month next following the month in which marketing of the drug or biological begins, multiplied by

"(II) the percentage increase in the price index during the period beginning on such day and ending on the last day of the last month before the effective date of the agreement for which price index data are available.

"(2) COVERED DRUG OR BIOLOGICAL.—The term 'covered drug or biological' means—

"(A) for the purposes of section 2142—

"(i) any drug marketed under a new drug application approved by the Secretary of Health and Human Services under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355); and

"(ii) any biological marketed under a product licensing application approved by the Administrator of the Food and Drug Administration pursuant to section 351 of the Public Health Service Act (42 U.S.C. 262); or

"(B) for the purposes of section 2145, the meaning given such term in subsection (a) of such section 2145.

"(3) COVERED ENTITY.—The term 'covered entity' means an entity described in any of paragraphs (1) through (13), and the matter immediately following such paragraphs, of section 2145(a).

"(4) DEPARTMENT.—The term 'Department' means the Department of Health and Human Services.

"(5) DEPOT.—The term 'depot' means a centralized commodity management system operated by the Department through which drugs and biologicals procured for the use of entities of the Department are—

"(A) received, stored, and delivered through—

"(i) a warehouse system under the jurisdiction and operation of the Department; or

"(ii) a commercial entity operating under contract with the Department; or

"(B) delivered directly from the manufacturer to the entity using the drugs or biologicals.

"(6) DEPOT PRICE.—The term 'depot price' means the price of a drug or biological under an agreement between the Secretary and the manufacturer of the drug or biological to determine the price of the drug or biological for purchase through depots.

"(7) FEDERAL AVERAGE MANUFACTURER'S PRICE.—The term 'Federal average manufacturer price', with respect to a covered drug or biological and a specified period of time, means the weighted average price of a single form and dose unit of the drug or biological that is paid to the manufacturer of the drug or biological, taking into account any cash discounts or similar price reductions, during that period in the United States by wholesalers (other than a price paid by the Federal Government).

"(8) FEDERAL AVERAGE PRICE DIFFERENTIAL.—The term 'Federal average price differential', with respect to a covered drug or biological whose price is established under an agreement under this section, means—

"(A) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months—

"(i) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the last day of the last month before the effective date of the agreement for which price data and price index data are available, minus

"(ii) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the date that is 1 year before the ending of such 3-month period; or

"(B) in the case of a drug or biological for which such data does not permit the calculation of that price for as many months—

"(i) the Federal average manufacturer price of the drug or biological during the 3-month period ending on the last day of the last month before effective date of the agreement for which price data and price index data are available, minus

"(ii) the Federal average manufacturer price of the drug or biological during the 3-month period beginning on the first day of the first month next following the month in which marketing of the drug or biological begins.

"(9) MANUFACTURER.—The term 'manufacturer', with respect to a drug or biological, means—

"(A) an entity that both manufactures and distributes the drug or biological; or

"(B) if no such entity exists, an entity that distributes the drug or biological.

Such term does not include a wholesale distributor of drugs or biologicals or a retail pharmacy licensed under State law and authorized to dispense drugs and biologicals.

"(10) OVER THE COUNTER DRUG.—The term 'over the counter drug' means a drug that may be sold without a prescription and which is prescribed by a physician (or other persons authorized to prescribe such drug under State law). Such drugs shall be subject to a discount equal to the percentage provided under section 1927(c)(4) of the Social Security Act (as such section existed on the date of the enactment of this Act).

"(11) PRICE INDEX.—The term 'price index' means the Consumer Price Index for all urban consumers (United States city average) published monthly by the Bureau of Labor Statistics.

"(12) WEIGHTED AVERAGE.—The term 'weighted average price', with respect to a covered drug or biological and a specified period of time, means—

"(A) the sum of the products of—

"(i) the average price per unit of each package quantity of the drug or biological sold during the period, and

"(ii) the number of units of the drug or biological sold of each package quantity; divided by

"(B) the total number of units of the drug or biological sold during the period.

"SEC. 2142. PROCUREMENT OF DRUGS AND BIOLOGICALS THROUGH DEPARTMENT DEPOTS.

"(a) IN GENERAL.—The Secretary shall enter into agreements with manufacturers of drugs or biologicals that enter into a master agreement with the Administrator of the General Services Administration with respect to such drugs or biologicals under section 1001 of the Federal Property and Administrative Services Act of 1949, under which agreements the Secretary and such manufacturers shall determine the prices of drugs and biologicals manufactured by such manufacturers and available for purchase through depots of the Department.

"(b) PROCUREMENT.—The Secretary may procure for any Department health-care facilities any drug or biological that is subject to an agreement under this section.

"(c) PRICES.—

"(1) PRICE OF COVERED DRUGS AND BIOLOGICALS SUBJECT TO DEPOT CONTRACTS ON SEPTEMBER 1, 1990.—Subject to subsection (d), the price under an agreement under this section of a covered drug or biological that was the subject of a contract for procurement by the Department through a depot on September 1, 1990, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount no greater than an amount equal to .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(II) the additional price discount amount (as determined under section 2141(1)(A)); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(2) PRICE OF COVERED DRUGS AND BIOLOGICALS NOT SUBJECT TO SUCH CONTRACTS BUT APPROVED BEFORE DATE OF ENACTMENT.—Subject to subsection (d), the price under an agreement under subsection (a) of a covered drug or biological that was not the subject of a contract referred to in paragraph (1) on September 1, 1990, but was approved by the Administrator of the Food and Drug Administration on or before the date of the enactment of this Act, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement—

"(i) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(I) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A) is positive—

"(aa) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(bb) the additional price discount amount (as determined under section 2141(1)(A)); or

"(II) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based); or

"(ii) in the case of a drug or biological for which such data does not permit the calculation of Federal average manufacturer price for as many months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(I) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(B)) is positive—

"(aa) the Federal average manufacturer price of the drug or biological for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before the effective date of the agreement for which price data are available (as so based), minus

"(bb) the additional price discount amount (as determined under section 2141(1)(B)); or

"(II) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(B)) is not positive, the Federal average manufacturer price of the drug or biological for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before the effective date of the agreement for which price data are available (as so based).

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during such the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(3) PRICES OF COVERED DRUGS AND BIOLOGICALS APPROVED AFTER DATE OF ENACTMENT.—Subject to subsection (d), the price under an agreement under this section of a covered drug or biological that is approved by the Administrator of the Food and Drug Administration after the date of the enactment of this Act, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement—

"(i) in the case of a drug or biological for which data that is available before the effective date of the agreement permits the calculation of Federal average manufacturer price for at least 15 months, the price shall be an amount no greater than .76 multiplied by an amount equal to—

"(I) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A)) is positive—

"(aa) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer), minus

"(bb) the additional price discount amount (as determined under section 2141(1)(A)); or

"(II) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based); or

"(ii) in the case of a drug or biological for which such data does not permit the calculation of Federal average manufacturer price for as many months, the price shall be an amount no greater than .76 multiplied by an amount equal to the Federal average manufacturer price of the drug or biological (as so based) for the period beginning on the first day of the month next following the month in which marketing of the drug or biological begins and ending on the last day of the last month before such effective date for which such data are available.

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during such the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(4) PRICES UNDER EXPIRING AGREEMENTS.—Subject to subsection (d), the price under an agreement under this section of a covered drug or biological whose price was determined under paragraph (1), (2), or (3), or under this paragraph, pursuant to an agreement that is expiring, shall be as follows:

"(A) During the 1-year period beginning on the effective date of the agreement, the price shall be an amount not greater than .76 multiplied by an amount equal to—

"(i) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A)) is positive—

"(I) the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (based on reports of such price to the Secretary by the manufacturer); minus

"(II) the additional price discount amount (as determined under section 2141(1)(A)); or

"(ii) in the case of a drug or biological whose Federal average price differential (as determined under section 2141(8)(A)) is not positive, the Federal average manufacturer price of the drug or biological for the most recent 12-month period before such effective date for which data used to calculate such price are available (as so based).

"(B) During a succeeding 1-year period (including a 1-year period that succeeds a succeeding 1-year period), the price may not exceed the price of the drug or biological during the preceding 1-year period, increased by the same percentage as the increase in the price index during the most recent 12-month period before the commencement of such succeeding 1-year period for which price index data are available.

"(5) PRICES OF NON-COVERED DRUGS AND BIOLOGICALS.—The price under an agreement under this section of a drug or biological (other than a covered drug or biological) shall be jointly determined by the Secretary and the manufacturer of the drug or biological.

"(d) PRICE IN BEST INTERESTS.—

"(1) IN GENERAL.—In entering into an agreement under paragraph (1), (2), (3), or (4) of subsection (c) for the price of a covered drug or biological, the Secretary may provide for a price of a drug or biological during the 1-year period beginning on the effective date of the agreement that is nominally in excess (as determined by the Secretary) of the price that would be determined for the drug or biological during that period under that paragraph if the Secretary determines that such excess price is in the best interests of the Department.

"(2) EXCESS PRICE.—If the Secretary exercises the authority under this section to establish an excess price with respect to the price of a drug or biological during a 1-year period, the determination of the amount of the increase in the price of the drug or biological for the succeeding 1-year period, if any, shall be based upon such excess price.

"(e) TIME FOR ENTERING INTO AGREEMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall enter into agreements with manufacturers under this section not later than the later of—

"(A) 6 months after the date of the enactment of this section; or

"(B) 30 days after the Secretary notifies the manufacturers of the Secretary's intention to enter into such agreements.

"(2) EXCEPTION.—In the case of a drug or biological that is first marketed after the date that is 5 months after the date of the enactment of this section, the Secretary shall enter into an agreement referred to in paragraph (1) not later than the later of—

"(A) 3 months after the date such marketing begins; or

"(B) 30 days after the Secretary notifies the manufacturer of the Secretary's intention to enter into such an agreement.

"(f) REPORTING AND AUDIT REQUIREMENTS FOR FEDERAL AVERAGE MANUFACTURER PRICES.—

"(1) REPORTING.—

"(A) QUARTERLY REPORT.—The manufacturer of a drug or biological whose price is determined by an agreement under paragraph (1), (2), (3), or (4) of subsection (c) shall report to the Secretary the Federal average manufacturers price of the drug or biological during each calendar quarter in which the agreement is in force. The manufacturer shall report such price not more than 30 days after the expiration of a covered quarter.

"(B) SPECIAL REPORTING REQUIREMENT.—The reports required under subparagraph (A) shall be in addition to the reports required under subclauses (I)(aa) and (II) of subsection (c)(1)(A)(ii), subclauses (I)(aa) and (II) of subsection (c)(2)(A)(i), subclauses (I)(aa) and (II) of subsection (c)(2)(A)(ii), and subclauses (I)(aa) and (II) of subsection (c)(3)(A)(i). The reports required under such subparagraphs shall be submitted upon the request of the Secretary.

"(2) PENALTIES.—

"(A) FAILURE TO REPORT.—The Secretary may impose a civil monetary penalty in an amount equal to $10,000 on any manufacturer that fails to report the information required under paragraph (1)(A) on a timely basis. Such amount shall be paid to the Treasury. The amount of the penalty may be increased by $10,000 for each day in which such information has not been reported, and such amount shall be paid to the Treasury. If such information is not reported within 90 days of the deadline imposed, the Secretary may prohibit purchase of the drug or biological through Public Health Service depots after the end of such 90-day period and until the date such information is reported but in no case shall such prohibition be for a period of less than 30 days.

"(B) FALSE INFORMATION.—Any manufacturer that knowingly reports false information to the Secretary under subparagraph (A) of paragraph (1) and the provisions of law referred to in subparagraph (B) of that paragraph is subject to a civil monetary penalty in an amount not to exceed $100,000 for each item of false information reported. Such amount shall be paid to the Treasury.

"(C) CIVIL MONEY PENALTIES.—Such civil money penalties imposed pursuant to subparagraph (A) or (B) are in addition to other penalties as may be prescribed by law.

"(3) AUDITS.—In order to determine the accuracy of the price of the drug or biological that is reported to the Secretary under paragraph (1), the Secretary may audit—

"(A) the relevant records of any manufacturer of a covered drug or biological that is the subject of an agreement under this section; and

"(B) any wholesaler that distributes such a drug or biological.

"(g) TERM OF AGREEMENT.—The Secretary shall determine the term of any agreement entered into by the Secretary and a manufacturer under this section.

"Subpart 2—Discounts for the Purchase of Certain Drugs

"SEC. 2143. PURPOSE.

"It is the purpose of this subpart to ensure that certain entities funded under this Act receive a discount on prices for prescription drugs comparable to the Medicaid rebate amount without creating a new best price for purposes of calculating the Medicaid rebate, and with a minimum of administrative costs and burdens.

"SEC. 2144. REQUIREMENT.

"(a) IN GENERAL.—An entity that receives funds under this Act may not purchase any drug or biological described in this subpart that is produced by a manufacturer unless the manufacturer has entered into the agreements described in section 1107 of title 10, United States Code, section 8172 of title 38, United States Code, section 1001 of title 40, United States Code, and section 2142(a) of this Act, if appropriate, and an agreement under this subpart that requires the manufacturer to provide a discount price, as determined under section 2145(b), to a covered entity for the purchase of drugs as described in section 2145(a) or the manufacturer enters into a negotiated agreement under subsection (b) of such section.

"(b) PHARMACEUTICAL PRICING AGREEMENTS.—Pharmaceutical pricing agreements with the Department of Health and Human Services, as described in section 1001(c) of the Federal Property and Administrative Services Act of 1949, shall be subject to the provisions of this part.

"SEC. 2145. DISCOUNTS.

"(a) COVERED ENTITIES.—A drug of the type described in section 2144 shall be a drug as defined in section 1927(k)(2) of the Social Security Act (as such section existed on the date of the enactment of this Act), and any over the counter drug, birth control device, or vaccine that is purchased and dispensed by, or under a contract entered into for on-site pharmaceutical services with—

"(1) a migrant health center receiving assistance under section 329;

"(2) a community health center receiving assistance under section 330;

"(3) an entity receiving assistance under section 340;

"(4) an alcohol or drug treatment entity or mental health entity receiving assistance under title V or title XIX;

"(5) a family planning project described in section 1001;

"(6) an entity receiving assistance under title XXVI;

"(7) a black lung clinic authorized under this Act;

"(8) a clinic that treats sexually transmitted diseases and is authorized under section 318;

"(9) an entity receiving funds to provide primary health services to residents of public housing under section 340A;

"(10) a non-Federal entity authorized under the Indian Self-Determination Act;

"(11) a tuberculosis clinic receiving assistance under section 317(j)(2) or 317(k)(2);

"(12) a Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act); and

"(13) a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act as such section existed on the date of enactment of this section) that the Secretary certifies—

"(A) is owned or operated by a unit of State or local government, is a public or private non-profit corporation which is formally granted governmental powers by a unit of State or local government, or is a private non-profit hospital which has a contract with a State or local government to provide health care services to low income individuals who are not entitled to benefits under title XVIII of the Social Security Act or eligible for assistance under the State plan under title XIX of such Act;

"(B) for the most recent cost reporting period that ended before the calendar quarter involved, had a disproportionate share adjustment percentage (as determined under section 1886(d)(5)(F) of the Social Security Act) greater than 11.75 percent or was described in section 1886(d)(5)(F)(i)(II) of such Act; and

"(C) does not obtain covered outpatient drugs through a group purchasing organization or other group purchasing arrangement; or purchased or dispensed by any satellite entity of any of the entities described in paragraphs (1) through (12), and used for the purpose for which funding is provided for such entities pursuant to this section as specified in paragraphs (1) through (12). This section shall apply to entities described in paragraphs (1) through (12) only if such entities are principally engaged in the purpose for which funding is provided under this Act. An entity with respect to which funds are provided under this Act and which is a distinct part of a larger organization (whether or not it is legally distinct) shall be treated as a separate entity for purposes of this section.

"(b) AMOUNT.—

"(1) IN GENERAL.—The discount price described in section 2144 shall not exceed an amount equal to the average manufacturer price for covered drugs and biologicals (as defined in section 1927 of the Social Security Act as such section exited on the date of enactment of this section) in the preceding calendar quarter, reduced by the rebate percentage described in paragraph (2).

"(2) REBATE PERCENTAGE DEFINED.—For a covered drug or biological procured in a calendar quarter, the 'rebate percentage' is the amount (expressed as a percentage) equal to—

"(A)(i) the average total rebate required under section 1927 of the Social Security Act (as such section existed on the date of enactment of this section) with respect to the covered drug or biological (for a unit of the dosage form and strength involved) during the preceding calendar quarter; divided by

"(ii) the average manufacturer price for such a unit of the drug during such quarter; except that vaccines and birth control devices shall be subject to such rebate percentage as if they were included under such section 1927 (as such section existed on the date of the enactment of this Act); or

"(B) the price negotiated with or on behalf of the covered entity making the purchase; whichever is lowest.

"(3) NO PROHIBITION ON LARGER DISCOUNTS.—Nothing in this section shall prohibit a manufacturer from providing a discount that is greater than the discount required under this section.

"(c) CERTIFICATION OF ELIGIBLE ENTITIES.—

"(1) DEVELOPMENT OF PROCESS.—Not later than 60 days after the date of enactment of this section, the Secretary shall develop and implement a process for the certification of entities that are eligible to receive the discounts provided for under this section.

"(2) INCLUSION OF PURCHASE INFORMATION.—The process developed under paragraph (1) shall include a requirement that an entity applying for certification under such paragraph submit information to the Secretary concerning the amount such entity expended for drugs and biologicals in the preceding year so as to assist the Secretary and drug manufacturers in evaluating the validity of the entity's subsequent purchases of drugs and biologicals at discounted prices.

"(3) CRITERIA.—The Secretary shall submit to all drug and biological manufacturers a description of the criteria for eligibility for discounts under this section and the certification process developed under paragraph (1).

"(4) LIST OF PURCHASERS AND DISPENSERS.—The certification process developed by the Secretary under paragraph (1) shall include procedures under which each State shall, not later than 30 days after the submission of the descriptions under paragraph (3), prepare and submit a report to the Secretary that contains a list of those entities in the State that purchase and dispense drugs and biologicals and are provided with assistance under part B of title XIX.

"(5) RECERTIFICATION.—The Secretary shall require the recertification of eligible entities on a not more frequent than annual basis, and shall require that such entities submit information to the Secretary to permit the Secretary to evaluate the validity of subsequent purchases by such entities in the same manner as that required under paragraph (2).

"(d) BID PROCESS.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Veterans Affairs, shall develop and implement a bid process to establish a prime vendor program under which covered entities compensate wholesalers for distribution and related services to facilitate drug purchases to which discounts will apply under this section. In order to receive discounts under this section, distribution with respect to drug purchases must be made through wholesalers. If a manufacturer distributes drugs or biologicals to which this section applies directly to a covered entity, such manufacturer shall be responsible for the distribution costs incurred.

"(e) RELATION TO REBATES.—The Secretary shall establish a mechanism to ensure that a manufacturer is not required to pay both a discount under this section and a rebate under title XIX of the Social Security Act with respect to a covered outpatient drug (as defined in section 1927(k)(2) of the Social Security Act (as such section existed on the date of the enactment of this Act)) dispensed to an individual entitled to benefits under a State plan approved under such title XIX.

"(f) REPORT.—Not later than 18 months after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall contain—

"(1) a description of the drugs or biologicals purchased under agreements entered into under this section and the amounts of such purchases;

"(2) an assessment of the effectiveness of the discount program under this section, including the savings achieved and the administrative costs associated with such program;

"(3) recommendations for legislation that would improve such program, including the desirability of excluding from the coverage of an agreement under this section any product of a manufacturer that the Secretary determines is purchased in such small quantities by covered entities so as to make the savings achieved in applying this section to such purchases insignificant when compared to the administrative burden; and

"(4) any other information determined appropriate by the Secretary.

"(g) PROHIBITION ON RESALE.—A covered entity that receives a discount under this section for the purchase of a drug or biological may not—

"(1) resell or otherwise transfer such drug or biological to a person other than a patient of the covered entity;

"(2) purchase such drug or biological on behalf of an entity that is considered a separate entity under subsection (a) or on behalf of any person other than the covered entity; or

"(3) dispense or administer, directly or through a contract, such drug or biological to an individual who is not receiving the drug or biological as a patient of the covered entity.

A covered entity found to have sold a drug in violation of this subsection shall be subject to a civil penalty in the amount of $25,000 for each such violation.

"(h) DISPUTE RESOLUTION.—

"(1) APPLICATION.—This subsection shall apply when a manufacturer that is subject to an agreement under this section, or when a covered entity, believes that—

"(A) information utilized under this section with respect to such manufacturer or covered entity is inaccurate, incomplete, or discrepant in a material respect; or

"(B) the Secretary has breached the discount agreement with respect to such manufacturer or covered entity in any material respect.

"(2) NOTICE.—If a manufacturer determines that a dispute may exist with respect to any of the matters described in paragraph (1), such manufacturer shall provide prompt notice of the disputed item to the Secretary. Such notice shall describe the disputed item in sufficient detail to permit the Secretary to understand the issue, prepare a response, and participate in negotiations with the manufacturer concerning such dispute.

"(3) BEST EFFORTS AT RESOLUTION.—The Secretary and a manufacturer submitting a notice described in paragraph (2) shall utilize their best efforts to resolve the dispute informally within 60 days of the Secretary's receipt of such notification.

"(4) FAILURE TO RESOLVE.—If the Secretary and a manufacturer submitting a notice under paragraph (2) are unable to resolve the dispute through the informal process undertaken under paragraph (3) within the period specified in such paragraph, the Secretary shall appoint a hearing officer to conduct a hearing concerning the dispute, either on the record or through the presentation of testimony.

"(5) HEARING.—

"(A) CONDUCT.—A hearing shall be conducted not earlier than 30 days after notice of such hearing is provided to the parties by the hearing officer appointed under paragraph (4).

"(B) RECOMMENDATION.—Not later than 10 days after the close of a hearing conducted under this paragraph, the hearing officer shall issue a recommended decision.

"(C) DECISIONS.—The decision of a hearing officer under subparagraph (B) shall be based upon the evidence presented at the hearing or otherwise included in the hearing record. Such decision shall be made in writing and shall contain findings of fact and statement of reasons. A copy of such decision shall be mailed to each party to the hearing.

"(D) SUBMISSIONS.—Not later than 30 days after receiving a copy of the hearing officer's recommendation under subparagraph (C), a party to the hearing may file a written submission in support of the position of such party.

"(E) FINAL DECISION.—Not later than 60 days after the issuance of a recommendation under subparagraph (B), the Secretary shall issue a final decision with respect to the dispute involved. If such decision is adverse to the manufacturer, the manufacturer may seek such any judicial review available under Federal law.

"(F) SUSPENSION OF DISCOUNT.—A manufacturer's obligation to provide a discount with respect to that quantity of a covered drug that is the subject of a dispute under this paragraph shall be suspended until the Secretary has made a final decision under subparagraph (E). Once the Secretary issues a final decision with respect to such dispute that is adverse to the manufacturer, the discount price determined by the Secretary under such decision shall apply retroactively to the date on which such dispute arose.

"(i) AUDITS.—The Secretary and the manufacturer of a covered drug to which a discount has been applied under this section may perform audits under this section. The Secretary, covered entities, wholesalers, and such manufacturers shall make available the statements and information utilized in making determination under such subsection and such underlying records as may exist. Adjustments to discounts shall be made to the extent that information indicates that the number of units of a covered drug purchased by such covered entities or the prices provided by the manufacturer were greater or lesser than previously specified. The manufacturer may only audit those records relating to their products.

"(j) CONFIDENTIALITY.—All information contained in any statements, information or records provided or made available by a manufacturer or a wholesaler to the Secretary or a hearing officer under this section shall remain confidential.".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 1 at 9 a.m. to continue hearings to review international economic and security cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 1, at 2:30 p.m. to hold a hearings on the proposed sale of F-15 aircraft to Saudi Arabia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the

Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 1, at 3 p.m. to hold a hearings on U.N. peacekeeping in Africa: the Western Sahara and Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, October 1, at 9:30 a.m. for a hearing on the subject: New research on the potential health risks of carpet.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, October 1, 1992, at 9 a.m., for a hearing on "A Student's View of Education."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Thursday, October 1, 1992, at 10 a.m., to conduct a hearing on consolidation of the professional liability section of the Resolution Trust Corporation's Legal Division.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, October 1, 1992, at 2 p.m., to hold a hearing on "Children Carrying Weapons: Why the Recent Increase?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 1, at 10:30 a.m., to continue hearings to review international economic and security cooperation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 1, at 9:30 a.m., to consider and vote on pending business items.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ROBERTS FAMILY REUNION

• Mr. BOREN. Mr. President, I am pleased to note that the second annual family reunion of the Roberts family in the city of Ada located in Pontotoc County, OK, took place on Saturday, September 5. More than 100 members of the Roberts family gathered to renew family ties and friendships, to share stories about the Roberts family pioneers, and to celebrate the heritage of a family whose roots go deep into American history.

These fine people are all descendants of Amos Pleasant Roberts and Mary Jane Anders, of North Carolina and Mississippi. Most of their children, born in Alabama and Arkansas, migrated in the 1890's to Indian Territory in and around what became Pontotoc and Hughes Counties. Many of these descendants of Amos and Mary Roberts still live in Oklahoma. Dozens converged on Ada to celebrate their family ties. Others came from Texas, Arkansas, Missouri, Iowa, and as far away as Virginia. One who was there was Eric Newsom who works on the Foreign Operations subcommittee of the Senate Appropriations Committee for my good friend and colleague, Mr. LEAHY of Vermont. Eric is a valued member of the Senate staff with whom I have worked many years, particularly on the Intelligence Committee. I also know many members of his family, the Roberts, who live near my home in Seminole, OK.

Mr. President, I congratulate this fine Oklahoma family on the occasion of its second annual reunion which continues the important beginning of the tradition of passing on the history and culture of the Roberts family to new generations.•

COMMENDING CLEATUS S. "CLEAT" STANFILL

• Mr. BOND. Mr. President, I rise today to pay tribute to Mr. Cleatus S. "Cleat" Stanfill of Caruthersville, MO. He has devoted 34 years of service to the people of southeast Missouri.

Mr. Stanfill has been general manager of KCRV Radio in Caruthersville, MO, since 1959. A typical day for Cleat begins at 3 a.m., gathering news for five daily newscasts. He makes 10 news calls per day, which estimates to 124,100 calls. Cleat meets 10 times a month for board and committee meetings, which is an average of 4,216 meetings. He is still hard at work reporting and meeting on a variety of issues that affect Caruthersville. It is estimated that he has reported on 182,535 news stories.

Even though his day is busy, he still finds time to maintain a family. He has been married to Mary JoAnn Beis for 32 years. They have four children and three lovely grandchildren.

Mr. President, I would like to extend my congratulations and best wishes to Mr. Cleatus S. "Cleat" Stanfill for his service and commitment to KCRV Radio and the community, and hopes for continued success in the future.•

OUTSTANDING COMMUNITY INVESTMENT AWARDS

• Mr. D'AMATO. Mr. President, the Social Compact, a consortium of 200 financial institutions—commercial banks, thrifts, and insurance companies—recognized the activities of 10 financial institutions last week by awarding these institutions Outstanding Community Investment Awards.

The Social Compact pledge is to encourage companies to step up to the plate and serve this country's low- and moderate-income neighborhoods by facilitating home ownership.

I am pleased to report that 1 of the 10 companies honored by the Social Compact is a New York institution—the Dime Savings Bank of New York, FSB. For over a decade, the Dime Savings Bank has prided itself for recognizing that providing affordable capital to potential homeowners results in sound community investment.

Over the years, the Dime has provided more than $95 million through its specialized community reinvestment department for loans, investments, grants for affordable housing, residential renovations, and the development of thousands of dwelling units.

In spite of the Northeast's regional economic difficulties, the Dime committed over $35 million in financing in 1991 alone for affordable housing. The $35 million included funds earmarked for home ownership projects, low-interest home improvement loans, shelter for homeless families, low-income rental housing, and limited equity housing cooperatives.

The Dime works with both governmental agencies and nonprofit organizations to offer assistance to people in need, to supply quality affordable housing, and to improve the quality of life in New York neighborhoods.

The Social Compact also recognized the Dime as a financial institution honoree by inviting it to nominate a nonprofit organization to receive a $5,000 neighborhood nonprofit partnership grant. The Dime nominated the Cypress Hills Local Development Corp. in Brooklyn as their candidate for this grant.

I urge my colleagues to join me in congratulating the Dime, its board, management, and most importantly, the more than 2,400 Dime employees who have demonstrated their commitment to serving America's neighborhoods.●

WHERE IS THE CONSCIENCE OF TELEVISION?

● Mr. COATS. Mr. President, many families in America feel under siege. They try their best to create a moral environment in the home and instruct their children in strong values. But it often seems that our pervasive popular culture—particularly television and movies—has declared war against all standards. It continually tests the limits of violence and sex in an attempt to shock, titilate—and profit. Even parents who try their best to control the influence of television in their homes find it difficult to fight against a powerful industry that has purposely targeted their children.

This television season, the entertainment industry seems to have reached new lows. At every stage of this downward spiral, many Americans have asked, "How could it get any worse?" But movies and television have always been up to the task—pushing a destructive combination of sex and violence past limits of decency. It warps young people's view of real love and commitment, and dulls their outrage over violence. It not only attracts viewers, it makes victims.

Where is the conscience of television? It encourages sex when teen pregnancy has risen 621 percent since 1940—when more than 1 million teenage girls get pregnant each year. It glorifies violence when homicide is the leading cause of death among 15- to 19-year-old minority youth—when teenagers have killed each other to steal tennis shoes.

I want today to introduce into the RECORD a letter from Dr. Jim Dobson of Focus on Family. It outlines what he calls the "most wicked and dangerous season of programming in history." That may seem like an overstatement, but just read further. The content of programs and the attitudes of the industry are truly shocking. It is time for Americans to recreate a moral environment for our children.

I ask to introduce the following letter by Jim Dobson into the RECORD. I hope my colleagues will take the time to read it.

The letter follows:

COLORDO SPRINGS, CO, September 1992.

Dear friends of Focus on the Family. My letter this month is too long. But honestly, I can't bring myself to cut a single paragraph. It concerns a subject of vital importance to your family and especially to your children, I'm hereby asking the husbands and fathers in our audience, particularly, to read this statement to the end. You need to know what will be coming into your home this fall. Thank you—James Dobson.

We come again to that warm and wonderful time of the year when the television networks unveil their array of new programs for our entertainment and edification. I can hardly wait! For many months a small group of producers and directors has been sequestered in the hallowed halls of Hollywood, dreaming up new and more shocking ways to depict infidelity, homosexuality, adolescent promiscuity, profanity, nudity, racial hatred and gut-wrenching violence. Now their big day approaches. I wonder which network will go the farthest to offend our sensibilities this year? What historic taboos will they ridicule? (Are there any left?) What new and creative methods have been found to attack our faith and weaken the institution of the family? We will soon know. May I have the envelope, please?

A credible nomination for the worst new show of the season comes from those friendly folks at NBC. They worked hard to match the evil of previous programs, and I believe they pulled it off. Their fall lineup includes a series called "I Witness Video." It features actual footage of incredibly violent and bloody events—not re-enactments—that were captured on home camcorder equipment. One episode shows a cop being kicked, stabbed and shot to death. Another depicts a Texas police officer killing a suspected drug dealer. Yet another shows a video shot from a helicopter of a speeding truck in which the driver, in an attempt to escape from police, hits a pedestrian. The effect, says *Newsweek*, is "sickening." Later in that episode, police pour bullets into the cab of the truck, killing the fugitive. In the final scene, he is shown hanging out of the window with blood gushing from his head.

Other upcoming segments include a pregnant woman suspended from the window of a burning building, photographs of mutilated murder victims, an airplane crashing into a crowd, and a man preparing to kill himself on television. What could be the motive for spewing such violence into our homes during the family hour? NBC News Vice President Jeffrey Gaspin laid out his case. "We look for jolts," he said, Indeed!

The *Newsweek* review of "I Witness Video" concluded that nothing excuses a network for shooting so low. "NBC's exercise in necro-shock comes from the pits of the porn trade. The word is snuff—and that rhymes with enough."

I should not leave the impression that this program stands alone in its disgraceful exploitation. There are dozens of other new shows that assault common decency and tear at the fabric of our culture. We are told that this will be the worst year on record for sheer sleaze. As the networks continue to lose viewers to cable programming and other forms of entertainment, they are depending increasingly on sex and violence to compete. Before we grieve over their lost fortunes, however, it should be noted that the big four (ABC, NBC, CBS and Fox) earned $2.4 billion during this year's first quarter alone! What we have here is a full-blown case of greed!

CBS has prepared a new sitcom from Diane English, the creator of "Murphy Brown." It's called "Love and War." In an early episode, the lead male character asks his female counterpart, "Your condom or mine? that opens the dialogue. This is what follows:

"So, have you had a lot of partners?"

"Well, it depends on how you define 'a lot.'"

"Average, I would say. More than the Pope. Less than Jimmy Swaggart."

"Obviously, we need protection. So, do you have any condoms?"

"Yeah. Right. Those."

"I do."

"Good. Because if you didn't, I have some in my purse."

It was their *first* date. That is the general theme to be repeated ad nauseam this fall. *US* magazine devoted its cover story in August to the subject "SEX in Entertainment: How Far Can It Go?" Their lead story featured this headline: "Welcome to the New Sexual Revolution—the One Waged by the Entertainment Industry." Brace yourself! The tube is going to sizzle as never before this season! It will also echo with politically correct ideology, including a regular dose of radical feminist and homosexual rhetoric. What is most disturbing is that these programs are deliberately aimed at the most vulnerable and easily influenced among us—our kids.

"Melrose Place" (from Fox) features beautiful young professionals in an endless variety of bedroom scenes. It has been described as "the hottest hour on prime time." Fox stays with its theme of liberated teenagers in "The Class of '96," a libidinal series about college freshmen, and "The Heights," about a rock band in search of interesting women. NBC, not to be outdone, has countered with "Round Table," also majoring in sex without guilt. Nothing that appeals to one's base nature has been overlooked.

In the season opener of ABC's "Doogie Howser," the star goes skinny-dipping with an older woman who turns out to be his mom's boss. The main subplot of Fox Network's "Key West" features the town's gay mayor as the hero who is hounded by right-wing fanatics. Guess who they have in mind? Just a few years ago it was not possible to show a homosexual "couple" on television without a storm of protest. Now they are predominantly written into most series, typically in a propagandistic manner. It is amazing just how rapidly we have forgotten our moral underpinnings.

Another character in the "Key West" program is described as "a no-nonsense prostitute" who is seen making love to a paraplegic's husband as the handicapped woman watches. Great stuff! The executive producer, David Beaird said, "We will very definitely make Dan Quayle hate us." And a few million others, I hope!

Tom Shales of the *Washington Post* described the new CBS program "Freshman Dorm" with these excerpts from a longer statement: "The dorm of the title is co-ed—men and women even share the same bathrooms—and located at fictitious Western Pacific University. In the premiere, we meet three young roommates who arrive for their first year. Molly reveals to her two roomies that she's, gasp, a virgin. That doesn't last even as long as the first episode. Sex, naturally, is high on everyone's curriculum. The welcome basket presented to new arrivals includes a condom" (August 11, 1992). On and on it goes.

These are just a few of the disturbing offerings coming this fall. The larger picture is even worse. If evil abounds on network television, then cable TV has literally slid into the sewer! "In the Life" is the first nationally broadcast, regularly scheduled homosexual program. It began airing on the PTV satellite on June 25 to coincide with gay and lesbian pride week. There will soon be others. "Dream On" is an HBO production that features one "R-rated" scene after another—usually including total or near-total nudity. It has been a smashing success. And MTV, according to some authorities, is judged to be the most violent and sexually explicit network on television.

Of greatest concern are the programs that combine these twin evils of sex and violence in a format designed for teenagers and young adults. Let me explain why. During the early teen years, the object of sexual interest is not well established in most males. It can be influenced or reordered rather easily during that period of development. For example, it is typical for a boy in early adolescence to be attracted to a "cheerleader" image of femininity. Unfortunately, exposure at this time to sadistic behavior can lead him to associate sexual arousal instead with females (or males) in pain or peril. Thereafter, his most exciting thought may focus on killing, raping or torturing those within his power. Does this happen to every boy who watches violent television? No. Does it happen to some? Yes, and the damage they can do in a lifetime is alarming. This is why *the* most dangerous subject matter for drama is that which infuses torture and murder with nudity and other sexual stimulation. It is an irresistible combination for some young men.[1]

Take a look at your TV listings for the coming week. You'll see how common are the programs that present this interweaving of sex and violence. A terrible example was USA's feature move "Ladykiller," aired August 19.[2] That subject is also a favorite of the film industry. The recent release "Basic Instinct" reeked with sex and violence—and grossed $100 million so far! Rock videos carry the theme to the ultimate extreme, focusing on the degradation and exploitation of women. Quoting *US* magazine again, "Mix up some sex and violence, throw in a psycho killer and you've got yourself a hit."

I believe this wicked theme is having a profound impact on society—especially on the more unstable individuals who emerge from childhood with a predisposition to perverse behavior. Alas, there are approximately 500 serial killers now at work in the United States and many others in Canada. They derive the greatest pleasure from sadistic murder.

These demented murderers were relatively rare until the latter third of the 20th century. What forces are producing them now? What is the process by which young children grow up to be such monsters? Some psychologists and psychiatrists believe, and I am among them, that the violent fantasies generated by television movies and hard-core pornography have helped to transform some people into warped and heartless killers. This is the hypothesis of Dr. Park Elliot Dietz, noted psychiatrist and former member of the Attorney General's Commission on Poronograpy. He examined many serial murders and sadistic killers, concluding that sexually oriented violence depicted in the media can provide a "script" for those who are predisposed to sadistic murder.[3]

Ted Bundy is the classic case in point; he admitted to killing 28 women and girls in real-life enactments of what he had seen in pornographic images. He urged me to warn society that sexually explicit violence possesses great power over individuals who are vulnerable to it. He was one of them! (By the way, if you have not seen the dramatic interview taped 17 hours before Bundy's execution, it is still available from Focus on the Family. More than 50,000 copies of this important video have been distributed worldwide.)

There is another consequence to televised violence that should cause us concern. Behavioral scientists are worrying about the sudden upswing in murder and mayhem occurring among today's adolescents. An alarming number of youthful criminals seem to have no conscience about killing and brutalizing innocent people. They drive through neighborhoods firing automatic weapons at anything that moves. Innocent bystanders are the most tragic victims.

Amanda Simpson was a 12-year-old girl described by *Fortune* magazine as "an animal lover, a saxophone player, a computer buff, and a volunteer at a local nursing home. One year she sold more than, 1,000 boxes of Girl Scout cookies, enough to win a week at summer camp to which her mother, a single parent, could not afford to send her."

But Amanda did not live to become a teenager. On April 28, 1991, a group of juveniles broke into her house and poured gasoline throughout the kitchen. The ring leader knew he was about to incinerate members of the little family. "F....'em," he said. "Let'em burn." The torch was lit, and Amanda was horribly burned. She died five hours later. This girl was only one victim of an epidemic of violence by children that is sweeping the nation. Quoting *Fortune* again, "You have heard and read a great deal about guns and gangs and ghettos. But this onslaught of childhood violence knows no boundaries of race, geography, or class" (August 10, 1992).

Why is this happening? What is propelling this senseless bloodshed? Among many other explanations, it is obvious that we have systematically numbed our kids to human suffering! That process of desensitization is very well-known historically. We must go back 51 years to examine the most dramatic example of it. In the spring of 1941, some 3,000 men from various walks of life were recruited by the Nazis for a ghastly assignment. They were organized into four teams called *Einsatzgruppen* and were sent on a mission of murder across Eastern Europe. They were ordered by Hitler's henchmen to kill Jews, Gypsies and political commissars indiscriminately in town after town along the march. Within a few months, these teams had murdered 1.5 million people with surprising ease. Every day they shot thousands of terrified men, women and children. Incredibly, few of the killers seemed to suffer from guilt or remorse. New recruits were sickened at first, but they soon adapted to it.

After the war, hundreds of these men and other Nazi murderers were examined by behavioral scientists in the West. It was anticipated that the majority would have psychopathic tendencies or other illnesses. Surprisingly, very few examples of mental derangement were found. Instead, most of those who had

After the war, hundreds of these men and other Nazi murderers were examined by behavioral scientists in the West. It was anticipated that the majority would have psychopathic tendencies or other illnesses. Surprisingly, very few examples of mental derangement were found. Instead, most of those who had mercilessly brutalized unarmed and pleading victims turned out to be ordinary people like you and me—with one exception: they had learned not to feel compassion for the suffering of others. That part of their emotional apparatus had been sealed off and rationalized. The examiners concluded that the human mind is easily capable of such adaptation when exposed habitually to the most horrible acts. Desensitization is the process by which violence becomes commonplace.[4]

That, in effect, is what we are doing to millions of viewers—especially our children—by exposing them to rape and murder incessantly on television and in the movies. This is precisely what was found in a 22-year investigation conducted at the University of Illinois at Chicago. According to psychologist Leonard Eron, 875 subjects from a semirural New York county were accepted for study when they were 8 years old. By the time they were 30, those who had watched the most television violence had been convicted of a significantly larger number of serious crimes.

Eron, who heads the American Psychological Association's Commission on Violence and Youth, concluded, "Television violence affects youngsters of all ages, of both genders, at all socioeconomic levels and all levels of intelligence, and the effect is not limited to children who are already disposed to being aggressive and is not restricted to this country."[5]

Other studies have validated these findings. Yet the beat goes on. Recently, however, we are beginning to get support from unexpected sources. Some corporate executives are recognizing that something must be done. John Damoose, Chrysler Corporation's vice president of marketing, is one of them.

"We are seriously questioning whether we want to continue advertising on primetime," he said in a speech at a conference in Chicago. "We're questioning whether those dollars aren't being frittered away. It's apparent that with the decline in ratings, the networks have chosen to increase the content of sex and violence, which we absolutely will not support."

This statement by Mr. Damoose was reported in Advertising Age, along with an address where readers could send their (negative?) comments. If you would like to compliment Chrysler for this courageous stance, write to Chrm. Lee Ioccoca, 1200 Chrysler Dr., Highland Park, MI 48288, or phone (313) 956-5741.

Wouldn't it be wonderful if hundreds of other corporate heads would recognize their responsibility to sponsor only clean and wholesome entertainment? I believe that goal is within reach if we will let our voices be heard. It is useless to write program producers or network executives. They are so warped by sin and greed that they no longer listen to reason (Romans 1:21–22, 28). But the companies that pay for television programming do care what we think. It makes no sense for them to spend precious dollars to offend their customers. They need to know that we are watching what they advertise, and that we will not patronize those companies that flood our living rooms with filth.

No one has done more to convey that unsettling message to the corporate world than Don Wildmon of the American Family Association. This good man, who had a heart attack in June, has willingly taken the heat for the rest of us. Hollywood moguls have subjected him to ridicule and intimidation. The ACLU has brought suit against him. Others hate him with passion. But he just hangs in there, like a bulldog fighting a grizzly. I thank God for Don and his entire team!

In his recent general letter, Wildmon listed the most frequent sponsors of sex, violence and profanity on television during the spring of 1992. The top five offenders were:

1. Thompson Medical Company—Chrm. S. Daniel Abraham, 919 Third Ave., New York, NY 10022, Phone (212) 688-4420, FAX (212) 415-7171, TOLL FREE: (800) 521-8757. PRODUCTS: Aspercreme analgesic creme rub, Cortizone 5 itch medicine, Dexatrim diet capsule, Fiber Full tablet, Slimfast diet aid, Sportscreme ointment.

2. Helene Curtis Industries Inc.—Chrm. Gerald Gidwitz, 325 N. Wells Street, Chicago, IL 60610, Phone (312) 661-0222. PRODUCTS: Atune hair conditioner and hairspray, Degree deodorant, Finesse hair conditioner, Salon Selectives, Suave products, Vibrance shampoo.

3. Time-Warner Inc.—Chrm. Steven J. Ross, 75 Rockefeller Plaza, New York, NY 10019, Phone (212) 522–1212, FAX (212) 522–0907. PRODUCTS: Chaps cologne, Cinemax pay cable service, Discover magazine, Fortune magazine, Home Box Office, Gloria Vanderbilt jeans, Gloria Vanderbilt perfume, People magazine, Sports Illustrated Magazine, Time Life books, Time magazine, Warner Communications products.

4. Anheuser-Busch Companies—Chrm. August A. Busch III, One Busch Place, St. Louis, MO 63118, Phone 314–577–2000, FAX (314) 577–2900, TOLL FREE: (800) 325–1488. PRODUCTS: Break Cake snack cakes, Budweiser beer, Busch beer, Busch Gardens, Colonial bread, Eagle Brand roasted nuts, Iron Kids bread, Michelob beer, Natural Light beer, O'Doul's beer, Sea World parks.

5. Little Caesars Inc.—Chrm. Michael Llitch, 24120 Haggerty, Farmington Hills, MI 48024, Phone (313) 478–6200, TOLL FREE: (800) 438–4785. PRODUCTS: Little Caesars pizza.

Perhaps you would like to drop a note or make a call to these companies. Perhaps the word will reach the ears of their stockholders. If a few million of us would take five minutes to express our dissatisfaction to the offending executives—and then refuse to buy their products, it would hasten the day when the entertainment gurus would run out of money. Their assault on decency would fizzle like the last belch of a Roman candle. Wouldn't that be a blessing? Until that moment comes, we must oppose them tooth and nail. Focus on the Family will continue doing all it can to reinforce moral values throughout society. With your continued financial help, we will work tirelessly to preserve the highest and most noble ideals of the Christian ethic.

For now, let me leave you with this: a member of our executive team told me about an incident that occurred when he was watching television with his 13-year old daughter. In attempting to accommodate her, they selected a drama that was popular with teenagers. The dad was shocked by what he saw and heard, but he tried hard not to turn their time of "togetherness" into a parental lecture. Finally, he could take it no more.

"Honey," he said, "I just can't sit here and let this trash come into our home. This is awful. We're going to have to watch something else."

To his shock, his daughter said, "I wondered when you would finally turn it off, Dad. That program is terrible."

Our children may resist our efforts to screen out the filth and violence that now permeates the world of television, but they know it's right to do so. They will respect us for saying, "God gave us this home, and we're not going to insult Him by polluting it with foul programming." Then you might share this Scripture with the family: "Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things" (Phil. 4:8).

And if the little box simply can't be subdued, you might try unplugging it, selling it, moving it into the garage, hacking it with an axe or sticking a shoe in its flickering blue eye. Then gather the family around and read a great book together!

If you have a video tape machine, Focus on the Family can provide a wide variety of wholesome entertainment alternatives that will delight your children. But by all means, shield your family from the most wicked and dangerous season of programming in history.

Your friend in Christ.

JAMES C. DOBSON, PH.D.
President

FOOTNOTES

[1] Wendy Melillo, "Can Pornography Lead to Violence?" Washington Post, 21 July 1992, Health: 11–12.

[2] Jon Burlingame, "Strong Cast Lifts 'Ladykiller' Above USA's Usual B-movie Fare," Gazette Telegraph, 19 August 1992, Television:E6.

[3] James C. Coleman, Abnormal Psychology and Modern Life, Ninth Edition. (Illinois: Scott, Foresman, and Company, 1992) 475.

[4] L. Dawidowicz, The War Against the Jews. (New York: Holt, Rinehart, Winston, 1975).

[5] Leonard Eron and L. Rowell Huesmann, eds., Television and the Aggressive Child. (New Jersey: L. Erlbaum, 1986).•

RECOGNITION OF ST. ADALBERT'S AID SOCIETY GRAND RAPIDS, MI

• Mr. RIEGLE. Mr. President, I rise today to honor the 120th anniversary of the St. Adalbert's Aid Society which serves the needs of the Polish community in Grand Rapids, MI. This year also marks the 100th anniversary of the society's building, the Fifth Street Hall, which serves as a landmark in the city and a symbol of the society's enduring good works.

Established on November 2, 1872, by Polish immigrants, St. Adalbert's Aid Society remains the oldest Polish society serving a Michigan community. Founded before the existence of a Polish Catholic Church in Grand Rapids, the society's membership helped construct the city's first Polish parish—Church of St. Adalbert. Two other Polish churches in Grand Rapids—St. Isidore and Sacred Heart—also received the active support of the society's members. It has been such untiring dedication to God and community which has so distinguished the society through the years.

Founded on the commitment of helping fellow Polish immigrants, St. Adalbert's continues to serve all those who are in need of a helping hand. Various charitable causes throughout the entire city have benefited greatly from the society's generosity.

During the 20th century the members of the St. Adalbert's Aid Society have also been united in providing support to their brothers and sisters in their homeland of Poland. With the end of the dark years of communist rule, we can all share in their joy that Poland is now a free and independent country.•

CELEBRATING 175 YEARS

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the town of Campbellsville in Taylor County.

This year, the town of Campbellsville is celebrating its 175th birthday. This remarkable accomplishment can be attributed to dedication, hard work, and continual progress and growth. All of these factors have resulted in Campbellsville becoming one of Kentucky's finest towns.

Campbellsville was founded in 1817, only a short 25 years after the Commonwealth of Kentucky was established. Though many things have changed since those humble beginnings, Campbellsville has made every effort to preserve its historic charm. Many of the town's structures date back to about 1850. The residents are committed to preserving and restoring these historic buildings, as well as maintaining their heritage. This has resulted in an increase in tourism in the region, which further helps Campbellsville's economy, increasing growth, and stimulating continued progress.

I applaud Campbellsville's efforts to maintain its historic charm, but at the same time its move forward.

Mr. President, I am sure my colleagues will agree that the occasion of Campbellsville's 175th birthday is a remarkable milestone. I ask that we honor this milestone by submitting this tribute in today's RECORD.•

SPRINGFIELD BUSINESS AND PROFESSIONAL WOMEN'S CLUB

• Mr. KERRY. Mr. President, I request today that my colleagues join me in recognizing the Springfield Business and Professional Women's Club of Springfield, MA, which is celebrating its 75th anniversary on October 18, 1992.

In 1917, a group of 16 women formed a group with the specific purpose of bringing businesswomen together to help raise the standard of working women. This national trend was a bold initiative because women at the time did not even have the right to vote, much less actively participate in corporate and professional businesses.

The Springfield Women's Club quickly moved from a primarily local association to a national one from which came all the presidents of the New England Federation of Business and Professional Women and which sent delegates to Europe to help establish the International Federation of Business and Professional Women's Clubs.

Yet what deserves the most appreciation are the numerous community activities supported by this organization. The Springfield Women's Club sponsored the founding of four other clubs, began the Jessie M. Bourne scholarship fund for nontraditional women students, and created the Harris-Bullman fund for civic philanthropy.

Today, the Springfield Women's Club is actively involved not only in civic work but also in advocating passage of State and Federal legislation benefiting women in business and the professions.

I congratulate the Springfield Business and Professional Women's Club and I commend them for their service not only to the women of Massachusetts, but also to women worldwide.•

SALUTE TO VITO BASILE

• Mr. GRAHAM. Today I rise to salute Mr. Vito Basile, the 1992 recipient of the Peter J. Salmon Award for National Blind Worker of the Year. For 27 years, the U.S. Customs Department was proud to have Mr. Vito Basile as an integral part of their operations to seize illegal drugs and apprehend drug smugglers. Four years ago, Mr. Basile was the Director of U.S. Customs at the Port of Palm Beach. In this position, he was responsible for the seizure of the largest cocaine bust outside the territorial United States.

In 1988, Mr. Basile underwent bypass surgery. During postoperative complications, he suffered a stroke and was found to have cortical blindness, substantial hearing loss, and impaired motor and cognitive skills. Mr. Basile's life, as he knew it, had irreversibly changed.

On the road to rebuilding himself, Mr. Basile was referred to The Lighthouse for the Blind of the Palm Beaches for work evaluation. Mr. Basile progressed from mobility and job skills training to supervised placement in a full-time textile packaging position. Since then, Mr. Basile has become a leading employee, representing fellow workers to management.

Mr. Basile met his challenges head-on and is an inspiration to others. This month, Mr. Basile will officially be honored at the Annual Conference of National Industries for the Blind and the General Council of Workshops for the Blind. Please join me in applauding Mr. Vito Basile, an individual who continues to live life to its fullest.•

F/A-18E/F

• Mr. D'AMATO. Mr. President, in justifying the F/A-18E/F, the Navy has hammered home its multimission virtues. Yet, out of the same mouths have come rationalizations for a single mission replacement for the A-6 optimized for deep strikes better left to the Air Force at the expense of legitimate Navy requirements like air superiority and close air support. An article that appeared in the September 28, 1992, issue of Aviation Week & Space Technology entitled "Consensus Emerging for AX Strike-Fighter", indicates that Navy thinking about the AX may finally be evolving beyond "Son of A-12."

I commend this story to my colleagues, and ask that the full text of the article be printed in the RECORD immediately after my remarks.

The article follows:

CONSENSUS EMERGING FOR AX STRIKE-FIGHTER

(JOHN D. MORROCCO)

As the Navy moves closer to setting its requirements for the AX, a consensus is emerging for a multimission strike-fighter aircraft with an increased emphasis on endurance rather than range.

Rear Adm. Riley Mixson, Navy director of air warfare, said the Air Force and Navy are "coming to closure" on requirements. Although the Navy has the lead on the program, the AX also is being designed to replace Air Force F-111s, F-15Es and F-117s.

Mixson told Aviation Week & Space Technology that the two services "are seeing very much eye-to-eye on the roles and missions and performance capabilities that we would want to expect from an aircraft of this type. . . . We envision it as more of a multimission type of aircraft than perhaps was originally intended, certainly more than was intended with the A-12 program."

Because of the current budgetary climate, the Navy is paring down to two combat airplanes—"a low-end and high-end mix," Mixson said. The F/A-18E/F represents the low-end of the mix. "The high-end is going to be the AX, which is taking on more and more of the flavor of a multirole strike-fighter," he said. "The Navy cannot afford a single-purpose aircraft."

AX requirements are not only being shaped by economic necessity, but also by the debate over roles and missions. The Navy has reexamined the AX program in the context of an increased emphasis in the future on coastal and amphibious operations, to meet regional threats.

Mixson said the Navy and Air Force hope to finish defining their AX requirements by the end of the month or early October. That will coincide with the results of cost and effectiveness analyses now being conducted by both services, based on trade studies submitted last June by the five competing contractor teams. "If this airplane coincides with what we see as the future roles and missions of the Navy/Marine Corps team, then a request for proposals would be coming some time after that," Mixson said.

Contractors expect to receive an operational requirements document in late October. They will then work on updating their designs to meet the final requirements. The Pentagon's Defense Acquisition Board is scheduled to review the program in early November. Requests for proposals for the demonstration/validation phase are expected to be issued to contractors in early December.

The Timetable could change, however. Navy officials indicate there is no need to rush to judgment. "With today's threat we have time to make sure the AX is exactly what we want it to be," Mixson said. If the cost and effectiveness analyses indicate "we should look in another area or we should study this a little bit more, we do not feel we are on a constrained time line by any stretch of the imagination."

The Navy's tentative requirement, which contractors based their trade studies on, included levels of speed, signature and payload that did not necessarily reflect a multimission strike-fighter. Subsequent Navy studies are now "showing us you need both" on air-to-ground and air-to-air capability, Mixson said. "If you are going to put an investment in stealth, then you want to be able to send that aircraft and have it defend itself against any potential air-to-air threat."

The move to more of a strike-fighter does not necessarily require a supersonic aircraft, Mixson said. "There is a lot of engine technology out there today that enables you to do things without being in an afterburner mode to get the speed that you require." Industry officials said they did not expect there would be a requirement for a supercruise capability like that of the Air Force's F-22.

Mixson said the level of stealth needed in the AX has not changed and will probably reflect current-generation technology. "Stealth brings you an added dimension in the air-to-air role as well as the air-to-ground role," he said. "Without air superiority, you don't move troops very well on the ground."

The increased emphasis on determining what will be required in an AX aircraft to support ground operations has been largely spurred by the roles and missions review. With the demise of the Soviet threat, the Navy is now shifting its focus toward power projection from the sea in regional conflicts.

Navy Secretary Sean O'Keefe said that while the Navy required an aircraft that could accomplish the missions now carried out by the A-6, the future emphasis will be on "littoral" conflicts, involving coastal and amphibious operations. That means "a shorter range, bring-an-awful-lot-of-ordnance-to-bear capability that could be provided for Marine landings," he said. "That doesn't mean you have to go incredible distances."

Mixson said that while range is an important consideration, he was more concerned with endurance, which is an important factor in flexibility for carrier operations.

"What I want is an airplane that I can send out on a mission and have it come back and land aboard ship without refueling on a nominal carrier cycle of about 1 hr. 45 min.," he said. "That translates to an endurance of a little over 2 hr."

Along with that comes a certain amount of range, roughly 600 naut. mi. "With a 600-naut.-mi. range and that endurance I've got a lot of flexibility," he said.

"That doesn't mean we are out of the strike role," Mixson said. "That's still an important part of our mission. But I think we are focusing a little bit more on support of troops ashore than we might have in the past with our 'Open Water' maritime strategy."•

ITALIAN-AMERICAN HERITAGE AND CULTURE DAY

• Mr. DECONCINI. Mr. President, This year in honor of the Columbus Quincentenary, October 1 is being celebrated nationally as Italian-American Heritage and Culture Day. I am pleased to be joined in launching this day's celebration by my distinguished colleague from the House, Mr. GUARINI. Being an American of Italian descent, I am particularly proud to participate in this national celebration.

Several hundred Italian-American organizations are hosting public events around the country precisely at 1 p.m. today to highlight Italian culture. These events range from holding a reenactment of the singing of the Salve Regina aboard the *Santa Maria* in downtown Columbus, OH, to sponsoring a conference entitled, "Columbus People: 500 Years of Italian Immigration to the Americans and Australia," in Staten Island, NY.

There is tremendous pride among our Nation's 15 million Italian-Americans on this day that begins the final month of the Columbus Quincentenary. The Italian-American community has long celebrated Christopher Columbus as a symbol of courage, determination, and achievement. With commemorations dating back to 1866, Italian-Americans have honored Columbus and thousands of immigrants who embodied his spirit in their journey to the new world.

The renowned Columbus scholar Paolo Emilio Taviani of Italy wrote, "The Columbus discovery was of greater magnitude than any other discovery or invention in human history." It is this legacy that we salute today.

It should also be noted that Italian-American heritage and Culture Day occurs on the eve of another important national celebration involving Italian-Americans. I refer to the 17th annual convention and dinner sponsored by the national Italian-American Foundation in Washington, DC. This year's convention and dinner theme is a salute to the Columbus Quincentennial. More than 3,000 Italian-Americans and another 250–300 Italians will be in attendance.

America has been called the great mosaic. As a Nation, we celebrate our unity in diversity. Today is a day when we give special attention to one important group in that mosaic—the Italian-Americans.•

TRIBUTE TO LARRY WEINBERG

• Mr. BAUCUS. Mr. President, I rise today to pay tribute to, Larry Weinberg, an American whose commitment to his community and to improving the lives of others is unparalleled in selflessness and dedication. Larry Weinberg is a good friend, and I am honored to bring him to the attention of my colleagues.

On Sunday, October 4, 1992, Larry is being honored by the American Public Affairs Committee for his achievements. I am unable to join him as he is recognized by his friends and colleagues at AIPAC as work here in the Senate keeps me in Washington. However, I want to add my heartfelt congratulations.

For more than 40 years, Larry Weinberg has fought to preserve and strengthen the viability of the American Jewish community and to foster the unique relationship that exists between the United States and Israel. In a changing and often turbulent world, it is important to the security of this Nation that we maintain our close ties with Israel, our most dependable friend in the Middle East.

But the question of a strong Israel is more than a question of policy for Larry. He brings to the debate, insight and personal knowledge. For him, the phrase "never to forget" bears special significance. During this experience as an American soldier who helped to liberate the death camps in World War II he bore witness, first-hand, to the harvest of misery that hatred reaped.

I will not ever forget learning of Larry's encounter in France, during that time when he was a young soldier, with a hermit hiding in the mountains. When he and a group of fellow soldiers found the man, he asked, in German, whether any of the group was Jewish. Larry stepped forward, and responded that he was a Jew. The hermit's response, spoken in Yiddish, that Larry had arrived too late forever changed his life. From that point on, Larry Weinberg has worked tirelessly to ensure that the world would never again to be too late.

For his deep, personal commitment to Jewish life and his positive influence on the world around him, Larry has served for many years as an inspiration to us all. He continues to believe in the inherent goodness of people and has made it his life's work to be a catalyst for understanding in an often intolerant world.

I offer Larry my congratulations and my thanks for his life of good works. Anyone who knows Larry Weinberg knows that he is a man who believes in democracy and takes seriously the obligations that come with it. He understands that we as individuals share a common bond, and a common responsibility, with one another. I can think of no one more deserving of this recognition.

I am honored and proud to call Larry Weinberg a friend.•

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes business today it stand in recess until 9:30 a.m., Friday, October 2; that following the prayer, the Journal of proceedings be approved to date; that the time for the two leaders be reserved for their use later in the day; that the time until 10:30 a.m. be for debate on the motion to invoke cloture on the conference report accompanying S. 2, with the time equally divided and controlled in the usual form; that the mandatory quorum required under rule XXII be waived in relation to this cloture motion and the one in relation to the crime conference report; that whenever the cloture vote on the conference report accompanying H.R. 3371, the crime bill, occurs there be 1 hour of debate prior to the vote, with the time equally divided and controlled in the usual form.

Further, when the cloture vote occurs on the motion to proceed to S. 2899, the NIH reauthorization, there be 1 hour for debate prior to that vote with the time equally divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 TOMORROW

Mr. KERREY. Mr. President, if there is no further business to come before the Senate today I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 10:24 p.m., recessed until Friday, October 2, 1992, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 1, 1992:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CAPT. WILLIAM L. STUBBLEFIELD FOR APPOINTMENT IN THE GRADE OF REAR ADMIRAL (LOWER HALF), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DEPUTY DIRECTOR, OFFICE OF NOAA CORPS OPERATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U.

REAR ADM. JOHN C. ALBRIGHT FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, PACIFIC MARINE CENTER, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be brigadier general

COL. WILFRED HESSERT, [redacted] AIR NATIONAL GUARD OF THE UNITED STATES.

HOUSE OF REPRESENTATIVES—*Thursday, October 1, 1992*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, that we will see Your wondrous acts not only in creation and redemption but in the tasks and actions and attitudes of daily lives. When we see the hungry, we can give food; where we find people without shelter, we can provide sanctuary; where there is loneliness, may we provide support and where there is sadness, we can give joy. May we, whatever our responsibility, take seriously the opportunity to see Your good word, O God, in the lives of people and may we thus become instruments of Your grace and good work. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New Jersey [Mrs. ROUKEMA] please come forward and lead the House in the Pledge of Allegiance.

Mrs. ROUKEMA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that it will entertain 10 requests on each side for 1-minute statements.

CONFERENCE REPORT ON H.R. 5095, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. McCURDY submitted the following conference report and statement on the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, to revise and restate the Central Intelligence Agency Retirement Act of 1964 for certain employees, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-963)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5095), to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, to revise and restate the Central Intelligence Agency Retirement Act of 1964 for certain employees, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified Schedule of Authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Staff.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Sense of Congress regarding disclosure of annual intelligence budget.
Sec. 304. Technical amendments.
Sec. 305. Airborne reconnaissance.

TITLE IV—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 401. Postemployment assistance for certain DIA employees.
Sec. 402. Inclusion of Senior Executive Service positions in civilian intelligence personnel system.
Sec. 403. Notice to congressional intelligence committees of Department of Defense real property transactions and construction projects involving intelligence agencies.
Sec. 404. Amendments to National Security Education Act of 1991.
Sec. 405. Pay and allowances for employees of the National Security Agency.
Sec. 406. Exemption for National Reconnaissance Office from any requirement for disclosure of personnel information.

TITLE V—FEDERAL BUREAU OF INVESTIGATION ADMINISTRATIVE PROVISIONS

Sec. 501. Temporary FBI authority to accept bequests or devises.

TITLE VI—CENTRAL INTELLIGENCE AGENCY

Sec. 601. Authority of Inspector General to receive complaints and information from any person.

TITLE VII—INTELLIGENCE ORGANIZATION

Sec. 701. Short title.
Sec. 702. Definitions.
Sec. 703. Participation of the Director of Central Intelligence in the National Security Council.
Sec. 704. Appointment of the Director and Deputy Director of Central Intelligence.
Sec. 705. Responsibilities and authorities of the Director of Central Intelligence.
Sec. 706. Responsibilities of the Secretary of Defense pertaining to the National Foreign Intelligence Program.

TITLE VIII—RESTATEMENT OF CIARDS STATUTE

Sec. 801. Short title.
Sec. 802. Restatement of Act.
Sec. 803. Conforming amendments.
Sec. 804. Savings provisions.
Sec. 805. Effective date.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of the Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1993, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany the conference report on the bill H.R. 5095 of the One Hundred Second Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—The Director of Central Intelligence may authorize employment of civilian personnel in excess of the numbers authorized for fiscal year 1993 under section 102 of this Act when the Director deter-

mines that such action is necessary to the performance of important intelligence functions, except that such number may not, for any element of the Intelligence Community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT STAFF.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Staff of the Director of Central Intelligence for fiscal year 1993 the sum of $86,900,000.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Staff of the Director of Central Intelligence is authorized 161 full-time personnel as of September 30, 1993. Such personnel may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1993, any officer or employee of the United States or a member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(d) COMMUNITY MANAGEMENT STAFF ADMINISTERED IN SAME MANNER AS CENTRAL INTELLIGENCE AGENCY.—During fiscal year 1993, activities and personnel of the Community Management Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1993 the sum of $168,900,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

SEC. 303. SENSE OF CONGRESS REGARDING DISCLOSURE OF ANNUAL INTELLIGENCE BUDGET.

It is the sense of Congress that, beginning in 1993, and in each year thereafter, the aggregate amount requested and authorized for, and spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner.

SEC. 304. TECHNICAL AMENDMENTS.

(a) NATIONAL SECURITY AGENCY ACT OF 1959.—The National Security Agency Act of 1959 is amended by redesignating the second section 17 (added by section 405 of Public Law 102–183) as section 18.

(b) PUBLIC LAW 102–88.—Effective as of August 14, 1991, section 305(a)(3) of Public Law 102–88 (105 Stat. 432) is amended by striking out "in the last sentence" and inserting in lieu thereof "in the penultimate sentence".

SEC. 305. AIRBORNE RECONNAISSANCE.

(a) Of the amount authorized to be appropriated by section 101 for reconnaissance programs, funds are authorized for an advanced airborne reconnaissance system.

(b) The amount authorized in subsection (a) is the amount equal to one-third of the amount authorized for a similar activity in the National Foreign Intelligence Program for fiscal year 1992 by the Intelligence Authorization Act for Fiscal Year 1992 (Public Law 102–183).

TITLE IV—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 401. POSTEMPLOYMENT ASSISTANCE FOR CERTAIN DIA EMPLOYEES.

(a) ASSISTANCE AUTHORIZED.—Subsection (e) of section 1604 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) Notwithstanding any other provision of law, the Secretary of Defense may use appropriated funds to assist employees who have been in sensitive positions in the Defense Intelligence Agency and who are found to be ineligible for continued access to Sensitive Compartmented Information and employment with the Defense Intelligence Agency, or whose employment with the Defense Intelligence Agency has been terminated—

"(i) in finding and qualifying for subsequent employment;

"(ii) in receiving treatment of medical or psychological disabilities; and

"(iii) in providing necessary financial support during periods of unemployment.

"(B) Assistance may be provided under subparagraph (A) only if the Secretary determines that such assistance is essential to maintain the judgment and emotional stability of such employee and avoid circumstances that might lead to the unlawful disclosure of classified information to which such employee had access. Assistance provided under this paragraph for an employee shall not be provided any longer than five years after the termination of the employment of the employee.

"(C) The Secretary shall report annually to the Committees on Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives with respect to any expenditure made pursuant to this paragraph.".

(b) FIRST ANNUAL REPORT.—The first report under paragraph (4) of section 1604(e) of title 10, United States Code, shall be submitted not later than 12 months after the date of the enactment of this Act.

SEC. 402. INCLUSION OF SENIOR EXECUTIVE SERVICE POSITIONS IN CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) INCLUSION OF SENIOR EXECUTIVE SERVICE POSITIONS.—Section 1590 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by inserting ", including positions in the Senior Executive Service," after "positions"; and

(B) by inserting after "such departments" the following: ", except that the total number of positions in the Senior Executive Service established pursuant to this section may not exceed one-half of one percent of the total number of all civilian intelligence positions established pursuant to this section;";

(2) in subsection (b), by inserting after the first sentence the following new sentence: "The Secretary shall also fix rates of pay for positions in the Senior Executive Service established pursuant to this section that are not in excess of the maximum rate or less than the minimum rate of basic pay established pursuant to section 5382 of title 5."; and

(3) by adding at the end the following new subsections:

"(f) With regard to any position in the Senior Executive Service which may be established pursuant to this section, the Secretary of Defense shall prescribe regulations to implement this section which are consistent with the requirements set forth in sections 3131, 3132(a)(2), 3393a, 3396(c), 3592, 3595(a), 5384, and 6304, subsections (a), (b), and (c) of section 7543 (except that any hearing or appeal to which a member of the Senior Executive Service is entitled shall be held or decided pursuant to regulations issued by the Secretary), and subchapter II of chapter 43 of title 5. The Secretary of Defense shall also prescribe, to the extent practicable, regulations to implement such other provisions of title 5 as apply to members of the Senior Executive Service or to individuals applying for positions in the Senior Executive Service.

"(g) The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507 of title 5 to members of the Senior Executive Service whose positions may be established pursuant to this section. The awarding of such a rank shall be made in a manner consistent with the provisions of that section.".

(b) CONFORMING AMENDMENT.—Section 3132(a)(1)(B) of title 5, United States Code, is amended by inserting after "National Security Agency" the following: ", Department of Defense intelligence activities the civilian employees of which are subject to section 1590 of title 10,".

SEC. 403. NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES OF DEPARTMENT OF DEFENSE REAL PROPERTY TRANSACTIONS AND CONSTRUCTION PROJECTS INVOLVING INTELLIGENCE AGENCIES.

(a) REAL PROPERTY TRANSACTIONS.—(1) Section 2662 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) Whenever a transaction covered by this section is made by or on behalf of an intelligence component of the Department of Defense or involves real property used by such a component, any report under this section with respect to the transaction that is submitted to the Committees on Armed Services of the Senate and the House of Representatives shall be submitted concurrently to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

(2)(A) The heading of such section is amended to read as follows:

"§2662. Real property transactions: reports to congressional committees".

(B) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2662. Real property transactions: reports to congressional committees.".

(b) CONSTRUCTION PROJECTS.—Section 2801(c)(4) of such title is amended by inserting before the period at the end the following: "and, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate".

SEC. 404. AMENDMENTS TO NATIONAL SECURITY EDUCATION ACT OF 1991.

(a) REDESIGNATION OF ACT.—Section 801(a) of the National Security Education Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.) is amended to read as follows:

"(a) SHORT TITLE.—This title may be cited as the 'David L. Boren National Security Education Act of 1991'.".

(b) PROGRAM REVISIONS.—Section 802(a) of such Act (50 U.S.C. 1902(a))—

(1) in paragraph (1)(A), by inserting "or equivalent term," after "at least one academic semester";

(2) in paragraph (1)(B)(i), by striking out "in the United States" and inserting in lieu thereof "as part of a graduate degree program of a United States institution of higher education"; and

(3) in paragraph (4), by adding at the end the following new sentence: "In addition, the Secretary may enter into personal service contracts for periods up to one year for program administration, except that not more than 10 such contracts may be in effect at any one time.".

(c) REPEAL OF REQUIRED ENTITY TO ADMINISTER PROGRAM.—Section 802 of such Act is further amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(d) NATIONAL SECURITY EDUCATION BOARD.—Section 803(b) of such Act (50 U.S.C. 1903(b)) is amended—

(1) by redesignating paragraph (7) as paragraph (8);

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) The Chairperson of the National Endowment for the Humanities."; and

(3) in paragraph (8) (as so redesignated)—

(A) by striking out "Four individuals" and inserting in lieu thereof "Six individuals"; and

(B) by inserting before the period at the end the following: "and who may not be officers or employees of the Federal Government".

(e) FUND ASSETS AVAILABLE FOR INVESTMENT.—Section 804(c) of such Act (50 U.S.C. 1904(c)) is amended by striking out "obligation" at the end of the first sentence and inserting in lieu thereof "expenditure".

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1993 to the National Security Education Trust Fund established by section 804 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904) the sum of $30,000,000.

SEC. 405. PAY AND ALLOWANCES FOR EMPLOYEES OF THE NATIONAL SECURITY AGENCY.

Section 2 of the National Security Agency Act of 1959 (Public Law 86–36; 50 U.S.C. 402 note) is amended to read as follows:

"SEC. 2. (a) The Secretary of Defense (or his designee) is authorized to establish such positions, and to appoint thereto, without regard to the civil service laws, such officers and employees, in the National Security Agency, as may be necessary to carry out the functions of such agency. The rates of basic pay for such positions shall be fixed by the Secretary of Defense (or his designee for this purpose) in relation to the rates of basic pay provided for in subpart D of part III of title 5, United States Code, for positions subject to such title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, no officer or employee of the National Security Agency shall be paid basic pay at a rate in excess of the maximum rate payable under section 5376 of such title and not more than 70 such officers and employees shall be paid within the range of rates authorized in section 5376 of such title.

"(b) The Secretary of Defense (or his designee) may provide officers and employees of the National Security Agency other compensation, benefits, incentives, and allowances which are consistent with, and do not exceed the levels authorized for, such compensation, benefits, incentives, or allowances by title 5, United States Code.".

SEC. 406. EXEMPTION FOR NATIONAL RECONNAISSANCE OFFICE FROM ANY REQUIREMENT FOR DISCLOSURE OF PERSONNEL INFORMATION.

(a) EXEMPTION FROM DISCLOSURE.—Except as required by the President or as provided in subsection (b), nothing in this Act or any other provision of law shall be construed to require the disclosure of the name, title, or salary of any person employed by, or assigned or detailed to, the National Reconnaissance Office or the disclosure of the number of such persons.

(b) PROVISION OF INFORMATION TO CONGRESS.—Subsection (a) does not apply with respect to the provision of information to Congress.

TITLE V—FEDERAL BUREAU OF INVESTIGATION ADMINISTRATIVE PROVISIONS

SEC. 501. TEMPORARY FBI AUTHORITY TO ACCEPT BEQUESTS OR DEVISES.

(a) ACCEPTANCE OF BEQUESTS.—During fiscal year 1993, the Director of the Federal Bureau of Investigation may accept, on behalf of the Bureau, any bequest or devise made by a citizen of the United States, if such bequest or devise is used only—

(1) to fund and administer, in accordance with regulations prescribed by the Director, a scholarship program for the benefit of the immediate families of Federal law enforcement officers slain or permanently disabled in the line of duty; and

(2) to pay all necessary expenses in connection with the acceptance of such bequest or devise.

(b) AUTHORITY TO USE FUNDS.—(1) Notwithstanding any other provision of law, proceeds from the sale of property accepted as a bequest or devise by the Director pursuant to subsection (a) shall be maintained in an interest bearing account and shall remain available for disbursement for purposes of this section until such funds are expended.

(2) The authority of paragraph (1) may be exercised only to such extent and in such amounts as are provided in advance in appropriation Acts.

(c) REGULATIONS REQUIRED.—Not later than 90 days after accepting any bequest or devise pursuant to this section, the Director shall prescribe regulations to implement the provisions of this section in a fair, equitable manner, and shall make copies of such regulations available to all Federal law enforcement agencies. Copies of such regulations shall also be provided the Judiciary Committees of the Senate and the House of Representatives.

TITLE VI—CENTRAL INTELLIGENCE AGENCY

SEC. 601. AUTHORITY OF CIA INSPECTOR GENERAL TO RECEIVE COMPLAINTS AND INFORMATION FROM ANY PERSON.

Section 17(e)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) by striking out "an employee of the Agency" and inserting in lieu thereof "any person"; and

(2) by inserting "from an employee of the Agency" after "received".

TITLE VII—INTELLIGENCE ORGANIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the "Intelligence Organization Act of 1992".

SEC. 702. DEFINITIONS.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after section 2 the following new section:

"DEFINITIONS

"SEC. 3. As used in this Act:

"(1) The term 'intelligence' includes foreign intelligence and counterintelligence.

"(2) The term 'foreign intelligence' means information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons.

"(3) The term 'counterintelligence' means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorist activities.

"(4) The term 'intelligence community' includes—

"(A) the Office of the Director of Central Intelligence, which shall include the Office of the Deputy Director of Central Intelligence, the National Intelligence Council (as provided for in section 105(b)(3)), and such other offices as the Director may designate;

"(B) the Central Intelligence Agency;

"(C) the National Security Agency;

"(D) the Defense Intelligence Agency;

"(E) the central imagery authority within the Department of Defense;

"(F) the National Reconnaissance Office;

"(G) other offices within the Department of Defense for the collection of specialized national intelligence through reconnaissance programs;

"(H) the intelligence elements of the Army, the Navy, the Air Force, the Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, and the Department of Energy;

"(I) the Bureau of Intelligence and Research of the Department of State; and

"(J) such other elements of any other department or agency as may be designated by the President, or designated jointly by the Director of Central Intelligence and the head of the department or agency concerned, as an element of the intelligence community.

"(5) The terms 'national intelligence' and 'intelligence related to the national security'—

"(A) each refer to intelligence which pertains to the interests of more than one department or agency of the Government; and

"(B) do not refer to counterintelligence or law enforcement activities conducted by the Federal Bureau of Investigation except to the extent provided for in procedures agreed to by the Director of Central Intelligence and the Attorney General, or otherwise as expressly provided for in this title.

"(6) The term 'National Foreign Intelligence Program' refers to all programs, projects, and activities of the intelligence community, as well as any other programs of the intelligence community designated jointly by the Director of Central Intelligence and the head of a United States department or agency or by the President. Such term does not include programs, projects, or activities of the military departments to acquire intelligence solely for the planning and conduct of tactical military operations by United States Armed Forces.".

SEC. 703. PARTICIPATION OF THE DIRECTOR OF CENTRAL INTELLIGENCE IN THE NATIONAL SECURITY COUNCIL.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end thereof the following new subsection:

"(h) The Director of Central Intelligence (or, in the Director's absence, the Deputy Director of Central Intelligence) may, in the performance of the Director's duties under this Act and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

SEC. 704. APPOINTMENT OF THE DIRECTOR AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) in the first sentence of subsection (a)—

(A) by striking out "under the National Security Council"; and

(B) by striking out "with a Director" and all that follows through "disability"; and

(3) by striking out the second sentence of subsection (a) and subsections (b) through (f) and inserting in lieu thereof the following:

"(2) There shall be a Director of Central Intelligence who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall—

"(A) serve as head of the United States intelligence community;

"(B) act as the principal adviser to the President for intelligence matters related to the national security; and

"(C) serve as head of the Central Intelligence Agency.

"(b) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be a Deputy Director of Central Intelligence, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall act for, and exercise the powers of, the Director during the Director's absence or disability.

"(c)(1) The Director or Deputy Director of Central Intelligence may be appointed from among the commissioned officers of the Armed Forces, or from civilian life, but at no time shall both positions be simultaneously occupied by commissioned officers of the Armed Forces, whether in an active or retired status.

"(2) It is the sense of the Congress that under ordinary circumstances, it is desirable that either the Director or the Deputy Director be a commissioned officer of the Armed Forces or that either such appointee otherwise have, by training or experience, an appreciation of military intelligence activities and requirements.

"(3)(A) A commissioned officer of the Armed Forces appointed pursuant to paragraph (2) or (3), while serving in such position—

"(i) shall not be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense;

"(ii) shall not exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law; and

"(iii) shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the military department of which such officer is a member.

"(B) Except as provided in clause (i) or (ii) of paragraph (A), the appointment of a commissioned officer of the Armed Forces pursuant to paragraph (2) or (3) shall in no way affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of any such status, position, rank, or grade.

"(C) A commissioned officer of the Armed Forces appointed pursuant to subsection (a) or (b), while serving in such position, shall continue to receive military pay and allowances (including retired pay) payable to a commissioned officer of the officer's grade and length of service for which the appropriate military department shall be reimbursed from funds available to the Director of Central Intelligence.

"(d) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.".

SEC. 705. RESPONSIBILITIES AND AUTHORITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended—

(1) by striking out section 102a;

(2) by redesignating sections 103 and 104 as sections 107 and 108, respectively; and

(3) by inserting after section 102, as amended by section 721, the following new sections:

"RESPONSIBILITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE

"SEC. 103. (a) PROVISION OF INTELLIGENCE.—(1) Under the direction of the National Security Council, the Director of Central Intelligence shall be responsible for providing national intelligence—

"(A) to the President;

"(B) to the heads of departments and agencies of the executive branch; and

"(C) to the Chairman of the Joint Chiefs of Staff and senior military commanders; and

"(D) where appropriate, to the Senate and House of Representatives and the committees thereof.

"(2) Such national intelligence should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community.

"(b) NATIONAL INTELLIGENCE COUNCIL.—(1)(A) There is established within the Office of the Director of Central Intelligence the National Intelligence Council (hereafter in this section referred to as the 'Council'). The Council shall be composed of senior analysts within the intelligence community and substantive experts from the public and private sector, who shall be appointed by, report to, and serve at the pleasure of, the Director of Central Intelligence.

"(B) The Director shall prescribe appropriate security requirements for personnel appointed from the private sector as a condition of service on the Council to ensure the protection of intelligence sources and methods while avoiding, wherever possible, unduly intrusive requirements which the Director considers to be unnecessary for this purpose.

"(2) The Council shall—

"(A) produce national intelligence estimates for the Government, including, whenever the Council considers appropriate, alternative views held by elements of the intelligence community; and

"(B) otherwise assist the Director in carrying out the responsibilities described in subsection (a).

"(3) Within their respective areas of expertise and under the direction of the Director, the members of the Council shall constitute the senior intelligence advisers of the intelligence community for purposes of representing the views of the intelligence community within the Government.

"(4) The Director shall make available to the Council such staff as may be necessary to permit the Council to carry out its responsibilities under this subsection and shall take appropriate measures to ensure that the Council and its staff satisfy the needs of policymaking officials and other consumers of intelligence.

"(5) The heads of elements within the intelligence community shall, as appropriate, furnish such support to the Council, including the preparation of intelligence analyses, as may be required by the Director.

"(c) HEAD OF THE INTELLIGENCE COMMUNITY.—In the Director's capacity as head of the intelligence community, the Director shall—

"(1) develop and present to the President an annual budget for the National Foreign Intelligence Program of the United States;

"(2) establish the requirements and priorities to govern the collection of national intelligence by elements of the intelligence community;

"(3) promote and evaluate the utility of national intelligence to consumers within the Government;

"(4) eliminate waste and unnecessary duplication within the intelligence community;

"(5) protect intelligence sources and methods from unauthorized disclosure; and

"(6) perform such other functions as the President or the National Security Council may direct.

"(d) HEAD OF THE CENTRAL INTELLIGENCE AGENCY.—In the Director's capacity as head of the Central Intelligence Agency, the Director shall—

"(1) collect intelligence through human sources and by other appropriate means, except that the Agency shall have no police, subpoena, or law enforcement powers or internal security functions;

"(2) provide overall direction for the collection of national intelligence through human sources by elements of the intelligence community authorized to undertake such collection and, in coordination with other agencies of the Government which are authorized to undertake such collection, ensure that the most effective use is made of resources and that the risks to the United States and those involved in such collection are minimized;

"(3) correlate and evaluate intelligence related to the national security and providing appropriate dissemination of such intelligence;

"(4) perform such additional services as are of common concern to the elements of the intelligence community, which services the Director of Central Intelligence determines can be more efficiently accomplished centrally; and

"(5) perform such other functions and duties related to intelligence affecting the national security as the President or the National Security Council may direct.

"AUTHORITIES OF THE DIRECTOR OF CENTRAL INTELLIGENCE

"SEC. 104. (a) ACCESS TO INTELLIGENCE.—To the extent recommended by the National Security Council and approved by the President, the Director of Central Intelligence shall have access to all intelligence related to the national security which is collected by any department, agency, or other entity of the United States.

"(b) APPROVAL OF BUDGETS.—The Director of Central Intelligence shall provide guidance to elements of the intelligence community for the preparation of their annual budgets and shall approve such budgets before their incorporation in the National Foreign Intelligence Program.

"(c) ROLE OF DCI IN REPROGRAMMING.—No funds made available under the National Foreign Intelligence Program may be reprogrammed by any element of the intelligence community without the prior approval of the Director of Central Intelligence except in accordance with procedures issued by the Director.

"(d) TRANSFER OF FUNDS OR PERSONNEL WITHIN THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.—(1) In addition to any other authorities available under law for such purposes, the Director of Central Intelligence, with the approval of the Director of the Office of Management and Budget, may transfer funds appropriated for a program within the National Foreign Intelligence Program to another such program and, in accordance with procedures to be developed by the Director and the heads of affected departments and agencies, may transfer personnel authorized for an element of the intelligence community to another such element for periods up to a year.

"(2) A transfer of funds or personnel may be made under this subsection only if—

"(A) the funds or personnel are being transferred to an activity that is a higher priority intelligence activity;

"(B) the need for funds or personnel for such activity is based on unforeseen requirements;

"(C) the transfer does not involve a transfer of funds to the Reserve for Contingencies of the Central Intelligence Agency;

"(D) the transfer does not involve a transfer of funds or personnel from the Federal Bureau of Investigation; and

"(E) the Secretary or head of the department which contains the affected element or elements of the intelligence community does not object to such transfer.

"(3) Funds transferred under this subsection shall remain available for the same period as the appropriations account to which transferred.

"(4) Any transfer of funds under this subsection shall be carried out in accordance with existing procedures applicable to reprogramming notifications for the appropriate congressional committees. Any proposed transfer for which notice is given to the appropriate congressional committees shall be accompanied by a report explaining the nature of the proposed transfer and how it satisfies the requirements of this subsection. In addition, the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives shall be promptly notified of any transfer of funds made pursuant to this subsection in any case in which the transfer would not have otherwise required reprogramming notification under procedures in effect as of the date of the enactment of this section.

"(5) The Director shall promptly submit to the Select Committee on Intelligence of the Senate and to the Permanent Select Committee on Intelligence of the House of Representatives and, in the case of the transfer of personnel to or from the Department of Defense, the Committees on Armed Services of the Senate and House of Representatives, a report on any transfer of personnel made pursuant to this subsection. The Director shall include in any such report an explanation of the nature of the transfer and how it satisfies the requirements of this subsection.

"(e) COORDINATION WITH FOREIGN GOVERNMENTS.—Under the direction of the National Security Council and in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927), the Director shall coordinate the relationships between elements of the intelligence community and the intelligence or security services of foreign governments on all matters involving intelligence related to the national security or involving intelligence acquired through clandestine means.

"(f) USE OF PERSONNEL.—The Director shall, in coordination with the heads of departments and agencies with elements in the intelligence community, institute policies and programs within the intelligence community—

"(1) to provide for the rotation of personnel between the elements of the intelligence community, where appropriate, and to make such rotated service a factor to be considered for promotion to senior positions; and

"(2) to consolidate, wherever possible, personnel, administrative, and security programs to reduce the overall costs of these activities within the intelligence community.

"(g) TERMINATION OF EMPLOYMENT OF CIA EMPLOYEES.—Notwithstanding the provisions of any other law, the Director may, in the Director's discretion, terminate the employment of any officer or employee of the Central Intelligence Agency whenever the Director shall deem such termination necessary or advisable in the interests of the United States. Any such termination shall not affect the right of the officer or employee terminated to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the Office of Personnel Management.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in the first section of the National Security Act of 1947 is amended by striking out the items relating to sections 102a and 103 and inserting in lieu thereof the following new items:

"Sec. 103. Responsibilities of the Director of Central Intelligence.
"Sec. 104. Authorities of the Director of Central Intelligence.
"Sec. 107. National Security Resources Board.
"Sec. 108. Annual National Security Strategy Report.".

SEC. 706. RESPONSIBILITIES OF THE SECRETARY OF DEFENSE PERTAINING TO THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.

(a) IN GENERAL.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after section 104 (as added by section 705) the following new sections:

"RESPONSIBILITIES OF THE SECRETARY OF DEFENSE PERTAINING TO THE NATIONAL FOREIGN INTELLIGENCE PROGRAM

"SEC. 105. (a) IN GENERAL.—The Secretary of Defense shall—

"(1) ensure that the budgets of the elements of the intelligence community within the Department of Defense are adequate to satisfy the overall intelligence needs of the Department of Defense, including the needs of the chairman of the Joint Chiefs of Staff and the commanders of the unified and specified commands and, wherever such elements are performing government-wide functions, the needs of other departments and agencies;

"(2) ensure appropriate implementation of the policies and resource decisions of the Director of Central Intelligence by elements of the Department of Defense within the National Foreign Intelligence Program;

"(3) ensure that the tactical intelligence activities of the Department of Defense complement and are compatible with intelligence activities under the National Foreign Intelligence Program;

"(4) ensure that the elements of the intelligence community within the Department of Defense are responsive and timely with respect to satisfying the needs of operational military forces;

"(5) eliminate waste and unnecessary duplication among the intelligence activities of the Department of Defense; and

"(6) ensure that intelligence activities of the Department of Defense are conducted jointly where appropriate.

"(b) RESPONSIBILITY FOR THE PERFORMANCE OF SPECIFIC FUNCTIONS.—Consistent with sections 103 and 104 of this Act, the Secretary of Defense shall ensure—

"(1) through the National Security Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the conduct of signals intelligence activities and shall ensure that the product is disseminated in a timely manner to authorized recipients;

"(2) through a central imagery authority (except as otherwise directed by the President or the National Security Council), with appropriate representation from the intelligence community, the continued operation of an effective unified organization within the Department of Defense for carrying out tasking of imagery collection, for the coordination of imagery processing and exploitation activities, and for ensuring the dissemination of imagery in a timely manner to authorized recipients;

"(3) through the National Reconnaissance Office (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified organization for the research and development, acquisition, and operation of overhead reconnaissance systems necessary to satisfy the requirements of all elements of the intelligence community;

"(4) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), the continued operation of an effective unified system within the Department of Defense for the production of timely, objective military and military-related intelligence, based upon all sources available to the intelligence community, and shall ensure the appropriate dissemination of such intelligence to authorized recipients;

"(5) through the Defense Intelligence Agency (except as otherwise directed by the President or the National Security Council), effective management of Department of Defense human intelligence activities, including defense attaches; and

"(6) that the military departments maintain sufficient capabilities to collect and produce intelligence to meet—

"(A) the requirements of the Director of Central Intelligence;

"(B) the requirements of the Secretary of Defense or the Chairman of the Joint Chiefs of Staff;

"(C) the requirements of the unified and specified combatant commands and of joint operations; and

"(D) the specialized requirements of the military departments for intelligence necessary to support tactical commanders, military planners, the research and development process, the acquisition of military equipment, and training and doctrine.

"(c) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE.—The Secretary of Defense, in carrying out the functions described in this section, may use such elements of the Department of Defense as may be appropriate for the execution of those functions, in addition to, or in lieu of, the elements identified in this section.

"ADMINISTRATIVE PROVISIONS PERTAINING TO DEFENSE ELEMENTS WITHIN THE INTELLIGENCE COMMUNITY

"SEC. 106. (a) CONSULTATIONS WITH REGARD TO CERTAIN APPOINTMENTS.—The Secretary of Defense shall undertake appropriate consultations with the Director of Central Intelligence before the appointment of any individual as head of the National Security Agency, the National Reconnaissance Office, or the Defense Intelligence Agency.

"(b) APPOINTMENT OF HEAD OF CENTRAL IMAGERY AUTHORITY.—The Secretary shall appoint, upon the recommendation of the Director, the head of the central imagery authority within the Department of Defense.".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents in the first section of such Act is amended by inserting after the item relating to section 104 (as added by section 705(b)) the following new items:

"Sec. 105. Responsibilities of the Secretary of Defense pertaining to the National Foreign Intelligence Program.
"Sec. 106. Administrative provisions pertaining to defense elements within the intelligence community.".

TITLE VIII—RESTATEMENT OF CIARDS STATUTE

SEC. 801. SHORT TITLE.

This title may be cited as the "CIARDS Technical Corrections Act of 1992".

SEC. 802. RESTATEMENT OF ACT.

The Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—*This Act may be cited as the 'Central Intelligence Agency Retirement Act'.*

"(b) TABLE OF CONTENTS.—*The table of contents for this Act is as follows:*

"Sec. 1. Short title; table of contents.

"TITLE I—DEFINITIONS

"Sec. 101. Definitions relating to the system.
"Sec. 102. Definitions relating to participants and annuitants.

"TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

"PART A—ESTABLISHMENT OF SYSTEM

"Sec. 201. The CIARDS system.
"Sec. 202. Central Intelligence Agency Retirement and Disability Fund.
"Sec. 203. Participants in the CIARDS system.
"Sec. 204. Annuitants.

"PART B—CONTRIBUTIONS

"Sec. 211. Contributions to fund.

"PART C—COMPUTATION OF ANNUITIES

"Sec. 221. Computation of annuities.
"Sec. 222. Annuities for former spouses.
"Sec. 223. Election of survivor benefits for certain former spouses divorced as of November 15, 1982.
"Sec. 224. Survivor annuity for certain other former spouses.
"Sec. 225. Retirement annuity for certain former spouses.
"Sec. 226. Survivor annuities for previous spouses.

"PART D—BENEFITS ACCRUING TO CERTAIN PARTICIPANTS

"Sec. 231. Retirement for disability or incapacity—medical examination—recovery.
"Sec. 232. Death in service.
"Sec. 233. Voluntary retirement.
"Sec. 234. Discontinued service benefits.
"Sec. 235. Mandatory retirement.
"Sec. 236. Eligibility for annuity.

"PART E—LUMP-SUM PAYMENTS

"Sec. 241. Lump-sum payments.

"PART F—PERIOD OF SERVICE FOR ANNUITIES

"Sec. 251. Computation of length of service.
"Sec. 252. Prior service credit.
"Sec. 253. Credit for service while on military leave.

"PART G—MONEYS

"Sec. 261. Estimate of appropriations needed.
"Sec. 262. Investment of moneys in the fund.
"Sec. 263. Payment of benefits.
"Sec. 264. Attachment of moneys.
"Sec. 265. Recovery of payments.

"PART H—RETIRED PARTICIPANTS RECALLED, REINSTATED, OR REAPPOINTED IN THE AGENCY OR REEMPLOYED IN THE GOVERNMENT

"Sec. 271. Recall.
"Sec. 272. Reemployment.
"Sec. 273. Reemployment compensation.

"PART I—VOLUNTARY CONTRIBUTIONS

"Sec. 281. Voluntary contributions.

"PART J—COST-OF-LIVING ADJUSTMENT OF ANNUITIES

"Sec. 291. Cost-of-living adjustment of annuities.

"PART K—CONFORMITY WITH CIVIL SERVICE RETIREMENT SYSTEM

"Sec. 292. Authority to maintain existing areas of conformity between Civil Service and Central Intelligence Agency Retirement and Disability Systems.
"Sec. 293. Thrift savings plan participation.
"Sec. 294. Alternative forms of annuities.
"Sec. 295. Payments from CIARDS fund for portions of certain Civil Service Retirement System annuities.

"TITLE III—PARTICIPATION IN THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM

"Sec. 301. Application of Federal Employees' Retirement System to Agency employees.
"Sec. 302. Special rules relating to section 203 criteria employees.
"Sec. 303. Special rules for other employees for service abroad.
"Sec. 304. Special rules for former spouses.
"Sec. 305. Administrative provisions.
"Sec. 306. Regulations.
"Sec. 307. Transition regulations.

"TITLE I—DEFINITIONS

"SEC. 101. DEFINITIONS RELATING TO THE SYSTEM.

"When used in this Act:

"(1) AGENCY.—*The term 'Agency' means the Central Intelligence Agency.*

"(2) DIRECTOR.—*The term 'Director' means the Director of Central Intelligence.*

"(3) QUALIFYING SERVICE.—*The term 'qualifying service' means service determined by the Director to have been performed in carrying out duties described in section 203.*

"(4) FUND BALANCE.—*The term 'fund balance' means the sum of—*

"(A) the investments of the fund calculated at par value; and

"(B) the cash balance of the fund on the books of the Treasury.

"(5) UNFUNDED LIABILITY.—*The term 'unfunded liability' means the estimated amount by which—*

"(A) the present value of all benefits payable from the fund exceeds

"(B) the sum of—

"(i) the present value of deductions to be withheld from the future basic pay of participants subject to title II and of future Agency contributions to be made on the behalf of such participants;

"(ii) the present value of Government payments to the fund under sections 261(c) and 261(d); and

"(iii) the fund balance as of the date on which the unfunded liability is determined.

"(6) NORMAL COST.—*The term 'normal cost' means the level percentage of payroll required to be deposited in the fund to meet the cost of benefits payable under the system (computed in accordance with generally accepted actuarial practice on an entry-age basis) less the value of retirement benefits earned under another retirement system for government employees and less the cost of credit allowed for military service.*

"(7) LUMP-SUM CREDIT.—*The term 'lump-sum credit' means the unrefunded amount consisting of retirement deductions made from a participant's basic pay, amounts deposited by a participant covering earlier service, including any amounts deposited under section 252(h), and interest determined under section 281.*

"(8) CONGRESSIONAL INTELLIGENCE COMMITTEES.—*The term 'congressional intelligence committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.*

"(9) EMPLOYEE.—*The term 'employee' includes an officer of the Agency.*

"SEC. 102. DEFINITIONS RELATING TO PARTICIPANTS AND ANNUITANTS.

"(a) GENERAL DEFINITIONS.—*When used in title II:*

"(1) FORMER PARTICIPANT.—*The term 'former participant' means a person who—*

"(A) while an employee of the Agency was a participant in the system; and

"(B) separates from the Agency without entitlement to immediate receipt of an annuity from the fund.

"(2) RETIRED PARTICIPANT.—*The term 'retired participant' means a person who—*

"(A) while an employee of the Agency was a participant in the system; and

"(B) is entitled to receive an annuity from the fund based upon such person's service as a participant.

"(3) SURVIVING SPOUSE.—

"(A) IN GENERAL.—*The term 'surviving spouse' means the surviving wife or husband of a participant or retired participant who (i) was married to the participant or retired participant for at least 9 months immediately preceding the participant's or retired participant's death, or (ii) who is the parent of a child born of the marriage.*

"(B) TREATMENT WHEN PARTICIPANT DIES LESS THAN 9 MONTHS AFTER MARRIAGE.—*In a case in which the participant or retired participant dies within the 9-month period beginning on the date of the marriage, the requirement under subparagraph (A)(i) that a marriage have a duration of at least 9 months immediately preceding the death of the participant or retired participant shall be treated as having been met if—*

"(i) the death of the participant or retired participant was accidental; or

"(ii) the surviving wife or husband had been previously married to the participant or retired participant (and subsequently divorced) and the aggregate time married is at least 9 months.

"(4) FORMER SPOUSE.—*The term 'former spouse' means a former wife or husband of a participant, former participant, or retired participant as follows:*

"(A) DIVORCES ON OR BEFORE DECEMBER 4, 1991.—*In the case of a divorce that became final on or before December 4, 1991, such term means a former wife or husband of a participant, former participant, or retired participant who was married to such participant for not less than 10 years during periods of the participant's creditable service, at least 5 years of which were spent outside the United States by both such participant and former wife or husband during the participant's service as an employee of the Agency.*

"(B) DIVORCES AFTER DECEMBER 4, 1991.—*In the case of a divorce that becomes final after December 4, 1991, such term means a former wife or husband of a participant, former participant, or retired participant who was married to such participant for not less than 10 years during periods of the participant's creditable service, at least 5 years of which were spent by the participant during the participant's service as an employee of the Agency (i) outside the United States, or (ii) otherwise in a position the duties of which qualified the participant for designation by the Director as a participant under section 203.*

"(C) CREDITABLE SERVICE.—*For purposes of subparagraphs (A) and (B), the term 'creditable service' means all periods of a participant's service that are creditable under sections 251, 252, and 253.*

"(5) PREVIOUS SPOUSE.—*The term 'previous spouse' means an individual who was married for at least 9 months to a participant, former participant, or retired participant who had at least 18 months of service which are creditable under sections 251, 252, and 253.*

"(6) SPOUSAL AGREEMENT.—*The term 'spousal agreement' means an agreement between a participant, former participant, or retired participant and the participant, former participant, or retired participant's spouse or former spouse that—*

"(A) is in writing, is signed by the parties, and is notarized;

"(B) has not been modified by court order; and

"(C) has been authenticated by the Director.

"(7) COURT ORDER.—The term 'court order' means—

"(A) a court decree of divorce, annulment, or legal separation; or

"(B) a court order or court-approved property settlement agreement incident to such court decree of divorce, annulment, or legal separation.

"(8) COURT.—The term 'court' means a court of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Indian court.

"(b) DEFINITION OF CHILD.—For purposes of sections 221 and 232:

"(1) IN GENERAL.—The term 'child' means any of the following:

"(A) MINOR CHILDREN.—An unmarried dependent child under 18 years of age, including—

"(i) an adopted child;

"(ii) a stepchild, but only if the stepchild lived with the participant or retired participant in a regular parent-child relationship;

"(iii) a recognized natural child; and

"(iv) a child who lived with the participant, for whom a petition of adoption was filed by the participant or retired participant, and who is adopted by the surviving spouse after the death of the participant or retired participant.

"(B) DISABLED ADULT CHILDREN.—An unmarried dependent child, regardless of age, who is incapable of self-support because of a physical or mental disability incurred before age 18.

"(C) STUDENTS.—An unmarried dependent child between 18 and 22 years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution.

"(2) SPECIAL RULES FOR STUDENTS.—

"(A) EXTENSION OF AGE TERMINATION OF STATUS AS 'CHILD'.—For purposes of this subsection, a child whose 22nd birthday occurs before July 1 or after August 31 of a calendar year, and while regularly pursuing such a course of study or training, shall be treated as having attained the age of 22 on the first day of July following that birthday.

"(B) TREATMENT OF INTERIM PERIOD BETWEEN SCHOOL YEARS.—A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim does not exceed 5 months and if the child shows to the satisfaction of the Director that the child has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately following the interim.

"(3) DEPENDENT DEFINED.—For purposes of this subsection, the term 'dependent', with respect to the child of a participant or retired participant, means that the participant or retired participant was, at the time of the death of the participant or retired participant, either living with or contributing to the support of the child, as determined in accordance with regulations prescribed under title II.

"(4) EXCLUSION OF STEPCHILDREN FROM LUMP-SUM PAYMENT.—For purposes of section 241(c), the term 'child' includes an adopted child and a natural child, but does not include a stepchild.

"TITLE II—THE CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

"Part A—Establishment of System

"SEC. 201. THE CIARDS SYSTEM.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT OF SYSTEM.—There is a retirement and disability system for certain employees of the Central Intelligence Agency known as the Central Intelligence Agency Retirement and Disability System (hereinafter in this Act referred to as the 'system'), originally established pursuant to title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

"(2) DCI REGULATIONS.—The Director shall prescribe regulations for the system. The Director shall submit any proposed regulations for the system to the congressional intelligence committees not less than 14 days before they take effect.

"(b) ADMINISTRATION OF SYSTEM.—The Director shall administer the system in accordance with regulations prescribed under this title and with the principles established by this title.

"(c) FINALITY OF DECISIONS OF DCI.—In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 102(d)(3) of the National Security Act of 1947 (50 U.S.C. 403(d)(3)) that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, and notwithstanding the provisions of chapter 7 of title 5, United States Code, or any other provision of law (except section 305(b) of this Act), any determination by the Director authorized by this Act shall be final and conclusive and shall not be subject to review by any court.

"SEC. 202. CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY FUND.

"The Director shall maintain the fund in the Treasury known as the 'Central Intelligence Agency Retirement and Disability Fund' (hereinafter in this Act referred to as the 'fund'), originally created pursuant to title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees.

"SEC. 203. PARTICIPANTS IN THE CIARDS SYSTEM.

"(a) DESIGNATION OF PARTICIPANTS.—The Director may from time to time designate employees of the Agency who shall be entitled to participate in the system. Employees so designated who elect to participate in the system are referred to in this Act as 'participants'.

"(b) QUALIFYING SERVICE.—Designation of employees under this section may be made only from among employees of the Agency who have completed at least 5 years of qualifying service. For purposes of this Act, qualifying service is service in the Agency performed in carrying out duties that are determined by the Director—

"(1) to be in support of Agency activities abroad hazardous to life or health; or

"(2) to be so specialized because of security requirements as to be clearly distinguishable from normal government employment.

"(c) ELECTION OF EMPLOYEE TO BE A PARTICIPANT.—

"(1) PERMANENCE OF ELECTION.—An employee of the Agency who elects to accept designation as a participant in the system shall remain a participant of the system for the duration of that individual's employment with the Agency.

"(2) IRREVOCABILITY OF ELECTION.—Such an election shall be irrevocable except as and to the extent provided in section 301(d).

"(3) ELECTION NOT SUBJECT TO APPROVAL.—An election under this section is not subject to review or approval by the Director.

"SEC. 204. ANNUITANTS.

"Persons who are annuitants under the system are—

"(1) those persons who, on the basis of their service in the Agency, have met all requirements for an annuity under this title or any other Act and are receiving an annuity from the fund; and

"(2) those persons who, on the basis of someone else's service, meet all the requirements under this title or any other Act for an annuity payable from the fund.

"Part B—Contributions

"SEC. 211. CONTRIBUTIONS TO FUND.

"(a) IN GENERAL.—

"(1) PARTICIPANT'S CONTRIBUTIONS.—Except as provided in subsection (d), 7 percent of the basic pay received by a participant for any pay period shall be deducted and withheld from the pay of that participant and contributed to the fund.

"(2) AGENCY CONTRIBUTIONS.—An equal amount shall be contributed to the fund for that pay period from the appropriation or fund which is used for payment of the participant's basic pay.

"(3) DEPOSITS TO THE FUND.—The amounts deducted and withheld from basic pay, together with the amounts so contributed from the appropriation or fund, shall be deposited by the Director to the credit of the fund.

"(b) CONSENT OF PARTICIPANT TO DEDUCTIONS FROM PAY.—Each participant shall be deemed to consent and agree to such deductions from basic pay, and payment less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for all regular services during the period covered by such payment, except the right to the benefits to which the participant is entitled under this title, notwithstanding any law, rule, or regulation affecting the individual's pay.

"(c) TREATMENT OF CONTRIBUTIONS AFTER 35 YEARS OF SERVICE.—

"(1) ACCRUAL OF INTEREST.—Amounts deducted and withheld from the basic pay of a participant under this section for pay periods after the first day of the first pay period beginning after the day on which the participant completes 35 years of creditable service computed under sections 251 and 252 (excluding service credit for unused sick leave under section 221(a)(2)) shall accrue interest. Such interest shall accrue at the rate of 3 percent a year through December 31, 1984, and thereafter at the rate computed under section 8334(e) of title 5, United States Code, and shall be compounded annually from the date on which the amount is so deducted and withheld until the date of the participant's retirement or death.

"(2) USE OF AMOUNTS WITHHELD AFTER 35 YEARS OF SERVICE.—

"(A) USE FOR DEPOSITS DUE UNDER SECTION 252(b).—Amounts described in paragraph (1), including interest accrued on such amounts, shall be applied upon the participant's retirement or death toward any deposit due under section 252(b).

"(B) LUMP-SUM PAYMENT.—Any balance of such amounts not so required for such a deposit shall be refunded to the participant in a lump sum after the participant's separation (or, in the event of a death in service, to a beneficiary in order of precedence specified in subsection 241(c)), subject to the requirement under section 241(b)(4).

"(C) PURCHASES OF ADDITIONAL ELECTIVE BENEFITS.—In lieu of such a lump-sum payment, the participant may use such amounts—

"(i) to purchase an additional annuity in accordance with section 281; or

"(ii) provide any additional survivor benefit for a current or former spouse or spouses.

"(d) OFFSET FOR SOCIAL SECURITY TAXES.—

"(1) PERSONS COVERED.—In the case of a participant who was a participant subject to this title before January 1, 1984, and whose service—

"(A) is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, and

"(B) is not creditable service for any purpose under title III of this Act or chapter 84 of title 5, United States Code,

there shall be deducted and withheld from the basic pay of the participant under this section during any pay period only the amount computed under paragraph (2).

"(2) REDUCTION IN CONTRIBUTION.—The amount deducted and withheld from the basic pay of a participant during any pay period pursuant to paragraph (1) shall be the excess of—

"(A) the amount determined by multiplying the percent applicable to the participant under subsection (a) by the basic pay payable to the participant for that pay period, over

"(B) the amount of the taxes deducted and withheld from such basic pay under section 3101(a) of the Internal Revenue Code of 1954 (relating to old-age, survivors, and disability insurance) for that pay period.

"Part C—Computation of Annuities

"SEC. 221. COMPUTATION OF ANNUITIES.

"(a) ANNUITY OF PARTICIPANT.—

"(1) COMPUTATION OF ANNUITY.—The annuity of a participant is the product of—

"(A) the participant's high-3 average pay (as defined in paragraph (4)); and

"(B) the number of years, not exceeding 35, of service credit (determined in accordance with sections 251 and 252) multiplied by 2 percent.

"(2) CREDIT FOR UNUSED SICK LEAVE.—The total service of a participant who retires on an immediate annuity (except under section 231) or who dies leaving a survivor or survivors entitled to an annuity shall include (without regard to the 35-year limitation prescribed in paragraph (1)) the days of unused sick leave to the credit of the participant. Days of unused sick leave may not be counted in determining average basic pay or eligibility for an annuity under this title. A deposit shall not be required for days of unused sick leave credited under this paragraph.

"(3) CREDITING OF PART-TIME SERVICE.—

"(A) IN GENERAL.—In the case of a participant whose service includes service on a part-time basis performed after April 6, 1986, the participant's annuity shall be the sum of the amounts determined under subparagraphs (B) and (C).

"(B) COMPUTATION OF PRE-APRIL 7, 1986, ANNUITY.—The portion of an annuity referred to in subparagraph (A) with respect to service before April 7, 1986, shall be the amount computed under paragraph (1) using the participant's length of service before that date (increased by the unused sick leave to the credit of the participant at the time of retirement) and the participant's high-3 average pay.

"(C) COMPUTATION OF POST-APRIL 6, 1986, ANNUITY.—The portion of an annuity referred to in subparagraph (A) with respect to service after April 6, 1986, shall be the product of—

"(i) the amount computed under paragraph (1), using the participant's length of service after that date and the participant's high-3 average pay, as determined by using the annual rate of basic pay that would be payable for full-time service; and

"(ii) the ratio which the participant's actual service after April 6, 1986 (as determined by prorating the participant's total service after that date to reflect the service that was performed on a part-time basis) bears to the total service after that date that would be creditable for the participant if all the service had been performed on a full-time basis.

"(D) TREATMENT OF EMPLOYMENT ON TEMPORARY OR INTERMITTENT BASIS.—Employment on a temporary or intermittent basis shall not be considered to be service on a part-time basis for purposes of this paragraph.

"(4) HIGH-3 AVERAGE PAY DEFINED.—For purposes of this subsection, a participant's high-3 average pay is the amount of the participant's average basic pay for the highest 3 consecutive years of the participant's service (or, in the case of an annuity computed under section 232 and based on less than 3 years, over the total service) for which full contributions have been made to the fund.

"(5) COMPUTATION OF SERVICE.—In determining the aggregate period of service upon which an annuity is to be based, any fractional part of a month shall not be counted.

"(b) SPOUSE OR FORMER SPOUSE SURVIVOR ANNUITY.—

"(1) REDUCTION IN PARTICIPANT'S ANNUITY TO PROVIDE SPOUSE OR FORMER SPOUSE SURVIVOR ANNUITY.—

"(A) GENERAL RULE.—Except to the extent provided otherwise under a written election under subparagraph (B) or (C), if at the time of retirement a participant or former participant is married (or has a former spouse who has not remarried before attaining age 55), the participant shall receive a reduced annuity and provide a survivor annuity for the participant's spouse under this subsection or former spouse under section 222(b), or a combination of such annuities, as the case may be.

"(B) JOINT ELECTION FOR WAIVER OR REDUCTION OF SPOUSE SURVIVOR ANNUITY.—A married participant or former participant and the participant's spouse may jointly elect in writing at the time of retirement to waive a survivor annuity for that spouse under this section or to reduce such survivor annuity under this section by designating a portion of the annuity of the participant as the base for the survivor annuity. If the marriage is dissolved following an election for such a reduced annuity and the spouse qualifies as a former spouse, the base used in calculating any annuity of the former spouse under section 222(b) may not exceed the portion of the participant's annuity designated under this subparagraph.

"(C) JOINT ELECTION OF PARTICIPANT AND FORMER SPOUSE.—If a participant or former participant has a former spouse, such participant and the participant's former spouse may jointly elect by spousal agreement under section 264(b) to waive, reduce, or increase a survivor annuity under section 222(b) for that former spouse. Any such election must be made (i) before the end of the 12-month period beginning on the date on which the divorce or annulment involving that former spouse becomes final, or (ii) at the time of retirement of the participant, whichever is later.

"(D) UNILATERAL ELECTIONS IN ABSENCE OF SPOUSE OR FORMER SPOUSE.—The Director may prescribe regulations under which a participant or former participant may make an election under subparagraph (B) or (C) without the participant's spouse or former spouse if the participant establishes to the satisfaction of the Director that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the spouse or former spouse.

"(2) AMOUNT OF REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity of a participant or former participant providing a survivor annuity under this section (or section 222(b)), excluding any portion of the annuity not designated or committed as a base for any survivor annuity, shall be reduced by 2½ percent of the first $3,600 plus 10 percent of any amount over $3,600. The reduction under this paragraph shall be calculated before any reduction under section 222(a)(5).

"(3) AMOUNT OF SURVIVING SPOUSE ANNUITY.—

"(A) IN GENERAL.—If a retired participant receiving a reduced annuity under this subsection dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse. The amount of the annuity shall be equal to 55 percent of (i) the full amount of the participant's annuity computed under subsection (a), or (ii) any lesser amount elected as the base for the survivor annuity under paragraph (1)(B).

"(B) LIMITATION.—Notwithstanding subparagraph (A), the amount of the annuity calculated under subparagraph (A) for a surviving spouse in any case in which there is also a surviving former spouse of the retired participant who qualifies for an annuity under section 222(b) may not exceed 55 percent of the portion (if any) of the base for survivor annuities which remains available under section 222(b)(4)(B).

"(C) EFFECTIVE DATE AND TERMINATION OF ANNUITY.—An annuity payable from the fund to a surviving spouse under this paragraph shall commence on the day after the retired participant dies and shall terminate on the last day of the month before the surviving spouse's death or remarriage before attaining age 55. If such survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

"(c) 18-MONTH OPEN PERIOD AFTER RETIREMENT TO PROVIDE SPOUSE COVERAGE.—

"(1) SURVIVOR ANNUITY ELECTIONS.—

"(A) ELECTION WHEN SPOUSE COVERAGE WAIVED AT TIME OF RETIREMENT.—A participant or former participant who retires after March 31, 1992 and who—

"(i) is married at the time of retirement; and

"(ii) elects at that time (in accordance with subsection (b)) to waive a survivor annuity for the spouse,

may, during the 18-month period beginning on the date of the retirement of the participant, elect to have a reduction under subsection (b) made in the annuity of the participant (or in such portion thereof as the participant may designate) in order to provide a survivor annuity for the participant's spouse.

"(B) ELECTION WHEN REDUCED SPOUSE ANNUITY ELECTED.—A participant or former participant who retires after March 31, 1992, and—

"(i) who, at the time of retirement, is married, and

"(ii) who, at that time designates (in accordance with subsection (b)) that a portion of the annuity of such participant is to be used as the base for a survivor annuity,

may, during the 18-month period beginning on the date of the retirement of such participant, elect to have a greater portion of the annuity of such participant so used.

"(2) DEPOSIT REQUIRED.—

"(A) REQUIREMENT.—An election under paragraph (1) shall not be effective unless the amount specified in subparagraph (B) is deposited into the fund before the end of that 18-month period.

"(B) AMOUNT OF DEPOSIT.—The amount to be deposited with respect to an election under this subsection is the amount equal to the sum of the following:

"(i) ADDITIONAL COST TO SYSTEM.—The additional cost to the system that is associated with providing a survivor annuity under subsection (b) and that results from such election, taking into account—

"(I) the difference (for the period between the date on which the annuity of the participant or former participant commences and the date of the election) between the amount paid to such participant or former participant under this title and the amount which would have been paid if such election had been made at the time the participant or former participant applied for the annuity; and

"(II) the costs associated with providing for the later election.

"(ii) INTEREST.—Interest on the additional cost determined under clause (i), computed using the interest rate specified or determined under section 8334(e) of title 5, United States Code, for the calendar year in which the amount to be deposited is determined.

"(3) VOIDING OF PREVIOUS ELECTIONS.—An election by a participant or former participant under this subsection voids prospectively any *election previously made in the case of such participant under subsection (b).*

"(4) REDUCTIONS IN ANNUITY.—An annuity that is reduced in connection with an election under this subsection shall be reduced by the same percentage reductions as were in effect at the time of the retirement of the participant or former participant whose annuity is so reduced.

"(5) RIGHTS AND OBLIGATIONS RESULTING FROM REDUCED ANNUITY ELECTION.—Rights and obligations resulting from the election of a reduced annuity under this subsection shall be the same as the rights and obligations that would have resulted had the participant involved elected such annuity at the time of retirement.

"(d) ANNUITIES FOR SURVIVING CHILDREN.—

"(1) PARTICIPANTS DYING BEFORE APRIL 1, 1992.—In the case of a retired participant who died before April 1, 1992, and who is survived by a child or children—

"(A) if the retired participant was survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(A); and

"(B) if the retired participant was not survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(B).

"(2) PARTICIPANTS DYING ON OR AFTER APRIL 1, 1992.—In the case of a retired participant who dies on or after April 1, 1992, and who is survived by a child or children—

"(A) if the retired participant is survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under paragraph (3)(A); and

"(B) if the retired participant is not survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid to or on behalf of each such surviving child an annuity determined under paragraph (3)(B).

"(3) AMOUNT OF ANNUITY.—

"(A) The annual amount of an annuity for the surviving child of a participant covered by paragraph (1)(A) or (2)(A) of this subsection (or covered by paragraph (1)(A) or (2)(A) of section 232(c)) is the smallest of the following:

"(i) 60 percent of the participant's high-3 average pay, as determined under subsection (a)(4), divided by the number of children.

"(ii) $900, as adjusted under section 291.

"(iii) $2,700, as adjusted under section 291, divided by the number of children.

"(B) The amount of an annuity for the surviving child of a participant covered by paragraph (1)(B) or (2)(B) of this subsection (or covered by paragraph (1)(B) or (2)(B) of section 232(c)) is the smallest of the following:

"(i) 75 percent of the participant's high-3 average pay, as determined under subsection (a)(4), divided by the number of children.

"(ii) $1,080, as adjusted under section 291.

"(iii) $3,240, as adjusted under section 291, divided by the number of children.

"(4) RECOMPUTATION OF CHILD ANNUITIES.—

"(A) In the case of a child annuity payable under paragraph (1), upon the death of a surviving spouse or the termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though the spouse or child had not survived the retired participant.

"(B) In the case of a child annuity payable under paragraph (2), upon the death of a surviving spouse or former spouse or termination of the annuity of a child, the annuities of any remaining children shall be recomputed and paid as though the spouse, former spouse, or child had not survived the retired participant. If the annuity of a surviving child who has not been receiving an annuity is initiated or resumed, the annuities of any other children shall be recomputed and paid from that date as though the annuities of all currently eligible children were then being initiated.

"(5) DEFINITION OF FORMER SPOUSE.—For purposes of this subsection, the term 'former spouse' includes any former wife or husband of the retired participant, regardless of the length of marriage or the amount of creditable service completed by the participant.

"(e) COMMENCEMENT AND TERMINATION OF CHILD ANNUITIES.—

"(1) COMMENCEMENT.—An annuity payable to a child under subsection (d), or under section 232(c), shall begin on the day after the date on which the participant or retired participant dies or, in the case of an individual over the age of 18 who is not a child within the meaning of section 102(b), shall begin or resume on the first day of the month in which the individual later becomes or again becomes a student as described in section 102(b). Such annuity may not commence until any lump-sum that has been paid is returned to the fund.

"(2) TERMINATION.—Such an annuity shall terminate on the last day of the month before the month in which the recipient of the annuity dies or no longer qualifies as a child (as defined in section 102(b)).

"(f) PARTICIPANTS NOT MARRIED AT TIME OF RETIREMENT.—

"(1) DESIGNATION OF PERSONS WITH INSURABLE INTEREST.—

"(A) AUTHORITY TO MAKE DESIGNATION.—Subject to the rights of former spouses under sections 221(b) and 222, at the time of retirement an unmarried participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subparagraph (B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system. The amount of such an annuity shall be equal to 55 percent of the participant's reduced annuity after the participant's death.

"(B) REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity payable to the participant making such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by an additional 5 percent for each full 5 years the designated individual is younger than the participant. The total reduction under this subparagraph may not exceed 40 percent.

"(C) COMMENCEMENT OF SURVIVOR ANNUITY.—The annuity payable to the designated individual shall begin on the day after the retired participant dies and terminate on the last day of the month before the designated individual dies.

"(D) RECOMPUTATION OF PARTICIPANT'S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.—An annuity which is reduced under this paragraph shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity had not been so reduced.

"(2) ELECTION OF SURVIVOR ANNUITY UPON SUBSEQUENT MARRIAGE.—A participant who is unmarried at the time of retirement and who later marries may irrevocably elect, in a signed writing received by the Director within one year after the marriage, to receive a reduced annuity as provided in section 221(b). Such election and reduction shall be effective on the first day of the month beginning 9 months after the date of marriage. The election voids prospectively any election previously made under paragraph (1).

"(g) EFFECT OF DIVORCE AFTER RETIREMENT.—

"(1) RECOMPUTATION OF RETIRED PARTICIPANT'S ANNUITY UPON DIVORCE.—An annuity which is reduced under this section (or any similar prior provision of law) to provide a survivor annuity for a spouse shall, if the marriage of the retired participant to such spouse is dissolved, be recomputed and paid for each full month during which a retired participant is not married (or is remarried if there is no election in effect under paragraph (2)) as if the annuity had not been so reduced, subject to any reduction required to provide a survivor annuity under subsection (b) or (c) of section 222 or under section 226.

"(2) ELECTION OF SURVIVOR ANNUITY UPON SUBSEQUENT REMARRIAGE.—

"(A) IN GENERAL.—Upon remarriage, the retired participant may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, to receive a reduced annuity for the purpose of providing an annuity for the new spouse of the retired participant in the event such spouse survives the retired participant. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage (unless such reduction is adjusted under section 222(b)(5) or elected under subparagraph (B)).

"(B) WHEN ANNUITY PREVIOUSLY NOT (OR NOT FULLY) REDUCED.—

"(i) ELECTION.—If the retired participant's annuity was not reduced (or was not fully reduced) to provide a survivor annuity for the participant's spouse or former spouse as of the time of retirement, the retired participant may make an election under the first sentence of subparagraph (A) upon remarriage to a spouse other than the spouse at the time of retirement. For any remarriage that occurred before August 14, 1991, the retired participant may make such an election within 2 years after such date.

"(ii) DEPOSIT REQUIRED.—

"(I) The retired participant shall, within one year after the date of the remarriage (or by August 14, 1993 for any remarriage that occurred before August 14, 1991), deposit in the fund an amount determined by the Director, as nearly as may be administratively feasible, to reflect the amount by which the retired participant's annuity would have been reduced if the election had been in effect since the date the annuity commenced, plus interest.

"(II) The annual rate of interest for each year during which the retired participant's annuity would have been reduced if the election had been in effect since the date the annuity commenced shall be 6 percent.

"(III) If the retired participant does not make the deposit, the Director shall collect such amount by offset against the participant's annuity, up to a maximum of 25 percent of the net annuity otherwise payable to the retired participant, and the retired participant is deemed to consent to such offset.

"(IV) The deposit required by this subparagraph may be made by the surviving spouse of the retired participant.

"(C) EFFECTS OF ELECTION.—An election under this paragraph and the reduction in the participant's annuity shall be effective on the first day of the month beginning 9 months after the date of remarriage. A survivor annuity elected under this paragraph shall be treated in all respects as a survivor annuity under subsection (b).

"(h) COORDINATION OF ANNUITIES.—

"(1) SURVIVING SPOUSE.—A surviving spouse whose survivor annuity was terminated because of remarriage before attaining age 55 shall not be entitled under subsection (b)(3)(C) to the restoration of that survivor annuity payable from the fund unless the surviving spouse elects to receive it instead of any other survivor annuity to which the surviving spouse may be entitled under the system or any other retirement system for Government employees by reason of the remarriage.

"(2) FORMER SPOUSE.—A surviving former spouse of a participant or retired participant

shall not become entitled under section 222(b) or 224 to a survivor annuity or to the restoration of a survivor annuity payable from the fund unless the surviving former spouse elects to receive it instead of any other survivor annuity to which the surviving former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

"(3) SURVIVING SPOUSE OF POST-RETIREMENT MARRIAGE.—A surviving spouse who married a participant after the participant's retirement shall be entitled to a survivor annuity payable from the fund only upon electing that annuity instead of any other survivor annuity to which the surviving spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the retired participant.

"(i) SUPPLEMENTAL SURVIVOR ANNUITIES.—

"(1) SPOUSE OF RECALLED ANNUITANT.—A married recalled annuitant who reverts to retired status with entitlement to a supplemental annuity under section 271(b) shall, unless the annuitant and the annuitant's spouse jointly elect in writing to the contrary at the time of reversion to retired status, have the supplemental annuity reduced by 10 percent to provide a supplemental survivor annuity for the annuitant's spouse. Such supplemental survivor annuity shall be equal to 55 percent of the supplemental annuity of the annuitant.

"(2) REGULATIONS.—The Director shall prescribe regulations to provide for the application of paragraph (1) of this subsection and of subsection (b) of section 271 in any case in which an annuitant has a former spouse who was married to the recalled annuitant at any time during the period of recall service and who qualifies for an annuity under section 222(b).

"(j) OFFSET OF ANNUITIES BY AMOUNT OF SOCIAL SECURITY BENEFIT.—Notwithstanding any other provision of this title, an annuity (including a disability annuity) payable under this title to an individual described in sections 211(d)(1) and 301(c)(1) and any survivor annuity payable under this title on the basis of the service of such individual shall be reduced (except as provided in paragraph (2)) in a manner consistent with section 8349 of title 5, United States Code, under conditions consistent with the conditions prescribed in that section.

"(k) INFORMATION FROM OTHER AGENCIES.—

"(1) OTHER AGENCIES.—For the purpose of ensuring the accuracy of the information used in the determination of eligibility for and the computation of annuities payable from the fund under this title, at the request of the Director—

"(A) the Secretary of Defense shall provide information on retired or retainer pay paid under title 10, United States Code;

"(B) the Secretary of Veterans Affairs shall provide information on pensions or compensation paid under title 38, United States Code;

"(C) the Secretary of Health and Human Services shall provide information contained in the records of the Social Security Administration; and

"(D) the Secretary of Labor shall provide information on benefits paid under subchapter I of chapter 81 of title 5, United States Code.

"(2) LIMITATION ON INFORMATION REQUESTED.—The Director shall request only such information as the Director determines is necessary.

"(3) LIMITATION ON USES OF INFORMATION.—The Director, in consultation with the officials from whom information is requested, shall ensure that information made available under this subsection is used only for the purposes authorized.

"(l) INFORMATION ON RIGHTS UNDER THE SYSTEM.—The Director shall, on an annual basis—

"(1) inform each retired participant of the participant's right of election under subsections (c), (f)(2), and (g); and

"(2) to the maximum extent practicable, inform spouses and former spouses of participants, former participants, and retired participants of their rights under this Act.

"SEC. 222. ANNUITIES FOR FORMER SPOUSES.

"(a) FORMER SPOUSE SHARE OF PARTICIPANT'S ANNUITY.—

"(1) PRO RATA SHARE.—Unless otherwise expressly provided by a spousal agreement or court order under section 264(b), a former spouse of a participant, former participant, or retired participant is entitled to an annuity—

"(A) if married to the participant, former participant, or retired participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

"(B) if not married to the participant throughout such creditable service, equal to that proportion of 50 percent of such annuity that is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this title bears to the total number of days of such creditable service.

"(2) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A former spouse is not qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 55 years of age.

"(3) COMMENCEMENT OF ANNUITY.—The annuity of a former spouse under this subsection commences on the day the participant upon whose service the annuity is based becomes entitled to an annuity under this title or on the first day of the month after the divorce or annulment involved becomes final, whichever is later.

"(4) TERMINATION OF ANNUITY.—The annuity of such former spouse and the right thereto terminate on—

"(A) the last day of the month before the month in which the former spouse dies or remarries before 55 years of age; or

"(B) the date on which the annuity of the participant terminates (except in the case of an annuity subject to paragraph (5)(B)).

"(5) TREATMENT OF PARTICIPANT'S ANNUITY.—

"(A) REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity payable to any participant shall be reduced by the amount of an annuity under this subsection paid to any former spouse based upon the service of that participant. Such reduction shall be disregarded in calculating—

"(i) the survivor annuity for any spouse, former spouse, or other survivor under this title; and

"(ii) any reduction in the annuity of the participant to provide survivor benefits under subsection (b) or under section 221(b).

"(B) TREATMENT WHEN ANNUITANT RETURNS TO SERVICE.—If an annuitant whose annuity is reduced under subparagraph (A) is recalled to service under section 271, or reinstated or reappointed, in the case of a recovered disability annuitant, or if any annuitant is reemployed as provided for under sections 272 and 273, the pay of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the fund.

"(6) DISABILITY ANNUITANT.—Notwithstanding paragraph (3), in the case of a former spouse of a disability annuitant—

"(A) the annuity of that former spouse shall commence on the date on which the participant would qualify on the basis of the participant's creditable service for an annuity under this title (other than a disability annuity) or the date on which the disability annuity begins, whichever is later, and

"(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

"(7) ELECTION OF BENEFITS.—A former spouse of a participant, former participant, or retired participant shall not become entitled under this subsection to an annuity payable from the fund unless the former spouse elects to receive it instead of any other annuity to which the former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

"(8) LIMITATION IN CASE OF MULTIPLE FORMER SPOUSE ANNUITIES.—No spousal agreement or court order under section 264(b) involving a participant may provide for an annuity or a combination of annuities under this subsection that exceeds the annuity of the participant.

"(b) FORMER SPOUSE SURVIVOR ANNUITY.—

"(1) PRO RATA SHARE.—Subject to any election under section 221(b)(1)(B) and (C) and unless otherwise expressly provided by a spousal agreement or court order under section 264(b), if an annuitant is survived by a former spouse, the former spouse shall be entitled—

"(A) if married to the annuitant throughout the creditable service of the annuitant, to a survivor annuity equal to 55 percent of the unreduced amount of the annuitant's annuity, as computed under section 221(a); and

"(B) if not married to the annuitant throughout such creditable service, to a survivor annuity equal to that proportion of 55 percent of the unreduced amount of such annuity that is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant under this title bears to the total number of days of such creditable service.

"(2) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 55 years of age.

"(3) COMMENCEMENT, TERMINATION, AND RESTORATION OF ANNUITY.—An annuity payable from the fund under this title to a surviving former spouse under this subsection shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 55. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

"(4) SURVIVOR ANNUITY AMOUNT.—

"(A) MAXIMUM AMOUNT.—The maximum survivor annuity or combination of survivor annuities under this subsection (and section 221(b)(3)) with respect to any participant may not exceed 55 percent of the full amount of the participant's annuity, as calculated under section 221(a).

"(B) LIMITATION ON OTHER SURVIVOR ANNUITIES BASED ON SERVICE OF SAME PARTICIPANT.—Once a survivor annuity has been provided under this subsection for any former spouse, a survivor annuity for another individual may thereafter be provided under this subsection (or section 221(b)(3)) with respect to the participant only for that portion (if any) of the maximum available which is not committed for survivor benefits for any former spouse whose prospective right to such annuity has not terminated by reason of death or remarriage.

"(C) FINALITY OF COURT ORDER UPON DEATH OF PARTICIPANT.—After the death of a participant or retired participant, a court order under section 264(b) may not adjust the amount of the annuity of a former spouse of that participant or retired participant under this section.

"(5) EFFECT OF TERMINATION OF FORMER SPOUSE ENTITLEMENT.—

"(A) RECOMPUTATION OF PARTICIPANT'S ANNUITY.—If a former spouse of a retired participant dies or remarries before attaining age 55, the annuity of the retired participant, if reduced to provide a survivor annuity for that former spouse, shall be recomputed and paid, effective on the first day of the month beginning after such death or remarriage, as if the annuity had not been so reduced, unless an election is in effect under subparagraph (B).

"(B) ELECTION OF SPOUSE ANNUITY.—Subject to paragraph (4)(B), the participant may elect in writing within one year after receipt of notice of the death or remarriage of the former spouse to continue the reduction in order to provide a higher survivor annuity under section 221(b)(3) for any spouse of the participant.

"(c) OPTIONAL ADDITIONAL SURVIVOR ANNUITIES FOR OTHER FORMER SPOUSE OR SURVIVING SPOUSE.—

"(1) IN GENERAL.—In the case of any participant providing a survivor annuity under subsection (b) for a former spouse—

"(A) such participant may elect, or

"(B) a spousal agreement or court order under section 264(b) may provide for,

an additional survivor annuity under this subsection for any other former spouse or spouse surviving the participant, if the participant satisfactorily passes a physical examination as prescribed by the Director.

"(2) LIMITATION.—Neither the total amount of survivor annuity or annuities under this subsection with respect to any participant, nor the survivor annuity or annuities for any one surviving spouse or former spouse of such participant under this section or section 221, may exceed 55 percent of the unreduced amount of the participant's annuity, as computed under section 221(a).

"(3) CONTRIBUTION FOR ADDITIONAL ANNUITIES.—

"(A) PROVISION OF ADDITIONAL SURVIVOR ANNUITY.—In accordance with regulations which the Director shall prescribe, the participant involved may provide for any annuity under this subsection—

"(i) by a reduction in the annuity or an allotment from the basic pay of the participant;

"(ii) by a lump-sum payment or installment payments to the fund; or

"(iii) by any combination thereof.

"(B) ACTUARIAL EQUIVALENCE TO BENEFIT.—The present value of the total amount to accrue to the fund under subparagraph (A) to provide any annuity under this subsection shall be actuarially equivalent in value to such annuity, as calculated upon such tables of mortality as may from time to time be prescribed for this purpose by the Director.

"(C) EFFECT OF FORMER SPOUSE'S DEATH OR DISQUALIFICATION.—If a former spouse predeceases the participant or remarries before attaining age 55 (or, in the case of a spouse, the spouse predeceases or does not qualify as a former spouse upon dissolution of the marriage)—

"(i) if an annuity reduction or pay allotment under subparagraph (A) is in effect for that spouse or former spouse, the annuity shall be recomputed and paid as if it had not been reduced or the pay allotment terminated, as the case may be; and

"(ii) any amount accruing to the fund under subparagraph (A) shall be refunded, but only to the extent that such amount may have exceeded the actuarial cost of providing benefits under this subsection for the period such benefits were provided, as determined under regulations prescribed by the Director.

"(D) RECOMPUTATION UPON DEATH OR REMARRIAGE OF FORMER SPOUSE.—Under regulations prescribed by the Director, an annuity shall be recomputed (or a pay allotment terminated or adjusted), and a refund provided (if appropriate), in a manner comparable to that provided under subparagraph (C), in order to reflect a termination or reduction of future benefits under this subsection for a spouse in the event a former spouse of the participant dies or remarries before attaining age 55 and an increased annuity is provided for that spouse in accordance with this section.

"(4) COMMENCEMENT AND TERMINATION OF ADDITIONAL SURVIVOR ANNUITY.—An annuity payable under this subsection to a spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 55.

"(5) NONAPPLICABILITY OF COLA PROVISION.—Section 291 does not apply to an annuity under this subsection, unless authorized under regulations prescribed by the Director.

"SEC. 223. ELECTION OF SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES DIVORCED AS OF NOVEMBER 15, 1982.

"(a) FORMER SPOUSES AS OF NOVEMBER 15, 1982.—A participant, former participant, or retired participant in the system who on November 15, 1982, had a former spouse may, by a spousal agreement, elect to receive a reduced annuity and provide a survivor annuity for such former spouse under section 222(b).

"(b) TIME FOR MAKING ELECTION.—

"(1) If the participant or former participant has not retired under such system on or before November 15, 1982, an election under this section may be made at any time before retirement.

"(2) If the participant or former participant has retired under such system on or before November 15, 1982, an election under this section may be made within such period after November 15, 1982, as the Director may prescribe.

"(3) For the purposes of applying this title, any such election shall be treated in the same manner as if it were a spousal agreement under section 264(b).

"(c) BASE FOR ANNUITY.—An election under this section may provide for a survivor annuity based on all or any portion of that part of the annuity of the participant which is not designated or committed as a base for a survivor annuity for a spouse or any other former spouse of the participant. The participant and the participant's spouse may make an election under section 221(b)(1)(B) before the time of retirement for the purpose of allowing an election to be made under this section.

"(d) REDUCTION IN PARTICIPANT'S ANNUITY.—

"(1) COMPUTATION.—The amount of the reduction in the participant's annuity shall be determined in accordance with section 221(b)(2).

"(2) EFFECTIVE DATE OF REDUCTION.—Such reduction shall be effective as of—

"(A) the commencing date of the participant's annuity, in the case of an election under subsection (b)(1); or

"(B) November 15, 1982, in the case of an election under subsection (b)(2).

"SEC. 224. SURVIVOR ANNUITY FOR CERTAIN OTHER FORMER SPOUSES.

"(a) SURVIVOR ANNUITY.—

"(1) IN GENERAL.—An individual who was a former spouse of a participant or retired participant on November 15, 1982, shall be entitled, except to the extent such former spouse is disqualified under subsection (b), to a survivor annuity equal to 55 percent of the greater of—

"(A) the unreduced amount of the participant's or retired participant's annuity, as computed under section 221(a); or

"(B) the unreduced amount of what such annuity as so computed would be if the participant, former participant, or retired participant had not elected payment of the lump-sum credit under section 294.

"(2) REDUCTION IN SURVIVOR ANNUITY.—A survivor annuity payable under this section shall be reduced by an amount equal to any survivor annuity payments made to the former spouse under section 223.

"(b) LIMITATIONS.—A former spouse is not entitled to a survivor annuity under this section if—

"(1) the former spouse remarries before age 55, except that the entitlement of the former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce; or

"(2) the former spouse is less than 50 years of age.

"(c) COMMENCEMENT AND TERMINATION OF ANNUITY.—

"(1) COMMENCEMENT OF ANNUITY.—The entitlement of a former spouse to a survivor annuity under this section shall commence—

"(A) in the case of a former spouse of a participant or retired participant who is deceased as of October 1, 1986, beginning on the later of—

"(i) the 60th day after such date; or

"(ii) the date on which the former spouse reaches age 50; and

"(B) in the case of any other former spouse, beginning on the latest of—

"(i) the date on which the participant or former participant to whom the former spouse was married dies;

"(ii) the 60th day after October 1, 1986; or

"(iii) the date on which the former spouse attains age 50.

"(2) TERMINATION OF ANNUITY.—The entitlement of a former spouse to a survivor annuity under this section terminates on the last day of the month before the former spouse's death or remarriage before attaining age 55. The entitlement of a former spouse to such a survivor annuity shall be restored on the date such remarriage is dissolved by death, annulment, or divorce.

"(d) APPLICATION.—

"(1) TIME LIMIT; WAIVER.—A survivor annuity under this section shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require. Any such application shall be submitted not later than April 1, 1989. The Director may waive the application deadline under the preceding sentence in any case in which the Director determines that the circumstances warrant such a waiver.

"(2) RETROACTIVE BENEFITS.—Upon approval of an application provided under paragraph (1), the appropriate survivor annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such annuity under this section, but in no event shall a survivor annuity be payable under this section with respect to any period before October 1, 1986.

"(e) RESTORATION OF ANNUITY.—Notwithstanding subsection (d)(1), the deadline by which an application for a survivor annuity must be submitted shall not apply in cases in which a former spouse's entitlement to such a survivor annuity is restored under subsection (b)(1) or (c)(2).

"SEC. 225. RETIREMENT ANNUITY FOR CERTAIN FORMER SPOUSES.

"(a) RETIREMENT ANNUITY.—An individual who was a former spouse of a participant, former participant, or retired participant on November 15, 1982, and any former spouse divorced after November 15, 1982, from a participant or former participant who retired before November 15, 1982, shall be entitled, except to the extent such former spouse is disqualified under subsection (b), to an annuity—

"(1) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

"(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such annuity.

"(b) LIMITATIONS.—A former spouse is not entitled to an annuity under this section if—

"(1) the former spouse remarries before age 55, except that the entitlement of the former spouse to an annuity under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce; or

"(2) the former spouse is less than 50 years of age.

"(c) COMMENCEMENT AND TERMINATION.—

"(1) RETIREMENT ANNUITIES.—The entitlement of a former spouse to an annuity under this section—

"(A) shall commence on the later of—

"(i) the day the participant upon whose service the right to the annuity is based becomes entitled to an annuity under this title;

"(ii) the first day of the month in which the divorce or annulment involved becomes final; or

"(iii) such former spouse's 50th birthday; and

"(B) shall terminate on the earlier of—

"(i) the last day of the month before the former spouse dies or remarries before 55 years of age, except that the entitlement of the former spouse to an annuity under this section shall be restored on the date such remarriage is dissolved by death, annulment, or divorce; or

"(ii) the date on which the annuity of the participant terminates.

"(2) DISABILITY ANNUITIES.—Notwithstanding paragraph (1)(A)(i), in the case of a former spouse of a disability annuitant—

"(A) the annuity of the former spouse shall commence on the date on which the participant would qualify on the basis of the participant's creditable service for an annuity under this title (other than disability annuity) or the date the disability annuity begins, whichever is later; and

"(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

"(3) ELECTION OF BENEFITS.—A former spouse of a participant or retired participant shall not become entitled under this section to an annuity or to the restoration of an annuity payable from the fund unless the former spouse elects to receive it instead of any other annuity to which the former spouse may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than the participant.

"(4) APPLICATION.—

"(A) TIME LIMIT; WAIVER.—An annuity under this section shall not be payable unless appropriate written application is provided to the Director, complete with any supporting documentation which the Director may by regulation require, not later than June 2, 1991. The Director may waive the application deadline under the preceding sentence in any case in which the Director determines that the circumstances warrant such a waiver.

"(B) RETROACTIVE BENEFITS.—Upon approval of an application under subparagraph (A), the appropriate annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to an annuity under this section, but in no event shall an annuity be payable under this section with respect to any period before December 2, 1987.

"(d) RESTORATION OF ANNUITIES.—Notwithstanding subsection (c)(4)(A), the deadline by which an application for a retirement annuity must be submitted shall not apply in cases in which a former spouse's entitlement to such annuity is restored under subsection (b)(1) or (c)(1)(B).

"(e) SAVINGS PROVISION.—Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this title.

"SEC. 226. SURVIVOR ANNUITIES FOR PREVIOUS SPOUSES.

"The Director shall prescribe regulations under which a previous spouse who is divorced after September 29, 1988, from a participant, former participant, or retired participant shall be eligible for a survivor annuity to the same extent and, to the greatest extent practicable, under the same conditions (including reductions to be made in the annuity of the participant) applicable to former spouses (as defined in section 8331(23) of title 5, United States Code) of participants in the Civil Service Retirement and Disability System (CSRS) as prescribed by the Civil Service Retirement Spouse Equity Act of 1984.

"Part D—Benefits Accruing to Certain Participants

"SEC. 231. RETIREMENT FOR DISABILITY OR INCAPACITY—MEDICAL EXAMINATION—RECOVERY.

"(a) DISABILITY RETIREMENT.—

"(1) ELIGIBILITY.—A participant who has become disabled shall, upon the participant's own application or upon order of the Director, be retired on an annuity computed under subsection (b).

"(2) STANDARD FOR DISABILITY DETERMINATION.—A participant shall be considered to be disabled only if the participant—

"(A) is found by the Director to be unable, because of disease or injury, to render useful and efficient service in the participant's position; and

"(B) is not qualified for reassignment, under procedures prescribed by the Director, to a vacant position in the Agency at the same grade or level and in which the participant would be able to render useful and efficient service.

"(3) TIME LIMIT FOR APPLICATION.—

"(A) ONE YEAR REQUIREMENT.—A claim may be allowed under this section only if the application is submitted before the participant is separated from the Agency or within one year thereafter.

"(B) WAIVER FOR MENTALLY INCOMPETENT PARTICIPANT.—The time limitation may be waived by the Director for a participant who, at the date of separation from the Agency or within one year thereafter, is mentally incompetent, if the application is filed with the Agency within one year from the date of restoration of the participant to competency or the appointment of a fiduciary, whichever is earlier.

"(b) COMPUTATION OF DISABILITY ANNUITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an annuity payable under subsection (a) shall be computed under section 221(a). However, if the disabled or incapacitated participant has less than 20 years of service credit toward retirement under the system at the time of retirement, the annuity shall be computed on the assumption that the participant has had 20 years of service, but the additional service credit that may accrue to a participant under this paragraph may not exceed the difference between the participant's age at the time of retirement and age 60.

"(2) COORDINATION WITH MILITARY RETIRED PAY AND VETERANS' COMPENSATION AND PENSION.—If a participant retiring under this section is receiving retired pay or retainer pay for military service (except that specified in section 252(e)(3)) or Department of Veterans Affairs compensation or pension in lieu of such retired or retainer pay, the annuity of that participant shall be computed under section 221(a), excluding credit for such military service from that computation. If the amount of the annuity so computed, plus the retired or retainer pay which is received, or which would be received but for the application of the limitation in section 5532 of title 5, United States Code, or the Department of Veterans Affairs compensation or pension in lieu of such retired or retainer pay, is less than the annuity that would be payable under this section in the absence of the previous sentence, an amount equal to the difference shall be added to the annuity payable under section 221(a).

"(c) MEDICAL EXAMINATIONS.—

"(1) MEDICAL EXAMINATION REQUIRED FOR DETERMINATION OF DISABILITY.—In each case, the participant shall be given a medical examination by one or more duly qualified physicians or surgeons designated by the Director to conduct examinations, and disability shall be determined by the Director on the basis of the advice of such physicians or surgeons.

"(2) ANNUAL REEXAMINATIONS UNTIL AGE 60.—Unless the disability is permanent, like examinations shall be made annually until the annuitant becomes age 60. If the Director determines on the basis of the advice of one or more duly qualified physicians or surgeons conducting such examinations that an annuitant has recovered to the extent that the annuitant can return to duty, the annuitant may apply for reinstatement or reappointment in the Agency within one year from the date the annuitant's recovery is determined.

"(3) REINSTATEMENT.—Upon application, the Director may reinstate any such recovered disability annuitant in the grade held at time of retirement, or the Director may, taking into consideration the age, qualifications, and experience of such annuitant, and the present grade of the annuitant's contemporaries in the Agency, appoint the annuitant to a grade higher than the one held before retirement.

"(4) TERMINATION OF DISABILITY ANNUITY.—Payment of the annuity shall continue until a date one year after the date of examination showing recovery or until the date of reinstatement or reappointment in the Agency, whichever is earlier.

"(5) PAYMENT OF FEES.—Fees for examinations under this subsection, together with reasonable traveling and other expenses incurred in order to submit to examination, may be paid out of the fund.

"(6) SUSPENSION OF ANNUITY PENDING REQUIRED EXAMINATION.—If the annuitant fails to submit to examination as required under this section, payment of the annuity shall be suspended until continuance of the disability is satisfactorily established.

"(7) TERMINATION OF ANNUITY UPON RESTORATION OF EARNING CAPACITY.—If the annuitant receiving a disability retirement annuity is restored to earning capacity before becoming age 60, payment of the annuity terminates on reemployment by the Government or 180 days after the end of the calendar year in which earning capacity is restored, whichever is earlier. Earning capacity shall be considered to be restored if in any calendar year the income of the annuitant from wages or self-employment, or both, equals at least 80 percent of the current rate of pay for the grade and step the annuitant held at the time of retirement.

"(d) TREATMENT OF RECOVERED DISABILITY ANNUITANT WHO IS NOT REINSTATED.—

"(1) SEPARATION.—If a recovered or restored disability annuitant whose annuity is discontinued is for any reason not reinstated or reappointed in the Agency, the annuitant shall be considered, except for service credit, to have been separated within the meaning of section 234 as of the date of termination of the disability annuity.

"(2) RETIREMENT.—After such termination, the recovered or restored annuitant shall be entitled to the benefits of section 234 or 241(b), except that the annuitant may elect voluntary retirement under section 233, if qualified thereunder, or may be placed by the Director in an involuntary retirement status under section 235(a), if qualified thereunder. Retirement rights under this paragraph shall be based on the provisions of this title in effect as of the date on which the disability annuity is discontinued.

"(3) FURTHER DISABILITY BEFORE AGE 62.—If, based on a current medical examination, the Director determines that a recovered annuitant has, before reaching age 62, again become totally disabled due to recurrence of the disability for which the annuitant was originally retired, the annuitant's terminated disability annuity (same type and rate) shall be reinstated from the date of such medical examination. If a restored-to-earning-capacity annuitant has not medically recovered from the disability for which retired and establishes to the Director's satisfaction that the annuitant's income from wages and self-employment in any calendar year before reaching age 62 was less than 80 percent of the rate of pay for the grade and step the annuitant held at the time of retirement, the annuitant's terminated disability annuity (same type and rate) shall be reinstated from the first of the next following year. If the annuitant has been allowed an involuntary or voluntary retirement annuity in the meantime, the annuitant's reinstated disability annuity shall be substituted for it unless the annuitant elects to retain the former benefit.

"(e) COORDINATION OF BENEFITS.—

"(1) WORKERS' COMPENSATION.—A participant is not entitled to receive for the same period of time—

"(A) an annuity under this title, and

"(B) compensation for injury to, or disability of, such participant under subchapter I of chapter 81 of title 5, United States Code, other than compensation payable under section 8107 of such title.

"(2) SURVIVOR ANNUITIES.—An individual is not entitled to receive an annuity under this title and a concurrent benefit under subchapter I of chapter 81 of title 5, United States Code, on account of the death of the same person.

"(3) GREATER BENEFIT.—Paragraphs (1) and (2) do not bar the right of a claimant to the greater benefit conferred by either this title or subchapter I of chapter 81 of title 5, United States Code.

"(f) OFFSET FROM SURVIVOR ANNUITY FOR WORKERS' COMPENSATION PAYMENT.—

"(1) REFUND TO DEPARTMENT OF LABOR.—If an individual is entitled to an annuity under this title and the individual receives a lump-sum payment for compensation under section 8135 of title 5, United States Code, based on the disability or death of the same person, so much of the compensation as has been paid for a period extended beyond the date payment of the annuity commences, as determined by the Secretary of Labor, shall be refunded to the Department for credit to the Employees' Compensation Fund. Before the individual may receive the annuity, the individual shall—

"(A) refund to the Secretary of Labor the amount representing the commuted compensation payments for the extended period; or

"(B) authorize the deduction of the amount from the annuity.

"(2) SOURCE OF DEDUCTION.—Deductions from the annuity may be made from accrued or accruing payments. The amounts deducted and withheld from the annuity shall be transmitted to the Secretary for reimbursement to the Employees' Compensation Fund.

"(3) PRORATING DEDUCTION.—If the Secretary finds that the financial circumstances of an individual entitled to an annuity under this title warrant deferred refunding, deductions from the annuity may be prorated against and paid from accruing payments in such manner as the Secretary determines appropriate.

"SEC. 232. DEATH IN SERVICE.

"(a) RETURN OF CONTRIBUTIONS WHEN NO ANNUITY PAYABLE.—If a participant dies and no claim for an annuity is payable under this title, the participant's lump-sum credit and any voluntary contributions made under section 281, with interest, shall be paid in the order of precedence shown in section 241(c).

"(b) SURVIVOR ANNUITY FOR SURVIVING SPOUSE OR FORMER SPOUSE.—

"(1) IN GENERAL.—If a participant dies before separation or retirement from the Agency and is survived by a spouse or by a former spouse qualifying for a survivor annuity under section 222(b), such surviving spouse shall be entitled to an annuity equal to 55 percent of the annuity computed in accordance with paragraphs (2) and (3) of this subsection and section 221(a), and any such surviving former spouse shall be entitled to an annuity computed in accordance with section 222(b) and paragraph (2) of this subsection as if the participant died after being entitled to an annuity under this title. The annuity of such surviving spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the death or remarriage before attaining age 55 of the surviving spouse or former spouse (subject to the payment and restoration provisions of sections 221(b)(3)(C), 221(h), and 222(b)(3)).

"(2) COMPUTATION.—The annuity payable under paragraph (1) shall be computed in accordance with section 221(a), except that the computation of the annuity of the participant under such section shall be at least the smaller of (A) 40 percent of the participant's high-3 average pay, or (B) the sum obtained under such section after increasing the participant's length of service by the difference between the participant's age at the time of death and age 60.

"(3) LIMITATION.—Notwithstanding paragraph (1), if the participant had a former spouse qualifying for an annuity under section 222(b), the annuity of a surviving spouse under this section shall be subject to the limitation of section 221(b)(3)(B), and the annuity of a former spouse under this section shall be subject to the limitation of section 222(b)(4)(B).

"(4) PRECEDENCE OF SECTION 224 SURVIVOR ANNUITY OVER DEATH-IN-SERVICE ANNUITY.—If a former spouse who is eligible for a death-in-service annuity under this section is or becomes eligible for an annuity under section 222, the annuity provided under this section shall not be payable and shall be superseded by the annuity under section 224.

"(c) ANNUITIES FOR SURVIVING CHILDREN.—

"(1) PARTICIPANTS DYING BEFORE APRIL 1, 1992.—In the case of a participant who before April 1, 1992, died before separation or retirement from the Agency and who was survived by a child or children—

"(A) if the participant was survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(A); and

"(B) if the participant was not survived by a spouse, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(B).

"(2) PARTICIPANTS DYING ON OR AFTER APRIL 1, 1992.—In the case of a participant who on or after April 1, 1992, dies before separation or retirement from the Agency and who is survived by a child or children—

"(A) if the participant is survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid from the fund to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(A); and

"(B) if the participant is not survived by a spouse or former spouse who is the natural or adoptive parent of a surviving child of the participant, there shall be paid to or on behalf of each such surviving child an annuity determined under section 221(d)(3)(B).

"(3) FORMER SPOUSE DEFINED.—For purposes of this subsection, the term 'former spouse' includes any former wife or husband of a participant, regardless of the length of marriage or the amount of creditable service completed by the participant.

"SEC. 233. VOLUNTARY RETIREMENT.

"A participant who is at least 50 years of age and has completed 20 years of service may, on the participant's application and with the consent of the Director, be retired from the Agency and receive benefits in accordance with the provisions of section 221 if the participant has not less than 10 years of service with the Agency.

"SEC. 234. DISCONTINUED SERVICE BENEFITS.

"(a) DEFERRED ANNUITY.—A participant who separates from the Agency may, upon separation or at any time before the commencement of an annuity under this title, elect—

"(1) to have the participant's contributions to the fund returned to the participant in accordance with section 241(a); or

"(2) except in a case in which the Director determines that separation was based in whole or in part on the ground of disloyalty to the United States, to leave the contributions in the fund and receive an annuity, computed as prescribed in section 221, commencing at age 62.

"(b) REFUND OF CONTRIBUTIONS IF FORMER PARTICIPANT DIES BEFORE AGE 62.—If a participant who qualifies under subsection (a) to receive a deferred annuity commencing at age 62 dies before reaching age 62, the participant's contributions to the fund, with interest, shall be paid in accordance with the provisions of sections 241 and 281.

"SEC. 235. MANDATORY RETIREMENT.

"(a) INVOLUNTARY RETIREMENT.—

"(1) AUTHORITY OF DIRECTOR.—The Director may, in the Director's discretion, place in a retired status any participant in the system described in paragraph (2).

"(2) Paragraph (1) applies with respect to any participant who has not less than 10 years of service with the Agency and who—

"(A) has completed at least 25 years of service; or

"(B) is at least 50 years of age and has completed at least 20 years of service.

"(b) MANDATORY RETIREMENT FOR AGE.—

"(1) IN GENERAL.—A participant in the system shall be automatically retired from the Agency—

"(A) upon reaching age 65, in the case of a participant in the system receiving compensation under the Senior Intelligence Service pay schedule at the rate of level 4 or above; and

"(B) upon reaching age 60, in the case of any other participant in the system.

"(2) EFFECTIVE DATE OF RETIREMENT.—Retirement under paragraph (1) shall be effective on the last day of the month in which the participant reaches the age applicable to that participant under that paragraph.

"(3) AUTHORITY FOR EXTENSION.—In any case in which the Director determines it to be in the public interest, the Director may extend the mandatory retirement date for a participant under this subsection by a period of not to exceed 5 years.

"(c) RETIREMENT BENEFITS.—A participant retired under this section shall receive retirement benefits in accordance with section 221.

"SEC. 236. ELIGIBILITY FOR ANNUITY.

"(a) ONE-OUT-OF-TWO REQUIREMENT.—A participant must complete, within the last two years before any separation from service (except a separation because of death or disability) at least one year of creditable civilian service during which the participant is subject to this title and in a pay status before the participant or the participant's survivors are eligible for an annuity under this title based on that separation.

"(b) REFUND OF CONTRIBUTIONS FOR TIME NOT ALLOWED FOR CREDIT.—If a participant (other than a participant separated from the service because of death or disability) fails to meet the service and pay status requirement of subsection (a), any amounts deducted from the participant's pay during the period for which no eligibility is established based on the separation shall be returned to the participant on the separation.

"(c) EXCEPTION.—Failure to meet the service and pay status requirement of subsection (a) shall not deprive the participant or the participant's survivors of any annuity to which they may be entitled under this title based on a previous separation.

"Part E—Lump Sum Payments

"SEC. 241. LUMP-SUM PAYMENTS.

"(a) ENTITLEMENT TO LUMP-SUM CREDIT.—Subject to section 252(d) and subsection (b) of this section, a participant who—

"(1) is separated from the Agency for at least 31 consecutive days and is not transferred to employment covered by another retirement system for Government employees;

"(2) files an application with the Director for payment of the lump-sum credit;

"(3) is not reemployed in a position in which the participant is subject to this title at the time the participant files the application; and

"(4) will not become eligible to receive an annuity under this title within 31 days after filing the application,

is entitled to be paid the lump-sum credit. Receipt of the payment of the lump-sum credit by the former participant voids all annuity rights under this title based on the service on which the lump-sum credit is based, until the former participant is reemployed in service subject to this title.

"(b) CONDITIONS FOR PAYMENT OF LUMP-SUM CREDIT.—

"(1) IN GENERAL.—Whenever a former participant becomes entitled to receive payment of the lump-sum credit under subsection (a), such lump-sum credit shall be paid to the former participant and to any former spouse or former wife or husband of the former participant in accordance with paragraphs (2) through (4). The former participant's lump-sum credit shall be reduced by the amount of the lump-sum credit payable to any former spouse or former wife or husband.

"(2) PRO RATA SHARE FOR FORMER SPOUSE.—Unless otherwise expressly provided by any spousal agreement or court order under section 264(b), a former spouse of the former participant shall be entitled to receive a share of such participant's lump-sum credit—

"(A) if married to the participant throughout the period of creditable service of the participant, equal to 50 percent of such lump-sum credit; or

"(B) if not married to the participant throughout such creditable service, equal to a proportion of 50 percent of such lump-sum credit which is the proportion that the number of days of the marriage of the former spouse to the participant during periods of creditable service of such participant bears to the total number of days of such creditable service.

"(3) SHARE FOR FORMER WIFE OR HUSBAND.—Payment of the former participant's lump-sum credit shall be subject to the terms of a court order under section 264(c) concerning any former wife or husband of the former participant if—

"(A) the court order expressly relates to any portion of such lump-sum credit; and

"(B) payment of the lump-sum credit would extinguish entitlement of such former wife or husband to a survivor annuity under section 226 or to any portion of the participant's annuity under section 264(c).

"(4) NOTIFICATION.—A lump-sum credit may be paid to or for the benefit of a former participant—

"(A) only upon written notification to (i) the current spouse, if any, (ii) any former spouse, and (iii) any former wife or husband who has a court order covered by paragraph (3); and

"(B) only if the express written concurrence of the current spouse has been received by the Director.

This paragraph may be waived under circumstances described in section 221(b)(1)(D).

"(c) ORDER OF PRECEDENCE OF PAYMENT.—A lump-sum benefit that would have been payable to a participant, former participant, or annuitant, or to a survivor annuitant, authorized by subsection (d) or (e) of this section or by section 234(b) or 281(d) shall be paid in the following order of precedence to individuals surviving the participant and alive on the date entitlement to the payment arises, upon establishment of a valid claim therefor, and such payment bars recovery by any other individual:

"(1) To the beneficiary or beneficiaries designated by such participant in a signed and witnessed writing received by the Director before the participant's death. For this purpose, a designation, change, or cancellation of beneficiary in a will or other document not so executed and filed with the Director shall have no force or effect.

"(2) If there is no designated beneficiary, to the surviving wife or husband of such participant.

"(3) If none of the above, to the child or children of such participant and descendent of deceased children by representation.

"(4) If none of the above, to the parents of such participant or the survivor of them.

"(5) If none of the above, to the duly appointed executor or administrator of the estate of such participant.

"(6) If none of the above, to such other next of kin of such participant as the Director determines to be legally entitled to such payment.

"(d) DEATH OF FORMER PARTICIPANT BEFORE RETIREMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if a former participant eligible for a deferred annuity under section 234 dies before reaching age 62, such former participant's lump-sum credit shall be paid in accordance with subsection (c).

"(2) LIMITATION.—In any case where there is a surviving former spouse or surviving former wife or husband of such participant who is entitled to a share of such participant's lump-sum credit under paragraphs (2) and (3) of subsection (b), the lump-sum credit payable under paragraph (1) shall be reduced by the lump-sum credit payable to such former spouse or former wife or husband.

"(e) TERMINATION OF ALL ANNUITY RIGHTS.—If all annuity rights under this title based on the service of a deceased participant or annuitant terminate before the total annuity paid equals the lump-sum credit, the difference shall be paid in accordance with subsection (c).

"(f) TERMINATION OF SURVIVOR ANNUITY.—An annuity accrued and unpaid on the termination, except by death, of the annuity of a survivor annuitant shall be paid to that individual. An annuity accrued and unpaid on the death of a survivor annuitant shall be paid in the following order of precedence, and the payment bars recovery by any other individual:

"(1) To the duly appointed executor or administrator of the estate of the survivor annuitant.

"(2) If there is no executor or administrator, to such next of kin of the survivor annuitant as the Director determines to be legally entitled to such payment, except that no payment shall be made under this paragraph until after the expiration of 30 days from the date of death of the survivor annuitant.

"Part F—Period of Service for Annuities

"SEC. 251. COMPUTATION OF LENGTH OF SERVICE.

"(a) IN GENERAL.—

"(1) CREDITING SERVICE AS PARTICIPANT.—For the purposes of this title, the period of service of a participant shall be computed from the date on which the participant becomes a participant under this title.

"(2) EXCLUSION OF CERTAIN PERIODS.—In computing the period of service of a participant, all periods of separation from the Agency and so much of any leave of absence without pay as may exceed six months in the aggregate in any calendar year shall be excluded, except leaves of absence while receiving benefits under chapter 81 of title 5, United States Code, and leaves of absence granted participants while performing active and honorable service in the Armed Forces.

"(3) CREDITING CERTAIN PERIODS OF SEPARATION.—A participant or former participant who returns to Government duty after a period of separation shall have included in the participant or former participant's period of service that part of the period of separation in which the participant or former participant was receiving benefits under chapter 81 of title 5, United States Code.

"(b) EXTRA CREDIT FOR PERIODS SERVED AT UNHEALTHFUL POSTS OVERSEAS.—

"(1) CLASSIFICATION OF CERTAIN POSTS AS UNHEALTHFUL.—The Director may from time to time establish a list of places outside the United States that, by reason of climatic or other extreme conditions, are to be classed as unhealthful posts. Such list shall be established in consultation with the Secretary of State.

"(2) EXTRA CREDIT.—Each year of duty at a post on the list established under paragraph (1), inclusive of regular leaves of absence, shall be counted as one and a half years in computing the length of service of a participant under this title for the purpose of retirement. In computing such service, any fractional month shall be treated as a full month.

"(3) COORDINATION WITH BENEFITS UNDER TITLE 5.—Extra credit for service at an unhealthful post may not be credited to a participant who is paid a differential under section 5925 or 5928 of title 5, United States Code, for the same service.

"SEC. 252. PRIOR SERVICE CREDIT.

"(a) IN GENERAL.—A participant may, subject to the provisions of this section, include in the participant's period of service—

"(1) civilian service in the Government before becoming a participant that would be creditable toward retirement under subchapter III of chapter 83 of title 5, United States Code (as determined under section 8332(b) of such title); and

"(2) honorable active service in the Armed Forces before the date of the separation upon which eligibility for an annuity is based, or honorable active service in the Regular or Reserve Corps of the Public Health Service after June 30, 1960, or as a commissioned officer of the National Oceanic and Atmospheric Administration after June 30, 1961.

"(b) LIMITATIONS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the total service of any participant shall exclude—

"(A) any period of civilian service on or after October 1, 1982, for which retirement deductions or deposits have not been made,

"(B) any period of service for which a refund of contributions has been made, or

"(C) any period of service for which contributions were not transferred pursuant to subsection (c)(1);

unless the participant makes a deposit to the fund in an amount equal to the percentages of basic pay received for such service as specified in the table contained in section 8334(c) of title 5, United States Code, together with interest computed in accordance with section 8334(e) of such title. The deposit may be made in one or more installments (including by allotment from pay), as determined by the Director.

"(2) EFFECT OF RETIREMENT DEDUCTIONS NOT MADE.—If a participant has not paid a deposit for civilian service performed before October 1, 1982, for which retirement deductions were not made, such participant's annuity shall be reduced by 10 percent of the deposit described in paragraph (1) remaining unpaid, unless the participant elects to eliminate the service involved for the purpose of the annuity computation.

"(3) EFFECT OF REFUND OF RETIREMENT CONTRIBUTIONS.—A participant who received a refund of retirement contributions under this or any other retirement system for Government employees covering service for which the participant may be allowed credit under this title may deposit the amount received, with interest computed under paragraph (1). Credit may not be allowed for the service covered by the refund until the deposit is made, except that a participant who—

"(A) separated from Government service before October 1, 1990, and received a refund of the participant's retirement contributions covering a period of service ending before October 1, 1990;

"(B) is entitled to an annuity under this title (other than a disability annuity) which commences after December 1, 1992; and

"(C) does not make the deposit required to receive credit for the service covered by the refund;

shall be entitled to an annuity actuarially reduced in accordance with section 8334(d)(2)(B) of title 5, United States Code.

"(4) ENTITLEMENT UNDER ANOTHER SYSTEM.—Credit toward retirement under the system shall not be allowed for any period of civilian service on the basis of which the participant is receiving (or will in the future be entitled to receive) an annuity under another retirement system for Government employees, unless the right to such annuity is waived and a deposit is made under paragraph (1) covering that period of service, or a transfer is made pursuant to subsection (c).

"(c) TRANSFER FROM OTHER GOVERNMENT RETIREMENT SYSTEMS.—

"(1) IN GENERAL.—If an employee who is under another retirement system for Government employees becomes a participant in the system by direct transfer, the Government's contributions (including interest accrued thereon computed in accordance with section 8334(e) of title 5, United States Code) under such retirement system on behalf of the employee as well as such employee's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to the employee's credit in the fund effective as of the date such employee becomes a participant in the system.

"(2) CONSENT OF EMPLOYEE.—Each such employee shall be deemed to consent to the transfer of such funds, and such transfer shall be a complete discharge and acquittance of all claims and demands against the other Government retirement fund on account of service rendered before becoming a participant in the system.

"(3) ADDITIONAL CONTRIBUTIONS; REFUNDS.—A participant whose contributions are transferred pursuant to paragraph (1) shall not be required to make additional contributions for periods of service for which full contributions were made to the other Government retirement fund, nor shall any refund be made to any such participant on account of contributions made during any period to the other Government retirement fund at a higher rate than that fixed for employees by section 8334(c) of title 5, United States Code, for contributions to the fund.

"(d) TRANSFER TO OTHER GOVERNMENT RETIREMENT SYSTEMS.—

"(1) IN GENERAL.—If a participant in the system becomes an employee under another Government retirement system by direct transfer to employment covered by such system, the Government's contributions (including interest accrued thereon computed in accordance with section 8334(e) of title 5, United States Code) to the fund on the participant's behalf as well as the participant's total contributions and deposits (including interest accrued thereon), except voluntary contributions, shall be transferred to the participant's credit in the fund of such other retirement system effective as of the date on which the participant becomes eligible to participate in such other retirement system.

"(2) CONSENT OF EMPLOYEE.—Each such employee shall be deemed to consent to the transfer of such funds, and such transfer shall be a complete discharge and acquittance of all claims and demands against the fund on account of service rendered before the participant's becoming eligible for participation in that other system.

"(e) PRIOR MILITARY SERVICE CREDIT.—

"(1) APPLICATION TO OBTAIN CREDIT.—If a deposit required to obtain credit for prior military service described in subsection (a)(2) was not made to another Government retirement fund and transferred under subsection (c)(1), the participant may obtain credit for such military service, subject to the provisions of this subsection and subsections (f) through (h), by applying for it to the Director before retirement or separation from the Agency.

"(2) EMPLOYMENT STARTING BEFORE, ON, OR AFTER OCTOBER 1, 1982.—Except as provided in paragraph (3)—

"(A) the service of a participant who first became a Federal employee before October 1, 1982, shall include credit for each period of military service performed before the date of separation on which entitlement to an annuity under this title is based, subject to section 252(f); and

"(B) the service of a participant who first becomes a Federal employee on or after October 1, 1982, shall include credit for—

"(i) each period of military service performed before January 1, 1957, and

"(ii) each period of military service performed after December 31, 1956, and before the separation on which entitlement to an annuity under this title is based, only if a deposit (with interest, if any) is made with respect to that period, as provided in subsection (h).

"(3) EFFECT OF RECEIPT OF MILITARY RETIRED PAY.—In the case of a participant who is entitled to retired pay based on a period of military service, the participant's service may not include credit for such period of military service unless the retired pay is paid—

"(A) on account of a service-connected disability—

"(i) incurred in combat with an enemy of the United States; or

"(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war (as defined in section 1101 of title 38, United States Code); or

"(B) under chapter 67 of title 10, United States Code.

"(4) SURVIVOR ANNUITY.—Notwithstanding paragraph (3), the survivor annuity of a survivor of a participant—

"(A) who was awarded retired pay based on any period of military service, and

"(B) whose death occurs before separation from the Agency,

shall be computed in accordance with section 8332(c)(3) of title 5, United States Code.

"(f) EFFECT OF ENTITLEMENT TO SOCIAL SECURITY BENEFITS.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section (except paragraph (3) of this subsection) or section 253, any military service (other than military service covered by military leave with pay from a civilian position) performed by a participant after December 1956 shall be excluded in determining the aggregate period of service on which an annuity payable under this title to such participant or to the participant's spouse, former spouse, previous spouse, or child is based, if such participant, spouse, former spouse, previous spouse, or child is entitled (or would upon proper application be entitled), at the time of such determination, to monthly old-age or survivors' insurance benefits under section 202 of the Social Security Act (42 U.S.C. 402), based on such participant's wages and self-employment income. If the military service is not excluded under the preceding sentence, but upon attaining age 62, the participant or spouse, former spouse, or previous spouse becomes entitled (or would upon proper application be entitled) to such benefits, the aggregate period of service on which the annuity is based shall be redetermined, effective as of the first day of the month in which the participant or spouse, former spouse, or previous spouse attains age 62, so as to exclude such service.

"(2) LIMITATION.—The provisions of paragraph (1) relating to credit for military service do not apply to—

"(A) any period of military service of a participant with respect to which the participant has made a deposit with interest, if any, under subsection (h); or

"(B) the military service of any participant described in subsection (e)(2)(B).

"(3) EFFECT OF ENTITLEMENT BEFORE SEPTEMBER 8, 1982.—(A) The annuity recomputation required by paragraph (1) shall not apply to any participant who was entitled to an annuity under this title on or before September 8, 1982, or who is entitled to a deferred annuity based on separation from the Agency occurring on or before such date. Instead of an annuity recomputation, the annuity of such participant shall be reduced at age 62 by an amount equal to a fraction of the participant's old-age or survivors' insurance benefits under section 202 of the Social Security Act. The reduction shall be determined by multiplying the participant's monthly Social Security benefit by a fraction, the numerator of which is the participant's total military wages and deemed additional wages (within the meaning of section 229 of the Social Security Act (42 U.S.C. 429)) that were subject to Social Security deductions and the denominator of which is the total of all the participant's wages, including military wages, and all self-employment income that were subject to Social Security deductions before the calendar year in which the determination month occurs.

"(B) The reduction determined in accordance with subparagraph (A) shall not be greater than the reduction that would be required under paragraph (1) if such paragraph applied to the participant. The new formula shall be applicable to any annuity payment payable after October 1, 1982, including annuity payments to participants who had previously reached age 62 and whose annuities had already been recomputed.

"(C) For purposes of this paragraph, the term 'determination month' means—

"(i) the first month for which the participant is entitled to old-age or survivors' insurance benefits (or would be entitled to such benefits upon application therefor); or

"(ii) October 1982, in the case of any participant entitled to such benefits for that month.

"(g) DEPOSITS PAID BY SURVIVORS.—For the purpose of survivor annuities, deposits authorized by subsections (b) and (h) may also be made by the survivor of a participant.

"(h) DEPOSITS FOR PERIODS OF MILITARY SERVICE.—

"(1) Each participant who has performed military service before the date of separation on which entitlement to an annuity under this title is based may pay to the Agency an amount equal to 7 percent of the amount of basic pay paid under section 204 of title 37, United States Code, to the participant for each period of military service after December 1956. The amount of such payments shall be based on such evidence of basic pay for military service as the participant may provide or, if the Director determines sufficient evidence has not been provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Director under paragraph (4).

"(2) Any deposit made under paragraph (1) more than two years after the later of—

"(A) October 1, 1983, or

"(B) the date on which the participant making the deposit first becomes an employee of the Federal Government,

shall include interest on such amount computed and compounded annually beginning on the date of expiration of the two-year period. The interest rate that is applicable in computing interest in any year under this paragraph shall be equal to the interest rate that is applicable for such year under section 8334(e) of title 5, United States Code.

"(3) Any payment received by the Director under this subsection shall be deposited in the Treasury of the United States to the credit of the fund.

"(4) The provisions of section 221(k) shall apply with respect to such information as the Director determines to be necessary for the administration of this subsection in the same manner that such section applies concerning information described in that section.

"SEC. 253. CREDIT FOR SERVICE WHILE ON MILITARY LEAVE.

"(a) GENERAL RULE.—A participant who, during the period of any war or of any national emergency as proclaimed by the President or declared by the Congress, leaves the participant's position in the Agency to enter military service shall not be considered, for purposes of this title, as separated from the participant's position in the Agency by reason of such military service, less the participant applies for and receives a refund of contributions under this title. Such a participant may not be considered as retaining such position in the Agency after December 31, 1956, or upon the expiration of five years of such military service, whichever is later.

"(b) WAIVER OF CONTRIBUTIONS.—Except to the extent provided under section 252(e) or 252(h), contributions shall not be required covering periods of leave of absence from the Agency granted a participant while performing active service in the Armed Forces.

"Part G—Moneys

"SEC. 261. ESTIMATE OF APPROPRIATIONS NEEDED.

"(a) ESTIMATES OF ANNUAL APPROPRIATIONS.—The Director shall prepare the estimates of the annual appropriations required to be made to the fund.

"(b) ACTUARIAL VALUATIONS.—The Director shall cause to be made actuarial valuations of the fund at such intervals as the Director determines to be necessary, but not less often than every five years.

"(c) CHANGES IN LAW AFFECTING ACTUARIAL STATUS OF FUND.—Any statute which authorizes—

"(1) new or increased benefits payable from the fund under this title, including annuity increases other than under section 291;

"(2) extension of the coverage of this title to new groups of employees; or

"(3) increases in pay on which benefits are computed;

is deemed to authorize appropriations to the fund in order to provide funding for the unfunded liability created by that statute, in 30 equal annual installments with interest computed at the rate used in the then most recent valuation of the system and with the first payment thereof due as of the end of the fiscal year in which such new or liberalized benefit, extension of coverage, or increase in pay is effective.

"(d) AUTHORIZATION.—There is hereby authorized to be appropriated to the fund for each fiscal year such amounts as may be necessary to meet the amount of normal cost for each year that is not met by contributions under section 211(a).

"(e) UNFUNDED LIABILITY; CREDIT ALLOWED FOR MILITARY SERVICE.—There is hereby authorized to be appropriated to the fund for each fiscal year such sums as may be necessary to provide the amount equivalent to—

"(1) interest on the unfunded liability computed for that year at the interest rate used in the then most recent valuation of the system; and

"(2) that portion of disbursement for annuities for that year that the Director estimates is attributable to credit allowed for military service, less an amount determined by the Director to be appropriate to reflect the value of the deposits made to the credit of the fund under section 252(h).

"SEC. 262. INVESTMENT OF MONEYS IN THE FUND.

"The Director may, with the approval of the Secretary of the Treasury, invest from time to time in interest-bearing securities of the United States such portions of the fund as in the Director's judgment may not be immediately required for the payment of annuities, cash benefits, refunds, and allowances from the fund. The income derived from such investments shall be credited to and constitute a part of the fund.

"SEC. 263. PAYMENT OF BENEFITS.

"(a) ANNUITIES STATED AS ANNUAL AMOUNTS.—Each annuity is stated as an annual amount, $^1/_{12}$ of which, rounded to the next lowest dollar, constitutes the monthly rate payable on the first business day of the month after the month or other period for which it has accrued.

"(b) COMMENCEMENT OF ANNUITY.—

"(1) COMMENCEMENT OF ANNUITY FOR PARTICIPANTS GENERALLY.—Except as otherwise provided in paragraph (2), the annuity of a participant who has met the eligibility requirements for an annuity shall commence on the first day of the month after separation from the Agency or after pay ceases and the service and age requirements for title to an annuity are met.

"(2) EXCEPTIONS.—The annuity of—

"(A) a participant involuntarily separated from the Agency;

"(B) a participant retiring under section 231 due to a disability; and

"(C) a participant who serves 3 days or less in the month of retirement;

shall commence on the day after separation from the Agency or the day after pay ceases and the service and age or disability requirements for title to annuity are met.

"(3) OTHER ANNUITIES.—Any other annuity payable from the fund commences on the first day of the month after the occurrence of the event on which payment thereof is based.

"(c) TERMINATION OF ANNUITY.—An annuity payable from the fund shall terminate—

"(1) in the case of a retired participant, on the day death or any other terminating event provided by this title occurs; or

"(2) in the case of a former spouse or a survivor, on the last day of the month before death or any other terminating event occurs.

"(d) APPLICATION FOR SURVIVOR ANNUITIES.—The annuity to a survivor shall become effective as otherwise specified but shall not be paid until the survivor submits an application for such annuity, supported by such proof of eligibility as the Director may require. If such application or proof of eligibility is not submitted during the lifetime of an otherwise eligible individual, no annuity shall be due or payable to the individual's estate.

"(e) WAIVER OF ANNUITY.—An individual entitled to an annuity from the fund may decline to accept all or any part of the annuity by submitting a signed waiver to the Director. The waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver is in effect.

"(f) LIMITATIONS.—

"(1) APPLICATION BEFORE 115TH ANNIVERSARY.—No payment shall be made from the fund unless an application for benefits based on the service of the participant is received by the Director before the 115th anniversary of the participant's birth.

"(2) APPLICATION WITHIN 30 YEARS.—Notwithstanding paragraph (1), after the death of a participant or retired participant, no benefit based on that participant's service may be paid from the fund unless an application for the benefit is received by the Director within 30 years after the death or other event which gives rise to eligibility for the benefit.

"(g) WITHHOLDING OF STATE INCOME TAX FROM ANNUITIES.—

"(1) AGREEMENTS WITH STATES.—The Director shall, in accordance with this subsection, enter into an agreement with any State within 120 days of a request for agreement from the proper State official. The agreement shall provide that the Director shall withhold State income tax in the case of the monthly annuity of any annuitant who voluntarily requests, in writing, such withholding. The amounts withheld during any calendar quarter shall be held in the Fund and disbursed to the States during the month following that calendar quarter.

"(2) LIMITATION ON MULTIPLE REQUESTS.—An annuitant may have in effect at any time only one request for withholding under this subsection, and an annuitant may not have more than two such requests during any one calendar year.

"(3) CHANGE IN STATE DESIGNATION.—Subject to paragraph (2), an annuitant may change the State designated by that annuitant for purposes of having withholdings made, and may request that the withholdings be remitted in accordance with such change. An annuitant also may revoke any request of that annuitant for withholding. Any change in the State designated or revocation is effective on the first day of the month after the month in which the request or the revocation is processed by the Director, but in no event later than on the first day of the second month beginning after the day on which such request or revocation is received by the Director.

"(4) GENERAL PROVISIONS.—This subsection does not give the consent of the United States to the application of a statute which imposes more burdensome requirements of the United States than on employers generally, or which subjects the United States or any annuitant to a penalty or liability because of this subsection. The Director may not accept pay from a State for services performed in withholding State income taxes from annuities. Any amount erroneously withheld from an annuity and paid to a State by the Director shall be repaid by the State in accordance with regulations prescribed by the Director.

"(5) DEFINITION.—For the purpose of this subsection, the term 'State' includes the District of Columbia and any territory or possession of the United States.

"SEC. 264. ATTACHMENT OF MONEYS.

"(a) EXEMPTION FROM LEGAL PROCESS.—Except as provided in subsections (b), (c), and (e), none of the moneys mentioned in this title shall be assignable either in law or equity, or be subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws.

"(b) PAYMENT TO FORMER SPOUSES UNDER COURT ORDER OR SPOUSAL AGREEMENT.—In the case of any participant, former participant, or retired participant who has a former spouse who is covered by a court order or who is a party to a spousal agreement—

"(1) any right of the former spouse to any annuity under section 222(a) in connection with any retirement or disability annuity of the participant, and the amount of any such annuity;

"(2) any right of the former spouse of a participant or retired participant to a survivor annuity under section 222(b) or 222(c), and the amount of any such annuity;

"(3) any right of the former spouse of a former participant to any payment of a lump-sum credit under section 241(b) and to any payment of a return of contributions under section 234(a); and

"(4) any right of the former spouse of a participant or former participant to a lump-sum payment or additional annuity payable from a voluntary contribution account under section 281;

shall be determined in accordance with that spousal agreement or court order, if and to the extent expressly provided for in the terms of the spousal agreement or court order that are not inconsistent with the requirements of this title.

"(c) OTHER PAYMENTS UNDER COURT ORDERS.—Payments under this title that would otherwise be made to a participant, former participant, or retired participant based upon that participant's service shall be paid, in whole or in part, by the Director to another individual if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation.

"(d) PROSPECTIVE PAYMENTS; BAR TO RECOVERY.—

"(1) Subsections (b) and (c) apply only to payments made under this title for periods beginning after the date of receipt by the Director of written notice of such decree, order, or agreement and such additional information and documentation as the Director may require.

"(2) Any payment under subsection (b) or (c) to an individual bars recovery by any other individual.

"(e) ALLOTMENTS.—An individual entitled to an annuity from the fund may make allotments or assignments of amounts from such annuity for such purposes as the Director considers appropriate.

"SEC. 265. RECOVERY OF PAYMENTS.

"Recovery of payments under this Act may not be made from an individual when, in the judgment of the Director, the individual is without fault and recovery would be against equity and good conscience. Withholding or recovery of money payable pursuant to this Act on account of a certification or payment made by a former employee of the Agency in the discharge of the former employee's official duties may be made if the Director certifies that the certification or payment involved fraud on the part of the former employee.

"Part H—Retired Participants Recalled, Reinstated, or Reappointed in the Agency or Reemployed in the Government

"SEC. 271. RECALL.

"(a) AUTHORITY TO RECALL.—The Director may, with the consent of a retired participant, recall that participant to service in the Agency whenever the Director determines that such recall is in the public interest.

"(b) PAY OF RETIRED PARTICIPANT WHILE SERVING.—A retired participant recalled to duty in the Agency under subsection (a) or reinstated or reappointed in accordance with section 231(b) shall, while so serving, be entitled, in lieu of the retired participant's annuity, to the full basic pay of the grade in which the retired participant is serving. During such service, the retired participant shall make contributions to the fund in accordance with section 211.

"(c) RECOMPUTATION OF ANNUITY.—When the retired participant reverts to retired status, the annuity of the retired participant shall be redetermined in accordance with section 221.

"SEC. 272. REEMPLOYMENT.

"A participant retired under this title shall not, by reason of that retired status, be barred from employment in Federal Government service in any appointive position for which the participant is qualified.

"SEC. 273. REEMPLOYMENT COMPENSATION.

"(a) DEDUCTION FROM BASIC PAY.—An annuitant who has retired under this title and who is reemployed in the Federal Government service in any appointive position (either on a part-time or full-time basis) shall be entitled to receive the annuity payable under this title, but there shall be deducted from the annuitant's basic pay a sum equal to the annuity allocable to the period of actual employment.

"(b) RECOVERY OF OVERPAYMENTS.—In the event of an overpayment under this section, the amount of the overpayment shall be recovered by withholding the amount involved from the basic pay payable to such reemployed annuitant or from any other moneys, including the annuitant's annuity, payable in accordance with this title.

"(c) DEPOSIT IN THE FUND.—Sums deducted from the basic pay of a reemployed annuitant under this section shall be deposited in the Treasury of the United States to the credit of the fund.

"Part I—Voluntary Contributions

"SEC. 281. VOLUNTARY CONTRIBUTIONS.

"(a) AUTHORITY FOR VOLUNTARY CONTRIBUTIONS.—

"(1) IN GENERAL.—Under such regulations as may be prescribed by the Director, a participant may voluntarily contribute additional sums in multiples of one percent of the participant's basic pay, but not in excess of 10 percent of such basic pay.

"(2) INTEREST.—The voluntary contribution account in each case is the sum of unrefunded contributions, plus interest—

"(A) for periods before January 1, 1985, at 3 percent a year; and

"(B) for periods on or after January 1, 1985, at the rate computed under section 8334(e) of title 5, United States Code,

compounded annually to the date of election under subsection (b) or the date of payment under subsection (d).

"(b) TREATMENT OF VOLUNTARY CONTRIBUTIONS.—Effective on the date of retirement and at the election of the participant, the participant's account shall be—

"(1) returned in a lump sum;

"(2) used to purchase an additional life annuity;

"(3) used to purchase an additional life annuity for the participant and to provide for a cash payment on the participant's death to a beneficiary; or

"(4) used to purchase an additional life annuity for the participant and a life annuity commencing on the participant's death payable to a beneficiary, with a guaranteed return to the beneficiary or the beneficiary's legal representative of an amount equal to the cash payment referred to in paragraph (3).

In the case of a benefit provided under paragraph (3) or (4), the participant shall notify the Director in writing of the name of the beneficiary of the cash payment or life annuity to be paid upon the participant's death.

"(c) VALUE OF BENEFITS.—The benefits provided by subsection (b)(2), (3), or (4) shall be actuarially equivalent in value to the payment provided for in subsection (b)(1) and shall be calculated upon such tables of mortality as may be from time to time prescribed for this purpose by the Director.

"(d) LUMP SUM PAYMENT.—A voluntary contribution account shall be paid in a lump sum at such time as the participant dies or separates from the Agency without entitlement to an annuity. In the case of death, the account shall be paid in the order of precedence specified in section 241(c).

"(e) BENEFITS IN ADDITION TO OTHER BENEFITS.—Any benefit payable to a participant or to the participant's beneficiary with respect to the additional contributions provided under this section shall be in addition to benefits otherwise provided under this title.

"Part J—Cost-of-Living Adjustment of Annuities

"SEC. 291. COST-OF-LIVING ADJUSTMENT OF ANNUITIES.

"(a) IN GENERAL.—Each annuity payable from the fund shall be adjusted as follows:

"(1) Each cost-of-living annuity increase under this section shall be identical to the corresponding percentage increase under section 8340(b) of title 5, United States Code.

"(2) A cost-of-living increase made under paragraph (1) shall become effective under this section on the effective date of each such increase under section 8340(b) of title 5, United States Code. Except as provided in subsection (b), each such increase shall be applied to each annuity payable from the fund which has a commencing date not later than the effective date of the increase.

"(b) ELIGIBILITY.—Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

"(1) The first cost-of-living increase (if any) made under subsection (a) to an annuity which is payable from the fund to a participant who retires, to the surviving spouse, former spouse, or previous spouse of a participant who dies in service, or to the surviving spouse, former spouse, previous spouse, or insurable interest designee of a deceased annuitant whose annuity has not been increased under this subsection or subsection (a), shall be equal to the product (adjusted to the nearest $1/10$ of one percent) of—

"(A) $1/12$ of the applicable percent change computed under subsection (a), multiplied by

"(B) the number of months (not to exceed 12 months, counting any portion of a month as a month)—

"(i) for which the annuity was payable from the fund before the effective date of the increase, or

"(ii) in the case of a surviving spouse, former spouse, previous spouse, or insurable interest designee of a deceased annuitant whose annuity has not been so increased, since the annuity was first payable to the deceased annuitant.

"(2) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled to an annuity under section 221(d) or section 232(c)) shall be increased by the total percentage increase the annuitant was receiving under this section at death.

"(3) For purposes of computing the annuity of a child under section 221(d) that commences after October 31, 1969, the dollar amounts specified in section 221(d)(3) shall each be increased by the total percentage increases allowed and in force under this section on or after such day and, in the case of a deceased annuitant, the percentages specified in that section shall be increased by the total percent allowed and in force to the annuitant under this section on or after such day.

"(c) LIMITATION.—An annuity increase provided by this section may not be computed on any additional annuity purchased at retirement by voluntary contributions.

"(d) ROUNDING TO NEXT LOWER DOLLAR.—The monthly annuity installment, after adjustment under this section, shall be rounded to the next lowest dollar, except that such installment shall, after adjustment, reflect an increase of at least $1.

"(e) LIMITATION ON MAXIMUM AMOUNT OF ANNUITY.—

"(1) IN GENERAL.—An annuity shall not be increased by reason of an adjustment under this section to an amount which exceeds the greater of—

"(A) the maximum pay payable for GS-15 30 days before the effective date of the adjustment under this section; or

"(B) the final pay (or average pay, if higher) of the participant with respect to whom the annuity is paid, increased by the overall annual average percentage adjustments (compounded) in the rates of pay of the General Schedule under subchapter I of chapter 53 of title 5, United States Code, during the period—

"(i) beginning on the date on which the annuity commenced (or, in the case of a survivor of the retired participant, the date on which the participant's annuity commenced), and

"(ii) ending on the effective date of the adjustment under this section.

"(2) PAY DEFINED.—For purposes of paragraph (1), the term 'pay' means the rate of salary or basic pay as payable under any provision of law, including any provision of law limiting the expenditure of appropriated funds.

"Part K—Conformity With Civil Service Retirement System

"SEC. 292. AUTHORITY TO MAINTAIN EXISTING AREAS OF CONFORMITY BETWEEN CIVIL SERVICE AND CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEMS.

"(a) PRESIDENTIAL AUTHORITY.—

"(1) CONFORMITY TO CSRS BY EXECUTIVE ORDER.—Whenever the President determines that it would be appropriate for the purpose of maintaining existing conformity between the Civil Service Retirement and Disability System and the Central Intelligence Agency Retirement and Disability System with respect to substantially identical provisions, the President may, by Executive order, extend to current or former participants in the Central Intelligence Agency Retirement and Disability System, or to their survivors, a provision of law enacted after January 1, 1975, which—

"(A) amends subchapter III of chapter 83 of title 5, United States Code, and is applicable to civil service employees generally; or

"(B) otherwise affects current or former participants in the Civil Service Retirement and Disability System, or their survivors.

"(2) EXTENSION TO CIARDS.—Any such order shall extend such provision of law so that it applies in like manner with respect to such Central Intelligence Agency Retirement and Disability System participants, former participants, or survivors.

"(3) LEGAL STATUS.—Any such order shall have the force and effect of law.

"(4) EFFECTIVE DATE.—Any such order may be given retroactive effect to a date not earlier than the effective date of the corresponding provision of law applicable to employees under the Civil Service Retirement System.

"(b) EFFECT OF EXECUTIVE ORDER.—Provisions of an Executive order issued pursuant to this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) provisions of law enacted before the effective date of the Executive order; and

"(2) any prior provision of an Executive order issued under this section.

"SEC. 293. THRIFT SAVINGS PLAN PARTICIPATION.

"(a) ELIGIBILITY FOR THRIFT SAVINGS PLAN.—Participants in the system shall be deemed to be employees for the purposes of section 8351 of title 5, United States Code.

"(b) MANAGEMENT OF THRIFT SAVINGS PLAN ACCOUNTS BY DIRECTOR.—Subsections (k) and (m) of section 8461 of title 5, United States Code, shall apply with respect to contributions made by participants to the Thrift Savings Fund under section 8351 of such title and to earnings attributable to the investment of such contributions.

"SEC. 294. ALTERNATIVE FORMS OF ANNUITIES.

"(a) AUTHORITY FOR ALTERNATIVE FORM OF ANNUITY.—The Director shall prescribe regulations under which a participant may, at the time of retiring under this title (other than under section 231), elect annuity benefits under this section instead of any other benefits under this title (including any survivor benefits under this title) based on the service of the participant creditable under this title.

"(b) BASIS FOR ALTERNATIVE FORMS OF ANNUITY.—The regulations and alternative forms of annuity shall, to the maximum extent practicable, meet the requirements prescribed in section 8343a of title 5, United States Code.

"(c) LUMP-SUM CREDIT.—Any lump-sum credit provided pursuant to an election under subsection (a) shall not preclude an individual from receiving other benefits provided under that subsection.

"(d) SUBMISSION OF REGULATIONS TO CONGRESSIONAL INTELLIGENCE COMMITTEES.—The Director shall submit the regulations prescribed under subsection (a) to the congressional intelligence committees before the regulations take effect.

"SEC. 295. PAYMENTS FROM CIARDS FUND FOR PORTIONS OF CERTAIN CIVIL SERVICE RETIREMENT SYSTEM ANNUITIES.

"The amount of the increase in any annuity that results from the application of section 18 of the Central Intelligence Agency Act of 1949, if and when such increase is based on an individual's overseas service as an employee of the Central Intelligence Agency, shall be paid from the fund.

"TITLE III—PARTICIPATION IN THE FEDERAL EMPLOYEES' RETIREMENT SYSTEM

"SEC. 301. APPLICATION OF FEDERAL EMPLOYEES' RETIREMENT SYSTEM TO AGENCY EMPLOYEES.

"(a) GENERAL RULE.—Except as provided in subsections (b) and (c), all employees of the Agency, any of whose service after December 31, 1983, is employment for the purpose of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954, shall be subject to chapter 84 of title 5, United States Code.

"(b) EXCEPTION FOR PRE-1984 EMPLOYEES.—Participants in the Central Intelligence Agency Retirement and Disability System who were participants in such system on or before December 31, 1983, and who have not had a break in service in excess of one year since that date, are not subject to chapter 84 of title 5, United States Code, without regard to whether they are subject to title II of the Social Security Act.

"(c) NONAPPLICABILITY OF FERS TO CERTAIN EMPLOYEES.—

"(1) The provisions of chapter 84 of title 5, United States Code, shall not apply with respect to—

"(A) any individual who separates, or who has separated, from Federal Government service after having been an employee of the Agency subject to title II of this Act; and

"(B) any employee of the Agency having at least 5 years of civilian service which was performed before January 1, 1987, and is creditable under title II of this Act (determined without regard to any deposit or redeposit requirement under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act, or any requirement that the individual become subject to such subchapter or to title II of this Act after performing the service involved).

"(2) Paragraph (1) shall not apply with respect to an individual who has elected under regulations prescribed under section 307 to become subject to chapter 84 of title 5, United States Code, to the extent provided in such regulations.

"(3) An individual described in paragraph (1) shall be deemed to be an individual excluded under section 8402(b)(2) of title 5, United States Code.

"(d) ELECTION TO BECOME SUBJECT TO FERS.—An employee who is designated as a participant in the Central Intelligence Agency Retirement and Disability System after December 31, 1987, pursuant to section 203 may elect to become subject to chapter 84 of title 5, United States Code. Such election—

"(1) shall not be effective unless it is made during the six-month period beginning on the date on which the employee is so designated;

"(2) shall take effect beginning with the first pay period beginning after the date of the election; and

"(3) shall be irrevocable.

"(e) SPECIAL RULES.—The application of the provisions of chapter 84 of title 5, United States Code, to an employee referred to in subsection (a) shall be subject to the exceptions and special rules provided in this title. Any provision of that chapter which is inconsistent with a special rule provided in this title shall not apply to such employees.

"SEC. 302. SPECIAL RULES RELATING TO SECTION 203 CRITERIA EMPLOYEES.

"(a) IN GENERAL.—Except as otherwise provided in this section, in the application of chapter 84 of title 5, United States Code, to an employee of the Agency who is subject to such chapter and is designated by the Director under the criteria prescribed in section 203, such employee shall be treated for purposes of determining such employee's retirement benefits and obligations under such chapter as if the employee were a law enforcement officer (as defined in section 8401(17) of title 5, United States Code).

"(b) VOLUNTARY AND MANDATORY RETIREMENT.—The provisions of sections 233 and 235 shall apply to employees referred to in subsection (a), except that the retirement benefits shall be determined under chapter 84 of title 5, United States Code.

"(c) RECALL.—

"(1) Except as provided in paragraph (2), section 271 shall apply to an employee referred to in subsection (a).

"(2) Contributions during recall service shall be made as provided in section 8422 of title 5, United States Code.

"(3) When an employee recalled under this subsection reverts to a retired status, the annuity of such employee shall be redetermined under the provisions of chapter 84 of title 5, United States Code.

"SEC. 303. SPECIAL RULES FOR OTHER EMPLOYEES FOR SERVICE ABROAD.

"(a) SPECIAL COMPUTATION RULE.—Notwithstanding any provision of chapter 84 of title 5, United States Code, the annuity under subchapter II of such chapter of a retired employee of the Agency who is not designated under section 302(a) and who has served abroad as an employee of the Agency after December 31, 1986, shall be computed as provided in subsection (b).

"(b) COMPUTATION.—

"(1) SERVICE ABROAD.—The portion of the annuity relating to such service abroad shall be computed as provided in section 8415(d) of title 5, United States Code.

"(2) OTHER SERVICE.—The portions of the annuity relating to other creditable service shall be computed as provided in section 8415 of such title that is applicable to such service under the conditions prescribed in chapter 84 of such title.

"SEC. 304. SPECIAL RULES FOR FORMER SPOUSES.

"(a) GENERAL RULE.—Except as otherwise specifically provided in this section, the provisions of chapter 84 of title 5, United States Code, shall apply in the case of an employee of the Agency who is subject to chapter 84 of title 5, United States Code, and who has a former spouse (as defined in section 8401(12) of title 5, United States Code) or a qualified former spouse.

"(b) DEFINITIONS.—For purposes of this section:

"(1) EMPLOYEE.—The term 'employee' means an employee of the Agency who is subject to chapter 84 of title 5, United States Code, including an employee referred to in section 302(a).

"(2) QUALIFIED FORMER SPOUSE.—The term 'qualified former spouse' means a former spouse of an employee or retired employee who—

"(A) in the case of a former spouse whose divorce from such employee became final on or before December 4, 1991, was married to such employee for not less than 10 years during periods of the employee's service which are creditable under section 8411 of title 5, United States Code, at least 5 years of which were spent outside the United States by both the employee and the former spouse during the employee's service with the Agency; and

"(B) in the case of a former spouse whose divorce from such employee becomes final after December 4, 1991, was married to such employee for not less than 10 years during periods of the employee's service which are creditable under section 8411 of title 5, United States Code, at least 5 years of which were spent by the employee outside the United States during the employee's service with the Agency or otherwise in a position the duties of which qualified the employee for designation by the Director under the criteria prescribed in section 203.

"(3) PRO RATA SHARE.—The term 'pro rata share' means the percentage that is equal to (A) the number of days of the marriage of the qualified former spouse to the employee during the employee's periods of creditable service under chapter 84 of title 5, United States Code, divided by (B) the total number of days of the employee's creditable service.

"(4) SPOUSAL AGREEMENT.—The term 'spousal agreement' means an agreement between an employee, former employee, or retired employee and such employee's spouse or qualified former spouse that—

"(A) is in writing, is signed by the parties, and is notarized;

"(B) has not been modified by court order; and

"(C) has been authenticated by the Director.

"(5) COURT ORDER.—The term 'court order' means any court decree of divorce, annulment or legal separation, or any court order or court-approved property settlement agreement incident to such court decree of divorce, annulment, or legal separation.

"(c) ENTITLEMENT OF QUALIFIED FORMER SPOUSE TO RETIREMENT BENEFITS.—

"(1) ENTITLEMENT.—

"(A) IN GENERAL.—Unless otherwise expressly provided by a spousal agreement or court order governing disposition of benefits payable under subchapter II or V of chapter 84 of title 5, United States Code, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of all benefits otherwise payable to such employee under subchapter II or V of chapter 84 of title 5, United States Code.

"(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals—

"(i) 50 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of title 50, United States Code; or

"(ii) a pro rata share of 50 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

"(2) ANNUITY SUPPLEMENT.—The benefits payable to an employee under subchapter II of chapter 84 of title 5, United States Code, shall include, for purposes of this subsection, any annuity supplement payable to such employee under sections 8421 and 8421a of such title.

"(3) DISQUALIFICATION UPON REMARRIAGE BEFORE AGE 55.—A qualified former spouse shall not be entitled to any benefit under this subsection if, before the commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

"(4) COMMENCEMENT AND TERMINATION.—

"(A) COMMENCEMENT.—The benefits of a qualified former spouse under this subsection commence on the later of—

"(i) the day on which the employee upon whose service the benefits are based becomes entitled to the benefits; or

"(ii) the first day of the second month beginning after the date on which the Director receives written notice of the court order or spousal agreement, together with such additional information or documentation as the Director may prescribe.

"(B) TERMINATION.—The benefits of the qualified former spouse and the right thereto terminate on—

"(i) the last day of the month before the qualified former spouse remarries before 55 years of age or dies; or

"(ii) the date on which the retired employee's benefits terminate (except in the case of benefits subject to paragraph (5)(B)).

"(5) PAYMENTS TO RETIRED EMPLOYEES.—

"(A) CALCULATION OF SURVIVOR ANNUITY.—Any reduction in payments to a retired employee as a result of payments to a qualified former spouse under this subsection shall be disregarded in calculating—

"(i) the survivor annuity for any spouse, former spouse (qualified or otherwise), or other survivor under chapter 84 of title 5, United States Code, and

"(ii) any reduction in the annuity of the retired employee to provide survivor benefits under subsection (d) of this section or under sections 8442 or 8445 of title 5, United States Code.

"(B) REDUCTION IN BASIC PAY UPON RECALL TO SERVICE.—If a retired employee whose annuity is reduced under paragraph (1) is recalled to service under section 302(c), the basic pay of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

"(6) SPECIAL RULES FOR DISABILITY ANNUITANTS.—Notwithstanding paragraphs (1) and (4), in the case of any qualified former spouse of a disability annuitant—

"(A) the annuity of such former spouse shall commence on the date on which the employee would qualify, on the basis of the employee's creditable service, for benefits under subchapter II of chapter 84 of title 5, United States Code, or on the date on which the disability annuity begins, whichever is later; and

"(B) the amount of the annuity of the qualified former spouse shall be calculated on the basis of the benefits for which the employee would otherwise qualify under subchapter II of chapter 84 of such title.

"(7) PRO RATA SHARE IN CASE OF EMPLOYEES TRANSFERRED TO FERS.—Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse shall equal the sum of—

"(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) if applicable, 50 percent of the employee's benefits under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

"(8) TREATMENT OF PRO RATA SHARE UNDER INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, payments to a qualified former spouse under this subsection shall be treated as income to the qualified former spouse and not to the employee.

"(d) QUALIFIED FORMER SPOUSE SURVIVOR BENEFITS.—

"(1) ENTITLEMENT.—

"(A) IN GENERAL.—Subject to an election under section 8416(a) of title 5, United States Code, and unless otherwise expressly provided by any spousal agreement or court order governing survivor benefits payable under this subsection to a qualified former spouse, such former spouse is entitled to a share, determined under subparagraph (B), of all survivor benefits that would otherwise be payable under subchapter IV of chapter 84 of title 5, United States Code, to an eligible surviving spouse of the employee.

"(B) AMOUNT OF SHARE.—The share referred to in subparagraph (A) equals—

"(i) 100 percent, if the qualified former spouse was married to the employee throughout the entire period of the employee's service which is creditable under chapter 84 of title 5, United States Code; or

"(ii) a pro rata share of 100 percent, if the qualified former spouse was not married to the employee throughout such creditable service.

"(2) SURVIVOR BENEFITS.—

"(A) The survivor benefits payable under this subsection to a qualified former spouse shall in-

clude the amount payable under section 8442(b)(1)(A) of title 5, United States Code, and any supplementary annuity under section 8442(f) of such title that would be payable if such former spouse were a widow or widower entitled to an annuity under such section.

"(B) Any calculation under section 8442(f) of title 5, United States Code, of the supplementary annuity payable to a widow or widower of an employee referred to in section 302(a) shall be based on an 'assumed CIARDS annuity' rather than an 'assumed CSRS annuity' as stated in section 8442(f) of such title. For the purpose of this subparagraph, the term 'assumed CIARDS annuity' means the amount of the survivor annuity to which the widow or widower would be entitled under title II of this Act based on the service of the deceased annuitant determined under section 8442(f)(5) of such title.

"(3) Disqualification upon remarriage before age 55.—A qualified former spouse shall not be entitled to any benefit under this subsection if, before commencement of any benefit, the qualified former spouse remarries before becoming 55 years of age.

"(4) Restoration.—If the survivor annuity payable under this subsection to a surviving qualified former spouse is terminated because of remarriage before becoming age 55, the annuity shall be restored at the same rate commencing on the date such remarriage is dissolved by death, divorce, or annulment, if—

"(A) such former spouse elects to receive this survivor annuity instead of any other survivor benefit to which such former spouse may be entitled under subchapter IV of chapter 84 of title 5, United States Code, or under another retirement system for Government employees by reason of the remarriage; and

"(B) any lump sum paid on termination of the annuity is returned to the Civil Service Retirement and Disability Fund.

"(5) Modification of court order or spousal agreement.—A modification in a court order or spousal agreement to adjust a qualified former spouse's share of the survivor benefits shall not be effective if issued after the retirement or death of the employee, former employee, or annuitant, whichever occurs first.

"(6) Effect of termination of qualified former spouse's entitlement.—After a qualified former spouse of a retired employee remarries before becoming age 55 or dies, the reduction in the retired employee's annuity for the purpose of providing a survivor annuity for such former spouse shall be terminated. The annuitant may elect, in a signed writing received by the Director within 2 years after the qualified former spouse's remarriage or death, to continue the reduction in order to provide or increase the survivor annuity for such annuitant's spouse. The annuitant making such election shall pay a deposit in accordance with the provisions of section 8418 of title 5, United States Code.

"(7) Pro rata share in case of employees transferred to FERS.—Notwithstanding paragraph (1)(B), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the share of such employee's qualified former spouse to survivor benefits shall equal the sum of—

"(A) 50 percent of the employee's annuity under subchapter III of chapter 83 of title 5, United States Code, or under title II of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service before the effective date of the election to transfer bears to the employee's total creditable service before such effective date; and

"(B) if applicable—

"(i) 50 percent of the employee's annuity under chapter 84 of title 5, United States Code, or section 302(a) of this Act (computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or section 307 of this Act), plus

"(ii) the survivor benefits referred to in subsection (d)(2)(A),

multiplied by the proportion that the number of days of marriage during the period of the employee's creditable service on and after the effective date of the election to transfer bears to the employee's total creditable service after such effective date.

"(e) Qualified Former Spouse Thrift Savings Plan Benefit.—

"(1) Entitlement.—

"(A) In general.—Unless otherwise expressly provided by a spousal agreement or court order governing disposition of the balance of an account in the Thrift Savings Fund under subchapter III of chapter 84 of title 5, United States Code, a qualified former spouse of an employee is entitled to a share (determined under subparagraph (B)) of the balance in the employee's account in the Thrift Savings Fund on the date the divorce of the qualified former spouse and employee becomes final.

"(B) Amount of share.—The share referred to in subparagraph (A) equals 50 percent of the employee's account balance in the Thrift Savings Fund that accrued during the period of marriage. For purposes of this subsection, the employee's account balance shall not include the amount of any outstanding loan.

"(2) Payment of benefit.—

"(A) Time of payment.—The entitlement of a qualified former spouse under paragraph (1) shall be effective on the date the divorce of the qualified former spouse and employee becomes final. The qualified former spouse's benefit shall be payable after the date on which the Director receives the divorce decree or any applicable court order or spousal agreement, together with such additional information or documentation as the Director may require.

"(B) Method of payment.—The qualified former spouse's benefit under this subsection shall be paid in a lump sum.

"(C) Limitation.—A spousal agreement or court order may not provide for payment to a qualified former spouse under this subsection of an amount that exceeds the employee's account balance in the Thrift Savings Fund.

"(D) Death of qualified former spouse.—If the qualified former spouse dies before payment of the benefit provided under this subsection, such payment shall be made to the estate of the qualified former spouse.

"(E) Bar to recovery.—Any payment under this subsection to an individual bars recovery by any other individual.

"(3) Closed account.—No payment under this subsection may be made by the Director if the date on which the divorce becomes final is after the date on which the total amount of the employee's account balance has been withdrawn or transferred, or the date on which an annuity contract has been purchased, in accordance with section 8433 of title 5, United States Code.

"(f) Preservation of Rights of Qualified Former Spouses.—An employee may not make an election or modification of election under section 8417 or 8418 of title 5, United States Code, or other section relating to the employee's annuity under subchapter II of chapter 84 of title 5, United States Code, that would diminish the entitlement of a qualified former spouse to any benefit granted to such former spouse by this section or by court order or spousal agreement.

"(g) Payment of Share of Lump-Sum Credit.—Whenever an employee or former employee becomes entitled to receive the lump-sum credit under section 8424(a) of title 5, United States Code, a share (determined under subsection (c)(1)(B) of this section) of that lump-sum credit shall be paid to any qualified former spouse of such employee, unless otherwise expressly provided by any spousal agreement or court order governing disposition of the lump-sum credit involved.

"(h) Payment to Qualified Former Spouses Under Court Order or Spousal Agreement.—In the case of any employee or retired employee who has a qualified former spouse who is covered by a court order or who is a party to a spousal agreement—

"(1) any right of the qualified former spouse to any retirement benefits under subsection (c) and to any survivor benefits under subsection (d), and the amount of any such benefits;

"(2) any right of the qualified former spouse to any Thrift Savings Plan benefit under subsection (e), and the amount of any such benefit; and

"(3) any right of the qualified former spouse to any payment of a lump-sum credit under subsection (g), and the amount of any such payment;

shall be determined in accordance with that spousal agreement or court order, if and to the extent expressly provided for in the terms of the spousal agreement or court order that are not inconsistent with the requirements of this section.

"(i) Applicability of CIARDS Former Spouse Benefits.—

"(1) Except as provided in paragraph (2), in the case of an employee who has elected to become subject to chapter 84 of title 5, United States Code, the provisions of sections 224 and 225 shall apply to such employee's former spouse (as defined in section 102(a)(3)) who would otherwise be eligible for benefits under sections 224 and 225 but for the employee having elected to become subject to such chapter.

"(2) For the purposes of computing such former spouse's benefits under sections 224 and 225—

"(A) the retirement benefits shall be equal to the amount determined under subsection (c)(7)(A); and

"(B) the survivor benefits shall be equal to 55 percent of the full amount of the employee's annuity computed in accordance with section 302(a) of the Federal Employees' Retirement System Act of 1986 or regulations prescribed under section 307 of this Act.

"(3) Benefits provided pursuant to this subsection shall be payable from the Central Intelligence Agency Retirement and Disability Fund.

"SEC. 305. ADMINISTRATIVE PROVISIONS.

"(a) Finality of Decisions of Director.—Section 201(c) of this Act shall apply in the administration of chapter 84 of title 5, United States Code, with respect to employees of the Agency.

"(b) Exception.—Notwithstanding subsection (a), section 8461(e) of title 5, United States Code, shall apply with respect to employees of the Agency who are not participants in the Central Intelligence Agency Retirement and Disability System and are not designated under section 302(a).

"SEC. 306. REGULATIONS.

"(a) Requirement.—The Director shall prescribe in regulations appropriate procedures to carry out this title. Such regulations shall be prescribed in consultation with the Director of the Office of Personnel Management and the Executive Director of the Federal Retirement Thrift Investment Board.

"(b) Congressional Review.—The Director shall submit regulations prescribed under subsection (a) to the congressional intelligence committees before they take effect.

"SEC. 307. TRANSITION REGULATIONS.

"(a) REGULATIONS.—The Director shall prescribe regulations providing for the transition from the Central Intelligence Agency Retirement and Disability System to the Federal Employees' Retirement System provided in chapter 84 of title 5, United States Code, in a manner consistent with sections 301 through 304 of the Federal Employees' Retirement System Act of 1986.

"(b) CONGRESSIONAL REVIEW.—The Director shall submit regulations prescribed under subsection (a) to the congressional intelligence committees before they take effect.".

SEC. 803. CONFORMING AMENDMENTS.

(a) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—

(1) SECTION 14.—Section 14(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403n(a)) is amended by striking out "sections 204, 221(b)(1)–(3), 221(f), 221(g)(2), 221(l), 221(m), 221(n), 221(o), 222, 223, 224, 225, 232(b), 234(c), 234(d), 234(e), and 263(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "sections 102, 221(b)(1)–(3), 221(f), 221(g), 221(h)(2), 221(i), 221(l), 222, 223, 224, 225, 232(b), 241(b), 241(d), and 264(b) of the Central Intelligence Agency Retirement Act".

(2) SECTION 18.—Section 18(a) of such Act (50 U.S.C. 403r(a)) is amended by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "the Central Intelligence Agency Retirement Act".

(3) SECTION 19.—Section 19 of such Act (50 U.S.C. 403s) is amended—

(A) in subsection (a)—

(i) by inserting "OFFICERS AND EMPLOYEES TO WHOM CIARDS SECTION 231 RULES APPLY.—" after "(a)";

(ii) by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended" in clause (ii) and inserting in lieu thereof "the Central Intelligence Agency Retirement Act";

(iii) by inserting "such" in clause (iii) before "section 203";

(iv) by striking out "such section 231" in the matter after clause (iv) and inserting in lieu thereof "section 231 of such Act"; and

(v) by redesignating clauses (i) through (iv) as paragraphs (1) through (4), respectively;

(B) in subsection (b)—

(i) by inserting "SURVIVORS OF OFFICERS AND EMPLOYEES TO WHOM CIARDS SECTION 231 RULES APPLY.—" after "(b)";

(ii) by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended" in clause (ii) and inserting in lieu thereof "the Central Intelligence Agency Retirement Act";

(iii) by striking out "widow or widower, former spouse, and/or child or children as defined in section 204 and section 232 of such the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" in clause (iv) and inserting in lieu thereof "surviving spouse, former spouse, or child as defined in section 102 of the Central Intelligence Agency Retirement Act";

(iv) by striking out "widow or widower, former spouse, and/or child or children" in the matter after clause (iv) and inserting in lieu thereof "surviving spouse, former spouse, or child";

(v) by striking out "such section 232" in the matter after clause (iv) and inserting in lieu thereof "section 231 of such Act"; and

(vi) by redesignating clauses (i) through (iv) as paragraphs (1) through (4), respectively;

(C) by striking out subsections (c) and (d); and

(D) by redesignating subsection (e) as subsection (c) and in that subsection—

(i) by striking out "(1)" and inserting in lieu thereof "ANNUITIES UNDER THIS SECTION DEEMED ANNUITIES UNDER CSRS.—";

(ii) by striking out "established by section 202 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "maintained pursuant to section 202 of the Central Intelligence Agency Retirement Act"; and

(iii) by striking out paragraph (2).

(b) NATIONAL SECURITY AGENCY ACT OF 1959.—Section 9(b)(3) of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "the Central Intelligence Agency Retirement Act".

(c) TITLE 5, UNITED STATES CODE.—Sections 8347(n)(4)(A) and 8423(a)(1)(B)(i) of title 5, United States Code, are amended by striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "the Central Intelligence Agency Retirement Act".

(d) TITLE 10, UNITED STATES CODE.—Section 1605(a) of title 10, United States Code, is amended in the second sentence—

(1) striking out "the Central Intelligence Agency Retirement Act of 1964 for Certain Employees" and inserting in lieu thereof "the Central Intelligence Agency Retirement Act"; and

(2) by inserting "(50 U.S.C. 403r)" after "the Central Intelligence Agency Act of 1949".

SEC. 804. SAVINGS PROVISIONS.

(a) PRIOR ELECTIONS.—Any election made under the Central Intelligence Agency Retirement Act of 1964 for Certain Employees before the effective date specified in section 805 shall not be affected by the amendment made by section 802 and shall be deemed to have been made under the corresponding provision of that Act as restated by section 802 as the Central Intelligence Agency Retirement Act.

(b) REFERENCES.—Any reference in any other Act, or in any Executive order, rule, or regulation, to the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, or to a provision of that Act, shall be deemed to refer to that Act and to the corresponding provision of that Act, as restated by section 802 as the Central Intelligence Agency Retirement Act.

SEC. 805. EFFECTIVE DATE.

The amendments made by sections 802 and 803 shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act.

And the Senate agree to the same.

From the Permanent Select Committee on Intelligence:

DAVE MCCURDY,
CHARLES WILSON,
BARBARA KENNELLY,
DAN GLICKMAN,
NICHOLAS MAVROULES,
BILL RICHARDSON,
STEPHEN SOLARZ,
NORM DICKS,
RONALD K. DELLUMS,
DAVID E. BONIOR,
MARTIN OLAV SABO,
WAYNE OWENS,
BUD SHUSTER
(except for subsection 404(f)),
LARRY COMBEST
(except for subsection 404(f)),
DOUG BEREUTER
(except for subsection 404(f)),
R.K. DORNAN
(except for subsection 404(f)),
BILL YOUNG
(except for subsection 404(f)),
DAVID O'B. MARTIN
(except for subsection 404(f)),
GEORGE W. GEKAS
(except for subsection 404(f)),

From the Committee on Armed Services (for the consideration of Department of Defense tactical intelligence and related activities):

LES ASPIN,
IKE SKELTON,
Managers on the Part of the House.

DAVID L. BOREN,
FRITZ HOLLINGS,
BILL BRADLEY,
ALAN CRANSTON,
DENNIS DECONCINI,
JOHN GLENN,
BOB KERREY,
FRANK H. MURKOWSKI,
JOHN WARNER,
ALFONSE D'AMATO,
JACK DANFORTH,
WARREN B. RUDMAN,
SLADE GORTON,
JOHN CHAFEE,

From the Committee on Armed Services:

SAM NUNN,
STROM THURMOND,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for the intelligence and intelligence-related activities of the United States Government, the Central Intelligence Agency Retirement and Disability System, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Due to the classified nature of intelligence and intelligence-related activities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

The actions of the conferees on all matters at difference between the two Houses are shown below or in the classified annex to this joint statement.

A special conference group resolved differences between the House and Senate regarding DoD intelligence related activities, referred to as Tactical Intelligence and Related Activities (TIARA). This special conference group was necessitated by the differing committee jurisdictions of the intelligence committees of the House and the Senate, and consisted of members of the House and Senate Committees on Armed Services and the House Permanent Select Committee on Intelligence.

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Senate conferees for the National Defense Authorization Act for Fiscal Year 1993. In addition, the TIARA conferees have agreed on the authorization level, as listed in the classified Schedule of Authorizations, the joint statement, and its classified annex, for TIARA programs which fall into the appropriation category of Military Pay.

SECTIONS 101 AND 102

Sections 101 and 102 of the conference report authorize appropriations for the intelligence and intelligence-related activities of the United States Government for fiscal year 1993 and establish personnel ceilings applicable to such activities.

SECTION 103

Section 103 of the conference report authorizes the Director of Central Intelligence to make adjustments in personnel ceilings in certain circumstances.

The conferees emphasize that the authority conveyed by section 103 is not intended to permit the wholesale raising of personnel strength in each or any intelligence component. Rather, the section provides the Director of Central Intelligence with flexibility to adjust personnel levels temporarily for contingencies and for overages caused by an imbalance between hiring of new employees and attrition of current employees from retirement, resignation, and so forth. The conferees do not expect the Director of Central Intelligence to allow heads of intelligence components to plan to exceed personnel levels set in the Schedule of Authorizations except for the satisfaction of clearly identified hiring needs which are consistent with the authorization of personnel strengths in this bill. In no case is this authority to be used to provide for positions denied by this Act.

SECTION 104

Section 104 of the conference report authorizes appropriations and personnel end-strengths for fiscal year 1993 for the Community Management Staff and provides for administration of the staff during fiscal year 1993 in the same manner as the Central Intelligence Agency. The conference report authorizes $86.9 million and 161 personnel.

The Community Management Staff will perform some of the tasks associated with the responsibilities the Director of Central Intelligence (DCI) has for the management of the intelligence community. These tasks were previously performed by the Intelligence Community Staff. At the time the House considered the budget request for the Community Management Staff, it was the position of the DCI that these funding and personnel levels should not be made public. As a result of a disagreement with this position, no funds for the Community Management Staff were included in the House bill.

The conferees note that the position of the DCI on this matter changed prior to the drafting of the Senate amendment. The inclusion of Section 104 in the conference report reflects this change.

The levels recommended by the conferees for funding and personnel in section 104 exceed those necessary for the core responsibilities of the Community Management Staff as envisioned by the DCI. As detailed more fully in the classified annex to this Joint Explanatory Statement, the additional funds and personnel recommended in section 104 will be used for such community-wide activities as a measurements and signatures intelligence (MASINT) committee, a Foreign Language Committee, an Open Source Coordinator's Office, and an Advanced Research and Development Committee.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SECTION 201

Section 201 of the conference report authorizes appropriations for fiscal year 1993 of $168,900,000 for the Central Intelligence Agency Retirement and Disability Fund. Section 201 is identical to section 201 of the House bill and section 201 of the Senate amendment.

TITLE III—GENERAL PROVISIONS

SECTION 301

Section 301 of the conference report provides that appropriations authorized by the conference report for salary, pay, retirement and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in compensation or benefits authorized by law. Section 301 is identical to section 301 of the House bill and to section 601 of the Senate amendment.

SECTION 302

Section 302 of the conference report provides that the authorization of appropriations by the conference report shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States. Section 302 is identical to section 302 of the House bill and section 602 of the Senate amendment.

SECTION 303

Section 303 of the conference report expresses the "sense of Congress" that beginning in 1993, and in each year thereafter, the aggregate amount requested and authorized for, and the amount spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner. Section 303 is identical to section 603 of the Senate amendment and section 701 of the Intelligence Authorization Act for Fiscal Year 1992. The House bill did not contain a similar provision.

In adopting section 303 the conferees reiterate their hope that the intelligence committees, working with the President, will, in 1993, be able to make available to the American people, in a manner that does not jeopardize U.S. national security interests, the total amounts of funding for intelligence and intelligence-related activities.

SECTION 304

Section 304 of the conference report corrects technical drafting errors in the National Security Agency Act of 1959 and the Intelligence Authorization Act, Fiscal Year 1991. Section 304 is identical to section 306 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 305

Section 305 of the conference report authorizes funds for an advanced airborne reconnaissance system. Section 305 is identical to section 307 of the House bill and is consistent with action taken by the Senate on this matter as reflected in the classified Schedule of Authorizations which accompanies the Senate amendment.

TITLE IV—DEPARTMENT OF DEFENSE

SECTION 401

Section 401 of the conference report provides discretionary authority to the Secretary of Defense to utilize appropriated funds to provide assistance to certain former Defense Intelligence Agency employees for up to five years after leaving such employment. The assistance may be provided if the Secretary determines it is essential to avoid circumstances that might lead to the unlawful disclosure of classified information to which the employee to be assisted had access. The Secretary must report annually to the congressional appropriations and intelligence committees any expenditures made pursuant to this authority, beginning not later than 12 months after the date of enactment.

Section 401 is identical, except for technical drafting changes, to section 301 of the Senate amendment. A similar provision, section 305, was contained in the House bill.

SECTION 402

Section 402 of the conference report authorizes the Secretary of Defense to include senior executive service positions within the existing Civilian Intelligence Personnel Management System (CIPMS) of the military departments. The Secretary is also authorized to establish, by regulation, the requirements for such positions, to provide for pay and benefits, and to provide for the appointment to and removal from such positions, consistent with the statutory requirements for the Senior Executive Service generally. Senior Executive Service positions within CIPMS may not exceed 0.5 percent of the total CIPMS work force.

Section 402 is identical to section 302 of the Senate amendment. The House bill did not contain a similar provision.

SECTION 403

Section 403 of the conference report requires that reports regularly sent to the congressional armed services committees concerning certain Department of Defense real property transactions and construction projects shall be provided as well to the congressional intelligence committees when such reports involve transactions or projects affecting intelligence components of the Department of Defense.

Section 403 is identical to section 304 of the House bill. The Senate amendment did not contain a similar provision.

SECTION 404

Section 404 of the conference report contains minor amendments to the National Security Education Act of 1991 (title VIII of the Intelligence Authorization Act, Fiscal Year 1992). Subsections (a), (c), (d), and (e) are substantively identical to subsections 304(a) (1), (2), (3), (5), (6), and section 604 of the Senate amendment. Subsection 404(b) is a revision of subsection 304(a) (4) of the Senate amendment. The House bill did not contain similar provisions.

The National Security Education Act (NSEA) amendments in section 404 will produce the following results:

the minimum period in which an undergraduate student receiving NSEA assistance must participate in a foreign study program will be one academic semester or equivalent term, rather than one academic semester;

graduate students receiving NSEA assistance will be able to study abroad if that study is part of a graduate degree program of a United States institution of higher learning;

the Secretary of Defense may enter into not more than ten personal service contracts, for periods of up to one year, in order to assist in the administration of the NSEA program;

the requirement in existing law for the Secretary of Defense to administer the program through the Defense Intelligence College is eliminated. In eliminating this requirement, which has proven to be impractical, the conferees note that pursuant to section 803 of the Act, the National Security Education Board established by the Act retains authority to establish policy governing the program and retains the responsibility for reviewing its administration. Thus, while the Secretary of Defense is given overall responsibility for carrying out the program, under the Act, the Secretary is obliged to do so in accordance with policies approved by the Board, regardless of the instrumentalities used for the purpose;

the size of the National Security Education Board will be increased from ten to thirteen by adding the chairperson of the National Endowment for the Humanities and two additional education experts who are not federal employees;

the Secretary of the Treasury shall invest in full the amount in the National Security Education Trust Fund that is not immediately necessary for expenditure, rather than for obligation as in current law;

the National Security Education Act of 1991 is redesignated the "David L. Boren National Security Education Act of 1991" in recognition of Senator Boren's role in the development and enactment of this legislation; and

the authorization of appropriations for fiscal year 1993 to the National Security Education Trust Fund is $30 million.

SECTION 405

Section 405 of the conference report provides compensation authority to the Secretary of Defense sufficient to ensure that the National Security Agency (NSA) is able to recruit and retain the skilled personnel needed to carry out its mission. Section 405 makes clear that civil service level employees of the NSA may not receive basic pay at a rate which is above the rate paid to employees at Executive Level IV. In addition, section 405 authorizes the Secretary of Defense (or the Secretary's designee) to provide to NSA's officers and employees, compensation, benefits, incentives, and allowances at levels which do not exceed those authorized by title 5, United States Code.

Section 405 is identical to section 305 of the Senate amendment. The House bill did not contain a similar provision.

SECTION 406

Section 406 is similar to subsection 106(c) as contained in section 731 of the Senate amendment. It provides that nothing in this Act or any other provision of law shall be construed to require the disclosure of the names, titles, salaries, or number of persons employed by, or assigned or detailed to, the National Reconnaissance Office (NRO).

The conferees, in consultation with the NRO, have determined that a somewhat narrower provision than that in the Senate amendment is appropriate, given that the functions and activities of the NRO, beyond those which have recently been acknowledged publicly, remain classified and are thus potentially subject to exemption from public disclosure under the (b)(1) exemption to the Freedom of Information Act. The conferees also believed it desirable to clarify that the authority to withhold information does not apply to requests from the Congress.

TITLE V—FEDERAL BUREAU OF INVESTIGATION

SECTION 501

Section 501 of the conference report authorizes the Director of the Federal Bureau of Investigation, during fiscal year 1993, to accept on behalf of the FBI bequests of personal property or devises of real property under certain conditions.

Section 501 is identical to section 401 of the Senate amendment. The House bill did not contain a similar provision.

TITLE VI—CENTRAL INTELLIGENCE AGENCY

SECTION 601

Section 601 amends section 17(e)(3) of the Central Intelligence Agency Act of 1949 to make clear that the Inspector General may receive and investigate complaints or information from any person relating to the CIA's programs, operations and activities.

Section 601 is identical to section 303 of the House bill and, except for a technical drafting difference, to section 501 of the Senate amendment.

TITLE VII—INTELLIGENCE ORGANIZATION ACT OF 1992

Title VII amends the National Security Act of 1947 by providing for: the participation of the Director of Central Intelligence (DCI) in the National Security Council; the appointment of the Director and Deputy Director of Central Intelligence; the responsibilities and authorities of the Director of Central Intelligence; the responsibilities of the Secretary of Defense pertaining to the National Foreign Intelligence Program; and certain administrative arrangements pertaining to elements of the Department of Defense within the intelligence community.

Except for technical drafting differences and modifications described below, title VII is similar to title VII of the Senate amendment. The House bill contained no similar provisions.

The conferees take note of the general concern raised by the Administration that title VII might be viewed as creating legislative "charters" for the elements of the intelligence community, and thereby limit the flexibility of the President in carrying out intelligence activities. It is not the intent of the conferees to establish legislative charters, and, in fact, title VII does not limit presidential flexibility. Thus, the President is authorized to shape the composition of the intelligence community as he or she sees fit. The responsibilities of the DCI, set forth in this title, are made subject to the direction of the President or the National Security Council. Finally, the Secretary of Defense is explicitly provided discretion to utilize any element of the Department of Defense to carry out intelligence functions. While it is true that specific elements of the Department of Defense intelligence community are mentioned in title VII as carrying out certain responsibilities of the Secretary, the conference report does not preclude either the President or the Secretary of Defense from assigning such other functions to these elements as they may choose. The conference report also does not prevent the President or Secretary of Defense from assigning these functions to other elements of the Department of Defense as may be appropriate, subject to the possible need for congressional authorization of the funding required to execute such functions. In short, the conferees have made every effort to preserve the flexibility necessary for the President, DCI, and Secretary of Defense to carry out their crucial responsibilities in intelligence without the need to return to the Congress for new legislation. The conferees believe it is important to have in place a statutory framework that accurately reflects, and provides a clear foundation for, the relationships between various elements of the U.S. intelligence community. Existing law, which is now 44 years old, simply does not achieve this result.

SECTION 701

Section 701 contains the short title of title VII, the Intelligence Organization Act of 1992.

SECTION 702

Section 702 amends the National Security Act of 1947 to add a new section 3 containing definitions of terms used in the Act.

In subsection 3(2), the definition of "foreign intelligence" has been changed by substituting for the term "foreign powers" the term "foreign governments or elements thereof." This conforms the definition to changes in the definitions of other terms described below.

In subsection 3(3), the definition of "counterintelligence" has been changed by substituting for the term "foreign powers" the term "foreign governments or elements thereof."

In subsection 3(4)(F), the element identified as the "Office of Reconnaissance Support" has been changed to "National Reconnaissance Office," the name of the existing organization. This action was made possible by the recent declassification of the name of this organization.

Subsection 3(5), the definition of "national intelligence" and "intelligence related to national security," is identical to subsection 3(7) as contained in the Senate amendment.

Subsection 3(6), the definition of "National Foreign Intelligence Program," is identical to subsection 3(8) as contained in the Senate amendment.

Subsection 3(6) as contained in the Senate amendment, the definition of "foreign power," has been deleted as unnecessary.

SECTION 703

Section 703, concerning the participation of the DCI in the National Security Council, is identical to section 711 of the Senate amendment except for technical drafting differences.

SECTION 704

Section 704 is identical to section 721(a) of the Senate amendment except for technical drafting differences. Subsection 721(b) of the Senate amendment, establishing the Director of Central Intelligence at Level I of the Executive Schedule, has been deleted because of Administration objection.

The conferees take particular note of subsection 102(d) as contained in section 704 which makes clear that the Office of the Director of Central Intelligence, while constituting a separate element of the intelligence community, remains, for administrative purposes, within the Central Intelligence Agency.

Accordingly, the Office of the Director of Central Intelligence and the entities contained therein, e.g. the National Intelligence Council, remain governed by, and subject to, the provisions of the National Security Act of 1947, as amended, the Central Intelligence Agency Act of 1949, as amended, and other applicable laws, orders, directives and regulations to the extent they apply to the Central Intelligence Agency.

The conferees intend that the entities within the Office of the Director of Central Intelligence which support the Director in the execution of the DCI's responsibilities for the intelligence community, as well as the National Intelligence Council, remain independent of the CIA in terms of the performance of their respective substantive functions. It is nonetheless the intent of the conferees that these entities be considered administratively a part of CIA for purposes of receiving logistical and other administrative support, and that the personnel and activities of these entities be subject to the same laws and regulations as the personnel and activities of the Central Intelligence Agency, to include those laws and regulations which provide special authority to CIA for the conduct of intelligence activities. This is consistent with existing law and practice.

The conferees want to make clear, however, that in making the Office of the DCI part of the CIA for administrative purposes, it is not their intent that those elements of that office which provide support in the execution of the DCI's responsibilities as head of the intelligence community, nor the National Intelligence Council which performs functions for the DCI which transcend those of the CIA, be subject, in the execution of substantive responsibilities, to the management, supervision, or control of CIA officials except for responding to the direction of the DCI or DDCI. In short, in providing that the Office of the DCI be considered, for administrative purposes, as part of the CIA, the conferees do not intend to impair the ability of the DCI to act as the impartial head of the intelligence community.

SECTION 705

Section 705 adds two new sections to the National Security Act of 1947: section 103, setting forth the responsibilities of the Director of Central Intelligence, and section 104, setting forth the authorities of the Director of Central Intelligence.

Section 103 as contained in section 705 is identical to section 722 of the Senate amendment except for technical drafting differences and the following modifications:

Subsection 103(a) as contained in section 722 of the Senate amendment directed that the DCI "shall be responsible for providing timely, objective national intelligence, independent of political considerations, and based upon all sources available to the intelligence community" to the President, executive branch agencies, and, where appropriate, to Congress. The Administration objected to this provision on the ground that it might, in situations where the objectivity of such intelligence was challenged, subject the DCI to charges (and perhaps even criminal liability) that he or she had "violated the law." The conferees believed this objection to be unfounded, since this provision was not a criminal statute and was not intended to provide any basis for criminal liability to attach to the DCI, or any other official.

Nevertheless, the Administration remained concerned with the wording of the provision. To accommodate this concern, section 103(a) as contained in section 705 was modified to require that the DCI shall be responsible for providing national intelligence to appropriate consumers, and that such intelligence "should be timely, objective, independent of political considerations, and based upon all sources available to the intelligence community" (emphasis added). The conferees believed that providing "objective national intelligence, independent of political considerations" is fundamental to the reason for the existence of the Director of Central Intelligence as head of the CIA and the intelligence community, and that it is appropriate to make this responsibility clear in the law.

Section 103(b) as contained in section 705 establishes within the Office of the DCI the National Intelligence Council (NIC). The Senate amendment provided that the NIC "be headed by a Chairman with two deputy chairmen, at least one of whom shall be from the private sector." The Administration objected to this provision on the grounds that it restricted the flexibility of the DCI to organize the NIC as future circumstances might dictate. The conferees agreed to delete this language from the conference report in deference to this concern. The conferees do, however, wish to make clear their strong support for prominent representation on the NIC of individuals from the private sector. The presence of such individuals in senior leadership roles in the NIC structure will be among the factors considered in determining the authorization of future funding for the NIC. The conferees believe that effective use of individuals from outside of government in the NIC is absolutely essential to creating and maintaining the expertise, objectivity, and independence so critical to the production of national intelligence estimates.

Subsection 103(d)(5) as contained in section 705 has been modified to eliminate the concluding phrase pertaining to covert actions as may be authorized pursuant to title V of the National Security Act of 1947. While the conferees agreed that covert actions which may be authorized pursuant to title V of this Act would constitute an example of a function or duty which may be assigned by the President to the DCI as head of the CIA, the conferees believe it unnecessary to provide solely for this one function within the text of the statute. At the same time, the conferees believe it would be disingenuous for Congress not to acknowledge its awareness that covert actions remain an instrument of U.S. policy and a function which may be assigned to the CIA pursuant to this title.

Finally, the conferees wish to make clear that by including within the responsibilities of the Director of Central Intelligence the responsibility to protect intelligence sources and methods from unauthorized disclosure, the conferees take no position with respect to the interpretation of similar language in existing law in *CIA* v. *Sims*, 471 U.S. 159 (1985). In *Sims*, the U.S. Supreme Court held that existing law permits the DCI to withhold information concerning intelligence sources and methods under the (b)(3) exemption to the Freedom of Information Act (FOIA) (5 U.S.C. 522(b)(3)), where the information is specifically exempted by other law from disclosure, without having to show that the information in question was properly classified, and thus exempt under the FOIA national security (b)(1) exemption.

Whether there is justification to permit the DCI to withhold information concerning intelligence sources and methods which is not classified in response to requests made under the FOIA is a matter which deserves closer, more systematic review by the committees of jurisdiction prior to taking further legislative action. The conferees believe that this conference report, which addresses organizational structure, is not the appropriate vehicle to address this issue. Thus, in enacting subsection 103(c)(5) as contained in section 705, the conferees do not intend their action to constitute an endorsement of the holding in *Sims*.

Section 104 as contained in section 705 is similar to section 104 as contained in section 722 of the Senate amendment. The lead-in clause of subsection (a) has been modified, at the Administration's request, to read "To the extent recommended by the National Security Council and approved by the President . . .". This revised phrasing is used in existing law, and was believed desirable by the conferees to make clear that the practice under existing law is maintained.

In addition paragraph 104(d)(3) has been modified to make clear that funds transferred pursuant to the authority provided by subsection 104(d) shall remain available for the same period as governs the appropriations account to which transferred.

SECTION 706

Section 706 amends the National Security Act of 1947 by adding two new sections: section 105, pertaining to the responsibilities of the Secretary of Defense for the National Foreign Intelligence Program; and section 106, providing for certain administrative requirements for elements of the Department of Defense within the intelligence community.

Section 105 as contained in section 706 is identical to section 105 as contained in section 731 of the Senate amendment except for technical drafting differences and the following modifications:

In subsections (b)(2) through (b)(5), the phrase "except as otherwise directed by the President or the National Security Council" has been inserted in parentheses after the identification of the instrumentality concerned. The conferees agreed to these changes at the request of the Administration to make clear that the President or National Security Council could direct the utilization of instrumentalities within the intelligence community, other than those identified, to carry out the functions specified in the affected subsections. The conferees do not intend by these changes to suggest that the President or National Security Council could direct that the functions themselves not be executed, nor by this action do the conferees provide authority to abolish the DoD entities specifically identified. Such actions, should they be desired by a particular Administration, should be undertaken in consultation with the Congress and in accordance with applicable law.

The last phrase in paragraph 105(b) (5) has been deleted. The functions identified in subsection 105(b) for particular elements of the Department of Defense are not intended to be exclusive of other functions which may be assigned to such elements by the Secretary. As this is not made explicit at any other point in the text of the conference report itself, the conferees agreed the last phrase of paragraph 105(b) (5) was unnecessary.

The conferees note that subsection 105(b) (3) as contained in section 706 will recognize in law for the first time the National Reconnaissance Office (NRO) of the Department of Defense, and that the subsection briefly sets forth the functions of that organization. As currently constituted, the Director of the NRO reports to the Secretary of Defense, and the Secretary has ultimate responsibility, which is exercised in concert with the Director of Central Intelligence, for the management and operation of the NRO. The Director of the NRO executes the NRO's responsibilities through the Department of Defense and the Central Intelligence Agency. It is not the intention of this subsection to alter or limit the existing roles and responsibilities of the Secretary of Defense or the DCI with respect to the management and operation of the NRO. Instead, the statutory language serves to recognize in law the existence of this Office and the vital role which it plays within the intelligence community.

The conferees applaud the Administration's recent decision to publicly acknowledge the existence and mission of the NRO. The conferees hope that this decision will lead to an expanded role for the NRO in the development of a more realistic United States policy on the sale of reconnaissance technology and systems in foreign markets.

The conferees also note subsection 105(c) as contained in section 706 which authorizes the Secretary of Defense to utilize elements of the Department of Defense as may be appropriate to carry out the functions described in the section, in addition to, or in lieu of, the elements expressly identified. In adopting this subsection, the conferees intend to permit the Secretary sufficient flexibility to utilize elements of the Department of Defense to carry out intelligence activities as may be appropriate, without returning to Congress for new legislation. Obviously, however, if funding had not been previously authorized and appropriated by the Congress to permit the component concerned to undertake the function in question, it would remain incumbent upon the Department to undertake appropriate consultations with the Congress. Thus, a decision by the Secretary to utilize an element of the Department of Defense other than the National Security Agency to form a unified signals intelligence organization would necessitate the authorization and appropriation of funds by the Congress to be used for this purpose.

Section 106 as contained in section 706 is identical to the corresponding section of the Senate amendment, except for technical drafting differences and a change of the reference to the Office of Reconnaissance Support to the National Reconnaissance Office, to conform to the changes made elsewhere in this title.

Title VIII—CIARDS Technical Corrections Act of 1992

Title VIII restates and revises the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note). It is identical to Subtitle B of Title II of the House bill except for modifications described below. The Senate amendment did not include a similar provision.

Section 221(g)(2)(B)(i) of the restatement is identical to Section 221(g)(2)(B)(i) of the restatement in the House bill except for technical drafting differences. Section 221(g)(2)(B)(ii) of the restatement is modified to specify the deposit required when a retired participant elects to provide a survivor annuity for a new spouse upon remarriage. This modification follows the provisions of section 8339(j)(5)(c) of title 5, United States Code. Section 252(g) of the restatement is modified to reflect the modification in section 221(g)(2)(B)(ii).

Section 252(b)(4) of the restatement in the House bill, which would have been superfluous under the CIA Retirement and Disability System, is deleted. Section 264(a) of the restatement is modified to conform more closely to section 263(a) of current law. Case law is considered settled on the interpretation of the phrase "moneys mentioned in this title" and the restatement is not intended to change this interpretation. The heading of section 281(c) of the restatement, which was "Actuarial Equivalence" in the House bill, is changed to "Value of Benefits."

Section 304 of the restatement is modified to include a new subsection (e) to spell out the treatment of the qualified former spouse thrift savings plan benefit. Unless otherwise expressly provided by a spousal agreement or court order, a qualified former spouse of an employee covered under the Federal Employees' Retirement System is entitled to a share of the balance in the employee's account in the Thrift Savings Fund on the date of divorce equal to 50 percent of the account balance that accrued during the period of the marriage.

The qualified former spouse's benefit is to be paid in a lump sum upon receipt by the Director of Central Intelligence of the divorce decree or any applicable court order or spousal agreement, together with any additional information or documentation the Director may require. If the qualified former spouse dies before payment of the benefit to which he or she is entitled, then payment is to be made to the estate of the qualified former spouse. No payment may be made by the Director if the date on which the divorce becomes final occurs after the date the account has been closed or an annuity contract has been purchased. Payment to one individual bars recovery by any other individual.

Section 304 of the restatement also includes technical changes in conformance with the new subsection (e).

Provisions Not Included in The Conference Report

Defense Intelligence College

Section 303 of the Senate amendment authorized the Defense Intelligence College to grant a degree of Bachelor of Science in Intelligence. The House bill did not contain a similar provision. The conferees noted that the United States Department of Education had not determined that the proposed degree program was consistent with its own internal policies. The conferees believe it desirable that such a determination be reached prior to the enactment of legislation providing degree-granting authority. Accordingly, the conferees agreed to exclude the provision from the conference report with the intention of reviewing this matter when Department of Education validation of the program is obtained.

Transfer of Joint Intelligence Center (JIC) Billets

The House committee report on H.R. 5095 endorsed the future focus of tailored intelligence production in the Joint Intelligence Center (JIC) concept proposed by the Administration. In the wake of changing world circumstances, it is understood that the missions of the ten Unified and Specified Commands would undergo some change, and some corresponding changes in the size of the intelligence components of those commands could occur. Therefore, the House bill recommended a shift of a number of intelligence personnel billets believed to be unmanned from what is now the Strategic Command (STRATCOM) to the Contingency Command. In its report on the bill, the House committee indicated its intention to further consider that recommendation after the completion and evaluation of a JIC study then being conducted by the Administration. The Senate believed transfers were unwarranted at this time and consequently recommended no adjustment to the Administration's proposed request.

The conferees agreed that the proposed transfer would severely restrict the flexibility of the Director of the Defense Intelligence Agency to shift resources according to changes in the threat, force structure, and budget. Accordingly, the House recedes.

From the Permanent Select Committee on Intelligence:

Dave McCurdy,
Charles Wilson,
Barbara Kennelly,
Dan Glickman,
Nicholas Mavroules,
Bill Richardson,
Stephen Solarz,
Norm Dicks,
Ronald K. Dellums,
David E. Bonior,
Martin Olav Sabo,
Wayne Owens,
Bud Shuster
(except for subsection 404(f)),
Lary Combest
(except for subsection 404(f)),
Doug Bereuter
(except for subsection 404(f)),
R.K. Dornan
(except for subsection 404(f)),
Bill Young
(except for subsection 404(f)),
David O'B. Martin
(except for subsection 404(f)),
George W. Gekas
(except for subsection 404(f)),

From the Committee on Armed Services (for the consideration of Department of Defense tactical intelligence and related activities):

Les Aspin,
Ike Skelton,
Managers on the Part of the House.

David L. Boren,
Fritz Hollings,
Bill Bradley,
Alan Cranston,
Dennis DeConcini,
John Glenn,
Bob Kerrey,
Frank H. Murkowski,
John Warner,
Alfonse D'Amato,
Jack Danforth,
Warren B. Rudman,
Slade Gorton,
John Chafee,

From the Committee on Armed Services:

Sam Nunn,
Strom Thurmond,
Managers on the Part of the Senate.

DISPATCHING U.S. JOBS OVERSEAS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, when it comes to international trade, President Bush sees a new order—one world, one market. "Why protect U.S. jobs when world competition controls the marketplace, says the first free trader?"

When it comes to the U.S. worker, there is no such thing as free trade.

George Bush has presided over an economy in freefall. The President has insulted American workers by vetoing: one textile bill, one unemployment bill, and one family and medical leave bill.

Meanwhile, news accounts have revealed that the Bush administration used millions of U.S. tax dollars to relocate American jobs overseas.

This foreign policy initiative—through the Agency for International Development—may have crippled our domestic industry while dispatching American workers to the unemployment lines.

That is why I have joined five other colleagues in requesting a full accounting of these accusations by President Bush.

Mr. Speaker, three vetoes later the President has demonstrated he is no friend to the American worker. Let us hope the facts show the Bush administration did not use U.S. tax dollars to send our jobs abroad.

CLINTON'S TAX GAP

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, there is a tax gap in Mr. Clinton's economic plan.

Bill Clinton has promised repeatedly to raise taxes by $150 billion. He says he will do this by raising taxes on those making over $200,000 a year, by increasing the tax on foreign corporations, and through other means.

But Mr. Speaker, these numbers do not add up. His tax on the rich will raise $30 billion less than Clinton has promised, according to the Treasury Department. The foreign corporation tax will fall $44 billion short.

This means Bill Clinton will have to find $74 billion from another source.

Mr. Speaker, this other source is the middle-class taxpayer.

In fact, to reach his goal, Bill Clinton will be forced to raise taxes on almost all Americans.

That doesn't sound like the rich to me.

Mr. Speaker, Bill Clinton needs to explain this tax gap. The American people deserve to know the truth. Level with us, Bill—we're tired of the flimflam.

JOB CREATION UNDER BUSH TAKES PLACE OVERSEAS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, as a candidate, George Bush promised to create 30 million new jobs. As President, he did create over 700,000 jobs—in Central America and the Caribbean.

According to a just-released report, the Bush and Reagan administrations spent over 1 billion tax dollars through the U.S. Agency for International Development to move American jobs overseas. AID provided incentives for U.S. companies to relocate their operations offshore.

AID has been so successful that there are more than 200 so-called export processing zones located in the Caribbean Basin and Mexico. These zones house 3,000 manufacturing plants and employ 735,000 workers producing $14 billion in annual exports to the United States.

As a result, thousands of American workers have lost their jobs. Those American workers lucky enough to still have jobs, have watched their wage rate and standard of living decline under the withering economic attack of the President.

Mr. Speaker, during the past decade, American workers were told to vote with their feet. Now George Bush wants them to pick up a passport on the way.

This travesty must end. I will do everything within my power to ensure that not another dime of taxpayer money is spent to export our jobs.

THE OMNIBUS INTERSTATE CHILD SUPPORT AND PARENTAGE ACT

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I rise this morning as a member of the National Commission on Child Support Enforcement, to commend President Bush for turning his attention to what has long been a national disgrace—the epidemic of parents neglecting or refusing their moral and legal obligation to pay child support. I look forward to working with the new Bush administration on this critical problem in the new Congress.

In the meantime, the national child support enforcement system is failing miserably. Only 43 percent of mothers with binding child support orders receive regular payments. For the rest, life is a daily struggle at best, or even a short drop onto the public assistance rolls.

Today, along with the senior Senator from my State of New Jersey, BILL BRADLEY, I am introducing the Omnibus Interstate Child Support and Parentage Act. This legislation would enact many of the recommendations made by our National commission. Among other things, this bill stiffens interstate enforcement, forces the States to bring their procedures into compliance with national standards and makes interstate flight to avoid child support a Federal crime.

On behalf of the families of America, I urge my colleagues to cosponsor this critical legislation.

BILL CLINTON LOOKS TO A BETTER FUTURE FOR AMERICA

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the message of the Presidential campaign is very clear to the people of America. On one side President Bush's message is this: Things could get worse. Yet, by leading economic indicators that are being disclosed this week, we see that we still are struggling with unemployment and a recession that just will not go away.

President Bush tells the American voters: "Things could get worse. Bill Clinton could make them worse." But the message from the Clinton campaign is dramatically different. The message from Mr. Clinton is: "Things could get better."

□ 1010

With different leadership in the White House, working with Congress, we can try to put this economy back on track. We can abandon the Reagan-Bush economic policies which have cost us the best jobs in America and have really worked for tax policies that do not help working families.

I think this difference between the two campaign messages explains why Mr. Clinton is now in the lead and will be elected on November 3.

CONFEREES CHANGE RULES ON HIGH-LEVEL NUCLEAR WASTE

(Mrs. VUCANOVICH asked and was given permission to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, late yesterday evening, the House conferees, while considering H.R. 776, the energy bill, voted 16 to 6 to drastically change the rules regarding protecting the public's health and safety from high-level nuclear waste.

The conferees accepted a Senate offer on section 801 that is tantamount to making up the rules as we play the game. In this game, the stakes are high: radiation exposure.

Last May, this body voted for a provision directing the EPA to repromulgate radiation standards for public comment. These standards were based upon population dose rather than individual dose effects.

Senator JOHNSTON's amendment, which I believe to be outside the scope of the conference, throws out the old EPA radiation standards, and basically directs the National Academy of Sciences to write a less rigorous standard that can surely be met by a deep geologic repository.

In other words, no matter how tectonically stable, or unstable, Yucca Mountain is, the environmental rules have been made to order.

I want to thank those five brave Members who voted their conscience and joined with me against this outrageous backroom dealing.

What sort of protection is this for my constituents? It is no wonder the country thinks Congress needs to be fixed.

COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1992

(Mr. ORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTON. Mr. Speaker, today is the beginning of a new fiscal year for the U.S. Government. Last night at midnight marked a new milepost which

I hope our country never reaches again—an annual Federal deficit between $300 billion and $400 billion.

Four months ago, we fell just short of amending our Constitution to prevent such deficits. At that time, many of our colleagues came to the well of the House rejecting the concept of a balanced budget amendment but proclaiming their support for statutory change which would require a balanced budget.

This morning I am filing legislation, the Comprehensive Budget Process Reform Act of 1992, which will not only require a balanced budget, but will provide the statutory mechanism to achieve it. This budget reform legislation is the bipartisan work product of literally thousands of hours by many of my colleagues on both sides of the aisle.

The Comprehensive Budget Reform Act will not only require a balanced budget, but it will bring the President and the Congress together in the creation of a balanced budget, and establish enforcement mechanisms to ensure compliance. To enable the achievement of a balanced budget, the act will eliminate the annual current services approach to budgeting and replace it with an incremental-based biennial budget. Rather than a cash method budget, the act will require a unified budget including an operating budget and a capital budget. Sunset authority will require all Government programs to be periodically reexamined and reauthorized based upon performance standards by which to judge the effectiveness of each program. Finally, the President is given enhanced rescission authority to identify and eliminate wasteful spending.

I am filing this legislation today, knowing that we will not have time for enactment this session of Congress. However, it is the intention of the cosponsors of this legislation to contact every returning Member and every newly elected Member of this House prior to next January to solicit your cosponsorship and support for quick consideration and passage in the 103d Congress. I request and encourage your thoughtful deliberation of the Comprehensive Budget Process Reform Act. We can solve the deficit problem if we drop partisan politics and truly work together.

LIBERALS ARE NOT NICE PEOPLE

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, liberals are not nice people. Liberals have no shame.

The leader of the liberal pack, Bill Clinton, said that George Bush is exporting jobs through the Agency for International Development [AID]. Let us analyze it. Who funds AID? Bill Clinton's liberals in the Congress, that is who.

On June 19, 1991, there was before Congress an amendment to cut AID by $2 billion. The General Accounting Office, Congress' own investigative arm, had repeatedly told us of the waste and abuse in AID. It is the Congress's responsibility to exercise oversight over the programs it insists upon, not George Bush's. Congress funds AID, not George Bush.

How did you vote on AID and to cut AID funding? Did you vote to send jobs overseas? We had two Democrats here in the House this morning, bashing George Bush. Both of them voted for AID and for sending jobs overseas.

I was in the conference committee in September 1991, when the conferees met on this issue. I saw how the liberals acted. I saw what happened. They killed the cut which the House had made in AID.

The liberals are blowing a lot of smoke. Come on, George Bush, let us expose these scoundrels.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind Members that statements should be addressed to the Chair, not to persons outside the Chamber.

FOREIGN AID

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in the foreign aid bill there is $50 million in weapons for Bosnia, even though there are 25,000 murders in America. There is $20 million for foreign family planning, even though there is 47 million Americans without health insurance. There is $10 billion for loan guarantees to Israel while people are sleeping in tents in Florida and Louisiana and on steel grates in New York and Los Angeles. There is $1 billion in economic aid for Russia, even though there was another 430,000 American workers who lost their job last week.

Let me say this: If foreign aid helps so much, how come Old Glory is not flying over Subic Bay anymore? You do not buy friends. We need money at home.

Let us stop this foreign aid giveaway and redirect the money back home. Maybe we should export a few of these politicians that are exporting our money.

WELFARE REFORM

(Mr. GRANDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRANDY. Mr. Speaker, how do we best reform the welfare system in this country, by the standard top-down Federal mandate, most probably unfunded; or do we build from the bottom up using our States as laboratories to enact workable reforms? The gentleman from Florida, CLAY SHAW, the gentlewoman from Connecticut, NANCY JOHNSON, and myself prefer the latter approach, and today introduced legislation composed of a two-part strategy. One makes significant changes in Federal welfare law, and two allows a series of State demonstrations to test thoroughly the innovative ideas emerging in welfare policy, ideas such as time-limiting AFDC payments and child support assurance.

A recent U.S. News & World Report states the following:

> The case for experimental reform stems from two ineluctable truths. The first is that no one knows for sure how to slash the welfare rolls short of simply cutting benefits. The second is that the problem of dependency has now reached epidemic proportions.

Mr. Speaker, to cure an epidemic you need research. To do research you need a laboratory. Our States are equipped and ready. Let the experiments begin.

CONTROLS ON TOKYO TRADING

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, imagine the outrage if the U.S. Treasury Department were to instruct Merrill Lynch or Goldman Sachs or other brokerage houses to stop trading in foreign stocks. No one in this House would stand for it. But indeed that is exactly what has happened in recent years in Tokyo.

The Ministry of Finance in Japan instructed firms in Tokyo to stop trading through their offices in Hong Kong because Hong Kong investors were buying shares in paper companies in Japan.

Mr. Speaker, for a long time the peculiar ethics of the markets in Japan were a Japanese problem. But today, when pension funds and mutual funds of American investors increasingly are used on the Tokyo markets, it is our problem.

Recently I introduced H.R. 3283 asking the Treasury Department to do a study on the safety, the security, and the practices for funds used on the Tokyo markets. Soon that legislation will return to the House attached to Senate legislation. I ask my colleagues for the sake of the security of American investors to support it, to review it and to lend it their vote.

□ 1020

WE CANNOT AFFORD BILL CLINTON

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, Governor Bill Clinton claims he is only going to tax the wealthiest Americans. The richest 2 percent in the United States to raise his promised $150 billion. But the middle class had better watch out—for Clinton to raise that kind of money, he will have to tax people with yearly incomes as low as $34,000. That sure sounds like middle class to me.

The truth is that the American middle class cannot afford Bill Clinton, and they can't trust Bill Clinton. Just look at this record. Clinton raised Arkansas taxes designed to hit the middle class, such as taxes on groceries, tourism, and mobile homes. Think what he will do to the rest of the country if given the chance.

There is only one place in America Bill Clinton can dig into to pay for his big government with $150 billion in new taxes and $220 billion in new spending—hard working, middle income Americans.

Mr. Speaker, is this what we want? I doubt it. America cannot afford Bill Clinton, and we cannot trust him either.

INTRODUCTION OF LEGISLATION CONCERNING LABOR AND LABELING PRACTICES OF SAIPAN

(Mr. PAYNE of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Speaker, as we work at putting America back to work, it is important to recognize that American jobs are lost every day through inconsistencies in U.S. trade policy.

Saipan, a U.S. protectorate located in the South Pacific exports goods duty free and tagged with the "Made in USA" label. CBS and the Washington Post, recently reported Saipan has been exploiting its status as a United States protectorate.

According to the Commerce Department, apparel and textile shipments from Saipan were valued at $12 million in 1985. By 1991 the value soared to $253 million.

Saipan has experienced explosive growth. But the workers fueling this growth are not residents of Saipan. They are foreign workers who are subjected to inhuman living conditions, 80-hour workweeks, and subminimum wages; 1990 census figures show that out of the total Saipan work force, 82 percent are nonresidents.

Today, I have introduced a bill that will address these problems. My legislation puts Saipan on notice that we will no longer tolerate its labor and labeling practice and its impact on American jobs.

I urge Members to cosponsor this important legislation for American jobs.

THE FORGOTTEN ISSUE OF THE 1992 ELECTION CAMPAIGN

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, you come from a rural district, and I come from a rural district.

I would like to talk about the forgotten issue of this 1992 Presidential election campaign, and that is American agriculture. I would like to talk to you about the candidate who forgot them. Unfortunately for you, Mr. Speaker, that is your candidate, Governor Clinton.

The fact is that I was excited when Governor Clinton came to my district with his bus tour, and I was excited when he decided to hold a rally on a farm, but, boy, was I disappointed when he did not have one specific to tell my farmers about what he was going to do in American agriculture.

He said he was for expanded markets. Well, so am I, so is the President, but he is not willing to endorse NAFTA like the President is. He is not willing to try to achieve expanded markets through the kind of export-enhancement programs like the President is. He says he wants fair prices for the farmer, but he does not tell how he is going to achieve those fair prices when he says he is for expanded markets.

He did go to Iowa, a week ago, Governor Clinton, that is, and he criticized the President for not doing something on ethanol. If I understand it correctly, the President has been trying to work out a very difficult problem on the ethanol issue. I still do not know where Governor Clinton stands on that issue.

Will he endorse the President's plan when he announces it? Or will he continue to be as vague as he has been thus far to the American farmer?

NAVAL ORDNANCE STATION VITAL TO THE NAVY, TO KENTUCKY, AND TO INDIANA

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, one of the jewels, one of the treasures of the Nation's national defense capability is located in my district. It is the Naval Ordnance Station, Louisville, where 2,400 men and women, civilian and military, overhaul and modernize the Navy's ordnance systems as well as its shipborne missile launching systems.

Naval Ordnance is now a part of a joint command with Crane, IN, division of the Naval Surface Warfare Center.

This afternoon I will testify before the conversion committee strongly urging retention of Naval Ordnance and Crane division because of its vital importance to Louisville, to Crane, IN, southern Indiana, as well as Kentucky, but more to the point, the importance of this joint command to the national defense posture.

In the future, the Navy will have fewer new weapons systems. It will need more effective forms of overhauling and modernizing existing weapons systems.

This is exactly what Louisville and Crane do best and cheapest. We need to keep these two organizations going as part of the new military.

IRS MUST BE HELD ACCOUNTABLE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, believe it or not, the IRS has lost $175 million and will not even try to find it.

The Wall Street Journal reported last week that the IRS has sent out $175 million in tax refunds to 270,000 filers who are not entitled to these 1992 refunds.

The GAO has verified this mistake on the part of the IRS.

The IRS told the Wall Street Journal that it would be too difficult to identify who received the $175 million windfall and citing the cost of trying to find this money, said the IRS will just swallow this mistake.

A mistake of this magnitude would not happen in private business and if it did, top management would be removed.

But because this is our wasteful Federal Government, everybody just shrugs their shoulders. After all, the IRS seems to say, a $175 million mistake is nothing.

This is an inexcusable waste of tax dollars and the IRS should be held accountable.

What would happen if a taxpayer said he or she failed to pay their taxes by mistake? Would the IRS forgive them and swallow the mistake? We know the answer to that question.

I know that most people say you cannot criticize the IRS; they will come after you.

It is bad enough that the Federal Government has spent itself into a $4 trillion debt. But this is ridiculous—and the IRS should not be immune from criticism. Now the bureaucrats are literally losing millions of our tax dollars.

There is no excuse for this mismanagement. We need to hold the bureaucrats accountable for this outrage and not allow them to simply swallow this $175 million waste of tax dollars.

READ OUR LIPS: WE WILL NOT BE GAGGED

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, this is a very somber occasion.

Today is the day that the Bush administration's regressive new regulations go into effect, gagging America's health professionals and denying American women information on their full range of health care options.

These regulations deny health care professionals the right to free speech.

They jeopardize the sacred relationship between health care professionals and their patients.

And they deny women the right to quality health care.

Today, Members of Congress, representatives of national women's organizations, and clinic operators and clients will hold a press conference at noon to send the President a message, loud and clear.

Mr. Speaker, we will tell the President: "Read our lips, we won't be gagged."

This may be the first day of the new gag rule, but it is also the first day of a nationwide movement to untie these bonds and gain new leadership that will be more sensitive to the rights of women.

Mr. Speaker, we care about women. The gag rule is intolerable and must be overturned.

VETERANS' HEALTH CARE

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, national health care reform is a topic of intense debate these days. During this important debate, any reform proposal that impacts on the status, role, or autonomy of the VA health care system must be closely examined.

When Canada adopted its National Health Insurance Program, its veterans health care system disappeared. Since long-term care is not part of the insurance program in some Canadian provinces, many Canadian veterans find that they cannot get the long-term care that, as veterans, they both need and deserve.

The men and women who have served in our Armed Forces have met their obligations to our country. Now, more than ever, we need to show our veterans that they have not been forgotten or abandoned.

The veterans in my district are concerned that their health care needs are being overlooked in the debate over a new national health care system. It is vitally important to ensure that any changes in the U.S. health care system not threaten or undermine the care available to our veterans.

CHOP ON, BRAVES, CHOP ON

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Georgia. Mr. Speaker, I would like to discuss a very important issue here.

Mr. Speaker, Tuesday night down South, America's team, the Atlanta Braves, won the National League Western Division title for the second consecutive year. It was a remarkable achievement for a team that has captured the fancy of baseball fans all over the world with their determination, their winning attitude, and their combination of steady pitching, slick fielding, and timely hitting.

Mr. Speaker, Braves caps are worn all around America, even in Pittsburgh, PA, where I have placed a few friendly wagers lately.

So we would like to tip our hats to Ted Turner, John Schuerholz, Bobby Cox, and the entire Braves organization, but most particularly, to those 3 million Braves fans who filled the Atlanta stadium this summer for a great summer of baseball.

So chop on, Braves, chop on.

□ 1030

REPUBLICAN WELFARE REFORM BILL

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, we are now moving into the second decade of ferment on welfare reform. In both 1981 and 1988 Congress enacted sweeping welfare reform legislation. The major purpose of both acts was to help States end welfare dependency by encouraging welfare mothers to work. Now the Nation is witnessing a great new wave of reform legislation in which States are asking for authority to require work and responsible parenting from adults on welfare.

This relentless move toward welfare reform is being driven by the realization that most of our welfare programs contain a fundamental flaw—they provide people with benefits but require nothing in return.

Today, Mrs. JOHNSON, Mr. GRANDY, and I are introducing legislation to authorize a series of large-scale State demonstrations to test radical new means of ending welfare dependency. These coordinated demonstrations will show how we can create a welfare-to-work system in which market earnings at low-wage jobs, combined with public benefits available to working families, will ensure welfare mothers who work an annual income of at least $15,000 in cash plus day care and health care subsidies.

We should make this bill, and similar bills from the other side of the aisle, the first order of business in the 103d Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the Speaker's statement of earlier this morning, that is the last of the permissible 1-minute speakers at this time. The Speaker had indicated there would be 10 Members taken on each side and this exhausts the 10 on each side.

CONFERENCE REPORT ON H.R. 5678, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 582 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 582

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes. All points of order against the conference report and against its consideration are waived.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. DERRICK. Mr. Speaker, House Resolution 582 waives all points of order against the conference report on H.R. 5678, making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1993, and against its consideration.

Mr. Speaker, under the conference agreement, a total of $23.2 billion is appropriated for the Departments of Commerce, Justice, State, and related agencies. The measure appropriates $643 million or 3 percent less than the President's budget request.

The conference agreement appropriates $9.4 billion for programs and agencies of the Justice Department which is an increase of $93 million over last year's funding level. The agreement also provides $693 million for the Office of Justice programs which provides State and local law enforcement assistance grants.

The conference agreement provides $385 million for interagency law enforcement efforts against organized drug crime and provides $2 billion for the Federal Bureau of Investigation as well as $718 million for the Drug Enforcement Agency. Included in the agreement is also an increase in funding for Federal prisons of $83 million.

The conference agreement appropriates $3.1 billion for the Commerce Department which is an increase of $117 million over last year's funding level and does not include the President's proposal to terminate the Economic Development Administration. Instead, the bill provides a total of $244 million in funding for EDA.

Finally, the agreement provides increased funding for the State Department, Federal Communications Commission, U.S. Information Agency, Equal Employment Opportunity Commission, as well as the Maritime Administration.

Mr. Speaker, as we move into the new fiscal year it is imperative that Congress and the President quickly complete action on the remaining appropriation bills. House Resolution 582 will expedite consideration of this important legislation and I urge my colleagues to support the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as was described, this rule waives all points of order against the consideration of the conference report to accompany H.R. 5678, making appropriations for the Departments of Commerce, Justice, and State, and for the judiciary and related agencies.

I won't oppose the rule, Mr. Speaker, but I do want to express my concern over the trend of granting blanket waivers to these conference reports on appropriations bills. I know many of my colleagues share this concern.

We all put a great deal of faith and trust in our conferees, and I commend them for their hard work and efforts to represent the interests of the House in their deliberations with the Senate on these appropriations bills. They do a great job.

Oftentimes, however, the conference reports come out containing assorted legislative provisions and appropriation amounts which have never been considered here in the House. Members should have the opportunity to address these matters if they so choose. Waiving all points of order against these bills denies Members an opportunity to debate and vote on specific items of concern, and I hope we can stop this trend before it becomes a habit.

Having said all of that, we do need to complete action on these important appropriation bills, so let us proceed with the consideration of this rule and get on with the business at hand.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield 2 minutes, for the purposes of debate only, to the gentleman from California [Mr. BROWN].

Mr. BROWN. I thank the gentleman for yielding.

Let me say parenthetically that my views are pretty much those expressed by the gentleman from Tennessee [Mr. QUILLEN] with regard to this bill. I am going to support it. I recognize the importance of it.

This Congress is going to be measured by the way in which we handle this business, particularly appropriations bills, in the last few days, and this contributes to an effective, expeditious treatment thereof.

Mr. Speaker, I wish to engage the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations, the gentleman from Iowa [Mr. SMITH] regarding the use of State Department funds designated for international scientific and technological activities.

Mr. Speaker, the conference report language provides $6.5 million for such international scientific research issues as environmental protection, marine resources, dry-land agriculture, public health, and transborder pollution. There research objectives are shared by the Mexico/United States Foundation for Science, which has been established with the full support of the Governments of both Mexico and the United States.

I would ask the chairman if he agrees that the program guidance provided to the State Department in the conference report language should encourage the State Department to make a contribution to the Mexico/United States Foundation for Science from these funds?

□ 1040

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BROWN of California. Certainly, I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. First of all, Mr. Speaker, I want to say the committee is very much aware of the great work of the gentleman from California in this field. Certainly, after consulting with the gentleman, we intend that the statement of the managers would provide guidance to the Assistant Secretary of the OES and the Interagency Review Committee to consider a proposal from the Mexico/United States Foundation for Science.

Mr. BROWN of California. Mr. Speaker, I want to thank the gentleman from Iowa very much for this important clarification and his willingness to work in a cooperative manner to achieve the goals of this very important international program.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SMITH of Iowa. Mr. Speaker, I call up the conference report on the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, September 28, 1992, at page 28292.)

The SPEAKER pro tempore. The gentleman from Iowa [Mr. SMITH] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the conference report on the bill, H.R. 5678, now under consideration, and that I may be permitted to insert a table and extraneous matter following my remarks on the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. SMITH of Iowa. Mr. Speaker, as was explained on the rule, the conference report on this bill does involve 3 departments and 22 agencies. We are within our 602(b) budget allocation.

This bill was very low as it left the House. We got an increase in the 602(b) budget allocation before we got through conference, but it has been completed now and we are within the new 602(b) allocation.

We think that we have worked out as good a bill as could be worked out under the circumstances. There may be reductions in force [RIF's] in some departments under this bill, but we cannot help it, since the allocation is low. We have done the very best that we can.

At this point, I would like to insert a table into the RECORD that shows the amount in the conference agreement on H.R. 5678, the fiscal year 1992 amount, the fiscal year 1993 budget request, and the amounts in the House and Senate bills for each appropriation account.

The table follows:

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE AND RELATED AGENCIES						
DEPARTMENT OF JUSTICE						
Office of Justice Programs						
Justice Assistance	669,467,000	588,507,000	626,915,000	669,729,000	665,299,000	-4,168,000
Public safety officers benefits program:						
Death benefits	27,144,000	28,013,000	28,013,000	28,013,000	28,013,000	+869,000
Disability benefits		2,000,000				
Total	27,144,000	30,013,000	28,013,000	28,013,000	28,013,000	+869,000
Total, Office of Justice Programs	696,611,000	618,520,000	654,928,000	697,742,000	693,312,000	-3,299,000
General Administration						
Salaries and expenses	110,100,000	132,909,000	113,626,000	110,100,000	115,929,000	+5,829,000
Office of Inspector General	28,820,000	31,770,000	29,222,000	31,293,000	30,622,000	+1,802,000
Quantico Training Center	3,500,000	31,075,000	7,700,000	31,075,000	7,700,000	+4,200,000
Weed and Seed Fund				17,200,000	13,150,000	+13,150,000
Total	142,420,000	195,754,000	150,548,000	189,668,000	167,401,000	+24,981,000
United States Parole Commission						
Salaries and expenses	9,855,000	9,309,000	9,053,000	9,309,000	9,309,000	-546,000
Legal Activities						
Salaries and expenses, general legal activities	384,249,000	419,525,000	384,501,000	396,766,000	395,500,000	+11,251,000
Vaccine injury compensation trust fund	2,000,000	2,000,000	1,860,000	2,000,000	2,000,000	
Independent counsel (permanent, indefinite)	4,000,000	4,500,000	4,500,000	4,500,000	4,500,000	+500,000
Civil liberties public education fund (permanent, definite)	500,000,000	250,000,000	250,000,000	250,000,000	250,000,000	-250,000,000
Salaries and expenses, Antitrust Division	44,994,000	54,127,000	44.994,000	44,626,000	44,626,000	-368,000
Offsetting fee collections	(13,500,000)	(10,000,000)	(13,500,000)	(16,900,000)	(16,900,000)	(+3,400,000)
Total budget authority available	(58,494,000)	(64,127,000)	(58,494,000)	(61,526,000)	(61,526,000)	(+3,032,000)
Proposed fees, offsetting receipts		-3,250,000				
Salaries and expenses, United States Attorneys	720,737,000	813,510,000	730,040,000	807,810,000	768,300,000	+47,563,000
Assets forfeiture fund surplus					22,400,000	+22,400,000
Total budget authority available	720,737,000	813,510,000	730,040,000	807,810,000	790,700,000	+69,963,000
Proposed fees, offsetting receipts		-1,400,000				
United States Trustee System Fund	57,221,000	70,916,000	57,221,000	57,221,000	57,221,000	
Offsetting fee collections	(23,961,000)	(29,300,000)	(29,300,000)	(29,300,000)	(32,300,000)	(+8,339,000)
Total budget authority available	(81,182,000)	(100,216,000)	(86,521,000)	(86,521,000)	(89,521,000)	(+8,339,000)
Salaries and expenses, Foreign Claims Settlement Commission	843,000	898,000	898,000	898,000	898,000	+55,000
Salaries and expenses, United States Marshals Service	324,571,000	341,471,000	313,768,000	333,819,000	333,300,000	+8,729,000
Support of United States prisoners	235,125,000	268,481,000	230,075,000	234,125,000	234,125,000	-1,000,000
Assets forfeiture fund surplus					27,600,000	+27,600,000
Total budget authority available	235,125,000	268,481,000	230,075,000	234,125,000	261,725,000	+26,600,000
Fees and expenses of witnesses	92,797,000	81,010,000	81,010,000	81,010,000	81,010,000	-11,787,000
Salaries and expenses, Community Relations Service	27,343,000	36,570,000	26,106,000	26,106,000	26,106,000	-1,237,000
Assets forfeiture fund	100,000,000	100,000,000	93,000,000	100,000,000	93,000,000	-7,000,000
Total, Legal activities	2,493,880,000	2,438,358,000	2,217,973,000	2,338,881,000	2,340,586,000	-153,294,000
Radiation Exposure Compensation						
Administrative expenses		2,722,000	2,722,000	2,722,000	2,722,000	+2,722,000
Payment to radiation exposure compensation trust fund		170,750,000	170,750,000	170,750,000	170,750,000	+170,750,000
Total		173,472,000	173,472,000	173,472,000	173,472,000	+173,472,000
Interagency Law Enforcement						
Organized crime drug enforcement	363,374,000	399,126,000	378,954,000	369,514,000	385,248,000	+21,874,000
Federal Bureau of Investigation						
Salaries and expenses	1,879,231,000	1,939,683,000	1,732,777,000	1,806,035,000	1,770,023,000	-109,208,000
Identification division automation	48,000,000	100,000,000	48,000,000	103,400,000	75,400,000	+27,400,000
Subtotal	1,927,231,000	2,039,683,000	1,780,777,000	1,909,435,000	1,845,423,000	-81,808,000
Special program		80,000,000	130,000,000	162,000,000	130,000,000	+130,000,000
Total	1,927,231,000	2,119,683,000	1,910,777,000	2,071,435,000	1,975,423,000	+48,192,000

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Drug Enforcement Administration						
Salaries and expenses	717,104,000	771,468,000	702,933,000	750,668,000	718,684,000	+1,580,000
Offsetting fee collections				(12,000,000)	(12,000,000)	(+12,000,000)
Total budget authority available	(717,104,000)	(771,468,000)	(702,933,000)	(762,668,000)	(730,684,000)	(+13,580,000)
Immigration and Naturalization Service						
Salaries and expenses	939,241,000	1,042,117,000	940,019,000	990,694,000	965,000,000	+25,759,000
Offsetting receipts				(5,000,000)	(5,000,000)	(+5,000,000)
Total budget authority available	(939,241,000)	(1,042,117,000)	(940,019,000)	(995,694,000)	(970,000,000)	(+30,759,000)
Immigration legalization	3,000,000					-3,000,000
Emergency immigration fund (rescission)	-4,400,000					+4,400,000
Total	937,841,000	1,042,117,000	940,019,000	990,694,000	965,000,000	+27,159,000
Commission on Immigration Reform						
Salaries and expenses				800,000	300,000	+300,000
Thomas Jefferson Commemoration Commission						
Salaries and expenses					200,000	+200,000
Federal Prison System						
Salaries and expenses	1,615,479,000	1,895,751,000	1,703,966,000	1,746,710,000	1,681,822,000	+66,343,000
Prior year carryover					(40,000,000)	(+40,000,000)
Transfer of excess criminal fines					(63,000,000)	(+63,000,000)
Total budget authority available	(1,615,479,000)	(1,895,751,000)	(1,703,966,000)	(1,746,710,000)	(1,784,822,000)	(+169,343,000)
Proposed fees, offsetting receipts		-48,360,000		-48,360,000	-48,360,000	-48,360,000
National Institute of Corrections	10,221,000	11,055,000	9,941,000	10,555,000	10,250,000	+29,000
Buildings and facilities	462,090,000	339,225,000	92,807,000	409,225,000	339,225,000	-122,865,000
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,297,000)	(3,646,000)	(3,066,000)	(3,297,000)	(3,181,000)	(-116,000)
Total	2,087,790,000	2,197,671,000	1,806,714,000	2,118,130,000	1,982,937,000	-104,853,000
Total, Department of Justice	9,376,106,000	9,965,478,000	8,945,371,000	9,710,313,000	9,411,872,000	+35,766,000
(Limitation on administrative expenses)	(3,297,000)	(3,646,000)	(3,066,000)	(3,297,000)	(3,181,000)	(-116,000)
RELATED AGENCIES						
Commission on Civil Rights						
Salaries and expenses	7,159,000	10,168,000	7,979,000	7,776,000	7,776,000	+617,000
Equal Employment Opportunity Commission						
Salaries and expenses	211,271,000	245,341,000	218,682,000	212,982,000	222,000,000	+10,729,000
Federal Communications Commission						
Salaries and expenses	126,309,000	153,336,000	68,536,000	126,309,000	128,500,000	+2,191,000
Federal Maritime Commission						
Salaries and expenses	17,600,000	19,100,000	17,429,000	19,100,000	18,300,000	+700,000
Federal Trade Commission						
Salaries and expenses	69,200,000	77,300,000	69,200,000	69,650,000	69,650,000	+450,000
Offsetting fee collections	(13,250,000)	(10,000,000)	(13,500,000)	(16,900,000)	(16,900,000)	(+3,650,000)
Total budget authority available	(82,450,000)	(87,300,000)	(82,700,000)	(86,550,000)	(86,550,000)	(+4,100,000)
Proposed fees, offsetting receipts		-3,250,000				
Securities and Exchange Commission						
Salaries and expenses	157,485,000	249,761,000	157,485,000	119,923,000	127,235,000	-30,250,000
Offsetting fee collections - FY 1993	(68,307,000)			(128,740,000)	(96,000,000)	(+27,693,000)
Offsetting fee collections - FY 1992 carryover					(30,000,000)	(+30,000,000)
Total budget authority available	(225,792,000)	(249,761,000)	(157,485,000)	(248,663,000)	(253,235,000)	(+27,443,000)
Proposed fees, offsetting receipts		-91,000,000				
State Justice Institute						
Salaries and expenses	13,550,000	20,000,000	13,550,000	8,318,000	13,550,000	
Total, related agencies	602,574,000	680,756,000	552,861,000	564,058,000	587,011,000	-15,563,000
Total, title I, Department of Justice and related agencies	9,978,680,000	10,646,234,000	9,498,232,000	10,274,371,000	9,998,883,000	+20,203,000
(Limitation on administrative expenses)	(3,297,000)	(3,646,000)	(3,066,000)	(3,297,000)	(3,181,000)	(-116,000)

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II - DEPARTMENT OF COMMERCE						
National Institute of Standards and Technology						
Scientific and technical research and services	183,000,000	201,911,000	178,583,000	201,911,000	192,940,000	+9,940,000
Industrial technology services	63,713,000	86,067,000	66,986,000	86,067,000	86,067,000	+22,354,000
Facilities		22,699,000	5,300,000			
Defense economic conversion research and technology				109,000,000		
Construction of research facilities				200,000,000	105,000,000	+105,000,000
Total	246,713,000	310,677,000	250,869,000	596,978,000	384,007,000	+137,294,000
National Oceanic and Atmospheric Administration						
Operations, research, and facilities	1,472,619,000	1,577,945,000	1,452,139,000	1,511,001,000	1,521,416,000	+48,797,000
Aviation weather services program (Airport and Airways Trust Fund)	35,389,000	35,596,000	33,104,000			-35,389,000
(By transfer from Promote and Develop Fund)	(63,100,000)	(64,100,000)	(54,208,000)	(57,000,000)	(55,000,000)	(-8,100,000)
(By transfer from Damage assessment and restoration revolving fund, permanent)	(6,500,000)	(500,000)	(500,000)	(500,000)	(500,000)	(-6,000,000)
(Damage assessment and restoration revolving fund)		(-500,000)	(-500,000)	(-500,000)	(-500,000)	(-500,000)
Promote and develop fishery products	500,000					-500,000
Total	1,508,508,000	1,613,541,000	1,485,243,000	1,511,001,000	1,521,416,000	+12,908,000
Construction	34,917,000	54,363,000	51,316,000	94,363,000	94,500,000	+59,583,000
GOES Contingency Fund	110,000,000					-110,000,000
Shipbuilding and conversion, fleet modernization	33,200,000	2,000,000	2,000,000	37,000,000	30,000,000	-3,200,000
Fishing vessel obligations guarantee	1,000,000			940,000	470,000	-530,000
(Limitation on guaranteed loans)	(24,000,000)					(-24,000,000)
Administrative expenses	1,700,000			1,598,000		-1,700,000
Total	2,700,000			2,538,000	470,000	-2,230,000
Fisheries promotional fund (availability of funds)	(250,000)					(-250,000)
Fishing vessel and gear damage fund	1,281,000	1,404,000	1,306,000	1,306,000	1,306,000	+25,000
Fishermen's contingency fund	1,000,000	1,102,000	1,025,000	1,025,000	1,025,000	+25,000
Foreign fishing observer fund	1,000,000	607,000	565,000	565,000	565,000	-435,000
Rescissions	-4,359,000					+4,359,000
Total, National Oceanic and Atmospheric Administration	1,688,247,000	1,673,017,000	1,541,455,000	1,647,798,000	1,649,282,000	-38,965,000
General Administration						
Salaries and expenses	31,280,000	36,000,000	31,712,000	31,280,000	31,712,000	+432,000
Office of Inspector General	15,140,000	18,127,000	15,470,000	16,140,000	15,805,000	+665,000
Total	46,420,000	54,127,000	47,182,000	47,420,000	47,517,000	+1,097,000
Bureau of the Census						
Salaries and expenses	125,290,000	138,406,000	125,125,000	122,784,000	123,955,000	-1,335,000
Periodic censuses and programs	165,000,000	199,992,000	181,689,000	165,000,000	173,300,000	+8,300,000
Total	290,290,000	338,398,000	306,814,000	287,784,000	297,255,000	+6,965,000
Economic and Statistical Analysis						
Salaries and expenses	40,380,000	56,427,000	39,353,000	39,572,000	39,353,000	-1,027,000
International Trade Administration						
Operations and administration	209,160,000	202,158,000	194,149,000	215,292,000	213,851,000	+4,691,000
Export Administration						
Operations and administration	39,450,000	42,813,000	39,159,000	42,271,000	41,015,000	+1,565,000
Minority Business Development Agency						
Minority business development	42,500,000	43,954,000	37,889,000	38,864,000	37,889,000	-4,611,000
United States Travel and Tourism Administration						
Salaries and expenses	22,480,000	17,454,000	14,132,000	16,314,000	15,608,000	-6,872,000
Proposed fees, offsetting receipts		-3,000,000		-3,000,000	-3,000,000	-3,000,000
Patent and Trademark Office						
Salaries and expenses	88,441,000	99,000,000	89,129,000	86,672,000	86,672,000	-1,769,000
Technology Administration						
Salaries and expenses	4,600,000	6,070,000	4,311,000	4,636,000	4,450,000	-150,000
National Technical Information Service						
NTIS revolving fund		8,000,000	8,000,000	8,000,000	8,000,000	+8,000,000

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
National Telecommunications and Information Administration						
Salaries and expenses	17,600,000	21,823,000	17,198,000	18,621,000	17,900,000	+300,000
Public telecommunications facilities, planning and construction	22,925,000		21,320,000	21,000,000	21,320,000	-1,605,000
Rescission	-3,000,000					+3,000,000
Endowment for Children's Educational Television	2,000,000			1,960,000	1,000,000	-1,000,000
Total	39,525,000	21,823,000	38,518,000	41,581,000	40,220,000	+695,000
Economic Development Administration						
Economic development assistance programs	296,836,000		235,462,000	150,000,000	217,000,000	-79,836,000
EDA loan guarantees	800,000					-800,000
Administrative expenses	6,614,000	250,000	250,000	1,500,000	875,000	-5,739,000
Defense economic conversion, community assistance				80,000,000		
Salaries and expenses	27,632,000	13,750,000	26,487,000	26,000,000	26,243,000	-1,389,000
Economic development revolving fund (rescission)	-3,000,000					+3,000,000
Total	328,882,000	14,000,000	262,199,000	257,500,000	244,118,000	-84,764,000
Total, title II, Department of Commerce	3,087,088,000	2,884,918,000	2,873,159,000	3,327,482,000	3,106,237,000	+19,149,000
(By transfer)	(69,600,000)	(64,600,000)	(54,708,000)	(57,500,000)	(55,500,000)	(-14,100,000)
(Limitation on guaranteed loans)	(24,000,000)					(-24,000,000)
(Availability of funds)	(250,000)					(-250,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,540,000	1,601,000	1,601,000	1,601,000	1,601,000	+61,000
Other salaries and expenses	19,247,000	20,685,000	19,219,000	20,685,000	20,685,000	+1,438,000
Total	20,787,000	22,286,000	20,820,000	22,286,000	22,286,000	+1,499,000
Care of the building and grounds	3,801,000	3,611,000	3,070,000	3,187,000	3,320,000	-481,000
Total, Supreme Court of the United States	24,588,000	25,897,000	23,890,000	25,473,000	25,606,000	+1,018,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,655,000	1,714,000	1,714,000	1,714,000	1,714,000	+59,000
Other salaries and expenses	9,120,000	11,394,000	9,540,000	9,840,000	9,840,000	+720,000
Total	10,775,000	13,108,000	11,254,000	11,554,000	11,554,000	+779,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,293,000	1,307,000	1,307,000	1,307,000	1,307,000	+14,000
Other salaries and expenses	8,139,000	9,718,000	9,038,000	8,545,000	9,038,000	+899,000
Total	9,432,000	11,025,000	10,345,000	9,852,000	10,345,000	+913,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges	153,000,000	165,777,000	165,777,000	165,777,000	165,777,000	+12,777,000
Other salaries and expenses	1,722,300,000	2,053,268,000	1,798,695,000	1,790,670,000	1,813,223,000	+90,923,000
Subtotal	1,875,300,000	2,219,045,000	1,964,472,000	1,956,447,000	1,979,000,000	+103,700,000
Vaccine Injury Compensation Trust Fund	2,100,000	2,500,000	2,053,000	2,075,000	2,075,000	-25,000
Total	1,877,400,000	2,221,545,000	1,966,525,000	1,958,522,000	1,981,075,000	+103,675,000
Defender services	221,871,000	303,846,000	215,043,000	215,121,000	215,121,000	-6,750,000
Fees of jurors and commissioners	70,000,000	74,000,000	68,820,000	69,560,000	68,820,000	-1,180,000
Court security	81,048,000	96,000,000	81,253,000	79,427,000	81,253,000	+205,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,250,319,000	2,695,391,000	2,331,641,000	2,322,630,000	2,346,269,000	+95,950,000
Administrative Office of the United States Courts						
Salaries and expenses	44,681,000	53,639,000	45,927,000	44,951,000	45,100,000	+419,000
Federal Judicial Center						
Salaries and expenses	17,795,000	21,354,000	17,947,000	17,048,000	17,500,000	-295,000

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Judicial Retirement Funds						
Payment to judicial officers' retirement and judicial survivors' annuity funds	6,500,000	8,520,000	8,520,000	8,520,000	8,520,000	+2,020,000
National Commission on Judicial Discipline and Removal						
Salaries and expenses	....	....	443,000	476,000	443,000	+443,000
United States Sentencing Commission						
Salaries and expenses	9,000,000	9,200,000	8,556,000	9,000,000	9,000,000	....
Total, title III, the Judiciary	2,373,090,000	2,838,134,000	2,458,523,000	2,449,504,000	2,474,337,000	+101,247,000
TITLE IV - RELATED AGENCIES						
Department of Transportation						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(272,210,000)	(225,000,000)	(225,000,000)	(225,000,000)	(225,000,000)	(-47,210,000)
Operations and training	73,200,000	78,419,000	71,570,000	71,736,000	71,736,000	-1,464,000
Ready reserve force	233,961,000	130,000,000	252,000,000	146,000,000	240,500,000	+6,539,000
Fleet addition	....	104,000,000	104,000,000	....	200,000,000	+200,000,000
Total, Ready reserve force	233,961,000	234,000,000	356,000,000	146,000,000	440,500,000	+206,539,000
Military useful vessel obligation guarantees:						
Guaranteed loans subsidy	....	....	50,000,000	44,800,000	48,000,000	+48,000,000
Administrative expenses	....	....	2,800,000	2,350,000	4,000,000	+4,000,000
Total, Maritime administration	307,161,000	312,419,000	480,370,000	264,886,000	564,236,000	+257,075,000
Christopher Columbus Quincentenary Jubilee Commission						
Salaries and expenses	220,000	220,000	205,000	100,000	200,000	-20,000
Commission on Agricultural Workers						
Salaries and expenses	1,426,000	622,000	578,000	578,000	578,000	-848,000
Commission on the Bicentennial of the United States Constitution						
Salaries and expenses	1,882,000	....	....	....	....	-1,882,000
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,075,000	1,185,000	1,102,000	1,054,000	1,102,000	+27,000
Competitiveness Policy Council						
Salaries and expenses	750,000	2,500,000	1,223,000	1,750,000	1,223,000	+473,000
Marine Mammal Commission						
Salaries and expenses	1,250,000	1,310,000	1,218,000	1,231,000	1,260,000	+10,000
Martin Luther King, Jr. Federal Holiday Commission						
Salaries and expenses	300,000	700,000	300,000	300,000	300,000	....
Office of the United States Trade Representative						
Salaries and expenses	20,400,000	21,697,000	19,742,000	19,992,000	19,992,000	-408,000
Legal Services Corporation						
Payment to the Legal Services Corporation	350,000,000	525,034,000	364,000,000	350,000,000	357,000,000	+7,000,000
Small Business Administration						
Salaries and expenses	235,811,000	165,811,000	234,417,000	195,638,000	248,800,000	+12,989,000
Office of Inspector General	10,000,000	13,464,000	10,623,000	10,000,000	8,300,000	-1,700,000
Business Loans Program Account:						
Direct loans subsidy	....	933,000	16,813,000	16,000,000	15,479,000	+15,479,000
Guaranteed loans subsidy	270,349,000	87,487,000	253,438,000	210,901,000	213,920,000	-56,429,000
Dire emergency	402,125,000	....	....	....	....	-402,125,000
Micro-Loan program	2,600,000	....	....	5,000,000	5,000,000	+2,400,000
Dire emergency	5,000,000	....	....	....	....	-5,000,000
(Limitation on direct loans including micro loans)	(1,634,935,000)	(5,000,000)	(64,810,000)	(88,883,000)	(88,883,000)	(-1,546,052,000)
(Limitation on guaranteed loans)	(4,819,000,000)	(4,828,291,000)	(4,522,715,000)	(4,386,983,000)	(4,386,983,000)	(-432,017,000)
Administrative expenses	104,410,000	104,410,000	97,101,000	98,145,000	97,101,000	-7,309,000
Dire emergency 1/	106,000,000	....	....	....	....	-106,000,000
Total	890,484,000	192,830,000	367,352,000	330,046,000	331,500,000	-558,984,000

1/ Of this amount $4,000,000 supports the Micro-Loan program and $2,000,000 supports the guaranteed business loans program.

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Defense Economic Transition Assistance Loan Program				40,000,000		
Disaster Loans Program Account	121,555,000	24,362,000	80,657,000	80,657,000	80,657,000	-40,898,000
(Limitation on direct loans)	(365,000,000)	(296,733,000)	(376,900,000)	(376,900,000)	(376,900,000)	(+11,900,000)
Administrative expenses	78,000,000	78,000,000	78,000,000	73,320,000	78,000,000	
Subtotal	199,555,000	102,362,000	158,657,000	153,977,000	158,657,000	-40,898,000
Contingency fund		75,000,000	75,000,000	75,000,000	75,000,000	+75,000,000
Emergency funding	251,675,000					-251,675,000
(Limitation on direct loans)	(741,748,000)					(-741,748,000)
Administrative expenses	50,000,000					-50,000,000
Subtotal, emergency funding	301,675,000					-301,675,000
Total	501,230,000	177,362,000	233,657,000	228,977,000	233,657,000	-267,573,000
Surety bond guarantees revolving fund	14,600,000	14,000,000	13,020,000	13,160,000	13,020,000	-1,580,000
Total, Small Business Administration	1,652,125,000	563,467,000	859,069,000	817,821,000	835,277,000	-816,848,000
Total, title IV, Related agencies	2,336,589,000	1,429,154,000	1,727,807,000	1,457,712,000	1,781,168,000	-555,421,000
TITLE V - DEPARTMENT OF STATE AND RELATED AGENCIES						
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Salaries and expenses	2,021,225,000	2,131,107,000	2,151,333,000	2,016,035,000	2,134,000,000	+112,775,000
Registration fees	700,000	700,000	700,000	700,000	700,000	
Total	2,021,925,000	2,131,807,000	2,152,033,000	2,016,735,000	2,134,700,000	+112,775,000
Buying power maintenance					14,000,000	+14,000,000
Office of Inspector General	23,037,000	24,672,000	24,055,000	24,672,000	24,055,000	+1,018,000
Representation allowances	4,802,000	5,080,000	5,080,000	4,802,000	4,900,000	+98,000
Protection of foreign missions and officials	10,464,000	9,814,000	9,814,000	13,814,000	10,814,000	+350,000
Acquisition and maintenance of buildings abroad	545,000,000	600,231,000	526,819,000	562,000,000	570,500,000	+25,500,000
Rescission	-6,025,000					+6,025,000
New Diplomatic posts				25,000,000	25,000,000	+25,000,000
Emergencies in the diplomatic and consular service	7,000,000	8,500,000	8,500,000	7,500,000	8,000,000	+1,000,000
Repatriation loans program account	74,000	1,000,000	624,000	624,000	624,000	+550,000
(Limitation on direct loans)	(780,000)	(1,250,000)	(780,000)	(780,000)	(780,000)	
Administrative expenses	145,000	193,000	193,000	193,000	193,000	+48,000
Total	219,000	1,193,000	817,000	817,000	817,000	+598,000
Payment to the American Institute in Taiwan	13,784,000	15,543,000	15,543,000	15,543,000	15,543,000	+1,759,000
Payment to the Foreign Service Retirement and Disability Fund	112,983,000	119,082,000	119,082,000	119,082,000	119,082,000	+6,099,000
Total, Administration of Foreign Affairs	2,733,189,000	2,915,922,000	2,861,743,000	2,789,965,000	2,927,411,000	+194,222,000
International Organizations and Conferences						
Contributions to international organizations	749,665,000	820,495,000	820,495,000	820,495,000	820,495,000	+70,830,000
Arrearage payments	92,719,000	92,719,000	92,719,000	92,719,000	92,719,000	
Arrearage payments, advance appropriations, FY94		92,719,000				
Arrearage payments, advance appropriations, FY95		92,719,000				
Total	842,384,000	1,098,652,000	913,214,000	913,214,000	913,214,000	+70,830,000
Contributions for international peacekeeping activities	148,869,000	438,323,000	435,600,000	438,323,000	438,323,000	+289,454,000
Emergency supplemental (Foreign Ops CR)	(270,000,000)					(-270,000,000)
Arrearage payments	38,360,000	21,992,000	21,992,000	21,992,000	21,992,000	-16,368,000
Arrearage payments, advance appropriations, FY94		21,992,000				
Arrearage payments, advance appropriations, FY95		21,992,000				
Total	187,229,000	504,299,000	457,592,000	460,315,000	460,315,000	+273,086,000
International conferences and contingencies	5,500,000	5,600,000	5,600,000	5,600,000	5,600,000	+100,000
Total, International Organizations and Conferences	1,035,113,000	1,608,551,000	1,376,406,000	1,379,129,000	1,379,129,000	+344,016,000

H.R. 5678 - Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1993

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	11,400,000	12,722,000	11,265,000	11,172,000	11,330,000	-70,000
Construction	10,277,000	16,725,000	13,854,000	15,725,000	14,790,000	+4,513,000
American sections, international commissions	4,500,000	4,847,000	4,403,000	4,403,000	4,403,000	-97,000
International fisheries commissions	14,000,000	15,729,000	13,757,000	13,581,000	14,200,000	+200,000
Total	40,177,000	50,023,000	43,279,000	44,881,000	44,723,000	+4,546,000
Other						
United States Bilateral Science and Technology Agreements	4,500,000	5,200,000	4,500,000	5,000,000	4,500,000	
Payment to the Asia Foundation	16,000,000	17,018,000	16,368,000	17,018,000	16,693,000	+693,000
Russian, Eurasian, and East European research and training program	4,784,000	4,784,000	4,961,000	4,961,000	4,961,000	+177,000
Fishermen's protective fund	250,000					-250,000
Total	25,534,000	27,002,000	25,829,000	26,979,000	26,154,000	+620,000
Total, Department of State	3,834,013,000	4,601,498,000	4,307,257,000	4,240,954,000	4,377,417,000	+543,404,000
Fiscal year 1993	(3,834,013,000)	(4,372,076,000)	(4,307,257,000)	(4,240,954,000)	(4,377,417,000)	(+543,404,000)
Fiscal year 1994		(114,711,000)				
Fiscal year 1995		(114,711,000)				
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	44,527,000	47,585,000	45,863,000	47,000,000	46,500,000	+1,973,000
Board for International Broadcasting						
Grants and expenses	212,491,000	220,000,000	220,000,000	220,000,000	220,000,000	+7,509,000
Israel relay station (rescission)	-5,000,000					+5,000,000
Automation of archives				12,000,000		
Total	207,491,000	220,000,000	220,000,000	232,000,000	220,000,000	+12,509,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	200,000	200,000	200,000	200,000	200,000	
International Trade Commission						
Salaries and expenses	42,434,000	45,152,000	45,152,000	44,152,000	44,852,000	+2,418,000
Japan - United States Friendship Commission						
Japan - United States Friendship Trust Fund	1,250,000	1,250,000	1,250,000	1,250,000	1,250,000	
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	
United States Information Agency						
Salaries and expenses	691,725,000	733,679,000	726,693,000	748,693,000	736,693,000	+44,968,000
Office of Inspector General	4,206,000	4,390,000	4,390,000	4,390,000	4,390,000	+184,000
Educational and cultural exchange programs	194,232,000	200,000,000	202,847,000	233,000,000	223,447,000	+29,215,000
Eisenhower Exchange Fellowship Program, trust fund	5,000,000	300,000	300,000	300,000	300,000	-4,700,000
Israeli Arab scholarship program		299,000	375,000	375,000	375,000	+375,000
Radio construction	98,043,000	106,113,000	101,180,000	106,113,000	103,647,000	+5,604,000
Broadcasting to Cuba	36,888,000	34,758,000	28,531,000	34,758,000	28,531,000	-8,357,000
East-West Center	24,500,000	24,500,000	25,306,000	26,000,000	26,000,000	+1,500,000
Russian Far East technical assistance center				4,000,000	2,000,000	+2,000,000
North/South Center	5,000,000	10,000,000	8,700,000	10,000,000	8,700,000	+3,700,000
National Endowment for Democracy	27,500,000	30,000,000	28,380,000	31,250,000	30,000,000	+2,500,000
Total	1,087,094,000	1,144,039,000	1,126,702,000	1,198,879,000	1,164,083,000	+76,989,000
Total, title V, Department of State and related agencies	5,217,009,000	6,059,724,000	5,746,424,000	5,764,435,000	5,854,302,000	+637,293,000
Fiscal year 1993	(5,217,009,000)	(5,830,302,000)	(5,746,424,000)	(5,764,435,000)	(5,854,302,000)	(+637,293,000)
Fiscal year 1994		(114,711,000)				
Fiscal year 1995		(114,711,000)				
Grand total	22,992,456,000	23,858,164,000	22,304,145,000	23,273,504,000	23,214,927,000	+222,471,000
Fiscal year 1993	(22,992,456,000)	(23,628,742,000)	(22,304,145,000)	(23,273,504,000)	(23,214,927,000)	(+222,471,000)
Fiscal year 1994		(114,711,000)				
Fiscal year 1995		(114,711,000)				
(By transfer)	(69,600,000)	(64,600,000)	(54,708,000)	(57,500,000)	(55,500,000)	(-14,100,000)
(Limitation on administrative expenses)	(3,297,000)	(3,646,000)	(3,066,000)	(3,297,000)	(3,181,000)	(-116,000)
(Limitation on direct loans)	(2,742,463,000)	(302,983,000)	(442,490,000)	(466,563,000)	(466,563,000)	(-2,275,900,000)
(Limitation on guaranteed loans)	(4,843,000,000)	(4,828,291,000)	(4,522,715,000)	(4,386,983,000)	(4,386,983,000)	(-456,017,000)
(Liquidation of contract authority)	(272,210,000)	(225,000,000)	(225,000,000)	(225,000,000)	(225,000,000)	(-47,210,000)
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	
(Availability of funds)	(250,000)					(-250,000)

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this conference report, and commend it to my colleagues without reservation.

In my history around here, we have never had a tougher bill to reconcile. We have never had a tougher budget year. Because, like it or not, the 1990 budget summit is resulting in reduced spending across every agency, and program, and office.

And while we patched up some important programs, in this conference, this bill will almost certainly evaluate in some hard decisions, some reductions and programs and staff, and some needed streamline. We have had to impose these cuts, and we are concerned about their impact.

Across our jurisdiction are agencies whose employees work at some of the most daunting task: Tripping up Columbian cocaine cartels, pushing United States goods on the Far East market, predicting with accuracy the intensity and accuracy the intensity and timing of severe storms. There are dedicated folks in these agencies going hard at these chores every day. And this bill is not meant to take anything away from what they do. But the reality is in our budget ceilings, under which we have stayed, putting together the best bill we can was tough to do.

Every attempt was made to move towards the President's requested budget for law enforcement and for the war on drugs. You will see that in conference we ended up with much higher numbers every key areas for the Justice Department, including fully funding new prison construction.

The conference agreement also boosts funding for export promotion in the new independent States, it provides the weather service with substantial increase for daily forecasting operations—as was requested and it funds the request for the multiyear modernization of weather service forecast and warning systems.

Finally, we continue two other Commerce programs that, in my view, are different, yet vital backstops for this Nation's economic development needs, the program of the EDA and the technology development programs within the National Institute of Standards and Technology.

Mr. Speaker, just as important as what is in this agreement, is what is not in it.

The House-passed bill linked Legal Services funding to the controversial House LSC reauthorization bill, which carried major changes in abortion policy, and presaged a certain veto of this bill. That provision is out, and this conference agreement maintains current law with respect to Legal Services and abortion—an extremely good outcome on this issue in my view.

The agreement drops a number of other controversial items, which would merely have served to set us back during the closing days of this session of Congress.

And lastly, the funding levels in the bill are below both the President's request and our own subcommittee allocations. This constrained us, for sure, but we hope the decisions are even-handed, and in keeping with the priorities of the House.

A final word of thanks goes to the gentleman from Iowa, Mr. NEAL SMITH, our chairman, for his work, help and cooperation throughout this year; and to our staffs on both sides of the aisle, and to our House conferees, for their contributions and support.

Mr. WHITTEN. Mr. Speaker, our subcommittee chairman, the gentleman from Iowa [Mr. SMITH], and the ranking minority member [Mr. ROGERS], and members of this subcommittee have done a good job in developing this conference agreement. I commend my fellow subcommittee members for their effort and rise in support of the conference report.

This agreement provides for the major crime fighting and drug enforcement agencies of the Government—the Federal Bureau of Investigation, the Drug Enforcement Administration—and for the prison system and the judiciary. While we may not provide all some would like for these important programs, we have done the best we could under the budget ceiling.

The conference agreement provides funding for site and planning costs for the proposed Federal detention facilities at Yazoo City, MI.

The conference agreement also includes funds for economic development and for small business assistance. We need these programs to help get our economy moving again.

Mr. Speaker, again I commend the gentleman from Iowa [Mr. SMITH] and the gentleman from Kentucky [Mr. ROGERS], along with their associates, for developing this conference report. I urge it be adopted.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to engage in a colloquy with the chairman of the House conferees regarding amendment No. 129 entitled "Military Useful Vessel Obligation Guarantees."

I was extremely gratified to note that in the report the conferees request the Secretary of Transportation and the Secretary of Defense to expedite the obligation of up to $3 million of the $48 million guarantee fund. This will defray costs connected with the pending loan guarantee application for the replacement of the sulphur tanker *Nordic Louisiana*.

However, Mr. Speaker, the conference report inadvertently states that the pending loan application is for $3 million, whereas the correct amount is approximately $43.7 million. The $3 million obligation referred to in the conference report is intended simply to cover the costs of the loan as required by section 502 of the Federal Credit Reform Act of 1990. Would the chairman be good enough, Mr. Speaker, to state whether my interpretation of the intent of the conference report is correct?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield, that is correct. The $3 million figure in the statement of managers refers to the subsidy cost of loan guarantee as required by the Credit Reform Act of 1990.

Mr. TAUZIN. Mr. Speaker, I thank subcommittee chairman.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume, and I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I wish to engage the chairman of the committee in a colloquy.

Mr. SMITH of Iowa. Mr. Speaker, I will be glad to respond.

Ms. PELOSI. Mr. Speaker, the conferees on the Commerce, Justice, State appropriation bill included $7 million for the marine sanctuaries sites program for fiscal 1993. Of this amount, we strongly urge the administration to provide a minimum of $410,000 to the Gulf of the Farallones National Marine Sanctuary. Even at this level the sanctuary will be operating with funding reduced nearly 30 percent from the $574,000 they received in fiscal 1990. I hope, and I ask the chairman, that next year, the subcommittee will look to restoring those higher funding levels for the Gulf of the Farallones.

Now I would like to propound a question to the chairman. It is my understanding that the conferees intended for the $300,000 earmark included in the conference report for the gulf of the Farallones National Marine Sanctuary be used to fund the continuation of the collaborative research program between the Gulf of the Farallones NMS and the Point Reyes Bird Observatory. Is that correct?

Mr. SMITH of Iowa. Yes; that is correct.

Ms. PELOSI. Mr. Speaker, I thank the chairman for his clarification and confirmation that that is correct.

Mr. Speaker, I rise in support of H.R. 5678, the fiscal year 1993 appropriations bill for Commerce, Justice, State, Judiciary, and related agencies.

I commend the chairman of the subcommittee, NEAL SMITH, and Representative HAROLD ROGERS, the ranking member, for their diligent efforts and leadership in crafting this legislation. I also want to thank the subcommittee staff for their hard work and dedication in helping put together this bill.

These are difficult economic times and while I am disappointed we could not do more in some parts of the bill, we all must recognize the need for belt tightening and support efforts to hold Federal spending in check. There are fewer dollars available now than were available a year ago and this means some programs must be cut, but we have tried in this bill to balance the need for spending restraint with the need to fund important programs.

The conference report is a tremendous improvement over the bill passed by the House in July. The conferees restored much of the deep cut the House bill proposed in funding for our Nation's coastal programs. The agreement provides $43.225 million for coastal zone management programs and $7 million for the Nation's marine sanctuary sites program, money that will help protect these precious natural resources.

Another important item in the conference report is funding for the Asia Foundation, an institution which plays an important role in stimulating democratic development in Asia. The conferees provided $16.693 million for the Asia Foundation next year, an increase of nearly $700,000 from the fiscal 1992 level.

The conference agreement also calls on the National Institutes of Justice within the Justice Department to develop a constitutional and enforceable model antistalking law for adoption by States to protect victims targeted by stalkers.

Mr. Speaker, these are just a few of the many important programs included in this bill. Again, I commend Chairman SMITH and the subcommittee for the excellent work they have done under very difficult fiscal constraints. I urge my colleagues to join me in supporting this legislation.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

□ 1050

Mr. BURTON of Indiana. Mr. Speaker, I rise in opposition to the bill, not because the chairman and the ranking Republican on the committee did not do their best, because I know they always do, but because this bill contains additional wasteful spending that we cannot tolerate right now because of the huge deficits this country is facing.

Mr. Speaker, this bill is $23.2 billion, which is $928 million or 4.2 percent above fiscal year 1992. It is $910.8 million or 4.1 percent above the House-passed bill.

In title II, amendment No. 78, the National Oceanic and Atmospheric Administration construction account is $94½ million, which is $59 million, over three times as high as fiscal year 1992. It is $40 million above the President's request, 74 percent, and it is $43 million or 84 percent above the bill we passed out of the House here earlier in the year.

There are pork barrel projects which were added in conference committee which were not funded in 1992 and not requested by the administration.

There is a million dollars in there for a Boston biotechnology innovation center. I do not mind Boston having that, but I think they ought to pay for it themselves. There is a million dollars in there for the Connecticut Maritime Education and Research Center at Mystic Seaport Museum in Mystic, CT. I do not mind them having that, but I think the people of Connecticut ought to pay for that.

The Small Business Administration salaries and expense accounts in title IV, amendment 136, contains $248.8 million. That is $13 million above 1992. It is $83 million, or 50 percent, higher than the President's 1993 budget request. This is $14.83 million above the House-passed bill we passed earlier in this year. That is 6 percent higher.

And then there is the following pork barrel projects which were added in conference, not funded in fiscal year 1992 and not requested by the President.

There is $1½ million for Worcester, MA, Centrum and Exhibition Hall, $100,000 for the Pittsburgh district video pilot project, $500,000 for the Ohio Development of International Trade; Morgan County, KY, High School, $1 million; Vermont Small Business Development, $1 million; Kansas Small Business Development, $500,000; Hazard Community College in Hazard, KY, $750,000; Canisius College Center, $150,000; Washington State University Research, $500,000; and St. Vincent College in Latrobe, PA, a Center for Global Competitiveness, $800,000.

The problem we have, Mr. Speaker, is that we are headed toward a $13½ trillion national debt, and we will not even be able to pay with income taxes the interest on the debt if we do not cut this spending. We have got to cut out the pork barrel projects.

For that reason, Mr. Speaker, I urge my colleagues to take a close look at this bill and to vote against it.

Mr. SMITH of Iowa. Mr. Speaker, I reserve the balance of my time.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, first this Member would like to express the appreciation to the chairman, the distinguished gentleman from Iowa [Mr. SMITH], and the ranking minority member, the distinguished gentleman from Kentucky [Mr. ROGERS] for their excellent work and for their support for export promotion in this appropriations bill.

As cochairman of the House Export Task Force, this Member rises in strong support of this conference report as importantly it restores funding to the Department of Commerce's International Trade Administration. Importantly, conferees have recognized the fundamental importance of promoting U.S. products abroad, and therefore have allocated an additional $19.8 million to the House-passed bill for this extremely important agency.

The International Trade Administration is perhaps one of the most important agencies for U.S. economic growth. International trade is extremely vital to our economic future, and it has become increasingly clear that in order for the United States to remain the world's economic leader, we must aggressively pursue a strategy of exporting our products and competitively trading our goods and services throughout the world.

Although overall U.S. growth has been nearly stagnant, we continue to enjoy record growth in sale of our goods, commodities, and services overseas. Much of that recent success is due to an aggressive export strategy implemented by the ITA. The ITA's U.S. Foreign Commercial Service places our export promotion offices where they are needed—in the country where U.S. businesses are trying to sell their products. Having a United States presence in these countries is especially important in developing markets such as Eastern Europe, Southeast Asia, and the newly Independent States of the former Soviet Union. Without such a presence, U.S. businesses would be sacrificing these promising markets to foreign competitors.

Those foreign competitors are currently enjoying their own government's support in selling their products throughout the world, and those governments are currently outspending the United States in export promotion activities. Mr. Speaker, the decision by conferees to increase funding for the International Trade Administration is an important recognition that the United States will compete aggressively for these markets, that we will compete for export-related jobs here in the United States, and that we will compete to remain the world's economic leader.

Overall, this legislation deserves the support of the House and I urge my colleagues to cast an "aye" vote.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentleman from Arkansas [Mr. ALEXANDER] I want to say that he is one member of the subcommittee that knows he is not coming back. The rest of us do not know whether or not we are coming back. But I would like to state that the gentleman from Arkansas has been a very valuable member of this subcommittee for a good many years, and we are sorry to see him leave.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman from Iowa [Mr. SMITH] very much. I just feel like I am graduating, and I may be back.

Mr. SMITH of Iowa. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I would like to take just a moment, if I could, to make one comment, and then I would like to engage the chairman, the gentleman from Iowa [Mr. SMITH], in a colloquy, if I may, about a matter that was adopted in the debate on the bill when it was originally enacted by the House.

First of all, I cannot help but make one observation concerning the incessant preoccupation of some Members on the question of pork. This bill contains what some people would refer to as pork. The chairman of the Committee on Appropriations, the gentleman from Mississippi [Mr. WHITTEN], has always observed that pork are those things that people in Washington cannot see from atop the Washington Monument. When the President of Russia spoke to the joint session of Congress this year, he said, and I quote, that even the most benevolent intentions will inevitably be abandoned and committed to oblivion if they are not translated into everyday efforts, and that is the end of the quote. This and many other bills from the Committee on Appropriations translate benevolent intentions into everyday efforts, and there are a number of everyday projects that this bill helps translate.

For example, I learned yesterday that the Economic Development Administration approved, under the current year funding, not next year's funding, $1.3 million for the construction of a wastewater treatment facility in a little town named Cotton Plant, AR, that has double digit unemployment. That was a last link in the chain of events necessary to attract a catfish processing plant that would provide market assistance for the farmers that raise catfish in that area, a multimillion dollar industry, and about 60 jobs to the unemployed people in that region. In a very short period of time that Federal investment of $1.3 million will be repaid by taxes made from income from people who will be employed in that facility.

Mr. Speaker, that is pork, and it is with a great deal of pride that I associate myself with the Committee on Appropriations and all matters that have had to do with creating jobs for our people in this country.

The gentleman might observe that this election this year is about jobs, and about the economy and the absence of a national economic policy that creates capital investment and creates jobs for our people.

Having said that, Mr. Speaker, I would like to engage the chairman of the subcommittee in a very short colloquy concerning an amendment that was adopted during the debate when this bill was passed in the House for a guaranteed loan program for construction of certain vessels that would come under the Maritime Administration. It is my understanding that under the maritime title XI loan guarantee program that up to $15 million my be used to guarantee loans for methanol plant ships that have been studied by contract with the Department of Transportation because they make a valuable contribution to national security in times of war by providing fuel and fuel storage capacity.

□ 1100

Mr. Speaker, let me ask the subcommittee chairman, is it his understanding that the Maritime Administration may consider such an application under the title XI loan guarantee program?

Mr. SMITH of Iowa. Mr. Speaker, if the gentleman will yield, let me say to the gentleman that that is correct.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. SMITH of Iowa. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, first I want to say, with regard to the budget numbers in the 602(b) allocation, that this conference is below the budget authority in every category. In defense, it is $141,000,000 below on budget authority and $164,000 on outlays. In the international section, it is $3,600,000 below on budget authority and $202,000 below on outlays. On the domestic allocation, it is $228,700,000 below on budget authority and $127,000 below in outlays.

So in almost every category it is below what was provided in the 602(b)'s, as well as the budget resolution and the budget agreement, and also below the President's number.

On another matter, I wanted to commend the chairman and the ranking member for their help in restoring funding with regard to the Marine Protection Program. That was an area that we were concerned with in terms of the House number as well as the Senate number. The conference moved up and provided $7 million with regard to the National Marine Protection Program. This is extremely important because this year three programs were added, including Monterey Bay. We just dedicated the Monterey Bay National Marine Sanctuary as the largest sanctuary running from the Farallones down to the coast of Big Sur. Since it is an onshore sanctuary, it demands a great deal of attention, and obviously funding for it is extremely important to make it work well not only as a model sanctuary but as something to truly protect our marine sciences.

So, Mr. Speaker, I want to commend the chairman and the ranking member for their help in restoring funding to the Marine Sanctuary Program because I think this is truly one of the key programs for the future in terms of marine sciences.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for that statement, and let me say that I would like to get out there and see the sanctuary between earthquakes.

Mr. PANETTA. We would be happy to have the gentleman.

Ms. LONG. Mr. Speaker, I rise in support of the conference report. Within the funding for the Department of Commerce, the conferees included a thoughtful level of funding for National Weather Service [NWS] operations which will enable the continuation of around-the-clock weather forecasting services nationwide. I generally support the planned NWS modernization. However, it is imperative that fully funding NWS operations be continued until the installation of the new forecasting technologies are in place and clearly demonstrate equally accurate forecasting services as currently provided.

Representing a rural, agricultural congressional district, accurate weather services have proven time and again to be extremely beneficial to farmers and their ability to maintain a healthy agricultural industry, ensuring quality commodities for our Nation's markets. In addition, my constituents experience flooding year after year and more recently experienced a damaging tornado. We must not deny these, or any other residents, important forecasting services which help to initiate thoughtful safety precautions and alleviate unnecessary suffering and hardship due to natural conditions and disasters. This service was effectively demonstrated during the passing of Hurricane Andrew earlier this year.

Furthermore, Mr. Speaker, providing the level of funding contained in the conference report will potentially reduce future natural disaster damage assessments, thereby reducing Federal disaster payment obligations, while, more importantly, reducing unnecessary casualties.

For these reasons, I urge my colleagues to support the conference agreement.

Mr. CARR. Mr. Speaker, I rise to amplify the provision of this bill agreed to in conference which limits the acquisition of tankers and other vessels for the Ready Reserve Force to those available from U.S. sources where adequate numbers of such vessels are available. This provision was a compromise with the Senate which had prohibited the acquisition of ships not registered in the United States on or before January 1, 1992. When the conferees confined the procurement of RRF vessels to those from U.S. sources, they meant that such vessels would be owned by Americans, registered under our laws, and built in this country. In other words, it was the conferees' intent that these be truly U.S. vessels.

Mr. BROWN. Mr. Speaker, I rise in support of the conference report.

As chairman of the Committee on Science, Space, and Technology, I am particularly interested in those programs in the bill which are authorized by our committee, including the National Institute of Standards and Technology [NIST], the National Oceanic and Atmospheric

Administration [NOAA], and certain international scientific programs of the Department of State [DOS].

At the outset, I want to commend the conferees for the excellent job that they did in balancing the competing priorities in this bill. There is no question that this bill requires additional funding to address all these priorities, and the conferees have acted judiciously in meeting these needs to the extent possible.

For example, despite a tight allocation, the conferees were able to provide substantial increases for both the core NIST programs and the external programs by which NIST provides technology development grants and extension services to U.S. industry, especially high-technology industries. There is a growing consensus in this country and in this Congress of the importance of cooperative Government-industry programs to promote excellence in U.S. industry, especially manufacturing industries. That consensus was demonstrated dramatically last week when the House passed the National Competitiveness Act by a veto-proof margin of 287 to 122. The conferees have done well to fund these programs at the levels that they have.

For NOAA, the conferees have also actly wisely. I applaud their strong support for the continued modernization of the National Weather Service and their wisdom in moving aggressively to protect the Polar-Orbiting Weather Satellite Program from the sort of mismanagement that currently plagues the Geostationary Weather Satellite Program.

At the same time, I want to take this opportunity to express my concerns about the way in which the appropriations process continues to impinge upon the functions of the authorizing committees of the House. The greatest frustration that I have found in my first term as chairman of the Science Committee has been in attempting to deal with the other body on authorizing legislation. The Appropriations Committee is not an exclusive assignment in the Senate, and we often have difficulty persuading those Members of the Senate with overlapping committee assignments to focus on authorizing legislation. Often, these Members prefer to legislate in appropriations bills, which by their nature and by the rules of both Houses, are more protected from debate, amendment, and perfection than are corresponding authorizing bills. These are matters on which a number of chairmen of House authorizing committees have proposed reforms of the Rules of the House, and I would refer colleagues to page H 9457 of the September 25 CONGRESSIONAL RECORD, where I have attached a copy of our proposals for reforming the appropriations process.

I must say that the gentleman from Iowa [Mr. SMITH] has been sensitive to our concerns in this area, and has responded to the request of the authorizing committees to delete certain legislative language from the bill. We appreciate his willingness to work with us to correct this problem.

Despite this, however, I continue to be concerned about the disturbing trend in recent appropriations bills and reports toward proliferation of unauthorized, location-specific earmarks for academic research and facilities. This practice of academic pork barreling has exacerbated an already fierce competition for scarce research funding. These earmarks are justifiable neither by geographic inequities nor by an unfair and undemocratic "old boys" network. They are in fact nothing more than a reflection of the power of a few well-placed Members of the Appropriations Committee. Earmarks not only destroy fair competition in scientific awards; they also reflect poorly on the integrity of the appropriations process and on the institution of the House.

Over the past 2 weeks, the House has been able to vote on—and to strike—earmarks of this sort that appeared de novo in two appropriations conference reports. The rules permitted us to vote on these matters because the projects and the legislative language were reported in technical disagreement. I recognize that those were probably the last two appropriations conference reports on which the House will be able to take this sort of action this year. As we rush to adjourn, the rules granted for the remaining conference reports will look like this rule—that is, all amendments in technical disagreement which contain earmarks or legislative language from the Senate will be rolled into the conference report and protected by the rule from any points of order.

Under normal circumstances and under a normal rule, I would have been inclined to seek a House vote on some of the academic earmarks contained in this bill, particularly those in the NOAA facilities account. I grudgingly accept the fact that the rule does not permit this. The only choice we are given is to accept or reject the conference report as a whole, up or down. I don't want to defeat this conference report and I don't think that most Members want to do that.

But, as I said on the floor last week, we in the 102d Congress need to begin to reform this process, or we will find the 120 to 150 new Members of the House doing it for us next year.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 5678, the bill that will fund the Commerce, Justice, and State Departments, the Federal judiciary, and related agencies for fiscal year 1993.

First, I would like to once again commend the chairman of the subcommittee, Congressman NEAL SMITH, for his diligent efforts on behalf of this legislation. I know all too well the fiscal constraints that he had to face, especially this year, as he drafted this bill. I would also like to compliment the ranking member of the subcommittee, Congressman HAROLD ROGERS, for his outstanding efforts, and the subcommittee staff for their tireless work in bringing this bill to the floor today.

Most of us do not realize the enormous scope of the programs that are in this bill. H.R. 5678 supports assistance grants to local law enforcement agencies, as well as law enforcement efforts against organized drug crime. It funds fisheries, as well as marine, weather, environmental and satellite programs, and conservation and management activities, and assistance to States. H.R. 5678 also funds planning and construction grants for public television, radio and nonbroadcast facilities—important public service programs for which the administration had requested no funding at all.

The Small Business Administration [SBA]—known for its direct and guaranteed loan assistance to small businesses—is also supported by this bill, which includes a provision that expresses the sense of the Congress that recipients of funds under the bill should buy American-made products.

A key provision in the bill that is of tremendous importance to my district and its surrounding areas is the provision that funds the Sacramento River Winter Run Chinook Salmon Captive Broodstock Program. Consequently, I would like to take this opportunity to thank the subcommittee for its priority consideration of this particular program, which will support efforts to protect and accelerate the recovery of the winter run chinook salmon. As many in my district know, the winter run chinook salmon have been listed as threatened under the Endangered Species Act [ESA]. Their precarious status makes a successful recovery program, which will protect and accelerate their recovery, of vital importance to the area. A successful program will improve our local economy by alleviating the stress on the fishing industry and agricultural water diversions, and it will enhance recreational benefits. Ultimately, I hope this program will be successful in removing the winter run from the ESA list as well.

The goal of the captive breeding program is to breed winter run chinook salmon under controlled conditions until they become reproductively mature adults. Mature adults would then be used as hatchery broodstock for continued propagation of the species. Under the captive breeding program, approximately 1,000 juvenile fish would be transferred from the Coleman National Fish Hatchery and raised to maturity at two research facilities—Steinhart Aquarium in San Francisco and the University of California at Davis [UCD] Bodega Bay Marine Laboratory—and returned to Coleman as broodstock. The Steinhart Aquarium could hold up to 250 juvenile chinook salmon for extended periods in salt water, and the UCD facility could provide up to 750 juveniles reared in both freshwater and saltwater. Ideally, the program would produce 200 mature broodstock each year. This effort, which is considered a supplement to, and not a replacement for, attempts to increase natural production, has the broad support of commercial and sport fishing organizations, environmental organizations, and the agriculture community.

I would once again like to commend the chairman, members, and staff of the subcommittee for their tireless work on this bill. Due to reduced funding, the subcommittee was forced to make very difficult decisions when it came to allocating money for the important domestic programs that this bill supports. However, the subcommittee has made the necessary hard choices and set good priorities. The result is a well-balanced bill that supports the quality of our lives as Americans. The programs in H.R. 5678 safeguard our children, neighborhoods and communities, and preserve our resources. They protect our industries, both locally and globally, and help us maintain our position as an international leader—economically, socially, and politically. I urge my colleagues on both sides of the aisle to support its final passage.

Mr. ROGERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 302, nays 117, not voting 13, as follows:

[Roll No. 448]

YEAS—302

Abercrombie
Ackerman
Alexander
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bacchus
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Camp
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
Espy
Evans
Ewing
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Gordon
Grandy
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hughes
Hutto
Hyde
Ireland
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCurdy
McDade
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (WA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Oxley
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Perkins
Peterson (FL)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Riggs
Rinaldo
Ritter
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Rowland
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schumer
Serrano
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spence
Spratt
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Washington
Waters
Waxman
Weber
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron

NAYS—117

Allard
Allen
Archer
Armey
Baker
Ballenger
Barton
Bilirakis
Boehner
Bunning
Burton
Callahan
Campbell (CA)
Campbell (CO)
Coble
Coleman (MO)
Combest
Condit
Cox (CA)
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
English
Erdreich
Fawell
Fields
Gallegly
Glickman
Goss
Gradison
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hubbard
Hunter
Inhofe
Jacobs
James
Johnson (TX)
Jontz
Kasich
Klug
Kyl
Lagomarsino
Leach
Lewis (FL)
Marlenee
McCollum
McEwen
McGrath
McMillan (NC)
Miller (CA)
Miller (OH)
Molinari
Moorhead
Murphy
Neal (NC)
Nichols
Nussle
Orton
Owens (UT)
Packard
Pallone
Penny
Peterson (MN)
Petri
Porter
Ramstad
Rhodes
Ridge
Roberts
Roemer
Rohrabacher
Roth
Roukema
Santorum
Sarpalius
Schaefer
Schroeder
Schulze
Sensenbrenner
Sharp
Shays
Sikorski
Smith (OR)
Smith (TX)
Snowe
Solomon
Stallings
Stark
Stearns
Stump
Tallon
Taylor (NC)
Thomas (CA)
Thomas (WY)
Vento
Walker
Walsh
Weldon
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Anthony
Barnard
Dymally
Goodling
Guarini
Huckaby
Lipinski
McCrery
Pease
Sanders
Saxton
Shuster
Staggers

□ 1127

Mr. HEFLEY and Mr. CONDIT changed their vote from "yea" to "nay."

Mr. POSHARD and Mr. LIVINGSTON changed their vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON, AND PROVIDING FOR CORRECTIONS IN ENROLLMENT OF, H.R. 5488, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1993

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 583 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 583

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes. All points of order against the conference report and against its consideration are waived. Upon the adoption of the conference report the House shall be considered to have adopted a concurrent resolution consisting of the text printed in section 2.

SEC. 2. *Resolved by the House of Representatives (the Senate concurring)*, That in the enrollment of the bill (H.R. 5488) entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes", the Clerk of the House shall make the following corrections:

Strike section 629 of title VI, General Provisions, Departments, Agencies, and Corporations, and redesignate the succeeding sections accordingly.

□ 1130

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, House Resolution 583 is the rule providing for the consideration of the conference report on H.R. 5488, making appropriations for the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993.

Under the rules of the House, conference reports are considered privileged. The rule waives all points of order against the conference report and against its consideration. In these last days of the session, these waivers are necessary to move the conference report in the most expeditious manner possible.

The rule also provides that the House, upon adoption of the conference report, will be considered to have adopted a concurrent resolution—the text is included in section 2 of the rule—directing the Clerk of the House to make certain corrections in enrollment. This provision reflects an agreement reached between the appropriations committee and the authorizing committee.

Mr. Speaker, I commend my colleagues on the Appropriation Committee for their work on this measure and in particular, I thank my good friend from California, Mr. ROYBAL, who after many years of outstanding service in Congress is retiring. We shall miss him and the good work he had done for us.

Mr. Speaker, I urge my colleagues to approve this rule so that we may act today on this conference report.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the gentleman from California has ably explained the provisions of the rule.

Mr. Speaker, again we have a rule waiving all points of order—this time for the consideration of the conference report on the appropriations bill for the Treasury, the U.S. Postal Service, the Executive Office of the President and certain independent agencies.

This bill is well within the funding limits which are acceptable to the President. Funds are included to modernize the tax system of the Internal Revenue Service, to continue the critical work of the Office of National Drug Control Policy, and for the operations of several other independent agencies.

As I've said before, I do not endorse this practice of granting blanket waivers because it prohibits Members from addressing specific items which may be included in a conference report—some of which may never have been debated here in the House.

However, I will not oppose the rule, and I urge its prompt adoption so we can proceed with the consideration of this bill.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I rise in support of this conference report and would like to speak to a specific provision that cuts off funding for the program administered by the Bureau of Alcohol, Tobacco, and Firearms that puts guns back in the hands of convicted felons.

The issue here is whether we want to spend millions of taxpayer dollars rearming convicted felons or do we think BATF's time and money is better spent fighting violent crime.

Under current law a person cannot lawfully possess, ship, receive or transport firearms if they have been convicted of a felony, committed to a mental institution, dishonorably discharged from the military, renounced citizenship or found to be a drug addict. However, there is a provision in the law that allows these people to apply to BATF for what they call disability relief. BATF is then obligated to conduct extensive and expensive background investigations and make a guess as to whether or not the felon or mental incompetent is likely to be dangerous in the future.

This provision was originally intended to apply to a company that had an institutional conviction and was precluded from purchasing a firearms manufacturing firm. But it has now gotten totally out of hand.

BATF spends about $4 million per year and uses 40 man years annually on this program. From 1985 to 1991 BATF spent more than $21.7 million. From 1985 to 1990 there were 7,261 applications that resulted in 2,307 approvals. Some of these rearmed felons, about 4 percent on average, then commit additional crimes.

Earlier this session I released the list of 47 convicted felons who had been rearmed under this program between 1982 and 1988 and then went on to commit additional crimes. I have just obtained the update of this list covering the period between November 1988 to present. This list shows that people convicted of violent crimes, drug offenses and firearms violations are having their gun rights restored. And during this period 33 of them were rearrested. Available records show that of these at least 21 resulted in convictions. These include a Michigan man who have a conviction of a firearms violation and was subsequently convicted of drug distribution after having his gun rights restored. An Oregon burglar was given his gun rights back and then was convicted of selling drugs. A Kentucky man who dealt in stolen property was given his gun back and he is now serving 7 years in prison for burglary, theft and for being a repeat offender. And there are more.

Mr. Speaker, remember what we are talking about—these are convicted felons who are not entitled to possess weapons who the Government is allowing to rearm. These felons have included people convicted of violent, drug and firearms offenses. And they are getting their guns back. BATF does the best it can to administer this law but they are not mind readers. They should be arresting felons not arming them.

I chair the authorizing subcommittee that has jurisdiction over this statutory provision and I fully support the defunding of this program. If you are for giving felons guns, then you are against this bill. I, for one, think it is time we put an end to that madness and this bill does just that. I urge my colleagues to support it.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I will not ask for a vote on this rule, but I would like to point out to my colleagues, and I hope they are paying attention, this bill is $2.65 billion higher than last year. That is $2,650 million higher than last year's spending bill or a 13.4 percent increase over last year.

We have fiscal problems in this country. They are going to get worse if we do not get control of spending.

I would like to say to my colleagues that we should not pass a rule through the Rules Committee that waives all points of order so we cannot get at these pork barrel projects that are wasting so much of the taxpayers' money. And this bill does waive all points of order. I think we should admonish the Rules Committee to reconsider these things, and in the future I do not know if we will win or not, but we are going to try to get them to. But I will not ask for a vote on this, but I will ask for a vote on the bill when it comes to the floor.

Mr. QUILLEN. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

☐ 1140

Mr. ROYBAL. Mr. Speaker, pursuant to House Resolution 583, I call up the conference report on the bill (H.R. 5488) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, September 28, 1992, at page 28324.)

The SPEAKER pro tempore. The gentleman from California [Mr. ROYBAL] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, before I start with a brief explanation of the bill, I would like to take this time to thank the members of the subcommittee, for the support that they have given me throughout the last 2 years. I want to thank them for their dedicated service, thank them also for the great interest that they have in doing what is best for this country. It has been a great honor to serve with them, and may I say that serving with men and women of that caliber is not only a pleasure but a real privilege.

I think that I can say that the men and women on this subcommittee and as well as the whole committee are individuals that really care about this country and about their constituents, and I wish to thank them for the great job that they have done.

I want to specifically point out the fact that the ranking minority member, the gentleman from Virginia [Mr. WOLF], has been very cooperative. Yes, we have had disagreements, Mr. Speaker, like we have on everything in this House, but the truth of the matter is that we were able to work out those disagreements, and we have done that in a friendly manner, keeping in mind at all times the best interests of the country. Having served with the gentleman from Virginia [Mr. WOLF] and the others, it is a real pleasure, and may I thank them, and the members of the subcommittee, the gentleman from Maryland [Mr. HOYER], the gentlewoman from California [Ms. PELOSI], the gentleman from Texas [Mr. COLEMAN], the gentleman from Colorado [Mr. SKAGGS], the gentleman from Indiana [Mr. VISCLOSKY], the chairman of the committee, [Mr. WHITTEN], the gentleman from Iowa [Mr. LIGHTFOOT], the gentleman from Kentucky [Mr. ROGERS], and the gentleman from Pennsylvania [Mr. MCDADE].

Mr. Speaker, the conferees have reached agreement on H.R. 5488, the Treasury, Postal Service, and General Government appropriations bill for fiscal year 1993.

I think we all know that such a conference is not an easy matter, as we have certain fiscal restraints with which all Members are familiar, but these fiscal restraints forced the conferees to agree to some funding levels that each and every one of us personally wished could have been higher.

On the whole, however, the conference report before the House will fund the agencies in this bill at a level which will enable them to perform their assigned functions in a reasonable manner.

H.R. 5488 provides a total of $22.5 billion in new budget authority for the agencies under this bill for fiscal year 1993. The conference agreement is below the 602(b) allocations for both budget authority and outlays. I am inserting in the RECORD a table providing details of this conference report.

Mr. Speaker, H.R. 5488 funds Federal agencies deeply involved in the war on drugs. The conference report before you provides funding for a number of law enforcement agencies such as the U.S. Customs Service, the Secret Service, the Bureau of Alcohol, Tobacco, and Firearms, the Internal Revenue Service, and others.

The conference report contains funds and support for the Director of the Office of Drug Control Policy in his efforts to provide policy and other guidance for the war on drugs.

One of the most difficult reductions that we had to make in this bill, in my opinion, was the revenue forgone appropriation to the Postal Service. We were, however, able to provide the full amount requested by the President. In addition, the conferees agreed on language to prevent rate increases in fiscal 1993 for nonprofit mailers.

Revenue forgone is a very important item in this bill. It does, in fact, provide support and does provide lower rates for nonprofit mailers. Even though we were not able to provide the full funding that we originally had in mind, we were able to provide the level recommended by the President, and at the same time were able to place a provision in the bill that would prohibit increases in rates for those preferred rate and nonprofit mailers in this country.

In general, the conferees endeavored to fund all agencies at a level that would enable them to continue their operations at a reasonable level.

Mr. Speaker, I believe that this is a good conference report. It represents a reasonable compromise with the Senate. I would like to recommend this report to Members of the House. I believe that it is fair. It is well done. I would like to request that the Members support it because of its content and what it means and what it is about and what it does.

Treasury, Postal Service, and General Government, FY 1993 (H.R. 5488)

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices:						
Salaries and expenses	68,238,000	73,093,000	68,238,000	68,238,000	71,202,000	+2,964,000
International affairs	33,325,000	34,402,000	33,325,000	33,492,000	33,408,000	+83,000
Office of Inspector General	24,835,000	31,459,000	31,459,000	24,835,000	29,147,000	+4,312,000
Total, Departmental offices	126,398,000	138,954,000	133,022,000	126,565,000	133,757,000	+7,359,000
Financial Crimes Enforcement Network	18,055,000	19,987,000	19,087,000	18,342,000	18,342,000	+287,000
Federal Law Enforcement Training Center:						
Salaries and expenses	39,645,000	42,936,000	41,236,000	48,538,000	47,158,000	+7,513,000
Acquisition, construction, improvements, and related expenses	8,309,000	12,386,000	10,886,000	12,301,000	12,301,000	+3,992,000
Total, Federal Law Enforcement Training Center	47,954,000	55,322,000	52,122,000	60,839,000	59,459,000	+11,505,000
Financial Management Service	231,500,000	219,146,000	214,146,000	214,069,000	214,069,000	-17,431,000
Bureau of Alcohol, Tobacco and Firearms	336,040,000	357,419,000	355,419,000	371,324,000	366,372,000	+30,332,000
United States Customs Service:						
Salaries and expenses	1,266,305,000	1,324,070,000	1,331,070,000	1,326,417,000	1,315,917,000	+49,612,000
Operation and maintenance, air and marine interdiction programs	175,932,000	138,983,000	136,783,000	83,242,000	83,242,000	-92,690,000
Operations and maintenance, Customs P3 program	....	....	....	28,000,000	28,000,000	+28,000,000
Air and marine interdiction programs, procurement	....	....	....	21,174,000	21,174,000	+21,174,000
Customs facilities, construction, improvements and related expenses	12,100,000	....	....	4,600,000	4,600,000	-7,500,000
Customs forfeiture fund (limitation on availability of deposits)	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000	....
Customs services at small airports (to be derived from fees collected)	2,981,000	1,500,000	1,500,000	1,500,000	1,500,000	-1,481,000
Total, United States Customs Service	1,472,318,000	1,479,553,000	1,484,353,000	1,479,933,000	1,469,433,000	-2,885,000
United States Mint	52,450,000	54,208,000	52,450,000	53,551,000	53,001,000	+551,000
Expansion and improvements	....	....	....	....	....	....
Bureau of the Public Debt	189,000,000	201,233,000	189,000,000	194,643,000	194,643,000	+5,643,000
Payment of government losses in shipment	....	500,000	....	500,000	500,000	+500,000
Internal Revenue Service:						
Administration and management	141,372,000	160,948,000	157,368,000	150,728,000	157,368,000	+15,996,000
Processing tax returns and assistance	1,657,944,000	1,648,960,000	1,648,960,000	1,634,298,000	1,634,298,000	-23,646,000
Tax law enforcement	3,579,879,000	3,852,588,000	3,835,192,000	3,835,501,000	3,835,347,000	+255,468,000
Information systems	1,294,713,000	1,580,865,000	1,566,909,000	1,480,341,000	1,480,341,000	+185,628,000
Total, Internal Revenue Service	6,673,908,000	7,243,361,000	7,208,429,000	7,100,868,000	7,107,354,000	+433,446,000
United States Secret Service	475,423,000	470,372,000	470,372,000	467,938,000	469,155,000	-6,268,000
Total, title I, Department of the Treasury	9,623,046,000	10,240,055,000	10,178,400,000	10,088,572,000	10,086,085,000	+463,039,000
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund 1/	470,000,000	121,912,000	200,000,000	200,000,000	121,912,000	-348,088,000
Payment to the Postal Service Fund for nonfunded liabilities	40,575,000	38,614,000	38,614,000	38,614,000	38,614,000	-1,961,000
Total, title II, Postal Service	510,575,000	160,526,000	238,614,000	238,614,000	160,526,000	-350,049,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT						
Compensation of the President	250,000	250,000	250,000	250,000	250,000	....
The White House Office	34,885,000	36,561,000	32,897,000	35,165,000	35,385,000	+500,000
Executive Residence at the White House	8,362,000	7,684,000	7,072,000	7,598,000	7,598,000	-764,000
Official Residence of the Vice President	324,000	337,000	306,000	324,000	324,000	....
Special Assistance to the President	2,932,000	3,150,000	2,765,000	2,932,000	3,150,000	+218,000
Council of Economic Advisers	3,345,000	3,508,000	3,154,000	3,345,000	3,428,000	+83,000
Office of Policy Development	3,701,000	3,882,000	3,490,000	3,701,000	3,772,000	+71,000
National Security Council	6,145,000	6,218,000	5,631,000	6,118,000	6,118,000	-27,000
National Critical Materials Council	235,000	247,000	....	247,000	235,000	....
Office of Administration	24,510,000	24,518,000	22,941,000	24,438,000	24,438,000	-72,000
Office of Management and Budget	51,934,000	54,479,000	48,974,000	51,934,000	52,981,000	+1,047,000
Office of Federal Procurement Policy	3,058,000	3,208,000	2,884,000	3,058,000	3,058,000	....
Office of National Drug Control Policy:						
Salaries and expenses	105,122,000	68,348,000	62,566,000	103,248,000	103,248,000	-1,874,000
Counter Drug Tech Assessment Center (DoD)	20,000,000	....	....	20,000,000	....	-20,000,000
Special forfeiture fund	52,500,000	67,401,000	56,816,000	82,542,000	75,742,000	+23,242,000
Transfer to DoD	....	....	....	-20,000,000	....	....
Federal Law Enforcement Training Center, ACIR	....	....	....	(9,000,000)	(5,000,000)	(+5,000,000)
ADAMHA (by transfer)	(19,000,000)	(34,701,000)	(32,723,000)	(34,701,000)	(33,701,000)	(+14,701,000)
INS (by transfer)	(7,500,000)	(10,300,000)	(2,027,000)	(8,300,000)	(7,000,000)	(-500,000)
U.S. Marshals Service (by transfer)	....	....	(2,829,000)	....	(2,500,000)	(+2,500,000)
IRS tax law enforcement (by transfer)	(6,000,000)	....	....	....	....	(-6,000,000)

Treasury, Postal Service, and General Government, FY 1993 (H.R. 5488) - Continued

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
DOJ - Bureau of Justice Assistance					(2,000,000)	(+2,000,000)
CTAC (by transfer)					(15,000,000)	(+15,000,000)
Total, Office of National Drug Control Policy	177,622,000	135,749,000	119,382,000	185,790,000	178,990,000	+1,368,000
Unanticipated needs	1,000,000	1,000,000	754,000	1,000,000	1,000,000	
Total, title III, Executive Office of the President	318,303,000	280,791,000	250,500,000	325,900,000	320,727,000	+2,424,000
(By transfer)	(32,500,000)	(57,401,000)	(47,386,000)	(62,542,000)	(75,742,000)	(+43,242,000)
TITLE IV - INDEPENDENT AGENCIES						
Administrative Conference of the United States	2,227,000	2,327,000	2,314,000	2,327,000	2,314,000	+87,000
Advisory Commission on Intergovernmental Relations	1,330,000	1,401,000	1,891,000	1,330,000	1,820,000	+490,000
Citizens' Commission on Public Service and Compensation		250,000	250,000	250,000	250,000	+250,000
Advisory Committee on Federal Pay						
Committee for Purchase from the Blind and Other Severely Handicapped	1,446,000	1,653,000	1,653,000	1,653,000	1,653,000	+207,000
Federal Election Commission	18,808,000	21,031,000	20,531,000	21,031,000	21,031,000	+2,223,000
General Services Administration:						
Federal Buildings Fund:						
Appropriation	271,000,000		402,040,000	353,516,000	330,501,000	+59,501,000
Unobligated balances		336,159,000				
Limitation on availability of revenue:						
Construction & acquisition of facilities	(548,482,000)	(600,953,000)	(684,952,000)	(670,377,000)	(626,312,000)	(+77,830,000)
Repairs and alterations	(569,251,000)	(594,066,000)	(583,255,000)	(594,066,000)	(594,066,000)	(+24,815,000)
Installment acquisition payments	(144,587,000)	(145,381,000)	(145,381,000)	(145,381,000)	(145,381,000)	(+794,000)
Rental of space	(1,568,900,000)	(1,898,691,000)	(1,898,691,000)	(1,898,691,000)	(1,898,691,000)	(+329,791,000)
Real property operations	(1,071,372,000)	(1,174,337,000)	(1,170,000,000)	(1,073,363,000)	(1,130,871,000)	(+59,499,000)
Program direction	(137,748,000)	(144,973,000)	(142,000,000)	(142,000,000)	(142,000,000)	(+4,252,000)
Design and construction services	(112,273,000)	(195,931,000)	(195,930,000)	(179,930,000)	(179,930,000)	(+67,657,000)
Total, Federal Buildings Fund	271,000,000	336,159,000	402,040,000	353,516,000	330,501,000	+59,501,000
(Limitations)	(4,152,613,000)	(4,754,332,000)	(4,820,209,000)	(4,703,808,000)	(4,717,251,000)	(+564,638,000)
Federal Supply Service	54,605,000	56,570,000	56,070,000	56,217,000	56,144,000	+1,539,000
Information resources management service	46,014,000	45,991,000	45,787,000	47,051,000	46,419,000	+405,000
Federal Property Resources Service	14,227,000	13,933,000	13,933,000	13,933,000	13,933,000	-294,000
Real property relocation	12,000,000					-12,000,000
General management and administration	31,155,000	37,918,000	31,155,000	34,275,000	34,000,000	+2,845,000
International Cultural and Trade Center Commission (by transfer from GMA)	(724,000)					(-724,000)
International Cultural and Trade Center						
Office of Inspector General	35,994,000	34,748,000	34,748,000	34,748,000	34,748,000	-1,246,000
Allowances and Office Staff for Former Presidents	2,129,000	2,200,000	2,183,000	2,200,000	2,192,000	+63,000
Expenses, presidential transition		5,000,000	5,000,000		5,000,000	+5,000,000
Total, General Services Administration	467,124,000	532,519,000	590,916,000	541,940,000	522,937,000	+55,813,000
(By transfer)	(724,000)					(-724,000)
National Archives and Records Administration	152,143,000	165,045,000	163,045,000	167,045,000	165,045,000	+12,902,000
Office of Government Ethics	6,303,000	8,365,000	8,265,000	8,365,000	8,265,000	+1,962,000
Office of Personnel Management:						
Salaries and expenses	116,593,000	120,269,000	117,593,000	116,593,000	119,000,000	+2,407,000
(Limitation on administrative expenses)	(79,757,000)	(70,993,000)	(70,993,000)	(67,000,000)	(69,993,000)	(-9,764,000)
Employees Health Benefit Fund (limitation on administrative expenses)	(13,850,000)	(14,702,000)	(14,702,000)	(14,702,000)	(14,702,000)	(+852,000)
Retired Employees Health Benefits Fund (limitation on administrative expenses)	(208,000)	(251,000)	(251,000)	(251,000)	(251,000)	(+43,000)
Employees Life Insurance Fund (limitation on administrative expenses)	(953,000)	(1,086,000)	(1,086,000)	(1,086,000)	(1,086,000)	(+133,000)
Office of Inspector General	4,018,000	4,528,000	4,528,000	4,227,000	4,227,000	+209,000
(Limitation on administrative expenses)	(5,825,000)	(6,956,000)	(6,956,000)	(6,105,000)	(6,500,000)	(+675,000)
Government payment for annuitants, employees health benefits	2,503,535,000	4,149,245,000	4,149,245,000	4,149,245,000	4,149,245,000	+1,645,710,000
(Proposed USPS Payment)		-105,000,000				
Government payment for annuitants, employee life insurance	14,249,000	12,433,000	12,433,000	12,433,000	12,433,000	-1,816,000
Payment to civil service retirement and disability fund	6,078,686,000	6,900,000,000	6,900,000,000	6,900,000,000	6,900,000,000	+821,314,000
(Proposed USPS Payment)		-210,000,000				
Total, Office of Personnel Management	8,717,081,000	10,871,475,000	11,183,799,000	11,182,496,000	11,184,905,000	+2,467,824,000
Merit Systems Protection Board:						
Salaries and expenses	23,361,000	24,884,000	24,850,000	24,398,000	24,450,000	+1,089,000
(Limitation on administrative expenses)	(1,850,000)	(1,950,000)	(1,950,000)	(1,950,000)	(1,950,000)	(+100,000)
Office of special counsel	7,789,000	7,962,000	7,949,000	7,962,000	7,952,000	+163,000
Total, Merit Systems Protection Board	31,150,000	32,846,000	32,799,000	32,360,000	32,402,000	+1,252,000

Treasury, Postal Service, and General Government, FY 1993 (H.R. 5488), Continued

	FY 1992 Enacted	FY 1993 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Labor Relations Authority	20,769,000	21,697,000	21,637,000	21,657,000	21,647,000	+878,000
United States Tax Court	32,050,000	34,500,000	32,435,000	33,500,000	32,435,000	+385,000
Total, title IV, Independent Agencies	9,450,431,000	11,693,109,000	12,059,535,000	12,013,956,000	11,994,704,000	+2,544,273,000
(Limitation on administrative expenses)	(4,255,056,000)	(4,850,270,000)	(4,916,147,000)	(4,794,902,000)	(4,811,733,000)	(+556,677,000)
Grand total:						
New budget (obligational) authority	19,902,355,000	22,374,481,000	22,727,049,000	22,667,042,000	22,562,042,000	+2,659,687,000
(By transfer)	(33,224,000)	(57,401,000)	(47,386,000)	(62,542,000)	(75,742,000)	(+42,518,000)
(Limitations)	(4,255,056,000)	(4,850,270,000)	(4,916,147,000)	(4,794,902,000)	(4,811,733,000)	(+556,677,000)

1/ Administration's FY 93 request for Postal Service is $121,912,000.00.

Mr. Speaker, I reserve the balance of my time.

Mr. WOLF. Mr. Speaker, I yield my self such time as I may consume.

Mr. Mr. Speaker, I rise in support today of the conference report before us on H.R. 5488, the 1993 Treasury, Postal Service, and general government appropriations bill.

Mr. Speaker, these spending recommendations included in the report are responsible and they meet the President's standards. With certain adjustments made for legislative savings assumed in the President's original budget request, the conference agreement provides $122 million less in new budget authority than proposed by the President for domestic discretionary programs covered by this bill.

Mr. Speaker, this conference agreement is a profamily measure. It includes provisions for child care as well as initiatives that will address very significant concerns of working families, the flexiplace telecommuting center. We are including provisions in this bill that will allow Federal employees faced with long commutes to Washington an alternative. Funds provided to develop flexiplace telecommuting centers, centers where employees can be linked through computers and telecommunications technology to their main offices. These centers will means that moms and dads, working parents, can spend more time with their children and less time in traffic on congested roads commuting to and from work.

Mr. Speaker, I am also pleased, and this is very important, I am pleased to announce to the Congress that the conference agreement increases the penalties for anyone who knowingly transports goods made wholly or in part by convicts or prisoners—slave labor. As we know, some American companies have been purchasing goods from China. We noted on this issue on the MFN on China. American companies have been purchasing goods from China made by slave labor, goods to be sold in the United States. Companies were able to do it because the penalty was only $1,000. This conference agreement increases the penalty from $1,000 to $50,000, and the imprisonment time from 1 to 2 years.

I want to thank the gentlewoman from California [Ms. PELOSI] for her help on this matter. We all know what a great job the gentlewoman from California [Ms. PELOSI] has done on the MFN issue and, with these increased penalties, there will be a real, practical effect: Customs and Justice can bring cases against those who import goods. That language is in here.

It is clearly time to get tough on firms that are not only breaking U.S trade laws but are creating what I think most Members would agree is a moral crime.

Mr. Speaker, I want to note my serious concerns with a few provisions included in the statement of the managers accompanying this conference report. My Republicans colleagues, the gentleman from Iowa [Mr. LIGHTFOOT], the gentleman from Kentucky [Mr. ROGERS] and the gentleman from Pennsylvania [Mr. MCDADE], and I joined to sign the conference report with the exception of the statement of managers accompanying amendment No. 155 and amendment No. 156.

These two amendments address the Council on Competitiveness and Secret Service protection of former Presidents. On the council on Competitiveness the statement of managers suggested that it is the position of the conferees that, among other criticisms, the Council has intervened in the regulatory process without authority and that it refuses to disclose comments and communications it considers affecting regulatory action.

The statement of the managers further imposes several restrictions on the Council's activities, as well as requiring a substantial revision to the way the Council does business. The statement of managers has no actual legislative effect; and the members of the minority signed the agreement with the understanding that the report has absolutely no impact on the operations of the Council. The minority also wanted the Congress to know that they believe the Council on Competitiveness has brought reason to burdensome regulations affecting all of our constituents.

Mr. Speaker, I note that a number of important drugs such as those for cystic fibrosis and Alzheimer's disease have had their approval accelerate with help from the Council. The time factor whereby these drugs can be used by individuals is quickened because of the Council's fine work.

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So, I repeat, the statement of managers has absolutely no impact on the activity of the Council on Competitiveness.

Mr. Speaker, the House Republican conferees are also concerned with the statement of managers on Secret Service protection of former Presidents. I question the accuracy of the cost estimates of current protection by the Secret Service, as identified in the report. I also believe references to increased costs of protection because of the potential change in administration are totally unnecessary. Mr. Speaker, my final concern is about the move of the National Science Foundation from its current location to Ballston, VA. The statement of managers does not go far enough, but I want to repeat here what is the sense of the House and the Senate conferees. Members on both sides believe that, in the best interest of saving money for the taxpayer, the National Science Foundation should move and, therefore, will move. I personally want to say that if they do not move, I will follow this personally to see what can be done about it.

In closing, Mr. Speaker, let me make a couple of personal comments. I want to salute the gentleman from California [Mr. ROYBAL], our chairman. This is the last Treasury appropriations bill that Mr. ROYBAL will bring to the floor. As Mr. ROYBAL pointed out, the committee has had some differences but they were really differences of ideas and not of tone. The members on both sides of the committee have worked together, if you want to use the phrase, in a spirit of reconciliation. There have been no harsh words or antagonisms and I want to salute Mr. ROYBAL for this spirit.

I stated yesterday before the Committee on Rules that Congressman ROYBAL will not be back, but soon there will be another Roybal here in this body—Congressman ROYBAL's daughter.

As a father of four daughters, I love my daughters and, frankly, would love to see them have a similar opportunity. I think Mr. ROYBAL, as a proud father, would perhaps be more happy to have his daughter serve than even himself. I know that every father would do anything for his children.

So, I just say that, although Mr. ROYBAL will not be here next year, his daughter will.

I want to personally thank Mr. ROYBAL for his openness. There was never acrimony, never partisanship, never divisiveness, never shouting; never all the animosity that you sometimes see.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

I rise listening to Chairman ROYBAL's remarks for I wanted to echo his comments.

ED ROYBAL has been a very significant leader in California for many years, serving in the State legislature before coming here. He has made a great contribution to our committee over the years. He has made an amazing and important contribution to the Congress as well.

So I certainly want to join in the remarks of the gentleman from Virginia and express my appreciation for the work of Chairman ROYBAL.

Mr. WOLF. I thank the gentleman for his comments.

I would also like to pay some tributes to some other people, if I may.

I would like to pay tribute to the staff on both sides and, in particular, Tex Gunnels, Bill Smith, Betsy Phillips, John Berry, and Jenny Mummert, of the majority staff. They work with total professionalism and dedication. As a member of the minority, I have no reluctance to talk openly with them, because you feel as if you are talking to your own staff. I want them to publicly know that I appreciate that and I thank them for their tremendous work on the conference report now before us.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from California.

Mr. MOORHEAD. I thank the gentleman for yielding.

Mr. Speaker, I wish to join the gentleman from California [Mr. LEWIS] and others who have commended ED ROYBAL for a really fantastic career as a leader in southern California. We have all been proud of the things he has accomplished in the State and here in the U.S. Congress over so many years. As a leader, he brought many things to southern California and to other people of the country they would not have been able to have without his leadership.

He lives in Pasadena, CA. He is a strong contributor to everything in the community that is positive. I want to wish him the very best in this retirement. We are going to miss him.

Mr. WOLF. I thank the gentleman for his comments.

Mr. Speaker, if I may, I would also like to salute the minority staff: Michelle Mideza and Evan Corcoran who have done an outstanding job. I want to take this time to pay special tribute to Evan Corcoran an outstanding gentleman. Evan was a staff member of mine for 5 years. He started in my office as an intern and worked his way up. He is the son of a former colleague, Congressman Tom Corcoran of Illinois; Mr. and Mrs. Corcoran should be very proud of their son.

Evan has left the Congress; yesterday was his last day. In the true sense of public service, he is leaving this job to be an assistant U.S. attorney, and, I might add, taking a massive pay cut. This is truly a sense of public service.

I just want to pay public tribute to Evan for the outstanding job he has done.

I would also like to make two other points.

I would like to say to Mr. ROGERS, he has done an outstanding job, as has Mr. LIGHTFOOT. I would say to the constituents in Kentucky that they are fortunate to have Mr. ROGERS as their Representative. He is the ranking member on the Subcommittee on Commerce, Justice, and State, and we look forward to having Mr. ROGERS back.

Also, Mr. LIGHTFOOT, who may very well end up becoming the ranking member on the Treasury and Postal Service Subcommittee next year. I congratulate Mr. LIGHTFOOT for his hard work and diligence. The people of Iowa are fortunate to have him.

One last comment I want to say regarding Mr. ROYBAL: This committee has absolutely no special pork barrel projects, as it used to have. There are no special projects for universities.

The chairman was willing to go along with the new policy of no special projects. It may not be a bad policy for all the committees to adopt. Whenever outside witnesses appear before the committees, the committee asks them if they have retained lobbyists, who the lobbyists are, how much are they paying them and, have they applied for any other grants?

That has made a tremendous difference in the way the committee approaches special projects and I congratulate the chairman. I want to again salute my colleague and wish him well in his retirement. It is not a goodbye because I expect to see the chairman here on January 3, when he is on the floor and walks down with his daughter as she is sworn in.

Mr. Speaker, I reserve the balance of my time.

Mr. ROYBAL. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, as a member of the Subcommittee on Treasury, Postal Service, and General Government, I support the conference report before the House today. I do so because, for the most part, it's a very good bill, reflecting careful consideration and compromise. It is the last appropriations bill the subcommittee will write under the outstanding leadership of our chairman, ED ROYBAL. Mr. Chairman, we will miss you and we wish you well in your future endeavors.

The conference report includes a couple of things of particular importance to my area of Colorado. First, it includes $1 million for the Bureau of Alcohol, Tobacco, and Firearms to fund a new crime-fighting Achilles Task Force in the Denver metro area. The Achilles Program has a proven success record for targeting, investigating, and prosecuting career criminals. I believe the task force will be a useful tool in combating the growing violence associated with illegal handguns and drugs in Colorado.

Second, the bill includes language enabling an agreement between the Department of Commerce and the city of Boulder, CO, to keep as open space a portion of the site where the General Services Administration is planning a new NOAA Federal laboratory. The city of Boulder has been negotiating in good faith with the DOC and the GSA to ensure that the new laboratory will conform with community planning criteria, including maintaining open space in perpetuity. This language will ensure that the DOC is able to fulfill its part of the agreement. I'm pleased to be able to help out and hope that this language will help bring negotiations to a speedy and successful conclusion.

The bill also includes funding for important programs like the Internal Revenue Service's tax system modernization program and the U.S. Customs Service's antidrug initiatives.

Despite these good provisions, I'm deeply disappointed that the bill does not include the House-passed statutory language putting the Vice President's so-called Council on Competitiveness out of business. As my colleagues may recall, on July 1 the House voted 236 to 183 against funding the Council's activities. A majority of our colleagues recognized that despite what its name suggests, the Council has little to do with restoring our economy or enhancing competitiveness.

The Council is, quite simply, an organization created by the Bush administration to give its powerful big business friends a back-door, off-the-record way to get special breaks they can't get through an open rulemaking process. And the Bush administration has gone to great lengths to keep the sun from shining on this cozy arrangement.

Since the Senate-passed appropriations bill did not include a funding prohibition similar to the House's version, it was clear to me that we would have to compromise in conference. I assumed that a fair compromise would be to restore funding for the Council, while requiring it to comply with some basic disclosure requirement—hardly a draconian approach.

Well, was I wrong. Very wrong.

Not only did the administration promise to veto the bill if we included sunshine language, which was based on legislation passed overwhelmingly by both the House and Senate Government Operations Committees, they promised a veto over a succession of weaker compromise provisions. The final language I proposed simply asked the President to develop his own procedures for appropriate public disclosure of the Council's review activities. The answer: Veto. Veto to sunshine. Veto to good government.

Why does the President insist on hiding the actions of the Quayle council from public review? The answer is simple. He knows—and his supporters in the House know—that if the American people knew how the Council dispenses its largesse, the people wouldn't stand for it.

Day in and day out, the Council has blocked regulations to protect the environment, and the health and safety of the American people. Regulations the vast majority of citizens support. No wonder the White House insists that the Council leave "no fingerprints."

In light of the President's threats and the unfortunate reality that there just isn't time left in the session to deal with a veto, I agreed to statement of mangers' language urging the Council to follow specific disclosure procedures. I felt I could not justify sinking the entire appropriations bill over this one issue, and agreed not to insist on statutory sunshine language.

I'm grateful to my House colleagues, Mr. HOYER, Ms. PELOSI, Mr. COLEMAN, Mr. VISCLOSKY, and Chairman ROYBAL, who all supported my efforts to the very end. The work we did was not in vain. The public and the Congress are better advised of the cynical and shameless behavior of the Council and its very accurate reflection of the standards and values of this administration.

Perhaps the administration has learned something from this battle, too. Perhaps they will do the right thing and, at the very least, follow the guidelines set out in the statement of managers' language. Perhaps they will remember something they clearly have forgotten: that there is no more fundamental principle in our democracy than that our government is open to all, accessible to all, and accountable to all.

□ 1200

Mr. WOLF. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, I rise in support of this conference report on funding for the Treasury-Postal appropriations bill. But, first, as well as others have mentioned, I want to commend Chairman ROYBAL, ranking member FRANK WOLF, and all the other members of the Subcommittee on Treasury-Postal appropriations, for their tireless efforts to bring this conference agreement to this point.

Of course, we all wish for our departing chairman the best of luck in the future endeavors of his life. It has been a pleasure serving with the gentleman from California [Mr. ROYBAL], the committee chairman, for all these years.

The conference report before us provides $22.6 billion in fiscal year 1993 for the Treasury Department, U.S. Postal Service, the Executive Office of the President, and other independent agencies.

This is an important bill. It provides funds for agencies that are on the front lines fighting the war on drugs every day.

These agencies do not always get the recognition that other law enforcement agencies receive, but the men and women of the U.S. Customs Service and the Bureau of Alcohol, Tobacco, and Firearms fight violent crime and illegal drug trafficking as part of their mission. They deserve our support and have earned our respect.

This was not an easy bill to conference. But, the agreement does contain program increases over last year's levels for important law enforcement activities.

This conference report includes $1.5 billion for the U.S. Customs Service, matching the President's request and allowing Customs to hire additional agents to detect and control the flow of illegal international trafficking in arms, ammunition, and narcotics.

Each year the Customs Service is the primary border enforcement agency and a major revenue producer. For every $1 expended, the Customs Service returns $15 to the Treasury Department. It is money well spent.

In addition to funding for Customs, this bill provides $371 million for the Bureau of Alcohol, Tobacco, and Firearms [BATF], an increase of $15.9 million above the House level. This is a much needed increase in funds for an agency that collects approximately $14 billion annually for the Government. It is a revenue producing bureau of the Federal Government.

Most importantly, this agreement includes the House provision that prohibits BATF from using any funds to permit convicted violent criminals from possessing a firearm. That policy has been stopped, and this subcommittee made the right decision to protect the public.

BATF does an outstanding job, each year the conviction rate by the BATF is one of the highest of all Federal law enforcement agencies.

A vote for this conference report is a vote to continue the strong antidrug and anticrime programs carried out by the Department of Treasury's law enforcement activities.

Finally, Mr. Speaker, I want to take this opportunity to congratulate our chairman, the gentleman from California [Mr. ROYBAL] who has served as the chairman of the Treasury Subcommittee since 1982.

He has shepherded this bill through many turbulent waters over many years. I know my colleagues will join with me in honoring the work of Chairman ROYBAL and his contribution to our country.

I commend the chairman for his work and urge the House to support the conference report.

Mr. ROYBAL. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the conference report.

I would like to second the words spoken by the gentleman from Virginia [Mr. WOLF] and by others who have spoken on this floor, the gentleman from Kentucky [Mr. ROGERS] and others who have so well described the public service that Chairman ROYBAL has put into not only this year's bill, but in all his years in this Congress. The people of Los Angeles have been well served by him and we are going to miss him as a Member of Congress, as an American. As somebody who has worked with him, I can tell you there has been no one more dedicated and more apt and adept in representing his constituents and the interests not only of Americans, but of a particular class of Americans. He has been a true champion of the rights of Hispanic-Americans as well, and that has been important to those people who have deserved a helping hand from this Congress many times in the past.

I have had great pleasure in working with the gentleman. I am very proud to be able to be able to say I have been able to work with him in my years in Congress.

Mr. Speaker, this bill is a good bill. This year once again there are some provisions in it that I think are trailblazing. As the sponsor of the bill to prevent the BATF from granting relicensing arms to convicted felons, along with the gentleman from Ohio [Mr. FEIGHAN], I went to Chairman ROYBAL and asked him if we could put this in this bill.

The BATF people do not want to spend $4 million a year doing background searches on convicted felons, some of whom were convicted of drugs and violent crimes, only just to give them back the right to carry weapons. There are too many weapons.

The gentleman from California agreed, took the ball, carried it, and it is in this bill. I congratulate him. It is a big start to trying to get control over the problem of weapons in this country.

So, Mr. Speaker, I urge a strong vote on this conference report, for everything that is in it and for everything that the gentleman from California [Mr. ROYBAL] has stood for. I am proud to call him my friend.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me.

I want to rise, first of all, to concur with the statement of the gentleman about the chairman's adoption of this language, which I think is so important.

Obviously, the BATF did not want to spend their time doing this. They will do it if it is the law, obviously, but it is not an objective that any of us think is a worthwhile objective and I appreciate the gentleman's remarks.

Let me also say that the gentleman from Florida [Mr. SMITH] has been one of the giants in terms of fighting drugs, drugs coming into the country, drugs in the country, people who sell drugs which destroy our communities, and our young people.

The gentleman will be leaving and will not be with us. That will be a loss for this House, for this Congress, for his State of Florida, and for the country.

I want to take this opportunity to congratulate the gentleman from Florida [Mr. SMITH] for his devotion to a task that every American believes is a priority for this country. He has been on the front line, one of the most effective fighters against the spread of drugs in our communities.

□ 1210

Mr. Speaker, I congratulate the gentleman from Florida [Mr. SMITH] and we will miss him.

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman from Maryland [Mr. HOYER], and all I can tell him is that the gentleman from California [Mr. ROYBAL] and I, who share the same opinion on that matter, are not finished with that fight yet, not by a long shot.

Mr. HOYER. Mr. Speaker, I was convinced of that.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Speaker, I would like to voice my support today for H.R. 5488, the Treasury—Postal Service—General Government appropriations bill for fiscal year 1992, or it should be 1993. It has been a real pleasure to serve with my colleagues on the subcommittee this year, and I would like to congratulate them on reaching a truly fair compromise on the many controversial issues we faced in the process.

Among those issues was the debate over funding for the Vice President's Council on Competitiveness. I am pleased we were able to resolve this situation to avoid a potential Presidential veto

We face some other difficult issues, such as having insufficient funds for postal revenues forgone, but we have at least met the President's request for this category. I also believe we reached acceptable compromises on occupancy of the ICTC building, funding for the marshals service, imports made with forced labor, and a lot of that thanks to our able ranking members, the gentleman from Virginia [Mr. WOLF] and several other critical areas.

Our subcommittee labored long and hard to achieve this carefully crafted compromise, and I congratulate our chairman, the gentleman from California [Mr. ROYBAL] on his last bill. As we know, he will be retiring at the conclusion of the 102d Congress, and he will be sorely missed. My relationship with the chairman starts back in about 1985 when I first arrived here and was on the Select Committee on Aging of which the gentleman from California [Mr. ROYBAL] was the chairman, and I found him always to be fair, friendly, and someone that listened to everyone's opinions, and I think that is important in a body like this. And I again congratulate my good friend and colleague, the ranking member, the gentleman from Virginia [Mr. WOLF] for his hard-fought efforts to ensure the concerns of the subcommittee were protected. It was a job well done.

Mr. Speaker, I urge my colleagues to support the conference report.

Mr. ROYBAL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I join and rise in support of the conference report, and I would like to commend the gentleman from California [Mr. ROYBAL] who is leaving us and say that during the 8 years I have been in Congress there has been no finer gentleman, and I say to my colleagues, When he tells you something, his word is good, and he's been a great chairman.

I also rise to pay tribute to the gentleman from Virginia [Mr. WOLF] as the ranking member for the great job he has done, and I thank officially here, if I can, the gentleman from Maryland [Mr. HOYER] for the help that he has offered to my community in several instances.

The gentleman from California [Mr. ROYBAL] will be leaving us, and I think, when he leaves, there is going to be leaving as well a sensitivity that has been brought into the hardcore reality of the Government appropriation process.

The chairman and I became involved on an issue, trying to develop an educational program within the Internal Revenue Service to in fact instruct and educate agents how not to abuse the American taxpayers when the legacy of the IRS has become almost commonplace in most people's living rooms, and although we had some rocky roads to hoe, that has been worked out and achieved by the strong leadership of this fine and fair chairman.

I want to thank today the gentleman from Illinois [Mr. ROSTENKOWSKI] from the Committee on Ways and Means for not officially raising a point of order and striking this provision from the bill that I think is going to help the American taxpayers and let the American people know that Washington is not a government that dictates to us. Washington is a center of our Government, the people's government, and the IRS and every Government agent works for the people. That is an attitudinal change that must be made in America or there will never be reform.

Mr. Speaker, I want to commend the gentleman from California [Mr. ROYBAL] and say to him, Chairman ROYBAL, thank you. Thank you on behalf of the 17th District of Ohio, the northern district courts of Ohio, for the effort that you've given in helping our community.

I also want to thank the staff, both the majority and minority side, Tex Gunnels, Bill Smith and all of the workers of that committee who have helped us so many times.

Mr. WOLF. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, these charts, many of my colleagues have seen them many times. I keep bringing them out because I want to use the Chinese water torture on all my colleagues.

We are heading toward a $13½ trillion national debt, and we are currently at $4 trillion in debt, a little over $4 trillion. Ten years ago it was $1 trillion, and it is projected by the Federal Reserve Board that we are going to be at $13½ trillion by the turn of the century or before. The interest alone on that debt is going to be $1.2 trillion, which is more than all the tax revenues coming in right now. That means we will not be able to pay for the military, for Medicaid, Medicare, Social Security or anything unless we pay off the debt.

So, they are going to print money to pay off the debt, and we will have what is known as hyperinflation, and the people that will be hit the hardest are those on fixed incomes, the people on Social Security, and welfare and so forth who will get their money from the Government, but they will not be able to buy anything with it.

I say to my colleagues, "You cannot give from the Government without first taking from the people. You take from them by taxing them or by deficit spending. We have been doing both, raising their taxes and digging Americans into a bigger and bigger deficit hole that will lead to hyperinflation in the future if we do not start controlling spending."

Now that brings me to this conference committee report that everybody has been talking about in such glowing terms. This conference committee report is $2.9 billion higher than last year, a 14-percent increase. The entitlement portion of this bill is 28 percent higher than last year, 28 percent.

Now let us take a look at this. These are entitlements. In the early 1970's we had $92 billion in entitlements. It is going to be $805 billion in entitlements this year, and we are raising entitlement programs at the rate of between 15 and 20 percent a year. In this particular bill it is higher than that. It is a 28-percent increase.

Mr. Speaker, we have to come to grips with the pork-barrel projects, and we also have to come to grips with the entitlements that are growing out of control.

Now in this bill we have a 28-percent increase in entitlements, and we have about a 5-percent increase in discretionary spending, which amounts to $450 million or $434 million.

Now there is one project—would somebody hand me that picture down there on the charts? There is one project in particular I want to talk about, and, while he is bringing that down, I will talk about another.

There are two projects I am concerned about. One is in conference committee they added $3 million for a new general mail facility in Scranton, PA, and the statement of managers says the Postal Service has plans to expand that facility. However, that project was not passed upon by the House or the Senate. It may be necessary, but it should go through the regular process instead of the conferees sticking it in after we voted in both bodies for or against a project.

And the second thing I want to talk to my colleagues about, and I hope all of my colleagues will come and take a look at this, but in Newark, NJ, earlier this year we appropriated $15 million for a parking garage that was not needed, and I talked about that being a pork-barrel project. Now they cut that in conference committee to $9 million, and I commend the conferees for reducing it by $6 million, but there is still $9 million in there for a parking garage.

☐ 1220

Now, since we passed that bill in July, one of the people who lives in Newark brought this photograph to me and showed me the problem that I was talking about. Within two blocks or three blocks of this new facility there are 1,800 vacant parking spaces. Yet we as taxpayers, the people across this country, are asked to spend $9 million to build a new parking garage that is totally unnecessary.

The administrative manager of the U.S. district court in Newark has said that they need about 300 to 400 spaces close to the facility for jurors when they have a heavy caseload. The rest of the time they will not need that many. In addition to that, Newark cannot really afford to pay their part of this. They have to pay half of this. The federally funded study came to the conclusion that this garage is not needed and Newark could not afford its share. Standard & Poor's, the financial rating company, said that Newark's credit rating would drop if this project went forward. So they are not going to be able to fund their share. We are putting $9 million into a project that is totally unnecessary. There are 1,500 to 1,800 parking spaces within 3 blocks of the new facility, and we are asking the American taxpayers to pay for it. That is part of the problem we are talking about around here. We pass these pork barrel projects without full investigation. We allow entitlements to go up unchecked without capping them, and we wonder why the country is in the mess it is in. We have to get control of entitlements, and we have to quit passing these kinds of projects that are purely unnecessary, unadulterated pork.

Mr. Speaker, I want to say to my colleagues that I am so concerned about this Newark parking garage that after we pass this bill—and it will pass, and the money will be appropriated—I am going to the General Accounting Office, and I am going to ask for an investigation of this parking garage in Newark. If there are 1,500 to 1,800 available spaces within 3 to 4 blocks of this courthouse and we are spending $9 million of taxpayers' money for something that is not necessary, it should be investigated, and I can assure the Members that it will be investigated.

Mr. ROYBAL. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, I could not let this time go by, when the gentleman from California [Mr. ROYBAL] is leaving the Congress, and fail to say that I think his service here has been outstanding. I say to the gentleman, you have made a contribution in many fields for our country. I think I speak on behalf of all of the Congress in saying that we are very deeply grateful for the excellency of your service in many, many fields.

Of course, I cannot pass up a chance for commending the gentleman from Virginia [Mr. WOLF]. Mr. WOLF is a Member who also is a person of great dedication to what is good for our country. I am glad the gentleman is not leaving the Congress. We do appreciate his services.

As I conclude, I speak again to Chairman LEHMAN, let me say that this is just something from my heart: I am going to say it must be a great and beautiful thing to have your daughter come here and be in Congress to succeed you. I say to the gentleman, you deserve that kind of beautiful thing in your life.

Mr. WOLF. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, before I yield time to the gentleman from Indiana [Mr. MYERS], let me just take this minute to say this, since the gentleman from Florida [Mr. BENNETT] got up and spoke. Mr. BENNETT is leaving, too. I have told him on a number of occasions how much I personally am going to miss him.

I have a speech that I have built around CHARLIE BENNETT. I say, you are a man of integrity and decency and honesty, and you have overcome a very difficult handicap. I used to stutter very badly when I was a young boy, and I use CHARLIE BENNETT as an example of how a person with courage and perseverance can overcome a handicap. So let me say to the gentleman, CHARLIE, I want to pay you the same compliments that you paid to Mr. ROYBAL.

With that, Mr. Speaker, let me now yield 3 minutes to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank my colleague, the gentleman from Virginia, for yielding me this time.

Mr. Speaker, I join our colleagues in expressing our appreciation and our gratitude for the services of many of our very fine Members who will be leaving this year voluntarily. I do not know how many will be leaving involuntarily. Certainly the gentleman from Florida [Mr. BENNETT] has been of great help to all of us through the years. I would pay tribute to him and express our appreciation for his services to this country and say what a great job he has done on behalf of national security.

Mr. Speaker, let me say that we thank our chairman, the gentleman from California [Mr. ROYBAL], for his contributions and for his hard work for his district, for his State of California, and for this Nation. Let me express our appreciation for all those long hours and hard work. I join the gentleman in saying what a gratitude it would be to have a daughter or a son follow you. I have two daughters and I have a son, but, as I have said, I do not wish that upon them. I have one daughter who is kind of interested, but I have discouraged her from taking this route today. It is not the fun it once was.

Mr. Speaker, I wish to ask a question of our chairman pertaining to the so-called Roybal language in the report. Let me ask this question:

I am concerned that the current language in the statement of the managers concerning the prohibition on changes in the FEHB program might foreclose a proposed change in the current Government Employees Hospital Association contract which is designed to provide a more favorable drug benefit to all enrollees who use a preferred provider network but might require the enrollees who use off-network providers to bear some of the higher costs of those providers. I want to make certain that this is not the intent of the current language.

Mr. Speaker, I yield to the chairman of the subcommittee for a response.

Mr. ROYBAL. Mr. Speaker, as I understand my colleague, the gentleman from Indiana, the benefit change described would affect all plan enrollees, not just Medicare-covered annuitant members. This language applies to changes similar to those proposed in OPM's call letter that affect only FEHB program annuitant members who are also covered by Medicare. It is not intended to prohibit the implementation of initiatives such as preferred provider networks, mail-order prescription maintenance programs, or the use of generic drugs that also affect all FEHB plan members, including those who are not Medicare-covered annuitants.

Mr. MYERS of Indiana. Mr. Speaker, I thank the chairman of the subcommittee for his response, because we all know a great many people who just cannot use the preferred network and must go off network. We want to protect those people who are forced to use other providers. So I thank the gentleman very much for this language and for his response.

Mr. ROYBAL. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, I thank the gentleman for yielding time to me, and let me say that I, too, want to commend the gentleman on his service here in the House.

Mr. Speaker, I rise in strong support of a provision in this conference report on the Social Security notch issue. During the Senate consideration of the measure, a provision was added to create a Bipartisan Investigatory Commission to aid in the resolution of the Social Security notch issue. Last November, I introduced a bill to establish this Commission.

The controversy surrounding the Social Security notch issue has been a source of much debate for the Congress and for the American public. Because of necessary and complex changes to the Social Security benefit formula during the 1970's many older Americans and retirees are under the impression that they have been cheated by the Federal Government. Like most Members, I have received countless letters and questions on this issue from my constituents.

I am sympathetic to the concerns of my constituents and I have always tried to educate them on the notch. I provide whatever information I can to help clarify the questions that people ask. However, I cannot match the outreach capabilities of the groups who exploit the notch issue for monetary gain. The General Accounting Office and the Congressional Research Service have issued substantive reports on the notch and our colleagues on the Social Security Subcommittee have worked hard to confront the issue. Unfortunately, the notch remains unresolved in the views of our constituents.

Mr. Speaker, a great deal of confusion still exists about the notch even among Members of Congress. While I do not believe that passing corrective legislation is appropriate, I understand that my constituents want answers on this issue. It is time to stop the demagoguery of the notch and the creation of a congressional commission is a good first step toward ending the perpetual debate on this subject. The Bipartisan Commission will be directed to consider all of the aspects of the notch and report to Congress what steps, if any, are required to close this issue.

Mr. Speaker, I thank the subcommittee chairman for including this provision in the conference report.

□ 1230

Mr. WOLF. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. ROYBAL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman from California [Mr. ROYBAL] to enter into a colloquy.

In this conference report, Mr. Chairman, the conferees agreed to a funding level of $46,419,000 for the General Services Administration information resources management services. One of the programs carried out under this office is the Federal Information Center [FIC] Program.

As the chairman knows, the FIC Program provides a 1-800 telephone service that any citizen can call and get information about our complex Federal Government. The FIC responds to more than 8,000 callers per day, and several thousand letters per month, from people seeking information about Federal Government programs.

I understand that with the funds made available in this report, GSA is expected to restore the planned reduction of $1.7 million to the FIC, and to continue operating this program at its current level with no adverse impact on the approximately 100 people employed to provide this service. Is this correct?

Mr. ROYBAL. The gentleman from Maryland is correct. Under the funding level provided in the conference report for GSA's information resources management services during fiscal year 1993, it is my intent that GSA continue the Federal Information Center Program at its current level.

Mr. HOYER. Mr. Speaker, if the gentleman will continue to yield, I would like to make a few additional comments.

Mr. Speaker, as so many have noted, it will be the last time Chairman ROYBAL presents this bill to the floor. I have had the great privilege of serving for the last 9½ years on the Subcommittee on Treasury, Postal Service, and General Government. During that entire time, EDWARD ROYBAL of the State of California has been its chairman.

As those before me have observed, the gentleman is a man of great dignity, fairness, and a man who is conscientious in the carrying out of his duties as chairman of the subcommittee. His fairness is displayed to every Member, irrespective of their party and irrespective of whether they may agree with him on each and every one of the issues that comes before the subcommittee.

In my own case I have found him to be extraordinarily helpful as I have tried to represent my constituency in the best possible way. I know I state the sentiment of every member of our subcommittee, Mr. Chairman, in saying that we will miss you. We do not expect you to be saying goodbye. We expect you to be back regularly to visit with us.

I know if I am fortunate enough to be reelected to this body on November 3 and fortunate enough to succeed Chairman ROYBAL as chairman of this subcommittee, it is fully my expectation to be contacting him from time to time for advice and counseling. His chairmanship of this subcommittee has been in the best traditions of Representatives in this body that we call the people's House.

In particular, the gentleman from Ohio [Mr. TRAFICANT] made a reference to the chairman's great concern for those who deal with an agency that can be terrifying to average Americans and who have a great deal of authority, and, therefore like anyone with a great deal of authority, needs someone to oversee them, conscious of the concerns of the people for whom all of us work. ED ROYBAL has done that with conviction and with effectiveness.

The provisions of this bill and the provisions of the bills in past times have reflected his concern that the Government of the United States of America treats each and every one of its citizens fairly and appropriately, with courtesy and understanding.

We have all seen the gentleman cross-examining leaders of these agencies and making it very clear to them that he expected and would accept no less than honest, caring treatment of the citizens of not only his district, not only his great State of California, but of the entire country.

The gentleman has been a leader in so many areas. He is not only the chairman of this subcommittee, Mr. Speaker, but chairman of the Select Committee on Aging. He has performed those functions with the same sensitivity and same commitment that he has chaired our subcommittee, to the great benefit of senior citizens in America.

The gentleman has also been one of, if not the leading, spokesperson on this floor for a growing group of Americans, Hispanic Americans, of which he is a member and a prime example of the contribution that that group of Americans is making to the welfare and quality of this Nation.

Mr. Speaker, it is with a great deal of sadness that I rise to note the fact that the gentleman from California [Mr. ROYBAL] will not be returning to us next year, but also with a great deal of pride and affection that I have had the opportunity of serving with him, of learning from him, and in having a great deal of respect, not only as a colleague, but as a warm and caring human being.

Mr. Speaker, we have been fortunate on this committee to be served by our chairman and ranking member, two people who represent the very best in this body, sent here to represent their people.

I thank you Mr. Chairman, on behalf of all the members of this committee and on behalf of all the Members of this body. Congratulations for a job well done.

Mr. ROYBAL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, our colleague from Maryland [Mr. HOYER] has said a great deal of what I wanted to say about the gentleman from California [Mr. ROY-

BAL]. Of course, the gentleman said it much more eloquently and had many more examples because they have worked so long together.

Mr. Speaker, first I want to rise in support of the legislation, to say one or two things about the bill, and the rest about the gentleman from California [Mr. ROYBAL].

First of all, I want to thank the gentleman from California [Mr. ROYBAL] and the ranking member, the gentleman from Virginia [Mr. WOLF], for their hard work in bringing this bill to the floor. I am very pleased that the initiatives of the gentleman from Virginia [Mr. WOLF] whereby importers of prison labor goods coming in from China will receive a penalty increased from $1,000 to $50,000, a change that has not been made since the 1930's. In doing this, businesses will know that they must honor the rights of all workers in the world and that we will not in America allow products made by those imprisoned for speaking out for democracy.

Mr. Speaker, I also want to commend the gentleman from Colorado [Mr. SKAGGS] for his hard work on the bill and language regarding the competitiveness caucus.

Mr. Speaker, I rise in support of H.R. 5488, the fiscal year 1993 appropriations bill for Treasury, Postal Service, and general Government.

I commend the chairman of the subcommittee, Mr. ROYBAL, and Representative FRANK WOLF, the ranking member, for their hard work and leadership in crafting this legislation. I also want to thank the subcommittee staff for their hard work and dedication in helping put together this bill.

We are living in tough economic times and while we would have liked to be able to spend more on some programs in the bill, everyone on the subcommittee recognized the need to assist in the effort to hold Government spending in line. There just isn't enough money to fund all of the programs at the levels they need to be funded and important programs will be cut in the struggle to bring the budget closer to balance. We did the best we could under the economic and political circumstances.

I am disappointed, Mr. Speaker, that the conference report does not include any of the language the House wanted, to require the President to disclose the secret operations of the Council on Competitiveness.

The Skaggs amendment passed by the House would have blocked funding for the Council, which has operated behind closed doors like a private overseer, interfering in the regulatory review process and imposing its own autocratic rule on our democratic process. Despite our best efforts, it was made clear the bill would be vetoed if we in any way exercised our authority to restrict Federal spending for the Council's work.

The conference report does contain funding for the Treasury Department, Postal Service, the White House, and more than a dozen independent agencies.

I am particularly pleased that it contains language drafted by my colleague from Virginia, Mr. WOLF, to increase to $50,000 the penalties imposed on those caught illegally importing goods made by prison labor. This increase will mean that those who bring in products made by prisoners, and in China many of these prisoners are dissidents arrested for their protests in support of democratic freedoms, will get more than a mere slap on the wrist. Instead of a $1,000 fine as is currently imposed, they will be required to pay a $50,000 penalty, which we hope will make them think twice before committing the crime.

Mr. Speaker, these are just a few of the many important programs included in this bill. Again, I commend Chairman ROYBAL and the subcommittee for the excellent work they have done under very difficult fiscal constraints.

In closing, Mr. Speaker, I urge my colleagues to join me in supporting this legislation. We will miss the chairman as he leaves this body to begin a new life.

Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Maryland [Mr. HOYER], but I do want to add, as a Californian who serves on the subcommittee, how proud we are of the services of the gentleman from California [Mr. ROYBAL] in Congress. The gentleman has brought honor to our State, honor to the Hispanic community, and honor to our entire country by his service here.

Mr. Speaker, the work of the gentleman for seniors is legendary, as well as his work on issues like AIDS funding. Working with Phil Burton many years ago, ED ROYBAL was the first person to put money in any bill for AIDS research, and we will always be grateful to the gentleman for that.

□ 1240

He has worked in a very fair way in this Congress to help everyone in our country, and that is what EDDIE is about. I have seen some pictures of him from years ago when he started out in politics, always fighting for the working person in America. He was later able to do that at the highest level as a subcommittee chairman on the Committee on Appropriations, and it was an honor for me to be able to serve under him on that subcommittee.

We will miss him, but it is not with sadness, as STENY has said. I know he is sad, but it is with great joy that I see him embark on a new life. We look forward to welcoming his daughter, Lucille Roybal Allard, to the Congress of the United States in January as a colleague.

My thanks also to Tex Gunnels, for all his hard work on behalf of our legislation.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from California [Mr. ROYBAL] has 1½ minutes remaining.

Mr. ROYBAL. Mr. Speaker, I yield myself the remaining time to make a brief response by saying that there are times in one's life, moments, actually, in one's life that one wishes would never end, and this is one of those times, but it has to come to an end.

I want to take just a few brief moments to thank each and every one of those who took the floor, and also wish them continued success in the Congress of the United States. Mr. Speaker, I have served with these wonderful people now for 30 years. The vast majority, the great majority of Members of the House of Representatives and of Congress are dedicated, however, hardworking individuals. I just want them to know it has been a great honor to serve with them.

May I also, Mr. Speaker, as long as I have just a few more brief moments, answer some of the things that were said by the gentleman from Indiana with regard to the bill. It is quite obvious that he has not carefully read the bill, nor has he carefully read the report.

When it comes to mandatory expenditures, we provided only the funds that the President requested. We did not appropriate any additional funds. With regard to discretionary appropriations, we are less than $200 million over the President's request, but that is due in part to the fact that we increased funds for revenue-producing departments of the Federal Government.

We provided an increase over the 1992 levels to the Internal Revenue Service which will produce more funds for the Federal Government. We also increased appropriations to the Customs Service. That is also a revenue-producing agency of this Government. More money will be coming into the Treasury of the United States because of the work that they do.

We also made possible an increase in the funds for the Bureau of Alcohol, Tobacco and Firearms. They are also a revenue-producing department, so that $200 million that is now being appropriated will be coming back many fold to the Government of the United States.

One other thing, Mr. Speaker, and this will only take a moment, I am surprised that the gentleman from Indiana [Mr. BURTON] does not look at what is happening to his own State. We in this committee provided in the House-passed bill $51 million to his State just this year, and the next day he tried to knock out funds provided for a parking facility in New Jersey.

That parking facility was kept in the bill by a vote by the House of Representatives after a motion was made to strike it out. This issue went to conference. This is a good facility. We have provided in this bill that free parking will be made available for Federal employees that occupy that building, so that funds appropriated will be coming back over time to the Federal Government in the form of reduced rental costs.

I am not going to continue this. I know that the time is up, Mr. Speaker, but pork is pork. If what the gentleman considers to be pork when it comes to health and education and all these other construction projects, if that is pork, then the things that we have given his own State are also pork. This idea of not paying much attention to projects in one's own State and calling other projects "pork" is something that I think has to be corrected. Let us be fair to all States of the Union.

I recommend that my colleagues vote favorably on this bill.

Mr. WOLF. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, first of all, I want to wish the gentleman from California [Mr. ROYBAL] well. He is a fine colleague and I have high regard for him, even though we do have our differences of opinion.

I would just like to say to my colleagues that over the past 3 or 4 or 5 years that I have been involved in trying to cut out pork in the appropriations bills, I have noticed that every single chairman of the appropriations committees, when they speak on the floor, talk about the absolute necessity for all of this spending.

That is the problem. We do not really see the problem. We are in a deep, deep hole and we are getting deeper all the time. The projections are very dire, that we are going to be $13.5 trillion in debt and we will not even be able to pay the interest on it.

I say to my colleague from California [Mr. ROYBAL] and to the chairmen of these appropriations subcommittees, everything is necessary to the Congressman in question, but it is not necessary to the country as a whole, and we must prioritize. We have to get control of spending.

I just want to end up by saying, regarding the parking garage in Newark, I have a picture here I hope all my colleagues will look at of downtown Newark during the day when people are working. There are 1,800 to 2,000 vacant spaces, and they do not need that parking garage. That is why I think we should vote against this bill. Nine million dollars for that parking garage is totally wasteful spending.

I wish the gentleman from California [Mr. ROYBAL] well, even though we have had our differences.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in support of H.R. 5488, the Treasury, Postal Service, and general government appropriations bill for fiscal year 1993. This bill contains important funding for the construction of a new Social Security district office to serve the citizens on the north side of Chicago.

There have been a number of serious problems with both the current Social Security district office, and the proposed relocation facility in the Ravenswood-Lincoln Square area of Chicago. The current Social Security building has experienced structural problems that have posed inconveniences and even dangers for the Social Security recipients who visit the office, as well as for the Social Security employees who work there.

Anticipating the expiration of the current lease, the General Services Administration awarded a lease for a different building which would require renovation. The location selected for the new office has created a yearlong controversy between the Social Security Administration and the elderly residents in the community. Indeed, the new location is not easily accessible by public transportation, and is considered to be in a high-crime area.

The Social Security Administration has a permanent requirement for facilities on the north side of Chicago. The $4 million appropriated in this bill for site acquisition and construction will greatly assist the Social Security Administration in serving the elderly population of the community in a fiscally responsible way. A Government-owned facility is less expensive than a leasing arrangement, and over the long run, this project will result in savings to the social security trust fund.

I urge my colleagues to support this important provision and to support this bill.

Mr. MARKEY. Mr. Speaker, the conference report on H.R. 5488, the Treasury, Postal Service appropriations bill for fiscal year 1993, passed the House today. Included in this bill are funds for a telecommuting center to be built here in the Washington, DC, area. I would like to commend the members of the Appropriations Committee for their endorsement of this important venture.

On July 29, 1992, the Subcommittee on Telecommunications and Finance, which I chair, held a hearing on H.R. 5082, the bill introduced by our colleague, Representative TOM MCMILLEN, and we examined how our developing telecommunications infrastructure can provide major benefits to the environment, employers, and the day to day life of working men and women. With the advancement of high speed data transfers, fiber optics, compression technologies, and other technologies, employees now have the ability to telecommute to their main office from some alternative work site closer to their home. Telecommuting is the use of electronic communications to replace or reduce the trip from home to the traditional workplace. With telecommuting and the establishment of telework centers in areas surrounding urban centers, we will be moving work to people instead of moving people to work.

It is an attractive alternative for employees who can work via computers by combining the use of information and communication technologies with the concept of the flexible workplace.

The reality of nightmare commutes, steep real estate prices, and tougher air quality laws have more employers, including the Federal Government, looking into alternative work sites, such as telework centers. Beginning with the Government's flexi-place program, both the Government and the private sector have been finding many benefits from reducing the long commute many employees take to get to their jobs in the urban areas.

The benefits of telecommuting are many: Fewer cars are on the road, traffic congestion becomes lighter, less fossil fuel is consumed, and the air becomes cleaner for those of us in the urban areas. In addition, employers gain more productive employees and a larger applicant pool from which to draw qualified applicants. Another benefit is that this promotes rural economic development and at the same time jobs become more accessible for those with disabilities who for one reason or another cannot make the long commute into the city. Finally, this idea would increase the quality of life for those telecommuting by enabling workers to spend more time with their families and more productive work time at work.

I commend my colleague from Maryland, Congressman TOM MCMILLEN, for his leadership on this issue, and I thank the members of the Appropriations Committee for including these funds for such a valuable project.

Mr. PAYNE of New Jersey. Mr. Speaker, I too want to take this opportunity to praise Chairman ROYBAL for his outstanding service in Congress. I feel fortunate that I have been able to serve with a man who is not only a talented legislator, but also a true gentleman.

I would like to take just a moment to respond to the attack on my home city of Newark, NJ which was made by my colleague from Indiana.

At a time when our Nation is beginning to recognize the importance of urban renewal to both our economic and social well-being, it is indeed unfortunate that an attempt is being made to sabotage this important urban project.

I would like to point out that the city of Newark, which was absolutely devastated by the riots of the 1960's, is now making a great comeback. The city has been honored with a number of awards, including the Environmental Quality Award, the City Livability Award, and the All American City Award.

In Newark, we are nearing completion of the Martin Luther King, Jr., Federal Courts Building which will function as a courthouse and administrative office building adjacent to other Federal properties in downtown Newark. The Federal complex has a severe parking shortage, causing a situation where there are numerous illegally parked on-street vehicles in a typical day. With the building's opening, over 6,000 Federal employees will work in this section of downtown Newark, in addition to over 3,000 municipal employees and scores of employees in private businesses.

Buildings once stood on the vacant lots in Newark now being used for parking. It is our intention to continue drawing new businesses into our city and to rebuild on those lots so that we can restore our city to its former grandeur.

A safe, efficient indoor garage will help induce new businesses into Newark. This makes good economic sense. It will allow Newark to be a part of the national effort underway to strengthen urban America and to restore hope and economic vitality to America's cities.

As the Representative of Newark, NJ, I have worked hard with local officials on economic development projects for our city. I am not going to allow the parking facility, which is a key element of our economic renewal plan, to be maligned and misrepresented by my colleague from Indiana.

Let me stress that the local government will share in the financial responsibility for the new facility; the Newark Parking Authority will raise the balance of the funding needed for the garage component of the Federal complex and area development plan, as well as providing for land acquisition, relocation, and demolition costs.

Funding for the parking facility is a sound investment which will reap economic benefits. I thank my colleagues for your past support. Earlier this year, you overwhelmingly reaffirmed your approval of this project, based on its merits, by a margin of 313 to 89. I seek your continued support for this sound investment in the urban revitalization of Newark, America's third oldest city.

Mr. WOLF. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include therein extraneous material, on the legislation being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYBAL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BURTON of Indiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 291, nays 126, not voting 15, as follows:

[Roll No. 449]

YEAS—291

Abercrombie
Ackerman
Alexander
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Applegate
Aspin
AuCoin
Bacchus
Barrett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Blackwell
Bliley
Boehlert
Bonior
Borski
Boucher
Boxer
Brooks
Broomfield
Browder
Brown
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (TX)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Costello
Coughlin
Cox (IL)
Coyne
Cramer
Darden
Davis
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Espy
Evans
Fascell
Fazio
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Glickman
Gonzalez
Gordon
Grandy
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hutto
Inhofe
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Machtley
Manton
Markey
Martin
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moody
Moran
Morella
Morrison
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nowak
Oakar
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Panetta
Parker
Pastor
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Reed
Richardson
Rinaldo
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schulze
Schumer
Serrano
Sharp
Shaw
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Solomon
Spratt
Stallings
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Wheat
Whitten
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (AK)

NAYS—126

Allard
Allen
Archer
Armey
Baker
Ballenger
Barton
Bilirakis
Boehner
Brewster
Bunning
Burton
Callahan
Camp
Campbell (CA)
Campbell (CO)
Coble
Coleman (MO)
Combest
Crane
Cunningham
Dannemeyer
DeLay
Dickinson
Doolittle
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Erdreich
Ewing
Fawell
Fields
Fish
Gallegly
Gekas
Gillmor
Gingrich
Goss
Gradison
Hall (OH)
Hancock
Hansen
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Hubbard
Hughes
Hunter
Ireland
Jacobs
James
Johnson (TX)
Jontz
Kasich
Klug
Kolbe
Kyl
Lagomarsino
Leach
Lewis (FL)
Luken
Marlenee
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Miller (OH)
Miller (WA)
Molinari
Moorhead
Neal (NC)
Nichols
Nussle
Orton
Oxley
Packard
Pallone
Patterson
Paxon
Peterson (MN)
Petri
Porter
Ramstad
Regula
Rhodes
Ridge
Riggs
Ritter
Roberts
Roemer
Rohrabacher
Roth
Santorum
Sarpalius
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Slattery
Smith (OR)
Smith (TX)
Snowe
Spence
Stark
Stearns
Stump
Tallon
Thomas (CA)
Thomas (WY)
Upton
Vento
Walker
Weber
Weldon
Williams
Wylie
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Anderson
Atkins
Barnard
Cox (CA)
Dymally
Feighan
Goodling
Huckaby
Hyde
Lipinski
McCrery
McCurdy
Russo
Sanders
Staggers

□ 1306

Mr. GILLMOR and Mr. LUKEN changed their vote from "yea" to "nay."

Mr. SHAW changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADOPTION OF HOUSE CONCURRENT RESOLUTION 368, MAKING CORRECTIONS IN ENROLLMENT OF H.R. 5488

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to House Resolution 583, House Concurrent Resolution 368 is considered as adopted, and the text of the concurrent resolution will be printed at this point in the RECORD.

The text of House Concurrent Resolution 368 is as follows:

H. CON. RES. 368

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 5488) entitled "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes", the Clerk of the House shall make the following corrections:

Strike section 629 of title VI, General Provisions, Departments, Agencies, and Corporations, and redesignate the succeeding sections accordingly.

ITALIAN-AMERICAN HERITAGE AND CULTURE DAY

(Mr. GUARINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUARINI. Mr. Speaker, today marks the start of Italian-American Heritage and Culture Month under the terms of a resolution passed by the

House. This year in honor of the Columbus Quincentenary this first day is being celebrated nationally as "Italian-American Heritage and Culture Day." I am pleased to be joined in launching this day's celebration by the distinguished Senator from Arizona [Mr. DECONCINI], who is simultaneously speaking in the other body.

As we gather today here in Washington, I am pleased to note that several hundred Italian-American organizations are hosting public events precisely at 1 p.m. to highlight Italian culture. These events range from holding a reenactment of the singing of the "Salve Regina" aboard the *Santa Maria* in downtown Columbus, OH, to sponsoring a conference entitled, "Columbus People: 500 Years of Italian Immigration to the Americas and Australia," in Staten Island, NY.

There is tremendous pride among our Nation's 15 million Italian-Americans on this day that begins the final month of the Columbus Quincentenary. The Italian-American community has long been inspired by Christopher Columbus, the man and the symbol of courage, determination, and achievement. With commemorations dating back to 1866, Italian-Americans have honored Columbus and thousands of immigrants who embodied his spirit in their journey to the New World.

The renowned Columbus scholar Paolo Emilio Taviani of Italy wrote, "The Columbus discovery was greater magnitude than any other discovery or invention in human history." It is this legacy that we salute today.

It should also be noted that "Italian-American Heritage and Culture Day" occurs on the eve of another important national celebration involving Italian-Americans. I refer to the 17th annual convention and dinner sponsored by the National Italian-American Foundation in Washington, DC. This year's convention and dinner theme is a salute to the Columbus Quincentennial. More than 3,000 Italian-Americans and another 250–300 people from Italy will be in attendance.

America has been called the great mosaic. As a nation, we celebrate our unity in diversity. Today is a day when we give special attention to one important group in that mosaic—the Italian-Americans.

Mr. Speaker, under leave to include extraneous matter, I submit the following list of selected activities for this special day:

ITALIAN-AMERICAN HERITAGE AND CULTURE DAY—SELECTED ACTIVITIES LIST

St. John's Italian Cultural Center, Columbus, Ohio. Holding a reenactment of the singing of the "Salve Regina" aboard the Santa Maria in downtown Columbus. (This was a daily ritual of the Columbus crew.)

Italian American Club of Lafayette, Lafayette, Louisiana. Holding a presentation and public dedication of a replica of the Santa Maria to the city of Lafayette. It will be placed on permanent display in the atrium at City Hall.

Italian Study Group of Troy, Troy, Michigan. Performing a concert for the students of Athen's High School. "On the Seas With Columbus," an original script developed by Marelli Productions, focuses on the real meaning of the Quincentenary especially for young people: a message of hope and trust in one-self, the pursuit of dreams and self-discovery.

Il Club Italiano of Westchester Community College, Valhalla, NY. Sponsoring a lecture on the importance of the Renaissance and the roles of the many explorers and their contributions to the discovery of the New World.

Italian Quadriglia Dancers, Jamestown, New York. Holding a class to teach children Italian folk dances and will hold a class open to the public.

Italian American War Veterans, Brockton, Massachusetts. Presenting a proclamation to the Mayor of Brockton and will raise the Italian flag above City Hall.

West Virginia Italian Heritage Festival, Clarksburg, W. Virginia. Sponsoring a commemorative mass and luncheon. In addition, all the churches in the community will ring their bells at 1:00 p.m.

Center for Migration Studies, Staten Island, New York. Holding a conference entitled, "Columbus People: 500 years of Italian Immigration to the Americas and Australia."

National Federation of Italian American Societies, Brooklyn, NY. Holding a special presentation of "Certificates of Merit" to distinguished Italian Americans.

Italian American Cultural Association of Virginia, Richmond, VA. Churches throughout the Richmond area will ring their bells at 1:00 p.m.

Brigham Young University Italian Club, Provo, Utah. Hosting speakers and commemorative displays on the campus of Brigham Young University.

☐ 1310

CONFERENCE REPORT ON S. 2532, FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT OF 1992

Mr. FASCELL submitted the following conference report and statement on the Senate bill (S. 2532) entitled "An act entitled the 'Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act' ":

CONFERENCE REPORT (H. REPT. 102-964)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2532), entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLES.

This Act may be cited as the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" or the "FREEDOM Support Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short titles.
Sec. 2. Table of contents.
Sec. 3. Definition of independent states.

TITLE I—GENERAL PROVISIONS

Sec. 101. Findings.
Sec. 102. Program coordination, implementation, and oversight.
Sec. 103. Report on overall assistance and economic cooperation strategy.
Sec. 104. Annual report.

TITLE II—BILATERAL ECONOMIC ASSISTANCE ACTIVITIES

Sec. 201. Support for economic and democratic development in the independent states.
Sec. 202. Ineligibility for assistance of institutions withholding certain documents of United States nationals.

TITLE III—BUSINESS AND COMMERCIAL DEVELOPMENT

Sec. 301. American Business Centers.
Sec. 302. Business and Agriculture Advisory Council.
Sec. 303. Funding for export promotion activities and capital projects.
Sec. 304. Interagency working group on energy of the Trade Promotion Coordinating Committee.
Sec. 305. Reports to Congress.
Sec. 306. Policy on combatting tied aid practices.
Sec. 307. Technical assistance for the Russian Far East.
Sec. 308. Funding for OPIC programs.

TITLE IV—THE DEMOCRACY CORPS

Sec. 401. Authorization for establishment of the Democracy Corps.

TITLE V—NONPROLIFERATION AND DISARMAMENT PROGRAMS AND ACTIVITIES

Sec. 501. Findings.
Sec. 502. Eligibility.
Sec. 503. Nonproliferation and disarmament activities in the independent states.
Sec. 504. Nonproliferation and Disarmament Fund.
Sec. 505. Limitation on defense conversion authorities.
Sec. 506. Soviet weapons destruction.
Sec. 507. Waiver of certain provisions.
Sec. 508. Notice and reports to Congress.
Sec. 509. International nonproliferation initiative.
Sec. 510. Report on special nuclear materials.
Sec. 511. Research and development foundation.

TITLE VI—SPACE TRADE AND COOPERATION

Sec. 601. Facilitating discussions regarding the acquisition of space hardware, technology, and services from the former Soviet Union.
Sec. 602. Office of Space Commerce.
Sec. 603. Report to Congress.
Sec. 604. Definitions

TITLE VII—AGRICULTURAL TRADE

Sec. 701. Food for Progress Act.
Sec. 702. Definitions for Agricultural Trade Act of 1978.
Sec. 703. Assistance for private voluntary organizations.
Sec. 704. Distribution of aid to the independent states of the former Soviet Union.
Sec. 705. Agricultural fellowship program for middle income countries and emerging democracies.
Sec. 706. Promotion of agricultural exports to emerging democracies.
Sec. 707. Direct credit sales.
Sec. 708. Export credit guarantees.

Sec. 709. Export promotion programs amendments.

TITLE VIII—UNITED STATES INFORMATION AGENCY, DEPARTMENT OF STATE, AND RELATED AGENCIES AND ACTIVITIES

Sec. 801. Designation of Edmund S. Muskie Fellowship Program.
Sec. 802. New diplomatic posts in the independent states.
Sec. 803. Occupancy of new chancery buildings.
Sec. 804. Certain positions at United States missions.
Sec. 805. International Development Law Institute.
Sec. 806. Certain Board for International Broadcasting construction activities.
Sec. 807. Exchanges and training and similar programs.

TITLE IX—OTHER PROVISIONS

Sec. 901. Foreign Assistance Act list of communist countries.
Sec. 902. Johnson Act.
Sec. 903. Support for East European Democracy (SEED) Act.
Sec. 903. Peace Corps volunteer training requirements.
Sec. 905. Establishing categories of aliens for purposes of refugee determinations; adjustment of status for certain Soviet and Indochinese parolees.
Sec. 906. Eligibility of Baltic states for nonlethal defense articles.
Sec. 907. Restriction on assistance to Azerbaijan.

TITLE X—INTERNATIONAL FINANCIAL INSTITUTIONS

Sec. 1001. International Monetary Fund quota increase.
Sec. 1002. International Monetary Fund policy changes.
Sec. 1003. Reduction of military spending and promotion of long-term sustainable economic growth by developing nations.
Sec. 1004. Support for macroeconomic stabilization in the independent states of the former Soviet Union.
Sec. 1005. Role of the International Finance Corporation in supporting economic restructuring in the independent states of the former Soviet Union.
Sec. 1006. Authority to agree to amendments to the Articles of Agreement of the International Finance Corporation.
Sec. 1007. Report on debt of the former Soviet Union held by commercial financial institutions.
Sec. 1008. Human rights.
Sec. 1009. Multilateral investment guarantees for the independent states of the former Soviet Union.

SEC. 3. DEFINITION OF INDEPENDENT STATES.

For purposes of this Act, the terms "independent states of the former Soviet Union" and "independent states" mean the following: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

TITLE I—GENERAL PROVISIONS

SEC. 101. FINDINGS.

The Congress finds that—

(1) recent developments in Russia and the other independent states of the former Soviet Union present an historic opportunity for a transition to a peaceful and stable international order and the integration of the independent states of the former Soviet Union into the community of democratic nations;

(2) the entire international community has a vital interest in the success of this transition, and the dimension of the problems now faced in the independent states of the former Soviet Union makes it imperative for donor countries and institutions to provide the expertise and support necessary to ensure continued progress on economic and political reforms;

(3) the United States is especially well-positioned because of its heritage and traditions to make a substantial contribution to this transition by building on current technical cooperation, medical, and food assistance programs, by assisting in the development of democratic institutions, and by fostering conditions that will encourage the United States business community to engage in trade and investment;

(4) failure to meet the opportunities presented by these developments could threaten United States national security interests and jeopardize substantial savings in United States defense that these developments have made possible;

(5) the independent states of the former Soviet Union face unprecedented environmental problems that jeopardize the quality of life and the very existence of not only their own peoples but also the peoples of other countries, and it is incumbent on the international community to assist the independent states in addressing these problems and in promoting sustainable use of resources and development;

(6) the success of United States assistance for the independent states of the former Soviet Union depends on—

(A) effective coordination of United States efforts with similar activities of friendly and allied donor countries and of international financial institutions, and

(B) reciprocal commitments by the governments of the independent states to work toward the creation of democratic institutions and an environment hospitable to foreign investment based upon the rule of law, including negotiation of bilateral and multilateral agreements on open trade and investment, adoption of commercial codes, establishment of transparency in regulatory and other governmental decision making, and timely payment of obligations carried over from previous governmental entities; and

(7) trade and investment opportunities in the independent states of the former Soviet Union will generate employment and other economic benefits for the United States as the economies of the independent states of the former Soviet Union begin to realize their enormous potential as both customers and suppliers.

SEC. 102. PROGRAM COORDINATION, IMPLEMENTATION, AND OVERSIGHT.

(a) COORDINATION.—The President shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall assistance and economic cooperation strategy for the independent states of the former Soviet Union;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this Act (including the amendments made by this Act);

(3) pursuing coordination with other countries and international organizations with respect to assistance to independent states;

(4) ensuring that United States assistance programs for the independent states are consistent with this Act (including the amendments made by this Act);

(5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for the independent states; and

(6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for the independent states.

(b) EXPORT PROMOTION ACTIVITIES.—Consistent with subsection (a), coordination of activities related to the promotion of exports of United States goods and services to the independent states of the former Soviet Union shall continue to be primarily the responsibility of the Secretary of Commerce, in the Secretary's role as Chair of the Trade Promotion Coordination Committee.

(c) INTERNATIONAL ECONOMIC ACTIVITIES.—Consistent with subsection (a), coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury, in the Secretary's role as Chair of the National Advisory Council on International Monetary and Financial Policies and as the United States Governor of the international financial institutions.

(d) ACCOUNTABILITY FOR FUNDS.—Any agency managing and implementing an assistance program for the independent states of the former Soviet Union shall be accountable for any funds made available to it for such program.

SEC. 103. REPORT ON OVERALL ASSISTANCE AND ECONOMIC COOPERATION STRATEGY.

(a) REQUIREMENT FOR SUBMISSION.—As soon as practicable after the date of enactment of this Act, the coordinator designated pursuant to section 102(a) shall submit to the Congress a report on the overall assistance and economic cooperation strategy for the independent states of the former Soviet Union that is required to be developed pursuant to paragraph (1) of that section.

(b) ASSISTANCE PLAN.—The report submitted pursuant to subsection (a) shall include a plan specifying—

(1) the amount of the funds authorized to be appropriated for fiscal year 1993 by chapter 11 of part I of the Foreign Assistance Act of 1961 proposed to be allocated for each of the categories of activities authorized by section 498 of that Act and to carry out section 301 of this Act (relating to American Business Centers), section 303 of this Act (relating to export promotion activities and capital projects), and title IV of this Act (relating to the Democracy Corps);

(2) the amount of other funds made available for fiscal year 1993 to carry out the Foreign Assistance Act of 1961 proposed to be allocated for assistance under that Act for the independent states of the former Soviet Union; and

(3) the amount of funds available for fiscal year 1993 under the Foreign Assistance Act of 1961 that are proposed to be made to each agency to carry out activities for the independent states under that Act or this Act.

SEC. 104. ANNUAL REPORT.

Not later than January 31 of each year, the President shall submit to the Congress a report on United States assistance for the independent states of the former Soviet Union under this Act or other provisions of law. Each such report shall include—

(1) an assessment of the progress each independent state has made in meeting the standards set forth in section 498A of the Foreign Assistance Act of 1961, including a description of the steps each independent state has taken or is taking toward meeting those standards and a discussion of additional steps that each independent state could take to meet those standards;

(2) a description of the United States assistance for each independent state that was provided during the preceding fiscal year, is planned for the current fiscal year, and is proposed for the coming fiscal year, specifying the extent to which such assistance for the preced-

ing fiscal year and for current fiscal year has actually been delivered;

(3) an assessment of the effectiveness of United States assistance in achieving its purposes; and

(4) an evaluation of the manner in which the "notwithstanding" authority provided in section 498B(j)(1) of the Foreign Assistance Act of 1961, and the "notwithstanding" authority provided in any other provision of law with respect to assistance for the independent states, has been used and why the use of that authority was necessary.

TITLE II—BILATERAL ECONOMIC ASSISTANCE ACTIVITIES

SEC. 201. SUPPORT FOR ECONOMIC AND DEMOCRATIC DEVELOPMENT IN THE INDEPENDENT STATES.

Part I of the Foreign Assistance Act of 1961 is amended by adding after chapter 10 the following:

"CHAPTER 11—SUPPORT FOR THE ECONOMIC AND DEMOCRATIC DEVELOPMENT OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

"SEC. 498. ASSISTANCE FOR THE INDEPENDENT STATES.

"The President is authorized to provide assistance to the independent states of the former Soviet Union under this chapter for the following activities:

"(1) URGENT HUMANITARIAN NEEDS.—Meeting urgent humanitarian needs (including those arising from the health effects of exposure to radiation in the Chernobyl region), in particular—

"(A) meeting needs for medicine, medical supplies and equipment, and food, including the nutritional needs of infants such as processed baby food; and

"(B) continuing efforts to rebuild from the earthquake in Armenia.

"(2) DEMOCRACY.—Establishing a democratic and free society by fostering—

"(A) political, social, and economic pluralism;

"(B) respect for internationally recognized human rights and the rule of law;

"(C) the development of institutions of democratic governance, including electoral and legislative processes;

"(D) the institution and improvement of public administration at the national, intergovernmental, regional, and local level;

"(E) the development of a free and independent media;

"(F) the development of effective control by elected civilian officials over, and the development of a nonpolitical officer corps in, the military and security forces; and

"(G) strengthened administration of justice through programs and activities carried out in accordance with section 498B(e).

"(3) FREE MARKET SYSTEMS.—Creating and developing private enterprise and free market systems based on the principle of private ownership of property, including—

"(A) the development of private cooperatives, credit unions, and labor unions;

"(B) the improvement in the collection and analysis of statistical information;

"(C) the reform and restructuring of banking and financial systems; and

"(D) the protection of intellectual property.

"(4) TRADE AND INVESTMENT.—Creating conditions that promote trade and investment, and encouraging participation of the United States private sector in the development of the private sector in the independent states of the former Soviet Union.

"(5) FOOD DISTRIBUTION AND PRODUCTION.—Promoting market-based mechanisms for the distribution of the inputs necessary to agricultural production and for the handling, marketing, storage, and processing of agricultural commodities; encouraging policies that provide incentives for agricultural production; and creating institutions that provide technical and financial support for the agricultural sector.

"(6) HEALTH AND HUMAN SERVICES.—Promoting programs to strengthen and build institutions that provide quality health care and voluntary family planning services, housing, and other services and policies that are components of a social safety net, particularly for infants, children, and people with disabilities.

"(7) EDUCATION AND EDUCATIONAL TELEVISION.—Promoting broad-based educational reform at all levels, in particular—

"(A) by assisting the development of curricula and by making available textbooks, other educational materials, and appropriate telecommunications technologies for the delivery of educational and instructional programming; and

"(B) by assisting the development of the skills necessary to produce educational television programs aimed at promoting basic skills and the human values associated with a democratic society and a free market economy.

"(8) ENERGY EFFICIENCY AND PRODUCTION.—Promoting market-based pricing policies and the transfer of technologies that reduce energy wastage and harmful emissions; supporting developmentally sound capital energy projects that utilize United States advanced coal technologies; and promoting efficient production, use, and transportation of oil, gas, coal, and other sources of energy.

"(9) CIVILIAN NUCLEAR REACTOR SAFETY.—Implementing—

"(A) a program of short-term safety upgrade of civilian nuclear power plants, including the training of power plant personnel, implementation of improved procedures for nuclear power plant operation, the development of effective and independent regulatory authorities, and cost-effective hardware upgrades; and

"(B) a program to retire those civilian nuclear power plants whose capacity could be more cost-effectively replaced through energy efficiency.

"(10) ENVIRONMENT.—Enhancing the human and natural environment and conserving environmental resources, including through—

"(A) facilitation of the adoption of environmentally-sound policies and technologies, environmental restoration, and sustainable use of natural resources;

"(B) promotion of the provision of environmental technology, education, and training by United States businesses, not-for-profit organizations, and institutions of higher education; and

"(C) promotion of cooperative research efforts to validate and improve environmental monitoring of protracted radiation exposure.

"(11) TRANSPORTATION AND TELECOMMUNICATIONS.—Improving transportation and telecommunications infrastructure and management, including intermodal transportation systems to ensure the safe and efficient movement of people, products, and materials.

"(12) DRUG EDUCATION, INTERDICTION, AND ERADICATION.—Promoting drug education, interdiction, and eradication programs.

"(13) MIGRATION.—Protecting and caring for refugees, displaced persons, and other migrants; addressing the root causes of migration; and promoting the development of appropriate immigration and emigration laws and procedures.

"SEC. 498A. CRITERIA FOR ASSISTANCE TO GOVERNMENTS OF THE INDEPENDENT STATES.

"(a) IN GENERAL.—In providing assistance under this chapter for the government of any independent state of the former Soviet Union, the President shall take into account not only relative need but also the extent to which that independent state is acting to—

"(1) make significant progress toward, and is committed to the comprehensive implementation of, a democratic system based on principles of the rule of law, individual freedoms, and representative government determined by free and fair elections;

"(2) make significant progress in, and is committed to the comprehensive implementation of, economic reform based on market principles, private ownership, and integration into the world economy, including implementation of the legal and policy frameworks necessary for such reform (including protection of intellectual property and respect for contracts);

"(3) respect internationally recognized human rights, including the rights of minorities and the rights to freedom of religion and emigration;

"(4) respect international law and obligations and adhere to the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the Charter of Paris, including the obligations to refrain from the threat or use of force and to settle disputes peacefully;

"(5) cooperate in seeking peaceful resolution of ethnic and regional conflicts;

"(6) implement responsible security policies, including—

"(A) adhering to arms control obligations derived from agreements signed by the former Soviet Union;

"(B) reducing military forces and expenditures to a level consistent with legitimate defense requirements;

"(C) not proliferating nuclear, biological, or chemical weapons, their delivery systems, or related technologies; and

"(D) restraining conventional weapons transfers;

"(7) take constructive actions to protect the international environment, prevent significant transborder pollution, and promote sustainable use of natural resources;

"(8) deny support for acts of international terrorism;

"(9) accept responsibility for paying an equitable portion of the indebtedness to United States firms incurred by the former Soviet Union;

"(10) cooperate with the United States Government in uncovering all evidence regarding Americans listed as prisoners-of-war, or otherwise missing during American operations, who were detained in the former Soviet Union during the Cold War; and

"(11) terminate support for the communist regime in Cuba, including removal of troops, closing of military facilities, and ceasing trade subsidies and economic, nuclear, and other assistance.

"(b) INELIGIBILITY FOR ASSISTANCE.—The President shall not provide assistance under this chapter—

"(1) for the government of any independent state that the President determines is engaged in a consistent pattern of gross violations of internationally recognized human rights or of international law;

"(2) for the government of any independent state that the President determines has failed to take constructive actions to facilitate the effective implementation of applicable arms control obligations derived from agreements signed by the former Soviet Union;

"(3) for the government of any independent state that the President determines has, on or after the date of enactment of this chapter, knowingly transferred to another country—

"(A) missiles or missile technology inconsistent with the guidelines and parameters of the Missile Technology Control Regime; or

"(B) any material, equipment, or technology that would contribute significantly to the ability of such country to manufacture any weapon of mass destruction (including nuclear, chemical, and biological weapons) if the President determines that the material, equipment, or tech-

nology was to be used by such country in the manufacture of such weapon;

"(4) for the government of any independent state that is prohibited from receiving such assistance by section 669 or 670 of this Act or sections 306(a)(1) and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991; or

"(5) for the Government of Russia if it has failed to make significant progress on the removal of Russian or Commonwealth of Independent States troops from Estonia, Latvia, and Lithuania or if it has failed to undertake good faith efforts, such as negotiations, to end other military practices that violate the sovereignty of the Baltic states.

"(c) EXCEPTIONS TO INELIGIBILITY.—Assistance prohibited by subsection (b) or any similar provision of law, other than assistance prohibited by the provisions referred to in subsection (b)(4), may be furnished under any of the following circumstances:

"(1) The President determines that furnishing such assistance is important to the national interest of the United States.

"(2) The President determines that furnishing such assistance will foster respect for internationally recognized human rights and the rule of law or the development of institutions of democratic governance.

"(3) The assistance is furnished for the alleviation of suffering resulting from a natural or man-made disaster.

The President shall immediately report to the Congress any determination under paragraph (1) or (2) or any decision to provide assistance under paragraph (3).

"SEC. 498B. AUTHORITIES RELATING TO ASSISTANCE AND OTHER PROVISIONS.

"(a) ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

"(b) TECHNICAL AND MANAGERIAL ASSISTANCE.—Technical assistance under this chapter shall, to the maximum extent feasible, be provided on a long term, on-site basis and shall emphasize the provision of practical, management and other problem-solving advice, particularly advice on private enterprise provided by United States business volunteers.

"(c) ENTERPRISE FUNDS.—Activities supported pursuant to this chapter may include the establishment of and the provision of support for one or more enterprise funds for the independent states of the former Soviet Union. If the President determines that an enterprise fund should be established and supported under this chapter, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authorizations of appropriations provided in subsection (b) of that section) shall be deemed to apply with respect to such enterprise fund and to funds made available to such enterprise fund pursuant to this chapter.

"(d) COOPERATIVE DEVELOPMENT AND RESEARCH PROJECTS.—Assistance under this chapter may include support for cooperative development projects, including cooperative development research projects, among the United States, other countries, and independent states of the former Soviet Union.

"(e) ADMINISTRATION OF JUSTICE PROGRAMS.—In order to strengthen the administration of justice in the independent states of the former Soviet Union under paragraph (2)(G) of section 498, the President may exercise the same authorities as are available under section 534 of this Act, subject to the limitations and requirements of that section, other than subsection (c) and the last two sentences of subsection (e).

"(f) USE OF ECONOMIC SUPPORT FUNDS.—Any funds that have been allocated under chapter 4 of part II for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this chapter.

"(g) USE OF SEED AGENCY FUNDS AND ADMINISTRATIVE AUTHORITIES.—The President may authorize any agency of the United States Government that has authority to conduct activities under the Support for East European Democracy (SEED) Act of 1989 to use—

"(1) any funds that are available to it for activities related to international affairs outside Eastern Europe, and

"(2) any administrative authorities that are available to it for activities with respect to Eastern Europe,

to conduct activities authorized by section 498 with respect to the independent states of the former Soviet Union.

"(h) PROCUREMENT RESTRICTIONS.—Funds made available for assistance under this chapter may be used for procurement—

"(1) in the United States, the independent states of the former Soviet Union, or a developing country; or

(2) in any other country but only if—

"(A) the provision of such assistance requires commodities or services of a type that are not produced in and available for purchase in any country specified in paragraph (1); or

"(B) the President determines, on a case-by-case basis, that procurement in such other country is necessary—

"(i) to meet unforseen circumstances, such as emergency situations, where it is important to permit procurement in a country not specified in paragraph (1), or

"(ii) to promote efficiency in the use of United States foreign assistance resources, including to avoid impairment of foreign assistance objectives.

"(i) TERMS AND CONDITIONS.—Assistance under this chapter shall be provided on such terms and conditions as the President may determine, consistent with applicable provisions of law (except as otherwise provided in subsection (j)).

"(j) WAIVER OF CERTAIN PROVISIONS.—

"(1) IN GENERAL.—Funds authorized to be appropriated for fiscal year 1993 by this chapter, and any other funds appropriated for fiscal year 1993 that are used under the authority of subsection (f) or (g), may be used to provide assistance under this chapter notwithstanding any other provision of law, except for—

"(A) this chapter;

"(B) section 634A of this Act and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act;

"(C) sections 669 and 670 of this Act and sections 306 and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1961, to the extent that they apply to assistance to governments; and

"(D) section 1341 of title 31, United States Code (commonly referred to as the 'Anti-Deficiency Act'), the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

"(2) NUCLEAR REACTOR SAFETY AND RELATED ACTIVITIES.—Any provision that corresponds to section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (relating to the prohibition on financing exports of nuclear equipment, fuel, and technology) shall not apply with respect to funds used pursuant to this chapter.

"(k) DEFINITIONS.—

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this chapter, the term 'appropriate congressional committees' means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(2) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—As used in this chapter, the terms 'independent states of the former Soviet Union' and 'independent states' have the meaning given those terms by section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

"SEC. 498C. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—To carry out this chapter, there are authorized to be appropriated to the President for fiscal year 1993 $410,000,000, in addition to amounts otherwise available for assistance for the independent states of the former Soviet Union. Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

"(b) OPERATING EXPENSES.—

"(1) AUTHORITY TO TRANSFER PROGRAM FUNDS.—Subject to paragraph (2), funds made available under subsection (a) may be transferred to, and merged with, funds appropriated for 'Operating Expenses of the Agency for International Development'. Funds so transferred may be expended for administrative costs in carrying out this chapter, including reimbursement of the Department of State for its incremental costs associated with assistance provided under this chapter.

"(2) LIMITATION ON AMOUNT TRANSFERRED.—Not more than 2 percent of the funds made available for a fiscal year under subsection (a) may be transferred pursuant to paragraph (1) unless, at least 15 days before transferring any additional amount, the President notifies the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of this Act.".

SEC. 202. INELIGIBILITY FOR ASSISTANCE OF INSTITUTIONS WITHHOLDING CERTAIN DOCUMENTS OF UNITED STATES NATIONALS.

(a) PROHIBITION.—Except as provided in subsections (b) and (c), an agency, instrumentality, or other governmental entity of an independent state of the former Soviet Union shall not be eligible to receive assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 if—

(1) on the date of enactment of this Act, there is outstanding a final judgment by a court of competent jurisdiction in that independent state that that governmental entity is withholding unlawfully books or other documents of religious or historical significance that are the property of United States persons; and

(2) within 90 days of a request by such United States persons, the Secretary of State determines that execution of the court's judgment is blocked as the result of extrajudicial causes such as any of the following:

(A) A declared refusal of the defendant to comply.

(B) The unwillingness or failure of local authorities to enforce compliance.

(C) The issuance of an administrative decree nullifying a court's judgment or forbidding compliance.

(D) The passage of legislation, after a court's judgment, nullifying that judgment or forbidding compliance with that judgment.

(b) EXCEPTION FOR HUMANITARIAN ASSISTANCE.—The prohibition contained in subsection (a) shall not apply to the provision of assistance to alleviate suffering resulting from a natural or man-made disaster.

(c) WAIVER AUTHORITY.—The Secretary of State may waive the application of subsection (a) whenever the Secretary finds that—

(1) the court's judgment has been executed; or

(2) it is important to the national interest of the United States to do so.

(d) REPORT.—Nine months after the date of enactment of this Act, the Secretary of State shall report to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate on the status of final judgments described in subsection (a)(1).

(e) UNITED STATES PERSON.—For purposes of this section, the term "United States person" means—

(1) any citizen, national, or permanent resident alien of the United States; and

(2) any corporation, partnership, or other juridical entity which is 50 percent or more beneficially owned by individuals described in paragraph (1).

TITLE III—BUSINESS AND COMMERCIAL DEVELOPMENT

SEC. 301. AMERICAN BUSINESS CENTERS.

(a) ESTABLISHMENT.—The President is authorized and encouraged to establish American Business Centers in the independent states of the former Soviet Union receiving assistance under chapter 11 of part I of the Foreign Assistance Act of 1961 where the President determines that such centers can be cost-effective in promoting the objectives described in section 498 of that Act and United States economic interests and in establishing commercial partnerships between the people of the United States and the peoples of the independent states.

(b) ENVIRONMENTAL BUSINESS CENTERS AND AGRIBUSINESS CENTERS.—For purposes of this section, the term "American Business Centers" includes the following:

(1) Environmental business centers in those independent states that offer promising market possibilities for the export of United States environmental goods and services. To the maximum extent practicable, these environmental business centers should be established as a component of other centers.

(2) Agribusiness centers that include the participation of private United States agribusinesses or agricultural cooperatives, private nonprofit organizations, State universities and land grant colleges, and financial institutions, that make appropriate contributions of equipment, materials, and personnel for the operation of such centers. The purposes of these agribusiness centers shall be—

(A) to enhance the ability of farmers and other agribusiness practitioners in the independent states to better meet the needs of the people of the independent states;

(B) to assist the transition from a command and control system in agriculture to a free market system; and

(C) to facilitate the demonstration and use of United States agricultural equipment and technology.

(c) ADDITIONAL POLICY GUIDANCE.—To the maximum extent possible, and consistent with the particular purposes of the specific types of centers, the President should direct that—

(1) the American Business Centers established pursuant to this section place special emphasis on assistance to United States small- and medium-sized businesses to facilitate their entry into the commercial markets of the independent states;

(2) such centers offer office space, business facilities, and market analysis services to United States firms, trade associations, and State economic development offices on a user-fee basis that minimizes the cost of operating such centers;

(3) such centers serve as a repository for commercial, legal, and technical information, including environmental and export control information;

(4) such centers identify existing or potential counterpart businesses or organizations that may require specific technical coordination or assistance;

(5) such centers be established in several sites in the independent states; and

(6) host countries be asked to make appropriate contributions of real estate and personnel for the establishment and operation of such centers.

(d) FUNDING.—

(1) REIMBURSEMENT AGREEMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Agency for International Development shall conclude a reimbursement agreement with the Secretary of Commerce for the Department of Commerce's services in establishing and operating American Business Centers pursuant to this section.

(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961, up to $12,000,000 for fiscal year 1993 are authorized to be appropriated to carry out this section, in addition to amounts otherwise available for such purpose.

SEC. 302. BUSINESS AND AGRICULTURE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The President is authorized to establish an advisory council to be known as the Independent States Business and Agriculture Advisory Council (hereinafter in this section referred to as the "Council")—

(1) to consult with and advise the President periodically regarding programs of assistance for the independent states of the former Soviet Union; and

(2) to evaluate, and consult periodically with the President regarding, the adequacy of bilateral and multilateral assistance programs that would facilitate exports by United States companies to, and investments by United States companies in, the independent states.

(b) MEMBERSHIP.—The Council should consist of 15 members, appointed by the President, who are drawn from United States companies reflecting diverse businesses and perspectives that have experience and expertise in dealing with the independent states of the former Soviet Union. The President should designate one such member to serve as Chair of the Council. Five such members should be appointed upon the recommendation of the Speaker and the Minority Leader of the House of Representatives and 5 should be appointed upon the recommendation of the Majority Leader and Minority Leader of the Senate. Members of the Council shall receive no compensation from the United States Government by reason of their service on the Council.

(c) STAFF.—Upon request of the Chair of the Council, the head of any United States Government agency may detail, on a nonreimbursable basis, any of the personnel of such agency to the Council to assist the Council.

SEC. 303. FUNDING FOR EXPORT PROMOTION ACTIVITIES AND CAPITAL PROJECTS.

(a) ALLOCATION OF A.I.D. FUNDS.—The President is encouraged to use a portion of the funds made available for the independent states of the former Soviet Union under chapter 11 of part I of the Foreign Assistance Act of 1961—

(1) to fund the export promotion, finance, and related activities carried out pursuant to subsection (b)(1), including activities relating to the export of intermediary goods; and

(2) to fund capital projects, including projects for telecommunications, environmental cleanup, power production, and energy related projects.

(b) EXPORT PROMOTION, FINANCE, AND RELATED ACTIVITIES.—The Secretary of Commerce, as Chair of the Trade Promotion Coordination Committee, should, in conjunction with other members of that committee, design and implement programs to provide adequate commercial and technical assistance to United States businesses seeking markets in the independent states of the former Soviet Union, including the following:

(1) Increasing the United States and Foreign Commercial Service presence in the independent states, in particular in the Russian Far Eastern cities of Vladivostok and Khabarovsk.

(2) Preparing profiles of export opportunities for United States businesses in the independent states and providing other technical assistance.

(3) Utilizing the Market Development Cooperator Program under section 2303 of the Export Enhancement Act of 1988 (15 U.S.C. 4723).

(4) Developing programs specifically for the purpose of assisting small- and medium-sized businesses in entering commercial markets of the independent states. In carrying out this paragraph, the Secretary of Commerce, to the extent possible, should work directly with private sector organizations with proven experience in trade and economic relations with the independent states.

(5) Supporting projects undertaken by the United States business community on the basis of partnership, joint venture, contractual, or other cooperative agreements with appropriate entities in the independent states.

(6) Supporting export finance programs, feasibility studies, political risk insurance, and other related programs through increased funding and flexibility in the implementation of such programs.

(7) Supporting the Business Information Service (BISNIS) and its related programs.

SEC. 304. INTERAGENCY WORKING GROUP ON ENERGY OF THE TRADE PROMOTION COORDINATING COMMITTEE.

The Trade Promotion Coordinating Committee should utilize its interagency working group on energy to assist United States energy sector companies to develop a long-term strategy for penetrating the energy market in the independent states of the former Soviet Union. The working group should—

(1) work with officials from the independent states in creating an environment conducive to United States energy investment;

(2) help to coordinate assistance to United States companies involved with projects to clean up former Soviet nuclear weapons sites and commercial nuclear waste; and

(3) work with representatives from United States business and industry involved with the energy sector to help facilitate the identification of business opportunities, including the promotion of oil, gas, and clean coal technology and products, energy efficiency, and the formation of joint ventures between United States companies and companies of the independent nations.

SEC. 305. REPORTS TO CONGRESS.

Not later than January 31 of each year (beginning in 1994), the Secretary of Commerce shall submit to the Congress a report—

(1) describing the implementation of the preceding sections of this title;

(2) analyzing the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union, and

(3) examining the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage against United States companies.

SEC. 306. POLICY ON COMBATTING TIED AID PRACTICES.

Should the Secretary of the Treasury determine that foreign countries are engaged in tied aid practices with respect to any of the independent states of the former Soviet Union that violate the 1991 Helsinki agreement of the Organization for Economic Cooperation and Development, the President should give priority attention to combating such practices.

SEC. 307. TECHNICAL ASSISTANCE FOR THE RUSSIAN FAR EAST.

(a) AUTHORIZATION.—The President is authorized to provide technical assistance, through an American university in a region which received nonstop air service to and from the Russian Far East as of July 1, 1992, to facilitate the development of United States business opportunities, free markets, and democratic institutions in the Russian Far East.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 to carry out subsection (a).

SEC. 308. FUNDING FOR OPIC PROGRAMS.

(a) AUTHORITY TO MAKE ADDITIONAL FUNDS AVAILABLE.—Funds authorized to be appropriated for fiscal year 1993 to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 may be made available to cover costs incurred by the Overseas Private Investment Corporation in carrying out programs with respect to the independent states of the former Soviet Union under title IV of chapter 2 of part I of that Act (22 U.S.C. 2191 and following), in addition to amounts otherwise available for that purpose.

(b) ENACTMENT OF OPIC AUTHORIZATION ACT.—The authority of subsection (a) shall cease to be effective upon the enactment of the Overseas Private Investment Corporation Act Amendments Act of 1992.

TITLE IV—THE DEMOCRACY CORPS

SEC. 401. AUTHORIZATION FOR ESTABLISHMENT OF THE DEMOCRACY CORPS.

(a) ESTABLISHMENT; PURPOSE.—The President is authorized to provide for the establishment of the Democracy Corps as a private nonprofit organization, incorporated in the District of Columbia, whose purpose shall be to maintain a presence in the independent states of the former Soviet Union as described in subsection (c).

(b) BOARD OF DIRECTORS.—The Board of Directors of the Democracy Corps shall have not more than 10 members, appointed by the President. Individuals appointed to the Board—

(1) shall, individually or through the organizations they represent, have experience and expertise appropriate to carrying out the purpose of the Democracy Corps, including involvement either with activities of the type described in subsection (d) or in the independent states;

(2) shall be United States citizens; and

(3) may not be officers or employees of the United States Government or Members of Congress.

(c) GRANTS TO THE DEMOCRACY CORPS; PURPOSE.—The Administrator is authorized to make an annual grant to the Democracy Corps with the funds made available pursuant to this section. The purpose of such grants shall be to enable the Democracy Corps to maintain a presence in independent states of the former Soviet Union that will assist at the local level in the development of—

(1) institutions of democratic governance (including judicial, electoral, legislative, and administrative processes), and

(2) the nongovernmental organizations of a civil society (including charitable, educational, trade union, business, professional, voluntary, community, and other civic organizations),

by mobilizing the expertise of the American people to provide practical assistance through "on the ground" person-to-person advice, technical assistance, and small grants to indigenous individuals and indigenous entities, in accordance with subsection (d).

(d) ACTIVITIES.—The Democracy Corps shall be required to carry out its purpose through the placement within the independent states of teams of United States citizens with appropriate expertise and knowledge. Under guidelines developed by the Board, these teams shall assist indigenous individuals and entities in the independent states that are involved in the development of the institutions and organizations referred to in paragraphs (1) and (2) of subsection (c) by—

(1) providing advice and technical assistance;

(2) making small grants (which in most cases should not exceed $5,000) to such individuals and entities to assist the development of those institutions and organizations;

(3) identifying other sources of assistance; and

(4) operating local centers to serve as information, logistical, and educational centers and otherwise encourage cooperation and effectiveness by those involved in the development of democratic institutions, a market-oriented economy, and a civil society in the independent states.

These local centers may be designated as "Democracy Houses" or given another appropriate appellation.

(e) GRANT AGREEMENT.—Grants under this section shall be made pursuant to a grant agreement requiring the Democracy Corps to comply with the requirements specified in this section and with such other terms and conditions as the Administrator may require, which shall include requirements regarding consultation with the coordinator designated pursuant to section 102(a), conflicts of interest, and accountability for funds, including a requirement for annual independent audits.

(f) COORDINATION.—The Democracy Corps shall be required to—

(1) coordinate its activities pursuant to this section with the programs and activities of other entities operating in or providing assistance to the independent states of the former Soviet Union in support of the development of democratic institutions, a market-oriented economy, and a civil society; and

(2) ensure that its activities pursuant to this section are designed to avoid duplication with activities carried out under other United States Government foreign assistance and international information, educational, cultural, and exchange programs.

(g) PROHIBITION ON CAMPAIGN FINANCING.—Funds made available to the Democracy Corps under this section may not be expended by the Democracy Corps, or any recipient of a grant from the Democracy Corps, to finance the campaigns of candidates for public office.

(h) FREEDOM OF INFORMATION.—

(1) IN GENERAL.—Notwithstanding the fact that the Democracy Corps is not an agency or establishment of the United States Government, the Democracy Corps shall be required to comply fully with all of the provisions of section 552 of title 5, United States Code.

(2) PUBLICATION IN FEDERAL REGISTER.—For purposes of complying pursuant to paragraph (1) with section 552(a)(1) of title 5, the Democracy Corps shall make available to the Administrator such records and other information as the Administrator determines may be necessary for such purposes. The Administrator shall cause such records and other information to be published in the Federal Register.

(3) AID REVIEW.—In the event that the Democracy Corps determines not to comply with a request for records under section 552 of title 5, the Democracy Corps shall submit a report to the Administrator explaining the reasons for not complying with such request. If the Administrator approves such determination, the Agency for International Development shall assume full responsibility, including financial responsibility, for defending the Democracy Corps in any litigation relating to such request. If the Administrator disapproves such determination, the Democracy Corps shall be required to comply with such request.

(i) ANNUAL REPORTS.—The Board shall be required to submit to the Administrator and the Congress, not later than January 31 each year, a comprehensive report on the activities of the Democracy Corps. Each such report shall list each grant made by the Democracy Corps under subsection (d)(2) during the preceding fiscal year, specifying the grantee and the amount of the grant.

(j) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated to carry out chapter 11 of part I of the Foreign Assistance Act of 1961, up to $15,000,000 for fiscal year 1993 are authorized to be appropriated for grants to the Democracy Corps under this section, in addition to amounts otherwise available for such purpose.

(k) SUNSET PROVISION.—Grants may not be made to the Democracy Corps under this section after the end of fiscal year 1997.

(l) DEFINITIONS.—As used in this section—

(1) the term "Administrator" means the Administrator of the Agency for International Development; and

(2) the term "Board" means the Board of Directors of the Democracy Corps.

TITLE V—NONPROLIFERATION AND DISARMAMENT PROGRAMS AND ACTIVITIES

SEC. 501. FINDINGS.

The Congress finds that it is in the national security interest of the United States—

(1) to facilitate, on a priority basis—

(A) the transportation, storage, safeguarding, and destruction of nuclear and other weapons of mass destruction of the independent states of the former Soviet Union;

(B) the prevention of proliferation of weapons of mass destruction and destabilizing conventional weapons of the independent states, and the establishment of verifiable safeguards against the proliferation of such weapons;

(C) the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and

(D) other efforts designed to reduce the military threat from the former Soviet Union;

(2) to support the conversion of the massive defense-related industry and equipment of the independent states of the former Soviet Union for civilian purposes and uses; and

(3) to expand military-to-military contacts between the United States and the independent states.

SEC. 502. ELIGIBILITY.

Funds may be obligated for a fiscal year for assistance or other programs or activities for an independent state of the former Soviet Union under sections 503 and 504 only if the President has certified to the Congress, during that fiscal year, that such independent state is committed to—

(1) making a substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if that independent state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons;

(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

(3) forgoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons; and

(4) facilitating United States verification of any weapons destruction carried out under section 503(a) or 504(a) of this Act or section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note).

SEC. 503. NONPROLIFERATION AND DISARMAMENT ACTIVITIES IN THE INDEPENDENT STATES.

(a) AUTHORIZATION.—The President is authorized to promote bilateral and multilateral nonproliferation and disarmament activities—

(1) by supporting the dismantlement and destruction of nuclear, biological, and chemical

weapons, their delivery systems, and conventional weapons of the independent states of the former Soviet Union;

(2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons of the independent states, including activities such as—

(A) the storage, transportation, and safeguarding of such weapons, and

(B) the purchase, barter, or other acquisition of such weapons or materials derived from such weapons;

(3) by establishing programs for safeguarding against the proliferation of nuclear, biological, chemical, and other weapons of the independent states;

(4) by establishing programs for preventing diversion of weapons-related scientific and technical expertise of the independent states to terrorist groups or to third countries;

(5) by establishing science and technology centers in the independent states for the purpose of engaging weapons scientists and engineers of the independent states (in particular those who were previously involved in the design and production of nuclear, biological, and chemical weapons) in productive, nonmilitary undertakings; and

(6) by establishing programs for facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities.

(b) FUNDING PRIORITIES.—Priority in carrying out this section shall be given to the activities described in paragraphs (1) through (5) of subsection (a).

(c) USE OF DEFENSE FUNDS.—

(1) AUTHORIZATION.—In recognition of the direct contributions to the national security interests of the United States of the programs and activities authorized by subsection (a), the President is authorized to make available for use in carrying out those programs and activities, in addition to amounts otherwise available for such purposes, funds made available pursuant to sections 108 and 109 of Public Law 102–229 or under the amendments made by section 506(a) of this Act.

(2) LIMITATION.—Funds described in paragraph (1) may not be obligated for programs and activities under subsection (a) unless the Director of the Office of Management and Budget has determined that expenditures during fiscal year 1993 pursuant to such obligation shall be counted against the defense category of the discretionary spending limits for that fiscal year (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 504. NONPROLIFERATION AND DISARMAMENT FUND.

(a) AUTHORIZATION.—The President is authorized to promote bilateral and multilateral nonproliferation and disarmament activities—

(1) by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons;

(2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons, including activities such as—

(A) the storage, transportation, and safeguarding of such weapons, and

(B) the purchase, barter, or other acquisition of such weapons or materials derived from such weapons;

(3) by establishing programs for safeguarding against the proliferation of nuclear, biological, chemical, and other weapons of the independent states of the former Soviet Union;

(4) by establishing programs for preventing diversion of weapons-related scientific and technical expertise of the independent states to terrorist groups or to third countries;

(5) by establishing science and technology centers in the independent states for the purpose of engaging weapons scientists and engineers of the independent states (in particular those who were previously involved in the design and production of nuclear, biological, and chemical weapons) in productive, nonmilitary undertakings; and

(6) by establishing programs for facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities.

(b) FUNDING PRIORITIES.—Priority in carrying out this section shall be given to the activities described in paragraphs (1) through (5) of subsection (a).

(c) USE OF SECURITY ASSISTANCE FUNDS.—

(1) AUTHORIZATION.—In recognition of the direct contributions to the national security interests of the United States of the programs and activities authorized by subsection (a), the President is authorized to make available for use in carrying out those programs and activities, in addition to amounts otherwise available for such purposes, up to $100,000,000 of security assistance funds for fiscal year 1993.

(2) DEFINITION.—As used in paragraph (1), the term "security assistance funds" means funds made available for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) or assistance under section 23 of the Arms Export Control Act (relating to the "Foreign Military Financing Program").

(3) EXEMPTION FROM CERTAIN RESTRICTIONS.—Section 531(e) of the Foreign Assistance Act of 1961, and any provision that corresponds to section 510 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (relating to the prohibition on financing exports of nuclear equipment, fuel, and technology), shall not apply with respect to funds used pursuant to this subsection.

SEC. 505. LIMITATIONS ON DEFENSE CONVERSION AUTHORITIES.

Notwithstanding any other provision of law (including any other provision of this Act), funds may not be obligated in any fiscal year for purposes of facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities, as authorized by sections 503(a)(6) and 504(a)(6) or any other provision of law, unless the President has previously obligated in the same fiscal year an amount equal to or greater than that amount of funds for defense conversion and defense transition activities in the United States. For purposes of this section, the term "defense conversion and defense transition activities in the United States" means those United States Government funded programs whose primary purpose is to assist United States private sector defense workers, United States companies that manufacture or otherwise provide defense goods or services, or United States communities adversely affected by reductions in United States defense spending, such as programs funded through the Office of Economic Adjustment in the Department of Defense, through the Defense Conversion Adjustment Program (as authorized by the Job Training Partnership Act), or through the Economic Development Administration.

SEC. 506. SOVIET WEAPONS DESTRUCTION.

(a) ADDITIONAL FUNDING.—

(1) AUTHORIZATION AMOUNT.—Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is amended by striking out "$400,000,000" and inserting in lieu thereof "$800,000,000".

(2) AUTHORIZATION PERIOD.—Section 221(e) of such Act is amended—

(A) by inserting "for fiscal year 1992 or fiscal year 1993" after "under part B";

(B) by inserting "for that fiscal year" after "for that program"; and

(C) by striking out "for fiscal year 1992" and inserting in lieu thereof "for that fiscal year".

(b) TECHNICAL REVISIONS TO PUBLIC LAW 102–229.—Public Law 102–229 is amended—

(1) in section 108 (105 Stat. 1708), by striking out "contained in H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "(title II of Public Law 102–228)"; and

(2) in section 109 (105 Stat. 1708)—

(A) by striking out "H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "Public Law 102–228 (105 Stat. 1696)"; and

(B) by striking out "of H.R. 3807".

(c) AVOIDANCE OF DUPLICATIVE AMENDMENTS.—The amendments made by this section shall not be effective if the National Defense Authorization Act for Fiscal Year 1993 enacts an amendment to section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 that authorizes the transfer of an amount that is the same or greater than the amount that is authorized by the amendment made by subsection (a)(1) of this section and enacts amendments identical to those in subsections (a)(2) and (b) of this section. If that Act enacts such amendments, sections 503 and 508 of this Act shall be deemed to apply with respect to the funds made available under such amendments.

SEC. 507. WAIVER OF CERTAIN PROVISIONS.

(a) IN GENERAL.—Funds made available for fiscal year 1993 under sections 503 and 504 to provide assistance or otherwise carry out programs and activities with respect to the independent states of the former Soviet Union under those sections may be used notwithstanding any other provision of law, other than the provisions cited in subsection (b).

(b) EXCEPTIONS.—Subsection (a) does not apply with respect to—

(1) this title; and

(2) section 1341 of title 31, United States Code (commonly referred to as the "Anti-Deficiency Act"), the Congressional Budget and Impoundment Control Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and the Budget Enforcement Act of 1990.

SEC. 508. NOTICE AND REPORTS TO CONGRESS.

(a) NOTICE OF PROPOSED OBLIGATIONS.—Not less than 15 days before obligating any funds under section 503 or 504 or the amendments made by section 506(a), the President shall transmit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees a report on the proposed obligation. Each such report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligations; and

(2) the activities and forms of assistance for which the President plans to obligate such funds.

(b) SEMIANNUAL REPORT.—Not later than April 30, 1993, and not later than October 30, 1993, the President shall transmit to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the appropriate congressional committees a report on the activities carried out under sections 503 and 504 and the amendments made by section 506(a). Each such report shall set forth, for the preceding 6-month period and cumulatively, the following:

(1) The amounts expended for such activities and the purposes for which they were expended.

(2) The source of the funds obligated for such activities, specified by program.

(3) A description of the participation of all United States Government departments and agencies in such activities.

(4) A description of the activities carried out and the forms of assistance provided.

(5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs and activities carried out under sections 503 and 504 and the amendments made by section 506(a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section—

(1) the term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(B) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(2) the committee to which the specified activities of section 503(a) or 504(a) or subtitle B of the Soviet Nuclear Threat Reduction Act of 1991 (as the case may be), if the subject of separate legislation, would be referred, under the rules of the respective House of Congress.

SEC. 509. INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) ASSISTANCE FOR INTERNATIONAL NONPROLIFERATION ACTIVITIES.—Subject to the limitations and requirements provided in this section, during fiscal year 1993 the Secretary of Defense, under the guidance of the President, may provide assistance to support international nonproliferation activities.

(b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE PROVIDED.—Activities for which assistance may be provided under this section are activities such as the following:

(1) Activities carried out by the International Atomic Energy Agency (IAEA) that are designed to ensure more effective safeguards against nuclear proliferation and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968.

(2) Activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(3) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.

(4) Efforts to improve international cooperative monitoring of nuclear proliferation through joint technical projects and improved intelligence sharing.

(c) FORM OF ASSISTANCE.—(1) Assistance under this section may include funds and in-kind contributions of supplies, equipment, personnel, training, and other forms of assistance.

(2) Assistance under this section may be provided to international organizations in the form of funds only if the amount in the "Contributions to International Organizations" account of the Department of State is insufficient or otherwise unavailable to meet the United States fair share of assessments for international nuclear nonproliferation activities.

(3) No amount may be obligated for an expenditure under this section unless the Director of the Office of Management and Budget determines that the expenditure will be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) No assistance may be furnished under this section unless the Secretary of Defense determines and certifies to the Congress 30 days in advance that the provision of such assistance—

(A) is in the national security interest of the United States; and

(B) will not adversely affect the military preparedness of the United States.

(5) The authority to provide assistance under this section in the form of funds may be exercised only to the extent and in the amounts provided in advance in appropriations Act.

(d) SOURCES OF ASSISTANCE.—(1) Funds provided as assistance under this section shall be derived from amounts made available to the Department of Defense for fiscal year 1993 or from balances in working capital accounts of the Department of Defense.

(2) Supplies and equipment provided as assistance under this section may be provided, by loan or donation, from existing stocks of the Department of Defense and the Department of Energy.

(3) The total amount of the assistance provided in the form of funds under this section may not exceed $40,000,000. Of such amount, not more than $20,000,000 may be used for the activities of the On-Site Inspection agency in support of the United Nations Special Commission on Iraq.

(4) Not less than 30 days before obligating any funds to provide assistance under this section, the Secretary of Defense shall transmit to the committees of Congress named in subsection (e)(2) a report on the proposed obligation. Each such report shall specify—

(A) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(B) the activities and forms of assistance for which the Secretary of Defense plans to obligate the funds.

(e) QUARTERLY REPORT.—(1) Not later than 30 days after the end of each quarter of fiscal year 1993, the Secretary of Defense shall transmit to the committees of Congress named in paragraph (2) a report of the activities to reduce the proliferation threat carried out under this section. Each report shall set forth (for the preceding quarter and cumulatively)—

(A) the amounts spent for such activities and the purposes for which they were spent;

(B) a description of the participation of the Department of Defense and the Department of Energy and the participation of other Government agencies in those activities; and

(C) a description of the activities for which the funds were spent.

(2) The committees of Congress to which reports under paragraph (1) and under subsection (d)(2) are to be transmitted are—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

(f) AVOIDANCE OF DUPLICATIVE AUTHORIZATIONS.—This section shall not apply if the National Defense Authorization Act for Fiscal Year 1993 enacts the same authorities and requirements as are contained in this section and authorizes the appropriation of the same (or a greater) amount to carry out such authorities.

SEC. 510. REPORT ON SPECIAL NUCLEAR MATERIALS.

Not later than 180 days after the date of enactment of this Act, the Secretary of State shall prepare, in consultation with the Secretary of Defense and the Secretary of Energy, and shall transmit to the Congress a report on the possible alternatives for the ultimate disposition of special nuclear materials of the former Soviet Union. This report shall include—

(1) a cost-benefit analysis comparing (A) the relative merits of the indefinite storage and safeguarding of such materials in the independent states of the former Soviet Union and (B) its acquisition by the United States by purchase, barter, or other means;

(2) a discussion of relevant issues such as the protection of United States uranium producers from dumping, the relative vulnerability of these stocks of special nuclear materials to illegal proliferation, and the potential electrical and other savings associated with their being made available in the fuel cycle in the United States; and

(3) a discussion of how highly enriched uranium stocks could be diluted for reactor fuel.

SEC. 511. RESEARCH AND DEVELOPMENT FOUNDATION.

(a) ESTABLISHMENT.—The Director of the National Science Foundation (hereinafter in this section referred to as the "Director") is authorized to establish an endowed, nongovernmental, nonprofit foundation (hereinafter in this section referred to as the "Foundation") in consultation with the Director of the National Institute of Standards and Technology.

(b) PURPOSES.—The purposes of the Foundation shall be the following:

(1) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent the dissolution of the technological infrastructure of the independent states.

(2) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(3) To assist in the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(4) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(5) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(c) FUNCTIONS.—In carrying out its purposes, the Foundation shall—

(1) promote and support joint research and development projects for peaceful purposes between scientists and engineers in the United States and independent states of the former Soviet Union on subjects of mutual interest; and

(2) seek to establish joint nondefense industrial research, development, and demonstration activities through private sector linkages which may involve participation by scientists and engineers in the university or academic sectors, and which shall include some contribution from industrial participants.

(d) FUNDING.—

(1) USE OF CERTAIN DEPARTMENT OF DEFENSE FUNDS.—(A) To the extent funds appropriated to carry out subtitle E of title XIV of the National Defense Authorization Act for Fiscal Year 1993 (relating to joint research and development programs with the independent states of the former Soviet Union) are otherwise available for such purpose, such funds may be made available to

the Director for use by the Director in establishing the endowment of the Foundation and otherwise carrying out this section.

(B) For each fiscal year after fiscal year 1993, not more than 50 percent of the funds made available to the Foundation by the United States Government may be funds appropriated in the national defense budget function (function 050).

(2) CONTRIBUTION TO ENDOWMENT BY PARTICIPATING INDEPENDENT STATES.—As a condition of participation in the Foundation, an independent state of the former Soviet Union must make a minimum contribution to the endowment of the Foundation, as determined by the Director, which shall reflect the ability of the independent state to make a financial contribution and its expected level of participation in the Foundation's programs.

(3) DEBT CONVERSIONS.—To the extent provided in advance by appropriations Acts, local currencies or other assets resulting from government-to-government debt conversions may be made available to the Foundation. For purposes of this paragraph, the term "debt conversion" means an agreement whereby a country's government-to-government or commercial external debt burden is exchanged by the holder for local currencies, policy commitments, other assets, or other economic activities, or for an equity interest in an enterprise theretofore owned by the debtor government.

(4) LOCAL CURRENCIES.—In addition to other uses provided by law, and subject to agreement with the foreign government, local currencies generated by United States assistance programs may be made available to the Foundation.

(5) INVESTMENT OF GOVERNMENT ASSISTANCE.—The Foundation may invest any revenue provided to it through United States Government assistance, and any interest earned on such investment may be used only for the purpose for which the assistance was provided.

(6) OTHER FUNDS FROM GOVERNMENT AND NONGOVERNMENTAL SOURCES.—The Foundation may accept such other funds as may be provided to it by Government agencies or nongovernmental entities.

TITLE VI—SPACE TRADE AND COOPERATION

SEC. 601. FACILITATING DISCUSSIONS REGARDING THE ACQUISITION OF SPACE HARDWARE, TECHNOLOGY, AND SERVICES FROM THE FORMER SOVIET UNION.

(a) EXPEDITED REVIEW.—Any request for a license or other approval described in subsection (c) that is submitted to any United States Government agency by the National Aeronautics and Space Administration, any of its contractors, or any other person shall be considered on an expedited basis by that agency and any other agency involved in an applicable interagency review process.

(b) NOTICE TO CONGRESS IF LICENSE DENIED.—If any United States Government agency denies a request for a license or other approval described in subsection (c), that agency shall immediately notify the designated congressional committees. Each such notification shall include a statement of the reasons for the denial.

(c) DESCRIPTION OF DISCUSSIONS.—This section applies to a request for any license or other approval that may be necessary to conduct discussions with an independent state of the former Soviet Union with respect to the possible acquisition of any space hardware, space technology, or space service for integration into—

(1) United States space projects that have been approved by the Congress, or

(2) commercial space ventures,

including discussions relating to technical evaluation of such hardware, technology, or service.

SEC. 602. OFFICE OF SPACE COMMERCE.

(a) TRADE MISSIONS.—The Office of Space Commerce of the Department of Commerce is authorized and encouraged to conduct one or more trade missions to appropriate independent states of the former Soviet Union for the purpose of familiarizing United States aerospace industry representatives with space hardware, space technologies, and space services that may be available from the independent states, and with the business practices and overall business climate in the independent states.

(b) MONITORING NEGOTIATIONS.—The Office of Space Commerce—

(1) shall monitor the progress of any discussions described in section 601(c)(1) that are being conducted; and

(2) shall advise the Administrator of the National Aeronautics and Space Administration as to the impact on United States industry of each potential acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union, specifically including any anticompetitive issues the Office may observe.

SEC. 603. REPORT TO CONGRESS.

Within one year after the date of enactment of this title, the President shall submit to the designated congressional committees a report describing—

(1) the opportunities for increased space-related trade with the independent states of the former Soviet Union;

(2) a technology procurement plan for identifying and evaluating all unique space hardware, space technology, and space services available to the United States from the independent states;

(3) specific space hardware, space technology, and space services that have been, or could be, the subject of discussions described in section 601(c);

(4) the trade missions carried out pursuant to section 602(a), including the private participation in and the results of such missions;

(5) any barriers, regulatory or practical, that inhibit space-related trade between the United States and independent states, including any such barriers in either the United States or the independent states; and

(6) any anticompetitive issues raised during the course of negotiations, as observed pursuant to section 602(b).

SEC. 604. DEFINITIONS.

For purposes of this title—

(1) the term "contractor" means a National Aeronautics and Space Administration contractor to the extent that the acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union may be relevant to the contractor's responsibilities under the contract; and

(2) the term "designated congressional committees" means the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate.

TITLE VII—AGRICULTURAL TRADE

SEC. 701. FOOD FOR PROGRESS ACT.

Section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o) is amended—

(1) in subsection (b)—

(A) by inserting "(including the independent states of the former Soviet Union)" after "such countries";

(B) by striking "or cooperatives" and inserting "cooperatives, or other private entities";

(C) by inserting "(1)" after "(b)"; and

(D) by adding at the end the following:

"(2) The annual tonnage limitation contained in subsection (g) shall not apply with respect to commodities furnished to the independent states of the former Soviet Union during fiscal year 1993.";

(2) by amending subsection (f)(1) to read as follows:

"(f)(1) The Commodity Credit Corporation may provide for—

"(A) grants, or

"(B) in the case of the independent states of the former Soviet Union, sales on credit terms, of commodities made available under section 416(b) of the Agricultural Act of 1949 for use in carrying out this section."; and

(3) by adding at the end the following:

"(m) In carrying out this section with respect to the independent states of the former Soviet Union, the President shall approve, as determined appropriate by the President, agreements with private voluntary organizations and cooperatives that provide for—

"(1) the sale of commodities, including the marketing of these commodities through the private sector; and

"(2) the use in the independent states of the proceeds generated in the humanitarian and development programs of such private voluntary organizations and cooperatives.

"(n) As used in this section, the term 'independent states of the former Soviet Union' means the independent states of the former Soviet Union as defined in section 102(8) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(8)).".

SEC. 702. DEFINITIONS FOR AGRICULTURAL TRADE ACT OF 1978.

(a) AGRICULTURAL COMMODITY.—Section 102(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(1)) is amended by striking "feed, or fiber" and inserting "feed, fiber, or livestock (including livestock as it is defined in section 602(2) of the Agricultural Act of 1949 (7 U.S.C. 1471(2)) and insects)".

(b) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602) is amended by adding at the end the following:

"(8) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—The term 'independent states of the former Soviet Union' means the following: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.".

SEC. 703. ASSISTANCE FOR PRIVATE VOLUNTARY ORGANIZATIONS.

The President is encouraged to use funds made available under section 109 of Public Law 102–229 (105 Stat. 1708), and funds made available under chapter 11 of part I of the Foreign Assistance Act of 1961, to assist private voluntary organizations and cooperatives in carrying out food assistance programs for the independent states of the former Soviet Union under—

(1) section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o);

(2) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431); or

(3) title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.).

SEC. 704. DISTRIBUTION OF AID TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

It is the sense of Congress that, in order to avoid waste and to ensure fair and equitable distribution of food and commodities provided to the independent states of the former Soviet Union, the President should, as appropriate, when discussing and planning the provision of such food aid, whether acting unilaterally or multilaterally with other donor countries, encourage the involvement of suitable multinational organizations to monitor the transport and distribution of such food aid within such entities.

SEC. 705. AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE INCOME COUNTRIES AND EMERGING DEMOCRACIES.

(a) ELIGIBLE COUNTRIES.—Section 1543 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293) is amended—

(1) in subsection (a) by striking "middle income countries and emerging democracies" and by inserting "(as determined under subsection (b))" after "eligible countries"; and

(2) in subsection (b)—

(A) by striking "that meet the following requirements" in the text preceding paragraph (1) and inserting "described in any of the following paragraphs"; and

(B) by adding at the end the following:

"(4) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—A country that is an independent state of the former Soviet Union (as defined in section 102(8) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(8)), to the extent that the Secretary of Agriculture determines that such country should be eligible to participate in the program established under this section.".

(b) INDIVIDUALS WHO MAY RECEIVE FELLOWSHIPS.—Section 1543(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3293(b)) is amended by adding at the end the following: "The Secretary may provide fellowships under the program authorized by this section to private agricultural producers from eligible countries.".

SEC. 706. PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING DEMOCRACIES.

Section 1542 of the Agricultural Development and Trade Act of 1990 (7 U.S.C. 5622 note) is amended—

(1) in subsection (a)—

(A) by inserting "direct credits or" before "export credit";

(B) by inserting "201 or" before "202"; and

(C) by inserting "or authorized" after "required";

(2) in subsection (b)—

(A) by striking the subsection heading and inserting "(b) FACILITIES AND SERVICES.—";

(B) by striking "for the establishment or improvement by United States persons of facilities in emerging democracies" and inserting the following: "for—

"(1) the establishment or improvement of facilities, or

"(2) the provision of services or United States produced goods,

in emerging democracies by United States persons"; and

(C) by striking the last sentence and inserting the following: "The Commodity Credit Corporation shall give priority under this subsection—

"(1) to opportunities or projects identified under subsection (d)(1);

"(2) to projects that encourage the privitization of the agricultural sector or that benefit private farms or cooperatives in emerging democracies; and

"(3) to projects for which nongovernmental persons agree to assume a relatively larger share of the costs.";

(3) in subsection (d)(1)(B)(i), by inserting ", farmers, other persons from the private sector," after "agricultural consultants"; and

(4) by amending subsection (d)(1)(D) to read as follows:

"(D) TECHNICAL ASSISTANCE.—The Secretary is authorized to provide, or pay the necessary costs for, technical assistance to enable individuals or other entities to implement the recommendations or to carry out the opportunities and projects identified under paragraph (1)(A).".

SEC. 707. DIRECT CREDIT SALES.

(a) REQUIRED DETERMINATIONS.—Section 201(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(c)) is amended by inserting after paragraph (3) the following:

"The reference in paragraphs (1) and (2) to 'on a long-term basis' shall not apply in the case of determinations with respect to sales to the independent states of the former Soviet Union.".

(b) ELIGIBLE COUNTRIES.—Section 201(d)(1)(C) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(d)(1)(C)) is amended to read as follows:

"(C) to assist countries in meeting their food and fiber needs, particularly—

"(i) developing countries; and

"(ii) countries that are emerging democracies that have committed to carry out, or are carrying out, policies that promote economic freedom, private domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of agricultural commodities; and".

(c) RESTRICTIONS.—Section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621) is amended by adding at the end the following new subsection:

"(f) RESTRICTIONS.—The Commodity Credit Corporation may not make export sales financing authorized under this section available in connection with sales of an agricultural commodity to any country that the Secretary determines cannot adequately service the debt associated with such sale.".

(d) REGULATIONS.—The Secretary of Agriculture shall issue final regulations to implement section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621), as amended by this section, not later than 30 days after the date of enactment of this Act.

SEC. 708. EXPORT CREDIT GUARANTEES.

(a) REQUIRED DETERMINATIONS.—Section 202(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(c)) is amended by inserting after paragraph (3) the following:

"The reference in paragraphs (1) and (2) to 'on a long-term basis' shall not apply in the case of determinations with respect to sales to the independent states of the former Soviet Union.".

(b) PURPOSE OF PROGRAM.—Section 202(d)(3) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(c)) to read as follows:

"(3) to assist countries in meeting their food and fiber needs, particularly—

"(A) developing countries; and

"(B) countries that are emerging democracies that have committed to carry out, or are carrying out, policies that promote economic freedom, private domestic production of food commodities for domestic consumption, and the creation and expansion of efficient domestic markets for the purchase and sale of agricultural commodities; and".

SEC. 709. EXPORT PROMOTION PROGRAMS AMENDMENTS.

(a) PROCESSED AND HIGH-VALUE AGRICULTURAL PRODUCT EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsections (a) and (b), by inserting ", including processed agricultural products and high-value agricultural products," after "agricultural commodities" both places it appears; and

(2) by adding at the end the following new subsection:

"(k) SET-ASIDES.—

"(1) IN GENERAL.—In issuing export credit guarantees under this section in connection with sales to the independent states of the former Soviet Union, the Commodity Credit Corporation shall, to the extent practicable and subject to paragraph (2), ensure that no less than 35 percent of the total amount of credit guarantees issued for a fiscal year are issued to promote the export of processed and high-value agricultural products and that the balance are issued to promote the export of bulk or raw agricultural commodities.

"(2) LIMITATION.—The 35 percent requirement of paragraph (1) shall apply for a fiscal year only to the extent that the percentage of the total amount of credit guarantees issued for that fiscal year under this section to promote the export to all countries of processed and high-value agricultural products is less than 25 percent.".

(b) PROCESSED AND HIGH-VALUE AGRICULTURAL PRODUCT EXPORT ENHANCEMENT PROGRAM.—Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is amended—

(1) in subsection (a), by inserting ", including processed agricultural products and high-value agricultural products," after "agricultural commodities"; and

(2) in subsection (e)—

(A) by striking "The Commodity" and inserting the following:

"(1) IN GENERAL.—The Commodity"; and

(B) by adding at the end the following new paragraph:

"(2) SET-ASIDES.—(A) For each fiscal year, the Corporation shall, to the extent practicable and subject to subparagraph (B), ensure that no less than 25 percent of the total of—

"(i) the funds expended, and

"(ii) the value of any commodities made available,

under this section in connection with sales of agricultural commodities to the independent states of the former Soviet Union is used to promote the export of processed and high-value United States agricultural products and that the balance of the funds expended and commodities made available under this section in connection with such sales is used to promote the export of bulk or raw United States agricultural commodities.

"(B) The 25 percent requirement of subparagraph (A) shall apply for a fiscal year only to the extent that the percentage of the total of—

"(i) the funds expended, and

"(ii) the value of commodities made available,

for that fiscal year under this section to promote the export to all countries of processed and high-value United States agricultural products is less than 15 percent.".

TITLE VIII—UNITED STATES INFORMATION AGENCY, DEPARTMENT OF STATE, AND RELATED AGENCIES AND ACTIVITIES

SEC. 801. DESIGNATION OF EDMUND S. MUSKIE FELLOWSHIP PROGRAM.

Section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452 note), is amended by adding at the end the following new subsection:

"(f) DESIGNATION OF PROGRAM AND SCHOLARSHIPS.—

"(1) The scholarship program established by this section shall be known as the 'Edmund S. Muskie Fellowship Program'.

"(2) Scholarships provided under this section shall be known as 'Muskie Fellowships'.".

SEC. 802. NEW DIPLOMATIC POSTS IN THE INDEPENDENT STATES.

There are authorized to be appropriated for "NEW DIPLOMATIC POSTS" for personnel, support, and other expenses, not otherwise provided for, for the Department of State and the United States Information Agency to establish and operate new diplomatic posts in the independent states of former Soviet Union, $25,000,000 for fiscal year 1993, which are authorized to remain available until September 30, 1994.

SEC. 803. OCCUPANCY OF NEW CHANCERY BUILDINGS.

Subsections (f) and (g) of section 132 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, are repealed.

SEC. 804. CERTAIN POSITIONS AT UNITED STATES MISSIONS.

(a) AMENDMENT.—Section 1004(a) of the Omnibus Diplomatic Security and Anti-Terrorism Act

of 1986 is amended by adding at the end the following: "Not less than 15 shall be provided during fiscal year 1993.".

(b) FUNDING.—In addition to the funds made available pursuant to section 1005(c) of that Act, funds authorized to be appropriated by chapter 11 of part I of the Foreign Assistance Act of 1961 may be used in carrying out the amendment made by subsection (a) with respect to missions in the independent states of the former Soviet Union.

SEC. 805. INTERNATIONAL DEVELOPMENT LAW INSTITUTE.

For purposes of the International Organizations Immunities Act (22 U.S.C. 288 and following), the International Development Law Institute shall be considered to be a public international organization in which the United States participates under the authority of an Act of Congress authorizing such participation.

SEC. 806. CERTAIN BOARD FOR INTERNATIONAL BROADCASTING CONSTRUCTION ACTIVITIES.

Section 301(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (104 Stat. 63), is amended by adding at the end the following:

"(3) For purposes of the notification requirements of section 634A(c) of the Foreign Assistance Act of 1961, any action by the Board for International Broadcasting or its agents, after the date of enactment of this paragraph, to require or allow the construction authorized by this subsection to proceed shall be treated as a reprogramming of funds subject to the notification requirements of the annual Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act. Amounts authorized to be appropriated under paragraph (1) shall be available for expenditure for construction services only in accordance with the procedures applicable under that section.".

SEC. 807. EXCHANGES AND TRAINING AND SIMILAR PROGRAMS.

(a) FUNDING FOR EXCHANGES AND TRAINING AND SIMILAR PROGRAMS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—To carry out a broad spectrum of exchanges, and of training and similar programs to promote the objectives described in section 498 of the Foreign Assistance Act of 1961, between the United States and the independent states of the former Soviet Union, there are authorized to be appropriated for fiscal year 1993 (in addition to amounts otherwise available for such purposes) the following:

(A) $20,000,000 for exchange programs for secondary school students.

(B) $30,000,000 for programs for participants other than secondary school students, including undergraduate and graduate students, farmers and other agribusiness practitioners, and participants in the exchanges carried out under paragraph (2).

(2) LOCAL AND REGIONAL SELF-GOVERNMENT EXCHANGES.—The Director of the United States Information Agency is authorized to use funds authorized to be appropriated by paragraph (1)(B) to conduct exchanges to provide technical assistance in local and regional self-government to the independent states.

(3) REPORT ON PROPOSED FUNDING ALLOCATIONS.—Within 45 days after the date of the enactment of this Act, the coordinator designated pursuant to section 102(a) of this Act shall submit to the Congress a report specifying the amount of funds authorized to be appropriated by paragraph (1) that is proposed to be allocated for each category of program and for each Government agency.

(4) PROGRAM ADMINISTRATION.—

(A) USIA.—Educational, cultural, and any other exchange programs carried out under this subsection, including any such programs for secondary school students, shall be administered by the United States Information Agency, and funds allocated for such programs shall be transferred to that Agency.

(B) OTHER AGENCIES.—Training and other non-exchange programs carried out under this subsection shall be administered by the Agency for International Development or such other Government agency as has experience and expertise in carrying out such programs.

(5) ADMINISTRATIVE EXPENSES.—Up to 5 percent of the funds made available to each Government agency under this subsection may be used by that agency for administrative expenses of program implementation.

(b) ENHANCEMENT OF USIA EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—In addition to amounts otherwise available for such purposes, there are authorized to be appropriated to the United States Information Agency for fiscal year 1993 for enhancement of existing educational and cultural exchange programs the following:

(1) $9,950,000 for Fulbright Academic Exchange Programs.

(2) $10,850,000 for other programs administered by the Bureau of Educational and Cultural Affairs.

(c) REPEAL.—Effective 6 months after the date of enactment of this Act, section 225 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, and the item relating to that section in the table of contents set forth in section 2 of that Act, are repealed.

(d) AGRIBUSINESS EXCHANGES.—

(1) AUTHORIZATION.—The President is authorized to establish regional agribusiness offices at State universities and land grant colleges in the United States for the purpose of expanding exchanges between agribusiness practitioners in the United States and agribusiness practitioners in the independent states of the former Soviet Union.

(2) LIMITATION ON FUNDING SOURCES.—Funds authorized to be appropriated by this section or other provisions of this Act (including chapter 11 of part I of the Foreign Assistance Act of 1961) may not be used to carry out this subsection.

TITLE IX—OTHER PROVISIONS

SEC. 901. FOREIGN ASSISTANCE ACT LIST OF COMMUNIST COUNTRIES.

Paragraph (1) of section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)(1)) is amended by striking out from the list of countries in the last sentence of that paragraph the following: "Czechoslovak Socialist Republic.", "Estonia.", "German Democratic Republic.", "Hungarian People's Republic.", "Latvia.", "Lithuania.", "People's Republic of Albania.", "People's Republic of Bulgaria.", "Polish People's Republic.", "Socialist Federal Republic of Yugoslavia.", "Socialist Republic of Romania.", and "Union of Soviet Socialist Republics (including its captive constituent republics).".

SEC. 902. JOHNSON ACT.

Section 955 of title 18, United States Code, shall not apply with respect to any obligations of the former Soviet Union, or any of the independent states of the former Soviet Union, or any political subdivision, organization, or association thereof.

SEC. 903. SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT.

(a) SCOPE OF AUTHORITY.—The Support for East European Democracy (SEED) Act of 1989 is amended by inserting after section 2 (22 U.S.C. 5401) the following:

"SEC. 3. SCOPE OF AUTHORITY.

"(a) GENERAL AUTHORIZATION.—The President is authorized to conduct activities for any East European country that are similar to any activity authorized by this Act to be conducted in Poland or Hungary (excluding those authorized by section 102 or the amendments made by sections 301 and 304) if such similar activities would effectively promote a transition to market-oriented democracy.

"(b) ADMINISTRATION OF JUSTICE PROGRAMS.—In order to strengthen the administration of justice in East European countries, the President may exercise the same authorities with respect to those countries as are available under section 534 of the Foreign Assistance Act of 1961, subject to the limitations and requirements of that section, other than subsection (c) and the last two sentences of subsection (e).

"(c) DEFINITION OF EAST EUROPEAN COUNTRY.—For purposes of this Act, the term 'East European country' includes Albania, Bulgaria, the Czech and Slovak Federal Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, and states that were part of the former Socialist Federal Republic of Yugoslavia.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of that Act is amended by inserting after the item relating to section 2 insert the following:

"Sec. 3. Scope of authority.".

SEC. 904. PEACE CORPS VOLUNTEER TRAINING REQUIREMENTS.

Section 8(c) of the Peace Corps Act (22 U.S.C. 2507(c)) is repealed.

SEC. 905. ESTABLISHING CATEGORIES OF ALIENS FOR PURPOSES OF REFUGEE DETERMINATIONS; ADJUSTMENT OF STATUS FOR CERTAIN SOVIET AND INDOCHINESE PAROLEES.

(a) EXTENSION OF PROVISIONS.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended in section 599D (8 U.S.C. 1157 note)—

(1) in subsection (b)(3), by inserting "and within the number of such admissions allocated for each of fiscal years 1993 and 1994 for refugees who are nationals of the independent states of the former Soviet Union, Estonia, Latvia, and Lithuania under such section" after "Act"; and

(2) in subsection (e), by striking out "October 1, 1992" each place it appears and inserting in lieu thereof "October 1, 1994".

(b) CORRECTION OF REFERENCES TO SOVIET UNION.—That Act is amended—

(1) in section 599D(b)—

(A) in paragraphs (1)(A), (2)(A), and (2)(B), by striking out "of the Soviet Union" each place it appears and inserting in lieu thereof "of an independent state of the former Soviet Union or of Estonia, Latvia, or Lithuania"; and

(B) in paragraph (1)(A), by striking out "in the Soviet Union" and inserting in lieu thereof "in that state"; and

(2) in section 599E(b)(1), by striking out "of the Soviet Union," and inserting in lieu thereof "of an independent state of the former Soviet Union, Estonia, Latvia, Lithuania,".

(c) REPEAL OF EXECUTED REPORTING REQUIREMENTS.—Section 599D of that Act is amended by repealing subsection (f).

SEC. 906. ELIGIBILITY OF BALTIC STATES FOR NONLETHAL DEFENSE ARTICLES.

(a) ELIGIBILITY.—Estonia, Latvia, and Lithuania shall each be eligible—

(1) to purchase, or to receive financing for the purchase of, nonlethal defense articles—

(A) under the Arms Export Control Act (22 U.S.C. 2751 et seq.), without regard to section 3(a)(1) of that Act, or

(B) under section 503 of the Foreign Assistance Act of 1961 (22 U.S.C. 2311), without regard to the requirement in subsection (a) of that section for a Presidential finding; and

(2) to receive nonlethal excess defense articles transferred under section 519 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321m), without

regard to the restrictions in subsection (a) of that section.

(b) DEFINITIONS.—As used in this section—

(1) the term "defense article" has the same meaning given to that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)); and

(2) the term "excess defense article" has the same meaning given to that term in section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)).

SEC. 907. RESTRICTION ON ASSISTANCE TO AZERBAIJAN.

United States assistance under this or any other Act (other than assistance under title V of this Act) may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.

TITLE X—INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 1001. INTERNATIONAL MONETARY FUND QUOTA INCREASE.

The Bretton Woods Agreements Act (22 U.S.C. 286 and following) is amended by adding at the end the following:

"SEC. 56. QUOTA INCREASE.

"The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 8,608,500,000 Special Drawing Rights, limited to such amounts as are provided in advance in appropriations Acts.

"SEC. 57. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.

"The United States Governor of the Fund may agree to and accept the amendments to the Articles of Agreement of the Fund as proposed in the resolution numbered 45-3 of the Board of Governors of the Fund that was approved by such Board on June 28, 1990.

"SEC. 58. APPROVAL OF FUND PLEDGE TO SELL GOLD TO PROVIDE RESOURCES FOR THE RESERVE ACCOUNT OF THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY TRUST.

"The Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote to approve the Fund's pledge to sell, if needed, up to 3,000,000 ounces of the Fund's gold, to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility Trust to a level that would be sufficient to meet obligations of the Trust payable to lenders which have made loans to the Loan Account of the Trust that have been used for the purpose of financing programs to Fund members previously in arrears to the Fund.".

SEC. 1002. INTERNATIONAL MONETARY FUND POLICY CHANGES.

The Bretton Woods Agreements Act (22 U.S.C. 286 and following) is amended by adding after the sections added by section 1001 of this Act the following:

"SEC. 59. FUND POLICY CHANGES.

"(a) POLICY CHANGES WITHIN THE IMF.—The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to promote regularly and vigorously in program discussions and quota increase negotiations the following proposals:

"(1) POVERTY ALLEVIATION, REDUCTION OF BARRIERS TO ECONOMIC AND SOCIAL PROGRESS, AND PROGRESS TOWARD ENVIRONMENTALLY SOUND POLICIES AND PROGRAMS.—(A)(i) Considerations of poverty alleviation and the reduction of barriers to economic and social progress should be incorporated into all Fund programs and all consultations under article IV of the Articles of Agreement of the Fund.

"(ii) Preparation of Policy Framework Papers should be extended to all nations which have Fund programs and active Bank or International Development Association lending programs, and existence of a Policy Framework Paper should be a precondition for new lending to such nations by the Fund.

"(iii) All Policy Framework Papers should articulate the principal poverty, economic, and social measures that the borrowing nation needs to address, and this portion of the Policy Framework Paper (or a summary thereof that includes specific measures and timing) should be made available when the Policy Framework Paper is submitted to the Executive Directors of the Bank and of the Fund for consideration.

"(iv) In considering whether to allocate resources of the Fund to a borrower, the Fund should take into consideration the nature of the program and commitment of the borrower to address the issues referred to in clause (iii).

"(v) The Fund should establish procedures to enable the Fund to cooperate with the Bank in evaluating the effectiveness of the measures referred to in clause (iii), at the levels of policy, project design, monitoring, and reporting, in the international financial institutions and in the borrowing nations.

"(B)(i) The Fund should be encouraged to make further progress toward environmentally sound policies and programs.

"(ii) The Fund should incorporate environmental considerations into all Fund programs, including consultations under article IV of the Articles of Agreement of the Fund.

"(iii) The Fund should be encouraged to support the efforts of nations to implement systems of natural resource accounting in their national income accounts.

"(iv) The Fund should be encouraged to assist and cooperate fully with the statistical research being undertaken by the Organization for Economic Cooperation and Development and by the United Nations in order to facilitate development and adoption of a generally applicable system for taking account of the depletion or degradation of natural resources in national income accounts.

"(v) The Fund should be encouraged to consider and implement, as appropriate, revisions in its national income reporting systems consistent with such new systems as are of general applicability.

"(2) POLICY AUDITS.—(A) The Fund should conduct periodic audits to review systematically the policy prescriptions recommended and required by the Fund in the areas of poverty and the environment.

"(B) The purposes of such audits would be—

"(i) to determine whether the Fund's objectives were met; and

"(ii) to evaluate the social and environmental impacts of the implementation of the policy prescriptions.

"(C) Such audits would have access to all ongoing programs and activities of the Fund and the ability to review the effects of Fund-supported programs, on a country-by-country basis, with respect to poverty, economic development, and environment.

"(D) Such audits should be made public as appropriate with due respect to confidentiality.

"(3) ENSURING POLICY OPTIONS THAT INCREASE THE PRODUCTIVE PARTICIPATION OF THE POOR.—The Fund should establish procedures that ensure the focus of future economic reform programs approved by the Fund on policy options that increase the productive participation of the poor in the economy.

"(4) PUBLIC ACCESS TO INFORMATION.—(A) The Fund should establish procedures for public access to information.

"(B) Such procedures shall seek to ensure access of the public to information while paying due regard to appropriate confidentiality.

"(C) Policy Framework Papers and the supporting documents prepared by the Fund's mission to a country are examples of documents that should be made public at an appropriate time and in appropriate ways.

"(b) PROGRESS REPORT.—Each annual report of the National Advisory Council on International Monetary and Financial Policies shall describe the following:

"(1) The actions that the United States Executive Director and other officials have taken to convince the Fund to adopt the proposals set forth in subsection (a) through formal initiatives before the Board and management of the Fund, through bilateral discussions with other member nations, and through any further quota increase negotiations.

"(2) The status of the progress being made by the Fund in implementing the proposals set forth in subsection (a).

"(c) STUDY.—The Secretary of the Treasury shall instruct the United States Executive Director to the Fund to urge the Fund—

"(1) to explore ways to increase the involvement and participation of important ministries, national development experts, environmental experts, free-market experts, and other legitimate experts and representatives from the loan-recipient country in the development of Fund programs; and

"(2) to report on the status of Fund efforts in this regard.".

SEC. 1003. REDUCTION OF MILITARY SPENDING AND PROMOTION OF LONG-TERM SUSTAINABLE ECONOMIC GROWTH BY DEVELOPING NATIONS.

The Bretton Woods Agreements Act (22 U.S.C. 286 and following) is amended by adding after the sections added by sections 1001 and 1002 of this Act the following:

"SEC. 60. MEASURES TO REDUCE MILITARY SPENDING BY DEVELOPING NATIONS.

"(a) DEVELOPMENT BY THE FUND OF MEANS TO MEASURE MILITARY SPENDING.—

"(1) POSITION OF THE UNITED STATES.—The United States Executive Director of the Fund shall use the voice and vote of the United States to urge the Fund, in consultation with the Bank, to continue to develop an economic methodology to measure the level of military spending by each developing country.

"(2) PROGRESS REPORT TO THE CONGRESS.—No later than 1 year after the date of the enactment of this section, the Secretary of the Treasury shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate a report on the status of the development by the Fund of a workable economic methodology to measure military spending by developing countries.

"(b) ANNUAL REPORTS BY FUND ON LEVELS OF MILITARY SPENDING.—The United States Executive Director of the Fund shall use the voice and vote of the United States to urge the Fund, beginning with 1994, to provide the Executive Board of the Fund with annual reports stating the estimate by the Fund of the level of military spending by each developing country in the immediately preceding calendar year (or, with respect to developing countries whose fiscal years are not calendar years, in the most recently completed fiscal year of the developing country), not later than the date of the annual fall Interim and Development Committee meetings.

"(c) ANALYSIS AND ASSESSMENT OF MILITARY SPENDING TO BE INCLUDED IN ARTICLE IV CONSULTATIONS BY THE FUND.—The United States Executive Director of the Fund shall use the voice and vote of the United States to urge the Fund, beginning no later than the date of the first report provided as described in subsection (b), to include in every article IV consultation

with a developing country an analysis of the level of military spending by the developing country in the immediately preceding calendar year (or, with respect to developing countries whose fiscal years are not calendar years, in the most recently completed fiscal year of the developing country).".

SEC. 1004. SUPPORT FOR MACROECONOMIC STABILIZATION IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

(a) In General.—In order to promote macroeconomic stabilization and the integration of the independent states of the former Soviet Union into the international financial system, enhance the opportunities for trade, improve the climate for foreign investment, and strengthen the process of transformation of the former socialist economies into free enterprise systems and thereby progressively enhance the well-being of the citizens of these states, the United States should in appropriate circumstances take a leading role in organizing and supporting multilateral efforts at macroeconomic stabilization and debt rescheduling, conditioned on the appropriate development and implementation of comprehensive economic reform programs.

(b) Currency Stabilization.—In furtherance of the purposes and consistent with the conditions described in subsection (a), the Congress expresses its support for United States participation, in sums of up to $3,000,000,000, in a currency stabilization fund or funds for the independent states of the former Soviet Union.

(c) Study of the Need for and Feasibility of a Currency Stabilization Fund for Ukraine.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to urge the Fund to conduct a study of the need for and feasibility of a currency stabilization fund for Ukraine, and, if it is found that such a fund is needed and is feasible, which considers and makes recommendations with respect to the economic and policy conditions required for the success of such a fund.

SEC. 1005. ROLE OF THE INTERNATIONAL FINANCE CORPORATION IN SUPPORTING ECONOMIC RESTRUCTURING IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

The International Finance Corporation Act (22 U.S.C. 282–282k) is amended by adding at the end the following:

"SEC. 15. AUTHORITY TO VOTE FOR CAPITAL INCREASES NECESSARY TO SUPPORT ECONOMIC RESTRUCTURING IN THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

"The United States Governor of the Corporation may vote in favor of any increase in the capital stock of the Corporation that may be needed to accommodate the requirements of the independent states of the former Soviet Union (as defined in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992).".

SEC. 1006. AUTHORITY TO AGREE TO AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE INTERNATIONAL FINANCE CORPORATION.

The International Finance Corporation Act (22 U.S.C. 282–282k) is amended by adding after the section added by section 1005 of this Act the following:

"SEC. 16. AUTHORITY TO AGREE TO AMENDMENTS TO THE ARTICLES OF AGREEMENT.

"The United States Governor of the Corporation is authorized to agree to amendments to the Articles of Agreement of the Corporation that would—

"(1) amend Article II, Section 2(c)(ii), to increase the vote by which the Board of Governors of the Corporation may increase the capital stock of the Corporation from a three-fourths majority to a four-fifths majority; and

"(2) amend Article VII(a) to increase the vote by which the Board of Governors of the Corporation may amend the Articles of Agreement of the Corporation from a four-fifths majority to an eighty-five percent majority.".

SEC. 1007. REPORT ON DEBT OF THE FORMER SOVIET UNION HELD BY COMMERCIAL FINANCIAL INSTITUTIONS.

The Secretary of the Treasury, using information available from the International Monetary Fund, the International Bank for Reconstruction and Development, and other appropriate international financial institutions, shall report to the Congress, not later than one year after the date of enactment of this Act, on the debt incurred by the former Soviet Union that is held by commercial financial institutions outside the independent states of the former Soviet Union that are obligated on such debt.

SEC. 1008. HUMAN RIGHTS.

(a) Advancement of Human Rights Through the IMF and EBRD.—Section 701(a) of the International Financial Institutions Act (22 U.S.C. 262d(a)) is amended by striking "and the African Development Bank," and inserting "the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund,".

(b) Accounting for Americans Missing in Action Considered in Assessing Human Rights in the Independent States.—Section 701(b)(4) of such Act (22 U.S.C. 262d(b)(4)) is amended by inserting "Russia and the other independent states of the former Soviet Union (as defined in section 3 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992)," after "Laos,".

SEC. 1009. MULTILATERAL INVESTMENT GUARANTEES FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

Not later than 60 days after the date of enactment of this Act, the United States Director of the Multilateral Investment Guarantee Agency shall transmit to the Congress a report analyzing—

(1) the investments in the independent states of the former Soviet Union which have been guaranteed by the Agency; and

(2) the demand for investment guarantees of the type provided by the Agency for investments in the independent states.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

From the Committee on Foreign Affairs, for consideration of the Senate bill (except sections 113–114, 118, 126, 134, 136(d), and 146), and the House amendment (except title IV), and modifications committed to conference:

Dante B. Fascell,
Lee H. Hamilton,
Stephen J. Solarz,
Howard L. Berman,
Harry Johnston,
Eliot L. Engel,
Wm. S. Broomfield,
Ben Gilman,
J. Leach,
Doug Bereuter,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d), and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference:

Dante B. Fascell,
Lee H. Hamilton,
Wm. S. Broomfield,

As additional conferees from the Committee on Agriculture, for consideration of sections 107, 116, 120, 148–149, 157, 403 and 405 of the Senate bill, and section 702 of the House amendment, and modifications committed to conference:

E de la Garza,
Charlie Rose,
Timothy J. Penny,
Dan Glickman,
Tom Coleman,
Pat Roberts,

As additional conferees from the Committee on Armed Services, for consideration of sections 110, 131, and 137–138 of the Senate bill, and title V of the House amendment, and modifications committed to conference:

Les Aspin,
Dave McCurdy,
William L. Dickinson,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d), and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference:

Mary Rose Oakar,
Steve Neal,
John J. LaFalce,
Esteban E. Torres,
Joe Kennedy,
Chalmers P. Wylie,
J. Leach,
Doug Bereuter,

As additional conferees from the Committee on Energy and Commerce, for consideration of section 151 of the Senate bill, and modifications committed to conference:

John D. Dingell,
Phil Sharp,
Jim Cooper,
Terry L. Bruce,
Claude Harris,
James H. Scheuer,
Norman F. Lent,
Carlos J. Moorhead,
Bill Dannemeyer,
Michael G. Oxley,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 108 and 123 of the Senate bill, and modifications committed to conference:

John D. Dingell,
Phil Sharp,
Norman F. Lent,

As additional conferees from the Committee on the Judiciary, for consideration of section 704 of the House amendment, and modifications committed to conference:

Jack Brooks,
Romano L. Mazzoli,
Hamilton Fish, Jr.,

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 156 of the Senate bill, and modifications committed to conference:

Robert A. Roe,
J.L. Oberstar,
John Paul Hammerschmidt,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of section 135 of the Senate bill, and section 504 and title IV of the House amendment, and modifications committed to conference:

George E. Brown, Jr.,
Rick Boucher,
Robert S. Walker,
Managers on the Part of the House.

From the Committee on Foreign Relations:

Claiborne Pell,
Joe Biden,

PAUL SARBANES,
ALAN CRANSTON,
RICHARD G. LUGAR,
NANCY LANDON KASSEBAUM,

From the Committee on Agriculture, Nutrition, and Forestry (solely for consideration of those matters which fall within the committee's jurisdiction):

PATRICK LEAHY,
BOB KERREY,
RICHARD G. LUGAR,

From the Committee on Banking, Housing, and Urban Affairs (solely for consideration of those matters which fall within the committee's jurisdiction of that committee and the Committee on Foreign Relations:

DON RIEGLE,
PAUL SARBANES,
JAKE GARN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2532) entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act", submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

SHORT TITLE

The House amendment (sec. 1) cites the short title of the bill as the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" or the "FREEDOM Support Act".

The Senate bill (sec. 101) cites the short title of the bill as the "Freedom for Russian and Emerging Eurasian Democracies and Open Markets Support Act of 1992".

The conference substitute (sec. 1) is the same as the House amendment.

TABLE OF CONTENTS

The House amendment (sec. 2) provides a table of contents for purposes of this act.

The Senate bill contains no comparable provision.

The conference substitute (sec. 2) provides a table of contents for purposes of this act.

DEFINITION

The House amendment (sec. 106) defines the "independent states of the former Soviet Union" or "independent states" as Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

The Senate bill (secs. 103, 204, 303, and 406) contain nearly identical definitions, except in most instances they state that the term "includes" rather than "means" those twelve former republics.

The conference substitute (sec. 3) is the essentially the same as the House amendment. The committee of conference notes that the definition is intended to include entities which evolve from any future subdivision of those states.

TITLE I—GENERAL PROVISIONS

FINDINGS

The Senate bill (sec. 102) contains congressional findings regarding: the current opportunity for a transition to a peaceful and stable international order and the integration of the independent states into the community of democratic nations; the international interest in the transition; the role of the U.S. in providing assistance; the danger from the failure of the transition; the serious environmental problems in the region; and the need to avoid further environmental degradation.

The House amendment (sec. 101) contains similar findings, except it does not include the findings on the environment but does include findings on: the need for coordination of assistance; the need for flexibility in providing assistance; and opportunities for trade and investment.

The conference substitute (sec. 101) combines the House and Senate provisions, but does not include the House finding on flexibility.

PROGRAM COORDINATION, IMPLEMENTATION, AND OVERSIGHT; REPORT

The House amendment (sec. 105) provides for a coordinator within the Department of State to coordinate U.S. government activities and policies with respect to the independent states. Within that overall coordination framework, the Secretary of Commerce (as chair of the Trade Promotion Coordination Committee) remains principally responsible for coordination of activities regarding the promotion of U.S. exports, a role which is not intended to interfere with the responsibility of the Secretary of Agriculture for implementation of U.S. agricultural export policy and programs, and the Secretary of the Treasury remains principally responsible for the coordination of activities relating to U.S. participation in international financial institutions. Any agency managing and implementing assistance under this title shall be accountable for such funds.

The Senate bill (sec. 503(c)) encourages the President to designate a coordinator to oversee activities authorized by the act.

The conference substitute (sec. 102) is similar to the House amendment with minor changes. The conference substitute (sec. 103) also requires the coordinator established in section 102 of the conference substitute to submit, as soon as practicable, a report on the overall assistance and economic cooperation strategy for the independent states, including the planned use of assistance funds according to the categories of activities sets forth in title II and in the sections of the conference substitute relating to American Business Centers, export promotion activities and capital projects, and the Democracy Corps of the conference substitute and the intended allocation of assistance to U.S. Government agencies.

ANNUAL REPORT

The House amendment (sec. 104) requires the President to report by January 31 of each year on U.S. assistance to the independent states, including an assessment of the progress by each state on the criteria for eligibility for assistance and a description of provided and planned assistance and an assessment of the effectiveness of U.S. assistance in achieving its purposes.

The Senate bill (sec. 117) contains a requirement that the annual SEED report include an account of assistance for the independent states and the use of waiver authority.

The conference substitute (sec. 104) is similar to the House amendment, but adds a requirement that the report include an evaluation of the use of the authority of the "notwithstanding" clause to waive other existing provisions of law.

TITLE II—BILATERAL ECONOMIC ASSISTANCE ACTIVITIES

SUPPORT FOR ECONOMIC AND DEMOCRATIC DEVELOPMENT IN THE INDEPENDENT STATES

Section 201 of the conference substitute amends the Foreign Assistance Act by inserting a new chapter 11 in part I to authorize bilateral economic assistance for the independent states of the former Soviet Union.

ASSISTANCE FOR THE INDEPENDENT STATES

The House amendment (sec. 301) amends the Foreign Assistance Act to authorize a generic list of assistance objectives for the independent states.

The Senate bill (sec. 107) sets forth a series of assistance activities that includes detailed examples of activities that could be undertaken. The Senate bill also contains several separate provisions on specific assistance activities:

Section 111 contains congressional findings regarding the importance of educational television and authorizes the President to use funds appropriated for the independent states of the former Soviet Union to support non-profit corporations of the United States in assisting the independent states to develop the skills necessary to produce educational television programs.

Section 143 authorizes up to $30 million of the funds made available under this Act for contributions to the Intergovernmental Organization for Migration, or other appropriate organizations, to assist and protect refugees, displaced persons, and other migrants, and to address the root causes of migration and to assist developmental institutions in developing immigration laws.

Section 151 authorizes up to $35 million of the funds in this Act to be appropriated to the Secretary of Energy for capital energy projects utilizing advanced coal-based technology.

Section 153 states the sense of the Senate that assistance should be made available for the purchase of books and materials and the development of education programs operated by Junior Achievement International.

Section 154 sets forth the importance and role of a market-based economy and activities to promote the private sector and privatization.

Title II sets forth the International Local Government Exchange Act to provide assistance in public administration for local and regional level public officials, including through exchange programs.

The conference substitute (sec. 201) combines the provisions of the two bills to amend the Foreign Assistance Act with a new section 498 setting forth thirteen generic categories of assistance activities with a general description of each category. The thirteen categories, which are drawn from both bills, are:

(1) Urgent Humanitarian Needs;
(2) Democracy;
(3) Free Market Systems;
(4) Trade and Investment;
(5) Food Distribution and Production;
(6) Health and Human Services;
(7) Education and Educational Television;
(8) Energy Efficiency and Production;
(9) Civilian Nuclear Reactor Safety;

(10) Environment;

(11) Transportation and Telecommunications;

(12) Drug Education, Interdiction, and Eradication; and

(13) Migration.

The committee of conference urges that assistance for the independent states of the former Soviet Union be distributed equitably within each state. Because of the heterogeneous nature of Russia, the committee of conference particularly wishes to ensure that the autonomous regions of Russia receive an equitable share of assistance authorized by this act, including bilateral assistance; financing through the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the Trade and Development Program; multilateral assistance; and assistance to support U.S. business in the autonomous regions.

Funds authorized by this new chapter of the Foreign Assistance Act should be used to the maximum extent practicable in such a way as to promote the growth of private sector infrastructure and enterprise in the independent states of the former Soviet Union. Funds used to purchase goods or services for or by the independent states' governmental bodies, either centrally or at the local level, should also, to the extent practicable, be directed through non-governmental commercial structures and, where possible, through commercial structures with American participation.

The committee of conference notes that the United States is in a unique and strong position to provide assistance designed to promote democracy and free market economic systems. The private sector can be supported through a variety of activities, including through technical assistance to support: legal frameworks (such as codes dealing with commerce, private property, banking, tax, foreign investment, and protection of intellectual property); necessary policy frameworks (such as laws dealing with privatization, agriculture, environmental and health protection, and energy); reform of banking and financial systems; reform, including privatization and efficiency, in agriculture; investment in, increased efficiency of, and privatization of the energy sector; the activities of nongovernmental entities which provide intermediary support for private enterprise; and, training in business and financial practices, public administration, commercial law, and the rules of international trade. The committee of conference emphasizes its intent that technical assistance programs to reform and restructure the banking and financial systems be administered by the Department of the Treasury.

With respect to assistance for food distribution and production, the acquisition of temporary storage and distribution facilities, as well as the improvement and expansion of permanent facilities, can assist U.S. exporters of grain and cereals to secure key markets in the independent states of the former Soviet Union. Since the development of permanent infrastructure will take many years and involve significant cost, portable storage facilities can be provided until such time as these states improve and rationalize their permanent storage capabilities. In addition, the committee of conference recognizes the need to expand efforts to export farm machinery and farm animals and urges the Department of Agriculture to increase its efforts in this regard.

With respect to improving the health maintenance system in the independent states, the committee of conference notes that a conference for high level officials of the U.S. Government, key private sector organizations, and their counterparts in the Russian Federation to examine the key health sector problems and priorities in Russia today is an example of the kind of activity that can promote effective health reform in the independent states.

With respect to educational reform, the committee of conference believes that emphasis should be placed on promoting curriculum reform at all school levels, particularly in the fields of history and social sciences, including political studies and economics. Some U.S. educational institutions have already established programs, including business and management education programs in the region. These institutions are to be commended for their initiatives and should be considered for funding where their activities are consistent with the priorities of U.S. assistance strategies for the independent states. Junior Achievement International is an example of a program that has successfully provided books and material for educational programs. In addition, the committee of conference encourages continued support for American Schools and Hospitals Abroad, such as the American University of Armenia, that have been or may be established in the independent states of the former Soviet Union. The committee of conference urges that in pursuing the purposes of this act, executive branch agencies, to the maximum extent possible, utilize the resources and expertise of existing U.S. educational facilities in Europe.

The committee of conference agrees that educational television can be a highly effective and highly cost-effective means of instruction both in basic skills and in the human values associated with a democratic society. Recognizing that certain organizations in the United States, such as the Children's Television Workshop, are internationally recognized as uniquely creative and proficient in the production of televised educational programming and have a record of achievement in assisting other countries in developing similar programming of their own, the committee of conference encourages the President to allocate assistance to the independent states of the former Soviet Union in the development of such programming as a means of promoting and sustaining the transformation to democracy. Such assistance can be used to support any appropriate non-profit corporation of the United States in assisting the independent states of the former Soviet Union in developing the skills necessary to produce adult and children's educational programs aimed at promoting basic skills and the human values associated with a democratic society. To the extent possible, such assistance should support the development of programming and programming skills rather than to support broadcasting and should not be used to pay for real estate, equipment, and personnel costs that could appropriately be born by the recipient country in its own currency.

Assisting the independent states in energy efficiency and production holds considerable opportunity for both U.S. assistance programs and for the U.S. private sector. U.S. advanced coal-based technologies are among the available options for improving efficiency and reducing damage to the environment. In determining which developmentally-sound advanced coal-based technology capital projects to support, with loans or grants, the Administrator of the Agency for International Development, working with the Secretary of Energy and other appropriate government agencies (particularly the Overseas Private Investment Corporation and the Export-Import Bank of the United States), shall give special consideration to those capital project proposals which, proposed by U.S. firms and consisting of equipment manufactured by U.S. firms, would achieve the greatest increase in the control of emissions and/or the efficient production of energy and to those project proposals in which a portion of the costs of the project, either by cost-sharing or joint venture, will be paid for by non-federal funds, including private funds.

The authority to assist in promoting civilian nuclear reactor safety was included because the committee of conference believes that the need for safety upgrades of nuclear power plants in the independent states is a very high priority. More than 50 nuclear power plants are in operation or under construction in the independent states. These reactors have design, construction quality, operator training, and safety standards far below those found in the United States. The threat posed by these reactors affects not only the citizens of the independent states, but people all over the world.

The committee of conference recommends that a program of realistic short-term assistance to the independent states be established to upgrade immediately the safety of nuclear power reactors. The committee of conference agrees that rising safety standards at the plants to Western standards will be far too expensive to be realistic. However, a short-term program could significantly enhance nuclear power plant safety in the independent states, and achieve other important policy objectives of: enhancing nuclear nonproliferation efforts by active American involvement in the civilian nuclear program; and creating jobs for indigenous nuclear technicians that will both stem emigration of these specialists and train them to handle safety issues on their own. The committee of conference encourages the development of recommendations in consultation with the affected States, for medium-term measures to assist in the development of comprehensive and market-based programs for cost-efficient supplies of electricity and the identification of energy alternatives that will increase the ability to shut down the nuclear power plants for which safety improvements would not be cost-effective beyond the short-term.

The committee of conference believes that the following environmental objectives should be given priority in the independent states of the former Soviet Union: to control the discharge of pollutants damaging to the Earth's environment; to map, monitor, and contain environmental threats to the United States or the Arctic/subarctic ecosystem; to clean up rivers, lakes, and Arctic waters; to protect endangered species, to promote nuclear reactor safety; to control the emissions of air pollutants that may present a risk to public health and the environment; to protect and restore all waters; to restore areas contaminated by hazardous waste substances; to conserve biological diversity; to prevent environmental threats to the United States or the Arctic/subarctic ecosystem; and to preserve relatively undamaged rivers, lakes, forests, and other areas of special environmental significance.

Assistance to the independent states should include the expertise of U.S. professional firms, such as accountants, law firms, investment and commercial banks, management consultants, and others. These service firms can help enterprises with the infrastructure necessary to attract investment capital to the independent states. Because professional service firms will play a vital role in the creation of private enterprise and free market systems in the independent states, the committee of conference encourages the executive branch to engage such firms in implementing assistance programs, and to provide funds for this purpose in a timely and expedited manner.

The committee of conference recognizes that the transition by the independent states of the former Soviet Union to pluralistic democracies and marketplace economies and their integration into the global economy will be severely hampered without significant modernization and upgrade of their telecommunications infrastructures. The committee of conference is aware of the recent high level meeting in Moscow of the Ministers of Telecommunications of the Independent States of the former Soviet Union and the Blue Ribbon Panel of the Department of State, Advisory Committee on International Communications and Information Policy, where telecommunications technical assistance needs were discussed. Subsequently, the Blue Ribbon Panel has recommended to the Department of State that the sum of $8.5 million is needed for various areas of individual and joint telecommunications technical assistance. The committee of conference supports this recommendation and urges that the technical assistance programs recommended by the Blue Ribbon Panel be funded.

The committee of conference notes that assistance under this section may be in the form of contributions to the Intergovernmental Organization for Migration, the United Nations High Commissioner for Refugees, or other appropriate international or private voluntary organizations specializing in migration and refugee activities.

While the committee of conference does not provide specific authorization in this section for the use of economic assistance funds for defense conversion activities, the committee of conference does not preclude the use of funds for such activities. The committee of conference notes that, where such activities have a clear defense benefit for the United States, they are specifically authorized in title V of the conference substitute. Otherwise, the committee of conference supports use of economic assistance funds for activities, as authorized by new sections 498(3) and 498(4) of the Foreign Assistance Act, to include a broad range of activities such as modification or commercialization of factories, training, etc., regardless of whether the focus is on upgrading a civilian enterprise or the conversion of a defense enterprise to a competitive commercial entity.

CRITERIA FOR ASSISTANCE

The Senate bill (sec. 105) sets forth four criteria for the President to take into consideration in providing assistance to governments of the independent states: (1) institutionalization of the rule of law to protect individual freedoms and rights; (2) enactment of the legal and policy frameworks necessary for a private sector economy; (3) respect for international law; and (4) implementation of responsible security policies. The Senate bill also sets forth eleven conditions under which assistance to a country must be terminated, unless the President waives the restriction. In addition, the Senate bill contains several separate provisions regarding criteria for assistance:

Section 125 contains congressional findings regarding the conflict in Moldova and expresses the sense of the Congress that the United States should urge the Russian Government to withdraw its troops from Moldova, urge all parties to abide by a ceasefire, urge an end to the economic blockade of Moldova, and support the establishment of a joint military monitoring committee to observe the withdrawal of former Soviet troops.

Section 128 prohibits the use of bilateral assistance funds authorized for the independent states of the former Soviet Union to pay indebtedness to international financial institutions.

Section 129 prohibits bilateral economic assistance for the Russian Republic unless the President determines and certifies to Congress that: (1) significant progress has been made toward removal of Commonwealth or Russian troops from Estonia, Latvia, and Lithuania; (2) artillery exercises or similar training operations by Commonwealth or Russian troops are no longer taking place in those countries; (3) Commonwealth or Russian air and naval forces are not interfering with traffic in the airspace or territorial waters of those countries; and (4) no additional Commonwealth or Russian troops or military equipment have been introduced into those countries without the express permission of those countries. This prohibition would take affect 12 months after the date of enactment. The Senate bill also requires the formation of a joint military monitoring committee, specifies that any Presidential certification shall be effective for only six months, and requires the President to report on the basis for any determination made under this section.

Section 152 expresses the sense of Congress regarding immediate good faith negotiations for the removal of troops from the Baltic republics.

The House amendment (sec. 103) sets forth five criteria for the allocation of assistance to governments of the independent states similar to those in the Senate bill, but contains no conditions under which assistance must be terminated.

The conference substitute (sec. 201) combines the Senate and House provisions in a new section 498A of the Foreign Assistance Act. The conference substitute requires the President to take into account not only relative need but also the extent to which the government of an independent state is acting on eleven different criteria:

(1) Progress on implementation of a democratic system;

(2) Progress on economic reform;

(3) Respect for internationally recognized human rights;

(4) Respect for international law and obligations and adherence to the Helsinki Final Act of the CSCE and the Charter of Paris;

(5) Cooperation in seeking peaceful resolution of ethnic and regional conflicts;

(6) Implementation of responsible security policies;

(7) Constructive actions on the environment;

(8) Denial of support for acts of international terrorism;

(9) Acceptance of responsibility for paying an equitable portion of indebtedness to U.S. firms;

(10) Cooperation in uncovering evidence regarding American POWs; and

(11) Termination of support for, and removal of troops from, Cuba.

The provision also specifies five separate conditions under which the President must terminate assistance:

(1) For any government the President determines is engaged in a consistent pattern of gross violations of internationally recognized human rights or of international law;

(2) For any government the President determines has failed to take constructive actions to facilitate the effective implementation of applicable arms control obligations;

(3) For any government the President determines has knowingly transferred (a) missiles or missile technology inconsistent with the Missile Technology Control Regime, or (b) any material, equipment, or technology that would contribute significantly to the ability of a country to manufacture any weapon of mass destruction;

(4) For any government that is prohibited from receiving assistance by sections 669 or 670 of the Foreign Assistance Act or sections 306(a)(1) and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991;

(5) For the Government of Russia if it has failed to make significant progress on the removal of Russian or CIS troops from Estonia, Latvia, and Lithuania, or if it has failed to undertake good faith efforts, such as negotiations, to end other military practices that violate the sovereignty of the Baltic states.

All restrictions, except for subsection (4) regarding nuclear technology and capabilities, and similar provisions of law, may be waived if: (1) the President determines that providing the assistance is important to the U.S. national interest; (2) the President determines that the assistance will foster respect for internationally recognized human rights and the rule of law or the development of institutions of democratic governance; or (3) the assistance is furnished for the alleviation of suffering resulting from a natural or man-made disaster. The President must immediately report to the Congress on the exercise of the waiver authority. The "similar" provisions of law which may be waived are those which are of a similar substantive nature, i.e. they deal with the same subject matter, but not restrictions which might require a suspension of assistance for reasons other than the five enumerated in this section.

With regard to the criteria requiring cooperation in seeking peaceful resolution of ethnic and regional conflicts, the committee of conference particularly notes that the presence of Russian 14th Army troops in Moldova has aggravated and exacerbated the conflict in the Transdneister region and serves as a potentially dangerous precedent for other areas in the former Soviet Union. The committee of conference urges the Government of Russia to declare its forces neutral in Moldova and to withdraw its troops as quickly as possible.

The committee of conference notes that a major objective of subsection (b)(5) is to ensure that the sovereignty of the Baltic states is respected. For example, the following activities may be considered threats to the sovereignty of Estonia, Latvia, and Lithuania: artillery or similar training operations conducted by Russian or CIS armed forces on the territory of the Baltic states, without the permission of those states; Russian or CIS interference in the air space or territorial waters of Estonia, Latvia, or Lithuania; the introduction of additional CIS or Russian armed forces, military equipment, or related civilian personnel, without the permission of the host government; or the imposition of an economic blockade on the Baltic states, including the interruption of energy supplies.

With regard to adherence to arms control treaties, the committee of conference intends that those treaties include: the Conventional Forces in Europe (CFE) Treaty; the Intermediate Nuclear Forces (INF) Treaty; the Non-Proliferation Treaty (NPT); the Anti-Ballistic Missile (ABM) Treaty; the Threshold Test Ban Treaty (TTBT); Peaceful Nuclear Explosions Treaty (PNT); and the Strategic Arms Reduction Talks Treaty (START).

ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS

The House amendment (sec. 201) creates a new section 498(c) of the Foreign Assistance Act that clarifies that the criteria and restrictions on assistance apply to assistance to governments, not to assistance to nongovernmental organizations.

The Senate bill contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(a) stating that assistance under this chapter may be provided to governments or through non-governmental organizations. In the promotion of the active involvement of the U.S. private sector, every effort should be made to take advantage of ongoing efforts by U.S. citizens, organizations, and foundations to pursue the objectives of this Act, as evidenced by the establishment by such entities of programs in one or more of the independent states that involve local reformers in the process of establishing democratic and free market systems.

TECHNICAL AND MANAGERIAL ASSISTANCE

The House amendment (sec. 201) creates a new section 498(d) of the Foreign Assistance Act which provides that technical assistance shall, to the maximum extent feasible, be provided on a long term, on-site basis and shall emphasize the provision of practical, management and other problem-solving advice, particularly advice on private enterprise provided by U.S. business volunteers.

The Senate bill contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(b) which is similar to the House amendment. The committee of conference notes that one particularly effective method for helping train former Soviet business managers in free market economy practices is to send volunteer American business managers to ex-Soviet enterprises to provide on-site problem solving and advice tailored to an enterprise's individual need. The committee of conference believes that such a program would also benefit the U.S. economy by exposing Americans actively involved in business to both the potential and the pitfalls of doing business in the former Soviet Union. The committee of conference further believes that because such a program would establish networks of business connections between managers from the United States and the independent states of the former Soviet Union, additional American jobs could be created through increased American exports and new joint ventures would likely be established as a result of these new business contacts.

ENTERPRISE FUNDS

The House amendment (sec. 201) creates a new section 498(b)(3) of the Foreign Assistance Act which authorizes assistance for the independent states to be used to finance enterprise funds similar to those authorize by section 201 of the Support for East European Democracy (SEED) Act of 1989.

The Senate bill (sec. 107(a)(2)(F)) contains a similar provision.

The conference substitute (sec. 201) creates a new section 498B(c) of the Foreign Assistance Act which is the same as the House amendment.

COOPERATIVE DEVELOPMENT AND RESEARCH PROJECTS

The House amendment (sec. 201) creates a new section 498(e) of the Foreign Assistance Act which authorizes assistance to be used for cooperative development and research projects among the United States, other countries, and the independent states.

The Senate bill (sec. 107(a)(11)) contains a similar provision which specifically references such projects with Israel.

The conference substitute (sec. 201) creates a new section 498B(d) of the Foreign Assistance Act which is the same as the House amendment. The committee of conference notes that such cooperative projects are already being considered with both Israel and Turkey and expresses its support for these undertakings.

ADMINISTRATION OF JUSTICE PROGRAMS

The Senate bill (sec. 107(a)(1)) authorizes assistance to be used for administration of justice programs.

The House amendment contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(e) of the Foreign Assistance Act which is similar to the Senate bill except that such programs are subject to the limitations and requirements of section 534 of the Foreign Assistance Act.

The committee of conference believes that administration of justice programs play a crucial role in fostering democratic institutions. It is the intent of this section to authorize existing government agencies, such as the International Criminal Investigative Training and Assistance Program (ICITAP), to take primary responsibility in carrying out such programs.

USE OF ECONOMIC SUPPORT FUNDS

The House amendment (sec. 201) creates a new section 498(f)(3) of the Foreign Assistance Act which provides that funds from chapter 4 of part II of the Foreign Assistance Act (economic support funds) may be used for the independent states in accordance with the authorities of this section.

The Senate bill (sec. 115(d)) contains a similar provision.

The conference substitute (sec. 201) creates a new section 498B(f) of the Foreign Assistance Act which is similar to the House amendment, except the reference is to the "provisions" rather than the "authorities" of this section in order to specify that it is both the authorities and criteria of this section that apply to any ESF used under this section.

USE OF SEED AGENCY FUNDS

The Senate bill (sec. 104) authorizes U.S. Government agencies with authorities under the SEED Act to use international affairs funds to conduct activities authorized by this Act in the independent states.

The House amendment contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(g) of the Foreign Assistance Act which is similar to the Senate bill.

PROCUREMENT RESTRICTIONS

The Senate bill (sec. 134(d)) provides that assistance under this act may be used for procurement: (1) in the United States, the independent states, or a developing country; or (2) in any other country either if the required commodity or service is not produced or available in any of those countries, or if the President determines that procurement in such other country is necessary to meet unforeseen circumstances or for reasons of efficiency. The Senate bill (sec. 148) also rewrites the worldwide procurement rules found in section 604 of the Foreign Assistance Act.

The House amendment (sec. 201) creates a new section 498(f)(4) of the Foreign Assistance Act which provides that assistance programs shall be designed to maximize the use of U.S. goods and services.

The conference substitute (sec. 201) creates a new section 498B(h) of the Foreign Assistance Act which is similar to section 134(d) of the Senate bill. Because this bill is restricted to assistance to the independent states, the committee of conference could not adopt these changes worldwide, as it did in the conference report on H.R. 2508 in 1991. However, it is the intent of the committee of conference to do so in the next global foreign assistance bill.

TERMS AND CONDITIONS

The House amendment (sec. 201) creates a new section 498(f)(1) of the Foreign Assistance Act which authorizes the President to provide assistance on terms and conditions he determines to be consistent with applicable provisions of law.

The Senate bill contains no comparable provision.

The conference substitute (sec. 201) creates a new section 498B(i) of the Foreign Assistance Act which is the same as the House amendment.

WAIVER OF CERTAIN PROVISIONS

The House amendment (sec. 201) creates a new section 498(f)(2) of the Foreign Assistance Act which provides that funds appropriated by this section for fiscal year 1993 may be used to provide assistance notwithstanding any other provision of law, except the reprogramming notification requirements of section 634A of the Foreign Assistance Act.

The Senate bill (sec. 115(c)) provides a broader notwithstanding for any assistance provided and authorities exercised for the objectives of this title, with the exception of several explicit exemptions.

The conference substitute (sec. 201) creates a new section 498B(j) of the Foreign Assistance Act which is similar to the House amendment, with the addition of several exceptions from the Senate bill. The exceptions to the notwithstanding are: this chapter; sections 634A, and comparable notification requirements in foreign operations appropriations bills, 669 and 670 of the Foreign Assistance Act; sections 306 and 307 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1961; section 1341 of title 31, U.S. Code (the Anti-Deficiency Act); the Congressional Budget and Impoundment Control Act of 1974; the Balanced Budget and Emergency Deficit Control Act of 1985; and the Budget Enforcement Act of 1990.

DEFINITIONS

The House amendment (sec. 201) creates a new section 498(h) of the Foreign Assistance Act which contains definitions of appropriate congressional committees (the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate), and independent states.

The Senate bill (sec. 106) contains a definition of independent states.

The conference substitute (sec. 201) is essentially the same as the House amendment.

AUTHORIZATIONS

The Senate bill (sec. 106) authorizes the appropriation of $620 million for fiscal years

1992 and 1993, in addition to amounts otherwise available, for assistance to the independent states of the former Soviet Union. Such funds are authorized to remain available until expended. The Senate bill (sec. 115) also authorizes such sums as may be necessary for administrative expenses of U.S. Government agencies administering programs under this title.

The House amendment (sec. 201) authorizes the appropriation of $417 million for fiscal year 1993, in addition to amounts otherwise available, for economic assistance to the independent states of the former Soviet Union. It also provides that up to 2% of such funds may be used for administrative costs without a reprogramming notice, including for reimbursement of Department of State incremental costs associated with assistance programs, but that use of such funds above that level requires a reprogramming notice under section 634A.

The conference substitute (sec. 201) creates a new section 498C of the Foreign Assistance Act which is similar to the House amendment except that the authorization level is $410 million. This authorization was arrived at by subtracting the $50 million authorized for exchange, training, and similar programs in section 807 of the conference substitute from the executive branch request of $460 million for fiscal year 1993.

INELIGIBILITY FOR ASSISTANCE OF INSTITUTIONS WITHHOLDING CERTAIN DOCUMENTS OF U.S. NATIONALS

The Senate bill (sec. 141) prohibits assistance to any institution in an independent state if there is an outstanding final judgement by a court within that state that the entity is unlawfully withholding property of a U.S. person.

The House amendment contains no comparable provision.

The conference substitute (sec. 202) is similar to the Senate bill, with the exception that it is narrowed to deal only with property that is books or other documents of religious or historical significance.

TITLE III—BUSINESS AND COMMERCIAL DEVELOPMENT

AMERICAN BUSINESS CENTERS

The Senate bill (sec. 112) authorizes $12 million for the Department of Commerce to fund American business centers in the independent states to provide support and facilities for U.S. firms and state economic development offices. The Senate bill (title IV) also authorizes $12 million for the funding of agribusiness centers in the independent states to facilitate U.S. private investment, exchange programs, and other forms of U.S. cooperation in order to assist in the development of agribusiness in the independent states. It also authorizes $10 million for the funding of agribusiness exchange centers at U.S. state universities and land grant colleges in order to expand two-way exchange programs among agribusiness practitioners. Finally, the Senate bill (title V) authorizes funding for American centers to promote commercial, professional, civic, and other partnerships between the peoples of the United States and of the independent states.

The House amendment (sec. 201) contains a related provision.

The conference substitute (sec. 301) is a compilation of the Senate provisions into an authorization of up to $12 million for American Business Centers in order to advance the objectives of title II of the conference substitute and to promote U.S. economic interests and commercial partnerships between the peoples of the United States and the independent states. The term "American Business Centers" includes (1) environmental business centers in the independent states that offer promising market possibilities for U.S. environmental goods and services and (2) agribusiness centers that enhance cooperative activities in agribusiness. To the extent possible, such centers shall place special emphasis on assisting small- and medium-sized U.S. businesses, offer support services to U.S. commercial interests on a user-fee basis, serve as a repository of commercial and legal information, and help identify counterpart entities. To ensure the timely establishment of these centers, the Administrator of AID shall, within 90 days of enactment, enter into a reimbursement agreement with the Secretary of Commerce for operating the American Business Centers.

With respect to agribusiness centers, it is the intent of the committee of conference that these centers, to the extent possible, develop: training and education programs; initiatives to determine appropriate techniques to enhance agricultural production; strategies for the application of biotechnology to support food security and sustainable agricultural practices; and internships.

BUSINESS AND AGRICULTURE ADVISORY COUNCIL

The Senate bill (sec. 136(b)) authorizes the President to establish an advisory council, to be known as the Independent States Business and Agriculture Advisory Council, to advise and consult with the President and to evaluate U.S. assistance programs that would facilitate U.S. exports and investments.

The House amendment contains no comparable provision.

The conference substitute (sec. 302) is similar to the Senate bill. The committee of conference believes that U.S. jobs and competitiveness will be enhanced significantly if American business and agriculture play a significant role in the development of market economies in the independent states of the former Soviet Union.

FUNDING FOR EXPORT PROMOTION ACTIVITIES AND CAPITAL PROJECTS

The Senate bill (secs. 136(c)–(e)) encourages the President to use assistance funds for export promotion, finance, and related activities, and to fund capital projects, and recommends that various U.S. government agencies expand their activities in support of U.S. firms in the independent states. The Senate bill (sec. 132) also urges an increase in the presence of U.S. foreign commercial officers in the Far Eastern cities of Vladivostok and Khabarovsk.

The House bill contains no comparable provision.

The conference substitute (sec. 303) combines the Senate provisions to: (1) encourage the President to use assistance funds for export promotion, finance, and related activities, and to fund capital projects; and (2) encourage the Secretary of Commerce to increase the department's activities in support of U.S. firms in the independent states, including an increased U.S. foreign commercial service presence in Vladivostok and Khabarovsk.

INTERAGENCY WORKING GROUP ON ENERGY

The Senate bill (sec. 136(f)) states that the Trade Promotion Coordinating Committee should utilize its interagency working group on energy to assist U.S. energy companies to develop a long-term strategy for penetrating the energy market of the independent states.

The House amendment contains no comparable provision.

The conference substitute (sec. 304) is essentially the same as the Senate bill.

REPORTS TO CONGRESS

The Senate bill (sec. 136(e)(D)) requires an annual report by the Secretary of Commerce on the programs of other industrialized countries to assist their firms and on the trading practices of other OECD nations and the pricing practices of the independent states that may disadvantage U.S. firms.

The House amendment contains no comparable provision.

The conference substitute (sec. 305) is similar to the Senate bill with the addition to the report of a description of the implementation of the preceding sections of this title.

POLICY ON COMBATTING TIED AID PRACTICES

The Senate bill (sec. 134(b)(1)(A)) states that the President should give priority to combatting the tied aid practices of foreign countries in the independent states if such practices are deemed by the Secretary of the Treasury to be in violation of the 1991 OECD agreement on tied aid.

The House amendment contains no comparable provision.

The conference substitute (sec. 306) is similar to the Senate bill.

TECHNICAL ASSISTANCE FOR THE RUSSIAN FAR EAST

The Senate bill (sec. 133) authorizes such sums as may be necessary for a technical assistance center at an American university, in a region which receives nonstop air service to and from the Russian Far East, in order to facilitate U.S. business opportunities, free markets, and democratic institutions in the Russian Far East.

The House bill contains no comparable provision.

The conference substitute (sec. 307) is similar to the Senate bill but limits the authorization of funds for this purpose to $2 million.

FUNDING FOR OPIC AND EXIMBANK PROGRAMS

The Senate bill (sec. 115(e)) authorizes bilateral economic assistance in this Act to be used to fund OPIC and Ex-Im activities in the independent states.

The House amendment contains no comparable provision.

The conference substitute (sec. 308) authorizes bilateral economic assistance in this act to be used to fund OPIC activities in the independent states, but provides that this authority ceases to be effective upon the enactment of the Overseas Private Investment Corporation Act Amendments Act of 1992.

TITLE IV—DEMOCRACY CORPS

The House bill (sec. 202) authorizes up to $15 million for a grant by the Administrator of the Agency for International Development to the Democracy Corps, a private, nonprofit organization whose purpose is to maintain a presence in the independent states in order to provide on-the-ground support for institutions of democratic governance and nongovernmental organizations of a civil society. The Democracy Corps is to mobilize the expertise of the American people to provide practical assistance through on-the-ground person-to-person advice, technical assistance, and small grants (up to $5,000 per recipient) to indigenous individuals and entities. The Democracy Corps is to coordinate its activities with the Department of State Coordinator for the independent states and ensure that its activities are not duplicative of other similar activities. The Democracy Corps is to be governed by a Board of Directors composed of four specified government officials, representatives of the National Endowment for Democracy and its four core grantees, and eight private U.S. citizens who have experience and expertise appropriate to the functions of the Democracy Corps. The provision also provides for conflict of interest rules, periodic audits, congressional oversight, compliance with the Freedom of Information Act, and an annual report. The authority to make grants to the Democracy Corps terminates at the end of the fifth fiscal year.

The Senate amendment contains no comparable provision.

The conference substitute (title IV) is similar to the House amendment, with the exception that the conference substitute authorizes rather than mandates the establishment of and grants to the Democracy Corps, reduces the specificity of certain provisions, and provides that the Board of Directors will be composed of not more than ten private U.S. citizens, appointed by the President, who, individually or through the organizations they represent, have experience and expertise appropriate to carrying out the purpose of the Democracy Corps. The committee of conference views the National Endowment for Democracy and its core grantees examples of such organizations.

TITLE V—NONPROLIFERATION AND DISARMAMENT ACTIVITIES

FINDINGS

The Senate bill (sec. 110(a)(1)) establishes a number of findings concluding that nonproliferation and disarmament activities are in the national security interests of the United States.

The House amendment (sec. 503(a)) contains similar findings.

The conference substitute (sec. 501) is similar to the Senate bill with minor modifications.

ELIGIBILITY

The Senate bill (sec. 110(a)(2)) establishes conditions of eligibility, in addition to those contained in section 105(b) of the Senate bill for overall assistance, with regard to carrying out efforts aimed at the demilitarization of the independent states of the former Soviet Union.

The House amendment contains no comparable provision.

The conference substitute (sec. 502) is similar to the Senate bill with the exception that it deletes the reference to the eligibility criteria established in title II of the conference substitute for bilateral economic assistance.

NONPROLIFERATION AND DISARMAMENT ACTIVITIES IN THE INDEPENDENT STATES

The Senate bill (sec. 110(a)(3)) authorizes the President to establish programs consistent with the national security interests findings stipulated in section 110(a)(1) of the Senate bill. Specifically, these programs are aimed at: (1) the transportation, storage, safeguarding, and destruction of nuclear, chemical, and other weapons of the former Soviet Union, as described in section 212(b) of Public Law 102–228; (2) establishing verifiable safeguards against the proliferation of such weapons; (3) preventing the diversion of weapons-related scientific expertise of the former Soviet Union; (4) facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union; and (5) establishing science and technology centers in the independent states of the former Soviet Union.

The House amendment (secs. 501 and 503(b)) authorizes the President to use certain security assistance and Department of Defense funds to promote bilateral and multilateral nonproliferation activities by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons of the former Soviet Union and other countries; and by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons of the independent states of the former Soviet Union and other countries, including activities such as the storage, transportation, safeguarding, and destruction of such weapons and the purchase, barter, or other acquisition of such weapons or materials derived from such weapons. The House amendment also subsumes those programs included in the Senate bill which are identified as items 2 through 5 in the previous paragraph.

The conference substitute (sec. 503) is similar to the House amendment and specifies that priority in using Department of Defense funds for carrying out nonproliferation and disarmament activities in the former Soviet Union be given to sections 503(a)(1) through 503(a)(5) of the conference substitute. The committee of conference places the highest priority on the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, related technologies and other weapons of the independent states of the former Soviet Union.

The committee of conference notes that, with respect to the authority to purchase, barter, or otherwise acquire nuclear, biological, and chemical weapons, the U.S. private sector has the technical and financial resources to assume responsibilities in this area. The August announcement by the President of the agreement between the United States and Russia for the purchase of highly enriched uranium (HEU) from the Russian stockpile was a significant step towards the type of "swords into plowshares" initiative being encouraged by the committee of conference. The U.S. private sector has the capacity to reprocess quickly the HEU to low enriched uranium (LEU) which can subsequently be converted to reactor grade and marketed to commercial nuclear power plants, in accordance with the terms and conditions of the Nuclear Non-Proliferation Treaty of 1978.

NONPROLIFERATION AND DISARMAMENT FUND

The House amendment (sec. 501) establishes a worldwide nonproliferation and disarmament fund and authorizes the President to use security assistance funds to promote bilateral and multilateral nonproliferation activities on a worldwide basis: (1) by supporting the dismantlement and destruction of nuclear, biological, and chemical weapons, their delivery systems, and conventional weapons of the former Soviet Union and other countries; (2) by supporting bilateral and multilateral efforts to halt the proliferation of nuclear, biological, and chemical weapons, their delivery systems, related technologies, and other weapons of the independent states of the former Soviet Union and other countries, including activities such as the storage, transportation, and safeguarding of such weapons and the purchase, barter, or other acquisition of such weapons or materials derived from such weapons; (3) facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union; and (4) establishing science and technology centers in the independent states of the former Soviet Union.

The Senate bill contains no comparable provision.

The conference substitute (sec. 504) is similar to the House amendment and specifies that priority in using security assistance funds for carrying out nonproliferation and disarmament activities worldwide be given to sections 504(a)(1) through 504(a)(5) of the conference substitute.

The committee of conference places the highest priority on the dismantlement and destruction of nuclear, biological and chemical weapons, their delivery systems, related technologies and other weapons of the independent states of the former Soviet Union. The committee of conference establishes this new security assistance account in recognition of the urgent need to address the nonproliferation and disarmament challenges that confront the United States in the post-Cold War era. The committee of conference recognizes that this challenge is not confined to the independent states of the former Soviet Union alone. The committee of conference firmly believes the establishment of the worldwide nonproliferation and disarmament fund to be in the best national security interests of the United States and urges the executive branch to employ use of this fund to the fullest extent in the years ahead in support of bilateral and multilateral nonproliferation and disarmament efforts. The committee of conference further encourages the executive branch to seek expansion of these authorities in the years ahead. Finally, the committee of conference fully expects the executive branch to formally establish and authorize a nonproliferation and disarmament fund in its fiscal year 1994 budget submission and Congressional Presentation Documents for Security Assistance.

LIMITATIONS ON DEFENSE CONVERSION AUTHORITIES

The Senate bill (sec. 137) stipulates that no funds may be obligated, expended or otherwise made available for the purposes of facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union unless the President has previously obligated an amount equal to or greater than such sums in the same fiscal year for defense conversion and defense transition activities in the United States.

The House amendment contains no comparable provision.

The conference substitute (sec. 505) is similar to the Senate bill and specifies that funds may not be obligated in any fiscal year for the purposes of facilitating the conversion of military technologies and capabilities and defense industries of the former Soviet Union into civilian activities as authorized by sections 503(a)(6) and 504(a)(6) of the conference substitute, or other provisions of law, unless the President has previously obligated in the same fiscal year an amount greater or equal to that amount of funds for defense conversion and defense transition activities in the United States.

FUNDING AUTHORIZATION

The Senate bill (sec. 110(a)(4)) authorizes the President to make available such sums as may be necessary to carry out the purposes of section 110 from: funds made available under sections 108 and 109 of Public Law 102–228; funds made available to carry out provisions of section 23 of the Arms Export Control Act; and funds made available to carry out section 110(a)(3) of the Senate bill.

The House amendment (secs. 501(f), 502(b) and 503(b)) includes funding citations relevant to nonproliferation and disarmament activities, as well as for the destruction of weapons in the former Soviet Union.

The conference substitute (secs. 503(c)(1), 503(c)(2), 504(c)(1), 504(c)(2), 504(c)(3), 506(a) and 509(d)) includes funding citations relevant to nonproliferation and disarmament activities worldwide, as well as for the destruction of weapons in the former Soviet Union. Section 506(a) increases the authorization for the destruction of weapons in the former Soviet Union as contained in Public Law 102-228 and extends the availability of fiscal year 1992 funds through fiscal year 1993. The conference substitute establishes funding made available pursuant to these sections at the following levels: destruction of weapons and other nonproliferation activities in the former Soviet Union, $800 million; Nonproliferation and Disarmament Fund activities in the former Soviet Union and other countries, $100 million; and Nonproliferation Technology Initiative, $40 million.

The funding authorization for the destruction of weapons in the former Soviet Union is increased from $650 million to $800 million to conform to conference action on the National Defense Authorization Act for fiscal year 1993. The importance of each of these nonproliferation and disarmament activities funded by this title cannot be discounted and is underscored by the coordination of its authorization from both the international affairs and national defense budget functions. The committee of conference notes its strong support for these nonproliferation and disarmament activities and notes the unique approach to these authorizations that was achieved through close cooperation among the Committees on Foreign Affairs, Armed Services and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services and Appropriations of the Senate. The committee of conference notes that such cooperative efforts will continue in the future, and expects that there will be similar cooperative efforts among the appropriate agencies of the executive branch.

NOTICE AND REPORTS TO CONGRESS

The Senate bill (secs. 110(a)(5)-(7)) requires: prior notification (fifteen days) of the appropriate congressional committees made available pursuant to programs implemented under section 110(a)(3) of the Senate bill (sec. 110(a)(5)); and, quarterly reports not later than thirty days after the end of each fiscal year for fiscal years 1992 and 1993 on the activities carried out under section 110(a)(3) of the Senate bill. Section 110(a)(7) defines the term "appropriate congressional committees."

The House amendment (secs. 501(e) and 502(d)) is similar to the Senate bill, but contains a different definition of "appropriate congressional committees".

The conference substitute (sec. 508) establishes various reporting requirements to Congress. Section 508(a) requires prior notification not less than fifteen days before obligating any funds pursuant to sections 503 or 504 or the amendments made by section 506(a). Section 508(a) further specifies that each such report shall specify the account, budget activity, and particular program or programs from which the funds are provided; the amount of the proposed obligations; and the activities and forms of assistance for which the President plans to obligate such funds. Section 508(b) requires the President to submit a semiannual report to Congress on the activities carried out under sections 503 and 504 and the amendments made by section 506(a). Section 508(c) defines the term "appropriate congressional committees".

The committee of conference notes that the adoption of section 508 sets forth the procedures for providing reports and advanced notifications to the Congress regarding programs in this title. Because of the unique funding of this program, the House Foreign Affairs Committee, the House Armed Services Committee, the Senate Foreign Relations Committee and the Senate Armed Services Committee agreed to language designed to clarify responsibilities of certain Committees of the Congress.

As is the usual practice, all reports and notifications will be provided to the respective appropriations committees. With respect to the authorizing committees, the bill requires the following: (1) Regarding semiannual reports, all such reports shall be provided to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate and to the Committees on Armed Services of the House of Representatives and the Senate; (2) Regarding 15 day advance notifications for programs funded from appropriations made under the international affairs budget function (150), the notice of proposed obligation shall be sent to the Committee on Foreign Affairs of the House of Representatives and the Committee of Foreign Relations of the Senate; (3) Regarding 15 day advance notifications for programs funded from appropriations made under the national defense budget function (050), the notice of proposed obligation shall be sent to the Committees on Armed Services of the House of Representatives and the Senate; and (4) Regarding all 15 day advance notifications, if a committee of either the House of Representatives or the Senate would not receive the advance notification pursuant to paragraph (2) or (3), the notice of proposed obligation shall also be sent to such committee if the proposed activity or form of assistance is within that committee's legislative jurisdiction.

Specific examples are instructive. On May 16, 1992, the Comptroller of the Department of Defense notified the Congress regarding a proposed obligation of budget function 050 funds pursuant to title II of Public Law 102-228 (commonly referred to as the Nunn-Lugar program) for foreign assistance programs and activities under the legislative jurisdiction of the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The proposed obligation included a number of programs for weapons destruction in the former Soviet Union. As one component of the proposed obligation, the Department of Defense proposed $25 million for an International Science and Technology Center in Russia. Had the proposal to establish such a center been introduced in the House of Representatives and Senate, respectively, as separate legislation, under House and Senate rules it would have been referred to the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate. Accordingly, the May 16, 1992 notification was properly referred to the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate and the Committees on Armed Services of the House of Representatives and the Senate. This action meets the legislative reporting and notification requirement of section 508 and should be viewed as a model for proper referral of reports and notifications.

In contrast, the committee of conference notes with concern that on August 28, 1992, the Comptroller of the Department of Defense provided a notification only to the Committees on Armed Services regarding a proposed obligation of budget function 050 funds pursuant to title II of Public Law 102-228 for foreign assistance programs and activities under the legislative jurisdiction of the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The committee of conference believes that this notification not only directly violates section 231 (Prior Notice of Obligations to Congress) of Public Law 102-228 but is also inconsistent with the intent of section 508. Advance notifications of proposed obligations from the executive branch shall be provided to the Speaker of the House of Representatives and the President of the Senate for their distribution to the proper committees in accordance with section 508 as mentioned above.

INTERNATIONAL NONPROLIFERATION INITIATIVE

The House amendment (section 502) authorizes the Secretary of Defense and the Secretary of Energy under the guidance of the President and in coordination with the Secretary of State to participate in United States efforts to stem the proliferation of nuclear weapons. In so doing, the House amendment stipulates that assistance may be provided to: relevant international organizations such as the International Atomic Energy Agency (IAEA) and the United Nations Special Commission on Iraq; collaborative international nuclear security and safety projects; and efforts to improve international cooperative monitoring of nuclear proliferation. Section 502(b) authorizes the expenditure of $40 million in national defense funding for these purposes. Section 502(d) requires the Secretary of Defense in coordination with the Secretary of Energy to report to Congress not less than fifteen days before the obligation of funds pursuant to section 502(a). In addition, section 502(d) requires the Secretary of Defense in coordination with the Secretary of Energy to report to Congress not later than thirty days after the end of each quarter of fiscal years 1993 and 1994 on the activities to be carried out pursuant to section 502(a). Section 502(e) identifies those committees of Congress which are to receive the reports submitted pursuant to section 502(d).

The Senate bill contains no comparable provision.

The conference substitute (sec. 509) authorizes the Secretary of Defense under the guidance of the President to provide assistance to support international nonproliferation activities. In so doing, the conference substitute stipulates that assistance may be provided to activities carried out by the International Atomic Energy Agency (IAEA); the On-Site Inspection Agency in support of the United Nations Special Commission of Iraq; collaborative international nuclear security and safety projects; and, efforts to improve international cooperation in monitoring nuclear proliferation through joint technical projects and intelligence sharing. The conference substitute also specifies that not less than thirty days before obligating any funds pursuant to section 509 the Secretary of Defense report to Congress on the proposed obligation. Each such report shall specify the account, budget activity and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and the activities and forms of assistance for which the Secretary of Defense plans to obligate the funds. The conference substitute also requires the Secretary of Defense to transmit to Congress a quarterly report not later than thirty days after the end of each quarter of fiscal year 1993 on the activities to reduce the proliferation threat carried out under section 509. Section 509(e)(2) also specifies the committees of Congress to which these reports are to be transmitted.

The committee of conference notes that the activities for which assistance may be provided under this section are merely illustrative. In this regard, and in addition to the activities already suggested, the committee of conference would support assistance under this section which would directly support the on-going activities of the United Nations Special Commission on Iraq.

REPORT ON SPECIAL NUCLEAR MATERIALS

The Senate bill (sec. 131) requires the Secretary of State in consultation with the Secretaries of Defense and Energy to submit a report within a period of 180 days of enactment of this legislation on the possible alternatives for the ultimate disposition of ex-Soviet special nuclear materials.

The House amendment contains no comparable provision.

The conference substitute (sec. 510) is similar to the Senate bill with minor modifications.

RESEARCH AND DEVELOPMENT FOUNDATION

The House amendment (sec. 504) authorizes the Director of the National Science Foundation to establish an endowed, nongovernmental, nonprofit foundation in consultation with the Director of the National Institute of Standards and Technology. Essentially, the purposes of the Foundation are to help prevent the collapse of the technological infrastructures in the independent states of the former Soviet Union, to maximize opportunities for Eurasian civilian and defense sector participants to develop an understanding of commercial business practices and open economic systems, and to provide access for United States businesses to sophisticated technologies, talented researchers, and potential markets within the new states. Foundation support should provide alternatives to emigration for engineers and scientists in the emerging states. The Foundation has two main functions: (1) to support joint research and development projects between scientists and engineers in the United States and former Soviet states; and (2) to establish joint research, development, and demonstration activities between high technology entrepreneurs in the new states and U.S. industrial participants. The Foundation should give equal emphasis to both functions. The Senate bill (sec. 135) is similar to the House amendment, but contains no specific funding provisions.

The conference substitute (sec. 511) is similar to the House amendment, but specifies that funds appropriated to carry out subtitle E of title XIV of the National Defense Authorization Act for Fiscal Year 1993 (or the appropriate citation in that bill, as the case may be) may be made available to the Foundation, and further specifies that, of funds made available to the Foundation by the U.S. Government after fiscal year 1993, not more than 50 percent may be from funds appropriated in the National defense budget function. The committee of conference expects that for purposes of this provision funds made available to the Foundation through debt conversions and local currencies will be counted as U.S. Government funds.

TITLE VI—SPACE TRADE AND COOPERATION

FACILITATING DISCUSSIONS REGARDING THE ACQUISITION OF SPACE HARDWARE, TECHNOLOGY, AND SERVICES FROM THE FORMER SOVIET UNION

The House amendment (sec. 601) facilitates space trade and cooperation between the United States and the independent states of the former Soviet Union by requiring that licenses or other approvals to conduct discussion on the possible acquisition of former Soviet space hardware, space technology, or space services with an independent state of the former Soviet Union be considered on an expedited basis. In the event that such approval is denied by an agency, the agency shall immediately notify the Committees on Foreign Affairs and on Science, Space and Technology of the House of Representatives and the Committees on Foreign Relations and on Commerce, Science, and Transportation of the Senate.

The Senate bill contains no comparable provision.

The conference substitute (sec. 601) is similar to the House amendment, but deletes the findings, adds expedited review of license requests for commercial space projects, and broadens eligibility of contractors.

The committee of conference recognizes recent progress towards the aims of this section. The conference substitute is consistent with the President's March 27, 1992 policy directive, which stated, in part: "...where barriers exist to imports, either by private or governmental entities, the U.S. shall seek to remove those barriers or expeditiously review the transactions. Import licenses will be considered on a case-by-case basis with a presumption of approval unless such imports (or other activities by the exporting entity) would contribute to the maintenance of a threatening military capability".

The committee of conference notes that under most circumstances a determination on a request for license or other approval is currently made within thirty days from the time of request. By requiring expedited review in this section, the committee of conference expects that a determination and appropriate notification should be made well before the end of the current thirty day period. In instances where a license is denied, notice to the appropriate congressional committees specified in the conference substitute is required in order to understand the nature of the technology sought and the circumstances of the denial.

OFFICE OF SPACE COMMERCE

The House amendment (sec. 602) authorizes the Office of Space Commerce of the Department of Commerce to conduct aerospace trade missions to appropriate independent states of the former Soviet Union. The House amendment also requires the Office of Space Commerce to monitor the progress of discussions conducted by NASA and advise the NASA Administrator as to the impact on U.S. industry of each potential acquisition of space hardware, space technology or space services from the independent states of the former Soviet Union.

The Senate bill contains no comparable provision.

The conference substitute (sec. 602) is similar to the House amendment but limits the monitoring of negotiations exclusively to space projects that have been approved by Congress.

The committee of conference notes that the ultimate success of space trade and cooperation between the United States and the independent states of the former Soviet Union should not be measured solely by NASA's direct procurement of space hardware, technology, and services from the independent states. The U.S. aerospace industry's ability to interact with and profit from such transactions will determine the long-term effectiveness of such cooperation and trade. Therefore, the Office of Space Commerce is the designated office both to familiarize the U.S. aerospace industry with hardware, technology, and services which may be available in the independent states, and to observe and advise on the proposed use of these assets by NASA.

REPORT TO CONGRESS

The House amendment (sec. 603) requires a report to designated congressional committees within a year of enactment that describes the following: (1) the opportunities for increased space-related trade with the independent states of the former Soviet Union; (2) a technology procurement plan to identify and evaluate unique space products available from the independent states; (3) specific products that have been or could become subjects of discussions provided for under section 601 of the House amendment; (4) the results of trade missions; (5) barriers that inhibit space-related trade between the independent states; and (6) any anti-competitive issues raised in the course of negotiations.

The Senate bill contains no comparable provision.

The conference substitute (sec. 603) is identical to the House amendment.

The committee of conference notes that sections of the report concerning technology procurement and cooperation related to U.S. space projects approved by Congress should be written principally by NASA and issues affecting commercial space projects, trade missions, trade policy, trade barriers, and anti-competitive efforts should be principally written by the Office of Space Commerce, both with appropriate inter-agency review and coordination with the Department of State.

DEFINITIONS

The House amendment (sec. 604) provides definitions for the following terms for purposes of this title: contractor, designated congressional committees, space hardware, space technology, and space services.

The Senate bill contains no comparable provision.

The conference substitute (sec. 604) is similar to the House amendment, but deletes the definitions of space hardware, space technology, and space services.

TITLE VII—AGRICULTURAL TRADE

INCLUSION OF THE NEWLY INDEPENDENT STATES IN THE FOOD FOR PROGRESS ACT

The Senate bill (sec. 120(b)(1)) amends section 1110 of Public Law 99-198, the Food for Progress Act, to make specific reference to the independent states.

The House amendment (sec. 706(a)(1)) amends the Food for Progress Act to add a new subsection which provides that the independent states of the former Soviet Union are considered to be emerging democracies for purposes of this section.

The conference substitute (sec. 701(1)(A)) amends the Food for Progress Act to make reference to the independent states as defined in section 102(8) of the Agricultural Trade Act of 1978.

PRIVATE ENTITIES

The House amendment (sec. 706(a)(1)) amends the Food for Progress Act to add "private entities" to the list of organizations which may be utilized in the implementation of this Act.

The Senate bill (section 120(b)(1)) adds "private businesses or other private entities" to the list.

The conference substitute (sec. 701(1)(B)) is the same as the House amendment.

USE OF COMMODITIES ON A CREDIT BASIS

The Senate bill (sec. 120(b)(3)) amends the Food for Progress Act to exempt commodities furnished to the independent States from tonnage requirements for fiscal years 1992 and 1993.

The House amendment (sec. 706(a)(2)) exempts from the tonnage requirement commodities furnished from Commodity Credit Corporation (CCC) stocks for the independent states for fiscal years 1992 and 1993.

The conference substitute (sec. 701(1)(D)) is the same as the Senate bill but applies only for fiscal year 1993.

CREDIT TERMS

The House amendment (sec. 706(a)(2)) amends the Food for Progress Act to authorize the sale on a credit basis of commodities to the independent states of the former Soviet Union made available under sec. 416 of the Agricultural Trade Act of 1949.

The Senate bill (sec. 120(b)(2)) authorizes the sale of sec. 416 commodities on a credit basis for any Food for Progress program.

The conference substitute (sec. 701(2)) is essentially the same as the House amendment.

EARMARK FOR MONETIZATION

The Senate bill (sec. 120(b)(4)) amends the Food for Progress Act to direct that not less than 10 percent of the aggregate of commodities provided in a fiscal year be used by private voluntary organizations (PVOs) and cooperatives for programs which generate foreign currency proceeds.

The House amendment contains no comparable provision.

The conference substitute (sec. 701(3)) adds a new provision to the Food for Progress Act which requires the President to approve appropriate agreements with PVOs and cooperatives which provide for monetization of commodities, including marketing through the private sector, and the use of the proceeds generated by such sales for humanitarian and development activities of PVOs and cooperatives in the independent states.

The committee of conference supports this amendment to the Food for Progress program to enable PVOs and cooperatives to become more directly involved in the development of private sector agriculture and agribusiness in the independent states of the former Soviet Union. The committee of conference encourages the executive branch to work actively with PVOs and cooperatives early in each fiscal year to identify appropriate projects. The local currencies generated under this program should not be used for market development purposes, as there are other programs, including the Cooperative Market Development Program and the Market Promotion Program, more suited to such purposes.

DEFINITIONS FOR AGRICULTURAL TRADE ACT OF 1978

The House amendment (sec. 706(g)) amends section 102(1) of the Agricultural Trade Act of 1978 to include livestock (including livestock as it is defined in section 602(2) of the Agricultural Act of 1949 and insects.)

The Senate bill (sec. 120(d)(2)) contains a similar provision.

The conference substitute (sec. 702) is similar to the House amendment but applies only with respect to the independent states of the former Soviet Union.

ASSISTANCE FOR PRIVATE VOLUNTARY ORGANIZATIONS

The Senate bill (sec. 120(d)) encourages the President to use funds available under the 1992 Dire Emergency Supplemental Appropriation and under this title to assist PVOs in carrying out food assistance programs in the independent states of the former Soviet Union.

The House amendment contains no comparable provision.

The conference substitute (sec. 703) is the same as the Senate bill.

DISTRIBUTION OF AID TO THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

The House amendment (sec. 706(f)) expresses the sense of Congress that the President should encourage the involvement of international organizations to monitor the transportation and distribution of food assistance to the independent states.

The Senate bill contains no comparable provision.

The conference substitute (sec. 704) is essentially the same as the House amendment.

INTEGRATION OF EXPORT ASSISTANCE PROGRAMS

The House amendment (sec. 706(e)) provides that in order to allow maximum flexibility in meeting the food and financing needs of the independent states and in promoting U.S. agricultural exports to the independent states, the Secretary of Agriculture may carry out any trade assistance program in combination with any other such program.

The Senate bill contains no comparable provision.

The conference substitute is the same as the Senate position. The committee of conference urges the Secretary of Agriculture to use available authorities to integrate export assistance programs most effectively to meet the food and financing needs of the independent states of the former Soviet Union.

AGRICULTURAL FELLOWSHIP PROGRAM FOR MIDDLE INCOME COUNTRIES AND EMERGING DEMOCRACIES

The Senate bill (sec. 120(d)(3)) amends section 1543 of the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that the independent states of the former Soviet Union may be eligible to participate in the Cochran fellowship program and to authorize the Secretary of Agriculture to provide fellowships under this program to private agricultural producers from eligible countries.

The House amendment contains no comparable provision.

The conference substitute (sec. 705) is essentially the same as the Senate bill. The committee of conference also notes that section 1542 of the Food, Agriculture, Conservation and Trade Act of 1990, as amended by Public Law 102-237, the E. (Kika) de la Garza Agricultural Fellowship Program, directs the Secretary of Agriculture to initiate and develop cooperation and the exchange of information between agricultural institutions in emerging democracies and agricultural institutions and agribusinesses in the United States. The committee of conference believes that such collaboration will make a long-term contribution to the establishment of a free market food production and distribution system in emerging democracies; the conferees urge the U.S. Department of Agriculture to implement this program in the former Soviet Union.

DIRECT CREDITS FOR PROMOTION OF AGRICULTURAL EXPORTS TO EMERGING DEMOCRACIES

The Senate bill (sec. 120(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to authorize direct credits for the promotion of exports to emerging democracies.

The House amendment contains no comparable provision.

The conference substitute (sec. 706(a)(1)) is similar to the Senate bill.

ELIGIBLE PROJECTS FOR EMERGING DEMOCRACIES EXPORT PROGRAM

The House amendment (sec. 701(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to define eligible projects under this program to include provision of services or U.S. produced goods.

The Senate bill (sec. 120(c)(2)) defines eligible projects to include provision of services, and agricultural goods and materials.

The conference substitute (sec. 706(a)(2)) is similar to the House amendment. It is the intention of the committee of conference that credit guarantees may be used for the sale of U.S. produced nonagricultural goods that contain a component that is not produced in the United States if the applicant certifies that:

(1) such component is not commercially produced or available in the United States and there is no acceptable substitute for such component that is commercially produced in the United States, or

(2) such component is a de minimis component of the product.

The committee of conference emphasizes that existing law provides that the Secretary of Agriculture must determine that provision of credit guarantees under this program will primarily promote the export of U.S. agricultural commodities.

PRIORITIES FOR EMERGING DEMOCRACIES EXPORT PROGRAM

The Senate bill (sec. 102(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that the Commodity Credit Corporation shall give priority to projects under the E. (Kika) de la Garza Fellowship Program, to projects on private farms and cooperatives, and to U.S. persons who agree to assume a relatively larger share of the value of the project of U.S. origin.

The House amendment contains no comparable provision.

The conference substitute (sec. 706(2)(C)) is similar to the Senate bill but makes reference to privatization and projects that benefit private farms or cooperatives.

LEVEL OF GUARANTEES

The Senate bill (sec. 120(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to require that the Commodity Credit Corporation shall not provide guarantees or credit in excess of 85 percent of the value of the project of U.S. origin.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference agrees that the executive branch should comply with the rules of the Organization for Economic Cooperation and Development (OECD) in determining the percentage of value of the facilities, goods, and services that can be covered by the export credit guarantee. Currently, the OECD limits guarantees on facilities to not more than eighty-five percent of the value of such facilities.

ORIGIN REQUIREMENTS

The Senate bill (sec. 120(c)(1)) amends section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 to require that the Commodity Credit Corporation shall finance only projects predominantly of U.S. origin.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

DETERMINATIONS ON DIRECT CREDIT SALES

The House amendment (sec. 701(c)(1)) amends section 201(c) of the Agricultural

Trade Act of 1978 by striking the words "on a long-term basis," each place they appear. This amendment applies only with respect to the independent states of the former Soviet Union.

The Senate bill contains no comparable provision.

The conference substitute (sec. 707(a)) is similar in effect to the House amendment.

ELIGIBLE COUNTRIES FOR DIRECT CREDIT SALES

The House amendment (sec. 701(c)(2)) amends section 201(d)(1)(C) of the Agricultural Trade Act of 1978 to provide that assistance to emerging democracies is one of the uses of direct credits made available under this section.

The Senate bill contains no comparable provision.

The conference substitute (sec. 707(b)) is identical to the House amendment.

CREDITWORTHINESS FOR DIRECT CREDIT SALES

The Senate bill (sec. 120(d)(2)) amends section 201 of the Agricultural Trade Act of 1978 to add a new subsection (f) which requires that the Commodity Credit Corporation may not provide direct credits under this section to any country that the Secretary determines cannot adequately service the debt associated with such sale.

The House amendment contains no comparable provision.

The conference substitute (sec. 707(c)) is the same as the Senate bill.

REGULATIONS

The House amendment (sec. 701(c)(3)) requires the Secretary of Agriculture to issue final regulations to implement section 201 of the Agricultural Trade Act of 1978, as amended by this Act, not later than 30 days after the date of enactment of this Act.

The Senate bill contains no comparable provision.

The conference substitute (sec. 707(d)) is the same as the House amendment.

DETERMINATIONS FOR EXPORT CREDIT GUARANTEES

The House amendment (sec. 701(d)(1)) amends section 202(c) of the Agricultural Trade Act of 1978 by striking the words "on a long-term basis," each place they appear. These amendments apply only with respect to the independent states of the former Soviet Union.

The Senate bill contains no comparable provision.

The conference substitute (sec. 708(a)) is similar in effect to the House amendment.

ELIGIBLE COUNTRIES FOR EXPORT CREDIT GUARANTEES

The House amendment (sec. 701(d)(2)) amends section 202(d)(3) of the Agricultural Trade Act of 1978 to provide that assistance to emerging democracies is one of the uses of credit guarantees made available under this section.

The Senate bill contains no comparable provision.

The conference substitute (sec. 708(a)(2)) is the same as the House amendment.

CREDIT GUARANTEE PROGRAMS

The House amendment (sec. 701(j)) amends section 202 of the Agricultural Trade Act of 1978 to mandate that, to the extent practicable, no less than 35 percent of credit guarantees issued for the independent states each fiscal year shall be to promote the export of processed and high value agricultural commodities. The House amendment applies for any fiscal year only to the extent that the percent of global guarantees issued for processed and high value products is less than 25 percent.

The Senate bill (sec. 120(d)(2)(C)) amends section 202 of the Agricultural Trade Act of 1978 to require the Commodity Credit Corporation to establish an objective that no less than 35 percent of credit guarantees issued for the independent states should be processed products and high-value agricultural commodities.

The conference substitute (sec. 709(a)) is essentially the same as the House amendment.

EXPORT ENHANCEMENT PROGRAM

The House amendment (sec. 701(k)) amends section 301 of the Agricultural Trade Act of 1978 to require that, to the extent practicable, 25 percent of the funds expended and the value of any commodities made available for export enhancement program sales to the independent states of the former Soviet Union shall be used to promote the export of processed and high-value U.S. agricultural products. The House amendment applies for any fiscal year only to the extent that the percent of global funds expended and commodities made available for export enhancement program sales of processed and high value U.S. agricultural products is less than 15 percent.

The Senate bill contains no comparable provision.

The conference substitute (sec. 709(b)) is essentially the same as the House amendment.

DECLARATION OF POLICY

The House amendment (sec. 701(h)) is a statement of policy that the export credit guarantee program and export enhancement programs should be administered with respect to the independent states of the former Soviet Union so as to contribute to the achievement of the objective that the U.S. share of world trade in processed agricultural products and high-value agricultural products is not less than 15 percent.

The Senate bill contains no comparable provision.

The conference substitute is the same as the Senate position.

REPORTING REQUIREMENTS

The House amendment (sec. 701(l)) amends title III of the Agricultural Trade Act of 1978 to require quarterly and annual reports on the cost-revenue analysis and employment effects of supporting the export of processed and high-value agricultural commodities.

The Senate bill (sec. 120(d)(3)(C)) amends section 202 of the Agricultural Trade Act of 1978 to require the Secretary of Agriculture to conduct an annual review of the extent to which export credit guarantee sales of processed products of agricultural commodities and high-value agricultural commodities to the independent states of the former Soviet Union meet the 35 percent objective and to justify why the minimum level may not have been achieved.

The conference substitute does not contain a reporting requirement for export of processed and high-value agricultural commodities.

DEFINITIONS

The House amendment (sec. 701(i)) amends section 102 of the Agricultural Trade Act of 1978 to define processed agricultural product and high-value agricultural product.

The Senate bill contains no comparable provision.

The conference substitute is the same as the Senate position. The committee of conference intends that the term "processed agricultural product" means a product derived from a bulk or raw agricultural commodity which, as a result of the application of human labor, the use of machines, or other factors involved in a manufacturing process, is increased in value and made more appropriate for human consumption or use. Such term includes, but is not limited to livestock products, poultry products, fish products (without regard to whether such fish are harvested in aquacultural operations), dairy products, peanut products, wheat flour, milled rice, refined sugar, vegetable oil, processed baby foods, and prepared, preserved, canned and other processed food products.

The committee of conference intends that the term "high-value agricultural product" means an agricultural commodity the value of which, on a per-unit or equivalent volume basis, is substantially higher than the value of bulk or raw agricultural commodities, such as grains and oilseeds. The term includes, but is not limited to fresh, chilled, or frozen meats, fish, (without regard to whether such fish are harvested in aquacultural operations), dairy cattle, fruits and vegetables, eggs, breeder stock, plant seeds, and tobacco.

DISASTER ASSISTANCE FOR TREES LOST DUE TO FIRE BLIGHT

The Senate bill (sec. 149) amends section 2255(a) and 2256(l) of the Food, Agriculture, Conservation, and Trade Act of 1990 to insert the term "fire blight".

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

TITLE VIII—UNITED STATES INFORMATION AGENCY, DEPARTMENT OF STATE, AND RELATED AGENCIES AND ACTIVITIES

EDMUND S. MUSKIE FELLOWSHIP PROGRAM

The Senate bill (sec. 144) designates the scholarship program established by section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, as the Edmund S. Muskie Fellowship Program.

The House amendment contains no comparable provision.

The conference substitute (sec. 801) is the same as the Senate bill.

NEW DIPLOMATIC POSTS

The House amendment (secs. 301 and 302) authorizes $25.3 million in additional funding for the Department of State and the United States Information Agency for costs of personnel and other expenses for new posts in the independent states of the former Soviet Union, and contains other miscellaneous provisions.

The Senate bill (sec. 110) authorizes $24.8 million for the same purposes.

The conference substitute (secs. 802, 804, 805 and 806) authorizes a total of $25 million, and incorporates miscellaneous provisions relating to personnel, broadcasting, and international organizations.

SOVIET EMBASSY REPEAL

The Senate bill (sec. 127) repeals sections 132(f) and (g) of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138), relating to occupancy of the former Soviet Embassy in Washington, D.C.

The House amendment contains no comparable provision.

The conference substitute (sec. 803) is the same as the Senate bill.

EXCHANGES

The Senate bill (titles II and III) authorizes a variety of exchange programs for secondary school students, undergraduate college students, graduate students, local and regional government officials, professors, educators and business representatives from the independent states of the former Soviet Union and the Baltic states, and authorizes a total of $81.25 million for the purposes of title III and such sums as may be necessary for the purposes of title II. The Senate bill (sec. 405) also authorizes the President to establish regional Agribusiness Centers at State universities and land grant colleges in the United States for the purpose of expanding two-way exchange programs among agribusiness practitioners and authorizes the appropriation of $10 million for this purpose.

The House amendment contains no comparable provisions.

The conference substitute (sec. 807) authorizes $50 million for a broad spectrum of exchanges, and of training and similar programs to promote the objective of title II of the conference substitute. Participants in such programs shall include secondary school students, undergraduate and graduate students, farmers and other agribusiness practitioners, and local and regional government officials. The conference substitute also authorizes $20.8 million for enhancement of existing USIA exchange programs. Up to 5% of the funds authorized by this section may be used to pay administrative expenses. The conference substitute also states that educational, cultural and other exchange programs carried out under this section shall be administered by USIA and that training and other non-exchange programs shall be administered by AID or other appropriate U.S. Government agencies. In addition, the conference substitute authorizes the establishment of regional agribusiness offices which are to be funded from sources other than funds authorized by this act. Finally, the conference substitute repeals section 225 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993, relating to the Eastern Europe Student Exchange Endowment Fund.

The conference substitute includes $20 million specifically for secondary school students, which may be used for short-term visits of a month or less and longer-term visits of up to one year. Recognizing that the primary purpose of this program is to provide students with in-depth exposure to the American political and economic system, American culture and values, the committee of conference suggests that not more than 35 per cent of the funds authorized will be used for short-term visits and that not more than 15 per cent will be used to finance educational exchanges of U.S. students. Grants under this program should be awarded competitively.

The committee of conference notes that there are many organizations with established programs and demonstrated competence in the area of secondary school exchanges, including the Close Up Foundation, American Field Service-U.S.A., Experiment in International Living, Youth for Understanding, and the National Association of Secondary School Students. The Close Up program, for example, includes a visit to Washington, D.C. to observe the institutions of government first-hand and to interact with government officials. The committee of conference expects that the long experience and record of these and other organizations will be given every consideration in the implementation of this section.

The conference substitute also authorizes exchanges to provide technical assistance in the areas of local and regional self-government, and allows some of the funds authorized to be used for this purpose. This will provide for short-term exchanges of local and regional government officials, and practitioners and experts in public administration and local government in order to assist the independent states in establishing and sustaining democratic institutions at local and regional levels. The committee of conference notes that numerous organizations, including the Advisory Commission on Intergovernmental Relations, the National Academy of Public Administration, the National Governors Association, the National Conference of State Legislators, the U.S. Conference of Mayors, the National Association of Counties, the National League of Cities, the International Center, the Council of State Governments, the National Association of Towns and Townships, the International City/County Management Association, and others, have received requests from the independent states to provide technical assistance and training. These organizations and others have the competence, and are prepared, to provide such training and assistance.

The agribusiness offices in the United States should: set criteria for the selection of participants, host families, and agribusinesses; coordinate with existing organizations in the field of agriculture and agribusiness; seek appropriate contributions from private American agribusiness organizations; and assist agribusiness practitioners from the independent states through training, education programs, and other means. These offices should be located in states where small agribusinesses are the primary structure of farming and at state universities and land grant colleges with strong programs in international development, land tenure resolution, and cooperative development and management.

TITLE IX—OTHER PROVISIONS

COMMUNIST COUNTRIES LIST

The House amendment (sec. 701(a)) amends section 620(f) of the Foreign Assistance Act to remove the independent states of the former Soviet Union and the countries of Eastern Europe from the list of communist countries.

The Senate bill (sec. 119(a)) contains a similar provision.

The conference substitute (sec. 901) is the same as the House amendment.

SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT

The Senate bill (sec. 121) expands the SEED Act from Poland and Hungary to include the other countries of Eastern Europe and provides an authorization for appropriations for fiscal years 1992 and 1993 for the SEED Act.

The House amendment contains no comparable provision.

The conference substitute (sec. 903) expands the SEED Act to include the other countries of Eastern Europe and provides authority to carry out in those countries administration of justice programs under section 534 of the Foreign Assistance Act. The term "Czech and Slovak Federal Republic" should be interpreted to include successor entities.

PEACE CORPS VOLUNTEER TRAINING REQUIREMENT

The House bill (sec. 703) repeals section 8(c) of the Peace Corps Act which requires that the training of Peace Corps volunteers include instruction in the philosophy, strategy, tactics, and menace of communism.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 904) is the same as the House amendment.

CATEGORIES AND ADJUSTMENT OF STATUS FOR CERTAIN ALIENS

The House amendment (sec. 704) extends through September 30, 1994 two sections of the Foreign Operations, Export Financing, and Related Programs Appropriation Act, 1990: section 599D which establishes categories of aliens who share common characteristics that identify them as targets of persecution, and section 599E which requires the Attorney General to adjust status for certain members of the designated categories who were not granted refugee status, but were granted parole into the United States.

The Senate bill (sec. 122) extends section 599D of the Foreign Operation, Export Financing and Related Programs Appropriation Act, 1990.

The conference substitute (sec. 905) is similar to the Senate bill.

ELIGIBILITY OF BALTIC STATES FOR NONLETHAL DEFENSE ARTICLES

The Senate bill (sec. 147) makes Estonia, Latvia, and Lithuania eligible to purchase nonlethal defense articles under the Arms Export Control Act and under section 503 of the Foreign Assistance Act.

The House amendment contains no comparable provision.

The conference substitute (sec. 906) is virtually identical to the Senate bill.

RESTRICTIONS ON ASSISTANCE TO AZERBAIJAN

The House amendment (sec. 103(b)) prohibits assistance and other benefits to the Government of Azerbaijan until the President determines and reports to Congress that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.

The Senate bill (sec. 105(c)) contains a similar restriction, with added conditions that the Government of Azerbaijan is respecting the internationally recognized human rights of Armenians and other minorities and is participating constructively in international efforts to resolve peacefully and permanently the conflict in Nagorno-Karabakh.

The conference substitute (sec. 907) is similar to the House amendment.

STRATEGIC DIVERSIFICATION

The Senate bill (sec. 123) directs the Office of Barter at the Department of Commerce and the Interagency Group on Countertrade to report within six months of the date of enactment of this act on the feasibility of using barter, countertrade, and other self-liquidating finance methods to facilitate the diversification of U.S. oil imports through cooperation with the independent states in the development of their energy resources.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position, as an identical provision is included in the conference on the energy bill.

EXPORT CONTROL POLICY

The Senate bill (sec. 124) expresses the sense of Congress that the United States should: cooperate with and assist the former Soviet Union in developing export control systems and enforcement mechanisms capable of barring proliferation of military systems, militarily critical technologies, and weapons of mass destruction, and consistent with such nonproliferation objectives; implement a licensing policy and cooperative arrangements through COCOM to encourage expanded trade and investment with the independent states; encourage development of economic infrastructure; and assist redeployment of defense capabilities in the independent states to civilian uses. The Senate bill also encourages appropriate U.S. Government agencies to provide technical assistance in support of such efforts.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

PROMOTION OF COMPETITIVE OPPORTUNITIES FOR U.S. INSURANCE COMPANIES

The Senate bill (sec. 157) requires the Commodity Credit Corporation and the Agency for International Development to seek to ensure that U.S. insurance companies are afforded fair and open competitive opportunities to provide insurance for transactions pursuant to this act.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference supports the objective of this provision but is of the view that open markets cannot be expected to exist in the independent states in the first year after shunning communism. The committee of conference anticipates that this issue will be addressed in the context of the reauthorization of the Overseas Private Investment Corporation and notes that the Congress adopted similar language in 1991 in a conference report revising the Foreign Assistance Act.

AVAILABILITY OF ECONOMIC ADJUSTMENT ASSISTANCE

The Senate bill (sec. 138) provides that funds appropriated to the Department of Defense before the date of enactment of this Act and made available for transfer to the Department of Commerce and the Department of Labor to assist State and local governments impacted by reductions in defense industry employment may be made available until September 30, 1997 only to the extent provided in subsequent appropriations acts.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

SOVIET SALE OF URANIUM

The Senate bill (sec. 145) expresses the sense of Congress that the President should take those actions necessary to minimize disruption of the international market in the event of sales from the independent states of the former Soviet Union of defense-related commercial grade uranium.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. However, the committee of conference urges the President to take those actions necessary to minimize disruption to the international uranium market in the event of sales from the independent states of the former Soviet Union of defense-related commercial grade uranium.

TRAINING IN ECONOMIC SECURITY AND DEVELOPMENT SKILLS

The Senate bill (sec. 130) amends chapter 5 of part II of the Foreign Assistance Act to add a new section authorizing the allocation of international military education and training funds to provide education and training of foreign military personnel about to be separated from active duty in economic security and development skills.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

DISCUSSIONS WITH ISRAEL

The Senate bill (sec. 155) expresses the sense of the Senate that the executive branch should pursue renewed good faith discussions with the new Government of Israel on the provision of assistance to help meet humanitarian needs associated with the massive influx of immigrants from the independent states of the former Soviet Union.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference notes that the Congress is moving legislation on this issue in the foreign operations appropriations bill for fiscal year 1993.

SALE OF LTV

The Senate bill (sec. 142) expresses the sense of Congress that, notwithstanding any other provision of law or any agreement to the contrary, no foreign person should be permitted to purchase or otherwise acquire the LTV Aerospace and Defense Company.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

PROMULGATION OF FINAL REGULATIONS ON CERTAIN AVIATION ISSUES

The Senate bill (sec. 156) provides that after September 1, 1992, the Secretary of Transportation shall no longer have authority to regulate airline computer reservation systems if by that date the Secretary of Transportation does not promulgate final regulations governing airline computer reservation systems or if the Administrator of the Federal Aviation Administration does not promulgate final regulations on the allocation and transfer of airline slots at high density traffic airports.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position.

TITLE X—INTERNATIONAL FINANCIAL INSTITUTIONS AND TRADE FINANCE

INTERNATIONAL MONETARY FUND QUOTA INCREASE

The Senate bill (sec. 118) amends the Bretton Woods Agreements Act to (1) authorize an increase in the quota of the United States in the International Monetary Fund equivalent to 8,608,500,000 Special Drawing Rights and authorize the U.S. Governor of the Fund to use his voice and vote to promote the use of resources of the Fund for the establishment and support of currency boards; (2) authorize the U.S. Governor of the Fund to consent to certain amendments to the Fund's Articles of Agreement that would allow the Fund to suspend a member's voting rights if that member, having been declared ineligible to use the Fund's general resources because it failed to fulfill obligations under the articles; and (3) authorize the U.S. Executive Director of the Fund to vote to approve the sale of up to 3 million ounces of the Fund's gold to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility Trust. It further authorizes the U.S. Governor of the Fund to instruct the U.S. Executive Director of the Fund to vote to disapprove a Fund program for any state that has not enacted or taken substantial steps to enact the legal and policy frameworks necessary for privatization.

The House amendment (secs. 401 and 406) contains similar provisions, authorizing and appropriating funds for the increase in the quota of the United States in the Fund, and stating findings and the sense of the Congress on problems of nations making the transition to more open political and economic systems.

The conference substitute (sec. 1001) authorizes (1) the increase in the quota of the United States in the Fund equivalent to 8,608,500,000 Special Drawing Rights, (2) the acceptance of the above-described amendments to the Articles of Agreement of the Fund, and (3) the approval of the sale of up to 3 million ounces of the Fund's gold under the above described conditions.

With respect to the authority to approve of sale of the Fund's gold if this becomes necessary in order to bolster the resources of the Enhanced Structural Adjustment Facility of the Fund, the provision of financing to a Fund member should be made under the "rights approach", that is, loans or credits should be provided to a member who was in arrears at the time the IMF quota agreement was negotiated only upon the successful completion by the member of a multiyear adjustment program prescribed and monitored by the Fund, under which the member is required to remain current on obligations to the Fund.

The committee of conference further notes that encouragement should be given to nations making the transition to more open economic and political systems to their efforts to promote free enterprise, private property rights, a stable legal system, a stable monetary system, and an open trading system, and that continued U.S. support for their utilization of the resources of the international financial institutions should take into consideration the continuation of the efforts of the independent states to move toward more open economic and political systems.

INTERNATIONAL MONETARY FUND POLICY CHANGES

The Senate bill (sec. 146) directs the Secretary of the Treasury to instruct the U.S. Executive Director to the International Monetary Fund to promote the following policy and staffing changes within the Fund: (1) the development of social and environmental impact assessments as a required element of consideration of requests for financial assistance which shall be considered in policy formulations; (2) the establishment of an independent audit department to determine whether the Fund's objectives are being met and to evaluate the social and environmental impacts of the implementation of the policy prescriptions; (3) the establishment of procedures that ensure the focus of future economic reform programs on policy options that increase the productive participation of the poor in the economy; (4) the establishment of procedures for public access to information; (5) the institution of procedures to analyze the costs and benefits of structural adjustment and stabilization programs to reflect losses in the natural resources base and the contribution such resources make to the well-being of the local population. This section requires that, as part of the annual report, the Secretary of the Treasury submit a report on the actions that U.S. officials have taken to convince the Fund to adopt the above policy and staffing changes within the Fund, the status of the progress being made by the Fund to adopt such changes, and the reasons why the U.S. Director of the Fund supported or opposed a Fund program with a significant environmental impact. Finally, the Senate bill requires a one-time study by the Secretary of the Treasury to propose ways that the Fund could broaden the involvement of important ministries, national development experts, environmental experts, and free-market experts from the loan-recipient country in the development of Fund programs.

The House amendment contains no comparable provision.

The conference substitute (secs. 1002 and 1003) is similar to the Senate provision, with technical and clarifying amendments. The conference substitute further includes a provision directing the U.S. Executive Director of the Fund to urge the Fund, in consultation with the World Bank, (1) to continue to develop a methodology to measure the level of military spending by each developing country; (2) beginning with 1994, to provide the Executive Board of the Fund with annual reports relating to the level of military spending by each developing country; and (3) to include in every article IV consultation with a developing country an analysis of the level of military spending by the developing country. The U.S. Executive Director of the Fund is directed to report to Congress on the status of the development of the methodology to measure the level of military spending by each developing country.

SUPPORT FOR MACROECONOMIC STABILIZATION

The House amendment (sec. 404) states that the United States should, in appropriate circumstances, take a leading role in organizing and supporting multilateral efforts aimed at macroeconomic stabilization and debt rescheduling, conditioned on appropriate development and implementation of comprehensive economic reform programs; expresses congressional support for United States participation in a currency stabilization fund or funds for the independent states; and directs the Secretary of the Treasury to instruct the U.S. Executive Director of the International Monetary Fund to urge the Fund to conduct a study of the need for, and feasibility of establishing a currency stabilization fund for Ukraine.

The Senate bill (sec. 114) contains a similar provision, and further authorizes the use of funds for establishing a currency stabilization fund or funds for the establishment and support of currency boards.

The conference substitute (sec. 1004) is similar to the House amendment.

INTERNATIONAL FINANCE CORPORATION

The Senate bill (sec. 113) authorizes the U.S. Governor of the International Finance Corporation to vote for any necessary increase of capital stock to accommodate the requirements of the independent states of the former Soviet Union, and to agree to amendments to the Articles of Agreement of the Corporation relating to voting majorities of the Board of Governors of the Corporation.

The House amendment (sec. 405) states the sense of the Congress that the International Finance Corporation can play an important role in supporting the economic restructuring in the independent states of the former Soviet Union, and amends the International Finance Corporation Act to authorize the U.S. Governor of the Corporation to vote for capital increases necessary to support economic restructuring in the independent states.

The conference substitute (secs. 1005 and 1006) is similar to the Senate bill, authorizing the U.S. Governor of the International Finance Corporation to vote for necessary capital increases to accommodate the requirements of the independent states of the former Soviet Union, and to agree to amendments to the Articles of Agreement of the Corporation. The committee of conference emphasizes its belief that the United States could play a critical role in enabling the International Finance Corporation to leverage the contributions of donors and increase its access to international capital markets, thereby promoting democracy and open markets in the independent states, and urges the Corporation to provide ambitious lending and investment programs for the independent states.

REPORT ON DEBT HELD BY COMMERCIAL BANKS

The House amendment (sec. 403) directs the Secretary of the Treasury to report to Congress by December 31, 1992, on the debt incurred by the former Soviet Union held by commercial banks outside the independent states.

The Senate bill (sec. 128) prohibits the use of any funds authorized in the bill to pay indebtedness of the independent states to international financial institutions.

The conference substitute (sec. 1007) is similar to the House amendment, with technical modifications and requiring the report not later than one year after the date of enactment.

HUMAN RIGHTS

The House amendment (sec. 407) includes the International Monetary Fund and the European Bank for Reconstruction and Development under the requirements of 701(a) of the International Financial Institutions Act, which calls for the United States to vote against any financial or technical assistance to countries that engage in a pattern of gross violations of internationally recognized human rights or provide refuge to hijackers of aircraft. It further amends section 701(b) of the International Financial Institutions Act to include the independent states in the list of countries where accounting for Americans missing in action is a consideration in assessing their human rights performance.

The Senate bill contains no comparable provision.

The conference substitute (sec. 1008) is identical to the House amendment.

MULTILATERAL INVESTMENT GUARANTEES

The Senate bill (sec. 139) requires the President to submit a report to Congress on the feasibility of establishing a multilateral facility among the members of the G-7 Group to issue guarantees against losses incurred in connection with investments in the independent states.

The House amendment contains no comparable provision.

The conference substitute (sec. 1009) requires the U.S. Director of the Multilateral Insurance Guarantee Agency (MIGA) to submit to Congress a report analyzing MIGA's guarantees of investments in the independent states, and the demand for investment guarantees of the type provided for by MIGA.

RUBLE STABILIZATION

The Senate bill (sec. 126) expresses the sense of the Congress that the President should urge the Secretary of the Treasury to instruct the U.S. Executive Director to the International Monetary Fund to support the right of the independent states to issue currencies independent of the Russian ruble.

The House amendment contains no comparable provision.

The conference substitute is the same as the House position. The committee of conference notes, however, that Estonia introduced a new, stable, convertible currency in June, and that Ukraine has set October 1 as the date to introduce its own currency. The committee of conference urges the U.S. Executive Director of the IMF to use his voice and vote to urge vigorously that the Fund take an aggressive and supportive role in assisting those independent states that choose to introduce their own currencies in achieving stability and full convertibility of those currencies.

TECHNICAL ASSISTANCE FOR THE INDEPENDENT STATES

The House amendment (sec. 406) amends the Bretton Woods Agreements Act to include a new section requiring the Secretary of the Treasury to instruct the U.S. Executive Director of the World Bank to urge the Bank to establish or continue programs to provide technical assistance to the independent states.

The Senate bill contains no comparable provision.

The conference substitute is identical to the Senate position. The committee of conference notes that the Bank is already providing technical assistance programs to the independent states, and encourages the Bank to coordinate its technical assistance programs with those programs being provided by the private sector and other international donors.

EXPORT-IMPORT BANK STATUTORY LIST OF COMMUNIST COUNTRIES

The Senate bill (sec. 119) deletes the Soviet Union and Eastern European countries from the statutory Communist country list contained in the Export-Import Bank Act of 1945.

The House amendment (sec. 409) contains an identical provision.

The conference substitute contains no provision. The Export Enhancement Act of 1992 addresses this provision.

DEMAND FOR TRADE FINANCE

The House amendment (sec. 408) requires the Export-Import Bank to report to submit a report to Congress not later than December 31, 1992, analyzing the demand for loans, guarantees, and insurance for trade and making recommendations for the promotion of trade between the U.S. and the independent states of the former Soviet Union.

The Senate bill has no comparable provision.

The conference substitute contains no provision. The Export Enhancement Act of 1992 addresses this provision.

From the Committee on Foreign Affairs, for consideration of the Senate bill (except sections 113–114, 118, 126, 134, 136(d), and 146), and the House amendment (except title IV), and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
STEPHEN J. SOLARZ,
HOWARD L. BERMAN,
HARRY JOHNSTON of Florida,
ELIOT L. ENGEL,
WM. S. BROOMFIELD,
BEN GILMAN,
J. LEACH,
DOUG BEREUTER,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d), and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference:

DANTE B. FASCELL,
LEE H. HAMILTON,
WM. S. BROOMFIELD,

As additional conferees from the Committee on Agriculture, for consideration of sections 107, 116, 120, 148–149, 157, 403, and 405 of the Senate bill, and section 702 of the House amendment, and modifications committed to conference:

E de la Garza,
Charlie Rose,
Timothy J. Penny,
Dan Glickman,
Tom Coleman of Missouri,
Pat Roberts,

As additional conferees from the Committee on Armed Services, for consideration of sections 110, 131, and 137–138 of the Senate bill, and title V of the House amendment, and modifications committed to conference:

Les Aspin,
Dave McCurdy,
William L. Dickinson,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 113–114, 118, 126, 134, 136(d), and 146 of the Senate bill, and title IV of the House amendment, and modifications committed to conference:

Mary Rose Oakar,
Steve Neal,
John J. LaFalce,
Esteban E. Torres,
Joe Kennedy,
Chalmers P. Wylie,
J. Leach,
Doug Bereuter,

As additional conferees from the Committee on Energy and Commerce, for consideration of section 151 of the Senate bill, and modifications committed to conference:

John D. Dingell,
Phil Sharp,
Jim Cooper,
Terry L. Bruce,
Claude Harris,
James H. Scheuer,
Norman F. Lent,
Carlos J. Moorhead,
Bill Dannemeyer,
Michael G. Oxley,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 108 and 123 of the Senate bill, and modifications committed to conference:

John D. Dingell,
Phil Sharp,
Norman F. Lent,

As additional conferees from the Committee on the Judiciary, for consideration of section 704 of the House amendment, and modifications committed to conference:

Jack Brooks,
Romano L. Mazzoli,
Hamilton Fish, Jr.,

As additional conferees from the Committee on Public Works and Transportation, for consideration of section 156 of the Senate bill, and modifications committed to conference:

Robert A. Roe,
J.L. Oberstar,
John Paul Hammerschmidt,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of section 135 of the Senate bill, and section 504 and title IV of the House amendment, and modifications committed to conference:

George E. Brown, Jr.,
Rick Boucher,
Robert S. Walker,
Managers on the Part of the House.

From the Committee on Foreign Relations:

Claiborne Pell,
Joe Biden,
Paul Sarbanes,
Alan Cranston,
Richard G. Lugar,
Nancy Landon Kassebaum,

From the Committee on Agriculture, Nutrition, and Forestry (solely for consideration of those matters which fall within the committee's jurisdiction):

Patrick Leahy,
Bob Kerrey,
Richard G. Lugar,

From the Committee on Banking, Housing, and Urban Affairs (solely for consideration of those matters which fall within the shared jurisdiction of that committee and the Committee on Foreign Relations:

Don Riegle,
Paul Sarbanes,
Jake Garn,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 5518, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. LEHMAN of Florida. Mr. Speaker, I call up the conference report on the bill (H.R. 5518) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1993, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. Mazzoli). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Monday, September 28, 1992, at page 28353.)

The SPEAKER pro tempore. The gentleman from Florida [Mr. Lehman] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. Coughlin] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. Lehman].

GENERAL LEAVE

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and the amendments thereto now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LEHMAN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring before the House today the conference report on the fiscal year 1993 transportation appropriations bill. This year, we had 233 amendments in conference, and I am pleased to report that we have resolved all amendments. The result is a package that I believe preserves a balanced transportation system for the Nation, and addresses the most critical needs of our transportation infrastructure while meeting very tight budgetary constraints.

OVERALL FUNDING SUMMARY

Mr. Speaker, the conference agreement is a fiscally sound compromise. The total domestic discretionary funding levels of $12.5 billion in new budget authority and $33.4 billion in outlays are within the Transportation Subcommittee's revised 602(b) allocations. The total obligational authority provided in this conference agreement is lower than in either the House or Senate bills, and provides an increase of $290 million—1 percent—over fiscal year 1992. Outlays are lower than both the House and Senate passed bills. Meeting these goals required many difficult funding choices.

TRANSPORTATION PROGRAM HIGHLIGHTS

Mr. Speaker, the details of the conference agreement are described in the statement of the managers. I would encourage the members to review that statement, including the summary table at the end. However, I would like to highlight some of the more important items.

First, a total of $18.4 billion in new budget authority, limitations on obligations, and funding for exempt programs is provided for the Federal Highway Administration, an increase of $318 million, or 2 percent, over fiscal year 1992. The obligation limitation for the Federal aid-highways program is set at $15.3 billion, which compares to $16 billion for fiscal year 1992. The conference agreement provides $2.7 billion for programs exempt from the obligation limitation, which is an increase of $1.4 billion—106 percent—over fiscal year 1992. Of importance to some Members, the conference agreement does not include Senate language which would have made funding for the minimum allocation program and certain highway demonstration projects subject to the obligation limitation for Federal aid-highways.

Second, the agreement provides $4.5 billion for FAA operations, which is a 4-percent increase over fiscal year 1992. Overall funding for the FAA is approximately the same level as for fiscal year 1992.

Third, the agreement provides $2.6 billion for Coast Guard operating expenses, a 2-percent increase over last year. Of this amount, $253 million is only available to the extent transferred from the Department of Defense. This amount represents a portion of funding for the Coast Guard's defense-related activities.

Fourth, the agreement provides $496 million for operations and capital improvements of Amtrak, and an additional $204 million to continue infrastructure improvements in the Northeast corridor. This latter figure includes $168.6 million for electrification and other improvements to reduce about 1 hour the travel time between New York and Boston. The agreement also provides no obligation authority for the maglev prototype program, the House position.

Fifth, the agreement provides $3.8 billion in new budget authority and limitations on obligations for the Federal Transit Administration [FTA], which is approximately the same level as provided for fiscal year 1992.

Sixth, the agreement contains a number of general provisions which were in either the House or Senate bills, some having been amended by the conferees. These include several technical corrections to last year's Intermodal Surface Transportation Efficiency Act and language requiring the labeling of automobiles for domestic content.

SUMMARY

Mr. Speaker, this agreement is a balanced compromise which protects the major provisions and interests of the House-passed bill. It has been developed in a bipartisan fashion with full participation by our conferees from the other side of the aisle. There have been some major compromises and tough decisions to get us to this point. The bill deserves the Members' support. I strongly urge its adoption.

I would like to compliment and say "thanks" to our staff and the other members of our subcommittee who held firm to the House position when we had to. The bill deserves the Members' support, and I strongly urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report accompanying the fiscal year 1993 transportation appropriations bill.

Our distinguished chairman, the gentleman from Florida, has as always done an exceptional job in getting our last bill to the conference.

As you all know, Chairman LEHMAN has left his mark on transportation, on this Congress, and on this country. But more than that, he has left his mark on people with an abundance of warmth and thoughtfulness and great integrity.

Mr. Speaker, all any of us has, really, in this vale is our reputation, the heritage we leave behind, the people whom we have affected through our lives.

Chairman LEHMAN, you have affected thousands upon thousands of people; you have made their lives better, improved their lives, and made this place a better place in which to live.

□ 1320

I cannot tell the gentleman from Florida how much it has meant to me, both professionally and personally, to have had the opportunity to work with the chairman, the gentleman from Florida [Mr. LEHMAN], as well as the other members of our subcommittee.

As the chairman has said many times, we are also only as good as the staff that serves the subcommittee, Tom Kingfield, Rich Efford, Lucy Hand, Linda Muir, Zee Latiff; and on the Republican side, John Blazey and Lorraine Howerton. We are only as good as you are, and the hours you put into this we are grateful for and the Nation is grateful for.

Mr. Speaker, God bless and Godspeed in whatever the future holds for the chairman, our very dear friend and colleague. As always, I am sure our association will transcend the years.

The conference report that is before us was worked upon as a team, and it is a good compromise, a compromise which will improve our infrastructure and keep our systems safe. These transportation goals are furthered in this conference report.

This report, my colleagues, is not a budget-buster. It falls below the President's budget request. It has been scored by the Congressional Budget Office to be within our 602(b) allocation. The bill passed by both the House and the Senate contained a number of objectionable provisions which the President's senior advisers objected to. These provisions have been modified or dropped. The Department of Transportation supports the conference report and the President's senior advisers have indicated that the conference report will be signed by the President.

The conference agreement, as the chairman has pointed out, provides $13.2 billion in new budget authority. This is $271 million less than the President's budget request, $6.1 million less than the bill passed by the House last July, and $1.2 billion less than last year.

When you included limitations on obligations, the conference agreement is $36.1 billion. This is $359 million less than the President's budget request, $1.42 billion less than the House bill and $290.3 million more than last year.

The major agreements are $2.6 billion in operating expenses for the Coast Guard, including $403 million from defense.

There is $340 million in Coast Guard acquisition, construction, and improvements.

There is $4.5 billion in operations for the Federal Aviation Administration.

There is $2.35 billion in FAA facilities and equipment.

There is $18 billion in our highway obligation ceiling. And to put aside the concerns of many of my colleagues, the limitation on Federal-aid-highways exempts the minimum allocation and highway demonstrations under ISTEA.

There is $204 million for the Northeast corridor improvement project.

There is $496 million in Amtrak grants.

There is $1.7 billion for mass transit programs.

There is a general provision requiring automobile labeling by identifying the percentage, by value, of component parts, which originate in the United States or Canada.

The amendments breaching the firewalls were dropped.

The various labor protection provisions included in the bill, which were really authorizing provisions, were also dropped.

Restrictions on the operations of the Interstate Commerce Commission were dropped.

Given our current financial situation, it is the best conference report that we can bring before this body. I urge my colleagues to approve the conference report.

Mr. LEHMAN of Florida. Mr. Speaker, I just want to thank my dear friend, the gentleman from Pennsylvania, for his kind remarks, I want to convey to him the fact that whatever I have been able to do, I would not have been able to do without his support and help through the years. I hope our paths will cross in the future and that we will be able to maintain our friendship through the years to come. I thank the gentleman again for his kind remarks.

Mr. WHITTEN. Mr. Speaker, I want to congratulate my colleagues on the Subcommittee on Transportation Appropriations for their work on this conference agreement. I want to especially thank our fine chairman, the gentleman from Florida [Mr. LEHMAN] and the ranking minority member, the gentleman from Pennsylvania [Mr. COUGHLIN] both whom we will greatly miss in the next Congress.

The funding included in this conference agreement provides investments for our Nation's future. Money in this bill is indeed an investment in America—in the real wealth of our country. It will produce both immediate and long-term dividends. It will help us to compete in the world marketplace and regain our normal share of domestic and world markets. Transportation is a basic underpinning of our economy, and we cannot afford to continue the decline we have seen in the 1980's.

I am proud to be a member of the subcommittee which recognizes the importance of transportation in a strong Nation on which all else depends.

Included in the conference agreement under the Federal Aid Highway Program is over $171,000,000 for Mississippi. In addition to that amount is funding to continue the highway safety and economic development demonstration project. Funding has also been included for alteration of a railroad bridge over a navigable waterway in Pascagula.

Mr. Speaker, this is an important conference report, and I urge its adoption.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, I rise today to commend the work of the gentleman from Florida [Mr. LEHMAN] as chairman of the House Appropriations Subcommittee on Transportation and to support H.R. 5518, the transportation appropriations bill for the fiscal year 1993.

My friend will be leaving this body after this term, and I know that Chairman LEHMAN's presence will be missed by both the Appropriations Committee and the House as a whole. Paradoxically, now is the time when such a superb proponent of a strong national transportation system is most desperately needed. As our Nation faces a crumbling national infrastructure, our generation of Americans must be the ones to build the bridges and pave the roads on which our children's children will transport themselves into the 21st century. With the mounting Federal debt, we must seek out opportunities for partnerships with State and local governments and with the private sector.

The transportation appropriations bill will enable us to forge these types of partnerships. For example, the Dallas Area Rapid Transit Authority [DART] will now be able to enhance and complement light rail service. DART is primarily a locally sponsored venture, with 80 percent of the funds used to build the overall DART light rail system coming from the local community. With the help of Federal funds, DART will be able to provide to the citizens of the Dallas area a quicker and easier route to work, school, or retail and recreational opportunities.

I proudly support Chairman LEHMAN and urge passage of H.R. 5518 and I welcome the much-needed commitment to upgrading our Nation's infrastructure. The retirement of Chairman LEHMAN will undoubtedly create a void where his remarkable intelligence, insight, and delightful humor have filled this body for so long.

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in support of the conference report for H.R. 5518, the fiscal year 1993 transportation appropriations bill.

Mr. Speaker, providing mobility for people and for goods on their way to market in a nation this vast would be a tall order under the best of budgetary circumstances. In these economic times, the challenge is even greater.

But I believe that in H.R. 5518, we have achieved the fairest, most cost effective strategies for maintaining and improving this Nation's extensive intermodal system of highways, airways, railways, and ports in the next fiscal year. Given the levels of needs—many of them in competition—compared with the limited resources, I don't think we could have produced a better bill than this one.

It recognizes the merits of, and the critical need for, efficient ways to move people who are in a position to rideshare or use mass transit. But, H.R. 5518 also recognizes that, in a nation as vast as ours, our highway system will always be the element that underpins our infrastructure. It is on our highways that will travel station wagons full of children on their way to visit grandparents in remote, faraway areas. Or recreational vehicles carrying families to our Nation's parks. Or, perhaps, just cars headed for the grocery store or the office, for those citizens who do not live on a transit line.

And for all our transportation modes, this bill provides the resources to adhere to the highest safety standards humanly possible.

H.R. 5518 is not perfect but it is the best effort possible at balancing all of the competing needs of our citizens and our economy for mobility. And, much of the credit for that goes to our chairman, Mr. LEHMAN, and our ranking member, Mr. COUGHLIN, for their yeoman's work in crafting this bill. There is no question that we will miss the handiwork of these two Members in this Chamber. They have done great service for our committee, for this body, but more importantly, for our country. We will miss them, but we wish them well and we will always recognize and appreciate their trademark on our Nation's transportation system.

Mr. Speaker, let me just say that we will all miss the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN].

With regard to the gentleman from Florida [Mr. LEHMAN], as I said before, as a minority member of the committee we were always made to feel very, very welcome and a part of the process. Unfortunately, that is not always the case in a lot of the committees. In many of the committees although there is friendship that goes across the aisle, there is great partisanship and division that also goes across the aisle. That was not the case in our committee. For young Members who came on the committee, the gentleman from Florida [Mr. LEHMAN] made us feel that we had every right to speak out, do whatever we wanted to do and we would be able to play a major role.

So I just want to wish the chairman well and say "God bless" and wish the best to him and his wife. We will miss the gentleman. He has made a tremendous impact.

For the gentleman from Pennsylvania [Mr. COUGHLIN] I want to say basically the same thing as I said the night that the bill came up. I was a young staffer here, maybe not that young, but a staffer on Capitol Hill when I first met the gentleman from Pennsylvania [Mr. COUGHLIN]. I was working for former Congressman Pete Biester from Pennsylvania. The gentleman from Pennsylvania [Mr. COUGHLIN] came in to use our office to interview for the staff. I did not know that I would ever get to serve with the gentleman from Pennsylvania [Mr. COUGHLIN] but I just want to wish the gentleman from Pennsylvania [Mr. COUGHLIN] well and thank him for making us feel very much a part of the committee.

In closing, I want to thank the staff on both the majority side and the minority side. That is Tom Kingfield, Rich Efford, Linda Muir, Zee Latiff, and our minority staff member, John Blazey, and all the others who were here and who are no longer here. I just want to thank them for their help.

Again, the staff is bipartisan, nonpartisan, or copartisan, whatever the word is, and I think that is to the credit of the Appropriations Committee, because therefore you do not have quite the partisanship there that you may have on other committees.

So I want to thank the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] and wish them well.

Mr. LEHMAN of Florida. Mr. Speaker, first I want to thank my friend, the gentleman from Virginia [Mr. WOLF], for his kind remarks. I will miss him on the subcommittee. He always had one more question for the witnesses. You never let witnesses off easy in the subcommittee.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CARR].

Mr. CARR. Mr. Speaker, I thank the chairman for yielding me this time.

I merely want to associate myself with the remarks of the many who have indicated their love and affection for the gentleman from Pennsylvania [Mr. COUGHLIN], and our chairman, the gentleman from Florida [Mr. LEHMAN]. They have worked very hard, hours upon hours out of the committee room, crafting the structure of our bill. They have done a good job. They are going to be missed.

Collectively, they have a tremendous amount of knowledge and experience about transportation matters in particular, which our subcommittee is going to miss next year as the committee marks up its own legislation without them for the first time.

So once again I want to say "thank you" to both the gentleman from Pennsylvania [Mr. COUGHLIN] and to the chairman, the gentleman from Florida [Mr. LEHMAN], and wish them well in their retirement.

□ 1330

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I, too, thank my ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN], and I rise to also support the transportation appropriations conference report.

I would like to say from the outset that this committee will miss two of the finest gentlemen that have ever served this subcommittee in this House. I know that many of the Members of this House know and love both the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN], but I do not think very many Members have watched them work day in and day out and the kind of work that they have done on behalf of each individual Member of this House. I have never seen a chairman or a ranking member that would take every little bitty, however insignificant sounding, concern of each Member and treat it as if it was his own, and, because of the heart that is in our ranking member and in our chairman, we have had one of the finest subcommittees of the Committee on Appropriations, if not of the House, and I also want to say it is sort of one of those real sad things. We hate to see them go, but we know they are going to enjoy a better life than what we have had to put up with around here for the last few years, and we wish them all the best, and we know that they will be around, and we will be able to see them and consult with them. But it is a sad day in that this is the last bill that the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] will manage, and it is a sad day indeed that we are going to lose such experience and such heart as these two men have. But I have to say that I truly believe that this Nation's transportation system is better off because of BILL LEHMAN and LARRY COUGHLIN. They may be leaving this institution, but they certainly will not be forgotten.

Let me speak very briefly on the bill itself.

As the Federal Transit Administrator, Brian Clymer, stated during his recent visit to Houston during the Republican Convention, Houston is the leader in mass transit and intelligent vehicle highway systems. They serve as a model for the rest of the Nation, and I could not agree more. Houston has the most technologically advanced traffic management programs, enhanced street maintenance programs, neighborhood infrastructure systems, such as hike and bike trails and street and sidewalk improvements, than any other city in the country. And, as my colleagues can tell from that list of transportation programs, unlike many other cities of this Nation, Houston addresses its transportation efforts in a complete and comprehensive manner. All of the projects that I spoke about are designed to support its better bus system and improve vehicular and pedestrian mobility. They do not just look at one problem area and try to fix it by pouring money into a black hole. It is this comprehensive philosophy that has enabled Houston to provide the best service for the lowest cost, and I commend their efforts.

However, Mr. Speaker, a year ago I stated that the people of Houston won in their fight to defeat a failed project. No one thought it could be done, and I stated that bigger problems have been overcome in a shorter amount of time, and where there is a will there is a way, but, Mr. Speaker, Houston now has the most state-of-the-art transportation plan in the Nation, and probably in the world, so I am proud of the convictions of the people of Houston whom I represent, and I am proud to represent the transportation interests for Houston and the rest of the Nation, and I am proud of the work this subcommittee has done in support of Houston's efforts, and I sincerely hope to have the distinct opportunity to assist Houston in the future.

To my conservative colleagues, I hope that they will take a very hard look at this bill. This is the best and most fiscally responsible bill of any that have come to this floor in the appropriations process. If my colleagues look at this bill, this is $1.2 billion under last year's spending and budget authority—under last year's spending and budget authority. Our committee labored long and hard and in conference labored long and hard in making sure that priorities were set in spending, that Members' concerns were taken into consideration, but came out with a very fiscally responsible bill, and I think my colleagues can look at it and understand what a good bill this is and vote for it.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN], a member of the subcommittee.

Mr. DURBIN. Mr. Speaker, let me say at the outset, in echoing the comments of my colleagues on this subcommittee, that it has been a genuine pleasure and honor to work with the gentleman from Florida [Mr. LEHMAN] the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. Speaker, I say to my colleagues, I don't care what your walk of life may be. I hope that you have the good fortune to work with honorable and compassionate people like these. They have served their districts, their States, and their Nation with pride and with effectiveness.

Let me say a word about this bill in the most general terms and paraphrase a popular commercial:

Our committee doesn't build airplanes, but we help land them safety. Our committee doesn't assemble cars, but we build modern, safe highways for families who use them. Our committee doesn't run the trains, but we keep people and goods moving efficiently as part of our Nation's economic machinery. And our committee doesn't build new plants and businesses, but we do build the infrastructure which attracts and retains quality jobs for America's communities.

This appropriation is not about concrete and steel. It is about families and jobs and dreams.

My colleague, the gentleman from Texas [Mr. DELAY] has spoken to the fact that we did our best to be responsible in the amount of money we are spending and to make sure that it was spent wisely, not only for the people we represent, but for the taxpayers across this Nation. Our critics may demean our efforts, but, as an unabashed and unapologetic progressive, I have come to believe that the work of this Transportation Committee can bring more quality to the lives of American families than many other social programs.

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, today we are scheduled to vote on H.R. 5518, the Transportation and related agencies appropriations for fiscal year 1993 conference report.

At this point in time, I am inclined to vote in favor of this report since the funding request contained in the report represents only a 1 percent increase over the past fiscal year funding and will create thousands of jobs nationwide.

However, this report contains $110 million for continued construction of the Metro Red Line Subway System in Los Angeles, CA.

As the House knows, I have called for an investigation by the GAO and other appropriate agencies to look into numerous published and unpublished allegations of waste, fraud, and abuse in the construction of this subway system.

I want to make the record clear that when I vote in favor of this report, my vote should not be interpreted as an endorsement of the manner in which the Los Angeles Metro System project is being managed.

I remain very concerned about the allegations which continue to come to my attention alleging waste, fraud, and abuse of the tax dollars being spent by every taxpayer across the Nation on this project.

Of equal concern is the fact that whistleblowers and others with allegations of waste, fraud, and abuse feel that their charges either have been ignored or not thoroughly investigated.

I am confident that the appropriate Federal agencies investigating this matter will make a thorough review of these allegations and provide the House with their findings. I see no need to repeat these allegations at this time.

I am pleased that Mayor Thomas Bradley, in the September 18, 1992, edition of the Los Angeles Daily News agrees with my position by stating that: "We must get to the bottom of these continued allegations of improprieties at the Los Angeles County Transit Commission."

The public has the right to be assured that their tax dollars are being spent wisely and honestly. This is the essence of what this investigation is all about.

However, overall, this is one of the most fiscally conservative appropriations bills I have seen since I have been in Congress. Also, it is an investment in America and not simply money going overseas, and this is another reason I support the bill. I urge my colleagues to support this legislation.

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in support of the bill but in some concern over legislative language that was placed in the appropriation bill.

Mr. Speaker, I rise today to express my concern about action taken by the conferees on the Department of Transportation appropriations bill.

It seems that in the dark of night, the conferees decided to help American consumers by mandating that new cars and trucks display a window label disclosing their United States, Canadian, and foreign content. This so-called proconsumer provision will provide consumers with what is, in effect, a government-endorsement which may be misleading, flat-out wrong information that threatens the livelihood of thousands of American autoworkers who work for foreign-owned, American-based companies.

It makes no sense whatsoever to claim a car is foreign when the vast majority of its parts are built and assembled in the United States, but that's just what this provision will do. Try telling the hard-working folks in my home State who work for Honda that they're producing foreign cars, despite the fact that they buy American raw materials and use American labor. Using the kind of logic, I guess the Seattle Mariners are a Japanese baseball team. Perhaps the conferees think we should label Mariners' tickets so the baseball viewing public will know they're watching a Japanese team.

This ludicrous, blatantly xenophobic provision could have been added by the Big Three and the UAW, whose professed concern for the American autoworkers doesn't extend to those Americans who work for transplants.

In recent months, I have heard all kinds of claims about how all the Big Three need is a level playing field, but instead of promoting free and fair competition, this body seems intent on approving protectionist legislation that produces anything but a level playing field.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. PRICE], a member of our subcommittee.

Mr. PRICE. Mr. Speaker, I rise today in support of the conference report on H.R. 5518, a bill making appropriations for the Department of Transportation and related agencies.

This is a good bill which will help ensure that the needs of our Nation's transportation infrastructure will be met in the coming year. This bill is truly an investment in our Nation's future. It will make our skies safer, our highways less dangerous, our air cleaner, and our economy more productive.

It is also responsible. Despite his born-again conversion to cutting the Federal bureaucracy, President Bush proposed a level of $72.4 million for the salaries and expenses for the Office of the Secretary. The conference agreement proposes a level of $62.3 million for this Office, $10.1 million below the President's request and $1.6 million below last year's level. This is the type of belt-tightening that the executive branch needs to make on their own, rather than waiting for Congress to do it.

The bill also preserves the integrity of the minimum allocation program. The Senate proposed in their bill cutting the minimum allocation program and putting it under the obligation ceiling. If this had stayed in the bill, the promise made to donor States in last year's Intermodal Surface Transportation Efficiency Act [ISTEA] would have been broken, and the minimum allocation program compromised. I find it outrageous that the Senate could even consider such a move. The House conferees refused to include any provisions in the conference agreement that would have undermined last year's agreement and the Senate eventually backed down.

In closing, I too want to note the contributions of Chairman BILL LEHMAN, and our subcommittee ranking Republican, LARRY COUGHLIN, to the Congress and to our country. They are both the finest of public servants and, along with out excellent subcommittee staff, they have made out subcommittee a productive place to work.

We will miss them, and we wish them both Godspeed.

□ 1340

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, I rise today to oppose the automobile content labeling provision in the DOT appropriations. This provision will require automobile companies to measure domestic content using three different definitions administered by three separate Federal agencies.

Many of my constituents have expressed to me that they are treated like foreigners in their own country simply because they work for transplant companies. Once again, the jobs of hard working Americans in my district are threatened because their labor will be omitted from the domestic content calculation. Not only is the value of their labor excluded but their in-house production of engines, transmissions, suspensions, and other parts would be considered foreign manufacturing. This provision discriminates against one class of American workers, based solely on the investment capital, and not on the American plant where they work.

The content labeling provision claims to provide consumers with information about the origin of content for automobiles. But, this bill will not display the actual domestic content of vehicles produced in the United States and Canada. Further, the content level will be calculated chiefly on the basis of parts origin, and not on labor input at the assembly plant. Therefore, it would discount a significant contribution by Americans producing parts and vehicles in the United States.

I am also opposed to this provision because it will be an additional burden to manufacturers. Implementation of this provision will be an administrative nightmare and lead to costly disputes. It requires extensive recordkeeping to comply with the rules for determining domestic content and would require the tracing of all foreign auto parts content. This Federal regulation will consume resources that could be better utilized in creating jobs for Americans.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, while I support the overall programs funded in this transportation conference report, I must indicate that I strongly disagree with the decision of the House conferees to recede to the Senate and include amendment No. 218.

This amendment mandates the continuance of one-way westbound toll collection at the Verrazano Narrows Bridge, which connects the boroughs of Brooklyn and Staten Island. The Metropolitan Transportation Authority has lost $12 million in annual revenue since the imposition of this one-way toll. In addition, this amendent is ill-conceived because it interferes with a court-ordered environmental review which is already underway.

The implications of imposing this provision on Brooklyn residents and the residents of Lower Manhattan is particularly problematic, when you consider the environmental impacts caused by the one-way toll.

For example, Brooklyn has been forced to absorb additional traffic due to the toll's diversionary effects. The lion's share of this diversion has resulted in heavy trucks using the Gowanus and Brooklyn-Queens Expressways.

The increased air pollution caused by the diversion of traffic has added pollution hot spots where the concentration of carbon monoxide exceeds the national air quality standards. The Soho area of Lower Manhattan has experienced similar pollution problems as well as infrastructure deterioration.

It is unfortunate that this provision will now be used to try to prohibit current negotiations, which are underway at the State level, to resolve this long-standing issue. The last congressional action of our late colleague Ted Weiss, who I respected and admired, was to oppose this amendment.

It is only because of the difficult procedures that govern the consideration of conference reports that I have not asked for a separate vote on this matter by stripping this particular language out. But I want to go on record today and indicate that I plan to call for an investigation into how the Federal Government can dictate to a local municipality on the collection of its tolls and ignore a court-ordered environmental review. I look forward to working with the Brooklyn Heights Association, the Soho Alliance, and local elected officials in opposing the implementation of this provision.

Mr. COUGHLIN. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I take this time to thank the chairman and ranking member for their years of service. Both gentlemen have made a great contribution to the country and the infrastructure, helping the transportation system we all depend on and so many of us take for granted. It is through the hard work of the gentleman from Pennsylvania [Mr. COUGHLIN] as well as our chairman, the gentleman from Florida [Mr. LEHMAN], and the great work they have done. We will miss them both and wish them well.

Mr. Speaker, of all the appropriation bills this year that all of us have had to struggle to bring all the needs under the umbrella of requirements of holding spending down, I think this subcommittee has had the most difficult job. They seem to have been cut more, yet the demand for improving our highways and transportation system is continuing. Under a very difficult set of circumstances this year, these gentlemen have done a real tremendous job.

Mr. Speaker, I thank both gentlemen for the years of service, and wish them both well.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I appreciate very much the gentleman yielding.

Mr. Speaker, I wish to salute the gentleman from Florida [Mr. LEHMAN]. The gentleman deserves every accolade that he has received so far on the floor, as does my friend, the gentleman from Pennsylvania [Mr. COUGHLIN]. Both are very estimable Members of this body.

I thank them for their years of service and commend them for an excellent bill. I cannot think of any bill better than this one for helping put America back to work, and at the same time improving America, the highways, the railroads, the airways of America.

As one who began his career as a lawyer with the Louisville & Nashville Railroad Co. many years ago, I feel very strongly about the railroads, both in the inter- and intra-city settings.

Mr. Speaker, the bill crafted by the chairman provides the wherewithal to pursue rail transportation mass transit and other forms of rail transport. So, I applaud the bill and wish the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] well in the years ahead.

I rise in strong support of conference report, and commend the members of the committee for their outstanding work on this bill and over all the years.

I wish to call attention to a few of the many important provisions of the bill. First, $15.4 billion is authorized to be released from the highway fund for Federal-aid highway grants, motor safety grants, and highway-related safety grants.

The sum of $2.7 billion from the Highway Trust Fund is also obligated for programs that are exempt from Federal aid obligation ceiling including the Minimum Allocation Program and highway demonstration projects.

The minimum allocation program will allow states like mine, Kentucky, which is a donor State, to receive its fair return on its payment into the trust fund. Furthermore, the bill assures that the Louisville waterfront roadway improvements project will move forward.

Second, the conference report provides $1.7 billion for the Federal Transit Administration's Mass Transit Formula Grant Program. I regret that the committee was unable to provide more funds for this particular program. Formula grants are vital to continued operation of our mass transit operation in Louisville-Tarc, the Transit Authority of River City.

Third, the conference report appropriates $2.35 billion from the Federal Aviation Administration's Airport and Airway Trust Fund. These funds may be used for the procurement and installation of new equipment, like radar and communication systems, air traffic control centers, and airport control towers.

The agreement also authorizes the release of up to $1.8 billion from the Airport and Airway Trust Fund for grants for airport planning, construction, and development. Both these provisions will aid with the modernization program now underway at Standiford Field Airport in Louisville, in my congressional district.

Finally, the agreement provides $496 million for Amtrak for operating assistance and capital grants. It also provides for the release of $5 million from the Highway Trust Fund for high speed rail research development.

Both these provisions are important because they assist ongoing efforts in communities like mine where the Louisville rail task has organized to encourage local and State efforts to establish intra-city as well as inter-city rail travel. It aids and assists effort involving both regular and light rail.

Again, the conference report on transportation appropriations for fiscal year 1993 is an excellent bill. I shall vote for it proudly.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to thank my colleagues for the kind remarks they have made and say what a rare honor it has been to serve in this House of Representatives, to serve on the Committee on Appropriations, and to serve on this subcommittee.

Mr Speaker, there is not a single member of the Committee on Appropriations or of this subcommittee whom I do not admire and respect with all of my heart. I say that without reservation and on both sides of the aisle. There is not a single member of the Committee on Appropriations or this subcommittee that I am not proud to call a friend and that I would not be proud to call a friend and that I would not be proud to serve with in any body, at any time, under any circumstance.

Mr. Speaker, I thank them for the privilege that I have had to work with them in this body.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1350

Mr. LEHMAN of Florida. Mr. Speaker, I just wanted to say to my friend from Pennsylvania, that was a very eloquent statement, coming from a Marine Corps veteran. He knows what pride means. He set a standard that we have all had to live up to.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I first want to express my great personal affection for the gentleman from Florida [Mr. LEHMAN] and acknowledge the wonderful friendship that we have had over the past 10 years. It has been my privilege to share his name, and I will miss not getting the Miami Herald in my office in the morning and miss all those wonderful letters from constituents that I thought were addressed to me but on closer examination were addressed to him. I thank the gentleman very much for his friendship and the gentleman from Pennsylvania [Mr. COUGHLIN] as well, who I got to know through the gentleman from Florida [Mr. LEHMAN] and have great respect for.

Mr. Speaker, I rise before my colleagues today to engage in a colloquy with you regarding legislative language that is included in the transportation appropriations conference report. First, I would like to thank you, Mr. Chairman, for all of your assistance in securing language that will dramatically benefit my congressional district's transportation infrastructure.

Mr. Chairman, as you know, you included language in your transportation appropriations report that will do a great deal to speed up a highway project in my district. Improving a section of Highway 41 is critical to reducing congestion, improving safety, and creating jobs in the area.

In addition, you included language that will keep open the door for Federal assistance for a major rail consolidation project in downtown Fresno.

Language for Highway 41 was also included in the Senate appropriations measure.

Is it my understanding Mr. Chairman, that if language is included in either the House or Senate transportation measure, that they automatically are included in the final appropriations conference report—assuming they are not taken out in the conference?

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield?

Mr. LEHMAN of California. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Speaker, that is correct.

Mr. LEHMAN of California. Mr. Speaker, I am pleased to hear this. Mr. Chairman, I want to thank you and your staff for assisting me with this transportation language. In addition, Mr. Chairman, I want to commend you for your many years of hard work in this body. I wish you the best. You will be missed.

Mr. LEHMAN of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. BENNETT], dean of the Florida delegation.

Mr. BENNETT. Mr. Speaker, I would like to have a colloquy at this point, which is important to my district, but I cannot pass up the opportunity to praise the gentleman from Florida [Mr. LEHMAN], chairman of this committee, because nobody in the history of Florida has brought more distinction to Congress than he. His character, his perseverance, his dedication to his country and his constituents has been outstanding.

Earlier this year I introduced legislation—H.R. 4119—to authorize the Secretary of Transportation to carry out a highway construction project to replace the Fuller Warren Bridge in Jacksonville, FL.

The Fuller Warren Bridge was constructed in the early 1950's as a part of the Jacksonville Expressway system. A steel double-leaf bascule draw bridge, the Fuller Warren in one of only a few draw bridges on the Interstate System in the United States. The bridge now carries double the number of passengers for which it was originally designed—approximately 97,000 vehicles use the bridge each day.

Compounding the traffic congestion problems the need for the bridge to periodically one to allow the waterborne traffic to traverse that area of the St. John's River. Extremely high maintenance costs are associated with the operation of the draw bridge.

The city of Jacksonville and the State of Florida plan to replace the Fuller Warren with an 8-lane high-level structure. The project would include an improved approach roadway on both ends beginning at the I-10/I-95 interchange and extending across the bridge to the San Marco Street overpass where it would connect to a recently reconstructed section of Interstate I-95.

Efficient movement of traffic over the Fuller Warren is not only important to the citizens of Jacksonville, but is absolutely essential for vehicles engaged in interstate commerce. As the bridge is a continuation of I-95, it acts as the gateway to central and south Florida. The replacement of the Fuller Warren will help meet private and commercial transportation needs nationwide.

To enable an early acquisition of right-of-way for this vital piece of infrastructure, I would recommend that the Secretary of Transportation release $5 million from the fiscal year 1993 revolving loan right-of-way fund.

Could the gentleman respond to this?

Mr. LEHMAN of Florida. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Florida.

Mr. LEHMAN of Florida. Mr. Speaker, on behalf of the Appropriations Committee, I join Congressman BENNETT in urging the Secretary to provide funds from the revolving right-of-way account in fiscal year 1993 in the amount needed to acquire the right-of-way for the Fuller Warren project.

I have previously discussed this important project with Congressman BENNETT and local officials in Jacksonville and agree that release of revolving-loan funds would be warranted and I strongly recommend that the Secretary give priority consideration to this project.

I want to assure my friend from Jacksonville that I will do all I can. When the newspapers called me this morning about the gentleman and asked me what my opinion of him was, I said he was "Mr. Integrity. We will miss him."

Mr. BENNETT. Mr. Speaker, I thank the gentleman.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I rise in strong support of the legislation and want to join my colleagues in lauding the extraordinary public service of the gentleman from Florida [Mr. LEHMAN] and the ranking member, the gentleman from Pennsylvania [Mr. COUGHLIN], who have been models of public service for many years. And it is good at a time like this, when so much focus is on examples that are lesser, that we single out those who are something we can tell our children they might aspire to.

Mr. Speaker, I particularly appreciate that this legislation is so critical to our economy and especially at a time like this. And it is certainly a piece of legislation that builds for the future strength of our economy. Those of us from the Hoosier delegation particularly appreciate some of the strong support we got in the bill this year, but I wanted to also single out a provision that the gentleman from Michigan [Mr. CARR] was working on in the auto content labeling legislation that I and others have been involved in and really appreciate the fact that that is going to come to fruition here, because that is going to give consumers in America an opportunity to know what has gone into the automobile that they are buying. That is one of the most important consumer purchases we make. It is a lot of money. We do not tell consumers what they have to do, but a lot of those consumers would like to know that they are spending their money in a way that is going to help produce jobs in the communities where they live.

The goal here is to get more accurate information to the consumers so that they can know what is involved. And the gentleman from Michigan [Mr. CARR] has been a mighty leader on this. And from the Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL] and the gentlewoman from Michigan [Mrs. COLLINS] assisted to help craft this final proposal.

Mr. CARR. Mr. Speaker, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Michigan.

Mr. CARR. Mr. Speaker, I thank the gentleman for yielding to me.

The RECORD really needs to show that in the House of Representatives, auto content labeling really initiated with the gentleman and legislation which he introduced and which was part of a hearing which was held in the committee on which the gentleman serves. So we were merely glad to be able to be of assistance at a crucial time, but the gentleman deserves most of the credit.

Mr. SHARP. Mr. Speaker, the gentleman is kind, but it did not happen without the gentleman and the gentleman from Florida [Mr. LEHMAN] and others being willing to move forward on this. I certainly appreciate that.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DIXON], a member of the full Committee on Appropriations and chairman of the Subcommittee on the District of Columbia.

Mr. DIXON. Mr. Speaker, I thank the gentleman for yielding time to me.

I rise on behalf of myself and the gentleman from California [Mr. ROYBAL], who will also be leaving this House, to thank the chairman and the ranking member for their interest in developing a rapid transit system in Los Angeles County. We took a long time to get our act together, but I can say without any reservation that the citizens of Los Angeles and particularly the mayor appreciate the gentleman from Pennsylvania [Mr. COUGHLIN] and the gentleman from Florida [Mr. LEHMAN] for their special interest in making sure that in the year 2000 that we will have a rapid transit system that provides jobs and communication for a multicultural and ethnic community.

Thank your very much, BILL, and thank you very much, LARRY.

Mr. LEHMAN of Florida. Mr. Speaker, I yield 1 minute to my dear friend and my old tennis buddy, the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman for yielding time to me. I am glad that he has a long recollection of remembering when I could play tennis, but speaking not only as the dean of the 45-member California delegation but speaking for myself also, I just want to say that it is not a happy day for us when we have to say goodbye to the gentleman from Pennsylvania [Mr. COUGHLIN] and the gentleman from California [Mr. LEHMAN].

□ 1400

California has particularly pressing needs. California, an enormous State, has received and welcomed the bulk of the refugees and the bulk of the immigrants, which put huge strains on the transportation system, and the fact that we are moving ahead with transit, both in the San Francisco Bay area with BART and in my hometown of San Jose, with alight rail system, is an indication that we have always been able to go to the gentleman from Florida [Mr. LEHMAN] and the gentleman from Pennsylvania [Mr. COUGHLIN] and talk to them about our special problems, and to receive such courteous and kindly attention, understanding our unique problems and doing the best within the rules, in consideration of all the others, to help us.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague, the gentleman from California, yielding to me.

The gentleman's talking about his responsibility leading the California delegation caused me to recall the fact that the first time I ever registered to vote was when I was in northern California, still a student, and it was to vote for BART. It brings to mind the reality that this subcommittee has been of great help to our transportation difficulties in California for many years.

Mr. COUGHLIN. Mr. Speaker, I yield 2 additional minutes to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I must say that serving on the Committee on Appropriations with these two gentlemen has been a real inspiration for me, because of their dynamic leadership in the transportation.

In southern California, the difficulty of moving along our roadways just could not be underestimated by anybody who has spent 5 minutes there. So the contributions to California of my chairman and especially my hallmate in the Rayburn Building, LARRY COUGHLIN, have been much appreciated.

Mr. Speaker, I am happy to yield the balance of my time to my colleague, the gentleman from California.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman from California [Mr. LEWIS] for his contribution. Very few of us are going to be able to leave this world or leave this work and look back and say that we made a significant contribution to the well-being of our fellow citizens. Certainly the two gentlemen to whom we say goodbye today can make that claim, and all of use here can certify to it.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SANTORUM].

Mr. SANTORUM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I wanted to come to the floor today for a couple of reasons. No. 1 was to join the chorus and congratulate the gentleman from Florida [Mr. LEHMAN], the chairman, and also my friend, my good friend LARRY COUGHLIN, the gentleman from Pennsylvania, for the work they have done, and in particular Mr. COUGHLIN, who has worked with me on several things and personally been involved with trying to help some of the severe problems that Pittsburgh has in the area of transportation infrastructure.

Today is actually a momentous day for the city of Pittsburgh and all of us in southwestern Pennsylvania, southeastern Ohio, and north West Virginia. The Pittsburgh International Airport new terminal opened today and received its first flight this morning from Seattle, and it is a magnificent facility that is one of the largest airports in the United States, one of the obviously most modern airports, something we are very, very proud of in our area, and something that these two gentleman had a lot to do with in seeing that it was completed.

I find it just a coincidence that on a day of such momentous pride for those of us in southwestern Pennsylvania, that this bill would be here. I just wanted to mark the occasion by, again, thanking LARRY and LEHMAN for their help in making that dream that we have had for so long in our area a reality.

I look forward to seeing them out there in Pittsburgh to join us in some good times in the future, coming through our airport.

Mr. LEHMAN of Florida. Mr. Speaker, I yield my 1 remaining minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, my remarks are in the context of saying thank you to the gentleman from Pennsylvania [Mr. COUGHLIN], a great public servant, and particularly Chairman LEHMAN. BILL LEHMAN is not a household word in this country, but every American out there has been affected by something he has done.

BILL LEHMAN is in charge in this country of a $36 billion budget. BILL LEHMAN has affected planes, trains, automobiles, roads, mass transit, Coast Guard; of all of those words that I just said, BILL LEHMAN is probably the godfather, and every American is benefiting from the outstanding work that he has done.

To Tom Kingfield and Lucy Hand and his very able staff, as a Member of Congress from the West, a rural area, we thank him also, but every American in the major cities and the small, rural areas owe a debt of gratitude to the work of BILL LEHMAN.

As a Member of Congress who he very generously treated, I say thank you and goodbye. He will be remembered by many of us very fondly.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I just want to say something today myself about the departure of the gentleman from Florida [Mr. LEHMAN] and his transportation bill. He has done yeoman's work as a colleague from the State of Florida, and BILL, we are proud of you. We are proud of what you have done being chairman. We are going to miss you in many, many ways, as several of our colleagues have said today. You have been at the forefront of some very innovative things with regard to transportation in this country, and I think that as the year 2000 comes and the next century comes, a lot of those things that your leadership has provided are going to bear fruit in the infrastructure of this country.

A lot of the partnerships between private enterprise and our governments locally are things that you can be proud of looking back on and saying, I was there, I helped do that, or I actually started that, in many cases, which you did.

We have a very small thing in my city of Orlando that is involved in this bill, Project Oscar, which is our streetcar program for circulating streetcars. No long-term subsidy is involved in it for the Federal Government. It is a 50-percent match to get it started and get it going, but it is the type of thing that matched up with our parking facilities on the outskirts of the city and will provide us with an entirely different look in downtown Orlando in the urban area.

We have already had compliments from some of the gentleman's colleagues which I have heard about today, about the rural areas, the airports, the airplanes, and the other modes of transportation. We do want to tip our hat to you today. Florida is proud of you, our delegation is, and we are going to miss you. Thank you, BILL.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman from

Florida [Mr. LEHMAN] has 1 minute remaining.

Mr. LEHMAN. Mr. Speaker, before I yield back the balance of my time, I want to say that I am truly overwhelmed by all the remarks made on behalf of myself and my colleague, the gentleman from Pennsylvania [Mr. COUGHLIN], but we could not have done what we have done without the highly supportive efforts of our colleagues.

These Members have been just superb in every way, and I want to express my gratitude for all they have done to help us do the job we had to do.

At this time I also want to express my appreciation to our staff, Tom, Rich, Linda, Zee and Lucy; Lorraine and John of the minority staff; and also Fred Mohrman and the staff of the front office. They have been so supportive in helping us do what we had to do.

Mr. HOPKINS. Mr. Speaker, I rise today to express my grave concerns regarding the automobile labeling provision in H.R. 5518. The provision is ostensibly designed to provide consumers with additional information with which to make an informed purchasing decision. But in reality this label will mislead consumers as to the extent of American value in a vehicle and create yet another unnecessary and costly bureaucratic scheme.

Because of its arbitrary and complex rules for measuring domestic content, the bill treats a great deal of the work of hundreds of Americans as foreign. By treating the work of some American workers different from the work of others, the bill, in essence, creates classes of workers—a highly discriminatory action and one which, if this provision had been thoughtfully considered would undoubtedly not have survived the conference. The end result will be a label on the vehicle which will hopelessly mislead consumers as to the true American value included in the vehicle.

This provision is a perfect example of bureaucracy run amok. Is it fiscally responsible for our Government to have yet a third governmental agency calculate domestic content? The EPA calculates it for CAFE purposes and the Treasury Department calculates it yet a second way under the United States-Canada Free-Trade Agreement. So, are we to tell the taxpayer that we need yet a third agency to calculate it under yet another way! Remember the taxpayer gets hit twice: first, the taxpayer pays for the Government to administer this legislation and then pays again, in the form of higher car prices that will be inevitable as manufacturers establish elaborate systems to track domestic content under this third, extremely complicated method.

Again, Mr. Speaker, the expressed original intent of the labeling provision has fallen by the wayside. Rather than provide the consumer with additional meaningful information when making a purchasing decision, this label will mislead consumers. It is feel good legislation that is technically flawed and that will increase the financial burden to automakers which will be passed on to consumers.

Every lawmaker who supports this senseless provision should have to explain to their constituents why they voted to increase the cost of their next car.

Mr. FAZIO. Mr. Speaker, I rise in support of the conference report and want to take this opportunity to express my deep appreciation to Chairman LEHMAN and the ranking minority member of the subcommittee, LARRY COUGHLIN, for producing an outstanding bill. The subcommittee staff is also to be commended for the hard work and long hours they put into the formulation of this legislation.

As my colleagues know, BILL LEHMAN and LARRY COUGHLIN will be retiring after this Congress. I just want to take this opportunity to say that it has been an honor and a privilege to serve with BILL and LARRY. They both epitomize the best characteristics of public service. They are compassionate, understanding and pragmatic. Their leadership will be missed by us all.

Mr. Speaker, this conference report meets every requirement that the President has requested of the Appropriations Committee. We are within the overall funding level requested by the President for transportation programs. Though, many of us on the Appropriations Committee believe that we must strive to invest more in the public infrastructure if we stand a chance of catching up on our neglected highways, bridges, and mass transit systems.

Mr. Speaker, I would also like to take a moment to highlight particular aspects of the conference report which have a direct impact on my district.

RED BLUFF FLIGHT SERVICE STATION

The conference agreement includes a legislative provision which prohibits any change in the current status of the flight service stations at the Red Bluff Airport, CA; Tri-City Airport, TN; and Bert Mooney Airport, MT. This provision is critical to maintaining the Red Bluff Airport as a viable facility which can continue to contribute to the local economy. I am greatly pleased by the conferees support of this issue which is of great importance to the Red Bluff business community and Tehama County generally.

AUTOMATED WEATHER OBSERVING SYSTEM

The House has also provided $4 million to enable the FAA to exercise its existing option to purchase additional automated weather observing systems [AWOS]. This provision is important in providing towerless airfields and smaller unprotected airports with weather information. More importantly, the AWOS system is available today and, thus, can meet the immediate needs of literally thousands of airports.

This funding has important implications for Qualimetrics, Inc., located in Sacramento, which produces the AWOS system. Over 100 employees will retain their jobs in this difficult economic climate because of the committees recognition of the importance of AWOS systems to aviation safety.

YUBA CITY BRIDGE

Also important to my new district is the earmark of $4 million under the right-of-way revolving fund for the Yuba City bridge contained in the House bill. This no-interest loan money will enable the Yuba City bridge project to move forward immediately, thereby reducing costs of land acquisition and preventing further delay in the project.

SACRAMENTO REGIONAL TRANSIT DISTRICT

Finally the conference report includes funding for two projects for the Sacramento Regional Transit District [RT]. First, $1 million is provided to conduct an alternatives analysis of a proposed 18-mile south extension of the light rail system. Second, $7 million is provided for an innovative electric trolley bus demonstration project with the Sacramento Municipal Utility District [SMUD]. Both of these initiatives will enable RT to provide expanded transit services to the local community in an environmentally compatible way.

In closing, Mr. Speaker, I want to express my thanks to the committee for their fine work and urge my colleagues to support this conference report.

Mr. PAYNE of Virginia. Mr. Speaker, I rise reluctantly in support of the conference report on Department of Transportation appropriations for 1993. My reluctance, Mr. Speaker, stems from my disappointment that this bill does not go far enough to address the infrastructure needs of our Nation.

Last November, when Congress passed the Intermodal Surface Transportation Efficiency Act, now know as ISTEA, I was optimistic that we had finally taken the initiative on an ambitious program for our future, and our ability to sustain economic growth and job creation.

The Public Works and Transportation Committee and the Subcommittee on Surface Transportation spent over 2 years holding hearings and investigating the status of our country's infrastructure.

These hearings uncovered a pattern of deterioration and neglect of our infrastructure needs. These investments in our future have become the orphan child of the budgeting process, receiving proportionally less funding as our fiscal situation has become more severe.

Our annual Federal transportation investment has plunged from 2.3 percent of our gross national product in the 1960's and 1970's to four-tenths of 1 percent in the 1980's. This makes our investment in infrastructure a smaller percentage of GNP than any other industrialized nation in the world.

Passage of ISTEA was intended to put us back on the right track. For the first time, we embraced as a national goal the development of a national intermodal transportation system designed to move people and goods in an energy-efficient manner. ISTEA created a transportation and an economic blueprint for the future, and is designed to substantially improve our competitiveness in the world economy.

Investing in infrastructure provides returns to our economy far greater than any other expenditure of Federal dollars. For every $1 invested in transportation infrastructure $10 is returned to the economy.

In addition, programs authorized in ISTEA pay for themselves. Congress extended the 2½-cent-per-gallon gas tax to keep revenues flowing into the highway trust fund, and to keep it self-financing. At the same time, the bill included a funding program that was designed to draw down the fund from its surplus of over $11 billion to about $2.5 billion, the amount needed to keep the fund solvent.

Yet we have before us today an appropriations bill that not only fails to meet the funding targets authorized in ISTEA, but barely keeps pace with last year's funding levels. I understand the reasons for this result, but still find myself deeply disappointed with it.

I intend to continue working for increased funding for these essential infrastructure programs next year. I hope we can develop a better mechanism for directing our scarce Federal dollars toward essential infrastructure programs next year. I hope we can develop a better mechanism for directing our scarce Federal dollars toward programs such as these, that will help long-term economic recovery and real economic growth.

Mr. RAHALL. Mr. Speaker, I rise in support of H.R. 5518, the fiscal year 1993 Transportation appropriations bill.

I feel like a kid at a picnic, after he is told that the ants got to the chocolate cake before he did. The only solace the kid has is that he has at least been fed well enough before dessert was due to sustain him until his next meal. In this case, we will struggle through fiscal year 1993 with below-expectation funding levels for highways, and hope for better times in fiscal year 1994.

In my view, the chocolate icing on the cake so to speak was to have been job creation, as well as highway repair, reconstruction, and rehabilitation, along with some new construction of roads, bridges, and support for transit services. Under ISTEA, we had provided that for every $1 billion spent, we would create an estimated 48,000 new jobs. That was the icing on the cake.

While this bill does not come up to what we had hoped for in fiscal year 1993, the $18 billion contained in the bill will provide a new infusion of funding for vital infrastructure needs at a time when we were faced with severe budgetary constraints, and it still creates hundreds of thousands of jobs.

I applaud my chairman, Mr. LEHMAN, for the awesome strength he showed when he stood firm against placing minimum allocations and demonstration projects under the obligation ceilings, instead of keeping with the historical practice of exempting such projects. Thank you, Mr. Chairman, for doing best what you have been doing for transportation throughout your distinguished career as chairman of the appropriations subcommittee. We will miss having your expertise, your dedication and your strength, and I wish you well as you take your leave of this body which you have so ably served. May God bless and keep you.

The highway reauthorization bill was intended to be two-pronged. First to rebuild America's crumbling transportation infrastructure and secondly, we made no bones about it, to create jobs. We called for and got a new Nickel for America—highway user fees, for our use in achieving the two goals described above—highway rebuilding and job creation.

Part of the compromise on getting a new Nickel for America was that we would share the new nickel, 50–50, between highway needs and deficit reduction. We have done that for 2 years now.

Many of my constituents write to me and ask that I work hard to reduce the deficit. And I respond that if we work together, the deficit will be reduced over time. And when I say to them that they too are contributing to deficit reduction, I mean through their contributions at the gas pump.

How much have they contributed to deficit reduction so far? I want to report, here and now, that the American people have themselves helped reduce the deficit by more than $6 billion over the past 2 years, just by buying gasoline at their local service stations.

My father raised me to look at the cup and see it as half-full, instead of half-empty, when a whole cup was out of my reach. So I will dwell for a moment on what is good about the fiscal year 1993 transportation appropriations bill.

This bill, while it does not provide as much as we had hoped for, for highways in the coming year, is a cup half-full, and well-worth having.

We could have had another $2.6 billion over 5 years, had we been able to use $400 million in funds shifted from foreign aid. But we did not get to hang on to the $400 million in this bill.

There go a potential 120,000 jobs.

But still the bill does contain a total of $13.2 billion from direct appropriations, $20.2 billion from the highway trust fund, and $2.6 billion in exempt obligations, for a total of $36 billion for transportation in fiscal year 1993, with a total of $18 billion of that amount available for highway needs.

Again, I want to commend Chairman LEHMAN for his efforts and those of his colleagues on the subcommittee for bringing this urgently needed appropriations bill to the House for final approval.

The bill contains much that is of vital importance to West Virginia, and to my congressional district.

For example, one is essential air services, or EAS. EAS is funded at $39 million in fiscal year 1993, to subsidize airline services to small communities, which will benefit our State, and the bill also provides for general and aviation trust fund spending for airport improvement programs, [AIP], and contains adequate support for Amtrak.

For transit, while I am deeply alarmed by the level-spending provided in this bill for fiscal year 1993 for our Federal transit programs, for fear that it sends the wrong message about our concern for transit, I will just say that I hope for necessary increases in the coming years. I worked hard, and I succeeded, in getting the allocation set-asides for rural and small urban areas increased for transit purposes under title III, only to end up with no commensurate increase in funding for these purposes. Again, we will hope for better opportunities for increased transit funding in fiscal year 1994, and I for one intend to work very hard to achieve that increase.

Even with reduced expectations for funding in the coming fiscal year, the bill will still create hundreds of thousands of jobs, and will launch our collective effort to rebuild America.

That is one of the goals we started out to accomplish—and it is a modest beginning. Still I will hope for more in fiscal year 1994, and take this half-full cup for today, for transportation's infrastructure needs.

I strongly support this bill, and hope that it do pass.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of the conference report on transportation appropriations for fiscal year 1993.

Mr. Speaker, this Member would like to begin by thanking the distinguished gentleman from Florida [Mr. LEHMAN], the chairman of the Transportation Appropriations Subcommittee, and the distinguished gentleman from Pennsylvania [Mr. COUGHLIN] who serves as ranking member of the subcommittee for their diligent and very effective work on this legislation. This Member is very grateful for the support they have shown to the Member and to Nebraska over the years, and also for their overall efforts to improve the country's infrastructure. Their actions and leaderships have certainly made a positive difference in Congress and in this country. Their tireless dedication will be greatly missed since they have chosen not to seek reelection.

This Member would also like to express his appreciation to the Junior Senator from New Jersey [Mr. LAUTENBERG] and the Junior Senator from New York [Mr. D'AMATO] who serves as the chair and ranking minority member of the Transportation Appropriations Subcommittee in the other body, and the other members involved in developing this conference report.

This conference report strikes an appropriate balance between serious concerns about the Federal deficit and the country's transportation needs. The report also reflects an emphasis on the overall needs of the Nation as well as addressing local and regional transportation issues and projects.

Specifically, this Member would like to thank the conference committee for recognizing and proposing and acting upon the long-term need for a bridge between Newcastle, NE, area and Vermillion, SD. For six decades, the prospects of constructing a bridge in the Newcastle-Vermillion area has enjoyed widespread support. An impressive coalition of community organizations, local governments, businesses, and individuals from both Nebraska and South Dakota has joined together in support of this bridge.

Such a bi-State consensus is possible because the benefits resulting from the bridge's construction are so clear. These benefits include increased economic development, enhanced recreational opportunities, improved access to health care, and a reduction in transportation costs. Also, the construction of this bridge will improve the general quality of life for the area's residents by creating additional opportunities for higher education and cultural and social activities.

Due to the current lack of a bridge, communities in northeast Nebraska and southeast South Dakota—including Vermillion, SD, the location of the University of South Dakota and Wayne, NE, the site of Wayne State College have remained isolated from each other despite their proximity. As a result, economic activity in the region has been hampered and labor and commerce options have been limited. Clearly, the completion of this bridge across the Missouri River will be a significant aid in attracting new businesses to the area.

This Member would also like to thank his distinguished colleague from South Dakota [Mr. JOHNSON] for his outstanding efforts and cooperation with this Member on behalf of this bridge project. The completion of this bridge will play an important role in facilitating an interdependence between communities in Nebraska and South Dakota and Mr. JOHNSON deserves recognition for the important role he has played in working closely with this member to bring this bridge closer to reality. It has been a pleasure to continue the close and good cooperation on this and other bi-State projects and issues. With this first constructive appropriation, this bridge will now become a reality.

Mr. Speaker, in conclusion, this Member urges strong support for this conference report and urges his colleagues to approve it.

Ms. SLAUGHTER. Mr. Speaker, I rise in support of the conference report on H.R. 5518, the Transportation Appropriations bill for fiscal year 1993. Of particular interest to me and the State of New York is the bill's $5 million in obligation authority from the highway trust fund for the high speed ground transportation technology demonstration program authorized under the Intermodal Surface Transportation Act of 1991.

This demonstration program represents one of the best opportunities for development of high-speed rail in the near term. I truly believe that the time has come to get serious in this country about new technology passenger rail service.

The United States is falling farther and farther behind both Western Europe and Japan in this area, as both of these economic competitors with the United States currently have highly modernized high speed train systems in use, as well as plans for even more advanced development in the near future. This comes at a time when urban freeway delay in the United States has been projected to increase by as much as 400 percent by the year 2005. As opposed to building an ever-increasing number of additional traffic lanes to our highways, which only puts off a final solution to the problem, high speed rail could provide an immediate and substantial decrease in highway and airport congestion, as well as offer commuters a meaningful choice between auto trips that are too long and airline flights that are wastefully short.

The building of new high speed rail lines would also be a tremendous boost to participating industries, such as engineering firms and subcontractors directly involved in their construction, as well as to local economies that would immensely benefit from multiplier effects. Many technologically-based jobs could be realized with the reassignment of former defense industry workers to the development of high speed rail systems, with thousands of additional jobs being created from the operation and maintenance of new rail lines.

For these reasons, I recently hosted a "High Speed Rail Forum" at the Rochester Institute of Technology in Rochester, NY. This event was sponsored by the Northeast-Midwest Congressional coalition and drew rail development experts from Washington, Albany, the Northeast and Midwest sectors of the country, and Canada. The forum highlighted the probable benefits of high speed rail to New York State, as well as the broad base of business, labor, consumer, and environmental-related support that new technology rail development enjoys. At my request, the Northeast-Midwest Coalition also released a report entitled "High-Speed Passenger Ground Transportation: An Analysis," which outlines the prospects for high-speed rail and the economic benefits of such development in the Northeast and Midwest.

Mr. FAZIO. Mr. Speaker, I rise in strong support of the conference report on H.R. 5488, the bill which makes appropriations for the Department of the Treasury, the U.S. Postal Service, and general government for fiscal year 1993.

Over and beyond its financial support of key, critical government programs, H.R. 5488 this year contains a number of provisions that positively impact the delivery of programs and services by the agencies it funds. For example, it includes a provision that directs the Internal Revenue Service [IRS] to implement a training program to ensure that IRS employees are trained in taxpayers' rights, in dealing courteously with taxpayers and in cross-cultural relations.

In its provisions concerning the Postal Service, H.R. 5488 insures that rural mail delivery is continued, and prohibits the use of funds to close or consolidate small, rural post offices. It also prohibits any Federal department or agency from spending any Federal funds unless it has in place, and continues to administer in good faith, a written policy that ensures that all its workplaces are drug-free.

H.R. 5488 also contains a provision that alters a little-known function of the Bureau of Alcohol, Tobacco and Firearms [BATF]. Although most of us do not realize it, under current law, certain persons may not lawfully possess, receive, ship or transport firearms. These include persons who have been convicted of a crime punishable by over a year in jail and persons committed to mental institutions or judged mentally incompetent. But, under current law, the BATF may lift this prohibition if it determines that one of these people will not be likely to act in a manner dangerous to public safety and that the lifting of this prohibition will not be contrary to the public interest. However, H.R. 5488 prohibits the use of funds to investigate and act upon such applications.

In closing, Mr. Speaker, I would like to take advantage of this opportunity to once again acknowledge the contribution of Chairman ROYBAL, who has announced his retirement, effective at the end of this session of Congress. The chairman, as well as the members and staff of the Subcommittee on Treasury, Postal Service and General Government, is to be commended for his efforts in bringing this bill before us today. Over and beyond this bill, however, during the three decades that the chairman has served here in Congress, his presence has enhanced both this institution and the State of California. Mr. Chairman, your presence and influence will be sorely missed.

Mr. LEHMAN of Florida. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that all motions, except on amendment No. 233 as printed in the joint statement, be considered as read when read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule and to the order of the House of today, the amendments in disagreement and the motions printed in the joint explanatory statement of the committee of conference to dispose of amendments in disagreement are considered as read.

The Clerk will designate the first amendment in disagreement.

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 12, 41, 42, 43, 48, 53, 94, 102, 107, 121, 150, 159, 173, 229, 231, and 232 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The clerk will designate the amendments.

(The texts of the various Senate amendments referred to in the unanimous consent request are as follows:)

Senate amendment No. 12: Page 4, line 24, after "expended" insert: "*Provided*, That notwithstanding any other provision of law, there may be credited to this account up to $300,000 received from user fees established for regulatory services".

Senate amendment No. 41: Page 11, line 18, after "standards" insert: "*Provided further*, That none of the funds provided shall be made available for pay raises in fiscal year 1993 for FAA employees whose responsibilities include noise abatement policy function, managing aircraft route design or changes, or responsibility for preparing, managing, or overseeing the environmental impact statement mandated by section 9119 of Public Law 101-508 until the final report on such impact statement is issued".

Senate amendment No. 42: Page 11, line 18, after "standards" insert: "*Provided further*, That of the funds provided, up to $50,000 shall be made available to the New Jersey Coalition Against Aircraft Noise for the provision of technical assistance, in accordance with the provisions of title 5, United States Code, in reviewing and assessing the draft environmental impact".

Senate amendment No. 43: Page 11, line 18, after "standards" insert: "*Provided further*, That of the funds available under this heading, $500,000 shall be made available to the Cleveland Clinic Foundation to initiate a definitive study to evaluate the human factors related to and/or inherent in pilot error. This study will be carried out in conjunction with Ohio State University".

Senate amendment No. 48: Page 13, line 10, after "standards" insert: "*Provided further*, That such Federal share shall be considered as having taken effect on October 1, 1991".

Senate amendment No. 53: Page 16, line 8, after "operation," insert: "including motor carrier safety program operations,".

Senate amendment No. 94: Page 28, after line 15, insert:

"LOCAL RAIL FREIGHT ASSISTANCE

"For necessary expenses for rail assistance under section 5(q) of the Department of Transportation Act, as amended, $8,000,000, to remain available until expended."

Senate amendment No. 102: Page 29, after line 12, insert:

"NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

"For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and the Rail Safety Improvement Act of 1988, $204,100,000."

Senate amendment No. 107: Page 32, after line 16, after "sales" insert: ": *Provided further*, That to enable the Secretary of Transportation to pay obligations and liabilities of the Columbus and Greenville Railway under sections 505 and 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 resulting from the waiver of obligations and liabilities as authorized by section 349 of this Act, $411,578".

Senate amendment No. 121: Page 35, line 19, after "purposes" insert: ": *Provided further*, That of the funds made available to carry out the national program under section 26(b) of the Federal Transit Act, not less than $900,000 shall be made available to reimburse the City of New York for funds granted for planning activities related to the proposed 42nd Street trolley.".

Senate amendment No. 150: Page 39, after line 8, insert: "not less than $3,000,000 for the Lakewood, Freehold, and Matawan or Jamesburg Commuter Rail Project; and".

Senate amendment No. 159: Page 41, after line 15, insert:

"RESEARCH AND TECHNOLOGY

"For expenses necessary to discharge the functions of Research and Technology and for expenses for conducting research and development, $1,470,000, of which $350,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination."

Senate amendment No. 173: Page 50, after line 19, after "102–240" insert: ", and $200,000 for the Commission to Promote Investment in America's infrastructure authorized by section 1081 of Public Law 102–240."

Senate amendment No. 229: Page 73, after line 16, insert:

SEC. 417. FEDERAL SHARE.

Section 1021(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 120 note) is amended—

(1) by striking "and" before "(2)";

(2) by striking the period at the end and inserting a comma; and

(3) by adding at the end the following: "and (3) the Federal share established by section 120(k) of such title, as in effect on the day before the date of enactment of this Act, with respect to section 143 of title 23.".

Senate amendment No. 231: Page 73, after line 16, insert:

SEC. 504. LOS ANGELES METRO RAIL.

(a) REPLACEMENT OF GRANTEES.—Effective on the date of enactment of this Act, the Los Angeles County Transportation Commission (hereinafter in this section referred to as the "Commission") shall replace the Southern California Rapid Transit District (hereinafter in this section referred to as the "SCRTD") as the Federal grantee for the Minimum Operable Segment One (hereinafter in this section referred to as "MOS–1") of the Los Angeles Metro Rail project. The MOS–1 Full Funding Grant Agreement dated August 27, 1986, and all other MOS–1 grant documents required under Federal law, shall be deemed to be amended, effective on the date of enactment of this Act, to designate the Commission as MOS–1 grantee; and all rights and obligations as MOS–1 grantee shall be transferred to the Commission on that date in accordance with the Memorandum of Understanding for the Transfer of MOS–1 Project, entered into by and between the Commission and SCRTD on June 24, 1992. No action by the Secretary of Transportation or other administrative action shall be required in order for the Commission to proceed to act in its capacity as MOS–1 grantee pursuant to this section.

(b) OBLIGATIONS OF COMMISSION.—Upon becoming the MOS–1 grantee under this section, the Commission shall be responsible for completion of the MOS–1 Project in accordance with the terms and conditions of the MOS–1 Full Funding Grant Agreement and other applicable grant agreements and in compliance with all applicable Federal laws and regulations. In addition, the Commission shall remain responsible for all MOS–1 obligations arising prior to the date of enactment of this Act, in accordance with the Commission's Guarantee of Performance to the United States dated April 3, 1990.

(c) AVAILABILITY OF FUNDS.—All funds previously obligated to SCRTD under section 3 and section 9 of the Federal Transit Act, and unexpended on the date of enactment of this Act, shall be transferred to the Commission on such date and shall be available to the Commission to pay costs associated with the completion of MOS–1. Notwithstanding any other provision of law, neither the replacement of grantees under subsection (a) nor the transfer of funds under this subsection shall be considered to be a change in project scope or otherwise result in the deobligation of prior year funds, and all funds transferred to the Commission under this subsection shall be charged to the original appropriation and shall remain available until expended.

(d) DEFINITION.—For purposes of this section:

(1) the terms "Los Angeles County Transportation Commission" and "Commission" shall include any successor to the Commission that is established by or pursuant to State law; and

(2) the terms "Southern California Rapid Transit District" and "SCRTD" shall include any successor to SCRTD that is established by or pursuant to State law.

(e) Of the funds made available for the Los Angeles Metro Rail project, 45.45 per centum shall be for Minimum Operable Segment-2 and 54.55 per centum shall be for Minimum Operable Segment-3 of Metro Rail. Of the amounts for Minimum Operable Segment-3, an equal one-third share shall be provided for each of the three lines described in section 3034(i)(3) of the Intermodal Surface Transportation Efficiency Act.

Senate amendment No. 232: Page 73, after line 16, insert:

SEC. 505. SAN JOSE-GILROY-HOLLISTER COMMUTER RAIL PROJECT.

Section 3035(h) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking in the second sentence all after "one-time" and inserting in lieu thereof the following: "purchase of additional trackage rights and/or purchase of right-of-way between the existing termini in San Jose and Gilroy, California. In connection with the purchase of such additional trackage rights and/or purchase of right-of-way, the Secretary shall either approve a finding of no significant impact, or approve a final environmental impact statement and issue a record of decision no later than July 1, 1994. No later than August 1, 1994, the Secretary shall negotiate and sign a grant agreement with the Santa Clara County Transit District which includes the funds made available under this section for the purchase of additional trackage rights and/or purchase of right-of-way.".".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. LEHMAN moves that the House recede from its disagreements to the amendments of the Senate numbered 12, 41, 42, 43, 48, 53, 94, 102, 107, 121, 150, 159, 173, 229, 231, and 232, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that Senate amendments numbered 195, 197, 199, 200, 201, 202, 204, 207, 208, 209, 214, 217, 218, 220, 221, 224, and 225 be considered en bloc and printed in the RECORD.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The Clerk will designate the amendments in disagreement.

The texts of the various Senate amendments referred to in the unanimous-consent request are as follows:

Senate amendment No. 195: Page 73, after line 16, insert:

SEC. 333. Public Law 98–63, 97 Stat. 329, is amended as follows:

"(3) The provisions of subsection (1) of this section shall terminate on December 31, 1983. The provisions of subsection (2) of this section shall terminate three years from the enactment of this section unless construction of the I–287 bypass and the construction of high occupancy vehicle lanes or auxiliary lanes on I–287 from, the I–287 intersection with State Route 22 in Somerset County to the I–287 intersection with I–80 in Morris County in New Jersey or any other feasible, suitable alternative has been commenced. In the event construction has been commenced subsection (2) of this section will terminate ten years from the enactment of this section, or when construction of I–287 bypass and the construction of high occupancy vehicle lanes or auxiliary lanes on I–287 from the I–287 intersection with State Route 22 in Somerset County to the I–287 intersection with I–80 in Morris County in New Jersey or any other feasible, suitable alternative is completed, whichever occurs first.

"(4) Notwithstanding any other provision of law, procedural or substantive, 100 per centum Federal highway trust funds moneys are hereby allocated as part of the State's allocation, and are immediately available for obligation to the State of New Jersey for the construction of the I-287 bypass and the construction of high occupancy lanes or auxiliary lanes on I-287 from the I-287 intersection with State Route 22 in Somerset County to the I-287 intersection with I-80 in Morris County in New Jersey or any other feasible, suitable alternative, such appropriation as may be made available by Congress from general appropriations to cover 100 per centum of the cost of the I-287 bypass or the alternative route: Provided, That such appropriation shall not exceed New Jersey's apportionment using the apportionment factor contained in revised table 5 of the Committee Print Numbered 102-24 of the Committee on Public Works and Transportation of the House of Representatives.".

Senate amendment No. 197: Page 73, after line 16, insert:

"SEC. 335. The Federal Highway Administration (FHWA) shall execute an agreement with the State of Virginia (regarding Federal Aid Project-Q-RS 1046(101) re. Fairfax County, Virginia) pursuant to which loan repayment can be concluded by September 30, 1997."

Senate amendment No. 199: Page 73, after line 16, insert:

"SEC. 337. None of the funds made available in this Act or in any other Act making funds available to the Federal Transit Administration, shall be used to withhold funds for any section 3 or section 9 operating or capital grants for the city of Phoenix, Arizona based on the inclusion of a "preference in hiring" provision in the employees protective arrangement developed pursuant to 49 U.S.C. 1609(c) and the Federal Transit Administration shall within 30 days of enactment of this provision award any such pending grant application: Provided That the Secretary of Labor has certified that fair and equitable arrangements have been adopted for the protection of employees."

Senate amendment No. 200: Page 73, after line 16, insert:

"SEC. 338. For fiscal years 1992 and 1993, funds provided under section 18 of the Federal Transit Act shall be exempt from requirements for any non-Federal share, in the same manner as specified in section 1054 of Public Law 102-240."

Senate amendment No. 201: Page 73, after line 16, insert:

"SEC. 339. Notwithstanding any other provision of law or other requirement, the city of Indianapolis, Indiana is authorized to retain any funds not used under the authority of Facility Grant IN-03-0057 and IN-23-9001 and to use such funds in accordance with the requirements of section 9 of the Federal Transit Act of 1964 as amended."

Senate amendment No. 202: Page 73, after line 16, insert:

"SEC. 340. Notwithstanding any other provision of law limiting appropriations for the Westside Light Rail Project in Portland, Oregon, funds provided for the Westside Light Rail Project, may be expended, pursuant to section 3(a)(1)(c) of the Federal Transit Act of 1964, as amended, for the development and acquisition of low floor light rail vehicles, and the incremental costs associated with the introduction of the vehicles and facilities modifications on the current alignment."

Senate amendment No. 204: Page 73, after line 16, insert:

SEC. 342. ADVANCE ACQUISITION OF RIGHTS-OF-WAY.—Section 108 of title 23, United States Code, is amended—

(1) in subsection (a) by striking "of the Federal-aid highway systems, including the Interstate System," and inserting "Federal-aid highway";

(2) in subsection (a) by striking "for expenditure on any of the Federal-aid highway systems, including the Interstate System," and inserting "which may be expended on such highway";

(3) in subsection (c)(2) by inserting "and passenger transit facilities" after "highways";

(4) in subsection (c)(3) by striking "highway" in the first sentence, and the first place it appears in the second sentence and inserting "project"; and

(5) in subsection (c)(3) by striking "on the federal-aid system of which such project is to be part," and inserting "of the type funded".

Senate amendment No. 207: Page 73, after line 16, insert:

SEC. 345. Section 311(b) of the Federal Water Pollution Control Act is amended by adding a new paragraph to read as follows:

"(12) WITHHOLDING CLEARANCE.—If any owner, operator, or person in charge of a vessel is liable for a civil penalty under this subsection, or if reasonable cause exists to believe that the owner, operator, or person in charge may be subject to a civil penalty under this subsection, the Secretary of the Treasury, upon the request of the Secretary of the department in which the Coast Guard is operating or the Administrator, shall with respect to such vessel refuse or revoke—

"(A) the clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91);

Senate amendment No. 208: Page 73, after line 16, insert:

SEC. 346. (a) WAIVER.—Notwithstanding any other provision of law, the obligations and liabilities of the Columbus and Greenville Railway under section 505 and 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended, shall be suspended for the period beginning October 1, 1992, and ending September 30, 1994.

(b) REPAYMENT.—The obligations and liabilities of the Columbus and Greenville Railway suspended under subsection (a) shall be repaid to the United States by the Railway on or before October 1, 1997. Payments shall be deposited to the Treasury as miscellaneous receipts.

Senate amendment No. 209: Page 73, after line 16, insert:

SEC. 347. HIGH PRIORITY CORRIDORS.—Paragraph (18) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended to read as follows:

"(18) Corridor from Indianapolis, Indiana, through Evansville, Indiana, Memphis, Tennessee, Shreveport/Bosier, Louisiana, and to Houston, Texas.".

Senate amendment No. 214: Page 73, after line 16, insert:

SEC. 352. CARRIAGE OF OIL IN PRINCE WILLIAM SOUND.—Section 5005(a) of the Oil pollution Act of 1990 (33 U.S.C. 2735(a), 104 Stat. 553) is amended—

(1) by striking "tank vessel operating on Prince William Sound, or" and inserting in lieu thereof "tanker loading cargo at"; and

(2) by inserting "and a response plan for such a facility," after "(43 U.S.C. 1651 et seq.).".

Senate amendment No. 217: Page 73, after line 16, insert:

"SEC. 355. The Historic United States Customs building located adjacent to Interstate Route I-15 in Sweetgrass, Montana, and the border with Canada is hereby exempt from the restrictions contained in section 111 of title 23, United States Code, prohibiting use of and access to rights-of-way on the Interstate System: Provided, That such exemption shall be only for the purpose of permitting the use of such facility for the sale of only those articles which are for the export and for consumption outside the United States: Provided further, That such right-of-way access be developed in conjunction with the overall redesign planning work that is underway to relieve the congestion problems at the Sweetgrass border crossing."

Senate amendment No. 218: Page 73, after line 16, insert:

"SEC. 356. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the borough of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island."

Senate amendment No. 220: Page 73, after line 16, insert:

"SEC. 358 Projects to research, develop and test technologies to control highway related emissions which contribute to the nonattainment of any ambient air quality standard or the impairment of visibility within an urbanized area shall be deemed to be eligible under the Congestion Mitigation and Air Quality Improvement Program."

Senate amendment No. 221: Page 73, after line 16, insert:

"SEC. 359. Not later than September 30, 1993, the Secretary of Transportation shall issue proposed rules under Docket No. HM-175A (Specifications for Tank Cars) and Docket No. HM-201 (Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Protection Flaws, and Other Defects of Tank Cars)."

Senate amendment No. 224: Page 73, after line 16, insert:

"SEC. 362. Notwithstanding any other provision of law, the State of Vermont shall be reimbursed, in an amount not to exceed $1,400,000, for its share of work performed on major and minor reconstruction of roadways and bridges on United States Interstate Routes 89 and 91, in Vermont."

Senate amendment No. 225: Page 73, after line 16, insert:

"SEC. 363. Notwithstanding any other provision of law, funds made available under this Act and previous Acts, for the intermodal fuel cell bus facility program under the Federal Transit Administration's Discretionary Grants account shall be transferred to that agency's Transit Planning and Research account and be administered in accordance with section 6 of the Federal Transit Act, as amended."

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER. The clerk will designate the motion.

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendments of the Senate numbered 195, 197, 199, 200, 201, 202, 204, 207, 208, 209, 214, 217, 218, 220, 221, 224, and 225 and concur therein with amendments as printed in the RECORD.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The full texts of the motions to recede and concur with amendments to the foregoing Senate amendments are as follows:

Amendment numbered 195: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 195, and concur therein with an amendment, as follows: In lieu of the section number "333", insert: "338".

Amendment numbered 197: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 197, and concur therein with an amendment, as follows: In lieu of the section number "335", insert: "340".

Amendment numbered 199: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 199, and concur therein with an amendment, as follows: In lieu of the section number "337", insert: "342".

Amendment numbered 200: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 200, and concur therein with an amendment, as follows: In lieu of the section number "338", insert: "343".

Amendment numbered 201: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 201, and concur therein with an amendment, as follows: In lieu of the section number "339", insert: "344".

Amendment numbered 202: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 202, and concur therein with an amendment, as follows: In lieu of the section number "340", insert: "345".

Amendment numbered 204: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 204, and concur therein with an amendment, as follows: In lieu of the section number "342", insert: "346".

Amendment numbered 207: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 207, and concur therein with an amendment, as follows: In lieu of the section number "345", insert: "349".

Amendment numbered 208: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 208, and concur therein with an amendment, as follows: In lieu of the section number "346", insert: "350".

Amendment numbered 209: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 209, and concur therein with an amendment, as follows: In lieu of the section number "347", insert: "351".

Amendment numbered 214: LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 214, and concur therein with an amendment, as follows: In lieu of the section number "352", insert: "354".

Amendment numbered 217: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 217, and concur therein with an amendment, as follows: In lieu of the section number "355", insert: "357".

Amendment numbered 218: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 218, and concur therein with an amendment, as follows: In lieu of the section number "356", insert: "358".

Amendment numbered 220: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 220, and concur therein with an amendment, as follows: In lieu of the section number "358", insert: "359".

Amendment numbered 221: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 221, and concur therein with an amendment, as follows: In lieu of the section number "359", insert: "360".

Amendment numbered 224: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 224, and concur therein with an amendment, as follows: In lieu of the section number "362", insert: "363".

Amendment numbered 225: Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 225, and concur therein with an amendment, as follows: In lieu of the section number "363", insert: "364".

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 20: Page 7, line 12, strike out all after "welfare;" down to and including "Defense;" in line 14 and insert: "$2,567,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 20, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert: "$2,558,000,000, of which $253,000,000 shall be available only to the extent transferred from the Department of Defense.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 27: Page 8, line 14, strike out "$67,650,000" and insert: "$57,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 27 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$56,565,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 8, line 16, strike out "$122,550,000" and insert: "$119,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 28 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$123,685,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 33: Page 9, strike out all after line 17 down to and including "Defense" in line 19 and insert: "$73,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 33 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert: "$73,000,000, of which $50,000,000 shall be available only to the extent transferred from the Department of Defense".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 34: Page 9, line 25, strike out "$27,930,000" and insert: "$28,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 34 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$27,815,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 44: Page 12, line 11, strike out "$2,459,860,000" and insert: "$2,429,500,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 44 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$2,350,000,000"

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 45: Page 12, line 11, strike out "$2,275,903,000" and insert: "$2,238,500,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 45 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$2,159,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 58: Page 17, line 24, strike out "$16,690,000,000" and insert: "$18,006,250,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 58 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$15,326,750,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 62: Page 19, strike out lines 14 to 19.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 62 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"BALTIMORE-WASHINGTON PARKWAY

"For necessary expenses, not otherwise provided, to carry out the provisions of the Federal-Aid Highway Act of 1970 and section 1069 of Public Law 102-240 for the Baltimore-Washington Parkway, to remain available until expended, $15,000,000.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 80: Page 25, strike out lines 8 to 14.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 80 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"OPERATIONS AND RESEARCH

"For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513, as amended) and the National Traffic and Motor Vehicle Safety Act, $82,080,000, to remain available until September 30, 1995: *Provided*, That the Secretary of Transportation shall not permit transfer of title of the national advanced driving simulator from the Government of the United States: *Provided further*, That no provision under this head shall be interpreted in a manner which would affect the site selection for the national advanced driving simulator.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 90: Page 27, line 12, after "1993" insert ": *Provided further*, That the unexpended balances available for drunk driving prevention programs under 23 U.S.C. 410 shall be available for alcohol-impaired driving countermeasures programs under 23 U.S.C. 410, as amendment by Public Law 102-240".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 90 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert ": *Provided further*, That the unexpended balances available for drunk driving prevention programs under 23 U.S.C. 410 shall be available for alcohol-impaired driving countermeasures programs under 23 U.S.C. 410, as amended by Public Law 102-240 and this Act, except for amounts necessary for the State of New Mexico to continue its drunk driving prevention program under 23 U.S.C. 410 as in effect before the date of enactment of Public Law 102-240".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 92: (92) Page 27, line 16, strike out "$17,385,000" and insert: "$17,802,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 92 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$17,152,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 99: Page 29, line 5, strike out "$14,800,000" and insert: "$4,450,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 99 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$25,205,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 100: Page 29, line 6, strike out all after "pended" down to and including "Lifesaver" in line 9.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 100 and concur therein with an amendment, as follow: Restore the matter stricken by said amendment, amended as follows: In lieu of the sum stricken by said amendment, insert: "$650,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 149: Page 39, after line 8, insert: "not less than $11,100,000 for the Hawthorne-Warwick Commuter Rail Project;".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 149, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$4,500,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 151: Page 39, after line 8, insert: "not less than $30,000,000 for the Boston, Massachusetts to Portland, Maine Commuter Rail Project.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 151, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert "$25,500,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 156: Page 41, after line 15, insert:

"HAZARDOUS MATERIAL SAFETY

"For expenses necessary to discharge the functions of Hazardous Materials Safety and for expenses for conducting research and development, $13,016,000, of which $1,350,000 shall remain available until expended: *Provided*, That there may be credited to this appropriation funds received from State, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 156, and concur therein with an amendment, as follows: In lieu of the sum named in said amendment, insert: "$12,650,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 157: Page 41, after line 15, insert:

AVIATION INFORMATION MANAGEMENT

"For expenses necessary to discharge the functions of Aviation Information Management, $2,618,000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for aviation information management: *Provided further*, That, notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received from user fees established to support the electronic tariff filing system: *Provided further*, That the Department of Transportation shall prepare and publish on a monthly basis in automatic data processing tape format the United States International Air Travel Statistics data base previously published through March 1991. The Department may partially defray costs of preparation and publication of such statistics by charging a fair and reasonable fee for obtaining such information: *Provided further*, That there may be credited to this appropriation funds received from such user fees.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 157, and concur therein with an amendment, as follows: Delete the words: "on a monthly basis".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 158: Page 41, after line 15, insert:

"EMERGENCY TRANSPORTATION

"For expenses necessary to discharge the functions of Emergency Transportation and for expenses for conducting research and development $955,000, of which $73,000 shall remain available until expended: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 158, and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert: "$880,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 160: Page 41, after line 15, insert:

"PROGRAM AND ADMINISTRATIVE SUPPORT

"For expenses necessary to discharge the functions of Program and Administrative Support, $5,989,000, of which $175,000 shall be derived from the Pipeline Safety Fund: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, and for reports publication and dissemination; *Provided further*, That no employees other than those compensated under this appropriation shall serve in the Office of the administrator, the Office of Policy and Programs, the Office of Civil Rights, the Office of Management and Administration, and the Office of the Chief Counsel.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 160, and concur therein with an amendment, as follows: In lieu of the first sum named in said amendment, insert: "$5,886,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 162: Page 42, after line 2 insert:

"For necessary expenses to carry out section 117A(i)(3)(B) of the Hazardous Materials Transportation Act, as amended, $700,000 to be derived from the Emergency Preparedness Fund, to remain available until expended: *Provided*, That no more than $11,300,000 shall be made available for obligation in fiscal year 1993 for amounts made available by section 117A(h)(6)(B) and (i)(1), (2) and (4) and 118 of the Hazardous Materials Transportation Act, as amended: Provided further, That such amounts shall only be available to the Secretary of Transportation.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 162, and concur therein with an amendment, as follows: In lieu of the second sum named in said amendment, insert: "$10,300,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 165: Page 42, line 19, strike out "$38,000,000" and insert "$40,000,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 165, and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert: "$38,000,000: *Provided*, That not more than $1,000,000 of the funds made available under this head shall be available for implementation of Public Law 101-567".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 167: Page 44, line 25, after "1993" insert ": *Provided further*, That notwithstanding any other provision of law or treaty, none of the funds appropriated under this heading may be used for the planning or execution of annuity payments to the Government of Panama in excess of $50,000,000 until the Secretary of State and the Secretary of Transportation, in consultation with the Commandant of the United States Coast Guard, certifies in writing to the Congress that (1) the Government of Panama has taken adequate steps to investigate and, where appropriate, penalize Panamanian flag ships which have been reported by other nations to have violated the provisions of Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and (2) the Government of Panama has taken sufficient steps so as to ensure improved compliance with the provisions of Annex V of such treaty on the part of Panamanian flag ships".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 167 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ": *Provided further*, That notwithstanding any other provision of law, the Secretary of State shall communicate to the Government of Panama, within three months of the enactment of this section, the dissatisfaction of the Government of the United States concerning inadequate compliance by Panama with the enforcement provisions of Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), and the Secretary of State and the Secretary of Transportation, in consultation with the Commandant of the Coast Guard, shall further provide no later than March 15, 1993, a written report to the Congress describing and assessing (1) the actions taken by the Government of Panama since August 1, 1992, to investigate and, where appropriate, penalize Panamanian flag ships which have been reported by other nations to have violated the provisions of Annex V of MARPOL 73/78, (2) any efforts taken by the Government of Panama to ensure improved compliance with the provisions of Annex V of MARPOL 73/78 on the part of Panamanian flag ships, and (3) the actions by the Government of the United States in the implementation of its new enforcement policy for Annex V of MARPOL 73/78, including penalty actions taken against foreign flag vessels by the Coast Guard for violations by those vessels occurring within the exclusive economic zone of the United States".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 172: Page 50, line 19, after "102-240" insert: ", not more than $2,400,000 for section 6015 of Public Law 102-240, and amounts necessary for section 5002 of Public Law 102-240".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 172 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", not more than $2,400,000 for section 6015 of Public Law 102-240, and not more than $750,000 for section 5002 of Public Law 102-240".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 174: Page 50, line 19, after "102-240" insert: ", and notwithstanding any other provision of law, not distribute".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 174 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following: ", and notwithstanding any other provision of law, not distribute $7,500,000 of the obligation limitation established by this Act for Federal-aid highways and highway safety construction: Provided, That such undistributed obligation limitation shall be available for administrative costs and allocation to States under section 1302(d) of the Symms National Recreational Trails Act of 1991: Provided further, That amounts for section 1081 of Public Law 102-240, section 5002 of Public Law 102-240, section 6015 of Public Law 102-240, and section 1302(d) of the Symms National Recreational Trails Act of 1991 shall be deemed necessary for administration under section 104(a) of title 23, United States Code".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 185: Page 64, strike out all after line 22 over to and including line 3 on page 65, and insert:

SEC. 328. Notwithstanding any other provision of law, the Federal Aviation Administration has the authority to enter into grants with the City of Kissimmee, Florida; the Douglas County Port Authority and the

Chelan County Port Authority, Washington; and the Jackson-Madison County Airport Authority, Tennessee to assist in the construction of non-Federal air traffic control towers: Provided, That funds for such towers shall be derived from the unobligated balances of the "Facilities and Equipment" account of the Federal Aviation Administration.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate Numbered 185 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 330. None of the funds in this Act shall be available for the planning or implementation of any change in the current Federal status of the Federal Aviation Administration's flight service stations at Red Bluff Airport in Red Bluff, California, Tri-City Airport in Bristol, Tennessee, and Bert Mooney Airport in Butte, Montana.

SEC. 331. Notwithstanding any other provision of law, the Federal Aviation Administration has the authority to enter into grants with the City of Kissimmee, Florida; the Douglas County Port Authority and the Chelan County Port Authority, Washington; and the Jackson-Madison County Airport Authority, Tennessee, to assist in the construction of non-Federal air traffic control towers: Provided, That funds for such towers shall be derived from the unobligated balances of the "Facilities and Equipment" account of the Federal Aviation Administration.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 186: Page 65, strike out lines 4 to 10, and insert:

SEC. 329. Notwithstanding any other provision of law, funds provided in this or subsequent Acts for necessary expenses to carry out the provisions of section 1069 of Public Law 102–240 are to remain available until expended.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 186 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

SEC. 332. Section 1064(e) of Public Law 102–240 is amended by adding: "For further purposes of this section, the access road from Interstate Business Route 75 to the Sugar Island Ferry Service in Chippewa County, Michigan, and the access road from United States Route 31 to the Beaver Island Ferry Service in Charlevoix County, Michigan, shall be treated as principal arterials.".

SEC. 333. Notwithstanding any other provision of law, funds provided in this or subsequent Acts for necessary expenses to carry out the provisions of section 1069 of Public Law 102–240 are to remain available until expended.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 194: Page 73, after line 16, insert:

SEC. 332. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction and Improvements shall be available after the fifteen day of any quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committee on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided*, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisitions project: *Provided further*, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction and improvements account be fully funded: *Provided further*, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: "*Provided further*, That all information submitted in such reports shall be current as of the last day of the preceding quarter".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 194 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 337. None of the funds provided in this Act or prior Appropriations Acts for Coast Guard Acquisition, Construction, and Improvements shall be available after the fifteenth day of any quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report to the House and Senate Appropriations Committees on all major Coast Guard acquisition projects including projects executed for the Coast Guard by the United States Navy and vessel traffic service projects: *Provided*, That such reports shall include an acquisition schedule, estimated current and future year funding requirements, and a schedule of anticipated obligations and outlays for each major acquisition project: *Provided further*, That such reports shall rate on a relative scale the cost risk, schedule risk, and technical risk associated with each acquisition project and include a table detailing unobligated balances to date and anticipated unobligated balances at the close of the fiscal year and the close of the following fiscal year should the Administration's pending budget request for the acquisition, construction, and improvements account be fully funded: *Provided further*, That such reports shall also provide abbreviated information on the status of shore facility construction and renovation projects: *Provided further*, That all information submitted in such reports shall be current as of the last day of the preceding quarter.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

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The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 196: Page 73, after line 16, insert:

SEC. 334. For the purpose of carrying out a demonstration of the construction of public toll roads in Orange County, California, authorized by 23 U.S.C. 129(d), there is hereby appropriated $12,000,000 for the Secretary to enter into an agreement to make a loan or loans not to exceed $120,000,000 to the public entity or entities with the statutory duty to construct such facilities, to be available upon the completion of construction of such facilities for five year from the date capitalized interest funds are exhausted and only if and to the extent revenues from toll operations and standard reserves are less than revenue necessary for debt service established under the eligibility criteria applicable thereto and no more than 20 percent of the total loan amount would be payable in any one year of operation: *Provided*, That all funds appropriated under this head shall be exempted from any limitation on obligations for Federal-aid highway and highway safety construction programs: *Provided further*, That such loan or loans shall draw interest at the 30 year United States Treasury Bond rate on the date such loan or loans are made and shall be repaid in not more than 30 years. Notwithstanding any other provisions of law, such loan or loans shall not constitute a guarantee of the payment of principal or interest with respect to any indebtedness heretofore or hereafter issued by said public entity or entities.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 196 and concur therein with amendments, as follow: In lieu of the section number "334", insert:

"339" and in lieu of the sum $12,000,000", insert: "$9,600,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 198: Page 73, after line 16, insert:

SEC. 336. Section 1023 of the Intermodal Surface Transportation Efficiency Act (Public Law 102-240) is amended by adding a new subsection (h) as follows:

(h) PUBLIC TRANSIT VEHICLES.—

(1) TEMPORARY EXEMPTION.—The second sentence of section 127 of title 23, United States Code, relating to axle weight limitations for vehicles using the National Highway System of Interstate and Defense Highways, shall not apply, for the 2-year period beginning on the date of enactment of this Act, to any vehicle which is regularly and exclusively used as an intrastate public agency transit passenger bus. The Secretary may extend such 2-year period for an additional year.

(2) STUDY.—The Secretary shall conduct a study on the maximum axle weight limitations on the National Highway System of Interstate and Defense Highways established under section 127 of title 23, United States Code, or under state laws, as they apply to public transit vehicles. The study shall determine whether or not public transit vehicles should be exempted from the requirements of section 127 or state laws or if such laws should be modified with regard to public transit vehicles. In making such determination, the Secretary shall consider current transit vehicle design standards, the implications of the Americans with Disabilities Act and Clean Air Act requirements on such design standards, and the potential impact of revised design standards on transit ridership capacity, operating and replacement costs, air quality concerns, and highway wear and tear.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the result of the study conducted under paragraph (2), together with recommendations.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 198, and concur therein with amendments, as follow: In lieu of the section number "336", insert: "341" and in lieu of the words "National Highway" in both instances, insert: "Dwight D. Eisenhower".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 205: Page 73, after line 16, insert:

SEC. 343. Notwithstanding any other provisions of law, any unspent balance of funds previously earmarked for the Long Island Expressway Fourth Lane project shall be applied instead to the Robert Moses Causeway rehabilitation project and to the Loop Parkway Bridge replacement.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 205, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 347. Notwithstanding any other provision of law, any unspent balance of funds previously earmarked for the Long Island Expressway Fourth Lane project shall be applied instead to the Robert Moses Causeway rehabilitation project and to the Loop Parkway Bridge rehabilitation project.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 206: Page 73, after line 16, insert:

SEC. 344. (a) DENIAL AND REVOCATION.—Chapter 121 of title 46, United States Code, is amended by adding at the end of the following new section:

"§ 12123. Denial and revocation of endorsements

"The Secretary of Transportation is authorized to deny the issuance or renewal of a trade or recreational endorsement on a certificate of documentation issued under this chapter and to revoke such endorsement if that vessel's owner has not paid an assessment of a civil penalty after final agency action for a violation of law for which an assessment has been made by the Secretary.".

(b) LIMITATIONS ON VESSEL OPERATIONS.—Section 12110(c) of title 46, United States Code is amended by striking all of the first sentence through the first comma and inserting in lieu thereof the following: "When a vessel is operated after the Secretary has denied issuance or renewal of an endorsement or revoked the endorsement under section 12123 of this title and before the endorsement is reinstituted, or is employed in a trade for which an endorsement is required, without a certificate of documentation with an appropriate endorsement for that trade,".

(c) TECHNICAL AMENDMENTS.—(1) Section 12103(a) of title 46, United States Code, is amended by striking "On" and inserting in lieu thereof "Except as provided in section 12123 of this title, on".

(2) The analysis for chapter 121 of title 46, United States Code, is amended by adding at the end the following new item:

"12123. Denial and revocation of endorsements.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The test of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 206, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 348. (a) DENIAL AND REVOCATION.—Chapter 121 of title 46, United States Code, is amended by adding at the end the following new section:

"§ 12123. Denial and revocation of endorsements

"The Secretary of Transportation is authorized to deny the issuance or renewal of a trade or recreational endorsement on a certificate of documentation issued under this chapter and to revoke such endorsement if that vessel's owner has not paid an assessment of a civil penalty after final agency action for a violation of law for which an assessment has been made by the Secretary.".

(b) LIMITATIONS ON VESSEL OPERATIONS.—Section 12110(c) of title 46, United States Code, is amended by striking all of the first sentence through the first comma and inserting in lieu thereof the following: "When a vessel is operated after the Secretary has denied issuance or renewal of an endorsement or revoked the endorsement under section 12123 of this title and before the endorsement is reinstituted, or is employed in a trade for which an endorsement is required, without a certificate of documentation with an appropriate endorsement for that trade,".

(c) TECHNICAL AMENDMENTS.—(1) Section 12103(a) of title 46, United States Code, is amended by striking "On" and inserting in lieu thereof "Except as provided in section 12123 of this title, on".

(2) The analysis for chapter 121 of title 46, United States Code, is amended by adding at the end the following new item:

"12123. Denial and revocation of endorsements.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 210: Page 73, after line 16, insert:

"SEC. 348. Notwithstanding any other provision of law, none of the funds in this Act or previous Acts shall be used for the widening of U.S. Highway 93 between Somers and Whitefish, Montana, until the Federal Highway Administration has completed a feasibility study of design alternatives: *Provided*, That such study shall be completed by September 30, 1993, and shall be conducted in consultation with the Montana Department of Transportation and local authorities in Flathead County, Montana: *Provided further*, That such study shall address the cost, safety, aesthetics, and land use planning impacts of each design alternative.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 210, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

"SEC. 352. Notwithstanding any other provision of law, none of the funds in this Act or previous Acts shall be used for the widening of U.S. Highway 93 between Somers and Whitefish, Montana, until the Federal Highway Administration has completed a feasibility study of design alternatives: Provided, That such study shall be completed by September 30, 1993, and shall be conducted in consultation with the Montana Department of Transportation and local authorities in Flathead County, Montana: Provided further, That such study shall address the cost, safety, aesthetics, and land use planning impacts of each design alternative: Provided further, That the federal share of funding for such study shall be 100 percent of the cost of such study.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 212: Page 73, after line 16, insert:

SEC. 350. Section 345 of the Department of Transportation and related Agencies Appropriations Act, 1992, is amended by adding at the end thereof the following:

"(d)(1) In addition to its functions under subsection (b), the Metropolitan New York Aircraft Noise Mitigation Committee shall review aircraft noise complaints within the airspace over the States of New York and Connecticut lying within a 110-nautical-mile radius of La Guardia Airport, and advise the Administrator with regard to aircraft noise mitigation within such radius, and the locations and boundaries of noise impact areas defined by such complaints. The Committee shall obtain the participation of citizens, community associations, and other public organizations concerned with aircraft noise in carrying out the functions of the Committee under this section.

"(2) The Administrator, from time to time, shall consult with the Committee regarding aircraft noise mitigation and such aircraft noise complaints. The Committee shall make recommendations to the Administrator regarding such aircraft noise mitigation and complaints.

"(3) Any vacancy in a position on the Committee shall be filled in the same manner as the original appointment to that position.

"(4) The Chairman of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 531 of such title.

"(5) Costs and other expenses incurred by the Committee in carrying out its functions under this section shall be paid from appropriations to the Department of Transportation for administrative expenses.

"(6) The Metropolitan New York Aircraft Noise Mitigation Committee shall be permanent.".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 212, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 353. Section 345 of the Department of Transportation and Related Agencies Appropriations Act, 1992, is amended by adding at the end thereof the following:

"(d)(1) In addition to its functions under subsection (b), the Metropolitan New York Aircraft Noise Mitigation Committee shall review aircraft noise complaints within the airspace over the States of New York and Connecticut lying within a 110-nautical-mile radius of La Guardia Airport, and advise the Administrator with regard to aircraft noise mitigation within such radius, and the locations and boundaries of noise impact areas defined by such complaints. The Committee shall obtain the participation of citizens, community associations, and other public organizations concerned with aircraft noise in carrying out the functions of the Committee under this section.

"(2) The Administrator, from time to time, shall consult with the Committee regarding aircraft noise mitigation and such aircraft noise complaints. The Committee shall make recommendations to the Administrator regarding such aircraft noise mitigation and complaints.

"(3) Any vacancy in a position on the Committee shall be filled in the same manner as the original appointment to that position.

"(4) The Chairman of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rate for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

"(5) Costs and other expenses not to exceed $100,000 incurred by the Committee in carrying out its functions under this section shall be paid from appropriations to the Department of Transportation for administrative expenses.

"(6) The Metropolitan New York Aircraft Noise Mitigation Committee shall be permanent.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 215: Page 73, after line 16, insert:

SEC. 353. LABELING REQUIREMENT FOR AUTOMOBILES.

(a) SHORT TITLE.—This section may be cited as the "American Automobile Labeling Act".

(b) LABEL REQUIREMENT.—(1) Each manufacturer of a new automobile distributed in commerce for sale in the United States shall cause to be affixed, and each dealer shall cause to be maintained, on each such automobile manufactured in any model year after model year 1993, in a prominent place, a label—

(A) indicating the percentage (by value) of automobile equipment on such automobile which originated in the United States;

(B) indicating the city, State (where appropriate), and country where such automobile is assembled; and

(C) in the case of any country (other than the United States) in which 15 percent or more of the automobile equipment (by value) on such automobile originated, indicating the names of at least the 2 countries in which the greatest amount of such equipment (by value) originated.

(2) The percentages required to be indicated by this section may be rounded to the nearest 5 percent.

(c) FORM AND CONTENT OF LABEL.—The form and content of the label required under subsection (b), and the manner in which such label shall be affixed, shall be prescribed by the Secretary by rule. The Secretary may permit a manufacturer to comply with this section by allowing such manufacturer to disclose the information required under this section on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Treasury, shall promulgate such regulations as may be necessary to carry out this section, including regulations to establish a procedure to verify the labeling information required by this section.

(e) VIOLATIONS AND PENALTIES.—Any manufacturer of automobiles distributed in commerce for sale in the United States who willfully fails to affix to any new automobile so manufactured or imported by him for sale in the United States the label required by this section, or any dealer who fails to maintain such label as required by this section, shall be fined not more than $1,000. Such failure with respect to each automobile shall constitute a separate offense.

(f) DEFINITIONS.—For purposes of this section—

(1) The term "manufacturer" means any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

(2) The term "person" means an individual, partnership, corporation, business trust, or any organized group of persons.

(3) The term "automobile" includes any passenger car, passenger van, or any other vehicle with respect to which the labeling requirements of section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232) apply.

(4) The term "automobile equipment" means any system, part, or component of an automobile installed on or attached to such automobile at the time of its initial shipment by the manufacturer to a dealer for sale to an ultimate purchaser.

(5) The term "originated in the United States", in referring to automobile equipment, means the value added in the United States to the equipment.

(6) The term "new automobile" means an automobile the equitable or legal title to which has never been transferred by a manu-

facturer, distributor, or dealer to an ultimate purchaser.

(7) The term "dealer" means any person or resident located in the United States, including any territory of the United States, or the District of Columbia, engaged in the sale or the distribution of new automobiles to the ultimate purchaser.

(8) The term "commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(9) The term "Secretary" means the Secretary of Transportation.

(10) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone and American Samoa.

(11) The term "value added" means the value that is directly related to the production of the automobile equipment. Such term does not include value that is related to the production or sale of assembled vehicles, such as advertising costs, interest payments, royalties paid, depreciation charges, profits, and other such similar accounting categories of the manufacturer.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 215, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 355. The Motor Vehicle Information and Cost Savings Act is amended by adding at the end of title II thereof the following:

"SEC. 210. Labeling Requirements for Automobiles

"(a) SHORT TITLE.—This section may be cited as the "American Automobile Labeling Act"

"(b) LABEL REQUIREMENT.—(1) Each manufacturer of a new passenger motor vehicle distributed in commerce for sale in the United States shall annually establish for each model year and cause to be affixed, and each dealer shall cause to be maintained, on each such vehicle manufactured on or after October 1, 1994, in a prominent place, one or more labels—

"(A) indicating the percentage (by value) of passenger motor vehicle equipment installed on such vehicle within a carline which originated in the United States and Canada to be identified with the words "U.S./Canadian content";

"(B) indicating the final assembly point by city, State (where appropriate), and country of such automobile;

"(C) in the case of any country (other than the United States and Canada) in which 15 percent or more (by value) of equipment installed on passenger motor vehicles within a carline originated, indicating the names of at least the 2 countries in which the greatest amount (by value) of such equipment originated and the percentage (by value) of the equipment originating in each such country;

"(D) indicating the country of origin of the engine for each passenger motor vehicle; and

"(E) indicating the country of origin of the transmission for each passenger motor vehicle;

"(2) The percentages required to be indicated by this section may be rounded to the nearest 5 percent by the manufacturers. Such percentage shall be established at the beginning of each model year for such carline and shall be applicable to that carline for the entire model year.

"(3) The disclosure requirement of subparagraph (1)(B) of this section supersedes the disclosure requirement of section 3(b) of the Automobile Information Disclosure Act (15 U.S.C. 1232(b)). A manufacturer who indicates the final assembly point as required by this section shall be deemed to have satisfied the disclosure requirement imposed by section 3(b) of the Automobile Information Disclosure Act.

"(c) FORM AND CONTENT OF LABEL.—The form and content of the label required under subsection (b), and the manner and location in which such label shall be affixed, shall be prescribed by the Secretary by rule. The Secretary shall permit a manufacturer to comply with this section by allowing such manufacturer to disclose the information required under this section on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232), on the label required by section 506 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006), or on a readily visible separate label.

"(d) REGULATIONS.—The Secretary, in consultation with the Secretary of Commerce and the Secretary of the Treasury, shall promulgate such regulations as may be necessary to carry out this section, including regulations to establish a procedure to verify the labeling information required by this section. Such regulations shall provide to the ultimate purchaser of a new passenger motor vehicle the best and most understandable information possible about the foreign and U.S./Canada origin of the equipment of such vehicles without imposing costly and unnecessary burdens on the manufacturers. The regulations shall be promulgated promptly after the enactment of this section in order to provide adequate lead time for all manufacturers to comply with this section. The regulations shall include provisions applicable to outside and allied suppliers to require such suppliers to certify whether a component provided by such suppliers is U.S./Canada or foreign and to provide such other information as may be necessary, as determined by the Secretary, to enable the manufacturer to reasonably comply with the provisions of this section and to reply on such certification and information. The regulations applicable to all suppliers shall be enforceable as a regulation of the Secretary under the appropriate provisions of this Act.

"(e) VIOLATIONS AND PENALTIES.—Any manufacturer of automobiles distributed in commerce for sale in the United States who willfully fails to affix to any new automobile so manufactured or imported by him for sale in the United States the label required by this section, or any dealer who fails to maintain such label as required by this section, shall be fined not more than $1,000. Such failure with respect to each automobile shall constitute a separate offense.

"(f) DEFINITIONS.—For purposes of this section—

"(1) The term "manufacturer" means any person engaged in the manufacturing or assembling of new automobiles, including any person importing new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

"(2) The term "person" means an individual, partnership, corporation, business trust, or any organized group of persons.

"(3) The term "passenger motor vehicle" has the meaning provided in section 2(1) of this Act, except that it shall include any multipurpose vehicle and light duty truck that is rated at 8,500 pounds gross vehicle weight or less.

"(4) The term "passenger motor vehicle equipment" means any system, subassembly, or component received at the final vehicle assembly point for installation on, or attachment to, such vehicle at the time of its initial shipment by the manufacturer to a dealer for sale to an ultimate purchaser. The term component" shall not include minor parts, such as attachment hardware (nuts, bolts, clips, screws, pins, braces, etc.) and such other similar items as the Secretary, in consultation with manufactures and labor, may prescribe by rule.

"(5) The terms "originated in the United States and Canada". "U.S./Canadian", and "of U.S./Canadian origin", in referring to automobile equipment, mean:

"(A) for outside suppliers, the purchase price of automobile equipment which contains at least 70 percent value added in the United States and Canada; and

"(B) for allied suppliers, the manufacturer shall determine the foreign content of any passenger motor vehicle equipment supplied by the allied supplier by adding up the purchase price of all foreign material purchased from outside suppliers that comprise the individual passenger motor vehicle equipment and subtracting such purchase price from the total purchase price of such equipment. Determination of foreign or U.S./Canadian origin from outside suppliers will be consistent with subparagraph (A).

"(6) The term "new passenger motor vehicle" means a passenger motor vehicle the equitable or legal title to which has never been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

"(7) The term "dealer" means any person or resident located in the United States, including any territory of the United States, or the District of Columbia, engaged in the sale or the distribution of new automobiles to the ultimate purchaser.

"(8) The term "Secretary" means the Secretary of Transportation.

"(9) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

"(10) (A) The term "value added in the United States and Canada" means a percentage derived as follows: "Value Added equals the total purchase price, minus total purchase price of foreign content, divided by the total purchase price.

"Costs incurred or profits made at the final vehicle assembly point and beyond (i.e., advertising, assembly, labor, interest payments, profits, etc.) shall not be included in such calculation.

"(B) In determining the origin and value added of engines and transmissions, the following groupings will be used:

(1) Engines of same displacement produced at the same plant.

(2) Transmissions of the same type produced at the same plant.

"(11) The term "carline" means a name denoting a group of vehicles which has a degree of commonality in construction (e.g., body, chassis). Carline does not consider any level of decor of opulence and is not generally distinguished by such characteristics as roof line, number of doors, seats, or windows, except for light duty trucks. Light duty trucks are considered to be different carlines than passenger cars.

"(12) The term "country of origin", in referring to the origin of an engine or transmission, means the country in which 50 percent or more of the dollar value added of an engine or transmission originated. If no country accounts for 50 percent or more of the dollar value, then the country of origin is the country from which the largest share of the value added originated. The estimate of the percentage of the dollar value shall be based upon the purchase price of direct materials as received at individual engine or transmission plants of engines of the same displacement and transmissions of the same transmission type. For the purpose of determining the country of origin for engines and transmissions, the United States and Canada shall be treated separately.

"(13) When used in reference to passenger motor vehicle equipment which is of U.S./Canadian origin, the term "percentage (by value)" means the resulting percentage when the percentage (by value) of such equipment not of U.S./Canadian origin that will be installed or included on such vehicles produced within a carline is subtracted from 100 percent. Value shall be expressed in terms of purchase price. For both outside suppliers and allied suppliers the value used shall be the purchase price of the passenger motor vehicle equipment as paid at the final assembly point.

"(14) The term "final assembly" point shall mean the plant, factory, or other place at which a new passenger motor vehicle is produced or assembled by a manufacturer and from which such vehicle is delivered to a dealer or importer in such a condition that all component parts necessary to the mechanical operation of such automobile are included with such vehicle whether or not such component parts are permanently installed in or on such vehicle.

"(15) The term "allied supplier" means a supplier of passenger motor vehicle equipment that is wholly owned by the manufacturer, or in the case of a joint venture vehicle assembly arrangement, any supplier that is wholly owned by one member of the joint venture arrangement.

"(16) The terms "foreign" or "foreign content" means passenger motor vehicle equipment not determined to be U.S./Canadian origin.

"(17) The term "outside supplier" means a supplier of passenger motor vehicle equipment to a manufacturer's allied supplier or anyone other than an allied supplier who ships directly to the manufacturer's final assembly point.

"(g) EFFECT ON STATE LAW.—(1) Whenever a content labeling requirement established under this section is in effect, no state or political subdivision of a State shall have the authority to adopt or enforce any law or regulation relating to the content of vehicles covered by such Federal requirement.

"(2) Nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing requirements with respect to content of automobiles procured for its own use.".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 216: Page 73, after line 16, insert:

SEC. 354. Notwithstanding the provisions of any other law, rule, or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary. In determining the redemption or repurchase amount the Secretary shall take into consideration the market value of the stock and may accept payment in an amount less than the par value of such stock.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 216, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 356. Notwithstanding the provisions of any other law, rule, or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 222: Page 73, after line 16, insert:

SEC. 360. ALCAN HIGHWAY.—Notwithstanding any other provision of law, the Secretary of Transportation shall waive the State matching share for the construction of any international road project for which funds are earmarked in the Intermodal Surface Transportation Efficiency Act of 1991 or in the Fiscal Year 1992 Appropriations Bill for the Department of Transportation.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 222, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 361. Notwithstanding any other provision of law, the Secretary of Transportation shall waive the State matching share for the construction of any portion of an international road project located outside of the borders of any State of the United States for which funds are earmarked in the Intermodal Surface Transportation Efficiency Act of 1991 or in the Department of Transportation and Related Agencies Appropriations Act, 1992.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 223: Page 73, after line 16, insert:

SEC. 361. COLLEGIATE TRAINING INITIATIVE

(a) The administrator of the Federal Aviation Administration may hereafter continue the Collegiate Training Initiative program, by entering into new agreements, and by maintaining existing agreements, with postsecondary educational institutions, as defined by the Administrator, whereby such institutions prepare students for the position of air traffic controller with Department of Transportation, as defined in section 2109 of title 5, United States Code.

(b) The Administrator may establish standards for the entry of institutions into such program and for their continued participation in it.

(c) The Administrator may appoint persons who have successfully completed a course of training in such program to the position of air traffic controller noncompetitively in the excepted service, as defined in section 2103, of title 5, United States Code. Persons so appointed shall serve at the pleasure of the Administrator, subject to section 7511(e), of title 5, United States Code (pertaining to adverse actions). However, an appointment under this subsection may be converted from one in the excepted service to a career-continual or career appointment in the competitive civil service, as defined in section 2102, of title 5, United States Code, when the incumbent achieves full performance level air traffic controller status, as determined by the Administrator. The authority conferred by this subsection to make new appointments in the excepted service shall expire at the end of five years from the date of enactment of the Act, except that the Administrator may determine to extend such authority for one or more successive one-year periods thereafter.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recedes from its disagreement to the amendment of the Senate numbered 223, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 362. COLLEGIATE TRAINING INITIATIVE.

(a) The Administrator of the Federal Aviation Administration may hereafter continue the Collegiate Training Initiative program, by entering into new agreements, and by maintaining existing agreements, with postsecondary educational institutions, as defined by the Administrator, whereby such institutions prepare students for the position of air traffic controller with the Department of Transportation, as defined in section 2109 of title 5, United States Code.

(b) The Administrator may establish standards for the entry of institutions into such program and for their continued participation in it.

(c) The Administrator may appoint persons who have successfully completed a course of training in such program to the position of air traffic controller noncompetitively in the excepted service, as defined in section 2103, of title 5, United States Code. Persons so appointed shall serve at the pleasure of the Administrator, subject to section 7511, of title 5, United States Code (pertaining to adverse actions). However, an appointment under this subsection may be converted from one in the excepted service to a career conditional or career appointment in the competitive civil service, as defined in section 2102, of title 5, United States Code, when the incumbent achieves full performance level air traffic controller status, as determined by the Administrator. The authority conferred by this subsection to make new appointments in the excepted service shall expire at the end of five years from the date of enactment of this Act, except that the Administrator may determine to extend such authority for one or more successive one-year periods thereafter.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 226: Page 73, after line 16, insert:

SEC. 364. EMPLOYEE CONSIDERATIONS IN AIRLINE ROUTE TRANSFERS.

(a) IN GENERAL.—Section 401(h) of the Federal Aviation Act of 1958 (49 App. U.S.C. 1371(h)) is amended by adding at the end the following new paragraph:

"(4) EMPLOYEE CONSIDERATIONS.—

"(A) CONSIDERATION OF EMPLOYMENT OPPORTUNITIES.—In reviewing a proposed transfer of a foreign air transportation route certificate, the Secretary of Transportation in order to encourage fair wages and equitable working conditions for air carriers shall give priority consideration to assuring employment opportunities for employees of the air carrier transferring the certificate. Those opportunities shall not discriminate on the basis of race, color, religion, national origin, sex, age, or disability. Consideration shall also be given to provisions for seniority integration, as provided for in the seniority integration protections specified in Tiger International Seaboard Acquisition Case, CAB Docket 33712.

"(B) EMPLOYMENT PLAN.—Upon application for approval of such a certificate transfer, the acquiring carrier shall submit its plan for employment that projects the number of employees of the transferring carrier who will be hired by the acquiring carrier, the crafts and national origin of those employees, and a timetable for implementation of that employment plan.

"(C) MANDATORY FINDINGS.—The Secretary may approve the transfer of a foreign air transportation route certificate only if the Secretary makes specific findings that—

"(i) the employment plan submitted under subparagraph (B) does not discriminate on the basis of race, color, religion, national origin, sex, age, or disability;

"(ii) reasonable attempts have been made by the acquiring carrier to provide employment opportunities for employees of the transferring carrier; and

"(iii) the employment plan would not adversely affect the viability of the transaction.

"(D) EVALUATION.—Within 1 year after the approval by the Secretary of a transfer of a foreign air transportation route certificate, the Secretary shall conduct an evaluation of the implementation of the employment plan submitted under subparagraph (B).".

(b) DUTY TO HIRE PROTECTED EMPLOYEES.—Section 43(d)(1) of the Airline Deregulation Act of 1978 is amended by striking "10" and inserting in lieu thereof "17".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any application filed after the date of enactment. With respect to any application filed after July 26, 1991 but before the date of enactment the acquiring carrier must submit the employment plan specified in subparagraph (B) and that the provisions in subparagraph (D) apply.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 226, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 365. Notwithstanding any other provision of law, the Coast Guard shall utilize $2,000,000 in funds provided for "Research, development, test, and evaluation" in this Act or in previous appropriations Acts to enter into a grant agreement with the International Oceanographic Foundation, Inc. for the purpose of establishing the South Florida oil spill research center.

SEC. 366. Notwithstanding any other provision of law, the Federal Aviation Administration is required to remedy any existing contamination problems related to asbestos and PCBs at its Sayville facility and to remove the facility prior to the transfer of associated lands to the U.S. Fish and Wildlife Service

SEC. 367. Notwithstanding any other provision of law, the Secretary of Transportation shall make available $4,100,000 in fiscal year 1993 from section 1105(f)(16) of Public Law 102–240 to section 1108(b)(25) of Public Law 102–240.

SEC. 368. Notwithstanding any other provision of law, section 1105(e)(2) of Public Law 102–240 is amended by adding at the end the following new sentence: "A study may be conducted under this subsection to determine the feasibility of constructing a more direct limited access highway between Peoria and Chicago, Illinois.".

SEC. 369. Notwithstanding any other provision of law, section 1108(b)(17) of Public Law 102–240 is amended by striking the current project description and inserting, "Conduct environmental studies, preliminary engineering, and construction for the Las Vegas beltway, including those portions linking McCarran International Airport and I–15.".

SEC. 370. Notwithstanding any other provision of law, in selecting projects to be carried out with funds apportioned to it under section 104 of title 23, United States Code, the State of Illinois shall give priority consideration to reconstruction of Meridian and Glen Crossing Roads in Madison County, Illinois.

SEC. 371. Notwithstanding any other provision of law, section 1105(g) of Public Law 102-240 is amended by adding a new paragraph (9) to read as follows: "(9) The States of South Dakota and Nebraska may, at their discretion, utilize funds allocated to them for the project described in section 1105(f)(17) of this Act to support the Nebraska/South Dakota feasibility study described in section 1105(f)(7) and may also utilize funds allocated for that study for the project described in section 1105(f)(17).".

SEC. 372. Notwithstanding any other provision of law, the Federal Railroad Administration, in its oversight of railroad employees' duty hours, shall presume to be lawful the Long Island Railroad's current practice of considering as commuting time the travel time of an employee to any reporting point, regardless of whether the employee has more than one reporting point.

SEC. 373. Notwithstanding any other provision of law, section 1069(t) of Public Law 102-240 is amended by striking the period in the last line, inserting a comma, and adding: "and funds provided pursuant to this provision shall not be subject to any limitation on obligations for federal-aid highways and highway safety construction programs.".

SEC. 374. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1995, shall be made available for other projects under section 3 of the Federal Transit Act, as amended.

SEC. 375. Notwithstanding any other provision of law, the Secretary is directed to waive the non-federal share for NASA Road 1 near Houston, Texas.

SEC. 376. Notwithstanding any other provision of law or regulation, before July 1, 1993, no lanes on any highway located on federally owned land, whether subject to easement or otherwise, may be restricted to high occupancy vehicles if those lanes have been constructed or maintained through the use of toll receipts.

SEC. 377. TREATMENT OF CERTAIN BUS REVENUE MILEAGE.—For purposes of the apportionment of funds under section 9 of the Federal Transit Act for fiscal year 1993, the total bus revenue vehicle miles provided by the Duke Power Company in the year ending June 30, 1990, shall be treated as having been provided by the City of Durham, North Carolina.

SEC. 378. Notwithstanding any other provision of law, section 1104(b)(17) of Public Law 102–240 is amended by striking the project description and inserting: "Study and construction of a bicycle system to serve as an alternative form of commuter transportation, to reduce air pollution, and to enhance recreation".

SEC. 379. Notwithstanding any other provision of law, section 1106(a)(2)(69) of Public Law 102–240 is amended by adding to the project description the following: "; plan, design, and construct related, adjacent, or interlocking facilities, preserve any related historical remnants, and acquire the necessary lands or interests in lands for such facilities".

SEC. 380. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—Section 149(b) of title 23, United States Code, is amended by adding at the end the following new sentence: "In areas of a State which are nonattainment for ozone or carbon monoxide, or both, and for PM–10 resulting from transportation activities, the State may obligate such funds for any project or program under paragraph (1) or (2) without regard to any limitation of the Department of Transportation relating to the type of ambient air quality standard such project or program addresses.".

SEC. 381. BALTIMORE-WASHINGTON TRANSPORTATION IMPROVEMENTS PROGRAM.—Section 3035(nn)(2) of Public Law 102–240 is amended—(1) by striking "Waldorf" and inserting "mass transportation improvements to the Waldorf area"; and (2) by adding after the first sentence the following new sentence: "The transit improvements in the corridor from the Waldorf area to the Washington, D.C. area shall be based on the locally preferred alternatives that result from the Southern Maryland Mass Transportation Alternatives Study of the Tri-County Council for Southern Maryland and shall include any additional work needed on that study, detailed planning and engineering to be carried out by the Maryland Department of Transportation in conjunction with the Tri-County Council, advanced land acquisition in the transit corridor, and implementation of interim and long-range transit improvements in the transit corridor.".

SEC.. 382. Section 3035(ccc) of Public Law 102–240 is amended by striking "the municipality of metropolitan Seattle, Washington" and inserting: "a qualified local sponsor".

On page 66, line 4 of the House engrossed bill, H.R. 5518, delete "Sec.";

On page 66, beginning on line 4, of the House engrossed bill, H.R. 5518, delete ". (a) Title VI of the Federal Aviation Act of 1958 (49 U.S.C. App. 1421–1433) is amended by adding at the end the following new section:"

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate this next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 277: Page 73, after line 16, insert:

TITLE IV

HIGHWAY TECHNICAL CORRECTIONS

SEC. 401. Section 1107 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by striking in subsection (b) projects (167), (168), (174), (178), (179), (183), (184), and (185) and inserting in lieu thereof the following:

"(167) NELSON COUNTY.—Grading and surfacing from U.S. Highway 2 at Michigan southerly to ND Highway 15 at McVille and on FAS 3220 from ND 1 easterly to the county line.

"(168) STUTSMAN COUNTY.—Widening and surfacing from I–94 north and east through Spiritwood, then north to ND Highway 9, FAS 4718 from ND 20 east to FAS 4745, and FAS 4712 from ND 20 to ND 9.

"(174) MCKENZIE COUNTY.—Grading and surfacing of FAS 2750 from U.S. 85 west.

"(178) RENVILLE/WARD COUNTY.—Grading and surfacing, starting 3 miles west of ND 28 on FAS 3828, thence one mile west and four miles north and then west to FAS 3809.

"(179) MORTON COUNTY.—Grading and surfacing of FAS 3025 and FAS 3020 from ND 49 southeasterly to FAS 3033.

"(183) MORTON COUNTY.—For a bypass around the west side of Fort Lincoln State Park from Mandan South.

"(184) ROLETTE COUNTY.—Grading and surfacing from U.S. 281 around the access loop roads and parking facilities in the International Peace Garden.

"(185) OLIVER COUNTY.—Grading and surfacing of FAS 3331 from ND 200A at Hensler southerly to ND 25 and FAS 3304 from FAS 3331 east to FAS 3339 and FAS 3339.".

SEC. 402. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(i) The State of North Dakota may elect to utilize the total amount of funds authorized for such State under section 1107(b) in any given year for any project or projects in the State of North Dakota as authorized under section 1107."

SEC. 403. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(j) Any balance of funds authorized by this section that remain after construction is completed on any project authorized by subsection (b) in North Dakota may be transferred and used to pay the costs of any projects authorized by subsection (b) in North Dakota."

SEC. 404. Delete the first sentence of section 6058(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) and substitute: "The Federal share payable on account of activities carried out under section 6056, as well as operational test activities carried out under this part (other than section 6056), shall not exceed 80 percent of the cost of such activities.".

SEC. 405. Section 1006(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 56 by striking "I–55" and inserting "I–59".

SEC. 406. The Secretary shall revise the Manual of Uniform Traffic Control Devices to include—

(a) a standard for a minimum level of retroreflectivity that must be maintained for pavement markings and signs, which shall apply to all roads open to public travel; and

(b) a standard to define the roads that must have a center line or edge lines or both, provided that in setting such standard the Secretary shall consider the functional classification of roads, traffic volumes, and the number and width of lanes.

SEC. 407. (a) TECHNICAL CHANGE.—Section 1014(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) in the heading, by striking "91" and inserting "81"; and

(2) by striking "United States Route 91 from Belleville, Kansas" and inserting "United States Route 81 from Concordia, Kansas,".

(b) INNOVATIVE PROJECTS.—The table in subsection (b) of section 1107 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 154, by striking "7–15 miles Belleville to Concordia" and inserting "from Concordia to the Nebraska border".

(c) EXPENDITURE OF FUNDS.—Section 1014(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following new paragraphs:

"(4)(A) Except as provided in subparagraph (B), notwithstanding any other provision of law, the amounts made available for the construction of the Hutchinson Bypass between United States Route 50 and Kansas Route 96 in the vicinity of Hutchinson, Kansas, under section 1107(b) shall be expended prior to the expenditure of the amount obligated for such purpose pursuant to paragraph (1) of this subsection.

"(B) If the appropriate official of the State of Kansas determines that in order to carry out to completion the construction project described in paragraph (A), the expenditure of an amount obligated pursuant to paragraph (1) of this subsection is necessary, the State may expend such amount.

(5) Notwithstanding any other provision of law, the amounts allocated to the State of Kansas for fiscal years 1996 through 1997 pursuant to section 160 of title 23, United States Code, and not obligated under this subsection or any other provision of this Act, shall remain available to the State of Kansas to carry out activities eligible for funding under title 23, United States Code.".

SEC. 408. HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROJECT.—Subsection (c)(1) of section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 144 note) is amended by striking "on rural Federal-aid highways" and inserting "on public roads".

SEC. 409. PERIOD OF AVAILABILITY.—Section 118(b)(1) of title 23, United States Code, is amended—

(1) in the first sentence by inserting "(other than Massachusetts)" after "in a State"; and

(2) in the last sentence by striking "before" and inserting "after".

SEC. 410. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 129 of title 23, United States Code, is amended as follows—

(1) in subsection (b) by striking "approved under section 103(b) or (b) of this title as a part of one of the Federal-aid systems" and inserting in lieu thereof "classified as a public road"; and

(2) by amending subsection (c)(2) to read as follows—"(2) The operation of the ferry shall be on a route classified as a public road within the State and which has not been designated as a route on the Interstate System. Projects under this subsection may be eligible for both ferry boats carrying cars and passenger and ferry boats carrying passengers only."

SEC. 411. The Intermodal Surface Transportation Efficiency Act of 1991, Section 1069(y) is amended by adding at the end of the last sentence: "Funds provided to carry out the provisions of this section are to remain available until expended."

SEC. 412. NONDISCRIMINATION.—Section 140(b) of title 23, United States Code, is amended in the last sentence by striking "¼ of 1 percent" and inserting "½ of 1 percent".

SEC. 413. HELL GATE BRIDGE.—Notwithstanding any other provision of law, the Hell Gate Viaduct shall be considered a federally-owned bridge solely for the purposes of determining the Federal share under section 1021(d) of Public Law 102–240 as regards the project to upgrade, repair and paint the Hell Gate Viaduct authorized by section 1107 of Public Law 102–240.

SEC. 414. Notwithstanding any other provision of law, the funds provided for projects in Idaho by sections 1104 and 1107 of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102–240, December 18, 1991, may be obligated for any such projects.

SEC. 415. Notwithstanding any other provision of law, the State of Nevada may elect to utilize the total amount of funds authorized for such State under sections 1104(b), 1105(f), 1107(b), and 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102–240 within any given fiscal year for any project or projects in the State of Nevada as authorized under said sections.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 227, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

TITLE IV—HIGHWAY TECHNICAL CORRECTIONS

SEC. 401. Section 1107(b) of Public Law 102–240 is amended by striking—

(a) in subsection (167) the project description and inserting in lieu thereof: "Grading and surfacing from U.S. Highway 2 at Michigan southerly to ND Highway 15 at McVille and on FAS 3220 from ND 1 easterly to the county line.".

(b) in subsection (168) the project description and inserting in lieu thereof: "Widening and surfacing from I-94 north and east through Spiritwood, then north to ND Highway 9, FAS 4718 from ND 20 east to FAS 4745, and FAS 4712 from ND 20 to ND 9."

(c) in subsection (174) the project description and inserting in lieu thereof: "Grading and surfacing of FAS 2750 from U.S. 85 west.".

(d) in subsection (178) the project description and inserting in lieu thereof: "Grading and surfacing, starting 3 miles west of ND 28 on FAS 3828, thence one mile west and four miles north and then west to FAS 3809."

(e) in subsection (179) the project description and inserting in lieu thereof: "Grading and surfacing of FAS 3025 and FAS 3020 from ND 49 southeasterly to FAS 3033.".

(f) in subsection (183) the project description and inserting in lieu thereof: "For a bypass around the west side of Fort Lincoln State Park from Mandan South.".

(g) in subsection (184) the project description and inserting in lieu thereof "Grading and surfacing from U.S. 281 around the access loop roads and parking facilities in the International Peace Garden.".

(h) in subsection (185) the project description and inserting in lieu thereof: "Grading and surfacing of FAS 3331 from ND 200A at Hensler southerly to ND 25 and FAS 3304 from FAS 3331 east to FAS 3339 and FAS 3339.".

SEC. 402. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(i) The State of North Dakota may elect to utilize the total amount of funds authorized for such State under section 1107(b) in any given year for any project or projects in the State of North Dakota as authorized under section 1107.".

SEC. 403. The Intermodal Surface Transportation Efficiency Act of 1991 is amended by inserting at the end of section 1107 a new subsection to read as follows:

"(j) Any balance of funds authorized by this section that remains after construction is completed on any project authorized by subsection (b) in North Dakota may be transferred and used to pay the costs of any projects authorized by subsection (b) in North Dakota.".

SEC. 404. Delete the first sentence of section 6058(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) and substitute: "The Federal share payable on account of activities carried out under section 6065, as well as operational test activities carried out under this part (other than section 6056) shall not exceed 80 percent of the cost of such activities.".

SEC. 405. Section 1106(a)(2) of the Intermodal Surface Transportation Effiency Act of 1991 is amended in the item numbered 56 by striking "I-55" and inserting "I-59".

SEC. 406. The Secretary of Transportation shall revise the Manual of Uniform Traffic Control Devices to include—

(a) a standard for a minimum level of retroreflectivity that must be maintained for pavement markings and signs, which shall apply to all roads open to public travel, and

(b) a standard to define the roads that must have a center line or edge lines or both, provided that in setting such standard the Secretary shall consider the functional classification of road, traffic volumes, and the number and width of lanes.

SEC. 407. (a) TECHNICAL CHANGE.—Section 1014(c)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended—

(1) in the heading, by striking "91" and inserting "81"; and

(2) by striking "United States Route 91 from Belleville, Kansas" and inserting "United States Route 81 from Concordia, Kansas,".

(b) INNOVATIVE PROJECTS.—The table in subsection (b) of section 1107 of the Intermodal Surface Transportation Efficiency Act of 1991 is amended in the item numbered 154, by striking "7–15 miles Belleville to Concordia" and inserting "from Concordia to the Nebraska border".

(c) EXPENDITURE OF FUNDS.—Section 1014(c) of the Intermodal Surface Transportation Efficiency Act of 1991 is amended by adding at the end the following new paragraphs:

"(4)(A) Except as provided in subparagraph (B), notwithstanding any other provision of law, the amounts made available for the construction of the Hutchinson Bypass between United States Route 50 and Kansas Route 96 in the vicinity of Hutchinson, Kansas, under section 1107(b) shall be expended prior to the expenditure of the amount obligated for such purpose pursuant to paragraph (1) of this subsection.

"(B) If the appropriate official of the State of Kansas determines that in order to carry out to completion the construction project described in paragraph (A), the expenditure of an amount obligated pursuant to paragraph (1) of this subsection is necessary, the State may expend such amount.

(5) Notwithstanding any other provision of law, the amounts allocated to the State of Kansas for fiscal years 1996 through 1997 pursuant to section 160 of title 23, United States Code, and not obligated under this subsection or any other provision of this Act, shall remain available to the State of Kansas to carry and activities eligible for funding under title 23, United States Code.".

SEC. 408. HIGHWAY TIMBER BRIDGE RESEARCH AND DEMONSTRATION PROJECT.—Subsection (c)(1) of section 1039 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 144 note) is amended by striking "on rural Federal-aid highways" and inserting "on public roads".

SEC. 409. PERIOD OF AVAILABILITY.—Section 118(b)(1) of title 23, United States Code, is amended—

(1) in the first sentence by inserting "(other than Massachusetts)" after "in a State"; and

(2) in the last sentence by striking "before" and inserting "after".

SEC. 410. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—Section 129 of title 23, United States Code, is amended as follows—

(1) in subsection (b) by striking "approved under section 103(b) or (b) of this title as a part of one of the Federal-aid systems" and inserting in lieu thereof "classified as a public road"; and

(2) by amending subsection (c)(2) to read as follows—"(2) The operation of the ferry shall be on a route classified as a public road within the State and which has not been designated as a route on the Interstate System. Projects under this subsection may be eligible for both ferry boats carrying cars and passengers and ferry boats carrying passengers only.".

SEC. 411. Section 1069(y) of the Intermodal Surface Transportation Efficiency Act of 1991, is amended by adding at the end of the last sentence: "Funds provided to carry out the provisions of this section are to remain available until expended.".

SEC. 412. NONDISCRIMINATION.—Section 140(b) of title 23, United States Code, is amended in the last sentence by striking "¼ of 1 percent" and inserting "½ of 1 percent".

SEC. 413. HELL GATE BRIDGE.—Notwithstanding any other provision of law, the Hell Gate Viaduct shall be considered a federally-owned bridge solely for the purposes of determining the Federal share under section 1021(d) of Public Law 102–240 as regards the project to upgrade, repair and paint the Hell Gate Viaduct authorized by section 1107 of Public Law 102–240.

SEC. 414. Notwithstanding any other provision of law, the funds provided for projects in Idaho by sections 1104 and 1107 of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102–240, may be obligated for any such periods.

SEC. 415. Notwithstanding any other provisions of law, the State of Nevada may elect to utilize the total amount of funds authorized for such State under sections 1104(b), 1105(f), 1107(b), and 1108(b) of the Intermodal Surface Transportation Efficiency Act of 1991, Public Law 102–240 within any given fiscal year for any project or projects in the State of Nevada as authorized under said sections.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 228: Page 73, after line 16, insert:

SEC. 416. Notwithstanding any other provision of law, the funds provided for projects in Minnesota by sections 1103, 1105, 1106, 1107, and 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240, December 18, 1991) may be obliged for any of such projects.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 228, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

SEC. 416. Notwithstanding any other provision of law, the funds provided for projects in Minnesota by sections 1103, 1105, 1106, 1107, and 1108 of Public Law 102–240 may be obligated for any such projects: *Provided*, That the total amount of any project shall not be reduced.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 230: Page 73, after line 16, insert:

TITLE V

TRANSIT TECHNICAL CORRECTIONS

SEC. 501. Section 3012 of Public Law 102–240 is amended by adding at the end of section 8(h)(4) the following sentence: "any transit project that has an approved draft Environmental Impact Statement would be exempt from complying with highway National Environmental Policy Act requirements.".

SEC. 502. Matching Share for Transferred Funds.—(a) Section 8(k) of the Federal Transit Act is amended by—

(1) adding after "funds" both times it appears, the following: ", including obligation authority and liquidating cash appropriations,"; and

(2) adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(1) adding after "funds" both times it appears, the following: ", including obligation authority and liquidating cash appropriations,"; and

(2) adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects."

(c) Section 3(h) of the Federal Transit Act is amended by adding a new subparagraph as follows:

"(7) Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among urbanized areas eligible under paragraphs (1), (2) and (3) in accordance with the apportionment formula contained in section 3(h) for the succeeding fiscal year.".

(d) Section 3 of the Federal Transit Act is amended by adding at the end the following new subsection:

"(n) Funds made available under this section which are deobligated may be used by any purpose under this section.".

(e) Section 8(h)(5) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead: "under title 23, United States Code".

(f) Section 8(i)(4) of the Federal Act is amended by striking "pursuant to this title" and inserting instead: "pursuant to title 23, United States Code".

(g) Section 8(m)(1) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead "under title 23, United States Code".

(h) Section 8(p) of the Federal Transit Act is amended by adding at the end the following: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the states for the succeeding fiscal year.".

(i) Section 8 of the Federal Transit Act is amended by adding the following new subsection (q):

"(q) The statewide planning and programming requirements of section 135, title 23, United States Code, shall apply to grants made under section 3, 9, 9B, 16 and 18 of this Act.".

(j) Section 12(l)(1)(B) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(k) Section 16(c)(4) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(l) Section 18(c) of the Federal Transit Act is amended by adding at the end the following: "All funds made available under this section may be used for operating assistance, whether derived from the Mass Transit Account of the Highway Trust Fund under section 21(a)(1) or from general fund appropriations authorized under section 21(a)(2).

(m) Section 21(a)(1) of the Federal Transit Act is amended by inserting after "sections", "8".

(n) Section 21(a)(2) of the Federal Transit Act is amended by inserting after "sections", "8".

(o) Section 21(c) of the Federal Transit Act is amended by striking "subsection 8(p)" and inserting instead "subsection (a)".

(p) Section 21(c)(1) of the Federal Transit Act is amended by striking "8(f)" and inserting instead "8(n)".

(q) Section 21(d)(3) of the Federal Transit Act is amended by striking "1996" and inserting instead "1997".

(r) Section 26(a)(2)(A) of the Federal Transit Act is amended by adding at the end: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year."

SEC. 503. SPECIAL RULE FOR TRANSPORTATION MANAGEMENT AREAS THAT DO NOT CONTAIN AN URBANIZED AREA OVER 200,000 POPULATION.—(1) Funds attributed to a transportation management area, established under section 134 of title 23, United States Code, and not containing an urbanized area over 200,000 under 23 U.S.C. 133(d)(3)(A)(ii), shall be obligated in that transportation management area.

(2) Section 9(m)(1) of the Federal Transit Act (49 U.S.C. App. 1607(a)(m)(1)) is amended by striking in the first sentence "urbanized areas of 200,000 or more population" and inserting the following: "transportation management areas established under section 8(i)".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the house recede from its disagreement to the amendment of the Senate numbered 230, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

TITLE V

TRANSIT TECHNICAL CORRECTIONS

SEC. 501. Section 3012 of Public Law 102–240 is amended by adding at the end of section 8(h)(4) the following sentence: "Any transit project that has an approved draft Environmental Impact Statement would be exempt from complying with highway National Environmental Policy Act requirements.".

SEC. 502. MATCHING SHARE FOR TRANSFERRED FUNDS.—(a) Section 8(k) of the Federal Transit Act is amended by adding at the end: "The provisions of title 23, United States Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(b) Section 134(k) of title 23, United States Code is amended by adding at the end: "The provisions of title 23, United State Code, regarding the non-Federal share shall apply to title 23 funds used for transit projects and the provisions of the Federal Transit Act regarding non-Federal share shall apply to Federal Transit Act funds used for highway projects.".

(c) Section 3(h) of the Federal Transit Act is amended by adding a new subparagraph as follows:

"(7) Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among urbanized areas eligible under paragraphs (1), (2) and (3) in accordance with the apportionment formula contained in section 3(h) for the succeeding fiscal year.".

(d) Section 3 of the Federal Transit Act is amended by adding at the end the following new subsection:

"(n) Funds made available under this section which are deobligated may be used for any purpose under this section.".

(e) Section 8(h)(5) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead: "under title 23, United States Code".

(f) Section 8(i)(4) of the Federal Transit Act is amended by striking "pursuant to this title" and inserting instead: "pursuant to title 23, United State Code".

(g) Section 8(m)(1) of the Federal Transit Act is amended by striking in the first sentence "under this title" and inserting instead "under title 23, United States Code".

(h) Section 8(p) of the Federal Transit Act is amended by adding at the end the following: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the states for the succeeding fiscal year.".

(i) Section 8 of the Federal Transit Act is amended by adding the following new subsection (q):

"(q) The statewide planning and programming requirements of section 135, title 23, United States Code, shall apply to grants made under sections 3, 9, 9B, 16 and 18 of this Act.".

(j) Section 12(l)(1)(B) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(k) Section 16(c)(4) of the Federal Transit Act is amended by striking "regulations" and inserting instead "guidelines".

(l) Section 18(c) of the Federal Transit Act is amended by adding at the end the following: "All funds made available under this section may be used for operating assistance, whether derived from the Mass Transit Account of the Highway Trust Fund under section 21(a)(1) or from general fund appropriations authorized under section 21(a)(2).".

(m) Section 21(a)(1) of the Federal Transit Act is amended by inserting after "sections", "8".

(n) Section 21(a)(2) of the Federal Transit Act is amended by inserting after "sections", "8".

(o) Section 21(c) of the Federal Transit Act is amended by striking "subsection 8(p)" and inserting instead "subsection (a)".

(p) Section 21(c)(1) of the Federal Transit Act is amended by striking "8(f)" and inserting instead "8(n)".

(q) Section 21(d)(3) of the Federal Transit Act is amended by striking "1996" and inserting instead "1997".

(r) Section 21(a)(2)(A) of the Federal Transit Act is amended by adding at the end: "Sums apportioned under this subsection shall be available for obligation for a period of three years following the close of the fiscal year for which such sums are apportioned. Any amounts so apportioned remaining unobligated at the end of such period shall be reapportioned among the States for the succeeding fiscal year.".

Sec. 503. SPECIAL RULE FOR TRANSPORTATION MANAGEMENT AREAS THAT DO NOT CONTAIN AN URBANIZED AREA OVER 200,000 POPULATION.—(1) Funds attributed to a transportation management area, established under section 134 of title 23, United States Code, and not containing an urbanized area over 200,000, under 23 U.S.C. 133(d)(3)(A)(ii), shall be obligated in that transportation management area.

(2) Section 9(m)(1) of the Federal Transit Act (49 U.S.C. App. 1607(a)(m)(1)) is amended by striking in the first sentence "organized areas of 200,000 or more population" and inserting the following: "transportation management areas established under section 8(i)".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 233: Page 73, after line 16, insert:

TITLE VI—ALCOHOL TRAFFIC SAFETY GRANTS

SEC. 601. MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.

Section 410 of title 23, United States Code, is amended—

(1) by striking subsection (g);

(2) by redesignating subsections (c) through (f) as (d) through (g), respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 5 fiscal years beginning after September 30, 1992. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

"(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.".

SEC. 602. BASIC GRANT ELIGIBILITY.

Section 410(d) of title 23, United States Code, as so redesignated by section 601 of this title, is amended—

(1) by striking "4 or more of the following:" and inserting in lieu thereof "5 or more of the following:"; and

(2) in subsection (1)(C), by striking "within the time period specified in subparagraph (F)"; and

(3) by adding at the end the following new paragraph:

"(6) Establishment of a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 10 days of community service, of any person convicted of driving while intoxicated more than once in any 5-year period.".

SEC. 603. AMOUNT OF BASIC GRANTS.

Section 410(e) of title 23, United States Code, as redesignated by section 601 of this title, is amended to read as follows:

"(e) AMOUNT OF BASIC GRANT.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) shall equal 30 percent of the amount apportioned to such State for fiscal year 1992 under section 402 of this title.".

SEC. 604. SUPPLEMENTAL GRANTS.

Section 410(f) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking "A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section" each place it appears and inserting in lieu thereof "Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title".

SEC. 605. ADMINISTRATIVE EXPENSES.

Section 410(g) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking ", and the remainder shall be apportioned among the several States".

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 410(j) of title 23, United States Code, is amended to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for each of fiscal years 1993 through 1997. Amounts made available to carry out this section shall remain available until expended and shall not be subject to any obligation limitation for State and community highway programs.".

SEC. 607. EFFECTIVE DATE OF AMENDMENTS; TRANSITION RULES.

(a) EFFECTIVE DATE.—(1) The amendments made by sections 601 through 606 shall take effect October 1, 1992.

(b) STATES ELIGIBLE FOR BASIC GRANTS UNDER SECTION 410 BEFORE DATE OF ENACTMENT.—A State that received a basic grant in fiscal year 1992 under section 410 of title 23, United States Code, as in effect on September 30, 1992, and that continues to meet the criteria for a basic grant, as in effect on September 30, 1992, shall be eligible for a basic grant under section 410, as amended by this title.

(c) TRANSFER OF REMAINING FUNDS TO NEW PROGRAM.—Funds apportioned in fiscal year 1992 from which grants were not awarded under section 410 of title 23, United States Code, as in effect on September 30, 1992, shall be available for carrying out section 410 of title 23, United States Code, as amended by this title, on and after October 1, 1992.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 233, and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert:

TITLE VI—ALCOHOL TRAFFIC SAFETY GRANTS

SEC. 601. MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS

Section 410 of title 23, United States Code, is amended—

(1) by striking subsection (g);

(2) by redesignating subsections (c) through (f) as (d) through (g), respectively; and

(3) by inserting immediately after subsection (b) the following new subsection:

"(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 5 fiscal years beginning after September 30, 1992. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

"(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.".

SEC. 602. BASIC GRANT ELIGIBILITY.

Section 410(d) of title 23, United States Code, as so redesignated by section 601 of this title, is amended—

(1) by striking "4 or more of the following:" and inserting in lieu thereof "5 more of the following:"; and

(2) in subsection (1)(C), by striking "within the time period specified in subparagraph (F)"; and

(3) by adding at the end the following new paragraph:

"(6) Establishment of a mandatory sentence, which shall not be subject to suspension or probation, of (A) imprisonment for not less than 48 consecutive hours, or (B) not less than 10 days of community service, of any person convicted of driving while intoxicated more than once in any 5-year period.".

SEC. 603. AMOUNT OF GRANTS.

Section 410(e) of title 23, United States Code, as redesignated by section 601 of this title, is amended to read as follows:

"(e) AMOUNT OF BASIC GRANT.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (d) shall equal 30 percent of the amount apportioned to such State for fiscal year 1992 under section 402 of this title.".

SEC. 604. SUPPLEMENTAL GRANTS.

Section 410(f) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking "A State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in the fiscal year under this section" each place it appears and inserting in lieu thereof "Subject to subsection (c), a State shall be eligible to receive a supplemental grant in a fiscal year of 5 percent of the amount apportioned to the State in fiscal year 1992 under section 402 of this title".

SEC. 605. ADMINISTRATIVE EXPENSES.

Section 410(g) of title 23, United States Code, as so redesignated by section 601 of this title, is amended by striking ", and the remainder shall be apportioned among the several States".

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

Section 410(j) of title 23, United States Code, is amended to read as follows:

"(j) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out this section, there is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $25,000,000 for each of fiscal years 1994 through 1997. Amounts made available to carry out this section are authorized to remain available until expended.".

SEC. 607. EFFECTIVE DATE OF AMENDMENTS; TRANSITION RULES.

(A) EFFECTIVE DATE.—The amendments made by sections 601 through 606 shall take effect October 1, 1992.

(b) STATES ELIGIBLE FOR BASIC GRANTS UNDER SECTION 410 BEFORE DATE OF ENACTMENT.—A State that received a basic grant in fiscal year 1992 under section 410 of title 23, United States Code, as in effect on September 30, 1992, and that continues to meet the criteria for a basic grant, as in effect on September 30, 1992, shall be eligible for a basic grant under such section 410, as amended by this title.

Mr. BOEHNER. Mr. Speaker, I rise to oppose the inclusion of the labeling requirement provision in the transportation appropriation. Calling this amendment a simple domestic content labeling provision is misleading. The language in this amendment creates three different classifications of parts suppliers with different ways to measure American content for each. These separate classifications punish companies that manufacture components in house. Furthermore, the definition of value added is critical in understanding how this bill could classify parts made in America as imports.

I want to use a real world example of how this bill punishes companies that have located in the United States by making arbitrary definitions of domestic and imported. Honda makes their engines in Anna, OH. This facility uses the latest technology to produce the engines that go into the Civics and Accords manufactured in North America.

The engines and transmissions produced at this facility have to be labeled as to the country of origin. In order for the engines to be classified as an American, 50 percent or more of the dollar value added must have occurred in the United States. In this case, it is clear that the engines made in Anna, OH are American. But what happens when the engine moves from an in-house facility where it was produced to the final assembly point? This is where the confusion begins on the domestic labeling requirement. This is also where the arbitrary nature of this provision becomes obvious.

Under the definitions of the labeling provision, it is not clear whether the engines made in Anna, OH, can be counted as a part under this bill. The reason has to do with the definition of value added. Value added in the United States and Canada is defined in H.R. 5518 as "the total purchase price, minus total purchase price of foreign content, divided by the total purchase price." The engines made by Honda are produce within the company. Therefore, no price is ever assigned to the engine. It is not clear under the definition of value added whether Honda can assign a price to the engines they produce.

Even if the engine can be claimed as a part under the bill, the definition of value added cannot include labor or assembly. That means that almost all of the work done in Anna, OH on the Honda engine cannot count toward the domestic content of cars assembled in Marysville, OH.

Mr. Speaker, I have visited the engine assembly plant in Anna. It is an amazing facility. In this plant is a fully functional foundry that uses computers and robots to make pistons, piston rings, crank shaft, the head, and the engine block. These parts are then assembled into an engine within the same facility. Today, Congress is about to tell 2,000 workers at this plant that the engines they produce are imports for the purposes of domestic auto content.

This is wrong, plain and simple. How can Congress tell American workers that the job they perform each day is not part of the value of a product? If the facility in Anna, OH, were located in Canada and owned by one of the big three automakers, the engines produced at such a facility would be counted as domestic under this provision. For Congress to devalue the labor of a group of Americans because they work for a Japanese transplant is unconscionable.

Mr. Speaker, when foreign companies invest billions of dollars in the United States, they are making a strong statement about the productivity and quality of American workers. The money spent by Honda could have been invested elsewhere, yet they chose to invest more than $2 billion in Ohio, because the workers in my State are the most productive in the world. If Congress wants to destroy the incentives foreign companies have to invest here, I can't think of a better way than to pass legislation such as domestic content labeling requirements.

Finally, I would like to add that there were no hearings on this provision in the House. This amendment was added to the Senate version of the transportation appropriation. Had this action been taken in the House, it would have been a clear violation of the rules of the House. There are several serious policy questions involved with the domestic content language. This provision will increase the paperwork cost requirements for auto dealers and manufacturers. Also, it also appears that the language in the provision is in direct contradiction to the recently negotiated North American Free Trade Agreement. Finally, I question the definitions used to describe domestic and foreign under this measure. Since there were no hearings on this bill, these questions will remain unanswered.

Mr. Speaker, this is not the way we should conduct business in the House of Representatives. If this idea was so worthy, it should have gone through normal legislative process. As drafted, the domestic content provision is poor legislative policy, shortsighted public policy, and misdirected trade policy. I urge my colleagues to oppose this provision.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5192, VETERANS HEALTH CARE AMENDMENTS OF 1992

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 578 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 578

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5192) to amend title 38, United States Code, to make improvements to veterans health programs. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 8 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Veterans' Affairs now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. No amendment to the amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment except as specified in the report, and shall not be subject to demand for division of the question in the House or in the Committee of the Whole.

Any time specified in the report for debate on an amendment shall be equally divided and controlled by the proponent and an opponent. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

□ 1430

Mr. MOAKLEY. Mr. Speaker, I yield the customary one-half hour of debate time to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 578 provides for the consideration of H.R. 5192, legislation to amend title 23 United States Code, to make improvements to veterans health programs.

Mr. Speaker, the rule provides 1 hour of general debate time which will be equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs.

The rule makes in order an amendment in the nature of a substitute printed in part 1 of the report accompanying the rule as an original bill for the purpose of amendment. This substitute is the bill as reported by the Committee on Veterans' Affairs as modified by amendments recommended by the committee. The substitute will be considered as having been read.

Only three amendments are made in order under the rule. They are printed in par 2 of the report accompanying the rule. Each amendment shall be considered as having been read and shall be considered in the order and manner specified in the report. The amendments are not subject to amendment except as specified in the report.

The first amendment is a substitute for section 7 to be offered by Mr. PENNY of Minnesota or Mr. DURBIN of Illinois or their designee. The second amendment is to be offered by Mr. STAGGERS of West Virginia or his designee. The third amendment is to be offered by Mr. TRAFICANT of Ohio or his designee.

The Staggers amendment is a substitute amendment to the Penny substitute. Both the Penny amendment and the Staggers amendment are debatable for 20 minutes. The Traficant amendment is debatable for 10 minutes.

The rule waives clause 5(a) of rule XXI against the amendment in the nature of a substitute, prohibiting appropriations in a legislative bill, and also waives clause 8 of rule XXI, requiring a CBO cost estimate. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I rise in strong support of the rule and of H.R. 5192. Swift passage of this rule will allow us to debate the necessary provisions set forth by this bill to address the critical issue of improving health care for this Nation's veterans. I hope Members will join with me in supporting the rule and in supporting H.R. 5192.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I thank the good chairman of the Committee on Rules for yielding me the time.

I must say the gentleman from Massachusetts [Mr. MOAKLEY] is doing a fabulous job in the Committee on Rules, trying to get the bills out here in this rush to adjournment.

The Committee on Rules has had a tradition of bipartisanship which has allowed it to bring most of its legislation to the floor under suspension. This has worked to the benefit of veterans and their families and the Nation.

Balanced, well-thought-out legislation has been put together in such a way that it satisfies the overwhelming majority of Members on both sides of the aisle.

As the former ranking Republican on the Committee on Veterans' Affairs and even though I am the senior ranking Republican on the Committee on Rules, I want you to leave these bills in committee, work them out, and bring them to the floor. That is how we get good legislation.

I understand in this case, because of a division of opinion over the issue of smoking in veterans hospitals, that it was really deemed best, I guess, to go to the Committee on Rules. I believe we have come up with a procedure which would be fair to both sides of the aisle on this issue.

Under this rule, the base text would be the language unanimously adopted by the Committee on Veterans' Affairs, which does such an outstanding job under the leadership of SONNY MONTGOMERY, its chairman, and BOB STUMP, its ranking Republican. It would require the VA to sell tobacco in canteens and would require the VA to establish an indoor designated smoking area within each hospital. That is what the bill does.

Next, the gentleman from Minnesota [Mr. PENNY] and the gentleman from Illinois [Mr. DURBIN] will be able to offer their amendment, which maintains a no-smoking policy but which allows outdoor smoking. Then the gentleman from West Virginia [Mr. STAGGERS] will be allowed to offer an amendment to the Penny-Durbin amendment. That amendment would delete—in other words prohibit—the sale of tobacco products, while continuing to call for a designated indoor smoking area.

Mr. Speaker, the procedure in this rule would allow the House to choose among this full range of alternatives.

In making this decision, it is important to remember that many of our World War II and Korean war veterans—they smoke, they should not be forced to go out into subfreezing temperatures, as is often the case, especially in the part of the country which I represent, in order to continue a habit that may well have been picked up by them when they were in the Second World War or the Korean war. It is not up to us to force our morals on them. Let them do what they want to do.

I understand the desire of the Secretary of the Department of Veterans Affairs to improve the health of veterans. I recognize his right to offer smoking cessation programs. But for veterans who do not want to change, we should not force them out onto a sometimes-icy sidewalk, maybe they are in wheelchairs, just because they want to have a smoke.

Mr. Speaker, I support this rule as a fair way to permit the House to settle this issue.

I am going to strongly support the Staggers amendment because I think it is the fair thing to do.

Mr. Speaker, I yield 2 minutes to the distinguished ranking Republican on the committee, the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in reluctant support of the rule granted by the Rules Committee for H.R. 5192, as amended. I was reluctant to have this bill considered under a rule at all because it is a departure from the usual procedure followed for veterans legislation. But the situation is an unusual one because the bill was reported by the Veterans' Affair Committee with an amendment which some Members believe goes beyond veterans issues.

All sides would have a full opportunity to present their views under the rule granted. However, I believe that this rare situation should not be viewed as establishing a precedent for consideration of veterans' legislation. I fully expect veterans legislation to continue to be considered under expedited bipartisan procedures, which veterans service organizations and military associations overwhelmingly support.

I support passage of the rule.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished Member, the gentleman from Tennessee [Mr. SUNDQUIST], a former member of the Committee on Veterans' Affairs and a good member.

Mr. SUNDQUIST. I thank the gentleman from New York for yielding time to me.

Mr. Speaker, I would like to express my support for the Staggers amendment to H.R. 5192 to mandate designated smoking areas for patients in VA hospitals.

I was privileged to serve on VA committee for six years. I strongly believe that prohibiting American veterans from smoking in VA facilities is an unfair and insensitive policy that denies those who have honorably served this country dignity and respect.

Sadly, antismoking advocates have attempted to characterize this as a health debate, when it is clearly an issue of fundamental right. We are all aware of the health risks associated with smoking. However, something has gone awry when Government policy dictates personal behavior to citizens. As long as smoking remains a lawful activity, hospitalized veterans should enjoy the same rights as every other American.

The men and women who served in our Armed Forces, like all Americans, are left to make their own personal decisions pertaining to smoking and their health. One-quarter of our veterans choose to smoke, yet those in VA hospitals are being forced outside, into shelters and parking lots in order to exercise this right. Many VA patients are frail and elderly, others are disabled or confined to wheelchairs, yet in order to smoke they are subjected to summer heat, winter cold, and other less than ideal health conditions.

Despite what some of my colleagues may have heard, implementing designated smoking policies for patients will not revoke the accreditation of VA hospitals. VA hospitals are accredited on numerous criteria, not one specific issue.

I commend VA hospitals for implementing smoking cessation programs to assist patients and employees who wish to stop smoking. Hoover, I reject the existing involuntary, de facto smoking cessation program that discourages veterans from smoking by forcing them outside to battle the elements. U.S. veterans deserve better treatment.

I plan to vote in favor of preserving the rights of our veterans and urge my colleagues to join me.

☐ 1440

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just urge the Membership to vote for this rule. It is a fair rule. Then I would ask for support for the Staggers amendment when it comes on the floor.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I will do most of my debating during general debate and during debate on the Staggers amendment.

The rule permits a designee for the Staggers amendment. The gentleman from West Virginia [Mr. STAGGERS] is ill today and is not able to be in attendance in the House and has asked me to stand in for him to be his designee; so I just wanted to state that for the RECORD.

The Staggers amendment is something that the gentleman from West Virginia [Mr. STAGGERS] has championed through the Committee on Veterans' Affairs.

It was passed on a unanimous voice vote. It is a very important amendment that I think restores some dignity to our veterans.

We will debate the merits of the issue during general debate and during the debate on the pending Durbin amendment and the Staggers amendment.

I just want to rise an say that the gentleman from West Virginia [Mr. STAGGERS] has worked long and hard on this amendment. It is balance of fairness. It requires that veterans be given one single well-ventilated area within the hospitals, most of which already exist, in which they can smoke. Also at the same time it removes the requirement that tobacco products be sold in the canteens.

I think this strikes a balance. It is certainly fitting and I would urge that we pass this.

The gentleman from West Virginia [Mr. STAGGERS] wishes he could be here; but as I say, I will try to carry the ball for him; but I do want to acknowledge all that he has done to bring this before us today.

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Haller, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 4178. An act to amend the Public Health Service Act to provide for a program to carry out research on the drug known as diethylstilbestrol, to educate health professionals and the public on the drug and to provide for certain longitudinal studies regarding individuals who have been exposed to the drug.

H.R. 5673. An act to amend the Public Health Service Act to revise and extend the programs of the Agency for Health Care Policy and Research.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4996. An act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes.

H.R. 5013. An act to promote the conservation of wild exotic birds, to provide for the Great Lakes Fish and Wildlife Tissue Bank, to reauthorize the Fish and Wildlife Conservation Act of 1980, to reauthorize the African Elephant Conservation Act, and for other purposes.

H.R. 5258. An act to provide for the withdrawal of most favored nation status from the Federal Republic of Yugoslavia and to provide for the restoration of such status if certain conditions are fulfilled.

H.R. 5368. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4996) "An Act to extend the authorities of the Overseas Private Investment Corporation, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. PELL, Mr. BIDEN, Mr. SARBANES, Mr. HELMS, and Mr. MCCONNELL, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5368) "An Act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. INOUYE, Mr. JOHNSTON, Mr. DECONCINI, Mr. HARKIN, Ms. MIKULSKI, Mr. BYRD, Mr. KASTEN, Mr. HATFIELD, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. NICKLES, and Mr. STEVENS to be the conferees on the part of the Senate.

The message also announced that pursuant to the provisions in House Concurrent Resolution 192, 102d Congress, second session, the chair, on behalf of the Republican Leader, announces the appointment of Mr. DOMENICI, vice chairman; Mrs. KASSEBAUM; Mr. LOTT; Mr. STEVENS; Mr. COHEN; and Mr. LUGAR; to the Joint Committee on the Organization of Congress.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1675. An act to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S 2679. An act to promote the recovery of Hawaii tropical forests, and for other purposes.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5006, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993

Mr. MONTGOMERY. Mr. Speaker, I ask unanimus consent that the managers on the part of the House may have until 12 midnight tonight, October 1, 1992, to file the conference report on H.R. 5006, the National Defense Authorization Act for Fiscal Year 1993.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VETERANS HEALTH CARE AMENDMENTS OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 578 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5192.

□ 1444

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5192 to amend title 38, United States Code, to make improvements to veterans health programs with Mr. DIXON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 30 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I yield myself such time as I may consume.

H.R. 5192, as amended, would make several changes in current law relating to veterans health care services.

I will not explain all of the provisions of the bill. But I will mention several that I think will be of interest to Members of the House.

First of all, the bill would help correct a problem affecting pay for senior VA nurses. Many of my colleagues may have heard complaints from some nurses at medical centers in their districts.

Two years ago we passed legislation that made major changes in the way nurses are paid. In implementing the law, VA has caused many senior nurses to take a pay cut and some have little chance for promotion. This was not intended by the Congress.

H.R. 5192 is specifically designed to deal with the problem. I want to emphasize that most of the problems we have heard about are the result of VA's failure to implement the Nurse Pay Act of 1990 as Congress intended. The act gave the Secretary maximum flexibility. But VA failed to use that flexibility to the full extent.

This bill would help remedy these problems by creating a new pay grade for senior nurses. In addition, the bill would require VA to develop new qualification standards for its nurses.

Section 4 of the bill makes several changes to the VA's medical care cost recovery program or third-party reimbursement. The millions of dollars being collected by the VA from insurance companies each year now go to the Treasury. VA may only keep the cost of expenses that it takes to make these insurance collections.

As reported, the bill would have changed the collection authority after fiscal year 1995, allowing the VA to use collected funds for medical equipment and other high-priority areas. Frankly, I would like to rechannel all of the funds collected to VA hospitals now.

Because of objections raised by the leadership of the Budget Committee, this provision has been deleted from the bill. It seems we have little difficulty in finding funds for some things, but when we attempt to remedy some of the health care problems many veterans are confronted with, the funds to take care of the problems are not available because of the budget agreement adopted 2 years ago or because of a technical violation of the Budget Act.

The reported bill would reaffirm the intent of Congress that VA has authority to collect from insurers on MediGap policies. This provision of the bill is necessary only because some insurance companies are refusing to comply with the law previously passed by the Congress, and VA has been forced to go to court in many cases to collect funds for care provided to some veterans.

The bill would provide that most of the money VA collects from these MediGap policies shall be put back into the VA medical program.

As an incentive for hospitals to do a better job of collecting the revenues, 20 percent of the amount collected would remain at the local hospital.

Mr. Chairman, the bill also contains an amendment offered by the Honorable HARLEY STAGGERS that would reverse a recent policy put into effect by the former Secretary of Veterans Affairs.

Following my remarks on the bill, I will yield to the distinguished gentleman from West Virginia [Mr. WISE], who will explain section 7 of the bill and Mr. STAGGERS' reasons for offering the amendment during full committee markup.

Other provisions of this bill would extend several expiring programs and would solve a problem many veterans face because of income received in compensated work programs in many State veterans homes.

H.R. 5192 is a very important bill, Mr. Chairman, and I urge by colleagues to support it.

□ 1450

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 5192, as amended, the veterans health care amendments of 1992. This bill is a bipartisan effort which was unanimously reported by the Committee on Veterans' Affairs in June.

H.R. 5192 contains ongoing authority for the VA's Respite Care Program which allows primary caretakers of totally disabled veterans brief periods of relief from the enormous burden of providing long-term care. The bill also provides extensions to the Health Professional Scholarship Program and the State Home Construction Program.

Another important provision of this bill pertains to VA's authority to collect from health insurance companies for the care provided to veterans for treatment of nonservice-connected disabilities.

Also, the bill contains several provisions which will fine tune Public Law 101-366, legislation enacted to reform the pay structure of nurses employed by the Department of Veterans Affairs.

Finally, Mr. Chairman, I want to make very clear my strong support for the Staggers provision which the Committee on Veterans' Affairs unanimously added to H.R. 5192 at the committee markup. My colleagues have examined at some length the many good arguments in favor of the amendment.

Therefore, I briefly want to focus on what I believe is the essential issue—whether our veterans are treated with dignity. That is the real issue. Those who are opposed to the amendment appear to see the debate in simplistic terms of smokers versus nonsmokers, or solely as a health issue.

They miss the point. Yes, we are concerned about the health of veterans and anyone else who works in or visits a VA hospital. We do as much as possible to protect their health out of respect for each person. However, respect goes beyond health and medical treatment. Veterans in VA hospitals are there because they have earned the right to be there, and many of them have serious service-connected disabilities. Most of them have no real alternatives for other medical treatment. Thus, they are a special hospital population.

If veterans choose to smoke in a way which respects the rights of others, why should the VA tell them they must go outside, no matter what the climate or weather is, to have a cigarette?

Some opponents of the Staggers provision have the best of intentions, and are genuinely concerned about the well-being and health of our veterans. Among those, I would include my colleague from Minnesota, Mr. PENNY, for whom I have the highest respect. He now believes the Staggers provision should be considerably modified in hope of finding a compromise. But now Mr. STAGGERS is also offering a compromise amendment. I believe his offers the better compromise, although I frankly prefer his original provision.

Unfortunately, some other opponents of the Staggers provision have resorted to distortions, misinformation, and scare tactics. So here are the facts.

The cost of the Staggers provision is minimal and far less than VA's wildly exaggerated estimate of $11 million. Its cost is also far less than the cost of building outdoor shelters, especially shelters which would afford much protection against the elements.

Nonsmokers will be fully protected from secondhand smoke. Some opponents have intimated that the Staggers provision would allow smoking all over VA hospitals. Nothing could be further from the truth. Smoking would be allowed in only one room in each VA hospital. It is a simple matter to deal with cigarette smoke in one room. Take a room with an outside wall at the end of a corridor, install an inexpensive exhaust fan to create a negative airflow, add smokeeater ashtrays, make sure the door has a good seal around it, close off any air-conditioning return duct, and no one outside the room is going to be exposed to any secondhand smoke. It is effective, feasible, and inexpensive.

VA hospitals would not lose their accreditation if the Staggers provision is passed. First, it is difficult to see how a hospital could lose its accreditation for complying with Federal law. And, second, the president of the Hospital Accrediting Commission has already admitted the Commission's criteria on smoking are a mistake for chronically ill patients in long-term care settings.

Many VA hospital outdoor shelters consist only of a canopy and concrete slab, and are inconveniently located or inaccessible for veteran patients whose mobility is limited. Yet, these elderly and severely disabled veterans are being forced to smoke outside in summer heat and winter cold, and in rain, snow, and wind. Few of the employees of VA hospitals are unsympathetic or hard hearted. Quite the contrary. The men and women who work in VA hospitals are caring and dedicated, and many of them are telling us they do not agree with this rule which has been imposed from Washington on their patients.

Moreover, the ban on tobacco sales at VA hospitals has resulted in a loss of $3 million in VA hospital canteen income in each of fiscal years 1992, 1993, and 1994. The shortfall is being made up by raising prices and subsidizing canteen operations through waivers of the occupancy and service charges the canteens normally pay the VA facilities they occupy. The results are that canteens are not as affordable for hospitalized veterans and that VA hospitals are going unreimbursed to the tune of about $9 million at a time when many of them are experiencing serious shortfalls in their operating funds due to chronic underfunding.

Veterans at VA hospitals are mature men and women. Like all of us, they have made choices about their personal habits. They are not children, and, like all of us, they do not like being treated like children.

Mr. Chairman what veterans fought for was the right of all Americans, themselves included, to be free from unwarranted interference in their lives by government. The Staggers provision has the same objective.

I want to thank the chairman, SONNY MONTGOMERY, and the ranking minority member of the Subcommittee on Hospitals and Health Care, JOHN PAUL HAMMERSCHMIDT, for their leadership on this important legislation. Also, I commend my colleague, Mr. STAGGERS, for his willingness to take on a difficult issue and see it through.

I urge my colleagues to support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 1 minute before I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. Chairman, I want to make it clear that I support the Staggers-Wise amendment. It is a compromise. I hate to oppose an outstanding subcommittee chairman's amendment, the gentleman from Minnesota [Mr. PENNY], but I feel the Staggers-Wise amendment is what we need to help these veterans, and that is the position I would like to take today.

Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, this is not a smoking amendment, and some may attempt to portray it as so. Basically what the Staggers amendment does is to say that within each veterans hospital there will be one single well-ventilated facility, a lounge area, that is set aside for veterans to smoke in.

What is the present situation? Well, for a period of time, by administrative edict, our veterans in veterans hospitals are told they must not smoke inside but must go outside. They must go outside regardless of the weather conditions.

This amendment, the Staggers amendment, removes the requirement in the original bill that would mandate the sale of tobacco products in canteens, so, if my colleagues are concerned about the sale of tobacco products in canteens, the Staggers amendment removes the mandate. This goes only to the right of a veteran to smoke in a single well-ventilated area, just one area, not every room, not a full hall, but one well-ventilated area within the hospital, which, incidentally, most of the hospitals had before the Derwinski edict.

Now what is the present situation? Visit a veterans hospital. The way I became aware of this was visiting the Marshall Veterans Administration facility in Huntington when it was about 10 degrees, and I could not figure out why it was that there were three veterans in nightgowns, elderly veterans, World War II veterans, why they were out there, one with an IV-pole, standing outside there in their bathrobes, and so I asked the question, and the answer was: because they were not permitted to smoke inside.

So, Mr. Chairman, the irony of this situation is that we have our veterans who are there to get well, who smoke, and who, at 70 years old, and maybe my colleagues want to argue with them, and maybe they want to impose their value system on them, but I do not think that is my job at this point. But at any rate they are there to get well, and so what are they told to do? They are told to go outside, and stand and smoke.

Now since then the VA system has built bus shelters for each of the VA hospitals. There are open shelters. They are not heated. At Martinsburg, VA they walk out a concrete sidewalk a number of feet to get to it, and so they are in the same exposed situation, and that is true for all the VA hospitals.

So, surely we can treat our veterans better than that.

My concern with the Penny-Durbin amendment is that it is a status quo. It maintains the exact same situation, and so it is time for Congress to step in, and I would just point out to my colleagues that most of the major veterans groups, including the American Legion, including the Veterans of Foreign Wars, support the Staggers amendment.

So, I would urge my colleagues to remember this is not a smoking amendment. Do not look at it that way. But look at it as a veterans' amendment and a veterans' dignity amendment and whether or not those who fought for our country, those who are in a hospital system dedicated to the unique care of a group of individuals, the veteran, whether they are entitled to certain privileges and whether they are entitled to make a basic choice. The VA hospitals will still maintain whatever smoking desensitization programs they have. There is no encouragement to smoke, but it does say, "If you are a veteran, and you choose to smoke, then you may go into one single well-ventilated lounge," and that is what the Staggers amendment does, and it removes the mandate that tobacco products be sold in the canteens.

So, that is all this amendment is, and I would urge my colleagues to support it. Think once again of those pushed outside to smoke simply because they smoke, veterans who served our country.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I support H.R. 5192, the Veterans Health Care Amendments of 1992, with the

Staggers amendment. This amendment will restore the rights of hospitalized veterans to smoke in designated areas in VA hospitals.

Our veterans, some of whom reside in these VA hospitals, have been denied the right to smoke indoors in such facilities. For months, these veterans have been forced to go outside in wheelchairs, with IV bags or on crutches to open air structures in unpredictable weather just to smoke. Our veterans do not deserve these conditions or this treatment.

In times of war and conflict, we have given support to our soldiers when they were called to duty. And now, years later, we are unwilling to grant those same individuals the right to choose whether or not they smoke. We seem to be adding to the sacrifices they have already made.

Our veterans are men and women capable of deciding whether or not to smoke. It is not up to us to deny them this choice, nor is it our place to make it difficult for them if they do decide to smoke.

At the same time, we must recognize the rights of those individuals who choose not to smoke and do not wish to be exposed to secondary smoke. During a House VA Committee hearing, VA Medical Center Directors advised us that an indoor smoking area could be accommodated by using a room at the end of a floor and that installing a window fan in the room would allow the smoke to be vented out of the hospital.

This appears to be a reasonable compromise for both smokers and nonsmokers. Veterans who wish to smoke would no longer be forced outdoors and nonsmokers would not be exposed to secondary smoke.

The Staggers amendment is supported by almost every veterans' organization, including the Veterans of Foreign Wars, The American Legion, the Retired Enlisted Association, the Non Commissioned Officers Association, and AMVETS.

Mr. Chairman, I will vote for H.R. 5192 because of my great respect for those who have served our country, and I urge my colleagues to do the same.

□ 1500

Mr. MONTGOMERY. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. PENNY], a member of the Committee on Veterans' Affairs and one of our subcommittee chairman.

Mr. PENNY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to use my time during general debate to outline the provisions of the amendment that I will be offering. First and foremost, the Penny amendment would reaffirm the VA's no-smoking policy. Fundamentally, this is a health care issue. I believe that it is an issue that ought to be decided by the Department of Veterans Affairs, which has management responsibility for 172 hospitals across this country. This is not a decision that we ought to be debating here on the floor of Congress where political considerations are brought to bear. This is a decision we ought to leave with the health care professionals within the VA system.

Mr. Chairman, let me read my amendment at this point just to make it clear what we are trying to achieve in terms of affirming the VA's policy toward smoking.

The amendment reads as follows:

> The smoking policies implemented by the Secretary of Veterans Affairs for Department of Veterans Affairs health-care facilities shall be based on current scientific evidence and public health practices recognizing the risks of smoking to smokers and nonsmokers alike.

It goes on to state:

> The Secretary of Veterans Affairs, in implementing a policy to prohibit or restrict smoking in the health-care facilities of the Department of Veterans Affairs, shall seek to ensure (consistent with accepted health goals) that patients in such facilities who wish to use tobacco products are accommodated to the degree practicable in areas that are convenient to the facility, taking into account climatic conditions, patient comfort, protection of nonsmokers, and allowing reasonable access for the patient.

So essentially we are strongly urging with this amendment that the VA use sensitivity and flexibility in implementing its no smoking policy, but we do affirm their right to maintain a no smoking policy for our facilities.

The VA began implementing a smoke-free environment in all VA facilities in 1990. Shelters outside the facility, but easily accessible for patients and visitors alike, have been constructed or soon will be constructed on all of the VA hospital campuses. Exceptions can be made on a case-by-case basis for those veterans who a physician feels ought to be allowed to smoke within a facility.

The VA also offers smoking cessation programs for staff and for patients.

Fundamentally, if we adopt the Staggers language we will place the VA health care system outside of the standards laid down by the Joint Commission on the Accredition of Health Care Organizations. The Joint Commission has made it clear that they want a no-smoking policy in all hospital facilities across the United States. The Staggers amendment, by requiring smoking indoors, would place the VA health care system apart from all other heath care providers in America by reintroducing smoking into the hospital environment.

Fundamentally, smoking and health care are incompatible. It does not make sense for us to mandate that smoking occur within any health care facility in the United States, particularly those that are run for public purposes and financed by public tax dollars.

Exposure to secondhand smoke is an immediate threat to all sick veterans. Seventy-five percent of our veterans do not smoke, and in these hospitals, where that ambient smoke will travel from room to room, we are putting at risk other veterans who are not smokers.

Secondhand smoke can increase heart rates, blood pressure, and carbon monoxide levels in the blood, and can exacerbate the health problems of people with asthma, pneumonia, and other lung or cardiovascular diseases.

It is not as simple as saying you can segregate a room and ventilate that room for people who wish to smoke. Many of our hospitals would have to construct additional ventilation systems in order to accommodate even one small room indoors for smoking purposes. That can run to hundreds of thousands of dollars throughout the VA health care system to designate just a very small space indoors.

In Minneapolis, where we have a new VA hospital, for 5 years now we have successfully implemented a no smoking policy. We do have space immediately adjacent to the hospital, and it is enclosed. It is heated and accessible and comfortable for those veterans who need to use it.

I think that is a policy that ought to be replicated across the country. By the end of this year, that no smoking policy, with easily accessible space next to the hospital, will be in place at all hospitals. We ought to reaffirm that policy with our vote today. Vote no on Staggers; vote yes on Penny.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from the Commonwealth of Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding to me, and I compliment the gentleman from Arizona [Mr. STUMP], the ranking Republican, and our friend, the chairman of the committee, the gentleman from Mississippi [Mr. MONTGOMERY], for their work in bringing this bill to the floor.

Mr. Chairman, I rise in strong support of the Staggers amendment and in opposition to the Penny-Durbin amendment. I believe the Staggers amendment represents a fair and equitable compromise for all of our veterans.

There is only one question we need to ask—What do our veterans want?

Let me tell you in their own words, what the major national veterans organizations have to say about the Department of Veterans Affairs discriminatory ban on indoor smoking areas.

American Legion Resolution No. 193 adopted at their 1990 national convention:

> Whereas, Veterans defended the freedoms of this country. . . . The American Legion feels strongly that these rights should not be violated. . . . Be it resolved, The American Legion . . . support legislation to mandate designated smoking areas in such facilities.

Veterans of Foreign Wars Resolution No. 692, adopted at their 1992 national convention.

> Many VA patients have been smoking many years . . . veterans who fought to secure our country's freedoms deserve the right to smoke. . . . Be it resolved that the Department of Veterans Affairs be requested to establish adequate designated smoking areas within all of its facilities.

And, in a letter from AMVETS to the Secretary of Veterans Affairs:

> AMVETS will continue to protest the total ban on use of tobacco products in VA medical centers and nursing homes . . . we feel it is not unreasonable that an area . . . be set apart for those veterans who desire to partake in tobacco products during their hospitalization.

Mr. Chairman, the list goes on. The National Vietnam Veterans Coalition, representing over 60 Vietnam Veterans organizations, supports the Staggers amendment. The Retired Enlisted Association supports the Staggers amendment. The Non-Commissioned Officers Association supports the Staggers amendment.

Like me, they have seen the true impact of VA's no-smoking policy. They have seen 80-year-old veterans forced outside in freezing temperatures simply to smoke a cigarette.

Or, even more appalling, they have heard stories like the phone call I received from a constituent last week. This woman's husband was a veteran—dependent on the VA for care. Once the no-indoor-smoking policy went into effect, her husband refused to go back to the VA hospital. Unfortunately, he could not afford other care. She is now a widow.

Mr. Chairman, we are talking about policy which adversely affects one out of every four veterans. The Staggers amendment gives us the opportunity to reach a reasonable compromise which protects all of our veterans. The Staggers amendment simply says that each VA facility is required to provide a single designated indoor smoking area.

I say to my colleagues it is time to respect the wishes of the veterans, for whom we built these hospitals. And the positions of the organizations I've mentioned represent those wishes. Is it not time that we represent those wishes as well? Our veterans want the Staggers amendment and I urge my colleagues to support it today.

□ 1510

Mr. MONTGOMERY. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama [Mr. HARRIS], a member of the Committee on Veterans' Affairs.

Mr. HARRIS. Mr. Chairman, I rise in strong support of the Veterans Health Care Amendments of 1992, known as H.R. 5192, and in particular in opposition to the Penny amendment and in strong support of the Staggers amendment.

My district is fortunate to have a VA facility located in Tuscaloosa, AL, and we also have two hospitals, one in Birmingham and one in Montgomery, which borders my district.

I have received complaints from a large number of veterans who use these facilities. They are strongly supportive of the Staggers amendment.

Mr. Chairman, the decision by Secretary Derwinski for nonsmoking in VA hospitals is a decision, as I understand it, that he and Secretary Sullivan came up with. And I might bring to my colleagues' attention that this deal also came to the conclusion that some veterans hospitals should have been opened to nonveterans, and they raised a hue and cry all across this country from our veterans organizations. Frankly, we have almost as much, if not the same amount of opposition, to this latest decision by the two Secretaries. Frankly, I must admit that I am surprised by this administration's action as far as our veterans are concerned in this regard.

There was a time when our veterans were provided cigarettes and C-rations and K-rations. And for us now to take as policy and take a position that these veterans should have to go outside the hospital facility to smoke is absolutely incomprehensible to me. I just do not understand it.

But the gentleman from Minnesota [Mr. PENNY] made a statement about the accreditation. I would point out to my colleagues that there is no legal requirement that Federal hospitals be accredited by any outside entity such as the joint commission that he mentioned. As a matter of fact, the president of the joint commission has acknowledged that the no smoking ruling is a mistake for chronic patients in long-term facilities which are, in fact, the patient's home.

Unfortunately, many in the VA system today fall in that category.

This is also a consideration, and I think it is important. There has been some talk about the expense involved. Well, there may be some expense involved, but we were not really concerned particularly about expense when we asked our veterans to go into war to protect our country. And a lot of us are able today to live in freedom, all of us that these people helped bring about and helped preserve and defend, we need to also understand that in a system of 172 hospitals, where in a lot of areas we are shorthanded, that we are going to end up taking employees away from their duties to take these veterans outside to smoke.

And if we are talking about health concerns, should we not also be concerned, a lot of these people are in bad health to start with. That is the reason they are in the hospital.

And for us to say that they have to be carried outside, whether it is sleeting or whether it is raining or whether it is cold, windy, whatever, and subject them to that to smoke. I think it is hard-hearted. I think it is cruel.

I hope that my colleagues will support the Staggers amendment. I think it is a meaningful, commonsense compromise, and that it will once again put some sense in a policy from the VA hospital or a VA administration that has gone astray.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member on the Subcommittee on Hospitals and Health Care.

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise today in strong support of H.R. 5192, the Veterans' Health Care Amendments of 1992. This legislation contains measures to clarify the authority of the Department of Veterans Affairs [VA] to collect from third party insurers as well as amends Public Law 101-366, the Nurse Pay Act.

In analyzing the effects of Public Law 101-366, the Nurse Pay Act, it appears that overall, this legislation is working well. In fact, the turnover rate of VA nurses has dropped 5.5 percent and the VA has reported a negative vacancy rate.

Nevertheless, H.R. 5192 contains provisions to address some problem areas, specifically pay compression at the intermediate and senior grades. In fact, the nurses at the two VA medical centers in my State of Arkansas have been forced to contend with this unfortunate outcome of the Nurse Pay Act.

Therefore, H.R. 5192 will add an assistant director grade in the nurse schedule so that the system will have five grades. This additional grade will enable the VA to distribute its nursing personnel more evenly so as to alleviate some of the compression at certain levels of pay.

Furthermore, H.R. 5192 requires the VA Secretary to conduct a review of qualification standards used for nursing personnel and the correlation between those standards and pay compression at the intermediate and senior levels.

It is my hope that these measures will clarify the intent of the Nurse Pay Act, in order to ensure that the VA has the tools to both recruit and retain highly qualified nursing personnel.

Mr. Chairman, I urge my colleagues to support H.R. 5192.

Mr. MONTGOMERY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, first of all, I would like to commend this committee for the great job that they do every year for our veterans.

I rise in support of the VFW, the American Legion, and all the veterans groups that are supporting the Wise amendment. I do not consider this a health issue.

Those of us that have been supporting the veterans for many years, in 1954, I started going to the VA hospital in Salisbury, NC. And until this day, every chance I get, I go meet with the veterans. And back in those days, when we were all young, we would play volleyball and we would engage in the activities that the veterans were engaged in.

It would be one thing if all of our veterans were young men in their ages from the midtwenties to midthirties, when they would be engaged in a program that would encourage them not to smoke. But we are not talking about trying to get people to quit smoking, or we are not trying to encourage people to smoke. We are talking about here men that have a habit of smoking. Many of them are in their later years. Many of them have problems with depression and other situations that it is just not conducive to them to deny them a place, a small place in a large hospital to where they can go and something that is very important to them and very important to their peace of mind.

It is a habit that they developed over the years, and it just does not make any sense to go and say to these men, "You cannot have a place to smoke, if you want to smoke. You have to go outside in inclement weather," and make their families have to come in and take them outside and watch over them as they go out to a place just to have something they look forward to. Maybe they smoke a half a pack a day. To me this is something that is absolutely incomprehensible, that we would do this to our veterans that have served us so well over the years.

□ 1520

I want to commend the gentleman from West Virginia [Mr. STAGGERS] for offering this amendment. I would hope that every Member of this House would do what I consider to be something that is just basically fair to our people that serve this country. I think it is unfair to treat them as second class citizens, and I think it is only fair that we designate a place that our veterans can go if they wish to smoke, that they have a place that they can go and not harm anybody else and smoke when they want to. I think it is an excellent amendment, and I would encourage every Member of this body to do what I consider to be the humane thing to do and the thing that would not make our veterans second class citizens, let them know if they wish to smoke there is going to be a place made available that will not harm other veterans or offend other veterans, that they can go and they can smoke if they wish to. I think this is just the American way.

I would invite everybody to support the Staggers-Wise amendment.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, I, like many people here, have nothing against people that smoke. They have the right to smoke, smoke where they want to. However, over the years I think we have grown up to the idea that possibly second-hand smoke is a very dangerous thing. I happen to remember when we passed the law here that a person could not smoke in airlines in the continental United States. Why did they do that? Anyone who flies a lot, a lot of us who are past pilots, we understand that that smoke in the back of the airplane is just as bad as it is in the front of the airplane. There is no way to get away from it.

The same thing applies in buildings. Having been a land developer, having seen how we develop buildings, I do not know of a way, or who has ever thought of a way, that we cannot have second-hand smoke go right through an entire building.

My father-in-law is 85 years old now. He is dying of emphysema. Why is he dying of emphysema? He worked for 25 years at Hill Air Force Base, and every day he rode in a car where there were smokers, and he worked in an office where there were smokers. This gentleman has never put a cigarette to his lips, but he is dying of it himself because he had to take secondhand smoke.

They talk about those people who are in these veterans' hospitals. They are in there because they are sick. Now are we going to turn around and perpetuate and enhance and make it worse and give them smoke on top of that? That is like going to a hospital and being put on the rack. I cannot understand why anyone would want to do that.

I wish that everyone here could have the experience of having Dr. Charles Edwards come in this room and show us what he does every day of his life. Dr. Edwards is the foremost surgeon responsible for taking care of people who have cancer of the jaw, the larynx, the neck, and the tongue.

He goes all over the West and he shows this picture. He puts it on the wall. He says, "Let me tell you young people," as he goes into high schools, "what this will do to you." Then he talks about secondhand smoke. Let me tell the Members, what it does, it makes people so sick they do not sit there very long.

They take their jaw off. All there is, is an opening in their esophagus. He starts off by peeling their face and putting it up over their head, and their face is sitting on top of their head. Then he dissects the jaw and takes it off. Then he says, "There is absolutely no evidence whatsoever that this is not caused by secondhand smoke. It definitely is." Then he comes to his statistics to explain it.

Look, I have nothing against people that smoke. Some of my best friends are smokers. That is fine. That is up to them. I have noticed that most smokers go out of their way to not put it onto other people.

However, why do we want to back out what the wave of the future is? Americans are catching onto the idea to stop smoking. We have less smoking in America than any other place, and it seems to me it is a giant step backwards if we do not accept the Penny amendment. To me this is a reasonable approach.

I would ask each and every Member to give this some serious consideration. Let us take a step forward. Let us show the rest of the world that we are moving forward on something that is extremely important to the health of Americans and especially to our veterans.

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentlewoman from South Carolina [Mrs. PATTERSON], who is also a member of the Committee on Veterans' Affairs.

Mrs. PATTERSON. Mr. Speaker, one of the real pleasures that I have had since being a Member of Congress is serving on the Committee on Veterans' Affairs under the outstanding leadership of the gentleman from Mississippi [Mr. MONTGOMERY], and with the leadership of the minority member, the gentleman from Arizona [Mr. STUMP], and the wonderful staff on that committee.

Today I rise in support of a bill that has come through our committee; that is, the Veterans' Health Care Amendments of 1992, H.R. 5192. There are several things in that bill that are of special interest to me that I wanted to share with my colleagues.

One thing is the respite care program. I think many of us know that when someone is ill, it really helps if they can stay at home, if they can stay with their family. We know quite often our veterans want to stay at home, but sometimes their family members need a little break. One of the wonderful things that our VA facilities make available to veterans is care for a short while at one of our veterans' facilities to give the family a temporary break, so that veterans can continue to reside at home. I am pleased that the respite care program will become a permanent part of the veterans' affairs programs under H.R. 5192.

Also in this bill, something important to me is that the bill clarifies that the VA has the authority to collect on Medicare supplemental policies, known as Medigap, for care given since April 7, 1986, for nonservice-connected illnesses. I think this provision is so important because it would bring in much-needed dollars to purchase medical equipment for the Veterans' Administration.

Again, I rise in strong support of H.R. 5192, and commend my chairman, the ranking minority member, and the staff for bringing this important legislation to the floor, and urge my colleagues to support this worthwhile legislation.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Penny amendment and against the perfecting Staggers amendment to H.R. 5192.

There are many good reasons to support the Penny amendment. The most compelling of which is the fact that the Joint Commission on Accreditation of Healthcare Organizations, which develops standards for all hospitals in all of our districts, is implementing a smoking ban in all hospitals by January of next year. The intent of the ban is to reduce health risks of patients who smoke as well as other patients and staff who are subject to secondhand smoke, and to reduce the risk of fire. And yet in view of the Joint Commission's ban, we are considering a proposal to allow patients to smoke in VA facilities.

My colleague from West Virginia feels we can reach a compromise on this issue by setting aside well ventilated rooms in VA hospitals for patients to smoke. But, unless these rooms are separately ventilated with a direct external exhaust system, a move which would be very costly, the ventilation system would simply circulate the smoke throughout the building, subjecting other patients to unnecessary health risks. Supporters of the Staggers amendment feel it is a good compromise. But the VA has already implemented a program to reconcile the needs of smokers with those who don't. It has spent $10,000 to $12,000 building outdoor shelters for smokers at each VA hospital. Many of these facilities are heated so veterans can smoke in comfort.

In a letter to all members, Secretary Derwinski stated "You have delegated to the Department of Veterans Affairs the responsibility of providing the highest level of health care to our veterans. The way we can live up to that commitment is by banning both cigarette sales and smoking." I agree with Mr. Derwinski.

Mr. Chairman, I appreciate how many of our senior veterans are smokers and oppose this ban on smoking, but many, many senior veterans are complying with the very same smoking ban nonprofit and other hospitals have adopted. In an era of soaring health care costs in a hospital system which already suffers from inadequate funding, why would we support a policy which will exacerbate health risks and costs, not only for those who smoke, but also for those who don't smoke, but share the facility?

Let us bring the VA hospital system in line with the Joint Commission on Hospital Accreditation's requirements by supporting the Penny amendment and voting down the Staggers perfecting amendment.

□ 1530

Mr. MONTGOMERY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I wish to associate myself with the remarks of my colleagues, Mr. HARRIS and Mr. HEFNER, who spoke so eloquently to this important issue in their remarks just a few minutes ago. This is not an issue of smoking. It certainly is not any effort made to encourage smoking, but really is an issue of dignity.

These veterans have served our country well, and in many cases because of sacrifices that they made on the battlefield, now have acute illnesses or injuries which require that they receive medical treatment in our veterans' hospital facilities. It is unconscionable to me that we would expect those people who have served so well to now be required to go outside in the cold and damp if they want to have a cigarette.

I, like my colleague from North Carolina, Mr. HEFNER, visit veterans' hospitals in North Carolina from time to time. On a cold rainy day last winter I had occasion to visit a veterans' hospital where this policy had been implemented and saw veterans who were outside in bathrobes and with their IVs on a stand, risking further illness from a policy that in my opinion is misdirected.

I firmly believe that the policy of discouraging smoking will not be impeded by the Staggers amendment. It will allow these veterans the dignity of going to a well-ventilated place that is, in fact, separate and apart from all other employees and veterans in the hospital so that there is no danger to other people from secondary smoke. I encourage my colleagues to vote for the Staggers amendment, and I hope that this very fine piece of legislation thus amended will overwhelmingly pass.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to my good friend, the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I thank the ranking member for giving me this time.

Mr. Chairman, passing H.R. 5192—the Veterans Health Care Amendments of 1992—is very important. On that point, I think we all agree. The disagreement arises from an amendment which would permit indoor, designated smoking areas offered by my colleague from West Virginia, Mr. STAGGERS.

We are all familiar with the health issues associated with smoking, and I do not question that these are valid and legitimate concerns. I am a former smoker and a current asthmatic, and I have in the past supported strict antismoking legislation. But sometimes we have to just stop and think about what we are really doing.

We have heard from a number of veterans groups—Veterans of Foreign Wars, National Vietnam Veterans Coalition, The American Legion, AMVETS, Military Order of the Purple Heart, Non-Commissioned Officers Association, and Retired Enlisted Associated—and I have heard from individual veterans from my own district, and they're puzzled, just as I am, as to how we can deny them all that they ask for, one well-ventilated, designated smoking area indoors.

For a number of our older veterans—the VA hospital is home. As these patients—many of whom are in the hospital because of combat-related injuries—live out their days, is it reasonable or humane to make their lives difficult and strip them of their dignity? Is it fair to restrict their ability to enjoy an action that others outside of the VA can enjoy?

This is not a debate about making smoking illegal. This is a debate about a veterans' ability to decide for themselves.

I believe that we should restore the dignity of these adults who have given so much of themselves. I believe that we should give them credit for being able to make their own decisions. And, I believe that we cannot restrict their freedoms when they have fought for ours.

By supporting the Staggers amendment, we can respect the dignity of these men and women who served their country. I am going to vote for it, and I ask my colleagues to do the same.

Mr. STUMP. Mr. Chairman, I ask unanimous consent to yield 7 minutes of my time to the gentleman from Mississippi [Mr. MONTGOMERY], for the purpose of yielding that time to other Members.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. MONTGOMERY. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Chairman, I thank the gentleman for yielding me time. I am here to support the language of the bill, and failing that the Staggers amendment, because I think it is good public policy. Let me tell Members why.

I recognize that this is a very emotional issue, and I know there are some very impassioned arguments in favor of the Penny-Durbin amendment. But I think before we allow regulations like this to be enacted we need to examine the effect they have on individuals, on individuals.

I want to tell my colleagues a story that I experienced during the August recess that illustrates, I think, why a total ban is a big mistake. During the August recess a woman I know very, very well was hospitalized in a rural hospital in Iowa that had a no-smoking policy. I think it might be because the Iowa Legislature passed a law, but I am not sure. She was very ill. She was frail, she was weak, she was suffering from a number of medical conditions that were very serious.

She also has been a smoker. She started smoking when she was 16 years old, and she was 76 years old in August. And off and on during her life she had tried repeatedly to stop smoking, and she was successful for about a 2-year period before her husband got sick and she started up again.

But the point is that when she was required by the hospital to stop smoking instantly, and she was smoking about 10 or 12 cigarettes a day, it created a very serious problem for her. She was then under a lot of stress, she was fighting for her life, and she had very serious medical problems. But there she was unable to smoke, and it preoccupied her. It preyed on her and it worked on her, morning, noon, and night. She could not watch television; she was distracted. She could not read the newspaper; she was distracted. All she could think about was her need to have a cigarette.

And since then I have visited with a psychiatrist, a prominent psychiatrist who indicates that smoking is the second toughest addiction to cure next to cocaine, that it is a very serious problem.

I spent several hours with her every day in the hospital, and she left the hospital a day early because she was under so much stress from her inability to smoke. She died 36 hours later.

Let me just say that I know there are a lot of good reasons to try and get people to stop smoking, but this is the limit. I mean Veterans Administration hospitals around the country have an elderly clientele, people who decided long, long ago whether they were going to smoke or not smoke. And for us to impose a blanket rule that allows a little exception is just a big mistake. And I can tell you it contributed to the death of this person that I knew so well, and it was a major policy error by the State of Iowa to impose that on the hospitals if that is where the rule originated. But I can tell you, let us not make that mistake here today.

Mr. MONTGOMERY. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I would like to thank the distinguished and capable chairman of the Veterans' Affairs Committee for yielding me the time.

Mr. Chairman, I rise in support of this legislation. Not only does the measure that the able chairman brings before the House today include provisions that would improve veterans' health care, but it also addresses a paternalistic policy that is being imposed on our Nation's veterans by this administration.

First let me tell my colleagues why I am joining the veterans in my district in strong support of this bill. The bill extends the VA health professional scholarship program, a program that ensures the quality of health care providers at VA medical centers.

This bill enables the VA medical centers to provide the compensation that is needed to attract and retain top-quality nursing professionals.

This bill, Mr. Chairman, clarifies the veterans' authority to receive payments from private insurers from treatment for veterans with Medigap coverage.

□ 1540

This bill allows veterans to participate in the work therapy program to receive their full disability pensions without penalty, and this bill extends the program that provides grants for the construction and improvement of VA residential nursing facilities.

Mr. Chairman, finally, this bill would allow our Nation's veterans the simple freedom and dignity to choose whether or not to smoke in a veterans' facility. It would do so, Mr. Chairman, without infringing upon the rights of nonsmoking veterans.

Mr. Chairman, this last provision is a flashpoint in my district, and I think across the Nation, and the problem arises like this, and it came to my attention one cold Valentine's day in February 1992, when I was invited along with Members of Congress across the country, and certainly those in West Virginia, to visit our veterans in our respective VA health care facilities. Mr. Chairman, I was absolutely shocked to look out the window as I was touring that facility to see two or three veterans and some of the staff out in a facility, that looked like an open bus stop, smoking cigarettes. I asked the director, "Why are these people out there in the cold?" And it was a cold, rainy day, as had been described here by many of my colleagues, and they explained to me that these people were not allowed to smoke in the veterans' facilities, and I ask why. They went on to say that Mr. Derwinski had laid down this edict.

We went out and visited those veterans and the support personnel who were in that facility, and they expressed the consternation that, frankly, I felt.

Well, I quickly came back and expressed my concern about this policy and joined the gentleman from West Virginia [Mr. WISE] in his legislation to reverse this policy. Today we find a very reasonable provision in this bill supported by the gentleman from West Virginia [Mr. STAGGERS] which would reverse that policy. It is reasonable, Mr. Chairman, because it allows veterans who want to smoke to smoke while not impinging upon the rights of other veterans, because it is in a well-ventilated facility within the hospital, and it does not create this problem of secondary-smoke exposure that some Members have spoken to.

Mr. Chairman, I hope we will support the provisions in this bill.

Mr. MONTGOMERY. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. CLEMENT], also a member of the Committee on Veterans' Affairs.

Mr. CLEMENT. Mr. Chairman, Chairman MONTGOMERY, is a great chairman and does such a fine job for the veterans and heads a great committee that I am pleased to serve on. I rise in strong support of the Staggers amendment to the Penny-Durbin amendment to H.R. 5192, the Veterans Health Care Amendments.

The Staggers amendment requires the Department of Veterans Affairs to provide areas at VA hospitals in which veterans can smoke.

Opponents of this amendment contend that setting aside such areas prevent VA hospitals from meeting the standards of the Joint Commission of Accreditation of Healthcare Organizations. This misses the entire point.

The real issue, in my view, is what rights and privileges do veterans surrender when they enter a VA hospital.

The real issue, in my view, is how far opponents of tobacco will go to deny their fellow Americans the legal right to smoke a legal product in a setting that minimizes the alleged effects of second-hand smoke.

The real issue, in my view, is whether the Secretary of Veterans Affairs and others will accommodate the desires of VA patients, or whether, the Secretary will exercise complete and total dominion over the VA medical system, and force a personal predilection on others.

Mr. Chairman, I am not a smoker. But I defend the right of veterans to smoke and I believe the Staggers amendment is an acceptable compromise that meets the legitimate wishes of a unique population served by the VA system.

I urge my colleagues to support the Staggers amendment.

Mr. Chairman, we all heard the gentleman from Nebraska [Mr. HOAGLAND] speak so eloquently a while ago about a lady that could not smoke but, yet, the tension, the pressure that she was experiencing by simply not having that opportunity and totally restricted against it. Let us ask ourselves the question: If someone lives to be a ripe old age, should they not have certain rights and privileges in society? Are we going to take all of those rights away from them because they happen to be in a VA facility, and we have these hard rules of conduct and deny them those basic privileges that they have enjoyed in the past?

Let them enjoy some dignity in the last few years of their lives.

Support this compromise legislation.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RIDGE], a member of the committee.

Mr. RIDGE. Mr. Chairman, I thank the gentleman for yielding me this time.

My colleagues, this is absolutely one of the most incredible debates I have ever heard dealing with veterans and veterans' issues. It is reaching the point, I think, of absurd, far past ridiculous. I do not smoke. I do not care to smoke. I hope my children do not smoke. I would like the world to quit smoking. I believe it is psychologically and physically addictive.

Mr. Chairman, I am not a born-again nonsmoker. I just do not care for it. Most Americans do not care for it, with justifiable and understandable reasons.

But we are talking about more often than not some aged veterans, older men and women, who do smoke, who are going into a VA medical center for treatment, not dealing necessarily with smoking problems, but some of their health problems might be smoking-related, no doubt about it, and a lot of them are out there, but they are not going in asking the VA to treat them to help them get rid of this problem with smoking. They are going in for other serious health-related matters.

What we are saying to these men and women is, "Oh, we spent hundreds and hundreds of billions of dollars on you to prepare you to fight to defend this country, and we spent billions of dollars to send you to Europe and to Asia and to Central America, and we spent hundreds of billions of dollars for you to get there, to wear that uniform proudly to defend us, oh, but incidentally, if you come into our VA health care facility and you are a smoker, we are going to treat you as a second-class citizen. We are a bunch of born-again nonsmokers, and forget the fact that maybe you are a World War II veteran, and you did not smoke until the Government gave you the Chesterfields on the boat on the way over. Forget about the fact that you have been doing it for 40 or 50 years. When you come into our facility for treatment, for care, forget about the fact that the VA system is supposed to give the benefit of the doubt to the veterans. No, that is different. Forget that we spent billions on training you. Forget that maybe we even get you hooked on the cigarettes to start with. You are a second-class citizen when you walk in here."

This is an absolutely ridiculous debate.

I know what the Joint Committee on Accreditation says. But if we cannot find some way, some dignified, low-cost way of honoring the requests of many of these veterans who may be in long-term health care, maybe have no other place to go for health care, so they can light up a cigarette, a couple cigarettes during the course of the day, then shame on us and shame on the VA.

I want to commend my friend, the gentleman from West Virginia [Mr. STAGGERS]. He and I talked about this on many occasions. I thank the gentleman from West Virginia [Mr. WISE] for bringing his amendment to the floor.

I know the concerns of my colleague, the gentleman from Minnesota [Mr. PENNY]. I know that there is some money involved in this, and I think in one of your "Dear Colleagues" you talked about a potential saving of $6 million, but I am just going to tell you that $6 million does not come close as far as I am concerned to the need for us to retain at all costs the simple dignity and the kind of treatment and the respect that these men and women are entitled to.

I wish they did not smoke. Doctors wish they did not smoke. But they do.

Let us just treat them with the dignity and the respect that they deserve.

Support the Staggers amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I wanted to point out the other things that are very important in this legislation. One of the provisions is nurses' pay for VA nurses. This needs to be corrected by this legislation, so we can keep our senior nurses in the system.

We have had a provision in here that we think we can bring more money into the VA health care system from insurance companies that have an obligation to the VA hospitals, but they are not paying. We think we are correcting this, and that we can bring more money into our hospitals.

So I certainly hope, after we have the smoking amendments, that all Members would support this legislation.

Mr. KOSTMAYER. Mr. Chairman, I rise today to support the Veterans Health Care Amendments of 1992. This important legislation will insure that those veterans who need special respite care will continue to get it. It will also extend the Department of Veterans Affairs [VA] health professions scholarship program, which provides incentives and assistance to people who want to enter the health profession, yet find it difficult to pay for.

I support this bill with the hope that one particular provision, which is not in the bill, but is in the Senate version, will be adopted in the conference.

I introduced legislation several months ago to require the VA to install bedside telephones as a pilot program in the Philadelphia VA hospital. The bill has been included in the Senate version of the Veterans health care amendments.

It is unconscionable that in order for a patient to make a telephone call in a VA hospital, one must search for quarters and wander up and down the halls searching for an available pay phone. That it is nearly impossible for a patient to receive a phone call from family or friends is equally disturbing.

The pilot program is included in the Senate version of the bill. Mr. Chairman, I look forward to supporting a conference agreement on this bill that includes the Philadelphia VA hospital telephone pilot project.

Mr. HEFLEY. Mr. Chairman, I rise today in support of the Veterans Health Care Amendments of 1992. My district has a high concentration of veterans who come there to breathe clean air and enjoy the sights of Colorado.

As we drawdown our military, we need to make sure that veterans receive the health care and other benefits that they deserve. When America beckoned, they answered the call. We need to hear their cries for adequate health care.

This bill would help those veterans who need help the most. It provides money to help homeless vets, improve mental health services and addresses post-traumatic stress disorder. The chairman and ranking member of the Veterans' Affairs Committee have done an outstanding job in protecting and expanding benefits for our Nation's veterans. This bill adds to their achievements.

Mr. Chairman, historically, Congress has expanded eligibility requirements to veterans benefits. This has put a strain on our ability to provide quality benefits to those veterans who most need our help. Those with service-connected disabilities have seen shrinking benefits because we are serving more veterans than before. Expenditures on veterans benefits continue to rise, but so do health care costs at a staggering rate. This legislation is needed to help bridge the gap between providing care and quality health care for our veterans who sacrificed so much for our country.

Mr. Chairman, I ask that my colleagues support those veterans who answered the call of their country and vote "yes" on the conference report.

Mr. POSHARD. Mr. Chairman, I rise in support of the amendment to H.R. 5192, offered by my colleague, Congressman HARLEY STAGGERS, which provides for indoor designated smoking areas in VA medical facilities.

I have heard from veterans and their families in my congressional district who have first-hand knowledge of the real difficulties and inconvenience experienced by those who, since the VA's policy change last year, have been required to leave the medical facility if they want to smoke. Such a policy is considered by many of our veterans to be discrimination and harassment, and I agree. Even VA medical center directors who were asked to comment on how the VA's smoking ban was being received, told the Committee on Veterans' Affairs that it creates a special difficulty for elderly veterans particularly in colder climates. In addition, many veterans find it hard to actually transport themselves to an outdoor shelter because of ambulatory problems.

As we know, in many facilities these veterans consider the VA hospital their home and, therefore, should have the privilege of smoking indoors. If we truly want to recognize the sacrifices of those who defended our country in war and peacetime, restoring a simple, compassionate allowance of designated smoking areas in VA facilities is a practical way of doing so.

Mr. RAY. Mr. Chairman, today the House of Representatives is considering H.R. 5192, the Veterans' Health Care Amendments of 1992.

I support this bill. In particular, I support the provision in the bill which allows veterans to smoke in designated indoor smoking areas. I support the Staggers amendment to preserve this provision in the bill.

Mr. Chairman, our Nation's veterans have fought for the freedoms we enjoy today. Many of these veterans call veterans hospitals home, and are there as a result of injuries suffered during war. I believe we must give them credit for being able to make their own decisions. If they choose to smoke, then I believe we must provide them with a safe environment in which to do that. It would be hypocritical of us to take away the freedom of our Nation's veterans to smoke in a VA facility after asking them to sacrifice their lives for our freedom.

The Staggers amendment is a reasonable approach for our veterans. It preserves their dignity without infringing on the rights of nonsmokers. I ask my colleagues to support H.R. 5192 and the Staggers amendment as I do.

Mr. MONTGOMERY. Mr. Chairman, I yield back the balance of my time.

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Mr. STUMP. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in part 1 of House Report 102–907, is considered as an original bill for the purpose of amendment and is considered as read.

The text of the amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Health-Care Amendments of 1992".

(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. EXTENSION OF CERTAIN EXPIRING AUTHORITIES.

(a) PERMANENT AUTHORITY FOR RESPITE CARE PROGRAM.—Section 1720B is amended by striking out subsection (c).

(b) FOUR YEAR EXTENSION OF STATE HOME CONSTRUCTION AUTHORITY.—Section 8133(a) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1996".

(c) TWO YEAR EXTENSION OF HEALTH SCHOLARSHIP PROGRAM.—Section 7618 is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1994".

SEC. 3. TREATMENT OF EARNINGS OF VETERANS UNDER CERTAIN REHABILITATIVE SERVICES PROGRAMS.

Effective on October 1, 1992, subsection (f) of section 1718 of title 38, United States Code, is amended to read as follows:

"(f)(1) The Secretary may not consider any of the matters stated in paragraph (2) as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

"(2) Paragraph (1) applies to the following:

"(A) A veteran's participation in an activity carried out under this section.

"(B) A veteran's receipt of a distribution as a result of participation in an activity carried out under this section.

"(C) A veteran's participation in a program of rehabilitative services that (i) is provided as part of the veteran's care furnished by a State home and (ii) is approved by the Secretary as conforming appropriately to standards for activities carried out under this section.

"(D) A veteran's receipt of payment as a result of participation in a program described in subparagraph (C).

"(3) A distribution of funds made under this section and a payment made to a veteran under a program of rehabilitative services described in paragraph (2)(C) shall be considered for the purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.".

SEC. 4. MEDICAL CARE COST RECOVERY.

(a) RECOVERY OF CARE FURNISHED CHAMPVA BENEFICIARIES.—(1) Section 1729 is amended—

(A) by striking out "veteran" and "veteran's" each place they appear and inserting in lieu thereof "VA beneficiary" and "VA beneficiary's", respectively;

(B) by striking out "veterans" in subsection (h)(1)(B) and inserting in lieu thereof "VA beneficiary"; and

(C) by adding at the end of subsection (i) the following new paragraph:

"(4) The term 'VA beneficiary' means a veteran or a person eligible for care under section 1713 of this title.".

(2) The amendments made by paragraph (1) shall apply with respect to care and services furnished under section 1713 of title 38, United States Code, after the date of the enactment of this Act.

(b) RECOVERY OF MEDICARE SUPPLEMENTAL INSURANCE.—(1) Subsection (i)(1)(A) of section 1729 is amended by inserting ", including a medicare supplemental insurance policy," after "arrangement".

(2) The Secretary of Veterans Affairs shall compile a list of the names of each person that issues (or has issued) a medicare supplemental insurance policy and from which the Secretary has recovered the cost of care or services under section 1729 of title 38, United States Code, before June 1, 1992, by reason of the treatment of such medicare supplemental insurance policy as a health-plan contract under such section. The Secretary shall submit the list to the Committees on Veterans' Affairs of the Senate and House of Representatives as expeditiously as possible after the date of the enactment of this Act.

(3) The amendment made by paragraph (1) shall apply as if included in the enactment of section 19013 of Public Law 99–272 (100 Stat. 382).

(4) No recovery or collection under section 1729 of title 38, United States Code, of the cost of furnishing any care or service under chapter 17 of such title that is furnished after September 30, 1993, may be made with respect to a medicare supplemental insurance policy from a person that is not named on the list submitted pursuant to paragraph (2).

(c) USE OF FUNDS RECOVERED FROM THIRD PARTIES.—(1) Section 1729(g) is amended by adding at the end of paragraph (3) the following new subparagraph:

"(C) Payments for (i) the purchase of needed medical equipment, and (ii) such other purposes as may be specifically authorized by law, except that no payments may be made under this subparagraph after September 30, 1993, other than for a purchase for which a contract is entered into on or before such date.".

(2) Such section is further amended by adding at the end the following new paragraph:

"(5) The Secretary shall prescribe regulations for the allocation to the medical centers of the Department of funds for the purposes of paragraph (3)(C). Those regulations shall be designed to provide incentives to directors of medical centers to increase the recoveries and collections under this section by requiring that 20 percent of those funds be made available directly to the medical centers at which such recoveries and collections have been at above average levels. The remaining 80 percent of those funds shall be allocated as the Secretary considers appropriate.".

(3)(A) The total amount spent under paragraph (3)(C) of section 1729(g) of title 38, United States Code, as added by paragraph (1), during fiscal year 1993 and the first quarter of fiscal year 1994 may not exceed the amount determined under subparagraph (B). Any of such amount spent during the first quarter of fiscal year 1994 shall be attributed to collections and recoveries under section 1729 of such title during fiscal year 1993 (rather than fiscal year 1994) and shall not be considered for purposes of section 1729(g)(4) of such title to have been in the fund on September 30, 1993.

(B) The amount referred to in the first sentence of subparagraph (A) is the sum of—

(i) the amount (if any) by which—

(I) the amount in the Department of Veterans Affairs Medical-Care Cost Recovery Fund attributable to the recovery or collection during fiscal year 1993 of the reasonable cost of care and services by reason of the operation of section 1729 of title 38, United States Code (other than any amount recovered or collected under medicare supplemental insurance policies from issuers of those policies who are not named on the list submitted pursuant to subsection (b)(2)), is in excess of

(II) the 1992 CBO baseline; and

(ii) the amount in that Fund attributable to the recovery during fiscal year 1993 of the reasonable cost of care and services under medicare supplemental insurance policies from issuers of those policies who are not named on the list submitted pursuant to subsection (b)(2).

(C) For purposes of subparagraph (B)(i), the term "1992 CBO baseline" means the amount that was estimated by the Congressional Budget Office in February 1992 to be the total amount that would be recovered or collected during fiscal year 1993 by reason of the operation of section 1729 of title 38, United States Code.

(4) Except as provided in paragraph (3), no amount may be spent under paragraph (3)(C) of section 1729(g) of title 38, United States Code, as added by paragraph (1), during fiscal years 1994 and 1995.

SEC. 5. GERIATRIC RESEARCH, EDUCATION, AND CLINICAL CENTERS.

Section 7314 is amended—

(1) in subsection (c), by inserting "has considered the recommendations of the peer review panel established under subsection (d) and" after "unless the Secretary";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d)(1) In order to provide advice to assist the Chief Medical Director and the Secretary to carry out their responsibilities under this section, the Assistant Chief Medical Director described in section 7306(b) of this title shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this section.

"(2) The membership of the panel shall consist of experts in the fields of geriatric and gerontological research, education, and clinical care. Members of the panel shall serve as consultants to the Department for a period of no longer than six months.

"(3) The panel shall review each proposal submitted to the panel by the Assistant Chief Medical Director and shall submit its views on the relative scientific and clinical merit of each such proposal to the Assistant Chief Medical Director.

"(4) The panel shall not be subject to the provisions of the Federal Advisory Committee Act.".

SEC. 6. NURSE PAY.

(a) NEW ASSISTANT DIRECTOR GRADE IN NURSE SCHEDULE.—(1) Section 7404(b) is amended by inserting "Assistant Director grade" in the table in paragraph (1) under the heading "NURSE SCHEDULE" below the item relating to "Director grade".

(2) Section 7451(b) is amended by striking out "four".

(b) MINIMUM PAY DIFFERENTIAL FOR CHIEF OF NURSING SERVICE AT A FACILITY.—Section 7452(a)(2) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law (other than section 7451(c)(2) of this title), the Secretary may adjust the rate of basic pay payable to a nurse serving in the chief nurse position at a facility so as to be a rate of basic pay greater than the rate otherwise applicable to such nurse, but not greater than the rate that is six percent greater than the rate of basic pay applicable to any subordinate nurse at the facility.".

(c) SAVE-PAY AUTHORITY FOR NURSES TRANSFERRING TO ANOTHER FACILITY.—Section 7452(e) is amended by striking out the period at the end and inserting in lieu thereof ", except that in the case of an employee whose transfer to another health-care facility is at the request of the Secretary, the Secretary may provide that for at least the first year following such transfer the employee shall be paid at a rate of basic pay up to the rate applicable to such employee before the transfer, if the Secretary determines that such rate of pay is necessary to fill the position.".

(d) REVISION OF NURSING PERSONNEL QUALIFICATION STANDARDS.—(1) The Secretary of Veterans Affairs shall conduct a review of the qualification standards used for nursing personnel at Department health-care facilities and the relationship between those standards and the compression of nursing personnel in the intermediate grade and senior grade. Based upon such review, the Secretary shall revise those qualification standards—

(A) to reflect the five grade levels for nursing personnel under the Nurse Schedule, as amended by subsection (a); and

(B) to reduce the compression of nursing personnel in the intermediate grade and senior grade.

(2) The Secretary shall prescribe revised qualification standards for nursing personnel pursuant to paragraph (1) not later than April 1, 1993, or six months after the date of the enactment of this Act, whichever is later.

(3) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's findings and actions under this section. The report shall be submitted not later than six months after the date on which revised qualification standards for nursing personnel are prescribed pursuant to paragraph (2).

(e) REPORT ON PAY FOR CHIEF NURSE POSITION.—(1) The Secretary shall conduct a review of the process for determining the rate of basic pay applicable to the Chief Nurse position at Department facilities. The review shall include an assessment of the adequacy of that process in determining an equitable pay rate for that position, including an assessment of the accuracy of data collected in the survey process and the difficulties in obtaining accurate data.

(2) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the review and assessment conducted under paragraph (1). To the extent that the review discloses difficulties in obtaining accurate data in the survey process with respect to the Chief Nurse position at Department facilities, the Secretary shall include in the report recommendations for corrective action. The report shall be submitted not later than six months after the date of the enactment of this Act.

(f) REPORT ON PAY COMPRESSION.—Section 7451(g) is amended by adding at the end the following:

"(9) The number of nurses, shown by facility and by covered position, who are on pay retention or in the top step of any grade and, with respect to such employees, comprehensive information, by facility, as to whether an extension of the pay grades was sought for these positions, and with respect to each such request for extension, whether such request was granted or denied.".

(g) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect with respect to the first pay period beginning on or after April 1, 1993, or six months after the date of the enactment of this Act, whichever is later.

SEC. 7. USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

(a) IN GENERAL.—Each veteran who is a patient or resident in a facility of the Department of Veterans Affairs shall have the right (consistent with medical requirements and limitations) to purchase and use tobacco products.

(b) IMPLEMENTATION.—In order to implement this section, the Secretary of Veterans Affairs shall ensure that (consistent with medical requirements and limitations)—

(1) each facility of the Department that maintains a commissary or canteen (A) shall make available through the commissary or canteen tobacco products, and (B) shall assure that each patient or resident shall have the opportunity to purchase tobacco products from that commissary or canteen; and

(2) each facility of the Department shall maintain a suitable indoor patient smoking area and provide access to that area for patients or residents who desire to use tobacco products.

(c) APPLICABILITY.—This section applies with respect to the Department of Veterans Affairs medical centers, nursing homes, and domiciliaries.

(d) REPORT TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section, including a description of the steps taken at each facility of the Department to achieve compliance.

The CHAIRMAN. No amendment to the substitute is in order except those amendments printed in part 2 of House Report 102–907. Those amendments shall be considered in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for a division of the question. Debate on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

It is now in order to consider amendment No. 1 printed in House Report 102–907.

AMENDMENT OFFERED BY MR. PENNY

Mr. PENNY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment offered by Mr. PENNY is as follows:

Amendment offered by Mr. PENNY: Amend section 7 to read

SEC. 7. USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

(a) POLICY.—The smoking policies implemented by the Secretary of Veterans Affairs for Department of Veterans Affairs health-care facilities shall be based on current scientific evidence and public health practices recognizing the risks of smoking to smokers and nonsmokers alike.

(b) IMPLEMENTATION OF POLICY.—The Secretary of Veterans Affairs, in implementing a policy to prohibit or restrict smoking in the health-care facilities of the Department of Veterans Affairs, shall seek to ensure (consistent with accepted health goals) that patients in such facilities who wish to use tobacco products are accommodated to the degree practicable in areas that are convenient to the facility, taking into account climatic conditions, patient comfort, protection of nonsmokers, and allowing reasonable access for the patient.

Mr. MONTGOMERY. Mr. Chairman, I have a unanimous-consent request which I have cleared with the parties involved. The request is as follows: that of the 40 minutes available, the gentleman from Minnesota [Mr. PENNY] will control 20 minutes, the gentleman from West Virginia [Mr. WISE] will control 10 minutes, and the gentleman from Arizona [Mr. STUMP] will control 5 minutes, and this gentleman from Mississippi will control 5 minutes.

Then after these amendments have been discussed, we would have back-to-back votes of 15 minutes and 5 minutes, the first vote will be on the Staggers-Wise amendment, and the second vote will be on the Penny amendment, as amended or not.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. WISE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WISE. Mr. Chairman, is this the appropriate time for me to introduce the Staggers amendment?

The CHAIRMAN. Yes, it is.

AMENDMENT OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer an amendment to the amendment offered by Mr. PENNY.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WISE to the Amendment offered by Mr. PENNY: In lieu of the matter proposed by the amendment offered by Representative PENNY or Representative DURBIN, amend section 7 to read as follows:

SEC. 7. USE OF TOBACCO PRODUCTS IN DEPARTMENT FACILITIES.

(a) IN GENERAL.—Each veteram who is a patient or resident in a facility of the Department of Veterans Affairs shall have the right (consistent with medical requirements and limitations) to use tobacco products.

(b) IMPLEMENTATION.—In order to implement this section, the Secretary of Veterans Affairs shall ensure that (consistent with medical requirements and limitations) each facility of the Department shall maintain a suitable indoor patient smoking area and provide access to that area for patients or residents who desire to use tobacco products.

(c) APPLICABILITY.—This section applies with respect to the Department of Veterans Affairs medical centers, nursing homes, and domiciliaries.

(d) REPORT TO CONGRESS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the implementation of this section, including a description of the steps taken at each facility of the Department to achieve compliance.

Mr. WISE. Mr. Chairman, if it would be appropriate, I would like to ask unanimous consent that my amendment be referred to as the Staggers amendment in honor of the Member who would have offered it had he been able to be here.

The CHAIRMAN. The RECORD will show the gentleman's statement.

Pursuant to the unanimous consent request, the gentleman from Minnesota [Mr. PENNY] will be recognized for 20 minutes, the gentleman from West Virginia [Mr. WISE] will be recognized for 10 minutes, the gentleman from Arizona [Mr. STUMP] will be recognized for 5 minutes, and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I yield 4 minutes to the gentleman from the State of Washington [Mr. MCDERMOTT].

Mr. MCDERMOTT. Mr. Chairman, I rise in support of the Penny amendment. We spend millions of tax dollars on veterans' health care because we respect the sacrifices our veterans have made. But tobacco kills more Americans each year than all the wars we have fought in this century. Tobacco causes one out of five deaths in America. It is our leading preventable cause of illness and death.

I do not believe tobacco smoking has any place in any health care facility. I think the committee, with good intentions, did a disservice to veterans, both smokers and nonsmokers, as well as to the people who work in VA facilities.

The Penny amendment restores balance and common sense to the VA's policy on smoking. It bases that policy on scientific evidence and good public health practice, and it respects the fact that some patients are addicted to tobacco.

It is a powerful addiction. Nicotine is considered more addictive than heroin or cocaine. It can be very hard to quit. But nearly half of all adults who ever smoked, have quit smoking. You can quit at any age, and your general health will improve dramatically.

Three decades after the Surgeon General's report, everyone outside the tobacco industry knows how dangerous smoking is. And we now know that second-hand smoke can be just as deadly, and we know that you cannot confine smoke to separate rooms in a building. The Environmental Protection Agency is about to classify environmental tobacco smoke as a carcinogen.

Requiring Federal hospitals to expose their patients to a carcinogen is not good public health legislation. The Penny amendment restores common sense and scientifically based public health principles to this issue. I urge my colleagues to support the amendment.

The CHAIRMAN. The committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore (Mr. TRAFICANT) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

VETERANS HEALTH-CARE AMENDMENTS OF 1992

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of the Staggers amendment and in opposition to the Penny amendment. So that we can understand the differences in effect, the Penny amendment is the status quo, it permits the administrative decision to remain in effect that would ban smoking in one single, well-ventilated lounge.

The Staggers amendment reverses that and says by legislation that our veterans in veterans hospitals are entitled to smoke in one single, well-ventilated lounge.

So if you want the present system as it is, veterans going outside, standing in bus shelters, no dignity, you support the Penny amendment. If you want to say to our veterans that, "We may not agree with smoking, we think it is a bad habit, many of us, but for whatever reasons that is where you are, at least you are going to be afforded the dignity of one single, well-ventilated lounge indoors that does not endanger your health further."

Mr. Chairman, I have heard a lot of arguments about Federal hospitals and accreditation. The fact of the matter is that veterans hospitals treat a unique population. They are designed by Congress, they are run by Congress, they are under congressional mandate, and Congress can certainly set the conditions under which our veterans conduct themselves.

In this particular case, I too am concerned about secondhand smoke, but one single, well-ventilated lounge may handle that situation much better than having veterans stand outside, having veterans go someplace else.

Finally, veterans hospitals are not general hospitals. General hospitals are hospitals where you treat a wide range of the population. Veterans hospitals are set up to treat a single population, veterans—not children, not people of all ages with all different types of illnesses—but they are set up to treat a particular group of veterans.

In this case, many of the veterans are World War II era. So I think there are some unique attributes to that.

Finally, I would say, in closing, have you ever worked in a psychiatric ward, a locked ward? I have. Try taking tobacco off of that ward.

Have you ever worked and talked with PTSS patients who are locked up in a room and when you try to work through a lot of the anguish and agony they are going through? I had that opportunity just a couple of weeks ago. Tell them that they cannot smoke.

Have you ever worked with the chronically ill when that is about all that they have got going for them, ladies and gentleman, when you are in a hospital week after week, sometimes that is all you have got, looking forward to a cigarette. Are you going to tell them they have got to go outside to the bus shelter, take that walk out to the sidewalk? I hope not.

So I would urge you to support the Staggers amendment and reject the Penny amendment.

Mr. STAGGERS. Mr. Chairman, let me thank the Members for showing good sense and compassion for those veterans who have served our Nation so proudly by supporting me in my attempt to offer what has been called the Staggers compromise amendment. My amendment is fair, balanced, and reasonable.

I am very interested in helping veterans retain their dignity while they stay within the confines of VA hospitals, nursing homes, and domiciliary. Members should understand clearly that the only way that a veteran who smokes many be ensured to do so within the confines of a VA facility is to adopt the Staggers amendment.

Others may tell you that their approach is better for veterans. That is nonsense. Sending a 75-year-old veteran across an icy path in subzero weather to a tin box with a window is not the compassion that most of my colleagues will support. Many of us are supportive of efforts to have persons quit smoking or never to start; however, I do not believe for 1 minute that my colleagues support the mean-spirited efforts of VA Secretary Edward Derwinski to make veterans go to the outdoors in order to continue a habit they began, in many cases, more than a half-century or more before, through our Government supplying cigarettes to them.

A few may even claim that this is a sound decision by Secretary Derwinski. Don't you believe it. Ed Derwinski and his policies have been no friend to veterans. Ed Derwinski has been so unpopular that the President asked him to resign. Is this the friend of veterans with whom you are going to stand? If you are, consider that your friend, Secretary Derwinski, was asking that VA hospitals be opened to nonveterans, because there was unused space. That proposal, strongly supported by Derwinski, will be the second most unpopular idea proposed by Derwinski, if the House votes to approve the Derwinski smoking ban.

The former Secretary can say this is great for veterans. This is the same Secretary that has not written a single Member of this House about the thousands, and thousands, and thousands of beds that are not in service at VA hospitals. According to information compiled by the House Veterans' Affairs Committee, there may be up to 30,000 beds not in service for veterans. Has the Secretary contacted you about that? No! But he's made a livelihood while making tens of thousands of veterans miserable by forcing them to stand out in the cold if they choose to smoke. But where has Ed Derwinski been as VA hospitals have been servicing fewer and fewer veterans? Has he been here asking us to do more? No he has not. While your veterans have been asking you why it takes so long to get claims cases heard has Ed been here asking for more help?

The truth is that the policy that this Congress can reverse today does not cost millions of dollars. Some of you are being misinformed that it will cost more than $6 million to provide indoor designated smoking areas; what they fail to tell you is that outdoor shelters may cost more than twice that amount. Providing sufficient outdoor shelters is not only bad for veterans, but more costly.

Another bogus argument is that having smoking in the hospitals is somehow a danger to others. However, the draft EPA report opponents have used to justify not smoking indoors, suggests doing just what I have suggested, vent the smoke out of doors.

The third big myth used to defeat my amendment will be to say that if there is a designated indoor smoking facility, hospitals will not meet accreditation standards. Ladies and gentlemen of the House, there are more than 2,200 standards that will be used to accredit hospitals. Surely this one item will not make or break the world. Does anyone really believe that if the Congress says there is to be an indoor smoking area that the standard would not be modified for VA health care facilities? I think not.

The truth is that the Staggers compromise amendment we will be voting on in the next few minutes is extremely important to the veterans of our Nation. The issue here is not a referendum about smoking, it is not a smoking issue, it is an issue of dignity and compassion for all veterans.

The question is not one of cost. As I've already told you, the costs are minimal. And if the opponents are concerned about the costs, they could easily ask that any sale of tobacco, which amounted to nearly $6 million in the last reporting year, be used to provide safe indoor facilities so veterans can be treated with simple decency. The question before the House today is, Can we afford not to treat veterans with respect and dignity?

The Staggers amendment is clearly a vote to show compassion for veterans. The Penny amendment would force veterans into the cold, bone-chilling winters of the north and the blistering heat of the summers in the south. The Staggers amendment sends a clear message to America's veterans: Welcome back, you matter, you are important, and when you are treated worse than criminals, whom I might add parenthetically are allowed to smoke indoors, this Congress will stand with you.

Mr. Chairman, I am extremely pleased to be standing here today, with a fair, reasonable, and compassionate amendment. Let me make it clear to everyone that my amendment calls for deleting the language in the bill that requires the sale of tobacco products but retains the provision that requires that there be a designated indoor smoking area.

Let me urge the Members to support the Staggers amendment to H.R. 5192.

□ 1600

Mr. PENNY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Chairman, every day 1,000 people die from the effects of tobacco. One thousand people die every day. There is no doubt that tobacco is a killer. What we now know is that smoking is one the biggest causes of indoor air pollution. That is a killer. That is what we know.

My district in Houston includes the Texas Medical Center, more hospitals in one spot than any other place in the world, and every one of them is smoke free. That has happened just in a short period of time.

Frankly, the one hospital that held out was the Veterans' Administration Hospital. They would sell tobacco products in the lobby and treat cancer patients on the eighth floor. It is a ridiculous situation and so is this amendment.

Why do we want to put VA hospitals on a level below every other hospital in this country that is treating cancer patients, heart patients, people with emphysema and put those people at risk? That is a ridiculous argument to make.

It is time to keep veterans hospitals right where they are, on a level, on a par with all the other hospitals in this country.

It does matter that hospitals are accredited. It would be a shame because we want to let people smoke in a V.A. hospital that these important institutions would lose their accreditation.

We have got to work to upgrade all our hospitals, all our health care delivery systems, and we have to recognize a changing information flow.

The gentleman who spoke earlier is absolutely right. The only group in this country that says we have a debate about tobacco use and the causes of tobacco is the tobacco industry.

Let us not be fooled by some ridiculous argument. Let us recognize that we have got to upgrade our hospitals, all of them, especially the Veterans' Administration hospitals, to put them and keep them on a level with every other cancer hospital in this country.

Mr. Speaker, I urge defeat of the Staggers amendment. I urge support for the Penny amendment.

Mr. PENNY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Penny amendment. Passage of this amendment will eliminate the provisions within the veterans' health care amendments that require the sale of tobacco products in the canteens at veterans' facilities, as well as designating indoor smoking lounges.

The purpose of the amendment is to bring the VA facilities in line with the standards set by the Joint Commission on Accreditation of Health Care Organizations, which maintains that hospitals should establish standards that call for smoke free facilities. After all, I think we have to recognize that we are dealing with hospitals and health care facilities. I understand there can be exceptions made by the physician in exceptional cases.

As we all know, smoking has been undeniably identified as a primary cause of diseases and death. An estimated 434,000 Americans die each year from smoking-related diseases such as

heart disease, lung cancer and strokes. This figure translates into a mindboggling one in every five deaths.

Also at issue is the problem presented by secondary or passive smoke. The Surgeon General has reported that as many as 5,000 nonsmokers die each year of diseases caused by second-hand smoke. Secondary smoke is also known to cause an increase in blood pressure rates, heart disease or acute cardiovascular problems.

Many proponents of the smoking provisions in the bill have said that this is a matter of dignity.

I have been listening to some of these debates. This statement, however, I do not think is accurate. To the contrary, providing our Nation's heroes with ready access to a deadly substance seems to show little respect for the welfare of those who risked their lives for our country, not to say, of course, some 75 percent perhaps in the hospitals are not smokers and do not care to breathe passive smoke, either.

This is not a matter of dignity—this is a matter of health.

Mr. Chairman, the fact of the matter is this: Veterans deserve the best possible health care. The elimination of smoking in VA hospitals creates a health care policy that encourages non-smoking behavior among a population who already are suffering from health problems.

I commend the gentleman from Minnesota [Mr. PENNY] for his excellent work in bringing this issue to the floor. I urge my colleagues to vote for this amendment that will prolong the health and welfare of our Nation's veterans and those working for their care.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, as a person who represents the Harry S. Truman Memorial Hospital in Columbia, MO, where many veterans are taken care of and their medical needs are provided, many of those are veterans of the Second World War. They are now entering the ages of late sixties and early seventies. They have been smoking for 40 and 50 years, the few that go there.

About a year ago when the policy was put in place, many of those veterans had to tramp out in the winter if they wanted to have a cigarette, out in the snow. There was not any place for them to have that cigarette. If it was raining, they had to go out in the rain.

These people are in the hospitals for sickness. It has been said earlier by the gentleman from Texas that we have people in these hospitals.

Mr. Chairman, these are not just people. These are extraordinary, exceptional people. These are the people, the veterans who have preserved the freedoms that we enjoy today. They are exceptional people. They are people who if they want to have a cigarette, who is the gentleman from Minnesota or anybody else to tell them, "No, you go outside in the rain and the snow to have your cigarette."

They are the same people who during the Second World War who were furnished those cigarettes by the same government.

"Now, it's all right. You just preserved our freedoms. Many of you got shot up and wounded. Some of you may have one leg right now and one arm, but if you want to have a cigarette, you go outside in below winter weather. You go out and tromp in the snow in your housecoat and you have your cigarette."

Why can they not have a cigarette inside the building in a well-ventilated area, as well-ventilated as outside? It does not hurt anybody.

Mr. Chairman, I support the Staggers amendment.

Mr. STUMP. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time.

I want to say to my friend and distinguished colleague who represents the Harry S. Truman Medical Center in Columbia, MO, that I appreciate his remarks. I want to convey my thanks on behalf of those at the John J. Pershing Medical Center in Poplar Bluff who hold to the views of the gentleman who represents Columbia. I want to associate myself with his very eloquent statement.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in strong support of the Staggers-Wise amendment. I do so because I think the no-smoking policy established earlier this year by the former Secretary of Veterans Affairs is really harsh and unrealistic.

I do not smoke, and I might say that Members of Congress who do smoke do not have to go outside to smoke. They can smoke in the buildings. There are designated areas in which you can smoke, both Members and staff.

But really to tell older veterans who have smoked since World War II that they must go outside to smoke is really wrong, Mr. Chairman. I am a World War II veteran. I remember opening C-rations and there were cigarettes for the service personnel to smoke. We encouraged them, through the military we encouraged people to smoke. It is just kind of crazy now that we taught them how to smoke, in the veterans hospital, we are telling them they are going to have to go outside, no matter what the weather is, and do their smoking.

□ 1610

It is hard, I am told, to break the habit of smoking after so long, and it just does not add up to designated smoking rooms inside the hospitals being done away with. Right now, Mr. Chairman, these veterans have to go outside to smoke. Yes, the Secretary says he has furnished covered shelters outside. That is not exactly right. Only 5 to 10 percent, and we checked it with the Veterans Department yesterday, only 5 to 10 percent of these designated areas of 171 hospitals have any type of heating equipment in these shelters. We know none of them have any type of air-conditioning.

So, Mr. Chairman, even though this policy of the Secretary has been in effect, we are saying, "We give you shelter outside, we make it safe and warm," but that has not happened, and this policy went into effect in 1990.

So, I really cannot see anything wrong in designating a room in the hospital where these veterans can go. We are taking away the cigarettes under the Staggers amendment. I do not particularly like that. There is going to be blackmail because they cannot buy them in the canteens anymore under the Staggers amendment. But we are willing to give that up.

But certainly, my colleagues, do not send them out in the cold and send them out in the Deep South where it gets over 100 degrees in the summer and make them have to stand outside to smoke the cigarettes. We taught them how to do it, and now we are pushing them outside.

Mr. Chairman, I hope we will support the Staggers amendment.

Mr. PENNY. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I thank the gentleman from Minnesota [Mr. PENNY] for yielding this time to me.

Mr. Chairman, I would say to my colleagues who might be following this debate, "If you have not spoken to the director of the V.A. hospital in your congressional district before you vote, I hope you will take the next few minutes and do that. Find out what the smoking policy is, what the implication is of that policy that has been implemented in your hospital and your district."

Here is what I found out about my own hospital in my own district. We have a hospital, and we have adjoining to that hospital a nursing home, and our nursing home patients may still smoke. There is a designated area within the nursing home itself. If verterans organizations or family members will not bring tobacco products to that member, then the hospital staff themselves will, upon a prescription, request by a physician, do that, and they actually have a place in the nursing home dedicated, set aside, for the residents of that nursing home. In the hospital itself next door I hear all these stories about people going out in the rain, the wind, the snow, the sleet. It reminds me of my own parents' stories about walking to school in 10 miles of snow during their youth. Here is a situation in my hospital. We have adjoining our hospital a prefabricated building. It is heated in the winter. It is cooled in the summer. It is secure. It is lighted. It has ramp access. And that is where our veterans go if they want to smoke. That is where the staff goes if they want to smoke.

My colleagues, how unreasonable is that?

Every year, sometimes several times every year, I go through that VA hospital, and I shake the hands of almost every patient in that hospital. More often than not the hands of the veterans I shake are people who smoke, and they are in that hospital because of the damage to their health of smoking.

Unfortunately, earlier in our Nation's history, our Government policy, our military policy, was one to encourage people to take up the very habit that has led to their hospitalization, and I think a far better, a far better, approach, a far better policy for our Government, is a policy that discourages that kind of behavior, that discourages the very practice that has led to the hospitalization and, unfortunately, to the death of so many of our veterans.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I rise today in support of treating our veterans with dignity. I am strongly in favor of the Staggers amendment which will require that a well-ventilated indoor smoking room be provided for veterans who choose to smoke while in a Veterans' Administration health care facility.

Since the Department instituted the no-smoking policy in all VA health care facilities, I have received countless letters describing the hazards awaiting veterans who choose to smoke. As my colleagues surely are all aware, veterans are forced to smoke outside, often with no shelter nor any way to directly communicate with facility staff. This scenario needlessly puts veterans in harm's way.

Earlier this year, I joined my West Virginia House colleagues in introducing the Dignity in Health Care Act. This bill would require the DVA to provide veterans with a designated smoking room and allow the sale of tobacco products in the facility canteens.

I was pleased when the Veterans' Affairs Committee included these provisions in the Veterans Health Care amendments. The committee has acknowledged the outcry of our Nation's veterans. They listened to these men and women, some who chose to serve and protect this Nation, some who had this choice made for them, but they all served valiantly and with dignity when they were needed most. It is time that we treat them with the dignity which they have earned and which they deserve. The Staggers amendment which we are considering today represents a compromise between the language which is in the bill and keeping the status quo, at which so many veterans have expressed understandable outrage. This amendment would require the DVA to provide a smoking room for veterans in all health care facilities but it removes the requirement for selling tobacco products in the canteens. I feel that this is a reasonable compromise and one on which all Members should be able to come together.

Mr. Chairman, I urge my colleagues to take some time to listen to what veterans are saying. After risking their lives to defend this Nation, veterans deserve the freedom and power to make this most basic decision about their daily lives. This is not about health; it is about dignity and about assuring that our veterans have some autonomy over their own lives.

I urge all Members to vote to pass the Staggers amendment and assure our veterans their dignity.

Let me leave you with the sentiment that one of my constituents conveyed to me:

> The battlefield upon which I fought was not environmentally sound and there was no warning label that bullets could be harmful to my health. But I stayed to fight anyway. Now it is your turn to fight for me on the battleground of self-determination for veterans who smoke. At least a vote for me and my rights will not put you in harm's way, nor have the potential of leaving you maimed or dead. It's the least you can do.

Mr. STUMP. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Staggers amendment. Though I would have preferred the Staggers language in the original bill, I understand the need for a compromise on this very controversial issue.

Mr. Chairman, I know of not one veterans' organization in this country that does not support the Staggers amendment, and, if I am wrong, I wish someone would correct me.

Mr. Chairman, all our veterans are asking for is just one room in each hospital where they can smoke. Nonsmokers would be completely protected from secondhand smoke, and I think that is reasonable.

This is not a health issue, and it is not a smokers versus nonsmokers issue. This is simply whether we are going to treat our aging veterans with dignity.

Mr. PENNY. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN], a cosponsor of the amendment.

Mr. DURBIN. Mr. Chairman, What is the difference between the Penny-Durbin amendment and the Staggers-Wise amendment?

There are two differences, Mr. Chairman.

The Staggers-Wise amendment would mandate veterans hospitals to establish a smoking room within the hospital. We know that that will cost millions of dollars. We also know from the gentleman from Delaware [Mr. CARPER] that veterans hospitals have already established smoking facilities, heated in the winter, cooled in the summer, off the premises of the hospital, and they have done it to the satisfaction of patients. To mandate this is really unnecessary, and it is an expense we should not have to shoulder.

Second and most important, Mr. Chairman, the Penny-Durbin amendment designs the VA smoking policy to protect nonsmokers. Let me tell my colleagues that I have listened closely to this debate, and it can be characterized as a debate about compassion and dignity. My friends, the gentlemen from West Virginia, Mr. STAGGERS and Mr. WISE, raise this issue because of their heartfelt concern about smoking veterans. Those of my colleagues who have seen people hopelessly addicted to tobacco understand those feelings. We understand the pain and the suffering some smoking veterans must endure because others ask to be protected from secondhand smoke.

My colleagues, secondhand smoke is not some political myth. It is a medical reality. The Environmental Protection Agency has made it clear that up to 3,000 Americans a year will die from heart disease related directly to secondhand smoke, and thousands of others will have lung disease. It is a serious health hazard.

□ 1620

In 1987 I sponsored the legislation to ban smoking on airplanes because we came to realize the health hazards that it posed to nonsmoking passengers. This debate is about the same thing. The Stagger-Wise amendment would have us take a step backward before 1987 and expose innocent people to secondhand smoke.

Is there any dignity in exposing 75 percent of the veterans who do not smoke to cancer-causing secondhand smoke? Is there compassion in exposing doctors and nurses, visiting families and patients with lung disease, to secondhand smoke? I do not believe there is.

Many argue we caused the addiction in veterans by force feeding them cigarettes during the war, what a senseless tragedy that was, and we are responsible as the Government for it.

But let us not compound that problem. Are we to conclude that because these veterans had cigarettes in their K-rations they should now be exempt from the ban on smoking on airplanes? That they should now be allowed to smoke where others cannot? I think not.

The health issue is still there. The health issue is still critical. We are not doing our veterans a favor by exposing nonsmoking veterans to cancer-causing secondhand smoke. How in God's name can we do this? How can we add a section to a so-called Veterans Health Care Act which will threaten the health of veterans? How can we threaten health care workers working with veterans with this action? How can veterans hospitals be asked to become second class facilities, because now they have to bring smoking back on the premises?

Mr. Chairman, you should see the letters from the administrators of these hospitals. They are begging us not to pass the Staggers-Wise amendment. They have made the decision that they are going to be first class medical facilities, just like every other hospital. They are going to ban smoking just like every other hospital because they know how dangerous secondhand smoke is. They respect their patients.

But we listen to a few people and say, "Let's turn the clock back. Let's start treating veterans a little differently. Let's say that we won't give them the same level of high quality medical care."

Please think twice. This is not dignity and compassion. If we make this move, what is next? Will we then have to exempt veterans in regular hospitals? Where does it go? This battle will go on for a long time because we are fighting a huge lobby in the tobacco lobby. We have to continue this battle because this is the number one avoidable cause of death in America, tobacco-related disease.

Until this Congress wakes up to that medical reality, we are not doing veterans or nonveterans a favor.

Mr. WISE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman from Illinois [Mr. DURBIN] speaks very movingly. Let me just say the 1987 amendment referring to smoking on airplanes is a totally different situation because you could not separate the smoke out. This is a single, well-ventilated lounge within a large hospital. It is a well-ventilated lounge.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. APPLEGATE]

Mr. APPLEGATE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Staggers-Wise amendment. Most of those veterans who are in hospitals today are there because of service-connected injuries or illnesses protecting our rights, your rights, and my rights. The American veteran has earned the right to be able to smoke in a hospital if he or she wants to do so without expending a lot of the taxpayers' dollars in building facilities outside of the hospital.

Mr. Chairman, this only makes sense. It is what they have been doing. It is not going to hurt anything. But it will at least add a little bit of dignity to the American veteran.

The CHAIRMAN. The Chair would advise Members that the gentleman from Minnesota [Mr. PENNY] has 6 minutes remaining, the gentleman from Mississippi [Mr. MONTGOMERY] has 2 minutes remaining, the gentleman from West Virginia [Mr. WISE] has 1½ minutes remaining, and the gentleman from Arizona [Mr. STUMP] has 3 minutes remaining.

Mr. PENNY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for 5 years the VA medical center in Minneapolis, MN, has implemented a non-smoking policy. This is a new medical center and from the day it opened it imposed a policy to restrict smoking within the hospital building.

Mr. Chairman, this policy has worked. There is no controversy in our region regarding the policy that has been implemented for the 5 years that this new hospital has been available to serve area veterans.

For the past 2 years the Veteran's Administration has tired to implement this no smoking policy throughout the VA health care system, and it has worked. They have done it with sensitivity. They have done it with flexibility. And on a case-by-case basis, where the physician has deemed it appropriate, they have allowed individual veterans or groups of veterans, based on their type of care, to have access to smoking indoors. But as a general rule we are trying to move these smoking facilities outside the main hospital building.

On about 90 percent of our hospital campuses, those structures have now been put in place. By the end of this calendar year every hospital in the system will have adjacent to that hospital a space, a shelter, for those who wish to smoke. Where climatic conditions demand it, those facilities will be heated.

We are now being asked to reverse a policy that has been in place for some time. We are being asked to again require our VA hospitals to set aside space within the hospital building to accommodate smokers.

If we adopt the Staggers-Wise amendment, we will supplant the considered judgment of health care professionals with our political judgment, and that is just plain wrong. It is not only wrong, it is costly. Because to reestablish space within the hospital building will require reconfiguring ventilation systems so that we do not circulate this hazardous smoke throughout the hospital building.

This is an expensive proposition. It is estimated that if we were to establish only a 300-square-foot space within each hospital, we would have to spend $1.72 million. On top of that we would have to spend $172,000 to maintain those new and separate ventilation systems, and we would have to spend upwards of $4.4 million each year to clean not only that room, but other spaces in the hospital that would be affected by ambient smoke. That amounts to $6.3 million annually just to accommodate indoor smoking. That is $6.3 million that we cannot spend to provide additional health care to additional veterans. In a time of tight veteran budgets, I think it is unconscionable to take that kind of money and put it toward this use when we have so many veterans waiting in line for health care.

Mr. Chairman, I also want to respond to the allegation that somehow by restricting smoking in VA hospitals we are treating the veteran population differently. We are not treating them differently. We are treating them exactly the same as any patient in any health care facility in the United States.

The Joint Commission on the Accreditation of Health Care Organizations has made smoke-free policies a part of their accreditation standards. Hospitals, in order to get accreditation, must have a smoke-free environment.

We will set the VA health care system apart from all other health care facilities in America if we reintroduce the right to smoke within these health care buildings. I do not think that makes sense.

Fundamentally, we have a policy in place today that is working. We have a policy in place today that does promote good health and sets an example of good health. Let us not overrule a policy that makes sense for all in America who are looking for health care that is of top quality. Let us reject the Staggers-Wise amendment. I urge adoption then of the Penny-Durbin amendment.

Mr. Chairman. I yield back the balance of my time.

□ 1630

Mr. STUMP. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. SOLOMON], a former member of the Committee on Veteran's Affairs.

Mr. SOLOMON. Mr. Chairman, I rise in strongest support of the Staggers amendment, not because I am a smoker, and I used to be. I smoked cigarettes for 30 years. I enjoyed it. But I quit smoking 7 years ago.

I am going to tell my colleagues something, I feel like a new man. I could go down with the gentleman from Mississippi [Mr. MONTGOMERY]. We could play 3 hours of ball down there. That makes me feel great. I would urge everyone to quit smoking.

But Members, this is not about smoking, not at all.

I am going to tell my colleagues something. As the ranking Republican on the Committee on Veterans' Affairs for a number of years, I traveled around this country in many, many cities. I bet I visited over 100 veterans hospitals. Most of the patients in these hospitals, they are people in their late sixties, late seventies, some of them in their late eighties, even older.

Listen to this, most of them are widowers or in some cases even widows. Most have no family at all.

Go into the veteran's hospital back home and ask them if they have a family. Most of them do not even have a family. If they do have family members, they do not live around the corner from that veteran's hospital. They live 25, 50, 75, 100 miles away. And sometimes even several States away. Sometimes all the way across the country. So the veteran's hospital is not just a home away from home. It is the only home that many of these men have.

The only company they have are the people that are in there, the patients, their fellow veterans. Their greatest enjoyment, and we are sitting around here right now, we ought to think about this, their greatest enjoyment is to sit around and talk about the hard times, 30 years ago, 50 years ago, talk about the good times. We do it right here on this floor. I was just talking to the gentleman from Kentucky [Mr. HOPKINS], a former marine. We were talking about what happened when we went through boot camp. That is called camaraderie. And we have it on this floor. And we sit around and we talk about these things that happened 30 and 40 years ago.

But we have a different life, another life. When we leave here, hopefully, we can go home. Those veterans cannot go anyplace. They have no home but right there. That is why we just cannot deprive them of this right. It does not hurt anybody.

If someone is not a smoker and smoke bothers them, they can go to other parts of the hospital. But if they want to sit there with their old crony from 40, 50, 60 years ago, the only friend, the only family they have, what is wrong with that?

Members, please, support the Staggers amendment. All it does is ban the sale of tobacco products in these hospitals, but it sets aside a small room for this kind of camaraderie that these old veterans enjoy so much. Go home and think about that.

Please vote for the Staggers amendment.

Mr. WISE. Mr. Chairman, I yield myself the balance of my time.

I rise in strong support of the Staggers amendment. Once again, if we support Staggers, we are for one single well-ventilated lounge inside the hospital. If we are for Penny, we are for the status quo, which is asking the veterans to step outside.

The fact of the matter is, I heard about these great shelters. They are not in my State. I do not know what State they are in. Maybe they are in a few places.

The gentleman from Mississippi [Mr. MONTGOMERY] has stated that 90 percent of the hospitals do not have these heated, ventilated, access-provided shelters. Indeed, what we are talking about are cheesy bus stops, prefab jobs with no ventilation or with lots of ventilation because they are open to the elements. So with no access to walk there.

I would urge my colleagues to grant our veterans that dignity. I would urge them to look at the veterans organizations, the American Legion, the American Veterans of Foreign Wars, AMVETS, Retired Enlisted Association, Paralyzed Veterans of America, who support the Staggers amendment.

Finally, I would just ask Members to put themselves in the place of a 70-year-old veteran who fought for his or her country in the hospital, in and out, they smoke. We wish they did not, but they do. The fact of the matter is, it is not easy being in a veteran's hospital or any hospital. Can we not bring these veterans in out of the cold?

I hope that my colleagues will remember a Dear Colleague letter I sent them way back of a veteran in a wheelchair, one leg, out in the parking lot being wheeled out for a cigarette because this country could not give him the dignity of one single, well-ventilated lounge.

I would urge support for the Staggers amendment, vote "yes," and vote "no" on Penny.

The CHAIRMAN. Without objection, the Chair will yield back to the gentleman from Minnesota [Mr. PENNY] the additional minute that he yielded back to the Chair.

There was no objection.

Mr. PENNY. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, without knowing too much about the issue, I called my veterans' hospital in Wichita, KS, and asked them about this.

They said, "We have been utilizing this policy of no internal smoking lounge for about a year and a half."

Frankly, I was told it works pretty well. The patients are used to it. The employees are used to it. And I got the impression from the gentleman at the hospital that I spoke to that it would actually be more disruptive to the operations of the hospital to do what the Staggers amendment is going to do than to leave the status quo alone.

I said, are there exceptions? They said yes, for psychiatric patients there are, for nursing home patients there are; doctors, in fact, will give prescriptions for cigarettes. There is a lot of flexibility under the current policy to allow people to continue to smoke, if it is needed for their physical or mental health.

But given the fact that we are discouraging people from smoking generally in America, given the health care crisis that we face, given the fact that at least the hospital itself—again, I only talked about my hospital, I cannot speak to all of them—seems to feel comfortable with the current policy, both for their patients and their employees, and given the fact that there are exceptions granted, I would urge the adoption of the Penny-Durbin amendment.

Mr. MONTGOMERY. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I never lit up a cigarette, and I oppose smoking. But money was made a part of this debate.

Just let me say this to the Members: When our freedom was at stake, money was never an issue. Now that the dignity of our veterans is on the line, money should not be an issue either. I support the Staggers-Wise amendment. And let me say this: One thing we can give those veterans. Let us make sure those rooms have adequate ventilation and protect the safety of those other vets. But let us not strip away the dignity of our veterans.

Mr. MONTGOMERY. Mr. Chairman, I yield myself the balance of my time.

Let me state our parliamentary position. We find ourselves, we will vote first on the Staggers-Wise substitute, and then we will vote on the Penny amendment, as amended or not amended. So I would certainly hope that we would vote for the Staggers amendment and against the Penny amendment.

We talked to the veterans hospitals downtown this morning, the man who runs the hospitals; the 171 hospitals we have. He told us, 162 hospitals of the VA have outside smoking shelters. Only 10, listen to this, only 10- to 15-percent are heated and none of them have any air-conditioning.

That is what the Secretary promised us in 1990, we will do outside shelters. They will be heated. They will be protected. They will be covered. That did not happen. The Secretary did not follow up on his promise.

The bottom line is, these veterans who went out and fought the wars that did the job, it is just not right to send them outside and make them smoke. Let us give them the dignity. Let them have a smoking room, and that is all this Staggers amendment does.

☐ 1640

Mr. Chairman, I ask for a vote for the Staggers amendment.

Mr. PAYNE of Virginia. Mr. Chairman, I rise in support of the Staggers amendment to H.R. 5192, the Veterans Health Care Amendments of 1992, which will give veterans hospitalized in VA facilities the right to smoke in an indoor, well-ventilated room. Supporting this amendment is only proper if we are to give our veterans the dignity and respect they deserve.

I understand there are many concerns about the use of tobacco. I recognize these concerns. However, to deny the right of a veteran to smoke indoors at a hospital designed to care for them is frankly, Mr. Chairman, a disgrace.

Many of these veterans have been hospitalized since World War II or Korea. To continue to prohibit indoor smoking in a specified area of VA hospitals, is a slap in the face of our veterans.

They deserve better than this.

This is not a protobacco amendment. This is an amendment to ensure that the dignity and honor of our hospitalized veterans who choose to smoke is upheld. I hope my colleagues will see this amendment for what it is truly is and support it.

Mr. LEWIS of Florida. Mr. Chairman, I rise in support of the Staggers amendment to the Penny amendment, and in support of allowing veterans to smoke in an indoor facility in veterans hospitals.

The harmful effects of primary tobacco smoke have been clearly proven, and most veterans, luckily, do not smoke. However, those who choose to smoke today do so with full knowledge of the health risks. For many World War II veterans, the majority of the smoking population of veterans hospitals, tobacco is one of the only comforts remaining in their lives, a luxury initially promoted and provided by the U.S. Government which unknowingly began their addictions while they fought for our freedom. Similarly, many Vietnam veterans prefer to use tobacco to relieve postcombat stress from their days in uniform. I do not smoke, but as a combat veteran myself I can understand these sentiments, and I support maintaining this freedom for these soldiers.

Today more than ever, the potential harm of secondary smoke to nonsmokers has become apparent. As a result, we need to find a creative solution. To insulate nonsmokers from this danger, I support separate, safe, easily accessible smoking areas. These allow the veteran smoker to enjoy tobacco without endangering their nonsmoking comrades. Testimony on this bill has explained it only takes a couple of fans in designated smoking rooms to direct secondary smoke out windows, protecting other residents of the hospital while maintaining the lifestyle of those who put their lives on the line for our great Nation.

I will work to ensure the indoor smoking areas authorized by this bill can be maintained in a manner which affords the greatest possible amount of safety to a hospital's nonsmoking veterans.

Mrs. VUCANOVICH. Mr. Chairman, I am here today to voice my support for the Wise amendment to H.R. 5192. This amendment is a bold effort to protect the rights and dignity of America's veterans.

The Wise amendment to H.R. 5192 will restore veterans' rights to smoke indoors in VA hospitals. Specifically, it will allow veterans to smoke in a well-ventilated designated indoor smoking area. For all our veterans have done for our country, I do not believe this is too much to ask.

This amendment is a very human look at our veterans and their living conditions today. As we all know, many veterans call VA hospitals home—not necessarily by choice.

Veterans have been forced to comply with rules at these hospitals that do not reflect the degree of respect that they deserve.

Veterans in VA hospitals who choose to smoke have been forced to do so in outdoor shed-like structures for months. These structures are not easily accessible, especially for those disabled veterans who depend on wheelchairs and medical devices. They also force veterans to expose themselves to inclement weather.

Many people seem to have forgotten that our VA hospitals were established specifically to meet veterans needs. Most veterans in VA hospitals are there to receive special care, not unsympathetic rules and regulations.

Though most policies are established with good intent, many fail to address personal needs. This failure can be recognized in the strict nonsmoking policy of VA hospitals. We are now being given the chance to reconsider the need of veterans in VA hospitals.

I will vote for the Wise amendment and urge my colleagues to do the same. Our veterans have put their lives on the line for our nation, let's give them the dignity they deserve.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. WISE] to the amendment offered by the gentleman from Minnesota [Mr. PENNY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PENNY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair announces that pursuant to clause 2(c) of rule XXIII, the Chair will reduce to 5 minutes the time for a recorded vote on the Penny amendment, as amended, or not, if ordered, following this vote.

The vote was taken by electronic device, and there were—ayes 338, noes 71, not voting 23, as follows:

[Roll No. 450]

AYES—338

Ackerman
Allard
Allen
Anderson
Andrews (ME)
Andrews (NJ)
Annunzio
Anthony
Archer
Armey
Aspin
AuCoin
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Blackwell
Bliley
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Byron
Callahan
Camp
Campbell (CO)
Carr
Chapman
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Cox (CA)
Coyne
Cramer
Crane
Cunningham
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Early
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Ewing
Fascell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodling
Gordon
Goss
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hoagland
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Inhofe
James
Jefferson
Jenkins
Johnson (SD)
Johnson (TX)
Jones
Jontz
Kanjorski
Kaptur
Kildee
Kleczka
Klug
Kolter
Kopetski
Kostmayer
Kyl
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Manton
Markey
Marlenee
Martin
Martinez
McCandless
McCloskey
McCollum
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morrison
Murphy
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Oxley
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Ritter
Roberts
Roe
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Russo
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schulze
Schumer
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swett
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Waters
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—71

Abercrombie
Andrews (TX)
Atkins
Beilenson
Broomfield
Brown
Campbell (CA)
Cardin
Carper
Chandler
Cox (IL)
Doolittle
Downey
Durbin
Eckart
Edwards (CA)
Evans
Fawell
Gibbons
Glickman
Gradison
Grandy
Hansen
Henry
Jacobs
Johnson (CT)
Johnston
Kasich
Kennedy
Kennelly
Kolbe
LaFalce
Levine (CA)
Lewis (GA)
Luken
Machtley
Mazzoli
McCurdy
McDermott
Morella
Mrazek
Olver
Orton
Packard
Pelosi
Penny
Porter
Pursell

Reed
Riggs
Rohrabacher
Roybal
Savage
Scheuer
Schroeder
Sensenbrenner
Serrano
Shays
Smith (NJ)
Stark
Synar
Upton
Vento
Visclosky
Washington
Waxman
Weber
Wolpe
Wyden
Wylie
Yates

NOT VOTING—23

Alexander
Applegate
Barnard
Boxer
Dellums
Dwyer
Dymally
Edwards (OK)
Houghton
Huckaby
Hyde
Ireland
Lehman (FL)
Lipinski
Matsui
Mavroules
McCrery
Miller (CA)
Murtha
Owens (UT)
Rinaldo
Staggers
Torricelli

☐ 1703

Mr. RIGGS and Mr. SAVAGE changed their vote from "aye" to "no."

Mr. LEHMAN of California, Mrs. COLLINS of Michigan, and Messrs. COX of California, SKAGGS, and GUARINI changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. PENNY], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, add the following new section:

SEC. 8. BUY AMERICAN REQUIREMENTS.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the Secretary of Veterans Affairs shall ensure that procurements authorized under this Act are conducted in compliance with sections 2 through 4 of the Act of March 3, 1993 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this Act to be made available; and

(B) solicitations for bids are issued after the date of the enactment of this Act.

(3) The Secretary, before January 1, 1994, shall report to Congress on procurements covered under this subsection of products that are not domestic products.

(b) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this Act, including any subcontract under such a contract pursuant to the debarment, suspension and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(c) PURCHASE OF AMERICAN MADE EQUIPMENT AND PRODUCTS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act should purchase only American made equipment and products, when expending grant monies.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, the Secretary shall provide to each recipient a notice describing the statement made in paragraph (1) by the Congress.

(d) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

Mr. TRAFICANT. Mr. Chairman, the amendment is to the point, regardless of where tobacco is to be smoked, it should be American tobacco, and the amendment states that the bill should be subject to compliance with the Buy American Act, and in being in compliance with the Buy American Act, there shall be no fraudulent labels placed on any item sold under the act, and there shall be a report to the Congress, and that all recipients, any recipient, of an award under the act be made and given notice that the Congress encourages the purchase of American made goods and products.

As you know, Mr. Chairman, it is standard procedure for me to attach my "Buy American" amendment to all authorization bills that reach the House floor for consideration. My "Buy American" amendment has passed on a significant number of bills. My amendment would do three things.

First, my amendment makes ineligible for Federal contract or subcontract under this act any company or person that is found to have fraudulently affixed a "Made in America" label to a product that is not manufactured in the United States.

Second, my amendment reminds the Secretary of Veterans' Affairs that all procurements under the act should comply with the Buy America Act of 1933. It also requires a report to Congress on procurements covered under this section of products that are not domestic products.

These provisions of my amendment apply to H.R. 5192 because H.R. 5192 stipulates that reimbursements from insurers that have withheld payments may be used by the Department of Veterans Affairs [VA] to purchase medical equipment or support operations of pertinent facilities.

Lastly, my amendment expresses the sense of Congress that any recipient of grants under the act purchase American-made equipment and products and requires that recipients be furnished with a notice of this sense of Congress. This is not a mandate, but an encouragement. I believe that it is a good message for the Congress to deliver to the states and/or medical centers that will receive grants under the act.

Overall, "Buy American" amendments are good for the American worker, industry and the economy.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, we accept the amendment. We think it is a good amendment on this side of the aisle.

Mr. STUMP. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I am happy to yield to the gentleman from Arizona.

Mr. STUMP. Mr. Chairman, we have no objection. We are willing to accept it on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. No further amendments are in order.

The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DE LA GARZA) having assumed the chair, Mr. DIXON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5192) to amend title 38, United States Code, to make improvements to veterans' health programs, pursuant to House Resolution 570, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PLACEMENT OF MEMBERS' REMARKS IN THE RECORD ON H.R. 5192

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the remarks of the gentleman from West Virginia [Mr. STAGGERS] appear in the RECORD immediately after the beginning of debate on the Staggers amendment as offered by Mr. WISE.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1354

Mr. SCHEUER. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Washington [Mr. CHANDLER] be removed from the list of cosponsors of H.R. 1354.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1710

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL 6 P.M., FRIDAY, DECEMBER 4, 1992, TO FILE 22 INVESTIGATIVE REPORTS

Mr. WISE. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations have until 6 p.m. on Friday, December 4, 1992, to file 22 investigative reports. This request has been cleared with the minority.

The SPEAKER pro tempore (Mr. DE LA GARZA). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

VACATING 60-MINUTE SPECIAL ORDER AND SUBSTITUTING A 5-MINUTE SPECIAL ORDER

Mr. OBEY. Mr. Speaker, I ask unanimous consent that my name be removed from those listed for 60-minute special orders this evening and that I may be allowed to substitute a 5-minute special order instead.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5368, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1993

Mr. OBEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5368) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1993, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

The Chair hears none, and, without objection, appoints the following conferees: Messrs. OBEY, YATES, MCHUGH, LEHMAN of Florida, WILSON, SMITH of Florida, VISCLOSKY, ALEXANDER, WHITTEN, EDWARDS of Oklahoma, PORTER, GREEN of New York, LIVINGSTON, and MCDADE.

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair reserves the right to appoint additional conferees and to change the designations.

There was no objection.

BLACK LUNG BENEFITS RESTORATION ACT OF 1992

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 584 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 584

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act. The first reading of the bill shall be dispensed with. Points of Order against consideration of the bill for failure to comply with clause 8 of rule XXI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes of debate time to the gentleman from California [Mr. DREIER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 584 is the rule providing for the consideration of H.R. 1637, the Black Lung Benefits Act.

The rule waives points of order against consideration of the bill for failure to comply with clause 8 of rule XXI, which requires a Congressional Budget Office pay-as-you-go cost estimate to be included in any legislation providing for or changing receipts or direct spending.

It provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor.

Further, the rule makes in order the Committee on Education and Labor amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment. The substitute shall be considered as read.

No amendments to the substitute are to be in order except those printed in the report of the Committee on Rules. The amendments are to be considered in the order and manner specified in the report. The amendments are not subject to amendment nor to a demand for a division of the question.

Mr. Speaker, the Rules Committee made in order all the amendments submitted to the committee except one. That amendment was opposed by the chairman and ranking member of the Budget Committee because of its cost, $4.55 billion over 5 years, would cause the Education and Labor Committee to exceed its allocation of entitlement authority. If adopted, the amendment would cause an end-of-session sequestration from programs such as Medicare, guaranteed student loans, vocational rehabilitation and social services block grants.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, H.R. 1637, the bill for which the Rules Committee has recommended this rule, would amend the Black Lung Benefits Act to ensure that process of determining eligibility for black lung benefits is objective and that beneficiaries and their families and survivors are treated fairly.

In six oversight hearings over the last 2 years, the Education and Labor Committee discovered that the Black Lung Benefits Program had been restricted to the point that fewer than 5 percent of the miners' claims are approved. The Committee heard repeated testimony that retired miners and their families have been terrorized by unscrupulous collection agencies hired by the government to reclaim benefits legally paid to claimants while their cases were on appeal.

H.R. 1637 is designed to make the determination of eligibility for black lung benefits fairer and speedier. In addition, the bill would remove the overpayment repayment requirement if those receiving interim benefits are later found to be ineligible.

Mr. Speaker, I ask my colleagues to support this rule so that we may proceed with consideration of the merits of this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER of California. Mr. Speaker, I thank my good friend, our great chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have no objection to this rule, because it makes in order four Republican amendments that were submitted to our committee. I point out that had these four amendments been incorporated into H.R. 1637 by the Committee on Education and Labor, it is likely that there would be very little opposition to the bill.

I want to congratulate the authors of our Republican amendments, the gentleman from North Carolina [Mr. BALLENGER], the gentleman from Ohio [Mr. BOEHNER], for their leadership and their sincere desire to produce a workable black lung benefits reform bill.

As my colleagues know, this bill is unacceptable, as currently written, and it will provoke strong veto response from President Bush. It provides an unjustified expansion of new benefits without prescribing a method for paying for them.

□ 1720

It declares in effect that every mine worker in America has won the lottery.

Mr. Speaker, I have a letter here from Richard Lawson, the president of the National Coal Association, that points out that the 20-year cost of this legislation could be as high as $8 billion.

Mr. Speaker, I will incorporate this letter into the RECORD at this point, as follows:

NATIONAL COAL ASSOCIATION,
Washington, DC, September 22, 1992.
Hon. DAVID DREIER,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE DREIER: Shortly the House will consider H.R. 1637, the "Black Lung Benefits Restoration Act of 1991". We urge you to oppose this measure.

Since inception of the black lung program the coal industry has pursued two basic objectives: (1) elimination of coal workers pneumoconiosis (CWP); and (2) equitable compensation for its victims. We believe dramatic strides have been taken to reach both of these objectives and believe that those disabled from CWP are receiving or will qualify for benefits under the current program.

Contrary to the statements of the proponents of H.R. 1637, the bill as drafted will dramatically alter the program providing almost guaranteed entitlement to thousands of individuals whose claims were previously denied. Its financial impact on the coal industry and electric utility ratepayers will be substantial. Counter to the statements of the sponsors, the independent actuarial accounting firm of Milliman and Robertson estimates that the bill will result in minimum short-term (five years) costs of $300 million with twenty-year programmatic costs of up to $8 billion dollars.

These costs would result from:

The imposition of an artificial limitation on the amount of evidence that can be entered into the record by an operator in defense of a claim;

The return to pre-'81 eligibility criteria where survivor benefits are provided regardless of actual cause of death; and

The statutory mandate that every claim filed and denied since 1982 (86,000) can be refiled for reconsideration of entitlement regardless of whether a person's medical condition has changed.

The coal industry cannot and will not support a measure which will return to the days prior to 1981 where benefits were awarded without establishing a casual relationship between exposure and medically diagnosed CWP. We urge you to oppose H.R. 1637.

Sincerely,

RICHARD L. LAWSON,
President.

Mr. DREIER of California. Mr. Speaker, I also include the following material:

STATEMENT OF ADMINISTRATION POLICY

If H.R. 1637 were presented to the President, the Secretary of Labor would recommend a veto. The most objectionable provisions of H.R. 1637 would:

Require the Department of Labor to refund to beneficiaries any interim disability overpayments it has recovered. This would cost the Black Lung Disability Trust Fund, which is now approximately $3.5 billion in debt, an additional $30 million.

Repeal the Department of Labor's existing authority to collect interim disability benefits it pays to black lung survivors whose claims are ultimately disallowed. The Government has fiduciary obligations as administrator of the Black Lung Disability Trust Fund. This requires collection of overpayments from recipients who have the resources to make repayments without undergoing hardship.

Provide benefit entitlements to survivors of disabled miners, even if the cause of death was unrelated to black lung disease. This would reverse 1981 amendments to limit such benefits to cases where the cause of death was due to occupational respiratory disease. It would also, for the first time, require continued payments after the surviving spouse remarries.

Expand the circumstances under which fees are payable to claimants' attorneys. No fees should be paid until and unless the individual claims are ultimately found to be meritorious.

These provisions would be costly and violate the pay-as-you-go provisions of the Omnibus Budget Reconciliation Act of 1990 because no offsets are provided.

SCORING FOR THE PURPOSE OF PAY-AS-YOU-GO

H.R. 1637 would increase direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA). No offsets to the direct spending increases are provided in the bill. A budget point of order applies in the House against any bill that is not fully offset under CBO scoring. If, contrary to the Administration's recommendation, the House waives any such point of order that applies against H.R. 1637, enactment of this legislation would add to the end of year pay-as-you-go requirement, which must be met to avoid sequester.

OMB's preliminary scoring estimates for this bill are presented in the table below. Final scoring of this legislation may deviate from this estimate. If H.R. 1637 were enacted, final OMB scoring estimates would be published five days after enactment as required under OBRA. The cumulative effect of all enacted legislation on the pay-as-you-go requirement will be issued in monthly reports transmitted to Congress.

ESTIMATES FOR PAY-AS-YOU-GO

[In millions of dollars]

	Fiscal years						
	1992	1993	1994	1995	1996	1997	1992–97
Outlays	....	28	15	10	7	7	67

Mr. Speaker, that cost will be passed on to electric utility customers in the form of higher monthly bills.

The letter also makes note of the fact that this legislation awards generous benefits without establishing even a casual relationship between exposure and medically diagnosed black lung disease.

Mr. Speaker, I am pleased that we will make in order the Ballenger and Boehner amendments, and I urge my colleagues to support these amendments. I urge support for the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding me this time.

Mr. Speaker, yesterday I testified before the Rules Committee that while H.R. 1637 would make significant inroads in addressing the plight of coalfield citizens afflicted with black lung, I had two amendments that I would have liked to offer to the bill.

The rule we are considering today to govern debate on H.R. 1637 does not afford me the opportunity to offer these two amendments. While I believe these amendments would have strengthened the measure, I will support the rule because the bill as reported by the Committee on Education and Labor is still a measure that must be considered by this House, and deserves our support.

However, for the record, I would like to advise my colleagues of what my proposed amendments would have accomplished. In order to understand the context of these amendments, it should be noted that Congress passed the Black Lung Benefits Reform Act in 1977 because of its dissatisfaction with the low approval rate for black lung benefits.

Today, in 1992, in part because the Labor Department did not fulfill its mandate under the 1977 act, we are once again seeking legislation.

The 1977 statute required the Labor Department to adopt interim eligibility standards that were to be no less restrictive than what had been in effect on June 30, 1973; a reference to a set of standards previously used by the Department of Health, Education and Welfare.

The problem is that the interim standards promulgated by the Labor Department were far more restrictive than HEW's. Moreover, the permanent standard adopted in 1980, and the 1981 amendments to the act, further aggravated the situation and the number of claims approved continued to plummet.

According to a 1990 GAO report, between 1973 and 1988 less than 10 percent of claims were approved.

This low claim approval rate does not attest to any reasonable and unbiased comportment of the facts. As evidenced by recent allegations of widespread tampering with dust monitoring devices, it must not be interpreted as meaning less people are being afflicted with black lung.

Rather, the low claim approval rate that Congress sought to address in 1977, and that we are again seeking to rectify with H.R. 1637, is due to years of administrative maneuverings over the program's eligibility criteria.

Under H.R. 1637, we will return to a program that more closely reflects the statutory commitment Congress, and indeed, the Nation, made to compensate those coal miners who suffer from the crippling effects of black lung. I commend the Education and Labor Committee for reporting this measure.

However, and with all due respect to the committee, while section 3 of the bill contains helpful provisions relating to the evidence a claimant or opposing party must provide, my great fear is that these provisions could be subject to the type of misinterpretation that would once again thwart our purpose.

My first amendment, on the other hand, would have clearly imposed the type of eligibility standard originally intended by the Congress in the 1977 act by reiterating that a claimant can establish a rebuttable presumption of black lung with a single piece of qualifying evidence.

The second amendment I sought to offer would conform this change with the provision of H.R. 1637 that provides for a de novo review of refiled claims. Under section 8 of the bill, claims originally filed between January 1, 1982, and the date of enactment of the bill, if refiled, would be reviewed under the legislation's standards.

My amendment would have conformed the scope of this provision with the changes envisioned by my first amendment by providing for the refiling, and review, of claims originally filed after January 1, 1974. I use this date because the 1977 act required a review of claims previously denied under what is known as part C of the Black Lung Benefits Act, meaning those claims filed after January 1, 1974.

As with my first amendment, this date is premised on the need to correct the injustices that were done in the Labor Department's implementation of the Black Lung Benefits Reform Act of 1977.

Mr. Speaker, I would note that in the event H.R. 1637 is not enacted into law this year, it is my intent to continue this battle next year.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. Mr. Speaker, I rise in support of the rule House Resolution 584, providing consideration of H.R. 1637, the Black Lung Benefits Resolution Act of 1992.

I testified yesterday before the Committee on Rules to brief the members of that Committee on our work. They are aware of the fact that for the past 3 years, the Subcommittee on Labor Standards has been working on legislation to reform this program. As the committee report makes clear, we conducted a series of hearings throughout the coal fields. Eventually we drafted and introduced a comprehensive bill that addressed all of the problems that had been brought to our attention. That legislation, which bore the same resolution number as the measure before the House today, was vastly different in the scope of complaints that it sought to correct and especially in its budgetary impact.

This measure addressing the most acute needs of our disabled miners was approved by the Education and Labor Committee on July 29, 1992, and comes before you today with a CBO estimate of $65 million over 5 years. In negotiations with all parties interested in this issue we discussed the possibility of working out a bipartisan compromise. We came close to achieving that goal, even though Mr. BALLENGER and Mr. BOEHNER were most cooperative, we were still unable to achieve a universally acceptable agreement.

House Resolution 584 provides adequate opportunity for discussion and approval. All of the amendments offered by minority members of our committee were made in order to assure complete consideration. Budgetary impediments precluded making in order an additional amendment that would have restored many of the generous provisions of our earlier bill, reluctantly conceded during committee consideration of this bill. I understand the basis for the Rules Committee decision to limit amendments to those printed with the rule. I have also received a copy of a letter from the Budget Committee which further explains the Rules Committee decision with respect to amendments.

In conclusion, I am satisfied with the rule and urge my colleagues to expeditiously ratify the rules that we may proceed to consider the substantive merits of this important proposal.

Mr. DREIER of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DE LA GARZA). Pursuant to House Resolution 584 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the Whole House on the State of the Union for the consideration of the bill, H.R. 1637.

□ 1726

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act with Mr. HUGHES in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. FORD] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. PETRI] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will continue to support this legislation, but I ask unanimous consent to yield control of the bill to the chairman of the subcommittee, the gentleman from Pennsylvania [Mr. MURPHY], who has worked so long on preparing this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MURPHY] will control the time, and is recognized.

Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Michigan [Mr. FORD] for all his cooperation in this respect.

Mr. Chairman, today I rise in support of the passage of H.R. 1637, the Black Lung Benefits Restoration Act of 1992. We are near the end of a long road. The Subcommittee on Labor Standards initiated hearings on black lung at the beginning of the second session of the 101st Congress. These hearings highlighted the frustration of America's miners and gave impetus to our original legislation, and it still guides our efforts today.

Too many people have told me that they feel ignored by the very system that was established to offer them help. The U.S. Congress intended black lung benefits to be a means of support for miners broken by years of coal mine service. To unfairly deny miners access to these funds is a travesty. Miners and their families have come to believe that the administrators of the Black Lung Program over the last decade have forgotten that the Government is there to help. In many instances, the Government has become the adversary. The authors of this program never would believe that any of this is happening.

Over the past 3 years, the subcommittee has worked diligently to craft compromise black lung legislation that would return fairness to this program while living within budgetary limits. We have consulted numerous groups and organizations with an interest in this legislation and worked hard to take into account the concerns of the unfortunate people served by this program.

I had hoped that I would be able to bring a bipartisan substitute before the House. H.R. 1637 was reported unamended by the Committee on Education and Labor earlier this month, and I believed this was a signal that most people were finally interested in remedying the many ills afflicting the Black Lung Program. Unfortunately, this was not the case. While many parties showed genuine good faith and willingness to compromise, others refused to budge.

While this situation saddens me, I believe H.R. 1637 is still a good bill for miners. The purpose of H.R. 1637 is to establish a more objective process for determining entitlement to black lung benefits, to ensure that survivors of beneficiaries are fairly treated and properly cared for, to encourage legal representation for claimants, to avoid hardships for initially approved but subsequently denied claimants, and to restore basic fairness to the program.

In closing, I would like to commend the hard work and distinguished leadership of the National Black Lung Association and Education and Labor Committee Chairman, WILLIAM FORD. His efforts on behalf of America's retired miners are truly outstanding examples of compassion and courage. I encourage my colleagues to pass H.R. 1637, and return justice and fairness to a long neglected and deserving group of people.

□ 1730

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to H.R. 1637. While this represents a significant improvement over the provisions contained in H.R. 1637 as introduced, I still have serious concerns about many of the provisions in this legislation.

Over the past years, we have seen reduced dust in coal mines and improved health of coal miners to the point that it is now rare that a miner is totally disabled by complicated black lung disease.

Keeping that in mind, I believe it is important to award compensation to miners who are totally disabled from black lung disease provided that the disease arose out of coal mine employment. Regulations for determining this level of disability have been changed from time to time, but current rules require several medical procedures and tests to determine eligibility for benefits. This bill, however, goes far beyond congressional intent concerning the Black Lung Benefits Program.

As we consider H.R. 1637, it is important to remember the original purpose of the program. It began almost as an afterthought to the passage of the Federal Coal Mine Safety and Health Act of 1969. It was intended to be a temporary program of limited size, cost, and duration. It was designed to compensate for disability and death due to occupational exposure to coal mine dust. Claims filed through 1973 were handled by the Social Security Administration. Those filed after 1973 were to be the responsibility of State workers' compensation programs.

Under the law, if a State did not provide adequate coverage for claims filed after 1973, the benefits were to be provided by the coal company responsible for the miner's illness. If no such company could be clearly identified, the benefits became the responsibility of the Department of Labor.

It should not surprise anyone that no State stepped forward to develop adequate coverage. At the same time, 8 years after the start of the program, the Department of Labor had been about to identify only 25 to 30 percent of the responsible coal companies, and even in these cases most of the liability was being argued in court.

In response, Congress established the black lung disability trust fund in 1977. The trust fund is supposed to be financed by taxes on coal operators. Despite a doubling of the tax rates in 1981, a 10-percent increase several years later, and $1½ billion bailout in the 1986 Reconciliation Act, the trust fund was $3.6 billion in debt as of the end of fiscal year 1992.

The current program, as amended in 1981, requires medical diagnostic testing and evaluation to prove the disability. The principal purpose of the 1981 amendments was to ensure that entitlement on claims filed in the future would be based not on presumptions, but on actual proof of total disability due to black lung disease arising from employment in the coal industry.

In a March 1990 report, the General Accounting Office concluded that medical experts found the current medical criteria to be reasonable for determining whether or not miners are totally disabled by black lung disease.

I remain concerned about the cost of this bill. While it is significantly less costly than the earlier version of the bill, it carries a price tag of $65 million over 5 years. Since the bill increases direct spending, it would also violate the pay-as-you-go provisions of the Budget Enforcement Act. The Congressional Budget Office estimates a 3-year pay-go impact of $51 million.

Presently, the Department of Labor is required to collect overpayments from claimants who have the resources to make repayments without undergoing hardship. Claimants who qualify for a waiver by meeting certain criteria are not required to pay back benefits.

The bill would require the Department of Labor to refund to beneficiaries any interim disability overpayments it has recovered. CBO has estimated that the cost of returning benefit repayments to claimants going back to 1973 would be $30 million over 3 years. This could involve 800 to 850 cases at an average cost of $30,000 to $40,000 per case. Additionally, the black lung trust fund would lose $5 million per year in overpayment collections which could not be pursued under this bill.

Another section in the bill provides for the payment of benefits in instances where none are justified. Specifically, it would provide for the payment of survivor benefits even where the cause of death was totally unrelated to black lung disease. It would also, for the first time, provide for continued payments after the surviving spouse remarries.

This bill requires the payment of attorney's fees during the pendency of a claim and would require payment by either the trust fund or the responsible operator to the claimant for reimbursement of attorney's fees—even if the claim is unsuccessful. This would be an open invitation to the filing of frivolous or fraudulent claims.

Lastly, section 8 of the substitute would allow for the refiling of any claim filed under the Black Lung Benefits Act between January 1, 1982 and the date of enactment of this substitute. Any claim denied since 1982—which could involve as many as 86,000 claims—could be refiled for reconsideration. The law currently permits refiling of cases with new medical evidence or material change. Under H.R. 1637, new law would be applied to old cases that had previously been denied.

I have always admired the devotion of the subcommittee Chairman MURPHY to this issue; however, I simply cannot support his bill for the reason discussed. I believe that in this time of fiscal restraint, we should not be gouging the taxpayers in this fashion.

Mr. Chairman, I reserve the balance of my time.

Mr. MURPHY. Mr. Chairman, for purposes of debate only, I yield 3 minutes to the gentleman from West Virginia [Mr. RAHALL] who has been exceptionally helpful in crafting this legislation during the past 10 years.

Mr. RAHALL. Mr. Chairman, as it now stands, disabled miners who suffer from the crippling effects of black lung disease are faced with a Federal bureaucracy so totally lacking in compassion to their plight, that it appears intent upon harassing their efforts to obtain just compensation at every single step of the claim adjudication process.

Today, according to a recent General Accounting Office report, we are witnessing less than a 10-percent approval rate on claims for black lung benefits.

This figure does not attest to any reasonable and unbiased comportment of the facts.

Rather, it represents nothing less than a cruel hoax being perpetrated against hard working citizens who have dedicated their lives to the energy security and economic well-being of this Nation.

We are faced with other problems as well. Among them: the long period of time it takes the Labor Department to process a claim, the inability to find legal representation, the denial of benefits to widowers, and perhaps one of the most insidious of them all, government attempts to seek repayment of benefits paid under claims that are appealed years after the initial payment was made.

This was, however, originally envisioned by Congress as being a fairly straightforward program.

Yet, through years of administrative maneuverings aggravated by some extremely harmful judicial interpretations, there can be no denial of the fact that black lung proceedings before the Labor Department today are extremely adversarial in nature against the claimant.

This type of philosophy certainly does not represent the statutory commitment we made to compensate coal miners and their families.

The pending legislation, H.R. 1637, contains a number of provisions aimed at addressing the bona fide concerns of those who are afflicted with black lung.

I urge the House to approve this legislation. Make no mistake about it. Victims of black lung disease are not people who are looking for a handout.

They are people who worked their lives in one of the most dangerous occupations in this country.

They are people who were promised compensation by their government. And they are people who now see their government break that promise.

It is time, indeed, long past the time that Congress move legislation on behalf of the thousands of miners, their widows and families who are being victimized by this program, the very program that was intended to bring them relief.

□ 1740

Mr. PETRI. Mr. Chairman, I yield 6 minutes to my distinguished friend and colleague, the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 1637, the Black Lung Benefits Restoration Act of 1991.

As a cosponsor of this measure, I wish to commend Congressmen MURPHY and RAHALL and Congressman PERKINS for their leadership in bringing this bill to the floor. It is long overdue.

I also want to pay tribute to a special group that has worked long and hard on this bill—the Kentucky Black Lung Association—without their determination and absolute commitment, I am convinced that we would not be on the floor today debating this bill. So to them, thank you.

The current process for applying for black lung benefits is too long, too expensive, too burdensome and simply unfair to thousands of coal miners.

It is an extremely adversarial procedure for coal miners who do not have the expertise or the money to substantiate their claims.

Finally, we—the Congress—have an opportunity to correct inequities that have developed over many years in this program. Let me mention a few.

First, the current approval rate of less than 5-percent discourages many miners from even applying for benefits. Typically, a coal miner must put together a medical file, gather expert testimony, submit to numerous repetitive medical tests, and obtain medical witnesses in order to rebut the mountains of evidence that coal companies typically present.

This bill makes changes in the program which streamline the process, making it simpler for coal miners to get the black lung benefits they deserve.

Second, it ends the requirement that benefits be repaid if they were once authorized and later—sometimes years later—reversed. The financial and emotional burden caused by this policy is overwhelming and unfair, because almost all of the coal miners who receive black lung benefits are people with limited resources. The bill restores fairness to the Black Lung program for miners, widows and their families, by acknowledging that the government authorized these payments based on the evidence submitted.

Third, the bill sets reasonable limits on the evidence which both the miner and coal company can offer. At each of its oversight hearings, the House Subcommittee on Labor Standards heard the same story: Volumes of medical reports by armies of doctors are used to refute a single piece of evidence submitted by the miner. Rarely can a miner match a company's ability to accumulate evidentiary exhibits.

This legislation stops a well-financed coal company from submitting numerous examinations and reams of expert testimony against the miner whose personal resources are so obviously limited.

Finally, this bill allows any miner whose black lung claim was denied after January 1, 1982, to have his claim resubmitted under the new criteria that this bill provides.

H.R. 1637 restores balance in the program. It will help disabled coal miners and their families. And it's urgently needed. Support the bill.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from southeastern Ohio [Mr. APPLEGATE], who has long shown a great interest in preserving the interests of mine workers in his State and mine.

Mr. APPLEGATE. Mr. Chairman, I thank the gentleman for yielding. I wish to state the appreciation that I have for the hard work that the gentleman from Pennsylvania [Mr. MURPHY] and the gentleman from West Virginia [Mr. RAHALL] have put into this.

Mr. Chairman, coal miners who have earned their living in the coal mines are now getting the shaft. Working under the dirtiest possible conditions, breathing in coal dust, clogging their lungs and forced out of work.

Mr. Chairman, if you have never been down in a mine, you know nothing about it. But it is the absolute pits when it comes to working. Ninety-five percent of these people who are put out of work and file for black lung are denied. Only 5 percent of those who apply are getting it, and they are subjected to the absolute worst kind of conditions to work in.

If a miner's claim is OK, he gets the benefits. But if it is contested, then they become interim payments. If the company wins that appeal, then those interim payments have to be paid back.

Mr. Chairman, let me tell my friends, that is a lot of money. Many times the miners just simply do not have it. It is a terrible hardship on these people and on their families. With no income and no way for these coal miners to work, it is very difficult for them not to have to spend that money. So then what happens is that many of them are forced to go on welfare and collect food stamps, and this destroys the dignity of the coal miner, hardworking people who just want to do what everybody else does.

Their own Government is working against them. I can tell Members that since the Reagan and Bush administration came in in 1981, they have provided the legislation and the leadership to choke off these benefits from these people just to protect the companies. They do not give a damn.

Mr. Chairman, let me tell Members, up until the time that this legislation first went into effect, there were 400,000 coal miners who died of pneumoconiosis. Many of these are veterans. Many of these are veterans who gave their working life.

These people, all they want to do is house, clothe, and feed their families, just like any other working people.

Then to get black lung and then not be able to provide for their families, I have seen it in my own family. My wife's father and her brother-in-law both had black lung, and it is a terrible thing.

Mr. Chairman, I therefore rise in support of H.R. 1637. It will correct some of these very terrible inequities for these coal miners. I would hope that this House would see fit to pass it overwhelmingly and send a message back saying to America's coal miners that we support you and understand the problems that you are facing, and we want to be there to help, as we were in the early 1970's.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. BALLENGER], a member of the Committee on Education and Labor.

Mr. BALLENGER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we are considering H.R. 1637, and we are urging Members to oppose this measure.

Mr. Chairman, since inception of the black lung program the coal industry has pursued two basic objectives: First, elimination of coal workers pneumoconiosis [CWP]; and second, equitable compensation for its victims. We believe dramatic strides have been taken to reach both of these objectives and believe that those disabled from CWP are receiving or will qualify for benefits under the current program.

Contrary to the statements of the proponents of H.R. 1637, the bill as drafted will dramatically alter the program providing almost guaranteed entitlement to thousands of individuals whose claims were previously denied. Its financial impact on the coal industry and electric utility ratepayers will be substantial. Counter to the statements of the sponsors, an independent actuarial accounting firm estimates that the bill will result in minimum short-term—5 years—costs of $300 million with 20-year programmatic costs of up to $8 billion.

These costs would result from:

First, the imposition of an artificial limitation on the amount of evidence that can be entered into the record by an operator in defense of a claim;

Second, the return to pre-1981 eligibility criteria where survivor benefits are provided regardless of actual cause of death; and

Third, the statutory mandate that every claim filed and denied since 1982, 86,000, can be refiled for reconsideration of entitlement regardless of whether a person's medical condition has changed.

□ 1750

We should not support a measure which will return to the days prior to 1981, where benefits were awarded without establishing a causal relationship between exposure and medically diagnosed CWP. I urge my colleagues to oppose H.R. 1637.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I first want to compliment the chairman for his efforts over many years on behalf of coal miners and his whole committee for bringing this legislation to the floor. I rise in support of it and the release it will bring to many miners who have suffered physical disability from years of labor in our Nation's coal mines.

This measure will expedite the process by which black lung benefits are provided. By doing so, it would make that process more equitable, more accessible and more in keeping with the intent of the black lung program as initially conceived.

Today, unfortunately, many miners whose claims have been overturned are forced by the Government to repay benefits they received during the appeals process.

Mr. Chairman, these are not wealthy people and repayment of benefits, benefits which in many cases were being received for years and accumulated to large amounts of money, imposes a real hardship, an unfair burden.

Miners should not be penalized because the Labor Department has failed to resolve their cases in a reasonable amount of time. The Government should pay for its own delay and this bill does that.

Also this measure reduces the time it takes to resolve black lung claims by limiting opinions and counteropinions offered by the medical community. Widows are protected in this legislation. The bill makes it easier for widows to receive survivor benefits and would protect most benefits upon remarriage by a widow.

Over the years, Mr. Chairman, I have witnessed first hand the injustices of the current system. The black lung benefits program is in desperate need of improvement. The remedial purposes of this legislation have been frustrated by the processes which miners have had to go through in order to receive their benefits. In many cases, the process has been so long that miners are either invalids or are deceased by the time the issue is resolved. This legislation addresses those inequities, returns the legislation to its original purpose, and I strongly support it and ask the support of our colleagues.

Mr. PETRI. Mr. Chairman, I yield 10 minutes to the distinguished gentleman from Illinois [Mr. FAWELL], a member of the committee.

Mr. FAWELL. Mr. Chairman, I come not from a coal-mining area. I think one of the beauties of being in Congress is that one learns a lot by listening to Members from other parts of the country. I will be presenting a view that looks at this, the black lung trust fund, as some kind of a legal trust and a legal entity that we have to respect.

Certainly, the substitute of the gentleman from Pennsylvania [Mr. MURPHY] is a much improved bill than what we started out with, but I still see, and this is somewhat from the view of an attorney, that there are inequities in the bill. And I know that it wil cost a great deal more of expenditures of black lung benefits.

I see this as a movement, and understandably, I guess, back toward an entitlement program. But it was not intended to be that. It is a program that was supposed to be looking at the liability aspect of it. I think also we are approaching the black lung trust fund as if it were an unlimited source of benefits where there is just no bottom and regardless of the eligibility of a claimant for benefits.

I wish that all of the amendments that are being presented would be accepted. I understand one is being accepted and that is to the credit, I think, of the proponents. As has already been pointed out, according to the view of Nohman and Roberts and actuaries, and I have not seen anything to the opposite, that the total cost of operators of the coal companies in the black lung trust fund over the next 20 years could amount to $8 billion. That would cover all of the various provisions of this bill.

Not all of that, of course, affects the black lung trust fund, but it does represent increased costs for both operators and the trust fund, and there is no such thing as a free lunch. Those increased costs will pop out and be represented in higher utility fund costs and a number of other ways.

The bill waives recovery of interim payments made to claimants, and this is while the litigation process is taking place, even though they have not proved their eligibility. The law has afforded to the claimants interim payments. But then when ultimately one loses the case, the final determination is that no eligibility has been proved, it has been the law that one has to return those payments. To me that seems quite fair.

The fund, I repeat, is a trust fund. It is not there for those who are ineligible. It is there, hopefully, it is now $3.5 billion in the red and getting redder, for those who are truly eligible. I hope that we will have enough for those who are eligible without supporting, too, those who are unfortunately or fortunately, I guess, are not eligible, because if they are not eligible, they do not have complete disability. If this is not the case then we should change the basic purpose of the act which is to give awards to those who are totally disabled or a result of black lung disease.

I ask on what possible basis of law can we say, "Well, you didn't prove your case. You are not entitled to any benefit whatsoever, but nevertheless, we are going to let you keep all these interim benefits." Unfortunately, these cases take 5 and 6 years, I understand. That is unfortunate. That ought to be altered, because justice delayed is justice denied.

The alterations in regard to the rules of evidence. I think, the proponents make the best case there, because quite probably with large coal companies, they are able to have more experts who interpret x rays and blood tests and things of this sort.

On the other hand, as I look at any law and realize we are talking about rules of evidence. I think we need to be very cautious and very clear. It says in this bill, for instance, that the coal company can have only one medical examination, and then it says the claimants could have up to three. The majority report says, well, if the claimant has three, the coal company could have three, too, but it is very unclear. It is not a very well-written law.

☐ 1800

Mr. Chairman, my point is that I think the Department of Labor has the regulatory authority, for instance, as the initial hearing officer, to be able to set forth rules of evidence and can set restraints, as in any other litigation. Whether it is an administrative law judge or a judge, discovery is controlled by the court and nobody should be allowed to use it or can use it to harass the other party.

I do not believe it is a good thing to freeze these kinds of evidentiary rules into Federal law. I do not think the Members will see us doing it anywhere else in the law, at least not specifically in regard to a certain kind of case. We will approve general rules of procedure and evidence of the Federal courts, for instance but we do not set special rules for certain kinds of cases in order to level the playing field.

Probably the toughest of all the issues pertains to the right of claimants to refile old claims of years ago, long since determined. Section 8 of the bill provides that any claim filed after January 1, 1981, but before the enactment of this act, which found that the claimant was not eligible may now be refiled to determine if the claimant now is going to be deemed eligible. I may be off on these figures, but I understand there were some 80,000 old claims that are now potentially renewable. I understand that claims currently take up to 6 years to go through the whole process, through the administrative law judge and then a benefits review board, and currently claimants can already file for benefits if they can demonstrate that there has been a change of condition.

Nobody knows what kind of a deluge this is going to bring upon the whole administrative system, but I think that it is going to be extremely unfair for those who have not had a hearing at all, who are standing in line, having to wait 4, and 5, and 6 years, and now we add, say, just half of the 86,000, and let us say we have 43,000 more cases, there is just going to be years added to complete a claim. I do not know. It could take 10 to 12 years.

I do not think this is a wise thing to do. It is going to cost a great deal of money. Once again, the trust fund, which is in debt, is the one which is going to have to pay this. I see these kinds of imperfections, and I see it, as I have mentioned, as one who does not come from the coal-mining country, but one who does recognize that inflation and costs eventually are passed on to the taxpayers and to the consumers. The coal companies expect to make a profit, and they will pass their costs on to consumers.

I think it is an ill-conceived bill even yet. It is going to cost business people a tremendous amount of money. It is going to probably deplete that trust fund so we will be back here later to try to figure out how in the world we are going to rescue the trust fund. I hope the Members do not expect the taxpayers of America to bail out the trust fund.

Mr. MURPHY. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. MCCLOSKEY]. Although not a member of the committee, he has been very helpful to us in crafting this legislation.

Mr. MCCLOSKEY. I thank the distinguished chairman for yielding time to me, and commend him for his leadership in structuring and moving this bill; also a special tribute to the gentleman from Kentucky [Mr. PERKINS] and his staff.

If there is one Federal program that cries out for reform, it is the Black Lung Benefits Program.

Only a minuscule number of deserving and ailing applicants are ever certified for the program. Especially tragic is the Department of Labor demanding a more immediate repayment of sums for benefits paid under the interim benefit procedure. One elderly widow of Mitchell, IN was told by the Department of Labor to repay $60,000 in interim benefits or she would be turned over to private bill collectors. Can you imagine the stress and strain these people go through after initially being awarded benefits? Black lung sufferers are senior citizens. They certainly do not have the resources or the energy to do constant battle with the system. These retired miners and their widows, who have devoted their lives to working in the coal mines, should not have to suffer so terribly.

There is a man in Indiana who spent more than 10 years of his life fighting to receive black lung benefits which he desperately needed. Ultimately, it was determined he did suffer from black lung and owed nearly $40,000 in back benefits. He initially received those benefits because of his condition. This man was nearly 80 years old. To repay his back benefits depleted his entire savings.

In another case, the DOL harassed a miner for 8 years to repay his interim benefits. Ultimately he died, the DOL then filed a case against his estate and the deceased miner's house was sold to repay the DOL.

In the Eighth District, it is estimated that 120 retired miners or their dependents are being hounded to repay $3.5 million in interim black lung benefits.

Many of these miners were not made aware that the interim benefits they received during the claims process were subject to repayment. They are being punished for bringing forward their appeal to the Government and for having devoted their lives to the coal mines.

Section 2 of H.R. 1637, the Black Lung Benefits Restoration Act, rectifies this unjust situation. It provides that if a miner or his dependent receives interim black lung benefits during the claim processing period and the final decision provides that the miner is ineligible for benefits, any interim benefits paid will not be subject to repayment. In addition, any miner who has already repaid the interim benefits to the Government will be refunded. I might add that this provision is based on legislation that I introduced in past Congresses, the Black Lung Benefits Equity Act.

Some have claimed that this provision is a giveaway and incompatible with the integrity of the Black Lung Program. This is simply untrue. If someone receives interim black lung benefits, the DOL and its doctors have decided that the retired miner suffers from black lung. It is only after a long, adversarial appeals proceeding that it is determined that the miner does not suffer from black lung. The coal companies spend thousands of dollars on doctors and lawyers to fight initial awards of black lung benefits. One must realize that the retired miners or their widows do not have the resources to fight the claims of the coal companies' doctors and lawyers. Section 2 gives the program some basic fairness.

As the Education and Labor Committee report says, the purpose of H.R. 1637 is to establish a more objective process for determining entitlement to black lung benefits, and restore basic fairness to the program. Each section of the bill is important and makes strides toward eliminating the problems that plague the Black Lung Benefits Program. Plain and simply, this bill eases the requirements necessary to qualify for black lung benefits and provides relief for dependents and survivors of black lung victims. In addition, under the legislation, any claim filed after January 1982 and denied can be refiled based on the new requirements.

H.R. 1637 is vitally important to our Nation's retired miners and their survivors. My colleagues on the Education and Labor Committee have worked tirelessly to bring this measure to the floor. I strongly commend their efforts. I urge my colleagues to vote in favor of this legislation and against amendments offered by Mr. BALLENGER.

Mr. PETRI. Mr. Chairman, I yield 9 minutes to my friend and distinguished colleague on the committee, the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me first of all say that I can identify and agree with a good deal of what the advocates of this legislation are saying on its behalf. There is no doubt that the current determination process for establishment of a black lung disability takes too long, it is too burdensome, it is too costly, and the system is unfair. I agree with much of that.

I also find some of the innovative steps that this act envisions relative to trying to speed up the process by way of changing the procedures for the process of discovery and limiting the amount of material that can be submitted by either side something that will, I think, speed up the process, create a greater sense of balance between the potential claimant and the defendant company. I think these are all very intriguing approaches to real problems.

What I am concerned about, however, are questions that have not been raised and I think must be raised if people are going to understand what in fact makes this a contentious piece of legislation. First is the issue of benefit overpayments.

If the Members or I held an annuity that came due and suddenly found ourselves inadvertently the beneficiary of getting an extra $100 a month in our monthly annuity payment, we would, under any standard of civil law, have an obligation to return that money once the insurance company or the bank discovered that it had inadvertently been giving us more money than we were due.

What this legislation says is that when a beneficiary has been receiving an overpayment, the beneficiary is simply credited with it. The beneficiary simply keeps it. That is going to cost money and it is not necessarily a very good legal precedent.

There has been a lot of talk suggesting that the Reagan Administration cracked down and made the black lung process some tortuous process that denied benefits to deserving workers. That is not what happened. What happened is the black lung benefit fund was bankrupt. It was billions of dollars in cumulative debt.

In 1981 the Congress, not the administration, the Congress, passed legislation which increased the assessments on the coal producers to put moneys back into the fund, and likewise, it was the Congress then that changed the process by weighing which determinations were made.

It is true that there are those in some instances who were getting overpayments, and then the Department of Labor comes and says, "Hey, I am sorry, you owe the Department of Labor, you owe the fund x number of dollars." It is true that in many cases that creates hardships where these families or individuals, survivors, do not have ready capacity to repay.

What we should point out is that the Department of Labor, in two-thirds of all such instances, does not seek to collect the overpayment, makes an administrative determination that it would impose an undue hardship. However, to simply, by way of statute, suggest that any and all overpayments ought to be forgiven seems to me a very poor precedent, but that is indeed what this legislation would do.

The second is how eligibility for benefits is determined. This goes back again to the changes in 1981. In 1981 Congress established that the eligibility benefit would be determined on the basis of some nexus of having worked in a coal mine and some relationship to that and the disability, and not simply give disability benefits because someone worked in a coal mine. What we are doing is changing this from a disability benefit associated with a form of employment to an entitlement based on the fact that one did or did not work in such a situation, without a medical determination of any kind or a legal determination of a nexus between the two. That strikes me as wrong and inappropriate.

Third, there are entirely new concepts of rendering legal judgment here. I am not an attorney, but it is unfamiliar to me. I know we have such standards as "beyond reasonable doubt" or "balance of the evidence," but in the new evidentiary and discovery standards we put in here, each side, the plaintiff, the coal company, puts in up to a maximum of three pieces of medical testimony, as it were; the company saying, "No, the lungs look okay to us," and the plaintiff saying, "That is not what my doctor tells me."

And by holding it to this you get some degree of parity between an individual who can only afford so much medical testing with the help of the union and the company that presumably can fight this with huge stacks of medical tests, and put any claimant at a tremendous disadvantage before any kind of administrative judge or hearing process.

But what the law does is establishes a new standard saying once there is true doubt, if there is true doubt the benefit goes to the claimant, not a balance of evidence, not clear and convincing.

Mr. Chairman, this is an area in which I have no great expertise because I am not an attorney, but this concept of basic doubt is indeed a different kind of standard, and I am very surprised that this kind of standard for the determination of a disability, and this procedure on the process of discovery and presentation of evidence, which are also limitations on the part of either party in terms of what they can offer on either side, would come to this floor without any consideration or review of the Rules Committee.

Finally, let me just talk about cost. The CBO and the committee report estimates 3 year paygo impact of $51 million, and a total 5 year cost of $65 million. As I said, in 1981 these procedures which were changing were established because the black lung trust fund was in substantial debt, on the verge of bankruptcy. Today it is almost $3.6 billion in debt, and now in the 11th hour of the session we are adding at least another $65 million to the debt.

However, note that the estimate does not incorporate the cost of the presumed inclusion of the 82,000 people who will be automatically having their claims refiled under the expedited procedures. And let us say we get a 35-percent approval rate of those 82,000. We would have a cost of $1 to $2 billion which would result from the refiling process, and annual costs of approximately $300 million would continue as long as the courts allowed these new theories of law to be applied, and across a 20-year continuation of the program more than $7 billion could, therefore, be added to the cost of the program, a program that is already $3.5 billion in debt.

So my colleagues, I think there is definitely some need for reform. I think there are some intriguing and positive proposals being breached in this legislation and put forward in the legislation. But I hope we will also consider some of the dangers and precedents associated with the bill before us. For those reasons, I feel constrained to urge a no vote form my colleagues.

Mr. MURPHY. Mr.Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. POSHARD], in whose district we had a very interesting and lengthy hearing which led to the formation of this measure.

Mr. POSHARD. Mr. Chairman, I rise in strong support of H.R. 1637, the Black Lung Benefits Restoration Act. I thank my colleagues in the coal caucus for all of the work they have performed on behalf of this bill, and I thank Chairman MURPHY who came to my district in southern Illinois to hold a hearing on this very legislation. I would like to think that his visit to the coalfields of Illinois helped further the advance of this piece of legislation.

Not long ago I visited the Southern Illinois Respiratory Clinic. Every individual with which I visited was frustrated by the Black Lung Program and feared either losing disability benefits or never seeing them in the first place. One elderly woman who I spoke to in that clinic, whose husband had passed away just a couple of years earlier, and who had been determined eligible for these benefits, said that she had never spent the first penny of the disability benefit checks that she had received because she was afraid she would have to pay them all back, because everyone she knew that had been determined eligible had received a letter to pay their benefit checks back of the Government, and she was scared.

I would say to my good friend from Michigan, Mr. HENRY, this is not just a matter of recouping overpayments. This is a matter of receiving an award which sometimes took the Department of Labor 7 years to make, and now having to give it back to the Government at a time of dire stress perhaps on the family.

Mr. Chairman, if you spend a moment with a 70-year-old man who reaches painfully for each breath, you will know why this bill is right, and just.

Let me just speak a moment to my colleagues who do not represent coal country. This Nation did not get to be the industrial power of the world without the coal mines which powered its engines. Now we have a generation of people who worked under severe conditions to bring the coal up out of the belly of the earth to drive the energy needs of this Nation, and now they have serious health problems as a result of all of those years of toiling in the dust at the face of the mine. We cannot turn our back on our obligation to them.

We talk about the cost of this program being $300 million. That is not even half the cost of one B-2 bomber, which is very suspect as to whether or not we even need a B-2 bomber.

While our work is not done, we have made great progress in the working conditions of our coal mines, and those improvements have been paid for by the men and their survivors who breathed the dusty air that would eventually result in what we know as black lung disease. Ladies and gentlemen of the House, ease the minds and the bodies of our people. Pass this bill.

Mr. MURPHY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MCCLOSKEY] having assumed the chair, Mr. BRUCE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5095, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1993, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-967) on the resolution (H. Res. 587) waiving points of order against the conference report to accompany the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency retirement and disability system, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 5006, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993, AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-968) on the resolution (H. Res. 588) waiving points of order against the conference report to accompany the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, and against the consideration of such conference report, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 3144, MILITARY HEALTH CARE INITIATIVES ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. No. 102-969) on the resolution (H. Res. 589) providing for consideration of the bill (S. 3144) to amend title 10, United States Code, to improve the health care system provided for members of the Armed Forces and their dependents, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 1696, MONTANA NATIONAL FOREST MANAGEMENT ACT OF 1992

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. 102-970) on the resolution (H. Res. 590) providing for consideration of the bill (S. 1696) to designate certain National Forest lands in the State of Montana as wilderness, to release other national forest lands in the State of Montana for multiple use management, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4 (b) RULE XI AGAINST CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (H. Rept. 102-971) on the resolution (H. Res. 591) waiving the requirement of clause 4(b), rule XI, against consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

☐ 1820

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5677, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1993

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight, October 1, 1992, to file a conference report on the bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes.

The SPEAKER pro tempore (Mr. MCCLOSKEY). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 9:30 a.m. on tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

BLACK LUNG BENEFITS RESTORATION ACT OF 1992

The SPEAKER pro tempore. Pursuant to House Resolution 584 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1637.

☐ 1821

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act, with Mr. BRUCE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the gentleman from Pennsylvania [Mr. MURPHY] had 11½ minutes remaining, and the gentleman from Wisconsin [Mr. PETRI] had 1½ minutes remaining in general debate.

Mr. MURPHY. Mr. Chairman, I yield 4½ minutes to the gentleman from Kentucky [Mr. PERKINS] with whose father I worked on the 1977-78 amendments to this very important legislation which we are attempting to partially restore.

Mr. PERKINS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, it is with a great deal of pleasure that I stand in front of you, my colleagues, this evening with this particular piece of legislation that is in front of us tonight.

I would thank the distinguished chairman of the subcommittee, the gentleman from Pennsylvania [Mr. MURPHY] for his diligent work in bringing this piece of legislation to the House, and I would again thank my staff for their tireless efforts during this process as well. I would like to thank my dear friend, the gentleman from Indiana [Mr. MCCLOSKEY], without whose vital contributions this bill would not be the piece of legislation that it is today. I would like to thank the gentleman from West Virginia [Mr. RAHALL] and the gentleman from Illinois [Mr. POSHARD] and numerous others that I cannot even begin to name for working tirelessly to bring this type of legislation, pushing constantly, to bring this legislation to the House.

I will tell you, frankly, my friends, this legislation is not the type of bill that I would like to see the House of Representatives and the Congress of the United States pass. It is a weakened, watered-down piece of legislation, but it is something.

I have watched through the 1980's miners coming into my office, many times having difficulty in walking because the exertion created lung problems aggravating the black lung to the extent that it was impossible to walk, and sit in front of me and tell me how they had been denied benefits, not once, not twice, but week in, month out, year in, year out, during a decade.

I say that this has gone too long. The legislation that we have in front of us basically corrects some inequities that have long since been overdue to be corrected.

You can send a miner, and they have sent miners, the coal companies, to 10 doctors for 18 x-ray readings, for a mound of evidence that reaches up almost as high as this lectern in some cases, while the evidence that the miner could provide is only limited to what his financial resources are that are available. I will tell you, frankly, that is something that is not fair. It is not fair to see the miners who have provided the energy needs of this Nation treated in a fashion whereby, because they do not have the financial ability to compete with the coal companies, that they are, in fact, looked down upon ultimately in the decisions that have been arrived at during this process.

It is not fair to see that what has happened in this Nation, where the disparity is created, where less than 5 percent of available claims are, indeed, finally honored, and where, in some cases, 7, 12, 15 years I have seen claims go on without resolution because of this process that seems interminable, and all that it goes on.

My friends, I stand before you today as one not from another area of the country. I am from the coalfields. I am from the Appalachians. I have seen with my eyes on a regular basis the pain, the agony, the suffering that this lack of an effective program has created.

I will tell you that it is time that this stopped. It is time that we once again institute something that will give a dignified program to those who have toiled and labored so hard for the energy needs of this Nation. That, my colleagues, is what is just, and ultimately I believe that the House of the people, the House of Representatives, is here for justice, to give those who do not have other alternatives a chance for their voice to be heard.

My colleagues, my distinguished friends, I ask for your support. I ask for your assistance for the miners, for the people who need your help this evening.

Mr. PETRI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, as one of the first cosponsors of H.R. 1637, the black lung benefits restoration bill we are considering today, I rise to urge all my colleagues to join me in supporting this long overdue and badly needed legislation.

As the Representative of Pennsylvania's 11th Congressional District, which contains the heart of the anthracite coal region, I represent tens of thousands of disabled mineworkers and their widows whose lives have been irreparably damaged by pneumoconiosis, also known as black lung disease.

Of all the diseases known to man, black lung is one of the most seriously debilitating. It drastically reduces life expectancy while at the same time severely diminishing the quality of life in the years before death. Men who usually spend decades doing back-breaking work under extremely harsh and hazardous circumstances are frequently left gasping for breath for years. It is a slow and painful death.

In 1969, under the able leadership of my predecessor, the Honorable Dan Flood, Congress recognized the seriousness of the black lung problem when it passed the Federal Coal Mine Health and Safety Act of 1969, which became Public Law 91–173. The underlying statute was amended in 1972, 1978, and 1981, but no significant changes have been made since then.

When I was first sworn in as a Member of Congress, in January 1985, I knew that there were serious problems with the Black Lung Program. It was taking far too long for cases and appeals to be decided, and many deserving mineworkers and their widows were having legitimate claims denied for technical reasons.

Accordingly, I asked my friend and colleague from Pennsylvania, the Honorable AUSTIN MURPHY, chairman of the Education and Labor Subcommittee on Labor Standards, which has jurisdiction over the Black Lung Program, to come to northeastern Pennsylvania to hear first hand from disabled mineworkers, their widows, and representatives.

In response to my request, the Labor Standards Subcommittee came to Wilkes Barre on September 9, 1985, and held a major hearing on the Black Lung Program. I want to thank Chairman MURPHY for bringing the subcommittee up to northeastern Pennsylvania to hear from my constituents about the serious problems they have faced.

As a result of the Wilkes Barre hearings, and other similar hearings held around the country by the Labor Standards Subcommittee, a number of bills were introduced to improve the Black Lung Program.

This year the best elements of those various bills have been consolidated into one omnibus bill introduced by Chairman MURPHY, H.R. 1637, the bill we are considering today. Thirty-five of my colleagues from as far north and east as Vermont and as far south and west as Hawaii, have joined me in cosponsoring this bipartisan bill.

Among the major improvements in Federal law contained in our bill are:

First, repayment relief for recipients who are determined eligible for initial benefits but who are subsequently denied benefits on appeal. In the past these claimants had to repay their initial benefits even thought they were usually received and spent in good faith. Among other problems, this practice penalizes disabled mineworkers and their widows for delays caused by either the Government or the coal companies.

Furthermore, unscrupulous collection agencies frequently made the lives of these individuals a living nightmare. The recipients were inevitably old, frequently totally disabled, without any other major sources of income, and in very poor health. Often they were widows who no longer had the resources to fight their claims in court, particularly when their husbands had died and additional new evidence was difficult to obtain.

According to testimony received by the subcommittee, on at least one occasion the existing policy caused a recipient to commit suicide rather than face what he knew would be a life of impoverishment.

Second, the bill limits the endless series of medical test that a claimant can be subjected to. Under current law, a seriously disabled mineworker can be harassed by being forced to take one test after another in order to prove he is disabled. The bill provides that the opposing party, either the Government or the coal company, can only require one medical test for each test the claimant submits, and that the claimant cannot submit more than three tests. It also allows the administrative law judge to require one additional medical exam if there is good cause for such an examination.

This adequately balances the need for medical evidence against the burden of intrusive tests on severely disabled individuals. It ensures that medical tests will not become either a delaying tactic or a form of punishment. It ensures that the claim process will be both fair and efficient.

Third, the bill makes it easier for widows to receive benefits if their husbands die while receiving benefits. This will prevent many of them from becoming destitute. Under current law the widow may be required to prove that black lung was the actual cause of death or a substantial contributing factor to death. This may be difficult to prove once the miner is dead, and can be delayed by legal challenges.

Under the bill, if a miner dies while receiving benefits or was disabled with pneumoconiosis at the time of death, it is presumed that he died of pneumoconiosis thus entitling his widow to benefits. As a result, the widow would be automatically eligible to receive benefits without delay. In order to protect against abuse, the bill requires that a widow had to have been married to the mineworker for at least 9 months prior to his death, or to have had a child as a result of the marriage.

Fourth, the bill requires quicker identification of so-called responsible operators, the primary company responsible for the mineworker's disease. Under current law a mineworker or his widow may face a gauntlet of everchanging opponents whose resources far outstrip their own. The bill requires the first person who adjudicates a claim to designate a responsible operator, but gives the person so designated a reasonable opportunity to appeal.

Fifth, the bill changes the way attorney's fees are paid. Under current law, many disabled mineworkers and their widows have trouble finding an attorney to represent them because the attorney is not paid until after a case is fully and finally adjudicated. This can take years.

Black lung claims and the medical evidence necessary to prove them are very technical areas and require specialized legal experience to file. Without an attorney, claimants stand no chance of receiving benefits. Yet few attorneys will take such cases if they have to wait until final adjudication to take place in a system that stretches out the decisionmaking process for years. According to the committee, in the entire State of West Virginia, one of our major coal-producing States, only 12 attorneys will take black lung cases.

Under the bill, attorney's fees will be awarded after each stage of the process if the attorney is successful in obtaining benefits for the claimant. This will provide timely compensation whenever a legal decision is rendered.

Sixth, the bill streamlines the appeals process by prohibiting direct appeals from the Office of Workers' Compensation Programs to the Benefits Review Board. Under the bill, only orders issued by the Office of Administrative Law Judges can be appealed to the Benefits Review Board. It also prevents the Secretary from delegating the responsibility to decide whether or not to appeal a decision by a Federal court. This will provide greater consistency in the Department's decisions on whether or not to appeal.

Seventh, the bill provides that any claim filed after the effective date of the 1981 amendments, that is, January 1, 1982, which was subsequently denied, may be refiled as a new case and receive a de novo review on the merits under this new law. No entitlement to retroactive benefits would be provided.

Mr. Chairman, a full decade has passed since Federal black lung law was last changed. In that decade, many disabled miners have died penniless and their widows have had to rely on family, friends, or public assistance to survive. After the year of hard work and suffering these families have had to endure, these families deserve more. The bill we are considering today will give them a fair chance to prove their disability and receive the benefits they deserve. It should receive the support of every Member.

Mrs. LLOYD. Mr. Chairman, I speak in full support of H.R. 1637, the Black Lung Benefits Restoration Act of 1991. This legislation restores to the program a number of important improvements and returns a sense of fairness to the program.

Mr. Chairman, this bill eases the requirements necessary to qualify for black lung benefits. Further, it provides relief for dependents and survivors of black lung victims. Most importantly, it provides that disability claimants who are found to be ineligible for black lung benefits will not be required to pay back any of the interim benefits they may have received prior to a determination of ineligibility. Seldom do black lung applicants have the means to put aside benefit payments in the event of a later negative decision in their case. Most people who receive these benefit payments find they must use them to pay for daily living expenses—making it impossible to recover these funds. I have heard from several miners and their families in my district alone who often complain of the financial hardship of trying to repay moneys long ago spent to supplement their daily living while waiting for their claim to be approved. In some cases a levy is placed against a miner's home in an effort to recover payments. Mr. Chairman, I cannot in good conscious ask the coal miners and their families of the third District of Tennessee to suffer the devastating effects of such actions.

Coal miners have given so much for our country. They fueled American industry to a position of world leadership. They have worked hard and some have died with such a disability. I believe a witness before the Labor Standards Subcommittee hearing on black lung said it best:

> Coal miners who were strong and vigorous workers have been reduced by years of inhaling coal dust to broken bodies, to strain for every breath. They are forced to go through degrading, humiliating and seemingly endless contests in a generally futile effort to obtain monthly benefits and medical care, a paltry compensation for the destruction of their health.

It is long past time that we move legislation on behalf of the thousands of miners, their widows and families who are suffering financially under a program that was intended to bring them relief.

Black lung disease is caused by the inhalation of coal mine dust. The original intent of Congress in enacting legislation to compensate victims of black lung disease was for it to be a fairly straightforward program. The program would make payments of benefits to coal miners found to be disable due to black lung and to the widows and dependents of those who died with such disability, or from the disease caused by coal dust. However, over the years, the program has seen several changes. This bill does an excellent job of returning to a program that more closely reflects the commitment of Congress—to compensate those coal miners who suffer from the crippling effects of black lung. It is in the best interests of those directly affected and enjoys the tremendous support of the Third District of Tennessee.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of H.R. 1637, the Black Lung Benefits Restoration Act of 1992, as reported by the committee, and in opposition to any amendments. The bill before you represents a compromise several months in the making. It has been modified, compromised and severely scaled back to meet both substantive and budgetary considerations. There are many provisions left out of this package that I personally favored and would like to have had included but gave up in a sincere effort to bring to the floor a bill that could and should pass.

Black lung is an occupational disease that destroys the lives of those who mine the coal on which this country depends. It is a savage disease that debilitates tens of thousands of once strong and energetic miners by denying them the very breath of life. No one who has visited the coal fields of this country can deny the horrible consequences of pneumoconiosis.

In 1969, under the leadership of my former chairman and good friend CARL PERKINS, who cared deeply for the people of the coal fields, we passed the first Black Lung Act, as part of the Federal Coal Mine Health and Safety Act of 1969. The need for a compensation program for disabled miners was compelling then and is no less compelling today. Over the years, we have amended and reamended this law as we have attempted to better balance the demonstrable need for disability compensation with fiscal responsibility by ensuring that the legal standards establishing eligibility and causation were clear. This has not been an easy task. Unclear and inconsistent evidence with regard to work histories over long periods of time and the lack of conclusive medical evidence in this field has always plagued this program through no fault of either the miner or the operator.

In 1981, following other changes to the act in 1972 and 1977, this Congress severely restricted the presumptions of causation used to determine eligibility. As a result, the approval rates for claimants has dropped dramatically, virtually nullifying the act. This is especially true for the widows and survivors of miners.

Mr. Chairman, I do not argue that there should be automatic approval of claims if the evidence is insufficient to prove a case for benefits, but I do argue that the current system is so stacked against the claimant that even the clearest case is often difficult to establish. The evidentiary standards and the lack of presumptions as to work histories and causation almost ensure that the party with the most money for the greater number of examinations and the greater number of expert witnesses wins—wins not on the basis of the factual weight of the evidence, but simply by the poundage of the evidence. My colleagues, the party with such funds available is not the miner or his or her survivors.

The bill before you is a small attempt, and I mean small, to ensure a fairer and more balanced claims system for both parties to these cases. Specifically, the bill limits for all parties the number of medical examinations that can be required and the pieces of similar medical evidence that can be introduced which are derived from the same medical procedure.

It reestablishes the widows/widowers presumption—that if the miner was receiving benefits at the time of death, the miner's death shall be considered to have occurred as a result of the pneumoconiosis. It establishes a procedure for early designation by the Secretary of the named responsible operator so that the claimant does not have to litigate against an array of operators, all of whom wish to avoid liability.

Mr. Chairman, this is a good bill, a budget-conscious bill, and one that all my colleagues should support. If we believe that over time we have eliminated the cause of black lung and therefore need not continue to provide compensation, may I just remind you of the recent dust sampling scandal which exposed miners to dust levels well above those allowed by law. Until the causes of black lung are remedied, we, as a Nation, must be ready to care for our miners and their survivors. I remind you that the need is as compelling today as it was in 1969. Just ask the miner whose life is dependent on a respirator that must be carried by his side forever. We need to show compassion for these hard-working people.

Mr. GRADISON. Mr. Chairman, as Congress rushes to complete legislation prior to adjournment in a few days, it may be hard for Members to keep track of the money they are spending, where it comes from, and where it goes. I have pointed out several instances of legislation with budget implications in the CONGRESSIONAL RECORD, most recently on September 17, at page 25422.

Today, I want to call attention to the budget impact of H.R. 1637, the Black Lung Benefits Restoration Act. This bill causes direct spending, which is not subject to appropriators' discretion, of $65 million in fiscal years 1993 through 1997. Technically this legislation does not violate the Budget Act because $100 million of direct spending allocated to the Education and Labor Committee remained unused after enactment of the Higher Education Reauthorization Act of 1992. In other words, the $100 million was intended for higher education. In my view, it should be devoted to reducing the deficit.

Even if the House passes this bill, consideration of the legislation in the Senate would violate the Budget Act because the Senate Labor and Human Resources Committee has already used up its allocation of new entitlement authority for fiscal year 1993.

Should this legislation somehow get past the Senate, it would confront the pay-as-you-go discipline. As I mentioned in a "Dear Colleague" earlier this week, Congress is dangerously close to exceeding the pay-as-you-go limit. In these final days, there is an enormous amount of legislation awaiting final action. Unless Congress is very careful, the pay-go balance could be exceeded and a pay-go sequester would occur. Then, the spending in this bill, instead of increasing the deficit, would cause offsetting reductions in such programs as Medicare, family support payments, veterans' benefits, and student loans.

We in Congress need to remember that we are spending the American people's money. Most taxpayers would look at the $100 million of unspent funds and see $100 million of deficit reduction. Some in Congress look at it and see the chance to spend $100 million. Perhaps this is why the deficit is so intractable. Perhaps there is a lesson here.

Mr. HARRIS. Mr. Chairman, I rise in support of H.R. 1637 and urge my colleagues to vote for its passage.

As the representative of a coal producing region, I and my district staff have had more than enough firsthand experience with the injustices caused by the present standards and their administration.

I have personally dealt with a retired miner, who had already had to have half a lung removed, who was denied black lung benefits.

I have seen many retirees, old people with little formal education, who worked all their lives in the mines, and who had received their disability rating years ago, and who are now being told that some change will not only cost them their benefits but that they must repay all past benefits as well.

These old people, none of whom are accused of any deception, are being told they must do without necessities and that they face the loss of their homes and life savings. They are being told this even when the law allows forgiveness of debts in the case of financial hardship.

Many of these reversals are unwarranted by any medical standard and this legislation would make clear the intent of Congress as to the relevant medical evidence. It will also address the issue of repayment of benefits where final adjudication has been delayed and no fraud or deception was involved in obtaining benefits.

Mr. Chairman, again I say I know first hand the need for this legislation and I cannot say strongly enough this bill will correct a terrible wrong and save much human misery.

Mr. BEVILL. Mr. Chairman, I rise in support of H.R. 1637, the black lung benefits restoration bill. And I want to say that I appreciate the time and effort that my friend and colleague, AUSTIN MURPHY, put into this legislation. He held one of his hearings on the Black Lung Program in Alabama where we have so many coal miners. Many of them are afflicted with black lung and so many of them have been denied benefits.

My father was a coal miner, I grew up among coal miners and my hometown is located in Walker County which is one of the three largest coal mining counties in our State.

I have been a strong supporter of the Black Lung Program over the years, because I have seen the suffering of miners afflicted with this disease. Black lung is a terrible, crippling disease. That's why Congress saw the need to create the Black Lung Program in 1969 to ease the suffering of coal miners disabled by this disease.

Unfortunately, many, many coal miners and their families have suffered even more because of the unnecessary bureaucratic redtape that has plagued the Black Lung Program for many years.

Today, the program is almost gone. Very, very few coal miners are approved for black lung benefits. The denial rate is about 90 percent. This program was created to help people, but, the system throws up so many hurdles, very few miners can prove they qualify for help. Coal miners are very frustrated because this system puts them at a disadvantage.

Certainly, this was not the intent of Congress. It was not our intent to create a bureaucratic maze making it virtually impossible for disabled miners to get benefits.

We know that there are thousands of coal miners out there today who are disabled with black lung disease. A vast majority of them cannot get attorneys to argue their cases because the attorney can't get paid unless the appeal is successful.

The way the system is set up, many miners who lose their appeals have to repay benefits they initially received. All too frequently, this amounts to thousands of dollars. I have heard some mighty heartbreaking stories over the years about people who lost everything.

This program was not designed to be mean-spirited. At the same time, it was not designed to throw money away. It was designed to help those who deserve help.

I believe that this legislation is the best opportunity we have to help those who deserve the benefits to get them. It makes provisions to clean up the bureaucratic mess.

We need changes in the system to reduce the lengthy delays experienced by those seeking benefits. In short, this legislation will inject fairness into this process which has been lost in recent years.

In closing, I'd like to say that I believe it is the intent of Congress to help coal miners. If they are sick because of black lung, they deserve a fair shake.

I strongly urge my colleagues to support this legislation.

Mr. YATRON. Mr. Chairman, I rise today to express my deepest appreciation to my colleagues for the passage of H.R. 1637, the Black Lung Benefits Restoration Act of 1992. I am proud to have been a cosponsor of this bill, which will provide fair compensation to black lung victims.

There are many residents of my district who suffer from black lung-related effects, but have been denied fair compensation. This bill will provide those individuals suffering from black lung-related problems the benefits that they rightly deserve. This bill will make needed adjustments to the Black Lung Act by easing the requirements to qualify for benefits, providing survivor benefits to spouses, allowing for refiling of previously denied claims based on old evidence standards, and increasing the protections for individuals who receive overpayment of benefits. This bill is a significant accomplishment for the hard-working former miners who suffer from black lung effects but who have been denied just compensation or have had their financial situation threatened because they are told that their benefits have been overpaid.

Mr. Speaker, I would also like to thank my Pennsylvania colleague, Congressman AUSTIN MURPHY, for all of his hard work on H.R. 1637. Congressman MURPHY's leadership has resulted in the passage of this much needed bill. As I end my tenure in the House, I am delighted to have been part of the passage of this critical legislation. I am pleased by the passage of H.R. 1637, which will rectify the injustices that have been suffered by too many Americans who should have been entitled to black lung benefits or have been mistreated in the processing of their claims.

Mr. MURPHY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as read.

The test of the committee amendment in the nature of a substitute is as follows:

H.R. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE REFERENCE.

(a) Short Title.—This Act may be cited as the "Black Lung Benefits Restoration Act of 1992".

(b) Reference.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Black Lung Benefits Act.

SEC. 2. BENEFIT OVERPAYMENT.

Part C is amended by adding at the end the following:

"Sec. 436. (a) In the administration of the benefits payable under this part, if a claimant received benefits under this part before final adjudication of the claim for benefits is made and if the final adjudication is that the claimant is ineligible for benefits through no fraud or deception of the claimant, the payment of such benefits to the claimant shall not be considered an overpayment of benefits and the claimant shall not be legally responsible for the return of such benefits.

"(b) If a claimant received benefits under this part before final adjudication of the claim for benefits was made and was required under regulations of the Secretary to repay the benefits as an overpayment of benefits because the claimant was adjudicated as not being eligible for benefits, the fund shall refund to the claimant the amount repaid by the claimant.

"(c) If the benefits paid as described in subsection (a) to a claimant who was adjudicated as not being eligible for benefits were paid by an operator, the fund shall reimburse the operator for the benefits paid.".

SEC. 3. EVIDENCE.

Section 422 (30 U.S.C. 932) is amended by adding at the end the following:

"(m)(1) To controvert medical evidence presented by a claimant on the basis of a medical examination in a proceeding on the claim of the claimant, the operator designated as responsible for the payment of benefits under such claim or the trust fund, as the case may be, may only require one medical examination.

"(2)(A) Except as provided in subparagraph (B), any party in a proceeding for benefits under this part may not offer more than 3 similar items of medical evidence which present information derived from the same medical procedure, including readings of chest roentgengrams, evaluations of blood gas and pulmonary function studies, or reviews of the same medical evidence.

"(B) If a party in a proceeding for benefits under this part offers one or more items of medical evidence which present information from a medical procedure, the opposing party in such proceeding may only offer the same number of items of medical evidence which present information from the same medical procedure.

"(3) Any claimant in a proceeding for benefits under this part may not offer more than 3 medical examinations, except that an administrative law judge may require the claimant in a proceeding to submit to an additional medical examination if the administrative law judge determines there is good cause for requiring such examination.".

SEC. 4. SURVIVOR BENEFITS.

(a) Death.—Section 422 (30 U.S.C. 932), as amended by section 3, is amended by adding at the end the following:

"(n) If a widow or widower of a miner files a claim for benefits under this part and if the miner was receiving benefits for pneumoconiosis or was disabled by pneumoconiosis at the time of the miner's death, the miner's death shall be considered to have occurred as a result of the pneumoconiosis.".

(b) Rules for Widows and Widowers.—Section 422 (30 U.S.C. 932), as amended by subsection (a), is amended by adding at the end the following:

"(o)(1) The widow or widower of a miner who was married to the miner for at least 9 months preceding the miner's death or who had children as a result of such marriage is qualified to receive survivor benefits under this part.

"(2) The widow or widower of a miner is not disqualified to receive survivor benefits under this part if the widow or widower remarries after attaining the age of 50. Such a widow or widower may not receive an augmentation in survivor benefits on any basis arising out the remarriage of the widow or widower.".

SEC. 5. RESPONSIBLE OPERATOR.

Section 422(h) (30 U.S.C. 932(h)) is amended by inserting "(1)" after "(h)", by striking out the last sentence, and by adding at the end the following:

"(2)(A) The first person, designated by the Secretary, who adjudicates a claim for benefits under this part shall designate as the operator who shall be liable for the payment of benefits under such claim the operator who was the last employer of the miner with respect to whom the claim is made and who employed such miner for at least a year. The period of a miner's employment by an operator shall be determined on the basis of cumulative periods of employment by such operator.

"(B) If the person required to designate an operator under subparagraph (A) determines that the evidence is not clear as to which operator is described by subparagraph (A), such person shall, to the extent possible, designate a responsible operator.

"(C)(i) An operator designated under subparagraph (A) or (B) shall be given by the designator notice of the designation together with the basis for the designation. Such an operator may, within 30 days of the operator receiving notice of such designation, request a hearing before the Secretary on such designation. The Secretary, acting through the Office of Administrative Law Judges, shall within 5 days of such request set a date for a hearing on the record which shall be not later than 60 days after the date of such request. After the hearing, a decision shall be made not later than 120 days of such request. The decision shall not be appealable.

"(ii) If the Secretary determines that an operator who requested a hearing under clause (i) did not have reasonable grounds to contest the operator's designation, the Secretary may assess the operator for the costs (not to exceed $750) of the proceeding undertaken upon such request.".

SEC. 6. ATTORNEY FEES.

Section 422 (30 U.S.C. 932), as amended by section 4(b), is amended by adding at the end the following:

"(p)(1) If in any administrative proceeding a determination which may be appealed is made, or in a court proceeding a determination is made that the claimant is entitled to such benefits—

"(A) the Secretary acting through the person who made the determination in the administrative proceeding, or

"(B) the court, shall determine the amount of all costs and expenses (including expert witness and attorney's fees) incurred by the claimant which are reasonable and shall assess the operator responsible to the claimant for such reasonable costs and expenses or if there is not an operator responsible to the claimant, shall assess the fund for such reasonable costs and expenses. Such determination shall be made within 60 days of the date the claimant submits a petition for the payment of such costs and expenses. The Secretary or court shall take such action as may be necessary to assure that such costs and expenses are paid within 45 days of the date of such determination.

"(2) If an operator pays costs and expenses assessed under paragraph (1) and if the claimant for whom such costs and expenses were paid is determined in a later proceeding not to be eligible for benefits under this part, the fund shall pay the operator the amount paid for such costs and expenses.".

SEC. 7. ADMINISTRATION.

(a) Appeals to the Benefits Review Board.—No appeal of an order in a proceeding under the Black Lung Benefits Act may be made by a claimant or respondent to the Benefits Review Board unless such order has been made by an administrative law judge.

(b) Acquiescence.—The Secretary of Labor may not delegate the authority to acquiesce in a decision of a Federal court.

SEC. 8. REFILING.

Any claim filed under the Black Lung Benefits Act after January 1, 1982, but before the date of the enactment of this Act may be refiled under such Act after the date of the enactment of this Act for a de novo review on the merits.

The CHAIRMAN pro tempore. No amendment to the substitute is in order except those amendments printed in House Report 102-961. Each amendment shall be considered in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall not be subject to amendment, except as specified in the report, and shall not be subject to a demand for a division of the question. Debate on each amendment shall be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. BALLENGER

Mr. BALLENGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BALLENGER: Page 2, strike out line 11 and all that follows through line 9 on page 3 (and redesignate succeeding sections accordingly).

The CHAIRMAN pro tempore. Under the rule, the gentleman from North Carolina [Mr. BALLENGER] will re recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I would like to just take a few minutes to explain what this would do and why I think it is appropriate.

Current law allows claimants to receive benefit payments when a claim is filed. If a person is deemed ineligible for the benefits then the claimant must repay the Department of Labor all benefits.

The bill changes current law.

The bill says, if the claimant is determined to be ineligible for benefits, the claimant may still keep the benefits paid out.

The bill says, if a claimant received a benefit, was determined to be ineligible and paid it back as an overpayment, then under the bill the black lung trust fund must refund the entire overpayment.

My amendment would strike section 2 from the bill and return to current law.

The price tag for this bill is $65 million over a 5-year period. The Congressional Budget Office estimate of returning benefit repayments to claimants going back as far as 1973 would require an expenditure of $30 million over 3 years.

CBO further estimates that the trust fund would lose $5 million per year in overpayment collections which would not be collected under H.R. 1637. This is an added burden on a trust fund that is already $3.6 billion in debt. Despite a doubling of the initial excise tax on coal in 1981 and a further 10-percent increase in the mid-1980's, the trust fund has never been able to meet its obligations without having to borrow, that is, take advances, from the general revenues of the U.S. Treasury.

H.R. 1637 provides for a giveaway that is totally incompatible with the financial health of the trust fund or the integrity of the Black Lung Program designed to help miners who are disabled. It should not just be a program designed to help just anyone merely who decides to apply for benefits. By striking the benefit overpayment provision, the total cost of this bill would be reduced by $55 million.

I urge my colleagues to support this amendment.

□ 1830

Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Let me clarify for the Members that when we talk about the interim payment of benefits, those benefits are not paid until the claimant has filed his claim, gone through a very lengthy process of submitting his medical records, his employment records, and many, many months later, sometimes years later, the Department of Labor, through the office of Workers Compensation, will make a ruling. These benefits are then paid to the claimant based on that ruling.

They are not erroneous payments, they are not overpayments, as stipulated by the gentleman from Michigan, an overpayment in annuity or a mistaken payment to the claimant. They are payments made to that claimant for just cause and as determined by the Federal Department of Labor.

Then, many months later, after perhaps an ALJ will review the case and then make a temporary reversal of the process, the claimant is notified by the department, "Send us the money back."

The money has been spent, it has been spent for medical bills, for the care of the miner and his family, spent on food, spent on his necessities of life. Then he receives a collection notice to send the money back.

All we are attempting to do is to say that once the Department of Labor has made a determination based on valid cause and the miner has been paid, that ends that particular phase of it.

Obviously, the miner can have his future benefits interrupted if it goes to a court of appeal or other appeals and he is then denied future benefits.

Incidentally, in that regard the Department of Labor already admittedly by the figures submitted to our committee, does not recover two-thirds of those benefits. So they are out there harassing one-third of the interim claimant benefits for their repayment. We think it has been a very unfair system during the past 12 years, and all we are seeking to do is to level the playing field, let them keep the benefits properly awarded and then go on from there.

Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr HUBBARD. I thank the gentleman for yielding. And I certainly, in supporting House bill 1637, I do oppose these weakening amendments. I understand the amendment by Mr. BALLENGER, this indeed would strike section 2 of the bill, which exempts claimants found to be ineligible for benefits for responsibility of repayment of interim benefits. This opposition position to the amendment was explained very adequately by our colleague and friend from Pennsylvania, Mr. MURPHY.

The coal miners in the area I represent in Congress, that being the first Congressional District of Kentucky are hurting. They need this legislation. They very much want the Black Lung Benefits Restoration Act of 1992 and they want it, of course, without these crippling amendments.

We need to help these coal miners nationwide, and certainly I am proud to speak for the coal miners of the nine coal-producing counties of the first Congressional District of Kentucky.

Mr. BALLENGER. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois.

Mr. FAWELL. I thank the gentleman I just want to bring this out: It occurred to me when we discuss these interim payments that basically we have a problem because of the procedures we have. It will take 5 or 6 years. They tell me that the Benefits Review Board is basically responsible for most of this delay.

Now, it would seem to me therefore, that if we all put our heads together and were able to have a streamlined procedure where you do not have these delays, then you are not going to have the interim payment problems that are of the magnitude that they are here.

As I understand it, this bill goes all the way back to 1973 and says also in instances where you have even repaid, that now the trust fund is going to cough up the money and have to pay or repay the repayers. That strikes me as an awful big bill that the trust fund is going to have to carry here, and in a rather elongated arm of trying to rectify some errors of the past.

I see nothing in here—I would join with the gentlemen to perhaps eliminate that review board if it clogs things up for 5 or 6 years. This is what I have been told.

Why not have binding arbitration, do something so that these people can get a quick decision? If we would do that, perhaps that would give them quick justice.

I do not know what we are going to do when you have all of these 86,000 new claims I believe it is theoretically being filed, refiling on top of all that we have right now. How in the world—you are going to have 12-year delays if that is the case.

I would suggest that I would be more than glad to work with the chairman, who I know is dedicated to this area, to try to get some justice that is not so damnable delayed as is the case here, apparently.

Mr. MURPHY. I thank the gentleman from Illinois [Mr. FAWELL] and hope that next year we can have an Administration in the benefits review board that will do their job properly and expedite the treatment of those claims.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. I thank the gentleman for yielding.

Very briefly, I just thoroughly concur with the excellent statement of the opposition coming from Chairman MURPHY. Obviously, it should be realized that these were not spurious claims, that people in good faith had every reason to believe they had the condition. They probably did. They were certified as such by both doctors and the Department of Labor. And to think we would put on the working people of America, after 3, 4, 5, 7, or 8 years, an arbitrary demand, as was the case in my district, to pay back $70,000 by a 78-year-old widow, pay $70,000 back within 60 to 90 days. I think that is just ridiculous. I think doing this would also be in the long run better economically because you give the Department of Labor incentive to speed up the program and save cost to the system.

Mr. BALLENGER. Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The amendment was rejected.

☐ 1840

The CHAIRMAN pro tempore (Mr. BRUCE). It is now in order to consider amendment No. 2, printed in House Report 102-961.

For what purpose does the gentleman from North Carolina [Mr. BALLENGER] rise?

AMENDMENT OFFERED BY MR. BALLENGER

Mr. BALLENGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BALLENGER: Page 3, strike out line 10 and all that follows through line 12 on page 4 (and redesignate succeeding sections accordingly).

The CHAIRMAN pro tempore. Under the rule, the gentleman from North Carolina [Mr. BALLENGER] will be recognized for 5 minutes, and a Member opposed to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, my next amendment would strike section 3 of this bill. This amendment deletes the provision that limits the amount and type of evidence introduced by any party.

To be more detailed, section 3 limits evidence in three ways: First, it would limit the responsible operator to one medical exam of the claimant; second, it would limit the number of readings of x rays and other medical exams to three by each party, and third, if the claimant submits less than three items of medical evidence, then the operator may only submit the same number of items as the claimant.

I believe it is unprecedented in American compensation law that a party who will be getting the bill has such an arbitrary limit placed on presenting relevant evidence. While there have been limits on evidence where the Government pays the benefits, never before has there been a limit for private parties.

This arbitrary limit is particularly unfair in the Black Lung Program. It would represent another intrusion of Government into private proceedings. Currently under this program, if both sides produce equal evidence—meaning equal in numbers and probative weight—then the claimant wins. Under this legislation, the only question for the administrative law judge left to answer is whether to give the medical opinions equal weight since there would be equal numbers of evidence.

Mr. Chairman, while I understand the intentions of the majority in this section, I would have to say my amendment would keep the balance that is currently in place concerning medical evidence. If section 8 is allowed to take effect, that balance would be severely tipped toward the claimant.

This is an area in which we should not be legislating and I urge the adoption of my amendment to strike this section.

Mr. MURPHY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this goes to the very heart of what we are attempting to do in leveling the playing field and offering the disabled coal miner some opportunity of winning his case.

At the present time and since 1981, the weight of evidence being the way it is under current law and interpretation, the miner is compelled by the coal company to go to an endless number of hospitals, clinics, doctors, sometimes many, many miles away.

Generally, the coal miner can only afford to go to his family physician or a local physician to have himself examined. He is diagnosed as having black lung disease by that local physician who knows him well, who knows his case well; but when the company is able to send him, by the sheer weight of their dollars versus his, to numerous medical examinations, x rays and pulmonary examinations and breathing examinations, by that time they have wore the miner down, and they go before the ALJ. The company has 12 experts and so forth that they have paid for.

The miner has his family doctor that he has paid for. Obviously, the weight of the evidence is against him.

What we do in the bill is say that if a miner goes to a doctor, the company, his antagonist, is allowed to send him to a medical expert.

If the coal miner goes to two doctors or a doctor and a clinic, the coal company may send him to a doctor and a clinic.

If the coal miner goes to two doctors and a clinic, the coal company can.

What we are saying is they both have the opportunity for the same number of witnesses to come in under medical testimony; no more in three in number, unless the ALJ, the judge who is hearing the case, then orders another examination, at which time he may do so.

We believe that this is leveling the playing field and not allowing the weight of dollars to defeat the miner's claim.

Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

Again, I oppose the Ballenger amendment. Hopefully, the Members of Congress realize how difficult it is for coal miners to obtain black lung benefits. It is difficult, many times the cases take years. They have attorneys to file their claims and to work with them. The process is drawn out. The coal companies in many ways have the advantages. Certainly the coal companies at the present time have the advantage when it comes to medical evidence being produced for the coal miner to obtain black lung benefits.

As Chairman MURPHY said, we are trying to level the playing field here and give the coal miners a chance to obtain their black lung benefits through medical proof that is not outweighed by the money of the coal company and their medical witnesses.

Mr. Chairman, I urge my colleagues to vote no on this amendment and again urge them to vote "yes" for H.R. 1637.

Mr. BALLENGER. Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The amendment was rejected.

The CHAIRMAN. It is now in order to consider amendment No. 3, printed in House Report 102-961.

For what purpose does the gentleman from Ohio [Mr. BOEHNER] rise?

AMENDMENTS EN BLOC OFFERED BY MR. BOEHNER

Mr. BOEHNER. Mr. Chairman, I offer amendments en bloc made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. BOEHNER; Page 6, line 24, insert "(a) AMENDMENT.—" before "Section".

Page 8, after line 2 insert the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only with respect to claims which are filed for the first time after the date of the enactment of this Act and shall not apply with respect to any claim which is filed before such date and which is refiled under section 8 of this Act after such date.

The CHAIRMAN. Under the rule, the gentleman from Ohio [Mr. BOEHNER] will be recognized for 5 minutes, and a member opposed to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, with regard to legal fees paid in the Black Lung Program, under current law black lung claimants attorneys only receive fees after they win their cases, so they have to go all the way through the review process, and if and when that plaintiff wins, the attorney fees are then in fact paid.

Under H.R. 1637 we expand attorney fees and pay those fees at each step in the process. So in fact if an attorney wins at the Labor Review, if he wins at the Administrative Law Judge level, and at each step along the way he in fact is paid his fees that are incurred up to that point.

Even if the claim is ultimately denied, those steps that the plaintiff did in fact win, the attorney fees would be paid.

In section 8 of this bill, we grant those 86,000 claims that have been denied since 1982 the opportunity to be refiled.

Under this issue of the attorney fees, all those cases would be allowed attorney fees at each step along the way in the process. That is where my concern is.

The amendment that I have at the desk that I am offering tonight provides that the expanded attorney fees would be paid to those cases filed after enactment of this bill. What it says to those 86,000 claims that were denied, which under the bill we are going to allow those claimants to have another bite at the apple, it would not pay the expanded attorney fees and they would only be paid if in fact they win their cases.

I believe this is fair. This was part of the compromise package that had been worked out earlier between members of committee.

What we are trying to do here is not till another fertile field to allow claimants attorneys to go out and to entice those 86,000 claimants to take a bite at the apple.

Frankly, I think if we do not change this, what we are going to do is allow them to take a very big bite out of the apple.

Mr. MURPHY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose this amendment because it denies an entire class of people, potentially as large as 80,000, adequate legal representation. These individuals, who filed under the harsh 1981 amendments with their stricter standards, were unfairly excluded from eligibility. To deny these people sufficient representation on a rehearing is tantamount to justice denied.

The attorney's fees section was incorporated into H.R. 1637 in response to testimony received throughout our oversight hearings. Numerous witnesses discussed the great difficulty they and their fellow miners have had in finding legal representation. Under the current system, attorneys are not paid until after the claim is fully adjudicated, which can take 5 to 10 years. This fact discourages many attorneys from taking black lung cases at all. H.R. 1637 is meant to provide prompt payment for the attorney at each step in the administrative claims procedure whenever a formal decision is rendered. I believe this enticement of timely compensation may encourage attorneys to persue the meritorious claims of many neglected miners, and I urge my colleague to oppose this amendment.

Mr. BOEHNER. Mr. Chairman, I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Ohio [Mr. BOEHNER].

The amendments were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4, printed in House Report 102-961.

For what purpose does the gentleman from North Carolina [Mr. BALLENGER] rise?

□ 1850

AMENDMENT OFFERED BY MR. BALLENGER

Mr. BALLENGER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. BRUCE). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BALLENGER: Page 8, strike out lines 12 through 17.

The CHAIRMAN pro tempore. Under the rule, the gentleman from North Carolina [Mr. BALLENGER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I would like to explain what this amendment would do and how it would address some of my concerns with the bill. This amendment would delete a provision in this bill allowing for the refiling of any claim filed under the Black Lung Benefits Act between January 1, 1992, and the date of enactment of the bill.

H.R. 1637 broadly expands the opportunity for previously unsuccessful claimants to refile a claim. The language in this bill overlooks the fact that claimants are not barred today from refiling, if circumstances warrant. Section 8 eliminates that requirement and permits unrestricted refiling authority which would become a tremendous administrative burden to the program. Some 86,000 cases could be refiled under this provision. These are cases that have already had their day in court.

It is apparent that the reopening of cases has to result in some differences in how those cases would be decided, otherwise the majority would not have pushed so hard for this provision. I would also like to note that the original Civil Rights Act of 1990, H.R. 4000, provided for the reopening of closed cases but the majority ultimately found that position was not defensible.

Realizing that some black lung cases have been reopened in the past, I don't believe it is necessary that we should continue to do so on every occasion. I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MURPHY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. MURPHY] is recognized for 5 minutes.

Mr. MURPHY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must oppose this amendment. Removing this section adds insult to injury for the many miners who bore the full brunt of the unfair 1981 amendments. This section gives those miners a well-deserved second chance. Some critics have claimed that this section is unnecessary because of the existing right to refile under current law. However, I am concerned that any refiling of old, previously denied cases would impose an unfair burden on claimants who may have to overcome evidence submitted during prior adjudication of their claim. In drafting H.R. 1637, we wanted to provide an opportunity for claimants denied under the 1981 amendments to file their claim under the law as modified by these amendments with no entitlement to retroactive benefits. The adjudication of these claims would be conducted as a de novo review, with full consideration of the case on its merits in light of the evidence subsequently produced supporting or contesting the refiled claim. This is the least we can do to promote fairness for these victims and I urge my colleagues to oppose this amendment.

Mr. BALLENGER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. MURPHY. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. HUBBARD].

Mr. HUBBARD. Mr. Chairman, again I thank the gentleman from Pennsylvania [Mr. MURPHY] for having yielded to me.

Mr. Chairman, those of us who represent coal miners, disabled coal miners, of course oppose this amendment by our friend and colleague, the gentleman from North Carolina [Mr. BALLENGER]. What we are trying to do with this legislation is to level the playing field so that the coal miners have a better chance to more expeditiously receive the black lung claims to which they are entitled.

The coal companies do have an advantage. This legislation, the Black Lung Benefits Restoration Act of 1992, H.R. 1637, is trying to level the playing field.

This amendment, as has already been stated, strikes section 8 regarding filing for de novo review. This is an unfair advantage for the companies against the coal miners.

Mr. Chairman, I would urge my colleagues to vote no on this amendment which was offered by the gentleman from North Carolina [Mr. BALLENGER].

Mr. MURPHY. Mr. Chairman, just as we close debate on this last amendment, I want to compliment the gentleman from Wisconsin [Mr. PETRI], my ranking member on the Subcommittee on Labor Standards. He has been most courteous and cooperative as we have gone through the process of numerous hearings on this bill, at subcommittee markups, committee markups. He has attempted to forge many compromises with us and has been certainly very diligent in his duties, and I do thank the gentleman very personally for this, and I also thank the gentleman from North Carolina [Mr. BALLENGER] for his efforts in attending the hearings. I had him in my district for a tour of a deep coal mine. I know he shared our experiences of learning the handicaps that many miners work under, and I do appreciate this although we have been on opposite sides of the amendments. He has been most cooperative in his efforts as we drafted this very fine legislation.

So, Mr. Chairman, I thank both gentlemen very much.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Carolina [Mr. BALLENGER].

The amendment was rejected.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. BORSKI) having assumed the chair, Mr. BRUCE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1637) to make improvements in the Black Lung Benefits Act, pursuant to House Resolution 584, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The CHAIRMAN pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the Committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 1637, the Black Lung Benefits Restoration Act.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Haller, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5427. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5427) "An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 1993, and for other purposes" and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. REID, Ms. MIKULSKI, Mr. ADAMS, Mr. BYRD, Mr. GORTON, Mr. BOND, and Mr. HATFIELD, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5678) "An act making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes."

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5482, REHABILITATION ACT AMENDMENTS OF 1992

Mr. MURPHY. Mr. Speaker, I ask unanimous consent that the mangers may have until midnight tonight, October 1, 1992, to file the conference report on H.R. 5482, the Rehabilitation Act Amendments of 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

MAKING IN ORDER ON FRIDAY, OCTOBER 2, 1992, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 707, COMMODITY FUTURES IMPROVEMENTS ACT OF 1991

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that it be in order to consider the conference report on H.R. 707, Commodity Futures Improvement Act of 1991, tomorrow, or on any day thereafter; that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as having been read when it is called up for consideration, provided, however, that consideration of the conference report shall not be in order unless it shall have been available for not less than 2 hours.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT OF CERTAIN DEFERRALS OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report seven deferrals of budget authority, totaling $930.9 million.

These deferrals affect International Security Assistance programs as well as programs of the Agency for International Development and the Departments of Agriculture, Defense, Health and Human Services, and State. The details of these deferrals are contained in the attached report.

GEORGE BUSH.

THE WHITE HOUSE, *October 1, 1992.*

□ 1900

CLINTON'S DRAFT STATUS

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute.)

Mr. DORNAN of California. Mr. Speaker, over the last four nights that the House has been in session I have done four special orders on honor, military service, draft dodging, and this Presidential race.

Today, an Annapolis graduate entered the race who began his military service a year ahead of myself, so he was fortunate, like myself, to serve 8 years on active duty during the Eisenhower years when no despots around the world were anxious to take on a man who had worn five stars on each shoulder, President Eisenhower, and we were lucky that we did not have to sail or fly in harm's way, Mr. Ross Perot and this Member.

I am hoping that because of his Vice President, James Bond Stockdale, retired admiral, that maybe more focus will come on the draft-dodging issue as it pertains to Governor Clinton.

I am going to do another special order tonight, another hour. I just wanted to tell my colleagues I have gotten over 1,000 letters in the last 6 days, 1,000 letters.

MILITARY EQUIPMENT TO JORDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, the General Accounting Office has provided me with information that has caused me to conclude that Congress has systematically been given misinformation by the administration concerning the delivery of military equipment to the Government of Jordan and its impact on the Iraqi war.

During debate on the Persian Gulf supplemental in March 1991, legislative amendments were offered to cut off military aid to Jordan, because of Jordan's statements in support of Iraq.

On the basis of administration assurances that the President on his own initiative had cut off all aid, I and a number of Members of the House and the Senate supported administration efforts to modify legislative language to permit Presidential discretion in providing aid to Jordan.

In fact, I regret to say that I was not told the truth and because I was not told the truth I gave Members of Congress information that was not the truth.

First, we were told that between August 2 and February 6, United States military equipment to Jordan had been stopped. Later we were told that items in the pipeline had continued and that new orders had been stopped.

GAO has now found that in fact the administration not only continued to deliver multimillion-dollar military equipment to Jordan, they also initiated 12 new equipment orders totaling more than $5 million—including ammunition and Cobra missile component repair parts.

Second, the administration had told us that on February 6 they had stopped military assistance to Jordan.

However, GAO has found that in fact the order to stop military transfers to Jordan's shipper did not take place until March 4—after the war was over.

During that period, more than $550,000 in military equipment was transferred to Jordan's shipper—including spare parts for C–130 transports, F–5 aircraft, and Hawk missiles.

Third, on March 7, only 3 days after the order to not ship had finally been given, equipment deliveries were resumed. Congress was not told of this resumption. But when we found out 6 months later, we were told that the resumption did not include ammunition and items on a restricted list.

But, GAO has found that not only was equipment delivered without notification to Congress, but, in fact, ammunition, missile components, and other items on a restricted list were delivered during this period.

This much is unclassified.

I also want to inform the House that there is a classified annex to the GAO report which brings into question assurances I had given concerning military equipment to Jordan in connection with the consideration of the Persian Gulf supplemental appropriation in March 1991.

The key information in this report is classified. I have asked that relevant portions be declassified, but the administration has not done so.

I have learned from the GAO report, which is based on what I judge to be accurate, compelling information, that during the war the United States Government did in fact provide military equipment to Jordan. At the same time—I do not know how—military assistance obtained by the Jordanians found its way into the hands of the Iraqis. Officials of our Government were aware of this fact during the war.

While I will not disclose publicly the underlying classified information which supports my statement, I am compelled to inform the House of the existence of that information and its character, which is, in my view, utterly damning.

Because I have consistently supported the administration on the need to keep open the option of aid to Jordan to facilitate the peace process, I feel a special obligation to inform the Congress when it has been mislead by information provided by the executive branch of Government. I persuaded the conference to follow my lead in supporting the administration position. Although I believe that decision to be correct, it was nevertheless reached on the basis of misinformation provided to the Congress by the administration.

I did not feel I could continue to support administration policy on the issue without informing the House on this matter. I will continue to support administration policy to Jordan because it is important to the peace process, but as chairman of the Foreign Operations Committee I feel an obligation to inform the Congress when it has been misled.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise today to relay an unfortunate event which occurred last night after we had completed our legislative business.

On my way home, I stopped at a local shopping mall. As I was crossing the street, I was struck by a vehicle and taken by ambulance to the National Hospital for Orthopedics. The doctor's evaluation revealed that I had sustained a minor head injury and a broken collarbone. I thank the Lord that I was so lucky.

I would like to take the opportunity to express my gratitude to the hospital staff for their efficiency and kindness. The very capable Doctors Jim Eskew and Thomas Clark should also be congratulated for their expert handling of my care.

My doctors have ordered bed rest for at least 3 days and to begin the 6-week healing process. I have consented, as movement is very difficult and painful. I truly regret my absence in the House these next few days. I was looking forward to tackling important issues as we bring the Congress' business to a close.

Many thanks for the well-wishes and concern expressed by my colleagues. Please be assured I will be on my feet as quickly as possible to return to work in my district.

PERSONAL EXPLANATION

Mr. SANDERS. Mr. Speaker, earlier today, because I was participating in an important Senate hearing on the danger of carpet emissions to human health I missed the votes on the conference reports on H.R. 5678 and H.R. 5488.

Had I been present, I would have voted "aye" on both of these conference reports.

TRIBUTE TO RETIRING PENNSYLVANIA REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. MURTHA] is recognized for 60 minutes.

Mr. MURTHA. Mr. Speaker, I want to say how appropriate it is that the distinguished gentleman from Pennsylvania [Mr. BORSKI] is chairing the House at a time when we are honoring four of our retiring Members, one of whom is with us today, Congressman GAYDOS, who has been such an outstanding legislator, who spent over 20 years in the Halls of Congress, who goes home every week and keeps in close contact with the people in his district. His accomplishments have been many.

□ 1910

He has been without comparison when it comes to accomplishing things for the steel industry and for the people in western Pennsylvania. As a matter of fact, he has probably been the most important person in stabilizing the steel industry in the United States. He has moved the steel industry toward modernization, increased productivity, and increased investment until now we have a steel industry that is stable, a steel industry that is productive, and the most competitive in the world.

I want to commend an individual who has probably had a dramatic impact on so many different areas. His work on labor and education, his work on House administration, has benefited not only the Congress but the entire country. I want to yield to him so he can make any comments that he might want to make at this time.

Mr. GAYDOS. Mr. Speaker, I want to thank my colleague for yielding. It is somewhat awkward, being one of the five members of the Pennsylvania delegation that is retiring this year, either voluntarily or involuntarily, but I do have some important remarks that I think are important, having served with this delegation for over 24 years.

First, I want to thank my colleague, Mr. MURTHA, who has been so capable a leader in the steel caucus and also the delegation, and who holds a very, very important position in the Pennsylvania delegation on the Committee on Appropriations.

I also want to extend my thanks to JOE MCDADE, who is tied up at this particular time, but will insert his remarks formally in the RECORD, so let me make these prepared remarks.

Mr. Speaker, It was back in 1968 when I first entered this great Chamber following a special election to complete the term of the late Elmer Holland. A few months later on the election day of November 5, 1958, my constituents chose to return me to this body, where I have served them 12 consecutive terms.

Having been elected in 1958, I had the honor of beginning my service with two particular individuals who, like myself, believed that a career in public service was worth the sacrifices that all of us would have to make with respect to family, friends, and other opportunities within our professions. These two individuals are GUS YATRON and LARRY COUGHLIN. I think I can speak for both Congressman YATRON and Congressman COUGHLIN by saying it has been a long, interesting and productive 24 years.

These two gentleman and I have served in the Senate of Pennsylvania, served through the Vietnam war, Watergate, the Iran hostage crisis, the demolition of the Berlin Wall, the breakdown of the Iron Curtain, and the Persian Gulf war, among some other things. Yes, we have witnessed a part of history. We have also missed many things in our personal lives that would not be written and cannot be written in the books for the benefit of future generations. We have missed events that can only be written in our memories.

I am not only here to reminisce about events that GUS YATRON and LARRY COUGHLIN and I have worked through, I am here to honor two other Members from Pennsylvania who have truly been assets to their constituents back home and to what we have tried to accomplish as a delegation here in Pennsylvania. I am referring to JOE KOLTER and DICK SCHULZE.

JOE KOLTER was an accomplished legislator back home, very dedicated, and helped us in our reapportionment, helped us recently in the last month or two on the great needs we have in western Pennsylvania and eastern Pennsylvania, throughout the whole State: the roads and dams and things like that.

DICK SCHULZE is an excellent colleague, having worked on the steel caucus from morning until evening. He served on a very important committee, the Committee on Ways and Means. He helped to give us the leadership, and also to make us effective as a delegation.

All of these four gentlemen over here, and as I said before, it is somewhat awkward being one that is leaving also, these four gentlemen deserve these very quick remarks on my part. We can all, as a delegation, fill the rest of the evening by raining platitudes and praise on one another regarding personal accomplishments and goals, but I think it is a far greater tribute to indicate what we as members of the Pennsylvania delegation, as a unit, have done as a whole for the betterment of the State of Pennsylvania.

Being one of the few delegations which formally organized here in the House, it was the bipartisan commitment of men like GUS YATRON, DICK, LARRY, and JOE to the citizens of Pennsylvania that enabled us to realize the many accomplishments which ultimately would benefit all Pennsylvanians. That leadership we are now entrusting to individuals like my good friend, JOHN MURTHA, and also JOE MCDADE.

We not only as Republicans and Democrats but as a delegation utilized our collective abilities to work with each successive administration and the House and Senate leadership to achieve many initiatives to help our State and the citizens of Pennsylvania. As the Members know, Pennsylvania is one of the States hardest hit by the recession of 1980, and many of our efforts focused on attempts to revitalize the State's distressed areas.

Whether we are working on the Philadelphia Naval Shipyard or pushing for voluntary restraint arrangements through the leadership of JOHN MURTHA on such things as machine tools or steel, addressing Medicare-Medicaid inequities, all of those things, we strived to acquire many, many things for Pennsylvania. We did this together as a team and we crossed party lines.

Just to use a few examples of what we have been able to accomplish this year alone, we have secured funding for the Low Income Home Energy Assistance Program, prioritized public works projects to create roads, bridges, dams, et cetera. We have all done something to help the thousands of Pennsylvanians to better working conditions.

We helped stop the Department of Commerce from statistically adjusting the 1990 census figures. If the Department of Justice did this, it would have lowered Pennsylvania's overall population, and would have required our State Legislature to eliminate three Congressional seats rather than two. If this had occurred, it is my belief that the citizens of Pennsylvania would have been grossly underrepresented in this body.

The ability to work as a unit rather than a group of individuals is that basis for success that we have enjoyed here in Pennsylvania. Even when we have disagreed on issues, we have maintained a very positive working relationship, with the lines of communication always open.

I hope in the years to come that the Members who take our place obtain and never lose the vision that has guided us in our many productive years of public service.

In closing, I would like to again extend my personal best wishes to DICK, JOE, LARRY, and GUS. The best of luck in the years to come, and I want to thank all the Members in our delegation who have made my time personally as a U.S. Representative from Pennsylvania a success.

Finally, in conclusion, I want to wish those that are remaining that they may achieve what we have as a group, even build upon it, and hopefully even be more effective. The Pennsylvania delegation has a good reputation here in this House. I know they are going to keep that reputation and even accomplish a lot more than we did as a delegation in the last 24 years. It has personally been truly and honor to serve, and I wish to thank all of the individuals participating in these special orders, and in particular, my good friend, JOHN MURTHA.

Mr. MURTHA. Mr. Speaker, I see LARRY COUGHLIN here. Let me just say he is one of the few people that surprised many of us by his retiring from Congress. Most Members we knew would retire, but he is in the prime of life, he is at the height of his seniority and his experience and his influence. It is a real loss to the Pennsylvania delegation to have an individual of such stature, in a position of such influence, that decides he has used up all his energy and he is going to go after another career.

His work on the Committee on Appropriations has been of such impact and has had such an effect for Pennsylvania. The whole Commonwealth is in debt and gratitude for the work that he has done, not only for eastern Pennsylvania but for all of Pennsylvania. All of us wish him well.

I can only say that there is no harder worker, no more dedicated individual, no person that has been more influential in the Pennsylvania delegation than LARRY COUGHLIN. He has been very quiet in some cases, but when he says something, people listen, and we appreciate his hard work and dedication for the delegation and for this great country.

With that, I yield to the gentleman from Pennsylvania [Mr. WELDON], representing JOE MCDADE, who has submitted some information for him but cannot be with us this evening because of another function.

□ 1920

Mr. WELDON. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, having been one of the newest members of the Pennsylvania delegation, I have had the pleasure of working with each of these gentlemen and the entire delegation for the last 5 years, and I will tell you that when I came to Washington very quickly I learned two things about the Pennsylvania delegation. That was that we had stature among the Members and among ourselves working together, and the delegation had the respect of the entire Congress, be it the Republican side or the Democratic side. And that is because of the quality of the leadership presented by our dean of the delegation, Congressman JOE GAYDOS.

JOE, it has been a pleasure to work with you. Mr. Speaker, we in Pennsylvania have been very fortunate to have a person of the stature of JOE GAYDOS leading our delegation through some tough times, someone who has been there to reach out to new Members, be they Republicans or Democrats, to make sure that we are doing what is best for our State and our constituents. JOE, we are going to miss you. We know you will do well in whatever you choose to do beyond your tenure here.

Your reputation on the Education and Labor Committee is known well beyond the boundaries of Pennsylvania. Your work on wage legislation, and I guess most of your work on ERISA will go down in history. You have made a major contribution to this country and certainly to Pennsylvania, and all Americans are better off because of your tenure here in Washington.

Mr. Speaker, GUS YATRON is someone I came to respect as a young member on the Foreign Affairs Committee, and a leader in terms of speaking out against Saddam Hussein, and an active opponent of China trade, and a human rights activist known throughout the country, and someone who set the tone for all of us, not just in Pennsylvania, but throughout this country on human rights issues.

JOE KOLTER is a strong member of the Public Works and Transportation Committee who fought hard for his district, fought hard for Pennsylvania. One of the things that I think is a trait of all of the Pennsylvania Members is hard work, and fighting collectively for what is good for our State, what is good for the people throughout our State, whether it is our district or another district, and JOE KOLTER exemplified that.

I want to pay my special respects as well to two Members that helped me very much in my early tenure in this body, and who through apportionment I am picking up a part of both of their seats, LARRY COUGHLIN and DICK SCHULZE.

LARRY is known in our part of Pennsylvania as the gentleman from the Main Line. Everyone respects LARRY COUGHLIN. I have walked the streets of his towns. I have been throughout Upper Merion and King of Prussia, and walked into a store and you see a photograph of LARRY COUGHLIN, and you hear people talk about their Congressman with a great deal of respect and pride. LARRY is someone who puts his country first, his people first, and has worked hard for this country, especially on transportation issues and issues affecting drug interdiction and drug prevention and drug enforcement. LARRY, your tenure in this body is going to be second to none, and we are all going to miss you.

LARRY is also one of our premium Marines, as is our good friend, JACK MURTHA, and they form the backbone of the marine caucus in Congress, and that is why we are so successful on so many issues very important to that vital service. And I want to applaud both of them for their work in that regard.

Finally, my good friend and colleague, DICK SCHULZE. I pick up a substantial part of the district and have the greatest respect and admiration for DICK SCHULZE. He has been a terribly hard-working individual on tax and trade issues, speaking out on conservative issues, but being very tough and thoughtful and independent when it came time to fight for toughness on trade to make sure that American workers were not being shortchanged.

DICK is also someone who early in his career sat on the Armed Services Committee and fought hard to make sure that our State was being given its proper support on defense issues.

We are going to miss DICK, and we are going to miss LARRY, and we are going to miss JOE, and we are going to miss GUS, and JOE, we are going to miss you especially as the dean of our delegation. All of you have left a mark that none of us are going to be able to top. Thank goodness we still have people like JACK MURTHA and JOE MCDADE who are sticking around so that we can all look up to them, and it is going to be a pleasure to work with them. But we are surely going to miss these Members of Pennsylvania who could not have served more proudly than by the work they all have done.

Mr. MURTHA. Mr. Speaker, I yield to the distinguished gentleman from western Pennsylvania who has done so much for the coal miners and who has done so much for labor, and has such an impact in this House, AUSTIN MURPHY.

Mr. MURPHY. Mr. Speaker, I thank the incoming dean of our delegation for yielding. It is with a great deal of sorrow that we stand here tonight and bid an official farewell to five of our Members who have a collective service in this Congress of 100 years.

I know that our dean, JOE GAYDOS, often would address our joint meetings, and we had many harmonious meetings between the Republican and Democratic Members of this House representing Pennsylvania, and JOE would always say to our guests at those meetings that we have a delegation that truly gets along. We have a delegation that chose by their committee assignments to divide the responsibilities that we have to our State, to our Commonwealth. JOE, as the dean of the delegation, is the second senior member on the Education and Labor Committee, the second senior member on the House Administration Committee.

GUS YATRON is the second senior member on the Foreign Affairs Committee. DICK SCHULZE, serving nine terms as a member of the Ways and Means Committee, the tax-writing committee, and LARRY COUGHLIN served nine terms as a member of the House Appropriations Committee. JOE KOLTER served six terms as a member of the Public Works and Transportation Committee. They were all working together for the benefit of the Commonwealth of Pennsylvania. And all of these gentlemen served in the State legislature, and I am pleased to say that I served some time there with each of them where they distinguished themselves again in service of their Commonwealth.

There are so many things we could say about these five Members, except that it is a real challenge to the five persons who will replace them in this House to carry on the traditions and carry on the integrity and in the manner that they have represented our Commonwealth.

Mr. MURTHA. Mr. Speaker, I yield to the distinguished gentleman from northeastern Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, I will not be lengthy because I know there are other Members on the floor who have something to say. But just in the nature of personal remarks I would say to JOE GAYDOS that as a young Pennsylvania Member when I first came, he was sort of the granddaddy of the delegation and he treated us as grandchildren, and he led us through the minefield of the House of Representatives. We will never forget that, JOE. And we know that all your assistance and advice has been given from the heart, and from the best legislative mind. And I think it is a tribute to the success of the Pennsylvania delegation that you were able to be here and give my colleagues that follow you such great advice. We will miss that.

To the gentleman from the south of me, GUS YATRON, I would only say he should be really called Gentleman GUS, because truly he is always a man of impeccable manners, never wanted to disturb or hurt anyone, and worked hard and in a quiet way accomplished so much, particularly for human rights in the world. We will miss GUS. I will miss him in northeastern Pennsylvania because he was a special help over these last years that I have served here.

Finally we have the third Member of the Democratic side, Mr. KOLTER. I grew to learn that JOE was a hardworking Representative of western Pennsylvania with a heart of gold, and always involved with economic development for his district and for the Commonwealth of Pennsylvania.

□ 1930

How he has helped my district and my area has been just beyond measurement, but how he has worked for all of Pennsylvania has been exceptionally well.

Finally we run over to the Republican side, and I am going to take LARRY last, because DICK SCHULZE is Ways and Means, and we pay respect to the guys who write taxes. He has been one of those Republicans that was not ideological in his way, but thought first of Pennsylvania, but most of all, first for the Nation, and was always there as a friend to help us when needed it and did not think about party.

Mr. Speaker, finally, I come to LARRY COUGHLIN. Now, it is exceptional that I should be able to say I am really LARRY COUGHLIN'S Congressman, because he was born in Dallas, PA. His family, his grandfather, who lends his name to the Coughlin High School in Wilkes-Barre, PA, to this day, having served as one of our most outstanding superintendents of schools.

When I came to the Congress, LARRY'S hand of friendship was stuck out there, and even though he is a Republican and we differ ideologically, I knew I could always seek the assistance and advice of my good friend, LARRY COUGHLIN.

I would be remiss to say, LARRY, as you leave Congress, you cannot imagine, and I know how disappointed your constituents are, but you have a whole set of shadow constituents in northeastern Pennsylvania in the 11th Congressional District, and they love you no less than your own, and they respect you no less than your own.

We are going to miss your service on the Committee on Appropriations, but most of all to Pennsylvania and to junior Members like myself that you were so willing to be helpful to.

All in all, Mr. Speaker, I have tried to encompass a few more remarks and anecdotes in the material that I am offering for the RECORD.

I would just like to say to all of my colleagues who are on the floor that being one of the junior Members other than CURT, you know, there is something special about Pennsylvania. We have this Pennsylvania corner on the Democratic side, but we also have a relationship with our friends on the Republican side that transcends politics, transcends a lot of things. It is just that we all work for Pennsylvania, and I know when it comes my time to leave this body, I will never forget the people who are leaving it now, because they have served in a special way to help my service here be something better.

Mr. Speaker, five of my distinguished colleagues from the Commonwealth of Pennsylvania will not be returning to the 103d Congress.

I stand here in tribute to them.

Their dedicated service to the country, to the Commonwealth and to their districts span, in the aggregate, a full century. Their individual accomplishments over that period of time reflect their abiding concern with the rights and happiness of all people, not only in their districts and in this country, but around the world. Their unflagging support of, and encouragement for, business and economic development brought needed job opportunities to longstanding, depressed areas. Indeed, their compassion for the unemployed and underprivileged was the hallmark of their service in this House. Those of us who will continue to serve here would do well to strive to attain the high standards of caring and concern maintained by our distinguished colleagues who are leaving.

Let me touch briefly on some of the highlights of the work they have done here.

Since the 18th century the heart and soul of western Pennsylvania have been the mighty Monongahela, Allegheny, and Ohio Rivers. George Washington eloquently described the area in his writings as far back as 1753, concluding that "nature has well contrived this place."

For the last 24 years, however, the heart and soul of western Pennsylvania has been the respected dean of our delegation, JOE GAYDOS. JOE is also our senior retiree this year.

JOE GAYDOS is a lawyer by profession, a former Pennsylvania deputy attorney general and general counsel of United Mine Workers of America. He has dedicated his abilities and talents to this House and to the needs and concerns of workers and their families for more than a quarter of a century.

As chairman of the Education and Labor Subcommittee on Health and Safety, JOE GAYDOS was instrumental in having this House pass legislation requiring notification to workers who might have been exposed to hazardous chemicals or other materials while on the job. In the same capacity he watches over OSHA's implementation of its statutory responsibilities to safeguard the health and safety of the American worker. In this connection, JOE GAYDOS has become a respected expert on construction safety practices, mining safety practices, and repetitive motion injuries suffered on assembly lines.

As a powerful spokesman for workers, JOE GAYDOS has staunchly supported adequate pension security programs. His work in drafting ERISA—the Employee Retirement Income Security Act of 1974—has been considered the shining jewel of his career. Because of his concern for the people of his district, and the Nation, Congressman GAYDOS has unfailingly defended the buy-American policy. "Lost companies, lost jobs, lost manufacturing capability," he has said, "inevitably results from the one-sided and so-called free-trade policy."

LARRY COUGHLIN is the senior Republican from our delegation who will be leaving Congress this year. His two dozen years of public service in this House have been marked with distinction. He has risen to the ranking Republican position on the important Transportation Appropriations Subcommittee where his expertise and performance have won him well-deserved accolades from both sides of the aisle.

LARRY COUGHLIN'S pioneering work has been legendary in the field of mass transit. He has been a powerful champion of continued and increased Federal funding for urban mass transit and for Amtrak. He has sponsored a House resolution to assure funding for urban mass transportation and highway construction in a 1:4 proportion; and he has introduced a bill to allow Federal railroad-bridge construction funds to be used for the construction of highway bridges.

LARRY COUGHLIN was personally convinced that these transit projects were worthwhile and economically feasible. At the same time, he has not hesitated to oppose other projects he viewed as wasteful, environmentally questionable boondoggles. He moved swiftly, for example, to help kill excessively costly projects such as the infamous and expensive 4.2 mile highway on Manhattan's West Side known as Westway and the Clinch River breeder reactor in Tennessee.

On the international level, LARRY COUGHLIN was persuasive in opposing antisatellite weapons [ASAT]. An amendment he coauthored banned ASAT testing for yearly periods, provided the former Soviet Union maintained its then-existing test moratorium. In mid-1989, the House passed a resolution urging international talks with a view to eliminate all ASAT systems around the world.

LARRY COUGHLIN is also the ranking Republican on the Select Committee on Narcotics. In that role, he has taken major steps to combat drugs: he has sponsored a bill authorizing the Coast Guard to compel aircraft used in drug trafficking to land; he introduced a bill to furnish additional aid to foreign countries to interdict drug traffickers in those countries; finally, he has sponsored legislation calling for drug-testing of operators of aircraft, trains, and commercial motor vehicles.

The retirement by a second eastern Pennsylvania Representative, my good friend and neighbor to the south GUS YATRON, will also be a loss for our delegation.

GUS YATRON's ability, energy and strength have been devoted for over two decades here to more than just advancing the immediate needs of his Sixth District. In addition to being a world class prizefighter for northeastern and central Pennsylvania, GUS YATRON has also been a champion of human rights around the world.

Foreseeing the slaughter Saddam Hussein was capable of causing, GUS YATRON stood up in this House as early as 1988, long before it became fashionable to do so, to denounce Hussein's use of poison gas against the Kurdish minority.

Our colleague from Reading was also calling out, in a time of need, to help those who had no one else to aid them. As chairman of the Foreign Affairs Subcommittee on Human Rights and International Organizations, GUS YATRON, taking a bipartisan and nonideological position, crafted legislation to give aid and comfort to human rights abuse victims around the globe.

As a result of the 1989 Tiananmen Square massacre, GUS YATRON was on the forefront of efforts to impose strict sanctions against China, including revocation of its most-favored-nation trade status. He has shown the special skills necessary to work with international organizations, like the United Nations, to reach those peoples who are victims of the abuses of their own governments—from China and Tibet to the Philippines, to Kuwait, to Iraq, and to Chile.

To shore up his efforts on behalf of human rights, GUS YATRON succeeded in having the House approve his resolution condemning the Chinese Government's harassment of foreign journalists. This should open the way to candid worldwide disclosure of human rights violations. Perhaps even more important, in this connection, is his work in having the Congress enact the Torture Victim Protection Act of 1991, creating a civil action for recovery of damages from an individual who engages in the torture or extrajudicial killing of a victim in a foreign country.

GUS YATRON has also gone into the ring on many occasions to fight to protect our fragile ecosystem. He is vigorously opposed to the threatened extinction of whales, to the declination of the Amazon rain forest, and to the worldwide danger posed by hazardous waste. He has sponsored a concurrent resolution expressing the sense of the Congress with respect to the need to protect and conserve the world's whale, dolphin, and porpoise populations.

Like the other Congressman in the Pennsylvania delegation, GUS YATRON has strongly supported trade legislation to protect employers and their employees in his district against unfair competition from foreign countries using labor at substandard rates.

For the last 8 years, GUS and I have shared a common border between our districts, as well as several counties. With redistricting, I hope to offer his constituents in Carbon County who will be in the new 11th Congressional District, the quality service they have come to expect from GUS.

Another Representative from eastern Pennsylvania we shall sorely miss when Congress reconvenes is our good and affable friend DICK SCHULZE. To further and protect the interests of working men and women and their employers in his district, west of Philadelphia and in Chester, and in fact throughout America, DICK SCHULZE has strenuously advocated throughout his career in the Congress a fair trade policy for our Nation. DICK knows first hand from his work on the Ways and Means Committee, as well as from his constituents, the many creative ways foreign nations have subsidized their industries to the detriment of American workers and the U.S. economy.

From mushrooms to steel, DICK SCHULZE has demonstrated his vigilance in guarding against the inundation of subsidized foreign goods. His district includes the mushroom capital of the world and he has assiduously worked to protect the mushroom farmers in his district from being forced out of business by unbridled Chinese competition. Similarly, as an officer of the Congressional steel caucus, he has taken the lead in preventing the dumping of Canadian steel on the United States market. He has aptly and eloquently expressed his "disappointment that it took a $170 billion trade deficit to finally remove our rose-tinted glasses." It would be of no surprise to him that the poor in America cannot find their counterpart in Japan.

DICK SCHULZE has also been a leader in the fight for tax reform, introducing a comprehensive restructuring proposal known as the uniform business tax. He has had the courage to say that we can no longer afford to tinker with the Tax Code, but rather that we need a wholesale restructuring. His thoughtful and comprehensive bill provides a blueprint for such a restructuring of the Tax Code.

Also to DICK SCHULZE's credit is his sponsorship of both the original Taxpayers' Bill of Rights, and the recently enacted revisions to that statute. This bill of rights is designed to assure individual taxpayers that they are treated fairly and decently by the IRS. Paying taxes is never a pleasant experience, but DICK SCHULZE's efforts to pass the Taxpayers' Bill of Rights has made that experience less painful for millions of taxpayers.

Western Pennsylvania is also losing the services of JOE KOLTER, whose decade of service has been capped by his accession to the chairmanship of the important Economic Development Subcommittee of the Public Works Committee, where he has steadfastly spoken out for the need for additional economic development to alleviate the plight of unemployed workers in economically depressed communities in western Pennsylvania and the rest of our Nation.

He has devoted considerable time and energy to improve the economy of his region by fighting to obtain adequate funding for important projects in his district, such as new airports, a new post office, an armory and a road bypass. He has been a true friend of working men and women, voting to pass the minimum wage increase over the President's veto.

But his concern was not limited to workers' interests. In fact, to protect the blind, he promoted legislation which would required Braille imprints on $5 and $10 bills. He also sponsored a bill requiring food and drug manufacturers to set up a toll-free telephone line to make information more readily available to consumers.

In addition, JOE KOLTER has introduced legislation to eliminate environmental damage in the disposition of hazardous waste. Moreover, to cut back on the number of accidental automobile deaths and injuries, he authored and introduced a bill mandating audible reverse warning devices on passenger motor vehicles.

Mr. Speaker, we will miss each of these Members when we reconvene in January. We salute them for their service to districts, their Nation, and this body, and we wish them Godspeed in the years ahead.

Mr. MURTHA. I now yield to the gentleman from Pennsylvania [Mr. COUGHLIN], who I have said some words that are less, that would never meet his stature, but we are all just thankful he was here, and it went fast, and he has done such a great job. All of us appreciate his work for Pennsylvania.

Mr. COUGHLIN. Mr. Speaker, I want to thank my colleague, the gentleman from Pennsylvania [Mr. MURTHA], whom I have known for more than the 24 years that I have served in this body. We go back a long, long way.

I have the greatest, greatest respect and admiration for him, for his leadership in this body, for his leadership for Pennsylvania, for his leadership for this Nation, and I am grateful for his having this special order tonight.

I also want to thank my other leagues for their kind remarks here, particularly the gentleman from Pennsylvania [Mr. KANJORSKI], who, indeed, does represent the district that is the place of my birth and the place where most of my family have been from, and where I lived until I graduated from school.

When I first came here, and the gentleman in the well will well recall those times, there was a period of time when the Pennsylvania delegation was sometimes the subject of articles in newspapers that were not highly complimentary in terms of its ability to get things done in this Congress and its clout, if you will. It is funny, I have not seen one of those articles for a lot of years now. I have not seen one for a lot of years. It is thanks to people like the gentleman in the well and the gentleman from Pennsylvania [Mr. GAYDOS], the gentleman from Pennsylvania [Mr. YATRON], the gentleman from Pennsylvania [Mr. KOLTER], and the gentleman from Pennsylvania [Mr. SCHULZE] who will be leaving us, but it is thanks also to each and every one of the members of the Pennsylvania delegation that are still continuing on here.

Mr. MURTHA. And thanks to the gentleman from Pennsylvania [Mr. COUGHLIN] for the work that he has done.

Mr. COUGHLIN. They all hold positions of extreme importance.

I look at my colleague, the gentleman from Pennsylvania [Mr. GOODLING], here, and the gentleman from Pennsylvania [Mr. RIDGE], and I realize that the Pennsylvania delegation is in good hands, and when I see the gentleman in the well and the other members who are here who will carry on.

It is a rare honor to serve in this body, and it is a privilege to have been a member of the Pennsylvania delegation.

I thank the gentleman very much, indeed, for having this special order and for his kind words.

Mr. MURTHA. Mr. Speaker, I now yield to the distinguished gentleman from York, PA, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I thank my distinguished leader for yielding.

Mr. Speaker, I think I could probably sum up very quickly what the loss of the members that we are honoring this evening means to this delegation. This is a very powerful delegation, and it is powerful because gentleman like the gentleman from Pennsylvania [Mr. GAYDOS] and the gentleman from Pennsylvania [Mr. MCDADE] and their leadership positions have always held us together to work together no matter which side of the aisle we sat on.

As was mentioned, the gentleman from Pennsylvania [Mr. GAYDOS] always said every time he ever introduced us to anybody at a luncheon, and we are probably the only delegation that has one, two, and sometimes three luncheons with our constituents every week, but he always mentioned that we worked together for the good of Pennsylvania. It does not matter which side of the aisle we sit on.

And so we are losing some very powerful people. When I think of the number of times I have gone to the gentleman in the well, to the gentleman from Pennsylvania [Mr. MCDADE], and to the gentlemen, one of which we are honoring this evening, the gentleman from Pennsylvania [Mr. COUGHLIN], to help residents in my district, because they were in very influential positions in relationship to appropriations.

I can remember with LARRY, a long time ago, leading the fight in 1979, I think, in 1980 in Pennsylvania for the election of George Bush, and we carried Pennsylvania. We did not carry too many other States, but we did carry Pennsylvania, no question about that.

I have served with the gentleman from Pennsylvania [Mr. GAYDOS] on the Committee on Education and Labor for 18 years. He was there 18 more than I, but I served with him the last 18, and it was very easy to work out problems with the gentleman from Pennsylvania [Mr. GAYDOS]. If his legislation or my legislation did not quite suit each other, we could always sit down and work those problems out.

The gentleman from Pennsylvania [Mr. SCHULZE] is not here this evening, but the biggest story I know about DICK is he came here when I came in 1974, arriving in 1975, and Herm Schneebeli retired soon after that and left the Pennsylvania seat on the Committee on Ways and Means, and he came up to me with a two-headed coin, and he said, "We will flip coins to see which one of us," since we were the two seniors, I guess, "gets that slot." Of course, I did not realize it was a two-headed coin. I did not also realize that he was going to make the call. I thought if he was going to flip the coin that at least I would get the chance to make the call. It did not work that way. He flipped the coin. I later discovered it had two heads, and he has served on the Committee on Ways and Means and served very well on the Committee on Ways and Means.

The gentleman from Pennsylvania [Mr. YATRON] and I have served on the Committee on Foreign Affairs, GUS a little longer than I, and I the last 16 years, and as was mentioned earlier, you will never find a finer gentleman probably than GUS YATRON. I do not believe there could be a mean bone in his body, and with that gentle manner in which he proceeded, he accomplished a lot, not only for his district but for Pennsylvania.

The gentleman from Pennsylvania [Mr. KOLTER] and I have not served on any committees together, but JOE and I have discussed many issues many times. I always found him as someone who, no matter how strongly he felt about a position, he was not obnoxious about that feeling. We could sit down and talk about different issues where we had a totally different opinion but could relate very well to each other.

So we are losing five strong members of this Pennsylvania delegation. We are losing two seats, unfortunately, and if the gentleman from Pennsylvania [Mr. RIDGE] would ever get his lawsuit in order so that we do not count illegal aliens, that would not happen, but, nevertheless, we are sacrificing Pennsylvania for those who are not even legitimate residents of the country.

So again I want to thank all five for what they have done for their own districts, but more importantly, what they have done for Pennsylvania and what they have done for the United States.

Mr. MURTHA. Let me now yield to the gentleman from Pennsylvania [Mr. BORSKI], one of the senior members of the Committee on Public Works and Transportation.

Mr. BORSKI. Mr. Speaker, I thank the gentleman for yielding.

I want to thank him very much for calling this special order. I want to associate myself with the remarks made by the gentleman in the well and all of my colleagues here as we salute our retiring Members from Pennsylvania.

First, I want to say a word about my friend, the gentleman from Pennsylvania [Mr. KOLTER]. JOE and I have served together for 16 years, 6 years in the Pennsylvania House. We both ran for election to the Congress in 1982. We were both elected. His was a sure thing that year back in 1982. Mine was a little more of an upset. But we served in the Pennsylvania Legislature and on the transportation committee. JOE was the chairman of that committee when I was a junior member, and when we both got elected here to this House, we served together on the Committee on Public Works and Transportation for the past 10 years.

□ 1940

I have enjoyed his friendship, his ability to work with others, his ability to work as hard as humanly possible for the people he represents.

It is going to be strange for me next year when I walk back into the Public Works and Transportation Committee room to not have JOE KOLTER with me.

My good friend, GUS YATRON, as has been said here many times tonight, is a perfect gentleman. I have enjoyed his leadership in foreign affairs matters and his leadership in the Committee on Post Office and Civil Service.

My good friend, DICK SCHULZE, who worked so hard for all of us in Pennsylvania for so many years in the Committee on Ways and Means. I will never forget, several years ago when we were working to try to save Frankfort Arsenal in Philadelphia, we brought in the developers to meet with DICK SCHULZE, and he was extremely helpful as he was in all projects that affected the people of Pennsylvania.

My good friend, LARRY COUGHLIN, whom I had the opportunity very early in my career here to appear on a television show with. He was giving the

Republican viewpoint, and I was giving the Democratic viewpoint. We argued back and forth. It was a real good program, I thought.

Afterward LARRY reached over and he said, as we shook hands, he said, "We can disagree without being disagreeable." He is a perfect gentleman, someone who has done an enormous amount of work for those of us in southeastern Pennsylvania. He has often been referred to as the Congressman from southeast Pennsylvania.

We are going to miss his leadership very much.

Finally, to my dean, JOE GAYDOS, who taught me as much about this body, I think, as anyone else. I will forever look back to the Pennsylvania corner in that seat where the dean of our delegation always sits and think of JOE GAYDOS. He gave me some of the best advice as a new Member here than anyone else that I know of. He taught me to be bipartisan, to work hard for the people you represent, to stay in close contact with the people you represent.

He told me that the people who came down here and forgot where they came from did not last very long. He told me to go home, do your workshops, work with people on a frequent basis. I will always remember his leadership and appreciate the work he has done for all of us in Pennsylvania. I thank the gentleman for yielding me this time.

Mr. MURPHY. I yield to the gentleman from Erie, the distinguished member, TOM RIDGE.

Mr. RIDGE. I thank my friend and colleague for arranging this special order.

I know I would much prefer singing the praises of my friends in this instance, friends and colleagues while they are alive and able to listen and to enjoy them rather than going to funerals and saying some things that you wish you had said when you had the opportunity before.

This is a sad day for Pennsylvania and for the delegation. I am sure it is a sad time for the five men with whom I have been associated for the past 10 years. I certainly welcome the opportunity to share a few remarks about them.

There is, I believe, within the Pennsylvania delegation a rather unique harmony among its members. We are all very proud partisans. I do not think there is any question about that. We can fight as hard and as aggressively from a philosophical or political point as any delegation in the House of Representatives. But that unique harmony comes, I think, from a very special relationship that all of us have, a mutual respect for one another, and the opportunity to learn from one another, to become better friends as the years have gone by, which is a tribute, I think, to the openness, particularly in the case of junior Members, of the senior Members when we first came to the Hill.

I remember thinking in terms of JOE GAYDOS always holding court to the rear of the Chamber in the Pennsylvania delegation arena. He is actually in many respects my Congressman from the Steel Valley. I still have many friends and relatives there. I appreciate the good work that he has done and the representation he has given them over the years.

I can think of the approach JOE always gave to his work and the effort he put into accommodating those constituencies and groups that wanted to spend time with members of the Pennsylvania delegation. I know it took enormous amounts of time and energy from him and his staff to arrange those many delegation meetings. It can be very distracting work, but he did it. He did not do it for his benefit, because he was not running for statewide office, he did not do it for his benefit, because a lot of his constituencies had nothing to do with the Steel Valley; he did it because he thought it was in the interest of Pennsylvania and in the interest of the Pennsylvania Members. So I am grateful for that.

I am also grateful for his openness, very grateful for his being open to all of us, for his counsel on matters of mutual interest where we had perhaps a disagreement politically, but his wariness and sensitivity and the political maturity that goes along with being with this body for a long time and his willingness to share that advice with people such as myself.

So, JOE, you have been a good friend. I thank you. I look forward to seeing you after you leave this Chamber. We never did get a chance to play that round of golf together, but you will have a little more time to do that in the future. I appreciate your friendship.

When I think of GUS YATRON, I do not know GUS very well. I have not served on any committees with him in a direct way. We have not worked on legislation together. I do know that whenever our paths crossed, it was more often than not at these delegation lunches and in the hallway, there was always a genuineness and decency that just exuded from GUS; an interest in people and an interest in service. There is not a malicious bone in his body. That is just GUS. He took his responsibility as a legislator very, very seriously. Many people have applauded with appropriate accolades his work in the area of human rights. When I think of GUS, I always think of a man of quiet strength, somebody who is a real solid man. I know while serving here over a couple of years he endured quite a bit of physical pain because of physical problems and operations that he had. But never once, never once did I ever hear him utter a complaint, a self-serving use of his pain as an excuse for being unable to do something. That just was not in GUS's nature. He did what he was elected to come down here to do, and I am always grateful for his friendship.

JOE KOLTER and I, in 1982, were elected together. They divided one county adjacent to both of us, Lawrence County. We had a pact at that time that if they were from Lawrence County and they went into his office or they went into my office, there was no problem, they were our people, they were Pennsylvanian, and it was our mutual responsibility to take care of them.

Over the years we have appeared on many occasions together, and he has always done it in a spirit of openness and friendship that I will always appreciate. He was always extremely solicitous of me, just personally and politically; he was always encouraging to me in every possible way. I enjoy being his neighbor, and I think I enjoyed even more being his friend.

DICK SCHULZE, of course a lot of people have talked about his stand and his work in the Committee on Ways and Means on tax issues and trade issues, and as I take a look at DICK and try to think of some personal things that I will remember and cherish, again you learn from our colleagues. You never left a conversation with DICK SCHULZE not understanding completely how he felt about this matter and why he felt the way he did. I will always respect his candor. It probably over the years may—he is in a better position to judge this than I am—may have gotten him into some political difficulty at one time or another. But just his candor, his candor as a refreshing and admirable trait, I would like to think I take with me as I serve in this body as well.

I will always appreciate his personal counsel and advice politically, and I will miss him as a friend.

Finally, LARRY COUGHLIN was the first Republican Member of the delegation I met when I was seeking the support of the National Congressional Committee back in 1982. He was helpful then. On those rare occasions—on those occasions where I needed his help, no questions asked. If it was good for me and good for the people I serve, he would put forth the maximum amount of energy as if it directly affected him and his constituency.

□ 1950

I have enormous respect for this man, a man in a body such as this is a man with little or no ego, a very quiet man, a very accomplished man who saw to it just to get things done in a very unassuming, quiet kind of way, to benefit all of us in Pennsylvania.

There are a couple other things I would like to share with you as a matter of record that are pretty important to me as I think of these five men.

If I heard it on one occasion, I heard it on a multitude of occasions when I talked to them, stories about their families. The family was always something pretty important to these men. In the tumult of politics and in the give and take of what we do around here, it is nice to be able to sit down and see that the men with whom you serve have not lost touch with the other important things of life, and that is the men and women and children that they love.

So these five particularly, I can remember individual conversations with them about their families which I will always cherish.

I also thought there was an interesting trait. I think it goes through the entire Pennsylvania delegation. They are all very good listeners. That is a trait that a lot of people do not have. I think it is an important communications skill. I do not think it is unique to Pennsylvania, but particularly in our delegation and particularly these men, I know JOE GAYDOS and GUS YATRON, JOE KOLTER and DICK SCHULZE and LARRY COUGHLIN always had time to listen. As far as I am concerned, if you have time enough to listen, you obviously have something in you that cares, because those who choose not to listen I feel do not particularly care about the people that they serve. If you care enough to listen, you are halfway to being a very successful and a very effective legislator.

All these men have listened to me and listened to my constituents and have tried to help them, even though being from the furthest northwest part of Pennsylvania many of them had no direct relationship to my district whatsoever, but whenever I asked them to help me or help my constituents, they listened and they did the best they could to help.

So I will miss each and every one of them. They have become good friends. I will always be grateful for their counsel, for their encouragement. I will be grateful for what they have helped me do on behalf of the people I represent. I am just grateful for having had the opportunity to serve with them in this magnificent body, an opportunity tonight to tell them how much I appreciate their friendship.

I wish each and every one of them the best of every possible future endeavor that they may undertake. Good health, much happiness and Godspeed.

Mr. MURTHA. Mr. Speaker, let me just say that when I came here almost 20 years ago, we had seven Members, two Republicans and five Democrats who had all over 20 years. We lost all of them in a period of 2 or 3 years.

What LARRY COUGHLIN just said, we were berated in the Philadelphia newspaper because we had very little influence.

JOE GAYDOS was the senior Member after they all left, and he had 14 years at that time.

We have made up for that loss of seniority by trying to put people on the right committees and trying to spread the work and each of us trying to do what was right for the Commonwealth.

TOM RIDGE just talked about GUS YATRON. GUS YATRON is without a doubt one of the toughest people I have ever met. He did not complain and he did not get riled up very often, but if he did, you knew it. He took a very firm position, as much of a gentleman as he was. All of us will miss GUS YATRON's counsel.

DICK SCHULZE certainly was a key member of the Ways and Means Committee. DANNY ROSTENKOWSKI thought so much of him, all of us had such high regard for DICK SCHULZE and believe that whatever he decides to do, he will do well.

And of course, JOE KOLTER was such a valuable member of the Public Works Committee and has done so much for western Pennsylvania, and all of us will miss him.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, all of us five who are retiring, again is somewhat unique that we are here on the floor, and usually it is the accepted thing not to be on the floor, but because of circumstances we are; but all five of us got together. We wondered after all these years whether or not we had any concern about passing the so-called torch, and who was going to do what we had been doing, and would there be a continuation.

We all came to the conclusion unanimously that we were leaving it in good hands.

Particularly I want to mention JACK MURTHA who we have on the Appropriations Committee and who listens to everybody's complaints. He does, as we all know here in the House, that is where all the action is. He is one of the cardinals, and as one of the cardinals you have to discharge your responsibility, and that is to respond to those who need help, and he has done that.

JOE MCDADE serves right with him, both of them together.

We feel in unison, unequivocally, we believe that we are leaving this business of ours in Pennsylvania in good hands.

I want JACK to know that I appreciate all the time that he has spent making very close relationships with all our speakers, all the Presidents. A lot of our colleagues here in the delegation and also on the floor of the House do not know or are not cognizant of the fact that on many occasions he had invites to go to baseball games with Carter, and Tip O'Neill did not have the invite. When he found out about it, here is the Speaker of the House who had to go to JACK MURTHA to get on the plane to fly down to a particular baseball game.

But I want this to be as a matter of record here. It was somewhat unique and different for me to be talking about someone who is going to stay.

Again I want to emphasize the fact, having been involved all these years, we want to make sure that we leave what we have done in capable hands. We are sure, all of us have concluded, again unanimously, we know we are going to have an even better record in the years to come.

Let me conclude by saying, JACK, that I appreciate personally and most of the delegation appreciates personally what you have done when you served on our special committees, when you served and you got all our individuals, both on the Republican and on the Democratic side, I know you even crossed over there, to get them on to meaningful committees. I know there have to be an awful lot of exchanges, a lot of cross-promises. You have to be a master at that.

The newspapers have done you justice in the past. They have said on many occasions, twice in fact I remember, the best backed venture in the House is JOHN MURTHA. He gets things done and does not ask for credit.

So JACK, again I am concluding by saying, you are in good hands, like Allstate. You and JOE MCDADE are really going to make this delegation work.

Mr. MURTHA. Mr. Speaker, it is a privilege to serve with you, JOE. I appreciate those kind remarks, but I do not want anybody to think I am retiring because of those nice remarks.

Mr. MCDADE. Mr. Speaker, I was pleased to call this special order today, along with my colleague JACK MURTHA, to honor the five Members of the Pennsylvania delegation who are leaving the House of Representatives.

My five colleagues: JOE GAYDOS, LARRY COUGHLIN, GUS YATRON, DICK SCHULZE, and JOE KOLTER, have served their country and their constituents with distinction and honor. They have enhanced the House of Representatives with their service, and I know that their colleagues will miss having them with us on a daily basis.

Those of us in the Pennsylvania delegation pride ourselves on the harmonious relationship we maintain. As a delegation, we meet regularly on issues of importance to our State, and we put partisan differences aside to serve the citizens of the Commonwealth.

The influence of the delegation spreads over a multitude of House committees allowing our State to place its stamp on virtually every piece of legislation passed by this body. We have 9 House subcommittees chaired by Pennsylvania members, and 3 full committees, and 10 subcommittees have Pennsylvania members who serve as ranking Republicans.

I know that my colleagues will want to speak on the contributions of the departing Members, but I want to first to take a minute to express my appreciation to the five Members for their outstanding work and their cooperative approach to serving the citizens of our State. Combined, they represent over 100 years of service. It will be a long time before we can replace their expertise and influence.

JOE GAYDOS

JOE GAYDOS has championed worker health and safety, labor, worker pension, and education issues for the past quarter century. He has left his imprint on numerous pieces of legislation, including the Federal Coal Mine Health and Safety Act, the Occupational Safety and Health Act, and the Employment Retirement Income Security Act. As chairman of the Subcommittee on Health and Safety, he has been in the lead on such important issues as high risk occupational disease notification and the identification of hazards in the workplace. JOE GAYDOS has also distinguished himself as an active member of the Postsecondary Education Subcommittee, chairman of the House Subcommittee on Accounts, founder of the steel caucus, and former dean of the Pennsylvania delegation.

LARRY COUGHLIN

I have had the honor and good fortune of working with LARRY COUGHLIN on the Appropriations Committee. I have seen firsthand his effective leadership as ranking member of the Transportation Subcommittee and as an active member of the subcommittee responsible for housing, community development, environmental programs, science, space, and veterans programs. LARRY used his influence on the committee to improve the lives of millions of Americans. Larry will also be remembered for his dedicated work as Republican chairman of the House Select Committee on Narcotics Abuse and Control.

GUS YATRON

GUS YATRON, the only Member of Congress to have been a professional boxer, has fought hard for the interests of Pennsylvania. On the national level, he plays an active leadership role on the Foreign Affairs Committee, and serves as chairman of the Subcommittee on Human Rights and International Organizations. He also serves on the House Post Office and Civil Service Committee and has been an effective member of the steel caucus, the textile caucus, the congressional coal group, and the Northeast agriculture caucus.

DICK SCHULZE

DICK SCHULZE has been a strong voice for Pennsylvania as a senior member of the House Ways and Means Committee, where he has been a leading spokesman for tax relief for middle income Americans and small business people. He has worked for tax simplification and tax policy to make America more competitive. He has also used his platform on the committee to further the goal of fair trade in the international marketplace. DICK was a two-term chairman of the Republican Study Committee, and currently serves as chairman of the congressional sportsman's caucus and vice chairman of the congressional steel caucus.

JOE KOLTER

JOE KOLTER has served the State and the Nation well as an effective member of the Public Works and Transportation Committee. He currently serves as chairman of the Subcommittee on Economic Development and is active as a member of the Subcommittee on Aviation and Water Resources. He will be remember for, among other things, his successful effort during his first term to shepherd high-speed rail legislation through Congress. JOE has also served with distinction on the House Administration Committee and on the congressional steel and coal caucuses.

Pennsylvania, the Nation, and the House of Representatives is losing a great deal with the departures of these five Members, but we can certainly look back over their congressional careers and know that we have gained a great deal from their service. I know I speak for the entire Pennsylvania delegation in saying that I am grateful for their friendship and their achievements as legislators. I salute them for their accomplishments, and I wish them the very best in their new endeavors.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize the significant accomplishments of an esteemed Member of this body for the last 18 years, and a good friend. The gentleman from Pennsylvania [Mr. SCHULZE].

As a member of the House Ways and Means Committee, Mr. SCHULZE has worked diligently to advocate and enhance trade in this Nation, as a member of the Ways and Means Subcommittee on that issue. While serving on the committee, he has worked tirelessly in the true spirit of bipartisanship.

DICK SCHULZE has worked to protect and preserve our natural resources, as a member of the Interior and Insular Affairs Committee. His dedication to protecting those great lands, both in his district and across the country, is unparalleled.

While serving with DICK SCHULZE for the last 8 years, I have been fortunate enough to share some of his thoughts on the many complex issues faced by this Congress.

His sound advice has always been welcomed while his good counsel has always been appreciated, as we have worked together in a number of areas.

Mr. Speaker, I want to take this opportunity to thank our two colleagues, Mr. MCDADE and Mr. MURTHA from Pennsylvania for their leadership and dedication in organizing this special order.

I join with my colleagues on both sides of the aisle in recognizing the many accomplishments of the gentleman from Pennsylvania [Mr. SCHULZE], and join with them to wish him all the best.

Mr. SHUSTER. Mr. Speaker, today I come to the floor to honor one of our great Members in the House of Representatives from the Commonwealth of Pennsylvania, Congressman GUS YATRON.

Congressman YATRON began his public service in 1955 by serving on the Reading School Board, and later in 1968 came to Congress after several success-filled years in the Pennsylvania General Assembly and State Senate. During his tenure in the House of Representatives he has served his country and fellow constituents with distinction. His service on the prestigious Foreign Affairs Committee as the third ranking member is a testimony to Mr. YATRON's commitment to insuring America's role as a leader of Nation's on the world stage.

In addition to Mr. YATRON's commitment to the country's strength and international standing comes his devotion to his constituents in the Commonwealth of Pennsylvania. It is obvious by his tenure, that Mr. YATRON is highly regarded in his district, and has served his constituency well. His home Reading, PA being an old mill town, he has fought religiously for jobs in the textile and apparel industries through his membership on the House textile caucus. As a comember of the House steel caucus, I have seen his commitment to fight for American jobs personally and know that it is beyond reproach.

In a time of great domestic uncertainty this country will miss the tested leadership that Congressman YATRON possesses and I must say that with many new Members who will reconvene for the 103d Congress, they will do well to embrace Mr. YATRON's style and resolution.

I know that I speak for myself as well as the rest of the delegation in wishing GUS and his wife Shirleen all the success and happiness in their future endeavors, and in expressing a heartfelt thank you for his service to Pennsylvania and our great Nation.

Mr. BROOMFIELD. Mr. Speaker, among the pleasures of serving on the Foreign Affairs Committee I'd include working not only with some of the most fascinating issues that come before Congress, but also working with some of Congress's most thoughtful and congenial Members.

Among those at the top of this list is GUS YATRON, who is retiring this year from Congress. GUS and I served together for nearly a quarter century on the Foreign Affairs Committee. He is a real gentleman, one who brings deeply held convictions but an open mind to the work of the committee.

For much of the past quarter century GUS and I have worked together on issues concerning relations between Greece and Turkey. GUS has devoted a lot of his time and energy to this issue and he has provided some real leadership in the search for a just and lasting peace on the island of Cyprus.

GUS is also an advocate of bipartisanship, and he practices what he preaches. He knows that American political life benefits from the consideration of many opinions, but that in its foreign policy, America must speak with one voice. I know that I could always count on him to give the legislative proposals of Republican administrations and individual Republican Members a fair hearing.

As my fellow Members are well aware, GUS was a professional boxer. Much of the strength of purpose and persistence he learned in the ring have been put to good use on behalf of his constituents in southeastern Pennsylvania.

Not only has GUS been a conscientious and effective legislator, but he is a truly decent human being. I will miss him.

Mr. BEVILL. Mr. Speaker, it as an honor to join my colleagues in congratulating our friend and distinguished colleague, JOSEPH M. GAYDOS, for his outstanding service in Congress. JOE is leaving the House after serving the 20th District of Pennsylvania for almost 24 years.

During those years, JOE has dedicated himself to the cause of worker health and safety and he is highly regarded for his work on many labor issues. JOE has served as chairman of the House Education and Labor Subcommittee on Health and Safety since 1977. In this role, he has authored and shepherded through Congress important pieces of labor legislation.

JOE founded the congressional steel caucus and has been in the forefront of many trade issues. He has pushed for fair trade and understands the uphill battle that American manufacturers have faced in recent years.

I have enjoyed a close friendship and working relationship with JOE over the years and I will personally miss him. The Nation will miss his leadership as well, but his accomplishments will long be remembered and appreciated, especially in the workplace.

Mr. FASCELL. Mr. Speaker, it is my pleasure to join with our colleagues in paying a fond farewell to members of the Pennsylvania delegation who will not be returning to Congress next year.

I have enjoyed my association through the years with JOE GAYDOS, LARRY COUGHLIN, GUS YATRON, and DICK SCHULZE. Their dedication to the work of the Congress, their leadership and their solid contributions to our deliberations here will be remembered and emulated.

Beyond my own good wishes, I am sure that the people of Pennsylvania, and indeed of the entire Nation, go with them as they prepare to take their leave of us.

I would be remiss if I did not seize this opportunity to pay a special tribute to my good friend and long-time colleague on the Committee on Foreign Affairs, GUS YATRON.

I can easily think back to the 70's when Gus and I teamed up to bring pressure on the warring parties in Cyprus so that they would settle their differences in the political arena, instead of on the battlefields of that beleaguered land.

Beyond that, GUS was always steadfastly at my side, and I at his, through the years when we saw to it that the cause of human rights were included as an integral part of U.S. foreign policy.

We did the same to assure that human rights were always a top priority whenever the United States aligned itself with social and semigovernmental systems being put in place through the United Nations.

I think it would be fair to say that GUS and I were in the forefront of the human rights brigade before it became quite so popular.

In recent years, GUS has served ably and with enthusiasm as the chairman of our Subcommittee on Human Rights and International Organizations.

I will treasure my association with GUS and I wish him the very best as he starts off in a new direction in life.

Mr. BLILEY. Mr. Speaker, I would like to take the opportunity of this special order to say a few words about two of my good friends and esteemed colleagues, Representatives LARRY COUGHLIN and DICK SCHULZE. I have had the great pleasure of knowing these two outstanding leaders who hail from Pennsylvania for the 12 years that I have served in the House.

LARRY COUGHLIN has the revered position of being a fellow member of the highly regarded congressional bow tie caucus. As members of this fashionable group, LARRY and I realize the advantages of wearing this easily recognized trademark. However, on more than one occasion some reporter or tourist has approached me, reached out to shake my hand, and said, "It's nice to meet you Representative COUGHLIN." I surmised it was because LARRY and I share this distinctive fashion statement.

LARRY has provided his constituents in the suburbs of Philadelphia with superb leadership and service for 24 years now. As a senior member of the House Appropriations Committee, he leaves behind a long record of accomplishments in this House. We will miss him as he bids farewell to this institution in pursuit of retirement and some well-deserved relaxation.

Representative DICK SCHULZE also represents an area outside of Philadelphia, which he has loyally served for 18 years. DICK and I have become very good friends over the years. He and I are both members of the Republican Acorns organization and have worked together on numerous legislative initiatives, particularly in the health care arena. As one of the senior Republicans on the Ways and Means Committee, DICK'S leadership on Republican endeavors has been invaluable and will be greatly missed. I will miss his constant friendship as well.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize the significant accomplishments of an esteemed Member of this body for the last 24 years, and a good friend. The gentleman from Pennsylvania [Mr. COUGHLIN].

As the ranking Republican on the Appropriations Subcommittee on Transportation, LARRY COUGHLIN served tirelessly in consistent protection of mass transit, housing subsidies, and the multitude of other critical programs. He has worked diligently to preserve the spirit of bipartisanship in the Congress.

LARRY COUGHLIN has recognized the increasing problem of drug abuse in urban areas, and is now serving as the ranking Republican on the Select Committee on Narcotics. His dedication to solving the increasing drug problem of America is a true sign of his dedication to his work and to his country.

As a fellow member of the Appropriations Committee, I have had the great fortune of working with LARRY COUGHLIN. His advice has always been sound, and his counsel has always been greatly appreciated. His dedication to his constituents, his job, and his country is truly second to none.

Mr. Speaker, I want to take this opportunity to thank our two colleagues, Mr. MCDADE and Mr. MURTHA from Pennsylvania, for their leadership and dedication in organizing this special order.

I join with my colleagues on both sides of the aisle in recognizing the many accomplishments of the gentleman from Pennsylvania, Mr. COUGHLIN, and join with them to wish him all the best.

Mr. SHUSTER. Mr. Speaker, it is with great regard I come today to honor Congressman DICK SCHULZE of Pennsylvania. DICK is a nine-term Member of the House of Representatives. As a freshman Member in 1974 DICK was appointed as an adviser to the Conference on Disarmament, and to the ongoing Strategic Arms Limitation Talks [SALT], both held in Geneva. He was the only freshman Member asked to serve for this great purpose.

His attitude and dedication on this issue showed early on that DICK was headed for and did not shrink from his responsibility of leadership. Leadership which has been evident through his tenure on the powerful Ways and Means Committee. We all know that writing the tax laws in this country can more often than not be a thankless job. Yet DICK's hardworking demeanor and commitment on tax issues have become vanguards for many middle-income Americans and small businessmen.

Due to his many duties on the Ways and Means Committee along with his unprecedented two terms as chairman of the Republican Study Committee, Congressman SCHULZE has been at the forefront of many momentous pieces of legislation this body has debated. One of the areas we looked to DICK for guidance was trade. He realized the importance of American competitiveness abroad and believed that if America is forced to compete, American innovation will not only win the peace, but also make our country a leader in production and development of new technologies. And just now as exports account for more of our economic activity than at any other time in history, are we beginning to realize what Mr. SCHULZE has been fighting for on trade policy over his 18 years as a Member of this House.

It is obvious that a man with as many wide and varied talents as DICK, will be sorely missed in this Chamber. And I know that wherever he chooses to serve in the future, it will be filled with success.

Mr. GILLMOR. Mr. Speaker, I am pleased to take this opportunity to pay tribute to Congressman LARRY COUGHLIN, who will retire at the conclusion of the 102d Congress.

The Almanac of American Politics called LARRY COUGHLIN one of the lead Republicans on anti-drug legislation. As a member of the Select Committee on Narcotic Abuse and Control, where LARRY serves as the ranking Republican, I have had the opportunity to see this leadership first hand. It has been impressive, competent, and energetic. I can say without hesitation that LARRY COUGHLIN has made a real difference in the war on drugs.

In the time I have known LARRY COUGHLIN, one thing has become very clear: It is no wonder why his Pennsylvania constituents have repeatedly reelected him by comfortable margins. He is honest, he is friendly, and he has an exemplary commitment to the principles on which America was built.

It has been a pleasure to work with LARRY COUGHLIN. I wish him a happy retirement, a retirement blessed with the fond memories that come with an accomplished public career.

Mr. YATRON. Mr. Speaker, I rise this evening with a profound sense of sadness mixed with a deep sense of joy. The 103d Congress will convene next January, and the Pennsylvania delegation will be without four of its most distinguished and elegant voices. My good friends and great colleagues Congressman JOE GAYDOS, Congressman LARRY COUGHLIN, Congressman DICK SCHULZE, and Congressman JOSEPH KOLTER will be leaving this august institution.

It has been an honor for me to be associated with these four energetic Representatives, as indeed it has been rewarding to be associated with the entire Pennsylvania delegation. I have no doubt that the House of Representatives and the great Commonwealth of Pennsylvania will suffer in their absence.

My good friend JOE GAYDOS and I came into Congress at approximately the same time, he 2 months before me. We weren't strangers as we had served in the Pennsylvania State Senate together. JOE and I have shared fond memories of working in Congress—sitting on the back bench listening to debates, working together to better the interests of all Pennsylvanians, and seeing Congress change in many different ways.

JOE GAYDOS has worked to preserve the safety of workers through his strong and unbending protection of workers' rights as chairman of the Subcommittee on Health and Safety. He knows the importance of keeping people safe on the job, and he has done an outstanding job as chairman. The people he represents from McKeesport, New Kensington, and other cities and towns in southwestern Pennsylvania have re-elected a Congressman who carries their interests at heart. JOE GAYDOS has served his constituents well—they will surely miss his fine representation, as I will miss a true friend.

My good friend and neighbor DICK SCHULZE has served the fifth District with vigor and distinction. DICK has been a strong and active voice for Pennsylvania on the House Ways and Means Committee. I have approached DICK many times for assistance with important tax and trade legislation and he has always extended an open hand to me and my constituents. He did this out of the sheer kindness of his heart, and because he knew we both were trying to help business survive and succeed in Pennsylvania.

DICK always had a strong voice for fair and free trade, and never shied from leading the fight against those countries who would take advantage of this Nation's trading policies. Dick has also been an aggressive and successful advocate of the environment. Our districts share much of the same verdant beauty that is associated with eastern Pennsylvania, and DICK leaves behind him an admirable record of working hard to protect and preserve that environment for future generations.

I also feel lucky to have had the privilege of serving with LARRY COUGHLIN. Along with JOE GAYDOS, LARRY and I served together in the Pennsylvania State Senate and came to the House as freshman in 1968. LARRY is a true Pennsylvania gentleman, and has been an outstanding representative for the people of the Pennsylvania area.

His distinctive bow tie and hard work on the Appropriations Committee and Select Committee on Narcotics Abuse and Control have distinguished him as a true force in the House. All Americans are in his best debt for his efforts on the Transportation Subcommittee and his leadership with the many far-reaching, forward—looking highway bills he has worked on. LARRY'S congenial spirit has won him many friends on both sides of the aisle. At the end of this session, the House is losing a truly outstanding Member with the retirement of LARRY COUGHLIN.

I have also had the honor of serving with JOE KOLTER. JOE has been a good friend to me and to Pennsylvania since he came to Congress in 1982. His friendly nature and warm personality have made him a well-liked and much sought-out member of the Pennsylvania delegation. JOE has also been an excellent Representative for western Pennsylvania and a wise and compassionate voice for the working men and women of America.

JOE KOLTER'S name is synonymous with spirited and effective constituent service and his dedication will be missed on the Public Works and Transportation and House Administration Committees. Always a gentleman, JOE KOLTER'S hard work, kind smile, and devotion to the Commonwealth has earned him the tremendous respect and admiration of his peers.

Mr. Speaker, I will miss the camaraderie of my colleagues almost as much as I will miss serving the people of Pennsylvania's Sixth District. It has been a labor of love for me these past 24 years, and that labor was made all the more easier through the wisdom and fellowship of my colleagues. I wish JOE GAYDOS, LARRY COUGHLIN, JOE KOLTER, and DICK SCHULZE only the best of health and happiness in the coming years. I also extend to them my heartfelt gratitude for allowing me to join them in service to the citizens who make the Commonwealth of Pennsylvania that great place it is.

Mr. SHUSTER. Mr. Speaker, it is with great respect and admiration that I come here today to honor Congressman JOE KOLTER of Pennsylvania. JOE is a five-term Member of the House who has represented the people of the Fourth District with distinction and honor. He has been a powerful and adamant voice for the concerns of his constituents for the past 10 years.

If anything epitomizes JOE'S service, it is his efforts on behalf of the working men and women of the Fourth District. He has never wavered in his support for the unemployed and worked diligently to increase unemployment compensation for displaced workers. He has also repeatedly led legislative efforts to keep U.S. jobs from moving south of the border and overseas, and to protect American Jobs from unfair competition from abroad. These efforts culminated in the closing of a loophole allowing unlimited imports on electrical steel.

One of my great honors I have had during the last 10 years has been to serve with JOE on the Public Works and Transportation Committee. JOE'S dedicated service to the committee paid off early when his high-speed rail magnetic levitation train system legislation was passed into law in 1984. Recently, I had the pleasure of working with JOE to write and pass the Intermodal Surface Transportation Efficiency Act of 1991. JOE'S contribution to the successful enactment of this monumental legislation, which completed the Interstate Highway System, cannot be overestimated. Likewise his efforts on behalf of aviation funding and his tenure on the Government Operations Committee should not go unheeded, for hereto he has left his mark of excellence.

The members of our committee, the members of the Pennsylvania delegation, and the Members of this Chamber will certainly miss JOE. I am certain that JOE will take his passion, his caring, and his joviality to wherever he chooses to serve in the future.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman JOSEPH GAYDOS of the 20th District of Pennsylvania for his 24 years of outstanding service in the House of Representatives.

Mr. GAYDOS has served his constituents well, rising to the second ranking position on the Education and Labor Committee, where he chairs the Subcommittee on Health and Safety, the panel that oversees OSHA and provides protection for the workers in his district, and spearheaded the Employee Retirement Income Sercurity Act.

I have also had the opportunity to observe firsthand his leadership on the Committee on House Administration. In addition to serving on my Printing and Procurement Subcommittee, he chairs the Subcommittee on Accounts.

As executive committee chairman of the congressional steel caucus, Mr. GAYDOS has fought for the survival of the domestic steel market and the economy of his district, demonstrating that he has not forgotten his roots as an attorney for the United Mine Workers.

As many of us are preparing to depart this year, it is appropriate to stop for a moment and salute Mr. GAYDOS, one of the veteran legislators among us, and to whom I give my best wishes for a happy retirement.

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to Congressman JOE GAYDOS, who will retire at the conclusion of the 102d Congress.

As the ranking Republican on the Committee on House Administration's Accounts Subcommittee, I have had the good fortune to work extensively with the gentleman from Pennsylvania [Mr. GAYDOS]. As chairman of that subcommittee, he has always been fair, gregarious, judicious, and honest.

JOE and I have worked together to set the budgets of the various committees of the House. I think he would agree when I say that this task has not made JOE and I the envy of this institution. Our job has not been easy.

For JOE, this task has sometimes involved saying "no" to the most powerful Members of the House. It has involved addressing the grievances of those of us in the minority. In my work with JOE, he has always had the resolve to do the former, and the patience and attentiveness to do the latter.

This year offered a unique challenge for the Accounts Subcommittee. With the Federal deficit at an all-time high and confidence in Congress's ability to manage itself at an all-time low, JOE took an admirable leadership role in passing a funding resolution that froze committee spending at last year's levels.

Getting that kind of resolution passed would be a daunting task under any circumstance. But it is especially so when you are dealing with committees that have come to expect large, sometimes massive budget increases. In one case, a committee came to us with a request for a 41-percent increase. But in his quiet, steady way, JOE GAYDOS did his part to tighten the belt, to get the job done.

When I became ranking member of the Accounts Subcommittee, one of my goals was to increase the proportion of committee funds allocated to the minority. We have made significant progress in this area, in no small part due to the willingness of JOE GAYDOS to listen and cooperate.

Mr. Speaker, I will miss serving with JOE GAYDOS. In addition to his professional courtesy, he has been a good friend. Working with him and his outstanding staff his been a true pleasure. I wish him all the best in the years ahead.

Mr. QUILLEN. Mr. Speaker, I rise tonight to pay tribute to my distinguished colleague from

Pennsylvania, my good friend LARRY COUGHLIN. LARRY is retiring this year after 24 years as a Representative from eastern Pennsylvania, and we will all miss him.

I can think of few Members of Congress who work harder or are more giving than LARRY COUGHLIN. He matched a distinguished career in the Korean war with degrees from Yale and Harvard, and he worked his way through law school working on an assembly line. He also served with distinction in both houses of the Pennsylvania Legislature before his election to this body in 1968.

As vice-chairman of the Transportation Subcommittee of the House Appropriations Committee, LARRY has provided critical leadership in the building and support of America's public works and infrastructure. His conscientious efforts have reaped major successes in this country's transportation policy. LARRY has also been one of the Members of Congress who is always ready to assist other Members. He has always been there for a friend in need, and we will never forget that.

As he departs this House, I want LARRY to know how much he has meant to all of us on both sides of the aisle. I wish him well in his return to private life, and I want him to know that I will always remember him and his accomplishments with fondness and gratitude.

Mr. SCHULZE. Mr. Speaker, as the clock ticks down the final moments of the 102d Congress, many thoughts have crossed my mind regarding the unresolved issues and problems facing this Nation, my tenure in this Chamber and my fellow retiring colleagues. When I walk down Statuary Hall here in the Capitol Building, I see the figures of many great statesmen who sacrificed and struggled to lead this country towards peace and prosperity. They fought to guard States' rights and individual liberty. They struggled to mold a government which would not transform itself into a twin of the oppressive governments from which they and their ancestors fled. They sought to fortify freedom through limited Government and individual liberty.

Their examples have been my credos. My fellow retiring Pennsylvanians and I hail from the cradle of these liberties. We labored separately and together to lend continuity to this heritage, a heritage which at times appears to dissolve into conditions perilously similar to the oppressive regimes which despised our freedoms and disdained our people. Only an educated and vigilant citizenry can preserve this experiment in liberty and representative government, only a citizenry which practices personal responsibility, the indispensable companion to our rights.

The challenges we face are remarkably the same today as they have been for hundreds of years. Taxes and trade practices have been topics of controversy from their beginnings. While my friends—Congressmen JOE GAYDOS, JOE KOLTER, LARRY COUGHLIN, and GUS YATRON—and I represented the Commonwealth of Pennsylvania, taxes and trade issues have been a staple of our work.

The mushroom growers and processors constitute a major industry in southeastern Pennsylvania and employ many of its residents. When foreign producers have endeavored to use unfair trading practices and preferential tariff programs to drive the American mushroom industry into extinction, the entire Pennsylvania delegation has rallied together to set things right. This esprit de corps of bipartisan unity is an important example of objective legislation, in contrast to the increasingly acrimonious partisanship practiced in today's Congress. I credit my Commonwealth colleagues with their vision and integrity to do what is right for America and our fellow Pennsylvanians. In particular, with regard to the mushroom industry, GUS YATRON deserves special recognition for his leadership and initiative in combatting unfair trade practices so injurious to the U.S. industry.

These practices are not confined to the mushroom industry, but also afflict the American steel industry. As vice-chairman of the congressional steel caucus, I credit my retiring companions, and other delegation members, for the successes we won for the steel industry—not just in Pennsylvania, but across this Nation. Unscrupulous foreign steel manufacturers sought every stealthy angle to undermine this industrial base which is so critical to our national security.

In this regard, I must make particular mention of Congressman JOE GAYDOS' leadership, as chairman of the steel caucus, in addressing foreign threats against thousands of American steelworkers, many of whom are Pennsylvanians. Together, we secured voluntary restraint agreements which bought time for American steel producers to retool, modernize and comply with federally mandated environmental regulations. As a result, our air, water and soil is cleaner, our workers are healthier, our steel factories are the most efficient and cost-competitive in the world, and thousands of Americans are still employed in steel production. Again, this was a shining example of the Pennsylvania delegation's unity and resolve.

Nobody understands better how a community hurts when steel jobs are lost, than Congressman JOE KOLTER. When the steel caucus lined themselves up along the line of scrimmage, JOE was with us, shoulder to shoulder. Thank you for your consistent and faithful support.

Mushrooms and steel are only a part of the challenges confronting the legislators of the Commonwealth. In southeastern Pennsylvania, industry and business have grown tremendously, along with increased population. The resulting traffic gridlock has been stifling. As vice chairman of the House Appropriations Subcommittee on Transportation, Congressman LARRY COUGHLIN has played a leading role in unstopping the gridlock. Hundreds of thousands of commuters whisk to work because of his leadership. Numerous critical transportation projects in Pennsylvania are underway today because of LARRY'S good work. As a testament to his service, LARRY COUGHLIN is a household name in my congressional district.

In my last days of traversing the halls of the U.S. Capitol, the world's symbol of representative government, my reflections are on continuity—the perpetuity of a free society. My conscience is clear; I've done my best, and I and proud to have served at the side of my distinguished Pennsylvania colleagues and friends. I and the citizens of the Fifth Congressional District will always be grateful for your support.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman GUS YATRON, who is retiring this year after serving Pennsylvania's Sixth Congressional District since 1968.

During the years he served on the Committee on Foreign Affairs, and as chairman of the Subcommittee on Human Rights and International Organizations, Mr. YATRON has consistently worked for human rights in all corners of the world, from the Middle East to China. In addition, he favored the United Nations long before that organization achieved its current level of recognition. Proud of his heritage, he has supported the interests of Greek-Americans with the same persistence he formerly demonstrated in the boxing ring.

Through all of his global involvements, he has never forgotten the concerns of his constituents. At home, he has helped the many coal miners in the region with black lung cases, and in Washington, he has defended the textile industry in his district from unfair foreign competition.

GUS YATRON has compiled an excellent record of achievement during his service in the Congress. As he leaves this body, I congratulate him and wish him well in all of his endeavors.

Mr. SHUSTER. Mr. Speaker, I am here today to pay tribute to a very special person. JOE GAYDOS and I grew up in the same small town in the steel valley of western Pennsylvania—Glassport. We attended the same schools and, in fact, at different times, we even lived in the same apartment. So, I have known JOE GAYDOS longer than I have known any other Member of the U.S. Congress. He was outstanding as a young man in Glassport High School, he was outstanding as a lawyer in the steel valley, and he has been an outstanding Member of Congress. In fact, some years ago when I returned to the steel valley, a reporter observed that had I continued to live there, I might have been running against Congressman GAYDOS. I quickly replied that had I still been living there, in all probability I would have been voting for Congressman GAYDOS. This of course got me in some trouble with the local Republican Party, but facts are facts.

Congressman JOE GAYDOS has spent over half of his life in the service of others. First in the Armed Services during the Second World War and then in the Pennsylvania Senate and from 1968 to present as a U.S. Congressman from the 20th District.

Throughout his career JOE has been a constant friend to the workers of America and Pennsylvania. As a freshman Member he was instrumental in the passage of the Occupational Safety and Health Act of 1970. In 1977, he took the subcommittee chair of the Health and Safety Committee, and continued his lifelong fight to insure a safe and productive workplace for the 119 million workers in our country today.

Mr. Speaker, to consider the seasoned legislator is to recall JOE GAYDOS' tremendous legislative accomplishments, and the legacy which our Congress is losing by his retirement. The commitment that JOE brings to his work in Washington and back in his district, is truly an inspiration to both the hard-working men and women of Pennsylvania and to his colleagues. Mr. Speaker, as the saying goes, JOE makes the art of compromise look easy and he has been throughout his tenure in the House without a doubt a true statesman in every sense.

In closing Mr. Speaker, I would like to convey just how much I and the Pennsylvania delegation will miss working with JOE GAYDOS. JOE has been the cochair of our delegation and his leadership there has been most helpful in directing our common initiatives. JOE, I extend to you and your wife all the hopes for a rich and rewarding retirement from the U.S. House of Representatives, and a commitment to you that the Pennsylvania delegation will continue on in your spirit of bipartisanship.

Mr. CLINGER. Mr. Speaker, this evening I am pleased but also saddened to join in this special order honoring our retiring Pennsylvania colleagues—JOE KOLTER, GUS YATRON, LARRY COUGHLIN, and DICK SCHULZE. Each in their own way has made important contributions to the work of the House.

I have enjoyed serving with JOE on the Public Works and Transportation Committee where he has ably led the Economic Development Subcommittee in recent years. As a former EDA employee and one who believes in the mission of the agency to generate private sector jobs with a modest federal investment, I have appreciated Congressman KOLTER's strong support of the agency and his efforts to have it reauthorized.

JOE and I have adjoining districts and for the past decade have shared one county. Though we are of different parties, I always found him very cooperative and we have worked together to address the problems of the area. I wish him good fortune in the future.

Congressman YATRON is anther good friend and valued colleague who will be missed. Throughout his 12 terms in Congress, GUS has been an effective and hard-working Member especially in his leadership of the Human Rights and International Organization Subcommittee of the Foreign Affairs Committee. For a former outstanding boxer, GUS YATRON is a surprisingly gentle and engaging person. I have enjoyed his friendship and I know that his constituents, who have routinely and overwhelmingly reelected him term after term, are as sorry as I am that he has decided to move on.

Our long-time dean, JOE GAYDOS, is also signing off at the conclusion of this Congress. I probably owe him my life because it was JOE'S needling that finally got me to do something I was unable to do before, to give up smoking.

As dean of the delegation, JOE was always completely fair and generous to we Republicans. The nonpartisan nature of our delegation was totally due to his generosity and character. His leadership mattered and resulted in good things for Pennsylvania. I consider JOE a close friend, to whom I owe much and to whom the Commonwealth owes even more. Both the Commonwealth and I will miss his smiling face and outstanding service.

Congressman SCHULZE, how to describe him: hard-nosed, hard-working, smart, funny, principled, stubborn. All in all, a hell of a good legislator. It takes a while to get to know DICK SCHULZE. I remember when I first met him, it was a very intimidating experience because he seemed pretty brusque, rather forbidding. But I soon learned that my first impression was totally deceiving. He is a thoughtful and loyal friend who has been enormously helpful to me as a mentor and to the Commonwealth of Pennsylvania as a senior member of the Ways and Means Committee. He has made extraordinary contributions to the State with little fanfare and without seeking personal credit or recognition.

As chairman of the sportsmen's caucus, DICK has worked tirelessly to bring the concerns of the millions of sportsmen and women to the forefront of congressional attention. I know that he will continue to be a forceful and articulate spokesman for sportsmen's issues in the years ahead.

It has been a joy to serve with DICK SCHULZE. This place will be a lot less interesting and a lot less fun without him.

Finally, I am also going to sorely miss LARRY COUGHLIN. Without his support and counsel I would not have come here 14 years ago to be able to bid him farewell today. As Pennsylvania's representative on the Republican Congressional Campaign Committee, LARRY was willing to take a chance on a wet-behind-the-ears neophyte, and urge the committee to provide me with financial support. Throughout that first campaign LARRY was an invaluable counselor and I really doubt I would have won the election without his advice and support.

He has been a superb asset for Pennsylvania in his key role on the Appropriations Committee and most especially as the ranking member on the Transportation Subcommittee. The high quality of Pennsylvania's infrastructure, from highways to airports, waterways, and rail systems owes much to the effectiveness of LARRY COUGHLIN on the subcommittee. Beyond Pennsylvania, LARRY has been a leader in shaping transportation policy for the entire Nation. In a demanding and challenging assignment, LARRY has executed with uncommon skill.

He is probably the most reliable and selfless member of the delegation. He has never been too busy to undertake any job on behalf of the group whether it was raising money or hosting functions or coming to the aid of a colleague, he has always been there.

This is a man who has served his country long and well, first as a U.S. Marine officer, then as a leader in his community and State, and for the last 24 years as a respected national leader in the U.S. Congress.

This body is diminished in ability and intellectual vigor by his departure.

Mr. CRANE. Mr. Speaker, our good friend and colleague of almost two decades is about to retire from this Chamber. DICK SCHULZE of Pennsylvania has decided to bring to an end a distinguished congressional career which began with his election in 1974.

DICK SCHULZE has an outstanding record of protecting the interests of the constituents of his Fifth Congressional District in Pennsylvania, and those constituents recognized his efforts by continually returning him to the House of Representatives by large margins.

His knowledge of local problems back home can be traced to his proprietorship of a business in Paoli as well as his service to area citizens in such posts as Chester County Register of Wills and clerk of Orphans Court before his election to the Pennsylvania House of Representatives. Three terms in the Pennsylvania House gave him a legislative foundation for service in this Chamber.

I have had the privilege and the pleasure of serving with DICK on the House Ways and Means Committee. It is on the House Trade Subcommittee, on which we both currently serve, that I have seen the purpose, the drive and the results of the efforts of DICK SCHULZE.

And he has been a leader on the full committee on tax legislation to help the small businessmen who employ so many millions of American workers.

Besides serving his country in the national legislature, DICK also saw 2 years of duty with the Army.

DICK SCHULZE has been an outstanding Member of the House of Representatives and we, his friends, wish him well in his retirement.

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to distinguished members of the Pennsylvania delegation who will depart from the House at the end of the 102d Congress.

I am pleased that we have this opportunity to honor men like LARRY COUGHLIN, JOE GAYDOS, JOE KOLTER, DICK SCHULZE, and GUS YATRON who have played such an active role in the daily activities of this Chamber. As Members labor to finish the business of the House before adjourning, it is appropriate that we should pause to take stock of the immense public contribution made by these gentlemen.

The Commonwealth of Pennsylvania is fortunate to have been represented by men of such diverse backgrounds and varied interests. While there may be differences among them in personal experience, party affiliation, and residence, they all share a common commitment to providing the people of their districts with dedicated representation on issues of local and national interest.

Representative LARRY COUGHLIN has chosen to leave the House this year after a long and distinguished period of service in the House which began in 1968. As one of our delegation's senior members, he has provided an outstanding example to new members from Pennsylvania who would aspire to follow this standard of independence and personal integrity.

While always a loyal member of his party, LARRY COUGHLIN has displayed on many occasions a willingness to look beyond party labels. While facing at times opposition from an administration of his own party, he has been a champion of Federal support for mass transit and a leader in arms control efforts, especially during the debate over antisatellite weapons.

As the ranking member on the House Appropriations Transportation Subcommittee, LARRY COUGHLIN has played a central role in promoting investment in America's infrastructure. Urban areas like Philadelphia and Pittsburgh have benefited significantly from his forceful advocacy in support of mass transit. He has also earned the gratitude of many Members, including myself, for his support of priority transportation projects in various parts of the United States.

Representative JOE GAYDOS will leave the House this year after serving 12 terms on behalf of the people of the 20th District. Since he came to the House in 1968 with LARRY COUGHLIN, he has labored with equal dedication on behalf of his constituents. JOE GAYDOS has been a fighter for the rights of working men and women and has been a forceful voice during efforts to preserve America's industrial base in the face of unfair foreign trade practices.

Since JOE GAYDOS welcomed me to the House in 1980, I have had many occasions to work with him on issues vital to our neighboring districts in western Pennsylvania. Steel workers and industrialists in Pittsburgh and the Mon Valley gave birth to America's industrial revolution. While our region has diversified into many new economic fields, I am pleased that I have had the benefit of working with JOE GAYDOS as fellow members of the House steel caucus to promote tough U.S. trade policies. As executive committee chairman of the steel caucus, JOE GAYDOS has helped ensure that American steel has a fair opportunity to compete in the marketplace. He has preserved our industrial heritage and helped to ensure its future.

As chairman of the House Education and Labor Subcommittee on Health and Safety, JOE GAYDOS fought successfully to defeat efforts made by the Reagan administration to weaken irreparably the Occupational Safety and Health Administration. He won House passage of ground breaking legislation to protect workers from exposure to hazardous chemicals or materials and established the foundation for future action on this issue. Whether it be on issues ranging from workplace safety, pension rights, or unfair trade, working men and women have always known that they have a champion in JOE GAYDOS.

Representative JOE KOLTER has served the people of the Fourth District in western Pennsylvania since 1982. He has labored on behalf of his constituents to ensure that they are not forgotten when Federal priorities are established. He and I share a history of city council service in our respective communities and I know that he understands as well as I do the vital need for America to have an urban policy. JOE KOLTER has been a part of this fight and I am happy that I have had an opportunity to serve with him in the House.

As chairman of the House Public Works Subcommittee on Economic Development, JOE KOLTER has worked successfully to focus America's attention on the need to invest in our country's roads, bridges, airports, and waterways. He has made clear to his colleagues and the Nation the important and central linkage between a strong infrastructure and a strong economy.

Representative DICK SCHULZE has represented the Fifth District of Pennsylvania since 1974. While I know that many of his constituents will miss his active efforts to represent them in the House, I will miss especially the opportunity to work with him as a fellow Ways and Means Committee member. We have joined together on many issues of importance to Pennsylvania and the Nation, and I regret that we shall no longer be able to present a bipartisan Pennsylvania voice on the Ways and Means Committee.

DICK SCHULZE has been a forceful advocate of a tough U.S. trade policy. He has been for many years a leader in the struggle to ensure that free trade is matched with fair trade. DICK SCHULZE has always known how important exports are to the Commonwealth of Pennsylvania and to the overall economic strength of the United States. He has also been a leader in efforts to focus national attention on human rights abuses in China and the need for the United States to consider such outrages during debates over United States-China trade relations. DICK SCHULZE deserves the thanks of workers and business leaders for his tireless efforts to make sure that unfair foreign trade practices are not ignored by policy makers in both the Congress and the administration.

Representative GUS YATRON came to the House in 1968 along with LARRY COUGHLIN and JOE GAYDOS. As the Congressman from the Sixth District of Pennsylvania, GUS YATRON has always maintained a sharp focus on the needs of his constituents. He has fought on behalf of the many textile and sheet-metal workers in eastern Pennsylvania. GUS YATRON exemplified the best tradition of the House by never losing touch with the people of his district.

GUS YATRON has been a leader in maintaining America's respect for human rights and stressing the need for the United States to speak with moral authority in world affairs. As chairman of the House Foreign Affairs Subcommittee on Human Rights and International Organizations, he has been relentless in his efforts to focus the attention of the Congress, the administration, and Nation on reports of human rights abuses in countries governed by both friends and foes.

GUS YATRON deserves special commendation for his efforts to warn America of the threat posed by the Iraqi regime of Saddam Hussein. He was a leading voice in the fight for a United States condemnation of Iraqi human rights abuses at a time when the Bush administration was still committed to pursuing the friendship of Saddam Hussein. He also labored for many years to preserve a strong U.S. commitment to an effective United Nations even while the Reagan administration was attempting to withhold funds from this world body. GUS YATRON helped to ensure that there would still be a functioning United Nations when the United States and the world joined together in a United Nations-sponsored campaign to overturn Iraq's invasion of Kuwait.

Mr. Speaker, I want to thank each of these department members of the Pennsylvania delegation for the pleasure and honor of having served with them in the U.S. House of Representatives. There is not enough time in the remaining days of the 102d Congress to acknowledge fully their efforts on behalf of their constituents, the Commonwealth of Pennsylvania, and the Nation. Still, I am pleased that I have had this opportunity to join with my colleagues in expressing our continued respect for these gentlemen from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, at the close of this the last session of the 102d Congress we begin to realize that a record number of our colleagues which we have served with for many years, will not be returning to the next Congress. It is for this purpose that we gather here on the floor today to pay tribute to these Members from the State of Pennsylvania.

Mr. Speaker, unfortunately LARRY COUGHLIN will be one of those Members who will be retiring after the end of the 102d Congress. He has served in this body with distinction. Evidence of his great service are his 12th consecutive terms, representing the 13th District of Pennsylvania.

Before his days as a U.S. Congressman, LARRY worked in a coal mine, on his family farm, served in the Army during the Korean War, and worked his way through law school. As though that was not a life already filled with great accomplishment he later sought public office and was elected to serve in the Pennsylvania General Assembly and State Senate before coming to Congress in 1968.

As the ranking Republican on the Appropriations Subcommittee on Transportation, he aided me in every way to direct critical financial resources to the paramount infrastructure needs of this country for the next decade. Likewise his efforts on the Select Committee on Narcotics Abuse and Control, have helped to pinpoint where our Nation's resources must be placed to stem the tide of illegal drugs coming to this country.

Mr. Speaker, this Chamber truly is losing one of its finest Members. One who has committed his life to the betterment of his country and its people. One who has fought for freedom on the battlefield and on the floor of this great House. In closing Mr. Speaker, I want to take this opportunity to wish LARRY and his wife, Susan, all the best in their future endeavors.

Mr. REGULA. Mr. Speaker, today provides an opportunity to express our gratitude to departing Pennsylvanians, JOE GAYDOS, LARRY COUGHLIN, GUS YATRON, DICK SCHULZE, and JOE KOLTER for their exemplary service and leadership as Members of the House of Representatives.

As a member of the Appropriations Committee and the steel caucus, I have been directly involved with JOE, LARRY, and DICK and have always appreciated their thoughtful approach to the challenges of these activities.

Pennsylvania will greatly miss the dedicated service they have provided to their constituents and all citizens of our Nation.

Mr. PANETTA. Mr. Speaker, I would like to join in the tribute to my distinguished colleagues from the State of Pennsylvania, who will be leaving us after so many years of faithful service. Their record of achievement serves as a tribute to the people of Pennsylvania, and to their office.

I would like to take this opportunity to thank each and every one of these gentlemen for their service to the Nation. GUS YATRON deserves our warmest accolades for his years and years of determined work on behalf of human rights around the world and his leadership in forcing international organizations to remain responsible to the nations they serve.

DICK SCHULZE is notable for his fine and steady work in economic issues. I have appreciated DICK'S grasp of economic issues as they relate to the American family, and I have also enjoyed his good humor and collegiality.

JOE KOLTER I will always remember as the man I could count on to cosponsor my bills. JOE and I see eye to eye, and I want to thank him for his warm support for my legislative initiatives.

JOE GAYDOS has established a record of which he and his constituents can be proud. It has been a pleasure and privilege to have worked with JOE.

Finally, LARRY COUGHLIN and I have disagreed on a few issues, but I have respected LARRY'S hard work and fair-mindedness. I believe that he served his constituents honorably.

It is with regret that I find myself paying tribute to yet another group of fine men who have contributed so much to this body, and yet I welcome this chance to pay tribute to men who have served honorably for so long in the Nation's National Legislature. To all my fellow colleagues from Pennsylvania, departing after so many collective years in the House, I offer my deepest thanks for your service and your fellowship, and I wish you the best in all your future endeavors.

Mr. HORTON. Mr. Speaker, today I would like to pay tribute to GUS YATRON who will be retiring from the Congress at the end of the year. GUS YATRON has served this Nation with distinction as a Member of this body for 24 years.

Through his work on the Committee on Post Office and Civil Service, GUS YATRON has helped move this Nation's business forward. GUS and I served together on this committee and the Human Resources Subcommittee. Throughout the years, GUS has proven himself to be a friend of the working man and woman. His commitment to the little guy was certainly evident in his committee work.

GUS was also a distinguished member of the Foreign Affairs Committee. He is to be saluted for his outstanding work as the chairman of the Human Rights and International Organizations. Many of my Jewish constituents who emigrated from the former Soviet Union have benefited from his leadership in pressuring that government to permit the refuseniks to leave. On behalf of them, I want to thank Chairman YATRON for his leadership in this area.

My wife, Nancy, joins me in extending our best wishes to GUS YATRON and his family. We wish him the best of luck in all of his future endeavors.

Mr. Speaker, today I would like to pay tribute to LARRY COUGHLIN who will be retiring from the Congress at the end of the year. LARRY COUGHLIN has served this Nation with distinction as a Member of this body for 24 years.

Through his work on the Committee on Appropriations, LARRY COUGHLIN has helped move this Nation's business forward. As the ranking Republican on the Transportation Subcommittee and a member of the VA–HUD Subcommittee, LARRY has been a leading Republican on urban issues and needs. His voice of support and thoughtful advice will certainly be missed next year.

And although it is fashionable in some circles to denigrate this institution and its Members, our colleagues who remain behind and our successors would do well to look to the career of LARRY COUGHLIN as one to emulate. The essence of the Congress is for Members of different views to discuss the issues, hash out the differences, and forge public policy that incorporates the best elements of the varying positions. LARRY COUGHLIN has done that.

My wife, Nancy, joins me in extending our best wishes to LARRY COUGHLIN and his family. We wish him the best of luck in all of his future endeavors.

Mr. Speaker, today I would like to pay tribute to JOE GAYDOS who will be retiring from the Congress at the end of the year. JOE GAYDOS has served this Nation with distinction as a Member of this body for 24 years.

Through his work on the Committee on Education and Labor, JOE GAYDOS has helped move this Nation's business forward. Although I did not serve with him on a committee, I nevertheless know of his reputation for commitment to public service and to the working man and woman.

Through his position as chairman of the Education and Labor Subcommittee on Health and Safety, JOE GAYDOS has worked hard to ensure that workers will be safe in the workplace. Though there is no way to quantify the number of men and women who will be helped by his efforts, it is clear that a large number were spared from serious injury and possible death as a result of his leadership. As one who shares his commitment to the working man and woman, I applaud Chairman GAYDOS for his outstanding work.

My wife, Nancy, joins me in extending our best wishes to JOE GAYDOS and his family. We wish him the best of luck in all of his future endeavors.

Mr. Speaker, I would like to pay tribute to JOE KOLTER who will be retiring from the Congress at the end of the year. JOE KOLTER has served this Nation with distinction as a Member of this body for 10 years.

As the ranking Republican on the Government Operations Committee, I have had the honor and privilege of working with JOE KOLTER who also serves on that distinguished panel. And though we do not serve on the same subcommittees, we did work together on a number of issues before the full committee. JOE KOLTER has been a hard working, dedicated member of the Government Operations Committee who has contributed much to its success.

My wife, Nancy, joins me in extending our best wishes to JOE KOLTER and his family. We wish him the best of luck in all his future endeavors.

Mr. Speaker, today I would like to pay tribute to DICK SCHULZE who will be retiring from the Congress at the end of the year. DICK SCHULZE has served this Nation with distinction as a Member of this body for 18 years.

Through his work on the Committee on Ways and Means, DICK SCHULZE has helped move this Nation's business forward. Although I did not serve with him on a committee, I nevertheless know of his reputation for commitment to public service.

From his position on the Ways and Means Subcommittee on Trade, DICK SCHULZE has been a tireless advocate of fair trade relations with other nations. As one who shares that position, I want to thank him for his continued efforts over the year. His advice on trade policy will certainly be missed on our side of the aisle.

My wife, Nancy, joins me in extending our best wishes to DICK SCHULZE and his family. We wish him the best of luck in all of his future endeavors.

GENERAL LEAVE

Mr. MURTHA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous material on this special order.

The SPEAKER pro tempore. (Mr. BORSKI) Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ORDER OF BUSINESS

Mr. DORNAN of California. Mr. Speaker, I have had a request or two here to defer to some of my colleagues. I am very willing to do that, because my special order is extensive, and I understand some people have some good short ones that I am anxious to listen to also.

Mr. Speaker, I ask unanimous consent that my special order be deferred to the gentleman from Alabama [Mr. CALLAHAN], and then to the gentleman from New Jersey [Mr. HUGHES].

The SPEAKER pro tempore (Mr. KANJORSKI). Is there objection to the request of the gentleman from California?

There was no objection.

TRIBUTE TO RETIRING MEMBERS FROM ALABAMA

The SPEAKER pro tempore (Mr. BORSKI). Under a previous order of the House, the gentleman from Alabama [Mr. CALLAHAN] is recognized for 60 minutes.

Mr. CALLAHAN. Mr. Speaker, I thank my colleague, the gentleman from California [Mr. DORNAN] for yielding and giving us the opportunity to have this special order for those of us from Alabama and those colleagues of ours throughout the country to pay tribute to, to honor and say a few words tonight about two of our colleagues from Alabama who are retiring at the end of this term, one of them being CLAUDE HARRIS from Tuscaloosa, AL.

Mr. Speaker, at this time I yield to the gentleman from Alabama [Mr. BEVILL], the chairman of the Alabama delegation, to handle the HARRIS portion.

Mr. BEVILL. Mr. Speaker, I thank my friend and colleague, the gentleman from Alabama, for yielding to me.

Mr. Speaker, I rise to pay tribute to my good friend and fellow Alabama colleague, CLAUDE HARRIS. CLAUDE is leaving the House after representing Alabama's Seventh Congressional District for three outstanding terms.

I have enjoyed working with CLAUDE and I am really going to miss him. He is one of the best-informed members I have ever known.

He pays close attention to legislation when it is on the House floor. He knows the fine details of most bills and how they are likely to affect his district, our State and the Nation as a whole.

He also knows everything that is happening back home. Very little has escaped his attention and interest. Whenever I see him, I can always count on him to tell me something I did not know already.

CLAUDE was first elected to the 100th Congress in 1986. He had practiced law in Tuscaloosa, AL, and had served for many years as an Alabama circuit judge. He brought his fine talents and even temperament to Washington and he has made an excellent record here in a very short time.

I have had the good fortune to work very closely with CLAUDE and I have admired him for his determination and dedication to getting the job done.

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GENERAL LEAVE

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of these two special orders, one for the gentleman from Alabama [Mr. HARRIS] and one for the gentleman from Alabama [Mr. DICKINSON].

The SPEAKER pro tempore (Mr. BORSKI). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BEVILL. Mr. Speaker, may I have 1 more minute to pay tribute to the gentleman from Alabama [Mr. DICKINSON]?

Mr. CALLAHAN. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Speaker, I join my colleagues in congratulating our friend and distinguished colleague BILL DICKINSON on his outstanding career in the U.S. Congress. BILL has decided to retire after faithfully serving the people of Alabama's Second Congressional District since he was first elected in 1964, during the Goldwater sweep.

BILL has been a most outstanding Member of Congress and he has done an excellent job not only for Alabama, but for our entire Nation. He has demonstrated his leadership and expertise in military matters over the years.

For the past 12 years, he has exercised extremely good judgment in his role as the ranking Republican on the House Armed Services Committee. We all have been well-served by his commitment to ensuring our national security.

I have enjoyed working with BILL over the years. Our Alabama congressional delegation is a tight-knit group and we do what is best for our State without regard to partisanship.

BILL DICKINSON has made his mark here and his accomplishments will long be remembered. We will miss him and we wish him all the best.

He spearheaded the legislation to authorize a new metal casting research program. Many universities across the country participate in this program, including the University of Alabama. Metal casting is an important American industry and he has looked for ways to help improve the technology.

CLAUDE also has been persistent in his support for Alabama's waterways. During his tenure, the new Oliver Lock and Dam on the Black Warrior River at Tuscaloosa was completed. This project has eased the flow of barge traffic through the area and has helped promote the export of American products, including Alabama coal.

CLAUDE has also been a very strong supporter of our Nation's veterans. As a member of the House Veterans Affairs Committee, he has taken a special interest in health care issues and has sought improvements in veterans' hospitals.

He also has a special concern for the welfare of children and has worked to call attention to the high infant mortality rate.

Recognizing that Alabama has a huge poultry industry, CLAUDE was instrumental in organizing an annual chicken dinner on Capitol Hill. My colleagues certainly have acquired a taste for Alabama chicken and this event has given our poultry industry well-deserved recognition.

CLAUDE's contributions as a fine public servant will always be remembered here and appreciated. With his experience and abilities, CLAUDE has a very bright future ahead of him and I know he will be highly successful in his endeavors.

Mr. Speaker, I respectfully ask permission to submit for the RECORD a dedication to CLAUDE HARRIS from his staff. Their comments are as follows:

GOODBYE AND THANKS

Today, his fellow Members of Congress have spoken about working with Claude Harris, and now, courtesy of Congressman Tom Bevill, we staff members can add our views, based on working for him, most of us for the full 6 years he has been in Congress.

Claude Harris is a man for whom all of us have been proud to work. His true commitment to public service and his absolutely unimpeachable personal integrity were an example and source of strength to all of us through these times which have seen this institution and many of its leaders brought low. However widespread the problem, we always knew our boss was the exception to the rule. With Claude Harris we truly never had to apologize, never had to explain.

Best of all, he was always the same person. Whether in public or in private, whether dealing with the highest officials or an individual constituent, he was always the same, he always listened with an open mind, and he never betrayed his own principles.

But don't think Claude Harris was some remote paragon either. No Member of Congress has a greater, more genuine interest in people and no Member of Congress was less affected by the prestige and trappings of office. Every staff member always felt free to bring their problems—professional or personal—to the Congressman. His door was always open.

We all learned from his example. It is so easy to get caught up in the press of work, to actually believe in our own importance, and then we would see our boss taking the time to do some task we might have thought was beneath us, or taking the time to speak with that troublesome caller we had hoped would go away. It was the Congressman who by his example reminded us that the only reason any of us were here was to be of service.

With Congressman Harris "pride of office" literally meant leading us in cleaning and polishing the brass to make 1009 Longworth shine. As he often said, "We may not be the best looking, but we can always look our best."

We had fun these last 6 years. We became more like an extended family because that is how he treated us. Like a family we developed some common traits he would remark upon. Our enthusiasm for receptions, dinners, and "care packages" led him to label us "good eaters." Most staffers had their own nicknames as well, and we called him "Judge," in honor of his previous service on the bench.

Congressman Harris will be remembered by us for his many pet phrases which greeted our work or actions. If we missed some point of a discussion he would employ an imaginary microphone and intone "Earth to (whomever)." A draft letter that was too caught up in jargon would elicit the comment that we needed to "put the hay down where the goats could get it." Loyalty to an ally might be described as "dance with the one that brought you." "Too much sugar for a dime" meant that some legislative proposal was too good to be truly as described and if it wasn't good at all, he might say "that dog won't hunt." Unexpected political consequences of a bill were described as "ploughing up a snake."

All of us on this staff are better for having worked for this man. His example has set a standard for us. The memories we take from this time will last long after we walk out the office door that final time. Serving Claude Harris has been our privilege and our gain. It is a loss to both our State and Nation that he will not be returning to the House.

Thank you, "Judge."

Mr. CALLAHAN. Mr. Speaker, as I mentioned, this has been an unusual year in terms of the large number of Members who have announced plans to retire at the end of the Congress. However, none have been more unfortunate in terms of personal loss than the announcement earlier this year by my friend and colleague from Alabama, Congressman CLAUDE HARRIS.

To know CLAUDE HARRIS is to know what public service is really all about.

He has been unselfish, constantly lending his time and many talents to whatever cause would advance the communities and the people that make up his current seventh Congressional District.

He has been tireless in his work habits, studying the issues, meeting with constituents, going back home and staying in touch with those people who elected him, and bridging a gap even with his political opponents, all to guarantee nothing short of first-class representation.

And he has been dedicated to place principle above politics, always striving to make the right decision, not just the most politically expedient decision.

CLAUDE came to Congress following in the footsteps of some other highly respected lawmakers from the Tuscaloosa area. Both Armistead Selden and Walter Flowers before him set the standard of constituent service and statesmanlike decisions.

However, CLAUDE brought his own style to governing and is one of the finest, most decent men to ever seek elected office. He never let it go to his head that he was a Member of Congress. Instead, CLAUDE returned as often as possible to his beloved Tuscaloosa, whether it was to serve in the National Guard, to go to the local cafe to have coffee with a group of constituents, to attend church with his family, or to meet with a civic club. I know CLAUDE traveled back home a lot, because he and I were often traveling companions as far as Nashville. Then he would get on board a small plane headed to Tuscaloosa while I would catch my flight to Mobile.

While I am personally going to miss CLAUDE HARRIS' friendship, the State of Alabama is going to be an even greater loss.

When CLAUDE was first elected, he represented our State on the Agriculture Committee and the Veterans' Affairs Committee, two very important committees especially to the people of Alabama. Two years ago, he secured a position on the Energy and Commerce Committee, on which I serve, and together we have worked even more closely for the common good of the people of Alabama.

While CLAUDE and I might have been from different parties and of different backgrounds, he being a lawyer and I a businessman, I knew I could always count on him for strong moral support and solid counsel on whatever issue was at hand. He has always been there, not just for me, but for all of Alabama.

At a reception in his honor the other night, CLAUDE HARRIS said with humility, yet pride, that few young boys from Shannon, AL, ever dreamed of being elected to the U.S. Congress, much less made it here. CLAUDE HARRIS has lived the American Dream and we are the better for it.

I salute my good friend from Tuscaloosa, and hope there are many paths he will consider traveling in furthering the cause of promoting and serving the people of Alabama.

Mr. Speaker, I now yield to our colleague from Birmingham, AL [Mr. ERDREICH].

Mr. ERDREICH. Mr. Speaker, I rise, with all of my Alabama colleagues, to pay tribute and say goodbye to a true friend, the Honorable CLAUDE HARRIS.

CLAUDE and I have worked side by side to represent the interests of all Alabamians since he was first elected to Congress in 1986. An example of our partnership is the Metal Casting Center at the University of Alabama. This center applies high technology to a very basic Alabama industry. The idea may sound simple, but it is an idea that is helping a basic Alabama industry become competitive, an industry that employs close to 20,000 in our area and over 250,000 nationwide.

To me, this represents the ideals of CLAUDE HARRIS—applying Alabama common sense, which he is tremendously blessed with, to the complex issues we all deal with in Congress to ensure that all Americans have a brighter future.

Retirement was not an easy decision for CLAUDE. He has told me many times that he would have liked to continue to serve the people of Alabama. But, unfortunately for us all, because of partisan efforts in Alabama, CLAUDE HARRIS was forced to retire.

All of us in Congress will miss CLAUDE and his wife, Barbara.

CLAUDE HARRIS has been a good friend to all of us, from the time he first walked into our Chamber, until the time, regrettably, that he leaves. He has become one of my closest friends, as he is a friend to so many on both sides of the aisle.

Mr. Speaker, in a speech announcing his retirement, CLAUDE said: "Being chosen by the people of the Seventh District to represent them in the Congress has been the greatest honor of my life." CLAUDE, the honor has been all ours.

In addition, Mr. Speaker, I rise to pay tribute to an old friend, and the senior Republican member of the Alabama delegation, the Honorable WILLIAM L. DICKINSON.

BILL has served with us in Congress since 1964. He has been an outstanding Representative for the Second District and the State of Alabama.

This native of Opelika, AL has worked hard to help us maintain a strong national defense. In the past 20 years, the three military installations in his district, Maxwell Air Force Base, Gunter Air Force Base, and Fort Rucker, have experienced tremendous growth.

His commitment to our defense has earned him numerous awards, including the Peace Through Strength Award from the Army Aviation Association and the Distinguished Service to Soldiers Award for the U.S. Army.

Mr. Speaker, it has been an honor for me to serve and work beside BILL DICKINSON. I wish him well as he returns home to the great State of Alabama. BILL, I can speak for all of my colleagues; we will miss you.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman from Alabama [Mr. ERDREICH], and I would like to yield now to the newest member of the Alabama delegation from north Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, I rise today to join my distinguished colleagues from Alabama in saluting Congressman CLAUDE HARRIS for three outstanding terms of dedicated service to this institution and the great citizens of the Seventh District of Alabama.

A driving force on the House Committee on Energy and Commerce and on the Committee on Veterans' Affairs, CLAUDE is a remarkable leader who has given Congress his experience and expertise. He is a champion for veterans and has led the fight against infant mortality in Alabama, the Southeast, and the country.

CLAUDE's service has been recognized by constituents and by prominent groups and organizations.

He was honored as Alabama 1990 Congressman of the Year by VOCAL and received the 1990 Service to Agriculture Award from Alabama Farmers Federation.

CLAUDE has received the National Security Leadership Award from the American Security Council Foundation and Watchdog of Treasury Awards for 1988 and 1989.

His impressive list of accomplishments includes the Eagle of Freedom Award from the National Security Council, the Alabama District Attorney's Association commendation for leadership, and the Alabama Forestry Commission and Volunteer Fire Departments Award for support to the enhancement of Alabama's wildfire response capabilities.

I can only echo the remarks of my colleagues when I say that CLAUDE HARRIS is a great man and a great Member of this institution. CLAUDE can be justly proud of his years of excellent service in Congress on behalf of his district and the entire Nation. He has a superb record of leadership in which he can take great pride.

As a freshman Congressman, I have leaned on CLAUDE for advice and strength. He has been a good friend and I will truly miss him.

However, I believe my colleagues will agree when I say that, while CLAUDE HARRIS may be leaving this institution, he has definitely left a mark on Congress and this country.

I proudly commend CLAUDE for his exemplary public service and wish him well as he returns to Alabama to embark on a new journey.

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Mr. CALLAHAN. Certainly we all share your sentiments.

At this time I yield such time as he may consume or may want to consume to another Congressman and a great one from the State of Alabama, Mr. BROWDER.

Mr. BROWDER. Mr. Speaker, it is hard to follow the comments that have been made about our colleagues, CLAUDE HARRIS and BILL DICKINSON, as they will not be returning to this body. It is hard to follow those comments and say anything new. That is because CLAUDE HARRIS and BILL DICKINSON are well known to all of us and respected by all of us.

I met CLAUDE HARRIS about 6 years ago when he and I both were campaigning for office in Alabama. Our paths crossed a lot. I learned to respect him during that time, and I learned to respect him more as I served in Alabama and he served in the U.S. Congress.

But I really grew to appreciate CLAUDE HARRIS as a person and as a public servant when I joined him here in the U.S. Congress 3 years ago. CLAUDE and I participated in a lot of meetings, breakfasts, task forces, a lot of assignments together. Because we were both from Alabama, we both shared a lot of the same interests.

CLAUDE is known out here on the floor as the Judge. That is because of his experience as a prosecutor and as a judge in Alabama. We all looked to him for guidance on issues relating to law enforcement and our justice system.

But it went much beyond that. Every time an issue came up on agriculture or the National Guard, volunteer firefighters, a lot of issues, we turned to CLAUDE and we asked him, "CLAUDE, is this one OK? What about this one?"

He has had a tremendous influence on all of us here in the delegation. Not only on our votes, but on ourselves as persons.

The same is true of BILL DICKINSON. I have known BILL DICKINSON for 3 years. I served with him on the House Armed Services Committee.

BILL DICKINSON made tremendous contributions to our national defense, just as my predecessor, the late Congressman, Bill Nichols, did.

BILL DICKINSON not only made contributions to a strong national defense, but BILL DICKINSON has the courage and the insight to question our national defense when those questions need to be asked. I cannot recount for you all the times in our committees when BILL DICKINSON asked the probing question, the question that needed to be asked but that other people did not know enough to ask. He has really served this country and this delegation well.

Both CLAUDE HARRIS and BILL DICKINSON are ideals that the rest of us should follow, and it is going to be hard to—no, it is going to be impossible—for them to be replaced.

All I can say is that for CLAUDE and Barbara and for BILL and Barbara we all salute you, and you will be missed.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman and certainly share that.

Let me tell you, Mr. Speaker, I know it has caught a lot of Members by surprise, but through the grace of Congressman DORNAN from California, we are up a little bit earlier than when I anticipated. When I sent out the "Dear Colleague" to all Members of Congress and told then tonight I wanted to pay tribute to Congressman HARRIS as well as Congressman DICKINSON, I literally got dozens of calls from Representative ANNUNZIO, Congressman KYL, even Congressman DORNAN from California called, who said he wanted to say some kind words about BILL DICKINSON. Also Congressman ORTIZ, and it goes on and on and on.

We have already gotten permission for all of these Members to enter into the RECORD their comments about BILL DICKINSON, but I am sorry that they were probably caught by surprise and are unable to get here.

I am glad, Mr. Speaker, to have the opportunity to sort of lead this conversation tonight, this dialogue that we have been given the opportunity to present. I tonight stand with mixed emotions. BILL DICKINSON is a great friend, and I am going to miss him, but certainly he deserves retirement.

BILL DICKINSON first came to the Congress in 1964 during what they then called the Goldwater sweep, the Goldwater landslide—in south Alabama, anyway. Then he served in this body consistently and continually for 28 years.

BILL is a former veteran of the U.S. Navy and rose from a city court judge to the court of common pleas judge, a juvenile court judge, and a circuit court judge in Alabama. In all he has been in public service for over 40 years.

But I think most importantly, one thing that all of us should remember, is that it was BILL DICKINSON who was the ranking Republican on the Armed Services Committee during all of the military buildup of the Reagan and Bush years. It was BILL DICKINSON whose voice was heard representing the Presidents, representing the Pentagon. He was, I guess, the man most responsible from the Republican point of view for spearheading the effort to do what President Reagan wanted to do, and that was to prove to the world that the way to gain strength and to gain peace was through military might.

With the efforts of BILL DICKINSON and his colleagues on the Armed Services Committee, but certainly with BILL's leadership handling the administration's bill, we did rebuild the military might of the United States of America.

When we talk about the Patriot missiles and we talk about the sophistication of our Air Force and our Navy and we talk about world peace that we have now, when we talk about the end of the cold war and talk about the fact that the Berlin Wall has crumbled, somewhere in history it must reflect that BILL DICKINSON was there and one of the chiefly responsible people in the entire United States of America for making certain that the Pentagon had the adequate direction and resources to make this country the military might it was and is as he leaves us this year.

So I am going to miss him. He was my mentor. He was on the committee of committees, which is the committee here in Congress that determines where a Member is going to sit. I leaned on BILL, and he was instrumental in seeing that I got the best committee assignments that he could possibly get for me, and he was quite successful there.

His wife Barbara and he have visited in my home in Mobile. We have vacationed together. We have shrimped together.

□ 2020

I know a lot of people up here who think shrimp grow on trees, but we actually catch them, and we had an opportunity to go and spend many hours on the beautiful waters of Mobile Bay and that type of fellowship.

Let me tell the Members, I am going to miss him, the United States of America is going to miss him, certainly his district, who has leaned on him to make certain that the military installation that is the No. 1 chief economic factor of his district was preserved, and that Maxwell Air Force Base, Gunter Air Force Base, and Fort Rucker always received their fair share of representation.

As he leaves, my wife Karen and I join with our colleagues in wishing him the very best and wishing him a very relaxed vacation that he so richly deserves.

At this time, I yield to another colleague from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Speaker, I rise today to join my distinguished colleagues from Alabama in honoring Congressman BILL DICKINSON for 28 years of excellent service to the Second District of Alabama and the Nation.

The senior Congressman, most commonly known as the Dean, represents a southeast district of Alabama, which includes our State capital, Montgomery, and three important military installations—Maxwell Air Force Base, Gunter Air Force Base, and Fort Rucker.

A ranking Republican for the last 11 years on the powerful House Armed Services Committee, Congressman DICKINSON has exercised great responsibility in shaping national defense issues. He was even chosen by President Bush to be his personal representative at the Paris International Air Show in 1989. The Reserve Officers Association of the United States presented BILL with their most prestigious award, Minuteman of the Year.

BILL DICKINSON'S impressive list of accomplishments is lengthy. It includes seeing aviation become a full-fledged branch of the Army and Fort Rucker becoming the permanent home of Army aviation; getting the Nation's eighth Trident submarine named after Alabama; transforming Gunter Air Force Station in Montgomery into an Air Force base; securing authorization for military aircraft to fly civilian traffic and accident victims to hospitals; and helping to establish an Air

Force School of Law at Maxwell Air Force Base in Montgomery and the Senior NCO Academy at Gunter. I commend and congratulate BILL on his life of exemplary public service. He has served his district, Alabama, and our Nation well.

Mr. CALLAHAN. Mr. Speaker, I yield to the person, ironically, we have been honoring tonight, the gentleman from Tuscaloosa, CLAUDE HARRIS. He, too, wanted to join with us tonight in saying some words of tribute to Mr. DICKINSON.

Mr. HARRIS. Mr. Speaker, I thank the gentleman for yielding to me.

I am in the unique situation, Mr. Speaker, of coming here and telling people "thank you for the good things you have said."

Also, tonight I want to note the end of an era in my State's political history and the end of an era of service in this House.

In 1964, for the first time since reconstruction, voters in Alabama sent Republicans to Congress. As a matter of fact they chose Republicans in five of the nine House districts we then possessed. BILL DICKINSON, along with Jack Edwards, John Buchanan, Jim Martin, and Glen Andrews were elected to the 89th Congress.

Martin left in 1966 to run for Governor, Andrews was defeated by the late Bill Nichols, but DICKINSON, Edwards, and Buchanan remained and ably represented our State for many years.

Now, with his retirement, BILL DICKINSON becomes the last of that pioneer group to leave the House. I am also told that he is the last serving Republican member of the class of 1964.

BILL leaves a visible legacy in our State and his contributions to our Nation's security through his service on the Armed Services Committee will be felt for years. BILL'S commonsense approach to the business of this House served all Members well during his tenure on the House Administration Committee.

On a more personal note, BILL has been a friend to me in a way that transcended political lines. In our delegation he exemplified a tradition of cooperation in pursuit of the interests of Alabama and our Nation.

We had much in common, having graduated from the same law school, and having both served as circuit judges before coming to the House. Now we have one more thing in common, we are both leaving the House.

BILL, I appreciate having had the opportunity to serve with you and I look forward to many years of comradeship in the future.

Mr. CALLAHAN. Mr. Speaker, I yield to one of our colleagues from North Carolina, the Honorable MARTIN LANCASTER.

Mr. LANCASTER. Mr. Speaker, I thank the gentleman for the opportunity to participate in the special order that the Alabama delegation has requested to honor two of my favorite people and two excellent and fine colleagues in the House.

CLAUDE and Barbara HARRIS came to Congress when Alice and I did, and instantly became good friends. We are going to miss them greatly, because we had opportunities to get to know them not only through service here on the floor of the House and in our committees, but also in other ways as well.

CLAUDE and I served together on the Committee on Agriculture for a while, during which time I learned of his great commitment to the agricultural economy of Alabama and this country, and was able to see that commitment at work every day as he served so ably on that committee.

We also had an opportunity to travel together on several occasions, and though travel for Members of Congress is often derided by political opponents, I saw in CLAUDE and Barbara HARRIS the kind of commitment to representing their country well when they are traveling in other lands that serves our country in such a magnificent way. CLAUDE and Barbara were always hard at work doing what was necessary to make clear to our host their commitment to a better relationship between our countries, always being willing to participate in events that to some might seem strange, but in foreign lands was expected by our host. He was conscientious in foreign travel just as he was in his committee assignments, and always both he and Barbara served as outstanding representatives of their Government.

As a member of the Committee on Armed Services, I had an opportunity to work with CLAUDE from time to time on National Guard issues. As the Members know, CLAUDE is a colonel in the Alabama National Guard, and his commitment to a strong national defense is not only unquestioned but is also unsurpassed. He was always talking with those of us on the committee to make certain that the National Guard as an institution received the support that it needed from Congress.

I also observed about CLAUDE something that I think should be observed more often in all of our colleagues; that is, a real struggle to make certain that on each vote he cast he was representing the views and interests of the people of his district. Oftentimes CLAUDE would be late in voting, and as he would wait and see others vote, it was obvious the great struggle that was going on in his own mind to make certain that the vote he cast was cast seriously and with an eye toward what was best for his constituents and what would best reflect their interests and views on the issues.

I have always had an opportunity as a member of the Committee on Armed Services to serve under the leadership of BILL DICKINSON as the ranking Republican on that committee. He and the gentleman from Wisconsin, LES ASPIN, as chairman of that committee were not only worthy leaders, but also represented, each in their own way, the views of their party on national defense issues, and oftentimes BILL would take positions in the interest of his party that, for members of the committee, would be difficult for us to follow, but we always knew that BILL was committed to doing what was best and that he was seriously considering the ramifications of his position and of his party's position on our national security.

I also had an opportunity with my colleague, the gentleman from North Carolina, CHARLIE ROSE, to travel to BILL's district to have a hearing on peanuts, a program that is important to his district because of the large number of peanut farmers and the many acres of peanuts grown each year in his district.

On that occasion we had an opportunity on the night before the hearing to have dinner with many of BILL's constituents. I came away impressed with the great affection that BILL DICKINSON enjoyed with his constituents, and knew when I came back that here was a man who did in fact enjoy the love and respect of his constituents.

I know that in both of these cases, with CLAUDE and with BILL, that their constituents will greatly miss the fine representation they have had from their Congressmen, but I am sure that in both cases they are going to be glad to have two very fine sons of Alabama back home where they will continue to make great contributions to their communities, to their State, and to their Nation.

☐ 2030

Mr. CALLAHAN. I thank the gentleman. I certainly know Congressman HARRIS and Congressman DICKINSON as well appreciate very much those comments.

I would now like to yield to the gentlewoman from South Carolina [Mrs. PATTERSON].

Mrs. PATTERSON. Mr. Speaker, I thank the gentleman for yielding.

This is a very special time for me, and I appreciate being included in these special orders as we honor two fine gentlemen from Alabama. But I would like to focus my remarks on CLAUDE HARRIS, the judge, and let me tell you why.

I think the folks that we all remember the most in our lifetime are the folks that we meet at certain milestones in our life. CLAUDE HARRIS is one of those for me. When I was elected to the House of Representatives in 1986 and came to Washington, one of the first persons I met was a fellow classmate, CLAUDE HARRIS. From the time of our orientation here in Washington until the time we were sworn in on the House floor, CLAUDE was a person that I felt that I was going to like, and was going to know better as we served together.

We are classmates, and we will always remember that class of 1986.

One of the things that stands out in my mind about CLAUDE is as we talk about families in America I think CLAUDE and Barbara are such a perfect example of an American family, a true American family. They have worked side by side in everything they have done. He would tell me quite often, "Well, you know, Barbara is at home this evening. She keeps the campaign records, and she's at home making certain that everything is ready for the FEC report." Or "Barbara had to go back to the District since I cannot be there, and she's going to represent me."

I just saw a real, true team in Barbara and CLAUDE HARRIS, a team that I know will continue to work together.

Another way that I have gotten to know CLAUDE that is very special, very special to me through a weekly meeting that we attend in the Congressional Prayer Breakfast. I have stood by CLAUDE, talked with him in those meetings and listened to him, and shared with him, and I know how important those Thursday morning meetings are to him.

I have also had the opportunity of serving on the Committee on Veterans' Affairs with him, and have appreciated his leadership as we talked about issues that affected our National Guard and all of our veterans. He has truly been a person that I could turn to and ask for advice on veterans affairs and on many other issues that face this House of Representatives.

To CLAUDE I would say as I think about the times we have shared, I suppose this week when we joined together in the Prayer Breakfast and we were called on to sing a hymn, a hymn, that many of us know so well, "Blest Be the Ties That Bind," it made me think of the tie that does bind us together as Members of Congress, all of us, but those very special ties that are there between classmates and friends. As we sang that hymn this morning, we sang the first and last verse, and the last verse alludes to parting and separating, and how it is sad that there are times that we must separate. But the last phrase of that last verse of "Blest Be the Ties That Bind" says, "But we shall meet again."

To CLAUDE and to Barbara, we are not going to say goodbye, but we are going to say blessed be that tie that binds, because we truly are going to meet again.

Mr. CALLAHAN. I thank the gentlewoman for those very beautiful words in tribute to our two colleagues.

I yield to our colleague from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Speaker, I thank our colleague from Alabama for taking out this special order to pay tribute to our two retiring Alabama Members whose colleagueship we treasure so much, BILL DICKINSON, the distinguished ranking Republican on the Armed Services Committee, and CLAUDE HARRIS, who I particularly want to honor tonight as a classmate, someone I have known since my first day in the House. As Mrs. PATTERSON and Mr. LANCASTER had already indicated, those ties that bind those of us who come into this institution together, and who learn the ropes together, and who give one another counsel and support, those are ties that mean a great deal to us.

CLAUDE has been a fine colleague, a supportive colleague, one who we could always call on and whose friendship we valued a great deal. CLAUDE, as has been said by others here tonight, came to this House from a distinguished career as a lawyer, a prosecutor, and a judge. He has put in many years of service with the Alabama Army National Guard. His first committee assignment in the House was the Agriculture Committee, where he displayed considerable expertise, on which all of us drew. He has served for years on the Veterans' Affairs Committee, making certain that we live up to our obligations as a country to those who have served us so well. And more recently he obtained a coveted spot on the Energy and Commerce Committee where he has continued to serve with great distinction.

I have particularly appreciated my association with CLAUDE in our German study group, which is a group of Members who share an interest in Europe and in German affairs. We took two trips together to West Germany at a very opportune time, first in 1989, when we visited Berlin, and then a little over a year later in 1990 when we visited Bonn, Berlin, and Budapest as part of an exchange with our counterparts in the German Bundestag. Those were exciting times. Those were times when the Berlin Wall was coming down, and when German unification was being realized, a wonderful time to be there. And that was an experience that we shared that I am sure neither of us will ever forget, a time when I came to appreciate this particular aspect of CLAUDE's interest and talent, that which has to do with world affairs. And he indeed, as Mr. LANCASTER has said, represented us very well, and working with the German study group was an important part of his service here.

CLAUDE is as hard working a Member as I know. He is not a man who demands the limelight, and he is not a man who seeks headlines. But he is a man who works very, very hard and conscientiously, and who looks out for his constituents, makes certain that their interests are protected. He is a dedicated public servant, a public servant in the full meaning of that term, one who puts the common good ahead of his own interests, and is willing to put in long hours and dedicated service in order that his district and the people of this country might be well served.

We regret very much that he is leaving us, largely due to the vagaries of redistricting in his home State. He is leaving us prematurely, I think many of us feel, but he is leaving us with 6 solid years of service to his credit. He is leaving behind many colleagues who are all better for having known him.

So I am happy to join here tonight in wishing CLAUDE HARRIS and Barbara the very best, and am looking forward to their continued contribution to our public life.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman, and once again want to thank the gentleman from California [Mr. DORNAN] for permitting us this opportunity to go before him tonight.

But before we close, I have two more speakers that I would like to yield a few minutes to, and one of those is the gentleman from California [Mr. DORNAN] who is going to talk about Congressman DICKINSON and Congressman HARRIS.

Mr. DORNAN of California. Thank you, SONNY. First of all, let me make an observation, with some envy. It is a joy to see the entire delegation of Alabama, of both our great parties with such a warm feeling of comraderie and such a special feeling for a retiring Member of the majority party in this House, and a leader in our Republican Party.

☐ 2040

I only wish every State in the Union would feel that cohesiveness and unity that binds you Alabamians together.

You know, my dad took my brother and I on a tour through all of the Southern States. It was 1941. We were not in the Second World War yet. My dad was concerned that he might be reactivated even though he was about turning about 50 years of age, 49, and he took my older brother and I, left the little brother behind, and we went all the way through the South.

I can remember swimming in those big public plunges, those gigantic pools everywhere.

My dad said, "You know in World War I," to my brother Don and I, he said "I commanded a unit from South Carolina." He said, "Some of these boys were from the hills and had never worn shoes in their life." He said, "They complained about the shoes, but they never complained about combat or the freezing cold in France in the early spring. They never complained about the wounds and the combat," kind of like Alvin York from Tennessee, a Medal of Honor winner.

My dad said, "You know, as a first-generation Irishman from Newburgh, NY, and New York City," he said, "I have always kept note when the South is being criticized that there are more Medal of Honor winners, more volunteers," and part of it came from wanting a good job after the War Between the States, which some of you still call the War of Northern Aggression, to find a decent way of life, so we had most of our cavalry units in what was then the wild, wild West with young Southern soldiers, Confederate officers who took the rank of corporal, and led some of the same men they led at Shiloh.

I have never forgotten, and I have found the same thing in my 6 years of active duty and many years in the Reserve and my eight trips to Vietnam as a journalist, that where you had men from the South, African-American descent, a lot of Irishmen down there in the hills of the South, Scotch-Irish, English descent, wherever you went in the South you found people that loved loyalty and tradition, and when I told our good friend, Jack Kemp, on this House floor that I did not think he could win the primary of 1988, he said, "Tell me why, Bob. I am a tougher conservative than the Vice President." I said, "The President will sweep the South because of loyalty. He has been loyal to Ronald Reagan, and they love Ronald Reagan," and a lot of conservative Democrats still call themselves Reagan Democrats. I said, "In addition to loyalty, the South loves tradition, and without a reason to dump the No. 2 man, the chief operating officer under the CEO, they are not going to dump George Bush," and I said, "On March 8 of 1988, you watch him sweep every one but one." And I will not tell you the one I did not think he would take. He took it. Well, I will tell you: It was AL GORE'S State. He took them all. It was on the Republican side.

I want to add about the special order for CLAUDE and BILL DICKINSON, my own work with BILL DICKINSON on the Committee on Armed Services, they called them these journals of record, these books, the almanacs and all the politicians, I have noticed that you can be guilty of heinous perversion and be described as a brainiac, as a sitting Member, but if you are a Republican leader on something like the Committee on Armed Services, and I was talking to Barbara Dickinson, they will put in something as incorrect and as cheap a shot as, "Not effectual, an ineffectual and nonsubstantial Member," or something like that.

What I heard today here confirms what I have always known about BILL DICKINSON. This man is a patriot, and for 28 years, following the Goldwater sweep, I like that term, Arizona and five good Southern States, that he has stood tall for the defenses of our country and for the standards, the quality of life, as Cheney has come to call it, and before we had that little simple expression, it was just how the men and women are making out in our armed services, and BILL always defended that.

He went through the terrible period after the Vietnam war where we began to create the same mistake we did after World War I and World War II, Korea, Vietnam, and here we were going to shut down the military as though Aristotle, or Plato, was an idiot when he said, "Only the dead have seen the end of war."

I am afraid that those ringing words of Plato, although I had a liberal Member on the other side say that Plato was a cynic, and, well, I am afraid he is correct. There may be a time again, maybe in the not too distant future, when a handful, hopefully only a handful, or maybe more than a handful of young men and women may have to go in harm's way, and BILL DICKINSON served during those years of a hollow army, when ships could not sail for want of spare parts, when planes could not fly, and the pilots' lives were in jeopardy because they were not getting enough flying time in the air. You get down to 8- to 10-hours a month in a supersonic fighter, you are saying your prayers every takeoff roll.

These years have been tough years. He enjoyed the fruits of President Reagan's 2 years of 1981 and 1982, but after that he has fought and fought and fought and fought in that conference to come up with a pretty darn good defense authorization bill. It is the first one I voted for in 5 years. This time I was able to vote for it, because BILL DICKINSON fought for the B-2, the B-1, F-16's, F-18's, for what is left of strategic defense, to hold off that errant, crazed missile by some Qadhafi or Saddam Hussein.

It has just been a real joy for me to get to know Barbara and serve with BILL DICKINSON, and see the quality on the floor of the Democrats from Alabama like CLAUDE, and I am sure glad, SONNY, that you took out this special order, and I am glad you are not going away.

Mr. CALLAHAN. Well, I am glad I am not going either.

Let me thank the gentleman very much for those kind words.

Mr. Speaker, I am going to yield in just 1 second to the gentleman from Pennsylvania, but just to close out some comments about Congressman DICKINSON and Congressman HARRIS, let me tell you, America is a better place because of both of them. As I mentioned earlier on in this conversation, the fact that BILL DICKINSON was the man who stood in this very spot and fought for the very programs that made this country and this world a better and safer place and made the United States of America the military might it is, and because of the fact that Barbara permitted it, and Barbara supported him, the world is a better place.

And when Congressman HARRIS' wife, and he is also married to a Barbara, the fact that Congressman HARRIS was here and that Congressman HARRIS, especially in the area of judicial matters, was so respected in this body, and both of these men are leaving this body not because of any check scandal.

Neither of them had the first check that was ever questioned. Neither of them have ever been questioned about integrity or honesty. They are two great individuals who have chosen to retire on their own from the Congress, and the people of the Untied States and this body are the ones that are going to miss them.

Mr. Speaker, I yield to my good friend and colleague, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I want to thank the gentleman for yielding.

Mr. Speaker, let me begin by adding my thanks to him for taking this special order tonight and also my thanks as a Member of this body to both CLAUDE HARRIS and BILL DICKINSON for their able service here.

I think the tributes to the colleagues here this evening are some measure of the kind of influence that they exerted in this body while they were here.

I appreciate the gentleman for yielding, because I missed by about 20 seconds, I am told, the tributes to my Pennsylvania colleagues who are retiring, and I would like to take a couple of minutes at the gentleman's indulgence to make a couple of comments about my Pennsylvania colleagues who are retiring this year.

GUS YATRON, LARRY COUGHLIN, JOE KOLTER, JOE GAYDOS, and DICK SCHULZE are all leaving this body this year. I would be remiss not to spend a few minutes talking some about their service here.

Mr. Speaker, I am going to remember GUS YATRON as being the embodiment of a good-guy Congressman. I served in a county where we shared a jurisdiction, and everywhere I went, people who did not necessarily share GUS' political philosophy would say, "He is a good guy, and he serves us well." I really found that.

I worked with him, and he was somebody that I always found to be a real friend, somebody that you talked to, somebody that you shared things with. He will be greatly missed here by this Member, because you do not find somebody who is truly a good guy the way GUS YATRON is very often.

I am going to remember LARRY COUGHLIN as being somebody who provided quiet and effective leadership in this body. LARRY is not one who often came to debate the issues. Obviously he did when he had a bill on the floor, but he was one who, behind the scenes, was very determined to make certain the right things were done, and he was willing to stand up and to battle in those areas where he believed change was needed or where he believed that the forces of right needed a champion.

Mr. Speaker, he was extremely effective in that regard in this body. He has always been someone looked up to by other Members of Congress, because they knew they could count on LARRY for good advice, good counsel.

I am going to remember JOE KOLTER as truly a guy of his district and for his district. JOE KOLTER is one of these people who believed, first, that his obligation was to the folks back home, and he came here, and day in and day out represented their interests.

□ 2050

He did not necessarily talk a great deal on the big national issues. What he did was he felt out his district and he came here and he cast their vote in the Congress. You know, those kind of folks are sometimes few and far between in Congress, too, because they are people who are representatives in the truest sense of the word, in a kind of Burkean tradition of people who are truly agents of their district in Washington. That is JOE KOLTER.

I am going to remember JOE GAYDOS as somebody who was the very able leader of a very diverse delegation. Pennsylvania is a diverse State. It has great political diversity, cultural diversity, and has great political diversity. Our delegation was very much out of that tradition. We are a very diverse lot.

Yet there is a need from time to time to pull us together to do what is right for the Commonwealth. JOE GAYDOS was the dean of our delegation when the majority of members were Democrats. He shared responsibilities with JOE MCDADE during that time; when JOE became dean of the delegation, he shared those responsibilities with JOE GAYDOS.

The two of them helped weld us together.

JOE GAYDOS was very effective at that. He showed leadership in places like the Committee on Education and Labor, where he served, and, in a number of other places where he really put his mark upon legislation.

I am going to remember him as somebody who welded this diverse lot and really made Pennsylvania an effective presence in the U.S. Congress. I am going to remember DICK SCHULZE as a friend and as a neighbor and ultimately a fighter for many different causes in which he deeply believed.

DICK is somebody with whom I have shared a friendship because we, too, shared a county together that we represented. In that neighboring county we had a lot of opportunities to work together on behalf of issues that we both shared; farm preservation issues and a lot of things like that.

What I learned from DICK is what sometimes you have to dig your heels in and you have to fight for the things that you believe are important. DICK was very good at that. Sometimes he took on the big giants of the Nation, sometimes he took on the big institutions because what he was doing was something he thought was right.

I think that kind of fighting spirit is also something that is badly needed in Congress and very much exemplified by DICK SCHULZE.

I am sorry that the way the reapportionment in our State worked out basically deprived DICK of a district. I am going to end up with a large piece of the district that he had. I am determined to do my best to try to represent well the people that he served with such dedication. I am sorry he will not be with us, in large part because of that circumstance, but he is somebody who served the Commonwealth of Pennsylvania and the Nation very, very well.

I am going to, as I say, remember all these folks as people who made their mark in this body. I appreciate the gentleman from Alabama giving me the time to make these few remarks and add to the tribute of my other Pennsylvania colleagues earlier this evening.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman. That is going to conclude our remarks. But once again I cannot help but say to the people of south Alabama, especially the Tuscaloosa area, Dothan, Montgomery area, that I think something that would indicate some degree of appreciation for what these two gentlemen from Alabama have done, would be if you would just drop a note in the mail or a postcard to these retiring Members and say, "Thanks for a job well done."

Mr. MICHEL. Mr. Speaker, once again we find ourselves bidding farewell to a distinguished colleague and good friend. This time it is BILL DICKINSON of Alabama whose 12-year leadership as ranking Republican on the House Armed Services Committee helped to strengthen our National's security and bring about an end to the cold war.

During the 1980's, BILL played a major role in one of the greatest continuing national debates this country has ever seen, the debate over national security. From strategic weapons to battlefield readiness, from the cold war to the very hot war in the Persian Gulf, the House was split on major issues. Time after time, in committee and on the floor, BILL DICKINSON led the fight for a strong national defense, for Armed Forces whose morale was high, and for the proposition that in a tough world, the United States must be prepared to use force if necessary to protect our security, our values, and our interest.

As BILL retires, I am glad to join so many of our colleagues, on both sides of the aisle is saying: Well done, BILL. We will miss your leadership and your example.

Mr. SPENCE. Mr. Speaker, for 28 years as a Member of this body, BILL DICKINSON has been a mighty force for everything good and decent about our wonderful country. Now that he has decided to pass the torch, it hardly seems possible that a long and distinguished career is drawing to a close.

Over the years I had the privilege of working closely with BILL on efforts to promote a strong and capable national defense. BILL was one of the few who knew long before the demise of the former Soviet Union and the fall of the Berlin Wall, that strength and a commitment to national security are imperative toward the construction of any true and lasting peace. And it is in no small part due to this conviction that our Nation and its citizens no longer need to live with the fear instilled by the cold war.

In retrospect, our national security needs have changed greatly over the last few decades. We have participated in global conflicts, liberated countries suffering under repressive regimes, and have built truly remarkable and advanced defense systems. BILL was always aware, however, that regardless of the weapons, your troops are only as good as the individual soldier, and has championed legislative efforts on behalf of the men and women in our Armed Forces.

As ranking member, BILL DICKINSON has been an active leader in spearheading the policies which have resulted in our numerous military successes. He has witnessed the metamorphosis of our bipolar world to a global and vastly more complex world order. Throughout that time, he has served this institution with comity, dedication, and integrity.

Always a champion for the military, BILL guided us through some of the most contentious defense bills ever. His rock-solid leadership has earned him our admiration and our respect.

Although BILL upon his retirement will face challenges of a different kind, I wish him and his wife Barbara continued success, and my heartfelt friendship in the years to come. BILL, we are going to miss you around here.

Mr. SENSENBRENNER. Mr. Speaker, once again, we rise in this Chamber to pay tribute to another retiring Member of this great body. Congressman WILLIAM DICKINSON is retiring after 28 years of faithful service to the Second District of Alabama.

BILL DICKINSON'S dedication is reflected in his tiresome work on the Armed Services Committee, on which he has spent the last 12 years as ranking Republican. His expertise and tenacity to assure the United Sates maintains a strong national defense have been instrumental in shaping policy.

Clearly, BILL'S constituents are pleased with the work he has done by reelecting him as their representative since 1964. This constituency has been nationally assertive on civil rights and national defense issues and BILL DICKINSON has carried their concerns to Washington. He leaves behind a void that will be difficult to fill.

I take this time to extend my appreciation for his hard work and wish he and his wife, Barbara, all the best for what lies ahead.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize the many significant accomplishments of our esteemed colleague for 28 years, and a good friend. The gentleman from Alabama [Mr. DICKINSON].

As the ranking republican on the House Armed Services Committee for the last 12 years, BILL DICKINSON has used his expertise on military matters to greatly enhance the security of this Nation.

BILL DICKINSON'S consistent, wise advice and good counsel in matters concerning our national defense have always been very much respected and appreciated by me and I know by many of our colleagues. I have enjoyed the opportunity to have worked with BILL on several different issues.

BILL DICKINSON'S 10-year focus and dedication on the resolution of the cold war has contributed to the changed world we are experiencing today. His hard work has definitely not gone without notice.

His equal dedication to the people of his district and his State have also been a hallmark of his years in Congress, and deserve our recognition as well.

Mr. Speaker, I want to take this opportunity to thank our colleague Mr. CALLAHAN from Alabama for his leadership in initiating this special order.

I join with my colleagues on both sides of the aisle in recognizing the many accomplishments of the gentleman from Alabama [Mr. DICKINSON], and join them also in wishing him all the best.

Mr. ROE. Mr. Speaker, I am highly pleased to join with my colleagues today to pay high tribute to BILL DICKINSON, the retiring dean of the Alabama congressional delegation and one of the great leaders in Congress during the past quarter century.

I also wish to express thanks to Representative SONNY CALLAHAN for arranging for this special order so we could honor BILL DICKINSON before the end of the 102d Congress.

BILL has been a great leader in Congress for many years because of his outstanding personal qualities of integrity, decency, and common sense. Those qualities, combined with his great energy and vast knowledge and expertise on military issues have made him a truly effective and valuable Member of Congress for the people of Alabama and the entire Nation.

He has been one of the chief architects of our Nation's defense policies while, at the same time, working to preserve and promote the military bases in his district as first-class facilities for the entire Nation.

BILL's work clearly gained the confidence of the President who appointed him as his personal representative to the 1989 Paris International Air Show and the Asian Aerospace '92 exhibition in Singapore.

BILL has received numerous awards from outside organizations for his outstanding congressional service. He has been the recipient of the Statesman Award from the American Conservative Union, the Congressional Appreciation Award from the Army Aviation Association of America, and the Distinguished Service to Soldiers Award from the Association of the U.S. Army.

He has also received the Peace through Strength Award from the American Security Council, the Defense Industry Medal from the American Defense Preparedness Association, the Nathan Hale Award from the Reserve Officers Association of Alabama, and the Minuteman of the Year Award from the Reserve Officers Association of the United States.

BILL had a distinguished legal career in Alabama before beginning his 28 years in Congress. After receiving his law degree from the University of Alabama, he practiced law in his hometown of Opelika. He also served as a judge on the Opelika city court, on the court of common pleas, on the Lee County juvenile court, and on the Alabama fifth judicial circuit. He was also a vice president of Southern Railway.

BILL and I have served together in this House for more than 20 years. His departure from Congress will be a loss for the State of Alabama and the Nation.

I am proud to salute BILL DICKINSON for his outstanding 28 years in Congress and I wish BILL, his wife Barbara, and their 4 children all the best in the future.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman BILL DICKINSON of the Second District of Alabama for his 28 years of outstanding service in the House of Representatives.

Mr. DICKINSON and I both arrived here in Washington at the start of the 89th Congress, and since then I have had the privilege of serving with him on the House Administration Committee, where he is currently the longest serving Republican on that panel. I have witnessed firsthand his diligent and astute work and have benefited from his legislative input over the years.

On the Armed Services Committee, Mr. DICKINSON has risen to the position of ranking minority member, and has worked hard to provide economic support for the several military installations in his district. The American Security Council, the Army Aviation Association, and several other related organizations have recognized the work he has done for the defense of our country, and awarded him numerous citations, medals, and awards.

As he retires from a long and fruitful career in Congress, I wish BILL DICKINSON the best of luck and happiness for the future.

Mr. QUILLEN. Mr. Speaker, I am pleased to be able to rise with my colleagues this evening to wish a fond farewell to my good friend from Alabama, BILL DICKINSON.

BILL has served with distinction as a Member of the House since the 89th Congress, following a distinguished career as an attorney, a judge, and a railroad executive. In addition, since 1981 he has been the ranking Republican member of the House Armed Services Committee, one of the most important committee assignments in Congress, where he has served with distinction.

The Armed Services Committee has long had a reputation as one of the most bipartisan in Congress, and BILL DICKINSON exemplifies this spirit. BILL has always been one of the most honest and fair-minded Members of this body. His pivotal leadership on defense issues during the Reagan administration helped America win the cold war and has kept our Armed Forces strong enough to deter aggression in the changing times that have followed. However, BILL has never been one to hog the spotlight, so most Americans will never know what a great debt they all owe to BILL DICKINSON.

Mr. Speaker, BILL DICKINSON's sound advice and ready assistance have always been there for other Members of this House. As he leaves us, I wish to take one last opportunity to bid him farewell and to thank him for a job well done. BILL, we will all miss you and remember you fondly.

Mr. ORTIZ. Mr. Speaker, I join my colleague from Alabama [Mr. CALLAHAN], to salute, and to thank, the very distinguished gentleman from Alabama, BILL DICKINSON. I thank the gentleman for arranging this special order so we can all thank the ranking minority member of the House Armed Services Committee, a committee on which we both serve.

Politics can be a bitterly partisan game, if one would believe all stories told about us. But partisan differences aside, I can say flat out that BILL DICKINSON is my friend, and an outstanding statesman. Over the years we have both watched partisans on our committee fight over pieces of legislation—but when it came to matters of national security, BILL and I joined forces to ensure that the United States remained prepared militarily.

If Members of Congress were left to our own devices, we might not have the opportunity to forge a friendship like the one BILL DICKINSON and I have made. Many times, Members are criticized for time spent examining our bases and our national security assets around the world. This is a necessary duty of those of us who are charged with maintaining the level of security for our Nation. This duty is accompanied by an almost necessary bonding between the members of the committee in another land. BILL DICKINSON is a man with whom I have spent much time, and shared many laughs during this tour of duty for House Armed Services Committee during our tenure on the committee.

When House Armed Services Committee members came down to inspect the Naval Air Station at Ingleside, TX, adjacent to my congressional district, the distinguished gentleman from Alabama [Mr. DICKINSON] joined us, amidst his other duties. His advise, his counsel, and his support were invaluable in the legislative maneuvering of securing Naval Air Station Ingleside. Thank you, BILL.

We will all miss your wisdom, your humor, and the political savvy you brought to all of our deliberations and our duties. I will not say goodbye to you—I will merely say, godspeed, and invite you to visit when you are back in town. Muchas gracias, mi queido amigo!

Mr. MAVROULES. Mr. Speaker, I rise today to join my colleagues in saluting the outstanding career of my good friend BILL DICKINSON. Since 1964 BILL has served in the House with great distinction. For the past 12 years, I have had the honor to work with BILL on the House Committee on Armed Services. Within Armed Services, BILL has worked closely with his colleagues on both sides of the aisle to mold our Armed Forces into the world's best and brightest combat force. The recent victory in the Persian Gulf indicates the level of success that we have achieved since the sordid days of hollow force, Pentagon waste and abuse, and DOD supplier fraud. As the ranking minority member of the committee during the past 12 years, BILL has played a key role in the accomplishments of the Armed Services Committee.

But I also want to point out that BILL DICKINSON's success goes beyond his official duties. BILL has been a true friend to myself and numerous colleagues. The friendships that he has forged go beyond party lines—a difficult achievement in light of the partisan environment of Capitol Hill. With BILL's retirement, this

House is losing one of its brightest minds and hardest workers.

Mr. CARR. Mr. Speaker, I rise today to pay special tribute to CLAUDE HARRIS, the Congressman from Alabama's Seventh District. When this Congress closes, we will be losing one of the most honorable and caring legislators to grace these halls. While CLAUDE is leaving the House in person, his spirit, one of absolute integrity and honesty, will remain.

CLAUDE worked in Alabama's sixth circuit court for 8 years, serving as presiding circuit judge for 3 years. While there, he helped implement a complete revision of Alabama's legal and judicial system. CLAUDE brought that same earnest dedication to fair play with him to the House. He has worked tirelessly on behalf of our Nation's veterans and has helped to bring the issue of infant mortality into the spotlight.

CLAUDE has been a friend of mine for several years and through our contact, I have seen firsthand the actions of a man devoted to helping others. In a time when personal success is too often built upon the misfortunes of others, CLAUDE has constructed a career out of caring. His personal involvement and outstanding dedication have helped many, many people over the years. He will be sorely missed, but CLAUDE should know that his actions will serve as a model to us all.

Mr. BENNETT. Mr. Speaker, I do not remember a Member of Congress coming here with more achievement in a few terms than CLAUDE HARRIS. Though he has not been with us for that many years he served in a leadership capacity which speaks eloquently for him and also for his constituents who sent him here. He has taken a strong stand for our Nation's defense, its economic opportunities, and for humanitarian causes which have been passed by Congress with his effective help.

CLAUDE HARRIS, in 6 short years in Congress, has established a record of which he can well be proud and all of us wish him every happiness in his new endeavors. Our good wishes extend not only to him but to his fine family whose friendship we have so well enjoyed.

Mr. STENHOLM. Mr. Speaker, I wish to join my colleagues in paying tribute to Judge CLAUDE HARRIS, the distinguished Member from the Seventh District of Alabama, upon his departure from this body. Since he first came to the House of Representatives in 1987, Congressman HARRIS has truly set himself apart. His voting record reflects the character of a man devoted to those he serves and it has been a pleasure to work with him.

Because of his legal expertise, I have often turned to him for his thoughts on legislation relating to crime and other important issues. His assistance with health care and budget legislation has been particularly invaluable.

The people of Alabama were fortunate to have had CLAUDE represent them for the last several years. I join my colleagues in wishing him and his family the very best for the future. He is a good friend and he will be missed.

Mr. MAVROULES. Mr. Speaker, I rise today to salute the distinguished career of CLAUDE HARRIS. His service in the House caps a career that has been dedicated to serving the people of Alabama.

As a member of the Veterans' Affairs Committee, CLAUDE has been an outstanding supporter of veterans rights, providing vital leadership to the House on this important issue. This House will surely be losing one of its tireless and most effective workers with CLAUDE's retirement.

Mr. CLEMENT. Mr. Speaker, it is an honor to join my colleagues in wishing CLAUDE HARRIS our very best on his retirement from the House of Representatives.

I know the decision to retire was not an easy one for CLAUDE. He rightly took pride in the service he rendered the citizens of Alabama's Seventh Congressional District. He was a conscientious legislator and has many accomplishments to his credit. His intellect and diligence will be sorely missed here in the House.

More importantly, CLAUDE has been a friend to me and many others in this institution. He is well known for his personal gestures, whether it is just saying hello, offering advice, or listening to one's concerns.

I know CLAUDE will do well in his next undertaking. Whether he returns to Alabama or stays here in Washington, CLAUDE will continue to serve his fellow citizens. And I look forward to hearing news about his work, if not seeing him on what I hope will be his frequent visits to the Capitol.

My best to CLAUDE and his wife, Barbara. And I also want to commend CLAUDE on his fine and friendly staff whom I had the pleasure to come to know.

Mr. MONTGOMERY. Mr. Speaker, I want to thank our colleague, TOM BEVILL, for taking this time to honor the gentleman from Alabama, CLAUDE HARRIS. I met CLAUDE and his wife Barbara in Livingston, AL, when he was running for Congress for the first time. We became close friends and have remained close over the years we have served together.

CLAUDE fit right into the routine here in Washington very quickly. He learned the system and became involved, especially on veterans issues. He joined the Veterans' Affairs Committee and has always had a strong commitment to helping the Nation's veterans. You could always count on CLAUDE to come to all of our committee meetings on time and to contribute greatly to the shaping of legislation to benefit veterans.

He sponsored and helped pass legislation to extend national cemetery burial eligibility for certain National Guard and Reserve personnel and he also was instrumental in crafting the bill to provide eligibility for veterans housing programs for members of the National Guard and Reserve.

As a former judge and a colonel in the National Guard, CLAUDE has helped bring a commonsense approach to the discussion of bills relating to judicial matters, the National Guard and Reserve, and veterans issues.

He has made a great contribution in the short time he has served in the House. We all will miss CLAUDE HARRIS but we wish him and his family all the best in his future endeavors.

Mr. DICKINSON. Mr. Speaker, when RICHARD SHELBY decided to leave us in the House and move over to the other body, Judge CLAUDE HARRIS decided to take his seat after spending some 21 years in the judicial branch. CLAUDE spent those 20-odd years as an assistant district attorney and State circuit judge in the town where I lived as an undergraduate and law student at the University of Alabama. CLAUDE has also served his country in the Alabama Army National Guard as lieutenant colonel and has been an active member since 1967.

It has been a pleasure to work with CLAUDE HARRIS. He is a sincere and energetic legislator who has pursued a wide legislative agenda with thoughtfulness. From health issues to energy policy, his hard work and leadership have been low key but effective. Whatever avenue he decides to follow, I wish CLAUDE and his family all the best, and continued success.

Mr. HUTTO. Mr. Speaker, I am grateful for the opportunity to participate in this Special Order for our departing colleague, Congressman BILL DICKINSON, who will be retiring from the Congress at the end of this session.

Congressman DICKINSON and I have adjoining districts. The northern boundaries of my northwest Florida district abuts with his south Alabama borders. As a matter of fact, I was born and raised in the district that BILL represents and many of my relatives are still there around Ozark, AL. I know that BILL DICKINSON, who has served in the House since 1964, is much appreciated for his service to the people of Alabama and particularly to his constituents in south Alabama where Fort Rucker is located. This is territory that is very familiar to me since I sold papers at Fort Rucker when I was in high school and later worked at the PX there.

Ironically, it was a matter relating to Fort Rucker that caused me to become better acquainted with BILL. In 1979, BILL was seeking to add Navy undergraduate helicopter pilot training to Fort Rucker, AL. This was a problem for me since the helicopter program would have been moved from my District to his. Although this was quite a battle, it was friendly competition between the two of us. Later, when I was able to get on the Armed Services committee, BILL and I worked together for many years in providing a strong defense for our Nation. He, as the ranking minority member of the committee, is well recognized as a leader on defense matters and I appreciate his dedicated service to our Nation.

BILL DICKINSON, besides being a very knowledgeable person on the issues, is a person with a great sense of humor who relates well to others. We will greatly miss him on the Armed Services Committee. As he leaves the Congress I want to wish him and his family God's richest blessings in his retirement.

Mr. HUTTO. Mr. Speaker, I rise to pay tribute to CLAUDE HARRIS, one of our many colleagues who is retiring from the Congress at the end of this session. Although CLAUDE has been with us for a relatively short time of 6 years, I am pleased that I have had the opportunity to know and work with CLAUDE HARRIS during this period. CLAUDE has been very active in our conservative Democratic forum on many issues that affect our Nation. Likewise, he has done good work on the committees on which he has served, including the Veterans' Affairs Committee for a number of years and, more recently, on the Committee on Energy and Commerce. CLAUDE is very sensitive to the needs of our Nation and to the people of the Seventh Congressional District in Alabama.

Congressman CLAUDE HARRIS was a distinguished attorney and, prior to coming to the

Congress, was an outstanding judge in Alabama. He has a long record of distinguished public service. CLAUDE HARRIS has been active in his attendance at the weekly prayer breakfast here in the House, and his dedication to God and country is evident to his colleagues as well as his constituents back home.

CLAUDE has been diligent in working to serve people and I am sure that he will continue to pursue public service in some way when he concludes his service here in the House at the end of the 102d Congress. CLAUDE HARRIS will be greatly missed by all of us here in the House. I want to take this opportunity to wish him, his wife, Barbara, and their family much happiness and God's richest blessings as they return to Alabama.

Mr. PANETTA. Mr. Speaker, I would like to pay tribute today to my esteemed colleague and friend, CLAUDE HARRIS. It has been a pleasure to work with CLAUDE over the past 6 years. The people of Alabama's Seventh District can be proud of the sound judgment and personal integrity CLAUDE exhibited in his service in the House of Representatives. His distinguished record of public service, starting as a prosecutor for the Alabama district attorney, has been characterized by CLAUDE's selflessness, generosity, and personal dedication to the common weal.

CLAUDE's work on the Committee on Energy and Commerce and the Committee on Veterans' Affairs in particular contributed to the resolution of several critical issues affecting veterans, health care for newborn infants, and other groups. In every discussion, every venue, his judicial temperament and good humor leavened the politics of the day in his characteristically constructive way. He will be missed by his colleagues. He is a testament to the good will of the people of Alabama, whom we can thank for electing him to join us. Once again, it has been a true pleasure and privilege to work with CLAUDE, and I wish him and his family all the best in all their future endeavors.

Mr. WOLF. Mr. Speaker, I rise today to recognize the fine service of one of our colleagues, Representative WILLIAM DICKINSON, who is leaving the House following the conclusion of the second session of the 102d Congress.

For almost three decades, BILL has been a hard-working and devoted representative for his constituents in the southeastern part of Alabama. BILL came to Congress in 1964 following a career as a lawyer and judge, and has earned the well-deserved reputation among his colleagues as a superb legislator concerned about his constituents and our Nation.

As the ranking Republican on the House Armed Services Committee, BILL was instrumental in the implementation of Reagan-Bush defense policies which helped win the cold war and bring freedom and democracy to millions around the world. He did this while maintaining a strong sense of fiscal responsibility and understanding the need to build up our Nation's defense and military while at the same time avoiding expensive and wasteful pet and porkbarrel projects. His leadership and wisdom will be sorely missed.

I know I join many of my colleagues as I thank BILL for all his dedication and service over the last 28 years and wish him all the best as he begins his retirement.

Mr. RINALDO. Mr. Speaker, I rise today to pay tribute to our distinguished colleague, and my dear friend, CLAUDE HARRIS.

First elected to Congress in 1987, CLAUDE has provided very able service to the people of Alabama's Seventh Congressional District. It has been a pleasure working with CLAUDE on the Energy and Commerce Committee, and he has also provided very diligent service to our Nation's veterans on the Veterans' Affairs Committee.

CLAUDE attended college at the University of Alabama, and later received his law degree from the University of Alabama School of Law. He entered service with the Alabama National Guard in 1967, rising from the rank of private to colonel, and continues to serve today with the Judge Advocate General Corps.

From 1965 to 1976, CLAUDE was a prosecutor with the district attorney's office in Tuscaloosa, and later became a circuit judge, serving from 1977 to 1985. In this capacity, he worked to implement the new Judicial Article of the Alabama Constitution, the new Criminal Code, and the Revised Alabama Rules of Civil Procedure, which, taken together, represented a complete modernization of Alabama's judicial and legal system.

Despite an active public service career, CLAUDE has made time for community service as well. He is a member and past president of the Tuscaloosa Exchange Club; a volunteer with the Tuscaloosa Spouse Abuse Network; a member of the American Heart Association; active in local efforts to assist the homeless in Tuscaloosa; a Sunday school teacher at the Forest Lake Baptist Church; the director of the Tuscaloosa division of the American Red Cross; an Advisory Board Member, Salvation Army; and served as the board chairman, West Alabama Easter Seal Rehabilitation Center, from 1985 to 1986.

CLAUDE has also been honored for his work in Congress by VOCAL, the Alabama Farmers Federation, the American Security Council, the National Security Council, the National Taxpayers Union, the Alabama District Attorney's Association, and the Alabama Association of Conservation Districts.

CLAUDE will be departing at the end of the 102d Congress, but he will leave behind a fine legacy of achievement from his service in the House of Representatives. He has honored this institution by his work, and I want to extend my very best wishes to him, his wife, Barbara, and their two sons.

Mrs. MORELLA. Mr. Speaker, I wish to pay tribute to Congressman CLAUDE HARRIS, of Alabama's Seventh District. He has been a conscientious Congressman and colleague who has worked on many issues of national importance. I regret the American people will no longer have the benefit of his leadership.

Arriving in Congress after having been a judge, Congressman HARRIS became a member of the Veterans' Affairs and Energy and Commerce Committees. He has been a strong supporter of our veterans and has worked to bring attention to the high infant mortality rate. He supported the 1990 Civil Rights Act and worked to pass the family and medical leave bill.

As a colleague and legislator, Congressman HARRIS will be missed. He has exercised reason and moderation and represented his district well. He and I were elected to the 100th Congress and shared orientation experiences. Our friendship developed—built on respect, a sense of humor, and perspective. I will miss my good friend, CLAUDE HARRIS, and I offer him my best wishes for success with his future plans.

Mr. HORTON. Mr. Speaker, I want to pay tribute to BILL DICKINSON who will be retiring from the Congress at the end of the year. BILL DICKINSON has served this Nation with distinction as a Member of this body for 28 years.

Through his position as ranking Republican of the Committee on Armed Services, BILL DICKINSON has played a key role in making our Nation's Armed Forces the best in the world. BILL DICKINSON's leadership in this area showed real results in the Gulf war. Our fighting men and women were able to defeat a large, well-equipped, battle-hardened Iraqi Army because of excellent training and superior technology. Our Armed Force's stunning success is a testament to BILL DICKINSON's tireless leadership of the Armed Services Committee throughout the years.

And though the Congress tends to get little credit for successes such as Operations Desert Shield and Desert Storm, we who participate in the legislative process know of BILL DICKINSON's contributions. When the history books are written on the Gulf war victory, many will point to the military buildup of the 1980's as one reason for the stunning victory. It is my hope that the historians will also take note of the man who led those efforts here in the House, the gentleman from Alabama, BILL DICKINSON.

My wife, Nancy, joins me in extending our best wishes to BILL DICKINSON and his family. We wish him the best of luck in all of his future endeavors.

Mr. JENKINS. Mr. Speaker, I would like to join the members of the Alabama Delegation and the others who have come to the floor to lament the retirement of and to praise our colleague, CLAUDE HARRIS.

As the 102d Congress draws to a close and CLAUDE and I prepare to leave our service here, he after three terms and I after eight terms, I did not want to miss the opportunity to tell him publicly how much I have enjoyed our association, both personally and professionally. People of the stature of CLAUDE HARRIS command respect, no matter where they choose to serve. And he certainly has commanded respect here from me and other Members of this House.

He came to us from the judicial branch of government where he served as an assistant district attorney and a circuit judge. For many, crossing to the legislative branch would have been difficult, and adjusting would have taken too long to be effective. But the judge showed us the exception rather than the rule.

CLAUDE HARRIS is a unique legislator, one of a kind. He is effective, first of all, because of his honesty and, second, because he is persistent. Third, he is a continuous advocate for the people of the Seventh District of Alabama. His reason for being here is to represent his constituents.

Our country will be well served if those who follow in this body are of the caliber of CLAUDE HARRIS and choose to follow in his footsteps.

TRIBUTE TO NEW JERSEY'S RETIRING MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. HUGHES] is recognized for 60 minutes.

Mr. HUGHES. Mr. Speaker, let me first thank our colleague, the gentleman from California [Mr. DORNAN], for deferring to me. It was kind and generous of him to do that. I appreciate that very much.

Mr. Speaker, tonight I rise to pay tribute to four of New Jersey's finest public servants, four men who have served our country, their native State, and their congressional districts with great honor and distinction over the years that they have served in Congress. I am talking about Congressmen BOB ROE, MATT RINALDO, BARNEY DWYER, and FRANK GUARINI.

Congressman BOB ROE is one of New Jersey's true giants, a man who has served this House and the people of the Eighth District of New Jersey with great dignity for 23 years.

BOB ROE is truly a classic. His hard work and dedication are legendary. BOB's reputation as a hard-working, fair, and effective Representative is well known and well deserved. It was under his guidance that we saw the passage of the Intermodal Surface Transportation Efficiency Act, our most comprehensive and innovative infrastructure legislation.

Indeed as chairman of the Science, Space and Technology Committee and during this term as chairman of the Public Works and Transportation Committee, BOB ROE has crafted far-reaching and landmark legislation that will leave a lasting imprint on America's landscape and people.

BOB's career as a public servant spans several decades. Prior to being elected to Congress, he served as the New Jersey Commissioner of Conservation and Economic Development, which we now know as the Department of Environmental Protection. He also served as director of the Board of Chosen Freeholders of Passaic County, and as mayor of Wayne, NJ.

While I am sure that the people of the Eighth District greatly appreciate BOB and all of his efforts, we in southern New Jersey owe him a special debt of gratitude as well. During his time in office, BOB and I joined forces several times to work for the betterment of southern New Jersey. One of our most important battles and greatest successes was ending the decades old discrimination against south Jersey when it came to the allotment of Federal highway funds. BOB was also very helpful in forming the South Jersey Economic Development District. This development gave Atlantic, Cape May, and Cumberland Counties the opportunity to look beyond their boundaries and become a competitive economic force.

To BOB the Congress means a lot; to all of us who know BOB, he means a lot. Indeed, when I first came to Washington it was BOB to whom I looked for support and confidence. I don't know if BOB ever realized just how much he meant to me. It is with great sadness that I stand here tonight and wish farewell to a good friend and a great Congressman.

Mr. Speaker, I also join with my fellow colleagues in recognizing the many accomplishments of my friend MATT RINALDO who has served this body well for 19 years. His advocacy for the people of New Jersey has been tireless.

Over the years MATT'S contributions have been numerous. His spirit of cooperation and rare ability to forge workable compromises have been a tremendous legislative asset to MATT. As the ranking member of Commerce Subcommittee on Telecommunications and Finance, MATT has endeavored to protect the consumer on a wide variety of issues, from seeking to reduce cable television rates, to preventing unsolicited automated telephone sales calls. His legislation to increase the strength of securities and exchange commission provided much needed confidence to investors in the late 1980's.

As chairman of the Subcommittee on Retirement Income and Employment I have had many opportunities to work with MATT who is the ranking member on the Select Committee on Aging. His concern for the needs of older Americans is genuine and his dedication to protecting the integrity of Social Security for present and future generations is vitally important to all Americans. His leadership has been invaluable to the committee.

MATT RINALDO has effectively served the people of New Jersey with distinction for almost 30 years. In the State Senate, he was highly regarded, and the same is true of his record here in the Congress. His constituents will miss his dedication, and so will the Members of this House. As he leaves Congress, I wish him well in whatever new challenges lie ahead.

Mr. Speaker, I also rise today to pay tribute to my friend and colleague, BARNEY DWYER. After 12 years of exemplary service in this House and an extensive record of accomplishment in New Jersey State government, BARNEY has announced his retirement. New Jersey will surely miss his dedication and leadership.

Representing our State on the Energy and Water Appropriations Subcommittee. BARNEY has worked tireless on issues of importance to New Jersey residents. I had the opportunity to work with BARNEY on the development of the recently approved network of undersea research centers around the United States, including a center at Rutgers University in New Jersey. As a result of Rutgers selection, New Jersey will play a key role in future scientific research in the fields of marine pollution and ocean floor and mineral resource studies.

I am also grateful to BARNEY for his work in helping me to secure funding for dredging our waterways and restoring New Jersey beaches. Providing full, expansive beaches for our residents and tourists to enjoy is vital to southern New Jersey, as tourism represents our number one industry. BARNEY'S assistance in obtaining funding for the Army Corps of Engineers' beach restoration projects was essential.

BARNEY is a wonderfully quiet, kind and caring loving being and a good legislator. He has served New Jersey's Sixth District with distinction. I am proud to call him my friend. I join with the House in expressing my sadness at his departure and my best wishes for success in all of his future endeavors.

Mr. Speaker, FRANK GUARINI has ably served the people of the 14th Congressional District and the people of New Jersey for 14 years.

As the only New Jersey Representative on the Ways and Means Committee, FRANK has played an important role in assuring that the people of New Jersey are well represented on tax matters. As a senior member of the Budget Committee he has worked hard to assure that tax dollars are spent wisely. FRANK has been a strong advocate for responsible government spending while being careful to protect vital community development programs.

One of Frank's greatest concerns has been fair and equal trading policies. He cochaired a congressional Friends of the Caribbean Basin and he supported the United States-Canadian Free-Trade Agreement. However, he has been quick to step in when he felt that trade agreements were not in the best interest of this Nation.

From 1965 to 1972 FRANK also served as a State Senator. During his tenure in the State Senate, New Jersey saw the implementation of some of the toughest air and water pollution control laws in the Nation. His deep dedication to this House and to the people of the 14th District of New Jersey has been unwavering.

It is with great sadness that I bid farewell to my friend and colleague FRANK GUARINI. Yet, I am pleased that he will now be able to pursue whatever challenges lay ahead.

☐ 2100

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield for just one second?

Mr. HUGHES. I am happy to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, was the gentleman going to mention his service at Pearl Harbor?

Mr. HUGHES. I am going to mention that.

Mr. DORNAN of California. I do not want to step on the gentleman's presentation. I just thought the gentleman was going to go to another one of your distinguished colleagues.

Mr. HUGHES. The gentleman may go ahead.

Mr. DORNAN of California. Well, I had the honor of sitting right there with Congresswoman BARBARA VUCANOVICH and some others, FRANK GUARINI of your own State, you will be mentioning soon, on the memorial midships of the USS *Arizona*, still a United States ship of the line, although it sits in the mud at the bottom of Pearl Harbor. BARNEY had his grandson with him, and to look at Pearl Harbor through the eyes of his grandson at his hero grandfather who had been on the deck of the second ship to steam out of Pearl Harbor and actually get out to sea, and while they were doing it it rammed the only midget submarine that actually got in the harbor and started into action against some of our moored ships. I am trying to think of the name of the ship. I think it was a good Irish name like Monahan or the Dale, one of those two, but it shows that this particular Congress, and certainly the next one, is the passing of a generation of heroes. You and I were in school, just teenagers, as in BARNEY's case. There at Pearl Harbor, they won, and fought all the way through that war, never knowing how long it was going to take. I was going to make reference to President Bush at Pearl Harbor on that memorial on December 7 of 1991, and it just occurred to me that it was a delight to be there with one of the sons of America who had looked out through a porthole on that Sunday morning and seen the very beginning of our entrance into World War II. It was good being with that good Irish New Jersey son.

Mr. HUGHES. Thank you, BOB. From somebody who has had a distinguished military record, that is a real tribute to BARNEY DWYER.

Mr. Speaker, I am happy to yield to my colleague, the gentleman from New Jersey [Mr. ANDREWS], the newest Member of the congressional delegation from New Jersey, and I want to say an up and rising star who has developed already in just 2 years an enviable reputation.

Mr. ANDREWS of New Jersey. Mr. Speaker, I thank my friend and colleague for yielding to me.

Mr. Speaker, as my friend and colleague, BILL HUGHES, has just said, this is something of a bittersweet experience for us tonight. It is a good experience in that we have a chance to say some things and pause for a few minutes and thank four honored and trusted and respected colleagues and to tell the Members of this body about their accomplishments. It is a bitter experience because we will miss them as human beings and as colleagues and as Representatives of this country.

I have the benefit of a rather unique perspective, as Congressman HUGHES just said, being very new here. I have the perspective of having an outstretched hand and help from these four experienced, mature and distinguished colleagues, who helped me very much in my first 2 years here, and also perhaps I had a fresh perspective to see anew how much they are contributing to our country, to our state and to this institution.

I thought maybe the best way for each of us to understand the contributions that our four colleagues have made is to think about things that will happen in our state and in our country tomorrow morning as the result of the efforts they have made.

Tomorrow morning there will be thousands of students go to Rutgers University in New Jersey at its three campuses. Each one of them will be enriched because of the work that BARNEY DWYER has done in the area of education. From his seat on the Appropriations Committee and from his seat in this Chamber, he has advocated responsible, necessary and valued investment in higher education that has benefited not only New Jersey, but students across the country.

There are buildings, there are scholarships and there are programs that New Jersey students will enjoy tomorrow morning because of his efforts, and we are very grateful to him for that.

Across the country tomorrow there will be navigation taking place on rivers. There will be cleaner rivers. There will be economic development taking place and ports along rivers because of BARNEY DWYER'S work on his subcommittee.

He represented the people of central New Jersey with great commitment, but he did not limit his efforts to the people of New Jersey or central New Jersey.

He has been fair-minded and foresightful and objective in serving the interests of people all across our country.

I would echo the words of BILL HUGHES a few minutes ago that if the caricature of elected officials and public servants is that they are flamboyant, boisterous and always quick to take credit for someone else's achievements, BARNEY DWYER was the precise opposite, not flamboyant, not looking for attention or acclaim, and not quick enough to take credit for his own achievements.

Mr. Speaker, on behalf of my constituents and myself, I want to give him that credit for those achievements tonight and tell him how much we appreciate all he has done.

FRANK GUARINI, tomorrow morning people will go work in a rejuvenated Jersey City in Hudson County. Very unfairly around our state and perhaps even around the country, Hudson County and Jersey City have been the butt of inaccurate jokes over the years. People talk about Hudson County being the wrong side of the river. We know that it is the correct side of the river, that it is a growing and dynamic and worthy community, and FRANK'S work in this Chamber has played a major role in making that happen at home.

□ 2110

Mr. Speaker, his work on the Committee on Ways and Means has helped to write laws and establish policies that have brought many new businesses and new housing to Hudson County and Jersey City.

Mr. Speaker, I will tell a story that he told on himself that is meant to be a humorous one, and it shows how his reputation has enriched our State and this body.

A few months ago, Mr. Speaker, we had something we rarely have here called a teller vote, and I know my colleagues know what this is, but it is a vote where, instead of voting by electronic device, we literally walk down the center aisle here, and, as each person passed by the teller, they are counted as a yes or a no. I assume it does not happen very often. It has only happened once during my tenure here.

I was sitting next to FRANK GUARINI before we had made that vote, and he and I both voted yes on whatever the issue was, and I had walked behind him, and we had been both counted by the teller, and he sat down, and I sat down, and he got up again. I said, "FRANK, where are you going?"

He said, "I'm from Jersey City. I'm going to go get counted again and walk through the line again."

Mr. Speaker, that certainly reflected the political reputation of Jersey City. The fact that he could tell that joke about himself was the fact that his reputation was precisely the opposite. It was one of great integrity, of great public service, and he has contributed to us in that way.

The gentleman from New Jersey [Mr. HUGHES] mentions trade policy. It is accurate to say that hundreds of thousands, even millions, of Americans will go to work tomorrow morning in an export business because FRANK GUARINI took the lead in trade policy and gave us an intelligent and progressive and job-producing trade policy, not only in New Jersey, not only in his home area in Hudson County, but also across our country.

He will be missed for his sense of humor, his insight, his worldliness of having traveled throughout the world and having met many kinds of people, and I personally will miss the opportunity to sit with him and hear his advice and point of view.

MATTIE RINALDO we are proud in New Jersey that our State is a leader in telecommunications and in electronics and related fields. The gentleman from New Jersey [Mr. RINALDO] has a lot to do with that. His leadership on the Committee on Energy and Commerce in writing great legislation that has opened the door to make and keep America No. 1 in these areas we see dramatically manifested in New Jersey. There are very few employers or industries in our State more important than telecommunications, more important than cable television, more important than some of the areas that are within the jurisdiction of the committee that he serves on so well.

Mr. Speaker, I think that the most important thing that the gentleman from New Jersey [Mr. RINALDO] brought to the institution and to the country was a sense of comity, and cooperation and compromise that we do not really see enough of. For a new Member, for a young Member, what a great role model to follow. How enlightening it is to sit on the Democratic side of the aisle and hear without exception that if one has a problem that needs to be solved, that MATT RINALDO is the kind of human being and the kind of Representative who can solve it, someone who is proud of his party affiliation, who stands for his party's principles, and votes that way and advocates that way, but understands that standing on principles does not mean that one cannot yield on practicality and that one certainly is always able to work together on a human nature level to work and solve problems.

Mr. Speaker, MATT RINALDO'S contribution to New Jersey again is seen by people who will pick up a telephone tomorrow and make a call, or be able to use a fax machine, or become involved in beaming a satellite picture or even just watching cable television. His very serious and substantial contribution to that area of the law is something that we enjoy in our State every day, enjoy in our country every day, and I would hope that his legacy here is, not only the personal contributions that he has made, but the attitude that he practices here every day, and that we will remember that we can get along as men and women and that we can find common ground on the issues that we are assigned to confront for our country.

MATTIE is a gentleman of New Jersey. He will be missed, and I am grateful for his decision, for his personal reasons, that he will be happy doing what he is doing. But he will be missed as a colleague.

What can be said about the dean of our delegation, BOB ROE? The most important thing I can say is there would not be an American who travels on a train, or an airplane, or across a highway or on a ship tomorrow that in some way does not have to thank the gentleman from New Jersey [Mr. ROE] for the safety of that voyage, for the efficiency of that trip and for the fact the trip can be made at all in the first place. Here is someone who has left his mark in every port, in every airport, on every highway, every commuter rail system, every freight rail system in this country.

BOB has had to make difficult decisions. The pie was not always large enough that everyone could get a piece that he or she desired. The competing interests between the different industries put him in the middle of some very hard decisions, but it is a measure of his integrity and service that each of those people competing for the pies will say without reservation that he was the leader of this country's transportation effort.

When President Bush signed the ISTEA Act into law last fall, it was a proud moment for us in New Jersey, especially because we knew the effort that he had put forward on that, that it was a crowning achievement. We are kind of sad to know that it was a crowning achievement on a career that would soon end here. We were hopeful it would be the first achievement in a long string of achievements as chairman of the Committee on Public Works and Transportation.

Mr. Speaker, you cannot go anywhere in New Jersey without seeing the positive impact that BOB ROE has made on our State, and you really cannot go anywhere in the country without seeing the positive impact he has had on our State. The greatest contribution he has made, to me as an individual, I think to this body, and I know to our State, is enthusiasm.

My colleagues know that no matter what profession we are in, no matter what line of work we choose, there is a tendency after a while to become a bit mechanical and a bit bored, I suppose, in what we do. I do not care whether one is a police officer, or a teacher, or a craftsperson or a salesperson. After a while, when someone has been doing something year after year after year, they kind of wear out a little bit. The gentlemen from New Jersey [Mr. ROE] is precisely the opposite of that attitude. The longer he has served in this Chamber, the longer he has served the public, whether as a freeholder, director, or a Cabinet member, or a mayor, or as a Member of Congress, the more energy he seems to generate, the more he wants to do.

Many of us work very long days at this time of our session when there is much legislation to consider. That is BOB's normal pace. He does not know what a recess or a vacation means. I sometimes think he does not know what a weekend means because he loved this job. He threw himself into it with great enthusiasm, and the most important personal memory that I take of BOB ROE's service here in my brief tenure is that on days when everyone can get a little frustrated and a little tired, I look at this person who has been here for so many years and endured the slings and arrows that everyone in public lives endures, and yet he attacks each day with that essential enthusiasm. It is infectious in the positive sense of the word.

His leadership of our delegation, his tremendous contribution to New Jersey as a State and his contribution to the country will be missed, so I would conclude by thanking the gentleman from New Jersey [Mr. HUGHES] for ordering this special order. There is a gaping hole in the New Jersey delegation that will have to be filled by those of us who will be fortunate enough to be part of it next year. I hope we will be able to draw from the lessons of our various colleagues, and they certainly gave us a great standard for which to aim.

Mr. HUGHES. Mr. Speaker, I am happy to yield to the gentleman from New Jersey [Mr. PAYNE], a very distinguished member of our Committee on Education and Labor.

Mr. PAYNE of New Jersey. Mr. Speaker, it is with a mixture of deep gratitude, profound respect, and some sadness that I rise this evening to pay tribute to my departing New Jersey colleagues.

I feel very fortunate to have been able to serve in the U.S. Congress with four men of such outstanding stature—BOB ROE, BARNEY DWYER, FRANK GUARINI, and MATT RINALDO, who were all well known for the active roles they played in New Jersey before coming to Washington, each serving in a substantial elected and appointed office and being experienced legislators when they came to Washington.

Since my election to Congress in 1988, each of them has been exceedingly helpful and kind to me. When I arrived in Washington, the new kid on the block, they gave me a warm welcome and offered words of encouragement and support. This meant a lot to me, because I was replacing a man who was a great institution, the Honorable Peter Rodino, the distinguished chairman of the House Judiciary Committee, who presided over the Watergate hearings.

In the years that followed, they have generously shared their knowledge and expertise with me. I represent an urban district of New Jersey, which includes my home city of Newark, where a major economic revitalization effort is underway. With the support of the senior members of the New Jersey delegation, I have been able to secure much needed improvements in our local transportation system, our schools, and our health care facilities. The legacy of my New Jersey colleagues will long live on in the 10th Congressional District.

Each of these four public servants has distinguished himself in a unique way. As chairman of the House Public Works and Transportation Committee, BOB ROE has recognized the importance, and the benefits, of modernizing our transportation system. Our Nation's competitiveness has been sharpened because of BOB ROE's vision. As the dean of the New Jersey delegation, Chairman ROE won our admiration and our affection. His boundless energy has moved mountains, and his leadership has been a constant source of inspiration to me.

My good friend BARNEY DWYER has been someone I could always count on—to listen, to advise, and to help out when I came to him asking for assistance during the appropriations process. He took a genuine interest in projects that I talked to him about, even though they were outside of his district. If the need was there, BARNEY was willing and eager to help. He never sought to take credit for any of his accomplishments. In a profession where we see too much grandstanding, BARNEY DWYER carved out his place as a decent, hard-working, unassuming man who is the best friend you could ask for.

FRANK GUARINI distinguished himself from the day he came to Congress. As a freshman, he was appointed to the prestigious Ways and Means Committee, an accomplishment that is almost unheard of. He is an outstanding lawyer who has developed a remarkable expertise in the area of tax law. If all goes well on election day, my new district will include part of his present district, notably a portion of Jersey City. I hope that I can represent the residents of that area as ably as my friend Congressman GUARINI has.

Finally, I want to pay tribute to MATT RINALDO, who has been a wonderful friend throughout the years. Because he represents a district that adjoins mine, we have had the opportunity to work on a number of issues together. Although he is from the other side of the aisle, he too has been extremely supportive whenever I have approached him about any matter. MATT has given outstanding service as a senior member of the Energy and Commerce Committee. He is a man who puts public service above partisanship, and his absence will be felt.

□ 2120

Mr. Speaker, let me say in conclusion, as has been indicated by the new member of our delegation, ROB ANDREWS, that we are losing some very distinguished persons. But even if we look back two terms, the 101st and 102d, New Jersey probably has lost a higher percentage of its delegation than any delegation in the country. As you may recall, we had the untimely death of Frank Howard. We saw the retirement of Peter J. Rodino. We saw the retirement to run for other office of Governor Jim Florio and Jim Courter. Now we see four other distinguished Members, meaning close to 70 to 75 percent of the delegation of New Jersey has left during the past terms.

Remarkably, it will take a tremendous amount out of our delegation. But as we talk about the loss to New Jersey, I think that as this great country moves forward, it shows that the country has the capacity to make changes when changes should be made. It has the capacity to bring in new outstanding people like FRANK PALLONE and ROB ANDREWS.

I feel privileged, being an American born of very poor parents, raised in poverty, but to be a Member of the House of Representatives. In our 103d Congress we will be very pleased to have the first Hispanic American elected to the New Jersey delegation, as I served as the first African-American from New Jersey to serve in this great body.

So as we look at our past, we know where we are here at the present. I think that the future will belong to those who are prepared for it. As we bid these four colleagues farewell, our best wishes for continued success go to them.

Mr. Speaker, I know that they will all remain active and involved in their communities and the affairs of our Nation. We thank them for a job well done as we move on to the next phase of their lives.

Mr. HUGHES. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. SMITH], a distinguished Member of this body.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, BILL HUGHES, for his comments on behalf of our colleagues and for my other two colleagues for making very good statements on behalf of four wonderful gentlemen who we honor tonight, of course BOB ROE, MATT RINALDO, FRANK GUARINI, and BERNIE DWYER.

Mr. Speaker, as dean of our delegation BOB ROE has always fostered bipartisan cooperation and commitment to the public interest. He has been the kind of guy, and I have watched him up close for a great number of years, who has never sought advantage or one-upmanship or gain at the expense of others, including Republicans, and he certainly has had the opportunity a large number of times. But he never did that kind of thing, choosing instead to work with all of us in a bipartisan way, especially his colleagues from New Jersey, to come up with proposals and ideas to benefit our districts, to help people with flood control.

I remember very well some years back when we had a problem in Monmouth County with flood control. I approached BOB with a proposal, sat down with him. He asked all the right questions, knew exactly what had to be done, and I saw so very clearly that he was the kind of guy who knew his trade. He truly was a chairman's chairman who knew the legislative process, knew what kind of hurdles had to be overcome in order to see this particular project flourish, which it did. And I am very grateful to BOB for that.

As chairman of the Committee on Public Works and Transportation, he has always been willing to listen to Members, including those outside of our area. The book on BOB is that he is always approachable, he is thoughtful, and totally committed to making the best use of taxpayer dollars.

BOB ROE has made clearly a difference in New Jersey and America.

Mr. Speaker, each year the New Jersey Chamber of Commerce hosts a dinner in honor of the New Jersey delegation. About 2,000 business, community, and political leaders travel to Washington to participate in this special event.

As dean of our delegation, BOB never misses the opportunity to tell the assembled guests how proud he is of our delegation. He mentions specific Members, bounces around the dais pointing out what this Member has done for New Jersey and what that Member has done.

But it is interesting to note, and this is the kind of self-effacing guy we are talking about, he rarely touts his own accomplishments, even though he has helped to bring more jobs to the State of New Jersey that any other lawmaker.

Tonight we have the opportunity to tell BOB ROE how proud we are of him, how grateful we are for the hundreds of thousands of hours that he has spent on behalf of our people of New Jersey and on behalf of America. He lives in that committee, as we all know, lives, breathes, and works that committee to the best interests of our constituents.

Mr. Speaker, MATT RINALDO has been a good friend, a close friend of mine, ever since I first came to Congress back in 1981. As two Republicans with very substantial labor interests, we have worked very closely on issues of concern to working men and working women. We have fought many battles together, stood in the trenches very often. Sometimes we are alone, particularly on our side of the aisle, and I know I will miss MATT very, very much.

I have always been able to count on MATT to keep me apprised of the many intricacies of issues, especially during my first couple of years and terms here, particularly those that related to labor interests.

I have always found MATT RINALDO to be very knowledgeable, a journeyman of a legislator, and a guy with a great sense of humor.

□ 2130

As ranking Republican on the Select Committee on Aging, MATT has demonstrated his keen concern about the issues that impact upon the elderly. Older Americans, I am sorry to say, have lost a tried and true friend in MATTY. He has strongly defended the Social Security trust funds and that important Social Security system, and has also advanced some very constructive ideas for improving health care services for our elderly.

On the Committee on Energy and Commerce, MATTY was a strong advocate for environmental and consumer protection, and as our good friend, ROB, has mentioned earlier, a real genius in the area of telecommunications, working in a very bipartisan way, and I would suggest that his work, along with the chairman of the subcommittee, will affect Americans for generations to come in a very positive way.

MATT RINALDO will be missed by his constituents and he will be missed by many of us who have known him and had great affection for him.

Mr. Speaker, FRANK GUARINI, another distinguished Member from New Jersey, has been a strong advocate for New Jersey's taxpayers. As a member of the Committee on Ways and Means, he waged a valiant effort to stop the neighboring State of New York from imposing unfair taxes on New Jersey residents. He has also fought to protect American workers from being victimized by unfair dumping and practices by foreign competitors.

FRANK has always been a gentleman. He is a sharp dresser, as we all know, and a straight shooter. We will miss his friendly manner, and as I have walked over for votes since I have moved over to the Rayburn Building I have gotten to know him quite well. He has a great sense of humor, and I will miss FRANK GUARINI very much.

Finally, Mr. Speaker, BARNEY DWYER is somewhat legendary, as has been pointed out by all three of my colleagues, as the legendary quiet man of the New Jersey delegation. Let it not be said that he is quiet in terms of his deeds. He has done much for the State of New Jersey; quiet in words, but not deeds. He may not send out as many press releases as the average bear, but BARNEY has quietly and effectively worked on behalf of his constituents.

As a member of the powerful Committee on Appropriations, BARNEY has been a strong advocate for transportation, education, and economic development. In each of these areas he has made his mark. In the 12 years that I have known BARNEY, I can say I have never heard him say a negative or critical thing about anyone in this Chamber or outside of this Chamber. I think that says a lot for the man's character.

Mr. Speaker, the people of New Jersey will lose four effective representatives at the conclusion of the 102d Congress. BOB ROE, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER have proven that there are decent and honorable public leaders in the House of Representatives. We have four fewer of them as we close out this session. Again, I thank my friend for this special order.

Mr. Speaker, I want to join with my colleagues to recognize the significant accomplishments of the gentleman from New Jersey's 14th Congressional District, FRANK GUARINI.

FRANK came to Congress in 1979, after more than a decade of service in local and State governments.

He gained an appointment to the powerful House Ways and Means Committee and has participated in some of the most important congressional debates of the 1980's.

He has been a major booster of what I call New Jersey pride and has waged an ongoing battle for the city and State of New York over New Jersey's claims on Ellis Island and other related issues.

There are many areas of FRANK's career of service that deserve recognition, but there is one particular series of events that I recall as a prime example of his continuous efforts on behalf of the people of New Jersey and the Nation as a whole.

During the planning stages for the 100th anniversary celebration for the Statute of Liberty, I was appalled to learn that new immigrants being sworn in on Ellis Island as a symbolic reminder of our immigrant heritage would all be from New York, and not from all parts of the country, as we had been promised.

This was to be a national celebration, but we were told that Federal law prevented us from inviting anyone outside of the district court's jurisdiction. We would need an act of Congress to make an exception in this case.

I talked the matter over with FRANK, who had been waging a battle with New York over jurisdiction of the island, and he suggested that we take the matter to our colleague, the chairman of the House Judiciary Committee, Peter Rodino.

Working together in a bipartisan fashion, the three of us got the legislation through Congress and signed by President Reagan in less than 60 days.

As a result, the Ellis Island ceremonies were truly a national event, with new citizens from all parts of the country participating.

This is just one small example of the can-do spirit that FRANK GUARINI has brought to his career in public service. As a member of the Ways and Means Committee, FRANK has worked tirelessly on many of the most complex pieces of legislation in Congress, dealing with tax policy.

Yet, he also has a strong sense of the needs of his constituents and of the importance placed on issues of importance to New Jersey and the Nation.

Mr. Speaker. I, therefore, join with my colleagues in recognizing FRANK GUARINI's many accomplishments and wish him all the best in his future endeavors.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman MATTHEW RINALDO of the Seventh District of New Jersey for his 20 years of outstanding service in the House of Representatives.

As the ranking minority member of the Subcommittee on Telecommunications and Finance, Energy and Commerce Committee, Mr. RINALDO wields considerable influence, and has helped in crafting legislation to reregulate the cable television industry and to define the role of the Securities and Exchange Commission, including giving the SEC authority to ban the type of program trading that leads to wide price swings. In addition, he serves as the senior Republican on the Select Committee on Aging, handling with sensitivity and integrity the Social Security and other issues affecting our Nation's senior citizens.

At home in New Jersey, Mr. RINALDO is known to his constituents for his ability to listen and respond to their problems, working to reduce noise pollution from nearby airports in Newark and New York.

MATT is respected for his willingness and skill in bipartisan compromise, and he will be missed in Congress when he retires at the end of this year. I congratulate him on his fine record of service to our Nation, and wish him well in all of future endeavors.

Mr. DWYER of New Jersey. Mr. Speaker, it is with a great deal of pride, a large dose of humility, and some sadness that I join with my colleagues in this special order this evening.

At the outset, let me say thank you to my colleagues for their kind words and good wishes. I am very grateful that I have been able to make a modest contribution in the last 12 years to my district, my State and my Nation. It is an opportunity which is afforded to few people and one which I will always cherish.

I would like to take a few minutes to discuss the contributions which my three colleagues from New Jersey who will not be returning to the House have made to this great Nation.

MATT RINALDO spent 20 years in this House and serving the people of Union County. The thought of the New Jersey delegation without him is almost incomprehensible. MATT has made such a great contribution to the needs of senior citizens and in the area of telecommunications over the years. His accomplishments will long outlive his service to this House and remain as a testament to his effectiveness and the high regard with which he is held.

My good friend and colleague, FRANK GUARINI, will also not be returning to these Halls and, again, that is a terrible loss to the people of New Jersey and the Nation. In his service on the Ways and Means Committee and in our work together on the Budget Committee, FRANK GUARINI has been a strong and steady voice for fairness and equity in the taxing and spending policies of this Nation. He has been an ardent advocate for the creation of good jobs for our citizens and has ably represented the people of his district for 14 years.

In addition, I must take a moment to single out one of the outstanding Members of this body, my good friend and the dean of the New Jersey delegation, BOB ROE. BOB ROE may be the hardest working Member of Congress I have ever met. His contributions to this Nation in the areas of water policy, science and technology, and transportation are legendary and well known to all members of this body and are of great importance to this Nation. His leadership of the New Jersey delegation is the single largest reason for our cohesiveness and effectiveness in this session.

Finally, I would like to say a few words to my friends and colleagues who will remain in this House. My good friend, BILL HUGHES, who was kind enough to request this special order, will be moving into the role of the dean of the New Jersey delegation and I can think of no one more capable than he. The residents of New Jersey can rest assured that the remaining members of our delegation are quality

Representatives who put the interests of the people of our State and Nation ahead of other interests.

Mr. Speaker, again, I would like to thank Mr. HUGHES for requesting this special order and my friends in the House for their kind words. I will miss the collegiality and friendships I have developed here in the last 12 years and look forward to the House's continued success in addressing the issues which are of great concern and importance to the American people.

Mr. ROE. Mr. Speaker, as dean of the New Jersey congesssional delegation, I want to pay a special, personal tribute to my close friends, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER, all of whom have chosen to leave Congress at the end of this year.

I also want to thank our next dean, BILL HUGHES, for arranging for this special order for all of us who have decided that it is time to do something else.

It has been my great honor and pleasure to have known and worked with MATT, FRANK, and BARNEY for a quarter of a century. I first met all three of these great people when I served in the cabinet of Gov. Dick Hughes as Commissioner of Conservation and Economic Development.

That seems like several lifetimes ago when MATT was a member of the Union County Board of Freeholders and then a State Senator, when FRANK was a State Senator from Hudson County and the chairman of the committee on air and water pollution and public health, and when BARNEY was a councilman and mayor in Edison Township.

I came to Congress in a special election in 1969, MATT arrived in 1973, FRANK in 1979, and BARNEY in 1981. Since then we have worked vigorously on countless issues with an extra degree of teamwork. We have worked together on a bipartisan basis on infrastructure issues for the State of New Jersey but also on every other conceivable issue whether it be housing, health, education, or anything else that affected the people of our State.

It must be emphasized that partisan politics was absolutely no factor in our joint and unified efforts on behalf of the State of New Jersey. Partisan politics has always come second among us to the needs of our State.

The New Jersey delegation has been much more than a group of Congressmen from the same State—we have been like family to each other. We have been in constant communication with each other. Working together, we have shaped Federal policy as it affects New Jersey and we have regularly collaborated on our constituent services to the benefit of the entire State.

We have all worked in great coordination with our Governors of whatever party—whether it was JIM FLORIA, TOM KEAN, BRENDAN BYRNE, or BILL CAHILL.

Ultimately, Mr. Speaker, we have worked together as well as we have for all these years because we are longstanding personal friends. While I am looking forward with great anticipation to a new career outside of Congress, I will greatly miss MATT, FRANK, BARNEY, and all my other friends here.

My friend, MATT RINALDO, truly represents the best of the New Jersey Republican tradition—a legacy that emphasizes performance for the State over ideology and partisanship. He has worked hard for his constituents in the 20 years since he was first elected to Congress and he has developed an extremely impressive knowledge and influence in telecommunications and securities matters and other issues before the Energy and Commerce Committee.

MATT has been tremendously successful because of his moderate, pragmatic approach to issues. He is someone who wants to get things done for the people of New Jersey and he has done that for two decades.

My friend, FRANK GUARINI, has been New Jersey's strong and effective voice on the Ways and Means Committee. With his active and energetic approach, he has had a huge impact on numerous matters throughout our State.

FRANK has shown great leadership in representing our State on complex and significant matters of taxes, social programs, and other major issues. He has consistently demonstrated superb and masterful political skills that have benefited all of the people of New Jersey. More than many people realize, he has had a tremendous beneficial impact on the day-to-day lives of the people of New Jersey.

My friend, BARNEY DWYER, is sometimes referred to as New Jersey's quiet man but he has been our quietly effective pointman on the Appropriations Committee from the day he arrived in Washington. After chairing the joint appropriations committee in the State legislature, BARNEY moved right in to an important position on the Appropriations Committee without missing a beat. He has been a tower of strength for our State.

BARNEY has been a true anomaly in Congress where he has issued fewer press releases in his entire career than some Members issue in a month. He is not interested in the spotlight or in grabbing headlines but in getting the job done for New Jersey. For 12 yeas, he has been a great leader in this Congress and has gotten the job done for New Jersey, day in and day out on every issue.

New Jersey is losing 46 years of expertise, knowledge, experience, and hard work with the departures of MATT RINALDO, FRANK GUARINI, and BARNEY DWYER from Congress. It will be a huge and irreplaceable loss for the people of New Jersey and the entire Nation.

I am proud to have MATT RINALDO, FRANK GUARINI and BARNEY DWYER as my friends. Working with them has been one of the great experiences of my life and I will truly miss them.

Mr. GALLO. Mr. Speaker, I am pleased to have the opportunity today to depart from those partisan debates that have become so commonplace in this Chamber in recent days in order to say something nice about a colleague and a friend on the other side of the aisle.

I have known BARNEY DWYER for more than two decades and I have a great respect for his ability to get things done on behalf of the people of New Jersey.

For the last 4 years, we have served together on the Appropriations Committee, and for me it has seemed like old times, because this is not the first time that we have worked together in a bipartisan fashion to develop a budget through the hearing process, to debate the issues, work out our disagreements, and then fight side by side to get the legislation through the process and onto the desk of the chief executive.

In 1976, I was a new member of the New Jersey General Assembly, and had the good fortune to be assigned to the joint appropriations committee, which incorporated members from both the assembly and the senate.

And, BARNEY DWYER was serving, at that time, as a member of the committee from the senate side.

Because we were responsible for reviewing the entire budget at the full committee level, we would hold hearings for 6 weeks on all aspects of State government and debate the budget item by item through those 6 weeks.

Needless to say, a process of that type can bring about very close working relationships that have a tendency to stand the test of time.

I had the privilege of working with BARNEY DWYER during the period of time when he served as chairman of the joint appropriations committee, a job which required a great deal of expertise and the ability to keep this complicated process moving forward.

As a result of his strong background in the appropriations process, BARNEY became a member of the Appropriations Committee in this body as a freshman Member of Congress—a significant accomplishment for a first-term Member.

He immediately became an effective and highly respected member of the committee and was able to translate that expertise into positive programs for New Jersey.

New Jersey's colleges and universities are better prepared to educate our young people, because BARNEY DWYER was always there to fight for their needs.

We have state-of-the-art research labs and other high-technology development facilities, because BARNEY DWYER was there to be an effective advocate for programs to meet our future needs.

BARNEY DWYER has never been one to actively seek the limelight for himself, but he has never been shy about promoting those programs and policies that improve the quality of life and give our people the tools they need to build a better tomorrow.

At a time when it is popular to look for high visibility in our leaders, it is important to remember that there are other types of leadership.

The gentleman from New Jersey does not often take to the floor to make fiery speeches. He works diligently to solve problems by finding common ground. And then he convinces others of the wisdom of that solution.

To me, leadership means problem solving, and BARNEY DWYER has been an effective leader throughout his 12 years as a Member of this body.

Mr. Speaker, I want to recognize the many accomplishments of our colleague and friend, BARNEY DWYER, and wish him all the best as he leaves us to undertake new challenges.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman BARNEY DWYER of the Sixth District of New Jersey for his 12 years of outstanding service in the House of Representatives.

Mr. DWYER has used his seat on the Appropriations Subcommittees on Defense and Energy and Water Development for the benefit of his district, through which runs the Passaic River. In his capacity as a member of the Defense Subcommittee, BARNEY DWYER has helped to set the changing priorities of defense spending. Before coming to Washington, he held office at the local and State level, rising to the position of majority leader in the State senate.

His district, like the rest of the Nation, has become increasingly dependent on technology rather than industry, education rather than experience. However, it is interesting to note that, while Mr. DWYER is one of the few Members in this House without a college degree, he has represented the views of his constituents in such a manner to warrant his reelection for six consecutive terms, proving that Americans still succeed with and respect hard work.

I wish BARNEY DWYER the best of luck as he retires from Congress, and happiness in the years ahead.

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to the retiring Members from my neighboring State, New Jersey. I have worked with them all and I know that together that we have always collectively had the best interests of the metropolitan area that includes New York and New Jersey in mind in our efforts. I believe this body will miss their contributions.

I want to say a few words about a very special friend, my colleague, FRANK GUARINI. We have served together on the Committee on Ways and Means and the Select Committee on Narcotics Abuse and Control. Though I know we will always be good friends, but I will miss him as a colleague in our efforts to stem the evil tide of drugs and our efforts to assure a fair Tax Code, a strong Society Security and Medicare system.

FRANK is one of a dying breed of politicians who legislates more from the heart than by counting each bean. FRANK comes from the strong urban ethnic environment that bred such politicians. Politicians from these communities have a sense of who is for the little people and who would selfishly deny the working man and woman their fair share. FRANK feels what his constituents feel and made his decisions based on those expressions. It may not be the neatest way to legislate, but it is the most honest. More than once FRANK's enthusiasm to do what in his heart he thought was right has caused him to stumble. But, each time FRANK got up and kept coming. He kept at it until he convinced everyone of the merits of his arguments. For example, that is why there is a strong Caribbean Basin Initiative. That is why there is still a tax provision to encourage employer to pay for the continuing education of their employees.

FRANK has been tireless in the battle against the scourge of narcotics. As chairman of the Select Committee on Narcotics Abuse and Control I can say many of the successes the committee has had would not have been possible without the contribution of FRANK GUARINI.

Most important about FRANK GUARINI is his essential goodness, his grace and his generosity. When he is your friend he is loyal and always available. I know that I will miss his presence in this body, but I am grateful he will always be my friend.

Mr. GALLO. Mr. Speaker, I join with my colleagues to recognize the significant accomplishments of our most senior Republican Member in the New Jersey delegation, as he prepares to leave us at the close of the 102d Congress and take up new challenges in the private sector.

MATTHEW J. RINALDO's career of public service spans three decades, beginning in local and county government in 1963 and continuing at the State level as a member of the New Jersey Senate from 1967 to 1972, when he was elected to Congress.

As a member of the House Energy and Commerce Committee, he moved up through the ranks to become the ranking Republican on the Telecommunications Subcommittee, where he has had a major impact on legislation dealing with this most critical growth area for our country.

He has been a tireless advocate for our senior citizens as an influential member of the House Select Committee on Aging.

In all of his work in Congress over three decades, there is one thread which ties together his actions and his overall philosophy—New Jersey first.

All of the members of the New Jersey delegation take special pride in working together for the good of our State, and when it comes to issues of importance to New Jersey, we all hang together.

MATTHEW RINALDO typifies this dedication to Garden State issues. He has been an active supporter of energy policies that protect New Jersey and the Northeast from unfair pricing policies and has been a consistent supporter of environmental initiatives that have a major impact on our State.

MATT's recent decision to step aside at the close of this Congress, frankly, came as a shock to many of us, but his thought process reflects an overriding belief in the importance of mutual understanding between the public and private sectors.

It is very important for all citizens, both as individuals and as productive members of society, to participate in the workings of their government.

It is equally important for those of us in public service positions to always be in touch with the people we serve.

As a public official, MATT has kept those critical lines of communication open, and I believe his understanding of the inside workings of government will enhance his ability to undertake the new challenges that lie ahead for him.

Mr. Speaker, I, therefore, join with my colleagues in recognizing MATTHEW RINALDO's many accomplishments and wish him all the best in his future endeavors.

Mr. STOKES. Mr. Speaker, I want to thank the gentleman from New Jersey and our colleague, BILL HUGHES, for reserving this time to pay tribute to departing Members of the New Jersey congressional delegation. I am honored to participate in this special salute to BOB ROE, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER, recognizing their contributions to this institution over the years.

Many of us gathered here this evening have served on committees and subcommittees with BOB ROE, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER. We have also benefited from close friendships with these individuals. Their service in the House has been exemplary and we are honored to recognize their efforts.

Mr. Speaker, the distinguished dean of the New Jersey congressional delegation, ROBERT ROE, was elected to the House in 1969. Many of us are familiar with BOB'S outstanding work as chairman of the Science, Space, and Technology Committee. During his chairmanship, legislation was formulated to address important issues including our technological competitiveness, fusion development, and the modernization of our university research facilities. I recall that I had occasion to work closely with BOB during his chairmanship to successfully include an amendment providing a 10-percent minority set-aside in the development of the superconducting super collider. The action resulted in millions of dollars for historically black colleges and universities, and minority and disadvantaged businesses.

Last year, BOB ROE was selected to chair the Public Works and Transportation Committee and was the primary author of the Surface Transportation Efficiency Act of 1991. As the previous chairman of the Subcommittee on Water Resources, BOB also wrote major environmental and water quality legislation, including the Superfund Act of 1986, the Water Resources Act of 1986, and the Clean Water Act of 1987. BOB also serves on the Select Committee on Aging. I had the honor of serving with BOB ROE on the House Intelligence Committee. When I chaired the committee, he was one of my strongest supporters.

Mr. Speaker, we have watched BOB ROE and admired his leadership as dean of the New Jersey delegation. The delegation has benefited from the guidance of an individual who is admired and respected for his legislative skills. BOB ROE is a dedicated individual; he is a strong advocate on behalf of his State; and he is, by any definition, a great politician. As he departs the House, I join many others in wishing him well.

MATT RINALDO serves on the other side of the aisle, representing New Jersey's Seventh Congressional District. He was elected in 1972, and during this tenure, MATT has worked tirelessly on behalf of his constituency. During this Congress, MATT was the ranking minority member on the Select Committee on Aging and served on the Health and Long-Term Care Subcommittee.

In addition, he served as a member of the Energy and Commerce Committee, and as the ranking minority member on the Telecommunications and Finance Subcommittee. He also served on the Subcommittee on Transportation and Hazardous Materials.

Mr. Speaker, I am proud to have served in the Congress with MATT RINALDO and I join his colleagues in extending my best wishes to him in the future.

FRANK GUARINI, who represents New Jersey's 14th Congressional District, is completing his 7th term in the House. Prior to his election to the Congress, FRANK was a member of the New Jersey State Senate. In the House, FRANK has served with distinction as a senior member of the Budget Committee, where he chairs the Task Force on Urgent Fiscal Issues and the Ways and Means Committee, where he serves on the Subcommittee on Trade.

Mr. Speaker, throughout his tenure on the Budget Committee, FRANK GUARINI has fought for responsible Government spending. He has also been a strong advocate for important community development programs including community development block grants, urban development action grants, and funding for low-income housing.

FRANK GUARINI is held in high esteem in the Congress. He has won the respect of his colleagues and our admiration. I have traveled abroad on congressional trips with FRANK. Along with his tireless dedication to congressional responsibilities, he is also a pleasure to be around. I am proud of my friendship with FRANK and I wish him well.

Mr. Speaker, BARNEY DWYER came to the Congress in 1980 to represent New Jersey's Sixth Congressional District. However, he brought to this institution a wealth of political experience. In New Jersey, BARNEY served on the Edison Township Council before being elected mayor. He then served in the New Jersey State Senate and held the post of majority leader at the time of his election to Congress.

I am proud to serve on the House Appropriations Committee with BARNEY. I also recall our service together on the Labor-HHS-Education Subcommittee. During his tenure, BARNEY has worked hard, both as a member of the full committee, and as member of the Subcommittees on Defense and Energy and Water Development. BARNEY also serves as a member of the House Budget Committee.

In the Congress, BERNARD DWYER will be remembered as a conscientious legislator; a dedicated committee member; and a good friend who is available for counsel and advice.

Mr. Speaker, I take pride in participating in this special order today. As dean of the Ohio Democratic delegation, I know the importance of Members working together for the benefit of their State. The New Jersey delegation is losing the talents of four gifted individuals who have worked tirelessly to accomplish this goal. BOB ROE, MATT RINALDO, FRANK GUARINI, and BARNEY DWYER have made their mark in this institution. The State of New Jersey and our Nation has been the beneficiary of their individual and collective efforts. We applaud each of them and wish them well.

Mr. ANNUNZIO. Mr. Speaker, I rise today to join my colleagues in recognizing Congressman FRANK GUARINI of the 14th District of New Jersey for his 14 years of outstanding service in the House of Representatives.

On the Ways and Means Committee, he has, to the benefit of the many textile plants in his district, supported measures tough on unfair trade policies, and fought to penetrate Japan's closed markets. In addition to his committee actions, his consistent support of free trade, including his cochairmanship of the Congressional Friends of the Caribbean Basin, has worked for the good of the United States and other nations. Mr. GUARINI, as the fourth ranking member of the Budget Committee, and as chairman of the Subcommittee on Urgent Fiscal Affairs, has provided astute leadership in fiscal matters.

When Mr. GUARINI departs at the conclusion of this legislative session, he will leave a fine legacy of accomplishments in both Congress and New Jersey, and I congratulate him on that record. I have enjoyed working with him, and offer my best wishes for the future.

Mr. SWETT. Mr. Speaker, I rise this evening to join my colleagues in expressing my respect and appreciation for the fine work and upstanding character of the four retiring members of the New Jersey delegation. As a freshman Member of this body, I have not had the opportunity to work as closely with some of these gentlemen as many of my colleagues have, but I have nonetheless benefited from the experience and class they have brought to the work of this great institution.

I would like to single out, for special praise, the one individual among those we honor tonight whom I have had the opportunity to work closely with during my short time as a Member of this body.

That individual is BOB ROE, my chairman on the Public Works and Transportation Committee. This man exemplifies all the best of what it means to be a Member of this body. He is an indefatigable legislator, a consummate tactician, and an incisive leader. In his leadership of our committee, he has combined principle and pragmatism in perfect proportion. He has done what he needed to do to ensure the successful conclusion of our committee's legislative agenda, but he has done it without ever sacrificing the core values that brought him to the House of Representatives in 1969. BOB ROE believes in this institution. He is unrepentant in his conviction that government can do good, and he is unswerving in his determination to ensure that it achieve that potential.

BOB ROE manifests his respect for the House in many ways, not least among them the way in which he deals with his colleagues on the Public Works Committee. He treats each and every committee member with the utmost respect. He is attentive to their problems and responsive to their needs—whether one is a senior member or a freshman. His leadership style is inclusive and oriented toward problem solving and consensus building.

In my own case, Chairman ROE gave me an opportunity to contribute to the historic ISTEA legislation which he and NORM MINETA shepherded through the Congress last year. He was sympathetic to the needs of my constituents and supportive of my desire to play a role in shaping certain elements of this landmark law. I was brought in, rather than shut out. My association with this legislation is perhaps the greatest satisfaction of my freshman term, and it would not have been possible without BOB ROE.

Mr. Speaker, I will leave it to others, who have known this ordinary man longer, to sing his praises further. But I want to take this opportunity to thank him, publicly, for his help and his guidance over the last two sessions. The quality of both his work and his character will not be forgotten on the committee he has led so ably. It has truly been an honor to serve with him.

Mr. GALLO. Mr. Speaker, as we approach the closing hours of the 102d Congress, we also come closer to a milestone in the history of this institution.

And nowhere is that sense of change more evident than within the House Public Works and Transportation Committee, as its current chairman, BOB ROE, prepares to take his leave at the end of the current session.

The Public Works Committee has had a long history of bipartisan cooperation in the development of programs and policies that have moved this country forward.

The Interstate Highway System is just one example of the many essential projects that were brought into reality by those who have served on this important committee over many decades.

Since 1969, when he was sworn in as a Member of the 91st Congress, BOB ROE has served as a Member of the Public Works and Transportation Committee and has played a major role in shaping our national transportation and infrastructure programs for more than two decades.

During the 99th and 100th Congresses, I had the pleasure of serving with BOB ROE on the Public Works and Transportation Committee as a member of the subcommittee that he chaired, the Water Resources Subcommittee.

Those were momentous years, with the reauthorization of the Clean Water Act and the Superfund Program proceeding through the committee at the same time that we were also dealing with landmark legislation to protect our safe sources of drinking water, as well as a whole host of other major initiatives that were being developed simultaneously.

And throughout all of the discussions and debates, BOB ROE was always working in a bipartisan fashion to seek our input and to garner our support with one principle foremost in mind—the overall welfare and continued prosperity of our Nation.

BOB ROE is a problem solver, a doer, who is not happy as long as there are unresolved issues. He is willing to work all day and all night if necessary until those issues are resolved satisfactorily.

BOB ROE has upheld a longstanding tradition among chairmen of the Public Works and Transportation Committee as a positive thinker and an individual with a vision of a better future for our country.

He is an eternal optimist about the value of building for a brighter tomorrow by taking the long-term view and moving forward one step at a time to reach your goals.

In an age of short-term thinking and negative attitudes about the value of public works projects of all kinds—a time of tight budgets and shrinking expectations—individuals with positive visions have no outlets for their many talents.

I believe that this is very unfortunate, both for the individuals of vision and for the people of this country who benefit from the works that these ideas produce.

Mr. Speaker, BOB ROE is a valued Member of Congress and a good friend. I join with my colleagues in recognizing his many, many accomplishments on behalf of the people of his district, of New Jersey, and of the Nation.

I wish him all the best as he undertakes new and challenging enterprises that will engage his many talents in the future.

Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues in recognizing Congressman ROBERT ROE of the Eighth District of New Jersey for his 23 years of outstanding service in the House of Representatives.

BOB ROE has compiled an exemplary record of legislative accomplishments during his service in the Congress. From 1987 to 1990, he served as chairman of the Science, Space, and Technology Committee, and since the latter part of 1990, he has served as chairman of the Public Works and Transportation Committee, previously having served as chairman of its influential Water Resources Subcommittee.

He was instrumental in securing passage of the only two major water power projects bills that have become law in recent times—the 1987 and 1977 bills. He has fought for infrastructure repairs and other much needed construction projects. He has given strong support to NASA, the private rocket industry, a manned space station, and the supercollider.

As he retires from a very productive career in Congress, I congratulate BOB ROE on his achievements and wish him success in his future endeavors.

Mr. SENSENBRENNER. Mr. Speaker, in this year of record congressional retirements, we must part company with many fine Members and I join my colleagues today in expressing thanks to Congressman MATTHEW RINALDO for his fine efforts during his 10 terms of service.

Too often partisan gridlock results in many stalled bills. MATT has been one Member who sought compromise to prevent this gridlock and succeeded in passing important legislation and necessary regulations. His work as ranking Republican on the Energy and Commerce Subcommittee on Telecommunications and Finance is evidence of this cooperative spirit.

MATT has proven himself a responsive legislator and Representative to the needs of the Nation and those of his constituency. He has served both well the past 20 years. His hard work and dedication to the honor of his House will be missed and I wish him well in whatever the future holds for him.

Mr. SAXTON. Mr. Speaker, the people of New Jersey will be poorer come the end of the 102d Congress, for they will be losing four Representatives who have done so much to help both their constituents and their State as a whole.

Congressmen FRANK GUARINI, BERNARD DWYER, ROBERT ROE, and MATTHEW RINALDO represent 66 years of experience serving New Jersey on Capitol Hill. And they have done it well. Each went about his job in a distinctly different way, but in each case, the results for New Jersey were the same.

FRANK GUARINI never was one to seek the spotlight. But, he proved his mettle to everyone who knows anything about government and the House of Representatives. FRANK was known as being his own man with his only allegiance being to the people he served. He has done an outstanding job of ensuring that New Jersey never received a poor deal in border disputes with New York. As a senior Member of the Ways and Means and Budget Committees, his wise counsel on economic issues will be sorely missed. His knowledge and commitment to the people he represents have made him a most effective public servant.

BERNARD DWYER is another Member who has spoken softly but carried a big reputation among his colleagues in Congress. President Reagan had enough respect for BERNIE's integrity and ability to appoint him as a leader of the team that monitored the crucial Philippine elections. BERNIE also has served on the Budget Committee as well as the important Appropriations Committee where he has been a key member of both the Defense and Energy and Water Subcommittees. I can tell you, this Member will miss his advice and assistance in those two vital areas.

The dean of the delegation, BOB ROE, was always ready with a helping hand for all of us. A perfect illustration of this cooperation came just recently. An emergency developed at the 11th hour related to a sewer project in one of my local communities. The prospects for help, so late in the session, were bleak.

However, I called BOB and asked for his help in getting the project authorized. He didn't hesitate in providing this assistance, and the funding has since been approved—the citizens of Ocean County, NJ, were the winners.

As dean of the New Jersey delegation, he helped all of New Jersey through his seniority in the House and his chairmanship of the Committee on Transportation and Public Works.

And last but not least, I would like to wish all the best to my good friend, MATT RINALDO. MATT showed his leadership ability every time it was necessary to hold the New Jersey Republican delegation together on tough decisions. And, as a high-ranking Member of the Energy and Commerce Committee, he helped keep America competitive with the rest of the world, especially in the telecommunications industry. However, while working to maintain America's competitiveness, he has kept the environment in mind. That is something that I personally appreciate very much.

Whatever MATT RINALDO has done for the country as a whole, he has always put the people back home first, "voting New Jersey" as he often said. That is an axiom all of us in the delegation should remember.

So, as this session draws to a close, so does an era for the New Jersey delegation. To the four we honor tonight, I say farewell and Godspeed to you one and all.

Mr. SENSENBRENNER. Mr. Speaker, The people of New Jersey's 8th Congressional District and we here in the House take time to bid farewell to Congressman ROBERT ROE who is retiring when his present term expires. For 24 years he worked tirelessly and his record speaks of his dedication.

I had the privilege of working under his leadership during his tenure as Chairman of the Science, Space, and Technology Committee. BOB became Chairman just 1 month before the tragic explosion of the space shuttle *Challenger* and diligently oversaw the congressional investigation. He maintained his support for the shuttle program and was a tireless supporter of the role of science and technology in forging America's future.

In 1990, BOB took his leadership abilities to the Public Works Committee chairmanship and was successful in pushing forward the 1992 highway bill providing $150 billion for the Nation's infrastructure. His New Jersey district, still largely reliant upon manufacturing, has benefited from his hard work and has rewarded him with reelection 11 times. Those who know him have seen the energy and enthusiasm he poured into the efforts he found important. That type of service was often contagious and helped the enactment of important legislation.

I join my colleagues in wishing him well. I will miss his friendship and leadership and this House will miss his dedication and spirit.

Mr. BEVILL. Mr. Speaker, it is my honor to congratulate and offer my warmest best wishes to my good friend and colleague BOB ROE as he prepares to leave the Congress after serving the Eighth District of New Jersey for 23 years.

BOB is a highly respected Member of Congress, and as chairman of the Public Works and Transportation Committee, he has had an enormous impact on our Nation's transportation network. He has been very dedicated to improving these vital arteries and the entire Nation owes him a debt of gratitude. He authored the new highway bill last year and as a result, our Nation will be able to add to the Interstate Highway System.

He has also shepherded the authorization for a number of major public works projects over the years and has helped to create hundreds of thousands of new jobs nationwide.

I have certainly enjoyed a close working relationship with BOB over the years, especially when he served as chairman of the Subcommittee on Water Resources. It was in this role that he wrote the Water Resources Act of 1986 which authorized many of the water projects funded through my annual bill.

Over the years, BOB has had a deep and abiding interest in improving our Nation's infrastructure. He has recognized how important this is to making our economy tick.

His accomplishments will have a lasting impact on our Nation and his contributions will always be remembered.

I will miss having BOB here in the Congress and I certainly wish him all the best for a happy future.

Mr. BEVILL. Mr. Speaker, I rise to pay tribute to my good friend and distinguished colleague BARNEY DWYER, who is leaving Congress after serving New Jersey's Sixth District for almost 12 years.

BARNEY has been an outstanding member of the House Appropriations Committee and I have certainly enjoyed working with him, especially on the Energy and Water Development Subcommittee. I appreciate his hard work and dedication. His district, his State and our Nation were well-served during BARNEY's tenure here in the Congress.

I have also been very impressed with BARNEY's active role on behalf of our Nation's senior citizens. He has helped promote additional housing for senior citizens and has fought to expedite benefits.

I am sorry to see BARNEY go. He has made a very fine record here in a very short time. I certainly wish him all the best in his future endeavors. He has been an excellent public servant.

Mr. PANETTA. Mr. Speaker, it is a pleasure to be able to pay tribute to the departing members of the New Jersey delegation. It is also with regret that I note their departure along with many other fine men and women of this body.

Let me begin with FRANK GUARINI. I have worked closely with FRANK over the past 4 years on the Budget Committee, and I want to say that FRANK took his responsibilities as a member of the committee very seriously. There is no question that FRANK GUARINI has demonstrated his rare and strong commitment to reducing the Federal budget deficit. As chairman of the committee's task force on urgent fiscal issues, FRANK conducted hearings on unfunded Government liabilities, the decline of American manufacturing in the 1980's, funding for the Resolution Trust Corporation, and the Exxon Valdez oil spill, among other important issues of the day. He also acted to protect programs important to New Jersey and to the Nation, namely, community development block grants, urban development action grants, and funding for low-income housing. The people of New Jersey's 14th Congressional District can be proud of the service of FRANK GUARINI on their behalf. I salute FRANK on his accomplishments in the House, and I wish him all the best in his future endeavors.

BARNEY DWYER has served on the Budget Committee as well, and I have enjoyed his participation in the committee's deliberations each year. I would like to pay tribute to BARNEY's quiet, good-humored work behind the scenes on both the Budget Committee and on the Appropriations Committee, where he was successful in balancing budgetary concerns with fair and rational defense and energy and water appropriations requests. I appreciate all of BARNEY's hard work in the House on budget issues, and I know that he will enjoy his richly deserved retirement from the Congress.

BOB ROE is one of the hardest working Members of Congress I have known. He has put in the long hours day after day, month after month, year after year since 1969. And his is quality work. He earned his chairmanship of the Public Works and Transportation Committee by dint of his expertise, his integrity, and his diligence. I would like to pay tribute to BOB's example of the American work ethic here in the U.S. Congress at a time when it is easy for so many, who know not whereof they speak, to belittle the Congress' dedication. BOB ROE has lived for this institution, for his constituents, and for the causes for which he has fought. He has had a palpable impact on our Nation's science and technology programs, on our infrastructure, and on a myriad of other issues, and it is with respect and admiration that I honor him today. If anyone merits a retirement, it is BOB ROE, though I know that he will rarely rest for many years to come.

Finally, on the other side of the aisle, I would like to praise the record of MATT RINALDO, who is retiring as ranking Republican member of the Energy and Commerce Committee. MATT has proven to be a cooperative guardian of the Nation's public health and environment as well as a reliable champion of a government accountable to the people. He has been uniquely able to overcome partisan rancor in the pursuit of important policy goals. MATT has had a distinguished career, and as a fellow Member of Congress, I would say that it has been a pleasure to work with him. I wish him well in his new ventures.

Mr. RINALDO. Mr. Speaker, I am pleased to join my colleagues in the New Jersey congressional delegation for this special order. It is particularly fitting that we are taking this opportunity to recognize the contributions of several of the members of our delegation—Congressman BOB ROE, Congressman BERNIE DWYER, and Congressman FRANK GUARINI.

It has been my pleasure to serve with BOB ROE ever since I came to Congress in 1973. He has been a tremendous leader in this institution, and his record of accomplishment is well known to every member in this House. As chairman of the House Committee on Science and Technology, and later as the chairman of the House Committee on Public Works and Transportation, he has distinguished himself as a fair, even handed member who has been deeply involved in the issues under his jurisdiction.

Just last year, he brought the surface transportation bill to the House floor, one of the most significant pieces of legislation in history to help revitalize the Nation's infrastructure. For those of us in New Jersey, he has served as the dean of the congressional delegation since the retirement of Pete Rodino. His loss is a tremendous blow to our State, but I want to join my colleagues in wishing him a fulfilling and rewarding retirement.

FRANK GUARINI has also been an esteemed colleague, a close friend, and a vital part of New Jersey's influence on Capitol Hill. As a member of the Ways and Means Committee, he has made his mark in a number of key areas, particularly on the Trade Subcommittee, and he has been an active and productive member of the House Select Committee on Narcotics and the House Committee on the Budget.

I first met FRANK when we served together in the New Jersey State Senate in the late 1960's. When he came to Washington he brought the same commitment to our State and to our region that has made him a distinguished public servant.

BERNIE DWYER is also a close friend. Our districts lie next door to each other, and I have been pleased to work with him on a wide range of issues. He has been an able member of the House Appropriations Committee, but before that he was the mayor of Edison, a member of the New Jersey State Senate, as well as a councilman in his home town.

The contributions these three individuals have made to our State, to their communities, and to the Congress are enormous. Among the three of them, we are losing 54 years of congressional experience. It will take our State a long time to regain that kind of expertise.

Most importantly, I will remember them as friends, as distinguished colleagues who were motivated by fairness and doing the best for their State. I will miss them and wish them all well in their future careers.

I also want to express a note of thanks to my colleagues for all their kind words on my behalf. Deciding not to seek re-election was a difficult decision, and one of the reasons it was difficult was because of my colleagues in the delegation, on both sides of the aisle. I will miss working with them, but I also hope our paths will continue to cross in the months and years ahead.

Mr. SMITH of Iowa. Mr. Speaker, I have been fortunate to have served with BARNEY DWYER during the years he has been in the House of Representatives and during these years to have served on two Appropriations Subcommittees that he served on.

I have been privileged to be chairman of the subcommittee which handles funding for the Commerce Department, Justice Department, State Department, the Judiciary, and 22 independent agencies. BARNEY was a member of that subcommittee for many years. BARNEY had a prior background in the business world and in the legislature in New Jersey and his knowledge was very valuable to the entire subcommittee. He was diligent in his work and very effective.

Among other things, BARNEY was a moving force in securing the authorization for a Seaton Hall legal clinic and he has also obtained the funding for a food center for low-income people. Those two examples show his great compassion for those less fortunate. He was also concerned that those who are in the mainstream be able to earn the money to bring in the revenues needed to fund government. Without reservation I can say that BARNEY has been a very valuable member of that subcommittee. He also served with me on the Health and Human Services—Education and Labor Subcommittee.

Those subcommittees hear from hundreds of witnesses each year and BARNEY could always be depended on to be present at the meetings and help the committee analyze all the evidence presented.

BARNEY decided not to run for re-election and his absence will certainly result in a great loss to the Appropriations Committee, the institution and the country.

Mr. SMITH of Iowa. Mr. Speaker, I am pleased to have an opportunity to say a brief word about ROBERT ROE. I won't repeat all the many things that were said but I wish to add to those who mention the fact he was one of the hardest working and most effective Members of Congress. He concentrated largely upon matters under the jurisdiction of the Public Works Committee and the Committee on Science and Technology, both of which he became chairman. When he brought a bill to the floor he knew every provision in the bill and could discuss thoroughly and defend it. He believes in building our infrastructure and in the kind of long-term investments in science and technology needed to make this country competitive in the present global economy. In this respect he was far ahead of many of the people in this country. In this present political campaign for President, for the first time both of the major candidates have acknowledged or supported doing more research in those areas where it will help us become more competitive in producing consumer goods for the world market.

He was a major force in forging and passing the highway bill that emerged from the present Congress which, if funded, will create more jobs than any other single bill that we have passed in this Congress, and at a time when it is badly needed, and with an end product which will permanently enable this country to provide a better standard of living for all of our citizens.

BOB ROE deserves our lasting thanks for the hard work he did and he will be missed and his understandable decision not to run for re-election will result in a loss for all of us.

Mr. HORTON. Mr. Speaker, I want to pay tribute to BERNARD DWYER, who will be retiring from the Congress at the end of the year. BERNARD DWYER has served this Nation with distinction as a Member of this body for 12 years.

BERNARD DWYER has been an outstanding Representative of the Sixth District and the State of New Jersey. Through his work on the Appropriations Committee, he has helped to ensure that his State and our region of the country has received a fair return on its tax dollar investment.

The gentleman from New Jersey has been a good friend to the working man and woman. As one who shares the philosophy that Government should look out for the little guy, I salute BERNARD DWYER for his efforts over the years. His leadership on a number of labor issues will certainly be missed during the next Congress.

My wife, Nancy, joins me in extending our best wishes to BERNARD DWYER and his family. We wish him the best of luck in all of his future endeavors.

Mr. HORTON. Mr. Speaker, I want to pay tribute to MATT RINALDO, who will be retiring from the Congress at the end of the year. MATT RINALDO, has served this Nation with distinction as a Member of this body for 20 years.

MATT RINALDO is a Member who prefers achieving legislative goals to partisan victories. As one who shares that philosophy, I have always had a tremendous amount of respect for MATT. The essence of the Congress is for Members of different views to come together to discuss the issues, hash out the differences, and forge public policy that incorporates the best elements of the varying positions. MATT RINALDO epitomizes that philosophy.

MATT also has earned my respect over the years for his support for the working man and woman. As one who shares his belief that Government needs to look out for the little guy, I am saddened by his decision to leave the House. His presence will be missed in our wing of the party and by the House as a whole.

My wife, Nancy, joins me in extending our best wishes to MATT RINALDO. We wish him the best of luck in all of his future endeavors.

Mr. MINETA. Mr. Speaker, I would like to take this opportunity to recognize a Member who has devoted his entire life to public service, ROBERT A. ROE.

I think it's safe to say that no one in this House works harder than BOB ROE. He is totally dedicated to improving the quality of life for all Americans.

BOB ROE's tireless efforts ensured that the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA], the most important legislation of this Congress, became a reality.

He put in more hours last year than anyone—sometimes even working around the clock to complete what truly is landmark legislation. And anyone who has worked with BOB knows that he takes the saying, "blood, sweat, and tears," quite literally.

The ISTEA legislation is just one example of his achievements. He was a principle architect of the Superfund Program, and he's responsible for putting the Water Resources Program on a 2-year cycle.

In whatever he does, he is truly visionary. While most people think of infrastructure as potholes, BOB ROE thinks in terms of global economy, productivity, energy efficiency, and resource investment.

The distinguished chairman of the Committee on Public Works and Transportation, and dean of the New Jersey delegation, was first elected to the U.S. House of Representatives to fill an unexpired term of office in a special election in 1969, and has been re-elected to each succeeding Congress.

Before assuming the chairmanship at Public Works in 1991, Congressman ROE was chairman of the Science, Space, and Technology Committee for 4 years. He played a major leadership role in returning the United States to space in 1988 with the successful launch of the space shuttle *Discovery*.

Under his guidance, the Science Committee passed legislation dealing with such important issues as the superconducting super collider, U.S. technological competitiveness, fusion development, and the modernization of U.S. university research facilities.

Prior to being elected to Congress, Chairman ROE already had a long and distinguished career in public service. He served in the Governor's cabinet as State of New Jersey Commissioner of Conservation and Economic Development. In local government he was director of the Board of Chosen Freeholders of Passaic County, NJ, and the mayor of Wayne, NJ.

BOB ROE has been an outstanding leader, a dedicated policymaker and a good friend.

Mr. Speaker, there is a saying that "one man can make a difference." When that one man is BOB ROE, truer words were never spoken. When he leaves this House, not only will he be missed by this distinguished body, but by the Nation as well.

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to Congressman MATT RINALDO of New Jersey's Seventh District and Congressman FRANK GUARINI of New Jersey's 14th District. Both the Congress and the Nation will miss their conscientious and skilled representation.

As ranking Republican on the Commerce Telecommunications and Finance Subcommittee, Congressman RINALDO has worked to strengthen the Securities and Exchange Commission rules and for increased enforcement and stronger penalties for those who trade on inside information. He worked to overturn the veto on the Family and Medical Leave Act and to re-regulate some of the cable television industry.

As a former tax lawyer, Congressman GUARINI was tapped to work on the Ways and Means and Budget Committees. He has worked on trade and tax issues, aiding small business and introducing legislation against unfair trade practices. He has supported free trade, but denounced Japan's negative response to changing trade barriers and procurement practices.

I have had the privilege of working with both of these talented legislators, and I have enjoyed their camaraderie in the House and socially at Italian-American functions. As a colleague, I will miss their intelligence, dedication and friendship. I offer them my best wishes for success with their future plans.

Mr. HUGHES of New Jersey. Mr. Speaker, in concluding, let me just say as we salute these four great native sons of New Jersey and distinguished Americans, BOB ROE, MATT RINALDO, BARNEY DWYER, and FRANK GUARINI, that we are going to miss them, but we wish them every success, good health, and Godspeed in the years ahead.

Again, let me thank our colleague, the gentleman from California, BOB DORNAN, for deferring to us so we could move this special order ahead.

DUTY, HONOR, COUNTRY

The SPEAKER pro tempore (Mr. BROSKI). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes.

Mr. DORNAN of California. Mr. Speaker, I am pleased to see that I am the last special order tonight, and I am not going to hold up any of my distinguished colleagues.

My subject tonight is duty, honor, and country. Obviously, that means serving one's country in any way one can, at least at some point in their life, and duty applies to a good woman, a good man, at all stages of their lives. My emphasis tonight will be particularly on the word "honor," and honor as it pertains to this presidential election.

I had no idea when I began to speak out on the 216th anniversary of the death of a courageous young Army captain at only 21 years of age, serving as an intelligence officer behind the lines of the Father of our Country, George Washington, that young Connecticut citizen was Nathan Hale. Whenever I come to work in the world's most beautiful office building and drive up Constitution Avenue, I try always when driving due east to divert my eyes in front of the Justice Department to a statue that should be more prominently displayed in this city. It is the statue of young Capt. Nathan Hale, hands tied with rope behind his back, at that moment right before his death when he had just been denied a Bible by a British officer who asked him if he had any last requests. It was denied.

Then the British officer said, "Do you have any last words? You are a traitor to the Crown." And young Nathan Hale, who, like Mr. Clinton, matriculated at Yale—I think to get a teaching credential in the 1770's—he said, "My only regret is that I have but one life to give for my country." That was, to me, the epitome of honor and selflessness. That is why I started this series of special orders, of which tonight is No. 5.

My dad went to a short course in World War I at West Point. He had been born just a brief mile away in Newburgh, NY, the son of a man who had been born in Ireland, Liam Dornan. My grandfather, William, or Liam, had come here in 1852, at 4 years of age. My dad was proud to go to West Point. He had dreamed as a young boy of going there for all 4 years. When World War I started, they shortened the senior class down to immediate graduation at whatever point they were at; juniors were made seniors, and they brought my dad in for a very short course there before he went to the Rock Island Arsenal.

He was commissioned a first lieutenant because he was older than most of the young men. He was already 26 in 1918, never served as a second lieutenant, and after Rock Island Arsenal, IL, went off to the trenches of World War I.

I was raised on that "Duty, Honor, Country." My dad had hoped that one of his three sons would go to West Point. I had on my bedroom wall that gray banner with the shield and the roman helmet of West Point on it, with the words, "Duty, Honor, Country."

When we entered the Second World War, my mother and father both were great fans of Douglas MacArthur. Douglas MacArthur had risen so high, so fast in the U.S. Army, the son of the Medal of Honor winner, that he was retired at an early age in 1936 with nothing else to do, and eventually was made the Governor of the Military Protectorate of the Philippines. Of course, World War II brought him back to new heights of glory, one of our only eight five-star generals or admirals.

General MacArthur at one point had taken a leave from the Army to be the commander of the U.S. Olympic Team going to Holland in 1928. My dad was an assistant boxing coach, my mother went on that trip, and they both came to think the absolute world of Douglas MacArthur. So over my small little personal dresser next to my bed, I shared a room with my older brother, there was a picture that my mother put up of Gen. Douglas MacArthur.

Under his picture, and there was also a little bank for war bonds with a cutout of General MacArthur, in that famous crushed garrison hat with the discolored scrambled egg on it and a simple khaki uniform, an open collar, and it said under it, "Duty, Honor, Country." My dad used to regale my two brothers and I with what he called cadet memory from that short time of accelerated training at West Point. I remember one of them was, "Discipline is that faculty of the body whereby the muscles respond to the given word of command irrespective of frame of mind," and he used to say, "That is what I want from you guys." We never adhered to that to the letter of the law.

My hero father, three wound chevrons in World War I, two for poison gas, what we now call Purple Hearts, he always emphasized the words of Polonious in Hamlet, "To thine own self be true;" that in your heart, if you dog it, which was an expression of my dad's, if you dog it, if you let somebody else do what you know you should have done, it will haunt you for the rest of your life. Always do the honorable thing.

Here is an excerpt from the cadet prayer of the Corps of Cadets at the U.S. Military Academy: "Make us to choose the harder right instead of the easier wrong, and never to be content with a half truth when the whole can be won."

Most of my remarks about Governor Clinton tonight will involve half truths, and some flat out distortions of the truth and deceit about public record. I have enough material here to probably carry me through 3 more special hours.

□ 2140

Mr. Speaker, for those men and women of all ages that there may be an audience over a million now in all 50 States, Puerto Rico, as far away as Guam, and through the services of all of our cable owners across the country who provide the TV coverage of the other Chamber, the U.S. Senate, and the TV coverage of this Chamber, I would hope, Mr. Speaker, that they would stay with me here because I am going to engage in a dialog tonight, not just a monolog. And the dialog will be with a Member that is a particular honor for me to serve with, and that is my colleague from southern California, down in beautiful San Diego, RANDALL CUNNINGHAM, flying call sign of Duke, the first ace of the Vietnam war. He was the only Navy ace, joined a few months later by only one Air Force ace, my good friend, then captain, now active Reserve Col. Steve Ritchie.

I want to engage in a dialog because I am a peacetime warrior, trained for combat, combat-ready, never called upon by my country or God to go in harm's way, except as a journalist, and I managed to scrounge a lot of combat missions on an old Bolex camera and an old Nikkon camera that my older brother gave me. But when you wear a uniform in combat, you have earned a special right in the history of our country. If you have shed blood or put your body, your flesh in the line of hot shrapnel, bullets, and in the case of Vietnam, SAM missiles and the most dangerous aerial combat environment in the history of aerial warfare since the small airspace over the trenches of World War I.

Before I get into a dialog here with DUKE, I want to mention some things that have come to my mind over the past few months, because I know that they are watching down in Little Rock, Mr. Speaker, and that Betsy Wright and Dee-Dee Meyers, and even maybe the Governor of Arkansas, have taken note of these special orders. I know one of them down there has questioned my sanity. That would be George Stephanopolus. And I know they are upset, but they are going to have to understand that some Americans, I think most Americans feel particularly keen about honor, and honor as it applies to the Presidency of the United States.

My special order finished last night about 12:30 or 1 o'clock east coast time, and I arrived home very late. I had not been home in 5 days because I came straight in on the red-eye last night, with 2 hours of sleep, and I managed, because of the active day with about 12 votes, to still not even catch a Churchill nap. So I was a little ragged at the end of the day.

When I got home, two of our eight grandchildren are living there with me, here was the next to the youngest of the eight, Haley, Haley Dornan, and she had a little book in her hand. And she came and hugged one of my legs, and I lifted her up, and I said, "Hi, Haley." And there is Robert Kenneth Owen Dornan III, and Robbie, I give him a hug, and I say, "What's that little book in your hands?"

This sounds too corny to be true, Mr. Speaker, but it is the gospel truth. "What have you got there, Haley?" I recognized something in her hand, and she says, "It's my Presidents."

And I said what, and then I noticed the cover, "The Presidents of the United States." And I said, "Where did you get that?"

My son has built me a library of about 3,000 books on the ground floor of what was the basement of the home where I live here in Virginia, the other home being in Garden Grove, CA. And I picked up this little book and it flashed right away that I had carried this for a long time in the early 1960's. I had gotten it shortly after the assassination of President Kennedy, and this book stops at a Navy lieutenant commander, Lyndon Baines Johnson, our 36th President.

I went to the front of this book and sure enough, there was the copyright, early 1964. And I read this little book. It only hits the very salient points about our Presidents, just one little tiny page each. And it is good to go through and reflect on these men, some of them rather normal, ordinary men that were propelled into the office by a tragic assassination, or in the case of the shortest Presidency which lasted 30 days, a real war hero, William Henry Harrison, who insisted, as our oldest President sworn in at 68 that he walk the entire course or ride on horseback the entire course without hat or coat of the inaugural parade before his speech. They gave the speech at the end of the parade, and he spoke for hours in the rain and died of pneumonia 30 days later. So that was the Tippecanoe and his Tyler too, John Tyler who did not know he was going to be President, probably, and just served out actually a full Presidential term minus 1 month.

But you look at all of the men that wore the uniform proudly here, and I think of misstatements of history by Bill Clinton that I would like to straighten out right now.

First of all, Bill Clinton said that Ronald Reagan had never worn the uniform of his Nation. But he did concede that he was a great Commander in Chief. Well that is wrong. I wrote to the Reagan library, or actually phoned them today. I knew that the President had been in the cavalry from the Army Reserve, and I think that he had served in the Army Air Corps, and then in the Army Air Force as it changed its name in late 1942, and that he had made many training films. My cousin, Jack Haley, Jr., has done many documentaries where he has used with great effect pictures of a young, handsome Ronald Reagan in his thirties, making training films.

Now some people during President Reagan's Presidency, because he made as striking figure as a young officer, as he did as a President, they resented him popping that salute as he would come off of Air Force One, or Marine One, one of the 14 helicopters flown by fine young Marine officers and crewed by enlisted men that a President gets. The other day I was up at Sikorski and I got ill thinking about Clinton having 14 Marine helicopters at his disposal, in addition to all of the Air Force jets our at Andrews Air Force Base.

Now, here is the first thing that I would like to straighten out. Ronald Reagan joined the Army Reserve in 1937. Now most people finally started tracking his birthday as this remarkably handsome American and healthy specimen of manhood hit 80, and that was last year where he celebrated his 81st birthday this year on February 6. It is easy to recall his birthday. I did not have to look it up, February 6, 1911, and that makes it pretty easy when it comes to Pearl Harbor, 1911, 1941. He had turned 30 a year ago on February 6, 1944, and Ronald Reagan was 31 years of age. He had joined the Army Reserve and the cavalry in 1937 as a private. He worked his way up through the ranks, and I have a picture at home of him, vintage probably 1939 or 1940 as a captain in the cavalry in the Reserve.

Now, by the time he asked to serve as a combat-trained officer and transferred to the Army Air Corps he was 31½, he was married, had an adopted son, Michael, and a friend of both DUKE's and mine, my friend Maureen Reagan, who cohosted a show with me at one time.

Now our country was not in such dire straits in World War II that we had to draft fathers with two children, although sometimes that happened by mistake. And generally when it happened, that new father of one or two would go, even if the draftboard made a mistake. And many of them served honorably for 3½ years, and sometimes they died on the battlefield, and they are buried in the U.S. cemeteries in the Philippines, in the Punch Bowl in Hawaii, on the bluffs overlooking Normandy. Remember, there are 22 sets of brothers at Normandy, several fathers and sons, and several sets of twins buried on those bluffs over Omaha and Utah Beach.

Now, the other mistake that Mr. Clinton made was about another military hero, Abraham Lincoln.

Here is Abraham Lincoln's story, Mr. Speaker, for the edification of those down in Little Rock that would propel a draft dodger into the seat of the Commander in Chief.

I read from a book that I got from the Library of Congress today, "Abraham Lincoln, a Biography" by Benjamin Platt Thomas, and until a recent spate of excellent Lincoln biographies in the last two decades, many of them prizewinners, this was pretty well a standard text. This goes way back.

> Hardly had Lincoln arrived home when New Salem throbbed with new excitement. The village stood on the northern fringe of settlement. Beyond it—

And a little of the writing here is archaic—

> except for scattered cabins here and there, the only settlements were at Peoria—

And imagine BOB MICHEL's hometown on the edge of the frontier with a few homes—

> Dixon's Ferry on Rock River and the Galena lead-mining region along the Mississippi where the great city of Chicago would rise; a few cabins were clustered around Fort Dearborn. Most of northern Illinois was trackless woods or prairie still roamed—

And I apologize to our great first Americans, native American Indians, it says—

> by treacherous Indians.

A fairer description would be Indians who loved the land upon which they had been raised and felt it was theirs.

Next paragraph, for Mr. Clinton:

> Now real trouble threatened, for Black Hawk—

And that is a man's name—

> war leader of the Sauks and Foxes, dissatisfied with lands allotted to him west of the Mississippi, and recrossed the river with 500 braves. They came ostensibly to plant corn, but they were all well mounted—

Horseback—

> and well-armed, and a detachment of U.S. regulars at Fort Armstrong watched them suspiciously. Panic spread over the frontier until, at last, some nervous shooting brought savage flashing war. Governor John Reynolds immediately called for volunteers from the State militia, a loose organization embracing all males between 18 and 45 except conscientious objectors and those physically unfit.

You see, our great country, with its religious heritage, its Judeo-Christian heritage, has always honored conscientious objectors, but conscientious objectors always understood that you could not run to be President of the United States and ask other men to go in harm's way and possibly die for their flag and their country if you were not willing to risk your own life.

So this is, as I described in the first night of my special orders, this is Mr. Clinton's catch-22. If he was honorable about his antiwar objections, possibly pro-Hanoi sympathies, he knew it would cost him his political viability, although he would have maintained his honor, and I think he chose the dishonorable course of dissembling, half-truths, and worse.

"Also those physically unfit—"

And no one who was ever legitimately 4-F would ever feel bad about not being able to go into the military. The prayer of all of my youth, and I was a fiend about eating carrots, because I wanted to be a fighter pilot since the Battle of Britain when I was 7 years of age, looking at newsreels in the Trans-Lux theater in Columbus Circle in New York City on Manhattan Island; I wanted to be a fighter pilot, and to realize the dream, I used to go to bed every night praying, "Please, God, let me stay healthy and strong and keep my eyes well and 20/10."

The men of Illinois supplied their own arms.

Notice, they all had arms, and the second amendment still meant something those many decades after the signing of the Bill of Rights, and this is interesting: they elected their own officers.

> When the Governor's messenger came spurring down Main Street of New Salem, a jump forward, Lincoln enlisted at once. Borrowing a horse, he hastened to the rendezvous at Richland Creek, nine miles northwest of New Salem. His company consisted mainly of his friends and neighbors with the Clary's Grove boys, Irish, the Clary's boys prominent in voice and numbers. Their support elected Lincoln captain, with Jack Armstrong as first sergeant.

"DUKE" that is where Jack Armstrong, the All-American Boy, came from. He was Capt. Abe Lincoln's first sergeant. Jack Armstrong. My brother married Shirley Armstrong. What a great name. The first man on the Moon in space an Armstrong.

> Even after Lincoln's nomination for the Presidency—

And now listen to this, Bill Clinton, wherever you are, Mr. Speaker, listen to this—

> he remembered this as the most satisfying honor of his life.

I skip forward to the paragraph where, unlike "DUKE" here, Lincoln is like me, trained for combat, God is good to him. Lincoln spent the last days of his enlistment, and it was 80 days, in a futile search for Mr. Black Hawk and his warriors in the swamps around Lake Koshkonong in southern Wisconsin. For that service, Abraham Lincoln received 125 bucks.

History: Ronald Reagan, Abraham Lincoln, and the third one that Mr. Clinton said had not served his country was Franklin Delano Roosevelt.

I had no idea that he was a Secretary of the Navy for 9 years, Assistant Secretary from 1911 to 1920, all through the buildup to World War I, the sinking of the *Lusitania* off the southern coast of Ireland in May 1916, 128 Americans died in that, and Assistant Secretary of the

Navy Mr. Roosevelt was there all the way up through 1920 when Woodrow Wilson left office.

Keep in mind that he contracted polio a year later in 1921 and was certainly one of the most qualified men ever to attain the Presidency as far as knowledge of the U.S. Navy was concerned.

Mr. Speaker, I understand, in reading about him, that he could name every single ship of the line by name and tell you its tonnage, kind of a counterpoint to the man of his epic period of history, Winston Churchill, who could not only name you every ship of the line and their tonnage but the skipper of every ship who was serving on it on the bridge at that time and probably tell you the horsepower of the engines, coal-burning or steam, or whatever, in every British man-of-war on the high seas.

These men were unusual men, and they brought such honor and dignity to the office that it boggles my mind that in this book of Presidents, updated to include the 42d President, which I had hoped to see sworn in in 1997, that we would see a man added to this who, although he reads mystery novels, works crossword puzzles and, according to P.J. O'Rourke, bites his nails but not to the quick, that that man would know more about history, would have a better knowledge of history than to write off a Secretary of the Navy, Capt. Ronald Reagan or elected captain, company commander of the Illinois militia, Abraham Lincoln.

Now, Mr. Speaker, I just would like to go through some thoughts I have had over the last few days about American heroes, and I am going to insert a few in the special order I do tomorrow night, Saturday night if we are in session, Sunday night if we are in session.

Ted Williams: tomorrow I will give all of the baseball statistics of Ted Williams, his years of play, this champion athlete, a member of the Hall of Fame of all American baseball players who gave up his best years. And he is still one of the top 10 sluggers of all time who gave up his best years playing for the Boston Red Sox and went through naval pilot training, came back, played, and got activated during the Korean war.

My instructor in pilot training in Texas in 1954 in jets was Bob Cook, shot down one Mig in Korea, a modest man, took us 4 months of training and one or two beers to dig that story out of Bob.

Do you know what he wanted to talk about rather than his own victory over a Soviet-built Mig-15 over the Yalu River? He wanted to tell us, the four young cadets at his training table, about the greatest day of his life, and it was when a klaxon horn went off, sirens went off, and Ted Williams, one of America's great athletes, was coming in with a shotup F-9F Navy Panther and was going to belly in on an Air Force base at, I think it was, Kimpo, K-16, something like that, and he said every single man, every Army, Air Force nurse, everybody on this base turned out and lined both sides of the runway, obviously a good deal back from the runway in case the accident went bad or even fatal, and here comes one of America's great athletes, I believe the most beautiful slugger right up there maybe a tie between he and Joe DiMaggio, and Babe Ruth cut his own figure, but I believe when Ted Williams came up to the plate and hit a ball, that it was sheer poetry to watch him.

□ 2200

And here comes Ted Williams, so big in frame that he had to be kind of shoehorned into the cockpit of a Navy Panther jet. Here he comes in on a final approach, streaming fuel and smoke and the Air Force, I think, had foamed the runway. He brings this airplane in on its belly, greases it in, as they say, skids to a sliding ground loop.

Lt. Bob Cook, my instructor, says that was my greatest day in the Air Force to watch my favorite baseball player grease one in and defy death.

After a full tour with dozens of bombing missions, Ted Williams came back and continued one of our Nation's most brilliant baseball careers. Why didn't Bill Clinton think about Ted Williams instead of, who knows what, when he wrote about political liability?

At the convention last month I had the honor of being asked to sit in the Presidential box during some of the speeches. And it was a particularly nice night. I had my son, Mark, with me. My friend, Jack Kemp, was introduced by a very special person. He was introduced by Roger Staubach. Roger Staubach of Annapolis, of Vietnam and of the Dallas Cowboys in their very best years.

Roger, after he finished introducing Jack—and a beautiful introduction it was, from one quarterback to another—he came down around and back up and sat next to me in the Presidential box. I had fun introducing him to my son Mark. Then I gently harangued and begged him to run for the U.S. Senate from Texas. He did not say "no," for any Texans watching this proceeding.

But as I sat there, I looked at this quality American, this great quarterback, and I thought when he left Annapolis as one of its record-breaking football heroes, he took his full Navy tour as a young officer and, I believe, spent more than a year of his duty in the combat area of Southeast Asia, in Vietnam. I will have his statistics not only as a college star athlete, All-American, but as a top NFL quarterback for the Cowboys. But more importantly, I want to put into the record his military career where he put duty, honor, and country ahead of going into the record books with even astronomically higher numbers because of his youngest, toughest years as an athlete being given to his country just like Ted Williams.

Mr. Speaker, it occurred to me the other day that every President is entitled to be buried at Arlington Cemetery. If a draft dodger ever in a confusing time in our history, in a recession period, in a period when all the Democratic leaders in both Congresses and all the Governors at large, of the largest States, States more difficult to govern and manage, they all step aside out of deference to a President's high numbers of public approval, and an unknown person achieves a nomination and is a draft dodger and goes on to achieve the Presidency, that person has the option to be buried at Arlington.

I cannot conceive of someone buried at Arlington who was a scheming draft dodger and being buried among the young draftees who allowed themselves to be drafted, who did not flee to Scandinavia or to England or Canada or anywhere around the world, who did not claim to be homosexual when they were not, who did not claim to be weak or physically with a bad knee or even goes so far as to cut off a finger—which was known to happen—or pull out teeth—which was known to happen—but just said, "All right, I don't know what is going on over there. I don't know why we could crush Hitler in 3 years and 5 months, and 99 days later crush Japan and not be able to wrap up Vietnam in 1, 2, 3, 4, 5, 7 years," when our prisoners were held twice as long as the marines captured at Wake Island or the men captured in North China. How could this happen that this war could not be won? These young farm kids, sons of African-Americans, sons of Hispanic-Americans, sons of military families, sons of conservative families. In my family, that would have been a double hit, military and conservative philosophy on honor, guidance of the sons. My mother once said, "If any of you three sons ever dodge the draft, don't darken my door again."

Does that sound overly romantic, impossible for a mother to say that? Well, if a mother believes that Jimmy Doolittle, Douglas MacArthur, Ike Eisenhower are heroes for young Americans, yes, a mother would be likely to say that during the Korean war years, which Mickey McFadden Dornan truthfully said.

So I think of Arlington, and I think of heroes. In Mr. Clinton's case, since someone took his place when he graduated from Georgetown in the early spring of 1968, since someone took his place in the early spring of 1969, since someone took his place in the late spring of 1969, and since someone took his place when he deceived Colonel Holmes in August 1969, then any one of those four young men, probably farm kids from the suburbs or rural areas around Hot Springs could be on that Vietnam wall as someone who, as Lincoln said at Gettysburg, gave the full measure of devotion. And that man might be buried in Arlington.

Would a draft dodger have the moral authority, I ask all of my fellow countrymen, would a draft dodger, as Commander in Chief, have the moral authority on Memorial Day, on Veterans Day, to lay a wreath at the Tomb of the Unknown? It is now an unknown soldier, in state there, for World War I, World War II, Korea. I went to the ceremony where there were very tiny remains because we identified all but this one in Vietnam, the remains of finally an unknown soldier probably from the Laotian theater, where remains were not easily retrieved. When they were, very few pieces of bones were left.

Could a draft dodger do that in conscience, lay a wreath at the Tomb of the Unknown in Arlington? I hope not.

Back to D-day, I remember telling Vice President George Bush that I was looking forward to being with him on the memorial across the midships of the U.S.S. *Arizona*, as I mentioned earlier. I was lucky enough to be there with three Congressional Medal of Honor winners, John Flynn, young petty officer who went out right in the middle of the airfield at Barbers Point, took out his 45 and started firing at the Japanese airplanes and then set up a machine gun and is credited with not only shooting one down but organizing the whole defense on those two Japanese raids that morning.

We were there with the young ensign, boiler officer down in the guts of the U.S.S. *Nevada*, who actually got it up to speed, which was, in the textbook, impossible, and set sail until it beached itself at Hospital Point so it could not be sunk, as the Japanese were trying to pound the living hell out of the U.S.S. *Nevada*, to catch it in the channel in Pearl Harbor and sink it, bottling up all of our ships. Our colleague, BARNEY DWYER, who is retiring, the gentleman from New Jersey, with his crew, was beating a path out that very channel to get out to the sea to face the entire Japanese invasion fleet.

I said to President Bush that day, "Remember we talked about this, Mr. President? Four years ago, that we would be on the deck of the *Arizona* and you would be President of the United States?" And I said, see you at Midway, Coral Sea, maybe North Africa for Operation Torch, which is coming up November 8. I reminded him years ago we would be together at Normandy for the 50th anniversary. I also told him we would be in the Bahamas for the 500th anniversary of the arrival of the Admiral of the ocean seas, with his great imagination, determination, and eccentricity, Christopher Columbus. He did not go by that name. He was known as Cristobal Colombe.

The President will be busy campaigning somewhere in the United States, so he will miss that anniversary in exactly 11 days on the 12th of this month. But if the President cannot close that gap, he will not be there at the 50th anniversary of the D-day invasion. He will instead be watching it on television.

I am going to be there, come hell or high water, God willing. But I do not want to see a draft dodger pretending he is Ronald Reagan at the 45th, or the 40th anniversary, I mean. I do not want to see in 1994 a draft dodger walking among those graves and trying to recapture the eloquence of Air Force Lt. Ronald Reagan with Nancy Reagan at his side, choking up the world, at least his Nation and himself, talking about those heroes, standing among the crosses of those 22 pairs of brothers, sets of fathers and sons and twins that gave their life on Omaha and Utah and in the dead of night, before the light of dawn, those paratroopers of the 82d and 101st Airborne landing in pitch black darkness, coming down, stuck in the trees at Sainte Mere-Eglise.

John Steele hanging from a church steeple, pretending to be dead, the heel blown off of his combat boot.

□ 2210

I took my daughter, Kathleen, there a few years ago. We walked around Sainte-Mere-Eglise, and I am trying to create word pictures of what took place there. We go into a small barn that says, "John Steel Bar."

I find a lovely French lady, and I said, "Did you know John Steel?"

"Oh, yes, he has been back for some reunions."

My daughter is pretty good at French. She is trying to talk to her. She is speaking in broken English, and she says, "Let me show you something." She goes out on the cobblestone street and she begins to cry. She says, "One young American paratrooper was laying right here, dead, a handsome young boy; another one here, another one here. Somewhere in the trees there, shot dead."

And I could see she was reliving this whole thing.

Now, I do not want a draft dodger to relive that.

You know what we have here, Mr. Speaker? You may not know this. See Chris Heil down here? He hit the beaches at Normandy as an engineer. That is kind of like one of these military problems. They say, "Look, it's kind of tough to hit the beach at dawn with all these tank traps and mines. So why don't we take a few engineers and have them go in first and clear the beaches?"

I never have been able to understand the courage that it takes to hit the beach and clear the land mines in the dead of night and blow up some tank traps and cut some barbed wire so that it will make it easier for other kinds your own age to come in after you in those first few waves of the invasion.

I have said it every night. President Dwight Eisenhower, then Four-Star General Eisenhower, Supreme Commander of SHAFE, said, maybe he had his fifth star by them. I think he did.

He said, "Let's play the Lord's Prayer over all the public address systems of the 5,000 ships."

And I say again today, that would be politically incorrect.

You know, on the hoof of the next President, alive, well, and rummaging around and torturing people to death in the case of Saddam Hussein, is the other dictator, Mu'ammar Qadhafi. President Reagan rattled his cage effectively, with the large loss of two F-111 pilots, Paul Lawrence, Fernando Rivas-Dominich, known to his fellow pilots at Lakeland Heath, England, as Fernando, they gave their lives on their first and only combat mission, because they were teenagers when the war ended in Vietnam, but they were mature men in their late twenties or early thirties when President Reagan ordered them to hit the terrorist training camps in Libya in the night of April 14 and 15 in 1986.

Rafsanjani, screwy in Iran, dangerous countries around the world.

When I read Mr. Clinton's letter to the heroic survivor of the Bataan Death March in 3½ years, the hellish Japanese imprisonment, when I read Clinton's letter to Colonel Holmes, Commandant of the ROTC at Arkansas, I literally get sick at the thought of him as commander in chief.

I have got that letter here. I just was reading it again. Tonight, I am going to ask permission to put it in the RECORD at this point.

TEXT OF BILL CLINTON'S LETTER TO ROTC COLONEL

(The text of the letter Bill Clinton wrote to Col. Eugene Holmes, director of the ROTC program at the University of Arkansas, on Dec. 3, 1969:)

I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month, and from now on you will, but I have had to have some time to think about this first letter. Almost daily since my return to England I have thought about writing, about what I want to and ought to say.

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been. One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Let me try to explain. As you know, I worked for two years in a very minor position on the Senate Foreign Relations Committee. I did it for the experience and the

> salary but also for the opportunity, however small, of working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam. I did not take the matter lightly but studied it carefully, and there was a time when not many people had more information about Vietnam at hand than I did.
>
> I have written and spoken and marched against the war. One of the national organizers of the Vietnam Moratorium is a close friend of mine. After I left Arkansas last summer, I went to Washington to work in the national headquarters of the Moratorium, then to England to organize the Americans here for demonstrations Oct. 15 and Nov. 16.
>
> Interlocked with the war is the draft issue, which I did not begin to consider separately until early 1968. For a law seminar at Georgetown I wrote a paper on the legal arguments for and against allowing, within the Selective Service System, the classification of selective conscientious objection for those opposed to participation in a particular war, not simply to "participation in war in any form."
>
> From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war which, in any case, does not involve immediately the peace and freedom of the nation.
>
> The draft was justified in World War II because the life of the people collectively was at stake. Individuals had to fight, if the nation was to survive, for the lives of their countrymen and their way of life. Vietnam is no such case. Nor was Korea an example where, in my opinion, certain military action was justified but the draft was not, for the reasons stated above.
>
> Because of my opposition to the draft and the war, I am in great sympathy with those who are not willing to fight, kill and maybe die for their country (i.e. the particular policy of a particular government) right or wrong. Two of my friends at Oxford are conscientious objectors. I wrote a letter of recommendation for one of them to his Mississippi draft board, a letter which I am more proud of than anything else I wrote at Oxford last year. One of my roommates is a draft resister who is possibly under indictment and may never be able to go home again. He is one of the bravest, best men I know. His country needs men like him more than they know. That he is considered a criminal is an obscenity.
>
> The decision not to be a resister and the related subsequent decisions were the most difficult of my life. I decided to accept the draft in spite of my beliefs for one reason: to maintain my political viability within the system. For years I have worked to prepare myself for a political life characterized by both practical political ability and concern for rapid social progress. It is a life I still feel compelled to try to lead. I do not think our system of government is by definition corrupt, however, dangerous and inadequate it has been in recent years. (The society may be corrupt, but that is not the same thing, and if that is true, we are all finished anyway.)
>
> When the draft came, despite political convictions, I was having a hard time facing the prospect of fighting a war I had been fighting against, and that is why I contacted you. ROTC was the one way left in which I could possibly, but not positively, avoid both Vietnam and resistance. Going on with my education, even coming back to England, played no part in my decision to join ROTC. I am back here, and would have been at Arkansas Law School because there is nothing else I can do. In fact, I would like to have been able to take a year out perhaps to teach in a small college or work on some community action project and in the process to decide whether to attend law school or graduate school and how to begin putting what I have learned to use.
>
> But the particulars of my personal life are not nearly as important to me as the principles involved. After I signed the ROTC letter of intent, I began to wonder whether the compromise I had made with myself was not more objectionable than the draft would have been, because I had no interest in the ROTC program in itself and all I seemed to have done was to protect myself from physical harm. Also, I began to think I had deceived you, not by lies—there were none—but by failing to tell you all the things I'm writing now. I doubt that I had the mental coherence to articulate them then.
>
> At that time, after we had made our agreement and you had sent my 1-D deferment to my draft board, the anguish and loss of my self-regard and self-confidence really set in. I hardly slept for weeks and kept going by eating compulsively and reading until exhaustion brought sleep. Finally, on Sept. 12 I stayed up all night writing a letter to the chairman of my draft board, saying basically what is in the preceding paragraph, thanking him for trying to help in a case where he really couldn't, and stating that I couldn't do the ROTC after all and would he please draft me as soon as possible.
>
> I never mailed the letter, but I did carry it on me every day until I got on the plane to return to England. I didn't mail the letter because I didn't see, in the end, how my going in the Army and maybe going to Vietnam would achieve anything except a feeling that I had punished myself and gotten what I deserved. So I came back to England to try to make something of this second year of my Rhodes scholarship.
>
> And that is where I am now, writing to you because you have been good to me and have a right to know what I think and feel. I am writing too in the hope that my telling this one story will help you to understand more clearly how so many fine people have come to find themselves still loving their country but loathing the military, to which you and other good men have devoted years, lifetimes, of the best service you could give. To many of us, it is no longer clear what is service and what is disservice, or if it is clear, the conclusion is likely to be illegal.
>
> Forgive the length of this letter. There was much to say. There is still a lot to be said, but it can wait. Please say hello to Col. Jones for me.
>
> Merry Christmas.
>
> Sincerely,
>
> BILL CLINTON.

Listen to these opening paragraphs again, Mr. Speaker, in retrospect. Listen to these opening lines, letter from Bill Clinton, man of 23, although he called himself a boy, on Lincoln's birthday this year on a show dedicated totally to him and this phony letter by Ted Koppel, after Rick Kaplan of ABC, producer of "Prime Time," former producer of "Nightline," had asked his friend, Koppel, to put Clinton on alone and had given Clinton the letter after Holmes gave it to ABC and the Wall Street Journal for their use to break this story, to block Clinton. They gave it to Clinton to digest for 3 days and come up with these twisted, devious stories to explain it away, and then let Clinton give it out on Wednesday morning so that it looked to the press, or at least they could cover it up this way, that he himself had come forward with this letter.

Here is the opening:

> I am sorry to be so long in writing. I know I promised to let you hear from me at least once a month—

this is 4 months after they met—

> and from now on you will,

he never wrote to him again—

> but I have had to have some time to think about this first letter. Almost daily since my return to England I have though about writing, about what I want to and ought to say

That is in-between all the demonstrations. He ditched every class, never got his degree at Oxford, took the money and did not do the work that whole second year as a so-called Rhodes scholar; which by the way, you do not win on academic merit. It is a mentoring system. Mentors recommend you to go to Europe as a Rhodes scholar.

I will say that all the Senators, I think there are five of them, completed and got their Oxford degrees, as our colleague from Maryland [Mr. MCMILLEN] who while playing professional basketball labored for 4 years to pass his exams and get his Oxford degree and then years later they send you a courtesy master's degree for life lived.

The other one that did not has the best Rhodes record of all, LARRY PRESSLER, left at the end of his first year to serve in combat as an Army lieutenant in Vietnam.

Only Clinton of anyone sitting in either Chamber or any Governor in the United States dumped out, and he blames it on Vietnam.

He continues in the letter:

> First, I want to thank you, not just for saving me from the draft—

Colonel Holmes hates that line. He mentions it in his letter that I will put in the RECORD again, so that tonight's special order will be pretty comprehensive in having both these letters in, and again they will not have to send for the RECORDS of the 23d and the 25th and the 25th over the RECORDS of August 5 or July 27 when I started putting these records in.

> Memorandum for Record, September 7, 1992.
>
> Subject: Bill Clinton and the University of Arkansas ROTC Program.
>
> There have been many unanswered questions as to the circumstances surrounding Bill Clinton's involvement with the ROTC department at the University of Arkansas. Prior to this time I have not felt the necessity for discussing the details. The reason I have not done so before is that my poor physical health (a consequence of participation in the Bataan Death March and the subsequent 3½ years internment in Japanese

POW camps) has precluded me from getting into what I felt was unnecessary involvement. However, present polls show that there is the imminent danger to our country of a draft dodger becoming the Commander-in-Chief of the Armed Forces of the United States. While it is true, as Mr. Clinton has stated, that there were many others who avoided serving their country in the Vietnam war, they are not aspiring to be the President of the United States.

The tremendous implications of the possibility of his becoming Commander-in-Chief of the United States Armed Forces compels me now to comment on the facts concerning Mr. Clinton's evasion of draft.

This account would not have been imperative had Bill Clinton been completely honest with the American public concerning this matter. But as Mr. Clinton replied on a news conference this evening (September 5, 1992) after being asked another particular about his dodging the draft, "Almost everyone concerned with these incidents are dead. I have no more comments to make". Since I may be the only person living who can give a first-hand account of what actually transpired, I am obligated by my love for my country and my sense of duty to divulge what actually happened and make it a matter of record.

Bill Clinton came to see me at my home in 1969 to discuss his desire to enroll in the ROTC program at the University of Arkansas. We engaged in an extensive, approximately two (2) hour interview. At no time during this long conversation about his desire to join the program did he inform me of his involvement, participation and actually organizing protests against the United States involvement in South East Asia. He was shrewd enough to realize that had I been aware of his activities, he would not have been accepted into the ROTC program as a potential officer in the United States Army.

The next day I began to receive phone calls regarding Bill Clinton's draft status. I was informed by the draft board that it was of interest to Senator Fulbright's office that Bill Clinton, a Rhodes Scholar, should be admitted to the ROTC program. I received several such calls. The general message conveyed by the draft board to me was that Senator Fulbright's office was putting pressure on them and that they needed my help. I then made the necessary arrangements to enroll Mr. Clinton into the ROTC program at the University of Arkansas.

I was not "saving" him from serving his country, as he erroneously thanked me for in his letter from England (dated December 3, 1969). I was making it possible for a Rhodes Scholar to serve in the military as an officer.

In retrospect I see that Mr. Clinton had no intention of following through with his agreement to join the Army ROTC program at the University of Arkansas or to attend the University of Arkansas Law School. I had explained to him the necessity of enrolling at the University of Arkansas as a student in order to be eligible to take the ROTC program at the University. He never enrolled at the University of Arkansas, but instead enrolled at Yale after attending Oxford. I believe that he purposely deceived me, using the possibility of joining the ROTC as a ploy to work with the draft board to delay his induction and get a new draft classification.

The December 3rd letter written to me by Mr. Clinton, and subsequently taken from the files by Lt. Col. Clint Jones, my executive officer, was placed into the ROTC files so that a record would be available in case the applicant should again petition to enter into the ROTC program. The information in that letter alone would have restricted Bill Clinton from ever qualifying to be an officer in the United States Military. Even more significant was his lack of veracity in purposefully defrauding the military by deceiving me, both in concealing his anti-military activities overseas and his counterfeit intentions for later military service. These actions cause me to question both his patriotism and his integrity.

When I consider the calibre, the bravery, and the patriotism of the fine young soldiers whose deaths I have witnessed, and others whose funerals I have attended * * * When I reflect on not only the willingness but eagerness that so many of them displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me now a man that was not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our Armed Forces.

I write this declaration not only for the living and future generations, but for those who fought and died for our country. If space and time permitted I would include the names of the ones I knew and fought with, and along with them I would mention my brother Bob, who was killed during World War II and is buried in Cambridge, England (at the age of 23, about the age Bill Clinton was when he was over in England protesting the war).

I have agonized over whether or not to submit this statement to the American people. But, I realize that even though I served my country by being in the military for over 32 years, and having gone through the ordeal of months of combat under the worst of conditions followed by years of imprisonment by the Japanese, it is not enough. I'm writing these comments to let everyone know that I love my country more than I do my own personal security and well-being. I will go to my grave loving these United States of America and the liberty for which so many men have fought and died.

Because of my poor physical condition this will be my final statement. I will make no further comments to any of the media regarding this issue.

EUGENE J. HOLMES,
Colonel, U.S.A., Ret.

Clinton continues:

First, I want to thank you, not just for saving me from the draft, but for being so kind and decent to me last summer, when I was as low as I have ever been.

Really, Billy, was it really that tough to wear the uniform of your country when you had 4 years in college and a fifth year at Oxford? You could have written your ticket as an officer, although as I said last night, he flunked his Air Force officer's physical and his Navy officer's physical.

When I was as low as I have ever been. One thing which made the bond we struck in good faith—

He is claiming he bonded with this Bataan Death March survivor.

One thing which made the bond we struck in good faith somewhat palatable to me was my high regard for you personally. In retrospect, it seems that the admiration might not have been mutual—

In other words, he is assuming that Colonel Holmes did admire him, that there was mutual admiration, and he concedes:

it seems that the admiration might not have been mutual had you known a little more about me, about my political beliefs and activities. At least you might have thought me more fit for the draft than for ROTC.

Mr. Speaker, I have already submitted the whole letter.

You know, what is amazing here is Clinton realizes that if he had leveled with Colonel Holmes in the man's own living room, that he had been organizing demonstrations against his Nation in a foreign country, that he damn well would not have been fit as an officer.

What Colonel Holmes does with his letter of last month, September 7, 1992, he says:

If I had known what he had done, his activities, his political beliefs, I would have made sure he never was commissioned an officer in any Branch of our service.

He never would have made a sergeant.

As a matter of fact, an Academy Award winning and nominated actor called me the other night. I will not wreck his career by mentioning his name, but he called me the other night and paid me a nice compliment. He said he was riveted to the television set.

He said, "Like you, I'm a peacetime warrior, Congressman. I served in Germany."

He was kind of vintage Elvis Presley's time, who served honorably.

He said, "You know, it kind of brings things down to basics." That is the way he became an actor, a star, too, real basic, earthy performance.

He said,

To me life is when you are in a foxhole, can you catch a couple hours sleep with this guy? Can you trust him not to fall asleep or not to walk away on you? Can you get two hours of sleep? I wouldn't trust Clinton as far as I could throw him.

And I admire George Bush. I do not think he will make the small mistakes in the second 4 years that he has made in the first by trusting people who were not worthy of his trust.

I hope that actor still follows these proceedings, because he is something else.

Here in the letter, Colonel Holmes notarizes, I have got all four Xeroxes of pages where he talks about that he agonized whether or not to submit this statement last month to the American people, and here is the part.

When I reflect on not only the willingness but the eagerness that so many of my colleagues displayed in their earnest desire to defend and serve their country, it is untenable and incomprehensible to me—

This is a Bataan Death March survivor speaking—

that a man who is not merely unwilling to serve his country, but actually protested against its military, should ever be in the position of Commander-in-Chief of our armed forces.

□ 2220

Mr. Speaker, I submit these two records.

Clinton knew what he was doing, hence this key line about political viability. Incredible.

Now, Mr. Speaker, something hit me out here in the Speaker's lobby when I was looking at the wire services today. I was trying to read stuff about the curse of abortion coming over our land, turning a moral land of Christendom and Judeo-Christian ethics into a cesspool in some areas. This catches my eyes about Oxford:

I saw the word "Oxford." It says:

"Oxford and Cambridge."

But, Mr. Speaker, above it in big letters it says:

"Woody Allen; sex symbol?"

It may seem hard to believe, but British coeds, that is, young women, at Oxford and Cambridge Universities name Woody Allen as the man they would most like to sleep with.

What is that? The man they would most like to sleep with, have sex with? And I said, "Well, this has got to be two dingbat, airhead coeds who somehow or other are good at high school exams but who do not know anything about life.

And I read on. The survey was of 714 young women, and it found that 33 percent, that is, over 200, chose the 56-year-old filmmaker, Woody Allen, who is usually portrayed in his films as a self-deprecating neurotic who does not get the girl.

The second choice of the young women polled was actor Sylvester Stallone of "Rambo" and "Rocky" fame.

"Yo, them British birds want me. Wow!"

Third choice was Prince Andrew who has known as Randy Andy before his marriage to the frolicsome Fergie.

I hope the President stops saying "Oxford man," Mr. Speaker. One, he is not an Oxford man; and, two, Oxford has got some hellacious problems now as far as I can see.

Yesterday I put into the RECORD from memory the general order that came out of the Continental Army of the United States headquarters at Valley Forge on August 3, 1776, by George Washington, and I am forgiving myself for leaving out one phrase, and I am going to read it precisely to create this feeling of what Americans can expect for the standard of the Presidency set by the Father of this Country.

First in war, first in peace, first in the hearts of his countrymen, he voluntarily turned down a kingship, he voluntarily retired after 8 years of setting a standard of two terms, broken only by Franklin Roosevelt on the eve of World War II, after it has already begun and the Battle of Britain was already concluded. President Roosevelt was elected to a third term, but Roosevelt set that standard, and here is what he said about profanity.

Are you listening, Hollywood—Hollywood elite? Ice-T? 2 Live Crew? Are you listening about what the Father of our Country says about profanity among men, not just men, real men, combatants?

Here is what he said, and I want to get this correct so when young schoolchildren are writing to me from all over the country—we had over a thousand telephone calls in the last 4 days over these special orders. The high water mark for me in 16 years, Mr. Speaker, was about 40 or 50 calls from some past, very special, special orders, or maybe a "Crossfire" show or sitting in for Rush Limbaugh on one day, and that is a lot. I think any Member would concede that 50 calls on one subject is a lot in one day. Sometimes you get that much after a Presidential State of the Union Message, but over a thousand calls, not a single one of them negative.

I took two negative calls in the Cloakroom, and they were at least polite veterans that thought we should look to the future, and I am trying to establish why the past is important.

What does it say in front of the Archives?

My son called me the other night, Mark. He is going back to school to get his degree, and he called me, and he said, "Dad, I'm doing a history project here, and I'm talking about us riding the Trans-Siberian Railroad. What does it say on those two statutes in front of the Archives you were telling me about as we drove past? What does it say?"

And I said, "Mark, the Roman, Solon"—there is Solon. I hit the right one. There is Solon right up there next to Moses. He was such a good lawmaker that his name became synonymous with lawgivers. There is Solon, a Greek-Roman figure of a lawgiver, and under him it says, "The past is prologue," and under him it says, "The past is prologue."

And under the other statue, a female heroic figure symbolizing justice, I assume, it says study the past.

The past is prologue. Study the past. That is why I love history. That is why I love men and women who love history, and it is important what is done before us in the Presidency: A man's life, his character, how he responds to tense situations, how he wasn't to be selfless and given instead of covering his own assets.

That is what is important to me.

So, Mr. Speaker, here is what George Washington says in August 1776 about profanity. I have often quoted his Valley Forge a year later, 1777.

> The general is sorry to be informed that the foolish and wicked practice of profane cursing and swearing, a vice heretofore little known in an American Army, is growing into fashion. He hopes that officers will, by example, as well as influence, endeavor to check it, and the bovay and the men will reflect that we can have little hopes of the blessing of heaven on our arms if we insult it by our impiety and folly. Added to this, it is a vice so mean and low, without any temptation, that every man of sense and character detests and despises it.

I just left out that one phrase, "that will by example, as well as influence."

Now, when I sit in a Hollywood movie, and I grew up on motion pictures. I love them. It is my favorite lovely art form. When I go to see a Vietnam story, "Born on the Fourth of July," and I see a hootch blown apart accidentally, and there are women and children in there hurt and dying, and one of the soldiers comes in, and the first word out of his mouth is Jesus, which could be a prayer as well as a blasphemy, and the next word is the f word as a gerund: f-ing. And then comes the name Christ—King.

Jesus, the obscenity, and then Christ, and it all goes downhill from there, and the f word is used like, I do not know, 140 times I read in the Protestant publication where some poor person subjected himself enough to counting the constant blasphemies, the foul mouth, scatological words about excrement just thrown around like nothing.

And now I read that the film "Goodfellas," meaning thugs, criminals, killers, had 350-some f words in it. I remember "Scarface," written by the same Oliver Stone-head before he started directing in "Scarface," Al Pacino is saying f f f f f f f until Michelle Pfeiffer says, "* * * and stop saying the f word." She of course said the whole word, and the whole audience sponaneously starts to applaud like, hey, let us enjoy the movie without all this filth and blasphemy. But it is the blasphemies. It is taking God's name in vain and Jesus' name in vain, and many of the times the scripts are written by, directed by, produced by, and performed by nonbelievers insulting my faith and the heritage of this country, and it goes on incessantly.

I sometimes would like to take the words of George Washington, roll it up into a little ball and stuff it down the throat of some of these writers.

DUKE, one paragraph, and let us talk about history.

Here is one thing that is particularly annoying. Clinton has never renounced any of his views or actions during this part of his life at Oxford, the trip to Moscow, which is still the big mystery—a handful of reporters—a handful, one hand you can count them on—are in Moscow and London, as we speak, trying to find the truth.

Finally, a lady reporter from a top national news magazine, a weekly, called me today and said she is going to ask him:

How did you get there, Governor Clinton? By train or plane? How did you pay for it? Where did you stay? Who sponsored you? Were you a guest of the Government? Did you live in student housing? Did you meet with the MIR groups—Russian for peace? Do you think maybe you were manipulated? Do you know that the Intourist agency always had KGB majors, and colonels, and captains in it to manipulate and track every single American that came to the Soviet Union.

And then she may ask him: "Did you know that Congressman DORNAN was locked up in an old shack that they called an Aeroflot deserted hotel with four heroes' wives, and the wives were heroic in and of themselves: Connie, Pattie, Pat, and Carol, the first head of the League of Families of Americans Missing and Imprisoned in Southeast Asia?"

Of course, all those wives never got back their heroes. We are going to get some answers on Clinton if I have to cross paths with him somewhere during the four debates—I hope there is going to be four.

You know, today, DUKE, when Ross Perot, an Annapolis graduate, came out in 1953, the Korean war was wrapped up because of Ike Eisenhower, it was wrapped up a month later on the 27th of July. He graduated June or late May and served 8 years honorably.

I have never criticized Ross Perot in public because of what he tried to do for your colleagues who were stuck in the plantation and the Hanoi Hilton and Alcatraz and Sontai and all those other hellholes.

His selection of a Vice President was pretty stunning, pretty stunning. James Bond Stockdale has autographed a beautiful painting that hangs right in my office as you come in the door, right next to your shot shooting down that MiG, Fox-2. His is a picture of an F-8 Crusader, which you would have probably flown had you gone to Vietnam maybe a year earlier than you did.

He is in his F-8 striking on the first air strikes against Haiphong the day Ev Alvarez went down. The 100th anniversary precisely of Admiral Farragut going right into Mobile Bay, AL, saying damn the torpedoes, meaning full speed ahead. One hundred years later Ev Alvarez goes down.

I just read his book, "Chained Eagle," magnificent. And months before, the year before, Admiral Stockdale had been the air commander in the air as a CAG over the Tonkin Gulf in an incident. He went to Stanford, to the Institute of War, Revolution, and Peace, the Hoover Institute of War, Revolution, and Peace. He knew the Communist mind, their psyche, and had studied Lenin, Marx, Engels, Trotsky. He knew the subject material and the heads of his captors, and won the Medal of Honor in captivity.

I came to know his heroic wife Sybil so well. I meant to tell the story a few nights ago.

James Bond Stockdale, Jim, took me on a tour of the Medal of Honor section alone. I felt so honored to be with a Medal of Honor winner getting a personal tour by a Navy admiral. He showed me McArthur's medal, and his father, Arthur McArthur, 19 years of age, Flint, MI, shot five times holding the colors up.

Remember we discussed this through an all night session to have this place pass a law to not have people burn Old Glory in front of older people or veterans in wheelchairs who would like to strangle them if they had their legs? And we missed by a few votes. Some of those people went down, but others will probably survive an election.

But Stockdale, showing me all of this history, told me this story about the Greeks not letting bachelors go to war. That only married men could go to war. So when those married men were casualties on the battlefield, KIA or wounded in action, then they bled into the soil of Greece. The young bachelors at home, looking for Miss Right, would say, or the sons, my dad died to keep me free in Greece. That was the tradition of married men going.

We sure have got that one completely reversed, because it was Nixon, President Nixon, who announced on September the 14 1969, that there would be no more real draft calls, that only 19-year-olds would go. And if you take this letter of Clinton to Col. Holmes, he says I wrote a letter to the head of my draft board—he also saw him in person and charmed him and gave that cocked head and that big open mouthed smile and puppy dog look, probably bit his lower lip the way the Academy Award winning actor, and I am sick of looking at this frozen smile, and he says I wrote the letter on September 12 and carried it around for a few days.

The SPEAKER pro tempore (Mr. BORSKI). The time of the gentleman from California has expired.

AMERICAN POLITICS IN WARFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I yield to my friend from California [Mr. DORNAN].

Mr. DORNAN. Thank you, DUKE. I had no idea when you are having fun how fast time flies and that I had spoken on that whole hour. I am glad that we know the rules of the House, so you could get an hour yourself. Because with all due respect, Mr. Speaker and our great staff here, there are thousands, thousands, at least a million Americans, who are trying to get the truth about this Moscow trip of Clinton's.

Anyway, Clinton says, he writes his letter, I will find the point here, this is after saying I organized Americans here for demonstrations in a foreign land, oh, boy, October 15, 16, also the 17th. And then he talks about writing this letter to the head of the draft board in the state.

He said I carried it around for days. Here it is. Finally on September 12, this is to Col. Holmes, I stayed up all night writing a letter to the chairman of my draft board. He had already lobbied him in person. He says he can't remember that. Saying basically what is in the preceding paragraph, thanking him about his 1-D deferment, thanking him for trying to help in a case where he really couldn't—wrong, he could and did—and stating that I couldn't do the ROTC after all, and would he please draft me as soon as possible.

What a distortion. He said he carried the September 12th letter asking that he be drafted as soon as possible, but I never mailed the letter. I did carry it on me every day until I got on the plane to England. Every day sounds like at least 3 or 4 days.

I have in my possession the front page of the Arkansas Gazette before it was named the Arkansas Democrat Gazette. I have in my possession the front page of the London Times, just in case he has got it all deliberately mixed up about the days.

He knew that Nixon was saying we are only going to draft 19-year-olds, we are stretching all this. All those stories were the talk of every flaky, cowardly draft dodger at Oxford or Cambridge, or everybody hiding out in Scandinavia or Europe or Canada. They were tracking these issues daily.

The heroes in that part of the antiwar movement that was pure pacifist that said a pox on both your houses, they stayed in this country, and many of them like Joan Baez' husband, the former student body president who I debated at Stanford, he went to jail. That is guts. That is commitment. He knew his political liability would never take him to the Presidency of the United States, although I bet he could find a district to get elected to Congress because he had the guts and the courage of his conviction.

Let me finish this paragraph, and then it is your special order, and I am going to just engage in a little colloquy with you.

Clinton never has renounced any of his views when you were flying in combat. He not only participated in but organized and led anti-American and anti-Vietnem—that is free Vietnam, South Vietnam, with 44 papers in Saigon, 44 daily newspapers when I was there last in August 1972, my eighth trip. And now there is one, and there has only been one since Russian built T-54 tanks smashed down the door of the presidential palace where I had had those four wives in January of 1970.

Those demonstrations in London had the support of British so-called peace organizations, such as the British Peace Council, an arm of the KGB, funded and created World Peace Council. This makes Mr. Clinton at least, at the very least, in the words of Vladimir Ilyich Ulyanov Lenin a useful idiot, one of Lenin's more useful quotes.

Clinton visited the Soviet Union at a time when they were supplying the weapons with which the North Vietnamese were killing our servicemen and shooting down your wing men and some of your commanders.

I just want the press to ask him what did you do after you arrived in weather between 22 and 26 degrees below zero on New Year's Eve. Did you call your mommy, who never thought you were going in the ROTC, who is quoted as saying I always thought Bill was going into Yale Law School.

Did you call your mother on Christmas Day or New Year's Eve? And then when you got there, with whom did you meet, Governor? Where did you go around Moscow in 23-plus degrees below zero?

What about other trips? We have placed you in Oslo somewhere between Thanksgiving and December 15. We know he visited with peace groups in Oslo. Where else did he go? And again for what purpose? This must be answered.

□ 2240

I hope to get this to President Bush in detail so that he can stand mano-a-mano in the debate and say, Come on, Governor; come on, Bill, be a man, not a 23-year-old boy. You have added another 20 years, 23 years, you have precisely doubled the age of what you called a boy on Lincoln's birthday to Ted Koppel's face: "'Remember, Ted, I was only a 23-year-old boy.'"

I hope the President will put him on the spot and show this Nation the depth of his character, President Bush's, and the lack of character and principle and duty, honor, country, in this Governor of a small four Congressman State who would be the Commander in Chief based on a series of deceits.

May I just ask you a question, Mr. CUNNINGHAM? When did you get your Navy wings of gold?

Mr. CUNNINGHAM. 1968. My first cruise to Vietnam was the latter part of 1969. I was in Vietnam in 1969 and 1970, returned in December 1971, under antiwar protesters when the U.S.S. *Constellation* sailed out of the Port of San Diego on our second cruise.

Mr. DORNAN of California. You mean there on Point Loma?

Mr. CUNNINGHAM. Out of Point Loma, yes.

Mr. DORNAN of California. And that makes air crews feel kind of punk, and those kids who work on that deck during night recovery, it is the most dangerous industrial workplace environment on the planet, right?

Mr. CUNNINGHAM. Right.

Mr. DORNAN of California. Pretty good kids. What was the attitude of the air crew pilots, the attack and refueling pilots, and the fighter pilots like yourself, and as a fighter pilot, you knew bombing missions. You were kind of like an F-18 pilot today: Did it all, into the target, fight your way in and out.

On the mission where you shot down three Mig's, did you bomb on that mission?

Mr. CUNNINGHAM. Yes. I pulled off a target after bombing that target and was attacked by some 22 Mig's, and was lucky enough to shoot 3 of the 22 down. Then later I was hit by a surface-to-air missile, which by the way, those were Soviet-made Mig's. That was a Soviet SA-2. The AAA that shot at us was built in the Soviet Union while Bill Clinton, Governor Clinton, was there in 1970.

These are the same arms, and by the way, the Soviets were training North Vietnamese pilots in 1970, and prior to that fight against United States pilots.

Mr. DORNAN of California. Training? Did they think that training; you know, I visited a Soviet grave site not too long ago in 1978 or 1979, and a whole Pathet Lao, Laotian delegation, came to lay a wreath on these graves of honorable men and women who had defended I think it was Leningrad. I looked at these tough-looking Laotian Communists and I thought, "Is my friend, David Hrdlick, alive?" I am still wearing his bracelet. I said, "Do you have him in a cave somewhere?" This is 1978. He survived from 1965 to 1970. Why couldn't he have survived a few more years?

I thought, "Do you know the fate of Charlie Shelton and David Hrdlick? Do you strange people who are crushing people with communism," little did I know that I would still be in Congress when these things took a topsy-turvy turn, and we have seen communism dissolve.

Clinton has never commented anywhere about the Soviet demise of communism. I think you saw me in a 1 minute today say, "Wait a minute, kemosabe. what do you mean 'we won the cold war?'" He never lifted a pinky, as did other good men who were being attacked, Cheney and DAN QUAYLE, had a piece as elected legislators in that war.

Mr. CUNNINGHAM. If the gentleman will yield, BOB, do you know, one of the things I would like to thank you for, and I thought that, Mr. Speaker, I was not aware, and I am sure the Speaker was not, and the American people, about the facts and the figures that have all been documented, by the way, that you have brought forward.

I sat and watched with amazement your special orders. I did not know that Clinton had organized antiwar demonstrations where human skulls were used with pictures of our pilots, some of those same pilots I flew with and were shot down and killed in Vietnam.

Mr. DORNAN of California. They may have been papier-mâché skulls, but with pictures of dead American heroes inside the eyes and mouth of the skulls.

Mr. CUNNINGHAM. I was not aware. You brought the letter that Clinton wrote to me, and I read that. I was outraged at that. But then to find out that when you talked about it, he is playing a game. He played a game with Eugene Holmes, he played a game with the draft board, he played a game with the ROTC and quit, and he played a game as a student in Oxford until he learned even then that they were only going to draft 19-year-olds, and he is playing a game with the American people right now.

He is going to lose at that game, because people are not going to support someone that any of the allied countries that I have ever served with or flown with or even the enemies that we have fought against, he would be tried as a traitor or even shot in those countries. I cannot believe that the American people will support someone like that.

BOB, there is a saying: "Those who fight for life have a special flavor that the protected will never know," and I include in that the wives that saw their husbands depart for combat, and not knowing their fate, the children, the sons and the daughters and mothers and the fathers, not only in Vietnam but in Desert Storm. They have a special flavor for life that the protected will never know.

I wrote a book in 1973. I was still a fighter pilot, and it talks about the hate and the disgust that I held for this body in Congress because of what they did to us in Vietnam.

Mr. DORNAM of California. Was your book called, "Fox 2?"

Mr. CUNNINGHAM. That is not important, what the name of the book was. But I talk about the Jane Fondas and the Tom Haydens and the Proxmires and the McGoverns and the Jerry Browns and the people that actually got us killed in Vietnam. I would hope the American people, Mr. Speaker, would see the movie "Hanoi Hilton," because in that movie it points out the role of antiwar protesters, and the people that they actually got tortured. The great SAM JOHNSON from Dallas, TX.

Mr. DORNAN of California. Congressman.

Mr. CUNNINGHAM. Congressman SAM JOHNSON was tortured as a POW, and many of those POW's, because of Jane Fonda and Tom Hayden and Ramsey Clark's appearance there, they were tortured. In many cases I can remember sitting on the U.S.S. *Constellation* 2 days after Jane Fonda and antiwar protesters went into Hanoi, and we were not allowed to strike those targets, the SAM sites.

What did that do? It allowed the North Vietnamese to reload those SAM sites that we had only destroyed a few weeks ago. We were not allowed to fly in as long as the protesters were in there. When we were allowed, we went back and those same SAM sites that we had knocked out were fully armed again. Mr. Speaker, we lost a lot of pilots. As a matter of fact, on Operation Proud Deep we lost 37 airplanes. They were directly responsible for the lives of many of those men on that wall.

I cannot tell you, Mr. Speaker, the contempt that I have for someone like

Governor Clinton, that not only went to the Soviet Union as they were training those pilots. I was shot down in May 1972, and I tell the Members, there was no white scarf on the most afraid aviator or person you could ever see in your life, but if I could have gotten my hands on those antiwar protesters, I don't think you would have wanted to know, and most of the men and women that I served with, and I cannot believe the game that he is playing.

Congressman DORNAN, I want to personally thank you. I didn't know about Col. Eugene Holmes, and even his press release, where he said Clinton was playing a game, that he was absolutely lying, that he evaded the draft, and when he found out his number was high in the draft and they were only taking 19-year-olds, he said, "By the way, I promised you I was going to join the ROTC. I am not going to join the ROTC, I am going to go to Oxford as a Rhodes scholar. Then, by the way, I am going to quit as an Oxford Rhodes scholar and I am going to go protest, and I am going to protest in the Soviet Union, I am going to protest in England, and I am going to protest in other countries." What else is he going to protest?

I worked at the Navy Fighter Weapons School, which is also called Top Gun. We used to train against Sino-Soviet tactics in 1970? Why? Because the Soviets were training the same people that were shooting us down, and there was Bill Clinton in January 1970, at the same time the KGB and the Soviets and the RGI's, which were the intelligence ships, were giving intelligence information back to the Soviet Union and North Vietnam, and Bill Clinton was there in part of that. He is directly responsible.

Mr. DORNAN of California. The soviet ships would track right in your wake?

Mr. CUNNINGHAM. They tracked right in our wake, flew along. They recorded.

Mr. DORNAN of California. Every time you took off?

Mr. CUNNINGHAM. Every time we took off they knew we were coming with how much ordnance, where our direction was, and they laid in wait.

Mr. DORNAN of California. Sometimes to reduce your fuel load for deck recovery you would have to dump some fuel. Would that fuel ever hit those Russian intelligence ships?

Mr. CUNNINGHAM. Sometimes it did.

Mr. DORNAN of California. Accidentally?

Mr. CUNNINGHAM. Accidentally. Many people chastised President Nixon for mining the harbors, but I used to fly over Soviet ships loaded with surface-to-air missiles, trucks, weapons that were going to be used against us the next day. When Nixon mined those harbors, he stopped a lot of that ordnance coming to us. It meant survival to us. He had the sand to stand up against the liberals and stop it.

□ 2250

Mr. DORNAN of California. DUKE, we have a British member of Parliament that comes to California. He enjoys the sun and the American exciting lifestyle. He is a British citizen, and he goes back and forth. And he passed through here today. I was hoping that you would be coming out on the steps to meet him. I will not give his name because he did not give me permission. But he is going back to England right now, a great debater, a member of the loyal opposition. Wilson's government was in power during your years and Clinton's years at Oxford, and he remembers debating at Oxford and Cambridge both, but particularly Oxford at the student union. And his subject was, is America's role in Vietnam moral or immoral. He said that surprisingly they won the debate, the pro-side, so it was moral. And he said he distinctly remembers the fans, and he hopes he can document it by names of American students in the front row, and he believes that one of them was Clinton. And he said they were there as the showcases for the British debaters to look at, these poor American students, they hate their country, they are forced to flee, and they do not want to serve. It was an immoral war, and they were all for Ho Chi Minh.

Now McSorley, remember from my piece the other night, the radical, pro-Fascist peace operation at this Jesuit institute down there at Georgetown where Bill Clinton went, where he says he was a loyal Baptist for 4 years.

Mr. CUNNINGHAM. Did he quit that too?

Mr. DORNAN of California. No, he finished that. He probably did well there. McSorley said I was a stupid Congressman. He said a stupid Congressman, so I do not think he even knows who I am. McSorley who today is a journalist from Arkansas, and this is Father Drinen's friend down there, Father Death's friend, he said that Bill Clinton and what he was doing, he was heroic, and the war was immoral, and Ho Chi Minh was a good man. But then he conceded that he was a Communist. And then he said that Ho Chi Minh only became a Communist, and it is good for people to know that like Tito, Stalin, Hitler, all of these people changed their name. Hitler's real name was Schifelburger, and Stalin's real name was Josif, and it is a mouthful, Vissarionovich Dzhugashvili, and he changed his name to Steel, then Stalin. Well Ho Chi Minh changed his name. His name was Nguyen, and you put the last name first, and that is the most common name in Vietnamese, like Smith or Jones, Nguyen That Thanh. This is his real name, Nguyen That Thanh, not Ho Chi Minh. That is an assumed name also. And that was when he was a Communist student in Moscow in the 1920's, and here is this Jesuit priest who is still poisoning the minds of young 17- and 18-year-old freshmen with his peace institute down there at this Catholic school, and this is the kind of garbage that they get, and for Catholic parents who send their kids to this school and wonder why they have lost their faith 4 years later, at a tremendous cost to the family treasury, McSorley said incorrectly that he was out of the priesthood, but he is still a Marxist priest, and he is still defending Ho Chi Minh and whipping up on the honor of all of the men like you who were there because you were a volunteer, fighting communism, and going back for one tour after another. So be advised, folks, if you send your kids to Notre Dame or to Georgetown, two great institutions, to just be sure you keep track of who their instructors are, because it is a mixed bag at both of those great Christian institutions.

I want to ask you about your first cruise. You got your wings when Clinton graduated from Georgetown in June 1968. When you went over there the first time, it was after the first Tet offensive, before the offensive in September. Were you on the *Constellation's* first cruise?

Mr. CUNNINGHAM. No, I was on the USS *America*, and at that time, if you remember, President Johnson had terminated the bombing in 1968.

Mr. DORNAN of California. On Halloween, as a political move to get Humphrey elected, and to throw them off, and not to demean Johnson's honor, but that was the most disgusting manipulation of combat operations for political purposes, and he did it to throw the election to Humphrey. Humphrey, a good man, was closing on Nixon, 200,000 votes a day and probably would have caught up with him within another 2 weeks given the bias of the media then. They look like Boy Scouts and pussycats compared to the arrogant and ignorant manipulation of the election. And these reporters are coming to interview me about my Moscow line, and they stand there with their arms folded, with an S-eating smirk on their face with lines like, and here is exactly what one of them said to me yesterday, "Well, Congressman, a lot of people went to Russia in the 1970s."

Not on New Year's Eve, 26 degrees below zero, and not within the first week of 1970. This is not 1969. And you know that in 1976 President Carter stopped our Olympic athletes, I mean in 1980, from going over there. Why? Because the Russian Spitznotz 2 days after Christmas had taken over in Afghanistan, and in came the shock troops and genocided a million and a half people from 1979 to when they marched out of there on February 15, 2 years ago. It is not easy to go to Moscow.

Mr. CUNNINGHAM. It is not so important to me why Humphrey did it or Johnson did it as the effect that it had on us, because we were not allowed to do our job like they were able to do in Desert Storm. Our hands were tied behind us. We could not strike in North Vietnam, we could not do those kinds of things that they did in Desert Storm. And the end result is it got a lot of my friends killed.

Mr. DORNAN of California. And you know our colleague, SAM JOHNSON, this great American who was sitting right here in that chair, and right there he told me some days ago that on the mission where he was shot down, beginning almost 7 years of hell, 3½ years plus in solitary confinement, and I do not want to embarrass him but you can see the limited use of one of his hands. He still has a powerful handshake.

Mr. CUNNINGHAM. But he has a great mind.

Mr. DORNAN of California. It honed his mind. But they would not give him decent medical treatment for simple bailout injuries, and then they aggravated those wounds by severe torture. And he told me, he sat in his F-4 at Ubon, I believe, waiting for a C-130 to land so that bombs could be taken off the C-130 and carted over to his airplane, two 500-pound Mark 82's so they could send him north. And what is the loaded weight of an F-4?

Mr. CUNNINGHAM. Fifty-six thousand pounds.

Mr. DORNAN of California. Fifty-six thousand pounds plus these two 500-pound bombs, and that is the kind of thing being done to you. Let me ask you something so that the audience can track this because there are a lot of young people listening to the proceedings in this House, on these on-again, off-again bombings, I had a chance to confront Robert Strange McNamara, who over the weekend came out in favor of Clinton. And I knew that this was coming because I saw in Newsweek about a week ago that Clinton, he said, was as honorable as the men who went to Vietnam, like Lt. DUNCAN HUNTER of California who just came to the well. Let me finish my thought on McNamara. He quit on leap year day of 1968 just about the time that you are getting your wings, and turned it over to the man who called Reagan an amiable dunce, Clark Clifford. I am sure he believes now in karma, and what goes around comes around, and his doctor is begging to give him mercy so as not to send him to jail at 85, and he was the Secretary of Defense for that one year, while our men were having their hands tied. And here is North Vietnam, picture an atomic bomb cloud, narrow at the waist, and then South Vietnam like a reflection. So here is the atomic bomb cloud up into the route packages for bombing, one, two down at the bottom, three, four, five, and six were the targets that you wanted to go after, Haiphong, Hanoi. And LBJ cuts it off on Halloween, and that is the real October surprise in 1968. And when LBJ was the Commander in Chief he could not reinstitute the bombing. Everybody would say that oh, you did it to throw the election to your Vice President, Hubert Humphrey. And then the bombing continues on through November, December, into January 20, and the country is exploding. Clinton is organizing demonstration, goes to Oxford for his first year, I am sure, and getting the draft notice that very month, the first of four. And then how can Nixon when he is just in office, the country is tearing apart, start up the bombing? I think he should have, but he waited all through 1969, all 1970, all 1971, and on April 16, 1972, I am down at the *Apollo 16* launch in Cape Canaveral, and I hear on the radio that we have started Linebacker 2, the rebombing of the North, and I hit the hub of my steering wheel so hard that I bruised two knuckles on my hand, and I started to cry because I knew that guys like you were saying, "We're going to win the war."

Mr. CUNNINGHAM. But the important thing of everything we are saying is that while all of this is going on Governor Clinton was in the Soviet Union, an antiwar protester who had dodged the draft. And when he found out he did not have to go to the draft and had promised that he would go into the ROTC, he said I am not going to do that. And then he wanted to become a scholar and he quit that. And for all that we were in Vietnam, and all of the people that died, Governor Clinton was not there. He turned his back on this country.

□ 2300

Mr. DORNAN of California. Duty, honor and country.

Mr. CUNNINGHAM. And country. You know, Tokyo Rose, which I was born December 8, 1941, the day after Pearl Harbor, I have read accounts of how Tokyo Rose was hated for her part with the Japanese.

Governor Clinton, if he would have lived in that time, can you imagine the disdain that the American people would have had for him? If he was in Israel, was in Saudi Arabia or Egypt or any other country, he would have been disgraced. He probably would have been run out of the country or even executed.

Mr. DORNAN of California. Unless he had the courage to say, "I am a conscientious objector," which happens in Israel. Do you know what they say then? "You will drive an ambulance. You will be a combat medic. If you cannot pull the trigger, we understand that, but you will nurture the wounds of those who are buying our freedom with their blood."

I think it is time to turn to our Republican leadership. Mr. CUNNINGHAM. I yield to my friend, the gentleman from California [Mr. HUNTER].

Mr. DORNAN of California. That guy does not look much like a paratrooper except in his eyes, right now, his steely blue eyes. I see Geronimo.

Mr. CUNNINGHAM. He served in Special Forces in the Army in Vietnam.

Mr. HUNTER. I thank the gentleman for yielding, but I was never in Special Forces. I was with the paratroopers for a little while, but did nothing special, unlike the gentleman.

Mr. DORNAN of California. Well, except for getting shot out and carry your young men out, wounded in your arms. Do not give me that that you did nothing special.

Mr. HUNTER. This gentleman just showed up, but I do appreciate the gentleman letting me join in the debate.

I think you have brought up a very important point here. I was getting ready to take off for the night and noticed the discussion, and you hit on the point that I think is lying with every American family, troubling every American family right now, and that is this: The Commander in Chief, from George Washington onward, has had the duty of asking American families to give up their children to go off to very dangerous places and fight to defend this country, and early on, of course, most of our wars and battles took place on our soil or nearby, and later on ended up in places like Belleau Wood and Guadalcanal and Normandy.

But nonetheless, that duty of trust between average Americans, working Americans, and the Commander in Chief was a very important thing, and his moral authority to draft young men was very important.

In fact, I think the draft only passed by one vote in 1941, and the Democrat Speaker of this House, Sam Rayburn, made his great speech in which he said to his colleagues, when it was clear that it was unpopular to draft people, but we knew we were going to have to, he said, "Sometimes you have to lean against the wind; sometimes you have to do things that are difficult." So we passed that draft law.

I think the unanswered question that many American families are thinking about is this: Can we ever give the moral authority to this Governor named Bill Clinton who himself, when he was called, whether the war was considered by him to be a good or bad war, he was called to take the place of another young man to go to Vietnam and to fight for his country, and he refused to do that. In evaluating the series of his turns that he made from going in and out of the ROTC, and once he got a high draft number, going the other direction, demonstrating in Great Britain and at a time when Great Britain was sending war materiel to the people who were killing Americans, to North Vietnam, and we were at the time very concerned about that.

Would that man, Governor Clinton, ever have the moral authority? Because it takes moral authority. You cannot think, if you have an American family that feels that the Commander in Chief, has no moral authority to take their young man, because he himself has evaded the draft, then you do not have enough policemen in America, and you do not have enough military policy in America to go door to door and to build an army based on unwilling families who do not want to give up their young people because they think the Commander in Chief does not have the moral authority to ask them to do what he refused to do himself, so that he could "remain politically viable."

I think that is the point that American families are contemplating right now and, you know, this position of Commander in Chief is a pretty important position.

I do not know if Americans realize it, but there are so many elements that go into making economic policies. This Congress has a great deal to do with either making economic policy in cooperation with the President or blocking his economic policy, as the gentleman has seen many times when he offers or when he requests a balanced budget, a line item veto, a capital gains tax cut, to get people working again; many, many elements are engaged in making economic policy.

But only one person is engaged in being the Commander in Chief of the Armed Forces of the United States, and that is the President. Our first President, George Washington, had those words said about him, "First in war, first in peace, first in the hearts of his countrymen."

It is interesting that the first appellation, this first description, of George Washington and his service to the country was first in war. That is where he proved himself to the American people, and that is where he showed his own willingness to sacrifice and his own ability to lead Americans in times like Valley Forge when spirits were very low. He showed his understanding of the resiliency and the capabilities of Americans, and he did all of these wonderful things as the Commander in Chief.

You know, I have noticed that a couple of the veterans' groups have not endorsed President Bush over Governor Clinton in this particular campaign, and that astounds me, but I think they are missing a point. Veterans' groups are very proud of the fact, every veteran is proud of the fact that the status of veteran is a special thing. It was made a special thing by George Washington.

That special status continued throughout under Andy Jackson, Abraham Lincoln, Theodore Roosevelt, and right on through to our modern Presidents, Mr. Truman, FDR and right up through, of course, Ronald Reagan and that 18-year-old pilot, George Bush.

Mr. DORNAN of California. Captain; Capt. Harry Truman, Artillery, because my dad was Capt. Harry Dornan, Artillery.

Mr. HUNTER. I would like to have both gentlemen comment, because I admire both of you. Do you think, if this person who deliberately avoided serving his country and let somebody else go in his place, and we will never know what young man went in his place and whether he lived or died or was wounded, because he was not part of that elite group who could maneuver and get out of things by having powerful people call the draft board, will we ever have that status, will that status of veteran in this country ever mean what it meant before a Clinton Presidency? I would be happy to ask the gentlemen to answer that.

Mr. CUNNINGHAM. I think veterans are going to stand proud no matter what happens in this Presidential election. I think that if you look at the pledge that the President takes and he stands up and holds up his hand and says, "I swear to uphold the Constitution and to defend it against all enemies, domestic and foreign," that it would be difficult for Governor Clinton to say that with real meaning since he has not, and in the Preamble, where it says, "to provide for the common defense," I think that the veterans would look, and I know myself, and most of the people I have talked to, would not hold up the same level of view toward the President that said that.

Americans are a proud people, and I think if you ask would our American fighting men go to war under Clinton, of course they would. They are professionals. Would they respect him as much? Would he do the same thing that George Bush did in Desert Storm by giving the command to the people that ran the war? Because Clinton, remember, did not serve. He has no idea, no concept of tactics or anything involved with the military. He escaped it. He ran away from it.

So what is he going to do? He is going to turn it back to Congress just like they did in Vietnam, and we are going to get people killed, and the people, when you talk about holding their heads up, people that are going to go to war under that kind of leadership, or lack of leadership, are going to be disheartened.

Mr. HUNTER. I thank the gentleman.

Mr. DORNAN of California. Last night I went into the Cloakroom. I had a message waiting for me. I still have not called him, the last ace in Korea who was a young Air Force captain or first lieutenant named Steve Bettinger, and when I was in the Air Force, I was in the First Fighter Squadron, and he was the CO, the youngest commanding officer on that base of 8 fighter squadrons, the 21st Fighter Squadron, and Robby Reisner, terribly tortured in Hanoi, a great hero, was the squadron commander of the 34th TAC Fighter Squadron, and Steve Bettinger was an ace, and as I said, I think the very last ace out of 39 aces, and in his war, one Navy, one Air Force.

Mr. HUNTER. And who was that Navy ace?

Mr. DORNAN of California. Well, I forget; let me see, could be the guy I asked to join my special order and never let him say anything?

Mr. CUNNINGHAM. We had two pilot aces, but we had Dick Bellanger and Jeff Feinstein, and my back seater, Willie Driscoll, who were also considered aces, and it was a team. They deserve equal credit for that.

Mr. DORNAN of California. That is right. Because those guys in the back told me that you just did the driving and they fired off all the missiles and got all of the kills. It was a team effort, because all of our aces were two-man teams in Korea, all 39, except for a borrowed Marine named Bolt. We borrowed two marines, well, we borrowed several. One was JOHN GLENN who shot down three MIG's, and when he talks to peace groups, he does not want them to find out that he is a tough, red-headed marine fighter pilot on loan to the Air Force.

□ 2310

But of our 39 guys who were shot down, Steven L. Bettinger was the last. I remember vividly because he had hair your color and a big red mustache my color, a big handlebar mustache on this brunette. He was a swashbuckling squadron commander. His men loved him. He called me last night and left this message: "Watching your speech on Clinton. Very proud of you." That is the way I hope most veterans react around this country, because I will tell you, DUNCAN, I am sick and tired of the VFW PAC not endorsing people in this Congress who put defense sometimes ahead of—or miss a vote, miss a vote, absent because of other work and they miss some veterans vote that is going to win around here by 95 percent, which it should, and they start thinking about "me, me, me" instead of the future of their country.

Mr. HUNTER. That is my point. There is a special status that attends the word "veteran" in this country. That is what makes children stand up at parades when the VFW goes by.

Mr. DORNAN of California. Yes. When the World War II or World War I veterans come by, is there a dry eye, at any age, on either curb of the parade? There are precious few of them left.

Mr. HUNTER. And that is because our veterans are sacred because they have given of themselves that the rest of us might have freedom. I would think that for shortsighted veterans groups who are saying, "Well, we are mad at President Bush because of this program or that program," I think they do not realize that in holding back their endorsement they are denigrating the very status that has elevated them for several hundred years in the eyes of their fellow Americans.

Mr. DORNAN of California. Exactly. You want to hear an irony? It just popped into my head, and it could not be more bizarre.

The Disabled American Veterans did not want me to speak about Clinton as a draft dodger. They wanted to hear why I was getting their award of the year, along with many of us here, what I had done for them and what I was going to do for them.

I looked at them as heroes, particularly the World War II ones. It was the World II ones who did not want to hear anything about Clinton.

I went outside, and I said, "Why are you so angry? Why did your sergeant at arms have to order you," remember 3,000 of them in a big auditorium in Reno a few weeks ago, "Why did your sergeant at arms have to order you not to boo our good friend Derwinski?" They said, "Well, you know why. Because he was going to open up our VA hospitals to nonveterans." I said, "I know. I was against that policy. I talked to him. Many of those hospitals, like the one in Montana, were 40 percent occupied. It was an idea to grease the wheels, treat trauma victims from car crashes, so that we would have enough nurses and doctors there." And I said, "I understood from day 1 that the symbolism was all wrong." They said, "Well, yeah, you know what our nightmare scenario is?" And I hope I do not torture the truth with this scenario, but this is basically what I recall them saying: "How do you think we would have felt if some draft dodger who ran off to Europe or Canada," he might have said Scandinavia, "comes home and is smoking pot, maybe inhaling or not inhaling, and gets in a car crash and is badly injured and eats up a bed and bumps one of our veterans out that this draft dodger ran away and would not serve his country?" I said, "Excuse me." Now, this is in the lobby of the hotel, "Now you wouldn't be talking about Bill Clinton, would you? And yet you want to dump on Bush to give the advantage to the draft dodger?" Unbelievable.

Now, can you explain to me, when honorable naval admiral, who was made the chief of all of his peers, Chairman of the Joint Chiefs, Adm. William Crowe, by Ronald Reagan and given a private retirement party in the residential quarters on the second floor of the White House, why would Admiral Crowe stand next to Clinton in the very week before the Moscow trip, before the lying about the Oxford thing, about a week before I started these special orders, he stands beside him and gives him dignity so that one of the rare reporters that asked him tough questions this spring, "Governor, President George Bush said you are not coming clean with the total truth and the full facts on your draft record." You know what Clinton's answer was? It was a nonanswer. He looks at this reporter, took a rare long pause, and goes, "I believe Admiral Crowe has more credibility with the truth than George Bush." Now, why would Crowe give him that figleaf?

Mr. CUNNINGHAM. I would have a lot more respect for Admiral Crowe—and I know Admiral Crowe—if Clinton would by chance get into the office that when he is offered Secretary of Defense or a military position, that he would turn it down.

Mr. DORNAN of California. But I am afraid he would not turn it down.

Mr. CUNNINGHAM. Of course.

Mr. DORNAN of California. I will tell you something, I saw him sitting in front of our Committee on Armed Services with the top-ranking Chairman of the Joint Chiefs, or whatever the title is in the Soviet Union, Akrymayov. He is sitting there having a lovefeast, these two guys who traveled all over the Soviet Union together. They went out to the Navy carrier, went to all our best bases. These are just two real tight buddies. Akrymayov was part of the plot, the coup to kill the man that Clinton says is one of his heroes, Mikhail Gorbachev.

Now, an important footnote from the Wall Street Journal: "The most admired foreign leaders," Bush: Winston Churchill, Anwar Sadat. Not bad. QUAYLE: Li Quong Yu, president of Sampam, and Margaret Thatcher. Not too bad.

GORE: Gro Harlem Brundtland of Norway. Very esoteric, Al; we are not questioning your IQ. And Carlos Salinas de Gortari of Mexico. Harvard-trained economist, probably in AL's class.

Now, Clinton: Nelson Mandela—a lot of dignity coming out of 20 years of prison. I mean would that pop in a normal guy's mind over Margaret Thatcher or Winston Churchill? I do not know. Here is the second one: Mikhail Gorbachev. Not Yeltsin, not Lech Walesa, but Gorbachev. That tells me a lot.

So here is a man who is part of the plot to kill Gorbachev, Akrymyov, and remember he had a grommet in his hat that looked like a big frisbee about a foot and a half across; he committed suicide. He and his brother committed suicide. Then he is buried. And people are so hateful of this man in Russia that they dig his body out of the grave, strip him naked, his uniform is nailed to a wall in Moscow and his naked corpse was dumped back. And that is Crowe's friend. I think that was in Crowe's head plus the fact that he was against the Vietnam war.

Now, one fact: I found out that his son, Mark, went into the Marine Corps, an Annapolis graduate, he got into the Marine Corps and was a combat company commander that helped take Kuwait City. If Admiral Crowe was worried about his son Mark's life, Mark sure was not. He would not have gone in there as a Marine, gung-ho to free Kuwait. He probably would have strangled Saddam Hussein if he had the chance.

I would like to know if Mark Crowe, I think it is Mark, Captain Crowe, USMC, I wonder if he is going to vote for the draft dodger or the Navy combat pilot with 48 missions. Here is something I think the world ought to know. It took place in the Intelligence room upstairs, but all of the formal part was out, all of the classifications are out the window. Just me and Crowe, mano a mano. I walked up and said, "Let me ask you something." I did not want to do it in front of DAVE MCCURDY, Clinton's friend, or anybody else. I said, "Let me ask you something. If you had known then what we all know now, particularly in this room and what the American people know about NBC, or nuclear, biological, and chemical warfare, and how this guy is living under the sanctions now for almost 2 years after the war is over, if you had known all this now, would you have still been for sanctions only and against the January 12 vote in 1991 for military action?" Answer, so help me Almighty God, Mr. Speaker: "No. Of course, Congressman, if I had known then what I know now, of course I would have been for the military action." He has never said that publicly. Pardon me, Mr. Speaker, that I have blown Admiral Crowe's cover, but he said it.

Now, he has got a set of ribbons that go almost down to his belt, all of them well deserved. But all of them for working in the Pentagon and staff jobs. He was a submariner, a good one. It was never his fault we never went head on head with Soviet attack subs. Crowe has no combat like his son. I just think it is disgraceful, until I get a better rationale for it, it is disgraceful that that admiral would stand next to the draft dodger and create this massive figleaf so that he could not answer questions and defer questions to Reagan's Chairman of the Joint Chiefs of Staff as he continues to fog the truth.

If Clinton ever had become a naval officer, his job would have been to be on a destroyer at the back deck letting out a smoke screen to give the fleet some cover.

Mr. CUNNINGHAM. Did I understand the gentleman correctly that one of Clinton's heroes was Mandela?

Mr. DORNAN of California. Nelson Mandela and Mikhail Gorbachev.

Mr. CUNNINGHAM. Nelson Mandela hosted and lauded the terrorists. There is a bullet hole right here in this chair. There it is right there, where the gentleman's finger is going through, and he lauded the terrorists and supported them, who are the same people that shot here in the United States Congress, that fired their weapons at U.S. Congressmen. The bullet holes are still there.

Mr. DORNAN of California. That is 1964.

Mr. CUNNINGHAM. I can understand if it was Martin Luther King or even some of our colleagues in the Black Caucus on the other side that marched for freedom and equal rights, but not Nelson Mandela.

Mr. DORNAN of California. As a matter of fact, let me advise Bill Clinton. He should have said Martin Luther King and Boris Yeltsin, same countries, same type of leader, little different players.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. HUNTER. Interesting discussion, BOB, about why Admiral Crowe might not endorse Bill Clinton, and he obviously did; but you know, this is a city in which strange marriages take place all the time. We know that.

I think the real point is that perhaps Admiral Crowe has fallen out of touch, something that politicians in this city do all the time, with the millions of Americans who live beyond Washington, DC.

Mr. DORNAN of California. And with his pals in the retired military community.

Mr. HUNTER. Absolutely, because the real bond that exists in this country that makes us all equal is that invisible bond that exists in military service that connects rich and poor, young and old, people of all ethnic backgrounds, and that is the willingness to serve our country when we are at risk. That is a tie, a bond that Bill Clinton did not want to take and did not want to undertake.

You know, I watched him the other day with his trucker's hat on.

Mr. DORNAN of California. Oh, he was not wearing his MTV hat?

Mr. HUNTER. No, he was wearing a trucker's hat and maybe an MTV hat. He had a country western band playing.

I thought, what a fraud, because he was out there on stage with a bunch of working Americans, a bunch of blue collar people, a bunch of truck drivers, and I felt like going out there and putting a big banner out in front of him that said, "Bill Clinton, he will party with you. He won't go to war with you."

Mr. DORNAN of California. Exactly.

Mr. HUNTER. Those are the people, and one person in particular was a person who took Bill Clinton's place and went to Vietnam. It was not a question whether Vietnam was good or bad or he disagreed with it. Some young person took his place.

Mr. DORNAN of California. Four young people took his place.

Mr. HUNTER. And if you look at the people who served in Vietnam and reupped, I was only there for 1 year and did absolutely nothing special; but you saw a lot of enlisted people who were drafted, who went to Vietnam and when their time came to come back and they were boonie rats or infantry men, they would have been there for a year and they would be short and their time would come and they could go back to the States and they would reup. These people who were drafted went unwillingly into the military. They would reup to stay in Vietnam in a dangerous situation, again with their friends, because of the camaraderie and that invisible bond between them and the 15, 20, or 30 people in their platoon. That is what would make some young men stay there 2, 3, and 4 years.

Now, Bill Clinton never undertook to grasp hold of that bond that has held Americans together for 200 years. I do not think he is going to have the moral authority to ask other American families to do that.

Mr. DORNAN of California. DUNCAN, how did you get your commission?

Mr. HUNTER. I went in as a private and went to good old Fort Ord and Fort Gordon, GA, and went to OCS at Fort Benning.

Mr. DORNAN of California. Tested, as I did, an enlisted man. I enlisted for 4 years in the Air Force, tested, left college at 19 because I thought I had missed the Vietnam war; cannot control those events, I did miss it; but when you went in, asked to be an officer, how old were you when you got your gold bars?

Mr. HUNTER. I think I was 21.

Mr. DORNAN of California. Did you consider yourself a war hero?

Mr. HUNTER. It has been awhile. I think I was 21.

Mr. DORNAN of California. Well, that is how old I was when I went in.

Mr. HUNTER. All I know, I was still calling dad and asking him to send money out by Western Union.

Mr. DORNAN of California. By the way, knowing your father, if you had said, "Dad, I think I'm going to England and I've got other plans here," how long would it have been before you had been invited to Thanksgiving dinner? And I know your Mom, too.

Mr. HUNTER. My dad is one of those people, like your family and like DUKE's family, that believes that serving in the military is a duty that rises above your bank account, your social status, your religion, your ethnicity, everything, that every American is a brother when he serves in the military.

Mr. DORNAN of California. Let me read something from Time magazine to show you this coverup thing that is going on.

Gary Wills, not a bad writer, still cannot figure it out, but he has an article in the July 20 issue of Time magazine, kind of the definitive issue with a profile of Bill Clinton, supposed to come our during the convention.

Everybody knows this guy has a rep for womanizing. His opening press conference in Washington, DC, he has to alert the press to inoculate himself.

"Now, you're going to hear a lot of stories about me."

The press says, "Well, that happens to all politicians."

But as Paul Tsongas pointed out, "You are not hearing stories about me or HARKIN or Senator KERREY or anybody else, or AL GORE.

Why is it he has to come up front and say, "you are going to hear a lot of stories."

How does Time magazine handle that?

Gary Wills, by the way, has a great book out on the Gettysburg Address. The whole book was just about that one address, 267-some words. How is it going to cover this massive part of the Clinton profile on adultery? Here is how he does it. Watch how he weighs his words. He ends up talking about a Rhodes scholarship when he finished college. He won it from eight people mentoring.

Michael Kingsley of Crossfire told me that word "mentor" and turn it into a verb. It is a mentoring process, and Mike Kingsley says that it is elitism. It is not competitive. you convince with a winning smile other people who have Rhodes degrees, who went ahead and got their Oxford degrees, that you are going to represent the State of Arkansas in an admirable way. So he ends that paragraph, one little paragraph all by itself.

In this period, this is in England, Clinton discovered a dangerous talent.

Who. Is that an oxymoron? How can a talent be dangerous?

Part of his gregarious and ingratiating way with all his friends: "A puppy-like eagerness and a drive to please."

That bears repeating fast: "A gregarious and ingratiating way with all his friends, a puppy-like eagerness and drive to please."

What are they talking about here? A man who was at Oxford with him, tells me, "Bill was one of the two people I have known in my life who were just amazingly successful with women. You would hear him and say to yourself, no one is going to believe that line, but they all did."

Whoa. Future President, a cocksman, a stud, as the one that woman just cannot resist; one of only two people in this guy's life, that no matter what they said to the women, "Oh, that's a cornball line," they would succumb to the cocked head, the doe-like eyes, the frozen smile, the open mouth and the biting of the lower lip. "Want to come back to my room at Oxford?" Unbelievable.

Mr. HUNTER. I have got a point to make here, though, if the gentleman will yield. If you compare Mr. Clinton's private life in which he may have betrayed one person, with his resistance to his duty to serve his country in the military, he betrayed 200 million fellow Americans, and in particular somewhere, either in a national graveyard or perhaps living and working and walking in America today, perhaps wounded, perhaps not wounded, is the American, the young American, probably not wealthy, certainly not with influential friends like Mr. Clinton had who could call up and get him out of the draft, is the guy who took his place.

That is why Mr. Clinton can never be first in war, first in peace, first in the hearts of his countrymen.

I think the American people realize there are going to be other wars.

It is ironic that George Bush's success in foreign policy and his ability to win a war quickly with minimum casualties and to dissolve our enemy, the Soviet Union, has now accrued to his detriment, because that has made the focus shift to economic policy and it has caused, I think, a temporary lapse on the part of the American people who do not realize how very important that Commander-in-Chief hat is.

Mr. DORNAN of California. Exactly.

Mr. HUNTER. Because that means not necessarily the unemployment rate changing a little bit or inflation moving a little bit or interest rates going somewhere, it means life and death.

I appreciate my great friend from Orange County making those remarks.

Mr. CUNNINGHAM. I would like to comment on what the gentleman just said a little bit, because economics, this country is hurting. It is in a recession. People are losing jobs, but if Bill Clinton gets in office, it is going to be a disaster for this country, his high tax and high spending. People have never seen a tax increase where they did not spend money.

Let me give you a classic example and it deals with the military and military construction. They came in and said, well, we saved under the President's request. Well, that was good. They did come in under the President's request, but in the Senate, the chairman of the Appropriations Committee and the chairman on the House side had only requested about $2.5 million, with all the billions of dollars that they saved coming in from Europe they got $155 million.

□ 2330

There are 40 of those line items, so, if we change the economy and cut defense, which is going to hurt, and I do not think anybody thinks that we are not going to be in another conflict in the next 20 years, Bill Clinton and his policies will be responsible for the lives and the deaths of men and women's children.

Secondly, Mr. Speaker, I grew up in a little town called Shelbina in Missouri. It has 2,113 folks, and I had a very good friend, Ronnie Colors, who was killed in Vietnam. It is one of the reasons I decided to go to Vietnam.

Mr. DORNAN of California. What was his name?

Mr. CUNNINGHAM. Ronnie Colors. He was in the Marine Corps, and he was in a helicopter that went down with, I think, 37 other marines and was killed, and my mother and father told me that we had a responsibility to this country.

That little town in Missouri is a very patriotic town, and, by the way, my mother and father were Democrats up to 3 months ago, and, until they came into my district, and now—

Mr. DORNAN of California. They wanted to see how the gentleman did in his first 2 years in office.

Mr. CUNNINGHAM. No, they wanted to see their grandchildren again, so they are not Republicans.

So, with their value systems in that small town with those great American people in the State of Missouri, they believe that we had an honor and a service to this country to uphold, and I had let them down. I was more involved in my own education, and put aside, and wanted to go in, and I was a teacher and a coach at the time, and I was exempt from going into the draft. But I volunteered, and I went there.

I have seen 19-year-old men cry when their pilots did not come back. I have been on the deck myself and wept, and I have also been there with anger so venomous that I never want to go through those emotions or feelings again at the Clintons, at the anitwar protesters, at the Jane Fondas and Tom Haydens, the people that got us killed.

Mr. Speaker, I have never allowed a Jane Fonda movie in my home, and I would say to my colleagues, "If Bill Clinton would be unlucky enough to become President of this country, I would take every medal that I had, and I would turn it upside-down and never wear it until he was out of office."

When the gentleman asks, "Will it affect American fighting men"—and I want to tell my colleagues I have talked to Micky Wiesner and other chairmen of the Joint Chiefs of Staff, and they do not support Clinton. I do not support Clinton, and it would be very difficult.

If I was a Democrat, and I say this sincerely from my heart, if I was a Democrat on the other side of the aisle, I could not support this man. It would choke me up so bad at what he has done to this country and not for this country that I cannot tell——

Mr. DONAN of California. He was in a junior high school today telling them he was going to give them condoms. He said that on MTV to the whole Nation.

Mr CUNNINGHAM. I would like to kind of stay on the subject of Bill Clinton and why it is important that he did not serve this country.

Mr. DORNAN of California. You bet.

Mr. CUNNINGHAM. Because the statement that I made, those that fight for life, has a special flavor for life that, protected, we will never know, and in that are the fathers, and the mothers, and the sisters, and the daughters, all the way from the people that we wear their MIA bracelets, and this was a Air Force guy, and I was a Navy guy, but his sister was in San Diego, and I would say to my colleagues that the lives that are on this wall, I guarantee if they could stand up today, they would not vote for governor Clinton.

I yield to the gentlemen for California [Mr. DORNAN]

Mr. DORNAN of California. DUKE and DUNCAN. Got Navy, Army, Air Force; two combatants and a sourpuss who went over to Vietnam eight times and volunteered—or actually harangued people to put me in the back seat of F-4's, Cobras, with my camera to record what they are doing after it took me about two or three nights to convince them that I was not a liberal puke reporter sending home wrong stories and gutting the efforts that they were involved in to try and stop communism, to do exactly what they did. We never dreamed they would kill two million people in Cambodia. We never dreamed they would execute 68,000 in Vietnam who associated with us, who looked up to us, who through we were the leading country in the Free World. We thought they might kill 5,000–10,000.

The SPEAKER pro tempore (Mr. BORSKI). The time of the gentlemen from California [Mr. CUNNINGHAM] has expired.

CONTINUATION OF SPECIAL ORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, I am just going to take a few minutes here with my colleagues to wind up this important special order that I think is very important for America's veterans and for every family who has sent a family member off to fight for this country, and I would like to yield first to my great friend, the gentleman from California [Mr. DORNAN] and ask him to wind up this special order. Then I would like to yield to my friend, the gentleman from California [Mr. CUNNINGHAM].

Mr. DORNAN of California. Well, that is proper order: the Air Force being the junior service, dating only back to September 17, 1948, but with a great Air Corps in Army Air Force tradition, and deferring to the senior service Navy, or actually senior service in the Army. Good way to close.

The gentleman from California [Mr. DUNCAN] mentioned to me this morning Sullivan Ballou. I see one of our great staffers coming on the floor, Gary Sullivan. What a great name. I mentioned last night the five Sullivan Brothers: George, Frank, Joe, Madison, and Al; 29, 26, 23, 22, and 20 years of age, all going down off Guadalcanal. That 50th anniversary is coming up November 14. They all wanted to serve together because a friend got killed at Pearl Harbor from their meat packing company. It is the kind of working guy that the gentleman loves to represent and talk about, the salt of the Earth to use Christ's own words. That is the kind of guy these Sullivan brothers were. What a great name for a first name.

I think I am going to recommend to my grandkids Sullivan Dornan, that I am going to recommend that name as a first name.

The gentleman mentioned to me about Sullivan Ballou. I read his whole letter last night, not one-twentieth as well as it was presented on that great PBS series on the Civil War, but there is just one line in the middle that comes back to me here in front of me.

My wife's name is Sarah, Sally, and he is talking about how he loves her so much that it is like he is bound to her with mighty cable. Cable in 1861 was a big deal. They did not even have the Brooklyn Bridge. It was still 30 years away.

He says, "My love for you was bound by cables," and later he calls it "chains," and here is what he said:

"Sarah, my love for you is deathless. It seems to bind me with mighty cable that nothing but omnipotence can break, and yet my love of country comes over me like a strong wind and bears me irresistibly on with all of these chains to the battlefield."

Love of country in Sullivan Ballou's letter takes precedence over this mighty love of his wife and his little son, Edgar, and the younger brothers. That was love of country that we call patriotism. It is a powerful, powerful force, and, whether it is the five Sullivan Brothers or those kids 50 years ago in Guadalcanal, finally this month backed up by Army divisions in the Seventh Marine Regiment, relieving guys that have been fighting in constant combat for 2 months. The history of our country are saints working with the poor in social justice. It is people dying for civil rights. It is cops dying in an alley like one of the school friends of the gentleman from Washington [Mr. CHANDLER], our colleague who was shot in the back of the head, blew his brains out of the front of his head while he was eating a hamburger up in the State of Washington. We do not think of crime being like that in that corner of the country.

□ 2340

That is a lot of ways to serve your country, and warriors hate war. Chappy James, that big handsome, 6 foot 3 African-American Air Force four-star general who went out on the steps in 1968 and 1969 and met the pro Hanoi types, and some legitimate courageous pacifists in there who were not covering their assets with political viability.

No, this is a key issue, and that is why I brought it to the floor. That is why I am honored to have a combat Army man and a combat Navy ace join me.

I hope you will hand around a little bit tomorrow night and the next night, because we only have a few days left and the 102d Congress is history, and 31 days from today there is an election on November 3, and we are going to find out whether this country gives a man a second chance who is an excellent, wonderful man of dignity, a good father, grandfather, combat officer, made some mistakes. He won't make them again. Or whether we take a flier on a simple little word called change and act like the past is not prologue and means nothing for the future history of this country.

I will not go to the inauguration. I told that to a smiling Washington Post reporter in BOB MICHEL's office. He said what else will you not do? I said I will never have the words, Mr. President, come out of my mouth to Clinton.

He said what will you call him? I said Mr. Clinton, out of respect for the office, but I will never use the word President to him.

No, no. Americans have to think, think hard over the next month, what they want to take us through the remaining part of this bloody century that has seen so many heroes give that full measure of devotion to quote Lincoln again.

Mr. HUNTER. I thank the gentleman and yield to my colleague from San Diego, CA.

Mr. CUNNINGHAM. I thank the gentleman from California. I would like to make three succinct points. First of all, a small body in this Congress has made some changes. The Gang of Seven and the freshman class, to which I am proud to belong, closed down the bank and worked for the post office congressional reform.

There is going to be 150 new Members in this Congress with which President Bush is going to be able to carry out his economic policies and balance the budget and get a line-item veto, which was even turned down today by the other side of the aisle. When they saw that we were going to win that, they turned that back. We will have change, and that will be positive change for this country.

I want to thank again my friend BOB DORNAN, because a lot of the facts that are absolutely 100 percent documented in his special orders I was not aware of and I am sure the American people were not.

So BOB, I want to thank you for bringing this to light in a way that the American people can make their own judgments.

For Clinton to endorse a man named Mandela is ludicrous to me. I value the friendship of JOHN LEWIS on the other side of the aisle, who marched in Alabama, one of the first to do that. CRAIG WASHINGTON, who has given me guidance. Both of these Members are Members of the other side of the aisle in the Black Caucus.

Martin Luther King, Bishop McKinney in San Diego, Reverend Manley, people like this that worked for positive change and can come out and help Americans.

But for Clinton to endorse someone like Mandela, I think shows what his real direction is that he wants to go.

The last point I would like to make is that Governor Clinton, you lived only in your own fear in the 1960's and the early 1970's. The fear that myself and a lot of us that served in combat fear so bad that I wanted to throw up, fear so bad that at times after I got on a carrier deck after being shot down, I could not stand up, my legs were shaking so bad. And anger so mad that I hate to think of what that anger could have led to.

But you are going to have to live with your disgrace. I would forego and live that anger and live that fear again rather than face the disgrace that you must feel in your own heart.

I feel sorry for you, Governor Clinton. And if you are elected as President, which I know you are not going to be, God help you.

Mr. HUNTER. I thank the gentleman. Let me say before we close this special order out that really is a special order that belongs to DUKE CUNNINGHAM, my great friend from San Diego, and BOB DORNAN, my great friend from Orange County, that I want to say about Mr. DORNAN especially, that BOB, I appreciate what you have done, and I think we all owe you a real debt, as DUKE says, in bringing out facts that are shocking facts about Mr. Clinton's lack of service to the country and the demonstrations that he led against America, the coffins that he carried into our embassy in foreign lands which were sending war materiel to be used against Americans in the Vietnam conflict, things that in other times might have brought criminal charges of treason, but in these times I guess are viewed in retrospect to have been merely politically correct.

I think, BOB, you have done a great service to this body and to the country because you bring out facts that otherwise would not be turned up by the media. Because we know in this city, in Washington, DC, that facts are only facts for the media to disperse when they serve a politically correct conclusion. The politically correct conclusion that the media sees this year is not one which is consistent with Mr. Clinton being totally revealed in his lack of character during the Vietnam War, in his lack of service to the country, and his refusal to grab that invisible bond that we have talked about that links 200 million Americans together. Maybe not Admiral Crowe in his hifalutin' position.

Mr. DORNAN of California. But certainly his son, Captain Crowe.

Mr. HUNTER. Certainly, Captain Crowe, and thousands and thousands of people who now are working in auto assembly lines and in blue collar positions and driving trucks and raising families around the country, who once carried the American flag in far-off places like Vietnam and Desert Storm.

So I want to thank you for what you have done, Mr. DORNAN, from Orange County, because you have been a corporate memory for this body that has expanded our knowledge of facts beyond what those who seek to put a politically correct suite of information in front of us every day in the media, in the electronics media and the written media, would have us see.

You have told us and told the American people a lot of things that are every bit as true as a number of other facts that we see every day, but are very little known because there is no dissemination of those facts. I doubt whether 2 percent of the American people are aware of the fact that Mr. Clinton demonstrated in Great Britain against the United States.

Mr. DORNAN of California. Far less.

Mr. HUNTER. And in Oslo, Norway, where he demonstrated.

I appreciate also the gentleman Mr. CUNNINGHAM for coming out here and showing the American people a little bit of that moral outrage that should be expressed, not just by DUKE CUNNINGHAM, but by everybody who ever walked across the threshold of a VFW installation in their town or an American Legion installation or fleet reserve or anybody else who ever took their grandson in the kitchen and said and let me tell you about the war and let me tell you what you have to do when you are 18 years old in this country is in a war.

Those are the people who should be expressing moral outrage. I like all the folks in the VFW, and I like the folks in the VFW, and I like the folks in the leadership in the VFW, and I just hope they would take their eyes off this short picture of what bills did you vote on today and did the Bush administration make mistakes with respect to the VA, and raise their vision from that short picture to the American flag waving down there in Arlington Cemetery right now, and that man named Martin Treptoe who Ronald Reagan referred to who was killed after he joined the Rainbow Division in 1917 in France, and whose diary when his friends found it said I must fight this war as if the success or failure of the United States depends on me alone.

That is the standard that we should be reaching for, and that should be invoking the moral outrage from every veteran in America.

Mr. CUNNINGHAM. I would ask my colleagues that tonight I will draft a letter to Admiral Crowe and ask him if he will turn down a political or elected position from Governor Clinton to show that he has not sold his soul, and we will mail that tomorrow.

Mr. DORNAN of California. Excellent. We will get a lot of signatures on it.

DUNCAN, I want to just close and ask you one thing. I want to see if I have some peculiar memory or something.

Do you remember when you registered for the draft on your 18th birthday?

Mr. HUNTER. As a matter of fact, I did not register. I joined. I volunteered.

□ 2350

I volunteered.

Mr. DORNAN of California. I meant just registered for the pool on your 18th birthday, went down and said, "Here I am, alive and breathing, and I am 18."

Mr. HUNTER. To tell the gentleman the truth, I cannot remember registering for anything. All I can remember is going down to the Post Office and going to the Marine Corps recruit station that was there, and this guy was off, going off to get lunch. Of course, my father was a marine, and I wanted to join the Marines. I walked to the next place and there was an Army guy, and he said, "You will have a great time in the Army," so I joined the Army. That is all I can remember.

Mr. DORNAN of California. Is joining?

Mr. HUNTER. I remember getting my 1.8 grade average at the University of California at Santa Barbara, which was a marvelous event.

Mr. CUNNINGHAM. You could have been chosen as a Rhodes Scholar.

Mr. HUNTER. Yes, but I fell a little short.

Mr. DORNAN of California. Do you remember when you went down and said, "I am alive and breathing;" no physicals, just registering?

Mr. CUNNINGHAM. I can remember. I can also remember I did not want to go to Vietnam. I did not want to go to war. I was glad my brother did not have to go, but yet he still signed up. He was in the Army as well. I did not want to go, and none of those other kids wanted to go, either. None of those kids, men and women that are all on the wall, wanted to go, but they did and they served this country.

Mr. DORNAN of California. The reason I remember the day is because it was precisely on my 18th birthday. Gen. Douglas MacArthur had just been fired by President Truman. Truman was right, on principle, and clearly had the power, and that is what we respect around here is civilian rule over the military, but on the facts of what they were arguing about, bombing the bridge, knocking off the Chinese before they were in hand-to-hand combat, seven to one against our men and the few remaining Korean troops, I went down and registered. I felt as though it were a passing rite. I felt it was like first communion or like my confirmation. I suddenly became a man.

I knew why my parents would never give me permission to join at 17.

Mr. CUNNINGHAM. You were not a boy?

Mr. DORNAN of California. I didn't feel like I was a boy. I remember, I was 6 feet tall, and she said, "You are 6 feet, red hair, blue eyes, that is just what we are looking for." I thought, "What are they drafting?" She said, "They are still up in the low twenties here in Los Angeles. Don't worry about it."

I felt, "Now I am a man. I am registered in that pool of young American males that is ready to serve their country or could be drafted." When I joined the Air Force, the draft notice was chasing me. It came 3 months after I was in the Air Force, and I loved that draft notice. I thought, "See, if I had not selected my service and passed my test to be a fighter pilot, I would be in the Army, may be in Korea. Maybe that was the way to go." I liked it that Uncle Sam was saying, "You, DORNAN, we got you."

I framed that and left it in may bedroom when I went off to pilot training. I thought being drafted was a call to honor, a call to not glory, that is God's call, but a call to honor.

That is what is so peculiar about this Presidential campaign and why I think President Bush is still in a state of shock. I watched the White House people and I watched Clinton. They said, "No, we are going to get BOB KERREY or somebody. Don't worry. He won't win. He will be flat out in the primaries."

He is smart. He postures further to the right. Carter won because he was further to the right. Our friend, Mo Udall, went to bed in Michigan, and when he woke up Carter was the winner.

I said, "No, no, the one to watch is Clinton, and you are going to be sorry if you think he is not." Now, bingo, the convention. President Bush was at 33 percent in California and he was at 58. That gap has collapsed about 20 points, but now it is a three-way race, and I want Adm. James Bond Stockdale to meet with us and tell us he is going to bring out Clinton's record, because he helps his senior partner, the Navy Annapolis graduate, to do that. I think Stockdale is an Annapolis graduate. I want these two Annapolis graduates, if they are going to beat up on their fellow naval officer, I want them to at least have the decency to bring out these facts to the American people about Clinton, if this is going to be a three-way race.

Mr. CUNNINGHAM. Will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman.

Mr. CUNNINGHAM. I also appreciate the gentleman' bringing up the point about Admiral Stockdale. I like Perot in a lot of ways. He wants change, like everybody else, but he is not going to be able to effect any more change than the President has today. He does have some good ideas. Again, I would like to focus.

I thank you, again, Mr. DORNAN, for bringing out to the American people these facts, because I did not know it myself. I was mad at just reading the letter, but the rest of these facts that you have brought out to show historically Clinton's running from the draft, running from school, running from the ROTC, and being an antiwar protester in Moscow and other countries, and having skulls, organizing those protests, things that I detested in 1973 when I wrote that book, and I was not a politician then. I am not speaking as a politician, but in my heart I cannot support, nor if I was a Democrat would I support, Governor Clinton. In my idea he is worse than Tokyo Rose. We could call him Kiev Clinton.

Mr. HUNTER. Unless one of the gentlemen has something else, we will conclude this special order.

CONFERENCE REPORT (H. REPT. 102-966)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1993".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Defense Conversion, Reinvestment, and Transition Assistance

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.
Sec. 4. General limitation.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Multiyear procurement authorization.

Subtitle B—Army Programs

Sec. 111. M-1 Abrams tank program.
Sec. 112. Procurement of AHIP scout helicopters.
Sec. 113. AH-64 Apache helicopter modifications.
Sec. 114. Armored vehicle upgrades.
Sec. 115. Chemical agent monitoring program.

Subtitle C—Navy Programs

Sec. 121. Shipbuilding and conversion programs.
Sec. 123. Airborne self protection jammer.
Sec. 123. AV-8B Harrier radar upgrade program.

Subtitle D—Air Force Programs (Nonstrategic)

Sec. 131. C-135 aircraft program.
Sec. 132. Live-fire survivability testing of C-17 aircraft.
Sec. 133. Correction of fuel leaks on C-17 production aircraft.
Sec. 134. C-17 aircraft program.
Sec. 135. Tactical electronic warfare aircraft upgrade program.
Sec. 136. F-16 aircraft program.

Subtitle E—Defense-Wide Programs

Sec. 141. Funding for certain tactical intelligence programs.
Sec. 142. MH-47E/MH-60K helicopter modification programs.

Subtitle F—Strategic Programs

Sec. 151. B-2 bomber aircraft program.
Sec. 152. Modernization of heavy bomber force.

Subtitle G—Chemical Demilitarization Program

Sec. 171. Change in chemical weapons stockpile elimination deadline.
Sec. 172. Chemical demilitarization citizens advisory commissions.
Sec. 173. Evaluation of alternative technologies.
Sec. 174. Alternative disposal process for low-volume sites.
Sec. 175. Revised chemical weapons disposal concept plan.
Sec. 176. Report on destruction of nonstockpile chemical material.
Sec. 177. Physical and chemical integrity of the chemical weapons stockpile.
Sec. 178. Sense of Congress concerning international consultation and exchange program.
Sec. 179. Technical amendments to section 1412.
Sec. 180. Definition of low-volume site.

Subtitle H—Armament Retooling and Manufacturing Support Initiative

Sec. 191. Short title.
Sec. 192. Policy.
Sec. 193. Armament Retooling and Manufacturing Support Initiative.
Sec. 194. Facilities contracts.
Sec. 195. Reporting requirement.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic research and exploratory development.
Sec. 203. Manufacturing technology development.
Sec. 204. Strategic Environmental Research and Development Program.
Sec. 205. Endowment for Defense Industrial Cooperation.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. V-22 Osprey aircraft program.
Sec. 212. Special operations variant of the V-22 Osprey aircraft.
Sec. 213. Extension of prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.
Sec. 214. Navy tactical aviation programs.
Sec. 215. One-year delay in transfer of management responsibility for Navy mine countermeasures program.
Sec. 216. Light Armored Vehicle 105-millimeter gun (LAV-105) program.
Sec. 217. Advanced research projects.
Sec. 218. Revision to Superconducting Magnetic Energy Storage Project.

Subtitle C—Missile Defense Programs

Sec. 231. Theater Missile Defense Initiative.
Sec. 232. Strategic Defense Initiative funding.
Sec. 233. Reporting requirements and transfer authorities for TMDI and SDI.
Sec. 234. Revision of the Missile Defense Act of 1991.
Sec. 235. Development and testing of anti-ballistic missile systems or components.
Sec. 236. Limitation regarding support services contracts of the Strategic Defense Initiative Organization.

Subtitle D—Other Matters

Sec. 241. Medical countermeasures against biowarfare threats.
Sec. 242. National Aero-Space Plane.
Sec. 243. LANDSAT remote-sensing satellite program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorizations of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Humanitarian assistance.
Sec. 305. Support for the 1994 World Cup Games.
Sec. 306. Transfer authority.

Subtitle B—Limitations

Sec. 311. Prohibition on the use of certain funds for Pentagon Reservation.
Sec. 312. Prohibition on the use of funds for certain service contracts.

Subtitle C—Environmental Provisions

Sec. 321. Extension of reimbursement requirement for contractors handling hazardous wastes from defense facilities.
Sec. 322. Extension of prohibition on use of environmental restoration funds for payment of fines and penalties.
Sec. 323. Pilot program for expedited environmental response actions.
Sec. 324. Overseas environmental restoration.
Sec. 325. Evaluation of use of ozone-depleting substances by the Department of Defense.
Sec. 326. Elimination of use of class I ozone-depleting substances in certain military procurement contracts.
Sec. 327. Prohibition on the purchase of surety bonds and other guaranties for the Department of Defense.
Sec. 328. Legacy Resource Management Fellowship Program.
Sec. 329. Supplemental authorization of appropriations for fiscal year 1992.

Sec. 330. Indemnification of transferees of closing defense property.
Sec. 331. Extension of authority to issue surety bonds for certain environmental programs.
Sec. 332. Report on indemnification of contractors performing environmental restoration.

Subtitle D—Defense Business Operations Fund

Sec. 341. Limitations on the use of Defense Business Operations Fund.
Sec. 342. Capital asset subaccount.
Sec. 343. Limitation on obligations against Defense Business Operations Fund.

Subtitle E—Depot-Level Activities

Sec. 351. Depot-level tactical missile maintenance.
Sec. 352. Limitations on the performance of depot-level maintenance of materiel.
Sec. 353. Requirement of competition for the performance of workloads previously performed by depot-level activities of the Department of Defense.
Sec. 354. Repeal of requirement for competition pilot program for depot-level maintenance of materials.

Subtitle F—Commissaries and Military Exchanges

Sec. 361. Standardization of certain programs and activities of military exchanges.
Sec. 362. Accountability regarding the financial management and use of nonappropriated funds.
Sec. 363. Demonstration program for the operation of certain commissary stores by nonappropriated fund instrumentalities.
Sec. 364. Release of information regarding sales at commissary stores.
Sec. 365. Use of commissary stores by members of the Ready Reserve.

Subtitle G—Other Matters

Sec. 371. Extension of certain guidelines for reductions in the number of civilian positions in the Department of Defense.
Sec. 372. Annual report on security and control of supplies.
Sec. 373. Transportation of donated military artifacts.
Sec. 374. Subcontracting authority for Air Force and Navy depots.
Sec. 375. Consideration of vessel location for the award of layberth contracts for sealift vessels.
Sec. 376. Pilot program to use National Guard personnel in medically underserved communities.
Sec. 377. Authority for the issue of uniforms without charge to members of the Armed Forces.
Sec. 378. Program to commemorate World War II.
Sec. 379. Extension of demonstration project for the use of proceeds from the sale of certain lost, abandoned, or unclaimed personal property.
Sec. 380. Promotion of civilian marksmanship.
Sec. 381. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 382. Optional defense dependents' summer school programs.
Sec. 383. Review of military flight training activities at civilian airfields.
Sec. 384. Preference for procurement of energy efficient electric equipment.
Sec. 385. Payment of residents of Armed Forces Retirement Home for services.
Sec. 386. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 387. Treatment of State equalization programs in determinining eligibility for, and amount of, impact aid.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Waiver and transfer authority.
Sec. 403. Limited exclusion of joint service requirements from a limitation on the strengths for general and flag officers on active duty.
Sec. 404. Study of distribution of general and flag officer positions in joint duty assignments.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserve components.
Sec. 413. Reserve component force structure.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Limitations

Sec. 431. Reduction in number of personnel carrying out recruiting activities.
Sec. 432. Navy Craft of Opportunity (COOP) program.
Sec. 433. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Sec. 500. Reference to personnel policy provisions in title XLIV.

Subtitle A—Officer Personnel Policy

Sec. 501. Reports on plans for officer accessions and assignment of junior officers.
Sec. 502. Evaluation of effects of officer strength reductions on officer personnel management systems.
Sec. 503. Selective early retirement.
Sec. 504. Retirement of certain limited duty officers of the Navy.
Sec. 505. Appointment of chiropractors as commissioned officers.
Sec. 506. Clarification of minimum service requirements for certain flight crew positions.
Sec. 507. One-year extension of authority for temporary promotions of certain Navy lieutenants.

Subtitle B—Reserve Component Matters

Sec. 511. Pilot program for active component support of Reserves.
Sec. 512. Repeal of requirement for removal of full-time Reserve personnel from ROTC duty.
Sec. 513. Report concerning certain active Army combat support and combat service support positions.
Sec. 514. Preference in Guard and Reserve affiliation for voluntarily separated members.
Sec. 515. Technical correction and codification of requirement of baccalaureate degree for appointment or promotion of Reserve officers to grades above first lieutenant or lieutenant (junior grade).
Sec. 516. Disability retired or severance pay for Reserve members disabled while traveling to or from training.
Sec. 517. Service credit for concurrent enlisted active duty service performed by ROTC members while in the Selected Reserve.
Sec. 518. Limitation on reduction in number of reserve component medical personnel.
Sec. 519. One-year extension of certain reserve officer management programs.
Sec. 520. Limitation on reenlistment eligibility for certain former Reserve officers of Army and Air Force.

Subtitle C—Service Academies

Sec. 521. Repeal of requirement that Deans at United States Military Academy and Air Force Academy be general officers.
Sec. 522. Academy preparatory schools.
Sec. 523. Composition of faculties at United States Military Academy and Air Force Academy.
Sec. 524. Noninstructional staff at service academies.
Sec. 525. Authority of United States Military Academy to confer the degree of master of arts in leadership development.

Subtitle D—Education and Training

Sec. 531. Report on participation of reserve personnel in Air Force undergraduate pilot training program.
Sec. 532. ROTC scholarships for National Guard.
Sec. 533. Junior Reserve Officers' Training Corps program.

Subtitle E—Other Matters

Sec. 541. Retention on active duty of enlisted members within two years of eligibility for retirement.
Sec. 542. Authority for military school faculty members and students to accept honoraria for certain scholarly and academic activities.
Sec. 543. Payment for leave accrued and lost by Korean Conflict prisoners of war.
Sec. 544. Military reserve technicians.
Sec. 545. Air Reserve technicians.
Sec. 546. Mental health evaluations of members of Armed Forces.
Sec. 547. Report on the Selective Service System.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Sec. 600. Reference to compensation and other personnel benefits in title XLIV.

Subtitle A—Pay and Allowances

Sec. 601. Military pay raise for fiscal year 1993.
Sec. 602. Advance payments in connection with evacuations of personnel.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Clarification of authority to provide special pay for nonphysician health care providers.
Sec. 612. Extensions of authorities relating to payment of certain bonuses and other special pay.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Temporary increase in the number of days a member may be reimbursed for temporary lodging expenses.
Sec. 622. Prohibition on the assertion of liens on personal property being transported at Government expense.
Sec. 623. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.
Sec. 624. References for travel and transportation benefits.
Sec. 625. Evacuation allowances in connection with Hurricane Andrew.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Requirement for proposal on concurrent payment of retired or retainer pay and veterans' disability compensation.

Sec. 642. Increase in recomputed retired pay for certain enlisted members credited with extraordinary heroism.
Sec. 643. Modification to Survivor Benefit Plan open enrollment period.

Subtitle E—Other Matters

Sec. 651. Provision of temporary foster care services outside the United states for children of members of the Armed Forces.
Sec. 652. Reimbursement for adoptions completed during interim between test and permanent program.
Sec. 653. Protections for dependent victims of abuse by members of the Armed Forces.

TITLE VII—HEALTH CARE PROVISIONS

Sec. 700. Reference to health care services in title XLIV.

Subtitle A—Health Care Services

Sec. 701. Revisions to dependents' dental program under CHAMPUS.
Sec. 702. Programs relating to the sale of pharmaceuticals.
Sec. 703. Maximum annual amount for deductibles and copayments.
Sec. 704. Comprehensive individual case management program under CHAMPUS.
Sec. 705. Continuation of CHAMPUS coverage for certain medicare participants.
Sec. 706. Medical and dental care for certain incapacitated dependents.

Subtitle B—Health Care Management

Sec. 711. National claims processing system for CHAMPUS.
Sec. 712. Condition on expansion of CHAMPUS reform initiative to other locations.
Sec. 713. Alternative health care delivery methodologies.
Sec. 714. Managed health care network for Tidewater region of Virginia.
Sec. 715. Positive incentives under the Coordinated Care Program.
Sec. 716. Exception from Federal Acquisition Regulation for managed-care delivery and reimbursement model.

Subtitle C—Other Matters

Sec. 721. Correction of omission in delay of increase of CHAMPUS deductibles related to Operation Desert Storm.
Sec. 722. Military health care for persons reliant on health care facilities at bases being closed or realigned.
Sec. 723. Comprehensive study of the military medical care system.
Sec. 724. Annual beneficiary survey.
Sec. 725. Study on risk-sharing contracts for health care.
Sec. 726. Sense of Congress regarding health care policy for the uniformed services.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

Sec. 801. Codification and amendment of section 1207.
Sec. 802. Provisions relating to small disadvantaged businesses and small businesses.
Sec. 803. Funding for defense research by historically black colleges and universities.
Sec. 804. Certificate of competency requirements.
Sec. 805. Test program for negotiation of comprehensive small business subcontracting plans.
Sec. 806. Extension of test program of contracting for printing-related services for the Department of Defense.
Sec. 807. Pilot Mentor-Protege Program.
Sec. 808. Codification of recurring provision relating to subcontracting with certain nonprofit agencies.

Subtitle B—Acquisition Management Improvement

Sec. 811. Expansion and extension of authority under major defense acquisition pilot program.
Sec. 812. Acquisition workforce improvement.
Sec. 813. Certification of contract claims.
Sec. 814. Deadline for report on rights in technical data regulations.
Sec. 815. Requirement to establish single point of contact for information concerning persons convicted of defense-contract related felonies.
Sec. 816. Extension of program for use of master agreements for procurement of advisory and assistance services.
Sec. 817. Major defense acquisition program reports.
Sec. 818. Allowable costs.
Sec. 819. Advisory and assistance services for operational test and evaluation.
Sec. 820. Regulations relating to substantial changes in the participation of a military department in a joint acquisition program.
Sec. 821. Competitive prototyping requirement for development of major defense acquisition programs.

Subtitle C—Other Matters

Sec. 831. Repeal of procurement limitation on typewriters.
Sec. 832. Procurement limitation on ball bearings and roller bearings.
Sec. 833. Restriction on purchase of sonobuoys.
Sec. 834. Debarment of persons convicted of fraudulent use of "Made in America" labels.
Sec. 835. Prohibition on purchase of United States defense contractors by entities controlled by foreign governments.
Sec. 836. Prohibition on award of certain Department of Defense and Department of Energy contracts to companies owned by an entity controlled by a foreign government.
Sec. 837. Defense Production Act Amendments.
Sec. 838. Improved national defense control of technology diversions overseas.
Sec. 839. Limitation on sale of assets of certain defense contractor.
Sec. 840. Advance notification of contract performance outside the United States.
Sec. 841. Acquisition fellowship program.
Sec. 842. Purchase of Angolan petroleum products.
Sec. 843. Authority for the Department of Defense to share equitably the costs of claims under international armaments cooperation programs.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Roles and Missions

Sec. 901. Report of the Chairman of the Joint Chiefs of Staff on roles and missions of the Armed Forces.
Sec. 902. Limitation regarding submission of the roles and missions report of the Chairman of the Joint Chiefs of Staff.
Sec. 903. Sense of Congress on cooperation between the Army and the Marine Corps.
Sec. 904. National Guard and reserve component operational support airlift study.

Subtitle B—Joint Chiefs of Staff

Sec. 911. Vice Chairman of the Joint Chiefs of Staff.

Subtitle C—Professional Military Education

Sec. 921. Application of definition of principal course of instruction at the Armed Forces Staff College.
Sec. 922. Plan regarding professional military education test program for reserve component officers of the Army.
Sec. 923. Foreign Language Center of the Defense Language Institute.

Subtitle D—Other Matters

Sec. 931. Certifications relating to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Special Operations Command.
Sec. 932. Study of joint duty requirements.
Sec. 933. Joint duty credit for certain duty performed during Operations Desert Shield and Desert Storm.
Sec. 934. CINC Initiative Fund.
Sec. 935. Organization of the Office of the Chief of Naval Operations.
Sec. 936. Grade of certain commanders of special operations forces.
Sec. 937. Report on assignment of special operations forces.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Defense budgeting.
Sec. 1003. Treatment of certain "M" account obligations.
Sec. 1004. Additional transition authority regarding closing appropriation accounts.
Sec. 1005. Clarification of scope of authorizations.
Sec. 1006. Incorporation of classified annex.

Subtitle B—Naval Vessels and Related Matters

Sec. 1011. East Coast homeport for nuclear-powered aircraft carriers.
Sec. 1012. Limitation on overseas ship repairs.
Sec. 1013. Navy mine countermeasure progam.
Sec. 1014. Transfer of certain vessels.
Sec. 1015. Report on compliance with domestic ship repair law.
Sec. 1016. Repeal of requirement for construction of combatant and escort vessels in Navy yards.

Subtitle C—Fast Sealift Program

Sec. 1021. Procurement of ships for the Fast Sealift Program.
Sec. 1022. Modification of Fast Sealift Program.
Sec. 1023. Report on obligations for strategic sealift.
Sec. 1024. National Defense Sealift Fund.

Subtitle D—Defense Maritime Logistical Readiness

Sec. 1031. Revitalization of United States shipbuilding industry.

Subtitle E—Counter-Drug Activities

Sec. 1041. Additional support for counter-drug activities.
Sec. 1042. Maintenance and operation of equipment.
Sec. 1043. Counter-drug detection and monitoring systems plan.
Sec. 1044. Extension of authority to transfer excess personal property.
Sec. 1045. Pilot outreach program to reduce demand for illegal drugs

Subtitle F—Technical and Clerical Amendments.

Sec. 1051. Reorganization of section 101 definitions.
Sec. 1052. Miscellaneous amendments to title 10, United States Code.
Sec. 1053. Amendments to Public Law 102–190.
Sec. 1054. Amendments to other laws.

Sec. 1055. Coordination with other provisions of Act.

Subtitle G—Amendments to the Uniform Code of Military Justice

Sec. 1061. Chief judge of the Court of Military Appeals.
Sec. 1062. Retirement of judges of the Court of Military Appeals.
Sec. 1063. Jurisdiction regarding offenses committed during periods of prior service.
Sec. 1064. Postponement of confinement.
Sec. 1065. Sentencing at rehearings.
Sec. 1066. Amendments to punitive articles.
Sec. 1067. Effective date.

Subtitle H—Other Matters

Sec. 1071. Use of aircraft accident investigation reports.
Sec. 1072. Survivor notification and access to reports relating to service members who die.
Sec. 1073. Admission of civilians as students at the United States Naval Postgraduate School.
Sec. 1074. Repeal of certain reporting requirement.
Sec. 1075. Restriction on obligation of funds for new museums.
Sec. 1076. Army military history fellowship program.
Sec. 1077. Election of leave or lump-sum payment for certain employees who moved between nonappropriated fund employment and Department of Defense or Coast Guard employment before April 16, 1991.
Sec. 1078. Study and report regarding equity in benefits for temporary Federal employees.
Sec. 1079. Designation of United States military physicians as civil surgeons under the Immigration and Nationality Act in connection with the Armed Forces Immigration Adjustment Act of 1991.
Sec. 1080. Use of Armed Forces insignia on State license plates.
Sec. 1081. Civil-Military Cooperative Action Program.
Sec. 1082. Limitation on support for United States contractors selling arms overseas.
Sec. 1083. Sense of Congress regarding the time limitations for consideration of military decorations and awards.
Sec. 1084. Sense of Congress relating to award of the Navy expeditionary medal to Doolittle Raiders.
Sec. 1085. Sense of Congress regarding award of the Purple Heart to members killed or wounded in action by friendly fire.
Sec. 1086. Study of effects of Operations Desert Shield and Desert Storm mobilizations of reserves and members of the National Guard who were self-employed or owners of small businesses.

Subtitle I—Youth Service Opportunities

Sec. 1091. National Guard civilian youth opportunities pilot program.
Sec. 1092. Civilian Community Corps.
Sec. 1093. Coordination of programs.
Sec. 1094. Other programs of the Commission on National and Community Service.
Sec. 1095. Limitation on obligation of funds.

TITLE XI—ARMY GUARD COMBAT REFORM INITIATIVE

Sec. 1101. Short title.

Subtitle A—Deployability Enhancements

Sec. 1111. Minimum percentage of prior active-duty personnel.
Sec. 1112. Service in Selected Reserve in lieu of active-duty service.
Sec. 1113. Review of officer promotions by commander of associated active duty unit.
Sec. 1114. Noncommissioned officer education requirements.
Sec. 1115. Initial entry training and nondeployable personnel account.
Sec. 1116. Minimum physical deployability standards.
Sec. 1117. Medical assessments.
Sec. 1118. Dental readiness of members of early deploying units.
Sec. 1119. Combat unit training.
Sec. 1120. Use of combat simulators.

Subtitle B—Assessment of National Guard Capability

Sec. 1121. Deployability rating system.
Sec. 1122. Inspections.

Subtitle C—Compatibility of Guard Units with Active Component Units

Sec. 1131. Active duty associate unit responsibility.
Sec. 1132. Training compatibility.
Sec. 1133. Systems compatibility.
Sec. 1134. Equipment compatibility.
Sec. 1135. Deployment planning reform.
Sec. 1136. Qualification for prior-service enlistment bonus.
Sec. 1137. Study of implementation for all reserve components.

TITLE XII—SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Operation Desert Storm

Sec. 1201. Extension of supplemental authorizations for Operation Desert Storm.
Sec. 1202. Authorization of appropriations for fiscal year 1992.
Sec. 1203. Authorization of appropriations for fiscal year 1993.
Sec. 1204. Relationship to other authorizations.

Subtitle B—Hurricane Andrew and Typhoon Omar

Sec. 1211. Supplemental authorization of appropriations for fiscal year 1992.

TITLE XIII—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Subtitle A—Burdensharing

Sec. 1301. Overseas basing activities.
Sec. 1302. Overseas military end strength.
Sec. 1303. Reduction in the authorized end strength for military personnel in Europe.
Sec. 1304. Reports on overseas basing.
Sec. 1305. Burdensharing contributions by Kuwait.

Subtitle B—Cooperative Agreements and Other Matters Concerning Allies

Sec. 1311. Cooperative military airlift agreements.
Sec. 1312. Cooperative agreements with allies.
Sec. 1313. Authority for government of Oman to receive excess defense articles.
Sec. 1314. Report on possible revisions to the North Atlantic Treaty.

Subtitle C—Matters Relating to the Former Soviet Union and Eastern Europe

Sec. 1321. Nuclear weapons reduction.
Sec. 1322. Volunteers Investing in Peace and Security (VIPS) program.

Subtitle D—Matters Relating to the Middle East and Persian Gulf Region

Sec. 1331. Report on the United States strategic posture in the Middle East and Persian Gulf region.
Sec. 1332. Prohibition on contracting with entities that comply with the secondary arab boycott of Israel.

Subtitle E—International Peacekeeping Activities

Sec. 1341. United Nations peacekeeping and enforcement report.
Sec. 1342. Support for peacekeeping activities.

Subtitle F—Overseas Operation and Maintenance Activities

Sec. 1351. Prohibition on payment of severance pay to certain foreign nationals in the Philippines.
Sec. 1352. Foreign severance costs.
Sec. 1353. Extension of overseas workload program.

Subtitle G—Other Matters

Sec. 1361. Study of providing forward presence of naval forces during peacetime.
Sec. 1362. Permanent authority to pay certain expenses of personnel of developing countries for attendance at bilateral or regional cooperation conferences.
Sec. 1363. Report on proliferation of military-based satellites.
Sec. 1364. Report on international mine clearing efforts in refugee situations.
Sec. 1365. Landmine export moratorium.

TITLE XIV—DEMILITARIZATION OF THE FORMER SOVIET UNION

Subtitle A—Short Title

Sec. 1401. Short title.

Subtitle B—Findings and Program Authority

Sec. 1411. Demilitarization of the independent states of the former Soviet Union.
Sec. 1412. Authority for programs to facilitate demilitarization.

Subtitle C—Administrative and Funding Authorities

Sec. 1421. Administration of demilitarization programs.

Subtitle D—Reporting Requirements

Sec. 1431. Prior notice to Congress of obligation of funds.
Sec. 1432. Quarterly reports on programs.

Subtitle E—Joint Research and Development Programs

Sec. 1441. Programs with states of the former Soviet Union.

TITLE XV—NONPROLIFERATION

Sec. 1501. Short title.
Sec. 1502. Sense of Congress.
Sec. 1503. Report on Department of Defense and Department of Energy nonproliferation activities.
Sec. 1504. Nonproliferation technology initiative.
Sec. 1505. International nonproliferation initiative.

TITLE XVI—IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992

Sec. 1601. Short title.
Sec. 1602. United States policy.
Sec. 1603. Application to Iran of certain Iraq sanctions.
Sec. 1604. Sanctions against certain persons.
Sec. 1605. Sanctions against certain foreign countries.
Sec. 1606. Waiver.
Sec. 1607. Reporting requirement.
Sec. 1608. Definitions.

TITLE XVII—CUBAN DEMOCRACY ACT OF 1992

Sec. 1701. Short title.
Sec. 1702. Findings.
Sec. 1703. Statement of policy.
Sec. 1704. International cooperation.
Sec. 1705. Support for the Cuban people.
Sec. 1706. Sanctions.
Sec. 1707. Policy toward a transitional Cuban government.

Sec. 1708. Policy toward a democratic Cuban government.
Sec. 1709. Existing claims not affected.
Sec. 1710. Enforcement.
Sec. 1711. Definition.
Sec. 1712. Effective date.

TITLE XVIII—FEDERAL CHARTERS FOR PATRIOTIC ORGANIZATIONS

Subtitle A—Military Order of the World Wars

Sec. 1801. Recognition as corporation and grant of Federal charter.
Sec. 1802. Powers.
Sec. 1803. Objects and purposes.
Sec. 1804. Service of process.
Sec. 1805. Membership.
Sec. 1806. Board of directors.
Sec. 1807. Officers of corporation.
Sec. 1808. Prohibition against discrimination.
Sec. 1809. Restrictions.
Sec. 1810. Liability.
Sec. 1811. Books and records.
Sec. 1812. Audit of financial transactions.
Sec. 1813. Annual report.
Sec. 1814. Reservation of right to amend or repeal charter.
Sec. 1815. Tax-exempt status.
Sec. 1816. Termination.
Sec. 1817. Definition.

Subtitle B—Retired Enlisted Association, Incorporated

Sec. 1821. Recognition as corporation and grant of Federal charter.
Sec. 1822. Powers.
Sec. 1823. Objects and purposes.
Sec. 1824. Service of process.
Sec. 1825. Membership.
Sec. 1826. Board of directors.
Sec. 1827. Officers of corporation.
Sec. 1828. Prohibition against discrimination.
Sec. 1829. Restrictions.
Sec. 1830. Liability.
Sec. 1831. Books and records.
Sec. 1832. Audit of financial transactions.
Sec. 1833. Annual report.
Sec. 1834. Reservation of right to amend or repeal charter.
Sec. 1835. Tax-exempt status.
Sec. 1836. Exclusive rights to names.
Sec. 1837. Termination.
Sec. 1838. Definition.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Defense access roads.
Sec. 2105. Authorization of appropriations, Army.
Sec. 2106. Increase in limitation on leasing of military family housing worldwide by the Department of the Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Power plant relocation, Navy Public Works Center, Guam.
Sec. 2206. Revised authorizations for certain Marine Corps projects.
Sec. 2207. Defense access roads, Naval Station Pascagoula, Mississippi.
Sec. 2208. Military family housing, Naval Air Station Whidbey Island, Washington.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Child development center relocation, Buckley Air National Guard Base, Colorado.
Sec. 2306. Authorized family housing lease projects.
Sec. 2307. Authorized military housing rental guarantee projects.
Sec. 2308. Termination of authority to carry out certain projects.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
Sec. 2602. Air National Guard construction, Truax Field, Wisconsin.
Sec. 2603. National Guard Armory, Virginia.
Sec. 2604. Reductions in certain prior year authorizations of appropriations for Air Force Reserve military construction projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 1990 projects.
Sec. 2703. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Promotion of energy savings at military installations.
Sec. 2802. Authority to construct replacement family housing units.

Subtitle B—Defense Base Closure and Realignment

Sec. 2821. Use of proceeds of the transfer or disposal of commissary store and other facilities and property.
Sec. 2822. Demonstration project for the use of a national relocation contractor to assist the Department of Defense.
Sec. 2823. Change in date of report of Comptroller General to Congress and Defense Base Closure and Realignment Commission.
Sec. 2824. Availability of certain Federal property for application for use to assist the homeless.
Sec. 2825. Revision of requirements relating to budget data on base closures.
Sec. 2826. Consideration of community ability to compete for the relocation of finance and accounting activities.
Sec. 2827. Overseas Military Facility Investment Recovery Account.

Subtitle C—Land Transactions

Sec. 2831. Modification of land exchange, San Diego, California.
Sec. 2832. Land acquisition and exchange, Myrtle Beach Air Force Base and Poinsett Weapons Range, South Carolina.
Sec. 2833. Land conveyance, Pittsburgh, Pennsylvania.
Sec. 2834. Leases of property, Naval Supply Center, Oakland, California.
Sec. 2835. Grant of easement at Naval Air Station, Miramar, San Diego, California.
Sec. 2836. Land conveyance, Naval Reserve Center, Santa Barbara, California.
Sec. 2837. Land conveyance, Forest Glen Annex, Walter Reed Army Medical Center, Maryland.
Sec. 2838. Land conveyance, Williams Air Force Base, Arizona.
Sec. 2839. Modification of land exchange, Burlington, Vermont.
Sec. 2840. Conveyance of waste water treatment plant, Fort Ritchie, Maryland.
Sec. 2841. Acquisition of interests in land, Naval Radio Station, Jim Creek, Washington.
Sec. 2842. Real property conveyance, Naval Station Puget Sound, Everett, Washington.
Sec. 2843. Conveyance of Hastings Radar Bomb Scoring Site, Nebraska.
Sec. 2844. Land conveyance, Abbeville, Alabama.
Sec. 2845. Extension of time in which to enter into lease at Hunters Point Naval Shipyard, San Francisco, California.
Sec. 2846. Termination of lease and sale of facilities, Naval Reserve Center, Atlanta, Georgia.
Sec. 2847. Land conveyance, Fort Chaffee, Arkansas.
Sec. 2848. Modification of land conveyance, Fort A.P. Hill Military Reservation, Virginia.

Subtitle D—Other Matters

Sec. 2851. Clarification of authority to lease non-excess property.
Sec. 2852. Storage of hazardous materials on arsenal property in conjunction with third-party contracts.
Sec. 2853. Report on continued military need for Bellows Air Force Station, Hawaii.
Sec. 2854. Prohibition on commerical development of Calverton Pine Barrens, Calverton, New York.
Sec. 2855. Technical revisions to certain maps involving Coastal Barrier Resources System.
Sec. 2856. Homeowners assistance for certain individuals affected by Hurricane Andrew.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. Weapons activities.
Sec. 3102. New production reactors.
Sec. 3103. Environmental restoration and waste management.
Sec. 3104. Nuclear materials production and other defense programs.
Sec. 3105. Funding uses and limitations.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.

Sec. 3125. Authority for construction design.
Sec. 3126. Authority for emergency planning, design, and construction activities.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.

Subtitle C—Other Matters

Sec. 3131. Use of funds for payment of penalty assessed against Fernald Environmental Management Project.
Sec. 3132. Department of Energy citizen advisory groups.
Sec. 3133. Nuclear Weapons Council membership.
Sec. 3134. Reports on the development of new tritium production capacity.
Sec. 3135. Technology transfer.
Sec. 3136. Expansion of authority to loan personnel and facilities.
Sec. 3137. Study of conversion of Nevada test site for use for solar energy production purposes.

Subtitle D—International Fissile Material and Warhead Control

Sec. 3151. Negotiations.
Sec. 3152. Authority to release certain restricted data.
Sec. 3153. Development and demonstration program.
Sec. 3154. Production of tritium.

Subtitle E—Defense Nuclear Workers

Sec. 3161. Department of Energy defense nuclear facilities work force restructuring plan.
Sec. 3162. Program to monitor Department of Energy workers exposed to hazardous and radioactive substances.
Sec. 3163. Definitions.

TITLE XXXII—NUCLEAR SAFETY

Sec. 3201. Authorization for Defense Nuclear Safety Board.
Sec. 3202. Nuclear safety in eastern Europe and the former Soviet Union.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Modernization Program

Sec. 3301. Definitions.
Sec. 3302. Disposal of obsolete and excess materials contained in the National Defense Stockpile.
Sec. 3303. Use of barter arrangements in modernization program.
Sec. 3304. Deposit of proceeds from disposals in the national defense stockpile fund.
Sec. 3305. Authorized uses of stockpile funds.
Sec. 3306. Advisory committee regarding operation and modernization of the stockpile.
Sec. 3307. Special rule for 1993 report on stockpile requirements.
Sec. 3308. Conforming amendments.

Subtitle B—Programmatic Changes

Sec. 3311. Procedures for changing objectives for stockpile quantities established as of the end of fiscal year 1987.
Sec. 3312. Repeal of limitation on excess balance in National Defense Stockpile Transaction Fund.
Sec. 3313. Authorized purposes for expenditures from the National Defense Stockpile Transaction Fund.
Sec. 3314. Market Impact Committee.
Sec. 3315. Clarification of the stockpile status of certain materials.

TITLE XXXIV—CIVIL DEFENSE

Sec. 3401. Authorization of appropriations.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.

Subtitle A—Annual Authorization

Sec. 3511. Authorization of expenditures.
Sec. 3512. Health care.
Sec. 3513. Vessel tonnage measurement.
Sec. 3514. Consistency with Panama Canal Treaties of 1977 and implementing laws.

Subtitle B—Composition and Dissolution of Commission

Sec. 3521. Costs of dissolution.
Sec. 3522. Recommendations by President on changes to Panama Canal Commission structure.
Sec. 3523. Report by Comptroller General on changes to Panama Canal Commission structure.

DIVISION D—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

Sec. 4001. Short title.

TITLE XLI—FINDINGS

Sec. 4101. Findings.

TITLE XLII—DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION

Subtitle A—Purposes and Establishment of New Chapter in Title 10

Sec. 4201. Purposes.
Sec. 4202. Establishment of new chapter in title 10.
Sec. 4203. Definitions.

Subtitle B—Defense Policies and Planning Concerning National Technology and Industrial Base, Reinvestment, and Conversion

Sec. 4211. Congressional defense policy concerning national technology and industrial base, reinvestment, and conversion.
Sec. 4212. National Defense Technology and Industrial Base Council.
Sec. 4213. National Defense Program for Analysis of the Technology and Industrial Base.
Sec. 4214. Center for the Study of Defense Economic Adjustment.
Sec. 4215. National technology and industrial base defense capability assessments.
Sec. 4216. National technology and industrial base plan and major defense program planning.
Sec. 4217. Data collection authority.
Sec. 4218. Implementation of requirements for assessment, planning, and analysis.
Sec. 4219. Implementing regulations concerning the national technology and industrial base periodic assessment.
Sec. 4220. Implementing regulations concerning the national technology and industrial base periodic plan.

Subtitle C—Programs for Development, Application, and Support of Dual-Use Technologies

Sec. 4221. Defense dual-use critical technology partnerships.
Sec. 4222. Commercial-military integration partnerships.
Sec. 4223. Regional technology alliances assistance program.
Sec. 4224. Encouragement of technology transfer.
Sec. 4225. Office of Technology Transition.
Sec. 4226. Military-Civilian Integration and Technology Transfer Advisory Board.
Sec. 4227. Office of Foreign Defense Critical Technology Monitoring and Assessment.
Sec. 4228. Overseas Foreign Critical Technology Monitoring and Assessment Financial Assistance Program.

Subtitle D—Defense Manufacturing Technology, Dual-Use Assistance Extension, and Defense Supplier Base Enhancement and Support Programs

Sec. 4231. National Defense Manufacturing Technology Program.
Sec. 4232. Defense advanced manufacturing technology partnerships.
Sec. 4233. Manufacturing extension programs.
Sec. 4234. Defense dual-use assistance extension program.
Sec. 4235. Defense Industrial Reserve.
Sec. 4236. Defense procurement technical assistance program.
Sec. 4237. Small Business Innovation Research Program in the Department of Defense.
Sec. 4238. Defense manufacturing experts in the classroom.
Sec. 4239. Industrial diversification planning for defense contractors.

Subtitle E—Defense Advanced Research Projects Agency

Sec. 4261. Defense Advanced Research Projects Agency.

Subtitle F—Conforming Amendments and Funding Matters

Sec. 4271. Conforming amendments.
Sec. 4272. Funding for defense manufacturing education programs for fiscal year 1993.

TITLE XLIII—COMMUNITY ADJUSTMENT AND ASSISTANCE PROGRAMS AND YOUTH SERVICE PROGRAMS

Sec. 4301. Expansion of adjustment assistance available to States and local governments from the Office of Economic Adjustment.
Sec. 4302. Pilot project to improve economic adjustment planning.
Sec. 4303. Report on alternatives to present priority for transfer of excess defense supplies to State and local governments.
Sec. 4304. Limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs.
Sec. 4305. Community economic adjustment assistance through the Economic Development Administration.
Sec. 4306. Report relating to continuing health benefits coverage of certain terminated employees of defense contractors.

TITLE XLIV—PERSONNEL ADJUSTMENT, EDUCATION, AND TRAINING PROGRAMS

Subtitle A—Active Forces Transition Enhancements

Sec. 4401. Improvement in preseparation counseling for members of the Armed Forces.
Sec. 4402. Authorization of temporary rate of basic pay applicable to certain members with over 24 years of service.
Sec. 4403. Temporary early retirement authority.
Sec. 4404. Opportunity for certain persons to enroll in All-Volunteer Force Educational Assistance Program.
Sec. 4405. Authorized benefits under special separation benefits program and voluntary separation incentive.
Sec. 4406. Calculation of annual payment of voluntary separation incentive.

Sec. 4407. Improved conversion health policies as part of transitional medical care.
Sec. 4408. Continued health coverage.

Subtitle B—Guard and Reserve Transition Initiatives

Sec. 4411. Force reduction transition period defined.
Sec. 4412. Member of Selected Reserve defined.
Sec. 4413. Restriction on reserve force reduction.
Sec. 4414. Transition plan requirements.
Sec. 4415. Inapplicability to certain discharges and transfers.
Sec. 4416. Force reduction period retirements.
Sec. 4417. Retirement with 15 years of service.
Sec. 4418. Separation pay.
Sec. 4419. Waiver of continued service requirement for certain reservists for Montgomery GI bill benefits.
Sec. 4420. Commissary and exchange privileges.
Sec. 4421. Applicability and termination of benefits.
Sec. 4422. Readjustment benefits for certain voluntarily separated members of the reserve components.

Subtitle C—Department of Defense Civilian Personnel Transition Initiatives

Sec. 4431. Government-wide list of vacant positions.
Sec. 4432. Temporary measures to facilitate reemployment of certain displaced Federal employees.
Sec. 4433. Reduction-in-force notification requirements.
Sec. 4434. Restoration of certain leave.
Sec. 4435. Skill training programs in the Department of Defense.
Sec. 4436. Separation pay.
Sec. 4437. Thrift savings plan benefits of employees separated by a reduction in force.
Sec. 4438. Continued health benefits.

Subtitle D—Defense Efforts to Relieve Shortages of Elementary and Secondary School Teachers and Teachers' Aides

Sec. 4441. Teacher and teacher's aide placement program for separated members of the Armed Forces.
Sec. 4442. Teacher and teacher's aide placement program for terminated defense employees.
Sec. 4443. Teacher and teacher's aide placement program for displaced scientists and engineers of defense contractors.
Sec. 4444. Funding for fiscal year 1993.

Subtitle E—Environmental Education and Retraining Provisions

Sec. 4451. Environmental scholarship and fellowship programs for the Department of Defense.
Sec. 4452. Grants to institutions of higher education to provide training in environmental restoration and hazardous waste management.

Subtitle F—Job Training and Employment and Educational Opportunities

Sec. 4461. Improved coordination of job training and placement programs for members of the Armed Forces.
Sec. 4462. Encouragement for continuing public and community service.
Sec. 4463. Program of educational leave relating to continuing public and community service.
Sec. 4464. Increased early retirement retired pay for public or community service.
Sec. 4465. Training, adjustment assistance, and employment services for discharged military personnel, terminated defense employees, and displaced employees of defense contractors.
Sec. 4466. Participation of discharged military personnel in upward bound projects to prepare for college.
Sec. 4467. Improvements to employment and training assistance for dislocated workers under the Job Training Partnership Act.
Sec. 4468. Job Bank program for discharged military personnel, terminated defense employees, and displaced employees of defense contractors.
Sec. 4469. Authorization of appropriations for certain employment, job training, and other assistance.
Sec. 4470. Defense contractor requirement to list suitable employment openings with local employment service office.
Sec. 4471. Notice requirements upon proposed and actual termination or substantial reduction in defense programs.
Sec. 4472. Study to determine the dislocation effects of current and future reductions in spending for the national defense.
Sec. 4473. Treatment of certain provisions of law upon transfer of amounts provided under this Act.

Subtitle G—Service Members Occupational Conversion and Training

Sec. 4481. Short title.
Sec. 4482. Findings and purposes.
Sec. 4483. Definitions.
Sec. 4484. Establishment of program.
Sec. 4485. Eligibility for program; period of training.
Sec. 4486. Approval of employer programs.
Sec. 4487. Payments to employers; overpayment.
Sec. 4488. Entry into program of job training.
Sec. 4489. Provision of training through educational institutions.
Sec. 4490. Discontinuance of approval of participation in certain employer programs.
Sec. 4491. Inspection of records; investigations.
Sec. 4492. Coordination with other programs.
Sec. 4493. Counseling.
Sec. 4494. Information and outreach; use of agency resources.
Sec. 4495. Authorization of appropriations.
Sec. 4496. Time periods for application and initiation of training.
Sec. 4497. Treatment of certain provisions of law upon transfer of amounts provided under this Act.

TITLE XLV—BUDGET

Sec. 4501. Budget determination by the Director of OMB.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1993 under the provisions of this Act is $273,921,787,000, of which the total amount authorized to be appropriated for fiscal year 1993 under the provisions of—

(1) division A is $253,454,264,000;

(2) division B is $8,389,833,000; and

(3) division C is $12,077,690,000.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Army as follows:

(1) For aircraft, $1,553,909,000.

(2) For missiles, $1,118,652,000.

(3) For weapons and tracked combat vehicles, $877,754,000.

(4) For ammunition, $829,444,000.

(5) For other procurement, $3,129,452,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Navy as follows:

(1) For aircraft, $5,899,395,000.

(2) For weapons, $3,700,098,000.

(3) For shipbuilding and conversion, $5,958,663,000.

(4) For other procurement, $5,660,684,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Marine Corps in the amount of $729,727,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Air Force as follows:

(1) For aircraft, $10,034,314,000.

(2) For missiles, $4,399,390,000.

(3) For other procurement, $7,894,396,000.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Defense Agencies in the amount of $1,950,704,000.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement for the Inspector General of the Department of Defense in the amount of $800,000.

SEC. 106. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $134,000,000.

(2) For the Air National Guard, $290,100,000.

(3) For the Army Reserve, $27,500,000.

(4) For the Naval Reserve, $85,000,000.

(5) For the Air Force Reserve, $60,000,000.

(6) For the Marine Corps Reserve, $9,000,000.

(7) For operational support aircraft, $90,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), in the amount of $515,300,000.

SEC. 108. MULTIYEAR PROCUREMENT AUTHORIZATION.

The Secretary of the Air Force may use funds appropriated to the Air Force for fiscal year 1993 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the procurement of satellites number 23 through 25 under the Defense Support Program.

Subtitle B—Army Programs

SEC. 111. M-1 ABRAMS TANK PROGRAM.

(a) TANK INDUSTRIAL BASE.—None of the funds appropriated for the Army pursuant to this Act or for fiscal year 1991 or 1992 may be used to initiate or implement closure of any portion of the tank industrial base.

(b) REVISION IN FISCAL YEAR 1992 PROVISIONS.—The text of section 111 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1303) is amended to read as follows:

"Of the amount authorized to be appropriated for fiscal year 1992 pursuant to section 103(3)(A), $225,000,000 shall be available for the

remanufacture of M1 tanks and may be used only to remanufacture M1 tanks to the M1A2 configuration.".

SEC. 112. PROCUREMENT OF AHIP SCOUT HELICOPTERS.

The prohibition in section 133(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) does not apply to the obligation of funds in amounts not to exceed $225,000,000 for the procurement of not more than 36 OH–58D AHIP Scout aircraft from funds appropriated for fiscal year 1993 pursuant to section 101.

SEC. 113. AH–64 APACHE HELICOPTER MODIFICATIONS.

Section 113 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1304) is repealed.

SEC. 114. ARMORED VEHICLE UPGRADES.

Section 21 of the Arms Export Control Act (22 U.S.C. 2761) is amended by adding at the end the following:

"(j) TANK AND INFANTRY VEHICLE UPGRADES.—(1) Funds received from the sale of tanks under this section shall be available for the upgrading of tanks for fielding to the Army.

"(2) Funds received from the sale of infantry fighting vehicles or armored personnel carriers under this section shall be available for the upgrading of infantry fighting vehicles or armored personnel carriers for fielding to the Army.

"(3) Paragraphs (1) and (2) apply only to the extent provided in advance in appropriations Acts.

"(4) This subsection applies with respect to funds received from sales occurring after September 30, 1989.".

SEC. 115. CHEMICAL AGENT MONITORING PROGRAM.

The Improved Chemical Agent Monitor (ICAM) may not be procured for the Armed Forces until the Secretary of the Army—

(1) completes an analysis of the initial production test results of the Chemical Agent Monitor (CAM);

(2) submits to Congress a report containing a discussion of the reliability and consistency of the laboratory-tested and field-tested Chemical Agent Monitor; and

(3) determines, and notifies Congress in writing, that all design and production deficiencies of the Chemical Agent Monitor have been identified and corrected before the resumption of obligation of funds for procurements under the Chemical Agent Monitoring Program.

Subtitle C—Navy Programs

SEC. 121. SHIPBUILDING AND CONVERSION PROGRAMS.

(a) SCN PROGRAMS.—Amounts authorized to be appropriated under section 102(a)(3) are available for shipbuilding and conversion programs as follows:

For the aircraft carrier replacement program, $832,200,000.

For the CVN aircraft carrier refueling overhaul advance procurement program, $6,800,000.

For the CGN cruiser refueling overhaul advance procurement program, $30,439,000.

For the Arleigh Burke guided missile destroyer program, $3,319,643,000.

For the LHD–1 amphibious assault ship program, $1,205,000,000.

For the MHC–1 coastal minehunter program, $246,205,000.

For the oceanographic ship conversion program, $19,500,000.

For the service craft program, $126,028,000.

For outfitting, $385,321,000.

For post-delivery, $223,105,000.

For first destination transportation, $6,031,000.

(b) UNDISTRIBUTED REDUCTION.—The sum of the amounts provided under subsection (a) for fiscal year 1993 for the programs referred to in that subsection is reduced by $441,609,000 in order to be within the total amount authorized to be appropriated for that fiscal year under section 102(a)(3).

SEC. 122. AIRBORNE SELF PROTECTION JAMMER.

(a) LIMITATION.—None of the funds available to the Department of Defense for fiscal year 1993 or any fiscal year before fiscal year 1993 may be used for the procurement of the Airborne Self Protection Jammer system except for the payment of the costs of terminating existing contracts for the procurement of the Airborne Self Protection Jammer system.

(b) EFFECTIVENESS OF LIMITATION.—This section shall take effect upon submittal by the Secretary of Defense to the congressional defense committees of notice that the Airborne Self Protection Jammer system has been determined by the Secretary to be either not operationally effective or not operationally suitable in operational testing.

SEC. 123. AV–8B HARRIER RADAR UPGRADE PROGRAM.

None of the funds appropriated or otherwise made available to the Department of Defense for fiscal year 1993 may be obligated for the AV–8B radar upgrade program or for the remanufacture of AV–8B aircraft requiring installation of a new fuselage.

Subtitle D—Air Force Programs (Nonstrategic)

SEC. 131. C–135 AIRCRAFT PROGRAM.

Of the funds authorized to be appropriated in section 103 for procurement of aircraft for the Air Force, $439,500,000 shall be available for the modification of C–135 aircraft as follows:

(1) $87,600,000 shall be available to reengine four KC–135Q aircraft.

(2) $219,000,000 shall be available to reengine 10 KC–135E aircraft for the Air National Guard.

(3) $65,700,000 shall be available, if the RC–135 aircraft is selected under section 141, to reengine three RC–135 aircraft or, if the RC–135 aircraft is not selected under section 141, to reengine three KC–135 aircraft (in addition to those referred to in paragraphs (1) and (2)).

(4) $51,600,000 shall be available for the open skies sensor system.

(5) $15,600,000 shall be available for miscellaneous C–135 aircraft modifications.

SEC. 132. LIVE-FIRE SURVIVABILITY TESTING OF C–17 AIRCRAFT.

(a) APPLICABILITY OF EXISTING LAW.—The C–17 transport aircraft shall be considered to be a covered system for purposes of survivability testing under section 2366 of title 10, United States Code.

(b) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may exercise the waiver authority in subsection (c) of such section with respect to the application of the survivability tests of that section to the C–17 transport aircraft notwithstanding that such program has entered full-scale engineering development.

(c) REPORT REQUIREMENT.—If the Secretary of Defense submits a certification under subsection (c) of such section that live-fire testing of the C–17 system under such section would be unreasonably expensive or impractical, the Secretary of Defense shall require that sufficiently large and realistic components and subsystems that could affect the survivability of the C–17 system be made available for any alternative live-fire test program.

(d) FUNDING.—The funds required to carry out any alternative live-fire testing program for the C–17 aircraft system shall be made available from amounts appropriated for the C–17 program for fiscal year 1993.

SEC. 133. CORRECTION OF FUEL LEAKS ON C–17 PRODUCTION AIRCRAFT.

(a) CERTIFICATION OF CONTRACTOR CORRECTION UNDER WARRANTY.—The Secretary of the Air Force shall (except as otherwise provided under subsection (b)) certify to the congressional defense committees that the repair of the fuel leaks on production C–17 aircraft will be carried out by the contractor (under the warranty provisions of the production contract for such aircraft) at no additional cost to the Government and with no additional consideration to the contractor for production aircraft under the C–17 program by reason of the repair of the C–17 fuel leaks.

(b) ALTERNATIVE TO CERTIFICATION.—If the Secretary of the Air Force is unable to make the certification referred to in subsection (a), the Secretary—

(1) shall carry out the repair of the fuel leaks at an Air Logistics Center in the continental United States; and

(2) shall submit to the congressional defense committees a report notifying the committees that the Secretary is unable to make such a certification and setting forth a schedule for conducting the repair of the fuel leaks pursuant to paragraph (1).

SEC. 134. C–17 AIRCRAFT PROGRAM.

(a) FUNDING FOR PROGRAM.—Of the amount appropriated pursuant to section 103(1)—

(1) not more than $1,810,635,000 shall be available for procurement for the C–17 aircraft program other than advance procurement and procurement of spare parts; and

(2) not more than $250,905,000 shall be available for advance procurement for the C–17 aircraft program.

(b) FISCAL YEAR 1993 LIMITATION.—In addition to the limitation contained in section 133(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1311), none of the funds appropriated for the Department of Defense for fiscal year 1993 that are made available for the C–17 aircraft program (other than funds for advance procurement) may be obligated before the Secretary of Defense submits to the congressional defense committees the report referred to in section 133(b) of that Act.

(c) FISCAL YEAR 1994 LIMITATION.—None of the funds appropriated for the Department of Defense for fiscal year 1994 that are made available for the C–17 aircraft program (other than funds for advance procurement) may be obligated before—

(1) the Secretary of the Air Force—

(A) convenes the Scientific Advisory Board to determine the technical feasibility of carrying out a service life extension program for the C–141 aircraft fleet and to review programmed depot maintenance policies and practices for the C–141 aircraft fleet; and

(B) acts to limit the retirement of any operationally capable C–141 aircraft until a decision is made concerning a service life extension for the C–141 fleet;

(2) the Secretary of Defense convenes a special Defense Acquisition Board to review the C–17 aircraft program;

(3) the special Defense Acquisition Board submits to the Secretary of Defense a report on the C–17 aircraft program, including the matters described in subsection (d); and

(4) the Secretary of Defense submits the report of that board, including the material referred to in subsection (d), to the congressional defense committees.

(d) MATTERS TO BE INCLUDED IN REVIEW.—The review (referred to in subsection (c)(2)) that is conducted by the special Defense Acquisition Board shall include—

(1) an assessment by the Joint Requirements Oversight Council (JROC) of the adequacy of the requirements for the C–17 aircraft;

(2) an analysis by a federally funded research and development center of the cost and operational effectiveness of the C–17 aircraft pro-

gram taking into consideration complementary mixes of other aircraft; and

(3) an affordability assessment of the program, performed by the Cost Analysis Improvement Group in the Office of the Assistant Secretary of Defense for Program Analysis and Evaluation.

(e) PROHIBITION RELATING TO PRODUCTION CAPABILITY.—None of the funds provided under subsection (a) for the C–17 aircraft program may be used to increase the current rate at which the contractor could produce C–17 aircraft.

(f) INITIATIVE ON COST, PERFORMANCE, AND MANAGEMENT.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall establish an initiative to maintain control over costs, contractor performance, and management performance within the C–17 aircraft program.

(2) The initiative shall include the following elements:

(A) The establishment of a management plan which provides for the decisions to commit to specified levels of production to be linked to progress in meeting specified program milestones, including testing milestones of such critical performance elements as—

(i) maximum range and maximum payload performance;

(ii) short airfield performance;

(iii) ground mobility in restricted airfield conditions;

(iv) low altitude parachute extraction capability;

(v) air drop capability; and

(vi) sustainable utilization rate performance.

(B) The establishment of a program for promoting increased interaction between the prime contractor and major program subcontractors on management and performance issues.

(C) The establishment of a senior management review group to report directly to the Under Secretary of Defense for Acquisition on the status of aircraft capability, program management, schedule, and cost.

(D) The establishment of a system maturity matrix.

(3) Not later than April 1, 1993, the Secretary of Defense shall submit to the congressional defense committees a report on the initiative. The report shall include a description of the measures taken to implement the initiative, including actions taken with respect to each of the elements specified in paragraph (2), and a description of the criteria and milestones to be used in evaluating actual program performance against specified program performance.

(g) FUNDING LIMITATION ON FISCAL YEAR 1993 ADVANCE PROCUREMENT FUNDS.—(1) None of the funds made available pursuant to subsection (a)(2) may be obligated until the Secretary of Defense certifies to the congressional defense committees that—

(A) the aircraft designated as the P–9 aircraft has moved to the "major join" stage of production with no less than 90 percent of its assembly completed in position; and

(B) the assembly of the aircraft designated as the P–14 aircraft has begun at the final assembly facility.

(2) A certification of the Secretary under paragraph (1) shall be based on findings transmitted to the Secretary by the Defense Plant Representative Office.

SEC. 135. TACTICAL ELECTRONIC WARFARE AIRCRAFT UPGRADE PROGRAM.

Not more than 65 percent of the funds authorized to be appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1993 may be obligated for the Air Force EF–111 aircraft System Improvement Program (SIP) upgrade program until the Secretary of Defense—

(1) transmits to Congress the report referred to in section 901;

(2) determines, in light of such report and other factors, whether the EF–111 aircraft fleet is to be retained in the inventory; and

(3) transmits to the congressional defense committees—

(A) a notification of that determination; and

(B) if that determination is that such fleet is to be retained in the inventory, a certification that the System Improvement Program upgrade program for the EF–111 aircraft, and the operating and support costs for the fleet of EF–111 aircraft, are fully budgeted in the future-years defense program.

SEC. 136. F–16 AIRCRAFT PROGRAM.

None of the funds authorized to be appropriated for the F–16 program for fiscal year 1993 or otherwise made available for the F–16 program may be obligated for advance procurement or any purposes other than the production of 24 F–16 aircraft and associated spare parts and support equipment until the Secretary of Defense has complied with the provisions of sections 901 and 902.

Subtitle E—Defense-Wide Programs

SEC. 141. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE PROGRAMS.

(a) AUTHORIZATION.—Of the funds authorized to be appropriated under section 104, $56,962,000 shall be available for modernizing either EP–3 Aries aircraft or RC–135 Rivet Joint aircraft.

(b) LIMITATION.—None of the funds provided under subsection (a) or funds appropriated or otherwise made available to the Department of Defense for procurement for fiscal year 1993 may be obligated for Navy EP–3 aircraft or Air Force RC–135 aircraft until the Secretary of Defense—

(1) transmits to Congress the report referred to in section 901;

(2) determines, in light of such report and other factors, which of those two aircraft best meets the intelligence requirements of the Department and, therefore, is to be retained in the inventory; and

(3) transmits to the congressional defense committees—

(A) a notification of the determination under paragraph (2); and

(B) a determination of the total requirements for the selected aircraft, taking into consideration the contribution of related systems such as the Navy ES–3 aircraft and the Air Force U–2 and C–130 Senior Scout aircraft.

(c) TRANSFER AUTHORITY.—(1) Upon determination of which aircraft referred to in subsection (a) best meets the intelligence requirements of the Department, and subject to the limitations in subsection (b), the Secretary of Defense may transfer the amount referred to in subsection (a) to either the Navy for procurement of EP–3 modifications or to the Air Force for procurement of RC–135 modifications, depending upon which aircraft was selected.

(2) The transfer authority in paragraph (1) is in addition to any other transfer authority provided in this or any other Act.

SEC. 142. MH–47E/MH–60K HELICOPTER MODIFICATION PROGRAMS.

(a) REQUIRED TESTING.—Notwithstanding the requirements of subsections (a) (2) and (b) of section 2366 of title 10, United States Code, and the requirements of subsection (a) of section 2399 of such title—

(1) operational test and evaluation and survivability testing of the MH–60K helicopter under the MH–60K helicopter modification program shall be completed prior to full materiel release of the MH–60K helicopters for operational use; and

(2) operational test and evaluation and survivability testing of the MH–47E helicopter under the MH–47E helicopter modification program shall be completed prior to full materiel release of the MH–47E helicopters for operational use.

(b) REPEAL OF SUPERSEDED LAW.—Section 143 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1313) is repealed.

Subtitle F—Strategic Programs

SEC. 151. B–2 BOMBER AIRCRAFT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated pursuant to section 103 for the Air Force for fiscal year 1993 for procurement of aircraft, not more than $2,686,572,000 may be obligated for procurement for the B–2 bomber aircraft program.

(b) B–2 BUYOUT AND TERMINATION.—The funds referred to in subsection (a) may be obligated only for the purpose of completing procurement of aircraft for the B–2 bomber program, procurement of spares and parts, and payment of all termination costs under the B–2 program.

(c) LIMITATION ON NUMBER OF B–2 AIRCRAFT.—A total of not more than 20 deployable B–2 bomber aircraft plus one test aircraft may be procured.

(d) LIMITATION ON OBLIGATION OF FUNDS.—Of the funds referred to in subsection (a), not more than $900,000,000 may be obligated until—

(1) the Secretary of Defense submits to the congressional defense committees—

(A) the reports and certifications referred to in section 131(b)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1306);

(B) the report under subsection (e); and

(C) the report under subsection (f);

(2) the Secretary provides to the Comptroller General of the United States for his review and evaluation the reports required under subsection (e) and (f) and 30 calendar days thereafter have elapsed; and

(3) after (A) the submission of the reports and certifications required by section 131 of Public Law 102–190, and the reports required under paragraph (1), and (B) either the review period specified in paragraph (2) has elapsed or the Comptroller General has delivered to the congressional defense committees his review of the reports required under subsections (e) and (f), whichever occurs first, there is enacted an Act which permits the obligation of such funds for the procurement of B–2 bomber aircraft.

(e) REPORT ON LOW OBSERVABILITY AND SURVIVABILITY.—A report of the Secretary of Defense referred to in subsection (d)(1)(B) is a report submitted to the congressional defense committees that includes the following:

(1) The assessment by the Secretary of Defense of the extent to which the B–2 aircraft will meet its original low observability (including radar cross section) operational performance objectives, including objectives which were not fulfilled in a B–2 flight test in July 1991.

(2) A full description of the information upon which the assessment required by paragraph (1) is based, including all relevant flight test data.

(3) A full description of any actions planned to improve the B–2 aircraft's low observability capabilities beyond the capabilities that have been demonstrated in flight testing by the date of the submission of the report required by this subsection, and the associated costs and benefits.

(4) A quantitative assessment by the Secretary of Defense of the likelihood that a B–2 aircraft having the low observable characteristics projected for the aircraft can survive in the execution in the future of its primary mission as a penetrating nonnuclear bomber, as compared to the likelihood that a B–2 aircraft meeting all of its original radar cross section operational performance objectives contained in the current development contract can survive in the execution of such a mission.

(f) REPORT ON COST OF PROGRAM FOR 20 B–2 AIRCRAFT.—A report of the Secretary of Defense

referred to in subsection (d)(1)(C) is a report submitted to the congressional defense committees that describes the total acquisition costs associated with a B-2 program resulting in 20 deployable aircraft, including all costs associated with research, development, test, and evaluation and procurement (including all planned modifications and retrofits, tooling, preplanned product improvements, support equipment, interim contractor support, initial spares, any Government liability associated with termination, and other Government costs).

SEC. 152. MODERNIZATION OF HEAVY BOMBER FORCE.

(a) PLAN FOR TESTING.—(1) The Secretary of Defense shall prepare a plan to evaluate heavy bombers (other than the B-2 bomber) in operational test ranges and facilities to demonstrate the effectiveness in conventional scenarios of both missions involving combined force package and missions involving only heavy bombers (other than the B-2 bomber).

(2) The aircraft to be tested under the plan include—

(A) B-52H bombers; and

(B) B-1 bombers.

(3) The plan shall be designed—

(A) to provide an assessment of the contribution afforded air operational commanders through the use of heavy bombers (other than the B-2 bomber);

(B) to evaluate advanced conventional munitions capabilities;

(C) to evaluate the effectiveness of heavy bombers (other than the B-2 bomber) in both missions involving combined force package and missions involving only heavy bombers (other than the B-2 bomber); and

(D) to provide a baseline of current capabilities of heavy bombers (other than the B-2 bomber).

(b) EVALUATION OF SURVIVABILITY AND EFFECTIVENESS TESTING CAPABILITY.—(1) The Secretary of Defense shall conduct an assessment of the current capability of the Department of Defense to carry out survivability flight testing and operational effectiveness flight testing of heavy bombers (other than the B-2 bomber) against a set of defenses and defended target arrays that are representative of a broad range of potential defenses that those bombers might encounter during conventional conflicts during the next 20 years.

(2) The Secretary shall carry out paragraph (1) with the assistance of—

(A) the Secretary of the Air Force;

(B) the Vice Chairman of the Joint Chiefs of Staff (in the Vice Chairman's capacity as chairman of the Joint Requirements Oversight Council);

(C) the Director of Operational Test and Evaluation of the Department of Defense; and

(D) an independent panel to be established by the Secretary in accordance with the provisions of section 121(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1379).

(c) MATTERS TO BE COVERED BY ASSESSMENT.—As part of the assessment under subsection (b), the Secretary of Defense shall determine the following:

(1) The capability of the Department of Defense to design an operationally representative test that would use threat assets that are currently fielded by the Department and that would include—

(A) cued defenses and uncued defenses;

(B) individual air defense systems as well as multiple air defenses; and

(C) survivability and operational effectiveness with and without external assets for suppression or disruption of simulated enemy air defenses.

(2) The required quantitative measurements that are adequate to permit extrapolation of test data developed through the operationally representative test to untested scenarios with reasonable confidence levels.

(3) The capability of the Department to design tests to permit the evaluation of the effect that use of advanced conventional munitions currently under development would have on the survivability and effectiveness of the aircraft.

(d) REPORTING REQUIREMENTS.—(1) The Secretary of Defense shall submit to the congressional defense committees the plan for evaluating heavy bombers required by subsection (a)(1). The plan shall include an evaluation of the usefulness of such testing in determining the contribution of heavy bombers (other than the B-2 bomber) in conventional scenarios.

(2) The Secretary of Defense shall submit to the congressional defense committees a report, in unclassified and classified forms, on the results of the assessment conducted pursuant to subsection (b). The report shall—

(A) identify deficiencies in the numbers, performance, capability, and fidelity of air defense threats and threat simulators available for operational testing; and

(B) include an analysis of the cost and leadtimes necessary for obtaining, for testing purposes, a representation of current and likely future air defenses that is adequate for evaluating proposed modifications to B-1B and B-52H bomber aircraft.

(3) Within 60 days after the date of the submission of the plan under paragraph (1) and the report under paragraph (2), the Comptroller General of the United States shall review the report (including the recommendations in the report) and the plan and shall provide the congressional defense committees his views on the report and the plan.

Subtitle G—Chemical Demilitarization Program

SEC. 171. CHANGE IN CHEMICAL WEAPONS STOCKPILE ELIMINATION DEADLINE.

Section 1412(b)(5) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(b)(5)), is amended by striking out "July 31, 1999" and inserting in lieu thereof "December 31, 2004".

SEC. 172. CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.

(a) ESTABLISHMENT.—(1) The Secretary of the Army shall establish a citizens' commission for each State in which there is a low-volume site (as defined in section 180). Each such commission shall be known as the "Chemical Demilitarization Citizens' Advisory Commission" for that State.

(2) The Secretary shall also establish a Chemical Demilitarization Citizens' Advisory Commission for any State in which there is located a chemical weapons storage site other than a low-volume site, if the establishment of such a commission for such State is requested by the Governor of that State.

(b) FUNCTIONS.—The Secretary of the Army shall provide for a representative from the Office of the Assistant Secretary of the Army (Installations, Logistics, and Environment) to meet with each commission under this section to receive citizen and State concerns regarding the ongoing program of the Army for the disposal of the lethal chemical agents and munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)) at each of the sites with respect to which a commission is established pursuant to subsection (a).

(c) MEMBERSHIP.—(1) Each commission established for a State pursuant to subsection (a) shall be composed of nine members appointed by the Governor of the State. Seven of such members shall be citizens from the local affected areas in the State; the other two shall be representatives of State government who have direct responsibilities related to the chemical demilitarization program.

(2) For purposes of paragraph (1), affected areas are those areas located within a 50-mile radius of a chemical weapons storage site.

(d) CONFLICTS OF INTEREST.—For a period of five years after the termination of any commission, no corporation, partnership, or other organization in which a member of that commission, a spouse of a member of that commission, or a natural or adopted child of a member of that commission has an ownership interest may be awarded—

(1) a contract related to the disposal of lethal chemical agents or munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)); or

(2) a subcontract under such a contract.

(e) CHAIRMAN.—The members of each commission shall designate the chairman of the commission from among the members of the commission.

(f) MEETINGS.—Each commission shall meet with a representative from the Office of the Assistant Secretary of the Army (Installations, Logistics, and Environment) upon joint agreement between the chairman of the commission and that representative. The two parties shall meet not less than often than twice a year and may meet more often at their discretion.

(g) PAY AND EXPENSES.—Members of each commission shall receive no pay or compensation for their involvement in their activities of the commission.

(h) TERMINATION OF COMMISSIONS.—Each commission shall be terminated after the stockpile located in that commission's State has been destroyed.

SEC. 173. EVALUATION OF ALTERNATIVE TECHNOLOGIES.

(a) REPORT.—Not later than December 31, 1993, the Secretary of the Army shall submit to Congress a report on the potential alternatives to the use of the Army's baseline disassembly and incineration process for the disposal of lethal chemical agents and munitions. The report shall include the following:

(1) An analysis of the report of the Committee on Alternative Chemical Demilitarization Technologies of the National Research Council of the National Academy of Sciences.

(2) Any recommendations that the National Academy of Sciences makes to the Army regarding the report of that committee, together with the Secretary's evaluation of those recommendations.

(3) A comparison of the baseline disassembly and incineration process with each alternative technology evaluated in the report of such committee that the National Academy of Sciences recommends for use in the Army Chemical Stockpile Disposal Program, taking into consideration each of the following factors:

(A) Safety.

(B) Environmental protection.

(C) Cost effectiveness.

(4) For each alternative technology recommended by the National Academy of Sciences, the date by which the Army could reasonably be expected to systematize, construct, and test the technology, obtain all necessary environmental and other permits necessary for using that technology for the disposal of lethal chemical agents and munitions, and have the technology available for full-scale chemical weapons destruction and demilitarization operations.

(5) A description of alternatives to incineration that are being developed by Russia for use in its chemical demilitarization program and an assessment of the extent to which such alternatives could be used to destroy lethal chemical weapons in the United States inventory of such weapons.

(6) Consideration of appropriate concerns arising from meetings of the Chemical Demilitarization Citizens' Advisory Commissions established pursuant to section 172.

(7) In any case in which the criteria specified in section 174 are met, notification that the Secretary intends to implement an alternative technology disposal process at a low-volume site.

(b) LIMITATION.—(1) Except as provided in paragraphs (2) and (3), the Secretary of the Army may not commence site preparation for, or construction of, a facility for disassembly and incineration of chemical agents until the report required under subsection (a) is submitted to Congress.

(2) The limitation in paragraph (1) does not apply to any facility for disassembly and incineration of chemical agents (of the eight such facilities identified in the Army Chemical Stockpile Disposal Program) at which site preparation or construction has commenced before the date of the enactment of this Act.

(3) Except as provided in section 175, the limitation in paragraph (1) does not apply to the following:

(A) Facility design activities.

(B) The obtaining of environmental permits.

(C) Project planning.

(D) Procurement of equipment for installation in a facility.

(E) Dual purpose depot support construction projects which are needed to ensure the continuing safe storage of chemical weapons stocks and their ultimate disposal regardless of the technology employed.

SEC. 174. ALTERNATIVE DISPOSAL PROCESS FOR LOW-VOLUME SITES.

(a) REQUIREMENT FOR ALTERNATIVE PROCESS.—If the date by which chemical weapons destruction and demilitarization operations can be completed at a low-volume site using an alternative technology process evaluated by the Secretary of the Army falls within the deadline established by the amendment made by section 171 and the Secretary determines that the use of that alternative technology process for the destruction of chemical weapons at that site is significantly safer and equally or more cost-effective than the use of the baseline disassembly and incineration process, then the Secretary of the Army, as part of the requirement of section 1412(a) of Public Law 99–145, shall carry out the disposal of chemical weapons at that site using such alternative technology process. In addition, the Secretary may carry out the disposal of chemical weapons at sites other than low-volume sites using an alternative technology process (rather than the baseline process) after notifying Congress of the Secretary's intent to do so.

(b) APPLICABILITY OF CERTAIN PROVISIONS OF SECTION 1412.—Subsections (c), (e), (f), and (g) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) shall apply to this section and to activities under this section in the same manner as if this section were part of that section 1412.

SEC. 175. REVISED CHEMICAL WEAPONS DISPOSAL CONCEPT PLAN.

(a) REVISED PLAN.—If, pursuant to section 174, the Secretary of the Army is required to implement an alternative technology process for destruction of chemical weapons at any low-volume site, the Secretary shall submit to Congress a revised chemical weapons disposal concept plan incorporating the alternative technology process and reflecting the revised stockpile disposal schedule developed under section 1412(b) of Public Law 99–145 (50 U.S.C. 1521(b)), as amended by section 171. In developing the revised concept plan, the Secretary should consider, to the maximum extent practicable, revisions to the program and program schedule that capitalize on the changes to the chemical demilitarization schedule resulting from the revised stockpile elimination deadline by reducing cost and decreasing program risk.

(b) MATTERS TO BE INCLUDED.—The revised concept plan should include—

(1) life-cycle cost estimates and schedules; and

(2) a description of the facilities and operating procedures to be employed using the alternative technology process.

(c) APPLICABILITY OF CERTAIN PROVISIONS OF SECTION 1412.—Subsection (c) of section 1412 of Public Law 99–145 (50 U.S.C. 1521) shall apply to the revised concept plan in the same manner as if this section were part of that section 1412.

(d) SUBMISSION OF REVISED PLAN.—If the Secretary is required to submit a revised concept plan under this section, the Secretary shall submit the revised concept plan not later than 180 days after the date on which the Secretary submits the report required under section 173.

(e) LIMITATION.—If the Secretary is required to submit a revised concept plan under this section, no funds may be obligated for procurement of equipment or for facilities planning and design activities (other than for those preliminary planning and design activities required to comply with subsection(b)(2)) for a chemical weapons disposal facility at any low-volume site at which the Secretary intends to implement an alternative technology process until the Secretary submits the revised concept plan.

SEC. 176. REPORT ON DESTRUCTION OF NON-STOCKPILE CHEMICAL MATERIAL.

(a) REPORT REQUIRED.—(1) Not later than February 1, 1993, the Secretary of the Army shall submit to Congress a report setting forth the Army's plans for destroying all chemical warfare material of the United States not covered by section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), that would be required to be destroyed if the United States became a party to a chemical weapons convention described in paragraph (2).

(2) The chemical weapons convention referred to in paragraph (1) is a chemical weapons convention that is substantially the same as the final draft of the proposed international Chemical Weapons Convention (CWC) tabled by the Chairman of the United Nations Conference on Disarmament Ad Hoc Committee on Chemical Weapons on June 22, 1992 (CD/CW/WP.400/Rev.1).

(b) MATERIALS TO BE COVERED BY REPORT.—The chemical warfare material covered by the report shall include the following:

(1) Binary chemical munitions.

(2) Buried chemical munitions.

(3) Chemical munitions recovered from ranges.

(4) Chemical weapons production facilities.

(5) All other chemical warfare material referred to in subsection (a).

(c) MATTERS TO BE INCLUDED IN REPORT.—The report shall include the following:

(1) A list of all suspected locations (including ranges) of buried or unexpended chemical munitions.

(2) An estimate of the number of such munitions and, of that number, how many of such munitions are planned to be destroyed.

(3) An inventory of the former chemical weapons production facilities and previously contaminated storage containers and the plans for destroying those facilities and containers.

(4) An inventory of the binary chemical munitions and the plans for destroying those munitions.

(5) The locations at which the chemical warfare materials and facilities referred to subparagraphs (A) through (D) will be destroyed.

(6) A description of the use, if any, that will be made of the Chemical Agent and Munitions Disposal System (CAMDS) facility, Tooele, Utah, in the destruction of those chemical warfare materials, as well as possible future uses of that facility for the destruction of conventional munitions or for research and development of possible alternative technologies for the destruction of chemical munitions.

(7) For the chemical warfare materials that cannot be destroyed in place or on site, a description of the means to be used for transporting the materials to disposal facilities.

(8) An estimate of the cost of destroying such chemical warfare materials and facilities.

(9) An estimate of the time that will be necessary to destroy such chemical warfare materials and facilities and the Secretary's determination of the likelihood that such materials and facilities can be destroyed by December 31, 2004.

(10) A determination as to whether it is a realistic option to transport chemical agents and munitions currently stored at low-volume disposal sites to other locations for destruction instead of destroying those munitions at those sites, taking into consideration safety, cost effectiveness, and the potential obligations of the United States under a chemical weapons convention to transport substantial quantities of chemical warfare munitions and materials not in the United States stockpile of lethal chemical agents and munitions to various locations for destruction.

SEC. 177. PHYSICAL AND CHEMICAL INTEGRITY OF THE CHEMICAL WEAPONS STOCKPILE.

(a) REPORT REQUIRED.—Not later than May 1, 1993, the Secretary of the Army shall submit to Congress a report on the physical and chemical integrity of the existing chemical weapons that are contained in the chemical weapons stockpile of the United States and are stored within the eight chemical weapons storage sites within the continental United States.

(b) CONTENT OF REPORT.—The report shall include the following matters:

(1) A critical analysis of the near-term, midterm, and long-term storage life of all chemical materials and chemical munitions contained within the storage sites referred to in subsection (a).

(2) For each class of chemical munitions and chemical agents, an analysis of the overall frequency of leaks of the munitions and agents and the frequency of leaks of the munitions and agents at each storage site.

(3) For each class of munitions and agents and for each storage site, a description of the finite risks and potential harm to human health and environmental quality that are associated with such catastrophic events as container breach, spontaneous munition ignition, and leak.

(4) A critical analysis of the risks associated with the storage of the chemical munitions and chemical agents in each class of chemical munitions and chemical agents that are stored at each storage site through December 31, 2004.

(5) A discussion of actions that could be taken to minimize or eliminate the risks identified pursuant to paragraphs (1) through (4).

SEC. 178. SENSE OF CONGRESS CONCERNING INTERNATIONAL CONSULTATION AND EXCHANGE PROGRAM.

It is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should establish, with other nations that are anticipated to be signatories to an international agreement or treaty banning chemical weapons, a program under which consultation and exchange concerning chemical weapons disposal technology could be enhanced. Such a program shall be used to facilitate the exchange of technical information and advice concerning the disposal of chemical weapons among signatory nations and to further the development of safer, more cost-effective methods for the disposal of chemical weapons.

SEC. 179. TECHNICAL AMENDMENTS TO SECTION 1412.

Section 1412 of Public Law 99–145 (50 U.S.C. 1521) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "(1)" before "Notwithstanding any other provision of law,"; and

(B) by striking out paragraph (2).

(2) Subsection (c) is amended by striking out "subsection (a)(1)" and inserting in lieu thereof "subsection (a)".

(3) Subsection (g) is amended—

(A) in paragraph (1), by striking out "paragraph (4)" and inserting in lieu thereof "paragraph (3)";

(B) by striking out paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2) and in that paragraph striking out "report other than the first one" and inserting in lieu thereof "such report"; and

(D) by redesignating paragraph (4) as paragraph (3).

SEC. 180. DEFINITION OF LOW-VOLUME SITE.

For purposes of this subtitle, the term "low-volume site" means one of the three chemical weapons storage sites in the United States at which there is stored 5 percent or less of the total United States stockpile of unitary chemical weapons.

Subtitle H—Armament Retooling and Manufacturing Support Initiative

SEC. 191. SHORT TITLE.

This subtitle may be cited as the "Armament Retooling and Manufacturing Support Act of 1992".

SEC. 192. POLICY.

It is the policy of the United States—

(1) to encourage, to the maximum extent practicable, nondefense commercial firms to use Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army;

(2) to use such facilities for supporting programs, projects, policies, and initiatives that promote competition in the private sector of the United States economy and that advance United States interests in the global marketplace;

(3) to increase the manufacture of products inside the United States that, to a significant extent, are manufactured outside the United States;

(4) to support policies and programs that provide manufacturers with incentives to assist the United States in making more efficient and economical use of Government-owned industrial plants and equipment for commercial purposes;

(5) to provide, as appropriate, small businesses (including socially and economically disadvantaged small business concerns and new small businesses) with incentives that encourage those businesses to undertake manufacturing and other industrial processing activities that contribute to the prosperity of the United States;

(6) to encourage the creation of jobs through increased investment in the private sector of the United States economy;

(7) to foster a more efficient, cost-effective, and adaptable armaments industry in the United States;

(8) to achieve, with respect to armaments manufacturing capacity, an optimum level of readiness of the defense industrial base of the United States that is consistent with the projected threats to the national security of the United States and the projected emergency requirements of the Armed Forces of the United States; and

(9) to encourage facility contracting where feasible.

SEC. 193. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.

(a) AUTHORITY FOR INITIATIVE.—During fiscal years 1993 and 1994, the Secretary of the Army may carry out a program to be known as the "Armament Retooling and Manufacturing Support Initiative" (hereinafter in this subtitle referred to as the "ARMS Initiative").

(b) PURPOSES.—The purposes of the ARMS Initiative are as follows:

(1) To encourage commercial firms, to the maximum extent practicable, to use Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army for commercial purposes.

(2) To increase the opportunities for small businesses (including socially and economically disadvantaged small business concerns and new small businesses) to use such facilities for those purposes.

(3) To reduce the adverse effects of reduced Department of the Army spending that are experienced by States and communities by providing for such facilities to be used for commercial purposes that create jobs and promote prosperity.

(4) To provide for the reemployment and retraining of skilled workers who, as a result of the closing of such facilities, are idled or underemployed.

(5) To contribute to the attainment of economic stability in economically depressed regions of the United States where there are Government-owned, contractor-operated ammunition manufacturing facilities of the Department of Army.

(6) To maintain in the United States a work force having the skills in manufacturing processes that are necessary to meet industrial emergency planned requirements for national security purposes.

(7) To be a model for future defense conversion initiatives.

(8) To the maximum extent practicable, to allow the operation of Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army to be rapidly responsive to the forces of free market competition.

(9) Through the use of Government-owned, contractor-operated ammunition manufacturing facilities for commercial purposes, to encourage relocation of industrial production to the United States from outside the United States.

(c) AVAILABILITY OF FACILITIES.—The Secretary of the Army may make the Government-owned, contractor-operated ammunition manufacturing facilities of the Department of the Army available for the purposes of the ARMS Initiative.

SEC. 194. FACILITIES CONTRACTS.

(a) IN GENERAL.—In the case of each Government-owned, contractor-operated ammunition manufacturing facility of the Department of the Army that is made available for the ARMS Initiative, the Secretary of the Army may, by contract, authorize the facility contractor—

(1) to use the facility for one or more years consistent with the purposes of the ARMS Initiative; and

(2) to enter into multiyear subcontracts for the commercial use of the facility consistent with such purposes.

(b) FACILITY CONTRACTOR DEFINED.—For purposes of subsection (a), the term "facility contractor", with respect to a Government-owned, contractor-operated ammunition manufacturing facility of the Department of the Army, means a contractor that, under a contract with the Secretary of the Army—

(1) is authorized to manufacture ammunition or any component of ammunition at the facility; and

(2) is responsible for the overall operation and maintenance of the facility for meeting planned requirements in the event of an industrial emergency.

SEC. 195. REPORTING REQUIREMENT.

Not later than July 1, 1993, the Secretary of the Army shall submit to the congressional defense committees a report on the ARMS initiative. The report shall contain—

(1) a comprehensive review of contracting of Government-owned, contractor-operated ammunition manufacturing facilities, under the ARMS Initiative; and

(2) any recommendations the Secretary may have for changes to the ARMS Initiative.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,919,048,000.

(2) For the Navy, $8,984,717,000.

(3) For the Air Force, $14,231,700,000.

(4) For the Defense Agencies, $10,478,115,000, of which—

(A) $261,707,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(B) $12,983,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT.

(a) FISCAL YEAR 1993.—Of the amounts authorized to be appropriated by section 201, $4,374,912,000 shall be available for basic research and exploratory development projects.

(b) BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.—For purposes of this section, the term "basic research and exploratory development" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. MANUFACTURING TECHNOLOGY DEVELOPMENT.

(a) FISCAL YEAR 1993.—Of the amounts authorized to be appropriated by section 201, $374,620,000 shall be available for, and may be obligated only for, manufacturing technology development as follows:

(1) For the Army, $51,000,000.

(2) For the Navy, $119,250,000.

(3) For the Air Force, $138,370,000.

(4) For the Defense Logistics Agency, $29,000,000.

(5) For the Office of the Secretary of Defense, $37,000,000.

(b) WORKER SKILLS.—Manufacturing technology development programs conducted by or for the Department of Defense, including those programs for which funds are made available pursuant to section 203, shall include a focus on production technologies designed to build on and expand existing worker skills and experience in manufacturing production.

SEC. 204. STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM.

Of the amounts authorized to be appropriated by section 201, $200,000,000 shall be available for the Strategic Environmental Research and Development Program.

SEC. 205. ENDOWMENT FOR DEFENSE INDUSTRIAL COOPERATION.

(a) REPORT.—The Secretary of Defense shall prepare a report on the benefits and limitations of establishing a United States-Israel Endowment for Defense Industrial Cooperation with the following objectives:

(1) To promote and support joint defense industrial activities of mutual benefit to the United States and Israel.

(2) To promote and support joint commercialization of defense technologies of mutual benefit to the United States and Israel.

(3) To strengthen a mutually beneficial defense trade program between the United States and Israel.

(b) DEADLINE.—The Secretary shall submit to Congress the report required by subsection (a) no later than August 1, 1993.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. V-22 OSPREY AIRCRAFT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201 or otherwise made available for research, development, test, and evaluation for the Navy for fiscal year 1993, the sum of $755,000,000 shall be used only for the V–22 Osprey aircraft program.

(b) USE OF FUNDS FOR CURRENT AND PRIOR FISCAL YEARS.—The amount made available for fiscal year 1993 for the V–22 Osprey aircraft program pursuant to subsection (a) and the amounts that were authorized and appropriated for preceding fiscal years for that program may be used only for—

(1) the development and manufacture of V–22 Osprey or derivative tiltrotor aircraft for operational testing; and

(2) the operational testing of such aircraft.

(c) REPORT.—(1) The Commandant of the Marine Corps shall submit to the congressional defense committees a report on the crash of the V–22 Osprey prototype aircraft that occurred on July 20, 1992. The report shall include a discussion of the following matters:

(A) The cause or causes of the crash.

(B) The extent to which a redesign of a system might be required to correct the condition or conditions that caused the crash.

(C) The effects of the crash on the cost, schedule, and technical risk of the V–22 Osprey development and testing program.

(2) Not more than 50 percent of the amount appropriated for the Navy for fiscal year 1993 and made available for the V–22 Osprey aircraft program may be obligated for such program until the Commandant has submitted the report required by paragraph (1).

SEC. 212. SPECIAL OPERATIONS VARIANT OF THE V-22 OSPREY AIRCRAFT.

Of the amounts authorized to be appropriated pursuant to section 201(4), $15,000,000 shall be available for research, development, test, and evaluation in connection with the special operations variant of the V–22 Osprey aircraft.

SEC. 213. EXTENSION OF PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1993 unless such testing is specifically authorized by law.

SEC. 214. NAVY TACTICAL AVIATION PROGRAMS.

(a) A–X AIRCRAFT PROGRAM.—The Secretary of Defense shall restructure the acquisition plan for the A–X aircraft program to provide for development, demonstration, and validation of at least two prototypes for each of the two most promising proposals received from concept exploration. In restructuring such acquisition strategy, the Secretary shall require the following:

(1) That the prototype designs for such aircraft, to the maximum extent feasible, use technologies for engines, radar, and avionics that are derived from the F–117, A–12, B–2, or F–22 aircraft programs or that are currently available in existing aircraft.

(2) That the aircraft design to be used for the program be selected through the use of competitive procedures.

(b) FA–18E/F AIRCRAFT PROGRAM.—The Secretary of the Navy may not obligate any funds for procurement for the F–18E/F multirole aircraft program until—

(1) the Secretary has completed an early operational assessment of the aircraft design based in part on flight performance of not less than two research and development prototype aircraft; and

(2) the Director of Operational Test and Evaluation of the Department of Defense has approved the operational assessment plan for the program.

SEC. 215. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAM.

Section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317) is amended—

(1) in subsection (a), by striking out "during fiscal years 1993 through 1997" and inserting in lieu thereof "during fiscal years 1994 through 1997"; and

(2) in subsection (b), by striking out "not later than June 1 of the calender year in which that fiscal year begins" and inserting in lieu thereof "coincident with the submission of the budget for that fiscal year".

SEC. 216. LIGHT ARMORED VEHICLE 105-MILLIMETER GUN (LAV-105) PROGRAM.

(a) REINSTATEMENT OF LAV–105 Program.—Unless the development program for the Light Armored Vehicle 105–millimeter (LAV–105) gun has been reinstated and the funds appropriated for that program for fiscal year 1992 have been obligated by the date of the enactment of this Act, the Secretary of the Navy, not later than 60 days after the date of the enactment of this Act shall—

(1) reinstate the program for engineering and manufacturing systems development of the LAV–105 vehicle; and

(2) obligate the funds provided for fiscal year 1992 for development and evaluation of the LAV–105 vehicle prototype.

(b) FUNDING.—Of the funds authorized to be appropriated pursuant to section 201, or otherwise made available, for research, development, test, and evaluation for the Navy for fiscal year 1993, the sum of $14,700,000 shall be available for completion of the development and operational testing of the LAV–105 vehicle.

SEC. 217. ADVANCED RESEARCH PROJECTS.

Section 2371 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) The Secretary of Defense, in carrying out research projects through the Defense Advanced Research Projects Agency, and the Secretary of each military department, in carrying out research projects, may permit the director of any federally funded research and development center to enter into cooperative research and development agreements with any person, any agency or instrumentality of the United States, any unit of State or local government, and any other entity under the authority granted by section 11 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a). Technology may be transferred to a non-Federal party to such an agreement consistent with the provisions of sections 10 and 11 of such Act (15 U.S.C. 3710, 3710a).".

SEC. 218. REVISION TO SUPERCONDUCTING MAGNETIC ENERGY STORAGE PROJECT.

(a) PROGRAM PLAN.—The Secretary of Defense, acting through the Director of the Defense Nuclear Agency, shall revise and proceed with the program plan submitted pursuant to section 220(b) of Public Law 102–190 (105 Stat. 1320) to revise and build an engineering test model for the Superconducting Magnetic Energy Storage Project.

(b) REVISIONS REQUIRED.—The Secretary shall revise the program plan for the Superconducting Magnetic Energy Storage Project to include the following:

(1) Background information on prior plans, on completed work, and on the specific history of Phases 1 and 2 of the Department of Defense's project.

(2) An improved and expanded management plan which establishes a distinct Project Office in the Department of Defense or in the Department of Energy.

(3) A project organizational structure which includes two oversight elements, as follows:

(A) An executive management steering committee composed of representatives of the Department of Defense, the Department of Energy, and the Electric Power Research Institute and representatives of any host utility and contributing sponsors.

(B) A technical review committee to provide a forum of United States experts to review the program progress and technical results and efforts to investigate the utiltiy of superconducting magnetic energy storage, with a requirement that the reviews be conducted at least quarterly and findings be reported to the Director, Defense Research and Engineering.

(4) Details of planned technical tasks that include—

(A) superconductor experiments that significantly increase the electric current capacity of superconducting magnetic energy storage experiments conducted in previous phases;

(B) new system sizing and costing studies of the engineering test model for extrapolation to both smaller and larger systems;

(C) materials and construction experiments and studies that lead to total system cost reduction; and

(D) system studies to determine potential applications of superconducting magnetic energy storage, including military, commercial, and scientific utility of the engineering test model.

(5) Plans to secure cost sharing for the project.

(c) SCHEDULE.—The Secretary shall submit the revised plan to Congress not later than 30 days after the date of the enactment of this Act.

(d) FUNDING.—The Secretary shall use unobligated funds appropriated for fiscal year 1992 for research, development, test, and evaluation to conduct the scientific investigations pertaining to this section, including contracting with the Department of Energy for appropriate participation in the studies.

(e) REVISION TO FISCAL YEAR 1992 PROVISIONS.—(1) Section 220(b) of Public Law 102–190 (105 Stat. 1320) is amended—

(A) by striking out the period at the end of paragraph (1) and inserting in lieu thereof "and by participating private sector firms."; and

(B) by striking out paragraph (3).

(2) Title IV of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1166), is amended in the paragraph under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES" by striking out "Provided further, That the Secretary of Defense shall complete the Phase One contractor down-selection process for the Superconductive Magnetic Energy Storage system within 60 days after enactment of this Act:".

Subtitle C—Missile Defense Programs

SEC. 231. THEATER MISSILE DEFENSE INITIATIVE.

(a) ESTABLISHMENT OF THEATER MISSILE DEFENSE INITIATIVE.—The Secretary of Defense shall establish a Theater Missile Defense Initiative office within the Department of Defense. All theater and tactical missile defense activities of the Department of Defense (including all programs, projects, and activities formerly associated with the Theater Missile Defense program element of the Strategic Defense Initiative) shall be carried out under the Theater Missile Defense Initiative.

(b) FUNDING FOR FISCAL YEAR 1993.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1993, not more than $935,000,000 may be obligated for activities of the Theater Missile Defense Initiative, of which not less than $90,000,000 shall be made available for exploration of promising concepts for naval theater missile defense.

(c) REPORT.—When the President's budget for fiscal year 1994 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) setting forth the proposed allocation by the Secretary of funds for the Theater Missile Defense Initiative for fiscal year 1994, shown for each program, project, and activity;

(2) describing an updated master plan for the Theater Missile Defense Initiative that includes (A) a detailed consideration of plans for theater and tactical missile defense doctrine, training, tactics, and force structure, and (B) a detailed acquisition strategy which includes a consideration of acquisition and life-cycle costs through the year 2005 for the programs, projects, and activities associated with the Theater Missile Defense Initiative;

(3) assessing the possible near-term contribution and cost-effectiveness for theater missile defense of exoatmospheric capabilities, to include at a minimum a consideration of—

(A) the use of the Navy's Standard missile combined with a kick stage rocket motor and lightweight exoatmospheric projectile (LEAP); and

(B) the use of the Patriot missile combined with a kick stage rocket motor and LEAP.

(d) EFFECTIVE DATE.—The provisions of subsections (a), (b), and (c) shall be implemented not later than 90 days after the date of the enactment of this Act.

SEC. 232. STRATEGIC DEFENSE INITIATIVE FUNDING.

(a) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1993, not more than $3,039,800,000 may be obligated for the Strategic Defense Initiative.

(b) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in subsection (a)—

(1) not more than $2,039,800,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(2) not more than $300,000,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(3) not more than $300,000,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(4) not more than $400,000,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(d) CONSTRUCTION OF AUTHORITY IN RELATION TO USER OPERATIONAL EVALUATION SYSTEM.—Nothing in this Act shall be construed to authorize the exercise of any option to fabricate or field elements of a User Operational Evaluation System at the initial anti-ballistic missile defense site.

SEC. 233. REPORTING REQUIREMENTS AND TRANSFER AUTHORITIES FOR TMDI AND SDI.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Theater Missile Defense Initiative and the Strategic Defense Initiative for fiscal year 1993. The report shall specify the amount of such funds allocated for each program, project, and activity of the Theater Missile Defense Initiative and the Strategic Defense Initiative and shall list each Strategic Defense Initiative program, project, and activity under the appropriate program element and list each Theater Missile Defense Initiative program, project, and activity.

(b) TRANSFER AUTHORITIES.—

(1) IN GENERAL.—Before the submission of the report required under subsection (a) and notwithstanding the limitations set forth in sections 231(b) and 232(b) of this Act, the Secretary of Defense may transfer funds among the Strategic Defense Initiative program elements named in section 232(b) of this Act and from such elements to the Theater Missile Defense Initiative.

(2) LIMITATION.—The total amount that may be transferred to or from any program element named in section 232(b)—

(A) may not exceed 10 percent of the amount provided in such subsection for the program element from which the transfer is made; and

(B) may not result in an increase of more than 10 percent of the amount provided in section 232(b) for the Strategic Defense Initiative program element to which the transfer is made and may not result in an increase of more than 10 percent of the amount provided in section 231(b) for the Theater Missile Defense Initiative.

(3) RESTRICTION.—Transfer authority under paragraph (1) may not be used for a decrease in funds indentified in section 231(b) for the Theater Missile Defense Initiative.

(4) MERGER AND AVAILABILITY.—Amounts transferred pursuant to paragraph (1) shall be merged with and be available for the same purposes as the amounts to which transferred.

SEC. 234. REVISION OF THE MISSILE DEFENSE ACT OF 1991.

(a) MISSILE DEFENSE GOALS OF THE UNITED STATES.—Section 232(a) of the Missile Defense Act of 1991 (part C of title II of Public Law 102–190; 105 Stat. 1321) is amended by striking out "(a)" and all that follows through the end of the paragraph (1) and inserting in lieu thereof the following:

"(a) MISSILE DEFENSE GOALS OF THE UNITED STATES.—It is a goal of the United States to—

"(1) comply with the ABM Treaty, including any protocol or amendment thereto, and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of the treaty, as modified by any protocol or amendment thereto, while deploying an antiballistic missile system that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles;".

(b) ELIMINATION OF THEATER MISSILE DEFENSE PROGRAM ELEMENT FROM SDI.—(1) Section 235(a) of such Act (105 Stat. 1323) is amended—

(A) by striking out paragraph (2); and

(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

(2) Section 236 of such Act (105 Stat. 1323) is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c), (d), and (e) as subsections, (b), (c), and (d), respectively.

(c) IMPLEMENTATION OF GOAL.—Subsection (b) of section 233 of such Act (105 Stat. 1322) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) THEATER MISSILE DEFENSE SYSTEMS.—The Secretary of Defense shall develop advanced theater missile defense systems for deployment.

"(2) INITIAL ABM DEPLOYMENT.—The Secretary shall develop for deployment a cost-effective, operationally effective, and ABM Treaty-compliant antiballistic missile system at a single site as the initial step toward deployment of an antiballistic missile system described in section 232(a)(1) designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks. The system components to be developed shall include—

"(A) 100 ground-based interceptors, the design of which is to be determined by competition and downselection for the most capable interceptor or interceptors;

"(B) fixed, ground-based, antiballistic missile battle management radars; and

"(C) optimum utilization of space-based sensors, including sensors capable of cueing ground-based antiballistic missile interceptors and providing initial targeting vectors, and other sensor systems that are not prohibited by the ABM Treaty, including specifically the Ground Surveillance and Tracking System.".

(d) FOLLOW-ON TECHNOLOGY RESEARCH.—(1) Subsection (c) of section 234 of such Act (105 Stat. 1323) is amended to read as follows:

"(c) TRANSFER OF MANAGEMENT RESPONSIBILITY FOR RESEARCH AND DEVELOPMENT OF FAR-TERM FOLLOW-ON TECHNOLOGIES.—

"(1) TRANSFER REQUIRED.—As the Strategic Defense Initiative Organization (SDIO) transitions from a broadly based research organization to a focused acquisition agency, maintaining responsibility for research and development of far-term follow-on technologies in that organization could distract management and result in funding shortfalls as the Strategic Defense Initiative Organization's priorities increasingly center on near-term deployment architectures. Accordingly, the Secretary of Defense shall transfer management and budget responsibility for research and development of all far-term follow-on technologies currently under the Strategic Defense Initiative Organization to the Defense Advanced Research Projects Agency (DARPA) or the appropriate military department, unless the Secretary determines, and certifies to the congressional defense committees, that transfer of a particular far-term follow-on technology currently under the Strategic Defense Initiative Organization would not be in the national security interests of the United States.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'far-term follow-on technology' means a technology that is not likely to be incorporated into a weapon system within 10 to 15 years after the date of the enactment of this Act.".

(2)(A) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report identifying—

(i) those programs, projects, and activities under the Other Follow-On Technologies program element for fiscal year 1993 which the Secretary is transferring to a military department or the Defense Advanced Research Projects Agency; and

(ii) those programs, projects, and activities under the Other Follow-On Technologies program element which the Secretary certifies are necessary in the national security interests of the United States to maintain under the Strategic Defense Initiative Organization.

(B) For purposes of subparagraph (A), the term "programs, projects, and activities under the Other Follow-On Technologies program element for fiscal year 1993' means the programs, projects, and activities listed under the Other Follow-On Technologies program element for fiscal year 1993 in the report submitted to the congressional defense committees on July 2, 1992 pursuant to section 233(b)(3) of the Missile Defense Act of 1991.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES FOR SDI PROGRAM ELEMENTS.—Section 236 of such Act (105 Stat. 1323) is amended—

(1) in subsection (a), by striking out "by fiscal year 1996" in the second sentence; and

(2) in subsection (d), by inserting "and which the Secretary has determined are necessary in the national security interests of the United States to be maintained under the Strategic Defense Initiative Organization" before the period at the end.

(f) REVIEW OF FOLLOW-ON DEPLOYMENT OPTIONS.—Section 238 of such Act (105 Stat. 1326)

is amended by striking out "of fiscal year 1996" in the first sentence.

SEC. 235. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS.

(a) USE OF FUNDS.—

(1) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1993, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1993 or for any fiscal year before 1993, may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the development and testing described in the July 1992 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the July 1992 SDIO Report.

(2) EXCEPTION.—The limitation under paragraph (1) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1993 if the transfer is made in accordance with section 1001 of this Act.

(b) DEFINITION.—In this section, the term "July 1992 SDIO Report" means the report entitled, "1992 Report to Congress on the Strategic Defense Initiative," prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives by the Secretary of Defense pursuant to section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1398; 10 U.S.C. 2431).

SEC. 236. LIMITATION REGARDING SUPPORT SERVICES CONTRACTS OF THE STRATEGIC DEFENSE INITIATIVE ORGANIZATION.

(a) LIMITATION.—Of the amounts that are appropriated to the Department of Defense for fiscal year 1993 pursuant to the authorizations of appropriations contained in this Act and are made available for the Strategic Defense Initiative Organization, not more than $135,000,000 may be expended for the procurement of support services.

(b) DEFINITION.—For purposes of subsection (a), the term "support services" means any of the following:

(1) Professional, administrative, and management support services.

(2) Special studies and analyses.

(3) Services contracted for under section 3109 of title 5, United States Code.

Subtitle D—Other Matters

SEC. 241. MEDICAL COUNTERMEASURES AGAINST BIOWARFARE THREATS.

(a) FUNDING.—Of the amounts appropriated pursuant to section 201 for fiscal year 1993, not more than $59,670,000 shall be available for the medical component of the Biological Defense Research Program (BDRP) of the Department of Defense.

(b) LIMITATIONS.—(1) Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1993 may be obligated and expended for product development, and for research, development, testing, and evaluation, of medical countermeasures against biowarfare threat agents only in accordance with this section.

(2) Of the funds made available pursuant to subsection (a), not more than $10,000,000 may be obligated or expended for research, development, test, or evaluation of medical countermeasures against far-term validated biowarfare threat agents.

(3) Of the funds made available pursuant to subsection (a) other than funds made available pursuant to paragraph (2) for the purpose set out in that paragraph—

(A) not more than 80 percent may be obligated and expended for product development, or for research, development, test, or evaluation, of medical countermeasures against near-term validated biowarfare threat agents; and

(B) not more than 20 percent may be obligated or expended for product development, or for research, development, test, or evaluation, of medical countermeasures against mid-term validated biowarfare threat agents.

(c) DEFINITIONS.—In this section:

(1) The term "validated biowarfare threat agent" means a biological agent that—

(A) is named in the biological warfare threat list published by the Defense Intelligence Agency; and

(B) is identified as a biowarfare threat by the Deputy Chief of Staff of the Army for Intelligence in accordance with Army regulations applicable to intelligence support for the medical component of the Biological Defense Research Program.

(2) The term "near-term validated biowarfare threat agent" means a validated biowarfare threat agent that has been, or is being, developed or produced for weaponization within 5 years, as assessed and determined by the Defense Intelligence Agency.

(3) The term "mid-term validated biowarfare threat agent" means a validated biowarfare threat agent that is an emerging biowarfare threat, is the object of research by a foreign threat country, and will be ready for weaponization in more than 5 years and less than 10 years, as assessed and determined by the Defense Intelligence Agency.

(4) The term "far-term validated biowarfare threat agent" means a validated biowarfare threat agent that is a future biowarfare threat, is the object of research by a foreign threat country, and could be ready for weaponization in more than 10 years and less than 20 years, as assessed and determined by the Defense Intelligence Agency.

(5) The term "weaponization" means incorporation into usable ordnance or other militarily useful means of delivery.

SEC. 242. NATIONAL AERO-SPACE PLANE.

(a) FUNDING LIMITATION.—Notwithstanding any other provision of law, funds made available to the Department of Defense may not be obligated for the National Aero-Space Plane program for any fiscal year in an amount greater than twice the amount provided for that program in the appropriations Act making appropriations for that fiscal year for the Department of Housing and Urban Development and for independent agencies.

(b) EFFECTIVE DATE.—Subsection (a) applies with respect to fiscal years after fiscal year 1993.

SEC. 243. LANDSAT REMOTE-SENSING SATELLITE PROGRAM.

Notwithstanding the provisions of the Land-Remote Sensing Commercialization Act of 1984 (15 U.S.C. 4201 et seq.), the Secretary of Defense is authorized to contract for the development and procurement of, and support for operations of, the Landsat vehicle designated as Landsat 7.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorizations of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, $13,901,912,000.

(2) For the Navy, $19,532,996,000.

(3) For the Marine Corps, $1,558,515,000.

(4) For the Air Force, $16,592,857,000.

(5) For the Defense Agencies, $9,266,879,000.

(6) For the Army Reserve, $1,014,773,000.

(7) For the Naval Reserve, $865,492,000.

(8) For the Marine Corps Reserve, $75,171,000.

(9) For the Air Force Reserve, $1,214,287,000.

(10) For the Army National Guard, $2,238,013,000.

(11) For the Air National Guard, $2,513,175,000.

(12) For the National Board for the Promotion of Rifle Practice, $2,700,000.

(13) For the Defense Inspector General, $125,200,000.

(14) For Drug Interdiction and Counter-Drug Activities, Defense, $1,263,400,000.

(15) For the Court of Military Appeals, $5,893,000.

(16) For Environmental Restoration, Defense, $1,513,200,000.

(17) For Humanitarian Assistance, $25,000,000.

(18) For the Defense Health Program, $9,159,039,000.

(19) For support for the 1996 Summer Olympics, $2,000,000.

(20) For support for the 1993 World University Games, $6,000,000.

(21) For support for the 1994 World Cup Games, $9,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

There is hereby authorized to be appropriated for fiscal year 1993 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Business Operations Fund, $1,145,000,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1993 from the Armed Forces Retirement Home Trust Fund the sum of $62,728,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. HUMANITARIAN ASSISTANCE.

(a) PURPOSE.—(1) Funds appropriated pursuant to the authorization in section 301(17) shall be available for the purposes of section 2551 of title 10, United States Code, as added by subsection (c), including the transportation of humanitarian relief for the people of Afghanistan and Cambodia.

(2) Of the funds authorized to be appropriated for fiscal year 1993 pursuant to section 301(17) for such purpose, not more than $3,000,000 shall be available for distribution of humanitarian relief supplies to displaced persons or refugees who are noncombatants, including those affiliated with the Cambodian non-Communist resistance, at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer, pursuant to section 2551(b) of such title, not more than $3,000,000 of the funds referred to in subsection (a)(1).

(c) CODIFICATION OF AUTHORITY AND ADMINISTRATIVE PROVISIONS.—(1) Subchapter II of chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

"§2551. Humanitarian assistance

"(a) AUTHORIZED ASSISTANCE.—To the extent provided in defense authorization Acts, funds authorized to be appropriated to the Department of Defense for a fiscal year for humanitarian assistance shall be used for the purpose of providing transportation of humanitarian relief and for other humanitarian purposes worldwide.

"(b) AUTHORITY TO TRANSFER FUNDS.—To the extent provided in defense authorization Acts *for a fiscal year, the Secretary of Defense may transfer to the Secretary of State funds appropriated for the purposes of this section to provide for—*

"(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

"(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

"(c) TRANSPORTATION OF HUMANITARIAN RELIEF.—(1) Transportation of humanitarian relief provided with funds appropriated for the purposes of this section shall be provided under the direction of the Secretary of State.

"(2) Such transportation shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide such transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

"(3) Nothing in this subsection shall be construed as waiving the requirements of section 2631 of this title and sections 901(b) and 901b of the Merchant Marine Act, 1936 (46 U.S.C. App. 1241(b) and 1241f).

"(d) AVAILABILITY OF FUNDS.—To the extent provided in appropriations Acts, funds appropriated for humanitarian assistance for the purposes of this section shall remain available until expended.

"(e) STATUS REPORTS.—(1) The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance pursuant to this section.

"(2)(A) Whenever there is enacted a defense authorization Act that contains an authorization of appropriations for humanitarian assistance, a report referred to in paragraph (1) shall be submitted as provided in that paragraph not later than 60 days after the date of the enactment of that Act.

"(B) In addition to reports submitted as provided in subparagraph (A), a report shall be submitted under paragraph (1) not later than June 1 of each year.

"(3) Each report required by paragraph (1) shall cover all provisions of law, contained in defense authorization Acts, that authorize appropriations for humanitarian assistance to be available for the purposes of this section. A report submitted after the obligation of all amounts appropriated pursuant to such a provision of law shall not cover that provision of law.

"(4) Subject to paragraph (3), a report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

"(A) The total amount of funds obligated for humanitarian relief under this section.

"(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under this section.

"(C) A description of any transfer of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of this title. The description shall include the date of the transfer, to whom the transfer is made, the quantity of items transferred, the acquisition value of the items transferred, and the value of the items at the time of the transfer.

"(f) REPORT REGARDING RELIEF FOR UNAUTHORIZED COUNTRIES.—In any case in which the Secretary of Defense provides for the transportation of humanitarian relief to a country to which the transportation of humanitarian relief has not been specifically authorized by law, the Secretary shall notify the Committees on Appropriations and on Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives of the Secretary's intention to provide such transportation. The notification shall be submitted not less than 15 days before the commencement of such transportation.

"(g) DEFINITION.—In this section, the term 'defense authorization Act' means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including authorizations of appropriations for the activities described in paragraph (7) of section 114(a) of this title.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2551. Humanitarian assistance.".

(d) LAWS COVERED BY INITIAL REPORTS.—For purposes of subsection (e) of section 2551 of title 10, United States Code, as added by subsection (c), section 304 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1333), and the humanitarian relief laws referred to in subsection (f)(4) of section 304 of that Act (as in effect on the day before the date of the enactment of this Act) shall be considered as provisions of law that authorized appropriations for humanitarian assistance to be available for the purposes of section 2551 of title 10, United States Code.

(e) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 304 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1333) is amended by striking out subsection (f).

SEC. 305. SUPPORT FOR THE 1994 WORLD CUP GAMES.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide logistical support and personnel services in connection with the 1994 World Cup Games to be held in the United States.

(b) PAY AND NONTRAVEL-RELATED ALLOWANCES.—(1) Except as provided in paragraph (2), the costs for pay and nontravel-related allowances of members of the Armed Forces for the support and services referred to in subsection (a) may not be charged to appropriations made pursuant to the authorization in section 301(21).

(2) Paragraph (1) does not apply in the case of members of a reserve component called or ordered to active duty to provide logistical support and personnel services for the 1994 World Cup Games.

SEC. 306. TRANSFER AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense, to the extent provided in appropriations Acts, may transfer funds as provided in this section during fiscal year 1993.

(b) FROM THE DEFENSE BUSINESS OPERATIONS FUND.—(1) Not more than $3,054,000,000 may be transferred from the Defense Business Operations Fund to appropriations for operations and maintenance for fiscal year 1993 in amounts as follows:

(A) For the Army, $2,229,000,000.

(B) For the Navy, $94,500,000.

(C) For the Marine Corps, $58,500,000.

(D) For the Air Force, $672,000,000.

(2)(A) A transfer under this subsection may be made only to the extent that the military department concerned has received credit on the books of the Defense Business Operations Fund for unneeded secondary items returned to the Fund by that military department.

(B) If the Secretary of Defense certifies to the congressional defense committees that a military department has, to the greatest extent practicable, returned for credit on the books of the Defense Business Operations Fund all secondary items not needed by such military department that were under the control of such military department on October 1, 1992, then on and after the date of the certification the limitation in subparagraph (A) shall not apply to transfers to that military department.

(c) FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.—Not more than $400,000,000 may be transferred from the National Defense Stockpile Transaction Fund to appropriations for operation and maintenance for fiscal year 1993 in amounts as follows:

(1) For the Army, $100,000,000.

(2) For the Navy, $100,000,000.

(3) For the Air Force, $100,000,000.

(4) For the Defense Agencies, $100,000,000.

(d) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with and be available for the same purposes and the same period as the amounts in the accounts to which transferred;

(2) shall be deemed to increase the amount authorized to be appropriated for the account to which the amount is transferred by an amount equal to the amount transferred; and

(3) may not be expended for an item that has been denied authorization of appropriations by Congress.

(e) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—An increase under subsection (d)(2) in an amount authorized to be appropriated is in addition to an increase in that amount that results from a transfer of an authorization of appropriations pursuant to section 1001.

Subtitle B—Limitations

SEC. 311. PROHIBITION ON THE USE OF CERTAIN FUNDS FOR PENTAGON RESERVATION.

(a) PROHIBITION.—(1) Except as provided in paragraph (3), none of the funds appropriated to the Department of Defense for fiscal year 1993 may be used to contribute to the Pentagon Reservation Maintenance Revolving Fund for any purpose other than for the actual and necessary day-to-day operation of the Pentagon Reservation, including complying with health and safety requirements.

(2) None of the funds appropriated pursuant to authorizations provided in this Act or any other Act may be transferred to the Pentagon Reservation Maintenance Revolving Fund for the purpose of renovation.

(3) Funds appropriated to the Department of Defense for fiscal year 1993 may be used for replacement of the central heating and cooling plant located on the Pentagon Reservation.

(b) REPORT.—Not later than April 15, 1993, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a revised renovation program for the Pentagon Reservation. Such program shall—

(1) provide justification for the scope and timing of any renovation of the Pentagon Reservation based upon—

(A) the long-term administrative space requirements of the Department of Defense in the National Capital Region;

(B) requirements directly concerned with health and safety; and

(C) the most cost-effective options to meet the requirements described in subparagraphs (A) and (B);

(2) specifically address the need and economic justification for any expansion of the Pentagon;

(3) address the practicality and cost of any renovation of the Pentagon Reservation without relocating significant numbers of employees; and

(4) update the 1988 National Capital Region Master Development Plan of the Department of Defense, providing justification for the current and future need for defense activities in the Na-

tional Capital Region and outlining options to meet the facility needs of the Department of Defense based upon the force structure and personnel strengths planned for fiscal years 1994 through 1998.

(c) DEFINITIONS.—In this section, the terms "National Capital Region" and "Pentagon Reservation" have the meaning given those terms, respectively, in section 2674(f) of title 10, United States Code.

SEC. 312. PROHIBITION ON THE USE OF FUNDS FOR CERTAIN SERVICE CONTRACTS.

(a) PROHIBITION.—Except as provided in subsection (b), the Secretary of Defense may not, during the period beginning on the date of the enactment of this Act and ending on September 30, 1993, enter into any contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted by the Department of Defense under Office of Management and Budget Circular A-76 or any successor administrative regulation or policy.

(b) EXCEPTIONS FOR CERTAIN CONTRACTS.—Subsection (a) shall not apply to—

(1) a contract to be carried out at a location outside the United States at which members of the Armed Forces would have to be used for the performance of an activity described in subsection (a) at the expense of unit readiness; or

(2) a contract (or the renewal of a contract) for the performance of an activity under contract on September 30, 1992.

Subtitle C—Environmental Provisions

SEC. 321. EXTENSION OF REIMBURSEMENT REQUIREMENT FOR CONTRACTORS HANDLING HAZARDOUS WASTES FROM DEFENSE FACILITIES.

Section 2708(b)(1) of title 10, United States Code, is amended by striking out "fiscal year 1992" and inserting in lieu thereof "fiscal years 1992 and 1993".

SEC. 322. EXTENSION OF PROHIBITION ON USE OF ENVIRONMENTAL RESTORATION FUNDS FOR PAYMENT OF FINES AND PENALTIES.

None of the funds appropriated for fiscal year 1993 for the Environmental Restoration, Defense, account pursuant to the authorization of appropriations provided in section 301(16) may be used for the payment of a fine or penalty imposed against the Department of Defense unless the act or omission for which the fine or penalty is imposed arises out of activities funded by the account.

SEC. 323. PILOT PROGRAM FOR EXPEDITED ENVIRONMENTAL RESPONSE ACTIONS.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to expedite the performance of on-site environmental restoration at—

(1) military installations scheduled for closure under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note);

(2) military installations scheduled for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note); and

(3) facilities for which the Secretary is responsible under the Defense Environmental Restoration Program established under section 2701 of title 10, United States Code.

(b) SELECTION OF INSTALLATIONS AND FACILITIES.—(1) For participation in the pilot program, the Secretary shall select—

(A) 2 military installations referred to in subsection (a)(1);

(B) 4 military installations referred to in subsection (a)(2), consisting of—

(i) 2 military installations scheduled for closure as of the date of the enactment of this Act; and

(ii) 2 military installations included in the list transmitted by the Secretary no later than April 15, 1993, pursuant to section 2903(c)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note) and recommended in a report transmitted by the President in that year pursuant to section 2903(e) of such Act and for which a joint resolution disapproving such recommendations is not enacted by the deadline set forth in section 2904(b) of such Act; and

(C) not less than 4 facilities referred to in subsection (a)(3) with respect to each military department.

(2)(A) Except as provided in subparagraph (B), the selections under paragraph (1) shall be made not later than 60 days after the date of the enactment of this Act.

(B) The selections under paragraph (1) of military installations described in subparagraph (B)(ii) of such paragraph shall be made not later than 60 days after the date on which the deadline (set forth in section 2904(b) of such Act) for enacting a joint resolution of disapproval with respect to the report transmitted by the President has passed.

(3) The installations and facilities selected under paragraph (1) shall be representative of—

(A) a variety of the environmental restoration activities required for facilities under the Defense Environmental Restoration Program and for military installations scheduled for closure under the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) and the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); and

(B) the different sizes of such environmental restoration activities to provide, to the maximum extent practicable, opportunities for the full range of business sizes to enter into environmental restoration contracts with the Department of Defense and with prime contractors to perform activities under the pilot program.

(c) EXECUTION OF PROGRAM.—Subject to subsection (d), and to the maximum extent possible, the Secretary shall, in order to eliminate redundant tasks and to accelerate environmental restoration at military installations, use the authorities granted in existing law to carry out the pilot program, including—

(1) the development and use of innovative contracting techniques;

(2) the use of all reasonable and appropriate methods to expedite necessary Federal and State administrative decisions, agreements, and concurrences; and

(3) the use (including any necessary request for the use) of existing authorities to ensure that environmental restoration activities under the pilot program are conducted expeditiously, with particular emphasis on activities that may be conducted in advance of any final plan for environmental restoration.

(d) PROGRAM PRINCIPLES.—The Secretary shall carry out the pilot program consistent with the following principles:

(1) Activities of the pilot program shall be carried out subject to and in accordance with all applicable Federal and State laws and regulations.

(2) Competitive procedures shall be used to select the contractors.

(3) The experience and ability of the contractors shall be considered, in addition to cost, as a factor to be evaluated in the selection of the contractors.

(e) PROGRAM RESTRICTIONS.—The pilot program established in this section shall not result in the delay of environmental restoration activities at other military installations and former sites of the Department of Defense.

SEC. 324. OVERSEAS ENVIRONMENTAL RESTORATION.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that in carrying out environmental restoration activities at military installations outside the United States, the President should seek to obtain an equitable division of the costs of environmental restoration with the nation in which the installation is located.

(b) REPORT.—The Secretary of Defense shall include in each Report on Allied Contributions to the Common Defense prepared under section 1003 of Public Law 98–525 (22 U.S.C. 1928) information, in classified and unclassified form, describing the efforts undertaken and the progress made by the President in carrying out subsection (a) during the period covered by the report.

SEC. 325. EVALUATION OF USE OF OZONE-DEPLETING SUBSTANCES BY THE DEPARTMENT OF DEFENSE.

(a) EVALUATION OF USE OF CLASS I SUBSTANCES.—The Director of the Defense Logistics Agency shall evaluate the use of class I substances by the military departments and Defense Agencies. In carrying out the evaluation, the Director shall—

(1) determine the quantity of each class I substance that—

(A) is held in the inventory of each military department and Defense Agency on December 31, 1992;

(B) will be used by each military department and Defense Agency during 1992; and

(C) will be used by each military department and Defense Agency in each of 1993, 1994, and 1995;

(2) determine the quantity of each class I substance in the inventory of the military departments and Defense Agencies in each of 1993, 1994, and 1995 that can be reclaimed or recycled and reused by the military departments and Defense Agencies;

(3) determine the type and quantity of class I substances whose use will be critical to the missions of the military departments and Defense Agencies after 1995;

(4) determine the type and quantity of class I substances that must be stockpiled after 1995 in order to ensure the availability of such substances, including the availability of used, reclaimed, or recycled class I substances for the missions referred to in paragraph (3);

(5) review the plans, if any, to reclaim, recycle, reuse, and maintain the stockpile referred to in paragraph (4); and

(6) identify each specific site, facility, or vessel in connection with which the Secretary of Defense will seek an exemption pursuant to section 604(f) of the Clean Air Act (42 U.S.C. 7671c(f)) to permit the continued production or use of class I substances, and the type and quantity of each class I substance that will be produced or used in connection with the site, facility, or vessel.

(b) EVALUATION OF USE OF CLASS II SUBSTANCES.—The Director of the Defense Logistics Agency shall evaluate the use of class II substances by the military departments and Defense Agencies. In carrying out the evaluation, the Director shall—

(1) determine the quantity of each class II substance that—

(A) is held in the inventory of each military department and Defense Agency on December 31, 1992;

(B) will be used by each military department and Defense Agency during 1992; and

(C) will be used by each military department and Defense Agency in each of 1993, 1994, and 1995; and

(2) determine the quantity of each class II substance in the inventory of the military departments and Defense Agencies in each of 1993, 1994, and 1995 that can be reclaimed or recycled and reused by the military departments and Defense Agencies.

(c) REPORT.—(1) The Director of the Defense Logistics Agency shall submit to the congres-

sional defense committees a report on the status of the evaluation required under subsection (a) not later than April 1, 1993.

(2) The Director of the Defense Logistics Agency shall submit to the congressional defense committees a report on the status of the evaluation required under subsection (b) not later than October 1, 1993.

(d) DEFINITIONS.—In this section:

(1) The term "class I substance" means any substance listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)).

(2) The term "class II substance" means any substance listed under section 602(b) of the Clean Air Act (42 U.S.C. 7671a(b)).

SEC. 326. ELIMINATION OF USE OF CLASS I OZONE-DEPLETING SUBSTANCES IN CERTAIN MILITARY PROCUREMENT CONTRACTS.

(a) ELIMINATION OF USE OF CLASS I OZONE-DEPLETING SUBSTANCES.—(1) No Department of Defense contract awarded after June 1, 1993, may include a specification or standard that requires the use of a class I ozone-depleting substance or that can be met only through the use of such a substance unless the inclusion of the specification or standard in the contract is approved by the senior acquisition official for the procurement covered by the contract. The senior acquisition official may grant the approval only if the senior acquisition official determines (based upon the certification of an appropriate technical representative of the official) that a suitable substitute for the class I ozone-depleting substance is not currently available.

(2)(A)(i) Not later than 60 days after the completion of the first modification, amendment, or extension after June 1, 1993, of a contract referred to in clause (ii), the senior acquisition official (or the designee of that official) shall carry out an evaluation of the contract in order to determine—

(I) whether the contract includes a specification or standard that requires the use of a class I ozone-depleting substance or can be met only through the use of such a substance; and

(II) in the event of a determination that the contract includes such a specification or standard, whether the contract can be carried out through the use of an economically feasible substitute for the ozone-depleting substance or through the use of an economically feasible alternative technology for a technology involving the use of the ozone-depleting substance.

(ii) A contract referred to in clause (i) is any contract in an amount in excess of $10,000,000 that—

(I) was awarded before June 1, 1993; and

(II) as a result of the modification, amendment, or extension described in clause (i), will expire more than 1 year after the effective date of the modification, amendment, or extension.

(iii) A contract under evaluation under clause (i) may not be further modified, amended, or extended until the evaluation described in that clause is complete.

(B) If the acquisition official (or designee) determines that an economically feasible substitute substance or alternative technology is available for use in a contract under evaluation, the appropriate contracting officer shall enter into negotiations to modify the contract to require the use of the substitute substance or alternative technology.

(C) A determination that a substitute substance or technology is not available for use in a contract under evaluation shall be made in writing by the senior acquisition official (or designee).

(D) The Secretary of Defense may, consistent with the Federal Acquisition Regulation, adjust the price of a contract modified under subparagraph (B) to take into account the use by the contractor of a substitute substance or alternative technology in the modified contract.

(3) The senior acquisition official authorized to grant an approval under paragraph (1) and the senior acquisition official and designees authorized to carry out an evaluation and make a determination under paragraph (2) shall be determined under regulations prescribed by the Secretary of Defense. A senior acquisition official may not delegate the authority provided in paragraph (1).

(4) Each official who grants an approval authorized under paragraph (1) or makes a determination under paragraph (2)(B) shall submit to the Secretary of Defense a report on that approval or determination, as the case may be, as follows:

(A) Beginning on October 1, 1993, and continuing for 8 calendar quarters thereafter, by submitting a report on the approvals granted or determinations made under such authority during the preceding quarter not later than 30 days after the end of such quarter.

(B) Beginning on January 1, 1997, and continuing for 4 years thereafter, by submitting a report on the approvals granted or determinations made under such authority during the preceding year not later than 30 days after the end of such year.

(5) The Secretary shall promptly transmit to the Committees on Armed Services of the Senate and House of Representatives each submitted to the Secretary under paragraph (4). The Secretary shall transmit the report in classified and unclassified forms.

(b) COST RECOVERY.—In any case in which a Department of Defense contract is modified or a specification or standard for such a contract is waived at the request of a contractor in order to permit the contractor to use in the performance of the contract a substitute for a class I ozone-depleting substance or an alternative technology for a technology involving the use of a class I ozone-depleting substance, the Secretary of Defense may adjust the price of the contract in an manner consistent with the Federal Acquisition Regulation.

(c) DEFINITIONS.—In this section:

(1) The term "class I ozone-depleting substance" means any substance listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)).

(2) The term "Federal Acquisition Regulation" means the single Government-wide procurement regulation issued under section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)).

SEC. 327. PROHIBITION ON THE PURCHASE OF SURETY BONDS AND OTHER GUARANTIES FOR THE DEPARTMENT OF DEFENSE.

(a) PROHIBITION.—No funds appropriated or otherwise made available to the Department of Defense for fiscal year 1993 may be obligated or expended for the purchase of surety bonds or other guaranties of financial responsibility in order to guarantee the performance of any direct function of the Department of Defense.

(b) TECHNICAL AMENDMENT.—Section 335 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1342) is amended by striking out "or fiscal year 1993".

SEC. 328. LEGACY RESOURCE MANAGEMENT FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established the Legacy Fellowship Program in Natural and Cultural Resource Management (in this section referred to as the "Legacy Fellowship Program"). The Legacy Fellowship Program is a part of the Legacy Resource Management Program established pursuant to section 8120 of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1905).

(b) PURPOSES.—The purposes of the Legacy Fellowship Program are as follows:

(1) To support the purposes of the Legacy Resource Management Program set forth in section 8120(b) of such Act.

(2) To provide training to civilian personnel and military personnel in the management of natural and cultural resources.

(c) FELLOWS.—(1) The Legacy Fellowship Program shall be composed of not less than 3 fellows who shall be appointed by the Deputy Assistant Secretary of Defense for Environment. Such fellows shall be appointed from among qualified persons in the military and civilian sectors.

(2)(A) Each fellow who is an officer or employee of the United States shall serve without compensation in addition to that received for the services as an officer or employee of the United States. Any such service shall be without interruption or loss of civil service status or privilege.

(B) The Deputy Assistant Secretary of Defense shall fix (in an amount the Deputy Assistant Secretary determines appropriate) the compensation of the fellows, if any, who are not officers or employees of the United States. Such fellows shall not be considered employees of the Federal Government other than for purposes of chapter 81 of title 5, United States Code.

(3) Fellows shall serve for a term of one year and may be reappointed for an additional term of one year.

(4) The Deputy Assistant Secretary of Defense shall assign the fellows to an agency, office, or other entity (other than the Office of the Deputy Assistant Secretary of Defense for Environment) that is responsible for the implementation of the Legacy Resource Management Program in the Department of Defense. Upon assignment, the fellow shall assist the agency, office, or entity in carrying out the purposes of the Legacy Resource Management Program.

(d) FUNDING.—Of the funds authorized to be appropriated in fiscal year 1993 for the Department of Defense and made available for the Legacy Resource Management Program, $100,000 may be used for the Legacy Fellowship Program. Such funds shall be available for obligation without fiscal year limitation.

SEC. 329. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.

In addition to the amounts otherwise authorized to be appropriated for fiscal years 1992 and 1993 in this Act there is authorized to be appropriated for such fiscal years—

(1) for Environmental Restoration, Defense, the total amount of $447,500,000; and

(2) for the Department of Defense Base Closure Account 1990 the total amount of $35,000,000.

SEC. 330. INDEMNIFICATION OF TRANSFEREES OF CLOSING DEFENSE PROPERTY.

(a) IN GENERAL.—(1) Except as provided in paragraph (3) and subject to subsection (b), the Secretary of Defense shall hold harmless, defend, and indemnify in full the persons and entities described in paragraph (2) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any military installation (or portion thereof) that is closed pursuant to a base closure law.

(2) The persons and entities described in this paragraph are the following:

(A) Any State (including any officer, agent, or employee of the State) that acquires ownership or control of any facility at a military installa-

tion (or any portion thereof) described in paragraph (1).

(B) Any political subdivision of a State (including any officer, agent, or employee of the State) that acquires such ownership or control.

(C) Any other person or entity that acquires such ownership or control.

(D) Any successor, assignee, transferee, lender, or lessee of a person or entity described in subparagraphs (A) through (C).

(3) To the extent the persons and entities described in paragraph (2) contributed to any such release or threatened release, paragraph (1) shall not apply.

(b) CONDITIONS.—No indemnification may be afforded under this section unless the person or entity making a claim for indemnification—

(1) notifies the Department of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Department of Defense;

(2) furnishes to the Department of Defense copies of pertinent papers the entity receives;

(3) furnishes evidence or proof of any claim, loss, or damage covered by this section; and

(4) provides, upon request by the Department of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

(c) AUTHORITY OF SECRETARY OF DEFENSE.—(1) In any case in which the Secretary of Defense determines that the Department of Defense may be required to make indemnification payments to a person under this section for any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage referred to in subsection (a)(1), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(2) In any case described in paragraph (1), if the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this section.

(d) ACCRUAL OF ACTION.—For purposes of subsection (b)(1), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in subsection (a) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any military installation (or portion thereof) described in subsection (a)(1).

(e) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed as affecting or modifying in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(f) DEFINITIONS.—In this section:

(1) The terms "facility", "hazardous substance", "release", and "pollutant or contaminant" have the meanings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, respectively (42 U.S.C. 9601 (9), (14), (22), and (33)).

(2) The term "military installation" has the meaning given such term under section 2687(e)(1) of title 10, United States Code.

(3) The term "base closure law" means the following:

(A) The Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(D) Any provision of law authorizing the closure or realignment of a military installation enacted on or after the date of the enactment of this Act.

SEC. 331. EXTENSION OF AUTHORITY TO ISSUE SURETY BONDS FOR CERTAIN ENVIRONMENTAL PROGRAMS.

(a) CERCLA.—(1) Section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9619) is amended—

(A) in subsection (e)(2)(C), by striking out "January 1, 1993" and inserting in lieu thereof "January 1, 1996,"; and

(B) in subsection (g)(5), by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1995".

(2) Subsection (g)(1) of such section is amended—

(A) by striking out "the Miller Act, 40 U.S.C. sections 270a-270f," and inserting in lieu thereof "the Act of August 24, 1935 (40 U.S.C. 270a-270d), commonly referred to as the 'Miller Act',";

(B) by inserting after "response action contract" the following: "and are not waived pursuant to the Act of April 29, 1941 (40 U.S.C. 270e-270f)"; and

(C) by striking out "in accordance with 40 U.S.C. sections 270a-270d." and inserting in lieu thereof "in accordance with such Act of August 24, 1935.".

(b) TITLE 10.—(1) Section 2701(j) of title 10, United States Code, is amended by striking out "December 31, 1992" and inserting in lieu thereof "December 31, 1995".

(2) Such section is further amended—

(A) by inserting "(1)" after "APPLICABILITY.—"; and

(B) by adding at the end the following new paragraph:

"(2) Subsections (h) and (i) shall not apply to bonds to which section 119(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 applies (42 U.S.C. 9619(g)).".

SEC. 332. REPORT ON INDEMNIFICATION OF CONTRACTORS PERFORMING ENVIRONMENTAL RESTORATION.

(a) REPORT.—The Secretary of Defense, in consultation with the Attorney General, the Administrator of the Environmental Protection Agency, and the Director of the Office of Management and Budget, shall conduct a review and report on the following:

(1) All existing statutory authorities and regulations thereunder available to the Department of Defense that allow the Secretary of Defense or the Secretaries of the military departments to indemnify and hold harmless contractors performing environmental restoration at current military installations, former military installations, and formerly used defense sites pursuant to the Defense Environmental Restoration Program under chapter 160 of title 10, United States Code.

(2) The extent to which the authorities referred to in paragraph (1) are available to ensure adequate competition and qualified contractors for actions not governed by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the extent to which additional authority to ensure adequate competition and qualified contractors is necessary for such actions.

(3) The extent to which the indemnification authority provided in section 119 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is necessary to ensure adequate competition and qualified contractors to perform remedial actions at military installations listed on the National Priorities List or removal actions pursuant to such Act.

(4) The extent to which contractors performing environmental restoration work at installations and sites referred to in paragraph (1), other Federal sites, and private sites have been exposed to, or involved in, litigation, claims, and liability related to such environmental restoration work since 1980.

(5) The type of indemnification, if any, currently provided to environmental restoration contractors by Federal agencies, by State agencies, and by private entities at sites other than installations and sites referred to in paragraph (1).

(6) The availability, the coverage, the cost, and the type of insurance commercially available to environmental restoration contractors at current and former military installations and formerly used defense sites.

(7) The extent to which the Secretary of Defense and the Secretaries of the military departments have used existing indemnification authority for environmental restoration work.

(8) The potential costs of any additional indemnification authority, if any, recommended by the Secretary of Defense in the report required under this section.

(b) DEADLINE.—Not later than May 15, 1993, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the report required by subsection (a).

Subtitle D—Defense Business Operations Fund

SEC. 341. LIMITATIONS ON THE USE OF DEFENSE BUSINESS OPERATIONS FUND.

(a) EXTENSION OF LIMITATION ON PERIOD OF MANAGEMENT.—Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1338; 10 U.S.C. 2208 note) is amended—

(1) by striking out "April 15, 1993" and inserting in lieu thereof "April 15, 1994"; and

(2) by inserting "(in this section referred to as the 'Fund')" before the period at the end of the first sentence.

(b) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—Section 316 of such Act is amended by adding at the end the following new subsection:

"(c) SEPARATE ACCOUNTING, REPORTING, AND AUDITING OF FUNDS AND ACTIVITIES.—For purposes of accounting, financial reporting, and auditing, the Secretary of Defense shall maintain—

"(1) the separate identity of each fund and activity managed through the Fund that (before the establishment of the Fund) was managed as a separate fund or activity; and

"(2) separate records for each function for which payment is made through the Fund and which (before the establishment of the Fund) was paid directly through appropriations, including the separate identity of the appropriation account used to pay for the performance of the function.".

(c) IMPLEMENTATION OF DBOF.—Such section is further amended by adding after subsection (c), as added by subsection (b), the following new subsections:

"(d) IMPLEMENTATION OF THE FUND.—The Secretary of Defense shall implement the Fund in three phases (referred to in this section as 'milestones') as follows:

"(1) MILESTONE I.—Not later than thirty days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993, the Secretary of Defense shall—

"(A) substantially complete the development of the policies of the Department of Defense governing the operations of the Fund;

"(B) identify the interim systems requirements of the Fund; and

"(C) prepare an evaluation report on the adequacy of the skills and resources devoted to the Fund and its related systems.

"(2) MILESTONE II.—Not later than March 1, 1993, the Secretary of Defense shall—

"(A) develop performance measures, and corresponding performance goals, for each business area of the Fund; and

"(B) prepare a report that—

"(i) specifies the status of interim systems efforts, including efforts to improve the accuracy of information in the Fund systems;

"(ii) specifies whether the Department of Defense has selected a standard cost accounting system, and prepared an implementation plan (with milestone dates) for installing the system at the Fund's activities; and

"(iii) identifies specific tangible benefits resulting from the operation of the Fund, including, if applicable, the reduced costs of providing goods and services and the improvement of the efficiency of Fund operations.

"(3) MILESTONE III.—Not later than September 30, 1993, the Secretary of Defense shall conduct a field test of the standard cost accounting system selected by the Secretary for the Fund.

"(e) USE OF CERTAIN ACCOUNTING STANDARDS.—The Secretary of Defense shall take actions to achieve the milestones prescribed in subsection (d) and otherwise to implement the Fund consistent with—

"(1) generally accepted accounting principles;

"(2) accounting principles, standards, and requirements generally applicable to Federal agencies;

"(3) internal accounting and administrative control standards prescribed by the Comptroller General of the United States; and

"(4) the provisions of chapter 9 of title 31, United States Code, and sections 3515, 3521(e) through (h), 9105, and 9106 of such title, and related requirements prescribed by the Office of Management and Budget.".

(d) MONITORING AND EVALUATION BY THE COMPTROLLER GENERAL; REPORTS.—Such section is further amended by adding after subsection (e), as added by subsection (c), the following new subsection:

"(f) MONITORING AND EVALUATION BY THE COMPTROLLER GENERAL; REPORTS.—

"(1) MONITORING AND EVALUATION.—The Comptroller General of the United States shall monitor and evaluate the progress of the Department of Defense in achieving the milestones prescribed in subsection (d) and in implementing the Fund, including the development of policies, performance measures, and actions to improve the Fund's systems.

"(2) REPORTS.—

"(A) REPORT ON THE NONACHIEVEMENT OF MILESTONES.—If the Comptroller General determines, pursuant to the monitoring and evaluation conducted under paragraph (1), that the Department of Defense has not achieved any of the milestones prescribed in subsection (d), the Comptroller General shall submit to the Congress, as soon as practicable, a report containing the findings, conclusions, and recommendations of the Comptroller General with respect to the nonachievement of the milestone.

"(B) FINAL REPORT.—Not later than February 15, 1994, the Comptroller General shall submit to the Congress a report containing the findings and conclusions of the Comptroller General pursuant to the monitoring and evaluation conducted under paragraph (1) and any recommendations for legislation or administrative action that the Comptroller General considers to be appropriate.".

SEC. 342. CAPITAL ASSET SUBACCOUNT.

(a) USE OF SUBACCOUNT FOR CAPITAL ASSETS DEPRECIATION CHARGES.—Charges for goods and services provided through the Defense Business Operations Fund shall include amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles. Amounts charged for depreciation shall be credited to a separate capital asset subaccount established within the Fund. The subaccount shall be available only for the payment of outlays for capital assets for the Fund.

(b) AWARD OF CONTRACTS.—The Secretary of Defense may award contracts for capital assets of the Fund in advance of the availability of funds in the subaccount, to the extent provided for in appropriations Acts.

(c) ANNUAL REPORT.—The Secretary of Defense shall submit to the congressional defense committees each year, at the same time that the President submits the budget to the Congress under section 1105 of title 31, United States Code, a report that specifies—

(1) the opening balance of the subaccount as of the beginning of the fiscal year in which the report is submitted;

(2) the estimated amounts to be credited to the subaccount in the fiscal year in which the report is submitted;

(3) the estimated amounts of outlays to be paid out of the subaccount in the fiscal year in which the report is submitted;

(4) the estimated balance of the subaccount at the end of the fiscal year in which the report is submitted; and

(5) a statement of how much of the estimated balance at the end of the fiscal year in which the report is submitted will be needed to pay outlays in the immediately following fiscal year that are in excess of the amount to be credited to the subaccount in the immediately following fiscal year.

(d) AUTHORIZATION.—There is hereby authorized to be appropriated to the Fund subaccount for fiscal years 1993 and 1994 such sums as may be necessary to pay, during fiscal year 1993 and until April 15, 1994, outlays for capital assets in excess of the amount otherwise available in the subaccount.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "capital assets" means the following capital assets that have a development or acquisition cost of not less than $15,000:

(A) Minor construction projects financed by the Fund pursuant to section 2805(c)(1) of title 10, United States Code.

(B) Automatic data processing equipment, software, other equipment, and other capital improvements.

(2) The term "Fund" means the Defense Business Operations Fund.

SEC. 343. LIMITATION ON OBLIGATIONS AGAINST DEFENSE BUSINESS OPERATIONS FUND.

(a) LIMITATION.—(1) The Secretary of Defense may not incur obligations against the supply management divisions of the Defense Business Operations Fund of the Department of Defense during fiscal year 1993 in a total amount in excess of 65 percent of the total amount derived from sales from such divisions during that fiscal year.

(2) For purposes of determining the amount of obligations incurred against, and sales from, such divisions during fiscal year 1993, the Secretary shall exclude obligations and sales for fuel, commissary and subsistence items, retail operations, repair of equipment, and the cost of operations.

(b) EXCEPTION.—The Secretary of Defense may waive the limitation described in subsection (a) if the Secretary determines that such waiver is critical to the national security of the United States. The Secretary shall immediately notify Congress of any such waiver and the reasons for such waiver.

Subtitle E—Depot-Level Activities

SEC. 351. DEPOT-LEVEL TACTICAL MISSILE MAINTENANCE.

(a) COMPETITIVE BIDDING.—If the Secretary of Defense takes action to consolidate at a single location the performance of depot-level tactical missile maintenance by employees of the Department of Defense, the Secretary shall select the depot to perform the tactical missile maintenance through the use of competitive procedures. Any depot-level activity of the Department of Defense that is engaged in tactical missile maintenance on the date of the enactment of this Act shall be eligible to compete for such selection.

(b) RELOCATION OF CERTAIN ACTIVITIES TO ROCK ISLAND ARSENAL.—The Secretary of Defense shall ensure that the Systems Integration Management Activity and the Depot Systems Command are relocated to Rock Island Arsenal, Illinois, in accordance with the recommendations dated July 1, 1991, of the Defense Base Closure and Realignment Commission established under section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note). This provision shall apply notwithstanding any other provision of law which directly or indirectly affects such relocation.

SEC. 352. LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL.

(a) LIMITATION.—Section 2466(a) of title 10, United States Code, is amended to read as follows:

"(a) PERCENTAGE LIMITATION.—(1) Except as provided in paragraph (2), the Secretary of a military department and, with respect to a Defense Agency, the Secretary of Defense, may not contract for the performance by non-Federal Government personnel of more than 40 percent of the depot-level maintenance workload for the military department or the Defense Agency.

"(2) The Secretary of the Army shall provide for the performance by employees of the Department of Defense of not less than the following percentages of Army aviation depot-level maintenance workload:

"(A) For fiscal year 1993, 50 percent.

"(B) For fiscal year 1994, 55 percent.

"(C) For fiscal year 1995, 60 percent.".

(b) CONFORMING AMENDMENT.—Section 2466(c) of such title is amended by striking out "The Secretary of the Army, with respect to the Department of the Army, and the Secretary of the Air Force, with respect to the Department of the Air Force," and inserting in lieu thereof "The Secretary of the military department concerned and, with respect to a Defense Agency, the Secretary of Defense".

(c) REPORT.—Section 2466(e) of such title is amended—

(1) by inserting "(1)" after "REPORTS.—"; and

(2) by adding at the end the following:

"(2) Not later than January 15, 1994, the Secretary of each military department and the Secretary of Defense, with respect to the Defense Agencies, shall jointly submit to Congress a report described in paragraph (1).".

(d) EFFECT OF AMENDMENTS ON EXISTING CONTRACTS.—The Secretary of a military department and the Secretary of Defense, with respect to the Defense Agencies, may not cancel a depot-level maintenance contract in effect on the date of the enactment of this Act in order to comply with the requirements of section 2466(a) of title 10, United States Code, as amended by subsection (a).

SEC. 353. REQUIREMENT OF COMPETITION FOR THE PERFORMANCE OF WORKLOADS PREVIOUSLY PERFORMED BY DEPOT-LEVEL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) COMPETITION REQUIREMENT.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

"§2469. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense: requirement of competition

"The Secretary of Defense or the Secretary of a military department may not change the performance of a depot-level maintenance workload that has a threshold value of not less than $3,000,000 and is being performed by a depot-level activity of the Department of Defense unless, prior to any such change, the Secretary uses competitive procedures to make the change.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2469. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense: requirement of competition.".

SEC. 354. REPEAL OF REQUIREMENT FOR COMPETITION PILOT PROGRAM FOR DEPOT-LEVEL MAINTENANCE OF MATERIALS.

Subsection (b) of section 314 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1337; 10 U.S.C. 2466 note) is repealed.

Subtitle F—Commissaries and Military Exchanges

SEC. 361. STANDARDIZATION OF CERTAIN PROGRAMS AND ACTIVITIES OF MILITARY EXCHANGES.

(a) STANDARDIZATION OF EXCHANGES.—The Secretary of Defense shall standardize among the military departments the following programs and activities of the military exchanges of the military departments:

(1) Accounting (including account titles and item descriptions).

(2) Financial reporting formats.

(3) Automatic data processing and telecommunications data in order to facilitate the transfer of information among military exchanges.

(b) TIME AND MANNER.—The standardization of programs and activities required by subsection (a) shall be completed not later than March 31, 1994, and shall be carried out in the most efficient manner practicable.

(c) REPORT.—Not later than March 31, 1993, the Secretary of Defense shall submit to the Congress a report on other programs and activities of the military exchanges, if any, that the Secretary determines can be economically and efficiently managed through standardization or consolidation under a single nonappropriated fund instrumentality.

SEC. 362. ACCOUNTABILITY REGARDING THE FINANCIAL MANAGEMENT AND USE OF NONAPPROPRIATED FUNDS.

(a) REGULATION OF EXPENDITURE OF NAFI FUNDS.—Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§2490a. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds

"(a) REGULATION OF MANAGEMENT AND USE OF NONAPPROPRIATED FUNDS.—The Secretary of Defense shall prescribe regulations governing—

"(1) the purposes for which nonappropriated funds of a nonappropriated fund instrumentality of the United States within the Department of Defense may be expended; and

"(2) the financial management of such funds to prevent waste, loss, or unauthorized use.

"(b) PENALTIES FOR VIOLATIONS.—(1) A civilian employee of the Department of Defense who is paid from nonappropriated funds and who commits a substantial violation of the regulations prescribed under subsection (a) shall be subject to the same penalties as are provided by law for misuse of appropriations by a civilian employee of the Department of Defense paid from appropriated funds. The Secretary of Defense shall prescribe regulations to carry out this paragraph.

"(2) The Secretary shall provide in regulations that a violation of the regulations prescribed under subsection (a) by a person subject to chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is punishable as a violation of section 892 of such title (article 92 of the Uniform Code of Military Justice).

"(c) NOTIFICATION OF VIOLATIONS.—(1) A civilian employee of the Department of Defense (whether paid from nonappropriated funds or from appropriated funds), and a member of the Armed Forces, whose duties include the obligation of nonappropriated funds, shall notify the Secretary of Defense of information which the person reasonably believes evidences—

"(A) a violation by another person of any law, rule, or regulation regarding the management of such funds; or

"(B) other mismanagement or gross waste of such funds.

"(2) The Secretary of Defense shall designate civilian employees of the Department of Defense or members of the armed forces to receive a notification described in paragraph (1) and ensure the prompt investigation of the validity of information provided in the notification.

"(3) The Secretary shall prescribe regulations to protect the confidentiality of a person making a notification under paragraph (1).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2490a. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

SEC. 363. DEMONSTRATION PROGRAM FOR THE OPERATION OF CERTAIN COMMISSARY STORES BY NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall establish a demonstration program to determine the feasibility of having nonappropriated fund instrumentalities operate commissary stores at military installations.

(2) Under the program referred to in paragraph (1), the Secretary of Defense shall select nonappropriated fund instrumentalities to operate commissary stores located at military installations selected by the Secretary under subsection (b).

(b) SELECTION OF MILITARY INSTALLATIONS.—For participation in such program, the Secretary shall select not less than one nor more than three military installations in the United States, including at least one installation where National Guard personnel, other reserve component personnel, and their dependents comprise the predominant number of the users of the facilities and services of the installation.

(c) PROGRAM REQUIREMENT AND LIMITATION.—(1) Except as provided in paragraph (3), commissary stores operated under such program shall be operated in accordance with section 2484 of title 10, United States Code, relating to the payment of costs by the Department of Defense in connection with the operation of commissary stores.

(2) Except as provided in paragraph (3), the Secretary of Defense may, subject to such section, authorize a transfer of goods, supplies, and facilities of, and funds appropriated for, the Defense Commissary Agency to the nonappropriated fund instrumentalities selected under subsection (a)(2) for the purpose of operating combined exchange and commissary stores under such program.

(3) Appropriated funds may not be used pursuant to such section to pay costs associated with the direct support and operation of combined exchange and commissary stores under such program.

(d) PERIOD OF DEMONSTRATION PROGRAM.—A nonappropriated fund instrumentality selected under subsection (a)(2) shall operate commissary store facilities under such program for the period beginning on the date of the selection of the nonappropriated fund instrumentality and ending on the date of the expiration of the period referred to in subsection (e).

(e) REPORT.—Not later than the expiration of the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report on the implementation of such program. The report shall include the findings, conclusions, and recommendations of the Secretary, including a recommendation with respect to whether similar programs should be carried out at other military installations.

(f) DEFINITION.—In this section, the term "nonappropriated fund instrumentality" means an instrumentality of the United States under the jurisdiction of the Department of the Army or the Department of the Air Force (including the Army and Air Force Exchange Service) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

SEC. 364. RELEASE OF INFORMATION REGARDING SALES AT COMMISSARY STORES.

(a) AUTHORITY TO RELEASE.—Section 2487 of title 10, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"(a) AUTHORITY TO LIMIT RELEASE.—(1) The Secretary of Defense may limit the release to the public of any information described in paragraph (2) if the Secretary determines that it is in the best interest of the Department of Defense to limit the release of such information. If the Secretary determines to limit the release of any such information, the Secretary may provide for limited release of such information in accordance with subsection (b).

"(2) Paragraph (1) applies to those portions of computer data generated by electronic scanners used in military commissaries, and those portions of reports generated by such scanners, that contain the following information:

"(A) The unit price of items sold.

"(B) The number of units of items sold.

"(b) RELEASE UNDER COMPETITIVELY AWARDED AGREEMENTS.—The Secretary of Defense may enter into one or more agreements that provide for limited release of information described in subsection (a)(2). The Secretary shall use competitive procedures to enter into each such agreement. Each agreement shall require payment for such information and shall specify the amount of such payment.".

(b) TECHNICAL AMENDMENTS.—(1) The item relating to such section in the table of sections at the beginning of chapter 147 of title 10, United States Code, is amended by striking out "limitation" and inserting in lieu thereof "limitations".

(2) Subsection (c) of such section is amended by inserting after "(c)" the following: "DEPOSIT OF RECEIPTS.—".

SEC. 365. USE OF COMMISSARY STORES BY MEMBERS OF THE READY RESERVE.

(a) IN GENERAL.—Section 1063(a) of title 10, United States Code, is amended to read as follows:

"(a) ELIGIBILITY OF MEMBERS OF READY RESERVE.—(1) A member of the Ready Reserve who satisfactorily completes 50 or more points creditable under section 1332(a)(2) of this title in a calendar year shall be eligible to use commissary stores of the Department of Defense. The Sec-

retary concerned shall authorize the member to have 12 days of eligibility for any calendar year that the member qualifies for eligibility under this subsection.

"(2) Paragraph (1) shall apply without regard to whether, during the calendar year, the member receives compensation for the duty or training performed by the member or performs active duty for training.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to the completion of reserve points beginning in calendar year 1992.

(c) CONFORMING AMENDMENTS.—(1) The heading of section 1063 of such title is amended to read as follows:

"§1063. Period for use of commissary stores: eligibility for members of the Ready Reserve".

(2) The item relating to such section in the table of sections at the beginning of such chapter is amended to read as follows:

"1063. Period for use of commissary stores: eligibility for members of the Ready Reserve.".

Subtitle G—Other Matters

SEC. 371. EXTENSION OF CERTAIN GUIDELINES FOR REDUCTIONS IN THE NUMBER OF CIVILIAN POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF GUIDELINES.—Section 1597 of title 10, United States Code, is amended to read as follows:

"§1597. Civilian positions: guidelines for reductions

"(a) REQUIREMENT OF GUIDELINES FOR REDUCTIONS IN CIVILIAN POSITIONS.—Reductions in the number of civilian positions of the Department of Defense during fiscal year 1993, if any, shall be carried out in accordance with the guidelines established pursuant to subsection (b).

"(b) GUIDELINES.—The Secretary of Defense shall establish guidelines for fiscal year 1993 for the manner in which reductions in the number of civilian positions of the Department of Defense are made. The guidelines shall include procedures for reviewing civilian positions for reductions according to the following order:

"(1) Positions filled by foreign national employees overseas.

"(2) All other positions filled by civilian employees overseas.

"(3) Overhead, indirect, and administrative positions in headquarters or field operating agencies in the United States.

"(4) Direct operating or production positions in the United States.

"(c) MASTER PLAN.—(1) The Secretary of Defense shall include in the materials submitted to Congress in support of the budget request for the Department of Defense for fiscal year 1994 a civilian positions master plan described in paragraph (2) for the Department of Defense as a whole and for each military department, Defense Agency, and other principal component of the Department of Defense.

"(2) The master plan referred to in paragraph (1) shall include the information described in paragraph (3). Such information shall include information for each of the two fiscal years immediately preceding such fiscal year and projected information for such fiscal year and each of the two fiscal years immediately following such fiscal year.

"(3) The information referred to in paragraph (2) is the following:

"(A) A profile of the levels of civilian positions sufficient to establish and maintain a baseline for tracking annual accessions and losses of civilian positions and to provide for the analysis of trends in the levels of civilian positions within the Department of Defense as a whole and for each military department, major subordinate command of each military department, Defense Agency, and other principal component of the Department of Defense. The profile shall include information on the following:

"(i) The total number of civilian employees.

"(ii) Of the total number of civilian employees, the number of civilian employees in the United States, the number of civilian employees overseas, and the number of foreign national employees overseas.

"(iii) Of the total number of civilian employees at the end of each fiscal year covered by the master plan, the number of full-time employees, the number of part-time employees, and the number of temporary and on-call employees.

"(iv) Accessions and losses of civilian positions, shown in the aggregate and by the number of full-time employees, the number of part-time employees, and the number of temporary and on-call employees.

"(v) The number of losses of civilian positions, by appropriation account, due to reductions in force, furloughs, or functional transfers or other significant transfers of work away from the military department, defense agency, or other component.

"(vi) The extent to which accessions and losses of civilian positions are due to functional transfers or competitive actions that are related to the Department of Defense management review initiatives of the Secretary of Defense.

"(B) For industrial-type and commercial-type activities funded through the Defense Business Operations Fund, the following information:

"(i) Annual trends in the amount of funded workload for each activity, based upon the average number of months of accumulated, funded workload to be performed, or projected to be performed, by the activity.

"(ii) The extent to which such workload is funded by funds that are appropriated from appropriation accounts and managed through the Defense Business Operations Fund.

"(C) Information that indicates trends in the extent to which the military department, defense agency, or other component enters into contracts with persons outside of the Department of Defense, rather than uses civilian positions, to perform work for the military department, defense agency or other component.

"(D) Information that indicates the extent to which the Department of Defense management review initiatives of the Secretary of Defense and other productivity enhancement programs of the Department of Defense significantly affect the number of losses of civilian positions, particularly administrative and management positions.

"(d) EXCEPTIONS.—The Secretary of Defense may permit a variation from the guidelines established under subsection (b) or a master plan prepared under subsection (c) if the Secretary determines that such variation is critical to the national security. The Secretary shall immediately notify the Congress of any such variation and the reasons for such variation.

"(e) INVOLUNTARY REDUCTIONS OF CIVILIAN POSITIONS.—The Secretary of Defense may not implement any involuntary reduction or furlough of civilian positions in a military department, Defense Agency, or other component of the Department of Defense until the expiration of the 45-day period beginning on the date on which the Secretary submits to Congress a report setting forth the reasons why such reductions or furloughs are required and a description of any change in workload or positions requirements that will result from such reductions or furloughs.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1597. Civilian positions: guidelines for reductions.".

SEC. 372. ANNUAL REPORT ON SECURITY AND CONTROL OF SUPPLIES.

(a) ANNUAL REPORT.—Subsection (a) of section 2891 of title 10, United States Code, is amended by striking out "for each of fiscal years 1989, 1990, and 1991" and inserting in lieu thereof "for each of fiscal years 1992, 1993, and 1994".

(b) CONTENT OF REPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

"(9) A summary description of the cases determined by the Secretary of Defense to be cases of major thefts of Department of Defense supplies during the fiscal year preceding the fiscal year in which the report is submitted, including any case involving a loss in an amount greater than $1,000,000 or a loss of sensitive or classified items.

"(10) The value, and an analysis, of in-transit losses that occurred during the fiscal year preceding the fiscal year in which the report is submitted.".

SEC. 373. TRANSPORTATION OF DONATED MILITARY ARTIFACTS.

Section 2572(d)(2) of title 10, United States Code, is amended—

(1) by striking out "(2) The" and inserting in lieu thereof "(2)(A) Except as provided in subparagraph (B), the"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary concerned may, without cost to the recipient, demilitarize, prepare, and transport in the continental United States for donation to a recognized war veterans' association an item authorized to be donated under this section if the Secretary determines the demilitarization, preparation, and transportation can be accomplished as a training mission without additional budgetary requirements for the unit involved.".

SEC. 374. SUBCONTRACTING AUTHORITY FOR AIR FORCE AND NAVY DEPOTS.

Section 2208(j) of title 10, United States Code, is amended by striking out "The Secretary" and all that follows through "facility" and inserting in lieu thereof "The Secretary of a military department may authorize a working capital funded industrial facility of that department".

SEC. 375. CONSIDERATION OF VESSEL LOCATION FOR THE AWARD OF LAYBERTH CONTRACTS FOR SEALIFT VESSELS.

(a) CONSIDERATION OF VESSEL LOCATION IN THE AWARD OF LAYBERTH CONTRACTS.—As a factor in the evaluation of bids and proposals for the award of contracts to layberth sealift vessels of the Department of the Navy, the Secretary of the Navy shall include the location of the vessels, including whether the vessels should be layberthed at locations where—

(1) members of the Armed Forces are likely to be loaded onto the vessels; and

(2) layberthing the vessels maximizes the ability of the vessels to meet mobility and training needs of the Department of Defense.

(b) ESTABLISHMENT OF LOCATION AS A MAJOR CRITERION.—In the evaluation of bids and proposals referred to in subsection (a), the Secretary of the Navy shall give the same level of consideration to the location of the vessels as the Secretary gives to other major factors established by the Secretary.

(c) APPLICABILITY.—Subsection (a) shall apply to any solicitation for bids or proposals issued after the end of the 120-day period beginning on the date of the enactment of this Act.

SEC. 376. PILOT PROGRAM TO USE NATIONAL GUARD PERSONNEL IN MEDICALLY UNDERSERVED COMMUNITIES.

(a) PILOT PROGRAM.—Under regulations prescribed by the Secretary of Defense, the Chief of the National Guard Bureau shall enter into an agreement with each of the Governors of one or

more States to carry out a pilot program during fiscal years 1993 and 1994 to provide training and professional development opportunities for members of the National Guard through the provision of health care to residents of medically underserved communities in those States with the use of personnel and equipment of the National Guard.

(b) FUNDING ASSISTANCE.—Under the agreement, the Chief of the National Guard Bureau shall provide funds for the pay, allowances, clothing, subsistence, travel, and related expenses of personnel of the National Guard participating in the pilot program and for medical supplies and equipment to be used to provide health care to medically underserved populations. Of the funds authorized to be appropriated for fiscal year 1993 for operation and maintenance under this title for the Army National Guard, not more than $5,000,000 may be used by the Chief of the National Guard Bureau to provide funding under the agreements.

(c) MAINTENANCE OF EFFORT.—The Chief of the National Guard Bureau shall ensure that each agreement under subsection (a) provides that the provision of services under the pilot program will supplement and increase the level of services that would be provided with non-Federal funds in the absence of such services, and will in no event supplant services provided with non-Federal funds.

(d) COORDINATION AMONG PROGRAMS.—In carrying out the pilot program under subsection (a), the Chief of the National Guard Bureau shall consult with the Secretary of Health and Human Services for the purpose of ensuring that the provision of services under the pilot program are not redundant with the services of programs of such Secretary.

(e) SERVICE OF PARTICIPANTS.—Service by National Guard personnel in the pilot program shall be counted toward the annual training required under section 270 of title 10, United States Code, and section 502 of title 32, United States Code.

(f) REPORT.—The Secretary of Defense shall, not later than January 1, 1994, submit to the Congress a report on the effectiveness of the pilot program and any recommendations with respect to the pilot program.

SEC. 377. AUTHORITY FOR THE ISSUE OF UNIFORMS WITHOUT CHARGE TO MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended—

(1) by redesignating section 775 as section 776; and

(2) by inserting after section 774 the following new section:

"§775. Issue of uniform without charge

"(a) ISSUE OF UNIFORM.—The Secretary concerned may issue a uniform, without charge, to any of the following members:

"(1) A member who is being repatriated after being held as a prisoner of war.

"(2) A member who is being treated at or released from a medical treatment facility as a consequence of being wounded or injured during military hostilities.

"(3) A member who, as a result of the member's duties, has unique uniform requirements.

"(4) Any other member, if the Secretary concerned determines, under exceptional circumstances, that the issue of the uniform to that member would significantly benefit the morale and welfare of the member and be advantageous to the armed force concerned.

"(b) RETENTION OF UNIFORM AS A PERSONAL ITEM.—Notwithstanding section 771a of this title, a uniform issued to a member under this section may be retained by the member as a personal item.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 775 and inserting in lieu thereof the following:

"775. Issue of uniform without charge.
"776. Applicability of chapter.".

SEC. 378. PROGRAM TO COMMEMORATE WORLD WAR II.

(a) IN GENERAL.—The Secretary of Defense may, during fiscal years 1993 through 1995, conduct a program to commemorate the 50th anniversary of World War II and to coordinate, support, and facilitate other such commemoration programs and activities of the Federal Government, State and local governments, and other persons.

(b) USE OF FUNDS.—During fiscal years 1993 through 1995, funds appropriated to the Department of Defense for operation and maintenance of Defense Agencies shall be available to conduct the program referred to in subsection (a).

(c) PROGRAM ACTIVITIES.—The program referred to in subsection (a) may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of World War II;

(2) to thank and honor veterans of World War II and their families;

(3) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States;

(4) to foster an awareness in the people of the United States that World War II was the central event of the 20th century that defined the postwar world;

(5) to highlight advances in technology, science, and medicine related to military research conducted during World War II;

(6) to inform wartime and postwar generations of the contributions of the Armed Forces of the United States to the United States;

(7) to recognize the contributions and sacrifices made by World War II allies of the United States; and

(8) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

(d) AUTHORITY OF THE SECRETARY.—(1) In connection with the program referred to in subsection (a), the Secretary of Defense may adopt, use, and register as trademarks and service marks, emblems, signs, insignia, or words. The Secretary shall have the exclusive right to use such emblems, signs, insignia or words, subject to the preexisting rights described in paragraph (3), and may grant exclusive or nonexclusive licenses in connection therewith.

(2) Without the consent of the Secretary of Defense, any person who uses any emblem, sign, insignia, or word adopted, used, or registered as a trademark or service mark by the Secretary in accordance with paragraph (1), or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the program referred to in subsection (a), shall be subject to suit in a civil action by the Attorney General, upon complaint by the Secretary of Defense, for the remedies provided in the Act of July 5, 1946, as amended (60 Stat. 427; popularly known as the Trademark Act of 1945) (15 U.S.C. 1051 et seq.).

(3) Any person who actually used an emblem, sign, insignia, or word adopted, used, or registered as a trademark or service mark by the Secretary in accordance with paragraph (1), or any combination or simulation thereof, for any lawful purpose before such adoption, use, or registration as a trademark or service mark by the Secretary shall not be prohibited by this section from continuing such lawful use for the same purpose and for the same goods or services.

(e) ESTABLISHMENT OF ACCOUNT.—(1) There is established in the Treasury of the United States an account to be known as the "Department of Defense 50th Anniversary of World War II Commemoration Account" which shall be administered by the Secretary of Defense as a single account. There shall be deposited into the account all proceeds derived from activities described in subsection (d).

(2) The Secretary may use the funds in the account established in paragraph (1) only for the purpose of conducting the program referred to in subsection (a).

(3) Not later than 60 days after the termination of the authority of the Secretary to conduct the commemoration program referred to in subsection (a), the Secretary shall transmit to the Committees on Armed Services of the Senate and House of Representatives a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

(f) PROVISION OF VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the program referred to in subsection (a).

(2) A person providing voluntary services under this subsection shall be considered to be an employee for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purposes by reason of the provision of such service.

(3) The Secretary of Defense may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Secretary of Defense shall determine which expenses are eligible for reimbursement under this paragraph.

SEC. 379. EXTENSION OF DEMONSTRATION PROJECT FOR THE USE OF PROCEEDS FROM THE SALE OF CERTAIN LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY.

(a) EXTENSION OF PROGRAM.—Section 343(d)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1344) is amended by striking out "terminate at the end of the one-year period" and inserting in lieu thereof "terminate at the end of the two-year period".

(b) REPORT.—Section 343(e) of such Act is amended by striking out "one-year period" and inserting in lieu thereof "two-year period".

SEC. 380. PROMOTION OF CIVILIAN MARKSMANSHIP.

(a) AUTHORITY OF THE SECRETARY OF THE ARMY.—(1) Section 4308 of title 10, United States Code, is amended to read as follows:

"§4308. Promotion of civilian marksmanship: authority of the Secretary of the Army

"(a) PROGRAM REQUIRED.—The Secretary of the Army, under regulations approved by him upon the recommendation of the National Board for the Promotion of Rifle Practice, shall provide for—

"(1) the operation and maintenance of indoor and outdoor rifle ranges and their accessories and appliances;

"(2) the instruction of citizens of the United States in marksmanship, and the employment of necessary instructors for that purpose;

"(3) the promotion of practice in the use of rifled arms, the maintenance and management of matches or competitions in the use of those arms, and the issue, without cost, of the arms, ammunition (including caliber .22 and caliber .30 ammunition), targets, and other supplies and *appliances necessary for those purposes, to gun clubs under the direction of the National Board for the Promotion of Rifle Practice that provide training in the use of rifled arms to youth, the Boy Scouts of America, 4-H Clubs, Future Farmers of America, and other youth-oriented organizations for training and competition;*

"(4) the award to competitors of trophies, prizes, badges, and other insignia;

"(5) the loan or sale at fair market value of caliber .30 rifles, caliber .22 rifles, and air rifles, and the sale of ammunition at fair market value, to gun clubs that—

"(A) are under the direction of the National Board for the Promotion of Rifle Practice; and

"(B) provide training in the use of rifled arms;

"(6) the sale at fair market value of arms (including surplus M-1 Garand rifles), ammunition, targets, and other supplies and appliances necessary for target practice to citizens of the United States over 18 years of age who are members of a gun club under the direction of the National Board for the Promotion of Rifle Practice;

"(7) the maintenance of the National Board for the Promotion of Rifle Practice, including provision for its necessary expenses and those of its members and for the Board's expenses incidental to the conduct of the Board's annual meetings;

"(8) the procurement of necessary supplies, appliances, trophies, prizes, badges, and other insignia, clerical and other services, and labor; and

"(9) the transportation of employees, instructors, and civilians to give or to receive instruction or to assist or engage in practice in the use of rifled arms, and the transportation and subsistence, or an allowance instead of subsistence, of members of teams authorized by the Secretary to participate in matches or competitions in the use of rifled arms.

"(b) ADDITIONAL AUTHORITY.—The Secretary may—

"(1) provide personnel services (in addition to pay and nontravel-related allowances for members of the armed forces) in carrying out the Civilian Marksmanship Program; and

"(2) impose reasonable fees for persons and gun clubs participating in any program conducted by the Secretary for the promotion of marksmanship among civilians.

"(c) AMOUNTS COLLECTED.—Amounts collected by the Secretary under the Civilian Marksmanship Program, including the proceeds from the sale of arms, ammunition, targets, and other supplies and appliances under subsection (a), shall be credited to the appropriation available for the support of the Civilian Marksmanship Program and shall be available to carry out such program.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year such sums as may be necessary to pay the personnel costs and other expenses of the Civilian Marksmanship Program in such fiscal year to the extent that the amounts available out of the revenues collected under the program are insufficient to defray such costs and expenses.

"(e) DEFINITION.—In this section, the term 'Civilian Marksmanship Program' means the program carried out by the Secretary of the Army under this section and sections 4310 through 4312 of this title and includes the National Matches and small-arms firing schools referred to in section 4312 of this title.".

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the item relating to section 4308 and inserting in lieu thereof the following:

"4308. Promotion of civilian marksmanship: authority of the Secretary of the Army.".

(b) AVAILABILITY OF RIFLE RANGES FOR ARMED FORCES AND CIVILIANS.—(1) Section 4309 of title 10, United States Code, is amended to read as follows:

"§4309. Rifle ranges: availability for use by members and civilians

"(a) RANGES AVAILABLE.—All rifle ranges constructed in whole or in part with funds provided by the United States may be used by members of the armed forces and by persons capable of bearing arms.

"(b) MILITARY RANGES.—(1) In the case of a rifle range referred to in subsection (a) that is located on a military installation, the Secretary concerned may establish reasonable fees for the use by civilians of that rifle range to cover the material and supply costs incurred by the armed forces to make that rifle range available to civilians.

"(2) Fees collected pursuant to paragraph (1) in connection with the use of a rifle range shall be credited to the appropriation available for the operation and maintenance of that rifle range and shall be available for the operation and maintenance of that rifle range.

"(3) Use of a rifle range referred to in paragraph (1) by civilians may not interfere with the use of the range by members of the armed forces.

"(c) REGULATIONS.—Regulations to carry out this section with respect to a rifle range shall be prescribed, subject to the approval of the Secretary concerned, by the authorities controlling the rifle range.".

(2) The table of sections at the beginning of chapter 401 of such title is amended by striking out the item relating to section 4309 and inserting in lieu thereof the following:

"4309. Rifle ranges: availability for use by members and civilians.".

(c) PAYMENT OF EXPENSES FOR NATIONAL MATCH COMPETITORS.—(1) Section 4313 of title 10, United States Code, is amended to read as follows:

"§4313. National matches and small-arms school: expenses

"(a) JUNIOR COMPETITORS.—(1) Junior competitors at National Matches, small-arms firing schools, and competitions in connection with National Matches and special clinics under section 4312 of this title may be paid a subsistence allowance in such amount as the Secretary of the Army shall prescribe.

"(2) A junior competitor referred to in paragraph (1) may be paid a travel allowance, in such amount as the Secretary of the Army shall prescribe, instead of travel expenses and subsistence while traveling. The travel allowance for the return trip may be paid in advance.

"(3) For the purposes of this subsection, a junior competitor is a competitor who is under 18 years of age or is a member of a gun club organized for the students of a college or university.

"(b) RESERVE COMPONENT PERSONNEL.—Appropriated funds available for the Civilian Marksmanship Program (as defined in section 4308(e) of this title) may be used to pay the personnel costs and travel and per diem expenses of a member of a reserve component for any active duty performed by the member in a fiscal year in support of the program after the end of that member's scheduled period of annual training for that fiscal year.".

(2) The item relating to section 4313 in the table of sections at the beginning of chapter 401 of such title is amended by striking out "rifle".

(d) REPORT.—(1) Chapter 401 of such title is amended by adding at the end the following new section:

"§4316. Reporting requirements

"The Secretary of the Army shall biennially submit to the Congress a report that specifies the overall expenditures for programs and activities under this chapter, including fees charged and amounts collected pursuant to subsections (b) and (c) of section 4308, and any progress made with respect to achieving financial self-sufficiency of the programs and activities.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4316. Reporting requirements.".

(e) EFFECTIVE DATE.—(1) This section and the amendments made by this section shall take effect on the earlier of—

(A) the date of the enactment of this Act; or

(B) October 1, 1992.

(2) If under paragraph (1) the amendments made by this section take effect before October 1, 1992, the amendments made by section 328 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1533) shall not take effect.

(3) If under paragraph (1) the amendments made by this section take effect on October 1, 1992, the amendments made by this section shall be considered executed immediately following the amendments made by section 328 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1533).

SEC. 381. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

SEC. 382. OPTIONAL DEFENSE DEPENDENTS' SUMMER SCHOOL PROGRAMS.

Section 1402 of the Defense Dependents' Education Act of 1978 (title XIV of Public Law 95–561; 20 U.S.C. 921) is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of Defense may provide optional summer school programs in the defense dependents' education system.

"(2) The Secretary shall provide in regulations for fees to be charged for the students enrolling in a summer school program under this subsection in amounts determined on the basis of family income.

"(3) The amounts received by the Secretary in payment of the fees shall be available to the Department of Defense for defraying the costs of conducting summer school programs under this subsection.".

SEC. 383. REVIEW OF MILITARY FLIGHT TRAINING ACTIVITIES AT CIVILIAN AIRFIELDS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall provide for a review of the practices and procedures of the military departments regarding the use of civilian airfields in flight training activities of the Armed Forces.

(b) PURPOSE.—The purpose of the review is to determine whether the practices and procedures referred to in subsection (a) should be modified to better protect the public safety while meeting training requirements of the Armed Forces.

(c) SPECIAL REQUIREMENT.—In the conduct of the review, particular consideration shall be given to the practices and procedures regarding the use of civilian airfields in heavily populated areas.

SEC. 384. PREFERENCE FOR PROCUREMENT OF ENERGY EFFICIENT ELECTRIC EQUIPMENT.

(a) REQUIREMENT FOR PREFERENCE.—(1)(A) Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410c. Preference for energy efficient electric equipment

"(a) When cost effective, in establishing a new requirement for electric equipment referred to in subsection (b) and in procuring electric equipment referred to in that subsection, the

Secretary of a military department or the head of a Defense Agency, as the case may be, shall provide a preference for the procurement of the most energy efficient electric equipment available that meets the requirement or the need for the procurement, as the case may be.

"(b) Subsection (a) applies to the following electric equipment:

"(1) Electric lamps.

"(2) Electric ballasts.

"(3) Electric motors.

"(4) Electric refrigeration equipment.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410c. Preference for energy efficient electric equipment.".

(2) The amendments made by paragraph (1) shall apply to procurements for which solicitations are issued on or after the date that is 120 days after the date of the enactment of this Act.

(b) ELECTRIC LIGHTING DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program for using energy efficient electric lighting equipment.

(2) The Secretary shall designate 50 facilities owned or leased by the Department of Defense for participation in the demonstration program under this subsection.

(3) The head of each facility designated pursuant to paragraph (2) and the Director of the Defense Logistics Agency shall jointly audit the electric lighting equipment at the facility in order—

(A) to identify any potential improvements that would increase the energy efficiency of electric lighting at that facility; and

(B) to determine the costs of, and the savings that would result from, such improvements.

(4) Except as provided in subsection (d)(4), on the basis of the results of the audit the head of the facility shall promptly convert to the use of electric lighting equipment at the facility that is more energy efficient than the existing electric lighting equipment to the extent that the conversion is cost effective.

(5) Energy efficient electric lighting equipment used under the demonstration program may include compact fluorescent lamps, energy efficient electric ballasts and fixtures, and other energy efficient electric lighting equipment.

(c) REFRIGERATION EQUIPMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program for using energy efficient refrigeration equipment.

(2) The Secretary shall designate 50 facilities owned or operated by the Department of Defense for participation in the demonstration program under this subsection.

(3) The head of each facility designated pursuant to paragraph (2) and the Director of the Defense Logistics Agency shall jointly audit the refrigeration equipment at the facility in order—

(A) to identify any potential improvements that would increase the energy efficiency of the refrigeration equipment at that facility; and

(B) to determine the costs of, and the savings that would result from, such improvements.

(4) Except as provided in subsection (d)(4), on the basis of the results of the audit the head of the facility shall promptly convert to the use of refrigeration equipment at the facility that is more energy efficient than the existing refrigeration equipment to the extent that the conversion is cost effective.

(d) GENERAL PROVISIONS FOR DEMONSTRATION PROGRAMS.—(1) The Secretary of Defense shall make the designations under subsections (b)(2) and (c)(2) not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Defense may designate a facility described in subsections (b)(2) and (c)(2) for participation in the demonstration program under subsection (b) and the demonstration program under subsection (c).

(3) The audits required by subsections (b)(3) and (c)(3) shall be completed not later than January 1, 1994.

(4) The head of a facility may not carry out a conversion described in subsection (b)(4) or (c)(4) if the conversion prevents the head of the facility from carrying out others improvements relating to energy efficiency that are more cost effective than that conversion.

SEC. 385. PAYMENT OF RESIDENTS OF THE ARMED FORCES RETIREMENT HOME FOR SERVICES.

(a) AUTHORITY.—Part A of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510; 24 U.S.C. 401 et seq.) is amended by adding at the end the following:

"SEC. 1521. PAYMENT OF RESIDENTS FOR SERVICES.

"(a) AUTHORITY.—The Chairman of the Armed Forces Retirement Board is authorized to accept for the Armed Forces Retirement Home the part-time or intermittent services of a resident of the Retirement Home, to pay the resident for such services, and to fix the rate of such pay.

"(b) EMPLOYMENT STATUS.—A resident receiving pay for services authorized under subsection (a) shall not, by reason of performing such services and receiving pay for such services, be considered as—

"(1) receiving the pay of a position or being employed in a position for the purposes of section 5532 of title 5, United States Code; or

"(2) being an employee of the United States for any other purpose.

"(c) DEFINITION.—In subsection (b)(1), the term 'position' has the meaning given that term in section 5531 of title 5, United States Code.".

(b) FORGIVENESS OF INDEBTEDNESS.—The Chairman of the Armed Forces Retirement Board is authorized to cancel the indebtedness of any resident of the Armed Forces Retirement Home for repayment to the United States of amounts paid the resident for services provided to the Retirement Home before the date of the enactment of this Act if the Chairman determines that it would be in the interest of the United States to do so and against equity and good conscience to require the repayment.

SEC. 386. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense, in consultation with the Secretary of Education, shall provide financial assistance to local educational agencies in States as provided in this section.

(b) SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—The Secretary of Defense shall provide financial assistance to an eligible local educational agency described in subsection (c) if, without such assistance, that agency will be unable (as determined by the Secretary of Defense in consultation with the Secretary of Education) to provide the students in the schools of the agency with a level of education that is equivalent to the minimum level of education available in the schools of the other local educational agencies in the same State.

(c) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under subsection (b) for a fiscal year if—

(1) at least 30 percent (as rounded to the nearest whole percent) of the students in average daily attendance in the schools of that agency in that fiscal year are military dependent students counted under subsection (a) or (b) of section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238); or

(2) by reason of a consolidation or reorganization of local educational agencies, the local educational agency is a successor of a local educational agency that, for fiscal year 1992—

(A) was eligible to receive payments in accordance with Department of Defense Instruction 1342.18, dated June 3, 1991; and

(B) satisfied the requirement in paragraph (1).

(d) ADJUSTMENT PAYMENTS RELATED TO BASE CLOSURES AND REALIGNMENTS.—Subject to subsection (g), to assist communities in making adjustments resulting from reductions in the size of the Armed Forces, the Secretary of Defense shall transfer to the Secretary of Education funds to make payments to local educational agencies that are entitled to receive under section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238), payments adjusted in accordance with subsection (e) of such section by reason of conditions described in subparagraphs (A) through (C) of paragraph (1) of such subsection that result from closures and realignments of military installations.

(e) REPORT ON IMPACT OF BASE CLOSURES ON EDUCATIONAL AGENCIES.—(1) Not later than February 15 of each of 1993, 1994, and 1995, the Secretary of Defense, in consultation with the Secretary of Education, shall submit to Congress a report on the local educational agencies affected by the closures and realignment of military installations and by redeployments of members of the Armed Forces.

(2) Each report shall contain the following:

(A) The number of dependent children of members of the Armed Forces or civilian employees of the Department of Defense who entered the schools of the local educational agencies during the preceding school year as a result of closures, realignments, or redeployments.

(B) The number of dependent children of such members or employees who withdrew from the schools of the local educational agencies during that school year as a result of closures, realignments, or redeployments.

(C) The amounts paid to the local educational agencies during that year under the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 236 et seq.), or any other provision of law authorizing the payment of financial assistance to local communities or local educational agencies on the basis of the presence of dependent children of such members or employees in such communities and in the schools of such agencies.

(D) The projected transfers of such members and employees in connection with closures, realignments, and redeployments during the 12-month period beginning on the date of the report, including—

(i) the installations to be closed or realigned;

(ii) the installations to which personnel will be transferred as a result of closures, realignments, and redeployments; and

(iii) the effects of such transfers on the number of dependent children who will be included in determinations with respect to the payment of funds to each affected local educational agency under subsections (a) and (b) of section 3 of such Act (20 U.S.C. 238).

(e) DEFINITIONS.—In this section:

(1) The term "local educational agency" has the meaning given that term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

(2) The term "military dependent student" means a student that is—

(A) a dependent child of a member of the Armed Forces; or

(B) a dependent child of a civilian employee of the Department of Defense.

(3) The term "State" has the meaning given that term in section 3(d)(3)(D)(i) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 238(d)(3)(D)(i)).

(f) FUNDING.—Of the amounts appropriated for the Department of Defense for operation and

maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301—

(1) $50,000,000 shall be available for providing assistance to local educational agencies under subsection (b); and

(2) $8,000,000 shall be available for making payments to local educational agencies under subsection (d).

(g) LIMITATION ON TRANSFER AND OBLIGATION OF FUNDS.—(1) The amount made available pursuant to subsection (f)(2) for adjustment assistance related to base closures and realignments under subsection (d) may be obligated for such adjustment assistance only if expenditures for that adjustment assistance for fiscal year 1993 have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) Not later than the third day after the date of the enactment of this Act, the Director of the Office of Management and Budget shall make a determination as to the classification by discretionary spending limit category for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 of the amount appropriated for adjustment assistance related to base closures and realignments under subsection (d). If the Director determines that the amount shall not classify against the defense category (as described in paragraph (1)), then the President shall submit to Congress a report stating that the Director has made such a determination and the amount that will not classify against the defense category and containing an explanation for the determination.

(3) The amount listed in the report under paragraph (2) may be transferred only to the programs under title III other than the program under subsection (d) pursuant to amounts specified in appropriation Acts. Any such transfer shall be taken into account for purposes of calculating all reports under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 387. TREATMENT OF STATE EQUALIZATION PROGRAMS IN DETERMINING ELIGIBILITY FOR, AND AMOUNT OF, IMPACT AID.

Section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress; 20 U.S.C. 240(d)(2)) is amended—

(1) by striking the first subparagraph (C) (as added by section 330(a) of Public Law 94–482 (90 Stat. 2221)); and

(2) by adding at the end the following new subparagraph:

"(D) Any State whose program of State aid was certified by the Secretary under subparagraph (C) for fiscal year 1988, but whose program was determined by the Secretary under subparagraph (C)(i) not to meet the requirements of subparagraph (A) for one or more of the fiscal years 1989 through 1992—

"(i) shall be deemed to have met the requirements of subparagraph (A) for each of the fiscal years 1989 through 1992; and

"(ii) shall not, beginning with fiscal year 1993, and notwithstanding any other provision of this paragraph, take payments under this title into consideration as provided under subparagraph (A) for any fiscal year unless the Secretary has previously certified such State's program for such fiscal year.".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1993, as follows:

(1) The Army, 598,900, of whom not more than 88,855 shall be commissioned officers.

(2) The Navy, 535,800, of whom not more than 67,455 shall be commissioned officers.

(3) The Marine Corps, 181,900, of whom not more than 18,440 shall be commissioned officers.

(4) The Air Force, 449,900, of whom not more than 84,970 shall be commissioned officers.

SEC. 402. WAIVER AND TRANSFER AUTHORITY.

(a) WAIVER AUTHORITY.—The Secretary of Defense may waive an end strength prescribed in section 401 for any of the Armed Forces to the extent that the Secretary considers the waiver necessary to prevent personnel imbalances that would impair the long term combat readiness of that armed force.

(b) TRANSFER AUTHORITY.—(1) Upon determination by the Secretary of Defense that such action is necessary in order to prevent involuntary separations from the Armed Forces that would otherwise be necessary solely for the purpose of reducing the size of the Armed Forces below the authorized end strengths prescribed in section 401, the Secretary may transfer amounts appropriated to the Department of Defense pursuant to authorizations of appropriations in this division for fiscal year 1993. Amounts so transferred shall be merged with and be available for the same purposes as the appropriations to which transferred.

(2) A transfer made from one appropriation account to another under the authority of this section shall be deemed to increase the amount authorized for the appropriation account to which transferred by the amount transferred.

(3) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this subsection.

SEC. 403. LIMITED EXCLUSION OF JOINT SERVICE REQUIREMENTS FROM A LIMITATION ON THE STRENGTHS FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) EXCLUSION.—Section 526 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Chairman of the Joint Chiefs of Staff may designate up to 12 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this title for exclusion from the limitations in subsection (a) that are applicable on and after October 1, 1995. Officers in positions so designated shall not be counted for the purposes of those limitations.

"(2) This subsection shall cease to be effective on October 1, 1998.".

(b) TECHNICAL AMENDMENT.—Subsection (b) of such section is amended by striking out "(b)" and inserting in lieu thereof "(b) TRANSFERS BETWEEN SERVICES.—".

SEC. 404. STUDY OF DISTRIBUTION OF GENERAL AND FLAG OFFICER POSITIONS IN JOINT DUTY ASSIGNMENTS.

(a) STUDY.—The Secretary of Defense shall conduct a study of whether joint organizations of the Department of Defense are fully staffed with the appropriate number of general and flag officers. For such purpose, the Secretary, as part of the study, shall—

(1) identify and validate requirements for general and flag officer joint positions;

(2) evaluate the process of reallocating general and flag officer positions when either new joint duty position requirements are identified or requirements for existing joint duty positions are terminated; and

(3) evaluate the process of identifying and assigning general and flag officers to joint positions.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study. The report shall include—

(1) the findings, conclusions, and recommendations of the study;

(2) a description of any actions taken by the Secretary based on the results of the study; and

(3) any recommendations for legislation that the Secretary considers appropriate based on the results of the study.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1993, as follows:

(1) The Army National Guard of the United States, 422,725.

(2) The Army Reserve, 279,615.

(3) The Naval Reserve, 133,675.

(4) The Marine Corps Reserve, 42,315.

(5) The Air National Guard of the United States, 119,300.

(6) The Air Force Reserve, 82,300.

(7) The Coast Guard Reserve, 15,150.

(b) INCREASES IN END STRENGTHS.—The Secretary of Defense may increase an end strength authorized by subsection (a) by not more than 2 percent.

(c) LIMITATION ON REDUCTIONS IN END STRENGTHS.—(1) Except as provided in paragraph (2), the number of Selected Reserve personnel of any of the reserve components as of September 30, 1993, may not be below the number authorized in subsection (a) for that reserve component.

(2) The Secretary of Defense may authorize a reduction in the number applicable to any of the reserve components under paragraph (1) by not more than 0.5 percent if the Secretary of the military department concerned determines that such a reduction is necessary in order to permit the early and timely release from active duty or full-time National Guard duty of members who seek such release before the end of the fiscal year.

(d) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1993, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 24,736.

(2) The Army Reserve, 12,637.

(3) The Naval Reserve, 21,490.

(4) The Marine Corps Reserve, 2,285.

(5) The Air National Guard of the United States, 9,106.

(6) The Air Force Reserve, 636.

SEC. 413. RESERVE COMPONENT FORCE STRUCTURE.

(a) REQUIREMENT TO PRESCRIBE RESERVE COMPONENT FORCE STRUCTURE.—The Secretary of each military department shall prescribe a force structure allowance for each reserve component under the jurisdiction of the Secretary. Each such force structure allowance for a reserve component—

(1) shall be consistent with, but in no case include a number of personnel spaces that is less than, the authorized end strength for that component; and

(2) shall be prescribed in accordance with historic service policies.

(b) DEFINITION.—For purposes of this section, the term "force structure allowance" means the number and types of units and organizations, and the number of authorized personnel spaces allocated to those units and organizations, in a military force.

Subtitle C—Military Training Student Loads

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) IN GENERAL.—For fiscal year 1993, the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 85,475.

(2) The Navy, 51,371.

(3) The Marine Corps, 18,831.

(4) The Air Force, 33,164.

(5) The Defense Agencies, 4,740.

(b) ADJUSTMENTS.—The average military training student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in subtitles A and B. The Secretary of Defense shall prescribe the manner in which such adjustments shall be apportioned.

Subtitle D—Limitations

SEC. 431. REDUCTION IN NUMBER OF PERSONNEL CARRYING OUT RECRUITING ACTIVITIES.

(a) FISCAL YEAR 1994 LIMITATION.—The number of members of the Armed Forces on September 30, 1994, who are serving on full-time active duty or full-time National Guard duty and who, as a primary duty, carry out personnel recruiting activities may not exceed the number equal to 90 percent of the number of members of the Armed Forces who, as a primary duty, carried out personnel recruiting activities while serving on full-time active duty or full-time National Guard duty on September 30, 1992.

(b) FISCAL YEAR 1993 IMPLEMENTATION.—The Secretary of Defense shall ensure that the number of such personnel who, as a primary duty, carry out such activities is reduced appropriately during fiscal year 1993 to achieve the reduction required as of the end of fiscal year 1994.

SEC. 432. NAVY CRAFT OF OPPORTUNITY (COOP) PROGRAM.

The Secretary of the Navy shall ensure that none of the end strength reduction projected for the Naval Reserve in this Act shall be derived from personnel authorizations assigned to the Craft of Opportunity mission. The number of personnel authorizations assigned to that mission shall be maintained at not less than the level in effect on September 30, 1991.

SEC. 433. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1993 a total of $76,311,000,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1993.

TITLE V—MILITARY PERSONNEL POLICY

SEC. 500. REFERENCE TO PERSONNEL POLICY PROVISIONS IN TITLE XLIV.

For provisions of this Act providing transition enhancements and other personnel benefits for the active forces relating to the defense drawdown, see subtitle A of title XLIV (sections 4401–4408). For provisons of this Act providing transition enhancements and other personnel benefits for the Guard and Reserve forces relating to the defense drawdown, see subtitle B of title XLIV (sections 4411–4422).

Subtitle A—Officer Personnel Policy

SEC. 501. REPORTS ON PLANS FOR OFFICER ACCESSIONS AND ASSIGNMENT OF JUNIOR OFFICERS.

(a) REPORT ON PLANNED OFFICER ACCESSIONS.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the plans of the military departments for the procurement of officer personnel during each of fiscal years 1993 through 1997.

(2) The report shall contain for each fiscal year for each military department the following:

(A) For each program of officer training resulting in a commission, the number of persons to be commissioned.

(B) Of the persons to be commissioned under the Reserve Officer Training Corps program, the number of persons receiving scholarships under that program and the number of persons not receiving scholarships under the program.

(C) Of the number of persons to be commissioned—

(i) the number necessary to meet immediate needs for active component personnel;

(ii) the number necessary to meet immediate needs for personnel for the Selected Reserve of the Ready Reserve of the reserve components; and

(iii) the number that will be assigned directly into the Individual Ready Reserve of the reserve components.

(b) REPORT ON PLANNED OFFICER ASSIGNMENTS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the types of assignments that the military departments plan for the commissioned officers who commence active duty for their initial period of obligated active duty service during each of fiscal years 1993 through 1997 after being commissioned upon completion of an officer training program, stated by officer training program. The report shall contain an analysis of the number of officers that are to be assigned for skills training and the number of officers that are to be assigned directly to occupational positions.

(c) SUBMISSION OF REPORTS.—The reports required by subsections (a) and (b) shall be submitted together not later than April 1, 1993.

SEC. 502. EVALUATION OF EFFECTS OF OFFICER STRENGTH REDUCTIONS ON OFFICER PERSONNEL MANAGEMENT SYSTEMS.

(a) REQUIREMENT FOR REVIEW.—The Secretary of Defense shall provide for a federally funded research and development center that is independent of the military departments to review the officer personnel management system of each of the military departments and to determine and evaluate the effects of the post-Cold War officer strength reductions on that officer personnel management system.

(b) MATTERS TO BE CONSIDERED.—The review and evaluation shall include, for the officer personnel management system of each military department, the effects of the officer strength reductions on the following:

(1) The timing and opportunities for officer promotions.

(2) The expected lengths of officer careers.

(3) Other features of the officer personnel management system under the Defense Officer Personnel Management Act (Public Law 96–513), including the provisions of law added and amended by that Act.

(4) Any other aspect of the officer personnel management system that the federally funded research and development center personnel conducting the review and evaluation consider appropriate or as directed by the Secretary of Defense.

(c) REPORT.—Not later than December 31, 1993, the federally funded research and development center shall submit to the Secretary of Defense a report on the results of the review and evaluation. Within 60 days after receiving the report, the Secretary shall transmit the report to the Committees on Armed Services of the Senate and House of Representatives. The Secretary may submit to such committees any comments that the Secretary considers appropriate regarding the matters contained in the report.

(d) FUNDING.—Funds appropriated for fiscal year 1993 pursuant to title II and made available for federally funded research and development centers shall be available for the conduct of the review and evaluation under this section.

SEC. 503. SUBMISSION OF ELIGIBILITY LISTS TO SELECTIVE EARLY RETIREMENT BOARDS.

Section 638a(c) of title 10, United States Code, is amended by adding at the end the following:

"(3) In the case of an action under subsection (b)(2), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all eligible officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all eligible officers described in that subsection in a particular grade and competitive category who are also in particular year groups, specialties, or retirement categories, or any combination thereof, within that competitive category.".

SEC. 504. RETIREMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY.

(a) REGULAR NAVY COMMANDERS.—Section 633 of title 10, United States Code, is amended by adding at the end the following: "During the period beginning on July 1, 1993, and ending on October 1, 1995, the preceding sentence shall not apply to an officer of the Navy designated for limited duty to whom section 6383 of this title applies.".

(b) REGULAR NAVY CAPTAINS.—Section 634 of title 10, United States Code, is amended by adding at the end the following: "During the period beginning on July 1, 1993, and ending on October 1, 1995, the preceding sentence shall not apply to an officer of the Regular Navy designated for limited duty to whom section 6383(a)(4) of this title applies.".

(c) MAXIMUM TENURE.—Subsection (a) of section 6383 of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraphs:

"(2) Except as provided in subsection (i), each regular officer of the Navy designated for limited duty who is serving in the grade of commander, has failed of selection for promotion to the grade of captain for the second time, and is not on a list of officers recommended for promotion to the grade of captain shall—

"(A) if eligible for retirement as a commissioned officer under any provision of law, be retired under that provision of law on the date requested by the officer and approved by the Secretary of the Navy, except that the date of retirement may not be later than the first day of the seventh month beginning after the month in *which the President approves the report of the selection board in which the officer is considered as having failed for promotion to the grade of captain for a second time; or*

"(B) if not eligible for retirement as a commissioned officer, be retired on the date requested by the officer and approved by the Secretary of the Navy after the officer becomes eligible for retirement as a commissioned officer, except that the date of retirement may not be later than the first day of the seventh calendar month beginning after the month in which the officer becomes eligible for retirement as a commissioned officer.

"(3) Except as provided in subsection (i), if not retired earlier, a regular officer of the Navy designated for limited duty who is serving in the grade of commander and is not on a list of officers recommended for promotion to the grade of captain shall be retired on the last day of the month following the month in which the officer completes 35 years of active naval service, exclusive of active duty for training in a reserve component.

"(4) Except as provided in subsection (i), each regular officer of the Navy designated for limited duty who is serving in the grade of captain shall, if not retired sooner, be retired on the last day of the month following the month in which the officer completes 38 years of active naval service, exclusive of active duty for training in a reserve component.

"(5) Paragraphs (2) through (4) shall be effective only during the period beginning on July 1, 1993, and ending on October 1, 1995.".

(d) LIMITATION ON DEFERRED RETIREMENT.—Subsection (i) of section 6383 of such title is amended by adding at the end the following: "During the period beginning on July 1, 1993, and ending on October 1, 1995, an officer of the Navy in the grade of commander or captain whose retirement is deferred under this subsection and who is not subsequently promoted may not be continued on active duty beyond age 62 or, if earlier, 28 years of active commissioned service if in the grade of commander or 30 years of active commissioned service if in the grade of captain.".

SEC. 505. APPOINTMENT OF CHIROPRACTORS AS COMMISSIONED OFFICERS.

(a) ARMY.—Section 3070 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(5) The Chiropractic Section.";

(2) in subsection (c), by striking out "four assistant chiefs" and inserting in lieu thereof "up to five assistant chiefs"; and

(3) by adding at the end the following new subsection:

"(d) Chiropractors who are qualified under regulations prescribed by the Secretary of the Army may be appointed as commissioned officers in the Chiropractic Section of the Army Medical Specialist Corps.".

(b) NAVY.—(1) Chapter 513 of such title is amended by inserting after section 5138 the following new section:

"§5139. Appointment of chiropractors in the Medical Service Corps

"Chiropractors who are qualified under regulations prescribed by the Secretary of the Navy may be appointed as commissioned officers in the Medical Service Corps of the Navy.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5138 the following new item:

"5139. Appointment of chiropractors in the Medical Service Corps.".

(c) AIR FORCE.—Section 8067(f) of such title is amended by inserting "and chiropractic functions" after "physician assistant functions".

(d) DEADLINE FOR REGULATIONS.—The regulations required to be prescribed by the amendments made by this section shall be prescribed not later than 180 days after the date of the enactment of this Act.

SEC. 506. CLARIFICATION OF MINIMUM SERVICE REQUIREMENTS FOR CERTAIN FLIGHT CREW POSITIONS.

(a) MINIMUM REQUIREMENTS.—Section 653 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "active duty obligation" and inserting in lieu thereof "service obligation"; and

(2) in subsection (c), by striking out "the term 'active duty obligation' means the period of active duty" and inserting in lieu thereof "the term 'service obligation' means the period of active duty or, in the case of a member of a reserve component who completed flight training in an active duty for training status as a member of a reserve component, the period of service in an active status in the Selected Reserve".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of November 29, 1989.

SEC. 507. ONE-YEAR EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS.

Effective as of September 29, 1992, section 5721 of title 10, United States Code, is amended by striking out "September 30, 1992" in subsection (f) and inserting in lieu thereof "September 30, 1993".

Subtitle B—Reserve Component Matters

SEC. 511. PILOT PROGRAM FOR ACTIVE COMPONENT SUPPORT OF RESERVES.

(a) REPEAL OF FISCAL YEAR 1992 DEADLINE.—Section 521 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1361) is repealed.

(b) PERSONNEL TO BE ASSIGNED.—Section 414 of such Act (105 Stat. 1352) is amended—

(1) in subsection (a), by striking out "fiscal year 1993" and inserting in lieu thereof "fiscal years 1992 and 1993";

(2) in subsection (c)(2), by striking out "1,300 officers as advisers to combat units and 700 officers as advisers to combat support units and combat service support units" and inserting in lieu thereof "2,000 members as advisers to combat units, combat support units, and combat service support units";

(3) in subsection (c)(3)—

(A) by striking out "officers" and inserting in lieu thereof "members";

(B) by striking out "in fiscal year 1993" and inserting in lieu thereof "during fiscal years 1992 and 1993"; and

(C) by striking out "section 401(b)(1)" and inserting in lieu thereof "section 401"; and

(4) in subsection (d), by striking out "may expand" and all that follows and inserting in lieu thereof "shall by April 1, 1993, submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the Secretary's evaluation of the program to that date. As part of the budget submission for fiscal year 1995, the Secretary shall submit any recommendations for expansion or modification of the program. In no case may the number of active duty personnel assigned to the program decrease below the number specified for the pilot program.".

SEC. 512. LIMITATION ON NUMBER OF FULL-TIME RESERVE PERSONNEL WHO MAY BE ASSIGNED TO ROTC DUTY.

Section 690 of title 10, United States Code, is amended—

(1) by striking out "A member of a reserve component" and inserting in lieu thereof "The number of members of the reserve components";

(2) by striking out "may not be assigned" and inserting in lieu thereof "who are assigned"; and

(3) by striking out the period at the end and inserting in lieu thereof "may not exceed 200.".

SEC. 513. REPORT CONCERNING CERTAIN ACTIVE ARMY COMBAT SUPPORT AND COMBAT SERVICE SUPPORT POSITIONS.

(a) FINDING.—The Congress finds that the force structure of the active component of the Army contains approximately 13,700 positions for personnel having missions to provide combat support and combat service support to inactivated Army units formerly stationed in Europe and the continental United States.

(b) REPORT REQUIRED.—Section 402(c)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1350) is amended by adding at the end the following:

"(E) An assessment of the effect on combat readiness of realigning the missions referred to in subsection (a) to the reserve components of the Army, including an assessment on the capability of the early deploying contingency corps of a range of different mixes of active and reserve component combat support and combat service support units.".

SEC. 514. PREFERENCE IN GUARD AND RESERVE AFFILIATION FOR VOLUNTARILY SEPARATED MEMBERS.

Section 1150(a) of title 10, United States Code, is amended by striking out "involuntarily".

SEC. 515. TECHNICAL CORRECTION AND CODIFICATION OF REQUIREMENT OF BACCALAUREATE DEGREE FOR APPOINTMENT OR PROMOTION OF RESERVE OFFICERS TO GRADES ABOVE FIRST LIEUTENANT OR LIEUTENANT (JUNIOR GRADE).

(a) IN GENERAL.—Chapter 34 of title 10, United States Code, is amended by inserting after section 595 the following new section:

"§596. Commissioned officers: appointment; educational requirement

"(a) IN GENERAL.—After September 30, 1995, no person may bc appointed to a grade above the grade of first lieutenant in the Army Reserve, Air Force Reserve, or Marine Corps Reserve or to a grade above the grade of lieutenant (junior grade) in the Naval Reserve, or be federally recognized in a grade above the grade of first lieutenant as a member of the Army National Guard or Air National Guard, unless that person has been awarded a baccalaureate degree by an accredited educational institution.

"(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

"(1) The appointment to or recognition in a higher grade of a person who is appointed in or assigned for service in a health profession for which a baccalaureate degree is not a condition of original appointment or assignment.

"(2) The appointment in the Naval Reserve or Marine Corps Reserve of an individual appointed for service as an officer designated as a limited duty officer.

"(3) The appointment in the Naval Reserve of an individual appointed for service under the Naval Aviation Cadet (NAVCAD) program.

"(4) The appointment to or recognition in a higher grade of any person who was appointed to, or federally recognized in, the grade of captain or, in the case of the Navy, lieutenant before October 1, 1995.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 595 the following new item:

"596. Commissioned officers: appointment; educational requirement.".

SEC. 516. DISABILITY RETIRED OR SEVERANCE PAY FOR RESERVE MEMBERS DISABLED WHILE TRAVELING TO OR FROM TRAINING.

(a) CONFORMANCE WITH OTHER PROVISIONS OF LAW.—Sections 1204(2) and 1206(4) of title 10,

United States Code, are amended by inserting after "inactive-duty training" the following: "or of traveling directly to or from the place at which such duty is performed".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to disabilities incurred on or after November 14, 1986, but any benefits or services payable by reason of the applicability of those amendments during the period beginning on November 14, 1986, and ending on the date of the enactment of this Act shall be subject to the availability of appropriations.

SEC. 517. SERVICE CREDIT FOR CONCURRENT ENLISTED ACTIVE DUTY SERVICE PERFORMED BY ROTC MEMBERS WHILE IN THE SELECTED RESERVE.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof ", other than any period of enlisted service while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve.".

(2) Section 2107(g) of such title is amended by striking out the period at the end and inserting in lieu thereof ", other than concurrent enlisted service while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve.".

(b) AMENDMENT TO TITLE 37.—Subsection (d) of section 205 of title 37, United States Code, is amended to read as follows:

"(d) Notwithstanding subsection (a), a commissioned officer may not count in computing basic pay a period of service after October 13, 1964, that the officer performed concurrently as a member of the Senior Reserve Officers' Training Corps, except that service after July 31, 1990, that the officer performed while serving on active duty other than for training as an enlisted member of the Selected Reserve may be so counted.".

SEC. 518. LIMITATION ON REDUCTION IN NUMBER OF RESERVE COMPONENT MEDICAL PERSONNEL.

(a) LIMITATION.—The Secretary of Defense may not reduce the number of medical personnel in any reserve component below the number of such personnel in that reserve component on September 30, 1992.

(b) DEFINITION.—In subsection (a), the term "medical personnel" has the meaning given that term in section 115a(g)(2) of title 10, United States Code.

SEC. 519. ONE-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS.

(a) GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d) and 8380(d) of such title are each amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect as of September 30, 1992.

(2) If the date of the enactment of this Act is after September 30, 1992, the Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1992, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 520. LIMITATION ON REENLISTMENT ELIGIBILITY FOR CERTAIN FORMER RESERVE OFFICERS OF ARMY AND AIR FORCE.

(a) LIMITATION FOR THE ARMY.—Section 3258 of title 10, United States Code, is amended—

(1) by inserting "(a)" before "Any";

(2) by striking out the last sentence; and

(3) by adding at the end the following new subsection (b):

"(b) A person is not entitled to be reenlisted under this section if—

"(1) the person was discharged or released from active duty as a Reserve officer on the basis of a determination of—

"(A) misconduct;

"(B) moral or professional dereliction;

"(C) duty performance below prescribed standards for the grade held; or

"(D) retention being inconsistent with the interests of national security; or

"(2) the person's former enlisted status and grade was based solely on the participation by that person in a precommissioning program that resulted in the Reserve commission held by that person during the active duty from which the person was released or discharged.".

(b) LIMITATION FOR THE AIR FORCE.—Section 8258 of such title is amended—

(1) by inserting "(a)" before "Any";

(2) by striking out the last sentence; and

(3) by adding at the end the following new subsection (b):

"(b) A person is not entitled to be reenlisted under this section if—

"(1) the person was discharged or released from active duty as a Reserve officer on the basis of a determination of—

"(A) misconduct;

"(B) moral or professional dereliction;

"(C) duty performance below prescribed standards for the grade held; or

"(D) retention being inconsistent with the interests of national security; or

"(2) the person's former enlisted status and grade was based solely on the participation by that person in a precommissioning program that resulted in the Reserve commission held by that person during the active duty from which the person was released or discharged.".

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply to persons discharged or released from active duty as commissioned officers in the Army Reserve or the Air Force Reserve, respectively, after the date of the enactment of this Act.

Subtitle C—Service Academies

SEC. 521. REPEAL OF REQUIREMENT THAT DEANS AT UNITED STATES MILITARY ACADEMY AND AIR FORCE ACADEMY BE GENERAL OFFICERS.

(a) DEAN OF ACADEMIC BOARD AT THE MILITARY ACADEMY.—Section 4335 of title 10, United States Code, is amended by striking out subsection (c).

(b) DEAN OF THE FACULTY AT THE AIR FORCE ACADEMY.—Section 9335 of such title is amended—

(1) in subsection (a), by striking out "(a)"; and

(2) by striking out subsection (b).

SEC. 522. ACADEMY PREPARATORY SCHOOLS.

Not later than April 1, 1993, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan to make the operation of the preparatory schools of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy more efficient and cost effective. In preparing the plan, the Secretary shall consider the recommendations contained in the report of the Comptroller General, dated March 13, 1992, regarding such preparatory schools.

SEC. 523. COMPOSITION OF FACULTIES AT UNITED STATES MILITARY ACADEMY AND AIR FORCE ACADEMY.

(a) CIVILIAN FACULTY AT MILITARY ACADEMY.—Section 4331 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(2) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

"(3) The Secretary may delegate the authority conferred by this subsection to any person in the Department of the Army to the extent the Secretary considers proper. Such delegation may be made with or without the authority to make successive redelegations.".

(b) CIVILIAN FACULTY AT AIR FORCE ACADEMY.—Section 9331 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

"(2) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

"(3) The Secretary may delegate the authority conferred by this subsection to any person in the Department of the Air Force to the extent the Secretary considers proper. Such delegation may be made with or without the authority to make successive redelegations.".

(c) PROPOSED LEGISLATION TO INCREASE CIVILIAN FACULTY MEMBERS.—Not later than April 1, 1993, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and House of Representatives recommended legislation for—

(1) increasing the number of civilians on the faculty at the United States Military Academy and the United States Air Force Academy; and

(2) reducing the number of officers of the Armed Forces assigned or appointed as permanent faculty at the United States Military Academy and the United States Air Force Academy.

SEC. 524. NONINSTRUCTIONAL STAFF AT SERVICE ACADEMIES.

(a) REVIEW OF NONINSTRUCTIONAL STAFF POSITIONS.—The Inspector General of the Department of Defense shall conduct a management audit of the noninstructional staff positions at the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy to determine which positions are absolutely essential for the accomplishment of the mission of these service academies and the maintenance of the quality of life at these service academies.

(b) REPORT ON RESULTS OF REVIEW.—Not later than June 1, 1993, the Secretary of Defense shall submit to Congress a report specifying those actions taken or proposed to be taken as a result of the management audit required by subsection (a).

SEC. 525. AUTHORITY OF UNITED STATES MILITARY ACADEMY TO CONFER THE DEGREE OF MASTER OF ARTS IN LEADERSHIP DEVELOPMENT.

Upon the recommendation of the faculty of the United States Military Academy, the Superintendent of the Academy may confer the degree of master of arts in leadership development upon persons who—

(1) before the date of the enactment of this Act, graduated from the program in leadership development offered at the Academy and fulfilled the requirements for the degree; or

(2) as of that date, are enrolled in the program in leadership development offered at the Academy and subsequently graduate from the program and fulfill the requirements for the degree.

Subtitle D—Education and Training

SEC. 531. REPORT ON PARTICIPATION OF RESERVE PERSONNEL IN AIR FORCE UNDERGRADUATE PILOT TRAINING PROGRAM.

(a) REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the undergraduate pilot training program of the Air Force. In the report the Secretary shall set forth the Secretary's determination as to whether pilot candidate participation from the reserve components is necessary in order for the Air Force to meet pilot requirements after fiscal year 1995. A report shall be submitted not later than February 1, 1993.

(b) LIMITATION.—The Secretary of the Air Force may not schedule any member of a reserve component for undergraduate pilot training until the report required by subsection (a) is submitted.

SEC. 532. ROTC SCHOLARSHIPS FOR NATIONAL GUARD.

(a) DESIGNATION OF SCHOLARSHIPS FOR ARMY NATIONAL GUARD.—Section 2107(h) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(h)"; and

(2) by adding at the end the following:

"(2) Of the total number of cadets appointed in the financial assistance programs under this section in any year, not less than 100 shall be designated for placement in the program of the Army for service upon commissioning in the Army National Guard, of which one half shall be for financial assistance awarded for a period of two years and the remainder shall be for financial assistance awarded for a period of four years. A cadet who receives financial assistance under this paragraph and is commissioned in the Army National Guard shall perform service as provided in subsection (b)(5)(B) and may not be accepted for service on active duty pursuant to the member's voluntary application until the completion of the period of service prescribed in that subsection. The Secretary of the Army shall prescribe regulations to ensure a geographical distribution of the cadets who receive financial assistance under this paragraph.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1993.

SEC. 533. JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) INCREASE IN AUTHORIZED NUMBER OF UNITS.—Subsection (a) of section 2031 of title 10, United States Code, is amended in the second sentence by striking out "1,600" and inserting in lieu thereof "3,500".

(b) PURPOSE OF PROGRAM.—Such subsection is further amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) It is a purpose of the Junior Reserve Officers' Training Corps to instill in students in United States secondary educational institutions the values of citizenship, service to the United States, and personal responsibility and a sense of accomplishment.".

(c) REQUIREMENTS FOR ENROLLMENT.—Subsection (b)(1) of such section is amended—

(1) by striking out "at least 14 years of age" both places it appears and inserting in lieu thereof "in a grade above the 8th grade"; and

(2) by inserting ", or aliens lawfully admitted to the United States for permanent residence," after "of the United States".

(d) RESOURCES PROVIDED BY DEPARTMENT OF DEFENSE.—Subsection (c)(2) of such section is amended by inserting before the semicolon the following: "and, to the extent considered appropriate by the Secretary concerned, such additional resources (including transportation and billeting) as may be available to support activities of the program".

(e) INSTRUCTOR PAY FORMULA.—(1) Paragraph (1) of subsection (d) of such section is amended to read as follows:

"(1) A retired member so employed is entitled to receive the member's retired or retainer pay without reduction by reason of any additional amount paid to the member by the institution concerned. In the case of payment of any such additional amount by the institution concerned, the Secretary of the military department concerned shall pay to that institution the amount equal to one-half of the amount paid to the retired member by the institution for any period, up to a maximum of one-half of the difference between the member's retired or retainer pay for that period and the active duty pay and allowances which the member would have received for that period if on active duty. Notwithstanding the limitation in the preceding sentence, the Secretary concerned may pay to the institution more than one-half of the additional amount paid to the retired member by the institution if (as determined by the Secretary) the institution is in a educationally and economically deprived area and the Secretary determines that such action is in the national interest. Payments by the Secretary concerned under this paragraph shall be made from funds appropriated for that purpose.".

(2) The amendment made by paragraph (1) shall apply with respect to payments for periods of instructor service performed after September 30, 1992.

Subtitle E—Other Matters

SEC. 541. RETENTION ON ACTIVE DUTY OF ENLISTED MEMBERS WITHIN TWO YEARS OF ELIGIBILITY FOR RETIREMENT.

(a) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by adding at the end the following new section:

"§1176. Enlisted members: retention after completion of 18 or more, but less than 20, years of service

"(a) REGULAR MEMBERS.—A regular enlisted member who is selected to be involuntarily separated, or whose term of enlistment expires and who is denied reenlistment, and who on the date on which the member is to be discharged is within two years of qualifying for retirement under section 3914 or 8914 of this title, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, shall be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, unless the member is sooner retired or discharged under any other provision of law.

"(b) RESERVE MEMBERS.—A reserve enlisted member serving on active duty who is selected to be involuntarily separated, or whose term of enlistment expires and who is denied reenlistment, and who on the date on which the member is to be discharged or released from active duty is entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, may not be discharged or released from active duty without the member's consent before the earlier of the following:

"(1) If as of the date on which the member is to be discharged or released from active duty the member has at least 18, but less than 19, years of service computed under section 1332 of this title—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the third anniversary of the date on which the member would otherwise be discharged or released from active duty.

"(2) If as of the date on which the member is to be discharged or released from active duty the member has at least 19, but less than 20, years of service computed under section 1332 of this title—

"(A) the date on which the member is entitled to be credited with 20 years of service computed under section 1332 of this title; or

"(B) the second anniversary of the date on which the member would otherwise be discharged or released from active duty.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1176. Enlisted members: retention after completion of 18 or more, but less than 20, years of service.".

SEC. 542. AUTHORITY FOR MILITARY SCHOOL FACULTY MEMBERS AND STUDENTS TO ACCEPT HONORARIA FOR CERTAIN SCHOLARLY AND ACADEMIC ACTIVITIES.

(a) AUTHORITY TO ACCEPT HONORARIA.—Notwithstanding the prohibition on the acceptance of honoraria contained in section 501(b) of the Ethics in Government Act of 1978, a faculty member or a student at a Department of Defense school specified under subsection (d) may accept an honorarium for an appearance, a speech, or an article published in a bona fide publication if such an appearance, speech, or article is customary for scholarly or academic activities normally associated with institutions of higher learning and if—

(1) the purpose of the appearance, or the subject of the speech or article, does not relate primarily to the responsibilities, policies, or programs of the school at which the individual is a faculty member or student;

(2) the appearance, speech, or article (including the individual's time in specific preparation for the appearance, speech, or article) does not involve the use of Government time, Government property, or other resources of the Government or the use of nonpublic Government information;

(3) the reason for which the honorarium is paid is unrelated to the individual's duties or status as a member of the Armed Forces or employee of the Government or as a faculty member or student at a school specified in subsection (d); and

(4) the person offering the honorarium has no interests that may be substantially affected by the performance or nonperformance of the individual's duties as a member of the Armed Forces or an employee of the Government or as a faculty member or student at a school specified in subsection (d).

(b) SPECIAL RULE CONCERNING SUBJECT MATTER.—For purposes of subsection (a)(1), an appearance, speech, or article on a subject matter that is within an individual's academic or military specialty, in the case of a faculty member, or an individual's course of academic study, in the case of a student, shall not be considered to relate primarily to the responsibilities, policies, or programs of the school at which the individual is a faculty member or student if the prepa-

ration and presentation of the particular appearance, speech, or article is clearly outside of the individual's duties.

(c) NONCOVERAGE OF HIGHLY PAID FACULTY MEMBERS.—Subsection (a) shall not apply to acceptance of an honorarium by a faculty member who is employed in a position for which the rate of basic pay, exclusive of any locality-based pay adjustment under section 5302 of title 5, United States Code (or any comparable adjustment pursuant to interim authority of the President), is equal to or greater than the rate of basic pay payable for Level V of the Executive Schedule.

(d) COVERED SCHOOLS.—(1) This section applies with respect to faculty members and students at any of the service academies and at any professional military school operated by the Department of Defense that is designated by the Chairman of the Joint Chiefs of Staff to be covered by this section.

(2) For purposes of paragraph (1), the term "service academies" means—

(A) the United States Military Academy;

(B) the United States Naval Academy; and

(C) the United States Air Force Academy.

(e) HONORARIUM DEFINED.—For purposes of this section, the term "honorarium" means a payment of money or anything of value for an appearance, a speech, or an article (including a series of appearances, speeches, or articles).

(f) MAXIMUM AMOUNT OF HONORARIUM.—The amount of any honorarium accepted under this section shall not exceed the usual and customary fee for the appearance, speech, or article for which the honorarium is paid, up to a maximum of $2,000.

(g) EFFECTIVE DATE.—This section shall apply with respect to any honorarium for an appearance or speech made, or an article published, on or after the date of the enactment of this Act.

SEC. 543. PAYMENT FOR LEAVE ACCRUED AND LOST BY KOREAN CONFLICT PRISONERS OF WAR.

Section 554 of Public Law 102–190 (105 Stat. 1371) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking out "for any fiscal year"; and

(B) by striking out "provided" and all that follows and inserting in lieu thereof "available in appropriations for military personnel for fiscal year 1993."; and

(2) in subsection (d), by striking out "not later than" and all that follows and inserting in lieu thereof "not later than September 30, 1993.".

SEC. 544. MILITARY RESERVE TECHNICIANS.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§3329. Appointments of military reserve technicians to positions in the competitive service

"(a) For the purpose of this section, the term 'military reserve technician' has the meaning given such term by section 8401(30).

"(b) The Secretary of Defense shall take such steps as may be necessary to ensure that, except as provided in subsection (d), any military reserve technician who is involuntarily separated from technician service, after completing at least 15 years of such service and 20 years of service creditable under section 1332 of title 10, by reason of ceasing to satisfy the condition described in section 8401(30)(B) shall, if appropriate written application is submitted within 1 year after the date of separation, be offered a position described in subsection (c) not later than 6 months after the date of the application.

"(c) The position to be offered shall be a position—

"(1) in the competitive service;

"(2) within the Department of Defense;

"(3) for which the individual is qualified; and

"(4) the rate of basic pay for which is not less than the rate last received for technician service before separation.

"(d) This section shall not apply in the case of—

"(1) an involuntary separation for cause on charges of misconduct or delinquency; or

"(2) a technician who, as of the date of application under this section, is eligible for immediate (including for disability) or early retirement under subchapter III of chapter 83 or under chapter 84.

"(e) The Secretary of Defense shall, in consultation with the Director of the Office of Personnel Management, prescribe such regulations as may be necessary to carry out this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by adding after the item relating to section 3328 the following:

"3329. Appointments of military reserve technicians to positions in the competitive service.".

SEC. 545. AIR RESERVE TECHNICIANS.

The Secretary of the Air Force shall carry out the High-Year Tenure (HYT) program of the Air Force Reserve so as not to require the removal of an Air Reserve technician from active status as a Reservist before attaining age 60 if the technician has a total of not less than 33 years of active duty and reserve military service before January 1, 1992, and who is otherwise qualified for retention as an Air Reserve technician.

SEC. 546. MENTAL HEALTH EVALUATIONS OF MEMBERS OF ARMED FORCES.

(a) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise applicable regulations to incorporate the requirements set forth in subsections (b), (c), and (d). In revising such regulations, the Secretary shall take into account any guidelines regarding psychiatric hospitalization of adults prepared by professional civilian health organizations.

(b) PROCEDURES FOR OUTPATIENT AND INPATIENT EVALUATIONS.—(1) The revisions required by subsection (a) shall provide that, except as provided in paragraph (4), a commanding officer shall consult with a mental health professional prior to referring a member of the Armed Forces for a mental health evaluation to be conducted on an outpatient basis.

(2) The revisions required by subsection (a) shall provide that, except as provided in paragraph (4)—

(A) a mental health evaluation of a member of the Armed Forces conducted on an inpatient basis shall be used only if and when such an evaluation cannot appropriately or reasonably be conducted on an outpatient basis, in accordance with the least restrictive alternative principle; and

(B) only a psychiatrist, or, in cases in which a psychiatrist is not available, another mental health professional or a physician, may admit a member of the Armed Forces for a mental health evaluation to be conducted on an inpatient basis.

(3) The revisions required by subsection (a) shall provide that, when a commanding officer determines it is necessary to refer a member of the Armed Forces for a mental health evaluation, the commanding officer shall ensure that, except as provided in paragraph (4), the member is provided with a written notice of the referral. The notice shall, at a minimum, include the following:

(A) The date and time the mental health evaluation is scheduled.

(B) A brief explanation of why the referral is considered necessary.

(C) The name or names of the mental health professionals with whom the commanding officer has consulted prior to making the referral. If such consultation is not possible, the notice shall include the reasons why.

(D) The positions and telephone numbers of authorities, including attorneys and inspectors general, who can assist a member who wishes to question the referral.

(E) The rights of the member under the revisions required by subsection (a).

(F) The member's signature attesting to having received the information described in subparagraphs (A) through (E). If the member refuses to sign the attestation, the commanding officer shall so indicate in the notice.

(4) The revisions required by subsection (a) shall provide that, during emergencies, the procedures described in subsection (d) shall be followed in lieu of the procedures required by this subsection.

(c) RIGHTS OF MEMBERS.—The revisions required by subsection (a) shall provide that, in any case in which a member of the Armed Forces is referred for a mental health evaluation other than in an emergency, the following provisions apply:

(1) Upon the request of the member, an attorney who is a member of the Armed Forces or employed by the Department of Defense and who is designated to provide advice under this section shall advise the member of the ways in which the member may seek redress under this section.

(2) If a member of the Armed Forces submits to an Inspector General an allegation that the member was referred for a mental health evaluation in violation of the revised regulations, the Inspector General of the Department of Defense shall conduct or oversee an investigation of the allegation.

(3) The member shall have the right to also be evaluated by a mental health professional of the member's own choosing, if reasonably available. Any such evaluation, including an evaluation by a mental health professional who is not an employee of the Department of Defense, shall be conducted within a reasonable period of time after the member is referred for an evaluation and shall be at the member's own expense.

(4)(A) No person may restrict the member in communicating with an Inspector General, attorney, member of Congress, or others about the member's referral for a mental health evaluation.

(B) Subparagraph (A) does not apply to a communication that is unlawful.

(4) In situations other than emergencies, the member shall have at least two business days before a scheduled mental health evaluation to meet with an attorney, Inspector General, chaplain, or other appropriate party. If a commanding officer believes the condition of the member requires that such evaluation occur sooner, the commanding officer shall state the reasons in writing as part of the personnel record of the member.

(5) In the event the member is aboard a naval vessel or in a circumstance related to the member's military duties which makes compliance with any of the procedures in subsection (b) impractical, the commanding officer seeking the referral shall prepare a memorandum setting forth the reasons for the inability to comply with such procedures.

(d) ADDITIONAL RIGHTS OF MEMBERS AND PROCEDURES FOR EMERGENCY OR INVOLUNTARY INPATIENT EVALUATIONS.—(1) The revisions required by subsection (a) shall provide that a member of the Armed Forces may be admitted, under criteria for admission set forth in such regulations, to a treatment facility for an emergency or involuntary mental health evaluation when there is reasonable cause to believe that the member may be suffering from a mental disorder. The revised regulations shall include definitions of the terms "emergency" and "mental disorder".

(2) The revised regulations shall provide that, in any case in which a member of the Armed Forces is admitted to a treatment facility for an

emergency or involuntary mental health evaluation, the following provisions apply:

(A) Reasonable efforts shall be made, as soon after admission as the member's condition permits, to inform the member of the reasons for the evaluation, the nature and consequences of the evaluation and any treatment, and the member's rights under this section.

(B) The member shall have the right to contact, as soon after admission as the member's condition permits, a friend, relative, attorney, or Inspector General.

(C) The member shall be evaluated by a psychiatrist or a physician within two business days after admittance, to determine if continued hospitalization and treatment is justified or if the member should be released from the facility.

(D) If a determination is made that continued hospitalization and treatment is justified, the member must be notified orally and in writing of the reasons for such determination.

(E) A review of the admission of the member and the appropriateness of continued hospitalization and treatment shall be conducted in accordance with procedures set forth in the regulations as required under paragraph (3).

(3) The revised regulations shall include procedures for the review referred to in paragraph (2)(E). Such procedures shall—

(A) specify the appropriate party (or parties) who is outside the individual's immediate chain of command and who is neutral and disinterested to conduct the review;

(B) specify the appropriate procedure for conducting the review;

(C) require that the member have the right to representation in such review by an attorney of the member's choosing at the member's expense, or by a judge advocate;

(D) specify the periods of time within which the review and any subsequent reviews should be conducted;

(E) specify the criteria to be used to determine whether continued treatment or discharge from the facility is appropriate;

(F) require the party or parties conducting the review to assess whether or not the mental health evaluation was used in an inappropriate, punitive, or retributive manner in violation of this section; and

(G) require that an assessment made pursuant to subparagraph (F) that the mental health evaluation was used in a manner in violation of this section shall be reported to the Inspector General of the Department of Defense and included by the Inspector General as part of the Inspector General's annual report.

(e) CONSTRUCTION.—Nothing in the regulations prescribed under this section shall be construed to discourage referrals for appropriate mental health evaluations when circumstances suggest the need for such action.

(f) PROHIBITION AGAINST THE USE OF REFERRALS FOR MENTAL HEALTH EVALUATIONS TO RETALIATE AGAINST WHISTLEBLOWERS.—(1) The revised regulations required by subsection (a) shall provide that no person may refer a member of the Armed Forces for a mental health evaluation as a reprisal for making or preparing a lawful communication of the type described in section 1034(c)(2) of title 10, United States Code, and applicable regulations. For purposes of this subsection, such communication also shall include a communication to any appropriate authority in the chain of command of the member.

(2) Such revisions shall provide that an inappropriate referral for a mental health evaluation, when taken as a reprisal for a communication referred to in paragraph (1), may be the basis for a proceeding under section 892 of title 10, United States Code. Persons not subject to the Uniform Code of Military Justice who fail to comply with the provisions of this section are subject to adverse administrative action.

(g) DEFINITIONS.—In this section:

(1) The term "member" means any member of the Army, Navy, Air Force, or Marine Corps.

(2) The term "Inspector General" means—

(A) an Inspector General appointed under the Inspector General Act of 1978; and

(B) an officer of the Armed Forces assigned or detailed under regulations of the Secretary concerned to serve as an Inspector General at any command level in one of the Armed Forces.

(3) The term "mental health professional" means a psychiatrist or clinical psychologist, a person with a doctorate in clinical social work or a psychiatric clinical nurse specialist.

(4) The term "mental health evaluation" means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing a member's state of mental health.

(5) The term "least restrictive alternative principle" means a principle under which a member of the Armed Forces committed for hospitalization and treatment shall be placed in the most appropriate and therapeutic available setting (A) that is no more restrictive than is conducive to the most effective form of treatment, and (B) in which treatment is available and the risks of physical injury or property damage posed by such placement are warranted by the proposed plan of treatment.

(h) REPORT.—At the same time as the regulations required by this section are revised, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the process of preparing the regulations, including—

(1) an explanation of the degree to which any guidelines regarding psychiatric hospitalization of adults prepared by professional civilian mental health organizations were considered;

(2) the manner in which the regulations differ from any such civilian guidelines; and

(3) the reasons for such differences.

(j) CONFORMING REPEAL.—Subsection (g) of section 554 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) is hereby repealed.

SEC. 547. REPORT ON THE SELECTIVE SERVICE SYSTEM.

(a) REPORT REQUIRED.—The Secretary of Defense, in consultation with the Director of the Selective Service System, shall prepare a report regarding the continued requirement for registration under the selective service system. The report shall contain, at a minimum, analyses on the effect of suspension of the requirement for registration on—

(1) projected mobilization requirements, including the effect on the time it would take to increase the size of the Armed Forces in a national emergency;

(2) recruiting in the Armed Forces; and

(3) the organization and staffing of the selective service system.

(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted to the President not later than April 30, 1993, together with such recommendations as the Secretary considers to be appropriate in light of the analyses. The President shall transmit the report to Congress not later than May 31, 1993, together with a description of what actions, if any, the President proposes to take with respect to the report.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SEC. 600. REFERENCE TO COMPENSATION AND OTHER PERSONNEL BENEFITS IN TITLE XLIV.

For provisions of this Act providing compensation and other personnel benefits for members of the Armed Forces relating to the defense drawdown, see subtitle A of title XLIV (sections 4401-4408) and section 4464.

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1993.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1993 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1993, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.7 percent.

SEC. 602. ADVANCE PAYMENTS IN CONNECTION WITH EVACUATIONS OF MEMBERS AND DEPENDENTS OF MEMBERS.

(a) EXPANDED AUTHORITY.—Section 1006(c) of title 37, United States Code, is amended by striking out the first and second sentences and inserting in lieu thereof the following new sentences: "Under regulations prescribed by the Secretary concerned, an advance of pay to a member of a uniformed service who is on duty outside the United States, or other place designated by the President, of not more than two months' basic pay may be made to a member if the member or the dependents of the member are ordered evacuated by competent authority. An advance of pay under this subsection is not subject to the conditions under which advances of pay may be made under subsection (a) or (b). An advance may be made on the basis of the evacuation of a member's dependents only if all dependents of members of the uniformed services are ordered evacuated from the place where the member's dependents are located. In the case of a member with dependents, the payment may be made directly to dependents previously designated by the member.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to evacuations on or after June 1, 1991.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. CLARIFICATION OF AUTHORITY TO PROVIDE SPECIAL PAY FOR NONPHYSICIAN HEALTH CARE PROVIDERS.

Section 302c(d)(1) of title 37, United States Code, is amended—

(1) by striking out "Navy or" and inserting in lieu thereof "Navy,"; and

(2) by inserting before the semicolon the following: ", or an officer in the Army Medical Specialist Corps".

SEC. 612. EXTENSIONS OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND OTHER SPECIAL PAY.

(a) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(b) ENLISTMENT BONUS FOR CRITICAL SKILLS.—Section 308a(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(c) AVIATOR RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(d) EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES.—Sections 308b(f), 308c(e), 308e(e), 308h(g), and 308i(i) of title 37, United States Code, are each amended by striking out "September 30, 1992" and inserting in lieu thereof in each instance "September 30, 1993".

(e) EXTENSION OF SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(f) EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 2172(d) of title 10, United States Code, is amended by striking out "October 1, 1992" and inserting in lieu thereof "October 1, 1993".

(g) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(h) NURSE CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(i) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993".

(j) COVERAGE OF PERIOD OF LAPSED AUTHORITY.—(1) The amendment made by subsection (e) shall take effect as of September 30, 1992, and shall apply with respect to inactive duty for training performed after that date for which special pay is authorized under section 308d of title 37, United States Code.

(2)(A) In the case of person described in subparagraph (B) who executes an agreement described in subparagraph (C) during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may treat such agreement for purposes of the bonus or special pay authorized under such agreement as having been executed and accepted on the first date on which the person would have qualified for such an agreement had the amendments made by this section taken effect on October 1, 1992.

(B) A person referred to in subparagraph (A) is a person who, during the period beginning on October 1, 1992, and ending on the date of the enactment of this Act, would have qualified for an agreement described in subparagraph (C) with the Secretary concerned had the amendments made by this section taken effect on October 1, 1992.

(C) An agreement referred to in this paragraph is an agreement with the Secretary concerned for the payment of a bonus or special pay under section 301b, 302d, 302e, 308, 308a, 308b, 308c, 308e, 308h, or 308i of title 37, United States Code, or section 2130a of title 10, United States Code.

(D) For purposes of this paragraph, the term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

Subtitle C—Travel and Transportation Allowances

SEC. 621. TEMPORARY INCREASE IN THE NUMBER OF DAYS A MEMBER MAY BE REIMBURSED FOR TEMPORARY LODGING EXPENSES.

Section 404a of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) In the case of a member who is ordered to make a change of permanent station described in subsection (a)(1) during fiscal years 1993 through 1997, the Secretary concerned may extend the period for which subsistence expenses incurred incident to that change are paid or reimbursed to not more than 10 days if the new duty station is in a geographical area where there is a shortage of safe and affordable housing because of the arrival of members of the armed forces in the area as part of the withdrawal of members of the armed forces from duty stations outside the United States, the closure or realignment of military installations, or the restructuring or deactivation of military units. The existence of such a shortage of safe and affordable housing in an area shall be determined by the Secretary concerned.".

SEC. 622. PROHIBITION ON THE ASSERTION OF LIENS ON PERSONAL PROPERTY BEING TRANSPORTED AT GOVERNMENT EXPENSE.

(a) TITLE 37.—Section 406 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(n) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of baggage and household goods being transported under this section.".

(b) TITLE 10.—Section 2634 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) No carrier, port agent, warehouseman, freight forwarder, or other person involved in the transportation of property may have any lien on, or hold, impound, or otherwise interfere with, the movement of a motor vehicle being transported under this section.".

SEC. 623. SUBSISTENCE REIMBURSEMENT RELATING TO ESCORTS OF FOREIGN ARMS CONTROL INSPECTION TEAMS.

(a) TRAVEL ALLOWANCE.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§434. Subsistence reimbursement relating to escorts of foreign arms control inspection teams

"(a) REIMBURSEMENT OF REASONABLE SUBSISTENCE COSTS.—Under uniform regulations prescribed by the Secretaries concerned, a member of the armed forces may be reimbursed for the reasonable cost of subsistence incurred by the member while performing duties as an escort of an arms control inspection team of a foreign country, or any member of such a team, while the team or the team member, as the case may be, is engaged in activities related to the implementation of an arms control treaty or agreement.

"(b) PERIOD OF AUTHORITY.—The authority under subsection (a) applies to the period during which the inspection team, pursuant to authority specifically provided in the applicable arms control treaty or agreement, is in the country where inspections and related activities are being conducted by the team pursuant to that treaty or agreement.

"(c) EFFECT OF LOCATION OF MEMBER'S PERMANENT DUTY STATION.—The authority under subsection (a) applies to a member of the armed forces whether the duties referred to in that subsection are performed at, near, or away from the member's permanent duty station.".

(2) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

"434. Subsistence reimbursement relating to escorts of foreign arms control inspection teams.".

(b) APPLICABILITY.—Section 434 of title 37, United States Code, as added by subsection (a), shall apply with respect to escort duty described in that section which is performed on or after the date of the enactment of this Act.

SEC. 624. REFERENCES FOR TRAVEL AND TRANSPORTATION BENEFITS.

Section 404(e) of title 37, United States Code, is amended—

(1) by striking out "Military Airlift Command" and inserting in lieu thereof "Air Mobility Command"; and

(2) by striking out "or the Naval Aircraft Ferrying Squadrons," and inserting in lieu thereof "the Naval Aircraft Ferrying Squadrons, or any other unit determined by the Secretary concerned to be performing duties similar to the duties performed by such command or squadrons,".

SEC. 625. EVACUATION ALLOWANCES IN CONNECTION WITH HURRICANE ANDREW.

(a) COVERAGE OF EXPENSES INCURRED BEFORE REGULATORY CHANGE.—The changes made in the Joint Federal Travel Regulations on August 28 and August 29, 1992, to authorize the payment of allowances to members of the Armed Forces, federal civilian employees, and dependents of such members and employees who were ordered to depart from the vicinity of Homestead Air Force Base in the State of Florida as a consequence of Hurricane Andrew shall apply with respect to expenses in connection with such departure incurred on or after August 23, 1992 (the date of the ordered departure), to the extent the expenses would be covered by the regulations if the changes were effective on August 23, 1992.

(b) COVERAGE OF DEPENDENTS WHO DO NOT RESIDE WITH MEMBER.—(1) Section 405a(a) of title 37, United States Code, is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) a dependent who resides at or in the vicinity of a former duty station of the member following the assignment of the member elsewhere or who resides at or in the vicinity of a duty station (other than the duty station of the member) incident to orders in connection with an unaccompanied tour of duty of the member, if a departure of dependents is ordered by competent authority from the duty station at which or in the vicinity of which the dependent resides and the dependent actually moves to an authorized safe haven designated by that authority;".

(2) The amendments made by paragraph (1) shall take effect as of August 23, 1992, and shall apply with respect to any evacuation ordered by competent military authority on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. REQUIREMENT FOR SUBMISSION OF ALTERNATIVE APPROACHES ON CONCURRENT PAYMENT OF RETIRED OR RETAINER PAY AND VETERANS' DISABILITY COMPENSATION.

(a) REQUIREMENT FOR SUBMISSION OF ALTERNATIVES.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on alternative approaches to permit the concurrent payment to members and former members of the Armed Forces of unreduced retired or retainer pay and unreduced compensation for service-connected disabilities payable under laws administered by the Secretary of Veterans Affairs. The report shall include alternative formulas to integrate those two benefits.

(b) DEADLINE FOR REPORT.—The report shall be submitted not later than April 1, 1993.

(c) RECOMMENDATIONS FOR LEGISLATION.—The Secretary may include with the report such recommendations for legislation as the Secretary considers to be appropriate.

SEC. 642. INCREASE IN RECOMPUTED RETIRED PAY FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.

(a) MEMBERS INITIALLY ENTERING SERVICE BEFORE SEPTEMBER 8, 1980.—Section 1402 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f)(1) In the case of a member who is entitled to recompute retired pay under this section upon release from active duty served after retiring under section 3914 or 8914 of this title, the member's retired pay as recomputed under another provision of this section shall be increased by 10 percent of the amount so recomputed if the member has been credited by the Secretary concerned with extraordinary heroism in the line of duty during any period of active duty service in the armed forces.

"(2) The amount of the retired pay as recomputed under another provision of this section *and as increased under paragraph (1) may not exceed the amount equal to 75 percent of the monthly rate of basic pay upon which the recomputation of such retired pay is based.*

"(3) The determination of the Secretary concerned as to extraordinary heroism is conclusive for all purposes.".

(b) MEMBERS INITIALLY ENTERING SERVICE AFTER SEPTEMBER 7, 1980.—Section 1402a of such title is amended by adding at the end the following new subsection:

"(f) ADDITIONAL 10 PERCENT FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.—(1) In the case of a member who is entitled to recompute retired pay under this section upon release from active duty served after retiring under section 3914 or 8914 of this title, the member's retired pay as recomputed under another provision of this section shall be increased by 10 percent of the amount so recomputed if the member has been credited by the Secretary concerned with extraordinary heroism in the line of duty during any period of active duty service in the armed forces.

"(2) The amount of the retired pay as recomputed under another provision of this section and as increased under paragraph (1) may not exceed the amount equal to 75 percent of the retired pay base upon which the recomputation of such retired pay is based.

"(3) The determination of the Secretary concerned as to extraordinary heroism is conclusive for all purposes.".

(c) PROSPECTIVE APPLICABILITY.—No benefits shall accrue for months beginning before the date of the enactment of this Act by reason of the amendments made by this section.

SEC. 643. MODIFICATION TO SURVIVOR BENEFIT PLAN OPEN ENROLLMENT PERIOD.

Section 1405(g) of the Military Survivor Benefits Improvement Act of 1989 (10 U.S.C. 1448 note) is amended—

(1) by inserting "(1)" before "If a person"; and

(2) by adding at the end the following:

"(2) Paragraph (1) does not apply in the case of the death of a person making an election under subsection (a) if the beneficiary of that person under the election is the person's spouse and that spouse was entitled, before November 1, 1990, to receive dependency and indemnity compensation benefits from the Department of Veterans Affairs based on a previous marriage to another member or former member of the uniformed services.".

Subtitle E—Other Matters

SEC. 651. PROVISION OF TEMPORARY FOSTER CARE SERVICES OUTSIDE THE UNITED STATES FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) OVERSEAS FOSTER CARE.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1045 the following new section:

"§1046. Overseas temporary foster care program

"(a) PROGRAM AUTHORIZED.—The Secretary concerned may establish a program to provide temporary foster care services outside the United States for children accompanying members of the armed forces on duty at stations outside the United States. The foster care services provided under such a program shall be similar to those services provided by State and local governments in the United States.

"(b) EXPENSES.—Under regulations prescribed by the Secretary concerned, the expenses related to providing foster care services under subsection (a) may be paid from appropriated funds available to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1045, the following new item:

"1046. Overseas temporary foster care program.".

SEC. 652. REIMBURSEMENT FOR ADOPTIONS COMPLETED DURING INTERIM BETWEEN TEST AND PERMANENT PROGRAM.

(a) REIMBURSEMENT OF ADOPTION EXPENSES.—Section 1052 of title 10, United States Code, and section 514 of title 14, United States Code, shall apply with respect to the reimbursement of adoption expenses incurred for an adoption proceeding completed during the period beginning on October 1, 1990, and ending on December 4, 1991, to the extent the adoption expenses would be covered by one of these sections if the adoption proceeding had been completed after December 4, 1991.

(b) TIME PERIOD FOR APPLICATION.—Subsection (a) shall apply to a person covered by such subsection only if the person applies to the Secretary of Defense or the Secretary of Transportation for the reimbursement of adoption expenses under section 1052 of title 10, United States Code, or section 514 of title 14, United States Code, whichever applies, within one year after the date of the enactment of this Act.

SEC. 653. PROTECTIONS FOR DEPENDENT VICTIMS OF ABUSE BY MEMBERS OF THE ARMED FORCES.

(a) PAYMENTS UNDER COURT ORDERS.—Section 1408 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by adding at the end the following new subsection (h):

"(h) VICTIMS OF DEPENDENT ABUSE.—(1) If, in the case of a member of the armed forces referred to in paragraph (2), a court order provides (as described in subsection (a)(2)(C)) for the payment of an amount from the disposable retired pay of that member of the armed forces to an eligible spouse or former spouse of that member, the Secretary of the military department concerned, beginning upon effective service of such court order, shall pay that amount in accordance with this subsection to such spouse or former spouse.

"(2) A spouse or former spouse of a member of the armed forces is eligible to receive payment under this subsection if—

"(A) after the member becomes eligible to be retired on the basis of years of service, the member's eligibility to receive retired pay is terminated as a result of misconduct of the member or former member involving abuse of a dependent (as defined in regulations prescribed by the Secretary of Defense); and

"(B) the spouse or former spouse—

"(i) was the victim of the abuse and was married to the member at the time of that abuse; or

"(ii) is a natural or adopted parent of a dependent child of the member who was the victim of the abuse.

"(3) For the purposes of this subsection, the amount certified by the Secretary concerned in the case of a member referred to in paragraph (2) shall be deemed to be the disposable retired pay of that member.

"(4) Upon the request of a court or an eligible spouse or former spouse of a member of the armed forces referred to in paragraph (2) in connection with a civil action for the issuance of a court order in the case of that member, the Secretary concerned shall determine and certify the amount of the monthly retired pay that the member would have been entitled to receive as of the date of the certification if—

"(A) the member's eligibility for retired pay had not been terminated as described in paragraph (2); and

"(B) the member had retired on the effective date of that termination of eligibility.

"(5) Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the amount payable under this section to the spouse or former spouse of a member described in paragraph (2) shall be increased at the same time. The amount shall be increased by the percent by which the retired pay of the member would have been increased if the member were receiving retired or retainer pay.

"(6) Notwithstanding any other provision of law, a member of the armed forces referred to in paragraph (2) shall have no ownership interest in, or claim against, any amount payable under this section to a spouse or former spouse of the member.

"(7)(A) If a former spouse receiving payments under this subsection with respect to a member referred to in paragraph (2) marries again after such payments begin, the eligibility of the former spouse to receive further payments under this subsection shall terminate on the date of such marriage.

"(B) A person's eligibility to receive payments under this subsection that is terminated under subparagraph (A) by reason of remarriage shall be resumed in the event of the termination of that marriage by the death of that person's spouse or by annulment or divorce. The resumption of payments shall begin as of the first day of the month in which that marriage is so terminated. The monthly amount of the payments shall be the amount that would have been paid if the continuity of the payments had not been interrupted by the marriage.

"(8) Payments in accordance with this subsection shall be made out of funds in the Department of Defense Military Retirement Fund established by section 1461 of this title.

"(9) A spouse or former spouse of a member of the armed forces referred to paragraph (2), while receiving payments in accordance with this subsection, shall be entitled—

"(A) to receive medical and dental care under the provisions of chapter 55 of this title to the same extent and subject to the same requirements, limitations, and conditions as apply to a former spouse of a retired member of the armed forces, including the eligibility requirements provided in the definitions in subparagraphs (F), (G), and (H) of section 1072(2) of this title;

"(B) to use the commissary and exchange stores to the same extent and subject to the same requirements, limitations, and conditions as apply pursuant to section 1062 of this title to a former spouse of a retired member of the armed forces, including the eligibility requirements provided in the definition in subparagraph (F)(i) of section 1072(2) of this title; and

"(C) subject to the same requirements, limitations, and conditions as apply to spouses and former spouses of a retired member of the armed forces with regard to a particular benefit, to receive any other benefits that a spouse or a former spouse of a retired member of the armed forces is entitled to receive on the basis of being a spouse or former spouse, as the case may be, of a retired member of the armed forces.

If a spouse or former spouse eligible or entitled to receive a particular benefit under this paragraph is eligible or entitled to receive that benefit under another provision of law, the eligibility or entitlement of that spouse or former spouse to such benefit shall be determined under such other provision of law instead of this provision of law.

"(10) In this subsection:

"(A) The term 'dependent' means a spouse or dependent child.

"(B) The term 'dependent child', with respect to a member of the armed forces referred to in paragraph (2), means an unmarried legitimate child, including an adopted child or a stepchild of the member, who—

"(i) is under 18 years of age;

"(ii) is incapable of self-support because of a mental or physical incapacity that existed be-

fore becoming 18 years of age and is dependent on the member for over one-half of the child's support; or

"(iii) if enrolled in a full-time course of study in an institution of higher education recognized by the Secretary of Defense for the purposes of this clause, is under 23 years of age and is dependent on the member for over one-half of the child's support.".

(b) CONFORMING AMENDMENTS.—Chapter 74 of such title is amended—

(1) in section 1461(b)—

(A) by striking out "and" at the end of paragraph (1);

(B) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following:

"(3) the authority provided in section 1408(h) of this title."; and

(2) in section 1463—

(A) by striking out "and" at the end of paragraph (3);

(B) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(C) by adding at the end the following:

"(5) amounts payable under section 1408(h) of this title.".

(c) PROSPECTIVE APPLICABILITY.—No entitlement to payments under subsection (h) of section 1408 of title 10, United States Code (as added by subsection (a)), shall accrue for periods before the date of the enactment of this Act.

(d) REPORT ON OTHER ACTIONS.—(1) Not later than December 15, 1993, the Secretary of Defense shall transmit to the Congress a report on the actions taken and planned to be taken in the Department of Defense to reduce or eliminate disincentives for a dependent of a member of the Armed Forces abused by the member to report the abuse to appropriate authorities.

(2) The actions considered by the Secretary should include the provision of treatment, child care services, health care services, job training, job placement services, and transitional financial assistance for dependents of members of the Armed Forces referred to in paragraph (1).

(e) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study in order to estimate—

(A) the number of persons who will become eligible to receive payments under subsection (h) of section 1408 of title 10, United States Code (as added by subsection (a)), during each of fiscal years 1993 through 2000; and

(B) for each of fiscal years 1993 through 2000, the number of members of the Armed Forces who, after having completed at least one, and less than 20, years of service in that fiscal year, will be approved in that fiscal year for separation from the Armed Forces as a result of having abused a spouse or dependent child.

(2) The study shall include a thorough analysis of—

(A) the effects, if any, of appeals and requests for clemency in the case of court-martial convictions on the entitlement to payments in accordance with subsection (h) of section 1408 of title 10, United States Code (as added by subsection (a));

(B) the socio-economic effects on the dependents of members of the Armed Forces described in subsection (h)(2) of such section that result from terminations of the eligibility of such members to receive retired or retainer pay; and

(C) the effects of separations of such members from the Armed Forces on the mission readiness of the units of assignment of such members when separated and on the Armed Forces in general.

(3) Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 700. REFERENCE TO HEALTH CARE SERVICES IN TITLE XLIV.

For provisions of this Act regarding health care services as a consequence of the defense drawdown, see section 4408 relating to improved conversion health policies as part of transitional medical care and section 4409 relating to continued health coverage for members and dependents.

Subtitle A—Health Care Services

SEC. 701. REVISIONS TO DEPENDENTS' DENTAL PROGRAM UNDER CHAMPUS.

(a) REPEAL OF AUTHORITY TO ESTABLISH SUPPLEMENTAL PLANS.—Section 1076a of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "and supplemental" in the first sentence; and

(B) by striking out the last sentence;

(2) in subsection (b), by striking out paragraph (3); and

(3) in subsection (d)—

(A) by striking out paragraph (2);

(B) by striking out "(1)" before "A basic"; and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(b) PREMIUM INCREASE AND SUBSIDY FOR JUNIOR ENLISTED PERSONNEL.—Subsection (b) of such section, as amended by subsection (a)(2), is further amended—

(1) in paragraph (2), by striking out "$10" and inserting in lieu thereof "$20"; and

(2) by adding at the end the following new paragraph:

"(3) The Secretary of Defense may reduce the monthly premium required to be paid under paragraph (2) in the case of enlisted members in pay grade E-1, E-2, E-3, or E-4 if the Secretary determines that such a reduction is appropriate to assist such members to participate in a dental benefits plan established under subsection (a). The reduction in the amount of the premium may not exceed $10 per month.".

(c) IMPROVEMENT IN BENEFITS.—Subsection (d) of such section, as amended by subsection (a)(3), is further amended—

(1) by striking out "only" in the matter above paragraph (1); and

(2) by adding at the end the following new paragraph:

"(3) Orthodontic services, crowns, gold fillings, bridges, complete or partial dentures, and such other services as the Secretary of Defense considers to be appropriate.".

(d) COPAYMENT FOR ADDITIONAL BENEFITS.—Subsection (e) of such section is amended to read as follows:

"(e) COPAYMENTS.—A member whose spouse or child receives care under a basic dental benefits plan shall—

"(1) pay no charge for care described in subsection (d)(1);

"(2) pay 20 percent of the charges for care described in subsection (d)(2); and

"(3) pay a percentage of the charges for care described in subsection (d)(3) that is determined appropriate by the Secretary of Defense, after consultation with the other administering Secretaries.".

(e) REPEAL OF ANNUAL LIMIT ON EXPENDITURES UNDER PROGRAM.—Such section is further amended by striking out subsection (h).

(f) PROGRAM OF IMPROVED DEPENDENTS' DENTAL BENEFITS.—(1) The Secretary of Defense, after consulting with the other administering Secretaries, shall devise and implement a program for the improvement of the provision of dental benefits to dependents of members of the Armed Forces under section 1076a of title 10, United States Code.

(2) For purposes of this subsection, the term "administering Secretaries" has the meaning given such term in section 1072(3) of title 10, United States Code.

(3) Of the funds appropriated pursuant to the authorization of appropriations in section 301, $50,000,000 shall be available to the Secretary of Defense for carrying out paragraph (1).

(g) EFFECTIVE DATE AND APPLICATION OF AMENDMENTS.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that—

(1) the $10 per month premium in effect under subsection (b)(2) of section 1076a of title 10, United States Code, on the day before the date of the enactment of this Act shall continue apply until April 1, 1993, to members enrolled in a basic dental benefits plan under such section; and

(2) the Secretary of Defense may not include the benefits authorized under subsection (d)(3) of such section, as added by subsection (c), in a basic dental benefits plan under such section until April 1, 1993.

SEC. 702. PROGRAMS RELATING TO THE SALE OF PHARMACEUTICALS.

(a) DEMONSTRATION PROJECT FOR PHARMACEUTICALS BY MAIL.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the administering Secretaries, shall—

(1) establish a demonstration project that permits eligible persons described in subsection (c) to obtain prescription pharmaceuticals by mail in connection with medical care furnished to such persons under chapter 55 of title 10, United States Code; and

(2) conduct the demonstration project in two or more regions selected by the Secretary, each of which consists of two or more States.

(b) RETAIL PHARMACY NETWORK.—To the maximum extent practicable, the Secretary of Defense shall include in each managed health care program initiated, awarded, or renewed by the Secretary after January 1, 1993, a program to supply prescription pharmaceuticals to eligible persons described in subsection (c) through a managed care network of community retail pharmacies in the area covered by the managed health care program.

(c) ELIGIBLE PERSONS.—A person eligible to obtain pharmaceuticals under the demonstration project established under subsection (a) or the retail pharmacy network included in a managed health care program under subsection (b) is any person living in the area covered by the demonstration project or managed health care program—

(1) who is eligible for medical care under a contract for medical care entered into by the Secretary of Defense under section 1079 or 1086 of title 10, United States Code; or

(2) who—

(A) would be eligible for medical care under a contract for medical care entered into under section 1086 of such title except for operation of subsection (d)(1) of such section; and

(B) resides in an area that is adversely affected (as determined by the Secretary) by the closure of a health care facility of the uniformed services as a result of the closure or realignment of the military installation at which such facility is located.

(d) PHARMACEUTICALS OFFERED; PURCHASE FEES.—The Secretary of Defense, in consultation with the administering Secretaries, shall—

(A) determine the pharmaceuticals that may be obtained by eligible persons under the demonstration project established under subsection (a) or the retail pharmacy network included in a managed health care program under subsection (b); and

(B) establish an appropriate fee, charge, or copayment to be paid by such persons for pharmaceuticals obtained under the demonstration project or managed health care program.

(e) REPORT REGARDING DEMONSTRATION PROJECT.—Not later than two years after the establishment of the demonstration project under subsection (a), the Secretary of Defense shall submit to Congress a report—

(1) describing the results of the demonstration project required by subsection (a);

(2) containing such recommendations for revision of the demonstration project as the Secretary considers to be necessary; and

(3) containing a plan (including a schedule) for implementing the demonstration project throughout the United States.

(f) DEFINITIONS.—In this section, the terms "uniformed services" and "administering Secretaries" have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 703. MAXIMUM ANNUAL AMOUNT FOR DEDUCTIBLES AND COPAYMENTS.

(a) REDUCED MAXIMUM ANNUAL AMOUNT.—Section 1086(b)(4) of title 10, United States Code, is amended by striking out "$10,000" and inserting in lieu thereof "$7,500".

(b) APPLICABILITY AFTER FISCAL YEAR 1992.—The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 1992.

SEC. 704. COMPREHENSIVE INDIVIDUAL CASE MANAGEMENT PROGRAM UNDER CHAMPUS.

Section 1079(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (15)(D);

(2) by striking out the period at the end of paragraph (16) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(17) the Secretary of Defense may establish a program for the individual case management of a person covered by this section or section 1086 of this title who has extraordinary medical or psychological disorders and, under such a program, may waive benefit limitations contained in paragraphs (5) and (13) of this subsection or section 1077(b)(1) of this title and authorize the payment for comprehensive home health care services, supplies, and equipment if the Secretary determines that such a waiver is cost-effective and appropriate.".

SEC. 705. CONTINUATION OF CHAMPUS COVERAGE FOR CERTAIN MEDICARE PARTICIPANTS.

(a) INCLUSION OF END STAGE RENAL DISEASE PATIENTS.—Section 1086(d)(2)(A) of title 10, United States Code, is amended by inserting before the semicolon the following: "or section 226A(a) of such Act (42 U.S.C. 426–1(a))".

(b) COVERAGE OF CARE PROVIDED SINCE SEPTEMBER 30, 1991.—Subsection (d) of section 1086 of title 10, United States Code, as added by section 704(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1401) and amended by subsection (a) of this section, shall apply with respect to health care benefits or services received after September 30, 1991, by a person described in subsection (d)(2) of such section 1086 if such benefits or services would have been covered under a plan contracted for under such section 1086.

(c) CONFORMING AMENDMENTS.—(1) Section 704 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1401) is amended by striking out subsection (c).

(2) Section 8097 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1197) is repealed.

SEC. 706. HEALTH CARE FOR CHILDREN OF MEMBERS AND FORMER MEMBERS WHEN SUCH CHILDREN SUFFER MENTAL OR PHYSICAL INCAPACITY WHILE IN COLLEGE.

Section 1072(2) of title 10, United States Code, is amended by striking out subparagraph (D) and inserting in lieu thereof the following new subparagraph:

"(D) an unmarried legitimate child, including an adopted child or stepchild, who—

"(i) has not attained the age of 21;

"(ii) has not attained the age of 23, is enrolled in a full-time course of study at an institution of higher learning approved by the administering Secretary and is, or was at the time of the member's or former member's death, in fact dependent on the member or former member for over one-half of the child's support; or

"(iii) is incapable of self-support because of a mental or physical incapacity that occurs while a dependent of a member or former member under clause (i) or (ii) and is, or was at the time of the member's or former member's death, in fact dependent on the member or former member for over one-half of the child's support;".

Subtitle B—Health Care Management

SEC. 711. NATIONAL CLAIMS PROCESSING SYSTEM FOR CHAMPUS.

(a) CLAIMS PROCESSING SYSTEM REQUIRED.—(1) The Secretary of Defense, in consultation with the other administering Secretaries, shall provide by contract for the operation of a claims processing system to be known as the "National Claims Processing System for CHAMPUS". The Secretary may procure the system in installments, including the use of incremental modules. The system, including completion and integration of all modules, shall be in full operation not later than seven years after the date of the enactment of this Act.

(2) The Secretary shall use competitive procedures for entering into any contract or contracts under paragraph (1).

(b) SYSTEM FUNCTIONS.—The claims processing system shall include at least the following functions:

(1) The maintenance in electronic or written form, or both, of appropriate information on health care services provided to covered beneficiaries by or through third parties under CHAMPUS or any alternative CHAMPUS program or demonstration project. Such information shall include—

(A) the services to which such beneficiaries are entitled or eligible under an insurance plan, medical service plan, or health plan under CHAMPUS;

(B) the insurers, medical services, or health plans that provide such services; and

(C) the services available to beneficiaries under each insurance plan, medical service plan, or health plan, and the payment required of the beneficiaries and the insurer, medical service, or health plan for such services under the plan.

(2) The ability to receive in electronic or written form claims submitted by insurers, medical services, and health plans for services provided to covered beneficiaries.

(3) The ability to process, adjudicate, and pay (by electronic or other means) such claims.

(4) The provision of the information described in paragraphs (1) and (2) and information on the matters referred to in paragraph (3) by telephone, electronic, or other means to covered beneficiaries, insurers, medical services, and health plans.

(c) CONSISTENCY WITH MEDICARE CLAIMS REQUIREMENTS.—The Secretary of Defense shall ensure, to the maximum extent practicable, that claims submitted to the claims processing system conform to the requirements applicable to claims submitted to the Secretary of Health and Human Services with respect to medical care provided under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

(d) IDENTIFICATION CARD.—The Secretary of Defense shall take appropriate actions to determine whether the use by covered beneficiaries of a standard identification card containing electronically readable information will enhance the capability of the claims processing center to carry out the activities set forth in subsection (b).

(e) TRANSITION TO SYSTEM.—After January 1, 1996, any modification or acquisition related to claims processing systems operations in the Office of the Civilian Health and Medical Program of the Uniformed Services shall contain provisions to transfer such operations to the claims processing system required by subsection (a). After January 1, 1999, any renewal or acquisition for fiscal intermediary services (including coordinated care implementations in military hospitals and clinics) shall contain provisions to transfer claims processing systems operations related to such fiscal intermediary services to the claims processing system required by subsection (a).

(f) DEFINITIONS.—For purposes of this section:

(1) The term "administering Secretaries" has the meaning given that term in paragraph (3) of section 1072 of title 10, United States Code.

(2) The term "CHAMPUS" means the Civilian Health and Medical Program of the Uniformed Services, as defined in paragraph (4) of such section.

(3) The term "covered beneficiary" has the meaning given that term in paragraph (5) of such section.

SEC. 712. CONDITION ON EXPANSION OF CHAMPUS REFORM INITIATIVE TO OTHER LOCATIONS.

(a) CONDITION.—Except as provided in subsection (b), the Secretary of Defense may not expand the CHAMPUS reform initiative underway in the States of California and Hawaii to another location until not less than 90 days after the date on which the Secretary certifies to Congress that expansion of the initiative to that location is the most efficient method of providing health care to covered beneficiaries in that location. In determining whether the expansion of the CHAMPUS reform initiative to a location is the most efficient method of providing health care to covered beneficiaries in that location, the Secretary shall consider the cost-effectiveness of the initiative and the effect of the expansion of the initiative on the access of covered beneficiaries to health care and on the quality of health care received by covered beneficiaries.

(b) EXCEPTION.—The Secretary of Defense may waive the operation of the condition on the expansion of the CHAMPUS reform initiative specified in subsection (a) in order to expand the initiative to a location adversely affected by the closure or realignment of a military installation in that location, as determined by the Secretary.

(c) REPORT ON CERTIFICATION.—Not later than 30 days after a certification by the Secretary of Defense under subsection (a), the Comptroller General and the Director of the Congressional Budget Office shall jointly submit to Congress a report evaluating the certification.

(d) DEFINITIONS.—For purposes of this section:

(1) The terms "CHAMPUS reform initiative" and "initiative" mean the health care delivery project required by section 702 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 10 U.S.C. 1073 note).

(2) The term "covered beneficiary" has the meaning given that term in section 1072(5) of title 10, United States Code.

SEC. 713. ALTERNATIVE HEALTH CARE DELIVERY METHODOLOGIES.

(a) CONTINUATION OF HEALTH CARE REFORM INITIATIVES.—(1) During fiscal years 1993 through 1996, the Secretary of Defense shall continue to conduct a broad array of reform initiatives for furnishing health care to persons who are eligible to receive health care under chapter 55 of title 10, United States Code.

(2) The health care reform initiatives conducted in accordance with paragraph (1) shall include CHAMPUS alternatives, the CHAMPUS reform initiative, catchment area management, coordinated care, and such other reform initiatives as the Secretary of Defense considers to be appropriate.

(3) Not later than September 30, 1994, the Secretary shall submit to Congress a report regarding the health care reform initiatives conducted during fiscal years 1993 and 1994. The report shall include a discussion of the cost effectiveness of the initiatives and the extent to which the persons who received health care under such initiatives are satisfied with that health care.

(b) CONTINUATION OF CHAMPUS REFORM INITIATIVE IN HAWAII AND CALIFORNIA.—(1) The Secretary of Defense shall ensure that a replacement or successor contract for the CHAMPUS reform initiative contract applicable to the States of California and Hawaii is awarded in sufficient time for the contractor to begin to provide health care in those States under the replacement or successor contract not later than August 1, 1993.

(2) The Secretary shall use competitive procedures for awarding a replacement or successor contract under paragraph (1).

(c) EVALUATION OF CHAMPUS REFORM INITIATIVE.—(1) Not later than June 1, 1994, the Secretary of Defense shall enter into a contract with a non-Federal entity under which the entity will perform an evaluation of the performance of the CHAMPUS reform initiative in the States of California and Hawaii. The evaluation shall cover each of the fiscal years during which the initiative is carried out in those States under the replacement or successor contract referred to in subsection (b) and under the predecessor contracts. The evaluation shall include a comparison of the cost savings and claims experience resulting in each such fiscal year from carrying out the CHAMPUS reform initiative in those States.

(2) Not later than one year after the date on which the contract for evaluation is entered into under paragraph (1), the non-Federal entity making the evaluation shall submit to the Secretary and to Congress a report on the results of the evaluation.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "CHAMPUS" means the Civilian Health and Medical Program of the Uniformed Services, as defined in paragraph (4) of section 1072 of title 10, United States Code.

(2) The term "covered beneficiary" has the meaning given that term in paragraph (5) of such section.

(3) The term "CHAMPUS reform initiative" means the health care delivery project required by section 702 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 10 U.S.C. 1073 note).

(4) The term "catchment area management" means the methodology provided for demonstration in accordance with section 731 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 10 U.S.C. 1092 note).

SEC. 714. MANAGED HEALTH CARE NETWORK FOR TIDEWATER REGION OF VIRGINIA.

(a) REAFFIRMATION OF COMMITMENT.—The delivery of health care services by the Department of Defense to members of the Armed Forces serving on active duty in the Tidewater region of Virginia and to covered beneficiaries under chapter 55 of title 10, United States Code, residing in that region shall be made in the manner specified in section 712(b) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190; 105 Stat. 1402). That section shall not be construed as being limited, modified, or superseded by any provision of law contained in an appropriation Act, whether enacted before, on, or after the date of the enactment of this Act, unless that provision of law—

(1) specifically refers to that section and this section; and

(2) states that the provision of law limits, modifies, or supersedes that section.

(b) CONTENT OF NETWORK.—Section 712(b) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190; 105 Stat. 1402) is amended by adding at the end the following new paragraphs:

"(3) The Secretary of Defense shall modify the Policy Guidelines on the Department of Defense Coordinated Care Program to provide for the operation of the program required by this subsection in a manner consistent with the military health care demonstration project underway in Charleston, South Carolina, including the following features—

"(A) a reduction of copayment and deductibles for covered beneficiaries who enroll in the program;

"(B) an opportunity for covered beneficiaries who do not enroll in the program to use the network of preferred providers established under the program and a reduction of copayment or deductibles for such covered beneficiaries; and

"(C) continued access for all covered beneficiaries to health care in military treatment facilities regardless of enrollment status, subject to the availability of space and facilities, the capabilities of the medical or dental staff, and reasonable preferences for covered beneficiaries who enroll in the program.

"(4) For purposes of this subsection, the term 'Policy Guidelines on the Department of Defense Coordinated Care Program' means the Policy Guidelines on the Department of Defense Coordinated Care Program that were issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992.".

SEC. 715. POSITIVE INCENTIVES UNDER THE COORDINATED CARE PROGRAM.

(a) INCLUSION OF POSITIVE INCENTIVES FOR ENROLLMENT.—The Secretary of Defense shall modify the Policy Guidelines on the Department of Defense Coordinated Care Program to provide covered beneficiaries with additional positive incentives to enroll in the Coordinated Care Program of the Department of Defense.

(b) TYPES OF POSITIVE INCENTIVES.—The positive incentives provided under subsection (a) may include—

(1) a reduction of the copayment and deductibles prescribed under sections 1079 and 1086 of title 10, United States Code, for covered beneficiaries who enroll in the Coordinated Care Program;

(2) alternative cost-sharing requirements for certain types of care; and

(3) an expansion of the benefits provided under the Coordinated Care Program beyond the benefits authorized under CHAMPUS.

(c) EFFECT ON CERTAIN EXISTING PROGRAMS.—The modification required under subsection (a) shall permit health care demonstration projects in existence on the date of the enactment of this Act (including the CHAMPUS reform initiative, the catchment area management projects, the CHAMPUS select fiscal intermediary program in the Southeast Region, and the managed health care program established in the Tidewater region of Virginia) and future managed health care initiatives undertaken by the Department of Defense to offer covered beneficiaries who do not enroll in the Coordinated Care Program the opportunity to use a preferred provider network of health care providers.

(d) DETERMINATION OF INCENTIVES.—In determining what level and types of positive incentives are likely to induce covered beneficiaries to enroll in the Coordinated Care Program, the Secretary of Defense shall take into consideration the extent to which covered beneficiaries not enrolled in the program are permitted to choose health care providers without prior referral or approval.

(e) PROHIBITION ON EXCLUSIONS.—Subject to the availability of space and facilities and the capabilities of the medical or dental staff, the Secretary of Defense may not deny access to military treatment facilities to covered beneficiaries who do not enroll in the Coordinated Care Program. However, the Secretary may establish reasonable admission preferences for covered beneficiaries enrolled in the program as an incentive to encourage enrollment.

(f) DEFINITIONS.—For purposes of this section:

(1) The term "CHAMPUS" means the Civilian Health and Medical Program of the Uniformed Services, as defined in paragraph (4) of section 1072 of title 10, United States Code.

(2) The term "covered beneficiary" has the meaning given that term in paragraph (5) of such section.

(3) The term "Policy Guidelines on the Department of Defense Coordinated Care Program" means the Policy Guidelines on the Department of Defense Coordinated Care Program that were issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992.

SEC. 716. EXCEPTION FROM FEDERAL ACQUISITION REGULATION FOR MANAGED-CARE DELIVERY AND REIMBURSEMENT MODEL.

Section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) is amended by adding at the end the following new sentence: "A participation agreement negotiated between a Uniformed Services Treatment Facility and the Secretary of Defense under this subsection shall not be subject to the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)).".

Subtitle C—Other Matters

SEC. 721. CORRECTION OF OMISSION IN DELAY OF INCREASE OF CHAMPUS DEDUCTIBLES RELATED TO OPERATION DESERT STORM.

(a) LOWER CHAMPUS ANNUAL DEDUCTIBLE.—In the case of health care provided under section 1079 or 1086 of title 10, United States Code, during the period beginning on April 1, 1991, and ending on September 30, 1991, to a CHAMPUS beneficiary described in subsection (b), the annual deductibles specified in such sections applicable to that care may not exceed the annual deductibles in effect under such sections on November 4, 1990.

(b) ELIGIBLE CHAMPUS BENEFICIARIES.—A CHAMPUS beneficiary referred to in subsection (a) is a covered beneficiary of the Civilian Health and Medical Program of the Uniformed Services who, during any portion of the period specified in that subsection—

(1) was a member or former member of a uniformed service entitled to retired or retainer pay and served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm; or

(2) was a dependent of a member of a uniformed service who served on active duty in the Persian Gulf theater of operations in connection with Operation Desert Storm.

(c) CREDIT OR REIMBURSEMENT OF EXCESS.—Subject to the availability of appropriated funds

to the Secretary of Defense, the Secretary shall provide—

(1) for the reimbursement of the amount of any deductible paid under section 1079 or 1086 of title 10, United States Code, during the period specified in subsection (a) in excess of the amount required to be paid by operation of that subsection; or

(2) for a credit against the annual deductible required under such sections for a fiscal year equal to the amount of the excess deductible paid.

(d) Definitions.—For purposes of this section, the term "Operation Desert Storm" has the meaning given that term in section 3(1) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25; 10 U.S.C. 101 note).

SEC. 722. MILITARY HEALTH CARE FOR PERSONS RELIANT ON HEALTH CARE FACILITIES AT BASES BEING CLOSED OR REALIGNED.

(a) Establishment.—The Secretary of Defense shall establish a joint services working group on the provision of military health care to persons who rely for health care on health care facilities at military installations being closed or realigned.

(b) Membership.—The members of the working group shall include the Assistant Secretary of Defense for Health Affairs, the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Air Force, or a designee of each such person, and one independent member appointed by the Secretary of Defense from among private citizens whose interest in matters within the responsibility of the working group qualify that person to represent all personnel entitled to health care under chapter 55 of title 10, United States Code.

(c) Duties.—(1) In the case of each closure or realignment of a military installation that will adversely affect the accessibility of health care in a facility of the uniformed services for persons entitled to such health care under chapter 55 of title 10, United States Code, the working group shall solicit the views of such persons regarding suitable substitutes for the furnishing of health care to those persons under that chapter.

(2) In carrying out paragraph (1), the working group—

(A) shall conduct meetings with persons referred to in that paragraph, or representatives of such persons;

(B) may use reliable sampling techniques;

(C) shall visit the areas where closures or realignments of military installations will adversely affect the accessibility of health care in a facility of the uniformed services for persons referred to in paragraph (1) and shall conduct public meetings; and

(D) shall ensure that members of the uniformed services on active duty, members and former members of the uniformed services entitled to retired or retainer pay, and dependents and survivors of such members and retired personnel are afforded the opportunity to express views.

(d) Recommendations.—With respect to each closure and realignment of a military installation referred to in subsection (c), the working group shall submit to the Congress and the Secretary of Defense the working group's recommendations regarding the alternative means for continuing to provide accessible health care under chapter 55 of title 10, United States Code, to persons referred to in that subsection.

(e) Application of Advisory Committee Act.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the joint services working group established pursuant to this section.

SEC. 723. EXPANSION OF COMPREHENSIVE STUDY OF THE MILITARY MEDICAL CARE SYSTEM.

Section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 1071 note) is amended—

(1) in subsection (b), by inserting after paragraph (2) the following new paragraph:

"(3) A comprehensive review of the Federal employees health benefits program under chapter 89 of title 5, United States Code, in order to determine whether furnishing health care under a similar program to persons entitled to health care under chapter 55 of title 10, United States Code, would result in the efficient and cost-effective provision of health care to such persons."; and

(2) in subsection (e)—

(A) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) The results of the review under subsection (b)(3) and the Secretary's recommendations on the basis of those results.".

SEC. 724. ANNUAL BENEFICIARY SURVEY.

(a) Survey Required.—The administering Secretaries shall conduct annually a formal survey of persons receiving health care under chapter 55 of title 10, United States Code, in order to determine the following:

(1) The availability of health care services to such persons through the health care system provided for under that chapter, the types of services received, and the facilities in which the services were provided.

(2) The familiarity of such persons with the services available under that system and with the facilities in which such services are provided.

(3) The health of such persons.

(4) The level of satisfaction of such persons with that system and the quality of the health care provided through that system.

(5) Such others matters as the administering Secretaries determine appropriate.

(b) Definition.—For purposes of this section, the term "administering Secretaries" has the meaning given such term in section 1072(3) of title 10, United States Code.

SEC. 725. STUDY ON RISK-SHARING CONTRACTS FOR HEALTH CARE.

(a) Study.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall carry out a study of the feasibility and advisability of entering into risk-sharing contracts with eligible organizations described in section 1876(b) of the Social Security Act (42 U.S.C. 1395mm(b)) to furnish health care services to persons entitled to health care in a facility of a uniformed service under section 1074(b) or 1076(b) of title 10, United States Code.

(b) Plan.—If the Secretary of Defense determines as a result of the study required by subsection (a) that entry into risk-sharing contracts is feasible and advisable, the Secretary shall develop a plan for the entry into such contracts in accordance with the Secretary's determinations under the study.

(c) Report.—The Secretary of Defense shall submit to Congress a report describing the results of the study and containing any plan developed under subsection (b) to enter into risk-sharing contracts.

SEC. 726. SENSE OF CONGRESS REGARDING HEALTH CARE POLICY FOR THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) members and former members of the uniformed services, and their dependents and survivors, should have access to health care under the health care delivery system of the uniformed services regardless of the age or health care status of the person seeking the health care;

(2) such health care delivery system should include a comprehensive managed care plan;

(3) the comprehensive managed care plan should involve medical personnel of the uniformed services (including reserve component personnel), civilian health care professionals of the executive agency of such uniformed services, medical treatment facilities of the uniformed services, contract health care personnel, and the medicare system;

(4) the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Transportation should continue to provide active duty personnel of the uniformed services with free care in medical treatment facilities of the uniformed services and to provide the other personnel referred to in paragraph (1) with health care at reasonable cost to the recipients of the care; and

(5) the Secretaries referred to in paragraph (4) should examine additional health care options for the personnel referred to in paragraph (1) including, in the case of persons eligible for medicare under title XVIII of the Social Security Act, options providing for—

(A) the reimbursement of the Department of Defense by the Secretary of Health and Human Services for health care services provided such personnel at medical treatment facilities of the Department of Defense; and

(B) the sharing of the payment of the costs of contract health care by the Department of Defense and the Department of Health and Human Services, with one such department being the primary payer of such costs and the other such department being the secondary payer of such costs.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Assistance Programs

SEC. 801. CODIFICATION AND AMENDMENT OF SECTION 1207.

(a) Codification.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2323 a new section 2323 consisting of—

(A) a heading as follows:

"§2323. Contract goal for small disadvantaged businesses and certain institutions of higher education";

and

(B) a text consisting of the text of section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661), revised—

(i) by replacing "each of fiscal years 1987, 1988, 1989, 1990, 1991, 1992, and 1993" in subsection (a)(1) with "each of fiscal years 1987 through 2000";

(ii) by replacing "each of fiscal years 1987, 1988, 1989, 1990, 1991, 1992, and 1993." in subsection (h) with "each of fiscal years 1987 through 2000."; and

(iii) by replacing "of title 10, United States Code," in subsection (e)(2) with "of this title".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2322 the following new item:

"2323. Contract goal for small disadvantaged businesses and certain institutions of higher education.".

(b) Goals.—Subsection (a) of section 2323 of title 10, United States Code, as added by subsection (a), is amended by adding at the end the following new paragraph:

"(3) The Secretary of Defense shall prescribe regulations that provide procedures or guidelines for contracting officers to set goals which Department of Defense prime contractors that

are required to submit subcontracting plans under section 8(d)(4)(B) of the Small Business Act (15 U.S.C. 637(d)(4)(B)) in furtherance of the Department's program to meet the 5 percent goal specified in paragraph (1) should meet in awarding subcontracts, including subcontracts to minority-owned media, to entities described in that paragraph.".

(c) ACTIONS TO ATTAIN GOAL.—Subsection (e) of section 2323 of title 10, United States Code, as added by subsection (a), is amended—

(1) in the matter preceding paragraph (1), by striking out "subsection (a)—" and inserting in lieu thereof "subsection (a):";

(2) by striking out paragraph (1), and inserting in lieu thereof the following:

"(1)(A) The Secretary of Defense shall—

"(i) ensure that substantial progress is made in increasing awards of Department of Defense contracts to entities described in subsection (a)(1);

"(ii) exercise his utmost authority, resourcefulness, and diligence; and

"(iii) actively monitor and assess the progress of the military departments, Defense Agencies, and prime contractors of the Department of Defense in attaining such goal.

"(B) In making the assessment under subparagraph (A)(iii), the Secretary shall evaluate the extent to which use of the authority provided in paragraphs (2) and (3) and compliance with the requirement in paragraph (4) is effective for facilitating the attainment of the goal.";

(3) by adding at the end of paragraph (2) the following: "The Secretary shall prescribe regulations that provide guidance to contracting officers for making advance payments to entities described in subsection (a)(1) under such section.";

(4) in paragraph (3), by inserting "and partial set asides for entities described in subsection (a)(1)" after "(including awards under section 8(a) of the Small Business Act"; and

(5) by adding at the end the following new paragraph:

"(5) The Secretary shall prescribe regulations which provide for the following:

"(A) Procedures or guidance for contracting officers to provide incentives for prime contractors referred to in subsection (a)(3) to increase subcontractor awards to entities described in subsection (a)(1).

"(B) A requirement that contracting officers emphasize the award of contracts to entities described in subsection (a)(1) in all industry categories, including those categories in which such entities have not traditionally dominated.

"(C) Guidance to Department of Defense personnel on the relationship among the following programs:

"(i) The program implementing this section.

"(ii) The program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

"(iii) The small business set-aside program established under section 15(a) of the Small Business Act (15 U.S.C. 644(a)).

"(D) With respect to a Department of Defense procurement which is reasonably likely to be set aside for entities described in subsection (a)(1), a requirement that (to the maximum extent practicable) the procurement be designated as such a set-aside before the solicitation for the procurement is issued.

"(E) Policies and procedures which, to the maximum extent practicable, will ensure that current levels in the number or dollar value of contracts awarded under the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) and under the small business set-aside program established under section 15(a) of the Small Business Act (15 U.S.C. 644(a)) are maintained and that every effort is made to provide new opportunities for contract awards to eligible entities, in order to meet the goal of subsection (a).

"(F) Implementation of this section in a manner which will not alter the procurement process under the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

"(G) A requirement that one factor used in evaluating the performance of a contracting officer be the ability of the officer to increase contract awards to entities described in subsection (a)(1).

"(H) Increased technical assistance to entities described in subsection (a)(1).".

(d) REQUIREMENTS RELATING TO STATUS.—Subsection (f) of section 2323 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking out "PENALTIES FOR MISREPRESENTATION.—Whoever" and inserting in lieu thereof "PENALTIES AND REGULATIONS RELATING TO STATUS.—(1) Whoever"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary of Defense shall prescribe regulations which provide for the following:

"(A) A requirement that a business which represents itself as an entity described in subsection (a)(1) and is seeking a Department of Defense contract maintain its status as an entity at the time of contract award.

"(B) A prohibition on the award of a contract under this section to an entity described in subsection (a)(1) unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act (15 U.S.C. 644(o)(1)).".

(e) DETERMINATION BY SECRETARY OF DEFENSE.—Section 2323 of title 10, United States Code, as added by subsection (a), is further amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by adding after subsection (f) the following new subsection (g):

"(g) DETERMINATION BY SECRETARY OF DEFENSE.—Under procedures prescribed by the Secretary of Defense, a person may request the Secretary to determine whether the use of small disadvantaged business set asides by a contracting activity of the Department of Defense has caused a particular industry category to bear a disproportionate share of the contracts awarded to attain the goal established for that contracting activity for the purposes of this section. Upon making a determination that a particular industry category is bearing a disproportionate share, the Secretary shall take appropriate actions to limit the contracting activity's use of set asides in awarding contracts in that particular industry category.".

(f) REPEAL OF REPORT ON PROGRESS IN MEETING CONTRACTING GOALS.—Effective on October 1, 1993, subsection (h) (as redesignated by subsection (e)) of section 2323 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking out "REPORTS" in the subsection heading and inserting in lieu thereof "REPORT";

(2) by striking out "final" in paragraph (2);

(3) by striking out "July 15" in paragraph (1) and all that follows through "Not later than" in paragraph (2);

(4) by redesignating paragraph (3) as paragraph (2) and in that paragraph striking out "reports described in paragraphs (1) and (2) shall each" and inserting in lieu thereof "report required under paragraph (1) shall";

(5) by redesignating paragraph (4) as paragraph (3) and in that paragraph striking out "reports required under paragraph (2)" and inserting in lieu thereof "report required under paragraph (1)"; and

(6) by striking out paragraph (5).

(g) CODIFICATION OF RELATED PROVISION.—(1) Chapter 137 of title 10, United States Code, is amended by inserting after section 2323 (as added by subsection (a)) a new section consisting of—

(A) a heading as follows:

"§2323a. Credit for Indian contracting in meeting certain subcontracting goals for small disadvantaged businesses and certain institutions of higher education";

and

(B) a text consisting of the text of section 832 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2301 note), revised in subsection (a) by replacing "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)" with "section 2323 of this title".

(2) The table of sections at the beginning of such chapter, as amended by subsection (a), is further amended by inserting after the item relating to section 2323 the following:

"2323a. Credit for Indian contracting in meeting
certain subcontracting goals for
small disadvantaged businesses
and certain institutions of higher
education.".

(h) CONFORMING REPEALS AND REDESIGNATIONS.—(1) Section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3973) is repealed.

(2) Section 2304(b)(2) of title 10, United States Code, is amended by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)" and inserting in lieu thereof "section 2323 of this title".

(3) Section 812(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1424) is amended by striking out "section 1207(c)(3) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)." and inserting in lieu thereof "section 2323(c)(3) of title 10, United States Code.".

(4) Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note) is amended—

(A) in subsection (m)(4), by striking out "section 1207(a)(2) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)." and inserting in lieu thereof "section 2323 of title 10, United States Code."; and

(B) in subsection (m)(6), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)" and inserting in lieu thereof "section 2323 of title 10, United States Code,".

(5) Section 832 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 2301 note) is repealed.

(6) Section 843 of the National Defense Authorization Act, Fiscal Year 1989 (44 U.S.C. 502 note), is amended—

(A) in subsection (b), by striking out "section 1207(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661: 100 Stat. 3973)." and inserting in lieu thereof "section 2323(a) of title 10, United States Code.";

(B) in subsection (c), by striking out "section 1207(f) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661: 100 Stat. 3974)." and inserting in lieu thereof "section 2323(f) of title 10, United States Code."; and

(C) in subsection (d)—

(i) by striking out "SECTION 1207 GOALS.—" and inserting in lieu thereof "DEPARTMENT OF DEFENSE GOALS.—"; and

(ii) by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661: 100 Stat. 3973)," and inserting in lieu thereof "section 2323 of title 10, United States Code,".

(7) Section 806 of the National Defense Authorization Act for Fiscal Years 1988 and 1989

(Public Law 100–180; 10 U.S.C. 2301 note) is repealed.

(8) Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(A) in subsection (k)(9), by striking out "section 1207 of Public Law 99–661." and inserting in lieu thereof "section 2323 of title 10, United States Code.";

(B) in subsection (m)(1), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)" and inserting in lieu thereof "section 2323 of title 10, United States Code,"; and

(C) in subsection (m)(2)(C), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)." and inserting in lieu thereof "section 2323 of title 10, United States Code.".

(9) The Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(A) in section 713(a), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987)" and inserting in lieu thereof "section 2323 of title 10, United States Code)";

(B) in section 721(a)(2)(B), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note);" and inserting in lieu thereof "section 2323 of title 10, United States Code;"; and

(C) in section 722(c)(1), by striking out "section 1207 of the National Defense Authorization Act for Fiscal Year 1987." and inserting in lieu thereof "section 2323 of title 10, United States Code.".

SEC. 802. PROVISIONS RELATING TO SMALL DISADVANTAGED BUSINESSES AND SMALL BUSINESSES.

Section 2323 of title 10, United States Code, as added and amended by section 801, is further amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following new subsection:

"(h) COMPLIANCE WITH SUBCONTRACTING PLAN REQUIREMENTS.—(1) The Secretary of Defense shall prescribe regulations to ensure that potential contractors submitting sealed bids or competitive proposals to the Department of Defense for procurement contracts to be awarded under the program provided for by this section are complying with applicable subcontracting plan requirements of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

"(2) The regulations required by paragraph (1) shall ensure that, with respect to a sealed bid or competitive proposal for which the bidder or offeror is required to negotiate or submit a subcontracting plan under section 8(d) of the Small Business Act (15 U.S.C. 637(d)), the subcontracting plan shall be a factor in evaluating the bid or proposal.".

SEC. 803. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

Of the amounts authorized to be appropriated for fiscal year 1993 pursuant to title II of this Act, $15,000,000 shall be available for such fiscal year for infrastructure assistance to historically Black colleges and universities and minority institutions under section 2323(c)(3) of title 10, United States Code.

SEC. 804. CERTIFICATE OF COMPETENCY REQUIREMENTS.

(a) REQUIREMENT TO PROVIDE NOTICE IN SOLICITATION.—In the case of a contract to be entered into pursuant to the provisions of chapter 137 of title 10, United States Code, other than pursuant to simplified procedures referred to in section 2304(g) of such title, the solicitation for the contract shall contain a notice of the right of any small business concern bidding on the contract, in the case of a determination by the contracting officer that the concern is nonresponsible, to request the Small Business Administration to make a determination of the concern's responsibility under Section 8(b)(7) of the Small Business Act (15 U.S.C. 637(b)(7)).

(b) REQUIREMENT TO PROVIDE NOTICE OF DETERMINATION OF NONRESPONSIBILITY.—If the contracting officer determines that the small business concern bidding on the contract is nonresponsible, the contracting officer shall notify the small business concern in writing that the contracting officer has determined the concern to be nonresponsible, that the concern has the right to request the Small Business Administration to make a determination of the concern's responsibility, and that, if the small business concern desires to request such a determination by the Administration, the small business concern shall inform the contracting officer in writing, within 14 days after receipt of the notice from the contracting officer, of the concern's desire to request such a determination. After being so informed, the Government procurement officer shall transmit the request, together with pertinent documents, to the Administration. If the Government procurement officer is not so informed within such 14 days, the procurement officer may proceed with award of the contract.

(c) EFFECTIVE DATE.—Subsections (a) and (b) shall take effect on October 1, 1992, and shall apply to solicitations for contracts issued after the expiration of the 120-day period beginning on the date of the enactment of this Act.

(d) REPORT.—Not later than October 1, 1994, the Secretary of Defense shall submit to Congress a report on the effectiveness and results of implementing the requirements of subsections (a) and (b), including such recommendations as the Secretary considers appropriate.

(e) TERMINATION.—Subsections (a) and (b) shall cease to be in effect on September 30, 1995.

SEC. 805. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

(a) EXTENSION OF PROGRAM.—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended by striking out "September 30, 1993" in the second sentence and inserting in lieu thereof "September 30, 1994".

(b) FISCAL YEAR 1994 PARTICIPANTS.—Such section is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) FISCAL YEAR 1994 PARTICIPANTS.—Only those contracting activities and contractors who negotiated subcontracting plans under demonstration projects conducted under the test program before October 1, 1993, may participate in demonstration projects conducted under the test program in fiscal year 1994.".

SEC. 806. EXTENSION OF TEST PROGRAM OF CONTRACTING FOR PRINTING-RELATED SERVICES FOR THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF AUTHORITY.—Section 843(e) of the National Defense Authorization Act, Fiscal Year 1989 (44 U.S.C. 502 note) is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 2000".

(b) SECTION HEADING.—The heading of section 843 of such Act is amended to read as follows:

"SEC. 843. CONTRACT GOAL FOR DISADVANTAGED SMALL BUSINESSES IN PRINTING-RELATED SERVICES.".

SEC. 807. PILOT MENTOR-PROTEGE PROGRAM.

(a) REQUIREMENT.—Within 15 days after the date of the enactment of this Act, the Secretary of Defense shall publish in the Department of Defense Supplement to the Federal Acquisition Regulation the Department of Defense policy for the pilot Mentor-Protege Program and the regulations, directives, and administrative guidance pertaining to such program as such policy, regulations, directives, and administrative guidance existed on December 6, 1991. Proposed modifications to that policy and any amendments of the matters published pursuant to the preceding sentence that are proposed in order to implement any of the amendments made by this section shall be published for public comment within 60 days after the date of the enactment of this Act and shall be published in final form within 120 days after such date.

(b) RELATIONSHIP TO SMALL BUSINESS ACT.—(1) Subsection (h) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended to read as follows:

"(h) RELATIONSHIP TO SMALL BUSINESS ACT.—(1) For purposes of the Small Business Act, no determination of affiliation or control (either direct or indirect) may be found between a protege firm and its mentor firm on the basis that the mentor firm has agreed to furnish (or has furnished) to its protege firm pursuant to a mentor-protege agreement any form of developmental assistance described in subsection (f).

"(2) Notwithstanding section 8 of the Small Business Act (15 U.S.C. 637), the Small Business Administration may not determine a disadvantaged small business concern to be ineligible to receive any assistance authorized under the Small Business Act on the basis that such business concern has participated in the Mentor-Protege Program or has received assistance pursuant to any developmental assistance agreement authorized under such program.

"(3) The Small Business Administration may not require a firm that is entering into, or has entered into, an agreement under subsection (e) as a protege firm to submit the agreement, or any other document required by the Secretary of Defense in the administration of the Mentor-Protege Program, to the Small Business Administration for review, approval, or any other purpose.".

(2) The amendment made by this subsection shall take effect as of November 5, 1990.

(c) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1993 pursuant to title I of this Act, $55,000,000 shall be available for the pilot Mentor-Protege Program established pursuant to section 831 of the National Defense Authorization Act for Fiscal year 1991 (10 U.S.C. 2301 note).

SEC. 808. CODIFICATION OF RECURRING PROVISION RELATING TO SUBCONTRACTING WITH CERTAIN NONPROFIT AGENCIES.

(a) POLICY.—Section 2301 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) It is also the policy of Congress that qualified nonprofit agencies for the blind or other severely handicapped (as defined in section 2410d(b) of this title) shall be afforded the maximum practicable opportunity to provide approved commodities and services (as defined in such section) as subcontractors and suppliers under contracts awarded by the Department of Defense.".

(b) CREDIT UNDER SMALL BUSINESS SUBCONTRACTING PLAN.—(1) Chapter 141 of title 10, United States Code, as amended by section 384, is further amended by adding at the end the following new section:

"§2410d. Subcontracting plans: credit for certain purchases

"(a) PURCHASES BENEFITING SEVERELY HANDICAPPED PERSONS.—In the case of a business concern that has negotiated a small business subcontracting plan with a military department or a Defense Agency, purchases made by that business concern from qualified nonprofit agencies

for the blind or other severely handicapped shall count toward meeting the subcontracting goal provided in that plan.

"(b) DEFINITIONS.—In this section:

"(1) The term 'small business subcontracting plan' means a plan negotiated pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) that establishes a goal for the participation of small business concerns as subcontractors under a contract.

"(2) The term 'qualified nonprofit agency for the blind or other severely handicapped' means—

"(A) a qualified nonprofit agency for the blind, as defined in section 5(3) of the Javits-Wagner-O'Day Act (41 U.S.C. 48b(3)); and

"(B) a qualified nonprofit agency for other severely handicapped, as defined in section 5(4) of such Act (41 U.S.C. 48b(4)).

"(3) The terms 'approved commodity' and 'approved service' mean a commodity and a service, respectively, that has been determined by the Committee for Purchase from the Blind and Other Severely Handicapped under section 2 of such Act (41 U.S.C. 47) to be suitable for procurement by the Federal Government.

"(4) The term 'Javits-Wagner-O'Day Act' means the Act entitled 'An Act to create a Committee on Purchases of Blind-made Products, and for other purposes', approved June 25, 1938 (41 U.S.C. 46–48c), commonly referred to as the Wagner-O'Day Act, that was revised and reenacted in the Act of June 23, 1971 (85 Stat. 77), commonly referred to as the Javits-Wagner-O'Day Act.

"(c) TERMINATION.—Subsection (a) shall cease to be effective at the end of September 30, 1994.".

(2) The table of sections at the beginning of such chapter, as amended by section 384, is further amended by adding at the end the following new item:

"2410d. Subcontracting plans: credit for certain purchases.".

(c) EFFECTIVE DATE.—Sections 2301(d) and 2410d of title 10, United States Code (as added by subsections (a) and (b), respectively), shall take effect on October 1, 1993.

Subtitle B—Acquisition Management Improvement

SEC. 811. EXPANSION AND EXTENSION OF AUTHORITY UNDER MAJOR DEFENSE ACQUISITION PILOT PROGRAM.

(a) EXPANSION OF COVERAGE OF PROGRAM.—(1) Section 809 of the Department of Defense Authorization Act for Fiscal Year 1991 (P.L. 101–510; 104 Stat. 1593; 10 U.S.C. 2430 note) is amended—

(A) by striking out "major defense acquisition program" each place it appears and inserting in lieu thereof "defense acquisition program";

(B) by striking out "major defense acquisition programs" each place it appears and inserting in lieu thereof "defense acquisition programs"; and

(C) by striking out subsection (i).

*(2) The heading for such section is amended by striking out "**major**".*

(b) EXTENSION.—Subsection (h) of section 809 of the Department of Defense Authorization Act for Fiscal Year 1991 (P.L. 101–510; 104 Stat. 1595; 10 U.S.C. 2430 note) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

SEC. 812. ACQUISITION WORKFORCE IMPROVEMENT.

(a) 5-YEAR REVIEW OF ASSIGNMENTS.—Section 1734(e)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: "Reviews under this subsection shall be carried out after October 1, 1995, but may be carried out before that date."

(b) WAIVER OF ASSIGNMENT PERIODS FOR DEPUTY PROGRAM MANAGERS.—(1) Section 1734(a) of such title is amended—

(A) in paragraph (1), by inserting "and paragraph (3)" after "Except as provided under subsection (b)"; and

(B) by adding at the end the following new paragraph:

"(3) The assignment period requirement of the first sentence of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.".

(2) Section 1734(b) of such title is amended—

(A) in paragraph (1)(A), by inserting "(except as provided in paragraph (3))" after "deputy program manager"; and

(B) by adding at the end the following new paragraph:

"(3) The assignment period requirement under subparagraph (A) of paragraph (1) is waived for any individual serving as a deputy program manager if the individual is assigned to a critical acquisition position upon completion of the individual's assignment as a deputy program manager.".

(c) FULFILLMENT STANDARDS FOR MANDATORY TRAINING.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall develop fulfillment standards, and implement a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of title 10, United States Code. Such fulfillment standards shall consist of criteria for determining whether an individual has demonstrated competence in the areas that would be taught in the training courses required under those sections. If an individual meets the appropriate fulfillment standard, the applicable training requirement is fulfilled.

(2) The fulfillment standards developed under paragraph (1) shall take effect as of November 5, 1990, and shall cease to be in effect on October 1, 1997.

(3) The fulfillment standards required under paragraph (1) shall be developed not later than 90 days after the date of the enactment of this Act.

(d) EXPERIENCE REQUIREMENTS FOR DEPUTY PROGRAM MANAGERS.—Section 1735(b)(3) of such title is amended—

(1) in subparagraph (A)—

(A) by striking out "or deputy program manager"; and

(B) by striking out "and" at the end;

(2) in subparagraph (B)—

(A) by striking out "or deputy program manager"; and

(B) by striking out the period at the end and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(C) a deputy program manager of a major defense acquisition program, must have at least six years of experience in acquisition, at least two years of which were performed in a systems program office or similar organization; and

"(D) a deputy program manager of a significant nonmajor defense acquisition program, must have at least four years of experience in acquisition.".

(e) BUSINESS MANAGEMENT TRAINING AND EDUCATION.—(1) Clause (ii) of section 1732(b)(2)(B) of such title is amended by inserting before the period the following: "or equivalent training as prescribed by the Secretary to ensure proficiency in the disciplines listed in clause (i)".

(2) The Secretary of Defense shall prescribe equivalent training for purposes of clause (ii) of section 1732(b)(2)(B) of title 10, United States Code (as amended by paragraph (1)), not later than 120 days after the date of the enactment of this Act.

(f) SCHOLARSHIP PROGRAM.—Section 1744 of such title is amended—

(1) in subsection (c)(2)—

(A) by striking "Secretary), and (D)" and all that follows through the period and inserting "Secretary)."; and

(B) by inserting "and" before "(C)";

(2) by adding at the end of subsection (c) the following:

"(3) The participant's agreement that, after successfully completing the course of education, the participant—

"(A) shall accept, if offered within such time as shall be specified in the agreement, an appointment to a full-time acquisition position in the Department of Defense that is commensurate with the participant's academic degree and experience, and that is—

"(i) in the excepted service, if the participant has not previously acquired competitive status, with the right, after successful completion of 2 years of service and such other requirements as the Office of Personnel Management may prescribe, to be appointed to a position in the competitive service, notwithstanding subchapter I of chapter 33 of title 5; or

"(ii) in the competitive service, if the participant has previously acquired competitive status; and

"(B) if appointed under subparagraph (A), shall serve for 1 calendar year for each school year or part thereof for which the participant was provided a scholarship under the scholarship program."; and

(3) by adding at the end the following:

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to require that a position be offered to a person after such person successfully completes the course of education agreed to. However, if no position described in subsection (c)(3)(A) is offered within the time specified in the agreement, the agreement shall be considered terminated.

"(f) DEFINITIONS.—In this section, the terms 'competitive service' and 'excepted service' have the meanings provided those terms by sections 2102 and 2103, respectively, of title 5.".

(g) REVISED DEADLINE FOR CONTROLLER GENERAL REPORT.—Section 1208(a) of Public Law 101–510 (10 U.S.C. 1701 note; 104 Stat. 1665) is amended in the second sentence by striking out "Not later than two years after the date of the enactment of this Act," and inserting in lieu thereof "Not later than February 1, 1993,".

SEC. 813. CERTIFICATION OF CONTRACT CLAIMS.

(a) REGULATIONS ON CERTIFICATION OF CONTRACT CLAIMS.—(1) Chapter 141 of title 10, United States Code, as amended by sections 384 and 808, is further amended by adding at the end the following new section:

"§2410e. Contract claims: certification regulations

"(a) REGULATIONS.—The Secretary of Defense may propose, for inclusion in the Federal Acquisition Regulation, regulations relating to certification of contract claims, requests for equitable adjustment to contract terms, and requests for relief under Public Law 85–804 (50 U.S.C. 1431 et seq.) that exceed $100,000. Such regulations, at a minimum, shall—

"(1) provide that a contract claim, request for equitable adjustment to contract terms, or request for relief under Public Law 85–804 (50 U.S.C. 1431 et seq.) may not be paid unless the contractor provides, at the time the claim or request is submitted, the certification required by section 6(c)(1) of the Contract Disputes Act of 1978 (41 U.S.C. 605(c)(1)); and

"(2) require that the person who certifies such a claim or request be an individual who is authorized to bind the contractor and who has knowledge of the basis of the claim or request, knowledge of the accuracy and completeness of the supporting data, and knowledge of the claim or request.

"(b) PUBLICATION.—The Secretary of Defense shall ensure that, upon promulgation of the reg-

ulations, the regulations are published in the Federal Register.

"(c) REPORT.—If at any time the Secretary of Defense proposes revisions to the regulations promulgated pursuant to this section, the Secretary shall ensure that the proposed revisions are published in the Federal Register and, at the time of publication of such revisions, shall submit to Congress a report describing the proposed revisions and explaining why the regulations should be revised. The Secretary of Defense may not promulgate regulations containing such proposed revisions until the expiration of the 90-day period beginning on the date of receipt by Congress of such report."

(2) The table of sections at the beginning of such chapter, as amended by sections 384 and 808, is further amended by adding at the end the following new item:

"2410e. Contract claims: certification regulations.".

(b) REPEAL.—Section 2410 of title 10, United States Code, is repealed, effective upon the promulgation of regulations pursuant to section 2410e of title 10, United States Code, as added by subsection (a).

(c) ADJUSTMENT OF SHIPBUILDING CONTRACTS.—Section 2405 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) If a certification referred to in subsection (b) with respect to a shipbuilding contract is determined to be deficient because of the position, status, or scope of authority of the person executing the certification, the contractor may resubmit the certification. The resubmitted certification shall be based on the knowledge of the contractor and the supporting data that existed when the original certification was submitted. The appropriateness of the person executing the resubmitted certification shall be determined on the basis of applicable law in effect at the time of the resubmission.

"(2) If a certification is resubmitted pursuant to paragraph (1) by the date described in paragraph (3), the resubmitted certification shall be deemed to have been submitted for purposes of this section at the time the original certification was submitted.

"(3) The date by which a certification may be resubmitted for purposes paragraph (2) is the date which is the later of—

"(A) 90 days after the promulgation of regulations under section 2410e(a) of this title; or

"(B) 30 days after the date which is the earlier of the date on which—

"(i) the contractor is notified in writing, by an individual designated to make such notification by the Secretary of Defense, of the deficiency in the previously submitted claim, request, or demand;

"(ii) a board of contract appeals issues a decision determining the previously submitted claim, request, or demand to be deficient; or

"(iii) a Federal court renders a judgment determining the previously submitted claim, request, or demand to be deficient."

SEC. 814. DEADLINE FOR REPORT ON RIGHTS IN TECHNICAL DATA REGULATIONS.

(a) REQUIREMENT TO SUBMIT REPORT WHEN CONGRESS IS IN SESSION.—Section 807(a)(3)(A) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1422) is amended by striking out "transmit" and inserting in lieu thereof the following: "transmit, on a day on which both Houses of Congress are in session,".

(b) COMPUTATION OF PERIOD OF RESTRICTION.—Section 807(c) of such Act is amended—

(1) in paragraph (1), by striking out "date described" and inserting in lieu thereof "expiration of the period described"; and

(2) in paragraph (2)—

(A) by striking out "The date referred to in paragraph (1) is the date 30 days following" and inserting in lieu thereof the following: "The period referred to in paragraph (1) is the period of 30 days of continuous session of Congress beginning on"; and

(B) by adding at the end the following new sentence: "For purposes of this paragraph, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 30-day period.".

SEC. 815. REQUIREMENT TO ESTABLISH SINGLE POINT OF CONTACT FOR INFORMATION CONCERNING PERSONS CONVICTED OF DEFENSE-CONTRACT RELATED FELONIES.

(a) REQUIREMENT.—Section 2408 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) SINGLE POINT OF CONTACT FOR INFORMATION.—(1) The Attorney General shall ensure that a single point of contact is established to enable a defense contractor or subcontractor to promptly obtain information regarding whether a person that the contractor or subcontractor proposes to use for an activity covered by paragraph (1) of subsection (a) is under a prohibition under that subsection.

"(2) The procedure for obtaining such information shall be specified in regulations prescribed by the Secretary of Defense under subsection (a).".

(b) DEADLINE.—The single point of contact required by section 2408(c) of title 10, United States Code, as added by subsection (a), shall be established not later than 120 days after the date of the enactment of this Act.

SEC. 816. EXTENSION OF PROGRAM FOR USE OF MASTER AGREEMENTS FOR PROCUREMENT OF ADVISORY AND ASSISTANCE SERVICES.

Section 2304(j) of title 10, United States Code, is amended in paragraph (5) by striking out "at the end of" and all that follows and inserting in lieu thereof "on September 30, 1994.".

SEC. 817. MAJOR DEFENSE ACQUISITION PROGRAM REPORTS.

(a) SELECTED ACQUISITION REPORTS FOR CERTAIN PROGRAMS.—Section 127(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (101 Stat. 1044; 10 U.S.C. 2432 note) is amended by striking out "at the end of each fiscal year quarter" and inserting in lieu thereof ", in accordance with the provisions of subsection (b) of section 2432 of title 10, United States Code,".

(b) MINIMUM AMOUNT CRITERIA FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 2430 of title 10, United States Code, is amended—

(1) by designating the existing test as subsection (a);

(2) in paragraph (2) of that subsection, as so designated—

(A) by striking out "$200,000,000" and inserting in lieu thereof "$300,000,000";

(B) by striking out "1980" both places it appears and inserting in lieu thereof "1990"; and

(C) by striking out "$1,000,000,000" and inserting in lieu thereof "$1,800,000,000"; and

(3) by adding at the end the following new subsection:

"(b) The Secretary of Defense may adjust the amounts (and the base fiscal year) provided in subsection (a)(2) on the basis of Department of Defense escalation rates. An adjustment under this subsection shall be effective after the Secretary transmits a written notification of the adjustment to the Committees on Armed Services of the Senate and House of Representatives.".

(c) SELECTED ACQUISITION REPORTS.—(1) Subsection (a) of section 2432 of title 10, United States Code, is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) The term 'major contract', with respect to a major defense acquisition program, means each of the six largest prime, associate, or Government-furnished equipment contracts under the program that is in excess of $40,000,000.".

(2) Subsection (b) of such section is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3)(A) The Secretary of Defense may waive the requirement for submission of Selected Acquisition Reports for a program for a fiscal year if—

"(i) the program has not entered full scale development or engineering and manufacturing development;

"(ii) a reasonable cost estimate has not been established for such program; and

"(iii) the system configuration for such program is not well defined.

"(B) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a written notification of each waiver under subparagraph (A) for a program for a fiscal year not later than 60 days before the President submits the budget to Congress pursuant to section 1105 of title 31 in that fiscal year.".

(3) Subsection (c)(2) of such section is amended by striking out the last sentence and inserting in lieu thereof the following: "The Secretary of Defense may approve changes in the content of the Selected Acquisition Report if the Secretary provides such Committees with written notification of such changes at least 60 days before the date of the report that incorporates the changes.".

(4) Subsection (c)(3)(C) of such section is amended by striking out clauses (i) through (vii) and inserting in lieu thereof the following:

"(i) Specification of the baseline production rate, defined as the rate or rates to be achieved at full rate production as assumed in the decision to proceed with production (commonly referred to as the 'Milestone III' decision).

"(ii) Specification, for each of the two budget years of production under the program, of the minimum sustaining production rate, defined as the production rate for each budget year that is necessary to keep production lines open while maintaining a base of responsive vendors and suppliers.

"(iii) Specification, for each of the two budget years of production under the program, of the maximum production rate, defined as the production rate for each budget year that is attainable with the facilities and tooling programmed to be available for procurement under the program or otherwise to be provided with Government funds.

"(iv) Specification, for each of the two budget years of production, of the current production rate, defined as the production rate for each budget year for which the report is submitted, based on the budget submitted to Congress pursuant to section 1105 of title 31.

"(v) Estimation of any cost variance—

"(I) between the budget year procurement unit costs at the production rate specified pursuant to clause (iv) and the budget year procurement unit costs at the minimum sustaining production rate specified pursuant to clause (ii); and

"(II) between the total remaining procurement cost at the production rate specified pursuant to clause (iv) and the total remaining procurement cost at the minimum sustaining production rate specified pursuant to clause (ii).

"(vi) Estimation of any cost variance—

"(I) between the budget year procurement unit costs at the current production rate specified pursuant to clause (iv) and the budget year procurement unit costs at the maximum production rate specified pursuant to clause (iii); and

"(II) between the total remaining procurement cost at the current production rate specified

pursuant to clause (iv) and the total remaining procurement cost at the maximum production rate specified pursuant to clause (iii).

"(vii) Estimation of quantity variance—

"(I) between the budget year quantities assumed in the minimum sustaining production rate specified pursuant to clause (ii) and the current production rate specified pursuant to clause (iv); and

"(II) between the budget year quantities assumed in the maximum production rate specified pursuant to clause (iii) and the current production rate specified pursuant to clause (iv).".

(d) UNIT COST REPORTS.—(1) Subsection (a)(4)(C) of section 2433 of title 10, United States Code, is amended by striking out "(e)(2)(B)(ii)" and inserting in lieu thereof "(e)(2)(B)".

(2) Subsection (b) of such section is amended by striking out "7 days (excluding Saturdays, Sundays, and legal public holidays)" in the second sentence and inserting in lieu thereof "30 calendar days".

(3) Paragraphs (1)(A), (1)(B), (2)(A), and (2)(B) of subsection (c) of such section are amended by striking out "more than" each place it appears and inserting in lieu thereof "at least".

(4) Subsection (d) of such section is amended—

(A) by striking out "more than" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "at least"; and

(B) in paragraph (3) of such subsection—

(i) by striking out "more than" each place it appears and inserting in lieu thereof "at least"; and

(ii) by striking out "program within 30 days" and all that follows and inserting in lieu thereof "program. In the case of a determination based on a quarterly report submitted in accordance with subsection (b), the Secretary shall submit the notification to Congress within 45 days after the end of the quarter. In the case of a determination based on a report submitted in accordance with subsection (c), the Secretary shall submit the notification to Congress within 45 days after the date of that report. The Secretary shall include in the notification the date on which the determination was made.".

(5) Subsection (e) of such section is amended—

(A) in paragraph (1), by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) Except as provided in subparagraph (B), whenever the Secretary concerned determines under subsection (d) that the program acquisition unit cost or the current procurement unit cost of a major defense acquisition program has increased by at least 15 percent, a Selected Acquisition Report shall be submitted to Congress for the first fiscal-year quarter ending on or after the date of the determination or for the fiscal-year quarter which immediately precedes the first fiscal-year quarter ending on or after that date. The report shall include the information described in section 2432(e) of this title and shall be submitted in accordance with section 2432(f) of this title.";

(B) in paragraph (2), by striking out "current program acquisition cost" and inserting in lieu thereof "program acquisition unit cost or current procurement unit cost"; and

(C) in paragraph (3), by striking out "more than" each place it appears and inserting in lieu thereof "at least".

SEC. 818. ALLOWABLE COSTS.

(a) PENALTIES.—Section 2324 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking out "(1)";

(B) in paragraph (2)—

(i) by striking out "(2)" and inserting in lieu thereof "(b)(1)";

(ii) by striking out "by clear and convincing evidence";

(iii) by inserting "expressly" before "unallowable";

(iv) by striking out "under paragraph (1)" and inserting in lieu thereof "under a cost principle referred to in subsection (a) that defines the allowability of specific selected costs"; and

(v) in subparagraph (A), by striking out "costs" and inserting in lieu thereof the following: "cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted";

(2) in subsection (b)—

(A) by striking out "(b) If the Secretary" and inserting in lieu thereof "(2) If the Secretary";

(B) by striking out ", in addition to the penalty assessed under subsection (a),"; and

(C) by striking out "the amount of such cost" and inserting in lieu thereof "the amount of the disallowed cost allocated to covered contracts for which a proposal for settlement of indirect costs has been submitted";

(3) by striking out subsection (d);

(4) by redesignating subsection (c) as subsection (d); and

(5) by inserting before subsection (d) (as so redesignated) the following:

"(c) The Secretary shall prescribe regulations providing for a penalty under subsection (b) to be waived in the case of a contractor's proposal for settlement of indirect costs when—

"(1) the contractor withdraws the proposal before the formal initiation of an audit of the proposal by the Federal Government and resubmits a revised proposal;

"(2) the amount of unallowable costs subject to the penalty is insignificant; or

"(3) the contractor demonstrates, to the contracting officer's satisfaction, that—

"(A) it has established appropriate policies and personnel training and an internal control and review system that provide assurances that unallowable costs subject to penalties are precluded from being included in the contractor's proposal for settlement of indirect costs; and

"(B) the unallowable costs subject to the penalty were inadvertently incorporated into the proposal.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply, as provided in regulations prescribed by the Secretary of Defense, with respect to proposals for settlement of indirect costs for which the Federal Government has not formally initiated an audit before that date.

SEC. 819. ADVISORY AND ASSISTANCE SERVICES FOR OPERATIONAL TEST AND EVALUATION.

Paragraph (3) of section 2399(e) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) The limitation in subparagraph (A) does not apply to a contractor that has participated in such development, production, or testing solely as a representative of the Federal Government.".

SEC. 820. REGULATIONS RELATING TO SUBSTANTIAL CHANGES IN THE PARTICIPATION OF A MILITARY DEPARTMENT IN A JOINT ACQUISITION PROGRAM.

(a) REGULATIONS REQUIRED.—Section 2308 of title 10, United States Code, is amended—

(1) by designating the existing text as subsection (a); and

(2) by adding at the end the following new subsection:

"(b) REGULATIONS REQUIRED.—(1) The Secretary of Defense shall prescribe regulations that prohibit each military department participating in a joint acquisition program approved by the Under Secretary of Defense for Acquisition from terminating or substantially reducing its participation in such program without the approval of the Under Secretary.

"(2) The regulations shall include the following provisions:

"(A) A requirement that, before any such termination or substantial reduction in participation is approved, the proposed termination or reduction be reviewed by the Joint Requirements Oversight Council of the Department of Defense.

"(B) A provision that authorizes the Under Secretary of Defense for Acquisition to require a military department approved for termination or substantial reduction in participation in a joint acquisition program to continue to provide some or all of the funding necessary for the acquisition program to be continued in an efficient manner.".

(b) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations required by subsection (b) of section 2308 of title 10, United States Code (as added by subsection (a)), not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993.

SEC. 821. COMPETITIVE PROTOTYPING REQUIREMENT FOR DEVELOPMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REQUIREMENT FOR COMPETITIVE PROTOTYPING.—(1) Chapter 144 of title 10, United States Code, is amended—

(A) by redesignating section 2438 as section 2439; and

(B) by adding after section 2437 the following new section:

"§2438. Major programs: competitive prototyping

"(a) ACQUISITION STRATEGY.—Except as provided in subsection (c), before development under a major defense acquisition program begins, the Secretary of Defense shall prepare an acquisition strategy for the program which provides for the competitive prototyping of the major weapon system under the program and any major subsystems of the system in accordance with subsection (b).

"(b) COMPETITIVE PROTOTYPING REQUIREMENTS.—An acquisition strategy meets the requirement of subsection (a) if it—

"(1) requires that contracts be entered into with not less than two contractors, using the same combat performance requirements, for the competitive design and manufacture of a prototype system or subsystem for developmental test and evaluation;

"(2) requires that all systems or subsystems developed under contracts described in paragraph (1) be tested in a comparative side-by-side test that is designed to—

"(A) reproduce combat conditions to the extent practicable; and

"(B) determine which system or subsystem is most effective under such conditions; and

"(3) requires that each contractor that develops a prototype system or subsystem, before the testing described in paragraph (2) is begun, submit—

"(A) cost estimates for full-scale engineering development and the basis for such estimates; and

"(B) production estimates, whenever practicable.

"(c) EXCEPTION.—Subsection (a) shall not apply to the development of a major weapon system (or subsystem of such system) after—

"(1) a written justification is submitted to the Under Secretary of Defense for Acquisition explaining why use of competitive prototyping is not practicable, including cost estimates (and the bases for such estimates) comparing the total program cost of an acquisition strategy that provides for competitive prototyping with the total program cost of an acquisition strategy that does not provide for such prototyping; and

"(2) 30 days elapse after the submission of such justification to the Under Secretary of Defense for Acquisition.

"(d) DEFINITIONS.—In this section:

"(1) The term 'major defense acquisition program' means a Department of Defense acquisition program that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than $300,000,000 (based on fiscal year 1990 constant dollars).

"(1) The term 'major weapon system' means a major weapon system that is acquired under a program that is a major defense acquisition program.

"(2) The term 'subsystem of such system' means a collection of components (such as the propulsion system, avionics, or weapon controls) for which the prime contractors, major subcontractors, or government entities have responsibility for system integration.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2438 and inserting in lieu thereof the following new items:

"2438. Major programs: competitive prototyping.
"2439. Major programs: competitive alternative sources.".

(b) EFFECTIVE DATE.—Section 2438 of title 10, United States Code, as added by subsection (a), shall apply with respect to major programs entering development after the expiration of the 90-day period beginning on the date of the enactment of this Act.

(c) CONFORMING REPEAL.—(1) Section 2365 of title 10, United States Code, is repealed.

(2) The table of sections for chapter 139 of such title is amended by striking out the item relating to section 2365.

Subtitle C—Other Matters

SEC. 831. REPEAL OF PROCUREMENT LIMITATION ON TYPEWRITERS.

(a) REPEAL.—Subsection (c) of section 2534 of title 10, United States Code, as redesignated by section 4202(a), is hereby repealed.

(b) CONFORMING AMENDMENT.—Subsections (d), (e), and (f) of such section are redesignated as subsections (c), (d), and (e), respectively.

SEC. 832. PROCUREMENT LIMITATION ON BALL BEARINGS AND ROLLER BEARINGS.

During fiscal years 1993, 1994, and 1995, the Secretary of Defense may not procure ball bearings or roller bearings other than in accordance with subpart 225.71 of part 225 of the Defense Federal Acquisition Regulation Supplement, as in effect on the date of the enactment of this Act.

SEC. 833. RESTRICTION ON PURCHASE OF SONOBUOYS.

(a) IN GENERAL.—Section 2534 of title 10, United States Code, as redesignated by section 4202(a) and as amended by section 831, is further amended by adding at the end the following new subsection:

"(f) SONOBUOYS.—(1) The Secretary of Defense may not procure a sonobuoy manufactured in a foreign country if United States firms that manufacture sonobuoys are not permitted to compete on an equal basis with foreign manufacturing firms for the sale of sonobuoys in that foreign country.

"(2) The Secretary may waive the limitation in paragraph (1) with respect to a particular procurement of sonobuoys if the Secretary determines that such procurement is in the national security interests of the United States.

"(3) In this subsection, the term 'United States firm' has the meaning given such term in section 2532(d)(1) of this title.".

(b) EFFECTIVE DATE.—Subsection (f) of section 2534 of title 10, United States Code, as added by subsection (a), shall apply with respect to solicitations for contracts issued after the expiration of the 120-day period beginning on the date of the enactment of this Act.

SEC. 834. DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, as amended by sections 384, 808, and 813, is further amended by adding at the end the following new section:

"§2410f. Debarment of persons convicted of fraudulent use of 'Made in America' labels

"(a) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a 'Made in America' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting with the Department of Defense. If the Secretary determines that the person should not be debarred, the Secretary shall submit to Congress a report on such determination not later than 30 days after the determination is made.

"(b) For purposes of this section, the term 'debar' has the meaning given that term by section 2393(c) of this title.".

(2) The table of sections at the beginning of such chapter, as amended by sections 384, 808, and 813, is further amended by adding at the end the following new item:

"2410f. Debarment of persons convicted of fraudulent use of 'Made in America' labels.".

(b) EFFECTIVE DATE.—Section 2410f of title 10, United States Code, as added by subsection (a), shall take effect 90 days after the date of the enactment of this Act.

SEC. 835. PROHIBITION ON PURCHASE OF UNITED STATES DEFENSE CONTRACTORS BY ENTITIES CONTROLLED BY FOREIGN GOVERNMENTS.

(a) IN GENERAL.—No entity controlled by a foreign government may merge with, acquire, or take over a company engaged in interstate commerce in the United States that—

(1) is performing a Department of Defense contract, or a Department of Energy contract under a national security program, that cannot be performed satisfactorily unless that company is given access to information in a proscribed category of information; or

(2) during the previous fiscal year, was awarded—

(A) Department of Defense prime contracts in an aggregate amount in excess of $500,000,000; or

(B) Department of Energy prime contracts under national security programs in an aggregate amount in excess of $500,000,000.

(b) INAPPLICABILITY TO CERTAIN CASES.—The limitation in subsection (a) shall not apply if a merger, acquisition, or takeover is not suspended or prohibited pursuant to section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170).

(c) DEFINITIONS.—In this section:

(1) The term "entity controlled by a foreign government" includes—

(A) any domestic or foreign organization or corporation that is effectively owned or controlled by a foreign government; and

(B) any individual acting on behalf of a foreign government,

as determined by the President.

(2) The term "proscribed category of information" means a category of information that—

(A) with respect to Department of Defense contracts—

(i) includes special access information;

(ii) is determined by the Secretary of Defense to include information the disclosure of which to an entity controlled by a foreign government is not in the national security interests of the United States; and

(iii) is defined in regulations prescribed by the Secretary of Defense for the purposes of this section; and

(B) with respect to Department of Energy contracts—

(i) is determined by the Secretary of Energy to include information described in subparagraph (A)(ii); and

(ii) is defined in regulations prescribed by the Secretary of Energy for the purposes of this section.

SEC. 836. PROHIBITION ON AWARD OF CERTAIN DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY CONTRACTS TO COMPANIES OWNED BY AN ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.

(a) IN GENERAL.—(1) Subchapter V of chapter 148 of title 10, United States Code, as added by section 4202(b), is further amended by adding at the end the following new section:

"§2536. Prohibition on award of certain Department of Defense and Department of Energy contracts to companies owned by an entity controlled by a foreign government.

"(a) IN GENERAL.—A Department of Defense contract or Department of Energy contract under a national security program may not be awarded to a company owned by an entity controlled by a foreign government if it is necessary for that company to be given access to information in a proscribed category of information in order to perform the contract.

"(b) WAIVER AUTHORITY.—The Secretary concerned may waive the application of subsection (a) to a contract award if the Secretary concerned determines that the waiver is essential to the national security interests of the United States.

"(c) DEFINITIONS.—In this section:

"(1) The term 'entity controlled by a foreign government' includes—

"(A) any domestic or foreign organization or corporation that is effectively owned or controlled by a foreign government; and

"(B) any individual acting on behalf of a foreign government,

as determined by the Secretary concerned.

"(2) The term 'proscribed category of information' means a category of information that—

"(A) with respect to Department of Defense contracts—

"(i) includes special access information;

"(ii) is determined by the Secretary of Defense to include information the disclosure of which to an entity controlled by a foreign government is not in the national security interests of the United States; and

"(iii) is defined in regulations prescribed by the Secretary of Defense for the purposes of this section; and

"(B) with respect to Department of Energy contracts—

"(i) is determined by the Secretary of Energy to include information described in subparagraph (A)(ii); and

"(ii) is defined in regulations prescribed by the Secretary of Energy for the purposes of this section.

"(3) The term 'Secretary concerned' means—

"(A) the Secretary of Defense, with respect to Department of Defense contracts; and

"(B) the Secretary of Energy, with respect to Department of Energy contracts.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2536. Prohibition on award of certain Department of Defense and Department of Energy contracts to companies owned by an entity controlled by a foreign government.".

(b) EFFECTIVE DATE.—Section 2536 of title 10, United States Code, as added by subsection (a),

shall apply with respect to contracts entered into after the expiration of the 90-day period beginning on the date of the enactment of this Act.

SEC. 837. DEFENSE PRODUCTION ACT AMENDMENTS.

(a) INVESTIGATIONS OF CERTAIN MERGERS, ACQUISITIONS, AND TAKEOVERS.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b) MANDATORY INVESTIGATIONS.—The President or the President's designee shall make an investigation, as described in subsection (a), in any instance in which an entity controlled by or acting on behalf of a foreign government seeks to engage in any merger, acquisition, or takeover which could result in control of a person engaged in interstate commerce in the United States that could affect the national security of the United States. Such investigation shall—

"(1) commence not later than 30 days after receipt by the President or the President's designee of written notification of the proposed or pending merger, acquisition, or takeover, as prescribed by regulations promulgated pursuant to this section; and

"(2) shall be completed not later than 45 days after its commencement.

(b) CONSIDERATIONS OF THE PRESIDENT.—Section 721(f) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) (as redesignated by subsection (a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period and inserting a comma; and

(3) by adding at the end the following new paragraphs:

"(4) the potential effects of the proposed or pending transaction on sales of military goods, equipment, or technology to any country—

"(A) identified by the Secretary of State—

"(i) under section 6(j) of the Export Administration Act of 1979, as a country that supports terrorism;

"(ii) under section 6(l) of the Export Administration Act of 1979, as a country of concern regarding missile proliferation; or

"(iii) under section 6(m) of the Export Administration Act of 1979, as a country of concern regarding the proliferation of chemical and biological weapons; or

"(B) listed under section 309(c) of the Nuclear Non-Proliferation Act of 1978 on the 'Nuclear Non-Proliferation-Special Country List' (15 C.F.R. Part 778, Supplement No. 4) or any successor list; and

"(5) the potential effects of the proposed or pending transaction on United States international technological leadership in areas affecting United States national security.".

(c) REPORT.—Section 721(g) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(f)) (as redesignated by subsection (a)) is amended to read as follows:

"(g) REPORT TO THE CONGRESS.—The President shall immediately transmit to the Secretary of the Senate and the Clerk of the House of Representatives a written report of the President's determination of whether or not to take action under subsection (d), including a detailed explanation of the findings made under subsection (e) and the factors considered under subsection (f). Such report shall be consistent with the requirements of subsection (c) of this Act.".

(d) SENSE OF THE CONGRESS REGARDING THE COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—It is the sense of the Congress that the President should include in the membership of the Committee on Foreign Investment in the United States (established by Executive Order No. 11858)—

(1) the Director of the Office of Science and Technology Policy; and

(2) the Assistant to the President for National Security.

(e) TECHNOLOGY RISK ASSESSMENTS.—Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is further amended by adding at the end the following new subsection:

"(j) TECHNOLOGY RISK ASSESSMENTS.—In any case in which an assessment of the risk of diversion of defense critical technology is performed by a designee of the President, a copy of such assessment shall be provided to any other designee of the President responsible for reviewing or investigating a merger, acquisition, or takeover under this section.".

SEC. 838. IMPROVED NATIONAL DEFENSE CONTROL OF TECHNOLOGY DIVERSIONS OVERSEAS.

(a) IN GENERAL.—Subchapter V of chapter 148 of title 10, United States Code, as added by section 4202(b) and amended by section 837, is further amended by adding at the end the following new section:

"§2537. Improved national defense control of technology diversions overseas

"(a) COLLECTION OF INFORMATION ON FOREIGN-CONTROLLED CONTRACTORS.—The Secretary of Defense and the Secretary of Energy shall each collect and maintain a data base containing a list of, and other pertinent information on, all contractors with the Department of Defense and the Department of Energy, respectively, which are controlled by foreign persons. The data base shall contain information on such contractors for 1988 and thereafter in all cases where they are awarded contracts exceeding $100,000 in any single year by the Department of Defense or the Department of Energy.

"(b) ANNUAL REPORT TO CONGRESS.—The Secretary of Defense, the Secretary of Energy, and the Secretary of Commerce shall submit to the Congress, by March 31 of each year, beginning in 1994, a report containing a summary and analysis of the information collected under subsection (a) for the year covered by the report. The report shall include an analysis of accumulated foreign ownership of United States firms engaged in the development of defense critical technologies.

"(c) TECHNOLOGY RISK ASSESSMENT REQUIREMENT.—(1) If the Secretary of Defense is acting as a designee of the President under section 721(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(a)) and if the Secretary determines that a proposed or pending merger, acquisition, or takeover may involve a firm engaged in the development of a defense critical technology or is otherwise important to the defense industrial and technology base, then the Secretary shall require the appropriate entity or entities from the list set forth in paragraph (2) to conduct an assessment of the risk of diversion of defense critical technology posed by such proposed or pending action.

"(2) The entities referred to in paragraph (1) are the following:

"(A) The Defense Intelligence Agency.

"(B) The Army Foreign Technology Science Center.

"(C) The Naval Maritime Intelligence Center.

"(D) The Air Force Foreign Aerospace Science and Technology Center.

"(d) DEFINITION.—In this section, the term 'defense critical technology' has the meaning provided that term by section 2491(8) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2537. Improved national defense control of technology diversions overseas.".

SEC. 839. LIMITATION ON SALE OF ASSETS OF CERTAIN DEFENSE CONTRACTOR.

(a) REQUIREMENT.—(1) The Secretary of Defense shall require that, in any contract entered into by the Department of Defense with the LTV Aerospace and Defense Company (hereinafter referred to as the 'contractor'), the terms of the contract shall include the requirements set forth in paragraph (2).

(2) A contract referred to in paragraph (1) shall prohibit the contractor (including any subsidiaries of the contractor) from selling, after April 1, 1992, all or any part of its operating assets to any other person or entity unless the person or entity agrees to assume, to the extent required under any collective bargaining agreement entered into by the contractor, all the liabilities of the contractor to all of the employees of the contractor who have retired. For purposes of this paragraph, such liabilities include all retirement health and life insurance and pension benefits payable (at the time of sale or any time after the sale) to, or for the benefit of, such retired employees, their spouses, and their dependents.

(b) APPLICABILITY.—The requirements of subsection (a) shall apply with respect to any contract entered into after April 1, 1992, and any contract in existence as of April 1, 1992, with the LTV Aerospace and Defense Company. Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify contracts in existence as of April 1, 1992, and contracts entered into between April 1, 1992, and the date of the enactment of this Act, to reflect the requirements of this section.

(c) TRANSITION.—(1) If a person or entity (in this subsection referred to as the 'purchaser') purchases the LTV Aerospace and Defense Company during the period beginning on April 1, 1992, and ending 60 days after the date of the enactment of this Act, the Secretary of Defense shall modify any transferred contracts to require the purchaser to assume all the liabilities of the LTV Aerospace and Defense Company to all of the employees of such company who have retired (including all the liabilities described in subsection (a)(2)).

(2) For purposes of paragraph (1), a transferred contract is a contract entered into by the purchaser and the Department of Defense which contains terms and obligations (A) which are similar to the terms and obligations of a previous contract between the LTV Aerospace and Defense Company and the Department of Defense, and (B) which the purchaser agreed to assume as part of the terms of the purchase of such company.

SEC. 840. ADVANCE NOTIFICATION OF CONTRACT PERFORMANCE OUTSIDE THE UNITED STATES.

(a) NOTIFICATION REQUIRED.—(1) Chapter 141 of title 10, United States Code, as amended by sections 384, 808, 813, and 834, is further amended by adding at the end the following new section:

"§2410g. Advance notification of contract performance outside the United States

"(a) NOTIFICATION.—(1) A firm that is performing a Department of Defense contract for an amount exceeding $10,000,000, or is submitting a bid or proposal for such a contract, shall notify the Department of Defense in advance of any intention of the firm or any first-tier subcontractor of the firm to perform outside the United States and Canada any part of the contract that exceeds $500,000 in value and could be performed inside the United States or Canada.

"(2) If a firm submitting a bid or proposal for a Department of Defense contract is required to submit a notification under this subsection, and the firm is aware, at the time it submits its bid

or proposal, that the firm intends to perform outside the United States and Canada any part of the contract that exceeds $500,000 in value and could be performed inside the United States or Canada, the firm shall include the notification in its bid or proposal.

"(3) The notification by a firm under paragraph (1) with respect to a first-tier subcontractor shall be made, to the maximum extent practicable, at least 30 days before award of the subcontract.

"(b) RECIPIENT OF NOTIFICATION.—The firm shall transmit the notification—

"(1) in the case of a contract of a military department, to such officer or employee of that military department as the Secretary of the military department may direct; and

"(2) in the case of any other Department of Defense contract, to such officer or employee of the Department of Defense as the Secretary of Defense may direct.

"(c) AVAILABILITY OF NOTIFICATIONS.—The Secretary of Defense shall ensure that the notifications (or copies) are maintained in compiled form for a period of 5 years after the date of submission and are available for use in the preparation of the national defense technology and industrial base assessment carried out under section 2505 of this title.

"(d) INAPPLICABILITY TO CERTAIN CONTRACTS.—This section shall not apply to contracts for any of the following:

"(1) Commercial items.

"(2) Military construction.

"(3) Ores.

"(4) Natural gas.

"(5) Utilities.

"(6) Petroleum products and crudes.

"(7) Timber.

"(8) Subsistence.".

(2) The table of sections at the beginning of such chapter, as amended by sections 384, 808, 813, and 834, is further amended by adding at the end the following new item:

"2410g. Advance notification of contract performance outside the United States.".

(b) EFFECTIVE DATE.—Section 2410g of title 10, United States Code (as added by subsection (a)), shall take effect 90 days after the date of the enactment of this Act.

SEC. 841. ACQUISITION FELLOWSHIP PROGRAM.

(a) FELLOWSHIP PROGRAM.—Chapter 141 of title 10, United States Code, as amended by sections 384, 808, 813, 834, and 840, is further amended by adding at the end the following new section:

"§2410h. Acquisition fellowship program

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish and carry out an acquisition fellowship program in accordance with this section in order to enhance the ability of the Department of Defense to recruit employees who are highly qualified in fields of acquisition.

"(b) NUMBER OF FELLOWSHIPS.—The Secretary of Defense may designate up to 25 prospective employees of the Department of Defense as acquisition fellows.

"(c) ELIGIBILITY.—In order to be eligible for designation as an acquisition fellow, an employee—

"(1) must complete at least 2 years of Federal Government service as an employee in an acquisition position in the Department of Defense; and

"(2) must be serving in an acquisition position in the Department of Defense that involves the performance of duties likely to result in significant restrictions under law on the employment activities of that employee after leaving Government service.

"(d) TWO-YEAR PERIOD OF RESEARCH AND TEACHING.—Under the fellowship program, the Secretary of Defense shall pay designated acquisition fellows to engage in research or teaching for a 2-year period in a field related to Federal Government acquisition policy. Such research or teaching may be conducted in the defense acquisition university structure of the Department of Defense, any other institution of professional education of the Federal Government, or a nonprofit institution of higher education. Each fellow shall be paid at a rate equal to the rate of pay payable for the level of the position in which the fellow served in the Department of Defense before undertaking such research or teaching.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by sections 384, 808, 813, 834, and 840, is further amended by adding at the end the following new item:

"2410h. Acquisition fellowship program.".

SEC. 842. PURCHASE OF ANGOLAN PETROLEUM PRODUCTS.

The prohibition in section 316 of the National Defense Authorization Act for Fiscal Year 1987 (100 Stat. 3855; 10 U.S.C. 2304 note) shall cease to be effective on the date on which the President certifies to Congress that free, fair, and democratic elections have taken place in Angola.

SEC. 843. AUTHORITY FOR THE DEPARTMENT OF DEFENSE TO SHARE EQUITABLY THE COSTS OF CLAIMS UNDER INTERNATIONAL ARMAMENTS COOPERATION PROGRAMS.

(a) AMENDMENT TO THE ARMS EXPORT CONTROL ACT.—Section 27(c) of the Arms Export Control Act (22 U.S.C. 2767(c)) is amended in the second sentence by striking out "and administrative costs" and inserting in lieu thereof "costs, administrative costs, and costs of claims".

(b) AMENDMENTS TO TITLE 10.—(1) Section 2350a(c) of title 10, United States Code, is amended by inserting "(including the costs of claims)" after "project" the second place it appears.

(2) Section 2350d(c) of such title is amended by inserting "and costs of claims" after "administrative costs".

(c) TERMINATION.—On the date which is two years after the date of the enactment of this Act, subsections (a) and (b) shall cease to be in effect, and section 27(c) of the Arms Export Control Act and section 2350a of title 10, United States Code, shall read as if such subsections had not been enacted.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Roles and Missions

SEC. 901. REPORT OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF ON ROLES AND MISSIONS OF THE ARMED FORCES.

(a) REPORT.—(1) The Secretary of Defense shall transmit to Congress a copy of the first report relating to the roles and missions of the Armed Forces that is submitted to the Secretary by the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code, after January 1, 1992.

(2) The Secretary shall transmit the report, together with his views on the report, within 30 days after receiving the report.

(b) ADDITIONAL MATTERS.—In addition to the matters required under such section 153(b), the Chairman shall include in the report referred to in subsection (a) the Chairman's comments and recommendations regarding the following matters:

(1) Reassessing the roles and missions assigned to each of the Armed Forces (under the Key West agreement of 1947 and subsequent actions by the various Secretaries of Defense and the Congress) in light of the new national security environment resulting from the end of the Cold War.

(2) The extent to which the efficiency of the Armed Forces in carrying out their roles and missions can be enhanced by—

(A) the elimination or reduction of duplication in the capabilities of the military departments and Defense Agencies without an undue diminution in their effectiveness; and

(B) the consolidation or streamlining of organizations and activities within the military departments and Defense Agencies.

(3) Changes in the operational tempo of forces stationed in the continental United States and changes in deployment patterns and operational tempo of forces deployed outside the United States.

(4) Changes in the readiness status of units based upon time-phased force deployment plans.

(5) Transfers of functions from the active components of the Armed Forces to the reserve components of the Armed Forces.

SEC. 902. TACTICAL AIRCRAFT MODERNIZATION PROGRAMS.

(a) FUNDING LIMITATION PENDING CERTAIN ACTIONS.—Of the total amount appropriated pursuant to an authorization of appropriations in section 201 that is made available for tactical aircraft programs specified in subsection (b), not more than 65 percent may be obligated for those programs (allocated among those programs in such manner as the Secretary of Defense determines) until 60 days after the date as of which each of the following has occurred:

(1) The Secretary of Defense has transmitted to Congress the report referred to in section 901 in accordance with that section.

(2) The Secretary of Defense has submitted to the congressional defense committees the report described in subsection (c) setting forth a comprehensive affordability assessment of Department of Defense tactical aircraft programs.

(3) The Secretary of Defense has submitted to the congressional defense committees the technical assessments of the Defense Science Board that are specified in subsection (d).

(4) The Secretary of Defense has established a revised acquisition plan for the A–X medium attack aircraft program of the Navy as described in section 214.

(b) APPLICABILITY.—Subsection (a) applies to the following tactical aircraft programs:

(1) The F–22 Advanced Tactical Fighter (ATF) program of the Air Force.

(2) The FA–18E/F fighter program of the Navy.

(3) The A–X medium attack aircraft program of the Navy.

(c) COMPREHENSIVE AFFORDABILITY ASSESSMENT.—(1) The report under subsection (a)(2) shall contain a comprehensive affordability assessment of the long-range modernization plans of the Department of Defense for tactical aircraft programs. The assessment shall be prepared in light of the roles and missions report referred to in subsection (a)(1) and any other analysis of Department of Defense tactical aircraft requirements that the Secretary considers relevant.

(2) The tactical aircraft modernization plans to be considered in the assessment shall include—

(A) continued procurement of current aircraft;

(B) upgrades to current aircraft; and

(C) procurement of new design aircraft such as the FA–18E/F, the A–X, the EA–X, and the F–22 aircraft.

(3) The assessment shall include an examination of the shares of their respective annual budgets that the Air Force and the Navy have historically devoted to tactical aviation modernization programs and the effect of currently planned tactical aircraft modernization programs on those historical budget shares.

(4) As part of the assessment, the Secretary shall postulate the force structure for tactical aviation over the next 20 years and shall indicate the most cost effective modernization plans for that force structure.

(5) As part of the assessment, the Secretary shall evaluate for each of the aircraft programs specified in subsection (b) alternative manufacturing methods that would produce the aircraft efficiently in a reduced quantity and at a significantly lower annual rate than the quantity and rate currently projected by the Department for the aircraft. Such analysis shall show the effect of lower production rates on unit costs at 25 percent, 50 percent, and 100 percent of the currently projected maximum annual rates of production.

(6) In preparing the assessment, the Secretary shall receive and consider the views of the Cost Analysis Improvement Group in the Office of the Secretary of Defense on the tactical aviation programs covered by the assessment.

(d) DSB TECHNICAL ASSESSMENT.—The technical assessments to be undertaken by the Defense Science Board for purposes of subsection (a)(3) are the following:

(1) An assessment of the ways that current aircraft, upgrades to current aircraft, and new design aircraft can be modified or otherwise adapted so that a single aircraft type can be used by both the Air Force and the Navy in parallel missions.

(2) An assessment of the technical risks associated with the three tactical aircraft specified in subsection (b).

SEC. 903. SENSE OF CONGRESS ON COOPERATION BETWEEN THE ARMY AND THE MARINE CORPS.

(a) FINDINGS.—With respect to the roles and missions of the Army and Marine Corps, the Congress makes the following findings:

(1) The Army and the Marine Corps both provide military capabilities that are necessary for carrying out the national military strategy of the United States.

(2) Operation Desert Shield and Operation Desert Storm demonstrated the complementary nature of those capabilities and the substantial degree to which the Army and the Marine Corps can effectively coordinate their activities and cooperate with each other.

(3) The availability of future Federal budget resources for the Army and the Marine Corps is likely to be significantly more limited than the Federal budget resources currently available for the Army and the Marine Corps.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army and the Marine Corps should intensify efforts—

(1) to eliminate unnecessary duplication; and

(2) to improve interservice coordination and to specialize in specific functional areas.

(c) EXAMINATION BY CJCS.—(1) The Congress encourages the Chairman of the Joint Chiefs of Staff to examine whether—

(A) the Army should provide the Marine Corps with armor and heavy fire support needed for mid-intensity and high-intensity combat; or

(B) the Marine Corps should be equipped with the armor, heavy artillery, and other weapons and sustainability needed to engage in mid-intensity and high-intensity combat independent of the other military services.

(2) In conducting the examination, the Chairman should consider the following actions:

(A) Designating Army artillery battalions equipped with the Multiple Launch Rocket System to support Marine amphibious forces afloat.

(B) Designating Army tank battalions to support Marine amphibious forces afloat.

(C) Equipping maritime prepositioning ships with Multiple Launch Rocket System (MLRS) launchers and M1 tanks to be manned by Army units in support of Marine forces.

(D) Transferring management of all prepositioning shipping on behalf of all of the Armed Forces to the Marine Corps.

(E) Transferring Army shipping and lighterage to the Navy.

(3) In the consideration of the actions referred to in paragraph (2), the Chairman should evaluate the logistics, training, and operational implications of each action.

(4) If the Chairman recommends that the Marine Corps be equipped with the armor, heavy artillery, other weapons, and sustainability necessary for engaging in mid-intensity and high-intensity combat independent of the other services, the Chairman should determine, as part of the examination under this paragraph, the following:

(A) What additional procurement requirements and costs are necessary to equip the Marine Corps to meet the demands of mid-intensity and high-intensity combat.

(B) The adequacy of current prepositioning programs, mine warfare capability, naval fire support, and night fighting capability to meet the demands of mid-intensity and high-intensity combat.

(d) ROLES AND MISSIONS AUTHORITY OF CHAIRMAN.—The Chairman should consider the findings and sense of Congress set forth in subsections (a) and (b), and the matters set forth in subsection (c), including the options for streamlining the roles and missions of the Army and the Marine Corps, in the performance of the Chairman's responsibilities under section 153(b) of title 10, United States Code.

SEC. 904. NATIONAL GUARD AND RESERVE COMPONENT OPERATIONAL SUPPORT AIRLIFT STUDY.

(a) LIMITATION.—Of the funds authorized to be appropriated by section 106, not more than $90,000,000 may be obligated to procure operational support airlift aircraft. None of those funds may be obligated until 60 days after the date on which the study required by subsection (b) is transmitted to the congressional defense committees.

(b) STUDY REQUIRED.—The Secretary of Defense shall undertake a study of operational support airlift aircraft and administrative transport airlift aircraft operated by the National Guard and the reserve components.

(c) STUDY REQUIREMENTS.—The study required by subsection (b) shall include the following:

(1) An inventory of all operational support airlift aircraft and administrative transport airlift aircraft that are operated by the reserve components.

(2) The peacetime utilization rate of such aircraft.

(3) The wartime mission of such aircraft.

(4) The need for such aircraft for the future base force.

(5) The current age, projected service life, and programmed retirement date for such aircraft.

(6) A list of aircraft programmed in the fiscal year 1994 future-years defense program to be purchased for the reserve components or to be transferred from the active components to the reserve components.

(7) The funds programmed in the fiscal year 1994 future-years defense program for procurement of replacement operational support and administrative transport airlift aircraft, and the acquisition strategy proposed for each type of replacement aircraft so programmed.

(d) DEFINITION.—For purposes of this section, the term "future-years defense program" means the future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code.

Subtitle B—Joint Chiefs of Staff

SEC. 911. VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) DESIGNATION AS A MEMBER OF THE JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Vice Chairman.".

(b) CONFORMING AMENDMENTS.—(1) Section 154 of such title is amended—

(A) in subsection (c), by striking out "such" and inserting in lieu thereof "the duties prescribed for him as a member of the Joint Chiefs of Staff and such other";

(B) by striking out subsection (f); and

(C) by redesignating subsection (g) as subsection (f).

(2) Section 155(a)(1) of such title is amended by striking out "and the Vice Chairman."

Subtitle C—Professional Military Education

SEC. 921. APPLICATION OF DEFINITION OF PRINCIPAL COURSE OF INSTRUCTION AT THE ARMED FORCES STAFF COLLEGE.

Section 912(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1452) is amended by striking out "October 1, 1993" and inserting in lieu thereof "January 1, 1994".

SEC. 922. PLAN REGARDING PROFESSIONAL MILITARY EDUCATION TEST PROGRAM FOR RESERVE COMPONENT OFFICERS OF THE ARMY.

(a) PLAN FOR TEST PROGRAM REQUIRED.—The Secretary of the Army shall prepare a plan for carrying out a test program to improve the provision of professional military education to reserve component officers of the Army by assigning or attaching such officers to an Army Reserve Forces school in an inactive duty status for the purpose of attending professional military education courses offered by the school.

(b) NATURE OF EDUCATION.—The professional military education courses offered as part of such a test program should correspond to the courses offered at the Army Combined Arms and Services Staff School and the United States Army Command and General Staff College.

(c) REPORT ON PLAN.—Not later than March 31, 1993, the Secretary of the Army shall submit to Congress a report that—

(1) describes the most effective approach, as determined by the Secretary, for carrying out the test program outlined in the plan required under subsection (a);

(2) describes the method by which reserve component officers of the Army would be selected to participate in the test program;

(3) identifies any legislation that would be required to implement the test program, such as the authorization of funds for the test program or the compensation of reserve component officers of the Army under section 206 of title 37, United States Code, who are selected to participate in the test program; and

(4) indicates how the test program would be evaluated to determine the effect of the program on units of the Selected Reserve, the management of duty assignments in the Selected Reserve, and the capabilities of the Army Reserve Forces schools.

(d) RESERVE COMPONENT OFFICER OF THE ARMY DEFINED.—For purposes of this section, the term "reserve component officer of the Army" means an officer of the Army National Guard of the United States or the Army Reserve who is assigned to a unit of the Selected Reserve and is unable to attend professional military education courses while in the active service.

SEC. 923. FOREIGN LANGUAGE CENTER OF THE DEFENSE LANGUAGE INSTITUTE.

(a) Employment of Civilian Faculty Members Authorized.—(1) Section 1595 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "and the Foreign Language Center of the Defense Language Institute" after "National Defense University"; and

(B) in subsection (c), by striking out "This section" and inserting in lieu thereof "In the case of the National Defense University, this section".

(2)(A) The heading of such section is amended to read as follows:

"§1595. National Defense University; Foreign Language Center of the Defense Language Institute: civilian faculty members".

(B) The item relating to such section in the table of sections at the beginning of chapter 81 of such title is amended to read as follows:

"1595. National Defense University; Foreign Language Center of the Defense Language Institute: civilian faculty members.".

(b) Effect on Current Employees.—In the case of a person who, on the day before the date of the enactment of this Act, is employed as a professor, instructor, or lecturer at the Foreign Language Center of the Defense Language Institute, the Secretary of Defense shall afford the person an opportunity to elect to be paid under the compensation plan authorized by section 1595(b) of title 10, United States Code, or to continue to be paid under the General Schedule (with no reduction in pay) under section 5332 of title 5, United States Code.

Subtitle D—Other Matters

SEC. 931. CERTIFICATIONS RELATING TO THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT AND THE SPECIAL OPERATIONS COMMAND.

(a) Certifications.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall (except as otherwise provided under subsection (b)) certify to Congress the following:

(1) That the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the commander of the special operations command established pursuant to section 167 of title 10, United States Code, have been assigned the duties and functions specified for the Assistant Secretary and that commander, respectively, under law, the Unified Command Plan, and Department of Defense Directive No. 5138.3 (dated January 4, 1988).

(2) That the Assistant Secretary and the special operations command have been authorized the number of personnel necessary for the Assistant Secretary and the commander of the special operations command to perform such respective duties and functions.

(b) Alternative to Certification.—If the Secretary of Defense is unable to make the certifications referred to in subsection (a) within the 120-day period provided in that subsection, the Secretary shall submit to Congress a report notifying the committees that the Secretary is unable to make such certifications and setting forth the actions that the Secretary will take in order to enable the Secretary to make such certifications after the expiration of that period.

SEC. 932. STUDY OF JOINT DUTY ASSIGNMENTS.

(a) Study.—The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall conduct a study of military officer positions that are designated as joint duty assignments pursuant to section 661 of title 10, United States Code, and other provisions of law. In carrying out the study, the Secretary shall—

(1) assess the appropriateness of the current allocation of joint assignments and critical joint duty assignments, with such assessment—

(A) to place particular emphasis on the allocations of joint duty positions to each Defense Agency; and

(B) to determine any changes in regulations that are necessary to ensure that the joint duty assignment process provides appropriate crediting as service in joint duty assignments in the case of officers assigned to Defense Agencies in positions that provide them with significant experience in joint matters;

(2) assess whether officers who have the joint specialty under chapter 38 of title 10, United States Code, are being assigned to appropriate joint duty positions; and

(3) survey positions that provide military officers with significant experience in joint matters but are now excluded from the joint duty designation under section 661 of such title or other provisions of law.

(b) Adjustments in Light of Study.—Following completion of the study required by subsection (a), the Secretary shall direct the heads of the military departments, Defense Agencies, and other components of the Department of Defense to make adjustments in joint duty assignments as necessary to comport with the conclusions of the assessments required by paragraphs (1) and (2) of such subsection.

(c) Report.—Not later than April 15, 1993, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) the results of the study required by subsection (a) and a plan to implement its findings; and

(2) any recommendations for legislative changes that the Secretary proposes in order to provide the Secretary with authority to grant a waiver, in the case of an assignment that is determined to provide an officer with significant experience in joint matters, to the exclusion by law of consideration as a joint duty assignment of any assignment within an officer's own military department.

SEC. 933. JOINT DUTY CREDIT FOR CERTAIN DUTY PERFORMED DURING OPERATIONS DESERT SHIELD AND DESERT STORM.

(a) Authority To Give Joint Duty Credit.—(1) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, may give an officer who has completed service described in paragraph (2) credit for having completed a full tour of duty in a joint duty assignment, or credit countable for determining cumulative service in joint duty assignments, for the purposes of chapter 38 of title 10, United States Code, notwithstanding the length of such service or whether that service is within the definition of "joint duty assignment" in section 668 of title 10, United States Code.

(2) Service referred to in paragraph (1) is service performed by an officer, any portion of which took place during the period beginning on August 2, 1990, and ending on February 28, 1991, in an assignment in the Persian Gulf combat zone that (as determined by the Secretary of Defense) provided significant experience in joint matters.

(3) The Secretary, after consultation with the Chairman of the Joint Chiefs of Staff, may give credit for service in a joint duty assignment under paragraph (1) in the case of an officer recommended for such credit by the Chief of Staff of the Army (for officers in the Army), the Chief of Naval Operations (for officers in the Navy), the Chief of Staff of the Air Force (for officers in the Air Force), and the Commandant of the Marine Corps (for officers in the Marine Corps). Any such credit shall be granted by the Secretary on a case-by-case basis.

(4) The Secretary of Defense shall establish uniform criteria for defining the standards to be used in determining whether to give an officer credit for service in a joint duty assignment under paragraph (1). Such criteria shall be consistent with the congressional declarations of policy in section 2 of the National Security Act of 1947 (50 U.S.C. 401) and section 3 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (10 U.S.C. 111 note). The criteria shall include standards to be used in determining whether to give an officer credit for completion of a full tour of duty, or credit countable for determining cumulative service, in a joint duty assignment. Such criteria may not result in the extension of eligibility for joint duty credit under this section to all officers in a specified category of officers that exists other than for reasons of this section.

(b) Inapplicability of Certain Reporting and Policy Requirements.—(1) Officers for whom joint duty credit is granted pursuant to subsection (a) shall not be counted for the purposes of paragraphs (7), (8), (9), (11), or (12) of section 667 of title 10, United States Code, and subsections (a)(3) and (b) of section 662 of such title.

(2) In the case of an officer for whom credit for completion of a full tour of duty in a joint duty assignment is granted pursuant to subsection (a), the Secretary of Defense may waive the requirement in paragraph (1)(B) of section 661(c) of title 10, United States Code, that, for purposes of nomination to the joint specialty under chapter 38 of such title, a full tour of duty in a joint duty assignment be performed after the officer completes a program of education referred to in paragraph (1)(A) of that section.

(c) Information To Be Included in Next Annual Report.—The joint specialty report of the Secretary of Defense under section 667 of title 10, United States Code for fiscal year 1993 shall include the following information (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps):

(1) The number of officers granted credit for a joint duty assignment pursuant to subsection (a).

(2) Of such officers, the number granted credit for a full tour of duty in a joint duty assignment pursuant to subsection (a) and the number granted credit for a joint duty assignment that is not treated as a full tour of duty.

(3) Of the officers granted credit for a joint duty assignment pursuant to subsection (a), the number in each grade and each occupational specialty.

(d) Definitions.—For purposes of this section:

(1) The term "joint matters" has the meaning given such term in section 668(a) of title 10, United States Code.

(2) The term "Persian Gulf combat zone" means the area designated by the President as the combat zone for Operation Desert Shield, Operation Desert Storm, and related operations for purposes of section 112 of the Internal Revenue Code of 1986.

(3) The term "joint specialty report" means that part of the annual report of the Secretary of Defense submitted to Congress under section 113(c) of title 10, United States Code, that is included in such report pursuant to section 667 of title 10, United States Code.

(e) Duration of Authority.—The authority of the Secretary of Defense under this section expires at the end of the six-month period beginnning on the date of the enactment of this Act.

SEC. 934. CINC INITIATIVE FUND.

(a) Authorized Recipients of Funds.—Subsection (a) of section 166a of title 10, United States Code, is amended in the first sentence by striking out "funds, upon request," and all that

follows through the period and inserting in lieu thereof "funds to the commander of a combatant command, upon the request of the commander, or, with respect to a geographic area or areas not within the area of responsibility of a commander of a combatant command, to an officer designated by the Chairman of the Joint Chiefs of Staff for such purpose.".

(b) AUTHORIZED ACTIVITIES.—Subsection (b)(7) of such section is amended by inserting "(including transportation, translation, and administrative expenses)" before the period at the end.

(c) PRIORITY.—Subsection (c) of such section is amended to read as follows:

"(c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund, should give priority consideration to—

"(1) requests for funds to be used for activities that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds; and

"(2) the provision of funds to be used for activities with respect to an area or areas not within the area of responsibility of a commander of a combatant command that would reduce the threat to, or otherwise increase, the national security of the United States.".

(d) LIMITATIONS.—Subsection (e)(1)(C) of such section is amended to read as follows:

"(C) not more than $2,000,000 may be used to provide military education and training (including transportation, translation, and administrative expenses) to military and related civilian personnel of foreign countries as authorized by subsection (b)(7).".

SEC. 935. ORGANIZATION OF THE OFFICE OF THE CHIEF OF NAVAL OPERATIONS.

(a) CONSOLIDATION OF NAVY HEADQUARTERS MANAGEMENT STRUCTURE.—The Secretary of the Navy shall consolidate and streamline the Navy headquarters establishments within the Office of the Chief of Naval Operations to reflect changes in the roles and missions of the Department of the Navy.

(b) DIRECTORATE FOR EXPEDITIONARY WARFARE WITHIN THE OFFICE OF THE CHIEF OF NAVAL OPERATIONS.—(1) Chapter 505 of title 10, United States Code, is amended by inserting after section 5037 the following new section:

"§5038. Director for Expeditionary Warfare

"(a) One of the Directors within the Office of the Deputy Chief of Naval Operations for Resources, Warfare Requirements, and Assessments shall be the Director for Expeditionary Warfare who shall be detailed from officers on the active-duty list of the Marine Corps.

"(b) An officer assigned to the position of Director for Expeditionary Warfare, while so serving, has the grade of major general.

"(c) The principal duty of the Director for Expeditionary Warfare shall be to supervise the performance of all staff responsibilities of the Chief of Naval Operations regarding expeditionary warfare, including responsibilities regarding amphibious lift, mine warfare, naval fire support, and other missions essential to supporting expeditionary warfare.

"(d) The Chief of Naval Operations shall transfer duties, responsibilities, and staff from other personnel within the Office of the Chief of Naval Operations as necessary to fully support the Director for Expeditionary Warfare.

"(e) This subsection shall cease to apply on November 1, 1997.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"5038. Director for Expeditionary Warfare.".

SEC. 936. GRADE OF CERTAIN COMMANDERS OF SPECIAL OPERATIONS FORCES.

(a) GRADE FOR CERTAIN REGIONAL SOF COMMANDERS.—During the period beginning on February 1, 1993, and ending on February 1, 1995, the provisions of section 1311(e) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 167 note) shall apply as if the Secretary of Defense had designated the United States Southern Command and the United States Central Command for the purposes of that section.

(b) REPORT.—Not later than March 1, 1994, the Secretary of Defense shall submit to Congress a report setting forth the Secretary's recommendations for the grade structure for the special operations forces component commander for each unified command, particularly as to whether each such commander should be of general or flag officer grade.

(c) REPEAL OF DUPLICATIVE PROVISIONS.—Subsections (c), (d), and (e) of section 9115 of the Department of Defense Appropriations Act, 1987 (as enacted in identical form in sections 101(c) of Public Law 99–500 and Public Law 99–591), are repealed.

SEC. 937. REPORT ON ASSIGNMENT OF SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than February 1, 1993, the Secretary of Defense shall submit to Congress a report describing the implementation of the requirement contained in section 167(b) of title 10, United States Code, that all active and reserve special operations forces of the Armed Forces stationed in the United States be assigned to the Special Operations Command unless otherwise directed by the Secretary.

(b) COMMAND AND CONTROL RESPONSIBILITIES.—The report required by subsection (a) shall delineate the respective responsibilities of the commander of the Special Operations Command and the chiefs of the reserve components regarding the peacetime command and control of reserve component special operations forces.

(c) OTHER MATTERS TO BE INCLUDED.—The report shall also specifically address the following matters:

(1) Establishment of training and readiness standards.

(2) Military and civilian personnel management.

(3) Programming and budget execution functions.

(4) Conduct of operational training.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1993 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $1,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1002. DEFENSE BUDGETING.

(a) MISSION-ORIENTED BUDGETING.—Chapter 9 of title 10, United States Code, is amended—

(1) by redesignating section 221 as section 226; and

(2) by inserting after the table of sections the following new section:

"§222. Future-years mission budget

"(a) FUTURE-YEARS MISSION BUDGET.—The Secretary of Defense shall submit to Congress for each fiscal year a future-years mission budget for the military programs of the Department of Defense. That budget shall be submitted for any fiscal year at the same time that the President's budget for that fiscal year is submitted to Congress pursuant to section 1105 of title 31.

"(b) CONSISTENCY WITH FUTURE-YEARS DEFENSE PROGRAM.—The future-years mission budget shall be consistent with the future-years defense program required under section 221 of this title. In the future-years mission budget, the military programs of the Department of Defense shall be organized on the basis of major roles, missions, or forces of the Department of Defense.

"(c) RELATIONSHIP TO OTHER DEFENSE BUDGET FORMATS.—The requirement in subsection (a) is in addition to the requirements in any other provision of law regarding the format for the presentation regarding military programs of the Department of Defense in the budget submitted pursuant to section 1105 of title 31 for any fiscal year.".

(b) CONFORMING REPEAL.—Section 1404 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1675; 10 U.S.C. 114a note) is repealed.

(c) TRANSFER.—(1) Section 114a of title 10, United States Code, is transferred to chapter 9 of title 10, United States Code, redesignated as section 221, inserted after the table of sections, and amended by striking out "multiyear" each place it appears in the text and inserting in lieu thereof "future-years".

(2) The heading of such section is amended to read as follows:

"§221. Future-years defense program: submission to Congress; consistency in budgeting".

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by striking out the item relating to section 114a.

(2) The table of sections at the beginning of chapter 9 of such title is amended by striking out the item relating to section 221 and inserting in lieu thereof the following:

"221. Future-years defense program: submission to Congress; consistency in budgeting.
"222. Future-years mission budget.
"226. Scoring of outlays.".

SEC. 1003. TREATMENT OF CERTAIN "M" ACCOUNT OBLIGATIONS.

(a) LIMITATION.—The Secretary of Defense may not reobligate any sum in a merged (or so-called "M") account of the Department of Defense until the Secretary has identified an equal sum under section 1406 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1680) that can be canceled.

(b) REQUIREMENT FOR RECIPROCAL CANCELLATION.—Whenever the Secretary of Defense reobligates funds from a merged (or so-called "M") account of the Department of Defense, the Secretary shall at the same time cancel with the Treasury of the United States a sum in the same amount as the reobligation from a merged account of the Department of Defense.

(c) MONTHLY REPORTS.—The Secretary of Defense shall submit to the congressional defense *committees a monthly report, for each month beginning after the date of the enactment of this Act through September 1993, on the amount of funds reobligated during the month from merged accounts of the Department of Defense and the amount of funds canceled during the month from such accounts. Each report shall be submitted not later than the 21st day of the month after the month covered by the report.*

(d) NOTICE-AND-WAIT.—(1) Whenever the Secretary of Defense proposes to reobligate from a merged (or so-called "M") account of the Department of Defense any sum in an amount greater than $10,000,000, the reobligation may not be made until—

(A) the Secretary notifies Congress of the amount to be reobligated, the source of the funds to be reobligated, and the purpose the funds will be reobligated for; and

(B) a period of 30 days passes after the notice is received.

(2) The limitation in paragraph (1) applies to reobligations for a single purpose in a sum greater than the amount specified in that paragraph. Such a reobligation may not be divided into several smaller sums to avoid such limitation.

(e) DURATION OF LIMITATIONS.—Subsections (a) and (b) shall cease to apply when all audits and cancellations of balances required by section 1406 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1680) have been completed.

SEC. 1004. ADDITIONAL TRANSITION AUTHORITY REGARDING CLOSING APPROPRIATION ACCOUNTS.

Section 1405(b) of the National Defense Authorization Act for Fiscal Year 1991 (31 U.S.C. 1551 note) is amended by adding at the end the following new paragraph:

"(8) OBLIGATIONS AND ADJUSTMENTS OF OBLIGATIONS FOR EXPIRED BUT NOT CLOSED ACCOUNTS.—(A) Subject to subparagraphs (B), (C), and (D), in the case of an appropriation account for a fiscal year before fiscal year 1992 for which the period of availability for obligation has expired but which has not been closed under the provisions of section 1552(a) of title 31, United States Code, or paragraph (4) of this section, an obligation and an adjustment of an obligation may be charged to any current appropriation account of the Department of Defense that is available for the same purpose as the expired account if—

"(i) the obligation would have been properly chargeable (except as to amount) to the expired account before the end of the period of availability of that account; and

"(ii) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense.

"(B) The total amount charged to a current appropriation account under subparagraph (A) may not exceed an amount equal to the lesser of—

"(i) one percent of the total amount of the appropriations for that account; or

"(ii) one percent of the total amount of the appropriations for the expired account.

"(C) No obligation or adjustment of an obligation may be charged pursuant to the provisions of this paragraph until the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives are notified of the intent to make such a charge and a period of 30 days elapses after the notification is submitted.

"(D) CERTIFICATIONS.—No obligation or adjustment of an obligation may be charged pursuant to the provisions of this paragraph until the Secretary of Defense (except as otherwise provided in subparagraph (E)) certifies to Congress the following:

"(i) That the limitations on expending and obligating amounts established pursuant to section 1341 of title 31, United States Code, are being observed within the Department of Defense.

"(ii) That reports on any violations of such section 1341, whether intentional or inadvertent, are being submitted to the President and Congress immediately and with all relevant facts and a statement of actions taken as required by section 1351 of title 31, United States Code.

"(E) ALTERNATIVE TO CERTIFICATION.—If the Secretary of Defense is unable to make the certifications referred to in subparagraph (D) within 60 days after the date of the enactment of this subparagraph, the Secretary shall submit to the Congress a report stating that the Secretary is unable to make such certifications and setting forth the actions that the Secretary will take in order to enable the Secretary to make such certifications after the end of that period.".

SEC. 1005. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.

No funds are authorized to be appropriated under this Act for the Federal Bureau of Investigation.

SEC. 1006. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee of Conference to accompany the conference report on the bill H.R. 5006 of the One Hundred Second Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

Subtitle B—Naval Vessels and Related Matters

SEC. 1011. EAST COAST HOMEPORT FOR NUCLEAR-POWERED AIRCRAFT CARRIERS.

(a) FINDINGS.—Congress finds that—

(1) Mayport, Florida, has served well as a homeport for aircraft carriers;

(2) under existing carrier force structure plans, as conventionally fueled aircraft carriers are replaced by nuclear-powered aircraft carriers, there will be a requirement for a second East Coast homeport for nuclear-powered aircraft carriers (in addition to the existing homeport of Norfolk, Virginia); and

(3) Mayport ought to be the second East Coast homeport for nuclear-powered aircraft carriers, when such additional homeport becomes needed.

(b) DEVELOPMENT OF SECOND HOMEPORT.—Not later than April 1, 1993, the Secretary of the Navy shall submit to the congressional defense committees a report on the Navy's plan for developing a second East Coast homeport for nuclear-powered aircraft carriers. The report shall include a schedule, by fiscal year, for funding the development of a second homeport for nuclear-powered aircraft carriers on the East Coast of the United States. The schedule shall be consistent with the Navy's plan to retire conventionally fueled aircraft carriers and to deploy nuclear-powered aircraft carriers.

SEC. 1012. LIMITATION ON OVERSEAS SHIP REPAIRS.

Section 7309 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) In the case of a naval vessel the homeport of which is not in the United States (or a territory of the United States), the Secretary of the Navy may not during the 15-month period preceding the planned reassignment of the vessel to a homeport in the United States (or a territory of the United States) begin any work for the overhaul, repair, or maintenance of the vessel that is scheduled to be for a period of more than six months.".

SEC. 1013. NAVY MINE COUNTERMEASURE PROGRAM.

(a) EVALUATION.—(1) Not later than December 15, 1992, the Secretary of the Navy shall submit to the congressional defense committees and the Comptroller General of the United States a detailed report on actions and plans of the Navy for consolidation and centralization of control over forces assigned to the mine countermeasure mission. The report shall evaluate all facets of the mine countermeasure mission, including—

(A) proposed location of vessels, helicopters, and explosive ordinance detachment units;

(B) proposed command structure;

(C) proposed training policies; and

(D) proposed vessel procurement policies.

(2) The Comptroller General shall evaluate the report submitted under paragraph (1) and, not later than 30 days after the date of the submittal of the report, submit to the congressional defense committees an evaluation of the report.

(b) EVALUATION OF HOMEPORTS FOR MINE COUNTERMEASURE PROGRAM.—The report under subsection (a)(1) shall include a detailed evaluation and analysis of the use of Ingleside, Texas, as the planned homeport for all mine warfare ships, and a comparison of various alternative homeports for mine warfare ships (including an evaluation of the use of bases on the Atlantic Coast and the Pacific Coast as homeports for such ships).

(c) SUSPENSION OF CERTAIN ACTIVITIES PENDING RECEIPT OF REPORT.—The Secretary of the Navy may not take any action to relocate the functions and personnel of the Mine Warfare Command, the Fleet Mine Warfare School, the Mine Warfare Training Center, or any mine countermeasure helicopter squadron until 60 days after the later of—

(1) the date of the submittal of the report required under subsection (a)(1); or

(2) February 15, 1993.

SEC. 1014. TRANSFER OF CERTAIN VESSELS.

(a) TRANSFERS OF VESSELS TO BE USED AS TRAINING VESSELS.—The Secretary of the Navy shall transfer to the Department of Transportation the following vessels, to be assigned as training ships to Texas A&M University at Galveston, Texas, and to the Maine Maritime Academy at Castine, Maine, when those vessels are no longer required for use by the Navy:

(1) The U.S.N.S. Chauvenet (T-AG-29).

(2) The U.S.N.S. Harkness (T-AG-32).

(b) TRANSFER OF VESSEL FOR EDUCATION AND ENVIRONENTAL PURPOSES.—(1) Notwithstanding subsection (c) of section 7308 of title 10, United States Code, but subject to subsections (a) and (b) of that section, the Secretary of the Navy or the Secretary of Transportation (depending on which Secretary has jurisdiction over the vessel) may transfer the obsolete vessel Wahkiakum County (LST 1162) to the organization known as Ships for Youth and the Environment, a nonprofit corporation operating under the laws of the State of California, to be used for education and environmental purposes.

(2) The Secretary making the transfer under paragraph (1) may require such terms and conditions in connection with the transfer as the Secretary considers appropriate.

SEC. 1015. REPORT ON COMPLIANCE WITH DOMESTIC SHIP REPAIR LAW.

(a) REPORT REQUIRED.—The Secretary of the Navy shall submit to Congress a report describing the practice of the Department of the Navy in complying with section 7309 of title 10, United States Code, relating to restrictions on construction or repair of vessels in foreign shipyards. The Secretary shall include in such report sufficient data to demonstrate the degree of compliance or noncompliance of the Department of the Navy with that section.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 1016. REPEAL OF REQUIREMENT FOR CONSTRUCTION OF COMBATANT AND ESCORT VESSELS IN NAVY YARDS.

(a) REPEAL.—Subsection (a) of section 7299a of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENTS.—(1) Subsections (b), (c), and (d) of section 7299a of title 10, United States Code, are redesignated as subsections (a), (b), and (c), respectively.

(2) Paragraph (2) of subsection (c) of such section, as so redesignated, is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (a)".

Subtitle C—Fast Sealift Program

SEC. 1021. PROCUREMENT OF SHIPS FOR THE FAST SEALIFT PROGRAM.

(a) ACQUISITION AND CONVERSION OF U.S. BUILT VESSELS.—Notwithstanding any other provision of law, the Secretary of the Navy may use funds available for the Fast Sealift Program—

(1) to acquire vessels for the program from among available vessels built in United States shipyards; and

(2) to convert in United States shipyards vessels built in United States shipyards.

(b) ACQUISITION OF FIVE FOREIGN-BUILT VESSELS.—Notwithstanding any other provision of law, funds available for the Fast Sealift Program may be used for the acquisition of five vessels built in foreign shipyards and for conversion of those vessels in United States shipyards if the Secretary of the Navy determines that acquisition of those vessels is necessary to expedite the availability of vessels for sealift.

SEC. 1022. MODIFICATION OF FAST SEALIFT PROGRAM.

Section 1424(b) of Public Law 101–510 (104 Stat. 1683), as amended by section 1015 of Public Law 102–190 (105 Stat. 1458), is amended by striking out paragraph (4) and inserting in lieu thereof the following new paragraphs:

"(4) The vessels constructed under the program shall incorporate propulsion systems whose main components (that is, the engines, reduction gears, and propellers) are manufactured in the United States.

"(5) The vessels constructed under the program shall incorporate bridge and machinery control systems and interior communications equipment which—

"(A) are manufactured in the United States; and

"(B) have more than half of their value, in terms of cost, added in the United States.

"(6) The Secretary of Defense may waive the requirement of paragraph (5) with respect to a system or equipment described in that paragraph if—

"(A) the system or equipment is not available; or

"(B) the costs of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.".

SEC. 1023. REPORT ON OBLIGATIONS FOR STRATEGIC SEALIFT.

(a) REPORT.—The Secretary of Defense shall submit to the Congress a report on the specific purposes for which the Secretary intends to obligate during fiscal year 1993 the funds available for the procurement of strategic sealift. The information in the report shall be presented by program, project, and activity.

(b) LIMITATION.—Funds appropriated to the Navy for procurement for shipbuilding and conversion and available for strategic sealift may not be obligated during fiscal year 1993 until 30 days after the date on which the Secretary of Defense submits the report required by subsection (a).

SEC. 1024. NATIONAL DEFENSE SEALIFT FUND.

(a) ESTABLISHMENT AND USE OF FUND.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§2218. National Defense Sealift Fund

"(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the 'National Defense Sealift Fund'.

"(b) ADMINISTRATION OF FUND.—The Secretary of Defense shall administer the Fund consistent with the provisions of this section.

"(c) FUND PURPOSES.—(1) Funds in the National Defense Sealift Fund shall be available for obligation and expenditure only for—

"(A) construction (including design of vessels), purchase, alteration, and conversion of Department of Defense sealift vessels;

"(B) operation, maintenance, and lease or charter of Department of Defense vessels for national defense purposes;

"(C) installation and maintenance of defense features for national defense purposes on privately owned and operated vessels that are constructed in the United States and documented under the laws of the United States; and

"(D) research and development relating to national defense sealift.

"(2) Funds in the National Defense Sealift Fund may be obligated or expended only for programs, projects, and activities and only in amounts authorized in, or otherwise permitted under, an Act other than an appropriations Act.

"(3) Funds obligated and expended for a purpose set forth in subparagraph (B) or (D) of paragraph (1) may be derived only from funds deposited in the National Defense Sealift Fund pursuant to subsection (d)(1).

"(d) DEPOSITS.—There shall be deposited in the Fund the following:

"(1) All funds appropriated to the Department of Defense for fiscal years after fiscal year 1993 for—

"(A) construction (including design of vessels), purchase, alteration, and conversion of national defense sealift vessels;

"(B) operations, maintenance, and lease or charter of national defense sealift vessels;

"(C) installation and maintenance of defense features for national defense purposes on privately owned and operated vessels; and

"(D) research and development relating to national defense sealift.

"(2) All receipts from the disposition of national defense sealift vessels, excluding receipts from the sale, exchange, or scrapping of National Defense Reserve Fleet vessels under sections 508 and 510 of the Merchant Marine Act of 1936 (46 U.S.C. App. 1158, 1160), shall be deposited in the Fund.

"(3) All receipts from the charter of vessels under section 1424(c) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 7291 note).

"(e) ACCEPTANCE OF SUPPORT.—(1) The Secretary of Defense may accept from any person, foreign government, or international organization any contribution of money, personal property (excluding vessels), or assistance in kind for support of the sealift functions of the Department of Defense.

"(2) Any contribution of property accepted under paragraph (1) may be retained and used by the Department of Defense or disposed of in accordance with procedures prescribed by the Secretary of Defense.

"(3) The Secretary of Defense shall deposit in the Fund money and receipts from the disposition of any property accepted under paragraph (1).

"(f) LIMITATIONS.—(1) Not more than a total of five vessels built in foreign ship yards may be purchased with funds in the National Defense Sealift Fund pursuant to subsection (c)(1).

"(2) Construction, alteration, or conversion of vessels with funds in the National Defense Sealift Fund pursuant to subsection (c)(1) shall be conducted in United States ship yards and shall be subject to section 1424(b) of Public Law 101–510 (104 Stat. 1683).

"(g) EXPIRATION OF FUNDS AFTER 5 YEARS.—No part of an appropriation that is deposited in the National Defense Sealift Fund pursuant to subsection (d)(1) shall remain available for obligation more than five years after the end of fiscal year for which appropriated except to the extent specifically provided by law.

"(h) BUDGET REQUESTS.—Budget requests submitted to Congress for the National Defense Sealift Fund shall separately identify—

"(1) the amount requested for programs, projects, and activities for construction (including design of vessels), purchase, alteration, and conversion of national defense sealift vessels;

"(2) the amount requested for programs, projects, and activities for operation, maintenance, and lease or charter of national defense sealift vessels;

"(3) the amount requested for programs, projects, and activities for installation and maintenance of defense features for national defense purposes on privately owned and operated vessels that are constructed in the United States and documented under the laws of the United States; and

"(4) the amount requested for programs, projects, and activities for research and development relating to national defense sealift.

"(i) TITLE OR MANAGEMENT OF VESSELS.—Nothing in this section shall be construed to affect or modify title to, management of, or funding responsibilities for, any vessel of the National Defense Reserve Fleet, or assigned to the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).

"(j) AUTHORITY FOR CERTAIN USE OF FUNDS.—Upon a determination by the Secretary of Defense that such action serves the national defense interest and after consultation with the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives, the Secretary may use funds available for obligation or expenditure for a purpose specified under subsection (c)(1)(A), (B), (C), and (D) for any purpose under subsection (c)(1).

"(k) DEFINITIONS.—In this section:

"(1) The term 'Fund' means the National Defense Sealift Fund established by subsection (a).

"(2) The term 'Department of Defense sealift vessel' means any ship owned, operated, controlled, or chartered by the Department of Defense that is—

"(A) a fast sealift ship, including any vessel in the Fast Sealift Program established under section 1424 of Public Law 101–510 (104 Stat. 1683);

"(B) a maritime prepositioning ship;

"(C) an afloat prepositioning ship;

"(D) an aviation maintenance support ship; or

"(E) a hospital ship.

"(3) The term 'national defense sealift vessel' means—

"(A) a Department of Defense sealift vessel; and

"(B) a national defense reserve fleet vessel, including a vessel in the Ready Reserve Force maintained under section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2218. National Defense Sealift Fund.".

(b) TRANSFER AUTHORITY.—(1) Subject to paragraph (2), and to the extent provided in appropriations Acts, the Secretary of Defense may transfer to the National Defense Sealift Fund for construction (including design of vessels), purchase, alteration, and conversion of Department of Defense sealift vessels not to exceed $1,875,100,000 from unobligated balances of appropriations made to the Navy for fiscal years 1990, 1991, and 1992 for shipbuilding and conversion, Navy, for sealift.

(2) Funds transferred to the National Defense Sealift Fund pursuant to paragraph (1) shall remain available for the same period for which the transferred funds were originally appropriated.

(c) AUTHORIZATION FOR FISCAL YEAR 1993.—There is authorized to be appropriated to the National Defense Sealift Fund for fiscal year 1993 $613,200,000 for construction (including design of vessels), purchase, alteration, and conversion of national defense sealift vessels or for installation and maintenance of defense features necessary for the national defense for national defense purposes on privately owned and operated vessels that are constructed in the United States and documented under the laws of the United States.

(d) FISCAL YEAR 1993 LIMITATION.—Not more than $10,000,000 in the National Defense Sealift Fund may be obligated during fiscal year 1993 until 30 days after the date on which the Secretary of Defense submits to Congress a report on the specific purposes for which funds made available from such Fund during fiscal year 1993 are to be used. The information in the report shall be stated by program, project, and activity.

Subtitle D—Defense Maritime Logistical Readiness

SEC. 1031. REVITALIZATION OF UNITED STATES SHIPBUILDING INDUSTRY.

(a) IN GENERAL.—The Secretary of Defense shall require that all sealift ships built under the fast sealift program established in section 1424 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1683) shall be constructed and designed to commercial specifications.

(b) INTERAGENCY WORKING GROUP TO FORMULATE A PROGRAM TO PRESERVE SHIPYARD INDUSTRIAL BASE.—(1) Not later than March 1, 1993, the President shall establish an interagency working group for the sole purpose of developing and implementing a comprehensive plan to enable and ensure that domestic shipyards can compete effectively in the international shipbuilding market.

(2) The working group shall include representatives from all appropriate agencies, including the Department of Defense, the Department of State, the Department of Commerce, the Department of Transportation, the Department of Labor, the Office of the United States Trade Representative, and the Maritime Administration.

(3) The President shall submit to Congress the comprehensive plan developed by the working group not later than October 1, 1993.

(c) REPORT ON SHIP DUMPING PRACTICES.—The Secretary of Transportation shall prepare a report on the countries that provide subsidies for the construction or repair of vessels in foreign shipyards or that engage in ship dumping practices.

(d) REPORT ON DEFENSE CONTRACTS.—The Secretary of Defense shall prepare a report on—

(1) the amount of Department of Defense contracts that were awarded to companies physically located or headquartered in the countries identified in the Secretary of Transportation's report under subsection (d) for the most recent year for which data is available; and

(2) the effect on defense programs of a prohibition of awarding contracts to companies physically located or headquartered in the countries identified in the Secretary of Transportation's report under subsection (d).

(e) REPORT ON ADEQUACY OF UNITED STATES SHIPBUILDING INDUSTRY.—The Secretary of Defense shall prepare a report on—

(1) the adequacy of United States shipbuilding industry to meet military requirements, including sealift, during the period of 1994 through 1999; and

(2) the causes of any inadequacy identified and actions that could be taken to correct such inadequacies.

(f) SUBMISSION OF REPORTS.—The reports under subsections (c), (d), and (e) shall be submitted to Congress with the President's budget for fiscal year 1994.

(g) PENALTY FOR FAILURE TO COMPLY.—(1) Except as provided in paragraph (2), if the President fails to submit to Congress a comprehensive plan as required by subsection (b) by October 1, 1993, no funds appropriated to the Department of Defense for fiscal year 1994 may be used to enter into a contract for the construction, repair, or purchase of any product or service with any company that has headquarters in any country that continues to provide a subsidy to a foreign shipyard for the construction or repair of vessels or that engages in ship dumping practices.

(2) Paragraph (1) shall not apply if the President—

(A) notifies Congress that he is unable to submit the plan by the time required under subsection (c); and

(B) includes with the notice a brief explanation of the reasons for the delay and a statement that the plan will be submitted by April 15, 1994.

(h) DEFINITIONS.—For purposes of subsection (c):

(1) The term "foreign shipyard" includes a ship construction or repair facility located in a foreign country that is directly or indirectly owned, controlled, managed, or financed by a foreign shipyard that receives or benefits from a subsidy.

(2) The term "subsidy" includes any of the following:

(A) Officially supported export credits and development assistance.

(B) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including—

(i) grants;

(ii) loans and loan guarantees other than those available on the commercial market;

(iii) forgiveness of debt;

(iv) equity infusions on terms inconsistent with commercially reasonable investment practices;

(v) preferential provision of goods and services; and

(vi) public sector ownership of commercial shipyards on terms inconsistent with commercially reasonable investment practices.

(C) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including the kinds of support listed in clauses (i) through (v) of subparagraph (B), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

(D) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

(E) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions and preferences, including accelerated depreciation, if the benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

(F) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

(G) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

(H) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

(3) The term "vessel" means any self-propelled, sea-going vessel—

(A) of not less than 100 gross tons, as measured under the International Convention of Tonnage Measurement of Ships, 1969; and

(B) not exempt from entry under section 441 of the Tariff Act of 1930 (19 U.S.C. 1431).

Subtitle E—Counter-Drug Activities

SEC. 1041. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES.

(a) SUPPORT AUTHORIZED.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 374 note) is amended by striking out "and 1993," and inserting in lieu thereof "1993, and 1994,".

(b) TYPES OF SUPPORT.—Subsection (b) of such section is amended—

(1) by striking out paragraph (6) and inserting in lieu thereof the following new paragraph:

"(6) The detection, monitoring, and communication of the movement of—

"(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

"(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary."; and

(2) by adding at the end the following new paragraph:

"(9) The provision of linguist and intelligence analysis services.".

(c) LIMITATION ON COUNTER-DRUG REQUIREMENTS.—(1) Such section is further amended—

(A) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(B) by inserting after subsection (b) the following new subsection:

"(c) LIMITATION ON COUNTER-DRUG REQUIREMENTS.—The Secretary of Defense may not limit the requirements for which support may be provided under subsection (a) only to critical, emergent, or unanticipated requirements.".

(2) Subsection (g)(2) of such section, as redesignated by paragraph (1), is amended by striking out "subsection (d)" and inserting in lieu thereof "subsection (e)".

(d) FUNDING OF SUPPORT ACTIVITIES.—(1) Such section is further amended by striking out

subsection (h), as redesignated by subsection (c)(1).

(2) Of the amount authorized to be appropriated for fiscal year 1993 under section 301(14) for operation and maintenance with respect to drug interdiction and counter-drug activities, $40,000,000 shall be available to the Secretary of Defense for the purposes of carrying out section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

SEC. 1042. MAINTENANCE AND OPERATION OF EQUIPMENT.

Section 374(b) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (B), (C), (D), and (E) as subparagraphs (C), (D), (E), and (F), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) Detection, monitoring, and communication of the movement of surface traffic outside of the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary."; and

(2) in paragraph (3), by striking out "paragraph (2)(C)" and inserting in lieu thereof "paragraph(2)(D)".

SEC. 1043. COUNTER-DRUG DETECTION AND MONITORING SYSTEMS PLAN.

(a) REQUIREMENTS OF DETECTION AND MONITORING SYSTEMS.—The Secretary of Defense shall establish requirements for counter-drug detection and monitoring systems to be used by the Department of Defense in the performance of its mission under section 124(a) of title 10, United States Code, as lead agency of the Federal Government for the detection and monitoring of the transit of illegal drugs into the United States. Such requirements shall be designed—

(1) to minimize unnecessary redundancy between counter-drug detection and monitoring systems;

(2) to grant priority to assets and technologies of the Department of Defense that are already in existence or that would require little additional development to be available for use in the performance of such mission;

(3) to promote commonality and interoperability between counter-drug detection and monitoring systems in a cost-effective manner; and

(4) to maximize the potential of using counter-drug detection and monitoring systems for other defense missions whenever practicable.

(b) EVALUATION OF SYSTEMS.—The Secretary of Defense shall identify and evaluate existing and proposed counter-drug detection and monitoring systems in light of the requirements established under subsection (a). In carrying out such evaluation, the Secretary shall—

(1) assess the capabilities, strengths, and weaknesses of counter-drug detection and monitoring systems; and

(2) determine the optimal and most cost-effective combination of use of counter-drug detection and monitoring systems to carry out activities relating to the reconnaissance, detection, and monitoring of drug traffic.

(c) SYSTEMS PLAN.—Based on the results of the evaluation under subsection (b), the Secretary of Defense shall prepare a plan for the development, acquisition, and use of improved counter-drug detection and monitoring systems by the Armed Forces. In developing the plan, the Secretary shall also make every effort to determine which counter-drug detection and monitoring systems should be eliminated from the counter-drug program based on the results of such evaluation. The plan shall include an estimate by the Secretary of the full cost to implement the plan, including the cost to develop, procure, operate, and maintain equipment used in counter-drug detection and monitoring activities performed under the plan and training and personnel costs associated with such activities.

(d) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the requirements established under subsection (a) and the results of the evaluation conducted under subsection (b). The report shall include the plan prepared under subsection (c).

(e) LIMITATION ON OBLIGATION OF FUNDS.—(1) Except as provided in paragraph (2), none of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1993 pursuant to an authorization of appropriations in this Act may be obligated or expended for the procurement or upgrading of a counter-drug detection and monitoring system, for research and development with respect to such a system, or for the lease or rental of such a system until after the date on which the Secretary of Defense submits to Congress the report required under subsection (d).

(2) Paragraph (1) shall not prohibit obligations or expenditures of funds for—

(A) any procurement, upgrading, research and development, or lease of a counter-drug detection and monitoring system that is necessary to carry out the evaluation required under subsection (b); or

(B) the operation and maintenance of counter-drug detection and monitoring systems used by the Department of Defense as of the date of the enactment of this Act.

(f) DEFINITION.—For purposes of this section, the term "counter-drug detection and monitoring systems" means land-, air-, and sea-based detection and monitoring systems suitable for use by the Department of Defense in the performance of its mission—

(1) under section 124(a) of title 10, United States Code, as lead agency of the Federal Government for the detection and monitoring of the aerial and maritime transit of illegal drugs into the United States; and

(2) to provide support to law enforcement agencies in the detection, monitoring, and communication of the movement of traffic at, near, and outside the geographic boundaries of the United States.

SEC. 1044. EXTENSION OF AUTHORITY TO TRANSFER EXCESS PERSONAL PROPERTY.

Section 1208(c) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 372 note) is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1997".

SEC. 1045. PILOT OUTREACH PROGRAM TO REDUCE DEMAND FOR ILLEGAL DRUGS.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot outreach program to reduce the demand for illegal drugs. The program shall include outreach activities by the active and reserve components of the Armed Forces and shall focus primarily on youths in general and inner-city youths in particular.

(b) PAYMENT OF TRAVEL AND LIVING EXPENSES.—The Secretary of Defense may provide travel and living allowances to members of the Armed Forces who participate in the pilot outreach program to permit such members to carry out demand reduction activities in areas beyond the vicinity of military installations and National Guard facilities.

(c) FUNDING.—Funds available to the Department of Defense for drug interdiction and counter-drug activities may be used for carrying out the pilot outreach program described in subsection (a).

(d) DURATION OF PROGRAM.—The pilot outreach program described in subsection (a) shall be conducted for a test period ending three years after the date of the enactment of this Act.

(e) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Congress a report that assesses the effectiveness of the pilot outreach program and includes the recommendations of the Secretary regarding the continuation of the program.

Subtitle F—Technical and Clerical Amendments

SEC. 1051. REORGANIZATION OF SECTION 101 DEFINITIONS.

(a) IN GENERAL.—Section 101 of title 10, United States Code, is amended to read as follows:

"§101. Definitions

"(a) IN GENERAL.—The following definitions apply in this title:

"(1) The term 'United States', in a geographic sense, means the States and the District of Columbia.

"(2) The term 'Territory' (except as provided in section 101(1) of title 32 for laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States) means any Territory organized after August 10, 1956, so long as it remains a Territory.

"(3) The term 'possessions' includes the Virgin Islands, Guam, American Samoa, and the Guano Islands, so long as they remain possessions, but does not include any Territory or Commonwealth.

"(4) The term 'armed forces' means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

"(5) The term 'uniformed services' means—

"(A) the armed forces;

"(B) the commissioned corps of the National Oceanic and Atmospheric Administration; and

"(C) the commissioned corps of the Public Health Service.

"(6) The term 'department', when used with respect to a military department, means the executive part of the department and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of the department. When used with respect to the Department of Defense, such term means the executive part of the department, including the executive parts of the military departments, and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Secretary of Defense, including those of the military departments.

"(7) The term 'executive part of the department' means the executive part of the Department of Defense, Department of the Army, Department of the Navy, or Department of the Air Force, as the case may be, at the seat of government.

"(8) The term 'military departments' means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

"(9) The term 'Secretary concerned' means—

"(A) the Secretary of the Army, with respect to matters concerning the Army;

"(B) the Secretary of the Navy, with respect to matters concerning the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Department of the Navy;

"(C) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

"(D) the Secretary of Transportation, with respect to matters concerning the Coast Guard when it is not operating as a service in the Department of the Navy.

"(10) The term 'service acquisition executive' means the civilian official within a military department who is designated as the service acquisition executive for purposes of regulations and procedures providing for a service acquisition executive for that military department.

"(11) The term 'Defense Agency' means an organizational entity of the Department of Defense—

"(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department (other than such an entity that is designated by the Secretary as a Department of Defense Field Activity); or

"(B) that is designated by the Secretary of Defense as a Defense Agency.

"(12) The term 'Department of Defense Field Activity' means an organizational entity of the Department of Defense—

"(A) that is established by the Secretary of Defense under section 191 of this title (or under the second sentence of section 125(d) of this title (as in effect before October 1, 1986)) to perform a supply or service activity common to more than one military department; and

"(B) that is designated by the Secretary of Defense as a Department of Defense Field Activity.

"(13) The term 'contingency operation' means a military operation that—

"(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

"(B) results in the call or order to, or retention on, active duty of members of the uniformed services under section 672(a), 673, 673b, 673c, 688, 3500, or 8500 of this title, chapter 15 of this title, or any other provision of law during a war or during a national emergency declared by the President or Congress.

"(14) The term 'supplies' includes material, equipment, and stores of all kinds.

"(15) The term 'pay' includes basic pay, special pay, retainer pay, incentive pay, retired pay, and equivalent pay, but does not include allowances.

"(b) PERSONNEL GENERALLY.—The following definitions relating to military personnel apply in this title:

"(1) The term 'officer' means a commissioned or warrant officer.

"(2) The term 'commissioned officer' includes a commissioned warrant officer.

"(3) The term 'warrant officer' means a person who holds a commission or warrant in a warrant officer grade.

"(4) The term 'general officer' means an officer of the Army, Air Force, or Marine Corps serving in or having the grade of general, lieutenant general, major general, or brigadier general.

"(5) The term 'flag officer' means an officer of the Navy or Coast Guard serving in or having the grade of admiral, vice admiral, rear admiral, or rear admiral (lower half).

"(6) The term 'enlisted member' means a person in an enlisted grade.

"(7) The term 'grade' means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

"(8) The term 'rank' means the order of precedence among members of the armed forces.

"(9) The term 'rating' means the name (such as 'boatswain's mate') prescribed for members of an armed force in an occupational field. The term 'rate' means the name (such as 'chief boatswain's mate') prescribed for members in the same rating or other category who are in the same grade (such as chief petty officer or seaman apprentice).

"(10) The term 'original', with respect to the appointment of a member of the armed forces in a regular or reserve component, refers to that member's most recent appointment in that component that is neither a promotion nor a demotion.

"(11) The term 'authorized strength' means the largest number of members authorized to be in an armed force, a component, a branch, a grade, or any other category of the armed forces.

"(12) The term 'regular', with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office in a regular component of an armed force.

"(13) The term 'active-duty list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 620 of this title) which contains the names of all officers of that armed force, other than officers described in section 641 of this title, who are serving on active duty.

"(14) The term 'medical officer' means an officer of the Medical Corps of the Army, an officer of the Medical Corps of the Navy, or an officer in the Air Force designated as a medical officer.

"(15) The term 'dental officer' means an officer of the Dental Corps of the Army, an officer of the Dental Corps of the Navy, or an officer of the Air Force designated as a dental officer.

"(c) RESERVE COMPONENTS.—The following definitions relating to the reserve components apply in this title:

"(1) The term 'National Guard' means the Army National Guard and the Air National Guard.

"(2) The term 'Army National Guard' means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

"(A) is a land force;

"(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

"(C) is organized, armed, and equipped wholly or partly at Federal expense; and

"(D) is federally recognized.

"(3) The term 'Army National Guard of the United States' means the reserve component of the Army all of whose members are members of the Army National Guard.

"(4) The term 'Air National Guard' means that part of the organized militia of the several States and Territories, Puerto Rico, and the District of Columbia, active and inactive, that—

"(A) is an air force;

"(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

"(C) is organized, armed, and equipped wholly or partly at Federal expense; and

"(D) is federally recognized.

"(5) The term 'Air National Guard of the United States' means the reserve component of the Air Force all of whose members are members of the Air National Guard.

"(6) The term 'reserve', with respect to an enlistment, appointment, grade, or office, means enlistment, appointment, grade, or office held as a Reserve of one of the armed forces.

"(d) DUTY STATUS.—The following definitions relating to duty status apply in this title:

"(1) The term 'active duty' means full-time duty in the active military service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned. Such term does not include full-time National Guard duty.

"(2) The term 'active duty for a period of more than 30 days' means active duty under a call or order that does not specify a period of 30 days or less.

"(3) The term 'active service' means service on active duty or full-time National Guard duty.

"(4) The term 'active status' means the status of a reserve commissioned officer, other than a commissioned warrant officer, who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.

"(5) The term 'full-time National Guard duty' means training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under section 316, 502, 503, 504, or 505 of title 32 for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.

"(6) The term 'inactive-duty training' means—

"(A) duty prescribed for Reserves by the Secretary concerned under section 206 of title 37 or any other provision of law; and

"(B) special additional duties authorized for Reserves by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with the prescribed training or maintenance activities of the units to which they are assigned.

Such term includes those duties when performed by Reserves in their status as members of the National Guard.

"(e) RULES OF CONSTRUCTION.—In this title—

"(1) 'shall' is used in an imperative sense;

"(2) 'may' is used in a permissive sense;

"(3) 'no person may * * *' means that no person is required, authorized, or permitted to do the act prescribed;

"(4) 'includes' means 'includes but is not limited to'; and

"(5) 'spouse' means husband or wife, as the case may be.

"(f) REFERENCE TO TITLE 1 DEFINITIONS.—For other definitions applicable to this title, see sections 1 through 5 of title 1.".

(b) CROSS REFERENCE CORRECTIONS.—

(1) Section 232(7) of title 18, United States Code, is amended—

(A) by striking out ", but shall not be limited to, members of the National Guard, as defined in section 101(9) of title 10, United States Code," and inserting in lieu thereof "members of the National Guard (as defined in section 101 of title 10),"; and

(B) by striking out ", not included within the definition of National Guard as defined by such section 101(9)," and inserting in lieu thereof "not included within the National Guard (as defined in section 101 of title 10),".

(2) Section 101(26) of title 37, United States Code, is amended by striking out "section 101(47) of title 10," and inserting in lieu thereof "section 101 of title 10,".

(3) Section 3401(a)(1) of title 39, United States Code, is amended by striking out "section 101(4) and (22) of title 10," and inserting in lieu thereof "section 101 of title 10,".

SEC. 1052. MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of subchapter II of chapter 21 is amended by inserting "Sec." above "431.".

(2) Section 571(a) is amended by inserting a period at the end of each item in the table.

(3) Section 574(d)(3) is amended by striking out "active duty list" and inserting in lieu thereof "active-duty list".

(4) The heading of section 578 is amended by striking out the first semicolon and inserting in lieu thereof a colon.

(5) Section 581(d)(2) is amended by striking out "Board" both places it appears and inserting in lieu thereof "board".

(6) The table of sections at the beginning of chapter 33A is amended—

(A) by inserting "to be" in the item relating to section 576 after "Information"; and

(B) by striking out the first semicolon in the item relating to section 578 and inserting in lieu thereof a colon.

(7) Section 615 is amended—

(A) in subsection (b)(5), by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)"; and

(B) in subsection (d), by striking out "subsection (a)" and inserting in lieu thereof "subsection (b)".

(8) Sections 616(a), 617(a), 618(a)(1), and 618(a)(2) are each amended by striking out "section 615(a)" and inserting in lieu thereof "section 615(b)".

(9) Section 618(b) is amended by striking out "section 615(b)" in paragraphs (2)(A) and (4) and inserting in lieu thereof "section 615(c)".

(10) Section 628(b)(1) is amended by striking out "section 558" and inserting in lieu thereof "section 573".

(11) Section 945(a)(1) is amended by striking out "section 943(e)(1)(B) of this title (art. 143(e)(1)(B))" and inserting in lieu thereof "section 942(e)(1)(B) of this title (article 142(e)(1)(B))".

(12) Section 1052(b) is amended by inserting a close parenthesis before the period at the end.

(13) Section 1079(j)(2)(B) is amended by inserting a close parenthesis after "1395x(dd)(2)".

(14) Section 1104 is amended—

(A) by striking out "section 5011 of title 38" in subsections (a), (b), and (c) and inserting in lieu thereof "section 8011 of title 38"; and

(B) by striking out "section 5011A of title 38" in subsection (d) and inserting in lieu thereof "section 8011A of title 38".

(15) Section 1174a(c)(2) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "December 5, 1991".

(16) Section 1175 is amended—

(A) in subsection (a), by striking out "Reserve component" and inserting in lieu thereof "reserve component"; and

(B) in subsection(d)(1), by striking out "prior to the time this provision is enacted" and inserting in lieu thereof "before December 5, 1991".

(17) Section 1263(a) is amended by striking out "564 note" and inserting in lieu thereof "580 note".

(18) Section 1401(a) is amended by striking out "564" in the column in the table under the heading "For sections" and inserting in lieu thereof "580".

(19) Section 1552(a)(2) is amended by striking out "announcing a decision not to promote an enlisted member to a higher grade" and inserting in lieu thereof "announcing the promotion and appointment of an enlisted member to an initial or higher grade or the decision not to promote an enlisted member to a higher grade".

(20) Section 1581(b) is amended by striking out "the date of the enactment of this section" in paragraphs (1) and (2) and inserting in lieu thereof "December 5, 1991,".

(21) Section 1592 is amended by inserting "section" after "established under".

(22) Section 1733(b)(1)(B)(ii) is amended by striking out "1736(a)(3)" and inserting in lieu thereof "1737(a)(3)".

(23) Section 2304(j)(3)(A) is amended by striking out "section 8(e) of the Small Business Act (15 U.S.C. 637(e))" and inserting in lieu thereof "section 8(d) of the Small Business Act (15 U.S.C. 637(d))".

(24) Section 2307(e) is amended by striking out "(l)" after "(e)" and inserting in lieu thereof "(1)".

(25)(A) Section 2322 is repealed.

(B) The table of sections at the beginning of chapter 137 is amended by striking out the item relating to section 2322.

(26) Section 2324 is amended—

(A) by striking out subsection (f)(5); and

(B) in subsection (l)—

(i) by striking out "subsection (e)(2)(C)" in paragraph (2) and inserting in lieu thereof "paragraph (3)"; and

(ii) by adding at the end the following new paragraph:

"(3) The committees named in this paragraph are—

"(A) the Committees on Armed Services and on Government Operations of the House of Representatives; and

"(B) the Committees on Armed Services and on Governmental Affairs of the Senate.".

(27) Section 2372(e)(1) is amended by striking out "on the day before" and all that follows through the semicolon and inserting in lieu thereof "on December 4, 1991;".

(28) Section 2391(b)(1)(C) is amended by striking out "publicly-announced" and inserting in lieu thereof "publicly announced".

(29) Section 2397(a)(1) is amended by striking out "that contract" and inserting in lieu thereof "that the contract".

(30)(A) Section 2409(d) is amended to read as follows:

"(d) Coordination With Section 2409a.—This section does not apply in the case of an employee who files a timely complaint under section 2409a of this title that meets the requirements of regulations promulgated under subsection (c) of that section.".

(B) The amendment made by subparagraph (A) shall take effect as if enacted immediately following the enactment of Public Law 102–25 (105 Stat. 75).

(31) Section 2411(1)(D) is amended by striking out "organized for" and all that follows through the period and inserting in lieu thereof "organized for profit purposes or nonprofit purposes.".

(32) Section 2503(6) is amended by striking out "section 2508" and inserting in lieu thereof "section 2522".

(33) Section 2507(d)(3)(A) is amended by striking out "government-owned" and inserting in lieu thereof "Government-owned".

(34) Section 2509(b) is amended—

(A) in paragraph (1), by striking out "section 2508" and inserting in lieu thereof "section 2522"; and

(B) in paragraph (5)(B)(ii), by striking out "five-year defense program" and inserting in lieu thereof "multiyear defense program".

(35) Section 2701(j) is amended by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1992 and 1993" and inserting in lieu thereof "December 5, 1991,".

(36) Section 2708 is amended—

(A) in subsection (b)(1)—

(i) by striking out "all contracts" and inserting in lieu thereof "each contract"; and

(ii) by striking out "all subcontracts under such contracts" and inserting in lieu thereof "any subcontract under any such contract"; and

(B) in subsection (d), by striking out "For purposes of" and inserting in lieu thereof "In".

(37) Section 2801(d) is amended by striking out "sections 2828(g) and 2830" and inserting in lieu thereof "sections 2830 and 2835".

(38) Section 2902(b)(9) is amended by striking out "non-voting" and inserting in lieu thereof "nonvoting".

(39) Section 6325(b) is amended by striking out "section 602 or 5721" and inserting in lieu thereof "section 602 (as in effect before February 1, 1992) or section 5721".

(40) Section 8252 is amended—

(A) by striking out "(a) Except as provided in subsection (b), in" and inserting in lieu thereof "In"; and

(B) by striking out subsection (b).

SEC. 1053. AMENDMENTS TO PUBLIC LAW 102–190.

Effective as of December 5, 1991, the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) is amended as follows:

(1) Section 232(b)(2) (105 Stat. 1321) is amended by inserting "the" after "United States and".

(2) Section 234(a) (105 Stat. 1323) is amended by striking out "Follow-on" and inserting in lieu thereof "Follow-On".

(3) Section 702(b)(1)(C) (105 Stat. 1401) is amended by striking out "(15)(D)" and inserting in lieu thereof "(15)".

(4) Section 803(a)(1) (105 Stat. 1414) is amended by inserting open quotation marks at the beginning of the unquoted paragraphs (1), (2), and (3) (within the quoted material in such section).

(5) Section 806(c) (105 Stat. 1419) is amended by inserting a close parenthesis before the period at the end.

(6) Section 822(d)(1) (105 Stat. 1435) is amended by striking out "To the extent provided" and inserting in lieu thereof "Subject to such limitations as may be provided".

(7) Section 1049(b) (105 Stat. 1469) is repealed.

(8) Section 1063(d)(1) (105 Stat. 1476) is amended by striking out "of Public Law 101–25" and inserting in lieu thereof "of Public Law 102–25".

(9) Section 2870(2) (105 Stat. 1562) is amended by inserting "through" after "and all that follows".

SEC. 1054. AMENDMENTS TO OTHER LAWS.

(a) Title 37, United States Code.—Title 37, United States Code, is amended as follows:

(1) Section 301b is amended—

(A) by striking out subsection (j); and

(B) by redesignating subsection (k) as subsection (j).

(2) Section 301d(c) is amended—

(A) in paragraph (2), by striking out "owned" and inserting in lieu thereof "owed"; and

(B) in paragraph (3), by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1991" and inserting in lieu thereof "November 5, 1990".

(3) Section 303a(b) is amended by striking out "301d," after "such sections".

(4) Section 406(g)(1)(A) is amended by inserting a semicolon after "title 10".

(5) Section 406b(d) by striking out "Section 420" and inserting in lieu thereof "Section 421".

(6) Section 559(c)(3)(A)(i) is amended by striking out "of this subparagraph".

(7) Section 1007(i)(3) is amended by striking out "and warrant officers" and inserting in lieu thereof ", warrant officers, and limited duty officers".

(b) 1990 Base Closure Act.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in section 2903(c)(4)—

(A) by striking out the first sentence; and

(B) by striking out "(4)" before "In addition to"; and

(2) in section 2906, by redesignating the second subsection (d) (added by section 2827(a)(1) of Public Law 102–190) as subsection (e).

(c) Public Law 102–25.—Public Law 102–25 is amended as follows:

(1) Section 361(d) (105 Stat. 93) is amended by striking out "section 4108(e) of title 38," and inserting in lieu thereof "section 7423(e) of title 38,".

(2) Section 702(b)(4) (105 Stat. 117) is amended by striking out "section 558(c)(3)(A)(i)" and inserting in lieu thereof "section 559(c)(3)(A)(i)".

(d) Mentor-Protege Pilot Program.—Section 831(m) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended—

(1) in paragraph (2)(C), by striking out "637(a)(13)" and inserting in lieu thereof "637(a)(15)";

(2) by redesignating the second paragraph (6) and paragraph (7) as paragraphs (7) and (8), respectively; and

(3) in paragraph (8), as so redesignated, by striking out "section 46 of title 41, United States Code," and inserting in lieu thereof "the first section of the Act of June 25, 1938 (41 U.S.C. 46; popularly known as the 'Wagner-O'Day Act'),".

(e) Title 31, United States Code.—

(1) The items relating to sections 1551 and 1552 in the table of sections at the beginning of chapter 15 of title 31, United States Code, are amended to read as follows:

"1551. Definitions; applicability of subchapter.
"1552. Procedure for appropriation accounts available for definite periods.".

(2) The heading of section 1551 of such title is amended to read as follows:

"§1551. Definitions; applicability of subchapter".

(f) Public Law 101–533.—Section 3(c)(2) of Public Law 101–533 (22 U.S.C. 3142) is amended by striking out "section 2368 of title 10" and inserting in lieu thereof "section 2522 of title 10".

(g) Title 14, United States Code.—Section 514(b) of title 14, United States Code, is amended by inserting a close parenthesis before the period at the end.

(h) Public Law 99–661.—Section 1408(c) of the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99–661; 20 U.S.C. 4707(c)) is amended by striking out "(except special obligations issued exclusively to the fund)".

(i) Homeowners Assistance Program.—Section 1013(a)(1) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374(a)(1)) is amended by striking out "serviceman" and inserting in lieu thereof "member of the Armed Forces of the United States".

SEC. 1055. COORDINATION WITH OTHER PROVISIONS OF ACT.

For purposes of applying the amendments made by provisions of this Act other than sections 1052, 1053, and 1054, those sections shall be treated as having been enacted immediately before the other provisions of this Act.

Subtitle G—Amendments to the Uniform Code of Military Justice

SEC. 1061. CHIEF JUDGE OF THE COURT OF MILITARY APPEALS.

(a) Designation and Term of Service.—(1) Section 943(a) (article 143(a)) of title 10, United States Code, is amended to read as follows:

"(a) Chief Judge.—(1) The chief judge of the United States Court of Military Appeals shall be the judge of the court in regular active service who is senior in commission among the judges of the court who—

"(A) have served for one or more years as judges of the court; and

"(B) have not previously served as chief judge.

"(2) In any case in which there is no judge of the court in regular active service who has served as a judge of the court for at least one year, the judge of the court in regular active service who is senior in commission and has not served previously as chief judge shall act as the chief judge.

"(3) Except as provided in paragraph (4), a judge of the court shall serve as the chief judge under paragraph (1) for a term of five years. If no other judge is eligible under paragraph (1) to serve as chief judge upon the expiration of that term, the chief judge shall continue to serve as chief judge until another judge becomes eligible under that paragraph to serve as chief judge.

"(4)(A) The term of a chief judge shall be terminated before the end of five years if—

"(i) the chief judge leaves regular active service as a judge of the court; or

"(ii) the chief judge notifies the other judges of the court in writing that such judge desires to be relieved of his duties as chief judge.

"(B) The effective date of a termination of the term under subparagraph (A) shall be the date on which the chief judge leaves regular active service or the date of the notification under subparagraph (A)(ii), as the case may be.

"(5) If a chief judge is temporarily unable to perform his duties as a chief judge, the duties shall be performed by the judge of the court in active service who is present, able and qualified to act, and is next in precedence.".

(b) Transition Provisions.—For purposes of section 943(a) (article 943(a)) of title 10, United States Code, as amended by subsection (a)—

(1) the person serving as the chief judge of the United States Court of Military Appeals on the date of the enactment of this Act shall be deemed to have been designated as the chief judge under such section; and

(2) the five-year term provided in paragraph (3) of such section shall be deemed to have begun on the date on which such judge was originally designated as the chief judge under section 867(a) or 943 of title 10, United States Code, as the case may be, as that provision of law was in effect on the date of the designation.

SEC. 1062. RETIREMENT OF JUDGES OF THE COURT OF MILITARY APPEALS.

(a) In General.—(1) Section 945 (article 145) of title 10, United States Code, is amended by adding at the end the following:

"(i) Eligibility to Elect Between Retirement Systems.—(1) This subsection applies with respect to any person who—

"(A) prior to being appointed as a judge of the United States Court of Military Appeals, performed civilian service of a type making such person subject to the Civil Service Retirement System; and

"(B) would be eligible to make an election under section 301(a)(2) of the Federal Employees' Retirement System Act of 1986, by virtue of being appointed as such a judge, but for the fact that such person has not had a break in service of sufficient duration to be considered someone who is being reemployed by the Federal Government.

"(2) Any person with respect to whom this subsection applies shall be eligible to make an election under section 301(a)(2) of the Federal Employees' Retirement System Act of 1986 to the same extent and in the same manner (including subject to the condition set forth in section 301(d) of such Act) as if such person's appointment constituted reemployment with the Federal Government.".

(2) The amendment made by paragraph (1) shall apply with respect to any appointment which takes effect on or after the date of the enactment of this Act.

(b) Additional Elections.—(1) Any individual who is a judge in active service on the United States Court of Military Appeals shall be eligible to make an election under section 301(a)(2) of the Federal Employees' Retirement System Act of 1986 if—

(A) such individual is such a judge on the date of the enactment of this Act; and

(B) as of the date of the election, such individual is—

(i) subject to the Civil Service Retirement System; or

(ii) covered by Social Security but not subject to the Federal Employees' Retirement System.

(2) An election under this subsection—

(A) shall not be effective unless it is—

(i) made within 30 days after the date of the enactment of this Act; and

(ii) in compliance with the condition set forth in section 301(d) of the Federal Employees' Retirement System Act of 1986; and

(B) may not be revoked.

(3) For the purpose of this subsection, a judge of the United States Court of Military Appeals shall be considered to be "covered by Social Security" if such judge's service is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1986.

SEC. 1063. JURISDICTION REGARDING OFFENSES COMMITTED DURING PERIODS OF PRIOR SERVICE.

Section 803(a) (article 3(a)) of title 10, United States Code, is amended to read as follows:

"(a) Subject to section 843 of this title (article 43), a person who is in a status in which the person is subject to this chapter and who committed an offense against this chapter while formerly in a status in which the person was subject to this chapter is not relieved from amenability to the jurisdiction of this chapter for that offense by reason of a termination of that person's former status.".

SEC. 1064. POSTPONEMENT OF CONFINEMENT.

Section 857 (article 57) of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) In any case in which a court-martial sentences a person referred to in paragraph (2) to confinement, the convening authority may postpone the service of the sentence to confinement, without the consent of that person, until after the person has been permanently released to the armed forces by a State or foreign country referred to in that paragraph.

"(2) Paragraph (1) applies to a person subject to this chapter who—

"(A) while in the custody of a State or foreign country is temporarily returned by that State or foreign country to the armed forces for trial by court-martial; and

"(B) after the court-martial, is returned to that State or foreign country under the authority of a mutual agreement or treaty, as the case may be.

"(3) In this subsection, the term 'State' includes the District of Columbia and any commonwealth, territory, or possession of the United States.".

SEC. 1065. SENTENCING AT REHEARINGS.

Section 863 (article 63) of title 10, United States Code, is amended—

(1) by striking out "imposed" in the second sentence and inserting in lieu thereof "approved"; and

(2) by inserting "approved" in the third sentence after "the pretrial agreement, the".

SEC. 1066. AMENDMENTS TO PUNITIVE ARTICLES.

(a) Standard for Drunkenness.—(1) Section 911 (article 111) of title 10, United States Code, is amended to read as follows:

"§911. Art. 111. Drunken or reckless operation of a vehicle, aircraft, or vessel

"Any person subject to this chapter who—

"(1) operates or physically controls any vehicle, aircraft, or vessel in a reckless or wanton manner or while impaired by a substance described in section 912a(b) of this title (article 112a(b)), or

"(2) operates or is in actual physical control of any vehicle, aircraft, or vessel while drunk or when the alcohol concentration in the person's blood or breath is 0.10 grams of alcohol per 100 milliliters of blood or 0.10 grams of alcohol per 210 liters of breath, as shown by chemical analysis,

shall be punished as a court-martial may direct.".

(2) The item relating to section 911 (article 111) in the table of sections at the beginning of subchapter X of chapter 47 of such title is amended to read as follows:

"911. 111. Drunken or reckless operation of a vehicle, aircraft, or vessel.".

(b) CLARIFICATION.—Section 918(3) (article 118(3)) of such title is amended by striking out "others" and inserting in lieu thereof "another".

(c) REMOVAL OF LIMITATIONS RELATING TO GENDER AND MARITAL RELATIONSHIP.—Section 920(a) (article 120(a)) of such title is amended—

(A) by striking out "with a female not his wife"; and

(B) by striking out "her".

SEC. 1067. EFFECTIVE DATE.

The amendments made by sections 1063, 1064, 1065, and 1066 shall take effect on the date of the enactment of this Act and shall apply with respect to offenses committed on or after that date.

Subtitle H—Other Matters

SEC. 1071. USE OF AIRCRAFT ACCIDENT INVESTIGATION REPORTS.

(a) TREATMENT OF REPORTS OF AIRCRAFT ACCIDENT INVESTIGATIONS.—(1) Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2254. Treatment of reports of aircraft accident investigations

"(a) IN GENERAL.—(1) Whenever the Secretary of a military department conducts an accident investigation of an accident involving an aircraft under the jurisdiction of the Secretary, the records and report of the investigations shall be treated in accordance with this section.

"(2) For purposes of this section, an accident investigation is any form of investigation of an aircraft accident other than an investigation (known as a 'safety investigation') that is conducted solely to determine the cause of the accident and to obtain information that may prevent the occurrence of similar accidents.

"(b) PUBLIC DISCLOSURE OF CERTAIN ACCIDENT INVESTIGATION INFORMATION.—(1) The Secretary concerned, upon request, shall publicly disclose unclassified tapes, scientific reports, and other factual information pertinent to an aircraft accident investigation, before the release of the final accident investigation report relating to the accident, if the Secretary concerned determines—

"(A) that such tapes, reports, or other information would be included within and releasable with the final accident investigation report; and

"(B) that release of such tapes, reports, or other information—

"(i) would not undermine the ability of accident or safety investigators to continue to conduct the investigation; and

"(ii) would not compromise national security.

"(2) A disclosure under paragraph (1) may not be made by or through officials with responsibility for, or who are conducting, a safety investigation with respect to the accident.

"(c) OPINIONS REGARDING CAUSATION OF ACCIDENT.—Following a military aircraft accident—

"(1) if the evidence surrounding the accident is sufficient for the investigators who conduct the accident investigation to come to an opinion (or opinions) as to the cause or causes of the accident, the final report of the accident investigation shall set forth the opinion (or opinions) of the investigators as to the cause or causes of the accident; and

"(2) if the evidence surrounding the accident is not sufficient for those investigators to come to an opinion as to the cause or causes of the accident, the final report of the accident investigation shall include a description of those factors, if any, that, in the opinion of the investigators, substantially contributed to or caused the accident.

"(d) USE OF INFORMATION IN CIVIL PROCEEDINGS.—For purposes of any civil or criminal proceeding arising from an aircraft accident, any opinion of the accident investigators as to the cause of, or the factors contributing to, the accident set forth in the accident investigation report may not be considered as evidence in such proceeding, nor may such information be considered an admission of liability by the United States or by any person referred to in those conclusions or statements.

"(e) REGULATIONS.—The Secretary of each military department shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2254. Treatment of reports of aircraft accident investigations.".

(b) DEADLINE FOR REGULATIONS.—Regulations under section 2254 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 180 days after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Section 2254 of title 10, United States Code, as added by subsection (a), shall apply with respect to accidents occurring on or after the date on which regulations are first prescribed under that section.

SEC. 1072. SURVIVOR NOTIFICATION AND ACCESS TO REPORTS RELATING TO SERVICE MEMBERS WHO DIE.

(a) AVAILABILITY OF FATALITY REPORTS AND RECORDS.—

(1) REQUIREMENT.—The Secretary of each military department shall ensure that fatality reports and records pertaining to any member of the Armed Forces who dies in the line of duty shall be made available to family members of the service member in accordance with this subsection.

(2) INFORMATION TO BE PROVIDED AFTER NOTIFICATION OF DEATH.—Within a reasonable period of time after family members of a service member are notified of the member's death, but not more than 30 days after the date of notification, the Secretary concerned shall ensure that the family members—

(A) in any case in which the cause or circumstances surrounding the death are under investigation, are informed of that fact, of the names of the agencies within the Department of Defense conducting the investigations, and of the existence of any reports by such agencies that have been or will be issued as a result of the investigations; and

(B) are furnished, if the family members so desire, a copy of any completed investigative report and any other completed fatality reports that are available at the time family members are provided the information described in subparagraph (A) to the extent such reports may be furnished consistent with sections 552 and 552a of title 5, United States Code.

(3) ASSISTANCE IN OBTAINING REPORTS.—(A) In any case in which an investigative report or other fatality reports are not available at the time family members of a service member are provided the information described in paragraph (2)(A) about the member's death, the Secretary concerned shall ensure that a copy of such investigative report and any other fatality reports are furnished to the family members, if they so desire, when the reports are completed and become available, to the extent such reports may be furnished consistent with sections 552 and 552a of title 5, United States Code.

(B) In any case in which an investigative report or other fatality reports cannot be released at the time family members of a service member are provided the information described in paragraph (2)(A) about the member's death because of section 552 or 552a of title 5, United States Code, the Secretary concerned shall ensure that the family members—

(i) are informed about the requirements and procedures necessary to request a copy of such reports; and

(ii) are assisted, if the family members so desire, in submitting a request in accordance with such requirements and procedures.

(C) The requirement of subparagraph (B) to inform and assist family members in obtaining copies of fatality reports shall continue until a copy of each report is obtained, or access to any such report is denied by competent authority within the Department of Defense.

(4) WAIVER.—The requirements of paragraph (2) or (3) may be waived on a case-by-case basis, but only if the Secretary of the military department concerned determines that compliance with such requirements is not in the interests of national security.

(b) REVIEW OF COMBAT FATALITY NOTIFICATION PROCEDURES.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of the fatality notification procedures used by the military departments. Such review shall examine the following matters:

(A) Whether uniformity in combat fatality notification procedures among the military departments is desirable, particularly with respect to—

(i) the use of one or two casualty notification and assistance officers;

(ii) the use of standardized fatality report forms and witness statements;

(iii) the use of a single center for all military departments through which combat fatality information may be processed; and

(iv) the use of uniform procedures and the provision of a dispute resolution process for instances in which members of one of the Armed Forces inflict casualties on members of another of the Armed Forces.

(B) Whether existing combat fatality report forms should be modified to include a block or blocks with which to identify the cause of death as "friendly fire", "U.S. ordnance", or "unknown".

(C) Whether the existing "Emergency Data" form prepared by members of the Armed Forces should be revised to allow members to specify provision for notification of additional family members in cases such as the case of a divorced service member who leaves children with both a current and a former spouse.

(D) Whether the military departments should, in all cases, provide family members of a service member who died as a result of injuries sustained in combat with full and complete details of the death of the service member, regardless of whether such details may be graphic, embarrassing to the family members, or reflect negatively on the military department concerned.

(E) Whether, and when, the military departments should inform family members of a service member who died as a result of injuries sustained in combat about the possibility that the death may have been the result of friendly fire.

(F) The criteria and standards which the military departments should use in deciding when disclosure is appropriate to family members of a member of the military forces of an allied nation who died as a result of injuries sustained in combat when the death may have been the result of fire from United States armed forces and an investigation into the cause or circumstances of the death has been conducted.

(2) REPORT.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the review conducted under paragraph (1). Such report shall be submitted not later than March 31, 1993, and shall include recommendations on the matters examined in the review and on any other matters the Secretary determines to be appropriate based upon the review or on any other reviews undertaken by the Department of Defense.

(c) DEFINITIONS.—In this section:

(1) The term "fatality reports" includes investigative reports and any other reports pertaining

to the cause or circumstances of death of a member of the Armed Forces in the line of duty (such as autopsy reports, battlefield reports, and medical reports).

(2) The term "family members" means parents, spouses, adult children, and such other relatives as the Secretary concerned considers appropriate.

(d) APPLICABILITY.—(1) Except as provided in paragraph (2), this section applies with respect to deaths of members of the Armed Forces occurring after the date of the enactment of this Act.

(2) With respect to deaths of members of the Armed Forces occurring before the date of the enactment of this Act, the Secretary concerned shall provide fatality reports to family members upon request as promptly as practicable.

SEC. 1073. ADMISSION OF CIVILIANS AS STUDENTS AT THE UNITED STATES NAVAL POSTGRADUATE SCHOOL.

(a) CIVILIAN ATTENDANCE.—Chapter 605 of title 10, United States Code, is amended—

(1) by redesignating section 7047 as section 7048; and

(2) by inserting after section 7046 the following new section:

"§7047. Students at institutions of higher education: admission

"(a) ADMISSION PURSUANT TO RECIPROCAL AGREEMENT.—The Secretary of the Navy may enter into an agreement with an accredited institution of higher education to permit a student described in subsection (b) enrolled at that institution to receive instruction at the Naval Postgraduate School on a tuition-free basis. In exchange for the admission of the student, the institution of higher education shall be required to permit an officer of the armed forces to attend on a tuition-free basis courses offered by that institution corresponding in length to the instruction provided to the student at the Naval Postgraduate School.

"(b) ELIGIBLE STUDENTS.—A student enrolled at an institution of higher education that is party to an agreement under subsection (a) may be admitted to the Naval Postgraduate School pursuant to that agreement if—

"(1) the student is a citizen of the United States or lawfully admitted for permanent residence in the United States; and

"(2) the Secretary of the Navy determines that the student has a demonstrated ability in a field of study designated by the Secretary as related to naval warfare and national security.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 7047 and inserting in lieu thereof the following new items:

"7047. Students at institutions of higher education: admission.

"7048. Conferring of degrees on graduates.".

SEC. 1074. REPEAL OF CERTAIN REPORTING REQUIREMENT.

Section 1309 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 10 U.S.C. 113 note) is repealed.

SEC. 1075. RESTRICTION ON OBLIGATION OF FUNDS FOR NEW MUSEUMS.

(a) PROHIBITION ON OBLIGATION OF FUNDS FOR CERTAIN NEW MUSEUMS.—Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense for fiscal year 1992 may not be obligated for the purposes of—

(1) the construction or capitalization of—

(A) the National D-Day Museum;

(B) the Airborne and Special Operations Museum; or

(C) the Naval Undersea Museum; or

(2) the renovation of the submarine U.S.S. Blueback for the Oregon Museum of Science and Industry.

(b) EXCEPTION.—The funds referred to in subsection (a) may be obligated for the purpose specified for a museum referred to in that subsection if, with respect to that museum, the Secretary of Defense certifies to Congress that—

(1) the use of Department of Defense funds for that museum is of a higher priority than the use of such funds for the expansion of any existing Department of Defense museum;

(2) in authorizing construction of a new Department of Defense museum, the Secretary would select that museum as one of the Secretary's first four choices for the construction of such a new museum; and

(3) the use of Department of Defense funds for that purpose would make a unique contribution to the mission of the military departments.

SEC. 1076. ARMY MILITARY HISTORY FELLOWSHIP PROGRAM.

(a) IN GENERAL.—Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

"§4316. Military history fellowships

"(a) FELLOWSHIPS.—The Secretary of the Army shall prescribe regulations under which the Secretary may award fellowships in military history of the Army to the persons described in subsection (b).

"(b) ELIGIBLE PERSONS.—The persons eligible for awards of fellowships under this section are citizens and nationals of the United States who—

"(1) are graduate students in United States military history;

"(2) have completed all requirements for a doctoral degree other than preparation of a dissertation; and

"(3) agree to prepare a dissertation in a subject area of military history determined by the Secretary.

"(c) REGULATIONS.—The regulations prescribed under this section shall include—

"(1) the criteria for award of fellowships;

"(2) the procedures for selecting recipients;

"(3) the basis for determining the amount of a fellowship; and

"(4) the total amount that may be awarded as fellowships during an academic year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 4315 the following:

"4316. Military history fellowships.".

SEC. 1077. ELECTION OF LEAVE OR LUMP-SUM PAYMENT FOR CERTAIN EMPLOYEES WHO MOVED BETWEEN NONAPPROPRIATED FUND EMPLOYMENT AND DEPARTMENT OF DEFENSE OR COAST GUARD EMPLOYMENT BEFORE APRIL 16, 1991.

(a) ELECTION OF LEAVE OR PAYMENT.—An employee referred to in subsection (b) of section 6308 of title 5, United States Code, who made an employment move described in such subsection after December 31, 1986, and before April 16, 1991, shall be permitted to elect—

(1) to repay the lump-sum payment received under section 5551(a) of that title based on such employment move in lieu of annual leave and have the annual leave recredited to the employee's leave account; or

(2) to keep the lump-sum payment in lieu of that annual leave.

(b) NOTIFICATION; DEADLINE FOR ELECTION.—(1) The head of the agency employing an employee described in subsection (a) shall notify the employee in writing of the provisions of this section. Such written notification shall occur not later than the later of—

(A) 60 days after the date of the enactment of this Act; or

(B) 60 days after the date of the commencement of the employee's employment with the agency.

(2) An employee shall make an election authorized by subsection (a) within 90 days after receiving the written notification required under paragraph (1). An employee who does not make the election within that 90-day period shall be considered to have elected to keep the lump-sum payment.

(c) REPAYMENT OF LUMP-SUM PAYMENT.—An employee who elects to repay the lump-sum payment shall make the repayment not later than two years after the date of the election. The repayment by an employee shall be made in one payment of the entire amount of the lump-sum payment received by that employee in lieu of annual leave.

(d) LEAVE CREDITS.—Upon repayment of the lump-sum payment received by an employee, the employee shall, in accordance with section 6308 of such title, be recredited with the annual leave associated with the lump-sum payment. Annual leave recredited under this subsection shall be credited to a separate leave account for the employee and shall be available for use by the employee until the last day of the second leave year following the leave year in which the leave is recredited. If the employee is separated from service, the annual leave recredited under this section that is unused and still available shall be available for a lump-sum payment under section 5551 or 5552(1) of such title but may not be retained to the credit of the employee under section 5552(s) of such title.

SEC. 1078. STUDY AND REPORT REGARDING EQUITY IN BENEFITS FOR TEMPORARY FEDERAL EMPLOYEES.

(a) IN GENERAL.—The Office of Personnel Management shall conduct a study and, not later than April 1, 1993, report to Congress, in writing, on the feasibility of providing to temporary employees of the Government the same health-insurance, life-insurance, and retirement benefits, and other rights or benefits, as are generally available to those employed by the Government on a permanent basis.

(b) MATTERS TO BE SPECIFICALLY ADDRESSED.—The report under subsection (a) shall specifically address—

(1) the various types of temporary appointments currently allowable under civil-service law and regulations, and the terms and conditions pertinent to each;

(2) the circumstances in which, or the purposes for which, each of the various types of temporary appointments is appropriate;

(3) the rights and benefits generally available to individuals employed by the Government on a permanent basis—

(A) which are currently unavailable to some or all temporary employees; and

(B) of those identified under subparagraph (A), which might appropriately be made available to one or more classes of temporary employees;

(4) alternative means by which some or all of the temporary employees referred to in paragraph (3)(A) could be afforded one or more of the rights or benefits identified under paragraph (3)(B); and

(5) whether any of the alternatives identified under paragraph (4) could be implemented by the Office under existing law, and, if so—

(A) when the Office intends to implement those measures; or

(B) the reasons why the Office either does not intend to implement those measures or cannot provide a timetable for their implementation.

(c) RECOMMENDATIONS.—(1) In addition to the results of the study, the Office's report shall include recommendations for any legislation or administrative action which the Office considers necessary to carry out the purposes of this section.

(2) Any recommendation which involves the amending of existing statutes shall include draft legislation.

SEC. 1079. DESIGNATION OF UNITED STATES MILITARY PHYSICIANS AS CIVIL SURGEONS UNDER THE IMMIGRATION AND NATIONALITY ACT IN CONNECTION WITH THE ARMED FORCES IMMIGRATION ADJUSTMENT ACT OF 1991.

Notwithstanding any other provision of law, United States military physicians with not less than four years professional experience shall be considered to be civil surgeons for the purpose of the performance of physical examinations required under section 234 of the Immigration and Nationality Act (8 U.S.C. 1224) of special immigrants described in section 101(a)(27)(K) of such Act (8 U.S.C. 1101(a)(27)(K)).

SEC. 1080. USE OF ARMED FORCES INSIGNIA ON STATE LICENSE PLATES.

(a) In General.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

"§1057. Use of armed forces insignia on State license plates

"(a) The Secretary concerned may approve an application by a State to use or imitate the seal or other insignia of the department (under the jurisdiction of such Secretary) or of armed forces (under the jurisdiction of such Secretary) on motor vehicle license plates issued by the State to an individual who is a member or former member of the armed forces.

"(b) The Secretary concerned may prescribe any regulations necessary regarding the display of the seal or other insignia of the department (under the jurisdiction of such Secretary) or of armed forces (under the jurisdiction of such Secretary) on the license plates described in subsection (a).

"(c) In this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, and American Samoa.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1057. Use of armed forces insignia on State license plates.".

SEC. 1081. CIVIL-MILITARY COOPERATIVE ACTION PROGRAM.

(a) Findings.—Congress makes the following findings:

(1) Many of the skills, capabilities, and resources that the Armed Forces have developed to meet military requirements can assist in meeting the civilian domestic needs of the United States.

(2) Members of the Armed Forces have the training, education, and experience to serve as role models for United States youth.

(3) As a result of the reductions in the Armed Forces resulting from the ending of the Cold War, the Armed Forces will have fewer overseas deployments and lower operating tempos, and there will be a much greater opportunity than in the past for the Armed Forces to assist civilian efforts to address critical domestic problems.

(4) The United States has significant domestic needs in areas such as health care, nutrition, education, housing, and infrastructure that cannot be met by current and anticipated governmental and private sector programs.

(5) There are significant opportunities for the resources of the Armed Forces, which are maintained for national security purposes, to be applied in cooperative efforts with civilian officials to address these vital domestic needs.

(6) Civil-military cooperative efforts can be undertaken in a manner that is consistent with the military mission and does not compete with the private sector.

(b) Establishment of Civil-Military Cooperative Action Program.—Chapter 20 of title 10, United States Code, is amended—

(1) by adding at the end the following new subchapter:

"SUBCHAPTER II—CIVIL-MILITARY COOPERATION

"Sec.
"410. Civil-Military Cooperative Action Program.

"§410. Civil-Military Cooperative Action Program

"(a) Establishment.—The Secretary of Defense shall establish a program to be known as the 'Civil-Military Cooperative Action Program'. Under the program, the Secretary may, in accordance with other applicable law, use the skills, capabilities, and resources of the armed forces to assist civilian efforts to meet the domestic needs of the United States.

"(b) Program Objectives.—The program shall have the following objectives:

"(1) To enhance individual and unit training and morale in the armed forces through meaningful community involvement of the armed forces.

"(2) To encourage cooperation between civilian and military sectors of society in addressing domestic needs.

"(3) To advance equal opportunity.

"(4) To enrich the civilian economy of the United States through education, training, and transfer of technological advances.

"(5) To improve the environment and economic and social conditions.

"(6) To provide opportunities for disadvantaged citizens of the United States.

"(c) Advisory Councils.—(1) The Secretary of Defense shall encourage the establishment of advisory councils on civil-military cooperation at the regional, State, and local levels, as appropriate, in order to obtain recommendations for projects and activities under the program and guidance for the program from persons who are knowledgeable about regional, State, and local conditions and needs.

"(2) The advisory councils should include officials from relevant military organizations, representatives of appropriate local, State, and Federal agencies, representatives of civic and social service organizations, business representatives, and labor representatives.

"(3) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to such councils.

"(d) Regulations.—The Secretary of Defense shall prescribe regulations governing the provision of assistance under the program. The regulations shall include the following:

"(1) Rules governing the types of assistance that may be provided.

"(2) Procedures governing the delivery of assistance that ensure, to the maximum extent practicable, that such assistance is provided in conjunction with, rather than separate from, civilian efforts.

"(3) Procedures for appropriate coordination with civilian officials to ensure that the assistance—

"(A) meets a valid need; and

"(B) does not duplicate other available public services.

"(4) Procedures for the provision of assistance in a manner that does not compete with the private sector.

"(5) Procedures to minimize the extent to which Department of Defense resources are applied exclusively to the program.

"(6) Standards to ensure that assistance is provided under this section in a manner that is consistent with the military mission of the units of the armed forces involved in providing the assistance.

"(e) Construction of Provision.—Nothing in this section shall be construed as authorizing—

"(1) the use of the armed forces for civilian law enforcement purposes; or

"(2) the use of Department of Defense personnel or resources for any program, project, or activity that is prohibited by law."; and

(2) by inserting below the chapter heading the following:

"Subchapter	Sec.
"I. Humanitarian Assistance	401
"II. Civil-Military Cooperation	410

"SUBCHAPTER I—HUMANITARIAN ASSISTANCE".

SEC. 1082. LIMITATION ON SUPPORT FOR UNITED STATES CONTRACTORS SELLING ARMS OVERSEAS.

(a) Support for Contractors.—In the event that a United States defense contractor or industrial association requests the Department of Defense or a military department to provide support in the form of military equipment for any airshow or trade exhibition to be held outside the United States, such equipment may not be supplied unless the contractor or association agrees to reimburse the Treasury of the United States for—

(1) all incremental costs of military personnel accompanying the equipment, including food, lodging, and local transportation;

(2) all incremental transportation costs incurred in moving such equipment from its normally assigned location to the airshow or trade exhibition and return; and

(3) any other miscellaneous incremental costs not included under paragraphs (1) and (2) that are incurred by the Federal Government but would not have been incurred had military support not been provided to the contractor or industrial association.

(b) Department of Defense Exhibitions.—(1) A military department may not participate directly in any airshow or trade exhibition held outside the United States unless the Secretary of Defense—

(A) determines that it is in the national security interests of the United States for the military department to do so; and

(B) provides to the congressional defense committees at least 45 days before the opening of the airshow or trade exhibition a report detailing—

(i) why the show or exhibition is in the national security interest;

(ii) a description of the implications that promoting the sale of the weapons in question will have on arms control; and

(iii) an estimate of any costs to be incurred.

(2) The Secretary of Defense may not delegate the authority to make the determination referred to in paragraph (1)(A) below the level of the Under Secretary of Defense for Policy.

(c) Definition.—In this section, the term "incremental transportation cost" includes the cost of transporting equipment to an airshow or trade exhibition only to the extent that the provision of transportation by the Department of Defense described in subsection (a)(2) does not fulfill legitimate training requirements that would otherwise have to be met.

SEC. 1083. SENSE OF CONGRESS REGARDING THE TIME LIMITATIONS FOR CONSIDERATION OF MILITARY DECORATIONS AND AWARDS.

(a) Findings.—Congress finds the following:

(1) Former members of the Armed Forces, military units, and veteran organizations throughout the United States will be celebrating the 50th anniversary of World War II at reunions and other events through 1995.

(2) A number of individuals who served in the Armed Forces during World War II, and groups of former members of the Armed Forces who served together in units during World War II have expressed interest in individual and unit decorations and awards involving their World War II service that were never presented.

(3) In some cases, the Secretaries of the military departments have declined to consider individual and unit decorations and awards involving World War II service that were established by administrative action solely because of time

limitations established administratively on the submission of recommendations for the decorations and awards.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretaries of the military departments should consider a recommendation for a decoration or award for World War II service without regard to time limitations on the consideration of the recommendation if the recommendation—

(1) is submitted before December 31, 1995;

(2) involves a decoration or award that is not established by Act of Congress; and

(3) presents new information or evidence that the original recommendation was not submitted or was mishandled due to administrative error.

SEC. 1084. SENSE OF CONGRESS RELATING TO AWARD OF THE NAVY EXPEDITIONARY MEDAL TO DOOLITTLE RAIDERS.

It is the sense of Congress that the President should award the Navy Expeditionary Medal to members of the Navy who served in Navy Task Force 16, culminating in the air-raid commonly known as the "Doolittle Raid on Tokyo", during April 1942, regardless of the time limitations on the consideration of such awards.

SEC. 1085. SENSE OF CONGRESS REGARDING THE AWARD OF THE PURPLE HEART TO MEMBERS KILLED OR WOUNDED IN ACTION BY FRIENDLY FIRE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Purple Heart should be awarded to members of the Armed Forces killed or wounded by friendly fire while actively engaged with the enemy.

(2) Historically, the military services have responded with tentativeness and reluctance when considering the award of the Purple Heart to members of the Armed Forces killed or wounded by friendly fire while actively engaged with the enemy, including engagements during the Persian Gulf War.

(3) The Congress recognizes that the Secretaries of the military departments contend that, as a matter of policy, the Purple Heart has been awarded as described in paragraph (1), including during the Persian Gulf War.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the Secretaries of the military departments should ensure that in the future the Purple Heart is awarded without hesitation to members of the Armed Forces killed or wounded by friendly fire while actively engaged with the enemy; and

(2) that the Secretaries of the military departments should award the Purple Heart in each case of a member of the Armed Forces killed or wounded on or after December 7, 1941, by friendly fire while actively engaged with the enemy which is known to the Secretary or for which an application is made to the Secretary in such a manner as the Secretary requires.

SEC. 1086. STUDY OF EFFECTS OF OPERATIONS DESERT SHIELD AND DESERT STORM MOBILIZATIONS OF RESERVES AND MEMBERS OF THE NATIONAL GUARD WHO WERE SELF-EMPLOYED OR OWNERS OF SMALL BUSINESSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The service of the members of the Armed Forces of the United States in Operations Desert Shield and Desert Storm was commendable.

(2) The Reserves and the members of the National Guard contributed to the readiness, preparedness, and combat capability of the coalition forces that participated in the liberation of Kuwait.

(3) The Reserves and the members of the National Guard ordered to active duty in connection with Operations Desert Shield and Desert Storm who were self-employed or were owners of small businesses possibly suffered unique financial difficulties resulting from their absence from their businesses for such active duty service.

(b) STUDY AND REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a study examining the economic and other effects on the Reserves and members of the National Guard referred to in subsection (a)(3) resulting from their absence from their businesses for active duty service in connection with Operations Desert Shield and Desert Storm; and

(2) submit a report on the results of the study to the Committees on Armed Services of the Senate and the House of Representatives.

(c) CONTENT OF REPORT.—The report shall include the following matters:

(1) The number of Reserves and members of the National Guard ordered to active duty in connection with Operations Desert Shield and Desert Storm who were self-employed or were owners of small businesses.

(2) A description of the businesses owned by those Reserves and members of the National Guard when such personnel were ordered to active duty.

(3) A detailed analysis of the economic effects on the businesses of such personnel resulting from the absence of such personnel for active duty service.

(4) A discussion of the factors that contributed to any financial hardship or gain for such businesses during the period of the absence of such personnel.

(5) The extent to which such personnel voluntarily separated from the Armed Forces, assumed an inactive status, or retired after being released from active duty.

(6) An analysis of the rates of such separations, change of status, and retirements.

Subtitle I—Youth Service Opportunities

SEC. 1091. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) PROGRAM AUTHORITY.—During fiscal years 1993 through 1995, the Secretary of Defense, acting through the Chief of the National Guard Bureau, may conduct a pilot program to be known as the "National Guard Civilian Youth Opportunities Program".

(b) PURPOSE.—The purpose of the pilot program is to provide a basis for determining—

(1) whether the life skills and employment potential of civilian youth who cease to attend secondary school before graduating can be significantly improved through military-based training, including supervised work experience in community service and conservation projects, provided by the National Guard; and

(2) whether it is feasible and cost effective for the National Guard to provide military-based training to such youth for the purpose of achieving such improvements.

(c) CONDUCT OF PROGRAM IN 10 NATIONAL GUARD JURISDICTIONS.—The Secretary of Defense may provide for the conduct of the pilot program in any 10 of the States.

(d) PROGRAM AGREEMENTS.—(1) To carry out the pilot program in a State, the Secretary of Defense shall enter into an agreement with the Governor of the State or, in the case of the District of Columbia, with the commanding general of the District of Columbia National Guard.

(2) Each agreement under the pilot program shall provide for the Governor or, in the case of the District of Columbia, the commanding general to establish, organize, and administer a National Guard civilian youth opportunities program in the State.

(3) The agreement may provide for the Secretary to reimburse the State for civilian personnel costs attributable to the use of civilian employees of the National Guard in the conduct of the National Guard civilian youth opportunities program.

(e) PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.—(1) A school dropout from secondary school shall be eligible to participate in a National Guard civilian youth opportunities program conducted under the pilot program.

(2) The Secretary shall prescribe the standards and procedures for selecting participants for a National Guard civilian youth opportunities program from among school dropouts eligible to participate in the program.

(f) AUTHORIZED BENEFITS FOR PARTICIPANTS.—(1) To the extent provided in an agreement entered into in accordance with subsection (d) and subject to the approval of the Secretary, a person selected for training in a National Guard civilian youth opportunities program conducted under the pilot program may receive the following benefits in connection with that training:

(A) Allowances for travel expenses, personal expenses, and other expenses.

(B) Quarters.

(C) Subsistence.

(D) Transportation.

(E) Equipment.

(F) Clothing.

(G) Recreational services and supplies.

(H) Other services.

(I) Subject to paragraph (2), a temporary stipend upon the successful completion of the training, as characterized in accordance with procedures provided in the agreement.

(2) In the case of a person selected for training in a National Guard civilian youth opportunities program conducted under the pilot program who afterwards becomes a member of the Civilian Community Corps under subtitle H of title I of the National and Community Service Act of 1990 (as added by section 1092(a)), the person may not receive a temporary stipend under paragraph (1)(I) while the person is a member of that Corps. The person may receive the temporary stipend after completing service in the Corps unless the person elects to receive benefits provided under subsection (f) or (g) of section 195G of such Act.

(g) PROGRAM PERSONNEL.—(1) Personnel of the National Guard of a State in which a National Guard civilian youth opportunities program is conducted under the pilot program may serve on full-time National Guard duty for the purpose of providing command, administrative, training, or supporting services for that program. For the performance of those services, any such personnel may be ordered to duty under section 502(f) of title 32, United States Code, for not longer than the period of the program.

(2) For fiscal year 1993, personnel so serving may not be counted for the purposes of—

(A) any provision of law limiting the number of personnel that may be serving on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components; or

(B) section 524 of title 10, United States Code, relating to the number of reserve component officers who may be on active duty or full-time National Guard duty in certain grades.

(3) A Governor participating in the pilot program and the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the pilot program) may procure by contract the temporary full time services of such civilian personnel as may be necessary to augment National Guard personnel in carrying out a National Guard civilian youth opportunities program under the pilot program.

(4) Civilian employees of the National Guard performing services for such a program and contractor personnel performing such services may be required, when appropriate to achieve a program objective, to be members of the National Guard and to wear the military uniform.

(h) EQUIPMENT AND FACILITIES.—(1) Equipment and facilities of the National Guard, including military property of the United States issued to the National Guard, may be used in carrying out the pilot program.

(2) Activities under the pilot program shall be considered noncombat activities of the National Guard for purposes of section 710 of title 32, United States Code.

(i) STATUS OF PARTICIPANTS.—(1) A person receiving training under the pilot program shall be considered an employee of the United States for the purposes of the following provisions of law:

(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation of Federal employees for work injuries).

(B) Section 1346(b) and chapter 171 of title 28, United States Code, and any other provision of law relating to the liability of the United States for tortious conduct of employees of the United States.

(2) In the application of the provisions of law referred to in paragraph (1)(A) to a person referred to in paragraph (1)—

(A) the person shall not be considered to be in the performance of duty while the person is not at the assigned location of training or other activity or duty authorized in accordance with a program agreement referred to in subsection (d), except when the person is traveling to or from that location or is on pass from that training or other activity or duty;

(B) the person's monthly rate of pay shall be deemed to be the minimum rate of pay provided for grade GS-2 of the General Schedule under section 5332 of title 5, United States Code; and

(C) the entitlement of a person to receive compensation for a disability shall begin on the day following the date on which the person's participation in the pilot program is terminated.

(3) A person referred to in paragraph (1) may not be considered an employee of the United States for any purpose other than a purpose set forth in that paragraph.

(j) SUPPLEMENTAL RESOURCES.—(1) To carry out a National Guard civilian youth opportunities program conducted under the pilot program, the Governor of a State or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard may supplement any funding made available pursuant to subsection (m) out of other resources (including gifts) available to the Governor or the commanding general.

(2) The provision of funds authorized to be appropriated for the pilot program shall not preclude a Governor participating in the pilot program, or the commanding general of the District of Columbia National Guard (if the District of Columbia National Guard is participating in the pilot program), from accepting, using, and disposing of gifts or donations of money, other property, or services for the pilot program.

(k) REPORT.—(1) Within 90 days after the end of the one-year period beginning on the first day of the pilot program, the Secretary shall submit to the congressional defense committees a report on the design, conduct, and effectiveness of the pilot program during that one-year period. The report shall include an assessment of the matters set forth in paragraphs (1) and (2) of subsection (b).

(2) In preparing the report required by paragraph (1), the Secretary shall coordinate with the Governor of each State in which a National Guard civilian youth opportunities program is carried out under the pilot program and, if such a program is carried out in the District of Columbia, with the commanding general of the District of Columbia National Guard.

(l) DEFINITIONS.—In this section:

(1) The term "pilot program" means the National Guard Civilian Youth Opportunities Program authorized to be conducted under subsection (a).

(2) The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

(3) The term "school dropout" has the meaning established for the term by the Secretary of Education pursuant to section 6201(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3271(a)).

(4) The term "full-time National Guard duty" has the meaning given that term in section 101 of title 32, United States Code.

(m) FUNDING.—Of the amounts appropriated for the Department of Defense for operation and maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301, $50,000,000 shall be available to carry out the pilot program for fiscal year 1993.

SEC. 1092. CIVILIAN COMMUNITY CORPS.

(a) CIVILIAN COMMUNITY CORPS.—(1) Title I of the National and Community Service Act of 1990 (42 U.S.C. 12510 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle H—Civilian Community Corps

"SEC. 195. PURPOSE.

"It is the purpose of this subtitle to authorize the establishment of a Civilian Community Corps to provide a basis for determining—

"(1) whether residential service programs administered by the Federal Government can significantly increase the support for national service and community service by the people of the United States;

"(2) whether such programs can expand the opportunities for willing young men and women to perform meaningful, direct, and consequential acts of community service in a manner that will enhance their own skills while contributing to their understanding of civic responsibility in the United States;

"(3) whether retired members and former members of the Armed Forces of the United States, members and former members of the Armed Forces discharged or released from active duty in connection with reduced Department of Defense spending, members and former members of the Armed Forces discharged or transferred from the Selected Reserve of the Ready Reserve in connection with reduced Department of Defense spending, and other members of the Armed Forces not on active duty and not actively participating in a reserve component of the Armed Forces can provide guidance and training under such programs that contribute meaningfully to the encouragement of national and community service; and

"(4) whether domestic national service programs can serve as a substitute for the traditional option of military service in the Armed Forces of the United States which, in times of reductions in the size of the Armed Forces, is a diminishing national service opportunity for young Americans.

"SEC. 195A. ESTABLISHMENT OF CIVILIAN COMMUNITY CORPS DEMONSTRATION PROGRAM.

"(a) IN GENERAL.—The Commission on National and Community Service may establish the Civilian Community Corps Demonstration Program to carry out the purpose of this subtitle.

"(b) PROGRAM COMPONENTS.—Under the Civilian Community Corps Demonstration Program authorized by subsection (a), the members of a Civilian Community Corps shall receive training and perform service in at least one of the following two program components:

"(1) A national service program.

"(2) A summer national service program.

"(c) RESIDENTIAL PROGRAMS.—Both program components are residential programs. The members of the Corps in each program shall reside with other members of the Corps in Corps housing during the periods of the members' agreed service.

"SEC. 195B. NATIONAL SERVICE PROGRAM.

"(a) IN GENERAL.—Under the national service program component of the Civilian Community Corps Demonstration Program authorized by section 195A(a), eligible young people shall work in teams on Civilian Community Corps projects.

"(b) ELIGIBLE PARTICIPANTS.—A person shall be eligible for selection for the national service program if the person—

"(1) is at least 16 and not more than 24 years of age; and

"(2) is a high school graduate or has not received a high school diploma or its equivalent.

"(c) DIVERSE BACKGROUNDS OF PARTICIPANTS.—In selecting persons for the national service program, the Director shall endeavor to ensure that participants are from economically, geographically, and ethnically diverse backgrounds.

"(d) NECESSARY PARTICIPANTS.—To the extent practicable, at least 50 percent of the participants in the national service program shall be economically disadvantaged youths.

"(e) PERIOD OF PARTICIPATION.—Persons desiring to participate in the national service program shall enter into an agreement with the Director to participate in the Corps for a period of not less than nine months and not more than one year, as specified by the Director, and may renew the agreement for not more than one additional such period.

"SEC. 195C. SUMMER NATIONAL SERVICE PROGRAM.

"(a) IN GENERAL.—Under the summer national service program of the Civilian Community Corps Demonstration Program authorized by section 195A(a), a diverse group of youth aged 14 through 18 years who are from urban or rural areas shall work in teams on Civilian Community Corps projects.

"(b) NECESSARY PARTICIPANTS.—To the extent practicable, at least 50 percent of the participants in the summer national service program shall be economically disadvantaged youths.

"(c) SEASONAL PROGRAM.—The training and service of Corps members under the summer national service program in each year shall be conducted after April 30 and before October 1 of that year.

"SEC. 195D. CIVILIAN COMMUNITY CORPS.

"(a) DIRECTOR.—Upon the establishment of the Civilian Community Corps Demonstration Program, the Civilian Community Corps shall be under the direction of the Director of the Civilian Community Corps appointed pursuant to section 195H(c)(1).

"(b) MEMBERSHIP IN CIVILIAN COMMUNITY CORPS.—

"(1) PARTICIPANTS TO BE MEMBERS.—Persons selected to participate in the national service program or the summer national service program components of the Program shall become members of the Civilian Community Corps.

"(2) SELECTION OF MEMBERS.—The Director or the Director's designee shall select individuals for membership in the Corps.

"(3) APPLICATION FOR MEMBERSHIP.—To be selected to become a Corps member an individual shall submit an application to the Director or to any other office as the Director may designate, at such time, in such manner, and containing such information as the Director shall require. At a minimum, the application shall contain information about the work experience of the applicant and sufficient information to enable the Director, or the superintendent of the appropriate camp, to determine whether selection of the applicant for membership in the Corps is appropriate.

"(c) ORGANIZATION OF CORPS INTO UNITS.—

"(1) UNITS.—The Corps shall be divided into permanent units. Each Corps member shall be assigned to a unit.

"(2) UNIT LEADERS.—The leader of each unit shall be selected from among persons in the per-

manent cadre established pursuant to section 195H(c)(2). The designated leader shall accompany the unit throughout the period of agreed service of the members of the unit.

"(d) CAMPS.—

"(1) UNITS TO BE ASSIGNED TO CAMPS.—The units of the Corps shall be grouped together as appropriate in camps for operational, support, and boarding purposes. The Corps camp for a unit shall be in a facility or central location established as the operational headquarters and boarding place for the unit. Corps members may be housed in the camps.

"(2) CAMP SUPERINTENDENT.—There shall be a superintendent for each camp. The superintendent is the head of the camp.

"(3) ELIGIBLE SITE FOR CAMP.—A camp may be located in a facility referred to in section 195K(a)(3).

"(e) DISTRIBUTION OF UNITS AND CORPS.—The Director shall ensure that the Corps units and camps are distributed in urban areas and rural areas in various regions throughout the United States.

"(f) STANDARDS OF CONDUCT.—

"(1) IN GENERAL.—The superintendent of each camp shall establish and enforce standards of conduct to promote proper moral and disciplinary conditions in the camp.

"(2) SANCTIONS.—Under procedures prescribed by the Director, the superintendent of a camp may—

"(A) transfer a member of the Corps in that camp to another unit or camp if the superintendent determines that the retention of the member in the member's unit or in the superintendent's camp will jeopardize the enforcement of the standards or diminish the opportunities of other Corps members in that unit or camp, as the case may be; or

"(B) dismiss a member of the Corps from the Corps if the superintendent determines that retention of the member in the Corps will jeopardize the enforcement of the standards or diminish the opportunities of other Corps members.

"(3) APPEALS.—Under procedures prescribed by the Director, a member of the Corps may appeal to the Director a determination of a camp superintendent to transfer or dismiss the member. The Director shall provide for expeditious disposition of appeals under this paragraph.

"SEC. 195E. TRAINING.

"(a) COMMON CURRICULUM.—Each member of the Civilian Community Corps shall be provided with between three and six weeks of training that includes a comprehensive service-learning curriculum designed to promote team building, discipline, leadership, work, training, citizenship, and physical conditioning.

"(b) ADVANCED SERVICE TRAINING.—

"(1) NATIONAL SERVICE PROGRAM.—Members of the Corps participating in the national service program shall receive advanced training in basic, project-specific skills that the members will use in performing their community service projects.

"(2) SUMMER NATIONAL SERVICE PROGRAM.—Members of the Corps participating in the summer national service program shall not receive advanced training referred to in paragraph (1) but, to the extent practicable, may receive other training.

"(c) TRAINING PERSONNEL.—

"(1) IN GENERAL.—Members of the cadre appointed under section 195H(c)(2) shall provide the training for the members of the Corps, including, as appropriate, advanced service training and ongoing training throughout the members' periods of agreed service.

"(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, or other qualified individuals.

"(d) FACILITIES.—The training may be provided at installations and other facilities of the Department of Defense, and at National Guard facilities, identified under section 195K(a)(3).

"SEC. 195F. SERVICE PROJECTS.

"(a) PROJECT REQUIREMENTS.—The service projects carried out by the Civilian Community Corps shall—

"(1) meet an identifiable public need;

"(2) emphasize the performance of community service activities that provide meaningful community benefits and opportunities for service learning and skills development;

"(3) to the maximum extent practicable, encourage work to be accomplished in teams of diverse individuals working together; and

"(4) include continued education and training in various technical fields.

"(b) PROJECT PROPOSALS.—

"(1) DEVELOPMENT OF PROPOSALS.—

"(A) SPECIFIC EXECUTIVE DEPARTMENTS.—Upon the establishment of the Program, the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Housing and Urban Development shall develop proposals for Corps projects pursuant to guidance which the Director of the Civilian Community Corps shall prescribe.

"(B) OTHER SOURCES.—Other public and private organizations and agencies, including representatives of local communities in the vicinity of a Corps camp, may develop proposals for projects for a Corps camp. Corps members shall also be encouraged to identify projects for the Corps.

"(2) CONSULTATION REQUIREMENTS.—The process for developing project proposals under paragraph (1) shall include consultation with the Commission on National and Community Service, representatives of local communities, and persons involved in other youth service programs.

"(c) PROJECT SELECTION, ORGANIZATION, AND PERFORMANCE.—

"(1) SELECTION.—The superintendent of a Corps camp shall select the projects to be performed by the members of the Corps assigned to the units in that camp. The superintendent shall select projects from among the projects proposed or identified pursuant to subsection (b).

"(2) INNOVATIVE LOCAL ARRANGEMENTS FOR PROJECT PERFORMANCE.—The Director shall encourage camp superintendents to negotiate with representatives of local communities, to the extent practicable, innovative arrangements for the performance of projects. The arrangements may provide for cost-sharing and the provision by the communities of in-kind support and other support.

"SEC. 195G. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

"(a) IN GENERAL.—The Director of the Civilian Community Corps shall provide for members of the Civilian Community Corps to receive benefits authorized by this section.

"(b) LIVING ALLOWANCE.—The Director shall provide a living allowance to members of the Corps for the period during which such members are engaged in training or any activity on a Corps project. The Director shall establish the amount of the allowance at any amount not in excess of the amount equal to 100 percent of the poverty line that is applicable to a family of two (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

"(c) OTHER AUTHORIZED BENEFITS.—While receiving training or engaging in service projects as members of the Civilian Community Corps, members may be provided the following benefits:

"(1) Allowances for travel expenses, personal expenses, and other expenses.

"(2) Quarters.

"(3) Subsistence.

"(4) Transportation.

"(5) Equipment.

"(6) Clothing.

"(7) Recreational services and supplies.

"(8) Other services determined by the Director to be consistent with the purposes of the Program.

"(d) SUPPORTIVE SERVICES.—As the Director determines appropriate, the Director may provide each member of the Corps with health care services, child care services, counseling services, and other supportive services.

"(e) POST SERVICE BENEFITS.—Upon completion of the agreed period of service with the Corps, a member shall elect to receive the educational assistance under subsection (f) or the cash benefit under subsection (g).

"(f) EDUCATIONAL ASSISTANCE.—

"(1) AUTHORITY.—

"(A) CORPS MEMBERS COMPLETING AGREED SERVICE.—The Director shall provide educational assistance to each Corps member who—

"(i) completes a period of agreed service in the Corps; and

"(ii) elects to receive the assistance.

"(B) CORPS MEMBERS NOT COMPLETING AGREED SERVICE.—The Director may provide educational assistance to a Corps member who—

"(i) through no fault on the part of the Corps member, does not complete the period of agreed service; and

"(ii) requests the assistance.

"(2) AMOUNT.—

"(A) AMOUNT FOR COMPLETE SERVICE.—The amount of the educational assistance provided to a Corps member under paragraph (1)(A) shall be—

"(i) in the case of a Corps member in the national service program, $5,000 for each period of agreed service in the Corps; and

"(ii) in the case of a Corps member in the summer national service program, $1,000 for each period of agreed service in the Corps.

"(B) PRORATED AMOUNT FOR INCOMPLETE SERVICE.—The amount of the educational assistance provided to a Corps member under paragraph (1)(B) shall be determined by multiplying—

"(i) the amount that would be applicable to the member under subparagraph (A) if the member had completed the agreed period of service, by

"(ii) the percentage determined by dividing the period of the Corps member's service by the period of the Corps member's agreed period of service.

"An amount that is not an even multiple of $1 shall be rounded down to the next lower even multiple of $1.

"(C) ADJUSTMENT OF AMOUNT.—To the extent provided in appropriations Acts, whenever the maximum permissible grant amount for a year under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) is increased, the amount of the educational assistance payment under subparagraph (A)(i) shall be increased to the amount equal to the sum of that maximum permissible grant amount (as increased) plus $2,500.

"(3) USES OF ASSISTANCE.—Educational assistance provided for a person under this subsection may be used only for—

"(A) payment of any student loan, whether from a Federal source or a non-Federal source; or

"(B) tuition, room and board, books and fees, and other costs of attendance (determined in accordance with section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll)) that are associated with attendance at an institution of higher education on a full-time basis.

"(4) APPLICATION.—To receive educational assistance under this section, a person shall submit to the Director such information and documentation as the Director may require. In the case of use of the educational assistance for expenses referred to in paragraph (3)(B), the information submitted to the Director shall include, as a minimum, the academic program of, and a letter of acceptance from, the institution of higher education at which the educational assistance is to be used.

"(g) CASH BENEFIT.—

"(1) IN GENERAL.—The Director shall provide a cash benefit to each Corps member electing to receive the cash benefit.

"(2) AMOUNT.—The amount of the cash benefit payable to a member of the Corps shall be equal to 50 percent of the amount of the educational assistance that the member would have been entitled to receive under subsection (f) if the member had elected to receive the educational assistance.

"(h) OTHER POST-SERVICE BENEFITS.—To the extent the Director considers appropriate, upon a Corps member's completion of the agreed period of service with the Corps, the Director shall provide information and counseling to the member to assist the member—

"(1) to pursue a high school diploma or the equivalent;

"(2) to pursue a degree at an institution of higher education; or

"(3) to obtain employment and support services as necessary and appropriate.

"SEC. 195H. ADMINISTRATIVE PROVISIONS.

"(a) BOARD.—The Board shall monitor and supervise the administration of the Civilian Community Corps Demonstration Program authorized to be established under section 195A. In carrying out this section, the Board shall—

"(1) approve such guidelines, recommended by the Director, for the design, selection of members, and operation of the Civilian Community Corps as the Board considers appropriate;

"(2) evaluate the progress of the Corps in providing a basis for determining the matters set forth in section 195; and

"(3) carry out any other activities determined appropriate by the Board.

"(b) EXECUTIVE DIRECTOR.—The Executive Director of the Commission on National and Community Service shall—

"(1) monitor the overall operation of the Civilian Community Corps;

"(2) coordinate the activities of the Corps with other youth service programs administered by the Commission; and

"(3) carry out any other activities determined appropriate by the Board.

"(c) STAFF.—

"(1) DIRECTOR.—

"(A) APPOINTMENT.—Upon the establishment of the Program, the Board, in consultation with the Executive Director, shall appoint a Director of the Civilian Community Corps. The Director may be selected from among retired commissioned officers of the Armed Forces of the United States.

"(B) DUTIES.—The Director shall—

"(i) design, develop, and administer the Civilian Community Corps programs;

"(ii) be responsible for managing the daily operations of the Corps; and

"(iii) report to the Board through the Executive Director.

"(C) AUTHORITY TO EMPLOY STAFF.—The Director may employ such staff as is necessary to carry out this subtitle. The Director shall, to the maximum extent practicable, utilize in staff positions personnel who are detailed from departments and agencies of the Federal Government and, to the extent the Director considers appropriate, shall request and accept detail of personnel from such departments and agencies in order to do so.

"(2) PERMANENT CADRE.—

"(A) ESTABLISHMENT.—The Director shall establish a permanent cadre of supervisors and training instructors for Civilian Community Corps programs.

"(B) APPOINTMENT.—The Director shall appoint the members of the permanent cadre.

"(C) EMPLOYMENT CONSIDERATIONS.—In appointing individuals to cadre positions, the Director shall—

"(i) give consideration to retired, discharged, and other inactive members and former members of the Armed Forces recommended under section 195K(a)(2);

"(ii) give consideration to former VISTA, Peace Corps, and youth service program personnel;

"(iii) ensure that the cadre is comprised of males and females of diverse ethnic, economic, professional, and geographic backgrounds; and

"(iv) consider applicants' experience in other youth service programs.

"(D) COMMUNITY SERVICE CREDIT.—Service as a member of the cadre shall be considered as a community service opportunity for purposes of section 4403 of the National Defense Authorization Act for Fiscal Year 1993 and as employment with a public service or community service organization for purposes of section 4464 of that Act.

"(E) TRAINING.—The Director shall provide to members of the permanent cadre appropriate training in youth development techniques and the principles of service learning. All members of the permanent cadre shall be required to participate in the training.

"(3) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director, the members of the permanent cadre, and the other staff personnel shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The rates of pay of such persons may be established without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(4) VOLUNTARY SERVICES.—Notwithstanding any other provision of law, the Director may accept the voluntary services of individuals. While away from their homes or regular places of business on the business of the Corps, such individuals may be allowed travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"SEC. 195I. STATUS OF CORPS MEMBERS AND CORPS PERSONNEL UNDER FEDERAL LAW.

"(a) IN GENERAL.—Except as otherwise provided in this section, members of the Civilian Community Corps shall not, by reason of their status as such members, be considered Federal employees or be subject to the provisions of law relating to Federal employment.

"(b) WORK-RELATED INJURIES.—

"(1) IN GENERAL.—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, members of the Corps shall be considered as employees of the United States within the meaning of the term 'employee', as defined in section 8101 of such title.

"(2) SPECIAL RULE.—In the application of the provisions of subchapter I of chapter 81 of title 5, United States Code, to a person referred to in paragraph (1), the person shall not be considered to be in the performance of duty while absent from the person's assigned post of duty unless the absence is authorized in accordance with procedures prescribed by the Director.

"(c) TORT CLAIMS PROCEDURE.—A member of the Corps shall be considered an employee of the United States for purposes of chapter 171 of title 28, United States Code, relating to tort claims liability and procedure.

"SEC. 195J. CONTRACT AND GRANT AUTHORITY.

"(a) PROGRAMS.—The Director may, by contract or grant, provide for any public or private organization to perform any program function under this subtitle.

"(b) EQUIPMENT AND FACILITIES.—

"(1) FEDERAL AND NATIONAL GUARD PROPERTY.—The Director shall enter into agreements, as necessary, with the Secretary of Defense, the Governor of a State, territory or commonwealth, or the commanding general of the District of Columbia National Guard, as the case may be, to utilize—

"(A) equipment of the Department of Defense and equipment of the National Guard; and

"(B) Department of Defense facilities and National Guard facilities identified pursuant to section 195K(a)(3).

"(2) OTHER PROPERTY.—The Director may enter into contracts or agreements for the use of other equipment or facilities to the extent practicable to train and house members of the Civilian Community Corps and leaders of Corps units.

"SEC. 195K. RESPONSIBILITIES OF OTHER DEPARTMENTS.

"(a) SECRETARY OF DEFENSE.—

"(1) LIAISON OFFICE.—

"(A) ESTABLISHMENT.—Upon the establishment of the Program, the Secretary of Defense shall establish an office to provide for liaison between the Secretary and the Civilian Community Corps.

"(B) DUTIES.—The office shall—

"(i) in order to assist in the recruitment of personnel for appointment in the permanent cadre, make available to the Director information in the registry established by section 4462 of the National Defense Authorization Act for Fiscal Year 1993; and

"(ii) provide other assistance in the coordination of Department of Defense activities with the Corps.

"(2) CORPS CADRE.—

"(A) LIST OF RECOMMENDED PERSONNEL.—Upon the establishment of the Program, the Secretary of Defense, in consultation with the liaison office established under paragraph (1) shall develop a list of individuals to be recommended for appointment in the permanent cadre of Corps personnel. Such personnel shall be selected from among members and former members of the Armed Forces referred to in section 195(3) who are commissioned officers, noncommissioned officers, former commissioned officers, or former noncommissioned officers.

"(B) RECOMMENDATIONS REGARDING GRADE AND PAY.—The Secretary of Defense shall recommend to the Director an appropriate rate of pay for each person recommended for the cadre pursuant to this paragraph.

"(C) CONTRIBUTION FOR RETIRED MEMBER'S PAY.—If a listed individual receiving retired or retainer pay is appointed to a position in the cadre and the rate of pay for that individual is established at the amount equal to the difference between the active duty pay and allowances which that individual would receive if ordered to active duty and the amount of the individual's retired or retainer pay, the Secretary of Defense shall pay, by transfer to the Commission on National and Community Service from amounts available for pay of active duty members of the Armed Forces, the amount equal to 50 percent of that individual's rate of pay for service in the cadre.

"(3) FACILITIES.—Upon the establishment of the Program, the Secretary of Defense shall identify military installations and other facilities of the Department of Defense and, in consultation with the adjutant generals of the State National Guards, National Guard facilities that may be used, in whole or in part, by the Civilian Community Corps for training or housing Corps *members. The Secretary of Defense shall carry out this paragraph in consultation with the liaison office established under paragraph (1).*

"(4) INFORMATION REGARDING CORPS.—The Secretary of Defense may permit Armed Forces recruiters to inform potential applicants for the Corps regarding service in the Corps as an alternative to service in the Armed Forces.

"(b) SECRETARY OF LABOR.—Upon the establishment of the Program, the Secretary of Labor shall identify and assist in establishing a system for the recruitment of persons to serve as members of the Civilian Community Corps. In carrying out this subsection, the Secretary of Labor may utilize the Employment Service Agency or the Office of Job Training.

"SEC. 195L. ADVISORY BOARD.

"(a) ESTABLISHMENT AND PURPOSE.—Upon the establishment of the Program, there shall also be established a Civilian Community Corps Advisory Board to advise the Director of the Civilian Community Corps concerning the administration of this subtitle and to assist in the development and administration of the Corps.

"(b) MEMBERSHIP.—The Advisory Board shall be composed of the following members:

"(1) The Secretary of Labor.

"(2) The Secretary of Defense.

"(3) The Secretary of the Interior.

"(4) The Secretary of Agriculture.

"(5) The Secretary of Education.

"(6) The Secretary of Housing and Urban Development.

"(7) The Chief of the National Guard Bureau.

"(8) Individuals appointed by the Director from among persons who are broadly representative of educational institutions, voluntary organizations, industry, youth, and labor unions.

"(9) The Chair of the Commission on National and Community Service.

"(c) INAPPLICABILITY OF TERMINATION REQUIREMENT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Board.

"SEC. 195M. ANNUAL EVALUATION.

"Pursuant to the provisions for evaluations conducted under section 179, and in particular subsection (g) of such section, the Commission on National and Community Service shall conduct an annual evaluation of the Civilian Community Corps programs authorized under this subtitle.

"SEC. 195N. FUNDING LIMITATION.

"The Commission, in consultation with the Director, shall ensure that no amounts appropriated under section 501 are utilized to carry out this subtitle.

"SEC. 195O. DEFINITIONS.

"In this subtitle:

"(1) BOARD.—The term 'Board' means the Board of Directors of the Commission on National and Community Service.

"(2) CORPS.—The terms 'Civilian Community Corps' and 'Corps' mean the Civilian Community Corps required under section 195D as part of the Civilian Community Corps Demonstration Program.

"(3) CORPS CAMP.—The term 'Corps camp' means the facility or central location established as the operational headquarters and boarding place for particular Corps units.

"(4) CORPS MEMBERS.—The term 'Corps members' means persons receiving training and participating in projects under the Civilian Community Corps Demonstration Program.

"(5) DIRECTOR.—The term 'Director' means the Director of the Civilian Community Corps.

"(6) EXECUTIVE DIRECTOR.—The term 'Executive Director' means the Executive Director of the Commission on National and Community Service.

"(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(8) PROGRAM.—The terms 'Civilian Community Corps Demonstration Program' and 'Program' mean the Civilian Community Corps Demonstration Program established pursuant to section 195A.

"(9) SERVICE LEARNING.—The term 'service learning', with respect to Corps members, means a method—

"(A) under which Corps members learn and develop through active participation in thoughtfully organized service experiences that meet actual community needs;

"(B) that provides structured time for a Corps member to think, talk, or write about what the Corps member did and saw during an actual service activity;

"(C) that provides Corps members with opportunities to use newly acquired skills and knowledge in real life situations in their own communities; and

"(D) that helps to foster the development of a sense of caring for others, good citizenship, and civic responsibility.

"(10) SUPERINTENDENT.—The term 'superintendent', with respect to a Corps camp, means the head of the camp under section 195D(d).

"(11) UNIT.—The term 'unit' means a unit of the Corps referred to in section 195D(c).".

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of the National and Community Service Act of 1990 is amended by inserting after the item relating to section 190 the following:

"SUBTITLE H—CIVILIAN COMMUNITY CORPS

"Sec. 195. Purpose.
"Sec. 195A. Establishment of Civilian Community Corps Demonstration Program.
"Sec. 195B. National service program.
"Sec. 195C. Summer national service program.
"Sec. 195D. Civilian Community Corps.
"Sec. 195E. Training.
"Sec. 195F. Service projects.
"Sec. 195G. Authorized benefits for Corps members.
"Sec. 195H. Administrative provisions.
"Sec. 195I. Status of Corps members and Corps personnel under Federal law.
"Sec. 195J. Contract and grant authority.
"Sec. 195K. Responsibilities of other departments.
"Sec. 195L. Advisory board.
"Sec. 195M. Annual evaluation.
"Sec. 195N. Funding limitation.
"Sec. 195O. Definitions.".

(b) REPORT AND STUDY REQUIREMENTS.—(1) Not later than 180 days after the date on which the Commission on National Community Service establishes the Civilian Community Corps Demonstration Program authorized by section 195A of the National and Community Service Act of 1990 (as added by subsection (a)), the Commission shall prepare and submit to the appropriate committees of Congress a progress report on the implementation of the provisions of subtitle H of title I of such Act. The progress report shall include an assessment of the activities undertaken in establishing and administering Civilian Community Corps camps and an analysis of the level of coordination of Corps activities with activities of other departments or agencies of the Federal Government.

(2) Not later than 90 days after the end of the one-year period beginning on the first day of the Civilian Community Corps Demonstration Program established pursuant to section 195A of the National and Community Services Act of 1990 (as added by subsection (a)), the Board of Directors of the Commission on National and Community Service and the Director of the Civilian Community Corps shall prepare and submit to the appropriate committees of Congress a report concerning the desirability and feasibility of establishing the Civilian Community Corps as an independent agency of the Federal Government.

(c) FUNDING.—Of the amounts appropriated for the Department of Defense for operation and maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301, $30,000,000 shall be available for the Civilian Community Corps Demonstration Program established pursuant to section 195A of the National and Community Service Act of 1990 (as added by subsection (a)).

SEC. 1093. COORDINATION OF PROGRAMS.

(a) COORDINATED ADMINISTRATION.—To the maximum extent practicable, the Chief of the National Guard Bureau, the Board of Directors and Executive Director of the Commission on National and Community Service, and the Director of the Civilian Community Corps shall coordinate the National Guard Youth Opportunities Program established pursuant to section 1091 and the Civilian Community Corps Demonstration Program established pursuant to the authorization contained in section 195A of the National and Community Service Act of 1990 (as added by section 1092(a)).

(b) OBJECTIVES.—The officials referred to in subsection (a) shall ensure that—

(1) the programs referred to in subsection (a) are conducted in such a manner in relationship to each other that the public benefit of those programs is maximized;

(2) to the maximum extent appropriate to meet the needs of program participants, persons who complete participation in the National Guard Youth Opportunities Program and are eligible and apply to participate in the Civilian Community Corps under the Civilian Community Corps Demonstration Program are accepted for participation in that Program; and

(3) the programs referred to in subsection (a) are conducted simultaneously in competition with each other in the same immediate area of the United States only when the population of eligible participants in that area is sufficient to justify the simultaneous conduct of such programs in that area.

SEC. 1094. OTHER PROGRAMS OF THE COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) INCREASED COMMISSION ACTIVITIES.—It is the purpose of this section to increase the ability of the Commission on National and Community Service to expand non-residential programs that perform worthwhile urban and rural community projects that assist in the economic transition of localities affected by Department of Defense conversion. The Commission may also explore the potential for developing a program that would permit members of the Civilian Community Corps established under subtitle H of title I of the National and Community Services Act of 1990, as added by section 1092, to provide training to such participants at residential facilities and return them to their local communities for the service portion of their period of agreed service. To the extent practicable, such effort shall be coordinated with the National Guard Civilian Youth Opportunities Program authorized by section 1091 and with the Civilian Community Corps Demonstration Program established pursuant to the authorization contained in section 195A the National and Community Services Act of 1990, as added by section 1092.

(b) FUNDING AND USE OF FUNDS.—(1) Of the amounts appropriated for the Department of Defense for operation and maintenance in fiscal year 1993 pursuant to the authorization of appropriations in section 301, $30,000,000 shall be available to the Board of Directors of the Commission on National and Community Service for activities under subtitles B, C, D, E, F, and G of

the National and Community Service Act of 1990 (42 U.S.C. 12510 et seq.). Such amount shall be in addition to, and not a substitute for, amounts authorized to be appropriated under section 501 of such Act (42 U.S.C. 12681).

(2) In the use of the funds made available under paragraph (1), the Commission shall give special consideration to—

(A) programs located in communities where facilities of military installation (as defined in section 2687(e)(1) of title 10, United States Code) have been closed;

(B) programs that employ retired, inactive, or discharged military personnel;

(C) programs that involve military personnel participating in volunteer services;

(D) programs that test whether a non-residential, community based youth service corps can engender in young men and women a commitment to civic responsibility and involvement in their communities;

(E) programs that test whether such non-residential corps permit young people who have received military-based training to use their skills and knowledge to improve their communities; and

(F) programs that test whether retired, discharged, or inactive members and former members of the Armed Forces can play a meaningful role in service-learning by acting as mentors, teachers, counselors and role models.

SEC. 1095. LIMITATION ON OBLIGATION OF FUNDS.

(a) CIVILIAN COMMUNITY CORPS DEMONSTRATION PROGRAM.—The amount made available pursuant to section 1092(c) for the Civilian Community Corps Demonstration Program under subtitle H of title I of the National and Community Service Act of 1990 (as added by section 1092(a)), may be obligated for that program only if expenditures for that program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) OTHER COMMISSION ON NATIONAL AND COMMUNITY SERVICE PROGRAMS.—The amount made available pursuant to section 1094(b) for activities under subtitles B, C, D, E, F, and G of the National and Community Service Act of 1990 (42 U.S.C. 12510 et seq.) may be obligated for such activities only if expenditures for such activities have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) EFFECT ON APPROPRIATIONS FOR PROGRAMS NOT COUNTED AGAINST DEFENSE CATEGORY.—(1) Not later than the third day after the date of the enactment of this Act, the Director of the Office of Management and Budget shall make a determination as to the classification by discretionary spending limit category for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 of amounts appropriated for fiscal year 1993 under section 301 and made available for the Civilian Community Corps Demonstration Program under subtitle H of title I of the National and Community Service Act of 1990 (as added by section 1092(a)) or for activities under subtitles B, C, D, E, F, and G of such Act. If the Director determines that any such amount shall not classify against the defense category (as described in subsections (a) and (b)), then the President shall submit to Congress a report stating that the Director has made such a determination and containing the amounts that will not classify against the defense category and an explanation for the determination.

(2) The amounts listed in the report under paragraph (1) may be transferred only to the programs under title III that are classified against the defense category pursuant to amounts specified in appropriation Acts. Any such transfer shall be taken into account for purposes of calculating all reports under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE XI—ARMY GUARD COMBAT REFORM INITIATIVE

SEC. 1101. SHORT TITLE.

This title may be cited as the "Army National Guard Combat Readiness Reform Act of 1992".

Subtitle A—Deployability Enhancements

SEC. 1111. MINIMUM PERCENTAGE OF PRIOR ACTIVE-DUTY PERSONNEL.

(a) ESTABLISHMENT OF MINIMUM PERCENTAGE.—The Secretary of the Army shall have an objective of increasing the percentage of qualified prior active-duty personnel in the Army National Guard to 65 percent, in the case of officers, and to 50 percent, in the case of enlisted members, by September 30, 1997.

(b) INTERIM ACCESSION PERCENTAGES.—The Secretary shall prescribe regulations establishing for each of fiscal years 1993 through 1997 an accession percentage for officers, and a separate accession percentage for enlisted members, for prior active-duty personnel so as to facilitate compliance with the objectives stated in subsection (a).

(c) QUALIFIED PRIOR ACTIVE-DUTY PERSONNEL.—For purposes of this section, qualified prior active-duty personnel are members of the Army National Guard with not less than two years of active duty.

(d) DEADLINE FOR REGULATIONS.—The regulations required by subsection (a) shall be prescribed not later than March 15, 1993. The Secretary shall submit those regulations to the Committees on Armed Services of the Senate and House of Representatives not later than April 1, 1993.

SEC. 1112. SERVICE IN SELECTED RESERVE IN LIEU OF ACTIVE-DUTY SERVICE.

(a) ACADEMY GRADUATES AND DISTINGUISHED ROTC GRADUATES TO SERVE IN SELECTED RESERVE FOR PERIOD OF ACTIVE-DUTY SERVICE OBLIGATION NOT SERVED ON ACTIVE DUTY.—(1) An officer who is a graduate of one of the service academies or who was commissioned as a distinguished Reserve Officers' Training Corps graduate and who is permitted to be released from active duty before the completion of the active-duty service obligation applicable to that officer shall serve the remaining period of such active-duty service obligation as a member of the Selected Reserve.

(2) The Secretary concerned may waive paragraph (1) in a case in which the Secretary determines that there is no unit position available for the officer.

(b) ROTC GRADUATES.—The Secretary of the Army shall provide a program under which graduates of the Reserve Officers' Training Corps program may perform their minimum period of obligated service by a combination of (A) two years of active duty, and (B) such additional period of service as is necessary to complete the remainder of such obligation, to be served in the National Guard.

SEC. 1113. REVIEW OF OFFICER PROMOTIONS BY COMMANDER OF ASSOCIATED ACTIVE DUTY UNIT.

(a) REVIEW.—Whenever an officer in an Army National Guard unit as defined in subsection (b) is recommended for a unit vacancy promotion to a grade above first lieutenant, the recommended promotion shall be reviewed by the commander of the active duty unit associated with the National Guard unit of that officer or another active-duty officer designated by the Secretary of the Army. The commander or other active-duty officer designated by the Secretary of the Army shall provide to the promoting authority, through the promotion board convened by the promotion authority to consider unit vacancy promotion candidates, before the promotion is made, a recommendation of concurrence or nonconcurrence in the promotion. The recommendation shall be provided to the promoting authority within 60 days after receipt of notice of the recommended promotion.

(b) IMPLEMENTATION.—Subsection (a) shall take effect—

(1) on April 1, 1993, for officers in Army National Guard units that on that date are designated as round-out/round-up units;

(2) on October 1, 1993, for officers in other units of the Army National Guard in the Selected Reserve of the Ready Reserve that are designated as early deploying units; and

(3) on April 1, 1994, for officers in all other Army National Guard combat units.

(c) REPORT ON FEASIBILITY.—The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report, not later than March 1, 1993, containing a plan for implementation of subsection (a). The Secretary may include with the report such proposals for legislation to clarify, improve, or modify the provisions of subsection (a) in order to better carry out the purposes of those provisions as the Secretary considers appropriate.

SEC. 1114. NONCOMMISSIONED OFFICER EDUCATION REQUIREMENTS.

(a) NONWAIVABILITY.—Any standard prescribed by the Secretary of the Army establishing a military education requirement for noncommissioned officers that must be met as a requirement for promotion to a higher noncommissioned officer grade may be waived only if the Secretary determines that the waiver is necessary in order to preserve unit leadership continuity under combat conditions.

(b) AVAILABILITY OF TRAINING POSITIONS.—The Secretary of the Army shall ensure that there are sufficient training positions available to enable compliance with subsection (a).

SEC. 1115. INITIAL ENTRY TRAINING AND NONDEPLOYABLE PERSONNEL ACCOUNT.

(a) ESTABLISHMENT OF PERSONNEL ACCOUNT.—The Secretary of the Army shall establish a personnel accounting category for members of the Army National Guard to be used for categorizing members of the National Guard who have not completed the minimum training required for deployment or who are otherwise not available for deployment. The account shall be designed so that it is compatible with the decentralized personnel systems of the Army Guard and Reserve. The account shall be used for the reporting of personnel readiness and may not be used as a factor in establishing the level of Army Guard and Reserve force structure.

(b) USE OF ACCOUNT.—Until a member of the Army National Guard has completed the minimum training necessary for deployment, the member may not be assigned to fill a position in a National Guard unit but shall be carried in the account established under subsection (a).

(c) TIME FOR QUALIFICATION FOR DEPLOYMENT.—(1) If at the end of 24 months after a member of the Army National Guard enters the National Guard, the member has not completed the minimum training required for deployment, the member shall be discharged from the Army National Guard.

(2) The Secretary of the Army may waive the requirement in paragraph (1) in the case of

health care providers and in other cases determined necessary. The authority to make such a waiver may not be delegated.

SEC. 1116. MINIMUM PHYSICAL DEPLOYABILITY STANDARDS.

The Secretary of the Army shall transfer the personnel classification of a member of the Army National Guard from the National Guard unit of the member to the personnel account established pursuant to section 1115 if the member does not meet minimum physical profile standards required for deployment. Any such transfer shall be made not later than 90 days after the date on which the determination that the member does not meet such standards is made.

SEC. 1117. MEDICAL ASSESSMENTS.

The Secretary of the Army shall require that—

(1) each member of the Army National Guard undergo a medical and dental screening on an annual basis; and

(2) each member of the Army National Guard over the age of 40 undergo a full physical examination not less often than every two years.

SEC. 1118. DENTAL READINESS OF MEMBERS OF EARLY DEPLOYING UNITS.

(a) DEVELOPMENT OF PLAN.—The Secretary of the Army shall develop a plan to ensure that units of the Army National Guard scheduled for early deployment in the event of a mobilization (as determined by the Secretary) are dentally ready (as defined in regulations of the Secretary) for deployment.

(b) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on such plan not later than February 15, 1993. The Secretary shall include in the report any legislative proposals that the Secretary considers necessary in order to implement the plan.

SEC. 1119. COMBAT UNIT TRAINING.

The Secretary of the Army shall establish a program to minimize the post-mobilization training time required for combat units of the Army National Guard. The program shall require—

(1) that unit premobilization training emphasize—

(A) individual soldier qualification and training;

(B) collective training and qualification at the crew, section, team, and squad level; and

(C) maneuver training at the platoon level as required of all Army units; and

(2) that combat training for command and staff leadership include annual multi-echelon training to develop battalion, brigade, and division level skills, as appropriate.

SEC. 1120. USE OF COMBAT SIMULATORS.

The Secretary of the Army shall expand the use of simulations, simulators, and advanced training devices and technologies in order to increase training opportunities for members and units of the Army National Guard.

Subtitle B—Assessment of National Guard Capability

SEC. 1121. DEPLOYABILITY RATING SYSTEM.

The Secretary of the Army shall modify the readiness rating system for units of the Army Reserve and Army National Guard to ensure that the rating system provides an accurate assessment of the deployability of a unit and those shortfalls of a unit that require the provision of additional resources. In making such modifications, the Secretary shall ensure that the unit readiness rating system is designed so—

(1) that the personnel readiness rating of a unit reflects—

(A) both the percentage of the overall personnel requirement of the unit that is manned and deployable and the fill and deployability rate for critical occupational specialties necessary for the unit to carry out its basic mission requirements; and

(B) the number of personnel in the unit who are qualified in their primary military occupational specialty; and

(2) that the equipment readiness assessment of a unit—

(A) documents all equipment required for deployment;

(B) reflects only that equipment that is directly possessed by the unit;

(C) specifies the effect of substitute items; and

(D) assesses the effect of missing components and sets on the readiness of major equipments items.

SEC. 1122. INSPECTIONS.

Section 105 of title 32, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "may" in the matter preceding paragraph (1) and inserting in lieu thereof "shall";

(B) by striking out "and" at the end of paragraph (5);

(C) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(D) by inserting after paragraph (6) the following:

"(7) the units of the Army National Guard meet requirements for deployment."; and

(2) in subsection (b), by inserting "; and for determining which units of the National Guard meet deployability standards" before the period.

Subtitle C—Compatibility of Guard Units With Active Component Units

SEC. 1131. ACTIVE DUTY ASSOCIATE UNIT RESPONSIBILITY.

(a) ASSOCIATE UNITS.—The Secretary of the Army shall require that each National Guard combat unit of the Army National Guard be associated with an active-duty combat unit.

(b) RESPONSIBILITIES.—The commander (at a brigade or higher level) of the associated active duty unit for any National Guard combat unit shall be responsible for—

(1) approving the training program of the National Guard unit;

(2) reviewing the readiness report of the National Guard unit;

(3) assessing the manpower, equipment, and training resources requirements of the National Guard unit; and

(4) validating, not less often than annually, the compatibility of the National Guard unit with the active duty forces.

(c) IMPLEMENTATION.—The Secretary of the Army shall begin to implement subsection (a) during fiscal year 1993 and shall achieve full implementation of the plan not later than October 1, 1995.

SEC. 1132. TRAINING COMPATIBILITY.

Section 414(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (105 Stat. 1353) is amended by adding at the end the following new paragraph:

"(4) After September 30, 1994, not less than 3,000 warrant officers and enlisted members in addition to those assigned under paragraph (2) shall be assigned to serve as advisers under the program.".

SEC. 1133. SYSTEMS COMPATIBILITY.

(a) COMPATIBILITY PROGRAM.—The Secretary of the Army shall develop and implement a program to ensure that Army personnel systems, Army supply systems, Army maintenance management systems, and Army finance systems are compatible across all Army components.

(b) REPORT.—Not later than September 30, 1993, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the program under subsection (a) and setting forth a plan for implementation of the program by the end of fiscal year 1997.

SEC. 1134. EQUIPMENT COMPATIBILITY.

Section 115b(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) A statement of the current status of the compatibility of equipment between the Army reserve components and active forces of the Army, the effect of that level of incompatibility on combat effectiveness, and a plan to achieve full equipment compatibility.".

SEC. 1135. DEPLOYMENT PLANNING REFORM.

(a) REQUIREMENT FOR PRIORITY SYSTEM.—The Secretary of the Army shall develop a system for identifying the priority for mobilization of Army reserve component units. The priority system shall be based on regional contingency planning requirements and doctrine to be integrated into the Army war planning process.

(b) UNIT DEPLOYMENT DESIGNATORS.—The system shall include the use of Unit Deployment Designators to specify the post-mobilization training days allocated to a unit before deployment. The Secretary shall specify standard designator categories in order to group units according to the timing of deployment after mobilization.

(c) USE OF DESIGNATORS.—(1) The Secretary shall establish procedures to link the Unit Deployment Designator system to the process by which resources are provided for National Guard units.

(2) The Secretary shall develop a plan that allocates greater funding for training, full-time support, equipment, and manpower in excess of 100 percent of authorized strength to units assigned unit deployment designators that allow fewer post-mobilization training days.

(3) The Secretary shall establish procedures to identify the command level at which combat units would, upon deployment, be integrated with active component forces consistent with the Unit Deployment Designator system.

SEC. 1136. QUALIFICATION FOR PRIOR-SERVICE ENLISTMENT BONUS.

Section 308i(c) of title 37, United States Code, is amended by striking out the period at the end and inserting in lieu thereof "and may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and attained a level of qualification commensurate with the member's grade and years of service.".

SEC. 1137. STUDY OF IMPLEMENTATION FOR ALL RESERVE COMPONENTS.

The Secretary of Defense shall conduct an assessment of the feasibility of implementing the provisions of this title for all reserve components. Not later than December 31, 1993, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a plan for such implementation.

TITLE XII—SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Operation Desert Storm

SEC. 1201. EXTENSION OF SUPPLEMENTAL AUTHORIZATIONS FOR OPERATION DESERT STORM.

Sections 101, 102(c), and 106 of Public Law 102–25 (105 Stat. 78) are each amended by striking out "fiscal years 1991 and 1992" each place it appears and inserting in lieu thereof "fiscal years 1991, 1992, and 1993".

SEC. 1202. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 1992 in accordance with subsection (a) of section 101 of Public Law 102–25 (105 Stat. 78), to be available under subsection (b)(1) of such section, the sum of $429,000,000 for military personnel as follows:

(1) ARMY.—For the Army, $399,000,000.

(2) NAVY.—For the Navy, $30,000,000.

(b) INCREASED LIMITATION ON AUTHORITY FOR TRANSFER OF FISCAL YEAR 1992 AUTHORIZA-

TIONS.—The total amount of the transfer authority provided for the Secretary of Defense for fiscal year 1992 in Public Law 102–190 or any other Act is increased by the amounts of the funds appropriated pursuant to subsection (a) that are transferred to fiscal year 1992 appropriations accounts pursuant to sections 101 and 102(c) of Public Law 102–25, as amended by section 1201.

SEC. 1203. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1993.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense for fiscal year 1993 in accordance with subsection (a) of section 101 of Public Law 102–25 (105 Stat. 78), to be available under subsection (b) of such section, the sum of $87,700,000 for military personnel as follows:

(1) ARMY.—For the Army, $29,300,000.

(2) NAVY.—For the Navy, $35,300,000.

(3) MARINE CORPS.—For the Marine Corps, $3,100,000.

(4) AIR FORCE.—For the Air Force, $20,000,000.

(b) INCREASED LIMITATION ON AUTHORITY FOR TRANSFER OF FISCAL YEAR 1993 AUTHORIZATIONS.—The amount of the transfer authority provided in section 1001 is increased by the amounts of the funds appropriated pursuant to subsection (a) that are transferred to fiscal year 1993 appropriations accounts pursuant to sections 101 and 102(c) of Public Law 102–25, as amended by section 1201.

SEC. 1204. RELATIONSHIP TO OTHER AUTHORIZATIONS.

The authorizations of appropriations in sections 1202 and 1203 are in addition to the amounts otherwise authorized to be appropriated to the Department of Defense for fiscal year 1992 and for fiscal year 1993 by any other provision of this Act or by any other Act enacted before the date of the enactment of this Act.

Subtitle B—Hurricane Andrew and Typhoon Omar

SEC. 1211. SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1992.

(a) AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1992 to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar $529,300,000 as follows:

(1) For Military Personnel:

(A) For the Navy, $10,700,000.

(B) For the Air Force, $58,200,000.

(C) For the Air Force Reserve, $8,800,000.

(D) For the Air National Guard, $1,900,000.

(2) For Operation and Maintenance:

(A) For the Army, $1,400,000.

(B) For the Navy, $142,900,000.

(C) For the Air Force, $228,000,000.

(D) For the Defense Agencies, $31,500,000.

(E) For the Army Reserve, $3,300,000.

(F) For the Air Force Reserve, $13,200,000.

(G) For the Army National Guard, $1,400,000.

(H) For the Air National Guard, $2,000,000.

(3) For Military Construction:

(A) For the Air Force inside the United States, $10,000,000.

(B) For the Air Force for family housing inside the United States, $16,000,000.

(b) AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 1992 to cover the incremental costs arising from the consequences of Hurricane Andrew and Typhoon Omar $263,530,000 as follows:

(1) For military construction for the Navy outside the United States, $81,530,000.

(2) For military construction for the Air Force inside the United States, $66,000,000.

(3) For military construction for the Air Force outside the United States, $7,600,000.

(4) For family housing for the Navy outside the United States, $87,200,000.

(5) For family housing for the Air Force outside the United States, $21,200,000.

(c) EMERGENCY DESIGNATION.—The authorization of appropriations in subsection (b) are effective only to the extent that the appropriations are designated by the Congress as emergency appropriations for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 in an appropriations Act.

TITLE XIII—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Subtitle A—Burdensharing

SEC. 1301. OVERSEAS BASING ACTIVITIES.

(a) FUNDING REDUCTIONS.—(1)(A) The total amount appropriated to the Department of Defense for operation and maintenance and for military construction (including NATO Infrastructure) that is obligated to conduct overseas basing activities during fiscal year 1993 may not exceed the amount equal to the baseline for fiscal year 1993 reduced by $500,000,000.

(B) For purposes of subparagraph (A), the baseline for fiscal year 1993 is the sum of the amounts of the overseas funding estimates specified for such year for Operation and Maintenance; Family Housing, Operations; Family Housing, Construction; and Military Construction (including NATO Infrastructure) set forth on page 8 of the report of the Department of Defense dated January 1992, and entitled "Amended FY 1992/FY 1993 Biennial Budget Estimates for Defense Overseas Funding and Dependent Overseas Funding".

(2) It is the sense of Congress that the amounts obligated to conduct overseas basing activities should decline significantly in fiscal years 1994, 1995, and 1996 as—

(A) the number of United States military personnel stationed overseas is reduced in conformance with the provisions of section 1302 and the amendment made by section 1303; and

(B) the countries to which subsection (e)(1) and (e)(2) apply assume an increased share of the costs of United States military installations in those countries.

(b) DEFINITION.—In this section, the term "overseas basing activities" means the activities of the Department of Defense for which funds are provided through appropriations for operation and maintenance, including appropriations for family housing operations, and for military construction (including family housing construction and NATO Infrastructure) for the payment of costs for Department of Defense overseas military units and the costs for all dependents who accompany Department of Defense personnel outside the United States.

(c) OFFSETS.—Reductions for purposes of subsection (a) in obligations of appropriated funds for overseas basing activities may be offset by either or a combination of the following:

(1) Increase in the level of host-nation support due to agreements reached under subsection (e) or otherwise.

(2) Accelerated withdrawal of United States forces or equipment under the provisions of section 1302 and the amendment made by section 1303.

(d) ALLOCATIONS OF SAVINGS.—The savings realized as a result of the reductions for purposes of subsection (a) will be allocated for operation and maintenance and military construction activities of the Department of Defense at military installations and facilities located inside the United States.

(e) DEFENSE BURDENSHARING AGREEMENTS FOR INCREASED HOST NATION SUPPORT.—(1) In order to achieve additional savings in fiscal year 1994 and in future fiscal years, the President should enter into a revised host-nation agreement with each foreign country described in paragraph (3)(A).

(2) For purposes of paragraph (1), a revised host-nation agreement is an agreement under which such foreign country, on or before September 30, 1994—

(A) assumes an increased share of the costs of United States military installations in that country, including the costs of—

(i) labor, utilities, and services;

(ii) military construction projects and real property maintenance;

(iii) leasing requirements associated with United States military presence; and

(iv) actions necessary to meet local environmental standards;

(B) relieves the Armed Forces of the United States of all tax liability that, with respect to forces located in such country, is incurred by the Armed Forces under the laws of that country and the laws of the community where those forces are located; and

(C) ensures that goods and services furnished in that country to the Armed Forces of the United States are provided at minimum cost and without imposition of user fees.

(3)(A) Except as provided in subparagraph (B), paragraph (1) applies with respect to—

(i) each country of the North Atlantic Treaty Organization (other than the United States); and

(ii) each other foreign country with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty in that country or the placement of combat equipment of the United States in that country.

(B) Paragraph (1) does not apply with respect to—

(i) a foreign country that receives assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2673) (relating to the foreign military financing program) or under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.); or

(ii) a foreign country that has agreed to assume, not later than September 30, 1996, at least 75 percent of the non-personnel costs of United States military installations in that country.

SEC. 1302. OVERSEAS MILITARY END STRENGTH.

(a) REDUCTION IN UNITED STATES FORCE LEVELS ABROAD.—On and after September 30, 1996, no appropriated funds may be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in nations outside the United States at any level in excess of 60 percent of the end strength level of such members on September 30, 1992.

(b) EXCEPTIONS.—(1) Subsection (a) shall not apply in the event of a declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization, Japan, the Republic of Korea, or any other ally of the United States.

(2) The President may waive the operation of subsection (a) if the President declares an emergency and immediately notifies Congress.

SEC. 1303. REDUCTION IN THE AUTHORIZED END STRENGTH FOR MILITARY PERSONNEL IN EUROPE.

(a) REDUCED END STRENGTH.—Subsection (c)(1) of section 1002 of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended by striking out "235,700" in the first sentence and all that follows and inserting in lieu thereof "100,000.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1995.

SEC. 1304. REPORTS ON OVERSEAS BASING.

(a) ANNUAL REPORT.—The Secretary of Defense shall, not later than March 31 of each year through 1997, submit to the Committees on Armed Services of the Senate and House of Rep-

resentatives, either separately or as part of another relevant report, a report that specifies—

(1) the stationing and basing plan for United States military forces outside the United States;

(2) the status of closures of United States military installations located outside the United States;

(3) the schedule for the negotiation of such closures;

(4) the potential savings to the United States resulting from such closures;

(5) the potential amount of receipts from residual value negotiations; and

(6) efforts and progress toward achieving host nation offsets under section 1301(e) and reduced end strength levels under section 1302.

(b) REPORT ON BUDGET IMPLICATIONS OF OVERSEAS BASING AGREEMENTS.—Whenever the Secretary of Defense enters into a basing agreement between the United States and a foreign country with respect to United States military forces outside the United States, the Secretary of Defense shall, in advance of the signing of the agreement, submit to the congressional defense committees a report on the Federal budget implications of the agreement.

SEC. 1305. BURDENSHARING CONTRIBUTIONS BY KUWAIT.

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1465) is amended in subsections (a) and (f) by inserting ", Kuwait," after "Japan".

(b) AVAILABILITY OF CONTRIBUTIONS.—Subsection (c) of such section is amended by striking out "in the country making the contributions".

(c) CLERICAL AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1045. BURDENSHARING CONTRIBUTIONS BY JAPAN, KUWAIT, AND THE REPUBLIC OF KOREA.".

Subtitle B—Cooperative Agreements and Other Matters Concerning Allies

SEC. 1311. COOPERATIVE MILITARY AIRLIFT AGREEMENTS.

(a) LIQUIDATION OF CREDITS AND LIABILITIES.—Section 2350c(a)(2) of title 10, United States Code, is amended by striking out all after "liquidated" and inserting in lieu thereof "as agreed upon by the parties. Liquidation shall be either by direct payment to the country that has provided the greater amount of transportation or by the providing of in-kind transportation services to that country. The liquidation shall occur on a regular basis, but not less often than once every 12 months.".

(b) COUNTRIES ELIGIBLE FOR COOPERATIVE AGREEMENTS.—Section 2350c(e)(1) of such title is amended by striking out "or New Zealand" and inserting in lieu thereof ", New Zealand, Japan, and the Republic of Korea".

SEC. 1312. COOPERATIVE AGREEMENTS WITH ALLIES.

(a) ACQUISITION OF LOGISTICS SUPPORT, SUPPLIES, AND SERVICES FROM ALLIES.—Section 2341 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "in Europe and adjacent waters" and inserting in lieu thereof "outside the United States"; and

(2) in paragraph (2)—

(A) by striking out "in which elements of the armed forces are deployed (or are to be deployed)"; and

(B) by striking out "in such country or in the military region in which such country is located" and inserting in lieu thereof "outside the United States".

(b) LIMITATIONS ON AMOUNTS THAT MAY BE OBLIGATED OR ACCRUED BY THE UNITED STATES.—Section 2347 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out "North Atlantic Treaty Organization" and inserting in lieu thereof "armed forces"; and

(B) by inserting "with other member countries of the North Atlantic Treaty Organization and subsidiary bodies of the North Atlantic Treaty Organization" after "(before the computation of offsetting balances)";

(2) in subsection (a)(2)—

(A) by striking out "in the military region affecting" and inserting in lieu thereof "involving the armed forces, the total amount of reimbursable liabilities that the United States may accrue under this subchapter (before the computation of offsetting balances) with"; and

(B) by striking out "the total amount of reimbursable liabilities that the United States may accrue under this subchapter (before the computation of offsetting balances) with such country";

(3) in subsection (b)(1)—

(A) by striking out "North Atlantic Treaty Organization" and inserting in lieu thereof "armed forces"; and

(B) by inserting "with other member countries of the North Atlantic Treaty Organization and subsidiary bodies of the North Atlantic Treaty Organization" after "(before the computation of offsetting balances)"; and

(4) in subsection (b)(2)—

(A) by striking out "in the military region affecting a country referred to in paragraph (1)" and inserting in lieu thereof "involving the armed forces"; and

(B) by striking out "from such country (before the computation of offsetting balances)" and inserting in lieu thereof "(before the computation of offsetting balances) with a country which is not a member of the North Atlantic Treaty Organization, but with which the United States has one or more acquisition or cross-servicing agreements".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to acquisitions of logistics support, supplies, and services under chapter 138 of title 10, United States Code, that are initiated on or after the date of enactment of this Act.

SEC. 1313. AUTHORITY FOR GOVERNMENT OF OMAN TO RECEIVE EXCESS DEFENSE ARTICLES.

Section 516(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)) is amended—

(1) by inserting "(1)" after "may transfer";

(2) by striking "structure and" and inserting "structure, (2)";

(3) by inserting "and (3) to those countries which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf, and which either received Foreign Military Financing (FMF) assistance in fiscal year 1990 or are in the Near East Region and received Foreign Military Financing (FMF) assistance in fiscal year 1991," after "southeastern flank of NATO which are eligible for United States security assistance,"; and

(4) by striking "and those countries which received Foreign Military Financing (FMF) assistance in fiscal year 1990 and which, as of October 1, 1990, contributed armed forces to deter Iraqi aggression in the Arabian Gulf,".

SEC. 1314. REPORT ON POSSIBLE REVISIONS TO THE NORTH ATLANTIC TREATY.

(a) FINDINGS.—The Congress finds that—

(1) when the North Atlantic Treaty was signed in 1949, the clear military threat to the security of Western Europe was the Soviet Union and its allies in Eastern Europe;

(2) since 1949 it has been clearly understood by the people of the Western World that the primary mission of NATO was to deter an attack from the Soviet Bloc;

(3) the dramatic changes in Europe since the fall of the Berlin Wall in 1989, and the subsequent dissolution of the Warsaw Pact and the Soviet Union have fundamentally changed the security situation in Europe;

(4) one of the consequences of the breakdown of 40 years of Communist rule in Eastern Europe and the former Soviet Union has been ethnic conflict throughout the region, particularly in the Balkans and the Republics of the Former Soviet Union;

(5) those fundamental changes in the security threats facing NATO member nations have caused confusion concerning the mission of NATO in the post-cold war world and the role of NATO military forces outside of the NATO Theater, particularly in the former Soviet Union;

(6) if NATO is to continue to be relevant to the security interests of Western Europe and North America through the 1990's and beyond, the alliance's mission must be recrafted in order to enable it to address common transatlantic security concerns, including those beyond NATO's geographic boundaries; and

(7) a fundamental review of the North Atlantic Treaty is necessary, in light of the new security situation in Europe.

(b) REPORT.—Not later than April 1, 1993, the President shall submit to Congress a report on the North Atlantic Treaty of 1949. The report shall include—

(1) a detailed analysis of the forseeable threats to the security of NATO member nations;

(2) a determination whether the North Atlantic Treaty of 1949 should be revised to meet the future challenges to peace and security; and

(3) the extent to which the NATO charter permits the use of NATO forces for peacekeeping purposes, given the steadily increased use of military forces for such purposes, and the range of missions that should be considered for such peacekeeping to protect the interests of member nations

Subtitle C—Matters Relating to the Former Soviet Union and Eastern Europe

SEC. 1321. NUCLEAR WEAPONS REDUCTION.

(a) FINDINGS.—The Congress makes the following findings:

(1) On February 1, 1992, the President of the United States and the President of the Russian Federation agreed in a Joint Statement that "Russia and the United States do not regard each other as potential adversaries" and stated further that, "We will work to remove any remnants of cold war hostility, including taking steps to reduce our strategic arsenals".

(2) In the Treaty on the Non-Proliferation of Nuclear Weapons, in exchange for the non-nuclear-weapon states agreeing not to seek a nuclear weapons capability nor to assist other non-nuclear-weapon states in doing so, the United States agreed to seek the complete elimination of all nuclear weapons worldwide, as declared in the preamble to the Treaty, which states that it is a goal of the parties to the Treaty to "facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery" as well as in Article VI of the Treaty, which states that "each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament".

(3) Carrying out a policy of seeking further significant and continuous reductions in the nuclear arsenals of all countries, besides reducing the likelihood of the proliferation of nuclear weapons and increasing the likelihood of a successful extension and possible strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons in 1995, when the Treaty is scheduled

for review and possible extension, has additional benefits to the national security of the United States, including—

(A) a reduced risk of accidental enablement and launch of a nuclear weapon, and

(B) a defense cost savings which could be reallocated for deficit reduction or other important national needs.

(4) The Strategic Arms Reduction Talks (START) Treaty and the agreement by the President of the United States and the President of the Russian Federation on June 17, 1992, to reduce the strategic nuclear arsenals of each country to a level between 3,000 and 3,500 weapons are commendable intermediate stages in the process of achieving the policy goals described in paragraphs (1) and (2).

(5) The current international era of cooperation provides greater opportunities for achieving worldwide reduction and control of nuclear weapons and material than any time since the emergence of nuclear weapons 50 years ago.

(6) It is in the security interests of both the United States and the world community for the President and the Congress to begin the process of reducing the number of nuclear weapons in every country through multilateral agreements and other appropriate means.

(7) In a 1991 study, a committee of the National Academy of Sciences concluded that: "The appropriate new levels of nuclear weapons cannot be specified at this time, but it seems reasonable to the committee that U.S. strategic forces could in time be reduced to 1,000–2,000 nuclear warheads, provided that such a multilateral agreement included appropriate levels and verification measures for the other nations that possess nuclear weapons. This step would require successful implementation of our proposed post-START U.S.-Soviet reductions, related confidence-building measures in all the countries involved, and multilateral security cooperation in areas such as conventional force deployments and planning.".

(b) UNITED STATES POLICY.—It shall be the goal of the United States—

(1) to encourage and facilitate the denuclearization of Ukraine, Byelarus, and Kazakhstan, as agreed upon in the Lisbon ministerial meeting of May 23, 1992;

(2) to rapidly complete and submit for ratification by the United States the treaty incorporating the agreement of June 17, 1992, between the United States and the Russian Federation to reduce the number of strategic nuclear weapons in each country's arsenal to a level between 3,000 and 3,500;

(3) to facilitate the ability of the Russian Federation, Ukraine, Byelarus, and Kazakhstan to implement agreed mutual reductions under the START Treaty, and under the Joint Understanding of June 16-17, 1992 between the United States and the Russian Federation, on an accelerated timetable, so that all such reductions can be completed by the year 2000;

(4) to build on the agreement reached in the Joint Understanding of June 16-17, 1992, by entering into multilateral negotiations with the Russian Federation, the United Kingdom, France, and the People's Republic of China, and, at an appropriate point in that process, enter into negotiations with other nuclear armed states in order to reach subsequent stage-by-stage agreements to achieve further reductions in the number of nuclear weapons in all countries;

(5) to continue and extend cooperative discussions with the appropriate authorities of the former Soviet military on means to maintain and improve secure command and control over nuclear forces;

(6) in consultation with other member countries of the North Atlantic Treaty Organization and other allies, to initiate discussions to bring tactical nuclear weapons into the arms control process; and

(7) to ensure that the United States assistance to securely transport and store, and ultimately dismantle, former Soviet nuclear weapons and missiles for such weapons is being properly and effectively utilized.

(c) ANNUAL REPORT.—By February 1 of each year, the President shall submit to the Congress a report on—

(1) the actions that the United States has taken, and the actions the United States plans to take during the next 12 months, to achieve each of the goals set forth in paragraphs (1) through (6) of subsection (b); and

(2) the actions that have been taken by the Russian Federation, by other former Soviet republics, and by other countries to achieve those goals.

Each such report shall be submitted in unclassified form, with a classified appendix if necessary.

SEC. 1322. VOLUNTEERS INVESTING IN PEACE AND SECURITY (VIPS) PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—(1) Part II of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 89—VOLUNTEERS INVESTING IN PEACE AND SECURITY

"Sec.
"1801. Volunteer program to assist independent states of the former Soviet Union.
"1802. Participants in program.
"1803. Determining needs for volunteers; role of the Secretary of State.
"1804. Compensation and benefits.
"1805. Termination of program.

"§1801. Volunteer program to assist independent states of the former Soviet Union

"The Secretary of Defense may, in coordination with the Secretary of State, carry out a program in accordance with this chapter to provide technical assistance to address the infrastructure needs of the independent states of the former Soviet Union. Assistance under the program shall be provided by volunteers who are retired members of the armed forces, or who are former members of the armed forces, who have been recently released from active duty.

"§1802. Participants in program

"(a) If the Secretary of Defense carrys out a program under section 1801 of this title, the Secretary shall select the volunteers to participate in the program. Volunteers shall be selected from among individuals—

"(1) who have retired from active duty or been released from active duty under a voluntary separation program; and

"(2) who possess technical skills relevant to the infrastructure needs of the independent states of the former Soviet Union (as identified by the Secretary of State pursuant to section 1803(a) of this title), including skills in areas such as civil engineering, electrical engineering, nuclear plant safety, environmental cleanup, logistics, communications, and health care.

"(b) Volunteers may be selected from among individuals who were separated from active duty not more than two years before the date of the enactment of this chapter.

"(c)(1) The Secretary of Defense may employ volunteers, by contract, to provide services that use their technical skills for the benefit of governmental or nonprofit nongovernmental entities in any of the independent states of the former Soviet Union.

"(2) A person who is employed as a volunteer under paragraph (1) shall be considered to be an employee for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of such employment as a volunteer.

"(d) Volunteers may be required to agree to serve in an independent state of the former Soviet Union for a period of two years (in addition to such period of education and training provided under section 1803(c) of this title) except to the extent the Secretary of State determines otherwise.

"(e) The Secretary of Defense shall prescribe procedures for the selection of volunteers, including procedures for the submission of applications.

"(f) The Secretary of Defense may maintain a registry of applicants who are qualified to be volunteers, including the skills of such applicants.

"§1803. Determining needs for volunteers; role of the Secretary of State

"(a) The Secretary of Defense, in consultation with the Secretary of State, may identify the technical skills that could be provided by volunteers pursuant to this chapter and identify opportunities for the placement of volunteers with governmental or nongovernmental entities in each participating country.

"(b) The Secretary of State shall approve the functions to be performed by each volunteer assigned pursuant to this chapter and the assignment of each volunteer to an independent state of the former Soviet Union.

"(c) The Secretary of State may provide volunteers with language training, cultural orientation, and such other education and training as the Secretary determines appropriate. Any expenses incurred by the Secretary of State in carrying out this subsection shall be reimbursed by the Secretary of Defense from amounts currently available to the Secretary of Defense.

"(d) Each volunteer shall serve under the authority of the United States chief of mission to the participating country and shall be considered to be a member of the United States mission to that country.

"§1804. Compensation and benefits

"(a) Each volunteer may be paid a stipend at the annual rate of $25,000, subject to the availability of appropriations.

"(b) If the Secretary of Defense determines that it is necessary to do so in order to recruit qualified volunteers, the Secretary may provide volunteers with the allowances and other benefits considered appropriate by the Secretary, including the following:

"(1) Round-trip transportation for the volunteer and his or her dependents.

"(2) Medical care for the volunteer and dependents, if the volunteer is not otherwise eligible for medical care from the Department of Defense or such medical care is otherwise not reasonably available.

"(3) A housing allowance.

"(4) An overseas cost-of-living allowance.

"(5) Expenses of education of dependents.

"§1805. Termination of program

"The selection of volunteers to participate in the program under this chapter shall terminate on September 30, 1995.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 87 the following new item:

*"89. Volunteers Investing in Peace and Security .... **1801"**.*

(b) REIMBURSEMENT OF OTHER AGENCIES.—The Secretary of Defense shall reimburse other departments and agencies for all costs, direct or indirect, of participation in the program established under chapter 89 of title 10, United States Code, as added by subsection (a).

(c) STUDY TO DETERMINE PROGRAM NEED AND AVAILABILITY OF VOLUNTEERS.—The Secretary

of Defense shall conduct a study to assess the need for the program under chapter 89 of title 10, United States Code, as added by subsection (a), and the availability of volunteers to participate in that program. The Secretary shall—

(1) in consultation with the Secretary of State, conduct a survey, of a scope considered necessary by the Secretary, to determine what technical skills may be required within the independent states of the former Soviet Union and the degree of need for these skills;

(2) determine the potential availability of former service members who are qualified in the required technical skills in a manner and of a duration considered necessary by the Secretary; and

(3) maintain a registry of the skills and former service members who volunteer to participate during the study required in paragraphs (1) and (2).

(d) EFFECTIVE DATE.—Chapter 89 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1992.

Subtitle D—Matters Relating to the Middle East and Persian Gulf Region

SEC. 1331. REPORT ON THE UNITED STATES STRATEGIC POSTURE IN THE MIDDLE EAST AND PERSIAN GULF REGION.

(a) REQUIREMENT FOR REPORT.—Not later than February 1, 1993, the Secretary of Defense, together with the Secretary of State and the Director for Central Intelligence, shall submit to Congress a report on the United States strategic posture in the Middle East and Persian Gulf region.

(b) CONTENT OF REPORT.—The report shall include an assessment of the following matters:

(1) The adequacy of United States power projection forces, strategic lift, forward deployed forces, prepositioned materiel, and force sustainability capabilities for protecting United States strategic interests in the Middle East and the Persian Gulf region in order to ensure the security needs of Israel, Egypt, and Persian Gulf states friendly to the United States.

(2) United States policy, plans, and programs for ensuring Israel's military and technological superiority over potential threats.

(3) United States capabilities for assisting Israel in a military emergency and the adequacy of United States military assistance and technology transfer for ensuring that Israel has the capability to deter war and to defend its territory with minimal risk and loss of life.

(4) The state of strategic cooperation between the United States and Israel, including—

(A) a thorough assessment of options for prepositioning in Israel appropriate defense articles for use by the United States in the region; and

(B) an assessment of United States policies, plans, and programs for ensuring that maximum advantage is taken of Israel's strategic location and Israel's ability to provide unique options regarding military technologies and production.

(5) The adequacy of United States power projection forces, military assistance, arms transfers, and cooperation arrangements for addressing Egypt's security arrangements to deter outside threats and to participate in regional security efforts with the United States and other nations.

(6) The adequacy of United States power projection forces, military assistance, and arms transfers for addressing the security requirements of the Gulf Cooperation Council States.

(7) The adequacy of the capabilities of the United States and countries friendly to the United States for deterring and defending against long-range missile threats and the use of weapons of mass destruction in the Middle East and the Persian Gulf region.

(c) INTELLIGENCE ASSESSMENT.—As part of the report submitted pursuant to subsection (a), the Secretary of Defense shall provide a military threat assessment for the Middle East and Persian Gulf region. The intelligence assessment shall include a description of—

(1) the overall military threat to United States strategic interests in the Persian Gulf region;

(2) the overall military threat to Israel and the military threats to Israel from individual countries, including an assessment of the Arab-Israeli military balance and a discussion of the changes taking place in that balance;

(3) the military threats to Egypt;

(4) the military threats to the Gulf Cooperation Council States; and

(5) the threats to United States interests and to regional States friendly to the United States that result from the proliferation of long-range missiles and weapons of mass destruction.

(d) FORM OF REPORT.—The report may be submitted in classified and unclassified forms.

SEC. 1332. PROHIBITION ON CONTRACTING WITH ENTITIES THAT COMPLY WITH THE SECONDARY ARAB BOYCOTT OF ISRAEL.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by sections 384, 808, 813, 834, 840, and 841, is further amended by adding at the end the following new section:

"§2410i. Prohibition on contracting with entities that comply with the secondary Arab boycott of Israel

"(a) POLICY.—Under section 3(5)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2402(5)(A)), it is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any other United States person.

"(b) PROHIBITION.—(1) Consistent with the policy referred to in subsection (a), the Department of Defense may not award a contract for an amount in excess of the small purchase threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))) to a foreign entity unless that entity certifies to the Secretary of Defense that it does not comply with the secondary Arab boycott of Israel.

"(2) In paragraph (1), the term "foreign entity" means a foreign person, a foreign company, or any other foreign entity.

"(c) WAIVER AUTHORITY.—The Secretary of Defense may waive the prohibition in subsection (b) in specific instances when the Secretary determines that the waiver is necessary in the national security interests of the United States. Within 15 days after the end of each fiscal year, the Secretary shall submit to Congress a report identifying each contract for which a waiver was granted under this subsection during that fiscal year.

"(d) EXCEPTIONS.—Subsection (b) does not apply—

"(1) to contracts for consumable supplies, provisions, or services that are intended to be used for the support of United States forces or of allied forces in a foreign country; or

"(2) to contracts pertaining to the use of any equipment, technology, data, or services for intelligence or classified purposes by the United States Government in the interests of national security or to the acquisition or lease of any such equipment, technology, data, or services by the United States Government in the interests of national security.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by sections 384, 808, 813, 834, 840, and 841, is further amended by adding at the end the following new item:

"2410i. Prohibition on contracting with entities that comply with the secondary Arab boycott of Israel.".

Subtitle E—International Peacekeeping Activities

SEC. 1341. UNITED NATIONS PEACEKEEPING AND ENFORCEMENT REPORT.

(a) REPORT REQUESTED.—Not later than the date on which the President submits to Congress the budget for fiscal year 1994 under section 1105 of title 31, United States Code, the President shall transmit to Congress a report on the proposals of the Secretary General of the United Nations contained in his report to the Security Council entitled "Preventive Diplomacy, Peacemaking and Peacekeeping", dated June 19, 1992.

(b) CONTENT OF PRESIDENT'S REPORT.—The President's report shall contain a comprehensive analysis and discussion of the proposals of the Secretary General, including, in particular, the following:

(1) The proposal that contributions for peacekeeping and related enforcement activities be funded out of the National Defense function of the budget rather than the "Contributions to International Peacekeeping Activities" account of the Department of State.

(2) The assignment of responsibilities within the Executive branch if such contributions are funded, in whole or in part, out of the National Defense function.

(3) The proposal that the United States and other member states of the United Nations negotiate special agreements under Article 43 of the United Nations Charter to provide for those states to make armed forces, assistance, and facilities available to the Security Council of the United Nations for the purposes stated in Article 42 of that Charter, not only on an ad hoc basis but on a permanent on-call basis for rapid deployment under Security Council authorization.

(4) The proposal that member states of the United Nations commit to keep equipment specified by the Secretary General available for immediate sale, loan, or donation to the United Nations when required.

(5) The proposal that member states of the United Nations make airlift and sealift capacity available to the United Nations free of cost or at lower than commercial rates.

(6) Such other information as may be necessary to inform Congress on matters relating to the Secretary General's proposals.

SEC. 1342. SUPPORT FOR PEACEKEEPING ACTIVITIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) International peacekeeping activities contribute to the national interests of the United States in maintaining global stability and order.

(2) International peacekeeping activities take many forms and include observer missions, ceasefire monitoring, human rights monitoring, refugee and humanitarian assistance, monitoring and conducting elections, monitoring of police in the demobilization of former combatants, and reforming judicial and other civil and administrative systems of government.

(3) International peacekeeping activities traditionally involve the presence of military troops, police forces, and, in recent years, civilian experts in transportation, logistics, medicine, electoral systems, human rights, land tenure, other economic and social issues, and other areas of expertise.

(4) International peacekeeping activities serve both the foreign policy interests and defense policy interests of the United States.

(5) The normal budget process of authorizing and appropriating funds a year in advance and reprogramming such funds is insufficient to satisfy the need for funds for peacekeeping efforts arising from an unanticipated crisis.

(6) Greater flexibility is needed to ensure the timely availability of funding to provide for peacekeeping activities.

(b) AUTHORIZED SUPPORT FOR FISCAL YEAR 1993.—(1) Subject to paragraph (2), the Sec-

retary may provide assistance for international peacekeeping activities during fiscal year 1993 in an amount not to exceed $300,000,000 in accordance with section 403 of title 10, United States Code, as added by subsection (c). Notwithstanding subsection (b) of that section, the assistance so provided may be derived from funds appropriated to the Department of Defense for fiscal year 1993 for operation and maintenance or from balances in working capital accounts.

(2) No amount may be obligated pursuant to paragraph (1) unless the expenditure of such amount has been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(c) AUTHORIZATION.—(1) Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§403. International peacekeeping activities

"(a) AUTHORITY.—To the extent provided in defense authorization Acts and appropriations Acts, the Secretary of Defense may furnish assistance in support of international peacekeeping activities of the United Nations or any regional organization of which the United States is a member.

"(b) FORMS OF ASSISTANCE.—Assistance provided under subsection (a) may include funds, supplies, services, and equipment. Any funds so provided shall be derived from amounts available to the Department of Defense for the fiscal year for which the assistance is provided.

"(c) LIMITATIONS RELATED TO AVAILABILITY OF STATE DEPARTMENT FUNDS.—Funds may be provided as assistance pursuant to subsection (a) for a fiscal year—

"(1) only if funds available to the Department of State for that fiscal year for contributions for international peacekeeping activities are insufficient or otherwise unavailable to meet the United States' fair share of costs for international peacekeeping activities, as determined by the President; and

"(2) only to the extent that such funds are required to meet unexpected and urgent requirements; and

"(3) only to the extent that the United States' fair share of such costs exceeds the amount that the President requests Congress to appropriate for the Department of State for such fiscal year for international peacekeeping activities.

"(d) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State before furnishing any assistance pursuant to subsection (a).

"(e) DETERMINATIONS REQUIRED.—No assistance may be furnished pursuant to subsection (a) unless the Secretary of Defense certifies to Congress that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(f) ADVANCE NOTICE TO CONGRESS.—Not less than 30 days before obligating any funds for purposes of subsection (a), the Secretary of Defense shall transmit to Congress a report on the proposed obligation. The report shall—

"(1) specify the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation;

"(2) specify the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds; and

"(3) include the certification required by subsection (e).

"(g) DEFINITION.—In this section, the term 'defense authorization Act' means an Act that authorizes appropriations for one or more fiscal years for military activities of the Department of Defense, including the activities described in paragraph (7) of section 114(a) of this title.

"(h) TERMINATION.—The authority of the Secretary of Defense to furnish assistance under subsection (a) shall expire on September 30, 1993.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"403. International peacekeeping activities.".

Subtitle F—Overseas Operation and Maintenance Activities

SEC. 1351. PROHIBITION ON PAYMENT OF SEVERANCE PAY TO CERTAIN FOREIGN NATIONALS IN THE PHILIPPINES.

(a) PROHIBITION.—Funds available to the Department of Defense may not be used to pay severance pay to a foreign national employed by the Department of Defense in the Republic of the Philippines if the discontinuation of the employment of the foreign national is the result of the termination of basing rights of the United States military in the Republic of the Philippines.

(b) PROHIBITION ON ALLOWANCE OF CERTAIN SEVERANCE PAY AS CONTRACT COSTS.—Funds available to the Department of Defense may not be used to pay the costs of severance pay paid by a contractor to a foreign national employed by the contractor under a defense service contract in the Philippines if the discontinuation of the employment of the foreign national is the result of the termination of basing rights of the United States military in the Philippines.

SEC. 1352. FOREIGN SEVERANCE COSTS.

(a) REPEAL OF LIMITATION ON PROHIBITION OF PAYMENT OF CERTAIN FOREIGN SEVERANCE COSTS.—Section 311(b)(3)(B) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1412) is repealed.

(b) REVISION OF RULES CONCERNING SEVERANCE PAY FOR FOREIGN NATIONALS.—Section 2324(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) Pursuant to regulations prescribed by the Secretary and subject to the availability of appropriations, the head of an agency awarding a covered contract (other than a contract to which paragraph (2) applies) may waive the application of the provisions of paragraphs (1)(M) and (1)(N) to that contract if the head of the agency determines that—

"(i) the application of such provisions to the contract would adversely affect the continuation of a program, project, or activity that provides significant support services for members of the armed forces stationed or deployed outside the United States;

"(ii) the contractor has taken (or has established plans to take) appropriate actions within the contractor's control to minimize the amount and number of incidents of the payment of severance pay by the contractor to employees under the contract who are foreign nationals; and

"(iii) the payment of severance pay is necessary in order to comply with a law that is generally applicable to a significant number of businesses in the country in which the foreign national receiving the payment performed services under the contract or is necessary to comply with a collective bargaining agreement.

"(B) The head of an agency shall include in the solicitation for a covered contract a statement indicating—

"(i) that a waiver has been granted under subparagraph (A) for the contract; or

"(ii) whether the head of the agency will consider granting such a waiver, and, if the agency head will consider granting a waiver, the criteria to be used in granting the waiver.

"(C) The head of an agency shall make the final determination regarding whether to grant a waiver under subparagraph (A) with respect to a covered contract before award of the contract.".

(b) APPLICABILITY.—The amendments made by subsection (a) apply to covered contracts (as defined in section 2324 of title 10, United States Code) that are in effect or are entered into on or after October 1, 1991, for costs incurred on or after October 1, 1991.

SEC. 1353. EXTENSION OF OVERSEAS WORKLOAD PROGRAM.

Section 1465(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1700; 10 U.S.C. 2341 note) is amended by striking out "fiscal year 1991 or 1992" and inserting in lieu thereof "fiscal year 1991, 1992, or 1993".

Subtitle G—Other Matters

SEC. 1361. STUDY OF PROVIDING FORWARD PRESENCE OF NAVAL FORCES DURING PEACETIME.

(a) ANALYSIS REQUIRED.—The Secretary of Defense shall conduct an analysis of options for providing forward presence of naval forces during peacetime. The analysis shall include an evaluation of the following considerations:

(1) The requirements of the commanders of the combatant commands for providing naval forces for forward peacetime presence.

(2) The capacity of alternative groups of naval forces, including aircraft carriers, large amphibious ships, and large surface combatants, to fulfill the forward presence mission.

(3) Potential locations and associated costs for homeporting additional aircraft carriers or other naval forces overseas.

(4) Estimated operations cost differentials for supporting forward naval operations.

(5) Estimated investment cost differentials for supporting forward naval operations.

(6) Potential availability of facilities for supporting forward naval operations.

(7) Potential host nation support or other offset contributions.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the analysis required by subsection (a).

SEC. 1362. PERMANENT AUTHORITY TO PAY CERTAIN EXPENSES OF PERSONNEL OF DEVELOPING COUNTRIES FOR ATTENDANCE AT BILATERAL OR REGIONAL COOPERATION CONFERENCES.

Subsection (e) of section 1051 of title 10, United States Code, is repealed.

SEC. 1363. REPORT ON PROLIFERATION OF MILITARY-BASED SATELLITES.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the foreign development of, acquisition of, or access to satellites with capabilities for military applications and the implications of such development, acquisition, or access for the United States. The report shall include the following:

(1) A description of the current military satellite capability of Third World countries and other countries, including the projected threat posed by such capabilities to the United States in the future.

(2) A description of the current and planned efforts by the United States to develop an antisatellite capability to counter the global proliferation of satellites with capability for military applications.

(3) A review of other measures that the United States might use to counter the proliferation of such satellites.

(4) An assessment of the likelihood of any Third World country capable of ownership or control of satellites with capabilities for military applications of being able to obtain or develop an effective antisatellite capability.

(5) An assessment of the military requirement of the United States for antisatellite capabilities and a description of the existing management structure in the Government for the coordination of United States antisatellite programs.

(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form and, as necessary, in classified form.

SEC. 1364. REPORT ON INTERNATIONAL MINE CLEARING EFFORTS IN REFUGEE SITUATIONS.

(a) FINDINGS.—The Congress finds that—

(1) an estimated 10–20 million mines are scattered across Cambodia, Afghanistan, Somalia, Angola, and other countries which have experienced conflict; and

(2) refugee repatriation and other humanitarian programs are being seriously hampered by the widespread use of anti-personnel mines in regional conflicts and civil wars.

(b) REPORT.—(1) The President shall provide a report on international mine clearing efforts in situations involving the repatriation and resettlement of refugees and displaced persons.

(2) The report shall include the following:

(A) An assessment of mine clearing needs in countries to which refugees and displaced persons are now returning, or are likely to return within the near future, including Cambodia, Angola, Afghanistan, Somalia and Mozambique, and an assessment of current international efforts to meet the mine clearing needs in the countries covered by the report.

(B) An analysis of the specific types of mines in the individual countries assessed and the availability of technology and assets within the international community for their removal.

(C) An assessment of what additional technologies and assets would be required to complete, expedite or reduce the costs of mine clearing efforts.

(D) An evaluation of the availability of technologies and assets within the United States Government which, if called upon, could be employed to augment or complete mine clearing efforts in the countries covered by the report.

(E) An evaluation of the desirability, feasibility and potential cost of United States assistance on either a unilateral or multilateral basis in such mine clearing operations.

(3) The report shall be submitted to the Congress not later than 180 days after the date of the enactment of this Act.

SEC. 1365. LANDMINE EXPORT MORATORIUM.

(a) FINDINGS.—The Congress makes the following findings:

(1) Anti-personnel landmines, which are specifically designed to maim and kill people, have been used indiscriminately in dramatically increasing numbers, primarily in insurgencies in poor developing countries. Noncombatant civilians, including tens of thousands of children, have been the primary victims.

(2) Unlike other military weapons, landmines often remain implanted and undiscovered after conflict has ended, causing untold suffering to civilian populations. In Afghanistan, Cambodia, Laos, Vietnam, and Angola, tens of millions of unexploded landmines have rendered whole areas uninhabitable. In Afghanistan, an estimated hundreds of thousands of people have been maimed and killed by landmines during the 14-year civil war. In Cambodia, more than 20,000 civilians have lost limbs and another 60 are being maimed each month from landmines.

(3) Over 35 countries are known to manufacture landmines, including the United States. However, the United States is not a major exporter of landmines. During the past ten years the Department of State has approved ten licenses for the commercial export of anti-personnel landmines valued at $980,000, and during the past five years the Department of Defense has approved the sale of 13,156 anti-personnel landmines valued at $841,145.

(4) The United States signed, but has not ratified, the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects. The Convention prohibits the indiscriminate use of landmines.

(5) When it signed the Convention, the United States stated: "We believe that the Convention represents a positive step forward in efforts to minimize injury or damage to the civilian population in time of armed conflict. Our signature of the Convention reflects the general willingness of the United States to adopt practical and reasonable provisions concerning the conduct of military operations, for the purpose of protecting noncombatants.".

(6) The President should submit the convention to the Senate for its advice and consent to ratification, and the President should actively negotiate under United Nations auspices or other auspices an international agreement, or a modification of the Convention, to prohibit the sale, transfer or export of anti-personnel landmines. Such an agreement or modification would be an appropriate response to the end of the Cold War and the promotion of arms control agreements to reduce the indiscriminate killing and maiming of civilians.

(7) The United States should set an example for other countries in such negotiations, by implementing a one-year moratorium on the sale, transfer or export of anti-personnel landmines.

(c) STATEMENT OF POLICY.—(1) It shall be the policy of the United States to seek verifiable international agreements prohibiting the sale, transfer, or export, and further limiting the use, production, possession, and deployment of anti-personnel landmines.

(2) It is the sense of the Congress that the President should actively seek to negotiate under United Nations auspices or other auspices an international agreement, or a modification of the Convention, to prohibit the sale, transfer, or export of anti-personnel landmines.

(d) MORATORIUM ON TRANSFERS OF ANTI-PERSONNEL LANDMINES ABROAD.—For a period of one year beginning on the date of the enactment of this Act—

(1) no sale may be made or financed, no transfer may be made, and no license for export may be issued, under the Arms Export Control Act, with respect to any anti-personnel landmine; and

(2) no assistance may be provided under the Foreign Assistance Act of 1961, with respect to the provision of any anti-personnel landmine.

(e) DEFINITION.—For purposes of this section, the term "anti-personnel landmine" means—

(1) any munition placed under, on, or near the ground or other surface area, or delivered by artillery, rocket, mortar, or similar means or dropped from an aircraft and which is designed to be detonated or exploded by the presence, proximity, or contact of a person;

(2) any device or material which is designed, constructed, or adapted to kill or injure and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act;

(3) any manually-emplaced munition or device designed to kill, injure, or damage and which is actuated by remote control or automatically after a lapse of time.

TITLE XIV—DEMILITARIZATION OF THE FORMER SOVIET UNION

Subtitle A—Short Title

SEC. 1401. SHORT TITLE.

This title may be cited as the "Former Soviet Union Demilitarization Act of 1992".

Subtitle B—Findings and Program Authority

SEC. 1411. DEMILITARIZATION OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.

The Congress finds that it is in the national security interest of the United States—

(1) to facilitate, on a priority basis—

(A) the transportation, storage, safeguarding, and destruction of nuclear and other weapons of the independent states of the former Soviet Union, including the safe and secure storage of fissile materials, dismantlement of missiles and launchers, and the elimination of chemical and biological weapons capabilities;

(B) the prevention of proliferation of weapons of mass destruction and their components and destabilizing conventional weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons;

(C) the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and

(D) other efforts designed to reduce the military threat from the former Soviet Union;

(2) to support the demilitarization of the massive defense-related industry and equipment of the independent states of the former Soviet Union and conversion of such industry and equipment to civilian purposes and uses; and

(3) to expand military-to-military contacts between the United States and the independent states of the former Soviet Union.

SEC. 1412. AUTHORITY FOR PROGRAMS TO FACILITATE DEMILITARIZATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized, in accordance with this title, to establish and conduct programs described in subsection (b) to assist the demilitarization of the independent states of the former Soviet Union.

(b) TYPES OF PROGRAMS.—The programs referred to in subsection (a) are limited to—

(1) transporting, storing, safeguarding, and destroying nuclear, chemical, and other weapons of the independent states of the former Soviet Union, as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228);

(2) establishing verifiable safeguards against the proliferation of such weapons and their components;

(3) preventing diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries;

(4) facilitating the demilitarization of the defense industries of the former Soviet Union and the conversion of military technologies and capabilities into civilian activities;

(5) establishing science and technology centers in the independent states of the former Soviet Union for the purpose of engaging weapons scientists, engineers, and other experts previously involved with nuclear, chemical, and other weapons in productive, nonmilitary undertakings; and

(6) expanding military-to-military contacts between the United States and the independent states of the former Soviet Union.

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the United States private sector.

(d) RESTRICTIONS.—United States assistance authorized by subsection (a) may not be provided unless the President certifies to the Congress, on an annual basis, that the proposed recipient country is committed to—

(1) making a substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if such recipient has an obligation under a treaty or other agreement to destroy or dismantle any such weapons;

(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

(3) forgoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons;

(4) facilitating United States verification of any weapons destruction carried out under this title or section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228);

(5) complying with all relevant arms control agreements; and

(6) observing internationally recognized human rights, including the protection of minorities.

Subtitle C—Administrative and Funding Authorities

SEC. 1421. ADMINISTRATION OF DEMILITARIZATION PROGRAMS.

(a) FUNDING.—(1) In recognition of the direct contributions to the national security interests of the United States of the activities specified in section 1412, funds transferred under sections 108 and 109 of Public Law 102–229 (105 Stat. 1708) are authorized to be made available to carry out this title. Of the amount available to carry out this title—

(A) not more than $40,000,000 may be made available for programs referred to in section 1412(b)(4) relating to demilitarization of defense industries;

(B) not more than $15,000,000 may be made available for programs referred to in section 1412(b)(6) relating to military-to-military contacts;

(C) not more than $25,000,000 may be made available for joint research development programs pursuant to section 1441;

(D) not more than $10,000,000 may be made available for the study, assessment, and identification of nuclear waste disposal activities by the former Soviet Union in the Arctic region;

(E) not more than $25,000,000 may be made available for Project PEACE; and

(F) not more than $10,000,000 may be made available for the Volunteers Investing in Peace and Security (VIPS) program under chapter 89 of title 10, United States Code, as added by section 1322.

(2) Section 221(a) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 105 Stat. 1695) is amended—

(A) by striking out "fiscal year 1992" and inserting "fiscal years 1992 and 1993"; and

(B) by striking out "$400,000,000" and inserting in lieu thereof "$800,000,000".

(3) Section 221(e) of such Act is amended—

(A) by inserting "for fiscal year 1992 or fiscal year 1993" after "under part B";

(B) by inserting "for that fiscal year" after "for that program"; and

(C) by striking out "for fiscal year 1992" and inserting in lieu thereof "for that fiscal year".

(b) TECHNICAL REVISIONS TO PUBLIC LAW 102–229.—Public Law 102–229 is amended—

(1) in section 108 (105 Stat. 1708), by striking out "contained in H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "(title II of Public Law 102–228)"; and

(2) in section 109 (105 Stat. 1708)—

(A) by striking out "H.R. 3807, as passed the Senate on November 25, 1991" and inserting in lieu thereof "Public Law 102–228 (105 Stat. 1696)"; and

(B) by striking "of H.R. 3807".

Subtitle D—Reporting Requirements

SEC. 1431. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) IN GENERAL.—Not less than 15 days before obligating any funds made available for a program under this title, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(2) the activities and forms of assistance under this title for which the President plans to obligate such funds, including the projected involvement of United States Government departments and agencies and the United States private sector.

(b) INDUSTRIAL DEMILITARIZATION.—Any report under subsection (a) that covers proposed industrial demilitarization projects shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the United States private sector;

(4) the extent to which military production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

SEC. 1432. QUARTERLY REPORTS ON PROGRAMS.

Not later than 30 days after the end of the last fiscal year quarter of fiscal year 1992 and not later than 30 days after the end of each fiscal year quarter of fiscal year 1993, the President shall transmit to the Congress a report on the activities carried out under this title. Each such report shall set forth, for the preceding fiscal year quarter and cumulatively, the following:

(1) The amounts expended for such activities and the purposes for which they were expended.

(2) The source of the funds obligated for such activities, specified by program.

(3) A description of the participation of all United States Government departments and agencies and the United States private sector in such activities.

(4) A description of the activities carried out under this title and the forms of assistance provided under this title, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

(5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs authorized under this title.

Subtitle E—Joint Research and Development Programs

SEC. 1441. PROGRAMS WITH STATES OF FORMER SOVIET UNION.

The Congress encourages the Secretary of Defense to participate actively in joint research and development programs with the independent states of the former Soviet Union through the nongovernmental foundation established for this purpose by section 511 of the FREEDOM Support Act of 1992. To that end, the Secretary of Defense may spend those funds authorized in section 1421(a)(1)(C) for support, technical cooperation, in-kind assistance, and other activities with the following purposes:

(1) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(2) To assist the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(3) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(4) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(5) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent proliferation of weapons technologies and the dissolution of the technological infrastructure of those states.

TITLE XV—NONPROLIFERATION

SEC. 1501. SHORT TITLE.

This title may be cited as the "Weapons of Mass Destruction Control Act of 1992".

SEC. 1502. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the proliferation (A) of nuclear, biological, and chemical weapons (hereinafter in this title referred to as "weapons of mass destruction") and related technology and knowledge and (B) of missile delivery systems remains one of the most serious threats to international peace and the national security of the United States in the post-cold war era;

(2) the proliferation of nuclear weapons, given the extraordinary lethality of those weapons, is of particularly serious concern;

(3) the nonproliferation policy of the United States should continue to seek to limit both the supply of and demand for weapons of mass destruction and to reduce the existing threat from proliferation of such weapons;

(4) substantial funding of nonproliferation activities by the United States is essential to controlling the proliferation of all weapons of mass destruction, especially nuclear weapons and missile delivery systems;

(5) the President's nonproliferation policy statement of June 1992, and his September 10, 1992, initiative to increase funding for nonproliferation activities in the Department of Energy are praiseworthy;

(6) the Congress is committed to cooperating with the President in carrying out an effective policy designed to control the proliferation of weapons of mass destruction;

(7) the President should identify a full range of appropriate, high priority nonproliferation activities that can be undertaken by the United States and should include requests for full funding for those activities in the budget submission for fiscal year 1994;

(8) the Department of Defense and the Department of Energy have unique expertise that can further enhance the effectiveness of international nonproliferation activities;

(9) under the guidance of the President, the Secretary of Defense and the Secretary of Energy should continue to actively assist in United States nonproliferation activities and in formulating and executing United States nonproliferation policy, emphasizing activities such as improved capabilities (A) to detect and monitor proliferation, (B) to respond to terrorism, theft, and accidents involving weapons of mass destruction, and (C) to assist with interdiction and destruction of weapons of mass destruction and related weapons material; and

(10) in a manner consistent with United States nonproliferation policy, the Department of Defense and the Department of Energy should continue to maintain and to improve their capabilities to identify, monitor, and respond to proliferation of weapons of mass destruction and missile delivery systems.

SEC. 1503. REPORT ON DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY NONPROLIFERATION ACTIVITIES.

(a) Report Required.—The Secretary of Defense and the Secretary of Energy shall jointly submit to the committees of Congress named in subsection (d)(1) a report describing the role of the Department of Defense and the Department of Energy with respect to the nonproliferation policy of the United States.

(b) Matters To Be Covered in Report.—The report shall—

(1) address how the Secretary of Defense integrates and coordinates existing intelligence and military capabilities of the Department of Defense and how the Secretary of Energy integrates and coordinates the intelligence and emergency response capabilities of the Department of Energy in support of the nonproliferation policy of the United States;

(2) identify existing and planned capabilities within the Department of Defense, including particular capabilities of the military services, and the Department of Energy to (A) detect and monitor clandestine weapons of mass destruction programs, (B) respond to terrorism or accidents involving such weapons and to theft of related weapons materials, and (C) assist with interdiction and destruction of weapons of mass destruction and related weapons materials;

(3) describe, for the Department of Defense, the degree to which the Secretary of Defense has incorporated a nonproliferation mission into the overall mission of the unified combatant commands and how the Special Operations Command might support the commanders of the unified and specified commands in that mission;

(4) consider the appropriate roles of the Defense Advance Research Projects Agency (DARPA), the Defense Nuclear Agency (DNA), the On-Site-Inspection Agency (OSIA), and other Department of Defense agencies, as well as the national laboratories of the Department of Energy, in providing technical assistance and support for the efforts of the Department of Defense and the Department of Energy with respect to nonproliferation; and

(5) identify existing and planned mechanisms for improving the integration of Department of Defense and Department of Energy nonproliferation activities with those of other Federal departments and agencies.

(c) Coordination With Other Agencies.—The report required by subsection (a) shall, for purposes of subsection (b)(5), be coordinated with the heads of other appropriate departments and agencies.

(d) Submission of Report.—(1) The report required by subsection (a) shall be submitted—

(A) to the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) to the Committees on Armed Services, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

(2) The report shall be submitted not later than 180 days after the date of enactment of this Act and shall be submitted in unclassified form and, as necessary, in classified form.

SEC. 1504. NONPROLIFERATION TECHNOLOGY INITIATIVE.

(a) Funds for Department of Defense Activities.—

(1) Of the amount appropriated pursuant to section 103(3) for Other Procurement, Air Force, $5,000,000 shall be available for the AFTAC Chem/Biological Collection/Processing program.

(2) Of the amount appropriated pursuant to section 201(3) for Research, Development, Test, and Evaluation, Air Force, $6,500,000 shall be available for the Joint Seismic Program.

(3) Of the amount appropriated pursuant to section 201(4) for Research, Development, Test, and Evaluation, Defense Agencies—

(A) $11,600,000 shall be available for LIDAR,

(B) $5,000,000 shall be available for Seismic programs of the Defense Advanced Research Projects Agency, and

(C) $15,000,000 shall be available for Nuclear Proliferation Detection Technology programs of the Defense Advanced Research Projects Agency.

(b) Funds for Department of Energy Activities.—Of the amount appropriated pursuant to section 3104(a)(2) for Verification and Control Technologies, $86,000,000 shall be available for nuclear nonproliferation detection technologies and activities. Of such amount, not more than $30,000,000 may be obligated until the report required by section 1503 is submitted.

SEC. 1505. INTERNATIONAL NONPROLIFERATION INITIATIVE.

(a) Assistance for International Nonproliferation Activities.—Subject to the limitations and requirements provided in this section, during fiscal year 1993 the Secretary of Defense, under the guidance of the President, may provide assistance to support international nonproliferation activities.

(b) Activities for Which Assistance May Be Provided.—Activities for which assistance may be provided under this section are activities such as the following:

(1) Activities carried out by the International Atomic Energy Agency (IAEA) that are designed to ensure more effective safeguards against nuclear proliferation and more aggressive verification of compliance with the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968.

(2) Activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(3) Collaborative international nuclear security and nuclear safety projects to combat the threat of nuclear theft, terrorism, or accidents, including joint emergency response exercises, technical assistance, and training.

(4) Efforts to improve international cooperative monitoring of nuclear proliferation through joint technical projects and improved intelligence sharing.

(c) Form of Assistance.—(1) Assistance under this section may include funds and in-kind contributions of supplies, equipment, personnel, training, and other forms of assistance.

(2) Assistance under this section may be provided to international organizations in the form of funds only if the amount in the "Contributions to International Organizations" account of the Department of State is insufficient or otherwise unavailable to meet the United States fair share of assessments for international nuclear nonproliferation activities.

(3) No amount may be obligated for an expenditure under this section unless the Director of the Office of Management and Budget determines that the expenditure will be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) No assistance may be furnished under this section unless the Secretary of Defense determines and certifies to the Congress 30 days in advance that the provision of such assistance—

(A) is in the national security interest of the United States; and

(B) will not adversely affect the military preparedness of the United States.

(5) The authority to provide assistance under this section in the form of funds may be exercised only to the extent and in the amounts provided in advance in appropriations Act.

(d) Sources of Assistance.—(1) Funds provided as assistance under this section shall be derived from amounts made available to the Department of Defense for fiscal year 1993 or from balances in working capital accounts of the Department of Defense.

(2) Supplies and equipment provided as assistance under this section may be provided, by loan or donation, from existing stocks of the Department of Defense and the Department of Energy.

(3) The total amount of the assistance provided in the form of funds under this section may not exceed $40,000,000. Of such amount, not more than $20,000,000 may be used for the activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(4) Not less than 30 days before obligating any funds to provide assistance under this section, the Secretary of Defense shall transmit to the committees of Congress named in subsection (e)(2) a report on the proposed obligation. Each such report shall specify—

(A) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(B) the activities and forms of assistance for which the Secretary of Defense plans to obligate the funds.

(e) Quarterly Report.—(1) Not later than 30 days after the end of each quarter of fiscal year 1993, the Secretary of Defense shall transmit to the committees of Congress named in paragraph (2) a report of the activities to reduce the proliferation threat carried out under this section. Each report shall set forth (for the preceding quarter and cumulatively)—

(A) the amounts spent for such activities and the purposes for which they were spent;

(B) a description of the participation of the Department of Defense and the Department of Energy and the participation of other Government agencies in those activities; and

(C) a description of the activities for which the funds were spent.

(2) The committees of Congress to which reports under paragraph (1) and under subsection (d)(2) are to be transmitted are—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Energy and Commerce of the House of Representatives.

TITLE XVI—IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992

SEC. 1601. SHORT TITLE.

This title may be cited as the "Iran-Iraq Arms Non-Proliferation Act of 1992".

SEC. 1602. UNITED STATES POLICY.

(a) In General.—It shall be the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran or Iraq of any goods or technology, including dual-use goods or technology, wherever that transfer could materially contribute to either country's acquiring chemical, biological, nuclear, or destabilizing numbers and types of advanced conventional weapons.

(b) Sanctions.—(1) In the furtherance of this policy, the President shall apply sanctions and controls with respect to Iran, Iraq, and those nations and persons who assist them in acquiring weapons of mass destruction in accordance with the Foreign Assistance Act of 1961, the Nuclear Non-Proliferation Act of 1978, the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, chapter 7 of the Arms Export Control Act, and other relevant statutes, regarding the non-proliferation of weapons of mass destruction and the means of their delivery.

(2) The President should also urgently seek the agreement of other nations to adopt and in-

stitute, at the earliest practicable date, sanctions and controls comparable to those the United States is obligated to apply under this subsection.

(c) PUBLIC IDENTIFICATION.—The Congress calls on the President to identify publicly (in the report required by section 1607) any country or person that transfers goods or technology to Iran or Iraq contrary to the policy set forth in subsection (a).

SEC. 1603. APPLICATION TO IRAN OF CERTAIN IRAQ SANCTIONS.

The sanctions against Iraq specified in paragraphs (1) through (4) of section 586G(a) of the Iraq Sanctions Act of 1990 (as contained in Public Law 101–513), including denial of export licenses for United States persons and prohibitions on United States Government sales, shall be applied to the same extent and in the same manner with respect to Iran.

SEC. 1604. SANCTIONS AGAINST CERTAIN PERSONS.

(a) PROHIBITION.—If any person transfers or retransfers goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire destabilizing numbers and types of advanced conventional weapons, then the sanctions described in subsection (b) shall be imposed.

(b) MANDATORY SANCTIONS.—The sanctions to be imposed pursuant to subsection (a) are as follows:

(1) PROCUREMENT SANCTION.—For a period of two years, the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

(2) EXPORT SANCTION.—For a period of two years, the United States Government shall not issue any license for any export by or to the sanctioned person.

SEC. 1605. SANCTIONS AGAINST CERTAIN FOREIGN COUNTRIES.

(a) PROHIBITION.—If the President determines that the government of any foreign country transfers or retransfers goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire destabilizing numbers and types of advanced conventional weapons, then—

(1) the sanctions described in subsection (b) shall be imposed on such country; and

(2) in addition, the President may apply, in the discretion of the President, the sanction described in subsection (c).

(b) MANDATORY SANCTIONS.—Except as provided in paragraph (2), the sanctions to be imposed pursuant to subsection (a)(1) are as follows:

(1) SUSPENSION OF UNITED STATES ASSISTANCE.—The United States Government shall suspend, for a period of one year, United States assistance to the sanctioned country.

(2) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director to each appropriate international financial institution to oppose, and vote against, for a period of one year, the extension by such institution of any loan or financial or technical assistance to the sanctioned country.

(3) SUSPENSION OF CODEVELOPMENT OR COPRODUCTION AGREEMENTS.—The United States shall suspend, for a period of one year, compliance with its obligations under any memorandum of understanding with the sanctioned country for the codevelopment or coproduction of any item on the United States Munitions List (established under section 38 of the Arms Export Control Act), including any obligation for implementation of the memorandum of understanding through the sale to the sanctioned country of technical data or assistance or the licensing for export to the sanctioned country of any component part.

(4) SUSPENSION OF MILITARY AND DUAL-USE TECHNICAL EXCHANGE AGREEMENTS.—The United States shall suspend, for a period of one year, compliance with its obligations under any technical exchange agreement involving military and dual-use technology between the United States and the sanctioned country that does not directly contribute to the security of the United States, and no military or dual-use technology may be exported from the United States to the sanctioned country pursuant to that agreement during that period.

(5) UNITED STATES MUNITIONS LIST.—No item on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) may be exported to the sanctioned country for a period of one year.

(c) DISCRETIONARY SANCTION.—The sanction referred to in subsection (a)(2) is as follows:

(1) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Except as provided in paragraph (2), the President may exercise, in accordance with the provisions of that Act, the authorities of the International Emergency Economic Powers Act with respect to the sanctioned country.

(2) EXCEPTION.—Paragraph (1) does not apply with respect to urgent humanitarian assistance.

SEC. 1606. WAIVER.

The President may waive the requirement to impose a sanction described in section 1603, in the case of Iran, or a sanction described in section 1604(b) or 1605(b), in the case of Iraq and Iran, 15 days after the President determines and so reports to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives that it is essential to the national interest of the United States to exercise such waiver authority. Any such report shall provide a specific and detailed rationale for such determination.

SEC. 1607. REPORTING REQUIREMENT.

(a) ANNUAL REPORT.—Beginning one year after the date of the enactment of this Act, and every 12 months thereafter, the President shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report detailing—

(1) all transfers or retransfers made by any person or foreign government during the preceding 12-month period which are subject to any sanction under this title; and

(2) the actions the President intends to undertake or has undertaken pursuant to this title with respect to each such transfer.

(b) REPORT ON INDIVIDUAL TRANSFERS.—Whenever the President determines that a person or foreign government has made a transfer which is subject to any sanction under this title, the President shall, within 30 days after such transfer, submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report—

(1) identifying the person or government and providing the details of the transfer; and

(2) describing the actions the President intends to undertake or has undertaken under the provisions of this title with respect to each such transfer.

(c) FORM OF TRANSMITTAL.—Reports required by this section may be submitted in classified as well as in unclassified form.

SEC. 1608. DEFINITIONS.

For purposes of this title:

(1) The term "advanced conventional weapons" includes—

(A) such long-range precision-guided munitions, fuel air explosives, cruise missiles, low observability aircraft, other radar evading aircraft, advanced military aircraft, military satellites, electromagnetic weapons, and laser weapons as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways;

(B) such advanced command, control, and communications systems, electronic warfare systems, or intelligence collection systems as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways; and

(C) such other items or systems as the President may, by regulation, determine necessary for purposes of this title.

(2) The term "cruise missile" means guided missiles that use aerodynamic lift to offset gravity and propulsion to counteract drag.

(3) The term "goods or technology" means—

(A) any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment; and

(B) any information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data.

(4) The term "person" means any United States or foreign individual, partnership, corporation, or other form of association, or any of their successor entities, parents, or subsidiaries.

(5) The term "sanctioned country" means a country against which sanctions are required to be imposed pursuant to section 1605.

(6) The term "sanctioned person" means a person that makes a transfer described in section 1604(a).

(7) The term "United States assistance" means—

(A) any assistance under the Foreign Assistance Act of 1961, other than—

(i) urgent humanitarian assistance or medicine, and

(ii) assistance under chapter 11 of part I (as enacted by the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992);

(B) sales and assistance under the Arms Export Control Act;

(C) financing by the Commodity Credit Corporation for export sales of agricultural commodities; and

(D) financing under the Export-Import Bank Act.

TITLE XVII—CUBAN DEMOCRACY ACT OF 1992

SEC. 1701. SHORT TITLE.

This title may be cited as the "Cuban Democracy Act of 1992".

SEC. 1702. FINDINGS.

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people's exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increasing opposition to the Castro government by risking their lives in organizing independent, democratic activities on the island and by undertaking haz-

ardous flights for freedom to the United States and other countries.

(3) The Castro government maintains a military-dominated economy that has decreased the well-being of the Cuban people in order to enable the government to engage in military interventions and subversive activities throughout the world and, especially, in the Western Hemisphere. These have included involvement in narcotics trafficking and support for the FMLN guerrillas in El Salvador.

(4) There is no sign that the Castro regime is prepared to make any significant concessions to democracy or to undertake any form of democratic opening. Efforts to suppress dissent through intimidation, imprisonment, and exile have accelerated since the political changes that have occurred in the former Soviet Union and Eastern Europe.

(5) Events in the former Soviet Union and Eastern Europe have dramatically reduced Cuba's external support and threaten Cuba's food and oil supplies.

(6) The fall of communism in the former Soviet Union and Eastern Europe, the now universal recognition in Latin America and the Caribbean that Cuba provides a failed model of government and development, and the evident inability of Cuba's economy to survive current trends, provide the United States and the international democratic community with an unprecedented opportunity to promote a peaceful transition to democracy in Cuba.

(7) However, Castro's intransigence increases the likelihood that there could be a collapse of the Cuban economy, social upheaval, or widespread suffering. The recently concluded Cuban Communist Party Congress has underscored Castro's unwillingness to respond positively to increasing pressures for reform either from within the party or without.

(8) The United States cooperated with its European and other allies to assist the difficult transitions from Communist regimes in Eastern Europe. Therefore, it is appropriate for those allies to cooperate with United States policy to promote a peaceful transition in Cuba.

SEC. 1703. STATEMENT OF POLICY.

It should be the policy of the United States—

(1) to seek a peaceful transition to democracy and a resumption of economic growth in Cuba through the careful application of sanctions directed at the Castro government and support for the Cuban people;

(2) to seek the cooperation of other democratic countries in this policy;

(3) to make clear to other countries that, in determining its relations with them, the United States will take into account their willingness to cooperate in such a policy;

(4) to seek the speedy termination of any remaining military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from any of the independent states of the former Soviet Union;

(5) to continue vigorously to oppose the human rights violations of the Castro regime;

(6) to maintain sanctions on the Castro regime so long as it continues to refuse to move toward democratization and greater respect for human rights;

(7) to be prepared to reduce the sanctions in carefully calibrated ways in response to positive developments in Cuba;

(8) to encourage free and fair elections to determine Cuba's political future;

(9) to request the speedy termination of any military or technical assistance, subsidies, or other forms of assistance to the Government of Cuba from the government of any other country; and

(10) to initiate immediately the development of a comprehensive United States policy toward Cuba in a post-Castro era.

SEC. 1704. INTERNATIONAL COOPERATION.

(a) CUBAN TRADING PARTNERS.—The President should encourage the governments of countries that conduct trade with Cuba to restrict their trade and credit relations with Cuba in a manner consistent with the purposes of this title.

(b) SANCTIONS AGAINST COUNTRIES ASSISTING CUBA.—

(1) SANCTIONS.—The President may apply the following sanctions to any country that provides assistance to Cuba:

(A) The government of such country shall not be eligible for assistance under the Foreign Assistance Act of 1961 or assistance or sales under the Arms Export Control Act.

(B) Such country shall not be eligible, under any program, for forgiveness or reduction of debt owed to the United States Government.

(2) DEFINITION OF ASSISTANCE.—For purposes of paragraph (1), the term "assistance to Cuba"—

(A) means assistance to or for the benefit of the Government of Cuba that is provided by grant, concessional sale, guaranty, or insurance, or by any other means on terms more favorable than that generally available in the applicable market, whether in the form of a loan, lease, credit, or otherwise, and such term includes subsidies for exports to Cuba and favorable tariff treatment of articles that are the growth, product, or manufacture of Cuba; and

(B) does not include—

(i) donations of food to nongovernmental organizations or individuals in Cuba, or

(ii) exports of medicines or medical supplies, instruments, or equipment that would be permitted under section 1705(c).

(3) APPLICABILITY OF SECTION.—This section, and any sanctions imposed pursuant to this section, shall cease to apply at such time as the President makes and reports to the Congress a determination under section 1708(a).

SEC. 1705. SUPPORT FOR THE CUBAN PEOPLE.

(a) PROVISIONS OF LAW AFFECTED.—The provisions of this section apply notwithstanding any other provision of law, including section 620(a) of the Foreign Assistance Act of 1961, and notwithstanding the exercise of authorities, before the enactment of this Act, under section 5(b) of the Trading With the Enemy Act, the International Emergency Economic Powers Act, or the Export Administration Act of 1979.

(b) DONATIONS OF FOOD.—Nothing in this or any other Act shall prohibit donations of food to nongovernmental organizations or individuals in Cuba.

(c) EXPORTS OF MEDICINES AND MEDICAL SUPPLIES.—Exports of medicines or medical supplies, instruments, or equipment to Cuba shall not be restricted—

(1) except to the extent such restrictions would be permitted under section 5(m) of the Export Administration Act of 1979 or section 203(b)(2) of the International Emergency Economic Powers Act;

(2) except in a case in which there is a reasonable likelihood that the item to be exported will be used for purposes of torture or other human rights abuses;

(3) except in a case in which there is a reasonable likelihood that the item to be exported will be reexported; and

(4) except in a case in which the item to be exported could be used in the production of any biotechnological product.

(d) REQUIREMENTS FOR CERTAIN EXPORTS.—

(1) ONSITE VERIFICATIONS.—(A) Subject to subparagraph (B), an export may be made under subsection (c) only if the President determines that the United States Government is able to verify, by onsite inspections and other appropriate means, that the exported item is to be used for the purposes for which it was intended and only for the use and benefit of the Cuban people.

(B) Subparagraph (A) does not apply to donations to nongovernmental organizations in Cuba of medicines for humanitarian purposes.

(2) LICENSES.—Exports permitted under subsection (c) shall be made pursuant to specific licenses issued by the United States Government.

(e) TELECOMMUNICATIONS SERVICES AND FACILITIES.—

(1) TELECOMMUNICATIONS SERVICES.—Telecommunications services between the United States and Cuba shall be permitted.

(2) TELECOMMUNICATIONS FACILITIES.—Telecommunications facilities are authorized in such quantity and of such quality as may be necessary to provide efficient and adequate telecommunications services between the United States and Cuba.

(3) LICENSING OF PAYMENTS TO CUBA.—(A) The President may provide for the issuance of licenses for the full or partial payment to Cuba of amounts due Cuba as a result of the provision of telecommunications services authorized by this subsection, in a manner that is consistent with the public interest and the purposes of this title, except that this paragraph shall not require any withdrawal from any account blocked pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(B) If only partial payments are made to Cuba under subparagraph (A), the amounts withheld from Cuba shall be deposited in an account in a banking institution in the United States. Such account shall be blocked in the same manner as any other account containing funds in which Cuba has any interest, pursuant to regulations issued under section 5(b) of the Trading With the Enemy Act.

(4) AUTHORITY OF FEDERAL COMMUNICATIONS COMMISSION.—Nothing in this subsection shall be construed to supersede the authority of the Federal Communications Commission.

(f) DIRECT MAIL DELIVERY TO CUBA.—The United States Postal Service shall take such actions as are necessary to provide direct mail service to and from Cuba, including, in the absence of common carrier service between the 2 countries, the use of charter service providers.

(g) ASSISTANCE TO SUPPORT DEMOCRACY IN CUBA.—The United States Government may provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote nonviolent democratic change in Cuba.

SEC. 1706. SANCTIONS.

(a) PROHIBITION ON CERTAIN TRANSACTIONS BETWEEN CERTAIN UNITED STATES FIRMS AND CUBA.—

(1) PROHIBITION.—Notwithstanding any other provision of law, no license may be issued for any transaction described in section 515.559 of title 31, Code of Federal Regulations, as in effect on July 1, 1989.

(2) APPLICABILITY TO EXISTING CONTRACTS.—Paragraph (1) shall not affect any contract entered into before the date of the enactment of this Act.

(b) PROHIBITIONS ON VESSELS.—

(1) VESSELS ENGAGING IN TRADE.—Beginning on the 61st day after the date of the enactment of this Act, a vessel which enters a port or place in Cuba to engage in the trade of goods or services may not, within 180 days after departure from such port or place in Cuba, load or unload any freight at any place in the United States, except pursuant to a license issued by the Secretary of the Treasury.

(2) VESSELS CARRYING GOODS OR PASSENGERS TO OR FROM CUBA.—Except as specifically authorized by the Secretary of the Treasury, a vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has any interest may not enter a United States port.

(3) INAPPLICABILITY OF SHIP STORES GENERAL LICENSE.—No commodities which may be ex-

ported under a general license described in section 771.9 of title 15, Code of Federal Regulations, as in effect on May 1, 1992, may be exported under a general license to any vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest.

(4) DEFINITIONS.—As used in this subsection—

(A) the term "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water, but does not include aircraft;

(B) the term "United States" includes the territories and possessions of the United States and the customs waters of the United States (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)); and

(C) the term "Cuban national" means a national of Cuba, as the term "national" is defined in section 515.302 of title 31, Code of Federal Regulations, as of August 1, 1992.

(c) RESTRICTIONS ON REMITTANCES TO CUBA.—The President shall establish strict limits on remittances to Cuba by United States persons for the purpose of financing the travel of Cubans to the United States, in order to ensure that such remittances reflect only the reasonable costs associated with such travel, and are not used by the Government of Cuba as a means of gaining access to United States currency.

(d) CLARIFICATION OF APPLICABILITY OF SANCTIONS.—The prohibitions contained in subsections (a), (b), and (c) shall not apply with respect to any activity otherwise permitted by section 1705 or section 1707 of this Act or any activity which may not be regulated or prohibited under section 5(b)(4) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)(4)).

SEC. 1707. POLICY TOWARD A TRANSITIONAL CUBAN GOVERNMENT.

Food, medicine, and medical supplies for humanitarian purposes should be made available for Cuba under the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954 if the President determines and certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the government in power in Cuba—

(1) has made a public commitment to hold free and fair elections for a new government within 6 months and is proceeding to implement that decision;

(2) has made a public commitment to respect, and is respecting, internationally recognized human rights and basic democratic freedoms; and

(3) is not providing weapons or funds to any group, in any other country, that seeks the violent overthrow of the government of that country.

SEC. 1708. POLICY TOWARD A DEMOCRATIC CUBAN GOVERNMENT.

(a) WAIVER OF RESTRICTIONS.—The President may waive the requirements of section 1706 if the President determines and reports to the Congress that the Government of Cuba—

(1) has held free and fair elections conducted under internationally recognized observers;

(2) has permitted opposition parties ample time to organize and campaign for such elections, and has permitted full access to the media to all candidates in the elections;

(3) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(4) is moving toward establishing a free market economic system; and

(5) has committed itself to constitutional change that would ensure regular free and fair elections that meet the requirements of paragraph (2).

(b) POLICIES.—If the President makes a determination under subsection (a), the President shall take the following actions with respect to a Cuban Government elected pursuant to elections described in subsection (a):

(1) To encourage the admission or reentry of such government to international organizations and international financial institutions.

(2) To provide emergency relief during Cuba's transition to a viable economic system.

(3) To take steps to end the United States trade embargo of Cuba.

SEC. 1709. EXISTING CLAIMS NOT AFFECTED.

Except as provided in section 1705(a), nothing in this title affects the provisions of section 620(a)(2) of the Foreign Assistance Act of 1961.

SEC. 1710. ENFORCEMENT.

(a) ENFORCEMENT AUTHORITY.—The authority to enforce this title shall be carried out by the Secretary of the Treasury. The Secretary of the Treasury shall exercise the authorities of the Trading With the Enemy Act in enforcing this title. In carrying out this subsection, the Secretary of the Treasury shall take the necessary steps to ensure that activities permitted under section 1705 are carried out for the purposes set forth in this title and not for purposes of the accumulation by the Cuban Government of excessive amounts of United States currency or the accumulation of excessive profits by any person or entity.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this title.

(c) PENALTIES UNDER THE TRADING WITH THE ENEMY ACT.—Section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16) is amended—

(1) by striking "That whoever" and inserting "(a) Whoever"; and

(2) by adding at the end the following:

"(b)(1) The Secretary of the Treasury may impose a civil penalty of not more than $50,000 on any person who violates any license, order, rule, or regulation issued under this Act.

"(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

"(3) The penalties provided under this subsection may not be imposed for—

"(A) news gathering, research, or the export or import of, or transmission of, information or informational materials; or

"(B) clearly defined educational or religious activities, or activities of recognized human rights organizations, that are reasonably limited in frequency, duration, and number of participants.

"(4) The penalties provided under this subsection may be imposed only on the record after opportunity for an agency hearing in accordance with sections 554 through 557 of title 5, United States Code, with the right to prehearing discovery.

"(5) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.".

(d) APPLICABILITY OF PENALTIES.—The penalties set forth in section 16 of the Trading With the Enemy Act shall apply to violations of this title to the same extent as such penalties apply to violations under that Act.

(e) OFFICE OF FOREIGN ASSETS CONTROL.—The Department of the Treasury shall establish and maintain a branch of the Office of Foreign Assets Control in Miami, Florida, in order to strengthen the enforcement of this title.

SEC. 1711. DEFINITION.

As used in this title, the term "United States person" means any United States citizen or alien admitted for permanent residence in the United States, and any corporation, partnership, or other organization organized under the laws of the United States.

SEC. 1712. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act.

TITLE XVIII—FEDERAL CHARTERS FOR PATRIOTIC ORGANIZATIONS

Subtitle A—Military Order of the World Wars

SEC. 1801. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER.

The Military Order of the World Wars, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and is granted a Federal charter.

SEC. 1802. POWERS.

The Military Order of the World Wars (in this subtitle referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 1803. OBJECTS AND PURPOSES.

The objects and purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include the following:

(1) Promoting military service associations.

(2) Promoting patriotic education and military, naval, and air science.

(3) Defending the honor and integrity of the Federal Government and the Constitution.

(4) Fostering fraternal relations among all branches of the Armed Forces.

(5) Encouraging the adoption of a suitable policy of national security.

(6) Encouraging the commemoration of military service and the establishment of war memorials.

SEC. 1804. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1805. MEMBERSHIP.

Except as provided in section 1808, eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the articles of incorporation and bylaws of the corporation.

SEC. 1806. BOARD OF DIRECTORS.

Except as provided in section 1808, the composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 1807. OFFICERS OF CORPORATION.

Except as provided in section 1808, the positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 1808. PROHIBITION AGAINST DISCRIMINATION.

In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1809. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) STOCK.—The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

(d) CONGRESSIONAL APPROVAL.—The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities by virtue of this subtitle.

SEC. 1810. LIABILITY.

The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

SEC. 1811. BOOKS AND RECORDS.

The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

SEC. 1812. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"(75) The Military Order of the World Wars.".

SEC. 1813. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 2 of the Act referred to in section 1812. The report shall not be printed as a public document.

SEC. 1814. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this section is expressly reserved to the Congress.

SEC. 1815. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986. If the corporation fails to maintain such status, the charter granted by this subtitle shall expire.

SEC. 1816. TERMINATION.

The charter granted by this subtitle shall expire if the corporation fails to comply with—

(1) any restriction or other provision of this subtitle;

(2) any provision of its bylaws or articles of incorporation; or

(3) any provision of the laws of the District of Columbia that apply to corporations such as the corporation recognized under this subtitle.

SEC. 1817. DEFINITION.

For purposes of this subtitle, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

Subtitle B—Retired Enlisted Association, Incorporated

SEC. 1821. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER.

The Retired Enlisted Association, Incorporated, a nonprofit corporation organized under the laws of the State of Colorado, is recognized as such and is granted a Federal charter.

SEC. 1822. POWERS.

The Retired Enlisted Association, Incorporated (in this subtitle referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 1823. OBJECTS AND PURPOSES.

The objects and purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include the following:

(1) Upholding and defending the Constitution of the United States.

(2) Promoting health, prosperity, and scholarship among its members and their dependents and survivors through benevolent programs.

(3) Assisting veterans and their dependents and survivors through a service program established for that purpose.

(4) Improving conditions for retired enlisted service members, veterans, and their dependents and survivors.

(5) Fostering fraternal and social activities among its members in recognition that cooperative action is required for the furtherance of their common interests.

SEC. 1824. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1825. MEMBERSHIP.

Except as provided in section 1828, eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the articles of incorporation and bylaws of the corporation.

SEC. 1826. BOARD OF DIRECTORS.

Except as provided in section 1828, the composition of the board of directors of the corporation and the responsibilities of such board shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 1827. OFFICERS OF CORPORATION.

Except as provided in section 1828, the positions of officers of the corporation and the election of members to such positions shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 1828. PROHIBITION AGAINST DISCRIMINATION.

In establishing the conditions of membership in the corporation and in determining the requirements for serving on the board of the directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, handicap, age or national origin.

SEC. 1829. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation may not make any loan to any officer, director, or employee of the corporation.

(c) STOCK.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(d) CONGRESSIONAL APPROVAL.—The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities by virtue of this subtitle.

SEC. 1830. LIABILITY.

The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

SEC. 1831. BOOKS AND RECORDS.

The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

SEC. 1832. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law," approved August 30, 1964 (36 U.S.C. 1101), as amended by section 1812 of this Act, is further amended by adding at the end the following:

"(76) The Retired Enlisted Association, Incorporated.".

SEC. 1833. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 2 of the Act referred to in section 1832. The report shall not be printed as a public document.

SEC. 1834. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this section is expressly reserved to the Congress.

SEC. 1835. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986. If the corporation fails to maintain such status, the charter granted by this subtitle shall expire.

SEC. 1836. EXCLUSIVE RIGHTS TO NAMES.

The corporation shall have the sole and exclusive right to use the names "The Retired Enlisted Association, Incorporated", "The Retired Enlisted Association", "Retired Enlisted Association", and "TREA", and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section may be construed to conflict or interfere with rights that are established or vested before the date of the enactment of this Act.

SEC. 1837. TERMINATION.

If the corporation fails to comply with any of the restrictions or provisions of this subtitle, the charter granted by this subtitle shall expire.

SEC. 1838. DEFINITION.

For purposes of this subtitle, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1993".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(1), and, in the case of the project described in sec-

tion 2105(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for such project, the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	$105,300,000
	Fort McClellan	$10,100,000
Alaska	Fort Wainwright	$3,950,000
Arkansas	Pine Bluff Arsenal	$26,800,000
California	Sierra Army Depot	$2,450,000
Colorado	Fitzsimons Army Medical Center	$25,400,000
Georgia	Fort Gillem	$2,700,000
	Fort Gordon	$23,000,000
	Fort McPherson	$10,200,000
	Hunter Army Airfield	$5,400,000
Hawaii	Schofield Barracks	$23,300,000
Kansas	Fort Riley	$13,200,000
Kentucky	Fort Knox	$15,600,000
Louisiana	Fort Polk	$7,400,000
Maryland	Aberdeen Proving Ground	$3,400,000
New Jersey	Fort Monmouth	$3,550,000
	Picatinny Arsenal	$6,050,000
New Mexico	White Sands Missile Range	$6,000,000
New York	Fort Drum	$21,500,000
	United States Military Academy, West Point	$1,600,000
North Carolina	Fort Bragg	$8,700,000
Oklahoma	Fort Sill	$1,500,000
Pennsylvania	Letterkenny Army Depot	$5,400,000
Texas	Corpus Christi Army Depot	$21,200,000
	Fort Bliss	$24,960,000
	Fort Hood	$33,000,000
	Red River Army Depot	$3,600,000
Utah	Tooele Army Depot	$9,200,000
Virginia	Fort Belvoir	$1,200,000
	Fort Pickett	$5,800,000
CONUS Classified	Classified Location	$2,700,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Grafenwoehr	$11,600,000
OCONUS Classified	Classified Locations	$1,700,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
Hawaii	Oahu Various	200 units	$23,000,000
Kentucky	Fort Campbell	96 units	$8,200,000
Texas	Fort Hood	227 units	$25,000,000
Virginia	Fort Pickett	26 units	$2,300,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $8,940,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(6)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed $92,600,000.

SEC. 2104. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2105(a)(3), the Secretary of the Army may make advances to the Secretary of Transportation for the construction of defense roads under section 210 of title 23, United States Code, at Pohakaloa Training Area, Hawaii, in the total amount of $2,400,000.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,127,397,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $338,860,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $13,300,000.

(3) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $2,400,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $3,800,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $112,300,000.

(6) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $160,040,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,363,697,000, of which not more than $358,241,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $133,000,000, to remain available until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount—

(1) authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $95,300,000 (the balance of the amount authorized under section 2101(a) of the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama).

SEC. 2106. INCREASE IN LIMITATION ON LEASING OF MILITARY FAMILY HOUSING WORLDWIDE BY THE DEPARTMENT OF THE ARMY.

Section 2105(a)(6)(B) the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1512) is amended by striking out "$360,783,000" and inserting in lieu thereof "$395,783,000".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for such project, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
California	Camp Pendleton Marine Corps Base	$25,500,000
	Lemoore, Naval Air Station	$680,000
	Mare Island Naval Shipyard	$8,000,000
	Miramar Naval Air Station	$9,700,000
	Port Hueneme, Naval Construction Battalion Center	$14,300,000
	Seal Beach, Naval Weapons Station	$2,150,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	$4,600,000
Connecticut	New London, Naval Submarine Base	$12,500,000
Florida	Cecil Field, Naval Air Station	$5,850,000
Georgia	Albany, Marine Corps Logistics Base	$6,800,000
Hawaii	Barking Sands, Pacific Missile Range Facility	$4,580,000
	Honolulu, Naval Communication Area Master Station, Eastern Pacific	$1,400,000
	Pearl Harbor, Naval Supply Center	$6,700,000
	Pearl Harbor, Navy Public Works Center	$24,900,000
Indiana	Crane, Naval Surface Warfare Center	$6,000,000
Maryland	Annapolis, United States Naval Academy, Annapolis	$11,000,000
	Indian Head, Naval Ordnance Station	$7,890,000
	Patuxent River Naval Warfare Center, Aircraft Division	$60,990,000
Mississippi	Gulfport, Naval Construction Battalion Center	$4,650,000
	Meridian Naval Air Station	$1,100,000
North Carolina	New River Marine Corps Air Station	$3,600,000
	Cherry Point, Marine Corps Air Station	$4,680,000
Rhode Island	Newport, Naval Education and Training Center	$540,000
South Carolina	Charleston, Naval Weapons Station	$1,110,000
Tennessee	Memphis, Naval Air Station	$14,110,000
Texas	Corpus Christi, Naval Air Station	$4,900,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Kingsville, Naval Air Station	$20,120,000
Virginia	Damneck, Fleet Combat Training Center	$19,427,000
	Little Creek, Naval Amphibious Station	$8,000,000
	Norfolk, Naval Air Station	$3,100,000
	Norfolk, Naval Station	$880,000
	Norfolk, Naval Station, Fort Story Annex	$5,650,000
	Norfolk, Naval Supply Center	$12,400,000
	Oceana, Naval Air Station	$3,190,000
	Quantico Combat Development Center	$5,000,000
	Yorktown, Naval Weapons Station	$1,100,000
Washington	Bangor, Trident Refit Facility	$1,550,000
	Bremerton, Puget Sound Naval Shipyard	$14,800,000
	Bremerton, Naval Inactive Ship Maintenance Facility	$1,200,000
	Everett, Naval Station	$5,600,000
	Puget Sound Naval Station	$13,300,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Souda Bay, Naval Support Activity	$7,600,000
Various Locations	Host Nation Infrastructure Support	$3,000,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Camp Pendleton Marine Corps Base	300 units	$30,600,000
	San Diego Navy Public Works Center	300 units	$30,400,000
Connecticut	New London, Naval Submarine Base	100 units	$11,850,000

Navy: Family Housing—Continued

State	Installation	Purpose	Amount
Hawaii	Kauai, Pacific Missile Range Facility	13 units	$2,330,000
	Oahu, Naval Complex	758 units	$117,180,000
New Jersey	Earle, Naval Weapons Station	Community Center	$1,100,000
Virginia	Norfolk, Naval Station	Demolition and Site Preparation	$7,000,000
Washington	Bangor/ Bremerton Naval Complex	200 units	$19,500,000
	Kitsap County	200 units	$19,500,000
West Virginia.	Sugar Grove Naval Radio Station	8 units	$930,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $14,200,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of $130,844,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,450,529,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $312,557,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $10,600,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $5,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $75,692,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $385,434,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $661,246,000, of which not more than $104,470,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $50,990,000 (the balance of the amount authorized under section 2201(a) for the construction of the Large Anachoic Chamber Facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland).

SEC. 2205. POWER PLANT RELOCATION, NAVY PUBLIC WORKS CENTER, GUAM.

Section 2201(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2097) is amended—

(1) in the matter under the heading "GUAM" by striking out the item relating to the Navy Public Works Center and inserting in lieu thereof the following:

"Navy Public Works Center, $34,490,000."; and

(2) in the matter under the heading "PHILIPPINES" by striking out the item relating to the Navy Public Works Center, Subic Bay, and inserting in lieu thereof the following:

"Navy Public Works Center, Subic Bay, $570,000.".

SEC. 2206. REVISED AUTHORIZATIONS FOR CERTAIN MARINE CORPS PROJECTS.

(a) REVISED AUTHORIZATION.—Section 2201(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2095) is amended in the matter under the heading "NORTH CAROLINA" by striking out the items relating to Marine Corps Air Station, Cherry Point, and inserting in lieu thereof the following:

"Marine Corps Air Station, Cherry Point, $24,100,000.".

(b) CONFORMING AMENDMENTS.—Section 2205(a) of such Act (102 Stat. 2099) is amended—

(1) by striking out "$2,369,875,000" and inserting in lieu thereof "$2,361,555,000"; and

(2) in paragraph (1), by striking out "$1,296,450,000" and inserting in lieu thereof "$1,288,770,000".

SEC. 2207. DEFENSE ACCESS ROADS, NAVAL STATION PASCAGOULA, MISSISSIPPI.

Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(5) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1519), the Secretary of the Navy shall expend such amounts as the Secretary determines necessary for planning and design for defense access roads that are critical for access to Naval Station Pascagoula, Mississippi, as determined by the Secretary of the Navy.

SEC. 2208. MILITARY FAMILY HOUSING, NAVAL AIR STATION WHIDBEY ISLAND, WASHINGTON.

The Secretary of the Navy shall include in the budget request for the Navy for fiscal year 1994 a request for funds for the design of 300 family housing units at Naval Air Station Whidbey Island, Washington.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), and, in the case of the projects described in paragraphs (2), (3), and (4) of section 2304(b), other amounts appropriated pursuant to authorizations enacted after this Act for such project, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Gunter Air Force Base	$960,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Maxwell Air Force Base	$20,600,000
Alaska	Clear Air Force Station	$2,250,000
	Eielson Air Force Base	$40,950,000
	Elmendorf Air Force Base	$22,550,000
	Galena Airport	$4,850,000
	King Salmon Airport	$6,400,000
	Shemya Air Force Base	$3,350,000
Arizona	Libby Army Air Field	$15,300,000
	Davis Monthan Air Force Base	$3,500,000
	Luke Air Force Base	$2,950,000
	Navajo Army Depot	$3,900,000
Arkansas	Little Rock Air Force Base	$3,860,000
California	Beale Air Force Base	$5,600,000
	Edwards Air Force Base	$24,500,000
	March Air Force Base	$2,250,000
	McClellan Air Force Base	$9,900,000
	Travis Air Force Base	$11,680,000
	Vandenberg Air Force Base	$26,250,000
Colorado	Peterson Air Force Base	$3,500,000
	United States Air Force Academy	$4,260,000
Delaware	Dover Air Force Base	$21,260,000
District of Columbia	Bolling Air Force Base	$9,400,000
Florida	Cape Canaveral Air Force Station	$40,800,000
	Eglin Air Force Base	$65,680,000
	Patrick Air Force Base	$7,700,000
Georgia	Moody Air Force Base	$4,380,000
	Robins Air Force Base	$11,500,000
Illinois	Scott Air Force Base	$960,000
Kansas	McConnell Air Force Base	$960,000
Louisiana	Barksdale Air Force Base	$28,320,000
Maryland	Andrews Air Force Base	$820,000
Massachusetts	Hanscom Air Force Base	$4,200,000
Mississippi	Keesler Air Force Base	$13,240,000
Missouri	Whiteman Air Force Base	$62,270,000
Montana	Malmstrom Air Force Base	$1,100,000
Nebraska	Offutt Air Force Base	$6,190,000
Nevada	Nellis Air Force Base	$10,930,000
New Jersey	McGuire Air Force Base	$8,970,000
New Mexico	Cannon Air Force Base	$2,800,000
	Holloman Air Force Base	$11,420,000
North Carolina	Pope Air Force Base	$22,180,000
	Seymour Johnson Air Force Base	$5,230,000
North Dakota	Cavalier Air Force Station	$1,450,000
	Grand Forks Air Force Base	$6,500,000
	Minot Air Force Base	$8,650,000
Ohio	Wright-Patterson Air Force Base	$12,170,000
Oklahoma	Altus Air Force Base	$7,300,000
	Tinker Air Force Base	$21,280,000
	Vance Air Force Base	$2,350,000
South Carolina	Charleston Air Force Base	$32,150,000
	Shaw Air Force Base	$2,380,000
South Dakota	Ellsworth Air Force Base	$3,880,000
Texas	Brooks Air Force Base	$9,000,000
	Dyess Air Force Base	$7,300,000
	Goodfellow Air Force Base	$3,250,000
	Kelly Air Force Base	$21,360,000
	Lackland Air Force Base	$9,000,000
	Laughlin Air Force Base	$6,000,000
	Randolph Air Force Base	$1,250,000
	Sheppard Air Force Base	$6,990,000
Utah	Hill Air Force Base	$6,100,000
Virginia	Langley Air Force Base	$7,050,000
Washington	Fairchild Air Force Base	$2,510,000
	McChord Air Force Base	$2,540,000
Wyoming	F.E. Warren Air Force Base	$1,050,000
Various Locations	Various Locations	$2,800,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Ascension Island	Power/Desalinization Plant	$22,000,000
Germany	Rhein-Main Air Base	$3,100,000
Greenland	Thule Air Base	$24,900,000
Guam	Andersen Air Force Base	$23,240,000
Portugal	Lajes Field	$8,450,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State or Country	Installation	Purpose	Amount
California	Beale Air Force Base	Housing office	$306,000
	March Air Force Base	320 units	$38,351,000
Florida	Patrick Air Force Base	250 units	$22,500,000
Georgia	Moody Air Force Base	Housing maintenance facility	$290,000
	Robins Air Force Base	55 units	$3,153,000
Illinois	Scott Air Force Base	1,068 units	$60,000,000
Louisiana	Barksdale Air Force Base	Housing maintenance and storage facility	$443,000
New Mexico	Cannon Air Force Base	361 units	$32,951,000
	Cannon Air Force Base	Housing office.	$480,000
North Dakota.	Minot Air Force Base	Housing office.	$286,000
South Carolina.	Shaw Air Force Base	Housing office.	$351,000
Utah	Hill Air Force Base	82 units	$6,353,000
Portugal	Lajes Field	Water wells	$865,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $7,457,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $150,000,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,062,707,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $667,290,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $81,690,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $95,000,000.

(5) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $283,786,000; and

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $927,941,000 of which not

more than $150,800,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $59,000,000 (the balance of the amount authorized under section 2301(a) for the construction of the climate test chamber at Elgin Air Force Base, Florida);

(3) $11,000,000 (the balance of the amount authorized under section 2301(a) for the construction of apron and hydrant system at Barksdale Air Force Base, Louisiana); and

(4) $40,000,000 (the balance of the amount authorized under section 2301(a) for the construction of family housing at Scott Air Force Base, Illinois).

SEC. 2305. CHILD DEVELOPMENT CENTER RELOCATION, BUCKLEY AIR NATIONAL GUARD BASE, COLORADO.

Section 2301(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1770) is amended in the matter under the heading "COLORADO" by striking out the item relating to Lowry Air Force Base and inserting in lieu thereof the following:

"Buckley Air National Guard Base, $4,550,000.".

SEC. 2306. AUTHORIZED FAMILY HOUSING LEASE PROJECTS.

Subject to section 2835 of title 10, United States Code, the Secretary of the Air Force may enter into contracts for the lease of family housing units in the number of units shown, and at the net present value shown, for the following installations:

(1) Bolling Air Force Base, District of Columbia, 550 units, $54,200,000.

(2) Andrews Air Force Base, Maryland, 550 units, $54,200,000.

SEC. 2307. AUTHORIZED MILITARY HOUSING RENTAL GUARANTEE PROJECTS.

Subject to section 2836 of title 10, United States Code, the Secretary of the Air Force may enter into rental guarantee agreements for military housing in the number of units shown for the following installations:

(1) Elmendorf Air Force Base, Alaska, 302 units.

(2) Patrick Air Force Base, Florida, 409 units

(3) Offutt Air Force Base, Nebraska, 400 units.

SEC. 2308. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.

(a) FISCAL YEAR 1992 PROJECTS.—(1) Section 2301 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1521) is amended—

(A) under the heading "ALASKA", by striking out the item relating to Shemya Air Force Base and inserting in lieu thereof the following:

"Shemya Air Force Base, $10,300,000.";

(B) under the heading "ARIZONA", by striking out the item relating to Luke Air Force Base and inserting in lieu thereof the following:

"Luke Air Force Base, $6,000,000.";

(C) by striking out the following:

"MONTANA

"Conrad Strategic Training Range Site, $700,000.

"Havre Strategic Training Range Site, $700,000.";

(D) under the heading "NEW YORK", by striking out the item relating to Griffiss Air Force Base and inserting in lieu thereof the following:

"Griffiss Air Force Base, $1,500,000.";

(E) under the heading "SOUTH DAKOTA", by striking out the item relating to Ellsworth Air Force Base and inserting in lieu thereof the following:

"Ellsworth Air Force Base, $2,040,000."; and

(F) under the heading "TEXAS", by striking out the item relating to Sheppard Air Force Base and inserting in lieu thereof the following:

"Sheppard Air Force Base, $16,250,000.".

(2) Section 2305(a) of such Act (105 Stat. 1525) is amended—

(A) by striking out "$2,089,303,000" and inserting in lieu thereof "$2,054,713,000"; and

(B) in paragraph (1), by striking out "$778,970,000" and inserting in lieu thereof "$744,380,000".

(b) FISCAL YEAR 1991 PROJECTS.—(1) Section 2301 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1769) is amended—

(A) under the heading "GEORGIA", by striking out the item relating to Robins Air Force Base and inserting in lieu thereof the following:

"Robins Air Force Base, $8,700,000.";

(B) under the heading "MICHIGAN", by striking out the item relating to K.I. Sawyer Air Force Base and inserting in lieu thereof the following:

"K.I. Sawyer Air Force Base, $1,400,000."; and

(C) under the heading "OKLAHOMA", by striking out the item relating to Tinker Air Force Base and inserting in lieu thereof the following:

"Tinker Air Force Base, $53,350,000.".

(2) Section 2302(a) of such Act (104 Stat. 1773) is amended by striking out the item relating to Myrtle Beach Air Force Base, South Carolina.

(3) Section 2304(a) of such Act (104 Stat. 1773) is amended—

(A) by striking out "$1,922,733,000" and inserting in lieu thereof "$1,905,075,000";

(B) in paragraph (1), by striking out "$742,255,000" and inserting in lieu thereof "$724,855,000"; and

(C) in paragraph (7)(A), by striking out "$182,965,000" and inserting in lieu thereof "$182,707,000".

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1) and, in the case of the projects described in paragraphs (2), (3), (4), and (5) of section 2403(c), other amounts appropriated pursuant to authorizations enacted after this Act for such projects, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Defense Logistics Agency	Defense Reutilization and Marketing Office, March Air Force Base, California	$630,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah	$1,700,000
	Defense General Supply Center, Richmond, Virginia	$2,900,000
Defense Medical Facility Office	Beale Air Force Base, California	$3,500,000
	Elmendorf Air Force Base, Alaska	$160,000,000
	March Air Force Base, California	$18,000,000
	Fitzsimons Army Medical Center, Colorado	$390,000,000
	Walter Reed Army Medical Center, District of Columbia	$147,300,000
	Fort Leonard Wood, Missouri	$3,000,000
	Fort Bragg, North Carolina	$250,000,000
	Millington Naval Air Station, Tennessee	$10,000,000
National Security Agency	Fort Meade, Maryland	$6,700,000
Section 6 Schools	Fort Bragg, North Carolina	$3,950,000
Strategic Defense Initiative Organization	Barking Sands, Hawaii	$2,500,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
DOD Dependent Schools	Hohenfels, Germany	$13,500,000
Defense Nuclear Agency	Johnston Island	$1,500,000
National Security Agency	Classified Locations	$9,590,,000
Strategic Defense Initiative Organization	Kwajelein	$22,000,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(9), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,567,146,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $87,950,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $46,590,000.

(3) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987, $27,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, $16,000,000.

(5) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,508,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $90,818,000.

(8) For conforming storage facilities constructed under the authority of section 2404(a) of the Military Construction Authorization Act, 1987, $3,580,000.

(9) For energy conservation projects authorized by section 2402, $60,000,000.

(10) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), $440,700,000.

(11) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $1,743,600,000.

(12) For military family housing functions (including functions described in section 2833 of title 10, United States Code), $28,400,000, of which not more than $23,559,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) AUTHORIZATION OF UNOBLIGATED FUNDS.—Funds in the amount of $5,230,000 appropriated to the Department of Defense for fiscal years before fiscal year 1993 for military construction functions of the Defense Agencies that remain available for obligation on the date of enactment of this Act are hereby authorized to be made available, to the extent provided in appropriation Acts, for military construction projects authorized in section 2401(a) for the Defense Logistics Agency.

(c) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and subsection (b);

(2) $134,000,000 (the balance of the amount authorized for construction of the Walter Reed Institute of Research, District of Columbia);

(3) $145,000,000 (the balance of the amount authorized for construction of the Hospital at Elmendorf Air Force Base, Alaska);

(4) $240,000,000 (the balance of the amount authorized for construction of the Army Medical Center at Fort Bragg, North Carolina); and

(5) $388,000,000 (the balance of the amount authorized for Fitzsimons Army Medical Center, Colorado).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1992, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $60,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1992, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $208,672,000; and

(B) for the Army Reserve, $34,850,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $17,200,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $305,759,000; and

(B) for the Air Force Reserve, $36,580,000.

SEC. 2602. REDUCTIONS IN CERTAIN PRIOR YEAR AUTHORIZATIONS OF APPROPRIATIONS FOR AIR FORCE RESERVE MILITARY CONSTRUCTION PROJECTS.

(a) FISCAL YEAR 1989.—Section 2601(3)(B) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2114) is amended by striking out "$63,600,000" and inserting in lieu thereof "$62,440,000".

(b) FISCAL YEAR 1990.—Section 2601(3)(B) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1645) is amended by striking out "$35,600,000" and inserting in lieu thereof "$29,050,000".

(c) FISCAL YEAR 1991.—Section 2601(3)(B) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1781) is amended by striking out "$37,700,000" and inserting in lieu thereof "$33,930,000".

TITLE XXVII— EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1995; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1995; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1996 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189, 103 Stat. 1645), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, or 2301 of that Act and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), shall remain in effect until October 1, 1993, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1994, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1990 Project Authorizations

State	*Installation or location*	*Project*	*Amount*
Kansas	*Fort Riley*	*Child development center*	*$1,500,000*
Louisiana	*Fort Polk*	*Range modernization*	*$9,600,000*
Pennsylvania.	*New Cumberland Army Depot*	*Hazardous material storage facility*	*$14,000,000*
Virginia	*Fort Lee*	*Enlisted petroleum training facility*	*$8,300,000*

Navy: Extension of 1990 Project Authorizations

State	*Installation or location*	*Project*	*Amount*
California	*Navy Public Works Center, San Francisco*	*344 housing units*	*$34,000,000*
Texas	*Ingleside Naval Station*	*EOD complex*	*$1,000,000*
		BEQ II project	*$6,200,000*
		Magazines	*$910,000*
Pennsylvania.	*Philadelphia Naval Shipyard*	*Hazardous and flammable material warehouse*	*$3,000,000*

Air Force: Extension of 1990 Project Authorizations

State or country	*Installation or location*	*Project*	*Amount*
Colorado	*Lowry Air Force Base*	*Computer operations facility*	*$15,500,000*
		Logistics support facility	*$3,500,000*
Ohio	*Newark Air Force Base*	*Child development center*	*$680,000*
Oklahoma	*Tinker Air Force Base*	*EMP test facility*	*$9,300,000*
Turkey	*Incirlik Air Force Base*	*Post office*	*$550,000*

SEC. 2703. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1992; and

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. PROMOTION OF ENERGY SAVINGS AT MILITARY INSTALLATIONS.

(a) Energy Saving Activities.—Section 2865 of title 10, United States Code, is amended—

(1) by striking out subsection (b)(3);

(2) by redesignating subsection (d) as subsection (f); and

(3) by inserting after subsection (c) the following new subsection:

"(d) Energy Saving Activities.—(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by any gas or electric utility for the management of electricity demand or for energy conservation.

"(2) The Secretary of Defense may authorize any military installation to accept any financial incentive, goods, or services generally available from a gas or electric utility, to adopt technologies and practices that the Secretary determines are cost effective for the Federal Government.

"(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into agreements with gas or electric utilities to design and implement cost-effective demand and conservation incentive programs (including energy management services, facilities alterations, and the installation and maintenance of energy saving devices and technologies by the utilities) to address the requirements and circumstances of the installation.

"(4)(A) If an agreement under paragraph (3) provides for a utility to advance financing costs for the design or implementation of a program referred to in that paragraph to be repayed by the United States, the cost of such advance may be recovered by the utility under terms no less favorable than those applicable to its most favored customer.

"(B) Subject to the availability of appropriations, repayment of costs advanced under subparagraph (A) shall be made from funds available to a military department for the purchase of utility services.

"(C) An agreement under paragraph (3) shall provide that title to any energy-saving device or technology installed at a military installation pursuant to the agreement vested in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.".

(b) Energy Conservation Construction Projects.—Such section is further amended by inserting after subsection (d), as added by subsection (a)(3), the following new subsection:

"(e) Energy Conservation Construction Projects.—(1) The Secretary of Defense may carry out a military construction project for energy conservation, not previously authorized, using funds appropriated or otherwise made available for that purpose.

"(2) When a decision is made to carry out a project under paragraph (1), the Secretary of Defense shall notify in writing the Committees on Armed Services and Appropriations of the Senate and House of Representatives of that decision. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees.".

(c) Conforming Amendment.—Subsection (b)(1) of such section is amended by striking out "paragraph (3)(B)" and inserting in lieu thereof "subsection (d)(2)".

(d) Technical Amendment.—Subsection (f) of such section, as redesignated by subsection (a)(2), is amended by striking out "Beginning with fiscal year 1991 and by no later than December 31, 1991, and of each year thereafter," and inserting in lieu thereof "Not later than December 31 of each year,".

(e) Clerical Amendments.—Such section is further amended—

(1) in subsection (a), by inserting "Energy Performance Goal and Plan.—" after "(a)";

(2) in subsection (b), by inserting "Use of Energy Cost Savings.—" after "(b)";

(3) in subsection (c), by inserting "Shared Energy Savings Contracts.—" after "(c)"; and

(4) in subsection (f), as redesignated by subsection (a)(2), by inserting "Annual Report.— " after "(f)".

SEC. 2802. AUTHORITY TO CONSTRUCT REPLACEMENT FAMILY HOUSING UNITS.

(a) Authority To Construct Replacement Units.—Section 2825 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) The Secretary concerned may construct replacement military family housing units in lieu of improving existing military family housing units if—

"(A) the improvement of the existing housing units has been authorized by law;

"(B) the Secretary determines that the improvement project is no longer cost-effective after a review of post-design or bid cost estimates;

"(C) the Secretary submits to the committees referred to in subsection (b)(1) a notice containing—

"(i) an economic analysis demonstrating that the improvement project would exceed 70 percent of the cost of constructing replacement housing units intended for members of the armed forces in the same pay grade or grades as those members who occupy the existing housing units; and

"(ii) if the replacement housing units are intended for members of the armed forces in a different pay grade or grades, a justification of the need for the replacement housing units based upon the long-term requirements of the armed forces in the location concerned; and

"(D) a period of 21 days elapses after the date on which the Secretary submits the notice required by subparagraph (C).

"(2) The amount that may be expended to construct replacement military family housing units under this subsection may not exceed the amount that is otherwise available to carry out the previously authorized improvement project.".

(b) Conforming Amendment.—Section 2822(b) of such title is amended by adding at the end the following new paragraph:

"(5) Replacement housing units constructed under section 2825(c) of this title.".

Subtitle B—Defense Base Closure and Realignment

SEC. 2821. USE OF PROCEEDS OF THE TRANSFER OR DISPOSAL OF COMMISSARY STORE AND OTHER FACILITIES AND PROPERTY.

(a) Base Closures Under 1988 Act.—(1) Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note) is amended by striking out subparagraphs (C) and (D) and inserting in lieu thereof the following new subparagraph:

"(C)(i) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this title, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in a reserve account established in the Treasury to be administered by the Secretary. The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(I) commissary stores; and

"(II) real property and facilities for nonappropriated fund instrumentalities.

"(ii) The amount deposited under clause (i) shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

"(iii) As used in this subparagraph:

"(I) The term 'commissary store funds' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

"(II) The term 'nonappropriated funds' means funds received from a nonappropriated fund instrumentality.

"(III) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(2) Section 209 of such Act is amended by striking out paragraph (10).

(b) Base Closures Under 1990 Act.—Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out subsection (d), as added by section 344(b)(1)(B) of Public Law 102–190, and inserting in lieu thereof the following new subsection:

"(d) Disposal or Transfer of Commissary Stores and Property Purchased With Nonappropriated Funds.—(1) If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(4)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note).

"(2) The amount so deposited shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

"(3) The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts) for the purpose of acquiring, constructing, and improving—

"(A) commissary stores; and

"(B) real property and facilities for nonappropriated fund instrumentalities.

"(4) As used in this subsection:

"(A) The term 'commissary store funds' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores

fixed under section 2685 of title 10, United States Code.

"(B) The term 'nonappropriated funds' means funds received from a nonappropriated fund instrumentality.

"(C) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(c) CLOSURE OF FOREIGN MILITARY INSTALLATIONS.—Section 2921(d)(1) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended in the first sentence by striking out "the value of the improvements carried out" and inserting in lieu thereof "the depreciated value of the investment made".

SEC. 2822. DEMONSTRATION PROJECT FOR THE USE OF A NATIONAL RELOCATION CONTRACTOR TO ASSIST THE DEPARTMENT OF DEFENSE.

(a) USE OF NATIONAL RELOCATION CONTRACTOR.—Subject to the availability of appropriations therefor, the Secretary of Defense shall enter into a one-year contract with a private relocation contractor operating on a nationwide basis to test the cost-effectiveness of using national relocation contractors to administer the Homeowners Assistance Program. The contract shall be competitively awarded not later than 30 days after the date of the enactment of this Act.

(b) REPORT ON CONTRACT.—Not later than one year after the date on which the Secretary of Defense enters into the contract under subsection (a), the Comptroller General shall submit to Congress a report containing the Comptroller General's evaluation of the effectiveness of using the national contractor for administering the program referred to in subsection (a). The report shall compare the cost and efficiency of such administration with the cost and efficiency of—

(1) the program carried out by the Corps of Engineers using its own employees; and

(2) the use of contracts with local relocation companies at military installations being closed or realigned.

SEC. 2823. CHANGE IN DATE OF REPORT OF COMPTROLLER GENERAL TO CONGRESS AND DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.

Section 2903(d)(5)(B) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out "May 15 of each year" and inserting in lieu thereof "April 15 of each year".

SEC. 2824. AVAILABILITY OF CERTAIN FEDERAL PROPERTY FOR APPLICATION FOR USE TO ASSIST THE HOMELESS.

(a) AVAILABILITY OF PROPERTY AFTER HOLDING PERIOD.—Section 501(c)(4)(C) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(c)(4)(C)) is amended to read as follows:

"(C) For purposes of subparagraph (A), property shall not be considered to remain available for application for use to assist the homeless after the 60-day holding period provided under subsection (d) if—

"(i) an application for or written expression of interest in the property is made under any law for use of the property for any purpose; or

"(ii) the Administrator receives a bona fide offer to purchase the property or advertises for the sale of the property by public auction.".

(b) TECHNICAL CORRECTION.—Section 501(f)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(f)(2)) is amended by inserting "or" after "Unutilized".

SEC. 2825. REVISION OF REQUIREMENTS RELATING TO BUDGET DATA ON BASE CLOSURES.

(a) COVERED FUNDING REQUESTS.—(1) Subsection (a) of section 2822 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1546; 10 U.S.C. 2687 note) is amended—

(A) by striking out "each military construction project" and inserting in lieu thereof "military construction relating to the closure or realignment of the installation"; and

(B) by striking out "the cost of such project" and inserting in lieu thereof "the cost of such construction".

(2) Subsection (b) of such section is amended—

(A) by striking out "of a military construction project" and inserting in lieu thereof "of military construction"; and

(B) by striking out "the project" and inserting in lieu thereof "the construction".

(b) INVESTIGATION BY INSPECTOR GENERAL.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "each military construction project" and inserting in lieu thereof "the military construction"; and

(B) by striking out "the project" and inserting in lieu thereof "such construction"; and

(2) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following new paragraph (2):

"(2) The Inspector General shall submit to the congressional defense committees a report describing the results of each investigation conducted under paragraph (1).".

SEC. 2826. CONSIDERATION OF COMMUNITY ABILITY TO COMPETE FOR THE RELOCATION OF FINANCE AND ACCOUNTING ACTIVITIES.

(a) CONSIDERATION OF FACTORS.—In evaluating and selecting communities as sites for the relocation of financial and accounting activities under the management of the Defense Finance Accounting Service, the Secretary of Defense shall ensure that consideration is provided to the ability of States and communities to compete for the relocation based upon their relative size and potential to make offers of incentives for the relocation.

(b) REPORT.—The Secretary of Defense shall, with respect to the relocation described in subsection (a) and not later than February 28, 1993, submit to the Committees on Armed Services of the Senate and House of Representatives a report on the advisability of using competitive procedures among communities to acquire property (through lease or otherwise) and other incentives without providing reimbursement to the community for such property or incentives.

SEC. 2827. OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY ACCOUNT.

(a) USE OF ACCOUNT AT OVERSEAS FACILITIES.—Subsection (c) of section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in the first sentence of paragraph (2), by striking out "in connection with facility maintenance and repair and environmental restoration at military installations in the United States." and inserting in lieu thereof the following: "in connection with—

"(A) facility maintenance and repair and environmental restoration at military installations in the United States; and

"(B) facility maintenance and repair and compliance with applicable environmental laws at military installations outside the United States that the Secretary anticipates will be occupied by the Armed Forces for a long period.";

(2) by striking out the second sentence of paragraph (2); and

(3) by adding at the end the following new paragraphs:

"(3) Funds in the Department of Defense Overseas Facility Investment Recovery Account shall remain available until expended.".

(b) PAYMENTS-IN-KIND.—Such section is further amended by adding at the end the following new subsection:

"(e) NEGOTIATIONS FOR PAYMENTS-IN-KIND.—Before the Secretary of Defense enters into negotiations with a host country regarding the acceptance by the United States of any payment-in-kind in connection with the release to the host country of improvements made by the United States at military installations in the host country, the Secretary shall submit a written notice to the congressional defense committees containing a justification for entering into negotiations for payments-in-kind with the host country and the types of benefit options to be pursued by the Secretary in the negotiations."

(c) ANNUAL REPORT ON OVERSEAS MILITARY FACILITY INVESTMENT RECOVERY ACCOUNT.—Such section is further amended by adding after subsection (e), as added by subsection (b), the following new subsection:

"(f) REPORT ON STATUS AND USE OF SPECIAL ACCOUNT.—Not later than January 15 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the operations of the Department of Defense Overseas Military Facility Investment Recovery Account during the preceding fiscal year and proposed uses of funds in the special account during the next fiscal year. The report shall include the following:

"(1) The amount of each deposit in the account during the preceding fiscal year, and the source of the amount.

"(2) The balance in the account at the end of that fiscal year.

"(3) The amounts expended from the account by each military department during that fiscal year.

"(4) With respect to each military installation for which money was deposited in the account as a result of the release of real property or improvements of the installation to a host country during that fiscal year—

"(A) the total amount of the investment of the United States in the installation, expressed in terms of constant dollars of that fiscal year;

"(B) the depreciated value (as determined by the Secretary of a military department under regulations to be prescribed by the Secretary of Defense) of the real property and improvements that were released; and

"(C) the explanation of the Secretary for any difference between the benefits received by the United States for the real property and improvements and the depreciated value (as so determined) of that real property and improvements.

"(5) A list identifying all military installations outside the United States for which the Secretary proposes to make expenditures from the Department of Defense Overseas Facility Investment Recovery Account under subsection (c)(2)(B) during the next fiscal year and specifying the amount of the proposed expenditures for each identified military installation.

"(6) A descricption of the purposes for which the expenditures proposed under paragraph (5) will be made and the need for such expenditures.".

Subtitle C—Land Transactions

SEC. 2831. MODIFICATION OF LAND EXCHANGE, SAN DIEGO, CALIFORNIA.

Section 837 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1529) is amended—

(1) in subsection (a) by striking out "or the San Diego Energy Recovery Project, a joint powers agency of the city and county of San Diego (hereinafter in this section referred to as 'SANDER'),";

(2) by striking out subsection (c);

(3) by redesignating subsections (d) and (e) as subsections (e) and (f);

(4) by inserting after subsection (b) the following new subsections:

"(c) ALTERNATIVE CONSIDERATION.—(1) In lieu of the 120 acres of land referred to in subsection (b) as consideration for the conveyance under subsection (a), the Secretary of the Navy may permit the City to convey to the Secretary—

"(A) other real property suitable for use, as determined by the Secretary, for military family housing;

"(B) an amount equal to the fair market value of the parcel conveyed under subsection (a), as determined by the Secretary; or

"(C) a combination of real property and cash.

"(2) The Secretary may permit the alternative conveyance under paragraph (1) only if the Secretary determines that the City will use the 120 acres of land for purposes associated with the clean water program of the City that are compatible with the mission and operations of the adjacent Naval Air Station, Miramar.

"(d) FAIR MARKET VALUE; USE OF PROCEEDS.—The total value of the consideration to be provided to the United States under subsections (b) and (c) shall be at least equal to the fair market value of the lands conveyed under subsection (a), as determined by the Secretary of the Navy. The City shall pay any difference to the United States. Subject to the availability of appropriations for this purpose, the Secretary may use any amounts paid under this section solely for the purpose of acquiring in the San Diego area a suitable site for, or constructing or acquiring by direct purchase, military family housing. Any funds received by the Secretary under this section and not used within 30 months after receipt shall be deposited into the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h))."; *and*

(5) in subsection (e), as redesignated by paragraph (3), by striking out "or SANDER or by the City and SANDER".

SEC. 2832. LAND ACQUISITION AND EXCHANGE, MYRTLE BEACH AIR FORCE BASE AND POINSETT WEAPONS RANGE, SOUTH CAROLINA.

(a) LAND CONVEYANCE.—The Secretary of the Air Force may convey to the State of South Carolina all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 3,744 acres and comprising the Myrtle Beach Air Force Base, South Carolina, or any portion of that parcel, together with any improvements thereon.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the State of South Carolina shall—

(A) convey to the United States all right, title, and interest of the State of South Carolina in and to the parcels of land (together with any improvements thereon) described to in paragraph (2); and

(B) pay to the United States an amount equal to the amount, if any, by which the fair market value of the land conveyed under subsection (a) exceeds the fair market value of the land conveyed under subparagraph (A).

(2) The parcels of land referred to in paragraph (1) are the following:

(A) The Poinsett Weapons Range, a parcel consisting of approximately 8,358 acres that is located in Sumter County, South Carolina, and is currently leased by the Air Force from the State of South Carolina.

(B) Other parcels contiguous to the Poinsett Weapons Range that—

(i) are owned by the State of South Carolina, including parcels acquired by the State of South Carolina for the purposes of satisfying the requirements of this subsection; and

(ii) the Secretary determines are necessary for the Air Force to improve or enlarge the configuration of the Poinsett Weapons Range to suit the needs of the Air Forces as a bombing range.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcels of real property to be conveyed pursuant to subsections (a) and (b)(1)(A). Such determinations shall be final.

(d) USE OF FUNDS.—Any funds paid to the Secretary under subsection (b)(1)(B) shall be deposited in the Department of Defense Base Closure Account 1990 established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and shall be available for use in accordance with subsection (b) of such section 2906.

(e) RESERVATION FOR HARVESTING FOREST PRODUCTS.—The Secretary may accept the conveyance of the parcel of real property referred to in subsection (b)(1)(A) subject to a reservation permitting the harvesting of forest products on the parcel by the South Carolina State Forestry Commission. A reservation granted under this subsection shall be subject to such conditions as the Secretary may prescribe.

(f) DESCRIPTIONS OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be conveyed pursuant to subsections (a) and (b)(1)(A) shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the State of South Carolina.

(g) REVERSIONARY INTEREST.—The major portion of the land to be conveyed by the State of South Carolina under subsection (b)(2) was originally conveyed to the South Carolina State Forestry Commission by the United States under the Bankhead-Jones Farm Tenant Act (50 Stat. 522; 7 U.S.C. 1000 et seq.), subject to reservation of mineral rights and subject also to a reversion of title if the State ceased to use such properties for public purposes. The conveyance of such land to the United States under subsection (b)(2) shall be deemed to be in compliance with the public purpose covenants imposed upon conveyance to the South Carolina State Forestry Commission.

(h) AUTHORITY TO ACQUIRE ADDITIONAL LAND.—Subject to section 2662(a) of title 10, United States Code, and the availability of appropriations for this purpose, the Secretary may acquire such additional parcels of land in the vicinity of Poinsett Weapons Range, South Carolina, as the Secretary determines are necessary to enhance the usefulness of the Poinsett Weapons Range as a bombing range.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyances under this section that the Secretary considers to be appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, PITTSBURGH, PENNSYLVANIA.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army may convey, without reimbursement, to the Urban Redevelopment Authority of Pittsburgh, Pennsylvania, all right, title, and interest of the United States in and to a tract of real property (including improvements thereon) known as the Hays Army Ammunition Plant and consisting of approximately 11.9983 acres in the Borough of West Homestead and the City of Pittsburgh, Pennsylvania.

(b) CONDITION OF TRANSFER.—The Secretary may not make the conveyance authorized by subsection (a) unless the Secretary is able to issue a statement of condition certifying that the Hays Army Ammunition Plant is environmentally clean and safe for nonmilitary use.

(c) LEGAL DESCRIPTION AND SURVEY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of such survey shall be borne by the Urban Redevelopment Authority of Pittsburgh.

(d) OTHER TERMS AND CONDITIONS.—The Secretary may require such other terms and conditions with respect to the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LEASES OF PROPERTY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

(a) LEASE AUTHORIZED WITH UNION PACIFIC RAILROAD COMPANY.—(1) The Secretary of the Navy may lease to the Union Pacific Railroad Company (in this subsection referred to as the "Company") not more than 15 acres of real property, together with improvements thereon, located at the Naval Supply Center, Oakland, California.

(2) The lease authorized in paragraph (1) shall—

(A) be for an initial period of not more than 25 years;

(B) contain an option for the Company to extend the lease for an additional period of not more than 25 years; and

(C) contain the restriction that the Company use the leased property only for freight transportation purposes.

(3)(A) As consideration for the lease of the real property under paragraph (1), the Company—

(i) shall pay to the Navy the long-term fair market rental value of the leased property; and

(ii) may be required to furnish additional consideration as provided in subparagraph (B).

(B) The Secretary may require that the lease include a provision for the Company—

(i) to pay the Navy an amount (as determined by the Secretary) for the costs of replacing at the Naval Supply Center, Oakland, California, the facilities vacated by the Navy on the leased property or to construct the replacement facilities for the Navy; and

(ii) to pay the Navy an amount (as so determined) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(4)(A) Section 2667(d) of title 10, United States Code, shall apply to amounts paid under paragraph (3)(A)(i).

(B) The Secretary may use amounts received under paragraph (3)(B) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on the leased property and for relocating operations of the Navy from the vacated facilities to the replacement facilities.

(5) The Secretary may authorize the Company to demolish existing facilities on the leased property and, consistent with the restriction required by paragraph (2)(C), construct new facilities on the property for the use of the Company.

(b) LEASE AUTHORIZED WITH CITY OR PORT OF OAKLAND.—(1) The Secretary of the Navy may lease to the City of Oakland, California, or the Port of Oakland, California (in this subsection referred to as the "City" and the "Port", respectively), not more than 195 acres of real property, together with improvements thereon, located at the Naval Supply Center, Oakland, California.

(2) The lease authorized under paragraph (1) shall—

(A) be for a term of not more than 50 years; and

(B) shall contain the restriction that the City or the Port (as the case may be) use the leased property in a manner consistent with Navy operations conducted at the Naval Supply Center.

(3)(A) As consideration for the lease of the real property under paragraph (1), the City or the Port (as the case may be)—

(i) shall pay to the Navy the long-term fair market rental value of the leased property; and

(ii) may be required to furnish additional consideration as provided in subparagraph (B).

(B) The Secretary may require that the lease include a provision for the City or the Port (as the case may be)—

(i) to pay the Navy an amount (as determined by the Secretary) for the costs of replacing at the Naval Supply Center, Oakland, California, the facilities vacated by the Navy on the leased property or to construct the replacement facilities for the Navy; and

(ii) to pay the Navy an amount (as so determined) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(4) The Secretary may not enter into the lease authorized by paragraph (1) until 21 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of the terms of the proposed lease and a description of the consideration that the Secretary expects to receive under the lease.

(5)(A) The Secretary may use amounts paid under paragraph (3)(A)(i) to pay for improvement, maintenance, repair, construction, or restoration activities at the Naval Supply Center, Oakland, California.

(B) The Secretary may use amounts received under paragraph (3)(B) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on the leased property and for relocating operations of the Navy from the vacated facilities to the replacement facilities.

(6) The Secretary may authorize the City or the Port (as the case may be) to demolish existing facilities on the leased property and, consistent with the restriction required by paragraph (2)(B), construct new facilities on the property for the use of the City or the Port.

(c) Additional Terms.—The Secretary may require such additional terms and conditions in connection with the leases authorized under this section as the Secretary considers appropriate to protect the interests of the United States.

(d) Repeal of Superseded Authority.—Section 2338 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1225) is repealed.

SEC. 2835. GRANT OF EASEMENT AT NAVAL AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) Authority To Grant Easement.—The Secretary of the Navy may grant to San Diego Gas and Electric Company (in this section referred to as "SDG&E") an easement on a parcel of real property consisting of approximately 120 acres that is located in the northeast portion of Naval Air Station, Miramar, California (in this section referred to as the "Air Station"). The purpose of the easement is to enable SDG&E to construct, operate, and maintain an electric transmission substation and associated electric transmission lines.

(b) Consideration.—(1) As consideration for the grant of an easement to SDG&E under subsection (a), SDG&E shall pay to the United States an amount that is not less than the fair market value of that easement, as determined by the Secretary.

(2) The Secretary may accept from SDG&E, in lieu of payment of up to 50 percent of the agreed consideration, the following:

(A) The establishment of an alternative source of 12 kilovolts of electric power for the Air Station.

(B) Such improvements to the electrical distribution system of the Air Station as the Secretary designates for the purposes of this paragraph.

(c) Use of Proceeds.—(1) The amounts of consideration paid under subsection (b) shall be deposited in the special account established for the Department of the Navy under section 2667(d)(1)(A) of title 10, United States Code.

(2) Subject to the availability of appropriations for this purpose, of the sums in such account—

(A) there shall be available for facility maintenance and repair and for environmental restoration by the Department of the Navy the amount equal to 50 percent of the total agreed consideration for the grant of the easement under subsection (a); and

(B) there shall be available for facility maintenance and repair or environmental restoration of the Air Station, the amount equal to the excess (if any) of 50 percent of such total consideration over the amount equal to the sum of—

(i) the total cost incurred by SDG&E for the establishment of the alternative power source pursuant to subsection (b)(2)(A); and

(ii) the total cost of the improvements made by SDG&E pursuant to subsection (b)(2)(B).

(d) Legal Description.—The exact acreage and legal description of the real property subject to the easement granted under this section shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by SDG&E.

(e) Additional Terms.—The Secretary may require any additional terms and conditions in connection with the grant of an easement under this section that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, NAVAL RESERVE CENTER, SANTA BARBARA, CALIFORNIA.

(a) Conveyance.—The Secretary of the Navy may convey to the City of Santa Barbara, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre, including improvements thereon, which is the location of the Santa Barbara Naval Reserve Center.

(b) Consideration.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the lesser of—

(1) $2,400,000; or

(2) the cost incurred by the Secretary in constructing a naval reserve center to replace the naval reserve center conveyed under subsection (a).

(c) Conditions of Conveyance.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the City enter into an agreement with the Secretary of Transportation for the City—

(A) to permit, at no cost to the Federal Government, the Coast Guard to remain in the space currently occupied by the Coast Guard in the facility referred to in subsection (a); or

(B) to provide the Coast Guard, at no cost to the Federal Government, with space in a facility acceptable to the Secretary of Transportation that is sufficient to replace the space referred to in subparagraph (A) from which the Coast Guard is displaced by the City.

(2) That the City enter into an agreement with the Administrator of the National Oceanic and Atmospheric Administration for the City—

(A) to permit, at no cost to the Federal Government, the National Oceanic and Atmospheric Administration (in this section referred to as "NOAA") to remain until May 1, 1993 (or a later date agreed to by the City and the Administrator), in the space currently occupied by NOAA in the facility referred to in subsection (a); or

(B) to provide NOAA until May 1, 1993 (or a later date agreed to by the City and the Administrator), at no cost to the Federal Government, with space in a facility acceptable to the Administrator that is sufficient to replace the space referred to in subparagraph (A) from which NOAA is displaced by the City.

(3) That the City enter into an agreement with the Secretary of the Navy for the City to permit the Navy to use, at no cost to the Federal Government, the naval reserve center referred to in subsection (a) until the replacement facility to be constructed in accordance with subsection (d) is suitable for occupancy by the Navy, as determined by the Secretary.

(d) Replacement Center.—The Secretary of the Navy shall use the amount paid by the City under subsection (b) to construct a naval reserve center to replace the naval reserve center conveyed pursuant to subsection (a). Such replacement center shall be constructed at the Naval Construction Battalion Center, Port Hueneme, California, or at another location determined by the Secretary to be suitable for such a center.

(e) Description of Property.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of such survey shall be borne by the City.

(f) Additional Terms and Conditions.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance and agreements under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCE, FOREST GLEN ANNEX, WALTER REED ARMY MEDICAL CENTER, MARYLAND.

(a) In General.—Subject to subsection (b), the Secretary of the Army shall convey, without consideration, to the Maryland-National Capital Park and Planning Commission (in this section referred to as the "Commission") all right, title, and interest of the United States in and to approximately 10 acres of real property at the Forest Glen Annex of the Walter Reed Army Medical Center, consisting of woodlands located north and west of Ireland Drive.

(b) Condition on Use of Conveyed Property.—The conveyance required by subsection (a) shall be subject to the condition that the Commission use the property conveyed only as a public park and maintain the property in its entirety as woodlands for the public benefit.

(c) Reversion.—If the Secretary determines at any time that the Commission is not complying with the condition specified in subsection (b), all right, title, and interest in and to the property conveyed pursuant to subsection (a) shall revert to the United States.

(d) Legal Description and Survey.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The Commission shall bear the expense of the survey.

SEC. 2838. LAND CONVEYANCE, WILLIAMS AIR FORCE BASE, ARIZONA.

(a) In General.—(1) The United States may acquire by condemnation or otherwise—

(A) all right, title, and interest of the State of Arizona (including any mineral rights) in and to the trust lands of the State of Arizona described in paragraph (2); and

(B) any trust mineral estate of the State of Arizona located beneath the surface estates of the United States in the lands described in paragraph (3).

(2) The trust lands referred to in paragraph (1)(A) are as follows:

(A) A parcel or parcels consisting of approximately 81,121 acres located in the Goldwater Aerial Gunnery Range, Yuma County and Maricopa County, Arizona, and used by the Air Force for activities relating to aerial gunnery and bombing practice.

(B) A parcel or parcels consisting of approximately 7,563 acres located in the Yuma Test Sta-

tion, Yuma County, Arizona, and used by the Army for activities relating to field artillery testing.

(C) A parcel or parcels consisting of approximately 1,537 acres located in the Fort Huachuca East Range, Cochise County, Arizona, and used by the Army for activities relating to field training exercises.

(D) A parcel or parcels consisting of approximately 133 acres located in Davis-Monthan Air Force Base, Tucson, Arizona.

(E) A parcel consisting of approximately five acres located in section 14, T4N, R3E of the State of Arizona, Phoenix, Arizona, and used as part of the Arizona National Memorial Cemetery.

(3) The lands referred to in paragraph (1)(B) are as follows:

(A) A parcel or parcels consisting of approximately 50,355 acres located in the Goldwater Aerial Gunnery Range, Arizona.

(B) A parcel or parcels consisting of approximately 12,781 acres located in the Yuma Test Station, Arizona.

(C) A parcel or parcels consisting of approximately 12,943 acres located in the Fort Huachuca East Range, Arizona.

(b) CONSIDERATION.—As consideration for the acquisition by the United States of Arizona trust lands under paragraph (1)(A) of subsection (a) and any mineral rights under paragraph (1)(B) of that subsection, the Secretary of the Air Force shall convey to the State of Arizona all right, title, and interest of the United States in and to a parcel of real property located at Williams Air Force Base, Arizona, together with any improvements thereon, that is approximately equal in fair market value to the fair market value of the property and mineral rights acquired under that subsection.

(c) CONDITIONS.—The Secretary may make the conveyance described in subsection (b) only if—

(1) the fair market value of the real property and mineral rights acquired by the United States under subsection (a) is at least equal to the fair market value of the property conveyed by the Secretary under subsection (b);

(2) the conveyance of the Secretary to the State of Arizona under subsection (b) is accepted as full consideration for the conveyance of property and mineral rights to the United States under subsection (a) and terminates all right, title, and interest of all parties other than the United States in and to the property and mineral rights conveyed to the United States under subsection (a); and

(3) the Secretary has complied with all environmental protection, remediation, and restoration laws that are applicable to the disposal of the real property at Williams Air Force Base, Arizona, that is conveyed to the State of Arizona under subsection (b).

(d) RESTRICTION ON USE OF CERTAIN PROPERTY.—The Secretary of Veterans Affairs shall use as a cemetery any property referred to in paragraph (2)(E) of subsection (a) that is acquired by the United States under that subsection. Such use shall be subject to the provisions of chapter 24 of title 38, United States Code.

(e) LIMITATION ON CONVEYANCE AUTHORITY.—The conveyance of real property described in subsection (b) may not be made until adequate prior opportunity has been provided for the disposition of such property as provided in section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), except the requirement for disposition by public advertising.

(f) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary of the Air Force shall determine the fair market value of the parcels of real property to be acquired pursuant to subsection (a)(1)(A), the mineral rights to be acquired pursuant to subsection (a)(1)(B), and the parcel of real property to be conveyed pursuant to subsection (b). Such determinations shall be final.

(g) DESCRIPTIONS OF PROPERTY.—The exact acreages and legal descriptions of the parcels of real property to be acquired pursuant to subsection (a)(1)(A), the parcels of real property referred to in subsection (a)(1)(B), and the parcels of real property conveyed pursuant to subsection (b) shall be determined by surveys that are satisfactory to the Secretary of the Air Force and the State of Arizona. The cost of such surveys shall be borne by the State of Arizona.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force may require any additional terms and conditions in connection with the conveyance and acquisitions under this section that the Secretary considers to be appropriate to protect the interests of the United States.

SEC. 2839. MODIFICATION OF LAND EXCHANGE, BURLINGTON, VERMONT.

Section 2387 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1800) is amended—

(1) in subsection (b), by striking out "the Burlington, Vermont, area" and inserting in lieu thereof "the State of Vermont";

(2) in subsection (c)(1)(A), by striking out "$800,000" and inserting in lieu thereof "$600,000, with such payment to be made (before the date of the conveyance authorized by subsection (a)) in a lump sum, in yearly installments, or under such other terms and conditions as the Secretary considers to be in the interest of the United States";

(3) in subsection (c)(2), by striking out "January 1, 1993," and inserting in lieu thereof "June 1, 1995,"; and

(4) by adding at the end of subsection (c) the following new paragraph:

"(3) The Secretary may permit the City of Burlington, Vermont, to make alterations or improvements to the property referred to in subsection (a) before the Secretary conveys the property to the City. The making of such alterations and improvements pursuant to this paragraph shall be subject to terms and conditions that the Secretary considers to be appropriate and shall be subject to the prior approval of the Secretary.".

SEC. 2840. CONVEYANCE OF WASTE WATER TREATMENT PLANT, FORT RITCHIE, MARYLAND.

(a) IN GENERAL.—The Secretary of the Army may convey to the Washington County, Maryland, Sanitary District (in this section referred to as the "Sanitary District") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 4.5 acres, including a waste water treatment facility and other improvements located thereon, located at Fort Ritchie, Maryland.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a) the Sanitary District shall provide the Army with disposal services, waste water treatment services, and other related services at the facility. The value of the services provided the Army shall be equal to the fair market value of the property conveyed pursuant to subsection (a), as determined jointly by the Secretary and the Sanitary District.

(c) CONDITIONS.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Sanitary District reserve 70 percent of the operating capacity of the waste water treatment facility referred to in subsection (a) for use by the Army in the event that such use is necessitated by a realignment or change in the operations of the Army at Fort Ritchie, Maryland.

(2) That the Sanitary District ensure the compliance of the waste water treatment facility with applicable environmental laws, including the construction of any improvement and the satisfaction of any permit or license requirements that may be necessary to ensure such compliance.

(3) That the cost of the construction of the improvements referred to in paragraph (2) be borne by the Sanitary District and the Army according to the pro rata share of the operating capacity of the waste water treatment facility reserved to the Army and the Sanitary District, respectively.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Sanitary District.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2841. ACQUISITION OF INTERESTS IN LAND, NAVAL RADIO STATION, JIM CREEK, WASHINGTON.

(a) AUTHORITY TO ACQUIRE.—The Secretary of the Navy may acquire all right, title, and interest (including timber rights) of any party in and to a parcel of land consisting of approximately 225 acres, or any portion of the parcel, located in Snohomish County, Washington, and comprising a portion of Naval Radio Station, Jim Creek, Washington.

(b) CONSIDERATION.—(1) As consideration for an interest acquired by the Secretary pursuant to the authority in subsection (a), the Secretary—

(A) shall pay the person conveying that interest, out of funds available to the Secretary for the acquisition of interests in real property (including unobligated prior year funds available for the Legacy Resource Management Program), the amount determined under paragraph (2);

(B) shall, with the consent of that person, convey to such person all right, title, and interest of the United States in and to a quantity of merchantable timber at the Naval Radio Station, Jim Creek, determined under paragraph (2); or

(C) shall, with the consent of such person, make such a payment and such a conveyance to that person.

(2) The total of the amount paid a person pursuant to paragraph (1)(A), if any, and the fair market value of the quantity (to the extent of the interest) of merchantable timber conveyed to that person pursuant to paragraph (1)(B), if any, shall be equal to the fair market value of the property interest acquired from that person under subsection (a).

(c) OPTION TO PURCHASE.—The Secretary may purchase an option to purchase a property interest authorized to be acquired under subsection (a). The Secretary may use funds referred to in subsection (b)(1)(A) for the purchase of such an option.

(d) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the property interests acquired under subsection (a) and the merchantable timber, if any, conveyed under subsection (b). Such determinations shall be final.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of each parcel of real property an interest in which is acquired under subsection (a) or conveyed under subsection (b) shall be determined by a survey that is satisfactory to the Secretary and is conducted at no cost to the United States (except that the Secretary shall bear such cost in the case of a gift to the United States).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the acquisitions authorized under subsection (a) and the conveyances, if any, authorized under subsection (b) that the Secretary considers to be necessary to protect the interests of the United States.

SEC. 2842. REAL PROPERTY CONVEYANCE, NAVAL STATION PUGET SOUND, EVERETT, WASHINGTON.

(a) IN GENERAL.—(1) The Secretary of the Navy may convey to any person all right, title, and interest of the United States in and to the parcel of land described in paragraph (2).

(2) The parcel of land referred to in paragraph (1) is a parcel of land located in the State of Washington consisting of approximately 68 acres and comprising the naval family housing area at Paine Field, Snohomish County, Washington, together with improvements thereon.

(b) CONSIDERATION.—(1) In consideration for the conveyance of the parcel of land authorized in subsection (a), the person accepting the conveyance shall—

(A) pay the Secretary an amount equal to the fair market value of the parcel and any improvements located thereon; or

(B) convey to the United States of all right, title, and interest of the person in and to the parcel of land, together with any improvements thereon, located in the area of the Naval Station Puget Sound, Everett, Washington, that the Secretary determines to be suitable for family housing for Naval Station Puget Sound and, if the fair market value of the parcel conveyed by the United States exceeds the fair market value of the parcel conveyed to the United States, pay to the Secretary the amount equal to such excess.

(2) The Secretary shall determine the fair market value of the parcel of land conveyed pursuant to subsection (a)(1) and the parcels of land, if any, conveyed pursuant to paragraph (1)(B).

(c) NOTICE TO COMMITTEES.—The Secretary may not enter into a conveyance or sale of real property, as the case may be, under this section until the Secretary has notified the congressional defense committees of the details of the proposed conveyance or sale, as the case may be, and a period of 21 days has elapsed following the day on which the committees receive the notification.

(d) USE OF FUNDS.—(1) Subject to the availability of appropriations for this purpose, the Secretary shall use any amounts paid to the Secretary under subsection (b)(1) for the following purposes:

(A) Acquiring in the vicinity of Naval Station Puget Sound land that is suitable (as determined by the Secretary) for family housing for Naval Station Puget Sound.

(B) Acquiring or constructing not more than 350 units of family housing for Naval Station Puget Sound.

(2) If amounts referred to in paragraph (1) remain unexpended after the acquisition or construction of the family housing referred to in that paragraph, the Secretary shall deposit such unexpended amounts in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcel of land conveyed pursuant to this section shall be determined by surveys satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. CONVEYANCE OF HASTINGS RADAR BOMB SCORING SITE, NEBRASKA.

(a) CONVEYANCE.—The Secretary of the Air Force may convey to Central Community College, Hastings Nebraska (in this section referred to as the "College"), all right, title, and interest of the United States in and to three parcels of property located in Hastings, Nebraska, which have served as a support complex for the Hastings Radar Bomb Scoring Site.

(b) CONSIDERATION.—In consideration for the conveyance under subsection (a), the College shall pay to the United States an amount equal to the fair market value of the land conveyed under subsection (a), as determined by the Secretary.

(c) USE OF PROCEEDS.—The Secretary shall deposit the proceeds of the sale of property authorized by this section in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the College.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND CONVEYANCE, ABBEVILLE, ALABAMA.

(a) IN GENERAL.—The Secretary of the Army may convey, without consideration, to the City of Abbeville, Alabama, all right, title, and interest of the United States in and to a parcel of land consisting of approximately four acres, together with improvements thereon, the site of a proposed Army Reserve Center, Abbeville, Alabama.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the City of Abbeville, Alabama.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under this section that the Secretary considers to be appropriate to protect the interests of the United States.

SEC. 2845. EXTENSION OF TIME IN WHICH TO ENTER INTO LEASE AT HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.

The time period within which the Secretary of the Navy shall enter into the lease of real property at the Hunters Point Naval Shipyard, San Francisco, California, required under section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1790) is extended to May 30, 1993.

SEC. 2846. TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.

(a) IN GENERAL.—The Secretary of the Navy may—

(1) negotiate the termination of the remaining lease of the Navy of 2.27 acres of land located at the Georgia Institute of Technology, Atlanta, Georgia (in this section referred to as the "Institute"); and

(2) sell to the Institute the Naval Reserve Center facilities located on such land.

(b) CONSIDERATION.—As consideration for the termination of the lease interest referred to in subsection (a)(1) and the sale of the facilities referred to in subsection (a)(2), the Institute shall pay the Secretary an amount equal to the aggregate of the fair market value of the remaining lease referred to in such subsection (a)(1) and the facilities referred to in such subsection (a)(2).

(c) USE OF FUNDS.—(1)(A) Subject to the availability of appropriations for this purpose and subparagraph (B), the Secretary shall use the amount paid by the Institute under subsection (b) to expand the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in a manner which permits the use of a portion of that Center as replacement facilities for the naval reserve facilities referred to in subsection (a)(1).

(B) The expanded portion of the Marine Corps Reserve Center described under subparagraph (A) shall be under the jurisdiction of the Marine Corps Reserve.

(2) If any portion of the amount referred to in paragraph (1) remains unexpended after the construction of the naval reserve facilities referred to in that paragraph, the Secretary shall deposit that portion in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection section that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2847. LAND CONVEYANCE, FORT CHAFFEE, ARKANSAS.

(a) CONVEYANCE.—The Secretary of the Army shall convey to the City of Fort Smith, Arkansas (in this section referred to as the "City"), all right, title, and interest (other than any oil, gas, or mineral interest) of the United States in and to a parcel of real property consisting of approximately 400 acres, together with improvements thereon, located at Fort Chaffee, Arkansas.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City—

(1) shall provide the Army with such services at Fort Chaffee as the Secretary and the City shall jointly determine, the fair market value of which services shall be equal to the fair market value of the property conveyed pursuant to subsection (a); or

(2) shall—

(A) provide the Army with such services at Fort Chaffee as the Secretary and the City shall jointly determine; and

(B) in the event that the fair market value of the property conveyed pursuant to subsection (a) exceeds the fair market value of the services provided under subparagraph (A), pay to the Secretary the amount equal to such excess.

(c) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the parcel of real property to be conveyed under subsection (a) and the value of the services, if any, to be provided under paragraph (1) or (2) of subsection (b). Such determinations shall be final.

(d) USE OF PROCEEDS.—The Secretary shall deposit the amount of the consideration, if any, paid under subsection (b)(2)(B) in the account established under section 204(h) of the Federal Property and Administrative Services Act (40 U.S.C. 485(h)).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of land conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

SEC. 2848. MODIFICATION OF LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA.

(a) ADJUSTMENT OF BOUNDARIES.—Subsection (b) of section 603 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25, 105 Stat. 107) is amended by adding at the end the following new paragraph:

"(3) Subsequent to the identification of the parcel of land pursuant to paragraph (1), the Secretary may, with the concurrence of appropriate representatives of Caroline County, Virginia, and the Commonwealth, make minor adjustments to the boundaries of the parcel of land identified so that the parcel of land conveyed pursuant to this section better serves the purposes intended by this section.".

(b) ACTIONS AFTER CONVEYANCE.—Subsection (c)(2) of such section is amended—

(1) in subparagraph (A), by striking out "construct and operate on such parcel of land a regional correctional facility" and inserting in lieu thereof "provide for the construction and operation of a regional correctional facility on such parcel of land"; and

(2) in subparagraph (B), by striking out "constructs and operates such facility" and inserting in lieu thereof "provides for the construction and operation of such facility".

(c) EXTENSION OF DATE FOR START OF CONSTRUCTION.—Subsection (d)(1)(A)(i) of such section is amended by striking out "24 months after the date of enactment of this Act" and inserting in lieu thereof "April 1, 1995".

Subtitle D—Other Matters

SEC. 2851. CLARIFICATION OF AUTHORITY TO LEASE NON-EXCESS PROPERTY.

Section 2667(b)(4) of title 10, United States Code, is amended by inserting ", in the case of the lease of real property," after "shall provide".

SEC. 2852. STORAGE OF HAZARDOUS MATERIALS ON ARSENAL PROPERTY IN CONJUNCTION WITH THIRD-PARTY CONTRACTS.

Section 2692(b) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(8) the storage of any material that is not owned by the Department of Defense if the Secretary of the military department concerned determines that the material is required or generated by a private person in connection with the authorized and compatible use by that person of an industrial-type facility of the Department of Defense.".

SEC. 2853. REPORT ON CONTINUED MILITARY NEED FOR BELLOWS AIR FORCE STATION, HAWAII.

(a) REPORT REQUIRED.—The Secretary of Defense, the Secretary of the Air Force, and the Secretary of the Navy shall jointly prepare a report evaluating the military necessity of maintaining Bellows Air Force Station on the Island of Oahu, Hawaii, as a military installation of the Department of Defense.

(b) COMMUNICATION FACILITY.—As part of the report, the Secretary of the Air Force shall describe one or more alternative locations under the jurisdiction of the Department of Defense in the State of Hawaii that would be suitable for the communication operations currently conducted at Bellows Air Force Station and the cost of relocating such operations.

(c) MARINE CORPS TRAINING.—As part of the report, the Secretary of the Navy shall describe one or more alternative locations under the jurisdiction of the Department of Defense in the State of Hawaii that would be suitable for the training activities of the Marine Corps periodically conducted at Bellows Air Force Station.

(d) SUBMISSION OF REPORTS.—The report required by this section shall be submitted to Congress not later than March 1, 1993.

SEC. 2854. PROHIBITION ON COMMERCIAL DEVELOPMENT OF CALVERTON PINE BARRENS, CALVERTON, NEW YORK.

(a) PROHIBITION.—Notwithstanding any other provision of law, in the event that any parcel of the Calverton Pine Barrens is conveyed by a department or agency of the Federal Government, the instrument of conveyance shall provide for the reversion to the United States of the parcel, or any portion thereof, that is used or developed after such conveyance for commercial purposes (as determined by the head of the appropriate department or agency of the Federal Government).

(b) DEFINITION.—(1) For the purpose of this section, the term "Calverton Pine Barrens" means the parcel of real property consisting of approximately 3,243 acres of real property located at the Naval Weapons Industrial Reserve Plant, Calverton, New York.

(2) The exact acreage and legal description of the Calverton Pine Barrens shall be determined by a survey satisfactory to the Secretary of the Navy.

SEC. 2855. TECHNICAL REVISIONS TO CERTAIN MAPS INVOLVING COASTAL BARRIER RESOURCES SYSTEM.

(a) TECHNICAL REVISIONS REQUIRED.—Not later than the end of the 30-day period beginning on the date of the enactment of this Act, the Secretary of the Interior shall make such technical revisions to the maps described in subsection (c) as are necessary to ensure that—

(1) on the maps referred to in subparagraphs (A) and (B) of subsection (c)(2), depictions of areas as "otherwise protected areas" do not include any area that is not an otherwise protected area within the meaning of that term under section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note);

(2) on the map referred to in subsection (c)(2)(C), depictions of areas as "otherwise protected areas" identified as "VA–60P" do not include—

(A) any area that is located south of the north bank of the Salt Ponds Inlet in Hampton, Virginia; and

(B) the area that is located north of the line described in subsection (d), other than any part of that area which is an otherwise protected area within the meaning of that term under section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note);

(3) on the map referred to in subsection (c)(2)(A), the area consisting of approximately 5,221 acres and owned by the National Audubon Society as of September 28, 1992 (known as the "Audubon Sanctuary"), along with the associated aquatic habitat of Pine Island Bay and Goat Island Bay shall be designated and depicted as NC–01, a unit of the Coastal Barrier Resources System by the Secretary in accordance with subsection (b); and

(4) on the map referred to in subsection (c)(2)(C), areas designated as "otherwise protected areas" identified as "VA–60P" that are—

(A) north of the north bank of Salt Ponds Inlet in Hampton, Virginia; and

(B) south of the line described in subsection (d),

shall be designated and depicted on the map as VA–60, a unit of the Coastal Barrier Resources System by the Secretary in accordance with paragraph (5) of this subsection.

(b) SPECIAL RULE FOR CERTAIN REVISIONS.—In designating the units in accordance with paragraphs (3) and (4) of subsection (a), the Secretary of the Interior may make any minor and technical modifications to the boundaries of such unit as may be necessary to correct existing clerical and typographical errors in the map. The local government in which the unit is located may recommend any corrections to be considered by the Secretary.

(c) MAPS DESCRIBED.—The maps referred to in subsection (a) are—

(1) included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990; and

(2) entitled, respectively—

(A) "Pine Island Bay Unit, NC–01P",

(B) "Roosevelt Natural Area Unit, NC–05P", and

(C) "Plum Island Unit VA–59P Long Creek Unit VA–60P".

(d) LINE DESCRIBED.—The line referred to in subsection (a)(2)(B) is a line described as follows:

Beginning at an iron pipe in the low water line of Chesapeake Bay; said iron pipe being located 265.00 feet in a southerly direction from the south eastern corner of Fox Hill Shores Subdivision (as shown in Plat Book 9, page 161 as recorded in the Circuit Court for the City of Hampton, Virginia) and from this TRUE POINT OF BEGINNING running thence North 66 degrees 47 minutes 46 seconds West 995.79 feet to a found iron pipe; thence South 15 degrees 47 minutes 20 seconds East 270.65 feet to a found iron pipe; thence South 73 degrees 59 minutes 57 seconds West 836.68 feet to a point marking the low water line of Long Creek; being known as the southerly property line of Riley's Way.

SEC. 2856. HOMEOWNERS ASSISTANCE FOR CERTAIN INDIVIDUALS AFFECTED BY HURRICANE ANDREW.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense may reimburse the persons described in subsection (b) for losses of real property owned by such persons that result from damage caused by Hurricane Andrew.

(b) ELIGIBLE PERSONS.—A person eligible for reimbursement under this section is any civilian employee of the Federal Government or member of the uniformed services who—

(1) was assigned to, or employed at or in connection with, Homestead Air Force Base, Florida, on or before August 24, 1992;

(2) incident to such assignment or employment, owned and occupied a one- or two-family dwelling, manufactured home, or condominium unit in the vicinity of Homestead Air Force Base; and

(3) as a result of the effects of Hurricane Andrew, incurred damage to the dwelling, manufactured home, or condominium unit such that—

(A) the dwelling, manufactured home, or condominium unit is unsalable (as determined by the Secretary); and

(B) the proceeds, if any, of insurance for such damage are less than an amount equal to the greater of—

(i) the fair market value of the dwelling, manufactured home, or condominium unit on August 23, 1992 (as determined by the Secretary); or

(ii) the outstanding mortgage, if any, on the dwelling, manufactured home, or condominium unit on that date.

(c) REIMBURSEMENT AMOUNT.—The amount of the reimbursement which an eligible person may be paid for a loss of real property under this section shall be determined as follows:

(1) In the case of an eligible owner of a dwelling or condominium unit, the amount shall be—

(A) the amount equal to the greater of—

(i) 85 percent of the fair market value of the dwelling or condominium unit on August 23, 1992 (as determined by the Secretary), or

(ii) the outstanding mortgage, if any, on the dwelling or condominium unit on that date; minus

(B) the proceeds, if any, of insurance referred to in subsection (b)(3)(B).

(2) In the case of an eligible owner of a manufactured home, the amount shall be—

(A) if the owner also owns the real property underlying such home, the amount determined under paragraph (1); or

(B) if the owner leases such underlying property—

(i) the amount determined under paragraph (1); plus

(ii) the amount of rent payable under the lease of such property for the period beginning on August 24, 1992, and ending on the date of the reimbursement under this section.

(d) TRANSFER AND DISPOSAL OF PROPERTY.—An owner receiving reimbursement under this section shall transfer to the Secretary all right, title, and interest of the owner in the real property for which the owner receives such reimbursement. The Secretary shall hold, manage, and dispose of such property in the same manner that the Secretary holds, manages, and disposes of real property under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374).

(e) FUNDING.—(1) Notwithstanding subsection (d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374(d)), the Secretary shall make reimbursements under this section from the fund established by such subsection (d).

(2) Notwithstanding subsection (i) of such Act, there is hereby authorized to be appropriated for the fund referred to in paragraph (1) such amounts as may be necessary to carry out the purposes of this section.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount of $4,058,409,000, to be allocated as follows:

(1) For research and development, $1,214,900,000.

(2) For weapons testing, $375,000,000.

(3) For production and surveillance, $2,142,600,000.

(4) For program direction, $325,909,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD-101, general plant projects, various locations, $28,650,000.

Project GPD-121, general plant projects, various locations, $27,350,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, $2,700,000.

Project 93-D-123, complex-21, various locations, $26,000,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, $35,000,000.

Project 92-D-122, health physics/environmental projects, Rocky Flats Plant, Golden, Colorado, $5,300,000.

Project 92-D-123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado, $8,700,000.

Project 92-D-126, replace emergency notification systems, various locations, $10,900,000.

Project 91-D-127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $6,300,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $50,120,000.

Project 90-D-126, environmental, safety, and health enhancements, various locations, $9,200,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $34,400,000.

Project 88-D-122, facilities capability assurance program, various locations, $87,100,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, South Carolina, $4,865,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $3,610,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the amount of $230,845,000.

(d) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $128,200,000.

SEC. 3102. NEW PRODUCTION REACTORS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out new production reactor activities necessary for national security programs in the amount of $184,028,000.

(b) ADJUSTMENTS FOR SAVINGS.—The total amount authorized to be appropriated pursuant to this section is the amount specified in subsection (a) reduced by $150,000,000.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $4,098,452,000, to be allocated as follows:

(1) For corrective activities—environment, $2,431,000.

(2) For corrective activities—defense programs, $7,386,000.

(3) For environmental restoration, $1,448,427,000.

(4) For waste management, $2,252,037,000.

(5) For technology development, $320,700,000.

(6) For transportation management, $19,335,000.

(7) For program direction, $48,136,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) to carry out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD-171, general plant projects, various locations, $83,285,000.

Project 93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, $1,000,000.

Project 93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee, $1,800,000.

Project 93-D-175, industrial waste compaction facility, Y-12 Plant, Oak Ridge, Tennessee, $2,200,000.

Project 93-D-176, Oak Ridge reservation storage facility, K-25 Plant, Oak Ridge, Tennessee, $4,000,000.

Project 93-D-177, disposal of K-1515 sanitary water treatment plant waste, K-125 Plant, Oak Ridge, Tennessee, $1,500,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, $2,700,000.

Project 93-D-180, environmental monitoring-RCRA groundwater monitoring installation, Richland, Washington, $8,700,000.

Project 93-D-181, radioactive liquid waste line replacement, Richland, Washington, $350,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, $4,495,000.

Project 93-D-183, multi-tank waste storage facility, Richland, Washington, $10,300,000.

Project 93-D-184, 325 facility compliance/renovation, Richland, Washington, $1,500,000.

Project 93-D-185, landlord program safety compliance, Phase II, Richland, Washington, $849,000.

Project 93-D-186, 200 area unsecured core area fabrication shop, Richland, Washington, $1,000,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, $2,000,000.

Project 93-D-188, new sanitary landfill, Savannah River, South Carolina, $2,000,000.

Project 92-D-171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,000,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, $1,900,000.

Project 92-D-173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $7,000,000.

Project 92-D-177, tank 101-AZ waste retrieval system, Richland, Washington, $3,000,000.

Project 92-D-180, inter-area line upgrade, Savannah River, South Carolina, $3,170,000.

Project 92-D-181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, $8,000,000.

Project 92-D-182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho, $3,700,000.

Project 92-D-183, transportation complex, Idaho National Engineering Laboratory, Idaho, $5,860,000.

Project 92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington, $3,700,000.

Project 92-D-185, road, ground, and lighting safety improvements, 300/1100 areas, Richland, Washington, $6,500,000.

Project 92-D-187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, $1,724,000.

Project 92-D-188, waste management ES&H, and compliance activities, various locations, $1,000,000.

Project 92-D-402, sanitary sewer system rehabilitation, Lawrence Livermore National Laboratory, California, $5,500,000.

Project 92-D-403, tank upgrade project, Lawrence Livermore National Laboratory, California, $10,100,000.

Project 91-EM-100, environmental and molecular sciences laboratory, Richland, Washington, $28,500,000.

Project 91-D-171, waste receiving and processing facility, module 1, Richland, Washington, $21,800,000.

Project 91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, *Idaho National Engineering Laboratory, Idaho, $57,530,000.*

Project 91–D–173, hazardous low-level waste processing tanks, Savannah River, South Carolina, $15,300,000.

Project 91–D–175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, $981,000.

Project 90–D–103, environment, safety, and health improvements, various locations, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,315,000.

Project 90–D–174, decontamination laundry facility, Richland, Washington, $7,442,000.

Project 90–D–175, landlord program safety compliance-I, Richland, Washington, $4,753,000.

Project 90–D–176, transuranic (TRU) waste facility, Savannah River, South Carolina, $5,000,000.

Project 90–D–177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, $41,700,000.

Project 89–D–122, production waste storage facilities, Y–12 Plant, Oak Ridge, Tennessee, $4,200,000.

Project 89–D–172, Hanford environmental compliance, Richland, Washington, $49,950,000.

Project 89–D–173, tank farm ventillation upgrade, Richland, Washington, $7,000,000.

Project 89–D–174, replacement high-level waste evaporator, Savannah River, South Carolina, $15,795,000.

Project 89–D–175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,900,000.

Project 88–D–173, Hanford waste vitrification plant, Richland, Washington, $81,471,000.

Project 87–D–181, diversion box and pump pit containment buildings, Savannah River, South Carolina, $1,904,000.

Project 87–D–180, burial ground expansion, Savannah River, South Carolina, $8,800,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, $2,755,000.

Project 83–D–148, nonradioactive hazardous waste management, Savannah River, South Carolina, $10,330,000.

Project 81–T–105, defense waste processing facility, Savannah River, South Carolina, $32,600,000.

(c) Capital Equipment.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $153,198,000, to be allocated as follows:

(1) For corrective activities—defense programs, $1,120,000.

(2) For waste management, $132,749,000.

(3) For technology development, $16,200,000.

(4) For transportation management, $465,000.

(5) For program direction, $2,664,000.

(d) Adjustments for Savings.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c) reduced by $23,962,000 for program savings and facility transition expenses.

(e) Use of Funds.—From funds authorized to be appropriated pursuant to subsection (a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, $40,000,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

SEC. 3104. NUCLEAR MATERIALS PRODUCTION AND OTHER DEFENSE PROGRAMS.

(a) Operating Expenses.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses incurred in carrying out nuclear materials production and other defense programs necessary for national security programs in the amount of $2,617,256,000, to be allocated as follows:

(1) For nuclear materials production, $1,418,875,000.

(2) For verification and control technology, $301,215,000.

(3) For nuclear safeguards and security, $86,837,000.

(4) For security investigations, $58,289,000.

(5) For security evaluations, $15,150,000.

(6) For nuclear safety, $25,490,000.

(7) For naval reactors, $711,400,000.

(b) Plant Projects.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For materials production:

Project GPD–146, general plant projects, various locations, $32,260,000.

Project 93–D–147, domestic water system upgrade, Phase I, Savannah River, South Carolina, $1,000,000.

Project 93–D–148, replace high-level drain lines, Savannah River, South Carolina, $800,000.

Project 93–D–152, environmental modification for production facilities, Savannah River, South Carolina, $2,000,000.

Project 93–D–153, uranium recovery hydrogen fluoride system upgrade, Y–12 Plant, Oak Ridge, Tennessee, $2,400,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River, South Carolina, $12,500,000.

Project 92–D–141, reactor seismic improvement, Savannah River, South Carolina, $5,000,000.

Project 92–D–142, nuclear material processing training center, Savannah River, South Carolina, $11,700,000.

Project 92–D–143, health protection instrument calibration facility, Savannah River, South Carolina, $8,000,000.

Project 92–D–150, operations support facilities, Savannah River, South Carolina, $4,100,000.

Project 92–D–153, engineering support facility, Savannah River, South Carolina, $3,500,000.

Project 90–D–141, Idaho Chemical Processing Plant fire protection, Idaho National Engineering Laboratory, Idaho, $1,553,000.

Project 90–D–149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $39,685,000.

Project 90–D–150, reactor safety assurance, Phases I, II, and III, Savannah River, South Carolina, $4,210,000.

Project 89–D–140, additional separations safeguards, Savannah River, South Carolina, $13,104,000.

Project 89–D–148, improved reactor confinement system, Savannah River, South Carolina, $4,240,000.

Project 86–D–149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $11,651,000.

Project 86–D–152, reactor electrical distribution system, Savannah River, South Carolina, $5,647,000.

Project 85–D–145, fuel production facility, Savannah River Site, South Carolina, $17,000,000.

(2) For verification and control technology:

Project 90–D–186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $10,000,000.

(3) For nuclear safeguards and security:

Project GPD–186, general plant projects, Central Training Academy, Albuquerque, New Mexico, $2,000,000.

(4) For naval reactors development:

Project GPN–101, general plant projects, various locations, $8,500,000.

Project 93–D–200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, $2,200,000.

Project 92–D–200, laboratories facilities upgrades, various locations, $7,500,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $13,600,000.

Project 90–N–103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, $500,000.

Project 90–N–104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, $2,900,000.

(c) Capital Equipment.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1993 for capital equipment not related to construction in carrying out nuclear materials production and other defense programs necessary for national security programs as follows:

(1) For nuclear materials production, $80,900,000.

(2) For verification and control technology, $16,500,000.

(3) For nuclear safeguards and security, $5,327,000.

(4) For nuclear safety, $50,000.

(5) For naval reactors development, $60,400,000.

(d) Adjustments.—The total amount that may be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (c)—

(1) reduced by—

(A) $400,000,000 for recovery of overpayment to the Savannah River Pension Fund;

(B) $45,000,000 for anticipated savings; and

(C) $31,082,000 for use of prior-year balances; and

(2) increased by $22,400,000 for education programs.

SEC. 3105. FUNDING USES AND LIMITATIONS.

(a) Inertial Confinement Fusion.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1993 for operating expenses and capital equipment, $212,300,000 shall be available for the defense inertial confinement fusion program.

(b) Fire Protection and Cooling or Refrigeration Systems.—None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1993 may be obligated for the design, purchase, or installation of any fire protection system or cooling or refrigeration system that utilizes class I chlorofluorocarbons (as listed under section 602(a) of the Clean Air Act (42 U.S.C. 7671a(a)) unless the Secretary of Energy determines that an alternative system meeting the operational requirements of the Department of Energy is not commercially available or is not cost-effective when analyzed under a life-cycle cost analysis.

(c) Reconfiguration of Nonnuclear Activities.—(1) None of the funds appropriated or otherwise made available to the Department of Energy may be obligated for the implementation of the reconfiguration of any nonnuclear activities of the Department of Energy until—

(A) the Secretary of Energy submits a report to the congressional defense committees that contains an analysis of the projected life-cycle costs and benefits of the proposed nonnuclear reconfiguration and an analysis—

(i) of the alternatives to the current configuration of nonnuclear activities of the Department of Energy identified in any environmental

documentation prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321); and

(ii) that takes into account all relevant costs and benefits and includes a discounted cash flow analysis of each alternative;

(B) the Secretary certifies to the congressional defense committees that the discounted cash flow analysis demonstrates that the closure of each Department of Energy nonnuclear defense facility or activity identified for closure and each transfer of a nonnuclear activity pursuant to the proposed nonnuclear reconfiguration is cost effective;

(C) in the case of components for which the production is proposed to be moved to a government-owned, contractor-operated facility because of nonnuclear reconfiguration and that have been produced in a contractor-owned, contractor-operated facility after January 1, 1989, the Secretary certifies to the congressional defense committees that such production is cost-effective on a component-by-component basis;

(D) the Secretary certifies to the congressional defense committees that the reconfiguration of nonnuclear activities of the Department of Energy will not increase technological, environmental, safety, or health risks relating to the operation of the facilities of the Department; and

(E) 90 days have elapsed after the later of—

(i) the date of the submittal of the report under subparagraph (A); and

(ii) the date of the certification under subparagraph (B).

(2) This subsection may not be construed to prohibit the obligation of funds for the purpose of conducting any study or analysis that the Secretary determines necessary for assessing the cost-effectiveness, practicability, or feasibility of reconfiguring the activities of the Department of Energy to nonnuclear purposes.

(d) NUCLEAR PRODUCTION REACTORS.—Funds authorized to be appropriated under section 3102 for fiscal year 1993 and otherwise made available to the Secretary of Energy for such fiscal year for the new production reactors program shall be available only for the following purposes and in the following amounts:

(1) For close-out of the new production reactors program (including completion of documentation and test programs underway as of October 1, 1992), $136,028,000.

(2) For evaluation of an advanced light water reactor and a modular high temperature gas reactor to determine the feasibility and effectiveness of disposing of plutonium, production of tritium (if needed), and production of electricity, $30,000,000.

(3) For research on accelerator production of tritium, $18,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,200,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, 3103, and 3104, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such actions necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—

(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds $300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such planning and design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, 3103, 3104, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

Subtitle C—Other Matters

SEC. 3131. USE OF FUNDS FOR PAYMENT OF PENALTY ASSESSED AGAINST FERNALD ENVIRONMENTAL MANAGEMENT PROJECT.

The Secretary of Energy may pay to the Environmental Protection Agency, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3103, a stipulated civil penalty in the amount of $100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Fernald Environmental Management Project.

SEC. 3132. REPORT ON DEPARTMENT OF ENERGY CITIZEN ADVISORY GROUPS.

(a) REPORT.—Not later than May 15, 1993, the Secretary of Energy shall submit to the Congress a report on the role and effectiveness of citizen advisory groups for the Department of Energy. The report shall include an assessment of—

(1) the effectiveness of existing advisory groups that advise the Department of Energy;

(2) the desirability of establishing new or replacement advisory groups with respect to the Department of Energy; and

(3) methods of improving public participation in environmental and waste management activities of the Department of Energy.

(b) Comments and Recommendations.—In preparing the report required under subsection (a), the Secretary of Energy shall solicit comments and recommendations from existing advisory groups that advise the Department of Energy, the general public, environmental organizations, and appropriate officials of States in which Department of Energy facilities are located. The Secretary shall include such comments and recommendations in the report.

SEC. 3133. NUCLEAR WEAPONS COUNCIL MEMBERSHIP.

Section 179(a)(1) title 10, United States Code, is amended to read as follows:

"(1) The Under Secretary of Defense for Acquisition.".

SEC. 3134. REPORTS ON THE DEVELOPMENT OF NEW TRITIUM PRODUCTION CAPACITY.

(a) Report by the Secretary of Energy.—(1) The Secretary of Energy shall annually submit to the congressional defense committees a report on the new tritium production capacity of the Department of Energy.

(2) The annual report shall include the following:

(A) An estimate of the date by which new production reactor capacity will be necessary in order to maintain the active and any reserve stockpile of nuclear weapons of the United States.

(B) An estimate of the date on which construction of such capacity should begin in order to maintain the active and any reserve stockpile.

(C) An assessment of the technical adequacy of the methods available for the production of tritium, including an assessment of the risk that each method may fail to produce tritium on a reliable basis within the period necessary for meeting the requirements of the United States.

(D) An assessment of the capability of the potential industrial suppliers of new tritium production capacity, including reactors, to design and construct such capacity by the date estimated pursuant to subparagraph (A).

(3) The Secretary shall submit the annual report in 1993 and each year thereafter until the construction of the new tritium production capacity is completed. The Secretary shall submit the report not later than 60 days after the date on which the President submits the budget to Congress under section 1105 of title 31, United States Code. The report shall be submitted in unclassified form with a classified appendix if necessary.

(b) Sense of Congress.—It is the sense of Congress that the technology chosen for new tritium production capacity shall be the technology that has the highest probability of successfully sustaining operation, the lowest risk of operational failure, and the lowest cost of construction and operation (including any revenues accruing to the United States from such operation).

SEC. 3135. TECHNOLOGY TRANSFER.

(a) Expedited Review of Agreements with Small Businesses.—Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)) is amended—

(1) in subparagraph (C)(i), by striking out "Any agency" and inserting in lieu thereof "Except as provided in subparagraph (D), any agency"; and

(2) by adding at the end the following new subparagraph:

"(D)(i) Any non-Federal entity that operates a laboratory pursuant to a contract with a Federal agency shall submit to the agency any cooperative research and development agreement that the entity proposes to enter into with a small business firm and the joint work statement required with respect to that agreement.

"(ii) A Federal agency that receives a proposed agreement and joint work statement under clause (i) shall review and approve, request specific modifications to, or disapprove the proposed agreement and joint work statement within 30 days after such submission. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the agreement and approval of a joint work statement under this clause.

"(iii) In any case in which an agency which has contracted with an entity referred to in clause (i) disapproves or requests the modification of a cooperative research and development agreement or joint work statement submitted under that clause, the agency shall transmit a written explanation of such disapproval or modification to the head of the laboratory concerned.".

(b) Technology Transfer to Small Businesses.—(1) The Secretary of Energy shall establish a program to facilitate and encourage the transfer of technology to small businesses and shall issue guidelines relating to the program not later than May 1, 1993.

(2) For the purposes of this subsection, the term "small business" means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(c) Funding.—Funds authorized to be appropriated to the Department of Energy and made available for laboratory directed research and development shall be available for cooperative research and development agreements or other arrangements for technology transfer.

SEC. 3136. EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) Authority To Loan Personnel.—Subsection (a)(1) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 2074) is amended—

(1) by inserting "(A)" after "(1)";

(2) in the first sentence, by striking out "or construction management at the Hanford Reservation, Washington," and all that follows through the period, and inserting in lieu thereof the following: "or construction management—

"(i) at the Hanford Reservation, Washington, to loan personnel in accordance with this section to the community development organization known as the Tri City Industrial Development Council serving Benton and Franklin Counties, Washington; and

"(ii) at the Idaho National Engineering Laboratory, Idaho, to loan personnel in accordance with this section to any community-based organization."; and

(3) by striking out the second sentence and inserting in lieu thereof the following:

"(B) Any loan under subparagraph (A) shall be for the purpose of assisting in the diversification of the local economy by reducing reliance by local communities on national security programs at the Hanford Reservation and the Idaho National Engineering Laboratory.".

(b) Funding.—Subsection (a)(3) of such section is amended by inserting after the first sentence the following: "In fiscal year 1993, the Secretary of Energy may not obligate or expend for loans of personnel under this section more than $125,000 with respect to the Hanford Reservation. In each of fiscal years 1993 and 1994, the Secretary of Energy may not obligate or expend for loans of personnel under this section more than $250,000 with respect to the Idaho National Engineering Laboratory.".

(c) Authority To Loan Facilities.—Subsection (b) of such section is amended by inserting "or the Idaho National Engineering Laboratory, Idaho," after "Hanford Reservation, Washington,".

(d) Duration of Program.—Subsection (c) of such section is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1993, with respect to the Hanford Reservation, and September 30, 1994, with respect to the Idaho National Engineering Laboratory".

SEC. 3137. STUDY OF CONVERSION OF NEVADA TEST SITE FOR USE FOR SOLAR ENERGY PRODUCTION PURPOSES.

(a) Requirement.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of the Environmental Protection Agency, shall carry out and submit to Congress a study on the utilization of the Nevada Test Site, Nevada, or portions thereof, for the development of—

(1) solar energy research and production technologies;

(2) environmental technologies research and testing; and

(3) emergency management and response technology.

(b) Study Elements.—In carrying out the study under subsection (a), the Secretary of Energy shall consider the following:

(1) The potential of the Nevada Test Site for solar energy production from a variety of solar energy production technologies, including technologies for the production of thermal energy and photovoltaic energy.

(2) The costs and benefits of the use of the site for development of the technologies.

(3) The effect of the development of the Nevada Test Site on the economy and employment rates in the region in which the Nevada Test Site is located.

(4) The effectiveness of plans for retraining current employees at the Nevada Test Site for employment in technologies addressed by the study.

(5) The effect of the development of the various technologies at the Nevada Test Site on the manufacturing and export economy of the United States.

(6) The extent to which the development of technologies at the Nevada Test Site is compatible with current and proposed alternative uses of the Site, including the compatibility of such development with environmental restoration and other clean-up activities at the Site and with continuing use of the Site for limited nuclear testing.

(7) The extent to which the conduct of such activities at the Nevada Test Site would duplicate the conduct of activities undertaken at other Federal facilities.

(8) The extent to which alternative uses of the Site would be consistent with projected and potential national security uses, including nuclear explosives testing of the Site.

(9) The extent to which conversion and development of the Site as a commercial facility is practicable and feasible.

Subtitle D—International Fissile Material and Warhead Control

SEC. 3151. NEGOTIATIONS.

(a) In General.—The Congress urges the President to enter into negotiations with member states of the Commonwealth of Independent States, to complement ongoing and future arms reduction negotiations and agreements, with the goal of achieving verifiable agreements in the following areas:

(1) Dismantlement of nuclear weapons.

(2) The safeguard and permanent disposal of nuclear materials.

(3) An end by the United States and member states of the Commonwealth of Independent States to the production of plutonium and highly enriched uranium for nuclear weapons.

(4) The extension of negotiations on these issues to all nations capable of producing nuclear weapons materials.

(b) Exchanges of Information.—The Congress urges the President, in order to establish a

data base on production capabilities of member states of the Commonwealth of Independent States and their stockpiles of fissile materials and nuclear weapons, to seek to achieve agreements with such states to reciprocally release information on—

(1) United States and the member states nuclear weapons stockpiles, including the number of warheads and bombs by type, and schedules for weapons production and dismantlement;

(2) the location, mission, and maximum annual production capacity of United States and member states facilities that are essential to the production of tritium for replenishment of that nation's tritium stockpile;

(3) the inventory of United States and member states facilities dedicated to the production of plutonium and highly enriched uranium for weapons purposes; and

(4) United States and members states stockpiles of plutonium and highly enriched uranium used for nuclear weapons.

(c) TECHNICAL WORKING GROUPS.—The Congress urges the President, in order to facilitate the achievement of agreements referred to in subsection (a), to establish with member states of the Commonwealth of Independent States and with other nations capable of producing nuclear weapons material bilateral or multilateral technical working groups to examine and demonstrate cooperative technical monitoring and inspection arrangements that could be applied to the verification of—

(1) information on mission, location, and maximum annual production capacity of nuclear material production facilities and the size of stockpiles of plutonium and highly enriched uranium;

(2) nuclear arms reduction agreements that would include provisions requiring the verifiable dismantlement of nuclear warheads; and

(3) bilateral or multilateral agreements to halt the production of plutonium and highly enriched uranium for nuclear weapons.

(d) REPORT.—The President shall submit to the Congress, not later than March 31, 1993, a report on the progress made by the President in implementing the actions called for in subsections (a) through (c).

(e) PRODUCTION BY COMMONWEALTH OF INDEPENDENT STATES.—The Congress urges the Presidents of the member states of the Commonwealth of Independent States—

(1) to institute a moratorium on production of plutonium and highly enriched uranium for nuclear weapons; and

(2) to pledge to continue such moratorium for so long as the United States does not produce such materials.

SEC. 3152. AUTHORITY TO RELEASE CERTAIN RESTRICTED DATA.

Section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) is amended by adding at the end the following new subsection:

"f. Notwithstanding any other law, the President may publicly release Restricted Data regarding the nuclear weapons stockpile of the United States if the United States and member states of the Commonwealth of Independent States reach reciprocal agreement on the release of such data.".

SEC. 3153. DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) PROGRAM.—Of funds authorized to be appropriated in section 3104 for fiscal year 1993 for verification and control activities, $10,000,000 shall be available only to carry out a program—

(1) to develop and demonstrate a means for verifiable dismantlement of nuclear warheads;

(2) to safeguard and dispose of nuclear materials; and

(3) to develop reliable techniques and procedures for verifying a global ban on the production of fissile materials for weapons purposes.

(b) REPORT.—The Secretary shall include a report on such program in budget justification documents submitted to Congress in support of the budget of the Department of Energy for fiscal year 1994. The report shall be submitted in both classified and unclassified form.

SEC. 3154. PRODUCTION OF TRITIUM.

Nothing in this part may be construed as intending to affect the production of tritium.

Subtitle E—Defense Nuclear Workers

SEC. 3161. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORK FORCE RESTRUCTURING PLAN.

(a) IN GENERAL.—Upon determination that a change in the workforce at a defense nuclear facility is necessary, the Secretary of Energy (hereinafter in this subtitle referred to as the "Secretary") shall develop a plan for restructuring the work force for the defense nuclear facility that takes into account—

(1) the reconfiguration of the defense nuclear facility; and

(2) the plan for the nuclear weapons stockpile that is the most recently prepared plan at the time of the development of the plan referred to in this subsection.

(b) CONSULTATION.—(1) In developing a plan referred to in subsection (a) and any updates of the plan under subsection (e), the Secretary shall consult with the Secretary of Labor, appropriate representatives of local and national collective-bargaining units of individuals employed at Department of Energy defense nuclear facilities, appropriate representatives of departments and agencies of State and local governments, appropriate representatives of State and local institutions of higher education, and appropriate representatives of community groups in communities affected by the restructuring plan.

(2) The Secretary shall determine appropriate representatives of the units, governments, institutions, and groups referred to in paragraph (1).

(c) OBJECTIVES.—In preparing the plan required under subsection (a), the Secretary shall be guided by the following objectives:

(1) Changes in the work force at a Department of Energy defense nuclear facility—

(A) should be accomplished so as to minimize social and economic impacts;

(B) should be made only after the provision of notice of such changes not later than 120 days before the commencement of such changes to such employees and the communities in which such facilities are located; and

(C) should be accomplished, when possible, through the use of retraining, early retirement, attrition, and other options that minimize layoffs.

(2) Employees whose employment in positions at such facilities is terminated shall, to the extent practicable, receive preference in any hiring of the Department of Energy (consistent with applicable employment seniority plans or practices of the Department of Energy and with section 3152 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1682)).

(3) Employees shall, to the extent practicable, be retrained for work in environmental restoration and waste management activities at such facilities or other facilities of the Department of Energy.

(4) The Department of Energy should provide relocation assistance to employees who are transferred to other Department of Energy facilities as a result of the plan.

(5) The Department of Energy should assist terminated employees in obtaining appropriate retraining, education, and reemployment assistance (including employment placement assistance).

(6) The Department of Energy should provide local impact assistance to communities that are affected by the restructuring plan and coordinate the provision of such assistance with—

(A) programs carried out by the Department of Labor pursuant to the Job Training Partnership Act (29 U.S.C. 1501 et seq.);

(B) programs carried out pursuant to the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (Part D of Public Law 101-510; 10 U.S.C. 2391 note); and

(C) programs carried out by the Department of Commerce pursuant to title IX of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3241 et seq.).

(d) IMPLEMENTATION.—The Secretary shall, subject to the availability of appropriations for such purpose, work on an ongoing basis with representatives of the Department of Labor, work force bargaining units, and States and local communities in carrying out a plan required under subsection (a).

(e) PLAN UPDATES.—Not later than one year after issuing a plan referred to in subsection (a) and on an annual basis thereafter, the Secretary shall issue an update of the plan. Each updated plan under this subsection shall—

(1) be guided by the objectives referred to in subsection (c), taking into account any changes in the function or mission of the Department of Energy defense nuclear facilities and any other changes in circumstances that the Secretary determines to be relevant;

(2) contain an evaluation by the Secretary of the implementation of the plan during the year preceding the report; and

(3) contain such other information and provide for such other matters as the Secretary determines to be relevant.

(f) SUBMITTAL TO CONGRESS.—(1) The Secretary shall submit to Congress a plan referred to in subsection (a) with respect to a defense nuclear facility within 90 days after the date on which a notice of changes described in subsection (c)(1)(B) is provided to employees of the facility, or 90 days after the date of the enactment of this Act, whichever is later.

(2) The Secretary shall submit to Congress any updates of the plan under subsection (e) immediately upon completion of any such update.

SEC. 3162. PROGRAM TO MONITOR DEPARTMENT OF ENERGY WORKERS EXPOSED TO HAZARDOUS AND RADIOACTIVE SUBSTANCES.

(a) IN GENERAL.—The Secretary shall establish and carry out a program for the identification and on-going medical evaluation of current and former Department of Energy employees who are subject to significant health risks as a result of the exposure of such employees to hazardous or radioactive substances during such employment.

(b) IMPLEMENTATION OF PROGRAM.—(1) The Secretary shall, with the concurrence of the Secretary of Health and Human Services, issue regulations under which the Secretary shall implement the program. Such regulations shall, to the extent practicable, provide for a process to—

(A) identify the hazardous substances and radioactive substances to which current and former Department of Energy employees may have been exposed as a result of such employment;

(B) identify employees referred to in subparagraph (A) who received a level of exposure identified under paragraph (2)(B);

(C) determine the appropriate number, scope, and frequency of medical evaluations and laboratory tests to be provided to employees who have received a level of exposure identified under paragraph (2)(B) to permit the Secretary to evaluate fully the extent, nature, and medical consequences of such exposure;

(D) make available the evaluations and tests referred to in subparagraph (C) to the employees referred to in such subparagraph;

(E) ensure that privacy is maintained with respect to medical information that personally identifies any such employee; and

(F) ensure that employee participation in the program is voluntary.

(2)(A) In determining the most appropriate means of carrying out the activities referred to in subparagraphs (A) through (D) of paragraph (1), the Secretary shall consult with the Secretary of Health and Human Services under the agreement referred to in subsection (c).

(B) The Secretary of Health and Human Services, with the assistance of the Director of the Centers for Disease Control and the Director of the National Institute for Occupational Safety and Health, and the Secretary of Labor shall identify the levels of exposure to the substances referred to in subparagraph (A) of paragraph (1) that present employees referred to in such subparagraph with significant health risks under Federal and State occupational, health, and safety standards;

(3) In prescribing the guidelines referred to in paragraph (1), the Secretary shall consult with representatives of the following entities:

(A) The American College of Occupational and Environmental Medicine.

(B) The National Academy of Sciences.

(C) The National Council on Radiation Protection.

(D) Any labor organization or other collective bargaining agent authorized to act on the behalf of employees of a Department of Energy defense nuclear facility.

(4) The Secretary shall provide for each employee identified under paragraph (1)(D) and provided with any medical examination or test under paragraph (1)(E) to be notified by the appropriate medical personnel of the identification and the results of any such examination or test. Each notification under this paragraph shall be provided in a form that is readily understandable by the employee.

(5) The Secretary shall collect and assemble information relating to the examinations and tests carried out under paragraph (1)(E).

(6) The Secretary shall commence carrying out the program described in this subsection not later than 1 year after the date of the enactment of this Act.

(c) AGREEMENT WITH SECRETARY OF HEALTH AND HUMAN SERVICES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Secretary of Health and Human Services relating to the establishment and conduct of the program required and regulations issued under this section.

SEC. 3163. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Department of Energy defense nuclear facility" means—

(A) a production facility or utilization facility (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina; and the Mound Laboratory, Ohio), but the term does not include any facility that does not conduct atomic energy defense activities and does not include any facility or activity covered by Executive Order Number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program;

(B) a nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary;

(C) a testing and assembly facility that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the Nevada Test Site, Nevada; the Pinnellas Plant, Florida; and the Pantex facility, Texas);

(D) an atomic weapons research facility that is under the control or jurisdiction of the Secretary (including the Lawrence Livermore, Los Alamos, and Sandia National Laboratories); or

(E) any facility described in paragraphs (1) through (4) that—

(i) is no longer in operation;

(ii) was under the control or jurisdiction of the Department of Defense, the Atomic Energy Commission, or the Energy Research and Development Administration; and

(iii) was operated for national security purposes.

(2) The term "Department of Energy employee" means any employee of the Department of Energy employed at a Department of Energy defense nuclear facility, including any employee of a contractor or subcontractor of the Department of Energy employed at such a facility.

SEC. 3201. AUTHORIZATION FOR DEFENSE NUCLEAR SAFETY BOARD.

There are authorized to be appropriated for fiscal year 1993, $13,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. NUCLEAR SAFETY IN EASTERN EUROPE AND THE FORMER SOVIET UNION.

(a) FINDINGS.—The Congress finds that—

(1) the Chernobyl nuclear reactor accident on April 26, 1986, has resulted in $283 to $352 billion worth of damage, with more than 4,000,000 people still living on land contaminated with radiation;

(2) there are 16 Chernobyl-type RBMK reactors now operating in Russia, Ukraine, and Lithuania, all of which have faulty designs, poor construction, and dangerously lax and outdated operating procedures;

(3) there are dozens of Soviet-designed reactors now operating in Eastern Europe and the former Soviet Union with poor construction and lax and outdated operating procedures;

(4) a serious nuclear reactor accident in one of the newly freed states of Eastern Europe and the former Soviet Union would seriously exacerbate these states' difficult progress towards economic recovery and could lead to political instability;

(5) retrofitting the RBMK reactors with modern Western safety equipment will result in only marginal safety improvements at great expense; and

(6) alternative power sources, such as natural gas turbines, and modern energy efficiency measures and technologies could displace the need for much of the power which these reactors provide.

(b) UNITED STATES POLICY.—It is the sense of Congress that the President should undertake bilateral and multilateral initiatives, including trade initiatives, to—

(1) assist in bringing on line enough replacement power and modern energy efficiency measures and technologies in the states of Eastern Europe and the former Soviet Union so that the RBMK reactors may be shut down as soon as possible and placed in stable condition to prevent radiological contamination;

(2) assist the states of Eastern Europe and the former Soviet Union in upgrading their other nuclear reactors to Western standards of safety and in ensuring that all of their nuclear reactors receive routine maintenance and repairs;

(3) encourage and provide technical assistance to Russia and Ukraine to enact domestic legislation governing nuclear reactor safety;

(4) negotiate formal agreements for nuclear cooperation with Russia and Ukraine;

(5) identify nuclear safety research as a principal focus of the soon-to-be created nuclear science centers in Ukraine and Russia; and

(6) make greater resources available to the International Atomic Energy Agency to promote programs of nuclear safety in Eastern Europe and the former Soviet Union.

(c) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to Congress a report with a systematic assessment of the nuclear reactor safety situation in Eastern Europe and the former Soviet Union, with a description of specific bilateral and multilateral initiatives the Administration is taking and plans to take to address these nuclear safety issues.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Subtitle A—Modernization Program

SEC. 3301. DEFINITIONS.

For purposes of this subtitle:

(1) The terms "National Defense Stockpile" and "stockpile" mean the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term "National Defense Stockpile Transaction Fund" means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORIZED.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials currently contained in the National Defense Stockpile in order to modernize the stockpile. The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	*Quantity*
Aluminum Oxide, Abrasive Grain	*51,022 short tons*
Aluminum Oxide, Fused Crude	*249,867 short tons*
Antimony	*2,007 short tons*
Asbestos, Chrysotile	*3,004 short tons*
Bauxite, Metal Grade, Jamaican	*12,457,740 long tons*
Bauxite, Metal Grade, Surinam	*5,299,597 long tons*
Bauxite, Refactory	*207,067 long tons*
Beryl Ore	*17,729 short tons*
Bismuth	*1,825,955 pounds*
Cadmium	*6,328,570 pounds*
Chromite, Chemical Grade Ore	*208,414 short dry tons*

Authorized Stockpile Disposals—Continued

Material for disposal	Quantity
Chromite, Metallurgical Grade Ore	1,511,356 short dry tons
Chromite, Refractory Grade Ore	232,414 short dry tons
Chromium, Ferro	576,526 short tons
Cobalt	13,000,000 pounds of contained cobalt
Copper	29,641 short tons
Diamond, Bort	4,001,334 carats
Diamond Stones	2,422,075 carats
Fluorspar, Acid Grade	892,856 short dry tons
Fluorspar, Metallurgical Grade	410,822 short dry tons
Germanium	713 kilograms
Graphite, Natural, Malagasy, Crystalline	10,573 short tons
Graphite, Natural, Other than Ceylon & Malagasy	2,803 short tons
Iodine	5,835,022 pounds
Jewel bearings	51,778,337 pieces
Lead	610,053 short tons
Manganese, Ferro	938,285 short tons
Manganese Ore, Metallurgical Grade	1,627,425 short dry tons
Manganese, Battery Grade, Natural Ore	68,226 short dry tons
Manganese, Battery Grade, Synthetic Dioxide	3,011 short dry tons
Mercury	128,026 flasks (76-pounds)
Mica, Phlogopite Splittings	963,251 pounds
Nickel	37,214 short tons
Quartz Crystals, Natural	800,000 pounds
Rutile	39,200 short tons
Sapphire & Ruby	16,305,502 carats
Sebacic Acid	5,009,697 pounds
Silicon Carbide	28,774 short tons
Silver	83,951,492 troy ounces
Tin	141,278 metric tons
Vegetable Tannin, Chestnut	4,976 long tons
Vegetable Tannin, Quebracho	28,832 long tons
Vegetable Tannin, Wattle	15,000 long tons
Zinc	378,768 short tons

(b) Conditions on Disposal.—The authority of the President under subsection (a) to dispose of materials stored in the stockpile may not be used unless and until the President submits to Congress a revised annual materials plan under section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(b)) that—

(1) complies with the requirements of section 10(c) of such Act (50 U.S.C. 98h-1), as added by section 3314; and

(2) contains the certification of the Secretary of Defense that the disposal of such materials will not adversely affect the capability of the National Defense Stockpile to supply the strategic and critical materials necessary to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the economy of the United States, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of such Act (50 U.S.C. 98h-5(b)).

(c) Required Use of Previous Disposal Authorities.—(1) The President shall complete the disposal of all quantities of materials in the National Defense Stockpile that—

(A) have been previously authorized for disposal by law; and

(B) have not been disposed of before the date of the enactment of this Act.

(2) The disposal of materials required by this subsection shall be completed before the end of the five-year period beginning on October 1, 1992, unless the President notifies Congress that the Market Impact Committee established under section 10(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-1(c)), as added by section 3314, determines that completion of the disposal of such materials during such period would result in the undue disruption of the usual markets of such materials. The notification shall also indicate the date on which the disposal of such materials will be completed.

(d) Special Limitation Regarding Silver.—(1) The disposal of silver under this section may only occur in the form of coins or, subject to paragraph (2), as material furnished by the Federal Government to a contractor for the use of the contractor in the performance of a Federal Government contract.

(2) A contractor receiving silver as Government furnished material shall pay the Federal Government the amount equal to the fair market value of the silver, as determined by the National Defense Stockpile Manager. The amount paid by the contractor for the silver shall be deposited in the National Defense Stockpile Transaction Fund.

(e) Special Limitation Regarding Chromite and Manganese Ores.—During fiscal year 1993, the disposal of chromite and manganese ores of metallurgical grade under subsection (a) may be made only for processing within the United States and the territories and possessions of the United States.

(f) Special Limitation Regarding Chromium and Manganese Ferro.—The disposal of chromium ferro and manganese ferro under subsection (a) may not commence before October 1, 1993.

(g) Relationship to Other Disposal Authority.—The disposal authority provided in subsection (a) is in addition to any other disposal authority provided by law.

SEC. 3303. USE OF BARTER ARRANGEMENTS IN MODERNIZATION PROGRAM.

The President may enter into barter arrangements to dispose of materials under section 3302 in order to acquire strategic and critical materials for, or upgrade strategic and critical materials in, the National Defense Stockpile.

SEC. 3304. DEPOSIT OF PROCEEDS FROM DISPOSALS IN THE NATIONAL DEFENSE STOCKPILE FUND.

All moneys received from the sale of materials under section 3302 shall be deposited in the National Defense Stockpile Transaction Fund.

SEC. 3305. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) Use for Acquisitions and Other Purposes.—During fiscal year 1993, the National Defense Stockpile Manager may obligate up to $66,000,000 of the funds in the National Defense Stockpile Transaction Fund (subject to such limitations as may be provided in appropriations Acts) for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) Research and Development Programs.—Of the amount specified in subsection (a), $25,000,000 may be obligated for materials development and research under subparagraph (G) of such section.

SEC. 3306. ADVISORY COMMITTEE REGARDING OPERATION AND MODERNIZATION OF THE STOCKPILE.

(a) Appointment.—Not later than March 15, 1993, the President shall appoint an advisory committee under section 10(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-1(a)) to make recommendations to the President concerning the operation and modernization of the National Defense Stockpile.

(b) Membership.—The committee shall consist of members who have expertise regarding strategic and critical materials, including—

(1) employees of Federal agencies (including the Department of Defense, the Department of State, the Department of Commerce, the Department of Energy, the Department of the Treasury, the Department of the Interior, and the Federal Emergency Management Agency);

(2) representatives of mining, processing, and fabricating industries and consumers that would be affected by the acquisition of materials for the stockpile or the disposal of materials from the stockpile; and

(3) other interested persons or representatives of interested organizations.

SEC. 3307. SPECIAL RULE FOR 1993 REPORT ON STOCKPILE REQUIREMENTS.

In the report on stockpile requirements required to be submitted to Congress by January 15, 1993, pursuant to section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5), the Secretary of Defense shall include, in addition to the Secretary's recommendations with respect to stockpile requirements based upon the planning assumptions developed under subsection (b) of such section, the following information:

(1) A list of recommendations with respect to stockpile requirements that is based upon and

consistent with the planning assumptions and scenarios that support—

(A) the defense capabilities and programs of the Armed Forces specified in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 1994; and

(B) the future-years defense program submitted under section 221 of title 10, United States Code, with respect to that budget.

(2) An explanation of the reasons for any deviation between the Secretary's recommendations with respect to stockpile requirements prepared under section 14(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5(a)) and the list of recommendations with respect to stockpile requirements required by paragraph (1).

SEC. 3308. CONFORMING AMENDMENTS.

Part A of title XXXIII of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1583) is amended—

(1) in sections 3301(a), 3301(d), and 3302(a), by striking out "fiscal years 1992 and 1993" and inserting in lieu thereof "fiscal year 1992"; and

(2) in sections 3301(a), 3301(d), and 3302(b), by striking out "each of such fiscal years" and inserting in lieu thereof "such fiscal year".

Subtitle B—Programmatic Changes

SEC. 3311. PROCEDURES FOR CHANGING OBJECTIVES FOR STOCKPILE QUANTITIES ESTABLISHED AS OF THE END OF FISCAL YEAR 1987.

Section 3(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(c)) is amended by striking out paragraphs (2) through (5) and inserting in lieu thereof the following new paragraph:

"(2) The President shall notify Congress in writing of any change proposed to be made in the quantity of any material to be stockpiled. The President may make the change effective on or after the 30th legislative day following the date of the notification. The President shall include a full explanation and justification for the proposed change with the notification. For purposes of this paragraph, a legislative day is a day on which both Houses of Congress are in session.".

SEC. 3312. REPEAL OF LIMITATION ON EXCESS BALANCE IN FUND.

Section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)) is amended—

(1) by striking out "(1)"; and

(2) by striking out ", or (2)" and all that follows through "$100,000,000." and inserting in lieu thereof a period.

SEC. 3313. AUTHORIZED PURPOSES FOR EXPENDITURES FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) Maintenance and Disposal of Materials.—Section 9(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)) is amended—

(1) in paragraph (2)(A)—

(A) by inserting ", maintenance, and disposal" after "acquisition"; and

(B) by striking out "section 6(a)(1)" and inserting in lieu thereof "section 6(a)"; and

(2) in paragraph (2)(B), by striking out "such acquisition" and inserting in lieu thereof "such acquisition, maintenance, and disposal".

(b) Rehabilitation of Facilities and Disposal of Hazardous Materials.—Paragraph (2) of such section is further amended by adding at the end the following new subparagraphs:

"(H) Improvement or rehabilitation of facilities, structures, and infrastructure needed to maintain the integrity of stockpile materials.

"(I) Disposal of hazardous materials that are stored in the stockpile and authorized for disposal by law.".

(c) Prohibition on Use of Funds for Employee Salaries and Expenses.—Such section is further amended by adding at the end the following new paragraph:

"(4) Notwithstanding paragraph (2), moneys in the fund may not be used to pay salaries and expenses of stockpile employees.".

SEC. 3314. MARKET IMPACT COMMITTEE.

Section 10 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-1) is amended by adding at the end the following new subsection:

"(c)(1) The President shall appoint a Market Impact Committee composed of representatives from the Department of Agriculture, the Department of Commerce, the Department of Defense, the Department of Energy, the Department of the Interior, the Department of State, the Department of the Treasury, and the Federal Emergency Management Agency, and such other persons as the President considers appropriate. The representatives from the Department of Commerce and the Department of State shall be Cochairmen of the Committee.

"(2) The Committee shall advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile that are proposed to be included in the annual materials plan submitted to Congress under section 11(b), or in any revision of such plan, and shall submit to the manager the Committee's recommendations regarding those acquisitions and disposals.

"(3) The annual materials plan or the revision of such plan, as the case may be, shall contain—

"(A) the views of the Committee on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile;

"(B) the recommendations submitted by the Committee under paragraph (2); and

"(C) for each acquisition or disposal provided for in the plan or revision that is inconsistent with a recommendation of the Committee, a justification for the acquisition or disposal.

"(4) In developing recommendations for the National Defense Stockpile Manager under paragraph (2), the Committee shall consult from time to time with representatives of producers, processors, and consumers of the types of materials stored in the stockpile.".

SEC. 3315. CLARIFICATION OF THE STOCKPILE STATUS OF CERTAIN MATERIALS.

All materials purchased under section 303 of the Defense Production Act (50 U.S.C. App. 2093) and held in the Defense Production Act inventory as of June 30, 1992, are hereby transferred to the National Defense Stockpile and shall be managed, controlled, and subject to disposal by the National Defense Stockpile Manager as provided in the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a et seq.).

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $142,565,000 for fiscal year 1993 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1993".

Subtitle A—Annual Authorization

SEC. 3511. AUTHORIZATION OF EXPENDITURES.

(a) In General.—For fiscal year 1993, the Panama Canal Commission (subject to subsection (b)) may make such expenditures and, without regard to fiscal year limitations, may enter into such contracts and commitments, within the limits of funds and borrowing authority available to it in accordance with law, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1993.

(b) Limitation on Administrative Expenses.—For fiscal year 1993, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $51,156,000 for administrative expenses, of which not more than—

(1) $12,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) $6,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) $34,000 may be used for official reception and representation expenses of the Administrator of the Commission.

(c) Purchase of Passenger Vehicles.—Funds available to the Panama Canal Commission may be used for the purchase of passenger motor vehicles (including large heavy-duty vehicles) to be used to transport Commission personnel across the Isthmus of Panama. A passenger motor vehicle may be purchased with such funds only as necessary to replace another passenger motor vehicle of the Commission. No passenger motor vehicle may be purchased with such funds for a price in excess of $18,000.

SEC. 3512. HEALTH CARE.

Section 1321(e)(1) of the Panama Canal Act of 1979 (22 U.S.C. 3731) is amended by inserting after "health care services" the following: "provided by medical facilities licensed and approved by the Republic of Panama (and not operated by the United States)".

SEC. 3513. VESSEL TONNAGE MEASUREMENT.

Section 1602(a) of the Panama Canal Act of 1979 (22 U.S.C. 3792) is amended in the first sentence by inserting ", or its equivalent," after "net vessel tons of one hundred cubic feet each of actual earning capacity".

SEC. 3514. CONSISTENCY WITH PANAMA CANAL TREATIES OF 1977 AND IMPLEMENTING LAWS.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and laws of the United States implementing those treaties.

Subtitle B—Composition and Dissolution of Commission

SEC. 3521. COSTS OF DISSOLUTION.

(a) In General.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) is amended by inserting after section 1304 the following:

"DISSOLUTION OF COMMISSION

"Sec. 1305. (a)(1) The Commission shall conduct a study of—

"(A) the costs associated with the dissolution of the Commission, including the composition, location, and costs of the office authorized to be established under subsection (b); and

"(B) costs and liabilities incurred or administered by the Commission that will not be paid before the date of that dissolution.

"(2) The Commission shall submit to the Congress, by not later than September 30, 1996, a report on the findings and conclusions of the study under this subsection. The report shall include an estimate of the period of time which may be required to close out the affairs of the Commission after the termination of the Panama Canal Treaty of 1977.

"(b) The Commission shall during fiscal year 1998 establish an office to close out the affairs of the Commission that are still pending after the termination of the Panama Canal Treaty of 1977.

"(c)(1) There is established in the Treasury of the United States a fund to be known as the 'Panama Canal Commission Dissolution Fund' (hereinafter in this section referred to as the 'Fund'). The Fund shall be managed by the Commission until the termination of the Panama Canal Treaty of 1977 and by the office established under subsection (b) thereafter.

"(2)(A) Subject to paragraph (5), the Fund shall be available after September 30, 1998, to pay—

"(i) the costs of operating the office established under subsection (b); and

"(ii) the costs and liabilities associated with dissolution of the Commission, including such costs incurred or identified after the termination of the Panama Canal Treaty of 1977.

"(B) Payments from the Fund made during the period beginning on October 1, 1998, and ending with the termination of the Panama Canal Treaty of 1977 shall be subject to the approval of the Board provided for in section 1102.

"(3) The Fund shall consist of—

"(A) such amounts as may be deposited into the Fund by the Commission, from amounts collected as toll receipts, to pay the costs described in paragraph (2); and

"(B) amounts credited to the Fund under paragraph (4).

"(4)(A) The Secretary of the Treasury shall invest excess amounts in the Fund in public debt securities with maturities suitable to the needs of the Fund, as determined by the manager of the Fund.

"(B) Securities invested under subparagraph (A) shall bear interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(C) Interest earned on securities invested under subparagraph (A) shall be credited to and form part of the Fund.

"(5) Amounts in the Fund may not be obligated or expended in any fiscal year unless the obligation or expenditure is specifically authorized by law.

"(6) The Fund shall terminate on October 1, 2004. Amounts in the Fund on that date shall be deposited in the general fund of the Treasury of the United States.".

(b) CONFORMING AMENDMENTS.—

(1) AVAILABILITY OF TOLL RECEIPTS.—Section 1302(c) of the Panama Canal Act of 1979 (22 U.S.C. 3712(c)) is amended—

(A) in paragraph (1), by inserting after "toll receipts" in the first sentence the following: "(other than amounts of toll receipts deposited into the Panama Canal Commission Dissolution Fund under section 1305)"; and

(B) in paragraph (3)(A), by inserting "and the Panama Canal Dissolution Fund" after "Panama Canal Revolving Fund".

(2) BASES OF TOLLS.—Section 1602(b) of the Panama Canal Act of 1979 (22 U.S.C. 3792(b)) is amended by striking "Panama Canal," and inserting "Panama Canal (including costs authorized to be paid from the Panama Canal Dissolution Fund under section 1305(c)),".

(c) CLERICAL AMENDMENT.—The table of contents in section 1 of the Panama Canal Act of 1979 is amended by inserting after the item relating to section 1304 the following new item:

"1305. Dissolution of Commission.".

SEC. 3522. RECOMMENDATIONS BY PRESIDENT ON CHANGES TO PANAMA CANAL COMMISSION STRUCTURE.

(a) REPORT.—The President shall conduct a study and, if warranted, develop a plan setting forth recommendations for such changes, if any, to the Panama Canal Commission for the operation of the Panama Canal during the period before the termination of the Panama Canal Treaty of 1977 as the President determines would facilitate and encourage the operation of the canal through an autonomous entity under the Government of Panama after the transfer of the canal on December 31, 1999, pursuant to the Panama Canal Treaty of 1977 and related agreements. The President shall submit the study and, if warranted, plan to Congress, together with a legislative proposal containing any changes to existing law required to implement the plan, not later than one year after the date of the enactment of this Act.

(b) PREPARATION OF PLAN.—Recommendations to the President for purposes of the study and plan required by subsection (a) shall be prepared with the participation of a representative of each of the following:

(1) The Secretary of State.

(2) The Secretary of Defense.

(3) The Secretary of the Treasury.

(4) The Secretary of Commerce.

(5) The Secretary of Transportation.

(6) The Panama Canal Commission.

(c) PLAN TO BE CONSISTENT WITH PANAMA CANAL TREATY.—The study and, if warranted, plan submitted by the President pursuant to subsection (a) shall be consistent with the Panama Canal Treaty of 1977 and related agreements.

SEC. 3523. REPORT BY COMPTROLLER GENERAL ON CHANGES TO PANAMA CANAL COMMISSION STRUCTURE.

(a) REPORT.—The Comptroller General shall submit to Congress a report analyzing the effectiveness of the fiscal, operational, and management structure of the Panama Canal Commission and setting forth recommendations for such changes to that structure as the Comptroller General determines would, if implemented, enable the Commission to operate more efficiently and, thereby, serve as a model for the Government of Panama for the operation of the Panama Canal after the transfer of the Panama Canal on December 31, 1999, pursuant to the Panama Canal Treaty of 1977 and related agreements. The Comptroller General shall submit the report to Congress not later than one year after the date of the enactment of this Act.

(b) PREPARATION OF REPORT.—In developing the report required by subsection (a), the Comptroller General shall seek the views of each of the following:

(1) The Secretary of State.

(2) The Secretary of Defense.

(3) The Secretary of the Treasury.

(4) The Secretary of Commerce.

(5) The Secretary of Transportation.

(6) The Panama Canal Commission.

(c) REPORT TO BE CONSISTENT WITH PANAMA CANAL TREATY.—The recommendations in the report submitted by the Comptroller General pursuant to subsection (a) shall be consistent with the Panama Canal Treaty of 1977 and related agreements.

DIVISION D—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

SEC. 4001. SHORT TITLE.

This division may be cited as the "Defense Conversion, Reinvestment, and Transition Assistance Act of 1992".

TITLE XLI—FINDINGS

SEC. 4101. FINDINGS.

Congress makes the following findings:

(1) The collapse of communism in Eastern Europe and the dissolution of the Soviet Union have fundamentally changed the military threat that formed the basis for the national security policy of the United States since the end of World War II.

(2) The change in the military threat presents a unique opportunity to restructure and reduce the military requirements of the United States.

(3) As the United States proceeds with the post-Cold War defense build down, the Nation must recognize and address the impact of reduced defense spending on the military personnel, civilian employees, and defense industry workers who have been the foundation of the national defense policies of the United States.

(4) The defense build down will have a significant impact on communities as procurements are reduced and military installations are closed and realigned.

(5) Despite the changes in the military threat, the United States must maintain the capability to respond to regional conflicts that threaten the national interests of the United States, and to reconstitute forces in the event of an extended conflict.

(6) The skills and capabilities of military personnel, civilian employees of the Department of Defense, defense industry workers, and defense industries represent an invaluable national resource that can contribute to the economic growth of the United States and to the long-term vitality of the national technology and industrial base.

(7) Prompt and vigorous implementation of defense conversion, and transition assistance programs is essential to ensure that the defense build down is structured in a manner that—

(A) enhances the long-term ability of the United States to maintain a strong and vibrant national technology and industrial base; and

(B) promotes economic growth.

TITLE XLII—DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION

Subtitle A—Purposes and Establishment of New Chapter in Title 10

SEC. 4201. PURPOSES.

The purposes of this title are to consolidate, revise, clarify, and reenact policies and requirements, and to enact additional policies and requirements, relating to the national technology and industrial base, defense reinvestment, and defense conversion programs that further national security objectives.

SEC. 4202. ESTABLISHMENT OF NEW CHAPTER IN TITLE 10.

(a) REPEAL AND REDESIGNATION OF EXISTING PROVISIONS.—Chapter 148 (other than sections 2504 through 2507), chapter 149 (other than sections 2517 and 2518), and chapter 150 (other than sections 2524, 2525, and 2526) of title 10, United States Code, are repealed. Sections 2504, 2505, 2506, and 2507 of such title are redesignated as sections 2531, 2532, 2533, and 2534, respectively.

(b) NEW CHAPTER 148.—Part IV of subtitle A of title 10, United States Code, is amended by inserting before section 2531, as so redesignated, the following new chapter 148:

"CHAPTER 148—NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, DEFENSE REINVESTMENT, AND DEFENSE CONVERSION

"Subchapter	Sec.
"I. Definitions	2491
"II. Policies and Planning	2501
"III. Programs for Development, Application, and Support of Dual-Use Technologies	2511
"IV. Manufacturing Technology and Dual-Use Assistance Extension Programs	2521
"V. Miscellaneous Technology Base Policies and Programs	2531

"SUBCHAPTER I—DEFINITIONS

"Sec.
"2491. Definitions.

"SUBCHAPTER II—POLICIES AND PLANNING

"Sec.
"2501. Congressional defense policy concerning national technology and industrial base, reinvestment, and conversion.

"2502. National Defense Technology and Industrial Base Council.
"2503. National defense program for analysis of the technology and industrial base.
"2504. Center for the Study of Defense Economic Adjustment.
"2505. National technology and industrial base: periodic defense capability assessments.
"2506. National technology and industrial base: periodic defense capability plan.
"2507. Data collection authority of President.

"SUBCHAPTER III—PROGRAMS FOR DEVELOPMENT, APPLICATION, AND SUPPORT OF DUAL-USE TECHNOLOGIES

"Sec.
"2511. Defense dual-use critical technology partnerships.
"2512. Commercial-military integration partnerships.
"2513. Regional technology alliances assistance program.
"2514. Encouragement of technology transfer.
"2515. Office of Technology Transition.
"2516. Military-Civilian Integration and Technology Transfer Advisory Board
"2517. Office for Foreign Defense Critical Technology Monitoring and Assessment.
"2518. Overseas foreign critical technology monitoring and assessment financial assistance program.

"SUBCHAPTER IV—MANUFACTURING TECHNOLOGY AND DUAL-USE ASSISTANCE EXTENSION PROGRAMS

"Sec.
"2521. National Defense Manufacturing Technology Program.
"2522. Defense Advanced Manufacturing Technology Partnerships.
"2523. Manufacturing extension programs.
"2524. Defense dual-use assistance extension program.

"SUBCHAPTER V—MISCELLANEOUS TECHNOLOGY BASE POLICIES AND PROGRAMS

"Sec.
"2531. Defense memoranda of understanding and related agreements.
"2532. Offset policy; notification.
"2533. Limitation on use of funds: procurement of goods which are other than American goods.
"2534. Miscellaneous limitations on the procurement of goods other than United States goods.
"2535. Defense Industrial Reserve.".

(c) REFERENCE.—A reference in this title to chapter 148 shall be considered to be a reference to chapter 148 of title 10, United States Code, as added by subsection (b).

SEC. 4203. DEFINITIONS.

(a) IN GENERAL.—Subchapter I of chapter 148, as established by section 4202, is amended by inserting after the table of sections the following:

"§2491. Definitions

"In this chapter:

"(1) The term 'national technology and industrial base' means the persons and organizations that are engaged in research, development, production, or maintenance activities conducted within the United States and Canada.

"(2) The term 'dual-use' with respect to products, services, standards, processes, or acquisition practices, means products, services, standards, processes, or acquisition practices, respectively, that are capable of meeting requirements for military and nonmilitary application.

"(3) The term 'dual-use critical technology' means a critical technology that has military applications and nonmilitary applications.

"(4) The term 'technology and industrial base sector' means a group of public or private persons and organizations that engage in, or are capable of engaging in, similar research, development, or production activities.

"(5) The terms 'Federal laboratory' and 'laboratory' have the meaning given the term 'laboratory' in section 12(d)(2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)).

"(6) The term 'critical technology' means a technology that is—

"(A) a national critical technology; or

"(B) a defense critical technology.

"(7) The term 'national critical technology' means a technology that appears on the list of national critical technologies contained in the most recent biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)).

"(8) The term 'defense critical technology' means a technology that appears on the list of critical technologies contained, pursuant to subsection (f) of section 2505 of this title, in the most recent national technology and industrial base assessment submitted to Congress by the Secretary of Defense pursuant to section 2506(e) of this title.

"(9) The term 'eligible firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States; and

"(B) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business of a parent company that is incorporated in a country the government of which—

"(i) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations or agreements; and

"(ii) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States.

Such term includes a consortium of such companies or other business entities, as determined by the Secretary of Commerce.

"(10) The term 'manufacturing technology' means techniques and processes designed to improve manufacturing quality, productivity, and practices, including quality control, shop floor management, inventory management, and worker training, as well as manufacturing equipment and software.

"(11) The term 'manufacturing extension program' means a public or private, nonprofit program for the improvement of the quality, productivity, and performance of United States-based small manufacturing firms in the United States.

"(12) The term 'United States-based small manufacturing firm' means a company or other business entity that, as determined by the Secretary of Commerce—

"(A) engages in manufacturing;

"(B) has less than 500 employees; and

"(C) is an eligible firm.".

(b) TRANSITION PROVISION.—Until the first national technology and industrial base assessment is submitted to Congress by the Secretary of Defense pursuant to section 2506(e) of title 10, United States Code, as added by section 4216, the term "defense critical technology" for the purposes of chapter 148 of such title, as added by section 4202, shall have the meaning given such term in section 2521 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act.

Subtitle B—Defense Policies and Planning Concerning National Technology and Industrial Base, Reinvestment, and Conversion

SEC. 4211. CONGRESSIONAL DEFENSE POLICY CONCERNING NATIONAL TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION.

Subchapter II of chapter 148, as established by section 4202, is amended by inserting after the table of sections the following:

"§2501. Congressional defense policy concerning national technology and industrial base, reinvestment, and conversion

"(a) DEFENSE POLICY OBJECTIVES FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—It is the policy of Congress that the national technology and industrial base be capable of meeting the following national security objectives:

"(1) Supplying and equipping the force structure of the armed forces that is necessary to achieve—

"(A) the objectives set forth in the national security strategy report submitted to Congress by the President pursuant to section 104 of the National Security Act of 1947 (50 U.S.C. 404a);

"(B) the policy guidance of the Secretary of Defense provided pursuant to section 113(g) of this title; and

"(C) the future-years defense program submitted to Congress by the Secretary of Defense pursuant to section 221 of this title.

"(2) Sustaining production, maintenance, repair, and logistics for military operations of various durations and intensity.

"(3) Maintaining advanced research and development activities to provide the armed forces with systems capable of ensuring technological superiority over potential adversaries.

"(4) Reconstituting within a reasonable period the capability to develop and produce supplies and equipment, including technologically advanced systems, in sufficient quantities to prepare fully for a war, national emergency, or mobilization of the armed forces before the commencement of that war, national emergency, or mobilization.

"(b) POLICY OBJECTIVES RELATING TO DEFENSE REINVESTMENT, DIVERSIFICATION, AND CONVERSION.—It is the policy of Congress that, during a period of reduction in defense expenditures, the United States further the national security objectives set forth in subsection (a) through programs of reinvestment, diversification, and conversion of defense resources that—

"(1) promote economic growth in high-wage, high-technology industries and preserve the industrial and technical skill base;

"(2) promote economic growth through further reduction of the Federal budget deficit and thereby free up capital for private investment and job creation in the civilian sector;

"(3) bolster the national technology base, including support and exploitation of critical technologies with both military and civilian application;

"(4) support retraining of separated military, defense civilian, and defense industrial personnel for jobs in activities important to national economic growth and security;

"(5) assist those activities being undertaken at the State and local levels to support defense economic reinvestment, conversion, adjustment, and diversification activities; and

"(6) assist small businesses adversely affected by reductions in defense expenditures.

"(c) CIVIL-MILITARY INTEGRATION POLICY.—It is the policy of Congress that the United States attain the national technology and industrial base objectives set forth in subsection (a) through acquisition policy reforms that have the following objectives:

"(1) Relying, to the maximum extent practicable, upon the commercial national tech-

nology and industrial base that is required to meet the national security needs of the United States.

''(2) Reducing the reliance of the Department of Defense on technology and industrial base sectors that are economically dependent on Department of Defense business.

''(3) Reducing Federal Government barriers to the use of commercial products, processes, and standards.''.

SEC. 4212. NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.

(a) ESTABLISHMENT OF COUNCIL.—Subchapter II of chapter 148, as amended by section 4211, is further amended by inserting after section 2501 the following:

''§2502. National Defense Technology and Industrial Base Council

''(a) ESTABLISHMENT.—There is a National Defense Technology and Industrial Base Council.

''(b) COMPOSITION.—The Council is composed of the following members:

''(1) The Secretary of Defense, who shall serve as chairman.

''(2) The Secretary of Energy.

''(3) The Secretary of Commerce.

''(4) The Secretary of Labor

''(5) Such other officials as may be determined by the President.

''(c) RESPONSIBILITIES.—The Council shall have the following responsibilities:

''(1) To ensure effective cooperation among departments and agencies of the Federal Government, and to provide advice and recommendations to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the Secretary of Labor, concerning—

''(A) the capabilities of the national technology and industrial base to meet the national security objectives set forth in section 2501(a) of this title;

''(B) programs for achieving, during a period of reduction in defense expenditures, the defense reinvestment, diversification, and conversion objectives set forth in section 2501(b) of this title; and

''(C) changes in acquisition policy that strengthen the national technology and industrial base.

''(2) To provide overall policy guidance to ensure effective implementation by agencies of the Federal Government of defense reinvestment and conversion activities during a period of reduction in defense expenditures.

''(3) To prepare the periodic assessment and the periodic plan required by sections 2505 and 2506 of this title, respectively.''.

(b) ECONOMIC ADJUSTMENT COMMITTEE.—Section 4004 of the Defense Economic Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101-510; 10 U.S.C. 2391 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking out subsection (b) and inserting in lieu thereof the following:

''(b) CHAIRMAN.—Until October 1, 1997, the Secretary of Defense shall be the chairman of the Committee. After that, the chairmanship shall rotate annually among the Secretary of Defense, Secretary of Labor, and the Secretary of Commerce.

''(c) EXECUTIVE COUNCIL.—Until October 1, 1997, the National Defense Technology and Industrial Base Council shall function as an Executive Council of the Committee. Under the direction of the chairman of the Committee, the Executive Council shall develop policies and procedures to ensure that communities, businesses, and workers substantially and seriously affected by reductions in defense expenditures are advised of the assistance available to such communities, businesses, and workers under programs administered by the departments and agency comprising the Council.''.

SEC. 4213. NATIONAL DEFENSE PROGRAM FOR ANALYSIS OF THE TECHNOLOGY AND INDUSTRIAL BASE.

(a) ESTABLISHMENT OF PROGRAM.—Subchapter II of chapter 148, as amended by section 4212, is further amended by inserting after section 2502 the following:

''§2503. National defense program for analysis of the technology and industrial base

''(a) ESTABLISHMENT.—(1) The Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council, shall establish a program for analysis of the national technology and industrial base.

''(2) As determined by the Secretary of Defense, the program shall be administered by one of the following:

''(A) An existing federally funded research and development center.

''(B) A consortium of existing federally funded research and development centers and other nonprofit entities.

''(C) A private sector entity (other than a federally funded research and development center).

''(D) The National Defense University.

''(3) A contract may be awarded under subparagraph (A), (B), or (C) of paragraph (2) only through the use of competitive procedures.

''(4) The Secretary of Defense shall ensure that there is appropriate coordination between the program and the Critical Technologies Institute.

''(b) SUPERVISION OF PROGRAM.—The Secretary of Defense shall carry out the program through the Under Secretary of Defense for Acquisition. In carrying out the program, the Under Secretary shall consult with the Secretary of Energy, the Secretary of Commerce, and the Secretary of Labor.

''(c) FUNCTIONS.—The functions of the program shall include, with respect to the national technology and industrial base, the following:

''(1) The assembly of timely and authoritative information.

''(2) Initiation of studies and analyses.

''(3) Provision of technical support and assistance to—

''(A) the National Defense Technology and Industrial Base Council in the preparation of the periodic assessments required by section 2505 of this title and the periodic plans required by section 2506 of this title;

''(B) the defense acquisition university structure and its elements; and

''(C) other departments and agencies of the Federal Government in accordance with guidance established by the Council.

''(4) Dissemination, through the National Technical Information Service of the Department of Commerce, of unclassified information and assessments for further dissemination within the Federal Government and to the private sector.''.

(b) DEADLINE FOR ESTABLISHMENT.—The Secretary of Defense shall establish the program required by section 2503 of title 10, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act. The Secretary of Defense shall ensure that a contract solicitation is issued and a contract is awarded in a timely manner to facilitate the establishment of that program within the period set forth in the preceding sentence. The preceding sentence shall not apply if the Secretary determines that the program shall be administered by the National Defense University.

(c) FISCAL YEAR 1993 FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $5,000,000 shall be available for the program for analysis of the national technology and industrial base established pursuant to section 2503 of title 10, United States Code, as added by subsection (a).

SEC. 4214. CENTER FOR THE STUDY OF DEFENSE ECONOMIC ADJUSTMENT.

(a) CENTER FOR THE STUDY OF DEFENSE ECONOMIC ADJUSTMENT.—Subchapter II of chapter 148, as amended by section 4213, is further amended by inserting after section 2503 the following:

''§2504. Center for the Study of Defense Economic Adjustment

''(a) ESTABLISHMENT.—The Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council, shall establish within the National Defense University a Defense Economic Adjustment Center for the study of issues related to the conversion and reutilization of defense personnel, resources, and facilities. The Center shall be affiliated with the Industrial College of the Armed Forces and the Institute for National Strategic Studies of the National Defense University. The activities of the Center shall be integrated with existing activities and studies regarding acquisition, mobilization, the defense industrial base, and reconstitution.

''(b) PRIMARY RESPONSIBILITIES.—In conducting studies of economic conversion, the Center shall focus on the development of defense economic adjustment methods and the technical assistance necessary to implement these methods. In accordance with procedures established by the Secretary of Defense, the Center shall coordinate its activities with other education and training elements of the Department of Defense that the Secretary may establish or assign to assist in accomplishing the defense reinvestment, diversification, and conversion objectives set forth in section 2501(b) of this title.

''(c) STAFF AND FACILITIES.—Upon the request of the Secretary of Defense, the head of a Federal agency may detail, on a reimbursable basis, personnel of the agency to serve on the staff of the Center.

''(d) OTHER SERVICES.—The Center may make office space available to personnel of universities and defense contractors invited to participate in defense economic adjustment activities of the center.

''(e) ADDITIONAL CENTERS AND CONVERSION ACTIVITIES.—The Secretary of Defense may establish additional defense economic adjustment centers or similar entities within the educational and training structure of the Department of Defense or may assign additional economic conversion functions to existing organizations within such structure as may be necessary to assist the Center established pursuant to subsection (a). These additional functions may include the provision of training and technical assistance to implement economic adjustment methods developed by the Center.''.

(b) TIME FOR ESTABLISHMENT.—The Secretary of Defense shall establish the Defense Economic Adjustment Center under section 2504 of title 10, United States Code, as added by subsection (a), not later than 120 days after the date of the enactment of this Act.

(c) FISCAL YEAR 1993 FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $2,000,000 shall be available for the Center for the Study of Defense Economic Adjustment.

SEC. 4215. NATIONAL TECHNOLOGY AND INDUSTRIAL BASE DEFENSE CAPABILITY ASSESSMENTS.

Subchapter II of chapter 148, as amended by section 4214, is further amended by inserting after section 2504 the following:

''§2505. National technology and industrial base: periodic defense capabilty assessments

''(a) COMPREHENSIVE ASSESSMENT.—The National Defense Technology and Industrial Base

Council shall, on a regular and periodic basis and not less often than annually through fiscal year 1997 and biennially thereafter, prepare a comprehensive assessment of the capability of the national technology and industrial base to attain each of the national security objectives set forth in section 2501(a) of this title.

"(b) TECHNOLOGY AND INDUSTRIAL BASE SECTOR CAPABILITY ANALYSIS.—Each assessment under subsection (a) shall include the following:

"(1) An analysis of the role, capability, and continued economic viability of those technology and industrial base sectors that are critical to attaining each of the objectives set forth in section 2501(a) of this title.

"(2) An analysis of the present and projected financial condition of each technology and industrial base sector.

"(3) An analysis of the impact of the terminations and significant reductions of major research and development programs and procurement programs of the Department of Defense on the capability of those technology and industrial base sectors that are critical to attaining each of the national security objectives set forth in section 2501(a) of this title during a period of reduction in defense expenditures.

"(4) A critical technology analysis that identifies the product and process technologies that are most critical for attaining the national security objectives set forth in section 2501(a) of this title.

"(c) FOREIGN DEPENDENCY CONSIDERATIONS.—In the preparation of the periodic assessment, the Council shall include considerations of foreign dependency.

"(d) ISSUANCE.—The Secretary of Defense shall prescribe by regulation a schedule for the completion of the periodic assessment that ensures sufficient time for the consideration of the assessment in the preparation of the periodic national technology and industrial base plan required by section 2506 of this title.".

SEC. 4216. NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PLAN AND MAJOR DEFENSE PROGRAM PLANNING.

(a) MULTIYEAR PLAN.—Subchapter II of chapter 148, as amended by section 4215, is further amended by inserting after section 2505 the following:

"§2506. National technology and industrial base: periodic defense capability plan

"(a) IN GENERAL.—The National Defense Technology and Industrial Base Council shall prepare annually through fiscal year 1997 and biennially thereafter a multiyear plan for ensuring, to the maximum extent practicable, that the policies and programs of the Department of Defense, the Department of Energy, and other departments and agencies of the Federal Government are planned, coordinated, funded, and implemented in a manner designed to attain each of the national security objectives set forth in section 2501(a) of this title. In preparing each plan, the Council shall take into account the most recent national technology and industrial base assessment prepared pursuant to section 2505 of this title.

"(b) PROGRAM GUIDANCE TO BE INCLUDED IN PLAN.—Each plan under subsection (a) shall also provide specific guidance (including goals, milestones, and priorities) for the following:

"(1) National defense programs and policies of the Department of Defense and Department of Energy that are necessary to ensure the continued viability of each technology and industrial base sector that is necessary to support the objectives stated in section 2501(a) of this title.

"(2) National defense programs and policies of the Department of Defense and Department of Energy that are necessary in each such sector—

"(A) to reduce dependence on foreign sources that could create a military vulnerability; and

"(B) to provide for alternative sources in the event that the foreign sources become unavailable.

"(3) The composition and management of the Defense Industrial Reserve under section 2535 of this title.

"(4) National defense programs and policies of the Department of Defense and Department of Energy relating to manufacturing technology.

"(5) Development of each defense critical technology.

"(6) Ensuring that financial policies of the Department of Defense and Department of Energy (for national security programs) are designed to meet the policies set forth in section 2501 of this title.

"(7) Encouragement of the effective use of commercial products and processes by the Department of Defense and the Department of Energy for national security programs.

"(8) For each plan through fiscal year 1997, national defense programs and policies of the Department of Defense and Department of Energy relating to the transition from economic dependence on defense expenditures of those technology and industrial base sectors and businesses that are at least partially dependent economically on defense expenditures.

"(9) Enhancement of the skills and capabilities of the work force in the national technology and industrial base in support of the national security objectives set forth in section 2501(a) of this title.

"(10) Enhancement of the effectiveness of the major defense acquisition program regulations prescribed pursuant to section 2430(b) of this title.

"(c) LONG-RANGE PLANS.—Each plan through fiscal year 1997 shall include the following:

"(1) A long-range plan for technology development and use of model demonstration defense facilities for environmental restoration and waste management.

"(2) A long-range plan to develop advanced technology to carry out transportation projects that further the national security objectives set forth in section 2501(a) of this title.

"(3) A long-range national security energy technology plan to further the national security objectives of section 2501(a) of this title.

"(4) A long-range national defense communications networking plan to further the national security objectives of section 2501(a) of this title.

"(d) ACQUISITION REFORM GUIDANCE.—Each plan shall include—

"(1) recommendations for legislation that the Council considers appropriate for eliminating any adverse effect of Federal law on the capability of the national technology and industrial base to further the national security objectives set forth in section 2501(a) of this title; and

"(2) specific guidance to ensure that maximum use is made of authority to waive regulations or conduct test programs in pursuit of such objectives.

"(e) ISSUANCE.—(1) The Secretary of Defense shall provide the plan to the Secretaries of the military departments and the heads of the other elements of the Department of Defense not later than the date on which the Secretary provides those officials with the guidance required by section 113(g)(1) of this title.

"(2) The Secretary of Defense shall transmit to Congress, not later than March 31 of each year through 1997 and every odd-numbered year thereafter—

"(A) the plan prepared under this section, including any changes necessary to reflect the budget submitted by the President during that year under section 1105 of title 31; and

"(B) the national technology and industrial base periodic assessment prepared pursuant to section 2505 of this title that pertains to such plan and budget.

"(3) The plan and assessment shall be submitted to Congress in classified and unclassified forms. Proprietary information that may be withheld from disclosure under section 552 of title 5 shall be provided only in the classified version.".

(b) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PLANNING FOR MAJOR PROGRAMS.—(1) Chapter 144 of title 10, United States Code, as amended by section 821, is further amended by adding at the end the following new section:

"§2440. TECHNOLOGY AND INDUSTRIAL BASE PLANS.

The Secretary of Defense shall prescribe regulations requiring consideration of the national technology and industrial base in the development and implementation of acquisition plans for each major defense acquisition program.".

(2) The table of sections at the beginning of such chapter, as amended by section 821, is further amended by adding at the end the following:

"2440. Technology and industrial base plans.".

SEC. 4217. DATA COLLECTION AUTHORITY.

Subchapter II of chapter 148, as amended by section 4216, is further amended by inserting after section 2506 the following new section:

"§2507. Data collection authority of President

"(a) The President shall be entitled, by regulation, subpoena, or otherwise, to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, and take the sworn testimony of, and administer oaths and affirmations to, any person as may be necessary or appropriate, in the President's discretion, to the enforcement or the administration of this chapter and the regulations issued under this chapter.

"(b) The President shall issue regulations insuring that the authority of this section will be used only after the scope and purpose of the investigation, inspection, or inquiry to be made have been defined by competent authority and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency.

"(c) Any person who willfully performs any act prohibited or willfully fails to perform any act required by the provisions of subsection (a), or any rule, regulation, or order thereunder, shall be fined under title 18 or imprisoned not more than one year, or both.

"(d) Information obtained under section (a) which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information shall not be published or disclosed unless the President determines that the withholding thereof is contrary to the interest of the national defense. Any person who willfully violates this subsection shall be fined under title 18 or imprisoned not more than one year, or both.

"(e) The President may make such rules, regulations, and orders as he considers necessary or appropriate to carry out the provisions of this section. Any regulation or order under this section may be established in such form and manner, may contain such classification and differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the President are necessary or proper to effectuate the purposes of this section, or to prevent circumvention or evasion, or to facilitate enforcement of this section, or any rule, regulation, or order issued under this section.

"(f) In this section:

"(1) The term 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof,

or any other government, or any of its political subdivisions, or any agency of any of the foregoing, except that no punishment provided by this section shall apply to the United States, or to any such government, political subdivision, or government agency.

"(2) The term 'national defense' means programs for military and atomic energy production or construction, military assistance to any foreign nation, stockpiling, space, and directly related activity.".

SEC. 4218. IMPLEMENTATION OF REQUIREMENTS FOR ASSESSMENT, PLANNING, AND ANALYSIS.

(a) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations, including milestones for actions, to ensure the timely and thorough collection of information, completion of assessments, and issuance of plans to be accomplished by the Secretary of Defense that are required by the provisions of subchapter II of chapter 148. Such regulations shall be prescribed in consultation with the other heads of departments comprising the National Defense Technology and Industrial Base Council.

(b) FIRST ASSESSMENT AND PLAN.—(1) The first assessment required by section 2505 of title 10, United States Code, as added by section 4215, shall be completed not later than September 30, 1993.

(2) The first plan required by section 2506 of such title, as added by section 4216, shall be completed not later than December 1, 1993.

(3) The Secretary may prescribe regulations authorizing the presentation of information in a preliminary form in the first periodic assessment and the first periodic plan to the extent that the necessary information cannot reasonably be collected, analyzed, or presented in accordance with section 2505 or 2506, respectively, of title 10, United States Code, by the dates specified in paragraphs (1) and (2).

(c) TEXTILES.—The periodic national technology and industrial base assessment submitted to Congress pursuant to section 2506(e) of title 10, United States Code, shall include, through 1995, a specific assessment of the capability of the domestic textile and apparel industrial base of the United States to support national defense mobilization requirements. Each such assessment shall include the following:

(1) An identification of textile and apparel mobilization requirements of the Department of Defense that cannot be satisfied on a timely basis by domestic industries.

(2) An assessment of the effect that any inadequacy in the textile and apparel industrial base would have on a mobilization.

(3) Recommendations for ways to alleviate any such inadequacy that the Secretary considers critical to national defense mobilization requirements.

SEC. 4219. IMPLEMENTING REGULATIONS CONCERNING THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PERIODIC ASSESSMENT.

(a) RULE OF CONSTRUCTION.—Except as otherwise expressly provided, in this section each reference to a section is a reference to a section of title 10, United States Code.

(b) INITIAL REGULATIONS.—The Secretary of Defense shall ensure that the initial regulations prescribed to implement section 2505 provide that the periodic assessment required by such section address the matters set forth in this section.

(c) SECTOR ROLE ANALYSIS.—The initial regulations shall provide that the analysis required by section 2505(b)(1), concerning the role and capability of each technology and industrial base sector in furthering each of the national security objectives of section 2501(a), include the following:

(1) An analysis of the current and projected capability of each sector to attain each such objective for each of the following periods:

(A) The fiscal year during which the assessment is submitted to Congress pursuant to section 2506(e).

(B) The following fiscal year.

(C) The multiyear period covered by the future-years defense program submitted under section 221 during the fiscal year referred to in subparagraph (A).

(2) For each period described in paragraph (1), an analysis of the present and projected capabilities of prime contractors, subcontractors, the Defense Industrial Reserve, and departments and agencies of the Federal Government with respect to each of the following:

(A) Research and development, including research and development regarding the critical technologies identified in the analysis pursuant to section 2505(b)(4).

(B) Application of critical technologies to the production of goods and the furnishing of services.

(C) Test and evaluation.

(D) Low rate production.

(E) High volume production.

(F) Repair and maintenance.

(G) Design and prototyping.

(H) Work force skills and capabilities, including improvements that build on the skill and experience of the work force.

(d) FINANCIAL CAPABILITY ANALYSIS.—The initial regulations shall provide that the analysis required by section 2505(b)(2), concerning the present and projected financial capability of each technology and industrial base sector, specifically consider the following matters:

(1) Trends in the following:

(A) Profitability.

(B) Levels of capital investment.

(C) Expenditures on research and development.

(D) Levels of debt.

(2) The effects of actual and potential commercial sales.

(3) The consequences of mergers, acquisitions, and takeovers.

(4) The effects of Department of Defense financial policies, including the following:

(A) Policies relating to progress payments or other financing by the Department of Defense.

(B) Policies relating to the return on contractor investment.

(C) Policies relating to the allocation of contract risk between the Department of Defense and a contractor.

(5) The effects of expenditures in the technology and industrial base sector by departments and agencies of the Federal Government other than the Department of Defense and the Department of Energy (for national security programs).

(6) The analysis required by section 2505(b)(3).

(e) ANALYSIS OF IMPACT OF DEPARTMENT OF DEFENSE REDUCTIONS.—The initial regulations shall provide that, in the periodic assessment, the analysis required by section 2505(b)(3), concerning the impact of terminations and significant reductions of programs referred to in such section on the capability of each technology and industrial base sector to further each of the national security objectives set forth in section 2501(a), specifically consider the impact of the terminations and significant reductions that—

(1) have taken place in the fiscal year before the fiscal year in which such periodic assessment is submitted to Congress pursuant to section 2506(e); or

(2) are provided for—

(A) in the budget submitted to Congress by the President in that fiscal year; and

(B) in the future-years defense program submitted with such budget.

(f) CRITICAL TECHNOLOGY ANALYSIS.—The initial regulations shall provide, with respect to the critical technology analysis required by section 2505(b)(4), the following:

(1) That the number of technologies so identified not exceed 20.

(2) That the analysis be prepared in consultation with the Critical Technologies Institute.

(3) That, for each technology, the analysis include the following:

(A) The reasons for selection of that technology as a technology critical to the Department of Defense.

(B) The potential dual-use applications of that technology.

(C) The relationship between the activities of the Department of Defense and other Federal agencies in the development of that technology.

(D) The potential contributions that the private sector can be expected to make from its own resources in connection with the development of civilian applications for such technology.

(E) A comparison of the position of the United States to the positions of other nations in the development of that technology, including the potential contributions that other nations can make to meeting the needs of the United States for that technology.

(g) ECONOMIC VIABILITY ANALYSIS.—(1) The initial regulations shall provide that the economic viability analysis required by section 2505(b)(5) include, for each of the periods described in subsection (c)(1) of this section, an analysis of the following matters:

(A) The extent to which each technology and industrial base sector is—

(i) dependent on defense expenditures to ensure continued viability;

(ii) dependent on a mix of defense and nondefense Federal Government expenditures to ensure continued viability;

(iii) dependent on a mix of Federal Government expenditures and other Federal Government programs to ensure continued viability; and

(iv) sufficiently integrated with the commercial marketplace to ensure continued viability regardless of the level of Federal Government expenditures in the technology and industrial base sector.

(B) The extent to which each technology and industrial base sector is capable of—

(i) ongoing production with a present capability for high volume production;

(ii) maintenance of a production base that can be converted to high volume production within a reasonable period of time; or

(iii) reconstitution of a production base that can reinstate high volume production within a reasonable period of time.

(2) The analysis shall specifically identify any technology and industrial base sectors and any entities within technology and industrial base sectors that should be considered for inclusion in the Defense Industrial Reserve.

(h) FOREIGN DEPENDENCY CONSIDERATIONS.—The initial regulations shall provide that the foreign dependency considerations taken into account in the preparation of the periodic assessment pursuant to section 2505(c) include, for each technology and industrial base sector, the following factors:

(1) The availability of essential raw materials, special alloys, composite materials, components, subsystems, production equipment, facilities, special tooling, and production test equipment for—

(A) the sustained production of systems fully capable of meeting the performance objectives established for those systems;

(B) the uninterrupted maintenance and repair of such systems; and

(C) the sustained operation of such systems.

(2) The identification of items specified in paragraph (1) that are available only from

sources outside the national technology and industrial base.

(3)(A) The availability of alternatives for obtaining such items from within the national technology and industrial base if such items become unavailable from sources outside the national technology and industrial base.

(B) An analysis of any military vulnerability that could result from the lack of reasonable alternatives.

(4) The effects on the national technology and industrial base that result from foreign acquisition of firms in the United States.

(i) DEFINITIONS.—In this section:

(1) The term "continued viability" means the capability to attain the national security objectives set forth in section 2501(a).

(2) The term "defense expenditure" means an expenditure—

(A) by the Department of Defense; or

(B) by the Department of Energy for a national security program.

(3) The term "Defense Industrial Reserve" is the Defense Industrial Reserve established by section 2535.

(4) The term "future-years defense program" means the future-years defense program required by section 221.

(5) The term "national technology and industrial base" has the meaning given that term in section 2491.

(6) The term "periodic assessment" means the periodic assessment required by section 2505.

(7) The term "section 2501 objectives" means the objectives set forth in section 2501.

(8) The term "significant reduction", with respect to expenditures for a program for a fiscal year, means that the amount provided for that program for that fiscal year in the budget, Acts authorizing appropriations, appropriations Acts, or the future years defense program for that fiscal year is less than the amount provided for that program for the preceding fiscal year in the budget, Acts authorizing appropriations, appropriations Acts, or the future years defense program, respectively, for that preceding fiscal year by at least—

(A) the greater of—

(i) the amount equal to 10 percent of the amount provided for that preceding fiscal year; or

(ii) $5,000,000; or

(B) a lesser amount determined significant by the Secretary of Defense or the National Defense Technology and Industrial Base Council.

(9) The term "technology and industrial base sector" has the meaning given such term in section 2491.

SEC. 4220. IMPLEMENTING REGULATIONS CONCERNING THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE PERIODIC PLAN.

(a) RULE OF CONSTRUCTION.—Except as otherwise expressly provided, in this section each reference to a section is a reference to a section of title 10, United States Code.

(b) INITIAL REGULATIONS.—The Secretary of Defense shall ensure that the initial regulations prescribed to implement section 2506 provide that the national technology and industrial base plan required by such section include the matters set forth in subsections (c) through (f).

(c) MANUFACTURING TECHNOLOGY GUIDANCE.—The initial regulations shall require that the guidance provided for manufacturing technology pursuant to section 2506(b)(4) include guidance with respect to the following:

(1) The National Defense Manufacturing Technology Program established under section 2521.

(2) The support of manufacturing extension programs under section 2523.

(3) Programs to enhance basic research in scientific disciplines relating to manufacturing technology through—

(A) encouraging research in colleges and universities in the United States and in associated centers of excellence; and

(B) establishing technology transfer mechanisms, and technology education and training mechanisms, that ensure that the results of such research are readily available to United States industry.

(4) Programs for encouraging the use of computer-integrated manufacturing to improve manufacturing quality, reduce manufacturing costs, reduce production lead times, and improve maintenance.

(5) Programs for enhancing Department of Defense use of concurrent engineering practices in the design and development of weapon systems.

(6) Programs providing incentives for firms in the national technology and industrial base to use advanced manufacturing technology and processes and to invest in improved productivity.

(7) Programs for encouraging research in colleges and universities and in other technology development and extension programs in the United States for development of systems that build on the skill and experience of workers.

(8) Programs for assisting in the transition to high performance work systems, including ongoing worker involvement in the evaluation, selection, and installation and operation of production technologies and associated organization or work.

(d) CRITICAL TECHNOLOGIES GUIDANCE.—The initial regulations shall require that the guidance provided pursuant to section 2506(b)(5) for the development of each critical technology include the following:

(1) The specific funding requirements of the Department of Defense, the Department of Energy and other departments and agencies of the Federal Government for the development of the technology for the 5 fiscal years following the fiscal year in which the plan is submitted to Congress pursuant to section 2506(e).

(2) A designation of the lead organization within the Department of Defense or the Department of Energy to be responsible for the development of the technology.

(3) A summary description of the lead organization's plan for the development of the technology, including the milestone goals.

(e) FINANCIAL POLICY GUIDANCE.—The initial regulations shall require that the guidance provided pursuant to section 2506(b)(6) with regard to financial policies of the Department of Defense and the Department of Energy (for national security programs) include guidance with respect to the following:

(1) Policies relating to progress payments or other financing by the Department of Defense.

(2) Policies relating to the return on contractor investment.

(3) Policies relating to the allocation of contract risk between the Department of Defense and a contractor.

(f) COMMERCIAL-MILITARY INTEGRATION GUIDANCE.—The initial regulations shall require that the guidance provided pursuant to section 2501(c) regarding integration of commercial products and processes into Federal acquisition practices include guidance with respect to the following:

(1) Expanding the use of commercial specifications in place of Federal Government specifications.

(2) Increasing the use of commercial manufacturing processes instead of processes specified by the Federal Government.

(3) Reducing the extent of unique government regulatory requirements relating to accounting and acquisition.

(4) Identifying and ensuring the effective application by the Department of Defense and the Department of Energy (for national security programs) of research, technologies, products, information, and practices developed by other departments and agencies of the Federal Government, State and local governments, colleges and universities, nonprofit organizations, and commercial enterprises.

(5) Identifying effective mechanisms for transferring technology and related information, to the maximum extent practicable, from the Department of Defense and Department of Energy to other departments and agencies of the Federal Government, State and local governments, colleges and universities, nonprofit organizations, and commercial enterprises.

(6) Ensuring, to the maximum extent practicable, that technology and related information are so transferred.

(g) MAJOR PROGRAM GUIDANCE.—The initial regulations implementing section 2430(b), shall provide that the acquisition plan for each major defense acquisition program include provisions for the following:

(1) An analysis of the capabilities of the national technology and industrial base to develop, produce, maintain, and support such program, including consideration of the factors set forth in section 4219(h).

(2) Consideration of requirements for efficient manufacture during the design and production of the systems to be procured under the program.

(3) The use of advanced manufacturing technology, processes, and systems during the research and development phase and the production phase of the program.

(4) To the maximum extent practicable, the use of contract solicitations that encourage competing offerors to acquire, for use in the performance of the contract, modern technology, production equipment, and production systems (including hardware and software) that increase the productivity of the offerors and reduce life-cycle costs.

(5) Encouragement of investment by United States domestic sources in advanced manufacturing technology production equipment and processes through—

(A) recognition of the contractor's investment in advanced manufacturing technology production equipment, processes, and organization of work systems that build on workers' skill and experience, and work force skill development in the development of the contract objective; and

(B) increased emphasis in source selections on the efficiency of production.

(6) Expanded use of commercial manufacturing processes rather than processes specified by the Department of Defense.

(7) Elimination of barriers to, and facilitation of, the integrated manufacture of commercial items and items being produced under Department of Defense contracts.

(8) Expanded use of commercial products as set forth in section 2325.

Subtitle C—Programs for Development, Application, and Support of Dual-Use Technologies

SEC. 4221. DEFENSE DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.

(a) RECODIFICATION OF PROVISION.—Subchapter III of chapter 148, as established by section 4202, is amended by inserting after the table of sections the following:

"§2511. Defense dual-use critical technology partnerships

"(a) ESTABLISHMENT OF PARTNERSHIPS.—The Secretary of Defense shall conduct a program to further the national security objectives set forth in section 2501(a) of this title, by providing for the establishment of cooperative arrangements (hereinafter in this section referred to as 'partnerships') between the Department of Defense and entities referred to in subsection (b) in order

to encourage and provide for research, development, and application of dual-use critical technologies. The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 2371 of this title in order to establish the partnerships.

"(b) NON-DEPARTMENT OF DEFENSE PARTICIPANTS.—In the case of each partnership, the entities with which the Secretary enters into the partnership shall include two or more eligible firms or a nonprofit research corporation established by two or more eligible firms and, may also include, as determined appropriate by the Secretary of Defense, a Federal laboratory or laboratories, Government-owned and operated industrial facilities, institutions of higher education, agencies of State governments, and other entities that participate in the partnership by supporting the activities conducted by such firms or corporations under this section.

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—The Secretary of Defense shall ensure that, to the maximum extent he determines to be practicable, the amount of the funds provided by the Federal Government under a partnership does not exceed the total amount provided by non-Federal Government participants in that partnership.

"(d) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide a partnership with technical and other assistance to facilitate the achievement of the purposes of this section. In providing such assistance, the Secretary shall make available, as appropriate for the work to be performed by each partnership, equipment and facilities of Department of Defense laboratories (including the scientists and engineers at those laboratories) to a partnership recognized under this section for purposes of any project that is approved by the Secretary.

"(e) SELECTION PROCESS.—Competitive procedures shall be used in the establishment of partnerships, except that procedures other than competitive procedures may be used in any case in which an exception set out in section 2304(c) of this title applies.

"(f) SELECTION CRITERIA.—The criteria for the selection of proposed partnerships for establishment under this section shall include the following:

"(1) The extent to which the program proposed to be conducted by the partnership advances and enhances the national security objectives set forth in section 2501(a) of this title.

"(2) The technical excellence of the program proposed to be conducted by the partnership.

"(3) The qualifications of the personnel proposed to participate in the partnership's research activities.

"(4) An assessment of timely private sector investment in activities to achieve the goals and objectives of the proposed partnership other than through the partnership.

"(5) The potential effectiveness of the partnership in the further development and application of each technology proposed to be developed by the partnership for the national technology and industrial base.

"(6) The extent of the financial commitment of eligible firms to the proposed partnership.

"(7) The extent to which the partnership does not unnecessarily duplicate projects undertaken by other agencies.

"(8) Such other criteria that the Secretary prescribes.

"(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the purposes of this section.".

(b) FISCAL YEAR 1993 PROJECTS.—During fiscal year 1993, projects carried out in cooperation with partnerships under section 2511 of title 10, United States Code, shall include projects in the following areas or involving technologies that otherwise further the objectives set forth in section 2501(a) of such title:

(1) Digital communications and processing methods.

(2) Optical electronics.

(3) Lightweight, low-clearance multipassenger ground vehicles.

(4) Advanced materials, including precision forging technologies to meet high-strength, low-weight design criteria.

(5) Interferometric synthetic aperture radar technology.

(6) Electrical propulsion of ground vehicles for reduced signature emission.

(7) Marine biotechnology.

(8) Environmentally compliant manufacturing technologies for production of computers for military and nonmilitary use as may be identified by a partnership.

(9) Fuel cell and high-density energy storage.

(10) Unexploded ordnance disposal technology.

(11) Microchip Module integration.

(12) Robotics application to defense environmental restoration activities.

(13) Integrated telecommunications technologies for advanced manufacturing.

(14) Advanced automatic control systems technology.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $100,000,000 shall be available for defense dual-use critical technology partnerships under section 2511 of title 10, United States Code, as added by subsection (a).

SEC. 4222. COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS.

(a) PROGRAM REQUIRED.—Subchapter III of chapter 148, as amended by section 4221, is further amended by inserting after section 2511 the following:

"§2512. Commercial-military integration partnerships

"(a) ESTABLISHMENT OF PARTNERSHIPS.—The Secretary of Defense shall conduct a program to further the national security objectives set forth in section 2501(a) of this title by providing for the establishment of cooperative arrangements (hereinafter in this section referred to as 'partnerships') between the Department of Defense and one or more eligible firms and nonprofit research corporations referred to in section 2511(b) of this title. A partnership may also include, as determined appropriate by the Secretary of Defense, a Federal laboratory or laboratories, institutions of higher education, agencies of State governments, and other entities that participate in the partnership by supporting the activities conducted by such firms or corporations under this section.

"(b) ASSISTANCE AUTHORIZED.—(1) The Secretary may make grants, enter into contracts, and enter into cooperative agreements and other transactions pursuant to section 2371 of this title in order to establish the partnerships.

"(2) The Secretary may not enter into a partnership under this section for a period longer than 5 years.

"(3) The Secretary may provide a partnership with technical and other assistance to facilitate the achievement of the purposes of this section, subject to the limitations in subsection (c).

"(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOVERNMENT PARTICIPANTS.—(1) The Secretary shall ensure that the amount of funds provided by the Secretary under a partnership does not exceed the maximum authorized percentage of the total cost of partnership activities.

"(2) The maximum authorized percentage of funding referred to in paragraph (1) for each year of a partnership is as follows:

"(A) 50 percent in the first year.

"(B) 40 percent in the second year.

"(C) 30 percent in the each of the third, fourth, and fifth years.

"(3)(A) The Secretary shall prescribe regulations to provide for consideration of in-kind contributions by non-Federal Government participants in a partnership for the purpose of determining the share of the partnership costs that has been or is being undertaken by such participants.

"(B) The regulations shall also ensure that the in-kind contributions of nonprofit institutions and small businesses are considered included, to the maximum extent practicable, in the non-Federal Government share of the cost of the partnership.

"(d) SELECTION PROCESS.—Competitive procedures shall be used in the establishment of partnerships.

"(e) SELECTION CRITERIA.—The criteria for the selection of a proposed partnership for establishment under this section shall include the following:

"(1) The extent to which the program proposed to be conducted by the partnership advances and enhances the national security objectives set forth in section 2501(a) of this title.

"(2) The technical excellence of the program proposed to be conducted by the partnership.

"(3) The qualifications of the personnel proposed to participate in the partnership's research activities.

"(4) An assessment that timely private sector investment in activities to achieve the goals and objectives of the proposed partnership other than through the partnership.

"(5) The potential effectiveness of the partnership in the further development and application of each technology proposed to be developed by the partnership for the industrial and technology base.

"(6) The extent of the financial commitment of the eligible firms to the proposed partnership.

"(7) The likelihood that the partnership will develop technologies that are sufficiently viable in the commercial sector so that such technologies will be available to meet the future reconstitution requirements and other needs of the Department of Defense described in the most recent national technology and industrial base plan prepared under section 2506 of this title.

"(8) The likelihood that, within five years after the establishment of the partnership (or a lesser period established by the Secretary), Federal Government funding of the partnership will not be necessary.

"(9) The extent to which the partnership does not unnecessarily duplicate programs undertaken by other Federal agencies.

"(10) Such other criteria as the Secretary prescribes.".

(b) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $50,000,000 shall be available for commercial-military integration partnerships under section 2512 of title 10, United States Code, as added by subsection (a).

SEC. 4223. REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE PROGRAM.

(a) TRANSFER AND REDESIGNATION OF SECTION.—Section 2524 of title 10, United States Code (relating to critical technology application centers) is transferred to subchapter III of chapter 148, inserted after section 2512 (as added by section 4222), and redesignated as section 2513.

(b) TERMINOLOGY CHANGE.—(1) Such section (as so transferred and redesignated) is amended—

(A) by striking out "regional critical technology application centers" in subsection (a) and inserting in lieu thereof "regional technology alliances";

(B) by striking out "regional critical technology application center" in subsection (b) and inserting in lieu thereof "regional technology alliance"; and

(C) by striking out "critical technology application center" and "center" each time such terms appear and inserting in lieu thereof "regional technology alliance".

(2) The heading of such section is amended to read as follows:

"§2513. Regional technology alliances assistance program".

(c) PROGRAM OBJECTIVES.—Subsection (a) of such section is amended by striking out "provide" and inserting in lieu thereof "further the national security objectives set forth in section 2501(a) of this title by providing".

(d) PROGRAMS PARTICIPANTS.—Subsection (c)(2)(B) of such section is amended by adding at the end the following new clause:

"(iii) an institution of higher education designated by a State or local government.".

(e) MAXIMUM ASSISTANCE.—Subsection (d)(1)(A) of such section is amended by striking out "30 percent" and inserting in lieu thereof "50 percent".

(f) AMENDMENT TO CROSS REFERENCE.—Subsection (g) of such section is amended by striking out "2523" and inserting in lieu thereof "2511".

(g) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $100,000,000 shall be available for defense regional technology alliances under section 2513 of title 10, United States Code, as redesignated by subsection (a)

SEC. 4224. ENCOURAGEMENT OF TECHNOLOGY TRANSFER.

(a) IN GENERAL.—Subchapter III of chapter 148, as amended by section 4223, is further amended by inserting after section 2513 the following:

"§2514. Encouragement of technology transfer

"(a) ENCOURAGEMENT OF TRANSFER REQUIRED.—The Secretary of Defense shall encourage, to the extent consistent with national security objectives, the transfer of technology between laboratories and research centers of the Department of Defense and other Federal agencies, State and local governments, colleges and universities, and private persons in cases that are likely to result in accomplishing the objectives set forth in section 2501(a) of this title.

"(b) EXAMINATION AND IMPLEMENTATION OF METHODS TO ENCOURAGE TRANSFER.—The Secretary shall examine and implement methods, in addition to the encouragement referred to in subsection (a) and the program described in subsection (c), that are consistent with national security objectives and will enable Department of Defense personnel to promote technology transfer.

"(c) PROGRAM TO ENCOURAGE DIVERSIFICATION OF DEFENSE LABORATORIES.—(1) The Secretary of Defense shall establish and implement a program to be known as the Federal Defense Laboratory Diversification Program (hereinafter in this subsection referred to as the 'Program'). The purpose of the Program shall be to encourage greater cooperation in research and production activities carried out by defense laboratories and by private industry of the United States in order to enhance and improve the products of such research and production activities.

"(2) Under the Program, the defense laboratories, in coordination with the Office of Technology Transfer in the Office of the Secretary of Defense, shall carry out cooperative activities with private industry in order to promote (by the use or exchange of patents, licenses, cooperative research and development agreements and other cooperative agreements, and the use of symposia, meetings, and other similar mechanisms) the transfer of defense or dual-use technologies from the defense laboratories to private industry, and the development and application of such technologies by the defense laboratories and private industry, for the purpose of the commercial utilization of such technologies by private industry.

"(3) The Secretary of Defense shall develop and annually update a plan for each defense laboratory that participates in the Program under which plan the laboratory shall carry out cooperative activities with private industry to promote the transfers described in subsection (b).

"(4) In this subsection, the term 'defense laboratory' means any laboratory owned or operated by the Department of Defense that carries out research in fiscal year 1993 in an amount in excess of $50,000,000.

"(5) The Secretary shall coordinate the Program with the National Defense Technology and Industrial Base Council.".

(b) REPORTS ON SURVEY OF LABS AND IMPLEMENTATION OF PROGRAM.—Not later than September 30, 1993, the Secretary of Defense shall submit to Congress a report containing the following:

(1) An assessment of the potential of each defense laboratory to promote the transfers described in section 2514(c) of title 10, United States Code, as added by subsection (a).

(2) Recommendations on the manner in which each such laboratory might better promote such transfers.

(3) A description of the extent to which each such laboratory has implemented effectively the plan established for the laboratory under such subsection (c) during the year preceding the date of the report.

(4) Recommendations of the Secretary for the improvement of the Federal Defense Laboratory Diversification Program established pursuant to such section 2514(c).

(c) CONFORMING REPEAL.—Section 2363 of title 10, United States Code, is repealed.

SEC. 4225. OFFICE OF TECHNOLOGY TRANSITION.

(a) ESTABLISHMENT.—Subchapter III of chapter 148, as amended by section 4224, is further amended by inserting after section 2514 the following:

"§2515. Office of Technology Transition

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Office of the Secretary of Defense an Office of Technology Transition.

"(b) PURPOSE.—The purpose of the office shall be to ensure, to the maximum extent practicable, that technology developed for national security purposes is integrated into the private sector of the United States in order to enhance national technology and industrial base, reinvestment, and conversion activities consistent with the objectives set forth in section 2501(a) of this title.

"(c) DUTIES.—The head of the office shall ensure that the office—

"(1) monitors all research and development activities that are carried out by or for the military departments and Defense Agencies;

"(2) identifies all such research and development activities that use technologies, or result in technological advancements, having potential nondefense commercial applications;

"(3) serves as a clearinghouse for, coordinates, and otherwise actively facilitates the transition of such technologies and technological advancements from the Department of Defense to the private sector;

"(4) conducts its activities in consultation and coordination with the Department of Energy and the Department of Commerce; and

"(5) provides private firms with assistance to resolve problems associated with security clearances, proprietary rights, and other legal considerations involved in such a transition of technology.

"(d) REPORTING REQUIREMENT.—The Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives an annual report on the activities of the Office at the same time that the budget is submitted to Congress by the President pursuant to section 1105 of title 31. The report shall contain a discussion of the accomplishments of the Office during the fiscal year preceding the fiscal year in which the report is submitted.".

(b) SCHEDULE FOR ESTABLISHMENT.—The Office of Technology Transition shall commence operations within 120 days after the date of the enactment of this Act.

(c) REPORTING REQUIREMENTS.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the establishment of the Office of Technology Transition. The report shall contain a description of the organization of the Office, the staffing of the Office, and the activities undertaken by the Office.

(2) Notwithstanding section 2515(d) of title 10, United States Code (as added by subsection (a))—

(A) the first report under that section shall be submitted not later than one year after the date of the enactment of this Act; and

(B) no additional report is necessary under that section in the fiscal year in which such first report is submitted.

SEC. 4226. MILITARY-CIVILIAN INTEGRATION AND TECHNOLOGY TRANSFER ADVISORY BOARD.

(a) ESTABLISHMENT.—Subchapter III of chapter 148, as amended by section 4225, is further amended by inserting after section 2515 the following:

"§2516. Military-Civilian Integration and Technology Transfer Advisory Board

"(a) ESTABLISHMENT.—There is established a Military-Civilian Integration and Technology Transfer Advisory Board (in this section referred to as the 'Advisory Board').

"(b) GOALS.—The goals of the Advisory Board are to ensure, in furtherance of the national security objectives set forth in section 2501(a) of this title—

"(1) the effective integration of commercial technologies and best practices into defense industries;

"(2) the efficient transfer of defense technologies to civilian industries, where applicable;

"(3) that civilian markets are appropriately integrated into dual-use technology development strategies; and

"(4) that dual use critical technologies are used in carrying out defense reinvestment, diversification, and conversion activities described in section 2501(b) of this title.

"(c) COMPOSITION.—The Advisory Board shall be composed of at least 17 members. The members of the Advisory Board shall be appointed by the National Defense Technology and Industrial Base Council from among individuals who, because of their experience and accomplishments in defense or civilian technology development, business development, international trade, or finance, are exceptionally qualified to analyze and formulate policy that would improve the integration of military and civilian capabilities and resources. The National Defense Technology and Industrial Base Council shall designate one member to serve as chairman, with the chairmanship to change annually. Membership of the Advisory Board shall be composed of—

"(1) representatives of—

"(A) large and small firms involved in both defense and civilian technologies;

"(B) universities and independent research institutes;

"(C) State and local government agencies involved in technology extension and economic development;

"(D) Federal defense and nondefense laboratories;

"(E) industrial, worker, and professional organizations; and

"(F) financial organizations; and

"(2) other individuals that possess important insight to issues of military-commercial integration, as determined by the National Defense Technology and Industrial Base Council.

"(d) Duties.—The duties of the Advisory Board shall include—

"(1) advising the National Defense Technology and Industrial Base Council in the planning, execution, and evaluation of programs in the Department of Defense that would facilitate military-commercial integration, including the research, development, and application of dual-use technologies, and manufacturing and industrial assistance programs, educational programs, and financial support programs;

"(2) advising the National Defense Technology and Industrial Base Council on policies that the Advisory Board considers essential to effective military-commercial integration;

"(3) organizing a Dual-Use Technology Subboard that will advise the Council on the effectiveness of military-civilian integration regarding dual-use technologies and strategies; and

"(4) organizing other sub-boards, with the consent or at the request of the Council, to examine priority issues in military-civilian integration.

"(e) Meetings.— The Advisory Board shall meet at least once every four months, and at the call of the Council.

"(f) Travel Expenses.—Members of the Advisory Board, other than full-time employees of the United States, shall be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5 when engaged in the business of the Advisory Board.

"(g) Termination.—The Advisory Board shall terminate at the close of fiscal year 1997.".

(b) First Meeting.—The chairman of the Military-Civilian Integration and Technology Transfer Advisory Board shall call the first meeting of the Advisory Board no later than 90 days after the date of enactment of this Act.

SEC. 4227. OFFICE FOR FOREIGN DEFENSE CRITICAL TECHNOLOGY MONITORING AND ASSESSMENT.

(a) Transfer and Redesignation of Section.—Section 2525 of title 10, United States Code, is transferred to subchapter III of chapter 148, inserted after section 2516 (as added by section 4226), and redesignated as section 2517.

(b) Technical Amendment.—Subsection (a) of section 2517, as so redesignated, is amended by inserting "Critical" after "Foreign Defense".

SEC. 4228. OVERSEAS FOREIGN CRITICAL TECHNOLOGY MONITORING AND ASSESSMENT FINANCIAL ASSISTANCE PROGRAM.

Section 2526 of title 10, United States Code, is transferred to subchapter III of chapter 148, inserted after section 2517 (as added by section 4227), and redesignated as section 2518.

Subtitle D—Defense Manufacturing Technology, Dual-Use Assistance Extension, and Defense Supplier Base Enhancement and Support Programs

SEC. 4231. NATIONAL DEFENSE MANUFACTURING TECHNOLOGY PROGRAM.

(a) Requirement for Program.—Subchapter IV of chapter 148 is amended by inserting after the table of sections the following:

"§2521. National Defense Manufacturing Technology Program

"(a) Establishment of Program.—The Secretary of Defense shall establish a National Defense Manufacturing Technology Program. The Secretary shall use the program to—

"(1) provide centralized guidance and direction (including goals, milestones, and priorities) to the military departments and the Defense Agencies on all matters relating to manufacturing technology;

"(2) direct the development and implementation of Department of Defense plans, programs, projects, activities, and policies that promote the development and application of advanced technologies to manufacturing processes, tools, and equipment;

"(3) improve the manufacturing quality, productivity, technology, and practices of businesses and workers providing goods and services to the Department of Defense;

"(4) promote dual-use manufacturing processes;

"(5) disseminate information concerning improved manufacturing improvement concepts, including information on such matters as best manufacturing practices, product data exchange specifications, computer-aided acquisition and logistics support, and rapid acquisition of manufactured parts;

"(6) sustain and enhance the skills and capabilities of the manufacturing work force;

"(7) promote high-performance work systems (with development and dissemination of production technologies that build upon the skills and capabilities of the work force), high levels of worker education and training; and

"(8) ensure appropriate coordination between the manufacturing technology programs and industrial preparedness programs of the Department of Defense and similar programs undertaken by other departments and agencies of the Federal Government or by the private sector.

"(b) Relationship to National Technology and Industrial Base Plan.—The Secretary shall ensure that the program is developed and implemented in accordance with the manufacturing technology guidance set forth in the national technology and industrial base plan prepared under section 2506 of this title.

"(c) Revisions.—The Secretary shall revise the program not later than March 15 of each year through fiscal year 1997 and of each odd-numbered year thereafter. Each revision shall identify each manufacturing technology program, project, or activity of the Department of Defense and the amounts provided for each such program, project, and activity in the budget submitted by the President under section 1105 of title 31 for the fiscal year beginning in that year. ".

(b) Repeal of Limitation.—Section 203(d) of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190; 105 Stat. 1315) is repealed.

SEC. 4232. DEFENSE ADVANCED MANUFACTURING TECHNOLOGY PARTNERSHIPS.

(a) Transfer and Redesignation of Section.—Section 2518 of title 10, United States Code, is transferred to chapter 148, inserted after section 2521 (as added by section 4231), and redesignated as section 2522.

(b) Program Amendments.—Section 2522 of title 10, United States Code, as redesignated by subsection (a), is amended—

(1) in subsection (a)—

(A) by inserting ", in order to further the national security objectives set forth in section 2501(a) of this title," after "The Secretary of Defense may"; and

(B) by inserting "military and dual-use" after "broad range of";

(2) in subsection (c), by striking out "section 2523" and inserting in lieu thereof "section 2511";

(3) in subsection (d)—

(A) in paragraph (1), by striking out "section 2523(f)" and inserting in lieu thereof "section 2511(f)"; and

(B) by adding at the end the following new paragraph:

"(3) Such other criteria as prescribed by the Secretary of Defense, in consultation with the Council."; and

(4) by striking out subsection (e).

(c) Funding.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $25,000,000 shall be available for defense advanced manufacturing technology partnerships under section 2522 of title 10, United States Code, as redesignated by subsection (a).

SEC. 4233. MANUFACTURING EXTENSION PROGRAMS.

(a) Transfer and Redesignation of Section.—Section 2517 of title 10, United States Code, is transferred to subchapter IV of chapter 148, inserted after section 2522 of such title (as added by section 4232), and redesignated as section 2523.

(b) Furtherance of National Security Objectives.—Subsection (b)(1) of section 2523, as redesignated by subsection (a), is amended in the matter before subparagraph (A) by inserting ", in order to further the national security objectives set forth in section 2501(a) of this title," after "shall".

(c) Funding.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $100,000,000 shall be available for support of manufacturing extension programs under section 2523 of title 10, United States Code, as redesignated by section 4233.

SEC. 4234. DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

(a) Requirement for Program.—Subchapter IV of chapter 148, as amended by section 4233, is further amended by inserting after section 2523 the following:

"§2524. Defense dual-use assistance extension program

"(a) Establishment of Program.—The Secretary of Defense, in consultation and coordination with the Secretary of Energy and the Secretary of Commerce, shall establish a program to further the national security objectives set forth in section 2501(a) of this title and the defense reinvestment, diversification, and conversion program objectives set forth in section 2501(b) of this title by providing support to entities referred to in subsection (b) for programs described in that subsection.

"(b) Programs Supported.—The Secretary may provide support under this section for programs sponsored by the Federal Government, regional entities, States, local governments, and private entities and nonprofit organizations that assist businesses economically dependent on Department of Defense expenditures to acquire dual-use capabilities through the provision under those programs of the following forms of assistance:

"(1) Assistance in converting from government-oriented management, production, training, and marketing practices to commercial practices.

"(2) Assistance in acquiring and using public and private sector resources, literature, and other information concerning—

"(A) research, development, and production processes and practices;

"(B) identification of technologies and products having the potential for defense and nondefense commercial applications;

"(C) marketing practices and opportunities;

"(D) identification of potential suppliers, partners, and subcontractors;

"(E) identification of opportunities for government support, including support through grants, contracts, partnerships, and consortia;

"(F) enhancement of work force skills and capabilities, including—

"(i) development and introduction of high-performance work systems, workforce literacy programs, and programs for worker education and training;

"(ii) other programs that build upon the skills and capabilities of the work force; and

"(G) trade and export assistance.

"(3) Loan guarantees to small businesses that are economically dependent on defense expenditures, under the terms and conditions specified under other applicable law.

"(c) ASSISTANCE AUTHORIZED.—(1) The Secretary may make grants, enter into contracts, or enter into cooperative agreements and other transactions pursuant to section 2371 of this title.

"(2) Subject to subsection (d), the Secretary may provide a program referred to in subsection (b) with technical and other assistance.

"(3) The Secretary is authorized to carry out a program to provide assistance to small businesses that are economically dependent on defense expenditures to obtain access to a national network of scientists and engineers, and to information resources (including access through on-line data bases to local, national, and international technical and business literature encompassing a wide range of technologies), that can help minimize technical risk and thereby facilitate the development and commercialization of new products.

"(d) FINANCIAL COMMITMENT OF NON-DEPARTMENT OF DEFENSE PARTICIPANTS.—(1) The Secretary shall ensure that the amount of funds provided by the Department of Defense for a program under this section does not exceed the maximum authorized percentage of the combined amount provided by the Department of Defense and all other sources of funding for the program for any year.

"(2) The maximum authorized percentage of Department of Defense funding referred to in paragraph (1) for each year of Department of Defense assistance for a program under this section is as follows:

"(A) 50 percent in the first year.

"(B) 40 percent in the second year.

"(C) 30 percent in the third and following years.

"(e) SELECTION PROCESS.—Competitive procedures shall be used in the selection of programs to receive assistance under this section.

"(f) SELECTION CRITERIA.—The criteria for the selection of a program to receive assistance under this section shall include the following:

"(1) The extent to which the program advances and enhances the national security objectives set forth in section 2501(a) of this title and the reinvestment, diversification, and conversion program objectives set forth in section 2501(b) of this title.

"(2) The technical excellence of the program.

"(3) The qualifications of the personnel proposed to participate in the program's research activities.

"(4) The adequacy of timely private sector investment in activities that is sufficient to achieve the goals and objectives of the programs.

"(5) The potential effectiveness of the program in the conversion of businesses (and their work forces) from capabilities that make the companies economically dependent on Department of Defense expenditures to capabilities having defense and nondefense commercial applications.

"(6) The ability of the program to assist businesses (and their work forces) that are adversely affected by significant reductions in Department of Defense spending.

"(7) The extent of the financial commitment by sources other than the Department of Defense.

"(8) The extent to which the program would supplement, rather than duplicate, other available services.

"(9) The likelihood that, within five years after the commencement of assistance for a program under this section (or a lesser period established by the Secretary), Department of Defense assistance will not be necessary to sustain the program.

"(10) Such other criteria as the Secretary prescribes.

"(g) TERMINATION OF AUTHORITY.—After September 30, 1995, funds may be provided by the Department of Defense under this section only for programs referred to in subsection (b) for which funds have been provided by the Department of Defense under this section on or before that date. No funds may be provided by the Department of Defense under this section for a program referred to in subsection (b) after September 30, 1998.".

(b) FUNDING.—Of the amount authorized to be appropriated in section 201 for Defense Agencies, $200,000,000 shall be available for the defense dual-use extension program under section 2524 of title 10, United States Code (as added by subsection (a)), of which—

(1) $50,000,000 shall be available to provide support to regional, State, and local government programs; and

(2) $75,000,000 shall be available for programs designed to assist small businesses.

SEC. 4235. DEFENSE INDUSTRIAL RESERVE.

(a) TRANSFER OF SECTIONS.— (1) Subchapter V of chapter 148 is amended by adding at the end, without text, the following new section:

"§2535. Defense Industrial Reserve".

(2) The text of section 2 of the Defense Industrial Reserve Act (50 U.S.C. 451) is—

(A) transferred to section 2535;

(B) inserted after the section heading; and

(C) amended by striking out "In enacting this Act, it" and inserting in lieu thereof the following: "(a) DECLARATION OF PURPOSE AND POLICY.—It".

(3) The text of section 4 of that Act (50 U.S.C. 453) is—

(A) transferred to section 2535;

(B) inserted after subsection (a), as designated by paragraph (2)(C); and

(C) amended—

(i) by striking out "(a) To execute the policy set forth in this Act," and inserting in lieu thereof the following: "(b) POWERS AND DUTIES OF THE SECRETARY OF DEFENSE.—(1) To execute the policy set forth in this section,";

(ii) by striking out "(1) determine" and inserting in lieu thereof "(A) determine";

(iii) by striking out "(2) designate" and inserting in lieu thereof "(B) designate";

(iv) by striking out "(3) establish" and inserting in lieu thereof "(C) establish";

(v) by striking out "(4) direct" and inserting in lieu thereof "(D) direct";

(vi) by striking out "(5) direct" and inserting in lieu thereof "(E) direct";

(vii) by striking out "(6) authorize" and inserting in lieu thereof "(F) authorize";

(viii) by striking out "(7) authorize" and all that follows through "(B) such institution" and inserting in lieu thereof "(G) authorize and regulate the lending of any such property to any nonprofit educational institution or training school whenever (i) the program proposed by such institution or school for the use of such property will contribute materially to national defense, and (ii) such institution";

(ix) by striking out "(b)(1) The Secretary" and inserting in lieu thereof "(2)(A) The Secretary";

(x) by striking out "(A) storage" and inserting in lieu thereof "(i) storage";

(xi) by striking out "(B) repair" and inserting in lieu thereof "(ii) repair";

(xii) by striking out "(C) overhead" and inserting in lieu thereof "(iii) overhead"; and

(xiii) by striking out "(2) The Secretary of Defense shall prescribe regulations" and inserting in lieu thereof "(B) The Secretary of Defense shall prescribe regulations".

(b) DEFINITIONS.—The text of section 3 of that Act (50 U.S.C. 452) is—

(i) transferred to section 2535;

(ii) inserted following subsection (b), as designated by subsection (a)(3)(C)(i); and

(iii) amended by striking out "As used in this Act—" and inserting in lieu thereof "(c) DEFINITIONS.—In this section:".

SEC. 4236. DEFENSE PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

(a) AUTHORITY TO PROVIDE CERTAIN TYPES OF TECHNICAL ASSISTANCE.—(1) Chapter 142 of title 10, United States Code, is amended—

(A) by redesignating section 2418 as section 2419; and

(B) by inserting after section 2417 the following new section:

"§2418. Authority to provide certain types of technical assistance

"(a) The procurement technical assistance furnished by eligible entities assisted by the Department of Defense under this chapter may include technical assistance relating to contracts entered into with (1) Federal departments and agencies other than the Department of Defense, and (2) State and local governments.

"(b) An eligible entity assisted by the Department of Defense under this chapter also may furnish information relating to assistance and other programs available pursuant to the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2418 and inserting in lieu thereof the following:

"Sec. 2418. Authority to provide certain types of technical assistance.
"Sec. 2419. Regulations.".

(b) FISCAL YEAR 1993 FUNDING.—Of the amount authorized to be appropriated in section 301 for Defense Agencies, $12,000,000 shall be available for carrying out the provisions of chapter 142 of title 10, United States Code, as amended by this section.

(c) SPECIFIC PROGRAMS.—Of the amounts referred to in subsection (a), $600,000 shall be available for fiscal year 1993 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

SEC. 4237. SMALL BUSINESS INNOVATION RESEARCH PROGRAM IN THE DEPARTMENT OF DEFENSE.

(a) EXTENSION OF PROGRAM.—Section 5 of the Small Business Innovation Development Act of 1982 (Public Law 97-219; 15 U.S.C. 638 note) is amended—

(1) by striking out "Effective October 1, 1993, paragraphs" and inserting in lieu thereof "Paragraphs"; and

(2) by striking out "are repealed" and inserting in lieu thereof "shall cease to be effective with respect to departments and agencies of the Federal Government other than the Department of Defense on October 1, 1993, and are repealed effective October 1, 2000".

(b) LIMITATION ON PROGRAM AWARDS.—Amounts paid to a small business concern by the Department of Defense under the Small Business Innovation Research Program for a project—

(1) in phase I under the program may not exceed $100,000; and

(2) in phase II under the program may not exceed $750,000.

(c) COMMERCIAL APPLICATIONS STRATEGY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Small Business Administration, shall develop and issue a strategy for effectuating the transition of successful projects under the Small Business Innovation Research Program from phase II under the program into phase III under the program.

(d) REPEAL OF EXCLUSION OF CERTAIN ACTIVITIES.—(1) Subsection (e)(1) of section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking out "except that for the Department of Defense" and all that follows through "development, and".

(2)(A) Subsection (e)(1) of section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking out the semicolon at the end and inserting in lieu thereof ", and except that for the Department of Energy it shall not include amounts obligated for atomic energy defense programs for weapons and weapons-related activities or for naval reactor programs;".

(B) Subsection (f) of such section is amended by striking out paragraph (2).

(e) PERCENTAGE OF REQUIRED EXPENDITURES FOR SBIR CONTRACTS.—(1) The Small Business Innovation Research Program shall apply to the Department of Defense (including the military departments) as if the percentage specified in section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) with respect to fiscal years after fiscal year 1982 were determined in accordance with the table set forth in paragraph (2) (rather than 1.25 percent).

(2)(A) The percentage under section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) for any fiscal year for the Department of Defense and each military department shall be determined in accordance with the following table:

For fiscal year:	*The percentage is:*
1993	*1.25*
1994	*1.5*
1995	*1.75*
1996	*2.0*
1997	*2.25*
1998 and thereafter	*2.5.*

(B) If the determination of the Secretary of Defense under subparagraph (C) is a negative determination (as set forth in that paragraph), then the percentage under section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) for the Department of Defense and each military department for fiscal years after fiscal year 1996 shall remain at the level applicable for fiscal year 1996 (notwithstanding the percentages specified in subparagraph (A) for fiscal years after fiscal year 1996).

(C) Not later than June 30, 1996, the Secretary of Defense during fiscal year 1996 shall determine whether there has been a demonstrable reduction in the quality of research performed under funding agreements awarded by the Department of Defense under the SBIR program since the beginning of fiscal year 1993 such that increasing the percentage under subparagraph (A) for fiscal years after fiscal year 1996 with respect to the department would adversely affect the performance of the department's research programs. If the determination of the Secretary is that there has been such a demonstrable reduction in the quality of research such that increasing the percentage under subparagraph (B) for fiscal years after fiscal year 1996 with respect to the department would adversely affect the performance of the department's research programs, the Secretary shall be considered for purposes of subparagraph (B) to have made a negative determination. The determination of the Secretary concerned under this paragraph shall be made after considering the assessment of the Comptroller General with respect to that department in the report transmitted under subparagraph (D).

(D) Not later than March 30, 1996, the Comptroller General shall transmit to the Congress and the Secretary of Defense a report setting forth the Comptroller General's assessment, with respect to the Department of Defense of whether there has been a demonstrable reduction in the quality of research performed under funding agreements awarded by the department under the SBIR program since the beginning of fiscal year 1993 such that increasing the percentage under subparagraph (A) for fiscal years after fiscal year 1996 with respect to the department would adversely affect the performance of the department's research programs.

(E) The results of each determination under subparagraph (C) shall be transmitted to the Congress not later than June 30, 1996.

(f) DEFINITIONS.—In this section:

(1) The term "Small Business Innovation Research Program" means the program established under the following provisions of section 9 of the Small Business Act (15 U.S.C. 638):

(A) Paragraphs (4) through (7) of subsection (b).

(B) Subsections (e) through (k).

(2) The term "phase I", with respect to the Small Business Innovation Research Program, means the first phase described in subsection (e)(4)(A) of section 9 of the Small Business Act.

(3) The term "phase II", with respect to the Small Business Innovation Research Program, means the second phase described in subsection (e)(4)(B) of such section.

(4) The term "phase III", with respect to the Small Business Innovation Research Program, means the third phase described in subsection (e)(4)(C) of such section.

(g) EFFECTIVE DATE.—Subject to subsection (h), this section, and the amendments made by this section, shall take effect on October 1, 1992, and shall apply with respect to fiscal years after fiscal year 1992.

(h) EFFECTIVENESS OF SECTION CONDITIONAL ON FAILURE TO ENACT OTHER LEGISLATION.—(1) In the event of the enactment of H.R. 4400 or S. 2941, 102d Congress, on or before the date of the enactment of this Act, then this section and the amendments made by this section shall not take effect.

(2)(A) In the event of the enactment of H.R. 4400 or S. 2941, 102d Congress, after the date of the enactment of this Act, then, effective immediately before the enactment of H.R. 4400 or S. 2941, 102d Congress—

(i) this section shall cease to be effective; and

(ii) the provisions of a small business law that are amended by this section shall be effective and read as such provisions of that law were in effect immediately before the enactment of this Act, except that to the extent that any amendment is made to such a provision of a small business law by any other provision of law referred to in subparagraph (B), such provision of a small business law shall be effective and shall read as amended by that other provision of law.

(B) For the purposes of subparagraph (A)(ii), a provision of law referred to in this subparagraph is the following:

(i) A provision of this Act other than a provision of this section.

(ii) A provision of any other Act if the provision takes effect during the period beginning on the date of the enactment of this Act and ending immediately before the enactment of H.R. 4400 or S. 2941, 102d Congress.

(C) In this paragraph, the term "small business law" means—

(i) the Small Business Act (15 U.S.C. 631 et seq.); and

(ii) the Small Business Innovation Development Act of 1982 (15 U.S.C. 638 note).

SEC. 4238. DEFENSE MANUFACTURING EXPERTS IN THE CLASSROOM.

(a) PROGRAM.—Section 2197 of title 10, United States Code, is amended—

(1) in subsection (a), by striking out "managers and" in the matter preceding paragraph (1); and

(2) by adding at the end the following new subsection:

"(e) MANUFACTURING EXPERT DEFINED.—In this section, the term 'manufacturing expert' means manufacturing managers and workers having experience in the organization of production and education and training needs and other experts in manufacturing.".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§2197. Manufacturing experts in the classroom".

(2) The table of sections at the beginning of chapter 111 of such title is amended by striking out the item relating to section 2197 and inserting in lieu thereof the following:

"2197. Manufacturing experts in the classroom.".

SEC. 4239. INDUSTRIAL DIVERSIFICATION PLANNING FOR DEFENSE CONTRACTORS.

Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall prescribe regulations to encourage defense contractors to engage in industrial diversification planning.

Subtitle E—Defense Advanced Research Projects Agency

SEC. 4261. DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

(a) SENSE OF CONGRESS CONCERNING NAME OF AGENCY.—It is the sense of Congress that the Secretary of Defense should rename the Defense Advanced Research Projects Agency as the Advanced Research Projects Agency.

(b) SENSE OF CONGRESS CONCERNING MISSION.—It is the sense of Congress that the Secretary of Defense should direct that the agency referred to in subsection (a), in conjunction with industry, institutions of higher education, and other Federal and State organizations, should, among its other purposes, do the following:

(1) Pursue imaginative and innovative research and development projects having significant potential for—

(A) both military and commercial (dual use) applications; and

(B) solely for military applications.

(2) Support and stimulate a national technology base that—

(A) serves both civilian and military purposes through technology sharing and otherwise; and

(B) by serving both civilian and military purposes, increases the productivity of both the civilian and military sectors.

(3) Manage and direct the conduct of basic and applied research and development that exploits scientific breakthroughs and demonstrates the feasibility of revolutionary approaches for improved cost and performance of advanced technology having future military applications, including advanced technology also having future civilian applications.

(4) Stimulate increased emphasis on prototyping in defense systems and subsystems—

(A) by conducting prototype projects embodying technology that might be incorporated in joint programs, programs in support of deployed forces, or selected programs of the military departments; and

(B) on request of the Secretary of a military department, by assisting that military department in any prototyping program of the military department.

(c) SENSE OF CONGRESS CONCERNING PRIORITY OF TECHNOLOGY DEVELOPMENT.—It is further

the sense of Congress that the Secretary of Defense—

(1) should establish priorities for development of technologies by the agency referred to in subsection (a) to meet the needs of national security; and

(2) should consult with the Secretary of Commerce and the Secretary of Energy before providing annual planning guidance to that agency.

Subtitle F—Conforming Amendments and Funding Matters

SEC. 4271. CONFORMING AMENDMENTS.

(a) CONFORMING REPEALS.—(1) Section 2330 of title 10, United States Code, is repealed.

(2) Section 2363 of such title is repealed.

(b) CLERICAL AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and part IV of such subtitle are amended by striking out the items relating to chapters 148, 149, and 150 and inserting in lieu thereof the following:

"148. National Defense Technology and
Industrial Base, Defense Reinvestment, and Defense Conversion .... 2491".

(2) The table of sections at the beginning of chapter 137 of such title is amended by striking out the item relating to section 2330.

(3) The table of sections at the beginning of chapter 139 of such title is amended by striking out the item relating to section 2363.

(4) The heading of section 2534, as redesignated by section 4202(a), is amended to read as follows:

"§2534. Miscellaneous limitations on the procurement of goods other than United States goods".

(c) CONFORMING AMENDMENT.—Section 2531, as redesignated by section 4202(a), is amended by striking out "defense industrial base" in subsection (a)(1) and inserting in lieu thereof "defense technology and industrial base".

SEC. 4272. FUNDING FOR DEFENSE MANUFACTURING EDUCATION PROGRAMS FOR FISCAL YEAR 1993.

Of the amount authorized to be appropriated in section 201 for Defense Agencies—

(1) $25,000,000 shall be available for defense manufacturing engineering education grants under section 2196 of title 10, United States Code, and

(2) $5,000,000 shall be available for the manufacturing experts in the classroom program under section 2197 of such title.

TITLE XLIII—COMMUNITY ADJUSTMENT AND ASSISTANCE PROGRAMS AND YOUTH SERVICE PROGRAMS

SEC. 4301. EXPANSION OF ADJUSTMENT ASSISTANCE AVAILABLE TO STATES AND LOCAL GOVERNMENTS FROM THE OFFICE OF ECONOMIC ADJUSTMENT.

(a) OPERATIONAL ASSISTANCE.—Subsection (b) of section 2391 of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4)(A) In the case of a State or local government eligible for assistance under paragraph (1), the Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist the State or local government to carry out a community adjustment and economic diversification program (including State industrial extension or modernization efforts to facilitate the economic diversification of defense contractors and subcontractors) in addition to planning such a program.

"(B) The Secretary shall establish criteria for the selection of community adjustment and economic diversification programs to receive assistance under subparagraph (A). Such criteria shall include a requirement that the State or local government agree—

"(i) to provide not less than 10 percent of the funding for the program from non-Federal sources;

"(ii) to provide business planning and market exploration services under the program to defense contractors and subcontractors that seek modernization or diversification assistance; and

"(iii) to provide training, counseling, and placement services for members of the armed forces and dislocated defense workers.

"(C) The Secretary shall carry out this paragraph in coordination with the Secretary of Commerce.".

(b) ASSISTANCE UPON CLOSURE OF PRIVATE DEFENSE FACILITIES.—(1) Subsection (b)(1) of such section is amended—

(A) by striking out ", or (D)" and inserting in lieu thereof ", (D)";

(B) by striking out "or (C)" and inserting in lieu thereof "(C), or (E)"; and

(C) by inserting before "if the Secretary" the following: "or (E) by the closure or the significantly reduced operations of a defense facility as the result of the merger, acquisition, or consolidation of the defense contractor operating the defense facility,".

(2) Subsection (b)(3) of such section is amended by inserting after "Defense spending," the following: "the closure or significantly reduced operations of a defense facility,".

(3) Subsection (d) of such section is amended to read as follows:

"(d) DEFINITIONS.—In this section:

"(1) The term 'military installation' means any camp, post, station, base, yard, or other installation under the jurisdiction of a military department that is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or Guam.

"(2) The term 'defense facility' means any private facility producing goods or services pursuant to a defense contract.".

(c) CLERICAL AMENDMENTS.—Such section is further amended—

(1) by inserting "REUSE STUDIES.—" after "(a)";

(2) by inserting "ADJUSTMENT AND DIVERSIFICATION ASSISTANCE.—" after "(b)";

(3) by inserting "ANNUAL REPORT.—" after "(c)"; and

(4) by inserting "ASSISTANCE SUBJECT TO APPROPRIATIONS.—" after "(e)".

(d) ADVANCE ADJUSTMENT PLANNING.—During fiscal year 1993, the Secretary of Defense may make grants and other assistance available under section 2391(b) of title 10, United States Code, to assist a State or local government in planning community adjustments and economic diversification even though the State or local government currently fails to meet the criteria for assistance under such section if the Secretary determines that a substantial portion of the economic activity or population of the geographic area to be subject to the adjustment or diversification planning is dependent on Department of Defense expenditures.

(e) FUNDING FOR FISCAL YEAR 1993.—(1) Of the amount authorized to be appropriated in section 301(5), $50,000,000 shall be available as community adjustment and economic diversification assistance under section 2391(b)(4) of title 10, United States Code, as added by subsection (a)(2).

(2) The Secretary of Defense may use up to five percent of the amount described in paragraph (1) for the purpose of providing preparation assistance to those States intending to establish the types of programs for which assistance is authorized under such section.

(3) Of the amount authorized to be appropriated to the Department of Defense in section 301(5) and made available for fiscal year 1993 for the Office of Economic Adjustment, $2,000,000 shall be made available for community adjustment and economic diversification assistance under subsection (d).

(f) EFFECT OF AMENDMENTS ON EFFORTS OF ECONOMIC DEVELOPMENT ADMINISTRATION.—Nothing in this section is intended to replace the efforts of the economic development program administered by the Economic Development Administration of the Department of Commerce.

SEC. 4302. PILOT PROJECT TO IMPROVE ECONOMIC ADJUSTMENT PLANNING.

(a) PILOT PROJECT.—During fiscal year 1993, the Secretary of Defense shall conduct a pilot project to examine methods to improve the provision of economic adjustment and diversification assistance under section 2391(b)(1) of title 10, United States Code, to State and local governments adversely affected by the closure of military installations, the cancellation or completion of defense contracts, or reductions in defense spending.

(b) PLANNING GRANTS.—Under the pilot project, the Secretary of Defense shall make planning grants under section 2391(b)(1) of title 10, United States Code, to State and local governments in four study areas selected by the Secretary. The total amount of grants under the pilot program may not exceed $500,000 per study area.

(c) STUDY AREAS.—In selecting study areas for inclusion in the pilot program, the Secretary of Defense shall ensure that—

(1) one study area covers an area in which the local economy is heavily dependent on a defense contractor that is in the process of terminating a major defense contract or closing a major facility;

(2) one study area covers an area in which the local economy would be adversely affected by changes in the use of a national laboratory previously needed for the testing of nuclear weapons;

(3) one study area covers an area in which the local economy would be adversely affected by the closing of a military installation; and

(4) one study area covers an area in which the local economy would be adversely affected by at least two of the changes referred to in the preceding paragraphs.

(d) USE OF GRANTS.—Grants made under the pilot program may be used to determine the needs of the communities in a study area as they experience the economic dislocation associated with the closure of military installations, the cancellation or completion of defense contracts, or reductions in defense spending and develop responses tailored to those needs through the use of a wide variety of sources and expertise in the communities.

(e) MONITORING OF GRANT USE.—The Secretary of Defense shall monitor the activities under the pilot project to develop a more complete understanding of the unique needs of each type of study area and the methodologies that may be successful in addressing similar economic dislocation in other communities in the United States.

(f) FUNDING.—Of the amount authorized to be appropriated in section 301(5), $2,000,000 shall be made available for grants under this section.

SEC. 4303. REPORT ON ALTERNATIVES TO PRESENT PRIORITY FOR TRANSFER OF EXCESS DEFENSE SUPPLIES TO STATE AND LOCAL GOVERNMENTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) The reduction in the size of the United States military will result in an increase in nonlethal supplies of the Department of Defense that are in excess of current and projected requirements of the Department of Defense.

(2) Agencies of State and local governments, many of which are suffering economic hardship,

may be able to use the excess nonlethal supplies to create jobs for the citizens of the United States and to stimulate national economic growth.

(b) REPORTING REQUIREMENT.—Not later than February 15, 1993, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on alternatives to the existing procedures for management of the Department of Defense excess property program for nonlethal supplies (including excess construction, mining, excavating and highway maintenance equipment) in order to provide higher priority for State agencies to receive such excess supplies.

(c) DEFINITIONS.—For purposes of subsection (b), the term "supplies" has the meaning given such term in section 101 of title 10, United States Code.

SEC. 4304. LIMITATION ON USE OF EXCESS CONSTRUCTION OR FIRE EQUIPMENT FROM DEPARTMENT OF DEFENSE STOCKS IN FOREIGN ASSISTANCE OR MILITARY SALES PROGRAMS.

(a) LIMITATION ON USE OF CERTAIN EXCESS EQUIPMENT.—Subchapter II of chapter 152 of title 10, United States Code, as amended by section 304(c)(1), is amended by adding at the end the following new section:

"§2552. Limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs

"(a) LIMITATION.—Excess construction or fire equipment from the stocks of the Department of Defense may be transferred to any foreign country or international organization pursuant to part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2301 et seq.) or section 21 of the Arms Export Control Act (22 U.S.C. 2761) only if—

"(1) no department or agency of the Federal Government (other than the Department of Defense), no State, and no other person or entity eligible to receive excess or surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472 et seq.) submits to the Defense Reutilization and Marketing Service a request for such equipment during the period for which the Defense Reutilization and Marketing Service accepts such a request; or

"(2) the President determines that the transfer is necessary in order to respond to an emergency for which the equipment is especially suited.

"(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to limit the authority to transfer construction or fire equipment under section 2547 of this title.

"(c) DEFINITION.—In this section, the term 'construction or fire equipment' includes tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, pumpers, fuel and water tankers, crash trucks, utility vans, rescue trucks, ambulances, hook and ladder units, compressors, and miscellaneous fire fighting equipment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter, as amended by section 304(c)(2), is amended by adding at the end the following new item:

"2552. Limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs.".

SEC. 4305. COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE THROUGH THE ECONOMIC DEVELOPMENT ADMINISTRATION.

Of the amount authorized to be appropriated in section 301(5), $80,000,000 shall be available for the provision of economic adjustment assistance pursuant to section 4103 of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (division D of Public Law 101-510; 10 U.S.C. 2391 note) to substantially and seriously affected communities (as defined in section 4003(5)(A) of such Act).

SEC. 4306. REPORT RELATING TO CONTINUING HEALTH BENEFITS COVERAGE OF CERTAIN TERMINATED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) REPORT REQUIRED.—Not later than March 1, 1993, the Under Secretary of Defense for Acquisition shall submit to Congress a report on matters relating to the provision by contractors of the Department of Defense of continuing health benefits coverage to employees of such contractors who are involuntarily separated from such employment by reason of the termination or curtailment of defense contracts.

(b) CONTENT OF REPORT.—The report shall contain—

(1) an estimate of the number of employees referred to in subsection (a) who will be involuntarily separated from employment referred to in that subsection for the reason referred to in that subsection during each of fiscal years 1993 and 1994;

(2) an estimate of the number of such employees who will elect in each such fiscal year to receive continuation coverage under section 4980B of the Internal Revenue Code of 1986, and an estimate of the aggregate monthly costs that will be incurred during such fiscal years by such employees who make the elections;

(3) an estimate of the cost to the Department of Defense of providing continuing health benefits coverage to such employees in the same manner as continuing health benefits are provided to individuals under paragraph (4) of section 8905a(d) of title 5, United States Code, as added by section 346(a);

(4) an assessment of the capability of the employers of such employees to bear a portion or all of the costs estimated under paragraph (3) and a description of any current efforts by such employers to bear such costs; and

(5) recommendations relating to the optimal allocation of such costs between the Federal Government and such employers.

TITLE XLIV—PERSONNEL ADJUSTMENT, EDUCATION, AND TRAINING PROGRAMS

Subtitle A—Active Forces Transition Enhancements

SEC. 4401. IMPROVEMENT IN PRESEPARATION COUNSELING FOR MEMBERS OF THE ARMED FORCES.

(a) ADVANCE NOTICE OF SEPARATION TO MEMBER.—Subsection (a)(1) of section 1142 of title 10, United States Code, is amended by striking out "Upon the discharge" and inserting in lieu thereof "As soon as possible before, but in no event later than 90 days before, the date of the discharge".

(b) CREATION OF TRANSITION PLAN.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(10) The creation of a transition plan for the member to attempt to achieve the educational, training, and employment objectives of the member and, if the member has a spouse, the spouse of the member.".

SEC. 4402. AUTHORIZATION OF TEMPORARY RATE OF BASIC PAY APPLICABLE TO CERTAIN MEMBERS WITH OVER 24 YEARS OF SERVICE.

(a) TEMPORARY RATE OF BASIC PAY.—Subject to subsection (b), the rate of monthly basic pay for a member of the uniformed services who is entitled to such pay under section 204 of title 37, United States Code, is in pay grade E–7, E–8, E–9, W–4, W–5, or O–6, and has over 24, but under 26, years of service (as computed under section 205 of such title) shall be as set forth in the following table:

Temporary Rate of Monthly Basic Pay

Pay Grade	*24–26 Years of Service*
E–7	$2,359.30
E–8	$2,639.70
E–9	$2,977.70
W–4	$3,430.90
W–5	$3,827.30
O–6	$5,417.70

(b) TEMPORARY APPLICATION OF PAY RATE.—The rates of monthly basic pay established under subsection (a) shall be effective for months beginning after December 31, 1992, and before October 1, 1995, except that a member of the uniformed services who is entitled to a rate of special pay under such subsection on September 1, 1995, shall continue to be entitled to such rate (and any adjustment pursuant to subsection (c)) so long as the member remains entitled to basic pay under section 204 of title 37, United States Code, and is in pay grade E–7, E–8, E–9, W–4, W–5, or O–6.

(c) ADJUSTMENTS OF COMPENSATION.—The rates of monthly basic pay established under subsection (a) shall be adjusted in accordance with section 1009 of title 37, United States Code, or other applicable provision of law, except that the increase in the rates of basic pay made by section 601(b) shall not apply to the rates established under subsection (a).

SEC. 4403. TEMPORARY EARLY RETIREMENT AUTHORITY.

(a) PURPOSE.—The purpose of this section is to provide the Secretary of Defense a temporary additional force management tool with which to effect the drawdown of military forces through 1995.

(b) RETIREMENT FOR 15 TO 20 YEARS OF SERVICE.—(1) During the active force drawdown period, the Secretary of the Army may—

(A) apply the provisions of section 3911 of title 10, United States Code, to a regular or reserve commissioned officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years" in subsection (a) of that section;

(B) apply the provisions of section 3914 of such title to an enlisted member with at least 15 but less than 20 years of service by substituting "at least 15" for "at least 20"; and

(C) apply the provisions of section 1293 of such title to a warrant officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years".

(2) During the active force drawdown period, the Secretary of the Navy may—

(A) apply the provisions of section 6323 of title 10, United States Code, to an officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years" in subsection (a) of that section;

(B) apply the provisions of section 6330 of such title to an enlisted member of the Navy or Marine Corps with at least 15 but less than 20 years of service by substituting "15 or more years" for "20 or more years" in the first sentence of subsection (a), in the case of an enlisted member of the Navy, and in the second sentence of subsection (b), in the case of an enlisted member of the Marine Corps; and

(C) apply the provisions of section 1293 of such title to a warrant officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years".

(3) During the active force drawdown period, the Secretary of the Air Force may—

(A) apply the provisions of section 8911 of title 10, United States Code, to a regular or reserve commissioned officer with at least 15 but less than 20 years of service by substituting "at least 15 years" for "at least 20 years" in subsection (a) of that section; and

(B) apply the provisions of section 8914 of such title to an enlisted member with at least 15 but less than 20 years of service by substituting "at least 15" for "at least 20".

(c) ADDITIONAL ELIGIBILITY REQUIREMENT.—In order to be eligible for retirement by reason of the authority provided in subsection (b), a member of the Armed Forces shall—

(1) register on the registry maintained under section 1143a(b) of title 10, United States Code (as added by section 4462(a)); and

(2) receive information regarding public and community service job opportunities from the Secretary of Defense or another source approved by the Secretary and be afforded, on request, counseling on such job opportunities.

(d) REGULATIONS.—The Secretary of each military department may prescribe regulations and policies regarding the criteria for eligibility for early retirement by reason of eligibility pursuant to this section and for the approval of applications for such retirement. Such criteria may include factors such as grade, years of service, and skill.

(e) COMPUTATION OF RETIRED PAY.—Retired or retainer pay of a member retired (or transferred to the Fleet Reserve or Fleet Marine Corps Reserve) under a provision of title 10, United States Code, by reason of eligibility pursuant to subsection (b) shall be reduced by $\frac{1}{12}$th of 1 percent for each full month by which the number of months of active service of the member are less than 240 as of the date of the member's retirement (or transfer to the Fleet Reserve or Fleet Marine Corps Reserve).

(f) FUNDING.—(1) Notwithstanding section 1463 of title 10, United States Code, and subject to the availability of appropriations for this purpose, the Secretary of each military department shall provide in accordance with this section for the payment of retired pay payable during the fiscal years covered by the other provisions of this subsection to members of the Armed Forces under the jurisdiction of that Secretary who are being retired under the authority of this section.

(2) In each fiscal year in which the Secretary of a military department retires a member of the Armed Forces under the authority of this section, the Secretary shall credit to a subaccount (which the Secretary shall establish) within the appropriation account for that fiscal year for pay and allowances of active duty members of the Armed Forces under the jurisdiction of that Secretary such amount as is necessary to pay the retired pay payable to such member for the entire initial period (determined under paragraph (3)) of the entitlement of that member to receive retired pay.

(3) The initial period applicable under paragraph (2) in the case of a retired member referred to in that paragraph is the number of years (and any fraction of a year) that is equal to the difference between 20 years and the number of years (and any fraction of a year) of service that were completed by the member (as computed under the provision of law used for determining the member's years of service for eligibility to retirement) before being retired under the authority of this section.

(4) The Secretary shall pay the member's retired pay for such initial period out of amounts credited to the subaccount under paragraph (2). The amounts so credited with respect to that member shall remain available for payment for that period.

(5) For purposes of this subsection—

(A) the transfer of an enlisted member of the Navy or Marine Corps to the Fleet Reserve or Fleet Marine Corps Reserve shall be treated as a retirement; and

(B) the term "retired pay" shall be treated as including retainer pay.

(g) COORDINATION WITH OTHER SEPARATION PROVISIONS.—(1) A member of the Armed Forces retired under the authority of this section is not entitled to benefits under section 1174, 1174a, or 1175 of title 10, United States Code.

(2) Section 638a(b)(4)(C) of title 10, United States Code, is amended by inserting "(other than by reason of eligibility pursuant to section 4403 of the National Defense Authorization Act for Fiscal Year 1993)" after "any provision of law".

(h) MEMBERS RECEIVING SSB OR VSI.—The Secretary of a military department may retire (or transfer to the Fleet Reserve or Fleet Marine Corps Reserve) pursuant to the authority provided by this section a member of a reserve component who before the date of the enactment of this Act was separated from active duty pursuant to an agreement entered into under section 1174a or 1175 of title 10, United States Code. The retired or retainer pay of any such member so retired (or transferred) by reason of the authority provided in this section shall be reduced by the amount of any payment to such member before the date of such retirement under the provisions of such agreement under section 1174a or 1175 of title 10, United States Code.

(i) ACTIVE FORCE DRAWDOWN PERIOD.—For purposes of this section, the active force drawdown period is the period beginning on the date of the enactment of this Act and ending on October 1, 1995.

SEC. 4404. OPPORTUNITY FOR CERTAIN PERSONS TO ENROLL IN ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by adding after section 3018A the following new section:

"§3018B. Opportunity for certain persons to enroll

"(a) Notwithstanding any other provision of law—

"(1) the Secretary of Defense shall, subject to the availability of appropriations, allow an individual who—

"(A) is separated from the active military, naval, or air service with an honorable discharge and receives voluntary separation incentives under section 1174a or 1175 of title 10;

"(B) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(C) in the case of any individual who has made an election under section 3011(c)(1) or 3012(d)(1) of this title, withdraws such election before such separation pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as service in the Navy;

"(D) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in subparagraph (C) of this paragraph, before such separation to receive benefits under this section in lieu of benefits under such chapter 32; and

"(E) before such separation elects to receive assistance under this section pursuant to procedures referred to in subparagraph (C) of this paragraph; or

"(2) the Secretary, in consultation with the Secretary of Defense, shall, subject to the availability of appropriations, allow an individual who—

"(A) separated before the date of enactment of this section from the active military, naval, or air service with an honorable discharge and received or is receiving voluntary separation incentives under section 1174a or 1175 of title 10;

"(B) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(C) in the case of any individual who has made an election under section 3011(c)(1) or 3012(d)(1) of this title, withdraws such election before making an election under this paragraph pursuant to procedures which the Secretary shall provide, in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard when it is not operating as service in the Navy, which shall be similar to the regulations prescribed under paragraph (1)(C) of this subsection;

"(D) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title makes an irrevocable election, pursuant to procedures referred to in subparagraph (C) of this paragraph, before making an election under this paragraph to receive benefits under this section in lieu of benefits under such chapter 32; and

"(E) before the one-year period beginning on the date of enactment of this section, elects to receive assistance under this section pursuant to procedures referred to in subparagraph (C) of this paragraph,

to elect to become entitled to basic education assistance under this chapter.

"(b)(1) The basic pay or voluntary separation incentives of an individual who makes an election under subsection (a)(1) to become entitled to basic education assistance under this chapter shall be reduced by $1,200.

"(2) The Secretary shall collect $1,200 from an individual who makes an election under subsection (a)(2) to become entitled to basic education assistance under this chapter, which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(c) A withdrawal referred to in subsection (a)(1)(C) or (a)(2)(C) of this section is irrevocable.

"(d)(1) Except as provided in paragraph (3) of this subsection, an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(1)(D) or (a)(2)(D) of this subsection shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) as provided in section 3223(b) of this title, to the individual the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title; and

"(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 3222 of this title on behalf of any individual referred to in paragraph (1) of this subsection shall remain in such Account to make payments of benefits to such individual under section 3015(e) of this chapter.".

(b) CONFORMING AMENDMENTS.—(1) The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 3018A the following new item:

"3018B. Opportunity for certain persons to enroll.".

(2) Section 3013(d) of such title is amended by inserting "or 3018B" after "section 3018A".

(3) Section 3035(b) of such title is amended—

(A) in paragraph (3), by inserting "or 3018B" after "section 3018A"; and

(B) in paragraph (3)(B), by inserting ", 3018B(a)(1)(C), or 3018B(a)(2)(C)" after "section 3018A(a)(3)".

SEC. 4405. AUTHORIZED BENEFITS UNDER SPECIAL SEPARATION BENEFITS PROGRAM AND VOLUNTARY SEPARATION INCENTIVE.

(a) TRAVEL AND TRANSPORTATION BENEFITS UNDER SSB.—Subsection (b)(2)(B) of section 1174a of title 10, United States Code, is amended by inserting after "chapter 58 of this title" the following: ", sections 404 and 406 of title 37, and section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1558; 37 U.S.C. 406 note)".

(b) ELIGIBILITY FOR INVOLUNTARY SEPARATION BENEFITS UNDER VSI.—Section 1175 of such title is amended by adding at the end the following new subsection:

"(j) A member of the armed forces who is provided a voluntary separation incentive under this section shall be eligible for the same benefits and services as are provided under chapter 58 of this title, sections 404 and 406 of title 37, and section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1558; 37 U.S.C. 406 note) for members of the armed forces who are involuntarily separated within the meaning of section 1141 of this title.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply as if included in sections 1174a and 1175 of title 10, United States Code, as enacted on December 5, 1991, but any benefits or services payable by reason of the applicability of the provisions of those amendments during the period beginning on December 5, 1991, and ending on the date of the enactment of this Act shall be subject to the availability of appropriations.

SEC. 4406. CALCULATION OF ANNUAL PAYMENT OF VOLUNTARY SEPARATION INCENTIVE.

(a) RECOUPMENT OF ACTIVE OR RESERVE PAY.—Section 1175(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out "shall forfeit" and all that follows and inserting in lieu thereof "may elect to have a reduction in the voluntary separation incentive payable for the same period in an amount not to exceed the amount of the basic pay or compensation received for that period."; and

(2) in paragraph (3), by adding at the end the following new sentence: "If the member elected to have a reduction in voluntary separation incentive for any period pursuant to paragraph (2), the deduction required under the preceding sentence shall be reduced accordingly.".

(b) CREDITING OF MILITARY SERVICE FOR CIVIL SERVICE RETIREMENT.—Such section is further amended by striking out paragraph (6).

(c) EFFECTIVE DATE.—The amendments to section 1175 of title 10, United States Code, made by subsections (a) and (b) shall apply as if included in section 1175 of title 10, United States Code, as enacted on December 5, 1991.

SEC. 4407. IMPROVED CONVERSION HEALTH POLICIES AS PART OF TRANSITIONAL MEDICAL CARE.

(a) SEPARATED MEMBERS.—Section 1145(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: "A conversion health policy offered under this paragraph shall provide coverage for not less than an 18-month period.";

(2) in paragraph (2)(A), by striking out "one-year period" and inserting in lieu thereof "18-month period"; and

(3) by adding at the end the following new paragraphs:

"(4) If the Secretary of Defense is unable, within a reasonable time, to enter into a contract with a private insurer to provide the conversion health policy required under paragraph (1) at a rate not to exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage, the Secretary shall offer such a policy under the Civilian Health and Medical Program of the Uniformed Services. Subject to paragraph (5), a member purchasing a policy from the Secretary shall be required to pay into the Military Health Care Account or other appropriate account an amount equal to the sum of—

"(A) the individual and Government contributions which would be required in the case of a person enrolled in a health benefits plan contracted for under section 1079 of this title; and

"(B) an amount necessary for administrative expenses, but not to exceed two percent of the amount under subparagraph (A).

"(5) The amount paid by a member who purchases a conversion health policy from the Secretary of Defense under paragraph (4) may not exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage.

"(6) In order to reduce premiums required under paragraph (4), the Secretary of Defense may offer a conversion health policy that, with respect to mental health services, offers reduced coverage and increased cost-sharing by the purchaser.".

(b) ONE-YEAR DEPENDENTS.—Section 1086a(a) of such title is amended—

(1) in subsection (a), by adding at the end the following new sentence: "A conversion health policy offered under this subsection shall provide coverage for not less than a 24-month period.";

(2) in subsection (b)(1), by striking out "one-year period" and inserting in lieu thereof "24-month period";

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following new subsection:

"(c) EFFECT OF UNAVAILABILITY OF POLICIES.—(1) If the Secretary of Defense is unable, within a reasonable time, to enter into a contract with a private insurer to offer conversion health policies under subsection (a) at a rate not to exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage, the Secretary shall provide the coverage required under such a policy through the Civilian Health and Medical Program of the Uniformed Services. Subject to paragraph (2), a person receiving coverage under this subsection shall be required to pay into the Military Health Care Account or other appropriate account an amount equal to the sum of—

"(A) the individual and Government contributions which would be required in the case of a person enrolled in a health benefits plan contracted for under section 1079 of this title; and

"(B) an amount necessary for administrative expenses, but not to exceed two percent of the amount under subparagraph (A).

"(2) The amount paid by a person who purchases a conversion health policy from the Secretary of Defense under paragraph (1) may not exceed the payment required under section 8905a(d)(1)(A) of title 5 for comparable coverage.

"(3) In order to reduce premiums required under paragraph (1), the Secretary of Defense may offer a program of coverage that, with respect to mental health services, offers reduced coverage and increased cost-sharing by the purchaser.".

(c) APPLICATION TO EXISTING CONTRACTS.—In the case of conversion health policies provided under section 1145(b) or 1086a(a) of title 10, United States Code, and in effect on the date of the enactment of this Act, the Secretary of Defense shall—

(1) arrange with the private insurer providing these policies to extend the term of the policies (and coverage of preexisting conditions) as provided by the amendments made by this section; or

(2) make other arrangements to implement the amendments made by this section with respect to these policies.

SEC. 4408. CONTINUED HEALTH COVERAGE.

(a) MEMBERS, EMANCIPATED CHILDREN, AND FORMER SPOUSES.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1078 the following new section:

"§1078a. Continued health benefits coverage

"(a) PROVISION OF CONTINUED HEALTH COVERAGE.—Beginning on October 1, 1994, the Secretary of Defense shall implement and carry out a program of continued health benefits coverage in accordance with this section to provide persons described in subsection (b) with temporary health benefits comparable to the health benefits provided for former civilian employees of the Federal Government and other persons under section 8905a of title 5.

"(b) ELIGIBLE PERSONS.—The persons referred to in subsection (a) are the following:

"(1) A member of the armed forces who—

"(A) is discharged or released from active duty (or full-time National Guard duty), whether voluntarily or involuntarily, under other than adverse conditions, as characterized by the Secretary concerned;

"(B) immediately preceding that discharge or release, is entitled to medical and dental care under section 1074(a) of this title (except in the case of a member discharged or released from full-time National Guard duty); and

"(C) after that discharge or release and any period of transitional health care provided under section 1145(a) of this title, would not otherwise be eligible for any benefits under this chapter.

"(2) A person who—

"(A) ceases to meet the requirements for being considered an unmarried dependent child of a member or former member of the armed forces under section 1072(2)(D) of this title;

"(B) on the day before ceasing to meet those requirements, was covered under a health benefits plan under this chapter or transitional health care under section 1145(a) of this title as a dependent of the member or former member; and

"(C) would not otherwise be eligible for any benefits under this chapter.

"(3) A person who—

"(A) is an unremarried former spouse of a member or former member of the armed forces; and

"(B) on the day before the date of the final decree of divorce, dissolution, or annulment was covered under a health benefits plan under this chapter or transitional health care under section 1145(a) of this title as a dependent of the member or former member; and

"(C) is not a dependent of the member or former member under subparagraphs (F) or (G) of section 1072(2) of this title or ends a one-year period of dependency under subparagraph (H) of such section.

"(c) NOTIFICATION OF ELIGIBILITY.—(1) The Secretary of Defense shall prescribe regulations to provide for persons described in subsection (b) to be notified of eligibility to receive health benefits under this section.

"(2) In the case of a member who becomes (or will become) eligible for continued coverage under subsection (b)(1), the regulations shall provide for the Secretary concerned to notify the member of the member's rights under this section as part of preseparation counseling conducted under section 1142 of this title or any other provision of other law.

"(3) In the case of a child of a member or former member who becomes eligible for continued coverage under subsection (b)(2), the regulations shall provide that—

"(A) the member or former member may submit to the Secretary concerned a written notice of the child's change in status (including the child's name, address, and such other information as the Secretary of Defense may require); and

"(B) the Secretary concerned shall, within 14 days after receiving that notice, inform the child of the child's rights under this section.

"(4) In the case of a former spouse of a member or former member who becomes eligible for continued coverage under subsection (b)(3), the regulations shall provide appropriate notification provisions and a 60-day election period under subsection (d)(3).

"(d) ELECTION OF COVERAGE.—In order to obtain continued coverage under this section, an appropriate written election (submitted in such manner as the Secretary of Defense may prescribe) shall be made as follows:

"(1) In the case of a member described in subsection (b)(1), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

"(A) the date of the discharge or release of the member from active duty or full-time National Guard duty;

"(B) the date on which the period of transitional health care applicable to the member under section 1145(a) of this title ends; or

"(C) the date the member receives the notification required pursuant to subsection (c).

"(2)(A) In the case of a child of a member or former member who becomes eligible for continued coverage subsection (b)(2), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

"(i) the date on which the child first ceases to meet the requirements for being considered an unmarried dependent child under section 1072(2)(D) of this title, or

"(ii) the date the child receives the notification pursuant to subsection (c).

"(B) Notwithstanding subparagraph (A), if the Secretary concerned determines that the child's parent has failed to provide the notice referred to in subsection (c)(3)(A) with respect to the child in a timely fashion, the 60-day period under this paragraph shall be based only on the date under subparagraph (A)(i).

"(3) In the case of a former spouse of a member or a former member who becomes eligible for continued coverage under subsection (b)(3), the written election shall be submitted to the Secretary concerned before the end of the 60-day period beginning on the later of—

"(A) the date as of which the former spouse first ceases to meet the requirements for being considered a dependent under section 1072(2) of this title; or

"(B) such other date as the Secretary of Defense may prescribe.

"(e) COVERAGE OF DEPENDENTS.—A person eligible under subsection (b)(1) to elect to receive coverage may elect coverage either as an individual or, if appropriate, for self and dependents. A person eligible under subsection (b)(2) or subsection (b)(3) may elect only individual coverage.

"(f) CHARGES.—(1) Under arrangements satisfactory to the Secretary of Defense, a person receiving continued coverage under this section shall be required to pay into the Military Health Care Account or other appropriate account an amount equal to the sum of—

"(A) the employee and agency contributions which would be required in the case of a similarly situated employee enrolled in a comparable health benefits plan under section 8905a(d)(1)(A)(i) of title 5; and

"(B) an amount, not to exceed 10 percent of the amount determined under subparagraph (A), determined under regulations prescribed by the Secretary of Defense to be necessary for administrative expenses; and

"(2) If a person elects to continue coverage under this section before the end of the applicable period under subsection (d), but after the person's coverage under this chapter (and any transitional extension of coverage under section 1145(a) of this title) expires, coverage shall be restored retroactively, with appropriate contributions (determined in accordance with paragraph (1)) and claims (if any), to the same extent and effect as though no break in coverage had occurred.

"(g) PERIOD OF CONTINUED COVERAGE.—(1) Continued coverage under this section may not extend beyond—

"(A) in the case of a member described in subsection (b)(1), the date which is 18 months after the date the member ceases to be entitled to care under section 1074(a) of this title and any transitional care under section 1145 of this title, as the case may be;

"(B) in the case of a person described in subsection (b)(2), the date which is 36 months after the date on which the person first ceases to meet the requirements for being considered an unmarried dependent child under section 1072(2)(D) of this title; and

"(C) in the case of a person described in subsection (b)(3), except as provided in paragraph (4), the date which is 36 months after the later of—

"(i) the date on which the final decree of divorce, dissolution, or annulment occurs; and

"(ii) if applicable, the date the one-year extension of dependency under section 1072(2)(H) of this title expires.

"(2) Notwithstanding paragraph (1)(B), if a child of a member becomes eligible for continued coverage under subsection (b)(2) during a period of continued coverage of the member for self and dependents under this section, extended coverage of the child under this section may not extend beyond the date which is 36 months after the date the member became ineligible for medical and dental care under section 1074(a) of this title and any transitional health care under section 1145(a) of this title.

"(3) Notwithstanding paragraph (1)(C), if a person becomes eligible for continued coverage under subsection (b)(3) as the former spouse of a member during a period of continued coverage of the member for self and dependents under this section, extended coverage of the former spouse under this section may not extend beyond the date which is 36 months after the date the member became ineligible for medical and dental care under section 1074(a) of this title and any transitional health care under section 1145(a) of this title.

"(4)(A) Notwithstanding paragraph (1), in the case of a former spouse described in subparagraph (B), continued coverage under this section shall continue for such period as the former spouse may request.

"(B) A former spouse referred to in subparagraph (A) is a former spouse of a member or former member (other than a former spouse whose marriage was dissolved after the separation of the member from the service unless such separation was by retirement)—

"(i) who has not remarried before age 55 after the marriage to the employee, former employee, or annuitant was dissolved;

"(ii) who was enrolled in an approved health benefits plan under this chapter as a family member at any time during the 18-month period before the date of the divorce, dissolution, or annulment; and

"(iii)(I) who is receiving any portion of the retired or retainer pay of the member or former member or an annuity based on the retired or retainer pay of the member; or

"(II) for whom a court order (as defined in section 1408(a)(2) of this title) has been issued for payment of any portion of the retired or retainer pay or for whom a court order (as defined in section 1447(8) of this title) or a written agreement (whether voluntary or pursuant to a court order) provides for an election by the member or former member to provide an annuity to the former spouse.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078 the following new item:

"1078a. Continued health benefits coverage.".

(b) TRANSITIONAL PROVISIONS.—The Secretary of Defense shall provide a period for the enrollment for health benefits coverage under this section by members and former members of the Armed Services for whom the availability of transitional health care under section 1145(a) of title 10, United States Code, expires before the October 1, 1994, implementation date of section 1078a of such title, as added by subsection (a).

(c) TERMINATION OF APPLICABILITY OF OTHER CONVERSION HEALTH POLICIES.—(1) No person may purchase a conversion health policy under section 1145(b) or 1086a of title 10, United States Code, on or after October 1, 1994. A person covered by such a conversion health policy on that date may cancel that policy and enroll in a health benefits plan under section 1078a of such title.

(2) No person may be covered concurrently by a conversion health policy under section 1145(b) or 1086a of such title and a health benefits plan under section 1078a of such title.

Subtitle B—Guard and Reserve Transition Initiatives

SEC. 4411. FORCE REDUCTION TRANSITION PERIOD DEFINED.

In this subtitle, the term "force reduction transition period" means the period beginning on October 1, 1991, and ending on September 30, 1995.

SEC. 4412. MEMBER OF SELECTED RESERVE DEFINED.

In this subtitle, the term "member of the Selected Reserve" means—

(1) a member of a unit in the Selected Reserve of the Ready Reserve; and

(2) a Reserve designated pursuant to section 268(b) of title 10, United States Code, who is assigned to an authorized position the performance of the duties of which qualify the member for basic pay or compensation for inactive-duty training or both .

SEC. 4413. RESTRICTION ON RESERVE FORCE REDUCTION.

(a) IN GENERAL.—During the force reduction transition period, a member of the Selected Reserve may not be involuntarily discharged from a reserve component of the Armed Forces, or involuntarily transferred from the Selected Reserve, before the Secretary of Defense has prescribed and implemented regulations that govern the treatment of members of the Selected Reserve assigned to such units and members of the Selected Reserve that are being subjected to such actions and a copy of such regulations has been transmitted to the Committees on Armed Services of the Senate and House of Representatives.

(b) SAVINGS PROVISION.—Subsection (a) shall not apply to actions completed before the date of the enactment of this Act.

SEC. 4414. TRANSITION PLAN REQUIREMENTS.

(a) PURPOSE OF PLAN.—The purpose of the regulations referred to in section 4413 shall be to ensure that the members of the Selected Reserve are treated with fairness, with respect for their service to their country, and with attention to the adverse personal consequences of Selected Reserve unit inactivations, involuntary discharges of such members from the reserve components of the Armed Forces, and involuntary transfers of such members from the Selected Reserve.

(b) SCOPE OF PLAN.—The regulations shall include—

(1) such provisions as are necessary to implement the provisions of this subtitle and the amendments made by this subtitle; and

(2) such other policies and procedures for the recruitment of personnel for service in the Selected Reserve of the Ready Reserve, and for the reassignment, retraining, separation, and retirement of members of the Selected Reserve, as are appropriate for satisfying the needs of the Selected Reserve together with the purpose set out in subsection (a).

(c) MINIMUM REQUIREMENTS FOR PLAN.—The regulations shall include the following:

(1) The giving of a priority for enrollment in, or reassignment to, Selected Reserve units not being inactivated to—

(A) personnel being separated from active-duty or full-time National Guard duty; and

(B) members of the Selected Reserve whose units are inactivated.

(2) The giving of a priority to such personnel for transfer among the reserve components of the Armed Forces in order to facilitate reassignment to such units.

(3) A requirement that the Secretaries of the military departments take diligent actions to ensure that members of the reserve components of the Armed Forces are informed in easily understandable terms of the rights and benefits conferred upon such personnel by this subtitle, by the amendments made by this subtitle, and by such regulations.

(4) Such other protections, preferences, and benefits as the Secretary of Defense considers appropriate.

(d) UNIFORM APPLICABILITY.—The regulations shall apply uniformly to the Army, Navy, Air Force, and Marine Corps.

SEC. 4415. INAPPLICABILITY TO CERTAIN DISCHARGES AND TRANSFERS.

The protections, preferences, and benefits provided for in regulations prescribed in accordance with this subtitle do not apply with respect to a member of the Selected Reserve who is discharged from a reserve component of the Armed Forces or is transferred from the Selected Reserve to another category of the Ready Reserve, to the Standby Reserve, or to the Retired Reserve—

(1) at the request of the member unless such request was made and approved under a provision of this subtitle or section 1331a of title 10, United States Code (as added by section 4417);

(2) because the member no longer meets the qualifications for membership in the Selected Reserve set forth in any provision of law as in effect on the day before the date of the enactment of this Act;

(3) under adverse conditions, as characterized by the Secretary of the military department concerned; or

(4) if the member—

(A) is immediately eligible for retired pay based on military service under any provision of law;

(B) is serving as a military technician, as defined in section 8401(30) of title 5, United States Code, and would be immediately eligible for an unreduced annuity under the provisions of subchapter III of chapter 83 of such title, relating to the Civil Service Retirement and Disability System, or the provisions of chapter 84 of such title, relating to the Federal Employees' Retirement System; or

(C) is eligible for separation pay under section 1174 of title 10, United States Code.

SEC. 4416. FORCE REDUCTION PERIOD RETIREMENTS.

(a) TEMPORARY SPECIAL AUTHORITY FOR ELIMINATION OF OFFICERS FROM ACTIVE STATUS.—(1) During the force reduction transition period, the Secretary of the Army and the Secretary of the Air Force may, whenever the Secretary determines that such action is necessary, convene a board to recommend an appropriate number of officers in the reserve components of the Army or the Air Force, as the case may be, who (A) have met the age and service requirements specified in section 1331 of title 10, United States Code, for entitlement to retired pay for nonregular service except for not being at least 60 years of age, or (B) are immediately eligible for retired pay based on military service under any provision of law, for elimination from an active status.

(2) An officer who is to be eliminated from an active status under this section, shall, if qualified, be given an opportunity to request transfer to the appropriate Retired Reserve and, if the officer requests it, shall be so transferred. If the officer is not transferred to the Retired Reserve, the officer shall, in the discretion of the Secretary concerned, be transferred to the appropriate inactive status list or be discharged.

(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may not be eliminated from an active status under this section without the consent of the Governor or other appropriate authority of the State or territory, Puerto Rico, or the District of Columbia, whichever is concerned.

(b) TEMPORARY SPECIAL AUTHORITY.—During the period referred to in subsection (c), the Secretary concerned may grant a member of the Selected Reserve under the age of 60 years the annual payments provided for under this section if—

(1) as of October 1, 1991, that member has completed at least 20 years of service computed under section 1332 of title 10, United States Code, or after that date and before October 1, 1995, such member completes 20 years of service computed under that section;

(2) the member satisfies the requirements of paragraphs (3) and (4) of section 1331(a) of title 10, United States Code; and

(3) the member applies for transfer to the Retired Reserve—

(A) in the case of a member who has not received the notice required by section 1331(d) of that title before the date of the enactment of this Act, within one year after receiving such notice; and

(B) in the case of a member who received such a notice before the date of the enactment of this Act, within one year after that date.

(c) PERIOD OF APPLICABILITY.—The period referred to in subsection (b) is, with respect to a member of the Selected Reserve, the force reduction transition period, the period provided under paragraph (3) of that subsection for the member to submit an application, and the period necessary for taking action on that application.

(d) ANNUAL PAYMENT PERIOD.—An annual payment granted to a member under this section shall be paid for 5 years, except that if the member attains 60 years of age during the 5-year period the entitlement to the annual payment shall terminate on the member's 60th birthday.

(e) COMPUTATION OF ANNUAL PAYMENT.—(1) The annual payment for a member shall be equal to the amount determined by multiplying the product of 12 and the applicable percent under paragraph (2) by the monthly basic pay to which the member would be entitled if the member were serving on active duty as of the date the member is transferred to the Retired Reserve.

(2)(A) Subject to subparagraph (B) the percent applicable to a member for purposes of paragraph (1) is 5 percent plus 0.5 percent for each full year of service, computed under section 1332 of title 10, United States Code, that a member has completed in excess of 20 years before transfer to the Retired Reserve.

(B) The maximum percent applicable under this paragraph is 10 percent.

(f) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) Subject to regulations prescribed by the Secretary of Defense, the Secretary concerned may limit the applicability of this section to any category of personnel defined by the Secretary concerned in order to meet a need of the armed force under the jurisdiction of the Secretary concerned to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a).

(g) NONDUPLICATION OF BENEFITS.—A member transferred to the Retired Reserve under the authority of section 1331a of title 10, United States Code (as added by section 4417), may not be paid annual payments under this section.

(h) FUNDING.—To the extent provided in appropriations Acts, payments under this section in a fiscal year shall be made out of amounts available to the Department of Defense for that fiscal year for the pay of reserve component personnel.

SEC. 4417. RETIREMENT WITH 15 YEARS OF SERVICE.

(a) AUTHORITY.—Chapter 67 of title 10, United States Code, is amended by inserting after section 1331 the following new section:

"§1331a. Temporary special retirement qualification authority

"(a) RETIREMENT WITH AT LEAST 15 YEARS OF SERVICE.—For the purposes of section 1331 of this title, the Secretary of a military department may—

"(1) during the period described in subsection (b), determine to treat a member of the Selected Reserve of a reserve component of the armed force under the jurisdiction of that Secretary as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member—

"(A) as of October 1, 1991, has completed at least 15, and less than 20, years of service computed under section 1332 of this title; or

"(B) after that date and before October 1, 1995, completes 15 years of service computed under that section; and

"(2) upon the request of the member submitted to the Secretary within one year after the date of the notification referred to in paragraph (1), transfer the member to the Retired Reserve.

"(b) PERIOD OF AUTHORITY.—The period referred to in subsection (a)(1) is the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1993 and ending on October 1, 1995.

"(c) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) The Secretary of the military department concerned may limit the applicability of subsection (a) to any category of personnel defined by the Secretary in order to meet a need of the armed force under the jurisdiction of the Secretary to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a) of the National Defense Authorization Act for Fiscal Year 1993.

"(d) EXCLUSION.—This section does not apply to persons referred to in section 1331(c) of this title.

"(e) REGULATIONS.—The authority provided in this section shall be subject to regulations prescribed by the Secretary of Defense.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1331 the following new item:

"1331a. Temporary special retirement qualification authority.".

SEC. 4418. SEPARATION PAY.

(a) ELIGIBILITY.—Subject to section 4415, a member of the Selected Reserve who, after completing at least 6 years of service computed under section 1332 of title 10, United States Code, and before completing 15 years of service computed under that section, is involuntarily discharged from a reserve component of the Armed Forces or is involuntarily transferred from the Selected Reserve is entitled to separation pay.

(b) AMOUNT OF SEPARATION PAY.—(1) The amount of separation pay which may be paid to a person under this section is 15 percent of the product of—

(A) the years of service credited to that person under section 1333 of title 10, United States Code; and

(B) 62 times the daily equivalent of the monthly basic pay to which the person would have been entitled had the person been serving on active duty at the time of the person's discharge or transfer.

(2) In the case of a person who receives separation pay under this section and who later receives basic pay, compensation for inactive duty training, or retired pay under any provision of law, such basic pay, compensation, or retired pay, as the case may be, shall be reduced by 75 percent until the total amount withheld through such reduction equals the total amount of the separation pay received by that person under this section.

(c) RELATIONSHIP TO OTHER SERVICE-RELATED PAY.—Subsections (g) and (h) of section 1174 of title 10, United States Code, shall apply to separation pay under this section.

(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations, which shall be uniform for the Army, Navy, Air Force, and Marine Corps, for the administration of this section.

SEC. 4419. WAIVER OF CONTINUED SERVICE REQUIREMENT FOR CERTAIN RESERVISTS FOR MONTGOMERY GI BILL BENEFITS.

(a) CHAPTER 106.—Section 2133(b)(1) of title 10, United States Code, is amended to read as follows:

"(b)(1) In the case of a person—

"(A) who is separated from the Selected Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this chapter; or

"(B) who, on or after the date on which such person became entitled to educational assistance under this chapter ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on September 30, 1995, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 268(b) of this title,

the period for using entitlement prescribed by subsection (a) shall be determined without regard to clause (2) of such subsection.".

(b) CHAPTER 30.—Section 3012(b)(1)(B) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of clause (i);

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(3) by adding after clause (ii) the following:

"(iii) who, before completing the four years of service described in clauses (1)(A)(ii) and (1)(B)(ii) of subsection (a) of this section, ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on September 30, 1995, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 268(b) of title 10.".

SEC. 4420. COMMISSARY AND EXCHANGE PRIVILEGES.

The Secretary of Defense shall prescribe regulations to authorize a person who involuntarily ceases to be a member of the Selected Reserve during the force reduction transition period to continue to use commissary and exchange stores in the same manner as a member of the Selected Reserve for a period of two years beginning on the later of—

(1) the date on which that person ceases to be a member of the Selected Reserve; or

(2) the date of the enactment of this Act.

SEC. 4421. APPLICABILITY AND TERMINATION OF BENEFITS.

(a) APPLICABILITY SUBJECT TO NEEDS OF THE SERVICE.—(1) Subject to regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned may limit the applicability of a benefit provided under sections 4418 through 4420 to any category of personnel defined by the Secretary concerned in order to meet a need of the armed force under the jurisdiction of the Secretary concerned to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a).

(b) INAPPLICABILITY TO CERTAIN SEPARATIONS AND REASSIGNMENTS.—Sections 4418 through 4420 do not apply with respect to personnel who cease to be members of the Selected Reserve under adverse conditions, as characterized by the Secretary of the military department concerned.

(c) TERMINATION OF BENEFITS.—The eligibility of a member of a reserve component of the Armed Forces (after having involuntarily ceased to be a member of the Selected Reserve) to receive benefits and privileges under sections 4418 through 4420 terminates upon the involuntary separation of such member from the Armed Forces under adverse conditions, as characterized by the Secretary of the military department concerned.

SEC. 4422. READJUSTMENT BENEFITS FOR CERTAIN VOLUNTARILY SEPARATED MEMBERS OF THE RESERVE COMPONENTS.

(a) SPECIAL SEPARATION BENEFITS.—Section 1174a of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting "or full-time National Guard duty" after "active duty";

(2) in subsection (c)(2), by inserting "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty";

(3) in subsection (c)(3), by inserting after "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty";

(4) in subsection (c)(4), by inserting "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty", and by inserting "and" after the semicolon at the end; and

(5) in subsection (c), by striking out paragraph (5) and redesignating paragraph (6) as paragraph (5).

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 1175 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by inserting "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty";

(2) in subsection (b)(2), by inserting "or full-time National Guard duty or any combination of active duty and full-time National Guard duty" after "active duty"; and

(3) in subsection (b), by striking out paragraph (3) and redesignating paragraph (4) as paragraph (3).

Subtitle C—Department of Defense Civilian Personnel Transition Initiatives

SEC. 4431. GOVERNMENT-WIDE LIST OF VACANT POSITIONS.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

"§3329. Government-wide list of vacant positions

"(a) For the purpose of this section, the term 'agency' means an Executive agency, excluding the General Accounting Office and any agency (or unit thereof) whose principal function is the conduct of foreign intelligence or counterintelligence activities, as determined by the President.

"(b) The Office of Personnel Management shall establish and keep current a comprehensive list of all announcements of vacant positions in the competitive service within each agency that are to be filled by appointment for more than one year and for which applications are being (or will soon be) accepted from outside the agency's work force.

"(c) Included for any position listed shall be—

"(1) a brief description of the position, including its title, tenure, location, and rate of pay;

"(2) application procedures, including the period within which applications may be submitted and procedures for obtaining additional information; and

"(3) any other information which the Office considers appropriate.

"(d) The list shall be available to members of the public.

"(e) The Office shall prescribe such regulations as may be necessary to carry out this section. Any requirement under this section that agencies notify the Office as to the availability of any vacant positions shall be designed so as to avoid any duplication of information otherwise required to be furnished under section 3327 of this title or any other provision of law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3328 the following:

"3329. Government-wide list of vacant positions.".

SEC. 4432. TEMPORARY MEASURES TO FACILITATE REEMPLOYMENT OF CERTAIN DISPLACED FEDERAL EMPLOYEES.

(a) DEFINITIONS.—For the purpose of this section—

(1) the term "agency" means an Executive agency (as defined by section 105 of title 5, United States Code), excluding the General Accounting Office and the Department of Defense; and

(2) the term "displaced employee" means any individual who is—

(A) an employee of the Department of Defense who has been given specific notice that such employee is to be separated due to a reduction in force; or

(B) a former employee of the Department of Defense who was involuntarily separated therefrom due to a reduction in force.

(b) METHOD OF CONSIDERATION.—In accordance with regulations which the Office of Personnel Management shall prescribe, consistent with otherwise applicable provisions of law, an *agency shall, in filling a vacant position for which a qualified displaced employee has applied in timely fashion, give full consideration to the application of the displaced employee before selecting any candidate from outside the agency for the position.*

(c) LIMITATION.—A displaced employee is entitled to consideration in accordance with this section for the 24-month period beginning on the date such employee receives the specific notice referred to in subsection (a)(2)(A), except that, if the employee is separated pursuant to such notice, the right to such consideration shall continue through the end of the 24-month period beginning on the date of separation.

(d) APPLICABILITY.—(1) This section shall apply to any individual who—

(A) became a displaced employee within the 12-month period ending immediately before the date of the enactment of this Act; or

(B) becomes a displaced employee on or after the date of the enactment of this Act and before October 1, 1997.

(2) In the case of a displaced employee described in paragraph (1)(A), for purposes of computing any period of time under subsection (c), the date of the specific notice described in subsection (a)(2)(A) (or, if the employee was separated as described in subsection (a)(2)(B) before the date of enactment of this Act, the date of separation) shall be deemed to have occurred on such date of enactment.

(3) Nothing in this section shall be considered to apply with respect to any position—

(A) which has been filled as of the date of enactment of this Act; or

(B) which has been excepted from the competitive service because of its confidential, policy-determining, policy-making or policy-advocating character.

SEC. 4433. REDUCTION-IN-FORCE NOTIFICATION REQUIREMENTS.

(a) IN GENERAL.—(1) Section 3502 of title 5, United States Code, is amended by adding at the end the following:

"(d)(1) Except as provided under subsection (e), an employee may not be released, due to a reduction in force, unless—

"(A) such employee and such employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (2), at least 60 days before such employee is so released; and

"(B) if the reduction in force would involve the separation of a significant number of employees, the requirements of paragraph (3) are met at least 60 days before any employee is so released.

"(2) Any notice under paragraph (1)(A) shall include—

"(A) the personnel action to be taken with respect to the employee involved;

"(B) the effective date of the action;

"(C) a description of the procedures applicable in identifying employees for release;

"(D) the employee's ranking relative to other competing employees, and how that ranking was determined; and

"(E) a description of any appeal or other rights which may be available.

"(3) Notice under paragraph (1)(B)—

"(A) shall be given to—

"(i) the appropriate State dislocated worker unit or units (referred to in section 311(b)(2) of the Job Training Partnership Act); and

"(ii) the chief elected official of such unit or each of such units of local government as may be appropriate; and

"(B) shall consist of written notification as to—

"(i) the number of employees to be separated from service due to the reduction in force (broken down by geographic area or on such other basis as may be required under paragraph (4));

"(ii) when those separations will occur; and

"(iii) any other matter which might facilitate the delivery of rapid response assistance or other services under the Job Training Partnership Act.

"(4) The Office shall prescribe such regulations as may be necessary to carry out this subsection. The Office shall consult with the Secretary of Labor on matters relating to the Job Training Partnership Act.

"(e)(1) Subject to paragraph (3), upon request submitted under paragraph (2), the President may, in writing, shorten the period of advance notice required under subsection (d)(1)(A) and (B), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

"(2) A request to shorten notice periods shall be submitted to the President by the head of the agency involved, and shall indicate the reduction in force to which the request pertains, the number of days by which the agency head requests that the periods be shortened, and the reasons why the request is necessary.

"(3) No notice period may be shortened to less than 30 days under this subsection.".

(2) The amendment made by paragraph (1) shall apply with respect to any personnel action taking effect on or after the last day of the 90-day period beginning on the date of enactment of this Act.

(b) SPECIAL RULE.—(1) The provisions of section 3502(d) and (e) of title 5, United States Code (as added by subsection (a)) shall apply to employees of the Department of Defense according to their terms, except that, with respect to any reduction in force within that agency that would involve the separation of a significant number of employees (as determined under paragraph (1)(B) of such section 3502(d)), any reference in such section 3502(d) to "60 days" shall, in the case of the employees described in paragraph (2), be deemed to read "120 days".

(2) The employees described in this paragraph are those employees of the Department of Defense who are to be separated, due to a reduction in force described in paragraph (1), effective on or after the last day of the 90-day period referred to in subsection (a)(2) and before February 1, 1998.

(3) Nothing in this subsection shall prevent the application of the amendment made by subsection (a) with respect to an employee if—

(A) the preceding paragraphs of this subsection do not apply with respect to such employee; and

(B) the amendment made by subsection (a) would otherwise apply with respect to such employee.

(4) The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

SEC. 4434. RESTORATION OF CERTAIN LEAVE.

Section 6304(d) of title 5, United States Code, is amended by adding at the end the following:

"(3) For the purpose of this subsection, the closure of an installation of the Department of Defense, during the period beginning on October 1, 1992, and ending on December 31, 1997, shall be deemed to create an exigency of the public business and any leave that is lost by an employee of such installation by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).".

SEC. 4435. SKILL TRAINING PROGRAMS IN THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY.—(1) Under regulations prescribed by the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Defense with respect to employees of the Department of Defense other than employees of the military departments, may provide not more than one year of training in training facilities of the Department to civilian employees of the Department of Defense who are separated from employment as a result of a reduction in force or a closure or realignment of a military installation.

(2) Training may be provided under this subsection during the period beginning on October 1, 1992, and ending on September 30, 1995.

(b) REGISTER OF TRAINING PROGRAMS.—Not later than February 1, 1993, the Secretary of Defense, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, shall publish a register of the skill training programs carried out by the Department of Defense. The register shall—

(1) include a list of the skill training programs;

(2) provide information on the location of such programs, the training provided under such programs, and the number of persons who may receive training under such programs; and

(3) identify the programs that provide training in skills that are useful to employees in the civilian work force.

SEC. 4436. SEPARATION PAY.

(a) IN GENERAL.—(1) Subchapter IX of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§5597. Separation pay

"(a) For the purpose of this section—

"(1) the term 'Secretary' means the Secretary of Defense;

"(2) the term 'defense agency' means an agency of the Department of Defense, as further defined under regulations prescribed by the Secretary; and

"(3) the term 'employee' means an employee of a defense agency, serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

"(A) a reemployed annuitant under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government; or

"(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

"(b) In order to avoid or minimize the need for involuntary separations due to a reduction in force, base closure, reorganization, transfer of function, or other similar action affecting 1 or more defense agencies, the Secretary shall establish a program under which separation pay may be offered to encourage eligible employees to separate from service voluntarily (whether by retirement or resignation).

"(c) Under the program, separation pay may be offered by a defense agency only—

"(1) with the prior consent, or on the authority, of the Secretary; and

"(2) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Secretary may require.

"(d) Such separation pay—

"(1) shall be paid in a lump sum;

"(2) shall be equal to the lesser of—

"(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) if the employee were entitled to payment under such section; or

"(B) $25,000;

"(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

"(4) shall not be taken into account for purposes of determining the amount of any severance pay to which an individual may be entitled under section 5595 based on any other separation.

"(e) No amount shall be payable under this section based on any separation occurring after September 30, 1997.

"(f) The Secretary shall prescribe such regulations as may be necessary to carry out this section.".

(2) The table of sections at the beginning of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"5597. Separation pay.".

(b) SOURCE OF PAYMENTS.—(1) For fiscal years after fiscal year 1993, separation pay shall be paid by an agency out of any funds or appropriations available for salaries and expenses of such agency.

(2) Of the amount authorized to be appropriated in section 301(5) for operation and maintenance for the Defense Agencies, $70,000,000 shall be made available for payment of separation pay under section 5597 of title 5, United States Code, as added by subsection (a).

(c) REPORT.—At the end of each of fiscal years 1993 through 1998, the Secretary of Defense shall submit to the President, the Congress, and the Director of the Office of Personnel Management a report on the effectiveness and costs of carrying out the amendments made by this section.

(d) TIMELY PROCESSING OF RETIREMENT BENEFITS.—(1) In order to ensure the timely processing of applications for retirement benefits, under the Civil Service Retirement System or the Federal Employees' Retirement System, for civilian employees of the Department of Defense and other employees who retire when their agency is undergoing a major reorganization, a major reduction in force, or a major transfer of function, the costs incurred by the Office of Personnel Management in processing any such application shall be deemed to be an administrative expense described in section 8348(a)(1)(B) of title 5, United States Code.

(2) This subsection shall apply with respect to applications for retirement benefits based on separations occurring before January 1, 1998.

SEC. 4437. THRIFT SAVINGS PLAN BENEFITS OF EMPLOYEES SEPARATED BY A REDUCTION IN FORCE.

(a) BENEFITS.—Section 8433(b) of title 5, United States Code, is amended by inserting "any employee who separates from Government employment pursuant to regulations under section 3502(a) of this title or procedures under section 3595(a) of this title in a reduction in force," after "chapter 81 of this title,".

(b) PROTECTIONS FOR SPOUSES.—Section 8435(c)(2)(A) of title 5, United States Code, is amended by inserting ", or who separates from Government employment pursuant to regulations under section 3502(a) of this title or procedures under section 3595(a) of this title in a reduction in force," after "8451 of this title".

(c) APPLICATION TO CIVIL SERVICE RETIREMENT SYSTEM EMPLOYEES.—Section 8351(b)(4) of title 5, United States Code, is amended by inserting ", separates from Government employment pursuant to regulations under section 3502(a) of this title or procedures under section 3595(a) of this title in a reduction in force," after "section 8337 of this title)".

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to separations occurring after December 31, 1993, or such earlier date as the Executive Director (appointed under section 8474 of title 5, United States Code) may by regulation prescribe.

SEC. 4438. CONTINUED HEALTH BENEFITS.

(a) IN GENERAL.—Section 8905a(d) of title 5, United States Code, is amended—

(1) in paragraph (1)(A) by striking "An individual" and inserting "Except as provided in paragraph (4), an individual";

(2) in paragraph (2) by striking "in accordance with paragraph (1))" and inserting "in accordance with paragraph (1) or (4), as the case may be)"; and

(3) by adding at the end the following:

"(4)(A) If the basis for continued coverage under this section is an involuntary separation from a position in or under the Department of Defense due to a reduction in force—

"(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and

"(ii) the agency which last employed the individual shall pay the remaining portion of the amount required under paragraph (1)(A).

"(B) This paragraph shall apply with respect to any individual whose continued coverage is based on a separation occurring on or after the date of enactment of this paragraph and before—

"(i) October 1, 1997; or

"(ii) February 1, 1998, if specific notice of such separation was given to such individual before October 1, 1997.".

(b) SOURCE OF PAYMENTS.—(1) Any amount which becomes payable by an agency as a result of the enactment of subsection (a) shall be paid out of funds or appropriations available for salaries and expenses of such agency.

(2) Of the amounts authorized to be appropriated pursuant to section 301, $2,000,000 shall be available for agency payments under section 8905a(d)(4)(A)(ii) of title 5, United States Code, as added by subsection (a).

Subtitle D—Defense Efforts to Relieve Shortages of Elementary and Secondary School Teachers and Teachers' Aides

SEC. 4441. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM FOR SEPARATED MEMBERS OF THE ARMED FORCES.

(a) PLACEMENT PROGRAM.—(1) Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§1151. Assistance to separated members to obtain certification and employment as teachers or employment as teachers' aides

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program—

"(1) to assist eligible members of the armed forces after their separation from active duty to obtain—

"(A) certification or licensure as elementary or secondary school teachers; or

"(B) the credentials necessary to serve as teachers' aides; and

"(2) to facilitate the employment of such members by local educational agencies identified under subsection (b)(2) as experiencing a shortage of teachers or teachers' aides.

"(b) STATES WITH ALTERNATIVE CERTIFICATION REQUIREMENTS AND TEACHER AND TEACHER'S AIDE SHORTAGES.—Upon the establishment of the placement program authorized by subsection (a), the Secretary of Defense, in consultation with the Secretary of Education, shall—

"(1) conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying certification or licensure requirements for teachers;

"(2) periodically request information from States identified under paragraph (1) to identify in these States those local educational agencies that—

"(A) are receiving grants under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

"(B) are also experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, or engineering teachers; and

"(3) periodically request information from all States to identify local educational agencies that—

"(A) are receiving grants under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

"(B) are experiencing a shortage of teachers' aides.

"(c) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the placement program authorized by subsection (a) if the member—

"(A) during the five-year period beginning on October 1, 1992, is discharged or released from active duty after six or more years of continuous active duty immediately before the discharge or release;

"(B) has received—

"(i) in the case of a member applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(ii) in the case of a member applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) satisfies such other criteria for selection as the Secretary may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(3) The Secretary may accept an application from a member who was discharged or released from active duty during the period beginning on October 1, 1990, and ending on October 1, 1992, if the member otherwise satisfies the eligibility criteria specified in paragraph (1).

"(d) INFORMATION REGARDING PLACEMENT PROGRAM.—The Secretary of Defense shall provide information regarding the placement program, and make applications for the program available, to members as part of preseparation counseling provided under section 1142 of this title. The information provided to members shall identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces toward satisfying such requirements, and indicate those local educational agencies identified under subsection (b)(2) as experiencing a shortage of qualified teachers or teachers' aides.

"(e) SELECTION OF PARTICIPANTS.—(1) Selection of members to participate in the placement program authorized by subsection (a) shall be made on the basis of applications submitted to the Secretary of Defense before the date of the discharge or release of the members from active duty. In the case of members referred to in subsection (c)(3), the Secretary shall establish a reasonable time period after the date of the enactment of this section for the submission of applications. An application shall be in such form and contain such information as the Secretary may require.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary shall give priority to members who—

"(A) have educational or military experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational or military experience in another subject area identified by the Sec-

retary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsections (g) and (h) with respect to that member.

"(f) AGREEMENT.—A member selected to participate in the placement program authorized by subsection (a) shall be required to enter into an agreement with the Secretary of Defense in which the member agrees—

"(1) to obtain, within such time as the Secretary may require, certification or licensure as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of a member selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under subsection (b)(2), to begin the school year after obtaining that certification or licensure; or

"(B) in the case of a member selected for assistance for placement as a teacher's aide, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under subsection (b)(3), to begin the school year after obtaining the necessary credentials.

"(g) STIPEND FOR PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall pay to each participant in the placement program a stipend in an amount equal to the lesser of—

"(A) $5,000; or

"(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the participant while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary or secondary school teacher or teacher aide.

"(2) A member who is entitled to benefits under section 1174a or 1175 of this title or is given early retirement under section 4403 of the National Defense Authorization Act for Fiscal Year 1993 shall not be paid a stipend under paragraph (1).

"(3) A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(h) GRANTS TO FACILITATE PLACEMENT.—(1) In the case of a participant in the placement program obtaining teacher certification or licensure, the Secretary of Defense shall offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(2) that employs the participant as a full-time elementary or secondary school teacher after the participant obtains teacher certification or licensure.

"(2) In the case of a participant in the program obtaining credentials to serve as a teacher's aide, the Secretary shall offer to enter into an agreement under this subsection with the first local educational agency identified under subsection (b)(3) that employs the participant as a full-time teacher's aide.

"(3) Under an agreement referred to in paragraph (1) or (2)—

"(A) the local educational agency shall agree to employ the participant full time for not less than two consecutive school years (at a basic salary to be certified to the Secretary) in a school of the local educational agency serving a concentration of children from low-income families; and

"(B) the Secretary shall agree to pay to the local educational agency an amount equal to the lesser of—

"(i) the basic salary to be paid by the local educational agency to the participant during the two years; and

"(ii) $50,000.

"(4) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(5) If a participant leaves the employment of a local educational agency before the end of the two years of required service, the local educational agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the two years of required service.

"(6) The Secretary may not make a grant under this subsection to a local educational agency if the Secretary determines that the agency terminated the employment of another employee in order to fill the vacancy so created with a participant.

"(i) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) If a participant in the placement program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or employment as a teacher's aide as required under the agreement or voluntarily leaves, or is terminated for cause, from the employment during the two years of required service, the participant shall be required to reimburse the Secretary of Defense for any stipend paid to the participant under subsection (g)(1) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the two years of required service.

"(2) The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11 shall not release a participant from the obligation to reimburse the Secretary. Any amount owed by a participant under paragraph (1) shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

"(j) EXCEPTIONS TO REIMBURSEMENT PROVISIONS.—(1) A participant in the placement program shall not be considered to be in violation of an agreement entered into under subsection (f) during any period in which the participant—

"(A) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

"(B) is serving on active duty as a member of the Armed Forces;

"(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

"(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

"(E) is seeking and unable to find full-time employment as a teacher or teacher's aide in an elementary or secondary school for a single period not to exceed 27 months; or

"(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary of Defense.

"(2) A participant shall be excused from reimbursement under subsection (i) if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

"(k) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

"(2) The term 'alternative certification or licensure requirements' means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1151. Assistance to separated members to obtain certification and employment as teachers or employment as teachers' aides.".

(b) INFORMATION REGARDING PLACEMENT PROGRAM IN PRESEPARATION COUNSELING.—Section 1142(b)(4) of such title is amended by inserting before the period the following: "and information regarding the placement program established under section 1151 of this title to assist members obtain employment as elementary or secondary school teachers or teachers' aides.".

SEC. 4442. TEACHER AND TEACHERS' AIDE PLACEMENT PROGRAM FOR TERMINATED DEFENSE EMPLOYEES.

(a) PLACEMENT PROGRAM.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§1598. Assistance to terminated employees to obtain certification and employment as teachers or employment as teachers' aides

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program—

"(1) to assist eligible civilian employees of the Department of Defense and the Department of Energy after the termination of their employment to obtain—

"(A) certification or licensure as elementary or secondary school teachers; or

"(B) the credentials necessary to serve as teachers' aides; and

"(2) to facilitate the employment of such employees by local educational agencies that—

"(A) are receiving grants under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; and

"(B) are also experiencing a shortage of teachers or teachers' aides.

"(b) ELIGIBLE EMPLOYEES.—(1) A civilian employee of the Department of Defense or the Department of Energy shall be eligible for selection by the Secretary of Defense to participate in the placement program authorized by subsection (a) if the employee—

"(A) during the five-year period beginning October 1, 1992, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense or the Secretary of Energy, as the case may be;

"(B) has received—

"(i) in the case of an employee applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(ii) in the case of an employee applying for assistance for placement as a teacher's aide in

an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) The Secretary of Defense may accept an application from a civilian employee referred to in paragraph (1) who was terminated during the period beginning on October 1, 1990, and ending on October 1, 1992, if the employee otherwise satisfies the eligibility criteria specified in that paragraph.

"(c) SELECTION OF PARTICIPANTS.—(1) Selection of civilian employees to participate in the placement program shall be made on the basis of applications submitted to the Secretary of Defense after the employees receive a notice of termination. An application shall be filed within such time, in such form, and contain such information as the Secretary of Defense may require.

"(2) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary of Defense shall give priority to civilian employees who—

"(A) have educational, military, or employment experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational, military, or employment experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(3) The Secretary of Defense may not select a civilian employee to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under the program with respect to that member.

"(d) AGREEMENT.—A civilian employee selected to participate in the placement program shall be required to enter into an agreement with the Secretary of Defense in which the employee agrees—

"(1) to obtain, within such time as the Secretary may require, certification or licensure as an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of an employee selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under section 1151(b)(2) of this title, to begin the school year after obtaining that certification or licensure; or

"(B) in the case of an employee selected for assistance for placement as a teacher's aid, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under section 1151(b)(3) of this title, to begin the school year after obtaining the necessary credentials.

"(e) STIPEND FOR PARTICIPANTS.—(1) Except as provided in paragraph (2), the Secretary of Defense shall pay to each participant in the placement program a stipend in an amount equal to the lesser of—

"(A) $5,000; or

"(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the participant while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary or secondary school teacher or teacher aide.

"(2) A civilian employee selected to participate in the placement program who receives separation pay under section 5597 of title 5 shall not be paid a stipend under paragraph (1).

"(3) A stipend paid under paragraph (1) shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(4) A person who receives a stipend under section 4436 of this title shall not be paid a stipend pursuant to paragraph (1).

"(f) PLACEMENT OF PARTICIPANTS AS TEACHERS AND TEACHERS' AIDES.—Subsections (h) through (k) of section 1151 of this title shall apply with respect to the placement program authorized by this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1598. Assistance to terminated employees to obtain certification and employment as teachers or employment as teachers' aides.".

SEC. 4443. TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAM FOR DISPLACED SCIENTISTS AND ENGINEERS OF DEFENSE CONTRACTORS.

(a) PLACEMENT PROGRAM.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410c. Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides

"(a) ASSISTANCE PROGRAM.—The Secretary of Defense may enter into a cooperative agreement with a defense contractor in order—

"(1) to assist an eligible scientist or engineer employed by the contractor whose employment is terminated to obtain—

"(A) certification or licensure as an elementary or secondary school teacher; or

"(B) the credentials necessary to serve as a teacher's aide; and

"(2) to facilitate the employment of the scientist or engineer by a local educational agency that—

"(A) is receiving a grant under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as a result of having within its jurisdiction concentrations of children from low-income families; and

"(B) is also experiencing a shortage of teachers or teachers' aides.

"(b) ELIGIBLE DEFENSE CONTRACTORS.—(1) The Secretary of Defense shall establish an application and selection process for the participation of defense contractors in a cooperative agreement authorized under subsection (a).

"(2) The Secretary shall determine which defense contractors are eligible to participate in the placement program on the basis of applications submitted under subsection (c). The Secretary shall limit participation to those defense contractors or subcontractors that—

"(A) produce goods or services for the Department of Defense pursuant to a defense contract or operate nuclear weapons manufacturing facilities for the Department of Energy; and

"(B) have recently reduced operations, or are likely to reduce operations, due to the completion or termination of a defense contract or program or by reductions in defense spending.

"(3) The Secretary shall give special consideration to defense contractors who are located in areas that have been hit particularly hard by reductions in defense spending.

"(c) DEFENSE CONTRACTOR APPLICATIONS.—(1) A defense contractor desiring to enter into a cooperative agreement with the Secretary of Defense under subsection (a) shall submit an application to the Secretary containing the following:

"(A) Evidence that the contractor has been, or is expected to be, adversely affected by the completion or termination of a defense contract or program or by reductions in defense spending.

"(B) An explanation that scientists and engineers employed by the contractor have been terminated, laid off, or retired, or are likely to be terminated, laid off, or retired, as a result of the completion or termination of a defense contract or program or reductions in defense spending.

"(C) A description of programs implemented or proposed by the contractor to assist these scientists and engineers.

"(D) A commitment to help fund the costs associated with the placement program by paying 50 percent of the stipend provided under subsection (g) to an employee or former employee of the contractor selected to receive assistance under this section.

"(2) Once a cooperative agreement is entered into under subsection (a) between the Secretary and the defense contractor, the contractor shall publicize the program and distribute applications to prospective participants, and assist the prospective participants with the State screening process.

"(d) ELIGIBLE SCIENTISTS AND ENGINEERS.—An individual shall be eligible for selection by the Secretary of Defense to receive assistance under this section if the individual—

"(1) is employed or has been employed for not less than five years as a scientist or engineer with a private defense contractor that has entered into an agreement under subsection (a);

"(2) has received—

"(A) in the case of an individual applying for assistance for placement as an elementary or secondary school teacher, a baccalaureate or advanced degree from an accredited institution of higher education; or

"(B) in the case of an individual applying for assistance for placement as a teacher's aide in an elementary or secondary school, an associate, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(3) has been terminated or laid off (or received notice of termination or lay off) as a result of the completion or termination of a defense contract or program or reductions in defense spending; and

"(4) satisfies such other criteria for selection as the Secretary may prescribe.

"(e) SELECTION OF PARTICIPANTS.—(1) In selecting participants to receive assistance for placement as elementary or secondary school teachers, the Secretary shall give priority to individuals who—

"(A) have educational, military, or employment experience in science, mathematics, or engineering and agree to seek employment as science, mathematics, or engineering teachers in elementary or secondary schools; or

"(B) have educational, military, or employment experience in another subject area identified by the Secretary, in consultation with the Secretary of Education, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

"(2) The Secretary may not select an individual under this section unless the Secretary has sufficient appropriations to carry out this section available at the time of the selection to satisfy the obligations to be incurred by the United States under this section with respect to that individual.

"(f) AGREEMENT.—An individual selected under this section shall be required to enter into an agreement with the Secretary in which the participant agrees—

"(1) to obtain, within such time as the Secretary may require, certification or licensure as

an elementary or secondary school teacher or the necessary credentials to serve as a teacher's aide in an elementary or secondary school; and

"(2) to accept—

"(A) in the case of an individual selected for assistance for placement as a teacher, an offer of full-time employment as an elementary or secondary school teacher for not less than two school years with a local educational agency identified under section 1151(b)(2) of this title, to begin the school year after obtaining that certification or licensure; or

"(B) in the case of an individual selected for assistance for placement as a teacher's aid, an offer of full-time employment as a teacher's aide in an elementary or secondary school for not less than two school years with a local educational agency identified under section 1151(b)(3) of this title, to begin the school year after obtaining the necessary credentials.

"(g) STIPEND FOR PARTICIPANTS.—(1) The Secretary of Defense shall pay to each participant in the placement program a stipend in an amount equal to the lesser of—

"(A) $5,000; or

"(B) the total costs of the type described in paragraphs (1), (2), (3), (8), and (9) of section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll) incurred by the participant while obtaining teacher certification or licensure or the necessary credentials to serve as a teacher's aide and employment as an elementary or secondary school teacher or teacher aide.

"(2) A stipend provided under this section shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(h) PLACEMENT OF PARTICIPANTS AS TEACHERS AND TEACHERS' AIDES.—Subsections (h) through (k) of section 1151 of this title shall apply with respect to the placement as teachers and teachers' aides of individuals selected under this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2410c. Displaced contractor employees: assistance to obtain certification and employment as teachers or employment as teachers' aides.".

SEC. 4444. FUNDING FOR FISCAL YEAR 1993.

Of the amount authorized to be appropriated in section 301(5), $65,000,000 shall be available for the teacher and teacher's aide placement programs authorized by sections 1151, 1598, and 2410c of title 10, United States Code, as added by this subtitle.

Subtitle E—Environmental Education and Retraining Provisions

SEC. 4451. ENVIRONMENTAL SCHOLARSHIP AND FELLOWSHIP PROGRAMS FOR THE DEPARTMENT OF DEFENSE.

(a) ESTABLISHMENT.—The Secretary of Defense (hereinafter in this section referred to as the "Secretary") may conduct scholarship and fellowship programs for the purpose of enabling individuals to qualify for employment in the field of environmental restoration or other environmental programs in the Department of Defense.

(b) ELIGIBILITY.—To be eligible to participate in the scholarship or fellowship program, an individual must—

(1) be accepted for enrollment or be currently enrolled as a full-time student at an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(2) be pursuing a program of education that leads to an appropriate higher education degree in engineering, biology, chemistry, or another qualifying field related to environmental activities, as determined by the Secretary;

(3) sign an agreement described in subsection (c);

(4) be a citizen or national of the United States or be an alien lawfully admitted to the United States for permanent residence; and

(5) meet any other requirements prescribed by the Secretary.

(c) AGREEMENT.—An agreement between the Secretary and an individual participating in a scholarship or fellowship established in subsection (a) shall be in writing, shall be signed by the individual, and shall include the following provisions:

(1) The agreement of the Secretary to provide the individual with educational assistance for a specified number of school years (not to exceed 5 years) during which the individual is pursuing a course of education in a qualifying field. The assistance may include payment of tuition, fees, books, laboratory expenses, and (in the case of a fellowship) a stipend.

(2) The agreement of the individual to perform the following:

(A) Accept such educational assistance.

(B) Maintain enrollment and attendance in the educational program until completed.

(C) Maintain, while enrolled in the educational program, satisfactory academic progress as prescribed by the institution of higher education in which the individual is enrolled.

(D) Serve, upon completion of the educational program and selection by the Secretary under subsection (e), as a full-time employee in an environmental restoration or other environmental position in the Department of Defense for the applicable period of service specified in subsection (d).

(d) PERIOD OF SERVICE.—The period of service required under subsection (c)(2)(D) is as follows:

(1) For an individual who completes a bachelor's degree under a scholarship program established under subsection (a), a period of 12 months for each school year or part thereof for which the individual is provided a scholarship under the program.

(2) For an individual who completes a master's degree or other post-graduate degree under a fellowship program established under subsection (a), a period of 24 months for each school year or part thereof for which the individual is provided a fellowship under the program.

(e) SELECTION FOR SERVICE.—The Secretary shall annually review the number and performance under the agreement of individuals who complete educational programs during the preceding year under any scholarship and fellowship programs conducted pursuant to subsection (a). From among such individuals, the Secretary shall select individuals for environmental positions in the Department of Defense, based on the type and availability of such positions.

(f) REPAYMENT.—(1) Any individual participating in a scholarship or fellowship program under this section shall agree to pay to the United States the total amount of educational assistance provided to the individual under the program, plus interest at the rate prescribed in paragraph (4), if—

(A) the individual does not complete the educational program as agreed to pursuant to subsection (c)(2)(B), or is selected by the Secretary under subsection (e) but declines to serve, or fails to complete the service, in a position in the Department of Defense as agreed to pursuant to subsection (c)(2)(D); or

(B) the individual is involuntarily separated for cause from the Department of Defense before the end of the period for which the individual has agreed to continue in the service of the Department of Defense.

(2) If an individual fails to fulfill the agreement of the individual to pay to the United States the total amount of educational assistance provided under a program established under subsection (a), plus interest at the rate prescribed in paragraph (4), a sum equal to the amount of the educational assistance (plus such interest, if applicable) shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the Department of Defense or other Federal agency, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method provided by law for the recovery of amounts owing to the United States.

(3) The Secretary may waive in whole or in part a required repayment under this subsection if the Secretary determines the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of educational assistance provided to an individual under a program established under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(g) PREFERENCE.—In evaluating applicants for the award of a scholarship or fellowship under a program established under subsection (a), the Secretary shall give a preference to—

(1) individuals who are, or have been, employed by the Department of Defense or its contractors and subcontractors who have been engaged in defense-related activities; and

(2) individuals who are or have been members of the Armed Forces.

(h) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under this section shall be taken into account in determining the eligibility of the individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(i) AWARD OF SCHOLARSHIPS AND FELLOWSHIPS.—The Secretary may award to qualified applicants not more than 100 scholarships (for undergraduate students) and not more than 30 fellowships (for graduate students) in fiscal year 1993.

(j) REPORT TO CONGRESS.—Not later than January 1, 1994, the Secretary shall submit to the Congress a report on activities undertaken under the programs established under subsection (a) and recommendations for future activities under the programs.

(k) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301(5)—

(1) $7,000,000 shall be available to carry out the scholarship and fellowship programs established in subsection (a); and

(2) $3,000,000 shall be available to provide training to Department of Defense personnel to obtain the skills required to comply with existing environmental statutory and regulatory requirements.

SEC. 4452. GRANTS TO INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE TRAINING IN ENVIRONMENTAL RESTORATION AND HAZARDOUS WASTE MANAGEMENT.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense may establish a program to assist institutions of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), to provide education and training in environmental restoration and hazardous waste management.

(b) FINANCIAL ASSISTANCE.—The Secretary may award grants to such institutions under the program established under subsection (a).

(c) ELIGIBILITY AND SELECTION.—(1) To be eligible for financial assistance under this section,

such an institution shall submit to the Secretary a proposal for such assistance in the time and manner and containing the information required by the Secretary.

(2) The Secretary shall, pursuant to a merit-based selection process, select such institutions to receive funding under a program established under this section based upon—

(A) the proposal of such an institution to provide expertise, training, and education in environmental restoration and hazardous waste management and other environmental fields applicable to defense manufacturing sites and Department of Defense and Department of Energy defense facilities; and

(B) any other criteria prescribed by the Secretary.

(d) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301(5), $10,000,000 shall be available to carry out the program established under subsection (a).

Subtitle F—Job Training and Employment and Educational Opportunities

SEC. 4461. IMPROVED COORDINATION OF JOB TRAINING AND PLACEMENT PROGRAMS FOR MEMBERS OF THE ARMED FORCES.

The Secretary of Defense shall consult with the Secretary of Labor, the Secretary of Education, the Secretary of Veterans Affairs, and the Economic Adjustment Committee to improve the coordination of, and eliminate duplication between, the following job training and placement programs available to members of the Armed Forces who are discharged or released from active duty:

(1) The Job Training Partnership Act (29 U.S.C. 1501 et seq.).

(2) Sections 1143 and 1144 of title 10, United States Code.

(3) Chapter 41 of title 38, United States Code.

(4) The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.).

(5) The Act of August 16, 1937 (Chapter 663; 50 Stat 664; 29 U.S.C. 50 et seq.), commonly known as the National Apprenticeship Act.

(6) The Wagner-Peyser Act (29 U.S.C. 49 et seq.)

SEC. 4462. ENCOURAGEMENT FOR CONTINUING PUBLIC AND COMMUNITY SERVICE.

(a) PERMANENT PROGRAM.—(1) Chapter 58 of title 10, United States Code, is amended by inserting after section 1143 the following new section:

"§1143a. Encouragement of postseparation public and community service: Department of Defense

"(a) IN GENERAL.—The Secretary of Defense shall implement a program to encourage members and former members of the armed forces to enter into public and community service jobs after discharge or release from active duty.

"(b) PERSONNEL REGISTRY.—The Secretary shall maintain a registry of members and former members of the armed forces discharged or released from active duty who request registration for assistance in pursuing public and community service job opportunities. The registry shall include information on the particular job skills, qualifications, and experience of the registered personnel.

"(c) REGISTRY OF PUBLIC SERVICE AND COMMUNITY SERVICE ORGANIZATIONS.—The Secretary shall also maintain a registry of public service and community service organizations. The registry shall contain information regarding each organization, including its location, its size, the types of public and community service positions in the organization, points of contact, procedures for applying for such positions, and a description of each such position that is likely to be available. Any such organization may request registration under this subsection and, subject to guidelines prescribed by the Secretary, be registered.

"(d) ASSISTANCE TO BE PROVIDED.—(1) The Secretary shall actively attempt to match personnel registered under subsection (b) with public and community service job opportunities and to facilitate job-seeking contacts between such personnel and the employers offering the jobs.

"(2) The Secretary shall offer personnel registered under subsection (b) counselling services regarding—

"(A) public service and community service organizations; and

"(B) procedures and techniques for qualifying for and applying for jobs in such organizations.

"(3) The Secretary may provide personnel registered under subsection (b) with access to the interstate job bank program of the United States Employment Service if the Secretary determines that such program meets the needs of separating members of the armed forces for job placement.

"(e) CONSULTATION REQUIREMENT.—In carrying out this section, the Secretary shall consult closely with the Secretary of Labor, the Secretary of Veterans Affairs, the Secretary of Education, the Director of the Office of Personnel Management, appropriate representatives of State and local governments, and appropriate representatives of businesses and nonprofit organizations in the private sector.

"(f) DELEGATION.—The Secretary, with the concurrence of the Secretary of Labor, may designate the Secretary of Labor as the executive agent of the Secretary of Defense for carrying out all or part of the responsibilities provided in this section. Such a designation does not relieve the Secretary of Defense from the responsibility for the implementation of the provisions of this section.

"(g) DEFINITIONS.—In this section, the term 'public service and community service organization' includes the following organizations:

"(1) Any organization that provides the following services:

"(A) Elementary, secondary, or postsecondary school teaching or administration.

"(B) Support of such teaching or school administration.

"(C) Law enforcement.

"(D) Public health care.

"(E) Social services.

"(F) Any other public or community service.

"(2) Any nonprofit organization that coordinates the provision of services described in paragraph (1).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1143 the following new item:

"1143a. Encouragement of postseparation public and community service: Department of Defense.".

(b) DEPARTMENT OF VETERANS AFFAIRS RESPONSIBILITIES.—Section 1142(b)(4) of title 10, United States Code, is amended by inserting before the period at the end the following: ", including the public and community service jobs program carried out under section 1143a of this title".

(c) PRESEPARATION ASSISTANCE BY THE DEPARTMENT OF LABOR.—Section 1144(b) of such title is amended by adding at the end the following new paragraph:

"(8) Provide information regarding the public and community service jobs program carried out under section 1143a of this title.".

SEC. 4463. PROGRAM OF EDUCATIONAL LEAVE RELATING TO CONTINUING PUBLIC AND COMMUNITY SERVICE.

(a) PROGRAM.—Under regulations prescribed by the Secretary of Defense after consultation with the Secretary of Transportation and subject to subsections (b) and (c), the Secretary concerned may grant to an eligible member of the Armed Forces a leave of absence for a period not to exceed one year for the purpose of permitting the member to pursue a program of education or training (including an internship) for the development of skills that are relevant to the performance of public and community service. A program of education or training referred to in the preceding sentence includes any such program that is offered by the Department of Defense or by any civilian educational or training institution.

(b) ELIGIBILITY REQUIREMENT.—(1) A member may not be granted a leave of absence under this section unless the member agrees in writing—

(A) diligently to pursue employment in public service and community service organizations upon the separation of the member from active duty in the Armed Forces; and

(B) to serve in the Ready Reserve of an armed force, upon such separation, for a period of 4 months for each month of the period of the leave of absence.

(2)(A) A member may not be granted a leave of absence under this section until the member has completed any period of extension of enlistment or reenlistment, or any period of obligated active duty service, that the member has incurred under section 708 of title 10, United States Code.

(B) The Secretary concerned may waive the limitation in subparagraph (A) for a member who enters into an agreement with the Secretary for the member to serve in the Ready Reserve of a reserve component for a period equal to the uncompleted portion of the member's period of service referred to in that subparagraph. Any such period of agreed service in the Ready Reserve shall be in addition to any other period that the member is obligated to serve in a reserve component.

(c) TREATMENT OF LEAVE OF ABSENCE.—A leave of absence under this section shall be subject to the provisions of subsections (c) and (d) of section 708 of title 10, United States Code.

(d) EXCLUSION FROM END STRENGTH LIMITATION.—A member of the Armed Forces, while on leave granted pursuant to this section, may not be counted for purposes of any provision of law that limits the active duty strength of the member's armed force.

(e) DEFINITIONS.—In this section:

(1) The term "Secretary concerned" has the meaning given such term in section 101 of title 10, United States Code.

(2) The term "eligible member of the Armed Forces" means a member of the Armed Forces who is eligible for an educational leave of absence under section 708(e) of such title.

(3) The term "public service and community service organization" has the meaning given such term in section 1143a of such title (as added by section 531(a)).

(f) EXPIRATION.—The authority to grant a leave of absence under subsection (a) shall expire on September 30, 1995.

SEC. 4464. INCREASED EARLY RETIREMENT RETIRED PAY FOR PUBLIC OR COMMUNITY SERVICE.

(a) RECOMPUTATION OF RETIRED PAY.—(1) If a member or former member of the Armed Forces retired under section 4403(a) or any other provision of law authorizing retirement from the Armed Forces (other than for disability) before the completion of at least 20 years of active duty service (as computed under the applicable provision of law) is employed by a public service or community service organization listed on the registry maintained under section 1143a(c) of title 10, United States Code (as added by section 4462(a)), within the period of the member's enhanced retirement qualification period, the member's or former member's retired or retainer pay shall be recomputed effective on the first day of the first month beginning after the date *on which the member or former member attains 62 years of age.*

(2) For purposes of recomputing a member's or former member's retired pay—

(A) the years of the member's or former member's employment by a public service or community service organization referred to in paragraph (1) during the member's or former member's enhanced retirement qualification period shall be treated as years of active duty service in the Armed Forces; and

(B) in applying section 1401a of title 10, United States Code, the member's or former member's years of active duty service shall be deemed as of the date of retirement to have included the years of employment referred to in subparagraph (A).

(3) Section 1405(b) of title 10, United States Code, shall apply in determining years of service under this subsection.

(4) In this subsection, the term "enhanced retirement qualification period", with respect to a member or former member retired under a provision of law referred to in paragraph (1), means the period beginning on the date of the retirement of the member or former member and ending the number of years (including any fraction of a year) after that date which when added to the number of years (including any fraction of a year) of service credited for purposes of computing the retired pay of the member or former member upon retirement equals 20 years.

(b) SBP ANNUITIES.—(1) Effective on the first day of the first month after a member or former member of the Armed Forces retired under a provision of law referred to in subsection (a)(1) attains 62 years of age or, in the event of death before attaining that age, would have attained that age, the base amount applicable under section 1447(2) of title 10, United States Code, to any Survivor Benefit Plan annuity provided by that member or former member shall be recomputed. For the recomputation the total years (including any fraction of a year) of the member's or former member's active service shall be treated as having included the member's or former member's years (including any fraction of a year) of employment referred to in subsection (a)(1) as of the date when the member or former member became eligible for retired pay under this section.

(2) In this subsection, the term "Survivor Benefit Plan" means the plan established under subchapter II of chapter 73 of title 10, United States Code.

SEC. 4465. TRAINING, ADJUSTMENT ASSISTANCE, AND EMPLOYMENT SERVICES FOR DISCHARGED MILITARY PERSONNEL, TERMINATED DEFENSE EMPLOYEES, AND DISPLACED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) IN GENERAL.—Title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.) is amended by inserting after section 325 the following new section:

"SEC. 325A. DEFENSE DIVERSIFICATION PROGRAM.

"(a) IN GENERAL.—From the amount made available under section 4465(c) of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, the Secretary of Defense, in consultation with the Secretary of Labor, may make grants to States, substate grantees, employers, representatives of employees, labor-management committees, and other employer-employee entities to provide for training, adjustment assistance, and employment services to eligible individuals described in subsection (b) and to develop plans for defense diversification or conversion assistance to affected facilities located within an area directly affected by reductions in expenditures by the United States for defense or by closures of United States military facilities.

"(b) INDIVIDUALS ELIGIBLE FOR TRAINING, ASSISTANCE, AND SERVICES.—

"(1) CERTAIN MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

"(A) was on active duty or full-time National Guard duty on September 30, 1990;

"(B) during the 5-year period beginning on that date—

"(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

"(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

"(C) is not entitled to retired or retainer pay incident to that separation; and

"(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

"(2) CERTAIN DEFENSE EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

"(i) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

"(ii) is not entitled to retired or retainer pay incident to that termination or lay off.

"(B) SPECIAL RULE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—

"(i) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in clause (ii) shall be eligible for training, adjustment assistance, and employment services under this section beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under clause (iii), whichever occurs earlier.

"(ii) CERTAIN DEFENSE LAWS.—The laws referred to in this clause are—

"(I) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

"(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(iii) DATE.—The date determined under this clause is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.

"(3) CERTAIN DEFENSE CONTRACTOR EMPLOYEES.—An employee of a private defense contractor shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

"(A) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

"(B) is not entitled to retired or retainer pay incident to that termination.

"(c) APPLICATION REQUIREMENTS.—

"(1) IN GENERAL.—To receive a grant under subsection (a), an applicant shall submit to the Secretary of Defense an application which contains such information as the Secretary may require and which meets the following requirements:

"(A) CONSULTATION.—

"(i) IN GENERAL.—(I) In the case of an applicant other than a State, such applicant shall submit an application to the Secretary of Defense developed in consultation with the State, and, where appropriate, in consultation with the labor-management committee or other employer-employee entity established pursuant to subparagraph (C)(ii) at the affected facility and in consultation with representatives from the Department of Defense.

"(II) Prior to the submission of an application under subclause (I) to the Secretary of Defense, the applicant shall submit the application to the State for review. The State shall have 30 calendar days to review the application. The applicant may submit the application to the Secretary after the date on which the State completes its review of the application or upon expiration of the 30 calendar days, whichever occurs first.

"(ii) STATES.—In the case of an applicant that is a State, such State shall submit an application to the Secretary of Defense developed in consultation with appropriate substate grantees, and, where appropriate, in consultation with the labor-management committee or other employer-employee entity established pursuant to subparagraph (C)(ii) at the affected facility and in consultation with representatives from the Department of Defense.

"(B) CONTENTS OF APPLICATION.—An application shall contain a local labor market analysis, a general assessment of basic skills, career interests, income needs, and strategies necessary for the training and placement of the population that may be served, and, where appropriate—

"(i) a preliminary outline of a program to convert the affected defense base or facility;

"(ii) preliminary plant or military base conversion proposals, and proposals for the effective use or conversion of surplus Federal property; and

"(iii) assurances that the applicant will coordinate the activities and services provided under this section with the Office of Economic Adjustment and other relevant agencies.

"(C) PROVISION OF STATE DISLOCATED WORKER SERVICES.—The applicant shall provide verification that the State dislocated worker unit has provided, or is in the process of providing, in addition to the services described in section 311(b)(3) and 314(b), the following activities and services:

"(i) The State dislocated worker unit, in conjunction with the substate grantee (and where appropriate, representatives from the Department of Defense), has established on-site contact with employers and employee representatives affected by a dislocation or potential dislocation of eligible individuals, preferably not later than 2 business days after notification of such dislocation.

"(ii) The State dislocated worker unit has promoted the formation of a labor-management committee or other employer-employee entity in the case of a facility affected by an employee dislocation or potential dislocation in accordance with section 314(b)(1)(B), including the provision of technical assistance and, where appropriate, financial assistance to cover the start-up costs of such committee.

"(iii) The State dislocated worker unit has provided, in conjunction with the labor-management committee or other employer-employee en-

tity established pursuant to clause (ii), the following services:

"(I) An initial survey of potential eligible individuals to determine the approximate number of such individuals interested in receiving services under this section, orientation sessions, counseling services, and early intervention services for eligible individuals and management. Such services may be provided in coordination with representatives from the United States Employment Service, the Interstate Job Bank, the Department of Defense, and the National Occupational Information Coordinating Committee.

"(II) Initial basic readjustment services in conjunction with such services provided by substate grantees.

"(D) SKILLS UPGRADING.—The applicant shall provide assurances satisfactory to the Secretary of Defense that if the applicant uses amounts from a grant under subsection (a) for skills upgrading at defense facilities pursuant to subsection (f)(2), the applicant will maintain its expenditures from all other sources for skills upgrading at or above the average level of such expenditures in the fiscal year preceding the date of the enactment of this section.

"(2) TECHNICAL ASSISTANCE.—The Secretary of Defense may provide technical assistance to an applicant for the purpose of assisting the applicant to meet the application requirements under paragraph (1).

"(3) TIMELY DECISION.—The Secretary of Defense shall make a determination with regard to an application received under paragraph (1) not later than 30 calendar days after the date on which the Secretary receives the application.

"(4) TIMELY NOTIFICATION.—The Secretary of Defense shall provide timely written notification to an applicant upon determination by the Secretary that the applicant has not satisfied the requirements under paragraph (1).

"(d) SELECTION REQUIREMENTS.—

"(1) IN GENERAL.—In reviewing applications for grants under subsection (a), the Secretary of Defense—

"(A) in consultation with the Secretary of Labor, shall not approve an application for a grant unless the application contains assurances that the applicant will use amounts from a grant to provide needs-related payments in accordance with subsection (i);

"(B) shall select applications from areas most severely impacted by the reduction in defense expenditures and base closures, particularly areas with existing high poverty levels or existing high unemployment levels; and

"(C) shall select applications from areas which have the greatest number of eligible individuals, taking into account the ratio of eligible individuals in the affected community to the population of such community.

"(2) PRIORITY.—In reviewing applications for grants under subsection (a), the Secretary of Defense shall give priority to each of the following:

"(A) Applications received from substate grantees.

"(B) Applications received from any applicant on behalf of affected employers in a similar defense-related industry or on behalf of a single employer with multiple bases or plants within a State.

"(C) Applications demonstrating employer-employee cooperation, including the participation of labor-management committees or other employer-employee entities.

"(e) RETENTION OF PORTION OF GRANT AMOUNT BY SECRETARY OF DEFENSE.—

"(1) PORTION RELATING TO GENERAL APPLICATION REQUIREMENTS.—Subject to paragraph (2), the Secretary of Defense shall retain 25 percent of the amount of a grant awarded under subsection (a) and shall disburse the amount to the applicant not later than 90 days after the date on which the Secretary determines that the applicant is satisfactorily implementing the plans and strategies described in subsection (c)(1)(B).

"(2) PORTION RELATING TO STATE DISLOCATED WORKER SERVICES.—The Secretary of Defense shall retain up to 20 percent of the amount retained under paragraph (1) (not to exceed $50,000) and shall disburse the amount to the State dislocated worker unit not later than 90 days after the date on which the Secretary determines that the applicant has provided verification that such unit has satisfactorily provided the activities and services described in subsection (c)(1)(C). The amount disbursed under the preceding sentence shall be used to reimburse such unit for expenses incurred in providing such activities and services.

"(f) USE OF FUNDS.—Subject to the requirements of subsections (g), (h), (i), and (j), grants under subsection (a) may be used only for the following purposes:

"(1) Any purpose for which funds may be used under section 314 or this section.

"(2) Skills upgrading, which may be provided to—

"(A) individuals who are employed in non-managerial positions, including individuals in such positions who have received notice of termination or lay off, if such upgrading—

"(i) is integral to the conversion of a defense facility and necessary to prevent a closure or mass layoff which would result in the termination or layoff of such individuals; and

"(ii) is to replace or update obsolete skills of such individuals with marketable skills; and

"(B) individuals who have received notice of termination or lay off from non-managerial positions, including individuals who have been terminated or laid off from such positions, if such upgrading is to replace or update obsolete skills of such individuals with marketable skills, without which reemployment in a high demand occupation or industry would be unlikely.

"(3) The development and introduction of high performance workplace systems, employee and participative management systems, and workforce participation in the evaluation, selection, and implementation of new production technologies.

"(g) LIMITATION.—Not more than 20 percent of amounts received from a grant under subsection (a) shall be used for administration, conversion planning activities, and the activities described in subsection (f)(3).

"(h) ADJUSTMENT ASSISTANCE REQUIREMENTS.—The adjustment assistance requirements described in section 326(e) shall apply for purposes of grants made under subsection (a) for adjustment assistance.

"(i) NEEDS-RELATED PAYMENTS REQUIREMENTS.—The Secretary of Defense shall prescribe regulations with respect to the use of funds from grants under subsection (a) for needs-related payments in accordance with the requirements described in section 326(f) in order to enable eligible individuals to complete training or education programs. Priority for needs-related payments shall be given to eligible individuals participating in certificate or degree awarding vocational training or education programs of 1 year or more.

"(j) DEPARTMENT OF DEFENSE FINANCIAL ASSISTANCE REQUIREMENT.—The Secretary of Defense, in consultation with the Secretary of Labor, shall prescribe regulations to ensure that student financial assistance authorized under programs for employees of the Department of Defense and veterans is provided prior to adjustment assistance under subsection (h), needs-related payments under subsection (i), and any other student financial assistance provided under Federal law.

"(k) DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—In carrying out the grant program established under subsection (a), the Secretary of Defense, in consultation with the Secretary of Labor, may make grants to the entities referred to in that subsection for the purpose of developing demonstration projects to encourage and promote innovative responses to the dislocation resulting from reductions in expenditures by the United States for defense or by the closure of United States military installations. Such demonstration projects may include—

"(A) projects to assist in retraining efforts designed to address the needs of individuals who have received notice of termination or lay off and individuals who have been terminated or laid off in communities affected by such reductions or closures;

"(B) projects to assist in retraining and reorganization efforts designed to avert layoffs that would otherwise occur as a result of such reductions or closures; and

"(C) projects to assist communities in addressing and reducing the impact of such economic dislocation.

"(2) LIMITATION.—Not more than 10 percent of the funds available to the Secretary of Defense to carry out this section for any fiscal year may be used to carry out the projects established under paragraph (1).

"(l) DEFINITIONS.—For purposes of this section, the following definitions apply:

"(1) LABOR-MANAGEMENT COMMITTEE.—The term 'labor-management committee'—

"(A) has the meaning given such term in section 301(b)(1); and

"(B) includes a committee established at a military installation to assist members of the Armed Forces who are being separated and civilian employees of the Department of Defense and the Department of Energy who are being terminated.

"(2) DEFENSE CONTRACTOR.—The term 'defense contractor' means a private person producing goods or services pursuant to—

"(A) one or more defense contracts which have a total amount not less than $500,000 entered into with the Department of Defense; or

"(B) one or more subcontracts entered into in connection with a defense contract and which have a total amount not less than $500,000.".

(b) AUTHORITY TO TRANSFER FUNCTIONS.—The Secretary of Defense may transfer any function of such Secretary under the amendment made by subsection (a) to the Secretary of Labor. Whenever such a transfer is made, any funds available to the Secretary of Defense for the performance of such function shall be transferred to the appropriate accounts of the Department of Labor.

(c) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301 for Defense Agencies, $75,000,000 shall be available to carry out section 325A of the Job Training Partnership Act, as added by subsection (a).

(d) TECHNICAL AMENDMENT.—The table of contents of the Job Training Partnership Act is amended by inserting after the item relating to section 325 the following new item:

"Sec. 325A. Defense Diversification Program.".

SEC. 4466. PARTICIPATION OF DISCHARGED MILITARY PERSONNEL IN UPWARD BOUND PROJECTS TO PREPARE FOR COLLEGE.

(a) PROGRAM.—The Secretary of Defense may carry out a program to assist a member of the Armed Forces described in subsection (b) who is accepted to participate in an upward bound project assisted under section 402C of the Higher Education Act of 1965 (20 U.S.C. 1070a–13) to cover the cost of providing services through the project to the member to assist the member to prepare for and pursue a program of higher education upon separation from active duty. Assistance provided under the program may include a stipend provided under subsection (d) of such section.

(b) ELIGIBLE MEMBERS.—A member of the Armed Forces shall be eligible for assistance under subsection (a) if the member—

(1) was on active duty or full-time National Guard duty on September 30, 1990;

(2) during the five-year period beginning on that date, was or is discharged or released from such duty (under other than adverse circumstances); and

(3) submits an application to the Secretary of Defense within such time, in such form, and containing such information as the Secretary of Defense may require.

(c) NOTIFICATION OF MEMBERS PREVIOUSLY SEPARATED.—To the extent feasible, the Secretary of Defense shall notify members of the Armed Forces who, between September 30, 1990, and the date of the enactment of this Act, were discharged or released from active duty or full-time National Guard duty regarding the availability of the program under subsection (a). The Secretary may establish a time limit within which such members may apply to participate in the program.

(d) PROVISION OF ASSISTANCE.—

(1) DETERMINATION OF AMOUNT.—The amount of assistance provided under subsection (a) to a member of the Armed Forces shall be equal to the anticipated cost of providing services to the member through an upward bound project, subject to the limitation that such amount may not exceed the monthly basic pay to which the member is entitled at the time of the separation of the member. The Secretary of Defense may provide assistance in excess of that limitation if the Secretary determines, on a case by case basis, that such assistance is warranted by the special training needs of the member.

(2) CONSULTATION.—The Secretary of Education may assist the Secretary of Defense in determining the amount to be provided under paragraph (1).

(e) USE OF ASSISTANCE.—A member of the Armed Forces who is selected to participate in the program may receive services through any upward bound project assisted under section 402C of the Higher Education Act of 1965 (20 U.S.C. 1070a–13) to the same extent as other individuals eligible to receive such services. A member may not participate after the end of the two-year period beginning on the date on which the member is discharged or released from active duty, except that, in the case of a member described in subsection (b) who was discharged or released from active duty before the date of the enactment of this Act, the period for participation in the program shall be two years from the date of the enactment of this Act.

(f) REIMBURSEMENT.—Upon submission to the Secretary of Defense of a request for reimbursement of the costs to provide services to a participant, the Secretary shall reimburse the upward bound project submitting the request for the actual cost of providing services (including a stipend) to the member, not to exceed the amount provided under subsection (d)(1). Funds provided under this subsection shall be in addition to the funds otherwise provided to the project under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.). Not more than 10 percent of the funds provided under this subsection may be used for administrative costs.

(g) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301 for Defense Agencies, $5,000,000 shall be available to provide assistance under this section.

SEC. 4467. IMPROVEMENTS TO EMPLOYMENT AND TRAINING ASSISTANCE FOR DISLOCATED WORKERS UNDER THE JOB TRAINING PARTNERSHIP ACT.

(a) ADDITIONAL STATE DISLOCATED WORKER UNIT ASSISTANCE REQUIREMENTS.—Section 311(b) of the Job Training Partnership Act (29 U.S.C. 1661(b)) is amended—

(1) in paragraph (3)(D), by inserting before the semicolon at the end the following: ", including immediate notification to substate grantees of current or projected permanent closures or substantial layoffs in the substate area of such grantee to continue and expand the services initiated by the rapid response teams";

(2) in paragraph (9), by striking out "on the plan; and" and inserting in lieu thereof "on the plan;";

(3) in paragraph (10), by striking out the period at the end and inserting in lieu thereof a semicolon; and

(4) by adding at the end the following new paragraphs:

"(11) the State unit will provide the Secretary with a cost breakdown of all funds made available under this title used by such unit for administrative expenditures; and

"(12) the State will not transfer the responsibility for the rapid response assistance functions of the State unit under section 314(b) to another entity, but the State may contract with another entity to perform rapid response assistance services.".

(b) OVERSIGHT BY SECRETARY OF RAPID RESPONSE ASSISTANCE SERVICES.—Section 314(b) of such Act (29 U.S.C. 1661c(b)) is amended by adding at the end the following new paragraph:

"(3) The Secretary shall oversee the administration by each State of the rapid response assistance services provided in such State and the effectiveness, efficiency, and timeliness of the delivery of such services. If the Secretary determines that such services are not being performed adequately, the Secretary shall implement appropriate corrective action, including, where necessary, the selection of a new rapid response assistance service provider.".

(c) EXPANDED DEFINITION OF SUBSTANTIAL LAYOFF FOR RAPID RESPONSE ASSISTANCE.—Section 314(b) of such Act (29 U.S.C. 1661c(b)) (as amended by subsection (b)) is further amended by adding at the end the following new paragraph:

"(4) For purposes of rapid response assistance provided by a State dislocated worker unit, the term 'substantial layoff' means a layoff of 50 or more individuals.".

(d) CLARIFICATION OF DEFINITION OF ELIGIBLE DISLOCATED WORKERS FOR CERTAIN SERVICES PROVIDED UNDER SECTION 314.—Section 314 of such Act (29 U.S.C. 1661c) is amended—

(1) in subsection (e)(1), by inserting "is unemployed and" after "to provide needs-related payments to an eligible dislocated worker who"; and

(2) by adding at the end the following new subsection:

"(h) CLARIFICATION OF DEFINITION OF ELIGIBLE DISLOCATED WORKERS FOR CERTAIN SERVICES.—(1) The term 'eligible dislocated workers' includes individuals who have not received specific notice of termination or lay off and work at a facility at which the employer has made a public announcement that such facility will close (except those individuals likely to remain employed with the same employer or likely to retire instead of seeking new employment)—

"(A) with respect to basic readjustment services provided under paragraphs (1) through (14), (16), and (18) of subsection (c); and

"(B) with respect to services provided under this section beginning 180 days before the date on which the facility is scheduled to close.

"(2) Services described in paragraph (1)(A) and provided to the individuals described in paragraph (1) shall, to the extent practicable, be funded under section 302(c)(1).".

(e) NOTICE OF TERMINATION OF CERTAIN DEFENSE EMPLOYEES FOR SERVICES PROVIDED UNDER SECTION 325.—Section 325 of such Act (29 U.S.C. 1662d) is amended by adding at the end the following new subsection:

"(e) NOTICE OF TERMINATION FOR CERTAIN DEFENSE EMPLOYEES.—

"(1) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in paragraph (2) shall be eligible for training, adjustment assistance, and employment services under subsection (a) beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under paragraph (3), whichever occurs earlier.

"(2) CERTAIN DEFENSE LAWS.—The laws referred to in this paragraph are—

"(A) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

"(B) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

"(3) DATE.—The date determined under this paragraph is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.".

(f) PROHIBITION OF USE OF FUNDS UNDER JOB TRAINING PROGRAMS FOR TRANSFER OF FEDERAL PROPERTY AND EQUIPMENT BETWEEN FEDERAL AGENCIES.—

(1) IN GENERAL.—Section 141 of such Act (29 U.S.C. 1551) is amended by adding at the end the following new subsection:

"(s) Notwithstanding any other provision of law, a job training program under this Act or an education program shall receive priority consideration for the transfer of Federal property and equipment that the Secretary of Defense determines are in excess of current and projected requirements of the Department of Defense. Such property and equipment shall be transferred at no cost to such program.".

(2) CONFORMING AMENDMENT.—Section 131(i) of the Job Training Reform Amendments of 1992 is amended by striking "adding at the end" and inserting "inserting after subsection (p)".

SEC. 4468. JOB BANK PROGRAM FOR DISCHARGED MILITARY PERSONNEL, TERMINATED DEFENSE EMPLOYEES, AND DISPLACED EMPLOYEES OF DEFENSE CONTRACTORS.

(a) INTERSTATE JOB BANK PROGRAM.—The Secretary of Defense shall establish a program to expand the services of and provide access to the Interstate Job Bank program in the United States Employment Service to individuals eligible for training, adjustment assistance, and employment services under sections 325 and 325A of the Job Training Partnership Act and, in the case of members of the Armed Forces so eligible, the spouses of such members. The Secretary may establish such program in coordination with the Defense Outplacement Referral System and other automated job opening networks.

(b) SERVICES INCLUDED.—The program established under subsection (a) may include the following services:

(1) A phone bank reachable by a toll-free number, staffed by an international "help desk" of individuals familiar with the services provided under section 1144 of title 10, United States Code, and related transition programs under chapter 58 of such title (in the case of members of the Armed Forces, priority shall be given to recently discharged veterans, members of the Armed Forces who have been separated from active duty, and their spouses).

(2) Interstate Job Bank satellite offices or systems at defense contractor plants by State employment security agencies and at all military bases for direct access and self-service to job listings.

(3) Specialized job banks to integrate with the Interstate Job Bank for specialized listings or services such as the Defense Outplacement Referral System (DORS) of resumes, National

Academy of Sciences Network, commercial systems, and the outplacement of defense-related personnel in high-tech occupations through the expansion and coordination of existing networks to ensure that resources are available at all service locations.

(4) A system by which individuals and public and private organizations may access the Interstate Job Bank using individual modems or related automated employment systems.

(c) FUNDING FOR FISCAL YEAR 1993.—Of the amount authorized to be appropriated in section 301 for Defense Agencies, $4,000,000 shall be available to carry out the program established under subsection (a).

SEC. 4469. AUTHORIZATION OF APPROPRIATIONS FOR CERTAIN EMPLOYMENT, JOB TRAINING, AND OTHER ASSISTANCE.

Section 1144(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "$4,000,000 for fiscal year 1991" and all that follows through the period and inserting in lieu thereof "$11,000,000 for fiscal year 1993 and $8,000,000 for each of fiscal years 1994 and 1995."; and

(2) in paragraph (2), by striking out "$1,000,000 for fiscal year 1991" and all that follows through the period and inserting in lieu thereof "$6,500,000 for each of fiscal years 1993, 1994, and 1995.".

SEC. 4470. DEFENSE CONTRACTOR REQUIREMENT TO LIST SUITABLE EMPLOYMENT OPENINGS WITH LOCAL EMPLOYMENT SERVICE OFFICE.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2410c, as added by section 4303(a), the following new section:

"§2410d. Defense contractors: listing of suitable employment openings with local employment service office

"(a) REGULATIONS.—The Secretary of Defense shall promulgate regulations containing the requirement described in subsection (b) and such other provisions as the Secretary considers necessary to administer such requirement. Such regulations shall require that each contract described in subsection (c) shall contain a clause requiring the contractor to comply with such regulations.

"(b) REQUIREMENT.—The regulations promulgated under this section shall require each contractor carrying out a contract described in subsection (c) to list immediately with the appropriate local employment service office, and where appropriate the Interstate Job Bank (established by the United States Employment Service), all of its suitable employment openings under such contract.

"(c) COVERED CONTRACTS.—The regulations promulgated under this section shall apply to any contract entered into with the Department of Defense in an amount of $500,000 or more.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2410c, as added by section 4303(b), the following new item:

"2410d. Defense contractors: listing of suitable employment openings with local employment service office.".

(b) EFFECTIVE DATE.—Section 2410d of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into beginning 120 days after the date of the enactment of this Act.

SEC. 4471. NOTICE REQUIREMENTS UPON PROPOSED AND ACTUAL TERMINATION OR SUBSTANTIAL REDUCTION IN DEFENSE PROGRAMS.

(a) SECRETARY OF DEFENSE NOTICE REQUIREMENT AFTER SUBMISSION OF PRESIDENT'S BUDGET TO CONGRESS.—Not later than 30 days after the date on which the President submits to the Congress the annual budget of the President pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall—

(1) determine which defense programs are likely to be terminated or substantially reduced under such budget; and

(2) provide notice of the proposed termination of, or substantial reduction in, a defense program under paragraph (1) to each defense contractor that—

(A) has entered into a defense contract under such program; and

(B) will be adversely affected by the termination of, or substantial reduction in, such program.

(b) SECRETARY OF DEFENSE NOTICE REQUIREMENT AFTER DATE OF ENACTMENT OF AN ACT MAKING APPROPRIATIONS FOR DEFENSE.—Not later than 30 days after the date of the enactment of an Act appropriating funds pursuant to an authorization for the Department of Defense or for defense programs in the Department of Energy, the Secretary of Defense shall—

(1) determine which defense programs are likely to be terminated or substantially reduced under such Act; and

(2) provide notice of the proposed termination of, or substantial reduction in, a defense program under paragraph (1) to each defense contractor that—

(A) has entered into a defense contract under such program; and

(B) will be adversely affected by the termination of, or substantial reduction in, such program.

(c) DEFENSE CONTRACTOR NOTICE REQUIREMENT.—Not later than 2 weeks after a defense contractor receives notice under subsection (a) or (b), as the case may be, of the termination of, or substantial reduction in, a defense program, the contractor shall provide notice of such termination or substantial reduction to—

(1)(A) each representative of employees whose work is directly related to the defense contract under such program and who are employed by the defense contractor; or

(B) if there is no such representative at that time, each such employee; and

(2) the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur.

(d) CONSTRUCTIVE NOTICE.—The notice of termination of, or substantial reduction in, a defense program provided under subsection (c)(1) to an employee of a defense contractor shall have the same effect as a notice of termination to such employee for the purposes of determining whether such employee is eligible for training, adjustment assistance, and employment services under section 325 of the Job Training Partnership Act, or section 325A of such Act (as added by section 4465(a)), as the case may be, except where the employer has specified that the termination of, or reduction in, the program is not likely to result in plant closure or mass layoff. Any employee considered to have received such notice under the preceding sentence shall only be eligible to receive services under section 314(b) of such Act and under paragraphs (1) through (14), (16), and (18) of section 314(c) of such Act.

(e) WITHDRAWAL OF NOTIFICATION.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of an Act appropriating funds pursuant to an authorization for the Department of Defense or for defense programs in the Department of Energy, the Secretary of Defense shall provide notice of withdrawal of the notification provided under subsection (a)(2) to each defense contractor—

(A) that received notice under such subsection; and

(B) with respect to which the Secretary determines will not be adversely affected by the termination of, or substantial reduction in, the defense program referred to in such subsection due to a sufficient level of funding for the program provided in such Act.

(2) DEFENSE CONTRACTOR NOTICE REQUIREMENT.—Not later than 2 weeks after a defense contractor receives notice of withdrawal of notification under paragraph (1), the contractor shall provide notice of such withdrawal to—

(A)(i) each representative of employees whose work is directly related to the defense contract under the defense program and who are employed by the defense contractor; or

(ii) if there is no such representative at that time, each such employee;

(B) the State dislocated worker unit or office described in section 311(b)(2) of the Job Training Partnership Act (29 U.S.C. 1661(b)(2)) and the chief elected official of the unit of general local government within which the adverse effect may occur; and

(C) each grantee under section 325(a) of the Job Training Partnership Act, or section 325A(a) of such Act, as the case may be, providing training, adjustment assistance, and employment services to each employee described in this paragraph.

(3) LOSS OF ELIGIBILITY.—An employee who receives notice of withdrawal under paragraph (2) shall not be eligible for training, adjustment assistance, and employment services under section 325 of the Job Training Partnership Act, or section 325A of such Act, as the case may be, beginning on the date the employee receives such notice.

(f) DEFENSE CONTRACTOR DEFINED.—For purposes of this section, the term "defense contractor" means a private person producing goods or services pursuant to—

(1) a contract with the Department of Defense in an amount not less than $500,000; or

(2) a subcontract in an amount not less than $500,000 entered into under a contract with the Department of Defense.

SEC. 4472. STUDY TO DETERMINE THE DISLOCATION EFFECTS OF CURRENT AND FUTURE REDUCTIONS IN SPENDING FOR THE NATIONAL DEFENSE.

(a) STUDY.—The Secretary of Defense and the Secretary of Labor shall jointly conduct a study to determine the dislocation effects that are projected to occur as a result of current and future reductions in spending for the national defense. The responsibilities of the Secretary of Defense under this section shall be carried out by the Defense Economic Adjustment Center established within the National Defense University under section 2504(a) of title 10, United States Code.

(b) CONDUCT OF STUDY.—In carrying out the study under subsection (a), the Secretaries shall—

(1) consider the reemployment potential of workers losing jobs as a result of reduced defense spending, including the probability that such workers will be absorbed into other comparable jobs in the Federal Government or other comparable jobs in the geographic locality of such workers;

(2) include projections for—

(A) dislocation in the private sector defense industry, dislocation of active duty military, and dislocation of civilians working for the Department of Defense; and

(B) secondary dislocation in communities that are substantially and seriously affected (as defined in section 4003(5)(A) of the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 (Public Law 101-510; 104 Stat. 1848; 10 U.S.C. 2391 note)) where job loss occurs as a consequence of the closing or reduction in force of military facilities, or the cancellation or reduction in defense contracts in such community;

(3) include information on the regional impact of reduced defense spending as it applies to worker dislocation;

(4) include a comparison of the characteristics of the workforce population being dislocated as a consequence of reduced defense spending to the characteristics of the general dislocated workforce population in the United States, including characteristics relating to education status, income level, and occupation;

(5) include projections on how dislocations occurring as a consequence of reduced defense spending will impact on other Federal programs that serve dislocated workers (particularly programs in which funding is based on unemployment statistics), including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(6) include a comparison of the average length of advance notice received by workers being dislocated as a consequence of reduced defense spending to the average length of advance notice received by workers being dislocated for other reasons.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretaries shall jointly submit to the Congress a report containing—

(1) the findings and conclusions of the Secretaries resulting from the study under subsection (a); and

(2) recommendations for assistance to dislocated workers based on the findings and conclusions referred to in paragraph (1).

SEC. 4473. TREATMENT OF CERTAIN PROVISIONS OF LAW UPON TRANSFER OF AMOUNTS PROVIDED UNDER THIS ACT.

(a) CONTINGENT REPEAL.—

(1) IN GENERAL.—If a transfer is made in accordance with section 4501(c) of the full amount of an amount described in subparagraph (A) or (B) of paragraph (2), then the section referred to in that subparagraph (including the amendments made by the section) is repealed, effective as of the date of the enactment of this Act, and the provisions of any Act amended by such section shall apply as if the amendments had not been enacted.

(2) AMOUNTS DESCRIBED.—(A) The amount described in this subparagraph is the amount provided under subsection (c) of section 4465 for the amendments to the Job Training Partnership Act under such section.

(B) The amount described in this subparagraph is the amount provided under subsection (c) of section 4468 for the program under such section.

(b) PUBLICATION IN THE FEDERAL REGISTER.—If a transfer described in subsection (a)(1) is made, then the Secretary of Defense shall promptly publish in the Federal Register a notice of such transfer. Such notice shall specify the date on which such transfer occurred.

Subtitle G—Service Members Occupational Conversion and Training

SEC. 4481. SHORT TITLE.

This subtitle may be cited as the "Service Members Occupational Conversion and Training Act of 1992".

SEC. 4482. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the men and women serving in our Nation's Armed Forces are of the highest caliber—intelligent, dedicated, and disciplined—and hundreds of thousands of these service members will be separating from the Armed Forces due to the drawdown in military personnel;

(2) these men and women will be entering the civilian workforce during a time of economic instability and uncertainty;

(3) many of these service personnel specialized in critical skills such as combat arms which will not transfer to the civilian workforce;

(4) as part of the Nation's obligation to these service members, the Secretary of Defense has a unique responsibility and obligation to provide them with the tools they need to be reassimilated into the civilian community and continue to be outstanding, productive citizens;

(5) the rapid placement of separated military personnel in civilian employment and training opportunities will significantly reduce the Department of Defense's costs relative to unemployment compensation for ex-service members;

(6) military personnel are a national resource whose skills and abilities must be absorbed by and integrated into the civilian workforce; and

(7) providing such training will reduce the total cost of the drawdown and is important to the national defense function of the Department of Defense.

(b) PURPOSE.—The purpose of this subtitle is to provide additional means by which the Secretary of Defense can manage the drawdown of the Armed Forces and to provide additional forms of assistance to members of the Armed Forces who are forced or induced to leave military service by reason of the drawdown of the Armed Forces, thereby facilitating the Secretary's ability to achieve end strength reductions caused by the drawdown.

SEC. 4483. DEFINITIONS.

For the purposes of this subtitle:

(1) The term "Secretary" means the Secretary of Defense.

(2) The terms "veteran", "compensation", "service-connected", "State", and "active military, naval, or air service" have the meanings given such terms in paragraphs (2), (13), (16), (20), and (24), respectively, of section 101 of title 38, United States Code.

SEC. 4484. ESTABLISHMENT OF PROGRAM.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall carry out a program in accordance with this subtitle to assist eligible persons in obtaining employment through participation in programs of significant training for employment in stable and permanent positions. The Secretary may enter into an agreement with the Secretary of Veterans Affairs, the Secretary of Labor, or both, for the implementation of the program. The program shall be carried out through payments to employers who employ and train eligible persons in such positions. Such payments shall be made to assist such employers in defraying the costs of necessary training.

(b) STATE AGENCIES.—(1) The implementing official may enter into contracts or agreements with State approving agencies, as designated pursuant to section 3671(a) of title 38, United States Code, or other State agencies to carry out any duty of the implementing official under this subtitle. Payment may be made to such agencies pursuant to any such contract or agreement for reasonable and necessary expenses of salary and travel incurred by employees of such agencies in carrying out such duties. Each such payment may be made only from funds available to the implementing official pursuant to section 4495(a)(3).

(2) Each State approving agency or other State agency with which a contract or agreement is entered into under this section shall submit to the implementing official on a monthly or quarterly basis, as determined by the agency, a report containing a certification of such expenses for the period covered by the report. The report shall be submitted in the form and manner required by such official.

(c) EXPEDITIOUS IMPLEMENTATION.—A requirement in this subtitle to issue regulations shall not be the basis for a delay in carrying out this program within the time limit established by subsection (a).

SEC. 4485. ELIGIBILITY FOR PROGRAM; PERIOD OF TRAINING.

(a) IN GENERAL.—(1) To be eligible for participation in a program of job training under this subtitle, an eligible person must be an eligible person described in paragraph (2) who—

(A)(i) is unemployed at the time of applying for participation in a program under this subtitle; and

(ii) has been unemployed for at least 8 of the 15 weeks immediately preceding the date of such eligible person's application for participation in a program under this subtitle;

(B) separates from the active military, naval, or air service and whose primary or secondary occupational specialty in the Armed Forces is (as determined under regulations prescribed by the Secretary and in effect before the date of such separation) not readily transferable to the civilian workforce; or

(C) served in the active military, naval, or air service and is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under the laws administered by the Secretary of Veterans Affairs for a disability rated at 30 percent or more.

(2) For purposes of paragraph (1), an eligible person referred to in paragraph (1) is a veteran who—

(A) was discharged on or after August 2, 1990; and

(B)(i) served in the active military, naval, or air service for a period of more than 90 days; or

(ii) was discharged or released from active duty because of a service-connected disability.

(3) For purposes of paragraph (1), an eligible person shall be considered to be unemployed during any period such person is without a job and wants and is available for work. In determining whether a person is unemployed for purposes of paragraph (1), the implementing official shall not take into consideration part-time or temporary employment, as defined by such official.

(b) APPLICATION PROCESS.—(1) An eligible person who desires to participate in a program of job training under this subtitle shall submit to the implementing official an application for participation in such a program. Such an application—

(A) shall include a certification by the eligible person that the eligible person meets the criteria for eligibility prescribed by subparagraph (A), (B), or (C) of subsection (a)(1);

(B) shall include an opportunity for the eligible person to request counseling under section 4493(a); and

(C) shall be in such form and contain such additional information as such official may prescribe.

(2)(A) Subject to subparagraph (B), an application by an eligible person for participation in a program of job training under this subtitle shall be approved unless the implementing official finds that the eligible person is not eligible to participate in a program of job training under this subtitle.

(B) Approval of an application of an eligible person under this subtitle may be withheld if the implementing official determines that, because of limited funds available for the purpose of making payments to employers under this subtitle, it is necessary to limit the number of participants in the program carried out under this subtitle.

*(3)(A) Subject to section 4491(c), the implementing official shall certify as eligible for participation under this subtitle an eligible person whose application is approved under this subsection and shall furnish the eligible person with a certificate of that eligible person's eligibility for presentation to an employer offering a program of job training under this subtitle. Any such certificate shall expire 180 days after it is furnished to the eligible person. The date on

which a certificate is furnished to an eligible person under this paragraph shall be stated on the certificate.

(B) A certificate furnished under this paragraph may, upon the eligible person's application, be renewed in accordance with the terms and conditions of subparagraph (A).

(c) APPEAL OF DENIAL OF CERTIFICATE.—The implementing official shall permit each eligible person who is not issued a certificate of eligibility under subsection (b) (other than an eligible person who is not issued such a certificate by reason of subsection (b)(2)(B)) to challenge in a hearing before the implementing official the decision of the implementing official not to issue the certificate. The implementing official shall prescribe procedures with respect to the initiation and conduct of hearings under this subsection.

(d) PERIOD OF TRAINING.—An employer shall provide a period of training under a program of job training under this subtitle of not less than 6 months or more than 18 months in a field of employment providing a reasonable probability of stable, long-term employment.

SEC. 4486. APPROVAL OF EMPLOYER PROGRAMS.

(a) IN GENERAL.—(1) An employer may be paid assistance under section 4487(a) on behalf of an eligible person employed by such employer and participating in a program of job training offered by that employer only if the program is approved under this section.

(2) Except as provided in subsection (b), a proposed program of job training of an employer shall be approved unless the implementing official determines that the application does not contain a certification and other information meeting the requirements established under this subtitle or that withholding of approval is warranted under subsection (g).

(b) INELIGIBLE PROGRAMS.—A program of job training—

(1) for employment which consists of seasonal, intermittent, or temporary jobs;

(2) for employment under which commissions are the primary source of income;

(3) for employment which involves political or religious activities;

(4) for employment with any department, agency, instrumentality, or branch of the Federal Government (including the United States Postal Service and the Postal Rate Commission); or

(5) for employment outside of a State,

may not be approved under this subtitle.

(c) APPLICATION.—An employer offering a program of job training that the employer desires to have approved for the purposes of this subtitle shall submit to the implementing official a written application for such approval. Such application shall be in such form as such official shall prescribe.

(d) CERTIFICATION.—An application under subsection (c) shall include a certification by the employer of the following:

(1) That the employer is planning that, upon an eligible person's completion of the program of job training, the employer will employ the eligible person in a position for which the eligible person has been trained and that the employer expects that such a position will be available on a stable and permanent basis to the eligible person at the end of the training period.

(2) That the wages and benefits to be paid to an eligible person participating in the employer's program of job training will be not less than the wages and benefits normally paid to other employees participating in the same or a comparable program of job training.

(3) That the employment of an eligible person under the program—

(A) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits); and

(B) will not be in a job (i) while any other individual is on layoff from the same or any substantially equivalent job, or (ii) the opening for which was created as a result of the employer having terminated the employment of any regular employee or otherwise having reduced its work force with the intention of hiring an eligible person in such job under this subtitle.

(4) That the employer will not employ in the program of job training an eligible person who is already qualified by training and experience for the job for which training is to be provided.

(5) That the job which is the objective of the training program is one that involves significant training.

(6) That the training content of the program is adequate, in light of the nature of the occupation for which training is to be provided and of comparable training opportunities in such occupation, to accomplish the training objective certified under paragraph (2) of subsection (e).

(7) That each participating eligible person will be employed full time in the program of job training.

(8) That the training period under the proposed program is not longer than the training periods that employers in the community customarily require new employees to complete in order to become competent in the occupation or job for which training is to be provided.

(9) That there are in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as are needed to accomplish the training objective certified under subsection (e)(2).

(10) That the employer will keep records adequate to show the progress made by each eligible person participating in the program and otherwise to demonstrate compliance with the requirements established under this subtitle.

(11) That the employer will furnish each participating eligible person, before the eligible person's entry into training, with a copy of the employer's certification under this subsection and will obtain and retain the eligible person's signed acknowledgment of having received such certification.

(12) That, as applicable, the employer will provide each participating eligible person with the full opportunity to participate in a personal interview pursuant to section 4493(b)(1)(B) during the eligible person's normal workday.

(13) That the program meets such other criteria as the Secretary, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, may determine are essential for the effective implementation of the program established by this subtitle.

(e) HOURS AND TRAINING CONTENT.—A certification under subsection (d) shall include—

(1) a statement indicating (A) the total number of hours of participation in the program of job training to be offered an eligible person, (B) the length of the program of job training, and (C) the starting rate of wages to be paid to a participant in the program; and

(2) a description of the training content of the program (including any agreement the employer has entered into with an educational institution under section 4489) and of the objective of the training.

(f) STATUS OF CERTIFIED MATTERS.—(1) Except as specified in paragraph (2), each matter required to be certified to in paragraphs (1) through (11) of subsection (d) shall be considered to be a requirement established under this subtitle.

(2)(A) For the purposes of section 4487(c), only matters required to be certified in paragraphs (1) through (10) of subsection (d) shall be so considered.

(B) For the purposes of section 4490, a matter required to be certified under paragraph (12) of subsection (d) shall also be so considered.

(g) WITHHOLDING APPROVAL; DISAPPROVAL.—In accordance with regulations which the Secretary shall prescribe, the implementing official may withhold approval of an employer's proposed program of job training pending the outcome of an investigation under section 4491 and, based on the outcome of such an investigation, may disapprove such program.

(h) ON-JOB TRAINING.—For the purposes of this section, approval of a program of apprenticeship or other on-job training for the purposes of section 3687 of title 38, United States Code, shall be considered to meet all requirements established under the provisions of this subtitle (other than subsection (b) and (d)(3)) for approval of a program of job training.

SEC. 4487. PAYMENTS TO EMPLOYERS; OVERPAYMENT.

(a) PAYMENTS.—(1)(A) Except as provided in subsections (b) and (c) and subject to section 4485(d), the implementing official shall make payments to employers in accordance with this section. The amount payable to such an employer on behalf of an eligible person with respect to an approved program of job training under this subtitle shall be determined by such official at the beginning of such program. Except as provided in subparagraph (B), that amount shall be equal to 50 percent of the product of (i) the starting hourly rate of wages paid to the eligible person by the employer (without regard to overtime or premium pay), and (ii) the number of hours to be worked by the eligible person during the entire program period.

(B) In no case may the amount determined under subparagraph (A) exceed—

(i) $12,000 for an eligible person with a service-connected disability rated at 30 percent or more; or

(ii) $10,000 for an eligible person not described in clause (i).

(b) PAYMENT PERIOD.—(1) Except as provided in paragraphs (2) and (3), the implementing official shall pay training assistance to employers under this section on a quarterly basis.

(2) The implementing official may pay training assistance to an employer on a monthly basis if the implementing official determines (pursuant to regulations prescribed by the implementing official) that the number of employees of the employer is such that the payment of assistance on a quarterly basis would be burdensome to the employer.

(3) The implementing official shall withhold 25 percent of each payment due under this subsection with respect to an eligible person. The total amount withheld with respect to an eligible person under this paragraph shall be paid to the employer at the end of the four month period of employment of such person under this subtitle beginning on the date of completion of training.

(c) TOOLS AND OTHER WORK-RELATED MATERIALS.—In addition to payments under subsection (a), the implementing official shall reimburse the employer for the cost of tools and other work-related materials necessary for the eligible person's participation in the program of job training in an amount up to $500 if the employer presents to the implementing official a certification signed by the employer and eligible person that—

(1) tools and other work-related materials are necessary for the eligible person's participation in the job training program,

(2) the eligible person bought the tools and other work-related materials, and

(3) the employer paid the eligible person for the cost of the tools and other work-related materials.

(d) OVERPAYMENTS.—(1)(A) Whenever the implementing official finds that an overpayment under this subtitle has been made to an employer on behalf of an eligible person as a result

of a certification, or information contained in an application, submitted by an employer which was false in any material respect, the amount of such overpayment shall constitute a liability of the employer to the United States.

(B) Whenever such official finds that an employer has failed in any substantial respect to comply for a period of time with a requirement established under this subtitle (unless the employer's failure is the result of false or incomplete information provided by the eligible person), each amount paid to the employer on behalf of an eligible person for that period shall be considered to be an overpayment under this subtitle, and the amount of such overpayment shall constitute a liability of the employer to the United States.

(2) Whenever such official finds that an overpayment under this subtitle has been made to an employer on behalf of an eligible person as a result of a certification by the eligible person, or as a result of information provided to an employer or contained in an application submitted by the eligible person, which was willfully or negligently false in any material respect, the amount of such overpayment shall constitute a liability of the eligible person to the United States.

(3) Any overpayment referred to in paragraph (1) or (2) may be recovered in the same manner as any other debt due the United States. Any overpayment recovered shall be credited to funds available to make payments under this subtitle. If there are no such funds, any overpayment recovered shall be deposited into the Treasury.

(4) Any overpayment referred to in paragraph (1) or (2) may be waived, in whole or in part, in accordance with the terms and conditions set forth in section 5302 of title 38, United States Code.

(e) LIMITATIONS.—(1) Payment may not be made to an employer for a period of training under this subtitle on behalf of an eligible person until the implementing official has received—

(A) from the eligible person, a certification that the eligible person was employed full time by the employer in a program of job training during such period; and

(B) from the employer, a certification—

(i) that the eligible person was employed by the employer during that period and that the eligible person's performance and progress during such period were satisfactory; and

(ii) of the number of hours worked by the eligible person during that period.

With respect to the first such certification by an employer with respect to an eligible person, the certification shall indicate the date on which the employment of the eligible person began and the starting hourly rate of wages paid to the eligible person (without regard to overtime or premium pay).

(2) Payment may not be made to an employer for a period of training under this subtitle on behalf of an eligible person for which a request for payment is made after two years after the date on which that period of training ends.

SEC. 4488. ENTRY INTO PROGRAM OF JOB TRAINING.

(a) IN GENERAL.—Notwithstanding any other provision of this subtitle, the implementing official shall withhold or deny approval of an eligible person's entry into an approved program of job training if such official determines that funds are not available to make payments under this subtitle on behalf of the eligible person to the employer offering that program. Before the entry of an eligible person into an approved program of job training of an employer for purposes of assistance under this subtitle, the employer shall notify such official of the employer's intention to employ that eligible person. The eligible person may begin such program of job training with the employer two weeks after the notice is transmitted, by means prescribed by such official, to such official unless within that time the employer has received notice from such official that approval of the eligible person's entry into that program of job training must be withheld or denied in accordance with this section.

(b) PERIOD FOR COMMENCEMENT OF PARTICIPATION UNDER CERTIFICATE.—An eligible person who is issued a certificate of eligibility for participation in a program of job training under this subtitle shall commence participation in such a program not more than 180 days after the date of the issuance of the certificate. The date on which a certificate is furnished to an eligible person shall be stated on the certificate.

SEC. 4489. PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS.

An employer may enter into an agreement with an educational institution that has been approved for the purposes of chapter 106 of title 10, United States Code, in order that such institution may provide a program of job training (or a portion of such a program) under this subtitle. When such an agreement has been entered into, the application of the employer under section 4486 shall so state and shall include a description of the training to be provided under the agreement.

SEC. 4490. DISCONTINUANCE OF APPROVAL OF PARTICIPATION IN CERTAIN EMPLOYER PROGRAMS.

(a) FAILURE TO MEET REQUIREMENTS.—If the implementing official finds at any time that a program of job training previously approved for the purposes of this subtitle thereafter fails to meet any of the requirements established under this subtitle, such official may immediately disapprove further participation by eligible persons in that program. Such official shall provide to the employer concerned, and to each eligible person participating in the employer's program, a statement of the reasons for, and an opportunity for a hearing with respect to, such disapproval. The employer and each such eligible person shall be notified of such disapproval, the reasons for such disapproval, and the opportunity for a hearing. Notification shall be by a certified or registered letter, and a return receipt shall be secured.

(b) RATE OF COMPLETION.—(1) If the implementing official determines that the rate of eligible persons' successful completion of an employer's programs of job training previously approved for the purposes of this subtitle is disproportionately low because of deficiencies in the quality of such programs, such official shall disapprove participation in such programs on the part of eligible persons who had not begun such participation on the date that the employer is notified of the disapproval. In determining whether any such rate is disproportionately low because of such deficiencies, such official shall take into account appropriate data, including—

(A) the quarterly data provided by the Secretary of Labor with respect to the number of eligible persons who receive counseling in connection with training under this subtitle, are referred to employers under this subtitle, participate in job training under this subtitle, and complete such training or do not complete such training, and the reasons for noncompletion; and

(B) data compiled through the particular employer's compliance surveys.

(2) With respect to a disapproval under paragraph (1), the implementing official shall provide to the employer concerned the kind of statement, opportunity for hearing, and notice described in subsection (a).

(3) A disapproval under paragraph (1) shall remain in effect until such time as the implementing official determines that adequate remedial action has been taken.

SEC. 4491. INSPECTION OF RECORDS; INVESTIGATIONS.

(a) RECORDS.—The records and accounts of employers pertaining to eligible persons on behalf of whom assistance has been paid under this subtitle, as well as other records that the implementing official determines to be necessary to ascertain compliance with the requirements established under this subtitle, shall be available at reasonable times for examination by authorized representatives of the Federal Government.

(b) COMPLIANCE MONITORING.—Such official may monitor employers and eligible persons participating in programs of job training under this subtitle to determine compliance with the requirements established under this subtitle.

(c) INVESTIGATIONS.—Such official may investigate any matter such official considers necessary to determine compliance with the requirements established under this subtitle. The investigations authorized by this subsection may include examining records (including making certified copies of records), questioning employees, and entering into any premises or onto any site where any part of a program of job training is conducted under this subtitle, or where any of the records of the employer offering or providing such program are kept.

(d) DEPARTMENT OF LABOR.—Functions may be administered under subsections (b) and (c) in accordance with an agreement between the Secretary and the Secretary of Labor providing for the administration of such subsections (or any portion of such subsections) by the Department of Labor. Under such an agreement, any entity of the Department of Labor specified in the agreement may administer such subsections.

SEC. 4492. COORDINATION WITH OTHER PROGRAMS.

(a) VETERANS EDUCATION PROGRAMS.—(1) Assistance may not be paid under this subtitle to an employer on behalf of an eligible person for any period of time described in paragraph (2) and to such eligible person under chapter 30, 31, 32, 35, or 36 of title 38, United States Code, or chapter 106 of title 10, United States Code, for the same period of time.

(2) A period of time referred to in paragraph (1) is the period of time beginning on the date on which the eligible person enters into an approved program of job training of an employer for purposes of assistance under this subtitle and ending on the last date for which such assistance is payable.

(b) OTHER TRAINING AND EMPLOYMENT.—Assistance may not be paid under this subtitle to an employer on behalf of an eligible person for any period if the employer receives for that period any other form of assistance on account of the training or employment of the eligible person, including assistance under the Job Training Partnership Act or a credit under section 51 of the Internal Revenue Code of 1986 (relating to credit for employment of certain new employees).

(c) PREVIOUS COMPLETION OF PROGRAM.—Assistance may not be paid under this subtitle on behalf of an eligible person who has completed a program of job training under this subtitle.

(d) PROMOTION.—(1) In carrying out section 3116(b) of title 38, United States Code, the Secretary of Veterans Affairs shall take all feasible steps to establish and encourage, for eligible persons who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training under this subtitle.

(2) The Secretary of Veterans Affairs, in cooperation with the implementing official (unless the Secretary of Veterans Affairs is the implementing official), shall take all feasible steps to ensure that, in the cases of eligible persons who are eligible to have payments made on their be-

half under both this subtitle and section 3116(b) of title 38, United States Code, the authority under such section is utilized, to the maximum extent feasible and consistent with the eligible person's best interests, to make payments to employers on behalf of such eligible persons.

SEC. 4493. COUNSELING.

(a) IN GENERAL.—The implementing official shall, upon request, provide, by contract or otherwise, employment counseling services to any eligible person eligible to participate under this subtitle in order to assist such eligible person in selecting a suitable program of job training under this subtitle.

(b) CASE MANAGER.—(1) The implementing official shall provide for a program under which—

(A) except as provided in paragraph (2), a disabled veteran's outreach program specialist appointed under section 4103A(a) of title 38, United States Code, is assigned as a case manager for each eligible person participating in a program of job training under this subtitle;

(B) the eligible person has an in-person interview with the case manager not later than 60 days after entering into a program of training under this subtitle; and

(C) periodic (not less frequent than monthly) contact is maintained with each such eligible person for the purpose of (i) avoiding unnecessary termination of employment, (ii) referring the eligible person to appropriate counseling, if necessary, (iii) facilitating the eligible person's successful completion of such program, and (iv) following up with the employer and the eligible person in order to determine the eligible person's progress in the program and the outcome regarding the eligible person's participation in and successful completion of the program.

(2) No case manager shall be assigned pursuant to paragraph (1)(A)—

(A) for an eligible person if, on the basis of a recommendation made by a disabled veterans' outreach program specialist, the implementing official determines that there is no need for a case manager for such eligible person; or

(B) in the case of the employees of an employer, if the implementing official determines that—

(i) the employer has an appropriate and effective employee assistance program that is available to all eligible persons participating in the employer's programs of job training under this subtitle; or

(ii) the rate of eligible persons' successful completion of the employer's programs of job training under this subtitle, either cumulatively or during the previous program year, is 60 percent or higher.

(3) The implementing official shall provide, to the extent feasible, a program of counseling or other services designed to resolve difficulties that may be encountered by eligible persons during their training under this subtitle. Such counseling or other services shall be similar to the counseling and other services provided under sections 1712A, 3697A, 4103A, 4104, 7723, and 7724 of title 38, United States Code, and section 1144 of title 10, United States Code.

(c) CASE MANAGER REQUIRED.—Before an eligible person who voluntarily terminates from a program of job training under this subtitle or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this subtitle, such eligible person must be provided by the Secretary of Labor, after consultation with the implementing official, with a case manager.

SEC. 4494. INFORMATION AND OUTREACH; USE OF AGENCY RESOURCES.

(a) IN GENERAL.—(1) The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly provide for an outreach and public information program—

(A) to inform eligible persons about the employment and job training opportunities available under this subtitle and under other provisions of law; and

(B) to inform private industry and business concerns (including small business concerns), public agencies and organizations, educational institutions, trade associations, and labor unions about the job training opportunities available under, and the advantages of participating in, the program established by this subtitle.

(2) The Secretary, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, shall promote the development of employment and job training opportunities for eligible persons by encouraging potential employers to make programs of job training under this subtitle available for eligible persons, by advising other appropriate Federal departments and agencies of the program established by this subtitle, and by advising employers of applicable responsibilities under chapters 41 and 42 of title 38, United States Code, with respect to eligible persons.

(b) COORDINATION.—The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall coordinate the outreach and public information program under subsection (a)(1), and job development activities under subsection (a)(2), with job counseling, placement, job development, and other services provided for under chapters 41 and 42 of title 38, United States Code, and with other similar services offered by other public agencies and organizations.

(c) AGENCY RESOURCES.—(1) The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall make available such personnel as are necessary to facilitate the effective implementation of this subtitle.

(2) In carrying out the responsibilities of the Secretary of Labor under this subtitle, the Secretary of Labor shall make maximum use of the services of Directors and Assistant Directors for Veterans' Employment and Training, disabled veterans' outreach program specialists, and employees of local offices, appointed pursuant to sections 4103, 4103A, and 4104 of title 38, United States Code. To the extent that the implementing official withholds approval of eligible persons' applications under this subtitle pursuant to section 4485(b)(2)(B), the Secretary of Labor shall take steps to assist such eligible persons in taking advantage of opportunities that may be available to them under any other program carried out with funds provided by the Secretary of Labor.

(d) SMALL BUSINESS.—The implementing official shall request and obtain from the Administrator of the Small Business Administration a list of small business concerns and shall, on a regular basis, update such list. Such list shall be used to identify and promote possible training and employment opportunities for eligible persons.

(e) ASSISTANCE TO PARTICIPATE.—The Secretary, the Secretary of Veterans Affairs, and the Secretary of Labor shall assist eligible persons and employers desiring to participate under this subtitle in making application and completing necessary certifications.

(f) COLLECTION OF CERTAIN INFORMATION.—The Secretary of Labor shall, on a not less frequent than quarterly basis, collect and compile from the heads of State employment services and Directors for Veterans' Employment and Training for each State information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of eligible persons who receive counseling services pursuant to section 4493, who are referred to employers participating under this subtitle, who participate in programs of job training under this subtitle (including a description of the nature of the training and salaries that are part of such programs), and who complete such programs, and the reasons for eligible persons' noncompletion.

SEC. 4495. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—(1) Of the amounts authorized to be appropriated in section 301 for Defense Agencies, $75,000,000 shall be made available for the purpose of making payments to employers under this subtitle. The Secretary of Veterans Affairs and the Secretary of Labor shall submit an estimate to the Secretary of the amount needed to carry out any agreement entered into under section 4484(a), including administrative costs referred to in paragraph (3). Such agreements shall include administrative procedures to ensure the prompt and timely payments to employers by the implementing official.

(2) Amounts made available pursuant to this section for a fiscal year shall remain available until the end of the second fiscal year following the fiscal year in which such amounts were appropriated.

(3) Of the amounts made available pursuant to this section for a fiscal year, six percent of such amounts may be used for the purpose of administering this subtitle, including reimbursing expenses incurred.

(b) AVAILABILITY OF DEOBLIGATED FUNDS.—Notwithstanding any other provision of law, any funds made available pursuant to this section for a fiscal year which are obligated for the purpose of making payments under section 4487 on behalf of an eligible person (including funds so obligated which previously had been obligated for such purpose on behalf of another eligible person and were thereafter deobligated) and are later deobligated shall immediately upon deobligation become available to the implementing official for obligation for such purpose. The further obligation of such funds by such official for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.

SEC. 4496. TIME PERIODS FOR APPLICATION AND INITIATION OF TRAINING.

Assistance may not be paid to an employer under this subtitle—

(1) on behalf of an eligible person who initially applies for a program of job training under this subtitle after September 30, 1995; or

(2) for any such program which begins after March 31, 1996.

SEC. 4497. TREATMENT OF CERTAIN PROVISIONS OF LAW UPON TRANSFER OF AMOUNTS PROVIDED UNDER THIS ACT.

(a) CONTINGENT AMENDMENT.—If a transfer is made in accordance with section 4501(c) of the full amount of the amount provided under section 4495(a) for the program established under section 4484(a), then, effective as of the date of the enactment of this Act, the first sentence of section 4484(a) is amended by striking "the Secretary shall carry out" and inserting "the Secretary may carry out".

(b) PUBLICATION IN THE FEDERAL REGISTER.—If the transfer described in subsection (a) is made, then the Secretary of Defense shall promptly publish in the Federal Register a notice of such transfer. Such notice shall specify the date on which such transfer occurred.

SEC. 4501. BUDGET DETERMINATION BY THE DIRECTOR OF OMB.

(a) REQUIREMENT FOR DETERMINATION.—An amount made available under this Act for a program described in subsection (b) may be obligated for that program only if expenditures for that program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1993 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of

part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) COVERED PROGRAMS.—The programs referred to in subsection (a) are the programs under title XLIII, and subtitles D through G of title XLIV.

(c) EFFECT ON APPROPRIATIONS FOR PROGRAMS NOT COUNTED AGAINST DEFENSE CATEGORY.—(1) Not later than the third day after the date of the enactment of this Act, the Director of the Office of Management and Budget shall make a determination as to the classification by discretionary spending limit category for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 of amounts appropriated for fiscal year 1993 for each of the programs described in subsection (b). If the Director determines that any such amount shall not classify against the defense category, then the President shall submit to Congress a report listing all such amounts that the Director has determined will not classify against the defense category (as described in subsection (a)). Such report shall contain an explanation for each such determination.

(2) All amounts listed in the report under paragraph (1) may be transferred only to the programs under titles XLII, XLIII, and XLIV that are classified against the defense category by virtue of the report of the President submitted under paragraph (1) pursuant to amounts specified in appropriation Acts. Any such transfer shall be taken into account for purposes of calculating all reports under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill and agree to the same.

From the Committee on Armed Services, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

Les Aspin,
Charles E. Bennett,
G.V. Montgomery,
Pat Schroeder,
Bev Byron,
Nicholas Mavroules,
Earl Hutto,
Ike Skelton,
Dave McCurdy,
Thomas M. Foglietta,
Dennis M. Hertel,
Marilyn Lloyd,
Norman Sisisky,
Richard Ray,
John M. Spratt, Jr.,
Solomon P. Ortiz,
George (Buddy) Darden,
Owen Pickett,
Martin H. Lancaster,
Lane Evans,
James H. Bilbray,
John S. Tanner,
Michael R. McNulty,
Glen Browder,
Wm. L. Dickinson,
Floyd Spence,
Larry J. Hopkins,
(except for Sec. 807 on Mentor-Protege and Sec. 1364 on the Landmine Moratorium),
Bob Davis,
Duncan Hunter,
(except for Secs. 232 and 234 related to SDI),
David O'B Martin,
John R. Kasich,
Herbert H. Bateman,
Ben Blaz,
Andy Ireland,
James V. Hansen,
Curt Weldon,
Arthur Ravenel, Jr.,
Robert K. Dornan of California,
(except for Secs. 232 and 234 related to SDI),

As additional conferees from the Permanent Select Committee on Intelligence, for matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

Barbara B. Kennelly,
Dan Glickman,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1071, and 4501–4502 of the House bill, and sections 838, 1092, 1093, 1094, and 1094B of the Senate amendment, and modifications committed to conference:

Thomas Carper,
John J. LaFalce,
Mary Rose Oakar,
Bruce F. Vento,
Paul E. Kanjorski,
Thomas Ridge,
Bill Paxon,
Mel Hancock,

As additional conferees from the Committee on Education and Labor, for consideration of sections 3161–3162, 4301–4313, 4321–4325, 4401, 4404–4405, and 4607 of the House bill, and sections 333, 344, 531, 532, 804, 814(e), 1060, 1065, 1082–1085, 1099E, 1301–1307, and 3151–3153 of the Senate amendment, and modifications committed to conference:

William Ford of Michigan,
Pat Williams,
William F. Goodling,
Steve Gunderson,
Marge Roukema,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 321, 370, 1071, and 3161 of the House bill, and sections 313–317, 319–320, 824, 838, 1205, 2851–2855, 2861, 3132, 3135, 3141, 3151–3152, and 3201 of the Senate amendment, and modifications committed to conference:

John D. Dingell,
Al Swift,
Phil Sharp,
Cardiss Collins of Illinois,
Dennis E. Eckart,
Norman F. Lent,
Don Ritter,
Carlos J. Moorhead,

Mr. McMillan of North Carolina is appointed in lieu of Mr. Moorhead solely for consideration of section 1071 of the House bill and sections 824 and 838 of the Senate amendment:

Alex J. McMillan of North Carolina

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 146, 175, 204, 233, 234, 241, 304, 324, 365–368, 1031, 1033, 1056, 1057, 1059–1060, 1064–1065, 1067, 1069–1070, 1101–1106, 3132, and 3141–3145 of the House bill, and sections 112, 223, 304, 361–362, 828, 836, 908, 921–922, 1041, 1043, 1050, 1055, 1057, 1061, 1063, 1066–1067, 1071–1073, 1075–1076, 1091, 1093, 1094A–1094F, 1101–1132, 1201–1212, and 1401–1408 of the Senate amendment, and modifications committed to conference:

Dante B. Fascell,
Lee H. Hamilton,
Gus Yatron,
Stephen J. Solarz,
Howard L. Berman,
Wm. S. Broomfield,
Benjamin A. Gilman,
Robert J. Lagomarsino,

Provided, that solely for consideration of section 1091 of the Senate amendment, Mr. Gejdenson is appointed in lieu of Mr. Fascell, and solely for consideration of sections 1201–1212 of the Senate amendment, Mr. Torricelli is appointed in lieu of Mr. Hamilton.

Sam Gejdenson,
Robert Torricelli,

As additional conferees from the Committee on Government Operations, for consideration of sections 313, 374(f), 640, 814, 819, 821, 1002, and 2823 of the House bill, and sections 1003, 1048(f), and 2841 of the Senate amendment, and modifications committed to conference:

John Conyers, Jr.,
Mike Synar,
Edolphus Towns,
Ray Thornton,
Collin C. Peterson,
Frank Horton,
Bill Clinger,

As additional conferees from the Committee on the Judiciary, for consideration of sections 838(e) and 1062 of the Senate amendment, and modifications committed to conference:

Jack Brooks,
Don Edwards of California,
John Conyers, Jr.,
Henry J. Hyde,
Howard Coble,

As additional conferees from the Committee on the Judiciary, for consideration of section 1068 of the House bill, and modifications committed to conference:

Jack Brooks,
Romano L. Mazzoli,
Howard L. Berman,
Bill McCollum,
Lamar Smith of Texas,

As additional conferees from the Committee on the Judiciary, for consideration of section 922 of the Senate amendment, and modifications committed to conference:

Jack Brooks,
Charles E. Schumer,
William J. Hughes,
F. James Sensenbrenner, Jr.,
Steven Schiff,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 536, 1013, 1016(b), 1017, 1019, 1021, 2837, and 3501–3504 of the House bill, and sections 612(b), 1021–1023, 1045, 1053, 1206, 2837, 2851–2855, 3103(e), and 3501–3505 of the Senate amendment, and modifications committed to conference:

Gerry E. Studds,
Carroll Hubbard,
William F. Hughes,
Billy Tauzin,
William O. Lipinski,
Don Young of Alaska,
Jack Fields,
Norman F. Lent,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 531, 924(a), 1060(a), 1201–1206, 1301, 4401, and 4601–4606 of the House bill, and sections 341–348, 539, 809(b), 1044–1045, 1058(a), 1074, that portion of section 1082 that adds a new section 195H to the National and Community Service Act of 1990, 1099D, 1306 of the Senate amendment, and modifications committed to conference:

William (Bill) Clay,
Mary Rose Oakar,
Gerry Sikorski,
Gary Ackerman,
Paul E. Kanjorski,

Benjamin A. Gilman,
Frank Horton,
John T. Myers of Indiana,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 4101–4106 and 4501–4502 of the House bill, and sections 313–317, 320, and 332 of the Senate amendment, and modifications committed to conference:

Robert A. Roe,
Norman Y. Mineta,
Henry J. Nowak,
Joe Kolter,
Jimmy Hayes of Louisiana,
John Paul Hammerschmidt,
Bud Shuster,

Provided, that solely for consideration of sections 4101–4106 and 4501–4502 of the House bill, and section 332 of the Senate amendment, Mrs. Bentley is appointed; and solely for consideration of sections 313–317 and 320 of the Senate amendment, Mr. Petri is appointed.

Helen Delich Bentley,
Tom Petri,

As additional conferees from the Committee on Science, Space and Technology, for consideration of sections 241, 4105, 4201–4203, and 4206 of the House bill, and sections 204, 801–806, 809, 810A, 837, 839, 1112, 3139, and 3141 of the Senate amendment, and modifications committed to conference:

George E. Brown, Jr.,
Tim Valentine,
Norman Y. Mineta,
Joan Kelly Horn,
Jim Bacchus,

As additional conferees from the Committee on Veterans Affairs, for consideration of sections 641–642 and 4351–4368 of the House bill, and sections 536, 538, 549, and 551 of the Senate amendment, and modifications committed to conference:

Timothy J. Penny,
Douglas Applegate,
Christopher H. Smith of New Jersey,

As additional conferees from the Committee on Ways and Means, for consideration of section 4607 of the House bill, and modifications committed to conference:

Dan Rostenkowski,
Sam Gibbons,
J.J. Pickle,
Charles B. Rangel,
Pete Stark,
Bill Archer,
Phil Crane,
Guy Vander Jagt,

As additional conferees from the Committee on Ways and Means, for consideration of sections 1404–1405 of the Senate amendment, and modifications committed to conference:

Dan Rostenkowski,
Sam Gibbons,
Ed Jenkins,
Thomas J. Downey,
Donald J. Pease,
Bill Archer,
Phil Crane,
Guy Vander Jagt,

Managers on the Part of the House.

Sam Nunn,
J.J. Exon,
Carl Levin,
Edward M. Kennedy,
Jeff Bingaman,
Alan J. Dixon,
John Glenn,
Al Gore,
Timothy Wirth,
Richard Shelby,
Robert Byrd,
John Warner,
Strom Thurmond,
Bill Cohen,
John McCain,
Trent Lott,
Dan Coats,
Connie Mack,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the armed forces, and for other purposes, submit the following statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorizations for the Department of Defense for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military construction and family housing, weapons programs of the Department of Energy, and civil defense that have a budget authority implication of $274.3 billion.

SUMMARY TABLE OF AUTHORIZATIONS

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is generally provided in appropriation acts.

In order to relate the conference recommendations to the Budget Resolution, matters in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the defense function are authorized permanently or, in certain instances, authorized in other annual legislation. In addition, this authorization bill would establish personnel levels and include a number of legislative provisions affecting military compensation.

The following table summarizes authorizations included in the bill for fiscal year 1993 and, in addition, summarizes the implication of the action for the budget totals for national defense (budget function 050).

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1993
[IN MILLIONS OF DOLLARS]

					BUDGET AUTHORITY IMPLICATION				
	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	Amended Request	House	Senate	Conference vs. Request	Conference
Aircraft Procurement, Army	1,291.259	1,501.259	1,328.909	1,553.909	1,291.259	1,501.259	1,328.909	262.650	1,553.909
Missile Procurement, Army	982.298	1,083.110	1,037.893	1,118.652	982.298	1,083.110	1,037.893	136.354	1,118.652
Weapons & Tracked Combat Vehicles	623.441	736.641	839.841	877.754	623.441	736.641	839.841	254.313	877.754
Procurement of Ammunition, Army	823.600	940.007	764.280	829.444	823.600	940.007	764.280	5.844	829.444
Other Procurement, Army	3,093.508	3,157.893	3,032.220	3,129.452	3,093.508	3,157.893	3,032.220	35.944	3,129.452
Aircraft Procurement, Navy	6,653.679	6,352.167	5,950.477	5,899.395	6,653.679	6,352.167	5,950.477	-754.284	5,899.395
Weapons Procurement, Navy	3,718.950	3,728.950	3,538.948	3,700.098	3,718.950	3,728.950	3,538.948	-18.852	3,700.098
Shipbuilding & Conversion, Navy	5,319.472	6,590.872	5,526.463	5,958.663	3,444.372	6,590.872	5,526.463	639.191	4,083.563
Other Procurement, Navy	5,868.813	5,758.876	5,722.283	5,660.684	5,868.813	5,758.876	5,722.283	-208.129	5,660.684
Procurement, Marine Corps	588.546	931.246	690.127	729.727	588.546	931.246	690.127	141.181	729.727
Aircraft Procurement, Air Force	10,928.701	10,144.817	9,274.999	10,034.314	10,928.701	10,144.817	9,274.999	-894.387	10,034.314
Missile Procurement, Air Force	5,378.708	4,937.540	4,125.590	4,399.390	5,378.708	4,937.540	4,125.590	-979.318	4,399.390
Other Procurement, Air Force	8,346.588	8,132.500	8,100.970	7,894.396	8,346.588	8,132.500	8,100.970	-452.192	7,894.396
Procurement, Defense Agencies	2,146.935	1,748.634	2,538.963	1,950.704	2,146.935	1,748.634	2,538.963	-196.231	1,950.704
National Guard & Reserve Equipment		635.800	872.100	695.600		635.800	872.100	695.600	695.600
Defense Production Act Purchases									
Chemical Agents & Munitions Destruction	526.400	526.400	517.300	515.300	526.400	526.400	517.300	-11.100	515.300
Inspector General Procurement	0.800	0.800	0.500	0.800					
Total Procurement	56,291.698	56,907.512	53,861.863	54,948.282	54,415.798	56,906.712	53,861.363	-1,343.416	53,072.382
R,D,T& E Army	5,414.477	5,481.133	5,307.744	5,919.048	5,414.477	5,481.133	5,307.744	504.571	5,919.048
R,D,T& E Navy	8,517.778	8,802.296	8,921.805	8,984.717	8,517.778	8,802.296	8,921.805	466.939	8,984.717
R,D,T& E Air Force	14,532.375	14,242.087	14,070.731	14,231.700	14,532.375	14,242.087	14,070.731	-300.675	14,231.700
R,D,T& E Defense Agencies	10,053.381	9,629.643	10,390.969	10,203.425	10,053.381	9,629.643	10,390.969	150.044	10,203.425
Developmental Test & Evaluation	281.707	261.707	261.707	261.707	281.707	261.707	261.707	-20.000	261.707
Operational Test & Evaluation	12.983	12.983	12.983	12.983	12.983	12.983	12.983		12.983
Total Research & Development	38,812.701	38,429.849	38,965.939	39,613.580	38,812.701	38,429.849	38,965.939	800.879	39,613.580

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1993
[IN MILLIONS OF DOLLARS]

					BUDGET AUTHORITY IMPLICATION				
	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	Amended Request	House	Senate	Conference vs. Request	Conference
O&M, Army	15,419.100	13,581.406	14,193.215	13,901.912	16,905.100	15,067.406	16,422.215	-674.188	16,230.912
O&M, Navy	20,728.600	18,271.494	20,371.281	19,532.996	20,588.500	18,131.394	20,262.681	-1,064.104	19,524.396
O&M, Marine Corps	1,607.500	1,557.300	1,453.515	1,558.515	1,646.500	1,596.300	1,512.015	-29.485	1,617.015
O&M, Air Force	17,581.000	15,437.134	16,876.477	16,592.857	18,029.000	15,885.134	17,548.477	-664.143	17,364.857
O&M, Defense Agencies	9,033.000	9,563.094	8,384.605	9,266.879	9,033.000	9,563.094	8,996.605	333.879	9,366.879
Office Of The Inspector General	125.200	218.900	125.500	125.200	126.000	219.700	126.300		126.000
O&M, Army Reserve	990.300	991.219	1,033.773	1,014.773	990.300	991.219	1,033.773	24.473	1,014.773
O&M, Navy Reserve	852.700	852.700	878.792	865.492	852.700	852.700	878.792	12.792	865.492
O&M, Marine Corps Reserve	74.700	75.950	74.821	75.171	74.700	75.950	74.821	0.471	75.171
O&M, Air Force Reserve	1,215.723	1,214.823	1,213.887	1,214.287	1,215.723	1,214.823	1,213.887	-1.436	1,214.287
O&M, Army National Guard	2,134.100	2,216.700	2,251.213	2,238.013	2,134.100	2,216.700	2,251.213	103.913	2,238.013
O&M, Air National Guard	2,552.624	2,551.924	2,512.475	2,513.175	2,552.624	2,551.924	2,512.475	-39.449	2,513.175
Rifle Practice, Army	2.700	2.700	2.700	2.700	2.700	2.700	2.700		2.700
Court Of Military Appeals, Defense	5.900	5.900	5.893	5.893	5.900	5.900	5.893	-0.007	5.893
Drug Interdiction	1,263.400	1,263.400	1,263.400	1,263.400	1,263.400	1,263.400	1,263.400		1,263.400
Summer Olympics		2.000	2.000	2.000		2.000	2.000	2.000	2.000
World University Games		6.000	6.000	6.000		6.000	6.000	6.000	6.000
World Cup Games			9.000	9.000			9.000	9.000	9.000
Defense Health Program	9,507.457	9,089.424	9,507.072	9,159.039	9,507.457	9,089.424	9,507.072	-348.418	9,159.039
Environmental Restoration, Defense	901.200	901.200	1,513.200	1,513.200	1,513.200	1,513.200	1,513.200		1,513.200
Humanitarian Assistance	13.000	13.000	25.000	25.000	13.000	13.000	25.000	12.000	25.000
Restoration Of The Rocky Mt. Arsenal					17.000	17.000	22.000		17.000
Total Operation & Maintenance	84,008.204	77,816.268	81,703.819	80,885.502	86,470.904	80,278.968	85,189.519	-2,316.702	84,154.202
National Defense Stockpile Transaction Fund			-150.000	-150.000			-150.000	-150.000	-150.000
Defense Business Operations Fund	1,123.800	16.600	1,123.800	1,145.000	-912.200	-2,019.400	-1,930.200	-996.800	-1,909.000
Pentagon Reservation Maintenance									
Total Revolving/Management Funds	1,123.800	16.600	973.800	995.000	-912.200	-2,019.400	-2,080.200	-1,146.800	-2,059.000
National Defense Sealift Fund	1,201.400			613.200	3,076.500			-588.200	2,488.300
Total Military Personnel			77,316.200	76,311.000	77,080.200	77,293.200	77,316.200	-769.200	76,311.000

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1993
[IN MILLIONS OF DOLLARS]

					BUDGET AUTHORITY IMPLICATION				
	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	Amended Request	House	Senate	Conference vs. Request	Conference
Military Construction, Army	995.548	1,015.818	512.450	470.660	1,009.548	1,029.818	526.450	-524.888	484.660
Military Construction, Navy	838.848	853.425	354.109	403.849	838.848	853.425	354.109	-434.999	403.849
Military Construction, Air Force	1,118.844	1,048.594	773.530	850.980	1,118.844	1,048.594	773.530	-267.864	850.980
Milt. Construction, Defense Agencies	483.468	521.618	284.196	354.446	479.888	518.038	280.616	-129.022	350.866
NATO Infrastructure	221.200	121.200	221.200	60.000	221.200	121.200	221.200	-161.200	60.000
Milt. Construction, Army National Guard	46.700	199.411	142.627	208.672	46.700	199.411	142.627	161.972	208.672
Milt. Construction, Air National Guard	173.270	261.259	229.679	305.759	173.270	261.259	229.679	132.489	305.759
Military Construction, Army Reserve	31.500	31.500	36.505	34.850	31.500	31.500	36.505	3.350	34.850
Military Construction, Naval Reserve	37.772	37.772	15.715	17.200	37.772	37.772	15.715	-20.572	17.200
Milt. Construction, Air Force Reserve	52.880	56.380	34.353	36.580	52.880	56.380	34.353	-16.300	36.580
Base Realignment & Closure Part I	440.700	440.700	440.700	440.700	440.700	440.700	440.700		440.700
Base Realignment & Closure Part II	1,743.600	1,743.600	1,743.600	1,743.600	1,743.600	1,743.600	1,743.600		1,743.600
Prior Year Deauth/Authorization Cap			-64.008	-496.300			-64.008	-496.300	-496.300
Total Military Construction	6,184.330	6,331.277	4,724.656	4,430.996	6,194.750	6,341.697	4,735.076	-1,753.334	4,441.416
Family Housing, Army	1,556.117	1,586.917	1,576.517	1,523.737	1,555.990	1,586.790	1,576.390	-32.380	1,523.610
Family Housing, Navy	1,017.247	1,035.817	1,187.927	1,046.680	1,017.247	1,035.817	1,187.927	29.433	1,046.680
Family Housing, Air Force	1,264.398	1,270.242	1,290.898	1,211.727	1,264.398	1,270.242	1,290.898	-52.671	1,211.727
Family Housing, Defense Agencies	28.400	28.400	28.400	28.400	28.400	28.400	28.400		28.400
Homeowners Assistance Fund	133.000	133.000	133.000	133.000	138.000	138.000	138.000		138.000
Total Family Housing	3,999.162	4,054.376	4,216.742	3,943.544	4,004.035	4,059.249	4,221.615	-55.618	3,948.417
Conversion/Community Assistance /a		1,000.000	200.000			1,000.000	200.000		
Non-Proliferation		40.000				40.000			
Burdensharing		-3,500.000				-3,500.000			
Savings From Davis-Bacon Reform					-110.000	-110.000		110.000	
Trust Funds/Offsetting Receipts					-792.300	-792.300	-792.300		-792.300
Total DoD Military	191,621.295	181,095.882	261,963.019	261,741.104	268,240.388	257,927.975	261,617.212	-7,062.391	261,177.997

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 1993
[IN MILLIONS OF DOLLARS]

					BUDGET AUTHORITY IMPLICATION				
	Authorization Request	House Authorization	Senate Authorization	Conference Authorization	Amended Request	House	Senate	Conference vs. Request	Conference
Weapons Activities	4,622.089	4,548.749	4,415.089	4,502.249	4,622.089	4,548.749	4,415.089	-119.840	4,502.249
New Production Reactor	170.028	171.800	33.978	34.028	170.028	171.800	33.978	-136.000	34.028
Defense Environmental Restoration & Waste Man	4,805.492	4,663.009	4,852.772	4,831.547	4,805.492	4,663.009	4,852.772	26.055	4,831.547
Materials Production & Other Defense Programs	2,521.020	2,559.361	2,487.510	2,554.301	2,521.020	2,559.361	2,487.510	33.281	2,554.301
Defense Nuclear Facilities Safety Board	13.000	13.000	13.000	13.000	13.000	13.000	13.000		13.000
Total Atomic Energy Defense Activities	12,131.629	11,955.919	11,802.349	11,935.125	12,131.629	11,955.919	11,802.349	-196.504	11,935.125
Intelligence Community Staff					30.651	30.651		-30.651	
Community Management Staff							10.500	9.800	9.800
Community Management Account								77.100	77.100
National Security Education Trust Fund								30.000	30.000
Coast Guard					203.100	203.100	203.100		203.100
Ready Reserve Force					234.000	234.000	234.000		234.000
CIA Retirement					168.900	168.900	168.900		168.900
FEMA Civil Defense	142.565	132.565	152.565	142.565	293.461	283.461	303.461		293.461
Selective Service					28.616	28.616	28.616		28.616
FBI Special Program	80.000				80.000	80.000		-80.000	
Radiation Exposure Compensation					173.472	173.472	173.472		173.472
Total Other Defense	222.565	132.565	152.565	142.565	1,212.200	1,202.200	1,122.049	6.249	1,218.449
Total National Defense Function (Excluding Desert Shield/Storm)	203,975.489	193,184.366	273,917.933	273,818.794	281,584.217	271,086.094	274,541.610	-7,252.646	274,331.571
Title XII-Desert Storm Supplemental FY1993 New Authorizations			87.700	87.700			87.700	87.700	87.700

/a THE CONFERENCE AGREEMENT AUTHORIZES FUNDS FOR CONVERSION WITHIN THE SEPARATE TITLES OF THE BILL.

Congressional defense committees

The term "congressional defense committees" is often used in this statement of the managers. It means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

General limitation (sec. 4)

The Senate amendment contained a provision (sec. 4) that would limit the amount that could be appropriated pursuant to the authorizations contained in the Senate amendment.

The House bill contained no similar provision.

The House recedes with an amendment.

Comprehensive review of tactical aviation (secs. 214, 901, and 902)

Both the House bill and the Senate amendment identified the modernization of tactical aviation as one of the most important issues facing the Department of Defense. Operation Desert Shield/Desert Storm demonstrated the critical role that tactical aviation did play and will play in any future conventional conflict. The amended budget request for fiscal year 1993 contained investment proposals that would commit the Department to hundreds of billions of dollars over the next two decades. Both the House and the Senate found serious weaknesses in the Department's proposals.

The House bill

The House report (H. Rept. 102–527) concluded that there were two central problems with the Department's proposals—affordability and timing. The House pointed out that under the Department's plans, tactical aviation spending would reach nearly $10 billion annually, requiring resources that exceed the budget shares traditionally allocated to tactical aviation modernization. The House also pointed out that the Services' modernization plans do not follow a sequence based on priority of need. To deal with these problems, the House suggested a two-stage process of prototyping and sequencing of modernization priorities.

The House bill included a provision (sec. 215) that would accelerate development of the AX medium attack aircraft and institute a competitive prototyping phase. The provision would also require a prototyping phase for the F–18E/F strike fighter. The purpose of the provision, in addition to establishing prototyping, would be to establish 1996 as the key year for determining which tactical aviation programs to proceed with into the next century. The year 1996 would also be important as the first year for F–22 procurement based on the current plan.

The Senate amendment

The Senate report (S. Rept. 102–352) also questioned the affordability of the Department's tactical aviation modernization plans and criticized the Department for three particular failings. First, the Senate noted that there was virtually no inter-Service coordination of tactical aviation modernization programs. Most of the aviation programs were being pursued for single Service applications. Second, the Senate noted that no overall acquisition strategy was guiding these modernization programs. Third, the Senate noted that there was no overall assessment of roles and missions guiding the Department, with the so-called "Base Force" permitting each Service to develop its own solution to the build-down problem.

To solve these problems, the Senate amendment included a provision (sec. 915) that would prohibit the obligation of more than 50 percent of the funds appropriated for certain tactical aviation programs until the fiscal years 1994/1995 budget request was submitted and the Chairman of the Joint Chiefs of Staff had submitted his assessment of the roles and missions of the Services to Congress. The Senate also decided that, like the joint-Service AX, the F–18E/F should become the multirole modernization program for both the Navy/Marine Corps and the Air Force.

The conferees' recommendations

The conferees concluded that there was considerable merit in the concerns and conclusions of both Houses, but that no definitive solution was possible until the Department of Defense undertook a comprehensive review of tactical aviation modernization.

The conferees believe that the reduction of the threat facing the United States as a result of the disintegration of the Warsaw Pact and the Soviet Union, and the application in warfare of new technologies as demonstrated in Operation Desert Shield/Desert Storm, present the opportunity and the necessity for a systematic review of roles and missions. This assessment will provide the necessary foundation upon which a new modernization analysis can be built. Accordingly, the conferees recommend a provision that would require the Secretary of Defense to submit the Chairman's roles and missions assessment, and to conduct a separate comprehensive review of the long-term modernization plans for tactical aviation.

Concerning the Chairman's roles and missions assessment, the conferees direct the Chairman to undertake a thorough, everything-on-the-table review, with special emphasis on tactical aviation. Such an assessment shall outline missions where the Services currently provide support on behalf of each other and areas where additional Service specialization on behalf of the entire Department is feasible. The report shall identify those capabilities of one Service that cannot be provided to other Services in combined arms operations, or are otherwise deficient in meeting the needs of other Services, and the justification for continued duplication of capabilities. The assessment shall specifically address the tradeoff between long-range aviation and sea-based tactical aviation, including appropriate mixes of land and sea-based tactical aviation assets. The analysis shall also examine ways that single types of aircraft can be utilized by all of the Services to provide similar combat missions.

The review conducted by the Secretary of Defense shall include a comprehensive affordability assessment that takes into account the effect of historical budget shares devoted by the military Services to tactical aviation modernization. The review shall postulate the projected force structure for tactical aviation over the next 20 years, and indicate the most cost-effective modernization plans for that force structure. The modernization plans shall consider continued procurement of current aircraft, upgrades to current aircraft, and new design aircraft (e.g., F–16C/D, F–18C/D, F–18E/F, AX, F–22, EF–111, EA–6B, and EA–X). The assessment should also include input from the Cost Analysis Improvement Group.

The comprehensive review must also include a section on acquisition policies and guidelines, with special attention to the need to manufacture aircraft at lower-than-currently-projected annual rates and with lower inventory goals, yet in a manner that is still efficient and profitable for the contractors. The conferees note with concern that current acquisition plans continue to assume relatively high annual production rates and high inventory goals. Proceeding with modernization plans based on such assumptions will only produce the same problems that plague current aircraft programs—excess production capacity, excessive overhead costs, inefficient production rates, and soaring unit costs.

In conjunction with the review, the Secretary of Defense shall charter the Defense Science Board (DSB) to undertake two technical assessments. First, the DSB shall examine ways that current aircraft, upgrades to current aircraft, and new-design aircraft can be modified, upgraded, or otherwise adapted so that a single aircraft type could be used by all of the Services in parallel missions. Second, the DSB shall undertake a review of the technical risks associated with the F–18E/F, AX, and F–22.

To insure that this comprehensive review is conducted in a careful yet deliberate manner, the conferees recommend a provision that would stipulate that not more than 65 percent of the funds appropriated for the AX, F–18E/F, and F–22 may be obligated until this review is conducted and transmitted to the congressional defense committees.

The prohibition on obligation of more than 65 percent of the funds applies to the total aggregate funding authorized to be appropriated for the F–22, F–18E/F, and AX. The Department shall establish guidelines for the application of the 65 percent obligation ceiling among the three programs. The conferees intend the Secretary to establish those guidelines so that the Secretary has flexibility to adjust the 65 percent constraint among the three programs, as long as the total obligation authority does not exceed 65 percent of the total authorization until the stipulated actions are accomplished.

In addition to this broad direction, the conferees recommend the following specific directions on individual tactical aviation programs:

F–22 advanced tactical fighter

The amended budget request contained $2,224.3 million to continue engineering and manufacturing development of the F–22 advanced tactical fighter.

The House bill would authorize $2,024.3 million. The House report noted that the F–22 might best be procured using a "silver bullet" acquisition strategy.

The Senate amendment would authorize the requested level.

The conferees recommend an authorization of $2,224.3 million. As indicated above, the conferees note with concern Air Force plans to manufacture the F–22 at relatively high production rates and question the likelihood of producing the quantity of aircraft currently planned for the F–22. Consequently, the acquisition analysis stipulated above should examine annual production rates of 12, 24, 36, and 48 aircraft per year, and at inventory goals of 200, 300, and 650 aircraft.

AX attack aircraft

The amended budget request contained $165.6 million to continue concept development of the AX medium attack aircraft for the Navy and the Air Force.

The House bill would authorize $760.6 million for development of the AX. The House bill also contained a provision (sec. 215) that would require a competitive prototype strategy for the AX aircraft emphasizing current generation stealth technology and existing engines, radars, and avionics. Further, the provision would mandate that the competitive prototype phase be completed by no later than 1996.

The Senate amendment would authorize a total of $50.0 million for AX development. The Senate amendment would also endorse a competitive prototype acquisition strategy. The Senate amendment would limit obligation of funding until the roles and missions analysis was completed.

Concerning section 215 of the House bill, the Senate recedes with an amendment that would authorize the budget request of $165.6 million.

The conferees concur with the direction of the House bill that the AX acquisition strategy should be restructured to incorporate a prototype competition. The conferees share the view of the House that the Department of Defense should utilize current generation stealth technology and, to the maximum feasible extent, engines, radars, and avionics systems that currently exist or are in development.

Finally, in order to ensure a timely revision of the AX acquisition strategy, the conferees recommend a stipulation that would prohibit the obligation of more than 65 percent of the funds authorized to be appropriated for the AX, F-18E/F, and F-22 until the Under Secretary of Defense for Acquisition has approved a revised acquisition plan for the AX that includes a demonstration/validation phase that incorporates a competitive prototyping phase.

F-18E/F multirole aircraft

The amended budget request included $1,133.6 million to continue development of an E/F model for the Navy's F-18 strike fighter.

The House bill would reject the amended budget request to proceed with full-scale development. The House bill contained a provision (sec. 215) that would authorize only $598.6 million for the E/F program. The provision would further direct the Navy to restructure the acquisition program to establish a prototype phase, and would prohibit initiation of engineering and manufacturing development until that prototype phase had been completed.

The Senate amendment would authorize a total of $943.6 million for the E/F program in fiscal year 1993. The Senate amendment would direct that the F-18E/F program should become the multirole fighter used by both the Navy/Marine Corps and the Air Force. The Senate report stipulated, however, that none of the development funds may be obligated until the Secretary of Defense certifies that the development cost of the E/F program shall not exceed $4.88 billion (fiscal year 1990 dollars), the flyaway cost of the E/F model will not exceed 125 percent of the flyaway cost of a C/D model, a cost and operational effectiveness analysis had been conducted, the Defense Science Board had determined whether or not a prototype phase was needed for the program, and the Chairman of the Joint Chiefs of Staff had submitted the roles and missions report.

Concerning the House provision on F-18E/F prototyping (sec. 215), the Senate recedes with an amendment that would prohibit the Navy from obligating any procurement funds, including long-lead funds, for an F-18E/F aircraft until the Navy has completed an early operational assessment of the F-18E/F, based in part on flight performance of not less than two research and development prototype aircraft. Further, the amendment would stipulate that the Director of Operational Test and Evaluation shall approve the operational assessment plan.

The conferees recommend several additional stipulations. First, the conferees note that the Navy's current cost estimates are based on production of 72 aircraft per year. The conferees question whether that is realistic. In the acquisition analysis stipulated above, the Department shall examine production rates of 18, 36, 54, and 72 aircraft per year. Second, the conferees endorse the cost cap provisions outlined in the Senate report. The conferees are open to reconsidering the flyaway cost cap if the Navy demonstrates the warfighting effectiveness that could be achieved at higher flyaway costs. Third, the Department of Defense shall conduct an independent cost and effectiveness analysis (COEA).

Division A—Department of Defense Authorizations

TITLE I—PROCUREMENT

Overview

The amended budget request for fiscal year 1993 contained an authorization of $56,291.7 million for procurement in the Department of Defense. The House bill would authorize $56,907.5 million. The Senate amendment would authorize $53,861.9 million. The conferees recommend authorization of $54,948.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

AIRCRAFT PROCUREMENT, ARMY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $1,291.3 million for Aircraft Procurement, Army. The House bill would authorize $1,501.3 million. The Senate amendment would authorize $1,328.9 million. The conferees recommend authorization of $1,553.9 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1		FY1993 Request		--- House FY1993 Authorization		Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 -- Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
AIRCRAFT PROCUREMENT, ARMY													
1	C-20 AIRCRAFT												
2	GUARDRAIL COMMON SENSOR (TIARA)	5	111,927	5	111,927	5	111,927					5	111,927
3	TRACTOR HALL		197		197		197						197
4	TOTAL PACKAGE FIELDING		1,185		1,185		1,185						1,185
5	AH-64 ATTACK HELICOPTER (APACHE) (MYP)		147,763		147,763		147,763						147,763
6	UH-60 BLACKHAWK (MYP)	60	252,428	60	252,428	60	252,428					60	252,428
7	UH-60 ADVANCE PROCUREMENT (CY)		154,501		154,501		154,501						154,501
8	HELICOPTER NEW TRAINING	70	44,885	70	44,885	70	44,885					70	44,885
9	DRUG INTERDICTION												
MODIFICATION OF AIRCRAFT													
10	TRACTOR DEW		196		196		196						196
11	OV-1 MODS SURVEILLANCE AIRPLANE (TIARA)												
12	GUARDRAIL MODS (TIARA)		92,991		92,991		92,991						92,991
13	RU-21 MODS (TIARA)												
14	AHIS MODS		3,519		3,519		3,519						3,519
15	AH-64 MODS		49,139		9,139		91,839		-82,700		42,700		91,839
16	CH-47 CARGO HELICOPTER (MODS) (MYP)		15,014		15,014		15,014						15,014
17	CH-47 ADVANCE PROCUREMENT (CY)												
18	OH-58 MODS		3,738		3,738		3,738						3,738
19	C-23 MODS												
20	FLIGHT DATA RECORDER		9,738		9,738		9,738						9,738
21	EXTERNAL FUEL TANKS (UH-1)												
22	UH-1 MODS		5,214		5,214		5,214						5,214
23	UH-60 MODS		12,662		12,662		12,662						12,662
24	ARMED OH-58D		96,157	36	346,157		96,157	36	250,000	36	225,000	36	321,157
25	EH-60 HELICOPTER MODS		393		393		393						393
26	AIRBORNE AVIONICS		986		986		986						986
27	ASE MODS		7,141		7,141		7,141						7,141
28	SOF AIRCRAFT MODS												
29	DRUG INTERDICTION (MODS)												
30	APA SPARES AND REPAIR PARTS		101,012		101,012		95,962		5,050		-5,050		95,962
31	AIRCRAFT SURVIVABILITY EQUIPMENT		75,154		75,154		75,154						75,154
32	AIRBORNE COMMAND & CONTROL CONSOLES		6,815		6,815		6,815						6,815

P-1		FY1993 Request		--- House FY1993	------	Senate FY1993 ---		House +/- Senate		---Conference---		-- Conference FY93 --	
				Authorization		Authorization				Change to Request		Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
33	AVIONICS SUPPORT EQUIPMENT		33,722		33,722		33,722						33,722
34	COMMON GROUND EQUIPMENT		43,075		43,075		43,075						43,075
35	AIR TRAFFIC CONTROL		5,718		5,718		5,718						5,718
36	SYNTHETIC FLIGHT TRAINING SYSTEMS												
37	INDUSTRIAL FACILITIES		15,014		15,014		15,014						15,014
38	LAUNCHER, 2.75 ROCKET		975		975		975						975
	GENERAL REDUCTION, INTERIM CONTRACT SUPPORT												
	TOTAL AIRCRAFT PROCUREMENT ARMY		1,291,259		1,501,259		1,328,909		172,350		262,650	171	1,553,909

UH-1 helicopter modernization

The conferees are aware that the current Army aviation plan intends to retain large numbers of non-deployable aircraft, such as the UH-1 helicopter.

The conferees remain concerned about the overall affordability of the Army's aviation plans, and believe the Army should evaluate alternatives for modernizing the UH-1 fleet.

Therefore, the conferees direct the Secretary of the Army to review requirements and develop plans for UH-1 fleet modernization or replacement in the overall context of Army aviation modernization, and provide a long-range plan in conjunction with the submission of the fiscal years 1994/1995 budget request.

MISSILE PROCUREMENT, ARMY

OVERVIEW

The amended budget request for fiscal year 1993 contained an authorization of $982.3 million for Missile Procurement, Army. The House bill would authorize $1,083.1 million. The Senate amendment would authorize $1,037.9 million. The conferees recommend authorization of $1,118.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request		House FY1993 Authorization		Senate FY1993 Authorization		House +/- Senate		Conference Change to Request		Conference FY93 Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
MISSILE PROCUREMENT, ARMY													
1	CHAPARRAL SYSTEM SUMMARY		6,642		6,642		6,642						6,642
2	HAWK SYSTEM SUMMARY		1,694		1,694		1,694						1,694
3	OTHER MISSILE SUPPORT		1,368		1,368		1,368						1,368
4	PATRIOT SYSTEM SUMMARY (MYP)		25,160		25,160		25,160						25,160
5	STINGER SYSTEM SUMMARY		9,459		9,459		9,459						9,459
6	AVENGER SYSTEM SUMMARY	144	103,263	144	103,263	144	103,263					144	103,263
7	ADVANCE PROCUREMENT (CY)		44,900		44,900		44,900						44,900
8	LASER HELLFIRE SYS SUMMARY	2,158	103,376	2,158	103,376	2,158	103,376					2,158	103,376
9	JAVELIN (AAWS-M) SYSTEM SUMMARY		18,305		18,305		18,305						18,305
10	TOW 2 SYSTEM SUMMARY	9,440	183,061	9,440	183,061	9,440	183,061					9,440	183,061
11	MLRS ROCKET		2,169	30,000	110,900	22,000	110,869	8,000	31	30,000	108,729	30,000	110,898
12	MLRS ADVANCE PROCUREMENT (CY)												
13	MLRS LAUNCHER	44	197,270	73	189,351	44	146,270	29	43,081	29	29,730	73	227,000
14	MLRS ADVANCE PROCUREMENT (CY)												
15	ARMY TACTICAL MISSILE SYS (ATACMS)	340	163,241	340	163,241	340	163,241					340	163,241
16	ATACMS ADVANCE PROCUREMENT (CY)		25,029		25,029		25,029						25,029
MODIFICATION OF MISSILES													
17	PATRIOT MODS		10,044		10,044		10,044						10,044
18	CHAPARRAL MODS												
19	HAWK MODS		1,514		1,514		1,514						1,514
20	AVENGER MODS		4,191		4,191		4,191						4,191
21	TOW MODS		4,998		4,998		4,998						4,998
22	MLRS MODS		12,215		12,215		12,215						12,215
23	MODIFICATIONS LESS THAN $2.0M												
24	TRACTOR RIG												
25	MPA SPARES AND REPAIR PARTS		42,142		42,142		40,037		2,105		-2,105		40,037
26	AIR DEFENSE TARGETS		11,241		11,241		11,241						11,241
27	ITEMS LESS THAN $2.0M (MISSILES)		848		848		848						848
28	PRODUCTION BASE SUPPORT		10,168		10,168		10,168						10,168
29	CLOSED ACCOUNT ADJUSTMENTS												
	GENERAL REDUCTION, INTERIM CONTRACT SUPP												
	TOTAL MISSILE PROCUREMENT ARMY		982,298		1,083,110		1,037,893		45,217		136,354		1,118,652

WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

OVERVIEW

The amended budget request for fiscal year 1993 contained an authorization of $623.4 million for Weapons and Tracked Combat Vehicles, Army. The House bill would authorize $736.6 million. The Senate amendment would authorize $839.8 million. The conferees recommend authorization of $877.8 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE ITEM	FY1993 Request		--- House FY1993 ------- Authorization		Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 - Authorization	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
PROCUREMENT OF W&TCV, ARMY												
TRACKED COMBAT VEHICLES												
1 ABRAMS TRNG DEV MOD		1,931		1,931		1,931						1,931
2 BRADLEY FIGHTING VEHICLE FAMILY (MYP)		103,921		103,921	120	258,921	-120	-155,000	60	85,000	60	188,921
BRADLEY BASE SUSTAINMENT PROGRAM												
3 M1 ABRAMS TANK TRAINING DEVICES		965		965		965						965
4 ARMORED GUN SYSTEM (AGS)		4,747		4,747		4,747						4,747
5 M1 ABRAMS TANK SERIES (MYP)		32,397		32,397		32,397						32,397
MODIFICATION OF TRACKED COMBAT VEHICLES												
6 CARRIER, MOD		5,720		5,720		5,720						5,720
7 BFVS SERIES (MOD)		34,459		123,659		34,459		89,200		40,000		74,459
8 HOWITZER, MED SP FT 155MM M109 SER (MOD)		125,412		125,412		125,412						125,412
9 HOWITZER, MED SP 155(MOD)M109A5		23,120		23,120		23,120						23,120
10 FAASV PIP TO FLEET		25,847		25,847		25,847						25,847
11 M1 ABRAMS TANK (MOD)		25,202		25,202		65,202		-40,000		122,400		147,602
12 MODIFICATIONS LESS THAN $2.0M (TCV-WTCV)		986		986		986						986
SUPPORT EQUIPMENT AND FACILITIES												
13 WTCV SPARES AND REPAIR PARTS		52,032		52,032		49,432		2,600		-2,600		49,432
14 ITEMS LESS THAN $2.0M (TCV-WTCV)		203		203		203						203
15 PRODUCTION BASE SUPPORT (TCV-WTCV)		50,183		50,183		50,183				-14,487		35,696
16 REGIONAL MAINTENANCE TRAIN SITES-EQUIP		2,402		2,402		2,402						2,402
WEAPONS AND OTHER COMBAT VEHICLES												
17 HOWITZER, LIGHT, TOWED, 105MM, M119	87	47,760	87	47,760	87	47,760					87	47,760
18 MACHINE GUN, 5.56MM (SAW)	4,416	9,793	4,416	9,793	4,416	9,793					4,416	9,793
19 GRENADE LAUNCHER, AUTO, 40MM, MK19-3			1,500	24,000	1,500	24,000			1,500	24,000	1,500	24,000
20 LAUNCHER, SMOKE GRENADE												
21 MORTAR, 120MM	242	17,487	242	17,487	242	17,487					242	17,487
22 M16 RIFLE												
23 5.56 CARBINE M4	18,930	9,668	18,930	9,668	18,930	9,668					18,930	9,668
24 PERSONAL DEFENSE WEAPON, 9MM		788		788		788						788
25 PDW 9MM SUB COMPACT												
26 VEH RAPID FIRE WPN SYS-BUSHMASTER (MYP)												
27 SQUAD AUTOMATIC WEAPON (MOD)		3,086		3,086		3,086						3,086
28 M16 RIFLE MODS		9,274		9,274		9,274						9,274

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
29	MODIFICATIONS LESS THAN $2.0M (WOCV-WTCV		1,970		1,970		1,970						1,970
30	WTCV SPARES AND REPAIR PARTS		609		609		609						609
31	ITEMS LESS THAN $2.0M (WOCV-WTCV)		4,482		4,482		4,482						4,482
32	PRODUCTION BASE SUPPORT (WOCV-WTCV)		22,092		22,092		22,092						22,092
33	INDUSTRIAL PREPAREDNESS		6,905		6,905		6,905						6,905
	TOTAL W&TCV		623,441		736,641		839,841		-103,200		254,313		877,754

M–2 fighting vehicle

The amended budget request contained $103.9 million to procure the final M–2 fighting vehicles under a multiyear contract. At the conclusion of the contract, no further M–2 vehicles would be procured, though the Army would continue to buy small numbers of derivative vehicles based on the M–2 chassis. The budget request also contained $34.5 million for modifications for the M–2.

The House bill, recognizing the need to preserve this element of the industrial base, recommended purchase of additional MLRS rocket launchers, which utilize the M–2 chassis. The House amendment also would authorize $99.2 million to initiate a program to upgrade early models of the M–2 fighting vehicle into an improved "A–2" configuration.

The Senate amendment also sought to preserve the industrial base, and recommended an additional authorization of $155.0 million to procure 120 M–2 vehicles. The Senate amendment also contained a provision (sec. 112) that would make available the funds received from the sale of surplus infantry fighting vehicles for an upgrade program for Army infantry fighting vehicles.

The conferees believe that the M–2 industry base is critical, since it is the basis for a large number of derivative vehicles in the Army. In addition, the conferees note that the Army continues to need additional M–2 vehicles to meet even its smaller force structure.

The conferees recommend an authorization of $227.0 million to procure 73 multiple launch rocket system launchers. In addition, the conferees recommend an authorization of $188.9 million to complete the multiyear contract and to procure 60 additional M–2 vehicles. Further, the conferees recommend an authorization of $74.5 million for M–2 modifications. This represents a net reduction of $10.0 million for armor tiles and a $50.0 million increase to initiate an upgrade program to convert first generation M–2 vehicles into the improved block 2 configuration. The conferees direct, however, that none of the funds for the additional 60 vehicles may be obligated until the Army has developed an obligation plan for the block upgrade program and has transmitted that plan to the congressional defense committees.

The conferees emphasize that the purpose of the modification program is to preserve the current M–2 industrial base. For that reason, the conferees emphasize that the Army should develop a modification program that provides the maximum degree of commonality in hardware components and manufacturing processes with the ongoing M–2 production line.

Finally, the conferees recommend an additional $5.0 million in research and development for M–2 upgrades, to include an eyesafe laser range-finder system for the M–2.

As noted elsewhere in this statement of the managers, concerning the Senate provision (sec. 112), the House recedes.

AMMUNITION, ARMY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $823.6 million for Ammunition, Army. The House bill would authorize $940.0 million. The Senate amendment would authorize $764.3 million. The conferees recommend authorization of $829.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
PROCUREMENT OF AMMUNITION, ARMY												
1 NUCLEAR WEAPONS SUPPORT MATERIEL												
SMALL/MEDIUM CAL AMMUNITION												
2 CTG, 5.56MM, ALL TYPES		25,167		33,767		25,167		8,600		8,600		33,767
3 CTG, 7.62MM, ALL TYPES		10,494		15,294		10,494		4,800		4,800		15,294
4 CTG, 9MM, ALL TYPES		2,382		2,382		2,382						2,382
5 CTG, .45 CAL, ALL TYPES		1,974		1,974		1,974						1,974
6 CTG, .50 CAL, ALL TYPES		11,420		11,420		8,720		2,700				11,420
CTG, .50 CAL, SLAP						10,000		-10,000		5,000		5,000
7 CTG, 20MM, ALL TYPES												
8 CTG, 25MM, ALL TYPES		4,663				4,663		-4,663				4,663
9 CTG, 30MM, ALL TYPES												
10 CTG, 40MM, ALL TYPES		29,545		28,695		29,545		-850		-850		28,695
MORTAR AMMUNITION												
11 CTG, MORTAR, 60MM, 1/10 PRAC, M840												
12 CTG, MORTAR, 60MM, SMOKE, M722												
13 CTG, MORTAR, 120MM, HE/MO, XM934	39	13,377	39	13,377	39	13,377					39	13,377
14 CTG, MORTAR, 120MM, HE/PD, XM933	10	3,020	10	3,020			10	3,020	-10	-3,020		
15 CTG, MORTAR, 120MM, ILLUM, XM930												
16 CTG, MORTAR, 120MM, SMOKE, XM929												
TANK AMMUNITION												
17 CTG, TANK, 35MM, SUBCAL PRAC, M968	17	1,309	17	1,309	17	1,309					17	1,309
18 CTG, TANK, 105MM, TP-T, M490A1												
19 CTG, TANK, 105MM, DS-TP, M724A1												
20 CTG, TANK, 105MM, APFSDS-T, M900A1												
21 CLASSIFIED PROJECT	[ ]	[ ]										
22 CLASSIFIED PROJECT	[ ]	[ ]										
23 CTG, TANK, 120MM, TP-T, M831	52	46,090	52	46,090	52	46,090					52	46,090
24 CTG, TANK, 120MM, TPCSDS-T, M865	114	74,923	114	74,923	114	74,923					114	74,923
ARTILLERY AMMUNITION												
25 CTG, ARTY, 105MM, HERA, M913	28	14,803	28	14,803	28	14,803					28	14,803
26 PROJ, ARTY, 155MM, ILLUM, M485												
27 PROJ, ARTY, 155MM, ADAM-S M731												
28 PROJ, ARTY, 155MM, BASEBURNER M864	225	172,117	225	172,117	119	90,917	106	81,200	-106	-81,200	119	90,917

P-1 LINE ITEM	FY1993 Request		--- House FY1993 Authorization		Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 -- Authorization	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
29 PROJ, ARTY, 155MM, SADARM, XM898	228	35,486	228	35,486	228	35,486			-228	-35,486		
30 PROJ, ARTY, 155MM, HE, M107												
31 PROP CHG, 155MM, WHITE BAG, M4												
32 PROP CHG, 155MM, RED BAG, M203	67	37,513	67	37,513	67	37,513					67	37,513
33 PROP CHG, 155MM, RED BAG, M119												
34 PROP CHG, 8-INCH, GREEN BAG, M1												
ARTILLERY FUZES												
35 FUZE, ARTILLERY, ELEC TIME, M767												
36 FUZE, ARTILLERY, PROXIMITY, M732A2												
37 FUZE, ARTILLERY, ELEC TIME, M762												
38 FUZE, ARTILLERY, MOUT, MK399 MOD 1												
INES												
39 MINE, TRAINING, ALL TYPES		2,953		2,953		2,953						2,953
40 MINE, VOLCANO, AT/AP, M87				60,000				60,000		60,000		60,000
41 MINE, CLEARING CHARGE, ALL TYPES												
OCKETS												
42 AT-4 MULTI-PURPOSE WEAPON												
43 ROCKET, LAW, ALL TYPES												
44 ROCKET, HYDRA 70, ALL TYPES		10,030		10,030		33,030		-23,000		23,000		33,030
THER AMMUNITION												
45 PRIMER, PERCUSSION, M82	1,715	6,652	1,715	6,652	1,715	6,652					1,715	6,652
46 DEMOLITION MUNITIONS, ALL TYPES		1,988		1,988		1,988						1,988
47 GRENADES, ALL TYPES		7,767		6,367		6,367				-1,400		6,367
48 SIGNALS, ALL TYPES		558		558		558						558
49 SIMULATORS, ALL TYPES		6,079		5,399		5,779		-380		-300		5,779
ISCELLANEOUS												
50 AMMO COMPONENTS, ALL TYPES		18,182		14,082		18,182		-4,100				18,182
51 CAD/PAD, ALL TYPES		11,413		11,413		11,413						11,413
52 ITEMS LESS THAN $2 MILLION		1,247		1,247		1,247						1,247
53 EOD EXPLOSIVE ITEMS		2,744		2,744		2,744						2,744
54 AMMUNITION PECULIAR EQUIPMENT		6,427		6,427		6,427						6,427
55 FIRST DESTINATION TRANSPORTATION (AMMO)		98		98		98						98
56 NITROGUANIDINE												
MUNITION PRODUCTION BASE SUPPORT												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
57	PROVISION OF INDUSTRIAL FACILITIES		59,533		59,533		59,533						59,533
58	COMPONENTS FOR PROVE-OUT		2,300		2,300		2,300						2,300
59	LAYAWAY OF INDUSTRIAL FACILITIES		31,690		29,990		26,890		3,100		-4,800		26,890
60	PROVING GROUND MODERNIZATION		1,500		1,500		1,500						1,500
61	MAINTENANCE OF INACTIVE FACILITIES		75,177		75,177		68,277		6,900		-6,900		68,277
62	CONVENTIONAL AMMO DEMILITARIZATION		23,600		35,000		31,600		3,400		11,400		35,000
999	CLASSIFIED PROGRAMS		69,379		114,379		69,379		45,000		27,000		96,379
	TOTAL ARMY AMMUNITION		823,600		940,007		764,280		175,727		5,844		829,444

Cartridge cases

The Army and the Marine Corps require deep drawn cartridge cases for their 105mm tank projectiles, while the Navy has the same requirement for its 5-inch and 76mm gun ammunition. In addition, the Army will require 105mm deep drawn cartridge cases in support of the armored gun system family of ammunition, which may be procured as early as fiscal year 1994.

The military Services have a single production source available with unique technological capabilities for manufacturing large caliber, deep drawn cartridge cases. The Army invested $55 million in this facility in the 1980s but for a Cold War capacity that now exceeds current requirements.

The conferees direct the Army single manager for ammunition to identify the requirements of the military Services for ammunition items that utilize deep drawn cartridge cases. If sufficient requirements are determined to exist, the conferees encourage the Army to seek reprogramming funds in support of 105mm tank projectile production to maintain this vital defense capability, commensurate with projected requirements.

Ammunition demilitarization

The conferees agree to the recommendations in the House report (H. Rept. 102-527) on ammunition demilitarization.

OTHER PROCUREMENT, ARMY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $3,093.5 million for Other Procurement, Army. The House bill would authorize $3,157.9 million. The Senate amendment would authorize $3,032.2 million. The conferees recommend authorization of $3,129.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	OTHER PROCUREMENT, ARMY												
	TACTICAL AND SUPPORT VEHICLES												
	TACTICAL VEHICLES												
1	TACTICAL TRAILERS/DOLLY SETS		11,787		11,787		41,787		-30,000		30,000		41,787
2	SEMITRAILER FB BB/CONT TRANS 22 1/2 T												
3	SEMITRAILER, TANK, 5000G			250	25,000			250	25,000	250	25,000	250	25,000
4	HI MOB MULTI-PURP WHLD VEH (HMMWV)(MYP)	6,437	229,548	6,437	229,548	6,437	229,548					6,437	229,548
5	FAMILY OF MEDIUM TACTICAL VEH (MYP)	2,384	291,101	2,384	291,101	2,384	291,101					2,384	291,101
6	HEAVY EQUIPMENT TRANSPORTER SYS			118	40,000			118	40,000	118	40,000	118	40,000
7	TRUCK, 10T, 8X8, ABT												
8	FAMILY OF HEAVY TACTICAL VEHICLES (MYP)	961	315,730	961	315,730	961	315,730					961	315,730
9	TRUCK, TRACTOR, LINE HAUL, M915/M916												
10	MODIFICATION OF IN SVC EQUIP		3,058		3,058		3,058						3,058
11	ITEMS LESS THAN $2.0M (TAC VEH)		98		98		98						98
12	PASSENGER CARRYING VEHICLES	38	2,130	38	2,130	38	2,130					38	2,130
13	GENERAL PURPOSE VEHICLES		5,957		5,957		5,957						5,957
14	SPECIAL PURPOSE VEHICLES		5,682		5,682		5,682						5,682
15	1ST DEST TRANS/TOT PKG FIELDING TACOM												
16	SYSTEM FIELDING SUPPORT PEO		890		890		890						890
17	PROJECT MANAGEMENT SUPPORT		3,714		3,714		3,714						3,714
18	SYSTEM FIELDING SUPPORT (TACOM)		569		569		569						569
19	SPARES AND REPAIR PARTS- OPA 1		11,797		11,797		11,207		590		-590		11,207
20	PRODUCTION BASE SUPPORT (TAC VEH)												
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT												
21	JCSE EQUIPMENT (USREDCOM)		3,480		3,480		3,480						3,480
22	DEFENSE SATELLITE COMMUNICATIONS SYSTEM		112,393		97,393		112,393		-15,000		-8,150		104,243
23	SAT TERM, ADVANCED MPK UHF		11,000		11,000		11,000						11,000
24	GMF CONTROL	3	1,170	3	1,170	3	1,170					3	1,170
25	NAVSTAR GLOBAL POSITIONING SYSTEM	2,171	29,386	2,171	29,386	2,171	29,386				-1,386	2,171	28,000
26	NAVSTAR AIRBORNE												
27	SINGLE CHANNEL OBJECT TACT TERM (SCOTT)	2	38,412	2	28,412	2	14,012		14,400		-24,412	2	14,000
28	MOD OF IN-SVC EQUIP (TAC SAT)		9,367		9,367		9,367						9,367
29	COMMAND CENTER IMPROVEMENT PROG (CCIP)		4,510		4,510		2,910		1,600				4,510
30	EUSA-C3I INITIATIVES												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
31	SECURE CONFERENCING PROJECT												
32	STD THEATER CMD & CONTROL SYS (STACCS)		2,777		2,777		2,777						2,777
33	WWMCCS INFORMATION SYSTEM (WIS)		7,887		7,887		7,887						7,887
34	ARMY DATA DISTRIBUTION SYSTEM (ADDS)		27,297		59,297		27,297		32,000		32,000		59,297
35	MOBILE SUBSCRIBER EQUIP (MSE)		58,528		58,528		58,528						58,528
36	SINCGARS FAMILY		223,190		223,190		203,190		20,000				223,190
37	SW ASIA COMM INFRASTRUCTURE		1,306		1,306		1,306						1,306
38	EAC COMMUNICATIONS		6,459		15,459		40,959		-25,500		34,500		40,959
39	MOD OF IN-SVC EQUIP (EAC COMM)		37,525		37,525		37,525						37,525
40	VEHICULAR INTERCOM SYSTEM (VIS)												
41	C-E CONTINGENCY/FIELDING EQUIP		8,133		8,133		8,133						8,133
42	TSEC - ARMY KEY MGT SYS (AKMS)		7,377		7,377		7,377						7,377
43	TSEC - TEMPEST (COMSEC)		987		987		987						987
44	TSEC - TRUNK ENCRYPTION DEVICES (TED)		6,824		6,824		6,824						6,824
45	TSEC/KG-84, DED LOOP ENCRYP DEV	1,328	8,513	1,328	8,513	1,328	8,513					1,328	8,513
46	TSEC/KY-99, MINITERM		6,913		6,913		6,913						6,913
47	TSEC - SEC VOICE IMPRV PROG (COMSEC)		1,865		1,865		1,865						1,865
48	TSEC - ITEMS LESS THAN $2.0M (COMSEC)		6,055		6,055		6,055						6,055
49	TERRESTRIAL TRANSMISSION		5,328		5,328		5,328						5,328
50	C-E FACILITIES/PROJECTS		4,104		4,104		4,104						4,104
51	DEFENSE DATA NETWORK (DDN)		6,059		6,059		6,059						6,059
52	ELECTROMAG COMP PROG (EMCP)		741		741		741						741
53	WW TECH CON IMP PROG (WWTCIP)		2,141		2,141		2,141						2,141
54	INFORMATION SYSTEMS		66,211		66,211		52,511		13,700				66,211
55	DEFENSE MESSAGE SYSTEM (DMS)		8,191		8,191		8,191						8,191
56	LOCAL AREA NETWORK (LAN)		29,262		19,262		19,262				-10,000		19,262
57	PENTAGON TELECOM CTR (PTC)		4,069		4,069		3,069		1,000		-1,000		3,069
58	FOREIGN COUNTERINTELLIGENCE PROG (FCI)		498		498		498						498
59	GENERAL DEFENSE INTELL PROG (GDIP)		26,013		30,251		26,013		4,238				26,013
60	ITEMS LESS THAN $2.0M (INTEL SPT)		2,021		2,021		2,021						2,021
61	ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)		54,319		44,319		44,319				-10,000		44,319
62	COMMANDERS TACTICAL TERM (CTT) (TIARA)	13	5,558	13	5,558	13	5,558					13	5,558
63	IMAGERY PROCESSING SYSTEM (IPS) (TIARA)		1,485		1,485		1,485						1,485
64	JOINT STARS (ARMY) (TIARA)		36,212		36,212		36,212						36,212

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
65	DIGITAL TOPOGRPHC SPT SYS (DISS)(TIARA)		9,950		9,950		9,950						9,950
66	DRUG INTERDICTION PROGRAM (DIP) (TIARA)												
67	TACT ELEC SURV SYS (TESS)(TIARA)		5,321		5,321		5,321						5,321
68	TROJAN (TIARA)		5,506		5,506		5,506						5,506
69	MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)		20,842		20,842		20,842						20,842
70	ITEMS LESS THAN $2.0M (TIARA)		1,866		1,866		1,866						1,866
71	CLOSE COMBAT DECOYS		1,578		1,578		1,578						1,578
72	SHORTSTOP												
73	MOD OF IN-SVC EQUIP (EW)		8,919		8,919		8,919						8,919
74	LT SPEC DIV INTERIM SENSOR (LSDIS)												
75	NIGHT VISION DEVICES		80,879		80,879		80,879						80,879
76	PHYSICAL SECURITY SYSTEMS		11,720		11,720		11,720						11,720
77	RADIATION MONITORING SYSTEMS												
78	ARTILLERY ACCURACY EQUIP		13,773		13,773		13,773						13,773
79	MOD OF IN-SVC EQUIP (TAC SURV)		30,155		30,155		30,155						30,155
80	COMMAND & CONTROL CONSOLES												
81	INTEGRATED MET SYS SENSORS (IMETS)		5,855		5,855		5,855						5,855
82	FIRE SUPPORT ADA CONVERSION		11,683		11,683		11,683						11,683
83	CORPS/THEATER ADP SVC CTR (CTASC)		12,270		12,270		12,270						12,270
84	FORWARD ENTRY DEVICE (FED)		17,149		17,149		17,149						17,149
85	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		780		780		780						780
86	LOGTECH		2,217		2,217		2,217						2,217
87	MANEUVER CONTROL SYSTEM (MCS)		42,253				17,453		-17,453		-24,800		17,453
88	STAMIS TACTICAL COMPUTERS (STACOMP)		3,766		3,766		3,766						3,766
89	AUTOMATED DATA PROCESSING EQUIP		147,789		147,789		147,789						147,789
90	RESERVE COMPONENT AUTOMATION SYS (RCAS)		152,222		152,222		152,222						152,222
91	AFRTS		4,001		4,001		4,001						4,001
92	ITEMS LESS THAN $2.0M (A/V)		4,196		4,196		4,196						4,196
93	CALIBRATION SETS EQUIPMENT		15,255		15,255		15,255						15,255
94	INTEGRATED FAMILY OF TEST EQUIP (IFTE)		39,065		51,065		39,065		12,000		12,000		51,065
95	SIMP TEST EQUIP - INTERNAL COMBUST ENGS	1,100	5,554	1,100	5,554	1,100	5,554					1,100	5,554
96	TMDE MODERNIZATION (TMOD)		15,811		15,811		15,811						15,811
97	INITIAL SPARES -OPA 2		68,911		68,911		65,465		3,446		-3,446		65,465
98	ARMY PRINTING AND BINDING EQUIPMENT		4,175		4,175		4,175						4,175

P-1 LINE ITEM	FY1993 Request		--- House FY1993 --- Authorization		--- Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 -- Authorization	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
99 INSTALLATION C4 UPGRADE (ICU)		9,521		9,521		9,521						9,521
100 PECIP AND QRIP		7,512		7,512		7,512						7,512
101 PRODUCTION BASE SUPPORT (C-E)		3,610		3,610		3,610						3,610
102 1ST DES TRAN/TOT PACK FLD/NEW EQ TRN												
103 SPECIAL PROGRAMS		47,782		47,782		40,597		7,185		-40,597		7,185
OTHER SUPPORT EQUIPMENT												
104 SIMP COLL PROT EQUIP M20	233	2,258	233	2,258	233	2,258					233	2,258
105 COLL PROT EQUIP, NBC TEMPER, TENT XM28												
106 MASK, PROTECTIVE, NBC M40/M42		42,330		42,330		42,330						42,330
107 MASK, ACFT												
108 REMOTE SENSING CHEMICAL AGENT ALARM XM21	18	7,283	18	7,283	18	7,283					18	7,283
109 CHEMICAL AGENT MONITOR	1,216	9,544	1,216	9,544	1,216	9,544					1,216	9,544
110 RECONNAISSANCE SYS, FOX NBC (NBCRS) XM93												
111 DECONTAMINATE APP PWR DR LT WT M17												
112 RADIATION MONITORING SYSTEM (OPA-3)		14,303		14,303		14,303						14,303
113 ITEMS LESS THAN $2.0M (BRIDGING)												
113a TOWED ASSAULT BRIDGE				2,000				2,000		2,000		2,000
114 DISPENSER, MINE XM139	83	14,969	83	14,969	83	14,969					83	14,969
115 DETECTING SET, MINE, AN/PSS-12	5,353	7,379	5,353	7,379	5,353	7,379					5,353	7,379
116 VEHICLE MAGNETIC SIGNATURE DUP												
117 COUNTERMINE EQUIPMENT				15,000				15,000				
118 INT SURVEY EQ (AISI)												
119 MOD IN-SVC EQ (ENGR-NC)												
120 AIR CONDITIONERS VARIOUS SIZE/CAPACITY		3,019		3,019		3,019						3,019
121 FIELD KITCHEN,MOBILE, TRL MTD.												
122 STANDARD INTEGRATED CMD POST SYSTEM		37,568		37,568		37,568						37,568
LSV LANDING CRAFT												
123 FIRETRUCKS		4,204		4,204		4,204						4,204
124 LAUNDRY UNIT/TRL MTD												
125 TOOL OUTFIT, PIONEER, PORTABLE SET												
126 SOLDIER ENHANCEMENT		11,228		11,228		11,228						11,228
127 ITEMS LESS THAN $2.0M (CSS-EQ)		5,268		5,268		5,268						5,268
128 TANK ASSEMBLY FAB COLL POL 50000 G												
129 TANK ASSY, FAB COLLAPS, 20,000 GAL POL												

P-1				--- House FY1993	-------	Senate FY1993 ---				---Conference---		-- Conference FY93 --	
		FY1993 Request		Authorization		Authorization		House +/- Senate		Change to Request		Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
130	FUEL SYSTEM SUPPLY POINT, 60000 GALLON												
131	PUMP ASSY LIQ GAS WHL 4 IN OUT 350 GPM												
132	SWA PETROLEUM DISTRIBUTION SYSTEM		3,510		3,510		3,510						3,510
133	FORWARD AREA REFUELING SYS ADV AVIATION	40	3,379	40	3,379	40	3,379					40	3,379
134	HEMTT AVIATION REFUELING SYSTEM												
135	ITEMS LESS THAN $2.0M (POL)		5,623		5,623		5,623						5,623
136	WATER PURIF UNIT REV OS 3000 GPH	33	12,618	33	12,618	33	12,618					33	12,618
137	FWD AREA WTR POINT SUP SYSTEM												
138	TANK FABRIC COLL WTR 3000 GAL (ONION)												
139	WATER QUALITY ANALYSIS SET PURIF												
140	ITEMS LESS THAN $2.0M (WATER EQ)		4,377		4,377		4,377						4,377
141	COMBAT SUPPORT MEDICAL		24,819		24,819		24,819						24,819
142	MEDICAL SUPPORT EQUIPMENT												
143	TOOL OUTFIT HYDRAULIC REPAIR 3/4 TRL MTD	31	1,955	31	1,955	31	1,955					31	1,955
144	ITEMS LESS THAN $2.0M (MAINT EQ)		5,920		5,920		5,920						5,920
	NATURAL GAS UTILIZATION EQUIPMENT												
145	COMPACTOR HI-SPEED TAMP SELF PROP (CCE)	3	1,112	3	1,112	3	1,112					3	1,112
146	CRUSHING/SCREENING PLANT, 150 TPH	2	3,207	2	3,207	2	3,207					2	3,207
147	ITEMS LESS THAN $2.0M (CONST EQUIP)		4,508		4,508		4,508						4,508
148	CAUSEWAY SYSTEMS		10,782		10,782		10,782						10,782
149	MOD IN-SVC EQ (FLOAT/RAIL)												
150	ITEMS LESS THAN $2.0M (FLOAT/RAIL)		2,123		2,123		2,123						2,123
151	GENERATORS AND ASSOCIATED EQUIP		45,439		45,439		45,439						45,439
152	FRONT/SIDE LOADER FORKLIFT, CBD, PT, 6K	73	8,506	73	8,506	73	8,506					73	8,506
153	TRUCK, FORK LIFT, DE, PT, RT, 6000 LB												
154	ITEMS LESS THAN $2.0M (MHE)		4,885		4,885		4,885						4,885
155	COMBAT TRAINING CENTERS SUPPORT		21,948		21,948		21,948						21,948
156	TRAINING DEVICES, NONSYSTEM		90,668		90,668		90,668				-1,768		88,900
157	SYSTEM FIELDING SUPPORT (OPA-3)		25,443		25,443		25,443						25,443
158	FIRST DESTINATION TRANS (OPA-3)												
159	SPARES AND REPAIR PARTS - OPA 3		13,341		13,341		11,174		2,167		-667		12,674
160	BASE LEVEL COM'L EQUIPMENT		12,622		12,622		12,622						12,622
161	PROD ENHANCING CAPITAL INVEST PROG												
162	QUICK RETURN ON INVESTMENT PROGRAM												

P-1		FY1993 Request		--- House FY1993	-------	Senate FY1993 ---				---Conference---		-- Conference FY93 --	
				Authorization		Authorization		House +/- Senate		Change to Request		Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
163	ARMS CONTROL COMPLIANCE		3,520		3,520		3,520						3,520
164	PRODUCTION BASE SUPPORT (OTH)		2,542		2,542		2,542						2,542
165	COMBINED DEFENSE IMPROVE PROJECT (CDIP)		3,911		3,911		3,911						3,911
166	MODIFICATION OF IN-SVC EQUIPMENT (BA-3)		14,305		14,305		14,305						14,305
167	OSD PRODUCTIVITY INVESTMENT FUNDING												
168	INDUSTRIAL MODERNIZATION INCENTIVE PROG		7,429		7,429		7,429						7,429
169	SPECIAL EQUIPMENT FOR USER TESTING		12,605		12,605		12,605						12,605
170	ITEMS LESS THAN $2.0M (OTH SPT EQ)												
171	IND/DEPOT MAINT EQUIP												
172	TRACTOR ACE		1,173		1,173		1,173						1,173
173	OPERATIONAL PROJECT STOCKS		14,372		26,772		14,372		12,400				14,372
	INFLATION ADJUSTMENT										-12,740		-12,740
	RAISE O&M PURCHASE THRESHOLD						-6,900		6,900				
	TOTAL OTHER PROCUREMENT ARMY		3,093,508		3,157,893		3,032,220		125,673		35,944		3,129,452

Defense communications satellite program

The amended budget request contained $112.4 million in the Army for the defense satellite communications system (DSCS).

The House bill would authorize $97.4 million, a reduction of $15.0 million from the request.

The Senate amendment would authorize the requested amount.

The conferees agree to authorize $104.2 million. The conferees share the concerns expressed in the Senate report (S. Rept. 102-352) on the Army's support for this important program.

Single channel objective tactical terminal

The amended budget request contained $24.4 million for procurement of single channel objective tactical terminals (SCOTT) by the Army. In the same line item, the request included $14.0 million for procurement of ground command post terminals for the Army.

The House bill would authorize $14.4 million for procurement of SCOTT terminals and the requested amount for command post terminals.

The Senate amendment would deny authorization of the SCOTT terminal procurement request because the requirement for these terminals has since been canceled. The Senate amendment would authorize the requested amount for command post terminals.

The House recedes. The conferees authorize $14.0 million for command post terminal procurement.

The amended budget request also contained $16.3 million for continued SCOTT RDT&E.

The House bill would authorize the requested amount.

The Senate amendment would authorize $11.3 million, a reduction of $5.0 million from the request.

The House recedes.

The Army has decided that only 10 development terminals are needed for testing purposes for the next-generation of terminals and that no SCOTT terminals are required for contingency deployment. The Army therefore requires only $9.1 million for SCOTT RDT&E in fiscal year 1992. In addition, the conferees agree with the Senate amendment that $7.8 million in prior year funds for Army satellite communications RDT&E is available and should be applied to fiscal year 1993 requirements. The conferees therefore authorize $1.3 million for SCOTT.

Integrated family of test equipment

The amended budget request contained $39.1 million to procure sets of test equipment under the integrated family of test equipment (IFTE) program.

The House bill would authorize $51.1 million.

The Senate amendment would authorize the requested amount.

The Senate recedes.

The conferees believe that the Army should continue to use the existing direct support electronic system test set (DSESTS) on all tracked combat vehicles, and that IFTE test equipment should be limited to aviation, missiles, and appropriate communication and intelligence equipment. The Army is directed to provide to the congressional defense committees a report indicating the planned use of IFTE and DSESTS.

AIRCRAFT PROCUREMENT, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $6,653.7 million for Aircraft Procurement, Navy. The House bill would authorize $6,352.2 million. The Senate amendment would authorize $5,950.5 million. The conferees recommend authorization of $5,899.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	AIRCRAFT PROCUREMENT, NAVY												
1	A-12/AX												
2	EA-6B/REMFG (ELECTRONIC WARFARE) PROWLER	3	482,690	3	482,690	6	532,690	-3	-50,000			3	482,690
3	EA-6B ADVANCE PROCUREMENT (CY)		47,323		47,323		47,323						47,323
4	AV-8B (V/STOL)HARRIER												
5	AV-8B ADVANCE PROCUREMENT (CY)												
6	F-14A/D (FIGHTER) TOMCAT		143,147		143,147		143,147						143,147
7	F/A-18 (FIGHTER) HORNET	48	1,658,301	48	1,658,301	24	1,078,301	24	580,000	-12	-512,701	36	1,145,600
8	F/A-18 ADVANCE PROCUREMENT (CY)		150,294		150,294		92,594		57,700		-37,594		112,700
9	CH/MH-53E (HELICOPTER) SUPER STALLION	20	464,433	16	394,433	20	453,433	-4	-59,000		-11,600	20	452,833
10	CH/MH-53 ADVANCE PROCUREMENT (CY)		48,618				48,618		-48,618				48,618
11	AH-1W (HELICOPTER) SEA COBRA	12	123,931	12	123,931	12	123,931					12	123,931
12	SH-60B (ASW HELICOPTER) SEAHAWK	12	216,920	12	216,920	12	216,920					12	216,920
13	SH-60B ADVANCE PROCUREMENT (CY)		45,858		33,858		45,858		-12,000		-12,000		33,858
14	SH-60F CV (ASW HELICOPTER)	12	221,335	12	221,335	12	189,335		32,000		-32,000	12	189,335
15	SH-60F ADVANCE PROCUREMENT (CY)		40,151		40,151		40,151						40,151
16	E-2C (EARLY WARNING) HAWKEYE		96,153		96,153		96,153						96,153
17	E-2C ADVANCE PROCUREMENT (CY)												
18	T-45TS (TRAINER) GOSHAWK	12	255,749	12	255,749	12	255,749					12	255,749
19	T-45 ADVANCE PROCUREMENT (CY)		47,725		47,725		47,725						47,725
20	HH-60H (HELICOPTER)	7	117,398	7	117,398	7	117,398					7	117,398
21	HH-60H MADVANCE PROCUREMENT (CY)												
22	CANCELLED ACCOUNT ADJUSTMENTS												
	MODIFICATION OF AIRCRAFT												
23	A-3 SERIES												
24	A-4 SERIES												
25	A-6 SERIES		156,598		156,598		156,598						156,598
26	EA-6 SERIES		56,092		56,092		56,092						56,092
27	A-7 SERIES												
28	AV-8 SERIES		11,374		11,374		11,374						11,374
29	F-4 SERIES												
30	RF-4 SERIES												
31	F-14 SERIES		25,555		25,555		25,555						25,555
32	ADVERSARY		196		196		196						196

P-1		FY1993 Request		--- House FY1993 --- Authorization		--- Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 -- Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
33	ES-3 SERIES		5,746		5,746		5,746						5,746
34	OV-10 SERIES		3,800		3,800		3,800						3,800
35	F-18 SERIES		30,021		30,021		30,021						30,021
36	H-46 SERIES		131,165		21,165		131,165		-110,000				131,165
37	H-53 SERIES		43,829		43,829		43,829						43,829
38	SH-60 SERIES		35,151		35,151		35,151						35,151
39	VH-60 SERIES												
40	H-1 SERIES		68,413		68,413		68,413						68,413
41	H-2 SERIES		32,713		32,713		32,713						32,713
42	H-3 SERIES		2,843		2,843		2,843						2,843
43	EP-3 SERIES		32,962								-32,962		
44	P-3 SERIES		49,904		49,904		49,904						49,904
45	S-3 SERIES		17,427		17,427		17,427						17,427
46	E-2 SERIES		94,108		94,108		94,108						94,108
47	TRAINER A/C SERIES		1,829		1,829		1,829						1,829
48	C-130 SERIES		10,817		10,817		10,817						10,817
49	FEWSG		6,729		6,729		6,729						6,729
50	CARGO/TRANSPORT A/C SERIES		1,656		1,656		1,656						1,656
51	E-6 SERIES		28,475		28,475		28,475						28,475
52	EXECUTIVE HELICOPTERS SERIES		27,932				27,932		-27,932				27,932
53	VARIOUS		98		98		98						98
54	POWER PLANT CHANGES		26,326		26,326		26,326						26,326
55	MISC FLIGHT SAFETY CHANGES		167		167		167						167
56	COMMON ECM EQUIPMENT		107,364		107,364		107,364						107,364
57	COMMON AVIONICS CHANGES		23,013		23,013		23,013						23,013
58	APN SPARES AND REPAIR PARTS		835,549		835,549		796,009		39,540		-59,540		776,009
59	COMMON GROUND EQUIPMENT		453,362		453,362		453,362						453,362
60	AIRCRAFT INDUSTRIAL FACILITIES		30,552		30,552		30,552						30,552
61	WAR CONSUMABLES		15,195		15,195		15,195						15,195
62	OTHER PRODUCTION CHARGES		83,129		83,129		83,129						83,129
63	SPECIAL SUPPORT EQUIPMENT		37,587		37,587		37,587						37,587
	AVIATION NIGHT VISION DEVICES												
	GENERAL REDUCTION INT CONTRACT SUPP												
64	FIRST DESTINATION TRANSPORTATION		5,976		5,976		5,976						5,976

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	--- House FY1993 --- Authorization Quantity	--- House FY1993 --- Authorization Amount	--- Senate FY1993 --- Authorization Quantity	--- Senate FY1993 --- Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	---Conference--- Change to Request Quantity	---Conference--- Change to Request Amount	-- Conference FY93 -- Authorization Quantity	-- Conference FY93 -- Authorization Amount
	ASPJ										-55,887		-55,887
	TOTAL AIRCRAFT PROCUREMENT NAVY		6,653,679		6,352,167		5,950,477		401,690		-754,284		5,899,395

Standoff jammers

The amended budget request contained $482.7 million to remanufacture three EA-6B electronic welfare aircraft into the advanced capability configuration, and $47.3 million in advance procurement for three aircraft in fiscal year 1994.

The budget request also contained $59.6 million in research and development and $8.9 million in procurement to continue to upgrade EF-111 electronic warfare aircraft operated by the Air Force.

The House bill would authorize both programs at the requested levels.

Concluding this represented an opportunity for consolidating parallel roles and missions, the Senate amendment would direct the Defense Department to consolidate all standoff jamming efforts with the EA-6B program, and would direct the Air Force to stop further upgrades to the EF-111 and to deactivate its EF-111 squadrons. The Senate amendment would authorize the budget request for procurement of EA-6B aircraft in fiscal year 1993, add $50.0 million to double the advance procurement to accelerate the modification program, and eliminate research and development funds to upgrade the EF-111.

The Senate recedes.

The conferees recommend an authorization of the funds for the EF-111 as requested in the budget request. But the conferees also recommend a provision that would prohibit the obligation of 35 percent of those funds until two conditions are met: first, the roles and missions study by the Chairman of the Joint Chiefs of Staff has been submitted to the Congress; and second, the Secretary of the Air Force certifies that the fiscal year 1994 Future Year Defense Program contains sufficient funds to operate, maintain, and upgrade the EF-111 fleet if the roles and missions study determines it is needed in the future.

F-18C/D

The amended budget request contained $1,658.3 million to procure 48 F-18C/D aircraft and $150.3 million for advance procurement of 48 aircraft in fiscal year 1994.

The House bill would authorize the funds as requested.

The Senate amendment would authorize $1,078.3 million for 24 aircraft in fiscal year 1993 and $92.6 million for advance procurement of 24 aircraft in fiscal year 1994.

The conferees recommend an authorization of $1,145.6 million for 36 aircraft in fiscal year 1993 and $112.7 million for advance procurement of 36 aircraft in fiscal year 1994.

CH/MH-53 helicopter (Super Stallion)

The amended budget request included $464.4 million for 20 CH/MH-53 helicopters and $48.6 million for advance procurement to support fiscal year 1994 procurement of these helicopters. The 20 helicopters included 16 CH-53 and four MH-53 mine countermeasures helicopters.

The House bill would provide $394.4 million for eight CH-53 and eight MH-53 helicopters. The House bill would deny all advance procurement funds.

The Senate amendment would reduce the requested amount by $11.0 million to reflect a pricing adjustment.

The House recedes. The conferees direct the Secretary of the Navy to use the authorized funds to buy eight MH-53 helicopters.

WEAPONS PROCUREMENT, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $3,719.0 million for Weapons Procurement, Navy. The House bill would authorize $3,729.0 million. The Senate amendment would authorize $3,538.9 million. The conferees recommend authorization of $3,700.1 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1		FY1993 Request		--- House FY1993		------- Senate FY1993 ---		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 -- Authorization	
				Authorization		Authorization							
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	WEAPONS PROCUREMENT, NAVY												
	BALLISTIC MISSILES												
1	TRIDENT I		1,118		1,118		1,118						1,118
2	TRIDENT II	21	763,802	21	763,802	21	763,802					21	763,802
3	TRIDENT II ADVANCE PROCUREMENT (CY)		223,000		223,000		223,000						223,000
4	MISSILE INDUSTRIAL FACILITIES		1,549		1,549		1,549						1,549
	OTHER MISSILES												
5	TOMAHAWK	200	404,194	200	404,194	100	229,194	100	175,000			200	404,194
6	AMRAAM	140	137,478	140	137,478	140	122,778		14,700		-14,700	140	122,778
7	HARPOON/ SLAM						90,000		-90,000		90,000		90,000
8	HARM		31,654		31,654		31,654						31,654
9	STANDARD MISSILE	330	256,783	330	256,783	330	256,783					330	256,783
10	RAM		8,315		8,315		8,315						8,315
11	HELLFIRE	1,000	50,479	1,000	50,479	1,000	50,479					1,000	50,479
12	PENGUIN												
13	MAVERICK MISSILE												
14	TOW IIA	938	23,850	938	23,850	938	23,850					938	23,850
15	AERIAL TARGETS		170,199		170,199		162,199		8,000		-8,000		162,199
16	DRONES AND DECOYS				10,000				10,000		10,000		10,000
17	OTHER MISSILE SUPPORT		11,011		11,011		11,011						11,011
	MODIFICATION OF MISSILES												
18	TOMAHAWK MODS		45,380		45,380		45,380						45,380
19	SPARROW MODS		56,853		56,853		56,853						56,853
20	SIDEWINDER MODS		15,304		15,304		15,304						15,304
21	PHOENIX MODS		9,163		9,163		9,163						9,163
22	HARPOON MODS		33,850		33,850		33,850						33,850
23	HARM MODS												
24	STANDARD MISSILES MODS		27,464		27,464		27,464						27,464
25	WEAPONS INDUSTRIAL FACILITIES		28,971		28,971		41,471		-12,500		12,500		41,471
26	FLEET SATELLITE COMMUNICATIONS (MYP)	1	325,983	1	325,983	1	220,983		105,000		-62,100	1	263,883
27	ARCTIC SATELLITE COMMUNICATIONS		17,507		17,507		7,507		10,000		-8,407		9,100
28	ORDNANCE SUPPORT EQUIPMENT		77,169		77,169		119,169		-42,000		-20,000		57,169
	TORPEDOES AND RELATED EQUIPMENT												
29	MK-48 ADCAP TORPEDO (MYP)	108	188,580	108	188,580	108	188,580					108	188,580

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
30	MK-48 ADVANCE PROCUREMENT (CY)												
31	MK-50 ALWT	212	243,491	212	243,491	212	243,491					212	243,491
32	ASW TARGETS		26,179		26,179		26,179						26,179
33	ASROC		2,107		2,107		2,107						2,107
34	VERTICAL LAUNCHED ASROC (VLA)		38,040		38,040		38,040						38,040
	VERTICAL LAUNCHED ASROC ADV PROC												
35	MK-46 TORPEDO MODS		48,573		48,573		48,573						48,573
36	QUICKSTRIKE MINE		8,801		8,801		2,801		6,000		-6,000		2,801
37	MK-60 CAPTOR MODS		1,295		1,295		1,295						1,295
38	TORPEDO SUPPORT EQUIPMENT		43,526		43,526		43,526						43,526
39	ASW RANGE SUPPORT		26,968		26,968		26,968						26,968
40	FIRST DESTINATION TRANSPORTATION		8,913		8,913		8,913						8,913
	OTHER WEAPONS												
41	MK-15 PHALANX CIWS												
42	MK-19 40MM MACHINE GUN												
43	MK-38 25MM GUN MOUNT												
44	SMALL ARMS AND WEAPONS		24,181		24,181		24,181						24,181
45	CIWS MODS		58,527		58,527		58,527						58,527
46	5/54 GUN MOUNT MODS		11,087		11,087		11,087						11,087
47	3/50 GUN MOUNT MODS												
48	MK-75 76MM GUN MOUNT MODS		7,889		7,889		7,889						7,889
49	MODS UNDER $2 MILLION		1,232		1,232		1,232						1,232
50	GUN SUPPORT EQUIPMENT												
	OTHER ORDNANCE												
51	GENERAL PURPOSE BOMBS		3,611		3,611		3,611						3,611
	GENERAL PURPOSE BOMBS PY SAVINGS						-10,600		10,600		-10,600		-10,600
52	2.75 INCH ROCKETS		15,011		15,011		15,011						15,011
53	MACHINE GUN AMMUNITION		1,003		1,003		1,003						1,003
54	PRACTICE BOMBS		5,441		5,441		5,441						5,441
55	GATOR		18,812		18,812		18,812						18,812
56	3 INCH/50 GUN AMMUNITION												
57	5 INCH/38 GUN AMMUNITION												
58	5 INCH/54 GUN AMMUNITION		68,481		68,481		68,481						68,481
59	CIWS AMMUNITION		917		917		10,000		-9,083		9,083		10,000

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
60	76MM GUN AMMUNITION		10,734		10,734		10,734				-1,972		8,762
61	OTHER SHIP GUN AMMUNITION		25,477		25,477		25,477				-4,371		21,106
62	SMALL ARMS & LANDING PARTY AMMUNITION		3,409		3,409		3,409						3,409
	SPECIAL TECHNICAL PROJECTS												
	GENERAL REDUCTION INT. CONTRACT SUPP												
63	PYROTECHNIC AND DEMOLITION		19,917		19,917		19,917						19,917
	SPARES AND REPAIR PARTS												
64	WPN SPARES AND REPAIR PARTS		85,672		85,672		81,387		4,285		-4,285		81,387
	TOTAL WEAPONS PROCUREMENT NAVY		3,718,950		3,728,950		3,538,948		190,002		-18,852		3,700,098

Tomahawk missile

The amended budget request included $404.2 million to purchase 200 new Tomahawk missiles and remanufacture older Tomahawk missiles into new configurations.

The House bill would authorize the requested amount.

The Senate amendment would authorize $229.2 million and 100 new missiles. The Senate report (S. Rept. 102-352) directed the Navy to select a single prime contracting source to support the Tomahawk program. This direction was intended to protect the industrial base longer and hedge against the possibility that the Navy may want to buy more Tomahawk missiles in the future after a thorough review of roles and missions.

The Senate recedes. The Navy has informed the conferees that the Navy intends to select a single prime contractor during fiscal year 1994, but doing so sooner could cause a break in the production line.

The conferees direct the Navy to solicit the maximum number of fixed price options possible for use in evaluating the contractor's offers for the fiscal year 1994 and later procurement quantities. This would help protect the government's interests in later years with only one source producing the missile.

Fleet satellite communications

The amended budget request contained $326.0 million for procurement of the tenth ultra high frequency follow-on (UFO) satellite, launch services, extremely high frequency (EHF) communications packages, engineering support, and a third leased ultra high frequency (UHF) satellite.

The House bill would authorize the requested amount.

The Senate amendment would authorize $221.0 million, a reduction of $105.0 million. The Senate amendment would deny authorization of the 10th UFO satellite and delay the launch of the first three UFO satellites.

The Senate recedes. The conferees direct the Navy to negotiate options to the existing launch services contract for the UFO program to achieve greater flexibility in the launch schedule. This flexibility could enable the Navy to delay replacement of existing, healthy UHF satellites and thereby extend the life of the new UFO constellation. The Navy reports that this flexibility can be obtained for $3.0 million in non-recurring costs and a small increase in cost for each delayed launch. The conferees agree also that procuring the tenth UFO satellite under the favorable terms of the current multiyear contract would enable the Navy to extend the life of the UFO constellation further at little cost. However, funding is not likely to be available. The conferees therefore agree to deny authorization of the tenth satellite and associated launch services. The conferees direct the Navy to reprogram an additional $3.0 million for the non-recurring cost of additional launch schedule flexibility. Therefore, the conferees authorize a total amount of $263.9 million.

Arctic satellite communications

The amended budget request contained $17.5 million for procurement of arctic satellite communications.

The House bill would authorize the requested amount.

The Senate amendment would authorize $7.5 million.

The House recedes. The conferees agree that $8.4 million is excess to program needs and agree to authorize $9.1 million. The Navy now intends to place this communications system on an existing host satellite.

SHIPBUILDING AND CONVERSION, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $5,319.5 million for Shipbuilding and Conversion, Navy. The House bill would authorize $6,590.9 million. The Senate amendment would authorize $5,526.5 million. The conferees recommend authorization of $5,958.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1		FY1993 Request		--- House FY1993 Authorization		------- Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 - Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	SHIPBUILDING & CONVERSION, NAVY												
1	TRIDENT (NUCLEAR)												
2	CARRIER REPLACEMENT PROGRAM		832,200		832,200		350,000		482,200				832,200
3	SSN-21												
4	SSN-21 ADVANCE PROCUREMENT (CY)												
5	CV SLEP												
6	CVN REFUELING OVERHAULS		6,800		6,800		6,800						6,800
7	CGN REFUELING OVERHAULS		30,439		30,439		30,439						30,439
8	DDG-51	4	3,346,543	4	3,346,543	4	3,346,543				-50,000	4	3,296,543
9	DDG-51 ADVANCE PROCUREMENT (CY)		23,100		23,100		23,100						23,100
10	LHD-1 AMPHIBIOUS ASSAULT SHIP (MYP)				70,000	1	1,205,000	-1	-1,135,000	1	1,205,000	1	1,205,000
11	LSD-41 (CARGO VARIANT)												
12	LSD-41 ADV PROC (CY) PY SAVINGS						-25,000		25,000				
13	MHC MINE HUNTER COASTAL	2	246,205	2	246,205	2	246,205					2	246,205
14	TAGOS SURTASS SHIPS PY SAVINGS						-148,509		148,509		-148,509		-148,509
15	AOE PRIOR YEAR SAVINGS						-200,000		200,000				
15a	SEALIFT				1,201,400		225,000		976,400				
16	OCEANOGRAPHIC SHIP CONVERSION PROGRAM	1	19,500	1	19,500	1	19,500					1	19,500
17	OCEANOGRAPHIC SHIPS												
18	SERVICE CRAFT		200,228		200,228		126,028		74,200		-74,200		126,028
19	LANDING CRAFT												
20	LCAC LANDING CRAFT PY SAVINGS					-12	-238,100	12	238,100		-238,100		-238,100
21	LCAC ADVANCE PROCUREMENT (CY)												
22	OUTFITTING		385,321		385,321		385,321						385,321
23	POST DELIVERY		223,105		223,105		223,105						223,105
24	ESCALATION ON PRIOR YEAR PROGRAM												
25	PY AOE/TAGS PROGRAM COMPLETION						-55,000		55,000		-55,000		-55,000
26	FIRST DESTINATION TRANSPORTATION		6,031		6,031		6,031						6,031
	TOTAL SHIPBUILDING		5,319,472		6,590,872		5,526,463		1,064,409		639,191		5,958,663

Carrier replacement program

The amended budget request included $832.2 million in fiscal year 1993 for procurement of long-lead components for a replacement aircraft carrier, CVN-76, and projected full funding of the ship in fiscal year 1995.

The House bill would authorize the long-lead funds of $832.2 million in fiscal year 1993 for full funding of the ship in fiscal year 1995.

The Senate amendment would authorize $350 million for fiscal year 1993 and $482.2 million for fiscal year 1994 for long-lead components for a replacement aircraft carrier. The Senate report (S. Rept. 102-352) recommended full funding of the ship in fiscal year 1996.

The Senate recedes to the House position on long-lead for fiscal year 1993.

OTHER PROCUREMENT, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $5,868.8 million for Other Procurement, Navy. The House bill would authorize $5,758.9 million. The Senate amendment would authorize $5,722.3 million. The conferees recommend authorization of $5,660.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
OTHER PROCUREMENT, NAVY												
SHIPS SUPPORT EQUIPMENT												
1 LM-2500 GAS TURBINE		12,622		12,622		12,622						12,622
2 ALLISON 501K GAS TURBINE	2	4,460	2	4,460	2	4,460					2	4,460
3 STEAM PROPULSION IMPROVEMENT		3,545		3,545		3,545						3,545
4 OTHER PROPULSION EQUIPMENT		11,843		11,843		11,843						11,843
5 OTHER GENERATORS		26,978		26,978		26,978						26,978
6 OTHER PUMPS		7,285		7,285		7,285						7,285
7 HIGH PRESSURE AIR COMPRESSORS		5,843		5,843		5,843						5,843
8 SUBMARINE PROPELLERS	4	3,640	4	3,640	4	3,640					4	3,640
9 OTHER PROPELLERS AND SHAFTS		3,943		3,943		3,943						3,943
10 ELEC SUSPENDED GYRO NAVIGATOR		1,452		1,452		1,452						1,452
11 OTHER NAVIGATION EQUIPMENT		9,862		9,862		9,862						9,862
12 UNDERWAY REPLENISHMENT EQUIPMENT		34,965		34,965		34,965						34,965
13 TYPE 18 PERISCOPES		10,138		10,138		10,138						10,138
14 PERISCOPES AND ACCESSORIES		2,263		2,263		2,263						2,263
15 FIREFIGHTING EQUIPMENT		28,901		28,901		28,901						28,901
16 COMMAND AND CONTROL SWITCHBOARD		3,736		3,736		3,736						3,736
17 POLLUTION CONTROL EQUIPMENT		35,140		35,140		35,140						35,140
18 SUBMARINE SILENCING EQUIPMENT		21,594		21,594		21,594						21,594
19 SURFACE SHIP SILENCING EQUIPMENT		11,676		11,676		11,676						11,676
20 SUBMARINE BATTERIES	30	9,826	30	9,826	30	9,826					30	9,826
21 STRATEGIC PLATFORM SUPPORT EQUIP		36,093		36,093		36,093						36,093
22 DSSP EQUIPMENT		4,792		4,792		4,792						4,792
23 SEALIFT SUPPORT EQUIPMENT												
24 AIR CONDITIONERS												
25 MINESWEEPING EQUIPMENT		3,087		3,087		3,087						3,087
26 HM&E ITEMS UNDER $2 MILLION		42,273		42,273		42,273						42,273
27 SURFACE IMA		11,257		11,257		11,257						11,257
28 DEGAUSSING EQUIPMENT		1,285		1,285		1,285						1,285
29 RADIOLOGICAL CONTROLS		508		508		508						508
30 MINI/MICROMINI ELECTRONIC REPAIR		1,274		1,274		1,274						1,274
31 CHEMICAL WARFARE DETECTORS	774	8,432	774	8,432	774	8,432					774	8,432
32 SUBMARINE LIFE SUPPORT SYSTEM	7	17,898	7	17,898	7	17,898					7	17,898

P-1 LINE ITEM	FY1993 Request		--- House FY1993 --- Authorization		--- Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 -- Authorization	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
33 REACTOR POWER UNITS												
34 REACTOR COMPONENTS		285,645		285,645		285,645						285,645
35 DIVING AND SALVAGE EQUIPMENT		8,277		8,277		8,277						8,277
36 NAVAL SPECIAL WARFARE EQUIPMENT		5,426		5,426		5,426						5,426
37 STANDARD BOATS	109	18,225	109	18,225	109	23,225		-5,000		5,000	109	23,225
38 OTHER SHIPS TRAINING EQUIPMENT		1,262		1,262		1,262						1,262
39 PRODUCTION SUPPORT FACILITIES		13,872		13,872		13,872						13,872
40 OPERATING FORCES IPE		10,156		10,156		10,156						10,156
41 NUCLEAR ALTERATIONS		139,459		139,459		139,459						139,459
42 MODERNIZATION SUPPORT		533,590		533,590		533,590						533,590
COMMUNICATIONS AND ELECTRONICS EQUIPMENT												
43 AN/SPS-40		17,983		17,983		17,983						17,983
44 AN/SPS-48		9,927		9,927		9,927						9,927
45 AN/SPS-49		20,462		20,462		20,462						20,462
46 AN/SYS-()		3,562		3,562		3,562						3,562
47 MK-23 TARGET ACQUISITION SYSTEM	2	19,038	2	19,038	2	19,038					2	19,038
48 RADAR SUPPORT		7,257		7,257		7,257						7,257
49 SURFACE SONAR SUPPORT EQUIPMENT		22,310		22,310		22,310						22,310
50 AN/SQQ-89 SURF ASW COMBAT SYSTEM		155,278		155,278		155,278						155,278
51 AN/BQQ-5		179,857		179,857		179,857						179,857
52 SURFACE SONAR WINDOWS AND DOME		12,413		12,413		12,413						12,413
53 SONAR SUPPORT EQUIPMENT		11,512		11,512		11,512						11,512
54 SONAR SWITCHES AND TRANSDUCERS		33,090		33,090		33,090						33,090
55 FBM SYSTEM SONARS		2,304		2,304		2,304						2,304
56 SUBMARINE ACOUSTIC WARFARE SYSTEM		16,358		16,358		16,358						16,358
57 SSTD		46,313		46,313		46,313						46,313
58 ACOUSTIC COMMUNICATIONS		227		227		227						227
59 SUBMARINE ADVANCED COMBAT SYSTEM		29,900		29,900		29,900						29,900
60 SOSUS		87,033		87,033		76,133		10,900				87,033
61 LAMPS MK I ASW SUPPORT												
62 AN/SQR-18 TOWED ARRAY SONAR												
63 AN/SQR-15 TOWED ARRAY SONAR												
64 SURTASS		30,187		30,187		30,187						30,187
65 ASW OPERATIONS CENTER		19,536		19,536		19,536						19,536

P-1		FY1993 Request		--- House FY1993 -------		Senate FY1993 ---		House +/- Senate		---Conference---		-- Conference FY93 --	
				Authorization		Authorization				Change to Request		Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
66	CARRIER ASW MODULE		5,990		5,990		5,990						5,990
67	AN/SLQ-32		126,912		126,912		126,912						126,912
68	AN/SSQ-95												
69	AN/WLR-1												
70	AN/WLR-8		14,908		14,908		14,908						14,908
71	ICAD SYSTEMS		2,400		2,400		2,400						2,400
72	EW SUPPORT EQUIPMENT		6,728		6,728		6,728						6,728
73	C-3 COUNTERMEASURES		32,019		32,019		32,019						32,019
74	COMBAT DF		10,263		10,263		10,263						10,263
75	OUTBOARD		8,571		8,571		8,571						8,571
76	NAVAL INTELL PROCESSING SYSTEM		9,519		9,519		9,519						9,519
77	AN/WLQ-4 DEPOT		2,219		2,219		2,219						2,219
78	AN/WLQ-4 IMPROVEMENTS		18,878		18,878		18,878						18,878
79	AN/BLD-1 (INTERFEROMETER)												
80	SUBMARINE SUPPORT EQUIPMENT PROG		4,500		4,500		4,500						4,500
81	NAVY TACTICAL DATA SYSTEM		54,008		54,008		54,008						54,008
82	TACTICAL FLAG COMMAND CENTER		39,828		39,828		39,828						39,828
83	LINK 16 HARDWARE		42,984		42,984		42,984						42,984
84	MINESWEEPING SYSTEM REPLACEMENT		21,551		21,551		21,551						21,551
85	EMSP (MYP)		62,888		62,888		62,888						62,888
86	NAVSTAR GPS RECEIVERS	588	13,216	588	13,216	588	13,216					588	13,216
87	HF LINK-11 DATA TERMINALS		1,343		1,343		1,343						1,343
88	ARMED FORCES RADIO AND TV		6,817		6,817		6,817						6,817
89	STRATEGIC PLATFORM SUPPORT EQUIP		130,990		130,990		130,990						130,990
90	OTHER TRAINING EQUIPMENT		8,700		8,700		8,700						8,700
91	MATCALS		3,684		3,684		3,684						3,684
92	SHIPBOARD AIR TRAFFIC CONTROL		8,356		8,356		8,356						8,356
93	AUTOMATIC CARRIER LANDING SYSTEM		15,133		15,133		15,133						15,133
94	TACAN		1,948		1,948		1,948						1,948
95	AIR STATION SUPPORT EQUIPMENT		15,505		15,505		15,505						15,505
96	MICROWAVE LANDING SYSTEM		339		339		339						339
97	FACSFAC		12,256		12,256		12,256						12,256
98	ID SYSTEMS		8,742		8,742		8,742						8,742
99	TADIX-B		8,461		8,461		8,461						8,461

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	--- House FY1993 Authorization Quantity	--- House FY1993 Authorization Amount	Senate FY1993 --- Authorization Quantity	Senate FY1993 --- Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	---Conference--- Change to Request Quantity	---Conference--- Change to Request Amount	-- Conference FY93 -- Authorization Quantity	-- Conference FY93 -- Authorization Amount
100	NAVAL SPACE SURVEILLANCE SYSTEM		97		97		97						97
101	SPACE SYSTEM PROCESSING		4,387		4,387		4,387						4,387
102	NCCS ASHORE		47,199		47,199		47,199						47,199
103	RADIAC		7,441		7,441		7,441						7,441
104	OVER THE HORIZON RADAR		2,771		2,771		2,771						2,771
105	GPETE		22,860		22,860		22,860						22,860
106	INTEG COMBAT SYSTEM TEST FACILITY		4,800		4,800		4,800						4,800
107	CALIBRATION STANDARDS		8,228		8,228		8,228						8,228
108	EMI CONTROL INSTRUMENTATION		11,672		11,672		11,672						11,672
109	SHORE ELEC ITEMS UNDER $2 MILLION		10,875		10,875		10,875						10,875
110	SHIPBOARD TACTICAL COMMUNICATIONS		82,663		82,663		82,663						82,663
111	FLIGHT DECK COMMUNICATIONS		3,389		3,389		3,389						3,389
112	PORTABLE RADIOS		22,555		22,555		22,555						22,555
113	SHIP COMMUNICATIONS AUTOMATION		42,042		42,042		42,042						42,042
114	SHIP COMM ITEMS UNDER $2 MILLION		28,722		28,722		28,722						28,722
115	SHORE LF/VLF COMMUNICATIONS		3,963		3,963		3,963						3,963
116	VERDIN		4,657		4,657		4,657						4,657
117	SUBMARINE COMMUNICATION EQUIPMENT		7,427		7,427		7,427						7,427
118	SATCOM SHIP TERMINALS		193,607		193,607		180,107		13,500		-13,500		180,107
119	SATCOM SHORE TERMINALS		15,495		15,495		15,495						15,495
120	JCS COMMUNICATIONS EQUIPMENT		2,347		2,347		2,347						2,347
121	ELECTRICAL POWER SYSTEMS		638		638		638						638
122	SHORE HF COMMUNICATIONS		16,751		16,751		16,751						16,751
123	DCS TECH CONTROL IMPROVEMENTS		2,841		2,841		2,841						2,841
124	VOICE FREQ CARRIER TELEGRAPH												
125	WWMCCS COMMUNICATIONS EQUIPMENT		6,278		6,278		6,278						6,278
126	SHORE COMMUNICATIONS AUTOMATION		7,797		7,797		7,797						7,797
127	SHORE COMM ITEMS UNDER $2 MILLION		573		573		573						573
128	STU-III												
129	SECURE VOICE SYSTEM		76,956		76,956		76,956						76,956
130	SECURE DATA SYSTEM		33,876		33,876		33,876						33,876
131	TSEC/KG-84												
132	TSEC/KY-57/58 (VINSON)												
133	TSEC/KYV-5 (ANDVT)												

P-1 LINE ITEM	FY1993 Request		House FY1993 Authorization		Senate FY1993 Authorization		House +/- Senate		Conference Change to Request		Conference FY93 Authorization	
	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
134 TSEC/KG-81 (WALBURN)												
135 TSEC/KGR-96 (IISS)												
136 BLACKER CRYPTO												
137 TRITAC CRYPTO												
138 TSEC/KGV-11												
139 KEY MANAGEMENT SYSTEMS		9,778		9,778		9,778						9,778
140 SIGNAL SECURITY		423		423		423						423
141 CRYPTOGRAPHIC ITEMS UNDER $2 MILL		2,648		2,648		2,648						2,648
142 TSEC/KGV-8												
143 CRYPTOLOGIC COMMUNICATIONS EQUIP		2,933		2,933		2,933						2,933
144 CRYPTOLOGIC ITEMS UNDER $2 MILLION		1,662		1,662		1,662						1,662
145 CRYPTOLOGIC RESERVES EQUIPMENT		1,509		1,509		1,509						1,509
146 CRYPTOLOGIC FIELD TRAINING EQUIP		574		574		574						574
147 SHORE CRYPTOLOGIC SUPPORT SYSTEM		778		778		778						778
148 WAR RESERVE												
149 ELECT ENGINEERED MAINTENANCE		8,147		8,147		8,147						8,147
150 OTHER DRUG INTERDICTION SUPPORT												
AVIATION SUPPORT EQUIPMENT												
151 SONOBUOYS		74,002		74,002		74,002						74,002
152 AN/SSQ-36 (BT)												
153 AN/SSQ-53 (DIFAR)												
154 AN/SSQ-62 (DICASS)												
155 SIGNAL, UNDERWATER SOUND (SUS)	8,513	1,792	8,513	1,792	8,513	1,792					8,513	1,792
156 CARTRIDGES & CART ACTUATED DEVELOP		20,989		20,989		20,189		800		-800		20,189
157 AIRCRAFT ESCAPE ROCKETS		5,648		5,648		5,648						5,648
158 AIR EXPENDABLE COUNTERMEASURES		63,773		63,773		61,173		2,600		-2,633		61,140
159 MARINE LOCATION MARKERS		5,911		5,911		5,911						5,911
160 DEFENSE NUCLEAR AGENCY MATERIAL		811		811		811						811
161 JATOS		8,971		8,971		3,071		5,900		-5,942		3,029
162 WEAPONS RANGE SUPPORT EQUIPMENT		51,454		51,454		51,454						51,454
163 EXPEDITIONARY AIRFIELDS		6,314		6,314		6,314						6,314
164 AIRCRAFT REARMING EQUIPMENT		13,266		13,266		13,266						13,266
165 CATAPULTS & ARRESTING GEAR		59,912		59,912		59,912						59,912
166 METEOROLOGICAL EQUIPMENT		31,762		31,762		31,762						31,762

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
167	OTHER PHOTOGRAPHIC EQUIPMENT		942		942		942						942
168	AVIATION LIFE SUPPORT		12,516		12,516		12,516						12,516
169	AIRBORNE MINE COUNTERMEASURES		11,038		11,038		11,038						11,038
170	LAMPS MK III SHIPBOARD EQUIPMENT		12,560		12,560		12,560						12,560
171	REWSON PHOTOGRAPHIC EQUIPMENT		1,567		1,567		1,567						1,567
172	STOCK SURVEILLANCE EQUIPMENT		2,194		2,194		2,194						2,194
173	OTHER AVIATION SUPPORT EQUIPMENT		15,432		15,432		15,432						15,432
	ORDNANCE SUPPORT EQUIPMENT												
174	GUN FIRE CONTROL EQUIPMENT		16,574		16,574		16,574						16,574
175	MK-92 FIRE CONTROL SYSTEM		22,964		22,964		22,964						22,964
176	HARPOON SUPPORT EQUIPMENT		37,555		37,555		37,555						37,555
177	TERRIER SUPPORT EQUIPMENT		20,558		20,558		20,558						20,558
178	TARTAR SUPPORT EQUIPMENT		33,280		33,280		33,280						33,280
179	POINT DEFENSE SUPPORT EQUIPMENT		17,255		17,255		17,255						17,255
180	AIRBORNE ECM/ECCM		1,193		1,193		1,193						1,193
181	AEGIS SUPPORT EQUIPMENT		154,317		154,317		154,317						154,317
182	SURFACE TOMAHAWK SUPPORT EQUIPMENT		47,784		47,784		47,784						47,784
183	SUBMARINE TOMAHAWK SUPPORT EQUIP		3,645		3,645		3,645						3,645
184	VERTICAL LAUNCH SYSTEMS	2	89,271	2	89,271	1	54,271	1	35,000			2	89,271
185	STRATEGIC PLATFORM SUPPORT EQUIP		14,766		14,766		14,766						14,766
186	STRATEGIC MISSILE SYSTEMS EQUIP		28,475		28,475		28,475						28,475
187	MK-117 FIRE CONTROL SYSTEM		65,066		65,066		65,066						65,066
188	SUBMARINE ASW SUPPORT EQUIPMENT		13,689		13,689		13,689						13,689
189	SURFACE ASW SUPPORT EQUIPMENT		15,005		15,005		15,005						15,005
190	ASW RANGE SUPPORT EQUIPMENT		14,491		14,491		14,491						14,491
191	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		12,264		12,264		12,264						12,264
192	UNMANNED SEABORNE TARGET		8,375		8,375		8,375						8,375
193	ANTI-SHIP MISSILE DECOY SYSTEM		3,177		3,177		3,177						3,177
194	CALIBRATION EQUIPMENT		1,122		1,122		1,122						1,122
195	STOCK SURVEILLANCE EQUIPMENT		2,254		2,254		2,254						2,254
196	OTHER ORDNANCE TRAINING EQUIPMENT		1,212		1,212		1,212						1,212
197	FLEET MINE SUPPORT EQUIPMENT		10,888		10,888		10,888						10,888
198	MINE NEUTRALIZATION DEVICES		3,074		3,074		3,074						3,074
199	DEFENSE NUCLEAR AGENCY MATERIAL		1,685		1,685		1,685						1,685

P-1		FY1993 Request		--- House FY1993 --- Authorization		--- Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 - Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
200	SHIP EXPENDABLE COUNTERMEASURE		45,246		45,246		45,246						45,246
	CIVIL ENGINEERING SUPPORT EQUIPMENT												
201	ARMORED SEDANS												
202	PASSENGER CARRYING VEHICLES	446	6,639	446	6,639	446	6,639					446	6,639
203	SPECIAL PURPOSE VEHICLES		13,018		13,018		13,018						13,018
204	GENERAL PURPOSE TRUCKS		15,569		15,569		15,569						15,569
205	TRAILERS/TRUCK TRACTORS		3,168		3,168		3,168						3,168
206	EARTH MOVING EQUIPMENT	69	4,759	69	4,759	69	4,759					69	4,759
207	CONSTRUCTION & MAINTENANCE EQUIP		7,428		7,428		7,428						7,428
208	FIRE FIGHTING EQUIPMENT	26	3,884	26	3,884	26	3,884					26	3,884
209	WEIGHT HANDLING EQUIPMENT	6	1,667	6	1,667	6	1,667					6	1,667
210	AMPHIBIOUS EQUIPMENT		1,714		1,714		1,714						1,714
211	COMBAT CONSTRUCTION SUPPORT EQUIP		3,059		3,059		3,059						3,059
212	MOBILE UTILITIES SUPPORT EQUIPMENT		1,810		1,810		1,810						1,810
213	COLLATERAL EQUIPMENT		2,017		2,017		2,017						2,017
214	OCEAN CONSTRUCTION EQUIPMENT		1,339		1,339		1,339						1,339
215	FLEET MOORINGS		4,053		4,053		4,053						4,053
216	POLLUTION CONTROL EQUIPMENT		11,311		11,311		11,311						11,311
	NATURAL GAS UTILIZATION EQUIPMENT												
217	OTHER CIVIL ENG SUPPORT EQUIPMENT		1,398		1,398		1,398						1,398
	SUPPLY SUPPORT EQUIPMENT												
218	FORKLIFT TRUCKS		9,882		9,882		9,882						9,882
219	OTHER MATERIALS HANDLING EQUIPMENT		3,629		3,629		3,629						3,629
220	AUTOMATED MATERIALS HANDLING SYS												
221	OTHER SUPPLY SUPPORT EQUIPMENT		3,604		3,604		3,604						3,604
222	POLLUTION CONTROL EQUIPMENT												
223	FIRST DESTINATION TRANSPORTATION		16,151		16,151		16,151						16,151
224	SPECIAL PURPOSE SUPPLY SYSTEMS		115,830		75,893		115,830		-39,937		-37,084		78,746
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT												
225	SURFACE SONAR TRAINERS		9,754		9,754		9,754						9,754
226	SUBMARINE SONAR TRAINERS												
227	SURFACE COMBAT SYSTEM TRAINERS												
228	SUBMARINE COMBAT SYSTEM TRAINERS		4,129		4,129		4,129						4,129
229	SHIP SYSTEM TRAINERS		22,277		22,277		22,277						22,277

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
230	TRAINING SUPPORT EQUIPMENT		3,299		3,299		3,299						3,299
231	TRAINING DEVICE MODIFICATIONS		51,084		51,084		51,084						51,084
232	COMMAND SUPPORT EQUIPMENT		24,150		24,150		24,150						24,150
233	EDUCATION SUPPORT EQUIPMENT		15,315		15,315		15,315						15,315
234	MEDICAL SUPPORT EQUIPMENT		203		203		203						203
235	INTELLIGENCE SUPPORT EQUIPMENT		64,276		64,276		51,476		12,800		-12,800		51,476
236	ITEMS UNDER $2 MILLION												
237	OPERATING FORCES SUPPORT EQUIPMENT		16,347		16,347		16,347						16,347
238	NAVAL RESERVE SUPPORT EQUIPMENT		2,902		2,902		2,902						2,902
239	ENVIRONMENTAL SUPPORT EQUIPMENT		23,241		23,241		23,241						23,241
240	PHYSICAL SECURITY EQUIPMENT		33,063		33,063		33,063						33,063
241	INDUSTRIAL DEPOT MAINTENANCE EQUIPMENT												
242	COMPUTER ACQUISITION PROGRAM		133,304		133,304		133,304						133,304
243	PRODUCTIVITY INVESTMENT (PIF)		47,995		47,995		47,995						47,995
	GENERAL REDUCTION, INT CONTRACT SUPP												
244	PROD ENHANCE INCENTIVE FUND (PEIF)		880		880		880						880
	SPARES AND REPAIR PARTS												
245	OPN SPARES AND REPAIR PARTS		580,541		580,541		551,511		29,030		-29,030		551,511
	RAISE O&M PURCHASE THRESHOLD						-41,000		41,000				
	OPN UNDISTRIBUTED REDUCTION				-70,000				-70,000		-70,000		-70,000
	INFLATION ADJUSTMENT										-41,340		-41,340
	TOTAL OTHER PROCUREMENT NAVY		5,868,813		5,758,876		5,722,283		36,593		-208,129		5,660,684

Vertical launch system

The amended budget request included $89.3 million for the vertical launch program.

The House bill would approve the requested amount.

The Senate amendment would authorize $54.3 million for the vertical launch system, based on information in the Navy's budget justification material that the Navy would not need one of the launchers to support the ship installation schedule.

The Senate recedes.

The Navy has informed the conferees that the budget justification material was erroneous. The Navy installed armored box launchers on some of the *Spruance* class destroyers, rather than installing the vertical launch system. The Navy has now apparently decided to backfit the vertical launch system on these destroyers as well. The justification material included no mention of this shift. The budget displays also included incorrect equipment delivery schedules. The conferees direct the Secretary of the Navy to ensure that future budget justification material better reflects the actual program being requested in the budget.

PROCUREMENT, MARINE CORPS

Overview

The amended budget request for fiscal year 1993 contained an authorization of $588.5 million for Procurement, Marine Corps. The House bill would authorize $931.2 million. The Senate amendment would authorize $690.1 million. The conferees recommend authorization of $729.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	PROCUREMENT, MARINE CORPS												
1	5.56 MM, ALL TYPES		14,766		14,766		13,166		1,600				14,766
2	7.62 MM, ALL TYPES		5,333		12,333		5,333		7,000		7,000		12,333
3	LINEAR CHARGES, ALL TYPES		6,685		6,685		1,231		5,454		-5,454		1,231
4	.50 CALIBER		5,990		5,990		5,990						5,990
5	40 MM, ALL TYPES		33,272		33,272		26,212		7,060		-7,060		26,212
6	60 MM ILLUM M721		1,617		1,617				1,617		-1,617		
7	60 MM SMOKE WP												
8	60 MM HE M888		4,599		4,599		4,599						4,599
9	81 MM HE		4,152		4,152		4,152						4,152
10	81 MM SMOKE SCREEN												
11	81 MM TP M879												
12	81MM ILLUMINATION (M853)												
13	CTG 105MM TPDS-T												
14	120MM HEAT MP-T M830												
15	120MM APFSDS-T M829E1												
16	120MM TPCSDS-T M865						4,000		-4,000		4,000		4,000
17	120 MM TP-T M831						6,000		-6,000		6,000		6,000
18	155MM HE ADAM												
19	155MM HE M107												
20	155MM HE DP ICM M483												
21	155MM CHG. PROP. RED BAG												
22	155MM M864 PROJ BASEBURNER					106	81,200	-106	-81,200	106	81,200	106	81,200
23	155MM CHARGE WHITE BAG												
24	155MM WP M110A1												
25	155MM CHARGE GREEN BAG												
26	FUZE, PD, M739A1												
27	FUZE PROXIMITY M732A2												
28	FUZE, ET, XM762												
29	FUZE, ET, XM767												
30	83 MM ROCKET HEAA (SMAW)		29,352		29,352		29,352						29,352
31	LIGHT ANTI-ARMOR WEAPON												
32	25MM HEI-T												
33	25MM, TP-T, M793		2,861		2,861		2,861						2,861

P-1		FY1993 Request		--- House FY1993	-------	Senate FY1993 ---		House +/- Senate		---Conference---		-- Conference FY93 --	
				Authorization		Authorization				Change to Request		Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
34	CTG 25MM HEI F/GAU 12												
35	CTG 25MM APDST												
36	9 MM ALL TYPES												
37	GRENADES, ALL TYPES		2,567		2,567		2,567						2,567
38	RKT MOTOR 5 IN		6,018		6,018				6,018		-6,018		
39	8 INCH AMMO, ALL TYPES												
40	AMMO MODERNIZATION		9,980		9,980		9,980						9,980
41	ITEMS LESS THAN $2 MIL		6,736		6,736		6,736						6,736
42	AAV7A1 PIP		16,610		16,610		16,610						16,610
42a	MLRS			42	254,700			42	254,700				
43	LIGHT ARMORED VEHICLE												
44	MODIFICATION KITS (TRKD VEH)		1,150		1,150		1,150						1,150
45	ITEMS UNDER $2M (TRKD VEH)		588		588		588						588
46	MOD KITS (ARTILLERY)		5,826		5,826		5,826						5,826
47	ITEMS UNDER $2M (ALL OTHER)		2,185		2,185		2,185						2,185
48	MACHINE GUN, 50 CAL M2												
49	M60E3 PIP												
50	MK-19 40MM MACHINE GUN												
51	HAWK												
52	HAWK MOD		23,974		23,974		23,974						23,974
53	STINGER (MYP)												
54	PEDESTAL MOUNTED STINGER (PMS) (MYP)	26	23,856	26	23,856	26	23,856					26	23,856
55	ADVANCE PROCUREMENT (CY)		4,257		4,257		4,257						4,257
56	TOW												
57	MODIFICATION KITS												
58	ITEMS LESS THAN $2 MILLION		588		588		588						588
59	MANPACK RADIOS AND EQUIP						3,000		-3,000		3,000		3,000
60	GPS	1,766	12,720	1,766	12,720	1,766	12,720					1,766	12,720
61	VEHICLE MTD RADIOS & EQUIP (MYP)		5,170		5,170		5,170						5,170
62	AN/GRC-XXXX	421	18,970	421	18,970	421	18,970					421	18,970
63	TSC-96 PIP FLEET SATCOM TERMINAL	5	1,957	5	1,957	5	1,957					5	1,957
64	UNIT LEVEL CIRCUIT SWITCH (ULCS)		7,088		7,088		7,088						7,088
65	TACT COMM CENTER EQUIP												
66	AN/PSG( ) DIGITAL COMM TERMINAL												

P-1		FY1993 Request		--- House FY1993	-------	Senate FY1993 ---				---Conference---		-- Conference FY93 --	
				Authorization		Authorization		House +/- Senate		Change to Request		Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
67	OSCILLOSCOPE												
68	SWEEP GENERATOR												
69	SIGNAL GENERATOR	200	1,983	200	1,983	200	1,983					200	1,983
70	ELECTRONIC TEST EQUIP (IEL)		6,876		6,876		6,876						6,876
71	SINGLE CHAN GRD & AIR RADIO		59,837		59,837		59,837						59,837
72	MODIFICATION KITS (IEL)		3,930		3,930		3,930						3,930
73	ITEMS LESS THAN $2M (IEL)		2,402		2,402		2,402						2,402
74	POS LOCATING RPTG SYSTEM (PLRS)												
75	TACTICAL AIR OPER MODULE (TAOM)												
76	ADVANCED TACT AIR COMMAND CENTER	1	6,751		6,751	1	6,751	-1				1	6,751
77	MARINE TACTICAL C2		8,286		8,286		8,286						8,286
78	LEWDO												
79	METEOROLOGICAL SYSTEMS	14	5,965	14	5,965	14	5,965					14	5,965
80	INTELLIGENCE SUPPORT EQUIPMENT		18,387		41,387		28,387		13,000		22,000		40,387
81	MOD KITS (INTEL)		490		490		490						490
82	ITEMS LESS THAN $2M (INTELL)		797		797		797						797
83	ELECTRONIC TDME REPAIR FACILITY												
84	MECH TEST TMDE		868		868		868						868
85	ELECTRONIC TEST EQUIP												
86	THERMAL IMAGING EQUIPMENT												
87	NIGHT VISION EQUIPMENT		20,143		20,143		30,143		-10,000		10,000		30,143
88	ADP EQUIPMENT		16,308		16,308		16,308						16,308
89	TEST CALIB & MAINT SPT		944		944		944						944
90	MODIFICATION KITS (NONTEL)		3,681		3,681		3,681						3,681
91	ITEMS LESS THAN $2M (NONTEL)		1,564		1,564		1,564						1,564
92	COMMERCIAL PASSENGER VEHICLES	46	2,211	46	2,211	46	2,211					46	2,211
93	COMMERCIAL CARGO VEHICLES		8,816		8,816		8,816						8,816
94	5/4T TRUCK HMMWV (MYP)	1,612	47,257	1,612	47,257	1,612	47,257					1,612	47,257
95	M876 TRUCK,MAINT, TELEPHONE/UTILITY												
96	LOGISTICS VEHICLE SYSTEM				18,000				18,000		18,000		18,000
97	TRAILERS		3,096		3,096		3,096						3,096
98	MODIFICATION KITS		3,523		3,523		3,523						3,523
99	ITEMS LESS THAN $2 MIL		1,027		1,027		1,027						1,027
100	ENVIRONMENTAL CONTROL EQUIP ASSORT												

P-1		FY1993 Request		--- House FY1993 Authorization		------- Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 -- Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
101	ARMORED COMBAT EXCAVATOR (ACE)	41	28,011	91	68,011	41	28,011	50	40,000			41	28,011
102	AMPHIBIOUS ASSAULT FUEL SYSTEM												
103	TACTICAL FUEL SYSTEM (TFS) EQUIP		14,109		14,109		14,109						14,109
104	TOPOGRAPHIC/SURVEY EQUIPMENT		1,400		1,400		1,400						1,400
105	POWER EQUIPMENT ASSORTED		1,314		1,314		1,314						1,314
106	TRAY RATION HEATING SYSTEM	187	3,324	187	3,324	187	3,324					187	3,324
107	COMMAND SUPPORT EQUIPMENT		1,011		1,011		1,011						1,011
108	AMPHIBIOUS RAID EQUIPMENT		536		536		536						536
109	PRODUCTIVITY INVESTMENT		2,308		2,308		2,308						2,308
110	PHYSICAL SECURITY EQUIPMENT		1,431		1,431		1,431						1,431
111	GARRISON MOBILE ENGR EQUIP		2,991		2,991		2,991						2,991
112	WAREHOUSE MODERNIZATION		997		997		997						997
113	MATERIAL HANDLING EQUIP		2,199		2,199		2,199						2,199
114	FIRST DESTINATION TRANSPORTATION		3,841		3,841		3,841						3,841
115	LIGHTWEIGHT DECONTAMINATION SYSTEM	138	2,055	138	2,055	138	2,055					138	2,055
116	DRY CHEMICAL FIRE EXTINGUISHER												
117	TRAINING DEVICES		4,580		4,580		4,580						4,580
118	SHELTER FAMILY		411		411		411						411
119	CONTAINER FAMILY		2,802		2,802		2,802						2,802
120	MODIFICATION KITS												
121	NBC ALARM & DECONTAMINATION EQUIP												
122	CHEMICAL AGENT MONITOR	143	912	143	912	143	912					143	912
123	ITEMS LESS THAN $2 MIL		2,907		2,907		2,907						2,907
	MARINE ENHANCEMENT PROGRAM						11,500		-11,500		11,500		11,500
124	INDUSTRIAL/DEPOT MAINTENANCE EQUIPMENT												
125	DRUG INTERDICTION												
126	MC SPARES AND REPAIR PARTS		27,398		27,398		26,028		1,370		-1,370		26,028
	RAISE O&M PURCHASE THRESHOLD						-1,000		1,000				
	AUTOMATIC BUILDING EQUIPMENT												
	TOTAL PROCUREMENT MARINE CORPS		588,546		931,246		690,127		241,119		141,181		729,727

Intelligence support equipment

The amended budget request included $18.4 million for the procurement of Marine Corps intelligence support equipment.

The House bill would provide an additional $23.0 million for procurement and $2.0 million for additional research and development of this equipment.

The Senate amendment would provide an additional $10.0 million to accelerate procurement of commanders' tactical terminals and $3.0 million for development and evaluation of a system, called "Trojan Spirit," for disseminating tactical intelligence information.

The conferees agree to provide an additional $25.0 million in Marine Corps intelligence support programs as follows:

$3.0 million in research and development for Trojan Spirit;

$10.0 million to contribute to the Army's program to accelerate the product improvement and procurement of three channel commanders' tactical terminals;

$3.3 million to accelerate procurement of secondary imagery dissemination systems;

$4.3 million to accelerate procurement of intelligence analysis systems;

$1.5 million for portable communications devices capable of handling special compartmented information; and

$2.9 million to purchase commercial, off-the-shelf topographic and Landsat processing systems.

The conferees endorse the requirement in the Senate report (S. Rept. 102-352) that:

the Marine Corps develop a coherent, comprehensive roadmap for improving its intelligence capabilities;

the Commandant of the Marine Corps submit a roadmap to the congressional defense committees by March 1, 1993; and

the Commandant submit the roadmap to the Director of the Defense Intelligence Agency and the Assistant Secretary of Defense (C^3I) for review and approval.

The conferees are also concerned about the diversion of funds in future budgets described in the Senate report. The conferees direct the Commandant to report to the congressional defense committees on the reasons for the Marine Corps' actions.

AIRCRAFT PROCUREMENT, AIR FORCE

Overview

The amended budget request for fiscal year 1993 contained an authorization of $10,928.7 million for Aircraft Procurement, Air Force. The House bill would authorize $10,144.8 million. The Senate amendment would authorize $9,275.0 million. The conferees recommend authorization of $10,034.3 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request		--- House FY1993 Authorization		Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 -- Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	AIRCRAFT PROCUREMENT, AIR FORCE												
1	B-1B (MYP)		214,897		214,897		50,000		164,897		-47,497		167,400
2	B-2A (MYP)	4	2,686,572	4	2,686,572	4	2,686,572					4	2,686,572
3	B-2 ADVANCE PROCUREMENT (CY)												
4	F-15 E		11,484		11,484		11,484						11,484
5	F-16 C/D (MYP)	24	683,230	24	614,830		75,000	24	539,830			24	683,230
6	F-16 ADVANCE PROCUREMENT (CY)				68,400				68,400				
7	C-17 (MYP)	8	2,513,935	6	1,905,935	4	1,623,935	2	282,000	-2	-703,300	6	1,810,635
7a	C-17 CONTINGENCY FUND						232,000		-232,000				
8	C-17 ADVANCE PROCUREMENT (CY)		205,605	8	155,605		205,605	8	-50,000		45,300		250,905
9	C-27A												
10	C-130H	8	300,358	8	300,358	8	300,358					8	300,358
11	LC-130												
12	ENHANCED FLIGHT SCREENER	42	12,253	42	12,253	42	12,253					42	12,253
13	TANKER, TRANSPORT, TRAINER SYSTEM	36	158,592	36	158,592	36	158,592					36	158,592
14	MH-60G	10	30,128	10	30,128	10	30,128					10	30,128
15	CIVIL AIR PATROL A/C	27	1,984	27	2,700	27	1,984		716		716	27	2,700
16	E-8B	1	310,572	1	310,572	2	499,772	-1	-189,200	1	201,200	2	511,772
17	E-8B ADVANCE PROCUREMENT (CY)		50,658		50,658		102,658		-52,000		28,458		79,116
18	VC-137 REPLACEMENT AIRCRAFT												
	MODIFICATION OF INSERVICE AIRCRAFT												
19	B-2A												
20	B-1B		50,254		50,254		50,254						50,254
21	B-52		76,710		76,710		70,000		6,710				76,710
22	F-117		24,661		32,661		24,661		8,000				24,661
23	A-10		7,821		7,821		7,821						7,821
24	F/RF-4												
25	F-15		303,915		303,915		303,915						303,915
26	F-16		274,496		274,496		238,096		36,400		-36,400		238,096
27	EF-111		8,975		8,975				8,975				8,975
28	F-111		54,185		54,185		54,185						54,185
29	TR-1A												
30	T/AT-37		1,890		1,890		1,890						1,890
31	C-5		8,255		8,255		8,255						8,255

				--- House FY1993 -------		Senate FY1993 ---				---Conference---		-- Conference FY93 --	
P-1		FY1993 Request		Authorization		Authorization		House +/- Senate		Change to Request		Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
32	C-9		1,986		1,986		1,986						1,986
33	C-21		94		94		94						94
34	C-22		4,697		4,697		4,697						4,697
35	C-STOL		94		94		94						94
36	C-137		10,650		10,650		10,650						10,650
37	C-141		14,673		14,673		40,673		-26,000		26,000		40,673
38	T-38		5,537		5,537		5,537						5,537
39	T-41 AIRCRAFT		195		195		195						195
40	T-43		302		302		302						302
41	KC-10A (AICA)		38,644		38,644		38,644						38,644
42	C-12		5,714		5,714		5,714						5,714
43	C-18		189		189		189						189
44	C-20 MODS		94		94		94						94
45	VC-25A MOD		189		189		189						189
46	C-130		70,558		70,558		70,558						70,558
47	C-135		526,674		526,674		526,674				-87,174		439,500
47a	RC-135						-133,700		133,700				
48	E-3		76,350		37,750		76,350		-38,600				76,350
49	E-4		17,986		17,986		17,986						17,986
50	H-3 AIRCRAFT SYSTEM												
51	H-60												
52	OTHER AIRCRAFT		101,593		101,593		69,493		32,100		-22,100		79,493
53	CLASSIFIED PROJECTS		45,275		45,275		45,275						45,275
54	CIVIL RESERVE AIRLIFT FLEET (CRAF)												
55	APAF SPARES AND REPAIR PARTS		724,426		672,426		523,836		148,590		-225,590		498,836
56	COMMON AGE		442,396		442,396		442,396						442,396
57	INDUSTRIAL RESPONSIVENESS		35,477		35,477		35,477						35,477
58	WAR CONSUMABLES		27,930		27,930		27,930						27,930
59	OTHER PRODUCTION CHARGES		686,581		642,581		615,281		27,300		-74,000		612,581
60	COMMON ECM EQUIPMENT		98,967		98,967		98,967						98,967
	SPECIAL TECHNICAL PROJECTS												
	GENERAL REDUCTION INT CONTRACT SUPP												
	TOTAL AIRCRAFT PROCUREMENT AIR FORCE		10,928,701		10,144,817		9,274,999		869,818		-894,387		10,034,314

F-16 aircraft

The amended budget request contained $683.2 million to procure 24 F-16 fighter aircraft and to complete U.S. production.

The House bill would authorize the amount of the budget request. The House also believes that the F-16 should be kept in production in order to preserve the industrial base for Air Force fighter aircraft, and recommended an authorization of $68.4 million in advance procurement for 24 aircraft in fiscal year 1994.

The Senate amendment would eliminate funds for the final 24 aircraft, and would authorize $75 million to reconfigure the current F-16 production facility so that the facility remains efficient at low production rates envisioned for foreign military sales. The Senate amendment also contained a provision (sec. 133) that would authorize the Air Force to sell components procured with advance procurement funds for these 24 aircraft so that the savings achieved through the multiyear contract would not be lost.

The conferees recommend an authorization of $683.2. The conferees believe that any decision to continue production of F-16s beyond fiscal year 1993 should be based on the comprehensive review of tactical aviation as required by sections 901 and 902. The conferees recommend a provision that would prohibit the department from obligating any funds beyond production of 24 aircraft authorized in fiscal year 1993 and associated spare parts until the Secretary has submitted the reports required by section 902.

Concerning section 133 of the Senate amendment, the Senate recedes.

Joint primary training system

In view of the "model" success of the joint primary training systems (JPATS) program thus far, neither the House bill nor the Senate amendment would make any changes to the requested funding or acquisition plan.

Subsequently, however, the conferees have learned of plans by the Under Secretary of Defense for Acquisition to modify the structure of the acquisition plan to separate procurement into two contract awards: one for the aircraft and a second for the training system. The conferees understand that the Under Secretary would also eliminate the safety/requirements demonstration currently scheduled for the candidate competitors.

The conferees believe that one of the strongest features of the current JPATS acquisition plan stems from the efficiencies provided by procurement of an entire integrated "system." It is shortsighted to procure only replacement aircraft for Air Force and Navy primary training and not upgrade the instructional "system" in the process. The conferees also continue to believe that the long-term method of procuring a total system for this purpose is through a single prime contractor acting as the integrator.

Accordingly, the conferees direct the Department of Defense to proceed with JPATS procurement only under a non-developmental, single integrated procurement contract. Additionally, the conferees direct the Secretary of Defense to conduct a safety/requirements demonstration as contained in the original acquisition plan.

E-3 modifications

The amended budget request contained $76.4 million to modify E-3 airborne warning and control aircraft (AWACS).

The House bill would authorize $37.8 million. The reduction of $38.6 million from the request was based on a recommendation of the General Accounting Office that concluded that those funds for electronic support measures (ESM) were duplicative of capabilities found elsewhere in the Air Force.

The Senate amendment would authorize the requested amount.

The conferees agree to authorize the budget request of $76.4 million. The conferees direct the Defense Department not to obligate any of the procurement funds for AWACS until the Office of the Secretary of Defense has certified to the congressional defense committees that the new ESM capability provides a significant improvement and does not duplicate any current Air Force system.

MISSILE PROCUREMENT, AIR FORCE

Overview

The amended budget request for fiscal year 1993 contained an authorization of $5,378.7 million for Missile Procurement, Air Force. The House bill would authorize $4,937.5 million. The Senate amendment would authorize $4,125.6 million. The conferees recommend authorization of $4,399.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

				--- House FY1993 -------		Senate FY1993 ---				---Conference---		-- Conference FY93 --	
P-1		FY1993 Request		Authorization		Authorization		House +/- Senate		Change to Request		Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
MISSILE PROCUREMENT, AIR FORCE													
1	PEACEKEEPER (M-X)												
2	MISSILE REPLACEMENT EQ-BALLISTIC		40,300		40,300		40,300						40,300
3	HAVE NAP			30	24,000			30	24,000	30	24,000	30	24,000
4	AGM-131A SRAMII												
5	ADVANCED CRUISE MISSILE						34,600		-34,600		127,100		127,100
6	ACM ADVANCE PROCUREMENT (CY)												
7	HAVE FLAG	[ ]	[ ]										
8	AMRAAM	1,015	731,396	1,015	731,396	1,015	632,696		98,700		-98,700	1,015	632,696
9	AIM-9L/M SIDEWINDER												
10	AGM-130 POWERED GBU-15	102	76,100	102	76,100	102	76,100			8		110	76,100
11	AGM-65D MAVERICK												
12	AGM-88A HARM	846	218,400	846	218,400	846	104,700		113,700		-113,700	846	104,700
13	TARGET DRONES	92	60,883	142	72,883	92	72,883	50		78	12,000	170	72,883
14	INDUSTRIAL PREPAREDNESS		9,930		9,930		9,930						9,930
15	MISSILE REPLACEMENT EQ-OTHER		27,971		27,971		27,971						27,971
16	CLASSIFIED PROGRAM	[ ]	[ ]										
MODIFICATION OF INSERVICE MISSILES													
17	HAVE NAP		1,155		1,155		1,155						1,155
18	AIR LAUNCH CRUISE MISSILE		21,208		21,208		21,208						21,208
19	PEACEKEEPER (M-X)		2,870		2,870		2,870						2,870
20	AIM-9 SIDEWINDER		11,681		11,681		11,681						11,681
21	MM II/III MODIFICATIONS		194,600		194,600		179,900		14,700		-14,700		179,900
22	AGM-65D MAVERICK		1,540		1,540		1,540						1,540
23	AGM-88A HARM		2,109		2,109		2,109						2,109
24	MODIFICATIONS UNDER $2.0M		319		319		319						319
25	ADVANCED CRUISE MISSILE		4,907		4,907		4,907						4,907
26	MPAF SPARES AND REPAIR PARTS		54,942		54,942		52,192		2,750		-2,750		52,192
OTHER SUPPORT													
27	SPACEBORNE EQUIP (COMSEC)		7,921		7,921		7,921						7,921
28	GLOBAL POSITIONING (MYP)	6	188,301	6	188,301	6	98,301		90,000		-60,000	6	128,301
29	GPS ADVANCE PROCUREMENT (CY)		59,248		59,248		59,248						59,248
30	SPACE SHUTTLE OPERATIONS		88,300		88,300		88,300						88,300
31	SHUTTLE ADVANCE PROCUREMENT (CY)												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
32	SPACE BOOSTERS (MYP)		382,169		382,169		382,169						382,169
33	MEDIUM LAUNCH VEHICLE	4	180,334	4	180,334	4	180,334					4	180,334
34	MLV ADVANCE PROCUREMENT (CY)		46,303		46,303		46,303						46,303
35	DEF METEOROLOGICAL SAT PROG (MYP)		31,425		31,425		31,425						31,425
36	DMSP ADVANCE PROCUREMENT (CY)												
37	DEFENSE SUPPORT PROGRAM (MYP)		139,694		139,694		139,694						139,694
38	DSP ADVANCE PROCUREMENT (CY)		147,000		147,000		147,000						147,000
39	DEFENSE SATELLITE COMM SYSTEM (MYP)		25,471		25,471		25,471						25,471
40	FOREST GREEN		263		263		263						263
41	IONDS (MYP)	6	37,966	6	37,966	6	37,966				-5,700	6	32,266
42	IONDS ADVANCE PROCUREMENT (CY)		11,351		11,351		11,351						11,351
43	SPECIAL UPDATE PROGRAMS		154,207		154,207		69,507		84,700		-84,700		69,507
44	SPECIAL PROGRAMS		2,330,476		1,941,276		1,523,276		418,000		-674,200		1,656,276
999	CLASSIFIED PROGRAMS		87,968								-87,968		
	SPECIAL TECHNICAL PROJECTS												
	GENERAL REDUCTION INT CONTRACT SUPP												
	TOTAL MISSILE PROCUREMENT AIR FORCE		5,378,708		4,937,540		4,125,590		811,950		-979,318		4,399,390

Advanced cruise missile

The amended budget request contained $82.3 million in research, development, test and evaluation (RDT&E) funds for the advanced cruise missile (ACM) program.

The House bill would provide $21.2 million in RDT&E funds.

The Senate amendment would provide no RDT&E funds but would provide $34.6 million in missile procurement funding to help resolve serious shortfalls in Air Force funding and management of the ACM program, as detailed in the Senate report (S. Rept. 102-352). The Air Force raised these funding and management problems after the House had completed action on its bill and only days before the Senate Armed Services Committee completed its mark-up.

Since then, the Air Force informally has proposed several recovery plans, culminating in an Air Force proposal, recently briefed to the congressional defense committees, that the conferees provide a total of $148.3 million, $21.2 million in RDT&E funds, and $127.1 million in procurement funds, in order to complete the ACM program, pay termination costs, and deliver 450 operational cruise missiles to the using command.

The conferees recommend $21.2 million for RDT&E and $127.1 million for procurement for the completion of the ACM production program. The conferees understand that the recommended sums should be adequate to deliver a total of 450 ACMs to the operational user, to pay termination costs, and to provide a modest level of interim support for operational ACMs during fiscal year 1993.

The conferees direct the Air Force not to curtail or terminate the existing contracts with the second-source ACM producer. Within that constraint, funds should be applied so as to maximize the number of completed ACMs.

The conferees further direct the Air Force to provide a report to the congressional defense committees not later than April 1, 1993, on the status of the program, to include:

the expected number of ACMs to be delivered within available funding;

an estimate of the additional funds that would be required after fiscal year 1993 in order to complete (a) all 520 ACMs, and (b) all ACMs which are at least 50 percent assembled; and

the extent to which ACM piece-parts for ACMs that will not be completed within available funding are usable as either initial or sustaining spares.

Finally, the conferees direct the Secretary of the Air Force to provide to the congressional defense committees not later than April 1, 1993 a listing of all incentive-type contracts in force for weapons programs for which the Air Force has neither fully funded its potential obligation up to the ceiling amount nor has available adequate unobligated unexpired funds within the requisite appropriation category. The conferees continue to be seriously concerned about the possibility of repetitions of the ACM fiasco, and that the Air Force has no plan to avoid such fiascos, other than to ask the congressional defense committees to bail it out.

AGM-88A high-speed anti-radiation missile

The amended budget request included $218.4 million to procure 846 AGM-88 high-speed anti-radiation missiles (HARM). These represent the last HARM missiles to be produced. After fiscal year 1993, the HARM program would be limited to an upgrade program in which improved guidance and control sections would be retrofitted on existing missiles.

The House bill would authorize the program at the requested level.

The Senate amendment would authorize $104.7 million, a reduction of $113.7 million from the requested amount. This reduction would reflect savings achieved by proceeding immediately with the retrofit program and avoiding procurement of new missiles in fiscal year 1993.

The House recedes.

Target drones

The House bill would authorize $12.0 million to procure 50 BQM-74 drone missiles for use as decoys by the Air Force. The Air Force utilized the BQM-74 effectively during Operation Desert Storm.

The Senate amendment would also authorize $12.0 million to procure 50 decoys. The Senate report (S. Rept. 102-352) stipulated, however, that before those funds could be obligated, the Air Force should establish a program that determines long-term requirements for decoys, examines alternative approaches for meeting those requirements, and selects the most cost-effective system.

The conferees recommend an authorization of $12.0 million for decoys for the Air Force, and concur in the direction of the Senate that the Air Force should first undertake a comprehensive assessment and determine long-term requirements for decoys before buying any specific system.

Global positioning system

The amended budget request contained $188.3 million for procurement of six global positioning system (GPS) satellites.

The House bill would authorize the requested amount.

The Senate amendment would authorize $98.3 million, a reduction of $90.0 million and three satellites from the request.

The Senate report (S. Rept. 102-352) notes that DOD is procuring satellites at a rate that exceeds requirements, whereas the Department is not adequately funding GPS receiver procurement and installation. Accordingly, the Senate report proposes to reduce the rate of satellite procurement and accelerate receiver procurement with an additional $150.0 million in fiscal year 1993.

The Senate recedes. The conferees agree that the slow pace of procurement for GPS user equipment is troubling but do not expect funding will be made available for accelerating this program in fiscal year 1993. The conferees endorse the goal of completing procurement and installation of GPS user equipment by fiscal year 2000, and urge the Secretary of Defense to correct this problem in the fiscal years 1994/1995 budget request. If the administration does not correct this problem in the fiscal years 1994/1995 budget request, the conferees direct the Secretary to submit to the congressional defense committees along with the fiscal years 1994/1995 budget request an alternative plan to complete GPS user equipment by fiscal year 2000. This alternative plan should provide the additional costs required to meet this goal.

The conferees agree further that the GPS satellite multiyear procurement contract should be preserved and therefore authorize the purchase of four satellites in fiscal year 1993. The conferees authorize $128.3 million for this purpose.

OTHER PROCUREMENT, AIR FORCE

Overview

The amendment budget request for fiscal year 1993 contained an authorization of $8,346.6 million for Other Procurement, Air Force. The House bill would authorize $8,132.5 million. The Senate amendment would authorize $8,101.0 million. The conferees recommend authorization of $7,894.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

				--- House FY1993	-------	Senate FY1993 ---				---Conference---		-- Conference FY93 --	
P-1		FY1993 Request		Authorization		Authorization		House +/- Senate		Change to Request		Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	OTHER PROCUREMENT, AIR FORCE												
	MUNITIONS AND ASSOCIATED EQUIPMENT												
1	2.75 INCH ROCKET MOTOR	51,311	13,643	51,311	13,643	51,311	13,643					51,311	13,643
2	2.75 INCH ROCKET HEAD - WP												
3	ITEMS LESS THAN $2,000,000		5,760		5,760		5,760						5,760
4	5.56 MM	11,100	1,999	11,100	1,999	11,100	1,999					11,100	1,999
5	20 MM COMBAT						21,200		-21,200		8,000		8,000
6	20MM TRAINING	909	3,807	909	3,807	909	3,807					909	3,807
7	30 MM TRAINING	6,006	66,241	6,006	53,641	6,006	57,441		-3,800		-9,629	6,006	56,612
8	CARTRIDGE CHAFF RR-180	251,200	2,512	251,200	2,512	251,200	2,512					251,200	2,512
9	SIGNAL MK-4 MOD 3	374	561	374	561	374	561					374	561
10	CART IMP 3000 FT/LBS	3,803	8,823	3,803	5,623	3,803	5,623				-3,200	3,803	5,623
11	ITEMS LESS THAN $2,000,000		2,542		2,542		657		1,885		-1,885		657
12	M-117 BOMB												
13	MK-82 INERT/BDU-50												
14	BSU-49 INFLATABLE RETARDER												
15	BSU-50 INFLATABLE RETARDER												
16	BOMB HARD TARGET 2000LB												
17	BSU-85/93 INFLATABLE RETARDER	10,000	10,858	10,000	10,858			10,000	10,858	-10,000	-10,858		
18	BOMB AREA DENIAL 1000LB												
19	LASER BOMB GUIDANCE KIT												
20	GBU-15		6,565		6,565		6,565						6,565
21	BOMB PRACTICE 25 POUND	954,006	12,860	954,006	12,860	954,006	12,860					954,006	12,860
22	BOMB PRACTICE BDU-38												
23	MK-84 BOMB-EMPTY	9,977	21,089	9,977	21,089	9,977	21,089					9,977	21,089
24	SENSOR FUZED WEAPON		18,556		18,556		18,556						18,556
25	CBU-89 (GATOR)												
26	CBU-87(COMBINED EFFECTS MUNITIONS)												
27	ITEMS LESS THAN $2,000,000		3,631		3,631		2,831		800		-800		2,831
28	ITEMS LESS THAN $2,000,000		34		34		34						34
29	FLARE, IR MJU-7B	333,082	9,263	333,082	9,263	333,082	9,263					333,082	9,263
30	PARACHUTE FLARE LUU-2 B/B												
31	MJU-23 FLARE												
32	MJU-10B	45,046	2,264	45,046	2,264	45,046	2,264					45,046	2,264

P-1		FY1993 Request		--- House FY1993 Authorization		--- Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 -- Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
33	ALA-17 FLARE												
34	M-206 CARTRIDGE FLARE						3,000		-3,000		3,000		3,000
35	SPARES AND REPAIR PARTS		6,607		6,607		6,277		330		-330		6,277
36	SPECIAL PROGRAMS		13,061		13,061		13,061						13,061
37	MODIFICATIONS		1,103		1,103		1,103						1,103
38	ITEMS LESS THAN $2,000,000		8,238		8,238		8,238						8,238
39	FMU-139 FUZE												
40	81MM MORTAR												
41	SHOTGUN - 12GAUGE												
42	SQUAD AUTOMATIC WEAPON	1,004	2,050	1,004	2,050	1,004	2,050					1,004	2,050
43	M-16 A2 RIFLE												
44	9MM COMPACT PISTOL												
45	.50 CAL DISRUPTER RIFLE												
46	M2 .50 CAL MACHINE GUN	40	389	40	389	40	389					40	389
47	12GA EOD SHOTGUN	78	17	78	17	78	17					78	17
VEHICULAR EQUIPMENT													
48	SEDAN, 4 DR 4X2	108	1,146	108	1,146	108	1,146					108	1,146
49	BUS, 28 PASSENGER	59	2,714	59	2,714			59	2,714	-59	-2,714		
50	BUS, 44 PASSENGER	43	3,127	43	3,127			43	3,127	-43	-3,127		
51	AMBULANCE, BUS												
52	MODULAR AMBULANCE	126	7,392	126	7,392	126	6,092		1,300		-1,300	126	6,092
53	14-23 PASSENGER BUS	14	533	14	533			14	533	-14	-533		
54	LAW ENFORCEMENT VEHICLE	246	3,444	246	3,444	246	3,444					246	3,444
55	ARMORED SEDAN	2	354	2	354	2	354					2	354
56	TRUCK, STAKE/PLATFORM	269	4,339	269	4,339	269	4,339					269	4,339
57	TRUCK, CARGO-UTILITY, 3/4T, 4X4	471	8,000	471	8,000	471	8,000					471	8,000
58	TRUCK, CARGO-UTILITY, 1/2T, 4X2	227	3,391	227	3,391	227	3,391					227	3,391
59	TRUCK, PICKUP, 1/2T, 4X2												
60	TRUCK, PICKUP, COMPACT												
61	TRUCK MULTI-STOP 1 TON 4X2												
62	TRUCK, PANEL, 4X2	194	2,245	194	2,245	194	2,245					194	2,245
63	TRUCK CARRYALL	407	6,096	407	6,096	407	5,696		400		-400	407	5,696
64	MEDIUM TACTICAL VEHICLE	34	2,703	34	2,703	34	2,703					34	2,703
65	TRUCK, CARGO, 2 1/2T	135	4,796	135	4,796	135	4,796					135	4,796

P-1		FY1993 Request		--- House FY1993 ---- Authorization		--- Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
66	TRUCK TRACTOR, OVER 5T	203	11,351	203	11,351	203	11,351					203	11,351
67	TRUCK, DUMP 5 TON	130	5,998	130	5,998	130	5,998					130	5,998
68	TRUCK, UTILITY	239	3,401	239	3,401	239	3,401					239	3,401
69	CAP VEHICLES				825		800		25		825		825
70	ITEMS LESS THAN $2,000,000		16,581		16,581		16,581						16,581
71	TRUCK PHONE LINE CONSTRUCTION	32	3,920	32	3,920	32	3,920					32	3,920
72	TRUCK, TANK, 1200 GAL												
73	TRUCK TANK FUEL R-11												
74	TRUCK, TANK, FUEL, M-49												
75	TRACTOR, TOW, FLIGHTLINE												
76	MOBILE MAINT UNIT												
77	ITEMS LESS THAN $2,000,000		20,174		20,174		20,174						20,174
78	TRUCK CRASH P-19												
79	TRUCK CRASH P-23	48	22,116	48	22,116			48	22,116	-48	-22,116		
80	TRUCK WATER P-26 (P-18)	17	2,085	17	2,085	17	2,085					17	2,085
81	HEAVY RESCUE VEHICLE	27	4,346	27	4,346	27	4,346					27	4,346
82	TRUCK PUMPER P-24	19	2,894	19	2,894	19	2,894					19	2,894
83	TRUCK PUMPER P-22	23	3,030	23	3,030	23	3,030					23	3,030
84	ITEMS LESS THAN $2,000,000		1,547		1,547		1,547						1,547
85	TRUCK F/L 4000 LB GED/DED 144 INCH	123	6,047	123	6,047	123	6,047					123	6,047
86	TRUCK, F/L 6000 LB												
87	TRUCK, F/L 10,000 LB												
88	TRUCK F/L LARGE CAPACITY AT												
89	25K FORKLIFT												
90	25K A/C LOADER												
91	ITEMS LESS THAN $2,000,000		5,807		5,807		5,807						5,807
92	LOADER, SCOOP												
93	RUNWAY SNOW REMOV AND CLEANING EQUIP	60	3,642	60	3,642	60	3,642					60	3,642
94	EXCAVATOR, DED, PT												
95	SPARES AND REPAIR PARTS - OPAF 2		2,606		2,606		2,476		130		-130		2,476
96	MODIFICATIONS		550		550		550						550
97	ITEMS LESS THAN $2,000,000		10,811		10,811		10,811						10,811
ELECTRONICS AND TELECOMMUNICATIONS EQUIP													
98	COMSEC EQUIPMENT		57,028		57,028		57,028						57,028

P-1		FY1993 Request		--- House FY1993 ---		--- Senate FY1993 ---		House +/- Senate		---Conference---		-- Conference FY93 --	
				Authorization		Authorization				Change to Request		Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
99	SPARES AND REPAIR PARTS - OPAF 3		1,859		1,859		1,759		100		-100		1,759
100	MODIFICATIONS (COMSEC)		872		872		872						872
101	INTELLIGENCE DATA HANDLING SYS		218		218		218						218
102	INTELLIGENCE TRAINING EQUIPMENT		4,080		4,080		4,080						4,080
103	INTELLIGENCE COMM EQUIP		17,679		17,679		17,679						17,679
104	ITEMS LESS THAN $2,000,000		11,407		11,407		11,407						11,407
105	AIR TRAFFIC CTRL/LAND SYS (ATCALS)												
106	TACTICAL AIR CONTROL SYS IMPROVE		118,774		118,774		118,774						118,774
107	WEATHER OBSERV/FORCAST		62,947		62,947		52,947		10,000		-10,000		52,947
108	DEFENSE SUPPORT PROGRAM		57,123		57,123		57,123				-3,200		53,923
109	OTH-B RADAR												
110	SAC COMMAND AND CONTROL		63,104		63,104		63,104						63,104
111	CHEYENNE MOUNTAIN COMPLEX		31,437		31,437		31,437						31,437
112	BMEWS MODERNIZATION		951		951		951						951
113	NAVSTAR GPS		6,078		6,078		6,078						6,078
114	PACAF COMMAND/CONTROL												
115	DEFENSE METEOROLOGICAL SAT PROG		15,165		15,165		15,165				-2,600		12,565
116	MARS/USAF-FAA RADAR UPGRADE		41,270		41,270		41,270						41,270
117	TAC SIGINT SUPPORT		4,598		4,598		4,598						4,598
118	DIST ERLY WARNING RDR/NORTH WARNING												
119	TACTICAL GROUND INTERCEPT FACILITY												
120	DRUG INTERDICTION PROGRAM												
121	AIR BASE OPERABILITY		9,504		9,504				9,504		-9,504		
122	IMAGERY TRANS		18,531		18,531		18,531						18,531
123	TACTICAL WARNING SYSTEMS SUPPORT		1,459		1,459		1,459						1,459
124	NORTH ATLANTIC DEFENSE C3		475		475		475						475
125	AUTOMATIC DATA PROCESSING EQUIP		75,677		75,677		71,977		3,700				75,677
126	ADP OPERATIONS CONSOLIDATION		124,360		124,360		124,360						124,360
127	WWMCCS/WIS ADPE		32,282		32,282		32,282						32,282
128	MAC COMMAND AND CONTROL SUPPORT		28,813		28,813		28,813						28,813
129	AIR FORCE PHYSICAL SECURITY SYSTEM		36,208		36,208		36,208				-5,238		30,970
130	RANGE IMPROVEMENTS		36,230		36,230		7,630		28,600				36,230
131	C3 COUNTERMEASURES		4,007		4,007		4,007						4,007
132	JOINT SURVEILLANCE SYSTEM												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
133	BASE LEVEL DATA AUTO PROGRAM		22,981		22,981		22,981						22,981
134	AF SATELLITE CONTROL NETWORK		36,297		36,297		36,297						36,297
135	CONSTANT WATCH		5,643		5,643		5,643						5,643
136	CONSOLIDATED SPACE OPS CENTER												
137	ESMC/WSMC I&M		93,984		93,984		93,984						93,984
138	AFMC CALS PROGRAM 698AJ												
139	INFORMATION TRANSMISSION SYSTEMS		3,333		3,333		3,333						3,333
140	TELEPHONE EXCHANGE		80,490		80,490		61,390		19,100		-7,100		73,390
141	JOINT TACTICAL COMM PROGRAM (MYP)		53,960		53,960		47,860		6,100		-6,100		47,860
142	USTRANSCOM		4,762		4,762		4,762						4,762
143	USCENTCOM		5,561		5,561		5,561						5,561
144	AUTOMATED TELECOMMUNICATIONS PRG		7,822		7,822		7,822						7,822
145	MILSTAR		211,470		211,470		203,470		8,000		-129,470		82,000
146	SATELLITE TERMINALS		6,733		6,733		6,733						6,733
147	WIDEBAND SYSTEMS UPGRADE		1,731		1,731		1,731						1,731
148	MINIMUM ESSENTIAL EMER COMM NET		33,424		33,424		33,424						33,424
149	TACTICAL C-E EQUIPMENT		37,631		37,631		37,631						37,631
150	RADIO EQUIPMENT		14,229		14,229		14,229						14,229
151	TV EQUIPMENT (AFRTV)		4,505		4,505		4,505						4,505
152	CCTV/AUDIOVISUAL EQUIPMENT		3,692		3,692		3,692						3,692
153	E + I REQUIREMENTS												
154	SPARES AND REPAIR PARTS - OPAF 3		210,422		210,422		199,901		10,521		-10,521		199,901
155	CAP COM & ELECT				600		600				600		600
156	ITEMS LESS THAN $2,000,000		12,869		12,869		12,869						12,869
157	COMM ELECT MODS		26,143		26,143		23,643		2,500		-2,500		23,643
158	ANTIJAM VOICE		1,770		1,770		1,770						1,770
159	SPACE MODS		19,717		19,717		19,717						19,717
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP												
160	BASE/ALC CALIBRATION PACKAGE		14,689		14,689		14,689						14,689
161	NEWARK AFB CALIBRATION PACKAGE		2,606		2,606		2,606						2,606
162	ITEMS LESS THAN $2,000,000		28,979		28,979		28,979						28,979
163	NIGHT VISION GOGGLES		6,563		6,563		6,563						6,563
164	BREATHING APPARATUS TWO HOUR		8,522		8,522		8,522						8,522

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
165	CHEMICAL/BIOLOGICAL DEF PROG		28,672		28,672		28,672						28,672
166	ITEMS LESS THAN $2,000,000		5,023		5,023		5,023						5,023
167	BASE MECHANIZATION EQUIPMENT		12,322		12,322		12,322						12,322
168	AIR TERMINAL MECHANIZATION EQUIP		4,993		4,993		4,993						4,993
169	INDUSTRIAL/DEPOT MAINTENANCE EQUIPMT												
170	ITEMS LESS THAN $2,000,000		9,861		9,861		9,861						9,861
171	GENERATORS-MOBILE ELECTRIC												
172	FLOODLIGHTS SET TYPE NF2D		15,308		15,308		15,308						15,308
173	ITEMS LESS THAN $2,000,000		4,419		4,419		4,419						4,419
174	BASE PROCURED EQUIPMENT		33,191		33,191		33,191						33,191
175	MEDICAL/DENTAL EQUIPMENT		6,814		6,814		6,814						6,814
176	AIR BASE OPERABILITY		17,274		17,274		17,274						17,274
177	PALLET AIR CARGO	4,000	3,898	4,000	3,898	4,000	3,898					4,000	3,898
178	NET ASSEMBLY, 108"X88"		977		977		977						977
179	PHOTOGRAPHIC EQUIPMENT		6,405		6,405		6,405						6,405
180	TACTICAL SHELTER		2,964		2,964		2,964						2,964
181	PRODUCTIVITY ENHANCEMENT		8,159		8,159		8,159						8,159
182	PRODUCTIVITY INVESTMENTS		4,415		4,415		4,415						4,415
183	MOBILITY EQUIPMENT		1,368		1,368		1,368						1,368
184	WARTIME HOST NATION SUPPORT		823		823		823						823
185	SPARES AND REPAIR PARTS - OPAF 4		683		683		683						683
186	ITEMS LESS THAN $2,000,000		20,113		20,113		20,113						20,113
	NATURAL GAS UTILIZATION												
187	INTELLIGENCE PRODUCTION ACTIVITY		72,676		75,234		91,676		-16,442		13,500		86,176
188	TECH SURV COUNTERMEASURES EQ		2,613		2,613		2,613						2,613
189	SR YR GND STATIONS		104,138		104,138		104,138						104,138
190	SELECTED ACTIVITIES		5,560,059		5,357,788		5,460,159		-102,371		-188,846		5,371,213
191	SPECIAL UPDATE PROGRAM		176,905		176,905		176,905						176,905
192	DRUG INTERDICTION PROGRAM												
193	INDUSTRIAL PREPAREDNESS		3,065		3,065		3,065						3,065
194	MISC EQUIPMENT												
195	MODIFICATIONS		187		187		187						187
196	FIRST DESTINATION TRANSPORTATION		16,940		16,940		16,940						16,940
	RAISE O&M PURCHASE THRESHOLD						-36,000		36,000				

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	GENERAL REDUCTION INT CONTRACT SUPP INFLATION ADJUSTMENT										-45,916		-45,916
	TOTAL OTHER PROCUREMENT AIR FORCE		8,346,588		8,132,500		8,100,970		31,530		-452,192		7,894,396

Defense meteorological satellite program

The Senate amendment would direct the Air Force to procure deployable defense meteorological satellite program (DMSP) terminals to support the combatant commands contingency requirements before procuring fixed terminal systems.

The House bill contained no similar direction.

The conferees fully support the Senate's objectives. The conferees understand that DOD has reexamined its decision to cancel the procurement of deployable terminals and has developed a plan to procure five deployable terminals and seven fixed terminals. Several of the mobile terminals will be deployed at sites that were to receive fixed terminals. These terminals would then be available to support contingencies. Other mobile terminals will be deployed with the U.S. Central Command and Southern Command. The conferees note that site preparation delays for fiscal year 1993 need not impede terminal procurement under the revised plan. The conferees therefore authorize the requested amount for terminal procurement if funding is made available.

PROCUREMENT, DEFENSE AGENCIES

Overview

The amended budget request for fiscal year 1993 contained an authorization of $2,146.9 million for Procurement, Defense Agencies. The House bill would authorize $1,748.6 million. The Senate amendment would authorize $2,539.0 million. The conferees recommend authorization of $1,950.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	Conference Change to Request Quantity	Conference Change to Request Amount	Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	PROCUREMENT, DEFENSE AGENCIES												
	MAJOR EQUIPMENT												
1	C-20F AIRCRAFT												
2	MOTOR VEHICLES, OSD		379		379		69		310		-310		69
3	MAJOR EQUIPMENT, OSD/WHS		53,221		53,221		53,221						53,221
4	REMOTELY PILOTED VEHICLES		148,952		148,952		148,952				-10,000		138,952
5	CORPORATE INFORMATION MANAGEMENT SUPERCOMPUTERS		64,000		64,000		64,000						64,000
6	ELECTRONIC WARGAMING EQUIPMENT												
7	COMMAND CONTROL COMMUNICATIONS & INTEL												
8	DRUG INTERDICTION												
9	MAJOR EQUIPMENT, NSA		[ ]								[-65,155]		
10	VEHICLES, DNA	23	342	23	342	23	342					23	342
11	OTHER CAPITAL EQUIPMENT, DNA	26	3,361	26	3,361	26	3,361					26	3,361
12	WWMCCS ADP SYSTEMS		8,458		8,458		8,458						8,458
13	ITEMS LESS THAN $2 MILLION, DISA		67,451		67,451		67,451						67,451
14	PRODUCTIVITY INVESTMENT FUNDING												
15	DRUG INTERDICTION SUPPORT												
16	INDUSTRIAL/DEPOT MAINTENANCE EQUIP												
17	MAJOR EQUIPMENT, DIA		[ ]								[11,700]		
18	MATERIALS HANDLING EQUIPMENT, DLA												
19	VEHICLES, DLA												
20	MECHANIZED MATERIALS HANDLING SYS												
21	ADP EQUIPMENT, DLA												
22	TELECOMMUNICATIONS EQUIPMENT, DLA												
23	DEFENSE SUPPORT ACTIVITIES		1,900		1,900		1,900						1,900
24	OTHER MAJOR EQUIPMENT, DLA												
25	ITEMS LESS THAN $2 MILLION, DLA												
26	INDUSTRIAL/DEPOT MAINTENANCE												
27	ADP EQUIPMENT, DMA												
28	VEHICLES, DMA		289		289		289						289
29	OTHER CAPITAL EQUIPMENT, DMA		33,987		33,987		33,987						33,987
30	GEODESY AND GEOPHYSICAL EQUIPMENT		2,685		2,685		2,685						2,685
31	VEHICLES, DIS		3,952		3,952		3,952						3,952

P-1 LINE	ITEM	FY1993 Request		House FY1993 Authorization		Senate FY1993 Authorization		House +/- Senate		Conference Change to Request		Conference FY93 Authorization	
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
32	OTHER CAPITAL EQUIPMENT, DIS		1,815		1,815		1,815						1,815
33	ITEMS LESS THAN $2 MILLION, USUHS												
34	ITEMS LESS THAN $2 MILLION, DCAA		5,600		5,600		5,600						5,600
35	MAJOR EQUIPMENT, DSPO		463,407		98,800		463,407		-364,607		-225,300		238,107
36	MAJOR EQUIPMENT, OJCS		30,722		30,722		22,898		7,824		-7,824		22,898
	TACTICAL SIGINT/ELINT FUND						166,662		-166,662		56,962		56,962
37	VEHICLES, OSIA												
38	OTHER CAPITAL EQUIPMENT, OSIA		7,238		7,238		6,638		600		-600		6,638
39	PATRIOT		62,500		62,500		62,500				12,700		75,200
	INDUSTRIAL BASE EMERGENCY FUND						200,000		-200,000				
	MENTOR-PROTEGE PROGRAM						55,000		-55,000		55,000		55,000
	DEFENSE MODELING/SIMULATION OFFICE						10,000		-10,000		10,000		10,000
	GPS TERMINAL PROCUREMENT						150,000		-150,000				
	INFLATION ADJUSTMENT										-4,004		-4,004
	RAISE O&M PURCHASE THRESHOLD						-129,500		129,500				
999	CLASSIFIED PROGRAMS		504,554		494,060		493,554		506		-53,455		451,099
	SPECIAL OPERATIONS COMMAND												
40	MC-130H COMBAT TALON II		53,955		53,955		53,955						53,955
41	MH-60L ACQUISITION												
42	AC-130U GUNSHIP ACQUISITION												
43	C-130 MODIFICATIONS		110,560		110,560		110,560						110,560
44	HH-53 MODIFICATIONS		7,319		7,319		7,319						7,319
	OTHER AIRCRAFT MODIFICATIONS												
45	MH-47/MH-60 MODIFICATIONS												
46	MH-60 MODIFICATIONS		588		588		588						588
47	OTHER AIRCRAFT MODIFICATIONS												
48	AIRCRAFT SUPPORT		138,438		113,238		138,438		-25,200		-12,000		126,438
49	PATROL BOAT, COASTAL		25,433		19,433		20,133		-700		-5,300		20,133
50	SUBMARINE CONVERSION												
51	SOF PYRO/DEMO		25,291		25,291		13,291		12,000		-12,000		13,291
52	SOF PLATFORM GUN AMMUNITION		38,467		38,467		38,467						38,467
53	SOF INDIV WEAPONS AMMUNITION		17,499		17,499		17,499						17,499
54	AC-130 GUNSHIP AMMUNITION												
55	ROCKET, HYDRA												

P-1				--- House FY1993	-------	Senate FY1993 ---				---Conference---		-- Conference FY93 -	
		FY1993 Request		Authorization		Authorization		House +/- Senate		Change to Request		Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
56	RANGER ANTI-ARMOR WPN SYS AMMUNITION												
57	SMALL ARMS AND LANDING PARTY AMMUNITION												
58	PYROTECHNIC AND DEMOLITION												
59	COMM EQUIPMENT & ELECTRONICS		81,687		81,687		81,687						81,687
60	SOF INTELLIGENCE SYSTEMS		34,289		42,289		19,289		23,000		8,000		42,289
61	SOF SMALL ARMS & WEAPONS		4,673		4,673		4,673						4,673
62	SPECIAL WARFARE EQUIPMENT		18,731		18,731		18,731						18,731
63	COMMUNICATION EQUIPMENT MODIFICATIONS												
64	MISCELLANEOUS EQUIPMENT		14,995		14,995		6,895		8,100		-8,100		6,895
65	CLASSIFIED PROGRAMS		110,197		110,197		110,197						110,197
66	PSYOP EQUIPMENT												
67	SWIMMER WEAPONS SYSTEM												
68	RANGER VEHICLES												
69	NAVY SMALL ARMS AND WEAPONS												
	GENERAL REDUCTION INT CONTRACT SUPP												
	SPECIAL TECHNICAL PROJECTS												
	TOTAL PROCUREMENT DEFENSE AGENCIES		2,146,935		1,748,634		2,538,963		-790,329		-196,231		1,950,704

On-Site Inspection Agency

The amended budget request contained $7.2 million for procurement for the On-Site Inspection Agency (OSIA).

The House bill would authorize the requested amount.

The Senate amendment would authorize $6.6 million for procurement of mission essential equipment, based on changes to the budget assumptions for implementation of the Bilateral Chemical Weapons Agreement which occurred after the House bill had been approved.

After thorough consultation with OSIA and other Department of Defense officials regarding revisions in OSIA requirements, the conferees recommend authorization of $6.6 million for procurement of mission-essential equipment for fiscal year 1993.

Industrial base emergency fund

The Senate amendment would authorize $200.0 million to establish an industrial base emergency fund. The purpose of the fund would be to fund critical elements of the subcontractor industrial base that would otherwise be lost because of terminated programs. Funds from the emergency fund would be distributed only after the Defense Department submitted proposals similar to reprogramming requests.

The House bill contained no similar authorization.

The conferees note that neither the House-passed nor the Senate-passed defense appropriations bill for fiscal year 1993 contains funds for the industrial base emergency fund; therefore, it would be pointless to authorize funds at this time. The conferees support the idea, however, of such an emergency fund and suggest that the Under Secretary of Defense for Acquisition consider establishing such a fund during preparation of the fiscal years 1994/1995 budget request.

PROCUREMENT, NATIONAL GUARD AND RESERVE EQUIPMENT

Overview

The House bill would authorize $635.8 million for Procurement, National Guard and Reserve Equipment. The Senate amendment would authorize $872.1 million. The conferees recommend authorization of $695.6 million, as delineated in the following table.

P-1		FY1993 Request		--- House FY1993 ------- Authorization		Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 - Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	NATIONAL GUARD & RESERVE EQUIPMENT												
	RESERVE EQUIPMENT												
	ARMY RESERVE												
	ARMY RES CONSTRUCTION/TRANSPORT EQUIP						25,000		-25,000				
	ARMY RESERVE MEDICAL EQUIPMENT						15,000		-15,000				
	ARMY RES COMMUNICIATIONS/ELEC EQUIP						25,000		-25,000				
	ARMY RES SIMULATORS/TRAINING DEVICES						10,000		-10,000				
1	SINCGARS RADIOS						10,000		-10,000				
2	NIGHT VISION						20,000		-20,000		20,000		20,000
3	TACTICAL TRUCKS/ HEMMT				7,500				7,500	198	7,500	198	7,500
	MEDIUM TRUCK SLEP						25,000		-25,000				
	C-12J					12	42,000	-12	-42,000				
4	MISCELLANEOUS EQUIPMENT				15,000				15,000				
5	COMMUNICATIONS ELECTRONICS												
6	SHOP EQUIPMENT												
	EXTERNAL AUX FUEL TANKS												
7	TEST SET COMMON CORE												
	NAVY RESERVE												
	SEABEES CONSTRUCTION/TRANSPORT EQUIP						15,000		-15,000				
	NAVY RESERVE MEDICAL EQUIPMENT						15,000		-15,000				
	NAVY RES COMMUNICIATIONS/ELEC EQUIP						35,000		-35,000				
	NAVY RES SIMULATORS/TRAINING DEVICES						10,000		-10,000				
8	MISCELLANEOUS EQUIPMENT				15,000				15,000				
9	AN-SQQ TRAINERS												
10	C-130H AIRCRAFT			2	50,000			2	50,000	2	50,000	2	50,000
11	C-20 AIRCRAFT												
12	HH-60H UPGRADE KITS				22,100				22,100				
13	AN-AQA-7B IPADS												
14	MH-53 HELICOPTERS												
15	LAMPS MK-1 ASW UPGRADE				35,000				35,000		35,000		35,000
	P-3 UPGRADES												
	MIUW VANS												
	FFG-7 DISPLAY SYSTEMS												
16	P-3C AIRCRAFT SUPPORT EQUIPMENT												

P-1 LINE	ITEM	FY1993 Request Quantity	FY1993 Request Amount	--- House FY1993 Authorization Quantity	House FY1993 Authorization Amount	Senate FY1993 --- Authorization Quantity	Senate FY1993 Authorization Amount	House +/- Senate Quantity	House +/- Senate Amount	---Conference--- Change to Request Quantity	Change to Request Amount	-- Conference FY93 Authorization Quantity	Conference FY93 Authorization Amount
	MARINE CORPS RESERVE												
	MC RES CONSTRUCTION/TRANSPORT EQUIP						15,000		-15,000				
	MC RESERVE MEDICAL EQUIPMENT						15,000		-15,000				
	MC RES COMMUNICIATIONS/ELEC EQUIP						15,000		-15,000				
	MC RES SIMULATORS/TRAINING DEVICES						10,000		-10,000				
17	MISCELLANEOUS EQUIPMENT												
	SINCGARS						5,000		-5,000				
	C-20					1	25,000	-1	-25,000				
18	KC-130T AIRCRAFT			2	70,000			2	70,000				
19	AH-1W COBRA AIRCRAFT												
20	NIGHT VISION				9,000		10,000		-1,000		9,000		9,000
	AIR FORCE RESERVE												
	AF RESERVE MEDICAL EQUIPMENT						15,000		-15,000				
	AF RES COMMUNICIATIONS/ELEC EQUIP						25,000		-25,000				
21	MISCELLANEOUS EQUIPMENT				15,000				15,000		10,000		10,000
22	C-130 AIRCRAFT			2	50,000			2	50,000	2	50,000	2	50,000
23	F-16 MODIFICATIONS				24,500				24,500				
23a	AIRCRAFT DEFENSE SYSTEMS				8,300				8,300				
23b	HH60 MODS				14,400				14,400				
	NIGHT VISION GOGGLES						5,000		-5,000				
24	C-130 MODIFICATIONS												
	NATIONAL GUARD EQUIPMENT												
	ARMY NATIONAL GUARD												
	ARMY GUARD CONSTRUCTION/TRANSPORT EQUIP						25,000		-25,000				
	NATIONAL GUARD STOL AEROMEDICAL EVAC						60,000		-60,000				
	ARMY GUARD COMMUNICIATIONS/ELEC EQUIP						25,000		-25,000				
	ARMY GUARD SIMULATORS/TRAINING DEVICES						20,000		-20,000				
25	MISCELLANEOUS EQUIPMENT												
26	OH-58D HELICOPTERS												
26a	M9 ACE				35,000				35,000	50	35,000	50	35,000
27	UH-60 HELICOPTERS												
28	MEDIUM TACTICAL TRUCKS/SLEP				50,000		15,000		35,000		50,000		50,000
	FIVE TON TRUCKS												
29	TRUCK, TRACTOR, M916												

P-1		FY1993 Request		--- House FY1993 Authorization		------- Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 -- Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
30	BATTERY COMPUTER SYSTEM												
31	C-23 AIRCRAFT												
32	FAMILY OF HEAVY VEHICLES												
33	M113 VEHICLES				15,000		15,000				15,000		15,000
34	C-26 AIRCRAFT					6	23,000	-6	-23,000				
35	MLRS LAUNCHERS												
36	MLRS BN SPT EQUIPMENT												
37	NIGHT VISION DEVICES						20,000		-20,000		20,000		20,000
38	COMMUNICATIONS ELECTRONICS												
39	TCT UPGRADE												
40	SQ TRAINING DEVICES/SIMULATORS				20,000				20,000		10,000		10,000
41	SINCGARS RADIOS						10,000		-10,000				
	AH-1 MODS C-NITE												
	EXTERNAL AUX FUEL TANKS										4,000		4,000
	UV-18 REPLACEMENT/C-212 AIRCRAFT												
	P-180 AIRCRAFT					3	12,000	-3	-12,000				
	M-915/916 TRUCKS												
42	DRUG INTERDICTION												
AIR NATIONAL GUARD													
	AIR GUARD COMMUNICIATIONS/ELEC EQUIP						25,000		-25,000				
	AIR NATIONAL GUARD STARBASE						2,000		-2,000		2,000		2,000
43	MISCELLANEOUS EQUIPMENT												
44	C-130 AIRCRAFT			2	50,000	8	228,100	-6	-178,100				
45	C-130 MODIFICATIONS									8	228,100	8	228,100
46	C-26 AIRCRAFT												
47	MH-60G HELICOPTERS												
48	F-16 MODIFICATIONS				25,000				25,000				
49	F-16 SUPPORT EQUIPMENT												
50	F-15 MSIP				15,000				15,000				
51	F-15/F-16 ENGINE UPGRADES				40,000				40,000		10,000		10,000
52	DRUG INTERDICTION												
	F-15 ALE-40												
	NIGHT VISION GOGGLES						5,000		-5,000				
	MODULAR CONTROL EQUIPMENT (MCE)				50,000				50,000		50,000		50,000

P-1		FY1993 Request		--- House FY1993 Authorization		Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 -- Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
53	JOINT TACTICAL COMMUNICATIONS												
54	TAC AIR CONTROL IMPROVE												
NATIONAL GUARD AND RESERVE COMPONENTS													
	OPERATIONAL SUPPORT/MEDEVAC AIRCRAFT										90,000		90,000
	TOTAL GUARD AND RESERVE PROCUREMENT				635,800		872,100		-236,300		695,600		695,600

National Guard and reserve component operational support/medical evacuation aircraft

The Senate amendment contained $162 million for the following operational support/medical evacuation aircraft.

[Dollar amounts in millions]

Aircraft	Quantity	Budget authority
C–12J	12	$42.0
C–20	1	25.0
C–23	10	60.0
C–26	6	23.0
P–180	3	12.0

The House bill contained no similar authorizations.

The conferees recommend no specific authorization for individual types of aircraft, and instead recommend an authorization of $90 million for a general category of operational support/medical evacuation aircraft.

Section 904 of this act would stipulate that the Secretary of Defense shall undertake a study of the age, condition, requirement, and modernization plans for operational airlift aircraft operated by the National Guard and the reserve components. The conferees expect the Secretary to undertake this study in consultation with the National Guard and the reserve components. The conferees recommend a provision that would prohibit the obligation of the funds authorized to be appropriated for such aircraft until the study by the Secretary of Defense has been completed and submitted to the congressional defense committees.

The conferees expect that this study will serve to provide a roadmap for the allocation of the $90 million authorized to be appropriated or otherwise made available in fiscal year 1993.

The conferees emphasize that to the maximum feasible extent possible, the Department should procure operational support/medical evacuation aircraft that are manufactured in the United States.

P-1		FY1993 Request		--- House FY1993 ------- Authorization		Senate FY1993 --- Authorization		House +/- Senate		---Conference--- Change to Request		-- Conference FY93 -- Authorization	
LINE	ITEM	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
	CHEM AGENTS & MUNITIONS DESTRUCTION, DEF												
1	CHEM DEMILITARIZATION - RDTE		2,500		2,500		2,500						2,500
2	CHEM DEMILITARIZATION - PROC		254,500		254,500		245,400		9,100		-9,100		245,400
3	CHEM DEMILITARIZATION - O&M		269,400		269,400		269,400				-2,000		267,400
4	RETROGRADE												
	TOTAL CHEMICAL DESTRUCTION		526,400		526,400		517,300		9,100		-11,100		515,300

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense support program (sec. 108)

The amended budget request contained funding to begin the multi-year procurement of satellites 23 through 25 for the defense support program (DSP) ballistic missile early warning system.

The House bill and the Senate amendment would authorize funding for this multi-year procurement. The National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) authorized a multi-year procurement for DSP, but the legislation provided authority to procure satellite number 25 only as an option. The Defense Department informed the conferees that additional authority is required to include satellite 25 as part of the baseline contract.

Accordingly, the conferees agree to a provision authorizing the multi-year procurement. The conferees direct the Air Force to limit termination liabilities for satellite 25 in the event that it is not required.

M1 tank program (sec. 111)

The House bill contained a provision (sec. 111) that would prohibit the closure of any portion of the tank industrial base. The provision would further require that funds appropriated in fiscal year 1992 to initiate a tank remanufacture program must be released to the Army within 15 days of enactment of this act, and the Army would be required to obligate those funds within 90 days.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees note that the $225.0 million authorized and appropriated in fiscal year 1992 has been released to the Army for obligation. Further, the conferees note the intent of the Army to obligate these funds as soon as practicable. However, the conferees reject the Army's proposal to proceed initially with remanufacturing M1A1 tanks before proceeding to remanufacture older-model M1 tanks.

The conferees see little to be gained by paying for development of two sets of technical drawings for a two-phase remanufacture program. The conferees also note that the Army's plan would exclude the tank cannon section of the industrial base for the first three years of the program.

The conferees recommend a total authorization of $147.6 million for procurement and $2.5 million in research and development to continue the tank modification program as outlined by the Army. As noted elsewhere, the conferees also recommend a provision that would make available for the upgrade program any and all funds received from the sale of tanks from inventory under the Arms Export Control Act. The conferees reiterate that the modification program must convert first generation M1 tanks into the improved block 2 configuration.

Procurement of AHIP scout helicopters (sec. 112)

The House bill contained a provision (sec. 112) that would authorize $250.0 million to procure 36 AHIP scout helicopters, and would exempt the procurement from the provisions of Public Law 101–189.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide a total of $225.0 million to procure 36 AHIP scout helicopters.

AH–64 Apache helicopter modifications (sec. 113)

The amended budget request contained $49.1 million in procurement to modify existing AH–64 helicopters to correct current deficiencies, and $281.8 million in research and development to continue development of the so-called Longbow upgrade to the AH–64 as a long-term modernization program.

The House bill would authorize $9.1 million in procurement for safety of flight modifications only, but would authorize the full research and development request for the Longbow development program.

The Senate amendment would authorize $91.8 million to accelerate the AH–64A+ modification program. The Senate amendment would also accelerate the development of the so-called "C" configuration of the AH–64 by adding $25.0 million to the Longbow budget request. The Senate amendment also contained a provision (sec. 111) that would repeal certain restrictions on the AH–64 modification program imposed by Public Law 102–190.

The House bill contained no similar provision.

The House recedes.

The conferees note that the Army has finally developed a comprehensive and affordable upgrade program for the AH–64 fleet, even though it has not yet been fully budgeted. The conferees believe this upgrade program should receive the highest priority in Army aviation modernization.

Armored vehicle upgrades (sec. 114)

The amended budget request contained no funds to continue the modification program of the M1 tank initiated by the Congress in fiscal year 1991.

The Senate amendment contained a provision (sec. 112) that would make available for a tank remanufacture program any funds received from the sale of tanks from inventory by the United States under the Arms Export Control Act. The provision would further make available for upgrades to infantry fighting vehicles any funds received from the sale of infantry fighting vehicles from inventory by the United States under the Arms Export Control Act.

The House bill contained no similar provision.

The House recedes with a technical amendment that would clarify the intent of the conferees. The conferees reiterate that this provision applies only to the sales of tanks and infantry fighting vehicles from inventory.

Limitation regarding chemical agent monitoring program (sec. 115)

The Senate amendment contained a provision (sec. 113) that would prohibit the procurement of the improved chemical agent monitor (ICAM) until the Secretary of the Army certified to Congress that all ICAM design and production deficiencies have been identified and corrected.

The House bill contained no similar provision.

The House recedes.

Shipbuilding and conversion (sec. 121)

The Senate amendment contained a provision (sec. 121) that would authorize shipbuilding programs by line item, derive $666.6 million for current year programs by authorizing transfers from various prior year shipbuilding programs, and limit obligations in fiscal year 1994 for the carrier replacement program until the Secretary of Defense submits an overall industrial base assessment and a roles and missions report.

The House bill contained no similar provision.

The House recedes with an amendment that would conform the line item authorizations and prior year transfer amounts to reflect the conferees' recommendations. The amendment would also eliminate the limitation on carrier replacement program obligations.

Airborne self-protection jammer (sec. 122)

The Senate amendment contained a provision (sec. 123) that would prohibit the obligation of funds appropriated in fiscal year 1993 or in any previous year for procurement of airborne self-protection jammer (ASPJ) pods except for the payment of costs of terminating existing contracts.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the prohibition on further expenditure of funds takes effect after formal notification by the Secretary of Defense that the ASPJ program was not judged to be suitable and effective.

The conferees understand that the Director of Operational Test and Evaluation had conducted a preliminary assessment of the operational tests and is unlikely to certify that the ASPJ system was suitable and effective as a weapon system. Last year the Congress determined that no further funds should be obligated or expended on ASPJ until it was determined to be operationally suitable and effective. As such, funds are not needed in fiscal year 1993 and some funds will be available from fiscal year 1992 appropriated funds.

The amended budget request for fiscal year 1993 contained $55.0 million for ASPJ procurement. The conferees would deny authorization of those funds. The conferees understand that termination costs could be significant, because the Navy is liable for test equipment that was purchased by the contractor at the early stage of the contract. At this point, the Navy has not determined the amount needed for contract termination, but any unobligated prior year funds will be needed for that purpose.

The conferees continue to believe the Navy needs an effective jammer system. The conferees believe that the Navy should undertake a prompt review to determine if the existing ASPJ program might be restructured to provide an effective and suitable jammer system, or if elements of the ASPJ program might be adapted for use in a new jammer program. If such a course proves impractical, the Navy should develop an alternative plan on an expedited basis to procure an alternative jammer system.

AV–8B Harrier radar upgrade program (sec. 123)

The Senate amendment contained a provision (sec. 124) that would preclude spending any funds in fiscal year 1993 to begin a remanufacturing program to rebuild two crash-damaged AV–8B aircraft to a radar-equipped configuration. This provision would extend for another year a similar prohibition contained in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190).

The House bill contained no similar provision.

The House recedes.

C–135 aircraft program modifications (sec. 131)

The House bill contained a provision (sec. 142) that would require the Air Force to convert a reserve component squadron of KC–135E aircraft to the KC–135R configuration within the available funds in the amended budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Section 137 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) required a report on strategic tanker force requirements. The Acting Under

Secretary of Defense submitted this report on March 21, 1991. Dramatic changes in the world have altered the fundamental assumptions in the tanker report submitted almost two years ago.

The conferees agree that the House provision requires no commitment to any re-engining program beyond fiscal year 1993. The conferees understand that additional tanker force reductions beyond those projected in the Future Year Defense Program (FYDP) may be warranted because of changed requirements. Further tanker modernization decisions should only be based on the latest information on the requirements and costs of various alternatives for meeting those requirements. The conferees therefore direct the Department of Defense to submit a report on tanker requirements and modernization plans with the fiscal years 1994/1995 budget request. That report should address the following items:

changes in tanker demand resulting from increased support requirements for regional contingencies,

the effect of the Defense Department's decision to withdraw bomber forces from strategic alert,

the effect of changed requirements for supporting other strategic forces,

the change in requirements if the Air Force re-engines or retires the RC–135 fleet,

the effect of the Mobility Requirements Study results on the tanker force,

the number of tankers to be retained in the base force,

the Air Force's plans for modernizing the tankers that remain in the force structure,

the tanker modernization funds included in the FYDP,

the projected cost of completing the current KC–135R re-engining of active component aircraft,

the potential cost of re-engining the KC–135E fleet proposed to remain in the base force, and

a year-by-year display (including 1980 through the end of the FYDP) of the tanker force structure by specific series (A, E, Q, R, and T,) and the number and funding for various tanker re-enginings (A to E, A to R, E to R, and Q to T).

This report should contain a specific review of modernization options for both the active and reserve fleets, and should focus on the most efficient mix of refueling aircraft types to support missions reflecting changed world circumstances. The conferees direct that the report also include the views of the chiefs of the National Guard Bureau and the Air Force Reserve on modernization priorities.

Live-fire survivability testing of C–17 aircraft (sec. 132)

The House bill contained a provision (sec. 143) that would require the Secretary of Defense to submit a report explaining how the Secretary plans to evaluate the survivability of the C–17 system and assessing various alternatives to realistic survivability testing. The provision also would require the Secretary to ensure that major components and subsystems that could significantly affect the survivability of the C–17 be made available for live-fire testing.

The Senate amendment contained no similar provision.

The Senate recedes.

Correction of fuel leaks on C–17 production aircraft (sec. 133)

The House bill contained a provision (sec. 144) that would require the Secretary of the Air Force to certify that fuel leaks in C–17 production aircraft will be corrected at no cost to the government under the remedy provisions of the warranty. If such a certification is not possible, the Secretary of the Air Force would be required to correct these defects using only the Air Force's air logistic centers.

The Senate amendment included a similar provision (sec. 132) that differed from the House provision only by requiring that the certification of no-cost corrections be made by the Secretary of Defense.

The Senate recedes.

C–17 aircraft program review (sec. 134)

The House bill contained a provision (sec. 145) that would require the Secretary of Defense to convene a special Defense Acquisition Board (DAB) to review the C–17 program's performance requirements and affordability before obligating any fiscal year 1993 funds.

The Senate amendment contained a provision (sec. 131) that would require certain additional actions before the Air Force could issue a contract for the fiscal year 1993 production lot:

DOD contract with the Institute for Defense Analysis (or similar federally funded research and development center) to conduct a cost and operational effectiveness analysis (COEA) of the C–17 program.

Air Force commission the Scientific Advisory Board to investigate the possibility of conducting a C–141 service life extension program (SLEP) and to identify what modifications would be required to extend significantly the fleet's useful life.

The Senate provision would also require the Department to implement an initiative on cost, performance, and management and to develop a system maturity matrix that Congress can use to gauge when future production funds will be released. The provision would also prohibit spending any funds to increase the rate at which the contractor can produce aircraft.

The Senate provision also included a contingent authorization that would release an additional $232.0 million to the C–17 program for additional aircraft if aircraft P–5 were delivered by December 31, 1992 and all aircraft through P–10 had been delivered and flown away from the final assembly site by August 31, 1993. The contingent authorization would require that the DOD Inspector General (DOD IG) certify that these actions had occurred.

The conferees remain concerned about the progress of the C–17 program. Airlift capability is clearly important to effective operations in the world today. However, increased production rates should be tied to better contractor performance. Therefore, the conferees agree to reaffirm the provisions relating to release of fiscal year 1993 production funds included in section 133 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190).

The conferees understand that the Air Force is concerned that these fiscal year 1993 limitations could cause a production break. The conferees note that the Air Force was willing to be bound by these fiscal year 1993 limitations last year. The conferees direct the Air Force to use its resources to prevent a potential production break.

The conferees also recommend several new limitations and reporting requirements, including the following:

No funds may be used to increase the rate at which the contractor can produce C–17 aircraft.

No fiscal year 1993 advance procurement funds (for fiscal year 1994 production) may be released until the Secretary of Defense certifies, based on findings on the Defense Plant Representative Office, that:

the aircraft designated as P–9 has moved to the major join stage of production with no less than 90 percent of its assembly completed in position; and

the assembly of the aircraft designated as P–14 has begun at the final assembly facility.

No fiscal year 1994 production funds (other than advance procurement funds authorized for fiscal year 1995 production) will be available until:

the Secretary of the Air Force convenes the Scientific Advisory Board to investigate the possibility of conducting a C–141 SLEP and to identify what modifications would be required to extend significantly the fleet's useful life;

the Secretary of Defense convenes a special DAB to review the C–17 program's performance requirements and affordability, based on information developed from an independent COEA; and

the Secretary of Defense submits the results of this review to the congressional defense committees.

The Secretary of Defense must submit a report including a system maturity matrix for the C–17 program by April 1, 1993.

Funding for certain tactical intelligence programs (sec. 141)

The Senate amendment included a provision (sec. 141) that would authorize funding for modernizing either of two existing theater-level, tactical intelligence aircraft system, the EP–3 Aries or RC–135 Rivet Joint. The Department of Defense has requested funding for major upgrades to both aircraft systems: the Navy would upgrade the EP–3 sensor suite and the Air Force would re-engine the RC–135 fleet. The Senate provision was based on the belief that there is unnecessary duplication between the two systems, notwithstanding the fact that these aircraft support an important mission area.

The provision would require the Secretary of Defense to choose one (but not both) of the two systems to modernize, based on each system's ability to support the tactical intelligence needs of the combatant commanders.

The House bill contained no similar provision. The House report (H. Rept. 102–527) recommended no authorization for further modernization of EP–3 aircraft pending an examination of the alternative of a combined Air Force/Navy program using only RC–135 aircraft.

The House recedes with an amendment.

The conferees believe that tactical intelligence support for the combatant commanders is an important mission and that the potential exists to improve overall support through the consolidation directed by the Senate provision. The conferees agree that this consolidation could result in a larger number of either RC–135 or EP–3 aircraft.

The conferees also believe that the scope of the study directed in the Senate report (S. Rept. 102–352) should be expanded to include the potential contribution of other intelligence systems, including tactical systems such as the ES–3 aircraft, C–130 Senior Scout, and national systems such as the U–2 aircraft.

MH–47E/MH–60K helicopter modification programs (sec. 142)

The Senate amendment contained a provision (sec. 142) that would require the necessary operational test and evaluation and survivability testing of the MH–47E and MH–60K helicopters to be completed before full materiel release of the helicopters for operational use.

The House bill contained no similar provision.

The House recedes.

B-2 bomber program (sec. 151)

The amended budget request contained $2,686.6 million for four new production B-2 bombers, which would complete the program at a total of 20 operational B-2 bombers. Both the House bill and the Senate amendment would fully fund the request.

The House bill would require that, before any of the procurement funds could be obligated, certain B-2 performance and cost reports and certifications be provided by the Secretary of Defense, and, following these, that a provision approving the obligation of funds be enacted into law.

The Senate amendment would require similar performance and cost reports and certifications by the Secretary of Defense before funds could be obligated, but would not require subsequent legislation to permit obligation of those funds.

The conferees recommend that $900.0 million be made available for the B-2 program without restriction. The conferees further recommend that $1,786.6 million be made available only after the required cost and performance reports and certifications have been provided to the congressional defense committees, and after a provision approving the obligation of these funds is enacted into law.

The conferees note that, under the provisions of section 151(d), the Comptroller General is given only 30 days after receipt of the Secretary's required reports to conduct his independent review of those reports and provide his comments thereon to the congressional defense committees. The conferees direct the Secretary to insure that the Comptroller General has timely access to relevant Defense Department data and personnel during the preparation of the required reports.

Modernization of heavy bomber force (sec. 152)

The amended budget request contained $214.9 million for procurement, $50.3 million for modification of in-service aircraft, and $90.7 million for research, development, test and evaluation (RDT&E) for the B-1B bomber. The request also contained $76.7 million in procurement and $13.3 million in RDT&E for B-52 bombers.

The House bill would fully fund all requested amounts and would further provide $15.0 million in RDT&E funds for testing of the HAVE LITE precision air-to-surface missile on the B-52 bomber.

The Senate amendment would provide $50.0 million for procurement, $50.3 million for modification of in-service aircraft, and $24.3 million for RDT&E for the B-1B bomber. In addition, the Senate amendment would provide for the use of $93.6 million in prior-year funds on the B-1 bomber program. The Senate amendment would also authorize $70.0 million for procurement and $13.3 million for RDT&E for the B-52 bomber program, as discussed in the Senate report (S. Rept. 102-352). The Senate amendment also contained a provision (sec. 152) that would require the establishment and execution of additional testing of non-stealthy heavy bombers against conventional defenses.

The conferees recommend $167.4 million for procurement, $50.3 million for modification of in-service aircraft and $86.4 million for RDT&E for the B-1B bomber program. None of the funds authorized for B-1B procurement may be used for procurement for deferred logistics support for the ALQ-161A system. The conferees also recommend $76.7 million in procurement and $28.3 million in RDT&E (including $15.0 million for HAVE LITE testing) for the B-52 bomber program. The conferees further agree to a modified version of the Senate provision on further testing of heavy bombers against conventional defenses.

Chemical demilitarization program (secs. 171–180)

The House bill contained provisions (secs. 171-176) that would revise the chemical weapons stockpile elimination deadline to conform it with U.S. diplomatic and treaty obligations; establish a chemical demilitarization advisory commission to determine which technologies would be appropriate as alternatives to incineration at each of the three low-volume chemical demilitarization sites; direct the Secretary of Defense to develop an alternative disposal program for low-volume sites employing any alternative technology that he determined to be either significantly safer or more cost-effective than the use of the baseline incineration program; direct the Secretary to submit to Congress a revised chemical weapons disposal concept plan incorporating any such alternative technology and reflecting the revised stockpile disposal schedule; prohibit the obligation of any funds for procurement or for facilities planning and design for a chemical weapons disposal facility at a site under consideration for the Secretary's alternative program until he submitted the revised concept plan; and express the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should establish a chemical weapons disposal technology consultation and exchange program with other nations. The House provision also included a technical amendment that would streamline the underlying chemical demilitarization legislation.

The Senate amendment contained a provision (sec. 161) that would change the chemical weapons stockpile elimination deadline from July 31, 1999 to December 31, 2004; direct the Secretary of the Army to submit a report on the potential alternatives to the baseline disassembly and incineration process that addresses the findings of the National Research Council study and the recommendations of the National Academy of Sciences on this subject; prohibit any site preparation or construction of any chemical weapons disassembly and incineration facility at which site preparation or construction had not commenced; and direct the Secretary to submit a report on the destruction of non-stockpile chemical warfare material.

The House recedes with an amendment.

The conferees agree to an amendment that would incorporate the Senate provision on the chemical weapons stockpile elimination date, the report on the destruction of non-stockpile chemical warfare material, the report on alternative technologies, and the limitation on new site preparation or construction pending submission of that report. The conferees agree to exempt from this limitation dual-purpose, depot support construction projects. The amendment would incorporate the House provision on the requirement for the Secretary to use any alternative technology process at any low-volume site for which the Secretary determines that that technology would be significantly safer and equally or more cost-effective and could be incorporated into the stockpile elimination plan without making the revised deadline unachievable. The amendment would also include the House provision requiring submission of a revised disposal concept plan and establishment of a disposal technology consultation and exchange program. Finally, the amendment would establish chemical demilitarization citizens advisory commissions with which the Army must consult at least twice a year.

Physical and chemical integrity of the chemical weapons stockpile (sec. 177)

The Senate amendment contained a provision (sec. 162) that would require the Secretary of the Army to submit to Congress not later than May 1, 1993 a report on the physical and chemical integrity of the chemical weapons stockpile at the eight storage sites in the continental United States.

The House bill contained no similar provision.

The House recedes with an amendment that would provide that, of the funds authorized elsewhere in this act for the chemical demilitarization program, $3.0 million may be used for this purpose.

Armament retooling and manufacturing support initiative (secs. 191–195)

The Senate amendment contained provisions (secs. 1095-1099) that would authorize the Secretary of the Army to carry out an armament retooling and manufacturing support initiative to encourage non-defense commercial firms to use government-owned, contractor-operated ammunition facilities of the Department of the Army.

The House bill contained no similar provisions.

The House recedes with an amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Limitation on shipbuilding and conversion

The House bill contained a provision (sec. 108) that would shift $70.0 million from Other Procurement, Navy to Shipbuilding and Conversion, Navy to provide for advance procurement funding for an amphibious assault ship, LHD-6.

The Senate amendment contained no similar provision, but would provide full funding for LHD-6 in fiscal year 1993.

The House recedes.

Revised force structure plan for ICBMs and strategic bombers

The House bill contained a provision (sec. 146) that would prohibit the obligation or expenditure of funds for the redeployment or transfer of operationally deployed Minuteman III missiles from one Air Force base to another until and unless the Secretary of Defense submitted to Congress a plan for restructuring U.S. ICBM and bomber forces.

The Senate amendment contained no similar provision.

The House recedes. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees outlining the Defense Department's plan for the restructuring of U.S. strategic forces pursuant to the terms of the Strategic Arms Reduction Treaty (START) and the Joint Understanding on further reductions in strategic offensive arms signed by the United States and Russia on June 17, 1992. The report shall include:

(1) a description of the size and makeup of the strategic nuclear force triad and the rationale for the proposed decisions;

(2) a discussion of the force structure options that were considered in developing such a plan;

(3) for each option discussed under paragraph (2), a statement of the location at which strategic bombers and Minuteman III ICBMs would be deployed and the number of each system at each location;

(4) the cost of each such option, including:

(A) the costs of transferring bomber and missile assets from one operating location to another;

(B) military construction costs associated with such a transfer;

(C) the costs of the conversion of silos from the Minuteman II and Peacekeeper configurations to the Minuteman III configuration; and

(D) the operation and maintenance costs or savings, by operating base, under each option.

(5) a discussion of factors, other than cost, such as survivability, which underlay each of the options;

(6) a discussion of the potential advantages or cost savings associated with dual basing of strategic bombers and missiles;

(7) in the case of any base which currently has a missile wing which the plan proposes to disestablish or move to another base, plans for the disposition of that base or the transfer of the remaining functions or missions at that base, together with a statement of costs associated with any such change; and

(8) a timetable for the initiation of the plan and deadlines for the performance of certain activities, such as silo conversion or missile redeployments.

Modification of F-14 aircraft

The Senate amendment contained a provision (sec. 125) that would authorize the use of unobligated funds appropriated in fiscal year 1992 for modification of F-14 aircraft to be used only for aircraft re-engining.

The House bill contained no similar provision.

The Senate recedes.

The conferees support the intent of the Senate provision, but do not believe that statutory guidance is needed to convey the conferees' intent that the unobligated fiscal year 1992 funds should be used toward the re-engining effort.

The F-14 will remain operational in the fleet for at least the next 20 years. However, the Navy's plan for continued comprehensive modernization of the F-14 fleet remains unclear. Therefore, the conferees direct the Secretary of the Navy to provide a roadmap that outlines an affordable modernization program for the F-14 aircraft.

Trident II missile

The Senate amendment contained a provision (sec. 151) that would establish a funding limitation on Trident II missile procurement.

The House bill contained no such provision.

The Senate recedes.

Space investment strategy

The Senate amendment contained a provision (sec. 154) that would direct the Secretary of Defense to develop a strategy for achieving substantial reductions in the cost of developing, acquiring, and supporting space operations. The provision would further mandate that the Secretary consider options to achieve reductions of up to 25 percent in constant fiscal year 1992 dollars by the year 2000, and would require a report on his strategy by March 1, 1993.

The House bill contained no similar provision.

The Senate recedes. The conferees agree that a legislative provision is not required.

The conferees recognize the importance of space systems to military operations, peacetime intelligence, foreign policy, and crisis support. Space systems now are the mainstay of U.S. national security communications, surveillance, weather services, navigation, and missile warning. The conferees believe that the information collected by and transmitted through space systems is a key factor in force effectiveness and that proportional reductions in the space budget may be unwise.

The conferees note, however, that the declining defense budget will inevitably increase pressure to constrain or reduce spending on space programs whereever possible. The conferees believe that the administration can and must begin planning now to find ways to reduce the cost and increase the efficiency of satellite design, acquisition, launch, and operation. Increased efficiency and decreased costs will likely be necessary in order to sustain current systems and capabilities and almost certainly will be required in order to be able to afford new ones.

At the same time, the conferees believe that the end of the Cold War, technology advances, and budgetary pressures provide opportunities for new approaches to meeting national security and civil space requirements.

The conferees believe therefore that the administration must challenge and discipline the space systems acquisition system to achieve meaningful results. Accordingly, the conferees direct the Secretary of Defense to develop a comprehensive acquisition strategy for developing, fielding, and operating DOD space programs. This strategy should be aimed at reducing costs and increasing efficiencies to ensure that current and future operational requirements can be met despite inevitable budget reductions. This strategy should address policy, requirements, programs, and funding. In particular, the strategy should reflect a review of the following:

New technologies

New launch system technologies could support a surge launch strategy for some national security space systems, reducing the requirement to maintain wartime capacity on orbit during peacetime. This technology also could substantially reduce the cost and personnel required for launch operations. Technologies also exist that could significantly reduce the size and weight of spacecraft, and thereby reduce spacecraft and launch costs. Current technology also would support a higher degree of satellite commonality and standard interfaces, which could reduce costs. Technology and new approaches also could reduce the complexity and expense of satellite control operations. Commercial satellite communications technology and markets may be mature enough to permit the government to reduce its reliance on dedicated military satellites.

Civil-military cooperation

In terms of management initiatives, greater cooperation between the civil and military space programs could yield savings and efficiencies. For example, the Commerce Department and DOD each operate almost identical weather satellites; a cooperative program could permit a reduction in the total number of satellites the government would have to operate, and a single contract would be less expensive. In the longer term, DOD may be able to rely on the commercial sector for satellite navigation services as well—given the explosive growth expected in civil and commercial use of the global positioning satellite (GPS) system. Technology is also rapidly eroding the significance of GPS selective availability, which raises the question of the need for a dedicated military system.

International initiatives

The administration also should consider international initiatives in formerly sensitive areas, such as satellite imaging. Foreign and commercial capabilities are developing rapidly in response to technology advances and increased demand. The administration should consider allowing U.S. industry to compete in this arena to help preserve the U.S. industrial base and potentially reduce costs to the U.S. government.

Affordability

The Department also must review requirements and plans for existing and prospective programs from the perspective of affordability. For instance, a number of major space programs have been chronically underfunded in the Future Year Defense Program. These programs must either be fully funded at the expense of other efforts, reduced in scope or quantity, or terminated. New technology thrusts also envision new and expensive space-based capabilities; the conferees are not persuaded that DOD will be able to afford them unless substantial savings are made in other programs.

Tradeoffs

The Secretary should examine where cost-effective tradeoffs might be made between space- and non-space-based solutions to particular requirements, especially for communications. The reduction in the threat of a global nuclear war has reduced concerns about satellite and ground support vulnerability. It has also reduced concern, however, about relying on fixed means of communications. At the same time, the next decade will likely bring a dramatic expansion of international fiber optic cable networks, which could reduce DOD reliance on satellite communications. Technologies for inexpensive, high altitude, long endurance airborne platforms which could serve as communications platforms for mobile, intra-theater communications, also could reduce reliance on satellite systems.

For these reasons, the conferees direct the Secretary of Defense, in consultation with the National Space Council and other appropriate agencies and departments, to prepare a report which describes the results of the above-mentioned reviews of DOD space policy, technology, funding, and management issues. In addition, the Secretary's report shall develop alternative space programs that maximize capabilities in the year 2000 at a range of funding levels up to 15 percent less than the baseline cost on an average annual basis (using the fiscal year 1992 Future Year Defense Program as the baseline). As an excursion in presenting these alternatives, the Secretary may show underfunded programs, such as the national aerospace plane and the follow-on early warning system, in the baseline program as though they were fully funded. The Secretary shall provide an analysis of the advantages and disadvantages of the alternative programs, including any impact on the industrial base, the extent to which they meet requirements, and possible revisions to the military departments' roles and missions, along with a recommendation of his preferred strategy and program. The Secretary's report shall be submitted by April 15, 1993, in both classified and unclassified formats.

Ground wave emergency network

The Senate amendment contained a provision (sec. 155) that would extend until October 1, 1993 the earliest date by which funds could be obligated or expended for the construction of the ground wave emergency network (GWEN).

The House bill contained no similar provision.

The Senate recedes.

AN/SLQ-32 electronic warfare systems

The Senate amendment contained a provision (sec. 122) that would preclude obligating any funds for the AN/SLQ-32A (V)3 electronic warfare system until the Commander, Operational Test and Evaluation Force, had determined that the system has been proven operationally effective during operational testing.

The House bill contained no similar provision.

The Senate recedes. The required operational testing has now been completed and has shown that the AN/SLQ-32A (V)3 system is operationally effective.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (RDT&E)

Overview

The amended budget request for fiscal year 1993 contained an authorization of $38,812.7 million for research, development, test, and evaluation in the Department of Defense. The House bill would authorize $38,429.8 million. The Senate amendment would authorize $38,965.9 million. The conferees recommend authorization of $39,613.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

RESEARCH AND DEVELOPMENT, ARMY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $5,414.5 million or Army research, development, test, and evaluation. The House bill would authorize $5,481.1 million. The Senate amendment would authorize $5,307.7 million. The conferees recommended authorization of $5,919.0 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL ARMY								
1	61101A	IN-HOUSE LABORATORY INDEP RESEARCH	6,697		6,697		6,697			6,697
2	61102A	DEFENSE RESEARCH SCIENCES	166,645	-20,000	146,645	22,500	189,145	-42,500	51,532	218,177
3	61104A	ELECTROMECHANICS & HYPERVELOCITY PHYSICS	3,888		3,888		3,888			3,888
4	62104A	TRACTOR ROSE	3,577		3,577		3,577			3,577
5	62105A	MATERIALS TECHNOLOGY	13,983		13,983	4,000	17,983	-4,000	4,000	17,983
6	62120A	ELECTRONIC SURVIVABILITY AND FUZING TECH	19,204		19,204		19,204			19,204
7	62122A	SURVIVABILITY ENHANCEMENT	14,551		14,551	10,000	24,551	-10,000	3,000	17,551
8	62123A	TRACTOR FIELD	[ ]							
9	62211A	AVIATION TECHNOLOGY	46,611		46,611		46,611			46,611
10	62270A	EW TECHNOLOGY	[ ]							
11	62303A	MISSILE TECHNOLOGY	33,164		33,164		33,164			33,164
12	62307A	LASER WEAPONS TECHNOLOGY	585		585		585			585
13	62308A	MODELING AND SIMULATION		5,000	5,000	3,000	3,000	2,000	3,500	3,500
14	62601A	COMBAT VEHICLE & AUTOMOTIVE TECHNOLOGY	46,992	38,000	84,992	9,000	55,992	29,000	38,000	84,992
15	62618A	BALLISTICS TECHNOLOGY	59,391'		59,391	10,000	69,391	-10,000		59,391
16	62622A	CHEMICAL, SMOKE AND EQUIP DEFEATING TECH	47,727		47,727		47,727			47,727
17	62623A	JOINT SERVICE SMALL ARMS PROGRAM	4,786		4,786		4,786			4,786
18	62624A	WEAPONS AND MUNITIONS TECHNOLOGY	37,270		37,270		37,270			37,270
19	62705A	ELECTRONICS AND ELECTRONIC DEVICES	18,011	4,950	22,961		18,011	4,950	3,350	21,361
20	62709A	NIGHT VISION TECHNOLOGY	35,706		35,706	5,000	40,706	-5,000	5,000	40,706
21	62716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	10,568		10,568		10,568			10,568
22	62720A	ENVIRONMENTAL QUALITY TECHNOLOGY	18,447	24,000	42,447	39,500	57,947	-15,500	33,500	51,947
23	62727A	NON-SYSTEM TRAINING DEVICE TECHNOLOGY	8,483		8,483		8,483			8,483
24	62782A	COMMAND, CONTROL, COMMUNICATIONS TECH	24,301		24,301		24,301		-2,457	21,844
25	62783A	COMPUTER AND SOFTWARE TECHNOLOGY	3,094	15,000	18,094		3,094	15,000		3,094
26	62784A	MILITARY ENGINEERING TECHNOLOGY	45,879		45,879	5,000	50,879	-5,000		45,879
27	62785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	15,966		15,966		15,966			15,966
28	62786A	LOGISTICS TECHNOLOGY	36,241		36,241		36,241			36,241
29	62787A	MEDICAL TECHNOLOGY				2,000	2,000	-2,000	109,764	109,764
30	62788A	TRACTOR FLOP	1,672		1,672		1,672			1,672
		MPIM TECHNOLOGY								
31	62789A	ARMY ARTIFICIAL INTELLIGENCE TECHNOLOGY	3,301		3,301		3,301			3,301
996		TECH BASE CLASSIFIED	26,590		26,590		26,590			26,590
32	62813A	TRACTOR PULL	25,882	-9,000	16,882	-9,100	16,782	100	-9,100	16,782

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
33	63001A	LOGISTICS ADVANCED TECHNOLOGY	11,289		11,289	5,000	16,289	-5,000		11,289
34	63002A	MEDICAL ADVANCED TECHNOLOGY							36,172	36,172
35	63003A	AVIATION ADVANCED TECHNOLOGY	38,532	2,000	40,532	4,000	42,532	-2,000	2,000	40,532
36	63004A	WEAPONS AND MUNITIONS ADVANCED TECH	49,074	13,400	62,474	8,400	57,474	5,000	18,400	67,474
37	63005A	COMBAT VEHICLE AND AUTOMOTIVE ADV TECH	44,825		44,825		44,825			44,825
38	63006A	COMMAND, CONTROL, COMMUNIC ADV TECH	15,350		15,350		15,350		-2,500	12,850
39	63007A	HUMAN FACTORS/PERSONNEL/TRAIN ADV TECH	16,900		16,900		16,900			16,900
40	63009A	CLASSIFIED PROGRAM	6,721		6,721		6,721			6,721
41	63012A	TRACTOR HOLE	21,636		21,636	3,500	25,136	-3,500		21,636
42	63013A	TRACTOR DIRT	3,422		3,422		3,422			3,422
43	63017A	TRACTOR RED	989	1,100	2,089	6,100	7,089	-5,000	1,100	2,089
44	63102A	MATERIALS AND STRUCTURES ADVANCED TECH	3,177		3,177	3,500	6,677	-3,500	3,500	6,677
45	63105A	AIDS RESEARCH							23,247	23,247
46	63238A	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISIO	50,000	-25,000	25,000		50,000	-25,000	-25,000	25,000
47	63270A	EW TECHNOLOGY	8,936		8,936		8,936			8,936
48	63271A	TRACTOR NAIL								
49	63313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	21,165		21,165	8,000	29,165	-8,000		21,165
49a	63313A	LOSAT				122,848	122,848	-122,848	122,848	122,848
50	63314A	DIRECTED ENERGY								
51	63322A	TRACTOR CAGE	24,455		24,455		24,455			24,455
52	63393A	TRACTOR TRAILER								
53	63606A	LANDMINE WARFARE AND BARRIER ADV TECH	19,133	6,200	25,333	10,000	29,133	-3,800		19,133
54	63607A	JOINT SERVICE SMALL ARMS PROGRAM	5,772		5,772		5,772			5,772
55	63710A	NIGHT VISION ADVANCED TECHNOLOGY	28,436	4,000	32,436	18,000	46,436	-14,000	18,000	46,436
56	63734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	3,404		3,404		3,404			3,404
57	63742A	ADVANCED ELECTRONIC DEVICES DEVELOPMENT	6,645		6,645		6,645			6,645
58	63759A	CHEMICAL BIOLOGICAL DEFENSE & SMOKE ADV	3,496		3,496		3,496			3,496
59	63772A	ADV TACTICAL COMPUTER SCIENCE & TECH	22,441		22,441		22,441			22,441
60	63392A	ANTI-SATELLITE WEAPON (ASAT)	24,768	-24,768			24,768	-24,768		24,768
61	12814A	SPECIAL PROGRAMS	[ ]			[-2,887]			[-5,387]	
62	12830A	CLASSIFIED PROGRAM	[ ]	[25,000]						
63	12831A	CLASSIFIED PROGRAM	[ ]							
64	33152A	WWMCCS INFORMATION SYSTEM	[ ]							
997		STRATEGIC CLASSIFIED	19,009	25,000	44,009	-2,887	16,122	27,887	-5,387	13,622
65	63018A	TRACTOR TREAD	9,199	3,000	12,199	13,000	22,199	-10,000	3,000	12,199

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66	63019A	TRACTOR DUMP	4,269		4,269		4,269			4,269
67	63053A	FUTURE COMMAND AND CONTROL VEHICLE	21,565		21,565		21,565			21,565
68	63303A	SURFACE-TO-SURFACE MISSILE ROCKET SYS								
69	63393A	TRACTOR TRAILER								
70	63604A	NUCLEAR MUNITIONS - ADV DEV	[ ]							
71	63612A	ADVANCED ANTI-TANK WEAPON SYSTEMS								
72	63619A	LANDMINE WARFARE AND BARRIER - ADV DEV	13,497		13,497		13,497			13,497
73	63627A	SMOKE, OBSCURANT & EQUIP DEFEATING SYS -	18,941		18,941		18,941			18,941
74	63639A	ARMAMENT ENHANCEMENT INITIATIVE	[ ]			[4,000]			[4,000]	
75	63640A	ARTILLERY PROPELLENT DEVELOPMENT	7,057		7,057		7,057			7,057
76	63645A	ARMORED SYSTEM MODERNIZATION - ADV DEV	367,262	-35,000	332,262	-35,000	332,262		-35,000	332,262
76a	63645A	ADV AUTOMOTIVE DEVELOPMENT FOR ASM				10,000	10,000	-10,000	10,000	10,000
77	63649A	ENGINEERING MOBILITY EQUIPMENT - ADV DEV	12,155		12,155		12,155			12,155
78	63713A	ARMY DATA DISTRIBUTION SYSTEM	13,409		13,409		13,409			13,409
79	63730A	TACTICAL SURVEILLANCE SYSTEM - ADV DEV	14,937	-7,600	7,337		14,937	-7,600	-7,600	7,337
80	63745A	TACTICAL ELECTRONIC SUPPORT SYS - ADV DE	3,107		3,107		3,107			3,107
81	63746A	SINCGARS ADVANCED DEVELOPMENT	214		214	5,000	5,214	-5,000	5,000	5,214
82	63747A	SOLDIER SUPPORT AND SURVIVABILITY	7,921		7,921	6,000	13,921	-6,000	6,000	13,921
83	63754A	CLASSIFIED PROGRAM - ADV DEV	[ ]							
84	63757A	FORWARD AREA AIR DEFENSE (FAAD) SYSTEM								
85	63766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM	14,813		14,813		14,813			14,813
86	63774A	NIGHT VISION SYSTEMS ADVANCED DEVELOP	7,868		7,868		7,868			7,868
87	63801A	AVIATION - ADV DEV	14,029	3,200	17,229		14,029	3,200	3,200	17,229
88	63802A	WEAPONS AND MUNITIONS - ADV DEV								
89	63804A	LOGISTICS & ENGINEER EQUIPMENT - ADV DEV	15,304		15,304		15,304			15,304
90	63805A	COMBAT SERVICE SUPPORT COMPUTER SYS EVAL	19,805		19,805		19,805			19,805
91	63806A	CHEMICAL/BIOLOGICAL DEFENSE EQ- ADV DEV	36,033		36,033		36,033			36,033
92	63807A	MEDICAL SYSTEMS - ADV DEV							29,042	29,042
93	63808A	CLASSIFIED PROGRAM								
94	63810A	ADVANCED MISSILE SYSTEM-HEAVY								
95	63811A	METEOROLOGICAL DATA SYSTEMS	4,288		4,288		4,288			4,288
96	63813A	TRACTOR PULL								
97	64202A	AIRCRAFT WEAPONS								
98	64220A	ARMED, DEPLOYABLE OH-58D								
99	64223A	LIGHT ARMED SCOUT HELICOPTER	443,007		443,007	-425,000	18,007	425,000		443,007

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
100	64270A	EW DEVELOPMENT	[ ]							
101	64321A	ALL SOURCE ANALYSIS SYSTEM	50,754		50,754		50,754			50,754
102	64603A	NUCLEAR MUNITIONS - ENG DEV	4,801		4,801		4,801			4,801
103	64604A	MEDIUM TACTICAL VEHICLES	2,941		2,941		2,941			2,941
104	64609A	SMOKE, OBSCURANT & EQUIP SYS- ENG DEV	11,309		11,309		11,309			11,309
105	64611A	JAVELIN (AAWS-M)	91,440		91,440	10,000	101,440	-10,000	10,000	101,440
106	64619A	LANDMINE WARFARE	24,187	7,600	31,787		24,187	7,600		24,187
107	64622A	HEAVY TACTICAL VEHICLES	961	1,000	1,961		961	1,000	1,000	1,961
108	64630A	ADVANCED TANK CANNON (ATAC)	41,526	-41,526		-31,500	10,026	-10,026	-24,526	17,000
109	64633A	AIR TRAFFIC CONTROL	2,463		2,463		2,463			2,463
110	64645A	ARMORED SYSTEMS MODERNIZ (ASM)-ENG. DEV.	76,182		76,182		76,182			76,182
111	64649A	ENGINEERING MOBILITY EQUIPMENT	2,238		2,238		2,238			2,238
112	64709A	IDENTIFICATION-FRIEND-OR-FOE - ENG DEV								
113	64710A	NIGHT VISION SYSTEMS - ENG DEV	25,325		25,325		25,325			25,325
114	64713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	9,463		9,463	18,000	27,463	-18,000	18,000	27,463
115	64715A	NON-SYSTEM TRAINING DEVICES - ENG DEV	42,551		42,551		42,551			42,551
116	64723A	SPECIAL PURPOSE DETECTORS								
117	64726A	INTEGRATED METEOROLOGICAL SUPPORT SYS	958		958		958			958
118	64740A	TACTICAL SURVEILLANCE SYSTEM - ENG DEV	20,036		20,036		20,036		7,600	27,636
119	64741A	AIR DEFENSE COMMAND/CONTROL/INTEL ENG DE	40,505		40,505		40,505			40,505
120	64746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,461	9,000	17,461		8,461	9,000	9,000	17,461
121	64754A	CLASSIFIED PROGRAM - ENG DEV								
122	64766A	TACT ELECTRONIC SURVEILLANCE SYS ENG DEV	34,136		34,136		34,136			34,136
123	64767A	TRACTOR JEWEL	74,206		74,206	22,000	96,206	-22,000	22,000	96,206
124	64768A	TRACTOR MARK	121,459		121,459		121,459			121,459
125	64769A	TRACTOR HELM								
126	64770A	JOINT SURVEILLANCE/TARGET ATTACK RADAR S	31,213		31,213	35,000	66,213	-35,000	20,000	51,213
127	64801A	AVIATION - ENG DEV	16,229		16,229		16,229			16,229
128	64802A	WEAPONS AND MUNITIONS - ENG DEV	5,113		5,113		5,113			5,113
129	64804A	LOGISTICS & ENGINEER EQUIPMENT - ENG DEV	22,083		22,083		22,083			22,083
130	64805A	COMMAND, CONTROL, COMMUNIC SYS-ENG DEV	7,566		7,566		7,566			7,566
131	64806A	CHEMICAL/BIO DEFENSE EQUIP - ENG DEV	41,551		41,551		41,551			41,551
132	64807A	MEDICAL MATERIEL/MEDICAL BIO DEF EQ-ENG							20,209	20,209
133	64808A	LANDMINE WARFARE/BARRIER - ENG DEV	2,947		2,947		2,947			2,947
134	64810A	FIBER OPTIC GUIDED MISSILE - ENG DEV								

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
135	64812A	CLASSIFIED PROGRAM								
136	64814A	SENSE AND DESTROY ARMAMENT MISSILE - ENG	63,037		63,037		63,037		29,000	92,037
137	64816A	LONGBOW - ENG DEV	281,802		281,802	25,000	306,802	-25,000	25,000	306,802
138	64817A	TRACTOR CRASH/BALL	27,570		27,570		27,570			27,570
139	64818A	ARMY TACT COMMAND & CONTROL SYS (ATCCS)	20,575		20,575		20,575			20,575
140	64819A	LOSAT	122,848		122,848	-122,848		122,848	-122,848	
141	64820A	RADAR DEVELOPMENT	18,656		18,656		18,656			18,656
142	65710A	JOINT CB POINT OF CONTACT, TEST AND ASSE	5,702		5,702		5,702			5,702
143	23726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	41,632		41,632		41,632			41,632
144	23735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	22,558	58,600	81,158	26,800	49,358	31,800	-4,258	18,300
145	23740A	MANEUVER CONTROL SYSTEM	28,467		28,467		28,467			28,467
146	23743A	155MM SELF-PROPELLED HOWITZER IMPROVE								
147	23744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVE P	4,821	3,000	7,821	3,000	7,821		3,000	7,821
148	23752A	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	6,676		6,676		6,676			6,676
149	23755A	FIELD ARTILLERY AMMUNITION SUPPORT VEHIC								
150	23801A	MISSILE/AIR DEFENSE PIP	56,315		56,315		56,315			56,315
151	23802A	OTHER MISSILE PRODUCT IMPROVEMENT PROG	16,429	2,000	18,429		16,429	2,000	2,000	18,429
152	23806A	TRACTOR RIG	5,826		5,826		5,826			5,826
153	23808A	TRACTOR CARD	7,011		7,011		7,011			7,011
154	27316A	TACIT RAINBOW								
155	28010A	JOINT TACTICAL COMM PROGRAM (TRI-TAC)	7,592		7,592		7,592			7,592
		ROCKET SYSTEMS								
998		TACTICAL CLASSIFIED	149,273		149,273	4,000	153,273	-4,000	4,000	153,273
156	64716A	TERRAIN INFORMATION - ENG DEV	12,171		12,171		12,171			12,171
157	64778A	POSITIONING SYSTEMS DEVELOPMENT	9,873		9,873		9,873			9,873
158	31359A	SPECIAL ARMY PROGRAM	[ ]							
159	33140A	INFORMATION SYSTEMS SECURITY PROGRAM	6,470		6,470		6,470			6,470
160	33142A	SATCOM GROUND ENVIRONMENT	137,027		137,027	-17,800	119,227	17,800	-15,000	122,027
161	35127A	FOREIGN COUNTER-INTELLIGENCE ACTIVITIES	[ ]							
162	35889A	INTELLIGENCE SUPPORT TO OSD COUNTERNARC								
999		INTEL & COMMUNICATIONS CLASSIFIED	11,218		11,218		11,218			11,218
163	65103A	RAND ARROYO CENTER	20,164		20,164		20,164			20,164
164	65301A	ARMY KWAJALEIN ATOLL	184,454	-25,000	159,454		184,454	-25,000		184,454
165	65502A	SMALL BUSINESS INNOVATIVE RESEARCH								
166	65601A	ARMY TEST RANGES AND FACILITIES	160,243		160,243		160,243			160,243

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
167	65602A	ARMY TECHNICAL TEST INSTRUMENTATION AND	76,499		76,499		76,499			76,499
168	65603A	ARMY USER TEST INSTRUMENTATION & THREAT	46,318		46,318		46,318			46,318
169	65604A	TECHNOLOGY AND VULNERABILITY ASSESSMENT	44,285		44,285		44,285			44,285
170	65605A	DOD HIGH ENERGY LASER TEST FACILITY	17,852		17,852	10,000	27,852	-10,000	10,000	27,852
171	65702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIV	18,832		18,832		18,832			18,832
172	65706A	MATERIEL SYSTEMS ANALYSIS	22,858		22,858		22,858			22,858
173	65709A	EXPLOITATION OF FOREIGN ITEMS	19,650		19,650		19,650			19,650
174	65712A	SUPPORT OF OPERATIONAL TESTING	60,375		60,375		60,375			60,375
175	65801A	PROGRAMWIDE ACTIVITIES	86,420		86,420		86,420		3,495	89,915
176	65802A	INTERNATIONAL COOPERATIVE R&D	1,925		1,925		1,925			1,925
177	65803A	TECHNICAL INFORMATION ACTIVITIES	23,429		23,429		23,429			23,429
178	65805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS	16,783		16,783		16,783			16,783
179	65810A	RDT&E SUPPORT FOR NONDEVELOPMENTAL ITEMS	6,092		6,092		6,092			6,092
180	65856A	ENVIRONMENTAL COMPLIANCE	42,507		42,507	20,000	62,507	-20,000		42,507
181	65872A	PRODUCTIVITY INVESTMENTS	7,547		7,547		7,547			7,547
182	65876A	MINOR CONSTRUCTION (RPM) - RDT&E	3,900		3,900		3,900			3,900
183	65878A	MAINTENANCE AND REPAIR (RPM) - RDT&E	63,793		63,793		63,793			63,793
184	65894A	REAL PROPERTY MAINTENANCE - RDT&E							25,000	25,000
185	65896A	BASE OPERATIONS - RDT&E	308,567		308,567		308,567			308,567
186	65898A	MANAGEMENT HEADQUARTERS (R&D)	8,661		8,661		8,661		5,452	14,113
187	78011A	INDUSTRIAL PREPAREDNESS	19,703	-12,703	7,000	-19,703		7,000	-17,703	2,000
187a	68011A	MANUFACTURING TECHNOLOGY DEVELOPMENT		41,203	41,203			41,203	49,000	49,000
187b		MANUFACTURING TECHNOLOGY INITIATIVE				61,000	61,000	-61,000		
188	99999A	FINANCING FOR CANCELLED ACCOUNT ADJUST								
		PURCHASES FROM DBOF				-8,530	-8,530	8,530	-8,530	-8,530
		TRAVEL				-2,513	-2,513	2,513	-2,513	-2,513
		EXCESS INVENTORY							-4,218	-4,218
		CIVILIAN PERSONNEL BENEFITS							2,300	2,300
		INFLATION ADJUSTMENT							-8,000	-8,000
		TOTAL RDT&E ARMY	5,414,477	66,656	5,481,133	-106,733	5,307,744	173,389	504,571	5,919,048

Army defense research sciences

The amended budget request included $166.6 million for Army defense research sciences.

The House bill would reduce the Army program by $20.0 million.

The Senate amendment would increase the program by $22.5 million to add funding for the Department of Defense Dependents Schools (DODDS) Director's fund for mathematics, science, and engineering and rotocraft centers of excellence.

The conferees recommend that the program be increased by $2.5 million to $169.1 million, which includes $20.0 million for DODDS and $2.5 million for rotocraft centers of excellence. The conferees also agree to restore the medical research originally contained in this line prior to the fiscal year 1993 budget request. The conferees agree to a net total of $218.2 million.

Modeling and simulation

The House bill would authorize $5.0 million for modeling and simulation (program element 602308A).

The Senate amendment would authorize $3.0 million for this activity.

The conferees recommend an authorization of $3.5 million as follows: $3.0 million for the use of simulation in the upcoming Louisiana maneuvers, and $.5 million for a competitive grant to an institution of higher education to purchase simulation research equipment in the areas of geographic information, digital mapping, and remote sensing.

Combat vehicle and automotive technology

The amended budget request included $47.0 million for combat vehicle and automotive technology.

The House bill would add $38.0 million to this amount for electric powered vehicles, natural gas powered vehicles, ground vehicle mobility, gear technology, and the center of excellence for diesel engine research.

The Senate amendment would add $9.0 million for ground vehicle mobility and diesel engine research.

The Senate recedes. The conferees encourage Army support of the McClellan Air Force Base/SMUD electric vehicle demonstration project.

Environmental quality technology

The amended budget request contained $18.4 million for environmental quality technology.

The House bill would add $24.0 million to this amount for a center for geosciences, biodegradable agricultural products, and bioremediation education science and technology centers.

The Senate amendment would add $39.5 million for biodegradable agricultural products, biodegradable food packaging, a research program at Jefferson Proving Ground to develop detection and removal technologies for removing unexploded ordnance, and the continuation of programs started in fiscal year 1992.

The conferees agree that the center for geosciences should be funded from the program element 602784A and authorize $5.0 million for that purpose. The conferees further agree to an overall increase of $33.5 million to program element 602720A to fund the other projects directed in the House and Senate reports (H. Rept. 102-527 and S. Rept. 102-352).

Weapons and munitions advanced technology

The amended budget request included $49.1 million for weapons and munitions advanced technology.

The House bill would add $13.4 million to this amount for 155mm gun range extension and 52 caliber burst capability.

The Senate amendment would add $8.4 million for the XM 982 155mm extended range projectile and bunker defeat munitions.

The conferees agree to authorize $67.5 million for all of these projects, as indicated in the House and Senate reports (H. Rept. 102-527 and S. Rept. 102-352).

Global surveillance/air defense/precision strike

The amended budget request contained $50.0 million for three projects in the area of global surveillance/air defense/precision strike.

The House bill would recommend $25.0 million for these projects.

The Senate amendment would authorize the requested amount.

The conferees recommend an authorization of $25.0 million. The conferees note that there are two projects within this program element that would modify the existing Stinger air defense missile, and a third classified project. The conferees believe the reduction should be applied to the three programs in a manner that the Army determines meets its highest priorities.

The conferees express their reservation about the feasibility of a laser-guided Stinger missile. The Army has indicated the primary purpose of this missile would be for air-to-air engagements, yet there is no analysis or evaluation of how difficult it would be for one helicopter to hold a laser beam on another helicopter when both helicopters are maneuvering simultaneously. The conferees suggest that the Army undertake an evaluation of such a capability in the SIMNET-D facility prior to programming any significant funds for such an effort.

Line-of-sight anti-tank missile

The amended budget request contained $122.8 million to initiate full-scale development of the Army's line-of-sight anti-tank (LOSAT) missile.

The House bill would authorize the requested funds.

The Senate amendment would authorize the requested funds, but based on the Army's subsequent recommendation, would shift those funds to an advanced development program element. The Army informed the Senate that it would not be able to proceed with full-scale development during fiscal year 1993.

The House recedes.

The conferees concur with the recommendation in the Senate report (S. Rept. 102-352) that the Army utilize this opportunity to restructure the LOSAT program to emphasize a smaller missile design that would retain overwhelming lethality at half the weight and size of the current missile design.

Landmine warfare and barrier advanced technology

The amended budget request contained $19.1 million for advanced development in the area of landmine warfare and barrier advanced technology.

The House bill would authorize the requested amount, and also would authorize an additional $6.2 million to integrate all heavy assault bridge candidates to a comparable level on an M-1 chassis prior to conducting a competitive evaluation for production in fiscal year 1994.

The Senate amendment would authorize the requested amount, and also would authorize an additional $10.0 million to accelerate advance development of promising countermine technologies.

The conferees recommend an authorization of the budget request of $19.1 million.

Concerning the $6.2 million for the assault bridge, the conferees understand that the Army has revised its acquisition strategy and that additional funds are not needed to ensure a fair and equitable competition for this program. The conferees wish to see the Army provide for sufficient funding for this program in the fiscal year 1994 Future Year Defense Program. To ensure that the heavy assault bridge program is proceeding in a manner that is consistent with previous congressional direction, the Army is directed to provide the congressional defense committees a progress report not later than March 31, 1993.

Concerning the additional $10.0 million to accelerate advanced development of countermine technologies, the conferees note that no additional funds will be appropriated for countermine warfare, so an authorization of additional funds would be pointless.

Advanced automotive development

The Senate amendment would authorize $10.0 million for collaborative advanced development of sub-systems and components for future combat vehicles by adapting ongoing research and development in the private automotive industry.

The House bill contained no similar authorization.

The conferees recommend an authorization of $10.0 million for this program and concur in the directions contained in the Senate report (S. Rept. 102-352).

Force provider

The amended budget request contained $2.3 million to procure a set of transportable facilities to provide hot showers, comfortable dining facilities, and air conditioned sleeping quarters for troops in the field. The program, called force provider, was a direct response to the Army's experience in Operation Desert Shield. The funds were contained in the Army's soldier enhancement program. The total cost of the program was $6.0 million, and the Army planned to reprogram the remainder.

The House bill would authorize the funds as requested.

The Senate report (S. Rept. 102-352) indicated that the Senate did not consider the program appropriate for the soldier enhancement program, but that it did support the concept. The Senate amendment would provide $6.0 million for the total cost of the program in program element 603747A.

The conferees recommend an authorization of $6.0 million.

Light armed scout helicopter

The amended budget request contained $433.0 million to continue prototype development of a new generation light armed scout helicopter for the Army.

The House bill would authorize the funds as requested.

The Senate amendment would terminate the program. The Senate noted that the Administration adopted a new acquisition strategy that abandoned any plans to develop the helicopter after the prototype state. The Senate concluded that the Administration's request to spend $1.9 billion to develop three prototype helicopters was not prudent since there were no plans to procure the helicopter. The Senate also noted that $1.9 billion could better be used to modernize the entire fleet of AH-64 attack helicopters.

The Senate recedes with language.

The conferees share the Senate's concern with the limitations in the current Department of Defense approach to acquisition strategy for next generation weapon systems.

The conferees fully support affordable prototyping, and also support continued development of the Comanche. However, the conferees are concerned that the costs associated with the existing prototyping strategy may be excessive unless there is a plan to complete the development.

The conferees therefore direct that no more than 50 percent of the funds appropriated pursuant to this authorization may be obligated until the Secretary of Defense certifies that the fiscal year 1994 future year defense program contains funds to continue engineering and manufacturing development of the RAH-66.

Javelin missile

The amended budget request included $91.4 million to continue engineering and manufacturing development of the Javelin antiarmor missile.

The House bill would authorize the requested amount.

The Senate amendment would authorize $101.4 million, with the additional $10.0 million provided to accelerate the introduction of certain design changes that offer significant savings during production.

The House recedes.

The conferees note that the secretary of defense, in his *1992 Annual Report to the President and the Congress*, stated that the range and lethality of modern weapons and the value that America places on the lives of our personnel require improvements in the ability to identify opposing forces and distinguish friend from foe. The report noted that the introduction of second-generation, forward looking infrared (FLIR) sensors in systems such as the Javelin will enable U.S. forces to detect and identify enemy formations at increased range in day or night.

The conferees note that while the operational test and evaluation of the Javelin is scheduled to begin in August 1993, there are currently no plans to test the ability of the system to identify friend or foe. Therefore, the conferees recommend that the Secretary of the Army evaluate the ability of the Javelin to identify friend from foe during the operational testing program. Based on the results of those tests, it is further recommended that the Secretary of the Army initiate development of a training program to maximize the ability of the soldier using the Javelin system to distinguish friend from foe.

Advanced tank cannon system (ATACS)

The amended budget request contained $41.5 million to continue development of an advanced tank cannon for a future generation Army tank.

The House bill would deny any authorization for the program, noting that Army had terminated any plans to develop a future generation tank.

The Senate amendment would authorize $10.0 million in order to complete an orderly phase-out of the program and to document what technical breakthroughs had been accomplished in the program.

The conferees understand that while this program was structured to develop a next generation cannon, it also funded most of the Army's generic tank cannon technologies. The conferees believe it is necessary to continue to fund some of those generic technologies for future cannon applications.

The conferees note, however, that the Army has no concrete management focus for the restructured program. Currently the Army is orienting component programs toward a nominal year 2000 fielding date if a subsequent decision is made to incorporate these technologies in future modification programs.

The conferees note that the Congress has consistently supported a cost-effective modernization program for the Army's tanks and believe the ATACS program should be structured accordingly. The conferees recommend an authorization of $17.0 million. The conferees also direct the Army to identify a roadmap by which the technologies proposed for continued development in this program element will be inserted at the earliest practical date in an ongoing tank modernization program.

Army manufacturing technology

The amended budget request included $19.7 million for Army manufacturing technology (MANTECH).

The House bill would authorize $48.2 million for Army manufacturing technology.

The Senate amendment would authorize $61.0 million for Army manufacturing technology.

The conferees recommend $51.0 million for manufacturing technology, which would include the projects added by the House and described in the House Report (H. Rept. 102-527) and other projects in the Army's MANTECH plan. The conferees also agree that the ductile iron research which was included in Army manufacturing technology in the House report (H. Rept. 102-527) will be funded in program element 603102A.

The conferees agree that the $51.0 million should be divided as follows:

	Million
Program element 708011A ..	$2.0
Program element 608011A ..	49.0

Kinetic energy anti-satellite system

The amended budget request included $24.8 million for the Army to develop a kinetic energy (KE) anti-satellite (ASAT) missile system.

The House bill would deny authorization for this request.

The Senate amendment would authorize the requested amount.

The House recedes. In providing these funds, the conferees note that the Army's current kinetic ASAT weapon system is being developed to counter Soviet (now Russian) satellites. At the same time, the number of Third World nations that are gaining access to data derived from satellites or that have plans for developing their own satellites is growing. Such satellite capability is extremely valuable, as was demonstrated by the performance of U.S. satellites during Operation Desert Shield/Desert Storm.

For these reasons, the conferees direct the U.S. Space Command to prepare a new operational requirements document (ORD) for the Army KE ASAT program. The conferees also direct the Secretary of Defense to review the updated ORD and restructure the KE ASAT program as necessary. Finally, the conferees direct the Secretary of Defense to submit to the congressional defense committees not later than March 15, 1993 a copy of the updated ORD, together with a report describing the restructured KE ASAT program.

RESEARCH AND DEVELOPMENT, NAVY

Overview

The amended budget request for fiscal year 1993 contained an authorization of $8,517.8 million for Navy research, development, test, and evaluation. The House bill would authorize $8,802.3 million. The Senate amendment would authorize $8,921.8 million. The conferees recommend authorization of $8,984.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL NAVY								
1	61152N	IN-HOUSE INDEPENDENT LABORATORY RESCH	16,180		16,180		16,180			16,180
2	61153N	DEFENSE RESEARCH SCIENCES	457,389	-45,000	412,389	-50,000	407,389	5,000	-45,000	412,389
3	62111N	ANTI-AIR WARFARE/ANTI-SURFACE WAR TECH	86,931	-15,000	71,931	-10,000	76,931	-5,000	-15,000	71,931
4	62121N	SURFACE SHIP TECHNOLOGY	26,113		26,113	-5,000	21,113	5,000		26,113
5	62122N	AIRCRAFT TECHNOLOGY	25,821		25,821	-5,000	20,821	5,000	-5,000	20,821
6	62131M	MARINE CORPS LANDING FORCE TECHNOLOGY	21,019		21,019	-2,000	19,019	2,000	-2,000	19,019
7	62232N	COMMAND/CONTROL/COMMUNICATIONS TECH	22,627		22,627	-5,000	17,627	5,000	-5,000	17,627
8	62233N	MISSION SUPPORT TECHNOLOGY	36,118	-2,500	33,618		36,118	-2,500	4,330	40,448
9	62234N	SYSTEMS SUPPORT TECHNOLOGY	93,810	5,000	98,810	-15,000	78,810	20,000	-15,000	78,810
10	62270N	ELECTRONIC WARFARE TECHNOLOGY	18,474		18,474		18,474			18,474
11	62314N	UNDERSEA SURVEILLANCE & WEAPONS TECH	146,194	-15,000	131,194		146,194	-15,000	-15,000	131,194
12	62315N	MINE AND SPECIAL WARFARE TECHNOLOGY	45,536	-5,000	40,536		45,536	-5,000		45,536
13	62323N	SUBMARINE TECHNOLOGY	21,476	-5,000	16,476		21,476	-5,000	-4,297	17,179
14	62324N	NUCLEAR PROPULSION	15,876	-5,000	10,876		15,876	-5,000	-5,000	10,876
15	62435N	OCEAN AND ATMOSPHERIC SUPPORT TECH	49,593		49,593	-4,000	45,593	4,000		49,593
16	62936N	INDEPENDENT EXPLORATORY DEVELOPMENT	12,946	-5,000	7,946		12,946	-5,000	-5,000	7,946
17	63217N	AIR SYSTEMS ADVANCED TECHNOLOGY DEVELOP	20,079	10,077	30,156		20,079	10,077	10,077	30,156
18	63238N	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISIO	50,000	-25,000	25,000		50,000	-25,000	-25,000	25,000
19	63270N	ADVANCED ELECTRONIC WARFARE TECHNOLOGY	30,814	-15,000	15,814		30,814	-15,000	-15,000	15,814
20	63508N	SHIP PROPULSION SYSTEM	4,501		4,501		4,501			4,501
21	63555N	UNDERSEA SUPERIORITY TECHNOLOGY DEMONS	100,000	-50,000	50,000	-14,000	86,000	-36,000	-42,000	58,000
22	63573N	ELECTRIC DRIVE								
23	63640M	MARINE CORPS ADV TECH DEMONSTRATION (ATD	23,138	-5,000	18,138		23,138	-5,000		23,138
24	63706N	MEDICAL DEVELOPMENT	4,250		4,250		4,250		12,449	16,699
25	63707N	MANPOWER, PERSONNEL & TRAINING ADV TECH	18,458		18,458		18,458			18,458
26	63712N	GENERIC LOGISTICS R&D TECHNOLOGY DEMONS	16,551		16,551		16,551			16,551
27	63732M	MARINE CORPS ADVANCED MANPOWER/TRAINING	3,659		3,659		3,659			3,659
28	63747N	ADVANCED ANTI-SUBMARINE WARFARE TECH	49,666		49,666		49,666			49,666
29	63782N	SHALLOW WATER MCM DEMOS	10,625		10,625		10,625		4,200	14,825
30	63792N	ADVANCED TECHNOLOGY TRANSITION	84,682	-15,000	69,682	5,000	89,682	-20,000	-10,000	74,682
31	63794N	C3 ADVANCED TECHNOLOGY	2,110		2,110		2,110			2,110
32	63451N	TACTICAL SPACE OPERATIONS	2,015		2,015		2,015			2,015
33	63588N	SSBN SURVIVABILITY	17,369		17,369		17,369			17,369
34	63735N	WWMCCS ARCHITECTURE SUPPORT	1,700		1,700		1,700			1,700

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
35	64363N	TRIDENT II	65,898		65,898		65,898			65,898
36	65856N	STRATEGIC TECHNICAL SUPPORT	4,886		4,886		4,886			4,886
37	11221N	FLEET BALLISTIC MISSILE SYSTEM	5,135		5,135		5,135			5,135
38	11224N	SSBN SECURITY TECHNOLOGY PROGRAM	72,553	-18,000	54,553		72,553	-18,000		72,553
39	11226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	40,694		40,694		40,694			40,694
40	11228N	TRIDENT I	24,892		24,892		24,892			24,892
41	11401N	EXTREMELY LOW FREQUENCY (ELF) COMMUNIC	590		590		590			590
42	11402N	NAVY STRATEGIC COMMUNICATIONS	42,435		42,435		42,435			42,435
43	12427N	NAVAL SPACE SURVEILLANCE	905		905		905			905
44	33131N	MIN ESSENTIAL EMERG COMM NETWORK (MEECN)	1,350		1,350		1,350			1,350
45	33152N	WWMCCS INFORMATION SYSTEM	3,906		3,906		3,906			3,906
46	63109N	INTEGRATED AIRCRAFT AVIONICS	23,546		23,546		23,546			23,546
47	63207N	AIR/OCEAN TACTICAL APPLICATIONS	7,577		7,577		7,577			7,577
48	63208N	T-45 TRAINING SYSTEM	32,028		32,028	25,000	57,028	-25,000	25,000	57,028
49	63216N	AIR CREW SYSTEMS TECHNOLOGY	9,697	4,000	13,697		9,697	4,000	4,000	13,697
50	63228N	CV ASW MODULE	3,621		3,621		3,621			3,621
51	63231N	NEXT GENERATION FIGHTER								
52	63254N	AIR ASW	10,785		10,785		10,785			10,785
53	63260N	AIRBORNE MINE COUNTERMEASURES	18,672		18,672	27,000	45,672	-27,000		18,672
54	63261N	TACTICAL AIRBORNE RECONNAISSANCE	15,356		15,356	-7,200	8,156	7,200		15,356
54a	63261N	TACTICAL AIRBORNE RECON PY SAVINGS				-8,000	-8,000	8,000		
55	63262N	AIRCRAFT SURVIVABILITY AND VULNERABILITY	13,905		13,905		13,905			13,905
56	63306N	ADVANCED A/L AIR-TO-SURFACE MISSILE SYS								
57	63318N	ADVANCED SURFACE-TO-AIR MISSILE	18,029		18,029		18,029			18,029
58	63319N	NATO AAW SYSTEMS								
59	63320N	LOW COST ANTI-RADIATION SEEKER								
60	63321N	ADVANCED AIR-TO-AIR MISSILE (AAAM)								
61	63382N	BATTLE GROUP AAW COORDINATION								
62	63502N	SURFACE MINE COUNTERMEASURES	44,473		44,473		44,473			44,473
63	63504N	ADVANCED SUBMARINE ASW DEVELOPMENT	33,810		33,810		33,810			33,810
64	63506N	SURFACE SHIP TORPEDO DEFENSE	28,479		28,479		28,479			28,479
65	63512N	SHIPBOARD AVIATION SYSTEMS	18,079		18,079		18,079			18,079
66	63513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	31,843		31,843		31,843			31,843
67	63514N	SHIP COMBAT SURVIVABILITY	23,676		23,676		23,676			23,676
68	63522N	SUBMARINE ARCTIC WARFARE SUPPORT EQUIP	4,153		4,153		4,153			4,153

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
69	63525N	PILOT FISH	36,676		36,676		36,676			36,676
70	63528N	NON-ACOUSTIC ANTI-SUB WARFARE	12,983		12,983		12,983			12,983
71	63529N	ADVANCED ASW TARGET	16,499		16,499		16,499			16,499
72	63536N	RETRACT JUNIPER	48,725		48,725		48,725		24,900	73,625
73	63542N	RADIOLOGICAL CONTROL	3,795		3,795		3,795			3,795
74	63553N	SURFACE ASW	70,194		70,194		70,194			70,194
75	63561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	154,967	-60,000	94,967		154,967	-60,000	-22,200	132,767
75a		EMERGENCY MAIN BALLAST TANK SYSTEM				2,000	2,000	-2,000		
76	63562N	SUBMARINE TACTICAL WARFARE SYSTEMS	7,349		7,349		7,349			7,349
77	63564N	SHIP DEVELOPMENT	11,945		11,945		11,945			11,945
77a		SEALIFT SHIP TECHNOLOGY PROGRAM				13,400	13,400	-13,400	13,400	13,400
78	63570N	ADVANCED NUCLEAR POWER SYSTEMS	88,709		88,709		88,709			88,709
79	63573N	ELECTRIC DRIVE	99,177		99,177		99,177		-15,393	83,784
80	63576N	CHALK EAGLE	86,796		86,796		86,796			86,796
81	63582N	COMBAT SYSTEM INTEGRATION	10,139		10,139		10,139			10,139
82	63591N	JOINT ADVANCED SYSTEMS	106,783		106,783	46,000	152,783	-46,000	46,000	152,783
83	63601N	MINE DEVELOPMENT	632		632		632			632
84	63609N	CONVENTIONAL MUNITIONS	62,317	-10,000	52,317		62,317	-10,000	-10,000	52,317
85	63610N	ADVANCED WARHEAD DEVELOPMENT (MK-50)	9,205		9,205		9,205			9,205
86	63611M	MARINE CORPS ASSAULT VEHICLES	82,126	-26,500	55,626	-26,500	55,626		-26,500	55,626
87	63612M	MARINE CORPS MINE/COUNTERMEASURES SYS -	3,607		3,607		3,607			3,607
88	63634N	TACTICAL NUCLEAR DEVELOPMENT	7,948		7,948		7,948			7,948
89	63635M	MARINE CORPS GROUND COMBAT/SUPPORT SYS	10,421		10,421	13,000	23,421	-13,000		10,421
89a		LIGHTWEIGHT 155MM HOWITZER				13,100	13,100	-13,100	13,100	13,100
90	63654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP	9,519		9,519		9,519			9,519
91	63656N	ADVANCED MINOR CALIBER GUN	3,836		3,836		3,836			3,836
92	63691N	MK 48 ADCAP - ADV DEV	29,553		29,553		29,553			29,553
93	63702N	OCEAN ENGINEERING SYSTEMS DEVELOPMENT	1,340		1,340		1,340			1,340
94	63704N	ASW OCEANOGRAPHY	8,748		8,748		8,748			8,748
95	63708N	ASW SIGNAL PROCESSING	29,474		29,474		29,474			29,474
96	63709N	ADVANCED MARINE BIOLOGICAL SYSTEM	4,731	-4,731			4,731	-4,731		4,731
97	63711N	FLEET TACTICAL DEVELOPMENT AND EVALUATIO	5,628		5,628		5,628			5,628
98	63713N	OCEAN ENGINEERING TECHNOLOGY DEVELOP	12,589		12,589		12,589			12,589
99	63717N	COMMAND AND CONTROL SYSTEMS	6,165		6,165		6,165			6,165
100	63724N	NAVY ENERGY PROGRAM	5,359		5,359		5,359			5,359

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
101	63725N	FACILITIES IMPROVEMENT	1,594		1,594		1,594			1,594
102	63726N	MERCHANT SHIP NAVAL AUGMENTATION PROG	1,843		1,843		1,843			1,843
103	63729M	MARINE CORPS COMBAT SERVICES SUPPORT								
104	63734N	CHALK CORAL	65,054		65,054		65,054			65,054
105	63737N	LINK HAZEL	24,525		24,525		24,525			24,525
106	63740N	LINK LAUREL								
107	63746N	RETRACT MAPLE	151,112		151,112		151,112			151,112
108	63748N	LINK PLUMERIA	21,044	-6,285	14,759	-5,565	15,479	-720	-5,565	15,479
109	63750N	CHALK WEED	2,729		2,729		2,729			2,729
110	63751N	RETRACT ELM	173,010	-59,000	114,010	-35,000	138,010	-24,000	-35,000	138,010
111	63752N	CHALK POINSETTIA	6,256		6,256		6,256			6,256
112	63755N	SHIP SELF DEFENSE	160,408		160,408	28,000	188,408	-28,000	17,600	178,008
113	63763N	WARFARE SYSTEMS ARCHITECTURE & ENGINEER	8,324		8,324		8,324			8,324
114	63785N	ASW ENVIRONMENTAL ACOUSTIC SUPPORT	17,831		17,831		17,831			17,831
115	63787N	SPECIAL PROCESSES	33,853		33,853		33,853			33,853
116	63795N	GUN WEAPON SYSTEM TECHNOLOGY	7,935		7,935		7,935			7,935
116a		SHORE FIRE SUPPORT COEA				4,000	4,000	-4,000		
117	64203N	STANDARD AVIONICS DEVELOPMENT	11,994		11,994		11,994			11,994
118	64211N	IFF SYSTEM DEVELOPMENT	16,905	-5,000	11,905		16,905	-5,000		16,905
119	64212N	LAMPS	31,840		31,840		31,840			31,840
120	64213N	HELICOPTER DEVELOPMENT	15,117	-9,702	5,415	-9,702	5,415			15,117
121	64214N	AV-8B AIRCRAFT - ENG DEV	11,053		11,053		11,053			11,053
122	64215N	SUPPORT EQUIPMENT	18,488		18,488		18,488			18,488
123	64217N	S-3 WEAPON SYSTEM IMPROVEMENT	1,154		1,154		1,154			1,154
124	64218N	AIR/OCEAN EQUIPMENT ENGINEERING	2,926		2,926		2,926			2,926
125	64219N	AIRBORNE ASW DEVELOPMENTS	40,709	-39,209	1,500		40,709	-39,209		40,709
126	64221N	P-3 MODERNIZATION PROGRAM	35,473	90,000	125,473		35,473	90,000		35,473
127	64233N	ATA/AX	165,583	575,000	740,583	-115,583	50,000	690,583		165,583
128	64260N	C/MH-53E	12,456		12,456		12,456			12,456
129	64261N	ACOUSTIC SEARCH SENSORS	47,530		47,530		47,530		-13,800	33,730
130	64262N	V-22A		755,000	755,000	755,000	755,000		755,000	755,000
131	64264N	AIR CREW SYSTEMS DEVELOPMENT	18,246	3,700	21,946		18,246	3,700	3,700	21,946
132	64265N	AIR LAUNCHED SATURATION SYSTEM (ALSS)								
133	64268N	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	65,973		65,973		65,973			65,973
134	64270N	EW DEVELOPMENT	136,903	-25,000	111,903		136,903	-25,000	-10,676	126,227

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
135	64301N	MK 92 FIRE CONTROL SYSTEM UPGRADE	1,941		1,941		1,941			1,941
136	64303N	AEGIS AREA AIR DEFENSE	7,278		7,278		7,278			7,278
137	64307N	AEGIS COMBAT SYSTEM ENGINEERING	89,902		89,902	-28,896	61,006	28,896		89,902
138	64314N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE	2,875		2,875		2,875			2,875
139	64358N	CLOSE-IN WEAPON SYSTEM (PHALANX)	9,013		9,013		9,013			9,013
140	64361N	NATO SEA SPARROW	6,299		6,299	5,000	11,299	-5,000		6,299
141	64366N	STANDARD MISSILE IMPROVEMENTS	34,940		34,940		34,940			34,940
142	64367N	TOMAHAWK - THEATER MISSION PLANNING CENT	3,712		3,712		3,712			3,712
143	64369N	5" ROLLING AIRFRAME MISSILE				10,000	10,000	-10,000	10,000	10,000
144	64370N	SSN-688 CLASS VERTICAL LAUNCH SYSTEM								
145	64372N	NEW THREAT UPGRADE	6,166		6,166		6,166			6,166
146	64373N	NON-ACOUSTIC MINE DETECTION							22,800	22,800
147	64502N	SUBMARINE COMMUNICATIONS	15,950		15,950		15,950			15,950
148	64503N	SUBMARINE SONAR DEVELOPMENT	37,312		37,312		37,312			37,312
149	64504N	AIR CONTROL	14,499		14,499		14,499			14,499
150	64506N	CHEMICAL WARFARE COUNTERMEASURES	5,944		5,944		5,944			5,944
151	64507N	NAVY STANDARD SIGNAL PROCESSORS	15,300		15,300		15,300			15,300
152	64508N	RADAR SURVEILLANCE EQUIPMENT	8,198		8,198		8,198			8,198
153	64515N	SUBMARINE SUPPORT EQUIPMENT PROGRAM	22,951		22,951		22,951			22,951
154	64516N	SHIP SURVIVABILITY	5,494		5,494		5,494			5,494
155	64518N	COMBAT INFORMATION CENTER CONVERSION	18,719		18,719		18,719			18,719
156	64524N	SUBMARINE COMBAT SYSTEM								
157	64559N	DEEP SUBMERGENCE TECHNOLOGY	21,085		21,085		21,085			21,085
158	64561N	SSN-21 DEVELOPMENTS								
159	64562N	SUBMARINE TACTICAL WARFARE SYSTEM	65,382		65,382		65,382			65,382
160	64567N	SHIP SUBSYSTEM DEVELOP/LAND BASED TEST S	34,224		34,224		34,224			34,224
161	64574N	NAVY TACTICAL COMPUTER RESOURCES	36,518		36,518		36,518			36,518
162	64601N	MINE DEVELOPMENT	8,399		8,399		8,399			8,399
163	64602N	NAVAL GUNNERY IMPROVEMENTS	5,281		5,281		5,281			5,281
164	64603N	UNGUIDED CONVENTIONAL AIR-LAUNCHED WPNS	10,291	-10,291			10,291	-10,291		10,291
165	64608N	SURFACE ELECTRO-OPTIC SYSTEM								
166	64609N	BOMB FUZE IMPROVEMENT								
167	64610N	MK 50 TORPEDO								
168	64612M	MARINE CORPS MINE COUNTERMEASURES SYS -	2,971		2,971		2,971			2,971
169	64618N	JOINT DIRECT ATTACK MUNITION	26,541	-15,000	11,541		26,541	-15,000	-5,000	21,541

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
170	64654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOP	5,986		5,986		5,986			5,986
171	64656M	MARINE CORPS ASSAULT VEHICLES - ENG DEV		14,700	14,700	14,700	14,700		14,700	14,700
172	64657M	MARINE CORPS GROUND COMBAT/SUPPORTING A								
173	64704N	ASW OCEANOGRAPHIC EQUIPMENT	1,209		1,209		1,209			1,209
174	64707N	THEATER MISSION PLANNING CENTER	2,874		2,874		2,874			2,874
175	64710N	NAVY ENERGY PROGRAM	4,026		4,026		4,026			4,026
176	64713N	SURFACE ASW SYSTEM IMPROVEMENT								
177	64714N	AIR WARFARE TRAINING DEVICES	2,119		2,119		2,119			2,119
178	64715N	SURFACE WARFARE TRAINING DEVICES	3,100		3,100		3,100			3,100
179	64717M	MARINE CORPS COMBAT SERVICES SUPPORT	249		249		249			249
180	64718M	MARINE CORPS INTEL/ELECTRONICS WARFARE S	806		806		806			806
181	64719M	MARINE CORPS COMMAND/CONTROL/COMM SYS	12,147		12,147		12,147			12,147
182	64727N	JOINT STANDOFF WEAPON SYSTEMS	66,910		66,910		66,910			66,910
183	64761N	INTELLIGENCE	1,965		1,965		1,965			1,965
184	64771N	MEDICAL DEVELOPMENTS							4,113	4,113
185	64780M	JINTACCS MARINE CORPS	995		995		995			995
186	64784N	FIXED DISTRIBUTED SYSTEM - ENG	154,486	-104,486	50,000		154,486	-104,486		154,486
186a		ADVANCED DEPLOYABLE SYSTEM				14,000	14,000	-14,000	14,000	14,000
187	65803N	ELECTROMAGNETIC EFFECTS & SPECTRUM CONTR	3,715		3,715		3,715			3,715
188	65867N	C2 SURVEILLANCE/RECONNAISSANCE SUPPORT	14,032		14,032		14,032			14,032
189	24134N	A-6 SQUADRONS	7,901		7,901		7,901			7,901
190	24136N	F/A-18 SQUADRONS	1,133,589	-535,000	598,589	-190,000	943,589	-345,000	-190,000	943,589
191	24152N	E-2 SQUADRONS	6,656		6,656		6,656			6,656
192	24154N	SEA-BASED ELECTRONIC WARFARE SQUADRONS								
193	24163N	FLEET TELECOMMUNICATIONS (TACTICAL)	23,984		23,984		23,984			23,984
194	24229N	SURFACE COMBATANT ORDNANCE - TOMAHAWK	25,450	5,000	30,450	15,000	40,450	-10,000	5,000	30,450
195	24311N	UNDERSEA SURVEILLANCE SYSTEMS	71,269		71,269		71,269			71,269
196	24313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS	21,381		21,381		21,381			21,381
197	24413N	AMPHIBIOUS TACTICAL SUPPORT UNITS	3,551		3,551		3,551			3,551
198	24571N	SPECIAL PROJECTS	21,059		21,059		21,059			21,059
199	25604N	TACTICAL INFORMATION SYSTEM	58,230		58,230		58,230			58,230
200	25620N	ASW COMBAT SYSTEMS INTEGRATION	19,555		19,555		19,555			19,555
201	25633N	AIRCRAFT EQUIPMENT RELIABILITY/MAINT PRO	1,918		1,918		1,918			1,918
202	25667N	F-14 UPGRADE	101,228		101,228		101,228			101,228
203	25670N	TACTICAL INTELLIGENCE PROCESSING	2,506		2,506		2,506			2,506

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204	25675N	OPERATIONAL REACTOR DEVELOPMENT	57,834		57,834		57,834			57,834
205	26313M	MARINE CORPS TELECOMMUNICATIONS	4,189		4,189		4,189			4,189
206	26623M	MARINE CORPS GROUND COMBAT/SUPPORTING AR	20,445		20,445		20,445			20,445
206a		MARINE ENHANCEMENT PROGRAM				12,000	12,000	-12,000	12,000	12,000
206b		LAV-AD				9,400	9,400	-9,400	9,400	9,400
206c		RAAM				2,000	2,000	-2,000	2,000	2,000
207	26624M	MARINE CORPS COMBAT SERVICES SUPPORT	554		554		554			554
208	26625M	MARINE CORPS INTEL/ELECTRONICS WARFARE S	22,838	2,000	24,838	3,000	25,838	-1,000	3,000	25,838
209	26626M	MARINE CORPS COMMAND/CONTROL/COMM SYS	13,435		13,435		13,435			13,435
210	27316N	TACIT RAINBOW								
211	28010M	JOINT TACTICAL COMM PROGRAM (TRI-TAC)	849		849		849			849
212	64230N	WARFARE SUPPORT SYSTEM	2,344		2,344		2,344			2,344
213	64231N	TACTICAL COMMAND SYSTEM	24,943		24,943		24,943			24,943
214	64514N	NAVIGATION SYSTEMS	2,897		2,897		2,897			2,897
215	64577N	EHF SATCOM	27,369		27,369		27,369			27,369
216	64721N	BATTLE GROUP PASSIVE HORIZON EXTENSION S	7,200		7,200		7,200			7,200
217	64777N	NAVSTAR GPS	52,379		52,379		52,379			52,379
218	65866N	NAVY COMMAND AND CONTROL PLAN & DEVELOP	3,033		3,033		3,033			3,033
219	31327N	TECHNICAL RECONNAISSANCE AND SURVEILL	[ ]	[-6,255]		[-6,300]			[-4,300]	
220	33109N	SATELLITE COMMUNICATIONS	29,188		29,188		29,188			29,188
221	33401N	COMMUNICATIONS SECURITY (COMSEC)	[ ]							
222	33603N	MILSTAR SATELLITE COMMUNICATIONS SYSTEM	2,371		2,371		2,371			2,371
223	34111N	SPECIAL ACTIVITIES	[ ]	[-63,000]		[-125,000]			[-87,000]	
		LASER COMMUNICATIONS								
999		INTEL & COMMUNICATIONS CLASSIFIED	649,894	-69,255	580,639	-131,300	518,594	62,045	-91,300	558,594
224	63721N	ENVIRONMENTAL PROTECTION	29,212		29,212	20,000	49,212	-20,000		29,212
225	64208N	RANGE INSTRUMENTATION SYSTEMS DEV (RISD)	9,190		9,190		9,190			9,190
226	64255N	ELECTRONIC WARFARE SIMULATOR DEVELOP	30,608		30,608	-10,000	20,608	10,000		30,608
227	64258N	TARGET SYSTEMS DEVELOPMENT	40,036		40,036	-10,000	30,036	10,000	-10,000	30,036
228	64703N	PERSONNEL, TRAINING, SIMULATION, AND HUM	1,137		1,137		1,137			1,137
229	65151M	STUDIES AND ANALYSIS SUPPORT - MC	1,958		1,958		1,958			1,958
230	65152N	STUDIES AND ANALYSIS SUPPORT - NAVY	5,680		5,680		5,680		111	5,791
231	65154N	CENTER FOR NAVAL ANALYSES	43,178		43,178		43,178			43,178
232	65155N	FLEET TACTICAL DEVELOPMENT AND EVALUATIO	7,797	-2,000	5,797	-3,000	4,797	1,000	-2,000	5,797
233	65156M	MARINE CORPS OPERATIONAL TEST AND EVAL	1,803		1,803		1,803			1,803

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234	65502N	SMALL BUSINESS INNOVATIVE RESEARCH								
235	65804N	TECHNICAL INFORMATION SERVICES	14,619		14,619	-3,000	11,619	3,000	-3,000	11,619
236	65853N	MANAGEMENT AND TECHNICAL SUPPORT	12,747		12,747		12,747			12,747
237	65857N	INTERNATIONAL RDT&E	1,427		1,427		1,427			1,427
238	65861N	RDT&E SCIENCE AND TECHNOLOGY MANGT	54,357		54,357		54,357		7,990	62,347
239	65862N	RDT&E INSTRUMENTATION MODERNIZATION	15,500		15,500		15,500		3,139	18,639
240	65863N	RDT&E SHIP AND AIRCRAFT SUPPORT	108,555	-5,000	103,555		108,555	-5,000	-5,000	103,555
241	65864N	TEST AND EVALUATION SUPPORT	353,226	-18,000	335,226		353,226	-18,000	-18,000	335,226
242	65865N	OPERATIONAL TEST AND EVALUATION CAPABILI	9,159		9,159		9,159			9,159
243	65871M	MARINE CORPS TACT EXPLOITATION OF NATL C	1,254		1,254		1,254			1,254
244	65872N	PRODUCTIVITY INVESTMENTS	416		416		416			416
245	25658N	LABORATORY FLEET SUPPORT	7,821		7,821		7,821			7,821
246	35111N	WEATHER SERVICE	777		777		777			777
247	35160N	DEFENSE METEOROLOGICAL SATELLITE PROG	17,598		17,598		17,598			17,598
248	78011N	INDUSTRIAL PREPAREDNESS	45,384	-30,384	15,000	-45,384		15,000	-45,384	
248a	68011N	MANUFACTURING TECHNOLOGY DEVELOPMENT		80,384	80,384			80,384	119,250	119,250
248b		MANUFACTURING TECHNOLOGY INITIATIVE				108,400	108,400	-108,400		
		PURCHASES FROM DBOF				-733	-733	733	-733	-733
		INFLATION ADJUSTMENT							-16,000	-16,000
		EXCESS INVENTORY							-362	-362
		TRAVEL				-1,110	-1,110	1,110	-1,110	-1,110
		REAL PROPERTY MAINTENANCE - RDT&E							41,000	41,000
		TOTAL RDT&E NAVY	8,517,778	284,518	8,802,296	404,027	8,921,805	-119,509	466,939	8,984,717

Navy defense research sciences

The amended budget request included $457.4 million for Navy defense research sciences.

The House bill would reduce the requested amount by $45.0 million.

The Senate amendment would reduce the requested amount by $50.0 million.

The conferees recommend $412.4 million for Navy defense research sciences, including $5.0 million for the innovative adaptive optics program.

Arctic Ocean data collection

The House report (H. Rept. 102–527) included a recommendation that $3.0 million of the funds requested for the Navy's defense research sciences program (program element 601153N) be used to support preparation for and operation of a submarine in the Arctic Ocean for a dedicated science cruise on a trial basis.

The Senate report (S. Rept. 102–352) contained no similar recommendation.

The conferees agree that learning more about the Arctic Ocean and its influences on the global ecosystem is an important objective. The conferees direct the Navy to provide $3.0 million from within Navy research and development funds to support this important activity.

Anti-air/anti-surface warfare technology

The amended budget request included $86.9 million for anti-air/anti-surface warfare technology.

The House bill would reduce the requested amount by $15.0 million.

The Senate amendment would reduce the requested amount by $10.0 million.

The Senate recedes. The conferees direct that none of the funds authorized for program element 602111 be used to develop a prototype infra-red search and track device for use on surface ships. The conferees believe that any such development effort should be a part of the Navy ship self-defense or surface infra-red search and track programs.

Air systems advanced technology development

The amended budget request included $20.1 million for air systems advanced technology development.

The House bill would add $10.1 million to the amended budget request for integrated system advanced development and related activity for an advanced anti-radiation guided missile capability that has evolved from a small business innovative research program.

The Senate amendment would authorize the amended budget request.

The Senate recedes.

Global surveillance/undersea superiority technology demonstration program

The amended budget request included a major science and technology initiative focused on the development and demonstration of advanced technologies. The Defense Department grouped these technologies into seven major areas or "thrusts", each having the goal of providing quicker solutions to urgent operational needs. Within these technology thrusts, the amended budget request included $50.0 million for global surveillance/air defense/precision strike (program element 603238N) and $100.0 million for undersea superiority technology demonstration (program element 603555N).

In July 1992, the Department of Defense provided the congressional defense committees a description of the Department's science and technology strategy. This report outlined the seven science and technology thrusts, but provided no details on current or future funding requirements.

The House bill would authorize only $25.0 million for global surveillance/air defense/precision strike and $50.0 million for the undersea superiority technology demonstration. The House report (H. Rept. 102–527) expressed concern about the size of the requested funding levels and the lack of a clear understanding of the direction, management, and funding requirements for each of the technology thrusts.

The Senate amendment would authorize the amounts in the amended budget request, but would transfer $14.0 million of the undersea superiority technology demonstration request to a separate program element for advanced deployable systems.

The conferees recommend $25.0 million for global surveillance/air defense/precision strike, $58.0 million for the undersea superiority technology demonstration, and $14.0 million for advanced deployable systems.

The conferees share the concern expressed in the House report. Some individual demonstration projects appear to duplicate projects found in other program elements, while other projects appear to be of lower priority. Although the conferees echo the House report's endorsement of the concept of the technology initiatives, a declining budget requires prudent review of the program by Congress from the program's inception.

The conferees endorse the requirement of the House report that the Department submit comprehensive report on each of the initiatives with the amended budget request for fiscal year 1994/1995.

Advanced technology transition

The amended budget request included $84.7 million for the Navy's advanced technology transition program.

The House bill would authorize only $69.7 million for the program.

The Senate amendment would add $5.0 million to the request to conduct an at-sea demonstration and evaluation of magnetohydrodynamic (MHD) propulsion.

The conferees recommend an authorization of $74.7 million for the advanced technology transition program. The conferees note that this amount provides a 20 percent increase over the fiscal year 1992 program. Coupled with the amount recommended for global surveillance and undersea superiority technology demonstration programs, the Navy's advanced technology demonstration program would increase by 138 percent in fiscal year 1993. The total Navy advanced technology development program would increase by 55 percent.

The conferees believe that MHD propulsion holds promise for both military and commercial applications. The conferees also believe that the Navy should capitalize on the progress in this technology demonstrated in the DARPA advanced submarine technology program. The conferees direct the Navy to use $5.0 million of these funds to conduct an at-sea demonstration and evaluation of MHD propulsion.

SSBN security technology program

The amended budget request contained $72.6 million for SSBN security technology.

The House bill would authorize $54.6 million, a reduction of $18.0 million.

The Senate amendment would authorize the requested amount.

The House recedes. Additional program guidance and direction is contained in the classified annex to this statement of the managers.

T–45 training system

The amended budget request contained $32.0 million to continue development of the T–45 trainer system. The budget request also contained $255.7 million to procure 12 aircraft and $47.7 million in advance procurement for fiscal year 1994.

The House bill would authorize the requested funds.

The Senate amendment would authorize the requested procurement funds. The Senate amendment would also add $25.0 million to continue qualification of an alternative engine for the T–45. This would be in addition to the funds provided for that purpose in fiscal year 1992.

The conferees recommend an authorization of $225.7 million in procurement in fiscal year 1993, and $47.7 million in advance procurement for fiscal year 1994. The conferees also recommend an authorization of $57.0 million in research and development and concur in the directions contained in the Senate report (S. Rept. 102–352). The conferees insist that the Navy fully budget the cost to incorporate the so-called "cockpit 21" at the earliest practical date and to retrofit that configuration to the entire fleet. The conferees also support continuing the effort begun last year to qualify a second engine to provide for price competition in the T–45 program. The conferees understand that this action will have no adverse impact on the current T–45 program schedule.

Airborne mine countermeasures

The amended budget request included $18.7 million for airborne mine countermeasures and $10.6 million for shallow water mine countermeasures demonstrations.

The House bill would authorize the requested amount.

The Senate amendment would provide additional funding of $27.0 million for building engineering development models of the magic lantern mine detection systems.

The House recedes with an amendment that would provide $4.2 million in program element 603782N to complete Navy testing and other actions leading to a fiscal year 1993 milestone II decision on the magic lantern program and $23.1 million in program element 604373N for engineering and manufacturing systems development (EMD) of magic lantern. The conferees agree on the potential for the magic lantern (ML 90) technology as a near-term improvement in Navy mine countermeasures and the need to continue accelerated development and operational testing of that technology with the objective of achieving the earliest possible initial operational capability.

The conferees are disturbed by several aspects of the Navy's management of the magic lantern program. The Navy did not request funds for magic lantern EMD in the fiscal year 1993 amended budget request. The Navy only recently informed one of the congressional defense committees of a funding shortfall needed to complete the fiscal year 1993 evaluation of the advanced development model. These actions appear to reflect the Navy leadership's lack of commitment to evaluating what was shown in the Persian Gulf war to be a promising technology. The conferees direct the Secretary of the Navy to provide increased management attention to the magic lantern program to prevent a recurrence of this situation.

The conferees further direct that the results of the Navy's operational testing of the advanced development model and the status of the Navy's milestone II decision be provided to the congressional defense committees by August 1, 1993. The conferees direct the Navy to obligate no funds for engineering and manufacturing systems development of magic lantern until this report has been delivered.

Advanced submarine systems development

The amended budget request included $155.0 million for advanced submarine system development.

The House bill would authorize only $95.0 million for this purpose.

The Senate amendment would authorize the requested amount.

The conferees recommend $133.0 million for the program. The conferees note that this amount will fully fund the request for Centurion program efforts, including submarine design, a cost and operational effectiveness analysis, and Centurion-unique advanced technology development. The amount would also support advanced development of other technologies desired for the first flight of Centurion submarines. The conferees believe that the Navy must place priority on efforts supporting the first flight and must assign lower priority to those efforts affecting later flights.

Of the amount recommended, the conferees also agree to recommend $2.0 million to continue development of a submarine emergency main ballast tank blow system which uses solid propellant gas generators.

Conventional munitions

The amended budget request included $62.3 million to continue the Navy's conventional munitions advanced development program.

The House bill would recommend an authorization of only $52.3 million.

The Senate amendment would authorize the requested amount.

The Senate recedes. The conferees note that the budget request for this program element increases approximately 50 percent over the amount authorized in fiscal year 1992. The conferees believe that the Navy must focus the program on its high priority efforts within the funding authorized and would expect the Navy to fully fund the missile homing improvement program in accordance with the Navy's emphasis on that program.

Short range antitank weapon (SRAW)

The amended budget request included $8.1 million to develop the short-range antitank weapon (SRAW).

The House bill would approve the requested amount.

The Senate amendment would authorize an additional $13.0 million to accelerate development of SRAW. The Senate report (S. Rept. 102-352) directed the Army to participate with the Marine Corps in the SRAW program. The report also directed the Army to apply all funds remaining in the multipurpose individual munitions (MPIM) program to develop a general-purpose warhead for SRAW that would allow SRAW to neutralize bunkers.

The Senate recedes.

The conferees are encouraged with the progress of the SRAW. This balanced technology initiative (BTI) program has demonstrated accuracy and range performance exceeding requirements in several successful flight tests.

The current warhead design for SRAW is intended primarily to defeat main battle tanks at close range (out of 500 meters). The conferees believe that an alternative general purpose warhead could be developed to provide a capability against other battlefield targets, such as bunkers. The conferees encourage the Army and the Marine Corps to cooperate on such an effort through sharing warhead technology to facilitate development of an alternative general purpose warhead for the SRAW.

The conferees also believe that the SRAW may have application with the Army, if the weapon can achieve its goals for weight and cost.

Lightweight 155mm howitzer

The amended budget request included no funds for the lightweight 155mm howitzer program.

The Senate amendment would authorize $13.1 million to conduct competitive field operational and firing tests between two different prototypes of a lightweight 155mm howitzer.

The House bill contained no similar authorization.

The conferees reemphasize the views expressed in the statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102-190) on completing a joint evaluation of a lightweight 155mm howitzer system. The statement of the managers expressed the belief that the Defense Department:

needed to improve range, accuracy, and tactical mobility for field artillery cannon and rocket systems;

should give priority to completing a joint Army/Marine Corps evaluation of competing lightweight 155mm howitzer system concepts; and

should begin a joint Army/Marine Corps program to meet their requirements for an advanced, lightweight, towed 155mm cannon system.

The conferees recommend $13.1 million for the lightweight 155mm howitzer program. The conferees understand that Army and Marine Corps agreement on an operational requirements document (ORD) for the lightweight 155mm howitzer is a necessary condition for establishing a joint program and evaluating competing system prototypes. Therefore, the conferees direct the Department of Defense not to obligate any of these funds until the Department publishes an ORD and establishes a joint Army/Marine Corps program for the lightweight 155mm howitzer system.

Advanced marine biological system

The amended budget request included $4.7 million to continue the advanced marine biological system advanced development program.

The House bill would provide no funding for the program.

The Senate amendment would authorize the requested amount.

The House recedes.

The conferees note that the amended budget request for fiscal year 1992 proposed a sharp reduction that would have virtually terminated the advanced marine biological system program. The Congress ultimately restored the program by authorizing and appropriating funds for it.

The conferees agree that the Navy has not provided a clear picture either of the Navy's long term objectives or its funding requirements for this program. The conferees direct the Secretary of the Navy to submit a report on the program to the congressional defense committees with the budget request for fiscal years 1994/1995. That report should provide a program plan for the advanced marine biological system program that includes:

a discussion of the program objectives;

a description of technology barriers that must be overcome;

a plan to overcome them, including a detailed program schedule; and

a display of the annual funding requirements through the period of the Future Year Defense Program.

Ship self defense

The amended budget request included $160.4 million to improve the capability of ships to defend themselves against aircraft and missile attack.

The House bill would authorize the requested amount.

The Senate amendment would add $43.0 million for various ship self defense improvements, including Sea Sparrow missile improvements and an infrared (IR) seeker upgrade for the 5" rolling airframe missile (RAM).

The conferees recommend an addition $17.6 million for ship self defense and $10.0 million for 5" RAM, to be allocated as follows:

Program	*Millions*
Quick reaction combat capability (QRCC)	+10.8
Surface ship infrared sensor	+4.8
NULKA decoy testing	+2.0
IR mode upgrade for RAM	+10.0
Total	+27.6

Additional funds for the quick reaction combat capability (QRCC) project would permit the Navy to maintain the schedule for conducting an at-sea test in fiscal years 1993 and 1994. The conferees recommend an increase $10.8 million to the budget request to maintain the schedule for the QRCC at-sea test. These additional funds would also allow the Navy to develop and demonstrate the first phase of the ship self defense system (SSDS), called the "MK I" system. The conferees believe that the Navy should complete this demonstration before proceeding with the determination of requirements for later phases of the SSDS program.

The conferees recommend an additional $4.8 million for investigating surface ship IR sensor integration. These funds would permit the Navy to resolve questions about requirements, such as field of view, scan rate, false alarm rate, and weight reduction, by conducting at-sea testing. The conferees prefer that the Navy prototype and test more than one IR device after completion of the planned cost and operational effectiveness analysis (COEA). A greater emphasis on developmental testing would yield a better technology demonstration program. The conferees believe that spending funds now for acquisition planning would be premature.

The U.S. Navy is nearing completion of the cooperative development of NULKA with Australia. While the Navy has no plans, at present, to deploy the NULKA due to cost and weight considerations, the conferees agree that the concept of NULKA may have the potential to be a highly effective ship self defense adjunct. Therefore, the conferees recommend $2.0 million for the Navy to evaluate alternative deployment concepts seeking to resolve weight and affordability limitations.

The conferees note that although the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) added $5.0 million to continue development of an IR mode upgrade for RAM, the Navy requested no funds to continue the program in the fiscal year 1993 amended budget request. The Navy has indicated that funds had not been requested because of uncertainties in the program. Nevertheless, the Navy stated that the RAM IR mode upgrade was critical to its long-term effectiveness against high speed, low flying missiles. The conferees recognize the potential for the IR upgrade to improve ship self defense, but are concerned about the Navy's commitment to development of the RAM IR upgrade and potential development and procurement costs.

Therefore, the conferees recommend $10.0 million for continuation of the IR mode seeker upgrade program. The conferees direct that none of these funds be obligated until the Navy:

informs the congressional defense committees that the program has been brought under the guidelines of the DOD 5000 series of regulations; and

provides a report to the congressional defense committees which delineates the program plan, schedule, and costs through the period of the Future Year Defense Program.

The conferees are concerned that the Navy has not yet provided a long-term projection on the cost of the ship self defense program and direct that no later than February 28, 1993, the Secretary of the Navy submit to the congressional defense committees an updated report on Navy anti-air warfare programs, including the ship self defense program, that details the program objectives, plan, schedule, and funding requirements through the period of the Future Year Defense Program.

Shore fire support analysis

The amended budget request contained no funds specifically identified for improving naval surface fire support (NSFS).

The Senate amendment recommended $4.0 million for support of a thorough cost and operational effectiveness analysis (COEA) by the Department of the Navy of alternatives for ship-to-shore fire support of amphibious and strike operations.

The House bill contained no similar authorization.

The conferees have reviewed with great interest the Secretary of the Navy's report on NSFS, submitted in response to the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190). The Secretary's report indicates that:

NSFS plays a critical role in amphibious assault operations from over-the-horizon and close range;

the Navy has an acute NSFS deficiency today in supporting these operations;

an NSFS improvement program will be an initiative in the amended budget request for fiscal years 1994/1995, with research and development funding beginning in fiscal year 1995; and

a COEA on the NSFS program will play an essential role in determining the direction for the program.

The Senate recedes. The conferees believe that every effort should be made to complete the NSFS COEA in fiscal year 1993. The conferees strongly encourage the Navy to reprogram those funds necessary to accelerate the program and complete the COEA in fiscal year 1993. The conferees also urge the Navy to include funds in the budget request for fiscal years 1994/1995 to initiate a robust NSFS research and development program based on the results of the COEA.

Helicopter development

The amended budget request included $9.7 million to develop a medium lift replacement (MLR) helicopter.

Neither the House bill nor the Senate amendment would authorize any funds for this purpose.

The Secretary of Defense recently announced that he would proceed with developing the V–22 tiltrotor aircraft *and* a helicopter-based alternative for the MLR mission. The conferees agree that the appropriate way to allow the Secretary to pursue his "dual track" approach would be to authorize the $9.7 million requested for MLR development. The conferees direct that these funds be used only for concept exploration and definition of competing helicopter alternatives.

Airborne antisubmarine warfare (ASW) development

The amended budget request included $40.7 million to continue development of the airborne low frequency sonar (ALFS).

The House bill would authorize $1.5 million to be used only to analyze the current operational requirement for the sonar.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees are aware that the ALFS contract award was protested to the General Accounting Office. With the reduction in the Soviet submarine threat and the increased importance of ASW support for regional operations, the conferees believe that the Secretary of Defense should direct more attention to the Navy's ALFS program. The Secretary should assess the capability and cost of the ALFS system and other alternatives that may meet the Navy's operational requirement for the system.

The conferees direct the Secretary of Defense to report the results of this assessment by March 30, 1993. The conferees direct the Navy not to obligate more than 50 percent of fiscal year 1993 funds provided for ALFS development until the Secretary of Defense provides this report to the congressional defense committees.

Electronic warfare development

The amended budget request included $136.9 million to continue various projects under the Navy's electronic warfare development program.

The House bill would recommend an authorization of only $111.9 million.

The Senate amendment would authorize the requested amount.

The conferees recommend an authorization of $126.3 million. The request included $7.5 million for the airborne self protection jammer (ASPJ). While the conferees direct that none of these funds be used for further development of ASPJ, they recognize that research and development-related obligations may still require a portion of this $7.5 million during the termination of ASPJ. Additionally, the conferees are aware that a replacement for ASPJ remains an important priority for naval aviation. They therefore direct that any balance remaining within this account, after settlement of termination be used toward the reconstruction of a viable and effective jammer development program.

AEGIS combat system engineering

The amended budget request included $89.9 million for AEGIS combat system engineering. This amount included $28.9 million for an upgrade to the AEGIS radar, known as the engineering development model 4B (EDM–4B).

The House bill would authorize the requested amount.

The Senate amendment would authorize $61.0 million, and provide no funds for EDM–4B. This reduction was based on information that the Navy had no plans to produce EDM–4B.

The Senate recedes.

The conferees recommend the requested amount for the AEGIS combat system engineering program. The conferees also direct the Secretary of the Navy not to obligate more than 50 percent of the EDM–4B funds until he submits a report to the congressional defense committees detailing the following information:

An estimate of the threat from anti-ship missiles;

The estimated cost and schedule for development and testing of EDM–4B, and the estimated procurement costs, by year, to add EDM–4B to future DDG–51 destroyers; and

The Navy's plan for fielding EDM–4B, as well as other ship self defense systems (including sensors and weapons).

Advanced rocket system

The amended budget request contained $10.291 million to continue development of an advanced rocket system for use by the Marine Corps.

The House bill would terminate the program because of lack of Service coordination and program redundancy in 2.75 inch rocket programs within DOD.

The Senate amendment would authorize the requested funds.

The conferees recommend an authorization of $10.291 million. The conferees understand that the Navy, Army, and Air Force have entered into a memorandum of agreement that would provide for the joint development and acquisition of a 2.75-inch rocket system. This effort will entail a joint cost and operational effectiveness analysis (COEA), a joint hypervelocity evaluation and a joint rocket management consolidation plan. The conferees direct that copies of these three documents be provided to the congressional defense committees within 30 days of their completion.

Fixed distributed system

The amended budget request included $154.5 million to continue engineering and manufacturing development of the fixed distributed system (FDS).

The House bill would authorize only $50.0 million for the FDS program.

The Senate amendment would authorize the requested amount, but would provide $14.0 million for a separate program element for advanced deployable systems (ADS).

The conferees recommend $154.5 million for the FDS program, but direct the Defense Department to use at least $27.5 million of these funds for research and development on deployable systems. The conferees also agree to establish a separate program element for ADS and provide $14.0 million for that program.

The conferees reiterate the concern expressed in the House report (H. Rept. 102–527) about the relative emphasis the Navy is placing on fixed and deployable surveillance systems. To deal with heightened emphasis on regional conflicts and changes in the antisubmarine warfare threat, the Navy should emphasize the development of quick response systems for rapidly developing regional crises. The conferees agree that the Department should place a higher priority on development of ADS systems capable of rapid or covert deployment in shallow water.

The conferees expect the Secretary of the Navy to submit the revised program for development of the ADS and the revised antisubmarine master plan to the congressional defense committees with the submission of the budget request for fiscal years 1994/1995, as requested in the House report.

Tomahawk baseline improvement program

The amended budget request included $25.4 million to continue development of the so-called "block III" upgrade and associated shipboard systems of the Tomahawk land attack missile.

The House bill recommended an additional authorization of $5.0 million in fiscal year 1993 to initiate a program for a long range cruise missile engine technology upgrade for the Tomahawk system that would contribute to system mid-life upgrades, improved system performance, and reduced system lifecycle maintenance costs.

The Senate amendment recommended an additional authorization of $15.0 million for improvements in Tomahawk guidance and targeting capability and engine efficiency.

The conferees recommend an additional $5.0 million to start Tomahawk engine mid-life upgrades. The conferees also encourage the Navy to begin improvements in Tomahawk guidance and mission planning capabilities. These technology initiatives will directly support a Tomahawk baseline improvement program, which the Navy expects to request in the budget request for fiscal years 1994/1995.

Marine Corps ground combat systems

The Senate amendment would add $9.4 million to continue evaluation of a replacement for the Hydra-70 rocket system on the light armored vehicle-air defense (LAV-AD) system.

The House bill contained no similar authorization.

The conferees recommend an additional $9.4 million for the LAV-AD program. The conferees also agree that the Marine Corps should use the increased funding to finish operational testing of the LAV-AD, evaluate potential replacements for the Hydra-70 rocket system, and complete other actions required to begin procurement of the system in fiscal year 1994.

Navy manufacturing technology

The amended budget request included $45.4 million for Navy manufacturing technology.

The House bill would add $50.0 million to the requested amount.

The Senate amendment would add $63.0 million to the requested amount.

The conferees recommend a total authorization of $119.3 million to include the Navy's basic RAMP integration and test facility program as described in the Senate report (S. Rept. 102-352) and the adaption of the RAMP program at the Philadelphia Naval Shipyard as described in the House report (H. Rept. 102-527).

Blood substitutes/advanced transfusable blood

The House report (H. Rept. 102-527) noted the importance of blood substitutes research and recommended that the Secretary of Defense raise the priority of this important research.

The Senate report (S. Rept. 102-352) contained no similar recommendation.

The conferees concur with the House recommendation and direct the Secretary of Defense to coordinate the Department's research program with the research activities of the American Red Cross.

RESEARCH AND DEVELOPMENT, AIR FORCE

Overview

The amended budget request for fiscal year 1993 contained an authorization of $14,532.4 million for Air Force research, development, test, and evaluation. The House bill would authorize $14,242.1 million. The Senate amendment would authorize $14,070.7 million. The conferees recommend authorization of $14,230.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL AF								
1	61101F	IN-HOUSE LABORATORY INDEPENDENT RESRCH	9,806		9,806		9,806			9,806
2	61102F	DEFENSE RESEARCH SCIENCES	237,414	-8,500	228,914		237,414	-8,500		237,414
3	62101F	GEOPHYSICS	42,456	-5,000	37,456		42,456	-5,000	-900	41,556
4	62102F	MATERIALS	84,779	-10,000	74,779	-4,125	80,654	-5,875	-4,125	80,654
5	62201F	AEROSPACE FLIGHT DYNAMICS	73,928	-5,000	68,928	-2,000	71,928	-3,000	-5,000	68,928
6	62202F	HUMAN SYSTEMS TECHNOLOGY	66,199	-10,000	56,199	-4,495	61,704	-5,505	-4,495	61,704
7	62203F	AEROSPACE PROPULSION	85,420	2,000	87,420		85,420	2,000	-11,000	74,420
7a		SPACE NUCLEAR PROPULSION							10,000	10,000
8	62204F	AEROSPACE AVIONICS	105,497	-10,000	95,497	-6,000	99,497	-4,000	-10,000	95,497
9	62205F	PERSONNEL, TRAINING AND SIMULATION	32,777	15,000	47,777		32,777	15,000		32,777
10	62206F	CIVIL ENGINEERING AND ENVIRONMENTAL QUAL	11,773		11,773	2,495	14,268	-2,495		11,773
11	62302F	ROCKET PROPULSION AND ASTRONAUTICS TECH	42,160	-5,000	37,160	-3,000	39,160	-2,000	-5,000	37,160
12	62601F	ADVANCED WEAPONS	43,493	-10,000	33,493		43,493	-10,000	-5,000	38,493
13	62602F	CONVENTIONAL MUNITIONS	67,407	-15,000	52,407	-10,000	57,407	-5,000	-15,000	52,407
		NATURAL GAS VEHICLES								
		GENERAL REDUCTION								
14	62702F	COMMAND CONTROL AND COMMUNICATIONS	115,319	-10,000	105,319	-5,000	110,319	-5,000	-22,800	92,519
15	63106F	LOGISTICS SYSTEMS TECHNOLOGY	14,985		14,985	2,936	17,921	-2,936		14,985
16	63109F	INEWS/ICNIA								
17	63112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	17,835		17,835		17,835			17,835
18	63202F	AEROSPACE PROPULSION SUBSYSTEMS INTEG	29,169		29,169		29,169			29,169
19	63203F	ADVANCED AVIONICS FOR AEROSPACE VEHICLES	51,617		51,617	-10,000	41,617	10,000	-10,000	41,617
20	63205F	AEROSPACE VEHICLE TECHNOLOGY	16,329		16,329	-3,000	13,329	3,000	-3,000	13,329
21	63211F	AEROSPACE STRUCTURES	19,147		19,147		19,147			19,147
22	63216F	AEROSPACE PROPULSION AND POWER TECH	40,790		40,790		40,790			40,790
23	63227F	PERSONNEL, TRAINING AND SIMULATION TECH	9,589		9,589		9,589			9,589
24	63231F	CREW SYSTEMS AND PERSONNEL PROTECT TECH	18,049	1,100	19,149		18,049	1,100	1,100	19,149
25	63238F	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISIO	25,000	-12,500	12,500		25,000	-12,500	-12,500	12,500
26	63245F	ADVANCED FIGHTER TECHNOLOGY INTEGRATION	18,735		18,735		18,735			18,735
27	63250F	LINCOLN LABORATORY	26,686		26,686		26,686			26,686
28	63253F	ADVANCED AVIONICS INTEGRATION	24,676		24,676		24,676			24,676
29	63269F	NATIONAL AERO SPACE PLANE TECH PROG	175,489		175,489	-175,489		175,489	-25,489	150,000
30	63270F	EW TECHNOLOGY	32,781		32,781		32,781			32,781
31	63302F	SPACE AND MISSILE ROCKET PROPULSION	15,516		15,516		15,516			15,516

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
32	63311F	ADVANCED STRATEGIC MISSILE SYSTEMS	66,608	-2,000	64,608		66,608	-2,000		66,608
33	63363F	ARMAMENT TECHNOLOGY INTEGRATION								
34	63401F	ADVANCED SPACECRAFT TECHNOLOGY	36,205		36,205	-10,000	26,205	10,000	-10,000	26,205
35	63410F	SPACE SYSTEMS ENVIRONMENTAL INTERACTIONS	4,182		4,182		4,182			4,182
36	63428F	SPACE SURVEILLANCE TECHNOLOGY	24,801		24,801		24,801		-19,301	5,500
37	63601F	CONVENTIONAL WEAPONS	39,330		39,330		39,330			39,330
38	63605F	ADVANCED WEAPONS TECHNOLOGY	54,837	-21,796	33,041		54,837	-21,796		54,837
39	63707F	WEATHER SYSTEMS - ADV DEV	5,282		5,282		5,282			5,282
40	63723F	CIVIL AND ENVIRONMENTAL ENGINEERING TECH	11,284		11,284	6,800	18,084	-6,800		11,284
41	63726F	C3I SUBSYSTEM INTEGRATION	13,450		13,450		13,450		-4,000	9,450
42	63728F	ADVANCED COMPUTER TECHNOLOGY	11,138		11,138		11,138			11,138
43	63789F	C3 ADVANCED DEVELOPMENT	9,808		9,808		9,808			9,808
		GENERAL REDUCTION								
44	65896F	BASE OPERATIONS - RDT&E	4,810		4,810		4,810			4,810
45	63105F	OLYMPIC	[ ]							
46	63110F	SPECIAL EVALUATION PROGRAM	[ ]	[-35,000]						
47	63111F	MERIDIAN	[ ]							
48	63311F	ADVANCED STRATEGIC MISSILE SYSTEMS								
49	63425F	ADVANCED WARNING SYSTEM								
50	63428F	SPACE SURVEILLANCE TECHNOLOGY								
51	64226F	B-1B	90,691		90,691	-66,400	24,291	66,400	-4,300	86,391
52	64240F	B-2 ADVANCED TECHNOLOGY BOMBER	1,261,384		1,261,384		1,261,384			1,261,384
53	64244F	SHORT RANGE ATTACK MISSILE II (SRAM II)								
54	64312F	ICBM MODERNIZATION	54,913		54,913		54,913			54,913
55	64711F	SYSTEMS SURVIVABILITY (NUCLEAR EFFECTS)	6,400		6,400		6,400			6,400
56	11113F	B-52 SQUADRONS	13,300	15,000	28,300		13,300	15,000	15,000	28,300
57	11120F	ADVANCED CRUISE MISSILE	82,300	-61,100	21,200	-82,300		21,200	-61,100	21,200
58	11142F	KC-135 SQUADRONS	16,700		16,700		16,700			16,700
59	11213F	MINUTEMAN SQUADRONS	28,700		28,700		28,700			28,700
60	11312F	PACCS AND WWABNCP SYSTEM EC-135 CLASS V	2,100		2,100		2,100			2,100
61	11313F	WAR PLANNING ADP - SAC	7,500		7,500		7,500			7,500
62	11815F	ADVANCED STRATEGIC PROGRAMS	[ ]	[25,000]					[25,000]	
63	12310F	NCMC - TW/AA SYSTEMS								
64	12325F	JOINT SURVEILLANCE SYSTEM	4,900		4,900		4,900			4,900
65	12411F	SURVEILLANCE RADAR STATIONS/SITES	8,400		8,400		8,400			8,400

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
66	12412F	DISTANT EARLY WARNING (DEW) RADAR STATIO	2,600		2,600		2,600			2,600
67	12417F	OVER-THE-HORIZON BACKSCATTER RADAR								
68	12423F	BALLISTIC MISSILE EARLY WARNING SYS (BME								
69	12424F	SPACETRACK								
70	12431F	DEFENSE SUPPORT PROGRAM								
71	12432F	SLBM RADAR WARNING SYSTEM								
72	12433F	NUDET DETECTION SYSTEM								
73	12830F	CLASSIFIED PROGRAM	[ ]							
74	12831F	CLASSIFIED PROGRAM	[ ]							
75	33131F	MIN ESSENTIAL EMERG COMM NETWORK (MEECN)	10,700		10,700	5,000	15,700	-5,000		10,700
76	33152F	WWMCCS INFORMATION SYSTEM								
77	33601F	MILSTAR SAT COMM SYSTEM (AF TERMINALS)	1,261,896		1,261,896	-21,500	1,240,396	21,500	-21,500	1,240,396
78	33603F	MILSTAR SATELLITE COMMUNICATIONS SYSTEM								
79	35124F	SPECIAL APPLICATIONS PROGRAM	[ ]			[-53,000]			[-43,000]	
80	35145F	ARMS CONTROL IMPLEMENTATION	4,512		4,512		4,512			4,512
81	35892F	SPECIAL ANALYSIS ACTIVITIES	[ ]							
82	35905F	IMPROVED SPACE BASED TW/AA	251,222		251,222	-45,000	206,222	45,000		251,222
83	35906F	NCMC - TW/AA SYSTEMS	160,300		160,300		160,300			160,300
84	35909F	BALLISTIC MISSILE EARLY WARNING SYSTEM	7,100		7,100		7,100			7,100
85	35910F	SPACETRACK	53,100	-14,900	38,200	39,500	92,600	-54,400	50,400	103,500
86	35911F	SPACE PROGRAMS	57,719		57,719		57,719			57,719
87	35912F	SLBM RADAR WARNING SYSTEMS	1,000		1,000		1,000			1,000
88	35913F	NUDET DETECTION SYSTEM	5,200		5,200		5,200			5,200
89	41216F	AIRLIFT MISSION ACTIVITIES (NON-IF)	6,800		6,800		6,800			6,800
997		STRATEGIC CLASSIFIED	399,200	-10,000	389,200	-53,000	346,200	43,000	-18,000	381,200
90	003107F	TECHNICAL EVALUATION SYSTEM	[ ]							
91	63230F	ADVANCED TACTICAL FIGHTER								
92	63260F	INTELLIGENCE ADVANCED DEVELOPMENT	7,600		7,600		7,600			7,600
93	63307F	AIR BASE OPERABILITY ADVANCED DEVELOPMEN	3,700		3,700		3,700			3,700
94	63617F	COMMAND, CONTROL, AND COMM APPLICATIONS	4,100		4,100		4,100			4,100
95	63714F	DOD PHYSICAL SECURITY EQUIPMENT-EXTERIOR	600		600		600			600
96	63742F	COMBAT IDENTIFICATION TECHNOLOGY	19,100		19,100		19,100			19,100
97	63801F	SPECIAL PROGRAMS	[ ]							
98	64201F	AIRCRAFT AVIONICS EQUIPMENT DEVELOPMENT	16,000		16,000		16,000			16,000
99	64212F	AIRCRAFT EQUIPMENT DEVELOPMENT	4,000		4,000		4,000			4,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
100	64218F	ENGINE MODEL DERIVATIVE PROGRAM (EMDP)	1,000	3,000	4,000		1,000	3,000		1,000
101	64222F	NUCLEAR WEAPONS SUPPORT	5,626		5,626		5,626			5,626
102	64223F	ALTERNATE FIGHTER ENGINE								
103	64231F	C-17 PROGRAM	210,000		210,000	-29,200	180,800	29,200		210,000
104	64233F	SPECIALIZED UNDERGRAD PILOT TRAIN (SUPT)	4,700		4,700		4,700			4,700
105	64237F	VARIABLE STABILITY IN-FLIGHT SIMULATOR T	2,200		2,200		2,200			2,200
106	64239F	ADVANCED TACTICAL FIGHTER FSD	2,224,268	-200,000	2,024,268		2,224,268	-200,000		2,224,268
107	64242F	ADVANCED TACTICAL AIRCRAFT	2,000		2,000		2,000			2,000
108	64245F	SHORT RANGE ATTACK MISSILE-TACT (SRAM-T)								
109	64247F	MODULAR AUTOMATIC TEST EQUIPMENT								
110	64249F	NIGHT/PRECISION ATTACK	26,900		26,900		26,900			26,900
111	64250F	INTEGRATED EW/CNI DEVELOPMENT								
112	64268F	AIRCRAFT ENGINE COMPONENT IMPROVE PROG	111,720		111,720		111,720			111,720
113	64270F	EW DEVELOPMENT	158,500	-49,500	109,000	-59,600	98,900	10,100		158,500
114	64321F	JOINT TACTICAL FUSION PROGRAM	[ ]							
115	64327F	HARDENED TARGET MUNITIONS	5,700		5,700		5,700			5,700
116	64601F	CHEMICAL/BIOLOGICAL DEFENSE EQUIPMENT	15,200	1,300	16,500		15,200	1,300	1,300	16,500
117	64602F	ARMAMENT/ORDNANCE DEVELOPMENT	6,200		6,200		6,200			6,200
118	64604F	SUBMUNITIONS	7,500		7,500		7,500			7,500
119	64607F	WIDE-AREA, ANTI-ARMOR MUNITIONS								
120	64617F	AIR BASE OPERABILITY	14,400		14,400		14,400			14,400
121	64618F	JOINT DIRECT ATTACK MUNITION	33,300		33,300		33,300			33,300
122	64703F	AEROMEDICAL SYSTEMS DEVELOPMENT	4,200		4,200		4,200		2,753	6,953
123	64704F	COMMON SUPPORT EQUIPMENT DEVELOPMENT	9,400		9,400		9,400			9,400
124	64706F	LIFE SUPPORT SYSTEMS	12,830		12,830		12,830			12,830
125	64708F	CIVIL, FIRE, ENVIRON, SHELTER ENGINEER	2,662		2,662		2,662			2,662
126	64727F	JOINT STANDOFF WEAPONS SYSTEMS	5,800		5,800		5,800			5,800
127	64733F	SURFACE DEFENSE SUPPRESSION	8,200		8,200		8,200			8,200
128	64740F	COMPUTER RESOURCES MANAGEMENT TECH	8,900		8,900		8,900			8,900
129	64750F	INTELLIGENCE EQUIPMENT	3,000		3,000		3,000			3,000
130	64754F	JOINT TACTICAL INFORMATION DIST SYS (JTI	16,500		16,500		16,500			16,500
131	64756F	SIDE LOOKING AIRBORNE RADAR	4,100		4,100		4,100			4,100
132	64770F	JOINT SURVEILLANCE/TARGET ATTACK RADAR S	355,900		355,900		355,900			355,900
133	64779F	JINTACCS	7,100		7,100		7,100			7,100
134	27129F	F-111 SQUADRONS	29,200		29,200		29,200			29,200

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
135	27130F	F-15A/B/C/D SQUADRONS	3,300		3,300		3,300			3,300
136	27131F	A-10 SQUADRONS								
137	27133F	F-16 SQUADRONS	183,800		183,800	-25,100	158,700	25,100	-66,000	117,800
138	27134F	F-15E SQUADRONS	54,000		54,000		54,000			54,000
139	27136F	MANNED DESTRUCTIVE SUPPRESSION	8,800		8,800		8,800			8,800
140	27137F	CONSTANT HELP	[ ]							
141	27141F	F-117A SQUADRONS	1,300	31,000	32,300		1,300	31,000		1,300
142	27161F	TACTICAL AIM MISSILES	34,600		34,600		34,600		-34,600	
143	27162F	TACTICAL AGM MISSILES								
144	27163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE	35,400		35,400		35,400			35,400
145	27169F	SEEK CLOCK	[ ]							
146	27215F	TR-1 SQUADRON								
147	27217F	FOLLOW-ON TACTICAL RECONNAISSANCE SYS	55,600	35,500	91,100	-40,300	15,300	75,800	7,000	62,600
147a		FOTARS PRIOR YEAR SAVINGS				-30,500	-30,500	30,500		
147b		FOTARS COMPETITION				50,000	50,000	-50,000		
148	27247F	AF TENCAP	700		700		700			700
149	27248F	SPECIAL TACTICAL UNIT DETACHMENTS	[ ]							
150	27316F	TACIT RAINBOW		10,000	10,000			10,000		
151	27411F	OVERSEAS AIR WEAPON CONTROL SYSTEM								
152	27412F	TACTICAL AIR CONTROL SYSTEMS	24,100		24,100		24,100			24,100
153	27417F	AIRBORNE WARNING AND CONTROL SYS (AWACS)	130,900		130,900		130,900			130,900
154	27419F	TACTICAL AIRBORNE COMMAND & CONTROL SYS	6,300		6,300		6,300			6,300
155	27423F	ADVANCED COMMUNICATIONS SYSTEMS	500		500		500			500
156	27424F	COPPER COAST	[ ]							
157	27431F	TACTICAL AIR INTELLIGENCE SYSTEM ACTIVIT								
158	27433F	TACTICAL IMPROVEMENT PROGRAM	[ ]							
159	27579F	ADVANCED SYSTEMS IMPROVEMENTS	[ ]							
160	27590F	SEEK EAGLE	31,000		31,000		31,000			31,000
161	27591F	OMEGA	[ ]							
162	28006F	MISSION PLANNING SYSTEMS	15,400		15,400		15,400			15,400
163	28010F	JOINT TACTICAL COMM PROG (TRI-TAC)	12,700		12,700		12,700			12,700
164	28021F	ELECTRONIC COMBAT SUPPORT	2,200		2,200		2,200			2,200
165	28042F	HAVE FLAG	[ ]			[46,000]			[46,000]	
166	33605F	SATELLITE COMMUNICATIONS TERMINALS	4,000		4,000		4,000			4,000
167	35137F	NATIONAL AIRSPACE SYSTEM (NAS) PLAN	7,100		7,100		7,100			7,100

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
168	35142F	CENTENNIAL	[ ]	[-65,000]						
169	35158F	CONSTANT SOURCE	7,500		7,500		7,500			7,500
170	35887F	ELECTRONIC COMBAT INTELLIGENCE SUPPORT	1,900		1,900		1,900			1,900
171	41316F	SENIOR CITIZEN	[ ]			[3,300]				
172	41840F	MAC COMMAND AND CONTROL SYSTEM	11,400		11,400		11,400			11,400
173	44011F	SPECIAL OPERATIONS FORCES	2,000		2,000		2,000			2,000
998		TACTICAL CLASSIFIED	801,800	-65,000	736,800	49,300	851,100	-114,300	49,300	851,100
174	31305F	INTELLIGENCE PRODUCTION ACTIVITIES	[ ]	[5,000]						
175	31310F	FOREIGN TECHNOLOGY DIVISION	[ ]			[8,000]				
176	31314F	INFRARED/E-O/DIRECTED ENERGY PROCESSING	[ ]	[2,217]						
177	31315F	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]	[-24,857]		[-2,400]			[-24,857]	
178	31317F	SENIOR YEAR OPERATIONS	[ ]							
179	31324F	FOREST GREEN	[ ]						[-1,500]	
180	31339F	INTEL TELECOM & DEFENSE SPECIAL SECURITY	[ ]							
181	31257F	NUDET DETECTION SYSTEM	[ ]							
182	33110F	DEFENSE SATELLITE COMMUNICATIONS SYSTEM	15,300		15,300		15,300			15,300
183	33126F	LONG-HAUL COMMUNICATIONS (DCS)	3,400		3,400		3,400			3,400
184	33144F	ELECTROMAG COMPATIBILITY ANALYSIS CENTER	10,159		10,159		10,159			10,159
185	33401F	COMMUNICATIONS SECURITY (COMSEC)	[ ]							
		CLASSIFIED PROGRAM								
186	34111F	SPECIAL ACTIVITIES	[ ]	[202,300]		[131,400]			[59,800]	
187	35114F	TRACALS	12,800		12,800		12,800			12,800
188	35159F	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[ ]							
189	35164F	NAVSTAR GLOBAL POSITIONING SYS (USER EQ)	21,700		21,700		21,700			21,700
190	35165F	NAVSTAR GPS (SPACE AND CONTROL SEGMENTS)	59,845		59,845		59,845			59,845
999		INTEL & COMMUNICATIONS CLASSIFIED	2,395,354	184,660	2,580,014	137,000	2,532,354	47,660	33,443	2,428,797
191	63402F	SPACE TEST PROGRAM	53,700		53,700		53,700			53,700
192	63438F	SATELLITE SYSTEMS SURVIVABILITY	3,300		3,300		3,300			3,300
193	64211F	ADVANCED AERIAL TARGET DEVELOPMENT	21,900		21,900		21,900			21,900
194	64227F	TRAINING SYSTEMS DEVELOPMENT	37,224		37,224		37,224			37,224
195	64243F	MANPOWER, PERSONNEL AND TRAINING DEVELOP	3,300		3,300		3,300			3,300
196	64408F	ADVANCED LAUNCH SYSTEM	125,000	-51,000	74,000	-40,000	85,000	-11,000	-40,000	85,000
197	64609F	R&M MATURATION/TECHNOLOGY INSERTION	22,992		22,992		22,992			22,992
198	64707F	WEATHER SYSTEMS - ENG DEV	7,000		7,000		7,000			7,000
199	64735F	RANGE IMPROVEMENT	69,772		69,772	-10,000	59,772	10,000		69,772

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
200	64747F	ELECTROMAGNETIC RADIATION TEST FACILITIE	4,678		4,678		4,678			4,678
201	64755F	IMPROVED CAPABILITY FOR DEVELOPMENT TEST	54,100		54,100		54,100			54,100
202	65101F	PROJECT AIR FORCE	23,100		23,100		23,100			23,100
203	65306F	RANCH HAND II EPIDEMIOLOGY STUDY							9,460	9,460
204	65502F	SMALL BUSINESS INNOVATIVE RESEARCH								
205	65708F	NAVIGATION/RADAR/SLED TRACK TEST SUPPORT	27,279		27,279		27,279			27,279
206	65712F	INITIAL OPERATIONAL TEST & EVALUATION	27,172		27,172		27,172			27,172
207	65807F	TEST AND EVALUATION SUPPORT	423,826	-25,000	398,826		423,826	-25,000	-25,000	398,826
208	65808F	DEVELOPMENT PLANNING	20,603		20,603		20,603		-6,603	14,000
209	65809F	DYCOMS								
210	65856F	ENVIRONMENTAL COMPLIANCE	12,373		12,373		12,373			12,373
211	65863F	RDT&E AIRCRAFT SUPPORT	45,300		45,300		45,300			45,300
212	65876F	MINOR CONSTRUCTION (RPM) - RDT&E	842		842		842			842
213	65878F	MAINTENANCE AND REPAIR (RPM) - RDT&E	12,200		12,200		12,200			12,200
214	65894F	REAL PROPERTY MAINTENANCE - RDT&E							42,502	42,502
215	65896F	BASE OPERATIONS - RDT&E	123,300	-20,000	103,300	-50,000	73,300	30,000	-20,000	103,300
216	35110F	SATELLITE CONTROL NETWORK	104,300		104,300		104,300			104,300
217	35119F	MEDIUM LAUNCH VEHICLES	41,800		41,800		41,800			41,800
218	35130F	CONSOLIDATED SPACE OPERATIONS CENTER								
219	35138F	UPPER STAGE SPACE VEHICLES	42,700	-38,552	4,148	-28,552	14,148	-10,000	-38,552	4,148
220	35144F	TITAN SPACE LAUNCH VEHICLES	142,800		142,800		142,800			142,800
221	35160F	DEFENSE METEOROLOGICAL SATELLITE PROG	23,300		23,300		23,300			23,300
222	35171F	SPACE SHUTTLE OPERATIONS								
223	71112F	INVENTORY CONTROL POINT OPERATIONS	1,200		1,200		1,200			1,200
224	72207F	DEPOT MAINTENANCE (NON-IF)	2,900		2,900		2,900			2,900
225	78011F	INDUSTRIAL PREPAREDNESS	73,370	-50,000	23,370	-73,370		23,370	-50,000	23,370
225a	68011F	MANUFACTURING TECHNOLOGY DEVELOPMENT		103,500	103,500			103,500	115,000	115,000
225b		MANUFACTURING TECHNOLOGY INITIATIVE				146,200	146,200	-146,200		
226	78012F	LOGISTICS SUPPORT ACTIVITIES	6,171		6,171		6,171			6,171
227	78026F	PRODUCTIVITY, RELIABILITY, AVAILABILITY,	23,689		23,689		23,689			23,689
228	91218F	CIVILIAN COMPENSATION PROGRAM	5,300		5,300		5,300			5,300
229	1001004F	INTERNATIONAL ACTIVITIES	3,727		3,727		3,727			3,727
229a		DOMESTIC ACTIVITIES		17,500	17,500			17,500	17,500	17,500
		AFMC CALS								
		ADVANCED OPTICAL SYSTEM								

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		EXCIMER LASER								
		SPECIAL TECHNICAL PROJECTS								
		PURCHASES FROM DBOF				-7,844	-7,844	7,844	-7,844	-7,844
		EXCESS INVENTORIES							-3,878	-3,878
		CIVILIAN PERSONNEL BENEFITS							1,000	1,000
		INFLATION ADJUSTMENT							-27,000	-27,000
		EXCESS PERSONNEL COSTS							-59,346	-59,346
		TRAVEL				-5,100	-5,100	5,100	-5,100	-5,100
		TOTAL RDT&E AIR FORCE	14,532,375	-290,288	14,242,087	-461,644	14,070,731	171,356	-300,675	14,231,700

Defense research sciences

The amended budget request included $237.4 million for defense research sciences.

The House bill reduced the requested amount by $8.5 million.

The Senate amendment would authorize the requested amount.

The conferees recommend $237.4 million for defense research sciences, including $1.0 million for micro-mechanical machining and $10.5 million for seismic research as outlined in the House and Senate reports (H. Rept. 102-527 and S. Rept. 102-352).

Materials technology

The amended budget request included $84.8 million for materials technology, program element 602102F.

The House bill would reduce the requested amount by $10.0 million.

The Senate amendment would reduce the requested amount by $4.1 million.

The House recedes.

The conferees agree that of the funds authorized for materials research, $4.7 million shall be utilized for microencapsulated phase change materials. Because of the wide range of applicability of this research in the technology base, the Air Force is authorized to transfer the $4.7 million to another program element if such a transfer were appropriate to structure an efficient research program.

Global surveillance/air defense/precision strike

The amended budget request contained $25.0 million for the Air Force to pursue various programs under the global surveillance/air defense/precision strike technical "thrust" area.

The House bill would authorize only $12.5 million.

The Senate amendment would authorize the requested funds.

The conferees share the concern of the House that there is no clear philosophy informing Air Force plans and that the current program represents little more than a shopping list. The conferees believe it would be imprudent to provide funds as requested, and recommend an authorization of $12.5 million for fiscal year 1993. The conferees expect the Air Force to develop more realistic plans in this area in future budget submissions.

Space surveillance technology

The amended budget request contained $24.8 million for development of space surveillance technology by the Air Force.

The House bill would authorize the requested amount. The House report (H. Rept. 102-527) also expressed support for the Have Gaze program and required a report from the Secretary of the Air Force on plans to move this technology forward.

The Senate amendment also would authorize the requested amount. The Senate report (S. Rept. 102-352) argued that further analysis is required to compare this technology with other related efforts. The Senate report also required a report from the Secretary on when Have Gaze technology will be ready to proceed to an airborne test bed and flight demonstration.

The conferees agree to authorize $5.5 million for the Have Gaze program and direct the Secretary of the Air Force to provide a report to the congressional defense committees not later than March 31, 1993 on any plans to move this technology forward, including an assessment of when it could be expected to proceed to an airborne test-bed and flight demonstration. The report also should incorporate the results of the independent technical review of the technology required in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). If the independent review is favorable and DOD desires to initiate an airborne test bed in fiscal year 1993, the Committees on Armed Services of the Senate and House of Representatives would consider a reprogramming request.

Extremely high frequency communications

The amended budget request contained substantial funds for RDT&E and procurement of extremely high frequency (EHF) satellite communications terminals for the Army, Navy, and Air Force.

The House bill would authorize the requested amounts.

The Senate amendment would adjust the requested amounts to reflect the availability of prior year funds.

The House recedes.

The conferees agree to reduce the request for fiscal year 1993 Navy EHF terminal procurement by $13.5 million; and Air Force EHF terminal procurement by $8.0 million. A similar reduction to the Army's satellite terminal RDT&E program is described elsewhere in this statement of the managers.

In addition, the conferees direct the Air Force to select only one contractor to complete procurement of the command post terminal program. This downselect competition, along with reduced procurement quantities, will result in savings of $121.5 million in fiscal year 1993. Accordingly, the conferees authorize a total of $82.0 million for Milstar terminal procurement in the Air Force.

The conferees also endorse the concerns expressed in the Senate report (S. Rept. 102-352) about plans of the Strategic Defense Initiative Organization (SDIO) to develop its own EHF communications payload and unique waveform for strategic defense applications.

Advanced very low frequency receiver

The amended budget request contained $10.7 million for the minimum essential emergency communications network (MEECN) program in the Air Force.

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $5.0 million to continue development of the advanced, very low frequency receiver (AVR) system for variety of strategic command and control applications. This program was recently transferred from the B-2 program to the MEECN program without the funding required to sustain the effort. The Senate report (S. Rept. 102-352) also raised concerns about potential problems in assuring communications to the bomber force.

The conferees agree with the Senate position but direct DOD to reprogram funds for this effort from lower priority programs. The conferees urge the Secretary of the Air Force to continue this effort in the fiscal years 1994/1995 budget request.

Follow-on early warning system

The amended budget request contained $251.2 million to continue the demonstration and validation phase of the follow-on early warning satellite system (FEWS).

The House bill would authorize the requested amount.

The Senate amendment would authorize $206.2 million, a reduction of $45.0 million.

The Senate recedes.

The conferees concur with the concerns expressed in the Senate report (S. Rept. 102-352) about the failure of the Defense Department to fully fund the FEWS program in the Future Year Defense Program (FYDP). The conferees are encouraged, however, by recent actions of the Under Secretary of Defense for Acquisition to address this problem, and expect full funding in the fiscal year 1994/1995 budget request.

Spacetrack

The amended budget request contained $53.1 million for the Air Force spacetrack program.

The House bill would authorize $14.9 million less than the requested amount to terminate funding for antisatellite-related battle management development.

The Senate amendment would authorize funding for the effort terminated by the House bill.

The Senate recedes.

The Senate amendment would authorize an additional $39.5 million for the spacetrack program for the advanced electro-optical system.

The House bill contained no similar authorization.

The House recedes.

The Senate amendment would authorize $25.8 million to continue development and testing of the Have Stare radar within the general defense intelligence program (GDIP) account.

The House bill contained no similar authorization.

The House recedes.

The conferees agree to continue funding the Have Stare radar but direct that resource sponsorship for the program be shifted from the GDIP to the tactical intelligence and related activities account in the Air Force. Accordingly, the conferees agree to authorize the Have Stare program in the spacetrack line. Additional guidance on this program is contained in the classified annex to this statement of the managers.

C-17 development

The amended budget request included $210.0 million for continued development of the C-17 airlift aircraft.

The House bill would approve the requested amount.

The Senate amendment would approve $180.8 million, based on information in a reprogramming request that $29.2 million in fiscal year 1993 funds would be excess to requirements for the program.

The Senate recedes. The conferees direct the Air Force to use the $29.2 million to conduct live-fire and realistic survivability testing on major components and subsystems of the C-17.

Follow-on tactical reconnaissance system

The amended budget request contained funds in various accounts to continue the development of the follow-on tactical reconnaissance system (FOTARS).

The House bill would authorize the funds as requested, and would also add $35.5 million to accelerate efforts to correct various problems experienced in the program.

The Senate amendment would terminate the current FOTARS program in light of the problems. The Senate amendment would authorize $15.3 million to develop a technical data package for the FOTARS system, and would authorize $50.0 million to establish a competition on an accelerated basis to select a new developer for the system. The Senate report (S. Rept. 102-352) also criticized the current scope of the program, noting that the Air Force and the Navy had substantially scaled back procurement of reconnaissance pods and ground stations because of cost increases in the program.

The conferees recommend an authorization of $62.6 million in research and development and $18.2 million in procurement. The conferees express their disappointment with the progress and content of the FOTARS program, but believe that the best alternative is to proceed with the current program, though with several conditions.

First, the Under Secretary of Defense for Acquisition is directed to report to the Congress if at any point he learns that the FOTARS program has failed to meet the near-term milestones identified to him by the Air Force on September 1, 1992.

Second, not more than 50 percent of the funds appropriated pursuant to this authorization may be obligated until the Secretary of Defense certifies the following:

the Navy has restructured its program to acquire terminals and data links so that data links are procured and made operational on the same schedule as that set for terminals and not later than the initial operational capability of Marine Corps FOTARS capability;

the Chairman of the Joint Chiefs of Staff has polled the major warfighting commanders in chief (the Atlantic, Pacific, Central, European, and Southern Commands) to determine their requirements for ground stations;

the Department has conducted a study of the joint service imagery processing system (JSIPS) capacity required to support the current Defense Guidance;

the Joint Requirements Oversight Council has reviewed the full program and established a baseline to ensure joint participation in the program;

the Future Year Defense Program contains sufficient ground stations to meet the minimum requirements of the Defense Guidance and the warfighting commanders in chief.

Finally, the Air Force shall take such steps as are required to develop a technical data package for the advanced tactical air reconnaissance system (ATARS) program in order to be able to conduct a competition for production not later than the second year of procurement of the program.

National launch system

The amended budget request contained $125.0 million for the DOD portion of the joint DOD-NASA national launch system (NLS) program.

The House bill would authorize $74.0 million. The House report (H. Rept. 102-527) directed the continued development of the new space transportation main engine while NLS requirements were being reviewed.

The Senate amendment would authorize $85.0 million. The Senate report (S. Rept. 102-352) presents arguments for restructuring the NLS program to develop the smallest of the proposed family of vehicles first rather than last. The Senate report also emphasized that the administration has not addressed the implications of the NLS design approach for satellite design and constellation planning.

The House recedes.

The conferees are frustrated by the failure of the administration and Congress to come to grips with the future course of space launch systems. The administration is still attempting to pursue no less than three potentially major launch programs—an aerospace plane, a new booster family, and a nuclear propulsion system—not one of which is fully funded. The administration must prioritize these programs and eliminate—or reduce in scope—those which have no realistic chance of being funded.

The NLS program is said to represent the future of the launch industry. However, of the three NLS variants, the one that would most benefit DOD and the commercial sector is being pursued last, while DOD and the commercial sector have no use for the NLS variant that is being pursued first. Perhaps as a consequence, the launch industry as a whole has not demonstrated much support for the program. The spacecraft community, similarly, appears to have little enthusiasm for the program and has shown little willingness to change its satellite design and operational practices to exploit the putative advantages of the NLS. NASA does not appear to be able to afford to pay half the cost of the NLS and DOD cannot afford to pay more than half. Support in Congress for a substantial NASA contribution to the current program does not appear to exist.

At the same time, study after study within the administration concludes that current U.S. space launch systems and practices are archaic and non-competitive, which could have adverse economic and military consequences in the future.

The conferees urge the administration to establish a coherent NLS program. The conferees believe that the current division of labor between NASA and DOD is not sustainable and that the program itself must be restructured. The conferees direct that not more than half of the funds appropriated to DOD for NLS may be obligated until the Secretary of Defense submits a report to the congressional defense committees that (1) certifies that DOD and NASA have programmed enough funds in their respective future years plans to fully fund NLS; (2) describes in detail a transition plan for NLS for each booster and satellite program, with associated costs; (3) provides total program cost and the respective shares of DOD and NASA; (4) describes DOD and NASA program responsibilities in detail; (5) analyzes the time required for DOD to recoup its investment in an NLS program under an austere mission model; and (6) describes any planned changes in satellite programs and constellations to take advantage of NLS capabilities that could outweigh a strict cost assessment of the NLS program.

The conferees intend to restructure or terminate the NLS program in their review of the fiscal years 1994/1995 budget request if the administration does not develop a coherent program.

Electronics combat integrated test project

The conferees agree to resume the electronic combat integrated test project and authorize use of up to $5.0 million in program element 65807F for the addition of this project's capabilities to the Air Force's Benefield Anechoic Facility at Edwards Air Force Base.

Space nuclear thermal propulsion

The amended budget request contained $38.6 million to continue development of nuclear thermal propulsion technology for a variety of space transportation applications.

The House bill would terminate this program.

The Senate amendment would authorize $10.0 million to continue component technology development at a low level of effort.

The House recedes.

The conferees agree to authorize $10.0 million for technology development in a 6.2 technology base line and continue to share the concerns expressed in both the House and Senate reports (H. Rept. 102-527 and S. Rept. 102-352).

Air Force manufacturing technology

The amended budget request included $73.4 million for Air Force manufacturing technology.

The House bill would increase the program by $53.5 million.

The Senate amendment would increase the program by $69.8 million.

The conferees recommend an increase of $65.0 million which would include $5.0 million for the national center for tooling components, $20.0 million for the national center for manufacturing sciences (NCMS), and $1.5 million for the platform for the automated construction of intelligent systems (PACIS) program. The conferees agree that the $20.0 million for NCMS should be provided through a cooperative agreement or contract in lieu of a grant and encourage the Department of the Air Force to require NCMS to obtain matching funds from non-federal sources and to agree on a research plan of mutual interest to the Air Force and to the NCMS private sector members.

The conferees agree that the total authorization of $138.4 million should be divided as follows:

	Millions
Program element 708011F	$23.4
Program element 608011F	115.0

Theater air command and control simulation facility

The amended budget request contained no funds to continue the operation of the theater air command and control simulation facility (TACCSF) by the Air Force. The Defense Department had planned to terminate operation of the facility in fiscal year 1992, but Congress provided additional funds to continue its operation through fiscal year 1992.

While no funds were requested and none were authorized in either the House bill or the Senate amendment, funds were included in the House and Senate defense appropriation bills for fiscal year 1993 for continued operation of the facility.

The conferees believe that the plans to continue operation of the TACCSF facility are redundant and an unnecessary duplication of a more advanced capability that is being developed under the auspices of the Strategic Defense Initiative. The conferees believe, however, that there is a potential justification for continued operation of the TACCSF facility. Operation Desert Storm demonstrated new potential patterns of command and control of air warfare. New systems like JSTARS became critical elements, while older command and control systems like the airborne command and control centers proved virtually irrelevant. If there is any reason to continue operation of the TACCSF facility, it is to model and simulate this new air warfare command and control environment for purposes of developing and refining operational procedures, especially for joint operations.

Therefore, the conferees direct that any funds appropriated for continued operation of the TACCSF facility may not be expended after April 1, 1993 unless the Secretary of the Air Force certifies by that date that the TACCSF facility does not duplicate the capabilities of the extended air defense test bed, and further certifies that the fiscal year 1994 Future Year Defense Program contains sufficient funds to continue operation of the TACCSF facility throughout the period it covers.

Research and Development, Defense Agencies

Overview

The amended budget request for fiscal/year 1993 contained an authorization of $10,053.4 million for Defense Agencies research, development, test, and evaluation. The House bill would authorize $9,629.6 million. The Senate amendment would authorize $10,391.0 million. The conferees recommend authorization of $10,203.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		RESEARCH DEVELOPMENT TEST & EVAL DEF AG								
1	61101E	DEFENSE RESEARCH SCIENCES	126,078	-10,000	116,078		126,078	-10,000	-10,000	116,078
2	61101W	IN-HOUSE LABORATORY INDEPENDENT RESRCH							4,323	4,323
2a	61101D	IN-HOUSE LABORATORY INDEPENDENT RESRCH		9,275	9,275			9,275		
3	61103D	UNIVERSITY RESEARCH INITIATIVES	99,909	62,000	161,909	10,000	109,909	52,000	89,000	188,909
3a	61102D	DEFENSE RESEARCH SCIENCES		49,032	49,032			49,032		
3b		COMPUTER ASSISTED EDUCATION				15,000	15,000	-15,000		
4	61106D	RESEARCH PROJECTS								
5	61109D	US-JAPAN MANAGEMENT TRAINING				10,000	10,000	-10,000	10,000	10,000
6	61112D	CRITICAL TECHNOLOGY CENTER								
7	62109H	SUPERCONDUCTIVE MAGNETIC ENERGY STORAGE		50,000	50,000			50,000		
8	62222D	COUNTERTERROR TECHNICAL SUPPORT	6,990		6,990	3,010	10,000	-3,010	3,000	9,990
9	62225D	CONCEPT EVALUATION	14,979	-14,979			14,979	-14,979	-14,979	
10	62227D	MEDICAL FREE ELECTRON LASER		20,000	20,000			20,000	20,000	20,000
11	62228D	HISTORICALLY BLACK COLLEGES AND UNIVERS				15,000	15,000	-15,000	15,000	15,000
11a	62223D	MISSION SUPPORT TECHNOLOGY		4,330	4,330	4,330	4,330			
12	62301E	STRATEGIC TECHNOLOGY	377,100	-50,000	327,100		377,100	-50,000	20,000	397,100
13	62702E	TACTICAL TECHNOLOGY	109,300	6,000	115,300		109,300	6,000	-9,108	100,192
14	62707E	PARTICLE BEAM TECHNOLOGY				6,000	6,000	-6,000		
15	62708E	INTEGRATED COMMAND AND CONTROL TECH		75,000	75,000			75,000		
16	62712E	MATERIALS AND ELECTRONICS TECHNOLOGY	71,800	140,000	211,800	60,000	131,800	80,000	91,800	163,600
16a		ADVANCED MATERIALS PARTNERSHIPS				30,000	30,000	-30,000	30,000	30,000
17	62714E	TREATY VERIFICATION								
17a	62XXXE	POST-LAUNCH DESTRUCT TECHNOLOGY		15,000	15,000			15,000	15,000	15,000
18	62715H	DEFENSE NUCLEAR AGENCY	409,957	-50,000	359,957	-37,000	372,957	-13,000	-37,000	372,957
18a	62787D	MEDICAL TECHNOLOGY		107,764	107,764			107,764		
18b	63002D	ADVANCED MEDICAL TECHNOLOGY		36,172	36,172			36,172		
18c	63105D	MEDICAL HIV RESEARCH		3,247	3,247	20,000	20,000	-16,753		
		STRATEGIC DEFENSE INITIATIVE								
19	63214C	SPACE BASED INTERCEPTORS	575,558	-575,558		-225,558	350,000	-350,000	-275,558	300,000
20	63215C	LIMITED DEFENSE SYSTEM	2,134,755		2,134,755	-44,755	2,090,000	44,755	-94,955	2,039,800
21	63216C	THEATER MISSILE DEFENSES	857,725		857,725	139,775	997,500	-139,775	-857,725	
22	63217C	OTHER FOLLOW ON SYSTEMS	849,596	-321,296	528,300	-449,596	400,000	128,300	-549,596	300,000
		SDI GENERAL REDUCTION				-500,000	-500,000	500,000		
23	63218C	RESEARCH AND SUPPORT ACTIVITIES	754,740	-178,020	576,720	-354,740	400,000	176,720	-354,740	400,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
		TACTICAL MISSILE DEFENSE INITIATIVE							935,000	935,000
24	63225D	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEV	18,976		18,976	3,024	22,000	-3,024	3,024	22,000
25	63226E	EXPERIMENTAL EVAL OF MAJOR INNOVATIVE TE	270,867	-29,718	241,149	16,000	286,867	-45,718	-20,338	250,529
25a		NATIONAL GUARD/DARPA SIMULATION				20,000	20,000	-20,000	20,000	20,000
25b		NATIONAL GUARD SIMNET CENTER				10,000	10,000	-10,000	10,000	10,000
25c		COMMERCIAL-MILITARY INTEGRATION PARTNERSHIPS				50,000	50,000	-50,000	50,000	50,000
25d		DUAL USE EXTENSION ASST PROGRAM				200,000	200,000	-200,000	200,000	200,000
25e		REGIONAL TECHNOLOGY ALLIANCES				100,000	100,000	-100,000	100,000	100,000
25f		CENTER FOR INDUSTRIAL BASE ANALYSIS				5,000	5,000	-5,000	5,000	5,000
25g		UUV TECHNOLOGY				5,000	5,000	-5,000	5,000	5,000
25h		ADVANCED ASW TECHNOLOGY				15,000	15,000	-15,000		
25i		ADVANCED STOVL TECHNOLOGY				5,000	5,000	-5,000		
25j		AUTOMATIC LANDING SYSTEMS				900	900	-900		
25k		CENTER FOR DEFENSE ECONOMIC ADJUSTMENT							2,000	2,000
25l		DEFENSE PROCUREMENT TECHNICAL ASSISTANCE								
26	63227E	RELOCATABLE TARGET DETECTION TECHNOLOGY								
27	63231D	MINIATURE DIAGNOSTIC PROTON ACCELERATOR								
28	63569E	ADVANCED SUBMARINE TECHNOLOGY	57,900	-7,900	50,000		57,900	-7,900		57,900
29	63570E	PRE-COMPETITIVE TECHNOLOGY DEVELOPMENT								
29a		DUAL USE CRITICAL TECHNOLOGY PARTNERSHIPS				100,000	100,000	-100,000	100,000	100,000
30	63704D	SPECIAL TECHNICAL SUPPORT	9,289		9,289		9,289			9,289
31	63706E	MICROWAVE/MILLIMETER WAVE MONOLITHIC INT								
32	63707E	PROTOTYPING OF ADVANCED TECHNOLOGIES &								
33	63715D	AIM-9 CONSOLIDATED PROGRAM								
34	63716D	STRATEGIC ENVIRONMENTAL RESEARCH PROG				200,000	200,000	-200,000	200,000	200,000
35	63717D	EXCIMER LASER TECHNOLOGY				10,000	10,000	-10,000	10,000	10,000
36	63718D	MEDICAL RESEARCH								
37	63719D	FOCUS HOPE		20,000	20,000	20,000	20,000		20,000	20,000
38	63720D	ENVIRONMENT SPECIAL PROJECT								
38a	63722D	MEDICAL DEVELOPMENT (FLEET HOSPITAL)		12,449	12,449			12,449		
39	63736D	COMPUTER AIDED LOGISTICS SUPPORT	11,216		11,216	5,000	16,216	-5,000		11,216
40	63737D	BALANCED TECHNOLOGY INITIATIVE	172,340	-77,000	95,340	4,000	176,340	-81,000	-22,340	150,000
41	63738D	COOPERATIVE DOD/VA MEDICAL RESEARCH		20,000	20,000			20,000	20,000	20,000
42	63739E	MANUFACTURING TECHNOLOGY	255,400	-75,000	180,400	-133,400	122,000	58,400	-128,400	127,000
42a	6XXXXE	SEMATECH		100,000	100,000	100,000	100,000		100,000	100,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
42b		ELECTRONIC MODULE TECHNOLOGY				75,000	75,000	-75,000	75,000	75,000
42c		HIGH DEFINITION DISPLAY SYSTEMS				100,000	100,000	-100,000	100,000	100,000
42d		ADVANCED LITHOGRAPHY				75,000	75,000	-75,000	75,000	75,000
43	63756D	CONSOLIDATED DOD SOFTWARE INITIATIVE	9,019	25,000	34,019	7,500	16,519	17,500	25,000	34,019
43a		HIGH PERFORMANCE COMPUTING MODERNIZATION				43,000	43,000	-43,000	20,000	20,000
44	63756E	CONSOLIDATED DOD SOFTWARE INITIATIVE								
45	64704D	ROCKET MOTOR DEMILITARIZATION PROGRAM	16,859		16,859		16,859			16,859
46	35108K	COMMAND AND CONTROL RESEARCH	1,833		1,833		1,833			1,833
47	72807E	INFRARED FOCAL PLANE, ARRAY								
48	1140011BB	ADVANCED SPECIAL OPERATIONS R&D AND ACQ								
49	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOP	2,940	1,000	3,940		2,940	1,000	1,000	3,940
50	1160402BB	SPECIAL OPERATIONS ADVANCED TECH DEV	14,399		14,399		14,399			14,399
51	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT	549		549		549			549
52	63711H	VERIFICATION TECHNOLOGY DEMONSTRATION	67,079		67,079		67,079			67,079
53	63734J	ISLAND SUN SUPPORT	31,045		31,045	-12,163	18,882	12,163	-9,342	21,703
54	63741D	AIR DEFENSE INITIATIVE	231,220	-34,000	197,220	-34,000	197,220		-34,000	197,220
55	64225C	THEATER MISSILE DEFENSES	140,000		140,000	-140,000		140,000	-140,000	
56	32016K	NATIONAL MILITARY COMMAND SYS-WIDE SPPT	9,083		9,083		9,083			9,083
57	32019K	WWMCCS SYSTEMS ENGINEER	9,182		9,182		9,182			9,182
58	33131K	MIN ESSENTIAL EMERG COMM NETWORK (MEECN)	3,335		3,335		3,335			3,335
59	33154K	WWMCCS ADP MODERNIZATION	29,503		29,503		29,503			29,503
60	63228D	PHYSICAL SECURITY EQUIPMENT	26,611		26,611		26,611			26,611
61	63709D	JOINT ROBOTICS PROGRAM	19,422		19,422		19,422			19,422
62	63710D	CLASSIFIED PROGRAM - C3I	15,781		15,781		15,781			15,781
63	63714D	NON-ACOUSTIC ASW	30,000		30,000	15,000	45,000	-15,000	15,000	45,000
64	63715D	AIM-9 CONSOLIDATED PROGRAM	28,143		28,143		28,143			28,143
65	63743D	THEATER TACTICAL BALLISTIC MISSILE DEFEN								
65a	63807D	MEDICAL SYSTEMS ADV DEVELOPMENT		29,042	29,042			29,042		
66	64702D	JOINT STANDOFF WEAPONS PROGRAM								
67	64705D	MOBILE OFFSHORE BASE ANALYSIS								
67a	64706D	AEROMEDICAL SYSTEMS DEVELOPMENT		2,753	2,753			2,753		
68	64771D	JOINT TACT INFO DISTRIB SYSTEM (JTIDS)	80,802		80,802		80,802			80,802
68a	64773D	MEDICAL DEVELOPMENTS (MED/DENTAL EQUIP DEV)		4,113	4,113			4,113		
68b	64807D	MEDICAL MATERIAL/BIOLOGICAL DEFENSE EQUIP		20,209	20,209			20,209		
69	21135J	CINC C2 INITIATIVES	1,786		1,786		1,786			1,786

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
70	21135K	CINC C2 INITIATIVES								
70a		JCS SIMULATION CENTER/DOCTRINE DEVELOPMENT				10,000	10,000	-10,000		
71	28045K	C3 INTEROPERABILITY (JOINT TACTICAL C3 A	25,381		25,381		25,381			25,381
72	28298K	MANAGEMENT HQ (JOINT TACTICAL C3 AGENCY)								
73	35141D	JOINT REMOTELY PILOTED VEHICLES PROGRAM	129,059	15,000	144,059	-68,200	60,859	83,200	15,000	144,059
74	35815D	GENERAL SUPPORT FOR SO/LIC				2,000	2,000	-2,000	1,500	1,500
75	1110011BB	FORCE ENHANCEMENTS-ACTIVE								
76	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEV	158,223		158,223		158,223		-5,900	152,323
77	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYS DEV	11,897	17,000	28,897		11,897	17,000	17,000	28,897
78	1160408BB	SOF OPERATIONAL ENHANCEMENTS	73,681	-51,700	21,981		73,681	-51,700	-31,200	42,481
79	31011G	CRYPTOLOGIC ACTIVITIES	[ ]	[33,550]		[22,000]			[28,404]	
80	31301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]	[76,350]		[7,000]			[36,800]	
81	31398L	MANAGEMENT HEADQUARTERS GDIP	[ ]							
82	33126K	LONG-HAUL COMMUNICATIONS (DCS)	15,968		15,968		15,968			15,968
83	33127K	SUPPORT OF THE NATIONAL COMMUNIC SYS	3,295		3,295		3,295			3,295
84	33401G	COMMUNICATIONS SECURITY (COMSEC)	[ ]	[-10,000]					[-5,000]	
85	34311D	SELECTED ACTIVITIES								
86	35139B	DMA MAPPING, CHARTING, AND GEODESY (MC&G	55,949		55,949		55,949			55,949
87	35154I	AIRBORNE RECONNAISSANCE SUPPORT PROG	203,300		203,300	-23,300	180,000	23,300		203,300
88	35159B	DEFENSE RECONNAISSANCE SUPPORT ACTIV	6,127		6,127		6,127			6,127
89	35159G	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[ ]							
90	35159I	DEFENSE RECONNAISSANCE SUPPORT ACTIV	55,835		55,835		55,835			55,835
91	35167G	DEFENSE RECONNAISSANCE SUPPORT ACTIV	[ ]							
92	35190D	C3I INTELLIGENCE PROGRAMS	12,849		12,849		12,849			12,849
93	35830K	CENTER FOR INFORMATION MANAGEMENT	3,470		3,470		3,470			3,470
94	35884L	INTELLIGENCE PLANNING AND REVIEW ACTIVIT	[ ]	[17,000]					[12,000]	
95	35885G	TACTICAL CRYPTOLOGIC ACTIVITIES	[ ]							
96	35889G	INTELLIGENCE SUPPORT TO OSD COUNTERNARC	[ ]							
97	35898L	MANAGEMENT HQ (AUXILIARY FORCES)	[ ]							
98	1160409BB	OTHER FORCE PROGRAMS	1,170		1,170		1,170			1,170
999		INTEL & COMMUNICATIONS CLASSIFIED	1,156,283	116,900	1,273,183	29,000	1,185,283	87,900	72,204	1,228,487
99	63705D	MANUFACTURING TECHNOLOGY								
100	63708D	INTEGRATED DIAGNOSTICS	11,275		11,275		11,275			11,275
101	63790D	NATO R&D/US-ISRAEL ENDOWMENT	80,804		80,804		80,804		-16,000	64,804
102	63832D	DEFENSE MODELING/SIMULATION OFFICE				60,000	60,000	-60,000	60,000	60,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
103	64722D	JOINT SERVICE EDUCATION AND TRAINING SYS								
104	65104D	TECHNICAL SUPPORT TO USD(A)	39,161	-5,000	34,161	5,000	44,161	-10,000	-5,000	34,161
105	65106D	GENERAL SUPPORT FOR PA&E								
106	65107D	GENERAL SUPPORT FOR POLICY								
107	65108D	GENERAL SUPPORT FOR NET ASSESSMENT								
108	65109D	GENERAL SUPPORT FOR FM&P								
109	65110D	TECHNICAL SUPPORT TO USD(A)-CRITICAL TEC								
110	65112D	RAND NATIONAL DEFENSE RESEARCH INSTITUTE								
111	65114E	BLACK LIGHT	5,000		5,000		5,000			5,000
112	65116D	GENERAL SUPPORT TO C3I								
113	65117D	FOREIGN MATERIAL ACQUISITION AND EXPLOIT	11,913		11,913		11,913			11,913
113a		FOREIGN TECHNOLOGY MONITORING				2,000	2,000	-2,000		
114	65119D	GENERAL SUPPORT FOR P&L								
		DTS- JOINT PROJECT OFFICE								
115	65120S	DEFENSE BUSINESS OPER FUND TECH INFO SER	6,100		6,100		6,100			6,100
116	65135D	ENVIRONMENTAL CENTER								
117	65136D	FLEXIBLE COMPUTER INTEGRATED MANU SYS								
117a	65125D	STUDIES AND ANALYSES		111	111			111		
117b	65306D	RANCH HAND II EPIDEMIOLOGY STUDY		9,460	9,460			9,460		
118	65502D	SMALL BUSINESS INNOVATIVE RESEARCH								
119	65502E	SMALL BUSINESS INNOVATIVE RESEARCH								
120	65711D	CRITICAL TECHNOLOGY ANALYSIS								
121	65798S	DEFENSE SUPPORT ACTIVITIES	13,400		13,400		13,400			13,400
121a	65800D	MEDICAL COMMAND SUPPORT		3,495	3,495			3,495		
122	65801S	DEFENSE TECHNICAL INFORMATION CENTER								
123	65802S	INFORMATION ANALYSIS CENTERS								
124	65803D	R&D IN SUPPORT OF DOD ENLISTMENT, TEST &								
124a	65861D	SCIENCE/TECH MGT (NAVMED MGT SUPPORT)		7,990	7,990			7,990		
124b	65862D	RDT&E INSTRUMENTATION & MATERIAL SUPPORT		3,139	3,139			3,139		
125	65872D	PRODUCTIVITY INVESTMENTS								
126	65898E	MANAGEMENT HQ (RESEARCH AND DEV)	20,175		20,175		20,175			20,175
126a	65898D	MANAGEMENT HQ COMMAND		5,452	5,452			5,452		
127	35889D	INTELLIGENCE SUPPORT TO OSD COUNTERNARC								
128	35889E	INTELLIGENCE SUPPORT TO OSD COUNTERNARC								
129	78011S	INDUSTRIAL PREPAREDNESS							29,000	29,000

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request	FY 1993 Conference Authorized
129a	68011S	MANUFACTURING TECHNOLOGY DEVELOPMENT		40,500	40,500			40,500	37,000	37,000
129b		MANUFACTURING TECHNOLOGY INITIATIVE				118,000	118,000	-118,000		
129c		MANUFACTURING EDUCATION PROGRAM				25,000	25,000	-25,000	25,000	25,000
129d		MFG MANAGERS IN THE CLASSROOM				5,000	5,000	-5,000	5,000	5,000
129e		MANUFACTURING EXTENSION PROGRAM				100,000	100,000	-100,000	100,000	100,000
129f		ADVANCED MANUFACTURING PARTNERSHIPS							25,000	25,000
130	101015D	TECHNOLOGY SECURITY FUNCTIONS								
130a		JOINT US/CIS RESEARCH & DEVELOPMENT PROG		25,000	25,000			25,000		
		LIDAR				11,600	11,600	-11,600	11,600	11,600
		SPECIAL TECHNICAL PROJECTS								
		INTERNATIONAL NUCLEAR NONPROLIFERATION								
		PURCHASES FROM DBOF				-802	-802	802	-802	-802
		TRAVEL				-1,027	-1,027	1,027	-1,027	-1,027
		EXCESS INVENTORY							-397	-397
		INFLATION ADJUSTMENT							-19,000	-19,000
		UNDISTRIBUTED				496,990	496,990	-496,990		
		TOTAL RDT&E DEFENSE AGENCIES	10,053,381	-423,738	9,629,643	337,588	10,390,969	-761,326	150,044	10,203,425

R-1 Line	PE	Program	Amended FY 1993 Request	House Change	House Authorized	Senate Change	Senate Authorized	House +/- Senate	Conference Change to Request
		DIRECTOR OF TEST & EVAL DEFENSE							
1	64940D	CENTRAL TEST & EVAL INVESTMENT DEV (CTEI	116,060		116,060	-8,000	108,060	8,000	-8,000
2	65130D	FOREIGN COMPARATIVE TESTING	35,301		35,301	-4,000	31,301	4,000	-4,000
3	65131D	LIVE FIRE TESTING	11,078		11,078		11,078		
4	65804D	DEVELOPMENT TEST AND EVALUATION	119,268	-20,000	99,268	-8,000	111,268	-12,000	-8,000
		TOTAL DEVELOPMENTAL TEST	281,707	-20,000	261,707	-20,000	261,707		-20,000
		DIRECTOR OF OPERATIONAL TEST & EVALUATION							
1	65118D	OPERATIONAL TEST AND EVALUATION	12,983		12,983		12,983		
		TOTAL OPERATIONAL TEST	12,983		12,983		12,983		

University research initiatives

The amended budget request included $99.9 million for university research initiatives.

The House bill would add $62.0 million for the Department of Defense experimental program to stimulate competitive research and for the augmentation awards for science and engineering research training program. The House report (H. Rept. 102–527) also noted that $15.0 million in this program element was for the historically Black colleges and universities program (HBCU).

The Senate amendment would add $10.0 million for science and engineering fellowships.

The conferees agree that the HBCU program should be funded in program element 602228 and that the $15.0 million authorized in the Senate report (S. Rept. 102–352) for computer assisted education and the $2.0 million authorized for foreign technology monitoring should be funded from the university research initiatives line. The conferees further agree to authorize a total of $188.9 million to fund all the programs mentioned above, as described in the House report (H. Rept. 102–527) and the Senate report (S. Rept. 102–352).

Liquid metal magnetohydrodynamics

The House bill would provide $15.0 million for a liquid metal magnetohydrodynamics project (LMMHD) to be funded from NATO research and development funds.

The Senate amendment did not authorize funds for this project.

The conferees agree that the LMMHD project should be pursued as a university research initiative and add $15.0 million to program element 601103D, university research initiatives in the Defense Agencies, to fund this project.

Supercomputer development and modernization

The amended budget request contained $162.9 million for high performance computing and communication (HPC) and no funding for supercomputer modernization in the Department of Defense laboratories.

The House bill would reduce the HPC request by $45.0 million and redistribute the funds to the military Services for supercomputer utilization.

The Senate amendment would authorize the amended budget request for the HPC program and an additional $43.0 million for supercomputer modernization.

The conferees agree that the DARPA HPC program is a vital part of the national HPC initiative of the White House Office of Science and Technology Policy (OSTP), and that effective technology and information transfer between government and industry is essential to not only effectively communicate business opportunity and program progress and plans but to allow external critical assessments to be made by outside experts as well. The conferees are encouraged that DARPA and OSTP have strengthened their management teams as a result of congressional concerns. Therefore, the conferees recommend the requested amount for the DARPA HPC program.

The conferees are also encouraged to have received the Department of Defense supercomputer modernization plan called for in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), but are dismayed that the plan fails to indicate any intent to fund supercomputer acquisition activity.

The conferees direct the Secretary of Defense to initiate funding in the fiscal years 1994/1995 request for the modernization elements detailed in the plan. As an interim measure, the conferees recommend $20.0 million in addition to the unspent fiscal year 1992 funds for DOD to acquire existing supercomputers and ensure availability of supercomputer training, access time on available machines, and software development for specific high priority projects. The conferees direct that funds received by industrial-funded laboratories and centers for this initiative shall not be subject to regulations associated with the Defense Business Operations Fund (DBOF).

Tactical technology

The amended budget request included $109.3 million for tactical technology in DARPA.

The House bill would add $6.0 million for a charged particle beam program.

The Senate amendment would authorize a charged particle beam program but would not identify the source of funding.

The conferees agree to authorize $7.6 million for tactical technology in DARPA, $6.0 million for the charged particle beam program, and $1.6 million for the advanced modular cogeneration and power management system.

The conferees agree to a total authorization of $100.2 million for tactical technology.

Materials and electronics technology

The amended budget request included $71.8 million for materials and electronics technology.

The House bill would add $140.0 million to the requested amount for research on the following: lithography, fuel cells, optoelectronics, MIMIC, electronic module technology, and diamond and silicon carbide materials.

The Senate amendment would add $60.0 million for the following: optoelectronics, nanoelectronics, and metal matrix composites.

The conferees agree to the following additional projects at the amounts indicated:

	Millions
Optoelectronics	$25.0
Nanoelectronics	9.0
Metal matrix composites	26.0
MIMIC	10.0
Fuel cells	11.8
Diamond and silicon carbide materials	10.0

The conferees agree that the Department of Defense should competitively select the best technologies to use in its fuel cell power plant demonstration project for a variety of applications, including automative and other power supply. The Department of Defense is also encouraged to solicit cost-sharing proposals from industry for this dual-use project. The conferees agree that DARPA should take advantage of its ongoing work in metal matrix composites to the maximum degree possible to find ways of inserting this new technology into emerging military and commercial products.

Defense Nuclear Agency

The amended budget request contained $410.0 million for the Defense Nuclear Agency (DNA).

The House bill would authorize $360.0 million.

The Senate amendment would authorize $373.0 million.

The House recedes.

The Senate report (S. Rept. 102–352) contained extensive guidance, direction, and recommendations on DNA roles and missions, funding, and management. The Senate report expressed concern that the DNA budget has been increasing despite the reduction in the threat and declining defense budgets overall. The Senate report called for a comprehensive review of DNA roles and missions, and emphasized the view that DOD should retain a focal point within the Department for nuclear weapons matters. The Senate report urged, and in some cases directed, that DOD utilize DNA expertise gained through decades of research and modeling of nuclear, hydrodynamic, and other short-lived phenomenology for a broad range of important non-nuclear requirements.

The conferees agree that DOD must retain a focal point within the Department for nuclear weapons expertise. Such an organization remains essential both to meet traditional requirements—such as monitoring the status of nuclear weapons and analyses of the safety and security of U.S. nuclear weapons, providing operational support to the Chairman of the Joint Chiefs of Staff and the combatant commands, hardening of both nuclear and conventional systems to the effects of nuclear weapons, and planning for and conducting weapons effects tests—and to provide important capabilities and expertise in support of relatively recent missions, such as arms control verification, assistance in the dismantling and disposal of nuclear weapons in the former Soviet Union, and the monitoring of nuclear proliferation.

The conferees also agree that, in lieu of the directives contained in the Senate report, DNA roles and missions, funding, and management should be reviewed at the highest levels of the Defense Department. The conferees direct the Defense Science Board and a group composed of the Vice Chairman of the Joint Chiefs of Staff, the Director of Tactical Warfare Programs, and the Director of Strategic and Theater Nuclear Forces to review these matters, and make recommendations to the Chairman of the Joint Chiefs of Staff and the Secretary of Defense. The Chairman should address the future of DNA in his overall roles and missions review, and the Secretary of Defense shall report to the congressional defense committees on changes to or expansion of the DNA charter, if any, not later than May 1, 1993.

Of the specific recommendations in the Senate report, the conferees agree only to authorize $20.0 million for continuation of the joint Navy/DNA electrothermal gun program and to authorize $15.0 million to accelerate simulator development. The conferees direct the Director of Defense Research and Engineering, in coordination with the Director of DNA and the Secretary of the Navy, to report jointly to the congressional defense committees on development and test milestones and objectives for the Navy/DNA electrothermal gun program.

Experimental evaluation of innovative technology

The amended budget request included $270.9 million for the experimental evaluation of innovative technology.

The House bill would reduce the amended budget request by $29.7 million, which would result from a reduction of $34.7 million for a classified program, and an addition of $5.0 million for gamma-gamma ray resonance imaging.

The Senate amendment would add $16.0 million to the requested amount for low-cost digital terrain mapping.

The conferees agree to both the House and Senate changes to the requested amount. In addition, the conferees agree to the House recommendation that $50,000 be utilized to evaluate low frequency synthetic aperture earth penetrating radar.

The conferees agree that the total authorization for experimental evaluation of innovative technology shall be $250.5 million.

Advanced short takeoff and vertical landing aircraft (ASTOVL)

The Senate report (S. Rept. 102-352) recommended an additional authorization of $5.0 million to the Defense Advanced Research Projects Agency (DARPA) to continue its evaluation of an advanced short takeoff and vertical landing (ASTOVL) technology demonstration program.

The House report (H. Rept. 102-527) contained no similar recommendation.

The conferees believe that this program could have broad implications for a future generation, multi-role/strike fighter. Indications are that new technologies could allow the Department of Defense to develop a STOVL aircraft which offers low cost, stealth, speed, and agility. Such an aircraft, which the Department could procure as current generation, multi-role and strike aircraft retire, would present an excellent candidate for multi-service development by the Navy, Air Force, and Marine Corps.

Accordingly, the conferees direct that $5.0 million of the funds requested in fiscal year 1993 for experimental evaluation of major innovative technology (DARPA R&D program element 603226E) be used to prepare for the next step in development of the STOVL strike fighter concept. The conferees expect that this step will lead to a large scale model and component testing.

Automatic landing systems

The Senate amendment would authorize $0.9 million for Defense Advanced Research Projects Agency (DARPA) research on technologies to provide situational awareness for flight operations in and around airfield approach zones. The Senate report (S. Rept. 102-352) supported DARPA interest in multilateral technology to reduce the cost and improve the safety of automatic landing systems. Such technology developments have the potential to enable precision control of aircraft to so-called "category 1" minimum standards.

The House bill contained no similar authorization.

The Senate recedes.

The conferees direct the Director of DARPA to further evaluate automatic landing systems technology. If that assessment indicates that research could lead to useful improvements, the Director should provide a plan for funding additional research as part of the budget request for fiscal years 1994/1995.

Unmanned undersea vehicle technology

The Senate amendment would add $5.0 million to continue the development of fuel cell technology for underwater weapons and larger manned submarines.

The House bill contained no similar authorization.

The House recedes. The conferees believe that advanced fuel cells for use in unmanned undersea vehicles and host platforms have great potential for both military and commercial applications. The conferees strongly encourage the continuation of the DARPA and Navy program in the development of this technology.

Advanced ASW technology

The Senate amendment would recommend an additional $15.0 million for the experimental evaluation of major innovative technologies (EEMIT) program managed by the Defense Advanced Research Project Agency (DARPA). These funds would be used to explore ways to apply massive computer processing capabilities to the solution of ASW problems.

The House bill contained no similar authorization.

The Senate recedes. The conferees are encouraged by the significant progress that has been made in applying massively-parallel computers to the problem of submarine detection and classification. Automation of ASW processing for detection and classification, which heretofore has been almost exclusively dependent upon human operators, holds great promise for improving surveillance in both deep and shallow water regions, reducing manpower requirements, and providing improved capabilities. The conferees strongly encourage (1) DARPA and the Department of Defense to continue funding support for this program, and (2) the Navy to move the technology into current and future operational systems as soon as feasible.

Advanced submarine technology

The amendment budget request included $57.9 million for the advanced submarine technology program in the Defense Advanced Research Projects Agency (DARPA).

The House bill would authorize $50.0 million for this program.

The Senate amendment would authorize the requested amount.

The House recedes. The conferees note with great satisfaction the impressive progress in advanced submarine technology that has been made under DARPA leadership. The conferees also are pleased that DARPA and the Navy have transferred many of the more mature technologies to the Navy's technology base and advanced submarine system development programs. The conferees encourage DARPA to continue its support of this program and assess the contribution DARPA can make to the further development of advanced submarine warfare technology, as recommended in the House report (H. Rept. 102-527).

Excimer laser technology

The Senate amendment would authorize $10.0 million to continue development of low-earth orbit, space object imaging technology.

The House bill contained no similar authorization.

The House recedes. The conferees endorse the guidance for this program contained in the Senate report (S. Rept. 102-352).

Balanced technology initiative

The conferees agree that the Department of Defense should report to the Committees on Armed Services of the Senate and the House of Representatives not later than April 15, 1993 regarding the Department's future plans for the balanced technology initiative (BTI). The conferees also agree that, as part of the BTI program, DARPA shall investigate a wide area surveillance platform aerobody and associated phased array radar technology. The Department of Defense should assess the benefit of a multi-year investigation beyond fiscal year 1993.

The conferees further agree to authorize $150.0 million, including $13.8 million for electric gun research, for the balanced technology initiative.

Electric armaments technology program

The conferees have reviewed with great interest the *DOD Electric Armaments Technology Program Report* dated June 4, 1992, which was submitted to the congressional defense committees in response to the direction contained in the statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). The conferees commend the Department of Defense for the thoroughness of the report. The report provides the congressional defense committees a comprehensive review of the program objectives, potential applications, technical accomplishments, management, and funding required by the military Services and participating agencies for the program through fiscal year 1995.

Over the last decade, a robust national effort has made significant progress in electric armaments technology. The conferees believe, however, that the promise of electric armaments technology will be realized only if the program continues on a solid scientific basis to identify and overcome technological barriers in gun propulsion, pulsed power, projectile/lethality, and simulation modeling. Then it must demonstrate by means of advanced technology demonstrations or modifications to fielded systems the maturity of the technology and its readiness for further development.

It is clear from the size of the program and the complexity of the technologies that there must be a coordinated electric armaments technology program with clearly defined objectives and milestones against which progress is measured. Among the military Services and defense agencies, the program should focus on resolving critical technology issues and minimizing duplication, while still maintaining competition. In concert with the defense reliance effort, such a program should make efficient use of the limited resources that will be available in future defense budgets.

The conferees direct the Director of Defense Research and Engineering to provide to the congressional defense committees by February 28 each year through 1995, an updated report on the electric armaments technology program which addresses technological progress during the past fiscal year, the extent to which program objectives and milestones have been met, funding obligations, and changes in program structure. The report should also project future plans, milestones, and funding requirements through the end of the current multi-year defense plan.

Manufacturing technology

The amended budget request included $255.4 million for manufacturing technology.

The House bill would reduce the requested amount by $75.0 million by transferring $80.0 million from the manufacturing technology account to another account for SEMATECH, and adding $5.0 million for coal utilization centers of excellence.

The Senate amendment would reduce the requested amount by $133.4 million by transferring $133.4 million from the manufacturing technology account to other accounts for SEMATECH, electronic module technology, and high definition displays.

The conferees agree to transfer the funds as proposed in the Senate amendment and to add $20.0 million to SEMATECH, for a total of $100.0 million; $31.4 million to electronic module technology, for a total of $75.0 million; and $95.0 million to high definition displays, for a total of $100.0 million. The conferees also agree to the House addition of $5.0 million for the coal utilization centers of excellence.

The conferees further agree that $10.0 million of the funds authorized for SEMATECH should be utilized for development of pollution-preventing, environmentally safe microchip manufacturing process. In executing this mandate, SEMATECH is expected to consult appropriate environmental and labor organizations.

Advanced lithography

The conferees agree that DARPA should maintain a balance of investigative efforts in cross cutting as well as competing advanced lithography technologies as recommended in the Senate report (S. Rept. 102-352). DARPA should also recognize the importance of lithography for other applications such as micro machining technologies. The conferees further agree to authorize the specific x-ray projects set forth in the House report (H. Rept. 102-527).

Software initiative

The amended budget request included $9.0 million for a software initiative.

The House bill would add $25.0 million to the requested amount for the Software Engineering Institute, the National Applied Software Engineering Center, and university-based software research.

The Senate amendment would add $7.5 million to the requested amount to continue the DARPA reusable software initiative.

The conferees agree to add $25.0 million, $7.5 of which is for the reusable software technology adoption program under the DOD consolidated software initiative.

Special operations technology development

The amended budget request included $2.9 million for special operations technology development.

The House bill would increase the requested amount by $1.0 million to investigate portable power sources, including specialized batteries.

The Senate amendment would approve the requested amount.

The Senate recedes.

Non-acoustic antisubmarine warfare

The amendment budget request contained $30.0 million for non-acoustic antisubmarine warfare (NAASW) RDT&E in the Office of the Secretary of Defense (OSD).

The House bill would authorize the requested amount.

The Senate amendment would authorize an additional $15.0 million for this effort.

The House recedes.

The conferees reiterate their strong support, as expressed in section 217 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), for two viable, independent non-acoustic ASW programs within the Department of Defense. The conferees have included additional guidance and direction on NAASW in the classified annex to this statement of the managers.

Joint remotely piloted vehicles program

The amended budget request contained $129.1 million to continue development of various unmanned air vehicles under the joint remotely piloted vehicles (RPV) program.

The House bill would authorize the requested amount, and would also authorize an additional $15.0 million to examine alternative vertical take off and landing (VTOL) technologies in addition to the tilt-rotor technology, which is the only approach under consideration by the joint project office.

The Senate amendment would authorize $60.9 million, eliminating $68.2 million associated with the medium range RPV program.

The conferees recommend a total authorization of $144.1 million. Concerning the VTOL technologies, the conferees recommend the addition of $15.0 million to the requested amount. The conferees direct that those funds may be used only for purposes of developing alternative VTOL technologies other than the tilt rotor technology, and beginning the integration of technology, such as common automatic landing systems, which possess broad application throughout the family of unmanned vehicles.

The conferees express serious reservations over the management of these programs by the joint project office. Remarkably little progress has been registered during the past five years in this area. The conferees believe the Secretary of Defense should undertake a comprehensive management review of the joint program office.

Manufacturing technology initiative

The House bill would authorize $40.5 million for a manufacturing technology initiative.

The Senate amendment would authorize $118.0 million for such an initiative.

The conferees agree to authorize the following:

	Millions
STEP program	$2.0
Defense Logistics Agency Mantech	29.0
Agile manufacturing programs	30.0
Manufacturing partnerships with foreign sources	5.0
Total	66.0

The conferees agree that of the funds provided, at least $7.5 million shall be for apparel manufacturing demonstrations. The conferees also agree that this program should be executed in accordance with the House report (H. Rept. 102-527) and the Senate report (S. Rept. 102-352). The conferees again note their agreement that this program be managed by the Under Secretary of Defense for Acquisition and not by the Assistant Secretary of Defense for Production and Logistics.

Defense Modeling and Simulation Office

The Senate amendment contained $60.0 million in research and development funds and $10.0 million in procurement funds to continue operations of the newly-established Defense Modeling and Simulation Office (DMSO).

The House bill contained no similar authorization.

The conferees are pleased at the significant progress that has been achieved by the DMSO during the past year and recommend an authorization of $10.0 million in procurement and $60.0 million in research and development. The conferees expect, however, that the Defense Department will budget the funds required to continue operations of the DMSO in future budget submissions.

Joint simulation center for warfighting concepts and doctrine development

The Senate amendment would authorize $10.0 million to establish a Joint Simulation Center for Doctrine and Concept Development under the Joint Chiefs of Staff.

The House bill contained no similar authorization.

The conferees understand that the Joint Chiefs of Staff support the establishment of this center, but that it is not possible to establish the center by February 1, 1993, the date specified in the Senate report (S. Rept. 102-352). The JCS has indicated that it would be possible to establish the center by June 1, 1993.

The conferees welcome the constructive approach outlined by the JCS. The conferees believe that a charter for the center should be established not later than July 1, 1993. Since the implementation date would fall so later in the fiscal year, the conferees do not believe that funds are likely to be needed during fiscal year 1993. The conferees strongly support the establishment of the joint simulation center, and if funds are needed in fiscal year 1993, the Defense Department should utilize resources made available through the Defense Modeling and Simulation Office.

Army National Guard advanced simulation project

The National Guard Bureau and the Defense Advanced Research Projects Agency have jointly developed a program to introduce advanced simulation technology to improve the peacetime readiness and wartime mobilization of National Guard roundout brigades. The program was initiated with funds appropriated for the Defense Modeling and Simulation Office in fiscal year 1992. In order to continue the project, the Senate amendment would authorize $20.0 million for fiscal year 1993.

The House bill would not authorize any funds for this purpose.

The conferees recommend an authorization of $20.0 million.

National Guard armor simulation center

The Senate amendment would authorize $10.0 million to establish a National Guard armor simulation center in conjunction with existing simulation facilities at the Army's Armor Center at Ft. Knox, Kentucky.

The House bill contained no similar authorization.

The conferees recommend an authorization of $10.0 million.

University research indirect costs

The Senate report (S. Rept. 102-352) included the following discussion of university research indirect costs:

> In response to abuse of the overhead reimbursement process by certain universities, the Office of Management and Budget has imposed a cost cap on administrative indirect cost reimbursements during the review of indirect cost reimbursements for institutions of higher education. The committee notes that university research is one of the jewels in our national technology base, and that it is imperative that any such rules not impose disincentives to the continuation of practices that have led to world class leadership by our university research institutions. In addition, the committee notes that there are important differences between contracts and grants, and expects that the final rules will contain appropriate provisions reflecting these differences.

The House report (H. Rept. 102-527) contained no similar discussion.

The conferees endorse the Senate report's discussion of this issue.

Endowment for Defense Industrial Cooperation (sec. 205)

The House bill contained a provision (sec. 204) that would authorize $10.0 million for the U.S. share of the initial capitalization of a U.S.-Israel Endowment for Defense Industrial Cooperation. The provision would offset the $10.0 million authorization by reducing by $10.0 million the funds authorized for Navy advanced submarine system development.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit to Congress a report on the benefits and limitations of establishing a U.S.-Israel Endowment for Defense Industrial Cooperation.

V-22 Osprey aircraft program (sec. 211)

The House bill contained a provision (sec. 211) that would require the Department of Defense to develop, manufacture, and operationally test three production representative V–22 aircraft. These would be in addition to the three production representative aircraft authorized and appropriated in fiscal year 1992. The House provision would also require the Secretary of Defense to request necessary funds in future budget requests to complete development, manufacture, and operational testing of six production representative V–22 aircraft.

The Senate amendment included a similar provision (sec. 211) which would not require the Secretary of Defense to request additional funds in future budget requests for the V–22 aircraft program.

The Senate amendment also included a provision (sec. 212) that would require the Commandant of the Marine Corps to submit a report by September 1, 1992, on the crash of the V–22 Osprey prototype aircraft on July 20, 1992. The provision would prohibit obligating any more than 50 percent of the fiscal year 1993 V–22 funds until the Commandant had submitted the report.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would:

authorize the use of $755.0 million only for the V–22 Osprey aircraft program,

direct the use of fiscal year 1993 and prior year funds only for the development, manufacture, and operational testing of V–22 Osprey or derivative tiltrotor aircraft, and

limit the obligation of any more than 50 percent of the fiscal year 1993 funds until the Commandant has submitted the crash report.

The required report on the recent crash should highlight any investigation conclusion that points to possible flaws with the V–22 prototype aircraft design. The conferees are most interested in any potential design flaws that the government/contractor team could not correct within the scope of the congressionally-directed program to develop, manufacture, and test V–22 Osprey or derivative tiltrotor aircraft.

The conferees note that the current V–22 full-scale development (FSD) program is being operated under a fixed-price contract. Many of the terms and conditions under which that agreement was reached are no longer valid. Given the change in program direction proposed by the Secretary of Defense, the conferees believe that it is no longer cost-effective or prudent to complete a number of tasks called for in the existing FSD contract. The conferees understand that any new V–22 contract will be a cost-plus type instrument. Since it would be difficult to manage various phases of the effort under two such disparate contracting vehicles, therefore, the conferees believe that the Defense Department should move expeditiously to reduce the scope of the FSD contract, as appropriate, and close it out.

Special operations variant of the V–22 Osprey aircraft (sec. 212)

The Senate amendment included a provision (sec. 213) that would authorize the expenditure of $15.0 million in Defense Agencies research and development funds for work on the special operations variant of the V–22 aircraft.

The House bill contained no similar provision.

The House recedes.

Extension of prohibition on testing MIRACL against an object in space (sec. 213)

The House bill contained a provision (sec. 213) that would prohibit the Secretary of Defense from carrying out a test of the mid-infrared advanced chemical laser (MIRACL) transmitter and associated optics against an object in space during 1993 unless such testing is specifically authorized in law.

The Senate amendment contained no similar provision.

The Senate recedes.

One-year delay in transfer of management responsibility for Navy mine countermeasures program (sec. 215)

The House bill contained a provision (sec. 216) that would delay implementation of section 216 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190). Section 216 requires that management of Navy mine countermeasures (MCM) research and development programs be transferred to an office within the Office of the Secretary of Defense unless the Secretary certified by June 1, 1992, that the Navy had fully funded a program that met the requirements of the combatant commanders.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delay implementation of the transfer. The amendment would also require the Secretary of Defense to submit the required certification for the following fiscal year with the submission of the amended budget request for that year, rather than by June 1 of each year, as originally stipulated.

The conferees believe that the Navy has been operating in good faith to develop and implement a more robust plan for MCM research and development. The conferees also understand that only a technical problem prevented the Secretary from making the required certification this year. The conferees, however, do not intend that this amendment be interpreted as a willingness to waive section 216 again.

Light armored vehicle—105 millimeter gun (LAV–105) program (sec. 216)

The House bill contained a provision (sec. 217) that would direct the Secretary of the Navy to reinstate the engineering and manufacturing systems development program for the LAV–105 program and to obligate the fiscal year 1992 funds authorized and appropriated for this purpose. The provision would also require that $14.7 million of fiscal year 1993 Navy research and development funds be spent only for completion of the development and operational testing of the LAV–105 vehicle.

The Senate amendment contained no similar provision, but included $14.7 million for the fiscal year 1993 LAV–105 program.

The Senate recedes with an amendment.

Advanced research projects (sec. 217)

The House bill contained a provision (sec. 219) that would clarify the authority of the Department of Defense to enter into certain cooperative research and development agreements.

The Senate amendment contained no similar provision.

The Senate recedes.

Superconductive magnetic energy storage (sec. 218)

The House bill contained a provision (sec. 221) that would authorize $50.0 million for the superconducting magnetic energy storage (SMES) project and restrict obligation of R&D funds for the Defense Nuclear Agency (DNA) until all existing requirements established by law pertaining to that project have been complied with or the Secretary of Defense has submitted to the Armed Services Committees of the Senate and the House of Representatives, a detailed explanation as to why those requirements have not been satisfied.

The Senate amendment contained no similar provision.

The conferees have been made aware of the draft joint Department of Defense/Department of Energy (DOD/DOE) plan for SMES development. This plan has been distributed informally to the appropriate congressional oversight committees. The conferees believe the draft plan fulfills the intent of Public Law 102–190. Consequently, the Senate recedes with an amendment that would direct DOD and DOE to revise the draft DOD and DOE plan for SMES and require the revision to be submitted to the Congress not later than 30 days after the enactment of this bill. The conferees further direct the Secretary of Defense to release all remaining funds for SMES for the conduct of the technical tasks in the revised plan. In accordance with the plans, no fiscal year 1993 funds are required; therefore, the House recedes from adding $50.0 million. Prior legislation relating to planning activity and contractor "downselect" would be repealed.

Missile defense programs (secs. 231–234)

Theater missile defense initiative (sec. 231)

The House bill contained a provision (sec. 231) that would create a theater missile defense initiative (TMDI) and transfer all programs, projects, and activities formerly associated with the SDIO theater missile defense (TMD) program element and their associated research and development and procurement funding to TMDI. The provision would authorize $62.5 million for TMDI procurement for fiscal year 1993 and $997.7 million for TMDI research and development, of which not less than $90 million would be available for Naval TMD programs, projects, and activities.

The Senate amendment contained no similar provision. However, the Senate amendment would authorize $62.5 million for fiscal year 1993 for TMD procurement within the overall funds provided to SDI and $997.5 million for TMD research and development programs, projects, and activities.

The Senate recedes. The conferees agree to create a TMDI as directed in the House bill. In directing this action, the conferees do not intend to rule out any arrangement the Secretary of Defense may determine is most appropriate for the management and program direction of the TMDI, including placing TMDI under the management and direction of the Director of SDIO. Regardless of what organizational relationship the Secretary determines is appropriate between SDI and TMDI, the conferees direct the Secretary of Defense to ensure that TMDI and SDI programs, projects, and activities that share common technologies or requirements be closely coordinated, including the use of combined or joint funding and management where appropriate. This direction is designed to avoid redundancy, to obtain both technological and financial efficiencies, and to maximize the incorporation of common technologies in specific theater and strategic missile defense systems. Furthermore, the Secretary may use the authority to transfer a limited amount of funding from SDI program element funding to TMDI during fiscal year 1993 to help promote these efficiencies. Finally, the conferees invite the Secretary to consider the establishment of joint activities funding lines within both TMDI and SDI for fiscal year 1994 and thereafter so as to clearly identify those programs, projects, and activities which are common to both theater and strategic missile defense systems.

The conferees agree to authorize $75.2 million for fiscal year 1993 for TMDI procurement and $935 million for TMDI research and development and to eliminate the TMD program element under SDI.

Strategic Defense Initiative funding (sec. 232)

The House bill contained a provision (sec. 232) that would authorize $3.4 billion for non-TMDI SDI research and development in fiscal year 1993, allocated among the four remaining SDI program elements as follows: $2.13 billion for the limited defense system (LDS), no funds for space-based interceptors (SBI), $528.3 million for other follow-on systems, and $576.7 million for research and support (R&S). The House bill would provide a total of $4.3 billion in SDI and TMDI funds in fiscal year 1993.

The Senate amendment contained a provision (sec. 222) that would authorize a total of $3.8 billion for SDI in fiscal year 1993 and, in addition to the TMD funding authorization described above, establish the following ceilings on the four non-TMD SDI program elements: $2.09 billion for LDS, $350 million for SBI, $400 million for other follow-on systems, and $400 million for R&S. The provision would also declare that nothing in this act shall be construed to authorize the exercise of any option to fabricate or field elements of a user operational evaluation system (UOES) at the initial ABM site.

The conferees agree to authorize a total of $3.04 billion for non-TMDI SDI research and development in fiscal year 1993, allocated among the four remaining SDI program elements as follows: $2.04 billion for LDS, $300 million for SBI, $300 million for other follow-on systems, and $400 million for R&S. In combination with the procurement and research and development funds which the conferees agree to authorize under the TMDI, the conference agreement would provide a total of $4.5 billion in SDI and TMDI funds in fiscal year 1993.

The conferees do not object to continued planning by SDIO of the various UOES options for the initial ABM site. However, since no proposal on exercising a particular UOES early fielding option is expected to be proposed to Congress by the Defense Department prior to 1995, the conferees make no decision at this time on any of the UOES options for the initial ABM site. The conferees therefore agree to the provision in the Senate bill that would declare that nothing in this act is to be construed to authorize the exercise of any of these options.

Reporting on transfers and allocation of funding for TMDI and SDI (sec. 233)

The House bill contained a provision (sec. 232(d)) that would authorize the Secretary of Defense to transfer up to 10 percent of the funds to or from any of the four Strategic Defense that the missile defense goal of the United States is to comply with the ABM Treaty, including any protocol or amendment thereto, and not develop, test, or deploy any ballistic missile defense system, or component thereof, in violation of the Treaty, as modified by any protocol or amendment thereto, while deploying an anti-ballistic missile system that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles; maintain strategic stability; and provide highly effective theater missile defense (TMDs) to forward-deployed and expeditionary elements of the Armed Forces of the United States and to friends and allies of the United States.

Deployment dates

The House bill contained a provision (sec. 233(b)) that would delete the deployment date in the MDA for the initial ABM site but retain the deployment date for TMD systems in the MDA.

The Senate amendment contained a provision (sec. 221) that would delete the specific dates that had been incorporated in section 233(b) of the MDA as goals for achieving the deployment of advanced theater missile defense (TMD) systems and the initial anti-ballistic missile (ABM) system.

The House recedes. The conferees direct the Secretary of Defense to develop the advanced TMD and initial ABM deployments consistent with sound acquisition procedures and in accordance with a low-to-moderate technical risk and low-to-moderate concurrency program. The conferees further direct the Secretary to structure this development program with the objective of deploying such systems by the earliest date allowed by the availability of appropriate technology and the completion of adequate integrated testing of all systems components. On July 2, 1992, the Secretary of Defense submitted a report to Congress in accordance with section 233(b)(3) of the MDA outlining his plan for the development for deployment of advanced TMD systems and the initial ABM system. The conferees also endorse SDIO plans to develop, test, and field UOE prototypes for the THAAD system by 1996. The conferees believe that the baseline programs for TMD and the limited defense system (LDS) as set forth in this report constitute a low-to-moderate technical risk and low-to-moderate concurrency program. Under these programs, deployment of the initial ABM site of the LDS would occur in the year 2002, and advanced TMD systems would attain their initial operational capabilities (IOCs) in the same time frame.

Transfer of far-term, follow-on technologies

The Senate amendment contained a provision (sec. 221(b)) that would require the Secretary of Defense to transfer responsibility for the research and development of far-term, follow-on technologies (that is, technologies not likely to be weaponized within the next 10–15 years) to the Defense Advanced Research Projects Agency (DARPA) or the appropriate Service until Initiative program elements provided under the House bill, and to submit a report to the congressional defense committees on the allocation of funding, after any such transfers, for each SDI program, project, or activity. The report would be required not later than 90 days after enactment.

The Senate amendment contained a similar provision (sec. 222(c)), except that such transfers would be permitted among the five program elements, including TMD, of SDI under the Senate bill. However, the transfer authority would not be available to transfer funds out of the TMD program element.

The Senate recedes with an amendment. In light of the provision elsewhere in this Act that would create a separate theater missile defense initiative within the Department of Defense, the conferees agree to permit transfers to occur as provided in both bills among the four remaining program elements of SDI, and to permit transfers from the four SDI program elements to TMDI. None of the four SDI program elements could be reduced by more than 10 percent of the amount authorized for such elements in the conference agreement and funding for none of those four SDI elements, or for TMDI, could be increased by more than 10 percent of the amount authorized in the conference agreement. The transfer authority could not be used to reduce TMDI funding below the amount authorized in the conference agreement for that program.

The flexibility to transfer funds to TMDI from SDI program elements will assist in helping ensure that efficiencies can be obtained for technology development programs having both strategic and theater missile defense applications.

Revision of the Missile Defense Act of 1991 (sec. 234)

U.S. missile defense goals

The House bill contained a provision (sec. 233) that would amend the Missile Defense Act (MDA) of 1991 to state expressly that it is a goal of the United States to maintain compliance with the ABM Treaty, including any protocol or amendment thereto, and not develop, test, or deploy any ballistic defense missile system, or component thereof, in violation of the Treaty, as modified by any protocol or amendment thereto. The provision would further modify the MDA to state that it is a goal of the United States to deploy an ABM system that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles, which may include space-based sensors and additional deployment sites if authorized by Congress and permitted by the ABM Treaty, as modified by any protocol or amendment thereto.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The conferees agree they are mature enough to warrant their transfer to SDIO, unless he certifies that the national security interests of the United States require a particular project, project, or activity now under the other follow-on technologies program element to be maintained under SDIO.

The House provision contained no similar provision.

The House recedes.

Arms control considerations

The Senate amendment contained a provision (sec. 221(a)) that would revise section 233(a)(2) of the MDA to clarify that the ground-based surveillance and tracking system (GSTS) pop-up optical probe is a sensor system not prohibited by the ABM Treaty (i.e., an adjunct) and therefore one of a series of Treaty-compliant sensor systems, the optimum utilization of which shall be included in the initial Treaty-compliant ABM site architecture.

The House bill contained no similar provision.

The House recedes. The conferees are concerned by the apparent gap between SDIO planning assumptions with regard to programs that raise ABM Treaty compliance problems and the progress to date in U.S. and Russian efforts to negotiate amendments of the ABM Treaty. The conferees urge the President to continue to pursue the changes to, and clarifications of, the ABM Treaty as provided in section 233(c)(2) of the MDA. However, pending further negotiation of such revisions, the conferees direct SDIO to plan the architecture for the initial, Treaty-compliant ABM site on the basis of the Treaty as now constituted and not as it may be revised. The conferees are aware that SDIO is pursuing a proposal to upgrade PAVE PAWS and BMEWS early warning radars (EWRs) to expand the coverage of the initial site. The administration has not yet determined if the testing and utilization of such upgraded EWRs would be compliant with the Treaty. If the administration ultimately determines that the testing and utilization of such upgraded radars in an ABM mode does not violate the Treaty, then the conferees agree that such upgraded EWRs would be another in that series of Treaty-compliant sensor systems, the optimum utilization of which shall be included in the initial Treaty-compliant ABM site architecture.

Development and testing of ABM systems or components (sec. 235)

The Senate amendment contained a provision (sec. 223) that would specify that funds provided to the Defense Department for fiscal year 1993 and previous years may not be obligated or expended for the development or testing of anti-ballistic missile (ABM) systems or components unless such development or testing is consistent with the development and testing described in the July 1992 SDIO report.

The House bill contained a virtually identical provision (sec. 234).

The House recedes.

Limitation regarding SDIO support services contracts (sec. 236)

The Senate amendment contained a provision (sec. 224) that would limit the Strategic Defense Initiative Organization (SDIO) to expenditures of $100 million for procurement of support services, defined as professional, administrative, and management support services, special studies and analysis, and contractors/consultants.

The House bill contained no similar provision.

The House recedes with an amendment that would set the limit at $135 million.

The conferees are aware that only 259 federal employees were assigned to SDIO in August 1992 to manage the largest single R&D program in the Defense Department, and that SDIO has used contracts to procure the technical, scientific, and engineering support required to accomplish its mission. The conferees urge the Director of SDIO to minimize the disruption caused by this limitation by first reducing contracts for administrative, clerical, management support, studies and analysis, and consultant services.

The Secretary of Defense is directed to undertake a study of the civilian and military manning levels in SDIO in order to determine the number and qualifications of civil service employees required to provide the services SDIO has previously been procuring by contract. The Secretary shall take actions to ensure that SDIO has sufficient civilian and military personnel to accomplish its mission as defined in the Missile Defense Act.

Medical countermeasures against biowarfare threats (sec. 241)

The House bill contained a provision (sec. 222) that would prohibit the obligation of expenditure of any funds authorized for product development or for research, development, test, and evaluation of medical countermeasures against biowarfare threat agents that have not been assessed by the Armed Forces Medical Intelligence Center in conjunction with the national intelligence community as being developed or produced for weaponization purposes.

The Senate amendment contained a provision (sec. 231) that would authorize no more than $59.67 million for fiscal year 1993 for the medical component of the biological defense research program (BRDP). The provision would also extend through fiscal year 1993 the limitations on the medical component of the BRDP contained in section 251 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190).

The House recedes.

National aerospace plan (sec. 242)

The amended budget request contained $175.5 million for the national aerospace plan (NASP).

The House bill would authorize the requested amount.

The Senate amendment would terminate the program. The Senate report (S. Rept. 102-352 argued that NASP is unaffordable in the current budget environment; DOD has failed to program funds for the program in the Future Year Defense Program; and NASA has failed to contribute its share of funding.

The conferees agree that the Department of Defense should pursue a vigorous technology base program in hypersonic research. The conferees conclude that the technology is not mature enough to make a decision on the feasibility of a mach 25 orbital flight test vehicle and that the cost of such a program may be prohibitive. The conferees are also disturbed by the chaotic signals on the NASP effort emanating from NASA management, and by the lack of support for the NASA contribution to this joint program from NASA and Congress. Last year, the conferees served "notice to the administration that the NASP program will *not* be permitted to become a civilian space program activity overwhelmingly funded by DOD." Despite this admonition, no funding will be available from NASA in fiscal year 1993 for this program.

In light of the above, the conferees recommend a provision that would prohibit DOD from obligating funds for NASP after fiscal year 1993 in amounts greater than twice the amount provided for NASP in the Housing and Urban Development and Independent Agencies appropriations act for that fiscal year. For fiscal year 1993, the conferees agree to authorize $150.0 million for the purpose of completing the current three-year phase of the NASP program. The conferees agree that completing the technology development phase is the responsible way to terminate the current effort, and make an informed decision about the future feasibility and direction of hypersonic flight programs. The conferees direct that no more than half the appropriate funds for NASP in fiscal year 1993 may be obligated until the Secretary of Defense certifies to the congressional defense committees that the Department of Defense and NASA have budgeted sufficient funds to complete the program's technology assessment phase. The conferees also serve notice that further support for an orderly phase-out of the current program will depend on the NASA contribution in future years.

Landsat (sec. 243)

The Senate amendment contained a provision (sec. 839) that would authorize the Department of Defense to contract for the development, procurement, and support to operations of the seventh Landsat earth resources satellite.

The House bill contained no similar provision.

The House recedes.

The conferees agree to provide DOD the authority to proceed with the acquisition of Landsat 7 in the event that Congress fails to enact a comprehensive land remote sensing policy act during the 102 Congress. Also, the government cannot afford to wait longer to begin satellite acquisition if it wishes to ensure continuity in Landsat services in the late 1990s. The conferees emphasize the limited nature of the provision and stress the importance of revising the Land Remote Sensing Act of 1984.

LEGISLATIVE PROVISIONS NOT ADOPTED

Department of Defense Comptroller

The House bill included a provision (sec. 212) that would require the Department of Defense to reduce the number of personnel in the Office of the DOD Comptroller by five percent per month for every month that the Department failed to implement the V-22 aircraft program authorized and appropriated by Congress.

The Senate amendment contained no similar provision.

The House recedes. The Secretary of Defense has agreed to move forward with implementing the V-22 program authorized and appropriated by Congress.

P-3 maritime patrol aircraft modernization program

The House bill contained a provision (sec. 214) that would direct the Secretary of the Navy to obligate fiscal year 1992 funds appropriated to upgrade the propulsion plant and to make airframe payload and endurance improvements in the P-3 aircraft. It would authorize an additional $90.0 million of fiscal year 1993 funds for this purpose. The provision would also require the Secretary of Defense to include funds in future budget requests to execute whatever P-3 modernization program is approved by the Defense Acquisition Board (DAB).

The Senate amendment contained no similar provision. The Senate report (S. Rept. 102-352) directed the Navy not to eliminate any P-3 squadrons from the Navy's planned force structure (18 active and nine reserve squadrons) before fiscal year 1996. The report also directed the Secretary of the Navy to prepare a detailed plan for modernizing maritime patrol squadrons and to submit the plan to the congressional defense committees with the fiscal years 1994/1995 budget request.

The House recedes.

The conferees note that the Navy is attempting to reorient its antisubmarine warfare (ASW) program from open-ocean ASW operations toward an improved capability for regional ASW operations. The conferees believe that maritime patrol aircraft will continue to have an important role in ASW and anti-surface warfare patrol operations. The conferees also believe that the Navy must place a high priority on modernization of the P-3 aircraft fleet and expect that this modernization will be reflected in the amended budget request for fiscal years 1994/1995.

The conferees agree that the Secretary of the Navy should submit the report requested by the Senate report. The conferees also believe that the DAB should review the alternatives for modernizing maritime patrol squadrons.

Semiconductor cooperative research program

The House bill contained a provision (sec. 218) that would authorize $100.0 million for the semiconductor cooperative research program (SEMATECH).

The Senate amendment contained no similar provision, but would authorize $100.0 million for SEMATECH in a separate funding line.

The House recedes. The conferees recommend an authorization of $100.0 million for SEMATECH in a separate funding line.

Flexible computer integrated manufacturing program

The House bill contained a provision (sec. 220) that would authorize $12.5 million to implement a rapid acquisition of manufactured parts program (RAMP) at the Philadelphia Naval Shipyard and $11.5 million for the RAMP test and integration facility program within the Naval Supply Systems Command.

The Senate amendment contained $11.5 million for the RAMP test and integration facility program in the Navy MANTECH funding line.

The House recedes.

The conferees agree to fund the RAMP program at the Philadelphia Naval Shipyard and the RAMP test and integration facility at the Naval Supply Systems Command under the Navy MANTECH program.

Charged particle beam

The House bill contained a provision (sec. 224) that would authorize $6.0 million for the charged particle beam program and would reduce the amount requested for the advanced launch systems program by $6.0 million.

The Senate amendment contained no similar provision.

The House recedes. The conferees direct the Department of Defense to conduct the charged particle beam program under the DARPA tactical technology line.

Medical information demonstration program

The House bill contained a provision (sec. 225) that would authorize $15.0 million for a competitive grant to a medical college to provide research facilities with access to medical education and clinical research data.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recommend $15.0 million for a 50 percent cost-shared grant to be awarded through competitive procedures to a medical college to provide research facilities with the capability to access medical educational and research data through electronic networks. The conferees urge the Department of Defense to select an institution which has in place or is in the process of establishing computerized abstraction tools and a worldwide computer network linking public and private medical institutions. The conferees direct the Secretary of Defense to provide the grant in program element 602787A, Army medical technology.

Shipboard electronic warfare programs

The Senate amendment included a provision (sec. 214) that would require the Secretary of Defense to identify a separate program element in the budget request for fiscal years 1994/1995 for electronic warfare programs involving ship self-defense.

The House bill contained no similar provisions.

The Senate recedes.

The conferees believe that the electronic warfare programs which contribute directly to solving the ship self-defense problem should be managed by the single program manager for ship self-defense.

Funding for Technical Support Working Group on counter-terrorism

The Senate amendment contained a provision (sec. 232) that would authorize $10.0 million for the Technical Support Working Group (TSWG) on counter-terrorism. The provision would specify that $3.0 million of the $10.0 million would be available for cooperation with NATO and major non-NATO allies.

The House bill contained no similar provision, although it would authorize in a separate funding line $6.99 million for the TSWG—the amount included in the amended budget request.

The Senate recedes. The conferees recommend $9.99 million for the TSWG in a separate funding line. The $3.0 million addition to the requested amount would be available for cooperation with NATO and major non-NATO allies.

TITLE III—OPERATION AND MAINTENANCE

OVERVIEW

The House bill would authorize $77,816,268,000 for operation and maintenance for the Department of Defense and $16,600,000 for Working Capital Fund accounts in fiscal year 1993.

The Senate amendment would authorize $81,703,819,000 for operation and maintenance for the Department of Defense and $1,123,800 for Working Capital Fund accounts in fiscal year 1993.

The conferees recommend authorization of $80,805,502,000 for operation and maintenance for the Department of Defense and $1,145,000,000 for Working Capital Fund accounts in fiscal year 1993, as reflected in the following tables.

OPERATION AND MAINTENANCE
SUMMARY OF FUNDS RECOMMENDED FOR AUTHORIZATION
(DOLLARS IN THOUSANDS)

ACCOUNT	FY 1993 REQUEST	HOUSE CHANGE	FY 1993 HOUSE AUTHORIZED	SENATE CHANGE	FY 1993 SENATE AUTHORIZED	CONFERENCE CHANGE	FY 1993 CONFERENCE AUTHORIZED
O&M, ARMY	15,419,100	(1,837,694)	13,581,406	(1,225,885)	14,193,215	(1,517,188)	13,901,912
O&M, NAVY	20,728,600	(2,457,106)	18,271,494	(357,319)	20,371,281	(1,195,604)	19,532,996
O&M, MARINE CORPS	1,607,500	(50,200)	1,557,300	(153,985)	1,453,515	(48,985)	1,558,515
O&M, AIR FORCE	17,581,000	(2,143,866)	15,437,134	(704,523)	16,876,477	(988,143)	16,592,857
O&M, DEFENSE AGENCIES	9,033,000	530,094	9,563,094	(648,395)	8,384,605	233,879	9,266,879
O&M, INSPECTOR GENERAL	125,200	93,700	218,900	300	125,500	0	125,200
O&M, ARMY RESERVE	990,300	919	991,219	43,473	1,033,773	24,473	1,014,773
O&M, NAVY RESERVE	852,700	0	852,700	26,092	878,792	12,792	865,492
O&M, MARINE CORPS RESERVE	74,700	1,250	75,950	121	74,821	471	75,171
O&M, AIR FORCE RESERVE	1,215,723	(900)	1,214,823	(1,836)	1,213,887	(1,436)	1,214,287
O&M, ARMY NATIONAL GUARD	2,134,100	82,600	2,216,700	117,113	2,251,213	103,913	2,238,013
O&M, AIR NATIONAL GUARD	2,552,624	(700)	2,551,924	(40,149)	2,512,475	(39,449)	2,513,175
RIFLE PRACTICE, ARMY	2,700	0	2,700	0	2,700	0	2,700
COURT OF MILITARY APPEALS	5,900	0	5,900	(7)	5,893	(7)	5,893
ENVIRONMENTAL RESTORATION	901,200	0	901,200	612,000	1,513,200	612,000	1,513,200
HUMANITARIAN ASSISTANCE	13,000	0	13,000	12,000	25,000	12,000	25,000
DRUG INTERDICTION/COUNTER DRUG ACTV	1,263,400	0	1,263,400	0	1,263,400	0	1,263,400
WORLD UNIVERSITY GAMES	0	6,000	6,000	6,000	6,000	6,000	6,000
WORLD CUP GAMES	0	0	0	9,000	9,000	9,000	9,000
OLYMPIC GAMES	0	2,000	2,000	2,000	2,000	2,000	2,000
DEFENSE HEALTH PROGRAM	9,507,457	(418,033)	9,089,424	(385)	9,507,072	(348,418)	9,159,039
TOTAL OPERATION & MAINTENANCE	84,008,204	(6,191,936)	77,816,268	(2,304,385)	81,703,819	(3,122,702)	80,885,502

WORKING CAPITAL FUNDS

ACCOUNT	FY 1993 REQUEST	HOUSE CHANGE	FY 1993 HOUSE AUTHORIZED	SENATE CHANGE	FY 1993 SENATE AUTHORIZED	CONFERENCE CHANGE	FY 1993 CONFERENCE AUTHORIZED
WORKING CAPITAL FUNDS							
Defense Business Operations Fund	1,123,800	(1,107,200)	16,600	0	1,123,800	21,200	1,145,000
TOTAL WORKING CAPITAL FUNDS	1,123,800	(1,107,200)	16,600	0	1,123,800	21,200	1,145,000

O&M, ARMY
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, ARMY	15,419,100		13,581,406		14,193,215		13,901,912
Reduced Inventory Purchases		(509,000)		(222,000)		(222,000)	
Foreign Nationals		(94,000)				(94,000)	
Civilian Pay Quarter Adjustment		(102,000)				0	
Wage Grade Pay Adjustment		(55,000)		(5,900)		(5,900)	
Headquarters and Administration		(8,000)				(4,000)	
Consultants		(13,000)		(9,600)		(13,000)	
Audits and Monetary Benefits		(25,000)				0	
Automated Data Processing		(75,000)				(25,000)	
Leases		(17,000)				(8,500)	
Classified Programs		(105,794)		(56,200)		(127,228)	
Recruiting, Advertising and Examining		(34,600)		(12,500)		(12,500)	
Classroom Training		(84,000)		(80,000)		(40,000)	
Burdensharing		(95,000)		(40,000)		(95,000)	
DBOF Technical Adjustments		(559,400)				(251,400)	
CFE Verification		(2,500)				0	
Pentagon Reservation Maintenance Fund		(31,900)		(10,000)		(31,900)	
Criminal Investigations Transfer		(28,500)				0	
Nursing Demonstration Program		2,000				2,000	
Foreign Currency Repricing				(53,600)		0	
Reduced Purchases By DBOF				(132,500)		(132,500)	
Return Excess Inventory Stocks				(743,000)		(743,000)	
Excess On-Order Purchases				(250,000)		(125,000)	
Excess DBOF Cash				(100,000)		0	
Command, Control, Communications				(40,000)		(13,000)	
Real Property Maintenance (Transfer)				599,798		574,798	
Real Property Maintenance				(22,000)		0	
Travel				(29,896)		(29,896)	

Administrative Airlift		(800)	(800)
Printing		(3,002)	(3,002)
OSIA - Reduced FY 1993 Costs		(5,000)	(5,000)
Revised Inflation		(11,000)	(11,000)
Retire SIGINT Equipment		(35,500)	(35,500)
O&M Purchase Threshold		6,900	0
Civilian Personnel Benefits		9,800	14,800
JROTC		18,690	18,690
Service Academy Bands		(75)	0
Army Environmental Policy Institute		1,500	1,500
Madigan Army Medical Center			150
Transfer - National Defense Stockpile			(100,000)
TOTAL	(1,837,694)	(1,225,885)	(1,517,188)

O&M, NAVY
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, NAVY	20,728,600		18,271,494		20,371,281		19,532,996
Excess Inventories		(646,000)		(321,280)		(321,280)	
Foreign Nationals		(30,000)				(30,000)	
Civilian Pay Quarter Adjustment		(91,000)				0	
Wage Grade Pay Adjustment		(33,000)		(19,200)		(19,200)	
Headquarters and Administration		(8,000)				(4,000)	
Consultants		(1,000)		(24,600)		(1,000)	
Audits and Monetary Benefits		(25,000)				0	
Automated Data Processing		(75,000)				(25,000)	
Leases		(11,000)				(5,500)	
Classified Programs		(25,406)		(25,700)		(25,435)	
Recruiting, Advertising and Examining		(13,000)		(4,700)		(4,700)	
Classroom Training		(71,000)		(62,000)		(31,000)	
Force Structure Support Excess		(253,000)				(50,000)	
Burdensharing		(3,000)				(3,000)	
Philippine Severance Pay		(52,000)		(52,000)		(52,000)	
DBOF Technical Adjustments		(1,045,500)				(782,500)	
Pentagon Reservation Maintanance Fund		(22,000)		(3,900)		(22,000)	
Criminal Investigations Transfer		(54,200)				0	
Guantanamo Base Operations		2,000				2,000	
Foreign Currency Repricing				(4,300)		0	
Reduced Purchases by DBOF				(166,800)		(166,800)	
Return Excess Inventory Stock				(31,500)		(31,500)	
Excess DBOF Cash				(100,000)		0	
Command, Control, Communication				(40,000)		(13,000)	
Real Property Maintenance (Transfer)				551,256		510,256	

Real Property Maintenance		(54,000)	0
Travel		(12,405)	(12,405)
Administrative Airlift		(2,350)	(2,350)
Printing		(2,376)	(2,376)
OSIA - Reduced FY 1993 Costs		(7,300)	(7,300)
Revised Inflation		(13,000)	(13,000)
O&M Purchase Threshold		41,000	0
Naval Earth Orbit Activities		1,600	1,600
Civilian Personnel Benefits		4,800	7,400
SOSUS		(15,000)	0
JROIC		6,486	6,486
Service Academy Bands		(50)	0
Transfer - National Defense Stockpile			(100,000)
USS Sanctuary			2,000
TOTAL	(2,457,106)	(357,319)	(1,195,604)

O&M, MARINE CORPS
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, MARINE CORPS	1,607,500		1,557,300		1,453,515		1,558,515
Excess Inventories		(44,000)		(21,960)		(21,960)	
Recruiting, Advertising and Examining		(6,200)		(2,600)		0	
Foreign Currency Repricing				(100)		0	
Reduced Purchases by DBOF				(15,300)		(15,300)	
Return Excess Inventory Stock				(19,500)		(19,500)	
Excess DBOF Cash				(100,000)		0	
Training and Education				(6,000)		(3,000)	
Wage Grade Pay Raise				(1,200)		(1,200)	
Travel				(3,593)		(3,593)	
Printing				(620)		(620)	
Revised Inflation				(2,000)		(2,000)	
MP Training				460		460	
O&M Purchase Threshold				1,000		0	
Civilian Personnel Benefits				600		900	
MC Enhancements				14,600		14,600	
JROTC				2,228		2,228	
TOTAL		(50,200)		(153,985)		(48,985)	

O&M, AIR FORCE
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, AIR FORCE	17,581,000		15,459,634		16,876,477		16,592,857
Excess Inventories		(634,000)		(271,140)		(271,140)	
Foreign Nationals		(23,000)				(23,000)	
Civilian Pay Quarter Adjustment		(78,000)				0	
Wage Grade Pay Adjustment		(39,000)		(11,600)		(11,600)	
Headquarters and Administration		(17,000)				(8,500)	
Consultants		(16,000)		(9,000)		(16,000)	
Audits and Monetary Benefits		(25,000)				0	
Automated Data Processing		(75,000)				(25,000)	
Leases		(11,000)				(5,500)	
Recruiting, Advertising and Examining		(5,000)		(1,800)		(1,800)	
Classroom Training		(46,000)		(44,000)		(22,000)	
Real Property Maintenance		(232,000)		(90,000)		0	
Burdensharing		(2,000)				(2,000)	
DBOF Technical Adjustments		(598,100)				(275,100)	
Depot Level Reparables & Reliability Centered Maintenance		(100,000)				(50,000)	
Pentagon Reservation Maintenance Fund		(24,200)		(7,100)		(24,200)	
Classified Programs		(93,466)		(16,900)		(33,100)	
Criminal Investigations Transfer		(41,000)				0	
Civil Air Patrol		400		1,331		1,331	
Junior ROTC		25,000		4,022		4,022	
Computer-aided Acq. & Logistics System		13,000				13,000	
Foreign Currency Repricing				(25,500)		0	
Reduced Purchases By DBOF				(140,200)		(140,200)	
Return Excess Inventory Stock				(224,000)		(224,000)	

Workload Carryover	(100,000)		(50,000)
Excess On-Order Purchases		(150,000)	(75,000)
Excess DBOF Cash		(100,000)	0
Command, Control, Communication		(40,000)	(13,000)
Real Property Maintenance (Transfer)		446,394	403,894
Travel		(16,008)	(16,008)
Administrative Airlift		(9,150)	(9,150)
Printing		(2,892)	(2,892)
OSIA - Reduced FY 1993 Costs		(6,800)	(6,800)
Revised Inflation		(16,000)	(16,000)
B52/B1 Depot Costs		(17,600)	0
O&M Purchase Threshold		36,000	0
Civilian Personnel Benefits		7,600	11,600
Service Academy Bands		(180)	0
Transfer - National Defense Stockpile			(100,000)
TOTAL	(2,121,366)	(704,523)	(988,143)

O&M, DEFENSE AGENCIES

($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, DEFENSE AGENCIES	9,033,000		9,561,594		8,384,605		9,266,879
Excess Inventories		(62,000)		(32,258)		(32,258)	
Foreign Nationals		(3,000)				(3,000)	
Civilian Pay Quarter Adjustment		(37,000)				0	
Wage Grade Pay Adjustment		(13,000)		(9,200)		(9,200)	
Headquarters and Administration		(17,000)				(8,500)	
Consultants		(15,000)		(16,800)		(15,000)	
Audits and Monetary Benefits		(25,000)				0	
Automated Data Processing		(75,000)				0	
Leases		(11,000)				(5,500)	
Recruiting, Advertising and Examining		(2,000)		(400)		(400)	
Classroom Training		(6,000)				0	
DBOF Technical Adjustments		(11,300)				(11,300)	
OSIA Chemical Weapons Verification		(14,300)		(14,300)		(14,300)	
Pentagon Reservation Maintenance Fund		(31,900)		(9,900)		(31,900)	
Defense Commissary Agency		(55,500)				(55,000)	
Classified Programs		(209,306)		(157,435)		(173,861)	
Defense Contract Audit Agency		8,700		8,700		8,700	
Defense Commissary Agency		1,107,200				0	
Physician Assistant Demonstration Program		1,000				1,000	
National Defense Stockpile Operating Expenses				(33,000)		0	
Office of Economic Adjustment				25,000		50,000	
Office of the Secretary of Defense				(3,400)		(3,400)	
Foreign Currency Repricing				(4,700)		0	
Reduced Purchases By DBOF				(22,600)		(22,600)	
Excess DBOF Cash				(100,000)		0	

Command, Control, Communication		(30,000)	(10,000)
Real Property Maintenance (Transfer)		168,362	168,362
Real Property Maintenance		(34,000)	0
Travel		(16,355)	(16,355)
Printing		(2,609)	(2,609)
Revised Inflation		(8,000)	(8,000)
Payments to School Districts		58,000	58,000
Legacy Res. Manage. Prog.		40,000	40,000
O&M Purchase Threshold		129,500	0
CINC Initiatives Fund		25,000	25,000
Transfer - National Defense Stockpile		(612,000)	(100,000)
Civilian Personnel Benefits		4,000	8,000
Civilian Community Corps Demo Program			30,000
National & Community Service Programs			30,000
Economic Adjustment Planning Pilot Project			2,000
Assistance Through EDA			80,000
Training and Employment Services			75,000
Troops to Teachers Program			65,000
Environmental Remediation Tng Scholarships			10,000
College Grants - Env. Restoration Tng			10,000
Upward Bound Projects			5,000
Job Bank Program			4,000
Serv. Mmbrs Occupational Conversion & Tng			75,000
Procurement Technical Assistance Centers			12,000
TOTAL	528,594	(648,395)	233,879

O&M, INSPECTOR GENERAL
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, INSPECTOR GENERAL	125,200		218,900		125,500		125,200
Criminal Investigations Transfer		93,700				0	
O&M Purchase Threshold				300		0	
TOTAL		93,700		300		0	

O&M, ARMY RESERVE

($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, ARMY RESERVE	990,300		991,219		1,033,773		1,014,773
Recruiting, Advertising & Examining		(5,300)		(1,900)		(1,900)	
Classified Programs		(1,781)				0	
End Strength Adjustment		8,000		46,000		27,000	
Reduced Purchases By DBOF				(7,000)		(7,000)	
Reduce Purchases From DBOF				(10,140)		(10,140)	
Real Property Maintenance (Transfer)				23,200		23,200	
Wage Grade Pay Raise				(600)		(600)	
Travel				(4,367)		(4,367)	
Printing				(720)		(720)	
Revised Inflation				(1,000)		(1,000)	
TOTAL		919		43,473		24,473	

O&M, NAVY RESERVE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, NAVY RESERVE	852,700		852,700		878,792		865,492
Recruiting, Advertising and Examining		(2,000)		(800)		(800)	
Craft of Opportunity Program		2,000				3,200	
Reduced Purchases By DBOF				(11,200)		(11,200)	
Reduce Purchases From DBOF				(16,027)		(16,027)	
Real Property Maintenance (Transfer)				27,872		27,872	
End Strength Adjustment				33,000		16,500	
Travel				(1,024)		(1,024)	
Administrative Airlift				(4,576)		(4,576)	
Printing				(153)		(153)	
Revised Inflation				(1,000)		(1,000)	
TOTAL		0		26,092		12,792	

O&M, MARINE CORPS RESERVE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, MARINE CORPS RESERVE	74,700		75,950		74,821		75,171
Recruiting, Advertising and Examining		(1,000)		(100)		0	
End Strength Adjustment		2,250		2,000		2,250	
Reduced Purchases By DBOF				(600)		(600)	
Reduce Purchases From DBOF				(800)		(800)	
Travel				(322)		(322)	
Printing				(57)		(57)	
TOTAL		1,250		121		471	

O&M, AIR FORCE RESERVE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, AIR FORCE RESERVE	1,215,723		1,214,823		1,213,887		1,214,287
Recruiting, Advertising and Examining		(900)		(300)		(300)	
Reduced Purchases By DBOF				(12,000)		(12,000)	
Reduce Purchases From DBOF				(17,015)		(17,015)	
Real Property Maintenance (Transfer)				28,500		28,500	
End Strength Adjustment				1,000		1,000	
Wage Grade Pay Raise				(1,900)		(1,900)	
Travel				(721)		(721)	
Printing				(100)		(100)	
Civilian Personnel Benefits				700		1,100	
TOTAL		(900)		(1,836)		(1,436)	

O&M, ARMY NATIONAL GUARD
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, ARMY NATIONAL GUARD	2,134,100		2,218,200		2,251,213		2,238,013
Recruiting, Advertising and Examining		(4,400)		(1,600)		(1,600)	
End Strength Adjustment		87,000		97,000		92,000	
Reduced Purchases By DBOF				(23,500)		(23,500)	
Reduce Purchases From DBOF				(33,620)		(33,620)	
Real Property Maintenance (Transfer)				34,400		34,400	
Wage Grade Pay Raise				(3,600)		(3,600)	
Travel				(1,156)		(1,156)	
Administrative Airlift				(200)		(200)	
Printing				(711)		(711)	
Revised Inflation				(1,000)		(1,000)	
Civilian Personnel Benefits				1,100		1,700	
National Guard Youth Program				50,000		50,000	
National Guard Medical Pilot Program		1,500				5,000	
Classified Programs						(13,800)	
TOTAL		84,100		117,113		103,913	

O&M, AIR NATIONAL GUARD
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, AIR NATIONAL GUARD	2,552,624		2,551,924		2,512,475		2,513,175
Recruiting, Advertising and Examining		(700)		(300)		(300)	
Reduced Purchases By DBOF				(30,000)		(30,000)	
Reduce Purchases From DBOF				(42,774)		(42,774)	
Real Property Maintenance (Transfer)				41,000		41,000	
End Strength Adjustment				(1,000)		(1,000)	
Wage Grade Pay Raise				(4,400)		(4,400)	
Travel				(1,562)		(1,562)	
Administrative Airlift				(1,227)		(1,227)	
Printing				(186)		(186)	
Revised Inflation				(1,000)		(1,000)	
Civilian Personnel Benefits				1,300		2,000	
TOTAL		(700)		(40,149)		(39,449)	

O&M, RIFLE PRACTICE, ARMY
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, RIFLE PRACTICE, ARMY	2,700		2,700		2,700		2,700
TOTAL		0		0		0	

O&M, U.S. COURT OF MILITARY APPEALS
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, U.S. COURT OF MILITARY APPEALS	5,900		5,900		5,893		5,893
Travel				(7)		(7)	
TOTAL		0		(7)		(7)	

O&M, ENVIRONMENTAL RESTORATION, DEFENSE
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, ENVIRONMENTAL RESTORATION DEFENSE	901,200		901,200		1,513,200		1,513,200
Transfer - Nat. Defense Stockpile				612,000		612,000	
TOTAL		0		612,000		612,000	

O&M, HUMANITARIAN ASSISTANCE
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, HUMANITARIAN ASSISTANCE	13,000		13,000		25,000		25,000
				12,000		12,000	
TOTAL		0		12,000		12,000	

O&M, DRUG INTERDICTION & COUNTER DRUG ACT, DEFENSE
($ IN THOUSANDS)

	FY 93 REQUEST	HOUSE BILL CHANGE FROM REQUEST	HOUSE BILL AUTHORIZATION	SENATE BILL CHANGE FROM REQUEST	SENATE BILL AUTHORIZATION	CONFERENCE CHANGE FROM REQUEST	CONFERENCE AUTHORIZATION
O&M, DRUG INTERDICTION	1,263,400		1,263,400		1,263,400		1,263,400
Project 3415 Riverine Craft (Procurement)		(3,500)				0	
Project 6404 SOCOM Riverine Support (Proc.)		(1,485)				0	
Project 6415 Theater CINC Support		(1,000)				0	
Project 3000 Naval Reserve (Procurement)		(1,300)				0	
Project 9401 Office of Secretary of Defense		(1,000)				0	
Project 3303 Hydrofoil Patrol Boat		(2,000)				0	
Project 1403 Counter-Drug Research & Dev.		(10,715)				0	
Demand Reduction		(5,000)				0	
OPTEMPO		(10,000)				(20,000)	
Classified Programs		(89,300)				(89,300)	
Project 9499 Support to Law Enforcement		30,000		30,000		30,000	
Project 4499 Civil Air Patrol		1,000		1,000		1,000	
Counter-Drug Surveillance Plan		5,000				5,000	
Consolidated Surveillance Account		89,300				89,300	
Undistributed Reduction						(41,000)	
Demand Reduction Military Departments				15,000		15,000	
Demand Reduction National Guard				10,000		10,000	
Undistributed Operating Tempo				(56,000)		0	
TOTAL		0		0		0	

O&M, WORLD UNIVERSITY GAMES
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, WORLD UNIVERSITY GAMES	0		6,000		6,000		6,000
Increase		6,000		6,000		6,000	
TOTAL		6,000		6,000		6,000	

O&M, WORLD CUP GAMES
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, WORLD CUP GAMES	0		0		9,000		9,000
Increase		0		9,000		9,000	
TOTAL		0		9,000		9,000	

O&M, OLYMPIC GAMES
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, OLYMPIC GAMES	0		2,000		2,000		2,000
Increase		2,000		2,000		2,000	
TOTAL		2,000		2,000		2,000	

O&M, DEFENSE HEALTH PROGRAM
($ IN THOUSANDS)

		HOUSE BILL		SENATE BILL		CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION	CHANGE FROM REQUEST	AUTHORIZATION
O&M, DEFENSE HEALTH PROGRAM	9,507,457		9,089,424		9,507,072		9,159,039
Excess Inventories		(105,000)				0	
Shift to Research & Development		(313,033)				(313,033)	
Reduced Purchases By DBOF				(38,300)		(38,300)	
Reduce Purchases From DBOF				(54,640)		(54,640)	
Training and Education				(8,000)		(8,000)	
Wage Grade Pay Raise				(1,400)		(1,400)	
Travel				(5,209)		(5,209)	
Printing				(836)		(836)	
Revised Inflation				(17,000)		(17,000)	
CHAMPUS				49,000		14,000	
Transition Benefits				76,000		76,000	
TOTAL		(418,033)		(385)		(348,418)	

O&M, WORKING CAPITAL FUNDS
($ IN THOUSANDS)

		HOUSE BILL				SENATE BILL			CONFERENCE	
	FY 93 REQUEST	CHANGE FROM REQUEST	AUTHORIZATION			CHANGE FROM REQUEST	AUTHORIZATION		CHANGE FROM REQUEST	AUTHORIZATION
O&M, WORKING CAPITAL FUNDS										
Defense Business Operations Fund	1,123,800	(1,107,200)	16,600			0	1,123,800		21,200	1,145,000
TOTAL	1,123,800	(1,107,200)	16,600	0	0	0	1,123,800	0	21,200	1,145,000

ITEMS OF SPECIAL INTEREST

Defense business operations fund technical adjustments

The conferees agree to the technical adjustments contained in the House bill and discussed in the House report (102-527) for the Defense Business Operations Fund (DBOF) capital program and for DBOF overcharges, including depreciation of military construction projects.

Automatic data processing

The conferees continue to support the basic goals of the DOD corporate information management (CIM) initiative. However, the military departments still have not coordinated all of their automatic data processing (ADP) efforts with each other or under the CIM initiative, and they continue to develop their own systems under the guise of "service-uniqueness". To encourage the military departments to coordinate all of their system development efforts with each other and with the CIM program, the conferees recommend reductions of $25.0 million to the ADP requests for the Army, Navy, and Air Force.

Marine Corps intelligence training

In an attempt to help remedy Marine Corps intelligence shortfalls highlighted during Operation Desert Shield/Desert Storm, the conferees direct that $2.0 million of Marine Corps operation and maintenance funds available in fiscal year 1993 be set aside for intelligence training.

Air Force depot maintenance workload carryover

The conferees agree to a reduction of $50.0 million in the Air Force operation and maintenance account because of the significant growth in excess depot maintenance workload carried over from one fiscal year to the next. While making this reduction due to excess workload carryover, the conferees continue to support a level of depot maintenance funding necessary to ensure a steady flow of work through the industrial activities of the military Services.

Office of Economic Adjustment

The conferees agree to authorize an increase of $50.0 million above the requested amount for the Office of Economic Adjustment (OEA). This increase is necessary to support the expanded scope of OEA assistance programs authorized in title XLIII of this act.

Defense Commissary Agency

The conferees agree to a $55.0 million reduction to the amount requested for the Defense Commissary Agency (DeCA). This reduction is possible due to reduced inventories and increased cash levels in the commissary system. Funds to offset this reduction should be transferred to the DeCA from the Defense Business Operations Fund (DBOF).

The conferees are concerned about the systemic bill paying problems being encountered by the Defense Commissary Agency since its creation on October 1, 1991. By the end of February 1992, DeCA had approximately 187,000 overdue invoices unpaid, totalling between $350-$400 million. Corrective action, initiated in response to Congressional attention, has resulted in more timely payment of current invoices. However, at the end of August 1992, DeCA still had an unacceptable level of overdue invoices.

The conferees expect DeCA to fully comply with the letter and intent of the Prompt Payment Act. DeCA should review its current compliance program and procedures to ensure that staff are adequately trained and understand the requirements of the Act. In addition, DeCA should review its procedures to ensure that it has not imposed practices that frustrate compliance with the law.

Specifically, the conferees note that DeCA has imposed restrictions on the submission of invoices by its vendors for the purpose of reducing the number of invoices to be processed. Certain vendors have been directed to submit twice-monthly roll-ups for product delivered. Since the time available to the government to make a timely payment is triggered by receipt of the invoice (or acceptance of the product or service, whichever is later), agency action to delay submission of a vendor's invoice for work performed can circumvent the statutory payment protections afforded by the Prompt Payment Act. Under the Act, a vendor may submit an invoice any time after performance. Within 60 days after enactment of this act, the conferees direct DeCA to provide to the Committees on Armed Services of the Senate and the House of Representatives a plan to revise its policies regarding roll-ups to conform to industry practices, assuring that vendors covered by the 7-day or 10-day payment terms specified in the Act are permitted to submit invoices on the schedule employed by the vendor in the private sector.

Arms control compliance

The amended budget request contained $505.2 million for Department of Defense funding for arms control-related programs.

The House bill would authorize $482.8 million.

The Senate amendment would authorize $465.6 million.

Based on thorough consultation with officials from the Office of the Secretary of Defense, the military Services, and the On-Site Inspection Agency (OSIA), the conferees recommend several funding adjustments to the budget request for activities related to arms control. The adjustments reflect delays in the anticipated date of entry into force of the Strategic Arms Reduction Talks (START), as well as changes in inspection requirements for ongoing and anticipated activities related to the Intermediate-range Nuclear Forces (INF) Treaty, the Conventional Forces in Europe (CFE) Treaty, the Bilateral Chemical Weapons Agreement, and the Open Skies (OS) Treaty.

The adjustments result in reductions to the amended budget request of $.6 million in procurement, $5.6 million in military construction, and $33.4 million in operation and maintenance accounts. The recommended adjustments result in an overall savings of $39.6 million in DOD funding for arms control-related programs, which are listed in the table below and reflected in the appropriate account tables.

FY 1993 DoD Arms Control Budget
(Dollars in Millions)

Account	Program	Request	Change	Recommendation
WPN	Trident II Msl	10.8		10.8
OPN	VLS	3.9		3.9
MPAF	MMII/MMIII Mods	21.3		21.3
OPAF	Spares & Repairs	0.2		0.2
AP,AF	C−135	51.6		51.6
OPA	Arms Control Compliance	3.5		3.5
PDA	OSIA	7.2	−0.6	6.6
RDT&E, AF	Arms Control Implementation	4.5		4.5
RDT&E,DA	Ver Tech Dem, DNA(603711)	67.1		67.1
O&M, Army		50.5	−5.0	45.5
O&M, Navy		58.5	−7.3	51.2
O&M, Air Force		66.0	−6.8	59.2
O&M, DA	OSIA	153.5	−14.3	139.2
O&M, DA	DNA	1.0		1.0
MILCON, DA	OSIA	5.6	−5.6	0.0
Total		505.2	−39.6	465.6

Drug interdiction and counter-drug activities

To fund congressional priorities, including the detection and monitoring systems evaluation and plan and the expanded demand reduction pilot program, the conferees recommend the following changes to the amounts requested for drug interdiction and counter-drug activities.

Although the conferees have decided to grant considerable discretion to the Department in taking reductions in individual programs, the conferees direct that no reductions be taken in project 1403. The conferees believe that the various activities funded under this project offer the best chance for a significant breakthrough with great impact on the national counter-drug effort. In this connection, the conferees direct the Department to evaluate chemical detector devices consisting of an infrared detector coupled with a high-speed signal processor and, if test results warrant, to use funds from Research and Development, Drug Interdiction accounts to evaluate and fully develop this device.

Drug interdiction and counter-drug activities, operation and maintenance

[In thousands of dollars]

Fiscal year 1993 drug interdiction and counter-drug activities, O&M request	$1,263,400
Reductions:	
Undistributed operating tempo	($20,000)
Undistributed general reduction	($41,000)
Classified programs	($89,300)
Total reductions	($150,300)
Increases:	
Project 9499 support to law enforcement	$30,000
Project 4499 Civil Air Patrol	$1,000
Counter-drug detection and monitoring systems plan	$5,000
Consolidated detection and monitoring systems	$89,300
Demand reduction, military departments	$15,000
Demand reduction, National Guard	$10,000
Total increases	$150,300
Recommendation	$1,263,400

Television operating scoring system

Since 1985, the Air Force has invested millions of dollars in engineering capabilities to build the world's only integrated electronic range at Nellis Air Force Base. The television operated scoring system (TOSS) program is a critical component to testing and evaluating the performance of combat aircrews at the Nellis Range, contributing to the success of U.S. air power in the Persian Gulf conflict. The conferees believe that the Air Force should continue to support this program at a level that results in the maintenance of current capability through fiscal years 1993 and 1994.

C-141 secondary exhaust nozzle procurement

The conferees are aware of the program to design and develop a new C-141 secondary exhaust nozzle that could reduce maintenance costs and contribute to extending the life of the aircraft. The conferees are disturbed that the Air Force has not announced a decision on whether to proceed with new nozzle production. Therefore, the conferees direct the Secretary of the Air Force to submit his recommendation on the secondary nozzle procurement program, including the relevant cost analysis supporting the recommendation, to the congressional defense committees by February 1, 1993.

Airlift support for the United States Antarctic program

The conferees understand that when the two previously authorized and appropriated LC-130 aircraft are delivered to the Air National Guard, two of their older model LC-130 aircraft are scheduled to be transferred to the Navy. If this proposed transfer takes place, as much as $20 million could be required to re-configure these aircraft to Navy operational standards. At the present time, both the Air National Guard and the Navy operate these ski-equipped aircraft to provide logistical support to the United States Antarctic program.

The conferees direct that no LC-130 aircraft be transferred from the Air National Guard to the Navy until the Secretary of Defense conducts a complete review of the current allocation of heavy airlift resources to support the United States Antarctic program. This review shall include future equipment needs; a cost analysis of transferring LC-130 aircraft from the Air National Guard to the Navy; whether any reorganization of this mission could improve the efficiency of operations; and whether the Air National Guard could assume a greater role in providing this support. The results of this review should be provided to the congressional defense committees by March 1, 1993.

Intelligence and threat analysis center

The House bill would deny authorization for the Army's Intelligence and Threat Analysis Center (ITAC) and would implicitly reallocate ITAC personnel billets. The House position is that the creation of joint intelligence centers, increased capabilities at the Defense Intelligence Agency, and the restructuring and reinforcing of intelligence brigades, call into question the need to maintain ITAC.

The Senate amendment did not deny authorization for ITAC.

The House recedes.

In addressing this issue, the conferees reviewed the missions of ITAC. The conferees conclude from this review that some of these missions are appropriate for a Service-level intelligence production organization, while others may not be appropriate. Some of these missions have also been assigned to other organizations or are being performed by more than one organization.

The conferees agree that the issues of duplication of effort and mission, and of separate overhead costs, raised in connection with ITAC by the House are applicable across the general military intelligence production units within the Department of Defense. These issues should be addressed in a larger review of the roles and missions of defense intelligence and departmental general military intelligence production units, all of which are located in the Washington, D.C. metropolitan area. The conferees also agree that in light of continued severe budget constraints and personnel reductions, more needs to be done to optimize the dwindling resources of our intelligence production units. The conferees direct the Chairman of the Joint Chiefs of Staff to examine these issues as part of his comprehensive roles and missions review and make recommendations to the Secretary of Defense.

Army backlog of facility maintenance and repair

The conferees are concerned that the Army has funded real property maintenance activity at U.S. bases at less than 75 percent of the annual requirements. This low level of funding means that necessary work to maintain the $200 billion of Army infrastructure cannot be accomplished. These shortfalls caused the backlog of maintenance and repair to continue to rise alarmingly.

Even an installation the size of Fort Gillem, Georgia, with a real property value of about $650 million, has a carryover backlog of approximately $18 million—with no ability to apply annual funding toward the reduction of these requirements.

The conferees believe that the Army must place more attention on the condition of its facilities and establish a realistic real property maintenance funding level, as well as allow a reasonable level of additional funding to reduce the size of the current backlog. Even at today's low inflation rates, an installation must spend at least seven percent of the value of its backlog requirements to stay even with deterioration and inflation—and this is in addition to full funding for validated annual requirements.

The conferees want to emphasize that real property maintenance is not simply a matter confined in infrastructure. Continued deterioration of facilities risks creating the same kind of quality of life and morale problems that plagued the Army in the late 1970s. Trying to convince the highest quality personnel that the Army has ever had that they are part of a first rate organization is going to become increasingly difficult if their living and working conditions are second or third rate.

Therefore, the conferees direct the Army to prepare a special report to be submitted with the fiscal years 1994/1995 budget request which specifically addresses the amount of funding proposed for U.S. installations towards the utilities, maintenance and repair, minor construction, and other engineering support accounts, and the percentage of annual requirements for each account provided by the proposed funding level.

In addition, the conferees direct the Army to allocate seven percent of Fort Gillem's backlog of maintenance and repair funds for real property maintenance in an effort to improve the serious neglect of facilities at that installation.

Hospital ship for humanitarian relief

The conferees agree to authorize $2.0 million for a ship check of the ex-*U.S.S. Sanctuary*, a former hospital ship, for the purpose of determining the feasibility and cost of restoring the ship for use on humanitarian relief missions. The ship is currently in the custody of a private, nonprofit organization. The conferees direct the Secretary of the Navy to use these funds to prepare a budget quality estimate of the cost to restore the ship to a status adequate to support humanitarian relief operations and, in a emergency, U.S. military operations. The Secretary of the Navy should submit this estimate to the congressional defense committees not later than March 1, 1993.

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Humanitarian assistance (sec. 304)

The House Bill contained a provision (sec. 304) that would extend the authority contained in prior authorization acts for the transportation of humanitarian assistance to Afghanistan and Cambodia, and for other humanitarian purposes worldwide, and would authorize $13.0 million for this purpose in fiscal year 1993.

The Senate amendment contained a similar provision (sec. 304) that would authorize $25.0 million for this purpose in fiscal year 1993. The increase in funding was to meet the increased demands for transportation of humanitarian relief, especially in eastern Europe and Africa.

The House recedes with an amendment that would expand the reporting requirements for excess non-lethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

The conferees note that the report regarding humanitarian assistance for countries not specifically authorized by law shall be submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in addition to the Committee on Armed Services of the Senate and House of Representatives.

The House conferees wish to express their strong concern over the expansion of the humanitarian assistance program and wish to state that the program will be the subject of joint hearings by the Committees on Foreign Affairs and Armed Services of the House of Representatives. In this regard, the House conferees also express concern that the humanitarian assistance program would be exempted from restrictions contained in the section of this act concerning excess defense articles. The excess defense article program would prohibit all construction and emergency equipment from being transferred to foreign countries. The House Committee's joint hearings will examine the exemption for the humanitarian assistance program.

Support for the 1994 World Cup Games (sec. 305)

The Senate amendment contained a provision (sec. 305) that would authorize DOD to provide logistical support and personnel services to the 1994 World Cup Games to be held in nine American cities during the summer of 1994.

The House bill contained no similar provision.

The House recedes.

Transfer authority (sec. 306)

The Senate amendment contained a provision (sec. 306) that would authorize the Secretary of Defense, to the extent provided in appropriations acts, to transfer funds from two sources into the O&M accounts during fiscal year 1993. This section would authorize the transfer of $3,054.0 million from the Defense Business Operations Fund to the O&M accounts to the extent that the military department concerned has received credit from the Defense Business Operations Fund for unneeded secondary items returned to the Fund for credit by the military department. Transfers under this authority may also be made if the Secretary of Defense certifies to the congressional defense committees that the military department concerned has, to the extent practicable, returned to the Defense Business Operations Fund all unneeded secondary items under the control of the military department. This section would also authorize the transfer of $612.0 million from the National Defense Stockpile Transaction Fund to the operation and maintenance, defense agencies account.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the transfer of $400.0 million from the National Defense Stockpile Transaction Fund to the operation and maintenance accounts of the Army, Navy, Air Force, and defense agencies fiscal year 1993.

SUBTITLE B—LIMITATIONS

Prohibition of the use of certain funds for Pentagon Reservation (sec. 311)

The House bill contained a provision (sec. 312) that would prohibit the use of contributions to the Pentagon Reservation maintenance funds for any purpose other than the day-to-day operation of these facilities. It would also require a report by the Secretary of Defense no later than December 31, 1992, the Secretary of Defense no later than December 31, 1992, regarding the proposed renovation of the Pentagon.

The Senate amendment contained no similar provision. However, the Senate report (S. Rept. 102-352) addressed the renovation of the Pentagon within the context of the Defense Department's presence in the National Capital Region. It was the Senate Armed Services Committee's view that the Department should reassess the need of each activity which is currently within the region to remain there, along with a strategy to meet each activity's long-term facility needs. This effort should be undertaken as part of the Department's 1993 base closure and realignment review.

While the Committee supported the renovation of the Pentagon complex, it questioned whether the current scope of the project could be justified in light of the reduced size of the Defense Department. It also recognized that the first phase of this effort, the replacement of the central heating and cooling plant which was authorized at $80.1 million in fiscal year 1992, has been delayed until fiscal year 1993 because of the fiscal year 1992 rescission act. The Senate's proposed authorization level for the Pentagon Reservation maintenance fund was adjusted to provide funding for this project, which is badly needed regardless of the size or pace of the renovation of the Pentagon itself.

The Senate report directed the Secretary of Defense to provide the congressional defense committees with a report regarding the Department's long-term plans for the National Capital Region, as well as a revalidation of its plans to renovate the Pentagon facility, no later than April 15, 1993.

The Senate recedes with an amendment that would modify the prohibition of renovation funds to permit the replacement of the Pentagon's central heating and cooling plant during fiscal year 1993; broaden the scope of the required report to include all Defense Department activities within the National Capital Region; and adjust the reporting date to follow the Defense Secretary's submission of recommendations to the Defense Commission on Base Closures and Realignments.

Prohibition on the use of funds for certain service contracts (sec. 312)

The House bill contained a provision (sec. 313) that would prohibit the Department of Defense from entering into any contract for the performance of a commercial activity in any case in which the contract results from a cost comparison study conducted by the Department of Defense under OMB Circular A-76. This prohibition would not apply to a contract, or the renewal of a contract, for the performance of an activity under contract on September 30, 1992.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit this prohibition to fiscal year 1993.

SUBTITLE C—ENVIRONMENTAL PROVISIONS

Extension of reimbursement requirement for contractors handling hazardous wastes from defense facilities (sec. 321)

The House bill contained a provision (sec. 321) that would extend the reimbursement requirement of 28 U.S.C. 2708(b)(1) through fiscal year 1993.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of prohibition on use of environmental restoration funds for payment of fines and penalties (sec. 322)

The Senate amendment contained a provision (sec. 318) that would prohibit the use of funds appropriated for fiscal year 1993 for the environmental restoration account in the Department of Defense from being used to pay fines or penalties except to the extent that the fine or penalty imposed arises out of activities funded by the account.

The House bill contained a similar provision (sec. 322).

The Senate recedes.

Pilot program for expedited environmental response actions (sec. 323)

The House bill contained a provision (sec. 323) that would establish a pilot program to expedite the performance of on-site environmental response actions at military installations closing under the base closure process and at other military installations pursuant to the defense environmental restoration program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add two bases to be identified for closure by the Base Realignment and Closure Commission during fiscal year 1993 and reduce the number of open bases participating in the program from five to four per military Service.

The amendment would broaden the program to include all Department of Defense environmental restoration activities as potential program participants.

The amendment would also clarify that the other environmental restoration activities of the Department of Defense should not be delayed by the program. The conferees believe that the goal of the program should be to identify ways to expedite or reduce the costs of environmental restoration. Once identified, any new concepts, technologies, or initiatives could then be incorporated into other programs. The conferees do not intend that the implementation of any pilot program should delay in any way the other environmental restoration programs at closing bases, open bases, or formerly used defense sites.

Overseas environmental restoration (sec. 324)

The House bill contained a provision (sec. 324) that would express the sense of Congress that the cost of environmental restoration at overseas military bases should be borne by the host nation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that there be an equitable division, with the host country, of the environmental restoration costs.

Evaluation of use of ozone depleting substances by the Department of Defense (sec. 325)

The Senate amendment contained a provision (sec. 311) that would direct the Defense Logistics Agency (DLA) to identify and evaluate the use of class I ozone depleting substances by the military Services and to plan for future uses. The provision would also require an evaluation and report on the anticipated future usage of class II ozone depleting substances.

The House bill contained no similar provision.

The House recedes.

This evaluation is necessary to plan adequately for the 1995 phaseout of production of class I ozone-depleting substances and to plan for the use of these substances in certain mission critical instances into the 21st century. The conferees believe that the Department of Defense Chlorofluorocarbons Advisory Committee can continue to provide valuable assistance to DOD during this period of transition, and are pleased that the Committee's charter has been extended. The conferees urge the Department to utilize the Committee's talents to the maximum extent practicable.

Elimination of use of class I ozone-depleting substances in certain military procurement (sec. 326)

The Senate amendment contained a provision (sec. 312) that would prohibit the Department of Defense from entering into any new contracts, or modifying, extending, or amending existing contracts after June 1, 1993 that would require the use of class I ozone-depleting substances—chlorofluorocarbons (CFCs), halons, carbon tetrachloride, and methyl chloroform—unless the use of these substances is specifically justified by the senior acquisition official. This provision would also encourage DOD contractors to identify suitable non-ozone-depleting substitutes for class I substances, and, where deemed appropriate, recover reasonable costs, if any, associated with identification of acceptable substitute materials or processes.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree that the Department must move quickly to review its uses and requirements for class I ozone-depleting substances. The provision would prohibit the Department from entering into any new contracts after June 1, 1993, that require the use of any class I ozone-depleting substance.

The provision would also require DOD to review existing contracts, as part of the routine process of contract modification, extension, and amendment, to determine if there are any contractual requirements to use class I ozone-depleting substances. If the contract contains such a requirement, the senior acquisition official or designee must determine if there is a suitable substitute for the requirement that avoids the use of class I ozone-depleting substances. If such substitute exists, the contract must be further modified to include the alternative.

This review must be conducted within 60 days after any contract is modified, extended, or amended. The requirement to review applies to all contracts entered into before June 1993 that have a contract value in excess of $10 million, and that have at least one year remaining in the term of the contract following the modification, extension, or amendment that triggered the review.

The amendment would provide that any adjustment in the price of the contract as a result of this section would be made pursuant to the federal acquisition regulations.

In addition, the amendment would direct the Secretary to provide reports on this effort to Congress. Quarterly reports would be required for four years, followed by two annual reports beginning with fiscal year 1996.

Prohibition on the purchase of surety bonds and other guarantees for the Department of Defense (sec. 327)

The Senate amendment contained a provision (sec. 321) that would prohibit the use of appropriated funds during fiscal year 1993 to obtain surety or performance bonds to guarantee the direct performance of the United States to fulfill a legal requirement.

The House bill contained no similar provision.

The House recedes.

Legacy resource management fellowship program (sec. 328)

The Senate amendment contained a provision (sec. 322) that would establish a fellowship program. The program would bring into the Department of Defense up to three fellows to receive training in natural resources management and stewardship and to participate in program implementation.

The House bill contained no similar provision.

The House recedes.

Supplemental authorization of appropriations for fiscal year 1992 (sec. 329)

The Senate amendment contained a provision (sec. 323) that would authorize the supplemental appropriations requested by DOD for fiscal year 1992 for environmental restoration, defense programs and for the base realignment and closure account, II. If these funds are not appropriated during fiscal year 1992, this authorization may be applied to fiscal year 1993.

The House bill contained no similar provision.

The House recedes.

At the time the Department of Defense submitted its budget request for fiscal year 1992, the base closure process had not identified the military installations to be closed that year. As a result, the Defense Department, unable to submit a detailed request for the base closure account based upon specific needs of the closing bases and the receiving bases, submitted an estimated request of $100 million. Funding for cleanup of all bases, except those previously identified for closure in 1990, was included in the request for the defense environmental restoration account (DERA).

During the Senate Armed Services Committee (SASC) mark-up of the defense authorization bill for fiscal years 1992 and 1993, the Committee shifted $69 million, the funding requested for those bases that had been identified for closure following submission of the budget request, from the DERA to the base closure account. In addition, the SASC increased funding to expedite the cleanup at these closing bases. Following the lead of the SASC, the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) included the following amount of the funding needed to cleanup the bases identified for closure in 1992. In addition, the Act provided that the base closure account was the exclusive source of funding for those bases identified for closure during 1992. This limitation was identical to that which was in effect for the base closure account established for those bases identified for closure in 1990.

Unfortunately, the Department of Defense Appropriations Act for Fiscal Year 1992 contained only the originally requested $100 million. As a result, DOD did not have adequate funds in the base closure account in fiscal year 1992 to carry out the environmental restoration program at the newly closing bases. Thus, it became necessary for DOD to submit a request for supplemental appropriations to ensure adequate funding for the environmental restoration programs at the newly closing bases. This request was submitted in January 1992 at the time that the amended DOD budget request for fiscal year 1993 was submitted. The supplemental appropriation was enacted into law on September 23, 1992. Delay in approval of the supplemental request has seriously delayed the environmental restoration program at the bases identified for closure in 1992.

Indemnification of transferees of closing defense property (sec. 330)

The Senate amendment contained a provision (sec. 317) that would require the Secretary of Defense to hold harmless, defend, and indemnify transferees of closing military facilities, from all suits, claims, demands, judgments, costs, or other fees arising out of the release or threatened release of any hazardous substance, pollutant, or contaminant as a result of DOD activities at the closing military installation. This indemnification provision would not apply where the transferee caused or contributed to the release or threatened release. The provision would require that the Secretary of Defense be notified of the claim for indemnification within two years after such claim accrues. This would establish a statute of limitations for handling any such claim. The provision would also require that the person seeking indemnification cooperate fully with the Department of Defense in handling the claim.

The House bill contained no similar provision.

The House recedes with an amendment that would ensure that the indemnification provided pursuant to this section does not conflict with or modify section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601-9657). In addition, the amendment would clarify when a claim accrues.

Extension of authority to issue surety bonds for certain environmental programs (sec. 331)

The Senate amendment contained a provision (sec. 320) that would extend existing law through December 31, 1995 to ensure that the liability of surety and performance bond providers, who provide performance bonds for environmental restoration work, does not extend beyond the scope of the bond.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Risk sharing in environmental restoration contracts of the Department of Defense (sec. 332)

The Senate amendment contained a provision (sec. 313) that would direct the Department of Defense to issue regulations to ensure, where appropriate, that contracts entered into by the Secretary of Defense for environmental restoration activities at current and former military installations provide for risk sharing. The provision would also provide independent authority to the Secretary of Defense to indemnify fully DOD environmental response action contractors from all liability founded upon federal, state, or local law and arising out of work performed pursuant to the defense environmental restoration program (DERP). The provision would preclude the Secretary from providing indemnification for liability arising from the contractor's gross, willful, and intentional negligence. In addition, the provision would provide that in providing indemnification, the Secretary shall include deductibles and shall place limits on the amount of indemnification.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Defense, in consultation with the Attorney General, Administrator of the Environmental Protection Agency (EPA), and the Director of the Office of Management and Budget (OMB), to review and report on indemnification issues in lieu of issuing regulations.

SUBTITLE D—DEFENSE BUSINESS OPERATIONS FUND

Limitations on the use of the Defense Business Operations Fund (sec. 341)

The House bill contained a provision (sec. 331) that would extend the limitation on the period of management by the Department of Defense of the Defense Business Operations Fund (DBOF) until April 15, 1994 and would add a requirement for separate accounting, reporting, and auditing of funds and activities. The provision would further establish milestones that the Department must achieve for the implementation of the fund and that are to be monitored and evaluated by the Comptroller General.

The Senate amendment contained a provision (Sec. 351) that would extend the limitation on the period of management by the Department of Defense of the DBOF until April 15, 1994.

The Senate recedes with an amendment.

Capital asset subaccount (sec. 342)

The House bill contained a provision (sec. 332) that would limit the use of the capital asset subaccount within the Defense Business Operations Fund and would also require a report by the Secretary of Defense on this account.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Limitations on obligations against Defense Business Operations Fund (sec. 343)

The Senate amendment contained a provision (sec. 352) that would prohibit the Secretary of Defense from incurring obligations against the Defense Business Operations Fund during fiscal year 1993, except for obligations for fuel, subsistence and commissary items, retail operations, repair of equipment, and the cost of operations, in excess of 65 percent of the sales from the Defense Business Operations Fund during the fiscal year. This provision would allow the Secretary of Defense to waive this 65 percent limitation cap if he determines that such action is essential to the national security of the United States.

The House bill contained no similar provision.

The House recedes.

SUBTITLE E—DEPOT-LEVEL ACTIVITIES

Competitive bidding for tactical missile maintenance (sec. 351)

The House bill contained a provision (sec. 341) that would require the Secretary of Defense to use competitive procedures if the Secretary decides to consolidate tactical missile maintenance.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to ensure that the Systems Management Activity and the Depot Systems Command are relocated to Rock Island Arsenal, Illinois, in accordance with the recommendation of the Base Closure and Realignment Commission dated July 1, 1991.

Limitations on the performance of depot-level maintenance of material (sec. 352)

The House bill contained a provision (sec. 342) that would establish a limit of no more than 40 percent of the depot-level maintenance workload by each type of equipment and materiel that may be offered for contract by non-governmental personnel. The provision would also extend the limitations on the performance of depot-level maintenance by the Army and Air Force in section 2466 of title 10, United States Code, to the Navy.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree to include the Navy under the limitations on the performance of depot-level maintenance in section 2466 of title 10, United States Code. The conferees do not agree to establish a limit of no more than 40 percent of the depot-level maintenance workload by each type of equipment and materiel that may be offered for contract by non-governmental personnel. However, the conferees agree that the Secretary of the Army shall provide for the performance by employees of the Department of Defense of not less than 50 percent in fiscal year 1993, 55 percent in fiscal year 1994 and 60 percent in fiscal year 1995 of Army aviation depot-level maintenance. The Secretary concerned may not cancel a depot-level maintenance contract in effect on the date of enactment of this act in order to comply with the requirements of this provision.

Requirement of competition for the performance of workloads previously performed by depot-level activities of the Department of Defense (sec. 353)

The House bill contained a provision (sec. 343) that would require the Department of Defense to use competitive procedures for awarding any workload currently being performed in a military depot.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide that the Secretary of Defense or the Secretary of a military department may not change the performance of a depot-level maintenance workload that has a threshold value of $3.0 million and that is being performed by a depot-level activity of the Department of Defense to performance by a private contractor unless, prior to selection of the private contractor, the Secretary uses competitive procedures for the selection.

Repeal of requirement for competition pilot program for depot-level maintenance of materials (sec. 354)

The House bill contained a provision (sec. 345) that would amend section 314 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to increase the limit of non-core workload that can be competed among depots or with private industry from 10 percent to 20 percent.

The Senate amendment contained a provision (sec. 358) that would amend section 314 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 by deleting the limitation on the amount of depot maintenance workload in the Army and the Air Force above the core level that can be opened to competition during fiscal year 1993.

The House recedes. The conferees direct that depot maintenance workload selected for competition not be drawn disproportionately from one or several depot maintenance activities of the military Services.

SUBTITLE F—COMMISSARIES AND MILITARY EXCHANGES

Standardization of certain programs and activities of military exchanges (sec. 361)

The House bill contained a provision (sec. 351) that would require the Secretary of Defense to standardize among the military departments certain programs and activities of the military exchanges of the military departments not later than October 1, 1993. The provision would also require the Secretary of Defense to submit to the Congress a report on other programs and activities of the military exchanges that the Secretary determines can be economically and efficiently managed through standardization or consolidation under a single nonappropriated fund instrumentality.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the date for standardization of these programs and activities to March 31, 1994.

Accountability regarding the financial management and use of nonappropriated funds (sec. 362)

The House bill contained a provision (sec. 352) that would require the Secretary of Defense to establish regulations governing the management and use of nonappropriated funds. The provision would also establish penalties for violations of these regulations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

Demonstration program for the operation of certain commissary stores by nonappropriated fund instrumentalities (sec. 363)

The House bill contained a provision (sec. 353) that would establish a demonstration program to determine the feasibility of operating commissary stores by nonappropriated fund instrumentalities at selected locations. The period of the demonstration program would be one year. A report by the Secretary of Defense would be required at the end of the demonstration period concerning recommendations as to whether similar programs should be carried out at other military installations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to conduct the demonstration program at not less than one but not more than three military installations, including at least one installation that supports predominant numbers of reserve and National Guard personnel.

Release of information regarding sales at commissary stores (sec. 364)

The House bill contained a provision (sec. 354) that would repeal 10 U.S.C. 2487, which provides that certain data and reports generated by electronic scanners used in military commissaries may not be released to the public except under a written agreement that requires payment for the information.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment which would amend 10 U.S.C. 2487 to provide that the Secretary of Defense, in his discretion, may: (1) authorize such information to be released under written agreements, awarded under competitive procedures, if he determines that release of such information under such agreements to be in the best interests of the Department of Defense; or (2) authorize such information to be released to the public under the procedures that normally apply to the release of government information to the public.

Use of commissary stores by members of the Ready Reserve (sec. 365)

The House bill contained a provision (sec. 355) that would extend commissary benefits to members of the Ready Reserve who have satisfactorily completed 50 or more reserve points in a year without regard to whether the reservist was paid for duty.

The Senate amendment contained no similar provision.

The Senate recedes.

SUBTITLE G—OTHER MATTERS

Extension of guidelines for reductions in the number of civilian positions in the Department of Defense (sec. 371)

The House bill contained a provision (sec. 361) that would expand the requirements contained in section 322 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) for the annual DOD civilian personnel master plan. The provision would also amend the guidelines for civilian personnel reductions in section 322.

The Senate amendment contained a provision (sec. 354) that would repeal the guidelines and the requirements for this master plan.

The Senate recedes with an amendment. The conferees agree to the changes in the guidelines for reductions for civilian positions in the Department of Defense for fiscal year 1993 only. The conferees also agree that the changes in the civilian positions master plan that would be made by the House provision should apply only to the plan submitted by the Secretary of Defense with the fiscal years 1994/1995 budget request.

Annual report on security and control of supplies (sec. 372)

The House bill contained a provision (sec. 362) that would continue the requirement in section 2891 of title 10, United States Code, for the Secretary of Defense to submit an annual report to the Senate and the House of Representatives on security and control of DOD supplies. The provision would also expand the areas to be included in this report.

The Senate amendment contained a similar provision (sec. 353) that would extend the requirement for this report through fiscal year 1994.

The House recedes.

Transportation of donated military artifacts (sec. 373)

The House bill contained a provision (sec. 363) that would allow the Department of Defense to use military assets to demilitarize and transport excess or donated military items in the United States

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would allow the Secretary concerned to demilitarize, prepare, and transport an item authorized to be donated by the military department to a recognized war veterans' association in the United States under section 2572 of title 10, United States Code, without cost to the recipient, if the Secretary determines the demilitarization, preparation, and transportation can be accomplished as a training mission without additional budgetary requirements for the unit involved.

Subcontracting authority for Air Force and Navy depots (sec. 374)

The House bill contained a provision (sec. 364) that would expand the authority contained in section 2208(j) of title 10, United States Code, concerning subcontracting authority for the Air Force and Navy.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note that over the years, statutes affecting the military Services' depots and arsenals have been enacted that are often oriented toward an individual Service rather than being applied to each Service consistently. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees not later than April 15, 1993, that identifies all of the provisions or statutes affecting the depots and arsenals of one or more military Services, and includes any recommendations to make these provisions and statutes consistent throughout the Department of Defense.

Consideration of vessel location for the award of layberth contracts for sealift vessels (sec. 375)

The House bill contained a provision (sec. 369) that would require the Secretary of the Navy to establish military effectiveness as a major criteria in the award of contracts for the layberthing of sealift vessels.

The Senate amendment contained no similar provision.

The Senate recedes.

Pilot program to use National Guard medical personnel in areas containing medically underserved populations (sec. 376)

The House bill contained a provision (sec. 370) that would establish a pilot program in Tennessee, Florida, and Ohio to use National Guard medical personnel to provide health care to medically underserved populations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Chief of the National Guard Bureau, under regulations prescribed by the Secretary of Defense, to enter into an agreement with the Governors of one or more states to carry out a pilot program during fiscal years 1993 and 1994 to provide training and professional development opportunities for members of the National Guard through the provision of health care to medically underserved populations in those states. The provision would authorize not more than $5.0 million for the Chief of the National Guard Bureau to fund activities of the National Guard under these agreements.

Authority for the issue of uniforms without charge to members of the armed forces (sec. 377)

The House bill contained a provision (sec. 371) that would allow the Department of Defense to issue a military uniform without charge to certain members of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Program to commemorate World War II (sec. 378)

The House bill contained a provision (sec. 374) that would authorize the Department of Defense to conduct a program to commemorate the 50th anniversary of World War II.

The Senate amendment contained a similar provision (sec. 1048).

The House recedes with an amendment that would subject the program to the Trademark Act and would delete the application of chapter 171 of title 28, United States Code, for voluntary services.

Extension of demonstration project for the use of proceeds from the sale of certain lost, abandoned, or unclaimed personal property (sec. 379)

The House bill contained a provision (sec. 375) that would extend for one year the authority contained in section 343 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to conduct a demonstration program at Naval Base, Norfolk and Naval Air Station, Norfolk, under which proceeds from the sale of lost, abandoned, or unclaimed property on the installation will be credited to the operation and maintenance account of that installation.

The Senate amendment contained no similar provision.

The Senate recedes.

Promotion of civilian marksmanship (sec. 380)

The House bill contained a provision (sec. 376) that would authorize the continued appropriation of funds for the Army's civilian marksmanship program. The provision would also authorize the Secretary of the Army to raise revenues to support the activities of the civilian marksmanship program through the sale of rifles and ammunition to authorized individuals and clubs and through the establishment of fees for participants in activities of the civilian marksmanship program.

The Senate amendment contained a similar provision (sec. 355).

The House recedes with an amendment.

Optional defense dependents' summer school programs (sec. 382)

The Senate amendment contained a provision (sec. 359) that would authorize the Secretary of Defense to provide optional summer school programs in the DOD dependent schools.

The House bill contained no similar provision.

The House recedes.

Review of military flight training activities at civilian airfields (sec. 383)

The Senate amendment contained a provision (sec. 360) that would require the Secretary of Defense to carry out a review of the present practices and procedures of the military departments in utilizing civilian airfields, especially such airfields located in heavily populated or urban areas, during the course of military flying training activities.

The House bill contained no similar provision.

The House recedes.

Preference for procurement of energy efficient electric equipment (sec. 384)

The Senate amendment contained a provision (sec. 363) that would require the Secretary of military department or the head of a defense agency to provide a preference for the procurement of certain energy efficient electrical and refrigeration equipment for Defense Department contracts. The provision would also require the Secretary of Defense to conduct demonstration projects for the use of energy efficient electric lighting and refrigeration equipment at DOD facilities.

The House bill contained no similar provision.

The House recedes.

Payment of residents of the Armed Forces Retirement Home for services (sec. 385)

The conferees agree to a provision that authorizes the residents of the Armed Forces Retirement Home to hold part-time or intermittent jobs at the Home and to receive compensation for these services.

Assistance to local educational agencies that benefit dependents of members of the armed forces and Department of Defense civilian employees (sec. 386)

The Senate amendment contained a provision (Sec. 333) that would authorize a total of $58.0 million in fiscal year 1993 Defense Department funds for payments to local school districts which are impacted by military dependents. Of this total, $50.0 million would be authorized for assistance to eligible local educational agencies that operate schools that include students who are dependent children of members of the armed forces or civilian employees of the Department of Defense and who, while in attendance at such schools, reside on federal property. The provision would also authorize the Secretary of Defense to use $8.0 million, in consultation with the Secretary of Education, to make payments to local educational agencies eligible for payment under section 3 of Public Law 81-874 (20 U.S.C. 238) which are entitled to payments adjusted in accordance with subsection (e) of that section as a result of closures and realignments of military installations. Finally, the provision would require the Secretary of Defense, in consultation with the Secretary of Education, to submit a report to the Senate and House of Representatives on local educational agencies which are affected by base closings and realignments and by redeployments of U.S. military personnel not later than February 15 of each year from 1993 through 1995.

The House bill contained no similar provision.

The House recedes.

State equalization programs (sec. 387)

The Senate amendment contained a provision (sec. 1065) that would provide that any state whose program of state education aid was certified by the Secretary of Education for fiscal year 1988, but whose program was determined by the Secretary not to meet certain requirements for one or more fiscal years from 1989 through 1992 shall be deemed to have met these requirements for fiscal years 1989 through 1992.

The House bill contained no similar amendment.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Prohibition on use of funds to pay for certain patron services at commissary stores

The House bill contained a provision (sec. 311) that would prohibit the Department of Defense from using its funds to pay for bagger or similar patron services at a commissary store.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on management of commissary funds through the Defense Business Operations Fund

The House bill contained a provision (sec. 333) that would prohibit the inclusion of the Defense Commissary Agency in the Defense Business Operations Fund.

The Senate amendment contained no similar provision.

The House recedes. The conferees direct the Secretary of Defense to provide an annual report to the Congress on the appropriated fund and surcharge expenditures for commissaries of the Department of Defense.

Requirement of comparable offering from private contractor contracts and Department of Defense contracts for contracts offered for competition

The House bill contained a provision (sec. 344) that would require the Secretary of Defense, in offering for competition contracts for the performance of depot-level maintenance workloads, to offer contracts for the performance of workloads that are being performed by private contractors at least to the same extent as offers for contracts performed by depot-level activities of the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe that in offering for competition contracts for the performance of depot-level maintenance workloads, the Secretary concerned should make every effort to achieve a balance between workload being performed by private contractors and workload being performed by depot-level activities of the Department of Defense.

Reporting requirement for funding requests for support of sporting events

The House bill contained a provision (sec. 372) that would require the Secretary of Defense to submit a report prior to any request or expenditure of funds to support a sporting event such as the Olympics.

The Senate amendment contained no similar provision.

The House recedes. The conferees expect the Secretary of Defense to include future costs for DOD support for athletic events, including justification for such costs, in the Department's budget requests. The conferees also agree that, to the maximum extent practicable, acquisition of equipment by the Department of Defense to support athletic events in the United States should be usable for other missions of the Department of Defense, including support for other athletic events.

Requirement for identification of land on which no hazardous substances or petroleum products or their derivatives were stored, released, or disposed of

The Senate amendment contained a provision (sec. 314) that would amend section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a mechanism to identify clean portions of closing military facilities that are listed on the national priority list (NPL). Once identified, these clean parcels of land could then be segregated and sold or otherwise transferred in advance of those portions of the closing military facilities that are listed on the NPL and that require environmental remediation prior to transfer.

The House bill contained no similar provision.

The Senate recedes.

Clarification of covenant warranting that remedial action has been taken

The Senate amendment contained a provision (sec. 315) that would amend section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify that for the purposes of subparagraph (B)(i) of section 120(h), remedial action has been taken if the construction and installation of an approved remedial design has been completed, and the Administrator of the Environmental Protection Agency has determined that the remedy is operating properly and successfully. This provision would allow the Department of Defense and the military Services to transfer land that has long-term remediation efforts in place, such as a system to pump and treat groundwater, but which has otherwise been successfully remediated.

The House bill contained no similar provision.

The Senate recedes.

Requirement to notify states of certain leases

The Senate amendment contained a provision (sec. 316) that would amend section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 by adding a new section that would direct the head of a federal agency, including the Secretary of Defense, to notify the state in which military property is located 90 days in advance of the date such property is to be leased. This provision would apply only when any hazardous substance or any petroleum product or its derivatives was stored for one year or more, known to have been released or disposed of on the military property being transferred, and only to those facilities that are being closed.

The House bill contained no similar provision.

The Senate recedes.

Modification of contract indemnification authority (sec.)

The Senate amendment contained a provision (sec. 319) that would broaden the scope of contracts, to include contracts for environmental restoration, for which the Secretary of a military department may indemnify contractors for third party claims or for loss of or damage to the contractor's property arising from unusually hazardous activities under the contract, to include contracts for activities carried out under the defense environmental restoration program.

The House bill contained no similar provision.

The Senate recedes.

Impact aid

The Senate amendment contained a provision (sec. 334) that would maintain impact aid funding for school districts in communities affected by military base closings.

The House bill contained no similar provision.

The Senate recedes.

Purchase of items not exceeding $100,000

The Senate amendment contained a provision (sec. 356) that would authorize the Secretary of Defense to increase the threshold on purchases made with operation and maintenance (O&M) funds from $15,000 to $100,000.

The House bill contained no similar provision.

The Senate recedes. The conferees agree to consider any future proposals by the Department of Defense to increase the threshold on purchases made with O&M funds.

Madigan Army Medical Center

The Senate amendment contained a provision (sec. 364) that would authorize $150,000 of the funds authorized to be appropriated by title III for operation and maintenance, army for a program design and feasibility study to provide a residential program for military dependents with severe behavior disorders at Madigan Army Medical Center.

The House bill contained no similar provision.

The Senate recedes. The conferees agree to authorize $150,000 within the amount authorized for operation and maintenance, army in fiscal year 1993 for this study.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize the active duty end strengths for each of the military Services requested in the President's budget for fiscal year 1993.

The Senate amendment contained a similar provision (sec. 401). The Senate provision would also prescribe officer end strengths as a subset of the active duty end strengths prescribed for each military Service for fiscal year 1993.

The House recedes. The authorized levels are shown below.

ACTIVE DUTY END STRENGTHS

	Fiscal year—1992 planned	1993 request and recommendation
Army:		
Total	640,700	598,900
Officer	94,885	88,855
Navy:		
Total	551,400	535,800
Officer	69,395	67,455
Marine Corps:		
Total	188,000	181,900
Officer	19,065	18,440
Air Force:		
Total	486,800	449,900
Officer	92,020	84,970
Totals:		
Total	1,866,900	1,766,500
Officer	275,365	259,720

Active and reserve force structure and end strength reductions (sec. 402)

The Senate amendment contained a provision (sec. 402) that would authorize the Secretary of Defense to exceed the active duty end strengths prescribed in section 401, and to transfer funds for such purpose, to the extent he determines that such actions are necessary to avoid involuntary separations.

The House bill contained no similar provision.

The House recedes. The conferees note that this is the second year that the conferees have recommended this authority. For fiscal year 1992, the military Services have this authority in section 664 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) to avoid any involuntary separations.

General and flag officer joint requirements (sec. 403)

The Senate amendment contained a provision (sec. 405) that would authorize the Chairman of the Joint Chiefs of Staff to exclude up to eight general or flag officer positions designated as joint service requirements from the general and flag officer end strength ceilings established for fiscal year 1995 by section 403 of the National Defense Authorization Act for Fiscal Year 1991 (Pubic Law 101–510). This authority would be temporary and effective for only three years.

The House bill contained no similar provision.

The House recedes with an amendment.

The amendment would increase to twelve the number of general and flag officers that may be excluded. The conferees note that the increase compensates for action taken elsewhere in this act that would obviate the realignment of four general and flag officer positions from other sources within the Department of Defense to the control of the Chairman of the Joint Chiefs of Staff.

Study on general and flag officer requirements for joint positions (sec. 404)

The conferees recommend a provision that would require the Secretary of Defense to conduct a study of general and flag officer requirements for joint positions, and to report the results of the study along with appropriate recommendations to the Committees on Armed Services of the Senate and House of Representatives within one year of the enactment of this act.

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would restore to the Selected Reserve end strength 49,050 of the 115,997 reduction (including the Coast Guard Reserve) requested by the Department of Defense.

The Senate amendment contained a similar provision (sec. 411) that would restore to the Selected Reserve end strength 103,705 of the 115,997 reduction requested by the Department of Defense by reaffirming the Selected Reserve end strengths for each of the reserve components authorized for fiscal year 1993 in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190). The Senate amendment would also prohibit any Selected Reserve force structure or unit reductions in fiscal year 1993, except for: 1) physical relocation of units which are the direct result of mandated base realignments and closures in fiscal year 1993; 2) the deactivation of reinforcing units of the Naval Reserve tied directly to a decommissioning of an active component unit in fiscal year 1993; and 3) the deactivation of an aviation unit which results directly from the phase-out of a weapons system from both the active and reserve components in fiscal year 1993.

The Senate recedes with an amendment. The authorized levels are shown below.

	FY 1992 program	DOD request FY 1993	Conference agreement
Army National Guard	431,200	383,100	422,725
Army Reserve	301,840	257,500	279,615
Naval Reserve	142,611	125,800	133,675
Marine Corps Reserve	42,400	38,900	42,315
Air National Guard	118,100	119,200	119,300
Air Force Reserve	83,396	82,200	82,300
Coast Guard Reserve	15,150	12,000	15,150
Totals	1,134,697	1,018,700	1,095,080

The conference agreement would further establish the fiscal year 1993 end strength authorization for each selected reserve component as a minimum, and authorize the Secretary concerned to breach this minimum by one-half of one percent if necessary in order to permit the early and timely release of individuals prior to the end of the fiscal year in order to avoid individual hardship.

End strengths for reservists on active duty in support of the reserve components (sec. 412)

The House bill contained a provision (sec. 412) that would increase the full-time manning of the reserve components by 2,389 over the budget request.

The Senate amendment contained a provision (sec. 412) that would reaffirm the reserve full-time support end strengths for each of the reserve components authorized for fiscal year 1993 in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190).

The Senate recedes with an amendment. The authorized levels are shown below.

	Fiscal year 92 program	DOD Request fiscal year 1993	Authorized fiscal year 1993
Army National Guard	24,611	22,637	24,736
Army Reserve	12,838	12,152	12,637
Naval Reserve	22,504	20,926	21,490
Marine Corps Reserve	2,285	2,130	2,285
Air National Guard	9,081	9,131	9,106
Air Force Reserve	649	636	636
Totals	71,968	67,612	70,890

Reserve component force structure (sec. 413)

The House bill contained a provision (sec. 413) that would establish a force structure allowance of not less than 425,000 for the Army National Guard during fiscal year 1993.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would require the Secretaries of the military departments to prescribe a force structure allowance, or a number of units and positions allocated to those units, for each reserve component that is consistent with the authorized end strength for that component. The amendment would further require the Secretaries concerned to prescribe the force structure allowance in accordance with historical Services policies but, in no case, prescribe a force structure allowance for any component that is less than the authorized end strength for the particular component. With regard to unit reductions, the conferees expect that no medical or aviation units in any of the reserve components be eliminated in fiscal year 1993.

Authorization of student training loads (sec. 421)

The House bill contained a provision (sec. 421) that would authorize the military training student loads for each military Service and reserve component for fiscal year 1993.

The Senate amendment contained a similar provision (sec. 421).

The Senate recedes. The authorized levels are shown below.

Fiscal year 1993 Committee Recommendation

Service:	
Army	85,475
Navy	51,371
Marine Corps	18,831
Air Force	33,164
DOD Agencies	4,740
Total	193,581

Reduction in recruiting personnel (sec. 431)

The Senate amendment contained a provision (sec. 564) that would require the Department of Defense to reduce the number of military personnel assigned to recruiting activities by 10 percent from the fiscal year 1992 level over two years. Individuals in positions that are eliminated would return to work in their primary specialties.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Navy craft of opportunity program (sec. 432)

The House bill contained a provision (sec. 534) that would direct the Secretary of the Navy to ensure that none of the end strength reductions projected for the Navy Reserve in this act include personnel authorizations assigned to the craft of opportunity (COOP) mission.

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation on military personnel appropriation (sec. 433)

The Senate amendment contained a provision (sec. 431) that would limit the fiscal year 1993 appropriations for military personnel to $77.3162 billion.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the fiscal year 1993 appropriations for military personnel to $76.311 billion.

LEGISLATIVE PROVISIONS NOT ADOPTED

Authority to increase or decrease authorized strengths

The Senate amendment contained a provision (sec. 403) that would authorize the Secretary of Defense, when he determines such action to be in the national interest, to increase and decrease the end strengths authorized for the active and reserve components by .5 percent and 2 percent, respectively.

The House bill contained no similar provision.

The Senate recedes.

Repeal of limitation on reductions in medical personnel

The Senate amendment contained a provision (sec. 404) that would repeal the current limitation on the reduction of medical personnel.

The House bill contained no similar provision.

The Senate recedes. The conferees believe that the two-year medical study mandated by the Congress in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) should analytically address and make recommendations on the appropriate mix of active and reserve medical personnel. Until the Congress can take action on the recommendations of the study, the conferees believe that the active and reserve medical strengths of the military Services should not be reduced. In this regard, section 518 of this act would prohibit the Secretary of Defense from reducing medical personnel in the Selected Reserve below the number of such personnel in the Selected Reserve on September 30, 1992. The conferees note and endorse the discussion in the Senate report (S. Rept. 102-352) of the Senate provision with regard to the expected outcome of the medical study.

Limitation on the appropriation for permanent change of station

The Senate amendment contained a provision (sec. 563) that would limit appropriations for permanent change of station (PCS) moves to $2,863.11 million, or $150 million below the amended budget request for fiscal year 1993.

The House bill contained no similar provision.

The Senate recedes. The conferees endorse the intent of the Senate provision to reduce personnel turbulence and increase tour lengths in the military Services. In this regard, the conferees direct the Secretary of Defense to include in the justification material for the budget request for fiscal years 1994/1995 the actions being taken or that are planned within the Department of Defense to reduce personnel turbulence and increase tour lengths.

TITLE V—MILITARY PERSONNEL POLICY

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reference to personnel policy provisions in title XLIV (sec. 500)

This section cross-references transition benefit provisions that would normally appear in this title to the appropriate sections in title XLIV of this act.

Reports on plans for officer accessions and assignment of junior officers (sec. 501)

The Senate amendment contained a provision (sec. 521) that would require the Department of Defense to submit to the congressional defense committees a report on its plan for the procurement of officers, by source of commission, through fiscal year 1997. This provision would also require the Department of Defense to submit a report to the congressional defense committees on its plan for the assignment of officers entering on active duty, by source of commission, through fiscal year 1997.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Evaluation of effects of officer strength reductions on officer personnel management systems (sec. 502)

The Senate amendment contained a provision (sec. 522) that would require the Department of Defense to task an outside agency, such as a federally funded research and development center (FFRDC) with extensive manpower expertise, to conduct a complete review of the officer management plans of the military Services, and to make recommendations to the Department of Defense for appropriate changes to the Defense Officer Personnel Management Act (DOPMA).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Submission of eligibility lists to selective early retirement boards (sec. 503)

The Senate amendment contained a provision (sec. 524) that would clarify the authority of the Secretary of a military department to exclude from eligibility lists provided to selective early retirement boards the names of officers who do not meet the eligibility criteria prescribed by the Secretary concerned. This provision would apply to the temporary, expanded selective early retirement authority provided to the Department of Defense at its request.

The House bill contained no similar provision.

The House recedes.

Temporary authority to adjust the tenure of limited duty officers in the Navy (sec. 504)

The Senate amendment contained a provision (sec. 525) that would temporarily authorize the establishment of maximum tenure points for limited duty officers (LDO) in the Navy: (1) for the grade of commander (O-5), 35 years of total active service or after twice failing of selection to the grade of captain (O-6), whichever occurs first; and (2) for the grade of captain (O-6), 38 years of total active service. This provision would expire on October 1, 1995.

The House bill contained no similar provision.

The House recedes.

Appointment of chiropractors as commissioned officers (sec. 505)

The House bill contained a provision (sec. 502) that would amend title 10, United States Code, to authorize the Secretary of Defense to appoint chiropractors as commissioned officers in the armed forces to provide chiropractic care within the military health care system.

The Senate amendment contained a similar provision (sec. 701).

The Senate recedes with a technical amendment.

Clarification of minimum service requirements for certain flight crew positions (sec. 506)

The House bill contained a provision (sec. 503) that would amend title 10, United States Code, to require reserve component members to complete a period of service obligation in an active status in the Selected Reserve.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would clarify that this provision applies to National Guard and Reserve members who have completed flight training in an active duty for training status.

Authority for temporary promotion of certain Navy lieutenants (sec. 507)

The House bill contained a provision (sec. 504) that would make permanent the authority for spot promotion of certain Navy lieutenants who possess skills for which a critical shortage exists and who are serving in positions designated to be held by lieutenant commanders. The current authorization expires on September 30, 1992.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would extend the current authorization for one year. The conferees believe that the continued need for this authority should be evaluated in the review of the defense officer management system mandated elsewhere in this statement of the managers.

Pilot program for active component support of reserves (sec. 511)

The House bill contained a provision (sec. 511) that would restructure the active Army support program for the reserve component required by sections 414 and 521 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to make it a phased, integrated two-year test.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note and endorse the discussion of this provision in the House report (H. Rept. 102-527).

Repeal of requirement for removal of full-time reserve personnel from ROTC duty (sec. 512)

The House bill contained a provision (sec. 512) that would repeal section 559 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), which prohibited active guard and reserve (AGR) personnel from being assigned to duty with a unit of the Reserve Officer Training Corps (ROTC) program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would limit the number of AGR personnel assigned to ROTC duty to not more than 200 at any time.

Active Army combat support and combat service support billets (sec. 513)

The Senate amendment contained a provision (sec. 501) that would require the Army to realign the missions associated with the 19,000 combat support and combat service support spaces it retained in the active Army from deactivated units in Europe to the Army National Guard and Army Reserve as appropriate by the end of fiscal year 1993.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would strike the realignment of missions required in the Senate provision, and instead require the report on the structure and mix of active and reserve forces required by section 402 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to include an assessment of the effect on combat readiness of realigning the missions as proposed in the Senate provision. The amendment would also modify the number of combat support and combat service support positions cited in the Senate provision from 19,000 to 13,700.

Preference in Guard and reserve affiliation for voluntarily separated members (sec. 514)

The House bill contained a provision (sec. 514) that would amend section 1150 of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), to include voluntarily separated personnel as individuals who have preference for assignment to positions in the Selected Reserve. The House bill also contained another provision (sec. 703) that would address this subject.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would integrate the two House provisions.

Technical correction and codification of requirement of baccalaureate degree for appointment or promotion of reserve officers to grades above first lieutenant or lieutenant (junior grade) (sec. 515)

The House bill contained a provision (sec. 515) that would make a technical correction to section 523 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to clarify that the section does not apply if the person was appointed to or federally recognized in the grade of captain or Navy lieutenant before October 1, 1995.

The Senate amendment contained no similar provision.

The Senate recedes.

Disability, retired, or severance pay for reserve members disabled while traveling to or from training (sec. 516)

The House bill contained a provision (sec. 516) that would authorize the payment of disability retired or severance pay to certain reserve members who were or who become disabled while travelling either to or from reserve training.

The Senate amendment contained no similar provision.

The Senate recedes.

Service credit for concurrent enlisted active duty service performed by ROTC members while in the Selected Reserve (sec. 517)

The House bill contained a provision (sec. 517) that would authorize ROTC members who are concurrently members of the Selected Reserve to receive credit for active service for any period of enlisted service on active duty other than for training after July 31, 1990.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees note that this provision would provide for the equitable treatment of individuals who were activated in their Selected Reserve positions. The situation addressed by this provision would not have occurred had these individuals not been in a dual status. The conferees question the advisability of continuing the simultaneous membership program. In this regard, the conferees direct the Secretary of Defense to evaluate the simultaneous membership program to determine if it should be continued, and to report the results of the evaluation to the Committees on Armed Services of the Senate and House of Representatives by April 1, 1993. The report shall include a summary of actions that have been taken or are planned on the basis of the evaluation.

Limitation on reduction in number of medical personnel in the National Guard and reserves (sec. 518)

The Senate amendment contained a provision (sec. 502) that would prohibit the Secretary of Defense from reducing the number of medical personnel in the Army National Guard and Army Reserve below the number of such personnel in those components on September 30, 1992.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the coverage of this provision to all components of the Selected Reserve.

One-year extension of certain reserve officer management programs (sec. 519)

The House bill contained a provision (sec. 513) that would extend, from September 30, 1992 to September 30, 1993, the authorities for: (1) the appointment of a person as a reserve officer in the medical corps with credit applied for education and experience in determining the grade to which the person will be appointed; (2) the promotion of certain reserve officers serving on active duty who would have been otherwise promoted but for the fact they were serving on active duty; and (3) the use of professional credit by certain officers of the reserve components in the computation of years of service for the transfer of such officers to the retired service.

The Senate amendment contained a similar provision (sec. 503).

The House recedes with a clarifying amendment.

Modification of the reenlistment eligibility of certain former reserve officers (sec. 520)

The Senate amendment contained a provision (sec. 504) that would modify current reenlistment eligibility criteria to deny reenlistment to those reserve officers who are discharged or released from active duty for misconduct, moral or professional dereliction, duty performance below standards for the grade held, or retention being inconsistent with the interests of national security. The provision would also deny reenlistment in those cases in which an officer's former enlisted status and grade were based only on participation in a precommissioning program that led to the commission from which the individual was released or discharged.

The House bill contained no similar provision.

The House recedes.

Military service academies (secs. 521–524)

The Senate amendment contained six provisions (secs. 511–516) that would effect certain efficiencies in the operation of the military service academies. The rationale for these provisions is contained in the report by the Senate Armed Services Committee on the National Defense Authorization Act for Fiscal Year 1993 (S. Rept. 102-352). The Senate provisions are discussed below.

Section 511 would require that no more than one two-star general or flag officer may be assigned to each of the military service academies.

Section 512 would require the Secretary of Defense to submit a plan to the Committees on Armed Services of the Senate and House of Representatives by April 1, 1993 for implementing the recommendations of the March 1992 report by the General Accounting Office (GAO) on the academy preparatory schools.

Section 513 would require the Secretary of Defense to submit legislation by April 1, 1993 to conform faculty staffing at the United States Military Academy (USMA) and the United States Air Force Academy (USAFA) to the faculty staffing at the United States Naval Academy (USNA) (50/50 military/civilian mix), and to phase out the assignment of permanent military professors at the USMA and USAFA.

Section 514 would prescribe that no appropriated funds may be used after April 1, 1993 to pay for enlisted bands at the military service academies.

Section 515 would prescribe that no appropriated funds may be used after April 1, 1993 to pay non-instructional military staff at the military service academies in positions that are not certified by the DOD Inspector (DODIG) as directly involved in the administration of students and faculty or maintenance of facilities at these institutions.

Section 516 would place staff supervision of the military academies under the training and education commands of the military services (Army Training and Doctrine Command, Naval Education and Training Command, and Air Training Command).

The House bill contained no similar provisions.

The House recedes with an amendment.

With regard to the Senate provision limiting the number of general and flag officers that may be assigned to the military service academies (sec. 511), the amendment would instead repeal the minimum grade requirements in statute for general and flag officer positions at the military service academies. The amendment is intended to provide the Secretary of Defense the authority and flexibility to evaluate and establish uniform standards for designating general and flag officer positions at the military service academies. The conferees note and endorse the intention of the Air Force to realign one of the three general officer positions at the USAFA.

With regard to the Senate provision on the military service academy preparatory schools (sec. 512), the conferees agree that the Secretary of Defense should consider efficiencies in the operation of these schools, such as those recommended by the General Accounting Office, and consistent with other principles of organizational and management efficiency. The conferees note that the military academies are planning actions to effect efficiencies in this area, and expect the Secretary of Defense to coordinate and follow through on these plans.

With regard to the Senate provision requiring the Secretary of Defense to submit legislation to conform the civilian-military faculty mix at the USMA and the USAFA to that at the USNA, and to phase out the assignment of permanent military professors at these institutions (sec. 513), the amendment would instead require the Secretary of Defense to submit recommended legislation for increasing the number of civilian faculty and reducing the number of military faculty at the USMA and the USAFA. The amendment would also provide the USMA and USAFA the same civilian hiring flexibility that currently is authorized for the USNA.

With regard to the Senate provision that would phase out the enlisted bands at the military service academies (sec. 514), the conference agreement would drop the Senate provision. However, the conferees direct the Secretary of Defense to submit a report to the Committees on Armed Services by April 1, 1993, on a broader evaluation of the overall structure and organization of military bands. The conferees note that there are 93 military bands, 49 of which are in the Army. These bands cost nearly $200 million annually to operate. The conferees recognize the valuable function of military bands, both in the military and civilian communities, and do not propose their complete elimination. However, the conferees believe that efficiencies in the structure and organization of bands can and should be achieved as defense resources are reduced. For example, cadets and midshipmen at the military service academies could be encouraged to form their own bands to help reduce reliance on active duty resources (there are 98 active duty band members at the USMA), and the National Guard and reserve components could be assigned more responsibility for part-time support in this area.

With regard to the Senate provision that would prohibit the use of appropriated funds for non-instructional staff at the military service academies that are not certified by the DODIG as directly involved in the administration of students and faculty or maintenance of facilities at the military service academies (sec. 515), the amendment would instead require the DODIG to conduct a management audit of the non-instructional staff at the military service academies, and the Secretary of Defense to report the results of the audit and the actions taken on the basis of the audit to the Committees on Armed Services of the Senate and House of Representatives by June 1, 1993. The conferees believe that efficiencies can and should be achieved in this area.

With regard to the Senate provision that would place the staff supervision of the military service academies under the training and education commands of the military services (sec. 516), the conference agreement would drop the Senate provision. However, the conferees expect the Secretary of Defense to review current oversight procedures and to promulgate a regulation which provides for the uniform oversight and management of the military service academies and to submit a copy of that regulation to the Committees on Armed Services of the Senate and House of Representatives by June 1, 1993.

Authority of the United States Military Academy to confer the degree of master of arts in leadership development (sec. 525)

The House bill contained a provision (sec. 532) that would authorize the Superintendent of the United States Military Academy (USMA) to confer the degree of master of arts in leadership development on a maximum of 20 graduates annually of that program who have fulfilled the requirements for the degree.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would authorize the Superintendent of the USMA to confer the degree of master of arts in leadership development only on those officers who have successfully completed the course of instruction devised by the USMA for this purpose, to include those officers who are enrolled in the course of instruction on the date of enactment of this act.

Report on prohibition on participation of reserve personnel in Air Force pilot training courses (sec. 531)

The House bill contained a provision (sec. 521) that would prohibit Air Force Reserve and Air National Guard pilot candidates from attending undergraduate pilot training (UPT) conducted by the active Air Force.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would strike the House provision, and instead require that no additional National Guard or Air Force Reserve personnel may be scheduled for UPT until a report is submitted to the Committees on Armed Services of the Senate and House of Representatives by the Secretary of Defense on the necessity for continuing the input of National Guard and Air Force Reserve personnel into UPT. The conference agreement would allow National Guard and Air Force Reserve personnel scheduled for UPT on the date of enactment of this act to complete processing for and to enter UPT if qualified.

ROTC scholarships for National Guard (sec. 532)

The House bill contained a provision (sec. 522) that would amend title 10, United States Code, to designate 100 financial assistance programs to be awarded by the Chief, National Guard Bureau, for students that will be required to serve in the Army National Guard after being appointed as commissioned officers. The House provision would require that such students attend military universities, military junior colleges, or state universities within the state of their residence. The House provision would also require that such students be prohibited from serving on active duty other than for training, unless called to active duty with their Army National Guard Selected Reserve unit, or as an individual filler in support of a contingency operation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would require the Secretary of the Army, instead of the Chief of the National Guard Bureau, to implement this program consistent with the standards for the active duty program and with appropriate consideration for the geographic dispersion of such scholarships. The amendment would also designate 50 of the 100 scholarships for 2-year programs.

Junior reserve officers' training corps program (sec. 533)

The House bill contained a provision (sec. 523) that would amend title 10, United States Code, to allow students above the eighth grade, regardless of age, and aliens lawfully admitted to the United States for permanent residence, to be counted when determining whether a Junior ROTC program has the minimum number of students required to remain active. The House provision would also remove the ceiling on instructor pay, but continue existing limits on Department of Defense obligations for instructor salaries.

The Senate amendment contained a similar provision (sec. 565) that would: (1) codify the purpose of the Junior ROTC programs of the military Services; (2) permit these programs to be expanded in number from 1,600 to 3,500; and (3) authorize the Secretary of a military department to pay a participating institution the difference between an instructor's military retired pay and the instructor's normal pay if on active duty in those instances determined by the Secretary concerned to be in the national and community interest.

The House recedes with an amendment. The amendment would combine the House and Senate provisions, and also specify that the authority for the Secretary of a military department to pay the participating institution's portion of instructor pay should be limited to institutions in educationally and economically disadvantaged areas.

Retention on active duty of enlisted members within two years of eligibility for retirement (sec. 541)

The Senate amendment contained a provision (sec. 561) that would provide the same tenure protection to enlisted members that is afforded under current law to officers who have completed 18 but less than 20 years of active duty for retirement eligibility purposes.

The House bill contained no similar provision.

The House recedes.

Authority for military school faculty members and students to accept honoraria for certain scholarly and academic activities (sec. 542)

The House bill contained a provision (sec. 531) that would establish more appropriate guidelines governing the acceptance of honoraria for an appearance, speech, or article by students and faculty of Department of Defense educational institutions.

The Senate amendment contained no similar provision.

The Senate recedes.

Payment for leave accrued and lost by Korean conflict prisoners of war (sec. 543)

The House bill contained a provision (sec. 533) that would ensure that the Department of Defense has the authority to pay, from appropriations available for the current fiscal year, deserving former Korean conflict prisoners of war for leave actually accrued and lost while a prisoner of war.

The Senate amendment contained no similar provision.

The Senate recedes.

Military reserve technicians (sec. 544)

The House bill contained a provision (sec. 1301) that would require the Secretary of Defense to implement a program that would provide priority consideration to certain involuntarily separated military reserve technicians for positions in the competitive service within the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Air Reserve technicians (sec. 545)

The House bill contained a provision (sec. 535) that would direct the Secretary of the Air Force to carry out the high-year tenure (HYT) program of the Air Force Reserve so as not to require the removal of an Air Reserve technician from active status as a reservist before attaining age 60 in the case of any technician who has a total of not less than 33 years of active duty and reserve military service before January 1, 1992, and who is otherwise qualified for retention as an Air Reserve technician.

The Senate amendment contained no similar provision.

The Senate recedes.

Mental health evaluations of members of armed forces (sec. 546)

The House bill contained a provision (sec. 536) that would require the Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard, to prescribe regulations regarding mental health evaluations of members of the armed forces. The House provision would specify that the regulations shall cover procedures for outpatient and inpatient evaluations; member rights; procedures for emergency or involuntary inpatient evaluations; and a prohibition against the use of referrals for mental health evaluations to retaliate against whistleblowers.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Report on the Selective Service System (sec. 547)

The Senate amendment contained a provision (sec. 1064) that would require the Secretary of Defense, in consultation with the Director of the Selective Service System, to submit a report through the President to Congress on the continued requirement for registration under the Selective Service System.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Repeal of requirement concerning initial commissioning of officers

The House bill contained a provision (sec. 501) that would repeal section 501 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), which mandates that all commissioned officers appointed after September 30, 1996 be initially appointed in a reserve component on active duty for a minimum of one year.

The Senate amendment contained no similar provision.

The House recedes.

Requirement for test assignments of female service members to certain combat positions

The Senate amendment contained a provision (sec. 523) that would modify the authority provided by section 550 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) for the Department of Defense to conduct test assignments of women to combat positions. The provision would require the Department of Defense to include in such tests at a minimum the assignment of women to combat aircraft in each of the military Services.

The House bill contained no similar provision.

The Senate recedes.

Teacher certification credit for military experience

The Senate amendment contained a provision (sec. 532) that would require the Secretary of Defense to develop uniform standards and procedures for the granting of appropriate credit for servicemembers under state teacher certification and licensing procedures. The provision would also require the Secretary to coordinate with appropriate state agencies to encourage the adoption of such standards and procedures by the states.

The House bill contained no similar provision.

The Senate recedes. However, certain of the requirements contained in the Senate provision would be incorporated into the conference agreement on teacher and teacher's aide placement programs for separating servicemembers.

Limitation on enlisted aides

The Senate amendment contained a provision (sec. 562) that would reduce the current statutory ceiling on enlisted aides from 300 to 240, consistent with the 20 percent reduction in general and flag officers mandated in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). The provision would also limit the assignment of enlisted aides only to personnel who occupy command positions.

The House bill contained no similar provision.

The Senate recedes. The conferees expect the Secretary of defense to review the current practices and numbers with regard to the assignment of enlisted aides, and to report the results of the review to the Committees on Armed Services of the Senate and House of Representatives by April 1, 1993. The conferees expect the review to consider the existing limit on the number of enlisted aides that are authorized and the overall reduction in the number of general and flag officers. In this regard, the conferees expect the Committees on Armed Services to consider and take appropriate action on the recommendations of the Department of Defense in this area next year.

Reserve Forces Policy Board

The conferees note that the Reserve Forces Policy Board (RFPB) celebrates its 40th anniversary this year. The RFPB was created by an act of Congress in 1952 to provide policy advice to the Secretary of Defense on matters relating to the reserve components of the military Services. The RFPB role during the Cold War years was instrumental in assisting the Department of Defense in creating a credible, ready, reserve force, particularly after the advent of the Total Force Policy. The RFPB function today is no less important. The debate on the size, roles, missions, and ultimate disposition of the reserve components of the future must be conducted utilizing the experience and expertise of those who have served in and with those forces. The conferees believe that the RFPB should continue to perform the essential function with direct access to the top leadership in the Department of Defense.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reference to compensate and other personnel benefits in title XLIV (sec. 600)

This section cross-references compensation and other benefit provisions relating to the defense drawdown that would normally appear in this title to the appropriate sections in title XLIV of this act.

Authority to waive repayment of advance pay received incident to an authorized or ordered evacuation (sec. 602)

The Senate amendment contained a provision (sec. 614) that would authorize the Secretaries of the military departments to waive the recovery of up to one month's advance pay made to single or unaccompanied military personnel who drew an advance incident to an authorized or ordered evacuation. Current law allows such waivers for accompanied personnel only. This provision would recognize that single and unaccompanied members, like accompanied members, may also suffer consequences of such an evacuation that would make recovery of the advance pay received against equity and good conscience or against the public interest.

The House bill contained no similar provision.

The House recedes. The conferees expect the Department of Defense to apply this provision to military personnel affected by Hurricane Andrew as appropriate.

Clarification of authority to provide special pay for nonphysician health care providers (sec. 611)

The House bill contained a provision (sec. 611) that would expand section 302(c) of title 37, United States Code, to include chiropractors within the definition of nonphysician health care providers authorized special pay. The provision is a companion to another House provision (sec. 507), which would authorize chiropractors to be commissioned in the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of expiring authorities for certain bonuses and special pay (sec. 612)

The House bill contained a provision (sec. 612) that would extend from September 30, 1992 to September 30, 1993, the authorities for: (1) a reenlistment bonus for active members; (2) an enlistment bonus for members in critical skills; (3) an aviator retention bonus; (4) enlistment and reenlistment bonuses for reserve members; (5) special pay for enlisted members of the Selected Reserve assigned to high priority units; (6) education loans for certain health professionals who serve in the Selected Reserve; (7) an accession bonus for registered nurses; (8) a nurse candidate accession program; and (9) special pay for nurse anesthetists.

The Senate amendment contained a similar provision (sec. 603).

The Senate recedes with a technical amendment.

Temporary increase in the number of days a member may be reimbursed for temporary lodging expenses (sec. 621)

The House bill contained a provision (sec. 621) that would authorize the Secretaries of the military Services to extend the period of time from four to ten days for which subsistence expenses may be paid or reimbursed for a change of permanent station to a geographical area determined by that Secretary to be affected by the withdrawal of U.S. forces from overseas base realignments and closures, or the restructuring or deactivation of units. This authority would extend through September 30, 1997.

The Senate amendment contained no similar provision.

The Senate recedes.

Prohibition on the asserting of liens on personal property being transported at government expense (sec. 622)

The Senate amendment contained a provision (sec. 613) that would prohibit transporters from asserting liens on the personal property of military personnel while such property is being transported at government expense. This provision would protect military personnel from liens or detainment of household goods, unaccompanied baggage, and privately owned vehicles due to carrier disputes.

The House bill contained no similar provision.

The House recedes.

Subsistence reimbursement for escorts of foreign arms control inspectors (sec. 623)

The Senate amendment contained a provision (sec. 619) that would authorize reimbursement for subsistence costs incurred by U.S. military personnel accompanying foreign arms control inspectors in the United States for monitoring on-site inspections provisions of arms control treaties and agreements.

The House bill contained no similar provision.

The House recedes.

Amendment to reflect change in name of the Military Airlift Command to the Air Mobility Command for travel and transportation (sec. 624)

The Senate amendment contained a provision (sec. 618) that would make a technical change to section 404 of title 37, United States Code, to reflect the change in the name of the Military Airlift Command to the Air Mobility Command.

The House bill contained no similar provision.

The House recedes.

Evacuation allowance in connection with Hurricane Andrew (sec. 625)

The conferees recommend a provision that would remove legal impediments to the payment of evacuation allowances to military personnel, federal civilian personnel, and certain military dependents who were evacuated as a result of Hurricane Andrew.

Concurrent receipt of military retirement pay and veterans' disability pay (sec. 641)

The Senate amendment contained a provision (sec. 611) that would require the Department of Defense to: (1) submit legislation that would permit the concurrent receipt of military retired pay and veterans' disability compensation pay, or another formula to accomplish this end; and (2) set aside sufficient amounts in its legislative contingency fund to pay for the enactment of such legislation in fiscal year 1994.

The House bill contained no similar provision.

The House recedes with an amendment.

The amendment would strike the Senate provision and instead require the Secretary of the Defense to submit to the Committees on Armed Services of the Senate and House of Representatives a report on alternative approaches to permit the concurrent payment to military retirees of military retired pay and veterans' disability compensation. The conferees direct the Congressional Research Service (CRS) of the Library of Congress to provide a report to the Committees on Armed Services by April 1, 1993 on programs which currently have offsets similar to the offset made between military retired pay and VA disability compensation, or where the beneficiary is required to choose between benefits earned during the same chronological time period, e.g., Civil Service Retirement and Federal Employment Compensation Act. The study should include, but not be limited to the following programs:

(1) Military survivors benefits/dependency and indemnity compensation

(2) Federal civil service retirement/federal employment compensation

(3) Railroad retirement/workers' compensation

(4) Social Security/workers' compensation

(5) Federal civil service disability/Federal Employment Compensation Act/state and local government disability programs

The Congressional Research Service (CRS) study should further address the question of how the current policy of offsetting military retired pay and VA disability compensation, as it relates to military retirees, compares to other federal beneficiaries affected by similar policies. The study should also estimate the budgetary impact of removing such policies throughout the federal government.

Amendment of computation of retired pay for certain enlisted members credited with extraordinary heroism (sec. 642)

The Senate amendment contained a provision (sec. 615) that would make a technical change to section 1402 of title 10, United States Code. The provision would permit enlisted members who are entitled to an increase in retired pay because of extraordinary heroism to retain this entitlement in the event their retired pay is later recomputed for additional active service.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Survivor Benefit Plan open enrollment (sec. 643)

The House bill contained a provision (sec. 654) that would amend section 1405 of the Military Survivor Benefits Improvement Act of 1989 (Public Law 101-189).

The Senate amendment contained no similar provision.

The Senate recedes.

Provision of temporary foster care services outside the United States for children of the armed forces (sec. 651)

The House bill contained a provision (sec. 651) that would amend chapter 53 of title 10, United States Code, to authorize the Service Secretaries involved to expend appropriated funds for expenses related to providing necessary foster care in overseas areas where public, tax supported services are not available for children of members of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Reimbursement for adoption expenses (sec. 652)

The Senate amendment contained a provision (sec. 612) that would modify the adoption reimbursement benefit authorized by section 651 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) to provide the broader benefit coverage authorized in the original test program by section 638 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180). The broader coverage would be retroactive to the date of the expiration of the test program.

The House bill contained no similar provision.

The House recedes with an amendment that would provide reimbursement for adoption expenses under the program adopted last year.

Protection for dependent victims of abuse by members of the armed forces (sec. 653)

The Senate amendment contained a provision (sec. 1070) that would provide annuity protection for spouses and former spouses of members losing eligibility for retired pay as a result of abuse of a dependent. The provision would also entitle such individuals to benefits on the same basis as a dependent of a retired member of the armed forces.

The House recedes with an amendment that would align the benefits and procedures authorized in this section with the benefits provided to former spouses under the Uniformed Services Former Spouses Protection Act.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification of CHAMPUS reform initiative contract

The House bill contained a provision (sec. 633) that would direct the Secretary of Defense to issue a modification to the request for proposals (RFP) for the new CHAMPUS reform initiative (CRI) contract in California and Hawaii to more closely reflect the beneficiary cost-sharing requirements included in the current CRI contract in operation in those two states.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that the Department of Defense has recognized the wisdom of the House provision, and has implemented it.

Reproductive health services

The House bill contained a provision (sec. 637) that would entitle military personnel and their dependents to reproductive health services in a medical facility of the uniformed services outside the United States on a reimbursable basis.

The Senate amendment contained a similar provision (sec. 715).

The conferees agree to exclude this provision. The Senate has passed a bill (S. 3144) which contains this provision. The House intends to pass this bill and send it to the President as soon as possible.

Educational assistance for graduate programs for members of the Selected Reserve

The House bill contained a provision (sec. 642) that would amend title 10, United States Code, to permit Selected Reserve participant in the Montgomery G.I. Bill to pursue graduate level course work, subject to available appropriations.

The Senate amendment contained no similar provision.

The House recedes.

Survivor Benefit Plan annuity

The House bill contained a provision (sec. 653) that would provide an annuity under the Survivor Benefit Plan to Charlotte S. Neal, of Lynchburg, Virginia, former wife of the late Lieutenant Commander Michael D. Christian, United States Navy (Retired).

The Senate amendment contained no similar provision.

The House recedes.

Eligibility for retire pay for non-regular service

The Senate amendment contained a provision (sec. 617) that would authorize certain personnel who were members of a reserve component or other non-regular component of the armed forces before August 16, 1945, and who completed 20 or more years of qualifying service on or after that date, to be eligible for retired pay. Such eligibility would begin on the date of enactment of this provision.

The House amendment contained no similar provision.

The Senate recedes.

Services provided by the Defense Accounting and Finance Service

The conferees note that the Senate report (S. Rept. 102-352) directed the General Accounting Office to conduct an audit of the Defense Accounting and Finance Service (DFAS). The conferees expect the audit to include an assessment of the adequacy of services provided to all segments of the DFAS customer base (active, reserve, retired and other customers), and an evaluation of plans to implement the defense joint military pay system and the defense retiree annuitant pay system. The conferees are interested in whether or not these systems will result in broader, improved services to customers.

TITLE VII—HEALTH CARE PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Reference to health care services in title XLIV (sec. 700)

This section cross references health care provisions relating to the defense drawdown that would normally appear in this title to the appropriate sections in title XLIV of this act.

CHAMPUS dental health care benefits (sec. 701)

The Senate amendment contained a provision (sec. 702) that would authorize $80.0 million for the Department of Defense to design and implement an improved dental health care benefit for military dependents under the CHAMPUS program. This provision would also prescribe an increase in the monthly premium limit from $10 to $20, and authorize the Department of Defense to prescribe higher deductibles for orthodontic services, crowns, gold fillings, bridges, or complete or partial dentures.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would: (1) authorize the Secretary of Defense to reduce premiums for enlisted members in the E-1 through E-4 grades; (2) strike the statutory dollar limit on this program; (3) establish an April 1, 1993 effective date; (4) provide flexibility to the Secretary of Defense to add additional covered services; and (5) authorize $50.0 million for implementation of this program in fiscal year 1993.

Pharmaceutical drug benefit (sec. 702)

The Senate amendment contained a provision (sec. 705) that would require the creation and phase-in of a mail-service pharmaceutical drug benefit for members of the military community (active duty members and their dependents, retirees, and survivors). The benefit would initially be phased-in in at least two multi-state areas within 18 months. A report to Congress, prior to full implementation, would be made within 24 months of enactment of this act. In addition, the Senate amendment would require the implementation of a demonstration project to supply prescription pharmaceuticals to eligible persons through a managed care network of community retail pharmacies. The benefit would initially be carried out in regions that consisted of at least two multi-state areas.

The House bill contained no similar provisions.

The House recedes with an amendment.

The amendment would require that the managed care network of community retail pharmacies become a part of all managed health care programs awarded or renewed after January 1, 1993.

In establishing this program, the conferees recommend that the Secretary of Defense take advantage of the latest technologies found in civilian managed care networks utilizing community retail pharmacies and other government programs, such as a point-of-sale electronic claims management system for the purpose of performing on-line, real-time eligibility verification, claims data capture, and adjudication and payment of claims. The conferees believe such service will be important to the efficient and effective management of the new managed care network of community retail pharmacies.

Maximum annual amount for deductibles and co-payments (sec. 703)

The Senate amendment contained a provision (sec. 707) that would lower the existing CHAMPUS catastrophic cap for retirees and their dependents from $10,000 to $7,500.

The House bill contained no similar provision.

The House recedes.

Comprehensive individual case management program under CHAMPUS (sec. 704)

The House bill contained a provision (sec. 639) that would permit payment of comprehensive home health services under CHAMPUS, where cost-effective and appropriate. The provision would also put in place a case management system to coordinate utilization of health services.

The Senate amendment contained a similar provision (sec. 709).

The House recedes with a technical amendment.

The conferees believe the case management program is the best approach to address the need of beneficiaries for whom regular CHAMPUS benefits are limited by the custodial care exclusion and other restrictions contained in the law and CHAMPUS regulations.

Medical and dental care for certain incapacitated dependents (sec. 706)

The Senate amendment contained a provision (sec. 714) that would provide medical and dental coverage under CHAMPUS to unmarried children who are incapable of self-support because of a mental or physical incapacity and who become the dependents of a member or former member.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would limit the coverage of this provision to dependents who are under 23 years of age, enrolled in a full-time course of higher learning, and mentally or physically incapacitated.

National claims processing center study (sec. 711)

The Senate amendment contained a provision (sec. 712) that would establish a national claims processing system for CHAMPUS, to be fully implemented within five years. This national system would facilitate the electronic transmission of claims and billing functions throughout CHAMPUS.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would specify that the system could be procured through single or multiple contracts, and permit the procurement to proceed on a unitary or incremental basis. It would extend the time period for full implementation from five to seven years.

Conditions on expansion of CHAMPUS reform initiative to other locations (sec. 712)

The House bill contained a provision (sec. 634) that would prohibit the expansion of the CHAMPUS reform initiative beyond its current boundaries of California and Hawaii, except in base closure areas, until at least 90 days after the Secretary of Defense certifies that such expansion is the most cost-effective option to providing care in the expansion areas. The House provision would require that, not later than 30 days after the Secretary submits his certification, the General Accounting Office (GAO) and the Congressional Budget Office (CBO) shall jointly submit a report evaluating the certification.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the intent of the conferees that the evaluation of any future expansion of the CRI to other locations should also include considerations of accessibility and quality of care.

Alternative health care delivery methodologies (sec. 713)

The Senate amendment contained a provision (sec. 713(a) and (b)) that would require the Department of Defense to make a number of modifications to the coordinated care program. This provision would extend the life of the current CHAMPUS reform initiative demonstration in California and Hawaii, and require the contract to be submitted to a competitive process.

Additionally, this provision would require the Department to continue to test a broad array of military health reform options for the next four years. This should include, but not be limited to, the Department of Defense's CHAMPUS reform initiative, CHAMPUS, and the catchment area management and coordinated care program.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Managed health care network for Tidewater region of Virginia (sec. 714)

The House bill contained a provision (sec. 635) that would reaffirm section 712(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) directing the Defense Department to undertake a managed health care program, not later than September 30, 1992, in the Tidewater region of Virginia based on the catchment area management (CAM) demonstration project underway in a number of locations, including Charleston, South Carolina.

The Senate amendment contained no similar provision.

The Senate recedes.

Positive incentives for coordinated care program (sec. 715)

The House bill contained a provision (sec. 636) that would direct the Secretary of Defense to modify the "Policy Guidelines on the Department of Defense Coordinated Care Program," issued by the Assistant Secretary of Defense for Health Affairs on January 8, 1992, to provide incentives or "carrots" to beneficiaries of the military health care system who enroll in the coordinated care program. These incentives would include a reduction in CHAMPUS deductibles and co-payments; reduced cost-sharing requirements for primary care; and the expansion of benefits currently authorized under the CHAMPUS program.

The Senate amendment contained a similar provision (sec. 713(c)).

The Senate recedes with a technical amendment.

Managed-care delivery and reimbursement model (sec. 716)

The House bill contained a provision (sec. 640) that would exempt the participation agreement negotiated between a uniformed services treatment facility and the Secretary of Defense from the Federal Acquisition Regulations required by the Office of Federal Procurement Policy Act (41 U.S.C. 4219c)).

The Senate amendment contain no similar provision.

The Senate recedes.

Correction of omission in delay of increase of CHAMPUS deductibles related to Operation Desert Storm (sec. 721)

The House bill contained a provision (sec. 632) that would correct the inadvertent exclusion of dependents of members who served and were killed in the Persian Gulf war, members who served in the Persian Gulf war and subsequently died; or members who served in the Persian Gulf war and subsequently retired, from receiving the authorized delay in the increase of the CHAMPUS outpatient deductible for CHAMPUS beneficiaries for care provided on or after April 1, 1991. Section 712 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) authorized an increase in the CHAMPUS outpatient deductible which was then delayed until October 1, 1991 by the Persian Gulf Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25).

The House provision would also authorize the Secretary of Defense to provide reimbursement or credit against future deductible requirements for the affected beneficiaries.

The Senate amendment contained no similar provision.

The Senate recedes.

Military health care for persons reliant on health care facilities at bases being closed and realigned (sec. 722)

The Senate amendment contained a provision (sec. 704) that would require the Department of Defense to solicit input from the active duty dependents and retirees and their survivors who will be affected by the closure or realignment of a base that houses a military treatment facility at which they receive their health care.

The House bill contained no similar provision.

The House recedes. The conferees are concerned about reports that in some areas in which a base is being closed or realigned, the Department is closing the base health care facility prior to closure or realignment of the base, and prior to implementing a managed care delivery system or contracting with a health insurance plan to provide needed services to beneficiaries. Failure to implement a managed care alternative in a timely fashion could increase the cost of medical care to the Department in these areas. Additionally, the access of beneficiaries to entitled care is threatened. The conferees believe the Department has an obligation to implement a replacement health care delivery system or contract with a health insurance plan before closing a base health care facility.

Comprehensive study of the military medical care system (sec. 723)

The Senate amendment contained a provision (sec. 711) that would require, as part of the study mandated by section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), the federal employee health benefits program to be studied to determine whether designing a similar program for military dependents and retirees would be cost-effective and provide for the health coverage needs of dependents and retirees (including those over age 65).

The House bill contained no similar provision.

The House recedes.

Annual beneficiary survey (sec. 724)

The Senate amendment contained a provision (sec. 706) that would require the Department of Defense to conduct an annual, formal satisfaction survey of those utilizing the military medical system.

The House bill contained no similar provision.

The House recedes.

Risk-sharing contract study (sec. 725)

The Senate amendment contained a provision (sec. 710) that would require the Secretary of Defense, in consultation with the Secretary of Health and Human Services, to study the feasibility and develop an implementation plan for a demonstration project to track the current Medicare managed care risk contract.

The House bill contained no similar provision.

The House recedes.

Sense of Congress regarding health care policy for the uniformed services (sec. 726)

The Senate amendment contained a provision (sec. 703) that would express the sense of Congress regarding the current and future direction of the military health care system.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Preemption

The conferees believe the advent of contracting for managed care services within the Department of Defense health care system is a positive step toward assuring both government and military beneficiaries cost-effective, quality-controlled programs for health care delivery. The conferees have become concerned, however, about the potential cost and complexity of the layers of federal, state, and local laws and regulations on contracts that include more than one state. Next year, the conferees plan to review the question of whether some federal standards should be developed in this area that could create some continuity. Accordingly, the conferees hope that the Department of Defense would start to review this issue in preparation for next year's budget hearings.

Guidelines for managed care

Section 733 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) directed the Department of Defense to study the entire DOD health care system and to report to the congressional defense committees. Section 733 called for an assessment of the qualifications of the personnel involved in CHAMPUS mental health utilization review, an evaluation of the actions taken to ensure that reviewers have no financial conflict of interest, and an evaluation of the adequacy of the existing appeals process.

The conferees note that the survey and report are expected to take a long time to produce. They hope the Department of Defense would initiate, by January 1, 1993, proposed regulations aimed at achieving actual improvement in these and related areas of consumer protection.

The conferees expect the Department of Defense to develop standards that will ensure and promote the delivery of quality health care and to foster greater coordination among health care providers that participate under this program. The standards should also protect patients by ensuring that the reviewing professionals are qualified to perform utilization review and managed care activities, and are licensed and competent in the area of care needed by the consumer.

Such standards should include a requirement that neither the providers nor any reviewing professional or agent have any financial incentive in the outcome of the prescribed treatment methodology followed.

Partial hospitalization under CHAMPUS

The conferees believe it is critical that a wide range of mental health options be available to CHAMPUS beneficiaries, so that services can be received in the most appropriate and cost-effective setting.

The conferees believe that partial hospitalization is an important benefit to bridge the transition from inpatient to outpatient care in order to ensure that there is no disruption in the continuity of care for beneficiaries. The conferees intend to continue to closely monitor the Department of Defense implementation of this program, including the determination of reasonable reimbursement rates.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Codification and amendments to section 1207 (sec. 801)

The House bill contained a provision (sec. 801) that would extend the five percent goal program for the award of DOD contracts and subcontracts to small disadvantaged businesses, historically Black colleges and universities, and minority institutions through fiscal year 2000 (section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661)). In addition, this provision of law would be codified as section 2323 of title 10, United States Code.

The Senate amendment contained a provision (sec. 814) that would extend the program through fiscal year 2000 and require the establishment of a process to review claims that the use of SDB set-asides has caused an industry category to bear a disproportionate share of the progress toward the goal.

The Senate recedes with a technical amendment.

The conferees agree to consolidate all section 1207-related provisions into a single section. The additional codified provisions are: (1) section 806 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180); and (2) section 832 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189).

Provisions relating to small businesses and small disadvantaged businesses (sec. 802)

The House bill contained a provision (sec. 802) that would: (1) apply the "non-manufacturer rule" to the program established by section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661); and (2) require the Secretary of Defense to issue regulations to ensure prime contractors comply with existing subcontracting requirements and make subcontracting plans a factor in the contract award process.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The Defense Department has advised the conferees that it has developed a proposed regulation concerning the non-manufacturer rule. However, DOD has delayed issuance of this rule at the request of the Small Business Administration, which also intends to publish a rule on this subject. The conferees direct the Secretary of Defense to immediately issue a proposed regulation for comment on the non-manufacturer rule.

The conferees are concerned that subcontract awards by DOD prime contractors to small business concerns (including small disadvantaged businesses) declined 5.3 percent in fiscal year 1991 compared to the preceding year. The regulations required by this provision are intended to ensure that this decline does not become a trend and that the Department and its prime contractors enforce and comply with existing subcontracting plan requirements.

The conferees direct the Secretary to conduct a prompt review of DOD and prime contractor efforts to increase subcontract awards to small businesses and small disadvantaged businesses and to propose additional strategies to increase such awards. The results of this review should be reported to the Committees on Armed Services of the Senate and House of Representatives by April 1, 1993.

Under current law (section 806 of the National Defense Authorization Act of Fiscal Years 1988 and 1989 (Public Law 100–180)), the Secretary is required to make the administration of small business subcontracting plans a factor in the evaluation of the performance of contracting officials. The conferees direct the Secretary to take the appropriate steps to ensure that this requirement is fully enforced.

Funding for defense research by historically Black colleges and universities and minority institutions (HBCU/MI) (sec. 803)

The Senate amendment contained a provision (sec. 814) that would authorize $15.0 million for the HBCU/MI infrastructure assistance program established in section 832 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510).

The House bill contained no similar provision.

The House recedes.

Small Business Administration certificate of competency program (sec. 804)

The Senate amendment contained a provision (sec. 811) that would modify the Small Business Administration (SBA) certificate of competency program as it affects the defense acquisition process.

The House bill contained no similar provision.

The House recedes with an amendment that would require: (1) DOD contract solicitations to advise small businesses of their right to request the Small Business Administration to review a contracting officer's determination that such business is "nonresponsible" to perform a contract; and (2) the contracting officer to notify such business in writing of a "nonresponsibility" determination and of the right to request the SBA review. The provision would sunset at the end of fiscal year 1995.

Extension of program for the negotiation of comprehensive small business subcontracting plans (sec. 805)

Section 834 of the National Defense Authorization Act for Fiscal Years 1990/1991 (Public Law 101-189) authorized DOD and approved prime contractors to negotiate subcontracting plans on a division- or company-wide basis. This program expires at the end of fiscal year 1993.

The Senate amendment contained a provision (sec. 812) that would extend this program through fiscal year 1994.

The House bill contained no similar provision.

The House recedes.

Extension of test program of contracting for DOD printing services (sec. 806)

Section 843 of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100-456) established a program authorizing the Public Printer to limit competitions to small disadvantaged businesses (SDBs) for defense printing services. The Defense Department may count such awards towards the five percent goal for awards to SDBs under section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661). This program expires at the end of fiscal year 1993.

The Senate amendment contained a provision (sec. 813) that would extend this program through fiscal year 2000.

The House bill contained no similar provision.

The House recedes.

Pilot mentor-protégé program (sec. 807)

The Senate amendment contained a provision (sec. 815) that would authorize $55.0 million for the pilot mentor-protégé program established under section 831 of the National Defense Authorization Act for Fiscal Year 1990 and 1991 (Public Law 101-189). The Senate provision would also require the Department of Defense to publish and maintain any Department policy relating to the program in the defense federal acquisition regulations. The Senate provision also would make changes to strengthen the mentor protégé program as it relates to the Small Business Act on: (1) findings of affiliation or control; (2) assistance under the Small Business Administration's section 8(a) program; and (3) review of any mentor protégé agreement.

The House bill contained no similar provision.

The House recedes.

Codification of recurring provision relating to subcontracting with certain nonprofit agencies (sec. 808)

The Senate amendment contained a provision (sec. 1052) that would codify section 8082 of the Department of Defense Appropriations Act for Fiscal Year 1992 (Public Law 102-172) and encourage eligible DOD prime contractors to subcontract with Javits-Wagner-O'Day (JWOD) entities by allowing such contractors to credit purchases from JWOD entities towards their small business subcontract plan goals.

The House bill contained no similar provision.

The House recedes.

Expansion and extension of authority under major defense acquisition pilot program (sec. 811)

Section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) authorized the Department of Defense to nominate six major acquisition programs for participation in a pilot program intended to determine the potential for "increasing the efficiency and effectiveness of the acquisition process" by waiving or limiting the application of certain specified statutory requirements. This authority expires on September 30, 1992.

The House bill contained a provision (sec. 814) that would extend the authorization for the pilot program to September 30, 1995. The House bill also would expand eligibility under the program to include non-major acquisition programs.

The Senate amendment contained no similar provision.

The Senate recedes.

Acquisition workforce improvement (sec. 812)

The House bill contained a provision (sec. 815) that would make a number of changes in the legislation established by the Defense Acquisition Workforce Improvement Act (title XII of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190)). The provision would: (1) provide that the first statutory 5-year reviews of individual assignments to critical positions under 10 U.S.C. 1734(e)(2) are not required to be undertaken until after October 1, 1995, although the Defense Department may undertake such a review as a matter of discretion before that date; (2) waive the minimum assignment period in 10 U.S.C. 1734(b) for deputy program managers who receive a subsequent acquisition assignment; (3) authorize DOD, until October 1, 1997, to determine that an individual has fulfilled the requirements for mandatory training on the basis of demonstrated competence in the areas that would otherwise require specific training under 10 U.S.C. 1723, 1724, and 1735; (4) modify the experience requirement for deputy program managers under 10 U.S.C. 1735(b)(3) to require six years of experience for major programs and four years for non-major programs; and (5) authorize the Secretary of Defense to prescribe equivalent training requirements in lieu of the business management and training requirements established by 10 U.S.C. 1732(b)(2)(B).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make it clear that a scholarship recipient under 10 U.S.C. 1744 may be offered a position in the excepted service notwithstanding subchapter I of chapter 33 of title 5, United States Code.

Certification of claims (sec. 813)

The House bill contained a provision (sec. 815) that would revise the law governing the certification of contract claims (10 U.S.C. 2410). The House provision also would waive the 18-month time limitation on the submission of shipbuilding claims under 10 U.S.C. 2405(b), with respect to claims originally submitted within the time period, if a claim was deemed insufficient due to the fact that the original certification was signed by the wrong individual.

The Senate amendment contained a similar provision (sec. 827) with respect to waiver of the 18-month time limit under 10 U.S.C. 2405(b) concerning shipbuilding claims deemed deficient solely due to the status of the individual who signed the original certification.

The House recedes with an amendment. Under the conference agreement, the Secretary of Defense would be required to propose regulations for inclusion in the Federal Acquisition Regulation to provide that: (1) a contract claim or related request for relief must be accompanied by the certification required under the Contract Disputes Act of 1978; and (2) the person who certifies the claim must be an individual who is authorized to bind the contractor and who has knowledge of the basis of the claim or request and knowledge of the claim or request. Upon publication of the regulations, 10 U.S.C. 2410 would be repealed. The conference agreement also would reflect the amendments proposed by the House bill and the Senate amendment concerning waiver of the 18-month time limit under the shipbuilding claims statute, 10 U.S.C. 2405(b).

The conferees note that current law has been viewed as an impediment to the adoption of a government-wide rule providing a single certification that would cover both statutes applicable solely to the Department of Defense and the Contracts Disputes Act. The conference agreement is intended to remove this impediment.

Deadline for report on rights in technical data regulations (sec. 814)

Section 807 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) required the Secretary of Defense to establish a government-industry committee to recommend a final regulation on rights in technical data. The provision required issuance of a new regulation by September 15, 1992, and established restrictions on the content of any interim regulations.

The House bill contained a provision (sec. 817) that would extend these requirements in view of delays in the establishment of the committee.

The Senate amendment contained no similar provision.

The Senate recedes.

Requirement to establish single point of contact for information concerning persons convicted of defense contract-related felonies (sec. 815)

The House bill contained a provision (sec. 819) that would require the General Services Administration to maintain and publish a list of persons subject to the prohibitions in 10 U.S.C. 2408 concerning employment of persons convicted of defense contract-related felonies in certain positions by defense contractors.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the establishment of a single point of contact in the Department of Justice at which a contractor could promptly obtain information as to whether a person is subject to the prohibitions in 10 U.S.C. 2408.

Extension of program for use of master agreements for procurement of advisory assistance services (sec. 816)

The Senate amendment contained a provision (sec. 821) that would extend the test program for the use of master agreements to facilitate the competitive acquisition of advisory and assistance services through fiscal year 1994.

The House bill contained no similar provision.

The House recedes.

Major defense acquisition program reports (sec. 817)

The Senate amendment contained a provision (sec. 822) that would incorporate certain changes in the selected acquisition reports (SAR) required by section 2432 of title 10, United States Code. These changes were requested by the Defense Department and would clarify the content of the information in the SAR reports and facilitate the administration of the SAR process.

The House bill contained no similar provision.

The House recedes.

Allowable costs (sec. 818)

The Senate amendment contained a provision (sec. 830) that would amend 10 U.S.C. 2324 to: (1) clarify that a contractor will be charged a penalty only if the cost has been expressly disallowed by regulation; (2) clarify that the amount of the penalty assessed is the amount of the disallowed cost that has been allocated to defense contractors; (3) delete the authorization for DOD to assess an additional $10,000 penalty (in addition to a regular penalty of the amount mischarged plus interest or a double penalty if submitted the cost before); and (4) authorize DOD to waive the penalty if the contractor withdraws the submission prior to a DOD audit, or if the amount is insignificant.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to issue regulations providing for the waiver of a penalty if the contractor demonstrates, to the contracting officer's satisfaction, that it has established appropriate policies, personnel training, an internal control and review system that provide assurances that unallowable costs are not included in the contractor's proposal, and that the unallowable costs were included by mistake. The conferees note that the purpose of the penalty provisions in 10 U.S.C. 2324 is to ensure that contractors, rather than the government, bear the burden of assuring that contractor submissions for reimbursement of costs on government contracts do not include unallowable costs.

Clarification of rules governing advisory and assistance services for operational testing (sec. 819)

The Senate amendment contained a provision (sec. 832) that would amend 10 U.S.C. 2399 to make it clear that an organization that has acted as the government representative in testing activities is not subject to the same restrictions that apply to those which have acted on behalf of a contractor.

The House bill contained no similar provision.

The House recedes.

Regulations changing military department participation in joint acquisitions (sec. 820)

The Senate amendment contained a provision (sec. 833) that would require the Secretary of Defense to prescribe regulations that would prohibit military departments participating in joint acquisition programs from unilaterally terminating or substantially reducing participation in the joint program without approval of the Under Secretary of Defense for Acquisition.

The House bill contained no similar provision.

The House recedes.

Competitive prototyping (sec. 821)

The House bill contained a provision (sec. 1055) that would require the Department of Defense to use a competitive prototyping acquisition strategy on all major system developments unless the Secretary of Defense granted a waiver and provided a report to Congress.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would allow the Under Secretary of Defense for Acquisition to grant the waiver when a written justification is submitted explaining why use of competitive prototyping is not practicable, including cost estimates comparing the total program cost of the acquisition strategy with and without competitive prototyping.

Repeal of procurement limitation on typewriters (sec. 831)

The House bill contained a provision (sec. 811) that would repeal 10 U.S.C. 2507(c), which prohibits the purchase of manual typewriters or components from Warsaw Pact countries. The collapse of the Warsaw Pact makes the original provision obsolete.

The Senate amendment contained a similar provision (sec. 806(c)).

The Senate recedes.

Procurement limitation on ball bearings and roller bearings (sec. 832)

The House bill contained a provision (sec. 812) that would prohibit the Defense Department, during fiscal years 1993, 1994, and 1995, from procuring ball bearings or roller bearings that are not produced in the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that the House provision is consistent with the terms of the existing prohibition in the Defense Federal Acquisition Regulation Supplement.

Restriction on purchase of sonobuoys (sec. 833)

The Senate amendment contained a provision (sec. 834) that would prohibit the Defense Department from procuring sonobuoys manufactured in a foreign country unless U.S. sonobuoy manufacturers are permitted to compete on an equal basis with foreign firms for the sale of sonobuoys in that foreign country.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Debarment of persons convicted of fraudulent use of "Made in America" labels (sec. 834)

The House bill contained a provision (sec. 821) that would require the Secretary of Defense to debar a person from contracting with the federal government for at least 3 years but not more than 5 years if the person had been convicted of fraudulently affixing "Made in America" labels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to determine whether a person convicted of fraudulently affixing "Made in America" labels should be debarred from contracting with the Defense Department. If the Secretary determined that the person should be debarred, the Secretary would have to submit to Congress a report on such a determination.

Foreign investment in the United States (secs. 835–838)

The House bill contained a provision (sec. 1071) that would require the President to prohibit a merger, acquisition, or takeover subject to an investigation under section 721(a) of the Defense Production Act of 1950 unless the Secretary of Defense certified to Congress that the merger, acquisition, or takeover would not pose a significant risk of diversion of sensitive U.S. defense technology of a foreign firm or government and would not otherwise harm U.S. national security interests.

The Senate amendment contained three provisions (secs. 824, 825, and 838) that would affect foreign investment in the United States. Section 824 would prohibit the purchase of certain U.S. defense contractors by an entity controlled by a foreign government. Section 825 would prohibit the award of certain DOD and Energy Department national security contracts to companies owned by an entity controlled by a foreign government. Section 838 would make several changes to section 721 of the Defense Production Act (the so-called Exon-Florio amendment).

The House recedes to section 824 of the Senate amendment with an amendment that would delete paragraphs (1) and (2) of subsection (b). As a result, the prohibition on the purchase of certain U.S. defense contractors by an entity controlled by a foreign government would not apply if the purchase were not suspended or prohibited pursuant to section 721 of the Defense Production Act.

The House recedes to section 825 of the Senate amendment.

The Senate recedes to section 1071 of the House bill with an amendment. The purpose of the amendment is to direct the Defense and Energy Departments to develop a data base helpful to the Committee on Foreign Investment in the United States (CFIUS), the inter-agency committee that reviews foreign investment cases under section 721 of the Defense Production Act.

The amendment consists of the following requirements: (1) the Secretary of Defense and the Secretary of Energy shall collect and maintain a data base on certain contractors which are controlled by foreign persons; (2) the Secretaries of Defense, Energy, and Commerce shall submit to Congress an annual report on aspects of foreign investment in U.S. defense firms; and (3) in certain circumstances, the appropriate DOD intelligence agency or agencies shall assess the risk of diversion of defense critical technology posed by a CFIUS case.

The House recedes to section 838 of the Senate amendment with an amendment that would make the following changes to section 838 (all of the following references to subsections of section 721 of the Defense Production Act are to the subsections as they would be redesignated by the conference agreement): (1) make a technical change in the new subsection (b); (2) specify that the report the President is required to transmit to Congress by redesignated subsection (g) shall be consistent with the confidentiality requirements of redesignated section 721(c); (3) add a new subsection (j) that would amend section 721 to require that, in any Exon-Florio case in which a designee of the President performs a technology risk assessment, the assessment shall be provided to any other designee of the President responsible for reviewing Exon-Florio cases; and (4) delete the requirement for an intelligence study.

Under current law, if the President decides to take an action pursuant to redesignated subsection (d), redesignated subsection (g) requires the President to transmit immediately a written report to Congress of the action the President intends to take, including a detailed explanation of the findings made under redesignated subsection (e).

The conference agreement would amend redesignated subsection (g) to require the President to submit to Congress a written report in every case in which the President makes a determination of whether or not to take an action under redesignated subsection (d), including a detailed explanation of the findings made under redesignated subsection (e) and the factors considered under redesignated subsection (f).

Since the enactment of section 721 as part of the Omnibus Trade and Competitiveness Act of 1988, over 700 cases have been notified. Of those cases, only nine have gone to the President for a determination. In only one of those cases has the President decided to take an action. As a result, the President has been required to submit a report to Congress explaining his action in only one case. The conferees believe that any case that requires a determination by the President is of sufficient importance to require a written report by the President explaining in detail the basis for his action. Such reports are not intended to establish precedents under the Exon-Florio amendment since each case is unique. However, the reports will help Congress and the public develop an understanding of the policies underlying Presidential determinations, and hold the President accountable for actions under the Exon-Florio amendment.

The conferees intend that the President is to include in the report required by redesignated subsection (g) a description of any requirements requested from or assurances given by the parties to any merger, acquisition, or takeover. Section 721 gives the President broad powers to "take such action for such time as the President considers appropriate."

The conference agreement retains subsection (b) of section 838 that would amend redesignated section 721(f) by adding two considerations to the three considerations now in the law for deciding whether a takeover affects the national security. The first new consideration concerns the potential effects of a proposed or pending transaction on sales of military goods, equipment, or technology to any country identified by the Secretary of State under the Export Administration Act as a country that supports terrorism, as a country of concern regarding missile proliferation or the proliferation of chemical and biological weapons, or is listed under the Nuclear Non-Proliferation Act of 1978 on the nuclear non-proliferation special country list. The second new consideration added by subsection (b) of section 838 would permit the President to consider as a factor in making his decision "the potential effects of the proposed or pending transaction on United States international technological leadership in areas affecting United States national security."

Finally, the conferees note that, as used in paragraph (1) of redesignated section 721(e), the term "credible evidence" may not be construed to require that before a review or investigation may be undertaken or before the President may take action under redesignated subsection (d) there has to be an allegation that a person who would be subject to such review or investigation committed an illegal act.

Limitation on sale of assets of certain defense contractor (sec. 839)

The House bill contained a provision (sec. 818) that would require any Defense Department contract with the LTV Aerospace and Defense Company to prohibit the company from selling any of its assets to any entity unless the entity agreed to assume all the company's liabilities to its retired employees.

The Senate bill contained no similar provision.

The Senate recedes.

Advance notification of contract performance outside the United States (sec. 840)

The Senate amendment contained a provision (sec. 829) that would require firms that are bidding for or performing certain DOD contracts to notify the Defense Department in advance of any intention to perform outside the United States any part of the contract (1) that exceeds $500,000 in value, and (2) that could be performed inside the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would make technical changes to the Senate provision.

Acquisition fellowship program (sec. 841)

The Senate amendment contained a provision (sec. 831) that would authorize the Department of Defense to offer up to 25 science and technology fellowships as incentive to recruit or retain high caliber personnel to government service. These fellowships would permit an individual, after completing at least two years of government service, to engage in research and teaching in a field related to government science and technology policy for a period of up to two years.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Purchase of Angolan petroleum products (sec. 842)

The Senate amendment contained a provision (sec. 836) that would specify that section 316 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661) shall cease to be effective when the President certifies to Congress that free, fair, and democratic elections have taken place in Angola after September 1, 1992. Section 316 prohibited the Defense Department from purchasing Angolan petroleum products from companies producing petroleum products in Angola.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Authority for the Department of Defense to share equitably the costs of claims under international armaments cooperation programs (sec. 843)

The Senate amendment contained a provision (sec. 828) that would authorize the Defense Department to pay its share of an international armaments cooperation program's claims in accordance with the program's cost-sharing formula or in accordance with any other equitable formula that is negotiated by the participants.

The House bill contained no similar provision.

The House recedes with an amendment that would provide this authority for two years.

The conferees understand that this authority is necessary to allow the United States to enter into cooperative project agreements with NATO or its member countries providing for the shared liability of the cooperative agreement countries for third party liability claims that arise out of actions of the participants in the performance of their official duties. In addition, the conferees understand that the shared liability agreement will provide for sharing in accordance with the ratio of support the member country provides for the program, irrespective of the nationality of the individual against whom the claim arose, or where the cause of action arose. Thus, for example, if a U.S. employee of a multinational program office is in an automobile accident in the United States, in the course of official business, the claim will be paid by all of the multinational program participants, in the proportion in which they support the program. Because this is a change in the way the United States has traditionally treated third-party claims on multinational programs, this authority would be provided for two years only. At that point, the conferees expect to evaluate the experience utilizing this approach and determine whether to extend this authority.

LEGISLATIVE PROVISIONS NOT ADOPTED

Clarification of calculation of contract goal

The House bill contained a provision (sec. 803) that would clarify that DOD is required to report progress toward meeting the five percent goal established in section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661) in terms of the aggregate award of prime contracts and subcontracts to specified entities.

The Senate bill contained no similar provision.

The House recedes.

Procurement limitation on fuel cells

The House bill contained a provision (sec. 813) that would prohibit the Defense Department during fiscal year 1993 from procuring fuel cells that are not produced in the United States.

The Senate amendment contained no similar provision.

The House recedes.

At the time of passage of the House bill, the General Accounting Office (GAO) was reviewing whether purchases by the Air Force of synthetic fabric fuel tanks for installation in aircraft violated the Berry Amendment provisions of Department of Defense appropriations acts and implementing regulations. The House provision was intended to provide GAO adequate time to complete its review and for the Department of Defense to implement any GAO recommendations.

On July 31, 1992, the GAO issued a decision that the Berry Amendment does apply to the Air Force's purchases of fuel cells for H-53 and H-3 helicopters. The conferees understand that the Defense Department intends to abide by the GAO decision and to restrict future purchases of such fuel cells to U.S. manufacturers. Indeed, in an award made in early August 1992, the Navy abided by the GAO decision and awarded a contract to an American firm, rather than a foreign firm. In light of the Defense Department's plan to buy only U.S.-made fuel cells, the conferees agree that the House provision may be unnecessary at this point in time.

The Berry Amendment, which has been included in Department of Defense appropriations acts since 1941, requires the Department of Defense to buy domestically produced goods in certain instances. In 1968, synthetic fabric and coated synthetic fabric were added to the list of protected items under the Berry Amendment. Despite a 1989 GAO ruling to the contrary, the Department of Defense General Counsel has stated the Berry Amendment did not apply to the purchase of fuel cells.

However, the conferees note that the Senate report (S. Rept. 102-154) accompanying the fiscal year 1992 defense appropriations bill indicated that the Berry Amendment restriction was intended to apply to synthetic fabric fuel containers for military aircraft. Based on congressional intent and the GAO ruling, the conferees direct the Department of Defense to abide by the Berry Amendment in its purchases of synthetic fabric fuel cells.

Independent cost accounting in the Department of Defense

The House bill contained a provision (sec. 820) that would require the Secretary of Defense to take such actions as necessary to strengthen independent cost accounting in the Department of Defense, including correction of deficiencies identified in report number 92-028, issued by the Inspector General of the Department of Defense on December 30, 1991.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that the Secretary of Defense should take aggressive action to strengthen independent cost accounting in the Department of Defense. Such action should include correcting the deficiencies identified in the Inspector General's report, enhancing the capability of the Cost Analysis Improvement Group (CAIG) in the Office of the Secretary of Defense, focusing the activities of the CAIG on the performance of independent cost estimating functions, ensuring close adherence within the Department of Defense to DOD regulations with respect to independent cost estimates that implement 10 U.S.C. 2434, and limiting the participation of any firm that has a contract with the program office of a defense acquisition program (or that is a prime contractor or subcontractor on such a program) in the preparation of an independent cost estimate with respect to that program. In addition, the Secretary should consider assigning the Army Cost and Economic Analysis Center, the Navy Center for Cost Analysis, and the Air Force Cost Center and Independent Cost Analysis Program to the Assistant Secretary for Financial Management of the military department concerned.

Although the conferees believe that legislation is not required at this time, the conferees will propose such legislation in 1993 if prompt and effective action is not taken to strengthen the independent cost accounting function in DOD in the manner described in this statement of managers.

Shipbuilding total program reporting

The Senate amendment contained a provision (sec. 835) that would require the Navy to include a better estimate of shipbuilding total program quantities in its official reports to Congress. The Navy has interpreted the existing law to require that it report only those ships included in the Future Years Defense Program (FYDP), or perhaps a year or two beyond that.

The House bill contained no similar provision.

The Senate recedes.

The conferees are interested in receiving more complete reports of the Navy's intentions for major shipbuilding programs. Having a full perspective is critical to making informed judgments about future programs.

The conferees strongly believe that reports on shipbuilding programs should reflect the total program planned by the Navy and that such reports are required under current law. The conferees direct the Navy to change its reporting on shipbuilding programs to include the real total ship program, as defined in the cost and operational effectiveness analysis supporting milestone decisions, operational requirements documents, or other program planning documentation.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Report of the Chairman of the Joint Chiefs of Staff on roles and missions of the armed forces (sec. 901)

The House bill contained a provision (sec. 905) that would require the Secretary of Defense to submit to Congress the triennial report of the Chairman of the Joint Chiefs of Staff on roles and missions, along with the Secretary's reassessment of the historic roles and missions assigned to the armed forces.

The Senate amendment contained a provision (sec. 901) that would require the Chairman's report on roles and missions, together with the views of the Secretary of Defense, to be submitted to Congress. The provision would also expand the Chairman's report to require comments and recommendations by the Chairman in certain areas.

The House recedes with an amendment that would ensure that effectiveness is not unduly diminished for the sake of efficiencies and require the Chairman to reassess the current assignment of roles and missions to the armed forces.

Sense of the Congress on cooperation between the United States Army and the United States Marine Corps (sec. 903)

The Senate amendment contained a provision (sec. 903) concerning cooperation between the Army and the Marine Corps in certain roles and missions.

The House bill contained no similar provision.

The House recedes with an amendment.

National Guard/reserve component operational support airlift study (sec. 904)

The Senate amendment contained a provision (sec. 913) that would direct the Secretary of Defense to survey the operational support and administrative transport airlift aircraft operated by the reserve components in order to develop a modernization roadmap.

The House bill contained no similar provision.

The House recedes.

Vice Chairman of the Joint Chiefs of Staff (sec. 911)

The Senate amendment contained a provision (sec. 902) that would provide for the Vice Chairman to be a full member of the Joint Chiefs of Staff with the same rights as the Service Chiefs, including the right to provide advice in disagreement with or in addition to the advice of the Chairman.

The House bill contained a provision (sec. 901) that would provide for the Vice Chairman to be a member of the Joint Chiefs of Staff but would specify that the Vice Chairman is subject to the direction and control of the Chairman, would not allow the Vice Chairman to provide advice in disagreement with or in addition to the advice of the Chairman, and would not allow the Vice Chairman to have a formal vote.

The House recedes.

Application of definition of principal course of instruction at the Armed Forces Staff College (sec. 921)

The House bill contained a provision (sec. 921) that would change the implementation date for all Phase II joint professional military education courses at the Armed Forces Staff College from October 31, 1993 to January 1, 1994.

The Senate amendment contained no similar provision.

The Senate recedes.

Test program for reserve officer professional military education (sec. 922)

The House bill contained a provision (sec. 922) that would direct the Secretary of the Army to design and implement a test program that would enable reserve officers to attend nonresident military education courses in a paid drill status.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Army to draft a plan for carrying out a test program to improve the provision of professional military education to reserve component officers of the Army who are unable to attend such courses in a full-time duty status. The Secretary would submit a report to the Congress that would outline a concept of the most effective approach for testing and evaluating the plan and would identify any legislative changes required to implement the test.

Civilian faculty members of the Defense Foreign Language Center (sec. 923)

The House bill contained a provision (sec. 924) that would provide the Secretary of the Army the same authority regarding civilian faculty members of the Defense Language Institute Foreign Language Center as is allowed for civilian faculty members in other senior professional military schools. This authority would enhance the Defense Language Institute's ability to retain high quality instructors, and to establish a faculty structure consistent with the civilian academic environment. The provision would also authorize the Secretary of Defense to use the Foreign Language Center to train linguists participating in counter-drug activities and require a report on technologies to enhance automated translation capabilities.

The Senate amendment contained a similar provision (sec. 1044).

The Senate recedes with an amendment that would delete the provision relating to the use of the Foreign Language Center for counter-drug training and the report on technologies to enhance automated translation capabilities. These matters are discussed further in the section of this statement of managers relating to title X of this act.

Certifications relating to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Special Operations Command (sec. 931)

The Senate amendment contained a provision (sec. 905) that would require the Secretary of Defense to certify to the congressional defense committees that (1) all the duties and functions specified in law, the Unified Command Plan, and DoD directive 5138.3 for the U.S. Special Operations Command and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict have been assigned to those organizations, and (2) the Command and the Office of the Assistant Secretary have been authorized the number of personnel necessary to perform their duties and functions.

The House bill contained no similar provision.

The House recedes.

Joint officer personnel policy (sec. 932)

The Senate amendment contained a provision (sec. 906) that would amend the joint officer management provisions of title 10, United States Code, in several ways. It would extend for five additional years the nuclear propulsion officer exemption and the authority to waive the joint duty assignment requirement for promotion to flag or general officer rank in the case of an officer who served at least a year in an equivalent joint duty assignment. The provision would also allow the substitution of a masters or higher degree for completion of a program at a joint professional military education school; would change the definition of a full tour of duty; and would allow credit for a full joint tour for an assignment within an officer's own military department or in an assignment outside such department, but not in a joint duty assignment, upon certification by certain designated officers.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to conduct a study to assess the appropriateness of the allocation of joint duty assignments and critical joint duty assignments, with particular emphasis on the defense agencies; to make adjustments in light of the study; and to submit a report to the Armed Services Committees of the Senate and House of Representatives containing the results of the study and any recommendations for legislative changes to provide for a waiver of the exclusion by law of consideration of an assignment within an officer's own military department as a joint duty assignment.

The conferees take note of the progress that has been achieved in increasing the exposure of nuclear propulsion officers to joint duty. There are now 92 nuclear propulsion officers in joint duty assignments as compared to 25 in 1986. Additionally, the percentage of nuclear propulsion officers eligible for flag selection who have completed full tours of duty in a joint duty assignment increased to 21 percent during 1991 (as compared to the original plan of 14 percent) and is projected to increase to almost 30 percent by 1994. The present exemption will expire at the end of calendar year 1993.

The conferees believe that more aggressive action is needed and request the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to develop and submit to the Armed Services Committees, no later than May 30, 1993, a five-year plan to increase the number of nuclear propulsion officers who will serve in joint duty assignments and to increase the percentage of such officers eligible for selection to flag rank who will have completed a full tour of duty in a joint duty assignment during the five-year period commencing on January 1, 1994. In conjunction with this plan, the Secretary is further requested to advise the Armed Services Committees of the maximum number of nuclear propulsion officers eligible for flag rank during each of the five years for whom a waiver of the requirements of section 619(e) of title 10, United States Code, might be required.

The conferees have reviewed the existing procedures, both statutory and regulatory, for the designation of a position as a joint duty assignment. The conferees believe that the time has come to reconsider the joint duty assignment list, particularly with respect to the defense agencies. The conferees took note of the General Accounting Office (GAO) report (B-232940) of February 15, 1990, and direct the Secretary to consider the GAO methodology in conducting this study. The conferees realize the decision to assign a 50 percent allocation of joint duty assignments to each defense agency was motivated by a number of factors, including the professional military education pipeline requirements relating to joint specialists, the promotion policy objectives of section 662 of title 10, United States Code, and the joint duty assignment prerequisite for promotion to general or flag officer of section 619 of title 10, United States Code. Nevertheless, the 50 percent allocation does result in some unfortunate results, and the conferees believe it is necessary to examine each joint duty assignment in the defense agencies to determine the correctness of existing designations within those agencies and if it would be appropriate to reallocate joint duty assignment percentages among those agencies. The conferees believe that the Secretary of Defense has sufficient authority under current law to correct any inequities in the allocation of joint duty assignments within and among the defense agencies, but encourage the Secretary to submit a recommendation for legislative change if he determines that it is necessary.

The conferees remain convinced that the decision to exclude assignments within an officer's own military department is correct as a general rule, but maintain an open mind as to whether a limited exception might be necessary for some assignments. The conferees are aware of some anecdotal information on this point, but the lack of a broad analytical effort precludes any decision on changes at this time. Consequently, the conferees have required the Secretary of Defense to conduct a survey of such positions and to recommend to the Congress whether the Secretary should be granted limited waiver authority to award joint duty credit for assignments within an officer's own Service.

Joint duty credit for equivalent duty in Operation Desert Shield/Desert Storm (sec. 933)

The Senate amendment contained a provision (sec. 907) that would authorize the Secretary of Defense to grant joint duty credit to officers recommended by the Chairman of the Joint Chiefs of Staff who are deemed to have performed service in the Persian Gulf conflict that provided significant experience in joint matters or involved frequent professional interaction with units and members of another armed force or an allied armed force.

The House bill contained so similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to provide credit on a case-by-case basis for a full or partial tour of duty in a joint duty assignment to officers who served in the Persian Gulf combat zone in an assignment that is deemed by the Secretary to have provided significant experience in joint matters even though that service does not fall within the definition of "joint duty assignment" under current law. The Secretary would be responsible for establishing uniform criteria for the purpose of determining credit for such service and for determining if full or partial credit for such an assignment shall be granted. In establishing the criteria, the Secretary would also be required to ensure that such criteria not rely on including entire categories of officers as a method of determining eligibility. The conferees recognize the need for the criteria to establish boundaries of eligibility, but intend for the Defense Department to base such criteria on the merit of each individual officer's exposure to joint matters and not on distinctions of circumstance or position.

The conferees agreed to resolve a dilemma that has confronted them for two years by providing a limited suspension of the requirements of the Goldwater-Nichols Defense Reorganization Act to achieve the purposes intended by this provision. On the one hand, the conferees have been determined that personnel deserving joint duty credit for their service in Operation Desert Shield/Desert Storm receive it. The conferees realized, however, that it would not be possible for Congress to establish adequate criteria in law governing the award of full or partial joint credit. Therefore, the conferees determined that the Secretary of Defense is in the best position to establish fair and comprehensive criteria to guide the award process within the Department in a uniform manner.

On the other hand, the conferees have been concerned that setting aside the rigorous joint officer requirements of the Goldwater-Nichols Act risks creating a one-time opportunity for the circumvention of the Act's requirements by officers underserving of joint duty credit. The conferees categorically state that this outcome would be completely contrary to their intent. The conferees intend that the Secretary of Defense exercise the considerable discretion he is granted in this provision to establish a decision-making process within the Department that is judicious and fair, and that will result in credit for a full joint duty assignment only in those cases in which an officer truly has gained significant experience in joint matters.

The conferees also agree that, in determining the number of officers to receive Persian Gulf joint duty credit, the Secretary must work within certain valid limitations. The Secretary must safeguard the overriding needs of the Department to fill joint duty positions at each field grade and general/flag officer level from among the ranks of the most outstanding officers. The Secretary must ensure that officers with operational and support experience in the Persian Gulf war continue to move into appropriate joint positions. The Secretary must ensure that the promotion policy objectives for joint officers in section 662 of title 10, United States Code, and other applicable provisions of chapter 38 of that title can continue to be met.

After consulting with officials within the Office of the Secretary of Defense and the Joint Staff, the conferees are confident that a number of factors, including those identified above, will serve as a prudent and responsible restraint on the number of officers who receive joint duty credit under this provision. Accordingly, the conferees chose not to impose a statutory limit.

CINC's initiative fund (sec. 934)

The Senate amendment contained a provision (sec. 908) that would amend section 166a of title 10, United States Code, to enable the Chairman of the Joint Chiefs of Staff to propose activities involving countries not assigned to the responsibility of a combatant commander for funding through the CINC's initiative fund. The provision would also authorize funding for various purposes related to the expanding military to military contacts with the states of the former Soviet Union and Eastern Europe, would increase the limitation on funding for international military education and training to $5 million, and would increase the overall funding for the CINC's initiative fund.

The House bill contained no similar provision.

The House recedes with an amendment that would establish the limitation on funding for international military education and training at $2 million, of which no more than $1 million would be available for the states of the former Soviet Union and Eastern Europe, and would clarify other matters.

Organization of the Office of the Chief of Naval Operations (sec. 935)

The Senate amendment included a provision (sec. 904) that would require the Navy to establish a position of Assistant Chief of Naval Operations for Expeditionary Warfare and to fill that position with a lieutenant general from the Marine Corps.

The House bill contained no similar provision.

The House recedes with an amendment. The conferees note the reorganization of the Office of the Chief of Naval Operations (CNO) recently announced by the Secretary of the Navy. The Secretary's actions would restructure and reduce the size of the Office of the Chief of Naval Operations. The conferees are encouraged by the apparent progress that is being made in rationalizing the operations of the staff.

The conferees agree with the Secretary of the Navy that establishing a director for expeditionary warfare within the Office of the CNO would help bring a better focus to major problems confronting the Navy as it plans to conduct expeditionary operations in Third World situations. The conferees agree that the position should be filled by a major general from the Marine Corps and operate within the so-called "N8" section of the organization. The conferees recommend a provision that would accomplish these aims.

Grade of certain commanders of special operations forces (sec. 936)

The Senate amendment contained a provision (sec. 1056) that would require the commanders of the special operations commands within the U.S. Central and Southern Commands to be of general or flag officer grade.

The House bill contained no similar provision.

The House recedes with an amendment that would specify that during the two-year period beginning on February 1, 1993, the special operations commanders within the U.S. Central and Southern Commands shall be of general or flag officer grade. The amendment would also require the Secretary of Defense to submit to Congress no later than March 1, 1994, a report explaining the Secretary's recommendations for the grade structure for the special operations forces component commander for each unified command.

The conferees agree to limit the Senate provision to a two-year period because of uncertainty over the effects of the drawdown in the number of general and flag officer positions. Nonetheless, special operations forces will grow increasingly important as regional contingencies and unconventional warfare come to dominate U.S. security concerns. Therefore, the conferees urge the Secretary of Defense to retain general or flag officers in the special operations positions covered by the Senate provision after February 1, 1995.

Report on assignment of special operations forces (sec. 937)

The House bill contained a provision (sec. 904) that would require the Secretary of Defense to submit a report to Congress no later than February 1, 1993 regarding the assignment of all active and reserve special operations forces stationed in the United States to the Special Operations Command. The report would delineate the peacetime command and control responsibilities of the commander of the Special Operations Command and the chiefs of the reserve components, including establishment of training and readiness standards, military and civilian personnel management, programming and budget execution functions, and conduct of operational training.

The Senate amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Conduct and review of investigations in the Department of Defense

The House bill contained a provision (sec. 902) that would require the Secretary of Defense to consolidate in the Defense Criminal Investigative Service the functions of the Army's Criminal Investigation Command, the Navy Investigative Service Command, and the Air Force Office of Special Investigations. The House bill also contained a provisions (sec. 903) that would repeal the statutes (10 U.S.C. 3020 and 8020) that require that the positions of deputies and assistants of the Inspectors General of the Army and Air Force be filled by military officers.

The Senate amendment contained a provision (sec. 911) that would require the Secretary of Defense to establish a Commission on the Management and Review of Department of Defense Investigations.

The House recedes with respect to its provisions and the Senate recedes with respect to its amendment.

The conferees agree that there is a serious problem in the conduct and review of investigations in the Department of Defense. The most recent example is the Navy's flawed inquiries into the incidents related to the 1991 Tailhook Symposium and the ensuing investigations. According to a report issued by the DOD Inspector General on September 21, 1992: "The principals in the Navy investigations erred when they allowed their concern for the Navy as an institution to obscure the need to determine accountability for the misconduct and the failure of leadership that had occurred. In our view, the deficiencies in the investigations were the result of an attempt to limit the exposure of the Navy and senior Navy officials to criticism regarding Tailhook 91."

This is not a novel problem, and it is not confined to investigations into issues involving sexual assault and harassment. Two years ago, the Senate Armed Services Committee took note of the committee's hearings and inquiries into a number of DOD investigations, including the Navy's investigation of the USS *Iowa* explosion (S. Rept. 101–384). The committee expressed serious concern about the conduct of investigations, the review process, and standards and procedures relating to assessment of accountability. The House Armed Services Committee has expressed similar concerns with respect to investigations by each of the military departments into matters such as acquisition management and friendly fire incidents, as well as the *Iowa* and Tailhook matters.

The conferees note that as a general matter, the Department's investigative reports reflect the work of dedicated, skilled professionals. There have been significant matters, however, in which the conduct, management, and review of investigations have been deficient. Too often, these have pertained to allegations involving leadership and management failures.

The process of conducting and reviewing investigations within the Department of Defense involves unique challenges. The activities under investigation may be classified. The investigation may involve ongoing or recently completed operations involving highly sensitive national security concerns. The matters under investigation may pertain to the responsibility and accountability of the chain of command. Under the Uniform Code of Military Justice, offenses such as dereliction of duty, conduct unbecoming an officer, and conduct to the prejudice of good order and discipline can result in criminalizing actions, and failures to act, which in civilian society are treated as noncriminal personnel matters. Military officers in the chain of command, as well as the Service Secretaries, the Secretary of Defense, and the President, have unique powers under the Uniform Code of Military Justice to convene and review courts-martial. Because of these judicial powers, they must be particularly sensitive in the management and oversight of the Department of Defense, including its investigative functions, to avoid actions that could undermine the court-martial process through the taint of unlawful command influence.

The conferees note that both the House and Senate Armed Services Committees intent to give this matter detailed oversight consideration in the coming year, with a view toward determining the scope of legislation required to address the conduct and review of investigations within DOD.

The conferees also agree that the Secretary of Defense should conduct a prompt and vigorous review of the conduct and review of DOD investigations.

The conferees agree that the Secretary of Defense would benefit from receiving a broad range of advice on this matter, and recommend that the Secretary convene an advisory board comprised of present and past DOD officials who have had extensive experience in the conduct and review of investigations, as well as present and past officials with similar experience in other government agencies.

The Secretary should request such an advisory board to assess current state of affairs within the Department, and to provide him with advice and recommendations, with respect to the following matters: (1) the training and qualifications of investigative personnel; (2) the division of responsibilities among organizations with investigative, audit, and inspection functions within the Department of Defense; (3) the coordination of activities among such organizations; (4) the potential for savings, and for improvements in efficiency and effectiveness, through consolidation of functions or organizations; (5) procedures to ensure that such organizations are capable of, and responsive to, the needs of the unified commands, the defense agencies, and other joint organizations; (6) procedures to ensure prompt and thorough investigation of allegations concerning classified matters, operational matters, and the performance of persons in the chain of command; (7) procedures to ensure that investigative organizations are not subject to improper command influence while also ensuring that such organizations are responsive to the investigative and inspection needs of the chain of command; (8) procedures to ensure that there is timely and thorough coordination between organizations conducting investigations and officials within the chain of command who will be responsible for acting on the results of such investigations; (9) guidance as to the circumstances under which an investigative organization should withhold information about an investigation from the immediate chain of command, and present the information only to superior authorities; (10) procedures for ensuring a timely determination as to whether the investigation should be undertaken by a court of inquiry or other formal administrative board procedure; (11) procedures to ensure that the rights of individuals under the Uniform Code of Military Justice, administrative procedures, and other applicable laws and regulations are protected during the course of an investigation and subsequent review procedures; (12) guidance to ensure that military and civilian officials in the chain of command receive timely instruction and advice on the procedures for undertaking appropriate management actions during the course of an investigation without interfering with the investigation or engaging in unlawful command influence; and (13) procedures to ensure that investigative materials are organized and presented in a manner that facilitates timely action by reviewing authorities.

Among other issues that such an advisory board could address are: (1) the appropriate chain of command for the Service investigative organizations; (2) whether the head of such organizations should be a military officer or civilian official; (3) if a military officer is so assigned, the rank of such officer; (4) the best command structure for these organizations; (5) whether fraud investigation responsibilities should be transferred to the Defense Criminal Investigative Service; (6) whether criminal investigation responsibilities should be consolidated into a DOD-wide criminal investigation bureau; (7) whether criminal investigations, procurement fraud, counterintelligence, technical services, and protective services should all be performed by the Service investigative organizations or should some or all of these missions be reassigned within the Services or consolidated at the DOD-level; (8) whether a DOD-level centralized technical services organization should be created; (9) whether allegations of homosexuality that do not involve homosexual acts should be investigated by criminal investigative organizations; (10) should special agents have a separate career path or should they be soldiers, sailors, or airmen first and special agents second; (11) should special agents be civilians, officers, or enlisted; (12) the appropriate number of special agents that are necessary to conduct general criminal investigations; and (13) the basic level of administrative support needed for the investigative function.

Sense of Congress expressing support for professional military education

The Hosue bill contained a provision (sec. 923) that would express the sense of the Congress concerning the importance of maintaining an effective professional military education system at a time of force reductions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the maintenance of an effective system of professional military education is increasingly important now that U.S. military forces are being reduced to the lowest levels since World War II. The conferees agree that the pressures generated by reductions in military forces should not be allowed to negate the actions taken by the Department of Defense in response to the recommendations contained in the April 21, 1989 report prepared by the Panel on Military Education of the House Committee on Armed Services. The conferees urge, as a matter of policy, the Secretary of Defense to continue efforts to maintain the quality of the schools of the professional military education system and the joint curriculum taught at these schools. The Secretary should make every effort to improve the quality and availability of professional military education courses for reserve officers who are unable to attend such courses while in the active service in order to ensure a continued source of qualified leaders for the reserve components.

The conferees also believe that it is very important for the Department of Defense to preserve its long-term investment in military graduate education. Post-graduate education and professional military education together constitute a strategic investment in the armed forces' future. They have been successful in producing the adaptable, flexible, problem-solving leadership that characterizes our armed forces today. To ensure that future military leaders are equally capable requires continued support of military graduate education.

Assistant to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve matters

The Senate amendment contained a provision (sec. 903) that would require the Chairman of the Joint Chiefs of Staff to establish the position and office of Assistant to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters.

The House bill contained no similar provision.

The Senate recedes. The conferees do not wish to establish the office and position of Assistant to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters in statute. However, the conferees agree with the intent of the Senate provision. Therefore, the conferees direct the Chairman of the Joint Chiefs of Staff to establish and staff an office of Assistant to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve Matters. The conferees expect the position and supporting staff to be drawn from existing National Guard and reserve assets.

Deputy Assistant Secretary of Defense for Equal Opportunity

The Senate amendment contained a provision (sec. 909) that would require the Department of Defense to reestablish, from within existing resources, the office and position of Deputy Assistant Secretary of Defense for Equal Opportunity.

The House bill contained no similar provision.

The Senate recedes. The conferees do not wish to establish the position and office of Deputy Assistant Secretary of Defense for Equal Opportunity in statute. However, the conferees agree that such a position and office are necessary. Therefore, the conferees direct the Secretary of Defense to establish such a position and office within 60 days of the enactment of this act.

Delivery of legal services within the Department of Defense

On March 3, 1992, the Deputy Secretary of Defense issued a memorandum entitled "Ensuring Execution of the Laws and Effective Delivery of Legal Services." The memorandum addressed a number of issues, including the relationships among various legal organizations within the Department of Defense. As noted in the Senate report (S. Rept. 102–352), the March 3 memorandum was susceptible to interpretations that could disrupt important working relationships within the Department of Defense. On June 19, 1992, David S. Addington, during proceedings before the Senate Armed Services Committee on his confirmation to be General Counsel of the Department of Defense, provided important clarifying information in response to questions posed by the Committee. The Senate report observed that it was imperative that the Deputy Secretary's March 3 memorandum be either rescinded or revised to ensure consistency with the material in the June 19 response.

The Senate amendment contained a provision (sec. 910) that would direct the Secretary of Defense to either rescind or revise the March 3 memorandum.

The House bill contained no similar provision.

On August 14, 1992, the Deputy Secretary of Defense issued a new memorandum entitled "Ensuring Effective Execution of the Laws and Effective Delivery of Legal Services," which superseded the March 3 memorandum. The Deputy Secretary directed that the new memorandum be implemented in a manner consistent with Mr. Addington's June 19 response to the Senate Armed Services Committee.

The conferees agree that the information contained in Mr. Addington's June 19 response contained important clarifying information that necessitated revision of the Deputy Secretary's March 3 memorandum. In view of the Deputy Secretary's August 14 memorandum, and the direction to implement that memorandum in a manner consistent with Mr. Addington's June 19 response, the conferees agree that legislation is not necessary at this time. The Armed Services Committees of the Senate and House of Representatives will continue to monitor this situation closely to ensure that the Department maintains appropriate procedures for ensuring the effective execution of the laws and delivery of legal services, including procedures for airing and resolving differing views among legal organizations within DOD.

Continuing requirement for reporting on operational activities

The Senate amendment contained a provision (sec. 914) that would amend title 10, United States Code, to require the Department of Defense to keep the Committees on Armed Services of the Senate and House of Representatives fully and currently informed on all operational activities and require all federal departments, agencies, or independent establishments to furnish any information requested by these committees relating to such operational activities.

The House bill contained no similar provision.

The Senate recedes. The conferees have received assurances from the Secretary of Defense that the Committees on Armed Services will be kept advised of operational activities as a matter of comity and in a spirit of cooperation between the executive and legislative branches of the government. The conferees intend to revisit this issue next year in the light of the cooperation that the committees actually experience in the interim.

TITLE X—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Restatement of requirement for mission budget (sec. 1002)

The Senate amendment contained a provision (sec. 1002) that would extend the requirement for an alternative defense budget that reflects roles and missions to the entire period covered by the Future Year Defense Program.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees agree that the extant national military strategy should serve as a basis for the mission categories in the required future years mission budget.

The conferees reaffirm the statements in the Senate report (S. Rept. 102–352) regarding double-counting of forces for different missions, the meaning of contingency forces, and the integration of Guard and reserve forces and modernization costs into a mission structure. The conferees further reaffirm previous congressional guidance (H. Rept. 101–923) that appropriate mission categories include offensive and defensive strategic forces, heavy land forces, ground-based tactical air forces, mobility forces, power projection forces, sea control forces, special operations forces, and intelligence activities, and that a mission budget should allocate research and development funding to these categories to the maximum extent possible. The Defense Department should consider a separate category for elements of the Department of Defense that are not directly tied to primary missions, such as basic research or reserve forces in lower states of readiness that are not designated to support any particular mission.

Finally, the conferees agree that the allocation of each type of force to each unified and specified command should be included in the mission budget as well.

Treatment of certain "M" account obligations (sec. 1003)

The House bill contained a provision (sec. 1003) that would require the Secretary of Defense, prior to reobligating any sum in an "M" or merged account, to identify and cancel with the Treasury of the United States an equal sum from such account. The provision would also require the Secretary to provide notice of any such reobligation proposal in a sum greater than $10 million and to wait 30 days prior to effecting the reobligation.

The Senate amendment contained no similar provision.

The Senate recedes.

Additional transition authority regarding closing appropriation accounts (sec. 1004)

The Senate amendment contained a provision (sec. 1003) that would amend existing law to provide for the charge to current appropriations under certain specified conditions in the case of appropriations that expired at the end of fiscal years 1985 to 1992 in order to satisfy legitimate charges to contracts. The provision would limit the total amount of such charges to the lesser of one percent of the total appropriations of the current account or of the expired account and would require notice to the congressional defense committees and a wait of 30 days.

The House bill contained no similar provision.

The House recedes with an amendment that would condition such charges on the Secretary of Defense certifying that limits on expending obligating funds are being complied with and that violations are being reported to the President and Congress. If the Secretary is unable to make such certifications, he would have to submit a report to Congress setting forth the actions that will be taken to enable such certifications to be made.

FBI counterintelligence funding (sec. 1005)

The Senate amendment contained a provision (sec. 1063) that would provide that no funds are authorized to be appropriated under this act for the Federal Bureau of Investigation (FBI).

The House bill contained no similar provision.

The House recedes.

The conferees view the inclusion of funding for the FBI foreign counterintelligence program in the defense budget request as an inappropriate attempt to circumvent the budget summit agreement.

Classified annex (sec. 1006)

There is a classified annex of legislative provisions to this conference report. The classified annex is incorporated by reference into this act and has the force and effect of law. The classified annex is available to the Senate and House of Representatives during consideration of this conference report, and will be made available to the President at the time of presentment of this legislation.

East Coast homeports for nuclear-powered aircraft carriers (sec. 1011)

The House bill contained a provision (sec. 1011) that would require the Department of the Navy to establish a second homeport on the East Coast of the United States for nuclear-powered aircraft carriers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would find that Naval Station Mayport ought to be the second East Coast homeport for nuclear-powered aircraft carriers, when such an additional homeport becomes necessary.

The amendment would also require the Secretary of the Navy to report to the congressional defense committees on the Navy's plan for developing such a homeport. That report shall address timing and cost, and be consistent with the Navy's plans for retiring conventionally-fueled aircraft carriers and deploying nuclear-powered aircraft carriers.

Limitation on overseas ship repairs (sec. 1012)

The House bill contained a provision (sec. 1020) that would codify current Navy practices in determining whether a ship operating overseas will have maintenance performed overseas before returning to the United States.

The Senate amendment contained no similar provision.

The Senate recedes.

Navy mine countermeasure program (sec. 1013)

The House bill contained a provision (sec. 1014) that would require a report by the Secretary of the Navy regarding the proposed consolidation of mine countermeasures forces at one homeport on the Gulf of Mexico.

The Senate amendment contained a similar provision (sec. 2862) that would also direct the Comptroller General to evaluate the Navy report, and prohibit any actions to effect such a consolidation until 90 days after receipt of the Navy report by the congressional defense committees.

The House recedes with an amendment.

The conferees note the Navy's recent commissioning at Ingleside, Texas, of Naval Station Ingleside, which has been designated the homeport of a significant portion of the Navy's mine warfare fleet. For the sole purpose of ensuring that the Secretary of the Navy acts judiciously in regard to consolidating the mine warfare mission, the conferees recommend a provision that would direct the Secretary of the Navy to conduct a study of the operational and economic implications, as well as siting alternatives, of consolidation of mine countermeasures missions.

This report shall be submitted to the congressional defense committees no later than December 15, 1992, and will be followed within 30 days by an evaluation by the Comptroller General. The provision would prohibit any actions by the Department of the Navy to effect consolidation until 60 days after the release of the study by the Department of the Navy, or February 15, 1993, whichever is later. The conferees want to make it perfectly clear that this action does not have any effect on the transfer of ships or mine warfare personnel that the Navy has already officially announced, as of September 23, 1992, will be stationed at Naval Station Ingleside, Texas.

Transfer of certain vessels (sec. 1014)

The House bill included a provision (sec. 1013) that would direct the Secretary of the Navy to transfer two Navy auxiliary vessels to the Department of Transportation to be assigned as training ships to Texas A&M University and the Maine Maritime Academy when the vessels are no longer required for use by the Navy.

The Senate amendment included a similar provision (sec. 1053), but would link the transfer to the date of decommissioning of the vessels.

The House bill also contained a provision (sec. 1019) that would allow the Secretary of the Navy to transfer the obsolete tank landing ship ex-USS *Wahkiakum County* to the not-for-profit organization Ships for Youth and the Environment without the 60 day notification required by section 7308 of title 10, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on compliance with domestic ship repair law (sec. 1015)

The House bill contained a provision (sec. 1061) that would require the Secretary of the Navy to submit a report on the Navy's compliance with section 7309 of title 10, United States Code, relating to restrictions on construction or repair of vessels in foreign shipyards.

The Senate amendment contained no similar provision.

The Senate recedes.

Repeal of requirement for construction of combatant and escort vessels in Navy yards (sec. 1016)

The Senate amendment contained a provision (sec. 1054) that would repeal subsection (a) of section 7299a of title 10, United States Code. This subsection required that the first ship and every other ship of a class of combatants or escort vessels be built in Navy yards. This requirement is subject to a waiver by the President if the President determines that meeting the requirement is inconsistent with the public interest.

The House bill contained no similar provision.

The House recedes.

Procurement of ships for the sealift program (sec. 1021)

The House bill included a provision (sec. 1017) that would authorize the Secretary of the Navy to purchase up to five ships built in foreign yards for the fast sealift ship program. The provision would require that whatever conversion work is done on the ships to make them suitable for the Navy's purpose would have to be performed in U.S. shipyards.

The Senate bill contained no similar provision.

The Senate recedes.

Modification of fast sealift program (sec. 1022)

The House bill contained a provision (sec. 1021) that would modify previous legislation relating to domestic content of sealift propulsion systems, bridge and machinery control systems, and interior communications equipment. The modification would expand the coverage of the domestic content provision for propulsion systems. The new limitations would apply to each major propulsion subsystem (engines, reduction gears, and propellers), rather than to propulsion systems as a whole.

For bridge and machinery control systems and interior communications equipment, the provision would allow the Secretary of Defense to waive the domestic content requirements if the system or equipment were not available or the cost of compliance would be unreasonable.

The Senate amendment contained no similar provision.

The Senate recedes.

Strategic sealift report (sec. 1023)

The Senate amendment contained a provision (sec. 126) that would require a detailed report on the intended purposes for strategic sealift funding before any funding could be obligated.

The House bill contained no similar provision.

The House recedes.

National defense sealift fund (sec. 1024)

The Senate amendment contained a provision (sec. 1077) that would establish a fund called the national defense sealift fund. This fund would be the mechanism for channeling resources to meet strategic sealift requirements, including those deficiencies identified in the Mobility Requirements Study report.

The House bill contained no similar provision.

The conferees recommend a provision that would establish the national defense sealift fund, under the control of the Secretary of Defense, with the following features:

the fund will gain resources from appropriations, contributions, receipts from disposal of DOD sealift vessels, and receipts from any build and charter program conducted under section 1424(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510);

budget requests for expenditures from the sealift fund must be made by program, project, and activity in four distinct categories:

construction, purchase, alteration, and conversion;

operations, maintenance, lease, and charter;

installation and maintenance of national defense features on privately owned and operated vessels; and

research and development.

appropriations made to the fund will be made available for obligation no longer than five years, unless otherwise specifically provided by law;

not more than $10.0 million from the fund may be obligated during fiscal year 1993 until 30 days after the Secretary of Defense submits a detailed report on the intended uses of the fund during fiscal year 1993; and

not more than five foreign-built vessels may be purchased by the fund.

Under the provision recommended by the conferees, resources in the fund would be available for construction and conversion, operations, defense features, and research and development. In general, obligation of funds for programs, projects, and activities will require both an authorization and an appropriation. In certain unusual circumstances, however, subsection (j) of the provision would permit funds to be obligated under other authority.

Funds could be shifted between these categories only after consultation with the congressional defense committees. The conferees direct the Secretary of Defense not to shift funds between categories unless the Secretary follows the existing prior approval reprogramming process.

In addition, for funds transferred into the fund from prior year appropriations for shipbuilding and conversion, Navy, and for funds appropriated directly to the fund for expenditure in fiscal year 1993, the conferees recommend a provision that would restrict obligation of these funds until a detailed obligation plan is submitted. The provision would make $10.0 million available for obligation for necessary efforts until the plan is available. The conferees direct that the funding plan not be executed until the congressional defense committees have approved the plan under existing procedures for prior approval reprogrammings.

Finally, regarding amounts that may be deposited into the fund in the future, the conferees agree that such amounts shall be authorized for specific purposes, typically based on the annual budget request. However, to the extent that the Secretary should desire a deviation from the plan as authorized, the conferees direct that such changes shall be made only after notification to the congressional defense committees through a prior approval reprogramming process.

The House bill contained a provision (sec. 1021) that would modify previous legislation relating to domestic content of sealift ship propulsion systems, bridge and machinery control systems, and interior communications equipment. The modification would expand the coverage of the domestic content provision for propulsion systems. The new limitations would apply to each major propulsion subsystem (engines, reduction gears, and propellers), rather than to propulsion systems as a whole. proceeded with class standard equipment that does not include CPP and left the decision about CPP to be determined through the selection process that evaluates competitive proposals. The conferees are concerned that the circular of requirements (COR), and the evaluation criteria by which the Navy will evaluate shipyard offers for new construction sealift ships, may be incomplete, inadequately reflecting the operational and economic advantages that may be available from CPP. In particular, the evaluation criteria may not adequately weigh ship maneuverability and the ability to operate at a sustained 15 knot cruising speed. Accordingly, the conferees request the Secretary of the Navy to review this matter as it pertains to the COR.

The conferees believe that the recommended limit of five foreign-built vessels represents a reasonable balance between the concerns for moving forward more quickly to add sealift capability, and supporting the domestic shipbuilding industry. Although the conferees will not be inclined to recommend a change in this limit in the future, they recognize that circumstances could change.

The provision that would establish the sealift fund recognizes that build and charter and including defense features on commercial ships could provide useful ways of enhancing aggregate sealift capability. The conferees regret that the Navy has not provided the analysis of costs and benefits of proposals to construct vessels with defense features requested in the statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190). The Defense Department has clearly favored government ownership of vessels, rather than showing any intent to follow the national sealift policy which emphasizes reliance on the private sector. The Defense Department has provided no basis for this dichotomy between averred policy and its actions.

Revitalization of U.S. shipbuilding industry (sec. 1031)

The House bill contained a provision (sec. 1016) that would require the Secretary of Defense to direct that all strategic sealift ships be designed and built to commercial specifications and to establish an interagency working group to formulate a comprehensive program to preserve the shipyard industrial base. Unless the Secretary submits a comprehensive plan developed by that working group with the defense budget request for fiscal years 1994/1995, a penalty would be triggered. It would prohibit the Department of Defense from contracting for goods and services with any company physically located in or headquartered in any country that continues to provide a subsidy to a foreign shipyard for the construction or repair of vessels or that engages in ship dumping practices.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree that the President is the appropriate official to convene the interagency working group and provide the report not later than October 1, 1993.

The conferees agree to modify the penalty provision to include only foreign firms. The conferees also agree to amend the provision to waive the penalty if:

the President notifies Congress that he is unable to submit the plan by October 1, 1993; and

he includes an explanation of the reasons for delay and a statement that the plan will be submitted by April 15, 1994.

Additional support for counter-drug activities (sec. 1041)

The Senate amendment contained a provision (sec. 921) that would amend section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) to extend its provisions through fiscal year 1994; clarify and broaden the authority to enable to systematic and continuing reporting on the movement of persons, vehicles, or other potential modes of transporting drugs; preclude limiting support only to critical, energent, or unanticipated requirements; and authorize the provision of linguist and intelligence analysis services.

The House bill contained a provision (sec. 1031) that would amend section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510) to extend its provisions through fiscal year 1994 and authorize $40.0 million for additional support to other agencies for counter-drug activities. The House bill also contained a provision (sec. 924) that would, in part, authorize the Secretary of Defense to use the Foreign Language Center of the Defense Language Institute to train linguists and require the Secretary to submit a report evaluating the feasibility of using enhanced linguist automated translation capabilities and training.

The House recedes with an amendment that would limit the detection, monitoring, and communication of movement in the case of air and sea traffic to within 25 miles of and outside the boundaries of the United States and in the case of surface traffic, to outside the boundaries and within the United States to not exceed 25 miles of the boundaries provided the initial detection occurred outside the boundary. The amendment would also specifically authorize $40.0 million for additional support to other agencies for counter-drug activities. The conferees emphasize that nothing in this section changes the applicability of section 375 of title 10, United States Code, which prohibits direct participation by Department of Defense personnel in a search, seizure, arrest, or any other similar activity.

The conferees are concerned with the late obligation of section 1004 funds and with the criteria applied by the Defense Department in determining the use of such funds. Accordingly, the conferees have amended section 1004 to provide that support may not be limited only to critical, emergent, or unanticipated requirements. The conferees do not intend that other agencies rely upon section 1004 funding in formulating their budget requests to the Congress. Nevertheless, the conferees believe that the most important criteria for provision of section 1004 support should be the consistency of the supported activity with the priorrities of the National Drug Control Strategy and the contribution that such activity makes to the national counter-drug effort. For example, section 1004 funds should be used for, but not limited to, such activities as providing counter-narcotics training for local law enforcement officials by military police instructors. The conferees further urge the Secretary to ensure that section 1004 funds and support are provided throughout the fiscal year and not husbanded for expenditure in the final quarter.

The conferees are pleased with the Department of Defense's prior notification to the Armed Services and Foreign Relations Committees of the Senate and the Armed Services and Foreign Affairs Committees of the House of Representatives concerning support to foreign law enforcement agencies and expect the Department to foster communications with those committees on such support.

The conferees are aware of linguist support the Department has provided to the Drug Enforcement Agency (DEA) for several years. At the Department's request, DEA developed an alternative electronic delivery means to supplant temporary duty (TDY) linguists. The conferees understand that a centralized remote digitized translation system has demonstrated a cost-effective means of meeting this translation support requirement. The conferees direct the Department to establish such a system as soon as possible in order to reduce the TDY linguist support. Funds provided pursuant to section 1004 are authorized to be used for establishment and operation of the electronic system to the extent that it is utilized for counter-drug purposes.

Finally, the conferees urge the Secretary of Defense to make maximum use of the resources of the Foreign Language Center of the Defense Language Institute in the provision of linguist services and associated training.

Maintenance and operation of equipment (sec. 1042)

The Senate amendment contained a provision (sec. 922) that would amend section 374 of title 10, United States Code, to authorize Department of Defense personnel to operate equipment for the purpose of detecting, monitoring, and communicating the movement of land traffic to assist law enforcement officials.

The House bill contained no similar provisions.

The House recedes with an amendment that would limit the communication of movement of traffic to surface traffic outside the United States and within the United States up to 25 miles, provided the initial detection was outside the boundary. The conferees are agreed in the need to clarify congressional intent with respect to support to law enforcement authorities in connection with the movement of surface traffic across the border of the United States. Accordingly, the conferees have agreed to a provision that would clarify congressional intent to authorize the systematic and continuing reporting on the movement of persons, vehicles, or other potential modes of transporting drugs on the surface to provide law enforcement with the necessary cued intelligence required to plan effective interdiction efforts. The conferees emphasis, however, that nothing in this section changes the applicability of section 375 of title 10, United States Code, which prohibits direct participation by Defense Department personnel in search, seizure, arrest, or any other similar activity.

Counter-drug detection and monitoring systems plan (sec. 1043)

The House bill contained a provision (sec. 1032) that would require the Secretary of Defense to establish requirements for land, air, and sea-based systems to be used by the Department in its mission as the lead agency for detection and monitoring of the transit of illegal drugs into the United States; to identify and evaluate existing and proposed counter-drug detection and monitoring systems; and to prepare a plan for the development, acquisition, and use of improved systems. The provision would also require the Secretary to submit a report to Congress covering these areas and would prohibit the obligation of funds for the procurement, upgrading, and research and development of a counter-drug detection and monitoring system, or the lease of such a system for a new capability, until the Secretary's report is submitted.

The Senate amendment contained a provision (sec. 924) that would require the Secretary of Defense to conduct a study of the land, sea, and air-based systems used by the Department in carrying out activities relating to the reconnaissance, detection, and monitoring of drug traffic and to submit a report to Congress on the results of the study, including the evaluation of existing and potential systems. The provision would also prohibit the obligation of funds for the procurement, upgrading, research and development, or lease of a counter-drug reconnaissance, detection, and monitoring system, prior to the submission of the report, but specifically would authorize the obligation of funds for such actions if necessary to carry out the study.

The Senate recedes with an amendment that would insert the requirement for the Secretary to determine systems that should be terminated, and provide the authority to obligate funds for actions necessary to carry out the study.

The conferees further direct the Secretary to ensure that the evaluation of systems includes existing systems and technologies, such as the sea-based aerostats (SBAs), small aerostat surveillance system (SASS), and the relocatable over the horizon radar (ROTHR). Further, the Department will ensure that new concepts, such as airships, P-3, aircraft equipped with airborne early warning radar, T-1A aircraft, and modified T-47 aircraft; non-developmental items, such as multi-sensor surveillance aircraft; and developmental items, such as low-observable, modular/reconfigurable, high-speed maritime patrol craft, as described in the House and Senate reports (H. Rept. 102-527 and S. Rept. 102-352) are fully evaluated. The conferees authorize the Department to use funds from drugs interdiction accounts to acquire (lease or purchase) and modify these systems for the purpose of evaluation. The conferees also authorize $5.0 million for the conduct of the administrative activities necessary for this evaluation, and to prepare the resulting plan and report to Congress. The conferees expect the Department to work out arrangements with other agencies when such agencies already possess an item which needs to be assessed.

The conferees further direct the Department not to take any irrevocable action with regard to selection of systems in the counter-drug area pending the completion of the systems plan.

Demand reduction activities (sec. 1045)

The Senate amendment contained a provision (sec. 925) that would require the Secretary of Defense to expand the drug demand reduction outreach program of the Department to include regions beyond the vicinity of military installations and to focus on youths, in general, and inner-city youths, in particular.

The House bill contained a provision (sec. 1034) that would require the Secretary of Defense to prepare a report assessing the feasibility and desirability of conducting such a program.

The House recedes with an amendment that would authorize the Secretary of Defense to conduct an expanded drug demand reduction outreach program on a three-year pilot basis and would require the Secretary to submit a report to Congress no later than two years after the date of the enactment of this act.

The conferees are aware of the numerous and varied outreach programs currently carried out by the armed forces. The conferees believe that those programs, which are currently carried out on a volunteer basis, if expanded both geographically and in scope and adequately funded, can make a substantial contribution to the reduction in demand for illegal drugs. The conferees direct that the program be conducted in a manner that complements, rather than duplicates, similar efforts undertaken by other federal, state, and local agencies.

Joint Task Force Five

The House bill would deny authorization for the U.S. Pacific Command's Joint Task Force 5 (JTF-5), which is located in Alameda, California, and that provides intelligence and operations support to multiple law enforcement agencies. The House conferees fully support the functions performed by JTF-5 but believe the intelligence functions, constituting over 50 percent of the total JTF-5 personnel billets, should be fully or partially consolidated with the Joint Intelligence Center-Pacific in Hawaii.

The Senate amendment did not deny authorization for JTF-5.

The House recedes.

The conferees note that the joint intelligence centers are intended to be consolidated centers of intelligence support to the unified and specified commanders. Further, the statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) directed the Secretary of Defense to examine and report on the possibility of consolidating the counter-drug task forces. The conferees have received this report and note the Department's decision to retain the existing task force structure. However, the conferees believe that further refinements in the present counter-drug organizational structure are possible to minimize cost, reduce duplication, and enhance counter-drug operations and support of law enforcement agencies. Accordingly, the conferees urge the Department to consider further consolidation of the intelligence functions presently dispersed in the counter-drug joint task forces to the joint intelligence centers of the responsible unified and specified commands.

Technical and clerical amendments (secs. 1051-1055)

The House bill contained two provisions (secs. 1041 and 1042) and the Senate amendment contained three provisions (secs. 1031, 1033, and 1034) that would codify and clarify certain provisions of law and provide certain technical amendments.

The Senate recedes with an amendment.

United States Court of Military Appeals amendments (secs. 1061–1062)

The Senate amendment contained a provision (sec. 1058) that would make two improvements in the laws governing the Court of Military Appeals. The first would equalize retirement provisions applicable within the Court by authorizing all of the judges to be placed under the same retirement system. The second would enhance the Court's stature and independence by establishing tenure for the chief judge in place of the current provision which permits the chief judge to be removed from that position at any time.

The House bill contained no similar provision.

The House recedes with respect to providing tenure for the chief judge. With respect to the change in the Court's retirement system, the House recedes with an amendment that would give prospective effect to the change.

Other amendments to the Uniform Code of Military Justice (secs. 1063–1067)

The Senate amendment contained a provision (sec. 1059) that would make a number of amendments to the Uniform Code of Military Justice proposed by the Department of Defense to bring the military justice system more closely in line with civilian law procedures. The provision would: (1) amend article 3 to ensure that a court-martial has jurisdiction over a servicemember for offenses committed during a prior enlistment; (2) amend article 57 to permit a military sentence to be served consecutively, rather than concurrently, with a civilian or foreign sentence; (3) amend article 63, which governs rehearings, to provide court members with accurate information about the maximum sentence that may be imposed at a rehearing; (4) amend article 111 to provide a statutory standard for breath and blood measurements of alcohol; (5) amend article 118 to clarify that unpremeditated murder requires that only one individual need be put at risk by an inherently dangerous act evincing a wanton disregard of human life resulting in the unlawful killing of an individual; and (6) amend article 120 to eliminate the spousal rape exception and make the offense of rape gender neutral.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Use of aircraft safety and accident investigation reports (sec. 1071)

The House bill contained a provision (sec. 1051) that would require the Secretary of a military department to make the records and reports of a safety investigation available to the Committee on Armed Services of the Senate or House of Representatives upon the request of the chairman and ranking member of that committee. Individuals to whom access is provided to such records or reports would be required to preserve the confidentiality of their contents. The provision would also require a military aircraft accident investigation to contain a clear conclusory statement or determination of the cause of the accident or, if such is not possible, to describe those factors that substantially contributed to or caused the accident.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would first require that the Service Secretaries shall release recordings or other factual material before the completion of the accident only if two conditions are met: first, that there be a specific request for the information, a standard imposed so that the Services are not forced to prepare every factual item uncovered in an accident investigation for early public release even when there is no public interest in the material; and, second, that any material prepared for such release must be material that would normally be releaseable at the conclusion of the accident investigation.

Second, the amendment would require an accident investigation board to state an opinion or opinions of the cause or causes of the accident when there is evidence sufficient for the board to make such determinations. The conferees intend to permit the Service Secretaries lattitude in establishing evidentiary standards if they so choose. The conferees also emphasize that nothing in the amendment is intended to force a board to reach a conclusion. If the board feels the evidence is so conflicting or inadequate that it cannot reasonably reach a conclusion, this provision would allow it to state that the cause is indeterminable.

The conferees also note their continuing expectation that the Committee on Armed Services of the Senate and the House of Representatives will receive, on a non-releasable basis, copies of safety reports for review when, in the opinion of committee or committees concerned, circumstances so require. The conferees believe that review of these reports by the committees should not be a matter of dispute and expect the military Services to forthrightly and promptly comply with official requests of this nature.

Survivor notification and access to reports relating to service members who die during operations or training (sec. 1072)

The House bill contained a provision (sec. 1052) that would require the Secretary of Defense to provide the family of a member of the armed forces with timely notification and copies of reports about the death of the member to the extent that the reports would be subject to release under the Freedom of Information Act and the Privacy Act. The provision would also require the Secretary of Defense to review fatality notification procedures.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The conferees intend that the term "fatality report" include the documentary exhibits to such a report, including an autopsy report and accompanying photographs. The conferees note that this provision has prospective application with respect to fatalities occurring on or after the date of enactment. The conferees encourage the Department of Defense, however, to apply the procedures required by this provision, insofar as practicable, in the Department's communications with survivors of service members who died prior to enactment of this act.

Authority for civilian students to attend the United States Naval Postgraduate School (sec. 1073)

The House bill contained a provision (sec. 1053) that would amend section 7041 of title 10, United States Code, to authorize civilian students to attend the United States Naval Postgraduate School on a reciprocal-tuition waiver basis. Civilians would be admitted to the school without having to pay tuition, as long as they were enrolled and paying tuition at a civilian institution of higher learning that has a reciprocity agreement with the Naval Postgraduate School, and meet citizenship, residency, and aptitude requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

Elimination of reports required by law (sec. 1074)

The Senate amendment contained a provision (sec. 1049) that would repeal 16 statutory requirements for reports from the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would repeal one of the 16 requirements that would be repealed by the Senate provision.

Restriction on obligation of funds for new museums (sec. 1075)

The Senate amendment contained a provision (sec. 1051) that would prohibit obligation of funds for construction or capitalization of four museums for which funds were appropriated in fiscal year 1992 unless the Secretary of Defense makes a special determination that the museum is a high priority item that would make a unique contribution to the missions of the military departments.

The House bill contained no similar provision.

The House recedes. The conferees note that during consideration of the Military Construction Authorization Act for Fiscal Year 1985 (Public Law 98-407), the Armed Services Committees of the Senate and the House of Representatives carefully reviewed the question of whether federal funds should be used for the construction of military museums. At that time, the committees concluded that each military Service should be limited to one museum that would be constructed with public funds.

The conferees support local initiatives to establish museums on military installations using private funds, with modest support using appropriated operating funds from their associated military bases. The conferees endorse the policy adopted in the 1985 legislation limiting the actual construction of museums with appropriated funds to one per Service.

Army military history fellowship program (sec. 1076)

The Senate amendment contained a provision (sec. 1052) that would direct the Secretary of the Army to award fellowships in military history of the Army to eligible individuals.

The House bill contained no similar provision.

The House recedes.

Amendment to authorize an optional refund of lump-sum annual leave payments to certain civilian personnel (sec. 1077)

The Senate amendment contained a provision (sec. 1045) that would make a technical change to section 5551 of title 5, United States Code, as amended by the Portability of Benefits for Nonappropriated Fund Employees Act of 1990 (Public Law 101-508). The 1990 amendment was retroactive to January 1, 1987, and provided that leave would be transferred. Certain personnel who had transferred before the amendment was enacted had received lump-sum payments for accrued leave. These personnel are required to refund the payments they received in exchange for leave credit. This provision would allow such employees the option of keeping such payments or refunding such payments and having their leave recredited.

The House bill contained no similar provision.

The House recedes.

Equity in benefits for temporary federal emoloyees (sec. 1078)

The House bill contained provisions (secs. 1201–1206) that would provide health and life insurance and retirement benefits to temporary employees within the Department of Defense who complete one year of current continuous employment or four years of service within a six-year period.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment. The conferees agree that the Office of Personnel Management should report to Congress by April 1, 1993 on the feasibility of providing health and life insurance and retirement benefits to temporary employees.

Designation of United States military physicians as civil surgeons under the Immigration and Nationality Act of 1991 (sec. 1079)

The House bill contained a provision (sec. 1068) that would deem United States military physicians with not less than four years of professional experience to be civil surgeons for the purpose of performance of physical examinations under the Immigration and Nationality Act of 1991.

The Senate amendment contained no similar provision.

The Senate recedes.

Use of armed forces insignia on state license plates (sec. 1080)

The House bill contained a provision (sec. 537) that would amend chapter 53 of title 10, United States Code, to authorize the Secretaries of the military departments to approve an application by a State to use or imitate the seal or other insignia of the department, or of armed forces under the jurisdiction of that Secretary, on motor vehicle license plates issued by the State to an individual who is a member or former member of the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes.

Civil-military cooperative action program (sec. 1081)

The Senate amendment contained a provision (sec. 1060) that would authorize the Secretary of Defense to establish a civil-military cooperative action program to use the skills, capabilities, and resources of the armed forces to assist civilian efforts to meet critical domestic needs of the United States.

The program would have the following objectives: (1) enhancing individual and unit training and morale through meaningful community involvement; (2) encouraging cooperation between civilian and military sectors of society in addressing areas of domestic need; (3) advancing equal opportunity and improving relations among racial and ethnic groups; (4) enriching the civilian economy through education, training, and transfer of technological advances; (5) improving the environment and economic and social conditions; and (6) providing opportunities for disadvantaged citizens.

The program would be governed by three essential principles: (1) any project under the program must be undertaken in a manner that is consistent with the military mission of the unit in question; (2) the project must fill a need that is not otherwise being met, and should not compete with the private sector or with services provided by other government agencies; and (3) the program cannot become a basis for justifying additional overall defense expenditures or for retaining excess military personnel. Projects should be undertaken only with personnel, resources, and facilities that exist for legitimate military purposes.

The House amendment contained no similar provision.

The important role that the military can play in meeting domestic needs has been underscored by the critical role of the armed forces in the aftermath of Hurricane Andrew. Although the relief effort required the cooperative efforts of many federal, state, and local entities, only the Department of Defense had the equipment and personnel to provide the logistics and infrastructure necessary for the timely provision of essenital food, shelter, medical, sanitation, and communications services for a disaster of this magnitude.

The conferees agree that a vibrant civil-military cooperative action program can assist civilian officials in addressing a variety of domestic needs, consistent with the military mission and the primary role of other government agenices and the private sector in dealing with domestic matters.

The House recedes.

Limitation on support for United States contractors selling arms overseas (sec. 1082)

The House bill contained a provision (sec. 1062) that would require the Defense Department to be fully reimbursed for any support it provides to U.S. firms at overseas military trade shows.

The Senate amendment contained a provision (sec. 2802) that would, in part, prohibit the exhibition of any Defense Department equipment at an international trade show unless the equipment was leased by its manufacturer at a fair market rate.

The Senate recedes with an amendment.

The conferees believe that U.S. firms should pay the costs of marketing their defense equipment at international trade shows. Therefore, the amendment would require that, if a U.S. firm or industrial association asked the Defense Department to provide equipment for an international trade show outside the United States, such equipment could not be supplied unless the firm reimbursed the Defense Department for the incremental costs that it incurred in providing the equipment. These incremental costs would be (1) the incremental costs incurred by any military personnel who accompany the equipment, including their food, lodging, and local transportation; (2) the incremental transportation costs incurred in moving the equipment from its normally assigned location to the trade show and back again; and (3) any other miscellaneous incremental costs.

The amendment would also prohibit the Defense Department from participating directly in international trade shows outside the United States unless the Secretary of Defense determined that it was in U.S. national security interests to do so. The Secretary could not delegate authority to make this determination below the level of the Under Secretary of Defense for Policy. The amendment would require the Secretary of Defense to submit a report to Congress 45 days before the opening of a trade show in which the Defense Department intended to participate directly. The conferees do not intend this prohibition to cover airshows and similar military exhibits held on overseas U.S. military bases for the purpose of promoting better community relations among U.S. military personnel, their dependents, and host citizens.

Sense of Congress regarding the time limitations for consideration of military decorations and awards (sec. 1083)

The House bill contained a provision (sec. 1066) that would express the sense of the Congress that the Secretaries of the military departments should consider recommendations for decorations or awards for World War II service regardless of the time limitations on the consideration of such awards. Recommendations under this provision would have to be submitted by December 31, 1995 in order to merit consideration.

The Senate amendment contained no similar provision.

The Senate recedes.

Award of the Navy Expeditionary Medal to the "Doolittle Raiders" (sec. 1084)

The Senate amendment contained a provision (sec. 1068) that would express the sense of Congress that the President should award the Navy Expeditionary Medal to members of the Navy who served in Navy Task Force 16, culminating in the air raid commonly known as the "Doolittle Raid on Tokyo," during 1942, regardless of the time limitation on the consideration of such awards.

The House bill contained a similar, more general provision (sec. 1066) that is incorporated elsewhere in this act.

The House recedes.

Sense of Congress regarding the award of Purple Heart to members killed or wounded in action by friendly fire (sec. 1085)

The House bill contained a provision (sec. 538) that would require the Secretaries of the military departments, for purposes of awarding the Purple Heart, to treat a member of the armed forces killed or wounded in action by friendly fire in the same manner as a member who is killed or wounded in action as the result of an act of an enemy of the United States. The House provision would apply to members of the armed forces killed or wounded on or after December 7, 1941.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The amendment would express the sense of Congress that the Secretaries of the military departments should ensure that in the future the Purple Heart should be awarded without hesitation to members of the armed forces killed or wounded by friendly fire while actively engaged with the enemy. In this regard, the conferees note that in a letter to the Chairman of the Subcommittee on Military Personnel and Compensation of the House Armed Services Committee dated October 25, 1992, the Deputy Assistant Secretary of Defense (Military Manpower and Personnel Policy) stated with regard to this matter:

> In short, the critical factors we use to determine eligibility for the Purple Heart in "friendly fire" situations is whether or not the Service member was *actively engaged* with the enemy. For your information, Service members involved in Operation Desert Storm who sustained injuries in these types of circumstances (i.e., killed or wounded *in action* by friendly fire) were awarded the Purple Heart.

Study of effects of Persian Gulf conflict mobilization on members of the reserve components who were self-employed or owners of small businesses (sec. 1086)

The Senate amendment contained a provision (sec. 505) that would require the Secretary of Defense to conduct a study and report on the economic and other effects on the reserves and members of the National Guard who were self-employed or owners of small businesses and who were activated in connection with Operation Desert Shield/ Desert Storm.

The House bill contained no similar provision.

The House recedes.

Civil-military youth service programs (secs. 1091–1095)

The Senate amendment contained four provisions (secs. 1081–1085) concerning the civil-military youth service programs.

Section 1081 of the Senate amendment would authorize the Chief of the National Guard Bureau to enter into agreements with the governors of up to 10 states to conduct a National Guard civilian youth opportunities pilot program to evaluate the feasibility and effectiveness of military-based training to improve the life skills and employability of high school dropouts. This section would also authorize $50.0 million in fiscal year 1993 for this program.

Section 1082 of the Senate amendment would create a Civilian Community Corps demonstration program to test the feasibility of a federally administered residential national youth service program as an alternative to traditional forms of national service. The program would be administered through the Commission on National and Community Service and coordinated with the National Guard civilian youth opportunities program. This section would also authorize $50.0 million in fiscal year 1993 for this program.

Section 1083 of the Senate amendment would require coordination, to the maximum extent practicable, among the Chief of the National Guard Bureau, the Board of Directors and Executive Director of the Commission on National and Community Service, and the Director of the Civilian Community Corps, with respect to the National Guard and youth opportunities program and the Civilian Community Corps demonstration program.

Section 1084 of the Senate amendment would authorize $50.0 million in fiscal year 1993 to increase the ability of the Commission on National and Community Service to promote nonresidential national youth service programs in areas affected by the military downsizing.

Section 1085 of the Senate amendment would require that funds could be made available under sections 1082 and 1084 only if determined by the Office of Management and Budget (OMB) to be counted against the defense category of discretionary spending limits for fiscal year 1993.

The House bill contained no similar provisions.

The House recedes with an amendment. The amendment would make technical changes, and also reduce the amounts authorized for the Civilian Community Corps demonstration program and for the national and community service program to $30.0 million for each program.

Closing of appropriation accounts available for indefinite periods

The House bill contained a provision (sec. 1002) that would amend section 1555 of title 31, United States Code, to remove the requirement that an agency head or the President determine that the purposes of an account, from which no disbursement has been made for two years, have been carried out prior to the closing of the account. Thus, these accounts would be closed in the event that no disbursements from them were made for two consecutive fiscal years.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on expansion of San Diego homeport area

The House bill contained a provision (sec. 1012) that would prohibit the Secretary of the Navy from expanding the area administratively designated as the San Diego homeport area to include Long Beach or San Pedro, California.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe that the Navy should continue to have the discretion to administratively designate homeport areas. The conferees also believe that quality of life considerations for Navy personnel and their families should continue to be a priority factor in the Navy's planning for ship repair and overhaul work.

Requirement to expedite construction of sealift ships

The House bill contained a provision (sec. 1018) that would prevent the Department of Defense from obligating funds for the C–17 program at any faster rate than funds are obligated for the strategic sealift program. This was intended as an inducement to the Department to move more expeditiously on the sealift program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the Department is beginning to make better progress on the strategic sealift program. However, if progress does not continue apace, the conferees will recommend that further legislative action be taken.

Sense of Congress regarding an international effort to limit the supply of illegal narcotics

The House bill contained a provision (sec. 1033) that would express the sense of Congress concerning international contributions to the counter-drug effort.

The Senate amendment contained no similar provision.

The House recedes. The conferees believe that all nations should contribute commensurate with their resources to efforts to curb the production of illegal narcotics at their source and that the allies of the United States should be encouraged to make greater contributions to this effort.

Provision of certain facilities and services of the Department of Defense to certain educational entities

The House bill contained a provision (sec. 1063) that would authorize the Secretary of Defense to provide certain services to, and make available facilities for use by, certain educational entities.

The Senate amendment contained no similar provision.

The House recedes. The conferees encourage the military Services to provide appropriate support to educational entities under existing statutes and regulations authorizing such support.

Defense maritime logistical readiness

The Senate amendment contained several provisions (secs. 1021–1023) designed to improve the level of support for the United States merchant marine, including:

(1) directing that more U.S. cargo travel only on U.S. flag vessels;

(2) shifting priority for carrying U.S. military cargo to liner operators;

(3) directing the Secretary of Defense to ensure that DOD studies give full consideration to capabilities of the U.S. flag merchant marine; and

(4) encouraging the Department of Defense to enter into logistics readiness agreements with U.S. flag merchant marine operators to assure that sealift capacity will be available in an emergency.

The House bill contained no similar provisions.

The Senate recedes.

POW/MIA stamp

The Senate amendment contained a provision (sec. 1074) that would require the Postmaster General to issue a commemorative postage stamp in honor of American prisoners of war and Americans missing in action.

The House bill contained no similar provision.

The Senate recedes. The conferees consider it inappropriate for Congress to set a precedent for dictating the subjects of postage stamps after 150 years of carefully avoiding that role. The conferees, however, strongly urge the Postal Service to consider the issuance of a commemorative postage stamp honoring American prisoners of war and Americans missing in action from all wars.

Nuclear proliferation control

The Senate amendment contained provisions (secs. 1091–1094F) that would prohibit firms that promote nuclear proliferation from doing business with the U.S. government, create additional economic sanctions against firms and banks that promote economic proliferation, ensure that U.S. funds provided to multilateral lending agencies do not promote nuclear proliferation, create new sanctions against countries that traffic in critical bomb parts and designs or transfer or detonate nuclear devices, and expand reporting to Congress on relevant developments.

The House bill contained no similar provisions.

The Senate recedes.

National education goals panel

The Senate amendment contained provisions (secs. 1301–1307) that would authorize establishment within the Department of Education a National Education Goals Panel.

The House bill contained no similar provisions.

The conferees note that the authorization for this panel is included in the conference report on S.2, The Neighborhood Schools Improvement Act.

The Senate recedes.

TITLE XI—ARMY GUARD COMBAT REFORM INITIATIVE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Short title (sec. 1101)

Section 1101 would cite this title as the "National Guard Combat Readiness Reform Act of 1992".

Minimum percentage of prior active-duty personnel (sec. 1111)

The House bill contained a provision (sec. 701) that would require the Secretary of the Army to establish regulations no later than March 15, 1993, with the objective of increasing the percentage of prior active duty personnel in the Army National Guard to 65 percent, in the case of officers, and to 50 percent, in the case of enlisted members, by the end of fiscal year 1997. The House provision would require that officer and enlisted accession percentages be prescribed for fiscal years 1993 through 1997 in order to achieve the 1997 prior-service levels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would require the Secretary of the Army to provide to the Committees on Armed Services of the Senate and House of Representatives a copy of the regulations required by this section. The Secretary shall also provide any recommendations for improvements in this section.

Service in the Selected Reserve in lieu of active-duty service (sec. 1112)

The House bill contained a provision (sec. 702) that would require that military service academy graduates and distinguished Reserve Officer Training Corps (ROTC) graduates leaving active duty before satisfying their active duty service obligation must serve the remainder of that obligation in the Selected Reserve, unless the service Secretary waives the requirement because of the non-availability of unit positions. The House provision would also direct the Secretary of the Army to develop a program in which certain ROTC graduates would serve on active duty for two years and complete the remainder of their service obligation with the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Review of officer promotions by commander of associated active duty unit (sec. 1113)

The House bill contained a provision (sec. 704) that would require any promotion of an officer in the Army National Guard above the grade of first lieutenant to first be reviewed by the commander of the active duty unit associated with the National Guard unit of that officer, or another active component officer as designated by the Secretary of the Army. The provision would also require that a written statement of that commander's concurrence or nonconcurrence be provided to the promotion authority.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would limit the applicability of the provision to unit vacancy promotions, and would establish an implementation schedule that calls for the provision to apply to Army National Guard round-out/round-up units effective April 1, 1993; to Army Selected Reserve units designated as early deployers effective October 1, 1993; and all remaining Army National Guard combat units effective April 1, 1994. The amendment would also require the Secretary of the Army to report to the Committees on Armed Services of the Senate and House of Representatives an implementation plan and legislative proposals to clarify, improve, or modify the provision to better carry out the purpose of the provision.

Noncommissioned officer education requirements (sec. 1114)

The House bill contained a provision (sec. 705) that would require that the military education requirements prescribed by the Secretary of the Army for noncommissioned officers must be met prior to promotion to a higher grade. The active Army would have to assume responsibility for making sufficient training positions available to meet those requirements. The House provision would also allow the Secretary of the Army to waive the prescribed requirements only in cases in which it would be necessary to preserve continuity of leadership under combat conditions.

The Senate amendment contained no similar provision.

The Senate recedes.

Initial entry training and nondeployable personnel account (sec. 1115)

The House bill contained a provision (sec. 706) that would require the Secretary of the Army to establish a personnel accounting category for members of the Army National Guard who have not completed the minimum training requirement for deployment or who are otherwise not available for deployment. The provision would also direct that individuals in this account could not fill positions in National Guard units.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Minimum physical deployability standards (sec. 1116)

The House bill contained a provision (sec. 707) that would require members of the Army National Guard who are unable to meet minimum physical deployability standards within a period of 90 days, whether due to physical disability or inability to complete successfully a physical fitness evaluation, be transferred to the personnel accounting category that would be established in another House provision (sec. 706). The House provision would also require that if a member so transferred is unable to complete successfully a physical fitness evaluation within six months after such transfer, the member would be separated or retired from the National Guard.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove all reference to physical fitness evaluations.

Medical assessments (sec. 1117)

The House bill contained a provision (sec. 708) that would require each member of the Army National Guard to undergo dental and medical screening on an annual basis, and a physical fitness evaluation on a semiannual basis. Each member of the Army National Guard over the age of 40 would be required to undergo a full physical examination at least every two years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove all reference to physical fitness evaluations.

Dental readiness of members of early deploying units (sec. 1118)

The House bill contained a provision (sec. 709) that would require the Secretary of the Army to develop a plan to ensure that members of the Army National Guard whose units are scheduled for early deployment in the event of mobilization, are dentally ready for deployment. This provision would require the Secretary to submit a report on this plan to the Committees on Armed Services of the Senate and House of Representatives no later than February 15, 1993. This report would have to include any legislative proposals the Secretary considered necessary to implement this plan.

The Senate amendment contained no similar provision.

The Senate recedes.

Combat unit training (sec. 1119)

The House bill contained a provision (sec. 710) that would require the Secretary of the Army to establish a program to minimize post-mobilization training required for combat units of the Army National Guard.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Use of combat simulators (sec. 1120)

The House bill contained a provision (sec. 711) that would direct the Secretary of the Army to expand the use of training simulators in order to increase training opportunities for members of the Army National Guard. The House provision noted that Guard units frequently have difficulty gaining access to training facilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees strongly concur that simulations, simulators, and advanced computer-based training devices offer significant potential for improving the readiness of reserve component forces.

Deployability rating system (sec. 1121)

The House bill contained a provision (sec. 721) that would require modification of the current unit readiness rating system for the Army Reserve and Army National Guard to ensure the rating system accurately assesses the readiness of a unit to deploy and identifies unit shortfalls that require additional resources. This provision would also require that this rating system reflect the unit's percentage of required personnel assigned and the number of personnel who are qualified in their primary occupational specialty, the fill and deployability rate for critical occupational specialties, and the status of equipment directly held by the unit and necessary to carry out its basic mission requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Inspections (sec. 1122)

The House bill contained a provision (sec. 722) that would amend section 105 of title 32, United States Code, to require the Secretary of the Army to determine whether units of the Army National Guard can meet the requirements of their unit designator.

The Senate amendment contained no similar provision.

The Senate recedes.

Active duty associate unit responsibility (sec. 1131)

The House bill contained a provision (sec. 731) that would require the Secretary of the Army to develop a program no later than September 30, 1993, that requires each National Guard combat unit to be associated with an active duty combat unit. This program would be required to be fully implemented by September 30, 1995.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would require that the responsibilities prescribed in subsection (b) of the House provision be assigned to the headquarters of active Army combat units at the brigade or higher level. The conferees intend that the Secretary of the Army adhere to the same implementation schedule as specified for the implementation of section 704 of the House bill, as modified by this act.

The conferees expect the Secretary to implement this provision using the same schedule as that specified in section 1113 in this title relating to the review of officer promotions by the commander of the associated active duty unit.

Training compatibility (sec. 1132)

The House bill contained a provision (sec. 732) that would amend section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), to require the Secretary of the Army to assign 3,000 non-commissioned officers and warrant officers to the pilot program for active component support of the reserves, beginning in fiscal year 1995.

The Senate amendment contained no similar provision.

The Senate recedes.

Systems compatibility (sec. 1133)

The House bill contained a provision (sec. 733) that would require the Secretary of the Army to develop and implement a program that would ensure Army personnel, maintenance management, supply, and finance systems are compatible and able to interface across all Army components. This provision would require the Secretary of the Army to submit a report to the Committees on Armed Services of the Senate and House of Representatives no later than September 30, 1993, describing the systems compatibility program and detailing the plan for implementation of the program by the end of fiscal year 1997.

The Senate amendment contained no similar provision.

The Senate recedes.

Equipment compatibility (sec. 1134)

The House bill contained a provision (sec. 734) that would amend section 115 of title 10, United States Code, to include a statement on the current status of the incompatibility of equipment between the Army reserve components and the active forces of the Army, the effect of that level of incompatibility on combat readiness, and a plan to achieve full compatibility in the annual report on National Guard and reserve component equipment.

The Senate amendment contained no similar provision.

The Senate recedes.

Deployment planning reform (sec. 1135)

The House bill contained a provision (sec. 735) that would require the Secretary of the Army to develop a system for identifying the mobilization priority of Army reserve component units, based on contingency planning requirements and doctrine. The provision would direct the Secretary of the Army to develop a system to link the unit deployment designators to the resourcing system, and to include a higher priority for units with fewer post-mobilization days allocated before deployment. Units designated with shorter post-mobilization periods would receive greater funding for training, full-time support, equipment, and assignment of manpower in excess of 100 percent of their authorized levels.

The House provision would also require the Secretary of the Army to establish procedures to identify the command level at which combat units would be integrated into the active component forces and to ensure this level of integration is consistent with the post-mobilization training days allocated to units by their unit deployment designators.

The Senate amendment contained no similar provision.

The Senate recedes.

Qualification for prior-service enlistment bonus (sec. 1136)

The House bill contained a provision (sec. 736) that would amend title 37, United States Code, to restrict the payment of prior service enlistment bonuses to individuals who are military occupational specialty (MOS)-qualified for the unit position they are projected to occupy.

The Senate amendment contained no similar provision.

The Senate recedes.

Study of implementation for all reserve components (sec. 1137)

The conferees recommend a provision that would require the Secretary of Defense to assess the feasibility of implementing the provisions of this title for all reserve components, and to submit a report to the Committees on Armed Services of the Senate and House of Representatives containing a plan for such implementation.

Preference for filling vacancies for persons separated from active forces

The House bill contained a provision (sec. 703) that would amend section 1150 of title 10, United States Code, to provide priority during the force drawdown for vacant positions within the reserve components to persons voluntarily or involuntarily separating from the armed forces under honorable conditions, and who apply within one year of separation.

The Senate amendment contained no similar provision.

The House recedes. The House provision is incorporated elsewhere in this act.

TITLE XII—SUPPLEMENTAL AUTHORIZATION OF APPROPRIATIONS

Legislative Provisions

LEGISLATIVE PROVISIONS ADOPTED

Supplemental authorization for Operation Desert Storm (secs. 1201–1204)

The Senate amendment contained provisions (secs. 1011–1014) that would extend to fiscal year 1993 the authority to use the Defense Cooperation Account and the Persian Gulf Regional Defense Fund and would authorize additional appropriations from these accounts for incremental military personnel costs of Operation Desert Storm.

The House bill contained no similar provisions.

The House recedes.

Supplemental authorization of appropriations for fiscal year 1992 (sec. 1211)

The Senate amendment contained a provision (sec. 1069) that would provide supplemental authorizations for fiscal year 1992 for costs arising from the consequences of Hurricane Andrew and Typhoon Omar.

The House bill contained no similar provision.

The House recedes.

TITLE XIII—MATTERS RELATING TO ALLIES AND OTHER NATIONS

Legislative Provisions

LEGISLATIVE PROVISIONS ADOPTED

Overseas basing activities (sec. 1301)

The House bill contained a provision (sec. 1056) that would reduce the total amount authorized by this act for fiscal year 1993 by $3.5 billion. The provision would require that the $3.5 billion reduction may only be made from funds for programs, projects, and activities that support U.S. forces assigned in Europe, Japan, or Korea.

The House bill contained another provision (sec. 368) that would require the President to consult with other NATO members and South Korea to achieve agreements under which each country shall, by September 30, 1994, assume an increased share of U.S. costs of maintaining U.S. installations in each country. The provision would require certain reductions in the amounts that may be obligated to conduct overseas basing activities in fiscal years 1993 and 1994.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would modify and combine the two House provisions into a single provision.

The single provision recommended by the conferees consists of the following major elements:

(1) The total amount that is obligated to conduct overseas basing activities during fiscal year 1993 may not exceed the amount equal to the baseline for fiscal year 1993 reduced by $500 million.

(2) The baseline for fiscal year 1993 is the sum of the amounts specified for operation and maintenance; family housing, operations; family housing, construction; and military construction (including NATO Infrastructure) in the January 1992 DOD report, *Amended FY 1992/FY 1993 Biennial Budget Estimates for Defense Overseas Funding and Dependent Overseas Funding.*

(3) The provision expresses the sense of Congress that the amounts obligated to conduct overseas basing activities should decline significantly in fiscal years 1994, 1995, and 1996 as the number of U.S. military personnel stationed overseas declines and as U.S. allies assume an increased share of the costs of overseas U.S. military installations.

(4) The reductions set forth in the provision for fiscal year 1993 and future fiscal years may be offset by increases in host-nation support, the accelerated withdrawal of overseas U.S. forces, or other measures. For fiscal year 1993, the conferees recommend reductions in the amounts requested for overseas operation and maintenance and military construction to meet the overall reduction in overseas defense spending required by this provision. The following reductions for fiscal year 1993 are displayed in the operation and maintenance and military construction tables elsewhere in this statement of the managers: (1) −$250 million in overseas operation and maintenance; (2) −$112 million in overseas military construction projects; and (3) −$161 million in the NATO Infrastructure account.

(5) The savings realized as a result of the reduction required by this provision for fiscal year 1993 will be allocated for operation and maintenance and military construction at military facilities in the United States.

(6) In order to achieve additional savings in fiscal year 1994 and in future fiscal years, the President should enter into revised host-nation agreements with certain U.S. allies in which they agree to assume an increased share of the costs of overseas U.S. military installations.

The annual *Report on Allied Contributions to the Common Defense*, required by section 1003 of the National Defense Authorization Act for Fiscal Year 1985 (Public Law 98–525), was due to the Congress on April 1, 1992. However, the report was transmitted to Congress on September 11, 1992, far too late to be of use during this authorization cycle. The Congress needs information contained in this report to make reasoned judgments on the status of burdensharing. The conferees expect that this report for 1993 will be transmitted by the date required by law.

Overseas military end strength (sec. 1302)

The House bill contained a provision (sec. 1058) that would prohibit on and after September 30, 1995 the use of appropriated funds to support an end strength level of U.S. military personnel permanently stationed ashore outside the United States in excess of 60 percent of the end strength level of such personnel on September 30, 1992.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the date in the House provision from September 30, 1995 to September 30, 1996.

Reduction in the authorized end strength for military personnel in Europe (sec. 1303)

The House bill contained a provision (sec. 1057) that would lower the statutory ceiling on U.S. military personnel permanently stationed ashore in Europe to 100,000, effective the end of fiscal year 1995.

The Senate amendment contained a provision (sec. 1063) that would lower the statutory ceiling on U.S. military personnel permanently stationed ashore in Europe to 100,000, effective the end of fiscal year 1996.

The House recedes.

The conferees intend that each Service take a proportional share of the reduction of end strength, to the extent practical, consistent with the overall restructuring that will be required to reduce to the 100,000 level. Based on estimates of the U.S. European Command of the mix at the 150,000 level, such a reduction would result in an approximate mix of 60 percent for the Army, 30 percent for the Air Force, and 10 percent for the Navy.

Reports on overseas basing (sec. 1304)

The House bill contained a provision (sec. 367) that would require the Secretary of Defense to submit an annual report on the overseas basing plan of U.S. forces, the status of overseas base closures and the associated negotiations schedule, the potential savings and residual value of such closures, and the efforts to obtain increased host nation support. The House provision also would require a report on the budgetary implications of overseas basing agreements in advance of signing such agreements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide for the expiration of these requirements at the end of five years.

Burdensharing contributions by Kuwait (sec. 1305)

The House bill contained a provision (sec. 1070) that would add Kuwait to those countries (Japan and South Korea) from which the Defense Department may accept cash burdensharing contributions. The provision would also delete the requirement in section 1045 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 that the Defense Department use these burdensharing contributions to offset U.S. costs only in the country making the contribution.

The Senate amendment contained no similar provision.

The Senate recedes. Although the House provision would allow the Defense Department to spend contributions outside the country that made them, the conferees emphasize that such "out-of-country" expenditures are to be made only with the agreement of the contributing country, and are to be spent only on costs specified in section 1045(c) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 that are directly related to U.S. military activities in the contributing country. The conferees expect the quarterly report required by section 1045(f) to fully explain the relationship between any "out-of-country" costs and the "in-country" U.S. military activities they support.

Cooperative military airlift agreements (sec. 1311)

The Senate amendment contained a provision (sec. 1055) that would lengthen from 3 months to 12 months the period of time over which the credits and liabilities of cooperative military airlift agreements must be liquidated.

The House bill contained no similar provision.

The House recedes.

Cooperative agreements with allies (sec. 1312)

The Senate amendment contained a provision (sec. 362) that would relax the geographic restrictions that limit the authority of U.S. military forces to acquire logistics support, supplies, and services from NATO allies and certain non-NATO countries.

The House bill contained no similar provision.

The House recedes.

The conferees are concerned over the imbalance in the cross-servicing agreements that has evolved since the enactment of the North Atlantic Treaty Organization Mutual Support Act of 1979 (Public Law 96-323). The Defense Department reported in its 1992 annual report that the United States purchased $103 million worth of services from NATO allies compared to only $7 million purchased from the United States.

The purchases made by the United States included war readiness material, contractor storage and repair support, wartime host nation support, and support for exercises. The conferees believe these costs should be shared by U.S. allies. NATO has now agreed that such costs are eligible for funding from the NATO infrastructure account. Therefore, the conferees direct the Secretary of Defense to conduct negotiations for actual funding of these costs either directly or through the NATO infrastructure account and to include in the Secretary's annual report on these agreements and transactions, efforts to achieve allied offsets to these costs.

Authority for government of Oman to receive excess defense articles (sec. 1313)

The House bill contained a provision (sec. 1067) that would amend section 516(a) of the Foreign Assistance Act of 1961 to make Oman eligible to receive excess defense articles.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would achieve the same purpose as the House provision but by a different change in section 516(a) of the Foreign Assistance Act of 1961.

Future of the North Atlantic Treaty Organization (sec. 1314)

The Senate amendment contained a provision (sec. 1073) that would require the Secretary of Defense, in consultation with the Secretary of State, to provide a report to Congress which would analyze the foreseeable threats to the security of the North Atlantic Treaty Organization (NATO) member nations, determine whether there is a requirement to revise the North Atlantic Treaty to meet future challenges, and assess the extent to which the Treaty permits the use of NATO forces for peacekeeping purposes and the range of peacekeeping missions that should be considered. The Senate amendment also contained a related provision (sec. 1066) that would express the sense of the Senate that the United States should open discussions with NATO member nations with a view toward broadening NATO's mission to include common transatlantic security concerns, including those beyond NATO's geographic boundaries.

The House bill contained no similar provisions.

The House recedes with an amendment. The conferees recommend a provision that would combine the two provisions contained in the Senate amendment, direct that the report be delivered to the Senate and House Committees on Armed Services, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee, and provide that the report be provided by the President rather than the Secretary of Defense in consultation with the Secretary of State.

Nuclear weapons reductions (sec. 1321)

The House bill contained a provision (sec. 1059) that would declare that it shall be the goal of the United States to pursue a number of policy objectives related to securing, reducing, and eventually eliminating the nuclear weapons possessed by the United States, Russia, France, Britain, China, and other nuclear-weapons states. The provision would also direct the President to submit an annual report on the actions taken by the United States and other nations during the previous year to achieve these policy objectives and the actions the United States planned to take during the next year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would revise several of the policy objectives to reflect recent developments in the area of arms control.

Volunteers investing in peace and security (sec. 1322)

The House bill contained a provision (sec. 1060) that would require the Secretary of Defense to establish the volunteers investing in peace and security (VIPS) program. This voluntary corps of veterans would use the commitment and skills (logistics, health care, engineering, nuclear plant safety, environmental cleanup, communications, and other skills) of retiring and separating servicemembers to assist the independent states of the former Soviet Union as they build a more secure future.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide the Secretary of Defense with discretionary authority to establish this program.

The conferees note that the VIPS program offers the unique advantage of providing quality, cost-effective assistance to the independent states of the former Soviet Union while opening job opportunities for servicemembers leaving active duty as the nation continues a 25 percent reduction of the armed forces.

Report on U.S. strategic posture in the Middle East and Persian Gulf region (sec. 1331)

The Senate amendment contained a provision (sec. 1041) that would direct the Secretary of Defense to provide a report on the U.S. strategic posture in the Middle East/Persian Gulf region.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Prohibition on contracting with supporters of the secondary Arab boycott of Israel (sec. 1332)

The Senate amendment contained a provision (sec. 1043) that would codify in permanent law a prohibition against Department of Defense contracting with foreign firms that participate in the secondary Arab boycott of Israel.

The House bill contained no similar provision.

The House recedes with a technical amendment.

United Nations peacekeeping and enforcement report (sec. 1341)

The Senate amendment contained a provision (sec. 1062) that would require the President to submit a report to Congress on the proposals of the Secretary General of the United Nations in his report to the Security Council entitled *Preventive Diplomacy, Peacemaking and Peacekeeping.*

The House bill contained no similar provision.

The House recedes. The conferees expect both the Secretary of State and the Secretary of Defense to be major contributors to the President's report and expect the report to discuss the policy implications of Department of Defense funding of peacekeeping activities and the assignment of responsibility for international peacekeeping and enforcement activities between those two cabinet officials. The report should be delivered to the Senate and House Armed Services Committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee.

Support for peacekeeping activities (sec. 1342)

The House bill contained a provision (sec. 1069) that would authorize the Secretary of a military department to contribute or lend supplies and equipment to the United Nations to support international peacekeeping activities.

The Senate amendment contained a provision (sec. 1064) that would authorize the Secretary of Defense, to the extent provided in annual authorization and appropriation acts, to furnish assistance, including funds, supplies, and equipment, by loan or contribution in support of international peacekeeping activities of the United Nations or a regional organization. Funds would be provided under certain limited circumstances and conditions and would be subject to a 30 days advance notice to Congress. For fiscal year 1993, such assistance would be limited to $300.0 million and would be subject to a determination by the Director of the Office of Management and Budget that the expenditure can be counted against the defense category.

The House recedes with an amendment that would include services as a form of assistance that could be provided; delete the authority to make loans; use the costs rather than assessments for peacekeeping as the baseline for determining the circumstances and conditions of fund availability; explicitly provide that this authority is restricted to meet unexpected and urgent peacekeeping requirements; and terminate the Secretary's authority on September 30, 1993.

The conferees emphasize that this authority is subject to annual defense authorization and appropriation acts and will be carefully examined next year, together with the review of the President's report on United Nations peacekeeping and enforcement provided for elsewhere in this act.

Prohibition on payment of severance pay to certain foreign nationals in the Philippines (sec. 1351)

The House bill contained a provision (sec. 365) that would prohibit the Defense Department from paying severance pay to DOD foreign nationals in the Philippines if the foreign nationals employment is discontinued because of the termination of U.S. basing rights.

The Senate amendment contained no similar provision.

The Senate recedes.

Revision of rules concerning severance pay for foreign nationals (sec. 1352)

The House bill contained a provision (sec. 366) that would repeal section 311(b)(3)(B) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189) concerning the effective date of the prohibition of paying severance costs to foreign nationals working at overseas U.S. bases that are closed at the request of the government of that country.

The Senate amendment contained a provision (sec. 823) that would authorize the Secretary of Defense to waive the prohibition on the payment of severance costs to U.S. contractors where such payments are generallly required by host nation laws.

The Senate recedes with an amendment that would combine the House and Senate provisions into one provision. The conferees agree that the President should enter into active negotiations to have severance pay costs assumed by host nations by October 1, 1994.

Extension of overseas workload program (sec. 1353)

The House bill contained a provision (sec. 1054) that would renew for fiscal year 1993 authority for the maintenance and overhaul of U.S. military equipment outside the theater in which it is normally located unless a service secretary determined that performing the maintenance and overhaul outside the theater would adversely affect military preparedness or would violate an international agreement.

The Senate amendment contained no similar provision.

The Senate recedes.

Study of providing forward presence of naval forces during peacetime (sec. 1361)

The Senate amendment included a provision (sec. 1042) that would require the Secretary of Defense to submit a report on alternative methods for providing forward presence. The provision would prevent obligating shipbuilding and conversion, Navy funds for the carrier replacement program for fiscal year 1994 until the Secretary has submitted this report.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the carrier replacement program obligation limitation.

Permanent authority to pay certain expenses of personnel of developing countries for attendance at bilateral or regional cooperation conferences (sec. 1362)

The Senate amendment contained a provision (sec. 1057) that would make permanent the authority of the Secretary of Defense to pay the travel, subsistence, and similar expenses of defense personnel of developing countries in connection with their attendance at defense meetings.

The House bill contained no similar provision.

The House recedes.

Report on proliferation of military-based satellites (sec. 1363)

The House bill contained a provision (sec. 1065) that would require the Secretary of Defense to submit a report to Congress on the proliferation of satellites with military applications; current and planned U.S. efforts to develop an antisatellite capability to counter this proliferation; and U.S. military requirements for antisatellite capabilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add two sections to the report requirement. One would require a review of other measures that the United States might use to counter satellites, and the other would require an assessment of the likelihood of any Third World country with access to militarily useful satellites being able to obtain or develop an effective antisatellite capability.

In addition, the conferees direct the Secretary to submit his report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

Report on international mine clearing (sec. 1364)

The Senate amendment contained a provision (sec. 1067) that would require the Secretary of Defense, in consultation with the Secretary of State, to provide a report on international mine clearing efforts in situations involving the repatriation and resettlement of refugees and displaced persons.

The House bill contained no similar provision.

The House recedes with a technical amendment that would specify that the report shall be submitted to Congress. The report should be delivered to the Senate and House Armed Services Committees, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee.

Landmine export moratorium (sec. 1365)

The Senate amendment contained a provision (sec. 1072) that would prohibit for one year the export of anti-personnel landmines.

The House bill contained no similar provision.

The House recedes with a technical amendment.

LEGISLATIVE PROVISION NOT ADOPTED

Sale to Korea of obsolete ammunition from war reserve stocks

The Senate amendment contained a provision (sec. 361) that would authorize a one-time sale of obsolete ammunition to South Korea at a price negotiated by the Secretary of Defense, but not less than the ammunition's salvage value.

The House bill contained no similar provision.

The Senate recedes. The conferees understand that the Defense Department is interested in transferring to South Korea a variety of obsolete or surplus equipment, in addition to the obsolete ammunition that is the subject of the Senate provision. Rather than consider this possible transfer on a piecemeal basis, the conferees agree to defer the Senate provision so that the Congress may consider in 1993 the entire package of equipment that the Defense Department may propose to transfer to South Korea.

TITLE XIV—DEMILITARIZATION OF THE FORMER SOVIET UNION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Demilitarization of the former Soviet Union (secs. 1401–1441)

The House bill contained several provisions (title XI) dealing with nuclear weapons nonproliferation, including section 1106 and sections 241-243, which concerned weapons destruction and demilitarization in the former Soviet Union. Section 1106 would extend through fiscal year 1993 the authority to expend the remainder of the $400 million authorized in the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228) for destroying the weapons of the former Soviet Union and preventing their proliferation. It would also authorize an additional $250 million for the same purposes. Sections 241–243 would encourage the Secretary of Defense to participate actively in joint research and development programs with the states of the former Soviet Union and would authorize the Secretary to spend not more than $25 million in fiscal year 1993 for technical cooperation and participation, in-kind assistance, and other activities in such programs. The purposes of these programs would include demilitarizing the industries of the former Soviet Union and preventing the proliferation of its weapons.

The Senate amendment contained provisions (title XI) that, in addition to the measures in section 1106 of the House bill, would authorize another $150 million for such programs and extend their scope to include the industrial demilitarization of the former Soviet Union as well as the expansion of military-to-military contacts between the United States and the independent states of the former Soviet Union. The Senate amendment would also stipulate that the presidential certifications regarding recipient countries required under the Soviet Nuclear Threat Reduction Act of 1991 be made annually. The Senate amendment contained no provision similar to sections 241–243 of the House bill.

The conferees agree to combine the provisions of the House bill and the Senate amendment. The conferees agree that the primary focus of the activities authorized under this title should be on the transportation, storage, safeguarding, and destruction of nuclear and other weapons of mass destruction, as well as on the nonproliferation of such weapons and their components. The conferees also believe that prudent and measured U.S. assistance in demilitarizing the defense industries of the former Soviet Union can help reduce the potential threat posed by the former Soviet Union's still robust defense establishment.

The conferees believe that U.S. government funding to assist demilitarizing the defense industries of the former Soviet Union should, to the extent possible, be directed to facilitating the involvement of the U.S. private sector in that process. Such funding should be used, pursuant to an interagency strategy coordinated throughout the relevant components of the U.S. government, to improve the environment for investment by U.S. firms in redirecting the human and material resources of the former Soviet Union's defense sector to meet pressing civilian needs and creating mutually beneficial commercial opportunities. The conferees believe that the provisions in sections 241–243 of the House bill can contribute significantly to such undertakings.

The conferees have in mind industrial demilitarization projects that would directly contribute to the elimination of military production capability, especially in the area of weapons of mass destruction. The conferees believe that a modest use of U.S. government funds can assist in eliminating defense production capability in the former Soviet Union and foster a significant investment of U.S. private sector funds, while bringing profits to U.S. firms and the American economy. The conferees foresee, as discussions with administration officials indicate, that no more than about $40 million for such industrial demilitarization projects would be proposed to the Congress for obligation during fiscal year 1993.

The conferees find that the experience to date of the former Soviet Union in industrial demilitarization indicates that this undertaking can waste ill-considered investments. To help insure that funds available under this title are used effectively to advance U.S. interests, the conferees have established specific requirements for advance notifications of any proposal to obligate funds for industrial demilitarization in the former Soviet Union.

The conferees also agree that, at a time when the countries of the former Soviet Union are forming their respective defense establishments and military doctrines, intensified contacts between them and U.S. defense officials are timely. Such contacts, if carefully conceived and selectively executed, can help shape the militaries of these countries along non-threatening, democratic lines and thus advance U.S. national security interests.

Therefore, the conferees urge the Secretary of Defense to establish programs to accelerate and intensify contacts and cooperation between the Department of Defense and selected elements of the ministries of defense and armed forces of the states of the former Soviet Union. The conferees believe that such programs should include those to promote (1) civil-military relations appropriate to democratic societies; (2) openness and transparency in defense establishments, policy, doctrine, forces, budgets, and programs; and (3) cooperation, education, advice, and training in areas of shared security interests.

The conferees agree to limit funding under this title for military-to-military contacts to not more than $15 million.

The conferees further agree to limit expenditures for other specifically authorized activities as follows: (1) not more than $25 million for joint research and development conducted by the nongovernmental foundation established in the Freedom Support Act; (2) not more than $10 million for the study, assessment, and identification of nuclear waste disposal activities by the former Soviet Union in the Arctic region; (3) not more than $25 million for the activities of Project Peace as outlined in Senate Report 102–408 accompanying the Fiscal Year 1993 Department of Defense Appropriations bill; and (4) not more than $10 million for the volunteers investing in peace and security (VIPS) program, as outlined in section 1322 of this act.

TITLE XV—NON-PROLIFERATION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

International nuclear nonproliferation (secs. 1501–1505)

The amended budget request contained no funding for international nonproliferation activities.

The House bill contained provisions (title XI) aimed at reducing the threat of nuclear proliferation. Section 1103 would require DOD and DOE to submit a joint report on their nonproliferation activities and the mechanisms for integrating them with those of other U.S. Government agencies. Section 1104 of the House bill would support the development of technologies to improve the capabilities to detect and monitor proliferation activities. That section would authorize $20.0 million for DOD nonproliferation technology programs, such as improved sensors for radiation detection, effluent analysis, and seismic stations. It would also authorize $40.0 million for DOE nonproliferation activities in areas such as verification technology, nuclear safety, and nuclear security. Section 1105 of the House bill would encourage the Secretary of Defense and the Secretary of Energy to participate actively in U.S. efforts to stem the proliferation of nuclear weapons. It would authorize up to $40.0 million that the Secretary of Defense and Secretary of Energy, under the guidance of the President and in coordination with the Secretary of State, could spend in support of and for technical cooperation with international organizations to establish more effective safeguards against proliferation and combat the threat of nuclear terrorism and nuclear accidents.

The Senate amendment contained a provision (sec. 1075) that would authorize the Secretary of Defense to furnish assistance in support of international nuclear nonproliferation activities. DOD assistance in support of international activities would include provision of supplies and equipment from existing stocks and financial support from amounts appropriated for DOD for fiscal year 1993 or from balances in the working capital accounts. The provision of DOD support would require a determination by the Secretary of Defense that provision of this support was in the national security interests of the United States and that the provision of support would not adversely affect military preparedness. Support for international organizations would be limited to $20.0 million and could only be furnished if Department of State funds for contributions to international organizations were found insufficient or not available to meet U.S. fair share assessments for international nuclear nonproliferation activities. In addition, $20.0 million could be used for the On-Site Inspection Agency (OSIA) in support of the United Nations Special Commission on Iraq.

The Senate amendment would also provide an additional $86 million for verification and control technology in support of President Bush's nonproliferation initiative.

The Senate recedes with an amendment.

The conferees recommend a provision (sec. 1502) that would incorporate the concerns of Congress about the growing threat to U.S. national security of the proliferation of weapons of mass destruction and missile, delivery systems. The provision would emphasize Congress' support for increased funding for nonproliferation technologies, and encourage more active support by DOD and DOE for nonproliferation activities. Another provision (sec. 1504) would highlight programs funded in appropriate accounts elsewhere in the act, including $20.0 million for seismic research and nuclear proliferation detection technology programs at the Defense Advanced Research Projects Agency (DARPA) as part of its strategic technology program. In addition, section 1505 would encourage DOD to provide increased support for international nonproliferation activities, such as the activities of the International Atomic Energy Agency (IAEA) and the U.N. Special Commission on Iraq, that are designed to ensure more effective safeguards against the proliferation of nuclear weapons and other weapons of mass destruction. To that end, the provision would authorize DOD to spend up to $40.0 million for these activities, in the form of funds as well as in-kind contributions of supplies, equipment, personnel, training, and other forms of assistance.

The conferees are concerned that in this era of declining defense budgets, DOD and DOE should seek to eliminate duplication of effort in research and development programs by improving the coordination and integration of all nonproliferation detection and monitoring research and development programs currently being conducted in DOD and its agencies as well as DOE and the national laboratories. This includes R&D programs that may have application to arms control compliance research and development activities. Section 1503 would require DOD and DOE to submit a joint report on their nonproliferation activities and the mechanisms for integrating these activities with those of other departments and agencies. Additionally, the conferees encourage DOD and DOE to combine their efforts in joint projects, like the LIDAR (laser imaging detection and ranging) program, an emerging laser technology for remote sensing, detection, and monitoring of the clandestine production of chemical, biological, and nuclear weapons. The conferees note that DOD tasked DARPA to conduct a survey of all existing federal R&D technologies which might have application to nuclear proliferation monitoring. The conferees direct that this report be provided promptly to the congressional defense committees in advance of the final report required under this provision.

The conferees agree that the funding in this act represents a significant step toward the funding levels supported by the President and a substantial initiative in combatting proliferation of mass destruction. In addition, given the expanded demands for training in the area of international safeguards and the handling of nuclear materials, the conferees encourage the President to include in the budget submission for fiscal years 1994/1995 the resources necessary to meet this rapidly growing demand.

TITLE XVI—IRAN-IRAQ ARMS NON-PROLIFERATION ACT OF 1992

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Iran-Iraq Arms Nonproliferation Act of 1992 (secs. 1601–1608)

The Senate amendment contained provisions (title XIV) that would establish new sanctions on countries and individuals who supply nuclear, chemical, biological, or advanced conventional weapons and related technology to Iran or Iraq. The provision would extend certain sanctions to Iran, which were imposed on Iraq following the invasion of Kuwait. Specifically, the sanctions would prohibit: (1) arms sales under the Arms Export Control Act; (2) export licenses for controlled items on the U.S. Munitions List; (3) export licenses under the Export Administration Act for arms-related products; and (4) Nuclear Regulatory Commission licenses or distributions of nuclear material under the Atomic Energy Act.

The provision would establish extensive new sanctions against suppliers to Iraq or Iran of nuclear, chemical, or biological weapons and related technology, as well as certain destabilizing advanced conventional weapons (a category of weapons and technology to be determined by the President). The limited-time sanctions (which would be mandatory and discretionary) include: (1) debarment from U.S. government contracting; (2) prohibition on export licenses for suppliers; and (3) suspension of U.S. government assistance to supplier countries. The provision would require the President, in a report to Congress, to identify publicly suppliers of arms to Iraq and Iran. The provision would allow the President to waive sanctions for reasons of national interest.

The House bill contained no similar provision.

The House recedes with an amendment.

The conference agreement would generally mandate sanctions on companies and individuals determined to have knowingly and materially contributed to the efforts of Iran or Iraq to acquire destabilizing numbers and types of advanced conventional weapons or to acquire other weapons of mass destruction.

The conferees would like to clarify one point concerning the timing of determinations that a company or individual has transferred goods or technology to Iran or Iraq contrary to this conference agreement. In rare circumstances, a premature determination that sanctions should be imposed could inhibit the full flow of information about weapons proliferation that might otherwise be acquired. The conferees understand that this legislation does not dictate the timing of sanctions. Accordingly, the President, in rare circumstances, may delay a determination that a company or individual has materially and knowingly made a transfer that is subject to a sanction under this conference agreement if such delay is necessary to protect intelligence sources or methods essential to the acquisition of further intelligence about proliferation. Such a delay would be appropriate, for example, when the United States is using sensitive sources or methods to gather information on other proliferation, or where additional time is needed to develop nonsensitive information that could be used to explain publicly the imposition of sanctions. However, such a delay should not be indefinite, because the ultimate purpose of these provisions is to sanction those persons that are known to be materially and knowingly involved in weapons proliferation. Moreover, the delay should be only for the purpose of furthering the policy of sanctioning proliferators. A delayed determination would not be justified to further any other policy.

TITLE XVII—CUBAN DEMOCRACY ACT OF 1992

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Cuban Democracy Act of 1992 (secs. 1701–1712)

The Senate amendment contained provisions (secs. 1201–1212) that would establish certain policies toward Cuba.

The House amendment contained no similar provisions.

The House recedes with an amendment that would make the following changes to the Senate provisions: (1) delete the statement in section 1203 that it should be U.S. policy to prevent Cuba from evading the U.S. embargo of Cuba through a North American Free Trade Agreement; (2) delete the requirement in section 1208 that the President enter into negotiations for a trade framework agreement with a democratic Cuban government; and (3) make a technical change in section 1206.

TITLE XVIII—FEDERAL CHARTERS FOR PATRIOTIC ORGANIZATIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Federal charters for patriotic organizations (secs. 1801–1838)

The Senate amendment contained provisions (secs. 1046 and 1047) that would grant federal charters to two nonprofit service organizations, The Military Order of the World Wars and the Retired Enlisted Association.

The House bill contained no similar provisions.

The House recedes with a technical amendment.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

OVERVIEW

The amended budget request for fiscal year 1993 contained $10,183,492,000 for military construction and family housing.

The House bill would authorize $10,385,653,000 for military construction and family housing.

The Senate amendment would provide $8,933,398,000 for this purpose.

The conferees recommend authorization of $8,798,832,000 for military construction and family housing in fiscal year 1993.

FY 1993 MILITARY CONSTRUCTION
AUTHORIZATION OF APPROPRIATIONS
RECAPITULATION
[In thousands of dollars]

	BUDGET REQUEST	PASSED HOUSE	PASSED SENATE	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT
ARMY	995,548	997,518	516,400	(524,888)	470,660
NAVY	838,848	853,425	354,109	(434,999)	403,849
AIR FORCE	1,150,844	1,080,594	805,530	(299,864)	850,980
DEFENSE AGENCIES	451,468	489,618	252,196	(97,022)	354,446
NATO INFRASTRUCTURE	221,200	121,200	221,200	(161,200)	60,000
BASE REALIGN & CLOSURE, 1988	440,700	440,700	440,700	0	440,700
BASE REALIGN & CLOSURE, 1991	1,743,600	1,743,600	1,743,600	0	1,743,600
ARMY NATIONAL GUARD	46,700	217,711	138,677	161,972	208,672
AIR NATIONAL GUARD	173,270	261,259	229,679	132,489	305,759
ARMY RESERVE	31,500	31,500	36,505	3,350	34,850
NAVY RESERVE	37,772	37,772	15,715	(20,572)	17,200
AIR FORCE RESERVE	52,880	56,380	34,353	(16,300)	36,580
FY 1989 DEAUTHORIZATIONS	0	0	(9,440)	(9,440)	(9,440)
FY 1990 DEAUTHORIZATIONS	0	0	(6,550)	(6,550)	(6,550)
FY 1991 DEAUTHORIZATIONS	0	0	(21,428)	(21,428)	(21,428)
FY 1992 DEAUTHORIZATIONS	0	0	(34,590)	(34,590)	(34,590)
TOTAL MILITARY CONSTRUCTION	6,184,330	6,331,277	4,716,656	(1,329,042)	4,855,288
FAMILY HOUSING CONSTRUCTION, ARMY	175,600	211,400	196,000	(15,560)	160,040
FAMILY HOUSING SUPPORT, ARMY	1,380,390	1,375,390	1,380,390	(16,820)	1,363,570
PORTION APPLIED TO DEBT REDUCTION	127	127	127	0	127
FAMILY HOUSING CONSTRUCTION, NAVY	321,070	339,640	491,750	64,364	385,434
FAMILY HOUSING SUPPORT, NAVY	696,177	696,177	696,177	(34,931)	661,246
FAMILY HOUSING CONSTRUCTION, AIR FORCE	322,110	332,954	348,610	(38,324)	283,786
FAMILY HOUSING SUPPORT, AIR FORCE	942,288	937,288	942,288	(14,347)	927,941
FAMILY HOUSING CONSTRUCTION, DEF AGENCIES	0	0	0	0	0
FAMILY HOUSING SUPPORT, DEF AGENCIES	28,400	28,400	28,400	0	28,400
HOMEOWNERS ASSISTANCE FUND	133,000	133,000	133,000	0	133,000
TOTAL FAMILY HOUSING	3,999,162	4,054,376	4,216,742	(55,618)	3,943,544
TOTAL MILITARY CONSTRUCTION & FAMILY HOUSING	10,183,492	10,385,653	8,933,398	(1,384,660)	8,798,832

TITLE XXI—ARMY

FISCAL YEAR 1993

The House bill would authorize $2,717,435,000 for Army military construction and family housing programs for fiscal year 1993.

The Senate amendment would authorize $2,221,967,000 for this purpose.

The conferees recommend authorization of $2,127,397,000 for military construction and family housing for the Army for fiscal year 1993.

TITLE XXII—NAVY

Fiscal Year 1993

The House bill would authorize $1,889,242,000 for Navy military construction and family housing programs for fiscal year 1993.

The Senate amendment would authorize $1,542,036,000 for this purpose.

The conferees recommend authorization of $1,450,529,000 for military construction and family housing for the Navy for fiscal year 1993.

Power plant relocation, Navy Public Works Center, Guam (sec. 2205)

The Senate amendment contained a provision (sec. 2205) that would amend section 2201(b) of the National Defense Authorization Act for Fiscal Year 1989 (Public Law 100–456), which authorized $27.8 million for the construction of a power plant at Naval Station Subic Bay, Philippines. The amendment would provide for the siting of the power plant at Navy Public Works Center, Guam.

The House bill contained no similar provision.

The House recedes.

Revised authorizations for certain Marine Corps projects (sec. 2206)

The Senate amendment contained a provision (sec. 2206) that would repeal an authorization of $8.3 million for a forward training area at Marine Corps Air Station, Cherry Point, North Carolina, and authorize in lieu thereof the following projects:

Installation	Facility	Millions
MCAS Cherry Point	Air control operations facility	$3.0
MCAS Cherry Point	Aviation supply warehouse	1.68
MCAS New River	Physical fitness center	3.6

The House bill contained no similar provision.

The House recedes.

Defense access roads, Naval Station Pascagoula, Mississippi (sec. 2207)

The Senate amendment contained a provision (sec. 2207) that would direct the Secretary of the Navy to expend, from amounts previously authorized for appropriation in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), such amounts as are needed for the planning and design of defense access roads critical to the access of Naval Station Pascagoula, Mississippi.

The House bill contained no similar provision.

The House recedes.

Military family housing, Naval Air Station Whidbey Island, Washington (sec. 2208)

The Senate amendment contained a provision (sec. 2208) that would direct the Secretary of the Navy to initiate design of 300 units of military family housing at Naval Air Station, Whidbey Island, Washington, in fiscal year 1994.

The House bill contained no similar provision.

The House recedes.

Military construction, United States Naval Academy, Annapolis, Maryland

The conferees recommend an authorization of $6.5 million for the construction of a physical fitness center at the United States Naval Academy. The conferees intend that funds to construct this facility shall be obligated only if this facility is designed and operated in support of the entire student body, faculty, and staff populations.

TITLE XXIII—AIR FORCE

Fiscal Year 1993

The House bill would authorize $2,350,836,000 for Air Force military construction and family housing programs for fiscal year 1993.

The Senate amendment would authorize $2,064,428,000 for this purpose.

The conferees recommend authorization of $2,062,707,000 for military construction and family housing for the Air Force for fiscal year 1993.

Child development center relocation, Buckley Air National Guard Base, Colorado (sec. 2305)

The Senate amendment contained a provision (sec. 2305) that would approve the resiting of a child development center authorized in section 2301(a) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) from Lowry Air Force Base, Colorado, to Buckley Air National Guard Base, Colorado.

The House bill contained no similar provision.

The House recedes.

Authorized family housing lease projects (sec. 2306)

The Senate amendment contained a provision (sec. 2306) that would authorize certain military family housing build-to-lease projects under the authority of section 2835 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Authorized military housing rental guarantee projects (sec. 2307)

The Senate amendment contained a provision (sec. 2307) that would authorize the Secretary of the Air Force to enter into certain rental guarantee agreements for military family housing under the authority of section 2836 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Termination of authority to carry out certain projects (sec. 2308)

The Senate amendment contained a provision (sec. 2308) that would repeal certain authorizations contained in the National Defense Authorization Acts for Fiscal Years 1991 and 1992/1993 (Public Laws 101–510 and 102–190). These projects are no longer required.

The House bill contained no similar provision.

The House recedes.

Langley Air Force Base, Virginia

The conferees agree to authorize $5.3 million for urgently needed facilities at Langley Air Force Base, Virginia, to effect the consolidation of the former Tactical Air Command and Strategic Air Command into the Air Combat Command. The Secretary of the Air Force is directed to submit a request for reprogramming of funds to the appropriate defense committees as soon as possible in order to address this urgent requirement.

TITLE XXIV—DEFENSE AGENCIES

FISCAL YEAR 1993

The House bill would authorize $2,702,318,000 for Defense Agencies military construction and family housing programs for fiscal year 1993.

The Senate amendment would authorize $2,496,896,000 for this purpose.

The conferees recommend authorization of $2,567,146,000 for military construction and family housing for Defense Agencies for fiscal year 1993.

Energy conservation projects (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize the Secretary of Defense to carry out energy conservation projects under section 2865 of title 10, United States Code, using amounts authorized for appropriation in fiscal year 1993.

The Senate amendment contained no similar provision.

The Senate recedes.

Army Institute of Research, Walter Reed Army Medical Center, District of Columbia

The conferees agree to the administration request for authorization of $147.3 million for the construction of a replacement facility for the Army Institute of Research at Walter Reed Army Medical Center. The first phase of construction, $13.3 million, is authorized for appropriation in fiscal year 1993. The remaining construction will be phased over fiscal years 1994 and 1995.

None of the funds authorized for this purpose may be obligated until 60 days after the Department of Defense provides the congressional defense committees a long-range plan for adjusting the military medical infrastructure to bring it in line with the reduced military force structure and the rising cost of medical care.

The conferees recognize that the facilities occupied by the Army Institute of Research are clearly substandard and need replacement. For this reason, the conferees support the substantial capital commitment to provide a replacement facility. However, the conferees also believe that the Department must have a clear, long-term facility plan within which to justify decisions to spend very substantial sums to capitalize facilities to support medical research and education. Consequently, obligation of funds to proceed with the new facility for the Army Institute of Research shall not be made until the congressional defense committees have an opportunity to assess such plans.

TITLE XXV—NATO

FISCAL YEAR 1993

The House bill would authorize $121,200,000 for the U.S. contribution to the NATO Infrastructure program for fiscal year 1993.

The Senate amendment would authorize $221,200,000 for this purpose.

The conferees recommend authorization of $60,000,000 for this purpose.

NATO infrastructure

The House bill contained an authorization of $121.2 million for the NATO Infrastructure account, while the Senate amendment contained an authorization of $221.2 million for this purpose.

In recognition of the level of funding provided by the conferees to the Military Construction Appropriation Act for Fiscal Year 1993, the conferees agree to an authorization of $60 million.

The conferees appreciate the funding constraints that faced the Appropriations Committees, and also recognize the substantial levels of unobligated balances that the NATO Infrastructure account currently enjoys. However, the conferees are concerned that the reduced level of funding may suggest a lack of congressional support for this important burdensharing mechanism.

While the conferees support the use of the NATO Infrastructure program to capitalize and maintain essential alliance facilities, they encourage the NATO leadership to expeditiously develop a revised infrastructure investment program that supports the alliance's revised strategic goals and recognizes the reduced funding available to member nations. In this regard, the conferees are encouraged by recent negotiations which may provide for additional alliance support for the operating costs of forward deployed U.S. forces in Europe.

TITLE XXVI—GUARD AND RESERVE

FISCAL YEAR 1993

The House bill would authorize $604,622,000 for military construction for fiscal year 1993 for the Guard and Reserve components.

The Senate amendment would authorize $458,879,000 for this purpose.

The conferees recommend authorization of $603,061,000 for military construction for fiscal year 1993. This authorization would be distributed as follows:

Army National Guard	$208,672,000
Army Reserve	34,850,000
Naval/Marine Corps Reserve	17,200,000
Air National Guard	305,759,000
Air Force Reserve	36,580,000

Reductions in certain prior year authorizations of appropriations for Air Force Reserve military construction projects (sec. 2604)

The Senate amendment contained a provision (sec. 2602) that would reduce the Air Force Reserve authorization for fiscal years 1989, 1990, and 1991 to adjust for projects requested for those years that are no longer required.

The House bill contained no similar provision.

The House recedes.

Unauthorized appropriations

The committee recommends authorization of the following Army National Guard projects for which funds were appropriated in fiscal year 1992:

[In thousands of dollars]

Add/alter CSMS, Stockton, California	$1,613
Indoor range conversion, California	2,172
Physical training facility, Camp Dodge, Iowa	960
Hawk training site, New Mexico	1,546
Armory, McConnelsville, Ohio	4,669
Training facility, Camp Swift, Texas	5,138
Armory renovation, Victoria, Texas	399

Reserve component facilities requirements

The conferees note that the Department of Defense Inspector General and the Service audit agencies have issued a series of reports over the last year concerning military construction projects for the reserve components. Many of these reports have criticized the methodology used to determine the size and scope of these projects, concluding that they were substantially oversized for the actual needs of the units supported. Similarly, the audits cited a lack of coordination among the reserve components to maximize the use of existing facilities in an area, and the absence of a rigorous economic analysis of proposals for new construction compared to addition and/or alteration of existing facilities.

Management replies to the conclusions and recommendations of these reports have been less than responsive. One report summarizes management's response to five years of audits by noting that while management generally agreed with recommendations to improve the justification process and strengthen internal controls, it did not agree to cancel, downscope, or consolidate construction projects. During that period, the Army Audit Agency had questioned a total of $297 million in construction projects. Similar reactions were noted within the other Services.

The conferees, while not always agreeing with specific audit findings, believe that the DOD Inspector General and the audit agencies' reports provide the military Services valuable opportunities to maximize the use of increasingly scarce construction resources. While the conferees did not agree to the general reductions in reserve component construction recommended by the Senate amendment, they agree that the issue of inadequate justification warrants additional attention by the Department of Defense.

In the coming year, the conferees intend to make the issue of reserve component facility requirements a matter of special interest.

Army Reserve Center, Red Bud, Illinois

The conferees are aware of the interest of the city of Red Bud, Illinois, in hosting a center to support Army Reserve units in southern Illinois. The Secretary of the Army is directed to explore the city's willingness to jointly fund such a center and evaluate whether the needs of the Army Reserve or other reserve components would justify such an initiative.

Should such a center be justified, the conferees believe that design should be initiated in fiscal year 1994, so that the construction can be included in the amended fiscal year 1995 budget request.

TITLE XXVIII—GENERAL PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Authority to carry out energy conservation construction projects (sec. 2801)

The House bill contained a provision (sec. 2805) that would amend section 2865 of title 10, United States Code, to allow the Secretary to carry out energy conservation construction projects not previously authorized as specific projects. It included an annual report requirement regarding the use of this authority.

The Senate amendment contained a similar provision (sec. 2801).

The Senate recedes with an amendment that would provide a technical conforming change to section 2865 of title 10, United States Code, to allow defense installations to develop demand reduction and energy conservation programs with utility companies where the needs and conservation potential of such programs would result in significant benefits. The provision would further clarify the authority of the Department to participate in such programs and limit the government's exposure to the cost of utility financing.

The conferees recognize that the energy efficiency improvement projects accomplished under these programs could be of such a scope as might otherwise require the use of military construction funds. However, in light of the mutual benefit of these programs to the Defense Department, utility companies and other rate payers, the conferees support participation in these important energy savings programs.

Authority to construct replacement family housing units (sec. 2802)

The Senate amendment contained a provision (sec. 2805) that would amend sections 2822 and 2825 of title 10, United States Code, to provide the military Services and defense agencies with additional flexibility in making determinations whether to proceed with previously authorized renovations to military family housing or, if unforeseen circumstances suggested that such an approach was uneconomical, permit the use of that authority to construct replacement housing up to the authorized funding level.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the intent of the Senate provision.

Use of proceeds from the transfer or disposal of commissary stores and other facilities and property (sec. 2821)

The Senate amendment contained a provision (sec. 2822) that would amend the Base Closure and Realignment Acts of 1988 and 1990 by altering the formula by which the Defense Commissary Service and nonappropriated fund instrumentalities are reimbursed for investments made in facilities on closing bases. The provision would authorize reimbursement of an amount no greater than the depreciated value of such facilities or improvements.

The House bill contained no similar provision.

The House recedes with an amendment that would extend this policy to similar reimbursements associated with the closure of overseas military bases.

Demonstration project for the use of a national relocation contractor to assist the Department of Defense (sec. 2822)

The House bill contained a provision (sec. 2821) that would direct the Secretary of Defense to contract with a nationwide relocation firm to provide a one-year demonstration project for the management and disposal functions required to administer the homeowners assistance program. The Comptroller General would provide to the Committees on Armed Services of the Senate and the House of Representatives an evaluation of this contract to help determine whether this approach should be applied more broadly.

The Senate amendment contained a similar provision (sec. 2824).

The House recedes with an amendment that would direct that the contract be awarded no later than 30 days after enactment of this act, and that the Comptroller General evaluate it after it has run for one year.

Clarification on availability of excess and surplus federal property to assist the homeless (sec. 2824)

The House bill contained a provision (sec. 2823) that would streamline the reporting of surplus federal buildings and other properties for reuse under the Stewart B. McKinney Homeless Assistance Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide technical changes to the Act regarding the screening of federal property for use in support of sheltering the homeless.

Property shall be considered to remain available for application for use to assist the homeless after the 60 day hold period provided under subsection (d) of the statute unless:

(1) an application for or written expression of interest is made under any law for use of the property for any purpose authorized by that law; or

(2) the Administrator of General Services has received a bona fide offer to purchase the property or has advertised the sale of the property by public auction.

The conferees intend that providers of shelter to the homeless may continue to apply for unused, underused, or surplus federal property after the initial 60 day holding period currently provided by law. The statute continues to provide this period exclusively for consideration of applications for homeless uses. Nothing in this provision is meant to preclude homeless providers from applying for any such property after the 60 day hold period has expired.

Revision of requirements relating to budget data on base closures (sec. 2825)

The Senate amendment contained a provision (sec. 2825) that would amend section 2822 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) by refocusing the analysis of the construction costs of closing military bases by the Defense Inspector General from specific construction projects to the overall costs of construction associated with such closures.

The House bill contained no similar provision.

The House recedes.

Treatment of Proposals relating to the Defense Finance and Accounting Service under base closure laws (sec. 2826)

The House bill contained a provision (sec. 373) that would direct the Secretary of Defense, in making siting decisions for new functions of the Defense Finance and Accounting Service (DFAS), to consider the ability of States and communities to compete for such functions, and to provide a report on this issue to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees are skeptical of the appropriateness of the Defense Department's solicitation of local communities to capitalize facilities and subsidize operations of new DFAS centers. While this practice may be narrowly beneficial to DFAS, it flies in the face of the larger pattern of closing military bases and, in many cases, transferring federally financed assets to communities at little or no cost. The conferees believe that the Secretary of Defense, in recommending sites for DFAS consolidated activities, ought to take account of a broader set of considerations than simply the relative economics of proposals made by communities in response to the Department's solicitation. The conferees also hope that the Defense Base Closure and Realignment Commission, in reviewing the Secretary's recommendations, will also take a broader perspective.

Annual report relating to overseas military facility investment recovery account (sec. 2827)

The Senate amendment contained a provision (sec. 2828) that would amend section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) by expanding the annual report provided to the Committees on Armed Services of the Senate and House of Representatives concerning deposits into the overseas military facility investment recovery account. The additional data would provide the Committees with an indication of whether the United States was recovering an equitable proportion of its past investment in overseas military bases which it was vacating.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees remain concerned that the United States receive an equitable return of its past investment in overseas bases which are being vacated by U.S. military forces. While the current law envisions that cash payments for residual value by host governments would be used for maintenance and repair or environmental restoration of military facilities in the United States, the conferees are aware of facility needs of overseas bases where United States forces will remain over the long term. For this reason, the current law is amended to permit the use of the proceeds of residual value negotiations to be used for the maintenance and repair of facilities at overseas bases where U.S. forces will remain for the long term, as well as for expenses associated with environmental compliance, but not environmental restoration.

In addition, the amendment would provide a process by which the Secretary of Defense would notify the Congress of those unusual circumstances in which negotiations over residual value might result in non-monetary compensation to the United States. In these cases, Congress would be notified of the reason for such a payment regime, and the options for in-kind payment which the United States would be pursuing.

Modification of land exchange, San Diego, California (sec. 2831)

The House bill contained a provision (sec. 2832) that would amend section 837 of the Military Construction Authorization Act of 1985 (Public Law 98–407) to modify the authority of the Secretary of the Navy to enter into an exchange of land and/or other real property with the City of San Diego. Any acquisition of land or improvements using the proceeds from such an exchange would be subject to appropriation.

The Senate amendment contained a similar provision (sec. 2831).

The Senate recedes.

Land acquisition and exchange, Myrtle Beach Air Force Base and Poinsett Weapons Range, South Carolina (Sec. 2832)

The House bill contained a provision (sec. 2833) that would authorize the Secretary of Defense to enter into a value for value exchange of real estate and improvements at Myrtle Beach Air Force Base, South Carolina, which is closing, for land which is currently being leased for use as Poinsett Weapons Range, South Carolina. The authority would also permit the acquisition of additional land around the range needed to meet current operational and safety needs.

The Senate amendment contained a similar provision (sec. 2832).

The House recedes.

Land conveyance, Pittsburgh, Pennsylvania (sec. 2833)

The House bill contained a provision (sec. 2834) that would authorize the Secretary of the Army to convey, without reimbursement, to the Urban Redevelopment Authority of Pittsburgh, Pennsylvania, approximately 12 acres constituting the former Hays Army Ammunition Plant.

The Senate amendment contained no similar provision.

The Senate recedes. The conferees believe that the Secretary of the Army should proceed with the conveyance of this unused facility as quickly as possible. While authorized to convey this property at no cost, the conferees believe that the Secretary should negotiate the payment of whatever is determined by the Secretary to be the fair market value of the site, taking into account the previous lack of interest on the part of any prospective buyer. The conferees believe that expedited redevelopment of this land is in the best interest of both the Army and the community.

Leases of property at the Naval Supply Center, Oakland, California (sec. 2834)

The House bill contained a provision (sec. 2835) that would authorize the Secretary of the Navy to lease to the Union Pacific Railroad Company approximately 15 acres of land located at the Naval Supply Center, Oakland, California.

The Senate amendment contained a similar provision (sec. 2834) that would clarify the Secretary's authority to negotiate equitable relocation and facility replacement costs, in addition to the fair market value of the long-term lease. It would also direct that the proceeds of the lease be deposited in a special fund established under section 2667 of title 10, United States Code, for this purpose, and used equally by the base and military Service for real property maintenance and environmental restoration.

The Senate amendment contained a second provision (sec. 2835) that would repeal authority to lease certain property at the Naval Supply Center, Oakland, California, which is contained in section 2338 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180), and replace it with an expanded authority which would include as potential lessees both the City and Port of Oakland, California.

The House recedes on the provision related to the Union Pacific Railroad, and recedes with an amendment regarding the repeal and reauthorization of the authority to lease property to either the City or Port of Oakland. The amendment would permit proceeds of the latter lease to be used for facility improvements at the Supply Center.

The conferees note that the retention of lease proceeds by an installation runs contrary to current policy, which was included in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510). However, an exception would be approved in this instance inasmuch as tentative agreements among the parties were reached based upon a lease authority that predated the current policy.

While the conferees encourage the multiple use of military installations when such use is compatible with the primary military mission, they intend to adhere to the codified policy regarding the use of the proceeds of such agreements.

Land conveyance, Naval Reserve Center, Santa Barbara, California (sec. 2836)

The House bill contained a provision (sec. 2837) that would authorize the Secretary of the Navy to convey to the City of Santa Barbara, California, approximately one acre of land with improvements which supports a Naval Reserve Center, as well as United States Coast Guard and National Oceanic and Atmospheric Administration activities. In exchange, the City would pay the United States the lesser of $2.4 million or the cost of constructing a Naval Reserve Center at Naval Construction Battalion Center, Port Hueneme, California. In addition, the City would provide other favorable considerations to the other federal tenants of the Santa Barbara site.

The Senate amendment contained a similar provision (sec. 2837).

The House recedes with an amendment regarding the tenure of the National Oceanic and Atmospheric Administration activities at their current site.

The conferees expect the Department of the Navy to receive from this exchange, on behalf of all federal activities impacted by it, at least fair market value for the property it conveys. Such a determination shall be made by the Secretary of the Navy. In making this determination, the Secretary should take into account the circumstances and terms under which the real property and improvements were originally acquired by the Department of Defense.

Land conveyance, Forest Glen Annex, Walter Reed Army Medical Center, Maryland (sec. 2837)

The House bill contained a provision (sec. 2838) that would direct the Secretary of the Army to convey at no cost approximately 10 acres at the Forest Glen Annex of the Walter Reed Army Medical Center, to the Maryland-National Capital Park and Planning Commission for the purpose of retaining this property as a public recreational site.

The Senate amendment contained no similar provision.

The Senate recedes.

Land conveyance, Williams Air Force Base, Arizona (sec. 2838)

The House bill contained a provision (sec. 2839) that would authorize the Secretary of the Air Force to pursue a value for value exchange of land and related interests at Williams Air Force Base, with the State of Arizona for other land and interests within the State.

The Senate amendment contained a similar provision (sec. 2840).

The House recedes.

Modification of land exchange, Burlington, Vermont (sec. 2839)

The Senate amendment contained a provision (sec. 2833) that would amend authority of the Secretary of the Navy to enter into a land exchange with the City of Burlington, Vermont, by extending the expiration date until June 1, 1995.

The House bill contained no similar provision.

The House recedes.

Conveyance of waste water treatment plant, Fort Ritchie, Maryland (sec. 2840)

The Senate amendment contained a provision (sec. 2838) that would authorize the Secretary of the Army to convey on the basis of fair market value, the waste water treatment plant at Fort Ritchie, Maryland, to the Washington County (Maryland) Sanitary District.

The House bill contained no similar provision.

The House recedes.

Acquisition of interests in land, Naval Radio Station, Jim Creek, Washington (sec. 2841)

The Senate amendment contained a provision (sec. 2839) that would authorize the Secretary of the Navy to acquire timber rights on approximately 225 acres, a portion of Naval Radio Station, Jim Creek, Washington. Acquisition of these rights will preserve a unique stand of old growth timber and thereby protect the lakes and creeks in the area that provide a mission essential water supply to the installation.

The House bill contained no similar provision.

The House recedes with a technical amendment that would permit the use of unobligated prior year funds for this purpose.

Real Property Conveyance, Naval Station Puget Sound, Everett, Washington (sec. 2842)

The Senate amendment contained a provision (sec. 2841) that would authorize the Secretary of the Navy to convey three parcels of land in the Puget Sound, Washington, area which are currently underutilized by the Defense Department for family housing. The provision would limit the use of the proceeds of such a conveyance, which would be at no less than fair market value, to the construction of up to 350 units of military family housing to support Naval Station Puget Sound, together with associated survey costs.

The House bill contained no similar provision.

The House recedes with an amendment that would limit this authority to one parcel of land.

Conveyance of Hastings Radar Bomb Scoring Site, Nebraska (sec. 2843)

The Senate amendment contained a provision (sec. 2842) that would authorize the Secretary of the Air Force to convey to Central Community College, Hastings, Nebraska, the Defense Department's remaining interest in the former Naval Ammunition Depot, Hastings, Nebraska, which served as the support site for a radar bomb scoring unit that has been inactivated. The college would be required to pay no less than fair market value.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Abbeville, Alabama (sec. 2844)

The Senate amendment contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey, without consideration, approximately four acres of land located at Abbeville, Alabama. The land was originally donated by the City as the future site of an Army Reserve center. However, the center was not built and none is planned for the foreseeable future.

The House bill contained no similar provision.

The House recedes.

Lease of Hunters Point Naval Shipyard (sec. 2845)

The conferees understand that the Navy and the City of San Francisco, California, are continuing their efforts to consummate a long-term lease of Hunters Point Naval Shipyard, California. The authority for these negotiations was included in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–501).

The deadline for reaching a final agreement was extended until November 5, 1992, in the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190). Although the lease will not be finalized by this date, the conferees recognize that the Navy and City are proceeding with steps to effect a memorandum of understanding, to solicit public comments, and to complete a final lease by early 1993.

The conferees therefore recommend a provision that would extend the current deadline for executing the lease to May 30, 1993.

Termination of lease and sale of facilities, Naval Reserve Center, Atlanta, Georgia (sec. 2846)

The Senate amendment contained a provision (sec. 2844) that would authorize the Secretary of the Navy to negotiate with the Georgia Institute of Technology regarding the termination of the remaining lease by the Navy of approximately two acres of land, and the sale of a government owned Navy Reserve center on that site. The proceeds resulting from such a negotiation, to be no less than fair market value, would be used to the extent needed, to construct a new Naval Reserve center at Dobbins Air Force Base, Georgia. This center would be designed to be collocated with a Marine Corps Reserve Center which is authorized elsewhere in the Senate amendment. Should such a consolidated Marine Corps and Navy Reserve Center result from this provision, it would be under the jurisdiction of the Marine Corps Reserve.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Fort Chaffee, Arkansas (sec. 2847)

The Senate amendment contained a provision (Sec. 2845) that would authorize the Secretary of the Army to convey to the City of Fort Smith, Arkansas, approximately 400 acres of land on Fort Chaffee, Arkansas. In consideration for such a conveyance, the Army would receive in cash or in kind services, no less than fair market value.

The House bill contained no similar provision.

The House recedes.

Technical amendments regarding a land conveyance, Fort A.P. Hill, Virginia (sec. 2848)

The Senate amendment contained a provision (sec. 1078) that would make technical changes to section 603 of the Persian Gulf Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25). These changes would provide needed flexibility in time and contracting arrangements to permit the construction and operation of a regional prison facility at Fort A.P. Hill, Virginia.

The House bill contained no similar provision.

The House recedes.

Storage of hazardous materials on arsenal property in conjunction with third-party contracts (sec. 2852)

The House bill contained a provision (sec. 2843) that would amend section 2692(b) of title 10, United States Code, to provide the Secretaries of the military Services with the authority to waive the existing prohibition on the storage and disposal of toxic and hazardous materials on military installations if such material is required or generated by a private party in connection with the authorized and compatible use of an industrial facility of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit this authority to the storage of hazardous materials.

Report on continued military need for Bellows Air Force Station, Hawaii (sec. 2853)

The House bill contained a provision (sec. 2845) that would direct the Secretary of Defense to provide Congress with a report regarding the continuing military need for Bellows Air Force Station, Hawaii, and the costs and other considerations bearing on alternative sites for the activities at the station.

The Senate amendment contained no similar provision.

The Senate recedes.

Calverton, New York, Pine Barrens Preservation Act (sec. 2854)

The Senate amendment contained a provision (title XXIX) that would direct the Secretary of the Navy, should he declare any portion of the Calverton Pine Barrens as excess to the needs of the Department of the Navy, to designate this tract of approximately 3,234 acres as a nature preserve which would be restricted in any conveyance document from future commercial development.

The House bill contained no similar provision.

The House recedes.

Coastal barrier (sec. 2855)

The conferees recommend a provision that would correct the misclassification of privately owned properties made by the United States Fish and Wildlife Service during the mapping of areas suitable for addition to the coastal barrier resources system in 1990.

These privately owned parcels were incorrectly identified as "otherwise protected areas" (OPA). The designation as an OPA under the Coastal Barrier Improvement Act of 1990 is reserved for property owned by a State or local government, or properties owned by a private organization primarily for conservation purposes.

Homeowners assistance for Homestead Air Force Base personnel (sec. 2856)

The conferees recommend a provision that would provide financial assistance to Defense Department personnel who owned homes and were stationed at Homestead Air Force Base, Florida, prior to the destruction by Hurricane Andrew.

The provision would extend government assistance similar to that provided under the homeowners assistance program to individual homeowners adversely impacted by decisions to close military installations. While there has been no decision by the Defense Department to close Homestead Air Force Base, the installation has been de facto closed by the storm and its personnel have been permanently reassigned to other installations. Those personnel who own homes in the Homestead area are financially liable for their mortgages, but have been assigned elsewhere.

The provision would allow the Secretary of the Air Force to treat these homeowners in a manner similar to that provided to homeowners at installations undergoing normal base closure proceedings.

LEGISLATIVE PROVISIONS NOT ADOPTED

Transfer of maintenance and repair funding from the operation and maintenance account to the military construction account

The House bill contained three provisions (secs. 2801, 2802 and 2803) that would transfer funding of facility repair, maintenance, alteration, and minor construction in excess of $15,000 from the operation and maintenance account to the military construction account.

The Senate amendment contained no similar provisions.

The House recedes.

The Senate amendment contained a provision (sec. 2803) that would raise the threshold of minor construction projects from $300,000 to $1,000,000.

The House bill contained no similar provision.

The Senate recedes.

Currently, all repair and maintenance, and certain minor construction, are funded from within the operation and maintenance account. The Defense Department proposed that all minor construction and major repair projects valued at over $15,000 be funded within the military construction title of the bill.

The conferees agree that the Department's proposal represents a positive step towards creating a more stable, dedicated funding source for the preservation of its facility inventory. The proposal would insure that funds authorized and appropriated to support the facility infrastructure are actually used for that purpose, and not redirected to other expenses which are also funded within the operation and maintenance account. However, it would preclude the positive influx of funding into the facilities area which has occurred within some of the military Services during the last few years. The proposal would also make maintenance and repair funds available for five years, versus one year for operation and maintenance funds. This flexibility should reduce the incentive to expend funds without due diligence at the end of the fiscal year.

Given the merits of this proposal, the conferees recommend that the Department review the comments of the congressional defense committees on this matter, consider raising the threshold for repair projects funded through the military construction account to a level between $200,000 and $300,000, and resubmit this proposal with the fiscal years 1994/1995 budget submission for further consideration.

Notice and wait requirements for emergency construction

The House bill contained a provision (sec. 2804) that would amend section 2803 of title 10, United States Code, by reducing the current 21 day congressional review period to 5 days for emergency construction in cases vital to national security. The review period for emergency construction for other purposes under this authority would not be altered, nor would the $30 million annual limit for each military Service.

The Senate bill contained no similar provision.

The House recedes.

Exchange of certain real property at Marine Corps Air Station, Tustin, California, for replacement facilities

The House bill contained a provision (sec. 2831) that would authorize the Secretary of the Navy to enter into agreements to exchange approximately 1,250 acres of Marine Corps Air Station, Tustin, California, for suitable replacement facilities at Camp Pendleton and/or Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, California.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that the current mechanism for funding the costs of closing bases and realigning forces, as well as for recovering the proceeds from surplus property sales through the base closure account, represents the quickest and most effective procedure to effect base closures, including MCAS Tustin. Therefore, the conferees direct the Department of Defense to program funds in the base closure account for fiscal year 1994 to begin construction of facilities at Camp Pendleton and MCAGCC Twentynine Palms to receive the forces relocating from MCAS Tustin.

The proposed process of exchanging new facilities at the gaining locations for surplus land at the closing installation is cumbersome and would likely delay the ultimate closure of MCAS Tustin, particularly in light of the requirements for environmental restoration. Further, the inference that proceeds of the sale of a Service's base should be devoted exclusively to other facility needs of that Service runs contrary to the basic intent of the base closure accounts which by design mix the assets and liabilities of all of the military services. For these reasons, the conferees believe that the special property disposal procedure proposed for MCAS Tustin would be counterproductive to the timely closure of the base, an action which both the President and the Congress have approved.

The conferees are aware of concerns that replacement facilities at Camp Pendleton and MCAGCC Twentynine Palms meet the operational and quality-of-life needs of military personnel who will be transferred to these locations from MCAS Tustin. The conferees intend that the Department of the Navy provide the Marine forces that relocate from MCAS Tustin at least the same level of facility support that they currently enjoy.

In order to meet this goal, the conferees direct the Department of Defense to establish a special monitoring system to ensure that the standards and relative capacity of facilities constructed to support this closure be at least that currently provided at MCAS Tustin.

The conferees direct the Comptroller General to perform an audit of the budget request for fiscal years 1994/1995 for the base closure account with regard to supporting the closure of MCAS Tustin. This audit shall compare the facilities proposed in this request for construction at the gaining installations to a baseline of facilities being vacated at MCAS Tustin. A report of this audit shall be provided to the Committees on Armed Services of the Senate and House of Representatives no later than 60 days after the budget request for fiscal years 1994/1995 has been submitted to Congress.

Real property transactions: reports to the Armed Services Committees

The House bill contained a provision (sec. 2841) that would amend section 2662 to title 10, United States Code, to waive the reporting requirements of certain real property transactions in the event of a declaration of war or a declaration of a national emergency by the President.

The Senate amendment contained no similar provision.

The House recedes.

Moratorium on obligation of funds for construction or acquisition of military family housing

The Senate amendment contained a provision (sec. 2804) that would prohibit the obligation of funds authorized in fiscal year 1993, as well as unobligated funds that were previously authorized, for the expansion of the family housing stock at military installations. This moratorium would remain in effect until the Department of Defense has solicited bids or proposals for the long-term lease and guaranteed rental initiatives authorized in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190).

The House bill contained no similar provision.

The Senate recedes. The conferees support the continued use of the long-term lease and guaranteed rental programs for military family housing where validated needs can be more economically met through these programs than through military construction. Last year, the authorities for these programs were codified after several years of experimentation and legislative modification. While the Budget Act of 1990 required certain changes to these authorities that may make these programs less attractive to entrepreneurs, the Department has failed to even solicit bids for the badly needed housing projects that were authorized in the National Defense Authorization Act for Fiscal Years 1992 and 1993. Without such solicitations, it is unclear whether the housing industry will favorably respond to pressing needs for military family housing within these authorities.

The conferees note that there has apparently been progress in developing guidance to proceed with solicitations under the 802 guaranteed lease program, as well as the long-term lease authority under section 2809 of title 10, United States Code. The conferees encourage the Secretary of Defense to proceed expeditiously with the solicitation of projects previously authorized under these authorities, as well as projects previously authorized under the build-to-lease authority. Several additional projects under these authorities are authorized in this act for fiscal year 1993.

Base closure account management flexibility

The Senate amendment contained a provision (sec. 2821) that would modify the two base closure accounts which were established in the Base Closure and Realignment Acts of 1988 and 1990. The provision would authorize the transfer of funds between these two accounts in order to permit proceeds accruing from earlier closures to be applied to the costs of later closures. By extending the expiration dates of both accounts, the provision would permit these funding mechanisms to be used to finance ongoing environmental restoration, community impact assistance, and property disposal expenses.

The House bill contained no similar provision.

The Senate recedes. The conferees believe that the Senate provision has merit but is not needed prior to fiscal year 1995. The Secretary of Defense is therefore encouraged to resubmit this proposal in the fiscal years 1994/1995 budget request.

Authority to transfer funds to homeowners assistance program

The Senate amendment contained a provision (sec. 2823) that would allow the Secretary of Defense to use limited, one-way transfer authority to provide funds from other available appropriations to the Homeowners Assistance Fund, Defense, to cover the expenses to the fund associated with personnel dislocations resulting from base closures and realignments.

The House bill contained no similar provision.

The Senate recedes.

Prohibition on expansion of certain military operations areas

The Senate amendment contained a provision (sec. 2863) that would direct the Secretary of the Air Force to limit expansion of military operations areas for reserve component tactical training to within the geographic boundaries of areas already approved for such training.

The House bill contained no similar provision; however similar concerns are expressed in the House report (H. Rept. 102-527).

The Senate recedes. The conferees agree with many of the concerns raised in the Senate and House reports regarding the potential environmental impact of modernizing reserve component units with high performance aircraft such as F-15 and F-16 aircraft, and the apparent lack of sensitivity to these issues in making basing decisions and training airspace modification proposals.

The conferees recognize that there are existing statutory authorities such as the National Environmental Policy Act and the Clean Air Act through which adverse environmental impacts must be identified and mitigation measures assessed. However, these statutes do not directly focus on the requirements behind proposed federal actions and often do not provide a forum to fully explore alternatives. Thus, in the case of proposals to expand military training areas to support reserve component fighter units that are receiving F-15 and F-16 aircraft, the baseline for discussion is generally the aircraft modernization action proposed by the military Service, and the training airspace modifications which then are needed.

Alternative mission locations and revised training requirements tend to become subordinated to concerns about preserving reserve component units within an era of reduced force structure, and a desire to secure training areas which will permit the highest state of readiness, even if the foreseeable threat and the training resources of such units do not currently support such high levels of training.

In the post-Cold War period of diminished threats and reduced reserve component forces, the conferees believe that decisions to introduce more capable, but environmentally intrusive weapons systems must receive substantially greater scrutiny at the beginning of the base selection process, rather than afterwards.

Finally, the conferees note that in negotiations regarding the introduction of F-16 aircraft in the northeastern United States and the associated alterations to supporting military operations areas, the Air National Guard has developed a number of mechanisms that may serve as models in designing mitigation strategies elsewhere. These initiatives include: limiting the number of military flights within a training area; dispersing flight operations in both time and location; limiting low level flying to the maximum extent possible; creating a two-tiered system of low level airspace so that the lowest altitudes authorized would only be used in times of national emergency or special exercises; and establishing a process for public input and monitoring of military operations through the use of hotlines and regular, public regional airspace committee meetings to review public concerns and airspace problems.

The conferees recommend that the Secretary of Defense make this matter an item of special consideration as the Department develops long-range basing plans. The conferees intend to also make the issue of the environmental impact of military air operations, particularly those of the reserve components, a matter of continuing oversight.

In this regard, the conferees direct the Chief of the Air National Guard to provide to the congressional defense committees a report on the effectiveness of mitigations agreed to by the Air National Guard regarding revisions in the dimensions and use of training airspace in the northeastern United States. This report shall be provided within 60 days after the first full year of operations under these altered procedures, but in no case later than June 1, 1996. This report shall include, at a minimum: the number of low-level operations in each military operations area in this region; documentation of complaints and airspace violations; measures taken by the National Guard Bureau in response to such complaints and violations; and the state of readiness of the fighter units that use the Northeastern United States as their primary training area.

Transfer of Jurisdiction of Rocky Mountain Arsenal

The Senate amendment contained provisions (secs. 2901-2905) that would direct the Secretary of the Army to transfer management responsibilities and jurisdiction of the Rocky Mountain Arsenal to the Department of Interior for the creation of a national wildlife refuge.

The House bill contained no similar provision.

The Senate recedes.

11:47 AM

#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
0	I	ALABAMA	ARMY	ANNISTON ARMY DEPOT	AMMUNITION DEMILITARIZATION FAC PHASE III....	105,300	99,300	105,300	(95,300)	10,000	
1	I	ALABAMA	ARMY	FORT MCCLELLAN	AMMO STORAGE FACILITY........................	0	2,500	0	2,500	2,500	
2	I	ALABAMA	ARMY	FORT MCCLELLAN	GENERAL INSTRUCTION BUILDING.................	0	2,050	0	2,050	2,050	
3	I	ALABAMA	ARMY	FORT MCCLELLAN	VEHICLE MAINTENANCE SHOP.....................	0	1,350	0	1,350	1,350	
4	I	ALABAMA	ARMY	FORT MCCLELLAN	WASTEWATER TREATMENT PLANT...................	4,200	4,200	4,200	0	4,200	
5	I	ALABAMA	AIR FORCE	GUNTER AFB	UNDERGROUND FUEL STORAGE TANKS...............	960	960	960	0	960	
6	I	ALABAMA	AIR FORCE	MAXWELL AFB	EXTENSION OF RUNWAY..........................	0	10,700	0	10,700	10,700	
7	I	ALABAMA	AIR FORCE	MAXWELL AFB	PHYSICAL FITNESS CENTER......................	0	0	9,900	9,900	9,900	
8	I	ALABAMA	ARMY NAT GRD	CULLMAN	PURCHASE BLDG FOR DAS-3 CLASS IX SUP.........	0	400	0	400	400	
9	I	ALABAMA	ARMY NAT GRD	FT. RUCKER	UTE SITE ADD.................................	0	1,090	0	1,090	1,090	
10	I	ALABAMA	ARMY NAT GRD	MONTGOMERY	AVN POL JOINT USE, ANG DESIGN................	400	400	400	0	400	
11	I	ALABAMA	ARMY NAT GRD	ONEONTA	ORGANIZATIONAL MAINTENANCE SHOP..............	0	461	0	461	461	
12	I	ALABAMA	ARMY NAT GRD	TUSCALOOSA	ARMORY.......................................	0	2,273	2,273	2,273	2,273	
13	I	ALABAMA	ARMY NAT GRD	UNION SPRINGS	ARMORY.......................................	0	813	0	813	813	
14	I	ALABAMA	AIR NAT GRD	BIRMINGHAM	FIRE STATION.................................	0	2,100	0	2,100	2,100	
15	I	ALABAMA	AIR NAT GRD	BIRMINGHAM MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS.......	500	500	500	0	500	
16	I	ALABAMA	AIR NAT GRD	BIRMINGHAM	ROAD RELOCATION..............................	0	0	6,200	6,200	6,200	
17	I	ALABAMA	AIR NAT GRD	BIRMINGHAM	VEHICLE MAINTENANCE SHOP.....................	0	2,300	0	2,300	2,300	
18	I	ALASKA	ARMY	FORT WAINWRIGHT	FIRE SUPPRESSION SYSTEM......................	0	0	3,950	3,950	3,950	
19	I	ALASKA	NAVY	ADAK NAVAL AIR STATION	BACHELOR ENLISTED QUARTERS...................	8,750	0	8,750	(8,750)	0	1/
20	I	ALASKA	AIR FORCE	CLEAR AFS	UNDERGROUND FUEL STORAGE TANKS...............	2,250	2,250	2,250	0	2,250	
21	I	ALASKA	AIR FORCE	ELMENDORF AFB	UNDERGROUND FUEL STORAGE TANKS...............	4,600	4,600	4,600	0	4,600	
22	I	ALASKA	AIR FORCE	KING SALMON AIRPORT	UNDERGROUND FUEL STORAGE TANKS...............	6,400	6,400	6,400	0	6,400	
23	I	ALASKA	AIR FORCE	EIELSON AFB	AIRCRAFT SHELTERS............................	0	0	27,000	27,000	27,000	
24	I	ALASKA	AIR FORCE	EIELSON AFB	HYDRANT FUEL SYSTEM..........................	11,400	0	11,400	0	11,400	
25	I	ALASKA	AIR FORCE	EIELSON AFB	UNDERGROUND FUEL STORAGE TANKS...............	2,550	2,550	2,550	0	2,550	
26	I	ALASKA	AIR FORCE	ELMENDORF AFB	AIRCRAFT SHELTERS............................	0	0	16,000	16,000	16,000	
27	I	ALASKA	AIR FORCE	ELMENDORF AFB	FIRE TRAINING FACILITY.......................	1,950	1,950	1,950	0	1,950	
28	I	ALASKA	AIR FORCE	GALENA AIRPORT	UNDERGROUND FUEL STORAGE TANKS...............	4,850	4,850	4,850	0	4,850	
29	I	ALASKA	AIR FORCE	SHEMYA AFB	WASTE MANAGEMENT FACILITY....................	3,350	3,350	3,350	0	3,350	
30	I	ALASKA	DEFENSE AGENCIES	ELMENDORF AFB	HOSPITAL REPLACEMENT PHASE I.................	0	0	25,000	15,000	15,000	
31	I	ALASKA	AIR NAT GRD	EIELSON AFB	VEHICLE MAINTENANCE FACILITY.................	0	0	4,500	4,500	4,500	
32	I	ALASKA	AIR NAT GRD	KULIS ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS.......	310	310	310	0	310	
33	I	ARIZONA	ARMY	FORT HUACHUCA	INTELLIGENCE FACILITY........................	0	0	5,300	0	0	1/
34	I	ARIZONA	ARMY	FORT HUACHUCA	ROAD IMPROVEMENTS............................	0	3,350	0	0	0	1/
35	I	ARIZONA	AIR FORCE	DAVIS MONTHAN AFB	DORMITORY....................................	0	3,500	3,500	3,500	3,500	

11:47 AM

#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
36	I	ARIZONA	AIR FORCE	LIBBY ARMY AIR FIELD	UPGRADE AIRFIELD PAVEMENTS....................	15,300	15,300	15,300	0	15,300	
37	I	ARIZONA	AIR FORCE	LUKE AFB	BOQ.......................................	0	0	2,950	2,950	2,950	
38	I	ARIZONA	AIR FORCE	NAVAJO ARMY DEPOT	MINUTEMAN-VARIOUS FACILITIES................	3,900	3,900	3,900	0	3,900	
39	I	ARIZONA	ARMY NAT GRD	W. ARNG AVIATION TRNG SITE, MARANA	DORMITORY/DINING FACILITY....................	0	2,900	0	0	0	1/
40	I	ARIZONA	ARMY NAT GRD	W. ARNG AVIATION TRNG SITE, MARANA	PICACHO PEAK STAGEFIELD......................	0	3,041	0	3,041	3,041	
41	I	ARIZONA	AIR NAT GRD	TUCSON INTERNATIONAL AIRPORT	JET FUEL STORAGE COMPLEX.....................	0	7,200	0	7,200	7,200	
42	I	ARIZONA	AIR FORCE RESERVE	DAVIS-MONTHAN AFB	ADAL AIRCRAFT MAINTENANCE FACILITY...........	0	0	1,500	1,500	1,500	
43	I	ARIZONA	AIR FORCE RESERVE	DAVIS-MONTHAN AFB	MUNITIONS MAINTENANCE & STORAGE..............	0	0	930	930	930	
44	I	ARKANSAS	ARMY	PINE BLUFF ARSENAL	AMMUNITION DEMILITARIZATION SUPPORT FAC......	15,000	15,000	15,000	0	15,000	
45	I	ARKANSAS	ARMY	PINE BLUFF ARSENAL	HAZARDOUS WASTE LANDFILL EXPANSION...........	11,800	11,800	11,800	0	11,800	
46	I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	FIRE TRAINING FACILITY.......................	710	710	710	0	710	
47	I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	AEROMEDICAL STAGING FACILITY.................	1,250	0	1,250	0	1,250	
48	I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	SPECIAL OPERATIONS FACILITY..................	950	0	950	0	950	
49	I	ARKANSAS	AIR FORCE	LITTLE ROCK AFB	SPECIAL OPERATIONS FACILITY..................	950	0	950	0	950	
50	I	CALIFORNIA	ARMY	SIERRA ARMY DEPOT	AMMUNITION SURVEILLANCE FACILITY.............	2,450	2,450	2,450	0	2,450	
51	I	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	ELECTRICAL DISTRIBUTION SYSTEM UPGRADE.......	3,800	3,800	3,800	0	3,800	
52	I	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	MESS HALL EXPANSION..........................	1,960	1,960	1,960	0	1,960	
53	I	CALIFORNIA	NAVY	CAMP PENDLETON MARINE CORPS BASE	SEWAGE TREATMENT PLANT MODIFICATIONS.........	19,740	19,740	19,740	0	19,740	
54	I	CALIFORNIA	NAVY	LEMOORE NAVAL AIR STATION	BATTERY SHOP.................................	680	680	680	0	680	
55	I	CALIFORNIA	NAVY	MARE ISLAND NAVAL SHIPYARD	HAZARDOUS MATERIAL STORAGE FACILITY..........	0	8,000	0	8,000	8,000	
56	I	CALIFORNIA	NAVY	MIRAMAR NAVAL AIR STATION	FIXED POINT UTILITY SYSTEM...................	0	9,700	0	9,700	9,700	
57	I	CALIFORNIA	NAVY	PORT HUENEME NAVAL CONSTR BATTALION	BACHELOR ENLISTED QUARTERS...................	9,000	9,000	9,000	0	9,000	
58	I	CALIFORNIA	NAVY	PORT HUENEME NAVAL CONSTR BATTALION	HAZARDOUS AND FLAMMABLE STOREHOUSE...........	5,300	5,300	5,300	0	5,300	
59	I	CALIFORNIA	NAVY	SEAL BEACH NAVAL WEAPONS STATION	ORDNANCE TRANSFER FACILITY...................	2,150	2,150	2,150	0	2,150	
60	I	CALIFORNIA	NAVY	TWENTYNINE PALMS MARCORP AIR-GRND C	NON-POTABLE WATER SYSTEM IMPROVEMENTS........	4,600	4,600	4,600	0	4,600	
61	I	CALIFORNIA	AIR FORCE	BEALE AFB	FIRE TRAINING FACILITY.......................	1,250	1,250	1,250	0	1,250	
62	I	CALIFORNIA	AIR FORCE	BEALE AFB	SECURITY POLICE OPS FACILITY.................	0	4,350	0	4,350	4,350	
63	I	CALIFORNIA	AIR FORCE	EDWARDS AFB	WASTEWATER TREATMENT PLANT...................	19,500	19,500	19,500	0	19,500	
64	I	CALIFORNIA	AIR FORCE	EDWARDS AFB	UNDERGROUND FUEL STORAGE TANKS...............	5,000	0	5,000	0	5,000	
65	I	CALIFORNIA	AIR FORCE	MARCH AFB	UNDERGROUND FUEL STORAGE TANKS...............	2,250	2,250	2,250	0	2,250	
66	I	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	PLATING SHOP.................................	0	7,000	0	7,000	7,000	
67	I	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	UNDERGROUND FUEL STORAGE TANKS...............	1,150	1,150	1,150	0	1,150	
68	I	CALIFORNIA	AIR FORCE	MCCLELLAN AFB	UPGRADE INDUST WASTEWATER COLLECTION SYS.....	1,750	1,750	1,750	0	1,750	
69	I	CALIFORNIA	AIR FORCE	TRAVIS AFB	DORM RENOVATION..............................	0	10,800	0	10,800	10,800	
70	I	CALIFORNIA	AIR FORCE	TRAVIS AFB	UPGRADE SANITARY SEWER MAINS.................	880	880	880	0	880	
71	I	CALIFORNIA	AIR FORCE	VANDENBERG AFB	UPGRADE ELECTRICAL POWER UTILITY SYSTEM......	6,100	6,100	6,100	0	6,100	

11:47 AM

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72	I	CALIFORNIA	AIR FORCE	VANDENBERG AFB	UPGRADE FIRE PROTECTION SYSTEM................	4,150	4,150	4,150	0	4,150	
73	I	CALIFORNIA	AIR FORCE	VANDENBERG AFB	WATER SUPPLY (STATE TIE-IN)..................	16,000	16,000	16,000	0	16,000	
74	I	CALIFORNIA	DEFENSE AGENCIES	BEALE AFB	HOSPITAL LIFE SAFETY UPGRADE..................	0	3,500	0	3,500	3,500	
75	I	CALIFORNIA	DEFENSE AGENCIES	MARCH AFB	CMF ADD/ALT LSU/UTILITIES.....................	18,000	18,000	18,000	0	18,000	
76	I	CALIFORNIA	ARMY NAT GRD	FRESNO AVIATION DEPOT	REPAIR & CONSTRUCTION OF HELICOPTER PADS....	0	901	901	901	901	
77	I	CALIFORNIA	ARMY NAT GRD	LAKEPORT	ARMORY....................................	0	1,580	0	1,580	1,580	
78	I	CALIFORNIA	ARMY NAT GRD	LOS ALAMITOS AFRC	JP-4 FUEL TANK REPLACEMENTS.................	0	1,553	1,553	1,553	1,553	
79	I	CALIFORNIA	ARMY NAT GRD	STOCKTON	ADD/ALTER CSMS............................	0	1,613	0	0	0	10/
80	I	COLORADO	ARMY	FITZSIMONS AMC	CENTRAL ENERGY PLANT........................	0	19,400	0	19,400	19,400	
81	I	COLORADO	ARMY	FITZSIMONS AMC	ENGINEER FACILITY.....................	0	6,000	0	6,000	6,000	
82	I	COLORADO	AIR FORCE	PETERSON AFB	ADD TO AND ALTER DORMITORY..................	3,500	3,500	3,500	0	3,500	
83	I	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	BASE OPERATIONS FACILITY....................	1,650	1,650	0	0	1,650	
84	I	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	UNDERGROUND FUEL STORAGE TANKS................	960	960	960	0	960	
85	I	COLORADO	AIR FORCE	US AIR FORCE ACADEMY	UPGRADE ENERGY MANAGEMENT & CONTROL SYS......	1,650	1,650	1,650	0	1,650	
86	I	COLORADO	DEFENSE AGENCIES	FITZSIMONS AMC	SITE WORK..................................	0	2,000	0	2,000	2,000	
87	I	COLORADO	AIR NAT GRD	BUCKLEY ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS.......	800	800	800	0	800	
88	I	COLORADO	AIR NAT GRD	BUCKLEY ANGB	UGRADE UTILITIES/INFRASTRUCTURE..............	0	12,000	0	12,000	12,000	
89	I	COLORADO	AIR FORCE RESERVE	PETERSON AFB	AVIONICS FACILITY...........................	0	0	1,300	1,300	1,300	
90	I	CONNECTICUT	NAVY	NEW LONDON NAVAL SUBMARINE BASE	SUBMARINE DRYDOCK PIER......................	12,500	12,500	12,500	0	12,500	
91	I	CONNECTICUT	AIR NAT GRD	BRADLEY FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS.......	1,200	1,200	1,200	0	1,200	
92	I	CONNECTICUT	AIR NAT GRD	ORANGE ANGS	REPLACE UNDERGROUND FUEL STORAGE TANKS.......	800	800	800	0	800	
93	I	DELAWARE	AIR FORCE	DOVER AFB	DORMITORY..................................	3,900	3,900	7,800	0	3,900	
94	I	DELAWARE	AIR FORCE	DOVER AFB	FIRE TRAINING FACILITY......................	910	910	910	0	910	
95	I	DELAWARE	AIR FORCE	DOVER AFB	HYDRANT FUELING SYSTEM......................	14,600	14,600	14,600	0	14,600	
96	I	DELAWARE	AIR FORCE	DOVER AFB	UNDERGROUND FUEL STORAGE TANKS..............	1,850	1,850	1,850	0	1,850	
97	I	DISTRICT OF COLUMBIA	AIR FORCE	BOLLING AFB	CIVIL ENGINEER COMPLEX......................	0	9,400	0	9,400	9,400	
98	I	DISTRICT OF COLUMBIA	DEFENSE AGENCIES	WALTER REED ARMY MEDICAL CENTER	ARMY INSTITUTE OF RESEARCH PHASE I..........	13,300	13,300	0	0	13,300	
99	I	FLORIDA	NAVY	CECIL FIELD NAVAL AIR STATION	JET ENGINE TEST CELL........................	5,850	5,850	5,850	0	5,850	
100	I	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	WASTEWATER TREATMENT SYSTEM..................	5,300	5,300	5,300	0	5,300	
101	I	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	REPLACE CHILLER PLANT.......................	2,500	2,500	2,500	0	2,500	
102	I	FLORIDA	AIR FORCE	CAPE CANAVERAL AFS	CENTAUR PROCESSING BUILDING..................	33,000	33,000	33,000	0	33,000	
103	I	FLORIDA	AIR FORCE	EGLIN AFB	CLIMATIC TEST CHAMBER PHASE 1................	32,000	32,000	32,000	(27,000)	5,000	
104	I	FLORIDA	AIR FORCE	EGLIN AFB	FIRE TRAINING FACILITY......................	770	770	770	0	770	
105	I	FLORIDA	AIR FORCE	EGLIN AFB	UPGRADE WASTEWATER TREATMENT PLANT...........	910	910	910	0	910	
106	I	FLORIDA	AIR FORCE	HOMESTEAD AFB	FIRE TRAINING FACILITY......................	1,200	1,200	1,200	(1,200)	0	2/
107	I	FLORIDA	AIR FORCE	PATRICK AFB	REGIONAL SEWER CONNECTION....................	7,700	7,700	7,700	0	7,700	

11:47 AM

#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
108	I	FLORIDA	DEFENSE AGENCIES	HOMESTEAD AFB	PHASE II HOSPITAL CONSTRUCTION	0	10,000	0	0	0	2/
109	I	FLORIDA	ARMY NAT GRD	CAMP BLANDING	MOUT RANGE	0	2,400	2,452	2,452	2,452	
110	I	FLORIDA	ARMY NAT GRD	CAMP BLANDING	BACHELOR OFFICER/ENLISTED QUARTERS	0	958	958	958	958	
111	I	FLORIDA	ARMY NAT GRD	CEDAR HILLS, JACKSONVILLE	ARMORY EXPANSION	0	1,457	0	1,457	1,457	
112	I	FLORIDA	ARMY NAT GRD	CRAIG FIELD, JACKSONVILLE	ARMORY EXPANSION	0	1,682	0	1,682	1,682	
113	I	FLORIDA	ARMY NAT GRD	CRAIG FIELD, JACKSONVILLE	ORGANIZATIONAL MAINTENANCE SHOP EXPANSION	0	368	0	368	368	
114	I	FLORIDA	AIR FORCE RESERVE	HOMESTEAD AFB	SQUADRON OPERATIONS FACILITY	1,300	1,300	1,300	(1,300)	0	2/
115	I	FLORIDA	AIR FORCE RESERVE	HOMESTEAD AFB	CONSTRUCT HANGAR	3,180	3,180	3,180	(3,180)	0	2/
116	I	GEORGIA	ARMY	FT. GILLEM	WATER IMPROVEMENTS	0	2,700	2,700	2,700	2,700	
117	I	GEORGIA	ARMY	FORT GORDON	CONSOLIDATED MAINTENANCE FACILITY PHASE I	0	0	23,000	23,000	23,000	
118	I	GEORGIA	ARMY	FORT MCPHERSON	BARRACKS AND DINING HALL	0	0	10,200	10,200	10,200	
119	I	GEORGIA	ARMY	HUNTER ARMY AIRFIELD	TACTICAL EQUIPMENT SHOP	0	5,400	5,400	5,400	5,400	
120	I	GEORGIA	NAVY	ALBANY MARINE CORPS LOGISTICS BASE	ABRASIVE BLAST FACILITY	4,100	4,100	4,100	0	4,100	
121	I	GEORGIA	NAVY	ALBANY MARINE CORPS LOGISTICS BASE	UPGRADE HAZARDOUS STORAGE WAREHOUSE	0	0	2,700	2,700	2,700	
122	I	GEORGIA	AIR FORCE	MOODY AFB	FIRE TRAINING FACILITY	780	780	780	0	780	
123	I	GEORGIA	AIR FORCE	MOODY AFB	FUEL CELL/NOSE DOCK (C-130)	0	0	3,600	3,600	3,600	
124	I	GEORGIA	AIR FORCE	ROBBINS AFB	JSTARS RAMP & HYDRANT SYSTEM	0	0	9,700	9,700	9,700	
125	I	GEORGIA	AIR FORCE	ROBBINS AFB	JSTARS SECURITY IMPROVEMENT	0	0	1,800	1,800	1,800	
126	I	GEORGIA	ARMY NAT GRD	BARNESVILLE	ARMORY ACQUISITION	0	0	350	350	350	
127	I	GEORGIA	AIR NAT GRD	SAVANNAH MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	740	740	740	0	740	
128	I	GEORGIA	NAVY RESERVE	DOBBINS AFB	MARINE CORPS/ NAVY RESERVE CENTER	0	0	5,500	5,500	5,500	
129	I	HAWAII	ARMY	SCHOFIELD BARRACKS	ADAL SEWAGE TREATMENT PLANT	0	0	17,500	17,500	17,500	
130	I	HAWAII	ARMY	SCHOFIELD BARRACKS	CHILD DEVELOPMENT CENTER	5,800	5,800	5,800	0	5,800	
131	I	HAWAII	NAVY	BARKING SANDS PACIFIC MISSILE RANGE	AIRCRAFT PARKING APRON	4,580	4,580	4,580	0	4,580	
132	I	HAWAII	NAVY	HONOLULU NAVAL COM AREA MASTER STA	ANTENNA SAFETY IMPROVEMENTS	1,400	1,400	1,400	0	1,400	
133	I	HAWAII	NAVY	PEARL HARBOR NAVAL SUPPLY CENTER	HAZARDOUS AND FLAMMABLE STOREHOUSE	1,300	1,300	1,300	0	1,300	
134	I	HAWAII	NAVY	PEARL HARBOR NAVAL SUPPLY CENTER	OIL SPILL PREVENTION	6,400	6,400	5,400	(1,000)	5,400	
135	I	HAWAII	NAVY	PEARL HARBOR NAVY PUBLIC WORKS CENT	WASTEWATER TREATMENT PLANT IMPVS	24,900	24,900	24,900	0	24,900	
136	I	HAWAII	DEFENSE AGENCIES	BARKING SANDS	LAND EASEMENT	5,400	5,400	2,500	(2,900)	2,500	
137	I	IDAHO	AIR NAT GRD	BOISE AIRPORT	ARM/DISARM PADS	0	0	1,550	1,550	1,550	
138	I	IDAHO	AIR NAT GRD	BOISE AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	900	900	900	0	900	
139	I	ILLINOIS	AIR FORCE	SCOTT AFB	FIRE TRAINING FACILITY	960	960	960	0	960	
140	I	ILLINOIS	AIR NAT GRD	CAPITAL MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	750	750	750	0	750	
141	I	ILLINOIS	AIR NAT GRD	GREATER PEORIA	VEHICLE MAINTENANCE FACILITY	0	2,200	0	2,200	2,200	
142	I	ILLINOIS	AIR NAT GRD	GREATER PEORIA	CIVIL ENGINEERING SHOP	0	2,200	0	2,200	2,200	
143	I	ILLINOIS	AIR NAT GRD	GREATER PEORIA	SITE PREPARATION	0	1,550	0	1,550	1,550	

11:47 AM

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144	I	ILLINOIS	AIR NAT GRD	O'HARE AIRPORT	REPAIR AIRCRAFT RAMP...........................	0	0	5,200	5,200	5,200
145	I	ILLINOIS	NAVY RESERVE	NAS GLENVIEW	CHILD DEVELOPMENT CENTER.......................	0	0	1,800	1,800	1,800
146	I	ILLINOIS	NAVY RESERVE	NAS GLENVIEW	FUEL FARM MODS.................................	6,500	6,500	6,500	0	6,500
147	I	ILLINOIS	AIR FORCE RESERVE	O'HARE AIRPORT	AIRCRAFT GROUND EQUIPMENT SHOP.................	0	0	1,700	1,700	1,700
148	I	INDIANA	NAVY	NSWG, CRANE	MICROWAVE COMPONENT CENTER.....................	0	6,000	0	6,000	6,000
149	I	INDIANA	ARMY NAT GRD	FORT WAYNE	ARMORY...	0	3,393	3,393	3,393	3,393
150	I	INDIANA	ARMY NAT GRD	FORT WAYNE	OMS..	0	862	892	862	862
151	I	INDIANA	AIR NAT GRD	FORT WAYNE	RUNWAY IMPROVEMENTS............................	0	6,039	0	6,039	6,039
152	I	IOWA	ARMY NAT GRD	CAMP DODGE	EQUIPMENT MAINTENANCE SHOP.....................	0	2,687	0	2,687	2,687
153	I	IOWA	ARMY NAT GRD	CAMP DODGE	BU COMPLEX I...................................	0	4,600	0	4,600	4,600
154	I	IOWA	AIR NAT GRD	DES MOINES	ADD/ALTER OPS FACILITY.........................	0	5,150	0	5,150	5,150
155	I	IOWA	AIR NAT GRD	SIOUX CITY MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS.........	1,200	1,200	1,200	0	1,200
156	I	IOWA	AIR NAT GRD	SIOUX GATEWAY AIRPORT	ADD/ALT FUEL CELL/CORROSION HANGAR BAY.........	0	1,850	1,850	1,850	1,850
157	I	IOWA	AIR NAT GRD	SIOUX GATEWAY AIRPORT	ADD/ALT SQUADRON OPERATIONS FACILITY...........	0	920	920	920	920
158	I	IOWA	AIR NAT GRD	SIOUX GATEWAY AIRPORT	ALT COMPOSITE DINING HALL/MEDICAL TRNG FAC...	0	1,200	0	1,200	1,200
159	I	KANSAS	ARMY	FORT RILEY	RAIL HEAD......................................	0	0	13,200	13,200	13,200
160	I	KANSAS	AIR FORCE	MCCONNELL AFB	FIRE TRAINING FACILITY.........................	960	960	960	0	960
161	I	KANSAS	ARMY NAT GRD	GREAT BEND	ARMORY...	0	0	1,570	1,570	1,570
162	I	KANSAS	ARMY NAT GRD	OTTAWA	ARMORY...	0	0	397	397	397
163	I	KANSAS	AIR NAT GRD	FORBES FIELD	JET FUEL STORAGE COMPLEX.......................	4,500	4,500	4,500	0	4,500
164	I	KENTUCKY	ARMY	FORT KNOX	WATER STORAGE TANKS............................	0	4,350	4,350	4,350	4,350
165	I	KENTUCKY	ARMY	FORT KNOX	AIRFIELD REVITALIZATION........................	0	7,100	7,100	7,100	7,100
166	I	KENTUCKY	ARMY	FORT KNOX	ELECTRICAL DISTRIBUTION IMPROVEMENT PROJECT..	0	4,150	4,150	4,150	4,150
167	I	KENTUCKY	AIR NAT GRD	STANDIFORD AIRPORT	RELOCATION, PHASE III..........................	0	0	5,000	5,000	5,000
168	I	LOUISIANA	ARMY	FORT POLK	AIRFIELD SAFETY UPGRADE........................	7,400	7,400	7,400	0	7,400
169	I	LOUISIANA	AIR FORCE	BARKSDALE AFB	REPLACE APRON & HYDRANT SYSTEM PHASE I.......	0	0	25,800	14,000	14,000
170	I	LOUISIANA	AIR FORCE	BARKSDALE AFB	FIRE TRAINING FACILITY.........................	820	820	820	0	820
171	I	LOUISIANA	AIR FORCE	BARKSDALE AFB	UNDERGROUND FUEL STORAGE TANKS.................	2,500	2,500	2,500	0	2,500
172	I	LOUISIANA	ARMY NAT GRD	INDEPENDENCE	ARMORY...	0	0	1,300	1,300	1,300
173	I	LOUISIANA	ARMY NAT GRD	LAFAYETTE	OMS..	0	0	1,000	1,000	1,000
174	I	LOUISIANA	ARMY NAT GRD	BALL	RENOVATE BARRACKS..............................	0	0	400	400	400
175	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	ADD/ALTER FACILITIES FOR CONVERSION............	2,300	2,300	2,300	0	2,300
176	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	AIRCRAFT ENGINE & INSPECTION SHOP..............	2,600	2,600	2,600	0	2,600
177	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	AIRCRAFT HANGAR FIRE PROTECTION................	1,000	1,000	1,000	0	1,000
178	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	AVIONICS FACILITY..............................	0	0	2,300	2,300	2,300
179	I	LOUISIANA	AIR FORCE RESERVE	NEW ORLEANS NAS	SOUND SUPPRESSOR...............................	1,100	1,100	1,100	0	1,100

11:47 AM

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180	I	MAINE	AIR NAT GRD	BANGOR INTERNATIONAL AIRPORT	AIRFIELD IMPROVEMENTS	0	17,300	17,300	17,300	17,300
181	I	MARYLAND	ARMY	ABERDEEN PROVING GROUND	FIRE/SECURITY STATION	0	0	3,400	3,400	3,400
182	I	MARYLAND	NAVY	BETHESDA NAVAL MEDICAL RESEARCH INS	APPLICATIONS LABORATORY	5,600	0	0	(5,600)	0 1/
183	I	MARYLAND	NAVY	NOS, INDIANHEAD	IMPROVE CAD/PAD FACILITY	0	5,300	5,600	5,600	5,600
184	I	MARYLAND	NAVY	NOS, INDIANHEAD	CHILD CARE FACILITY	0	2,290	0	2,290	2,290
185	I	MARYLAND	NAVY	PATUXENT NAVAL AIR STATION	LARGE ANECHOIC CHAMBER - PHASE I	0	10,000	0	10,000	10,000
186	I	MARYLAND	NAVY	U. S. NAVAL ACADEMY	VISITOR'S CENTER	0	4,500	0	4,500	4,500
187	I	MARYLAND	NAVY	U. S. NAVAL ACADEMY	FITNESS CENTER	0	6,500	0	6,500	6,500
188	I	MARYLAND	AIR FORCE	ANDREWS AFB	WASTEWTR SYS REGIONAL CONNECTN-BRANDYWINE	400	400	400	0	400
189	I	MARYLAND	AIR FORCE	ANDREWS AFB	WASTEWTR TREATMT/DISP PLANT-DAVIDSONVILLE	420	420	420	0	420
190	I	MARYLAND	DEFENSE AGENCIES	FORT MEADE	HEADQUARTERS FIRE EVACUATION ALARM SYSTEM	400	400	400	0	400
191	I	MARYLAND	DEFENSE AGENCIES	FORT MEADE	OPS1 UTILITY DISTRIBUTION UPGRADE	6,300	6,300	6,300	0	6,300
192	I	MASSACHUSETTS	AIR FORCE	HANCSCOM AFB	CHILD DEVELOPMENT CENTER	0	0	4,200	4,200	4,200
193	I	MASSACHUSETTS	ARMY NAT GRD	CAMP EDWARDS	TRNG SITE FUEL DISP FACIL	500	500	500	0	500
194	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	ADAL FUEL CELL/CORROSION CONTROL	0	0	1,400	1,400	1,400
195	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	AVIONICS/WEAPONS SHOP	0	0	1,500	1,500	1,500
196	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	ENGINE SHOP	0	0	800	800	800
197	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,100	1,100	1,100	0	1,100
198	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	SQUADRON OPERATIONS	0	0	900	900	900
199	I	MASSACHUSETTS	AIR NAT GRD	BARNES MAP	MUNITIONS STORAGE/MAINTENANCE	0	0	3,650	3,650	3,650
200	I	MASSACHUSETTS	AIR NAT GRD	OTIS ANGB	ALTER WASTE WATER TREATMENT PLANT	15,000	15,000	15,000	0	15,000
201	I	MASSACHUSETTS	AIR NAT GRD	OTIS ANGB	CLINIC	0	0	1,600	1,600	1,600
202	I	MASSACHUSETTS	AIR NAT GRD	WORCESTER ANGS	REPLACE UNDERGROUND FUEL STORAGE TANKS	350	350	350	0	350
203	I	MICHIGAN	AIR NAT GRD	PHELPS COLLINS APT	ALTER BARRACKS	0	0	3,800	3,800	3,800
204	I	MICHIGAN	AIR NAT GRD	SELFRIDGE ANGB	REPLACE UNDERGROUND FUEL STORAGE TANKS	800	800	800	0	800
205	I	MICHIGAN	AIR NAT GRD	SELFRIDGE ANGB	UPGRADE STORM DRAINAGE SYSTEM	600	600	600	0	600
206	I	MICHIGAN	AIR NAT GRD	WK KELLOGG REGIONAL AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,150	1,150	1,150	0	1,150
207	I	MICHIGAN	AIR FORCE RESERVE	SELFRIDGE ANGB	ADAL FACILITIES FOR CONVERSION	0	0	2,400	2,400	2,400
208	I	MICHIGAN	AIR FORCE RESERVE	SELFRIDGE ANGB	ADAL FUEL SYSTEMS MAINTENANCE HANGAR	0	0	1,500	1,050	1,050
209	I	MICHIGAN	AIR FORCE RESERVE	SELFRIDGE ANGB	HYDRANT FUEL SYSTEM	2,500	2,500	2,500	0	2,500
210	I	MINNESOTA	ARMY NAT GRD	CAMP RIPLEY	COMBINED SUPPORT MAINTENANCE SHOP	0	7,100	0	7,100	7,100
211	I	MINNESOTA	ARMY NAT GRD	CAMP RIPLEY	UTILITY SYSTEMS REPAIR	0	5,800	0	5,400	5,400
212	I	MINNESOTA	ARMY NAT GRD	ROSEMONT	OMS	0	0	2,800	1,200	1,200
213	I	MINNESOTA	AIR NAT GRD	MINN-ST PAUL IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS	850	850	850	0	850
214	I	MISSISSIPPI	NAVY	GULFPORT	APPLIED INSTRUCTION BUILDING	0	0	4,650	4,650	4,650
215	I	MISSISSIPPI	NAVY	NAS MERIDIAN	CHILD DEVELOPMENT CENTER	0	1,100	0	1,100	1,100

11:47 AM

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216	I	MISSISSIPPI	AIR FORCE	KEESLER AFB	ADD/ALTER CHILDCARE CENTER....................	0	2,650	0	2,650	2,650	
217	I	MISSISSIPPI	AIR FORCE	KEESLER AFB	ALTER STUDENT DORMITORY.......................	3,900	3,900	3,900	0	3,900	
218	I	MISSISSIPPI	AIR FORCE	KEESLER AFB	TV SYSTEM TRAINING FACILITY...................	0	0	290	290	290	
219	I	MISSISSIPPI	AIR FORCE	KEESLER AFB	VISUAL INFORMATION TRAINING FACILITY.........	0	0	6,400	6,400	6,400	
220	I	MISSISSIPPI	ARMY NAT GRD	CAMP MCCAIN	DEFENSE ACCESS ROAD...........................	0	18,300	19,000	19,000	19,000	
221	I	MISSISSIPPI	ARMY NAT GRD	CAMP SHELBY	MULTIPURPOSE RANGE............................	0	0	4,000	4,000	4,000	
222	I	MISSISSIPPI	ARMY NAT GRD	CAMP SHELBY	MODIFY RANGE #1...............................	0	0	675	675	675	
223	I	MISSISSIPPI	ARMY NAT GRD	CAMP SHELBY	MODIFY RANGE #2...............................	0	0	675	675	675	
224	I	MISSISSIPPI	ARMY NAT GRD	CAMP SHELBY	COMBINED SUPPORT FACILITY.....................	0	0	5,400	5,400	5,400	
225	I	MISSISSIPPI	ARMY NAT GRD	MERIDIAN	ADD/ALTER AVIATION SUPPORT FACILITY..........	0	1,900	0	1,900	1,900	
226	I	MISSISSIPPI	AIR NAT GRD	GULFPORT	RAMP UPGRADE..................................	0	0	10,800	10,800	10,800	
227	I	MISSISSIPPI	AIR NAT GRD	KEY FIELD	ADD TO AND ALTER SQUADRON OPERATIONS FAC.....	930	930	930	0	930	
228	I	MISSISSIPPI	AIR NAT GRD	KEY FIELD	FIRE STATION..................................	1,250	1,250	1,250	0	1,250	
229	I	MISSISSIPPI	AIR NAT GRD	THOMPSON FIELD	ADD/ALTER VEHICLE MAINTENANCE SHOP...........	0	1,300	0	1,300	1,300	
230	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 ADD/ALTER COMMUNICATIONS CENTER..........	2,700	0	2,700	0	2,700	
231	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 HYDRANT FUELING SYSTEM....................	14,200	14,200	14,200	0	14,200	
232	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 ADD TO AND ALTER CHILD DEVELOPMENT CTR...	970	970	970	0	970	
233	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 ADD TO AND ALTER UTILITY SYSTEMS.........	6,800	6,800	6,800	0	6,800	
234	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 AIRCRAFT APRON, TAXIWAY, & CONVOY RDS....	11,400	11,400	11,400	0	11,400	
235	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 AIRCRAFT MAINTENANCE DOCKS...............	14,000	0	14,000	0	14,000	
236	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 AIRCRAFT MAINTENANCE DOCKS...............	14,000	14,000	14,000	0	14,000	
237	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 GENERAL REDUCTION.........................	0	0	(20,000)	(20,000)	(20,000)	
238	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 HYDRANT FUELING HARDSTANDS/PITS..........	9,700	9,700	9,700	0	9,700	
239	I	MISSOURI	AIR FORCE	WHITEMAN AFB	B-2 WEAPONS STORAGE FACILITIES...............	6,400	6,400	6,400	0	6,400	
240	I	MISSOURI	AIR FORCE	WHITEMAN AFB	UNDERGROUND FUEL STORAGE TANKS...............	2,100	2,100	2,100	0	2,100	
241	I	MISSOURI	DEFENSE AGENCIES	FORT LEONARD WOOD	TROOP MEDICAL CLINIC..........................	3,000	3,000	3,000	0	3,000	
242	I	MISSOURI	ARMY NAT GRD	CAMP CROWDER	ADMINISTRATION/CLASSROOM.....................	0	0	421	421	421	
243	I	MISSOURI	ARMY NAT GRD	WHITEMAN AFB	ARMORY..	0	2,900	2,879	2,400	2,400	
244	I	MONTANA	AIR FORCE	MALMSTROM AFB	FIRE TRAINING FACILITY........................	1,100	1,100	1,100	0	1,100	
245	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP	ADAL WEAPONS RELEASE..........................	0	0	800	800	800	
246	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP	ADD/ALTER AIRCRAFT SUPPORT EQUIP SHOP........	600	600	600	0	600	
247	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP	ADD TO AND ALTER MAINTENANCE HANGAR SHOP.....	2,800	2,800	0	(2,800)	0	3/
248	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP	ARM/DISARM PADS...............................	0	0	1,000	1,000	1,000	
249	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP	FIRE SUPPRESSION SYSTEM.......................	0	0	1,000	1,000	1,000	
250	I	MONTANA	AIR NAT GRD	GREAT FALLS IAP	UPGRADE FIRE STATION..........................	700	700	700	0	700	
251	I	NEBRASKA	AIR FORCE	OFFUTT AFB	FIRE TRAINING FACILITY........................	840	840	840	0	840	

11:47 AM

#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
252	I	NEBRASKA	AIR FORCE	OFFUTT AFB	HAZARDOUS MATERIALS STORAGE FACILITY.........	1,350	1,350	1,350	0	1,350	
253	I	NEBRASKA	AIR FORCE	OFFUTT AFB	UNDERGROUND FUEL STORAGE TANKS...............	2,050	2,050	2,050	0	2,050	
254	I	NEBRASKA	AIR FORCE	OFFUTT AFB	UPGRADE SANITARY/STORM SEWER SYSTEMS.........	1,950	1,950	1,950	0	1,950	
255	I	NEBRASKA	AIR NAT GRD	LINCOLN MAP	ALTER SUPPLY & COMMUNICATIONS................	0	0	2,400	2,400	2,400	
256	I	NEBRASKA	AIR NAT GRD	LINCOLN MAP	DINING HALL..................................	1,500	1,500	1,500	0	1,500	
257	I	NEBRASKA	AIR NAT GRD	LINCOLN MAP	FUEL SYSTEMS MAINTENANCE DOCK................	0	0	4,675	4,675	4,675	
258	I	NEBRASKA	AIR NAT GRD	LINCOLN MAP	SQUADRON OPERATIONS..........................	0	0	3,100	3,100	3,100	
259	I	NEVADA	AIR FORCE	NELLIS AFB	AIRCRAFT LOADING APRON PHASES II & III.......	0	7,950	4,000	7,950	7,950	
260	I	NEVADA	AIR FORCE	NELLIS AFB	FIRE TRAINING FACILITY.......................	780	780	780	0	780	
261	I	NEVADA	AIR FORCE	NELLIS AFB	WASTEWATER SEWER EFFLUENT SYSTEM.............	2,200	2,200	2,200	0	2,200	
262	I	NEVADA	ARMY NAT GRD	CLARK COUNTY	ARMORY.......................................	0	5,530	5,530	4,100	4,100	
263	I	NEVADA	ARMY NAT GRD	CLARK COUNTY	ORGANIZATIONAL MAINTENANCE SHOP..............	0	1,358	1,358	1,358	1,358	
264	I	NEVADA	ARMY NAT GRD	CLARK COUNTY	COMBINED SUPPORT MAINTENANCE SHOP............	0	1,854	1,854	1,854	1,854	
265	I	NEVADA	ARMY NAT GRD	CLARK COUNTY	USPFO WAREHOUSE..............................	0	178	0	178	178	
266	I	NEW JERSEY	ARMY	FORT DIX	RANGE 65 MODS................................	0	2,000	0	0	0	1/
267	I	NEW JERSEY	ARMY	FT. MONMOUTH	CHILD CARE CENTER............................	0	3,550	3,550	3,550	3,550	
268	I	NEW JERSEY	ARMY	PICATINNY ARSENAL	ELECTRICAL DIST. SYSTEM......................	0	0	3,800	3,800	3,800	
269	I	NEW JERSEY	ARMY	PICATINNY ARSENAL	PROPELLANT SURVEILLANCE LAB..................	0	0	2,250	2,250	2,250	
270	I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	UNDERGROUND FUEL STORAGE TANKS...............	5,600	5,600	5,600	0	5,600	
271	I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	UPGRADE SANITARY SEWER SYSTEM................	2,400	2,400	2,400	0	2,400	
272	I	NEW JERSEY	AIR FORCE	MCGUIRE AFB	UPGRADE STORM SEWER SYSTEM...................	970	970	970	0	970	
273	I	NEW JERSEY	ARMY NAT GRD	FORT DIX	STATE HEADQUARTERS...........................	0	0	4,750	4,750	4,750	
274	I	NEW JERSEY	AIR NAT GRD	MCGUIRE AFB	AIRCRAFT PARKING APRON.......................	8,700	8,700	8,700	0	8,700	
275	I	NEW JERSEY	AIR NAT GRD	MCGUIRE AFB	COMPOSITE MAINTENANCE HANGAR.................	9,700	9,700	9,700	0	9,700	
276	I	NEW JERSEY	AIR NAT GRD	MCGUIRE AFB	FUEL SYSTEMS MAINTENANCE DOCK................	4,400	4,400	4,400	0	4,400	
277	I	NEW JERSEY	AIR NAT GRD	MCGUIRE AFB	JET FUEL OPERATING STORAGE AND DISTRIB SYS...	4,600	4,600	4,600	0	4,600	
278	I	NEW MEXICO	ARMY	WHITE SANDS	BARRACKS UPGRADE.............................	0	0	6,000	6,000	6,000	
279	I	NEW MEXICO	AIR FORCE	CANNON AFB	DORMITORY....................................	0	2,800	0	2,800	2,800	
280	I	NEW MEXICO	AIR FORCE	HOLLOMAN AFB	FIRE TRAINING FACILITY.......................	820	820	820	0	820	
281	I	NEW MEXICO	AIR FORCE	HOLLOMAN AFB	WASTEWATER TREATMENT FACILITY................	10,600	10,600	10,600	0	10,600	
282	I	NEW MEXICO	ARMY NAT GRD	CLAYTON	ARMORY.......................................	0	1,400	1,400	1,400	1,400	
283	I	NEW MEXICO	ARMY NAT GRD	ROSWELL	TRAINING FACILITY............................	0	0	3,000	3,000	3,000	
284	I	NEW MEXICO	ARMY NAT GRD	SPRINGER	ARMORY.......................................	0	1,209	1,209	1,209	1,209	
285	I	NEW YORK	ARMY	FORT DRUM	MOUT...	0	5,900	0	5,900	5,900	
286	I	NEW YORK	ARMY	FORT DRUM	GENERAL PURPOSE WAREHOUSE....................	0	8,900	0	8,900	8,900	
287	I	NEW YORK	ARMY	FORT DRUM	LIBRARY/EDUC. CENTER.........................	0	6,700	0	6,700	6,700	

11:47 AM

#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
288	I	NEW YORK	ARMY	U S MILITARY ACADEMY	WATER TREATMENT PLANT	1,600	1,600	1,600	0	1,600	
289	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	AIRCRAFT PARKING APRON	7,000	7,000	7,000	0	7,000	
290	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	ALTER AIRCRAFT MAINTENANCE SHOPS	3,000	3,000	3,000	0	3,000	
291	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	FUEL SYSTEM MAINTENANCE DOCK	3,700	3,700	3,700	0	3,700	
292	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	JET FUEL STORAGE COMPLEX	5,100	5,100	5,100	0	5,100	
293	I	NEW YORK	AIR NAT GRD	NIAGARA FALLS IAP	MAINTENANCE HANGAR	4,750	4,750	4,750	0	4,750	
294	I	NEW YORK	AIR NAT GRD	ROSYLN AIR GUARD STATION	REPLACE UNDERGROUND FUEL STORAGE TANKS	450	450	450	0	450	
295	I	NEW YORK	AIR NAT GRD	SUFFOLK COUNTY AIRPORT	JET FUEL STORAGE COMPLEX	3,700	3,700	3,700	0	3,700	
296	I	NEW YORK	AIR NAT GRD	SUFFOLK COUNTY AIRPORT	REPLACE UNDERGROUND FUEL STORAGE TANKS	1,750	1,750	1,750	0	1,750	
297	I	NORTH CAROLINA	ARMY	FORT BRAGG	HIGHWAY EXTENSION	0	8,200	0	8,700	8,700	
298	I	NORTH CAROLINA	NAVY	NEW RIVER	PHYSICAL FITNESS CENTER	0	0	3,600	3,600	3,600	
299	I	NORTH CAROLINA	NAVY	MCAS CHERRY POINT	OPERATIONS FACILITY	0	0	3,000	3,000	3,000	
300	I	NORTH CAROLINA	NAVY	MCAS CHERRY POINT	WAREHOUSE	0	0	1,680	1,680	1,680	
301	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ADD TO AND ALTER AERIAL PORT	1,950	1,950	1,950	0	1,950	
302	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ADD/ALTER AIRCRAFT OPS AND LOGISTICS COMP	1,800	1,800	2,300	500	2,300	
303	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ADD/ALTER AIRCRAFT OPS & LOGISTICS COMP	1,800	1,800	2,500	700	2,500	
304	I	NORTH CAROLINA	AIR FORCE	POPE AFB	AIRCRAFT CORROSION CONTROL FAC	5,500	5,500	0	(5,500)	0	3/
305	I	NORTH CAROLINA	AIR FORCE	POPE AFB	AIRCRAFT PARTS WAREHOUSES	1,550	1,550	2,450	900	2,450	
306	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ALTER ECM SHOP AND POD STORAGE FACILITY	620	620	0	(620)	0	3/
307	I	NORTH CAROLINA	AIR FORCE	POPE AFB	ALTER LIFE SUPPORT FACILITY	510	510	510	0	510	
308	I	NORTH CAROLINA	AIR FORCE	POPE AFB	BRIDGE/ROAD/UTILITIES	0	0	4,000	4,000	4,000	
309	I	NORTH CAROLINA	AIR FORCE	POPE AFB	FLEET SERVICE OPERATIONS	950	950	950	0	950	
310	I	NORTH CAROLINA	AIR FORCE	POPE AFB	MUNITIONS STORAGE COMPLEX	4,300	4,300	4,300	0	4,300	
311	I	NORTH CAROLINA	AIR FORCE	POPE AFB	REPAIR APRON AND WIDEN R/W PAVEMENT	2,350	2,350	2,350	50	2,400	
312	I	NORTH CAROLINA	AIR FORCE	POPE AFB	SOUND SUPPRESSOR SUPPORT	820	820	820	0	820	
313	I	NORTH CAROLINA	AIR FORCE	SEYMOUR JOHNSON AFB	ALTER DORMITORIES	4,450	4,450	4,450	0	4,450	
314	I	NORTH CAROLINA	AIR FORCE	SEYMOUR JOHNSON AFB	FIRE TRAINING FACILITY	780	780	780	0	780	
315	I	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	ADD/ALTER SEC. 6 SCHOOLS	0	3,950	0	3,950	3,950	
316	I	NORTH CAROLINA	DEFENSE AGENCIES	FORT BRAGG	HOSPITAL ADD/ALT PHASE I	10,000	10,000	10,000	0	10,000	
317	I	NORTH CAROLINA	ARMY NAT GRD	FAYETTEVILLE	ARMORY	0	0	1,284	1,284	1,284	
318	I	NORTH CAROLINA	AIR NAT GRD	BADIN	COMMUNICATION ELECTRONICS TRAINING FACILITY	0	3,000	0	3,000	3,000	
319	I	NORTH DAKOTA	AIR FORCE	CAVALIER	UNDERGROUND FUEL STORAGE TANKS	1,450	1,450	0	0	1,450	
320	I	NORTH DAKOTA	AIR FORCE	GRAND FORKS AFB	ADD/ALTER SEWAGE TREATMENT/DISPOSAL SYSTEM	3,200	3,200	3,200	0	3,200	
321	I	NORTH DAKOTA	AIR FORCE	GRAND FORKS AFB	UNDERGROUND FUEL STORAGE TANKS	3,300	3,300	3,300	0	3,300	
322	I	NORTH DAKOTA	AIR FORCE	MINOT AFB	ADD TO AND ALTER SEWAGE LAGOON	5,400	5,400	5,400	0	5,400	
323	I	NORTH DAKOTA	AIR FORCE	MINOT AFB	FIRE TRAINING FACILITY	1,200	1,200	1,200	0	1,200	

11:47 AM

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324	I	NORTH DAKOTA	AIR FORCE	MINOT AFB	WATER SYSTEM..................................	0	0	2,050	2,050	2,050	
325	I	NORTH DAKOTA	DEFENSE AGENCIES	GRAND FORKS ABM SITE	BARRACKS & DINNING FACILITY..................	12,800	0	0	(12,800)	0	4/
326	I	NORTH DAKOTA	ARMY NAT GRD	BISMARK	ADAL ARMORY/AVIATION FACILITY................	0	0	5,450	0	0	1/
327	I	NORTH DAKOTA	AIR NAT GRD	FARGO	VEHICLE MAINTENANCE FACILITY.................	0	0	2,600	2,600	2,600	
328	I	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	FIRE TRAINING FACILITY.......................	870	870	870	0	870	
329	I	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	HAZARDOUS MATERIALS STORAGE FACILITY.........	5,800	5,800	5,800	0	5,800	
330	I	OHIO	AIR FORCE	WRIGHT-PATTERSON AFB	UNDERGROUND FUEL STORAGE TANKS...............	5,500	5,500	5,500	0	5,500	
331	I	OHIO	ARMY NAT GRD	MEDINA	ARMORY RENOVATION............................	0	400	400	400	400	
332	I	OHIO	ARMY NAT GRD	RAVENNA ARSENAL	TANK RANGE...................................	0	1,000	1,000	1,000	1,000	
333	I	OHIO	AIR NAT GRD	MANSFIELD LAHM AIRPORT	JET FUEL STORAGE COMPLEX.....................	3,750	3,750	3,750	0	3,750	
334	I	OHIO	AIR NAT GRD	SPRINGFIELD	ADAL ENGINE SHOP.............................	0	0	1,700	1,700	1,700	
335	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	ADD/ALTER AVIONICS SHOP/ECM WEAPONS RELEASE..	0	880	880	880	880	
336	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	ADD/ALTER FUEL SYSTEMS & CORROSION CNTRL DOCK	0	1,300	1,300	1,300	1,300	
337	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	ADD/ALTER SQUADRON OPERATIONS FACILITY.......	0	1,300	1,300	1,300	1,300	
338	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	AIRCRAFT ENGINE SHOP.........................	0	1,700	1,700	1,700	1,700	
339	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	CONSTRUCT BASE WATER MAIN....................	740	740	740	0	740	
340	I	OHIO	AIR NAT GRD	TOLEDO EXPRESS AIRPORT	SANITARY LIFT STATION........................	600	600	600	0	600	
341	I	OHIO	AIR FORCE RESERVE	YOUNGSTOWN AIRPORT	AERIAL SPRAY MAINTENANCE FACILITY............	0	0	2,000	2,000	2,000	
342	I	OKLAHOMA	ARMY	FORT SILL	FIRE STATION.................................	0	1,500	1,500	1,500	1,500	
343	I	OKLAHOMA	AIR FORCE	ALTUS AFB	CONSOLIDATED SUPPORT FACILITY................	0	7,300	0	7,300	7,300	
344	I	OKLAHOMA	AIR FORCE	VANCE AFB	AIRFIELD REPAIR..............................	0	2,350	2,350	2,350	2,350	
345	I	OKLAHOMA	AIR FORCE	TINKER AFB	ADD TO AND ALTER DEPOT METAL PLATING SHOP....	10,200	10,200	10,200	0	10,200	
346	I	OKLAHOMA	AIR FORCE	TINKER AFB	ADD TO AND ALTER DORMITORIES.................	4,050	4,050	4,050	0	4,050	
347	I	OKLAHOMA	AIR FORCE	TINKER AFB	DEPOT HAZARDOUS WASTE PROC FAC...............	2,300	2,300	2,300	0	2,300	
348	I	OKLAHOMA	AIR FORCE	TINKER AFB	FIRE TRAINING FACILITY.......................	780	780	780	0	780	
349	I	OKLAHOMA	AIR FORCE	TINKER AFB	UPGRADE INDUST WSTWTR TRTMNT PLANT...........	3,950	3,950	3,950	0	3,950	
350	I	OKLAHOMA	ARMY NAT GRD	CAMP GRUBER	MOUT FACILITIES..............................	0	1,954	0	1,954	1,954	
351	I	OKLAHOMA	ARMY NAT GRD	NORMAN	VEHICLE MAINTENANCE COMPLEX PHASE I..........	0	8,629	0	7,629	7,629	
352	I	OKLAHOMA	AIR NAT GRD	TULSA AIRPORT	ADAL ENGINE SHOP.............................	0	0	400	400	400	
353	I	OKLAHOMA	AIR NAT GRD	TULSA AIRPORT	ADAL OMS.....................................	0	0	430	430	430	
354	I	OKLAHOMA	AIR NAT GRD	TULSA AIRPORT	ADAL SQUADRON OPS............................	0	0	1,350	1,350	1,350	
355	I	OREGON	ARMY NAT GRD	CLACKMAS	RANGE..	0	0	1,510	1,500	1,500	
356	I	OREGON	ARMY NAT GRD	LAGRANDE	ARMORY.......................................	0	0	3,049	3,049	3,049	
357	I	OREGON	ARMY NAT GRD	LAGRANDE	OMS..	0	0	1,220	1,220	1,220	
358	I	OREGON	AIR NAT GRD	KINGSLEY FIELD, KLAMMATH FALLS	FIRE STATION.................................	0	0	1,230	1,230	1,230	
359	I	OREGON	AIR NAT GRD	KINGSLEY FIELD, KLAMMATH FALLS	REPLACE UNDERGROUND FUEL STORAGE TANKS.......	1,000	1,000	1,000	0	1,000	

11:47 AM

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360	I	OREGON	AIR NAT GRD	KINGSLEY FIELD, KLAMMATH FALLS	SUPPLY WAREHOUSE..............................	0	0	2,575	2,575	2,575	
361	I	OREGON	AIR NAT GRD	PORTLAND IAP	CIVIL ENG. FACILITY...........................	0	0	1,389	1,389	1,389	
362	I	OREGON	AIR NAT GRD	PORTLAND IAP	HANGAR UPDATE.................................	0	0	5,051	5,051	5,051	
363	I	OREGON	AIR NAT GRD	PORTLAND IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS.......	700	700	700	0	700	
364	I	OREGON	AIR NAT GRD	PORTLAND IAP	SITE IMPROVMENTS..............................	0	0	1,100	1,100	1,100	
365	I	PENNSYLVANIA	ARMY	LETTERKENNY ARMY DEPOT	HAZARDOUS MATERIAL WAREHOUSE..................	5,400	5,400	5,400	0	5,400	
366	I	PENNSYLVANIA	ARMY NAT GRD	FORT INDIANTOWN GAP	AVIATION BRIGADE ARMORY (800 PN)..............	0	7,500	0	7,500	7,500	
367	I	PENNSYLVANIA	ARMY NAT GRD	FORT INDIANTOWN GAP	ACADEMIC TRAINING CENTER......................	0	9,100	0	0	0	1/
368	I	PENNSYLVANIA	ARMY NAT GRD	INDIANA	ARMORY..	0	1,700	0	1,700	1,700	
369	I	PENNSYLVANIA	AIR NAT GRD	STATE COLLEGE	COMMUNICATIONS TRAINING FACILITY..............	0	9,700	0	0	0	1/
370	I	PENNSYLVANIA	AIR FORCE RESERVE	WILLOW GROVE ARF	ALTER AGE/AVIONICS FACILITY...................	1,700	1,700	1,700	0	1,700	
371	I	PENNSYLVANIA	AIR FORCE RESERVE	WILLOW GROVE ARF	ENGINE INSPECTION & REPAIR FACILITY..........	1,800	1,800	1,800	0	1,800	
372	I	RHODE ISLAND	NAVY	NAVAL UNDERSEA WARFARE CENTER	UNDERWATER WEAPONS TECHNOLOGY R&D FACILITY...	0	14,000	0	0	0	6/
373	I	RHODE ISLAND	NAVY	NEWPORT NAVAL EDUCATION & TRAINING	HAZARDOUS AND FLAMMABLE STOREHOUSE...........	540	540	540	0	540	
374	I	RHODE ISLAND	ARMY NAT GRD	N. KINGSTON	ADAL ARMORY/AVIATION..........................	0	0	4,200	3,300	3,300	
375	I	SOUTH CAROLINA	NAVY	CHARLESTON NAVAL WEAPONS STATION	HAZARD WASTE STORAGE & TRANSFER FAC..........	600	600	600	0	600	
376	I	SOUTH CAROLINA	NAVY	CHARLESTON NAVAL WEAPONS STATION	WATER DISTRIBUTION SYSTEM.....................	510	510	510	0	510	
377	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	ADD/ALTER PHYSICAL FITNESS CENTER............	0	3,300	3,300	3,300	3,300	
378	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	C-17 ADAL APRON/HYDRANT FUELING SYS PH II....	15,500	15,500	15,500	0	15,500	
379	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	C-17 ADD/ALTER REGIONAL MAINT COMPLEX........	7,200	7,200	7,200	0	7,200	
380	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	C-17 AIRCRAFT MAINTENANCE FACILITY...........	4,000	4,000	4,000	0	4,000	
381	I	SOUTH CAROLINA	AIR FORCE	CHARLESTON AFB	COMBAT CONTROL SQUADRON FACILITY.............	2,150	0	2,150	0	2,150	
382	I	SOUTH CAROLINA	AIR FORCE	SHAW AFB	FIRE TRAINING FACILITY........................	680	680	680	0	680	
383	I	SOUTH CAROLINA	AIR FORCE	SHAW AFB	UNDERGROUND FUEL STORAGE TANKS...............	1,700	1,700	1,700	0	1,700	
384	I	SOUTH CAROLINA	ARMY NAT GRD	FOUNTAIN INN	HAWK TRAINING PARK............................	0	748	748	748	748	
385	I	SOUTH CAROLINA	ARMY NAT GRD	GAFFNEY	ARMORY..	0	0	1,510	1,200	1,200	
386	I	SOUTH CAROLINA	ARMY NAT GRD	PICKENS	HAWK TRAINING PARK............................	0	775	775	775	775	
387	I	SOUTH CAROLINA	ARMY NAT GRD	WARE SHOALS	HAWK TRAINING PARK............................	0	578	578	578	578	
388	I	SOUTH CAROLINA	AIR NAT GRD	MCENTIRE AIR NAT GRD BASE	JET FUEL STORAGE COMPLEX......................	3,300	3,300	3,300	0	3,300	
389	I	SOUTH DAKOTA	AIR FORCE	ELLSWORTH AFB	UNDERGROUND FUEL STORAGE TANKS...............	3,050	3,050	3,050	0	3,050	
390	I	SOUTH DAKOTA	AIR FORCE	ELLSWORTH AFB	UPGRADE WASTEWATER TREATMENT PLANT...........	830	830	830	0	830	
391	I	SOUTH DAKOTA	ARMY NAT GRD	CAMP RAPID	CSMS MAINTENANCE SHOP.........................	2,800	2,800	2,800	0	2,800	
392	I	SOUTH DAKOTA	ARMY NAT GRD	FORT MEADE	RENOVATE ADMIN. FAC...........................	0	805	805	805	805	
393	I	SOUTH DAKOTA	AIR NAT GRD	FOSS FIELD, SIOUX FALLS	MUNITIONS MAINTENANCE COMPLEX................	0	3,000	3,000	3,000	3,000	
394	I	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	AIRCRAFT FIRE & RESCUE TRAINING FACILITY.....	9,060	9,060	9,060	0	9,060	
395	I	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	FIRE AND CRASH RESCUE STATION................	1,750	1,750	1,750	0	1,750	

11:47 AM

#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT
396	I	TENNESSEE	NAVY	MEMPHIS NAVAL AIR STATION	FIRE FIGHTING TRAINING MOCK-UP...............	3,300	3,300	3,300	0	3,300
397	I	TENNESSEE	DEFENSE AGENCIES	MILLINGTON NAVAL AIR STATION	HOSPITAL LIFE SAFETY/SEISMIC UPGRADE PHASE I.	15,000	15,000	15,000	(5,000)	10,000
398	I	TENNESSEE	ARMY NAT GRD	DUNLAP	ARMORY....................................	0	0	818	790	790
399	I	TENNESSEE	ARMY NAT GRD	ERIN	ARMORY....................................	0	0	1,088	850	850
400	I	TENNESSEE	ARMY NAT GRD	MONTEAGLE	ARMORY....................................	0	950	0	790	790
401	I	TENNESSEE	ARMY NAT GRD	SMYRNA	ADD/ALTER OPS. FAC........................	0	3,500	3,500	2,600	2,600
402	I	TENNESSEE	ARMY NAT GRD	SMYRNA	CSM SHOP..................................	0	5,500	5,500	5,500	5,500
403	I	TENNESSEE	AIR NAT GRD	MEMPHIS IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS.......	1,100	1,100	1,100	0	1,100
404	I	TEXAS	ARMY	CORPUS CHRISTI ARMY DEPOT	CONTROLLED-HUMIDITY WAREHOUSE................	0	9,600	0	9,600	9,600
405	I	TEXAS	ARMY	CORPUS CHRISTI ARMY DEPOT	METAL FINISHING & ELECTROPLATING FACILITY....	0	11,600	0	11,600	11,600
406	I	TEXAS	ARMY	FT. BLISS	BARRACKS MODERNIZATION.......................	0	13,800	0	13,800	13,800
407	I	TEXAS	ARMY	FT. BLISS	BARRACKS MODERNIZATION.......................	0	11,160	0	11,160	11,160
408	I	TEXAS	ARMY	FORT HOOD	BARRACKS WITH DINING FACILITY................	33,000	33,000	33,000	0	33,000
409	I	TEXAS	ARMY	RED RIVER ARMY DEPOT	HAZARDOUS MATERIAL STORAGE FAC...............	3,600	3,600	3,600	0	3,600
410	I	TEXAS	NAVY	CORPUS CHRISTI NAVAL AIR STATION	AIRFIELD LIGHTING SYSTEM.....................	4,900	4,900	4,900	0	4,900
411	I	TEXAS	NAVY	KINGSVILLE NAVAL AIR STATION	CORROSION CONTROL HANGAR.....................	10,120	10,120	10,120	0	10,120
412	I	TEXAS	NAVY	KINGSVILLE NAVAL AIR STATION	ROTHR SITE PREPARATION.......................	0	10,000	10,000	10,000	10,000
413	I	TEXAS	AIR FORCE	BROOKS AFB	ACADEMIC COMPLEX.............................	0	0	9,000	9,000	9,000
414	I	TEXAS	AIR FORCE	DYESS AFB	HYDRANT FUELING SYSTEM PHASE I...............	7,300	7,300	7,300	0	7,300
415	I	TEXAS	AIR FORCE	GOODFELLOW AFB	PHYSICAL FITNESS CENTER......................	0	0	3,250	3,250	3,250
416	I	TEXAS	AIR FORCE	KELLY AFB	C-17 ADD/ALTER INTEGRATION SPT FAC...........	4,850	4,850	4,850	0	4,850
417	I	TEXAS	AIR FORCE	KELLY AFB	CHEMICAL WASTE STAGING FACILITY..............	970	970	970	0	970
418	I	TEXAS	AIR FORCE	KELLY AFB	FIRE TRAINING FACILITY.......................	740	740	740	0	740
419	I	TEXAS	AIR FORCE	KELLY AFB	INDUSTRIAL WASTE PRETREATMENT FACILITY.......	2,500	2,500	2,500	0	2,500
420	I	TEXAS	AIR FORCE	KELLY AFB	RENOVATE INDUST WASTEWATER COLLECT SYS.......	9,300	9,300	9,300	0	9,300
421	I	TEXAS	AIR FORCE	KELLY AFB	UNDERGROUND FUEL STORAGE TANKS..............	3,000	3,000	3,000	0	3,000
422	I	TEXAS	AIR FORCE	LACKLAND AFB	HIGH SCHOOL/GRADE SCHOOL FACILITIES..........	0	8,000	0	8,000	8,000
423	I	TEXAS	AIR FORCE	LACKLAND AFB	UNDERGROUND FUEL STORAGE TANKS...............	1,000	1,000	1,000	0	1,000
424	I	TEXAS	AIR FORCE	LAUGHLIN AFB	T-1 SPECIALIZED UPT MAINTENANCE SUPPORT......	5,200	5,200	5,200	0	5,200
425	I	TEXAS	AIR FORCE	LAUGHLIN AFB	UNDERGROUND FUEL STORAGE TANKS...............	800	800	800	0	800
426	I	TEXAS	AIR FORCE	RANDOLPH AFB	UNDERGROUND FUEL STORAGE TANKS...............	1,250	1,250	1,250	0	1,250
427	I	TEXAS	AIR FORCE	SHEPPARD AFB	ENJJPT AIRCRFT SPT EQUIP MAINT FAC...........	490	490	490	0	490
428	I	TEXAS	AIR FORCE	SHEPPARD AFB	ENJJPT STUDENT OFFICER HOUSING...............	4,750	4,750	4,750	0	4,750
429	I	TEXAS	AIR FORCE	SHEPPARD AFB	UNDERGROUND FUEL STORAGE TANKS...............	1,750	1,750	1,750	0	1,750
430	I	TEXAS	DEFENSE AGENCIES	FORT SAM HOUSTON	HOSPITAL REPLACEMENT PHASE VI................	27,000	27,000	27,000	0	27,000
431	I	TEXAS	ARMY NAT GRD	CAMP BOWIE, BROWNWOOD	UNIT TRAINING AND EQUIPMENT SITE.............	0	1,319	0	1,319	1,319

11:47 AM

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432	I	TEXAS	ARMY NAT GRD	GREENVILLE	ARMORY..	0	1,339	0	1,200	1,200
433	I	TEXAS	ARMY NAT GRD	KILGORE	ARMORY..	0	615	0	615	615
434	I	TEXAS	ARMY NAT GRD	LUBBOCK	JOINT ARMED FORCES RESERVE CENTER............	0	7,937	0	7,937	7,937
435	I	TEXAS	ARMY NAT GRD	LUBBOCK	ORGANIZATIONAL MAINTENANCE FACILITY..........	0	696	0	696	696
436	I	TEXAS	ARMY NAT GRD	MEXIA	ARMORY RENOVATION..............................	0	566	0	566	566
437	I	TEXAS	ARMY NAT GRD	SAN ANGELO	ARMORY..	0	1,767	0	1,767	1,767
438	I	TEXAS	ARMY NAT GRD	STEPHENVILLE	ADD/ALTER ARMORY................................	0	591	0	591	591
439	I	TEXAS	AIR NAT GRD	ELLINGTON ANGB	HANGAR MODIFICATION.............................	0	0	1,700	1,700	1,700
440	I	TEXAS	AIR NAT GRD	HENSLEY	WAREHOUSE...	0	0	4,250	4,250	4,250
441	I	TEXAS	AIR NAT GRD	KELLY AFB	CIVIL ENGINEERING FACILITY.....................	0	0	2,050	2,050	2,050
442	I	TEXAS	AIR NAT GRD	NEDERLAND	VEHICLE MAINTENANCE SHOP......................	0	1,200	0	1,200	1,200
443	I	UTAH	ARMY	TOOELE ARMY DEPOT	HAZARDOUS MATERIAL STORAGE FAC...............	9,200	9,200	9,200	0	9,200
444	I	UTAH	AIR FORCE	HILL AFB	ACM ADD/ALTER NDI FACILITY.....................	1,450	1,450	0	0	1,450
445	I	UTAH	AIR FORCE	HILL AFB	ENGINE TEST CELL SUPPORT FAC..................	0	850	0	850	850
446	I	UTAH	AIR FORCE	HILL AFB	POWER UPGRADE......................................	0	4,300	0	2,300	2,300
447	I	UTAH	AIR FORCE	HILL AFB	UNDERGROUND FUEL STORAGE TANKS...............	1,500	1,500	1,500	0	1,500
448	I	UTAH	ARMY NAT GRD	BLANDING	ARMORY..	0	0	1,290	1,150	1,150
449	I	UTAH	ARMY NAT GRD	ST. GEORGE	ARMORY..	0	2,898	2,898	2,898	2,898
450	I	UTAH	ARMY NAT GRD	ST. GEORGE	ORGANIZATIONAL MAINTENANCE SHOP/SUBSHOP......	0	701	701	562	562
451	I	UTAH	AIR NAT GRD	SALT LAKE CITY	CIVIL ENG. FACILITY.............................	0	0	1,850	1,850	1,850
452	I	UTAH	AIR FORCE RESERVE	HILL AFB	AIRCRAFT CORROS CNTROL & FUEL SYS MAINT FAC..	0	1,000	0	1,000	1,000
453	I	VERMONT	AIR NAT GRD	BURLINGTON IAP	REPLACE UNDERGROUND FUEL STORAGE TANKS.......	800	800	800	0	800
454	I	VIRGINIA	ARMY	FORT BELVOIR	RAIL EXTENSION.....................................	0	0	1,200	1,200	1,200
455	I	VIRGINIA	ARMY	FT PICKETT	SEWAGE TREATMENT PLANT..........................	5,800	5,800	5,800	0	5,800
456	I	VIRGINIA	NAVY	DAM NECK	APPLIED INSTRUCTION BLDG EXPANSION...........	0	13,727	13,727	13,727	13,727
457	I	VIRGINIA	NAVY	DAM NECK	UPGRADE WATER SYSTEM............................	0	1,200	1,200	1,200	1,200
458	I	VIRGINIA	NAVY	DAM NECK	LAND ACQUISITION - 181 ACRES..................	0	4,500	4,500	4,500	4,500
459	I	VIRGINIA	NAVY	FT. STORY	NAVY BOMB DISPOSAL TRAINING & EVALUATION FAC.	0	5,650	5,650	5,650	5,650
460	I	VIRGINIA	NAVY	LITTLE CREEK	BACHELOR ENLISTED QUARTERS FACILITY..........	0	8,000	8,000	8,000	8,000
461	I	VIRGINIA	NAVY	LITTLE CREEK	BLAST/PAINT FACILITY............................	0	5,300	5,300	0	0 3/
462	I	VIRGINIA	NAVY	NAS NORFOLK	MAGAZINE AREA PHYSICAL SECURITY...............	0	1,450	1,450	1,100	1,100
463	I	VIRGINIA	NAVY	NAS NORFOLK	RELOCATION OF ORDNANCE PAD.....................	0	2,000	2,000	2,000	2,000
464	I	VIRGINIA	NAVY	NORFOLK NAVAL STATION	DREDGING..	880	880	880	0	880
465	I	VIRGINIA	NAVY	NORFOLK NAVAL SUPPLY CENTER	COLD STORAGE WAREHOUSE..........................	12,400	12,400	12,400	0	12,400
466	I	VIRGINIA	NAVY	OCEANA NAVAL AIR STATION	AVIONICS SHOP ADDITION..........................	2,360	2,360	2,360	0	2,360
467	I	VIRGINIA	NAVY	OCEANA NAVAL AIR STATION	REFUEL VEHICLE SHOP.............................	830	830	830	0	830

11:47 AM

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468	I	VIRGINIA	NAVY	QUANTICO	COMMAND & STAFF COLLEGE FACILITY.............	0	0	5,000	5,000	5,000
469	I	VIRGINIA	NAVY	YORKTOWN NAVAL WEAPONS STATION	HAZARDOUS WASTE STORAGE FACILITY.............	1,100	1,100	1,100	0	1,100
470	I	VIRGINIA	AIR FORCE	LANGLEY AFB	BASE ENGINEER COMPLEX........................	0	5,300	5,300	5,300	5,300
471	I	VIRGINIA	AIR FORCE	LANGLEY AFB	FIRE TRAINING FACILITY.......................	780	780	780	0	780
472	I	VIRGINIA	AIR FORCE	LANGLEY AFB	POL/HYDRANT FUELING SYSTEM...................	970	970	970	0	970
473	I	VIRGINIA	DEFENSE AGENCIES	PORTSMOUTH NAVAL HOSPITAL	HOSPITAL REPLACEMENT PHASE IV................	16,000	16,000	16,000	0	16,000
474	I	VIRGINIA	ARMY NAT GRD	SW COMMUNITY COLLEGE, RICHLANDS	ARMORY CONSTRUCTION..........................	0	2,137	2,137	2,137	2,137
475	I	WASHINGTON	NAVY	BANGOR TRIDENT REFIT FACILITY	CAISSON MOORING PLATFORM.....................	1,550	1,550	1,550	0	1,550
476	I	WASHINGTON	NAVY	BREMERTON NAV INACTIVE SHIP MAINT F	MOORING BUOY ELECTRICAL POWER................	1,200	1,200	1,200	0	1,200
477	I	WASHINGTON	NAVY	BREMERTON PUGET SOUND NAVAL SHIPYAR	ABRASIVE BLAST MATERIAL HANDLING FAC.........	1,500	1,500	1,500	0	1,500
478	I	WASHINGTON	NAVY	BREMERTON PUGET SOUND NAVAL SHIPYAR	BACHELOR ENLISTED QUARTERS...................	13,300	13,300	13,300	0	13,300
479	I	WASHINGTON	NAVY	EVERETT NAVAL STATION	OIL/WATER SEPARATOR SYSTEM...................	5,600	5,600	5,600	0	5,600
480	I	WASHINGTON	NAVY	PUGET SOUND NAVAL STAT., BREMENTON	BACHELOR ENLISTED QUARTERS...................	0	13,300	0	13,300	13,300
481	I	WASHINGTON	AIR FORCE	FAIRCHILD AFB	FIRE TRAINING FACILITY.......................	960	960	960	0	960
482	I	WASHINGTON	AIR FORCE	FAIRCHILD AFB	UNDERGROUND FUEL STORAGE TANKS...............	1,550	1,550	1,550	0	1,550
483	I	WASHINGTON	AIR FORCE	MCCHORD AFB	C-141 ADD/ALTER FLIGHT SIMULATOR FAC.........	1,650	1,650	1,650	0	1,650
484	I	WASHINGTON	AIR FORCE	MCCHORD AFB	FIRE TRAINING FACILITY.......................	890	890	890	0	890
485	I	WASHINGTON	ARMY NAT GRD	GRANDVIEW	ARMORY.......................................	0	1,602	1,602	1,500	1,500
486	I	WASHINGTON	ARMY NAT GRD	BUCKLEY	ARMORY.......................................	0	1,728	1,728	1,575	1,575
487	I	WASHINGTON	ARMY NAT GRD	MOSES LAKE	ARMORY.......................................	0	1,804	1,804	1,675	1,675
488	I	WEST VIRGINIA	ARMY NAT GRD	CLARKSBURG	HANGAR.......................................	0	0	5,500	5,500	5,500
489	I	WEST VIRGINIA	ARMY RESERVE	BLUEFIELD	ARMY RESERVE CENTER..........................	0	0	1,921	1,921	1,921
490	I	WEST VIRGINIA	ARMY RESERVE	CLARKSBURG	ARMY RESERVE CENTER..........................	0	0	5,358	5,358	5,358
491	I	WEST VIRGINIA	ARMY RESERVE	GRANTSVILLE	ARMY RESERVE CENTER..........................	0	0	2,785	2,785	2,785
492	I	WEST VIRGINIA	ARMY RESERVE	JANE LEW	ARMY RESERVE CENTER..........................	0	0	1,566	1,566	1,566
493	I	WEST VIRGINIA	ARMY RESERVE	LEWISBURG	ARMY RESERVE CENTER..........................	0	0	1,631	1,631	1,631
494	I	WEST VIRGINIA	ARMY RESERVE	WEIRTON	ARMY RESERVE CENTER..........................	0	0	3,481	3,481	3,481
495	I	WEST VIRGINIA	ARMY RESERVE	WHEELING	ARMY RESERVE CENTER..........................	0	0	6,808	6,808	6,808
496	I	WISCONSIN	ARMY NAT GRD	MARSHFIELD	ARMORY.......................................	0	2,030	0	2,030	2,030
497	I	WISCONSIN	ARMY NAT GRD	MARSHFIELD	VEHICLE STORAGE FACILITY.....................	0	226	0	226	226
498	I	WISCONSIN	ARMY NAT GRD	FORT MCCOY	TRAINING/EDUCATION FACILITY..................	0	15,000	0	10,712	10,712
499	I	WISCONSIN	AIR NAT GRD	TRUAX FIELD	ALT FUEL CELL MAINTENANCE DOCK...............	0	2,000	2,000	2,000	2,000
500	I	WISCONSIN	AIR NAT GRD	TRUAX FIELD	ALT HANGER...................................	0	2,250	2,250	2,250	2,250
501	I	WISCONSIN	AIR NAT GRD	VOLK FIELD	COMPOSITE RAPCON CENTER/COMMUNICATIONS FAC...	0	2,600	0	2,600	2,600
502	I	WISCONSIN	AIR NAT GRD	VOLK FIELD	REPLACE UNDERGROUND FUEL STORAGE TANKS.......	1,000	1,000	1,000	0	1,000
503	I	WISCONSIN	AIR FORCE RESERVE	MITCHELL FIELD	HANGAR ACQ...................................	0	2,500	0	2,500	2,500

11:47 AM

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504	I	WYOMING	ARMY NAT GRD	CAMP GUERNSEY	BARRACKS UPDATE	0	0	4,447	1,109	1,109	
505	I	WYOMING	AIR FORCE	FE WARREN AFB	UNDERGROUND FUEL STORAGE TANKS	1,050	1,050	1,050	0	1,050	
506	I	CONUS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	AIRCRAFT MAINT DOCK	4,050	0	0	(4,050)	0	3/
507	I	CONUS CLASSIFIED	AIR FORCE	CLASSIFIED LOCATION	HYDRANT FUELING DISTRIBUTION SYSTEM	10,400	0	0	(10,400)	0	3/
508	I	CONUS UNSPECIFIED	BASE CLOSURE 1	BASE REALIGNMENT & CLOSURE ACCT PAR	BASE REALIGNMENT & CLOSURE ACCT PART I	440,700	440,700	440,700	0	440,700	
509	I	CONUS UNSPECIFIED	BASE CLOSURE 2	BASE REALIGNMENT & CLOSURE ACCT PAR	BASE REALIGNMENT & CLOSURE ACCT PART II	1,743,600	1,743,600	1,743,600	0	1,743,600	
510	I	CONUS VARIOUS	AIR FORCE	CONUS VARIOUS	UNDERGROUND FUEL STORAGE TANKS	3,300	0	3,300	(500)	2,800	
511	I	CONUS VARIOUS	ARMY	VARIOUS CONUS LOCATIONS	CLASSIFIED PROJECT	3,000	2,710	2,700	(300)	2,700	
512	I	CONUS VARIOUS	ARMY	VARIOUS CONUS LOCATIONS	DEFENSE ACCESS ROADS	0	0	2,400	2,400	2,400	
513	I	CONUS VARIOUS	AIR FORCE	VARIOUS LOCATIONS	GENERAL REDUCTION	0	0	(6,690)	(6,690)	(6,690)	
514	O	ASCENSION ISLAND	AIR FORCE	ASCENSION ISLAND	POWER/DESALINIZATION PLANT	0	0	22,000	22,000	22,000	
515	O	CANADA	AIR FORCE	VARIOUS LOCATIONS-CANADA	FWD OPERATING LOC/DISPRSD OPERATING BASES	19,500	0	0	(19,500)	0	1/
516	O	GERMANY	ARMY	GRAFENWOEHR	SANITARY LANDFILL EXPANSION	11,600	11,600	11,600	0	11,600	
517	O	GERMANY	DEFENSE AGENCIES	HOHENFELS	ADD/ALTER ELEM SCHOOL	13,500	0	0	0	13,500	
518	O	GERMANY	AIR FORCE	RHEIN-MAIN AB	UPGRADE WASTEWATER TREATMENT PLANT	3,100	3,100	3,100	0	3,100	
519	O	GERMANY	DEFENSE AGENCIES	GRAFENWOEHR	ADD/ALTER ELEM SCHOOL	7,400	0	0	(7,400)	0	1/
520	O	GREECE	NAVY	SOUDA BAY CRETE NAVAL SUPPORT ACTIV	BACHELOR ENLISTED QUARTERS	7,600	7,600	7,600	0	7,600	
521	O	GREENLAND	AIR FORCE	THULE AB	ALTER DORMITORY	5,000	5,000	5,000	0	5,000	
522	O	GREENLAND	AIR FORCE	THULE AB	DORMITORY	11,000	11,000	11,000	0	11,000	
523	O	GREENLAND	AIR FORCE	THULE AB	UPGRADE AIRFIELD PAVEMENT PH III	8,900	8,900	8,900	0	8,900	
524	O	GUAM	AIR FORCE	ANDERSEN AFB	FIRE TRAINING FACILITY	2,300	2,300	2,300	0	2,300	
525	O	GUAM	AIR FORCE	ANDERSEN AFB	HAZARDOUS WASTE MANAGEMENT FACILITY	790	790	790	0	790	
526	O	GUAM	AIR FORCE	ANDERSEN AFB	UNDERGROUND FUEL STORAGE TANKS	0	4,550	0	4,550	4,550	
527	O	GUAM	AIR FORCE	ANDERSEN AFB	LANDFILL	0	10,000	0	10,000	10,000	
528	O	GUAM	AIR FORCE	ANDERSEN AFB	HAZARDOUS WASTE FACILITY	0	1,500	0	1,500	1,500	
529	O	GUAM	AIR FORCE	ANDERSEN AFB	UNDERGROUND FUEL STORAGE TANK	0	4,100	0	4,100	4,100	
530	O	GUAM	ARMY NAT GRD	BARRIGADA	U.S. PROPERY & FISCAL OFFICE & WAREHOUSE	0	1,927	0	1,927	1,927	
531	O	ICELAND	NAVY	KEFLAVIK NAVAL AIR STATION	FUEL FACILITIES (PHASE VIII)	4,940	0	0	(4,940)	0	1/
532	O	JOHNSTON ISLAND	DEFENSE AGENCIES	ON-SITE INSPECTION AGENCY	CHEMICAL DEMILITARIZATION HOUSING	4,600	0	0	(4,600)	0	3/
533	O	JOHNSTON ISLAND	DEFENSE AGENCIES	DNA HDQTRS FIELD COMMAND	GARBAGE AND REFUSE INCENERATOR JA	1,500	1,500	1,500	0	1,500	
534	O	KWAJALEIN	ARMY	KWAJALEIN	POWER PLANT -ROI NAMUR ISLAND	33,000	0	33,000	(33,000)	0	1/
535	O	KWAJALEIN	ARMY	KWAJALEIN	FUEL CONTAINMENT FACILITY UPGRADE	1,200	1,200	1,200	(1,200)	0	1/
536	O	KWAJALEIN	ARMY	KWAJALEIN	HAZARDOUS MATERIAL FACILITIES	8,600	8,600	8,600	(8,600)	0	1/
537	O	KWAJALEIN	ARMY	KWAJALEIN	UNACCOMPANIED PERSONNEL HOUSING	10,000	10,000	10,000	(10,000)	0	1/
538	O	KWAJALEIN	DEFENSE AGENCIES	MISSILE RANGE	GROUND SURVEIL & TRACKING SYSTEM COMPLEX	22,000	0	22,000	0	22,000	
539	O	PORTUGAL	AIR FORCE	LAJES FIELD	FIRE TRAINING FACILITY	950	950	950	0	950	

11:47 AM

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540	O	PORTUGAL	AIR FORCE	LAJES FIELD	WASTEWATER TREATMENT AND DISPOSAL SYSTEM.....	7,500	7,500	7,500	0	7,500	
541	O	PUERTO RICO	AIR NAT GRD	PUERTO RICO IAP	ADD TO AIRCRAFT PARKING APRON................	3,800	3,800	3,800	0	3,800	
542	O	PUERTO RICO	AIR NAT GRD	PUERTO RICO IAP	COMPOSITE SQUADRON OPERATIONS FACILITY.......	2,800	2,800	2,800	0	2,800	
543	O	UNITED KINGDOM	DEFENSE AGENCIES	CLASSIFIED LOCATION	OPS SYSTEM UNINTERRUPTIBLE POWER SOURCE......	6,000	6,000	6,000	0	6,000	
544	O	OVERSEAS CLASSIFIED	DEFENSE AGENCIES	CLASSIFIED LOCATION	SOUTHWESTER/NSA..............................	0	0	3,590	3,590	3,590	
545	O	OVERSEAS CLASSIFIED	DEFENSE AGENCIES	CLASSIFIED LOCATION	STRATEGIC MEDICAL STORAGE FACILITY...........	8,000	8,000	8,000	(8,000)	0	1/
546	O	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION...............	64,803	54,803	3,800	(61,003)	3,800	
547	O	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY......................	538,795	448,795	0	(538,795)	0	5/
548	O	WORLDWIDE UNSPECIFIED	ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN..........................	112,300	112,300	112,300	0	112,300	
549	O	WORLDWIDE VARIOUS	ARMY	VARIOUS WORLDWIDE LOCATIONS	CLASSIFIED PROJECT...........................	1,700	1,700	1,700	0	1,700	
550	O	WORLDWIDE VARIOUS	NAVY	VARIOUS LOCATIONS	HOST NATION INFRASTRUCTURE SUPPORT...........	3,000	3,000	3,000	0	3,000	
551	O	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN..........................	72,942	74,292	72,942	2,750	75,692	6/
552	O	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION...............	82,123	67,123	5,000	(77,123)	5,000	5/
553	O	WORLDWIDE UNSPECIFIED	NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY......................	474,133	389,133	0	(474,133)	0	5/
554	O	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN..........................	95,000	95,000	95,000	0	95,000	
555	O	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION...............	90,948	82,000	12,000	(83,948)	7,000	5/
556	O	WORLDWIDE UNSPECIFIED	AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY......................	367,446	271,094	0	(367,446)	0	5/
557	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED	ENERGY CONSERVATION..........................	0	60,000	0	60,000	60,000	
558	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (OSIS)........	1,000	0	0	(1,000)	0	5/
559	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DMA).........	2,400	2,400	0	(2,400)	0	5/
560	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY (DMA)................	6,100	6,100	0	(6,100)	0	5/
561	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	UNSPECIFIED MINOR CONSTRUCTION (DISA)........	1,261	1,261	0	(1,261)	0	5/
562	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	REPAIR OF REAL PROPERTY (DISA)...............	1,539	1,539	0	(1,539)	0	5/
563	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	VARIOUS LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DNA).........	800	800	0	(800)	0	5/
564	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	VARIOUS LOCATIONS	REPAIR OF REAL PROPERTY (DNA)................	3,500	3,500	0	(3,500)	0	5/
565	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (NSA).........	3,307	3,307	0	(3,307)	0	5/
566	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY (NSA)................	14,118	14,118	0	(14,118)	0	5/
567	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (OSD)....................	21,168	21,168	21,168	0	21,168	
568	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	CONTINGENCY CONSTRUCTION (OSD)...............	10,000	10,000	10,000	0	10,000	
569	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (SDIO)...................	10,000	0	5,000	(5,000)	5,000	
570	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	OSD MILCON	UNSPECIFIED MINOR CONSTRUCTION (SOC).........	4,500	4,500	700	(3,800)	700	5/
571	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DODDS).......	14,656	14,656	3,000	(11,656)	3,000	5/
572	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY (DODDS)..............	25,400	25,400	0	(25,400)	0	5/
573	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (DMSA)........	6,398	6,398	2,908	(3,490)	2,908	5/
574	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY (DMSA)...............	88,761	88,761	0	(88,761)	0	5/
575	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN (DMSA)...................	34,650	64,650	35,650	30,000	64,650	7/

11:47 AM

#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
576	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	UNSPECIFIED MINOR CONSTRUCTION (DIA).........	892	892	0	(892)	0	5/
577	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED MINOR CONSTRUCTION	REPAIR OF REAL PROPERTY (DIA)................	1,338	1,338	0	(1,338)	0	5/
578	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION (JCS).........	5,900	5,900	5,900	0	5,900	
579	O	WORLDWIDE UNSPECIFIED	DEFENSE AGENCIES	VARIOUS LOCATIONS WORLDWIDE	CONFORMING STORAGE FACILITIES................	3,580	3,580	3,580	0	3,580	
580	O	WORLDWIDE UNSPECIFIED	ARMY NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	3,100	4,465	3,390	1,900	5,000	8/
581	O	WORLDWIDE UNSPECIFIED	ARMY NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION...............	10,600	10,600	5,500	(5,100)	5,500	5/
582	O	WORLDWIDE UNSPECIFIED	ARMY NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY......................	29,300	28,363	0	(29,300)	0	5/
583	O	WORLDWIDE UNSPECIFIED	ARMY NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION............................	0	0	(1,845)	0	0	
584	O	WORLDWIDE UNSPECIFIED	AIR NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION...............	21,800	21,800	3,800	(16,800)	5,000	
585	O	WORLDWIDE UNSPECIFIED	AIR NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY......................	23,000	18,750	0	(23,000)	0	
586	O	WORLDWIDE UNSPECIFIED	AIR NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN..........................	12,700	12,700	12,700	5,000	17,700	
587	O	WORLDWIDE UNSPECIFIED	AIR NAT GRD	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION............................	0	0	(19,841)	0	0	
588	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN..........................	5,900	5,900	6,500	3,000	8,900	
589	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PRIOR YEAR COST INCREASES....................	0	0	5,300	0	0	
590	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION...............	5,700	5,700	2,400	(3,300)	2,400	5/
591	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY......................	19,900	19,900	0	(19,900)	0	5/
592	O	WORLDWIDE UNSPECIFIED	ARMY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION............................	0	0	(1,245)	0	0	
593	O	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN..........................	2,900	2,900	2,900	0	2,900	
594	O	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION...............	2,300	2,300	500	(1,800)	500	5/
595	O	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	REAL PROPERTY REPAIR.........................	26,072	26,072	0	(26,072)	0	5/
596	O	WORLDWIDE UNSPECIFIED	NAVY RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION............................	0	0	(1,485)	0	0	
597	O	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN..........................	2,500	2,500	2,500	0	2,500	
598	O	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION...............	8,400	8,400	4,400	(4,000)	4,400	5/
599	O	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	REPAIR OF REAL PROPERTY......................	24,500	24,500	0	(24,500)	0	5/
600	O	WORLDWIDE UNSPECIFIED	AIR FORCE RESERVE	UNSPECIFIED WORLDWIDE LOCATIONS	GENERAL REDUCTION............................	0	0	(3,657)	0	0	
601	O	WORLDWIDE UNSPECIFIED	NATO	OSD MILCON	NATO INFRASTRUCTURE..........................	221,200	121,200	221,200	(161,200)	60,000	
602	I	HAWAII	FHC ARMY	VARIOUS OAHU	NEW CONSTRUCTION (200).......................	23,000	23,000	23,000	0	23,000	
603	I	KENTUCKY	FHC ARMY	FORT CAMPBELL	NEW CONSTRUCTION (96)........................	0	0	8,200	8,200	8,200	
604	I	TEXAS	FHC ARMY	FT. HOOD	FAMILY HOUSING (227 UNITS)...................	0	28,000	0	25,000	25,000	
605	I	VIRGINIA	FHC ARMY	FT. PICKETT	FAMILY HOUSING (26 UNITS)....................	0	2,300	0	2,300	2,300	
606	O	WORLDWIDE UNSPECIFIED	FHC ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS....................	143,660	149,160	155,860	(51,060)	92,600	9/
607	O	WORLDWIDE UNSPECIFIED	FHC ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING.....................................	8,940	8,940	8,940	0	8,940	
608	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	INTEREST PAYMENTS............................	50	50	50	0	50	
609	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT.............................	64,840	64,840	64,840	0	64,840	
610	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT..........................	52,036	47,036	52,036	(5,000)	47,036	
611	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING......................................	358,241	358,241	358,241	0	358,241	

11:47 AM

#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT	
612	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	313,736	313,736	313,736	0	313,736	
613	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,973	1,973	1,973	0	1,973	
614	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	93,678	93,678	93,678	0	93,678	
615	O	WORLDWIDE UNSPECIFIED	FHS ARMY	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	495,836	495,836	495,836	(11,820)	484,016	
616	I	ALASKA	FHC NAVY	ADAK NAVAL AIR STATION	NEW CONSTRUCTION (46)	11,820	0	0	(11,820)	0	3/
617	I	CALIFORNIA	FHC NAVY	MARINE CORPS BASE CAMP PENDLETON	NEW CONSTRUCTION (300)	30,600	30,600	30,600	0	30,600	
618	I	CALIFORNIA	FHC NAVY	NAVAL COMPLEX SAN DIEGO	NEW CONSTRUCTION (300)	30,400	30,400	30,400	0	30,400	
619	I	CONNECTICUT	FHC NAVY	NSB NEW LONDON	NEW CONSTRUCTION (100)	11,850	11,850	11,850	0	11,850	
620	I	HAWAII	FHC NAVY	BARKING SANDS PACIFIC MISSILE RANGE	NEW CONSTRUCTION (13)	2,330	2,330	2,330	0	2,330	
621	I	HAWAII	FHC NAVY	VARIOUS OAHU	FAMILY HOUSING (758)	0	11,820	182,500	117,180	117,180	
622	I	NEW JERSEY	FHC NAVY	NAVAL WEAPONS STATION EARLE	NEW CONSTRUCTION (COMMUNITY CENTER)	1,100	1,100	1,100	0	1,100	
623	I	VIRGINIA	FHC NAVY	NORFOLK NAVAL STATION	DEMOLITION & SITE PREPARATION	0	0	0	7,000	7,000	
624	I	WASHINGTON	FHC NAVY	NAVY SUBMARINE BASE BANGOR	FAMILY HOUSING UNITS (200)	0	19,500	0	19,500	19,500	
625	I	WASHINGTON	FHC NAVY	NAVAL SUBMARINE BASE BANGOR	NEW CONSTRUCTION (200)	19,500	19,500	19,500	0	19,500	
626	I	WEST VIRGINIA	FHC NAVY	SUGAR GROVE NAVAL RADIO STATION	NEW CONSTRUCTION (8)	930	0	930	0	930	
627	O	WORLDWIDE UNSPECIFIED	FHC NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	198,340	198,340	198,340	(67,496)	130,844	
628	O	WORLDWIDE UNSPECIFIED	FHC NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	14,200	14,200	14,200	0	14,200	
629	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	104,470	104,470	104,470	0	104,470	
630	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	262,840	262,840	262,840	(34,931)	227,909	
631	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	23,766	23,766	23,766	0	23,766	
632	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	68,284	68,284	68,284	0	68,284	
633	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,068	1,068	1,068	0	1,068	
634	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	90	90	90	0	90	
635	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	41,549	41,549	41,549	0	41,549	
636	O	WORLDWIDE UNSPECIFIED	FHS NAVY	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	194,110	194,110	194,110	0	194,110	
637	I	CALIFORNIA	FHC AIR FORCE	BEALE AFB	HOUSING OFFICE	306	0	306	0	306	
638	I	CALIFORNIA	FHC AIR FORCE	MARCH AFB	ADDITONAL FUNDS FOR 320 HOUSING UNITS	0	13,000	0	0	0	
639	I	CALIFORNIA	FHC AIR FORCE	MARCH AFB	FAMILY HOUSING (320 UNITS)	25,351	25,351	25,351	13,000	38,351	
640	I	FLORIDA	FHC AIR FORCE	PATRICK AFB	FAMILY HOUSING (250 UNITS)	16,000	16,000	22,500	6,500	22,500	
641	I	GEORGIA	FHC AIR FORCE	MOODY AFB	HOUSING MAINTENANCE FACILITY	290	0	290	0	290	
642	I	GEORGIA	FHC AIR FORCE	ROBINS AFB	FAMILY HOUSING (55 UNITS)	3,153	3,153	3,153	0	3,153	
643	I	ILLINOIS	FHC AIR FORCE	SCOTT AFB	FAMILY HOUSING PHASE I (300)	0	0	20,000	20,000	20,000	
644	I	LOUISIANA	FHC AIR FORCE	BARKSDALE AFB	HOUSING MAINTENANCE & STORAGE FACILITY	443	0	443	0	443	
645	I	NEW MEXICO	FHC AIR FORCE	CANNON AFB	FAMILY HOUSING (361 UNITS)	32,951	32,951	32,951	0	32,951	
646	I	NEW MEXICO	FHC AIR FORCE	CANNON AFB	HOUSING OFFICE	480	0	480	0	480	
647	I	NORTH DAKOTA	FHC AIR FORCE	MINOT AFB	HOUSING MAINTENANCE & STORAGE FACILITY	286	0	286	0	286	

11:47 AM

#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT
648	I	SOUTH CAROLINA	FHC AIR FORCE	SHAW AFB	HOUSING OFFICE	351	0	351	0	351
649	I	UTAH	FHC AIR FORCE	HILL AFB	FAMILY HOUSING (82 UNITS)	6,353	6,353	6,353	0	6,353
650	O	PORTUGAL	FHC AIR FORCE	LAJES FIELD	WATER WELLS	865	865	865	0	865
651	O	WORLDWIDE UNSPECIFIED	FHC AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING	7,457	7,457	7,457	0	7,457
652	O	WORLDWIDE UNSPECIFIED	FHC AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	CONSTRUCTION IMPROVEMENTS	227,824	227,824	227,824	(77,824)	150,000
653	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	26,633	26,633	26,633	0	26,633
654	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	261,052	261,052	261,052	0	261,052
655	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	150,800	150,800	150,800	0	150,800
656	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	396,943	396,943	396,943	(9,347)	387,596
657	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	46,354	46,354	46,354	0	46,354
658	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	9,755	9,755	9,755	0	9,755
659	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	MORTGAGE INSURANCE PREMIUMS	70	70	70	0	70
660	O	WORLDWIDE UNSPECIFIED	FHS AIR FORCE	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	50,681	45,681	50,681	(5,000)	45,681
661	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	148	148	148	0	148
662	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	10,374	10,374	10,374	0	10,374
663	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	521	521	521	0	521
664	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	44	44	44	0	44
665	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	8	8	8	0	8
666	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	321	321	321	0	321
667	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	1,702	1,702	1,702	0	1,702
668	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	13,185	13,185	13,185	0	13,185
669	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	424	424	424	0	424
670	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	43	43	43	0	43
671	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	991	991	991	0	991
672	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	150	150	150	0	150
673	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	54	54	54	0	54
674	O	WORLDWIDE UNSPECIFIED	FHS DEFENSE AGENCIES	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	435	435	435	0	435
675	O	CONUS UNSPECIFIED	FH-HOMEOWNERS	UNSPECIFIED WORLDWIDE LOCATIONS	PAYMENT TO HOMEOWNERS	7,334	7,334	7,334	0	7,334
676	O	CONUS UNSPECIFIED	FH-HOMEOWNERS	UNSPECIFIED WORLDWIDE LOCATIONS	OTHER OPERATING COSTS	29,596	29,596	29,596	0	29,596
677	O	CONUS UNSPECIFIED	FH-HOMEOWNERS	UNSPECIFIED WORLDWIDE LOCATIONS	ACQUISITION OF REAL PROPERTY	96,070	96,070	96,070	0	96,070
678	O	WORLDWIDE UNSPECIFIED	DEBT	UNSPECIFIED WORLDWIDE LOCATIONS	DEBT REDUCTION	127	127	127	0	127
679	I	ALASKA	DEAUTH 1992	SHEMYA	VARIOUS PROJECTS	0	0	(28,100)	(28,100)	(28,100)
680	I	ARIZONA	DEAUTH 1992	LUKE AFB	CONSTRUCT COURSE TRAIN FAC	0	0	(2,800)	(2,800)	(2,800)
681	I	GEORGIA	DEAUTH 1991	ROBINS AFB	VARIOUS PROJECTS	0	0	(12,500)	(12,500)	(12,500)
682	I	MICHIGAN	DEAUTH 1991	KI SAWYER	ALTER TAXIWAY BARRIER	0	0	(1,300)	(1,300)	(1,300)
683	I	MONTANA	DEAUTH 1992	VARIOUS LOCATIONS	VARIOUS PROJECTS	0	0	(1,400)	(1,400)	(1,400)

11:47 AM

#	I/O	LOCATION	SERVICE	INSTALLATION	PROJECT	BUDGET REQUEST	H. PASSED	S. PASSED	CHANGE TO REQUEST CONFERENCE	FINAL CONFERENCE AGREEMENT
684	I	NEW YORK	DEAUTH 1992	GRIFFISS AFB	ALERT TAXIWAY BARRIER........................	0	0	(1,200)	(1,200)	(1,200)
685	I	NORTH CAROLINA	DEAUTH 1989	MCAS CHERRY POINT	FORWARD TRAIN AREA...........................	0	0	(8,280)	(8,280)	(8,280)
686	I	OKLAHOMA	DEAUTH 1991	TINKER AFB	B2-ADD HANGAR FIRE PROT SYS..................	0	0	(3,600)	(3,600)	(3,600)
687	I	SOUTH CAROLINA	DEAUTH 1991	MYRTLE BEACH AFB	MIL FAMILY HOUSING OFF.......................	0	0	(258)	(258)	(258)
688	I	SOUTH DAKOTA	DEAUTH 1992	ELLSWORTH AFB	ALERT TAXIWAY BARRIER........................	0	0	(670)	(670)	(670)
689	I	TEXAS	DEAUTH 1992	SHEPPARD AFB	ALTER FLIGHT TRAIN FAC.......................	0	0	(420)	(420)	(420)
690	I	WORLDWIDE UNSPECIFIED	DEAUTH 1989	UNSPECIFIED WORLDWIDE LOCATIONS	VARIOUS PROJECTS.............................	0	0	(1,160)	(1,160)	(1,160)
691	I	WORLDWIDE UNSPECIFIED	DEAUTH 1990	UNSPECIFIED WORLDWIDE LOCATIONS	VARIOUS PROJECTS.............................	0	0	(6,550)	(6,550)	(6,550)
692	I	WORLDWIDE UNSPECIFIED	DEAUTH 1991	UNSPECIFIED WORLDWIDE LOCATIONS	VARIOUS PROJECTS.............................	0	0	(3,770)	(3,770)	(3,770)

1/ NO APPROPRIATION
2/ QUESTION FUTURE OF HOMESTEADAFB
3/ NO LONGER REQUIRED
4/ PROGRAM DELAY
5/ TRANSFER TO O&M ACCOUNT
6/ INCLUDES $1.4 MILLION TO INITIATE DESIGN ON UNDERWATER WEAPONS TECHNOLOGY R&D FACILITY AT NAVAL UNDERSEA WARFARE CENTER, RHODE ISLAND; AND $1.35 MILLION FOR DESIGN OF IMPROVEMENTS AT NAVAL STATION MAYPORT, FLORIDA
7/ INCLUDES $30 MILLION TO COMPLETE DESIGN OF FITZSIMONS ARMY MEDICAL CENTER, AURORA, COLORADO
8/ INCLUDES $95,000.00 FOR DESIGN OF DANVILLE, VA ARMORY; $98,000.00 FOR FACILITIES AT JOHNSTOWN, PA; AND $290,000.00 FOR A MASTER PLAN FOR SMYRNA, TN
9/ INCLUDES CONSTRUCTION IMPROVEMENTS AT THE FOLLOWING LOCATIONS: $5.5 MILLION FOR FORT MCCLELLAN, AL; $6.5 MILLION FOR FORT WAINWRIGHT; AND $5.7 MILLION
10/ PRIOR YEAR APPROPRIATION

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A of Title XXXI of Division C of the House bill would authorize appropriations for the national security programs of the Department of Energy, in the amount of $11.9 billion.

Subtitle A of Title XXXI of Division C of the Senate amendment would authorize $11.8 billion for these purposes.

The conferees recommend an authorization of $11.9 billion.

The budget request, the authorizations contained in the House bill and the Senate amendment, and the conference agreement are presented in the following tables.

Fiscal Year 1993 Atomic Energy Defense Activities
Summary

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Weapons Activities	**4,623.428**	**4,622.089**	**4,548.749**	**4,415.089**	**4,502.249**	**-119.840**
Operating Expenses	(4,075.800)	(4,146.909)	(4,103.909)	(4,016.909)	(4,058.409)	(-88.500)
Construction	(295.578)	(343.195)	(343.195)	(339.195)	(341.195)	(-2.000)
Capital Equipment	(252.050)	(219.535)	(229.845)	(219.535)	(230.845)	(11.310)
Adjustments		(-87.550)	(-128.200)	(-160.550)	(-128.200)	(-40.650)
New Production Reactors	**515.500**	**4.028**	**171.800**	**34.028**	**34.028**	**30.000**
Operating Expenses	(142.835)	(130.800)	(141.510)	(184.028)	(184.028)	(53.228)
Construction	(361.465)		(149.290)			
Capital Equipment	(11.200)		(6.000)			
Adjustments		(-126.772)	(-125.000)	(-150.000)	(-150.000)	(-23.228)
Defense Environmental Restoration & Waste Mgmt.	**3,680.672**	**4,825.492**	**4,663.009**	**4,852.772**	**4,831.547**	**6.055**
Operating Expenses	(3,177.142)	(4,078.452)	(3,952.918)	(4,108.452)	(4,098.452)	(20.000)
Construction	(449.926)	(606.579)	(560.893)	(603.859)	(603.859)	(-2.720)
Capital Equipment	(121.832)	(153.198)	(149.198)	(153.198)	(153.198)	
Adjustments	(-68.228)	(-12.737)		(-12.737)	(-23.962)	(-11.225)
Materials Production & Other Defense Programs	**3,148.400**	**2,687.020**	**2,559.361**	**2,487.510**	**2,554.301**	**-132.719**
Operating Expenses	(2,563.943)	(2,708.366)	(2,547.366)	(2,573.856)	(2,617.256)	(-91.110)
Construction	(368.590)	(227.550)	(242.550)	(227.550)	(227.550)	
Capital Equipment	(165.967)	(158.127)	(158.127)	(163.127)	(163.177)	(5.050)
Adjustments	(49.900)	(-407.023)	(-388.682)	(-477.023)	(-453.682)	(-46.659)
Total, DOE Defense Activities	**11,968.000**	**12,138.629**	**11,942.919**	**11,789.399**	**11,922.125**	**-216.504**
Operating Expenses	(9,959.720)	(11,064.527)	(10,745.703)	(10,883.245)	(10,958.145)	(-106.382)
Construction	(1,475.559)	(1,177.324)	(1,295.928)	(1,170.604)	(1,172.604)	(-4.720)
Capital Equipment	(551.049)	(530.860)	(543.170)	(535.860)	(547.220)	(16.360)
Adjustments	(-18.328)	(-634.082)	(-641.882)	(-800.310)	(-755.844)	(-121.762)
Defense Nuclear Facilities Safety Board	**12.000**	**13.000**	**13.000**	**13.000**	**13.000**	
Total, Atomic Energy Defense Activities	**11,980.000**	**12,151.629**	**11,955.919**	**11,802.399**	**11,935.125**	**-216.504**

Fiscal Year 1993 Atomic Energy Defense Activities
Weapons Activities

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Operating Expenses						
Research and development	1,182.600	1,218.900	1,175.900	1,283.900	1,214.900	-4.000
Inertial confinement fusion	(166.300)	(174.300)	(181.300)	(189.300)	(181.300)	(7.000)
Accelerator transmutation of waste					(5.000)	(5.000)
Testing	457.500	429.500	429.500	309.500	375.000	-54.500
Production and surveillance	2,273.950	2,172.600	2,172.600	2,122.600	2,142.600	-30.000
Program direction	161.750	325.909	325.909	300.909	325.909	
Total, Operating Expenses	4,075.800	4,146.909	4,103.909	4,016.909	4,058.409	-88.500
Construction						
Research and Development						
GPD-101, general plant projects, various locations	28.800	21.000	21.000	20.000	21.000	
92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations	6.600	35.000	35.000	35.000	35.000	
90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations	34.100	50.120	50.120	50.120	50.120	
88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico	1.515	1.000	1.000	1.000	1.000	

Fiscal Year 1993 Atomic Energy Defense Activities

Weapons Activities

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations	53.608	34.400	34.400	34.400	34.400	
87-D-104, safeguards and security enhancement II, Lawrence Livermore National Laboratory, Livermore, California	5.300					
Total, Research and Development	129.923	141.520	141.520	140.520	141.520	
Testing						
GPD-101, general plant projects, various locations		7.650	7.650	7.650	7.650	
93-D-102, Nevada support facility, North Las Vegas, Nevada		2.000	2.000			-2.000
85-D-105, combined device assembly facility, Nevada Test Site, Nevada	12.027	3.610	3.610	3.610	3.610	
Total, Testing	12.027	13.260	13.260	11.260	11.260	-2.000

Fiscal Year 1993 Atomic Energy Defense Activities

Weapons Activities

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Production and Surveillance						
GPD-121, general plant projects, various locations	34.700	27.350	27.350	26.350	27.350	
93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee		2.700	2.700	2.700	2.700	
92-D-122, health physics/environmental projects, Rocky Flats Plant, Golden, Colorado	7.200	5.300	5.300	5.300	5.300	
92-D-123, plant fire/security alarm systems replacement, Rocky Flats Plant, Golden, Colorado	5.200	8.700	8.700	8.700	8.700	
92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado	3.500					
92-D-126, replace emergency notification systems, various locations	4.200	10.900	10.900	10.900	10.900	
91-D-126, health physics calibration facility, Mound Plant, Miamisburg, Ohio	4.000					
91-D-127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado		6.300	6.300	6.300	6.300	
90-D-124, high explosives (HE) synthesis facility, Pantex Plant, Amarillo, Texas	12.927					

Fiscal Year 1993 Atomic Energy Defense Activities

Weapons Activities

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
90-D-126, environmental, safety, and health enhancements, various locations	1.428	9.200	9.200	9.200	9.200	
88-D-122, facilities capability assurance program, various locations	47.473	87.100	87.100	87.100	87.100	
88-D-123, security enhancements, Pantex Plant, Amarillo, Texas	30.000					
88-D-124, fire protection upgrade, various locations						
86-D-130, tritium loading facility replacement, Savannah River Site, Aiken, South Carolina		4.865	4.865	4.865	4.865	
85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee	3.000					
Total, Production and Surveillance	153.628	162.415	162.415	161.415	162.415	
Program Direction						
93-D-123, Complex-21, various locations		26.000	26.000	26.000	26.000	
Total, Construction	295.578	343.195	343.195	339.195	341.195	-2.000

Fiscal Year 1993 Atomic Energy Defense Activities

Weapons Activities

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Capital Equipment						
Research and Development	252.050	103.820	114.130	103.820	115.130	11.310
Inertial confinement fusion	(30.700)	(31.010)	(41.320)	(31.000)	(31.010)	
Testing		31.100	31.100	31.100	31.100	
Production and Surveillance		80.685	80.685	80.685	80.685	
Program Direction		3.930	3.930	3.930	3.930	
Total, Capital Equipment	252.050	219.535	229.845	219.535	230.845	11.310
Adjustments						
Anticipated Savings				-73.000		
Departmental Administration		-9.350		-9.350		9.350
Use of prior year balances		-78.200	-128.200	-78.200	-128.200	-50.000
Total, Adjustments		-87.550	-128.200	-160.550	-128.200	-40.650
Total, Weapons Activities	4,623.428	4,622.089	4,548.749	4,415.089	4,502.249	-119.840

Fiscal Year 1993 Atomic Energy Defense Activities
New Production Reactors

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Operating Expenses	142.835	130.800	141.510	184.028	184.028	53.228
Construction						
92-D-300, new production reactor capacity, various locations	359.465					
92-D-301, new production reactor (NPR) safety center, Los Alamos National Laboratory, Los Alamos, New Mexico	2.000					
88-D-154, new production reactor capacity, various locations (design only)			149.290			
Total, Construction	361.465		149.290			
Capital Equipment	11.200		6.000			
Adjustments						
Use of prior year balances		-125.000	-125.000	-150.000	-150.000	
Departmental Administration		-1.772				1.772
Total, New Production Reactors	515.500	4.028	171.800	34.028	34.028	30.000

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Operating Expenses						
Corrective Activities - Environment	27.689	2.431	2.431	2.431	2.431	
Corrective Activities - Defense Programs	33.518	7.386	7.386	7.386	7.386	
Environmental Restoration	1,074.392	1,448.427	1,380.670	1,448.427	1,448.427	
Worker protection training	(10.000)		(10.000)		(10.000)	(10.000)
Water management programs				(40.000)	(40.000)	(40.000)
Waste Management	1,723.796	2,252.037	2,186.260	2,252.037	2,252.037	
Technology Development	274.778	300.700	330.700	330.700	320.700	20.000
Continuous emissions monitoring	(0.400)		(0.400)		(0.400)	(0.400)
Accelerator transmutation of waste	(10.000)		(15.000)		(10.000)	(10.000)
Scholarship and fellowship programs	(1.000)		(1.000)		(1.000)	(1.000)
Transportation Management	18.220	19.335	19.335	19.335	19.335	
Program Direction	24.749	48.136	26.136	48.136	48.136	
Total, Operating Expenses	3,177.142	4,078.452	3,952.918	4,108.452	4,098.452	20.000
Construction						
Corrective Activities - Environment						
GPD-171, general plant projects, various locations	88.027	0.528	0.528	0.528	0.528	
89-D-172, Hanford environmental compliance, Richland, Washington	27.700					
Total, Corrective Activities - Environment	115.727	0.528	0.528	0.528	0.528	
Corrective Activities - Defense						
GPD-171, general plant projects, various locations		1.720	1.720	1.720	1.720	
92-D-402, sanitary sewer system rehabilitation, Lawrence Livermore National Laboratory, Livermore, California	3.000	5.500	5.500	5.500	5.500	

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
92-D-403, tank upgrades project, Lawrence Livermore National Laboratory, Livermore, California	3.500	10.100	10.100	10.100	10.100	
90-D-103, environment, safety and health improvements, weapons research and development complex, Los Alamos National Laboratory, Los Alamos, New Mexico		6.315	6.315	6.315	6.315	
90-D-125, steam ash disposal facility, Y-12 Plant, Oak Ridge, Tennessee	8.122					
89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio	0.041					
88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico	1.546					
Total, Corrective Activities - Defense	16.209	23.635	23.635	23.635	23.635	
Waste Management						
GPD-171, general plant projects, various locations		81.037	81.037	81.037	81.037	
93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho Falls, Idaho		1.000	1.000	1.000	1.000	
93-D-173, long-term storage TMI fuel, Idaho National Engineering Laboratory, Idaho Falls, Idaho		2.720				-2.720

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee		1.800	1.800	1.800	1.800	
93-D-175, industrial waste compacting facility, Y-12 Plant, Oak Ridge, Tennessee		2.200	2.200	2.200	2.200	
93-D-176, Oak Ridge reservation storage facility, Oak Ridge, Tennessee		4.000	4.000	4.000	4.000	
93-D-177, disposal of K-1515 sanitary water treatment plant waste, K-25 Plant, Oak Ridge, Tennessee		1.500	1.500	1.500	1.500	
93-D-178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado		2.700	2.700	2.700	2.700	
93-D-180, environmental monitoring-RCRA groundwater monitoring installation, Richland, Washington		8.700	8.700	8.700	8.700	
93-D-181, radioactive waste line replacement, Richland, Washington		0.350	0.350	0.350	0.350	
93-D-182, replacement of cross-site trans. system, Richland, Washington		4.495	4.495	4.495	4.495	
93-D-183, multi-tank waste storage facility, Richland, Washington		10.300	10.300	10.300	10.300	

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
93-D-184, 325 facility compliance/renovation, Richland, Washington		1.500	1.500	1.500	1.500	
93-D-185, landlord program safety compliance, phase II, Richland, Washington		0.849	0.849	0.849	0.849	
93-D-186, 200 area unsecured core area fabrication shop, Richland, Washington		1.000	1.000	1.000	1.000	
93-D-187, high level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina		2.000	2.000	2.000	2.000	
93-D-188, new sanitary landfill, Savannah River Site, Aiken, South Carolina		2.000	2.000	2.000	2.000	
92-D-171, mixed waste receiving and storage, Los Alamos National Laboratory, Los Alamos, New Mexico	6.640	3.000	3.000	3.000	3.000	
92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas	2.400	1.900	1.900	1.900	1.900	
92-D-173, NOx abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho Falls, Idaho	7.000	7.000	7.000	7.000	7.000	
92-D-174, sanitary landfill, Idaho National Engineering Laboratory, Idaho Falls, Idaho	10.000					

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
92-D-176, B plant safety class ventilation upgrades, Richland, Washington	4.400					
92-D-177 tank 101-AZ waste retrieval system, Richland, Washington	5.800	3.000	3.000	3.000	3.000	
92-D-180, inter-area line upgrade, Savannah River Site, Aiken, South Carolina	2.100	3.170	5.840	3.170	3.170	
92-D-181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho Falls, Idaho	3.000	8.000	8.000	8.000	8.000	
92-D-182, sewer system upgrade, Idaho National Engineering Laboratory, Idaho Falls, Idaho	2.100	3.700	3.700	3.700	3.700	
92-D-183, transportation complex, Idaho National Engineering Laboratory, Idaho Falls, Idaho	0.895	5.860	5.860	5.860	5.860	
92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington	0.300	3.700	3.700	3.700	3.700	
92-D-185, road, ground, and lighting safety improvements, 300/1100 areas, Richland, Washington	0.800	6.500	6.500	6.500	6.500	
92-D-186, steam system rehabilitation, Phase II, Richland, Washington	0.400					

Fiscal Year 1993 Atomic Energy Defense Activities Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
92-D-187, 300 area electrical distribution conversion and safety improvements, Phase II, Richland, Washington	1.100	1.724	1.724	1.724	1.724	
92-D-188, waste management environment, safety and health, and compliance activities, various locations		1.000	1.000	1.000	1.000	
91-D-171, waste receiving and processing facility module 1, Richland, Washington	7.400	21.800	21.800	21.800	21.800	
91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho Falls, Idaho	30.000	57.530	57.530	57.530	57.530	
91-D-173, hazardous low-level waste processing tanks, Savannah River Site, South Carolina	10.100	15.300	15.300	15.300	15.300	
91-D-175, 300 area electrical distribution conversion and safety improvements, Phase I, Richland, Washington	4.419	0.981	0.981	0.981	0.981	
90-D-126, environment, safety, and health improvements, various locations	7.419					
90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington	1.116					
90-D-172, aging waste transfer lines, Richland, Washington	6.000					

Fiscal Year 1993 Atomic Energy Defense Activities Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
90-D-173, B plant canyon crane replacement, Richland, Washington	5.800					
90-D-174, decontamination laundry facility, Richland, Washington	3.700	7.442	7.442	7.442	7.442	
90-D-175, landlord program safety compliance-I, Richland, Washington	8.840	4.753	4.753	4.753	4.753	
90-D-176, transuranic (TRU) waste facility, Savannah River Site, South Carolina	5.500	5.000	5.000	5.000	5.000	
90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho	25.000	41.700	41.700	41.700	41.700	
90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho	4.490					
89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee	9.238	4.200	4.200	4.200	4.200	
89-D-141, M-area waste disposal, Savannah River Site, Aiken, South Carolina	4.170					
89-D-172, Hanford environmental compliance, Richland, Washington		49.950	44.950	49.950	49.950	

Fiscal Year 1993 Atomic Energy Defense Activities Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
89-D-173, tank farm ventilation upgrade, Richland, Washington	4.231	7.000	7.000	7.000	7.000	
89-D-174, replacement high-level waste evaporator, Savannah River Site, Aiken, South Carolina	14.145	15.795	15.795	15.795	15.795	
89-D-175, hazardous waste/mixed waste disposal facility, Savannah River Site, Aiken, South Carolina	4.330	7.900	7.900	7.900	7.900	
88-D-173, Hanford waste vitrification plant, Richland, Washington	79.200	81.471	81.471	81.471	81.471	
87-D-180, burial ground expansion, Savannah River, South Carolina		8.800		8.800	8.800	
87-D-181, diversion box and pump pit containment buildings, Savannah River Site, Aiken South Carolina	4.697	1.904	3.386	1.904	1.904	
86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California	5.060	2.755	2.755	2.755	2.755	
83-D-148, non-radioactive hazardous waste management, Savannah River Site, Aiken, South Carolina	9.100	10.330	9.612	10.330	10.330	

Fiscal Year 1993 Atomic Energy Defense Activities
Defense Environmental Restoration & Waste Mgmt.

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
81-T-105, defense waste processing facility, Savannah River Site, Aiken, South Carolina		32.600		32.600	32.600	
Total, Waste Management	300.890	553.916	508.230	551.196	551.196	-2.720
Technology Development						
91-EM-100, environmental and molecular sciences laboratory, Richland, Washington	17.100	28.500	28.500	28.500	28.500	
Total, Construction	449.926	606.579	560.893	603.859	603.859	-2.720
Capital Equipment						
Corrective Activities - Environment	1.249					
Corrective Activities - Defense Programs	6.520	1.120	1.120	1.120	1.120	
Waste Management	95.913	132.749	128.749	132.749	132.749	
Technology Development	17.500	16.200	16.200	16.200	16.200	
Transportation Management	0.650	0.465	0.465	0.465	0.465	
Program direction		2.664	2.664	2.664	2.664	
Total, Capital Equipment	121.832	153.198	149.198	153.198	153.198	
Adjustments						
Departmental Administration		-14.498		-14.498		14.498
Program savings & slippages	-68.228	-16.100		-16.100		16.100
Use of prior year balances					-41.823	-41.823
Facility Transition		17.861		17.861	17.861	
Total, Defense Environmental Restoration & Waste Mgm	3,680.672	4,825.492	4,663.009	4,852.772	4,831.547	6.055

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Operating Expenses						
Materials Production						
Reactor operations	584.418	553.209	553.209	553.209	553.209	
Processing of nuclear materials	531.217	491.992	493.592	466.992	491.992	
Supporting services	305.433	308.736	307.136	288.736	307.136	-1.600
Program direction	43.244	66.538	66.538	66.538	66.538	
Total, Materials Production	1,464.312	1,420.475	1,420.475	1,375.475	1,418.875	-1.600
Verification and Control Technology	209.900	406.215	240.215	301.215	301.215	-105.000
Nuclear Safeguards and Security	88.731	96.837	81.837	96.837	86.837	-10.000
Security Investigations	62.600	58.289	58.289	58.289	58.289	
Office of Security Evaluations	15.000	15.150	15.150	5.150	15.150	
Office of Nuclear Safety			20.000	25.490	25.490	25.490
Naval Reactors						
Plant development	93.000	105.000	105.000	105.000	105.000	
Reactor development	285.997	306.300	306.300	306.300	306.300	
Reactor operation and evaluation	205.600	206.000	206.000	206.000	206.000	
Program direction	15.963	17.100	17.100	17.100	17.100	
Enrichment materials	122.840	77.000	77.000	77.000	77.000	
Total, Naval Reactors	723.400	711.400	711.400	711.400	711.400	
Total, Operating Expenses	2,563.943	2,708.366	2,547.366	2,573.856	2,617.256	-91.110

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Construction						
Materials Production						
Reactor Operations						
92-D-141, reactor seismic improvement, Savannah River Site, Aiken, South Carolina	14.200	5.000	5.000	5.000	5.000	
90-D-150, reactor safety assurance, phases I, II, and III, Savannah River Site, Aiken, South Carolina	14.530	4.210	4.210	4.210	4.210	
89-D-148, improved reactor confinement system, Savannah River Site, Aiken, South Carolina	12.121	4.240	4.240	4.240	4.240	
86-D-152, reactor electrical distribution system, Savannah River Site, Aiken, South Carolina		5.647	5.647	5.647	5.647	
85-D-145, fuel production facility, Savannah River Site, Aiken, South Carolina		17.000	17.000	17.000	17.000	
Total, Reactor Operations	40.851	36.097	36.097	36.097	36.097	

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
Processing of Nuclear Materials						
92-D-140, F and H canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina	12.000	12.500	12.500	12.500	12.500	
92-D-142, nuclear material processing training center, Savannah River Site, Aiken, South Carolina	2.500	11.700	11.700	11.700	11.700	
90-D-141, Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho Falls, Idaho	12.000	1.553	1.553	1.553	1.553	
Total, Processing of Nuclear Materials	26.500	25.753	25.753	25.753	25.753	
Supporting Services						
GPD-146, general plant projects, various locations	40.000	32.260	32.260	32.260	32.260	
93-D-147, domestic water system upgrade, Savannah River Site, Aiken, South Carolina		1.000	1.000	1.000	1.000	
93-D-148, replace high/low level drain lines, Savannah River Site, Aiken, South Carolina		0.800	0.800	0.800	0.800	
93-D-152, environmental modification for production facilities, Savannah River Site, Aiken, South Carolina		2.000	2.000	2.000	2.000	
93-D-153, uranium recovery hydrogen fluoride upgrade, Y-12 Plant, Oak Ridge, Tennessee		2.400	2.400	2.400	2.400	

Fiscal Year 1993 Atomic Energy Defense Activities Materials Production & Other Defense Programs

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
92-D-143, health protection instrument calibration facility, Savannah River Site, Aiken, South Carolina	2.000	8.000	8.000	8.000	8.000	
92-D-150, operations support facilities, Savannah River Site, Aiken, South Carolina	3.000	4.100	4.100	4.100	4.100	
92-D-151, plant maintenance and improvements, Phase I, Savannah River Site, Aiken, South Carolina	4.060					
92-D-153, engineering support facility, Savannah River Site, Aiken, South Carolina	8.017	3.500	3.500	3.500	3.500	
91-D-143, increase 751-A electrical substation capacity, Phase I, Savannah River Site, Aiken, South Carolina	2.614					
90-D-149, plantwide fire protection, Phases I and II, Savannah River Site, Aiken, South Carolina	39.000	39.685	39.685	39.685	39.685	
90-D-151, engineering center, Savannah River Site, Aiken, South Carolina	0.105					
89-D-140, additional separations safeguards, Savannah River Site, Aiken, South Carolina	28.150	13.104	13.104	13.104	13.104	
88-D-153, additional reactor safeguards, Savannah River Site, Aiken, South Carolina	6.528					

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations	36.865	11.651	11.651	11.651	11.651	
85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho	82.700		15.000			
Total, Supporting Services	253.039	118.500	133.500	118.500	118.500	
Total, Materials Production	320.390	180.350	195.350	180.350	180.350	
Verification and control technology						
90-D-186 center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico	10.000	10.000	10.000	10.000	10.000	
Total, Verification and control technology	10.000	10.000	10.000	10.000	10.000	
Nuclear Safeguards and Security						
GPD-186, general plant projects, Central Training Academy, Albuquerque, New Mexico	2.000	2.000	2.000	2.000	2.000	
Total, Nuclear Safeguards and Security	2.000	2.000	2.000	2.000	2.000	
Naval Reactors						
GPN-101, general plant projects, various locations	8.500	8.500	8.500	8.500	8.500	
93-D-200, planning summary		2.200	2.200	2.200	2.200	
92-D-200, laboratories facilities upgrades, various locations	4.900	7.500	7.500	7.500	7.500	
90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho Falls, Idaho	15.000	13.600	13.600	13.600	13.600	

Fiscal Year 1993 Atomic Energy Defense Activities
Materials Production & Other Defense Programs

[Amounts in millions of dollars]

	FY 1992 Authorization Conference	FY 1993 Amended Request	FY 1993 House Passed	FY 1993 Senate Passed	FY 1993 Authorization Conference	Difference From Request
90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho Falls, Idaho	2.800	0.500	0.500	0.500	0.500	
90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York	5.000	2.900	2.900	2.900	2.900	
Total, Naval Reactors	36.200	35.200	35.200	35.200	35.200	
Total, Construction	368.590	227.550	242.550	227.550	227.550	
Capital Equipment						
Materials Production	92.198	80.900	80.900	80.900	80.900	
Verification and control technology	10.100	11.500	11.500	16.500	16.500	5.000
Nuclear Safeguards and Security	5.269	5.327	5.327	5.327	5.327	
Office on Nuclear Safety					0.050	0.050
Naval Reactors	58.400	60.400	60.400	60.400	60.400	
Total, Capital Equipment	165.967	158.127	158.127	163.127	163.177	5.050
Adjustments						
Savannah River Pension Refund		-400.000	-400.000	-400.000	-400.000	
Non-Proliferation Activities			20.000			
Education Programs	49.900	22.400	22.400	22.400	22.400	
Anticipated Savings		-27.082	-27.082	-97.082	-45.000	-17.918
Departmental Administration		-2.341		-2.341		2.341
Use of prior year balances			-4.000		-31.082	-31.082
Total, Adjustments	49.900	-407.023	-388.682	-477.023	-453.682	-46.659
Total, Materials Production & Other Defense Programs	3,148.400	2,687.020	2,559.361	2,487.510	2,554.301	-132.719

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Weapons activities (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize $4.549 billion for operating expenses, plant projects, and capital equipment for weapons activities necessary to carry out the national security programs of the Department of Energy.

The Senate amendment contained a provision (sec. 3101) that would authorize $4.415 billion.

The conferees recommend $4.502 billion for weapons activities.

New production reactor (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize $171.8 million for operating expenses, plant projects, and capital equipment for the new production reactor activities.

The Senate amendment contained a provision (sec. 3102) that would authorize $34.0 million.

The conferees recommend $34.0 million for new production reactor activities.

Environmental restoration and waste management (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize $4.7 billion for operating expenses, plant projects, and capital equipment for environmental restoration and waste management activities.

The Senate amendment contained a provision (sec. 3103) that would authorize $4.9 billion.

The conferees recommend $4.8 billion for environmental restoration and waste management activities.

Use of funds (sec. 3103(e))

The Senate amendment contained a provision (sec. 3103(e)) that would permit the Secretary of Energy to use $40.0 million to reimburse the cities of Westminster, Broomfield, Thornton, and Northglen in the State of Colorado for the cost of implementing water management programs and provide that such reimbursements are not major federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

The House bill contained no similar provision.

The House recedes.

Defense materials production and other defense programs (sec. 3104)

The House bill contained a provision (sec. 3104) that would authorize $2.559 billion for operating expenses, plant projects, and capital equipment for materials production and other defense programs.

The Senate amendment contained a provision (sec. 3104) that would authorize $2.487 billion.

The conferees recommend $2.554 billion for defense materials and other defense programs.

Funding uses and limitations (sec. 3105)

The House bill contained a provision (sec. 3105(a)) that would authorize $212.31 million for the inertial confinement fusion program.

The Senate amendment contained a similar provision (sec. 3105(a)) but would authorize $220.3 million for the inertial confinement fusion program.

The conferees agree that $212.31 million shall be available for operating expenses and capital equipment, $7.0 million above the amended budget request. The conferees reaffirm their support for the findings and recommendations of the 1990 report on the inertial confinement fusion program by the National Academy of Sciences. The authorized funding of $212.31 million for the program would provide $181.3 million for operating expenses and $31.01 million for capital equipment. The conferees believe that this amount is sufficient to implement the Academy's recommendations.

This funding would provide $37.9 million for the OMEGA laser and $8.0 million to complete a conceptual design for the upgrade of the NOVA Laser. In directing the Energy Department to proceed with a conceptual design for the NOVA upgrade, the conferees are not making a commitment to the NOVA upgrade. Completion of the conceptual design will provide a greater degree of understanding about the cost, complexity, and timing of the proposed upgrade. An upgrade is conditioned on a number of events, not the least of which is the achievement of the relevant milestones set out in the National Academy's report. Authorization of funds to prepare a conceptual design for the NOVA is not authorization to begin construction.

Funding uses and limitations—fire protection and cooling or refrigeration systems (sec. 3105(b))

The Senate amendment contained a provision (sec. 3105(b)) that would prohibit the Department of Energy from using the funds made available for fiscal year 1993 for the design or acquisition of chlorofluorocarbon (CFC)-based systems for fire protection, cooling, or refrigeration uses if a CFC-free system that meets programmatic requirements is commercially available.

The House bill contained no similar provision.

The House recedes with an amendment that would require a CFC-free system to be cost-effective based on the comparative life-cycle costs of such a system.

Funding uses and limitations—reconfiguration of non-nuclear activities (sec. 3105 (c))

The House bill contained a provision (sec. 3105(c)) that would prohibit the obligation of funds to implement non-nuclear consolidation until 90 days after the Secretary of Energy submits a report to Congress that demonstrates the planned non-nuclear reconfiguration is cost-effective, taking into account all relevant factors, under a discounted cash flow analysis of the costs and benefits of the planned action.

The Senate amendment contained a similar provision (sec. 3105(c)).

The House recedes with an amendment that would direct the Secretary to certify that the non-nuclear reconfiguration, as it pertains to components that had been previously produced in a contractor-owned, contractor-operated facility, and that are proposed to be produced in a government-owned, contractor-operated facility, is cost-effective on a component by component basis.

The conferees are concerned that any non-nuclear consolidation activities be demonstrated to be cost-effective. Recently announced reductions in the nuclear stockpile, made in conjunction with deferral of decisions on the new production reactor program, suggest that further consideration and analysis of non-nuclear consolidation are necessary.

Funding uses and limitations—new production reactor (sec. 3105(d))

The Senate amendment contained a provision (sec. 3105(d)) that would prohibit the Secretary of Energy from terminating contracts on the new production reactor (NPR) program until 30 days after he had submitted a plan to Congress that would address: (1) the possibility of continuing the NPR work with a new goal of a reactor to consume plutonium, produce electricity, and produce tritium when needed; and (2) the technical risks of accelerator production of tritium.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would authorize $136.028 million to close out the NPR program; $30.0 million to evaluate an advanced light water reactor and a modular high temperature gas reactor to determine the feasibility and effectiveness of producing electric power, producing tritium if needed, and disposing of plutonium from dismantled nuclear weapons; and $18.0 million for research on accelerator production of tritium.

The conferees direct that the activities undertaken to close out and terminate the current NPR effort include completion of important test activities now underway, and full documentation of all analytical, engineering, and test activities. The test activities now underway which should be completed include all post-irradiation fuel examination; all tests on steam generator or heat exchanger flow distribution; all tests of fluid dynamic vibration and boiling corrosion; all tests on pump and circulator insulation, oil ingress, seals, and bearings; all high temperature materials tests; all tests of passive containment performance; all tests that materially contribute to the safety of the existing Savannah River reactors.

Authority for emergency planning, design, and construction activities (sec. 3126)

The House bill contained a provision (sec. 3126) that would establish procedures for emergency planning, design, and construction activities.

The Senate amendment contained a similar provision (sec. 3126).

The Senate recedes.

Availability of funds (sec. 3128)

The House bill contained a provision (sec. 3128) that would allow, when specified in an appropriation act, amounts appropriated for operating expenses or for plant and capital equipment to be available until expended.

The Senate amendment contained a similar provision (sec. 3128).

The Senate recedes with technical changes.

Department of Energy citizen advisory groups (sec. 3132)

The Senate amendment contained a provision (sec. 3135) that would direct the Secretary of Energy to establish one citizen advisory group for each Department of Energy defense nuclear facility to provide advice on the environmental restoration and waste management activities at the facilities.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the Secretary of Energy to report to Congress on the role of citizen advisory groups in the Department's environmental restoration process.

In its report Complex Cleanup, the congressional Office of Technology Assesment found that the Department of Energy had not developed "an effective process for public involvement in setting priorities and making important decisions." In the committee report (S. Rept. 102–113) on S. 1507, the Senate Armed Services Committee expressed concern about the lack of effective public involvement in the Department of Energy's environmental restoration and waste management program. The committee directed the Department to review the existing groups, and to "consider adopting a more uniform, more comprehensive, and more organized system of citizen advisory groups." In addition, the committee urged the Department of Energy to improve the public's participation and identify a method to provide citizen advisory groups with funds to hire technical experts and clerical assistance. The Department of Energy failed to conduct this review.

The conferees are concerned that there be effective public participation in Department of Energy environmental restoration and waste management activities and agree that the Department of Energy should undertake a diligent and careful review of the effectiveness of public participation.

In preparing the report, the Secretary of Energy should consider:

(1) identifying ways to draw upon a broad cross-section of individuals, including members of the local community, local and national environmental groups, individuals with relevant technical expertise, and representatives of state interests, and affected Indian tribes;

(2) a careful delineation of the duties that the group would be asked to perform, including review of the Department's environmental compliance; the adequacy of the regulatory oversight; the nature and scope of the various agreements governing the environmental activities at the Department's facilities (including the availability of technologies applicable to the environmental efforts at the facilities); and review of the health-related activities and the health implications of the environmental efforts; and

(3) the advisability of the group providing updates and recommendations on the environmental programs to the Environmental Protection Agency, and the Governors of the affected states.

Nuclear weapons council membership (sec. 3133)

The Senate amendment contained a provision (sec. 3136) that would amend section 179 of title 10, United States Code, to delete the Director of Defense Research and Engineering from membership on the Nuclear Weapons Council and substitute the Under Secretary of Defense for Acquisition. This change in membership of the Council reflects the restructuring and reassignment of research authorities within the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Reports on the development of new production reactor capacity (sec. 3134)

The Senate amendment contained a provision (sec. 3138) that would direct the Secretary of Energy to maintain a new production reactor program office and to report annually on the status of the tritium supply and when new tritium production capability will be needed. The provision also expressed the sense of Congress that the Secretary choose the lowest cost and lowest risk technology for future tritium production capacity.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would eliminate the requirement to maintain a new production reactor office. The conferees believe that the Energy Department should maintain a high level of technical capability so that if new tritium production is necessary the Department will be able to select a technically viable production option and highly qualified contractors to carry out construction and operation of the selected production technology. In testimony before the Senate Armed Services Committee, the Defense Nuclear Facilities Safety Board stated that it is critically important that the Department of Energy maintain, in-house and not utilizing or relying on contractors, technically competent individuals who can monitor the various options, and review and select a viable tritium production option at the appropriate time in the future.

The conferees note that the Secretary is required to carry out a new production reactor program by virtue of the authorization and appropriation of funds for that purpose.

Technology transfer (sec. 3135)

The Senate amendment contained a provision (sec. 3139) that would amend the Stevenson-Wydler Technology Innovation Act of 1980 to provide small businesses that propose cooperative research and development agreements (CRADAs) with government-owned, contractor-operated (GOCO) laboratories accelerated consideration and would, in certain instances, eliminate the existing requirement that CRADAs by approved by a federal agency.

The provision would also direct the Secretary of Energy to establish a program and issue guidelines to facilitate and encourage the transfer of technology, through CRADAs and any other available mechanisms, to small business.

The House bill contained no similar provision.

The House recedes with an amendment that would provide that CRADAs entered into between a private entity and a GOCO laboratory must be approved by the responsible federal agency. The amendment would also remove the requirement to supply information concerning CRADAs to federally funded technology transfer centers. The conferees believe that information on these agreements should, to the extent consistent with the terms of the specific agreements, and taking into consideration issues of a proprietary nature, be made publicly available through a centralized clearinghouse or other centralized information point. It is premature, however, to direct the Secretaries to provide information to centralized information centers prior to formal establishment of such centers.

The provision would also direct the Secretary to establish a program to increase small business participation in cooperative agreements and to issue guidelines implementing the program.

In order to realize the full potential afforded by cooperative agreements, the conferees request that the Secretary establish a funding goal for cooperative agreements for dual-use technology partnerships in each of the next two years. The conferees believe that the Secretary should consider establishing a goal to allocate not less than 10 percent of the funds appropriated to the Department of Energy for research and development for national security programs for such partnerships.

The conferees agree that of the funds authorized to be appropriated for fiscal year 1993, at least the amount of the administration's request, $141.0 million, be available for joint research and development activities, utilizing CRADAs or other appropriate mechanisms. The conferees note, however, that all of the funds authorized to be appropriated for the atomic energy defense activities, except those specifically for the naval nuclear propulsion program, are available for such joint research and development activities, through CRADAs or other arrangements.

Expansion of authority to loan personnel and facilities (sec. 3136)

The Senate amendment contained a provision (sec. 3140) that would extend the Hanford loaned executive program for two years and establish a similar program for two years at the Idaho National Laboratory.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the extension of the Hanford program to one year only. In addition, the amendment would provide $125,000 for the Hanford program. The Hanford program was originally established in fiscal year 1989 as a two-year program and extended for an additional two years in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). This program was established to help ease the transition at Hanford from production to cleanup. The conferees believe that the program at the Hanford site has successfully served the purpose for which it was established and should not be extended again.

Study of conversion of the Nevada Test Site for use for solar energy production purposes (sec. 3137)

The Senate amendment contained a provision (sec. 3141) that would direct the Secretary of Energy to conduct a study of the conversion, development, and utilization of the Nevada Test Site, Nevada (NTS), as a commercial facility for the development of solar energy research and production technologies.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would expand the scope of the study, beyond solar energy technologies, to include environmental technologies, research and testing, and emergency management and response technologies. In addition, the amendment would require the Secretary to review existing federal solar research activities to prevent any duplication. In conducting the study, the Secretary shall ensure that any potential future uses of the Nevada Test Site be compatible with the NTS primary national security missions, including nuclear weapons testing.

SUBTITLE D—INTERNATIONAL FISSILE MATERIAL AND WARHEAD CONTROL

Findings

The House bill contained a provision (sec. 3141) that would set forth a series of findings on recent events in the United States and Russia pertaining to nuclear weapons reductions and fissile material production.

The Senate amendment contained no similar provision.

The House recedes.

Negotiations (sec. 3151)

The House bill contained a provision (sec. 3142) that would express the sense of Congress that the President and the member states of the Commonwealth of Independent States should:

(1) achieve mutually verifiable agreements for the dismantlement of nuclear weapons and the safeguard and disposal of nuclear material;

(2) seek to have other nuclear capable nations join in any such agreements;

(3) exchange information on fissile material and nuclear weapons stockpiles, fissile material and nuclear weapons production sites and capacity, tritium production facilities, and nuclear weapons dismantlement schedules; and

(4) establish technical working groups to facilitate achievement and implementation

of such agreements among the United States, the member states of the Commonwealth of Independent States, and other nuclear capable nations.

In addition, the provision would require the President to submit a report on progress toward achieving such agreements and would urge the presidents of the member states of the Commonwealth of Independent States to institute and continue a moratorium on fissile materials production contingent on the United States not resuming fissile materials production.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the progress report to be submitted on March 31, 1993.

Authority to release certain restricted data (sec. 3152)

The House bill contained a provision (sec. 3143) that would allow the President to publicly release restricted data regarding the nuclear weapons stockpile if the United States and the member states of the Commonwealth of Independent States reach reciprocal agreements on the release of such data.

The Senate amendment contained no similar provision.

The Senate recedes.

Development and demonstration program (sec. 3153)

The House bill contained a provision (sec. 3144) that would direct the Secretary of Energy to use $10.0 million of funds authorized for national security programs to carry out a program to develop technologies for the verifiable dismantlement of nuclear weapons, to safeguard and dispose of fissile materials, and to monitor a global ban on weapons grade fissile materials production. In addition, the provision would require the Secretary to report on such a program in the budget justification documents accompanying the fiscal year 1994 budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct that the funds for the program be derived from verification and control technology operating funds.

Production of tritium (sec. 3154)

The House bill contained a provision (sec. 3145) that would clarify that nothing in sections 3141 through 3144 affects tritium production.

The Senate amendment contained no similar provision.

The Senate recedes.

Over the course of the past year, a number of significant milestones in reducing the tensions of the Cold War have been achieved:

(1) The United States, which has not produced highly enriched uranium since 1964 or plutonium since 1989, has announced that it will no longer produce either material. Russia continues to operate reactors for the production of plutonium but has stopped all production of highly enriched uranium.

(2) The United States and Russia, on June 17, 1992, announced an agreement to seek reductions in strategic nuclear weapons significantly below the levels required by the START treaty.

(3) On February 12, 1992, the government of Russia proposed a reciprocal exchange of information between all nuclear powers on inventories of nuclear weapons and fissile materials, and on nuclear weapons production, storage, and elimination facilities.

(4) On May 29, 1991, the President called on the nations of the Middle East to implement a verifiable ban on the production of nuclear weapons material in order to control the proliferation of nuclear weapons.

This historic series of events has led to new opportunities to reduce the number of nuclear weapons and fissile materials in the arsenals and stockpiles of the nuclear weapons states. On the other hand the turmoil associated with the dissolution of the former Soviet Union has increased the possibility of a loss of control of nuclear weapons and materials. As a result, the primary focus of U.S. attention in the former Soviet Union should continue to be the vigorous exploration of new initiatives which could be developed with Russia, Ukraine, Belarus, and Kazakhstan to further reduce the dangers of the proliferation of nuclear weapons, nuclear know-how, and nuclear materials.

Although this conference agreement would urge the President to explore the option of mutually verifiable agreements, the conferees do not believe such agreements are necessarily a prerequisite to further progress toward nuclear weapons and fissile materials reductions and controls. The conferees believe that granting Russia equal access and inspection rights to U.S. nuclear weapons and materials production and assembly activities may not be necessary to achieve additional agreements regarding dismantlement of the nuclear weapons of the former Soviet Union and establishment of adequate safeguards and control over fissile materials. The conferees do believe, however, that the United States should explore the possibility that such reciprocity could further nonproliferation objectives.

The conferees do not believe that there is any question concerning the adequacy of U.S. safeguards on nuclear weapons and fissile material. Over the past 30 years, the United States has dismantled more than 50,000 nuclear weapons without the loss of nuclear material. The conferees, therefore, do not see any near-term need to grant Russia access to sensitive U.S. nuclear production, disassembly, and storage facilities, especially in light of the significant progress already made under the existing programs for the demilitarization of the former Soviet Union. The conferees do not preclude the possibility, however, that exchange of such information could achieve non-proliferation goals in the future.

The conferees believe that there is merit in undertaking research and development activities that could be used in the event that the United States and the member states of the Commonwealth of Independent States agree to pursue, in the future, a course of reciprocal agreements concerning nuclear weapons activities or reciprocal access to nuclear weapons dismantlement facilities.

The conferees recognize that development of such technologies could be complicated and expensive. Application of any technology would present a significant challenge at declared sites. Application of new technologies at undeclared sites would present an even greater challenge. Success in either event is far from ensured.

Nevertheless, the conferees agree that an effort authorized at $10.0 million in fiscal year 1993 is appropriate to ensure that the United States is prepared to verify any fissile material control regime in the event such a regime is determined to be in the interest of U.S. national security. These funds should be drawn only from funds authorized for appropriation for verification and control technologies, an account which has been increased significantly above the fiscal year 1992 level.

Any new technologies could be used to pursue mutually verifiable agreements. The conferees believe that the President and the member states of the Commonwealth of Independent States, together with other nations, could work to achieve mutually verifiable agreements on a variety of aspects related to the dismantlement of nuclear weapons, and control, production, and storage of fissile materials and nuclear weapons. Section 3151 would encourage a good faith effort on the part of the presidents of the United States and Russia to move toward mutually verifiable arrangements to monitor and control weapons and weapons-grade material.

The timing, the exact subject matter, and the verification methods employed are obviously within the exclusive discretion of the parties to any such agreements. The conferees believe, however, that efforts in this regard must maintain a delicate balance between possibly conflicting goals of nuclear nonproliferation and the need to protect U.S. security interests. Moreover, the conferees believe that these types of agreements must not interfere with, or in any way delay, treaty negotiations arising out of the June 17, 1992, announcement by Presidents Bush and Yeltsin reducing nuclear weapons stockpiles.

Defense nuclear workforce restructuring plan (secs. 3161)

The House bill contained a series of provisions (secs. 4314, 3161, and 3162) that would address issues of concern to the Department of Energy and the contractor workforce at Department of Energy defense nuclear facilities in the event that there are changes at Department of Energy defense facilities that affect the workforce, and that would establish a medical monitoring program for those workers who have been exposed to levels of radioactive or hazardous material that pose a significant health risk.

The Senate amendment contained a series of similar provisions (secs. 3151–3153).

Section 4314 of the House bill would require the Secretary of Energy to develop a transition plan for each Department of Energy facility to ease the impact of the transition on the workforce and the community.

The Senate recedes with an amendment that would require the Secretary of Energy to prepare a site-specific plan for each Department of Energy defense nuclear facility that experiences a change in the workforce. This change could be brought about because of a change in the mission of a facility or as a result of a decision to downsize or close a facility. The amendment would require the Secretary to submit the transition plan to Congress 90 days after providing notice to the workforce and the community of the change, and that the plans be updated annually.

Section 3161 of the House bill would direct the Secretary to establish a registry and monitoring program to identify, track, and medically monitor employees who have been exposed to radioactive and hazardous materials that present a significant health risk.

The House recedes with an amendment that would direct the Secretaries of the Department of Health and Human Services and the Department of Labor to determine levels of exposure that present significant health risks, pursuant to federal and state occupational, safety, and health standards. In addition, the amendment would ensure that the privacy of relevant medical records is maintained.

Section 3162 of the House bill would provide definitions for terms used in subtitle E.

The Senate recedes with an amendment that would exclude from the coverage of the subtitle any facility covered by executive order number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program.

Light water target

The statement of the managers (H. Rept. 102-311) accompanying the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) concluded that work on the light-water target should be finished utilizing funds from those authorized to be appropriated for weapons activities and material production. The Department of Energy did not complete the light-water target work at that time. The conferees continue to believe that this program should be completed and could be done with carry-over, prior year funds or funds appropriated pursuant to sections 3101 or 3104 of this act.

Nuclear safeguards and security

The House bill recommended a $15.0 million reduction in operating expenses for nuclear safeguards and security.

The Senate amendment recommended a $10.0 million reduction in the funding for the Office of Security Evaluations.

The conferees recommend a $10.0 million reduction in funding for the Office of Safeguards and Security. The conferees remain concerned that there is overlap and duplication of effort among the Office of Security Evaluations, the Office of Nuclear Safeguards, and the Office of Intelligence. The conferees recommend that the Department of Energy carefully review the interrelationships of these three offices with a goal towards reducing duplication and overlap. In addition, the Department of Energy should ensure that the activities of these three offices do not overlap or duplicate activities of other offices at the Department of Energy or other federal agencies.

Storage of Three Mile Island waste

The amended budget request for Department of Energy national security programs included $4.0 million for the storage of waste from the Three Mile Island civilian nuclear power plant. In addition, the amended budget request for national security programs included $2.7 million for construction of a new storage facility for the fuel. These costs are not appropriate for inclusion in the defense budget and no funds would be authorized for such purposes in this act.

High energetic explosives research program

The conferees recommend that, of the funds authorized to be appropriated pursuant to section 3101 of this act for research and development, $4.0 million be available to establish, in conjunction with the Defense Nuclear Agency, a research, development, and demonstration program to determine the feasibility and desirability of using the underground tunnels at the Nevada Test Site for contained detonation of highly energetic explosives.

When the Department of Energy dismantles a nuclear weapon, conventional high explosive is removed from the weapon. Once removed, the explosive material is not reusable and must be destroyed. The only demonstrated way to dispose of this material is open air detonation and burning. Open air burning, although conducted in conformance with applicable environmental laws and pursuant to permits issued specifically for the purpose, is highly visible and is a cause of concern to the public.

The military Services must also dispose of explosive material through open burning and detonation. As the military Services downsize and retire a variety of weapons, the high explosives, including rocket motors and other pyrophoric and pyrotechnic devices, must be destroyed. The military Services and the Department of Energy will have significantly increased amounts of material that will require destruction over the next several years.

The conferees direct the Secretary of Energy and the Director of the Defense Nuclear Agency to submit a brief update on the progress of this research effort to the Armed Services Committees of the Senate and House of Representatives by April 1, 1993.

Continuous incinerator monitoring

The conferees recommend $400,000 of the funds authorized for technology development be used for the Argonne National Laboratory to continue development of a continuous emission monitor using Fourier transform infrared spectrometry (FTIR), and to demonstrate the technology on an effluent stack at a Department of Energy defense facility, such as the Oak Ridge site in Tennessee.

Hazardous wastes are or will be incinerated or otherwise thermally treated at several sites within the Department's nuclear weapons complex. A need exists at those facilities for continuous monitoring of effluent emissions to ensure regulatory compliance and increase public acceptance of incinerators as a treatment technology for waste streams. At the current time, stack gas from the incinerators is tested annually by trial burns to comply with the Resource Conservation and Recovery Act. During the trial burn, the stack gas is sampled for principal organic hazardous constituents, and the samples are subjected to laboratory analysis.

The conferees understand that if research on FTIR shows promise, the Department will expand this program to include plasma spectrometry for toxic metals.

Accelerator transmutation of waste

The conferees recommend $15.0 million for research on chemical processing and waste stream minimization analyses associated with accelerator transmutation of waste. Funding for this research effort would be provided from defense programs ($5.0 million) for research and analyses on the accelerator, target blanket and associated technologies; and from environmental restoration and waste management ($10.0 million) for chemical processing and mass balance analyses.

Worker training program

Section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) authorizes the Secretary of Energy to award grants to organizations for worker training and education. The conferees recommend that $10.0 million of the funds authorized for environmental restoration be used for training and education of persons who are or may be engaged in hazardous substance response or emergency response actions at Department of Energy facilities.

Scholarship and fellowship programs

Section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190) requires the Department of Energy to establish and manage a scholarship and fellowship program for full-time students enrolled in fields relevant to the Department of Energy's Office of Environmental Restoration and Waste Management. The purpose of this scholarship and fellowship program is to enable individuals to qualify for environmental positions in the Department of Energy.

The conferees recommend that $1.0 million of the funds authorized for the environmental restoration and waste management account be used for scholarship and fellowship programs. These funds would provide scholarships, in the 1993/1994 school year, for 20 undergraduate students and 20 graduate students in the fields relevant to environmental restoration and waste management.

Hanford health information network

Of the funds authorized in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), $5.0 million was authorized for the States of Washington, Oregon, and Idaho to develop and implement programs for the benefit of persons who may have been exposed to radiation released from the Department of Energy Hanford Site between the years of 1944 and 1972. The States were directed to evaluate and, if feasible, implement a registry and monitoring program for the exposed individuals.

In May 1991, the States submitted their report containing a plan to implement the Hanford health information network program. The plan anticipated that the program would be fully funded over a three-year period beginning in fiscal year 1992. As a result, the funds authorized for 1991 were not needed for the health information network and were used for other purposes. Pursuant to the plan, fiscal year 1992 was the first year in which funding to implement the plan was provided. The conferees recommend that, of the funds authorized for the Department of Energy, $1.75 million be available for fiscal year 1993, the second year of the three-year program.

Environmental and Molecular Sciences Laboratory

The conferees recommend $28.5 million for construction of the Environmental and Molecular Sciences Laboratory. This laboratory was originally proposed as a non-defense activity. According to justification material submitted by the Department of Energy, the primary purpose of this lab is non-defense in nature. The conferees direct the Department of Energy to submit future budget requests for this project in accordance with the longstanding budgetary practice of funding civilian programs from the funding provided for non-defense activities.

LEGISLATIVE PROVISIONS NOT ADOPTED

Reduced enrichment research test reactor

The House bill contained a provision (sec. 1072) that would direct the Secretary of Energy to conduct a program to develop high-density, low-enriched uranium fuels to be used as a substitute for high enriched fuel in research reactors.

The Senate amendment contained no similar provision.

The House recedes.

Nuclear weapons testing

The House bill contained a provision (sec. 3132) that would prohibit any Department of Defense or Department of Energy funds from being used to conduct explosive tests of nuclear weapons for one year from the date of enactment of the defense authorization bill.

The Senate bill contained a provision (sec. 1071) that would establish a 9-month moratorium on nuclear weapons testing; allow up to 5-safety related tests per 12-month period, one of which could be to determine the reliability of a nuclear weapon; and allow resumption of testing contingent upon receipt of a report setting forth a schedule for resumption of nuclear testing talks, a plan for achieving a comprehensive test ban by 1996, and a plan to improve the safety of existing weapons. The provision would also prohibit any tests from being conducted after 1996 unless a foreign state conducts a nuclear weapons test.

The conferees agree to drop both provisions.

Prohibition on entry into certain contracts for environmental restoration and waste management

The Senate amendment contained a provision (sec. 3132) that would prohibit the Department of Energy from entering into an environmental restoration, response action contract, or other contract for removal, disposal, storage, or treatment of any waste with a person who has been convicted of or who has plead guilty to a criminal violation of certain environmental laws arising from activities at a Department of Energy facility.

The House bill contained no similar provision.

The Senate recedes. The conferees agree that the existing federal debarment procedures are adequate to ensure that a contractor will not participate in a Department of Energy environmental restoration contract when the contractor has been convicted or is otherwise liable for criminal violations of environmental laws arising out of his activities at Department of Energy facilities. As a matter of public policy, the conferees believe that a contractor who, through his criminal activities, contributed to the Department of Energy's environmental and waste management problems, should not participate in any contract, directly or indirectly, to remediate those problems.

Requirement of annual authorization of appropriations for funds for certain Department of Energy national security activities

The Senate amendment contained a provision (sec. 3133) that would prohibit funds from being appropriated, used, obligated, or expended for national security programs at the Department of Energy unless specifically authorized by law.

The House bill contained no similar provision.

The Senate recedes.

Revised offset for payments for injuries believed to arise out of atomic weapons testing program

The Senate amendment contained a provision (sec. 3137) that would amend section 6(c)(B) of the Radiation Exposure Compensation Act to delete the requirement that the offsetting payments must be computed at their present value.

The House bill contained no similar provision.

The Senate recedes.

Funds available for oversight

The Senate amendment contained a provision (sec. 3134) that would make $150,000 available only for the purposes of section 1108(g) of title 31, United States Code.

The House bill contained no similar provision.

The Senate recedes.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense Nuclear Facilities Safety Board authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize $13.0 million for operation of the Defense Nuclear Facilities Safety Board.

The Senate amendment contained an identical provision (sec. 3201).

The conferees recommend $13.0 million for operation of the Defense Nuclear Facilities Safety Board.

Nuclear safety in Eastern Europe and the former Soviet Union (sec. 3202)

The House bill contained a provision (sec. 1064) that would direct the President to submit a report on nuclear reactor safety in Eastern Europe and the former Soviet Union, along with a description of measures the administration is taking or plans to take to address this problem.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Disposal of obsolete and excess materials contained in the National Defense Stockpile (sec. 3302)

The House bill contained a provision (sec. 3301) that would direct the President to dispose of obsolete and excess materials currently contained in the National Defense Stockpile. Included in the disposals would be materials previously authorized for disposal by law valued at approximately $340 million.

The Senate amendment contained a provision (sec. 3301) that would authorize disposal of materials from the National Defense Stockpile that have been determined to be excess to the new stockpile requirements recommended by the Department of Defense. This provision would also prohibit disposal of any materials under the authority of this section until the stockpile manager submits a revised annual materials plan for fiscal year 1993 containing the views of the Market Impact Committee on all proposed acquisitions and disposals for fiscal year 1993.

The conferees agree to the disposal of a large number of obsolete and excess materials from the National Defense Stockpile. The disposal authority provided in this section is in addition to any other disposal authority provided in law. The disposal authority provided in this section may not be used until the President submits a revised annual materials plan for fiscal year 1993 to Congress containing the views of the Market Impact Committee on all proposed acquisitions and disposals for fiscal year 1993. This revised plan must also contain a certification by the Secretary of Defense that the disposal of such materials will not adversely affect the capability of the National Defense Stockpile to supply the strategic and critical materials necessary to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the U. S. economy, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of the Stock Piling Act (50 U.S.C. 98h-5(b)).

Requirements of modernization program (secs. 3303-3304)

The House bill contained a provision (sec. 3302) that would require the disposal and acquisition of stockpile materials in such a manner as to avoid undue disruption of the usual markets of producers, processors, and consumers of the materials. Barter arrangements would be authorized for disposal or acquisition of materials. Monies received from the sale of materials would be deposited in the National Defense Stockpile Transaction Fund.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees note that section 6 of the Stock Piling Act (50 U.S.C. 98e) already requires that disposals of stockpile materials must be carried out in such a manner as to avoid undue disruption of the usual markets of such materials. The conferees recommend a provision (sec. 3303) that would authorize the President to enter into barter arrangements to dispose of materials under section 3302 in order to acquire strategic and critical materials for, or upgrade strategic and critical materials in, the National Defense Stockpile. The conferees also recommend a provision (sec. 3304) that would require all proceeds from the sale of materials under section 3302 to be deposited in the National Defense Stockpile Transaction Fund.

Authorized uses of stockpile funds (sec. 3305)

The Senate amendment contained a provision (sec. 3302) that would authorize the stockpile manager to obligate $100.0 million from the Stockpile Transaction Fund during fiscal year 1993. Of this amount, $25.0 million may be obligated for materials development and research projects proposed for fiscal year 1993 in the annual materials plan.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the stockpile manager to obligate $66.0 million from the Stockpile Transaction Fund during fiscal year 1993. Of this amount, $25.0 million may be obligated for materials development and research projects proposed for fiscal year 1993 in the annual materials plan.

Advisory committee regarding operation and modernization of the stockpile (sec. 3306)

The House bill contained a provision (sec. 3304) that would require the President, not later than December 1, 1992, to appoint an advisory committee composed of government and industry mineral experts to advise the President regarding disposal of stockpile materials.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment.

The conferees agree that the President shall appoint an advisory committee under Section 10(a) of the Stock Piling Act (50 U.S.C. 98h-1(a)) to make recommendations concerning the operation and modernization of the National Defense Stockpile not later than March 15, 1993.

Special rule for 1993 report on stockpile requirements (sec. 3307)

The Senate amendment contained a provision (sec. 3311) that would require that the quantities of material for the stockpile should be management sufficient to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the economy of the United States."

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree that in the report on stockpile requirements required to be submitted to Congress by January 15, 1993, pursuant to section 14 of the Stock Piling Act (50 U.S.C. 98h-5), the Secretary of Defense shall include, in addition to the Secretary's recommendations with respect to stockpile requirements based upon the planning assumptions developed under subsection (b) of such section, a list of recommendations with respect to stockpile requirements that is based upon and consistent with the planning assumptions and scenarios that support the defense capabilities and programs specified in the budget request submitted for fiscal years 1994/1995 and the Future Year Defense Program for fiscal years 1994–1999.

Procedures for changing objectives for stockpile quantities established as of the end of fiscal year 1987 (sec. 3311)

The Senate amendment contained a provision (sec. 3312) that would amend section 3 of the Stock Piling Act (50 U.S.C. 98b) to allow changes in stockpile requirements to take place 30 calendar days after notification of Congress rather than requiring authorizing legislation, or, in the case of a change of less than 10 percent, requiring an effective date after the start of the next fiscal year.

The House bill contained no similar provisions.

The House recedes with an amendment that would allow changes in stockpile requirements to take place 30 legislative days after notification of Congress.

Repeal of limitation on excess balance in fund (sec. 3312)

The House bill contained a provision (sec. 3311) that would repeal the limitation in section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et. seq.) that prohibits sales from the stockpile when the balance in the National Defense Stockpile Transaction Fund exceeds $100 million.

The Senate amendment contained a provision (sec. 3313) that would amend section 5 of the Stock Piling Act (50 U.S.C. 98d) to allow changes in the annual materials plan to become effective 30 calendar days after notification of the appropriate committees of Congress rather than 30 days in which either House is not in session. This provision would also eliminate the prohibition on disposals of stockpile materials when the obligated balance in the National Defense Stockpile Transaction Fund is above $100 million.

The Senate recedes.

Authorized purposes for expenditures from the National Defense Stockpile Transaction Fund (sec. 3313)

The Senate amendment contained a provision (sec. 3314) that would amend section 9 of the Stock Piling Act (50 U.S.C. 98h) to authorize Stockpile Transaction Fund monies to be used for maintenance and disposal activities related to the stockpile.

The House bill contained no similar provision.

The House recedes with an amendment that authorize the following additional activities to be carried out with funds from the Stockpile Transaction Fund: maintenance and disposal of stockpile materials; improvement or rehabilitation of facilities, structures, and infrastructure needed to maintain the integrity of stockpile materials; and disposal of hazardous materials that are stored in the stockpile and authorized for disposal by law. The conferees also agree that funds in the Stockpile Transaction Fund may not be used to pay salaries and expenses of stockpile employees.

Market Impact Committee (sec. 3314)

The Senate amendment contained a provision (sec. 3315) that would codify in statute the current Market Impact Committee to advise the stockpile manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile. This provision would require that the annual materials plan for stockpile acquisitions and disposals, or any revision to such plan, should contain the views of the Market Impact Committee on the effects of each acquisition or disposal provided in the plan. In cases in which the annual materials plan includes an acquisition or disposal of material that is inconsistent with the recommendation of the Committee, the stockpile manager would be required to include in the plan a specific justification for the acquisition or disposal.

The House bill contained no similar provision.

The House recedes with an amendment.

Clarification of the stockpile status of certain materials (sec. 3315)

The conferees agree to a provision that would clarify that all materials purchased under section 303 of the Defense Production Act (50 U.S.C. App. 2093) and held in the Defense Production Act inventory as of June 30, 1992, are transferred to the National Defense Stockpile and shall be managed, controlled, and subject to disposal by the stockpile manager.

LEGISLATIVE PROVISIONS NOT ADOPTED

Report on implementation of modernization program

The House bill contained a provision (sec. 3303) that would require the President to submit a report to Congress not later than February 15, 1993 describing the manner in which the disposal program is being implemented.

The Senate amendment contained no similar provision.

The House recedes.

Transfer of stockpile funds to support other defense activities

The House bill contained a provision (sec. 3305) that would authorize during fiscal year 1993, subject to appropriations acts, the transfer of funds not to exceed $612.00 million from the unobligated balance in the National Defense Stockpile Transaction Fund to other defense purposes authorized by law if the President determines that such amount is excess to funding needs of the National Defense Stockpile.

The Senate amendment contained no similar provision.

The House recedes.

Section 306 of this conference agreement would authorize the transfer, to the extent provided in appropriation acts, of $400.0 million from the National Defense Stockpile Transaction Fund to the operation of and maintenance accounts of the Army, Navy, Air Force, and defense agencies.

TITLE XXXIV—CIVIL DEFENSE

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

Civil defense (sec. 3401)

The amendment budget request contained $142.6 million for the civil defense program managed by the Federal Emergency Management Agency (FEMA).

The House bill would authorize $132.6 million.

The Senate amendment would authorize $152.6 million.

The conferees agree to authorize $142.6 million for civil defense in fiscal year 1993.

The House report (H. Rept. 102–527) expresses support for the administration's revised civil defense policy, which emphasizes preparing for the consequences of disasters and emergencies, regardless of cause. The House report questions, however, whether the civil defense program should continue to exist in its present form and argues that the civil defense program should be jointly funded by the national security and domestic discretionary budgets. The House report urges the administration to complete its ongoing review of civil defense resources and funding by April 30, 1993.

The Senate report (S. Rept. 102–352) also expresses support for the revised civil defense policy, but doubts that shared funding for civil defense is practical or warranted. The Senate report argues that the civil defense program funded by the defense budget, as a share of total federal, state, and local spending on emergency preparedness and relief, is small and appropriate. The Senate report also would require the administration to complete its ongoing review of civil defense resources and funding by March 1, 1993.

The conferees agree that Congress and the administration should consider fundamental changes in the federal government's organization, management, and funding for emergency response. In light of recent experiences, it seems clear that both state and federal governments must coordinate better to improve their ability to jointly respond more rapidly and decisively to disasters and emergencies. The conferees are concerned that the administrative and organizational structure of FEMA, its position as a small agency without direct cabinet-level representation, and its limited coordinating authorities, make it difficult for FEMA to carry out its mission and to cause government departments to respond immediately. In addition, oversight of FEMA is divided among many committees and subcommittees of Congress.

There appears to be continuing confusion about the procedures for requesting, approving, and funding large-scale federal assistance to the state and local governments. For example, if a state's National Guard units are used for emergency response, the expenses are borne by the state. If those resources are judged inadequate by the federal government and a request for greater assistance is made by the governor of the affected state, the federal government pays most of the expense of providing additional assistance. This concern over resources and liability, however, can lead to an extended assessment and negotiation process, which can cause unnecessary confusion and delays.

There are also potential problems in determining who is in charge of the overall management of emergency response. While there are established procedures and guidelines for managing emergencies, as an emergency response grows in scale from the local to the state and national levels, involving a variety of government departments and National Guard and active military units, determining who is in charge of what aspects of the overall operation during critical initial stages can be a vexing and potentially disastrous problem.

The federal emergency response plan currently assigns only two primary missions (urban search and rescue and public works and engineering) out of a total of twelve to the Department of Defense. Experience demonstrates, however, that, in the critical early stages of major disasters and emergencies, the Department of Defense is the only organization with the manpower, skills, and equipment to provide an adequate response. The Secretary of Defense also has more influence and authority to ensure that decisions are made and implemented rapidly within the federal government. Civil defense, moreover, has always been a national defense mission and therefore funded within the defense function.

The conferees agree that serious consideration should be given to raising the stature of the federal government's emergency management function and enhancing its ability to respond to national emergencies rapidly, including consideration of transferring or associating all or parts of the FEMA mission and capabilities to or with a major federal department. In cooperation with the state governors, the federal government also should attempt to establish clearer and expedited procedures for the states to seek and gain approval of federal emergency assistance. The question of who pays what expenses for emergency response should not be allowed to inhibit the provision of relief and assistance. Congress and the administration also should review the assignment of emergency response missions and responsibilities to the various executive departments and agencies, or at least make distinctions between initial responses, for which the Department of Defense may be uniquely equipped, and longer-term actions, which logically match the mission of other government departments. Finally, the question of responsibility for on-the-scene operational management of an evolving emergency response should be carefully reexamined to avoid confusion and delay.

The conferees direct the President to evaluate these issues, and include his assessment and recommendations in the report to Congress required by both the Senate and House reports. In developing this report, the President should solicit the views of the National Governors Association and the states' emergency managers.

TITLE XXXV—PANAMA CANAL COMMISSION

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Short title (sec. 3501)

The Senate amendment contained a provision (sec. 3501) that would establish the short title of title XXXV as the "Panama Canal Commission Authorization Act for Fiscal Year 1993."

The House bill contained a provision (sec. 3501) that would establish the short title of title XXXV as the "Panama Canal Act Amendments of 1992."

The House recedes.

Panama Canal authorization act (secs. 3511–3514)

The Senate amendment contained provisions (secs. 3502–3505) that would authorize expenditures from the Panama Canal Revolving Fund for the operation and maintenance of the canal for fiscal year 1993. The provision would also provide for utilization of health care services at Panamanian medical facilities and would authorize a change in vessel tonnage measurement to allow use of alternative measurement systems in general usage throughout the maritime industry. The provisions of the Senate amendment are similar to H.R. 4715, the Panama Canal Commission Authorization Act for Fiscal Year 1993, as reported to the House of Representatives by the Committee on Merchant Marine and Fisheries on August 6, 1992 (H. Rept. 102–790).

The House bill contained no similar provisions.

The House recedes.

Costs of dissolution (sec. 3521)

The House bill contained a provision (sec. 3502) that would require the Panama Canal Commission to conduct a study of the costs associated with the dissolution of the Commission and to submit a report to Congress not later than September 30, 1996. The provision would also require the Commission to establish an office to close out the affairs of the Commission; establish in the Treasury of the United States a fund for the dissolution of the Commission; and provide procedures and rules for the fund. Finally, the provision would make conforming amendments to existing law, including the authority to provide for dissolution costs in establishing tolls.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Recommendations by the President on changes to Panama Canal Commission structure (sec. 3522)

The House bill contained a provision (sec. 3503) that would require the President to develop and submit to Congress a plan setting forth changes to the Panama Canal Commission that would facilitate and encourage the operation of the canal through an autonomous entity under the Government of Panama after the transfer of the canal at the end of the century. The provision would provide for representatives of the Secretaries of State, Defense, Treasury, Commerce, and Transportation and of the Panama Canal Commission to participate in the preparation of recommendations to the President for purposes of the plan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the President to conduct a study of the structure of the Panama Canal Commission and to submit a plan for changes to the Commission only if such changes are warranted by the study.

Report by Comptroller General on changes to Panama Canal Commission structure (sec. 3523)

The House bill contained a provision (sec. 3504) that would require the Comptroller General to submit to Congress a report analyzing the effectiveness of the fiscal, operational, and management structure of the Panama Canal Commission with recommendations for such changes to that structure as would enable the Commission to operate more efficiently and thus serve as a model for the Government of Panama after the transfer of the canal at the end of the century. The Comptroller General would seek the views of the Secretaries of State, Defense, Treasury, Commerce, and Transportation and of the Panama Canal Commission in developing the report.

The Senate amendment contained no similar provision.

The Senate recedes.

DIVISION D—DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE

Overview

The House bill contained provisions (Division D) that would establish defense conversion, reinvestment, and transition programs concerning defense technology and industrial support, education and training programs, transition information services, planning and technical assistance, and displaced personnel assistance.

The Senate amendment contained provisions that would address defense economic diversion, conversion, and stabilization (subtitle C of title III); DOD civilian personnel transition initiatives (subtitle D of title III); active forces transition enhancements (subtitle D of title V); Guard and reserve transition initiatives (subtitle E of title V); defense conversion policy for the national defense technology and industrial base (subtitle A of title VIII); and defense conversion and transition assistance (subtitle I of title X).

The collapse of the Warsaw Pact and the dissolution of the Soviet Union mark the most fundamental changes in the international security environment this nation has faced since the end of World War II. Shaping the appropriate role for government in addressing the impact of those changes on our economy and national security is one of the most significant challenges facing the President and the Congress through the balance of this decade.

The conferees agree that it is imperative to establish new policies and programs to ensure that the conversion from a Cold War to a post-Cold War economy is structured in a manner that meets our national security needs through the 1990s and into the 21st Century. The conference agreement would provide $1.5 billion for defense conversion, reinvestment, and transition assistance, and establish the statutory framework for the necessary policies and programs.

The details of the conference agreement are set forth in the following description of title XLI through title XLIV.

TITLE XLI—FINDINGS

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

Findings (sec. 4101)

This section sets forth the findings that underscore the importance of the defense conversion, reinvestment, and transition assistance programs that would be authorized by Division D.

Funding for defense conversion, reinvestment, and transition assistance program

The following chart summarizes the amounts and sources of funding for the defense conversion, reinvestment, and transition assistance programs authorized under Division D.

DEFENSE CONVERSION, REINVESTMENT, AND TRANSITION ASSISTANCE FUNDING FOR PROGRAMS IN DIVISION D FOR FISCAL YEAR 1993

	$ in millions	Source
Defense Industry & Technology Base Programs:		
Program for analysis of the technology & industrial base	5	R&D
Center for the study of defense economic adjustment	2	R&D
Defense dual-use critical technology partnerships	100	R&D
Commercial-military integration partnerships	50	R&D
Regional technology alliances assistance program	100	R&D
Defense advanced manufacturing technology partnerships	25	R&D
Defense manufacturing extension programs	100	R&D
Defense dual-use assistance extension program	200	R&D
Defense procurement technical assistance program	12	O&M
Defense manufacturing engineering education program	30	R&D
Other defense industry & technology base programs	70	R&D
Subtotal	694	
Community Adjustment and Assistance Programs:		
Office of Economic Adjustment	52	O&M
Economic Development Administration	80	O&M
Subtotal	132	
Personnel Assistance Programs:		
Temporary early retirement authority	254	Personnel
Temporary health transition assistance	76	O&M
Guard & reserve transition initiatives	40	Personnel
Separation pay and civilian health benefits	72	O&M/R&D
Troops to teachers and teacher's aides	65	O&M
DOD environmental scholarship program	10	O&M
Grants to colleges for training in environmental restoration	10	O&M
Job training & employment services	75	O&M
Participation of discharged military personnel in Upward Bound	5	O&M
Job bank program	4	O&M
Servicemembers occupational conversion & training	75	O&M
Subtotal	686	
TOTAL	1,512	

TITLE XLII—DEFENSE TECHNOLOGY AND INDUSTRIAL BASE, REINVESTMENT, AND CONVERSION

SUBTITLE A—PURPOSES AND ESTABLISHMENT OF NEW CHAPTER IN TITLE 10

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Purpose and establishment of new chapter in title 10 (secs. 4201–4202)

The conference agreement would consolidate and streamline the laws governing defense technology and industrial base policies and programs to reflect the challenges of the post-Cold War environment. The current provisions of title 10, United States Code, concerning the defense industrial base (chapter 148), development of dual-use critical technologies (chapter 149), manufacturing technology (chapter 150), and related provisions of law would be repealed and replaced by a new chapter 148 entitled "National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion."

Definitions (sec. 4203)

The conference agreement would set forth in 10 U.S.C. 2491 the definitions applicable to the new chapter 148.

SUBTITLE B—DEFENSE POLICIES AND PLANNING CONCERNING THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Congressional defense policy concerning the national technology and industrial base (sec. 4211)

The conference agreement would establish in 10 U.S.C. 2501 a new congressional policy setting forth defense policy objectives for the national technology and industrial base, policy objectives relating to defense conversion, and a civil-military integration policy for the national technology and industrial base.

National defense technology and industrial base council (sec. 4212)

The conference agreement would establish in 10 U.S.C. 2502 a National Defense Technology and Industrial Base Council to develop the technology and industrial base assessments and policies that are necessary for development of effective national security plans and programs. The Council would be composed of the Secretary of Defense (who shall serve as Chairman), the Secretary of Energy, the Secretary of Commerce, the Secretary of Labor, and such other officials as may be designated by the President. The conferees note that there are numerous agencies with responsibilities that affect the technology base, but believe that, at least in the initial stage, the Council would work best by minimizing the number of participants and expediting the development of guidance and plans.

The purpose of this provision is not to create a new bureaucracy, but to promote better coordination among the agencies that will play the leading roles in managing government technology and industrial base policies during the defense build-down and into the post-Cold War era.

The conferees intend that the Council serve as a vehicle for communication and coordination, not as a separate administrative organization. The conferees intend that the members of the Council should rely on the resources of their respective agencies, and not establish a separate staff for the Council.

The conference agreement also would provide for the National Defense Technology and Industrial Base Council to serve as the Executive Council of the Economic Adjustment Committee, until October 1, 1997. During that period, the Secretary of Defense would chair the Economic Adjustment Committee. This provision is designed to ensure maximum coordination between economic adjustment activities and technology and industrial base programs.

National defense program for analysis of the technology and industrial base (sec. 4213)

The conference agreement would provide in 10 U.S.C. 2503 for the Secretary of Defense, in consultation with the Council, to establish a program to enhance the capability of the Department of Defense to undertake the technology and industrial base assessments and planning required by the new chapter 148 to meet national security objectives. The conference agreement would authorize $5.0 million for this program for fiscal year 1993.

Center for the study of defense economic adjustment (sec. 4214)

The conference agreement would provide in 10 U.S.C. 2504 for the Secretary of Defense, in consultation with the Council, to establish within the National Defense University a defense economic adjustment center for the study of issues related to the conversion and reutilization of defense personnel, resources, and facilities. The conference agreement would authorize $2.0 million for this program for fiscal year 1993.

National defense technology and industrial base: periodic defense capability assessments (sec. 4215)

The conference agreement would provide in 10 U.S.C. 2505 for the Council to prepare a comprehensive assessment of the capability of the technology and industrial base to meet national security objectives. The assessment would be prepared on an annual basis through fiscal year 1997, and on a biennial basis thereafter.

National defense technology and industrial base plan and major defense program planning (sec. 4216)

Subsection (a) would provide in 10 U.S.C. 2506 for the Council to prepare a plan to ensure that policies and programs of the Department of Defense, the Department of Energy, and other agencies of the federal government are planned, coordinated, funded, and implemented in a manner designed to attain national security objectives. The plan would be prepared on an annual basis for each fiscal year through 1997, and on a biennial basis thereafter.

Subsection (b) would set forth in 10 U.S.C. 2439 a requirement for consideration of the national technology and industrial base in the development and implementation of acquisition plans for major defense programs. This provision would replace the current version of 10 U.S.C. 2502, which is repealed.

Data collection authority (sec. 4217)

The conference agreement would set forth in 10 U.S.C. 2507 authority to obtain data that will facilitate preparation of the technology and industrial base assessment and plan required by the new chapter 148.

Implementation of requirements for assessment, planning, and analysis (sec. 4218)

Subsection (a) would require the Secretary of Defense to take prompt action, including the establishment of milestones for actions, to ensure that the Department has a program in place to provide for the timely and thorough collection of information, completion of assessments, and issuance of plans required by the new chapter 148.

Subsection (b) would provide that the first annual assessment may be presented in a preliminary form to the extent that necessary information cannot be reasonably collected, analyzed, or presented in a timely fashion. The conferees emphasize that this provision has been included out of recognition that the Department has not established the necessary capability to undertake a comprehensive analysis of the industrial and technology base; it is not to be used as an excuse for delay in developing that capability. In particular, this provision may not be used as a basis for failure to undertake assessments required by existing law or that are readily within the capability of current public and private sector organizations.

Subsection (c) would provide a conforming amendment to reflect current law, which contains a reporting requirement through 1995 on the domestic textile and apparel industrial base.

Implementing regulations concerning the national defense technology and industrial base annual assessment and plan (secs. 4219–4220)

The conference agreement would establish requirements for the content of the initial regulations governing the periodic assessments and plans established under the new chapter 148. In developing these provisions, the conferees have consolidated and streamlined various detailed requirements of permanent law. By applying these requirements to the initial regulations, rather than permanent law, the conference agreement provides the Secretary of Defense and the Council with the flexibility to modify the guidance governing preparation of the periodic assessment and periodic plan to reflect the experience that will be gained over time.

SUBTITLE C—DEFENSE PROGRAMS FOR DEVELOPMENT, APPLICATION, AND SUPPORT OF DUAL-USE TECHNOLOGIES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Defense dual-use critical technology partnerships (sec. 4221)

Subsection (a) would recodify in 10 U.S.C. 2511 the current authority for defense dual-use critical technology partnerships (established in current law under 10 U.S.C. 2523). The conferees encourage active participation by the Department of Defense laboratories in the partnership process, and expect the Secretary of Defense to give particular deference to the recommendations of potential private sector participants as to the laboratory or laboratories that would be most appropriate for a particular partnership. The conferees note that the selection criteria include an evaluation of the extent to which a proposal advances and enhances national security objectives.

Subsection (b) would set forth a list of projects for consideration for establishment of partnerships in fiscal year 1993.

Commercial-military integration partnerships (sec. 4222)

The conference agreement would establish in 10 U.S.C. 2512 authority for the Department of Defense to undertake commercial-military integration partnerships. This new program would complement the critical technology partnership program. Although the critical technology partnership program has considerable dual-use potential, the primary focus of the critical technology partnerships is on defense-specific needs, with the potential for long-term government-industry partnerships. The new commercial-military integration partnership program, however, is intended to minimize the need for long-term government funding by fostering the development of viable commercial technologies that can also meet future national security reconstitution requirements and other needs of the Department of Defense. Because these partnerships will emphasize potential commercial viability, government participation can be of a limited duration, and subject to strict cost-sharing requirements. The conferees note that the selection criteria include an evaluation of the extent to which a proposal advances and enhances national security objectives.

No partnership agreement would be for a period in excess of five years. The government's share could not exceed 50 percent in the first year, and would decline each year thereafter. If the partnership agreement were for five years, by the third year the government's share could not exceed 30 percent. A partnership could be formed with one or more firms.

Regional technology alliances assistance program (sec. 4223)

The conference agreement would recodify in 10 U.S.C. 2513 the authority for regional technology alliance assistance. This program is based upon, and would replace, the provision in current law, 10 U.S.C. 2524, governing critical technology application centers. The new title more clearly describes the role of the program in promoting cooperative efforts on a regional basis that can facilitate dual-use defense needs that meet national security requirements.

Encouragement of technology transfer (sec. 4224)

The conference agreement would set forth in 10 U.S.C. 2514 the policy of encouraging technology transfer from the federal government to the private sector. This provision reflects and revises the matter currently set forth in 10 U.S.C. 2363, which is repealed.

Office of Technology Transition (sec. 4225)

The conference agreement would provide in 10 U.S.C. 2515 for the establishment of an Office of Technology Transition within the Office of the Secretary of Defense. The conferees intend that that this Office will be established using existing resources and will consist of no more than 6-10 officials working under the Director of Defense Research and Engineering, and operating with points of contact throughout the defense research and development community. The purpose of the Office would be to ensure that technology developed for national security purposes is integrated into the private sector in order to further our national defense technology and industrial base objectives. The conferees urge the Secretary of Defense to design the report required under this section in a manner that provides the general public with information on the transition opportunities in the Department of Defense.

Military-civilian integration and technology transfer advisory board (sec. 4226)

The conference agreement would provide in 10 U.S.C. 2516 for the establishment of a Military-Civilian Integration and Technology Transfer Advisory Board. The Board would provide a means for the Secretary of Defense and the Council to obtain the views of a wide variety of private and public sector officials concerning the effective integration of military and civilian capabilities and resources.

Subtitle D—Defense Manufacturing Technology, Dual-Use Assistance Extension, and Defense Supplier Base Enhancement and Support Programs

Legislative Provisions

LEGISLATIVE PROVISIONS ADOPTED

National defense manufacturing technology program (sec. 4231)

The conference agreement would recodify in 10 U.S.C. 2521 the national defense manufacturing program. This provision would revise and replace the manufacturing technology provisions of current law (chapter 150 of title 10, United States Code).

Defense advanced manufacturing technology partnerships (sec. 4232)

The conference agreement would recodify under 10 U.S.C. 2522 the provision of law governing defense advanced manufacturing technology partnerships (currently in 10 U.S.C. 2518).

Defense manufacturing extension programs (sec. 4233)

The conference agreement would recodify in 10 U.S.C. 2523 the provision of law governing defense manufacturing extension programs (currently in 10 U.S.C. 2517).

Defense dual-use assistance extension program (sec. 4234)

The conference agreement would establish in 10 U.S.C. 2524 a defense dual-use assistance extension program. This provision would require the Secretary of Defense, in consultation and coordination with the Secretary of Energy and the Secretary of Commerce, to establish a program to further our national security objectives for the industrial and technology base by providing support to those federal, regional, state, local, non-profit, and private sector programs, including programs involving industry associations, that can assist companies in developing dual-use capabilities.

The types of services provided by programs receiving support under section 2291 could include assistance in converting from government-oriented management, production, training, and marketing practices to commercial practices. In addition, programs receiving support could provide assistance in acquiring and using public and private sector resources, literature, and other information concerning: (1) research, development, and production processes and practices; (2) identification of technologies and products for potential dual-use applications; (3) marketing practices and opportunities; (4) identification of potential suppliers, partners, and subcontractors; (5) identification of government support opportunities, including grants, contracts, partnerships, and consortia; and (6) trade and export assistance, including foreign technology assessment.

The selection criteria for support would include: (1) the extent to which a program advances and enhances our national defense industrial and technology base objectives; (2) the technical excellence of the program; (3) the qualifications of the program's personnel; (4) the likelihood that there would not be timely private sector investment in the program; (5) the potential effectiveness of the program in the conversion of defense-dependent companies to dual-use capability; (6) the ability of the program to assist companies adversely affected by the defense build-down; (7) the extent of financial commitment by non-DOD sources; (8) the degree to which the program would supplement, rather than duplicate, other available services; and (9) the likelihood that within five years the program would not require DOD support.

The program would have strict cost-sharing requirements to ensure that the programs receiving support do not become dependent upon DOD funding. DOD funding would be limited to 50 percent in the first year, and would decline each year to no more than 30 percent by the third year of a program.

Subject to the eligibility and funding requirements under this provision, the Secretary of Defense would have authority to provide support to a variety of programs to the extent that he determines such programs further the national security interests of the Department of Defense, including: (1) regional, state, and local business, industrial, and technology extension programs; (2) business and technology extension services provided by universities, consortia, and other nonprofit entities; (3) private sector cooperative networks and assistance services; (4) Department of Commerce programs, including the advanced technology program, manufacturing technology centers, the state technology extension program, and grants for regional and state industrial services programs; (5) Small Business Development Centers; (6) Small Business Administration programs that provide direct loans to small businesses and government guaranteed loans.

The conferees recommend that not less than $50 million of the funds for this program should be used to support regional state and local government programs, and not less than $75 million of the funds should be used to support programs that assist small businesses, such as the SBA guaranteed loan program under section 7(a)(21) of the Small Business Act, the small business development center program under section 21(c)(3)(G) of the Small Business Act, and assistance to small businesses in obtaining access to scientific and technical expertise under 10 U.S.C. 2524(c)(3).

Defense procurement technical assistance program (sec. 4236)

The conference agreement would revise current law governing the procurement technical assistance program (chapter 142 of title 10, United States Code), to make it clear that centers funded under the procurement technical assistance program may provide technical assistance with respect to contracts with any federal, state, or local government agency, and that such centers may also provide information relating to defense conversion, reinvestment, and transition programs. The conference agreement would provide $12 million for these programs for fiscal year 1993.

Small business innovative research program in the Department of Defense (sec. 4237)

Under the small business innovative research program, federal agencies, including the Department of Defense, set aside 1.25 percent of certain research and development funds for use by small firms. The conference agreement would increase this amount to 1.5 percent for fiscal year 1994, and by .25 percent each year through fiscal year 1998, when it would reach a permanent level of 2.5 percent. The conference agreement would also make a number of clarifications in current law to reflect the post-Cold War environment.

Industrial diversification planning for defense contractors (sec. 4329)

The conference agreement would require the Secretary of Defense to issue regulations and revise policies to incentivize defense contractors to engage in industrial diversification planning.

SUBTITLE E—DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

Defense Advanced Research Projects Agency (sec. 4261)

The conference agreement would express the sense of Congress that the Secretary of Defense should revise the charter of the Defense Advanced Research Projects Agency (DARPA). The conferees agree that the Secretary should restore the agency's title to its original destination, the Advanced Research Projects Agency (ARPA), to underscore the role of the agency in fostering integration of the military and civilian technology bases. The conferees also agree that the Secretary should revise the agency's charter to emphasize the agency's role in fostering an integrated national technology base.

Under this provision, ARPA would remain as a defense agency, connected to the needs of the armed forces and subject to the authority, direction, and control of the Secretary of Defense. The agency would continue to undertake research on purely military technologies, as well as dual-use technologies. The conferees agree that if these changes are not made by regulation, legislation to achieve these objectives will be required in the next Congress.

SUBTITLE F—CONFIRMING AMENDMENTS AND FUNDING MATTERS

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

Conforming amendments (sec. 4271)

This section would make conforming changes to title 10, United States Code, and other applicable provisions of law, to reflect the establishment of the new chapter 148 in title 10.

TITLE XLIII—COMMUNITY ADJUSTMENT AND ASSISTANCE PROGRAMS

LEGISLATIVE PROVISIONS

LEGISLATION PROVISIONS ADOPTED

The conferees agree to a number of initiatives that would expand the current range of economic adjustment assistance provided by the Office of Economic Adjustment (OEA) of the Department of Defense.

Section 4301 would broaden the applicability of OEA planning assistance grants to state and local government agencies engaged in such programs under selection criteria established by the Secretary of Defense. The section would also broaden the scope of such assistance to include not only planning assistance, but also operational assistance to state and local agencies already conducting defense economic adjustment programs. The conferees recommend authorization of $50.0 million for these purposes.

This section would also provide such assistance to communities that are experiencing a substantial adverse impact from the reduction of defense industrial activity due to mergers, acquisitions, or consolidations in that industry that result from the overall reduction in defense spending. Finally, this section would authorize proactive economic planning assistance to communities that are substantially dependent upon defense or defense industrial activity.

The conferees intend that these expansions to the current, limited program of economic planning assistance that is essentially reactive to the closure of military bases or the substantial loss of defense industrial activity, will encourage greater use of existing state, local, and regional economic planning and development agencies to assist local communities to refocus their economies on non-defense activities, or to design redevelopment strategies for the reuse of surplus properties formerly devoted to defense missions as other productive enterprises.

It is the intention of the conferees that the coordination over the last 27 years between the Office of Economic Adjustment and the Economic Development Administration in planning and implementing assistance to communities should continue. In expanding the scope of the grant program of the Office of Economic Adjustment, the conferees do not intend to replace the assistance available through the Economic Development Administration.

Section 4302 would direct the Secretary of Defense to conduct pilot studies during fiscal year 1993 to permit the detailed analysis of communities' response to a variety of different economic conversion and redevelopment challenges.

Section 4303 would direct the Secretary of Defense to provide to the Congress a report regarding alternatives to the existing priorities for the management and disposal of excess nonlethal supplies and equipment with a view toward providing state agencies a higher priority for receiving civil engineering equipment that could assist in infrastructure improvements and defense conversion capital projects.

Section 4304 would amend chapter 152 of title 10, United States Code, by limiting the use of excess construction or fire equipment from the Department of Defense in foreign assistance and military sales programs to those assets that are not requested by federal agencies other than the Defense Department or state agencies, unless the President determines that the transfer of such equipment under these programs is need to respond to an emergency.

Section 4305 would provide an authorization of $80.0 million for defense conversion activities through the Economic Development Administration.

Section 4306 would direct the Under Secretary of Defense for Acquisition to submit to Congress a report on matters relating to the provision by contractors of the Department of Defense of continuing health benefits coverage.

TITLE XLIV—PERSONNEL ADJUSTMENT, EDUCATION, AND TRAINING PROGRAMS

SUBTITLE A—ACTIVE FORCES TRANSITION ENHANCEMENTS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Improvement in pre-separation counselling for members of the armed forces (sec. 4401)

The House bill contained a provision (sec. 4402) that would amend section 1142 of title 10, United States Code, to improve the procedure for the pre-separation counselling of separating military members. The House provision would require that such counselling occur at least 90 days before the date of discharge, and require that an individual transition plan be created for the separating member to attempt to achieve the educational, training, employment and other objectives of the member and spouse of the member.

The Senate amendment contained no similar provision.

The Senate recedes.

Temporary authority for new basic pay rate for certain personnel who have 24 or more years of service (sec. 4402)

The Senate amendment contained a provision (sec. 602) that would provide a longevity pay increase for military personnel in the E-7, E-8, E-9, W-4, W-5, and O-6 grades at the 24-year point for basic pay purposes.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Active duty early retirement (sec. 4403)

The Senate amendment contained a provision (sec. 534) that would authorize active duty personnel who have 15 but less than 20 years of service to apply for and be approved for early retirement.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would clarify that the purpose in providing this authority is to give the Department of Defense a temporary, additional force management tool to effect the reduction in military personnel through fiscal year 1995. The amendment would clarify that the Secretaries of the military departments may prescribe appropriate regulations or policies regarding the criteria for eligibility and approval of applications under this section. These criteria may include, but are not limited to, such factors as grade, skill, and years of service. The amendment would provide that the retired pay of a member who retires under this section would be reduced by one percent for each year of service less than 20 years. Finally, the amendment would provide discretionary authority to the Secretary of Defense to offer this program to individuals in the 15–20 years of service range who had previously taken the voluntary separation incentive (VSI) or special separation benefit (SSB) and who would otherwise have been eligible for this program.

Opportunity for certain persons to enroll in all volunteer force educational assistance program (sec. 4404)

The House bill contained a provision (sec. 641) that would amend title 38, United States Code, and section 1174, of title 10, United States Code, to permit recipients of the special separation benefits (SSB) program and the voluntary separation incentive (VSI) to pay a $1,200 contribution and elect to participate in the Montgomery G.I. Bill, subject to available appropriations.

The Senate amendment contained a similar provision (sec. 536).

The Senate recedes with a technical amendment.

Amendment of special separation benefits (sec. 4405)

The Senate amendment contained a provision (sec. 616) that would make a technical change to section 661 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190). The provision would authorize personnel who separate with special separation benefits under section 661 to receive the transportation benefits authorized for involuntarily separated personnel by section 503 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510). This provision would correct an inadvertent omission.

The House bill contained no similar provision.

The House recedes with an amendment that would include the personnel who separate with the voluntary separation incentive under section 662 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) and also would incorporate section 652(c) of the House bill.

Calculation of VSI payment (sec. 4406)

The House bill contained a provision (sec. 652) that would make three changes in the voluntary separation incentive (VSI) program established by section 662 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190). First, subsection (a) would repeal the VSI program requirement that any active or reserve pay be fully offset against current VSI payments, and instead permit the individual to elect a partial or full offset in order to reduce the amount of future recoupment should that individual subsequently qualify for military retired pay. Second, subsection (b) would repeal the VSI provision disallowing any credit under the civil service retirement system for those years of military service countable for determining VSI payments. Third, subsection (c) would make VSI recipients eligible for the involuntary separation benefits package provided under chapter 58 of title 10, United States Code, to the same extent as recipients of the special separation benefit.

The Senate amendment contained a similar, more limited provision (sec. 537) that would exempt from recoupment reserve drill pay received by individuals who receive voluntary separation incentive (VSI) payments.

The Senate recedes with an amendment that would accept subsections (a) and (b) and incorporate subsection (c) of the House bill into section 4405.

Improved conversion health policies as part of transitional medical care (sec. 4407)

The House bill contained a provision (sec. 631) that would extend the term of conversion health policies from 12 to 18 months in order to comply with the minimum requirement imposed on private sector employers by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Continued health coverage for members and dependents upon separation (sec. 4408)

The House bill contained a provision (sec. 4606) that would require the Secretary of Defense and the Director of the Office of Personnel Management to jointly establish a program for continued health benefits coverage under the federal employees health benefit (FEHB) program as prescribed by section 8905a of title 5, United States Code, for former service members and their dependents who are no longer eligible for health care in the military health care delivery system. Like the FEHB program and the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), the covered former service member or dependent would be required to pay both the employer's and employee's share of the cost of coverage provided, plus a surcharge to cover administrative costs for the program.

The Senate amendment contained a similar provision (sec. 539).

The Senate recedes with an amendment that would require the Secretary of Defense to implement this program not later than October 1, 1994 through (1) contract with private insurers, (2) revisions to the current CHAMPUS program, (3) agreement with the Director of the Office of Personnel Management, or (4) such other options determined by the Secretary to meet the requirements of this section. The conferees would delay the effective date in order to allow the Secretary ample time to execute contracts or to request any legislative changes the Secretary deems necessary to facilitate program implementation.

SUBTITLE B—GUARD AND RESERVE TRANSITION INITIATIVES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

The Senate amendment contained 12 provisions (secs. 541–552) that would authorize certain transition benefits for National Guardsmen and reservists affected by strength and unit reductions in the Selected Reserve. The conference agreement is summarized below.

Definition of transition period and members affected (secs. 4411 and 4412)

The Senate amendment contained provisions (secs. 541 and 542) that would establish general definitions regarding the transition period and eligible personnel. The provisions would apply to personnel in the Selected Reserve from October 1, 1991 to the end of fiscal year 1995.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would clarify that the Guard and reserve transition initiatives do not apply to reservists who are in non-pay positions.

Restriction on reserve force reduction (sec. 4413)

The Senate amendment contained a provision (sec. 543) that would prohibit the deactivation of any Selected Reserve unit or the involuntary separation of a Selected Reservist (except for personnel being separated because of adverse personnel actions) during the transition period until the Secretary of Defense has promulgated and submitted to Congress regulations that implement these provisions.

The House bill contained no similar provision.

The House recedes with an amendment. The amendment would delete the prohibition on the deactivation of Selected Reserve units. A modified version of this prohibition is contained in another provision elsewhere in this act.

Transition plan requirements (sec. 4414)

The Senate amendment contained a provision (sec. 544) that would require the Department of Defense to prescribe uniform procedures for the recruitment, reassignment, retraining, and separation and retirement of personnel consistent with the needs of the Selected Reserve, and with equal consideration for the fair treatment of personnel.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would ensure that separating active as well as reserve component personnel will be given priority over non-prior service applicants for Selected Reserve positions.

Inapplicability of certain discharges and transfers (sec. 4415)

The Senate amendment contained a provision (sec. 545) that would exclude individuals who are discharged or transferred under certain conditions from the benefits provided under this subtitle.

The House bill contained no similar provision.

The House recedes.

Force reduction period retirements (sec. 4416)

The Senate amendment contained a provision (sec. 546) that would allow Selected Reservists who have 20 years of credit for reserve retirement and who are in a Selected Reserve unit to apply for reassignment from the Selected Reserve to the Retired Reserve in order to draw an immediate, reduced retirement annuity. The reduced retirement annuity under this provision would be paid over a five-year period or up until an individual reaches age 60, whichever is shorter. The annuity would be five percent plus one half of one percent for each full year of service past 20 years that an individual has completed multiplied by the annual basic pay to which the individual would be entitled if on active duty. The percentage multiplier would be capped at 10 percent.

The House bill contained no similar provision.

The House recedes with an amendment. The Amendment would delete a provision in the Senate section that would allow personnel who retire early under this section to be eligible for military health care. The amendment would also provide temporary authority to the Secretaries of the Army and the Air Force to consider reserve officers for elimination from an active status similar to existing authority provided to the Secretary of the Navy under section 6410 of title 10, United States Code.

Retirements with 15 years of service (sec. 4417)

The Senate amendment contained a provision (sec. 547) that would allow Selected Reservists who have at least 15 but less than 20 years of credit for reserve retirement to apply for reassignment from the Selected Reserve to the Retired Reserve. Such personnel would be eligible for reserve retirement pay at age 60 based on the number of years of reserve retirement credit they have accrued.

The House bill contained no similar provision.

The House recedes.

Separation pay (sec. 4418)

The Senate amendment contained a provision (sec. 548) that would authorize the payment of separation pay to Selected Reservists who have six but less than 15 years of service and who are being involuntarily released from the Selected Reserve because their units are being deactivated during the transition period. The separation pay authorized would parallel the separation pay being paid to active personnel who are being separated, and be equal to 15 percent of two months of basic pay multiplied by the number of points accrued for reserve retirement divided by 360.

The House bill contained no similar provision.

The House recedes.

Waiver of continued service requirement for reserve G.I. bill benefits (sec. 4419)

The Senate amendment contained a provision (sec. 549) that would allow Selected Reservists who must leave the Selected Reserve because of the National Guard and reserve downsizing during the transition period of continue to receive reserve G.I. Bill educational assistance.

The House bill contained no similar provision.

The House recedes.

Commissary and exchange privileges (sec. 4420)

The Senate amendment contained a provision (sec. 550) that would authorize Selected Reservists who must leave the Selected Reserve because of the National Guard and reserve downsizing during the transition period to retain their eligibility to use military commissary and exchange shopping facilities for one year following the date they leave the Selected Reserve.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the period of eligibility for the benefits provided from one to two years.

Applicability and termination of benefits (sec. 4421)

The Senate amendment contained a provision (sec. 552) that would prescribe rules with regard to the applicability and termination of the recommended National Guard and reserve personnel transition benefits.

The House bill contained no similar provision.

The House recedes.

Separation benefits for active Guard and reserve personnel (sec. 4422)

The conferees recommend a provision that would make active Guard and reserve (AGR) personnel eligible for the voluntary separation incentive (VSI) and special separation benefit (SSB) on the same basis as other active duty members.

LEGISLATIVE PROVISION NOT ADOPTED

Service group life insurance for separated reservists

The Senate amendment contained a provision (sec. 551) that would provide for the continued coverage, for one year, of Selected Reservists who must leave the Selected Reserve because of the National Guard and reserve downsizing during the transition period under the service group life insurance program at no cost to the individual.

The House bill contained no similar provision.

The Senate recedes.

SUBTITLE C—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL TRANSITION INITIATIVES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Government-wide list of vacant positions (sec. 4431)

The House bill contained a provision (sec. 4602) that would require the Office of Personnel Management to publish a government-wide list of all vacant positions.

The Senate amendment contained a similar provision (sec. 342) that would require the Office of Personnel Management to publish a list of all vacant positions in the competitive service for an appointment of more than one year. The jobs listed would include all those open to candidates outside the agency, and the information would be provided by means of a toll-free number.

The House recedes with an amendment that would strike the portion of the Senate amendment that would require the establishment of a toll-free telephone number.

Temporary measures to facilitate reemployment of certain displaced federal employees (sec. 4432)

The House bill contained a provision (sec. 4603) that would require federal agencies to give full consideration to qualified displaced Department of Defense employees for up 24 months after the employee has been separated before hiring candidates outside the agency.

The Senate amendment contained a similar provision (sec. 342(b)) that would require full consideration for only 12 months after an employee has been separated.

The Senate recedes.

Reduction-in-force notification requirements (sec. 4433)

The House bill contained a provision (sec. 4601) that would require federal agencies to issue specific written notices to all federal employees and their representatives at least 60 days prior to a reduction-in-force (RIF) action. In addition, federal agencies would be required to notify the state dislocated worker unit and the chief elected local government official whenever a significant number of employees will be separated. The House bill also contained a special rule that would require the Secretary of Defense to provide specific written notices at least 120 days in advance of a reduction-in-force (RIF) action if it involved the separation of a significant number of employees. This special rule would expire on February 1, 1998.

The Senate amendment contained a similar provision (sec. 343) without the special rule.

The Senate recedes.

Restoration of certain leave (sec. 4434)

The Senate amendment contained a provision (sec. 345(b)) that would allow federal civilian employees at military bases scheduled for closure between October 1, 1992, and December 31, 1997, to accumulate unlimited annual leave.

The House bill contained no similar provision.

The House recedes.

Skill training programs in the Department of Defense (sec. 4435)

The Senate amendment contained a provision (sec. 348) that would allow the Secretary of Defense to provide up to one year of training in Department of Defense training facilities to separated civilian employees. This training could be provided from October 1, 1992 through September 30, 1995. The Secretary of Defense, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management (OPM), would be directed to publish a register of skill training programs provided.

The House bill contained no similar provision.

The House recedes.

Other employee assistance (sec. 4436)

The House bill contained a provision (sec. 4604) that would authorize the Secretary of Defense to establish a program to offer separation bonuses equal to six months base pay to encourage eligible employees to accept regular or early retirement.

The Senate amendment contained a similar provision (sec. 345 (a)) that would allow the Secretary of Defense and the Secretaries of the military departments to offer separation benefits of up to $20,000 to employees who voluntarily resign or are eligible for early retirement.

The Senate recedes with an amendment. The conferees agree to give the Secretary of Defense the authority to offer the separation pay to regular or early retirees as well as to employees who resign voluntarily. The separation pay may be offered to civilian employees in order to avoid or minimize the need for involuntary separations. The separation pay would be equal to the amount an employee would receive as if eligible under the severance pay formula or $25,000, whichever is less. The Secretary of Defense shall prescribe regulations to carry out this program. The conferees recognize that the individual military services may have different priorities and needs in managing their respective civilian personnel reductions. The conferees believe that the regulations issued by the Secretary of Defense should recognize and accommodate the needs of the individual military Services.

Thrift savings plan benefits for federal employees separated by a reduction-in-force (sec. 4437)

The Senate amendment contained a provision (sec. 347) that would treat federal employees who are involuntarily separated due to a reduction-in-force as if entitled to immediate retirement benefits for thrift savings plan (TSP) purposes. This provision would make it possible for such separated employees to elect to withdraw their TSP accounts in lump sum payments or elect to leave their money in the plan.

The House bill contained no similar provision.

The House recedes.

Continued health benefits (sec. 4438)

The House bill contained a provision (sec. 4605) that would allow involuntarily separated Department of Defense civilian employees to elect to continue health benefits coverage for up to 18 months following separation under the federal employees health benefits program (FEHBP), and require DOD to continue to pay the employer of the FEHBP premiums. The employee would be responsible for the employee share of the premiums plus a surcharge equal to ten percent of the total premium.

The Senate amendment contained a similar provision (sec. 346) but did not require the employee to pay a surcharge.

The House recedes.

SUBTITLE D—DEFENSE EFFORTS TO RELIEVE SHORTAGES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS AND TEACHER'S AIDES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Teacher and teacher aide placement program for separated members of the armed forces (sec. 4441)

The House bill contained a provision (sec. 4301) that would establish a program to assist eligible servicemembers in becoming teachers and teacher's aides upon separation from the military Services. Servicemembers with at least six years of service who are separated during the period of the defense drawdown and who met certain educational requirements would be eligible to apply to participate in the program. Upon selection by the Secretary of Defense, these persons would be required to agree to obtain necessary state credentials in order to become a teacher or teacher's aide and to accept employment in those vocations for at least two years. Concomitantly, the Secretary of Defense would pay program participants up to a $5,000 stipend to help defray the costs of obtaining required state certifications and would enter into agreements with local educational agencies who agree to employ program participants for two years as teachers or teacher's aides. Under these agreements, the Secretary would pay to a local educational agency the lesser of $50,000 or two years' basic salary of each individual employed by the local educational agency. Individuals failing to comply with the terms of the agreement would be required to reimburse the government for the cost of the stipend.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would authorize the Secretary of Defense to: (1) Implement these programs on a discretionary basis; and (2) establish the amount of the stipend and subsidy to local agencies as ceilings. The conferees believe it is essential that the Secretary of Defense enter into a formal agreement with the Secretary of Education to ensure that the programs prescribed in this section are carefully developed and implemented.

With regard to military personnel, the amendment would also require the Secretary of Defense to make available to individuals undergoing pre-separation counseling information concerning states that have alternative certification and licensure requirements and to identify local educational agencies with a shortage of qualified teachers or teacher's aides. The requirement derives from section 532 of the Senate amendment, from which the Senate recedes as part of the conference agreement. The amendment would further provide that servicemembers who receive one of the currently available separation incentive pays, bonuses or early retirement would be ineligible to receive the certification stipend.

Teacher and teacher's aides placement program for terminated defense employees (sec. 4442)

The House bill contained a provision (sec. 4302) that would establish a program to assist civilian employees of the Department of Defense and Department of Energy in becoming teachers and teacher's aides upon termination of employment as a result of reductions in defense spending or the closure or realignment of military installations. Individuals meeting certain educational requirements would be eligible to apply to participate in the program and, upon acceptance, would be required to obtain necessary state credentials and to accept employment in those vocations for at least two years. The Secretary of Defense would pay program participants a stipend of up to $5,000 to help defray the costs of obtaining required state certifications and would enter into agreements with local educational agencies who agree to employ program participants for two years as teachers or teacher's aides. Under these agreements, the Secretary would pay to local educational agencies the lesser of $50,000 or two years' basic salary. Individuals failing to comply with the terms of the agreement would be required to reimburse the government for the cost of the stipend.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment. The amendment would authorize the Secretary of Defense to implement these programs on a discretionary basis and would establish the amount of the stipend and subsidies specified in the House provision as ceilings.

Teacher and teacher's aide placement program for displaced scientists and engineers of defense contractors (sec. 4443)

The House bill contained a provision (sec. 4303) that would establish a program to assist eligible scientists and engineers employed by defense contractors or subcontractors in becoming teachers or teacher's aides. Under this program, defense contractors or subcontractors who are forced to terminate, layoff, or retire company scientists or engineers because of defense spending reductions would apply to enter into cooperative agreements with the Secretary of Defense. Under these agreements, the contractor or subcontractor would agree to contribute $2,500 toward the cost of a $5,000 stipend to be paid to eligible scientists or engineers to help defray the cost of obtaining necessary state teacher or teacher's aide certifications. Individuals receiving these stipends would be required to obtain certification and to work as teachers or teacher's aides for at least two years.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Funding for fiscal year 1993 (sec. 4444)

The House bill contained a provision (sec. 4304) that would provide that, of the amount appropriated for defense reinvestment programs for fiscal year 1993, 18 percent of such amount would be available for the teacher and teacher's aide programs established in sections 4301, 4302, and 4303 of the House bill.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the amount made available to fund the teacher and teacher's aide provisions to $65 million.

SUBTITLE E—ENVIRONMENTAL EDUCATION AND RETRAINING PROVISIONS

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Environmental scholarship and fellowship for the Department of Defense (sec. 4451)

The House bill contained a provision (sec. 4311) that would require the Secretary of Defense to establish and manage a scholarship program for full-time students who are enrolled in, or who have been accepted for enrollment in fields of study relevant to the Department of Defense environmental restoration or other environmental programs for the purpose of enabling individuals to qualify for environmental restoration and environmental compliance positions in the Department.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the preference in selection for participation in the program to current and former employees of the Department of Defense, its contractors and subcontractors engaged in defense related work, and individuals who have been members of the armed forces.

Grants to institutions of higher education to provide training in environmental restoration and hazardous waste management (sec. 4452)

The House bill contained a provision (sec. 4312) that would allow the Secretary of Defense to establish a program to assist institutions of higher education to provide education and training in environmental restoration and hazardous waste management.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure that institutions participating in the program would be chosen by the Secretary of Defense as a result of a merit-based selection process.

LEGISLATIVE PROVISION NOT ADOPTED

Environmental cleanup training demonstration grant program

The House bill contained a provision (sec. 4313) that would allow the Secretary of Defense to make grants to carry out demonstration projects to train employees for environmental cleanup activities at military installations.

The Senate amendment contained no similar provision.

The House recedes.

SUBTITLE F—JOB TRAINING AND EMPLOYMENT AND EDUCATIONAL OPPORTUNITIES

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Improved coordination of job training and placement programs for members of the armed forces (sec. 4461)

The House bill contained a provision (sec. 4403) that would require the Secretary of Defense to consult with the Secretaries of Labor, Education, and Veterans' Affairs, and the Economic Adjustment Committee to improve the coordination of job training and placement programs available to members of the armed forces who are discharged or released from active duty.

The Senate amendment contained no similar provision.

The Senate recedes.

Active force personnel transition enhancements (sec. 4462)

The Senate amendment contained a provision (sec. 531) that would require the Secretary of Defense, in consultation with other appropriate Cabinet Secretaries, to implement a program to encourage and assist separating or retiring military personnel to enter public or community service jobs. This program would include the establishment of a registry of critical job vacancies, such as in education, law enforcement, and health care that are underserved, and a registry of personnel interested in pursuing such work.

The House bill contained no similar provision.

The House recedes.

Educational leave of absence (sec. 4463)

The Senate amendment contained a provision (sec. 533) that would authorize active duty personnel who do not have readily transferable skills, such as personnel in the combat arms, to apply for up to one year of educational leave of absence to obtain civilian skill training.

The House bill contained no similar provision.

The House recedes.

Retirement credit for critical underserved jobs (sec. 4464)

The Senate amendment contained a provision (sec. 535) that would authorize active duty personnel who are approved for early retirement to accrue additional military retirement credit if they take critical, underserved jobs, such as in education, law enforcement, and health care. The Secretary of Defense would be required to prescribe regulations to carry out this program in coordination with the Secretary of Labor, the Secretary of Education, the Director of the Office of Personnel Management, and other departments and agencies as appropriate.

The House bill contained no similar provision.

The House recedes.

Training, adjustment assistance, and employment services for discharged military personnel, terminated defense employees, and displaced employees of defense contractors (sec. 4465)

The House bill contained a provision (sec. 4321) that would expand title III of the Job Training Partnership Act (JTPA) to provide reemployment and training programs specifically designed to meet the needs of individuals who are displaced by the drawdown in defense activity by the government and industry.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Labor, in consultation with the Secretary of Defense, to provide financial assistance for job training and transition assistance for individuals directly affected by the defense drawdown. In addition, by providing authority to reimburse states for their expenditure of rapid response funds in support of the defense conversion, the amendment would encourage states to move quickly to provide job transition assistance when communities and individuals are adversely affected by reductions in defense activity, both governmental and within industry. The conferees would authorize $75.0 million for these purposes.

Participation of discharged military personnel in upward bound projects to prepare for college (sec. 4466)

The House bill contained a provision (sec. 4323) that would authorize the Secretary of Defense to carry out a program to assist eligible members of the armed forces in an upward bound project to prepare for college.

The Senate amendment contained no similar provision.

The Senate recedes.

Improvements to employment and training assistance for dislocated workers under the Job Training Partnership Act (sec. 4467)

The House bill contained a provision (sec. 4324) that would amend the dislocated worker program of the Job Training Partnership Act by expanding the responsibilities of state dislocated worker units, providing more flexibility for state rapid response assistance to defense conversion reemployment problems, and permitting the transfer of federal property and equipment to job training programs or education programs at no cost.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require that state dislocated worker units provide immediate notification to substate grantees of current and projected military installation or defense plant closures or substantial layoffs at such plants. It would also require that states provide immediate notification to the Secretary of Defense of a cost breakdown of funds made available in response to these worker dislocations. It would increase the oversight of the Secretary of Labor over state rapid response assistance services, expand the definition of "substantial layoff", and provide clarification of definitions of eligible dislocated workers for certain services.

Job Bank program for discharged military personnel, terminated defense employees, and displaced employees of defense contractors (sec. 4468)

The House bill contained a provision (sec. 4325) that would authorize the Secretary of Defense to establish a program to expand the services and access to the Interstate Job Bank of the United States Employment Service.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary to provide expanded access to the Interstate Job Bank to maximize reemployment opportunities for military and civilian workers displaced by the defense drawdown and authorize $4.0 million for that purpose.

Extension of appropriations for assistance (sec. 4469)

The Senate amendment contained a provision (sec. 538) that would extend through fiscal year 1995 the authority for appropriations for certain employment, job training, and other assistance provided by section 502 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510). Current authority expires at the end of fiscal year 1993.

The House bill contained no similar provision.

The House recedes.

Defense contractor requirement to list suitable employment openings with local employment service office (sec. 4470)

The House bill contained a provision (sec. 4404) that would require defense contractors to list suitable employment openings with local employment service offices.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Notice requirements upon proposed and actual termination or substantial reduction in defense programs (sec. 4471)

The House bill contained a provision (sec. 4405) that would create a structure for employees of defense contractors to become eligible for JTPA services following the cancellation or substantial reduction of a defense contract.

The Senate amendment contained a related provision (sec. 335) that would provide for constructive notice to employees of defense contractors affected by substantial reductions or cancellations of defense contracts. This notice would be for the purpose of establishing eligibility for certain services under section 314 of title III.

The House recedes.

Study to determine the dislocation effects of current and future reductions in spending for the national defense (sec. 4472)

The conferees recommend a provision that would require the Secretary of Defense and the Secretary of Labor to conduct a joint study to assess worker dislocation resulting from current and future defense spending reductions. The provision would require a report to Congress containing projections on the nature and extent of economic dislocation for servicemembers, Department of Defense civilian employees, and private sector defense industry workers.

Treatment of certain provisions of law upon budget determination by the Secretary of Defense (sec. 4473)

The conferees recommend a provision that would provide for the repeal of sections 4465 and 4468 of this title if, not later than April 30, 1993, the Secretary of Defense reallocates the funds from such programs.

SUBTITLE G—SERVICE MEMBERS OCCUPATIONAL CONVERSION AND TRAINING

LEGISLATIVE PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Short title (sec. 4481)

The House bill contained a provision (sec. 4351) that would cite this program as the "Service Members Occupational Conversion and Training Act of 1992."

The Senate amendment contained no similar provision.

The Senate recedes.

Findings and Purposes (sec. 4482)

The House bill contained a provision (sec. 4352) that would: (1) make certain congressional findings as to the need for a servicemembers' conversion and training program; and (2) declare that the purpose of this program is to provide additional means by which the Secretary of Defense can manage the drawdown of the armed forces and to provide additional forms of assistance to servicemembers who are forced or induced to leave the military, thereby facilitating the Secretary's ability to achieve end strength reductions caused by the drawdown.

The Senate amendment contained no similar provision.

The Senate recedes.

Definitions (sec. 4483)

The House bill contained a provision (sec. 4353) that would define: (1) "Secretary," as the Secretary of Defense; and (2) the terms "compensation," "service-connected," "State," and "active military, naval, or air service" as defined in paragraphs (13), (16), (20), and (24), respectively, of section 101 of title 38, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes.

Establishment of program (sec. 4484)

The House bill contained a provision (sec. 4354) that would direct the Secretary to carry out the program of job training in accordance with this bill not later than 60 days after the date of enactment. The Secretary would be authorized to enter into an agreement with the Secretaries of Veterans Affairs and Labor for the implementation of this program. The implementing official would be permitted to enter into agreement with state approving agencies (SAAs) to carry out any aspect of this bill.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide that: (1) the Secretary may enter into an agreement with either the Secretary of Veterans Affairs, the Secretary of Labor, or both; and (2) the implementing official may enter into agreements with SAAs or other state agencies to assist in the implementation of this program.

Eligibility for program (sec. 4485)

The House bill contained a provision (sec. 4355) that would establish the eligibility requirements for participation in a job training program as follows. An individual must: (1) be unemployed at the time of applying to participate in the program; (2) either (a) be unemployed for at least 10 of 15 weeks prior to application for the program (not taking into account periods of temporary or intermittent employment), (b) have specialized in an occupational skill that is not readily transferable to the civilian workforce (as determined by the Secretary), or (c) have a service-connected disability rated at 30 percent or more; (3) have served in active military service for more than 90 days; and (4) be discharged on or after August 2, 1990.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) require participants to be unemployed for 8 of 15 weeks prior to application; and (2) provide participants the opportunity to appeal a denial of certification.

Period of training (sec. 4485(d))

The House bill contained a provision (sec. 4356) that would require a job training program to provide training for a period of not less than 12 months in an occupation in a growth industry or in an occupation requiring the use of new technological skills. The implementing official may approve a program period of at least six months. The House bill also contained a provision (sec. 4355(c)) that would limit the maximum period of training for which assistance may be provided to 15 months.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment: (1) that would provide that the period of training for which assistance may be paid would be not less than 6 months or more than 18 months; and (2) that would modify the characterization of the occupation for which training may be provided so as to permit training in a field of employment providing a reasonable probability of stable, long-term employment.

Approval of employer programs (sec. 4486)

The House bill contained a provision (sec. 4357) that would exclude from a job training program any position that consists of intermittent employment, includes religious activities, is in any department of the federal government, displaces other employees, or violates certain other conditions outlined in that provision. An employer offering a job training program would be required to certify that, upon a participant's completion of job training, the employer will employ the participant in the position for which he or she was trained and the position will be available on a stable and permanent basis. The wages and benefits to be paid to the participant would be commensurate to those normally paid to other trainees. Apprenticeship programs or other on-the-job training programs (as outlined in section 3687 of title 38, United States Code) would be approved under this bill.

The Senate amendment contained no similar provision.

The Senate recedes.

Payments to employers (sec. 4487)

The House bill contained a provision (sec. 4358) that would provide for the implementing official to make certain payments to employers. The amount payable to an employer on behalf of a training participant would be 50 percent of the starting hourly wage times the number of hours worked except that payments would not exceed $12,000 for participation with service-connected disabilities rated at 30 percent or $10,000 for all other participants. Payments would be made to employers as follows: one-third of the total payment would be made upon completion of half of the training program, one-third upon completion of the program, and one-third six months after completion of the program. Overpayments to an employer would constitute liability to the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide: (1) that payments would be made to employers on a quarterly or monthly basis except that 25 percent of each payment to which the employer is entitled would be held back to be paid four months after completion of the training program; and (2) that, as an additional payment, the employer would be reimbursed up to $500 for the cost of a participant's tools and other work-related materials upon certification to the implementing official that the materials were necessary for participation in the job training program, the materials were paid for by the participant, and the participant had been reimbursed by the employer.

Entry into program of job training (sec. 4488)

The House bill contained provisions (sec. 4359 and sec. 4355(b)(3)(A)) that would allow the implementing official to withhold or deny approval of a training program because of a lack of funds. Participants would be: (1) permitted to begin their training program no sooner than 14 days after the employer notifies the implementing official of the employer's intention to employ the participant; and (2) required either to begin training, or to renew their applications, no later than 180 days after receiving a certificate of eligibility.

The Senate amendment contained no similar provision.

The Senate recedes.

Provision of training through educational institutions (sec. 4489)

The House bill contained a provision (sec. 4360) that would allow an employer to enter into an agreement with an educational institution that has been approved under chapter 106 of title 10, United States Code, to provide training under this program.

The Senate amendment contained no similar provision.

The Senate recedes.

Discontinuation of approval of participation in certain employer programs (sec. 4490)

The House bill contained a provision (sec. 4361) that would allow the implementing official to discontinue a previously approved training program if it fails to meet any of the requirements outlined in the bill. The employer would have the opportunity to appeal the disapproval. If the implementing official found that the completion rate of a training program was disproportionately low due to deficiencies in the program, the implementing official would be authorized to disapprove further participation in the program pending the completion of adequate remedial action to improve the program.

The Senate amendment contained no similar provision.

The Senate recedes.

Inspection of records; investigations (sec. 4491)

The House bill contained a provision (sec. 4362) that would require the records and accounts of employers pertaining to veterans training under this program to be reasonably available for examination by the implementing official. The implementing official would be able to inspect the premises of a job training program and question employees to ensure compliance with the requirements established under this program. Inspections and investigations may be administered under an agreement between the Secretaries of Defense and Labor.

The Senate amendment contained no similar provision.

The Senate recedes.

Coordination with other programs (sec. 4492)

The House bill contained a provision (sec. 4363) that would prohibit payment to an employer who is receiving payments for job training programs under chapter 30, 31, 32, 35, or 36 of title 38, United States Code; chapter 106 of title 10, United States Code; the Job Training Partnership Act; or under section 51 of the Internal Revenue Code of 1986. Assistance would not be permitted to be paid on behalf of an individual who has completed a job training program under this legislation. The Secretary of Veterans Affairs would be given the responsibility to coordinate and encourage the use of job training under chapter 31 of title 38 in connection with training under this program.

The Senate amendment contained no similar provision.

The Senate recedes.

Counseling (sec. 4493)

The House bill contained a provision (sec. 4364) that would direct the implementing official to provide, upon request, employment counseling services and to establish a program of cast-management services for veterans who need such services, particularly veterans who withdraw (either voluntarily or involuntarily) from a job training program and apply to participate in another such program. Under the case-management program, a disabled veteran outreach program (DVOP) specialist would be required personally to interview the veteran within 60 days after the beginning of a training program and generally monthly thereafter unless, in certain cases, the implementing official finds that case-management services are not necessary.

The Senate amendment contained no similar provision.

The Senate recedes.

Information and outreach; use of agency resource (sec. 4494)

The House bill contained a provision (sec. 4365) that would require the Secretaries of Defense, Labor, and Veterans Affairs jointly to establish a public information and outreach program to inform servicemembers of the job training programs provided under this measure and other federal training programs. The Secretaries would be required to inform private businesses, appropriate public agencies, institutions of higher education, trade associations, and others of such training programs and to encourage employers to create job training programs.

The Secretaries would be required to coordinate the provision of public information and outreach under this section with the job counseling, placement, and other services under chapters 41 and 42 of title 38, United States Code.

The Secretaries of Defense, Labor, and Veterans Affairs would be required to make available such personnel as are needed to carry out the provisions of this program. Also, the Secretary of Labor would be required, to the maximum extent practicable, to make use of the services of directors and assistant directors for veterans' employment and training, DVOP specialists, local veterans' employment representatives, and the Small Business Administration.

The Senate amendment contained no similar provision.

The Senate recedes.

Authorization of appropriations (sec. 4495)

The House bill contained a provision (sec. 4366) that would authorize to be appropriated to the Department of Defense to carry out the job training program 10 percent of the amount appropriated for fiscal year 1993 for defense reinvestment programs. Amounts would remain available until the end of the second fiscal year following the fiscal year in which such amounts were appropriated. Three and one-half percent of such amounts would be used for administration.

The Senate Amendment contained no similar provision.

The Senate recedes with an amendment that would increase to six percent the amount available for the costs of administration.

Time periods for application and initiation of training (sec. 4496)

The House bill contained a provision (sec. 4368) that would prohibit assistance to be paid to an employer on behalf of an individual who initially applies for a job training program after September 30, 1995, or for any training program which begins after March 31, 1996.

The Senate Amendment contained no similar provision.

The Senate recedes.

LEGISLATIVE PROVISION NOT ADOPTED

Report by Secretary of Defense

The House bill contained a provision (sec. 4367) that would require the Secretary of Defense, not later than two years after enactment, to submit a report assessing the effectiveness of the job training program.

The Senate Amendment contained no similar provision.

The House recedes.

TITLE XLV—BUDGET

LEGISLATIVE PROVISION

LEGISLATIVE PROVISION ADOPTED

The conferees agree that the programs authorized in Division D are within the defense category of the discretionary limits for fiscal year 1993 for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985. The conferees note that the statutory responsibility for determining whether a program is within the defense category has been given to the Director of the Office of Management and Budget under the Budget Act. The conference agreement contains a provision that would provide for the reallocation of funds within Division D in the event that the Director of OMB determines that specified programs are not within the defense category for fiscal year 1993.

From the Committee on Armed Services, for consideration of the House bill, and the Senate amendment, and modifications committed to conference:

Les Aspin,
Charles E. Bennett,
G.V. Montgomery,
Pat Schroeder,
Bev Byron,
Nicholas Mavroules,
Earl Hutto,
Ike Skelton,
Dave McCurdy,
Thomas M. Foglietta,
Dennis M. Hertel,
Marilyn Lloyd,
Norman Sisisky,
Richard Ray,
John M. Spratt,
Solomon P. Ortiz,
George (Buddy) Darden,
Owen Pickett,
Martin H. Lancaster,
Lane Evans,
James H. Bilbray,
John S. Tanner,
Michael R. McNulty
Glen Browder,
William. L. Dickinson,
Floyd Spence,
Larry J. Hopkins
(except for Sec. 807 on Mentor-Protege and Sec. 1364 on the Landmine Moratorium),
Bob Davis,
Duncan Hunter
(except for Secs. 232 and 234 related to SDI),
David O'B. Martin,
John R. Kasich,
Herbert H. Bateman,
Ben Blaz,
Andy Ireland,
James V. Hansen,
Curt Weldon,
Arthur Ravenel, Jr.,
Robert K. Dornan
(except for Secs. 232 and 234 related to SDI),

As additional conferees from the Permanent Select Committee on Intelligence, for matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

Barbara B. Kennelly,
Dan Glickman,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 1071, and 4501–4502 of the House bill, and sections 838, 1092, 1093, 1094, and 1094B of the Senate amendment, and modifications committed to conference:

Thomas Carper,
John J. LaFalce,
Mary Rose Oakar,
Bruce F. Vento,
Pual E. Kanjorski,
Thomas Ridge,
Bill Paxton,
Mel Hancock,

As additional conferees from the Committee on Education and Labor, for consideration of sections 3161–3162, 4301–4313, 4321–4325, 4401, 4404–4405, and 4607 of the House bill, and sections 333, 344, 531, 532, 804, 814(e), 1060, 1065, 1082–1085, 1099E, 1301–1307, and 3151–3153 of the Senate amendment, and modifications committed to conference:

Willliam D. Ford,
Pat Williams,
William F. Goodling,
Steve Gunderson,
Marge Roukema,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 321, 370, 1071, and 3161 of the House bill, and sections 313–317, 319–320, 824, 838, 1205, 2851–2855, 2861, 3132, 3135, 3141, 3151–3152, and 3201 of the Senate amendment, and modifications committed to conference:

John D. Dingell,
Al Swift,
Phil Sharp,
Cardiss Collins,
Dennis E. Eckart,
Norman F. Lent,
Don Ritter,
Carlos J. Moorhead,

Mr. McMillan of North Carolina is appointed in lieu of Mr. Moorhead solely for consideration of section 1071 of the House bill and section 824 and 838 of the Senate amendment:

J. Alex McMillan,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 146, 175, 204, 233, 234, 241, 304, 324, 365–368, 1031, 1033, 1056, 1057, 1059–1060, 1064–1065, 1067, 1069–1070, 1101–1106, 3132, and 3141–3145 of the House bill, and sections 112, 223, 304, 361–362, 828, 836, 908, 921–922, 1041, 1043, 1050, 1055, 1057, 1061, 1063, 1066–1067, 1071–1073, 1075–1076, 1091, 1093, 1094A–1094F, 1101–1132, 1201–1212, and 1401–1408 of the Senate amendment, and modifications committed to conference:

Dante B. Fascell,
Lee H. Hamilton,
Gus Yatron,
Stephen J. Solarz,
Howard L. Berman,
Wm. S. Broomfield,
Benjamin A. Gilman,
Robert J. Lagomarsino,

Provided, that solely for consideration of section 1091 of the Senate amendment, Mr. Gejdenson is appointed in lieu of Mr. Fascell, and solely for consideration of sections 1201–1212 of the Senate amendment, Mr. Torricelli is appointed in lieu of Mr. Hamilton.

Sam Gejdenson,
Robert Torricelli,

As additional conferees from the Committee on Government Operations, for consideration of sections 313, 374(f), 640, 819, 821, 1002, and 2823 of the House bill, and sections 1003, 1048(f), and 2841 of the Senate amendment, and modifications committed to conference:

John Conyers, Jr.,
Mike Synar,
Edolphus Towns,
Ray Thornton,
Collin C. Peterson,
Frank Horton,
Bill Clinger,

As additional conferees from the Committee on the Judiciary, for consideration of sections 838(e) and 1062 of the Senate amendment, and modifications committed to conference:

Jack Brooks,
Don Edwards,
John Conyers, Jr.,
Henry J. Hyde,
Howard Coble,

As additional conferees from the Committee on the Judiciary, for consideration of section 1068 of the House bill, and modifications committed to conference:

Jack Brooks,
Romano L. Mazzoli,
Howard L. Berman,
Bill McCollum,
Lamar Smith,

As additional conferees from the Committee on the Judiciary, for consideration of section 922 of the Senate amendment, and modifications committed to conference:

Jack Brooks,
Charles E. Schumer,
William J. Hughes,
F. James Sensenbrenner, Jr.,
Steven Schiff,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 536, 1013, 1016(b), 1017, 1019, 1021, 2837, and 3501–3504 of the House bill, and sections 612(b), 1021–1023, 1045, 1053, 1206, 2837, 2851–2855, 3103(e), and 3501–3505 of the Senate amendment, and modifications committed to conference:

Gerry E. Studds,
Carroll Hubbard,
William F. Hughes,
Billy Tauzin,
William O. Lipinski,
Don Young,
Jack Fields,
Norman F. Lent,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 531, 924(a), 1060(a), 1201–1206, 1301, 4401, and 4601–4606 of the House bill, and sections 341–348, 539, 809(b), 1044–1045, 1058(a), 1074, that portion of section 1082 that adds a new section 195H to the National and Community Service Act of 1990, 1099D, 1306 of the Senate amendment, and modifications committed to conference:

William (Bill) Clay,
Mary Rose Oakar,
Gerry Sikorski,
Gary Ackerman,
Paul E. Kanjorski,
Benjamin A. Gilman,
Frank Horton,
John T. Myers,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 4101–4106 and 4501–4502 of the House bill, and sections 313–317, 320, and 332 of the Senate amendment, and modifications committed to conference:

Robert A. Roe,
Norman Y. Mineta,
Henry J. Nowak,
Joe Kolter,
Jimmy Hayes,
John Paul Hammerschmidt,
Bud Shuster,

Provided, that solely for consideration of sections 4101–4106 and 4501–4502 of the House bill, and section 332 of the Senate amendment, Mrs. Bentley is appointed; and solely for consideration of sections 313–317 and 320 of the Senate amendment, Mr. Petri is appointed:

Helen Delich Bentley,
Tom Petri,

As additional conferees from the Committee on Science, Space and Technology, for consideration of sections 241, 4105, 4201–4203, and 4206 of the House bill, and sections 204, 801–806, 809, 810A, 837, 839, 1112, 3139, and 3141 of the Senate amendment, and modifications committed to conference:

George E. Brown, Jr.,
Tim Valentine,
Norman Y. Mineta,
Joan Kelly Horn,
Jim Bacchus,

As additional conferees from the Committee on Veterans Affairs, for consideration of sections 641–642 and 4351–4368 of the House bill, and sections 536, 538, 549, and 551 of the Senate amendment, and modifications committed to conference:

Timothy J. Penny,
Douglas Applegate,
Christopher H. Smith,

As additional conferees from the Committee on Ways and Means, for consideration of section 4607 of the House bill, and modifications committed to conference:

Dan Rostenkowski,
Sam Gibbons,
J.J. Pickle,
Charles B. Rangel,
Pete Stark,
Bill Archer,
Phil Crane,
Guy Vander Jagt,

As additional conferees from the Committee on Ways and Means, for consideration of sections 1404–1405 of the Senate amendment and modifications committed to conference:

Dan Rostenkowski,
Sam Gibbons,
Ed Jenkins,
Thomas J. Downey,
Donald J. Pease,
Bill Archer,
Phil Crane,

Managers on the Part of the House.

Sam Nunn,
J.J. Exon,
Carl Levin,
Edward M. Kennedy,
Jeff Bingaman,
Alan J. Dixon,
John Glenn,
Al Gore,
Timothy Wirth,
Richard Shelby,
Robert Byrd,
John Warner,
Strom Thurmond,
Bill Cohen,
John McCain,
Trent Lott,
Dan Coats,
Connie Mack,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 5677

Mr. NATCHER submitted the following conference report and statement on the bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes:

Conference Report (H. Rept. 102–974)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5677) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1993, and for other purposes," having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 8, 9, 10, 39, 41, 42, 44, 47, 48, 50, 64, 74, 81, 86, 91, 94, 98, 104, 106, 107, 113, 120, 121, 122, 123, 128, 129, 140, 158, 166, 182, 183, 190, 196, 199, 206, 208, 223, 225, 235, 240, 241, and 242.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 7, 13, 19, 22, 26, 29, 30, 38, 46, 66, 67, 72, 76, 82, 83, 93, 99, 101, 102, 105, 108, 109, 110, 111, 118, 119, 124, 127, 141, 150, 151, 153, 155, 156, 157, 159, 160, 161, 162, 167, 168, 169, 172, 174, 175, 177, 178, 179, 180, 181, 186, 187, 188, 189, 192, 193, 194, 209, 210, 211, 212, 226, 227, 228, 229, 230, 231, 232, 233, 234, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$55,803,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$78,934,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$55,144,000*; and the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$20,000,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$306,700,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$86,506,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,747,000*; and the Senate agree to the same.

Amendment numbered 20:

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$21,729,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$795,771,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$27,570,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$234,332,000*; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$290,895,000*; and the Senate agree to the same.

Amendment numbered 31:

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$277,210,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,438,000*; and the Senate agree to the same.

Amendment numbered 33:

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$143,976,000*; and the Senate agree to the same.

Amendment numbered 34:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$183,742,000*; and the Senate agree to the same.

Amendment numbered 35:

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$47,780,000*; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,438,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,601,625,000*; and the Senate agree to the same.

Amendment numbered 43:

That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$340,000,000*; and the Senate agree to the same.

Amendment numbered 49:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,007,483,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$178,711,000*; and the Senate agree to the same.

Amendment numbered 53:

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert:

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $590,436,000.

And the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$606,600,000*; and the Senate agree to the same.

Amendment numbered 56:

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$839,804,000*; and the Senate agree to the same.

Amendment numbered 57:

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$404,468,000*; and the Senate agree to the same.

Amendment numbered 58:

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$156,342,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$315,251,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$20,002,000*; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$57,444,000*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$384,576,000*; and the Senate agree to the same.

Amendment numbered 89:

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$444,451,000*; and the Senate agree to the same.

Amendment numbered 90:

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$38,601,000*; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,850,000*; and the Senate agree to the same.

Amendment numbered 96:

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$900,000,000*; and the Senate agree to the same.

Amendment numbered 97:

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,693,483,000*; and the Senate agree to the same.

Amendment numbered 100:

That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$845,964,000*; and the Senate agree to the same.

Amendment numbered 114:

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,763,950,000*; and the Senate agree to the same.

Amendment numbered 115:

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$6,733,631,000*; and the Senate agree to the same.

Amendment numbered 116:

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$5,493,875,000*; and the Senate agree to the same.

Amendment numbered 117:

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$681,450,000*; and the Senate agree to the same.

Amendment numbered 126:

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$571,654,000*; and the Senate agree to the same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$12,000,000*; and the Senate agree to the same.

Amendment numbered 132:

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,600,000*; and the Senate agree to the same.

Amendment numbered 133:

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,800,000*; and the Senate agree to the same.

Amendment numbered 134:

That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,600,000*; and the Senate agree to the same.

Amendment numbered 139:

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,110,000*; and the Senate agree to the same.

Amendment numbered 142:

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$227,750,000*; and the Senate agree to the same.

Amendment numbered 143:

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,989,807,000*; and the Senate agree to the same.

Amendment numbered 144:

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$2,069,284,000*; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$328,400,000*; and the Senate agree to the same.

Amendment numbered 146:

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment, as follows:

in lieu of the sum proposed by said amendment insert: *$215,000,000*; and the Senate agree to same.

Amendment numbered 149:

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert; *$2,185,968,000*; and the Senate agree to the same.

Amendment numbered 173:

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with amendment, as follow:

In lieu of the sum proposed by said amendment insert: *$844,690,000*; and the Senate agree to the same.

Amendment numbered 185:

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: , *and $6,435,000, to remain available until expended, shall be for emergency construction needs*; and the Senate agree to the same.

Amendment numbered 195:

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment, as follows;

In lieu of the sum proposed by said amendment insert: *$49,300,000*; and the Senate agree to the same.

Amendment numbered 197:

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert; *$28,281,000*; and the Senate agree to the same.

Amendment numbered 198:

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,381,000*; and the Senate agree to the same.

Amendment numbered 200:

That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$14,700,000*; and the Senate agree to the same.

Amendment numbered 201:

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$16,000,000*; and the Senate agree to the same.

Amendment numbered 202:

That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,500,000*; and the Senate agree to the same.

Amendment numbered 203:

That the House recede from its disagreement to the amendment of the Senate numbered 203, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$13,700,000*; and the Senate agree to the same.

Amendment numbered 204:

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$9,684,000*; and the Senate agree to the same.

Amendment numbered 205:

That the House recede from its disagreement to the amendment of the Senate numbered 205, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$23,000,000*; and the Senate agree to the same.

Amendment numbered 207:

The the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$3,238,000*; and the Senate agree to the same.

Amendment numbered 215:

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$29,500,000*; and the Senate agree to the same.

Amendment numbered 219:

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$203,152,000*; and the Senate agree to the same.

Amendment numbered 220:

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$295,000,000*; and the Senate agree to the same.

Amendment numbered 221:

That the House recede from its disagreement to the amendment of the Senate numbered 221, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$1,750,000*; and the Senate agree to the same.

Amendment numbered 222:

That the House recede from its disagreement to the amendment of the Senate numbered 222, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$896,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 4, 12, 18, 24, 25, 40, 45, 52, 55, 60, 62, 63, 65, 68, 69, 70, 73, 75, 77, 78, 79, 80, 84, 87, 88, 95, 103, 112, 125, 130, 135, 136, 137, 138, 147, 148, 152, 154, 163, 164, 165, 170, 171, 176, 184, 191, 213, 214, 216, 217, 218, 224, 236, 237, 238, and 239.

William H. Natcher,
Neal Smith,
David R. Obey,
Edward R. Roybal,
Louis Stokes,
Joseph D. Early,
Steny H. Hoyer,
Robert J. Mrazek,
Jamie L. Whitten,
Carl D. Pursell,
John Edward Porter,
Bill Young,
Vin Weber,
Joseph M. McDade,
Managers on the Part of the House.

Tom Harkin,
Robert C. Byrd,
Ernest F. Hollings,
Daniel K. Inouye,
Dale Bumpers,
Harry Reid,
Brock Adams,
Kent Conrad,
Arlen Specter,
Mark O. Hatfield,
Ted Stevens,
Warren Rudman,
Thad Cochran,
Phil Gramm,
Slade Gorton,
Managers on the Part of the Senate.

Joint Explanatory Statement of the Committee of Conference

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5677) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies, for the fiscal year ending September 30, 1993, and for other purposes, submit the following joint statement of the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—DEPARTMENT OF LABOR

Employment and Training Administration

PROGRAM ADMINISTRATION

Amendment No. 1: Appropriates $76,227,000 as proposed by the Senate instead of $76,952,000 as proposed by the House.

Amendment No. 2: Makes available $55,803,000 from the Unemployment Trust Fund instead of $55,078,000 as proposed by the House and $57,785,000 as proposed by the Senate.

TRAINING AND EMPLOYMENT SERVICES

Amendment No. 3: Deletes technical language proposed by the Senate.

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$4,066,584,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $4,000,000 to continue the Samoan, Pacific Islander and Asian American employment and training initiative.

Amendment No. 5: Earmarks $78,934,000 for migrants and seasonal farmworkers instead of $78,868,000 as proposed by the House and $81,000,000 as proposed by the Senate.

Amendment No. 6: Earmarks $1,485,000 for the National Commission for Employment Policy as proposed by the House instead of $1,900,000 as proposed by the Senate.

Amendment No. 7: Earmarks $5,400,000 for all activities conducted by and through the National Occupational Information Coordinating Committee as proposed by the Senate. The House bill included no funds for this activity in the Department of Labor; all funds were included in the Department of Education.

Amendment No. 8: Inserts the word "and" as proposed by the House.

Amendment No. 9: Deletes earmark of $750,000 for the Glass Ceiling Commission proposed by the Senate. This is funded under amendment No. 12.

Amendment No. 10: Deletes appropriation of $187,480,000 for summer youth employment for fiscal year 1994 proposed by the Senate. The House bill included no appropriation for fiscal year 1994. The conference agreement includes $676,083,000 for summer youth employment for fiscal year 1993. These funds are included under amendment number 4.

Amendment No. 11: Appropriates $55,144,000 for ongoing Job Corps Capital Costs instead of $60,288,000 as proposed by the House and $50,000,000 as proposed by the Senate. Funds are included to complete the previously approved new centers and to continue special facility projects.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$750,000 is appropriated for the Glass Ceiling Commission authorized by title II of the Civil Rights Act of 1991; and, in addition, $750,000 is appropriated for the National Center for the Workplace authorized by title XV, part A, of Public Law 102–325; and, in addition, $12,638,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 13: Specifies the construction of four new Job Corps centers as proposed by the Senate instead of two as proposed by the House.

Amendment No. 14: Appropriates $20,000,000 for new Job Corps centers instead of $30,000,000 as proposed by the House and $10,000,000 as proposed by the Senate and deletes language proposed by the House that provided for full funding of new centers. The conferees intend that all new centers shall be selected through a competitive process.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

Amendment No. 15: Appropriates $306,700,000 instead of $305,159,000 as proposed by the House and $308,241,000 as proposed by the Senate.

Amendment No. 16: Appropriates $86,506,000 instead of $86,071,000 as proposed by the House and $86,940,000 as proposed by the Senate.

It is the intent of the conferees that the current sponsors continue to build upon their past accomplishments and that the Department of Labor will maintain substantially the existing status, funding allocation and method of operating this program. The conferees do not intend to reduce the current funding levels of those national sponsors who have worked successfully through the years to build this program. The conferees understand that the Department of Labor has been conducting audits of several national sponsors, and the conferees further urge the Department to complete program and financial audits on all national sponsors.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

Amendment No. 17: Appropriates $23,747,000 instead of $23,638,000 as proposed by the House and $23,856,000 as proposed by the Senate.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$3,162,127,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 19: Deletes the words "and expenditure" proposed by the House.

Amendment Nos. 20–21: Earmark $817,500,000 for Employment Service State grants instead of $813,392,000 as proposed by the House and $821,608,000 as proposed by the Senate.

Amendment No. 22: Earmarks $302,331,000 for the Unemployment Insurance contingency fund as proposed by the Senate instead of $338,908,000 as proposed by the House.

LABOR—MANAGEMENT STANDARDS

SALARIES AND EXPENSES

Amendment No. 23: Appropriates $27,570,000 instead of $26,220,000 as proposed by the House and $28,920,000 as proposed by the Senate. The conference agreement includes $1,350,000 and 25 FTE to maintain a unit of collective bargaining expertise that has existed in the Labor Department for many years.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$64,356,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $600,000 for a national commission on private pension plans if authorized by law.

The conferees intend that the $600,000 for the commission be taken from funds budgeted for research. No part of the funds are to come from funds budgeted for enforcement activities.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

Amendment No. 26: Provides a limitation on administrative expenses of $33,857,000 as proposed by the Senate instead of $34,857,000 as proposed by the House.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 27: Appropriates $234,332,000 instead of $232,332,000 as proposed by the House and $238,882,000 as proposed by the Senate.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 28: Appropriates $290,895,000 instead of $287,100,000 as proposed by the House and $294,690,000 as proposed by the Senate. The conference agreement includes $29,683,000 for the on site consultation program.

The conferees agree that the current level of funds is provided for Targeted Training Grants under the compliance assistance activity to award a third round of demonstration grants under the pilot worker safety program for people employed in the logging industry.

The conferees direct the agency to reexamine the bloodborne pathogen standard as it applies to the practices of dentistry and the practice of medicine in physician offices. As it reexamines the standard, the agency is directed to consult with representatives of the dental and medical professions as well as representatives of health care workers.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 29: Appropriates $193,044,000 as proposed by the Senate instead of $191,930,000 as proposed by the House.

Amendment No. 30: Earmarks $5,634,000 for the State grants program as proposed by the Senate. The House bill included no similar provision.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Amendment No. 31: Appropriates $277,210,000 instead of $276,210,000 as proposed by the House and $278,714,000 as proposed by the State.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Amendment No. 32: Earmarks up to $4,438,000 for the President's Committee on Employment of People with Disabilities instead of $4,238,000 as proposed by the House and $4,653,000 as proposed by the Senate.

Amendment No. 33: Appropriates $143,976,000 instead of $143,291,000 as proposed by the House and $146,383,000 as proposed by the Senate.

Assistant Secretary for Veterans Employment and Training.

Amendment No. 34: Makes available $183,742,000 from the Unemployment Trust Fund instead of $187,308,000 as proposed by the House and $182,742,000 as proposed by the Senate. The conference agreement includes $3,195,000 for the transition assistance program.

OFFICE OF INSPECTOR GENERAL

Amendment No. 35: Appropriates $47,780,000 instead of $46,827,000 as proposed by the House and $48,734,000 as proposed by the Senate.

Amendment No. 36: Makes available $4,438,000 from the Unemployment Trust Fund instead of $4,313,000 as proposed by the House and $4,564,000 as proposed by the Senate.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

Amendment No. 37: Appropriates $2,601,625,000 instead of $2,416,508,000 as proposed by the House and $2,606,761,000 as proposed by the Senate. Deletes reference to the funding level for the National Institute of General Medical Sciences as proposed by the Senate.

The conferees continue to be concerned that, notwithstanding assurances, the Health Resources and Services Administration (HRSA) has not given sufficient attention to the health care needs of Asian and Pacific Islander Americans who for cultural and language reasons do not have adequate access to health care. The conferees urge HRSA to make this population a priority.

The conferees intend that the native Hawaiian health scholarship program shall receive the same level of funding as in fiscal year 1992. Of the amounts made available for the Pacific Basin program, $1,700,000 shall be available to continue the medical officer training program.

The conferees encourage HRSA to provide technical assistance and such other assistance as the Department deems appropriate to any Healthy Start site that has an approved but unfunded application.

The conferees concur with language contained in the House report indicating that all health professions disciplines eligible by statute should be able to participate in the Minority Scholarship program and requesting a report on the progress in achieving this directive.

Within the total provided for Title II of the Ryan White Act, ten percent should be retained by the Secretary for special projects of national significance. The conferees direct that $5,200,000 of the set-aside be used to continue the HIV/AIDS dental education programs for the costs incurred in providing oral health services to HIV-positive patients.

The conference agreement provides $4,950,000 for the minority male grant program. The Secretary should give priority consideration to expending these funds through grants or contracts with a consortium of historically and predominantly black colleges and universities, in cooperation with community-based and neighborhood organizations designated by the Secretary.

The conference agreement provides $175,000,000 for family planning. The conferees have provided an increase in funding in order to offset a portion of the increased costs of providing family planning services. As a result of recent Federal legislation to better regulate clinical laboratories, the price of Pap tests has risen substantially; the average price for oral contraceptives rose by 42 percent from $1.26 in 1990 to $1.79 in 1992. The conferees direct that no funds may be used to reorganize Public Health Service regional offices prior to the approval of a reprogramming request.

Amendment No. 38: Appropriates $418,000 as proposed by the Senate instead of $414,000 as proposed by the House.

Amendment No. 39: Appropriates $990,000 as proposed by the House instead of $1,000,000 as proposed by the Senate.

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes user fees to cover the full costs of operating the malpractice data bank.

Amendment No. 41: Deletes language proposed by the Senate earmarking $1,000,000 of the total appropriated for the construction of a wellness facility in Alabama.

Amendment No. 42: Deletes language proposed by the Senate allocating $40,000,000 of funds made available under section 2711 of the Public Health Service Act for community health centers. Additional direct funding has been appropriated for community health centers within the account.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Amendment No. 43: Provides a loan limitation of $340,000,000 instead of $290,000,000 as proposed by the House and $400,000,000 as proposed by the Senate.

Amendment No. 44: Appropriates $2,970,000 as proposed by the House instead of $3,000,000 as proposed by the Senate.

CENTERS FOR DISEASE CONTROL

DISEASE CONTROL, RESEARCH, AND TRAINING

Amendment No. 45: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,684,610,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have provided $5,500,000 for prevention centers, which includes $400,000 for a new center.

The conference agreement includes an additional $2,000,000 to enhance CDC's childhood immunization activities. The conferees wish to clarify that the conference agreement does not de-fund the $5,000,000 immunization data bank demonstration project requested by the Administration. The conferees look forward to receiving the additional information on the project requested in the House report and will provide further funding guidance to the Centers for Disease Control (CDC) at that time.

The conferees are aware of the disproportionate impact of vaccine preventable childhood illnesses in Hispanic communities. In particular, the conferees are concerned by the incidence of measles among Hispanics. The conferees are also aware of the effective collaboration of CDC and national minority health organizations to establish public/private ventures to make child health services, including immunization programs, available to underserved Hispanic populations. The conferees urge the continued development of such Hispanic initiatives.

The conferees support the CDC plan to award State HIV prevention cooperative agreements on a competitive basis in fiscal year 1993. However, the conferees are concerned that a redistribution of funds may disrupt current prevention services in some States. The conferees expect CDC to develop allocation criteria that avoid major program reductions and disruption in current counseling, testing, health education, risk reduction, public information and minority initiatives in the States and to inform States of the specific criteria to be used in the review process.

The conferees encourage CDC to increase its efforts in birth defects prevention and surveillance, particularly in areas with high incidence of neural tube defects.

The conferees assume that with the additional funding provided for breast and cervical cancer screening the CDC will be able to expand its prevention efforts to reach more women in rural areas and in States with very high incidence and mortality rates for breast and cervical cancer, noting the disproportionate incidence of these diseases among African American women.

The conferees are concerned by the increased incidence of injury and violence in communities, particularly in urban areas. The conferees intend that CDC begin to implement the violence prevention initiatives outlined in both the House and Senate reports.

The conferees are concerned that training and demonstration programs in the prevention of injuries have not focused on older Americans. The conferees suggest that CDC consider developing a demonstration project for the prevention of injuries among older adults.

Amendment No. 46: Appropriates $17,000,000 as proposed by the Senate instead of $6,930,000 as proposed by the House.

Amendment No. 47: Deletes language proposed by the Senate earmarking $100,000 for the National Institute for Occupational Safety and Health (NIOSH) to conduct a study in Indiana. The conferees direct NIOSH to update its information on the mortality experience of workers exposed to poly-chlorinated byphenols.

Amendment No. 48: Deletes language proposed by the Senate providing $40,000,000 in a presidential emergency fund for tuberculosis control activities and prohibiting the Combined Federal Campaign from including organizations that attempt to compel the Boy Scouts to accept homosexuals and atheists as members or leaders. Direct funding has been provided for tuberculosis control elsewhere in the account.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

Amendment No. 49: Appropriates $2,007,483,000 instead of $1,998,616,000 as propose by the House and $2,010,439,000 as proposed by the Senate.

The conferees have placed the highest priority on expanding funding for women's health, including breast, cervical and ovarian cancer.

Amendment No. 50: Deletes language proposed by the Senate earmarking $1,000,000 for a cyclotron laboratory in Michigan.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

AMENDMENT NO. 51: Appropriates $178,711,000 for the National Institute on Alcohol Abuse and Alcoholism instead of $180,169,000 as proposed by the Senate. The House bill provided funding for the Institute under the Alcohol, Drug Abuse and Mental Health Administration, which has been reorganized pursuant to P.L. 102–321.

NATIONAL INSTITUTE ON DRUG ABUSE

AMENDMENT NO. 52: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $408,982,000: Provided, That of such amount, $2,000,000 shall be made available to carry out section 706 of the ADAMHA Reorganization Act, P.L. 102–321, in lieu of amounts that would otherwise be provided for such purpose under section 706(e) of such Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

With respect to the study of sterile needles and bleach authorized under section 706 of the ADAMHA Reorganization Act, the conferees note that section 706(c) provides that the study may not be conducted with respect to programs established after July 10, 1992, the date of enactment of the Act. Therefore, no new programs for distribution of needles and bleach shall be established pursuant to section 706.

The conferees strongly support the medications development program within the National Institute on Drug Abuse. This program is instrumental in providing a statutory framework for research in the field of discovering new methods to treat drug abuse.

NATIONAL INSTITUTE OF MENTAL HEALTH

AMENDMENT NO. 53: Appropriates $590,436,000 for the National Institute of Mental Health instead of $596,098,000 as proposed by the Senate and eliminates any reference to the funding level for the Health Resources and Services Administration. The House bill provided funding for the Institute under the Alcohol, Drug Abuse and Mental Health Administration, which has been reorganized pursuant to P.L. 102–321.

NATIONAL INSTITUTE OF THE NEUROLOGICAL DISORDERS AND STROKE

AMENDMENT No. 54: Appropriates $606,600,000 instead of $605,100,000 as proposed by the House and $607,100,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

AMENDMENT No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate will an amendment, as follows:

In lieu of the sum proposed by an amendment, insert: *$991,805,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes an additional $2,000,000 for research into childhood vaccines. The conferees encourage the Director of the Institute to establish a standing study section for chronic fatigue syndrome.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

AMENDMENT No. 56: Appropriates $839,804,000 instead of $842,229,000 as proposed by the House and $833,029,000 as proposed by the Senate.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The House and Senate bills provide $534,094,000 for the Institute. The conferees believe that research on sudden infant death syndrome should remain a high priority.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The House and Senate bills provide $255,115,000 for the Institute. The conferees are supportive of the Institute addressing public health hazards associated with volcanic emissions in Hawaii and Alaska.

NATIONAL INSTITUTE ON AGING

AMENDMENT No. 57: Appropriates $404,468,000 instead of $402,218,000 as proposed by the House and $405,218,000 as proposed by the Senate.

The conferees continue to be supportive of the health and retirement survey, including the proposed supplement on the oldest old.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

The House and Senate bills provide $214,619,000 for the Institute. The Conferees agree that consideration for increased funding for juvenile arthritis should be given within available funds for the Institute.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

Amendment No. 58: Appropriates $156,342,000 instead of $153,466,000 as proposed by the House and $157,301,000 as proposed by the Senate.

NATIONAL CENTER FOR RESEARCH RESOURCES

Amendment No. 59: Appropriates $315,251,000 instead of $314,351,000 as proposed by the House and $315,551,000 as proposed by the Senate.

NATIONAL CENTER FOR NURSING RESEARCH

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$48,591,000*

And on page 25 of the House engrossed bill, H.R. 5677, strike all in line 19 and insert in lieu thereof the following:

NATIONAL INSTITUTE OF NURSING RESEARCH

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

JOHN E. FOGARTY INTERNATIONAL CENTER

Amendment No. 61: Appropriates $20,002,000 instead of $20,133,000 as proposed by the House and $19,609,000 as proposed by the Senate.

OFFICE OF THE DIRECTOR

Amendment No. 62: Reported in technical disagreement. The Managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$192,763,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

It is the conferees' intent that the activities of the Office of AIDS Research, including its work in developing an NIH-wide research plan, be continued. The conference agreement assumes that funding for these activities will be maintained at not less than the fiscal year 1992 level. The conferees also intend that the Office of Alternative Medicine be funded at a level of $2,000,000 and that exramural facilities construction be supported at a level of $5,000,000.

Amendment No. 63: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $5,000,000 for extramural facilities construction grants if awarded competitively.

The conferees intend that these funds shall be available regardless of construction date start-up or solicitation of construction bid.

Amendment No. 64: Deletes language proposed by the Senate permitting the Director of NIH to authorize the use of non-FDA-approved medications and procedures for research purposes.

BUILDINGS AND FACILITIES

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$109.608,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement assumes that $30,000,000 of these funds will be used to partially finance phase II of the Consolidated Office Building project and that $10,000,000 will be used to continue ongoing construction at the North Carolina campus of the National Institute of Environmental Health Sciences.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

Amendment No. 66: Inserts new name of agency as proposed by the Senate.

Amendment No. 67: Inserts new descriptive appropriations language as proposed by the Senate.

Amendment No. 68: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,023,524,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have provided $135,000,000 for treatment improvement programs. Included in this amount is $11,000,000 for residential treatment programs for women and children, including $2,000,000 for programs with a primary focus on women and infants impacted by alcohol abuse; $18,654,000 for the campus treatment program; $45,310,000 for treatment programs among critical populations; $18,077,000 for comprehensive community treatment programs; $33,454,000 for treatment in criminal justice; $5,505,000 for training and $3,000,000 to carry out section 571 of the Public Health Service Act.

Within the amount provided for SAMHSA for clinical training, the conferees direct that the AIDS clinical training program be maintained at its fiscal year 1992 level of $3,016,000.

The conferees encourage that within the amount provided for SAMHSA, the administrator create an Office on AIDS with direct program responsibility for outreach projects to injecting drug users not in treatment, AIDS mental health demonstration programs, AIDS mental health and substance abuse training and other programs as deemed appropriate by the administrator.

The conferees are supportive of programs that use treatment and/or diversion in lieu of incarceration for non-violent drug-related crime. Concurrently, the conferees are concerned that some communities are operating under court order to reduce the number of men and women in their county jails even as they face significant increases in drug-related crime. The conferees encourage funding programs in areas that are under court order to reduce their incarcerated populations and in addition are able to contribute local funds for such a program.

The conferees are aware of the increasing need for substance abuse prevention programs in youth homes serving disadvantaged youth ages 13–17, particularly males who are at risk, or already have had problems with the judicial system. Within the increase provided for the Center for Substance Abuse Prevention, the conferees encourage the Center to give priority to projects which support substance abuse prevention services for high risk youths residing in youth homes which focus on a range of at-risk behaviors, including substance abuse, runaway, truancy, physical and sexual abuse, delinquency and family conflict.

The conferees have been impressed with reports received regarding the success of community based, grassroots programs that are based on recovering addicts helping other addicts to maintain sobriety. The conferees urge the Center for Substance Abuse Treatment to give priority consideration to projects which document, through case study, the development of these programs and improve their systems of outcome evaluation. The conferees encourage the center to take advantage of the technical and managerial resources of target cities grantees in providing assistance to these community based organizations.

Substance abuse is a treatable illness afflicting many people in our society. Recent research has suggested that various combinations of socio-economic, psychological, and genetic factors can lead to a greater likelihood of substance abuse among certain individuals. Therefore, given that many individuals in need of treatment are simultaneously abusers of both alcohol and other drugs, it is apparent that alcohol abuse is a substantial problem in its own right.

The conferees are aware that prior to the reorganization, NIMH had developed and implemented a primary prevention portfolio. During the transition period, it is expected that both agencies will work collaboratively to ensure that funds made available will be utilized to ensure that the best projects are supported.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$960,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *:Provided, That no portion of amounts appropriated for the programs of the Department of Health and Human Services shall be available for obligation pursuant to section 571 of the Public Health Service Act, other than an amount of $3,000,000 from amounts appropriated to carry out section 510 of that Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Amendment No. 71: Appropriates $57,444,000 instead of $63,171,000 as proposed by the House and $56,251,000 as proposed by the Senate.

The conferees expect the Office of Minority Health to continue its support for the Surgeon General's initiative on Hispanic/Latino health.

CAPITAL IMPROVEMENT FUND

(Transfer of Funds)

Amendment No. 72: Deletes language proposed by the House that would have established a Public Health Service capital improvement fund to be financed by a one percent transfer from each discretionary appropriation account in the Public Health Service.

AGENCY FOR HEALTH CARE POLICY RESEARCH

HEALTH CARE POLICY RESEARCH

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$110,578,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes $1,500,000 for creation of three multidisciplinary rural health services policy and research centers.

Amendment No. 74: Places a limitation of $13,310,000 on amounts available pursuant to section 926(b) of the Public Health Service Act as proposed by the House instead of $53,316,000 as proposed by the Senate.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$65,495,650,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

In light of the Medicaid policy requiring that the EPSDT program screen all children under the age of six for lead poisoning, the conferees encourage the Health Care Financing Administration (HCFA) to conduct an evaluation of the various methods of testing for blood lead poisoning to provide definitive information on the preferred procedure of assessing lead levels in children. The conferees expect that HCFA will work cooperatively with CDC in this effort. A report should be made to the Committees prior to the fiscal year 1994 appropriations hearings.

PAYMENTS TO HEALTH CARE TRUST FUNDS

Amendment No. 76: Appropriates $45,962,862,000 as proposed by the Senate instead of $43,963,192,000 as proposed by the House.

PROGRAM MANAGEMENT

Amendment No. 77: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$2,179,900,000, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended; the $2,179,900,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement makes available from trust funds $2,179,900,000 to administer the programs of the Health Care Financing Administration. $10,000,000 of this amount is provided to support the insurance counseling program authorized under section 4360 of Public Law 101-508. The conference agreement restores language from previous years clarifying that user fees authorized and collected under the Clinical Laboratory Improvement Act shall be credited to this administrative account.

The conference agreement includes $1,000,000 to initiate a project to demonstrate the effectiveness of telemedicine systems linking hospitals to existing Statewide fiber optics networks.

The conferees wish to ensure that in the absence of a contingency fund for unanticipated needs for Medicare contractors that claims processing activities and beneficiary and provider services, including the beneficiary toll-free telephone lines, are funded adequately to maintain these high priority services at their current levels. Accordingly, the conferees urge that amounts allocated to these activities shall not be less than the amounts set forth for these activities in the President's request.

The conferees are also concerned that HCFA recently initiated a procurement for the comprehensive redesign of Medicare's claims processing system. While the conferees agree that greater uniformity and efficiency may be achieved in the payment of Medicare claims, they believe that any further action related to the solicitation, review or award of such a contract would not be appropriate until the Comptroller General has completed his report on the existing claims payment system, including an analysis of HCFA's recent procurement request, and has provided his recommendations to Congress and the Secretary on an appropriate course of action. Further, the conferees direct HCFA to delay until June 1, 1993 the date for giving notice of intent to bid and to delay until August 1, 1993 the date for submission of bids pursuant to the procurement.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$16,009,657,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have provided $16,009,657,000 for the Supplemental Security Income program instead of $15,994,773,000 as proposed by the House and $15,983,164,000 as proposed by the Senate.

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$4,899,142,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have provided a limitation on administrative expenses of $4,899,142,000 instead of $4,652,150,000 as proposed by the House and $4,669,839,000 as proposed by the Senate. This amount will be reduced by an across-the-board reduction and a general salaries and expenses reduction to be distributed by the Secretary. The conferees regard the Limitation on Administrative Expenses of the Social Security Administration as being of the highest priority, and expect the Secretary to carefully consider workload factors when allocating the undistributed reductions to the Health and Human Services administrative accounts.

Neither House nor Senate bills included proposed language to collect user fees from States that would have provided approximately $60,000,000 in additional budgetary resources for this administrative account. The Social Security Act does not authorize the Secretary to mandate the collection of this fee. This legislative proposal falls within the jurisdiction of the authorizing committees. It is the expectation of the conferees that future legislative proposals to finance normal administrative costs be submitted to the authorizing committees and not be proposed in appropriations language.

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$200,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees earmarked $200,000,000 of the total limitation in the contingency fund instead Of $10,000,000 as proposed by the Senate. The House bill did not include a contingency fund.

Amendment No. 81: Deletes language added by the Senate which would have provided $500,000,000 in an emergency fund to become available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985. The House bill did not contain a similar provision.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

Amendment No. 82: Appropriates $11,695,072,000 as proposed by the Senate instead of $11,441,950,000 as proposed by the House. The conferees have provided the amount of funds required for this entitlement program as estimated in the Administration's Mid-Session Review.

LOW INCOME HOME ENERGY ASSISTANCE

Amendment No. 83: Appropriates $1,356,905,000 as proposed by the Senate instead of $891,000,000 as proposed by the House. The conference agreement provides that $687,720,000 of this amount shall become available on September 30, 1993 as proposed by the Senate. The House bill contained no delayed obligations.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides an advance appropriation for fiscal year 1994 of $1,449,000,000 of which $143,095,000 would be available for reimbursing fiscal year 1993 State costs.

REFUGEE AND ENTRANT ASSISTANCE

Amendment No. 85: Appropriates $384,576,000 instead of $321,750,000 as proposed by the House and $405,114,000 as proposed by the Senate.

The conferees agree that the Office of Refugee Resettlement may proceed with the development of their proposal to restructure the delivery of refugee cash and medical assistance to reduce program costs and improve self-sufficiency outcomes. This proposal would replace the current state-administered cash and medical assistance program with a similar program of interim income support, case management, and employment services. However, the conferees have neither endorsed nor prohibited implementation of the new program at this time, and expect the current cash and medical assistance and voluntary agency matching grant programs to continue until any change is implemented. While it is ORR's proposal to begin the new program early in the second quarter of fiscal year 1993, the conferees have several concerns which must first be addressed. The conferees recognize that refugees rely on a combination of services provided by States, voluntary agencies and mutual assistance associations, and regard the continuation of a significant role for each of these entities in a coordinated network of refugee assistance to be the core policy in any program restructuring. Therefore, the conferees require that implementation of any major program changes occur only after continued consultations with States, voluntary agencies and affected mutual assistance associations. The conferees further expect that any program changes will comport with criteria previously outlined by the authorizing committees. At such time as the new program is initiated, ORR is urged to award grants on an expedited basis. The conferees also encourage ORR to work closely with States and voluntary agencies who currently administer or who have received approval for Fish/Wilson demonstrations in order to continue to test the most effective means of delivering resettlement services.

The conference agreement provides the following distribution of funding:

Transitional and medical services	$247,793,000
Social services	81,485,000
Preventive health	5,530,000
Targeted assistance	49,795,000
Total	384,576,000

In order to provide ORR maximum flexibility and obviate the requirement for a reprogramming, the conferees have consolidated cash and medical assistance, voluntary agency funding, unaccompanied minors, and special medical assistance into a single line called transitional and medical services. This will allow the continuation of the current program until such time as the new program may be implemented. The conference agreement includes $81,458,000 to continue the state-administered social services program and $49,795,000 for targeted assistance, and the conferees concur in the directions stated in the House and Senate reports regarding these programs. The conferees agree that funds for social services and targeted assistance shall be used for state-administered programs and services. The conference agreement also includes $5,530,000 to continue the current preventive health screening program. The conferees have rejected the proposal to transfer the management of the State grants portion of this activity from the Centers for Disease Control to the Office of Refugee Resettlement at this time, and request that the Secretary provide a report to the Committees prior to the fiscal year 1994 appropriations hearings on the most effective method of managing and financing these services whilè ensuring the public health mission of this program.

Amendment No. 86: Deletes language added by the Senate which would have delayed the obligation of $116,616,000 until September 30, 1993. The House bill did not include delayed obligations.

INTERIM ASSISTANCE TO STATES FOR LEGALIZATION

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$812,000,000 shall be available in fiscal year 1994 and the remainder*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Of the total funds which become available in fiscal year 1993, the conferees have deferred $812,000,000 until fiscal year 1994. Consistent with the fiscal year 1993 grant cycle, the conferees expect the fiscal year 1994 funds to be distributed by October 15, 1993.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

Section 204(b)(4) of the Immigration Reform and Control Act of 1986 is amended by adding the following at the end thereof: "Any funds not expended by States by December 30, 1994 shall be reallocated by the Secretary to States which had expended their entire allotments, based on each State's percentage share of total unreimbursed legalized alien costs in all States. Funds made available to a State pursuant to the preceding sentence of this paragraph shall not remain available after June 30, 1995.".

Section 204(b)(5) of the Immigration Reform and Control Act of 1986 is amended by striking the period at the end thereof and adding the following: ", Provided, That with respect to States in which total allowable unreimbursed State and local costs incurred prior to October 1, 1992 exceed $100,000,000, within each such State's allocation, the State shall first reimburse all allowable costs incurred between October 1, 1990 and October 1, 1992, before reimbursing costs incurred on or after October 1, 1992, except for State and local administrative costs and for costs of services required to enable aliens granted temporary residence under section 245A(a) of the Immigration and Nationality Act to attain citizenship skills described in section 245A(b)(1)(D)(i) of the Immigration and Nationality Act: Provided further, that in reimbursing costs incurred prior to October 1, 1992, each State shall reimburse each provider at the same pro rata rate.".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement amends the Immigration Reform and Control Act of 1986 to provide that (1) unused funds at the end of the program shall be redistributed to States which have unreimbursed costs, and (2) States in which total allowable unreimbursed costs incurred prior to October 1, 1992 exceed $100,000,000 must first reimburse costs incurred during fiscal year 1991 and 1992 on a pro rata basis before reimburseing costs incurred during fiscal year 1993.

The conferees are concerned that statutory requirements under the Immigration Reform and Control Act of 1986 to provide funds for educational services, public health programs and public assistance programs are not being observed. The conferees expect the Secretary to ensure that each State use no less than 10% of its annual allotment, including fiscal year 1993, for educational services, public health and public assistance programs respectively, as required by IRCA.

COMMUNITY SERVICES BLOCK GRANT

Amendment No. 89: Appropriates $444,451,000 for community services instead of $394,710,000 as proposed by the House and $457,642,000 as proposed by the Senate.

Amendment No. 90: Earmarks $38,601,000 for discretionary activities under section 681(a) of the Community Services Block Grant Act instead of $25,415,000 as proposed by the House and $42,115,000 as proposed by the Senate.

Amendment No. 91: Deletes earmark added by the Senate to provide $12,000,000 for the National Youth Sports Program. The House bill did not provide a specific earmark for this program, but included $5,940,000 for this purpose in the overall total. The conferees have included $9,500,000 for this program under the earmark for discretionary activities.

Amendment No. 92: Earmarks $3,850,000 for demonstration partnership grants instead of $2,005,000 as proposed by the House and $3,977,000 as proposed by the Senate.

Amendment No. 93: Earmarks $7,000,000 for community food and nutrition as proposed by the Senate instead of $3,465,000 as proposed by the House.

CONSULTING SERVICES

Amendment No. 94: Deletes language proposed by the Senate that would have reduced funds available for consulting services throughout the bill by 4.1 percent from the amount requested in the President's budget. This matter is addressed under amendment number 95.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: On page 76 of the House engrossed bill, H.R. 5677 insert after line 19 the following:

SEC. 513. Notwithstanding any other provision of this Act, no department, agency, or instrumentality of the United States Government receiving appropriated funds under this Act for fiscal year 1993 shall, during fiscal year 1993, obligate and expend funds for consulting services in excess of an amount equal to 92 percent of the amount estimated to be obligated and expended by such department, agency, or instrumentality for such services during fiscal year 1993: Provided, That notwithstanding any other provision of this Act, the aggregate amount of funds appropriated by this Act to any such department, agency, or instrumentality for fiscal year 1993 is reduced by an amount equal to 8 percent of the amount expected to be expended by such department, agency or instrumentality during fiscal year 1993 for consulting services. As used in this section, the term "consulting services" includes any services within the definition of "Advisory and Assistance Services" in the Office of Management and Budget Circular A-120, dated January 4, 1988.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

PAYMENTS TO STATES FOR CHILD CARE ASSISTANCE

Amendment No. 96: Appropriates $900,000,000 for the Child Care and Development Block Grant program instead of $841,500,000 as proposed by the House and $975,000,000 as proposed by the Senate.

CHILDREN AND FAMILIES SERVICES PROGRAMS

Amendment No. 97: Appropriates $3,693,483,000 instead of $3,602,262,000 as proposed by the House and $3,695,384,000 as proposed by the Senate.

The conferees understand that the infant development and mental retardation prevention project proposed by the Senate cannot be initiated in ten sites this year. Further, the conferees understand that sufficient funding is not available within the research account to undertake this initiative at ten sites. The conferees believe there is great promise in this early intervention program and encourage the Administration for Children and Families and the Centers for Disease Control to continue discussions about the implementation of this program in at least a limited number of sites this year.

The conferees have included $25,000,000 for family violence programs. Of the amount provided, $2,500,000 is included for State domestic violence coalitions to coordinate services with the local programs and do planning and training of criminal justice personnel.

The conferees have provided funding within the Child Abuse Discretionary activity to continue funding for the Advisory Board on Child Abuse and Neglect.

The conferees intend that the increase for university-affiliated facilities over the House bill be used to fund a new UAP at $200,000, with the remainder to be obligated for a training initiative and a feasibility study for new UAPs.

Funding is available to continue the Native Hawaiian revolving loan program, the National Center for Native American Studies and Indian Policy Development, the Native American Languages Act, and environmental planning and management programs.

Amendment No. 98: Deletes language added by the Senate which would have prohibited the Department of Health and Human Services from taking any action against the State of Connecticut for failing to recover overpayments from the Mercado family pursuant to title IV of the Social Security Act. The House bill did not include a similar provision.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

Amendment No. 99: Appropriates $2,924,014,000 as proposed by the Senate instead of $2,988,668,000 as proposed by the House. The conferees have provided the amount of funds required for this entitlement program as estimated in the Administration's Mid-Session Review.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

Amendment No. 100: Appropriates $845,964,000 instead of $838,228,000 as proposed by the House and $850,693,000 as proposed by the Senate and deletes language proposed by the Senate concerning salaries and expenses reductions in the Department of Health and Human Services.

The conferees have provided an additional $500,000 for the establishment of Centers of Applied Gerontology as authorized by the Older Americans Act of 1992 for career preparation of minorities in the field of aging.

The $17,000,000 provided for preventive health services is to be carried out under tile III-F of the Older Americans Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

Amendment No. 101: Appropriates $92,093,000 as proposed by the Senate instead of $91,159,000 as proposed by the House. The conference agreement includes $500,000 to continue the HHS human services transportation initiative, as described in the Senate Committee report.

Amendment No. 102: Makes available $30,305,000 from the Social Security trust funds as proposed by the Senate instead of $30,252,000 as proposed by the House.

OFFICE OF INSPECTOR GENERAL

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$64,973,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 104: Makes available $37,027,000 from the Social Security trust funds as proposed by the House instead of $46,988,000 as proposed by the Senate.

POLICY RESEARCH

Amendment No. 105: Appropriates $8,263,000 as proposed by the Senate instead of $8,415,000 as proposed by the House.

Amendment No. 106: Deletes earmark proposed by the Senate for the Institute for Research on Poverty.

The conferees direct the Department to provide $3,350,000 for research on poverty to be conducted at the Institute for Research on Poverty.

GENERAL PROVISIONS

Amendment No. 107: Deletes language proposed by the Senate that would permit Federal funds contained in the Act to be used for abortions in circumstances of rape or incest.

Amendment Nos. 108–109: Insert language proposed by the Senate that changes the name of an agency to conform to the authorizing legislation.

Amendment No. 110: Deletes language proposed by the House that would have required States and political subdivisions to transmit data on deaths occurring within the State and data on each individual within the State awarded workers' compensation.

Amendment No. 111: Deletes language proposed by the House that would have prohibited the carrying out of section 571(h) of the Public Health Service Act. This Matter is addressed under amendment number 70.

Amendment No. 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 216. Notwithstanding any other provision of this Act, funds appropriated under this Act for salaries and expenses of the Department of Health and Human Services are hereby reduced by $110,000,000: Provided, That the fiscal year 1994 budget justification material shall specify amounts budgeted for administrative costs within object classes 11 through 32 by appropriation account and by organizational entity, with comparisons to fiscal year 1993 comparable amounts.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 113: Deletes language proposed by the Senate that would permit the Secretary of Health and Human Services to accept donation of an investigational AIDS vaccine and in return indemnify the manufacturer against all legal claims.

TITLE III—DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

Amendment No. 114: Appropriates $6,763,950,000 for compensatory education programs instead of $6,759,924,000 as proposed by the House and $6,770,943,000 as proposed by the Senate.

Amendment No. 115: The conference agreement provides that $6,733,631,000 of the appropriation for compensatory education shall become available on a forward funded basis on July 1, 1993 instead of $6,729,655,000 as proposed by the House and $6,740,368,000 as proposed by the Senate.

Amendment No. 116: Earmarks $5,493,875,000 for basic grants instead of $5,469,750,000 as proposed by the House and $5,518,000,000 as proposed by the Senate.

Amendment No. 117: Earmarks $681,450,000 for concentration grants instead of $702,900,000 as proposed by the House and $660,000,000 as proposed by the Senate.

Amendment No. 118: Earmarks $40,054,000 for capital expenses as proposed by the Senate instead of $39,653,000 as proposed by the House.

Amendment No. 119: Earmarks $90,000,000 for the Even Start program as proposed by the Senate instead of $89,100,000 as proposed by the House.

Amendment No. 120: Earmarks $305,215,000 for migrant education programs as proposed by the House instead of $308,298,000 as proposed by the Senate.

Amendment No. 121: Earmarks $35,693,000 or neglected and delinquent programs as proposed by the House instead of $36,054,000 as proposed by the Senate.

Amendment No. 122: Earmarks $61,202,000 for State administration as proposed by the House instead of $61,820,000 as proposed by the Senate.

Amendment No. 123: Earmarks $14,850,000 for evaluation and technical assistance as proposed by the House instead of $15,000,000 as proposed by the Senate.

Amendment No. 124: Earmarks $5,000,000 for rural technical assistance as proposed by the Senate instead of $4,950,000 as proposed by the House.

IMPACT AID

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follow;

In lieu of the sum proposed by said amendment, insert: *$756,204,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $756,204,000 for Impact Aid activities instead of $763,981,000 as proposed by the House and $757,756,000 as proposed by the Senate.

Amendment No. 126: Earmarks $571,654,000 for payments under section 3(a) instead of $566,767,000 as proposed by the House and $576,540,000 as proposed by the Senate.

Amendment No. 127: Earmarks $124,626,000 for payments under section 3(b) as proposed by the Senate instead of $123,380,000 as proposed by the House.

Amendment No. 128; Earmarks $29,700,000 for payments under section 3(d)(2)(B) as proposed by the House instead of $30,000,000 as proposed by the Senate.

Amendment No. 129; Earmarks $16,424,000 for payments under section 2 as proposed by the House instead of $16,590,000 as proposed by the Senate.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts an earmarks of $1,800,000 for payments under section 3(e) as proposed by the Senate. The House bill had no similar provision.

Amendment No. 131: Earmarks $12,000,000 of construction and renovation of school facilities instead of $10,000,000 as proposed by the Senate and $27,710,000 as proposed by the House.

Amendment No. 132: Earmarks $4,600,000 of construction funds for awards under section 10 instead of $4,000,000 as proposed by the Senate and $11,870,000 as proposed by the House.

Amendment No. 133: Earmarks $3,800,000 of construction funds for awards under section 14(a) and 14(b) instead of $3,000,000 as proposed by the Senate and $9,900,000 as proposed by the House.

Amendment No. 134: Earmarks $3,600,000 of construction funds for awards under sections 5 and 14(c) instead of $3,000,000 as proposed by the Senate and $5,940,000 as proposed by the House.

Amendment No. 135: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

Restore the matter stricken, amended to read as follows:

Provided further, That funds provided in this Act shall be available for assistance in defraying the costs of the education of military dependents as a result of temporary dislocations caused by transfers, return of military families from overseas, and closures of foreign and domestic bases, and $500,000,000 shall be made available to the Department of Defense, provided that this entire amount may be transferred to the Secretary of Education and merged with and made available under the Impact Aid program except that nothing in this proviso shall modify any provision of Public Law 81–815 or Public Law 81–874 including those provisions related to eligibility or payment levels for any student or school district.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement deletes language proposed by the House but stricken by the Senate which would have authorized $10,000,000 for impact aid payments to certain heavily impacted school districts. The conference agreement includes language clarifying that impact aid funds are available for educational costs of military students resulting from redeployments and realignments of military forces. This language does not modify any provisions of the Impact Aid statute.

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts the legislative citation for section 3(b) of Public Law 81–874.

SCHOOL IMPROVEMENT PROGRAMS

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,543,750,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,543,750,000 for school improvement activities instead of $1,557,855,000 as proposed by the House and $1,553,611,000 as proposed by the Senate.

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,229,843,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that $1,229,843,000 of the appropriation for school improvement programs shall become available on a forward funded basis on July 1, 1993 instead of $1,237,463,000 as proposed by the House and $1,235,963,000 as proposed by the Senate.

Amendment No. 139: Earmarks $23,110,000 for chapter 2 national programs instead of $20,691,000 as proposed by the House and $24,320,000 as proposed by the Senate.

The conference agreement includes $7,000,000 for the arts in education program including $4,000,000 for Very Special Arts and $3,000,000 for educational outreach activities of the John F. Kennedy Center authorized by section 1564 of the Elementary and Secondary Education Act.

Amendment No. 140: Earmarks $24,750,000 for emergency grants as proposed by the House instead of $25,000,000 as proposed by the Senate.

The conferees are aware that the Secretary of Education has requested $2,000,000 of the National Programs funding under the Drug-Free Schools program be set aside for the creation of a Higher Education Training and Technical Assistance Center. The conferees urge that this center be created to combat drug use in our colleges and universities primarily through education, research and prevention activities.

Amendment No. 141: Earmarks $248,000,000 for State grants for mathematics and science education as proposed by the Senate instead of $245,520,000 as proposed by the House.

Native Hawaiian Education.—The conferees are agreed that of the funds made available, $1,000,000 shall be for the gifted and talented program and at least $3,500,000 shall be for family based education centers.

BILINGAL AND IMMIGRANT EDUCATION

Amendment No. 142: Appropriates $227,750,000 for bilingual and immigrant education instead of $231,308,000 as proposed by the House and $224,191,000 as proposed by the Senate.

SPECIAL EDUCATION

Amendment No. 143: Appropriates $2,989,807,000 for special education instead of $2,920,103,000 as proposed by the House and $3,045,773,000 as proposed by the Senate.

The conferees expect that at least $2,500,000 will be available under Innovation & Development and Personnel Development for activities related to Attention Deficit Disorder. These funds are to be used primarily to develop new inservice and preservice training for teachers, administrators, and educators at all levels in order to address the needs of children with ADD, and to continue the work of the ADD centers and enable them to disseminate their information. Within the Media and Captioning activity, the conferees have included an increase of $500,000 to expand the availability of captioned cable news programming and an increase of $1,000,000 for producing textbooks-on-tape for the blind.

Amendment No. 144: Appropriates $2,069,284,000 for Part B grants to states instead of $2,052,567,000 as proposed by the House and $2,086,000,000 as proposed by the Senate.

Amendment No. 145: Appropriates $328,400,000 for preschool grants instead of $316,800,000 as proposed by the House and $340,000,000 as proposed by the Senate.

Amendment No. 146: Appropriates $215,000,000 for grants for infants and families instead of $178,794,000 as proposed by the House and $235,000,000 as proposed by the Senate.

Amendment No. 147: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language which provides that any State agency eligible to receive Chapter 1 handicapped funds shall, at a State's discretion, be deemed to be a local education agency for purposes of receiving funds under Part B of the Individuals with Disabilities Education Act.

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language which provides that no State shall receive more per child under the Chapter 1 handicapped program than it received in fiscal year 1992, and that any excess funds in the Chapter 1 handicapped program shall be distributed under the Part B Grants to States program.

REHABILITATION SERVICES AND DISABILITY RESEARCH

Amendment No. 149: Appropriates $2,185,968,000 for rehabilitation services and disability research instead of $2,125,385,000 as proposed by the House and $2,199,107,000 as proposed by the Senate.

The conferees intend that of the funds included in the bill for demonstration projects under the Rehabilitation Act of 1973, at least $2,000,000 shall be used to support demonstration projects that provide transportation services to individuals with disabilities who are employed or seeking employment or who are receiving vocational rehabilitation services, if authorized.

The conferees have included funding within the National Institute on Disability and Rehabilitation Research to support the creation of regional centers to act as a resource to public and private sectors in evaluating and prescribing assistive technologies needed to ensure compliance with the Americans with Disabilities Act. Such centers should be located at educational institutions which have been on the cutting edge of professional training in rehabilitative practice areas. The conferees also encourage NIDR to consider providing support to an organization that provides support for international entrepreneurship in rehabilitation by fostering the international exchange of experts and information. The conferees intend such an effort should focus on domestic organizations that will need effective training, employment and business strategies in developing countries that will help people with disabilities attain higher levels of independence and self-sufficiency.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

Amendment No. 150: Appropriates $6,349,000 for the American Printing House for the Blind as proposed by the Senate instead of $6,286,000 as proposed by the House.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

Amendment No. 151: Appropriates $41,041,000 for Institute operations as proposed by the Senate instead of $39,045,000 as proposed by the House.

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $354,000 for construction to remain available until expended. The House did not include funding for this activity.

GALLAUDET UNIVERSITY

Amendment No. 153: Appropriates $78,215,000 for Gallaudet University as proposed by the Senate instead of $75,774,000 as proposed by the House.

VOCATIONAL AND ADULT EDUCATION

Amendment No. 154: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$1,486,431,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $1,486,431,000 for vocational and adult education programs instead of $1,509,016,000 as proposed by the House and $1,492,836,000 as proposed by the Senate.

Amendment No. 155: Earmarks $31,840,000 for national programs as proposed by the Senate instead of $37,125,000 as proposed by the House.

Amendment No. 156: Earmarks $10,000,000 of national program funds for research as proposed by the Senate instead of $11,385,000 as proposed by the House.

Amendment No. 157: Earmarks $16,840,000 of national program funds for demonstrations as proposed by the Senate instead of $15,840,000 as proposed by the House. The conferees are agreed that this funding level will support all special demonstration initiatives identified in the House and Senate Committee reports.

Amendment No. 158: Deletes without prejudice legislative earmark for education employment centers inserted by the Senate. The conferees are agreed that the Model Community Education Employment Centers will be funded at the level of $3,000,000. The House bill included no similar provision. The conference agreement includes no funds for "choice" demonstrations.

Amendment No. 159: Earmarks $5,000,000 of national program funds for data systems as proposed by the Senate instead of $9,900,000 as proposed by the House. The remainder of these funds have been provided within the Department of Labor.

Amendment No. 160: Deletes language included by the House but stricken by the Senate earmarking funds for English literacy grants. The conference agreement does not include funding for this program.

STUDENT FINANCIAL ASSISTANCE

Amendment No. 161: Modifies citation as proposed by the Senate.

Amendment No. 162: Modifies citation as proposed by the Senate.

Amendment No. 163: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *and part H of said title, $7,516,123,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $7,516,123,000 for student financial assistance instead of $8,101,170,000 as proposed by the House and $7,427,928,000 as proposed by the Senate.

The conference agreement also inserts the legislative citation for the new part H program integrity activity. The conference agreement does not specifically allocate funding for this program which was recently authorized in Public Law 102–325. The conferees are aware, however, that the Department is currently reviewing the need to initiate this program prior to Fiscal Year 1994. The insertion of this legal citation will permit the Department to submit a reprogramming request if they believe the situation is sufficiently urgent.

Amendment No. 164: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language providing extended availability through fiscal year 1994 of fiscal year 1993 appropriations.

Amendment No. 165: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts language specifying that $242,058,000 of this appropriation is available only for payment towards the fiscal year 1991 and fiscal year 1992 Pell grant shortfalls. This amount, together with $90,000,000 reprogrammed from fiscal year 1992 fundings, provides the same amount requested by the President for the shortfall.

Amendment No. 166: Specifies the maximum Pell grant award for fiscal year 1993 at $2,300 as proposed in both the House and Senate bills.

Amendment No. 167: Modifies citation as proposed by the Senate. This change is technical only.

Amendment No. 168: Modifies legislative language as proposed by the Senate. This change is technical only.

GUARANTEED STUDENT LOANS PROGRAM ACCOUNT

Amendment No. 169: Appropriates $63,000,000 for Federal administrative expenses as proposed by the Senate instead of $64,350,000 as proposed by the House.

Amendment No. 170: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *, of which $1,000,000, which shall remain available until expended, shall be for the Commission on the Cost of Higher Education as authorized by part C of title XIV of the Higher Education Act and $1,000,000, which shall remain available until expended, shall be for the National Commission on Independent Higher Education authorized by part B of title XIV of said Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $1,000,000 each for two newly authorized commissions established by Public Law 102–325. The Senate bill included funds only for the Commission on the Cost of Higher Education. The House bill had no similar provision.

HIGHER EDUCATION

Amendment No. 171: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *including subpart 2 of part A and part D, XI*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies the legislative citation to make "clear that funding is available for carrying out parts A and D of title XI of the Higher Education Act. The House and Senate bills had different citations.

Amendment No. 172: Modifies citation as proposed by the Senate.

Amendment No. 173: Appropriates $844,690,000 for higher education instead of $831,408,000 as proposed by the House and $851,245,000 as proposed by the Senate.

Amendment No. 174: Modifies citation as proposed by the Senate.

Amendment No. 175: Earmarks $18,840,000 for interest subsidy payments as proposed by the Senate instead of $18,652,000 as proposed by the House.

Amendment No. 176: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a citation for payments to Guam under title XII of the Higher Education Act. The conference agreement includes $400,000 for this purpose as proposed by the Senate. The House bill did not include funds for this program.

Amendment No. 177: Deletes language included by the House but stricken by the Senate. This language earmarked a specific amount of funds for the Ronald McNair program. This funding level is now set by the authorizing statute.

Amendment No. 178: Deletes language included by the House but stricken by the Senate which set certain restrictions on awards under subpart 6 of part A of title IV of the Higher Education Act. These restrictions are now part of the basic authorization for this program.

Amendment No. 179: Deletes the word "further" as proposed by the Senate.

Amendment No. 180: Modifies citation as proposed by the Senate.

Amendment No. 181: Modifies citation for Federal TRIO activities as proposed by the Senate.

Fund for the Improvement of Postsecondary Education.—The conference agreement includes $27,000,000 for activities administered under the Fund for the Improvement of Postsecondary Education. This amount is $12,150,000 over the House bill and $7,000,000 over the level in the Senate bill.

Amendment No. 182: Deletes without prejudice legislative earmark of $5,000,000 added by the Senate for the new Dwight D. Eisenhower Leadership program. The conference agreement provides $3,500,000 to initiate this program authorized under part D of title X of the Higher Education Act. These funds are included under the Fund for the Improvement of Postsecondary Education but will be administered under the new law. The House bill included no similar provision.

Amendment No. 183: Deletes without prejudice legislative earmark of $5,000,000 added by the Senate for the new training in early childhood education and violence counseling program. The conference agreement provides $5,000,000 to initiate this program authorized under section 596 of subpart 5 of title V of the Higher Education Act. These funds are included under the appropriation for the Fund for the Improvement of Postsecondary Education but will be administered under the new law. The House bill included no similar provision.

In addition to the amounts specified under amendments 182 and 183, the conference agreement for grants under the Fund for the Improvement of Postsecondary Education also includes $2,500,000 for the new International Exchange program authorized by subpart 2 of part A of title X of the Higher Education Act instead of the $5,000,000 proposed in the House and Senate bills. Also included under the Fund is $2,500,000 to continue programs to attract minorities to become teachers as authorized by part E of title V of the Higher Education Act.

The conferees also believe that the Fund for Improvement of Postsecondary Education could be used effectively to expand model programs dedicated to advancing minority Ph.D. and faculty development. Funds could be used to expand minority candidate and faculty participation, teaching, skill and curriculum enhancement, and for other related purposes. The conferees urge the Department to give high priority to an initiative of this type in fiscal year 1993.

International Education.—The conference agreement includes $35,820,000 for domestic programs under the international education activity. This is $2,180,000 more than provided in the House bill and $180,000 less than provided by the Senate.

The conferees have included $1,600,000 for language resource centers. This amount will support three existing centers and allow for establishment of one new center. The new center should demonstrate a partnership between a State education agency and a land grant university that has demonstrated expertise in elementary foreign language teacher preparation, to provide a model language resource center for elementary school foreign languages education, and to provide for assessment of oral foreign language skills. The center should be located in a State with participation of not less than 50 percent of high school students in foreign language courses.

The conferees are concerned that although there are currently 105 National Resource Centers funded by the Center for International Education, none of these centers are located on the campus of a Historically Black College or University (HBCU). The conferees have, therefore, provided $500,000 to be awarded in fiscal year 1993 to an HBCU and private sector consortium for the planning, development and start-up costs of a National Resource Center on Africa.

The conferees further expect that the remaining increase provided for domestic programs over fiscal year 1992 will be applied to existing programs, rather than funding new programs, as provided under Public Law 102-325. The conferees also expect that the Department will not reduce funding for existing CIBERS which the Secretary deems of quality, in order to increase the total number of CIBERS.

TRIO Programs—upward bound.—The conferees direct that if a review of the recent upward bound competition results in an increase in the number of applications that are approved for funding, a portion of the fiscal year 1993 funds may be used to fund these applications.

Mary McLeod Bethune-Cookman College.—The conferees are aware that the Senate and the House have approved and cleared for the President legislation which authorizes completion of the Mary McLeod Bethune Fine Arts Center at Bethune-Cookman College. The Congress has supported funding for the initial phase of construction of this project and if the authorization legislation is signed into law, would expect the Department to give high priority to this project.

The conferees intend that of the amount provided for the Law School Clinical Experience program $200,000 be made available for a national conference, and directs the Secretary to contract with a law school with previously demonstrated experience in conducting a national evaluation and workshop conference on the Law School Clinical Experience program.

HOWARD UNIVERSITY

Amendment No. 184: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$195,570,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides $195,570,000 for Howard University instead of $195,278,000 as proposed by the House and $189,135,000 as proposed by the Senate.

Amendment No. 185: Modifies language proposed by the House but stricken by the Senate earmarking $6,435,000 for construction programs at Howard University. The conference agreement deletes the provision in the House bill language which requires a 100 percent match of these funds. The conferees are agreed, however, that a 100 percent match will be required prior to the release of these funds by the Department of Education.

HIGHER EDUCATION FACILITIES LOANS

Amendment No. 186: Deletes language included by the House but stricken by the Senate which would have prohibited new loans during fiscal year 1993. This language is no longer necessary as a result of changes in the Higher Education Amendments of 1992 which repeal the authority for new loans.

The conferees are aware of efforts to build a housing and academic facility for the use of student interns in Washington, D.C. The conferees urge that every consideration be given to an application for a loan guarantee for such a project.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

Amendment No. 187: Modifies citation as proposed by the Senate.

Amendment No. 188: Modifies citation as proposed by the Senate.

Amendment No. 189: Modifies citation as proposed by the Senate.

EDUCATION, RESEARCH, STATISTICS, AND IMPROVEMENT

Amendment No. 190: Restores citation included by the House but stricken by the Senate.

Amendment No. 191: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert: *$278,184,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $278,184,000 for education, research, statistics and improvement activities instead of $275,013,000 as proposed by the House and $276,669,000 as proposed by the Senate.

Amendment No. 192: Earmarks $27,700,000 for research centers as proposed by the Senate instead of $25,047,000 as proposed by the House.

Amendment No. 193: Earmarks $36,451,000 for regional laboratories as proposed by the Senate instead of $34,699,000 as proposed by the House. The conferees agree that the funds provided will be used to continue the regional education network program as included in the Senate report.

Amendment No. 194: Earmarks $10,400,000 of regional laboratories funds for rural initiatives as proposed by the Senate instead of $9,900,000 as proposed by the House.

In addition to the specific allocations for educational research specified in the law, the conferees are agreed that $1,000,000 of these funds shall be used to continue educational reform activities begun with fiscal year 1991 funds.

Amendment No. 195: Earmarks $49,300,000 for education statistics instead of $62,964,000 as proposed by the House and $38,707,000 as proposed by the Senate.

Amendment No. 196: Earmarks $29,601,000 for national assessment activities as proposed by the House instead of $29,900,000 as proposed by the Senate.

Amendment No. 197: Earmarks $28,281,000 for activities under the Fund for Innovation in Education instead of $23,562,000 as proposed by the House and $33,000,000 as proposed by the Senate.

The conferees have agreed to the following distribution of funds under the FIE program as described in the House and Senate reports:

Model audio visual materials development	$1,000,000
Safe refuge schools	1,000,000
Teacher academies	300,000
Children's literacy television programming	1,500,000
Rural fiber optics demonstration	251,000
School health	4,455,000
Computer instruction	4,200,000
Violence and bigotry in schools curriculum development	500,000

Amendment No. 198: Earmarks $4,381,000 of funds appropriated for the Fund for Innovation in Education for civic education activities instead of $3,762,000 as proposed by the House and $5,000,000 as proposed by the Senate.

Amendment No. 199: Deletes without prejudice Senate language which would have earmarked $2,000,000 of funds under the Fund for Innovation in Education for a grant to the Children's Television Workshop for the series "Ghostwriter". The conferees are agreed that $1,500,000 should be available for development of innovative television programs to teach literacy skills to children to be awarded competitively as discussed under amendment number 197. The conferees expect this award to follow the requirements of the authorizing legislation with respect to this activity.

Amendment No. 200: Earmarks $14,700,000 for national diffusion activities instead of $14,553,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Amendment No. 201: Earmarks $16,000,000 for national math-science education programs instead of $15,840,000 as proposed by the House and $16,250,000 as proposed by the Senate.

Amendment No. 202: Earmarks $3,500,000 of funds appropriated for national programs for the National Clearinghouse for Science and Mathematics instead of $3,465,000 as proposed by the House and $3,750,000 as proposed by the Senate.

Amendment No. 203: Earmarks $13,700,000 for regional consortia instead of $11,880,000 as proposed by the House and $14,000,000 as proposed by the Senate.

Amendment No. 204: Earmarks $9,684,000 for Javits gifted and talented students education instead of $9,635,000 as proposed by the House and $9,732,000 as proposed by the Senate.

Amendment No. 205: Earmarks $23,000,000 for star schools instead of $18,228,000 as proposed by the House and $25,400,000 as proposed by the Senate.

The conferees recognize the great potential and resources of national public and private broadcasting systems and the scientific and technical expertise that the national energy labs can bring to the star schools program. The Department of Education is urged, therefore, to give its highest priority in the fiscal year 1993 award cycle to a telecommunications partnership that links these invaluable resources.

Amendment No. 206: Deletes the word "and" proposed by the Senate.

Amendment No. 207: Earmarks $3,238,000 for the National Writing Project instead of $2,475,000 as proposed by the House and $4,000,000 as proposed by the Senate.

Amendment No. 208: Appropriates $4,831,000 for teaching standards activities as proposed by the House instead of $4,880,000 as proposed by the Senate.

National Center for Education Statistics.—The conferees have appropriated sufficient funds to carry out the interagency agreement between the National Center for Education Statistics and the National Science Foundation to provide additional questions and an appropriate sample size as part of the existing Panel Survey on Income Dynamics on the educational processes and other developmental behavior of Hispanic, Black, and non-Hispanic white children.

LIBRARIES

Amendment No. 209: Appropriates $147,247,000 for libraries as proposed by the Senate instead of $145,774,000 as proposed by the House.

Amendment No. 210: Earmarks $16,718,000 for construction activities as proposed by the Senate instead of $16,551,000 as proposed by the House.

Amendment No. 211: Earmarks $5,000,000 for library training programs as proposed by the Senate instead of $4,950,000 as proposed by the House.

Amendment No. 212: $2,825,000 for research and demonstrations under section 223 as proposed by the Senate instead of $322,000 as proposed by the House.

Amendment No. 213: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert: *, of which $2,500,000 shall be for demonstration of online and dial-in access to a statewide, multitype library bibliographic database through a statewide fiber optic network housing a point of presence in every county, connecting library services in every municipality, to be awarded competitively*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies language proposed by the Senate which sets aside $2,500,000 of library demonstration funds for a Statewide fiber optics library bibliography system. The conference agreement includes $2,500,000 for this purpose to be awarded competitively.

DEPARTMENTAL MANAGEMENT

Amendment No. 214: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken by said amendment, insert: *together with an additional $2,000,000 which shall be available for the expenses of non-Federal experts to review applications and proposals for competitive awards made by the Department*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies language included by the House but stricken by the Senate which would have funded the cost of the Department of Education peer review system through transfers from other accounts. The conferees have instead agreed to provide an additional $2,000,000 in this appropriation account for this purpose. This language does not place any specific limit on these costs.

Amendment No. 215: Appropriates $29,500,000 for the Office of the Inspector General instead of $28,652,000 as proposed by the House and $31,700,000 as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 216: Reported in technical disagreement. The mangers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. This amendment inserts language which permits funds appropriated in fiscal year 1991 for the National Council on Educational Goals to be used during fiscal year 1993 if the Council is authorized. The House bill included no similar provision.

Amendment No. 217: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 307. ANNUAL LOAN LIMITS.

(a) AMENDMENT.—Section 468 of the Higher Education Amendments of 1992 is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the changes in section 464(a)(2) (A), (B) and (C) shall not apply to any loan made for the award year beginning July 1, 1992 provided that the loan does not result in a violation of sections 464(a)(2) (A), (B) and (C) as in effect prior to such date of enactment.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on July 23, 1992.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement modifies language included by the Senate correcting a technical problem in the Higher Education Amendments of 1992 related to loan maximums under the Carl D. Perkins Student Loan program. The modification clarifies that the correction applies to both graduate and undergraduate borrowers. The House bill included no similar provision.

Amendment No. 218: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes a technical correction in the Higher Education Amendments of 1992 which inadvertently eliminated certain schools with "candidacy" accreditation from Federal student aid programs. The Senate language restores Federal aid for students at these schools. The House bill included no similar provision.

TITLE IV—RELATED AGENCIES

ACTION

OPERATING EXPENSES

Amendment No. 219: Appropriates $203,152,000 for operating expenses instead of $201,502,000 as proposed by the House and $204,875,000 as proposed by the Senate. Due to the poor financial condition of some projects which cannot support an increase in the Older American volunteer stipend for non-Action funded volunteers, the conferees have agreed to postpone the proposed five cents per hour stipend increase and direct Action to continue the current level of stipend assistance for all non-Action funded volunteers. This deferral will ensure that non-Action funded volunteers will not be terminated due to insufficient project funding.

CORPORATION FOR PUBLIC BROADCASTING

Amendment No. 220: Appropriates $295,000,000 for fiscal year 1995 for the Corporation for Public Broadcasting instead of $272,250,000 as proposed by the House and $310,000,000 as proposed by the senate.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

Amendment No. 221: Appropriates $1,750,000 for the National Commission on Acquired Immune Deficiency Syndrome instead of $1,732,000 as proposed by the House and $2,542,000 as proposed by the Senate. This appropriation will provide final funding for the Commission which is expected to terminate by September 30, 1993.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Amendment No. 222: Appropriates $896,000 for National Commission on Libraries and Information Science instead of $590,000 as proposed by the House and $982,000 as proposed by the Senate.

NATIONAL COMMISSION ON RESPONSIBILITIES FOR POSTSECONDARY EDUCATION

Amendment No. 223: Appropriates $208,000 for the National Commission on Responsibilities for Postsecondary Education as proposed by the House. These funds shall remain available until April 30, 1993, at which time the Commission is to terminate. The Senate did not include funding for the Commission.

NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

Amendment No. 224: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $450,000 to remain available until expended for the National Commission to Prevent Infant Mortality. The House did not include funding for the Commission.

NATIONAL COUNCIL ON DISABILITY

Amendment No. 225: Appropriates $1,553,000 for the National Council on Disability as proposed by the House instead of $1,768,000 as proposed by the Senate.

RAILROAD RETIREMENT BOARD

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

Amendment No. 226: Appropriates $6,900,000 for the Inspector General as proposed by the Senate instead of $5,544,000 as proposed by the House.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

Amendment No. 227: Appropriates $42,457,000 for the operation and maintenance of the Soldier's and Airmen's Home as proposed by the Senate instead of $40,938,000 as proposed by the House.

CAPITAL OUTLAY

Amendment No. 228: Appropriates $6,000,000 for capital improvements of the Soldiers' and Airmen's Home as proposed by the Senate instead of $4,178,000 as proposed by the House.

UNITED STATES INSTITUTE OF PEACE

Amendment No. 229: Appropriates $11,000,000 for the Institute of Peace as proposed by the Senate instead of $10,890,000 as proposed by the House. The conferees direct the Institute to limit its printing and reproduction cost so that it does not exceed the actual rate of increase from fiscal year 1992 to fiscal year 1993.

UNITED STATES NAVAL HOME

OPERATION AND MAINTENANCE

Amendment No. 230: Appropriates $10,862,000 for the operation and maintenance of the Naval Home as proposed by the Senate instead of $9,954,000 as proposed by the House.

CAPITAL OUTLAY

Amendment No. 231: Appropriates $477,000 for capital improvements of the Naval Home as proposed by the Senate instead of $472,000 as proposed by the House.

TITLE V—GENERAL PROVISIONS

Amendment No. 232: Deletes language proposed by the House concerning the distribution of sterile needles. This matter is addressed under amendment number 238.

Amendment No. 233: Deletes language proposed by the House that would have limited expenditures for travel in each account to not more than 96 percent of the amount requested for that purpose in the President's budget.

Amendment No. 234: Deletes language proposed by the House that would have prohibited the Occupational Safety and Health Administration from implementing its regulations requiring mandatory seat belt use, mandatory motorcycle helmet use, and mandatory employer safety awareness programs.

The conferees are aware of strong concerns about the proposed regulation issued by OSHA regarding driver safety. The conferees are agreed that, before issuing any final rule on motor vehicle safety, OSHA shall reconsider whether mandatory seat belt use or driver awareness training is necessary for all occupational vehicle use, particularly passenger cars, and whether mandatory motorcycle helmet use is necessary. In addition, OSHA shall reexamine whether mandated driver awareness training programs for employees reduce motor vehicle injuries or fatalities, and whether employers should be penalized for an employee's failure to conform to vehicular safety regulations. Therefore, the conferees direct OSHA to review the proposed regulation and to reconsider the impact that employee driver training requirements will have on employers, and particularly on small businesses. Furthermore, the conferees are concerned that the proposed regulation regarding seat belt and helmet use appears to indicate that employers could be sanctioned if their employees fail to use helmets or seat belts even when the employer has made a good faith effort to promote on-the-job seat belt and helmet use. The conferees believe that such a punitive approach would create impossible demands on employers and unfairly punish those who are attempting to voluntarily provide for vehicular safety. The conferees direct OSHA, in the final regulation, to ensure that employers are not unfairly punished for the actions of their employees.

Amendment No. 235: Deletes language proposed by the Senate that would have prohibited the Department of Labor from implementing certain regulations with respect to the coverage of certain truck drivers under the Davis-Bacon Act.

The conferees are agreed that, before issuing any final rule on Midway Excavator regulations, the Labor Department should consider limiting those regulations to issues specifically mandated by the courts.

Amendment No. 236: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 511. Notwithstanding any other provision of this Act, funds appropriated or otherwise made available which are not mandated by law for programs, projects or activities funded by this Act shall be reduced by .8 per centum.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement includes an across-the-board reduction of .8 percent for all discretionary programs, projects and activities in the bill. The agreement deletes language proposed by the Senate that would have reduced funds available for salaries and expenses of the three Cabinet Departments funded in the bill by $135,360,000.

Amendment No. 237: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 512. (a) Beginning in fiscal year 1994, and in each fiscal year thereafter, the Office of Management and Budget shall establish the funding for consulting services for each department and agency as a separate object class in each budget annually submitted to the Congress under section 1105 or title 31, United States Code.

(b) For purposes of this section, consulting services include—

(1) management and professional support services;

(2) studies, analyses, and evaluations;

(3) engineering and technical services (excluding routine engineering services such as automated data processing and architect and engineering contracts); and

(4) research and development.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 238: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the section number named in said amendment, insert: *514*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement inserts language proposed by the Senate which provides that no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles for the injection of any illegal drug unless the Surgeon General determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs, except that funds may be used for such purposes for demonstrations and studies authorized in the ADAMHA Reorganization Act.

Amendment No. 239: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 515. Funds appropriated in Public Law 102–170 for the National Commission on Children shall remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 240: Deletes language proposed by the Senate that would have prohibited the Department of Health and Human Services from implementing the Nutrition Labeling and Education Act with respect to certain dietary supplements or from promulgating any regulation that requires the use of, or based upon, recommended daily intakes of vitamins or minerals.

The conferees are concerned about numerous complaints received that implementation of the Nutrition Labeling and Education Act will restrict access to dietary supplements. Consumers are entitled to accurate, truthful, non-misleading and uniform information about the nutritional content and appropriate use of dietary supplements. The conferees believe that the Department of Health and Human Services should take steps to ensure that the regulations provide appropriate information so that these products promote good health and that individuals continue to have access to them.

Amendment No. 241: Deletes language proposed by the Senate that would prohibit Federal funding for grantees who do not have a nonsmoking policy and who provide services to children under the age of five.

Amendment No. 242: Deletes language proposed by the Senate which would have prohibited the use of funds in this Act or any other Act to pay for homosexual educational, counseling or support services in schools or to promote or encourage drug abuse or sexual activities in schools.

DEFINITION OF PROGRAM, PROJECT AND ACTIVITY

During fiscal year 1993, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, the following information provides the definition of the term "program, project, and activity" for departments and agencies under the jurisdiction of the Labor, Health and Human Services, and Education and Related Agencies Subcommittees. The term "program, project, and activity", shall include the most specific level of budget items identified in the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act, 1993, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the committee of conference.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SUMMARY							
Title I - Department of Labor:							
Federal Funds	7,518,049,000	7,999,614,000	8,084,255,000	8,179,924,000	8,089,242,000	8,041,414,000	
Current year	(7,330,349,000)	(7,811,914,000)	(8,084,255,000)	(7,992,444,000)	(8,089,242,000)	(8,041,414,000)	
1994 advance	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
Trust Funds	(3,470,127,000)	(3,502,967,000)	(3,523,603,000)	(3,495,792,000)	(3,490,596,000)	(3,462,671,000)	
Title II - Department of Health and Human Services:							
Federal Funds	182,914,610,000	206,120,270,000	206,023,598,000	208,748,736,000	208,909,032,000	208,393,575,000	
Current year	(156,376,610,000)	(169,250,925,000)	(169,515,598,000)	(170,380,391,000)	(170,702,032,000)	(170,492,231,000)	
1994 advance	(26,538,000,000)	(36,869,345,000)	(36,508,000,000)	(38,368,345,000)	(38,207,000,000)	(37,901,344,000)	
Trust Funds	(6,895,123,000)	(6,879,153,000)	(6,714,676,000)	(6,921,944,000)	(7,156,124,000)	(7,098,875,000)	
Title III - Department of Education:							
Federal Funds	27,275,434,000	29,241,217,000	28,931,697,000	28,453,170,000	28,457,154,000	28,252,934,000	
Current year	(27,265,939,000)	(29,241,217,000)	(28,931,697,000)	(28,453,170,000)	(28,457,154,000)	(28,252,934,000)	
FY 1993 - 1995	(9,495,000)	---	---	---	---	---	
Total including Guaranteed Student Loans	(29,411,264,000)	(32,292,147,000)	(31,982,627,000)	(31,504,100,000)	(31,508,084,000)	(31,303,864,000)	
Title IV - Related Agencies:							
Federal Funds	1,057,259,000	1,058,190,000	1,038,979,000	1,086,125,000	1,068,517,000	1,062,145,000	
Current year	(782,259,000)	(783,190,000)	(766,729,000)	(776,125,000)	(773,517,000)	(769,505,000)	
1995 advance	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)	
Trust Funds	(107,637,000)	(114,217,000)	(110,698,000)	(112,054,000)	(112,054,000)	(111,157,000)	
Bill-wide consultant savings	---	---	---	-13,500,000	-13,500,000	-13,500,000	
Total, all titles:							
Federal Funds	218,765,352,000	244,419,291,000	244,078,529,000	246,454,455,000	246,510,445,000	245,736,568,000	
Current year	(191,755,157,000)	(207,087,246,000)	(207,298,279,000)	(207,588,630,000)	(208,008,445,000)	(207,542,584,000)	
1993 - 1995 advance	(9,495,000)	---	---	---	---	---	
1994 advance	(26,725,700,000)	(37,057,045,000)	(36,508,000,000)	(38,555,825,000)	(38,207,000,000)	(37,901,344,000)	
1995 advance	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)	
Trust Funds	(10,472,887,000)	(10,496,337,000)	(10,348,977,000)	(10,529,790,000)	(10,758,774,000)	(10,672,703,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
TITLE I - DEPARTMENT OF LABOR							
EMPLOYMENT AND TRAINING ADMINISTRATION							
PROGRAM ADMINISTRATION							
Job training programs..................................	21,110,000	23,087,000	23,087,000	23,087,000	23,087,000	22,902,000	D
Trust funds..	(2,123,000)	(2,210,000)	(2,210,000)	(2,210,000)	(2,210,000)	(2,192,000)	TF*
Employment security....................................	442,000	461,000	461,000	461,000	461,000	457,000	D
Trust funds..	(13,279,000)	(13,734,000)	(13,734,000)	(13,734,000)	(13,734,000)	(13,624,000)	TF*
Financial and administrative management..............	13,707,000	15,470,000	15,470,000	15,470,000	15,470,000	15,346,000	D
Trust funds..	(10,421,000)	(10,871,000)	(10,871,000)	(10,871,000)	(10,871,000)	(10,784,000)	TF*
Executive direction and administration.................	4,625,000	4,864,000	4,864,000	4,864,000	4,864,000	4,825,000	D
Trust funds..	(4,036,000)	(4,274,000)	(4,274,000)	(4,274,000)	(4,274,000)	(4,240,000)	TF*
Regional operations....................................	16,132,000	16,523,000	16,523,000	16,523,000	16,523,000	16,391,000	D
Trust funds..	(25,775,000)	(27,477,000)	(27,477,000)	(27,477,000)	(27,477,000)	(27,257,000)	TF*
Apprenticeship services................................	16,649,000	17,324,000	17,324,000	17,012,000	17,012,000	16,876,000	D
Undistributed..	---	---	-777,000	-1,190,000	-1,190,000	-1,180,000	D
Undistributed, trust funds.............................	---	---	(-3,488,000)	(-781,000)	(-2,763,000)	(-2,741,000)	TF*
Total, Program Administration..........................	128,299,000	136,295,000	132,030,000	134,012,000	132,030,000	130,973,000	
Federal funds..	72,665,000	77,729,000	76,952,000	76,227,000	76,227,000	75,617,000	
Trust funds..	(55,634,000)	(58,566,000)	(55,078,000)	(57,785,000)	(55,803,000)	(55,356,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference		Mand
					Initial	Final -0.8%	Disc
TRAINING AND EMPLOYMENT SERVICES							
Grants to States:							
Block grant	1,773,484,000	1,771,550,000	1,755,749,000	---	---	---	D
Adult training	---	---	---	1,053,449,000	1,053,449,000	1,045,021,000	D
Youth training	---	---	---	702,300,000	702,300,000	696,682,000	D
Summer youth employment and training program	495,212,000	495,212,000	676,083,000	590,507,000	676,083,000	670,674,000	D
Advance appropriation, 10/1	187,700,000	187,700,000	---	187,480,000	---	---	D
Dislocated worker assistance	576,986,000	542,986,000	571,216,000	571,216,000	571,216,000	566,646,000	D
Reappropriation	---	34,000,000	---	---	---	---	D
Federally administered programs:							
Native Americans	63,000,000	58,461,000	62,370,000	62,370,000	62,370,000	61,871,000	D
Migrants and seasonal farmworkers	77,644,000	56,690,000	76,868,000	81,000,000	78,934,000	78,303,000	D
Job Corps:							
Operations	846,533,000	900,803,000	898,722,000	898,722,000	898,722,000	891,532,000	D
Construction and renovation	73,000,000	---	90,288,000	60,000,000	75,144,000	74,543,000	D
Reappropriation	35,568,000	8,700,000	---	---	---	---	D
Subtotal, Job Corps	955,101,000	909,503,000	989,010,000	958,722,000	973,866,000	966,075,000	
Veterans' employment	9,120,000	8,863,000	9,029,000	9,029,000	9,029,000	8,957,000	D
National activities:							
Pilots and demonstrations	35,753,000	35,753,000	35,395,000	35,395,000	35,395,000	35,112,000	D
Research, demonstration and evaluation	10,000,000	10,000,000	9,900,000	9,900,000	8,400,000	8,333,000	D
Other	23,606,000	7,500,000	15,246,000	21,203,000	20,686,000	20,521,000	D
Subtotal, National activities	69,359,000	53,253,000	60,541,000	66,498,000	64,481,000	63,966,000	
Subtotal, Federal activities	1,174,224,000	1,086,770,000	1,197,818,000	1,177,619,000	1,188,680,000	1,179,172,000	
Total, Job Training Partnership Act	4,207,606,000	4,118,218,000	4,200,866,000	4,282,571,000	4,191,728,000	4,158,195,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Job training for the homeless	9,312,000	17,000,000	12,870,000	12,638,000	12,638,000	12,537,000	D
National literacy act	---	1,247,000	---	---	---	---	D
Glass Ceiling Commission	---	---	---	---	750,000	744,000	D
National Center for the Workplace	---	---	---	---	750,000	744,000	D
Total, Training and Employment Services	4,216,918,000	4,136,465,000	4,213,736,000	4,295,209,000	4,205,866,000	4,172,220,000	
Current year	(4,029,218,000)	(3,948,765,000)	(4,213,736,000)	(4,107,729,000)	(4,205,866,000)	(4,172,220,000)	
FY 1994	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS							
National contracts	308,241,000	267,395,000	305,159,000	308,241,000	306,700,000	304,246,000	D
State grants	86,940,000	75,419,000	86,071,000	86,940,000	86,506,000	85,814,000	D
Total	395,181,000	342,814,000	391,230,000	395,181,000	393,206,000	390,060,000	
FEDERAL UNEMPLOYMENT AND ALLOWANCES 1/							
Trade adjustment	226,000,000	211,000,000	211,000,000	211,000,000	211,000,000	211,000,000	M
Other activities	250,000	250,000	250,000	250,000	250,000	250,000	M
Total	226,250,000	211,250,000	211,250,000	211,250,000	211,250,000	211,250,000	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS							
Unemployment Compensation (Trust Funds):							
State Operations	(1,510,973,000)	(1,657,926,000)	(1,654,639,000)	(1,642,926,000)	(1,642,926,000)	(1,629,783,000)	TF*
State integrity activities	(290,723,000)	(346,756,000)	(329,996,000)	(329,996,000)	(329,996,000)	(327,356,000)	TF*
National Activities	(6,486,000)	(8,900,000)	(8,811,000)	(8,900,000)	(8,811,000)	(8,741,000)	TF*
Contingency	(440,703,000)	(302,331,000)	(338,908,000)	(302,331,000)	(302,331,000)	(299,912,000)	TF*
Contingency bill language (OMB estimate)	(227,400,000)	(65,500,000)	(65,500,000)	(65,500,000)	(65,500,000)	(65,500,000)	NA
Subtotal, Unemployment Compensation(trust funds)	(2,248,885,000)	(2,315,913,000)	(2,332,354,000)	(2,284,153,000)	(2,284,064,000)	(2,265,792,000)	

1/ FY93 request includes $168,700,000 in legislative savings proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Employment Service:							
Allotments to States:							
Federal funds	21,838,000	24,648,000	21,620,000	21,838,000	21,729,000	21,55	D
Trust funds	(799,770,000)	(796,960,000)	(791,772,000)	(799,770,000)	(795,771,000)	(789,405,000)	TF*
Subtotal	821,608,000	821,608,000	813,392,000	821,608,000	817,500,000	810,960,000	
National Activities:							
Federal funds	2,200,000	2,038,000	2,018,000	2,018,000	2,018,000	2,002,000	D
Trust funds	(79,938,000)	(67,972,000)	(67,292,000)	(67,292,000)	(67,292,000)	(66,754,000)	TF*
Targeted jobs tax credit	(20,000,000)	---	---	(15,000,000)	(15,000,000)	(14,880,000)	TF*
Subtotal, Employment Service	923,746,000	891,618,000	882,702,000	905,918,000	901,810,000	894,596,000	
Federal funds	24,038,000	26,686,000	23,638,000	23,856,000	23,747,000	23,557,000	
Trust funds	(899,708,000)	(864,932,000)	(859,064,000)	(882,062,000)	(878,063,000)	(871,039,000)	
Total, State Unemployment 1/	3,172,631,000	3,207,531,000	3,215,056,000	3,190,071,000	3,185,874,000	3,160,388,000	
Federal Funds	24,038,000	26,686,000	23,638,000	23,856,000	23,747,000	23,557,000	
Trust Funds	(3,148,593,000)	(3,180,845,000)	(3,191,418,000)	(3,166,215,000)	(3,162,127,000)	(3,136,831,000)	
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	236,990,000	665,000,000	665,000,000	665,000,000	665,000,000	665,000,000	M
Total, Employment & Training Administration	8,376,269,000	8,699,355,000	8,828,302,000	8,890,723,000	8,793,226,000	8,729,891,000	
Federal funds	5,172,042,000	5,459,944,000	5,581,806,000	5,666,723,000	5,575,296,000	5,537,704,000	
Current year	(4,984,342,000)	(5,272,244,000)	(5,581,806,000)	(5,479,243,000)	(5,575,296,000)	(5,537,704,000)	
FY 1994	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
Trust funds	(3,204,227,000)	(3,239,411,000)	(3,246,496,000)	(3,224,000,000)	(3,217,930,000)	(3,192,187,000)	

1/ Includes Federal, Trust and advance Trust funds.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
LABOR - MANAGEMENT STANDARDS							
SALARIES AND EXPENSES							
Labor-management relations service....................	5,415,000	---	---	2,700,000	1,350,000	1,339,000	D
Labor-management standards enforcement...............	25,997,000	26,485,000	26,220,000	26,220,000	26,220,000	26,010,000	D
Total, LMS..	31,412,000	26,485,000	26,220,000	28,920,000	27,570,000	27,349 C	
PENSION AND WELFARE BENEFITS ADMINISTRATION							
SALARIES AND EXPENSES							
Enforcement and compliance...........................	47,561,000	51,117,000	51,117,000	51,117,000	51,117,000	50,708,000	D
Policy, regulation and public service................	10,976,000	11,779,000	11,779,000	11,779,000	11,779,000	11,685,000	D
Executive direction..................................	3,473,000	3,792,000	3,792,000	3,792,000	3,792,000	3,762,000	D
Undistributed..	---	---	-2,932,000	-2,637,000	-2,332,000	-2,313,000	D
Total, PWBA..	62,010,000	66,688,000	63,756,000	64,051,000	64,356,000	63,842,000	
PENSION BENEFIT GUARANTY CORPORATION							
Program Administration subject to limitation (Trust Funds)..	(38,487,000)	(35,209,000)	(34,857,000)	(33,857,000)	(33,857,000)	(33,586,000)	TF
Services related to terminations not subject to limitations (non-add)...............................	(64,929,000)	(70,508,000)	(70,508,000)	(71,508,000)	(71,508,000)	(71,508,000)	NA
Total, PBGC..	(103,416,000)	(105,717,000)	(105,365,000)	(105,365,000)	(105,365,000)	(105,094,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
EMPLOYMENT STANDARDS ADMINISTRATION							
SALARIES AND EXPENSES							
Enforcement of wage and hour standards................	94,418,000	99,053,000	99,053,000	99,053,000	99,053,000	98,261,000	D
Federal contractor EEO standards enforcement..........	54,655,000	58,114,000	58,114,000	58,114,000	58,114,000	57,649,000	D
Federal programs for workers' compensation............	66,467,000	73,367,000	73,367,000	73,367,000	73,367,000	72,780,000	D
Trust funds.......................................	(1,009,000)	(1,056,000)	(999,000)	(999,000)	(999,000)	(991,000)	TF
Executive direction and support services..............	11,139,000	11,961,000	11,961,000	11,961,000	11,961,000	11,865,000	D
Undistributed...	---	---	-10,163,000	-3,613,000	-8,163,000	-8,098,000	D
Total, salaries and expenses....................	227,688,000	243,551,000	233,331,000	239,881,000	235,331,000	233,448,000	
Federal funds.................................	226,679,000	242,495,000	232,332,000	238,882,000	234,332,000	232,45[illegible]	
Trust funds...................................	(1,009,000)	(1,056,000)	(999,000)	(999,000)	(999,000)	(991,000)	
SPECIAL BENEFITS							
Federal employees compensation benefits...............	188,000,000	286,000,000	286,000,000	286,000,000	286,000,000	286,000,000	M
Longshore and harbor workers' benefits................	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	4,000,000	M
Total, Special Benefits.........................	192,000,000	290,000,000	290,000,000	290,000,000	290,000,000	290,000,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
BLACK LUNG DISABILITY TRUST FUND							
Benefit payments and interest on advances............	861,135,000	888,251,000	888,251,000	888,251,000	888,251,000	888,251,000	M
Employment Standards Admin., salaries & expenses......	30,145,000	28,726,000	29,726,000	29,726,000	29,726,000	29,726,000	M
Departmental Management, salaries and expenses........	25,579,000	25,698,000	25,698,000	25,698,000	25,698,000	25,698,000	M
Departmental Management, inspector general............	333,000	352,000	352,000	352,000	352,000	352,000	M
Subtotal, Black Lung Disablty. Trust Fund, apprn	917,192,000	943,027,000	944,027,000	944,027,000	944,027,000	944,027,000	
Treasury administrative costs (indefinite)............	756,000	756,000	756,000	756,000	756,000	756,000	M
Total, Black Lung Disability Trust Fund.........	917,948,000	943,783,000	944,783,000	944,783,000	944,783,000	944,783,000	
Total, Employment Standards Administration......	1,337,636,000	1,477,334,000	1,468,114,000	1,474,664,000	1,470,114,000	1,468,231,000	
Federal funds..................................	1,336,627,000	1,476,278,000	1,467,115,000	1,473,665,000	1,469,115,000	1,467,240,000	
Trust funds....................................	(1,009,000)	(1,056,000)	(999,000)	(999,000)	(999,000)	(991,000)	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION							
SALARIES AND EXPENSES							
Safety and health standards...........................	7,836,000	8,214,000	8,214,000	8,214,000	8,214,000	8,148,000	D
Enforcement:							
Federal Enforcement................................	130,975,000	137,628,000	137,628,000	137,628,000	137,628,000	136,527,000	D
State programs.....................................	65,010,000	68,927,000	68,927,000	68,927,000	68,927,000	68,376,000	D
Technical Support.....................................	17,426,000	18,105,000	18,105,000	18,105,000	18,105,000	17,960,000	D
Compliance Assistance.................................	38,870,000	40,819,000	40,819,000	42,584,000	42,584,000	42,243,000	D
Safety and health statistics..........................	12,760,000	12,998,000	12,998,000	12,998,000	12,998,000	12,894,000	D
Executive direction and administration................	6,909,000	7,234,000	7,234,000	7,234,000	7,234,000	7,176,000	D
Undistributed...	---	---	-6,825,000	-1,000,000	-4,795,000	-4,757,000	D
Total, OSHA.......................................	279,786,000	293,925,000	287,100,000	294,690,000	290,895,000	288,567,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
MINE SAFETY AND HEALTH ADMINISTRATION							
SALARIES AND EXPENSES							
Enforcement:							
Coal	93,542,000	103,711,000	103,711,000	103,711,000	103,711,000	102,881,000	D
Metal/nonmetal	37,129,000	39,761,000	39,761,000	39,761,000	39,761,000	39,443,000	D
Standards development	1,384,000	1,475,000	1,475,000	1,475,000	1,475,000	1,463,000	D
Assessments	2,455,000	2,517,000	2,517,000	2,517,000	2,517,000	2,497,000	D
Educational policy and development	13,467,000	8,652,000	13,467,000	13,467,000	13,467,000	13,359,000	D
Technical support	21,251,000	21,858,000	21,858,000	21,858,000	21,858,000	21,683,000	D
Program administration	12,808,000	13,075,000	13,075,000	13,075,000	13,075,000	12,970,000	D
Undistributed	---	---	-3,934,000	-2,820,000	-2,820,000	-2,797,000	D
Total, Mine Safety and Health Administration	182,036,000	191,049,000	191,930,000	193,044,000	193,044,000	191,499,000	
BUREAU OF LABOR STATISTICS							
SALARIES AND EXPENSES							
Employment and Unemployment Statistics	82,419,000	87,377,000	87,377,000	87,377,000	87,377,000	86,678,000	D
Labor Market Information (Trust Funds)	(49,799,000)	(51,539,000)	(49,301,000)	(49,301,000)	(49,301,000)	(48,907,000)	TF*
Prices and cost of living	84,029,000	90,591,000	90,591,000	90,591,000	90,591,000	89,866,000	D
Compensation and working conditions	60,650,000	66,324,000	66,324,000	66,324,000	66,324,000	65,79[illegible]	D
Productivity and technology	6,316,000	6,809,000	6,809,000	6,809,000	6,809,000	6,75[illegible],000	D
Economic growth and employment projections	3,844,000	4,115,000	4,115,000	4,115,000	4,115,000	4,082,000	D
Executive direction and staff services	30,839,000	27,099,000	27,099,000	27,099,000	27,099,000	26,882,000	D
Undistributed	---	---	-6,105,000	-3,601,000	-5,105,000	-5,064,000	D
Total, Bureau of Labor Statistics	317,896,000	333,854,000	325,511,000	328,015,000	326,511,000	323,899,000	
Federal Funds	268,097,000	282,315,000	276,210,000	278,714,000	277,210,000	274,992,000	
Trust Funds	(49,799,000)	(51,539,000)	(49,301,000)	(49,301,000)	(49,301,000)	(48,907,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference		Mand Disc
					Initial	Final -0.8%	
DEPARTMENTAL MANAGEMENT							
SALARIES AND EXPENSES							
Executive direction	21,972,000	29,797,000	21,419,000	21,419,000	21,419,000	21,248,000	D
Legal services	57,715,000	60,172,000	60,172,000	60,172,000	60,172,000	59,691,000	D
Trust funds	(332,000)	(336,000)	(329,000)	(329,000)	(329,000)	(326,000)	TF*
International labor affairs	7,138,000	7,855,000	7,855,000	7,855,000	7,855,000	7,792,000	D
Administration and management	15,166,000	15,503,000	15,503,000	15,503,000	15,503,000	15,379,000	D
Adjudication	16,147,000	17,118,000	17,118,000	17,118,000	17,118,000	16,981,000	D
Promoting employment of the disabled	4,321,000	4,238,000	4,238,000	4,653,000	4,438,000	4,402,000	D
Women's Bureau	7,940,000	7,565,000	7,565,000	8,215,000	8,050,000	7,986,000	D
Civil Rights Activities	4,534,000	5,064,000	5,064,000	5,064,000	5,064,000	5,023,000	D
Chief Financial Officer	5,805,000	6,884,000	6,884,000	6,884,000	6,884,000	6,829,000	D
Undistributed	---	---	-2,527,000	-500,000	-2,527,000	-2,507,000	D
Total, Salaries and expenses	141,070,000	154,532,000	143,620,000	146,712,000	144,305,000	143,150,000	
Federal funds	140,738,000	154,196,000	143,291,000	146,383,000	143,976,000	142,824,000	
Trust funds	(332,000)	(336,000)	(329,000)	(329,000)	(329,000)	(326,000)	
VETERANS EMPLOYMENT AND TRAINING							
State Administration:							
Disabled Veterans Outreach Program	(77,901,000)	(77,901,000)	(82,665,000)	(82,665,000)	(82,665,000)	(82,004,000)	TF*
Local Veterans Employment Program	(71,924,000)	(71,924,000)	(76,725,000)	(76,725,000)	(76,725,000)	(76,111,000)	TF*
Subtotal, State Administration	(149,825,000)	(149,825,000)	(159,390,000)	(159,390,000)	(159,390,000)	(158,11[illegible]	
Federal Administration	(19,651,000)	(21,027,000)	(25,047,000)	(20,481,000)	(21,481,000)	(21,3[illegible]00)	TF*
National Veterans Training Institute	(2,440,000)	---	(2,871,000)	(2,871,000)	(2,871,000)	(2,848,000)	TF*
Total, Trust Funds	(171,916,000)	(170,852,000)	(187,308,000)	(182,742,000)	(183,742,000)	(182,272,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
OFFICE OF THE INSPECTOR GENERAL							
Audit:							
Federal funds	20,149,000	21,349,000	21,349,000	21,349,000	21,349,000	21,178,000	D
Trust funds	(4,023,000)	(4,210,000)	(4,210,000)	(4,210,000)	(4,210,000)	(4,176,000)	TF*
Investigation:							
Federal funds	8,015,000	8,690,000	8,690,000	8,690,000	8,690,000	8,620,000	D
Trust funds	(334,000)	(354,000)	(354,000)	(354,000)	(354,000)	(351,000)	TF*
Office of Labor Racketeering	11,057,000	11,995,000	11,995,000	11,995,000	11,995,000	11,899,000	D
Executive Direction and Management	6,080,000	6,700,000	6,700,000	6,700,000	6,700,000	6,646,000	D
Undistributed	---	---	-1,907,000	---	-954,000	-946,000	D
Undistributed, trust funds	---	---	(-251,000)	---	(-126,000)	(-125,000)	TF*
Total, Office of the Inspector General	49,658,000	53,298,000	51,140,000	53,298,000	52,218,000	51,799,000	
Federal funds	45,301,000	48,734,000	46,827,000	48,734,000	47,780,000	47,397,000	
Trust funds	(4,357,000)	(4,564,000)	(4,313,000)	(4,564,000)	(4,438,000)	(4,402,000)	
Total, Departmental Management	362,644,000	378,682,000	382,068,000	382,752,000	380,265,000	377,221,000	
Federal funds	186,039,000	202,930,000	190,118,000	195,117,000	191,756,000	190,221,000	
Trust funds	(176,605,000)	(175,752,000)	(191,950,000)	(187,635,000)	(188,509,000)	(187,000,000)	
Labor attrition	---	---	---	-15,000,000	---	---	D
Total, Labor Department 1/	10,988,176,000	11,502,581,000	11,607,858,000	11,675,716,000	11,579,838,000	11,504,085,000	
Federal funds	7,518,049,000	7,999,614,000	8,084,255,000	8,179,924,000	8,089,242,000	8,041,414,000	
Current year	(7,330,349,000)	(7,811,914,000)	(8,084,255,000)	(7,992,444,000)	(8,089,242,000)	(8,041,414,000)	
FY 1994	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
Trust funds	(3,470,127,000)	(3,502,967,000)	(3,523,603,000)	(3,495,792,000)	(3,490,596,000)	(3,462,671,000)	

1/ Includes Federal and Trust funds.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES								
HEALTH RESOURCES AND SERVICES ADMINISTRATION								
HEALTH RESOURCES AND SERVICES								
Health Care Delivery and Assistance:								
Community health centers	532,835,000	615,754,000	527,507,000	543,492,000	563,492,000	558,984,000	D	
1% evaluation funding tap (non-add)	---	---	---	(40,000,000)	---	---	NA	
Subtotal	(532,835,000)	(615,754,000)	(527,507,000)	(583,492,000)	(563,492,000)	(558,984,000)		
Migrant health centers	57,362,000	62,647,000	56,788,000	58,785,000	57,787,000	57,325,000	D	
Black lung clinics	4,000,000	4,000,000	3,960,000	4,000,000	4,000,000	3,968,000	D	
Health care for the homeless	55,792,000	67,683,000	55,234,000	61,792,000	58,500,000	58,032,000	D	
National Health Service Corps:								
Field placements	41,456,000	54,588,000	43,065,000	43,065,000	43,065,000	42,720,000	D	
Loans and scholarships	58,733,000	65,053,000	58,146,000	76,576,000	76,576,000	75,963,000	D	
Subtotal, Natl Health Service Corps	100,189,000	119,641,000	101,211,000	119,641,000	119,641,000	118,683,000		
Grants to communities for scholarships	487,000	487,000	482,000	482,000	482,000	478,000	D	
Public housing health service grants	6,089,000	9,089,000	8,998,000	6,028,000	8,998,000	8,926,000	D	
Ready to learn program	---	6,000,000	---	---	---	---	D	
Hansen's disease services	19,489,000	18,963,000	18,773,000	18,963,000	18,773,000	18,623,000	D	
Payment to Hawaii, treatment of Hansen's Disease	3,000,000	3,000,000	2,970,000	3,000,000	3,000,000	2,976,000	D	
Native Hawaiian health care	3,596,000	---	3,560,000	3,677,000	3,619,000	3,590,000	D	UA
Pacific Basin initiative	2,547,000	---	2,522,000	2,638,000	2,580,000	2,559,000	D	
Home health demonstration grants	2,872,000	---	2,843,000	---	---	---	D	
Alzheimers demonstration grants	3,996,000	---	3,956,000	5,000,000	5,000,000	4,960,000	D	
Trauma care	4,449,000	---	4,405,000	4,405,000	4,405,000	4,370,000	D	
Total, Health Care Delivery & Assistance	796,703,000	907,264,000	793,209,000	831,903,000	850,277,000	843,474,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992	FY 1993			Conference		Mand	
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -0.8%	Disc	
Maternal and child health:								
Maternal & child health block grant	645,953,000	669,802,000	639,493,000	670,000,000	670,000,000	664,640,000	D	
Healthy start	61,446,000	140,142,000	60,832,000	98,675,000	80,000,000	79,360,000	D	
Pediatric emergency care	4,874,000	---	4,825,000	4,874,000	4,850,000	4,811,000	D	UA
Total, Maternal and child health	712,273,000	809,944,000	705,150,000	773,549,000	754,850,000	748,811,000		
Health Professions:								
Exceptional need scholarships	9,748,000	11,429,000	11,315,000	9,748,000	10,532,000	10,448,000	D	UA
Centers of excellence	23,945,000	23,943,000	23,706,000	23,706,000	23,706,000	23,516,000	D	
Disadvantaged assistance	30,629,000	37,379,000	37,005,000	30,629,000	31,500,000	31,248,000	D	UA
HPSL recapitalization	14,907,000	---	11,068,000	---	8,000,000	7,936,000	D	
Minority scholarships	17,438,000	17,415,000	17,264,000	17,264,000	17,264,000	17,126,000	D	
Faculty loan repayment	976,000	1,073,000	1,062,000	---	1,062,000	1,054,000	D	
Public health special projects	4,271,000	---	3,171,000	4,271,000	3,171,000	3,146,000	D	UA
Health administration grants	1,549,000	---	1,150,000	1,549,000	1,150,000	1,141,000	D	UA
Public health traineeships	3,412,000	---	2,533,000	3,412,000	2,533,000	2,513,000	D	UA
Health administration traineeships	482,000	---	358,000	482,000	358,000	355,000	D	UA
Preventive medicine residencies	1,631,000	---	1,211,000	1,631,000	1,631,000	1,618,000	D	UA
Family medicine residencies	35,805,000	---	26,585,000	35,805,000	33,000,000	32,736,000	D	UA
General dentistry residencies	3,803,000	---	3,765,000	3,765,000	3,765,000	3,735,000	D	UA
General internal medicine and pediatrics	17,179,000	---	17,007,000	16,000,000	17,007,000	16,871,000	D	UA
Family medicine departments	6,793,000	---	5,044,000	5,558,000	5,558,000	5,514,000	D	UA
Physician assistants	4,964,000	---	3,686,000	4,964,000	4,964,000	4,924,000	D	UA
Allied health	2,754,000	---	2,045,000	3,500,000	3,500,000	3,472,000	D	UA
Area health education centers	19,041,000	---	14,138,000	21,452,000	20,000,000	19,840,000	D	UA

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Health education and training centers	3,856,000	---	2,863,000	3,856,000	2,863,000	2,840,000	D	UA
Geriatric training and research	13,614,000	---	10,108,000	13,614,000	10,108,000	10,027,000	D	UA
Interdisciplinary traineeships	4,654,000	---	3,455,000	4,654,000	4,055,000	4,023,000	D	UA
Health professions data analysis	1,746,000	---	1,297,000	---	649,000	644,000	D	UA
Health professions spec ed initiatives	2,362,000	---	1,754,000	1,754,000	1,754,000	1,740,000	D	UA
Nurse training:								
Advanced nurse education	12,370,000	---	9,185,000	12,400,000	12,370,000	12,271,000	D	UA
Nurse practitioners / nurse midwives	14,556,000	---	10,808,000	15,560,000	15,590,000	15,465,000	D	UA
Special projects	10,902,000	---	8,094,000	10,500,000	10,500,000	10,416,000	D	UA
Professional nurse traineeships	14,106,000	---	10,474,000	14,106,000	14,106,000	13,993,000	D	UA
Nurse disadvantaged assistance	3,375,000	4,122,000	4,081,000	3,375,000	3,728,000	3,698,000	D	UA
Nurse anesthetists	1,917,000	---	1,424,000	2,750,000	2,750,000	2,728,000	D	UA
Undergraduate scholarships	2,377,000	---	1,765,000	---	---	---	D	UA
Loan repayment for shortage area service	1,453,000	---	1,079,000	2,414,000	2,061,000	2,045,000	D	UA
Subtotal, Nurse training	61,056,000	4,122,000	46,910,000	61,105,000	61,105,000	60,616,000		
Total, Health professions	286,615,000	95,361,000	248,500,000	268,719,000	269,235,000	267,083,000		
Resources development:								
Organ transplantation	2,877,000	2,818,000	2,790,000	2,818,000	2,790,000	2,768,000	D	
Health teaching facilities interest subsidies	450,000	418,000	414,000	418,000	418,000	415,000	D	
Total, Resources Development	3,327,000	3,236,000	3,204,000	3,236,000	3,208,000	3,183,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	---------- Conference ---------- Initial	Final -0.8%	Mand Disc	
Acquired Immune Deficiency Syndrome (AIDS):								
Education and training centers....................	16,886,000	16,760,000	16,592,000	16,592,000	16,592,000	16,459,000	D	UA
Pediatric demonstrations...........................	19,350,000	19,350,000	19,156,000	23,000,000	21,078,000	20,909,000	D	
Ryan White AIDS Programs:								
Emergency assistance..........................	120,518,000	147,265,000	161,865,000	186,305,000	186,305,000	184,815,000	D	
Comprehensive care programs..................	106,690,000	106,690,000	116,325,000	116,325,000	116,325,000	115,394,000	D	
Early intervention program....................	48,859,000	48,859,000	48,370,000	48,859,000	48,370,000	47,983,000	D	
Subtotal, Ryan White AIDS programs........	276,067,000	302,814,000	326,560,000	351,489,000	351,000,000	348,192,000		
Subtotal, AIDS.............................	312,303,000	338,924,000	362,308,000	391,081,000	388,670,000	385,560,000		
Minority male grant..................................	1,350,000	5,000,000	4,950,000	1,350,000	4,950,000	4,910,000	D	
Family planning......................................	149,575,000	154,575,000	148,079,000	180,000,000	175,000,000	173,600,000	D	UA
Rural health research................................	4,115,000	3,960,000	3,920,000	4,500,000	4,210,000	4,176,000	D	
Rural outreach grants................................	21,175,000	---	20,963,000	27,201,000	25,000,000	24,800,000	D	
Buildings and facilities.............................	---	1,000,000	990,000	1,000,000	990,000	982,000	D	
National practitioner data bank......................	5,379,000	8,000,000	6,000,000	6,000,000	6,000,000	6,000,000	D	
User fees...	-5,000,000	-8,000,000	-6,000,000	-6,000,000	-6,000,000	-6,000,000	D	
Program management...................................	121,672,000	121,270,000	125,235,000	124,222,000	125,235,000	124,233,000	D	
Rescission of delayed obligations....................	-625,000	---	---	---	---	---	D	
Undistributed..	---	---	---	-21,295,000	---	---	D	
Total, Health resources and services............	2,408,862,000	2,440,534,000	2,416,508,000	2,585,466,000	2,601,625,000	2,580,812,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final .8%	Mand Disc	
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:								
Interest subsidy program..........................	18,600,000	16,000,000	10,900,000	10,900,000	10,900,000	10,900,000	M	UA
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):								
New loan subsidies..................................	30,000,000	20,884,000	26,332,000	36,400,000	30,872,000	30,872,000	M	UA
Liquidating account (non-add)....................	(48,000,000)	(54,432,000)	(54,432,000)	(54,432,000)	(54,432,000)	(54,432,000)	NA	
HEAL loan limitation (non-add)...................	(290,000,000)	(230,000,000)	(290,000,000)	(400,000,000)	(340,000,000)	(340,000,000)	NA	UA
Program management................................	1,500,000	3,000,000	2,970,000	3,000,000	2,970,000	2,946,000	D	
Total, HEAL..	31,500,000	23,884,000	29,302,000	39,400,000	33,842,000	33,818,000		
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:								
Post - FY88 claims (trust fund)..................	84,920,000	84,920,000	84,920,000	84,920,000	84,920,000	84,920,000	M	
HRSA administration (trust fund).................	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	M	UA
Subtotal, Vaccine injury compensation trust fund	87,420,000	87,420,000	87,420,000	87,420,000	87,420,000	87,420,000		
VACCINE INJURY COMPENSATION:								
Pre - FY89 claims (appropriation)................	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000	80,000,000	M	
Total, Vaccine injury..............................	167,420,000	167,420,000	167,420,000	167,420,000	167,420,000	167,420,000		
Total, Health Resources and Services Administration..................................	2,626,382,000	2,647,838,000	2,624,130,000	2,803,186,000	2,813,787,000	2,792,950,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	---------- Conference ---------- Initial	Final -0.8%	Mand Disc	
CENTERS FOR DISEASE CONTROL								
DISEASE CONTROL, RESEARCH AND TRAINING								
Preventive Health Services Block Grant...............	134,512,000	134,521,000	133,167,000	150,000,000	150,000,000	148,8[illegible]	D	UA
Prevention centers..................................	5,184,000	5,184,000	5,132,000	5,584,000	5,500,000	5,456,000	D	
Sexually transmitted diseases:								
Grants..	77,525,000	77,638,000	76,750,000	83,128,000	79,000,000	78,368,000	D	UA
Direct operations...................................	11,296,000	11,872,000	11,753,000	11,872,000	11,753,000	11,659,000	D	
Subtotal, Sexually transmitted diseases.........	88,821,000	89,510,000	88,503,000	95,000,000	90,753,000	90,027,000		
Immunization:								
Grants..	258,822,000	289,272,000	286,379,000	290,000,000	290,190,000	287,868,000	D	
Direct operations...................................	35,352,000	52,372,000	51,848,000	51,848,000	51,848,000	51,433,000	D	
Vaccine stockpile...................................	---	5,000,000	4,950,000	---	---	---	D	
Adverse events reporting............................	2,470,000	2,470,000	2,445,000	2,445,000	2,445,000	2,425,000	D	
Subtotal, Immunization programs.................	296,644,000	349,114,000	345,622,000	344,293,000	344,483,000	341,726,000		
Infectious disease..................................	40,625,000	41,518,000	41,103,000	42,600,000	41,103,000	40,774,000	D	
Tuberculosis:								
Grants..	15,321,000	35,000,000	34,650,000	40,000,000	34,650,000	34,373,000	D	
Emergency grants....................................	---	---	39,600,000	---	39,600,000	39,283,000	D	
Program operations..................................	5,372,000	5,372,000	5,318,000	5,318,000	5,318,000	5,275,000	D	
Presidential emergency (non-add)..................	---	---	---	(40,000,000)	---	---	NA	
Subtotal, Tuberculosis..........................	20,693,000	40,372,000	79,568,000	45,318,000	79,568,000	78,931,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Acquired Immune Deficiency Syndrome (AIDS)...........	480,132,000	504,678,000	504,581,000	504,581,000	504,581,000	500,544,000	D	
Chronic & environmental disease prevention...........	67,744,000	66,943,000	66,510,000	71,200,000	71,200,000	70,630,000	D	
Lead poisoning prevention............................	21,302,000	40,000,000	21,089,000	30,000,000	30,000,000	29,760,000	D	UA
Breast and cervical cancer screening.................	49,961,000	69,961,000	69,300,000	73,000,000	73,000,000	72,416,000	D	
Injury control.......................................	27,377,000	27,498,000	32,175,000	34,000,000	32,175,000	31,918,000	D	
Occupational Safety and Health (NIOSH):								
Research...	92,478,000	73,594,000	91,949,000	102,956,000	102,956,000	102,1[illegible]	D	
Training...	10,972,000	10,972,000	10,862,000	11,500,000	11,181,000	11,092,000	D	
Subtotal, NIOSH................................	103,450,000	84,566,000	102,811,000	114,456,000	114,137,000	113,224,000		
Epidemic services....................................	73,022,000	77,711,000	74,250,000	77,711,000	75,000,000	74,400,000	D	
National Center for Health Statistics:								
Program operations.................................	48,310,000	47,591,000	51,873,000	47,440,000	49,657,000	49,260,000	D	
Program support....................................	2,988,000	3,021,000	2,991,000	2,967,000	2,991,000	2,967,000	D	
1% evaluation funds (non-add)......................	(29,400,000)	(34,206,000)	(29,106,000)	(29,106,000)	(29,106,000)	(28,873,000)	NA	
Subtotal, health statistics....................	51,298,000	50,612,000	54,864,000	50,407,000	52,648,000	52,227,000		
Buildings and facilities.............................	25,600,000	15,000,000	6,930,000	17,000,000	17,000,000	16,864,000	D	
Program management...................................	2,843,000	3,497,000	3,462,000	3,462,000	3,462,000	3,434,000	D	
Rescission of delayed obligations....................	-670,000	---	---	---	---	---	D	
Salaries and expenses reduction......................	---	---	-9,900,000	---	---	---	D	
Total, Disease Control.........................	1,488,538,000	1,600,685,000	1,619,167,000	1,658,612,000	1,684,610,000	1,671,131,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
NATIONAL INSTITUTES OF HEALTH (INCLUDES AIDS) 1/							
National Cancer Institute	1,951,541,000	2,010,439,000	1,998,616,000	2,010,439,000	2,007,483,000	1,991,423,000	D
National Heart, Lung, and Blood Institute	1,191,500,000	1,245,396,000	1,228,455,000	1,228,455,000	1,228,455,000	1,218,627,000	D
National Institute of Dental Research	159,057,000	166,742,000	163,269,000	163,269,000	163,269,000	161,963,000	D
National Institute of Diabetes, Digestive, and Kidney Diseases	662,678,000	699,809,000	688,633,000	688,633,000	688,633,000	683,124,000	D
National Institute of Neurological Disorders and Stroke	581,847,000	615,190,000	605,100,000	607,100,000	606,600,000	601,747,000	D
National Institute of Allergy and Infectious Diseases	960,914,000	1,010,845,000	990,055,000	989,055,000	991,805,000	983,871,000	D
National Institute of General Medical Sciences	815,134,000	862,069,000	842,229,000	824,529,000	839,804,000	833,086,000	D
National Institute of Child Health and Human Development	519,724,000	545,238,000	534,094,000	534,094,000	534,094,000	529,8[illegible]	D
National Eye Institute	270,300,000	285,133,000	279,102,000	279,102,000	279,102,000	276,869,000	D
National Institute of Environmental Health Sciences	252,031,000	261,513,000	255,115,000	255,115,000	255,115,000	253,074,000	D
National Institute on Aging	383,611,000	407,284,000	402,218,000	405,218,000	404,468,000	401,232,000	D
National Institute of Arthritis and Musculoskeletal and Skin Diseases	203,913,000	214,929,000	214,619,000	214,619,000	214,619,000	212,902,000	D

1/ Reflects organizational changes pursuant to P.L. 102-321.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
National Institute on Deafness and Other Communication Disorders	149,102,000	157,301,000	153,466,000	157,301,000	156,342,000	155,091,000	D	
National Institute of Nursing Research	44,970,000	48,568,000	47,363,000	49,000,000	48,591,000	48,202,000	D	
National Institute on Alcoholism and Alcohol Abuse	172,050,000	180,915,000	174,335,000	180,169,000	178,711,000	177,281,000	D	
National Institute on Drug Abuse	399,736,000	420,908,000	404,421,000	410,502,000	408,982,000	405,710,000	D	
National Institute of Mental Health	561,255,000	596,098,000	573,449,000	596,098,000	590,436,000	585,713,000	D	
National Center for Research Resources	314,551,000	318,231,000	314,351,000	315,551,000	315,251,000	312,729,000	D	
HBCU facilities	---	12,000,000	---	---	---	---	D	UA
Subtotal	314,551,000	330,231,000	314,351,000	315,551,000	315,251,000	312,729,000		
National Center for Human Genome Research	104,878,000	110,429,000	107,217,000	107,217,000	107,217,000	106,359,000	D	
John E. Fogarty International Center	19,609,000	20,727,000	20,133,000	19,609,000	20,002,000	19,842,000	D	
National Library of Medicine	103,323,000	108,662,000	105,024,000	105,024,000	105,024,000	104,184,000	D	
Office of the Director	144,412,000	205,730,000	194,217,000	188,400,000	192,763,000	191,221,000	D	
Buildings and facilities	108,840,000	75,528,000	73,070,000	59,222,000	109,608,000	108,731,000	D	
Rescission of delayed obligations	-3,409,000	---	---	---	---		D	
Total N.I.H.	10,071,567,000	10,579,684,000	10,368,551,000	10,387,721,000	10,446,374,000	10,362,802,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION 1/							
Center for Mental Health Services:							
Mental Health Block Grant	280,160,000	280,160,000	277,358,000	280,160,000	280,160,000	277,919,000	D
Children's mental health	---	---	4,950,000	---	4,950,000	4,910,000	D
Clinical training and AIDS training	13,851,000	3,016,000	3,016,000	13,042,000	6,000,000	5,952,000	D
Community support demonstrations	24,885,000	24,885,000	24,636,000	24,885,000	24,636,000	24,439,000	D
Prevention demonstrations	5,478,000	---	---	5,478,000	---	---	D
Grants to States for the homeless (PATH)	30,000,000	30,000,000	29,700,000	30,000,000	29,700,000	29,462,000	D
Homeless services demonstrations	21,844,000	26,844,000	21,625,000	21,844,000	21,625,000	21,452,000	D
Protection and advocacy	19,500,000	---	19,305,000	21,000,000	21,000,000	20,832,000	D
Subtotal, mental health	395,718,000	364,905,000	380,590,000	396,409,000	388,071,000	384,966,000	
Center for Substance Abuse Treatment:							
Substance abuse block grant	1,079,840,000	1,079,840,000	1,069,042,000	1,139,626,000	1,139,626,000	1,130,509,000	D
Treatment grants to crisis areas	35,986,000	40,000,000	39,600,000	35,338,000	35,338,000	35,055,000	D
Treatment improvement grants	100,188,000	141,625,000	117,126,000	143,790,000	135,000,000	133,920,000	D
Capacity expansion program	---	66,000,000	13,365,000	---	---	---	D
AIDS demonstrations and training	21,309,000	21,905,000	21,454,000	21,905,000	21,454,000	21,282,000	D
Subtotal, Substance Abuse Treatment	1,237,323,000	1,349,370,000	1,260,587,000	1,340,659,000	1,331,418,000	1,320,76	
Center for Substance Abuse Prevention:							
Prevention programs	124,737,000	148,563,000	132,963,000	147,141,000	137,000,000	135,904,000	D
Community youth activity program	9,907,000	---	---	---	---	---	D
Community prevention grants	98,921,000	99,151,000	98,159,000	97,139,000	97,139,000	96,362,000	D
Training	15,088,000	15,088,000	14,938,000	14,716,000	14,716,000	14,598,000	D
Subtotal, Substance Abuse Prevention	248,653,000	262,802,000	246,060,000	258,996,000	248,855,000	246,864,000	
Buildings and facilities	---	970,000	960,000	970,000	960,000	952,000	D
Program management	50,695,000	59,881,000	54,220,000	52,575,000	54,220,000	53,786,000	D
Rescission of delayed obligations	-287,000	---	---	---	---	---	D
Subtotal, Substance Abuse & Mental Health	1,932,102,000	2,037,928,000	1,942,417,000	2,049,609,000	2,023,524,000	2,007,334,000	

1/ Reflects organizational changes pursuant to P.L. 102-321.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
ASSISTANT SECRETARY FOR HEALTH								
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH								
Population affairs: Adolescent family life..........	7,761,000	11,985,000	7,683,000	7,683,000	7,683,000	7,622,000	D	UA
Health Initiatives:								
Office of Disease Prevention and Health Promotion..	4,450,000	4,701,000	4,654,000	4,875,000	4,875,000	4,836,000	D	
Physical fitness and sports..........................	1,411,000	2,022,000	1,485,000	1,485,000	1,485,000	1,473,000	D	
Minority health....................................	13,805,000	13,831,000	13,693,000	13,500,000	13,693,000	13,583,000	D	
National vaccine program.............................	7,930,000	2,828,000	7,851,000	2,800,000	2,800,000	2,778,000	D	
Emergency preparedness...............................	---	1,000,000	---	---	---	---	D	
Health Service Management............................	21,433,000	22,038,000	21,818,000	21,818,000	21,818,000	21,643,000	D	
National AIDS program office.........................	2,452,000	3,958,000	3,918,000	2,000,000	3,000,000	2,976,000	D	
Minority health (AIDS).............................	2,075,000	2,090,000	2,069,000	2,090,000	2,090,000	2,073,000	D	
Total, OASH......................................	61,317,000	64,453,000	63,171,000	56,251,000	57,444,000	56,984,000		
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS 1/								
Retirement payments..................................	104,303,000	109,462,000	109,462,000	109,462,000	109,462,000	109,462,000	M	
Survivors benefits...................................	6,650,000	6,835,000	6,835,000	6,835,000	6,835,000	6,835,000	M	
Dependent's medical care.............................	20,499,000	21,565,000	21,565,000	21,606,000	21,565,000	21,565,000	M	
Military Services Credits............................	3,095,000	2,900,000	2,900,000	2,900,000	2,900,000	2,900,000	M	
Total, Retirement pay and medical benefits......	134,547,000	140,762,000	140,762,000	140,803,000	140,762,000	140,762,000		

1/ FY93 request includes $116,297,000 in legislative savings proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference		Mand Disc	
					Initial	Final -0.8%		
AGENCY FOR HEALTH CARE POLICY RESEARCH								
Health services research:								
Research	25,922,000	86,000	25,663,000	4,000,000	29,522,000	29,286,000	D	UA
Trust funds	(1,012,000)	(1,050,000)	(1,002,000)	(1,002,000)	(1,002,000)	(994,000)	TF*	UA
AIDS	10,135,000	9,875,000	9,776,000	9,776,000	9,776,000	9,698,000	D	UA
Program support	2,246,000	2,615,000	2,481,000	2,481,000	2,481,000	2,461,000	D	
1% evaluation funding (non-add)	(13,444,000)	(39,544,000)	(13,310,000)	(38,832,000)	(13,310,000)	(13,204,000)	NA	UA
Subtotal including trust funds & 1% funds	(52,759,000)	(53,170,000)	(52,232,000)	(56,091,000)	(56,091,000)	(55,643,000)		
Medical treatment effectiveness:								
Federal funds	62,372,000	23,507,000	61,748,000	54,315,000	68,799,000	68,249,000	D	
Trust funds	(4,880,000)	(36,723,000)	(4,831,000)	(4,831,000)	(4,831,000)	(4,792,000)	TF*	
1% evaluation funding (non-add)	---	(11,695,000)	---	(14,484,000)	---	---	NA	UA
Subtotal, Medical treatment effectiveness	(67,252,000)	(71,925,000)	(66,579,000)	(73,630,000)	(73,630,000)	(73,041,000)		
Total, Health Care Policy Research:								
Federal Funds	100,675,000	36,083,000	99,668,000	70,572,000	110,578,000	109,694,000		
Trust funds	(5,892,000)	(37,773,000)	(5,833,000)	(5,833,000)	(5,833,000)	(5,786,000)		
Total, 1% evaluation funding (non-add)	(13,444,000)	(51,239,000)	(13,310,000)	(53,316,000)	(13,310,000)	(13,204,000)		
Total, Health Care Policy Research (non-add)	(120,011,000)	(125,095,000)	(118,811,000)	(129,721,000)	(129,721,000)	(128,684,000)		
CAPITAL IMPROVEMENT FUND (FY94)	---	100,000,000	---	---	---	---	D	
(1% Setaside fund for PHS capital improvements)	---	---	(165,125,000)	---	—	---		
SALARIES AND EXPENSES RESCISSION	-7,000,000	---	---	---	---	---	D	
PHS EVALUATION FUNDING RESCISSION	-7,500,000	---	---	---	---	---	D	
Total, Public Health Service:								
Federal Funds	16,400,628,000	17,207,433,000	16,857,866,000	17,166,754,000	17,277,079,000	17,141,657,000		
Current year FY 1993	(16,400,628,000)	(17,107,433,000)	(16,857,866,000)	(17,166,754,000)	(17,277,079,000)	(17,141,657,000)		
FY 1994	---	(100,000,000)	---	---	---	---		
Trust funds	(5,892,000)	(37,773,000)	(5,833,000)	(5,833,000)	(5,833,000)	(5,786,000)		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
HEALTH CARE FINANCING ADMINISTRATION							
GRANTS TO STATES FOR MEDICAID 1/							
Medicaid current law benefits	69,854,249,000	81,478,400,000	81,478,400,000	79,697,500,000	79,697,500,000	79,697,500,000	M
State and local administration	2,648,489,000	3,021,706,000	2,922,834,000	2,898,150,000	2,898,150,000	2,898,150,000	M
Insurance counseling program	---	---	10,000,000	10,000,000	---	---	D
Proposed legislation	---	-98,872,000	---	---	---	---	D
Subtotal, Medicaid program level, FY 1993	72,502,738,000	84,401,234,000	84,411,234,000	82,605,650,000	82,595,650,000	82,595,650,000	
Less funds advanced in prior year	-13,500,000,000	-17,100,000,000	-17,100,000,000	-17,100,000,000	-17,100,000,000	-17,100,000,000	M
Total, current request, FY 1993	59,002,738,000	67,301,234,000	67,311,234,000	65,505,650,000	65,495,650,000	65,495,650,000	
New advance, 1st quarter, FY 1994	17,100,000,000	24,600,000,000	24,600,000,000	24,600,000,000	24,600,000,000	24,403,200,000	M
PAYMENTS TO HEALTH CARE TRUST FUNDS 2/ 3/							
Supplemental medical insurance	38,684,000,000	43,490,000,000	43,490,000,000	45,478,000,000	45,478,000,000	45,478,000,000	M
Hospital insurance for the uninsured	584,000,000	328,000,000	328,000,000	328,000,000	328,000,000	328,000,000	M
Federal uninsured payment	37,000,000	39,000,000	39,000,000	39,000,000	39,000,000	39,000,000	M
Program management	116,485,000	125,713,000	106,192,000	117,862,000	117,862,000	117,862,000	M
Proposed legislation	---	-19,521,000	---	---	---	---	M
Total, Payment to Trust Funds	39,421,485,000	43,963,192,000	43,963,192,000	45,962,862,000	45,962,862,000	45,962,862,000	

1/ FY93 request includes $5,000,000 in legislative savings proposed for later transmittal.

2/ FY93 request includes $612,300,000 in legislative savings proposed for later transmittal.

3/ FY92 and FY93 totals reflected incorrectly in FY93 Budget Appendix.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference		Mand Disc
					Initial	Final -0.8%	
PROGRAM MANAGEMENT							
Research, demonstration, and evaluation:							
Regular program, trust funds	(45,621,000)	(36,000,000)	(35,640,000)	(37,640,000)	(46,640,000)	(46,267,000)	TF*
Rural hospital transition demonstrations, trust funds	(23,000,000)	---	(14,850,000)	(23,000,000)	(23,000,000)	(22,816,000)	TF* UA
Essential access community hospitals, trust funds.	(9,759,000)	---	---	---	---	---	TF* UA
Subtotal, research, demonstration, & evaluation.	(78,380,000)	(36,000,000)	(50,490,000)	(60,640,000)	(69,640,000)	(69,083,000)	
Medicare Contractors (Trust Funds):							
Operating funds, current	(1,525,800,000)	(1,644,200,000)	(1,627,758,000)	(1,616,083,000)	(1,621,921,000)	(1,608,946,000)	TF*
Contingency reserve fund 1/	(184,200,000)	---	---	---	---	---	TF*
Subtotal, Contractors	(1,710,000,000)	(1,644,200,000)	(1,627,758,000)	(1,616,083,000)	(1,621,921,000)	(1,608,946,000)	
State Survey and Certification:							
Medicare certification, trust funds	(150,000,000)	(155,000,000)	---	(150,686,000)	(150,686,000)	(149,481,000)	TF*
Proposed legislation, fees, trust funds	---	(-155,000,000)	---	---	---	---	TF*
Subtotal, State certification	(150,000,000)	---	---	(150,686,000)	(150,686,000)	(149,481,000)	
Federal Administration:							
Trust funds	(328,420,000)	(347,445,000)	(307,372,000)	(337,776,000)	(337,776,000)	(335,074,000)	TF*
Headquarters relocation	---	(15,837,000)	---	---	---	---	TF*
Less current law user fees	(-77,000)	(-124,000)	(-123,000)	(-123,000)	(-123,000)	(-122,000)	TF*
Proposed legislation	---	(-36,969,000)	---	---	---	---	TF*
Subtotal, Federal Administration	(328,343,000)	(326,189,000)	(307,249,000)	(337,653,000)	(337,653,000)	(334,952,000)	
Total, Program management	(2,266,723,000)	(2,006,389,000)	(1,985,497,000)	(2,165,062,000)	(2,179,900,000)	(2,162,462,000)	

1/ 1992 conference agreement originally provided $257 million, of which $68.8 million has been released by the Administration.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SURVEY AND CERTIFICATION FUND (non-add)	---	(449,441,000)	---	---	---	---	NA
HMO LOAN AND LOAN GUARANTEE FUND	---	13,800,000	13,800,000	13,800,000	13,800,000	13,800,000	M
Total, Health Care Financing Administration:							
Federal funds	115,524,223,000	135,878,226,000	135,888,226,000	136,082,312,000	136,072,312,000	135,875,512,000	
Current year, FY 1993	(98,424,223,000)	(111,278,226,000)	(111,288,226,000)	(111,482,312,000)	(111,472,312,000)	(111,472,312,000)	
New advance, 1st quarter, FY 1994	(17,100,000,000)	(24,600,000,000)	(24,600,000,000)	(24,600,000,000)	(24,600,000,000)	(24,403,200,000)	
Trust funds	(2,266,723,000)	(2,006,389,000)	(1,985,497,000)	(2,165,062,000)	(2,179,900,000)	(2,162,462,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final	Mand Disc
SOCIAL SECURITY ADMINISTRATION							
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS...............	40,968,000	35,242,000	35,242,000	35,242,000	35,242,000	35,242,000	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS							
Benefit payments..	822,302,000	794,362,000	794,362,000	794,362,000	794,362,000	794,362,000	M
Administration..	7,336,000	4,951,000	4,951,000	4,951,000	4,951,000	4,951,000	M
Subtotal, Black Lung, FY 1993 program level.....	829,638,000	799,313,000	799,313,000	799,313,000	799,313,000	799,313,000	
Less funds advanced in prior year..............	-203,000,000	-198,000,000	-198,000,000	-198,000,000	-198,000,000	-198,000,000	M
Total, Black Lung, current request, FY 1993.....	626,638,000	601,313,000	601,313,000	601,313,000	601,313,000	601,313,000	
New advance, 1st quarter, FY 1994..............	198,000,000	196,000,000	196,000,000	196,000,000	196,000,000	194,432,000	M
SUPPLEMENTAL SECURITY INCOME 1/							
Federal benefit payments...............................	17,502,025,000	19,701,000,000	19,716,478,000	19,701,000,000	19,701,000,000	19,701,000,000	M
Beneficiary services..................................	39,100,000	47,600,000	47,600,000	47,600,000	47,600,000	47,600,000	M
Research demonstration................................	14,000,000	6,700,000	12,700,000	12,700,000	12,700,000	12,700,000	M
Administration..	1,321,391,000	1,488,357,000	1,457,995,000	1,461,864,000	1,488,357,000	1,476,450,000	D
Subtotal, SSI FY 1993 program level............	18,876,516,000	21,243,657,000	21,234,773,000	21,223,164,000	21,249,657,000	21,237,750,000	
Less funds advanced in prior year..............	-3,550,000,000	-5,240,000,000	-5,240,000,000	-5,240,000,000	-5,240,000,000	-5,240,000,000	M
Total, SSI, current request, FY 1993...........	15,326,516,000	16,003,657,000	15,994,773,000	15,983,164,000	16,009,657,000	15,997,750,000	
New advance, 1st quarter, FY 1994............	5,240,000,000	7,150,000,000	7,150,000,000	7,150,000,000	7,150,000,000	7,092,800,000	M

1/ FY93 request includes $34,000,000 in legislative savings proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
LIMITATION ON ADMINISTRATIVE EXPENSES (Trust Funds) 1/	(3,914,239,000)	(4,069,985,000)	(4,035,374,000)	(4,040,677,000)	(4,069,985,000)	(4,037,425,000)	TF
Portion treated as budget authority..............	(636,217,000)	(629,157,000)	(616,776,000)	(619,162,000)	(629,157,000)	(624,124,000)	TF*
Subtotal, LAE operating level..................	(4,550,456,000)	(4,699,142,000)	(4,652,150,000)	(4,659,839,000)	(4,699,142,000)	(4,661,54[illegible]	
(Contingency reserve) 2/........................	---	(40,205,000)	---	(8,040,000)	(160,820,000)	(159,5[illegible],000)	TF
Contingency reserve - budget authority 2/........	---	(9,795,000)	---	(1,960,000)	(39,180,000)	(38,867,000)	TF*
Emergency allocation 3/..........................	---	---	---	(500,000,000)	---	---	NA
Subtotal, LAE.................................	(4,550,456,000)	(4,749,142,000)	(4,652,150,000)	(4,669,839,000)	(4,899,142,000)	(4,859,949,000)	
Total, Social Security Administration:							
Federal funds................................	21,432,122,000	23,986,212,000	23,977,328,000	23,965,719,000	23,992,212,000	23,921,537,000	
Current year FY 1993....................	(15,994,122,000)	(16,640,212,000)	(16,631,328,000)	(16,619,719,000)	(16,646,212,000)	(16,634,305,000)	
New advances, 1st quarter FY 1994.......	(5,438,000,000)	(7,346,000,000)	(7,346,000,000)	(7,346,000,000)	(7,346,000,000)	(7,287,232,000)	
Trust funds..................................	(4,550,456,000)	(4,749,142,000)	(4,652,150,000)	(4,669,839,000)	(4,899,142,000)	(4,859,949,000)	

1/ President's request excludes $60 million in proposed user fees.

2/ 1992 conference agreement originally provided $100 million, which has been released by the Administration.

3/ Available only upon submission of a formal budget request designating the need for funds as an emergency as defined by the BEA.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
ADMINISTRATION FOR CHILDREN AND FAMILIES							
FAMILY SUPPORT PAYMENTS TO STATES 1/							
Aid to Families with Dependent Children (AFDC)........	12,242,122,000	12,283,878,000	12,283,878,000	12,453,000,000	12,453,000,000	12,453,000,000	M
Quality control liabilities..........................	---	-6,500,000	-6,500,000	-6,500,000	-6,500,000	-6,500,000	M
Payments to territories..............................	19,572,000	19,572,000	19,572,000	19,572,000	19,572,000	19,572,000	M
Emergency assistance.................................	140,600,000	190,000,000	190,000,000	155,000,000	155,000,000	155,000,000	M
Repatriation...	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	M
State and local welfare administration...............	1,369,000,000	1,483,000,000	1,483,000,000	1,537,000,000	1,537,000,000	1,537,0[illegible]	M
Work activities / child care.........................	340,000,000	381,000,000	381,000,000	446,000,000	446,000,000	446,000,000	M
At risk child care...................................	383,752,000	300,000,000	300,000,000	300,000,000	300,000,000	300,000,000	M
Subtotal, Welfare payments...................	14,496,046,000	14,651,950,000	14,651,950,000	14,905,072,000	14,905,072,000	14,905,072,000	
Child Support Enforcement:							
State and local administration....................	1,386,000,000	1,546,000,000	1,546,000,000	1,546,000,000	1,546,000,000	1,546,000,000	M
Federal incentive payments........................	329,000,000	367,000,000	367,000,000	367,000,000	367,000,000	367,000,000	M
Less federal share collections....................	-1,010,000,000	-1,123,000,000	-1,123,000,000	-1,123,000,000	-1,123,000,000	-1,123,000,000	M
Subtotal, Child support......................	705,000,000	790,000,000	790,000,000	790,000,000	790,000,000	790,000,000	
Total, Payments, FY 1993 program level..........	15,201,046,000	15,441,950,000	15,441,950,000	15,695,072,000	15,695,072,000	15,695,072,000	
Less funds advanced in previous years.........	-3,300,000,000	-4,000,000,000	-4,000,000,000	-4,000,000,000	-4,000,000,000	-4,000,000,000	M
Total, Payments, current request, FY 1993.......	11,901,046,000	11,441,950,000	11,441,950,000	11,695,072,000	11,695,072,000	11,695,072,000	
New advance, 1st quarter, FY 1994...........	4,000,000,000	4,000,000,000	4,000,000,000	4,000,000,000	4,000,000,000	3,968,000,000	M

1/ FY93 request includes $169,100,000 in legislative savings proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992	FY 1993			Conference		Mand	
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -0.8%	Disc	
PAYMENTS TO STATES FOR AFDC WORK PROGRAMS............	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	1,000,000,000	M	
LOW INCOME HOME ENERGY ASSISTANCE								
Regular program..	1,094,393,000	266,250,000	891,000,000	669,185,000	669,185,000	663,832,000	D	
Additional appropriation 9/30....................	405,607,000	798,750,000	---	687,720,000	687,720,000	682,218,000	D	
Emergency allocation 1/..............................	(300,000,000)	---	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	NA	
Subtotal, current year..........................	1,500,000,000	1,065,000,000	891,000,000	1,356,905,000	1,356,905,000	1,346,050,000		
Advance funding (FY 1994)............................	---	---	---	1,449,000,000	1,449,000,000	1,437,408,000	D	
Total, Energy assistance programs...............	1,500,000,000	1,065,000,000	891,000,000	2,805,905,000	2,805,905,000	2,783,458,000		
Total including emergency.........................	(1,800,000,000)	(1,065,000,000)	(1,491,000,000)	(3,405,905,000)	(3,405,905,000)	(3,383,458,000)		
REFUGEE AND ENTRANT ASSISTANCE 2/								
Transitional and medical services.....................	---	---	---	---	247,793,000	245,811,000	D	UA
Cash and medical assistance...........................	204,216,000	---	---	200,538,000	---	---	D	UA
Voluntary agency program..............................	39,036,000	74,000,000	118,800,000	38,333,000	---	---	D	UA
Special medical assistance.............................	---	20,000,000	49,500,000	---	---	---	D	UA
Unaccompanied minors..................................	30,000,000	30,000,000	24,750,000	29,460,000	---	---	D	UA
Social services..	82,952,000	63,000,000	84,150,000	81,458,000	81,458,000	80,806,000	D	UA
Preventive health......................................	5,631,000	---	---	5,530,000	5,530,000	5,486,000	D	UA
Targeted assistance....................................	48,795,000	40,000,000	44,550,000	49,795,000	49,795,000	49,397,000	D	UA
Total, Refugee Resettlement.....................	410,630,000	227,000,000	321,750,000	405,114,000	384,576,000	381,500,000		

1/ Available only upon submission of a formal budget request designating the need for funds as an emergency as defined by the BEA.

2/ $116,616,000 of total available only on 9/30 in FY92, FY93 request and Senate recommendation. House action did not include delayed obligations. No delays in conference agreement.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
STATE LEGALIZATION IMPACT ASSISTANCE GRANTS 1/							
Current year	---	-823,345,000	-562,000,000	-973,345,000	-812,000,000	-812,000,000	D
Advance funding	---	823,345,000	562,000,000	973,345,000	812,000,000	805,504,000	D
COMMUNITY SERVICES BLOCK GRANT							
Grants to States for Community Services	360,000,000	---	351,450,000	380,000,000	375,000,000	372,000,000	D
Homeless services grants	25,000,000	---	12,375,000	24,550,000	20,000,000	19,840,000	D
Discretionary funds:							
Community economic development	22,000,000	---	15,840,000	21,604,000	20,900,000	20,733,000	D
Rural housing	4,099,000	---	2,029,000	5,300,000	5,000,000	4,960,000	D
Farmworker assistance	3,025,000	---	1,485,000	2,971,000	2,971,000	2,947,000	D
National youth sports	12,000,000	5,000,000	5,940,000	12,000,000	9,500,000	9,424,000	D
Technical assistance	244,000	---	121,000	240,000	230,000	228,000	D
Subtotal, discretionary funds	41,368,000	5,000,000	25,415,000	42,115,000	38,601,000	38,292,000	
Demonstration Partnerships	4,050,000	---	2,005,000	3,977,000	3,850,000	3,819,000	D
Community Food and Nutrition	7,000,000	---	3,465,000	7,000,000	7,000,000	6,944,000	D
Total, Community services	437,418,000	5,000,000	394,710,000	457,642,000	444,451,000	440,8[illegible],000	
GRANTS TO STATES FOR CHILD CARE							
Block grants to States	825,000,000	850,000,000	841,500,000	975,000,000	900,000,000	892,800,000	D
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	2,800,000,000	2,800,000,000	2,800,000,000	2,800,000,000	2,800,000,000	2,800,000,000	M

1/ FY92 bill delayed availability of $1,123,245,619 from FY92 to FY93.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
CHILDREN AND FAMILIES SERVICES PROGRAMS								
Programs for Children, Youth, and Families:								
Head start:								
Regular grants................................	2,201,800,000	2,801,800,000	2,720,322,000	2,801,800,000	2,801,800,000	2,779,386,000	D	
Comprehensive child development centers..........	44,398,000	44,398,000	47,419,000	47,419,000	47,419,000	47,040,000	D	
Child development associate scholarships.........	1,397,000	1,397,000	1,383,000	1,383,000	1,383,000	1,372,000	D	
Runaway and homeless youth........................	35,751,000	---	35,393,000	35,751,000	35,393,000	35,110,000	D	UA
Runaway youth - transitional living..............	12,000,000	---	11,880,000	12,000,000	11,880,000	11,785,000	D	UA
Runaway youth activities - drugs.................	15,286,000	---	15,133,000	15,011,000	15,011,000	14,891,000	D	
Consolidated runaway program......................	---	63,037,000	---	---	---	---	D	
Youth gang substance abuse........................	10,943,000	10,943,000	10,834,000	10,943,000	10,834,000	10,747,000	D	
Child abuse state grants..........................	20,518,000	20,518,000	20,313,000	20,518,000	20,518,000	20,354,000	D	
Child abuse discretionary activities.............	14,639,000	16,639,000	16,473,000	16,639,000	16,473,000	16,341,000	D	
Child abuse challenge grants......................	5,367,000	5,367,000	5,313,000	5,367,000	5,313,000	5,270,000	D	
Temporary childcare/crisis nurseries.............	11,055,000	12,160,000	12,038,000	12,160,000	12,038,000	11,942,000	D	
Abandoned infants assistance......................	12,557,000	13,810,000	13,672,000	13,810,000	13,672,000	13,563,000	D	
Dependent care planning and development..........	13,175,000	---	13,043,000	13,043,000	13,043,000	12,939,000	D	
Emergency protection grants - substance abuse.....	19,518,000	19,518,000	19,323,000	19,323,000	19,323,000	19,168,000	D	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Child welfare services	273,911,000	273,911,000	297,000,000	297,000,000	297,000,000	294,624,000	D
Child welfare training	3,559,000	5,559,000	5,503,000	4,477,000	4,477,000	4,441,000	D
Child welfare research	6,652,000	8,652,000	8,565,000	6,532,000	6,532,000	6,480,000	D
Adoption opportunities	12,687,000	12,687,000	12,560,000	12,560,000	12,560,000	12,460,000	D
Family violence	20,000,000	20,000,000	19,800,000	25,000,000	25,000,000	24,800,000	D
Social services research	16,379,000	14,879,000	9,780,000	14,400,000	14,400,000	14,285,000	D
Family support centers	5,500,000	---	6,930,000	7,000,000	6,930,000	6,875,000	D
Family resource centers	---	---	4,950,000	4,000,000	4,950,000	4,910,000	D
Developmental disabilities program:							
State grants	67,706,000	67,706,000	67,029,000	68,800,000	67,915,000	67,372,000	D
Protection and advocacy	22,500,000	22,500,000	22,275,000	23,100,000	22,688,000	22,506,000	D
Developmental disabilities special projects	3,248,000	3,248,000	3,216,000	3,248,000	3,216,000	3,190,000	D
Developmental disabilities university affiliated programs	16,030,000	16,030,000	15,870,000	16,640,000	16,255,000	16,125,000	D
Subtotal, Developmental disabilities	109,484,000	109,484,000	108,390,000	111,788,000	110,074,000	109,193,000	
Native American Programs	34,126,000	34,126,000	33,785,000	35,000,000	35,000,000	34,720,000	D
Program direction	150,931,000	155,735,000	152,460,000	152,460,000	152,460,000	151,240,000	D
Total, Children and Families Services Programs	3,051,633,000	3,644,620,000	3,602,262,000	3,695,384,000	3,693,483,000	3,663,936,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE							
Foster care	2,223,668,000	2,677,343,000	2,677,343,000	2,610,050,000	2,610,050,000	2,610,050,000	M
Adoption assistance	201,861,000	241,325,000	241,325,000	243,964,000	243,964,000	243,964,000	M
Independent living	70,000,000	70,000,000	70,000,000	70,000,000	70,000,000	70,000,000	M
Prior year claims	118,476,000	---	---	---	---	---	M
Total, Payments to States	2,614,005,000	2,988,668,000	2,988,668,000	2,924,014,000	2,924,014,000	2,924,014,000	
Total, Administration for Children and Families	28,539,732,000	28,022,238,000	28,281,840,000	30,758,131,000	30,647,501,000	30,543,179,000	
Current year	(24,539,732,000)	(23,198,893,000)	(23,719,840,000)	(24,335,786,000)	(24,386,501,000)	(24,332,267,000)	
FY 1994	(4,000,000,000)	(4,823,345,000)	(4,562,000,000)	(6,422,345,000)	(6,261,000,000)	(6,210,912,000)	
ADMINISTRATION ON AGING							
AGING SERVICES PROGRAMS							
Grants to States:							
Supportive services and centers	316,238,000	317,000,000	313,830,000	317,000,000	316,238,000	313,708,000	D
Ombudsman services	3,930,000	3,940,000	3,901,000	3,940,000	3,901,000	3,870,000	D
Prevention of elder abuse	4,416,000	4,427,000	4,383,000	4,427,000	4,383,000	4,348,000	D
Nutrition:							
Congregate meals	366,067,000	367,000,000	363,330,000	369,000,000	366,165,000	363,236,000	D
Home-delivered meals	89,603,000	89,831,000	88,933,000	91,831,000	90,382,000	89,659,000	D
Frail elderly in-home services	6,898,000	6,916,000	6,847,000	7,416,000	7,132,000	7,075,000	D
Grants to Indians	15,086,000	15,124,000	14,973,000	15,491,000	15,232,000	15,110,000	D
Aging research, training and special projects	25,941,000	25,941,000	25,682,000	25,239,000	26,182,000	25,973,000	D
Federal Council on Aging	181,000	181,000	179,000	179,000	179,000	178,000	D
White House Conference on Aging	2,000,000	4,000,000	---	---	---	---	D
Program administration	16,237,000	16,333,000	16,170,000	16,170,000	16,170,000	16,041,000	D
Rescission of delayed obligations	-125,000	---	---	---	---	---	D
Total, Administration on Aging	846,472,000	850,693,000	838,228,000	850,693,000	845,964,000	839,198,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
OFFICE OF THE SECRETARY 1/							
GENERAL DEPARTMENTAL MANAGEMENT:							
Federal funds	66,718,000	67,226,000	66,554,000	67,093,000	67,093,000	66,556,000	D
Office of General Counsel	23,854,000	26,133,000	24,605,000	25,000,000	25,000,000	24,800,000	D
Trust funds	(3,832,000)	(3,696,000)	(3,659,000)	(3,629,000)	(3,629,000)	(3,600,000)	TF
Office of General Counsel	(18,954,000)	(18,987,000)	(18,764,000)	(18,645,000)	(18,645,000)	(18,496,000)	TF
Portion treated as budget authority	(1,074,000)	(1,333,000)	(1,063,000)	(1,309,000)	(1,309,000)	(1,299,000)	TF*
Office of General Counsel	(6,834,000)	(6,845,000)	(6,766,000)	(6,722,000)	(6,722,000)	(6,668,000)	TF*
Total, General Departmental Management:							
Federal funds	90,572,000	93,359,000	91,159,000	92,093,000	92,093,000	91,356,000	
Trust funds	(30,694,000)	(30,861,000)	(30,252,000)	(30,305,000)	(30,305,000)	(30,063,000)	
Total	(121,266,000)	(124,220,000)	(121,411,000)	(122,398,000)	(122,398,000)	(121,419,000)	
OFFICE OF THE INSPECTOR GENERAL:							
Federal funds	57,526,000	57,496,000	61,901,000	61,496,000	64,973,000	64,453,000	D
Trust funds	(16,363,000)	(21,874,000)	(16,199,000)	(20,158,000)	(16,199,000)	(16,069,000)	TF
Portion treated as budget authority	(21,038,000)	(29,114,000)	(20,828,000)	(26,830,000)	(20,828,000)	(20,661,000)	TF*
Total, Office of the Inspector General:							
Federal funds	57,526,000	57,496,000	61,901,000	61,496,000	64,973,000	64,453,000	
Trust funds	(37,401,000)	(50,988,000)	(37,027,000)	(46,988,000)	(37,027,000)	(36,730,000)	
Total	(94,927,000)	(108,484,000)	(98,928,000)	(108,484,000)	(102,000,000)	(101,183,000)	

1/ FY93 request includes $5,000,000 in legislative additions proposed for later transmittal.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992	FY 1993			Conference		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -0.8%	Disc
OFFICE FOR CIVIL RIGHTS:							
Federal funds	18,323,000	19,389,000	18,635,000	18,635,000	18,635,000	18,486,000	D
Trust funds	(99,000)	(99,000)	(98,000)	(98,000)	(98,000)	(97,000)	TF
Portion treated as budget authority	(3,858,000)	(3,901,000)	(3,819,000)	(3,819,000)	(3,819,000)	(3,788,000)	TF*
Total, Office for Civil Rights:							
Federal funds	18,323,000	19,389,000	18,635,000	18,635,000	18,635,000	18,486,000	
Trust funds	(3,957,000)	(4,000,000)	(3,917,000)	(3,917,000)	(3,917,000)	(3,885,000)	
Total	(22,280,000)	(23,389,000)	(22,552,000)	(22,552,000)	(22,552,000)	(22,371,000)	
POLICY RESEARCH	5,012,000	5,224,000	8,415,000	8,263,000	8,263,000	8,197,000	D
Total, Office of the Secretary:							
Federal funds	171,433,000	175,468,000	180,110,000	180,487,000	183,964,000	182,492,000	
Trust funds	(72,052,000)	(85,849,000)	(71,196,000)	(81,210,000)	(71,249,000)	(70,678,000)	
Total	(243,485,000)	(261,317,000)	(251,306,000)	(261,697,000)	(255,213,000)	(253,170,000)	
Undistributed salaries and expenses reduction	---	---	---	-140,000,000	-110,000,000	-110,000,000	D
Health and Human Services attrition	---	---	---	-115,360,000	---	---	D
Total, Department of Health and Human Services:							
Federal Funds	182,914,610,000	206,120,270,000	206,023,598,000	208,748,736,000	208,909,032,000	208,393,575,000	
Current year FY 1993	(156,376,610,000)	(169,250,925,000)	(169,515,598,000)	(170,380,391,000)	(170,702,032,000)	(170,492,231,000)	
FY 1994	(26,538,000,000)	(36,869,345,000)	(36,508,000,000)	(38,368,345,000)	(38,207,000,000)	(37,901,344,000)	
Trust funds	(6,895,123,000)	(6,879,153,000)	(6,714,676,000)	(6,921,944,000)	(7,156,124,000)	(7,098,875,000)	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
TITLE III - DEPARTMENT OF EDUCATION								
COMPENSATORY EDUCATION FOR THE DISADVANTAGED								
Grants for the Disadvantaged (Chapter 1):								
Grants to local educational agencies:								
Basic grants	5,524,310,000	5,525,000,000	5,469,750,000	5,518,000,000	5,493,875,000	5,449,924,000	D	
Concentration grants	609,930,000	710,000,000	702,900,000	660,000,000	681,450,000	675,998,000	D	
Subtotal, grants to LEA's	6,134,240,000	6,235,000,000	6,172,650,000	6,178,000,000	6,175,325,000	6,125,922,000		
Capital expenses for private school children	40,054,000	40,054,000	39,653,000	40,054,000	40,054,000	39,734,000	D	
Even start	70,000,000	90,000,000	89,100,000	90,000,000	90,000,000	89,280,000	D	
State agency programs:								
Migrant	308,298,000	308,298,000	305,215,000	308,298,000	305,215,000	302,773,000	D	
Neglected and delinquent	36,054,000	36,054,000	35,693,000	36,054,000	35,693,000	35,407,000	D	
State administration	61,820,000	61,820,000	61,202,000	61,820,000	61,202,000	60,712,000	D	
State program improvement grants	25,125,000	31,406,000	26,142,000	26,142,000	26,142,000	25,933,000	D	
Evaluation and technical assistance 1/	15,088,000	15,000,000	14,850,000	15,000,000	14,850,000	14,731,000	D	
Rural technical assistance centers 1/	5,000,000	---	4,950,000	5,000,000	5,000,000	4,960,000	D	
Total, Chapter 1	6,695,679,000	6,817,632,000	6,749,455,000	6,760,368,000	6,753,481,000	6,699,452,000		
Migrant education:								
High school equivalency program 1/	8,310,000	8,310,000	8,227,000	8,310,000	8,227,000	8,161,000	D	UA
College assistance migrant program 1/	2,265,000	2,265,000	2,242,000	2,265,000	2,242,000	2,224,000	D	UA
Subtotal, migrant education	10,575,000	10,575,000	10,469,000	10,575,000	10,469,000	10,385,000		
Total, Compensatory Education programs	6,706,254,000	6,828,207,000	6,759,924,000	6,770,943,000	6,763,950,000	6,709,837,000		
Subtotal, forward funded	(6,675,591,000)	(6,802,632,000)	(6,729,655,000)	(6,740,368,000)	(6,733,631,000)	(6,679,761,000)		

1/ Current funded.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
IMPACT AID							
Maintenance and operations:							
Payments for ''a'' children:							
Regular payments	570,540,000	489,540,000	566,767,000	576,540,000	571,654,000	567,081,000	D
3(d)(2)(B) districts	18,000,000	16,000,000	17,820,000	18,000,000	17,820,000	17,677,000	D
Subtotal	588,540,000	505,540,000	584,587,000	594,540,000	589,474,000	584,758,000	
Payments for ''b'' children:							
Regular payments	124,626,000	---	123,380,000	124,626,000	124,626,000	123,629,000	D
3(d)(2)(B) districts	12,000,000	---	11,880,000	12,000,000	11,880,000	11,785,000	D
Subtotal	136,626,000	---	135,260,000	136,626,000	136,506,000	135,414,000	
Payments for Federal property (Section 2)	16,590,000	16,590,000	16,424,000	16,590,000	16,424,000	16,293,000	D
Payments related to decreased activity (Sec. 3e)	1,952,000	---	---	1,800,000	1,800,000	1,786,000	D
Subtotal	743,708,000	522,130,000	736,271,000	749,556,000	744,204,000	738,251,000	
Construction	27,990,000	10,000,000	27,710,000	10,000,000	12,000,000	11,904,000	D
Undistributed	---	---	---	-1,800,000	---	---	D
Total, Impact aid	771,698,000	532,130,000	763,981,000	757,756,000	756,204,000	750,155,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0 8%	Mand Disc	
SCHOOL IMPROVEMENT PROGRAMS								
Educational improvement (Chapter 2):								
State and Local Programs:								
State block grants 1/	450,000,000	450,000,000	445,500,000	439,000,000	439,000,000	435,488,000	D	
National programs:								
Inexpensive book distribution (RIF)	10,000,000	10,320,000	9,900,000	10,320,000	10,110,000	10,029,000	D	
Arts in education	8,600,000	4,900,000	4,851,000	8,000,000	7,000,000	6,944,000	D	
Law - related education	6,000,000	---	5,940,000	6,000,000	6,000,000	5,952,000	D	
Subtotal, National programs	24,600,000	15,220,000	20,691,000	24,320,000	23,110,000	22,925,000		
Total, Chapter 2	474,600,000	465,220,000	466,191,000	463,320,000	462,110,000	458,413,000		
Drug-free schools and communities:								
State grants 1/	507,663,000	507,663,000	502,586,000	507,663,000	502,586,000	498,565,000	D	
School personnel training	23,863,000	13,863,000	13,724,000	13,863,000	13,724,000	13,614,000	D	
National programs	62,133,000	72,133,000	71,412,000	62,133,000	62,133,000	61,636,000	D	
Emergency grants	30,304,000	25,000,000	24,750,000	25,000,000	24,750,000	24,552,000	D	
Emergency grants, unauthorized	---	35,304,000	---	---	---	---	D	UA
Subtotal, drug-free schools	623,963,000	653,963,000	612,472,000	608,659,000	603,193,000	598,367,000		
Weed and Seed	---	56,000,000	---	---	---	---	D	

1/ Forward funded.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference		Mand Disc	
					Initial	Final -0.8%		
Strengthening teaching and administration:								
Eisenhower mathematics and science education State grants 1/	240,000,000	248,000,000	245,520,000	248,000,000	248,000,000	246,016,000	D	
Christa McAuliffe fellowships	2,000,000	2,064,000	1,980,000	2,000,000	1,980,000	1,964,000	D	UA
Other school improvement programs:								
Magnet schools, desegregation program	110,000,000	110,000,000	108,900,000	110,000,000	108,900,000	108,0[illegible],000	D	
Education for homeless children & youth 1/	25,000,000	25,000,000	29,700,000	25,000,000	25,000,000	24,800,000	D	
Women's educational equity	500,000	---	1,980,000	2,000,000	2,000,000	1,984,000	D	
Training and advisory services (Civil Rights IV-A)	22,000,000	22,000,000	21,780,000	22,000,000	21,780,000	21,606,000	D	
Dropout prevention demonstrations	40,000,000	38,200,000	37,818,000	38,200,000	38,009,000	37,705,000	D	
General assistance to the Virgin Islands	4,500,000	---	2,475,000	3,000,000	2,475,000	2,455,000	D	
Ellender fellowships/Close up 1/	4,300,000	---	4,257,000	4,300,000	4,257,000	4,223,000	D	
Follow through	8,632,000	---	8,546,000	8,632,000	8,546,000	8,478,000	D	
Native Hawaiian Education	6,400,000	---	6,336,000	6,500,000	6,500,000	6,448,000	D	
Foreign Languages Assistance 1/	10,000,000	---	9,900,000	12,000,000	11,000,000	10,912,000	D	
Subtotal, other school improvement programs	231,332,000	195,200,000	231,692,000	231,632,000	228,467,000	226,640,000		
Total, School improvement programs	1,571,895,000	1,620,447,000	1,557,855,000	1,553,611,000	1,543,750,000	1,531,400,000		
Subtotal, forward funded	(1,236,963,000)	(1,230,663,000)	(1,237,463,000)	(1,235,963,000)	(1,229,843,000)	(1,220,004,000)		

1/ Forward funded.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
EDUCATIONAL EXCELLENCE / AMERICA 2000							
America 2000 legislation 1/	99,115,000	267,500,000	---	---	---	---	D
School Choice Grants, new legislation	---	500,000,000	---	---	---	---	D
Total, Educational excellence	99,115,000	767,500,000	---	---	---	---	
BILINGUAL AND IMMIGRANT EDUCATION							
Bilingual education:							
Bilingual programs	147,407,000	156,085,000	154,524,000	147,407,000	150,966,000	149,758,000	D
Support services	12,000,000	11,200,000	11,088,000	11,088,000	11,088,000	10,999,000	D
Training grants	36,000,000	36,360,000	35,996,000	35,996,000	35,996,000	35,708,000	D
Immigrant education	30,000,000	30,000,000	29,700,000	29,700,000	29,700,000	29,462,000	D
Total	225,407,000	233,645,000	231,308,000	224,191,000	227,750,000	225,927,000	

1/ FY 1992 funds reprogrammed for Pell shortfall and urban initiative.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
SPECIAL EDUCATION							
State grants:							
EHA grants to States part ``b''	1,976,095,000	2,073,300,000	2,052,567,000	2,086,000,000	2,069,284,000	2,052,730,000	D
Chapter 1 handicapped grants	143,000,000	128,700,000	127,413,000	127,413,000	127,413,000	126,394,000	D
Preschool grants	320,000,000	320,000,000	316,800,000	340,000,000	328,400,000	325,773,000	D
Grants for infants and families	175,000,000	180,600,000	178,794,000	235,000,000	215,000,000	213,280,000	D
Subtotal, State grants	2,614,095,000	2,702,600,000	2,675,574,000	2,788,413,000	2,740,097,000	2,718,177,000	
Special purpose funds:							
Deaf-blindness	13,000,000	13,000,000	12,870,000	13,000,000	12,935,000	12,832,000	D
Severe disabilities	8,000,000	8,000,000	9,405,000	9,405,000	9,405,000	9,330,000	D
Serious emotional disturbance	4,000,000	4,000,000	3,960,000	4,400,000	4,180,000	4,147,000	D
Secondary and transitional services	19,000,000	19,000,000	21,285,000	23,000,000	22,143,000	21,966,000	D
Early childhood education	25,000,000	25,000,000	25,740,000	25,000,000	25,370,000	25,167,000	D
Postsecondary education	9,000,000	9,000,000	8,910,000	10,000,000	8,910,000	8,8[illegible]	D
Innovation and development	21,000,000	21,000,000	20,790,000	21,000,000	20,895,000	20,7[illegible],000	D
Media and captioning services	17,000,000	17,000,000	17,572,000	18,500,000	18,036,000	17,892,000	D
Technology applications	10,000,000	10,000,000	9,900,000	12,000,000	10,950,000	10,862,000	D
Special studies	4,000,000	4,000,000	3,960,000	4,000,000	3,980,000	3,948,000	D
Personnel development	89,800,000	89,800,000	88,902,000	93,000,000	90,951,000	90,223,000	D
Parent training	12,000,000	12,000,000	11,880,000	14,500,000	12,500,000	12,400,000	D
Clearinghouses	2,000,000	2,000,000	2,079,000	2,279,000	2,179,000	2,162,000	D
Regional resource centers	7,000,000	7,000,000	7,276,000	7,276,000	7,276,000	7,218,000	D
Subtotal, Special purpose funds	240,800,000	240,800,000	244,529,000	257,360,000	249,710,000	247,714,000	
Total, Special education	2,854,895,000	2,943,400,000	2,920,103,000	3,045,773,000	2,989,807,000	2,965,891,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992	FY 1993			---------- Conference ----------		Mand	
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -0.8%	Disc	
REHABILITATION SERVICES AND DISABILITY RESEARCH								
Vocational rehabilitation State grants:								
Grants to States	1,788,000,000	1,839,852,000	1,839,852,000	1,888,000,000	1,880,000,000	1,864,960,000	M	
Supported employment State grants	31,065,000	32,059,000	31,065,000	34,000,000	32,533,000	32,273,000	M	UA
Client assistance	9,141,000	9,434,000	9,141,000	9,600,000	9,371,000	9,296,000	M	UA
Subtotal, State grants	1,828,206,000	1,881,345,000	1,880,058,000	1,931,600,000	1,921,904,000	1,906,529,000		
Special purpose funds:								
Special demonstration programs	31,103,000	20,103,000	20,103,000	20,103,000	20,103,000	19,942,000	M	UA
Supported employment projects	10,423,000	10,980,000	10,423,000	10,980,000	10,702,000	10,616,000	M	UA
Recreational programs	2,617,000	2,617,000	2,617,000	2,617,000	2,617,000	2,596,000	M	UA
Migratory workers	1,060,000	1,300,000	1,060,000	1,300,000	1,180,000	1,171,000	M	UA
Projects with industry	20,390,000	23,100,000	20,390,000	23,100,000	21,745,000	21,571,000	M	UA
Helen Keller National Center	5,867,000	6,057,000	5,867,000	6,867,000	6,617,000	6,564,000	M	UA
Independent living:								
Comprehensive services	14,200,000	14,654,000	14,200,000	15,500,000	15,500,000	15,376,000	M	UA
Centers	29,000,000	29,000,000	29,000,000	31,700,000	31,700,000	31,446,000	M	UA
Services for older blind	6,505,000	6,505,000	6,505,000	7,000,000	7,000,000	6,944,000	M	UA
Protection & advocacy for severely disabled	1,074,000	1,074,000	1,074,000	2,500,000	2,500,000	2,4[illegible]	M	UA
Subtotal, Independent living	50,779,000	51,233,000	50,779,000	56,700,000	56,700,000	56,2[illegible],000		
Training	36,688,000	36,688,000	36,688,000	41,000,000	40,000,000	39,680,000	M	UA
National Institute on Disability & Rehabilitation Research	61,000,000	68,440,000	61,000,000	68,440,000	68,000,000	67,456,000	M	UA
Technology assistance	28,000,000	34,400,000	34,400,000	34,400,000	34,400,000	34,125,000	M	
Evaluation	1,025,000	2,000,000	2,000,000	2,000,000	2,000,000	1,984,000	M	
Subtotal, Special purpose funds	248,952,000	256,918,000	245,327,000	267,507,000	264,064,000	261,951,000		
Total, Rehabilitation services	2,077,158,000	2,138,263,000	2,125,385,000	2,199,107,000	2,185,968,000	2,168,480,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992	FY 1993			Conference		Mand	
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -0.8%	Disc	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES								
AMERICAN PRINTING HOUSE FOR THE BLIND................	5,900,000	6,349,000	6,286,000	6,349,000	6,349,000	6,298,000	D	
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:								
Operations..	39,097,000	40,348,000	38,706,000	40,348,000	40,348,000	40,025,000	D	UA
Endowment grant..................................	342,000	342,000	339,000	339,000	339,000	336,000	D	UA
Construction.....................................	---	314,000	---	354,000	354,000	351,000	D	UA
Subtotal..	39,439,000	41,004,000	39,045,000	41,041,000	41,041,000	40,712,000		
GALLAUDET UNIVERSITY:								
University programs..............................	50,480,000	51,468,000	49,975,000	51,468,000	51,468,000	51,056,000	D	UA
Kendall Elementary/Model Secondary Schools........	22,560,000	23,282,000	22,334,000	23,282,000	23,282,000	23,096,000	D	UA
Endowment grant..................................	1,000,000	1,000,000	990,000	990,000	990,000	982,000	D	UA
Construction.....................................	2,500,000	2,500,000	2,475,000	2,475,000	2,475,000	2,455,000	D	UA
Subtotal..	76,540,000	78,250,000	75,774,000	78,215,000	78,215,000	77,589,000		
Total, Special Institutions for Disabled.......	121,879,000	125,603,000	121,105,000	125,605,000	125,605,000	124,599,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992	FY 1993			Conference		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -0.8%	Disc
VOCATIONAL AND ADULT EDUCATION							
Vocational and Applied education:							
Basic grants	949,750,000	990,500,000	980,595,000	990,500,000	980,595,000	972,750,000	D
Community - based organizations	12,000,000	12,000,000	11,880,000	11,880,000	11,880,000	11,785,000	D
Consumer and homemaking education	35,000,000	---	34,650,000	36,500,000	35,000,000	34,720,000	D
Tech Prep	90,000,000	100,000,000	120,285,000	100,000,000	105,000,000	104,160,000	D
Supplementary grants, equipment	9,950,000	---	---	---	---	---	D
Tribally controlled post-secondary vocational institutions 1/	2,500,000	2,500,000	2,970,000	2,970,000	2,970,000	2,946,000	D
State councils	9,000,000	9,000,000	8,910,000	9,000,000	9,000,000	8,928,000	D
National programs:							
Research	10,000,000	11,500,000	11,385,000	10,000,000	10,000,000	9,920,000	D
Technical assistance, sec. 404 (d)	2,000,000	---	---	---	---	---	D
Demonstrations	13,000,000	13,000,000	15,840,000	16,840,000	16,840,000	16,705,000	D
Data systems (NOICC/SOICC)	5,000,000	5,000,000	9,900,000	5,000,000	5,000,000	4,960,000	D
Subtotal, national programs	30,000,000	29,500,000	37,125,000	31,840,000	31,840,000	31,585,000	
Bilingual vocational training	3,000,000	---	2,970,000	2,970,000	2,970,000	2,946,000	D
Subtotal, Vocational & Applied tech. education	1,141,200,000	1,143,500,000	1,199,385,000	1,185,660,000	1,179,255,000	1,169,820,000	

1/ Current funded

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Adult education:							
State Programs	235,750,000	260,750,000	258,142,000	256,677,000	256,677,000	254,624,000	D
National programs	9,000,000	9,000,000	8,910,000	8,910,000	8,910,000	8,839,000	D
Literacy training for homeless adults	9,759,000	9,759,000	9,661,000	9,661,000	9,661,000	9,584,000	D
Workplace literacy partnerships	19,251,000	19,251,000	19,058,000	19,058,000	19,058,000	18,906,000	D
English literacy grants	1,000,000	---	990,000	---	---	---	D
Commercial driver literacy	2,500,000	---	---	---	---	---	D
State literacy resource centers	5,000,000	5,000,000	7,920,000	7,920,000	7,920,000	7,857,000	D
Literacy programs for prisoners	5,000,000	---	4,950,000	4,950,000	4,950,000	4,910,000	D
Subtotal, adult education	287,260,000	303,760,000	309,631,000	307,176,000	307,176,000	304,720,000	
Total, Vocational and adult education	1,428,460,000	1,447,260,000	1,509,016,000	1,492,836,000	1,486,431,000	1,474,540,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
STUDENT FINANCIAL ASSISTANCE							
Pell Grants: Academic year 1993 - 1994	5,459,690,000	6,305,464,000	6,067,710,000	5,900,000,000	5,989,130,000	5,941,217,000	D
DOD transfer for Desert Storm	3,165,000	---	---	---	---	---	D
Advance appropriation (FY93 - FY95)	9,495,000	---	---	---	---	---	D
Legislative savings	---	---	-185,130,000	-185,130,000	-185,130,000	-183,649,000	D
Subtotal, current year	5,472,350,000	6,305,464,000	5,882,580,000	5,714,870,000	5,804,000,000	5,757,568,000	
Pell Grants: Academic year 91-92 shortfall	---	332,173,000	703,890,000	242,058,000	242,058,000	240,122,000	D
Subtotal, Pell Grants	5,472,350,000	6,637,637,000	6,586,470,000	5,956,928,000	6,046,058,000	5,997,690,000	
Presidential Achievement Scholarships	---	170,000,000	---	---	---	---	D
Supplemental educational opportunity grants	577,000,000	358,000,000	571,230,000	602,000,000	590,000,000	585,280,000	D
Work-study	615,000,000	454,000,000	608,850,000	635,000,000	621,925,000	616,950,000	D
Income contingent loans	4,880,000	5,000,000	---	---	---	---	D
Perkins loans:							
Federal capital contributions	156,000,000	---	248,490,000	144,000,000	170,000,000	168,640,000	D
Loan cancellations	---	15,000,000	14,850,000	15,000,000	15,000,000	14,880,000	D
Subtotal, Perkins loans	156,000,000	15,000,000	263,340,000	159,000,000	185,000,000	183,520,000	
State student incentive grants	72,000,000	---	71,280,000	75,000,000	73,140,000	72,555,000	D
Grants to states to improve licensure	---	50,000,000	---	---	---	---	D
Total, Student Financial Assistance	6,897,230,000	7,689,637,000	8,101,170,000	7,427,928,000	7,516,123,000	7,455,995,000	
Current year FY 1993	(6,887,735,000)	(7,689,637,000)	(8,101,170,000)	(7,427,928,000)	(7,516,123,000)	(7,455,995,000)	
FY 1993 - 1995	(9,495,000)	---	---	---	---	---	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
GUARANTEED STUDENT LOANS (LIQUIDATING)							
Contract authority to liquidate pre-1992 loan subsidies 1/	(2,135,830,000)	(3,050,930,000)	(3,050,930,000)	(3,050,930,000)	(3,050,930,000)	(3,050,930,000)	NA
Appropriation, including shortfalls (non-add) 2/	(4,220,459,000)	---	---	---	---	---	NA
GUARANTEED STUDENT LOANS PROGRAM							
Federal Family Education Loans:							
New loan subsidies (contract authority)	2,436,467,000	2,862,761,000	2,862,761,000	2,862,761,000	2,862,761,000	2,862,761,000	M
Mandatory admin expenses (contract authority)	203,345,000	67,397,000	67,397,000	67,397,000	67,397,000	67,397,000	M
Total	2,639,812,000	2,930,158,000	2,930,158,000	2,930,158,000	2,930,158,000	2,930,158,000	
GSL LOAN ADMINISTRATION	43,870,000	65,000,000	64,350,000	63,000,000	63,000,000	62,496,000	D
FEDERAL DIRECT LOANS							
Federal administration	---	---	---	(10,000,000)	(10,000,000)	(10,000,000)	NA

1/ Includes $266,365,000 of FY92 legislative savings proposed for later transmittal.

2/ Excludes Dept. of Defense transfer of $5,933,000 in FY92 and $2,262,000 in FY93.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992	FY 1993			Conference		Mand
	Comparable	Budget Request	House Bill	Senate Bill	Initial	Final -0.8%	Disc
HIGHER EDUCATION							
Aid for institutional development:							
Strengthening institutions........................	87,831,000	87,831,000	86,953,000	86,953,000	86,953,000	86,257,000	D
Strengthening historically black colleges & univ..	100,000,000	100,000,000	99,000,000	99,000,000	99,000,000	98,208,000	D
Strengthening historically black grad institutions	11,711,000	11,711,000	11,594,000	11,594,000	11,594,000	11,501,000	D
Endowment grants, regular.........................	7,500,000	7,500,000	7,425,000	7,425,000	7,425,000	7,366,000	D
Endowment grants, new proposal....................	---	10,000,000	---	---	---	---	D
Subtotal, Institutional development............	207,042,000	217,042,000	204,972,000	204,972,000	204,972,000	203,332,000	
Program development:							
Fund for the Improvement of Postsec. Education....	15,000,000	16,000,000	14,850,000	20,000,000	27,000,000	26,784,000	D
Minority science improvement......................	6,000,000	6,000,000	5,940,000	5,940,000	5,940,000	5,892,000	D
Innovative projects:							
Community services............................	1,463,000	6,830,000	1,448,000	1,448,000	1,448,000	1,436,000	D
Student Literacy Corps........................	5,367,000	---	5,313,000	5,313,000	5,313,000	5,270,000	D
Subtotal, Innovative projects...............	6,830,000	6,830,000	6,761,000	6,761,000	6,761,000	6,706,000	
International educ & foreign language studies:							
Domestic programs.............................	33,980,000	34,000,000	33,640,000	36,000,000	35,820,000	35,533,000	D
Overseas programs.............................	6,000,000	6,000,000	10,890,000	10,890,000	5,890,000	5,843,000	D
Subtotal, International education...........	39,980,000	40,000,000	44,530,000	46,890,000	41,710,000	41,376,000	
Cooperative education.............................	14,000,000	14,000,000	13,860,000	13,860,000	13,860,000	13,749,000	D
Law school clinical experience....................	8,000,000	---	7,920,000	10,000,000	10,000,000	9,920,000	D
Urban Community Service...........................	8,000,000	---	7,920,000	10,000,000	9,500,000	9,424,000	D
Foreign language periodicals......................	500,000	---	990,000	990,000	990,000	982,000	D
Subtotal, Program development..................	98,310,000	82,830,000	102,771,000	114,441,000	115,761,000	114,833,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
Construction:							
Interest subsidy grants, prior year construction..	19,412,000	18,840,000	18,652,000	18,840,000	18,840,000	18,689,000	D
Special grants:							
Assistance to Guam..............................	500,000	---	---	400,000	400,000	397,000	D
Robert A. Taft Institute.........................	550,000	325,000	322,000	322,000	322,000	319,000	D
Magnuson Endowment...............................	2,000,000	---	---	---	---	---	D
Bethune-Cookman..................................	300,000	---	---	---	---	---	D
Subtotal, Special grants......................	3,350,000	325,000	322,000	722,000	722,000	716,000	
Aid for students:							
Federal TRIO programs............................	385,149,000	397,404,000	381,297,000	401,404,000	391,351,000	388,220,000	D
McNair graduate outreach (proposed legislat'n)....	---	15,553,000	---	---	---	---	D
Undergraduate scholarships:							
Byrd honors scholarships.........................	9,642,000	9,642,000	9,546,000	9,546,000	9,546,000	9,470,000	D
National science scholars........................	4,500,000	15,000,000	12,177,000	4,500,000	4,500,000	4,464,000	D
National math/science scholars, new..............	---	---	2,178,000	---	2,178,000	2,161,000	D
Douglas teacher scholarships.....................	15,000,000	15,000,000	14,850,000	14,850,000	14,850,000	14,731,000	D
Subtotal, Undergraduate scholarships...........	29,142,000	39,642,000	38,751,000	28,896,000	31,074,000	30,826,000	
Graduate fellowships:							
Harris graduate fellowships......................	20,800,000	---	20,592,000	20,592,000	20,592,000	20,427,000	D
Javits fellowships...............................	8,000,000	---	7,920,000	7,920,000	7,920,000	7,857,000	D
Graduate assistance in areas of national need.....	28,000,000	---	27,720,000	27,720,000	27,720,000	27,498,000	D
Minority participation in graduate education......	5,953,000	---	5,893,000	5,893,000	5,893,000	5,846,000	D
Foreign language & area studies fellowships VI	13,000,000	---	12,870,000	12,870,000	12,870,000	12,767,000	D
Proposed national graduate fellowships............	---	74,800,000	---	---	---	---	D
Subtotal, Graduate fellowships.................	75,753,000	74,800,000	74,995,000	74,995,000	74,995,000	74,395,000	
Veterans' education outreach..........................	2,700,000	---	2,673,000	---	---	---	D
Legal training for the disadvantaged (CLEO)...........	3,045,000	3,045,000	3,015,000	3,015,000	3,015,000	2,991,000	D
School, college & university partnerships.............	4,000,000	4,000,000	3,960,000	3,960,000	3,960,000	3,928,000	D
Total, Higher education.........................	827,903,000	853,481,000	831,408,000	851,245,000	844,690,000	837,930,000	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
HOWARD UNIVERSITY								
Academic program	153,515,000	158,427,000	151,980,000	151,980,000	151,980,000	150,7[illegible],000	D	
Endowment grant	2,928,000	5,000,000	3,378,000	3,378,000	3,378,000	3,351,000	D	UA
Research	4,616,000	4,616,000	4,570,000	4,570,000	4,570,000	4,533,000	D	
Howard University Hospital	28,301,000	29,207,000	28,915,000	29,207,000	29,207,000	28,973,000	D	
Emergency construction	23,000,000	---	6,435,000	---	6,435,000	6,384,000	D	
Total, Howard University	212,360,000	197,250,000	195,278,000	189,135,000	195,570,000	194,005,000		
COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS (LIQUIDATING):								
Interest subsidy payments	(3,598,000)	(3,523,000)	(3,523,000)	(3,523,000)	(3,523,000)	(3,523,000)	NA	
COLLEGE HOUSING AND ACADEMIC FACILITIES PROGRAM:								
New loan subsidies	7,539,000	---	2,997,000	2,997,000	2,997,000	2,973,000	D	
Federal administration	556,000	740,000	733,000	733,000	733,000	727,000	D	
Loan limitation	(30,000,000)	---	(29,700,000)	(29,700,000)	(29,700,000)	(29,700,000)	NA	
Total, College Housing Program	8,095,000	740,000	3,730,000	3,730,000	3,730,000	3,700,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT								
Research and statistics:								
Research	71,000,000	115,000,000	70,290,000	74,695,000	74,695,000	74,097,000	D	UA
Statistics	47,313,000	63,600,000	62,964,000	38,707,000	49,300,000	48,906,000	D	
Assessment (NAEP)	29,900,000	64,800,000	29,601,000	29,900,000	29,601,000	29,364,000	D	
Subtotal, Research and statistics	148,213,000	243,400,000	162,855,000	143,302,000	153,596,000	152,3		
Fund for Innovation in Education	24,000,000	25,000,000	19,800,000	28,000,000	23,900,000	23,709,000	D	
Civic education	3,800,000	---	3,762,000	5,000,000	4,381,000	4,346,000	D	
Fund for the Improvement and Reform of Schools and Teaching:								
Grants for schools and teachers	5,495,000	5,495,000	5,440,000	5,440,000	5,440,000	5,396,000	D	
Family-school partnerships	3,755,000	3,755,000	3,717,000	3,717,000	3,717,000	3,687,000	D	
Eisenhower mathematics & science educ national program	16,000,000	56,000,000	15,840,000	16,250,000	16,000,000	15,872,000	D	
(Clearinghouse non-add)	(3,500,000)	(5,700,000)	(3,465,000)	(3,750,000)	(3,500,000)	(3,472,000)	NA	
Eisenhower math-science regional consortia	12,000,000	12,000,000	11,880,000	14,000,000	13,700,000	13,590,000	D	
National Diffusion Network	14,700,000	14,700,000	14,553,000	15,000,000	14,700,000	14,582,000	D	
Blue ribbon schools	885,000	895,000	886,000	886,000	886,000	879,000	D	
Javits gifted and talented students education	9,732,000	9,732,000	9,635,000	9,732,000	9,684,000	9,607,000	D	
Star schools	18,412,000	18,417,000	18,228,000	25,400,000	23,000,000	22,816,000	D	
Educational partnerships	4,233,000	4,233,000	4,191,000	4,191,000	4,191,000	4,157,000	D	
Territorial teacher training	1,769,000	1,769,000	1,751,000	1,751,000	1,751,000	1,737,000	D	
Leadership in educational administration (LEAD)	370,000	---	---	---	---	---	D	UA
National writing project	2,500,000	---	2,475,000	4,000,000	3,238,000	3,212,000	D	
Partnerships for innovative teacher education	---	20,000,000	---	---	---	---	D	UA
Subtotal, ASRI	265,864,000	415,396,000	275,013,000	276,669,000	278,184,000	275,957,000		
National board for professional teacher standards	4,880,000	---	4,831,000	4,880,000	4,831,000	4,792,000	D	UA
Total, ERSI	270,744,000	415,396,000	279,844,000	281,549,000	283,015,000	280,749,000		

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
LIBRARIES							
Public libraries:							
Services	83,898,000	35,000,000	83,059,000	83,898,000	83,898,000	83,227,000	D
Construction	16,718,000	---	16,551,000	16,718,000	16,718,000	16,584,000	D
Interlibrary cooperation	19,908,000	---	19,709,000	19,908,000	19,908,000	19,749,000	D
Research and demonstrations	325,000	---	322,000	2,825,000	2,825,000	2,802,000	D
Library career training 1/	5,000,000	---	4,950,000	5,000,000	5,000,000	4,960,000	D
Research libraries	5,855,000	---	5,796,000	5,855,000	5,855,000	5,808,000	D
Library literacy programs	8,163,000	---	8,081,000	8,163,000	8,163,000	8,098,000	D
College library technology	6,404,000	---	6,340,000	3,904,000	3,904,000	3,8	D
Foreign language materials (Title V-LSCA)	976,000	---	966,000	976,000	976,000	968,000	D
Total, Libraries	147,247,000	35,000,000	145,774,000	147,247,000	147,247,000	146,069,000	
DEPARTMENTAL MANAGEMENT							
PROGRAM ADMINISTRATION	291,527,000	325,000,000	305,799,000	305,799,000	307,799,000	305,337,000	D
OFFICE FOR CIVIL RIGHTS, SALARIES AND EXPENSES	53,625,000	61,400,000	56,857,000	56,857,000	56,857,000	56,402,000	D
OFFICE OF THE INSPECTOR GENERAL, SALARIES AND EXPENSES	26,260,000	31,700,000	28,652,000	31,700,000	29,500,000	29,264,000	D
Total, Departmental management	371,412,000	418,100,000	391,308,000	394,356,000	394,156,000	391,003,000	
Education attrition	---	---	---	-5,000,000	---	---	D
Total, Department of Education	27,275,434,000	29,241,217,000	28,931,697,000	28,453,170,000	28,457,154,000	28,252,934,000	
Current year FY 1993	(27,265,939,000)	(29,241,217,000)	(28,931,697,000)	(28,453,170,000)	(28,457,154,000)	(28,252,934,000)	
FY 1993 - 1995	(9,495,000)	---	---	---	---	---	
Total including Guaranteed Student Loans	(29,411,264,000)	(32,292,147,000)	(31 082,627,000)	(31,504,100,000)	(31,508,084,000)	(31,303,864,000)	

1/ Training funds requested under Higher Education.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc
TITLE IV - RELATED AGENCIES							
Action (Domestic Programs):							
Volunteers in Service to America:							
VISTA operations	32,688,000	35,822,000	34,947,000	34,947,000	34,947,000	34,667,000	D
VISTA Literacy Corps	4,776,000	5,204,000	5,049,000	5,049,000	5,049,000	5,009,000	D
Student Community Service	976,000	976,000	966,000	966,000	966,000	958,000	D
Subtotal	38,440,000	42,002,000	40,962,000	40,962,000	40,962,000	40,634,000	
Special Volunteer Programs:							
Drug programs	1,225,000	1,225,000	990,000	990,000	990,000	982,000	D
Older Americans Volunteer Programs:							
Foster Grandparents Program	65,590,000	65,590,000	65,063,000	65,590,000	65,327,000	64,804,000	D
Senior Companion Program	28,727,000	28,727,000	28,571,000	31,000,000	29,786,000	29,548,000	D
Retired Senior Volunteer Program	34,128,000	34,128,000	33,787,000	34,128,000	33,958,000	33,686,000	D
Subtotal, Older Volunteers	128,445,000	128,445,000	127,421,000	130,718,000	129,071,000	128,038,000	
Inspector General	954,000	1,020,000	944,000	1,020,000	944,000	9[illegible]0	D
Program Support	29,528,000	32,445,000	31,185,000	31,185,000	31,185,000	30,936,000	D
Total, Action	198,592,000	205,137,000	201,502,000	204,875,000	203,152,000	201,526,000	
Corporation for Public Broadcasting: FY95 (current request) 1/	275,000,000	275,000,000	272,250,000	310,000,000	295,000,000	292,640,000	D

1/ FY 1992 approp. adv. in FY90 is $327,280,000.
FY 1993 approp. adv. in FY91 is $318,636,000.
FY 1994 approp. adv. in FY92 is $275,000,000.

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Federal Mediation and Conciliation Service...........	28,118,000	29,594,000	30,195,000	30,195,000	30,195,000	29,953,000	D	
Federal Mine Safety and Health Review Commission......	5,143,000	5,830,000	5,772,000	5,772,000	5,772,000	5,726,000	D	
National Commission on Acquired Immune Deficiency Syndrome...	1,750,000	3,000,000	1,732,000	2,542,000	1,750,000	1,736,000	D	
National Commission on Children.......................	950,000	---	---	---	---	---	D	UA
National Commission on Libraries and Information Science...	831,000	1,000,000	590,000	982,000	896,000	889,000	D	
White House Conference on Library and Information Services...	---	---	400,000	400,000	400,000	397,000	D	
National Commission on Responsibilities for Financing Postsecondary Education..................	---	236,000	208,000	---	208,000	206,000	D	
National Commission to Prevent Infant Mortality.......	440,000	440,000	---	450,000	450,000	446,000	D	UA
National Council on Disability........................	1,569,000	1,800,000	1,553,000	1,768,000	1,553,000	1,541,000	D	UA
National Labor Relations Board........................	162,000,000	172,905,000	171,176,000	171,176,000	171,176,000	169,807,000	D	
National Mediation Board..............................	6,775,000	7,950,000	7,870,000	7,870,000	7,870,000	7,807,000	D	
Occupational Safety and Health Review Commission......	6,711,000	7,241,000	7,169,000	7,169,000	7,169,000	7,112,000	D	
Physician Payment Review Commission (trust funds).....	(4,398,000)	(4,496,000)	(4,451,000)	(4,451,000)	(4,451,000)	(4,415,000)	TF*	
Prospective Payment Assessment Commission (trust funds)...	(4,030,000)	(4,463,000)	(4,418,000)	(4,418,000)	(4,418,000)	(4,383,000)	TF*	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	Conference Initial	Conference Final -0.8%	Mand Disc	
Railroad Retirement Board:								
Dual benefits payments account	319,100,000	297,000,000	294,030,000	294,030,000	294,030,000	294,030,000	D	
Contingency reserve (non-add)	---	(5,940,000)	(5,881,000)	(5,881,000)	(5,881,000)	(5,881,000)	NA	
Less income tax receipts on dual benefits	-18,000,000	-22,000,000	-22,000,000	-22,000,000	-22,000,000	-22,000,000	D	
Subtotal, dual benefits	301,100,000	275,000,000	272,030,000	272,030,000	272,030,000	272,030,000		
Federal payment to the Railroad Retirement Account	400,000	100,000	100,000	100,000	100,000	100,000	M	
Limitation on administration:								
(Retirement)	(72,287,000)	(76,911,000)	(75,240,000)	(75,240,000)	(75,240,000)	(74,638,000)	TF*	
(Unemployment)	(17,263,000)	(17,689,000)	(17,325,000)	(17,325,000)	(17,325,000)	(17,186,000)	TF*	
Subtotal, administration	(89,550,000)	(94,600,000)	(92,565,000)	(92,565,000)	(92,565,000)	(91,824,000)		
(Special Management Improvement Fund)	(3,264,000)	(3,758,000)	(3,720,000)	(3,720,000)	(3,720,000)	(3,690,000)	TF*	
Total, limitation on administration	(92,814,000)	(98,358,000)	(96,285,000)	(96,285,000)	(96,285,000)	(95,514,000)		
(Inspector General)	(6,395,000)	(6,900,000)	(5,544,000)	(6,900,000)	(6,900,000)	(6,845,000)	TF*	
Soldiers' and Airmen's Home (trust fund limitation):								
Operation and maintenance	41,352,000	43,236,000	40,938,000	42,457,000	42,457,000	42,117,000	D	UA
Capital outlay	4,220,000	7,174,000	4,178,000	6,000,000	6,000,000	5,952,000	D	UA
United States Institute of Peace	11,000,000	11,000,000	10,890,000	11,000,000	11,000,000	10,912,000	D	
United States Naval Home (trust fund limitation):								
Operation and maintenance	10,055,000	11,070,000	9,954,000	10,862,000	10,862,000	10,775,000	D	UA
Capital program	1,253,000	477,000	472,000	477,000	477,000	473,000	D	UA
Total, Title IV, Related Agencies:								
Federal Funds (all years)	1,057,259,000	1,058,190,000	1,038,979,000	1,086,125,000	1,068,517,000	1,062,145,000		
Current year, FY 1993	(782,259,000)	(783,190,000)	(766,729,000)	(776,125,000)	(773,517,000)	(769,505,000)		
FY 1995	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)		
Trust funds	(107,637,000)	(114,217,000)	(110,698,000)	(112,054,000)	(112,054,000)	(111,1[illegible]		

GENERAL PROVISION

BILL-WIDE CONSULTANT SAVINGS	---	---	---	-13,500,000	-13,500,000	-13,500,000	D	

CONFERENCE AGREEMENT: H.R. 5677 - FY 1993 APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES

	FY 1992 Comparable	FY 1993 Budget Request	House Bill	Senate Bill	---------- Conference ----------		Mand Disc
					Initial	Final -0.8%	
SUMMARY							
Title I - Department of Labor:							
Federal Funds	7,518,049,000	7,999,614,000	8,084,255,000	8,179,924,000	8,089,242,000	8,041,414,000	
Current year	(7,330,349,000)	(7,811,914,000)	(8,084,255,000)	(7,992,444,000)	(8,089,242,000)	(8,041,414,000)	
1994 advance	(187,700,000)	(187,700,000)	---	(187,480,000)	---	---	
Trust Funds	(3,470,127,000)	(3,502,967,000)	(3,523,603,000)	(3,495,792,000)	(3,490,596,000)	(3,462,671,000)	
Title II - Department of Health and Human Services:							
Federal Funds	182,914,610,000	206,120,270,000	206,023,598,000	208,748,736,000	208,909,032,000	208,393,575,000	
Current year	(156,376,610,000)	(169,250,925,000)	(169,515,598,000)	(170,380,391,000)	(170,702,032,000)	(170,492,231,000)	
1994 advance	(26,538,000,000)	(36,869,345,000)	(36,508,000,000)	(38,368,345,000)	(38,207,000,000)	(37,901,344,000)	
Trust Funds	(6,895,123,000)	(6,879,153,000)	(6,714,676,000)	(6,921,944,000)	(7,156,124,000)	(7,098,875,000)	
Title III - Department of Education:							
Federal Funds	27,275,434,000	29,241,217,000	28,931,697,000	28,453,170,000	28,457,154,000	28,252,934,000	
Current year	(27,265,939,000)	(29,241,217,000)	(28,931,697,000)	(28,453,170,000)	(28,457,154,000)	(28,252,934,000)	
FY 1993 - 1995	(9,495,000)	---	---	---	---	---	
Total including Guaranteed Student Loans	(29,411,264,000)	(32,292,147,000)	(31,982,627,000)	(31,504,100,000)	(31,508,084,000)	(31,303,864,000)	
Title IV - Related Agencies:							
Federal Funds	1,057,259,000	1,058,190,000	1,038,979,000	1,086,125,000	1,068,517,000	1,062,145,000	
Current year	(782,259,000)	(783,190,000)	(766,729,000)	(776,125,000)	(773,517,000)	(769,505,000)	
1995 advance	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)	
Trust Funds	(107,637,000)	(114,217,000)	(110,698,000)	(112,054,000)	(112,054,000)	(111,157,000)	
Bill-wide consultant savings	---	---	---	-13,500,000	-13,500,000	-13,500,000	
Total, all titles:							
Federal Funds	218,765,352,000	244,419,291,000	244,078,529,000	246,454,455,000	246,510,445,000	245,736,568,000	
Current year	(191,755,157,000)	(207,087,246,000)	(207,298,279,000)	(207,588,630,000)	(208,008,445,000)	(207,542,584,000)	
1993 - 1995 advance	(9,495,000)	---	---	---	---	---	
1994 advance	(26,725,700,000)	(37,057,045,000)	(36,508,000,000)	(38,555,825,000)	(38,207,000,000)	(37,901,344,000)	
1995 advance	(275,000,000)	(275,000,000)	(272,250,000)	(310,000,000)	(295,000,000)	(292,640,000)	
Trust Funds	(10,472,887,000)	(10,496,337,000)	(10,348,977,000)	(10,529,790,000)	(10,758,774,000)	(10,672,703,000)	

WILLIAM H. NATCHER,
NEAL SMITH,
DAVID R. OBEY,
EDWARD R. ROYBAL,
LOUIS STOKES,
JOSEPH D. EARLY,
STENY H. HOYER,
ROBERT J. MRAZEK,
JAMIE L. WHITTEN,
CARL D. PURSELL,
JOHN EDWARD PORTER,
BILL YOUNG,
VIN WEBER,
JOSEPH M. MCDADE,
Managers on the Part of the House.

TOM HARKIN,
ROBERT C. BYRD,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
DALE BUMPERS,
HARRY REID,
BROCK ADAMS,
KENT CONRAD,
ARLEN SPECTER,
MARK O. HATFIELD,
TED STEVENS,
WARREN RUDMAN,
THAD COCHRAN,
PHIL GRAMM,
SLADE GORTON,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Lipinski (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WELDON) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 60 minutes, today.

Mr. BARRETT, for 60 minutes, on October 2, 3, and 4.

Mr. DREIER of California, for 60 minutes on October 4, 5, 6, and 7.

Mr. MOORHEAD, for 60 minutes on October 3, 4, 5, and 6.

Mr. SANTORUM, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, on October 2.

(The following Members (at the request of Mr. HUGHES) to revise and extend their remarks and include extraneous material:)

Mr. FASCELL, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, on October 2, 3, 4, and 5.

Mr. ALEXANDER, for 60 minutes today, and on October 2, 3, 4, 5, and 6.

Mr. CUNNINGHAM, at his own request, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PETRI, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $7,972.

(The following Members (at the request of Mr. WELDON) and to include extraneous matter:)

Mr. BUNNING.
Mr. BROOMFIELD.
Mr. MARTIN.
Mr. VANDER JAGT.
Mr. LAGOMARSINO in four instances.
Mr. SAXTON.
Mr. DUNCAN in two instances.
Mr. HASTERT.
Ms. MOLINARI.
Mr. LIVINGSTON.
Mr. MILLER of Ohio in six instances.
Mr. BURTON of Indiana in two instances.
Mr. LENT.
Mr. BEREUTER.
Mr. PURSELL.
Mr. LEWIS of California.
Mr. CRANE in two instances.
Mr. OXLEY.
Mr. GRADISON.
Mr. COX.
Mr. MACHTLEY.
Mr. BLILEY.
Mr. GOODLING.
Mrs. ROUKEMA.
Mr. FISH.

(The following Members (at the request of Mr. HUGHES) and to include extraneous matter:)

Mr. TORRICELLI.
Mr. EDWARDS of California.
Mr. ROEMER.
Mr. SABO.
Mr. LANTOS in three instances.
Ms. PELOSI.
Mr. FASCELL in five instances.
Mr. MCDERMOTT.
Mr. CONYERS.
Mr. CLAY.
Mr. MAVROULES.
Mr. MAZZOLI.
Mr. CLEMENT in 10 instances.
Ms. LONG.
Mr. CARDIN.
Ms. HORN.
Mr. STALLINGS.
Mr. CARR.
Mr. FAZIO.
Mr. MRAZEK.
Mr. LEHMAN of Florida.

(The following Members (at the request of Mr. HUGHES) and to include extraneous matter:)

Mr. BERMAN.
Mr. JOHNSON of South Dakota.
Mr. KOSTMAYER.
Mr. JACOBS.
Mr. DINGELL.
Mr. KENNEDY.
Mr. ECKART.
Mrs. COLLINS of Illinois.
Mr. KANJORSKI.
Mr. SAWYER.
Mr. AUCOIN.
Mr. FORD of Michigan.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2044. An act to assist Native Americans in assuring the survival and continuing vitality of their languages; to the Committee on Education and Labor.

S. 2679. An act to promote the recovery of Hawaii tropical forests, and for other purposes; to the Committee on Agriculture.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

On October 1, 1992:

H.R. 5503. An act making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5679. An act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1993, and for other purposes; and

H.R. 6056. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes.

On September 30, 1992:

H.R. 1435. An act to direct the Secretary of the Army to transfer jurisdiction over the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior;

H.R. 2967. An act to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1992 through 1995; to authorize a 1993 National Conference on Aging; to amend the Native Americans Programs Act of 1974 to authorize appropriations for fiscal years 1992 through 1995; and for other purposes;

H.R. 5428. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5630. An act to amend the Head Start Act to expand services provided by Head Start Programs; to expand the authority of the Secretary of Health and Human Services to reduce the amount of matching funds required to be provided by particular Head Start agencies; to authorize the purchase of Head Start facilities; and for other purposes;

H.J. Res. 553. Joint resolution making continuing appropriations for the fiscal year 1993, and for other purposes;

H.R. 5058. An act to authorize appropriations for the American Folklife Center for fiscal year 1993; and

H.R. 5399. An act to amend the United States Commission on Civil Rights Act of 1983 to provide an authorization of appropriations.

On September 25, 1992:

H.R. 5517. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 5373. An act making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes;

H.R. 2194. An act to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities;

H.R. 2850. An act to make technical and conforming changes in title 5, United States Code, and the Federal Employees Pay Comparability Act of 1990, and for other purposes;

H.R. 3654. An act to provide for the minting of commemorative coins to support the 1996 Atlanta Centennial Olympic Games and the programs of the United States Olympic Committee, to reauthorize and reform the United States Mint, and for other purposes; and

H.R. 5126. An act to direct the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of the protection of Civil War battlefields, and for other purposes.

ADJOURNMENT

Mr. HUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes) under its previous order, the House adjourned until Friday, October 2, 1992, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4342. A letter from the Comptroller of the Department of Defense, transmitting a report pursuant to section 108 of Public Law 102–229; to the Committee on Appropriations.

4343. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notice that the Government of the Philippines has requested that the United States Government permit the use of foreign military financing for the sale, coassembly, and coproduction of the 78-foot fast patrol craft [PCF], pursuant to 22 U.S.C. 2791(b); to the Committee on Foreign Affairs.

4344. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in August 1992, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

4345. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4346. A letter from the Secretary of Energy; transmitting the sixth in a series of annual reports prepared for the Congress entitled "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1991," pursuant to section 5(d)(2)(E) of the Low-Level Radioactive Waste Policy Amendments Act of 1985; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record on September 30, 1992]

Mr. CLAY: Committee on Post Office and Civil Service. H.R. 5572. A bill to designate May of each year as "Asian/Pacific American Heritage Month". (Rept. 102–957). Referred to the Committee of the Whole House on the State of the Union.

[Submitted October 1, 1992]

Mr. McCURDY: Committee of Conference. Conference report on H.R. 5095 (Rept. 102–963). Ordered to be printed.

Mr. FASCELL: Committee of Conference. Conference report on S. 2532 (Rept. 102–964). Ordered to be printed.

Mr. CONYERS: Committee on Government Operations. H.R. 5702. A bill to amend section 552b of title 5, United States Code, popularly known as the Government in the Sunshine Act, to ensure that all oral and written communications concerning a regulatory action are publicly disclosed and to authorize appropriations for the Office of Information and Regulatory Affairs of the Office of Management and Budget; with an amendment (Rept. 102–965). Referred to the Committee of the Whole House on the State of the Union.

Mr. ASPIN: Committee of Conference. Conference Report on H.R. 5006 (Rept. 102–966). Ordered to be printed.

Mr. BEILENSON: Committee on Rules. House Resolution 587. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5095) to authorize appropriations for fiscal year 1993 for intelligence and intelligence-related activities of the U.S. Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes. (Rept. 102–967). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 588. Resolution waiving points of order against the conference report to accompany the bill (H.R. 5006) to authorize appropriations for fiscal year 1993 for military functions of the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes, and against the consideration of such conference report. (Rept. 102–968). Referred to the House Calendar.

Ms. SLAUGHTER of New York: Committee on Rules. House Resolution 589. Resolution providing for consideration of the bill (S. 3144) to amend title 10, United States Code, to improve the health care system provided for members and former members of the Armed Forces and their dependents, and for other purposes (Rept. 102–969). Referred to the House Calendar.

Mr. GORDON: Committee on Rules. House Resolution 590. Resolution providing for consideration of the bill (S. 1696) to designate certain National Forest lands in the State of Montana as wilderness, to release other National Forest lands in the State of Montana for multiple use management, and for other purposes (Rept. 102–970). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. H. Res. 591. Resolution waiving the requirement of clause 4(b), rule XI, against consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 102–971). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 1604. A bill to amend the National Cooperative Research Act of 1984 to reduce the liability for joint ventures entered into for the purpose of producing a product, process, or service (Rept. 102–972). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee of Conference. Conference report on H.R. 5482 (Rept. 102–973). Ordered to be printed.

Mr. NATCHER: Committee of Conference. Conference report on H.R. 5677 (Rept. 102–974). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker:

S. 1696. The Committee on Merchant Marine and Fisheries discharged from further consideration of S. 1696. S. 1696 referred to the Committee of the Whole House on the State of the Union. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WAXMAN (for himself and Mr. GEPHARDT):

H.R. 6076. A bill to amend the Social Security Act to assure universal access to long-term care in the United States, and for other purposes; jointly to the Committees on Ways and Means and Energy and Commerce.

By Mr. MILLER of Washington (for himself, Mr. WYDEN, Mr. McDERMOTT, Mr. MORRISON, Mr. DICKS, Mr. SWIFT, Mrs. UNSOELD, and Mr. CHANDLER):

H.R. 6077. A bill concerning U.S. participation in a Cascadia Corridor commission; to the Committee on Foreign Affairs.

By Mr. FOGLIETTA:

H.R. 6078. A bill to require any private shipyard competing for a contract with the Department of Defense for repair, alteration, overhaul, or conversion of a naval vessel to undergo a cost realism analysis of its bid to ensure that the work can be accomplished at the estimated cost in the bid; to the Committee on Armed Services.

By Mr. JENKINS (for himself and Mr. EDWARDS of California):

H.R. 6079. A bill to amend title 18, United States Code, and other provisions of law, to make them consistent with the Sentencing Reform Act of 1984; to the Committee on the Judiciary.

By Mr. DONNELLY (for himself and Mr. BERMAN):

H.R. 6080. A bill to amend the Internal Revenue Code of 1986 to establish an additional safe harbor under the leased employee rules, to provide for the registration of leasing organizations, and for other purposes; to the Committee on Ways and Means.

By Mr. McDERMOTT:

H.R. 6081. A bill to amend the Public Health Service Act to provide for demonstration projects for the identification by health care providers of victims of domestic violence and sexual assault, to provide for the education of the public on the consequences to the public health of such violence and assault, and to provide for epidemiological research on such violence and assault; to the Committee on Energy and Commerce.

By Mr. PAYNE of Virginia:

H.R. 6082. A bill to amend general note 3(a)(iv) of the Harmonized Tariff Schedule of the United States to deny special tariff treatment to goods of the Commonwealth of the Northern Mariana Islands unless certain conditions are met, to require the Secretary of Labor to assign a full-time resident compliance officer to the Commonwealth of the Northern Mariana Islands, and for other purposes; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. SHAW (for himself, Mrs. JOHNSON of Connecticut, and Mr. GRANDY):

H.R. 6083. A bill to authorize States to conduct demonstration projects to test the effectiveness of policies designed to help people leave welfare and increase their financial security, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, Education and Labor, Agriculture, Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. JACOBS:

H.J. Res. 557. Joint resolution proposing and amendment to the Constitution of the United States providing for direct popular elections of the President and the Vice President, establishing a day for elections for the offices of the President, the Vice President, Senator, and Representative, and providing for primaries to nominate candidates for the offices 1 month before the elections; to the Committee on the Judiciary.

H. Con. Res. 368. Concurrent resolution providing for corrections in the enrollment of the bill (H.R. 5488); considered adopted pursuant to House Resolution 583.

By Mr. ARMEY:

H.R. 6084. A bill to amend certain program authorities of the Department of Housing and Urban Development for the purpose of promoting economic self-sufficiency for families residing in public housing and other families, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. AUCOIN:

H.R. 6085. A bill to direct the Secretary of Education to provide grants to establish training programs for teachers, to provide school to work transition services for elementary and secondary students, to establish job training programs for business and industry, and to establish job training courses at community colleges; to the Committee on Education and Labor.

By Mr. BRYANT:

H.R. 6086. A bill to establish civil and criminal penalties for the obstruction of lawful hunts conducted on Federal lands under the jurisdiction of the Secretary of Agriculture or Secretary of the Interior; jointly, to the Committees on the Judiciary, Interior and Insular Affairs, and Agriculture.

By Mr. HOAGLAND:

H.R. 6087. A bill to permit national banks, State member banks, and bank holding companies to establish subsidiaries which underwrite shares of and sponsor investment companies, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MYERS of Indiana:

H.R. 6088. A bill entitled the "Senior Citizen Capital Gain Rate Reduction Act of 1992"; to the Committee on Ways and Means.

By Mr. ORTON (for himself, Mr. COX of Illinois, Mr. BACCHUS, Mr. OWENS of Utah, Mr. RIGGS, and Mr. SWETT):

H.R. 6069. A bill to restructure the Federal budget process; jointly, to the Committees on Government Operations, Rules, Ways and Means, and Public Works and Transportation.

By Mr. PEASE:

H.R. 6090. A bill to prohibit the importation of goods produced abroad with child labor and for other purposes; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 6091. A bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes; jointly, to the Committees on Ways and Means, the Judiciary, Banking, Finance and Urban Affairs, Armed Services, and Education and Labor.

By Mr. TORRES:

H. Con. Res. 369. Concurrent resolution expressing the sense of the Congress that the President should develop a strategy to bring the United States back into active and full membership in the U.N. Educational, Scientific, and Cultural Organization not later than July 1, 1993; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

517. By the SPEAKER: Memorial of the Senate of the State of California, relative to the 143d Evacuation Hospital; to the Committee on Armed Services.

518. Also, memorial of the Senate of the State of California, relative to the credit crunch; to the Committee on Banking, Finance and Urban Affairs.

519. Also, memorial of the Senate of the State of California, relative to Women, Infants, and Children Program; to the Committee on Education and Labor.

520. Also, memorial of the Senate of the State of California, relative to occupational safety and health; to the Committee on Education and Labor.

521. Also, memorial of the Senate of the State of California, relative to Federal job training programs; to the Committee on Education and Labor.

522. Also, memorial of the Senate of the State of California, relative to the Public Employment Program; to the Committee on Education and Labor.

523. Also, memorial of the Senate of the State of California, relative to breast cancer; to the Committee on Energy and Commerce.

524. Also, memorial of the Senate of the State of California, relative to authorization of multilateral action in Bosnia-Herzegovina under article 42 of the United Nations Charter; to the Committee on Foreign Affairs.

525. Also, memorial of the Senate of the State of California, relative to the Federal Gun Control Act of 1968; to the Committee on the Judiciary.

526. Also, memorial of the Senate of the State of California, relative to the compensation of Members of Congress; to the Committee on the Judiciary.

527. Also, memorial of the Senate of the State of California, relative to helicopter safety; to the Committee on Public Works and Transportation.

528. Also, memorial of the Senate of the Senate of the State of California, relative to public transit; to the Committee on Public Works and Transportation.

529. Also, memorial of the Senate of the State of California, relative to a tourist-oriented directional sign system for California highways; to the Committee on Public Works and Transportation.

530. Also, memorial of the Senate of the State of California, relative to a University of California manufacturing extension program; to the Committee on Science, Space, and Technology.

531. Also, memorial of the Senate of the State of California, relative to the establishment of a national testing center in California; to the Committee on Science, Space, and Technology.

532. Also, memorial of the Senate of the State of California, relative to the Martinez Veterans' Hospital; to the Committee on Veterans's Affairs.

533. Also, memorial of the Senate of the State of California relative to Federal Supplemental Security Income Program benefits; to the Committee on Ways and Means.

534. Also, memorial of the Senate of the State of California, relative to a forest health management plan; jointly, to the Committees on Interior and Insular affairs and Agriculture.

535. Also, memorial of the Senate of the State of California, relative to funding for the development of a high-speed train system in California; jointly, to the Committees on Public Works and Transportation and Energy and Commerce.

536. Also, memorial of the Senate of the State of California, relative to drift nets; jointly, to the Committees on Ways and Means and Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 78: Mr. ERDREICH.

H.R. 722: Mr. KOSTMAYER.

H.R. 723: Mr. KOSTMAYER.

H.R. 771: Mr. CAMPBELL of California.

H.R. 943: Mr. CAMPBELL of California.

H.R. 1245: Mr. CAMPBELL of California.

H.R. 1522: Mr. ANDREWS of Maine.

H.R. 2223: Mr. PALLONE, Ms. PELOSI, Mr. BROWN, and Mr. KOSTMAYER.

H.R. 2419: Mr. CARR.

H.R. 3137: Mr. ALLEN and Mr. CAMPBELL of California.

H.R. 3145: Mr. CAMPBELL of California.

H.R. 3217: Mr. COX of California.

H.R. 3253: Mr. FISH and Mr. SCHIFF.

H.R. 3429: Mr. MURPHY and Mr. SHAYS.

H.R. 3526: Mr. KILDEE, Mr. SOLARZ, and Mr. TORRICELLI.

H.R. 3602: Mr. PAYNE of Virginia.

H.R. 3982: Mr. OLVER.

H.R. 4304: Mr. SLATTERY.

H.R. 4490: Mr. ANDREWS of Maine.

H.R. 4501: Mr. CAMPBELL of California.

H.R. 4585: Mr. DARDEN, Mr. RAY, and Mr. KILDEE.

H.R. 4591: Mr. KOSTMAYER.

H.R. 4600: Mr. CAMPBELL of California.

H.R. 4601: Mr. CAMPBELL of California.

H.R. 4602: Mr. CAMPBELL of California.

H.R. 4604: Mr. CAMPBELL of California.

H.R. 4606: Mr. CAMPBELL of California.

H.R. 4836: Mr. CAMPBELL of California.

H.R. 5004: Mr. CHAPMAN.

H.R. 5020: Mr. DUNCAN, Mr. MARTIN, and Mr. SLATTERY.

H.R. 5153: Mr. ZELIFF.

H.R. 5196: Ms. OAKAR and Mr. SLATTERY.

H.R. 5264: Mr. HAYES of Illinois and Mr. WAXMAN.

H.R. 5282: Mr. ALLEN and Mr. CAMPBELL of California.

H.R. 5331: Mr. BOEHLERT and Mr. HAMILTON.

H.R. 5443: Mr. LEWIS of Florida and Mr. COX of California.

H.R. 5476: Mr. BEREUTER, Mrs. BYRON, Mr. DIXON, Mr. LIPINSKI, Mr. MARTINEZ, Mr. MILLER of Washington, Mr. SMITH of New Jersey, and Mr. SPENCE.

H.R. 5501: Mr. UPTON.

H.R. 5513: Mr. WELDON, Mr. GOSS, Mr. BATEMAN, and Mr. ALLEN.

H.R. 5550: Mr. ALLEN and Mr. CAMPBELL of California.

H.R. 5551: Mr. CAMPBELL of California.

H.R. 5553: Mr. ALLEN and Mr. CAMPBELL of California.

H.R. 5567: Mr. SKEEN, Mr. KLUG, Mr. WELDON, Mr. HANCOCK, Mr. ROE, and Mrs. MEYERS of Kansas.

H.R. 5663: Mr. ANDERSON, Mr. RAVENEL, and Ms. SNOWE.

H.R. 5690: Mr. PORTER, Mr. WALSH, and Mr. WELDON.

H.R. 5711: Mr. PICKETT.

H.R. 5729: Mr. SCHAEFER.

H.R. 5740: Mr. LUKEN and Mr. KENNEDY.

H.R. 5746: Mr. DEFAZIO, Mr. HASTERT, Mrs. VUCANOVICH, Mr. BOEHLERT, Ms. PELOSI, Mr. ROTH, Mr. LAFALCE, Mr. UPTON, Mr. RITTER, and Mr. NEAL of North Carolina.

H.R. 5786: Mrs. JOHNSON of Connecticut.

H.R. 5792: Mrs. MORELLA.

H.R. 5828: Mr. HASTERT, Mr. GINGRICH, Mr. NEAL of North Carolina, and Mr. ROWLAND.

H.R. 5842: Mr. ATKINS, Mr. ACKERMAN, Mr. ALEXANDER, Mr. APPLEGATE, Mr. AUCOIN, Mr. BARNARD, Mr. BERMAN, Mr. BILIRAKIS, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. BROOKS, Mr. BROWN, Mr. BRYANT, Mrs. BYRON, Mr. BUSTAMANTE, Mr. CAMPBELL of California, Mr. CLINGER, Mr. COOPER, Mr. COX of Illinois, Mr. DANNEMEYER, Mr. DAVIS, Mr. DEFAZIO, Mr. DE LA GARZA, Mr. DICKS, Mr. DICKINSON, Mr. DOOLITTLE, Mr. DOWNEY, Mr. DUNCAN, Mr. EDWARDS of California, Mr. DONNELLY, Mr. ENGEL, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEKAS, Mr. GEREN of Texas, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GREEN of New York, Mr. HAMILTON, Mr. HANSEN, Mr. HASTERT, Mr. HATCHER, Mr. HAYES of Louisiana, Mr. HERTEL, Mr. HOAGLAND, Mr. HOBSON, Mr. HOCHBRUECKNER, Mr. HOPKINS, Mr. HOYER, Mr. HUTTO, Mr. HYDE, Mr. JENKINS, Mr. JONES of Georgia, Mr. JONTZ, Mr. KANJORSKI, Mr. KASICH, Mrs. KENNELLY, Mr. KOLTER, Mr. KOPETSKI, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LOWERY of California, Mrs. LOWEY of New York, Mr. LUKEN, Ms. KAPTUR, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCDERMOTT, Mrs. MINK, Mr. MAZZOLI, Mr. MCEWEN, Mr. MILLER of California, Mr. MOORHEAD, Mr. MORAN, Mr. MRAZEK, Mr. MURPHY, Mr. MURTHA, Mr. NATCHER, Mr. NEAL of Massachusetts, Mr. NEAL of North Carolina, Mr. NOWAK, Mr. OBEY, Mr. ORTIZ, Mr. OWENS of Utah, Mr. OXLEY, Mr. PARKER, Mr. PASTOR, Mr. PEASE, Mr. PERKINS, Mr. PETERSON of Minnesota, Mr. PRICE, Mr. RINALDO, Mr. ROE, Mr. RUSSO, Mr. SANDERS, Mr. STARK, Mr. SKEEN, Mr. SCHIFF, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SMITH of Florida, Mr. SMITH of New Jersey, Ms. SNOWE, Mr. SOLARZ, Mr. STAGGERS, Mr. STUDDS, Mr. SYNAR, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. THORNTON, Mr. TRAFICANT, Mr. TRAXLER, Mrs. UNSOELD, Mr. UPTON, Mr. VOLKMER, Mr. WALSH, Mr. WAXMAN, Mr. WISE, Mr. WOLPE, Mr. WYDEN, Mr. YATES, Mr. YATRON, Mr. YOUNG of Florida, Mrs. MORELLA, and Mr. RIGGS.

H.R. 5862: Ms. SLAUGHTER and Mr. ACKERMAN.

H.R. 5872: Mr. LAGOMARSINO, Mr. FROST, Mrs. MINK, Ms. DELAURO, Mr. MORAN, Mrs. BENTLEY, Mr. HORTON, Mr. HAMMERSCHMIDT, Mr. ANDREWS of Maine, Mr. BEVILL, Mr. APPLEGATE, Mr. RICHARDSON, Mr. ARCHER, Mr. BENNETT, Mr. CLEMENT, Mr. COLEMAN of Texas, Ms. HORN, Mr. ESPY, Mr. MONTGOMERY, Mr. BUSTAMANTE, Mr. SCHULZE, Mrs. UNSOELD, Mr. LEVINE of California, Mr. HERTEL, Mr. DYMALLY, Mr. MINETA, Mr. HYDE, Mr. JONTZ, Mr. BONIOR, Mr. BOUCHER, Mr. DONNELLY, Mr. DIXON, Mr. SKEEN, Mr. NATCHER, Mr. CONYERS, Mr. BROWN, and Mr. GUARINI.

H.R. 5946: Mr. HOBSON and Mr. PORTER.

H.R. 5947: Mr. BEREUTER and Mr. SENSENBRENNER.

H.R. 5997: Mr. DUNCAN.

H.R. 6003: Mrs. VUCANOVICH, Mr. GALLO, Mr. LIGHTFOOT, Mr. CRANE, and Mr. GALLEGLY.

H.R. 6039: Mr. FASCELL and Mr. ACKERMAN.

H.J. Res. 399: Mr. MONTGOMERY, Mr. SAVAGE, Mr. ANNUNZIO, Mr. PETERSON of Florida, Mr. COX of California, Mr. HANSEN, Mr. BLAZ, Mr. VANDER JAGT, Mr. RHODES, Mr. MOODY, Mr. HUNTER, Mr. HYDE, Mr. SOLARZ, Mr. CONYERS, Mr. STEARNS, Mr. ROE, Mr. TALLON, Mr. DONNELLY, Mr. KENNEDY, Mr. LENT, Mr. PURSELL, Mr. FALEOMAVAEGA, Mr. WOLF, Mr. HUTTO, Mr. PERKINS, Mr. RAVENEL, Mr. ACKERMAN, Mr. ECKART, Mr. MURPHY, Ms. MOLINARI, Mr. MARTIN, Mr. DAVIS, Mr. SISISKY, Mr. FASCELL, and Mr. DWYER of New Jersey.

H.J. Res. 450: Mrs. UNSOELD.

H.J. Res. 458: Mr. BRUCE, Mr. CHAPMAN, Mr. COYNE, Mr. DICKS, Mr. ECKART, Mr. HOAGLAND, Mr. KENNEDY, Mr. PALLONE, Ms. OAKAR, Mr. SISISKY, Mr. VISCLOSKY, Mr. FRANKS of Connecticut, Mr. HOUGHTON, and Mr. REGULA.

H.J. Res. 461: Mr. KENNEDY.

H.J. Res. 471: Mr. VALENTINE, Mr. WEISS, Mr. FAZIO, Ms. OAKAR, Ms. SLAUGHTER, Mr. HARRIS, Mr. MCCLOSKEY, Mr. ARCHER, Mr. JACOBS, Mr. BROWDER, Mr. MCDERMOTT, Mr. DORGAN of North Dakota, Mr. PASTOR, Mr. STALLINGS, Mr. MCNULTY, Mr. ROBERTS, Mr. MCEWEN, Mr. HALL of Ohio, Mr. LEACH, Mr. YATES, Mr. WALSH, Mr. CARPER, Mrs. MINK, Mr. HENRY, Mr. SLATTERY, Mrs. MEYERS of Kansas, Mr. HUBBARD, Mr. RANGEL, Mr. DEFAZIO, Mr. MARTIN, Mr. ACKERMAN, Mr. FEIGHAN, Mr. MOODY, Mr. RICHARDSON, Mr. CARDIN, Mr. TANNER, Mr. UPTON, Mr. FRANK of Massachusetts, Mr. GILMAN, Mr. PETERSON of Florida, Mr. PARKER, Mr. ROTH, and Mr. WISE.

H.J. Res. 474: Mr. LOWERY of California, Mr. MICHEL, Mr. MILLER of Ohio, Mr. VOLKMER, Mr. HOPKINS, Mr. STUMP, Mr. DELAY, Mr. LIVINGSTON, Mr. LIGHTFOOT, Mrs. MORELLA, Mr. PERKINS, Mr. GONZALEZ, Mr. BROWN, Mr. SLATTERY, Mr. GLICKMAN, Mr. SKEEN, Mr. THOMAS of California, Mr. HANSEN, Mr. YOUNG of Alaska, Mr. RIDGE, Mr. DORNAN of California, Mr. SAXTON, Mr. DOOLEY, Mr. BREWSTER, Mr. LEHMAN of California, Mr. LAROCCO, Mr. WOLF, Mr. IRELAND, Mr. BARRETT, Mr. BALLENGER, Mr. HOBSON, Mr. MCGRATH, Mr. SCHAEFER, Mr. SCHULZE, Mr. LENT, Mr. GILLMOR, Mr. MORRISON, Mr. MCEWEN, Mr. PURSELL, Mrs. JOHNSON of Connecticut, Mr. GALLO, Mr. MOORHEAD, Mr. LEWIS of California, Mr. ENGLISH, Mr. BATEMAN, Mr. CLINGER, Mr. BOEHLERT, Mr. ROGERS, Mr. RITTER, Mr. WYLIE, Mr. BILIRAKIS, and Mr. LEWIS of Florida.

H.J. Res. 479: Mrs. ROUKEMA, Mr. NATCHER, Mr. ZIMMER, Mr. BAKER, Mr. GALLO, Mr. BROOMFIELD, Mr. STENHOLM, Mr. REGULA, Mr. HUTTO, Mr. BLACKWELL, Mr. COLEMAN of Missouri, Mr. GEKAS, Mr. MANTON, Mr. BURTON of Indiana, Ms. HORN, Mr. MCCOLLUM, Mr. PACKARD, Mr. SUNDQUIST, and Mr. NICHOLS.

H.J. Res. 489: Mr. RITTER, Mr. ZIMMER, Mr. ANDREWS of New Jersey, Mr. SWETT, Mr. SKEEN, Mr. SAXTON, Mr. DELAY, Mr. LIGHTFOOT, Mr. MOODY, Mr. WHITTEN, Mr. LEHMAN of Florida, Mr. BRYANT, Mr. ALEXANDER, Mr. TORRICELLI, Mr. EDWARDS of California, Mr. BRUCE, Mr. STENHOLM, Mr. RAVENEL, Mr. DUNCAN, Mr. JEFFERSON, Mr. ENGEL, Mr. ROE, Mr. BREWSTER, Mr. RAY, Mr. ATKINS, Mr. FASCELL, Mrs. KENNELLY, Mr. LEVIN of Michigan, Mr. ANTHONY, Mr. VISCLOSKY, Mr. COBLE, Mr. SHARP, Mr. NEAL of North Carolina, Mr. MONTGOMERY, Mr. ANDREWS of Texas, Mr. CAMPBELL of Colorado, Mrs. BYRON, Mr. FLAKE, Mr. MCNULTY, Mr. NOWAK, Mr. GORDON, Mr. TOWNS, Mr. LAUGHLIN, Mr. ZELIFF, Mr. JOHNSON of Texas, Mr. PACKARD, Mr. OXLEY, Mr. DAVIS, and Mr. SKELTON.

H.J. Res. 495: Mr. HALL of Texas, Mr. SUNDQUIST, and Mr. SMITH of New Jersey.

H.J. Res. 530: Mr. RINALDO, Mr. ECKART, Mr. ESPY, Ms. OAKAR, Mr. BURTON of Indiana, Mr. JONTZ, Mr. MCDERMOTT, Mr. TRAFICANT, Mr. SWETT, Mr. RAHALL, Mr. HASTERT, Mr. ANDREWS of New Jersey, Mr. BROWDER, Mr. DE LUGO, Mr. DOOLITTLE, Mr. FORD of Tennessee, Mr. HUNTER, Mr. HYDE, Mr. MINETA, Mr. BILBRAY, Mr. SISISKY, Mr. LEWIS of Florida, Mr. JACOBS, Mr. BACCHUS, Mr. BATEMAN, Mr. SANDERS, Mr. WHEAT, Mr. SOLOMON, Mr. REED, Mr. RAVENEL, Mr. PERKINS, Mr. PAXON, Mr. LEVINE of California, Mr. MANTON, Mr. BUSTAMANTE, Mr. MCDADE, Mr. MCGRATH, Mrs. MEYERS of Kansas, Ms. LONG, Mr. ANDERSON, Mr. ERDREICH, Mr. BRYANT, Mr. MAVROULES, Mr. MONTGOMERY, Mr. SCHEUER, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. STALLINGS, Mr. TALLON, Mr. TANNER, Mr. WAXMAN, Mr. WYLIE, Mr. YATRON, Mr. SLATTERY, Mr. LOWERY of California, Mr. KASICH, Mr. COYNE, Mr. DORNAN of California, Mr. SOLARZ, Mr. SAWYER, Mr. WELDON, and Mr. OWENS of New York.

H.J. Res. 531: Mr. MOAKLEY, Mr. RHODES, Mr. MINETA, Mr. ORTIZ, Mr. PORTER, Ms. SNOWE, Mr. UPTON, Mr. JOHNSON of South Dakota, Mr. MCNULTY, Mr. SKEEN, and Mr. LEVINE of California.

H.J. Res. 532: Ms. DELAURO.

H.J. Res. 538: Mr. GINGRICH, Mr. MCDADE, Mr. COUGHLIN, Mr. BRUCE, Mr. ROWLAND, Mr. BRYANT, Mr. HYDE, Mr. RIDGE, Mr. REGULA, Mr. BURTON of Indiana, and Mr. ANTHONY.

H.J. Res. 540: Mr. HAMMERSCHMIDT and Mr. QUILLEN.

H.J. Res. 550: Mr. Aspin, Mr. Blackwell, Mrs. Boxer, Mr. Browder, Mr. Brown, Mr. Bruce, Mr. Carper, Mr. Colorado, Mr. Coyne, Mr. Dymally, Mr. Fazio, Mr. Frost, Mr. Gejdenson, Mr. Gekas, Mr. Hall of Texas, Mr. Hamilton, Mr. Hansen, Ms. Horn, Mr. Hutto, Mrs. Johnson of Connecticut, Mr. Jones of Georgia, Ms. Kaptur, Mr. Lewis of Georgia, Mr. McGrath, Mr. Markey, Mrs. Meyers of Kansas, Mr. Nagle, Mr. Natcher, Mr. Payne of New Jersey, Mr. Peterson of Minnesota, Mr. Price, Mr. Quillen, Mr. Rangel, Mr. Sanders, Mr. Scheuer, Mr. Sikorski, Mr. Skeen, Mr. Spratt, Mr. Stokes, and Mr. Yatron.

H.J. Res. 552: Mr. Dixon, Mr. Quillen, Mr. McMillen of Maryland, Mr. Bacchus, Mr. Hayes of Illinois, Mr. Blackwell, Mr. Rangel, Mr. Frost, Mr. Abercrombie, and Mr. Skeen.

H. Con. Res. 211: Mr. Towns.

H. Con. Res. 235: Mr. Visclosky.

H. Con. Res. 344: Mr. Jontz.

H. Res. 437: Mr. Campbell of California.

H. Res. 470: Mr. McNulty.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1354: Mr. Chandler.

EXTENSIONS OF REMARKS

SOCIAL SECURITY AND WILBUR D. MILLS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. JACOBS. Mr. Speaker, former Social Security actuary Bob Myers has written the following piece about former Ways and Means chairman Wilbur Mills. I thought my colleagues might be interested in reading it.

[From Contingencies, Sept./Oct. 1992]

SOCIAL SECURITY AND WILBUR D. MILLS

(By Robert J. Myers)

(This article was written in early 1977, when memories of the recent past were still fresh in my mind. But it was intentionally set aside to await publication at a later, suitable date. With the death of Wilbur D. Mills on May 2 of this year, it seems that that time has arrived.)

As a postscript, based on hindsight, several explanatory points are worth making. Most important, Mills, in the years after 1977, gave much of his time to working with Alcoholics Anonymous, to help others who had the same problems he had.

As to Social Security, I'm convinced that the 1977 legislative "solution"—which failed miserably in 5 years—would have been crafted much more skillfully, and probably satisfactorily, if Mills had been influential in the process. He certainly wouldn't have agreed to a financing strategy that did little more than let the plan just barely get by during its first few years—and then only if economic conditions were relatively good (unfortunately, though, they weren't). Why was the plan allowed to "skate on thin ice"? The reason is, by now, all too familiar: No politician wants his name linked with the "T" word: "taxes."

In March 1976, Congressman Wilbur D. Mills announced that he would not seek reelection after his current term of office expired. Thus came to a close a distinguished 38-year congressional career that is without parallel in the nation's history.

But history tends to remember only the most recent events in a person's record, and confine to oblivion his lifelong accomplishments. It is strange, and rather sad, that most people now associate Mills only with his illness (self-admitted alcoholism) in the early 1970s, rather than the many great achievements that preceded it.

MAINTAINING FINANCIAL SOUNDNESS OF SOCIAL SECURITY

Perhaps I am merely swayed by my own bias toward actuarial interests, but I believe that one of Chairman Mills' greatest contributions was his deep, continuing concern about the financial health of the Social Security program and the possible ramifications of any proposed changes. He scrupulously avoided the short-range view, whose sole aim is to make sure that sufficient funds are available—or at least until your term of office expires. Instead, Mills was deeply concerned about the situation over the decades, so that the benefit promises made to younger workers would be fulfilled.

Chairman Mills always insisted that, after any Social Security legislation was enacted, the system should be in close actuarial balance. This means that, over a lengthy period (such as 75 years), income from taxes and interest earnings of the trust fund would be sufficient to finance the disbursements for benefit payments and administrative expenses, according to the best possible actuarial cost estimates. In this respect, it is important to note that neither Chairman Mills nor any other politician ever attempted to have the actuarial cost estimates changed so as to support a particular political position.

There were many occasions, in Ways and Means and the conference committees, when Mills stood firm on the issue of either dropping proposed liberalizations (though they were well worth consideration) or else providing the necessary additional financing. This happened in the instance of the 1961 Amendments, when reduced early-retirement benefits at age 62 were first made available for men, as they had been for women in the 1956 Amendments.

As one element in the 1956 changes on behalf of women, the computation point for the benefit amounts was lowered from age 65 to 62; with this provision, the average wage would not be reduced because of the 3 years of zero earnings between the two ages for those who retired at age 62. But making the same change for men would have meant an increase in the long-range average cost of the program, amounting to 0.1% of taxable payroll and, therefore, an 0.1% increase in the combined employer-employee tax rate. Eventually, legislators concluded that this latter procedure was the worse of the two options, so unequal treatment by sex, in terms of benefits, emerged in the 1961 legislation.

It might seem strange at this point [that is, in 1977], since the estimated long-range actuarial imbalance in the Old-Age, Survivors, and Disability Insurance (OASDI) system is 8.0% of payroll that, in 1961, a tempest could arise over the minuscule difference of 0.1%. Although Mills realized there might be variations in long-range actuarial cost estimates, he was convinced that a precise yardstick of costs would have to be devised and adhered to, and that it was unwise to allow even the slightest "bending" of the "acceptable" limit of actuarial balance.

The 1972 Amendments provided a remedy for the problem of unequal treatment by sex—on a prospective basis, phased in gradually, so that everybody who reached age 62 in 1975 and after has had equal treatment. Financing provisions included in the legislation ensured adequate funding for the additional program cost involved.

At times, the Senate would vote for amendments to liberalize benefits, without the additional financing needed to pay for the benefit hikes. In joint conference committee, Mills was quick to point out the amendments' failure to include the requisite funding provisions: almost always, liberalization measures would be summarily dropped at that point.

Because of Mills' strong conviction that the Social Security system must be soundly financed over the long haul, the estimates for all the legislation of the 1950s, 60s, and early 70s were in close actuarial balance at the time of its enactment. What a vivid contrast with what's been happening over the last few years [the mid-1970s]: the trust funds' Board of Trustees has been reporting sizable actuarial imbalances for OASDI! The current [1977] estimate of the long-range deficiency, 8.0% of taxable payroll, represents a cost overrun, as compared with estimated income from scheduled taxes, of a little more than 70%, relatively speaking.

In the 3 years before 1977, these numbers were widely publicized, sometimes in pretty alarming terms. The only response from the Ways and Means Committee, at that time, was to hold hearings, before its Social Security Subcommittee. Although it isn't possible to second-guess history, I remain convinced that, if Mills had remained chairman of the committee, both the short- and long-range financing problems of OASDI (including the necessary rationalization of the benefit-computation method) would have been solved by now.

RATIONAL BENEFIT STRUCTURE UNDER OASDI

Over the years, even before he assumed the chairmanship of Ways and Means, Mills played a leading role in the development, and rounding out, of the protection provided by OASDI. He was deeply concerned about providing universal coverage and did all he could to achieve this objective as quickly as seemed feasible. He devised acceptable techniques for major categories of employees such as state and local government workers (and there were a raft of complicating factors in providing coverage to them); he focused as well on groups as obscure as employees in American Samoa and Guam.

Chairman Mills played a critical role in extending the program's benefits to include disability protection (in a sense, a premature retirement benefit). But when colleagues suggested that the program venture out into new areas of benefit coverage, he tended to favor gradualism, so that enough experience with a new species of coverage could accumulate to ensure that it would work out well over the long term. This explains why disability benefits, in the beginning, were only for people age 50 and over, and no dependents benefits were payable. As time went on, and the experience seemed to justify it, these limits were eliminated—under Chairman Mills' watchful eye.

Mills made certain that similar caution was observed in providing disability benefits to widows and widowers (with an age-50 limit, which is still on the books) and making Medicare benefits applicable to disabled beneficiaries (with a waiting period of 2 years on the roll before benefit protection is provided; this provision as well is still law).

EVOLUTION OF MEDICARE

Throughout the 1950s, there were many advocates for a program of hospital benefits for OASDI beneficiaries aged 65 and over. (Some of the proposals also included in-hospital surgical benefits, and a few would have covered younger beneficiaries, too.) In lengthy hearings and executive sessions on the proposals, legislators deliberated on whether

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

this kind of legislation was sound policy. Each time, based very much on Mills' opposition (or, at least, his doubts about how the proposal would eventually work out), the committee turned down the proposition, generally by about a two-thirds vote.

But later, in 1960, Mills collaborated with Senator Robert S. Kerr to devise the Medical Assistance for the Aged program. He was convinced that this strategy offered a better way to solve the problem of paying the whopping medical care costs of the elderly. In 1964, the Senate added an amendment to a Social Security bill passed by the House that would have introduced hospital insurance benefits (dubbed "Medicare"). However, the measure died in conference committee.

President Johnson, in his 1964 presidential campaign, promised to make Hospital Insurance a top priority for his administration. After his landslide election, a proposal on Hospital Insurance was introduced, with the glamorous title of H.R. 1 (in fact, though, the advantage of a top-dog numerical designation is pretty much confined to public relations efforts).

Again, Mills held extensive, searching executive sessions on the proposal. After a savvy assessment of the current political landscape—at that point, the House included about 60 freshmen liberal Democrats, who'd rode in on President Johnson's coattails—Mills concluded that medicare was an idea whose time had finally come. With that surmise in mind, he modified the proposal to make it stronger, focusing particular attention on its financing.

The voluntary Supplementary Medical Insurance portion of Medicare (so-called Part B), a complement to the compulsory Hospital Insurance portion (Part A) that would provide benefits for physicians' services and other items, was one consequence of his ruminations on the bill. Some opponents of the Hospital Insurance program (notably, the American Medical Association) criticized this approach vigorously, insisting it was deficient because so many components of health care costs weren't covered. Medicare Part B was Mills' response. In amassing support for the voluntary approach, Mills was careful to note that he'd in fact lifted this strategy from a proposal backed by several prominent Republican members of the committee.

At the same time, to allay the medical profession's fears that any government insurance program was inevitably going to destroy the patient-doctor relationship, Mills set up the Supplementary Medical Insurance program on an individual, voluntary basis (in regard to participation), and provided that administration between the program and its beneficiaries was to be handled entirely by non-governmental "carriers" (in the main, Blue Shield plans and insurance companies). Mills also changed some features of the original Hospital Insurance proposal, to ensure that it was established on a sound financial footing. With regard to Part B, he sought to obviate any antiselection against the system, a likely outcome in a program that lets individuals decide for themselves whether or not they want to participate.

Mills' reworking of the bill also served the system well after 1965, when a tremendous surge in hospital costs hit the country. (The main reason why expenditures soared was the general inflation that resulted from the Viet Nam War—not the inauguration of Medicare.) But even Mills' changes didn't go far enough: more financing had to be added, by legislation in 1968.

In the 1965 legislation, Mills extended the Kerr-Mills program, originally targeted only to the older poor, to cover a broader spectrum of needy people—notably, the blind, the disabled, and families with dependent children. Although altered a bit in the Senate, the final legislation that emerged was very close to the bill that Chairman Mills had stitched together to achieve political consensus. Since then, he's often been called the "Father of Medicare."

After its original enactment, Mills continued to play a singularly influential role in the development of the Medicare program. When sharp increases in physician fees hit the program during 1966–71, there was a good deal of grumbling among beneficiaries about the increases in the Part B premium rates (which were supposed to finance 50% of the program's cost; the remainder was to come from general revenues). These increases were a lot higher, relatively, than the rate of increase in cash benefits.

Mills came up with the idea that the relative increase in the enrollee premium rate ought not to exceed the percentage increase in the monthly cash OASDI benefits that resulted from the automatic-adjustment provisions (or any ad hoc increases). This precept, which seems eminently fair and reasonable, was embodied in law in 1972 and has worked out well over the years.

When Medicare was extended to disabled beneficiaries in 1972, Mills was instrumental in adding the provision that it apply only to those who had been on the roll for at least two years. Why? Because it seemed wise to start up a new program in an area that was marked by numerous uncertainties (for instance, no one knew how much health care the disabled people would use) in a limited way. Second, if an individual's Medicare coverage were immediate, commencing when he was first eligible for monthly benefits, serious questions would arise as to whether (or when) in fact the Medicare protection was available if adjudication of the disability lingered on for many months after first becoming eligible for cash benefits (and retroactive cash benefits were paid); this happens fairly often. Mills' approach neatly solved both these problems.

FINAL ASSESSMENT

Wilbur Mills played a singular role in the development of this nation's Social Security program. He insisted the program be soundly financed, not just during the next few years—but, far more crucially, over the long term—many decades into the future. Thinking in this way is essential to any insurance program, private or social, so that future benefit promises can be met.

Mills' presence in Congress has been sorely missed over the years, but is most conspicuously lacking now, when grave financing problems confront the Social Security and Medicare programs. Mills' wisdom, knowledge, and industry could undoubtedly help immensely in crafting a mutually satisfactory and sound solution.

(Robert J. Myers is professor of actuarial science emeritus, Temple University, Philadelphia. Myers was chief actuary of the Social Security Administration during 1947–70 and has remained active in this field since that time.)

JAMES M. SPARLING, JR.—RAINMAKER AND FRIEND

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. VANDER JAGT. Mr. Speaker, every one of us in this body, and on the other side, has someone in the office that makes it all go. Somebody that we trust, somebody who always seems to be there at the right time, with the right solution, and who gets the job done.

For 17 years I have had the very best—someone known and respected by my fellow Members, someone who is known and respected, more importantly, by his colleagues. One of the very toughest parts of leaving the Hill at the end of the 102d Congress will be wishing Jim Sparling a long and happy retirement—I'd rather take him with me wherever I go, because things just won't go as well without him.

And Jim has lent his delicate hand, and gentle management style, to making things go on Capitol Hill for 32 years, with a couple of notable interruptions.

In 1960, intrepid reporter Jim Sparling, of the Saginaw News in his hometown of Saginaw, MI, drew the straw that put him on campaign coverage of the congressional race which sent our former colleague, Jim Harvey, now Federal Judge Harvey, to Congress. In what has to be considered a master stroke of good fortune for himself, and for the Congress, Jim Harvey recognized Jim Sparling's talents and offered him the job of administrative assistant.

Sparling likes to tell the story of the interview, when neither of the Jims had the slightest idea what an administrative assistant did, and Jim Sparling found out that he was batting about third.

That's the last time Jim Sparling batted third, and the last time anyone, himself included, wondered what an administrative assistant did.

He did it all, and he did not miss a thing. He defined the job.

Because Jim Sparling knew then, and he knows today, that an administrative assistant is not elected, and that Congressmen are servants. That knowledge, that commitment, made him a powerful force, and those he has served more effective in meeting the obligations of their high office.

For if there are virtues such as dedication, loyalty, a fierce commitment to excellence, and a driving competitive edge, Jim Sparling embodies those virtues.

Jim Sparling served Jim Harvey for 13 years—and then accepted an even more challenging appointment, serving President Richard Nixon in the White House Office of Legislative Affairs during the summer of 1973.

Returning to Congressman Harvey in August 1973, Jim saw the Congressman nominated to the Federal bench, and an opportunity to be of even greater service to his hometown and the area of our great State of Michigan he loved. In February 1974, Jim Sparling announced his own candidacy for Congress from what was then Michigan's Eighth Congressional District.

In a unique special election, during which President Richard Nixon made a special appearance in his behalf, on April 15, 1974, Jim lost his bid by about 3,000 votes out of 120,000 cast.

Jim then lent his considerable talents to another of our former colleagues, Congressman Al Cederberg, of the 10th District—and then decided to compete in the 1974 general election for the Eighth District seat.

I've never been sure of my feelings about the result of that election. Jim lost, and went on to a very short association with another of our former Michigan colleagues, Congressman Marvin Esch, before he accepted an assignment as the Assistant to the Secretary for Congressional Affairs at the Department of Commerce, where he served Secretary Fred Dent, and our dear departed colleague from Maryland, the late Congressman/Secretary, Rogers C.B. Morton.

That time at Commerce, too, was short, because I had the good sense to persuade Jim to come to work for me and Michigan's Ninth District. Jim joined, a curious word for someone who has served with such distinction—our staff in June 1975, and we have never looked back.

The hallmark of his leadership of our Ninth District staff has been service, service, and more service. No letter went unanswered, no invitation unacknowledged, no issue glossed over—we were never surprised, never unprepared, and the people of Michigan never unserved.

I, frankly, can't think of anything Jim would rather be remembered by than that. And I want to read just a few words from just one letter—written just this past summer—to demonstrate that Jim Sparling has never let up. This individual writes:

> I know from personal experience that Jim Sparling starts every morning at 6:30. Your staff is extremely busy. The offices are so small there is hardly room to sit down. For what it is worth, over the many years that I have written letters or called—there has always been the courtesy of a relevant answer.

Jim even started his work experience early, he joined the Navy as a 17-year-old, demonstrating a commitment to and love for his country that has never wavered. A history buff, Jim is a fountain of information on American history and never ceases to amaze one and all with his encyclopedic knowledge.

And that's a vestige of his work in the private sector—he was a political reporter for the Saginaw News when he left for Washington, and had previously toiled for the same paper in his second love, sports.

Did I say second love? No, actually fourth—immediately behind politics and our country, but lagging substantially behind his God and his family. Jim married the former Esther Haar of Saginaw on June 3, 1950, and that is a story still being loved. And it's an inspiration to all of us who know them, and their outstanding children, Jim III, Jana, and Tammy. Perhaps one small anecdote will indicate how the Sparlings define family: When Jim III was about to be married he chose his best friend to be his best man—his dad.

Jim has been like family to me, to my lovely wife Carol, and to our daughter Ginny—always there to maximize the time that the Vander Jagts could be family; always there to make not only my service to our Ninth District more effective, but to make sure that the Vander Jagts did not fall victim to the pressures and tensions that so often befall us in this high pressure environment.

As my congressional service to Michigan's Ninth District ends, Jim has decided that he wants to spend more time with Esther, more time with his children and five grandchildren, and more time on the golf course.

I'm going to miss him, and so will the people of Michigan and his colleagues on Capitol Hill. An example, an inspiration, a legacy much to be envied. Jim, we wish you well: A long and happy retirement—family time shared, long drives, and short putts, and look forward to your continuing friendship.

JIM SPARLING: AN EXTRAORDINARY CONGRESSIONAL AIDE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BROOMFIELD. Mr. Speaker, those who come to work on Capitol Hill initially envision Congress as one big institution but soon come to realize that it is more like 435 small businesses.

They also soon find out that each office has one person who functions as a chief operating officer, chief financial officer, corporate secretary, and just about everything else.

For some reason they call this person an administrative assistant. Whatever the title, the AA is the hub around which the office wheel revolves.

From experience I know something about administrative assistants, and I have always admired my colleague from Michigan, Congressman VANDER JAGT, for having the good judgment to hire Jim Sparling as his AA in 1975.

I've been in many a meeting with Jim and have a great amount of respect for his political acumen, his knowledge of the workings of Congress, and his understanding of what those who elect us truly care about.

Teddy Roosevelt once urged young people to dare greatly, to spend themselves in a worthy cause by putting themselves at risk in the public arena.

Jim has done that. He put himself forward in two hard-fought congressional races in years when Republicans could not have expected to win. He came up short, yet through those experiences he learned more about being a politician and an elected official than he could have by reading a library full of political science texts.

I suspect that's one reason Jim Sparling is such a good chief of staff, and why he has been so valuable to GUY VANDER JAGT and to the whole Michigan delegation.

As GUY takes leave of this great institution, so will Jim Sparling. Many in Congess will long remember Jim's many contributions to the country, the Congress and the party he loved. I wish him well in retirement.

TRIBUTE TO THE PEOPLE OF THE REPUBLIC OF CHINA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. GILLMOR. Mr. Speaker, as we approach the 81st celebration of Taiwan's National Day on October 10, I would like to recognize and applaud the people of the Republic of China for decades of political growth and economic expansion.

Having had the opportunity to visit Taiwan, I have been impressed by the commitment to the principles of democracy and capitalism demonstrated by the people I met. This commitment has spurred Taiwan's progress toward global leadership and competitiveness.

Congratulations to our Chinese friends and their leaders, President Lee Teng-hui, Premier Hau Pei-tsun and Representative Ding Moushih, and best wishes for the future.

CONGRATULATING THE REPUBLIC OF CHINA ON THE OCCASION OF THEIR 81ST NATIONAL DAY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CRANE. Mr. Speaker, October 10 marks the 81st celebration of National Day of the Republic of China on Taiwan. Under the leadership of President Lee Teng-hui and his predecessors, freedom and democracy have flourished in Taiwan and their economy has enjoyed impressive growth. As the United States' fifth largest trading partner, Taiwan has taken substantive steps in opening its markets to American products and has steadily reduced its trade surplus with the United States. Despite Taiwan's recent severance of relations with South Korea, Taiwan has remained active in maintaining old diplomatic ties and in making new allies around the world under the leadership of Taiwan's Foreign Minister and seasoned diplomat, Dr. Fredrick Chien.

Taiwan's vision of a free and strong Republic of China under the principles of "free economics, democracy, and free elections" is one that is warmly embraced by freedom-loving people everywhere. In honor of this important occasion, I wish to extend my personal best wishes and congratulations to the Republic of China on Taiwan.

JFK HEALTH CENTER 25TH ANNIVERSARY

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. KENNEDY. Mr. Speaker, I rise today to congratulate the JFK Health Center of Middlesex County, NJ on its 25th anniversary of providing the highest quality medical care to the people of northern New Jersey.

In 1967, the JFK Medical Center opened its doors as a 205-bed hospital with fewer than 150 physicians and dentists on staff. Today, JFK has grown to become New Jersey's largest single hospital system with nearly 1,000 beds. The flagship of the system is the 572-bed Medical Center which consists of the Anthony M. Yalencsics Community Hospital—the general health care facility—and the adjacent 74-bed JFK Johnson Rehabilitation Institute. In addition, JFK now employs more than 500 doctors representing all major medical and surgical specialties and subspecialties. JFK Medical Center records more than 20,000 admissions annually, including nearly 2,000 births, more than 40,000 emergency room visits and close to 400,000 outpatient visits.

The JFK Medical Center offers several integrated departments including: JFK Institute for Cancer Services; the Mental Health Institute, which provides counseling and treatment services for youngsters and adults; the Family Practice Center, which trains physicians in the specialty of family practice medicine; and the JFK Center for Drug and Alcohol Prevention and Treatment. The JFK Johnson Rehabilitation Institute's Center for Head Injuries is nationally recognized as a pioneer in head trauma evaluation and treatment.

The JFK Medical Center is committed to serving the community. Together with its affiliates, JFK provides progressive and efficient health care for business and industry, individuals and families. JFK also provides educational programming to the community including AIDS conferences offered to the seniors of local high schools. The JFK Medical Center also offers free mammography screenings to all women of the community.

Today, I would like to extend my heartfelt congratulations to the JFK Medical Center on the 25th anniversary of its opening. JFK's illustrious past and promising future guarantee that this hospital will remain on the frontier of medical research and patient care.

CONGRATULATIONS COUNTRY MUSIC AWARD WINNERS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CLEMENT. Mr. Speaker, last night, in the home of country music, Nashville, TN, the 26th annual country music awards were presented before a nationwide audience.

Hosted by super-stars Reba McEntire and Vince Gill, The awards ceremony showcased the best artists, musicians and songwriters around today.

Garth Brooks was voted "Entertainer of the Year" by his peers for the second straight year and his album "Ropin' in the Wind" was selected the year's best album.

Brooks shared the spotlight with fellow Oklahoman Vince Gill, who also won two awards, including the "Male Vocalist of the Year." Mary-Chapin Carpenter was chosen the top female vocalist.

The single of the year award went to Billy Ray Cyrus, AKA the new Elvis, for his sensational song "Achy Breaky Heart."

Songwriter Max D. Barnes shared the Songwriter's Award with Vince Gill for the hit "Look at Us."

And my dear friends George Jones and Frances Preston were named to the Country Music Hall of Fame.

The CMA Awards are always marked by fresh faces, as evidenced by the Duet Singing Award to Ronny Dunn and Kix Brooks, while Diamond Rio was named the best group and Suzy Bogguss was given the Horizon Award as the most promising new artist.

Mr. Speaker, the reasons for country music's popularity were clear as one watched last night's awards show. Country music has some of the brightest and most talented songwriters, artists, and musicians in the music industry today and it is indeed an honor to represent them here in the Congress.

I congratulate all of the award winners and the nominees for helping make 1992 one of country music's best years.

FEDERAL BUDGET DEFICIT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BEREUTER. Mr. Speaker, the American public is frustrated with the lack of action to reduce our Federal budget deficit. This Member shares this frustration and was disappointed that earlier this year, the House failed to pass a resolution calling for a balanced budget amendment to the Constitution. Congress must be committed to reducing the Federal deficit. Minimizing the Federal deficit is the most important issue that we have to deal with at the Federal level. It is irresponsible to pass on the huge deficits to future generations.

Mr. Speaker, Mr. Darrel Dudley of Norfolk, NE shares in the concern of many Americans regarding this matter. I commend to my colleagues the following trust letter from Mr. Dudley regarding the urgent need to address our Federal budget deficit:

DUDLEY LAUNDRY CO.,
Norfolk, NE, September 23, 1992.

To The Congress of the United States of America.

GENTLEMEN: I must call to your attention that our indebtedness is becoming overwhelming. Our low point at the end of the current war was 3.2 trillion.

As of today it is over 4 trillion and since no one has insisted that something should be paid on it monthly, it is growing by the Billions due to the interest on the indebtedness.

Please give this serious consideration.

Yours truly,

DARREL D. DUDLEY.

REGULATION STRANGLES LENDING FOR JOB EXPANSION

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. HASTERT. Mr. Speaker, on September 14, 1992, the Republican Research Committee's Task Force on Competitiveness held a field hearing at Waubonsee Community College in Sugar Grove, IL.

Congressman HUNTER, Congressman DELAY, Congressman EWING, and I listened to real-life stories of small and large businesses that are simply being strangled by too many layers of regulatory redtape.

I am entering into the RECORD an especially important statement made by Cal Myers, president of the Merchants National Bank in Aurora, IL. While everyone agrees that regulation is necessary to ensure the soundness of the banking industry, too many regulations and duplicative regulatory jurisdictions serve only to increase costs. They also have the effect of reducing lending to businesses who want to create jobs and help boost our economy. As the following statement attests, our current system drives up the cost of capital at a time when our country can ill afford it.

STATEMENT BY CAL MYERS

Good afternoon. My name is Cal Myers. I am currently President and Chairman of the Board of the Merchants National Bank of Aurora, a $360,000,000 banking institution in this community. I am pleased to be able to make a statement at this hearing. I have had concern for several years now over the increased cost to my employer, my industry and society, as a whole, of what appears to be an ever accelerating increase in the regulatory/compliance burden. Our industry already faces an incredible number of regulations—the vast majority of which have nothing to do with the industry's basic safety and soundness and are of little or no value to consumers.

These days, many bankers find there are some services we would like to offer to our customer base but cannot provide them because of the time devoted to untangling the red tape of regulations that tend to be extremely confusing and do nothing but reduce the profitability of the industry, as a whole, and the individual institutions comprising it. What is worse, the trend is accelerating, and we look with great fear to the over 40 new regulations coming out of the 1991 FDIC Improvement Act and the additional burden it will impose.

My state today will begin with a macro view of the costs of complying with the plethora of rules and regulations that effect this industry. I shall then move to a micro view and attempt to identify the specific deleterious effects on individual institutions and then conclude by identifying some potential areas where, I believe, the industry feels some improvement in the situation can be made.

THE MACRO VIEW

The banking industry has been accused of being the primary culprit in prolonging the rather weak recovery from the most recent economic recession. Drawing that inference based on a complete understanding of the dynamics of economic cycles and the current banking environment is, in my opinion, incorrect. In my view, tax and regulatory overload have imposed an incredible burden on the economy in general and this industry in particular. On November 1, 1991, economist Robert Genetski published an analysis suggesting the new tax and regulatory burdens on the economy, as a whole, represented the equivalent of a $86.1 billion tax increase in 1991 and a $70.2 billion tax increase in 1992. To expect a weak economy to rebound and snap back with vigor when this kind of a weight has been placed on its back is just not reasonable.

More germane to banking, the American Bankers Association has recently completed a study attempting to quantify the impact on our industry from the plethora of rules and regulations affecting our day-to-day activities. The key findings of that study, attached as an Appendix to this statement, conclude that it cost the banking industry $10.7 billion last year alone to comply with the literally hundreds of rules and regulations issued by the institutions affecting our behavior, e.g., Federal Reserve, Comptroller of the Currency, FDIC, Internal Revenue Service, Securities and Exchange Commission and various other federal agencies as well as state banking regulators. To give some sense of perspective to the magnitude of this $10.7 billion figure, I should like to point out that the industry's total profit in 1991 was only $18 billion. Simple arithmetic then tells you, in 1991, banks spent 59% of their income complying with rules and regulations having absolutely minimal, if any, bearing on basic safety and soundness issues.

There are few bankers around who would argue against supervision that basically helps insure the health, safety and soundness of the industry. But to spend almost 60% of our net income complying with things that don't enhance the profitability of the industry nor benefit society to any particular degree appear to be of questionable value. If anyone in this room has concern over banks' capacity to lend in the recent recession, it should be noted that the banking system could support an additional $20 to $30 billion of additional lending each year if only 25% of the resources the industry is currently spending on compliance issues could be redirected to bank capital. In the abstract, a number of this magnitude would certainly have helped stimulate what otherwise has been a less than impressive recovery from the most recent recession. Even most bank regulators accept the fact that a large part of the overall safety and soundness issue is to have a healthy and profitable industry. Safety and soundness and profitability, over the long haul, go hand-in-hand. The cost of regulatory compliance is taking a severe bite out of my industry's level of profitability.

I also happen to believe that the estimate recently provided is on the low side. It is very difficult to estimate the total cost of complying with the myriad of rules and regulations because many of these costs are hidden and hidden so well that it is almost impossible to identify them and enter them into the calculation. Direct costs attributable to compliance issues represent only a fraction of the full cost. A significant portion of the costs consists of time spent on compliance issues by individuals whose primary duties are not necessarily compliance related. The hard fact is that compliance time is imbedded in the routine activities of virtually everyone in the organization from the CEO to the teller.

What is even more frightening is that the $10.7 billion figure previously identified is still not the total cost of all of the elements affecting our profitability. As an example, the industry keeps $1.6 billion in sterile reserves at Federal Reserve Banks around the country and receives absolutely no interest on them. I certainly realize there are some elements of being a member of the Federal Reserve System that, often times, run counter to profitability. The opportunity cost, however, of $1.6 billion tied up in reserves earning no income for the industry's shareholders, in my opinion, is something needing review. Even more frightening is the $10.7 billion figure under discussion does not include the cost of FDICIA. That is totally unknown at this point. It is this particular piece of legislation causing the current concern in this industry.

THE MICRO VIEW

Moving from the broader picture down to the impact the regulatory/compliance burden has on individual banks, it is perhaps more meaningful to identify some specific things hitting closer to home for all of us than some of the broader concerns identified in part one. It is beyond question that the regulatory/compliance burden falls more heavily on smaller banks. The ABA study previously mentioned concluded that the compliance cost as a percent of operating expenses amounts to almost 30% for the smaller banks (less than $25,000,000) while dropping to around 10% of the operating expenses of the nation's larger banking institutions. Ironically, in many parts of the country, it is, indeed, the smaller community bank that is the life blood of local economic activity. Because of our own state's view on branch banking for so many years, this is particularly true in Illinois. I have been told that Illinois ranks second in the country in terms of the number of chartered banks and roughly 70% of these banks had assets less than $100 million. It is obvious that the regulatory burden poses a very special problem for institutions of this size because of the limited number of individuals to whom the compliance responsibility can be assigned.

What does all this mean in terms of products and services available and/or the costs of these services to the consuming public? One respondent to the ABA study on regulatory burden indicated that his institution did not even offer variable rate residential mortgages or home equity loans simply because of the burdensome laws surrounding the product. Another small bank took the same position by observing that variable rate mortgages are not offered because the cost of the software to produce the disclosures exceeds the estimated profit from the product. And the beat goes on. Another respondent concluded that his customers receive ¼% to ½% less on their deposits and loan customers pay ¼% to ½% more for, as he put it, "regulatory mishmash." It is simply impossible in five or ten minutes to adequately, and with conviction, convey the frustration and negative economic impact that the aforementioned "mishmash" has created. Somewhere along the line we have lost perspective.

One respondent in the ABA study accused the Truth-in-Lending requirements as form over substance. His bank was criticized for referring to the fact that a borrower wanted to help his daughter instead of saying "child."

Securing a loan to purchase a home has been made so difficult it's a wonder anybody ever buys one in the first place. Home ownership, long the American dream, is being totally strangled by rules and regulations that make the application process a virtual nightmare. For example, I chatted briefly with one of our mortgage specialists at the Merchants Bank and he acknowledged the following:

If a customer is interested in purchasing a home and would like to finance it with a variable rate loan, the customer would leave our organization with the following material in his or her possession.

A Good Faith Estimate of Settlement Charges.

A booklet entitled "Settlement Costs/HUD Guide." This a 45-page document explaining everything anybody would ever want to know about the process of buying a house. The format and information contained in this document is prescribed by Federal law.

A preliminary set of Regulation Z disclosures (12CFR226) to show what the terms of your loan might be.

A copy of the two-page legal-size residential loan application which may have up to 27 parts needing completion.

A statement of servicing rights telling you what percentage of loans the bank has sold over the past three years.

A 23-page booklet entitled "Consumer Handbook on Adjustable Rate Mortgage" which describes adjustable rate loans.

A copy of the bank's ARM disclosure which details the bank's specific program.

A notice of special flood hazards which will tell the customer whether or not the property is located in a designated flood zone. It also fells them if the community participates in the national flood insurance program.

Of these eight items, the customer winds up signing five of them and the loan hasn't even been approved at this juncture. If the loan is approved, additional disclosures are required as you might expect. The customer must then return to the bank and receive copies of the following:

A Settlement Statement listing all the charges associated with the home loan.

A Disclosure Statement concerning how the bank will escrow taxes.

Truth-in-Lending Disclosures as part of the note form.

These require another three signatures and two sets of initials.

If this isn't enough, don't forget we have yet to sign the mortgage, do the title work, review settlement agent forms, and tax documents. And don't ask me to explain any of this. My loan officer, as I began to detect I was touching a sensitive nerve with him, then whipped a 224-page manual off his shelf and said this is what he needed to basically make sure he is doing everything to comply with RESPA. Ladies and gentlemen, I can assure you the customer doesn't care about most of this and, if anything, regards it as a burden. And what is more frustrating, takes his wrath out on us rather than the individuals who have perpetrated all of this nonsense in the first place. Certainly, I believe that disclosure of relevant facts and issue is reasonable. But this, in my opinion, is not reasonable.

REGULATORY DUPLICATION AND UNEVEN PLAYING FIELD

I have not seen any attempts to quantify the phenomenon but I am as sure as I can be that out of the $10.7 billion regulatory price tag the industry paid in 1991, a rather significant portion of that would have to be attributed to mandatory activities that are largely duplicative.

In my own case, just a few years ago we were a two bank holding company. We found ourselves in the interesting situation where of the two banks, one was a national bank and the other had a state charter. That meant that we incurred annual or close to annual, but separate, visits from the state regulators and the FDIC who both had jurisdiction over the state bank and its trust department. The national bank was regulated by the OCC. The Federal Reserve System and SEC, who is rapidly becoming our fourth regulator, took care of the holding company. All of this was in addition to the money we pay for an outside, independent audit of our organization plus the highly professional staff of in-house auditors.

While the extent of this duplication, per se, has some cost, it seems to be utter nonsense when the regulators can't agree among themselves as to what we ought to be doing. To wit: recently our financial officer sent me a memo regarding FASB 109 which deals with an accounting issue relative to how income taxes are recorded for book purposes. It is worth noting the banking regulators have not yet accepted this new standard even though the SEC requires it. We still have not received the regulatory position on the issue so we are forced to comply with both perspectives. This simply means keeping two sets of books to appease different requirements imposed on us by two different regulators. Somehow this comical situation seems rather far removed from basic issues of safety and soundness of the industry.

Another quick anecdote as it relates to my organization. A couple of years ago we made a decision whereby we thought it would be of benefit to each employee to have the opportunity (it was not mandatory) to purchase stock in the corporation. As a consequence, we introduced a new investment option in our thrift plan consisting of stock in this organization. Everything anybody has ever seen or heard has talked about the virtues of having employees, to the greatest extent possible, have a sense of ownership in the corporation. The American way, right? We became so enmeshed in all of the rules and regulations promulgated by the SEC regarding a decision that is by all reasonable standards desirable, we came perilously close to trashing the whole project and not even going through the exercise. We later concluded that it was a desirable act and we would incur the hard dollar and soft dollar costs to make this option available. It has been received favorably by those employees electing to participate but if they only knew how close we came to scrapping the project because of red tape.

An additional concern is what I have long felt to be an inequity has been the unequal playing field faced by the banking industry. At a time when the regulatory burden is increasing geometrically, our ability to effectively compete is being severely hampered as a consequence. It is my understanding that credit unions still do not have the massive CRA obligations commercial banks have. Unless it's changed recently, they also don't pay income taxes. I'm not suggesting anything other than it is one good example of a tilted playing field.

It is also my understanding that at the same time Truth-in-Savings regulations are being imposed on insured depositories such as commercial banks, the SEC is recommending permitting a "clip and save" policy for mutual fund investments. According to Alan Tubbs this policy would allow individuals to acquire shares in various mutual funds simply by remitting their money along with a clipped newspaper ad before they receive a prospectus. After the investment is made, the customer will receive a copy of the fund's prospectus which provides them the details of the transaction. Not only do our deposit products increasingly compete with these and other financial services, but I have to wonder why they aren't similarly required to provide the disclosure documents we do? You have made it harder for us to acquire deposits and more burdensome to make loans. As a result, you are effectively emasculating both sides of our balance sheet and I guarantee it will come at the expense, one day, of the health of this industry and hence the economy.

RECOMMENDATIONS

The following section will be broken into two parts—regulatory and legislative recommendations. I shall simply summarize for you the conclusions of the American Bankers Association as it relates to the areas where relief from the regulatory and legislative process can be achieved. Regardless of the area of concern, it is simply my belief that you legislators should try to the best of your ability to identify the cost/benefit associated with any new regulatory or legislative mandates. In my view, that is the biggest void in the entire regulatory scheme—reluctance to somehow relate the benefit of any particular rule or regulation to the cost of complying with it.

More specifically as it relates to regulatory recommendations, the ABA is urging strong consideration of the following:

CRA relief for community banks along with safe harbors for all banks having previously earned outstanding or satisfactory ratings.

Clear, simple guidance to the Bank Secrecy Act's requirements. Exemption process needs to be rationalized and those banks making every reasonable effort to comply should be protected from civil and criminal liability.

Ease the voluminous daily confirmation requirements for hold-in-custody repurchase agreements. The Government Securities Act regulations impose this rule to the annoyance of customers not wanting to receive a basketful of paper each day in the mail.

Legislative recommendations to be taken seriously include:

Reduce supervisory examination costs by removing certain duplicative and/or unnecessary requirements without sacrificing safety and soundness.

Review reporting requirements and instruct regulators to review current reporting requirements with the goal of reducing such burdens.

Minimize government intrusion in day-to-day bank operations.

Review current risk-based capital compliance requirements to eliminate unnecessary burdensome effect on community banks.

Modify and remove inflexible restrictions on real estate lending by removing provisions requiring regulators to enact potentially rigid and inflexible standards on bank real estate lending practices.

Provide interest on sterile reserves held at Federal Reserves banks.

I strongly urge you to review the recently concluded survey by the American Bankers Association in which much more detail is attached to many of the issues I have addressed in this presentation. Those presented are not designed to even be close to an exhaustive list. But I think by now you get the sense of the burden we are facing, the frustration that is emerging and the economic consequences of failing to identify and hence resolve some of these basic issues. You simply cannot tie one hand of the industry and at the same time send us out to wage war against a limp economy. I recommend the ABA study and its conclusions to you. Participate in removing this tremendous burden from the back of this industry in particular and the economy as a whole. Thank you for your attention.

LEGAL PROCEEDINGS INITIATED TO DEPORT SUSPECTED HUNGARIAN WAR CRIMINAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LANTOS. Mr. Speaker, it should not go unrecognized that recently the Department of Justice filed a complaint to revoke the citizenship of Jozsef Szendi, a suspected Nazi collaborator who is accused of taking part in the persecution of unarmed Jewish civilians and others while a member of a paramilitary group, the so-called Royal Hungarian Gendarmerie.

The complaint, issued by the Justice Department's Office of Special Investigations and the U.S. Attorney's Office, states that Jozsef Szendi voluntarily joined the murderous organization that was responsible for the enslavement and deportation of Hungary's Jewish population during World War II. The Gendarmerie deported between 16,000 and 18,000 Jewish civilians to Poland where the SS shot them to death.

Szendi is also accused of participating in a raid on a building in Budapest where Jews were hidden by a rescue program headed by Swedish diplomat, Raoul Wallenberg.

Szendi later became a member of the armed commando wing of a Hungarian terrorist organization, the National Organization of Accountability, an organization responsible for assaults, torture, and killings of public officials, diplomats, political figures, and unarmed Jewish civilians, the Justice Department complaint said.

To date, 42 Nazi persecutors have been stripped of United States citizenship as a result of OSI's investigations and prosecutions. Thirty have been removed from the United States.

Mr. Speaker, there is no such thing as a statute of limitation on the kind of horror Szendi is accused of committing. Those still living who are responsible for the atrocities committed during the Second World War should and must be brought to justice. I commend the Justice Department for their work on the Szendi case and respectfully urge the continuation of their efforts. Justice demands no less.

END DISCRIMINATION AGAINST GAY MEN AND LESBIANS NOW

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. KOSTMAYER. Mr. Speaker, today I am inserting into the RECORD the second part of a comprehensive study that the Philadelphia Lesbian and Gay Task Force released yesterday.

Titled "Discrimination and Violence Against Lesbian Women and Gay Men in Philadelphia and the Commonwealth of Pennsylvania," the study represents the largest survey of its kind in the United States; 2,600 gay men and lesbians from Philadelphia, its surrounding suburbs, and 35 counties throughout Pennsylvania report their experiences of discrimination, harassment, and violence.

Although not all Members of Congress will agree with the study's recommendations and conclusions, I feel that the Philadelphia Lesbian and Gay Task Force has made an important contribution to the policy debate regarding the desperate need for civil rights protections for the millions of people who encounter discrimination based on their sexual orientation. I commend the task force for undertaking such a worthy project, and I urge all of my colleagues to read the study.

The second installment of the study follows:

PHILADELPHIA LESBIAN AND GAY TASK FORCE 1991-92 SURVEY

RESULTS

Sample characteristics

Our efforts to reach a significantly expanded sample were successful: the present study represents the largest group of lesbian and gay respondents ever included in a study of discrimination and violence. We were able to achieve parity between men and women in the study and, although the racial diversity of our sample is still far from proportional to the population of Philadelphia (it is closer to being proportional for the rest of the Commonwealth), we were able to include sufficient numbers of African American lesbians and gay men within the Philadelphia sample to be able to make at least limited comparisons with regard to the race of the respondents.

Of the over 14,000 questionnaires distributed, in addition to those reached through Au Courant, we eventually received approximately 2,900. Because of the newspaper distribution it is impossible to estimate a rate of return. Since the focus of our survey is on discrimination and violence related to sexual orientation, the sample was restricted to those who reported that they are lesbian, gay, or bisexual. This criterion eliminated 118 of the respondents. While discrimination or violence against heterosexuals mistakenly perceived to be lesbian or gay is a phenomenon that merits investigation, our sample of heterosexual respondents was too small to permit such analysis.

We further eliminated those respondents who do not live in the Commonwealth of Pennsylvania, with a resulting total of 2,652 individuals in our sample, 1,184 lesbian women and 1,468 gay men.

We have organized and analyzed the survey in terms of two primary sample characteristics: gender and location of residence. The sample thus divided includes 1,413 Philadelphians (860 men and 553 women), 576 residents of the four suburban counties around Philadelphia (210 men and 366 women), and 663 residents of the Commonwealth outside of Philadelphia and the suburban counties (398 men and 265 women).

Within the Philadelphia sample we have been able to further analyze the survey in terms of certain racial characteristics. We are able to compare African American men (189) and women (93) with white men (608) and women (425). The numbers of Latino and Latina respondents (36 and 18) and Asian (10 women and 17 men) and other racial groups (7 women and 10 men) were not sufficient for separate comparisons; they are of course included within the overall Philadelphia sample of 1,413.

Since victimization rates and lifestyle tend to be different for males and females, findings will be reported separately by gender in the pages that follow. The results will also be reported separately for Philadelphia residents, residents of the four suburban counties around Philadelphia, and residents of other counties in the Commonwealth of Pennsylvania. In addition, findings for Philadelphia residents are reported separately in some tables for African American and white respondents.

Table 1A gives selected demographic data for the respondents in the Philadelphia sample, by gender and race, and Table 1B gives the same demographic data for the three geographic samples, by gender. The median age of survey respondents is 33 in all three geographic samples. On the average, males in the sample reported that they first recognized their sexual orientation at a younger age than females in the sample, which is consistent with much previous research on sexual orientation in the United States.

As in our previous studies, the sample we have reached is disproportionately made up of highly educated individuals. Half of our respondents have at least a college education and approximately one third have graduate degrees. Within Philadelphia we find the most striking differences along racial lines, with white respondents reporting higher educational levels than African American respondents; these differences are especially large for the men.

Income data show a somewhat different pattern: outside Philadelphia men and women report essentially identical median incomes, but the mean incomes reported by men are higher than those reported by women, which means that some men earn much higher incomes than any of the women. Across the state, suburban respondents, both men and women, report the highest incomes, and residents of the rest of the Commonwealth, the lowest incomes. Within Philadelphia, as was the case with education, the relation of income to gender is heavily influenced by race: African American and white women report similar income levels, while African American men report notably lower incomes and white men notably higher incomes. However, it should be noted that the younger African American men report higher incomes than young white men and white and African American women in the Philadelphia sample, and highly educated African American men report the highest mean incomes of any group in the Philadelphia sample.

We asked our respondents whether they were currently part of a couple and, if they were, how many years they had been in this relationship. We also asked them whether they had any children and, if they did, whether their custody or visitation rights had ever been challenged in court. Tables 2A and 2B give the responses to these questions for the Philadelphia sample, by gender and race, and for all three geographical samples by gender. Overall, lesbian women were more likely than gay men to report that they were part of a couple; however, within the Philadelphia and suburban samples the men who were part of a couple reported longer relationships on average (6 years) than did the lesbian women (4 or 5 years). Within the Philadelphia sample white women and men were more likely to report being part of a couple. In all cases lesbian women were much more likely than were gay men to report that they have children but in the Philadelphia and the Pennsylvania samples, fathers were more likely than mothers to have faced custody or visitation challenges in court. In general, Philadelphia and Pennsylvania parents were more likely to have faced custody challengers than was the case for suburban parents. Within the Philadelphia sample female and male African American respondents were more likely than their white counterparts both to have children and to have faced custody/visitation challenges.

One of the most distinctive characteristics of lesbian and gay people as a minority group is the general invisibility that masks our presence among all classes and groups. For most of us the "presumption of heterosexuality" that operates in our society means that unless we consciously and deliberately "come out" to others we are not seen as lesbian or gay. However, in recent years lesbian women and gay men have been more likely to make their sexual orientation known to their relatives, friends, neighbors, co-workers, and society in general. It is possible that the degree of "outness" about a person's sexual orientation could influence that person's likelihood of victimization—either discrimination or violence. Consequently, we asked our respondents to indicate whether particular categories of significant others were aware that they were lesbian, gay or bisexual. Specifically, we asked whether all, most, some, a few, or none of the non-gay members of the respondents' families were aware of their sexual orientation; similar questions addressed the respondents' non-gay co-workers and their non-gay neighbors.

Overall, only 5% of our sample said that they were not out to anyone in these three categories and, conversely, 3% said they were out to all family members, co-workers and neighbors; 95% are out to some extent to at least one category and 24% are out to some extent across the board. As we expected, our respondents are most likely to be out to family members: 85% are out to some or all family members (35% are out to all). African American lesbian women are somewhat less likely and African American gay men are much less likely to be out to their families than are their white counterparts. The next most likely category is co-workers, with 76% of the sample being out to at least some and 19% out to all. In all locations gay men are more likely than are lesbian women to be out on the job, and white men are more likely to be out to co-workers than are African American gay men. Neighbors are least likely to be aware of respondents' sexual orientation: 29% are not out to any neighbors and only 6% are out to all of their neighbors. The differences between men and women are slight in the case of neighbors; African American lesbians are more likely and African American men less likely than their white counterparts to be out to their neighbors.

As we turn to the data on anti-lesbian/gay discrimination and violence, one very important point should be kept in mind concerning the nature of our sample. Despite our marked success in obtaining a significantly larger and more diverse sample than those in our previous studies (and in comparison with similar studies conducted by other researchers), the fact remains that this is a predominantly white, highly educated group of individuals with a median age of 33. Federal statistics indicate that such individuals are among those in society least likely to be victimized (U.S. Department of Justice, 1991). The poor, the less educated, the young (ages 12 to 24), and members of racial minority groups have the highest rates of victimization. On the other hand, we noted above that this is a sample with high percentages of respondents who are "out" to significant others. Such individuals may be at greater risk of anti-gay and anti-lesbian violence and discrimination than people who are "closeted." However, among people who tend to be "out," our sample is one with a lower likelihood of victimization for the reasons noted above. The actual rates of victimization for the general lesbian and gay population of such individuals in Philadelphia and the Commonwealth of Pennsylvania are probably even higher than our survey results indicate. This conclusion is particularly worrisome given the alarmingly high rates of violence and discrimination reported by our sample.

Anti-gay and anti-lesbian discrimination

Survey participants were asked about employment, housing and public accommodations discrimination they experienced in the immediately preceding 12 months, as well as in their lifetime. These two time periods are obviously not directly comparable, and the shorter period was included for two analytic purposes: it allows us to estimate "yearly" rates of victimization, and it gives us a reasonably appropriate base of comparison with our earlier surveys.

Survey participants were asked whether they experienced employment discrimination because of their sexual orientation in any of five areas: hiring, promotion, job termination (firing), performance evaluation, and lost clients. In the area of housing discrimination the question covered four possible areas: purchase, rental, procurement of insurance and procurement of mortgages. Our question about discrimination in access to public accommodations mentioned discrimination as a customer at restaurants, stores, bars, hotels, motels or other public places because of the respondent's sexual orientation.

Levels of discrimination

Table 3A gives the results for the three general categories of discrimination for the Philadelphia, suburban and Pennsylvania samples, separating men and women and showing both the rates of discrimination for the 12-month period and for the respondent's lifetime. Table 3B gives the Philadelphia results from the current survey by race as well as gender, for both 12 month and lifetime experiences of discrimination. Tables 4A–C give the data for the three geographic groupings in comparison with the data from the 1986–87 period, as found in our 1988 study.

As the tables show, rates of job discrimination reported by Philadelphia and suburbanites are higher than in our previous survey, and among both the Philadelphia and suburban samples gay men are more likely than lesbian women to report employment-related discrimination; these patterns are possibly related to the prevalent association of gay men with AIDS. Rates of employment discrimination reported by suburban gay men have shown the most dramatic increase since our previous study. Lesbian women residing in the Commonwealth outside Philadelphia and its suburban counties seem most vulnerable to employment discrimination. Overall, between a quarter and a third of our respondents reported some experience of employment discrimination because of sexual orientation in their lifetime.

Within Philadelphia sample (Table 3B), African American and white lesbians report the same rates of employment discrimination, but African American gay men were twice as likely as white gay men to report employment discrimination in the previous 12 months—although their lifetime rates are the same, which suggests a rising tide of employment discrimination against African American gay men. Rates of job discrimination against white men are not affected by either age or education. Among African American men, the older respondents report higher rates of job discrimination on both annual and lifetime bases; as do college educated African American men compared to those with less or more education.

Housing-related discrimination continues to be the least common for our respondents and, as shown in Table 4, the rates do not seem to have increased since our previous survey. While overall there do not appear to any marked gender-related patterns, within the Philadelphia sample (Table 3B) white females and, especially, African American males seem most likely to have experienced housing-related discrimination at some point in their lifetime. African American males by far report the highest rate of housing-related discrimination in the past 12 months.

Public accommodations-related discrimination shows the most dramatic increases since our previous study. As Table 4 shows, within the Philadelphia sample the annual rates reported by men have increased by 70% and the rates reported by women are three times higher than the previous levels. The increases reported by suburban respondents and men in other parts of Pennsylvania are similar to those in Philadelphia, while the rates of discrimination reported by women in other parts of Pennsylvania were already high in 1986–87. Overall, approximately one quarter of all lesbian women and one fifth of all gay men reported discrimination in some form of public accommodation in the previous 12 months because of sexual orientation.

Looking within the Philadelphia sample (Table 3B) we discover that African American men and all women are more likely than are white men to have experienced public accommodations-related discrimination in the previous 12 months; the differences in lifetime rates are less marked. Looking at these responses in terms of the respondents' ages, it appears that younger (i.e., under 32 years old) African American men (26%) and younger white women (33%) have the highest annual rates of public accommodations-related bias. Outside of Philadelphia younger lesbian women and gay men also report higher levels of discrimination in this category.

Overall discrimination rates are distressingly high (Table 3A), and are higher than in our previous surveys, mostly due to the increase in public accommodations-related discrimination. Across the state between one quarter and one third of our respondents report some experience of discrimination in the previous year, and approximately one half of our sample experienced discrimination because of sexual orientation during their lifetimes. It is important to realize that despite the enactment of civil rights protection for lesbian and gay Philadelphians in 1982, the rates of discrimination experienced by our Philadelphia respondents are essentially the same as those reported by respondents living in parts of the state that do not have civil rights protection.

Fear of discrimination

In addition to the direct forms of discrimination lesbian women and gay men experience, many are also victimized by fear of discrimination. Tables 5A and 5B show the proportions among our sample, within Philadelphia and elsewhere in Pennsylvania, who said that they believed they could experience discrimination in employment, housing or public accommodations because of their sexual orientation.

It might reasonably be expected that those who fear discrimination will try to protect themselves from it by concealing their sexual orientation. Tables 5A and 5B also show how many of those who answered in the affirmative then said that they "sometimes" or "always" conceal their sexual orientation because of fear of discrimination.

Despite the existence of civil rights protection in the city of Philadelphia, through the addition of sexual orientation to the categories protected under the Fair Practices Act, our Philadelphia respondents seem no less fearful than respondents living elsewhere in Pennsylvania (outside of Philadelphia only Harrisburg and Pittsburgh have civil rights protection for lesbian and gay citizens). Across the state nearly nine of ten lesbian women and eight of ten gay men say they believe that they could suffer discrimination based on sexual orientation. It is distressing to note that these responses are not much different from the ones we obtained in our 1986–87 survey: in the earlier survey Philadelphia males and males and females outside of Philadelphia responded in essentially the same proportions to a question about fear of discrimination; in the case of Philadelphia females the present rate of 87% is down slightly from the 1986–87 rate of 92%.

There is a striking difference between our African American and white respondents in their responses to this question. As Table 5A shows, African American men and women are much less likely than are white men and women to say that they believe that they could suffer discrimination because of their sexual orientation. This difference is mostly found among the respondents with lower educational attainment: only 45% of the African American women (and 51% of the men) with a high school education say they believe this, compared with 85% of African American women and men with postgraduate schooling (the comparable numbers of white respondents are 81% and 74% among high school educated, and 95% and 90% among post-college educated women and men). This pattern is all the more remarkable when we note, as shown in Table 3B, that African American men report the highest levels of discrimination for any group in the previous 12 month period.

Not surprisingly, individuals who fear discrimination in employment, housing or public accommodations are likely to conceal their sexual orientation. Here, too, the respondents are substantially the same as in our previous survey four years earlier, although there is a small trend toward openness; our previous sample was even more likely to conceal their sexual orientation out of fear of discrimination. But even with this slight improvement, the proportion who say they do conceal is between three quarters and nine tenths of those who fear discrimination.

REPUBLIC OF CHINA ON TAIWAN—A SHOWCASE OF SUCCESS

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. JOHNSON of South Dakota. Mr. Speaker, Taiwan is a small island in the Pacific, yet its story of economic success is truly remarkable. In 1959, Taiwan's population was 10.4 million; by 1991 it had doubled. In 1959, Taiwan's per capita GNP was the equivalent of US$120; in 1991, it reached well over

US$8,000, ranking 25th in the world. Disposable family income has reached an average of US$19,265 per household, and it is still growing.

For the past 30 years, Taiwan's economic growth rate has averaged 8.8 percent annually. At the same time, the high savings rate among the people and substantial foreign exchange reserves held by the Taipei government—together with low rates of inflation and unemployment—contributed to an atmosphere of prosperity. The jobless rate in Taiwan remains less than 2 percent, as it has for several years.

Its growing prosperity has made Taiwan an increasingly important customer for a variety of American products and commodities, including grain from my own State of South Dakota. Less than 2 months ago, a procurement mission from Taiwan visited South Dakota and purchased 90,000 tons of wheat, valued at $16,355,378.

At the present time the Republic of China is in the beginning phase of a 6-year national development plan. With a total budget of over $303 billion, the plan offers opportunities for American companies to bid on major contracts, including flood control, city transportation networks, water and sewage plants, and highway construction.

On the eve of the 81st national anniversary of the Republic of China on October 10, 1992, I join many other Americans in commending the economic success that Taiwan has experienced.

TRIBUTE TO REV. LEO S. HOURIHAN

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Rev. Leo S. Hourihan on his 20th anniversary of his ordination as a minister. Reverend Hourihan is presently the pastor of the Slatersville Congregational Church, located in Slatersville, RI.

Reverend Hourihan was ordained as a minister on November 27, 1972 at North Bennington Baptist Church, located in North Bennington, VT. He then went on to serve at Agawam Congregation Church in Agawam, MA as associate pastor and then moved as pastor in the First Baptist Church in Leominster, MA. He was then installed as pastor of the Slatersville Congregational Church of the United Church of Christ in 1984.

Reverend Hourihan's work outside the church is world reaching. He is part of the Building Bridges Program between Russia and Rhode Island. He arranged trips for Russians to the State of Rhode Island and helped deliver supplies and goods to Russia. He also serves on the World Hunger Committee and the church ministry committee for the United Church of Christ. Within the Woonsocket community, Reverend Hourihan works with the Woonsocket Homeless Shelter and the Friends of the North Smithfield Library.

I congratulate Reverend Leo Hourihan on his 20th anniversary of his ordination. I wish him all the best in all of his future endeavors.

PROTECTING OUR PEOPLE AND COMMUNITIES FROM EXPOSURE TO HAZARDOUS WASTES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MAZZOLI. Mr. Speaker, for the second time within a month the Kentucky Natural Resources and Environmental Protection Cabinet held a public hearing in my home district of Louisville and Jefferson County, KY in an effort to determine whether a permit should be issued to allow the storage and handling of hazardous wastes in southwest Jefferson County. Again, as in the first hearing, hundreds of citizens came to voice their strong opposition to this proposal.

I want to share with all of our colleagues the statement which was read into the official record at this most recent hearing.

Mr. Speaker, more and more compelling information is being discussed each day in the media and in scientific quarters about the growing environmental risks posed by industrial activities. In many communities across the nation—including Jefferson County, KY—serious questions are being raised about the cumulative risk of exposure to multiple hazardous toxins, and about the effect of interaction of multiple pollutants. Do such mixtures multiply the toxicity? Is there a correlation between the occurrence of disease and the exposure of people and animals and aquatic life to multiple pollutants or toxins or hazardous waste products?

I am hopeful that the Environmental Protection Agency's [EPA] just-released report, "Environmental equity: reducing risk for all communities," will spur more research and more scientific efforts to study the risks faced by people in communities with high concentrations of industrial activity.

STATEMENT OF REPRESENTATIVE ROMANO MAZZOLI

Madam Chairman, distinguished members of the Kentucky Natural Resources and Environmental Protection Cabinet:

Thank you for allowing me the chance to express my concerns about the health, safety, well-being and reputation of all of Jefferson County even though it is in the Southwestern portion of the county where B. T. Energy proposes to expand its storage of hazardous waste.

This hearing is to address the permit modification submitted by B. T. Energy which would allow changes to be made in the tank storage secondary containment area to provide improved leak detection, changes to comply with new EPA regulations, and to transfer ownership of the company. I am not averse to these modifications.

However, this permit modification, if approved, would allow the new owners to construct an additional fifteen (15) 20,000 gallon storage tanks. It would also allow for the construction of a drum storage building that could hold up to 1044 fifty-five (55) gallon drums of hazardous waste. I oppose these provisions of the permit modification.

When B. T. Energy's proposal was brought to my attention, I immediately contacted Region IV of the United States Environmental Protection Agency to cite my concerns and my opposition to this permit modification.

On April 13, 1992, I received a response from Mr. Greer C. Tidwell, the Regional Administrator for Region IV. I wish to quote a portion of this letter and will submit the letter, in its entirety for the record.

"EPA has contacted the Kentucky Department for Environmental Protection, and has learned that the facility may be required to close and its RCRA permit may be terminated in the near future. The reason the permit is being considered for termination is that the facility apparently has not been handling hazardous waste for approximately two years. The Commonwealth of Kentucky has regulations, specifically KRS Chapter 224.866 Section 8, which gives the state authority to require closure of the hazardous waste storage tanks in accordance with the (Resource Conservation and Recovery Act) RCRA permit if the facility has not been maintained in operational condition for any period of six months or longer. . . . The facility's permit, which was issued September 28, 1984, is scheduled to expire September 28, 1994. . . . If the facility wishes to continue operation after September 28, 1994, it will be required to submit a complete permit application and to go through the complete RCRA permitting process. . . . If the RCRA permit is renewed when the current permit expires in 1994, a Hazardous and Solid Waste Amendments (HSWA) permit would be issued by EPA in conjunction with the state RCRA permit at this time. The HSWA permit would require the facility to remedy any releases which have occurred at the site. . . . Since Kentucky is authorized to implement a RCRA program in lieu of EPA, its hazardous waste regulations are required to be at least as stringent as federal regulations. Kentucky has the option of making its regulations more strict that EPA's, but currently Kentucky does not require an EIS (environmental impact study) prior to permit issuance or permit modification."

There are several issues in this letter which should be addressed:

Why has the state allowed this facility to continue its RCRA permit when it had knowledge that B.T. Energy had not handled hazardous waste within the last two years?

Why is the state now considering the proposed expansion under a permit modification procedure? It would seem that the new owners should submit a new RCRA permit application and ensure compliance with all applicable EPA regulations.

I also recommend that a comprehensive Environmental Impact Study (complete with a health study) should be required as a part of the RCRA permit and/or permit modification process.

On September 8th, I stood in this room before this distinguished panel and a large crowd of very concerned and worried residents. I stated my belief that if the Cabinet were to allow storage of hazardous waste, the door would be opened to making Jefferson County a dumping ground for the nation's hazardous waste. If B.T. Energy's permit modification is approved, this inevitable, unavoidable result would be hastened and hardened.

As I mentioned on September 8th, the storage of hazardous, carcinogenic wastes contemplates their transportation to the storage sites. This transportation—by truck, train or whatever means is selected—must traverse densely populated areas near homes, schools, playgrounds and churches. Accidents are inevitable. Thus, while the site of B.T. Energy's plant is in the Southwest part of Jefferson County, all parts of our community are at risk. An article in the September

21, 1992 Courier Journal stated: "hazardous-materials incidents—from a leaking 55 gallon drum to a tank car explosion—rose 37 percent from 1982 to 1992 according to U.S. Department of Transportation data. Incidents involving trucks which carry most of the hazardous materials went up 34 percent. Injuries to people as a result of truck spills soared 374 percent. On the nation's railroads, incidents were up 36 percent."

We, as representatives of all these people, must take a long, hard look at the responsibility which that representational function carries.

And, most importantly, please do not grant permits or modifications of existing permits which will allow B.T. Energy to store hazardous wastes as requested by the company.

Please do not allow Jefferson County and this region to become, in name and in fact, a dumping ground for the nation's hazardous waste.

You have heard, and will hear again tonight from residents of Southwest Jefferson County who already bear more than their fair share of the industrial burden for this county and this state. Please listen to them. Please hear their concerns, their anxieties and their worries.

Thank you.

ENVIRONMENTAL PROTECTION AGENCY,
Atlanta, GA, April 22, 1992.

Hon. ROMANO L. MAZZOLI,
House of Representatives, Washington, DC.

DEAR MR. MAZZOLI: Thank you for your letter dated March 13, 1992, regarding the storage of hazardous waste materials at B.T. Energy Company in Louisville, Kentucky. Your letter cited concerns facing the citizens of Southwest Jefferson County, with regard to the proposed expansion of the B.T. Energy hazardous waste management facility. I understand your concern and desire to be responsive to your constituency regarding federal actions involving hazardous materials.

The Commonwealth of Kentucky has been authorized by the Environmental Protection Agency (EPA) to implement portions of the Resource Conservation and Recovery Act (RCRA), with oversight by EPA. Section 3006 of RCRA allows states to be authorized to implement a hazardous waste program in lieu of EPA. Kentucky is authorized to implement the provisions of RCRA relating to storage and treatment of hazardous waste in tanks, which is the activity performed by the B.T. Energy Company facility.

EPA has contacted the Kentucky Department for Environmental Protection, and has learned that the facility may be required to close and its RCRA permit may be terminated in the near future. The reason the permit is being considered for termination is that the facility apparently has not been handling hazardous waste for approximately two years. The Commonwealth of Kentucky has regulations, specifically KRS Chapter 224.866 Section 8, which give the state authority to require closure of the hazardous waste storage tanks in accordance with the RCRA permit if the facility has not been maintained in operational condition for any period of six months or longer. Without a RCRA permit, future storage of hazardous waste would be limited to periods of less than ninety days.

If Kentucky decides not to terminate B.T. Energy's RCRA permit, the RCRA standards will continue to apply to the facility as they are stated in the permit. The facility's permit, which was issued September 28, 1984, is scheduled to expire September 28, 1994. If the facility wishes to expand its hazardous waste storage tanks prior to this time, a permit modification would be required. As part of the permit modification process, members of the public are given the opportunity to express their views during the public comment period. All comments received during the public comment period become part of the administrative record, which forms the basis for the decision to grant or deny the permit modification. If the facility wishes to continue operation after September 28, 1994, it will be required to submit a complete permit application and to go through the complete RCRA permitting process. The public will once again have the opportunity to express their views at this time.

In your letter you brought up concerns about accidents or spills, which could adversely affect the area's residents and severely contaminate the Ohio River. The requirements for handling these emergency situations are found in Chapter 40 of the Code of Federal Regulations, Part 264, Subpart D. The contingency plan found in Part II, Section D of the facility's RCRA permit lists the requirements and procedures to be followed by the facility in an emergency situation. If the facility wants to renew its permit in 1994, a contingency plan will again be included in the permit application, and the public will have an opportunity to comment on it.

If the RCRA permit is renewed when the current permit expires in 1994, a Hazardous and Solid Waste Amendments (HSWA) permit would be issued by EPA in conjunction with the state RCRA permit at this time. The HSWA permit would require the facility to remedy any releases which have occurred at the site.

You requested that EPA consider performing an environmental impact study (EIS) on the storage of hazardous material at the site. EPA shares your desire to assure decisions made by the federal government fully protect the environment and the health of the community. However, EPA and the courts have determined that the permitting process under RCRA provides the "functional equivalent" of compliance with the National Environmental Policy Act (NEPA). Also, the RCRA permit for storage of hazardous wastes would be under the authority of Kentucky, and therefore would be subject to state requirements. Since Kentucky is authorized to implement a RCRA program in lieu of EPA, its hazardous waste regulations are required to be at least as stringent as federal regulations. Kentucky has the option of making its regulations more strict than EPA's, but currently Kentucky does not require an EIS prior to permit issuance or permit modification.

For further information regarding actions to be taken by Kentucky, you may wish to contact Ms. Caroline P. Haight, Acting Director, Division of Waste Management, Kentucky Department for Environmental Protection at (502) 564-6716.

If I can be of further assistance regarding this or any other matter, please contact me.

Sincerely yours,

GREER C. TIDWELL,
Regional Administrator.

THE 10TH ANNIVERSARY OF PHILADELPHIA SCHOOL SUPERINTENDENT DR. CONSTANCE CLAYTON

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BLACKWELL. Mr. Speaker, what makes a community strong and America a unique, vital society is the nature and extent to which one citizen serves another in the spirit of community. So it is with pleasure that I call on my colleagues to join me in paying tribute to Dr. Constance Clayton, as she celebrates her 10th anniversary as Philadelphia School Superintendent.

For more than 30 years Dr. Clayton has gone above and beyond the call of duty with her diligent efforts to educate the youth of Philadelphia. Dr. Clayton is unique in that over the years she has exhibited an undying determination to improve the quality of life of each student who has been fortunate enough to come into contact with her.

A lifelong resident of Philadelphia and graduate of Temple University, Dr. Clayton became superintendent of the Philadelphia Public School System in 1982, a position that she continues to hold today.

Mr. Speaker, the many individuals who have been thrust into positions of responsibility are forced to devote all of their energy to the interests of their business. Dr. Clayton has always found time to serve her community in many ways with the fullness of her heart and a sound mind.

On October 4, 1992, Dr. Clayton will celebrate her 10th anniversary as the superintendent of schools. She will be honored for the service that she has rendered to the Philadelphia School System and the city of Philadelphia.

Mr. Speaker, I ask that you and my colleagues join me and the city of Philadelphia in saluting Dr. Clayton. She is a model citizen and educator, as well as a community activist. I am delighted to take this opportunity to recognize her long-standing service to the children of Philadelphia.

Congratulations Dr. Clayton.

A TRIBUTE TO MS. CAROL LEONARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LANTOS. Mr. Speaker, I would like to call to the attention of my colleagues Ms. Carol Leonard, a midwife and educator from Concord, NH, who recently came to Washington to report on the deplorable state of medical care for pregnant women and newborns in the Soviet Union.

As a midwife, Ms. Leonard has delivered over 1,000 homebirth babies. Her expertise in this matter lends a great deal of credence to her criticism of medical care in the former Soviet Union. In 1990, she went there to study birthing practices and to teach techniques which she herself practices in the United States. She was shocked by what she found.

Medicial care for pregnant women and newborns in the former Soviet Union is light years behind the West. One of the main problems is unsanitary medical equipment and conditions. Another cause of concern is the excessive use of pain killing drugs. It is common practice to administer medication liberally with little concern for the adverse effects those drugs have on the infant. Coupled with this disturbing trend is the practice of inducing labor unnecessarily. Inducement techniques are both chemical and surgical and often result in injury to infants during birth.

As disturbing as the situation is, Ms. Leonard found that doctors and nurses she encountered were eager and willing to learn new and better practices. However, the lack of basic supplies, such as syringes, rubber gloves, baby bottles, and diapers, hamper any substantive progress.

Upon learning of this disturbing state of affairs, Ms. Leonard has taken the lead in organizing the shipment of medical supplies to areas in need of them most. She has also embarked on a campaign to educate others about the need for reform. She hopes that the shipments and educational efforts will greatly improve medical care for pregnant women and infants in the former Soviet Union.

Mr. Speaker, fortunately Ms. Leonard's story was brought to Capitol Hill when she appeared in a joint meeting of the Congressional Human Rights Caucus and the Caucus for Women's Issues. My friend and colleague, Congresswoman Susan Molinari of New York, introduced Ms. Leonard at the extremely interesting and successful gathering. I would like to submit her introductory remarks for the RECORD:

INTRODUCTION OF CAROL LEONARD BY CONGRESSWOMAN SUSAN MOLINARI

CONGRESSIONAL HUMAN RIGHTS CAUCUS/CAUCUS FOR WOMEN'S ISSUES

Carol Leonard is a midwife from Concord, New Hampshire. She has delivered over 1,000 homebirth babies since she began as an apprentice to a country doctor in the mid-seventies. Ms. Leonard has truly made a mark in this nation by helping to bring back safe drug-free births to the American home.

Some of her exploits are stranger than fiction, and could fill a book. A book we hope Carol will write some day. From cliffhanger rides at 80 miles and hour on snowy mountain roads to get to a birth—to delivering a baby in the middle of a Grateful Dead concert. Then there was a real cliffhanger, when she gave CPR to an unconscious hang glider 250 feet above the ocean in Australia. She received the equivalent of our Congressional Medal of Honor by the Australian Parliament for this.

Her most stirring experience is the one which we are here today to discuss. In 1990 Carol made a pilgrimage to the Soviet Union to study their birthing practices, and to teach some of her own. What she found was appalling. It is clear that third world nations practice safer birthing techniques than those used in pre-revolution Moscow. Unfortunately it appears that Soviet efficiency won out over Tender Loving Care, when it came to the birth process in Russia.

Carol's trip was videotaped for posterity and was later featured on ABC's 20/20. We'll take a look at that tape in a few minutes but first I want to turn it over to Ms. Carol Leonard to discuss her eye-opening mission to Moscow.

GIVING CONSUMERS NEW TOOLS TO INCREASE SAVINGS

HON. PETER HOAGLAND

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. HOAGLAND. Mr. Speaker, today I am introducing a bill to give the consumer a new tool for making and increasing investments. My bill would allow banks, through separately capitalized subsidiaries and bank holding company affiliates, to sponsor and underwrite mutual funds, an activity they are now generally prohibited from conducting. A mutual fund is an investment company that pools the funds of individuals and other investors and uses them to purchase large portfolios of debt or equity obligations of businesses and sometimes debt obligations of governments. The owners of the fund hold proportionate shares in the entire pool of securities in which a fund invests.

CONSUMERS SAVINGS ERODING

The last 5 years have seen a disappointing downward slide in interest rates on personal savings accounts in banks, the way most Americans probably save. In 1989, the average interest rate paid on savings' accounts at commercial banks was a little over 6 percent. In 1988, the average interest rate paid at insured commercial banks on time deposits, like certificates of deposit with a 2½-year term, was 8 percent. Savings accounts today in banks get a mere 3 percent, on average. The interest rate today on time deposits over 2½ years in length is 5.02 percent. These traditionally safe and popular investments are hardly keeping up with inflation, which hovers around 3 percent.

Mutual funds investments, on the other hand, which, granted, are risky investments, earned on average 23 percent in 1991. In the 1980's, the return on mutual funds investments fluctuated greatly, reaching on average, a low of −0.26 percent in 1981 and a high of 24.42 percent in 1985.

Just last week, the Washington Post reported, in an article entitled, "Elderly See Interest Income Evaporate," that interest rates on certificates of deposits and Treasury bills have plummeted from double digits in the 1980's to about 3 percent today. Many elderly people, who live on a minimal pension, depend on their hard-earned, lifetime savings to supplement their social security or other pension income. The average social security pension at the end of 1991 for a retired worker was $7,500 a year. Twenty-five percent of the income of seniors comes from interest and investments. Craig Hoogstra of the American Association of Retired Persons has said, "People who have all of their liquid assets in CD's or savings accounts are going to be hurt the hardest, people with no ability to decrease expenses and no ability to increase their income." In short, people who manage to save and invest in traditionally safe ways, are seeing their savings eroded in our current economy. It is particularly harsh for the elderly living on fixed incomes when inflation is running about 3 percent and health care expenses rise at a much higher rate, 8 percent in 1991. In fact, during the 1980's, medical inflation ran twice the rate of inflation on other items.

The bill I introduce today will give seniors and others a new option, with the convenience and familiarity of their bank, to get more money on their investments by giving them a new investment avenue in their community, advised by local community people they know and trust.

Some may object to this bill on the grounds that mutual funds, unlike most bank deposits, are not federally insured. That is correct. But, in the interest of protecting the consumer, my bill includes a specific provision requiring disclosure to customers that the mutual fund investment is not insured and it requires the customer to sign a written acknowledgement that the disclosures were received.

In addition, my bill would not permit these new activities to be conducted in a manner that threatens the deposit insurance fund or investor protection. The new activities may only be performed in separately capitalized subsidiaries of the banks or bank holding companies. Moreover, the subsidiaries engaged in the new activities will be regulated by the appropriate banking agencies and the Securities and Exchange Commission, as they are now, to ensure that the activities are conducted in a safe and sound manner and in full compliance with the securities laws.

MUTUAL FUNDS HEALTHY

In the 1970's, mutual funds, in the words of a U.S. Department of Treasury report, became "the most notable substitute for insured deposits." They grew slowly and steadily in number and assets, and in the 1980's, they exploded, reaching almost 2,000 in number and over $800 billion in total assets by the end of 1987. One study showed that in 1984, 84 percent of savings were in bank time deposits and savings accounts, with 16 percent in mutual funds. By 1991, savings in mutual funds had grown to 42 percent.

UPDATING OLD LAW

Under current law, section 16 of the Banking Act of 1933, known as the Glass-Steagall Act, enacted during the Depression in 1933, prohibits national banks and state Federal Reserve member banks from directly dealing in, underwriting, or purchasing all but a few securities for their own accounts. The Glass-Steagall Act also prohibits these banks from being affiliated with companies principally engaged in underwriting or distribution of securities. The Glass-Steagall Act was a response to charges of conflict of interest and fraud in some banks and the fear of taking risks with money during the Great Depression and after the stock market collapse. This act, well-intentioned at the time, tried to separate two industries, the risk-taking investment industry and the safe, risk-avoidance banking industry. Many today believe the Glass-Steagall Act was an inappropriate response to the Depression.

Last year, in response to the Department of the Treasury's comprehensive study of banking reform, entitled "Modernizing the Financial System, Recommendations for Safer, More

Competitive Banks," Congress considered fundamental banking reform. The Treasury study recommended giving banking firms several new powers and products to restore their health and competitiveness. Unfortunately, the expansion of banks' powers got largely caught up in intractable congressional jurisdictional squabbles and policy differences and did not become law. My bill today is a continuation of that effort and represents one small loosening up of 60-year-old strictures that just do not make sense today.

WHY DO BANKS NEED TO ENGAGE IN MUTUAL FUND ACTIVITY?

The Nations' banks today find themselves hamstrung by restrictions that their competitors do not have. Banks' share of national lending has gone from 19 percent in 1981 to 7 percent in 1991. Companies like Ford Motor Co., General Electric, and JC Penney's engage in a range of insurance, real estate securities, banking, and other financial activities without the regulatory shackles that banks face.

The bank, which at one time was a person's major source of credit and financial advice and activity, has found its position eroded as it has been restricted by Federal law from offering many financial services in today's modern, complex financial world. People today have many choices of instruments in which to invest. Investing requires sophistication and is a complicated process. In many places, especially the small towns of America, the bank is the only place to get advice and the most convenient place to put one's savings. Giving banks this additional option for advising and helping people manage and maximize their savings is a small step, in my view, but a much needed one both to help consumers increase their savings and help banks become more competitive.

MOVING THIS DIRECTION

As their markets have been eroded, banks have been innovative in developing business and expanding their products. And the regulatory agencies, through decisions and interpretations, are moving to allow banks to undertake more securities activities that were once the exclusive domain of the securities industry. For example, the Federal Reserve has interpreted the Glass-Steagall Act to allow bank holding companies to establish nonbank subsidiaries that derive up to 10 percent of their revenue from a wide range of otherwise prohibited, or ineligible securities activities, including underwriting of and dealing in commercial paper, mortgage backed securities, municipal revenue bonds, securitized assets, and corporate bonds and equities, according to the Treasury report. The statute has also been interpreted by the OCC to give national banks authority to engage in some activities that are conducted by securities firms.

Our foreign competitors are way ahead of us. Notably, foreign banks engage in securities activities in this country. Also, while section 303 of FDICIA now restricts insured state bank activities, and by 1990, 23 States had authorized State-chartered bank affiliates to engage in securities underwriting activities beyond those permitted for national banks and bank holding companies. My bill, in essence, affirms what is already a growing trend.

I would like to note that like H.R. 6, as reported by the Banking Committee, and other banking reform bills that we in Congress have considered in recent years, my bill would permit the underwriting of the share of any registered investment company. However, after a decision is rendered in a case currently being litigated in Federal court, it may be appropriate to consider modifying this authority to address certain registered investment companies that fund variable annuities. I will continue to solicit views on this issue and expect that the Banking Committee will discuss this matter when it holds hearings on the bill, hopefully early next year.

Although the 102d Congress is in its final days, I am introducing this bill to solicit comments and views and in the hope that it will be at the top of the banking agenda of the 103d Congress. I hope my colleagues will join me in bringing our outmoded banking laws up to date in the interest of giving consumers many options to maintain a good standard of living and quality of life and in a manner which maintains the safety and soundness of the banking industry.

THE FINANCIAL SERVICES ACT OF 1992

SECTION-BY-SECTION ANALYSIS

SECTION 1. Short title.

The Act may be cited as the "Financial Services Act of 1992".

SEC. 2. Permitting a national bank to acquire or establish a subsidiary which underwrites the shares of and sponsors investment companies.

Section 2 of the Act permits a national bank to establish a separately capitalized subsidiary which engages in the business of dealing in, underwriting, and distributing the shares of an investment company, as well as organizing, sponsoring, managing and controlling investment companies. Section 2 clarifies that the underwriting and sponsorship activities authorized by the Act for a subsidiary of a national bank are in addition to the activities in which national banks may engage directly under other provisions of law or as otherwise authorized by the Comptroller of the Currency.

The Act is not the exclusive authority for a national bank's investment company activities and a national bank may continue to engage directly in any such activity that is otherwise permissible. For example, the Comptroller has promulgated regulations permitting a national bank directly to collectively invest funds held by the bank in a fiduciary capacity (see 12 C.F.R. §9.18 (1992)) and several courts have confirmed this authority. In certain cases, some funds have been deemed to be investment companies for purposes of the securities laws. This legislation would not prohibit a national bank from continuing to offer directly these fiduciary services notwithstanding a determination that the fund may be an investment company.

Under the current regulatory and enforcement system, the investment company activities authorized by this legislation to be performed by a national bank subsidiary will be regulated and supervised by the Securities and Exchange Commission ("SEC") under the securities laws, as well as by the Comptroller under the banking laws. This dual regulatory scheme provides sufficient enforcement tools to address any unsafe or unsound banking practices or investor protection concerns that may arise as a result of the activities permitted by the Act.

The Comptroller, as the appropriate Federal banking agency for national banks and their subsidiaries, has the authority to prescribe the necessary rules and regulations to insure the bank's safety and soundness. It is expected that the Comptroller will use this authority to impose whatever additional safeguards are necessary to address any potential adverse effects to the bank that may arise from establishing and operating the authorized subsidiaries, including conflicts of interest and unsafe banking practices.

The Act permits small banks to engage in investment company activities. To be deemed a "subsidiary" of a national bank, the Act requires that a company must be only more than 25% owned by a national bank and the Act further provides that a subsidiary may be deemed to be a subsidiary of more than one national bank. Consequently, several national banks may jointly own a subsidiary engaged in underwriting shares of and sponsoring investment companies.

SEC. 3. Permitting a State member bank to acquire a subsidiary which underwrites the shares of and sponsors investment companies.

Section 3 of the Act includes a conforming amendment to paragraph 20 of section 9 of the Federal Reserve Act, 12 U.S.C. §335, to provide that a State member bank may acquire a subsidiary that underwrites the shares of and sponsors an investment company to the same extent as permitted for a national bank under Section 2 of the Act.

SEC. 4. Requiring subsidiaries of national banks and State member banks to make certain disclosures to customers.

Section 4 of the Act amends the Federal Reserve Act (12 U.S.C. §221 et seq.) to require subsidiaries of national banks and State member banks engaged in the new activities to disclose, on a one-time basis, certain material information to their customers, including that the subsidiary is not an insured depository institution and any products sold, offered or recommended by the subsidiary are not FDIC insured. The subsidiaries must also obtain a signed acknowledgement from the customer that the required disclosures were received.

Moreover, the Act gives the Comptroller, in the case of a subsidiary of a national bank, and the Federal Reserve Board, in the case of a subsidiary of a State member bank, the authority to promulgate regulations, require that additional disclosures must be made, and to grant exceptions to the disclosure requirements under the Federal Reserve Act that are consistent with the purposes of the statute. It is expected that the regulators will consult with each other when granting exceptions to the disclosure requirements and will use this authority judiciously to exempt only customers who do not need the protection of the disclosures, e.g., sophisticated investors. Because the bank subsidiaries also are regulated by the SEC under the securities laws, any exceptions to the disclosure requirements granted by the banking regulators will only affect the disclosures required under the Federal Reserve Act and will in no way affect any requirements under the securities laws and regulations.

While this provision will provide express authority to banking regulators to require certain disclosures, under existing law, the regulators already have adequate supervisory authority to require any disclosures deemed necessary. In addition, the regulators have authority under 12 U.S.C. §1818 to take appropriate enforcement actions to address unsafe or unsound banking practices or violations of law involving the failure to disclose material information or fraudulent sales of securities by banks or their subsidiaries.

Moreover, under the securities laws, a subsidiary engaged in the new activities will be subject to applicable disclosure requirements and enforcement actions by the SEC if such requirements are violated. For example, among many other provisions, the subsidiary will be subject to the securities antifraud statutes and regulations which require the disclosure of all material information, and the suitability requirements which impose a duty to ascertain that a sale of a security to a customer is suitable to that customer.

SEC. 5. Permitting a member bank to be affiliated with a company which underwrites the shares of and sponsors investment companies.

Section 5 of the Act includes a conforming amendment to section 20 of the Glass-Steagall Act, 12 U.S.C. §377, to permit a member bank, including a national bank, to be affiliated with a company that is engaged principally in the underwriting or distribution of investment company securities, such as is permitted by this legislation. Currently, section 20 of the Glass-Steagall Act prohibits such affiliations.

SEC. 6. Authorizing management interlocks between a member bank or a bank holding company and (1) an affiliate engaged in investment company activities, and (2) investment companies organized, sponsored, managed, or controlled by the affiliate.

Section 6 of the Act amends section 32 of the Glass-Steagall Act, 12 U.S.C. §78, to provide an exemption from the current law which prohibits management interlocks between a member bank and a company primarily engaged in the underwriting or distribution of securities. The Federal Reserve Board has interpreted section 32 also generally to prohibit such interlocks between a bank holding company and a company primarily engaged in the underwriting or distribution of securities. Section 6 would permit interlocks between member banks, including national banks, and bank holding companies and their subsidiaries engaged in the investment company activities authorized in this legislation. Because investment companies generally are deemed by the Board to be engaged in prohibited activities under section 32, the Act also amends section 32 to permit management interlocks between member banks or bank holding companies and the investment companies sponsored by their affiliates.

SEC. 7. Permitting a bank holding company to acquire a company which engages in investment company activities.

Section 7 of the Act amends section 4 of the Bank Holding Company Act of 1956 ("BHCA"), 12 U.S.C. §1843, to permit a bank holding company to acquire a company which underwrites the shares of and sponsors investment companies. Section 7 also provides that bank holding company affiliates engaged in the activities authorized in this legislation must make the same disclosures as are required under Section 4 of the Act for subsidiaries of national banks and State member banks.

A bank holding company's investment company activities permitted by this legislation also will be adequately supervised under current law. First, the nonbank affiliate's investment company activities will be subject to the SEC's regulatory and enforcement authority under the securities laws, as is the case with a subsidiary of a national bank or a State member bank engaged in such activities under this legislation. Second, the Federal Reserve Board has the authority to supervise and examine bank holding companies and their affiliates under the BHCA and to enforce the BHCA and other applicable banking laws. Third, the appropriate Federal banking agency for a bank subsidiary of a holding company and any subsidiary of the bank (the Comptroller of the Currency in the case of a national bank and its subsidiary) will supervise and examine the bank subsidiary and its subsidiaries and enforce applicable banking statutes, including the restrictions on affiliate transactions in 12 U.S.C. §§371c and 371c-1.

SEC. 7. Effective date.

The Act becomes effective upon enactment.

TRIBUTE TO CHARLES O. SLOSSER, PH.D., PROFESSIONAL OF THE YEAR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to Dr. Charles O. Slosser, Ph.D., who has been chosen as the Professional of the Year by the Santa Barbara/Ventura Counties Chapter of the National Society of Fund Raising Professionals.

This award is bestowed upon an individual who practices the profession of fund raising in the most effective, creative and highest ethical manner. The honoree must have made a substantial contribution to the success of the charitable organization for which he or she works, as well as playing an important role in the advancement of the profession of fundraising.

Dr. Slosser is the executive director of the Santa Barbara foundation. In this position, he is responsible for the overall administration of the foundation, as well as coordination or supervision of grantmaking, students loans, donor services, public relations, financial management, personnel, budgeting, and of course, fundraising.

Prior to his service to the Santa Barbara foundation, Dr. Slosser was the director of development at the Santa Barbara Museum of Natural History, and the director of major gifts and director of corporate/foundation relations at the University of California at Santa Barbara.

Mr. Speaker, on behalf of the U.S. House of Representatives, it is my pleasure to commend Dr. Charles O. Slosser, Ph.D., as Professional of the Year for the Santa Barbara/Ventura Counties Chapter of the National Society of Fund Raising Executives, and to wish him all the success in the future.

A CONGRESSIONAL TRIBUTE TO MR. AND MRS. OLIVER W. CONNOR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Oliver and Frances Connor, a couple whose joyous and fulfilling union has lasted over 50 years. On December 14, 1991, the Connor's celebrated a momentous occasion, their golden wedding anniversary. It is with great pleasure that I take a few moments to bring them to your attention.

Although Oliver was born in Fairland, OK, and Frances in Wichita, KS, fate brought them together when both families moved to Arkansas. It was there that Oliver and Frances met and became high school sweethearts. Marrying in Yuma, AZ shortly after graduation, the Connors then relocated to the land of opportunity, California.

Quickly becoming involved in their new community, the Connors have devoted countless hours of their spare time to numerous worthy causes. Oliver is a member of the Lakewood Rotary club, the Lakewood Chamber of Commerce, and is the area chairman of the Boy Scouts of America. In addition, he is a member of the St. Mary Medical Center board of trustees, a position he has held since 1967. Oliver is also a member of the Pan American festival association. In the past, he has served as a member of the Lakewood Kiwanis. Frances is a longstanding member of the dramatic allied arts program. She is also an accomplished pianist. Of all their various achievements and charitable endeavors, the Connors are most proud of founding the St. Mary Medical Hospice Auction, an auction that is responsible for raising million of dollars for the infirmed.

Mr. Speaker, my wife, Lee, joins me in extending this congressional salute to Oliver W. and Frances L. Connor. We wish them many more happy years together.

TRIBUTE TO MR. O. LEONARD PRESS

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. HOPKINS. Mr. Speaker, I rise to honor a distinguished Kentuckian and American, Mr. O. Leonard Press, Kentucky Educational Television's first and only executive director until his retirement this year and one of this Nation's most respected advocates and pioneers of public broadcasting.

Mr. Press is being honored this weekend as KET dedicates the new O. Leonard Press Telecommunications Center in Lexington, KY. This new facility will serve as headquarters of a second KET educational channel via satellite linking every elementary and secondary school in the State and providing the capacity to connect every college, library, and courthouse.

The vision, energy, and dedication of Len Press have made the statewide KET network a reality and built it into one of the largest and most successful educational networks in America.

In the 1950's, when as a professor in the University of Kentucky television department he proposed a plan for public broadcasting in the State, Mr. Press never saw KET as an alternative to commercial broadcasting; he saw it as an adjunct to museums, libraries, public schools, and universities.

By 1968, his hard work came to fruition as Kentucky Educational Television signed on the air with its first broadcast.

In the ensuing 24 years, KET has grown from a single broadcast channel primarily offering in-school programming to a transmission system that includes an open-broadcast channel for public programming and a closed-circuit satellite-delivery system with two channels devoted exclusively to interactive instruction.

STAR Channels, as the KET satellite delivery system is known, combines state-of-the-art technology—including a unique interactive keypad designed by KET—with top-flight instructors to provide specialized instruction to students in public schools across Kentucky and in 18 other States.

KET is also known around the world for its "GED on TV" program, which Press developed. Introduced in 1975, the program incorporates a 43-part television series with a student outreach component. "The KET/GED Series" is used in 48 States, the U.S. Armed Forces, the Federal correctional system, and the Governments of Canada and Mexico.

The father and now grandfather of Kentucky Educational Television has received many honors for his achievements. Most recent tributes include induction into the Kentucky Journalism Hall of Fame; recognition as Outstanding PTV Manager of the Year, the highest award bestowed by the Public Broadcasting System; and winner of the University of Kentucky Libraries Medallion for Intellectual Excellence.

Still, KET itself, the largest statewide public television network in the United States and still growing, remains the most eloquent testimony to Len Press' lifetime of accomplishment and enlightened public service. I am proud of my personal friendship with this distinguished friend of Kentucky and ask my fellow members to join me in saluting the remarkably productive career of O. Leonard Press.

INTERVAL BROTHERHOOD HOME

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. SAWYER. Mr. Speaker, daily headlines in the newspapers scream at us with tales of crime, drug abuse, homelessness, and other social ills. More and more, people retreat to their homes to escape the dangers of the street and the unwelcome advances of strangers.

But there is one man who does not; one man who searches for those who are victims of their own man-made addictive hells and helps bring them to a place of refuge. Mr. Speaker, I speak here of Father Sam Ciccolini of the Interval Brotherhood Home in Akron.

The Interval Brotherhood Home [IBH] began with a simple idea of Father Sam's: To sponsor a retreat for alcoholics. Father Sam was looking for a way, like Alcoholics Anonymous, to keep alcoholics sober long enough to get them back on their feet. It worked. It worked and it grew from a short retreat to a more structured, professional rehabilitation effort.

To get his idea for a house of retreat for alcoholics off the ground, Father Sam took over vacant property and turned it into a residential home for recovering alcoholics. When his first house of retreat was filled, he obtained a second. When it became clear that an even larger need existed, Father Sam went in search of a spot that would accommodate greater numbers of people.

He found none.

But what he did find was an abandoned farm. So, armed with little more than a desire to help people and a vision of a new place to house IBH, Father Sam took what had been an abandoned farm—literally took old deserted chicken coops, and transformed it into what is now a major rehabilitation center for those with drug addiction and alcohol problems. Today the IBH treats dozens of men, women, and children on a large, modern campus. It is one of the preeminent facilities in northeast Ohio for addictive disorders and has returned hundreds of men, women, and children to normal, productive and happy lives.

Father Sam sees still a greater and expanded role for IBH. When the Interval Brotherhood Home celebrated its 20th anniversary in 1990, Father Sam unveiled plans for the creation of an International Addiction Control, Treatment, Study, and Research Center. As with his original vision for IBH, Father Sam sees a new facility dedicated to academic and rehabilitative missions involved with addiction control and treatment. Whereas IBH served the local community, the new center will serve an international community and lead the fight to eradicate alcohol and drug addiction around the world.

Mr. Speaker, I am proud to have Father Sam and the Interval Brotherhood Home in my district. I am proud to see this level of dedication to such a worthwhile cause. Mr. Speaker, I commend Father Sam Ciccolini and IBH and wish them well on their continuing journey to serve those who most need it.

HOUSE VOTE TO DENY MFN FOR ROMANIA IS JUSTIFIED—WASHINGTON POST EDITORIAL APPROVES CONGRESSIONAL ACTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LANTOS. Mr. Speaker, yesterday the House of Representatives rejected by an overwhelming margin pending legislation to grant most-favored-nation [MFN] trading status for Romania. That action was a thoughtfully-considered—and appropriate—action by this body.

Today's Washington Post contained an editorial on the difficulties Romania has faced in moving from communism to democracy. The Post—correctly—notes that "almost all the other countries of the old Soviet bloc have been able to show more progress [than Romania] in their struggle against lingering Communist power structures and habits of mind. Romanian Communists have altered the forms but tended to cling to the reins."

Mr. Speaker, the first round of elections in Romania was generally approved by international election observers, but there has been criticism about the lack of a fully free press and free radio and television, and the development of truly democratic organizations has not proceeded as far as it has throughout the rest of Central and Eastern Europe.

The Romanians now have an opportunity to make the right decisions, to move further toward true democracy and to make progress in the observance of internationally recognized human rights. Congress is likely to revisit the issue of MFN for Romania during the next session of Congress. The Romanian Government now has an opportunity to make the changes in regard to full observance of human rights and to take the necessary steps to assure the development of real democracy. If these actions are taken, I am confident that the Congress will extend MFN to Romania.

As the Post editorial observed today, "The United States shouldn't hesitate to let its views on the progress of democracy in Romania be known." The Romanian Government has been told our views on the progress of democracy. More needs to be done. I hope the Romanian Government understands the message.

Mr. Speaker, I ask that the full text of today's Washington Post article be placed in the CONGRESSIONAL RECORD and I urge my colleagues to give it careful attention.

DEMOCRACY, ROMANIAN STYLE

Romanians apparently are reelecting President Ion Iliescu's Front for National Salvation. It is the people's choice, but it is a disappointing result all the same. The front is the political home for old, inadequately reconstructed Communists who worked comfortably with the late dictator Nicolae Ceasescu. Mr. Iliescu is compromised by his association with intrigue, violence and the privilege of the bureaucratic elite both before and after the Ceasescu ouster three years ago.

The upholders of democratic opinion in Romania have had an uphill climb. Almost all the other countries of the old Soviet bloc have been able to show more progress in their struggle against lingering Communist power structures and habits of mind. Romanian Communists have altered the forms but tended to cling to the reins. International election observers found much to approve in the conduct of Romania's elections on Sunday. But they noted shortfalls—including a less than free flow of information and a shortage of active civic organizations—in the deeper task of establishing a democratic civil society.

The old Communists profess a commitment to democracy and a market economy. But they move at it in a spirit diminishing these goals, and they capitalize on the very frustrations of daily life for which their own policies bear some responsibility. One could say there is a Balkan lag in Romania, but Bulgaria, also Balkan, has moved forward smartly. Romania has its own distinctive quality: a tradition of manipulative politics, a conservative rural constituency, a frail international class, a fierce distrust not simply of foreigners but of other Romanians.

With Mr. Iliescu's reelection expected to be confirmed in a second round on Oct. 11, attention turns to which parties he will pick as partners in a governing coalition. He could turn to the center or—painful thought—he could turn to his right, selecting the surging Party for Romanian National Unity, known for its xenophobia toward minority Hungarians, Gypsies and Jews.

The United States shouldn't hesitate to let its views on the progress of democracy in Romania be known. The House yesterday held up restoration of Romania's trade privileges (most favored nation trading status). A little time will be useful to see how the new government goes. It's a kind of interference in Romania's internal affairs—the right kind.

LIFELONG LEARNING ACT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. AuCOIN. Mr. Speaker, today, America is in danger of losing a war. It's not a war in the traditional sense, to be won or lost on the battlefield. It's an economic war being waged in classrooms and workplaces throughout the world.

In today's global economy, a nation's economic competitiveness depends largely on how it invests in its people. Unlike our international competitors we often fail to prepare young people for the world of work. High school students going directly into the work force usually spend several years moving from one low wage, low skill job to another, until they acquire enough work experience to be considered qualified for more responsible, better paying jobs. We also fail to provide those already in the work force with the education and training needed to keep current with the changing demands on the workplace. We generally assume that once people enter the work force, they have all the education and training they need.

If we are to win the economic war, we, as a country, must increase our investment in people. We must provide young people, as well as those already in the work force, the education and training needed to get and keep high wage, high skill jobs. In short, we must become a nation of lifelong learners.

My bill—the Lifelong Learning Act of 1992—promotes learning as a lifelong endeavor. It helps strengthen the connection between school and work by providing students with a variety of structured work experiences. These include tech prep or 2+2 programs, youth apprenticeships, and internships. It helps teachers stay current in their field by giving them the chance to get additional training and work experience. It helps education and training institutions respond to the needs of a changing economy by providing grants for short-term, customized training programs. And it helps promote business and labor involvement in education and training by making them partners in these programs.

In my home State of Oregon, major education and training reforms are already underway. These reforms aim to strengthen the transition from work to school; improve coordination of public work force education and training programs; and encourage private investment in work force education and training, development of high-performance work organizations, and partnerships between business and labor. Oregon's overall goal: To have the best educated and prepared work force in the Nation by the year 2000 and a work force equal to any in the world by 2010. The Lifelong Learning Act of 1992 will make the Federal Government both a partner to and catalyst for efforts such as this.

I urge my colleagues to support the Lifelong Learning Act of 1992, and to join me in cosponsoring this legislation.

TRIBUTE TO OUR FIRST BLACK AIRMEN

HON. BUD CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CRAMER. Mr. Speaker, I rise today to pay a most deserving tribute to the heroic service of our Nation's first black airmen, the Tuskegee Airmen, whose phenonmenal combat record during World War II should long be remembered.

Fifty years ago, these courageous black men came to Tuskegee, AL, with the dream of learning to be military pilots. Between 1941 and the end of World War II, nearly 1,000 black men received pilot training at the Tuskegee Airman Training School.

The significant success of these fighter pilots marks an important milestone in American history. Their heroic actions not only proved victorious in the war, but helped open the door to integration in the U.S. military. The contributions of the Tuskegee Airmen cannot be overlooked.

Once they were sent into combat over Europe and North Africa in 1943, they flew more than 1,500 missions and shot down or damaged 409 enemy aircraft. These war heroes were decorated with more than 150 Distinguished Flying Crosses, Legions of Merit, Silver Stars, Purple Hearts, and other medals. They never lost a bomber they were escorting in more than 200 missions—the only fighter group in the war to achieve that distinction.

They were the Red Tails to their comrades, but to the Germans, the pilots of the 99th, 100th, 301st, and 302d squadrons were the dreaded schwartze Vogelmenschen, the Black Birdmen.

The year 1992 marks the 50th anniversary of the formation of the Tuskegee Airmen. To pay homage to our Nation's first black airmen and their fearless bravery in World War II, they will be honored at the Wings in Autumn International Air Show in Courtland, AL on October 2 through 4, 1992.

Mr. Speaker, I rise today in admiration of the distinguished service of the Tuskegee Airmen. Their valor and their sacrifice cannot be forgotten.

IN OPPOSITION OF THE TITLE X GAG RULE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. ENGEL. Mr. Speaker, today, October 1, 1992, marks the day that the Bush administration begins enforcing the title X gag rule regulations. Today also marks that day in which the Federal Government has knowingly and actively become involved in violating fundamental principals of free speech, medical ethics, and equality.

Title X funds more than 4,000 family planning clinics nationwide, serving more than 4 million women annually. The women who seek family planning clinic services come from all walks of life, all races, wealthy and poor, young and middle aged. They also seek a variety of services from these clinics, including birth control information, yearly gynecological exams, prenatal care, and abortion services. These clinics provide invaluable services to millions of women each year.

Now, because of the administration's gag rule, health care professionals are prohibited from counseling their patients about abortion or referring them for abortion information and services. Even in circumstances where a woman requests the information, has no other source of health care, or is at risk of suffering physical harm, health care professionals are prohibited from discussing abortion as an alternative.

Every individual has a right to receive full medical information about their health care options, regardless of whether or not they are able to afford a private doctor or must use a family planning clinic. It is very difficult for a woman to be faced with an unplanned pregnancy, but she is entitled to make an educated decision about all of her legal options, including prenatal care and delivery, infant care, foster care, adoption, and abortion. The Government has no right to interfere with the relationship between a doctor and her/his patient.

In light of these circumstances, I urge my colleagues to vote in favor of S. 323, the Family Planning Amendments Act, when it comes up for floor consideration later this week. This legislation is designed to allow title X clinics to provide nondirective counseling and referrals to pregnant women. This includes information on prenatal care and delivery, infant care, foster care, adoption, and abortion.

In addition, the legislation will protect clinic staff from being forced to provide information that conflicts with their personal beliefs. It also requires that all clinics receiving title X funds must certify that they have complied with their State's parental notification and parental consent laws.

I urge my colleagues to replace the administration's restrictive gag rule and vote in favor of S. 323. The rights of millions of women, their health care providers, and their families are being blatantly violated by this unfair and unconscionable regulation.

THE NEW ENGLAND CHASSIDIC CENTER HONORS JOSEPH GANN AND ROBERT G. OJEMANN

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. FRANK of Massachusetts. Mr. Speaker, ROFEH International is an important and extremely well run charitable organization in Brookline, MA. ROFEH is directed by Grand Rabbi Levi Y. Horowitz, the Boston Rebbe, of the New England Chassidic. Among his many distinctions, Rebbe Horowitz is an authority in the field of medical ethics and a staunch supporter of quality medical care being made widely available. As part of his work he became aware of a need which ROFEH helps to fill. This organization is a referral organization which makes it possible for people in a wide variety of places to take advantage of the high quality medical care available in Greater Boston. ROFEH refers people with illnesses to the medical specialists and facilities which are best suited to their needs. For the people who come to Boston from some distance, ROFEH provides a range of services which include arranging housing, transportation, food, very important in this context, interpreters. Rabbi Horowitz and those who join him in support of ROFEH are entitled to feel extremely proud of the excellent work they do and of the people whose health problems they have helped alleviate by this indispensable service.

On November 22 of this year the New England Chassidic Center which Rabbi Horowitz heads will hold its annual dinner in which it will award two very well deserved honors to people who have been supported of the work of the center and of ROFEH. Joseph Gann will be celebrating his 90th birthday around the time that he receives the Man of the Year Award for his service to the New England Chassidic Center. Joining Mr. Gann in receiving appropriate recognition of his great work is Dr. Robert G. Ojemann, who will be receiving the ROFEH Award. Mr. Speaker, the New England Chassidic Center has prepared brief descriptions of the important work of these two outstanding men and I want these descriptions here:

MR. JOSEPH GANN

Mr. Joseph Gann, noted Boston philanthropist, and self made business leader, is not just another Horatio Alger tale. It is a story that covers his early struggling years in his birthplace, Raduta Lithuania, his exiled tortuous time in Siberia, where he first became a watchmaking apprentice. From there he escaped to Koenigsberg, Germany, where he learned the art of being a jewelry craftsman, which he utilized in a most significant way to make his life story a legend.

He comes from a family of Talmudic scholars, starting with his great-grandfather and continuing for three generations. They studied in the world renowned Slobodka Yeshiva of Lithuania. His early life was spent working at the orchard of his Zeidy. When he finally arrived at the home of his uncle in Amsterdam, N.Y., he acquired his first job in a jewelry shop. This event launched his extraordinary business career, climaxed by the establishment of his own prominent and successful jewelry firm, Joseph Gann, Inc. of Boston, and his appointment to the board of the internationally famous industrial firm, the Kiddie Manufacturing Company.

His upward climb, as he describes it began with a better job offer that took him from Amsterdam to Albany, N.Y. "Then, out of the blue," Gann reported, "I received a letter from a large Boston Jewelry house which had heard of my work, and offered me the then unbelievable salary of $48 a week".

A few years later, the famous 1929 Stock Market crash occurred, and he faced the urgent demand of accepting a $33 cut in his $48-a-week salary. With typical daring, the enterprising craftsman made the most fateful decision of his life: To found his own wholesale jewelry operation. As the years passed, the company enjoyed a steady growth and an expanding reputation for superior service. Its marketing reach spread throughout the Northeast.

Still leading a vigorous daily life, the keen, hardy honoree, supposedly retired, "almost fully" from business in 1974, turning over Joseph Gann, Inc. to the direction of the second-generation family members. Still, when he is located in Boston, and not in Miami, which is the better part of the year, a day will not go by with Mr. Gann not "running the show".

Mr. Gann is married to Rae "Rochel" Perkins, a true woman of valor, who has been at his side throughout his turbulent life. The Ganns reside in Newton and Bal Harbour, Florida, where he was recently honored with that communities Chesed Award.

The Ganns have been members of the New England Chassidic Center, an organization dedicated to religious and humane activities, for close to 40 years, and have been followers of the Bostoner Rebbe, its spiritual leader, Grand Rabbi Levi Y. Horowitz.

Joseph and Rae Gann have three children and eight grandchildren. Their son, Herbert, and his wife Rita (Kaplan) Gann, have two sons, Joshua and Matthew, and two daughters, Elisa and Sharon. Their daughter, Beverly Bavly and her husband, Don, have two sons, Eric and Lawrence and one daughter, Suzanne. Daughter Shirley Saunders and her husband, Jonathan, have one son, Adam.

Joseph Gann will receive the "Man of the Year" award for service to the Rebbe, the Chassidic Center and the Jewish Community. At the same time, the legion of friends of the Ganns will celebrate his belated 90th birthday.

"I accept this award, because the Rebbe convinced me that it was Boston where my success story emanated and developed, and therefore Boston should have the opportunity of celebrating my special birthday with our many friends."

DOCTOR ROBERT G. OJEMANN

Doctor Robert G. Ojemann is a world renowned physician and teacher, in his capacity as Neurosurgeon at the Mass General Hospital and Professor at Harvard Medical School. Born in Iowa, Dr. Ojemann graduated with highest distinction from the University of Iowa. After internship, he spent a fruitful year in general surgery at Baylor University. His neurosurgical residency was at Mass General Hospital (MGH) under the direction of Drs. James White and William Sweet. By the time he finished his residency he had gained the confidence of the senior neurosurgical staff at MGH. He has continued his outstanding clinical work at this institution ever since. His pioneering research in brain scanning and tumor radiotherapy led to his receiving the American Academy of Neurologic Surgeons Award.

It is difficult to separate Dr. Ojemann's accomplishments as a clinician from his influence as a teacher. He has been the primordial force in the training of a generation of neurosurgeons at MGH. Didactically, he is effective but not flamboyant: one suspects that he is never comfortable "lecturing." He never gives his opinion unless he is asked; then he runs through the options—as if to concede that other ways to do it are legitimate—and finally tells you not "the right way" but simply how he would do it and why.

It is reassuring, and a tribute to the neurosurgical community, that this modest, shy, and unassuming man has gained such national respect and stature. He has been visiting professor at nearly 20 institutions. He has been Chairman of the Board of Neurological Surgery and President of the Society of University Neurosurgeons, of the Congress of Neurological Surgeons, and the American Association of Neurological Surgeons, having become, the first neurosurgeon to have held all these offices.

The ROFEH award is presented annually to a member of the Greater Boston medical community for Outstanding Humanitarian service combined with the Highest Professional Merit.

Dr. Ojemann's effort on behalf of ROFEH International are but one facet of his contributions to the field of medicine which has brought him great stature and recognition. His involvement with ROFEH International typifies the selfless and altruistic devotion which characterize all of Dr. Ojemann's achievements. Dr. Ojemann has unselfishly devoted much of his previous time and effort to the care of patients sponsored by ROFEH International.

UNSCOM ACTIVITIES IN IRAQ

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. FASCELL. Mr. Speaker, based on a briefing for members of the House Foreign Affairs Committee last month with Ambassador Rolf Ekeus, executive chairman of the U.N. Special Commission [UNSCOM] on Iraq, I would like to update may colleagues on UNSCOM's progress in destroying Iraq's weapons and monitoring their weapons capabilities over the long term.

CREATION OF UNSCOM

The U.N. Special Commission on Iraq was established in April 1991 by the Security Council to implement the Security Council's cease-fire resolutions resulting from the Persian Gulf war. Ambassador Rolf Ekeus of Sweden was appointed by the Secretary-General to the executive chairman of UNSCOM.

UNSCOM MANDATE

As stated in their background publications, UNSCOM's mandate is as follows: to carry out immediate on-site inspections of Iraq's biological, chemical and missile capabilities; to take possession for destruction, removal or rendering harmless of all chemical and biological weapons [CBW's] and all stocks of agents and all related subsystems and components of all research, development, support and manufacturing facilities; to supervise the destruction by Iraq of all its ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities; to assist the Secretary-General in developing a plan for the future ongoing monitoring and verification of Iraq's compliance with its undertaking not to use, develop, construct, or acquire any of the items specified above, and to assist and cooperate with the Director-General of the International Atomic Energy Agency [IAEA], which under resolution 687, has been requested to undertake activities similar to those of UNSCOM but specifically in the nuclear field.

In effect, U.N. resolution 687 establishes a three step process for controlling Iraq's weapons of mass destruction: First, an inspection phase to assess Iraq's nuclear, chemical, biological and ballistic missile capabilities; second, a disposal phase of weapons of mass destruction, related facilities and components; and third, a long-term monitoring phase to ensure Iraqi compliance with the relevant cease-fire resolutions.

INSPECTIONS

Under the cease-fire resolutions, Iraq is required to submit to the United Nations the types and locations of all relevant items to be destroyed or rendered harmless. UNSCOM can inspect these and any other sites in Iraq as it deems necessary.

Since UNSCOM began its activities in Iraq, Iraq has been generally uncooperative. According to UNSCOM, the inspections have had to be "energetic, rigorous and intrusive because of Iraq's failure to adopt the candid and open approach to the full, final and complete disclosure of all aspects of its weapons programmes * * *."

However, in June, Iraq finally made what it claims is a full disclosure of all its weapons programs as required by resolution 687. Iraq. has also submitted its initial declarations in connection with the long-term monitoring plan as required by Resolution 715. As these declarations were late and did not include an adequate range of facilities or activities, the special commission is now in the process of assessing their adequacy and accuracy and working with Iraq to obtain more complete declarations.

In spite of these many obstacles, according to UNSCOM, "UNSCOM and IAEA have been able to compile much information about Iraq's capabilities and facilities in all the areas concerned." In this regard, Ambassador Ekeus has indicated that he believes that at some point, UNSCOM can make a full report to the Security Council that all relevant weapons systems and capabilities have been accounted for. However, to do so would require a full understanding of the programs, substantial completion of destruction activities and the prior smooth functioning of the long-term monitoring and inspections.

UNSCOM FINDINGS AND ACTIVITIES IN IRAQ AND IRAQI COMPLIANCE

NUCLEAR

In the nuclear field, the IAEA and UNSCOM have found: Three clandestine uranium enrichment programs or activities: electromagnetic, centrifuge, and chemical isotope separation, as well as laboratory-scale plutonium separation, and conclusive evidence of a nuclear weapons development program, logically linked to a surface missile project.

Nuclear inspection teams have overseen the destruction of: the key technical installations of Iraq's clandestine nuclear weapons program located at al-Atheer and al-Hatteen, and Electro-Magnetic Isotopic Separation [EMIS] equipment at Tarmiya and al-Sharqat.

In addition, the IAEA has tagged dual purpose equipment that will have to be closely monitored. Moreover, the fresh uranium fuel for Iraq's nuclear reactors has already been removed from Iraq and plans are being made to remove, reprocess, and store the irradiated fuel. Discussions regarding a consortium to reprocess this fuel and provide permanent storage for the resulting waste are underway.

U.S. Ambassador to the United Nations, Edward Perkins, has testified that Iraq's overall cooperation in the destruction of these nuclear facilities has been "very good," but there has been a deterioration in the Iraqi attitude toward the inspectors, i.e. slowness in organizing transportation and meetings, etc. In defiance of IAEA requests, the Iraqis continue to refuse to supply the names of its nuclear suppliers, although they did disclose three such suppliers in early 1992.

The Iraqis have accepted, in part, the long-range monitoring plan to prevent the reactivation of the clandestine Iraqi nuclear program. While they have not outright acknowledged acceptance of the plan, they have made some declarations which purport to be under the plan.

One element of the plan involves taking water samples of Iraqi waterways for traces of radioactivity. Samples are to be taken at least twice a year from over 40 locations. Samples have already been taken from 15 sites. Acceptance of this plan is a key step in Iraqi compliance with U.N. resolutions.

As the Congressional Research Service has indicated, after France supplied an intelligence tip to UNSCOM regarding an unknown nuclear reactor capable of producing plutonium in Iraq, the tenth UNSCOM/IAEA nuclear team investigated, but could not find such a reactor.

According to Ambassador Ekeus, Iraq is almost certainly not producing nuclear weapons now because UNSCOM and the IAEA are watching. However, Iraq has retained its knowledge base and, once inspections ceased, could reactivate the program.

Ambassador Ekeus has further indicated that while he does not necessarily believe that Iraq is hiding an underground plutonium reactor, UNSCOM cannot definitively conclude this at this time. The uranium enrichment program pursued by Iraq was complex and technically difficult. It is therefore puzzling to UNSCOM that Iraq would not have tried the plutonium route, but Iraq has not provided any data on plutonium research and UNSCOM has not found much in the plutonium area. As Iraq bought enormous amounts of very expensive material related to centrifuge enrichment of uranium, UNSCOM is trying to understand why Iraq would purchase such expensive equipment without first undertaking pilot studies. UNSCOM is therefore continuing to search for a functioning uranium enrichment pilot plant. In this regard, more inspections in Iraq and more documentation from Iraqi officials are needed to make an accurate determination of their nuclear capability.

CHEMICAL WEAPONS

UNSCOM has taken possession of approximately 150,000 rockets, bombs, artillery shells and grenades for chemical warfare. To date, UNSCOM has supervised the destruction of some 11,867 unfilled chemical munitions and some 800 122-millimeter rockets—some filled and some partially filled with a nerve agent—and has destroyed some dual-use chemical production equipment. Some 350 tons of bulk agent and 3,000 tons of precursor chemicals will also need to be destroyed.

Ambassador Ekeus has indicated that the fundamentals of Iraq's chemical program have been "mapped out." In this regard, Al Muthanna has been designated as the central location for the destruction of Iraq's chemical weapons. However, those munitions which have been found damaged or leaking at various sites will be destroyed onsite.

UNSCOM has begun the destruction of stocks of nerve gas, and by November a mustard gas incinerator should be in operation. A team of 30 chemical weapons disposal specialists is stationed in Iraq for the 6 to 18 months it should take to destroy Iraq's chemical stockpile.

On several occasions, Iraq has tried to make life difficult for the inspection teams, including harassing and denying a chemical and missile inspection team access to the Agriculture Ministry in July. The Security Council was slow to react to this situation and did not say in its resolution on the matter—as is the normal procedure—that there would be serious consequences if the Iraqis did not comply. If the Security Council had acted more firmly earlier on, the task of persuading the Iraqi's of the seriousness of the consequences of their actions would have been easier. The United States subsequently threatened military action if the Iraqis did not cooperate with the inspectors, but this was some 2 weeks later.

A new topnotch team was assembled which included U.S. personnel, but an agreement was reached that U.S. personnel would not enter the Ministry. No relevant documents were found, leading some to conclude that the Iraqis had time during the 2 weeks to remove any such documents.

Since this episode at the Agriculture Ministry, Ambassador Ekeus has reported that Iraq has been more cooperative, not causing delays or harrassing UNSCOM personnel. However, Ambassador Ekeus has revealed that fundamentally, Iraq is noncooperative. "They still try to preserve, as we understand, as much as they believe they can hide."

BIOLOGICAL

In the biological area, UNSCOM has not identified a weaponization capability, but has identified preparatory work and research.

Inspection activities have centered on the major research and development site at Salman Pak, but over 12 additional sites have been inspected. No conclusive evidence has been found that Iraq has been engaged in an "advanced military biological research programme." Inspections have revealed a basis for further inspections and Iraq indicated in August 1991 that it had a biological research program for defensive and possibly offensive uses. Iraq claims that no political decision had been taken as to whether to explore further offensive uses for biological weapons.

Just before the first inspection team arrived at Salman Pak, Iraq destroyed this facility, making UNSCOM's ability to determine exactly what was done at this facility much more difficult.

BALLISTIC MISSILES

U.N. Resolution 687 requires the destruction of all Iraqi ballistic missiles with a range greater than 150 kilometers. So far, UNSCOM has supervised the destruction of roughly: 151 ballistic missiles; 19 mobile launchers; 76 chemical warheads; 113 conventional warheads for SCUD-variant missiles; 9 conventional warheads for Al-Fahd missiles; more than 130 missile storage supports; a number of support vehicles; a substantial amount of rocket fuel; 28 operational fixed Al Hussein missile launch pads; 32 fixed launch pads under construction and at various stages of completion; 11 decoy missiles; 9 SCUD decoy vehicles; an assembled 350-millimeter supergun; incomplete component sets for two 350- and two 1,000-millimeter superguns, and one ton of supergun propellant.

According to UNSCOM, inspections have also revealed: indications that Iraq may be hiding additional missiles; an advanced indigenous capability for the modification of SCUD's into longer range missiles, together with a program for the completely indigenous production of such modified SCUD missiles; a program for a two-stage ballistic missile [BADR-2000] with a range of 1,000 km for a payload of 1 ton possibly to carry nuclear weapons, and a program for an indigenous three-stage space launch vehicle [Al-Abid].

UNSCOM has stated that if these programs had been completed, "Iraq would have had the capability to deliver over a long range a variety of different payloads, including nuclear, chemical and conventional."

In the past, Iraq has concealed information from UNSCOM regarding its ballistic missile program, later revealing to UNSCOM that it had destroyed previously undeclared items. As such, UNSCOM recognizes that many more intrusive inspections are required to verify that all prohibited items have been identified.

In recent months, a team of experts from Russia has provided UNSCOM with substantial new information regarding Iraq's ballistic missile program. As Russia was a main supplier of equipment and technical assistance to Iraq in this area, their cooperation with UNSCOM has been invaluable. Based on this new information and from their own inspection activities, UNSCOM is investigating whether Iraq is trying to hide the existence of additional ballistic missiles.

Iraq is actively producing components for the BADR-2000 Program, but Ambassador Ekeus has indicated that UNSCOM has identified the components of this program which cannot be activated while UNSCOM is in Iraq. He also noted that Iraq's ballistic missile program will have to be monitored closely to ensure that long-range capability is not added to their shorter-range missiles—under 150 kilometers—which are not prohibited by the cease-fire resolutions.

LONG-RANGE MONITORING PLAN

According to U.N. Resolution 687, Iraq is required to accept a plan to verify that it does not use, retain, possess, develop, construct, or otherwise acquire any weapons or related prohibited items.

In this regard, Iraq is required to submit on a timely and regular basis, complete and correct information on all facilities and locations that might be used for prohibited activities. UNSCOM and the IAEA have the right to go anywhere in Iraq at anytime, unannounced or on short notice, with full Iraqi cooperation required.

At this time, the Iraqis do not accept or reject the long-range monitoring plans. They are making some declarations required by the plans, but they object to accepting a long-term loss of their sovereignty and they want to renegotiate the plans. UNSCOM has said that they are in no position to renegotiate the plans or the requirement for Iraqi acceptance of the plans. These plans are required by U.N. Security Council resolutions and as such are not subject to renegotiation by Iraq.

For UNSCOM and the IAEA to do their job, they need the appropriate documentation from Iraq on their nuclear, chemical, biological, and ballistic missile capabilities. UNSCOM also has control of a U-2 aircraft supplied by the United States for high-altitude observation. However, both UNSCOM and the IAEA need the timely receipt of appropriate intelligence information from informed countries to implement their mission.

As a general proposition, UNSCOM notes that Iraq is doing what it can to keep its options open and to revitalize its weapons programs in all areas. Their unwillingness to operate in the spirit of the cease-fire resolutions has only resulted in strengthening UNSCOM's resolve to dig in and get to the bottom of their weapons capability.

In this regard, the U.S. Government must give UNSCOM and the IAEA its full support to implement their mission in Iraq. That's why in the Freedom Support Act, which is about to be approved by the Congress, $40 million is authorized for international nonproliferation activities, such as assisting UNSCOM and the IAEA. It is my hope that in the 103d Congress, the Congress and the executive branch will continue to give UNSCOM and the IAEA their strong support.

BLUEPRINT FOR A WIDER WAR

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Ms. MOLINARI. Mr. Speaker, Serbian aggression, first in Slovenia, then in Croatia, and now in Bosnia-Herzegovina has repulsed the world. Just last week, the United Nations expelled what is left of former Yugoslavia—namely communist Serbia and Montenegro—from the General Assembly. Virtually every international organization, including the European community, the Conference on Security and Cooperation in Europe, the Organization of the Islamic Conference, and the U.N. itself have identified Serbia as the aggressor and Slovenia, Croatia and Bosnia as the victims in this brutal senseless conflict.

Last January, I visited Croatia and saw for myself the bombed-out villages, the frightened refugees, the damaged hospitals, and the psychological devastation. There is no doubt that decisive action should have been taken by the international community months ago. It is not too late. A no fly zone must be created over Bosnia. Heavy weapons must be placed under U.N. control. Relief supply lines must be opened. The horrendous ethnic cleansing campaign by the Serbs against nonSerbs must be stopped.

With winter approaching, and snow already falling on the slopes around Sarajevo, the people of Bosnia-Herzegovina face a threatening future, not only from the Serbian bombardments but from the cold weather.

Over the last 12 months, a number of incisive observers have tried to warn the world about the consequences of no action by the world community. Wednesday, in the New York Times, former State Department Yugoslav expert George Kenney wrote one of the clearest descriptions of the future in the Balkan region, given the reluctance of the U.N. and the U.S. to act.

He foresees a calamity involving Kosova, Macedonia, Albania, Greece, Turkey and much of Europe.

Mr. Kenney concluded, "Compare the likely cost of intervention tomorrow with the cost of limited military intervention today, and consider that the cost will keep going up and the problem won't go away."

I commend the entire article to my colleagues who wish to better understand the future of this conflict.

[From the New York Times, Sept. 30, 1992]

BLUEPRINT FOR A WIDER WAR

(By George Kenney)

Everything in the Yugoslav conflict follows from Serbia's fundamental goal of creating a larger, ethnically pure state. Only counterbalancing force—Western air power, arms and training for the Bosnians—can halt Serbian aggression. Only a military standoff will lead to a lasting peace, by reversing Serbian expansion.

The consequences will be much more tragic in the former Yugoslavia if the U.S. and Western Europe do not intervene militarily. Thousands of people have already been killed, and the Yugoslav refugee tide is already causing strains in Europe. If nothing is done, hundreds of thousands of innocent people may die, and the refugees will destabilize the Continent.

Conflict will spread through the Balkans, drawing in Islamic nations. Two NATO members, Greece and Turkey, may take opposite sides. Ultimately, the West may be forced to intervene militarily, but costs will rise exponentially as we delay.

Given the risks, consider how events might unfold.

Serbia has three short-run strategic aims it will not abandon unless it confronts a credible deterrent. First, it wants control of a corridor across northern Bosnia linking Serbia and Serbian-occupied areas of Croatia. Second, it demands an eastern corridor along the Bosnian-Montenegrin border, giving Belgrade access to its only naval base on the Adriatic. A Greater Serbia demands that "ethnic cleansing" continue in these areas until all non-Serbs are killed or driven out. Third, Serbia wants the destruction of Sarajevo, symbol of multiethnic Bosnian statehood.

About 400,000 non-Serb Bosnians remain in northern Bosnia. Most are in a pocket above Bihac in the northwest, surrounded by Serbian forces. Perhaps an additional 100,000 remain along the border with Montonogro. "Cleansing" these areas leaves no one to object to local puppet governments that work to "legitimize" a Greater Serbia. Although Serbian forces have not fully consolidated control over these areas, they have advantages in mobility and logistics. Given current conditions, they will achieve their aims over time.

Nevertheless, in the north and southeast, near the coast, some intense fighting will continue. To the north, Croatia will try to break Belgrade's supply lines and cut off parts of Serbian-occupied Croatia. By the coast, Croatian forces do not intend to cede control of the hills above Dubrovnik. Serbia is set on denying Croatia control of this region, which dominates the entrance of the bay loading to Serbia's only naval base.

A further 100,000 or so Bosnians—Muslims and Croats as well as "disloyal" Serbs—are interred in Serbian concentration camps. A typical camp consists of a cattle shed or other structure housing about a thousand men on straw pallets. Many die of sickness, hunger and beatings; guards dispose of others in "recreational killings." This winter, most internees will die of exposure. The International Committee of the Red Cross, the U.N. and the West will continue to demand access to all camps and supervision of camp conditions—demands the Serbs will continue largely to ignore. Prisoners will be shifted from camp to camp in a shell game while Western negotiators visit detainees in model camps. Western governments will remain loath to force access.

The winter war may take up to 350,000 Bosnian lives. Freezing temperatures will greatly help the Serbian sieges around Sarajevo and other towns. Snow will close roads. Cutbacks in humanitarian aid will hurt; getting fuel to the large towns will be nearly impossible. Scores of besieged hamlets, whose names we do not know, will be wiped off the map.

Belatedly, the West will acknowledge a defeat. Cynically citing humanitarian concerns, Western diplomats will agree to terms with Serbian forces for a massive exodus of Bosnians from concentration camps and besieged areas to areas out of Bosnia.

Croatia will turn further refugees away. It has nowhere to put them, nor can it afford them. Having little choice, hundreds of thousands will pour across the borders of Austria, Germany and Italy, despite attempts by those countries to refuse asylum. Austria already views Yugoslav refugees as a threat to its national security. Germany and Italy will soon share that view. In 1991, the Italian Government was damaged by its inability to handle Albanian refugees; this new influx will add significantly to Italian political instability. Germany will face increased neo-Nazi violence.

From the first, the Serbians said they planned to strangle Sarajevo. They are patient. Whether Sarajevo withstands the siege or falls, its defenders will falter in efforts to maintain their democratic, multiethnic Government. Bosnians, Croats and Serbs will turn away from the Government; it will become predominantly Muslim and radicalized.

Moderate leaders will seek help from Islamic states; Iran and Libya will respond, as will Turkey, which is troubled by what it perceives as its responsibility to Balkan Muslims and also wishes to use the crisis to provoke Greece over other disputes.

Throughout the winter, Serbian forces will make incremental gains. Fighting in Bosnia will enter a false lull. In Croatia, Serbians will continue to violate terms for the cease-fire in U.N.-protected areas, Serbian refugees from other regions will move in, non-Serbs will be forced out, often brutally. Local legal and administrative procedures and political institutions will be modeled increasingly on Serbian standards. Because the cease-fire agreements do not specify how U.N.-protected areas are governed, Serbians will be able to claim they are only defending their "rights."

By spring, the Croatian Government will conclude that further time in negotiations means more opportunity for Serbia to lock in its gains. Zagreb will regroup; by spring, its forces will become far stronger than Serbian forces in Croatia, though not yet a military match for the entire Serbian Army. The Croatians will decide to recover territory by force but will wait for the right tactical moment.

Croatia will appear calm. Bosnia will be quieter, even though Serbians will not control it fully. Western governments will move forward with the Geneva talks. They dare hope for a settlement despite the winter deaths, the refugee problem and disconcerting signs of the involvement of Muslim states. The West will continue to refuse to believe a military deterrent is necessary. Belgrade will talk while it fights.

But sanctions begin to have a big effect on politics as the Serbian economy collapses. President Slobodan Milosevic then does what dictators typically do: He turns attention elsewhere—to Kosovo, a rallying point for Serbs.

No Serb, whether of the opposition or a Milosevic supporter, would give up the "cradle of Serbian civilization." Kosovo's 90 percent Albanian population, however, demands independence. Conflict is inevitable. Serbian militants in Kosovo are armed and trained; they despise the Albanians and plan an ethnic cleansing, to push as many Albanians as possible into Albania. At Mr. Milosevic's signal, Serbian irregulars attack, backed by the army and air force.

It is worse than Bosnia. It is a massacre. Albanian Kosovars are neither armed nor organized. Indiscriminate shelling and air bombardment kills thousands. A half-million Kosovars, about a quarter of the population, flee to Albania.

The Government of Albania mobilizes immediately and goes to war, Macedonia, with a 30 to 40 percent ethnic Albanian population of its own, decides it has a better chance of survival by joining Albania. It is too risky for Macedonia to wait and face a victorious Serbia alone. Each side inflicts heavy casualties; the war bogs down. Muslim states are outraged. Mr. Milosevic made a fatal error by discounting the possibility of their intervention. They openly send "volunteers" and arms.

In Kosovo and Bosnia, Serbian forces, which were never so strong, fall back. Croatia seizes the opportunity to reopen its own front against Belgrade. U.N. forces in the region come under attack from all sides. Greece cannot conceal its ambitions for a slice of Macedonia; it weighs the opportunities and risks of coming to the aid of Serbia. Turkey threatens Greece. NATO, torn by refugee problems, by indecision, flounders. The West cannot stop the conflict from spreading.

This is not a worst-case scenario. In my judgment, the probability of such a chain of events is greater than 50-50, the point being that the U.S. is unlikely to get for free the option of non-involvement. It may well be that by next spring, the U.S. will find itself proposing to lead a force of Western ground troops under U.N. auspices to make peace in the ex-Yugoslavia and keep the peace in Europe.

Should we choose not to deter Serbian aggression when we can? Compare the likely cost of intervention tomorrow with the cost of limited military intervention today and consider that the cost will keep going up and the problem won't go away.

GREEK CYPRIOTS MASSACRED TURKISH CYPRIOTS EN MASSE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BURTON of Indiana. Mr. Speaker, propaganda distorts events to manipulate public opinion. This has led some to accuse the Turkish Cypriots of having conducted ethnic cleansing on Cyprus.

I respectfully submit that if ethnic cleansing occurred on that sad island, it was in 1963, when the Greek Cypriots began to drive Turkish Cypriots from their homes and cut them down in the streets. I refer to a New York Times article of 1964, titled, "Temblos Group Holds Out:"

> The Turkish quarter of Temblos is holding firm. Elsewhere on this troubled island Greek Cypriots kept up their pressure on remaining Turkish enclaves. After yesterday's attack on Ghaziveren overlooking the Morphou Bay, below the north coast, British troops were in the villages again while the people of Ghaziveren mourned their dead.
>
> At Ayvasil, a village 8 miles to the south, that Turkish Cypriots abandoned, almost all the houses were burning today.
>
> Temblos is the only Turkish Cypriot community on the north coast of Cyprus that has not fled, surrendered or been neutralized by the vastly superior forces of the Greek Cypriots.

In other words, the tragedy in Bosnia is being manipulated to feed the Greek Cypriot propaganda machine.

Let us recall when the Cyprus conflict began. In December 1963, the Greek Cypriot militia resumed the struggle for union with Greece (Enosis) and savagely attacked the Turkish Cypriots throughout the island, killing many men, women, and children and thus bringing to an end the bicommunal partnership that had established the republic. The only thing that prevented Cyprus from becoming a Greek province, and that saved the Turkish Cypriots from complete ethnic cleansing, was Turkey's intervention.

To understand the settlement negotiations, one must understand Cypriot history. Today, who stands to benefit most from the success of negotiations? The Turkish Cypriots. For the last 30 years, the world community has ignored them, recognizing only the Greek Cypriot regime despite the model democracy that Turkish Cypriots have established. The Turkish Republic of Northern Cyprus has everything to gain through a rational, thoughtful political settlement on the island.

The Turkish Cypriots want reassurances that they will not be thrown out of the government again. The minimum requirement they have set forth during the settlement negotiations is that their constitutional rights be irrevocable. They must be able to live securely in their homeland, with an equal voice in the government. A bizonal, bicommunal federation based on the political equality of the two communities offers the best prospect for a lasting settlement.

Today, in the new international environment, there is a chance for peace on the island. Some have falsely accused the Turkish Cypriots of intransigence. However, the Turkish Cypriots were the side that made significant concessions on two major outstanding issues in the last round of talks—namely territory and displaced persons, expecting in return the guarantee of their constitutional rights. The Greek Cypriots have yet to respond. One cannot expect the Turkish Cypriots to make all the concessions before learning the Greek Cypriot position on the constitutional issues. The talks on Cyprus resume in October. They may yet succeed if the Greek Cypriots decide to recognize the Turkish Cypriots' inalienable right to an equal voice in the new federated state. Any solution should take into full account the legitimate rights and interests of both sides and should in no way be a source of future conflicts, either on the island or beyond it.

Mr. Speaker, I would like to enter in the record a letter written by the New York Representative of the Turkish Republic of Northern Cyprus to Secretary General Boutros Boutros-Ghali in reply to the allegations of ethnic cleansing as published in the September 5, edition of the New York Times.

TURKISH REPUBLIC OF
NORTHERN CYPRUS,
New York, NY, September 8, 1992.

The EDITOR,
The New York Times, New York, NY.

DEAR SIR: The editorial entitled "Ethnic Cleansing, Cypriot Style" (The New York Times, September 5, 1992) tends to lay the blame on the wrong party for the continued lack of a solution in Cyprus. It ignores the fact that it was President Rauf Denktas who made major territorial concessions by agreeing to reduce the size of the territory of the Turkish Cypriots from 36% to 29+%.

He also agreed, in principle, to recognize the right to property and return, subject to the practical difficulties this would cause. His flexible stance was acknowledged by the Assistant Secretary of State for European and Canadian Affairs, Mr. Niles, who, at a hearing of the Europe and Middle East Subcommittee of the House Foreign Affairs Committee on August 4, 1992, described him as a "skillful negotiator".

By contrast, Mr. Vassiliou, refused even to discuss the constitutional issue, let alone make reciprocal concessions.

But what is perhaps more disturbing about the editorial is its failure to correctly identify those who practiced "ethnic cleansing" in Cyprus. The record shows that it was the Greek Cypriots who, between 1963 and 1974, massacred Turkish Cypriots en masse in an attempt to "Hellenize" the island. It was our resistance to this brutal aggression and, ultimately, Turkey's exercise of her rights and obligations under the Treaty of Guarantee of 1960, that rescued us and saved Cyprus from being "cleansed" of its Turkish population.

Yours sincerely,
OSMAN ERTUG,
Representative,
Turkish Republic of Northern Cyprus.

CROSS OVER THE BRIDGE AGAIN

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. OXLEY. Mr. Speaker, I would like to bring to the attention of my colleagues, the hard work and dedication of the people of Wyandot County in my district. Last May, the Parker covered bridge in Upper Sandusky was set afire. The fire was believed to have been set by arsonists. The community decided they were not willing to see 118 years of history go down in flames, and set out to restore the bridge.

The "Cross Over the Bridge Again" Committee was set up to help raise donations toward the reconstruction. The committee held fund-raisers, including dinners and softball games, to collect money toward the $150,000 reconstruction. Donations were received from people all across the State of Ohio. An 18-foot replica of the bridge was built and auctioned off at the Wyandot County Fair. The community also received a grant from the Ohio Public Works Commission to help them reach their goal. Throughout the past year, a program was introduced into area high school government classes to make students aware of the purpose of the reconstruction project and what it means to the community.

At the end of this month, I will be attending a dedication ceremony for the rebuilt Parker Bridge. The members of the "Cross Over the Bridge Again" Committee and the whole community of Upper Sandusky should be proud of their efforts over the past year. The Parker Bridge will once again be a part of the heritage of Upper Sandusky and the great State of Ohio.

A TRIBUTE TO MR. KENT SUH

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BLACKWELL. Mr. Speaker, it is indeed an honor for me to stand here today to pay tribute to an exceptional leader in the city of Philadelphia, Mr. Kent Suh.

Kent Suh came to the United States in 1972 with his life savings in search of the American Dream. He began to pursue this dream by opening a small neighborhood grocery store. Within 3 short years, Mr. Suh's store became a thriving business in the city of Philadelphia.

Because of his sharp business intellect and commitment to the community in which his business operates, today Kent Suh is one of the most highly respected entrepreneurs in the city of Philadelphia. Mr. Suh's dedication to the community is further demonstrated by his more than 15-year membership with the Korean Business Association. During his tenure with this organization he has served as secretary general, vice president, and executive vice president, as well as the founder of the organization's board of directors.

Mr. Suh is also appreciated because of his unique ability to bring people of all races together. I commend him on his efforts to promote racial equality, how he has over the years encouraged positive interaction between individuals in neighboring communities, his ability to foster intercultural understanding between Seoul and Philadelphia, and his diligent efforts to encourage participation in the democratic process.

Mr. Speaker, I am proud to congratulate Kent Suh on the occasion of his installation as the president of the Korean-American Association of Greater-Philadelphia. He is indeed a kind and dedicated individual who sets an excellent example to all as both an outstanding businessman and a fine individual.

TRIBUTE TO W.B. (BILL) SANDERS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. HUBBARD. Mr. Speaker, I take this opportunity to pay tribute to W.B. (Bill) Sanders of Paducah, KY, a long-time friend whose devotion to the working men and women of western Kentucky is without equal.

Bill Sanders, as a recognized leader of the American labor movement, has unselfishly dedicated himself to the noble cause of providing a better standard of living for working families throughout the Commonwealth of Kentucky for over 57 years.

Born in Corinth, MS, on March 30, 1908, Bill Sanders has held a variety of important union positions throughout the years, ranging from business agent of the Ironworkers Local #595 in Paducah to executive secretary of the West Kentucky Building and Construction Trades Council, also in Paducah. He also served as executive secretary of the Four Rivers District Council of Carpenters, vice president of the Kentucky State Building and Construction Trades Council, and president of the West Kentucky Building and Construction Trades Council.

Bill Sanders' knowledge of the union movement enabled him to make a major contribution to the book "Labor History in Kentucky," which has become a part of the Commonwealth's educational curriculum.

In addition to these important positions and contributions, Bill Sanders has been a member of the board of directors of the Renaissance House and the Convention Center in Paducah and a member of the advisory committee of Paducah Community College. His dedicated efforts on behalf of the community manifested itself most notably in the building of Paducah's Jackson House Retirement Center, western Kentucky's tallest building, and the development of the W.B. Sanders Retirement Center in Paducah. Without his tireless work, these centers would have never become a reality.

His leadership and service to the people of Kentucky have earned him numerous awards and accolades, including the Spearhead Award from the Paducah Chamber of Commerce, special awards from the State legislators of western Kentucky and the West Kentucky Building and Construction Trades Council, and the 1947 Award of Merit from the Young Democratic Clubs of Kentucky. In addition, Bill Sanders is proud to be a Kentucky colonel, a duke of Paducah, and a Democrat since he was born.

On last August 26, Bill Sanders was honored by being given a lifetime honorary membership in Ironworkers Local #782 in Paducah.

For all these reasons, Mr. Speaker, my wife Carol and I join other Kentuckians in congratulating W.B. (Bill) Sanders on a lifetime of public service and devotion to the common good.

TRIBUTE TO HINENI OF FLORIDA, INC.

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LEHMAN of Florida. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues Hineni of Florida, Inc., an organization that is dedicated to the maintenance of Jewish heritage and survival worldwide.

Hineni of Florida has been particularly active in supporting troubled youth. Its board chairman and executive director, Eitan Schwartzbaum, has done much with little, providing counseling and assistance to hundreds of individuals and families who have been involved in drugs or dangerous cults and have nowhere else to turn. In recent weeks, Hineni has been active in aiding survivors of Hurricane Andrew. The organization hopes to provide help to many more needy people for many years to come.

I would like to thank the board of directors of Hineni of Florida, Inc. and their members for over 16 years of caring and service to our Jewish community.

TRIBUTE TO RAY WESTFALL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. FORD of Michigan. Mr. Speaker, I rise to pay tribute to Ray Westfall, who is today retiring as assistant director of UAW Region 1–A.

Ray was hired into the DeSoto plant in Detroit, MI, after serving in the U.S. Army from 1948 to 1950. He worked approximately 70 days before he was called back to the Army as a reservist and was sent to Korea in November 1950. While in Korea, Ray was wounded and received the Purple Heart. Then, in September 1951, he was released from the Army and reinstated back to the DeSoto plant. Later in 1951 he was elected as alternate steward of the plant and was reelected for 1952–53.

In September 1960, he was hired into the General Motors Fisher Body plant. In October 1961, he was elected local 166 trustee; 1962–64 he was elected district shop committeeman; 1965–70 he was elected zone committeeman; then, in March 1970, he was elected president of UAW Local 166.

In November 1971, General Motors combined the Chevrolet Division and the Fisher Body Divisions into the General Motors Assembly Division. Locals 65 and 166 were merged into local 1776.

In 1972, Ray was reelected as president of local 1776 and was reelected again in March 1975.

In January 1976, Ray was appointed to region 1–A staff by Marcellius Ivory and was assigned to service local 985—IPS plants. In 1977, he was assigned to service local 1776 along with local 985.

In January 1985, under the director of region 1–A, Ernest Lofton, Ray was appointed assistant director and held that position through Brother Lorton's term as regional director. In 1989, when Bob King was elected regional director, he retained Ray as the assistant director, a position that Mr. Westfall will continue to hold until his retirement.

Ray and his wife have four children and live in Westland, MI. They are also the proud grandparents of four grandchildren: Janelle, Steven, Ariene, and Ryan. Ray is looking forward to retirement and plans to do some traveling as well as spending time with his grandchildren.

Mr. Speaker, I am grateful to Ray Westfall for his years of service and dedication to the UAW and its membership; and I wish him success and happiness in what lies ahead.

BERNARD C. BROMINSKI RECOGNIZED AS "MAN OF THE YEAR"

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a personal friend, and a most distinguished jurist from my district, the Honorable Bernard C. Brominski. He personifies the highest qualities of America's judicial system.

As a practicing attorney in Luzerne County, I have known Judge Brominski for more than 20 years and have always held him in the highest esteem. Rarely does one come across a man of such high integrity and with such unwavering dedication to the ideals of his profession.

This week the General Pulaski Society of Luzerne County will honor Judge Brominski as their "Man of the Year." This October, Judge Brominski will retire from the Luzerne County Court of Common Pleas, a position he has held for almost 35 years. Appointed by Gov. George Leader in 1958, Judge Brominski was then elected to a 10-year term in 1959, and reelected to four successive 10-year terms. He served as President Judge from 1968 to 1981. During his term as President Judge, he created the magisterial system which is still in existence in Luzerne County today.

Born in Swoyersville, PA, and educated in the public school system there, Judge Brominski went on to Franklin and Marshall College, Dickinson College, and Dickinson Law School. He is a veteran of the Pacific theater of World War II, serving on a Naval destroyer for 3 years. Married to the former Dorothea Stevens, Judge Brominski has one daughter, Elizabeth, and a grandson, Jason.

Judge Brominski's community affiliations are a testimony to his civic pride and dedication. He is a member of the American Bar Association, Pennsylvania Bar, Wilkes-Barre Law and Library Association, and the Luzerne County Bar Association. He belongs to the American Legion, Veterans of Foreign Wars, Amvets; is a former board member of Luzerne County Mental Health, Catholic Social Services and the United Fund. He has held advisory board memberships at King's College, Wilkes University and sat on the board of directors of the Osterhout Library. Although Judge Brominski has been honored by the community throughout his career, in 1980, he received three prestigious tributes from the Dickinson Law School Alumni Association, Wilkes-Barre Law and Library Association, and Wilkes University, who named him an honorary Wilkes Colonel for his outstanding contributions to Wilkes College and the community at large.

I am extremely pleased to join with the General Pulaski Society in honoring the outstanding career of this distinguished jurist. For more than 3 decades, the people of Luzerne County have had the benefit of Bernard Brominski's dedication, service, and wisdom.

TENTH ANNIVERSARY OF UAW-FORD EDUCATION PROGRAM

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. DINGELL. Mr. Speaker, I am delighted to recognize the tenth anniversary of an outstanding labor-management program which provides invaluable opportunities for education and personal growth to the employees it serves.

The UAW-Ford National Education, Development and Training Program [EDTP] provides a host of education, training, career counseling, and retirement planning services. These services include college counseling and financial support, vocational training and retraining, skills development and enhancement programs, education fairs, and job relocation services.

Additionally, since its inception in 1982, EDTP has served more than 10,000 dislocated workers providing retraining and job counseling support. The program continues to bolster and strengthen its pre, post, and follow-up support services to laid off employees.

In cooperation with other UAW-Ford initiatives, the EDTP also provides a broad range of personal and professional employee services including child care, health promotion, family counseling, and safety awareness programs.

EDTP has served as a national model in providing important work force support services and opportunities to several hundred thousand UAW-Ford employees. I salute the hard work, enthusiasm, and cooperation which has made the UAW-Ford Education, Development, and Training Program a great success during its first decade of service to our Nation, and wish the program many more years of continued service.

IN HONOR OF THE REV. DR. MARSHALL LORENZO SHEPHERD, JR.

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to celebrate a man whose devotion to Jesus Christ and humanity has been felt throughout Philadelphia, all across our Nation and all over the world. Since he began his ministry 36 years ago, The Rev. Dr. Marshall Lorenzo Shepherd has worked ceaselessly to spread God's love through his commitment to education, health care, and economic advancement for the disadvantaged and disenfranchised people of the world.

Mr. Speaker, when the Reverend Shepherd succeeded his late father as pastor of the Mount Olivet Tabernacle Baptist Church in 1967, he immediately began to add new buildings on to the Mount Olivet Church, in order to expand the ministry. He also has brought technology to the church by installing facsimile machines, a satellite system, and computers to more efficiently serve his congregation. And because of his belief in the principle of "Neighborhood becomes Brotherhood," he expanded on the church's local ministry through scholarship programs, a 4M program to aid students in higher learning, a Vacation Bible School for younger members, and a community outreach program.

Mr. Speaker, on October 2, 1992, the Mount Olivet Church will celebrate Reverend Shepherd's 36 years of dedication as counselor, brother, and leader with a dinner in his honor. I invite my colleagues to join the tabernacle in celebrating this advocate of black religion, this committed disciple of Christ, the Rev. Dr. Marshall Lorenzo Shepherd, Jr.

MIKE ALEXANDROFF, PRESIDENT EMERITUS, COLUMBIA COLLEGE OF CHICAGO

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mrs. COLLINS of Illinois. Mr. Speaker, Mirron (Mike) Alexandroff retired as president of Columbia College of Chicago on August 31, 1992, following a 41-year association with one of the Nation's and the city of Chicago's most innovative and outstanding institutions of higher education. He began his association with Columbia in 1951, serving initially as a psychologist and later as the director of the Guidance Center. In 1963, he became Columbia's president, and as they say "the rest is history."

From an orphaned and virtually penniless beginning—and with fewer than 175 students—Columbia College has grown prodigiously and persistently under Mike's 29-year stewardship. Today, more than 7,000 undergraduate and graduate students call it their academic home—ranking it fifth among Illinois' private colleges and universities. Significantly, for its low- and middle-income students from Chicago's south and west sides, as well as those who commute from the Cook County suburbs—its tuition is by far the lowest of any of its private 4-year competitors.

Columbia has grown from the 10,000 square feet it occupied on South Wabash in 1962, to a five-building downtown campus encompassing 700,000 square feet, including all of the library holdings, state of the art facilities, and the sophisticated technology that Columbia's wide array of liberal arts, fine arts and its music/audio/video course offerings demand.

Columbia College has earned a national reputation for educational excellence in its principal curricular emphases of media, communication, public information, and the arts. Columbia's part-time faculty of 700, many of whom are practicing professionals in their disciplines, bring current theory and practice to their classroom instruction. The average class size at Columbia is 25, providing students with distinctive, individualized hands-on instruction.

In the minds of many—public officials, students and their parents, and the civic minded—in Chicago, three decades of change at Columbia is symbolized in Mike Alexandroff. He has been a constant and so has Columbia's mission. Columbia's mission—which is all too often lost in research by distinguished professors or in classrooms conducted in auditoriums with hundreds of students at other colleges and universities—is to extend higher educational opportunities to all who wish to learn; to prepare students to do expertly the work they love to do; to help students to discover their own soul and their own voices; to teach them to respect their own individuality and the individuality of others; and to allow them to create the culture of their own times.

That mission was authored by my friend, Mike Alexandroff. It has been endorsed by his colleagues at Columbia, sustained by the college's friends and supporters, and validated by the thousands of students who have found opportunity, encouragement, and distinction in this very special educational environment that Mike designed at Columbia College. Their educational empowerment is his true accolade and Columbia's real success.

Mike, humble to a fault, rightly credited Columbia's success to the combined contributions of the many men and women who joined him over the years in his sometimes quixotic and always challenging quest to create something new in higher education—but always making a difference. The Reverend Dr. Martin Luther King, Jr., may have had Mike in mind when he said "You ought to believe something in life, believe that thing so fervently that you will stand up with it till the end of your days."

Mike's contributions to higher education go beyond Chicago and go beyond this presidency at Columbia College. He is the past chairman of the Association of Urban Universities and of the Chicago Metropolitan Higher Education Council. He has also been a member of the advisory commission of the Chicago Department of Cultural Affairs and a board member of the Illinois Public Action Council. He was an active member of the Government Relations Committee of the National Association of Independent Colleges and Universities [NAICU] and a member of the executive committee of NAICU's Illinois State Association—the Federation of Independent Colleges and Universities. He is currently president of the Grand Park Cultural and Educational Community, and his contributions to the arts, to civic and cultural affairs have been recognized through many citations and awards. Most recently, he received an honorary doctorate in humane letters from DePaul University for his "remarkable accomplishments in the service of higher education."

Among Mike's other honors: the Sidney R. Yates Arts Advocacy Award, the Clarence Darrow Award for leading service in the cause of Social Justice, an Award for Distinguished Contribution to Latin American Television by the Mexican American Association of Broadcasters, the Louis Lerner Award for outstanding civic service, and the Distinguished Urban Fellow Award by the Association of Urban Universities.

I call the attention of my colleagues in the House today to Mike's retirement, not because I expect him to leave the battlefield, rather I call your attention to a great Chicagoan and a great American, my friend, Mike Alexandroff, a "Drumajor for Justice."

CENTENNIAL CELEBRATION OF THE NORTH SHORE JEWISH CENTER

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to honor the North Shore Jewish Center, which will be celebrating its centennial on October 4 of this year.

Located in Port Jefferson Station, the North Shore Jewish Center has a storied history of attracting a diverse congregation from all parts of Long Island. During World War I, Jewish servicemen came from an Army base in Yaphank to celebrate at the Jewish Center. The religious home to approximately 20 families in the 1940's, the congregation grew to over 300 families by 1971, outgrowing the building it inhabited and leading to its movement to the location where it currently exists, 385 Old Town Road.

The North Shore Jewish Center offers programs for all walks of life, including a men's club, sisterhood, and a senior's group. Each group offers specialized programs which enhance congregational life. In addition, the center has an extensive religious school for kindergarten through seventh graders, with a curriculum consisting of the teaching of the Hebrew language, holidays and history, and culture and practices. Two high school classes are also offered, one strictly academic, and the other dealing with social and educational issues of importance to teenagers.

Boasting the largest youth group in the greater New York metropolitan area, the center has approximately 300 children involved in the youth group this year. Involving themselves in such worthy projects such as "adopt-a-grandparent," the youth group brings maturity and togetherness to its young members.

In addition to the programs of the youth group, the entire congregation is involved with several programs aimed at helping others, such as "Rebbes Tish" and "Hatzilu." Rebbes Tish involves members of the congregation bringing boxes and cans of food that are made available to anyone in the neighborhood to take what they need. Hatzilu involves bringing elderly Jewish people from the old sections of New York City out of Long Island, in order to provide them with food and entertainment for a day.

Mr. Speaker, it is clear that the North Shore Jewish Center is a special place. I join the people of Long Island in congratulating the center on the commemoration of its 100th year of existence.

VOTES MISSED

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. GOODLING. Mr. Speaker, I regret I was absent for rollcall votes 448, Departments of Commerce, State, and Justice Appropriation for fiscal year 1993 and 449, Department of the Treasury and Postal Service Appropriation for fiscal year 1993, earlier today. Had I been present, I would have voted "no" on vote 448 and "no" on 449.

I was in New Cumberland, PA, attending the funeral of the late Ken Catlin, a good friend and the husband of Nancy Newcomer Catlin, who has worked for me since I was first elected to Congress.

IN HONOR OF GERALD "JERRY" ADLER

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. FAZIO. Mr. Speaker, I rise today to honor my friend and constituent, Mr. Gerald "Jerry" Adler, one of Davis, CA's most distinguished citizens, on the occasion of his retirement from the Davis City Council after 12 years of outstanding service to the council and the citizens of Davis.

Jerry Adler's commitment to effective and efficient municipal government began long before his election to the Davis City Council. In 1970, he was appointed to the Davis Board of Zoning Adjustments and he later served as a member of the Davis Planning Commission from 1970 to 1978. As a member of both groups, Jerry played an important role in charting the future of the Davis community. It is perhaps only fitting that he would continue this vital role when he decided to seek a seat on the city council.

Jerry was elected to the Davis City Council in 1980. Throughout his 12-year tenure, including a stint as mayor, Jerry never lost sight of the people who elected him and why he served. He has been accessible to the Davis community and always strived to listen to and understand the various viewpoints of the groups and individuals who came before the council. As an attorney in private practice, Jerry has been able to apply his legal skills to the challenge of reading and comprehending the voluminous amount of briefing materials city council members received before each meeting.

Jerry has earned the respect of his former colleagues on the council, city staff, and the Davis community for being well-prepared for council sessions and knowledgeable about the sometimes difficult issues council members face. It would be difficult to single out any one accomplishment of Jerry's council tenure, but his early support of planned growth for the Davis community and his exceptional work in this area qualify as two of his more significant accomplishments. Jerry also saw the need for a fire station in a growing West Davis and followed through with the "nuts and bolts" work that resulted in his vision becoming a reality.

After receiving a bachelor of science degree in industrial and labor relations from Cornell University in 1953, Jerry was commissioned a Second Lieutenant in the U.S. Air Force. His Air Force career was cut short by a tragic plane crash, but Jerry recovered from life-threatening injuries and bravely embarked on a new career when he entered the University of Houston School of Law in 1964. He graduated in 1966 and subsequently earned advanced law degrees from both New York University and Columbia University. He served as an acting professor at the University of California-Davis, School of Law and taught at two other law schools before he entered private practice in 1973.

Jerry is an active member of Congregation Bet Chaverim in Davis and was instrumental in the effort to construct the synagogue's building in 1972 when it was called the Jewish Fellowship of Davis. He also served as President of the Jewish Fellowship. Jerry has been a very devoted husband to his wife Sonny, father to their three children, and grandparent to their two grandchildren.

I join my colleagues today in honoring Jerry for his many years of service to the Davis community, the U.S. Air Force, the legal professional, and his synagogue. I wish him continued success in all his future endeavors.

A TRIBUTE TO ANDY DEBOS FOR HIS SPECIAL CONTRIBUTION TO THE DAIRY INDUSTRY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today a gentleman who has been called a modest, gentle giant. He is Andy DeBos—one of Chino's recognized community leaders in the dairy industry who has earned the 1992 Special Contribution to Industry Award. Andy will receive the award next week at the 17th Annual Dairy Awards dinner sponsored by the Chino Valley Chamber of Commerce.

Over the years, Andy has been called a lot of things—the most unappreciated person in dairying, the most helpful, the most reliable, and most agreeable. Few have ever called him the most outspoken. But he possesses a dignity rare among men that causes people to stop and listen when he speaks.

Andy DeBos was born in the Netherlands in 1922 and moved with his family to the United States in 1929. After graduating from Excelsior High School in 1940, he worked with his father for 2 years before taking over the herd of 65 cows. Three or four years later, he was up to 180 cows. In 1952, Andy moved to Chino with hopes of new challenges and opportunities for growth. Today, he dairies with 750 milking cows.

Andy has been active in the dairy community for years, joining the board of Protected Milk Producers in 1964 and becoming chairman in 1969. Five years later, Andy helped establish the California Milk Producers and served as its chairman for a total of 15 years. During his tenure with the CMP and PMP, Andy's first concern was the future and the best interests of his fellow dairymen. In 1978, he joined the Dairy Council of California and participated as both a board member and served as chairman from 1985–87.

During more than 60 years of milking cows, and 30 years of involvement in dairy industry milk marketing, Andy also managed to raise three children—Thomas, Debbie, and Sandy. Today, he says he will never retire from dairying. That is good news to his fellow dairymen and his many friends in the California dairy industry.

Mr. Speaker, I ask that you join me, our colleagues, and friends in recognizing Andy DeBos for all that he has done, and all that he is, to the many fine dairymen in Chino and throughout the State of California. It is certainly appropriate that the House of Representatives also join in recognizing his many contributions.

A CONGRESSIONAL SALUTE TO ANTHONY "TONY" BARAJAS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. ANDERSON. Mr. Speaker, on Thursday, October 22, 1992, my dear friend Tony Barajas will be honored for his 50 years of dedicated service to the community by the Mexican-American Democratic Club. It is with great pride and pleasure that I rise today to pay tribute to this exceptional gentleman who has served San Pedro and the greater Los Angeles harbor area with great distinction.

Born in Mexico, Tony moved with his family to Whittier, CA, when he was 3 years old. Raised in a large family, which included eight brothers and two sisters, Tony graduated from Whittier High School and attended Fullerton Junior College and California College of Commerce in Long Beach to study accounting. It was during this time that Tony answered his country's call to arms and joined the U.S. Marine Corps, serving for 5 years with the 1st Marine Division in the Fleet Marine Force Pacific Ocean Area. Following his distinguished military service, Tony worked for independent contractors as a member in good standing of the Operating Engineers, Local 12, until his retirement 25 years later in 1966.

Always keenly interested in local and national politics, Anthony Barajas founded the Mexican-American Democratic Club in 1960 and served as its president from 1970 through 1975. Additionally, Tony was co-founder with Judge Roy S. Ferkich of the Harbor Area Ethnic Political Coalition and was the Coalition's first president in 1967. His dedication to the community is further illustrated by the number and type of organizations with which he is associated. Concerned with the growing problem of pollution in the South Bay area, Mr. Barajas was a founding member of the San Pedro Reclamation Committee. He is also a member of the Gardena Valley Democratic Club, the Eder Seniors Club, and the Wednesday Senior Citizens Club. He was a 10 year member of the Fraternidad Latino. In the small amount of spare time he has, Tony provides translation services to many Spanish speaking individuals in the community.

Throughout all of his commitments to these various organizations and the betterment of our community, I most fondly remember Tony as an indefatigable worker on several of my congressional campaigns and the campaigns of Tom Bradley and Dick Floyd. In 1980, Tony had the honor of being elected as a delegate to the 1980 Democratic National Convention. For the past 9 years, Tony has worked as either a clerk or inspector at the polls.

Mr. Speaker, I feel most fortunate to claim this man as my friend. My wife, Lee, joins me in extending this congressional salute and our thanks to Mr. Anthony "Tony" Barajas. We commend his dedication to our community, the Democratic party, and democracy. We wish Tony, his daughter, Diane, and his three grandchildren all the best in the years to come.

TRIBUTE TO GERALD AND JANICE SALOW

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CARR. Mr. Speaker, It is with great pride that I rise today to pay tribute to an outstanding couple, Gerald and Janice Salow. I urge my colleagues to join me in saluting this remarkable couple, and in congratulating them on being chosen as this year's recipients of the 1992 Ingham County Farm Bureau's Distinguished Service to Agriculture Award.

The success of America is a result of the hard working men and women, like Gerald and Janice Salow, who work every day of the year to produce food for America's table and for much of our world. I am truly thankful that our agriculture community has been represented so strongly through their service, dedication, and hard work. Their contributions to Michigan agriculture and in promoting the prosperity and well-being of farmers throughout our Nation are truly deserving of our appreciation and praise.

In addition to managing a successful farming operation, the Salows have a long list of involvement in numerous agriculture organizations including the Ingham County Farm Bureau where Mr. Salow has served as president for the past 3 years; the Michigan Farm Bureau; 4–H; and, the American Farm Bureau. The Salow's have provided critical leadership in the areas of agriculture promotion, education, policy development, and in membership activities.

The Salow's have spent virtually a lifetime together, forging a true union of partnership in their 40 years of marriage. Success and devotion are qualities they both possess, qualities that shine through in their marriage and in their contributions to their community and church. The Salows are one time members of the Stockbridge United Methodist Church, and Mrs. Salow recently received the Second Century Award from the Methodist Women's Committee for her achievements. In addition to their agricultural gifts, the Salows have been bestowed with six loving children and have graciously opened their home to 28 foster children.

At this time when everyone is talking about family values, I am proud to stand here today to say that no one has better and more true values than my friends, Gerald and Janice Salow. They are a symbol of what every American should aspire to be, and the people of our community can look to them with pride and inspiration.

It is my hope that the Salows will continue to play an important role in our community for decades to come. I urge my colleagues to join me in saluting this outstanding couple for their tremendous accomplishments, and in wishing them the best of luck in their future endeavors.

CITATION FOR THE LATE WILBUR E. HOBBS

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BLACKWELL. Mr. Speaker, I rise today to bid farewell to a man whose devotion to humanity was felt in his home of Philadelphia, across the Nation and all over the world. When Wilbur Eugene Hobbs passed away last week, he left behind a legacy of service to his world that spanned over five decades.

Mr. Speaker, Wilbur Hobbs began his career in the U.S. Army during World War II. In his 23 year military career he attained the rank of major and served both in the Active and Reserve Forces. Upon retiring from the military in 1965, he immediately began working in communities to empower the poor to take charge of their lives. He was responsible for a renewal plan for one of Chicago's poorest areas which resulted in a community owned banking corporation, new and rehabilitated housing and other enterprises. In the decades that followed, with unceasing and untiring efforts he built programs which uplifted many poor and minority communities.

Mr. Speaker, when Wilbur Hobbs passed away, he left behind a loving family and a large circle of friends. He also bequeathed a legacy of hope to all of those touched by his enduring spirit, and his belief in his fellow human beings. I invite my colleagues today, not to mourn Mr. Hobbs' death, but to celebrate a life lived for others. Mr. Speaker, please join me in honoring a man who should serve as an example to us all, Wilbur Hobbs.

TRIBUTE TO ALEXANDER McKAY

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Alexander McKay who is retiring November 14, 1992 after a 33-year teaching career.

He began teaching in Huntington in 1960 at R.K. Toaz Junior High School, and then moved to J. Taylor Junior High when it as built in 1965. He served there for over 25 years as English department chairman.

Alex introduced many innovative programs, including team teaching, electives, and mini-courses in word processing. He also developed an environmental field studies program for gifted students.

He is the author of several writing workbooks and curriculum documents, in addition to articles on methodology and conducting teacher training workshops.

He has had a lifelong interest in nature and environmental education, serving as president of the Huntington Audubon society. His record of public service is long: in addition to this teaching, he has been a trustee of the Suffolk County Department of Parks, Recreation, and Conservation since 1976; he served on my Congressional environmental advisory board; and he was a member and chairman of the Huntington planning board from 1984 to 1991, where he had a strong record of promoting environmental controls and preservation of open space, among other activities.

Alex was an instructor in the SCOPE outdoor education program, training teachers in bird study, nature photography, and wetlands management. He has even devoted his free time to teaching others.

Alex McKay plans to continue his involvement in environmental affairs, outdoor education, and writing. I wish Alex and his family many happy years ahead and salute him for his selfless devotion to education and the environment.

BETHANY BAPTIST CHURCH CELEBRATES 100TH ANNIVERSARY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize the 100th anniversary of the Bethany Baptist Church located in Pawtucket, RI.

The Bethany Baptist Church has been a mainstay to the Pawtucket community for many years. For over 100 years, Bethany Baptist has committed itself to the ideals of family ideals and spiritual fulfillment. I salute the members and pastors that have served the church faithfully and honorably for over 100 years.

The Bethany Baptist Church has remained a cornerstone to the Pawtucket community for over 100 years. I recognize their achievement and wish them all the best in all of their future endeavors.

THE VOYAGE OF CHRISTOPHER COLUMBUS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. FISH. Mr. Speaker. We celebrate the 500th anniversary of the voyage of Christopher Columbus, an Italian navigator who commanded the first expedition to cross the Atlantic Ocean. His discoveries in the West Indies were followed by rapid, widespread, and permanent settlement. It may be said that he truly discovered "America."

Italian-Americans can take pride in the fact that not only did a son of Italy discover the continent on which we live but that this Nation was built, has grown and prospered with the sweat and labor and industry of millions of Italian immigrants.

Columbus imagined a route of western discovery that in later years he always called the "Enterprise of the Indies." He planned to reach Asia by sailing west.

Because the Earth was known to be round and because there was no suspicion of an intervening continent, the practical possibility depended on winds, on currents, and above all on distance. In believing that the distance he would travel might be relatively short, Columbus was following respected authorities of the day whom he had studied.

It was to the Portuguese Crown that Columbus first applied for support in 1484. Lisbon at the time was the principal European center of overseas exploration. Portugal, however, was already heavily committed to West Africa and the search for an African route to India and his proposal for an expedition was declined. He left Portugal the following year to try his luck elsewhere. After many setbacks, he turned finally to Spain.

There, after much persistence, he succeeded in enlisting the support of a powerful officer of state, Luis de Santangel, keeper of the privy purse. Santagel himself raised a considerable part of the money needed to finance the enterprise. Through him, the consent and participation of the Spanish monarchs, Ferdinand and Isabella, was secured. The expedition sailed from Palos on August 3, 1492.

On October 12, 33 days after setting out from the Canary Islands, where he had stopped for provisions and to refit the mainsail of the *Nina*, they sighted one of the outlying cays of the Bahamas, which he named San Salvador. The ships anchored at dawn. Columbus went ashore, bearing the royal standard of Castile, and solemnly took possession of the island for his king and queen.

Columbus made the initial discovery from which the entire exploration and settlement of the Americas began.

Mr. Speaker, as far as we know, and this has never been disputed, the achievements of Christopher Columbus were totally his own. He had loyal friends and capable lieutenants, but no intimate partners. He was a self-taught and persuasive geographical theorist, a bold and tenacious explorer and a careful and accurate navigator. What transpired that fateful mid-October day half a millennium ago sequentially led to the development of our great land.

THE FIGHT AGAINST BREAST CANCER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MAZZOLI. Mr. Speaker, Congress has again designated October as "National Breast Cancer Awareness Month." I am pleased to lend my support to this worthy legislation once more so that we can both renew and deepen our commitment to successful research, treatment, and preventive measures to help end the terrible tragedy of breast cancer.

The statistics sadly indicate that we need to step up our efforts in the fight against breast cancer. Each year the number of women developing breast cancers increases. Only a few years ago, about 1 in 14 women could be expected to develop breast cancer during their lifetime. That ratio increased to 1 in 11 during the 1980s. Today it is estimated that 1 of every 9 women will develop breast cancer at some point in her lifetime. Tragically, about 45,000 women will die from breast cancer this year alone. This scourge affects not just individuals, but entire families, and it strikes most lethally among minority women.

I am pleased to be a cosponsor of a number of legislative initiatives in the ongoing battle against breast cancer. One of these efforts in the area of detection and treatment is the Mammography Quality Standards Act of 1992 [H.R. 5938], which the House passed recently with my strong support. This measure complements the Breast Cancer Screening Safety Act which our colleagues PAT SCHROEDER and MARILYN LLOYD introduced last year.

A successful prevention campaign needs to have accurate and reliable information on which to base medical decisions. We have seen far too many reports where ill-equipped, undertrained personnel, or unscrupulous operators may have conveyed a false sense of security to women about possible breast cancers. This legislation would require Federal certification for facilities which process and interpret mammography films. Safety standards would have to be met and annual inspections would be required.

Spending money for detecting cancer in its early stages is a cost-effective investment. But, access and availability to these screening procedures must be stressed. To that end, I have been pleased to give my full support to such measures as the Medicaid Women's Basic Health Coverage Act of 1991 [H.R. 1129], which would provide Medicaid coverage for routine mammogram tests for women over 35 years old. Similarly, I was pleased to support the Medicare Preventive Benefits Act of 1991 [H.R. 2565], which would extend Medicare coverage to various preventive services for senior citizens, including annual screening for breast cancer, rather than the current biennial exam.

In the latest round of funding bills considered for fiscal year 1993, Congress is poised to direct monies from the Defense budget specifically to breast cancer research and several other health-related initiatives.

Under the able leadership of our esteemed colleague, and dean of the Kentucky congressional delegation, Congressman WILLIAM NATCHER, the House Labor, Health and Human Services, and Education appropriations bill has given the highest priority to research pertaining to women's health and directed the National Institutes of Health to increase attention, and spending above last year's funding levels, to all areas of research, including breast cancer. I hope that House and Senate conferees will be able to maintain the highest possible funding levels for this work.

These legislative efforts, however, should move in tandem with the need to place additional emphasis on critical research. Mr. Speaker, there is no cure for breast cancer, and its cause remains a mystery. A vigorous research agenda is essential to answering these questions. That is a goal of the National Breast Cancer Strategy Act [H.R. 5156], introduced by Representative MARY ROSE OAKAR, which I have cosponsored. This measure calls for an additional $300 million for breast cancer research in fiscal year 1993.

Other bills before Congress have recognized promising results in developing certain cancer therapies and will help assure the availability of rare drugs, such as Taxol. The threatened Pacific Yew tree, whose bark provides the only natural source of Tamoxifen—another encouraging cancer-fighting drug—will also be protected by congressional action. I was pleased to cosponsor each of these important measures here in the House.

Mr. Speaker, the battle against breast cancer continues. It is a war that will be waged on many fronts—through prevention, treatment, and research—in the fields of medicine and science, in the legislative branch of government, and by every American.

We have a long way to go yet. So, during this National Breast Cancer Awareness Month, it is an appropriate time to refocus our vision and efforts toward eliminating the terrible suffering of this dread disease.

TRIBUTE TO COMDR. PAUL E. STANTON

HON. DAVID O'B. MARTIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MARTIN. Mr. Speaker, Navy Comdr. Paul E. Stanton will soon complete his tour of duty as deputy director of the Congressional Liaison Office, Navy Office of Legislative Affairs.

Commander Stanton of West Des Moines, IA, is a surface warfare officer, having served as commanding officer aboard the minesweepers Constant, Enhance, Pluck, and Conquest, and executive officer aboard the guided missile destroyer Chandler.

Since assuming his current assignment in 1990, Paul has been involved with every major Navy program and complex issue before Congress. Serving during a most difficult period, which included the war in the Persian Gulf, his knowledge of defense and world issues has proven invaluable to the U.S. Navy and Congress. I, as well as my colleagues, have the utmost respect for him.

The responsiveness of his staff in addressing constituent inquiries is evidence of his leadership. It is apparent that those with whom he works hold him in the highest esteem.

He is respected by our colleagues on both sides of the aisle. I know that they, as well as I, wish Comdr. Paul Stanton "fair winds and following seas."

TRIBUTE TO AMBER WELTY

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. STALLINGS. Mr. Speaker, last night I attended a dinner honoring our Olympic athletes. I would like to take this opportunity to pay tribute to Amber Welty of Pocatello, Idaho, who competed in the Barcelona Olympics.

Ms. Welty earned a slot on the Olympic track team in the outdoor high jump. She's a graduate of Twin Falls High School in Twin Falls, Idaho, and Idaho State University in Pocatello, Idaho. In 1988 she won the NCAA outdoor championship in the high jump and was an All-American four times. Currently she is a member of the track coaching team at Idaho State.

I would like to insert in the RECORD an article from the Idaho State Journal printed in July after Ms. Welty qualified for the Olympics:

Former Idaho State athlete Amber Welty is bound for the Olympics in Barcelona, Spain.

Finally.

After enduring a failed attempt to clear the Olympic standard (6-feet, 3½ inches) Wednesday in front of 1,000 fans in Pocatello, Welty accomplished her goal in Boise on Friday to officially become an Olympian.

"It was just a huge amount of relief," said Welty, Pocatello's first U.S. Olympian since boxer Jack Armstrong, who made the 1960 squad. "I've never been this stressed before in my life."

Had Welty, who was second at the U.S. Trials, not surpassed the standard by July 8, her Olympic spot would have been given to another athlete, who had met the qualification.

The Olympic high jump competition will be Aug. 3 and Aug. 5.

Welty passed over the bar at 6-3 ½ on her first attempt Friday.

The leap tied her career best, also an ISU outdoor record, set when she won the 1988 NCAA championship.

But Welty had to wait for the bar to stop wobbling, as she brushed it.

"I saw it kind of wiggle and I knew it was going to stay, and I said 'Thank you, God.'

"It was finally over."

Since the Trials, the pressure had been mounting.

"I got so stressed out that I was hurting myself and my family members," she said. "I was a crab."

That was until a meeting with ISU assistant coach Brian Janssen, who has a master's degree in sports psychology.

"He spent time talking to Amber about visualization," said ISU head track coach Dave Nielsen. "More than anything, that is putting things into perspective. He did a great job."

Janssen's work was evident in Welty's attitude.

"I told myself, 'I look amber, people are still going to like you if you don't make the team,' she told herself before jumping. 'If I do it, I do it. If I don't, I don't.'

"I told myself 'You've got tomorrow and your whole life in front of you. Even though this is as big as life, I had to make it seem less."

Welty became self-motivated by telling herself, if she didn't make it, she wouldn't get another chance. Actually, a contingency plan had been set up to compete at a meet in Provo, Utah, if needed.

"I was afraid somebody else would get my job, and I was running out of time," said Welty, who added she has cleared 6-2 in Boise several times. "I told myself, 'You've jumped well in Boise, so go in with a good goal.'

" 'My goal was to jump 6-5. I really looked at this as my last chance.'

" 'I didn't want to think down the road. This is where I wanted to do it.'

Welty didn't reach 6-5, missing three times at that mark. She said she came close on her last two attempts. But she said she attempted that height about 10-15 minutes after clearing the standard because she was celebrating and being interviewed.

Welty also was helped by having a couple of strong competitors.

Also jumping was Vicki Borsheim, who placed fourth at the Olympic Trials and was trying to reach the Olympic standard so she could go if Welty failed.

Boise decathlete Cindy Greiner, already a U.S. Olympian, also jumped.

"I think it made a difference, but not a huge amount of difference," Welty said. "I don't know if I could've done it myself. I was glad they were there for incentive."

Nielsen also said jumping in Boise helped because of the more laid-back atmosphere, rather than the carnival-like environment in Pocatello.

"I think the meet in Pocatello was pretty overwhelming," he said. "She comes back and so much happens in a short time. And, there are so many fans and admirers, and I think she was caught up in the emotion. I know I was. This time, she had it under control."

IN SUPPORT OF A SOCIAL SECURITY "NOTCH" COMMISSION

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MACHTLEY. Mr. Speaker, I rise today in strong support of the conference report on Treasury-Postal Service Appropriations. Passage of this legislation is of vital importance to the continued functioning of our Treasury Department, Postal Service and other independent agencies which Americans depend upon on a day-to-day basis. Mr. Speaker, passage of this legislation is also of vital importance to the futures of some 12 million seniors who are victims of the Social Security notch.

I was pleased to find in this conference report the inclusion of a commission that would perform a comprehensive study on the Social Security notch issue. The commission, consisting of 12 members from the legislative and executive branches, would examine the causes of the notch controversy and whether legislative action should be taken to rectify the notch.

With 289 cosponsors, H.R. 917, the Social Security Notch Adjustment Act, enjoys the most support of any notch legislation ever introduced in Congress. A number of Members and organizations, such as the National Committee to Preserve Social Security and Medicare, have dedicated themselves to the resolution of this problem which effects 58 percent of our elderly population. Members such as JIM SAXTON, PETER DEFAZIO, PORTER GOSS, BARNEY FRANK, MARY ROSE OAKAR, and PAUL KANJORSKI, as well as the bill's sponsor and distinguished chairman of the Select Committee on Aging, Mr. ROYBAL, have worked tirelessly on this issue. We pressed for a vote on H.R. 917 in late June and were promised a hearing—the first in 5 years. Much to our dismay the hearing was merely a smoke screen. Just 24 hours before the hearing was to begin, Congress Daily quoted a committee staffer who implied that the hearing was a gesture the committee made every 5 years to placate notch babies. I felt like we were defeated before we even got a chance to argue our case.

It is my extreme hope that the establishment of this commission is not just another smoke screen. While I would ultimately like to see this issue resolved, with a full payout to notch victims, I am willing, in the interim, to support the establishment of a commission which will address opponent's concerns. However, I can not emphasize enough how grave my concern is that a replay of last June will occur where notch victims were given false hopes and hollow promises.

I am sure that, when all the facts are in, the only conclusion members of this commission will draw is that there is, indeed, a discrepancy and victims of the notch should receive the benefits that are rightly theirs. Mr. Speaker, I applaud the conferees for adding this language to the conference agreement. I look forward to the establishment of the commission in 1993.

SUPPORTERS OF LEGISLATION TO CORRECT THE SOCIAL SECURITY NOTCH INEQUITY

The National Committee to Preserve Social Security and Medicare.

Rhode Island Coalition to Notch Babies.

End Notch Discrimination.

Massachusetts Association of Older Americans.

Greater New Bedford Massachusetts Notch Victims Coalition.

Notch Babies of Massachusetts.

The American Legion.

Jewish War Veterans of the United States.

29th Division Association.

The Retired Officers Association.

Veterans of Foreign Wars of the United States.

American Bar Association.

National Association of Retired Federal Employees.

Pennsylvania Association of Retired State Employees.

Silver-Haired Legislature Alumni Association.

Florida Silver-Haired Legislature.

Yonkers, New York City Council.

Catholic Charities, Diocese of Rockville Center, New York.

Minnesota Retired State Employees Association.

Islip, Long Island, New York Chapter of AARP.

Greenburg, Pennsylvania Chapter of AARP.

AFSCME Retiree Program, Chapter 6, Minnesota.

Dayton-Springfield-Sidney-Miami Valley, Ohio Regional Labor Council, AFL–CIO.

Retirees Local 301, IUE AFL–CIO, Schenectady, New York.

New York Statewide District 5 Senior Action Council. IUE Schenectady, New York.

VFW Post #1114, Evansville, Indiana.

VFW Post #673, Jasper, Indiana.

VFW Post #2366, Huntingburg, Indiana.

Advisory Committee, Senior Citizens Center, Johnson City, Tennessee.

Browning Center Advocacy Committee, Willoughby, Ohio.

Cohoes, New York Senior Citizens.

North Carolina National Coalition for Notch Victims.

Senior Report, Burbank, California.

Social Security Notch Babies, Montebello, California.

Social Security Notch Victims Organization of Illinois.

Washington State Notch Victims.

Notch Victims United, Ocala, Florida.

Iowa Notch Babies.

TRIBUTE TO FRANK ANNUNZIO

HON. JOHN W. COX, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. COX of Illinois. Mr. Speaker, I rise today to pay tribute to my friend, colleague and Chairman, FRANK ANNUNZIO.

I have greatly enjoyed serving as a member of the Illinois Delegation with Chairman ANNUNZIO. He has been very helpful to me in my first term in the House of Representatives, and I have learned a great deal from the knowledge and experience he has gained serving the State of Illinois over the past 28 years.

In addition, I have had the opportunity to serve as a member of the Subcommittee on Financial Institutions, which Congressman ANNUNZIO chairs. Throughout the 102d Congress, Chairman ANNUNZIO has been swift in moving legislation through his subcommittee, and he has been very encouraging to me in my efforts to become an active member of that subcommittee.

I believe that Congress and the State of Illinois have benefitted greatly from Chairman ANNUNZIO'S tenure in Congress. He has given a great deal to this institution, and he will be greatly missed. I wish him a happy retirement, and the best of luck in his future endeavors.

A CONGRESSIONAL SALUTE TO SERGEANT JOHN I. MARTIN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. ANDERSON. Mr. Speaker, on Friday, October 30, 1992, the Los Angeles Police Department will honor the service retirement of one of its finest officers, Sergeant John I. Martin. It is with great pride and pleasure that I rise today to pay tribute to this dedicated individual who has served our community with great distinction.

Born in South Gate, CA, John attended local schools, graduating from St. Bernard High School in Playa Del Rey. Following graduation, he enlisted in the U.S. Army. After serving his country and receiving an honorable discharge, John joined the Los Angeles Police Department. During his early years with the force, he continued his academic education, receiving a B.S. in public management in 1975, the same year he made sergeant with the LAPD, and a masters degree in public administration in 1977 from Pepperdine University.

John's career with the LAPD has been an exciting and often dangerous one. In his 27 years of department service, John has been assigned to the Wilshire area as a uniform patrol officer, accident investigation division as a traffic accident investigator, traffic enforcement division as a traffic motor officer, training division as an instructor of police recruits, personnel division as an investigator, Newton Street area as a patrol supervisor, and central traffic division as a motor supervisor.

For the past 8 years, Sergeant Martin has been the Officer-in-Charge [OIC] of the department's specialized enforcement unit, traffic coordination Section, the unit responsible for the enforcement of vehicle code laws that pertain to commercial vehicles. In addition to these duties, John as OIC supervises the department's motorcycle training unit and the VIP escort team. In this capacity, Sergeant Martin has provided safe escorts for President George Bush, former President Ronald Reagan, Pope John Paul II, Great Britain's royal family, and a host of other dignitaries who have visited the Los Angeles area. Additionally, John has worked closely with the U.S. Secret Service to develop motorcade procedures that will assist in the safe transport of these very important passengers. Sergeant Martin was instrumental in establishing a new curriculum for officers attending the department's motor officer school.

While performing his various official duties, John has also been involved with many special events associated with the department and the community. He is an active participant in the annual Baker to Las Vegas relay race; a race that promotes fellowship between law enforcement agencies from across the country. In addition, John volunteers his off-duty time to coach and direct youth sports activities.

Mr. Speaker, Sgt. John I. Martin is retiring as the highest ranking motor sergeant, II+2, of the Los Angeles Police Department. Throughout his illustrious career, John has received commendations from the public and his supervisors for service, commitment, professionalism, and outstanding performance. He has also been paid the highest compliment from his superiors and fellow officers, that of the number one motor sergeant on the force. Mr. Speaker this devoted husband and father is a credit to the LAPD and the community. My wife, Lee, joins me in extending this Congressional salute to Sgt. John I. Martin. We wish John and his family all the best in the years to come.

TRIBUTE TO WILLADENE NICHOLAS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CRANE. Mr. Speaker, I would like to bring your attention to the work of a citizen of this fine Nation and a resident of my congressional district, Mrs. Willadene Nicholas. Mrs. Nicholas has an exceptional talent for creating meaningful poetry. She has published four poetry books and is anxiously waiting for copyright permission for her patriotic poem entitled "The American Flag, Banner for Freedom, Justice, and Mercy." The poem exemplifies the true meaning of the birth and continuation of this unique and beautiful country. I would like to share this poem with my esteemed colleagues.

I see a Star-Spangled Nation
  Under the Red, White, and Blue—
A just concept of order,
  A Heaven-on-earth to ensue.

Holding fast to the laws that are basic,
  Keeping courage and hope to renew
The faith of our Founding Fathers
  That everyone's dreams can come true.

Where help for the down-trodden and needy
  Is written in laws of order sublime
That we see now have weathered
  The storms of each generation time after time.

So wherever we are, whatever we do
  Let's keep our flag always flying
O'er this beautiful Star-Spangled Nation
  Where everyone's dreams can come true.

MALLINCKRODT & COS. 125TH YEAR ANNIVERSARY

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Ms. HORN. Mr. Speaker, I rise today to salute the legacy of one of St. Louis' great companies, Mallinckrodt, on its 125th anniversary. In honor of this occasion, I want to share with my colleagues a brief history of this company's contribution to the St. Louis region.

Founded in St. Louis in 1867 by Edward Mallinckrodt and his brothers Gustav and Otto, G. Mallinckrodt & Co. was the first fine chemicals company west of Philadelphia. Borrowing $10,000 from their father, the Mallinckrodt brothers put up three small buildings on the family farm on the west bank of the Mississippi River, and began operations.

Mallinckrodt initially produced chloroform, spirits of nitrous ether, and a pure grade of the commonly used disinfectant, carbolic acid, which rapidly earned a great reputation. As America expanded westward, the market for such products grew rapidly. As the only manufacturer west of the Mississippi, the new company prospered.

Mallinckrodt's entry into the chemical manufacturing business coincided with major advances in medicine. Chemicals began replacing botanical herbs as remedies for disease, and pharmacists turned to specialized manufacturers to supply chemicals for prescriptions. With the rest of America's pharmaceutical companies concentrated in the East, Mallinckrodt took the lion's share of markets in the West.

The young company grew steadily, adding new products and processes. It also developed two early products of the x-ray contrast media line—barium sulfate for x-ray diagnosis and Iodeikon, the first agent for imaging the gall bladder. During the 1890s, new chemicals, many based on coal tar products, flowed from laboratories throughout the world. Capitalizing on its contacts with the German chemical manufacturing community, Mallinckrodt acquired processes and began making a number of new products, including morphine, codeine, and hydrogen peroxide.

During World War I, when chemical imports from Europe were cut off, Mallinckrodt helped fill the void by substantially increasing production of vital chemicals.

Immediately after the war, Mallinckrodt introduced one of its signature product lines, high-purity analytical reagents. These chemicals are used by commercial and university laboratories for research and to test the purity of other chemicals. Mallinckrodt also teamed up with Washington University in St. Louis to develop a major new medium containing iodine for x-ray visualization of the gallbladder. This work led to additional Mallinckrodt research that culminated in the 1962 introduction of Conray brand of iothalamic acid, one of the most important x-ray contrast mediums in the world.

After more than half a century at the helm of Mallinckrodt Chemical Works, Edward died in 1928. At the time of his death, Mallinckrodt's St. Louis plant had grown to cover two city blocks, employing about 1,000 people, and producing some 1,500 products. Edward Mallinckrodt not only was a giant in the chemical manufacturing industry, he left his mark on his community as well. He was a major benefactor of Washington University, establishing its department for pediatrics, department of pharmacology, the Mallinckrodt Institute of Radiology, and the Jennie Mallinckrodt Ward at the Children's Hospital. Harvard University was also a recipient of Edward's philanthropy, which included funds for the construction of a new library and other facilities.

Edward Jr. succeeded his father, and continued as chairman of the board until 1965. The younger Mallinckrodt was influenced greatly by the optimism and adventurousness of Theodore Roosevelt, and was widely known as a free spirit and a free thinker.

Just as Mallinckrodt played a significant role in the First World War, it made its mark during World War II. In 1942, the U.S. Government needed large quantities of very high-purity uranium compounds, some of which had only been prepared in laboratory quantities until that time. Mallinckrodt rose to the occasion, and within 3 months was producing uranium oxide at the rate of a ton per day. Mallinckrodt purified all of the uranium oxide used in the world's first self-sustaining nuclear reaction, and began producing uranium compounds and uranium metal.

After the war, Mallinckrodt supplied uranium fuel for America's first atomic-powered freighter, the *Savannah*; for Great Britain's first nuclear submarine; and for some of the first pioneering atomic-powered electric generating stations.

In 1960, Harold Thayer became Mallinckrodt's president, ushering in a new era for the company. Thayer reorganized Mallinckrodt along divisional lines and began a program of expansion of sales through acquisition. Mallinckrodt began manufacturing overseas through joint ventures in Europe, the Far East, Latin America, and Australia.

Now owned by IMCERA Group, Inc., this year Mallinckrodt celebrates the achievements of its first 125 years and the introduction of two fully independent new companies, Mallinckrodt Medical, Inc. and Mallinckrodt Specialty Chemicals Co.

A TRIBUTE TO JACK AND BEA MOONS, OUTSTANDING DAIRY CITIZENS OF THE YEAR

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of two very special people, Jack and Bea Moons of Chino, CA. Jack and Bea are being recognized at the 17th Annual Diary Awards Dinner as this year's "Dairy Citizens of the Year" by the Chino Valley Chamber of Commerce.

This year's winners give new meaning to the term "partnership." In the business of dairying, partnership rarely involves a married couple. But Jack and Bea are different for their partnership involves not only cows but their kids and each other. It is truly a special bond between two determined, goal-oriented people. It is a bond that works well.

This unique partnership began in 1964 when Jack and Bea married and moved to Chino. Both came from dairy families and each knew what it would take to make their own operation work. In 1965, with $20,000 and in partnership with the bank, Jack and Bea began Moons Dairy. Early on, Jack worked while Bea took care of the kids and drove the milk truck, delivering to local stores. In 1969, Jack and Bea joined Mulligans Sales, Inc. and moved to their present diary. As each became more involved in local civic organizations and in dairy leadership capacities, their partnership grew and flourished.

Since 1988, Bea has served as chairman of the California Milk Advisory Board [CMAB] as well as the California Dairy Foods Research Center Advisory Board. Her long-term interest to help the dairy industry grow is evident in the support of research and development efforts for new dairy products. Particularly noteworthy is that extra light milk, which accounts for 8 percent of fluid milk sales in California, is the result of Bea's work as chairman of the CMAB. In 1989, Bea was cited for her leadership in the dairy industry and honored as world dairy expo woman of the year.

No surprisingly, both Jack and Bea believe the true measure of their success is their children—Stephanie, John, Agnes, and Jacquie—and their accomplishments. "You know you've succeeded when you pass on your leadership to your children and they in turn succeed," Bea says.

Mr. Speaker, I ask that you join me, our colleagues, and many friends in Chino in recognizing the outstanding contributions of Jack and Bea Moons. Their leadership and long-time dedication to the diary industry is certainly worthy of recognition by the House of Representatives.

TRIBUTE TO THE LAGUNA CANYON FOUNDATION

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. COX of California. Mr. Speaker, I rise today to pay tribute to the Laguna Canyon Foundation of Laguna Beach, CA.

Earlier this year, it was my distinct pleasure to nominate the foundation for the 1992 Theodore Roosevelt Conservation Award in recognition of its exemplary efforts to preserve Laguna Canyon. Today, it is my privilege to announce to your that the President of the United States has selected the Laguna Canyon Foundation to receive this prestigious award.

The Laguna Canyon Foundation is being honored for its part in an extraordinary 25-year campaign to preserve 15,000 acres of coastal wilderness in southern Orange County, CA, one of the fastest-growing urban areas in the country. Laguna Canyon, one of California's greatest natural assets, is home to dozens of unique species of plants and animals, and contributes much to the high quality of life in our region.

The Laguna Canyon Foundation is an independent nonprofit organization established in 1990 to raise money from private sources to help preserve the natural habitat in Laguna Canyon. Under the leadership of its president, Michael J. Pinto, the foundation has worked diligently not only to raise the funds needed to purchase land within Laguna Canyon, but also to heighten public awareness of this beautiful and ecologically valuable part of California's landscape. The foundation's constructive efforts with the city of Laguna Beach, the County of Orange, and the State of California have made it a model of cooperation and partnership for communities everywhere—and earned it national attention. The foundation's selection by President Bush as a recipient of the 1992 Theodore Roosevelt Conservation Award will further serve to bring attention to its dedicated and tireless efforts to provide future generations with access to a coastal wildlife park of unparalleled natural beauty.

Mr. Speaker, it is with great pleasure that I ask my colleagues to join with me in honoring the Laguna Canyon Foundation for its dedication to maintaining the natural hillsides, vistas, and habitats of Laguna Canyon.

NAVY DAY IN BALTIMORE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CARDIN. Mr. Speaker, I rise today to honor the birthday of the U.S. Navy, October 13. The Navy League of the United States which promotes the role of seapower in our Nation's defense has since 1922 observed Navy Day. It was on October 13 that the Second Continental Congress authorized the acquisition of ships and the establishment of a navy.

I am pleased to join with the Navy League of the United States, Baltimore Council in their first annual celebration of our naval service—Navy, Coast Guard, Marines, and Merchant Marines. Baltimore's rich naval history, home of the USF *Constellation, Pride II*, U.S.S. *Torsk*, USCG Cutter *Taney*, and Liberty Ship *John Brown* makes this special celebration appropriate and long overdue. The Coast Guard Yard at Curtis Bay which the 100th Congress saw fit to keep in the business of repairing and restoring our Coast Guard fleet is an appropriate site for this celebration.

I hope you will join me in saluting the Navy League and all Americans who will pause to honor our U.S. Navy on October 13.

TRIBUTE TO THE KNOXVILLE CHAPTER OF THE INSTITUTE OF MANAGEMENT ACCOUNTANTS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. DUNCAN. Mr. Speaker, I would like to extend my congratulations to the Knoxville Chapter of the Institute of Management Accountants [IMA] which was recently named the Most Outstanding Chapter in the Nation for the second time in the past 3 years. Also, for the third year in a row, the chapter won the president's trophy, which recognizes the most outstanding chapter over a 5-year period.

The Knoxville Chapter of the IMA provides educational materials to local certified public accountants and certified management accountants on current issues and procedures. In addition, the chapter serves the community by offering professional assistance and advice to struggling businesses.

I am proud to represent the individuals who work together to make the Knoxville Chapter of the IMA an example to other accountants across the Nation. I am certain that the chapter will continue to be successful in the field of accounting and helpful to businesses in the Second District.

ESTHER HULSING: SPIRIT OF OUR COMMUNITY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. PURSELL. Mr. Speaker, I would like to bring to the attention of my colleagues the upcoming retirement of one of my very good friends from Plymouth, MI. Mrs. Esther Hulsing will be retiring this year after serving as clerk for the charter township of Plymouth since 1978.

Esther Hulsing is one of the most kind and gracious persons I have ever had the privilege knowing. She has always been a caring and giving spirit in our community. The abundance of sincerity she bestows upon all her endeavors is unsurpassed by those who follow.

Esther Hulsing has been a champion volunteer in our community for a half century.

Esther and her husband Kenneth raised three daughters and thoroughly enjoy six grandchildren. As an active mother, she became involved with the Girl Scouts, and continued volunteering for over 40 years—serving as troop leader, council president, and national board member. Esther also worked with the Parent Teacher Association in Plymouth.

Education has always been a major component is Esther's life work. She served on the Plymouth Board of Education for 18 years—President for 6 years, and the Wayne County School Board Association. A graduate of Montana State University and Ohio State University, she is a charter member of the American Association of University Women. She has also served on the board of governors for the Schoolcraft College Foundation.

Esther has truly been a pillar in our community of Plymouth. From the Community Fund Board, to the Arts Council, to the Symphony League and the Daughters of the American Revolution, she has provided leadership, support, and tireless effort to the success of their purposes and programs.

Mr. Speaker, I am not the first person to publicly recognize the outstanding talent and services of Esther Hulsing. She has received the honors of a doctorate degree from Schoolcraft College, induction into the Plymouth Hall of Fame, awards from Delta Kappa Gamma, the Association of Business and Professional Women, and the Michigan Department of Education.

Esther Hulsing has also received some other very distinguished recognition. The first troop house at Camp Linden was named in her honor by the Huron Valley Girl Scout Council. The Plymouth-Canton community schools opened Husling Elementary School, honoring Esther and Kenneth in 1976. In 1990, the National Theodore Roosevelt Conservation Award was presented to Esther Hulsing by President George Bush.

A remarkable career, and a remarkable life are brief words to recognize such a remarkable woman as Esther Hulsing. I ask my colleagues to join me today to give our fondest thanks to Esther Hulsing, and send our very best wishes that in retirement she and her family be blessed with an abundance of happiness.

SUPPORT FOR FUNDING FOR SMALL BUSINESS DEVELOPMENT CENTER PROGRAM

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MAVROULES. Mr. Speaker, I rise today in support of continued funding for the Small Business Development Center Program at levels adequate to meet the needs of America's growing small business industry. As America struggles to pull itself out of the current economic recession, it is vital that we provide adequate funding for those programs that have proven their abilities to spur economic growth.

The Small Business Development Center Program certainly falls into this category. SBDC's provide high quality, one on one management consulting and training to small business people who do not have the financial or managerial ability to obtain such services elsewhere.

The nationwide success of SBDC's can be seen in the growth created by the Massachusetts SBDC.

During the current program year, the Massachusetts SBDC will devote approximately 23,915 hours of counseling assistance to business owners and potential business owners. Those seeking assistance will include over 1,500 women, 500 minorities, 500 veterans and 600 international clients.

During fiscal year 1991, the latest full year figures available, over 3,900 clients were individually counseled by the Massachusetts SBDC. One thousand seven hundred more attended training programs. As a result of this assistance, over $8 million were secured for 58 clients.

During the past decade, the Massachusetts SBDC has served over 62,000 clients through counseling and training programs, secured over $137,000,000 in financing, and created more than 3,500 jobs.

Our economic viability as a nation depends on continued funding of this and other successful investments. The success of SBDC's proves that the United States cannot afford to reduce or eliminate funding for this program.

TRIBUTE TO HON. FRANK ANNUNZIO

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to my colleague, Congressman FRANK ANNUNZIO. As a fellow representative from Illinois, I have had the great pleasure of knowing and working with FRANK ANNUNZIO on a number of issues facing our State and our Nation. He was very close to my predecessor, Mel Price.

All members of the Illinois delegation are aware of FRANK ANNUNZIO'S commitment to our great state. He has served Illinois well. His constituents in Chicago will miss his dedicated representation.

As he approaches his retirement, I would like to commend him for the exemplary service he has given to the House of Representatives during his 28 years of distinguished service. Our country and certainly the Congress is grateful for having the benefit of his knowledge and leadership.

A TRIBUTE TO COLONEL PHILIP CISNEROS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine record and outstanding public service of Col. Philip Cisneros of the U.S. Marine Corps. After more than 40 years of active duty, Colonel Cisneros is officially retiring today and will be living in Twentynine Palms with his wife Virginia.

Colonel Cisneros' long and distinguished career began in 1950. Upon graduation from recruit training, he served in Korea and was promoted to sergeant in 1952. During the next 10 years, he served as senior drill instructor, platoon sergeant, staff sergeant and in 1960, was promoted to company gunnery sergeant.

Colonel Cisneros' demonstrated leadership led to his ascension in the ranks. He was promoted to temporary 2d lieutenant in 1965 and by the time he was transferred to Vietnam in 1968, he had advanced to the grade of captain. Following several rotations as a company commander in Vietnam, in 1973 Captain Cisneros attended the U.S. Army Advanced Infantry School and Airborne Training at Fort Benning, Georgia. Upon graduation, he was assigned as the commanding officer, marine detachment, of the U.S.S. *Midway* homeported at Yokosuka, Japan. A short time later, he was promoted to major.

In August 1979, Major Cisneros was assigned to Hawaii and reassigned the next year upon his promotion to lieutenant colonel. He was advanced to his current rank in 1985 and was officially promoted in 1987. Since that time, Colonel Cisneros has served in a number of leadership capacities, including Chief of Staff, at the Marine Corps Air Ground Combat Center in Twentynine Palms.

Over the years, Colonel Cisneros has received many personal decorations including the Silver Star, Bronze Star and combat "V", Purple Heart with Gold Star (Korea and Vietnam), Meritorious Service Medal with Gold Star, Navy Commendation Medal, Navy Achievement Medal, Combat Action Ribbon, and the Vietnamese Cross of Gallantry. In addition, he has been married to his wife, Virginia, for 42 years and they have five children and grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, and friends in thanking Colonel Cisneros for his dedication and love of country. His commitment to the U.S. Marine Corps and longtime record of service is certainly worthy of recognition by the House of Representatives.

COSPONSOR OF THE COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1992

HON. JOHN W. COX, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. COX of Illinois. Mr. Speaker, I am pleased today to join my colleague from Utah, Congressman BILL ORTON, as a cosponsor of the Comprehensive Budget Process Reform Act of 1992.

When I ran for Congress, I did so because I was concerned about the deficit and Congress' seeming inability to provide for a balanced budget. I simply could not sit back and watch our future be ransomed for growing deficits. I thought that political courage to make tough choices was what I needed to help make change in Washington. The statutory guidelines of Gramm-Rudman-Hollings and the Budget Agreement Act of 1990 were set up to help us get down to the business of deficit reduction, and, it seemed to me, I could help ensure that the balancing act would soon begin.

Unfortunately, I was mistaken. Instead, I found that the pay-as-you-go rule of the Budget Agreement Act is too easily suspended, and irresponsible spending is not so easily arrested. Last spring, I joined the fight for a balanced budget amendment. And, 4 months ago, we came within 10 votes of amending the Constitution to require a balanced budget.

Today, we are introducing legislation which goes even further. The Comprehensive Budget Process Reform Act of 1992 not only requires a balanced budget amendment, it provides statutory mechanisms to ensure compliance. Additionally, unlike current policies which depend on budget projections, this legislation focuses on actual revenues and expenditures. The bill requires the President, at the end of each fiscal year, to report actual revenues and expenditures. If a deficit exists, Congress and the President must act immediately to make up the shortfall.

Yesterday was the end of the fiscal year. Administration projections show spending will exceed revenues by $334 billion this year. In spite of this, we will all go home next week without taking action to offset this shortfall. However, if the Comprehensive Budget Act was law today, we would not be going home. The administration and Congress would be required to pass legislation which puts the budget back in balance. And, if legislation was not passed immediately, an automatic spending cut would take place.

The Comprehensive Budget Act of 1992 represents the kind of responsibility I wanted Congress to take when I came here last year—responsibility for our future and our children's future. I commend Mr. ORTON for the many hours of hard work that he has given to this effort, and I am proud to join him today as a cosponsor of this bill. I urge my colleagues to join us in the fight for a balanced budget; it's a fight our future depends on.

TAIWAN CELEBRATES 81ST BIRTHDAY

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LIVINGSTON. Mr. Speaker, best wishes to the Republic of China on its 81st birthday, October 10, 1992.

Taiwan has made spectacular economic gains in the last two decades, as it has pursued its goal of becoming a fully democratic country. In the last 5 years, it has instituted numerous political reforms, resulting in unprecedented political freedom for the Taiwan people.

Taiwan has also attempted to make new friends around the world, and Taiwan has been quite successful especially with the States of the former Soviet Union. In September of this year, Taiwan and Russia actually agreed to exchange representative offices in each other's capitals. In February 1992, Taiwan established consular ties with Latvia. Taiwan has also exchanged representative offices with Lithuania and Estonia.

On Taiwan's 81st birthday, I wish Taiwan continued success in economic and political development and in gaining greater international recognition.

TRIBUTE TO "CLEM" HOLEWINSKI

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Ms. KAPTUR. Mr. Speaker, on September 16, northwest Ohio lost a giant and very valued member of our community. Clemence Holewinski—or Clem as he was known to his many friends—dedicated his life to helping others. Through his work in the labor movement, thousands of Ohioans, and indeed hard working men and women nationwide, have benefited from his commitment to ensuring that ordinary American workers and their families be given a fair shake in the workplace.

Clem was one of the founding fathers of the labor movement in our area. His efforts and dedication were tireless. But he always had time to listen and learn. Highly regarded for his honesty and integrity, he was known and respected as a man of his word—who possessed the wisdom to always make the right decision. He was truly one of those citizens that every community needs—a citizen that contributes so much to the well-being of others, but asks for nothing in return. He was a father to us all.

A World War II veteran, Clem returned home to Toledo after the War to begin his long career as a motivating force in the United Auto Workers. He was one of the founders of Local 12 and served as president of the Local for 27 years. His dedication to the cause was so immense that he was honored in 1974 for attending every UAW national convention since 1936. His role in creating summer camps for children and bettering life's opportunities for working families everywhere are his lasting legacies to our community.

The role Clem Holewinski played in our community will long be remembered, and his contributions felt by our citizens for years to come. I know I join the citizens of the Ninth District of Ohio in extending my most sincere sympathies and our community's profound sense of loss to his wife Clara; son, David; sisters, Mrs. Florence Ryder, Mrs. Alice Czarnecki, Miss Marie Holewinski, Mrs. Elanor Palicki, and Mrs. Beatrice Lennix; brother, Lester; three grandchildren; two step-grandchildren; and one great-grandchild.

TRIBUTE TO THE ALICE TWEED TOUHY FOUNDATION PHILANTHROPIST OF THE YEAR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to the Alice Tweed Touhy Foundation, which has been chosen as the philanthropist of the year by the Santa Barbara/Ventura Counties Chapter of the National Society of Fundraising Executives.

The Philanthropist of the Year Award recognizes an individual, corporation or foundation which has demonstrated exceptional civic responsibility by providing financial support and leadership to one or more major fundraising projects. The honoree will also have contributed to other community efforts and to the advancement of philanthropy in the Santa Barbara/Ventura area.

The achievements of the Alice Tweed Touhy Foundation reflect the philosophy of its founder, the late Alice Lyon Tweed Touhy. Mrs. Touhy strongly believed that a better tomorrow is rooted in the action of today. A review of the recipients of over $6.7 million in grants since 1956 affirms this belief.

The Touhy Foundation concentrates its efforts in the areas of collegiate and youth activities, community projects, and health and medicine.

In addition to enormous financial contributions to the Santa Barbara community, the Foundation both encourages and rewards excellence in the fundraising profession. For example, it has long been the Foundation's policy to ensure that governing boards of grant seekers give significant financial support, thereby reminding fundraisers and boards of their own responsibilities. Additionally, Foundation officers not only demand a level of excellence in the proposal process, but ensure that grant seekers know where they have fallen short of the officers' expectations.

Mr. Speaker, on behalf of the U.S. House of Representatives, it is my pleasure to commend the Alice Tweed Touhy Foundation for its long and generous history of support to the community, and for the leadership it provides to grant-seeking organizations in support of professional excellence. I proudly wish the Foundation all the best in future endeavors.

ABOLISH MANDATORY MINIMUM SENTENCES

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. EDWARDS of California. Mr. Speaker, I am pleased to cosponsor the Sentencing Uniformity Act of 1992 with my distinguished colleague from Georgia [Mr. JENKINS]. The act abolishes mandatory minimum sentences throughout the Federal criminal law. The premise of the act is that mandatory minimum sentences are inherently incompatible with the mandate of the U.S. Sentencing Commission. The Commission's purpose is to create sentencing guidelines directed toward the specifics of the offender and the offense, to reduce disparities and inequities in sentencing, and to create certainty of punishment. The act follows the recommendation of the U.S. Judicial Conference, which urges Congress to:

> Restructure [mandatory minimum] statutes so that the U.S. Sentencing Commission may uniformly establish guidelines for all criminal statutes to avoid unwarranted disparities from the scheme of the Sentencing Reform Act.

In recent years, the Federal Government has responded to concerns about the Nation's serious crime problem by imposing mandatory minimum sentences for certain crimes. In an attempt to ensure appropriate punishment and the separation from society of criminals who pose significant dangers to our citizens, the creation of mandatory minimum sentences has proliferated. There are now well over 100 such sentences.

The Sentencing Commission, in a detailed report, has found that this proliferation has created serious conflicts with its mandate. In fact, instead of eliminating disparities, mandatory minimum sentences have simply caused discretion in sentencing to be transferred from independent Federal judges to Federal prosecutors, who are parties to the litigation. These disparities are based not on neutral factors, but rather on factors such as race, gender, crime rates and caseloads, circuit, and prosecutorial practices. In particular, a greater proportion of black defendants received sentences at or above the mandatory minimum level, followed by Hispanics, and then whites. Departures from the mandatory minimum are most likely to be granted to whites, and least likely to Hispanics. Further, the Sentencing Commission found that defendants whose conduct appears to warrant the imposition of mandatory minimum sentences do not receive those sentences approximately 35 percent of the time.

Mandatory minimum sentences have also created great injustices. The prison terms required by mandatory minimum sentences have often dramatically outweighed the severity of the offenses and the culpability of the offenders. Nonviolent first-time offenders often receive longer sentences than prisoners with long criminal records. The Commission found that "an unintended effect of mandatory minimums is unwarranted sentencing uniformity."

It is now crystal clear that our prison system simply cannot accommodate the huge new numbers of prisoners that mandatory minimums have caused. Our prison system is filled well beyond capacity, and the building of new prisons, at a cost of millions, has had no appreciable effect on this overcrowding. The creation of mandatory minimums has been a primary cause of this overcrowding, because judges have little or no discretion to sentence certain offenders to noncustodial sentences. Further, mandatory minimums burden the judicial system as well, by reducing the incentive of defendants to plead guilty in hopes of receiving a lighter sentence. They have increased the likelihood that defendants who would normally enter guilty pleas will now demand trials instead.

Mandatory minimum sentences have not achieved their purpose. In fact, their uneven application and the transfer of discretion from judges to prosecutors decreases certainty in sentencing, which in turn reduces deterrence, a primary goal of the Federal criminal laws.

The U.S. Judicial Conference, all 12 judicial circuits, numerous bar associations, the Federal Courts Study Committee, and citizens groups across the country oppose mandatory minimums and have urged Congress to abolish them. In the words of the Sentencing Commission:

> [T]he most efficient and effective way for Congress to exercise its powers to direct sentencing policy is through the established process of sentencing guidelines, permitting the sophistication of the guidelines structure to work, rather than through mandatory minimums. There is every reason to expect that by so doing, Congress can achieve the purposes of mandatory minimums while not compromising other goals to which it is simultaneously committed.

I urge my colleagues to support the Sentencing Uniformity Act of 1992.

ABOLISH MANDATORY MINIMUM SENTENCES

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. JENKINS. Mr. Speaker, I would like to take this opportunity to thank my distinguished colleague from California [Mr. EDWARDS], for his leadership and foresight demonstrated by cosponsoring the Sentencing Uniformity Act. I am delighted to join him in introducing this bill. As a former assistant U.S. attorney, I adamantly support the premise of the act that mandatory minimum sentences are incompatible with the mandate of the U.S. Sentencing Commission. There is an endless list of reasons, of which I shall name only a few, that Congress should pass this act and abolish mandatory minimum sentencing.

First offenders often receive longer prison sentences than prisoners with a criminal record who have committed more egregious crimes under mandatory minimum sentencing. The intent of criminal punishment is not only to deter and restore, but also to rehabilitate individuals into productive members of society. Given the lack of leeway in mandatory minimum sentencing, we might as well omit rehabilitation as one of the established reasons for criminal punishment.

In *United States* v. *Madkour,* 930 F.2d 234 (2d Cir. 1991), Judge Franklin S. Billings writes that mandatory minimum sentencing statutes deny "judges of this court, and of all courts, the right to bring their conscience, experience, discretion, and sense of what is just into the sentencing procedure, and it, in effect, makes a judge a computer, automatically imposing sentences without regard to what is right and just. It violates the rights of the judiciary and of the defendants, and jeopardizes the judicial system." Federal judges deserve our confidence in their ability to use discretion in determining what action is needed in each individual case. All too many times judges are forced to impose sentences which are much too severe without the ability to consider the culpability of the offenders.

Currently, our prison system is not capable of retaining the terrific number of new prisoners already confined as a result of mandatory minimum sentencing. According to figures released by the Bureau of Prisons, current prison population is approximately 70,000, and with a 48,465 design capacity, this amounts to 144 percent of full capacity. The present administration has provided $2.8 billion for expansion and construction of Federal prisons. Even with a scheduled completion date of 1996, this expenditure is only expected to alleviate 10 percent of the burden. It will take approximately $9.6 billion more to adequately house those currently in the system, and these figures do not include the costs to cover the current growth trend. Given the current state of our economy and huge Federal deficit, we cannot afford to continue spending billions to accommodate the huge increase in the Federal prison population.

Mandatory minimum sentencing has created an increase in the number of cases which end up going to trial. There is no incentive for defendants to plead guilty and eliminate the necessity of going to trial. This has resulted in a backlog of cases and increased costs to the taxpayer. There is also a real danger of the Federal civil calendar becoming obsolete as a result of the enormity of criminal cases ending up in litigation.

The U.S. Sentencing Commission has completed an indepth study of mandatory minimum sentencing. The Commission found that a system of guidelines, opposed to mandatory minimums, could better meet the goals of just punishment, deterrence, incapacitation, and rehabilitation. Mandatory minimum sentencing has not accomplished the desired goal of eliminating disparity in sentencing. According to the Commission:

> The disparate application of mandatory minimum sentences in cases where available data strongly suggest that a mandatory minimum is applicable appears to be related to the race of the defendant, where whites are more likely than nonwhites to be sentenced below the applicable mandatory minimum; and to the circuit in which the defendant happens to be sentenced, where defendants in some circuits are more likely to be sentenced below the applicable mandatory minimum than defendants sentenced in other circuits. This differential application on the basis of race and circuit reflects the very kind of disparity and discrimination the Sentencing Reform Act, through a system of guidelines, was designed to reduce.

The Commission concluded by recommending that:

> The most efficient and effective way for Congress to exercise its powers to direct sentencing policy is through the established process of sentencing guidelines, permitting the sophistication of the guidelines to work, rather than through mandatory minimums.

I urge my colleagues to support the Sentencing Uniformity Act of 1992.

A TRIBUTE TO BILL SKELLEY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Bill Skelley, who spent 35 years as a teacher and administrator in public schools in Los Angeles before retiring in 1984. I congratulate Bill on a special occasion—the 50th anniversary of his graduation from Hamilton High School—and commend him for his outstanding work as chairman of the committee of his classmates celebrating this important occasion in their lives.

As a graduate of Hamilton High School myself, I feel an affinity for Bill and take special pride in his accomplishments. I am also delighted to note that his wife, Mildred, was a member of the same class. Mildred and Bill are the proud parents of two fine sons, Dave and Pete and two lovely grandchildren.

Those who today disparage public education are doing a terrible injustice to dedicated educators such as Bill Skelley. He is a man who spent most of his career as a teacher and administrator at junior and senior high schools in the inner city, giving tirelessly of his abilities and resources to help better the lives of countless children.

Bill's commitment to high school students continues to this day. He may be retired, but he is far from inactive.

With Bill at its head, the class of 1942 has developed a unique gift to its alma mater—the most priceless gift possible: The gift of time and involvement. This class has created a program in which Hamilton alumni return to the school to offer their services in job counseling, networking, the opening of career doors and other activities helpful to the high school students. This public/private partnership is a boon to Hamilton, which for decades has enjoyed a reputation as one of the finest high schools in Los Angeles.

Mr. Speaker, I ask my colleagues to join me in saluting Bill Skelley, a distinguished graduate of Hamilton High School and a marvelous argument for public education. The Los Angeles Unified School District has been indeed fortunate to have had the benefit of his myriad abilities for so many years.

WHY LIBERALS RUN FROM THEIR NAME

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. DUNCAN. Mr. Speaker, I recently had the privilege of speaking to a men's group at the First Cumberland Presbyterian Church in Knoxville.

I had heard the church pastor, R. David Lancaster may times on his radio program, "Family Matters," but I had never met him in person until that night.

I was very much impressed by Reverend Lancaster. I believe he is an up-and-coming minister with a great future ahead of him.

He recently wrote a piece about the current political scene which I believe is worthy of publication in the CONGRESSIONAL RECORD, and I would like to call it to the attention of my colleagues and other readers of the RECORD.

WHY LIBERALS RUN FROM THEIR NAME

> On the current political scene, one of the oddest developments yet has been the curious rejection of the label "liberal" by the candidates representing the Democratic Party in the upcoming election. For several decades, Democrats have proudly worn this title, eschewing any association with conservatism. In my college days, a common joke ran, "What's the definition of a conservative? Someone who worships dead liberals." Thus, the modern practice of hiding liberal lights under bushel baskets appears strange, if not downright contradictory. Could it be that after years of liberal domination of the federal government, the major media, the entertainment industry, and the arts, liberalism is no longer in vogue?
>
> Nothing could be further from the truth! The recent retreat from liberal rhetoric hardly disguises the continued unquestioned commitment to die-hard liberalism. The reason for the reticence on the part of those representing the Democrats arises from a completely different motivation entirely. Liberals want to win the White House.
>
> This desire to capture the presidency has produced some shrewd and nearly astute political analysis on the part of liberals that the large majority of Americans rightly associate liberalism with policies which have largely undermined the prosperity of people of every race and status in this society. Poll after poll strongly supports the claim that Americans consistently demonstrate conservative tendencies with regard to economic and social issues, while the leadership of media, the entertainment and arts communities, church hierarchies, and the Democratic Party—not to mention the myriad of special interest groups who march under the liberal banner—unflinchingly display decidedly radical ideas widely disparate from the general public.
>
> The tax-and-spend philosophy which has characterized liberalism in the past three decades is only a small part of the discordant views which strike the average person as wrongheaded. The wholesale commitment to redistributing income, which is the root of most taxation; the inability to recognize the difference between free speech and obscenity, whether written or pictured; the dogged determination to regulate every industry, business, and trade, as if to end forever corruption and bring in the millenium; these notions strike everyday people as quackish, unrealistic, and ultimately incredibly expensive. The arrogant attitude of the anointed who insist on inflicting these policies on the country understandably leaves a bitter taste in the mouths of citizens with regards to liberalism.
>
> How to resolve this annoying truth? In the past two national campaigns, Democrats presented Americans with a clear-cut choice: an unabashedly liberal candidate versus the Republican conservative. The results rank in

history as two of the worst defeats experienced in this century. Is it truly surprising that liberals are taking a different approach this campaign?

The attempt to cast the Clinton-Gore ticket as the first centrist platform since the Carter days sounds promising to card-carrying Democrats. Yet, the reality of the situation will become increasingly apparent as the campaign rolls on. The radical elements of the liberal platform belie the supposedly moderate views of the campaigners, but will become quite obvious as the debates take place, and deception proves more difficult. George McGovern spoke truth when he described his party's ticket as a "Trojan horse," but he will also rue the day in which he provided the opposition with precisely the rubric needed to dash the hopes of disheartened liberals, who already have been forced to swallow more turkey than has been roasted in Arkansas this century.

THE 25TH ANNIVERSARY LEGAL SERVICES OF THE WESTERN CAROLINAS

HON. ELIZABETH J. PATTERSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mrs. PATTERSON. Mr. Speaker, I rise today to recognize the Legal Services Agency of the western Carolinas on the occasion of their 25th anniversary. The Legal Services Agency of the western Carolinas was founded under the premise of carrying out the concepts of our Constitution, which guarantees equal access to justice to all citizens. In the last 25 years, this agency has helped provide access to legal services to more than 60,000 needy residents in the upstate of South Carolina.

The success of Legal Services of the western Carolinas can be traced to several sources, but mainly to a great staff and committed volunteers. The caseload handled by this agency could stagger much larger private law firms. But we find that the volunteers and staff—wearing the hats of lawyer, social worker, teacher, and planner—make it because they have learned to treat people as individuals, instead of as cases.

Mr. Speaker, I want to express our deep appreciation and sincere congratulations to the Legal Services Agency of the western Carolinas, its directors, staff, and volunteers on the occasion of their silver anniversary. Thanks for a job well done.

ADDITIONAL REMARKS REGARDING H.R. 5118

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. OWENS of Utah. Mr. Speaker, on Tuesday, September 29, 1992, I placed a statement in the RECORD describing H.R. 5118, the Utah Schools and Lands Improvement Act, which was passed by the House of Representatives that day. I inadvertently did not include an important part of my statement, and I would like to supplement my remarks with the following, which should be considered as part of my original statement:

"The current version of H.R. 5118 differs in only a few ways from the bill marked up on September 10 by the Subcommittee on National Parks and Public Lands. That version contained a provision in section 5(a) which dealt with the appraisal of State lands within the national forests. The language provided that the State may retain a royalty interest in the land it exchanges within the national forest provided that no value be attributed to the State's mineral estate on such lands and that administrative control over leasing such mineral interest be given the United States. The language was deleted by the full Interior Committee during markup on September 16 because it was the sense of the Committee that such details of the negotiated exchange should be left up to the parties operating under the guiding principle that the exchange be based upon value for value as determined by an objective and impartial appraisal. The deletion of that specific provision was also premised in part upon the notion that the parties already had authority under the broader language of the bill to negotiate such terms without the specific direction of the Congress."

VIOLENCE AGAINST WOMEN IS A PUBLIC HEALTH ISSUE

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. McDERMOTT. Mr. Speaker, today marks the beginning of Domestic Violence Awareness Month. One segment of our society that can play an especially important role in addressing this problem is our health care community, and today I am introducing legislation to promote education and awareness of domestic violence and sexual assault within this community.

As a nation, only recently have we begun to recognize and comprehend the devastating extent and impact of violence against women. Throughout America, millions of women each year are beaten, assaulted, victimized, and terrorized by violence from husbands, boyfriends, relatives, acquaintances, and strangers. The level of violence against women in America is a national disgrace and remains one of our most deeply entrenched injustices.

Every American must understand the cruel effects of violence, work to improve our criminal justice efforts to stop such crimes, and help expand our social services efforts to assist women in preventing and escaping from this violence. I applaud the efforts of my colleague from California, Mrs. BOXER, in sponsoring the Violence Against Women Act, legislation that makes important changes in our Federal statutes to protect victims of battering and sexual assault and to increase funding for battered women's shelters and for education about these crimes.

Violence against women is a crime and it must be confronted vigorously by our criminal justice system. But domestic violence and sexual assault also pose serious health threats to women and must be addressed by the public health community as well. For example, battering is the leading cause of injury to women in America, accounting for nearly one-third of emergency room admissions for women. Approximately 4,500 women are killed each year by their partners. Pregnant women are at special risk of injury from battering, and such violence endangers the health to both the mother and her baby. Roughly 4 million women suffer domestic violence each year; this is a nationwide public health crisis.

Our health care professionals are in a unique position to address this crisis. Battered women utilize health care services at higher rates than other women, not only for treatment of repeated injuries, but for related health problems, such as chronic stress-induced disorders. Violence in the home tends to escalate over time, placing battered women at risk of increasingly severe injury. The health care setting may be an important point of entry for a woman seeking help, and the health care professional may be the best and only hope for early intervention to prevent future violence and death.

Some battered women become virtual prisoners in their own homes; their partners have severed their access to money, transportation, telephones, friends, and family. They are completely isolated from any source of information or assistance; it is impossible for them to obtain any knowledge about how to escape, much less to accomplish it. Many women know that when they do try to escape their abusers, their chances of being killed increase dramatically. The health care setting may be the only refuge where these women have an opportunity to learn that there is help available and how to get it.

Until recently, the medical profession often joined in the conspiracy of silence surrounding battering by denying the obvious sources of injuries inflicted on women, minimizing the nature of such violence, rejecting women's pleas for help as beyond its domain, and worst, by blaming the victim for her own victimization. These attitudes have begun to change, slowly, but we need a nationwide, systematic effort to train health care professionals and to establish guidelines for helping victims.

Often the most important step physicians and nurses can take to help victims of violence is acknowledging the violence. Women may be so overwhelmed by fear, guilt, and shame that they cannot admit or discuss their own victimization. The medical profession can play a critical role in breaking through this silence, validating a woman's suffering and her right to stop it.

I have spoken primarily of domestic violence, but survivors of sexual assault face similar problems. Although hospitals have established protocols for the treatment of rape victims who report their assaults, as many as 9 of 10 sexual assaults are not reported, and the vast majority of victims do not seek help after an assault. On average, a victim may wait 5 years before seeking help. Yet sexual assault has profound mental and physical health consequences for women. For example, a recent study in my State of Washington found that two-thirds of pregnant teenagers had been sexually abused—a shocking statistic that suggests that sexual abuse may be a significant factor in our high adolescent pregnancy rate.

We know violence against women is a public health threat, but we are only beginning to understand how the public health community must be involved in combating it. Not enough attention has been focused on developing appropriate strategies in the health care setting to identify victims of violence, offer support and referrals for assistance, and create intervention programs to prevent future violence. Physicians, nurses, and other health care professionals should screen patients routinely for such abuse, and understand how to address it. I am proud that my district of Seattle has been a leader in this effort.

The legislation I am introducing today, the Women's Violence-Related Injury Reduction Act, recognizes that violence against women is a nationwide public health crisis requiring the commitment of the Federal Government. This legislation provides grants for the development and implementation of screening protocols to identify victims of domestic violence and sexual assault, and to educate and train health care professionals in helping victims of such violence. In addition, it requires development of a nationwide system for collecting data on injuries and other health effects of violence against women, and other epidemiological research on this problem. Finally, it provides funds to educate the general public on the public health impacts of domestic violence and sexual assault.

The medical community has an obligation to assess and protect a patient's overall health. Violence against women constitutes a grave threat to the life and health of millions of women each day, and it is time for our Nation to undertake serious and comprehensive efforts to combat it.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Violence-Related Injury Reduction Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Domestic violence and sexual assault represent serious threats to the health and well-being of millions of women in the United States.

(2) Violence against women has serious health consequences for its victims, including fatality, severe trauma, repeated physical injuries, and chronic stress-related disorder.

(3) Violence against women has serious mental health consequences for its victims, including substance abuse, severe psychological trauma, and suicide.

(4) Approximately 4,000,000 women in the United States are victims of domestic violence each year, and 4,500 women are killed each year from such violence.

(5) One of two women is a victim of domestic violence or sexual assault during her lifetime.

(6) Battering is the leading cause of injury to women.

(7) It has been estimated that 1 in 6 pregnant women are battered, resulting in increased rates of miscarriage, stillbirths, and low-birthweight babies.

(8) Domestic violence may account for as much as one-third of emergency-room visits by women, an annual total of approximately 28,700 such visits.

(9) Domestic violence accounts for 21,000 hospitalizations, 99,800 days of hospitalization, and 39,900 visits to a physician each year.

(10) Fewer than 5 percent of injured women are correctly diagnosed by medical personnel as being victims of domestic violence.

(11) Hospitals and clinics do not have a uniform set of protocols for the identification and referral of victims of domestic violence and sexual assault, or for the training of health care professionals to perform such functions.

(12) A uniform surveillance system for monitoring the health effects of domestic violence and sexual assault should be established to determine the nature and extent of such violence and assault in the United States.

SEC. 3 ESTABLISHMENT OF CERTAIN HEALTH PROGRAMS REGARDING DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317A the following section:

"HEALTH PROGRAMS REGARDING DOMESTIC VIOLENCE AND SEXUAL ASSAULT

"SEC. 317B. (a) DEMONSTRATION PROJECTS FOR IDENTIFICATION AND REFERRALS OF VICTIMS.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to public and nonprofit private entities for the purpose of carrying out demonstration projects in which health care providers, in providing such care—

"(A) identify individuals whose medical condition or statements indicate that the individuals are victims of domestic violence or sexual assault; and

"(B) refer the individuals to entities that provide services regarding such violence and assault, including referrals for counseling, housing (including temporary housing), legal services, and services of community organizations.

"(2) TRAINING.—The Secretary may authorize grantees under paragraph (1) to expend the grants to train health care providers to carry out the activities described in such paragraph.

"(3) PROTOCOLS FOR IDENTIFICATION, REFERRALS, AND TRAINING.—

"(A) The Secretary may make a grant under paragraph (1) only if, for the demonstration project involved, a protocol has been developed for identifying, referring, and training individuals for purposes of such paragraph, or the applicant for the grant agrees that such a protocol will be developed, and the Secretary approves the protocol. The Secretary may authorize grantees under such paragraph to expend the grants to develop such protocols.

"(B) The Secretary may make a grant under paragraph (1) only if the applicant involved agrees that the project under such paragraph will be carried out in accordance with the protocol approved for the project by the Secretary under subparagraph (A), and that the project will not begin operation until the protocol has been so approved.

"(4) CONSULTATION WITH RELEVANT ENTITIES.—The Secretary may make a grant under paragraph (1) only if the applicant involved has, in developing the proposal of the applicant for a demonstration project under such paragraph, consulted with public and nonprofit private entities that, in the geographic area in which the project is to be carried out, provide services regarding domestic violence or sexual assault.

"(5) REPORTS.—The Secretary may make a grant under paragraph (1) only if the applicant for the grant agrees to submit to the Secretary a report describing the activities of the project under such paragraph for the fiscal year for which the grant is made.

"(b) PUBLIC EDUCATION.—The Secretary, acting through the Director of the Centers for Disease Control, shall carry out a program to educate health care providers and the public on the consequences to the public health of domestic violence and sexual assault.

"(c) EPIDEMIOLOGICAL RESEARCH.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, shall provide for the conduct of epidemiological research on domestic violence and sexual assault. In providing for such research, the Secretary shall ensure that, with respect to such violence and assault, data is collected on—

"(A) the incidence of cases and the effect of the cases on the costs of health care in the United States;

"(B) the type and severity of injuries sustained and the type and severity of any other resulting health conditions;

"(C) the extent to which victims seek treatment, including a comparison of the incidence of cases with the incidence of seeking treatment;

"(D) a description of common circumstances influencing victims not to seek treatment;

"(E) the types of medical facilities and health care providers from which victims seek treatment; and

"(F) the demographic characteristics of the individuals from whom data described in subparagraphs (A) through (E) is collected.

"(2) NATIONAL SYSTEM.—In carrying out paragraph (1), the Secretary shall cooperate with the States for the purpose of establishing, to the extent practicable, a national system for the collection of data regarding domestic violence and sexual assault.

"(3) REPORT.—Not later than February 1, 1995, and every 2 years thereafter, the Secretary shall submit to the Congress a report summarizing the data collected under paragraph (1) for the preceding 2 years.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1996.

"(2) ALLOCATION FOR DEMONSTRATION PROJECTS.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 60 percent for grants under subsection (a).".

CELEBRATING THE 60TH ANNIVERSARY OF THE SOUTH BEND SYMPHONY ORCHESTRA

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. ROEMER. Mr. Speaker, I am proud to share in the great accomplishments of my constituents, and it is with particular pleasure that I pay tribute to the South Bend Symphony Orchestra in the year of its Diamond Jubilee Anniversary. This fine South Bend institution has performed for three generations for the citizens in our community. The talented musicians and community leaders have enriched our lives and engaged our spirits. The South

Bend Symphony Orchestra has been an integral part of our city's heritage for 60 years, bringing local residents and friends together from around the region to enjoy its beautiful artistry and musical originality.

The South Bend Symphony Orchestra has a strong Hoosier foundation, rooted in civic pride and an appreciation of culture. Its hallmarks are originality and artistry, and the very presence of the South Bend Symphony Orchestra enhances the quality of life in northern Indiana.

I admire the leadership of the South Bend Symphony Orchestra in the Midwest, watching it move forward with such innovative projects as *Meet the Composer-Midwest,* which recently brought the noted Composer Michael Schelle to South Bend. Through this program, South Bend has enjoyed Mr. Schelle's original work by the symphony, as well guest lectures with four area institutions including Indiana University at South Bend and the University of Notre Dame.

The South Bend Symphony Orchestra has also been a leader in bringing the family closer together through music with its Family Series. This program features works designed to introduce children to the world of fine music.

I believe we can all agree that a wide range of music, from great classical pieces to casual concert music, has added to all of our lives. Great music is a necessary part of any civilized society. The South Bend Symphony Orchestra has presented a diverse program that appeals to broad audiences. As Henry Wadsworth Longfellow wrote years so many years ago, "Music is the universal language of mankind." I could not agree more.

Mr. Speaker, it is with great pleasure that I salute the South Bend Symphony Orchestra for 60 years of excellence, and wish it continued success into the next century.

UNINSURED PREGNANT WOMEN AND CHILDREN

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. SABO. Mr. Speaker, I am deeply concerned about the growing number of poor and disadvantaged children in this country. One out of every five children in America is poor. And more than 11 million American children are not covered by health insurance. This is disgraceful.

Although health care costs exceed 11 percent of our gross national product, the health status of American children is declining. Disappearing health insurance coverage for the Nation's poor and a shortage of clinics in thousands of inner city and rural areas have left low-income women and children without access even to the most basic health care. In fact, one-fourth of America's children go without immunization against diseases, including measles, mumps, whooping cough, and polio. And an alarming number of babies born in the United States die before their first birthday.

Infant mortality data illustrate the overall health of our children. We are failing to ensure that our Nation's children are growing up healthy. Instead, we have slipped backward. The United States is behind 21 nations in infant mortality and behind 20 nations in child mortality.

It is inexcusable that one out of every four pregnant women is not insured for maternity care and an equal percentage do not receive any prenatal care during the first trimester. Yet statistics show that every $1 spent on early prevention and intervention can save $4.75 in costs associated with remedial education, welfare and crime down the road. And for every $1 spent on all childhood immunizations, $10 is saved in future medical costs.

The United States spends more per capita on personal health care than any other country and leads the world in medical technology. It is unacceptable that millions of American children do not receive adequate health care when they get sick because their uninsured families cannot afford it. We must act to provide health care to children and pregnant mothers.

Throughout my legislative career, I have pushed for health care reform at both the State and the Federal level. I have introduced comprehensive health reform legislation in each of the last seven Congresses. My bill would guarantee all Americans access to health insurance at group rates and it would help low-income people buy coverage.

Many hearings and debates are being conducted on different ways to improve our Nation's health care system. The problems are complex and the proposed solutions differ greatly from one another. Therefore, we do nothing and the situation worsens. This is indefensible. We cannot afford to ignore the plight of our children.

Not only is denying necessary health care to children unconscionable, it also hurts our long-term national economy. For the United States to compete in future international markets, our children must grow up healthy in order to be productive and working adults. Let's make this a top priority in the early months of next year.

TAIWAN—A SHOWCASE OF SUCCESS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LENT. Mr. Speaker, the Republic of China on Taiwan is a tiny island nation in the pacific, yet its story of economic success is truly remarkable. In 1959, Taiwan's population was 10.4 million; by 1991 it had doubled. In 1959, Taiwan's per capita GNP was the equivalent of US$120; in 1991 it reached well over US$8,000, ranking 25th in the world. Disposable family income has reached an average of US$19,265 per household, and is still growing.

For the past 30 years, Taiwan's economic growth rate has averaged 8.8 percent annually. At the same time, the high savings rate among the people and substantial foreign exchange reserves held by the Taipei Government, together with low rates of inflation and unemployment, contributed to an atmosphere of prosperity. The jobless rate in Taiwan remains less then 2 percent, as it has for several years.

At the present time, the Taipei Government is in the beginning phase of a 5-year National Development Plan. With a total budget of over $303 billion, the plan offers opportunities for American companies to bid on major contracts including flood control, city transportation networks, water and sewage plants, and highway construction.

On the eve of Taiwan's 81st national anniversary on October 10, 1992, I wish to commend Taiwan for all its economic successes.

TRIBUTE TO HOLY TRINITY CHURCH

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. TORRICELLI. Mr. Speaker, it is with great respect and admiration that I address my colleagues in the House today, for I rise to extend my heartiest congratulations and warmest best wishes to Holy Trinity Evangelical Lutheran Church of Garfield, NJ as it celebrates its centennial anniversary.

Holy Trinity was founded on August 10, 1892 as the First Slovak Evangelical Lutheran Holy Trinity Church of Passaic, NJ. It was founded by 15 emigres from Slovakia in eastern Austro-Hungary. Twenty-two others joined them before the end of 1892 and all were recorded as charter members. The English Dundee Presbyterian Church, at Third and Monroe Street in Passaic, NJ was their host church for more than 10 years. From 1892 to 1908, Holy Trinity received its spiritual ministry from elder members, Czech Presbyterians, and mission developers sent to the United States by the Evangelical Church in Slovakia. At best they were visited once or twice a month by mission developers since they had a church circuit in three and four States. These early ministers included the Reverend L. Novemesky, the Rev. L.A. Engler and the Rev. Daniel Bella.

In 1900, members living in E. Passaic, now Garfield, purchased land from the Belmont Land Association, on Palisade Avenue, near the crest of the hill. The first church was built on that site in 1902, and served the congregation until 1926.

In 1926, a landmark Gothic church was built on the site of the original church. It stands today continuing to serve Holy Trinity congregation. In recent years, restoration work has been undertaken on the church, the most recent in preparation for the centennial.

Bonding of its members has come about because of their kinship in faith over these 100 years and because of the fraternity which has been built through its many organized groups which have developed over the years. Many groups were formed during the growth years at Holy Trinity, each having a distinct purpose for serving the needs of the church and its members. Today many groups continue to serve the congregation with support and activity for their members.

Over these 100 years many of its members have served the congregation faithfully out of love with little or no recompense, save the willingness to serve their church and their community.

Mr. Speaker, I am proud to join in paying tribute to Holy Trinity as it celebrates its 100th anniversary. I extend my best wishes to the congregation of Holy Trinity Evangelical Lutheran Church on the occasion of their centennial celebration.

CHINA EMERGES AS A FUNCTIONING DEMOCRACY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. BURTON of Indiana. Mr. Speaker, in recent years, entrepreneurial zeal has made the Republic of China East Asia's number two economic power after Japan, and the world's largest trading nation. Its wealth dazzles its neighbors in East Asia and its "Taiwan Experience" of succeeding in business and improving the people's standard of living is legendary among nations.

Much of the Republic of China's economic success is directly attributable to the efforts of its leaders: President Lee Teng-hui and Premier Hau Pei-tsun. President Lee and Premier Hau both fully understand that a strong economy is a necessary basis for political reforms.

From its one-party past, the Republic of China has emerged as a functioning democracy. The people on Taiwan are strong supporters of individual freedom and human rights for all people. Mr. Speaker, let us show our admiration of our Taiwan friends in the Pacific by congratulating them on their 81st National Day—October 10, 1992.

ETHNIC CLEANSING BY TURKEY IS SYSTEMATICALLY IGNORED

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. MAVROULES. Mr. Speaker, much of the world has been focused on ethnic cleansing efforts being undertaken in parts of the former Republic of Yugoslavia. In reaction to the many reports of these atrocities, Serbia and Montenegro have been targeted by a U.N.-initiated international blockade, a U.N.-sponsored peacekeeping task force and strong international condemnation. As a strong supporter of this type of international pressure, I am pleased that the United States and the European Community have received such wide international support for their efforts to end ethnic cleansing in the Balkans.

It seems tragically ironic, however, that ethnic cleansing by a country nearby Yugoslavia has been systematically ignored by the Bush administration and many of our allies. The atrocities I refer to are being committed by the Government of Turkey against its Armenian, Greek, Cypriot and Kurdish minorities.

In 1915, Turkey took ethnic cleansing to the extreme, and the result was the Armenian genocide. This action alone, combined with the refusal by Turkey to admit culpability, makes me shudder to think that we gave this supposed "ally" $1 billion in foreign aid last year.

But it does not end there. For generations the Greek population living under Turkish rule has suffered the abuse of government-directed ethnic cleansing policies. In 1992 the Turks burned Smyrna and slaughtered its residents. Pogroms have been organized against Greeks in Istanbul and Izmir. Even today, Greeks residing within Turkey continue to exist as an oppressed minority.

Cypriots are another prominent example of an ethnic group that has suffered ethnic cleansing at the hands of Turkey. On a day-to-day basis for the past 18 years, the Turkish Government has actively removed Cypriots from their homes, detained Cypriots on political grounds, and concealed the whereabouts of missing Cypriots and Americans. The Turkish Government has also worked to undermine U.N.-sponsored talks aimed at finding a peaceful resolution to the dilemma. I have included for the record a copy of a New York Times editorial concerning ethnic cleansing in Cyprus. This editorial explains the situation that has arisen since the 1974 invasion of the sovereign nation of Cyprus by Turkish armed forces.

It is also painfully ironic that the United States has actively opposed ethnic cleansing by Iraq of its Kurdish minority. The United States provides air protection for Kurds residing in northern Iraq while ignoring military action being undertaken by Turkey against this same Kurdish minority, both in Turkey and across the border in northern Iraq. Amnesty International has repeatedly condemned Turkey for its use of torture, among other inhumane actions, against its Kurdish minority. This double standard cannot continue. The United States is spending millions of tax dollars to protect a group of people who are under daily attack by our "ally" Turkey. We, as a people, cannot afford to allow this outrage to persist.

The cold war is over. Communism and the U.S.S.R. are dead. Turkey demonstrated reluctance to assist the United States and United Nations during the Persian Gulf crisis and war. The political reality of the "new world order" is simply that Turkey is not the strategic ally that the Bush administration claims.

Even worse, Turkey has violated the United Nations charter, the NATO treaty, the human rights sections of the Foreign Assistance Act of 1961, the European Convention on Human Rights, the fourth Geneva Convention, the United Nations Universal Declaration of Human Rights, and the Treaty of Guarantee under the London-Zurich Agreement of 1959–60. Their human rights abuses have been documented by Amnesty International, the Freedom House annual survey, the Human Rights Watch Report, the Humanitarian Law Project Report, the Helsinki Watch, and numerous international news organizations. This list of grievances reads like the rap sheet of an international criminal, not a close ally of the land of the free.

President Bush cannot continue to ignore these continued human rights violations. Ethnic cleansing in the Balkans, as horrible as it is, pales in comparison to almost a century of similar efforts by the regimes of Turkey and the Ottoman empire.

Mr. Speaker, I call on each and every one of my colleagues to stand up for human rights around the globe and to stop allowing this deadly double standard to continue. We, as a body, cannot and will not allow Turkey's despicable record of abuse, torture, genocide, and ethnic cleansing to go without response.

TRIBUTE TO MRS. RENEE LITA BORSTAD

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. SAXTON. Mr. Speaker, as Congress probably will not be in session during National Consumers Week, October 25 through 31, 1992, I would like to honor today the respected director of the Consumer Affairs Office in Mount Holly, NJ, Mrs. Renee Lita Borstad. Mrs. Borstad has been director for 14 years, and she and her fine staff have done an excellent job of serving the people of Burlington County. Mrs. Borstad has always shown leadership in every kind of matter affecting consumers. Her expertise includes mail, print and telemarketing fraud, unfair business practices, credit problems, contractor disagreements, defective merchandise, landlord-tenant disputes and many other matters, all of which she handles with aplomb. She has worked tirelessly to make sure that justice prevailed in difficult situations and never backed down from seemingly impossible-to-win cases. She has triumphed in matters when the odds were stacked considerably high against the consumer. I would be remiss if I did not mention an item for which Mrs. Borstad is particularly known—her unique collection of chapeaux, with which she has singlehandedly revived the millinery industry in South Jersey. For all of the above reasons, I am pleased to recognize in today's CONGRESSIONAL RECORD the earnest dedication of Mrs. Borstad in serving the public.

IN HONOR OF PATRICK J. NILAN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CLAY. Mr. Speaker, I was privileged to participate in the national convention of the American Postal Workers Union [APWU] in Anaheim, CA, on August 2, 1992. I would like to take this opportunity to share with the Members of the 102d Congress an important resolution which was proposed to the 4,000 APWU delegates in honor of their retiring national legislative director, Mr. Patrick J. Nilan.

DESIGNATE PATRICK J. NILAN NATIONAL LEGISLATIVE DIRECTOR EMERITUS

Whereas: National Legislative Director Patrick J. Nilan has announced that he is not seeking re-election and will retire at the end of his present term in November, 1992 after serving the APWU membership as Legislative Director for 28 years in Washington, DC, and

Whereas: Prior to being elected in 1964 to that position, he was the elected Clerk Craft

Vice President (now NBA) for 6 years representing Union members in the midwest states of Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, Missouri—a total of 34 years as a nationally elected officer of the American Postal Workers Union and his predecessor Union, the United Federation of Postal Clerks, and

Whereas: Brother Pat Nilan, a member of the Minneapolis, Minnesota Area Local was also Secretary of his home Local for four years and President for 8 years—an incredible total of 46 years, a lifetime of working for and on behalf of APWU postal workers, and

Whereas: Legislative Director Patrick J. Nilan established the Union's first Congressional political fund in 1965, shortly after he came to Washington and named it, the "Committee On Political Action" (COPA) which progressed from a few thousand dollars a year, over the years until today. When the APWU membership now provides well over a million dollars during each two-year congressional election cycle and has been able to help the campaign committees of our Congressional "friends" and help defeat those who are not, Brother Nilan has served as COPA Secretary-Treasurer for the past 27 years, and

Whereas: In addition, Pat Nilan has been serving as the constitutional editor of the APWU News Service and Associate Editor of the monthly APWU publication for his entire 28 years as National Legislative Director.

Whereas: Legislative Director Pat Nilan also established in 1966, at the request of then President E.C. "Roy" Hallbeck and as provided in a national convention, approved resolution from the Miami, Florida Local Union the respected and important APWU Postal Press Association. Nilan served as the first PPA President until proposing several years later that the PPA become autonomous within the National Union and establish a constitution, elect its own officers and determine its own programs and policies, which it did do, and

Whereas: With his decision to retire in November, we believe he should be recognized and appreciated for his tremendous record of service to our Union and membership, particularly for his 28 years as a dedicated, outstanding and most senior of all AFL–CIO Union legislative and political directors working with the Congress of the United States and representing us so effectively on "Capitol Hill", and

Whereas: Pat Nilan was a major player in the enactment of the two most important laws tremendously affecting postal workers and the U.S. Postal Service namely:

Public Law 89–301, enacted on October 29, 1965 which among many major employees benefits included:

(1) Establish a separate (from Federal Employees) basic compensation schedule for postal field service employees which established the symbol "PFS", and

(2) For the first time established a basic work week for all PFS full-time employees consisting of 5 eight-hour days with the 8 hours of service not exceeding 10 hours in one day—except in emergencies as defined by the PMG and even then cannot be worked more than 12 hours in a day, and

(3) "To the maximum extent practicable, senior regular employees should be assigned to a basic work week, Monday through Friday inclusive," and

(4) Eliminated the extreme burden of "Compensatory Time" (time off—for 6th or 7th day or required work) in lieu of overtime pay for postal employees. True overtime pay was established for the first time by law—for an annual rate (now full-time) regular employee in excess of regular work schedule and a substitute employee (now, part-time flexible) in excess of 40 hours a week, and

(5) The postal unions subsequently won a Federal Court Case "Groettium vs. USPOD" (a Minneapolis postal clerk) against the Post Office Department's refusal to abide by these new overtime payment laws and as a result, most postal employees were paid many, many, many millions of dollars in overtime back pay, and

(6) Also, for the first-time each regular postal employee regular work schedule includes an eight-hour period of service, any part of which is within the period commencing at midnight Saturday and ending at midnight Sunday shall be paid extra compensation at the rate of 25 per centrum of his/her hourly rate of basic compensation for each hour of work performed during that 8-hour period, and

(7) Among many other benefits, postal employees received as the result of P.L. 89–301 and favorable court decisions were guaranteed time and one half for all hours worked by regular full time employees and part-time substitute employees for Christmas Day, and also for the first time "Postal Employee Relocation Expenses" were granted, and

Whereas: Legislative Director Patrick J. Nilan was also a major player with deceased UFPC and APWU President Frances "Stu" Filbey in another most important major law affecting Postal workers, namely Public Law 91–375 enacted on August 12, 1970. Known as the "Postal Reorganization Act of 1970," which followed the successful postal strike earlier that year and guaranteed postal employees and their Unions for the first-time ever, "Union Recognition" by law, and

Whereas: As a direct result of that law combined with P.L. 89–301, APWU has been able to negotiate wages, and other compensation benefits and conditions of employment. The "PRA" also specifically included all statutory benefits as retirement (CSRS–FERS), health benefits (FEHBA), life insurance (FEGLI) and injured worker compensation (FECA–OWCP). These benefits were guaranteed above and beyond other negotiated compensation benefits, and

Whereas: Legislative Director Pat Nilan and APWU have been successful in defeating all regressive legislative proposals during the past 12 years by Presidents Reagan and Bush to cut back, reduce, terminate or amend postal worker and retiree benefits including rejection and defeat of determined efforts by Reagan and Bush to "Privatize the U.S. Postal Service," and

Whereas: Pat Nilan is recognized by many prominent Congresspersons and Senators and their top personal staff persons and committees as an outstanding, persuasive, honest and effective legislative and political representative of the APWU on "Capitol Hill," and

Whereas: Civil Service Committee, Congressman Bill Clay (D–MO) and Mrs. Clay, after being advised of Legislative Director Nilan's retirement personally wrote Pat to say:

"After knowing of your decision to retire after such a long and illustrious career, we were still saddened by it; and we were deeply moved to know that we were with you during half of your 42 year struggle to improve the quality of life for postal workers and their families. We rejoiced with you in your greatest triumph securing Union Recognition by law for your membership," and

Whereas: Federal/Postal employee columnists in Washington, D.C. newspapers also know well of Pat Nilan's efforts on behalf of the APWU membership with the U.S. Congress and on "Capitol Hill." For example, the nationally known and respected syndicated federal columnist Mike Causey for the major D.C. newspaper, The Washington Post after hearing of Brother Nilan's retirement earlier this year reported in his column:

"THE DEAN DEPARTS"

"Patrick J. Nilan, dean of the federal-postal union lobbyists here won't run for reelection in November. He's been a national officer of the American Postal Workers Union and predecessor unions for 34 years and legislative director for the last 28 years.

"Nilan's close relationship with fellow Minnesotans (Vice Presidents) Hubert H. Humphrey and Walter F. Mondale made it easier to get pro-postal worker bills through the Senate and White House.

"Nilan is easy to spot on Capitol Hill. He always wears a bow tie, and has a commanding voice that can charm members of Congress, or shatter marble as necessary. He usually was the top vote-getter in union elections for national officers," and

Whereas: We can understand Brother Nilan's desire to retire after 46 years as a Local and National Union officer with 28 years in Washington and enjoy "the fruits of his Union labor" with his family. However, he will certainly be missed and we believe that he richly deserves appropriate recognition and also the opportunity, if he so desires, to be available for advice, counsel and support for APWU and his successor as Legislative Director, and

Whereas: Brother Nilan's expertise, professional and personal Congressional contracts and with important staff persons developed over his long tenure can be very helpful on as a need basis to the new Legislative Director, APWU President, Executive Board and membership, and

Whereas: Our friend and great champion in the Congress, House PO&CS Committee Chairman Bill Clay always says, "We have not permanent enemies only, permanent issues." APWU has more than enough permanent legislative issues to campaign for in the future and we suggest if Brother Nilan is available when needed, as Legislative Director Emeritus, and therefore be it,

Resolved: The American Postal Workers Union, AFL–CIO national convention convened in Anaheim, California August 3–7, 1992 provides recognition and appreciation to the retiring "APWU Institution," National Legislative Director Patrick J. Nilan for his 28 years of outstanding leadership and accomplishments in legislative and political representation on behalf of the APWU membership including the establishment and continued success of the Union's Committee on Political Action (COPA), and be it

Further Resolved: That Patrick J. Nilan be designated as the "National Legislative Director Emeritus" of the American Postal Workers Union, AFL–CIO, as an "APWU Institution" whose 28 years as a Washington, D.C. National Officer may never be surpassed, and be it

Finally Resolved: We urge all delegates to the Anaheim California APWU National Convention August 3–7, to vote unanimously in support of this resolution.

Approved and Sponsored by: Minneapolis, Minnesota APWU Area Local.

KATHY FORBES,
President.

Date: June 8, 1992.

RESULTS OF INVESTIGATION INTO U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT ADMINISTRATOR'S COMPLIANCE WITH ETHICAL STANDARDS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. CONYERS. Mr. Speaker, today, I am calling for the President of the United States to ask for the resignation of the U.S. Agency for International Development Administrator, Ronald Roskens.

A year-long investigation by the Legislation and National Security Subcommittee of the Committee on Government Operations, which I chair, assisted by the U.S. General Accounting Office's Office of Special Investigations, has confirmed allegations that AID Administrator Ronald Roskens abused his public office for private gain. I call on President Bush to appoint new leadership at AID, that will observe the high ethical standards that we expect of our senior Government officials.

In brief, the investigation found:

Administrator Roskens billed the Government for domestic travel to visit members of his family and friends and to take vacations.

Adminstrator Roskens also took four trips at Government expense to attend meetings of organizations in which he had been active as a private citizen.

Administrator Roskens or his spouse accepted something of value from nine nongovernmental entities, several of which are prohibited sources due to their financial relationship with AID.

Although the AID Inspector General investigated and referred this same misconduct, the Justice Department declined to prosecute Dr. Roskens on charges of conflict of interest, illegal gratuity, and dual compensation. And when senior AID officials referred the Inspector General's findings to the White House, Presidential Counsel C. Boyden Gray only criticized two instances in which the Administrator inadvertently and unknowingly failed to comply with applicable standards of conduct, and demanded repayments from Dr. Roskens. No other disciplinary action was taken against the AID Administrator, although his domestic travel schedule fell dramatically.

This comprehensive investigation also uncovered additional instances where Administrator Roskens violated ethics standards. During the course of the investigation, Dr. Roskens once again reimbursed funds that had been used improperly.

The results of this investigation are particularly important because they speak to the root causes of a growing leadership crisis at an Agency which administers over $7 billion in foreign aid each year. For years, independent reviewers have found serious misconduct and mismanagement at AID, culminating in a recent OMB–SWAT Team report that AID is still plagued by ineffectiveness and inefficiencies.

AID needs dynamic leadership committed to restoring and enforcing the highest ethical standards at that Agency. As this investigation revealed, Dr. Roskens personally ignored and evaded those standards, and under his stewardship, allowed an unprecedented disregard for ethics at AID, which has further disrupted the Agency. I have lost confidence in Ronald Roskens' ability to lead AID, and the President must appoint new leadership immediately.

CLARIFICATION OF HOME SHOPPING STATION PROVISIONS IN CONFERENCE REPORT ON S. 12

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. ECKART. Mr. Speaker, I wish to bring to the attention of the full House two written statements that have been included in the permanent record of the House debate on September 17, 1992, as a part of the debate on the conference report on S. 12, the Cable Consumer Protection and Competition Act of 1992.

The statements submitted by myself and Mr. DINGELL, who served as chair of the conference committee, are meant to clarify the meaning of the bill's provisions on home shopping stations. They are attached at the end of this statement and should be considered a dispositive interpretation of the home shopping station provisions.

The purpose of these statements is to correct the misimpression created by written statements introduced in the record by Mssrs. MARKEY and LENT during the debate. It should be noted that the Markey/Lent statements are in direct contradiction to the understanding arrived at by the majority of House conferees in their meeting with the Senate. It should also be noted that both Mr. MARKEY and Mr. LENT voted against the House position in conference and lost in a rollcall vote of the House conferees.

STATEMENT OF HON. DENNIS E. ECKART ON THE CONFERENCE REPORT ON S. 12, THE CABLE CONSUMER PROTECTION AND COMPETITIVENESS ACT, SEPTEMBER 17, 1992

Mr. Speaker, I ask for clarification as to the meaning of the bill reported by the conference as it relates to so-called home shopping stations. It should be noted that S. 12 contained language which would have protected home shopping stations from being denied license renewal on the basis of their prior programming. I would draw my colleagues' attention to the fact that the bill as reported by the conference eliminates this express protection.

First, let me ask my colleague if I am correct that the proceeding mandated under section 614(g)(2) of the bill reported by the conference requires the Federal Communications Commission to conduct a *de novo* review of the overall regulatory treatment of stations that are predominantly utilized for sales presentations or program-length commercials, notwithstanding prior proceedings the FCC has conducted which may have permitted or had the effect of encouraging such stations' practices.

Second, am I correct in the view that the Commission's proceeding should consider the scarcity of broadcasting frequencies in determining whether these program formats are consistent with the public interest, whether it should take steps to prohibit, limit, or discourage such activities, and whether prior agency decisions and policies should be revised in light of this new statutory mandate.

Finally, I ask my distinguished colleague if I am correct that the Commission proceeding required by section 614(g)(2) requires the Commission to give particular attention to the renewal expectancy to be awarded to stations that are predominantly utilized for sales presentations or program-length commercials? While the bill states that such expectancy shall not be denied solely because of the use of such a format, the bill intends for the Commission to give specific consideration as to whether use of such a format should be considered as a major factor determining to award or deny a renewal expectancy.

STATEMENT OF THE HON. JOHN D. DINGELL, ON THE CONFERENCE REPORT ON S. 12, THE CABLE CONSUMER PROTECTION AND COMPETITIVENESS ACT, SEPTEMBER 17, 1992

Mr. Speaker, I have examined the statement of the gentleman from Ohio, Mr. Eckart, and assure him that his interpretations of this provision are entirely correct and reflect the language and intent of the bill as reported by the conference committee.

TRIBUTE TO HELEN M. CALDWELL VOLUNTEER OF THE YEAR

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to Helen M. Caldwell, who is receiving the award of Volunteer of the Year from Santa Barbara/Ventura Counties chapter of the National Society of Fund Raising Executives.

This award is bestowed upon an individual who has demonstrated exceptional leadership through direct voluntary service or by coordinating groups of volunteers for one or more major fund raising projects. Through contributions of personal time, effort and leadership, the honoree must have clearly influenced the success of fund raising and organizational advancement.

Helen M, Caldwell has certainly fulfilled the demands of this prestigious award. Since 1985, Mrs. Caldwell has devoted an enormous amount of time and energy to Casa Pacifica, an emergency shelter for abused, abandoned and neglected children of Ventura County.

Serving as the president of the board of directors, Mrs. Caldwell has been instrumental in creating policy and defining the private sector's role in meeting the unmet needs of high-risk youth in Ventura County.

Before assuming the role of president, Mrs. Caldwell served on the executive, finance, personnel, program, search, and board development committees. In October 1989, Helen assumed the duties of co-chair of the Capital Campaign and has been extremely successful in this area; $3.5 million has been raised from the private sector and construction is scheduled to begin in the fall of this year.

Mr. Speaker, on behalf of the U.S. House of Representatives, it is my pleasure to commend Helen M. Caldwell as Volunteer of the Year for the Santa Barbara/Ventura Counties chapter of the National Society of Fund Raising Executives, and to wish her well in all future endeavors.

MACEDONIA: BALANCED BETWEEN FREEDOM AND CONFLICT

HON. JILL L. LONG

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Ms. LONG. Mr. Speaker, during the waning days of the 102d Congress, I extend my remarks to bring attention to the precarious position in which the people of the Republic of Macedonia find themselves. When we adjourn next week, Members of Congress will return to their respective States; however, foreign policy issues will not stand still. Unfortunately, conflicts around the globe will continue.

I am particularly concerned that Members of the House and Senate and those in the administration be aware—and fully consider—the position in which the Republic of Macedonia finds itself at this time. I draw attention to and will insert in the RECORD following my remarks, two items which I hope will be useful in this regard. The first item is a letter written by Efrodita Atzeff, the Secretary of the Central Committee of the Macedonian Patriotic Organization [MPO] of the United States and Canada to the members of the European Community. The second item is a resolution of the duly elected delegates of the MPO of the United States, Canada, Australia, Belgium, and Brazil, who met in Lansing, MI at their 71st annual convention on September 4–6, 1992.

The letter and the resolution follow:

RESOLUTION

The duly elected delegates of the Macedonian Patriotic Organization (MPO) of the United States, Canada, Australia, Belgium and Brazil, who met in Lansing, Michigan, at their 71st annual convention September 4-6, 1992, unanimously voted to appeal to world governing bodies for immediate recognition of the Republic of Macedonia and for the presence of a peace-keeping force in the Republic of Macedonia, hereby proclaim;

Whereas, The future of the Republic of Macedonia remains precariously balanced between freedom and conflict;

Whereas, The Republic of Macedonia is essentially imprisoned between two hostile powers that have embargoed vital humanitarian supplies;

Whereas, The Republic of Macedonia has moved steadily toward independence and democracy and so far has been spared the ravages of an ethnic war;

Whereas, The Republic of Macedonia has demonstrated support for the United Nations arms embargo upon Serbia, thereby exhibiting a desire to be a credible and legitimate member of the international community;

Whereas, The region is rich in natural resources and human talent, and the people demonstrate an intense yearning to regain their identity and dignity, to determine their own fate and to develop a market economy;

Whereas; If the Yugoslav war expands into the Republic of Macedonia, regional forces (Serbia, Greece, Bulgaria, Albania, Turkey) with a strong interest in Macedonia's territory could escalate the conflict making it more difficult to localize;

Whereas, If the internal suffering of the people, and external pressures are allowed to continue within the Republic of Macedonia, destabilization and breakdown of central authority will unhesitatingly lead to exploitation by Serbia and Greece to divide Macedonia;

Whereas, The presence of a peace-keeping force will deter expansion of the Yugoslav war and be strategically located to diffuse the current situation in the region; therefore be it

Resolved; The candle of freedom in Macedonia must continue to burn and the Republic of Macedonia must be recognized by the world community without further delay. In addition, the MPO strongly recommends the earliest establishment of a peacekeeping force in Macedonia while peace still exists. Further bloodshed in the Balkans can be avoided by quick and urgent recognition of the Republic of Macedonia.

THE CENTRAL COMMITTEE, MACEDONIAN PATRIOTIC ORGANIZATION OF THE UNITED STATES AND CANADA,
Fort Wayne, IN, March 5, 1992.

To Members of the European Community:

The Greek government's claim that the Republic of Macedonia has no right to the name "Macedonia" should not affect the recognition of this republic as a free and independent state.

Greece's appellation belongs to land that presently is northern Greece—the same land, the southern part of Macedonia, which Greece seized in 1913.

Never before this date in the history of the Balkan Peninsula did Greece ever control or rule the geographic and political nation known to antiquity and to medieval and modern Europe as Macedonia.

Ancient Greece extended southward in the Balkan Peninsula from the 40th parallel to the 36th. Its greatest length was 250 miles from Mount Olympus to Cape Taenarium; and it measured 180 miles in breadth from Actium to Marathon. Although this space was less than the area of the state of Ohio, it was divided into twenty-four separate, politically independent of each other countries. Macedonia was never one of these city-states. It was known as the Kingdom of Macedon; and later, under Alexander the Great, it became the Macedonian Empire. Situated well above the 40th parallel, it lay north of Thessaly and east of Illyricum.

Alexander the Great's father was the famous Philip II of Macedon, who, as a young man in his early twenties had been forced to live, as a captive resident, in the Greek city-state of Thebes. There he learned the fine art of Greek warfare as well as that of their politics. Also he studied the Greek language and the Greek character. Alexander's mother, Olympias, was the daughter of the Molossian king.

After the fall of the Macedonian Empire the country was ruled by the Roman Empire from 146 B.C. to 395 A.D., when it was ceded to the Eastern Roman Empire.

The original Thraco-Illyrian population of Macedonia was absorbed by the great Slav migration that lasted from the third to the seventh century A.D. In 879, the Bulgar Khan Asparukh crossed the Danube into the Balkan Peninsula and merged his followers with the Slavonic population. Macedonia became a part of the Bulgarian Empire, except for the few years of the Serbian invasion during the 14th century.

The Serbian incursion was supplanted in 1389 by the Ottoman onslaught that lasted for five hundred years.

Presently, Macedonia is suffering from the results of the Treaty of Bucharest, 1913, which ignored Macedonia's expectation for independence and, instead partitioned it among Greece, Serbia and Bulgaria.

How long will it take contemporary Greece to live down the untruth that its government is promulgating about Macedonia? If we are to refer back to Aristotle, who, when asked what a man could gain by telling a falsehood, replied: "Never to be credited when he speaks the truth."

Greece has not told the truth. It is time to forget her protests concerning a republic which already has legislated a guarantee of existing borders. It is time to grant full diplomatic recognition to the Republic of Macedonia.

Sincerely,

EFRODITA ATZEFF,
Secretary.

INTRODUCTION OF LEGISLATION MODIFYING LEASED EMPLOYEE RULES

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today with Congressman HOWARD BERMAN to modify the "leased employee" rules of the Internal Revenue Code to ensure that individuals who work for leasing organizations receive adequate retirement protection. There have been several recent reports of fly-by-night leasing organizations that do not provide adequate protection to their workers, and this legislation is an attempt to ensure that workers receive the protection they deserve, while also simplifying and liberalizing the current complex rules applicable to leased employees, leasing organizations, and companies utilizing leased employees.

The leased employee rules were added to the Internal Revenue Code in 1982 to end abuses where employers would refuse to cover their employees under retirement plans or provide other fringe benefits, while at the same time providing themselves with generous benefits. Employers were able to accomplish this result by firing their employees and then leasing them back using a separate corporate entity. To prevent this abuse, and to encourage the goal of adequate retirement protection for lower- and middle-income workers, Congress enacted the leased employee rules.

Under these rules, a person performing services for an employer may be treated as an employee for purposes of several provisions of the Internal Revenue Code such as nondiscriminatory pension coverage and continuation of health care coverage in certain qualifying events, even if the common law definition of "employee" would not otherwise apply to that person.

Legislation passed by the House and currently pending in the Senate would make one modification to the definition of leased employee. The Committee on Ways and Means adopted this legislation earlier this year. But in my work on that Committee, and throughout the hearings on that legislation, I have become convinced that more modifications are necessary. The current rules are complex, and penalize many companies and leasing organizations unfairly—while at the same time leaving the potential for abusive situations. The answer is to simplify the rules and expand the opportunities for more workers to receive retirement protection. Our legislation achieves both goals.

Although it is obviously too late for this legislation to move through the legislative process at this late date, we are introducing it now in the hopes that the Ways and Means Committee will put this issue in the forefront of its legislative agenda in the new Congress which will convene next January.

MAHATMA GANDHI

HON. JOAN KELLY HORN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 1, 1992

Ms. HORN. Mr. Speaker, I rise today in strong support of House Joint Resolution 552. This bill would authorize the establishment of a memorial in Washington, DC to honor the memory of Mahatma Gandhi. It should be noted that the Coalition for a National Memorial to Mahatma Gandhi will be solely responsible for payment of the establishment of the memorial and that no Federal funds will be used to erect the memorial. In these fiscally tight times, we must be concerned about costs, even in commemorating as great a figure as Mahatma Gandhi.

America played a much larger role in the teachings and works of Mahatma Gandhi than we realize. Gandhi borrowed largely from the enlightened works of Ralph Waldo Emerson and Henry David Thoreau, two of America's greatest romantic and transcententalist writers and was able to crystallize their teachings into the famous nonviolent, independence movement that freed India from British rule. These teachings came back to the United States through his teachings and manifested themselves into one of the greatest figures in American history in the 20th century. We are all familiar with the immense impact Mahatma Gandhi had on the teachings of Dr. Martin Luther King, Jr, and the civil rights movement in our country during the 1960's.

Mahatma Gandhi spent his life promoting human rights and human dignity by perfecting the techniques of nonviolent protest. He taught the world the valuable lesson of civil disobedience. That is why I am pleased to lend my name to this resolution and look forward to seeing this memorial rise in our Nation's Capital.